

TOWN OF PARKER COUNCIL AGENDA
April 15, 2019

Notes:

Town Council meeting packets are prepared several days prior to the meeting. This information is reviewed and studied by the Councilmembers eliminating lengthy discussions to gain a basic understanding. Timely action and short discussion on agenda items does not reflect lack of thought or analysis on the part of Council.

Ordinances listed for first reading are being approved to introduce them. Public comment will be held upon second reading.

Start times for regular agenda items are tentative; some items may be held earlier than scheduled time.

1. **TOWN COUNCIL MEETING SCHEDULE**

- A. **5:30 P.M. – Call to Order Town Council Meeting and Roll Call**
- B. **Executive Session – Immediately following Call to Order/Roll Call – (See Attached)**
- C. **Reconvene Town Council Meeting at 7:00 P.M. or as soon thereafter as the regular public meeting can be conducted.**

2. **SPECIAL PRESENTATIONS**

- **Legend High School - Sources of Strength Presentation**
- **Frontier Valley 3rd Grade Battle of the Books Team Recognition**

3. **PARKER CHAMBER OF COMMERCE UPDATES**

4. **PUBLIC COMMENTS 3 Minute Limit (No action will be taken on these items)**

5. **REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL**

6. **CONSENT AGENDA**

Consent Agenda Items are considered to be routine and will be enacted by one motion and vote. There will be no separate discussion of Consent Agenda Items unless Council votes to remove an item for individual discussion. Ordinances on the Consent Agenda are for introduction only and will not be removed for discussion.

A. *APPROVAL OF MINUTES - April 1, 2019*

B. *AMENDMENT NO. 1 BANK OF THE WEST, D/B/A NETAPP CAPITAL SOLUTIONS*

*Department: Finance, Traci Gorman
Information and Technology, Mike Aggson*

- C. *ORDINANCE NO. 3.209.4 - First Reading*
A Bill for an Ordinance to Amend the Sunmarke PD Development Guide, Pursuant to the Town of Parker Land Development Ordinance, and Amending the Zoning Ordinance and Map to Conform Therewith
- Department: Community Development, Paul Workman
Trakit No.: Z18-018
Second Reading: May 6, 2019
- D. *ORDINANCE NO. 3.341 - First Reading*
A Bill for an Ordinance Rezoning Certain Property Within the Town of Parker, Colorado, Known as the Parker Plaza Property from C-Commercial District to Parker Plaza Shopping Center Planned Development Pursuant to the Town of Parker Land Development Code and Amending the Zoning Ordinance and Map to Conform Therewith
- Department: Community Development, Carolyn Parkinson
TRAKiT No.: Z18-014
Second Reading: May 6, 2019
- E. *ORDINANCE NO. 5.28.24 - First Reading*
A Bill for an Ordinance to Amend Section 8.08.010 of the Parker Municipal Code to Allow the Public Consumption of Alcohol in Designated Public Places Within the Town of Parker
- Department: Town Attorney, Kristin Schledorn
Second Reading: May 6, 2019
- F. *ORDINANCE NO. 12.03.5 - First Reading*
A Bill for an Ordinance to Amend Section 12.02.200 of the Parker Municipal Code to Allow the Public Consumption of Alcohol in Designated Public Places Within the Town of Parker
- Department: Town Attorney, Kristin Schledorn
Second Reading: May 6, 2019
- G. *RESOLUTION NO. 19-022*
A Resolution Directing Town of Parker Staff to Commence a Process with the Parker Authority For Reinvestment ("PAR") to Identify Public Improvements Including Streets, Roads, and Other Improvements Within the Town's Three Urban Renewal Areas to be Funded, in Whole or in Part, with Urban Renewal Bonds
- Department: Community Development, Jason Rogers
- H. *CONTRACTS OVER \$100,000*
1. *2019 Townwide Concrete Replacement Program (CIP 19-006)*
- Amount: \$1,065,381.50
Contractor: Stone and Concrete, Inc.
Department: Engineering/Public Works, Danny Smith

2. *Hess Road - Country Meadows Commercial Traffic Signal (CIP 19-007)*
Amount: \$294,903.56
Contractor: TAT Construction
Department: Engineering/Public Works, Chris Hudson
3. *2019 Townwide Pavement Markings - Crosswalk/Symbols Project (CIP 19-012)*
Amount: \$149,794.00
Contractor: American Striping
Department: Engineering/Public Works, Dave Aden

7. **TOWN ADMINISTRATOR REPORT**

- **Spring 2019**

8. **PUBLIC HEARINGS**

A. STROH ROAD - Annexation

**Department: Community Development, Carolyn Parkinson
Public Works, Chris Hudson**
TRAKiT No.: ANX18-005

1. **RESOLUTION NO. 19-021**
A Resolution to Set Forth Town Council's Findings of Fact and Conclusions as to the Eligibility of the Stroh Road Property for Annexation into the Town of Parker
2. **ORDINANCE NO. 2.266 - Second Reading**
A Bill for an Ordinance Approving and Accomplishing the Annexation of Contiguous Unincorporated Territory Known as the Stroh Road Property Located in Douglas County

B. PARKER PREMISE WAREHOUSE - Rezoning

Department: Community Development, Stacey Nerger
Location: Generally located South of Longs Way between Dransfeldt Road and Twenty Mile Road
TRAKiT No.: Z18-003

1. **ORDINANCE NO. 3.340 - Second Reading**
A Bill for an Ordinance Rezoning Certain Property Commonly Known as the Parker Premise Warehouse Property from Clarke Property PD Development Guide and Plan to Parker Premise Planned Development, Pursuant to the Parker Land Development Ordinance and Amending the Zoning Ordinance and Map to Conform Therewith

2. **ORDINANCE NO. 3.41.3 - Second Reading**
A Bill for an Ordinance Amending Ordinance No. 3.41 by the Deletion of Certain Property from the Planned Development Zoned Area Known as the Clarke Property Development Guide and Plan

9. **RESOLUTIONS**

RESOLUTION NO. 19-023

A Resolution to Allow, Subject to the Satisfaction of Certain Conditions, a Partial Waiver to Defer Compliance with Certain Requirements of Sections 13.07.060 and 13.07.070 of the Parker Land Development Ordinance Associated with the Processing of the Sketch and Preliminary Plan for Certain Segments of the Real Property Commonly Known as the Anthology North Property Until Those Segments are Ready for Development

**Department: Community Development, John Fussa
Engineering/Public Works, Tom Williams**

10. **ORDINANCES**

A. **ORDINANCE NO. 1.289.5 - Second Reading**

A Bill for an Ordinance to Approve the First Amendment to the Amended and Restated Cooperation Agreement Between the Town of Parker, Colorado, and the Parker Authority for Reinvestment for Administrative Services

**Department: Community Development, Jason Rogers
Town Attorney, Jim Maloney**

B. **ORDINANCE NO. 9.269.2 – Second Reading**

A Bill for an Ordinance Approving the Amendment to Agreement Regarding Design and Construction of Drainage and Flood Control Improvements for Lemon Gulch Downstream of Crowfoot Valley Road (Agreement No. 17-06.08B, Project No. 106741) By and Between Urban Drainage and Flood Control District and the Town of Parker

Department: Engineering/Public Works, Jacob James

C. **ORDINANCE NO. 1.529 - Second Reading**

A Bill for an Ordinance Conveying Certain Real Property by Easement to Parker Water and Sanitation District for Lot 1, Salisbury Equestrian Park

**Department: Engineering and Public Works, Alex Mestdagh
TRAKiT No.: Z19-009**

D. **ORDINANCE NO. 1.530 - Second Reading**

A Bill for an Ordinance Submitting Eight Ballot Questions to the Registered Electors of the Town of Parker at the November 5, 2019, Special Election to Amend the Town of Parker Home Rule Charter

Department: Town Attorney, Kristin Schledorn

E. ORDINANCE NO. 1.531 - Second Reading

A Bill for an Ordinance Submitting a Ballot Question to the Registered Electors of the Town of Parker at the November 5, 2019, Special Election Concerning Provision of High-Speed Internet Services, Telecommunication Services and/or Cable Television Services Within the Town of Parker

Department: Town Attorney, Kristin Schledorn

11. ADJOURNMENT

THE PARKER AUTHORITY FOR REINVESTMENT (PAR) MEETING WILL FOLLOW IMMEDIATELY AFTER THE TOWN COUNCIL MEETING IS ADJOURNED

Parker Town Council/Parker Authority for Reinvestment

Combined Executive Session

Agenda

April 15, 2019

“To determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators, pursuant to C.R.S. § 24-6-402(4)(e).”

Listing agreement for Town properties between Navpoint Real Estate Group and the Town (My Mainstreet)

Parker Town Council

Executive Session Agenda

April 15, 2019

“To hold a conference with the Town’s attorney to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b).”

1. C.R.S. § 1-45-101, *et seq.* (Fair Campaign Practices Act)
2. Section 13.01.100 of the Parker Municipal Code (Waivers and amendments)

A RESOLUTION TO ALLOW, SUBJECT TO THE SATISFACTION OF CERTAIN CONDITIONS, A PARTIAL WAIVER TO DEFER COMPLIANCE WITH CERTAIN REQUIREMENTS OF SECTIONS 13.07.060 AND 13.07.070 OF THE PARKER LAND DEVELOPMENT ORDINANCE ASSOCIATED WITH THE PROCESSING OF THE SKETCH AND PRELIMINARY PLAN FOR CERTAIN SEGMENTS OF THE REAL PROPERTY COMMONLY KNOWN AS THE HESS RANCH PROPERTY UNTIL THOSE SEGMENTS ARE READY FOR DEVELOPMENT

**TOWN OF PARKER COUNCIL
MINUTES
APRIL 1, 2019**

Mayor Mike Waid called the meeting to order for the Town of Parker meeting and the Parker Authority for Reinvestment meeting at 5:38 P.M. All Councilmembers and Board members were present.

EXECUTIVE SESSION

Mayor Waid stated that the item deals with South Metro Fire Rescue Fire Protection District, the Council had previously voted that Cheryl Poage had a conflict with this item and asked that Cheryl Poage leave the meeting. Cheryl Poage contested this and left the Pikes Peak Conference Room.

Town Attorney Jim Maloney and PAR Attorney Corey Hoffmann announced that there was one item for the Combined Executive Session under C.R.S. § 24-6-402(4)(b) concerning South Metro Fire Rescue Fire Protection District v. Parker Authority for Reinvestment, et al., Douglas County District Court Case No. 17CV30549.

Renee Williams moved and John Diak seconded to go into Executive Session to hold a conference with the Parker Attorney and the Attorney for the Parker Authority for Reinvestment to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b) at 5:36 P.M.

The motion was approved unanimously.

Renee Williams moved and Joshua Rivero seconded to come out of the Combined Executive Session at 5:46 P.M.

The motion was approved unanimously.

Cheryl Poage came back into the meeting at 5:47 P.M.

Jim Maloney announced that the topics for discussion in the Town of Parker Executive Session were four (4) items. Under C.R.S. § 24-6-402(4)(e) there was one (1) item which was a Development Agreement for Parker Premise Warehouse Improvements and Lessor Consent; under C.R.S. § 24-6-402(4)(b) there were three (3) items, the first item was to receive legal advice on specific legal questions concerning Section 13.01.100 of the Parker Municipal Code, the second item was to receive legal advice on specific legal questions concerning a listing agreement for Town properties between Navpoint Real Estate Group and the Town (My Mainstreet) and C.R.S. Section 24-6-402 (Executive Session) and the third item was to receive legal advice on specific legal questions concerning Vista South, LLC, et al., v. City of Centennial, et al., Douglas County District Court, Case No. 2018CV030354.

Joshua Rivero moved and John Diak seconded to go into Executive Session to determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators, pursuant to C.R.S. § 24-6-402(4)(e) and to hold a

conference with the Town's attorney to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b) at 5:49 P.M.

The motion was approved unanimously.

Joshua Rivero moved and Renee Williams seconded to come out of Executive Session at 7:09 P.M.

The motion was approved unanimously.

REGULAR MEETING

Mayor Waid reconvened the meeting at 7:17 P.M.

Boy Scouts led the Council and audience in the Pledge of Allegiance.

SPECIAL PRESENTATIONS

Ester and John Lee presented with a certificate for their 25 years in business in Parker. They own the Parker Tailor business in Downtown Parker.

PARKER CHAMBER OF COMMERCE UPDATES

There was none.

DOWNTOWN BUSINESS ALLIANCE UPDATES

Omar Costilla, representing the DBA, provided an update about their five major goals for the year.

PUBLIC COMMENTS

Isaac McConkle, 10158 Stoneridge Terrace (unincorporated Douglas County), asked Council to consider measures to reduce use of plastic bags and straws.

REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

Councilmembers each reported on meetings they attended since the last Council meeting.

CONSENT AGENDA

A. *APPROVAL OF MINUTES - March 18, 2019*

B. *ORDINANCE NO. 1.289.5 - First Reading*

A Bill for an Ordinance to Approve the First Amendment to the Amended and Restated Cooperation Agreement Between the Town of Parker, Colorado, and the Parker Authority for Reinvestment for Administrative Services

*Department: Community Development, Jason Rogers
Town Attorney, Jim Maloney*

Second Reading: April 15, 2019

- C. *ORDINANCE NO. 2.266 - First Reading*
A Bill for an Ordinance Approving and Accomplishing the Annexation of Contiguous Unincorporated Territory Known as the Stroh Road Property Located in Douglas County
 Department: Community Development, Carolyn Parkinson
 Public Works, Chris Hudson
 Trakit No.: ANX18-005
 Second Reading: April 15, 2017
- D. *PARKER PREMISE WAREHOUSE - Rezoning*
 Department: Community Development, Stacey Nerger
 Trakit No.: Z18-003
 Second Reading: April 15, 2019
1. *ORDINANCE NO. 3.340 - First Reading*
A Bill for an Ordinance Rezoning Certain Property Commonly Known as the Parker Premise Warehouse Property from Clarke Property PD Development Guide and Plan to Parker Premise Planned Development, Pursuant to the Parker Land Development Ordinance and Amending the Zoning Ordinance and Map to Conform Therewith
2. *ORDINANCE NO. 3.41.3 - First Reading*
A Bill for an Ordinance Amending Ordinance No. 3.41 by the Deletion of Certain Property from the Planned Development Zoned Area Known as the Clarke Property Development Guide and Plan
- E. *ORDINANCE NO. 9.269.2 – First Reading*
A Bill for an Ordinance Approving the Amendment to Agreement Regarding Design and Construction of Drainage and Flood Control Improvements for Lemon Gulch Downstream of Crowfoot Valley Road (Agreement No. 17-06.08B, Project No. 106741) By and Between Urban Drainage and Flood Control District and the Town of Parker
 Department: Engineering/Public Works, Jacob James
 Second Reading: April 15, 2019
- F. *ORDINANCE NO. 1.529 - First Reading*
A Bill for an Ordinance Conveying Certain Real Property by Easement to Parker Water and Sanitation District for Lot 1, Salisbury Equestrain Park
 Department: Engineering and Public Works, Alex Mestdagh
 Second Reading: April 15, 2019
- G. *ORDINANCE NO. 1.530 - First Reading*
A Bill for an Ordinance Submitting Eight Ballot Questions to the Registered Electors of the Town of Parker at the November 5, 2019, Special Election to Amend the Town of Parker Home Rule Charter
 Department: Town Attorney, Kristin Schledorn

Second Reading: April 15, 2018

H. ORDINANCE NO. 1.531 - First Reading

A Bill for an Ordinance Submitting a Ballot Question to the Registered Electors of the Town of Parker at the November 5, 2019, Special Election Concerning Provision of High-Speed Internet Services, Telecommunication Services and/or Cable Television Services Within the Town of Parker

Department: Town Attorney, Kristin Schledorn

Second Reading: April 15, 2019

I. RESOLUTION NO. 19-019

A Resolution to Allow a Partial Waiver of Sections 13.09.040(b)(1), 13.09.070(1), 13.09.080(d) and Schedule 13.09.080B of the Parker Municipal Code for Certain Businesses for Parker Days, Trick or Treat on Mainstreet, and the Parker Christmas Carriage Parade

Department: Community Development, Rosemary Sietsema

Staff answered questions from Cheryl

J. RESOLUTION NO. 19-020

A Resolution Adopting a Waiver Delegating the Town's Damage Prevention Safety Program to the State's Underground Damage Prevention Safety Commission

Department: Engineering/Public Works, David Aden

K. CONTRACTS OVER \$100,000

1. 2019 Replacement and Additional Vehicle

Amount: \$115,789.00

Contractor: Korf Continental, Fleet Department

Department: Engineering/Public Works, Jim Gilbert

L. PROCLAMATION - American Legion Centennial Month - April, 2019

Department: Town Council

Councilmember Poage moved to remove Consent Agenda Items 7I and 7J for discussion.

Jeff Toborg seconded the motion.

A voice vote was taken.

The motion was approved unanimously.

Josh Rivero moved to approve Consent Agenda Items 7A - 7H and 7K - 7L.

Renee Williams seconded the motion.

The motion was approved unanimously.

Staff explained Items 7I and 7J.

Cheryl Poage moved to approve Consent Agenda Items 7I and 7J.

Josh Rivero seconded the motion.

The motion was approved unanimously.

PUBLIC HEARINGS

A. MOST TRACT A, PARKER HOMESTEAD FILING NO. 1, 1ST AMENDMENT - Use by Special Review (Back 40 Gun Range)

Applicant: John Prestwich, PCS Group, Inc.
Location: Generally located at the Northwest Corner of Chambers and Double Angel Roads
Department: Community Development, Paul Workman
TRAKiT No.: Z18-004

7:44 P.M.

The applicant requested the approval of a Use by Special Review per the Parker Homestead Planned Development for an indoor archery and gun range with accessory retail sales on an undeveloped property. The subject property is roughly 8.5 acres in size and is zoned Mixed-Use Neighborhood Center within the Parker Homestead Planned Development.

On March 14, 2019, the Planning Commission voted 5-1 to recommend that Town Council approve the request, subject to conditions.

The zoning of the subject property allows for the retail sale of fire arms as a use-by-right. The external impacts (noise and air quality) associated with the operations of the indoor archery and gun range is what requires the additional review beyond the uses-by-right listed in the zoning.

The request for a Use by Special Review is a discretionary request made by a private property owner or applicant. The Use by Special Review is to determine whether or not the requested use meets or can meet, subject to conditions, the nine approval criteria set forth in the Land Development Ordinance. Staff has reviewed this proposal against the nine approval criteria and has determined that the criteria have been met or can be met, subject to conditions. Additional information on the review and analysis of the nine approval criteria can be found in the Planning Commission staff report.

The proposed nine conditions of approval generally fall into three categories:

1. Noise. Additional review and analysis by industry experts to ensure there is not a nuisance of noise related to fire arm discharge.

2. Air Quality. Ensure compliance with OSHA and EPA requirements.
3. Land Use. Ensure safety and compatibility with the area.

Applicant

John Prestwick, PCS Group, Inc., reviewed this project and answered questions from Town Council. Their HVAC, noise expert and engineers gave a brief description of their products and answered questions from Council.

Public Comment

The following individuals spoke for the project:

Eric Freund - 19153 New Market Ct.
 Dr. Christina Hesbol - 10506 Meadow Run
 Dr. Douglas Hesbol - 10506 Meadow Run
 Mark Moore - 8535 E. Bayou Gulch Road
 Ladd Fischer - 10620 Anderson Ave., Franktown
 Cindi Turchik - 16915 Corner Stone W.
 David Hunter - 15232 Yellow Throat St.
 Jeff Johnson - 22898 Addington Place
 Jim Lewien - 20715 Omaha Ave.
 Joel Lambe - 122755 Forest Canyon Dr.
 Robert Ham - 11203 Latigo Ln.
 Neil Wiser - 7539 Stroh Rd.
 Whitney Wiser - 7539 Stroh Rd.
 Justin Salmon - 16480 E. Hollow Horn Ave.
 Stella Gimpiliova - 16034 E. Flying Quail Ln.
 Dennis Hopper - 6722 Chalet Cir.
 Betty Caveny - 14583 Haley Ave.
 Timothy Waters - 23098 E. River Chase Way
 Brad Hudepohl - 8532 Bluegrass Cir.
 Tina Hudepohl - 8532 Bluegrass Cir.
 Erin Farney - 20580 E. Regency Way
 Mark Gasper - 42241 Brokenhorn Cir.
 Calvin Craig - 19614 Culpepper Cir.
 Jeff Butler - 10737 Kimbell St.
 George Donovan - 10616 Sedgewick Way
 Nate Becker, 10535 Holyoke Dr.

The following individuals spoke against the project:

Isaac McCorkle, 10158 Stoneridge Ter.
 Amy Long - 19668 E. Elk Creek Dr.
 Emily Suyat - 15608 Crystallo Dr
 Jordon Graham - 10535 Holyoke Dr.
 Bill Hingston 11809 Phoebe St.
 jeff Aclmore - 15577 E. Maidin Hair Ln.

Tim Hicks - 10580 Hambolt Pkwy.
Ethan Reed - 11984 Pine Top St.
Logan Samuels - 9668 Paper Flower Dr.
Ashlyn Wenner - 1034 Rancho Montecito Dr.
Amy Camp - 15585 E. Maiden Hair Ln.
Erika Aelmore - 15577 E. Maiden Hair Ln.
Kim Sylvester - 15568 E. Maiden Hair Ln.
Dr. Kevin Wilson - 15751 E. Meadow Vista Cir.
Lyndsey Quist - 18140 Tennyson Ln.
Wendy Regan - 10691 Worthington
Shannon Fitzgerald - 11817 Deorio St.
Jamie Sunderman - 14933 Rider Pl.
Deanna Hemphill-O'Bryne - 15101 Yellowthroat St.
Michae Emsbach - 11873 Phoebe St.
Larissa Emsbach - 11873 Phoebe St.
Matt Brookshire - 15048 Yellowthroat St.
James Hawkins - 15201 Auklet St.
Amelie Pierce - 15215 Auklet St.
Ian Elfner - 15750 E. Indian Brook Cir.
Scott Wells, 11817 Deorio St.

Joshua Rivero moved and Renee Williams seconded to go past 10 P.M.

The motion was approved unanimously.

The meeting was recessed for 10 minutes. Mayor Waid reconvened the meeting at 10:11 P.M.

The Public Hearing was closed at 10:56 P.M.

A lengthy discussion by Town Council followed.

John Diak moved to approve, based on staff findings, with the following conditions contained in the staff report.

1) The applicant shall submit an updated noise study at the time of the site plan that includes further detail based on the final site layout, building construction type and noise attenuation systems. This noise study evaluation will ensure that construction of the facility restricts noise levels to no more than 45 decibels related to fire arm activities when measured at a 25-foot setback from the shared property line with the drainage pond to the west.

2) At the time of site plan submittal, the applicant and the Town shall enter into an agreement to fund the Town's hiring of a consultant to review and evaluate the applicant's noise study described in Condition #1.

3) The applicant shall evaluate the noise levels between the first three months of operations and the first 12 months of operations. Locations for measurement, duration of evaluation and the

time of year of this evaluation will be established during the site plan application. If the results of this evaluation are determined to exceed the noise levels in Condition #1, the applicant shall cease operations until such time the building is modified to bring the noise levels into compliance.

4) The applicant shall meet all requirements outlined in the Occupational Safety and Health Administration (OSHA) Standards – 29 Code of Federal Regulations (CFR) contained in 1910.1025 and 1926.62. Information showing compliance with these standards shall be provided with the site plan application.

5) The applicant shall meet all Environmental Protection Agency (EPA) standards for primary and secondary ambient air quality. Information showing compliance with these standards shall be provided with the site plan application.

6) The operator shall hold an open house at least once a month for anyone wishing to attend for the first 12 months of operations. The operator shall provide a sign-in sheet and notes of the meeting to the Community Development Department.

7) The applicant shall coordinate with the Town of Parker Police Department in order to ensure that development of the property, interior layout of the building and operating procedures are designed to ensure safety and deter criminal activity.

8) All business operations and activities associated with the use are required to be done within the building.

9) The applicant shall work with Town staff during the site plan application review process to ensure that buffering along the shared property line with the drainage pond to the west is above the minimum requirements, within the Town of Parker Land Development Ordinance.

Renee Williams seconded the motion.

The motion was approved 4-2. (Poage and Toborg voted no.)

The meeting was adjourned at 11:18 P.M.

Carol Baumgartner, Town Clerk

Mike Waid, Mayor



Request for Town Council Action

Date: April 15, 2019

Submitted By: Traci Gorman, Procurement Officer
Mike Aggson, IT Director

Reviewed By: Michelle Kivela, Town Administrator

Title: **AMENDMENT NO. 1 BANK OF THE WEST, D/B/A
NETAPP CAPITAL SOLUTIONS**

Department: **Finance, Traci Gorman
Information and Technology, Mike
Aggson**

EXECUTIVE SUMMARY

The Town of Parker entered into an agreement with Bank of the West, d/b/a NetApp Capital Solutions on October 25, 2018, in the amount of \$108,487.28 for the lease of equipment for the primary data storage for the Town of Parker. The purpose of this amendment is to clarify the billing address for the Town, the shipping address the product was received at, and the recognition of delivery and receipt of the product in its entirety.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The Town of Parker entered into an agreement with Bank of the West, d/b/a NetApp Capital Solutions on October 25, 2018, in the amount of \$108,487.28 for the lease of equipment for the primary data storage for the Town of Parker. This amendment is to clarify the billing address for the Town, the shipping address the product was received at, and the recognition of delivery and receipt of the product in its entirety. There is no price increase associate with this amendment.

FINANCIAL IMPACT

None. Information Technology has money budgeted for this service and this is a \$0 amendment.

STRATEGIC GOAL(S)



ATTACHMENTS

None

RECOMMENDED MOTION

I move to approve the staff recommendation, as part of the consent agenda.



Request for Town Council Action

Date: April 15, 2019

Submitted By: Paul Workman, Senior Planner
John Fussa, Community Development Director

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 3.209.4 - First Reading**
A Bill for an Ordinance to Amend the Sunmarke PD
Development Guide, Pursuant to the Town of Parker Land
Development Ordinance, and Amending the Zoning
Ordinance and Map to Conform Therewith

Department: Community Development, Paul
Workman

Trakit No.: Z18-018

Second Reading: May 6, 2019

EXECUTIVE SUMMARY

The subject property is located on French Creek Road west of Motsenbocker Road and is part of the SunMarke Planned Development (PD). The applicant, RainTree Investment Corporation, has submitted a rezoning application to amend certain bulk standards in the SunMarke Development Guide including lot size. The purpose of the proposed rezoning is to accommodate future homes that meet the current market demand.

Planning Commission will make a recommendation to Town Council at the public hearing scheduled for this application on April 11, 2019.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The SunMarke PD zoning was originally approved in 2003. The adopted bulk standards in the zoning, including setbacks and lot sizes, reflect the vision of the original developer who departed the project many years ago and market conditions from the early 2000's which was prior to the Great Recession have changed. These standards no longer support the current development proposal or reflect today's housing market. The applicant seeks to update the bulk

standards in zoning to address this and support their proposal for a mix of attached and detached single-family homes.

Staff has reviewed the proposed rezoning against the nine (9) criteria set forth in the Land Development Ordinance and has determined that the proposal meets the standards as outlined in the attached Planning Commission staff report.

FINANCIAL IMPACT

None

STRATEGIC GOAL(S)



DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH

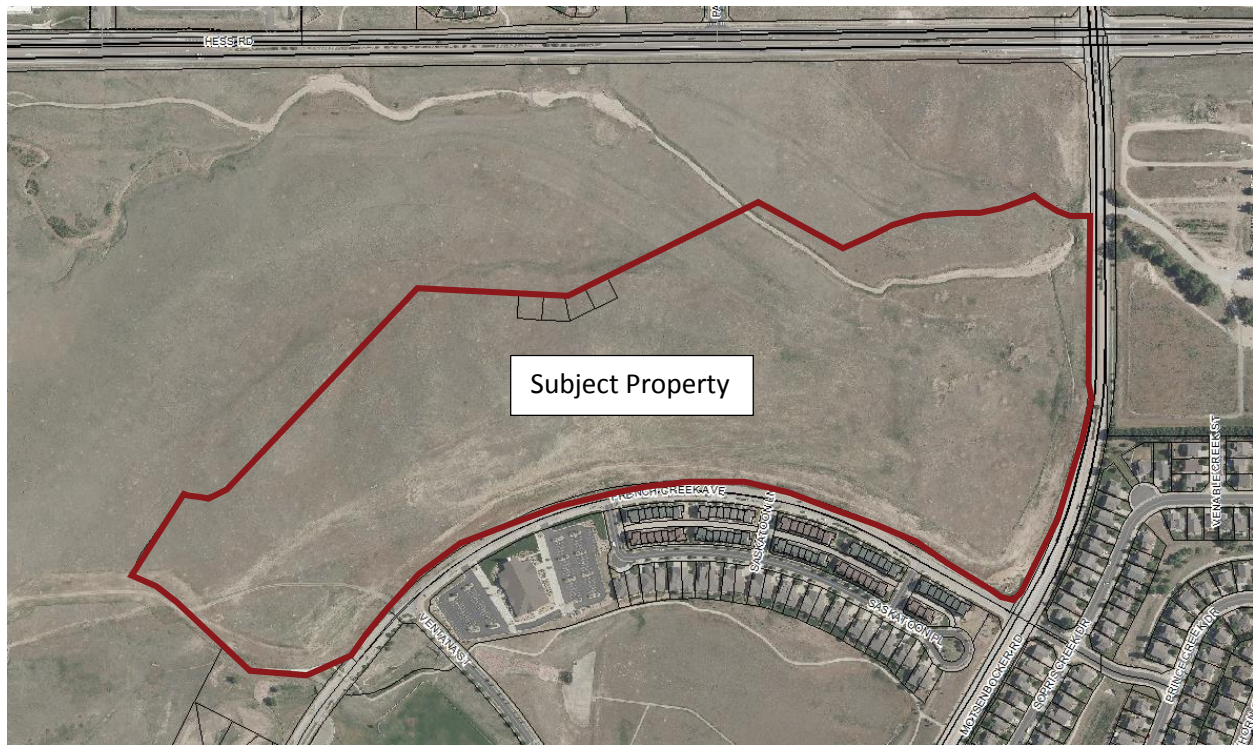
ATTACHMENTS

1. Vicinity Map
2. Planning Commission Staff Report
3. Project Narrative
4. Rezoning Criteria Analysis
5. Referral Agency Responses
6. Ordinance No. 3.209.4

RECOMMENDED MOTION

I move to approve Ordinance No. 3.209.4 on first reading and to schedule second reading for May 6, 2019, as part of the consent agenda.

Vicinity Map





Planning Commission Staff Report

Planning Commission Date: 4/11/2019

Town Council Date: 5/6/2019

Hearing Type: Public Hearing
UNPLATTED – SUNMARKE Rezoning
TRAKiT No: Z18-018

Location: Northwest corner of Motsenbocker Road and French Creek Avenue

Project Planner: Paul Workman, Senior Planner

Applicant: Jerry Richmond, RainTree Investment Corp.

Executive Summary: The applicant is requesting to rezone certain single-family residential bulk standards and lot size requirements in the SunMarke Development Guide based on current market trends.

Staff Recommendation: Approval

RECOMMENDED MOTION

“I move the Planning Commission recommend Town Council approve the requested Development Guide rezoning.”

ALTERNATIVE MOTIONS

“I move the Planning Commission recommend Town Council approve the requested Development Guide rezoning, subject to the following conditions:”

-List proposed conditions

“I move the Planning Commission recommend Town Council deny the requested Development Guide rezoning as the request does not meet the following approval criteria:”

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

“I move the Planning Commission vote to continue the requested Development Guide rezoning to a future date.”

I. BACKGROUND/DISCUSSION

The subject property is generally located at the northwest corner of Motsenbocker Road and French Creek Avenue. The site is currently undeveloped and surrounded by other undeveloped sites, single-family homes and a landscape contractor use to the east of Motsenbocker Road.

The applicant, RainTree Investment Corp., is requesting to rezone certain bulk standards and lot size requirements in the existing and approved SunMarke Planned Development (PD) Guide in order to accommodate future homes that meet the current market demand. Specifically, the applicant is requesting the following amendments to Section E of the Development Guide:

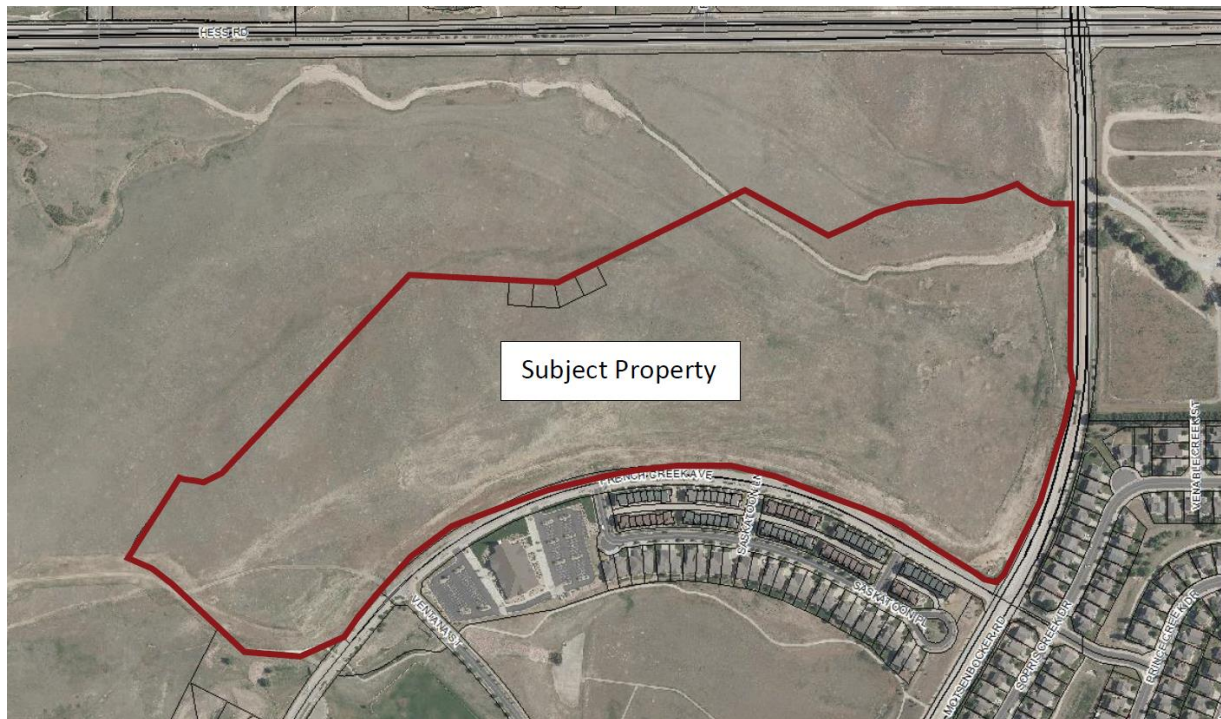
Single-Family Detached Unit		
	Current	Proposed
Front Setback (minimum)	10' – Principle Building 12' – Perpendicular Garage 8' – Parallel Garage	10' – Porch or Living Space 18' – To Garage Face or 20' from the right-of-way for side loaded garage
Side Setback (minimum)	10' – Corner Lots 0' – From Other Property Lines	10' – From right-of-way 5' – From Other Property Lines
Rear Setback (minimum)	4' – From Alley 0' – From Other Property Lines	4' – From Alley 10' – From Other Property Lines
Height Maximum	40' except as by Use by Special Review	35' except as by Use by Special Review

Duplex Dwelling Unit		
	Current	Proposed
Front Setback (minimum)	10' – Principle Building 12' – Perpendicular Garage 8' – Parallel Garage	10' – Porch or Living Space 18' – To Garage Face or 20' from the right-of-way for side loaded garage
Side Setback (minimum)	10' – Corner Lots 0' – From Other Property Lines	10' – From right-of-way 0' – For Common Wall 5' – From Other Property Lines
Rear Setback (minimum)	4' – From Alley 0' – From Other Property Lines	4' – From Alley 10' – From Other Property Lines
Height Maximum	40' except as by Use by Special Review	35' except as by Use by Special Review

Lot Size		
	Current	Proposed
Single-Family Detached Lot Size (minimum)	3,500 square feet	4,500 square feet
Single-Family Attached Lots Size (minimum)	3,500 square feet	2,000 square feet

The existing zoning for the subject property was approved in 2003. The development standards (setbacks and lot sizes) of the original zoning are not conducive to current development patterns. Additionally, in 2003 the subject property was included in a much larger PD that was over 2,700 acres. Over the course of 16 years the larger PD has been rezoned into other PDs (Anthology PD and Hess Ranch PD) and this Planning Area has remained unchanged.

Vicinity Map



II. PRIOR ACTIONS

Date	Action
1984	The subject property was voluntarily annexed by the Town of Parker and zoned for residential uses.
2003	The applicable Development Plan and Guide that allows for residential uses on the subject property were approved by Town Council.

III. CURRENT SITE DATA

Existing Zoning	PD - Planned Development		
Overlay District	N/A		
PD & Plan Area	SunMarke PD Planning Area 11 THd, allows for a variety of residential uses.		
Master Plan Area	Medium Density Residential		
Site Acreage	60.49		
Subdivision	SunMarke Filing No. 1 (proposed via SUB18-030 and SUB18-034)		
Existing Use	Undeveloped		
Surrounding Uses			
	Master Plan Land Use	Zoning	Existing Use
North	Medium Density Residential	PD - Planned Development – Mixed Use	Undeveloped
South	Medium Density Residential	PD - Planned Development – Residential Uses	Row homes, a church and a school
East	Medium Density Residential	PD - Planned Development – Residential and Commercial Uses	Motsenbocker Road, single-family detached residential and landscape contractor yard
West	Medium Density Residential	PD - Planned Development – Residential Uses	Undeveloped

IV. PARKER 2035 MASTER PLAN

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

MASTER PLAN CONSISTENCY	
Master Plan Designation	Medium Density Residential ☒ Consistent ☐ Inconsistent
Master Plan Character Discussion	Medium Density Residential: Consists of an overall gross density of 3.5 dwelling units per acre. Higher densities for housing for older adults may be considered as long as impacts are comparable to other uses permitted within this Character Area.
Consistent Goals/Strategies	<u>Land Use 1.A</u> <u>Land Use 1.B</u>

	Land Use 1.D Land Use 1.E Land Use 1.I Community Appearance and Design 1.B Community Appearance and Design 1.C Housing and Neighborhoods 1 Housing and Neighborhoods 1.A Housing and Neighborhoods 5 Housing and Neighborhoods 5.A Transportation 2.B Transportation 2.C Transportation 2.D Transportation 3.C Transportation 5.B Natural Resource Protection 1.A Natural Resource Protection 2.A Natural Resource Protection 4.E Natural Resource Protection 4.I Open Space and Recreation 1 Open Space and Recreation 1.A Open Space and Recreation 2 Open Space and Recreation 2.A Open Space and Recreation 3 Open Space and Recreation 3.A
Inconsistent Goals/Strategies	None
Staff Analysis	The subject property is identified for medium density residential uses per the General Land Use Plan. The proposed amendments to the Development Guide will facilitate the development of single-family attached and detached homes in accordance with the medium density residential designation.

V. LAND DEVELOPMENT ORDINANCE

DEVELOPMENT POTENTIAL (Rezoning)			
Provisions	Current	Proposed	Analysis
Setbacks	See Section I of this report.	See Section I of this report.	☒ Consistent ☐ Inconsistent ☐ N/A
Lot Size	See Section I of this report.	See Section I of this report.	☒ Consistent ☐ Inconsistent ☐ N/A
Units Per Acre	A maximum of 285 units are allowed per the zoning.	No Change.	☐ Consistent ☐ Inconsistent ☒ No Change ☐ N/A

Allowed Uses	Single Family Detached Units. Zero Lot Line Units. Manor Home Units. Duplex Units. Townhome Units. Clustered Single Family Units. Public and private schools. Private recreational and park uses, country clubs, golf courses, recreational facilities. Public parks, playgrounds and other recreational areas.	No Change.	☐ Consistent ☐ Inconsistent ☒ No Change
Height/Stories	See Section I of this report.	See Section I of this report.	☒ Consistent ☐ Inconsistent ☐ No Change
Staff Analysis	The request to amend certain bulk standards and lot size requirements in the SunMarke PD is consistent with the uses that are allowed in the Development Guide. The requested amendments simply allow for the construction of home types that are permitted by the zoning and currently in demand in the market place.		

VI. DESIGN REVIEW

N/A. There is no design review associated with a rezoning application.

VII. ACCESS, CIRCULATION & TRAFFIC ANALYSIS

Primary access for the development is proposed from three points off collector roadways. Two of the access points will be off the existing French Creek Avenue located to the south of the development and one access will be located on the future Great Plains Way along the southwest edge of the development. The portion of Great Plains Way adjacent to the property will be constructed with the development and extended to connect with Chambers Road when future development occurs on the adjacent property to the west.

As a part of the development of the property, the applicant will be required to construct the portion of the Oak Gulch Regional Trail that is adjacent to their development.

The intersection of French Creek Avenue and Motsenbocker Road will be signalized in the future. The developer will be required to pay to the Town the Property's share of the cost to design and construct this future signal.

VIII. APPROVAL CRITERIA

Title 13.04.240.f. Approval Considerations for Rezoning Requests:

1. A need exists for the proposal.

Applicant's Response:

The proposal to provide paired homes was based on adjacent land use patterns and a desire to incorporate a range of housing options to meet the needs of their growing community as identified in the Parker 2035 Master Plan. To move forward with the paired home product a change in the minimum lot size is necessary. This type of development with smaller lots and common green spaces offers owner-occupied, affordable, workforce housing choices. Limited housing for this demographic was noted in the Housing and Neighborhoods Vision Chapter of the Master Plan. These choices suit many segments of the population, from older adults, young professionals, and small families.

The proposed paired homes provide a housing choice on a lot with a minimum width of 25 feet and a minimum depth of 80 feet. This type of housing is intended to provide smaller lots which require less maintenance but will be significantly landscaped in a consistent manner throughout the development. Furthermore, there is a substantial amount of common open space that will be landscaped to create an aesthetically pleasing pedestrian environment. The lot dimensions chosen for this site reflect a growing trend in the market within the Denver Metro area and within Parker. This trend being smaller lots with overall less yard maintenance and associated costs. The project team worked a comparable project in Parker (the Olde Town at Parker Filing 1B, approved in 2017) that had paired home products on smaller lots with common, landscaped open space. These lots are an appropriate size for this site as they provide a transition from the larger lots of the proposed neighborhood and the existing 875 square foot paired home lots to the south of the site, across French Creek Avenue.

Staff Analysis:

The request to amend the SunMarke PD and Guide will accommodate a home product in the southeast corner of the subject property that is similar to the home products on the south side of French Creek Avenue. By providing a similar home product on this location of the subject property, there will be a transition from the smaller home products to the larger home products. This will help to create a sense of community and similarity between the two separate developments and provide more housing options for current and future Parker residents. In short, the urban design of the French Creek Avenue corridor in this area will present as a cohesive corridor as opposed to a contrast of housing types. Absent of this zoning amendment, this could not be achieved. Therefore, there is a need for the requested rezoning.

Based on this analysis, the proposal meets this criterion.

2. The particular parcel of ground is indeed the correct site for the proposed development.

Applicant's Response:

Yes, the proposed development provides for a total of 209 single family detached and attached housing units. The SunMarke Development Plan allows for up to 285 dwelling units within this Planning Area (PA11). The attached housing units are appropriate for the eastern portion of the development as they will serve as a transitional land use between the single-family detached homes and the established townhomes to the south of French Creek Avenue.

Staff Analysis:

As detailed in Sections IV and V of this staff report, the subject property is designated for medium-density residential uses and the subject property is zoned for a variety of residential building types. The requested rezoning will not change the allowable number of residential units allowed on the property. The applicant is proposing single-family detached and attached residential development, which is consistent with the Master Plan and the zoning. Additionally, the change in bulk standards and lot size will facilitate a continuation and transition from the existing single-family attached residential units on the south side of French Creek Avenue. In order to provide the transition from existing development to proposed development and because the request is consistent with the Master Plan and the zoning for the property, this is the correct site for the proposed development.

Based on this analysis, the proposal meets this criterion.

3. There has been an error in the original zoning; or

Applicant's Response:

There has been no error in the established zoning. The proposed uses of single family detached and attached are allowed in the PD Plan.

Staff Analysis:

There has been no error in the original zoning. Therefore, this criterion has been met.

4. There have been significant changes in the area to warrant a zone change.

Applicant's Response:

The development of townhomes to the south has created the need for a transitional land use between the townhomes and proposed single family detached units. This transition can be best served through a paired home product which are an appropriate means for addressing aesthetics and land use interaction between different land uses. The vision for the housing stock expressed in the Parker 2035 Master Plan indicates the need for a healthy mix of housing types to meet market demands thereby keeping home ownership rates high, vacancy rates low, and expanding affordable options. The paired home product supports these goals and was determined as the best option for an attached housing product as it would provide an owner-occupied housing product on individual lots. The concept for the alley loaded paired home product is to provide smaller lots (2,000sf) but provide significant common open space that provides a landscaped pedestrian network that will serve these future homeowners.

Furthermore, the landscaped tracts and pedestrian connections adjacent to French Creek Avenue will provide for an enhanced pedestrian experience for the public as well.

Staff Analysis:

The existing zoning for the subject property was approved in 2003. Since that time there has been development to the south of the subject property and the zoning amendment is a response to that development in order to provide a continuation and transition from that development. Additionally, in 2003 the subject property was included in a much larger PD that included over 2,700 acres. Over the course of 16 years the larger PD has been rezoned into smaller PDs (Anthology North PD and Hess Ranch PD) and this Planning Area has remained unchanged and does not reflect the development patterns that have occurred.

Based on this analysis, this criterion has been met.

5. Adequate circulation exists and traffic movement would not be impeded by development.

Applicant's Response:

Yes, the proposed plan provides for the appropriate ROW and private drives. The internal alleys for the paired homes will be privately maintained by the HOA. Project team members have designed the private drives and public streets to meet the specifications required by the Town of Parker and the relevant utility providers. Furthermore, the project team is coordinating with Town staff on the requirements for additional ROW dedication for Motsenbocker Road. The revised Preliminary/Sketch Plan includes the additional ROW requested by staff.

Staff Analysis:

The Town of Parker Public Works/Engineering Department has reviewed and approved the traffic analysis that was provided by the applicant. The applicant has agreed to dedicate all right-of-way that has been requested by the Town. Additional information related to this analysis can be found in Section VII of this staff report.

Based on this analysis, this criterion has been met.

6. Additional municipal service costs will not be incurred which the Town is not prepared to meet.

Applicant's Response:

No, additional municipal service costs to the Town are not anticipated.

Staff Analysis:

There are no municipal service costs that the Town is not prepared to meet.

Therefore, this criterion has been met.

7. There are minimal environmental impacts or impacts can be mitigated.

Applicant's Response:

There are no known environmental impacts associated with the development of the property.

Staff Analysis:

There are no known additional environmental impacts associated with the requested rezoning and no referral agencies have indicated any additional environmental impacts. Therefore, this criterion has been met.

8. The proposal is consistent with the Town Master Plan, maps, goals, and policies.

Applicant's Response:

Yes, the proposed development is consistent with the overall goals of the Town of Parker and proposed land uses are consistent the SunMarke PD Development Guide. The density of the proposed development is in line with the Parker 2035 Master Plan's designation of a neighborhood character area described as Medium Density Residential. The Master Plan designates Medium Density Residential as being 3.5 dwelling units per acre. The proposed density is in line with this at 3.48 dwelling units per acre. This is significantly below the density of 10 dwelling units per acre outlined in the SunMarke PD Development Guide. With this in mind, the proposed density demonstrates the development team's understanding of the importance of the desired density outlined in the Master Plan and how it relates to the Town of Parker's goal of maintaining residential neighborhood character.

Staff Analysis:

As detailed in Section IV of this staff report, the proposed zoning amendment is consistent with the Town's Master.

Based on this analysis, this criterion has been met.

9. There is adequate waste and sewage disposal water, schools, parks and recreation, and other services to the proportional degree necessary due to the impacts created by the proposed land uses.

Applicant's Response:

Yes, the proposed development provides the necessary open space and park dedication as specified by the Town of Parker. "Will Serve" letters have been provided by the relevant utility providers indicating they are able to provide utility services. It is also recognized that a per lot contribution to Douglas County School District is required at the time of building permit.

Staff Analysis:

The Parker Water and Sanitation District has indicated an ability to serve the subject property, the applicant will be required to satisfy the school dedication requirements from the Land Development Ordinance as a part of the final platting process and as a part of the sketch plan and preliminary plan applications (SUB18-030 and SUB18-034) the applicant has demonstrated compliance with the open space and park dedication requirements.

Based on this analysis, this criterion has been met.

IX. SUMMARY REFERRAL AGENCY COMMENTS AND CONDITIONS

Agency	Comments
Anthology West Master Association	No comments
Brownstone Row Owner's Association	No comments
Douglas County Schools	Advisory comments
Fire Life Safety	Approved
Horseshoe Ridge HOA	No comments
IREA	Approved
Parker Engineering	No comments
Parker Police	No comments
Parker Water and Sanitation	Approved
Stroh Ranch Homeowner's Association.	No comments
SunMarke Station Community Association	No comments

X. CONCLUSION

The applicant, RainTree Investment Corp., is requesting to amend certain bulk standards and lot size requirements in the SunMarke PD and Guide in order to align the bulk standards and lot size requirements with the permitted residential types and to accommodate future homes that meet the current market demand.

The existing zoning for the subject property was approved in 2003. Since that time there has been development to the south of the subject property and the zoning amendment is a response to that development in order to provide a continuation and transition from that development. Additionally, in 2003 the subject property was included in a much larger PD that included over 2,700 acres. Over the course of 16 years the larger PD has been rezoned into smaller Planned Developments and this Planning Area has remained unchanged and does not reflect the development patterns that have occurred.

XI. RECOMMENDED CONDITIONS

None

XII. ATTACHMENTS

1. Project Narrative
2. Applicant's Rezoning Criteria Analysis
3. Referral Agency Comments
4. Proposed Development Guide

Report Approved By: Bryce Matthews, Planning Manager

Through: Jason Rogers, Deputy Community Development Director

Updated and resubmitted on April 4, 2019

Mr. Paul Workman
Senior Planner
Town of Parker
20120 E. Mainstreet
Parker, CO 80138

Re: Project Letter of Introduction – SunMarke Filing 01 Narrative

Dear Mr. Workman,

We are pleased to submit this letter and associated documents on behalf of our client, Raintree Investment Corporation, for a formal request to consider approval of a Sketch and Preliminary Plan and an amendment to the existing Planned Development Guide for the proposed SunMarke Filing NO. 01 project. This letter provides an overview of the project application, proposed process, and specific project components.

The following team members have been assembled to complete this application:

Civil Engineer

Harris Kocher Smith
1120 Lincoln ST., Suite 1000
Denver, CO 80203
303-623-6300
Contact: John Stafford

Planner/Landscape Architect

Norris Design
1101 Bannock Street
Denver, CO 80203
303-892-1166
Contact: Bill Mahar

Submittal Documents and Processes

The following enclosed documents have been compiled to meet the application requirements as well as provide further background on the project:

- Land Use and Development Application with Exhibits A-E
 - Exhibit A – Legal Description of Project Area
 - Exhibit B – Title Report
 - Exhibit C – Letter of Authorization
 - Exhibit D – Disclosure Letter
 - Exhibit E – Vicinity Map
- Letter of Introduction (this letter)
- Sketch/Preliminary Plan
 - CS - Cover Sheet
 - C-1 - Existing Conditions Map
 - C-2 - Overall Site Plan
 - C-3 - Site Plan SW
 - C-4 - Site Plan NW
 - C-5 - Site Plan NE
 - C-6 - Site Plan SE
 - C-7 - Line and Curve Tables
- Drainage Report

- Construction Documents Anthology Filing NO. 1
- Parker Water and Sanitation District (PWSD) Construction Documents Anthology Filing NO. 1
- Lot Fit Exhibit
- Auto-Turn Exhibit
- IREA Will Serve Letter
- PWSD Will Serve Letter
- Traffic Letter
- Geo Tech Report
- Landscape Plan
- Irrigation Plan
- Revised Anthology North First Amendment PD Guide

The aforementioned documents have been uploaded to e-trakit.

On the previous filing of Stroh Ranch 18B, Town staff directed us to not include the grading and utility plans that are typically part of the Sketch/Preliminary Plan sheet set. Due to that direction we have included the utility plan with the Water and Sanitary Plan set and the grading plan is within the Town of Parker Construction Document set.

Mineral Rights

A mineral rights claim is entitled to this property. The appropriate notice will be provided to the mineral rights holder as required by Colorado State Statute.

Neighborhood Association

This project was presented at the local HOA on Monday, December 3, 2018. About 50 community members attended the meeting. Neighbors were presented with project details and discussed with the development team questions and concerns regarding the project. Additionally, the Town of Parker project planner was in attendance to observe the dialogue between neighbors and the development team.

Below is a list of questions received and the team's responses:

- Q: *When will the remaining portion of French Creek be widened (in front of the proposed Filing No. 1 parcel)?*
A: *French Creek will be widened with the construction of the development improvements associated with Filing No. 1. This will complete all the remaining portions of French Creek that still need to be widened.*
- Q: *Will the intersection at Motsenbocker & Hess Road be further improved?*
A: *Yes, we (Developer) are dedicating R.O.W. for the additional future turn lanes with the Filing No. 1 Plat. The Town of Parker has plans to make these future intersection improvements in their transportation plans.*
- Q: *Will there ever be a traffic signal installed at French Creek & Motsenbocker?*
A: *We understand a signal is planned for this location when signal warrants are met.*
- Q: *Will there be additional parks, recreation amenities, open space included with Filing No. 1?*
A: *Yes, there are programmed parks with active recreation and playground amenities, passive spaces, natural open spaces and landscape buffering along corridors planned for Filing No. 1. All of these parks, open spaces, amenities planned for Filing No. 1 meet the Town of Parker's requirements.*
- Q: *Will there be a new clubhouse / pool built with Filing No. 1, since adding new residents to the existing clubhouse / pool facility will make it more crowded?*

A: *The current clubhouse / pool facility was originally designed to accommodate full planned build-out of the Anthology West/Stroh neighborhood. Additionally, there will be less homes actually constructed in the Anthology West neighborhood than originally planned. For example, Filing No. 1 was originally planned for 225 homes, however the actual Filing No. 1 plan will have only 209 homes. Also, in 2018, the developer voluntarily significantly expanded the pool deck area, provided an additional shade structure / gathering area in the grassy area. Additionally, patio / deck furniture is scheduled to be purchased for the 2019 season, providing more seating opportunities.*

Q: *Will there be other roadways in and out of the Anthology West neighborhood, other than French Creek, in the future?*

A: *Yes, there are collector road stub-outs being constructed with Filing No. 1 (and with previous Anthology Filings 17 and 18) that will connect to future developments located adjacent to the western boundary of Filing No. 1. When that future community develops there will be road connections through it that will provide additional alternate roadway connectivity, including connection direction to Hess Road.*

Q: *Will Filing No. 1 be part of the current Anthology Master HOA?*

A: *Yes, this has been planned since the beginning of the project. All Filing No. 1 lots have been identified in the Master HOA documents and are annexable lots. The paired units may have their own separate sub-association that will include more maintenance of the buildings and landscape areas within the paired lot area. Such a separate sub-association, with additional maintenance responsibilities, will be paid for only by the residents of the paired units.*

Q: *The lifeguards at the Anthology pool have to spend a lot of time monitoring the chlorine and chemical levels of the pool rather than lifeguarding. Can this change?*

A: *Yes, an automatic chemical monitoring and balancing system is being installed in the pool for the 2019 summer that will relieve the lifeguards of having to perform a majority of these duties. It was noted this was primarily an HOA / property management issue instead of a developer issue, however.*

Project Background and Pre-Application Meetings

The proposed subdivision of SunMarke Filing NO. 01 is currently a 60 acre unplatted parcel of land that is located within the corporate limits of the Town of Parker. The site is bounded on the east by Motsenbocker Road and on the south by French Creek Avenue.

The proposed project is designed to be a walkable, single family neighborhood. The park and open spaces are designed with significant landscaped areas, sidewalks, and activated parks that provide amenities from active play structures and natural play areas to walking paths and seating areas. This will ensure the spaces and amenities provide uses for a wide range of ages and abilities.

This project is the final piece of the SunMarke Development Plan. To the south of the proposed site is the Stroh Ranch Planned Development, which is largely built out, including the SunMarke Townhomes and an LDS church directly south of the site, across French Creek Avenue.

At the initial pre-application meeting on November 27, 2017, the conceptual plan for single family detached homes was presented. During the meeting, staff recommended to revise the plan to include attached housing products within the area along French Creek Avenue. Staff stated they would like to see a diversity of housing types and also provide an attached housing product that is compatible with the existing attached townhomes that are adjacent and located on the south side of French Creek Avenue.

The initial park layout was also discussed, and staff recommended to incorporate two park areas and provide for pedestrian connections and view corridors throughout the subdivision.

A second pre-application meeting was held on March 27, 2018 to review the revised site plan. The paired home layout was presented. At that meeting it was discussed that a revision to the PD Guide would be needed for the minimum lot size for the attached product. The conceptual park plan was reviewed as well. We discussed the nature play components of the park areas and how each park will provide different amenities and activities.

Residential Land Use

The proposed subdivision contains 209 residential lots of single family detached homes and paired homes. The residential lots account for 25 acres or 41.34% of the overall site.

Single Family Detached

- 125 lots
- Smallest proposed SFD lot is 5,500 sf. The submitted PD Guide was revised to provide for a minimum lot size of 4,500 sf for SFD.
- Access is by public streets

Single Family Attached (Paired Homes)

- 84 lots
- Smallest proposed SFA lot is 2,000 sf. The submitted PD Guide was revised to provide for a minimum lot size of 2,000 sf for attached housing products.
- The vehicular access to the paired homes will be from the rear.
- Each of the 84 Single Family Attached homes will feature two car garages for a total of 168 garage spaces. Additionally, there are 48 visitor parking spaces proposed.
- This brings the total number of proposed parking spaces to 216.
- Private drives and guest parking will be incorporated into tracts. Maintenance of the private drives and parking lots will be by Home Owners Association.
- The landscape serving the paired homes that is not on individual lots will be maintained by the Home Owners Association.

Park and Open Space Areas

The proposed park and open space for this project account for 38.44% of the site or 23.22 acres. This is a significant amount of park and open space area and consistent with the park and open space acreages that have been provided throughout the Anthology/Stroh Ranch neighborhoods.

For this proposed neighborhood, the park space requirement is 4.99 acres per the LDO requirement of 209 lots x 0.0239 = 4.99. Based on this calculation we have identified 5 acres of dedicated park area on the attached Park and Open Space Exhibit.

Additionally, many of the open space areas will be extensively landscaped to foster the pedestrian experience throughout the neighborhood. The open space along French Creek Avenue has been designed to follow the landscape design concept that has been established along Keyser Creek and the portion of French Creek outside of

this project area. The project's civil engineer has been working with the drainage authority on drainage improvements within the Oak Gulch area. The trail location has been identified and conversations regarding construction of the trail are forthcoming. This will be finalized at the time of the final plat.

The proposed SunMarke Filing NO. 1 application strives to meet Town land use needs while responding to neighborhood context and market conditions. We believe this proposal will facilitate the continued development of high-quality neighborhoods within the Town of Parker. We look forward to working with the Town during the review and approval process for this application.

Please contact me if you have any questions or if you need additional information.

Sincerely,
Norris Design



Bill Mahar, AICP
Senior Associate

October 16, 2018

(Resubmitted on April 4, 2019)

Mr. Paul Workman
Senior Planner
Town of Parker
20120 E. Mainstreet
Parker, CO 80138

Re: Rezoning Criteria Letter – SunMarke Filing 01

Dear Mr. Workman:

This letter provides an introduction of the proposed paired housing product within the SunMarke Filing 01 Sketch/Preliminary Plan. We have also addressed the rezoning criteria of Section 13.04.240 (f) of the Land Development Ordinance.

The proposed development of SunMarke Filing 01 was initially planned for single family detached homes. During meetings with Town staff in early 2018, they recommended to reconfigure the proposed plan to allow for attached housing. Their recommendation was based on the fact that townhomes have been developed on the south side of French Creek Avenue and the inclusion of an adjacent attached housing product would serve as transitional land use between the proposed single family detached homes and the existing townhomes.

Furthermore, Town staff stated that the inclusion of more diverse housing products within this area of Parker as well as the larger community is consistent with the market trends within the Denver Metropolitan Area. They generally stated they would like to encourage the development of a wider range of housing choices that would appeal to a large segment of the population that is often looking for smaller lot housing options such as, younger professionals and families to the older population.

Based on the direction offered by staff, the project team revised the proposed plan to provide for paired homes (duplexes). The minimum lot size is 2,000sf and the minimum lot dimensions area 25' wide by 85' in depth. They are alley loaded that provide access to two car garages. Guest parking stalls have been included in various locations throughout the paired home area.

The front of the paired homes will have small yards with porches and sidewalk connections to common open space or public tree lawns and sidewalks. The common open space tracts will be maintained by the Home Owners Association and likely the landscape within the residential lots as well. The open space has been thoughtfully designed to foster a pedestrian environment. The landscape design concept follows the patterns and plant materials that have been utilized within the established Stroh Ranch and Anthology neighborhoods.

At the second pre-application meeting on March 27, 2018 staff indicated support for the paired home layout and indicated a PD amendment would be necessary for the project due to the smaller lot size of 2,000sf. The current SunMarke Planned Development Guide allows for paired homes (duplexes), but the minimum lot size is 3,500 sf. Below, we have addressed the zoning change criteria of the Land Development Ordinance (LDO) Section 13.04.240 (f).

Town LDO Section 13.04.240 (f) Rezoning/PD Amendment Criteria

The application meeting the applicable review criteria as defined in the Town's LDO ordinance.

1. A need exists for the proposal;

The proposal to provide paired homes was based on adjacent land use patterns and a desire to incorporate a range of housing options to meet the needs of their growing community as identified in the Parker 2035 Master Plan. To move forward with the paired home product a change in the minimum lot size is necessary. This type of development with smaller lots and common green spaces offers owner-occupied, affordable, workforce housing choices. Limited housing for this demographic was noted in the Housing and Neighborhoods Vision Chapter of the Master Plan. These choices suit many segments of the population, from older adults, young professionals, and small families.

The proposed paired homes provide a housing choice on a lot with a minimum width of 25 feet and a minimum depth of 80 feet. This type of housing is intended to provide smaller lots which require less maintenance but will be significantly landscaped in a consistent manner throughout the development. Furthermore, there is a substantial amount of common open space that will be landscaped to create an aesthetically pleasing pedestrian environment. The lot dimensions chosen for this site reflect a growing trend in the market within the Denver Metro area and within Parker. This trend being smaller lots with overall less yard maintenance and associated costs. These lots are an appropriate size for this site as they provide a transition from the larger lots of the proposed neighborhood and the existing 875sf paired home lots to the south of the site, across French Creek Avenue.

2. The particular parcel of ground is indeed the correct site for the proposed development;

Yes, the proposed development provides for a total of 209 single family detached and attached housing units. The SunMarke Development Plan allows for up to 285 dwelling units within this Planning Area (PA-11). The attached housing units are appropriate for the eastern portion of the development as they will serve as a transitional land use between the single-family detached homes and the established townhomes to the south of French Creek Avenue.

3. There has been an error in the original zoning; or

There has been no error in the established zoning. The proposed uses of single family detached and attached are allowed in the PD Plan.

4. There have been significant changes in the area to warrant a zone change;

The development of townhomes to the south has created the need for a transitional land use between the townhomes and proposed single family detached units. This transition can be best served through a paired home product which are an appropriate means for addressing aesthetics and land use interaction between different land uses. The vision for the housing stock expressed in the Parker 2035 Master Plan indicates the need for a healthy mix of housing types to meet market demands thereby keeping home ownership rates high, vacancy rates low, and expanding affordable options. The paired home product supports these goals and was determined as the best option for an attached housing product as it would provide an owner-occupied housing product on individual lots. The concept for the alley loaded paired home product is to provide smaller lots (2,000sf) but provide significant common open space that provides a landscaped pedestrian network that will serve these future homeowners. Furthermore, the landscaped tracts and

pedestrian connections adjacent to French Creek Avenue will provide for an enhanced pedestrian experience for the public as well.

5. Adequate circulation exists and traffic movement would not be impeded by development; and

Yes, the proposed plan provides for the appropriate ROW and private drives. The internal alleys for the paired homes will be privately maintained by the HOA. Project team members have designed the private drives and public streets to meet the specifications required by the Town of Parker and the relevant utility providers. Furthermore, the project team is coordinating with Town staff on the requirements for additional ROW dedication for Motsenbocker Road. The revised Preliminary/Sketch Plan includes the additional ROW requested by staff.

6. Additional municipal service costs will not be incurred which the Town is not prepared to meet.

No, additional municipal service costs to the Town are not anticipated.

7. There are minimal environmental impacts or impacts can be mitigated.

There are no known environmental impacts associated with the development of the property.

8. The proposal is consistent with the Town Master Plan maps, goals and policies.

Yes, the proposed development is consistent with the overall goals of the Town of Parker and proposed land uses are consistent the SunMarke PD Development Guide. The density of the proposed development is in line with the Parker 2035 Master Plan's designation of a neighborhood character area described as Medium Density Residential. The Master Plan designates Medium Density Residential as being 3.5 dwelling units per acre. The proposed density is in line with this at 3.48 dwelling units per acre. This is significantly below the density of 10 dwelling units per acre outlined in the SunMarke PD Development Guide. With this in mind, the proposed density demonstrates the development team's understanding of the importance of the desired density outlined in the Master Plan and how it relates to the Town of Parker's goal of maintaining residential neighborhood character.

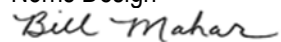
9. There is adequate waste and sewage disposal, water, schools, parks and recreation, and other services to the proportional degree necessary due to the impacts created by the proposed land uses

Yes, the proposed development provides the necessary open space and park dedication as specified by the Town of Parker. Will Serve letters have been provided by the relevant utility providers indicating they are able to provide utility services. It is also recognized that a per lot contribution to Douglas County School District is required at the time of building permit.

Please contact me if you have any questions or if you need additional information.

Sincerely,

Norris Design



Bill Mahar, AICP
Senior Associate



August 9, 2018

Paul Workman
Town of Parker
Community Development Department
Town Hall
20120 East Mainstreet
Parker, CO 80138

**RE: Anthology Rezoning Z18-018, Anthology Filing No. 1 Sketch Plan SUB18-030,
Anthology Filing No. 1 Preliminary Plan SUB18-034**

Dear Mr. Workman;

On behalf of Douglas County School District (DCSD), we have a couple comments regarding these applications that we would like to resolve prior to approval.

The proposed sketch plan and preliminary plan propose 209 residential lots on 36.73- acres are estimated to generate a total of 157 students including 82 elementary students, 25 middle school students and 50 high school students. These students will generate a total school land dedication requirement of 3.72 – acres, of which 1.47-acres is attributed to the elementary school requirement. The sketch/preliminary plan does not include a school site.

This application is a portion of the Hess Ranch Planned Development. DCSD has calculated the amount of school site land requirement for students generated by Hess PD, 1st Amendment and Anthology North PD. The reason for this is that the two developments share school sites. Land dedication for the two planned developments total 49.68-acres for elementary schools and 69.31-acres for secondary schools. The Hess PD 1st Amendment and Anthology North PD together result in the total school land requirements for four 12-acre elementary school sites and one 75-acre joint middle/high school site, of which DCSD requested two 12-acre elementary school sites to be located in the Anthology North PD. However, the approved annexation agreement includes a requirement for dedication of two separate parcels described as Planning Areas 19 and 37 totaling a minimum of 22.02 grows acres for school sites.

The Anthology North PD plan includes one 75-acre middle school/high school campus. This campus is intended to meet the needs of this preliminary plan and other future development in the area. In addition, an 18-acre school site within the Arlington PD is being utilized by the Stone Canyon PD, Pinery West, and Arlington PD to meet the collective school site land dedication requirement. A total of 1.48-acres of land associated with that site is available for use by Hess PD.

With a commitment to dedicate 10.753-acres for elementary school land within the Trails at Crowfoot subdivision, and DCSD's request for two 12-acre elementary school sites totaling 24-acres to be located in the Hess PD, DCSD requests cash-in-lieu for the additional 3.247- acres requested beyond the 20-acres to be provided.

Pursuant to Section 13.07.140 (d), (6), (c) of the Parker Development Code, "a cash-in-lieu fee shall be equivalent to the full market value of the acreage required for school land dedication. Value shall be based on anticipated market value after completion of platting and construction of public improvements. The applicant shall submit a proposal for the cash-in-lieu-fee and supply the information necessary for the Town Council to evaluate the adequacy of the proposal. This information shall include at least one (1) appraisal of the property by a qualified appraiser." DCSD would like a complimentary copy of the appraisal prepared. We would ask that the fee be paid at the time of final plat.

Additionally, with Anthology North PD, DCSD asked for a voluntary mid-range contribution of \$1952 per residential unit towards the Capital Mitigation component. It is our understanding that the Town of Parker determined that the annexation agreement could not add new exactions. New schools will be needed to serve this area.

We would like to have confirmation of concurrence with these commitments for the application to move forward. Once we receive that confirmation, DCSD supports this application for approval. Thank you for your support of our mutual constituents!

Sincerely,

SCO Consulting, LLC

A handwritten signature in black ink, reading "Steve Ormiston", is displayed on a light gray rectangular background.

Steve Ormiston
Consultant to DCSD

ORDINANCE NO. 3.209.4, Series of 2019

TITLE: A BILL FOR AN ORDINANCE TO AMEND THE SUNMARKE PD DEVELOPMENT GUIDE, PURSUANT TO THE TOWN OF PARKER LAND DEVELOPMENT ORDINANCE, AND AMENDING THE ZONING ORDINANCE AND MAP TO CONFORM THEREWITH

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

Section 1. Finding of Fact.

a. Application has been made for amending the PD-Planned Development zoning for the “SunMarke PD Development Guide,” approved by the Town Council on August 5, 2003, and recorded in the Office of the Douglas County Clerk and Recorder’s Office on October 3, 2003, at Reception No. 2003146587, pursuant to the Town of Parker Land Development Ordinance.

b. Public notice has been given of such zoning by publication on the Town’s website at least fifteen (15) days prior to the public hearing of such zoning.

c. Written notice was sent by first class mail to all owners of property that abut the Property, at least fifteen (15) days prior to the public hearing.

d. Notice of such proposed hearing was posted on the Property for fifteen (15) consecutive days prior to said hearing.

e. The requirements contained in Section 13.04.240(b) of the Parker Land Development Ordinance for amending the PD-Planned Development zoning the property described in **Exhibit A**, which is attached hereto and incorporated by this reference (the “Property”), have been satisfied.

Section 2. The SunMarke PD Development Guide for the Property is hereby amended as provided in the “First Amendment to the SunMarke PD Development Guide,” which is attached hereto as **Exhibit B** and incorporated by this reference (the “First Amendment”). This text amendment is to address changes to the bulk standards and minimum sizes, as described in Exhibit B.

Section 3. The Zoning Ordinance and Zoning Map are hereby amended to conform with the zoning change to the property.

Section 4. Approval of this Ordinance does not create a vested property right. Vested property rights may arise and accrue pursuant to the provisions of Ordinance No. 3.65.1, as amended, of the Town of Parker.

Section 5. 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 6. 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 7. This Ordinance shall not be deemed approved until the final plats for Filing Nos. 1 and 9 for the Property are approved by the Town. In the event that these filings are approved by the Town, then, in that event, this Ordinance shall become effective ten (10) days after final publication.

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____, 2019.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2019.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney

EXHIBIT A

Legal Description

LEGAL DESCRIPTION:

A PARCEL OF LAND BEING A PART OF SECTION 33, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO, AND A PORTION OF TRACT "D" STROH RANCH FILING 18A AS RECORDED UNDER RECEPTION NO. 2003022326 OF THE DOUGLAS COUNTY CLERK AND RECORDER'S OFFICE RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 33, THENCE SOUTH 05°00'46" WEST, A DISTANCE OF 596.65 FEET TO A POINT ON THE WESTERLY LINE OF STROH RANCH FILING 11 AS RECORDED AT RECEPTION NO. 99012788 OF SAID COUNTY RECORDS SAID POINT BEING THE POINT OF BEGINNING;

THENCE ALONG SAID WEST RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES:

1. SOUTH 00°12'46" WEST, A DISTANCE OF 432.92 FEET TO A POINT OF CURVATURE; 2. ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 13°44'43", A RADIUS OF 1,660.00 FEET AND AN ARC LENGTH OF 398.23 FEET, (CHORD BEARS SOUTH 07°05'08" WEST, A DISTANCE OF 397.28 FEET) TO A POINT ON THE NORTH LINE OF STROH RANCH FILING NO. 13 AS RECORDED AT RECEPTION NO. 01059724 OF SAID COUNTY RECORDS.

THENCE ALONG THE NORTHERLY AND WESTERLY LINES OF SAID FILING NO. 13 THE FOLLOWING FIVE (5) COURSES;

1. NORTH 76°02'31" WEST, A DISTANCE OF 12.00 FEET TO A POINT OF NON-TANGENT CURVATURE;
2. ALONG SAID NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 15°58'32", A RADIUS OF 1,648.00 FEET AND AN ARC LENGTH OF 459.51 FEET, (CHORD BEARS SOUTH 21°56'45" WEST, A DISTANCE OF 458.02 FEET);
3. SOUTH 75°04'05" WEST, A DISTANCE OF 48.66 FEET;
4. NORTH 60°28'50" WEST, A DISTANCE OF 431.19 FEET TO A POINT OF CURVATURE; 5. ALONG SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 75°46'00", A RADIUS OF 1,372.00 FEET AND AN ARC LENGTH OF 1,814.30 FEET, (CHORD BEARS SOUTH 81°38'10" WEST, A DISTANCE OF 1,684.97 FEET) TO THE NORTHWEST CORNER OF SAID FILING NO. 13 AND THE NORTHEASTERLY CORNER OF SAID FILING NO. 18A;

THENCE ALONG THE NORTH LINE OF SAID FILING NO. 18A THE FOLLOWING (2) COURSES;

1. CONTINUING ALONG SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 03°35'33", A RADIUS OF 1372.00 FEET AND AN ARC LENGTH OF 86.03 FEET, (CHORD BEARS SOUTH 41°57'24" WEST, A DISTANCE OF 86.01 FEET);
2. SOUTH 40°09'37" WEST, A DISTANCE OF 109.86 FEET, TO THE NORTHEAST CORNER OF SAID TRACT "D";

THENCE ALONG THE NORTHWESTERLY RIGHT-OF-WAY LINE OF FRENCH CREEK AVENUE THE FOLLOWING (2) COURSES;

1. SOUTH 40°09'37" WEST, A DISTANCE OF 97.33 FEET TO A POINT OF CURVATURE;
2. ALONG SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 01°17'45", A RADIUS OF 1370.00 FEET AND AN ARC LENGTH OF 30.98 FEET, (CHORD BEARS SOUTH 39°30'45" WEST, A DISTANCE OF 30.98 FEET) TO A POINT OF CUSP;

THENCE ALONG A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 98°55'59", A RADIUS OF 6.50 FEET AND AN ARC LENGTH OF 11.22 FEET, (CHORD BEARS NORTH 10°36'08" WEST A DISTANCE OF 9.88 FEET);

THENCE NORTH 60°04'07" WEST, A DISTANCE OF 52.01 FEET; THENCE NORTH 85°54'58" WEST, A DISTANCE OF 18.70 FEET TO A POINT ON THE NORTHERLY LINE OF SAID FILING 18A;

THENCE ALONG SAID NORTHERLY LINE THE FOLLOWING TWO (2) COURSES;

1. NORTH 85°54'58" WEST, A DISTANCE OF 187.60 FEET;
2. NORTH 46°01'59" WEST, A DISTANCE OF 114.82 FEET TO THE NORTHWEST CORNER OF SAID FILING 18A;

THENCE NORTH 46°01'59" WEST, A DISTANCE OF 25.03 FEET TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG SAID NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 03°45'35", A RADIUS OF 335.00 FEET AND AN ARC LENGTH OF 21.98 FEET, (CHORD BEARS NORTH 48°09'36" WEST) A DISTANCE OF 21.98 FEET;

THENCE NORTH 46°16'48" WEST, A DISTANCE OF 125.78 FEET TO A POINT OF CURVATURE; THENCE ALONG SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 20°57'39", A RADIUS OF 465.00 FEET AND AN ARC LENGTH OF 170.11 FEET (CHORD BEARS NORTH 56°45'38" WEST, A DISTANCE OF 169.17 FEET);

THENCE NORTH 67°14'27" WEST, A DISTANCE OF 22.61 FEET TO A POINT;

THENCE NORTH 22°45'33" EAST, A DISTANCE OF 70.00 FEET;

THENCE NORTH 34°33'03" EAST, A DISTANCE OF 242.55 FEET TO A POINT OF NON-TANGENT CURVATURE; THENCE ALONG SAID NON-TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 67°55'20", A RADIUS OF 175.00 FEET AND AN ARC LENGTH OF 207.46 FEET, (CHORD BEARS NORTH 73°16'15" EAST A DISTANCE OF 195.52 FEET);

THENCE NORTH 43°43'39" EAST, A DISTANCE OF 865.32 FEET;
 THENCE SOUTH 86°38'38" EAST, A DISTANCE OF 480.66 FEET;
 THENCE NORTH 63°53'55" EAST, A DISTANCE OF 712.05 FEET;
 THENCE SOUTH 59°52'53" EAST, A DISTANCE OF 311.08 FEET;
 THENCE NORTH 65°03'57" EAST, A DISTANCE OF 146.84 FEET;
 THENCE NORTH 67°16'44" EAST, A DISTANCE OF 92.37 FEET;
 THENCE NORTH 79°36'20" EAST, A DISTANCE OF 114.37 FEET;
 THENCE NORTH 86°15'55" EAST, A DISTANCE OF 130.98 FEET;
 THENCE NORTH 77°51'49" EAST, A DISTANCE OF 101.33 FEET;
 THENCE NORTH 65°32'00" EAST, A DISTANCE OF 90.91 FEET TO A POINT OF NON-TANGENT CURVATURE;
 THENCE ALONG SAID NON-TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 53°08'20", A RADIUS OF 175.00 FEET AND AN ARC LENGTH OF 162.30 FEET, (CHORD BEARS SOUTH 63°13'04" EAST A DISTANCE OF 156.55 FEET);
 THENCE SOUTH 89°47'14" EAST, A DISTANCE OF 35.00 FEET TO A POINT ON THE WEST LINE OF SAID FILING NO. 11 AND THE POINT OF BEGINNING.
 EXCEPTING THEREFROM THAT PORTION OF SAID TRACT D, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT THE NORTHEAST CORNER OF SAID TRACT "D";
 THENCE ALONG THE NORTHWESTERLY RIGHT-OF-WAY LINE OF FRENCH CREEK AVENUE THE FOLLOWING (2) COURSES;
 1. SOUTH 40°09'37" WEST, A DISTANCE OF 97.33 FEET TO A POINT OF CURVATURE;
 2. ALONG SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 01°17'45", A RADIUS OF 1370.00 FEET AND AN ARC LENGTH OF 30.98 FEET, (CHORD BEARS SOUTH 39°30'45" WEST, A DISTANCE OF 30.98 FEET) TO A POINT OF CUSP;
 THENCE ALONG A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 98°55'59", A RADIUS OF 6.50 FEET AND AN ARC LENGTH OF 11.22 FEET, (CHORD BEARS NORTH 10°36'08" WEST, A DISTANCE OF 9.88 FEET);
 THENCE NORTH 60°04'07" WEST, A DISTANCE OF 52.01 FEET;
 THENCE NORTH 85°54'58" WEST, A DISTANCE OF 18.70 FEET TO A POINT ON THE NORTHERLY LINE OF SAID TRACT D;

THENCE NORTH 67°30'21" EAST, ALONG SAID NORTHERLY LINE, A DISTANCE OF 160.22 FEET TO THE POINT OF BEGINNING.

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN AS BEARING NORTH 89°34'39" EAST. THE NORTH QUARTER CORNER OF SAID SECTION 33 IS MONUMENTED BY A 2" ALUMINUM CAP, ILLEGIBLE, AND THE NORTHEAST CORNER OF SAID SECTION 33 IS MONUMENTED BY A 3-1/4" ALUMINUM CAP IN RANGE BOX, ILLEGIBLE.

EXHIBIT B

SunMarke Amendment 1

Town of Parker

PD Development Guide
Original: May 20, 2003
Amendment 1: May of 2019

Owner:
Anthology Recovery Acquisitions, LLC
7200 S. Alton Way
Centennial, CO 80112

Consultant:
Norris Design
1101 Bannock Street
Denver, CO 80204

I. GENERAL PROVISIONS

II. DEFINITIONS

III. LAND USE REGULATIONS

- A. Residential (SFd)
- B. Residential (SFe)
- C. Residential (SFf)
- D. Residential (SFg)
- E. Residential (THd)
- F. Residential (THe)
- G. Mixed Use (MU)
- H. Parks
- I. Open Space (OS)
- J. Golf
- K. Floodplains/Stream Buffer Areas
- L. All Land Use Areas

IV. ENFORCEMENT AND ADMINISTRATION

- A. Incorporation of Planned Development Master Plan
- B. Effect of Recorded Plan

I. GENERAL PROVISIONS

A. Application

The standards outlined in the Development Guide shall apply to all property contained within the “SUNMARKE DEVELOPMENT PLAN” except as provided herein. The standards outlined in the Development Guide may be divergent from the zoning regulations contained in Chapter 13.04 of the Land Development Code, but not any other Chapter of the Land Development Code. In the event there is a conflict between the standards contained in the Development Guide and the Land Development Code (excluding Chapter 13.04) then the Land Development Code shall control.

B. Density Standards

The Dwelling Unit Density permitted in any residential Planning Area is an Average Density that shall apply to the entire residential Planning Area and shall not be specifically applicable to any portion thereof. The Average Density of any residential Planning Area shall be computed by dividing the total number of Dwelling Units in the residential Planning Area by the gross acres in the residential Planning Area.

C. Density Variations

In no event shall the total number of 5,566 residential Dwelling Units within all Planning Areas as set forth on the “SUNMARKE DEVELOPMENT PLAN”, be exceeded. The total number of Dwelling Units actually developed in a Planning Area may be less than the number established on the Planned Development Master Plan. Remaining units may be transferred to other parcels in whole or in part, in support of the mixed-use concept. Any residential Planning Area may contain up to an additional ten percent (10%) of the total number of Dwelling Units set forth in the “SUNMARKE DEVELOPMENT PLAN”, for such Planning Area, as determined by the Developer. For parcels zoned Mixed Use (MU), dwelling units may be transferred at the Site Plan stage up to a maximum density of 22 Du/Ac. An increase in the number of permitted Dwelling Units within any such Planning Area may be accomplished through a transfer of Dwelling Units from any other Planning Area with an administrative minor amendment, to create an updated map of the “SUNMARKE DEVELOPMENT PLAN” and PD Development Guide except as otherwise provided in Section 13.07.160 of the Town of Parker Land Development Code.

D. Planning -Area Boundaries

Wherever a Planning Area abuts a street as shown on the “SUNMARKE DEVELOPMENT PLAN”, the Planning Area boundary is the centerline of the abutting right-of-way of such street. Wherever a Planning Area does not abut a street, the Planning Area boundary shall be as shown on the “SUNMARKE DEVELOPMENT PLAN”. Modifications in Planning Area boundaries and streets may be accomplished by the Developer by final road alignments or engineering refinements shown on a Site Plan or Plat, without any amendment to the “SUNMARKE DEVELOPMENT PLAN” provided the changes in the Planning Area does not exceed ten percent (10%).

E. Underground Utility Requirements

All electrical and communications distribution lines shall be placed underground. All transmission lines shall be underground unless same cannot be accomplished by direct burial.

F. Soil Tests

Soil tests for building sites shall be provided at the time of building permit application for the purpose of establishing engineering criteria for building foundation design.

G. Homeowner Associations

Homeowner Associations composed of property owners in residential areas may be created for the following purposes: a). to provide for the continued development, improvement and maintenance of properties and facilities which it owns or administers, and b) to protect the investment, enhance the value, and control the use of property owned by its members.

Homeowner's Association shall be created in residential areas where common lands or facilities are to be owned and maintained by the Homeowner's Association, but shall not be required in residential areas where common land or facilities are not so owned and maintained.

II. DEFINITIONS

- A. **Purposes:** It is the purpose of this Article to define words, terms and phrases contained within this PD Development Guide. See the Town of Parker Land Development Code for other definitions not defined herein.
- B. **Word Usage:** In the interpretation of this Guide, the provisions and rules of this section shall be observed and applied, except when the context requires otherwise.
1. The particular controls the general.
 2. In the case of any difference of meaning or implication between the text of this Guide and any caption or table, the text shall control.
 3. Words used or defined in one tense or form shall include other tenses and derivative forms.
 4. The masculine gender shall include the feminine and the feminine gender shall include the masculine.
 5. The word “shall” is mandatory.
 6. The word “may” is permissive.
- C. **Definitions:**
1. **Abut.** To have a common border with.
 2. **Accessory Buildings.** Detached subordinate building(s) or Structure(s), the use of which is customarily incidental to that of the Principal Building or to the main use of the land and which is located on the same lot with the Main Building or use, including carriage house units located above detached and semi-detached garages, designated for and occupied by not more than one family, and with a maximum size of 600 square feet.
 3. **Building, Principal or Main.** A building or buildings which may contain one or more Dwelling Unit(s) in which is conducted one or more of the permitted Principal Uses of the Lot or project in which it is situated and including areas such as garages, carports, storage sheds which are attached to or architecturally integrated with the principal building.
 4. **Building Front.** That exterior wall of a Building which faces a Front Lot Line of a Lot.
 5. **Building Ground Coverage.** The amount of land covered or permitted to be covered by a Building.
 6. **Building Height.** The vertical distance from the average finished grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. A weighted average of the finished grade on the perimeter of the building may be utilized.
 7. **Building Setback.** The distance between the Building and the adjacent street right-of-way, property line, Private Street Easement line, or external parcel boundary.

8. Building Side. That exterior wall of a Building which faces a Side Lot Line of a Lot.
9. Building Rear. The exterior wall of a Building which faces a Rear Lot Line of a Lot.
10. Car Care Center. An establishment providing sales of vehicle fuel and such services as lubrication, oil and tire changes, and minor repairs. This use does not include Paint spraying or body repair.
11. Density, Gross or Average. A ratio of number of Dwelling Units per acre calculated by dividing the number of Dwelling Units within the boundary of one or more residential Planning Areas or portion thereof by the number of acres contained within the Planning Area(s) or portions thereof; including all land within said Planning Area(s) or portion thereof reserved or dedicated for Open Space, recreation, educational, community, and public use, including Public Street rights-of way and Easements.
12. Density, Net. A ratio of number of Dwelling units per acre calculated by dividing the number of Dwelling Units within the boundary of one or more residential Planning Areas or portion thereof by the number of acres contained within the Planning Area(s) or portion thereof; excluding all land within said Planning Area(s) or portion thereof reserved or dedicated for Open Space, recreation, educational, community or public use, including Public Street rights-of-ways.
13. Dwelling Unit, Atrium. An alternative type of Single Family Detached or Attached Dwelling Unit in which the private individual Open Space associated with each Dwelling Unit is consolidated into a private yard surrounded by buildings or walls forming an atria. This atria replaces the conventional front, side and rear yards associated with traditional Single Family Detached Dwelling Units.
14. Dwelling Unit, Clustered Single Family. A type of Single Family Detached or Attached Dwelling Unit development which combines reduced lot size with compensating amounts of Open Space within the proposed development.
15. Dwelling Unit, Patio. An alternative type of Single Family Detached or Attached Dwelling Unit in which the private individual Open Space associated with each Dwelling Unit is consolidated into a garden or patio area commonly located toward the side or rear of the Lot. This patio area replaces the conventional front, side and rear yards associated with traditional Single Family Detached Dwelling Units.
16. Dwelling Unit, Single Family. A Dwelling Unit Type which includes both Single Family Detached or Attached Dwelling Units.
17. Dwelling Unit, Single Family Attached. A Building designated for and containing more than one Dwelling Unit and occupied by not more than four (4) families within one Structure each of which is separated from the others by one (1) or more unpierced walls from ground to roof.
18. Dwelling Unit, Single Family Detached. A type of Dwelling Unit designated for and occupied by not more than one family and having no roof, wall or floor in common with any other Dwelling Unit.

19. Dwelling Unit, Townhome. A type of Single Family Attached or Multi-Family Dwelling Unit in which each single Dwelling Unit goes from ground to roof and is separated from other Townhome Dwelling Units by a common wall. Each Townhome Dwelling Unit has individual outside access. Although Townhome Dwelling Units have no side yards, front and rear yards can exist.
20. Dwelling Unit, Zero Lot Line. An alternative type of Single Family Detached Dwelling Unit which is situated on a Lot so that one or more sides rest directly on the boundary line of the Lot.
21. Dwelling Unit, Manor Home. A Building designated for and containing more than one Dwelling Unit and occupied by not more than eight (8) families within one Structure each of which is separated from the others by one (1) or more unpierced walls from ground to roof.
22. Dwelling Unit, Live/Work. An alternative type of Townhome Dwelling Unit in which a range of retail goods and services, consistent with the Mixed Use (MU) designation are permitted, in combination with residential use, and where residential setbacks apply
23. Easement, Private Street. An acquired right of use, interest or privilege in land owned by another containing a privately owned access way constructed to the specifications of the Town of Parker but not maintained by the Town of Parker. Town of Parker approved fire access shall be provided in all cases.
24. Exterior Storage. Outdoor storage of fuel, raw materials, products and equipment. In the case of lumberyards, exterior storage includes all impervious materials stored outdoors.
25. Floor Area Ratio. A measurement of Development intensity expressed as a ratio derived by dividing the total Floor Area of a Building by the actual area of the Lot.
26. Garage, Parallel. A garage, attached or detached, which is oriented so that the axis which corresponds with the garage opening is substantially parallel to the adjacent street from which the Lot derives access.
27. Garage, Perpendicular. A garage, attached or detached, which is oriented so that the axis which corresponds with the garage opening is substantially perpendicular to the adjacent street from which the Lot derives access
28. Group Care Facilities. A facility where three or more persons are provided supervision and a planned treatment of counseling, therapy or other rehabilitative social services in a family environment. Such residence must be licensed by or operated by a federal, state, county or local/judicial/health/welfare agency or serve only referrals from such agencies. Examples of group care facilities are: group foster care, children's homes, halfway houses, rehabilitative centers, assisted living, maternity or senior citizen homes.
29. Land Use Category. A set of permitted land use types which are aggregated to form a land use classification similar in nature to zoning districts. Each Land Use Category is identified on the PD Master Plan and in Section III. Land Use Regulations of this PD Development Guide.

30. Nursery. An enterprise which conducts the retail and wholesale sale of plants grown on the site, as well as accessory items (but not farm implements) directly related to their care and maintenance. The accessory items normally sold are clay pots, potting soil, fertilizers and insecticides, hanging baskets, rakes and shovels.
31. Open Space / Golf. The area of land, located by convention, within the golf course safety corridor and held within private ownership, but which may be available for private or public use. Generally, this area will provide passive and active recreation opportunities, buffering for environmental and view-shed protection, aesthetic benefits, opportunities to enhance and widen open space corridors, and shape the patterns of urban development.
32. Parking Coverage. The amount of land covered or permitted to be covered by parking. Parking shall include all areas used for the display or parking of any and all types of vehicles, and all land upon which vehicles traverse the property as a function of the Principal Use.
33. Parking, Shared. Shared parking is a concept intended to alleviate parking spaces through coordination of land uses with parking requirements that have different demand patterns or times of peak usage. It is most effective when the associated land uses include some combination of peak parking characteristics that vary by time of day, day of the week, and/or season of the year. Areas of mixed-use zoning are often appropriate for the utilization of shared parking, due to the complimentary land uses involved. Land banking of parking requirements is another form of limiting the paved surface of the ground. Areas designed for future parking facilities are "land banked" and landscaped and/or hardscaped until the future need arises for the additional parking.
34. Planning Area. Parcels of land delineated on the PD Master Plan identified with a phrase or symbol which designates a specific set of permitted land use types according to the Land Use Categories provided in Section III - Land Use Regulations of this PD Development Guide. Planning Area boundaries are as illustrated on the PD Master Plan.
35. Planning Commission. The Planning Commission of the Town of Parker.
36. Principal Use. The specific primary purpose or activity for which land or any building thereon is designed, arranged or intended, or for which it is occupied or maintained.
37. Recreational Vehicle. A vehicle or a unit that is mounted on or drawn by another vehicle primarily designed for recreation or temporary living. Recreational vehicles include travel trailers, camping trailers, truck campers, motor homes, boats, snowmobiles and other similar recreation equipment.
38. Restaurant, Conventional. An establishment whose principal business is the sale of food and/or beverages to customers whose principal method of operation includes one or both of the following characteristics: (1) customers, normally provided with an individual menu, are served their foods and beverages by a restaurant employee at the same table or counter at which food and beverages are consumed. And (2) cafeteria type operation where food and beverages generally are consumed within the restaurant building.
39. Restaurant, Fast Food. An establishment whose principal business is the sale of food and/or beverages in a "ready to consume" state: (1) within the restaurant building; (2) within a motor vehicle parked on the premises; or (3) off the premises as carry out orders and whose principal

method of operation includes the following characteristics' food and/or beverages are usually served in edible containers or in paper, plastic or other disposable containers.

40. Ridgeline: Major. Any substantial ridgeline on site, that when viewed from the site's periphery forms the horizon against the sky or is not backed by land of higher elevation within the property.
41. Setback. The distance between the Building Line and the adjacent street right-of-way line or Lot Boundary.
42. Structure. Anything constructed or erected, which requires permanent location on the ground or is attached to something having a permanent location on the ground, but not including fences or walls less than six (6) feet, poles, lines, cables, or other transmission or distribution facilities or public utilities.
43. Town Council. The Town Council for the Town of Parker.
44. Traditional Neighborhood Design (TND). Traditional Neighborhood Design standards are intended to provide flexibility allowing land use patterns representative of those that were planned earlier in the 20th century. Traditional neighborhoods generally have a broad mix of uses including Single Family and Multi-Family land use patterns that help to create more pedestrian friendly streetscapes, in neighborhoods where homes and other uses orient toward the street.
45. Transit Oriented Design (TOD). Transit Oriented Design neighborhoods contain a broad mix of uses including: Single Family and Multi-Family residential combined with commercial and retail opportunities in land use patterns that help to create a pedestrian friendly environment, with convenient access to public transit.

III. LAND USE REGULATIONS

A. Residential (SFd)

1. Intent
Provide for residential Development allowing for a variety of Single Family Detached Dwelling Units, Zero Lot Line Dwelling Units, Single Family Attached, Semi-detached, Clustered Single Family Dwelling Units, Manor Home Dwelling Units, Duplex Dwelling Units, Townhome Dwelling Units and Accessory Uses.
2. Uses Permitted by Right
 - a. Single Family Detached Dwelling Units.
 - b. Zero Lot Line Dwelling Units.
 - c. Manor Home Dwelling Units.
 - d. Duplex Dwelling Units.
 - e. Townhome Dwelling Units including Single Family Attached, Semi-detached Dwelling Units and Live/Work Dwelling Units.
 - f. Clustered Single Family Dwelling Units, including but not limited to Zero Lot Line Dwelling Units, Patio Dwelling Units, Two Family Dwelling Units and Atrium Dwelling Units.
 - g. Attached or detached private garages (3 cars maximum).
 - h. Commonly associated Accessory Uses, incidental to the Principal Use or Building, including but not limited to: carriage house units, storage sheds, private greenhouses, home occupations, radio or T.V. antennas, T.V. satellite dishes, private tennis courts, private swimming pools, and private facilities for the keeping of common household pets according to the regulations and standards contained within the Town of Parker Zoning Ordinance.
 - i. Private and/or public Open Space.
 - j. Public and private schools and related administrative facilities for elementary and secondary education.
 - k. Private recreational and park uses, country clubs, golf courses, recreational facilities, including but not limited to: tennis courts, swimming pools and jogging, riding, hiking and biking trails.
 - l. Public parks, playgrounds and other recreational areas.
 - m. Signs as permitted by the Town of Parker code.
 - n. Fences, hedges and walls as permitted by the Town of Parker code.
 - o. Any other uses consistent with the purposes of this Section and compatible with the uses set forth herein, as determined by the Planning Director.
3. Uses Permitted by Special Review
 - a. Utility service facilities, including but not limited to water wells, water well pump stations, storm water control facilities, and water supply reservoirs or tanks provided that no public offices, repair facilities or storage yards are located in conjunction with these facilities, major utility service facilities, including but not limited to telephone exchanges, electric substations, gas regulator stations, subject to the provisions of Section 13.04.205 of the Town of Parker Land Development Code.
 - b. Group Homes.
 - c. Common recreation vehicle storage area.
 - d. Buildings, garages and utility stations related to emergency services, such as ambulance, fire, police and rescue.
 - e. Places of religious assembly, religious schools.

- f. Neighborhood public service, health and education facilities, such as community centers, libraries and museums.
 - g. Child Care Centers.
4. Development Standards
- a. Average Density. The Average Density shall be up to four and five-tenths (4.5) Dwelling Units per acre for each SFd Planning Area. These Average Densities are set forth on the PD Master Plan, and reflect the number of units over the entire acreage for the parcel. Densities within portions of the parcel will vary depending on product type
 - b. Maximum Number of Dwelling Units. The maximum number of Dwelling Units permitted within each SFd residential Planning Area shall not exceed 1.1 times the maximum number set forth on the PD Master Plan for each individual Planning Area.
 - c. Building Setback. The minimum Building Setbacks in SFd residential Planning Areas will vary depending upon the product type in any given portion of the Planning Area. The following setbacks will be associated with the different product types defined as a Use Permitted by Right.

Single Family Detached Unit

Building Front (from property line):	10 feet minimum (Principal Building) 12 feet minimum (Garage perpendicular) 8 feet minimum (Garage parallel)
Building Sides (from property line):	10 feet minimum for corner lots 0 feet minimum from other property lines
Building Rear (from property line):	4 feet minimum from alley 0 feet minimum from other property lines

Zero Lot Line Dwelling Unit

Building Front (from property line):	10 feet minimum (Principal Building) 12 feet minimum (Garage perpendicular) 8 feet minimum (Garage parallel)
Building Sides (from property line):	10 feet minimum for corner lots 0 feet minimum from other property lines
Building Rear (from property line):	4 feet minimum from alley 0 feet minimum from other property lines

Manor Home Dwelling Unit

Building Front (from property line):	18 feet minimum (Principal Building) 20 feet minimum (Garage perpendicular) 15 feet minimum (Garage parallel)
Building Sides (from property line):	18 feet minimum for corner lots 0 feet minimum from other property lines and lots with common walls
Building Rear (from property line):	4 feet minimum from alley 5 feet minimum from other property lines

Duplex Dwelling Unit

Building Front (from property line):	10 feet minimum (Principal Building) 12 feet minimum (Garage perpendicular) 8 feet minimum (Garage parallel)
Building Sides (from property line):	10 feet minimum for corner lots 0 feet minimum from other property lines
Building Rear (from property line):	4 feet minimum from alley 0 feet minimum from other property lines

Townhome Dwelling Unit (including Live/Work Townhomes)

Building Front (from property line):	4 feet minimum (Principal Building) 12 feet minimum (Garage perpendicular) 8 feet minimum (Garage parallel)
Building Sides (from property line):	4 feet minimum for corner lots 0 feet minimum from other property lines and lots with common walls
Building Rear (from property line):	4 feet minimum from alley 0 feet minimum from other property lines

Patio Dwelling Unit

Building Front (from property line):	8 feet minimum (Principal Building) 10 feet minimum (Garage perpendicular) 6 feet minimum (Garage parallel)
Building Sides (from property line):	8 feet minimum for corner lots 0 feet minimum from other property lines
Building Rear (from property line):	4 feet minimum from alley 0 feet minimum from other property lines

- d. Building Separation. The minimum building separation shall be the greater of:
 - i). eight (8) feet for Single Family Detached residential Buildings, ten (10) feet for Buildings containing Single Family Attached Dwelling Units and twenty (20) feet for other Principal Buildings located within SFd Lands Use Parcels, or
 - ii). shall be governed by the applicable building code.
- e. Building Height. No residential Buildings within SFd Planning Areas shall exceed thirty-five (35) feet in height.
- f. Minimum Lot Sizes. The minimum lot sizes in SFd residential Planning Areas shall be thirty five hundred (3500) square feet.

B. Residential (SFe)

1. Intent
Provide for residential Development allowing for a variety of Single Family Detached Dwelling Units, Zero Lot Line Dwelling Units, Single Family Attached, Semi-detached, Clustered Single Family Dwelling Units, Manor Home Dwelling Units, Duplex Dwelling Units, Townhome Dwelling Units and Accessory Uses.
2. Uses Permitted by Right
 - a. All uses permitted by right within the Residential (SFd) Land Use Category.
 - b. Any other uses consistent with the purposes of this Section and compatible with the uses set forth herein, as determined by the Planning Director.
3. Uses Permitted by Special Review
 - a. All uses permitted by Special Review within the Residential (SFd) Land Use category.
4. Development Standards
 - a. Average Density. The Average Density shall be up to six (6) Dwelling Units per acre for each SFe Planning Area. These Average Densities are set forth on the PD Master Plan, and reflect the number of units over the entire acreage for the parcel. Densities within portions of the parcel will vary depending on product type
 - b. Maximum Number of Dwelling Units. The maximum number of Dwelling Units permitted within each SFe residential Planning Area shall not exceed 1.1 times the maximum number set forth on the PD Master Plan for each individual Planning Area.
 - c. Building Setback. The minimum Building Setbacks in SFe residential Planning Areas will vary depending upon the product type in any given portion of the Planning Area. The following setbacks will be associated with the different product types defined as a Use Permitted by Right.

Single Family Detached Unit

Building Front (from property line):	10 feet minimum (Principal Building) 12 feet minimum (Garage perpendicular) 8 feet minimum (Garage parallel)
Building Sides (from property line):	10 feet minimum for corner lots 0 feet minimum from other property lines
Building Rear (from property line):	4 feet minimum from alley 0 feet minimum from other property lines

Zero Lot Line Dwelling Unit

Building Front (from property line):	10 feet minimum (Principal Building) 12 feet minimum (Garage perpendicular) 8 feet minimum (Garage parallel)
Building Sides (from property line):	10 feet minimum for corner lots 0 feet minimum from other property lines
Building Rear (from property line):	4 feet minimum from alley 0 feet minimum from other property lines

Manor Home Dwelling Unit

Building Front (from property line):	18 feet minimum (Principal Building) 20 feet minimum (Garage perpendicular) 15 feet minimum (Garage parallel)
Building Sides (from property line):	18 feet minimum for corner lots 0 feet minimum from other property lines and lots with common walls
Building Rear (from property line):	4 feet minimum from alley 5 feet minimum from other property lines

Duplex Dwelling Unit

Building Front (from property line):	10 feet minimum (Principal Building) 12 feet minimum (Garage perpendicular) 8 feet minimum (Garage parallel)
Building Sides (from property line):	10 feet minimum for corner lots 0 feet minimum from other property lines
Building Rear (from property line):	4 feet minimum from alley 0 feet minimum from other property lines

Townhome Dwelling Unit (including Live/Work Townhomes)

Building Front (from property line):	4 feet minimum (Principal Building) 12 feet minimum (Garage perpendicular) 8 feet minimum (Garage parallel)
Building Sides (from property line):	4 feet minimum for corner lots 0 feet minimum from other property lines and lots with common walls
Building Rear (from property line):	4 feet minimum from alley 0 feet minimum from other property lines

Patio Dwelling Unit

Building Front (from property line):	8 feet minimum (Principal Building) 10 feet minimum (Garage perpendicular) 6 feet minimum (Garage parallel)
Building Sides (from property line):	8 feet minimum for corner lots 0 feet minimum from other property lines
Building Rear (from property line):	4 feet minimum from alley 0 feet minimum from other property lines

- d. Building Separation. The minimum building separation shall be the greater of:
- i). eight (8) feet for Single Family Detached residential Buildings, ten (10) feet for Buildings containing Single Family Attached Dwelling Units and twenty (20) feet for other Principal Buildings located within SFe Lands Use Parcels, or
 - ii). shall be governed by the applicable building code.

- e. Building Height. No residential Buildings within SFe Planning Areas shall exceed thirty-five (35) feet in height.
- f. Minimum Lot Sizes. The minimum lot sizes in SFe residential Planning Areas shall be thirty five hundred (3500) square feet.

C. Residential (SFf)

1. Intent
Provide for residential Development allowing for a variety of Single Family Detached Dwelling Units, Zero Lot Line Dwelling Units, Single Family Attached, Semi-detached, Clustered Single Family Dwelling Units, Manor Home Dwelling Units, Duplex Dwelling Units, Townhome Dwelling Units and Accessory Uses.
2. Uses Permitted by Right
 - a. All uses permitted by right within the Residential (SFd) Land Use Category.
 - b. Any other uses consistent with the purposes of this Section and compatible with the uses set forth herein, as determined by the Planning Director.
3. Uses Permitted by Special Review
 - a. All uses permitted by Special Review within the Residential (SFd) Land Use category.
4. Development Standards
 - a. Average Density. The Average Density shall be up to three point two (3.2) Dwelling Units per acre for each SFf Planning Area. These Average Densities are set forth on the PD Master Plan, and reflect the number of units over the entire acreage for the parcel. Densities within portions of the parcel will vary depending on product type
 - b. Maximum Number of Dwelling Units. The maximum number of Dwelling Units permitted within each SFf residential Planning Area shall not exceed 1.1 times the maximum number set forth on the PD Master Plan for each individual Planning Area.
 - c. Building Setback. The minimum Building Setbacks in SFf residential Planning Areas will vary depending upon the product type in any given portion of the Planning Area. The following setbacks will be associated with the different product types defined as a Use Permitted by Right.

Single Family Detached Unit

Building Front (from property line):	10 feet minimum (Principal Building) 12 feet minimum (Garage perpendicular) 8 feet minimum (Garage parallel)
Building Sides (from property line):	10 feet minimum for corner lots 0 feet minimum from other property lines
Building Rear (from property line):	4 feet minimum from alley 0 feet minimum from other property lines

Zero Lot Line Dwelling Unit

Building Front (from property line):	10 feet minimum (Principal Building) 12 feet minimum (Garage perpendicular) 8 feet minimum (Garage parallel)
Building Sides (from property line):	10 feet minimum for corner lots 0 feet minimum from other property lines
Building Rear (from property line):	4 feet minimum from alley 0 feet minimum from other property lines

Manor Home Dwelling Unit

Building Front (from property line):	18 feet minimum (Principal Building) 20 feet minimum (Garage perpendicular) 15 feet minimum (Garage parallel)
Building Sides (from property line):	18 feet minimum for corner lots 0 feet minimum from other property lines and lots with common walls
Building Rear (from property line):	4 feet minimum from alley 5 feet minimum from other property lines

Duplex Dwelling Unit

Building Front (from property line):	10 feet minimum (Principal Building) 12 feet minimum (Garage perpendicular) 8 feet minimum (Garage parallel)
Building Sides (from property line):	10 feet minimum for corner lots 0 feet minimum from other property lines
Building Rear (from property line):	4 feet minimum from alley 0 feet minimum from other property lines

Townhome Dwelling Unit (including Live/Work Townhomes)

Building Front (from property line):	4 feet minimum (Principal Building) 12 feet minimum (Garage perpendicular) 8 feet minimum (Garage parallel)
Building Sides (from property line):	4 feet minimum for corner lots 0 feet minimum from other property lines and lots with common walls
Building Rear (from property line):	4 feet minimum from alley 0 feet minimum from other property lines

Patio Dwelling Unit

Building Front (from property line):	8 feet minimum (Principal Building) 10 feet minimum (Garage perpendicular) 6 feet minimum (Garage parallel)
Building Sides (from property line):	8 feet minimum for corner lots 0 feet minimum from other property lines
Building Rear (from property line):	4 feet minimum from alley 0 feet minimum from other property lines

- d. Building Separation. The minimum building separation shall be the greater of:
- i). eight (8) feet for Single Family Detached residential Buildings, ten (10) feet for Buildings containing Single Family Attached Dwelling Units and twenty (20) feet for other Principal Buildings located within SFe Lands Use Parcels, or

- ii). shall be governed by the applicable building code.
- e. Building Height. No residential Buildings within SFf Planning Areas shall exceed thirty-five (35) feet in height.
- f. Minimum Lot Sizes. The minimum lot sizes in SFf residential Planning Areas shall be thirty five hundred (3500) square feet.

D. Residential (SFg)

1. Intent
Provide for residential Development allowing for Estate Single Family Detached Dwelling Units and Accessory Units.
2. Uses Permitted by Right
 - a. Single Family Detached Dwelling Units.
 - b. Attached or detached private garages.
 - c. Commonly associated Accessory Uses, incidental to the Principal Use or Building, including but not limited to: carriage house units, storage sheds, private greenhouses, home occupations, radio or "B.V. antennas, T.V. satellite dishes, private tennis courts, private swimming pools, and private facilities for the keeping of common household pets according to the regulations and standards contained within the Town of Parker Zoning Ordinance.
 - d. Private and/or public Open Space.
 - e. Public parks, playgrounds and other recreational areas.
 - f. Signs as permitted by the Town of Parker code.
 - g. Fences, hedges and walls as permitted by the Town of Parker code.
 - h. Any other uses consistent with the purposes of this Section and compatible with the uses set forth herein, as determined by the Planning Director.
3. Uses Permitted by Special Review
 - a. Utility service facilities, including but not limited to water wells, water well pump stations, storm water control facilities, and water supply reservoirs or tanks provided that no public offices, repair facilities or storage yards are located in conjunction with these facilities, ma3or utility service facilities, including but not limited to telephone exchanges, electric substations, gas regulator stations, subject to the provisions of Section 13.04.205 of the Town of Parker Land Development Code.
 - b. Neighborhood public service, health and education facilities, such as community centers, libraries and museums.
4. Development Standards
 - a. Average Density. The Average Density shall be up to one unit per one and one half acres (1.5) Dwelling Units per acre for each SFg Planning Area. These Average Densities are set forth on the PD Master Plan, and reflect the number of units over the entire acreage for the parcel. Densities within portions of the parcel will vary depending on product type
 - b. Maximum Number of Dwelling Units. The maximum number of Dwelling Units permitted within each SFg residential Planning Area shall not exceed 1.1 times the maximum number set forth on the PD Master Plan for each individual Planning Area.
 - c. Building Setback. The minimum Building Setbacks in SFg residential Planning Areas shall be:

Single Family Detached Unit

Building Front (from property line):	20 feet minimum
Building Sides (from property line):	15 feet minimum
Building Rear (from property line):	20 feet minimum

- d. Building Separation. The minimum building separation shall be the greater of:
 - i). twenty (20) feet for Single Family Detached residential Buildings located within SFg Land Use Parcels, or
 - ii). shall be governed by the applicable building code.
- e. Building Height. No residential Buildings within SFg Planning Areas shall exceed thirty-five (35) feet in height.
- f. Minimum Lot Sizes. The minimum lot sizes in SFg residential Planning Areas shall be one (1) acre.

E. Residential (THd)

1. Intent
Provide for residential Development allowing for a variety of Single Family Detached Dwelling Units, Zero Lot Line Dwelling Units, Single Family Attached, Semi-detached, Clustered Single Family Dwelling Units, Manor Home Dwelling Units, Duplex Dwelling Units, Townhome Dwelling Units and Accessory Uses.
2. Uses Permitted by Right
 - a. All uses permitted by right within the Residential (SFe) Land Use Category. Development standards contained within the Residential (SFe) Land Use Section shall apply, as required.
 - b. Any other uses consistent with the purposes of this Section and compatible with the uses set forth herein, as determined by the Planning Director.
3. Uses Permitted by Special Review
 - a. All uses permitted by Special Review within the Residential (SFe) Land Use category.
4. Development Standards
 - a. Average Density. The Average Density shall be up to ten (10) Dwelling Units per acre for each THd Planning Area. These Average Densities are set forth on the PD Master Plan, and reflect the number of units over the entire acreage for the parcel. Densities within portions of the parcel will vary depending on product type
 - b. Maximum Number of Dwelling Units. The maximum number of Dwelling Units permitted within each THd residential Planning Area shall not exceed 1.1 times the maximum number set forth on the PD Master Plan for each individual Planning Area.
 - c. Building Setback. The minimum Building Setbacks in THd residential Planning Areas will vary depending upon the product type in any given portion of the Planning Area. The following setbacks will be associated with the different product types defined as a Use Permitted by Right.

Single Family Detached Unit

Building Front (from property line):	10 feet to porch or living space 18 feet to garage face or 20 feet from the right-of-way for a side loaded garage
Building Sides (from property line):	10 feet from right-of-way on corner lot 5 feet minimum from other property lines
Building Rear (from property line):	4 feet minimum from alley 10 feet from other property lines

Zero Lot Line Dwelling Unit

Building Front (from property line):	10 feet minimum (Principal Building) 12 feet minimum (Garage perpendicular) 8 feet minimum (Garage parallel)
Building Sides (from property line):	10 feet minimum for corner lots 0 feet minimum from other property lines
Building Rear (from property line):	4 feet minimum from alley 0 feet minimum from other property lines

Manor Home Dwelling Unit

Building Front (from property line):	18 feet minimum (Principal Building) 20 feet minimum (Garage perpendicular) 15 feet minimum (Garage parallel)
Building Sides (from property line):	18 feet minimum for corner lots 0 feet minimum from other property lines and lots with common walls
Building Rear (from property line):	4 feet minimum from alley 5 feet minimum from other property lines

Duplex Dwelling Unit

Building Front (from property line):	10 feet to porch or living space 18 feet to garage face or 20 feet from right-of- way for side loaded garage
Building Sides (from property line):	10 feet from right-of-way on corner lot 0 feet on common wall and 5 feet on other side
Building Rear (from property line):	4 feet minimum from alley 10 feet from other property lines

Townhome Dwelling Unit (including Live/Work Townhomes)

Building Front (from property line):	4 feet minimum (Principal Building) 12 feet minimum (Garage perpendicular) 8 feet minimum (Garage parallel)
Building Sides (from property line):	4 feet minimum for corner lots 0 feet minimum from other property lines and lots with common walls
Building Rear (from property line):	4 feet minimum from alley 0 feet minimum from other property lines

Patio Dwelling Unit

Building Front (from property line):	8 feet minimum (Principal Building) 10 feet minimum (Garage perpendicular) 6 feet minimum (Garage parallel)
Building Sides (from property line):	8 feet minimum for corner lots 0 feet minimum from other property lines
Building Rear (from property line):	4 feet minimum from alley 0 feet minimum from other property lines

- d. Building Separation. The minimum building separation shall be the greater of:
- i). eight (8) feet for Single Family Detached residential Buildings, ten (10) feet for Buildings containing Single Family Attached Dwelling Units and twenty (20) feet for other Principal Buildings located within THd Lands Use Parcels, or
 - ii). shall be governed by the applicable building code.

- e. Building Height. No residential Buildings within THd Planning Areas shall exceed thirty-five (35) feet or three stories in height except as approved by a Use by Special Review.
- f. Minimum Lot Sizes. The minimum lot sizes in THd residential Planning Areas shall be forty-five hundred (4500) square feet for single family detached dwelling units and two thousand (2000) square feet for attached housing products.

F. Residential (THe)

1. Intent
Provide for residential Development allowing for a variety of Single Family Detached Dwelling Units, Zero Lot Line Dwelling Units, Single Family Attached, Semi-detached, Clustered Single Family Dwelling Units, Manor Home Dwelling Units, Duplex Dwelling Units, Townhome Dwelling Units and Accessory Uses.
2. Uses Permitted by Right
 - a. All uses permitted by right within the Residential (THd) Land Use Category. Development standards contained within the Residential (THd) Land Use Section shall apply, as required.
 - b. Any other uses consistent with the purposes of this Section and compatible with the uses set forth herein, as determined by the Planning Director.
3. Uses Permitted by Special Review
 - a. All uses permitted by Special Review within the Residential (THd) Land Use category.
4. Development Standards
 - a. Average Density. The Average Density shall be up to fourteen (14) Dwelling Units per acre for each THe Planning Area. These Average Densities are set forth on the PD Master Plan, and reflect the number of units over the entire acreage for the parcel. Densities within portions of the parcel will vary depending on product type
 - b. Maximum Number of Dwelling Units. The maximum number of Dwelling Units permitted within each THe residential Planning Area shall not exceed 1.1 times the maximum number set forth on the PD Master Plan for each individual Planning Area.
 - c. Building Setback. The minimum Building Setbacks in THe residential Planning Areas will vary depending upon the product type in any given portion of the Planning Area. The following setbacks will be associated with the different product types defined as a Use Permitted by Right.

Single Family Detached Unit

Building Front (from property line):	10 feet minimum (Principal Building) 12 feet minimum (Garage perpendicular) 8 feet minimum (Garage parallel)
Building Sides (from property line):	10 feet minimum for corner lots 0 feet minimum from other property lines
Building Rear (from property line):	4 feet minimum from alley 0 feet minimum from other property lines

Zero Lot Line Dwelling Unit

Building Front (from property line):	10 feet minimum (Principal Building) 12 feet minimum (Garage perpendicular) 8 feet minimum (Garage parallel)
Building Sides (from property line):	10 feet minimum for corner lots 0 feet minimum from other property lines
Building Rear (from property line):	4 feet minimum from alley 0 feet minimum from other property lines

Manor Home Dwelling Unit

Building Front (from property line):	18 feet minimum (Principal Building) 20 feet minimum (Garage perpendicular) 15 feet minimum (Garage parallel)
Building Sides (from property line):	18 feet minimum for corner lots 0 feet minimum from other property lines and lots with common walls
Building Rear (from property line):	4 feet minimum from alley 5 feet minimum from other property lines

Duplex Dwelling Unit

Building Front (from property line):	10 feet minimum (Principal Building) 12 feet minimum (Garage perpendicular) 8 feet minimum (Garage parallel)
Building Sides (from property line):	10 feet minimum for corner lots 0 feet minimum from other property lines
Building Rear (from property line):	4 feet minimum from alley 0 feet minimum from other property lines

Townhome Dwelling Unit (including Live/Work Townhomes)

Building Front (from property line):	4 feet minimum (Principal Building) 12 feet minimum (Garage perpendicular) 8 feet minimum (Garage parallel)
Building Sides (from property line):	4 feet minimum for corner lots 0 feet minimum from other property lines and lots with common walls
Building Rear (from property line):	4 feet minimum from alley 0 feet minimum from other property lines

Patio Dwelling Unit

Building Front (from property line):	8 feet minimum (Principal Building) 10 feet minimum (Garage perpendicular) 6 feet minimum (Garage parallel)
Building Sides (from property line):	8 feet minimum for corner lots 0 feet minimum from other property lines
Building Rear (from property line):	4 feet minimum from alley 0 feet minimum from other property lines

- d. Building Separation. The minimum building separation shall be the greater of:
- i). eight (8) feet for Single Family Detached residential Buildings, ten (10) feet for Buildings containing Single Family Attached Dwelling Units and twenty (20) feet for other Principal Buildings located within THE Lands Use Parcels, or

- ii). shall be governed by the applicable building code.
- e. Building Height. No residential Buildings within THe Planning Areas shall exceed forty (40) feet or three stories in height except as approved by a Use by Special Review.
- f. Minimum Lot Sizes. The minimum lot sizes in THe residential Planning Areas shall be thirty five hundred (3500) square feet.

G. Mixed Use (MU)

1. Intent

To provide for the integration of a broad range of retail goods and services, business and professional services with Single Family, Manor Home, Townhome, and/or Multi-family residential development.

2. Uses Permitted by Right

a. Commercial

1. Convenience grocery.
2. Convenience retail shopping facilities, including but not limited to: drug stores, liquor stores, florists, book and stationery stores, hardware stores, auto supply stores, record and tape stores, and retail food specialty shops which sell food products not intended to be consumed on the premises, such as (but not limited to) butcher shops, candy stores, bakeries, doughnut shops, dairy product shops, ice cream parlors, coffee shops and delicatessens
3. Convenience service establishments, including but not limited to: barber and beauty shops, cleaners, shoe repair shops, laundries, watch or jewelry repair, and travel service.
4. Low intensity specialty goods and service establishments, including but not limited to: art gallery, antiques, artisan shops, photo studio, gift shop, plant store or nursery, pet shops, furniture store, home furnishings, newspaper office, apparel, and appliances.
5. Conventional restaurants.
6. Fast food, drive-in or carryout restaurants.
7. Electronic funds transfer facilities.
8. Photo service facilities.
9. Places of religious assembly, religious schools.
10. Medical and dental offices and clinics.
11. Business and professional offices.
12. Public and private recreational and park uses, country clubs, golf courses, recreational facilities, including but not limited to: open space, tennis courts, swimming pools and jogging, riding, hiking and biking trails.
13. Neighborhood public service, health and education facilities, such as community centers, libraries and museums.
14. Nursery schools and day/child care centers.
15. Retail food and food service establishments, including but not limited to: groceries and supermarkets, and cafeterias.
16. General retail merchandise and apparel shops, including but not limited to: junior department store; variety stores; discount department stores, clothing; accessory and specialty stores; shoe stores; furriers and fur stores; furniture stores; home furnishing stores; household appliance stores; floor covering, drapery and upholstery stores; and radio, television, stereo and video stores.
17. Personal service establishments.
18. General retail business establishments, including but not limited to: card and gift stores; tobacco shops; cosmetic store; toy and game stores; automotive tire, battery and accessory stores, garden, plant and floral shops; and bicycle stores.
19. Car care centers, gasoline service/stations, tire sales and service, car wash.
20. Commercial entertainment businesses, including but not limited to: indoor movie theaters, performance arts, bowling alleys, skating rinks (both ice and roller), pool halls, and arcade amusement centers.
21. Banks, savings and loan and other financial service establishments.
22. Public utility administrative and business offices.

23. Buildings, garages and utility stations related to emergency services, such as ambulance, fire, police and rescue.
24. Motels, Hotels, including detached guest units, restaurants, gift shops and other incidental accessory uses located within the principal building.
25. Establishments for conducting any retail commercial, wholesale commercial, or service activities, not of an industrial nature, including but not limited to: automobile and other motor vehicle sales, leasing, rental and service, building materials, carpentry and woodworking, contractor's offices, printing and publishing, radio and television offices, mortuaries and car washes.
26. Signs as permitted by the Town of Parker code.
27. Fences, hedges, and walls as permitted by the Town of Parker code.
28. Transit facilities.
29. Universities, Colleges, or higher educational type uses.
30. Any other uses consistent with the purposes of this Section and compatible with the uses set forth herein, as determined by the Planning Director.

b. Residential.

1. All those uses permitted by right within the Residential (The) Land Use category.
2. All those uses permitted within the Parks, Open Space and Golf Land Use categories.
3. Multi-family Dwelling Units.

3. Uses Permitted by Special Review

- a. All uses permitted by Special Review within the Residential (The) Land Use category.
- b. Stadiums for athletic events.
- c. Small animal veterinary clinics with no outside facilities.
- d. Utility service facilities, including but not limited to water wells, water well pump stations, storm water control facilities, and water supply reservoirs or tanks provided that no public offices, repair facilities or storage yards are located in conjunction with these facilities, major utility service facilities, including but not limited to telephone exchanges, electric substations, gas regulator stations, subject to the provisions of Section 13.04.205 of the Town of Parker Land Development Code.

4. Development Standards

- a. Floor Area Ratio. The maximum floor-area ratio for each development tract within the Mixed Use Planning Area shall be six tenths (.60) to one (1).
- b. Maximum Number of Dwelling Units. For parcels zoned Mixed Use (MU), dwelling units may be transferred at the Site Plan stage up to a maximum density of 22 Du/Ac. An increase in the number of permitted Dwelling Units within any such Planning Area may be accomplished through a transfer of Dwelling Units from any other Planning Area with an administrative minor amendment, to create an updated map of the Planned Development Master Plan and PD Development Guide.
- c. Building Setback: Non-Residential. The minimum building setback from any public street right-of-way shall be:

Non-Residential

Building Front (from property line):	4 feet minimum
Building Side (from property line):	4 feet minimum
Building Rear (from property line):	20 feet minimum

- d. Building Setback: Residential. For residential components within the Mixed Use (MU)

zoning, the building setback standards outlined in the Townhome/Patio Home (The) Land Use Category shall apply. For Multi-Family Dwelling Units, the setback shall be:

Multi-Family Dwelling Units

Building Front (from property line):	4 feet minimum
Building Sides (from property line):	4 feet minimum
Building Rear (from property line):	4 feet minimum from alley 0 feet minimum from other property lines

- e. Building Separation. The minimum building separation shall be the greater of:
 - i). ten (10) feet, or
 - ii). shall be governed by the applicable building code.
- f. Building Height. No residential Buildings within MU Planning Areas shall exceed forty (40) feet in height, except as approved by a Use by Special Review, but in no case may any Building or Structure exceed fifty (50) feet.
- g. Off-street Parking. The following off-street parking space requirements shall apply to those uses allowed within the Mixed Use Land Use area until such a time as the Town of Parker Land Development Code allows for shared parking and land banking of parking at which time the Land Development Code will prevail:
 - 1. Wherever possible within mixed use areas, the concept of shared parking will be utilized to minimize the amount of impervious surface present, and to maximize the efficiency and operation of all parking layouts.
 - 2. Land banking of parking requirements shall be permitted. Areas designed for future parking facilities may be landscaped and or hardscaped until the future need arises for the additional parking.
 - 3. Minimum one hundred (100) spaces per 18 holes of golf at clubhouse locations.

H. Parks

1. Intent

To provide for park uses which complement residential neighborhoods.

2. Uses Permitted by Right

- a. Public schools of all types and associated uses.
- b. Passive recreation uses and open space.
- c. Active recreation uses, including but limited to the following facilities: baseball diamonds, softball diamonds, soccer fields, tennis courts, volleyball courts, basketball courts, swimming pools, play apparatus, picnic areas, recreation center, and jogging, hiking and/or bicycling trails.
- d. Signs as permitted by the Town of Parker code.
- e. Fences, hedges and walls as permitted by the Town of Parker code.
- f. Community protection services and facilities, including but not limited to: police stations, fire stations, ambulance services and rescue services.

3. Uses Permitted by Special Review

- a. Stadiums for athletic events.
- b. Cultural activities and facilities, including but not limited to: libraries, museums, and performance center.
- c. Utility service facilities, including but not limited to water wells, water well pump stations, storm water control facilities, and water supply reservoirs or tanks provided that no public offices, repair facilities or storage yards are located in conjunction with these facilities, major utility service facilities, including but not limited to telephone exchanges, electric substations, gas regulator stations, subject to the provisions of Section 13.04 205 of the Town of Parker Land Development Code.
- d. Limited low intensity specialty goods and service establishment uses intended to support the concept of community park facilities including but not limited to: art gallery, artisan shops, gift shop, conventional restaurants, specialty food service, general park concessions, camps, Neighborhood public service, etc.

4. Development Standards

- a. Building Setback: Street. The minimum building setback from any public street right-of-way line shall be:

Building Front (from property line): 25 feet minimum

Building Sides (from property line): 20 feet minimum

Building Rear (from property line): 25 feet minimum

- b. Building Separation. The minimum building separation shall be the greater of:

- i). Twenty (20) feet, or
- ii). shall be governed by the applicable building code.

- c. Building Height. No Buildings shall exceed thirty-five (35) feet in height, except as approved by a Use by Special Review, but in no case may any Building or Structure exceed forty-five (45) feet.

I. Open Space (OS)

1. Intent

To provide passive open space uses which will separate, define and protect the development parcels contained within this Planned Development.

2. Uses Permitted by Right

- a. Passive recreation uses and open space.
- b. Jogging, hiking and/or bicycle trails.
- c. Signs as permitted by the Town of Parker code.
- d. Fences, hedges and walls as permitted by the Town of Parker code.

3. Uses Permitted by Special Review

- a. Active recreation uses, including but not limited to the following facilities: golf courses, country clubs, baseball diamonds, softball diamonds, soccer fields, tennis courts, volleyball courts, basketball courts, swimming pools, stadiums, play apparatus, picnic areas, and recreation centers.
- b. Utility service facilities, including but not limited to water wells, water well pump stations, storm water control facilities, and water supply reservoirs or tanks provided that no public offices, repair facilities or storage yards are located in conjunction with these facilities, major utility service facilities, including but not limited to telephone exchanges, electric substations, gas regulator stations, subject to the provisions of Section 13.04.205 of the Town of Parker Land Development Code.
- c. Recreation maintenance facilities.

4. Development Standards

- a. Building Setback: Street. The minimum building setback from any public street right-of-way line shall be:

Building Front (from property line): 25 feet minimum

Building Sides (from property line): 15 feet minimum

Building Rear (from property line): 25 feet minimum

- b. Building Separation. The minimum building separation shall be the greater of:
 - i). Twenty (20) feet, or
 - ii). shall be governed by the applicable building code.
- c. Building Height. No Buildings shall exceed thirty-five (35) feet in height.

J. Golf

1. Intent

To provide passive and active recreational open space land uses which will separate, define and protect the development parcels contained within this Planned Development.

2. Uses Permitted by Right

- a. Golf courses and country clubs.
- b. Passive recreation uses and open space.
- c. Jogging, hiking, and/or bicycle trails.
- d. Signs as permitted by the Town of Parker code.
- e. Fences, hedges and walls as permitted by the Town of Parker code.
- f. Golf and recreation maintenance and operational facilities.
- g. Golf Course Clubhouse and related recreational and commercial operations.

3. Uses Permitted by Special Review

- a. Active recreation uses, including but not limited to the following facilities: baseball diamonds, softball diamonds, soccer fields, tennis courts, volley ball courts, basketball courts, swimming pools, stadiums, play apparatus, picnic areas, and recreation centers.
- b. Utility service facilities, including but not limited to water wells, water well pump stations, storm water control facilities, and water supply reservoirs or tanks provided that no public offices, repair facilities or storage yards are located in conjunction with these facilities, major utility service facilities, including but not limited, to telephone exchanges, electric substations, gas regulator stations, subject to the provisions of Section 13.04.205 of the Town of Parker Land Development Code.
- c. Limited low intensity specialty goods and service establishment uses intended to support the concept of community recreational facilities including but not limited to. artisan shops, gift shop, conventional restaurants, specialty food service, general food concessions, etc.

4. Development Standards

- a. Building Setback: Street. The minimum building setback from any public street right-of-way line shall be:

Building Front (from property line): 25 feet minimum

Building Sides (from property line): 15 feet minimum

Building Rear (from property line): 25 feet minimum

- b. Building Separation. The minimum building separation shall be the greater of:

- i). Twenty (20) feet, or
- ii). shall be governed by the applicable building code.

- d. Building Height. No Buildings shall exceed thirty-five (35) feet in height, except as approved by a Use by Special Review, but in no case may any Building or Structure exceed forty-five (45) feet.

K. Floodplains/Stream Buffer Areas

The use of floodplains and stream buffer areas designated within this Planned Development and more specifically defined by approved final plats shall include, but not be limited to:

1. Uses Permitted by Right
 - a. All uses permitted by right within Section 13.10.220 of the Town of Parker Land Development Code.
 - b. Golf courses.
 - c. Golf and recreation maintenance and operational facilities.
2. Uses Permitted by Special Review
 - a. All uses permitted by special review within Section 13.10.220 of the Town of Parker Land Development Code.
 - b. Active recreation uses, including but not limited to the following facilities: Baseball diamonds, softball diamonds, soccer fields, tennis courts, volley ball courts, basketball courts, swimming pools, play apparatus, picnic areas, and recreation centers.
 - c. Utility service facilities, including but not limited to water wells, water well pump stations, storm water control facilities, and water supply reservoirs or tanks provided that no public offices, repair facilities or storage yards are located in conjunction with these facilities, major utility service facilities, including but not limited to telephone exchanges, electric substations, gas regulator stations, subject to the provisions of Section 13.04.205 of the Town of Parker Land Development Code.

L. All land use areas

1. The following uses shall be permitted by Special Review within all Land Use Areas:
 - a. Storage of wastewater effluent pursuant to Section 13.04.205 of the Town of Parker Land Development Code.
2. In any portion of a parcel where Zero Lot Line Dwelling Unit product is used to architecturally define a corner, special corner vision clearance standards intended to accomplish the goals of the Planned Development may be developed specifically for the intersection in concert with the Town of Parker.

IV. ENFORCEMENT AND ADMINISTRATION

A. Incorporation of Planned Development Master Plan

The plan of development for SunMarke, including the location and boundaries of Planning Areas, the circulation elements, and the densities established by this PD Development Guide, is shown upon the “SUNMARKE DEVELOPMENT PLAN”, which is hereby incorporated by reference into this PD Development Guide together with everything shown thereon and all amendments thereto.

B. Effect of Recorded Plan

The approval of the “SUNMARKE DEVELOPMENT PLAN” by the Town Council and the filing of such a Master Plan with the Town Clerk shall be deemed to be rezoning to a PD-Planned Development District of SunMarke. All future development of the property will be governed by the provisions included in the approved “SUNMARKE DEVELOPMENT PLAN” and Development Guide. Detailed Site Plans and/or subdivision Plats submitted for all or any part of the area covered by the “SUNMARKE DEVELOPMENT PLAN” and Development Guide shall conform to the approved regulations adopted as a part of the approved “SUNMARKE DEVELOPMENT PLAN” and Development Guide.



Request for Town Council Action

Date: April 15, 2019

Submitted By: Carolyn Parkinson, Planner I
John Fussa, Community Development Director

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 3.341 - First Reading**
A Bill for an Ordinance Rezoning Certain Property Within the Town of Parker, Colorado, Known as the Parker Plaza Property from C-Commercial District to Parker Plaza Shopping Center Planned Development Pursuant to the Town of Parker Land Development Code and Amending the Zoning Ordinance and Map to Conform Therewith

Department: Community Development, Carolyn Parkinson

TRAKiT No.: Z18-014

Second Reading: May 6, 2019

EXECUTIVE SUMMARY

The applicant has submitted a rezoning application to amend the zoning of the subject property from C-Commercial to Planned Development (PD). The intent of this rezoning application is to permit assembly uses with a maximum floor area of 10,000 square feet on the lower level of the building facing west only, while continuing to allow retail and service uses across the site as listed in the proposed Parker Plaza Shopping Center PD zoning. The assembly uses that would be permitted include day care and recreational facilities, membership and health clubs, instructional services/studios and places of worship. Assembly uses are currently restricted to 3,500 square feet for properties zoned C-Commercial.

The proposed rezoning application is scheduled for Planning Commission public hearing on April 25, 2018 at which a recommendation to Town Council will be made.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The subject property is located at the northwest corner of the intersection of Parker Road and Plaza Drive and is developed with an existing shopping center. The lower level of the shopping center that faces west has been occupied by a number of assembly uses since 1994 including Parker Core Knowledge Charter School and a day care facility. The lower level of the shopping center has been used for day care since Parker Core Knowledge Charter School moved to its current location on Pine Drive in 2000.

The existing shopping center contains a variety of commercial uses with retail, restaurants and services on the upper level that faces east towards Parker Road and commercial uses that don't require prime access or visibility on the lower level that faces west. The lower level currently contains a day care center, barber shop and construction office. There are also two vacant spaces that comprise approximately 15 percent of the total floor area on this level. The building design presents a challenge in attracting retail and service uses to the lower level because this area has limited access, visibility and street frontage.

After review of the rezoning application, staff finds that the lower level of the shopping center is an appropriate location for assembly uses because of the above-referenced factors. The lower level is Class B or C commercial space and the proposal to allow assembly uses with a floor area up to 10,000 square feet is an appropriate response to this problem that will permit commercial activity appropriate for marginal locations. It will also help to meet the need for space to accommodate assembly uses in Town because such space is limited.

Staff has reviewed the proposed rezoning against the nine (9) criteria set forth in the Land Development Ordinance and has determined that the proposal meets the standards as outlined in the attached Planning Commission staff report.

FINANCIAL IMPACT

None

STRATEGIC GOAL(S)



ENHANCE ECONOMIC
VITALITY



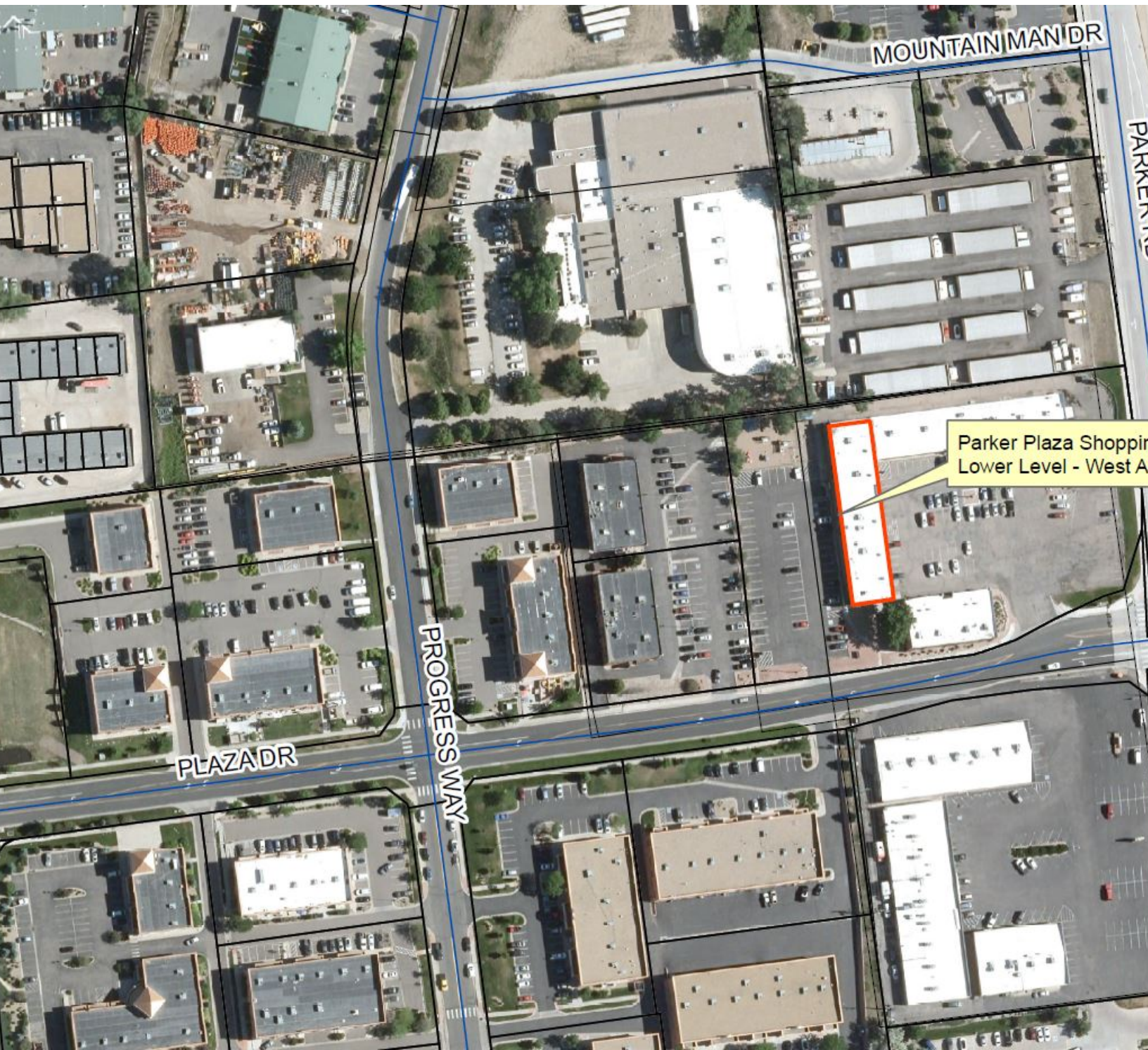
DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH

ATTACHMENTS

1. Vicinity Map
2. PC Staff Report
3. Ordinance 3.341

RECOMMENDED MOTION

I move to approve Ordinance No. 3.341 on first reading and to schedule second reading for May 6, 2019, as part of the consent agenda.





Planning Commission Staff Report

Planning Commission Date: 3/28/2019

Town Council Date: 5/6/2019

Hearing Type: Public Hearing
UNPLATTED TRACT PARKER PLAZA SHOPPING
CENTER - Rezoning
TRAKiT No.: Z18-014

Location: The property, known as Parker Plaza Shopping Center,
is an unplatted parcel located on the northwest corner
of Parker Road and Plaza Drive.

Project Planner: Carolyn Parkinson, Planner

Applicant: Tom Dermody, Cactus Moon Parker LLC

Executive Summary: The applicant is requesting a rezoning from C-Commercial
to Planned Development to remove some commercial uses
and to allow assembly uses up to 10,000 sq. ft. that will be
permitted on the lower level of the existing building only.

Staff Recommendation: Approval

RECOMMENDED MOTION

"I move the Planning Commission recommend Town Council approve the Parker Plaza Shopping Center rezoning."

ALTERNATIVE MOTIONS

"I move the Planning Commission recommend Town Council approve the Parker Plaza Shopping Center rezoning subject to the following conditions...."

"I move the Planning Commission recommend Town Council deny the Parker Plaza Shopping Center rezoning, as the request does not meet the following approval criteria:"

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

*"I move the Planning Commission vote to continue the Parker Plaza Shopping Center rezoning to
a future date."*

BACKGROUND/DISCUSSION

The intent of this rezone is to allow for retail and commercial service uses as defined in the Parker Plaza Shopping Center Planned Development Guide and to allow assembly uses up to 10,000 square feet on the lower level of the building only. Assembly uses include day care and recreational facilities, membership and health clubs, instructional services/studios and places of worship.

The intent of this ordinance is to preserve the Town's retail properties and the tax generating revenue that supports Town services. It was staff's determination during the review of the rezoning that given the building layouts orientation and poor entrance visibility, the lower level could be appropriate for assembly and other supportive uses.



I. PRIOR ACTIONS

Date	Action
5/5/1981	This property was annexed and zoned at the time of the Town's incorporation in 1981.

II. CURRENT SITE DATA

Existing Zoning	C - Commercial District
Overlay District	N/A
PD & Plan Area	N/A
Master Plan Area	Central Commercial

Site Acreage	3.054 Acres		
Subdivision	Unplatted		
Existing Use	Shopping Center - retail and commercial service uses		
Surrounding Uses			
	Master Plan Land Use	Zoning	Existing Use
North	Central Commercial	C - Commercial District	Mini Storage
South	Central Commercial	C - Commercial District	Shopping Center
East	Central Commercial	PD - Planned Development	Retail Tire Shop and Bank
West	Light Industrial	C - Commercial District	Mixed Use Commercial

III. PARKER 2035 MASTER PLAN

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

MASTER PLAN CONSISTENCY	
Master Plan Designation	Central Commercial ☒ Consistent ☐ Inconsistent
Master Plan Character Discussion	This is the commercial core of the Town. Growth should focus on core retail, services, offices, lodging, restaurants, entertainment, and to a lesser extent, higher density residential uses. Vertical mixed use is highly encouraged where appropriate.
Consistent Goals/Strategies	<u>Jobs and Economic Vitality 2.A</u> <u>Jobs and Economic Vitality 2.B</u> <u>Jobs and Economic Vitality 2.C</u>
Inconsistent Goals/Strategies	None
Staff Analysis	The subject property is located within the Central Commercial district of the Town. Due to its central location, with access to Parker Road, Dransfeldt Road and Twenty Mile Road, uses in this Character Area should include retail, services, offices, lodging, restaurants and entertainment. The site, along with the adjacent properties, provide a variety of commercial uses that benefit the residents of the Town as well as the larger clientele that utilize these main transportation corridors. Approval of this rezone is consistent with the goals and strategies of the Master Plan to encourage and support local businesses and provide the mechanism for the expansion of needed infrastructure, physical amenities, and other services. Based on this analysis, staff has determined that the request is consistent with the Parker 2035 Master Plan.

IV. DESIGN REVIEW

The subject property currently includes a variety of typical retail and service uses on the first floor with storefronts facing Parker Road. The lower level, which faces west to an associated parking lot, currently contains a day care center, a barber shop and a construction office. There are also two vacant spaces that comprise approximately 15% of the leasable space on this level. The building orientation presents a challenge to attract retail and service uses to the lower level as entrances are largely hidden from public view. However, the interrelationship between the building orientation, building placement and on-site circulation lends itself as an appropriate and compatible location for assembly uses up to 10,000 square feet.



V. ACCESS, CIRCULATION & TRAFFIC ANALYSIS

Traffic generated by this proposal is consistent with that anticipated for a commercial use. Engineering was a referral agency for this proposal as part of the application process; no traffic concerns were identified.

VI. APPROVAL CRITERIA

Title 13.04.240.f. Approval Considerations for Rezoning Requests:

1. A need exists for the proposal.

Applicant's Response

The ordinance which necessitates this request for rezoning is due to a recently enacted ordinance which makes expanding the existing use (since 1994) non-compliant. The business is thriving. The expansion will serve an additional 25 student families and necessitates an additional 6-8 hired teachers.

Staff Analysis

As a result of the unique site and building layout of this location, the lower level lease space presents a challenge in attracting retail and commercial uses.

Staff believes the expansion of assembly uses at this location will help meet the demands of a growing population for larger assembly uses without significant impact on commercial spaces that support retail tax revenue. Active assembly uses may also add to and diversify the customer base for the existing commercial uses on the upper level of the shopping center.

Based on this analysis, staff has determined that the request meets this criterion.

2. The particular parcel of ground is indeed the correct site for the proposed development.

Applicant's Response

This is not a speculative development but rather the subject property has a long history of being operated as a successful pre-school and therefore is the correct site for this expansion and rezoning. Note: The preschool has previously operated in the same location as large as 5,558 sq.ft.

Staff Analysis

This location previously housed Core Knowledge Charter School. The space has been a child care facility since the school moved to a stand-alone location elsewhere in Town. These similar uses have been successful at this location and have provided a needed service to Town residents. Staff believes this is the correct site to allow for expanded assembly uses because of the specific layout of this location.

Based on this analysis, staff has determined that the request meets this criterion.

3. There has been an error in the original zoning; or

Applicant's Response

The preschool has operated successfully since 1999, preceding the revised ordinance which changed the zoning. The original zoning proved to be adequate and appropriate.

Staff Analysis

An error has not occurred within the original zoning.

Based on this analysis, staff has determined that the request meets this criterion.

4. There have been significant changes in the area to warrant a zone change.

Applicant's Response

The area has grown around the development and as families are added to the community, naturally the demand for preschool services has increased and will continue to increase.

Staff Analysis

The growing population of Parker naturally results in an increased demand for a variety of assembly uses. The lower level of this site provides a unique opportunity to provide for those uses without significant impact on commercial spaces that support retail tax revenue.

Based on this analysis, staff has determined that the request meets this criterion.

5. Adequate circulation exists and traffic movement would not be impeded by development; and

Applicant's Response

The parking is adequate and traffic movement is well designed to accommodate this use. The existing design has functioned efficiently for several years.

Staff Analysis

Traffic generated by this proposal is consistent with that anticipated for commercial use. Traffic impacts were reviewed by engineering as a part of the referral process. No negative impacts were identified.

Based on this analysis, staff has determined that the request meets this criterion.

6. Additional municipal service costs will not be incurred which the Town is not prepared to meet.

Applicant's Response

No additional services will be required as the result of this rezoning.

Staff Analysis

The public improvements necessary to support the property and proposed uses are currently in place. No additional service needs were identified during the referral process.

Based on this analysis, staff has determined that the request meets this criterion.

7. There are minimal environmental impacts or impacts can be mitigated.

Applicant's Response

There are no environmental impacts as the result of this rezoning.

Staff Analysis

There are no physical changes proposed. Change in use will be similar to current and previous uses.

Based on this analysis, staff has determined that the request meets this criterion.

8. The proposal is consistent with the Town Master Plan, maps, goals, and policies.

Applicant's Response

I understand the Town's motivation for the ordinance which over ran this long time existing use, was to prohibit non-sales tax generating services from locating in prime retail locations. The location and orientation of this business/use has never been occupied by any sales tax generating use. Nor is the location good or appropriate for retail. The location cannot be seen or accessed from Parker Road. The highest and best use of the property is a preschool as evidence by its long history of successful operation and supported by the significant investment in the playground, parking, and premises.

Staff Analysis

As detailed in Section IV of this staff report, the proposed Planned Development zoning is consistent with the Parker 2035 Master Plan.

Based on this analysis, staff has determined that this criterion has been met.

9. There is adequate waste and sewage disposal water, schools, parks and recreation, and other services to the proportional degree necessary due to the impacts created by the proposed land uses.

Applicant's Response

There is adequate services to accommodate this rezoning. The existing play area (recreation) is adequate to meet the needs of this expansion/rezoning.

Staff Analysis

Adequate services to support the property and proposed uses are currently in place. No additional services were identified during the referral process.

Based on this analysis, staff has determined that this criterion has been met.

SUMMARY REFERRAL AGENCY COMMENTS AND CONDITIONS

Agency	Comments
Parker Engineering	No Comment
South Metro Fire & Rescue Authority	No Comment
Parker Fire Life & Safety	Expansion may necessitate an upgrade to the fire alarm system
Parker Water and Sanitation	Approved
Economic Development	Approved

Building Department	No Comment
Xcel	No Objection
IREA	No Comment
Parker Water & Sanitation	No Comment

VII. CONCLUSION

The proposed zoning will continue to allow commercial uses on the property and also allow assembly uses up to 10,000 square feet on the lower level only. The lower level, or basement of the site does not attract typical retail uses due to its orientation and lack of visibility. The site provides an opportunity to allow for expanded assembly uses to meet the demands of a growing population without significant impact on retail tax revenue. Staff has determined that the proposal meets the nine criteria for rezone and is consistent with the Parker 2035 Master Plan. Based on this information staff is recommending approval of the rezoning request.

VIII. ATTACHMENTS

1. Referral Agency Comments
2. Draft Ordinance

Report Approved By: Bryce Matthews, Planning Manager

Through: Jason Rogers, Deputy Community Development Director

Robert Ramsey Approved 4/12/2018 7:41:11 AM	Parker Water and Sanitation District 20
Donna George Public Service Company has no objection to this proposed rezone, contingent upon Public Service Company of Colorado's ability to maintain all existing rights and this amendment should not hinder our ability for future expansion, including all present and any future accommodations for natural gas transmission and electric transmission related facilities. 5/4/2018 10:03:13 AM	Public Service Company of Colorado 20
Randy Capra The expansion of the school may necessitate the upgrade of the current fire alarm notification to that of an Emergency Voice/Alarm Communication System... as required per the 2015 IFC Section 907.2.3. 12/17/2018 1:58:55 PM	FIRE LIFE SAFETY 15

ORDINANCE NO. 3.341, Series of 2019

TITLE: A BILL FOR AN ORDINANCE REZONING CERTAIN PROPERTY WITHIN THE TOWN OF PARKER, COLORADO, KNOWN AS THE PARKER PLAZA PROPERTY FROM C-COMMERCIAL DISTRICT TO PARKER PLAZA SHOPPING CENTER PLANNED DEVELOPMENT PURSUANT TO THE TOWN OF PARKER LAND DEVELOPMENT CODE AND AMENDING THE ZONING ORDINANCE AND MAP TO CONFORM THEREWITH

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, THAT:

Section 1. Findings of Fact.

a. An application was submitted for rezoning certain property described in **Exhibit A**, which is attached hereto and incorporated by this reference (the "Property") from C-Commercial to PD-Planned Development, pursuant to the Town of Parker Land Development Code.

b. Public notice has been given by publication on the Town's website at least fifteen (15) days prior to the public hearing of such zoning.

c. Written notice was sent by first class mail to all owners of property that abut the Property, at least fifteen (15) days prior to the public hearing.

d. Notice of such proposed hearing was posted on the Property for fifteen (15) days prior to said hearing.

e. The requirements contained in Section 13.04.240 of the Parker Land Development Code are satisfied for rezoning the Property to PD-Planned Development, pursuant to the Town of Parker Land Development Code.

Section 2. The Property is hereby zoned as provided in the Parker Plaza Shopping Center Planned Development (Development Guide), which is attached as **Exhibit B** and incorporated by this reference, and the Parker Plaza Shopping Center Development Plan, which is attached as **Exhibit C** and incorporated by this reference, pursuant to the Town of Parker Land Development Code.

Section 3. The Zoning Ordinance and Zoning Map are hereby amended to conform with the zoning for the Property.

Section 4. Approval of this Ordinance does not create a vested property right. Vested property rights may arise and accrue, pursuant to the provisions of Ordinance No. 3.65.1, as amended, of the Town of Parker.

Section 5. 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 immediate health, safety and welfare of the public, and that this Ordinance is necessary for the immediate 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 relationship to the proper legislative objectives 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 6. 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 7. This Ordinance shall become effective ten (10) days after final publication.

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____, 2019.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2019.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney

EXHIBIT A

Legal Description

A PART OF THE SOUTHWEST ONE QUARTER OF SECTION 15, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH ONE-QUARTER CORNER OF SAID SECTION 15;

THENCE NORTH 89° 30' WEST AND ALONG THE SOUTH LINE OF SAID SECTION 15, A DISTANCE OF 105.50 FEET TO A POINT OF INTERSECTION WITH THE WESTERLY RIGHT OF WAY LINE OF STATE HIGHWAY NUMBER 83;

THENCE NORTH 06° 51' 00" WEST AND ALONG SAID WESTERLY RIGHT OF WAY LINE 1729.88 FEET TO THE TRUE POINT OF BEGINNING;

THENCE SOUTH 83° 09' 00" WEST A DISTANCE OF 454.00 FEET;

THENCE NORTH 06° 51' 00" WEST A DISTANCE OF 340.00 FEET;

THENCE NORTH 83° 09' 00" EAST A DISTANCE OF 454.00 FEET TO A POINT OF INTERSECTION WITH SAID WESTERLY RIGHT OF WAY LINE;

THENCE SOUTH 06° 51' 00" EAST AND ALONG SAID WESTERLY RIGHT OF WAY LINE A DISTANCE OF 340.00 FEET TO THE TRUE POINT OF BEGINNING,

EXCEPT THE SOUTH 30 FEET THEREOF,

AND EXCEPT THOSE PORTIONS CONTAINED IN BOOK 853 AT PAGE 416 AND IN BOOK 873 AT PAGE 638, COUNTY OF DOUGLAS, STATE OF COLORADO.

2018

Town
of
Parker

EXHIBIT B

**[PARKER PLAZA SHOPPING CENTER
PLANNED DEVELOPMENT]**

PARKER PLAZA SHOPPING CENTER DEVELOPMENT GUIDE – April 1, 2019

GENERAL PROVISIONS:

GENERAL PROVISIONS:

I. INTENT:

To allow for areas for wholesale and service commercial uses as defined in the Uses by Right and Uses by Special Review sections of this document. Uses by right include the addition of assembly uses up to 10,000 square feet on the lower level only. Allowance of this larger assembly use is based on the unique site and building layout of this site.

II. APPLICATION:

This Development Guide shall apply to all land known as the Parker Plaza Shopping Center Planned Development and as illustrated on the Development Plan. All Section references, unless otherwise stated, shall apply to Sections in this Development Guide.

III. CONTROL:

After the adoption of this Development Guide by the Town Council of the Town of Parker, subject to the provisions of Section 13.04.230 (Non-Conforming Situations), these Development Standards in conjunction with the Town of Parker Land Development Ordinance shall control development, land use, the location and bulk of all buildings and other structures, existing and future.

IV. INCORPORATION OF DEVELOPMENT PLAN:

The Parker Plaza Shopping Center development, including the type, location and boundaries of land use areas are shown upon the “Parker Plaza Shopping Center Development Plan” (hereinafter referred to as “Development Plan”), which Development Plan is hereby incorporated by reference into this Development Guide together with everything shown thereon and all amendments thereto.

V. RELATIONSHIP TO THE TOWN OF PARKER LAND DEVELOPMENT ORDINANCE:

The provisions of this Development Guide shall prevail and govern the development of the Parker Plaza Shopping Center Planned Development provided; however, where the provisions of the Development Guide do not address a specific subject, the provisions of the Town of Parker Land Development Ordinance, as amended, or other applicable ordinances, resolutions or regulations of the Town of Parker shall prevail.

The Property Owner agrees to participate in a publicly or privately initiated rezoning application that will include the property at such time as the Town’s Land Development Ordinance modernization is approved, provided the property will be rezoned to a

comparable zone district that permits comparable uses to those uses permitted by right and the uses permitted by special review, as contained in this Development Guide.

VI. DEFINITIONS:

The definitions of the Parker Land Development Ordinance, Section 13.02.010, shall apply unless otherwise addressed herein.

Lower Level – Lower Level as defined in this PD shall be the basement level of the existing building with storefronts facing west. Should this site be redeveloped and the ‘Lower Level’ not exist, then maximum sq. ft. requirement for assembly uses set forth in Section 13.04.120(c) C-Commercial, as amended, shall apply.

VII. CONFLICTS:

Where there is more than one provision within the Development Guide that covers the same subject matter, the provision which is most restrictive or imposes higher standards or requirements shall govern unless determined otherwise by the Planning Director.

AUTHORITY

I. AUTHORITY

The authority for this PD Development Guide is Section 13.04.150 (PD-Planned Development) of the Town of Parker Land Development Ordinance.

II. ADOPTION:

The adoption of this Development Guide by ordinance shall evidence the findings and decisions of the Town of Parker Town Council that this Development Guide for the Parker Plaza Shopping Center Planned Development is authorized by the provisions of Section 13.04.150 of the Town of Parker Land Development Ordinance.

III. ENFORCEMENT:

The provisions of the Development Guide relating to the use of land shall run in favor of the Town of Parker and shall be enforceable, at law or in equity, by the Town of Parker without any limitation on any power or authority otherwise granted by law. All provisions of this Development Guide shall run in favor of the residents, occupants and owners of the land within the Parker Plaza Shopping Center Planned Development to the extent expressly provided in this Development Guide and in accordance with its terms and conditions.

PARKER PLAZA SHOPPING CENTER

I. PURPOSE:

To allow for areas for wholesale and service commercial uses as defined in the Uses by Right and Uses by Special Review sections below.

II. USES PERMITTED BY RIGHT:

The following uses are uses that are permitted by right in this Development Guide. Uses not listed as a Use by Right, but similar in character and impacts and in alignment with the purpose of this zone district may be permitted as a Use by Right as determined by the Planning Director.

- 1). Offices: general, medical, dental, professional and governmental.
- 2). Places for conducting retail, professional and personal service business activities, including the following uses:

Antique shops

Artist supplies

Auto parts stores

Bakeries—wholesale and retail

Banks including drive thru

Barbershops, beauty parlors and nail salons

Bars and lounges

Book stores

Child care centers up to 10,000 square feet are permitted on the Lower Level only.*

Clothing stores

Computer, cell phone and other electronics sales and repairs

Convenience stores; sale of gasoline shall be prohibited

Crafts and hobby shops

Drug stores

Dry cleaning

Household appliance sales

Florists

Furniture stores, no warehousing—limited storage within the principal structure

Gift shops

Grocery stores

Hardware stores

Health clubs up to ten thousand (10,000) square feet are permitted on the Lower Level only*

Indoor amusement and recreational facilities up to ten thousand (10,000) square feet are permitted on the Lower Level only*

Indoor dog training and dog grooming

Instructional services/studios up to ten thousand (10,000) square feet are permitted on the Lower Level only*

Jewelry stores

Laundries—hand and coin-operated

Membership clubs up to ten thousand (10,000) square feet are permitted on the Lower

Level only*

Microbreweries and micro-distilleries with on-site tasting room

Office supplies

Liquor stores

Paint stores

Pet shops

Restaurants and other eating establishments including drive thru

Shoe stores

Shopping centers

Sporting good and athletic equipment

Toy and game stores

3). Places of worship up to ten thousand (10,000) square feet are permitted on the Lower Level only.*

4). Public parks, playgrounds, open space and outdoor recreation areas.

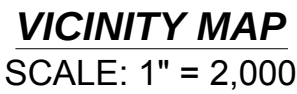
* At time of interior finish building permit for expanded assembly uses, the applicant will provide a parking analysis that establishes compliance with Town of Parker parking requirements.

III. USES PERMITTED BY SPECIAL REVIEW:

Veterinary clinics and hospitals.

IV. MINIMUM AREA AND YARD REQUIREMENTS:

As allowed within the C-Commercial District as defined in Section 13.04.120 of the Town of Parker Land Development Ordinance, as amended.



RECENT CODE REVISIONS ENACTED IN 2016 LIMITED THE USE FOR ASSEMBLY PURPOSES IN THE COMMERCIAL ZONE TO AREAS NO GREATER THAN 3500SF. THE INTENT OF THIS REZONING MAP IS TO ACCOMPANY AN APPLICATION FOR REZONING THE PROPERTY TO PLANNED DEVELOPMENT. THIS NEW ZONING WILL ACCOMMODATE THE CURRENT NEED FOR EXPANSION AS DESCRIBED IN THE "PARKER PLAZA SHOPPING CENTER, PLANNED DEVELOPMENT ZONING" GUIDE.

A PART OF THE SOUTHWEST ONE QUARTER OF SECTION 15, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THENCE NORTH 89° 30' WEST AND ALONG THE SOUTH LINE OF SAID SECTION 15, A DISTANCE OF 105.50 FEET TO A POINT OF INTERSECTION WITH THE WESTERLY RIGHT OF WAY LINE OF STATE HIGHWAY NUMBER 83;

THENCE NORTH 06° 51' 00" WEST AND ALONG SAID WESTERLY RIGHT OF WAY LINE 1729.88 FEET TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 83° 09' 00" EAST A DISTANCE OF 454.00 FEET TO A POINT OF INTERSECTION WITH SAID WESTERLY RIGHT OF WAY LINE;

THENCE SOUTH 06° 51' 00" EAST AND ALONG SAID WESTERLY RIGHT OF WAY LINE A DISTANCE OF 340.00 FEET
TO THE TRUE POINT OF BEGINNING,

AND EXCEPT THOSE PORTIONS CONTAINED IN BOOK 853 AT PAGE 416 AND IN BOOK 873 AT PAGE 638, COUNTY OF DOUGLAS, STATE OF COLORADO.

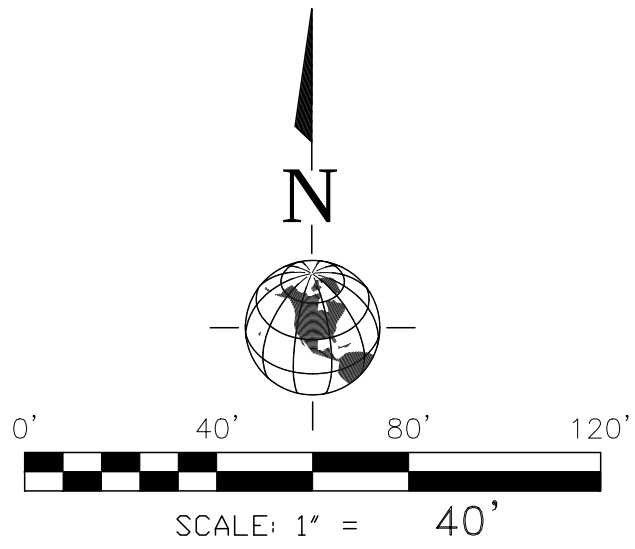
1. THIS ZONING EXHIBIT WAS PREPARED FROM THE FOLLOWING SURVEY:
AN IMPROVEMENT SURVEY PLAT FOR TOM DERMODY, BY WESTERN STATES SURVEYING, JOB NUMBER
21209-001, DATED 06/04/12;
2. BASIS OF BEARINGS: BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 83
(AKA PARKER ROAD, FROM A WITH A PLASTIC CAP STAMPED "PLS 24966" AT THE NORTHEAST CORNER OF A
PARCEL OF LAND DESCRIBED IN BOOK 1086, PAGE 421 TO A 1" BRASS TAG STAMPED "WSSI PLS 23524" AT
AN ANGLE POINT OF SAID RIGHT-OF-WAY HAVING AN ASSUMED BEARING OF SOUTH 06°31'11" EAST A
DISTANCE OF 166.07 FEET.
3. ALL REFERENCES HEREON TO BOOKS, PAGES, MAPS, AND RECEPTION NUMBERS ARE PUBLIC DOCUMENTS FILED
IN THE RECORDS OF THE COUNTY OF DOUGLAS, COLORADO AND WERE SUPPLIED BY THE CLIENT OR CLIENTS'
TITLE COMPANY.
4. THE SITE IS WITHIN ZONE X: AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN; AS
DETERMINED BY GRAPHIC INTERPRETATION. FLOODPLAIN INFORMATION WAS OBTAINED FROM F.E.M.A.
FLOODPLAIN, AS DETERMINED BY THE FLOOD INSURANCE RATE MAP FOR DOUGLAS COUNTY, COLORADO, MAP
NUMBER 08035C0069F, EFFECTIVE DATE SEPTEMBER 30, 2005.

AREA: 3.058 ACRES
EXISTING ZONING: COMMERCIAL
PROPOSED ZONING: PLANNED DEVELOPMENT

TOM DERMODY
CACTUS MOON PARKER, LLC
3841 COLORFUL LANE
CASTLE ROCK, COLORADO 80109
PH: (719) 930-5119

ROCKY MOUNTAIN MERIDIAN INC.
19600 EAST PARKER SQUARE DRIVE
SUITE 200
PARKER, COLORADO 80134

PH: (303) 481-8567



DATE PREPARED: NOVEMBER 26, 2018

RM
MERIDIAN INC.

19600 E PARKER SQ DR, SUITE 200 PARKER, CO 80134
www.rmmeridian.com O: 303-481-8567 F: 303-481-8576

PROJ. NO: 18660 DRAWN BY: CJB

**PARKER PLAZA SHOPPING
CENTER DEVELOPMENT PLAN**
NE $\frac{1}{4}$ OF THE SW $\frac{1}{4}$ OF SEC. 15,
T 6 S, R 66 W OF THE 6TH P. M.,
TOWN OF PARKER,
COUNTY OF DOUGLAS,
STATE OF COLORADO

SURVEY DATE / ACTION	
ORIGINAL ISSUE	11/26/2019
CHANGED FROM	1/28/2019
MODIFIED COMMERCIAL TO PLANNED DEVELOPMENT	



Request for Town Council Action

Date: April 15, 2019

Submitted By: Kristin Schledorn, Deputy Town Attorney

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 5.28.24 - First Reading**
A Bill for an Ordinance to Amend Section 8.08.010 of the
Parker Municipal Code to Allow the Public Consumption of
Alcohol in Designated Public Places Within the Town of
Parker

Department: Town Attorney, Kristin Schledorn
Second Reading: May 6, 2019

EXECUTIVE SUMMARY

This ordinance amends Section 8.08.010, Possession of alcohol in public places, to allow the possession or consumption of alcoholic beverages on park lands that will be designated by separate Town Council resolution.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

SB-18-243 allows municipalities and counties to authorize the consumption of alcoholic beverages in any public place, other than a public right-of-way. This ordinance amends Section 8.08.010, Possession of alcohol in public places, to allow the possession or consumption of alcoholic beverages on park lands that will be designated by separate Town Council resolution. At the May 6, 2019, Town Council meeting, staff will also present a resolution designating Discovery Park, subject to specified conditions (such as limited hours).

FINANCIAL IMPACT

Minimal fiscal impact for additional park signage.

STRATEGIC GOAL(S)



SUPPORT AN
ACTIVE COMMUNITY



FOSTER COMMUNITY
CREATIVITY AND
ENGAGEMENT

ATTACHMENTS

1. Ordinance No. 5.28.24

RECOMMENDED MOTION

I move to approve Ordinance No. 5.28.24 on first reading and to schedule second reading on May 6, 2019, as part of the consent agenda.

ORDINANCE NO. 5.28.24, Series of 2019

TITLE: A BILL FOR AN ORDINANCE TO AMEND SECTION 8.08.010 OF THE PARKER MUNICIPAL CODE TO ALLOW THE PUBLIC CONSUMPTION OF ALCOHOL IN DESIGNATED PUBLIC PLACES WITHIN THE TOWN OF PARKER

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

Section 1. 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 44-3-901(10)(c), C.R.S.; or (3) be in possession or consume any fermented malt beverage, or any malt, vinous or spirituous liquor, in conformance with, and pursuant to the terms of, any resolution adopted by the Town authorizing the consumption of alcoholic beverages on designated park lands.

* * *

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 _____,
2019.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2019.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney



Request for Town Council Action

Date: April 15, 2019

Submitted By: Kristin Schledorn, Deputy Town Attorney

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 12.03.5 - First Reading**
A Bill for an Ordinance to Amend Section 12.02.200 of the Parker Municipal Code to Allow the Public Consumption of Alcohol in Designated Public Places Within the Town of Parker

Department: Town Attorney, Kristin Schledorn
Second Reading: May 6, 2019

EXECUTIVE SUMMARY

This ordinance amends Section 12.02.200, Alcohol, to allow the possession or consumption of alcoholic beverages on park lands that will be designated by separate Town Council resolution.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

SB 18-243 allows municipalities and counties to authorize the consumption of alcoholic beverages in any public place, other than a public right-of-way. This ordinance amends Section 12.02.200, Alcohol, to allow the possession or consumption of alcohol on park lands designated by separate Town Council resolution. At the May 6, 2019, Town Council meeting, staff will also present a resolution designating Discovery Park, subject to specified conditions (such as limited hours).

FINANCIAL IMPACT

Minimal fiscal impact for additional park signage.

STRATEGIC GOAL(S)



SUPPORT AN
ACTIVE COMMUNITY



FOSTER COMMUNITY
CREATIVITY AND
ENGAGEMENT

ATTACHMENTS

1. Ordinance No. 12.03.5

RECOMMENDED MOTION

I move to approve Ordinance No. 12.03.5 on first reading and to schedule second reading on May 6, 2019, as part of the consent agenda.

ORDINANCE NO. 12.03.5, Series of 2019

TITLE: A BILL FOR AN ORDINANCE TO AMEND SECTION 12.02.200 OF THE PARKER MUNICIPAL CODE TO ALLOW THE PUBLIC CONSUMPTION OF ALCOHOL IN DESIGNATED PUBLIC PLACES WITHIN THE TOWN OF PARKER

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

Section 1. Section 12.02.200 of the Parker Municipal Code is amended to read as follows:

12.02.200 Alcohol.

It is unlawful for any person to possess or consume alcohol beverages on park lands, except (a) in compliance with a special permit issued by the Town; or (b) in compliance with a resolution adopted by the Town authorizing the consumption of alcoholic beverages on designated park lands.

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 _____, 2019.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2019.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney



Request for Town Council Action

Date: April 15, 2019

Submitted By: Jason Rogers, Deputy Community Development Director

Reviewed By: Michelle Kivela, Town Administrator

Title: **RESOLUTION NO. 19-022**
A Resolution Directing Town of Parker Staff to Commence a Process with the Parker Authority For Reinvestment ("PAR") to Identify Public Improvements Including Streets, Roads, and Other Improvements Within the Town's Three Urban Renewal Areas to be Funded, in Whole or in Part, with Urban Renewal Bonds

Department: Community Development, Jason Rogers

EXECUTIVE SUMMARY

This resolution directs Town staff to work with PAR to identify those public improvements within the Town's three urban renewal areas that may be financed by a future PAR bond issue, and to work with PAR to develop a strategy for issuing indebtedness under the Urban Renewal Law.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

PAR staff has been working on the development of a Capital Improvement Program that would identify four basic categories of capital improvements within the Town's urban renewal areas: Infrastructure, Parking, Placemaking, and Special Projects. This Resolution directs Town staff to work with PAR to identify those public improvements that would best remediate blight and prevent the spread of blight within the Town's urban renewal plan areas. Such public improvements could then be financed, in whole or in part, by property tax increment (TIF).

Ultimately, following the cooperative process of identifying and prioritizing public improvements that best serve to remediate blight under the Urban Renewal Law, PAR would seek to incur indebtedness to pay for those public improvements, secured by TIF, likely as part

of the 2020 budget process.

FINANCIAL IMPACT

None at this time.

STRATEGIC GOAL(S)

DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH



ENHANCE ECONOMIC
VITALITY



INNOVATE WITH
COLLABORATIVE
GOVERNANCE

ATTACHMENTS

1. Resolution No. 19-022

RECOMMENDED MOTION

I move to approve Resolution No. 19-022, as part of the consent agenda.

RESOLUTION NO. 19-022, Series of 2019

TITLE: A RESOLUTION DIRECTING TOWN OF PARKER STAFF TO COMMENCE A PROCESS WITH THE PARKER AUTHORITY FOR REINVESTMENT ("PAR") TO IDENTIFY PUBLIC IMPROVEMENTS INCLUDING STREETS, ROADS, AND OTHER IMPROVEMENTS WITHIN THE TOWN'S THREE URBAN RENEWAL AREAS TO BE FUNDED, IN WHOLE OR IN PART, WITH URBAN RENEWAL BONDS

WHEREAS, the Town is a home rule municipality and municipal corporation duly organized and existing under and pursuant to Article XX of the Colorado Constitution and the Town of Parker Home Rule Charter;

WHEREAS, the Town has previously created the Parker Authority for Reinvestment ("PAR"), pursuant to the Colorado Urban Renewal Law, C.R.S. § 31-25-101, *et seq.* (the "Act"), and has further adopted the Parker Central Area Reinvestment Plan, as amended, the Amended and Restated Cottonwood Commercial Area Urban Renewal Plan, as amended, and the Parker Road Area Urban Renewal Plan, as amended (collectively, the "Town Urban Renewal Plans") all of which provide for the construction of public improvements, such public improvements specifically identified as authorized undertakings and activities of PAR under each of the three Town Urban Renewal Plans;

WHEREAS, the Town Council is aware of PAR's development of a Capital Improvement Program intended to be a tool in assisting in the implementation of the Town's Urban Renewal Plans as it relates to infrastructure, parking, and placemaking; and

WHEREAS, the Town Council seeks to work cooperatively with PAR to identify those public improvements that best serve to remediate blight and prevent the spread of blight within the Town's urban renewal areas to be funded in whole or in part by indebtedness incurred by PAR, pursuant to C.R.S. § 31-25-109 of the Act, such indebtedness to be secured by property tax increment received pursuant to C.R.S. § 31-25-107(9).

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, AS FOLLOWS:

Section 1. Town Council hereby directs Town staff to work cooperatively with PAR to determine those public improvements already authorized by the Town Urban Renewal Plans which best remediate blight and prevent the spread of blight within the Town's urban renewal plan areas, and to develop a strategy for issuing indebtedness, pursuant to C.R.S. § 31-25-109, to pay for such public improvements secured by property tax increment received by PAR, pursuant to C.R.S. § 31-25-107(9).

RESOLVED AND PASSED this ____ day of _____, 2019.

TOWN OF PARKER, COLORADO

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk



Request for Town Council Action

Date: April 15, 2019
Submitted By: Danny Smith, Streets Manager
Reviewed By: Michelle Kivela, Town Administrator
Title: 2019 Townwide Concrete Replacement Program (CIP 19-006)

Amount: \$1,065,381.50
Contractor: Stone and Concrete, Inc.
Department: Engineering/Public Works, Danny Smith

EXECUTIVE SUMMARY

This item is to award a trade contractor agreement with Stone and Concrete, Inc., for the 2019 Townwide Concrete Replacement Program (CIP19-0006) in the amount of \$1,065,381.50. The Town of Parker needs to maintain, update and enhance the roadway network through annual maintenance programs.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The Town of Parker publicly opened competitive bids on March 26, 2019, for the 2019 Townwide Concrete Replacement Program (CIP 19-006). This program includes removing and replacing concrete roadway and sidewalk infrastructure on Town arterials and collectors such as Hilltop Road, Dransfeldt Road, Twenty Mile Road, and Mainstreet. The updating of curb ramps and pedestrian crossings will also be incorporated within the limits of this program. Included with the project is work for the Parks and Recreation Department at several Town owned parks and trails. A sidewalk gap on Twenty Mile Road will be eliminated with this project as well.

The Town of Parker received five (5) sealed bids from contractors, with Stone and Concrete, Inc., being the lowest responsible bidder. While the Town has not worked with Stone & Concrete in the past, staff has checked their references. Based on these reference checks and additional review with the contractor, staff recommends moving forward with this contract award. The bids were as follows:

- 1) Stone and Concrete, Inc- \$1,065,381.50
- 2) Silva Construction, Inc - \$1,221,987.06
- 3) Concrete Express, Inc dba CEI- \$1,339,804.90
- 4) Noraa concrete Construction Corp - \$1,453,957.75
- 5) Chato's Concrete, LLC - \$1,478,843.75

Engineer's Estimate - \$1,420,000.00

FINANCIAL IMPACT

Funding for this program has been appropriated in the Public Works/Streets Division repair and maintenance (R&M) accounts.

STRATEGIC GOAL(S)



PROMOTE A SAFE AND
HEALTHY COMMUNITY

ATTACHMENTS

None

RECOMMENDED MOTION

I move to approve the staff recommendation as part of the consent agenda.



Request for Town Council Action

Date: April 15, 2019
Submitted By: Chris Hudson, Public Works Manager
Reviewed By: Michelle Kivela, Town Administrator
Title: **Hess Road - Country Meadows Commercial Traffic Signal (CIP 19-007)**

Amount: \$294,903.56
Contractor: TAT Construction
Department: Engineering/Public Works, Chris Hudson

EXECUTIVE SUMMARY

Award of a trade contractor agreement with TAT Construction for the Hess Road - Country Meadows Commercial traffic signal (CIP 19-007) for \$294,903.56.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

Engineering/Public Works staff engaged a consultant to complete a traffic signal warrant analysis of Hess Road and Country Meadows commercial access intersection in late 2018 based upon the Manual on Uniform Traffic Control Devices. The results of this study showed that due to recent development of the Country Meadows commercial area north of Hess Road, the intersection meets minimum requirements for the installation of a traffic signal. This location was identified for potential signalization previously and partial funding for the construction was provided by the Country Meadows commercial development. In addition, future use conduits were installed with the Hess Road capital improvement project in 2008 to aid with the planned future installation.

The Town issued a "Notice to Bidders" for proposals for the Hess Road - Country Meadows commercial area traffic signal (CIP 19-007) on February 28, 2019, with the proposals (bids) publicly opened on March 27, 2019. The project consists of the installation of a mast arm traffic signal at the Hess Road and Country Meadows commercial access that is located west of the Parker Road/Hess Road intersection. The Town received bids from six (6) contractors with TAT

Construction being the lowest responsible bidder. TAT Construction successfully completed a traffic signal as a subcontractor on the Jordan Road widening project in 2018 and is currently under contract for lighting upgrades on Parker Square Drive. Therefore, staff recommends awarding this contract to TAT Construction. The bid results were as follows:

TAT Construction - \$294,903.56
Paonia - \$296,421.96
WL Contractors - \$311,980.00.00
Interface Communications - \$319,847.00
Sturgeon Electric - \$362,228.00
Technology Constructor - \$391,692
Engineer's Estimate - \$324,000

FINANCIAL IMPACT

Funding for this project is part of the approved 2019 Capital Improvement Fund. The Town will assume the long-term maintenance of the traffic signal. The Town currently has Traffic Services staff to maintain the traffic signal but will require additional annual funding for maintenance supplies and operation costs.

STRATEGIC GOAL(S)



ENHANCE ECONOMIC
VITALITY



PROMOTE A SAFE AND
HEALTHY COMMUNITY



DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH

ATTACHMENTS

None

RECOMMENDED MOTION

I move to approve the staff recommendation, as a part of the consent agenda.



Request for Town Council Action

Date: April 15, 2019
Submitted By: Dave Aden, Traffic Engineer
Reviewed By: Michelle Kivela, Town Administrator
Title: **2019 Townwide Pavement Markings - Crosswalk/Symbols Project (CIP 19-012)**

Amount: \$149,794.00
Contractor: American Striping
Department: Engineering/Public Works, Dave Aden

EXECUTIVE SUMMARY

This item is to award a trade contractor agreement with American Striping, for the 2019 Townwide Pavement Markings - Crosswalk/Symbols project (CIP19-012) for \$149,794.00. The Town of Parker needs to maintain and enhance the roadway pavement markings through annual maintenance projects.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

On an annual basis, the Town of Parker updates/replaces the crosswalk and symbols pavement markings on those streets that show the most wear. The Town's crosswalk and symbols pavement markings inventory includes, but is not limited to, crosswalk bars, lane use arrows and bike symbols. These pavement markings require annual maintenance to ensure their quality and retro-reflectivity due to damage from vehicle tire wear and environmental damage (sun and weather).

The Town specifies thermoplastic and plastic pavement marking materials for crosswalks and symbols due to its superior durability over paint. Installation requires specialty equipment the Town does not possess due to the high capital expense. Therefore, the Town bids this work through qualified area contractors.

Staff identified the roadway segments that required this maintenance and estimated the areas requiring maintenance. These quantities were used as a basis for the public bid process.

The Town publicly opened bids on April 2, 2019. Four (4) contractors submitted bids with American Striping being the lowest responsible bidder at \$149,794.00. American Striping has completed prior projects for the Town with satisfactory results. Therefore, staff recommends award of this contract.

The bids the Town received were as follows:

American Striping - \$149,794.00
Colorado Barricade - \$156,333.60
Kolbe Striping - \$160,500.00
RoadSafe Traffic - \$172,560.00
Engineer's Estimate - \$160,000

FINANCIAL IMPACT

Funding for the annual striping contract is part of the approved 2019 Budget under Traffic Services in the general fund (101-4312).

STRATEGIC GOAL(S)



PROMOTE A SAFE AND
HEALTHY COMMUNITY



DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH

ATTACHMENTS

None

RECOMMENDED MOTION

I move to approve the staff recommendation, as a part of the consent agenda.



Town Administrator's Report

Spring 2019



PARKER
C O L O R A D O

Town of Parker
20120 E. Mainstreet
Parker, CO 80138

Tel: 303.841.0353
Fax: 303.805.3153
townadministrator@parkeronline.org



Communications

Department Updates

- The Communications Department hosted a Town of Parker Volunteer Open House on April 2 at the Parker Fieldhouse. Representatives from various departments were on hand to answer questions and provide more details about individual volunteer opportunities available with the Town. The event featured a great turnout, as more than 75 individuals stopped by to learn more about how they can give back to the Parker community.
- Public outreach for the Town's 2019 road construction and maintenance projects has been gearing up in recent weeks. Among the projects that the Communications staff has been helping to publicize are the Townwide

Resurfacing Program (Jordan Road, Pine Drive and Mainstreet), Reconstruction Program (Stroh Road), Slurry and Chip Seal Program (various locations) and Concrete Maintenance Program (various locations). Other capital improvement projects that have been publicized include the Schoolhouse Plaza and Parking Lot Renovation Project and Motsenbocker Road Widening Project. Additionally, staff is preparing to assist the City of Lone Tree with communication efforts surrounding the upcoming widening of Ridgeway Parkway, which will impact Parker-area residents and commuters.

Made in Parker Sponsorship

A new sponsorship opportunity has been launched that is geared toward locally owned, non-franchised businesses. The new Made in Parker Sponsorship allows these businesses to be represented at each of the Town's four major community events: Parker's Bike to Work Day Breakfast Station, the Parker Stars and Stripes Celebration, Mayor's Holiday Lighting and the Christmas Carriage Parade. This \$500 sponsorship



package (\$125 per event) includes business recognition as a Made in Parker Sponsor on the Town's social media platforms, a listing on all four event websites, inclusion on all sponsor-related mentions in event press releases and email blasts, plus a business logo on signage at each event. More than 10 local businesses expressed interest in participating in the first week following the announcement of the new program.

Recreation Marketing



New Mobile App

The Parker Parks and Recreation mobile app was recently re-vamped. The updated app provides quick access to important information: real-time group fitness schedules, pool schedules, calendar events, interactive maps and trails, Day Camp updates, facility information and more. Visit www.ParkerRec.com/MobileApp for download links, or search "ParkerRec.com" on either Google Play or the Apple App Store.



Summer Activity Brochure

In late March, the Summer Recreation Activity Brochure was direct mailed to more than 39,000 homes and businesses in the 80134 and 80138 zip codes. The guide is also available online at www.ParkerRec.com/RecreationBrochure.

Communications - con't

1st Quarter Digital Marketing Report

Social Media

The following statistics were collected from the Town of Parker's and Parker Parks and Recreation's Facebook, Twitter and Instagram accounts between Jan. 1 and March 31.

Account Followers

Town Facebook: 14,337 to 14,808; +3%
Town Twitter: 3,615 to 3,746; +4%
Town Instagram: 2,085 to 2,479; +19%
Parks and Recreation Facebook: 6,712 to 6,871; +2%
Parks and Recreation Twitter: 1,718 to 1,774; +3%
Parks and Recreation Instagram: 1,194 to 1,317; +10%

Post Engagement

(number of likes, comments, shares, link clicks)

Town Social Media Accounts: 65,340
Parks and Recreation Social Media Accounts: 13,585

Post Impressions (number of views)

Town Social Media Accounts: 867,610
Parks and Recreation Social Media Accounts: 251,446

Follow Us

Follow the Town of Parker (@TownofParkerCO) and Parker Parks and Recreation (@ParkerRec) with the same username on each platform.

Website Statistics

The following statistics demonstrate activity for the Town of Parker (www.ParkerOnline.org) and Parker Parks and Recreation (www.ParkerRec.com) website between Jan. 1 and March 31.

Website Visits

Town of Parker: 75,552
Parks and Recreation: 96,354

Page Views

Town of Parker: 127,969
Parks and Recreation: 196,888



34,774 impressions; 1,023 reactions, comments and shares

100 Things to Do in Parker in 2019: Splash, skate, celebrate; groove, roll and stroll — the Town of Parker is Your Kind of Place to live it up all year long.



20,575 impressions; 2,825 reactions, comments and shares

Douglas County is the healthiest community in the nation according to the 2019 Healthiest Communities rankings released by the U.S. News & World Report!



9,912 impressions; 695 reactions, comments and shares

Parker Parks and Recreation's Love 'em or Leave 'em Valentine's Day 5K/10K is on Sat., Feb. 9 and pre-registration closes at noon on Wed., Feb. 6.



3,764 impressions; 428 reactions, comments and shares

We'd like to think we're getting better with age. Parker Recreation Center | 2009 - 2019. Who remembers? #10YearChallenge



Town Instagram: 144 likes
Snow Day!



Parks and Recreation Instagram: 104 likes
We got all gussied up for the Therapeutic Recreation Winter Formal. Limos, dancing and friends, it doesn't get any better than that!



Community Development

Building Division Statistics - 1st Quarter 2019

Single-Family Permits: 117 \$39,681,931 Q1 valuation ----- 117 total in 2019 \$39,681,931 total valuation ----- 91 / \$33,219,616 End Q1 2018	Commercial Permits (Remodel): 178 \$6,798,272 Q1 valuation ----- 178 total in 2019 \$6,798,272 total valuation ----- 197 / \$4,202,929 End Q1 2018
Multi-Family Permits: 10 \$2,401,810 Q1 valuation ----- 0 apartment buildings in 2019 0 apartment units 10 townhome units \$2,401,810 total valuation ----- 16 / \$28,094,893 End Q1 2018	Other Permits: 451 \$2,535,337 Q1 valuation ----- 451 total in 2011 \$2,535,337 total valuation ----- 456 / \$2,258,256 End Q1 2018
Commercial Permits (New): 13 \$10,568,364 Q1 valuation ----- 13 total in 2019 \$10,568,364 total valuation ----- 7 / \$2,634,268 End Q1 2018	Total Permits: 769 \$61,985,714 Q1 valuation ----- 769 total in 2019 \$61,985,714 total valuation ----- 767 / \$70,409,962 End Q1 2018
	Inspections: 7,917 in Q4 ----- 7,917 total in 2019 10,224 End Q1 2018

Comprehensive Planning

Land Development Ordinance – Modernization Project

This project, which will update and modernize the current Land Development Ordinance (also known as the Land Development Code) is well under way! Clarion Associates, a national land use planning firm, was hired to assist this project.

- The goals of the LDO Modernization include:
- Implement the Parker 2035 Master Plan for Parker's character and reinforce Parker's character and vision into the future
 - Establish user-friendly regulations that are transparent, incorporate best practices and reflect modern zoning principles
 - Enhance the minimum required development quality in Parker
 - Make development approvals more predictable and transparent
 - Streamline the Town resources needed to administer the LDO
 - Clarify what is expected of property developers and owners

Staff and Clarion are currently working on Phase 1 of a two-phase process. Phase 1 includes stakeholder and public outreach, analysis and diagnostic reporting of the current LDO. Outreach has been completed and staff is reviewing drafts of the Diagnostic Report and Annotated Outline. To see a conceptual simulation of the Mainstreet/Parker Road intersection and for more information, visit the project website at www.ParkerOnline.org/LDO.

Parker Road Corridor Plan Update

The Parker Road Corridor Plan project is nearing completion! Local consultant Kimley-Horn continues to work with Community Development staff refining the first draft sections of the Plan. Once the full Plan is assembled, staff will provide the draft on the project website for public viewing and comment. The project is slated for completion in the third quarter of 2019. For more information, visit www.ParkerOnline.org/ParkerRoadCorridorPlan.

Development Design Standards Project Update – Reaching the Finish Line

Community Development continues work on a major update of the Town's 1999 Commercial, Industrial and Multi-Family Design Standards document. The project was organized into two components: 1. Multi-Family Design Standards, which was completed in the Fall of 2018 and recently adopted; and 2. Commercial, Industrial and Mixed Use (CIMU) Design Standards. A final draft of the CIMU is near completion and once complete will be made available for public review. View www.ParkerOnline.org/DevelopmentDesignStandards for more information.

Community Development - con't

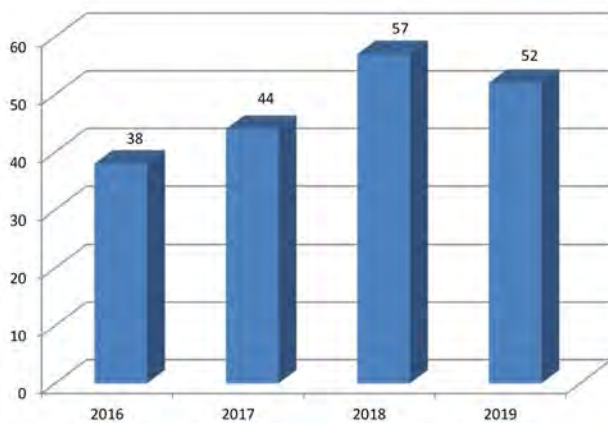
Development Review - Project Updates

Development Projects of Interest - Under Review

See the Development Tour Map at www.ParkerOnline.org/Development for information on all projects in Town.

Project Description	Project Type
Cherrywood Commercial AMD3 L5 - Multi-Tenant Retail Building * SE of E-470 and Jordan Rd * 11,021 sq. ft. multi-tenant retail building	Site Plan
Compark Village Filing No. 4 Amendment 1 * S of Compark Blvd west of Chambers Rd * 334,000 sq. ft. of flex office/light industrial space in four buildings	Minor Development Plat, Preliminary Site Plan
Parker Auto Plaza Filing 1 Amendment 2 Multi-Lot Commercial * SW corner of Parker Rd and Pine Ln * Multi-lot pad development for commercial uses	Preliminary Site Plan, Replat
Chambers High Point * SW corner of Chambers Rd and E-470 * 3 lots for future multifamily residential and commercial development, including design for the future Belford Ave	Minor Development Plat
Crown Point Filing 1, Amendment 18 * Parker Adventist Campus SE of Parker Rd and Crown Crest Blvd * 115,333 square foot medical office building	Site Plan
Unplatted - Redevelopment of Vacant Gas Station * SW corner of Parker Rd and Mainstreet * 3,470 sq. ft. bank with a drive through	Site Plan, Minor Development Plat, Use by Special Review
Sunmarke Filing 1 * N of French Creek Ave between Motsenbocker Rd and Ventana St * 125 single family detached and 84 paired home lots	Sketch Plan, Preliminary Plan, Zoning
Cottonwood Highlands F4 AMD2 and F5 AMD2 * S of Cottonwood Dr between Jordan Rd and Chambers Rd * 238 new paired home lots	Sketch Plan
Challenger Park PD Zoning Amendment 2 * E of Jordan Rd between Wintergreen Pkwy and Recreation Dr * Zoning amendment to allow for a private K-8 school	Zoning
Hess Ranch * SW of Crowfoot Valley Rd and Stroh Rd * Infrastructure and rough grading for the first phase of Hess Ranch	Sketch Plan, Preliminary Plan, Final Plat, Zoning Amendment

Development Review Submittals* - 1st Quarter



Completed Year-End Projection

Development Review Submittals* - Year Total



* Annexation, Site Plan, Subdivision and Zoning

Community Development - con't

Major Administrative Approvals - 1st Quarter 2019

<i>Proposal</i>	<i>Applicant</i>	<i>Approval Date</i>
Cherrywood Commercial <i>* SE of E-470 and Jordan Rd</i> <i>* New 4,854 sq. ft. dental office</i>	K & T Properties	Jan. 7
Parker Valley Center - Target <i>* NW of Twenty Mile Rd and Dransfeldt Rd</i> <i>* Façade changes</i>	Target	Jan. 2
Parker Square - Gator Lounge <i>* SE of Parker Rd and Parker Square Dr</i> <i>* 4,718 sq. ft. restaurant</i>	Gene Gregory	Jan. 23
Global Village Charter School <i>* NW corner of Twenty Mile Rd and Poderosa Dr</i> <i>* Addition of modular classrooms</i>	Global Village Academy Charter School	Feb. 27
Legend High School <i>* NE corner of Hilltop Rd and Canterbury Pkwy</i> <i>* Athletic field replacement</i>	Douglas County School District	Feb. 1
Country Meadows Discount Tire <i>* Northwest corner of Hess Rd and Parker Rd</i> <i>* New commercial</i>	Discount Tire	March 6
Dutch Brothers Coffee <i>* SW corner of Parker Rd and Mountain Man Dr</i> <i>* New commercial</i>	Dutch Brothers Coffee	March 18
Twenty Mile Village Office and Retail <i>* N of Mainstreet between Twenty Mile Rd and Dransfeldt Rd</i> <i>* Two-story office and retail building</i>	Front Range Advisors LLC	March 18
Meadowlark Subdivision Filing No. 1 Final Plat <i>* South of Crowfoot Valley Rd, Stroh Rd and Lemon Gulch</i> <i>* 46 single-family home sites</i>	Meritage Homes	March 11



See the Development Tour Map at www.ParkerOnline.org/ Development for information on all projects in Town.

* Annexation, Site Plan, Subdivision and Zoning



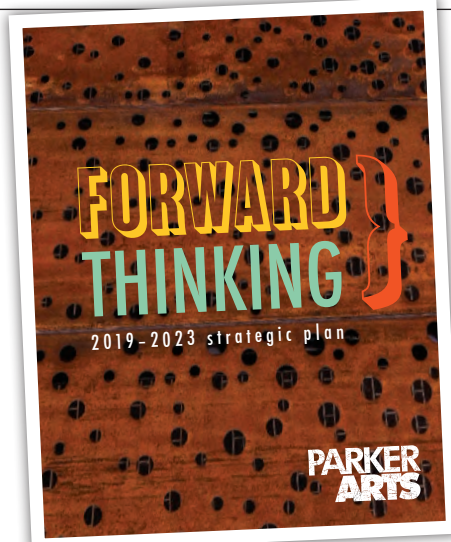
Cultural Department

Education

- Parker Arts' third annual Portfolio Day took place on Feb. 22 at the PACE Center, bringing in 55 students from five high schools to have their art portfolios reviewed by industry professionals and higher education professors. Students attended workshops and then exhibited artwork for the Bright Futures Student Art Exhibition during the month of March in the PACE Center Gallery. Several students won awards, thanks to the program's sponsor, Cardel Homes. Additionally, six students sold their artwork to members of the public.
- Over 130 students celebrated Shakespeare with the third annual Parker Arts Shakespeare Festival on March 27 at the PACE Center. Students from 15 Douglas County middle and high schools competed for the Bard's Prize Trophy, attended workshops and enjoyed a performance from Denver Center for Performing Arts' Shakespeare in the Parking Lot program.

Performances

- In the first quarter of 2019, virtual sell-outs (over 95% capacity) were recorded for: Family Discovery Series: Big Bubble Circus, Disney's NEWSIES: The Musical, Howie Mandel, Friday Night Jazz: Ella and the Great Ladies of Song, The Nitty Gritty Dirt Band, Howard Jones, and Friday Night Jazz: A Latin Happening.



Strategic Plan Update

- Parker Arts finalized its 2019-2023 Cultural Strategic Plan (pictured above) at the end of 2018 and has now begun to implement several of the short-term initiatives identified as priorities. Two of those initiatives are:
 - * Staff developed a rubric to assess the success of all shows and classes and has started using this evaluation method in many aspects of business to evaluate the viability of all programs and events that are being considered.
 - * An informal evaluation showed that the economic impact of Parker Arts on the community was over \$10 million in 2017. A more formal study is planned in the future.

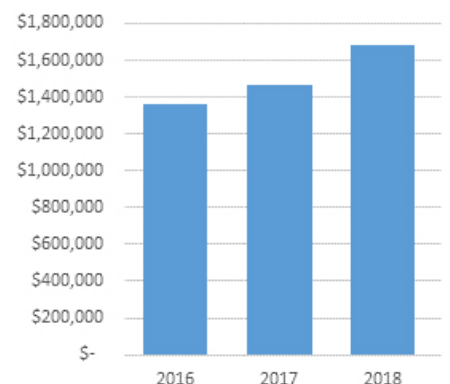
Development

- On March 29, the Cultural Department held a new event called "Sing Loud," a dueling piano fundraiser for Parker Arts. The funds were earmarked to refinish the dance floor at the PACE Center. Due to this event, Artistic Floors by Design came forward and said they would offer their services to complete the project at no cost to us. Because of that generous offer, the funds will now go towards supporting our Student Matinee Series and education.
- We welcomed a new sponsor, Community Banks of Colorado, which will be our Summer Concert Series Sponsor for 2019.

Facility Rentals

- The PACE Center hosted a group from the Front Range Government Cultural Directors in the first quarter.
- Colorado Skating Club had their banquet at PACE for the fourth straight year.
- The Metro Mayor's Caucus was held at PACE in January with approximately 50 mayors attending.

2018 Final Ticket Revenue

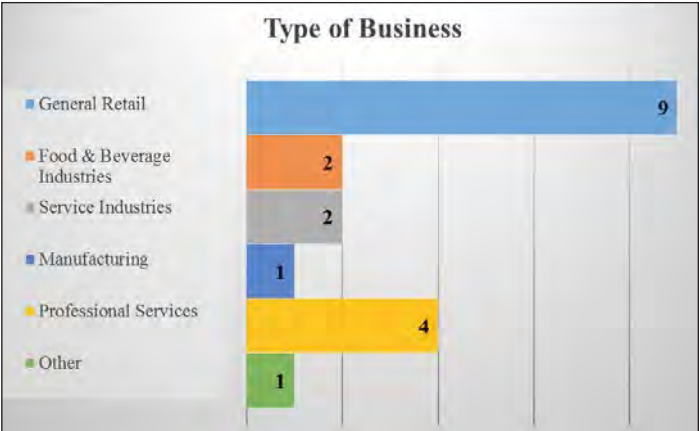




Economic Development

Business Retention Visits

- Completed 19 visits in Quarter 1
- Sales performance and profitability trends continue to increase for most companies
- Businesses continue to struggle to find employees in trade skills, restaurant, retail and manufacturing
- Demographics and continued housing growth increase retailers’ success



Land Title Realtor Presentation

On March 15, Economic Development Manager Matt Carlson gave an economic update to more than 30 regional Realtors at an annual event sponsored by Land Title Guarantee Company. The Economic Development Department has participated in this event for five years. Area Realtors and brokers were interested in future growth patterns, trends in commercial development and the Town’s plans for accommodating traffic and public services.



Economic Development - con't

Economic Indicators - 4th Quarter 2018

Commercial						
	Parker		Southeast Metro		Metro Denver	
	2018 - Q4	2017 - Q4	2018 - Q4	2017 - Q4	2018 - Q4	2017 - Q4
Total Existing Office Square Footage	1,076,690	1,075,540	25,618,588	25,210,368	174,394,002	171,061,577
Office Vacancy Rate	5.20%	5.30%	13.10%	11.20%	9.40%	9.80%
Office Rental Rate - median	\$20.63	\$21.07	\$22.49	\$22.61	\$23.40	\$22.23
Total Existing Retail Square Footage	4,394,451	4,326,904	15,093,405	14,994,580	153,712,148	152,461,486
Retail Vacancy Rate	3.60%	4.20%	3.60%	4.60%	4.00%	4.30%
Retail Rental Rate - median	\$21.31	\$20.83	\$20.41	\$21.39	\$18.73	\$17.76
Total Existing Industrial/ Flex Square Footage	830,537	817,407	15,050,264	14,654,104	239,882,555	236,135,344
Industrial/ Flex Vacancy Rate	1.80%	4.50%	5.00%	5.20%	4.00%	3.80%
Industrial/Flex Rental Rate - median	\$14.01	\$9.94	\$10.27	\$10.23	\$8.30	\$8.13

Residential and Labor Force				
	Parker		Metro Denver	
	2018 - Q4	2017 - Q4	2018 - Q4	2017 - Q4
Residential Building Permits:	425	440	5,715	4,454
- Single Family	381	421	2,663	2,722
- Multi Family	44	19	3,052	1,732
Median Home Price	\$509,950	\$470,000	\$430,000	\$415,000
Median Condo/Townhome Price	\$300,000	\$285,000	\$298,225	\$285,000
Labor Force	30,569	29,768	1,648,629	1,607,274
Unemployment Rate	3.60%	2.60%	3.70%	2.90%

Westcreek Area Heats Up; Three Projects Come Online in 2019

Development in Westcreek (immediately west of Parker Adventist Hospital, across Parker Road) is in full swing and will deliver three projects in 2019, while several others are still in the planning stages.

This area began developing before the recession of 2008, but as a result of the downturn, it changed hands several times and sat idle for some years. In 2016, a small medical office building joined Big 5 Sporting Goods and the 7-11 convenience store in the area.

Today, three projects are in some stage of construction. Developers from Missouri responded to the Economic Development Department's hotel market study and partnered with Marriott International to build the Springhill Suites by Marriott, a 103-room full-service hotel.

The Depot apartment community by Klingbeil Capital and Condos at Westcreek by Century Communities will offer 200 apartments units in seven separate buildings and 100 fee-simple ownership condo units.





Engineering and Public Works

Roadway Capital Improvement Projects

Motsenbocker Road Widening

- *Clarke Farms subdivision to Todd Drive intersection*

The project was competitively bid in January/February with Town Council award of the construction contract approved on February 19. Construction is anticipated to commence in April and conclude in the fall of 2019. Due to significant storm sewer improvements being required on the project, Motsenbocker Road will be closed during the summer shutdown of the adjacent American Academy school to allow for expedited construction with a detour provided.

Cottonwood Drive Widening

- *Jordan Road to Cottonwood Way*

Design work has commenced and it is anticipated that it will be completed in 2019. Due to budget constraints, the funding for the widening construction is not expected to be available until 2020.

Parker Road Sidewalk Project - South

- *Installation of a multi-use trail/sidewalk on the west side of Parker Road between Twenty Mile Road and Hess Road, along with a spur to the Cherry Creek Trail*

Design on this project has commenced.

Kings Point Way

- *Roadway construction for proposed collector roadway on east side of Parker Road between Cottonwood Drive to Aurora Parkway*

Town Council approved the proposed intergovernmental agreement (IGA) with the City of Aurora in January, and this IGA was subsequently approved by Aurora in March. Construction is anticipated to commence in 2019.

Canterberry Parkway/Idyllwilde Drive Traffic Signal

- *Installation of a mast arm traffic signal at intersection*

The traffic signal is operational and Town staff is working to close out the contract.

Hess Road/Country Meadows Commercial Traffic Signal

- *Installation of a mast arm traffic signal at intersection located west of Parker Road*

The project was competitively bid in March and scheduled for Town Council review/award in April. Construction is anticipated to commence this summer and be completed late 2019.

Annual Roadway Maintenance Projects

Townwide Concrete Repair

- *Miscellaneous sidewalk, concrete pavement and curb and gutter repairs throughout Town*

The 2019 scope of work was competitively bid in March and is scheduled for Town Council award on April 15.

Roadway Reconstruction

- *Street repairs to various locations in Town*

The 2019 reconstruction project will be the westbound lanes of Stroh Road between Parker Road and J Morgan Boulevard. The project will remove the 30-plus-year-old concrete pavement and replace it with an asphalt/aggregate base course pavement section during the spring/summer of 2019. Construction is anticipated to begin in April with a major traffic switch/detour anticipated to commence after Memorial Day.

Roadway Resurfacing

- *Thin overlays, chip seal and slurry seal (pavement preservation) work in various locations in Town*

The asphalt overlay portion of the project has been competitively bid and awarded by Town Council in January. The pavement preservation project has been competitively bid and was awarded by Town Council in March. Concrete work associated with the project is anticipated to commence in April with the temperature-sensitive work planned for the summer months.

Engineering and Public Works - con't

Recreation Improvements

Harvie Open Space Park

- Redevelopment of the 70-plus acres located north of Canterbury Parkway and Mainstreet into a passive open space use area

The project is on hold due to budget constraints.

Harvie Open Space Access Project

- Addition of a left turn lane to eastbound Mainstreet at Canterbury Parkway and associated traffic signal modifications

Design for the project is complete with construction delayed due to budget constraints. The Town has contracted with Intermountain Rural Electric Association (IREA) for needed underground power relocation and this work will be completed this winter.

Jordan Road Undercrossing Project

- Construction of an under-crossing along the East-West Regional Trail at Jordan Road

Design is underway with construction tentatively scheduled to start and finish in 2020 pending funding availability.

Bar CCC Parking Lot Project

- Paving of the existing gravel parking lot and associated drainage improvements and new landscaping, irrigation and lighting

Design is underway with construction tentatively scheduled to start in July 2019 and be complete in November 2019 pending funding availability.

Bar CCC Ball Park Lighting and Scoreboard Project

- Addition of sports lighting and a scoreboard to this 7.7-acre park

Design is underway with construction tentatively scheduled to start in spring 2020 and be complete in summer 2020 pending funding availability.

Auburn Hills Park Project

- Completion and integration of the 11-acre park (pictured at right) that is currently bisected by the undeveloped 210-foot-wide Public Service Company corridor/ROW

Design is underway with construction tentatively scheduled for spring 2020.

Stormwater CIP Projects

Cherry Creek at KOA

- Channel and bank stabilization between McCabe Meadows trailhead parking lot and Twenty Mile Road extended

This project is currently in design with permitting and construction projected for the fourth quarter of 2019.

Facility CIP Projects

H2O'Brien Pool and Building Renovation Project

- Renovation of select aquatic features and equipment and improvement of the functionality and flow of the facility

Design is underway with construction tentatively scheduled to start in mid-September 2019 and be complete in mid-April 2020.



Schoolhouse Plaza and Parking Lot Renovation Project

This spring and summer, the Town of Parker will undertake the last of the renovation projects at The Schoolhouse in downtown Parker.

The project consists of the creation of a public plaza between Ruth Chapel and The Schoolhouse, as well as safety and accessibility improvements that will be made during the reconstruction of the parking lot behind the buildings. Plaza and parking lot enhancements will include a lighted special event space off Mainstreet that can accommodate tents for public and private activities, a vehicle drop-off area next to the building, better signage, and improved lighting and sidewalks for pedestrians and cars.

Construction will take place in two phases to ensure that half of the parking lot remains open at all times. Phase 1 construction will occur April 1 until mid-June. Phase 2 construction is scheduled from mid-June



through October. During the entirety of construction, street parking time restrictions on Pikes Peak Avenue, running along the south side of The Schoolhouse parking lot, will be relaxed.



Parks and Recreation

Recreation Facilities

- The Recreation Center now has two brand new Stairmaster cardio machines to replace old ones that had reached the end of their lifecycle. The new machines (pictured at right) include the newest LCD monitors and have Bluetooth capability for guests to track their workouts through Core Health and Fitness.
- Parks and Recreation hosted a job fair for part-time staff on Feb 10. Over 50 potential job candidates attended, and staff was able to get a head start on summer hiring.



Fitness and Wellness

- A new specialty fitness class is now being offered. Strength and Conditioning for Cyclists, held two times per week, gives cyclists the opportunity to maintain a riding routine while incorporating strength and endurance training off the bike.

Enrichment

- Estate Planning and Living Trust Seminars were an addition to class offerings for seniors this winter. They will continue to be offered once per quarter and have been very well attended.

Day Camp Game Day

Rent a Theme Entertainment joined Day Camp for a day to offer their MEGA MOVES packages (pictured at right) featuring life-size board games, including chess, checkers, Operation, Connect 4, Chutes and Ladders and a 60-plus person game of Twister. Campers and counselors enjoyed a fun day of friendly competition and games.



Parks and Recreation - con't

Sports

- Karinne Monn started as a new Sport Coordinator on March 11. Karinne comes to the Town with a wealth of Sports and event experience. We are excited to have her join our team.

Therapeutic Recreation

- The Recreation Division hosted its first Winter Formal Dance on Feb. 15 (pictured below). The dance was held at Parker United Methodist Church. Participants were given the red carpet treatment and limo rides from the Recreation Center to the church. Participants dressed in formal attire and danced the night away after they walked the red carpet full of paparazzi cheering and taking photos.



By the Numbers

Fitness and Wellness

255

Personal training packages sold in Quarter 1 of 2019. These packages include anywhere from one to 10 individual sessions for youth, adults, seniors or groups.

Therapeutic Recreation

52

Participants at the Winter Formal Dance.

Recreation Facilities

6.2

Hours per day that each Stairmaster is in use at the Recreation Center.

Kids' Zone/Enrichment

172

Guests who attended the bi-annual Princess Ball this winter (pictured below). The next ball is scheduled for May 31.

135

Additional hours of space that were rented to community teams/activities from January through March 2019 over the same period in 2018. This resulted in an increase of \$12,500 in rental revenue.



Sports

3

Weeks of Spring Youth Sports games that were canceled due to snow.

Day Camp

67

New Day Camp attendees added since Jan. 1.

Run Series

355

Participants in the Love 'Em or Leave 'Em Valentine's Day 5K/10K on Feb. 9.

Aquatics

50

Future Lifeguards who have participated in the Town of Parker Lifeguard course this year.

Parker Ice Trail

19,930

Visits to the Parker Ice Trail in the Winter 2018/19 season.



Police Department

Teen Driving Course

Teens Take the Wheel (pictured at right) was a tremendous success with more than 140 parents and kids coming out to this interactive, informative event. Attendees were rotated through stations, such as distracted driving simulations, a mock trauma scenario and information about the Colorado Graduated Driver License (GDL) Law. Parker Police Sergeant Kozuch spoke to teens and their parents about the Colorado GDL Law and how it impacts new drivers.



R.A.D. Women's Self Defense Class

Officer Amy Lantz led a three-day Rape, Aggression Defense (RAD) Women's Self Defense Class (pictured at right). The 25-person class filled up in less than 90 minutes. The first evening was classroom-based, while days two and three were hands-on defensive training with a live aggressor. The intense class taught women how to defend themselves and make their voices heard.



Women's Basic Safety Class

Officer Lantz also conducted a Women's Basic Safety Class for nearly 50 Parker women. Strategies to help women protect themselves were discussed, including working through personal boundaries, identifying ways to increase safety in the home, vehicle and online, and planning for a response if you're ever presented with a threat.

Empowering Girls

Officer Lantz spoke at the 6th Annual Shine Summit Empowering Girls to Empower One Another. It was a great opportunity for her to address the opportunities available for women in law enforcement, as well as the challenges of being a woman in a male-dominated field. She also gave advice about what has made her successful in her career and her personal life.



Spring Citizen's Police Academy

Our Spring Citizen's Police Academy (pictured above) is underway with 40 Parker residents learning about the many programs the Police Department utilizes to serve residents. After more than 10 years, this academy has graduated more than 500 residents. Graduates have the opportunity to join Citizen's Offering Parker Police Support (COPPS), our Citizen's Academy alumni group. Members of COPPS have volunteered at many Town and Police Department events and even raised more than \$2,000 for an emergency surgery needed for K-9 Rico.

Police Department - con't

Legend Unified Basketball Game

More than 20 Police Department personnel took on the Legend Unified Basketball Team in our annual basketball game (pictured below). This event is a fantastic community-building event that we also used to raise money for the Legend Unified Sports Program. All money raised at the event went to the program, and more than 200 parents, students and other residents were on hand to witness the Unified Team deal Parker PD a defeat for the third straight year.



St. Baldrick's Fundraiser

Several Parker Officers participated in the Legend High School St. Baldrick's Fundraiser to help fight childhood cancer. The event raised more than \$6,700 dollars. We also have a few Officers who will participate in the Shave the Mayor event at the end of April with Mayor Mike Waid.



Coffee With a Cop

Our first quarter Coffee with a Cop event (pictured above) had an amazing turnout from Parker residents. They brought in food donations to support our Cram the Cruiser event as they grabbed their Parker Police Department Coffee with a Cop mug. Citizens Offering Parker Police Support (COPPS) sold stuffed Parker Police K-9 dogs to raise money for an emergency surgery operation needed for K-9 Rico. COPPS raised more than \$2,000 to help cover those costs.

Weather Spotter Class

Our annual Become a Weather Spotter Class continues to be a huge success. This annual favorite teaches residents what they need to know and how to spot dangerous weather as it develops. The National Weather Service uses these ground-truth reports in conjunction with Doppler radar, satellite and other sources to determine the need for weather warnings and advisories.

Cram the Cruiser

We made some big changes to the Cram the Cruiser food drive (pictured below), which made this the most successful drive ever. We moved the event to early March to better assist the Parker Task Force during a time of greater need. Donations tend to slow down after the first of the year through the spring, and moving the drive to this time would be more beneficial than having it over the holidays. In addition, Parker PD partnered with four local elementary schools that ran internal contests to see which class brought in the most food. This was a great partnership since Cram the Cruiser benefits the Parker Task Force's Backpack Program.



Mounted Police Seminar

Mounted Patrol Sergeant Joe Cummings attended a two-week mounted police equitation seminar hosted by the Royal Canadian Mounted Police (RCMP) at their Musical Ride stables in Ottawa, Ontario, Canada. The RCMP hosts mounted Police Officers from around the world at two seminars a year. Participants must apply prior to being selected to attend the school. Sergeant Cummings was only one of two members from the U.S. to attend this session. There were also Officers from Canada and England in attendance.





Town Clerk's Office

Statistics – 1st Quarter 2019

Community Event Permits

- 2015 Total – 55
- 2016 Total – 63
- 2017 Total – 68
- 2018 Total – 60
- 2019 YTD – 28

Special Events Permits Processed (Events with Liquor)

- 2015 Total – 5
- 2016 Total – 17
- 2017 Total – 33
- 2018 Total – 31
- 2019 YTD – 5

Active Liquor Licenses

- 2015 – 92
- 2016 – 96
- 2017 – 97
- 2018 – 107
- 2019 – 108

Open Records Request

- 2015 Total – 146
- 2016 Total – 170
- 2017 Total – 120
- 2018 Total – 119
- 2019 YTD – 59

Peddlers and Solicitors Permits

- 2015 Total – 25
- 2016 Total – 19
- 2017 Total – 30
- 2018 Total – 18
- 2019 YTD – 2



Request for Town Council Action

Date: April 15, 2019

Submitted By: Carolyn Parkinson, Planner I
John Fussa, Community Development Director

Reviewed By: Michelle Kivela, Town Administrator

Title: **STROH ROAD - Annexation**

Department: Community Development, Carolyn Parkinson
Public Works, Chris Hudson

TRAKiT No.: ANX18-005

EXECUTIVE SUMMARY

The Town proposes to Annex a portion of the Stroh Road Right-of-Way (ROW) located on the south side of the road between Motsenbocker Road And J Morgan Boulevard. This action will support the future widening of Stroh Road to meet the future transportation demand in this corridor.

A resolution is processed concurrently with the ordinance setting forth findings of fact and conclusion as to the eligibility of annexation.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The Town Council accepted the conveyance of property that is the subject of this agenda item from Parker Water and Sanitation District (PWSD) pursuant to Resolution No. 18-080 on November 5, 2018. This property was acquired by the Town as ROW for the future widening of Stroh Road.

Stroh Road is planned to be widened from the current two-lane roadway to an arterial roadway with four (4) lanes and a center median. The schedule for construction is dependent upon future budget and appropriations, but is currently planned for construction within the next five (5) years.

The Town Council approved Resolution No. 19-012 on March 4, 2019, determining that the annexation petition substantially complies with the requirements of the Municipal Annexation Act, and set the public hearing for April 15, 2019. The Town Council will decide whether to annex the ROW into the Town at this public hearing.

The public notice for the April 15, 2019 public hearing for the proposed annexation was published in the Douglas County News-Press on March 14, 2019. All other required public notice has been provided in accordance with the Municipal Annexation Act.

The proposed annexation is consistent with the Parker 2035 Master Plan because it is located within the Town's urban growth boundary, which was amended in 2016 in anticipation of future annexations. Further, the widening of Stroh Road is identified as a high priority capital project in the Parker Transportation Master Plan.

FINANCIAL IMPACT

None

STRATEGIC GOAL(S)



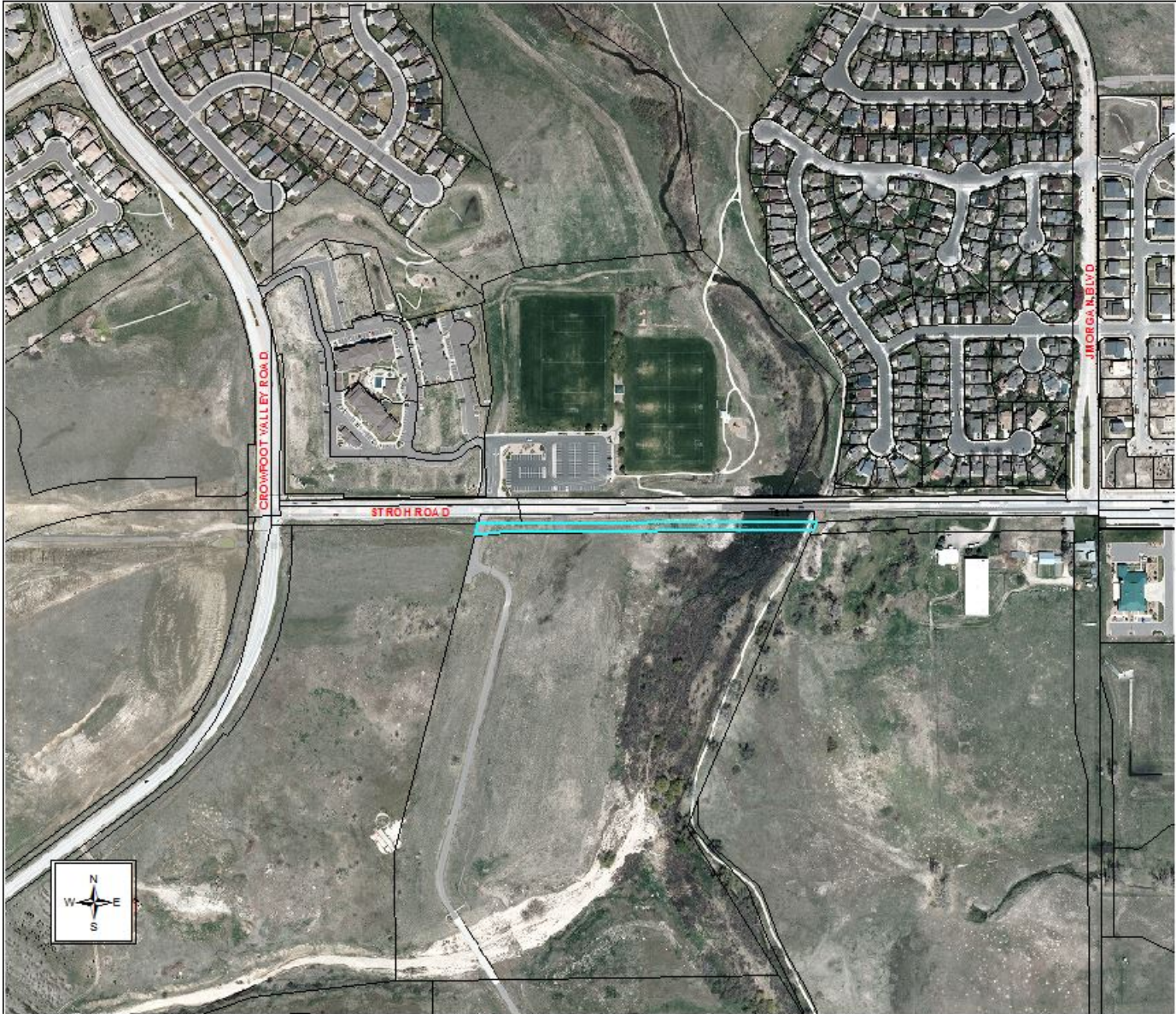
ATTACHMENTS

1. Vicinity Map
2. Annexation Map

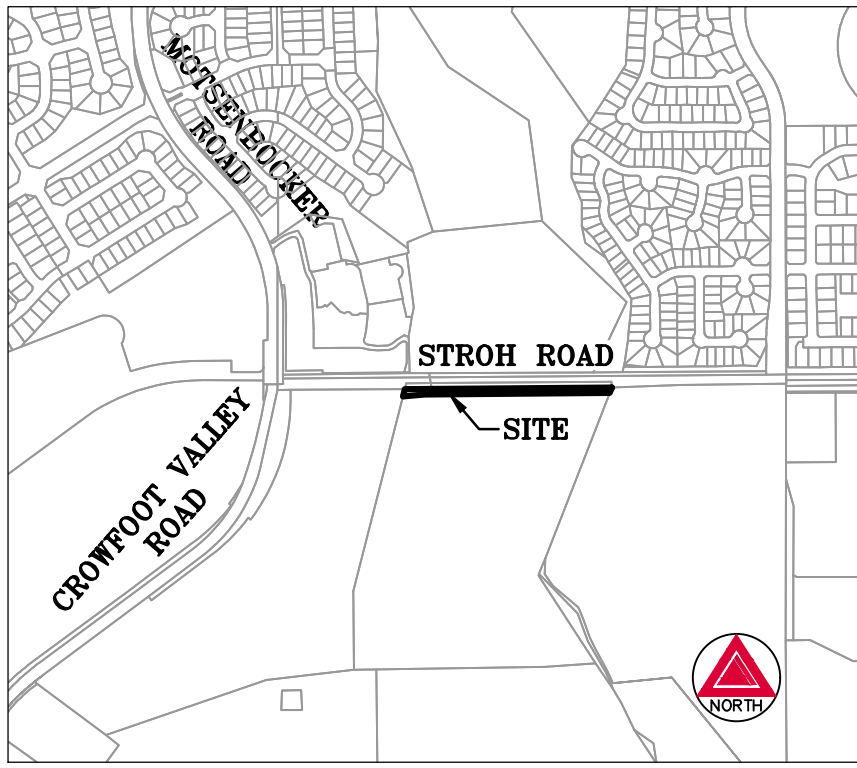
RECOMMENDED MOTION

I move to approve Resolution No. 19.021.

I move to approve Ordinance No. 2.266 on second reading.



A PARCEL LOCATED IN THE NORTHWEST QUARTER OF SECTION 3,
TOWNSHIP 7 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
COUNTY OF DOUGLAS, STATE OF COLORADO
0.736 ACRES



TOTAL PERIMETER = 2228.30'
CONTIGUOUS PERIMETER = 1078.27'
1/6 TOTAL PERIMETER = 371.38'
TOTAL AREA = 0.736 ACRES±

THE TOWN OF PARKER
20120 E. MAINSTREET
PARKER, CO 80138

	ANNEXATION BOUNDARY
	ADJACENT TO TOWN OF PARKER – SEE CONTIGUITY CALCULATIONS
	LOT OR PARCEL LINE ROW LINE

A PORTION OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN A SPECIAL WARRANTY DEED, RECORDED AT RECEPTION NO. 2018069070 IN THE OFFICIAL RECORDS OF THE DOUGLAS COUNTY, COLORADO, CLERK AND RECORDER, LOCATED IN THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 7 SOUTH, RANGE 66 WEST OF THE 6TH P.M., COUNTY OF DOUGLAS, STATE OF COLORADO. MORE PARTICULARLY DESCRIBED AS FOLLOWS;

THENCE ALONG THE WESTERLY BOUNDARY SAID PARCEL OF LAND, SOUTH 14°12'56" WEST, A DISTANCE OF 31.01 FEET TO THE POINT OF BEGINNING.

THENCE DEPARTING SAID WESTERLY BOUNDARY NORTH 89°33'32" EAST, A DISTANCE OF 1078.27 FEET TO THE EASTERLY BOUNDARY OF SAID PARCEL OF LAND;

THENCE ALONG THE EASTERLY, SOUTHERLY, AND WESTERLY BOUNDARY OF SAID PARCEL OF LAND THE FOLLOWING FIVE (5) COURSES;

- CONTAINING AN AREA OF 0.736 ACRES, (32,063 SQUARE FEET), MORE OR LESS.

1. BASIS OF BEARINGS IS THE NORTH LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN SAID SPECIAL WARRANTY DEED RECEPTION NO. 2018069070, BEARING NORTH 89°33'32" WEST, A DISTANCE OF 1070.42 FEET.

2. DISTANCES SHOWN HEREON ARE GROUND DISTANCES IN U.S. SURVEY FEET UNITS.
3. PER THE STATE OF COLORADO BOARD OF LICENSURE FOR ARCHITECTS, PROFESSIONAL ENGINEERS, AND PROFESSIONAL LAND SURVEYORS RULE 6.2.2 THE WORD "CERTIFY" AS USED HEREON MEANS AN EXPRESSION OF PROFESSIONAL OPINION AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED.
4. THIS ANNEXATION MAP WAS PREPARED IN ACCORDANCE WITH APPLICABLE STANDARDS OF PRACTICE IN DOUGLAS COUNTY, COLORADO, TO THE BEST OF MY INFORMATION, KNOWLEDGE, AND BELIEF.
5. THIS ANNEXATION MAP HAS BEEN PREPARED FROM RECORD INFORMATION AND DOES NOT REPRESENT A MONUMENTED LAND SURVEY.

ACCEPTED BY THE PARKER TOWN COUNCIL THIS _____ DAY OF _____, 2019

MAYOR, TOWN OF PARKER

ATTEST: TOWN CLERK

I, GERALD E. BOYSEN JR., A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS ANNEXATION MAP WAS PREPARED UNDER MY DIRECT SUPERVISION; THAT, TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THIS MAP ACCURATELY DELINEATES THE PARCEL OF LAND TO BE ANNEXED TO THE TOWN OF PARKER, COLORADO; AND THAT AT LEAST ONE SIXTH (1/6) OF THE BOUNDARY OF SAID PARCEL IS CONTIGUOUS TO THE PRESENT TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO.

GERALD E. BOYSEN JR.
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR No. 32428
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.

NOTICE:
ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

NOTICE:
PER THE STATE OF COLORADO BOARD OF LICENSURE FOR ARCHITECTS, PROFESSIONAL ENGINEERS, AND PROFESSIONAL LAND SURVEYORS RULE 6.2.2 THE WORD "CERTIFY" AS USED HEREON MEANS AN EXPRESSION OF PROFESSIONAL OPINION AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED. THE SURVEY REPRESENTED HEREON HAS BEEN PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION IN ACCORDANCE WITH APPLICABLE STANDARDS OF PRACTICE AND IS BASED UPON MY KNOWLEDGE, INFORMATION AND BELIEF.

STATE OF COLORADO)
) SS
COUNTY OF DOUGLAS)

I HEREBY CERTIFY THAT THIS PLAT WAS FILED IN MY OFFICE ON THIS _____ DAY OF _____

2019 A.D., AT _____ A.M./P.M. AND WAS RECORDED AT

RECEPTION NO. _____

COUNTY CLERK AND RECORDER

24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25		24918-25	
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RESOLUTION NO. 19-021, Series of 2019

TITLE: A RESOLUTION TO SET FORTH TOWN COUNCIL'S FINDINGS OF FACT AND CONCLUSIONS AS TO THE ELIGIBILITY OF THE STROH ROAD PROPERTY FOR ANNEXATION INTO THE TOWN OF PARKER

WHEREAS, an annexation petition was filed with the Town Clerk requesting the annexation of certain unincorporated territory located in the County of Douglas and State of Colorado, otherwise known as the Stroh Road Property, and hereafter described in **Exhibit A**, which is attached hereto and made a part hereof;

WHEREAS, the Town Council of the Town of Parker, Colorado, found substantial compliance of said petition with Colo. Rev. Stat. § 31-12-107;

WHEREAS, the Town Council of the Town of Parker, Colorado, conducted a public hearing as required by law to determine the eligibility for annexation of that property described in attached Exhibit A;

WHEREAS, public notice of such public hearing was given as required by law;

WHEREAS, the public hearing on the said annexation petition was conducted in accordance with the requirements of the law; and

WHEREAS, pursuant to Colo. Rev. Stat. § 31-12-110, the Town Council, sitting as the governing body of the Town of Parker, Colorado, is required to set forth its findings of fact and its conclusion as to the eligibility of that property described in attached Exhibit A for annexation to the Town of Parker.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, AS FOLLOWS:

Section 1. A service plan for that area encompassing the property described in attached Exhibit A has been adopted by the Town Council pursuant to Colo. Rev. Stat. § 31-12-105(1)(e).

Section 2. Not less than one-sixth (1/6th) of the perimeter of the area proposed to be annexed as described in attached Exhibit A is contiguous with the existing boundaries of the Town of Parker as required by law.

Section 3. A community of interest exists between the area proposed to be annexed as described in attached Exhibit A and the Town of Parker, and the area will be urbanized in the near future.

Section 4. The area proposed to be annexed is described in attached Exhibit A and is integrated or is capable of being integrated within the Town of Parker.

Section 5. The limitations of the Municipal Annexation Act and the Constitution of the State of Colorado do not prevent the annexation of the subject property or any part thereof since:

a. No land in the territory to be annexed which is held in identical ownership and consists of either a single tract or parcel, or two or more contiguous tracts or parcels, has been divided or a portion thereof excluded for the area to be annexed without the written consent of the owners thereof;

b. No land in the territory to be annexed which is held in identical ownership and comprises twenty (20) or more acres, having an assessed valuation for ad valorem tax purposes in excess of \$200,000.00 in the year next preceding the annexation, has been included in the area to be annexed without the written consent of the landowners;

c. No proceedings have been commenced by another municipality for the annexation of all or part of the territory to be annexed by the Town of Parker; and

d. The annexation will not result in the detachment of the area from the school district in which it is currently located.

Section 6. The petition(s) for the annexation of that real estate described in attached Exhibit A meet the requirements of law and are in proper order for annexation for the property proposed to be annexed as described in attached Exhibit A.

Section 7. No election is required pursuant to Colo. Rev. Stat. § 31-12-107(2) or any other law of the State of Colorado or the Town of Parker.

Section 8. The proposed annexation will not have the effect of extending a municipal boundary more than three (3) miles in any direction from any point of the Town boundary in any one year.

Section 9. The entire width of any street or alley to be annexed is included within the annexation.

Section 10. The property described in the attached Exhibit A is eligible for annexation to the Town of Parker and all requirements of law have been met for such annexation, including the requirements of Colo. Rev. Stat. §§ 31-12-104 and 31-12-105, as amended.

Section 11. An ordinance annexing that property described in attached Exhibit A to the Town of Parker shall be considered by this Town Council pursuant to Colo. Rev. Stat. § 31-12-111.

RESOLVED AND PASSED this _____ day of _____, 2019.

TOWN OF PARKER, COLORADO

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

EXHIBIT A

LEGAL DESCRIPTION:

A PORTION OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN A SPECIAL WARRANTY DEED, RECORDED AT RECEPTION NO. 2018069070 IN THE OFFICIAL RECORDS OF THE DOUGLAS COUNTY, COLORADO, CLERK AND RECORDER, LOCATED IN THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 7 SOUTH, RANGE 66 WEST OF THE 6TH P.M., COUNTY OF DOUGLAS, STATE OF COLORADO. MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHWEST CORNER OF SAID PARCEL OF LAND;

THENCE ALONG THE WESTERLY BOUNDARY SAID PARCEL OF LAND, SOUTH 14°12'56" WEST, A DISTANCE OF 31.01 FEET TO THE **POINT OF BEGINNING**.

THENCE DEPARTING SAID WESTERLY BOUNDARY NORTH 89°33'32" EAST, A DISTANCE OF 1078.27 FEET TO THE EASTERLY BOUNDARY OF SAID PARCEL OF LAND;

THENCE ALONG THE EASTERLY, SOUTHERLY, AND WESTERLY BOUNDARY OF SAID PARCEL OF LAND THE FOLLOWING FIVE (5) COURSES;

- 1) SOUTH 00°26'28" EAST, A DISTANCE OF 4.21 FEET;
- 2) SOUTH 22°54'01" WEST, A DISTANCE OF 27.55 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL OF LAND;
- 3) SOUTH 89°35'09" WEST, A DISTANCE OF 965.40 FEET;
- 4) SOUTH 84°29'58" WEST, A DISTANCE OF 112.58 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL OF LAND;
- 5) NORTH 14°12'56" EAST, A DISTANCE OF 40.29 FEET TO THE **POINT OF BEGINNING**.

CONTAINING AN AREA OF 0.736 ACRES, (32,063 SQUARE FEET), MORE OR LESS.

ORDINANCE NO. 2.266, Series of 2019

TITLE: A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY KNOWN AS THE STROH ROAD PROPERTY LOCATED IN DOUGLAS COUNTY

WHEREAS, pursuant to the laws of the State of Colorado, there was presented to and filed with the Town Council of the Town of Parker, Colorado, a written petition for annexation to and by the Town of Parker, Colorado, of that property described in attached **Exhibit A**, being contiguous unincorporated territory, situated, lying, and being in the County of Douglas, State of Colorado; and

WHEREAS, the Town Council of the Town of Parker, Colorado has conducted a public hearing as required by law to determine the eligibility for annexation of that property described in attached Exhibit A; and

WHEREAS, the Town Council of the Town of Parker, Colorado, has satisfied itself concerning the eligibility for annexation of that property described on attached Exhibit A, and concerning the conformance of the proposed annexation to the applicable law and the annexation policy of the Town of Parker, Colorado.

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

Section 1. The annexation by and to the Town of Parker, State of Colorado, of that property described in attached Exhibit A, situated, lying and being in the County of Douglas, State of Colorado, meets all requirements of law and the annexation policy of the Town of Parker and, therefore, said annexation is hereby approved and made effective.

Section 2. The owner(s) of more than fifty percent (50%) of the property described in attached Exhibit A has petitioned for annexation.

Section 3. No simultaneous rezoning of the above-described property is required pursuant to Section 15.9 of the Home Rule Charter for the Town of Parker because the above-described property consists solely of right-of-way.

Section 4. Upon the effective date of this Annexation Ordinance, all lands within the area to be annexed shall become subject to the municipal laws of the State of Colorado pertaining to towns, and to all ordinances, resolutions, rules and regulations of the Town of Parker.

Section 5. Considering all of the foregoing, and based on the conviction that annexation of this property to the Town of Parker will serve the best interest of the Town of Parker and the owner(s) of the territory to be annexed, the unincorporated territory described in Exhibit A is hereby annexed to the Town of Parker, Colorado.

Section 6. The Town Clerk shall file, for recording, one (1) certified copy of the Annexation Ordinance and one (1) copy of the Annexation Map with the Clerk and Recorder of the County of Douglas, State of Colorado.

Section 7. The Annexation Map showing the boundaries of the newly-annexed territory, as above described, shall be kept on file in the office of the Douglas County Clerk and Recorder.

Section 8. The Town Clerk shall file one (1) certified copy of the Annexation Ordinance and one (1) copy of the Annexation Map with the Division of Local Governments of the Department of Local Affairs.

Section 9. 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 10. This annexation shall become effective within ten (10) days of the publication date of this Ordinance, except for the purpose of general taxation, and for such purposes it shall become effective on January 1st of the next succeeding year following passage of this Ordinance.

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____, 2019.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2019.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney

EXHIBIT A

LEGAL DESCRIPTION:

A PORTION OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN A SPECIAL WARRANTY DEED, RECORDED AT RECEPTION NO. 2018069070 IN THE OFFICIAL RECORDS OF THE DOUGLAS COUNTY, COLORADO, CLERK AND RECORDER, LOCATED IN THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 7 SOUTH, RANGE 66 WEST OF THE 6TH P.M., COUNTY OF DOUGLAS, STATE OF COLORADO. MORE PARTICULARLY DESCRIBED AS FOLLOWS;

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CONTAINING AN AREA OF 0.736 ACRES, (32,063 SQUARE FEET), MORE OR LESS.



Request for Town Council Action

Date: April 15, 2019

Submitted By: Stacey Nerger, Associate Planner
John Fussa, Community Development Director

Reviewed By: Michelle Kivela, Town Administrator

Title: **PARKER PREMISE WAREHOUSE - Rezoning**

Department: Community Development, Stacey Nerger

Location: Generally located South of Longs Way between Dransfeldt Road and Twenty Mile Road

TRAKiT No.: Z18-003

EXECUTIVE SUMMARY

The subject property which is located on Longs Way contains the Parker Premise Warehouse, which was originally approved for mini-warehouse or self-storage use consistent with the adopted Clarke Planned Development (PD) zoning in 2005. For the past several years, a number of storage units owners have operated active business uses in violation of the Town site plan approval and zoning. As a result, the Town has sought compliance with the approved site plan and zoning through Municipal Court. The proposed rezoning application is intended to resolve the violation by allowing active business uses on the property in three (3) buildings.

The Planning Commission recommended that the Town Council approve Ordinance Nos. 3.340 and 3.41.3 at its public hearing on March 28, 2019.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The subject property was originally annexed and zoned as part of the Clarke Planned Development (PD). The Clarke PD zoning, approved in the early 1980s, permitted a wide variety of uses. In 2005, the Town Council approved a plat and site plan to allow for the development of three (3) mini-warehouse buildings with a total area of 46,327 square feet. The buildings were constructed as approved in 2007.

The Planning Commission approved a site plan amendment in 2009 to allow active business uses such as flex/office within Buildings A and C subject to the construction of certain improvements for building code compliance on the property. After the 2009 approval, a number of storage unit owners commenced active business uses despite the fact that the required site improvements were not constructed. The Town became aware of this problem through complaints it received and after inspection determined that the storage unit owners with active business uses had violated the site plan approval and zoning. The Town made several requests to address the violation and after being ignored referred the violation to Municipal Court.

In 2015, the property owner that owns the land upon which the storage units reside made an application to the Planning Commission to revoke the 2009 site plan amendment for active business uses and reinstate the original 2005 site plan that only permits mini-warehouse or self-storage use. The Planning Commission approved the application to reinstate the original 2005 site plan with a requirement to eliminate the active business uses by a date certain. However, the property owner, storage unit owners and property owner's association failed to abide by the requirement and did not remove the active business uses which have remained to this day.

As a result, the Town in 2017 again sought compliance by issuing the property owner a notice of violation and referred the matter to Municipal Court. After litigation among the parties associated with Parker Premise Warehouse, they proposed a settlement to the Town to resolve the violation that involves the subject rezoning application and a commitment to construct improvements that would bring the property into building code compliance

The proposed rezoning application would permit limited commercial and light industrial uses on the property to bring it into compliance with the Land Development Ordinance (parking, landscaping) and Building Code. A site plan amendment is also being administratively processed that will require certain improvements to the property. These include: additional parking, ADA parking spaces, pedestrian walkways connecting parking to units and updated landscaping.

The proposed rezoning is consistent with the Parker 2035 Master Plan because it would allow commercial and light industrial uses in the Light Industrial District intended for business activity. Staff has reviewed the rezoning application against the nine (9) criteria for rezoning in the Land Development Ordinance and determined that the criteria have been satisfied. Additional information about staff's review of the nine (9) criteria may be found in the attached Planning Commission staff report.

FINANCIAL IMPACT

A reimbursement payment of \$8,000 from the Parker Capital Project Grant Program if the improvements required for site plan and building code compliance are installed as described in the development agreement.

STRATEGIC GOAL(S)



ENHANCE ECONOMIC
VITALITY



DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH

ATTACHMENTS

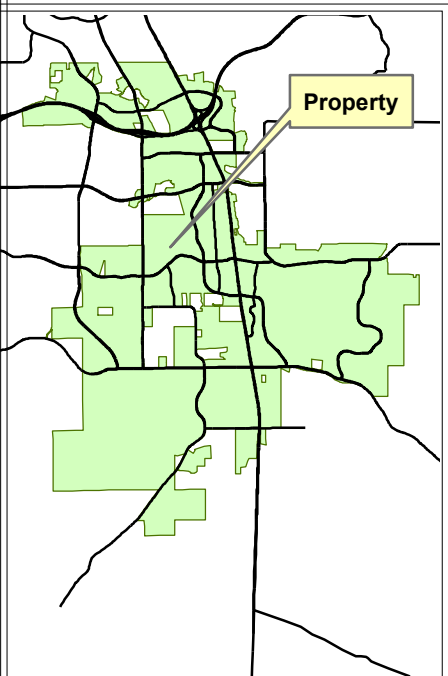
1. Vicinity map
2. Parker Premise Warehouse Planned Development Guide
3. Parker Premise Warehouse Planned Development Plan
4. Planning Commission Staff Report

RECOMMENDED MOTION

1. I move to approve Ordinance No. 3.340 on second reading.
2. I move to approve Ordinance No. 3.41.3 on second reading.

Parker Premise Warehouse Planned Development Rezoning

Rezoning
Z18-003



Legend

 Site

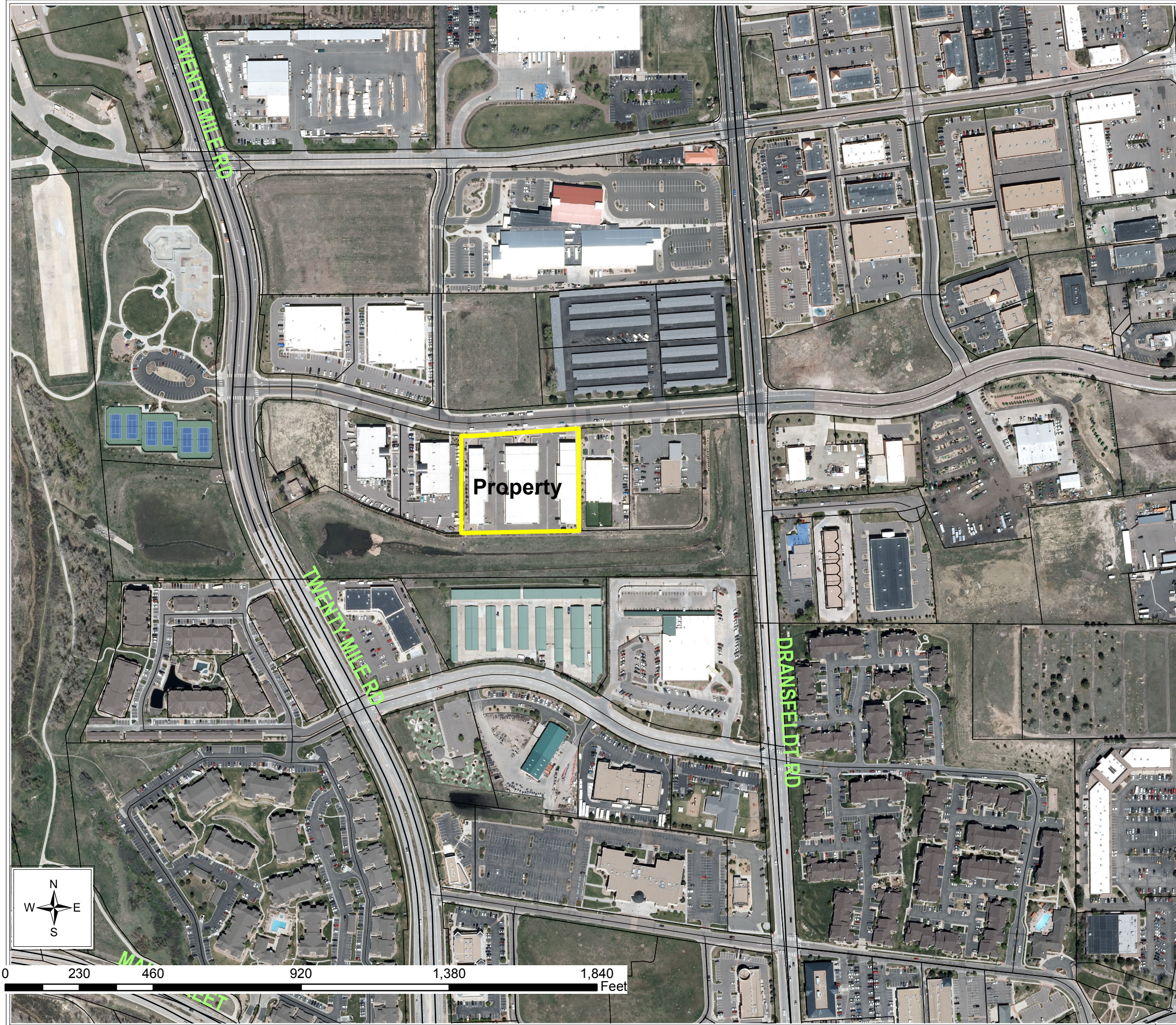
 Roads

Narrative:
Proposed Rezoning from Clarke PD to Parker Premise Warehouse PD to allow the uses on the property to remain and come into compliance.

Planner: Stacey Nerger
Hearing Schedules:

Planning Commission:
March 28, 2019

Town Council:
April 1, 2019 (1st Reading)
April 15, 2019 (2nd Reading)



2019

Town of Parker

[PARKER PREMISE WAREHOUSE PLANNED DEVELOPMENT]

DEVELOPMENT GUIDE

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GENERAL PROVISIONS:

I. PURPOSE:

The purpose of the Parker Premise Warehouse Planned Development Guide (hereinafter referred to as “Development Guide”) is to provide a location for a variety of storage and small business flex uses within three existing buildings. Processes and land uses within this district will be low impact in nature and not create or cause fumes, odor, noise, vibration or other impacts which are detrimental to abutting properties or land uses.

II. APPLICATION:

The standards and regulations contained in this Development Guide shall apply to the Property. The standards and regulations contained in this Development Guide may be divergent from the standards and regulations contained in Chapter 13.04 of the Parker Land Development Ordinance, but not any other Chapter of the Parker Land Development Ordinance. In the event that there is a conflict between the standards and regulations contained in this Development Guide (excluding Chapter 13.04) then the Parker Land Development Ordinance shall control.

III. CONTROL:

After the adoption of this Development Guide by the Town Council of the Town of Parker, subject to the provisions of Section 13.04.230 of the Parker Land Development Ordinance (Non-Conforming Situations), the standards and regulations contained in this Development Guide, in conjunction with the Town of Parker Land Development Ordinance, as provided herein, shall control development, land use, the location and bulk of all buildings and other structures, existing and future, and shall also apply to the following:

- A. Any new building or other structure, and any parcel of land, or land use;
- B. The use of any existing building, other structure or parcel of land may be changed or extended;
- C. Any existing building or other structure, if such building or other structure is to be enlarged, reconstructed, structurally altered, converted or relocated.
- D. All standards and regulations set forth or referred to in the standards and regulations for the planning area in which such buildings and other structures are located.

IV. INCORPORATION OF DEVELOPMENT PLAN:

The Parker Premises Warehouse, including the type, location and boundaries of land use areas are shown upon the “Parker Premise Warehouse Development Plan” (hereinafter referred to as “Development Plan”), which Development Plan is hereby incorporated by reference into this Development Guide together with everything shown thereon and all amendments thereto.

V. CONFLICTS:

Where there is more than one provision within the Development Guide that covers the same subject matter, the provision which is most restrictive or imposes higher standards or requirements shall govern unless determined otherwise by the Community Development Director.

AUTHORITY

I. AUTHORITY

The authority for this PD Development Guide is Section 13.04.150 (PD-Planned Development) of the Town of Parker Land Development Ordinance.

II. ADOPTION:

The adoption of this Development Guide and Development Plan by ordinance shall evidence the findings and decisions of the Town of Parker Town Council that this Development Guide and Development Plan for the Parker Premise Warehouse Planned Development is authorized by the provisions of Section 13.04.150 of the Town of Parker Land Development Ordinance.

III. ENFORCEMENT:

The provisions of the Development Guide relating to the use of land shall run in favor of the Town of Parker and shall be enforceable, at law or in equity, by the Town of Parker without any limitation on any power or authority otherwise granted by law. All provisions of this Development Guide shall run in favor of the owners of the Property to the extent expressly provided in this Development Guide and in accordance with its terms and conditions.

ALLOWED USES

I. USES PERMITTED BY RIGHT:

All permitted uses on the property shall be reviewed and verified based on the building code, as amended for how the buildings were constructed on the property. The following uses shall be permitted as a matter of right:

- A. Auto-repair and service (no painting)
- B. Brewery, distillery, winery (without a tap room or tasting room)
- C. Fabrication and finishing
- D. Packaging and processing
- E. Printing and publishing
- F. Upholstery
- G. Storage

II. ACCESSORY USES:

The following uses shall be allowed which are incidental and subordinate to the principal use of the land or building on the property:

- A. Any accessory business use (i.e. office) not to exceed 10% of the total unit area

III. PROHIBITED USES:

All uses not specifically listed shall be prohibited on the site.

IV. SITE DESIGN:

A. SITE DEVELOPMENT:

Developments shall utilize creative, place-making, street sensitive site organization which activates the site increasing the vitality and energy of this area of Parker.

1. **Maximum Height:** thirty-five (35') feet
 - No penetrations or holes will be permitted through the existing roof or side of buildings.
2. **Building Setbacks:**
 - a. Minimum Setbacks:

Front (Longs Way):	20'
Rear:	10'
Side:	10'
Trash Enclosures:	As approved on the site plan

LOT 3, BLOCK 2, TWENTY MILE INDUSTRIAL PARK SUBDIVISION FILING NO. 1
MINOR DEVELOPMENT PLAT LOCATED IN THE SOUTHWEST QUARTER OF SECTION 15,
TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO

PREMISES WAREHOUSE CONDOS ZONING MAP DOUGLAS COUNTY, COLORADO			300 East Mineral Ave., Suite 1 Littleton, Colorado 80122 Phone: (303) 713-1898 Fax: (303) 713-1897 www.aztecconsultants.com			 AZTEC CONSULTANTS, INC.					
THE TOWN OF PARKER 20120 EAST MAINSTREET, PARKER, CO 80138											
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Planning Commission Staff Report

Planning Commission Date: 3/28/2019

Town Council Date: 4/15/2019

Hearing Type: Public Hearing
PARKER PREMISE WAREHOUSE - Rezoning
TRAKiT No.: Z18-003

Location: South of Longs Way between Dransfeldt Road and
Twenty Mile Road

Project Planner: Stacey Nerger, Planner

Applicant: Todd Drake, Premises Parker Warehouse
Condominium Association

Executive Summary: The applicant is proposing to rezone Lot 3, Block 2 of the
Twenty Mile Industrial Park Filing 1 from the Clarke
Planned Development (PD) to a new Planned
Development (Parker Premise Warehouse PD) that ties
the uses permitted to the Land Development Ordinance
and the Building Code in regards to the existing
structures on the site. The property will also be removed
from the Clarke PD designation. The site is located on
the south side of Longs Way between Twenty Mile Road
and Dransfeldt Road.

Staff Recommendation: Approval

RECOMMENDED MOTION

"I move the Planning Commission recommend Town Council approve the Rezoning and remove the property from the Clarke PD."

ALTERNATIVE MOTIONS

"I move that the Planning Commission recommend that Town Council approve the Rezoning and remove the property from the Clarke PD, subject to the conditions contained in this staff report."

"I move that the Planning Commission recommend that Town Council deny the Rezoning and remove the property from the Clarke PD as the request does not meet the following approval criteria:"

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

“I move that the Planning Commission vote to continue the Rezoning and remove the property from the Clarke PD to a future date.”

I. BACKGROUND/DISCUSSION

The intent of this rezoning is to create a zoning that specifically outlines the uses allowed to take place on the property. The current zoning for the property was written in the early 1980's and includes a wide variety of uses. The existing three buildings were constructed in 2007 to only allow for storage uses. Over time, the use of the spaces within the buildings have expanded beyond storage, which has caused the property to be out of compliance with the Land Development Ordinance (parking, landscaping) as outlined within the approved Site Plan and the building code. Although the expansion of uses within the buildings were permitted by the Clarke PD, the buildings were constructed to allow for storage use only. The proposed rezoning takes into account how the buildings were constructed from a building code perspective and outlines the specific uses allowed. The proposed rezoning will allow for the expansion of uses on the property to be consistent with the uses taking place for the last 10 years. Several of these additional uses taking place include, an auto detailing company, furniture restoration and finishing, and auto repair and service. In addition, an Ordinance is proposed to remove the property from the Clarke PD designation.

Vicinity Map



II. PRIOR ACTIONS

Date	Action
1985	The property was originally annexed as part of the Clarke Farms Planned Development.
May 2, 2005	Town Council approved the Twenty Mile Industrial Park Filing No. 1 – Minor Development Plat, creating Lot 3, Block 2.
September 22, 2005	The Planning Commission approved the Twenty Mile Industrial Park Subdivision Filing 1, Lot 3, Block 2 site plan, consisting of three (3) warehouse-condominium buildings totaling 46,327 square feet.
October 22, 2009	Planning Commission approved a site plan amendment to add 63 parking stalls and pedestrian walkways to buildings A and C in order to facilitate a flex/office-warehouse use within buildings A and C, as well as units B1 and B20 on Lot 3, Block 2 of Twenty Mile Industrial Park Subdivision Filing 1. The applicant has installed the required parking for a total of 75 spaces with 6 being accessible.
May 7, 2014	The property was issued a Notice of Violation for not completing the remaining improvements approved within the 2009 site plan amendment. These improvements included the pedestrian walkways to buildings A and C which were required to allow the expansion of uses contemplated within the 2009 site plan amendment.
2014	A site plan amendment was submitted, but expired due to insufficient information and lack of response from the applicant.
December 22, 2014	The property was issued an additional notice of violation for not completing the 2009 site plan improvements.
July 23, 2015	Planning Commission approved a site plan amendment to withdraw the 2009 site plan amendment approval for the property and reinstate the original 2005 site plan. The proposal would allow the three (3) existing buildings to be used as warehouse-condominiums only.
August 21, 2017	A summons to court was issued to the property owner for violation of the 2005 site plan with businesses still operating on the property, presence of dumpsters, weeds and motor vehicle storage.
Current	A site plan amendment application (SP18-006) is being reviewed administratively to make site changes to allow for additional uses on the property. These changes include additional parking, ADA accessible parking, pedestrian walkways and revised landscaping.

III. CURRENT SITE DATA

Existing Zoning	PD - Planned Development
Overlay District	Light Industrial Conservation Industrial District
PD & Plan Area	Clarke Planned Development
Master Plan Area	Light Industrial
Site Acreage	2.589 acres
Subdivision	Twenty Mile Industrial Park

Existing Use		Industrial	
Surrounding Uses			
	Master Plan Land Use	Zoning	Existing Use
North	Light Industrial	PD - Planned Development	Clarke Planned Development, Architectural Concepts and Mini Storage
South	Light Industrial	PD - Planned Development	Clarke Planned Development, Mini Storage
East	Light Industrial	PD - Planned Development	Clarke Planned Development, Multi-tenant commercial
West	Light Industrial	PD - Planned Development	Clarke Planned Development, Multi-tenant commercial

IV. PARKER 2035 MASTER PLAN

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

MASTER PLAN CONSISTENCY	
Master Plan Designation	Light Industrial ☒ Consistent ☐ Inconsistent
Master Plan Character Discussion	Attract light industrial businesses that supply local, regional and sometimes national markets. Appropriate uses include; manufacturing, machine shops, production facilities, distribution facilities, flex office, commercial services, other research and development, and high-tech medical device manufacturing. Land uses will not create or cause fumes, odor noise, vibration or other impacts which are detrimental to abutting properties or land uses. Public Facilities are appropriate within this character area.
Consistent Goals/Strategies	<u>Land Use 1.C</u> <u>Community Appearance and Design 2.B</u>
Staff Analysis	Staff has reviewed the proposed expansion of the allowed uses against the Town's master plan and determined that the proposal is consistent with the master plan. The property was constructed and has historically been used for storage and warehouse uses. The expansion of the allowed uses on the property allows for greater conformance with the Light Industrial master plan designation.

V. LAND DEVELOPMENT ORDINANCE

DEVELOPMENT POTENTIAL (Rezoning)			
Provisions	As recommended by the Master Plan	Proposed	Analysis
Units Per Acre	None	None	☒ Consistent ☐ Inconsistent ☐ No Change ☐ N/A
Allowed Uses	Manufacturing, machine shops, production facilities, distribution facilities, flex office, research and development and high tech and medical device manufacturing.	Limited light industrial uses to include auto repair, fabrication, packaging, processing and storage	☒ Consistent ☐ Inconsistent ☐ No Change
Height/Stories	None	35 feet	☒ Consistent ☐ Inconsistent ☐ No Change
Staff Analysis	The proposed Planned Development limits the number of uses allowed on the property to be consistent with the Light Industrial Master Plan. The PD zoning ensures that the list of permitted uses can occur within the building and be in compliance with the building code. The zoning is being written to fit into a building which was constructed to allow for storage/warehousing uses only but with modifications can support limited light industrial uses.		

VI. ACCESS, CIRCULATION & TRAFFIC ANALYSIS

The property has been developed to include two full movement access points off Longs Way. Internal drive aisles have been constructed through the property which allow access to all units. Existing access and drive aisles provide adequate circulation for the proposed light industrial uses.

VII. APPROVAL CRITERIA

Title 13.04.240.f. Approval Considerations for Rezoning Requests:

1. A need exists for the proposal.

Applicant's Response

Flex Zoning Warehouse spaces are in short supply in the Town of Parker. Originally, many of the Unit Owners in the Applicant's project were given to believe they were purchasing Units with Flex Zoning. Approximately 14 months ago the holder of the Ground Lease opted to ask the Town of Parker to rescind any reference to Flex Zoning and this in turn created chaos. Since then, the holder of the Ground Lease has agreed

Flex Zoning should be returned.

Staff Analysis

The Clarke PD was created in 1985 and was written to allow for a variety of uses ranging from commercial to light industrial. The buildings were constructed in 2007 to allow for storage/warehouse uses only, which is a permitted use within the Clarke PD. Overtime uses on the property have expanded beyond storage creating zoning and building code violations. The proposed rezoning would expand the uses allowed on the property to accommodate what is currently taking place on the property without creating building code violations.

Based on this analysis, staff has determined that the request meets this criterion.

2. The particular parcel of ground is indeed the correct site for the proposed development.

Applicant's Response

The Applicant's Warehouse project has been intact at its current location since mid-Summer of 2007. The location works well as there have been no visible problems owing specifically to the location of the project since its inception.

Staff Analysis

The property is located within the Light Industrial core for the Town of Parker and is surrounded on all sides by light industrial uses. The master plan identifies this property as a Light Industrial Center. The proposed rezoning will allow for the expansion of uses on the property to be consistent with the uses taking place for the last 10 years. Several of these additional uses taking place include, an auto detailing company, furniture restoration and finishing, auto repair and service.

Based on this analysis, staff has determined that the request meets this criterion.

3. There has been an error in the original zoning; or

Applicant's Response

Many of our Unit Owners were originally misled by the project developer into believing Flex Zoning was in place at the time they purchased their Units. In fact, the Town has previously issued permits and business licenses to one or more Unit Owners allowing the use of Flex Zoning. It appears the Town may also have been duped by the Developer of the project.

Staff Analysis

An error has not occurred within the original zoning.

Based on this analysis, staff has determined that the request meets this criterion.

4. There have been significant changes in the area to warrant a zone change.

Applicant's Response

While there have been no significant changes in the area which would otherwise warrant a Zoning change, the issue seems mooted by the fact for a number of years prior, the Unit Owner's, together with the Town, treated the project as having Flex Zoning.

Staff Analysis

The property and the surrounding area have been developed as light industrial for several years. The proposed rezoning is intended to bring the uses on the property into compliance with the way the buildings were constructed and allow for the continuation of the light industrial uses which are currently taking place within the units. The site plan amendment currently proposed will bring the site into compliance with both the Land Development Ordinance and the Building Code.

Based on this analysis, staff has determined that the request meets this criterion.

5. Adequate circulation exists and traffic movement would not be impeded by development; and

Applicant's Response

Adequate circulation exists and traffic movement will not be impeded as development of the Warehouses has already been completed. On the submitted plans we show the painting of an Auto-Turn lane for Emergency Response Access

Staff Analysis

The property was developed to include two access points from Longs Way. These two access points were evaluated within a traffic study and determined to be sufficient for the proposed commercial uses on the property.

Based on this analysis, staff has determined that the request meets this criterion.

6. Additional municipal service costs will not be incurred which the Town is not prepared to meet.

Applicant's Response

The newly approved Neighborhood Center has already been approved and has all services from the Town approved and all improvements have been installed. This development will not include any additional service costs to the Town.

Staff Analysis

The property was annexed into the Town in 1985. The proposed rezoning would not require any additional municipal services which are not currently provided by the Town to the property.

Based on this analysis, staff has determined that the request meets this criterion.

7. There are minimal environmental impacts or impacts can be mitigated.

Applicant's Response

Additional municipal service costs will not be incurred as the development has already finished completion.

Staff Analysis

The original construction on the property occurred in 2007. The developer worked with the Town of Parker Engineering Department to ensure any environmental impacts were mitigated at that time. The proposed rezoning will not change the size or overall character of the commercial area and will not create environmental impacts.

Based on this analysis, staff has determined that the request meets this criterion.

8. The proposal is consistent with the Town Master Plan, maps, goals, and policies.

Applicant's Response

The Zoning change approval is consistent with the Town Master Plan maps, goals, and policies.

Staff Analysis

The Town of Parker master plan identifies this property as Light Industrial which is recommended to be centrally located with spaces to serve smaller local light industrial business. The proposed rezoning of the property to allow for additional light industrial uses is consistent with the Town's master plan.

Based on this analysis, staff has determined that the request meets this criterion.

9. There is adequate waste and sewage disposal water, schools, parks and recreation, and other services to the proportional degree necessary due to the impacts created by the proposed land uses.

Applicant's Response

Except for minimal impact related to waste and trash disposals, there are no other impacts of any kind are different than those which have existed since the project's inception in 2007.

Staff Analysis

The property is included within the Parker Water and Sanitation District. All construction which has occurred on the site has been reviewed and granted approval from the Parker Water and Sanitation District. In addition, the proposed rezoning will not change the properties designation as light industrial, which will result in no impact to schools, parks and open space or any other services.

Based on this analysis, staff has determined that the request meets this criterion.

VIII. SUMMARY REFERRAL AGENCY COMMENTS AND CONDITIONS

Agency	Comments
Parker Engineering	No Comment
Fire Life Safety	No Parking Fire Lane signage will be required along the south side of the property.
Aztec Consultants	Minor revision required to Planned Development Map - The change has been corrected
Parker Water and Sanitation District	Approved
Parker Building	Any change of use or tenant finish will require building permit and fire permits to meet the currently adopted codes.
Douglas County Assessors	No Comment
Xcel	Xcel has an existing natural gas distribution facilities within the property. PSCO has no objection to this proposed rezone, contingent upon PSCO's ability to maintain all existing rights.
IREA	Approved
CenturyLink	No Comment
Comcast	No Comment
Parker Economic Development	Approved
Parker Comprehensive Planning	The proposed rezoning is compliant with the 2035 Master Plan.

IX. CONCLUSION

The applicant submitted this rezoning request in order to bring the uses allowed on the property into compliance with the uses actually taking place. The proposed rezoning is consistent with the Parker 2035 Master Plan as the proposed uses would allow the expansion of light industrial uses on the property. Based on this information staff is recommending approval of the rezoning request.

X. RECOMMENDED CONDITIONS

None

XI. ATTACHMENTS

1. Referral Agency Comments
2. Parker Premise Warehouse PD Guide
3. Parker Premise Warehouse PD Plan

Report Approved By: Bryce Matthews, Planning Manager

Through: Jason Rogers, Deputy Community Development Director

ORDINANCE NO. 3.340, Series of 2019

TITLE: A BILL FOR AN ORDINANCE REZONING CERTAIN PROPERTY COMMONLY KNOWN AS THE PARKER PREMISE WAREHOUSE PROPERTY FROM CLARKE PROPERTY PD DEVELOPMENT GUIDE AND PLAN TO PARKER PREMISE PLANNED DEVELOPMENT, PURSUANT TO THE PARKER LAND DEVELOPMENT ORDINANCE AND AMENDING THE ZONING ORDINANCE AND MAP TO CONFORM THEREWITH

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

Section 1. Finding of Fact.

a. Application has been made for amending the zoning for the real property described in **Exhibit A**, which is attached hereto and incorporated by this reference (the “Property”), from Clarke Property PD Development Guide and Plan to PD-Planned Development District, pursuant to the Town of Parker Land Development Ordinance.

b. Public notice has been given of such rezoning by publication on the Town of Parker’s website, at least fifteen (15) days prior to the public hearing of such rezoning.

c. Written notice was sent by first class mail to all owners of property that abuts the Property, at least fifteen (15) days prior to the public hearing.

d. Notice of such proposed hearing was posted on the property for fifteen (15) consecutive days prior to said hearing.

e. The requirements contained in Section 13.04.240(b) of the Parker Land Development Code are satisfied for rezoning the Property to PD-Planned Development District.

Section 2. The Property is hereby zoned as provided in the Parker Premise Warehouse Planned Development (Development Guide), which is attached as **Exhibit B** and incorporated by this reference, and Parker Premise Warehouse Planned Development (Development Plan), which is attached as **Exhibit C** and incorporated by this reference (collectively referred to as the “Parker Premise Warehouse Planned Development”).

Section 2. The Zoning Ordinance and Zoning Map are hereby amended to conform with the zoning change to the Property.

Section 4. Approval of this Ordinance does not create a vested property right. Vested property rights may arise and accrue, pursuant to the provisions of Ordinance No. 3.65.1, as amended, of the Town of Parker.

Section 5. 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 6. 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 7. This Ordinance shall become effective upon the later to occur of: (i) the date that is ten (10) days after final publication; or (ii) the date the site plan for the Property, which is described in that certain Development Agreement dated _____, 2019, between the Town and George M Kaneshiro Revocable Trust and Laura L Kaneshiro Revocable Trust and Premises Parker Warehouse Condo Association HOA is approved.

INTRODUCED AND PASSED ON FIRST READING this _____ day of _____, 2019.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this _____ day of _____, 2019.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney

EXHIBIT A

Legal Description

LOT 3, BLOCK 2, TWENTY MILE INDUSTRIAL PARK SUBDIVISION
FILING NO. 1 MINOR DEVELOPMENT PLAT
RECEPTION NUMBER 2005040584
DOUGLAS COUNTY, COLORADO

ADDITIONALLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE COUNTY OF DOUGLAS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 15, WHENCE THE WEST LINE OF SAID SOUTHWEST QUARTER BEARS NORTH 00°50'43" EAST, ALL BEARINGS HEREON ARE REFERENCED TO THIS LINE;

THENCE NORTH 14°05'23" EAST, A DISTANCE OF 599.44 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF LONGS WAY RECORDED UNDER RECEPTION NUMBER 2002088422 OF THE RECORDS OF THE DOUGLAS COUNTY, COLORADO CLERK AND RECORDER'S OFFICE, BEING THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 540.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS NORTH 01°16'11" EAST AND THE **POINT OF BEGINNING**;

THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY, THE FOLLOWING TWO (2) COURSES:

1. EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 05°14'28", AN ARC LENGTH OF 49.40 FEET;
2. NORTH 86°01'46" EAST, A DISTANCE OF 315.03 FEET;

THENCE DEPARTING SAID SOUTHERLY RIGHT-OF-WAY, SOUTH 00°32'33" EAST, A DISTANCE OF 318.94 FEET;

THENCE SOUTH 88°52'54" WEST, A DISTANCE OF 363.86 FEET;

THENCE NORTH 00°32'33" WEST, A DISTANCE OF 303.06 FEET TO THE **POINT OF BEGINNING**.

CONTAINING AN AREA OF 2.589 ACRES, (112,779 SQUARE FEET), MORE OR LESS.

2019

Town of Parker

[PARKER PREMISE WAREHOUSE PLANNED DEVELOPMENT]

DEVELOPMENT GUIDE

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GENERAL PROVISIONS:

I. PURPOSE:

The purpose of the Parker Premise Warehouse Planned Development Guide (hereinafter referred to as “Development Guide”) is to provide a location for a variety of storage and small business flex uses within three existing buildings. Processes and land uses within this district will be low impact in nature and not create or cause fumes, odor, noise, vibration or other impacts which are detrimental to abutting properties or land uses.

II. APPLICATION:

The standards and regulations contained in this Development Guide shall apply to the Property. The standards and regulations contained in this Development Guide may be divergent from the standards and regulations contained in Chapter 13.04 of the Parker Land Development Ordinance, but not any other Chapter of the Parker Land Development Ordinance. In the event that there is a conflict between the standards and regulations contained in this Development Guide (excluding Chapter 13.04) then the Parker Land Development Ordinance shall control.

III. CONTROL:

After the adoption of this Development Guide by the Town Council of the Town of Parker, subject to the provisions of Section 13.04.230 of the Parker Land Development Ordinance (Non-Conforming Situations), the standards and regulations contained in this Development Guide, in conjunction with the Town of Parker Land Development Ordinance, as provided herein, shall control development, land use, the location and bulk of all buildings and other structures, existing and future, and shall also apply to the following:

- A. Any new building or other structure, and any parcel of land, or land use;
- B. The use of any existing building, other structure or parcel of land may be changed or extended;
- C. Any existing building or other structure, if such building or other structure is to be enlarged, reconstructed, structurally altered, converted or relocated.
- D. All standards and regulations set forth or referred to in the standards and regulations for the planning area in which such buildings and other structures are located.

IV. INCORPORATION OF DEVELOPMENT PLAN:

The Parker Premises Warehouse, including the type, location and boundaries of land use areas are shown upon the “Parker Premise Warehouse Development Plan” (hereinafter referred to as “Development Plan”), which Development Plan is hereby incorporated by reference into this Development Guide together with everything shown thereon and all amendments thereto.

V. CONFLICTS:

Where there is more than one provision within the Development Guide that covers the same subject matter, the provision which is most restrictive or imposes higher standards or requirements shall govern unless determined otherwise by the Community Development Director.

AUTHORITY

I. AUTHORITY

The authority for this PD Development Guide is Section 13.04.150 (PD-Planned Development) of the Town of Parker Land Development Ordinance.

II. ADOPTION:

The adoption of this Development Guide and Development Plan by ordinance shall evidence the findings and decisions of the Town of Parker Town Council that this Development Guide and Development Plan for the Parker Premise Warehouse Planned Development is authorized by the provisions of Section 13.04.150 of the Town of Parker Land Development Ordinance.

III. ENFORCEMENT:

The provisions of the Development Guide relating to the use of land shall run in favor of the Town of Parker and shall be enforceable, at law or in equity, by the Town of Parker without any limitation on any power or authority otherwise granted by law. All provisions of this Development Guide shall run in favor of the owners of the Property to the extent expressly provided in this Development Guide and in accordance with its terms and conditions.

ALLOWED USES

I. USES PERMITTED BY RIGHT:

All permitted uses on the property shall be reviewed and verified based on the building code, as amended for how the buildings were constructed on the property. The following uses shall be permitted as a matter of right:

- A. Auto-repair and service (no painting)
- B. Brewery, distillery, winery (without a tap room or tasting room)
- C. Fabrication and finishing
- D. Packaging and processing
- E. Printing and publishing
- F. Upholstery
- G. Storage

II. ACCESSORY USES:

The following uses shall be allowed which are incidental and subordinate to the principal use of the land or building on the property:

- A. Any accessory business use (i.e. office) not to exceed 10% of the total unit area

III. PROHIBITED USES:

All uses not specifically listed shall be prohibited on the site.

IV. SITE DESIGN:

A. SITE DEVELOPMENT:

Developments shall utilize creative, place-making, street sensitive site organization which activates the site increasing the vitality and energy of this area of Parker.

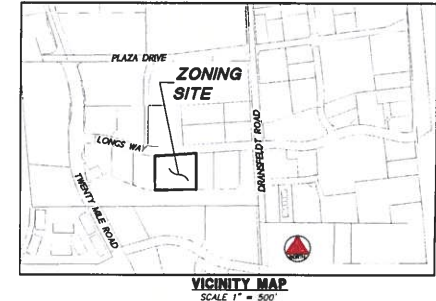
1. **Maximum Height:** thirty-five (35') feet
 - No penetrations or holes will be permitted through the existing roof or side of buildings.
2. **Building Setbacks:**
 - a. Minimum Setbacks:

Front (Longs Way):	20'
Rear:	10'
Side:	10'
Trash Enclosures:	As approved on the site plan

EXHIBIT C

PARKER PREMISE WAREHOUSE PLANNED DEVELOPMENT DEVELOPMENT PLAN

LOT 3, BLOCK 2, TWENTY MILE INDUSTRIAL PARK SUBDIVISION FILING NO. 1
MINOR DEVELOPMENT PLAT LOCATED IN THE SOUTHWEST QUARTER OF SECTION 15,
TOWNSHIP 6 SOUTH, RANGE 86 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO



LEGAL DESCRIPTION

LOT 3, BLOCK 2, TWENTY MILE INDUSTRIAL PARK SUBDIVISION
FILING NO. 1 MINOR DEVELOPMENT PLAT
RECEPTION NUMBER 2000040584
DOUGLAS COUNTY, COLORADO

ADDITIONALLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 6 SOUTH, RANGE 86 WEST OF THE SIXTH PRINCIPAL MERIDIAN IN THE COUNTY OF DOUGLAS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 15, THENCE THE WEST LINE OF SAID SOUTHWEST QUARTER BEARS NORTH 00°30'43" EAST, ALL BEARINGS HEREON ARE REFERENCED TO THIS LINE.

THENCE NORTH 14°03'33" EAST, A DISTANCE OF 388.44 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF LONGS WAY RECORDED UNDER RECEPTION NUMBER 2000084422 OF THE RECORDS OF THE DOUGLAS COUNTY, COLORADO CLERK AND RECORDER'S OFFICE, BEING THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHEAST HAVING A RADIUS OF 540.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS NORTH 01°16'11" EAST AND THE POINT OF BEGINNING.

THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY, THE FOLLOWING TWO (2) COURSES:

1. EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 05°14'28", AN ARC LENGTH OF 49.40 FEET;
2. NORTH 86°01'46" EAST, A DISTANCE OF 315.03 FEET;

THENCE DEPARTING SAID SOUTHERLY RIGHT-OF-WAY, SOUTH 00°32'33" EAST, A DISTANCE OF 318.94 FEET;

THENCE SOUTH 88°32'34" WEST, A DISTANCE OF 363.88 FEET;

THENCE NORTH 00°32'33" WEST, A DISTANCE OF 303.06 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 2.589 ACRES, (112,779 SQUARE FEET), MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, GERALD E. BOYSEN JR., A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS DEVELOPMENT PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION AND THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THIS MAP ACCURATELY DELINEATES THE PARCEL OF LAND TO BE ZONED IN THE TOWN OF PARKER, COLORADO.



GERALD E. BOYSEN JR.
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR No. 32428
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.

NOTICE:
ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

NOTICE:
PER THE STATE OF COLORADO BOARD OF LICENSURE FOR ARCHITECTS, PROFESSIONAL ENGINEERS, AND PROFESSIONAL LAND SURVEYORS RULE 6.2.2 THE WORD "CERTIFY" AS USED HEREON MEANS AN EXPRESSION OF PROFESSIONAL OPINION AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED. THE SURVEY REPRESENTED HEREON HAS BEEN PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION IN ACCORDANCE WITH APPLICABLE STANDARDS OF PRACTICE AND IS BASED UPON MY KNOWLEDGE, INFORMATION AND BELIEF.

CLERK AND RECORDER'S CERTIFICATE

STATE OF COLORADO)
COUNTY OF DOUGLAS) SS
I HEREBY CERTIFY THAT THIS PLAT WAS FILED IN MY OFFICE ON THIS _____ DAY OF _____, 2018 A.D., AT _____ A.M./P.M. AND WAS RECORDED AT _____

RECEPTION NO. _____

COUNTY CLERK AND RECORDER _____

NOTES

1. BASIS OF BEARINGS

BEARINGS ARE BASED UPON THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 6 SOUTH, RANGE 86 WEST OF THE SIXTH PRINCIPAL MERIDIAN AS BEARING NORTH 00°30'43" EAST, ASSUMED, PER THE RECORDED PLAT OF TWENTY MILE INDUSTRIAL PARK SUBDIVISION FILING NO. 1 MINOR DEVELOPMENT PLAT.

2. DISTANCES SHOWN HEREON ARE GROUND DISTANCES IN U.S. SURVEY FEET UNITS.

3. THIS ZONING MAP HAS BEEN PREPARED FROM RECORD INFORMATION AND DOES NOT REPRESENT A MONUMENTED LAND SURVEY.

PLANNING COMMISSION CERTIFICATE

THIS DEVELOPMENT PLAN WAS REVIEWED AND RECOMMENDED FOR APPROVAL BY THE TOWN OF PARKER PLANNING COMMISSION FOLLOWING A PUBLIC HEARING HELD ON _____

COMMUNITY DEVELOPMENT DIRECTOR ON BEHALF OF THE PLANNING COMMISSION _____

TOWN COUNCIL CERTIFICATE

THIS DEVELOPMENT PLAN WAS APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PARKER ON THE _____ DAY OF _____, 2018, FOR THE PROPERTY DESCRIBED HEREON. THE ZONING INFORMATION SHOWN HEREON WAS CONFIRMED WITH THE ADOPTION OF ORDINANCE NO. _____

MAYOR, TOWN OF PARKER _____

ATTEST: TOWN CLERK _____

EXISTING ZONING

PLANNED DEVELOPMENT - COMMERCIAL/OFFICE/INDUSTRIAL

PROPOSED ZONING

PARKER PREMISE WAREHOUSE PLANNED DEVELOPMENT

OWNERS

ZANGA REAL ESTATE LLC
18584 LONGS WAY C2
PARKER, CO 80134

CENTERLINE BUILDERS LLC
18596 LONGS WAY B7
PARKER, CO 80134

MAVNE VENTURES LLC
18596 LONGS WAY B10
PARKER, CO 80134

OPPORTUNITY IN LIVING
18596 LONGS WAY B3
PARKER, CO 80134

CHECK SIX LLC
18608 LONGS WAY A8
PARKER, CO 80134

PRAMID MECHANICAL INC
18608 LONGS WAY A3
PARKER, CO 80134

ROBERT W KNEPPER
18608 LONGS WAY A6
PARKER, CO 80134

ADAM ALFANO & KELSEY
EMMA ALFANO
18584 LONGS WAY C1
PARKER, CO 80134

PREMIER WAREHOUSE LLC
18584 LONGS WAY D6
PARKER, CO 80134

AARON STEPHEN DUVAL &
HEATHER BLAINE DUVAL
18596 LONGS WAY B1
PARKER, CO 80134

ALECO LLC
18596 LONGS WAY B19
PARKER, CO 80134

OWNERS

JACOB OLSON
18584 LONGS WAY B2
PARKER, CO 80134

RAY BRIEN
18596 LONGS WAY B13
PARKER, CO 80134

CHECK SIX LLC
18608 LONGS WAY A9
PARKER, CO 80134

GERALD R ZEMAN &
JENNIFER A ZEMAN
18608 LONGS WAY A1
PARKER, CO 80134

ROBERT R BUCHANAN JR
& DONNA W BUCHANAN
18608 LONGS WAY A7
PARKER, CO 80134

BFS STORAGE LLC
18584 LONGS WAY C9
PARKER, CO 80134

DECKSCAPES CORPORATION
18584 LONGS WAY C10
PARKER, CO 80134

LONGS WAY CONDOS LLC
18584 LONGS WAY C7
PARKER, CO 80134

MOUNTAIN ASBESTOS
ABATEMENT LLC
18584 LONGS WAY C5
PARKER, CO 80134

DALLENBACH RACING CORP
18584 LONGS WAY B18
PARKER, CO 80134

ZANGA REAL ESTATE LLC
18584 LONGS WAY C3
PARKER, CO 80134

OWNERS

LONGS WAY CONDOS LLC
18596 LONGS WAY B12
PARKER, CO 80134

RENAISSANCE COMPANY
18596 LONGS WAY B9
PARKER, CO 80134

WELCHERBROCK LLC
18596 LONGS WAY B4
PARKER, CO 80134

WELCHERBROCK LLC
18596 LONGS WAY B17
PARKER, CO 80134

BLAIR FAMILY PROPERTIES
B LLC
18608 LONGS WAY A8
PARKER, CO 80134

CHECK SIX LLC
18608 LONGS WAY A10
PARKER, CO 80134

GEORGE W KANESHIRO
REVOCABLE TRUST &
LAURA L KANESHIRO
REVOCABLE TRUST
NO POSTED ADDRESS

KENNETH A BOOS
18584 LONGS WAY C8
PARKER, CO 80134

RUR SOLUTIONS INC
18584 LONGS WAY C4
PARKER, CO 80134

ZANGA REAL ESTATE LLC
18584 LONGS WAY B18
PARKER, CO 80134

OWNERS

AMERICAN PATRIOT OIL LLC
18596 LONGS WAY B20
PARKER, CO 80134

ELECTRIC JELLYFISH
18596 LONGS WAY B6
PARKER, CO 80134

HEATHER STROM
18596 LONGS WAY B19
PARKER, CO 80134

JOHN P WILSON
18596 LONGS WAY B11
PARKER, CO 80134

LONGS WAY CONDOS LLC
18596 LONGS WAY B18
PARKER, CO 80134

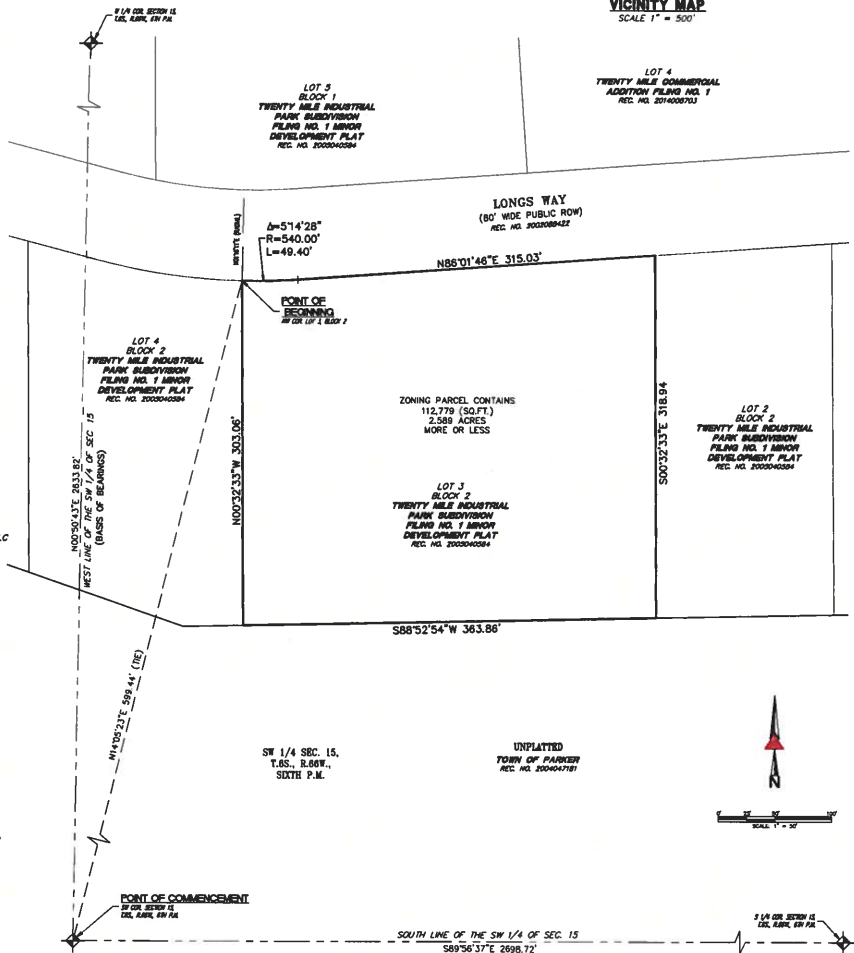
RANDAL GLEN OWEN
18596 LONGS WAY B5
PARKER, CO 80134

REMA PROPERTIES LLC
18596 LONGS WAY B14
PARKER, CO 80134

WFL MINERALS LLC
18596 LONGS WAY B8
PARKER, CO 80134

PRAMID MECHANICAL INC
18608 LONGS WAY A5
PARKER, CO 80134

WFL MINERALS LLC &
DR CAPE LLC
18608 LONGS WAY A5
PARKER, CO 80134



PREMISES WAREHOUSE CONDOS
ZONING MAP
DOUGLAS COUNTY, COLORADO
TOWN OF PARKER, CO 80138
2010 EAST MAIN STREET, PARKER, CO 80138

SHEET
ONE
OF 1 SHEETS

24810-10
JOB NO.

200 East Main Street, Suite 1
Parker, Colorado 80132
Phone: (303) 713-1898
Fax: (303) 713-1897
www.aztecconsultants.com

AZTEC
CONSULTANTS, INC.

SCALE
1" = 60'
DATE
04-18-2018

DRAWN BY
DATE
04-18-2018

CHECKED BY
DATE
04-18-2018

APPROVED BY
DATE
04-18-2018

ORDINANCE NO. 3.41.3, Series of 2019

TITLE: A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3.41 BY THE DELETION OF CERTAIN PROPERTY FROM THE PLANNED DEVELOPMENT ZONED AREA KNOWN AS THE CLARKE PROPERTY DEVELOPMENT GUIDE AND PLAN

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

Section 1. Finding of Fact.

a. Application has been made for rezoning certain property described in the attached **Exhibit A**, which is a portion of the property known as the Clarke Property PD Development Guide and Plan, which was zoned PD-Planned Development pursuant to Town of Parker Ordinance No. 3.41 (the "Property"), to rezone the Property to Parker Premise Warehouse Planned Development.

b. Public notice has been given of such rezoning by publication on the Town of Parker's website, at least fifteen (15) days before the public hearing of such rezoning.

c. Written notice was sent by first class mail to all owners of property that abut the Property, at least fifteen (15) days prior to the public hearing.

d. Notice of such proposed hearing was posted on the Property for fifteen (15) consecutive days prior to said hearing.

e. The requirements of Section 13.04.240 of the Parker Land Development Ordinance for rezoning of the Property to Parker Premise Warehouse Planned Development have been satisfied.

Section 2. The Property is hereby deleted from the Planned Development area known as the Clarke Property PD Development Guide and Plan, as described in Town of Parker Ordinance No. 3.41, and is rezoned as more particularly set forth in Ordinance No. 3.340, approved concurrently herewith.

Section 3. The Zoning Ordinance and Zoning Map are hereby amended to conform with the zoning change to the property.

Section 4. Approval of this Ordinance does not create a vested property right. Vested property rights may arise and accrue pursuant to the provisions of Ordinance No. 3.65.1 of the Town of Parker.

Section 5. 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 5. 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 7. This Ordinance shall become effective upon the later to occur of: (i) the date that is ten (10) days after final publication; or (ii) the date the site plan for the Property, which is described in that certain Development Agreement dated _____, 2019, between the Town and Premises Parker Warehouse Condominium Association, Inc., is approved.

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____, 2019.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2019.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney

EXHIBIT A

Legal Description

LOT 3, BLOCK 2, TWENTY MILE INDUSTRIAL PARK SUBDIVISION
FILING NO. 1 MINOR DEVELOPMENT PLAT
RECEPTION NUMBER 2005040584
DOUGLAS COUNTY, COLORADO

ADDITIONALLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE COUNTY OF DOUGLAS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 15, WHENCE THE WEST LINE OF SAID SOUTHWEST QUARTER BEARS NORTH 00°50'43" EAST, ALL BEARINGS HEREON ARE REFERENCED TO THIS LINE;

THENCE NORTH 14°05'23" EAST, A DISTANCE OF 599.44 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF LONGS WAY RECORDED UNDER RECEPTION NUMBER 2002088422 OF THE RECORDS OF THE DOUGLAS COUNTY, COLORADO CLERK AND RECORDER'S OFFICE, BEING THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 540.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS NORTH 01°16'11" EAST AND THE **POINT OF BEGINNING**;

THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY, THE FOLLOWING TWO (2) COURSES:

1. EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 05°14'28", AN ARC LENGTH OF 49.40 FEET;
2. NORTH 86°01'46" EAST, A DISTANCE OF 315.03 FEET;

THENCE DEPARTING SAID SOUTHERLY RIGHT-OF-WAY, SOUTH 00°32'33" EAST, A DISTANCE OF 318.94 FEET;

THENCE SOUTH 88°52'54" WEST, A DISTANCE OF 363.86 FEET;

THENCE NORTH 00°32'33" WEST, A DISTANCE OF 303.06 FEET TO THE **POINT OF BEGINNING**.

CONTAINING AN AREA OF 2.589 ACRES, (112,779 SQUARE FEET), MORE OR LESS.



Request for Town Council Action

Date: April 15, 2019

Submitted By: John Fussa, Community Development Director

Reviewed By: Michelle Kivela, Town Administrator

Title: **RESOLUTION NO. 19-023**
A Resolution to Allow, Subject to the Satisfaction of Certain Conditions, a Partial Waiver to Defer Compliance with Certain Requirements of Sections 13.07.060 and 13.07.070 of the Parker Land Development Ordinance Associated with the Processing of the Sketch and Preliminary Plan for Certain Segments of the Real Property Commonly Known as the Anthology North Property Until Those Segments are Ready for Development

Department: Community Development, John Fussa
Engineering/Public Works, Tom Williams

EXECUTIVE SUMMARY

The Anthology North property is a 1,208 acre tract that is one of the last major development sites remaining in Parker. It is located in the southwest quadrant of Town south of Hess Road, west of Motsenbocker Road, east of Rueter-Hess Reservoir and north of Hess Ranch. The property owner and their development partner have indicated that they wish to begin the development of the site in 2019 on a phased basis.

The property owner and their development partner propose to initiate the phased development process by a subdivision plat of Anthology North into three (3) segments. To do so, they have requested a partial waiver of certain subdivision regulations in the Land Development Ordinance (LDO) pursuant to Section 13.01.100 (Partial Waiver). The Partial Waiver would require that the property owner and their development partner satisfy all LDO requirements but provide a deferral of certain subdivision regulations for: (1) the initial plat to create three segments, and (2) future phases beyond Segment 1.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The Anthology North property owner and development partner initiated the most recent discussions with Town staff about development of the site in 2018. Initially, the discussions focused upon the request for phased development of the site, how this might be accomplished under the LDO and whether the Town would support such an approach.

Staff reviewed the request for a phased approach over several months, consulted with the Town Council and identified potential issues to be addressed. In the fall of 2018, staff concluded that a phased approach to the Anthology North development had merit, recommended that Town Council consider supporting the approach and received direction from Council to proceed with a Partial Waiver of the LDO to permit the requested phasing.

The authority for a Partial Waiver of the LDO is found at Section 13.01.100 which provides that the Town Council may waive provisions of the Code “for the purpose of encouraging flexibility and variety in land development.” It is important to note that the requested Partial Waiver is not a waiver of the subdivision regulations, but instead allows the Anthology North property owner and their development partner a delay in the time required to satisfy them. The Anthology North property owner and their development partner are still required to address all planning, design and technical requirements for development to the Town's satisfaction should the Town Council approve the Partial Waiver.

Conceptually, the Anthology North property owner and their development partner would file an application for a Sketch and Preliminary Plan (the “Initial Subdivision Plan”) for the entire Anthology North property. The purpose of this application would be to approve the Plan that would ultimately provide for the subdivision of the large property into three (3) smaller segments as shown on the attached Anthology North Segment Exhibit. The Town Council, by resolution, would address compliance with the subdivision regulations for the Initial Subdivision Plan as follows:

1. **Segment 1:** The future residential development located east of Chambers Road. Property owner and development partner required to comply with all subdivision regulations early because this is the first phase of development.
2. **Segment 2:** The future commercial property located adjacent to Hess Road. Property owner and development partners permitted to defer compliance with subdivision regulations because this is a future phase of development.
3. **Segment 3:** The future residential property located to the west of Chambers Road. Property owner and development partners permitted to defer compliance with subdivision regulations because this is a future phase of development.

Staff has negotiated multiple terms and conditions with the Partial Waiver that improve the future Anthology North development and protect the Town in response to the request for a phased approach to the development of the property. They must be performed with the Initial

Subdivision Application and include the following:

1. The design and construction of that portion of Chambers Road from Hess Road to the common boundary between Anthology North and Hess Ranch (as one-half of an arterial), Great Plain Way from Chambers Road to the eastern property boundary, Tammy Lane from Hess Road to Great Plain Way, Bramwell Drive between Chambers Road and the eastern boundary of the property, the collector road connecting Great Plain Way and Bramwell Drive, portions of Red Elder Street, Spirit Trail Boulevard, Jordan Road, and Stroh Road;
2. The design and construction of a dendritic subdivision layout and payment to the Town for the cost to design and construct the associated regional drainage improvements for the residential property located east of Chambers Road;
3. Preparation of a parks, trails, open space and recreation master plan for the entire Anthology North property;
4. Zone and develop a minimum of one third (1/3) of the developable land area included in Planning Area 15 for commercial uses; provided that the Town allows a proportional residential yield transfer for that portion of the approved residential yield of 429 dwelling units in Planning Area 15 that is unavailable due to commercial uses;
5. Use best efforts to cooperate with the Town and Douglas County School District RE-1 to convey Planning Areas 14, 27 and 39 to the Town at the time of the final plat; and
6. Agree to inclusion of the Anthology North property into the Regional Transportation District (RTD) at the time of the first final plat, subject to RTD approval.

The Anthology North property owner and their development partner have indicated that they intend to submit applications for the first phase of development within Segment 1 in 2019 if Town Council approves the Partial Waiver.

FINANCIAL IMPACT

None. Required to meet all financial obligations of the Annexation Agreement with regard to public improvements as development progresses.

STRATEGIC GOAL(S)



**DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH**



**ENHANCE ECONOMIC
VITALITY**



**INNOVATE WITH
COLLABORATIVE
GOVERNANCE**

ATTACHMENTS

1. Anthology North_Development Plan_Copy
2. Anthology North Segment Exhibit
3. Anthology North Conceptual Lot Plan
4. Resolution No. 19-023

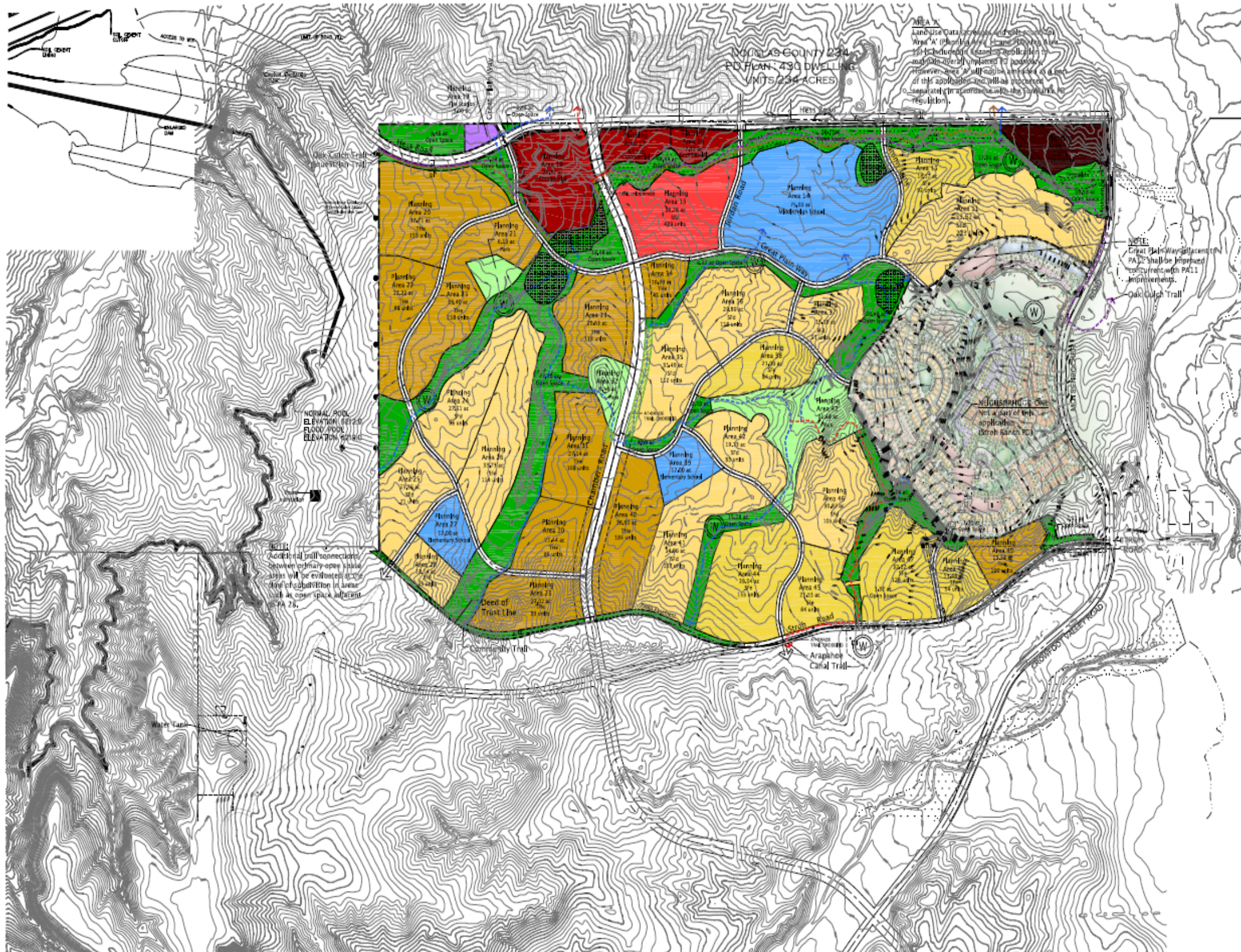
RECOMMENDED MOTION

I move to approve Resolution No. 19-023.

ANTHOLOGY NORTH DEVELOPMENT PLAN

AMENDMENT #1

COUNTY OF DOUGLAS, STATE OF COLORADO.
1207.9 ACRES - 3,305 UNITS



Anthology North Development Plan Chart

March 11, 2005

	Parcel#	Land Use	Gross Acres	Max. Density per Dev. Guide	Net Acres	DU (shown on plan)
	Pa-11	SFJ	53.62	4.5	52.8"	223
	Pa-12	Commercial	16.20	22.0	15.95	-
	Pa-13	SFp	18.57	6.0	17.14	92
	Pa-14	Middle/High School	75.00	-	70.67	-
	Pa-15	MU	36.25	22.0	30.12	429
	Pa-16	Commercial	7.32	22.0	7.20	-
	Pa-17	Commercial	5.57	22.0	8.37	-
	Pa-18	Commercial	26.82	22.0	26.62	-
	Pa-19	Fire Station	3.00	-	3.00	-
	Pa-20	THs	36.71	14.0	37.36	155
	Pa-21	Park	6.13	-	6.13	-
	Pa-22	THs	22.22	14.0	20.5"	86
	Pa-23	THs	39.40	14.0	35.88	155
	Pa-24	SFJ	27.51	4.5	26.60	96
	Pa-25	SFJ	23.15	4.5	21.00	71
	Pa-26	SFJ	35.49	4.5	34.70	114
	Pa-27	School	12.00	-	10.56	-
	Pa-28	SFJ	16.14	4.5	9.70	35
	Pa-29	THs	23.02	14.0	19.80	92
	Pa-30	THs	21.44	14.0	16.85	68
	Pa-31	THs	27.14	14.0	22.95	138
	Pa-32	Park	5.56	-	7.37	-
	Pa-33	THs	29.63	14.0	23.64	113
	Pa-34	THs	16.39	6.0	6.75	45
	Pa-35	SFJ	31.49	4.5	25.0"	112
	Pa-36	SFJ	29.99	4.5	29.37	113
	Pa-37	SFJ	15.15	4.5	13.94	51
	Pa-38	SFp	21.00	6.0	19.0"	64
	Pa-39	School	12.00	-	10.76	-
	Pa-40	THs	36.60	6.0	27.12	194
	Pa-41	SFJ	34.05	4.5	33.29	137
	Pa-42	SFJ	18.13	4.5	17.95	62
	Pa-43	Park	31.85	-	31.09	-
	Pa-44	SFp	39.04	6.0	36.9"	155
	Pa-45	SFp	21.53	6.0	18.70	64
	Pa-46	SFJ	36.87	4.5	30.49	135
	Pa-47	SFp	32.22	6.0	28.84	128
	Pa-48	SFp	13.48	6.0	11.07	54
	Pa-49	THs	13.38	14.0	11.95	130
	Subtotal		866.13		676.69	3,365
	Land Use		Gross Acres	Max. Density per Dev. Guide	Net Acres	DU (shown on plan)
	MU		36.25	-	30.12	429.00
	Residential		718.39	-	646.35	2,676.00
	Open Space		241.76	-	224.73	-
	Parks		47.57	-	45.09	-
	Schools		99.00	-	81.99	-
	Fire Stations		3.00	-	3.00	-
	Commercial		61.91	-	59.14	-
	TOTALS		1,297.94		1,101.39	3,365
	SFp Total		145.84	6.0	137.87	597.00
	SFJ Total		310.62	4.5	290.83	1,145.00
	THs Total		261.93	14.0	222.92	1,134.00
	MU Total		36.25	22.0	30.12	429.00
	TOTALS		754.55		678.47	3,365

OWNERS:

NORTH PARKER INVESTMENTS, LLC BY: ANTHOLOGY MANAGEMENT, LLC

SCOTT SELDIN, MANAGER

STATE OF _____

COUNTY OF _____

THIS INSTRUMENT WAS ACKNOWLEDGED AND EXECUTED BEFORE ME THIS ____ DAY OF _____, 2015 BY SCOTT SELDIN AS MANAGER OF NORTH PARKER INVESTMENTS, L.L.C, A DELAWARE LIMITED LIABILITY COMPANY.

MY COMMISSION EXPIRES: _____

SEAL _____

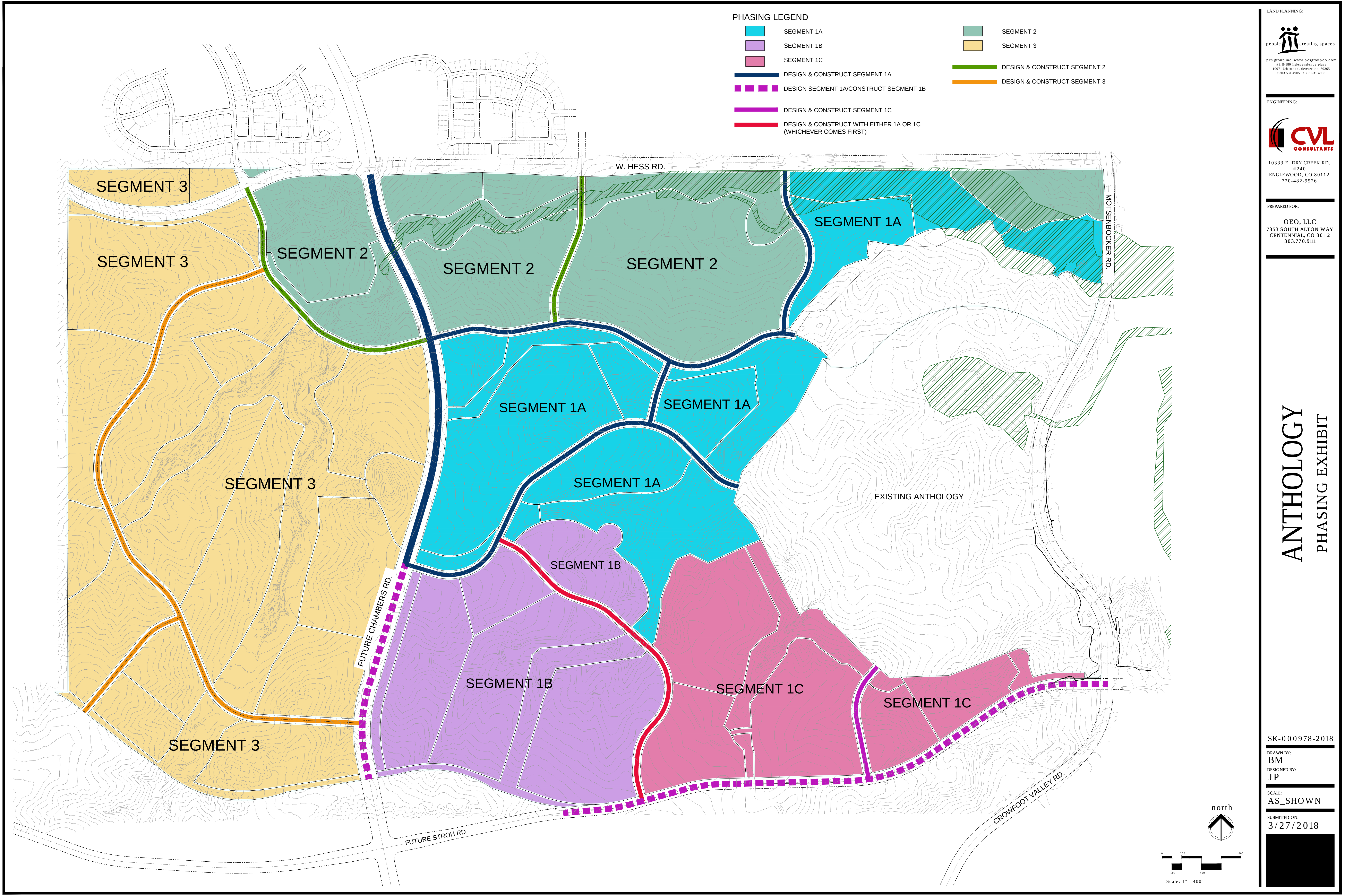
NOTARY PUBLIC

KURT F. WOLTER

STATE OF _____

COUNTY OF _____

THIS INSTRUMENT WAS ACKNOWLEDGED AND EXECUTED BEFORE ME THIS ____ DAY OF _____, 2015 BY KURT F. WOLTER.



LAND PLANNING:

people creating spaces

pcs group inc. www.pcsgruopco.com
93, n.180 independence place
1007 36th street, denver co 80265
1 303.531.4905 f 303.531.4908

ENGINEERING:

CVL
CONSULTANTS

10333 E. DRY CREEK RD.
#240
ENGLEWOOD, CO 80112
720-482-9526

PREPARED FOR:

OEO, LLC
7353 SOUTH ALTON WAY
CENTENNIAL, CO 80112
303.770.9111

ANTHOLOGY

PHASING EXHIBIT

SK-000978-2018

DRAWN BY:
BM

DESIGNED BY:
JP

SCALE:
AS SHOWN

SUBMITTED ON:
3/27/2018

Scale: 1" = 400'

north

ANTHOLOGY

KEY

 Duplex (35' Wide): 160

 Duplex (40' Wide): 86

 45' LOTS : 317

 50' LOTS: 420

 55' LOTS: 132

 60' LOTS : 275

TOTAL ESTIMATED UNITS: 1,390

UNITS ON ZONING MAP: 1,387

DIFFERENCE OF TOTALS: (+3)

ZONING NOTES

SF_d: Allows lot sizes of: Single Family Detached Homes, Zero Lot Line Dwellings and Duplex.

Minimum Lot Sizes: Single Family Detached- 4,500 sf.
Duplex, Zero Lot Line, Patio Home - 3,000 sf.

SF_e: Allows lot sizes of: Single Family Detached Homes, Zero Lot Line Dwellings and Duplex.

Minimum Lot Sizes: Single Family Detached- 3,500 sf.
Duplex/ Zero Lot Line - 2,500 sf.
Patio Home - 2,000 sf.

TH_e: Allows lot sizes of Single Family Detached Homes, Duplex, Townhomes, Tri-Plex and Four-Plex.

Minimum Lot Sizes: Single Family Detached- 3,500 sf.
Duplex/ Zero Lot Line - 2,500 sf.
Townhome/ Patio Home - 2,000 sf.



RESOLUTION NO. 19-023, Series of 2019

TITLE: A RESOLUTION TO ALLOW, SUBJECT TO THE SATISFACTION OF CERTAIN CONDITIONS, A PARTIAL WAIVER TO DEFER COMPLIANCE WITH CERTAIN REQUIREMENTS OF SECTIONS 13.07.060 AND 13.07.070 OF THE PARKER LAND DEVELOPMENT ORDINANCE ASSOCIATED WITH THE PROCESSING OF THE SKETCH AND PRELIMINARY PLAN FOR CERTAIN SEGMENTS OF THE REAL PROPERTY COMMONLY KNOWN AS THE ANTHOLOGY NORTH PROPERTY UNTIL THOSE SEGMENTS ARE READY FOR DEVELOPMENT

WHEREAS, North Parker Investments, LLC (the “Property Owner”), owns the real property commonly known as the Anthology North Property, which is described in **Exhibit 1** and incorporated by this reference (the “Property”);

WHEREAS, the Property Owner and the Town of Parker (the “Town”) entered into the Amended and Restated Stroh/Hess Annexation Agreement (Northern Property) on May 5, 2014, and recorded at Reception No. 20150011482 of the Douglas County Clerk and Recorder’s Office, which agreement was amended on November 26, 2014, and again on September 21, 2015 (as amended, the “Annexation Agreement”), concerning the development of the Property;

WHEREAS, the Annexation Agreement provides that the Property Owner has certain obligations that must be performed prior to, or contemporaneously with, the Town’s approval of the various final plats that may be approved for the Property (the “Final Plat Obligations”);

WHEREAS, the Property is zoned “Anthology North Development Plan and Guide,” as approved by Ordinance No. 3.308, Series of 2014, and recorded at Reception No. 2015001479 of the Douglas County Clerk and Recorder’s Office, and amended by Ordinance No. 3.308.1, Series of 2015, and recorded at Reception No. 2015089144 of the Douglas County Clerk and Recorder’s Office (as amended, the “Development Plan and Guide”);

WHEREAS, the Parker Land Development Ordinance (the “Code”) does not allow the division of land for development purposes without the subdivision of land in accordance with Chapter 13.07 of the Code;

WHEREAS, Section 13.07.040(a)(1) of the Code describes the “three (3) steps required to obtain approval of a subdivision are: (1) sketch plan—the review of the feasibility of the project including conceptual design, legal ability to obtain water and sanitation, location of geologic hazards, identification of environmentally sensitive areas and wildlife habitat areas, locations of parks, schools and open space, source of required services, vehicular and pedestrian circulation, and conformance with the Town Master Plan and zoning requirements; (2) preliminary plan—a review of preliminary technical engineering; and (3) final plat—a review of all final engineering and construction plans, execution of subdivision agreements, provision of a letter of credit or cash to secure the construction of the public improvements described in the subdivision agreement, and other legal requirements;”

WHEREAS, the Property Owner desires to subdivide the Property in the manner provided by Section 13.07.040(a)(1) of the Code, but also desires to defer compliance with certain requirements contained in Section 13.07.060 of the Code for a sketch plan and Section 13.07.070

of the Code for a preliminary plan for those segments of the Property that are not ready for development as described herein, which in turn will defer the final platting and Final Plat Obligations for these segments;

WHEREAS, the Property Owner desires to create three (3) independent stand-alone segments on the Property, which segments currently and collectively consist of approximately one thousand one hundred and fifty-four (1,154) acres;

WHEREAS, Segment 1 will include Planning Areas 13 and 34 through 49, as described in the development plan for the Property, which is part of the Development Plan and Guide, the development plan portion of which is attached as **Exhibit 2** and incorporated by this reference (the “Development Plan”);

WHEREAS, portions of Segment 1 are further defined as follows: Segment 1(A) will include Planning Areas 13, 34-38, 43 and the open space as described on Exhibit E-6 of the Annexation Agreement; Segment 1(B) will include Planning Areas 39, 40, 41, 44, and adjacent open space; and Segment 1(C) will include Planning Areas 42 , 45 and 49, and adjacent open space; which segments shall be final platted in sequential order, whereby Segment 1(A) is final platted first, Segment 1(B) is final platted second, and Segment 1(C) is final platted last, to ensure that the necessary roadway infrastructure is constructed as the Property develops;

WHEREAS, Segment 2 will include Planning Areas 12, and 14 through 18, as described in the Development Plan;

WHEREAS, Segment 3 will include Planning Areas 19 through 33, as described in the Development Plan;

WHEREAS, the Property Owner will submit one combined sketch and preliminary plan for the Property, as provided by Section 13.07.070(a)(3) of the Code, the boundary of which is the Property and will include Segments 1, 2 and 3 (the “Sketch and Preliminary Plan”);

WHEREAS, the portion of the Sketch and Preliminary Plan for Segment 1 will be subject to the requirements contained in Sections 13.07.060 and 13.07.070 of the Code provided that the Property Owner submits a completed application for the Sketch and Preliminary Plan for the Property, as described herein, and the application is deemed complete by the Town on or before the date that is eight months after the date the Town approves this Resolution (the “Submittal Deadline,” which shall be extended to include the next non-weekend or holiday date in the event that the Submittal Deadline would otherwise fall on a weekend, federal or Town holiday). The Planning Director may grant one (1) administrative extension of not more than ninety (90) days for the submission of a completed Sketch and Preliminary Plan application should the Property Owner need additional time to meet the requirements of Sections 13.07.060 and 13.07.070 of the Code;

WHEREAS, the portion of the Property comprising Segment 2 will be depicted on the Sketch and Preliminary Plan, however, all requirements contained in Sections 13.07.060 and 13.07.070 of the Code, including payment of all development review fees related to the development of Segment 2, will be deferred, with no interest or penalty, for Segment 2 until such time as the Property Owner is prepared to develop Segment 2;

WHEREAS, the portion of Property comprising Segment 3 will be depicted on the Sketch and Preliminary Plan, however, all requirements contained in Sections 13.07.060 and 13.07.070 of the Code, including payment of all development review fees related to the development of Segment 3, will be deferred, with no interest or penalty, for Segment 3 until such time as the Property Owner is prepared to develop Segment 3;

WHEREAS, the Property Owner, as a condition to this partial waiver and deferral of the requirements contained in Sections 13.07.060 and 13.07.070 of the Code for Segments 2 and 3, will:

1. design, consistent with the Annexation Agreement and applicable portions of the Town of Parker's *Roadway Design and Construction Criteria Manual*, as amended:

- (a) that portion of Chambers Road from Hess Road to the common boundary between the Property and the property commonly referred to as the "Hess Ranch Property;"
- (b) Great Plain Way from Chambers Road to the eastern Property boundary;
- (c) Tammy Lane from Hess Road to Great Plain Way; and
- (d) to the extent not already completed by the Southern Property Owner (as defined in the Annexation Agreement) the portion of Stroh Road comprising the Shared Stroh Obligation Area (as defined in the Annexation Agreement);

all prior to or in conjunction with the Town's approval of the first final plat within Segment 1;

2. construct:

- (a) that portion of Chambers Road that the Property Owner is obligated to construct (as set forth in the Annexation Agreement) from Hess Road to the northern boundary of Planning Area 40;
- (b) Great Plain Way from Chambers Road to the eastern Property boundary;
- (c) Tammy Lane from Hess Road to Great Plain Way;
- (d) the collector road, known as Bramwell Drive, between Chambers Road and the eastern Property boundary; and
- (e) the collector road connecting Great Plain Way and Bramwell Drive located between Planning Areas 36 and 37;

all following the Town's approval of the first final plat within Segment 1(A).

3. construct:

- (a) that portion of Chambers Road that the Property Owner is obligated to construct (as set forth in the Annexation Agreement) from the northern boundary of Planning Area 40 to the southern boundary of the Property;

(b) the collector road, currently known as Spirit Trail Boulevard, running from Bramwell Drive to Stroh Road; and

(c) all portions of Stroh Road that the Property Owner is obligated to construct (as set forth in the Annexation Agreement);

all following the Town's approval of the first final plat within Segment 1(B);

4. construct the collector road, known as Red Elder Street, running between Planning Areas 47 and 48 from Stroh Road to its terminus at the edge of the Property, following the Town's approval of the first final plat within Segment 1(C);

5. construct that portion of Jordan Road that the Property Owner is obligated to construct (as set forth in the Annexation Agreement) from Hess Road to Great Plain Way, following the Town's approval of the first final plat within Segment 2;

6. design the Sketch and Preliminary Plan for Segment 1 in a manner that incorporates a conceptual dendritic subdivision layout, which shall be consistent with the concepts described in **Exhibit 3**, which is attached hereto and incorporated by this reference. This conceptual layout shall be subject to the approval by the Town, such approval to not be unreasonably withheld or delayed;

7. pay to the Town the cost to design the major drainage improvements for Segment 1 (the "Drainage Work"), pursuant to the following provisions:

(a) within thirty (30) days of the Town's approval of this Resolution, the Town shall engage Muller Engineering Company (or another consultant reasonably acceptable to the Town and Property Owner) to submit a proposal for the preparation of detailed plans and specifications for the Drainage Work, as well as a preliminary cost estimate and projected construction schedule (the "Proposal"). Within fourteen (14) days of receipt of the Proposal, Property Owner shall provide any comments on the Proposal to the Town, and thereafter the Town and the Property Owner shall cooperate in good faith to finalize the scope and cost of the Proposal, thereafter known as the "Design Contract";

(b) the Property Owner shall pay to the Town the cost of the Design Contract at or prior to the date of the Property Owner's submittal of an application for the Sketch and Preliminary Plan;

(c) upon payment of the cost of the Design Contract, the Property Owner shall have no further liability for cost of design of the Drainage Work;

8. pay to the Town the cost of construction of the Drainage Work, pursuant to the following provisions:

(a) after execution of the Design Contract, the Town and Property Owner shall work together in good faith as work progresses under the Design Contract to agree upon the final design of the dendritic subdivision layout and the Drainage Work, as well as the final projected cost of constructing the Design Work, which cost shall be broken out for the Drainage Work within each sub-segment of Segment 1 (Segment 1A, 1B and 1C) (the

“Agreed Drainage Work Cost”). Any portion of the Agreed Drainage Work Cost remaining unpaid shall increase annually, commencing at the time the first final plat for Segment 1 is recorded, by the U.S. Bureau of Labor Statistics Consumer Price Index for Denver-Boulder, All Items, All Urban Consumers, or its successor index. The Town agrees that the Drainage Work, as finally designed and constructed, shall not materially affect the density for the Property, as provided in the Development Plan and Guide;

(b) the Property Owner shall pay to the Town the Agreed Drainage Work Cost in the form of “in-lieu” payments linked to the development of Segment 1, and payable for the portion of the Drainage Work contained within each sub-segment of Segment 1 (Segment 1A, 1B, and 1C), prior to the recordation, in each case, of the first final plat within each such sub-segment. The Property Owner’s payment to the Town of the amount of the Agreed Drainage Work Cost for each such sub-segment shall fully satisfy the Property Owner’s obligations with respect to such Drainage Work, and the Property Owner shall have no further liability to the Town to pay for the cost of the Drainage Work for such sub-segment ; and

(c) the Town shall be responsible for construction of the Drainage Work. The Town shall have no required schedule for the construction of the Drainage Work, but the Town’s failure to construct any portion of the Drainage Work shall not delay, hinder, or otherwise impact the approval of any final plat, or the issuance of any corresponding building permit or certificate of occupancy, within each sub-segment (*i.e.*, Segment 1A, 1B and 1C) for which the appropriate in-lieu payment has been made, as described herein;

9. prepare a parks, trails, open space and recreation master plan, subject to Town approval, for the Property, consistent with the preliminary draft plan and scope of work to complete the preliminary draft plan attached as **Exhibit 4**, and incorporated by this reference (the “Parks Master Plan”), prior to the approval of the Sketch and Preliminary Plan. The planning and design of all future plats for the Property for Segments 1, 2 and 3 shall be consistent with the Town-approved Parks Master Plan inclusive of location, extent and improvements. It shall not be construed as a failure to comply with this condition if the Town fails to approve the Parks Master Plan before approval of the Sketch and Preliminary Plan for any reason other than Property Owner’s failure or refusal to abide by the terms set forth on Exhibit 4;

10. zone by amendment to the Development Plan and Guide a minimum of one third (1/3) of the developable land area included in Planning Area 15 for commercial uses, prior to the approval of the Sketch and Preliminary Plan; provided that the Town allows a proportional residential yield transfer for that portion, if any, of the approved residential yield of 429 dwelling units in Planning Area 15 that are unavailable due to commercial uses, as described in **Exhibit 5**, which is attached hereto and incorporated by this reference, prior to the approval of the first final plat for Segment 1. The Property Owner shall only be obligated to seek approval of a zoning amendment consistent with the amendment described in **Exhibit 5**. It shall not be construed as a failure to comply with this condition if the Town fails to approve the rezoning before approval of the Sketch and Preliminary Plan for any reason other than Property Owner’s failure or refusal to abide by the terms set forth on Exhibit 5;

11. cooperate with the Town and Douglas County School District RE-1 to convey Planning Areas 14 and 39 to the Town at the time of the Town’s approval of the first final plat for Segment 1, and to convey Planning Area 27 to the Town at the time of the Town’s approval of the

first final plat for Segment 3. All such conveyances shall be subject to a perpetual restriction that the Town shall only use any such property conveyed for a school or other public use and purpose, as reasonably determined by the Town, or ownership of those Planning Areas shall revert to the Owner. Without limitation, in no event shall the development or sale for the purpose of residential, commercial or industrial uses be considered a public use and purpose for the purposes of this provision. Such conveyance shall be deemed to satisfy Property Owner's school land dedication obligations only under the Annexation Agreement with relation to Planning Areas 14, 39, and 27; and

12. prior to the approval of the first final plat within Segment 1, submit a complete application for the Property to be included into the Regional Transportation District ("RTD"); provided, however, that if the Property Owner takes such action, and RTD declines to accept the Property or the Property is otherwise not included in RTD for reasons outside of the Property Owner's control, it shall not be construed as a failure to comply with this condition;

(conditions (1) through (12) are collectively referred to as the "Partial Waiver Conditions");

WHEREAS, it would be more appropriate for the Property Owner to comply with Sections 13.07.060 and 13.07.070 of the Code at such time as the Property Owner is prepared to develop Segments 2 and 3, and to satisfy the Final Plat Obligations relating to portions of the Property within Segments 2 and 3 when final plats are recorded for such property;

WHEREAS, the Property Owner's compliance with Sections 13.07.060 and 13.07.070 of the Code are not being waived outright, but rather deferred until such time as the Property Owner is prepared to develop Segments 2 and 3;

WHEREAS, with respect to Segment 2, the Property Owner shall be allowed to process sketch plans, preliminary plans, and final plats for individual planning areas without having to complete the sketch and preliminary plan process for the remainder of Segment 2, and without obtaining an additional waiver from the Town;

WHEREAS, Property Owner may elect to create roadway plats depicting the location of all major roadways and related public improvements within a Segment (a "Roadway Plat"), and in such event a Roadway Plat shall not be considered a "first final plat" or "final plat" with regard to any obligation or deadline contemplated by this Resolution or the Annexation Agreement, including without limitation Final Plat Obligations;

WHEREAS, Section 13.01.100 of the Code authorizes waivers from the Code "if it is deemed by Town Council to be in the public interest and does not impair the intent and purposes of this Title. The conditions of any waiver authorized shall be stated in writing by the Town Council with the justifications set forth;"

WHEREAS, deferring the Property Owner's compliance with Sections 13.07.060 and 13.07.070 of the Code is in the public interest, and the intent and purposes of the Code will not be impaired for the reason that the Partial Waiver Conditions provide material benefits to the Property Owner and the Town to which both parties would not otherwise be entitled, and the Property Owner shall be required to comply with the Code, the Annexation Agreement and other applicable requirements prior to development of the portions of the Property within Segments 2 and 3, except as specifically set forth herein; and

WHEREAS, the conditions for this partial waiver are the Partial Waiver Conditions, which are the Town Council's justification for approving this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, AS FOLLOWS:

Section 1. The Town Council of the Town of Parker hereby determines that the partial waiver described herein does not waive compliance but rather defers compliance with Sections 13.07.060 and 13.07.070 of the Code, until such time as the Property Owner is ready to develop Segments 2 or 3, as further set forth herein.

Section 2. The Town Council further determines that the partial waiver described herein is in the public interest and does not impair the intent and purpose of the Code.

Section 3. The Town Council hereby defers application of all requirements of Sections 13.07.060 and 13.07.070 of the Code for Segments 2 and 3, including payment of all development review fees related to the development of Segments 2 and 3, with no interest or penalty arising as a result of such deferral, until such time as the Property Owner develops Segments 2 or 3; provided that the Partial Waiver Conditions are satisfied by the Property Owner, and provided further that the Property Owner submits an application for the Sketch and Preliminary Plan for the Property, including Segments 1, 2 and 3, as described herein, on or before the Submittal Deadline.

Section 4. This Resolution shall automatically terminate if the Property Owner does not submit an application that is complete, as reasonably determined by the Town, for the Sketch and Preliminary Plan for the Property, by or before the Submittal Deadline.

Section 5. The Town Council recognizes that Segments 1, 2 and 3 are independent stand-alone segments on the Property and that each segment may be developed independently from the other segments; provided that such development complies with the Development Plan and Guide, the Annexation Agreement, this Resolution, and the Partial Waiver Conditions.

Section 6. The Recitals of this Resolution are incorporated herein by this reference.

Section 7. Except as specifically set forth herein, this Resolution is not intended to vary or waive any provisions of the Annexation Agreement, the terms of which remain in full force and effect.

RESOLVED AND PASSED this ____ day of _____, 2019.

TOWN OF PARKER, COLORADO

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

RESOLVED AND PASSED this _____ day of _____, 2019.

TOWN OF PARKER, COLORADO

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

CONSENT OF THE PROPERTY OWNER

The Property Owner hereby consents to and agrees to be bound by Resolution No. 19-_____, Series of 2019.

**NORTH PARKER INVESTMENTS,
LLC:**

By: _____

North Parker Investments, LLC

By: Anthology Management L.L.C., its
manager

By: Scott Seldin, Member

STATE OF ARIZONA)
)ss.
COUNTY OF MARICOPA)

The foregoing instrument was acknowledged before me this 4th day of April, 2019, by Scott Seldin, as member of Anthology Management L.L.C., manager of North Parker Investments, LLC.

My commission expires: Aug 31, 2019.

SEAL

S Hamlin
Notary Public

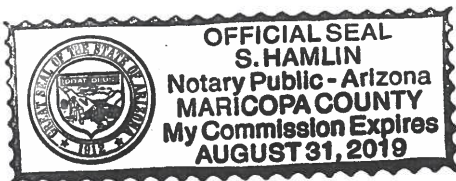


EXHIBIT LIST

- EXHIBIT 1 Legal Description
- EXHIBIT 2 Development Plan
- EXHIBIT 3 Dendritic Subdivision Layout
- EXHIBIT 4 Parks Master Plan
- EXHIBIT 5 Planning Area 15

EXHIBIT 1

Legal Description of the Property

PARCEL C:

A PARCEL OF LAND BEING A PART OF SECTIONS 32 AND 33, TOWNSHIP 6 SOUTH, RANGE 66 WEST AND A PART OF SECTIONS 4, 5 AND 6, TOWNSHIP 7 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 4, THENCE SOUTH 89 DEGREES 14 MINUTES 11 SECONDS WEST, A DISTANCE OF 72.69 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY OF CROWFOOT VALLEY ROAD, AS RECORDED IN THE DOUGLAS COUNTY SURVEYOR'S LAND SURVEY PLATS/RIGHT OF WAY SURVEYS, SURVEY NO. LSP-2474;

THENCE NORTH 00 DEGREES 12 MINUTES 58 SECONDS EAST, ALONG THE WESTERLY RIGHT OF WAY OF SAID CROWFOOT VALLEY ROAD, A DISTANCE OF 21.60 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 89 DEGREES 30 MINUTES 54 SECONDS WEST, A DISTANCE OF 314.70 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 32 DEGREES 01 MINUTES 27 SECONDS, A RADIUS OF 1,070.97 FT, AND AN ARC LENGTH OF 598.59 FEET, (CHORD BEARS SOUTH 74 DEGREES 28 MINUTES 22 SECONDS WEST, A DISTANCE OF 590.83 FEET);

THENCE SOUTH 54 DEGREES 06 MINUTES 08 SECONDS WEST, A DISTANCE OF 556.22 FEET;

THENCE SOUTH 52 DEGREES 19 MINUTES 22 SECONDS WEST, A DISTANCE OF 242.53 FEET TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF SAID NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 24 DEGREES 24 MINUTES 53 SECONDS, A RADIUS OF 2,197.49 FEET, AND AN ARC LENGTH OF 936.39 FEET, (CHORD BEARS SOUTH 66 DEGREES 58 MINUTES 35 SECONDS WEST, A DISTANCE OF 929.33 FEET) TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF SAID NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 02 DEGREES 43 MINUTES 59 SECONDS, A RADIUS OF 11,639.30 FEET, AND AN ARC LENGTH OF 555.20 FEET, (CHORD BEARS SOUTH 85 DEGREES 41 MINUTES 11 SECONDS WEST, A DISTANCE OF 555.17 FEET);

THENCE NORTH 89 DEGREES 40 MINUTES 01 SECONDS WEST, A DISTANCE OF 307.11 FEET;

THENCE SOUTH 89 DEGREES 32 MINUTES 44 SECONDS WEST, A DISTANCE OF 543.29 FEET TO A POINT OF NON-TANGENT CURVATURE; THENCE ALONG THE ARC OF SAID NON-TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 20 DEGREES 01 MINUTES 18 SECONDS, A RADIUS OF 1,374.23 FEET, AND AN ARC LENGTH OF 480.22 FT, (CHORD BEARS SOUTH 79 DEGREES 53 MINUTES 13 SECONDS WEST, A DISTANCE OF 477.78 FEET);

THENCE SOUTH 74 DEGREES 13 MINUTES 58 SECONDS WEST, A DISTANCE OF 480.67 FEET TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF SAID NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 25 DEGREES 57 MINUTES 29 SECONDS, A RADIUS OF 2408.42 FEET, AND AN ARC LENGTH OF 1,091.14 FEET, (CHORD BEARS NORTH 88 DEGREES 01 MINUTES 55 SECONDS WEST, A DISTANCE OF 1,081.84 FEET);

THENCE NORTH 71 DEGREES 26 MINUTES 34 SECONDS WEST, A DISTANCE OF 415.03 FEET TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF SAID NON-TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 50 DEGREES 07 MINUTES 52 SECONDS, A RADIUS OF 1142.75 FEET, AND AN ARC LENGTH OF 999.85 FEET, (CHORD BEARS NORTH 81 DEGREES 36 MINUTES 30 SECONDS WEST, A DISTANCE OF 968.27 FEET);

THENCE SOUTH 81 DEGREES 02 MINUTES 05 SECONDS WEST, A DISTANCE OF 1,141.54 FEET TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF SAID NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 62 DEGREES 35 MINUTES 02 SECONDS, A RADIUS OF 1,265.85 FEET, AND AN ARC LENGTH OF 1382.68 FEET, (CHORD BEARS NORTH 79 DEGREES 28 MINUTES 34 SECONDS WEST, A DISTANCE OF 1,314.97 FEET);

THENCE NORTH 55 DEGREES 15 MINUTES 32 SECONDS WEST, A DISTANCE OF 412.26 FEET;

THENCE NORTH 52 DEGREES 02 MINUTES 09 SECONDS WEST, A DISTANCE OF 651.65 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 11 DEGREES 18 MINUTES 24 SECONDS, A RADIUS OF 1335.23 FEET, AND AN ARC LENGTH OF 263.49 FEET, (CHORD BEARS NORTH 57 DEGREES 41 MINUTES 21 SECONDS WEST, A DISTANCE OF 263.06 FEET) TO A POINT ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 6;

THENCE NORTH 89 DEGREES 24 MINUTES 48 SECONDS EAST, ALONG SAID NORTH LINE, A DISTANCE OF 135.95 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 32 MONUMENTED BY A 2 1/2" ALUMINUM CAP STAMPED: LS 22088;

THENCE NORTH 00 DEGREES 11 MINUTES 12 SECONDS WEST, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 32, A DISTANCE OF 2,662.24 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 32 MONUMENTED BY A STONE MATCHING MONUMENT RECORDS;

THENCE NORTH 00 DEGREES 12 MINUTES 52 SECONDS EAST, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 32, A DISTANCE OF 2,659.46 FEET TO THE NORTHWEST CORNER OF SAID SECTION 32 MONUMENTED BY A 3 1/2" ALUMINUM CAP STAMPED: LS 28286;

THENCE NORTH 89 DEGREES 43 MINUTES 54 SECONDS EAST, ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 32, A DISTANCE OF 1,693.37 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY OF HESS ROAD;

THENCE ALONG SAID SOUTHERLY RIGHT OF WAY THE FOLLOWING TWENTY (20) COURSES:

1. ALONG THE ARC OF SAID NON-TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 15 DEGREES 55 MINUTES 25 SECONDS, A RADIUS OF 335.00 FEET, AND AN ARC LENGTH OF 93.11 FEET, (CHORD BEARS SOUTH 28 DEGREES 57 MINUTES 53 SECONDS EAST, A DISTANCE OF 92.80 FEET);
2. SOUTH 36 DEGREES 55 MINUTES 38 SECONDS EAST, A DISTANCE OF 115.29 FEET TO A POINT OF NON-TANGENT CURVATURE;
3. ALONG THE ARC OF SAID NON-TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 01 DEGREES 41 MINUTES 07 SECONDS, A RADIUS OF 789.50 FEET, AND AN ARC LENGTH OF 93.22 FEET, (CHORD BEARS SOUTH 49 DEGREES 41 MINUTES 21 SECONDS WEST, A DISTANCE OF 23.22 FEET);
4. SOUTH 41 DEGREES 09 MINUTES 12 SECONDS EAST, A DISTANCE OF 89.50 FEET TO A POINT OF NON-TANGENT CURVATURE;
5. ALONG THE ARC OF SAID NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 40 DEGREES 31 MINUTES 44 SECONDS, A RADIUS OF 700.00 FEET, AND AN ARC LENGTH OF 495.15 FEET, (CHORD BEARS NORTH 69 DEGREES 06 MINUTES 40 SECONDS EAST, A DISTANCE OF 484.89 FEET);
6. NORTH 89 DEGREES 22 MINUTES 32 SECONDS EAST, A DISTANCE OF 137.07 FEET;
7. NORTH 88 DEGREES 06 MINUTES 09 SECONDS EAST, A DISTANCE OF 145.43 FEET;
8. NORTH 85 DEGREES 33 MINUTES 26 SECONDS EAST, A DISTANCE OF 113.19 FEET;
9. NORTH 88 DEGREES 06 MINUTES 09 SECONDS EAST, A DISTANCE OF 243.94 FEET;
10. SOUTH 51 DEGREES 12 MINUTES 49 SECONDS EAST, A DISTANCE OF 75.83 FEET;
11. SOUTH 10 DEGREES 31 MINUTES 47 SECONDS EAST, A DISTANCE OF 322.84 FEET TO A POINT OF CURVATURE;
12. ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 01 DEGREES 01 MINUTES 03 SECONDS, A RADIUS OF 1,285.00 FEET, AND AN ARC LENGTH OF 22.82 FEET, (CHORD BEARS SOUTH 11 DEGREES 02 MINUTES 19 SECONDS EAST, A DISTANCE OF 22.82 FEET);
13. NORTH 78 DEGREES 27 MINUTES 10 SECONDS EAST, A DISTANCE OF 170.00 FEET TO A POINT OF NON-TANGENT CURVATURE;
14. ALONG THE ARC OF SAID NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 01 DEGREES 01 MINUTES 03 SECONDS, A RADIUS OF 1,115.00 FEET, AND AN ARC LENGTH OF 19.80 FEET, (CHORD BEARS NORTH 11 DEGREES 02 MINUTES 19 SECONDS WEST, A DISTANCE OF 19.80 FEET);
15. NORTH 10 DEGREES 31 MINUTES 47 SECONDS WEST, A DISTANCE OF 297.03 FEET;
16. NORTH 38 DEGREES 47 MINUTES 11 SECONDS EAST, A DISTANCE OF 65.19 FEET;
17. NORTH 88 DEGREES 06 MINUTES 09 SECONDS EAST, A DISTANCE OF 712.96 FEET TO A POINT OF CURVATURE;

18. ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 04 DEGREES 19 MINUTES 28 SECONDS, A RADIUS OF 5,661.50 FEET, AND AN ARC LENGTH OF 427.31 FEET, (CHORD BEARS SOUTH 89 DEGREES 44 MINUTES 07 SECONDS EAST, A DISTANCE OF 427.20 FEET);

19. SOUTH 87 DEGREES 34 MINUTES 23 SECONDS EAST, A DISTANCE OF 829.68 FEET TO A POINT OF CURVATURE;

20. ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 03 DEGREES 01 MINUTES 07 SECONDS, A RADIUS OF 2,360.50 FEET, AND AN ARC LENGTH OF 124.36 FEET, (CHORD BEARS SOUTH 89 DEGREES 04 MINUTES 57 SECONDS EAST, A DISTANCE OF 124.35 FEET);

THENCE CONTINUING ALONG SAID SOUTHERLY RIGHT OF WAY THE FOLLOWING SEVEN (7) COURSES:

1. ALONG THE ARC OF SAID NON-TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 02 DEGREES 08 MINUTES 58 SECONDS, A RADIUS OF 2,360.50 FEET, AND AN ARC LENGTH OF 88.55 FEET, (CHORD BEARS NORTH 88 DEGREES 19 MINUTES 58 SECONDS EAST, A DISTANCE OF 88.55 FEET);

2. NORTH 87 DEGREES 15 MINUTES 29 SECONDS EAST, A DISTANCE OF 352.50 FEET;

3. NORTH 02 DEGREES 44 MINUTES 31 SECONDS WEST, A DISTANCE OF 7.50 FEET;

4. NORTH 87 DEGREES 15 MINUTES 29 SECONDS EAST, A DISTANCE OF 290.82 FEET TO A POINT OF CURVATURE;

5. ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 02 DEGREES 19 MINUTES 07 SECONDS, A RADIUS OF 2,945.00 FEET, AND AN ARC LENGTH OF 119.18 FEET, (CHORD BEARS NORTH 88 DEGREES 25 MINUTES 02 SECONDS EAST, A DISTANCE OF 119.17 FEET) TO A POINT ON A LINE BEING 70 FEET SOUTHERLY OF THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 23;

6. NORTH 89 DEGREES 34 MINUTES 38 SECONDS EAST, PARALLEL WITH AND 70 FEET SOUTHERLY OF SAID NORTH LINE, A DISTANCE OF 1,799.34 FEET TO THE EAST LINE OF SAID NORTHWEST QUARTER;

7. NORTH 89 DEGREES 34 MINUTES 39 SECONDS EAST, PARALLEL WITH AND 70 FEET SOUTHERLY OF THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 33, A DISTANCE OF 2,579.25 FEET TO THE WESTERLY LINE OF STROH RANCH FILING NO. 11 AS RECORDED AT RECEPTION NO. 99012788 OF THE DOUGLAS COUNTY CLERK AND RECORDER'S OFFICE, SAID POINT ALSO BEING THE WESTERLY RIGHT OF WAY LINE OF MOTSENBOCKER ROAD;

THENCE ALONG THE WESTERLY RIGHT OF WAY OF SAID MOTSENBOCKER ROAD THE FOLLOWING THREE (3) COURSES:

1. THENCE SOUTH 03 DEGREES 33 MINUTES 30 SECONDS EAST, A DISTANCE OF 256.18 FEET TO A POINT OF CURVATURE;

2. ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 03 DEGREES 46 MINUTES 16 SECONDS, A RADIUS OF 760.00 FEET, AND AN ARC

LENGTH OF 50.02 FEET, (CHORD BEARS SOUTH 01 DEGREES 40 MINUTES 22 SECONDS EAST, A DISTANCE OF 50.01 FEET);

3. SOUTH 00 DEGREES 12 MINUTES 46 SECONDS WEST, A DISTANCE OF 218.19 FEET;
THENCE NORTH 89 DEGREES 47 MINUTES 14 SECONDS WEST, A DISTANCE OF 35.00 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 53 DEGREES 08 MINUTES 20 SECONDS, A RADIUS OF 175.00 FEET, AND AN ARC LENGTH OF 162.30 FEET, (CHORD BEARS NORTH 63 DEGREES 13 MINUTES 04 SECONDS WEST, A DISTANCE OF 156.55 FEET);

THENCE SOUTH 65 DEGREES 32 MINUTES 00 SECONDS WEST, A DISTANCE OF 90.91 FEET;

THENCE SOUTH 77 DEGREES 51 MINUTES 49 SECONDS WEST, A DISTANCE OF 101.33 FEET;

THENCE SOUTH 86 DEGREES 15 MINUTES 55 SECONDS WEST, A DISTANCE OF 130.98 FEET;

THENCE SOUTH 79 DEGREES 36 MINUTES 20 SECONDS WEST, A DISTANCE OF 114.37 FEET;

THENCE SOUTH 67 DEGREES 16 MINUTES 44 SECONDS WEST, A DISTANCE OF 92.37 FEET;

THENCE SOUTH 65 DEGREES 03 MINUTES 57 SECONDS WEST, A DISTANCE OF 146.84 FEET;

THENCE NORTH 59 DEGREES 52 MINUTES 53 SECONDS WEST, A DISTANCE OF 311.08 FEET;

THENCE SOUTH 63 DEGREES 53 MINUTES 55 SECONDS WEST, A DISTANCE OF 712.05 FEET;

THENCE NORTH 86 DEGREES 38 MINUTES 38 SECONDS WEST, A DISTANCE OF 480.66 FEET;

THENCE SOUTH 43 DEGREES 43 MINUTES 39 SECONDS WEST, A DISTANCE OF 865.32 FEET TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF SAID NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 67 DEGREES 55 MINUTES 20 SECONDS, A RADIUS OF 175.00 FEET, AND AN ARC LENGTH OF 207.46 FEET, (CHORD BEARS SOUTH 73 DEGREES 16 MINUTES 15 SECONDS WEST, A DISTANCE OF 195.52 FEET);

THENCE SOUTH 34 DEGREES 33 MINUTES 03 SECONDS WEST, A DISTANCE OF 242.55 FEET;

THENCE SOUTH 22 DEGREES 45 MINUTES 33 SECONDS WEST, A DISTANCE OF 70.00 FEET;

THENCE SOUTH 67 DEGREES 14 MINUTES 27 SECONDS EAST, A DISTANCE OF 22.61 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 20 DEGREES 57 MINUTES 39 SECONDS, A RADIUS OF 465.00 FEET, AND AN ARC LENGTH OF 170.11 FEET, (CHORD BEARS SOUTH 56 DEGREES 45 MINUTES 38 SECONDS EAST, A DISTANCE OF 169.17 FEET);

THENCE SOUTH 46 DEGREES 16 MINUTES 48 SECONDS EAST, A DISTANCE OF 125.78 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 03 DEGREES 45 MINUTES 35 SECONDS, A RADIUS OF 335.00 FEET, AND AN ARC LENGTH OF 21.98 FEET, (CHORD BEARS SOUTH 48 DEGREES 09 MINUTES 36 SECONDS EAST, A DISTANCE OF 21.98 FEET);

THENCE SOUTH 46 DEGREES 01 MINUTES 59 SECONDS EAST, A DISTANCE OF 25.04 FEET TO A POINT ON THE NORTHERLY LINE OF STROH RANCH FILING NO. 18A AS RECORDED AT RECEPTION NO. 2003022326 OF THE DOUGLAS COUNTY CLERK AND RECORDER'S OFFICE;

THENCE SOUTH 27 DEGREES 34 MINUTES 49 SECONDS WEST, ALONG THE NORTHERLY LINE OF SAID STROH RANCH FILING NO. 18A, A DISTANCE OF 203.52 FEET TO A POINT ON THE WESTERLY LINE OF STROH RANCH FILING NO. 18A AS RECORDED AT RECEPTION NO. 2003092248 OF THE DOUGLAS COUNTY CLERK AND RECORDER'S OFFICE;

THENCE ALONG THE WESTERLY LINE OF SAID STROH RANCH FILING NO. 18B, THE FOLLOWING SIX (6) COURSES:

1. SOUTH 27 DEGREES 34 MINUTES 49 SECONDS WEST, A DISTANCE OF 405.99 FEET;
2. SOUTH 42 DEGREES 57 MINUTES 30 SECONDS WEST, A DISTANCE OF 600.52 FEET;
3. SOUTH 37 DEGREES 28 MINUTES 51 SECONDS WEST, A DISTANCE OF 217.29 FEET;
4. SOUTH 14 DEGREES 16 MINUTES 53 SECONDS WEST, A DISTANCE OF 318.98 FEET;
5. SOUTH 40 DEGREES 44 MINUTES 41 SECONDS EAST, A DISTANCE OF 298.72 FEET;
6. SOUTH 27 DEGREES 11 MINUTES 54 SECONDS EAST, A DISTANCE OF 875.11 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF STROH RANCH FILING NO. 17C AS RECORDED AT RECEPTION NO. 2003092246 OF THE DOUGLAS COUNTY CLERK AND RECORDER'S OFFICE;

THENCE ALONG THE SOUTHWESTERLY LINE OF SAID STROH RANCH FILING NO. 17C, THE FOLLOWING SEVEN (7) COURSES:

1. SOUTH 27 DEGREES 11 MINUTES 54 SECONDS EAST, A DISTANCE OF 154.51 FEET TO A POINT OF NON-TANGENT CURVATURE;
2. ALONG THE ARC OF SAID NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 91 DEGREES 10 MINUTES 03 SECONDS, A RADIUS OF 175.00 FEET, AND AN ARC LENGTH OF 278.46 FEET, (CHORD BEARS NORTH 82 DEGREES 07 MINUTES 28 SECONDS EAST, A DISTANCE OF 250.00 FEET);
3. SOUTH 00 DEGREES 53 MINUTES 54 SECONDS WEST, A DISTANCE OF 23.45 FEET;
4. SOUTH 34 DEGREES 07 MINUTES 59 SECONDS EAST, A DISTANCE OF 67.94 FEET;
5. SOUTH 52 DEGREES 25 MINUTES 22 SECONDS EAST, A DISTANCE OF 120.48 FEET;

6. SOUTH 43 DEGREES 41 MINUTES 47 SECONDS EAST, A DISTANCE OF 468.56 FEET;
7. SOUTH 50 DEGREES 01 MINUTES 36 SECONDS EAST, A DISTANCE OF 74.07 FEET
TO THE SOUTHWESTERLY CORNER OF STROH RANCH FILING NO. 17B AS
RECORDED AT RECEPTION NO. 2003092244 OF THE DOUGLAS COUNTY CLERK AND
RECORDER'S OFFICE;

THENCE ALONG THE SOUTHWESTERLY LINE OF SAID STROH RANCH FILING NO.
17B, THE FOLLOWING SEVEN (7) COURSES:

1. SOUTH 50 DEGREES 01 MINUTES 36 SECONDS EAST, A DISTANCE OF 202.61 FEET;
2. NORTH 88 DEGREES 12 MINUTES 52 SECONDS EAST, A DISTANCE OF 600.55 FEET;
3. NORTH 68 DEGREES 31 MINUTES 42 SECONDS EAST, A DISTANCE OF 738.42 FEET
TO A POINT OF CURVATURE;
4. ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF
140 DEGREES 27 MINUTES 40 SECONDS, A RADIUS OF 100.00 FEET, AND AN ARC
LENGTH OF 245.15 FEET, (CHORD BEARS SOUTH 41 DEGREES 14 MINUTES 28
SECONDS EAST, A DISTANCE OF 188.21 FEET);
5. SOUTH 17 DEGREES 29 MINUTES 20 SECONDS EAST, A DISTANCE OF 149.94 FEET
TO A POINT OF NON-TANGENT CURVATURE;
6. ALONG THE ARC OF SAID NON-TANGENT CURVE TO THE RIGHT HAVING A
CENTRAL ANGLE OF 17 DEGREES 22 MINUTES 04 SECONDS, A RADIUS OF 1,100.00
FEET, AND AN ARC LENGTH OF 333.44 FEET, (CHORD BEARS NORTH 81 DEGREES 11
MINUTES 42 SECONDS EAST, A DISTANCE OF 332.16 FEET);
7. NORTH 89 DEGREES 52 MINUTES 44 SECONDS EAST, A DISTANCE OF 363.34 FEET
TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF MOTSENBOCKER ROAD;

THENCE SOUTH 00 DEGREES 12 MINUTES 58 SECONDS WEST, ALONG SAID
WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 103.80 FEET TO THE POINT OF
BEGINNING.

EXCEPT THOSE PORTIONS CONVEYED TO THE TOWN OF PARKER BY DEEDS
RECORDED APRIL 26, 2005 UNDER RECEPTION NO. 2005036076 AND FEBRUARY 25,
2009 UNDER RECEPTION NO. 2009012692 AND FEBRUARY 15, 2012 UNDER
RECEPTION NO. 2012010974.

ALSO EXCEPT THAT PORTION LYING WITHIN TRACT A-1 OF STROH RANCH FILING
NO. 17B, 1ST AMENDMENT ACCORDING TO THE PLAT THEREOF RECORDED
OCTOBER 3, 2006 UNDER RECEPTION NO. 2006085225.

ALSO, EXCEPT A TRACT OF LAND BEING THE NORTHWEST 5.00 ACRES OF THE
NORTHWEST ONE-QUARTER OF SECTION 32, TOWNSHIP 6 SOUTH, RANGE 66 WEST
OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF
COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NW CORNER OF SAID NORTHWEST ONE-QUARTER, SAID
POINT BEING THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 43 MINUTES
40 SECONDS EAST, AND ALONG THE NORTH LINE OF SAID NW/4 A DISTANCE OF
466.69 FEET; THENCE SOUTH 00 DEGREES 12 MINUTES 50 SECONDS WEST, AND
PARALLEL WITH THE WEST LINE OF SAID NORTHWEST ONE-QUARTER A

DISTANCE OF 466.69 FEET; THENCE SOUTH 89 DEGREES 43 MINUTES 40 SECONDS WEST, AND PARALLEL WITH THE NORTH LINE OF THE NORTHWEST ONE-QUARTER A DISTANCE OF 466.69 FEET; THENCE NORTH 00 DEGREES 12 MINUTES 50 SECONDS EAST, AND ALONG THE WEST LINE OF SAID NORTHWEST ONE-QUARTER A DISTANCE OF 466.69 FEET TO THE POINT OF BEGINNING, CONTAINING 5.00 ACRES;

OUT PARCEL C:

A PARCEL OF LAND BEING A PART OF NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 32;

THENCE SOUTH 89 DEGREES 43 MINUTES 54 SECONDS WEST, ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 32, A DISTANCE OF 519.56 FEET TO A POINT OF NON-TANGENT CURVATURE BEING THE POINT OF BEGINNING;

THENCE ALONG THE ARC OF SAID NON-TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 22 DEGREES 45 MINUTES 46 SECONDS, A RADIUS OF 801.50 FEET, AND AN ARC LENGTH OF 318.42 FEET, (CHORD BEARS SOUTH 66 DEGREES 57 MINUTES 25 SECONDS WEST, A DISTANCE OF 316.33 FEET);

THENCE NORTH 36 DEGREES 55 MINUTES 38 SECONDS WEST, A DISTANCE OF 103.28 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 10 DEGREES 04 MINUTES 15 SECONDS, A RADIUS OF 265.00 FEET, AND AN ARC LENGTH OF 46.58 FEET, (CHORD BEARS NORTH 31 DEGREES 53 MINUTES 34 SECONDS WEST, A DISTANCE OF 46.51 FEET) TO A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 32;

THENCE NORTH 89 DEGREES 43 MINUTES 54 SECONDS EAST, ALONG SAID NORTH LINE, A DISTANCE OF 377.72 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE TOWN OF PARKER BY DEED RECORDED FEBRUARY 25, 2009 UNDER RECEPTION NO. 2009012692.

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN AS BEARING NORTH 89 DEGREES 52 MINUTES 44 SECONDS EAST. THE SOUTHWEST CORNER OF SAID SECTION 34 IS MONUMENTED BY A 3" ALUMINUM CAP IN RANGE BOX STAMPED: LS 17666 AND THE SOUTH QUARTER CORNER OF SAID SECTION 34 IS MONUMENTED BY A 3" ALUMINUM CAP IN RANGE BOX STAMPED: LS 22098.

Development Plan

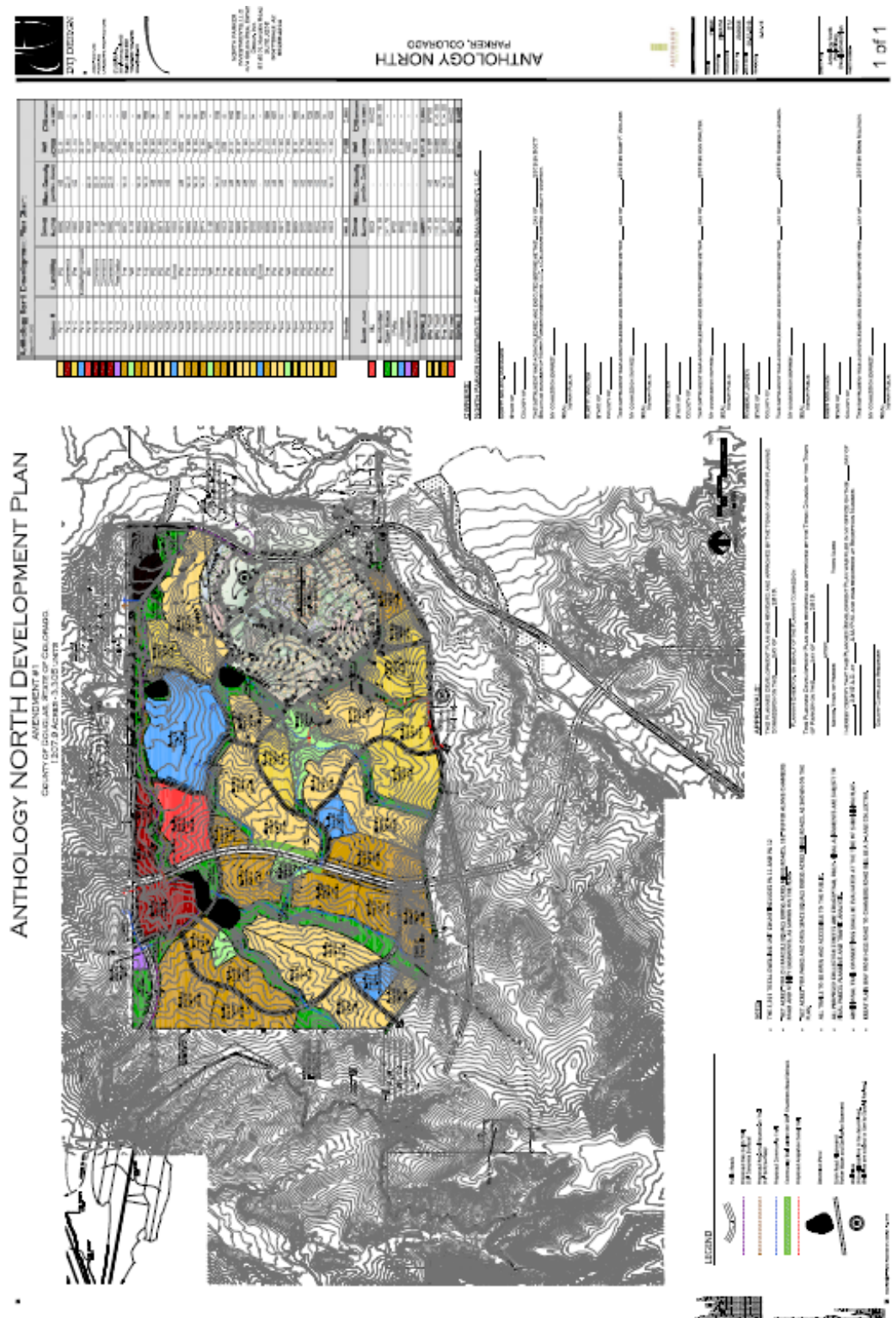


EXHIBIT 3

Dendritic Subdivision Conceptual Plan

Subdivision layouts with respect to Segment 1 shall be in a manner that promotes stormwater infiltration by providing green space within the filings, consistent with the approach used in the Oak Gulch pilot study conducted by the Urban Drainage and Flood Control District and the Town of Parker.

The subdivisions shall provide pervious areas for storm drainage at a frequency to maximize infiltration to the extent that is practicable, thereby reducing the amount of stormwater at receiving downstream drainageways, including the dedication of necessary easements, as reasonably determined by the Town. This may be accomplished by preserving first-, second- and third-order streams and/or incorporating these streams into the proposed development.

EXHIBIT 4

Parks Master Plan

Purpose: The purpose of the Parks Master Plan is to provide for the orderly planning and development of the park and open spaces within the Property. The Parks Master Plan will utilize the Preliminary Draft attached hereto as a foundation and will contain the general design, location, development and phasing of future parks, trails, open space and recreation uses on the Property. The Hess Ranch Parks Master Plan shall also serve as a guide for purposes of determining the level of detail required to be included in this Parks Master Plan.

Approach: The Parks Master Plan will address how future parks, trails and open space areas will meet and comply with the Town's Open Space, Trails and Greenways Master Plan (2010), the Parks, Recreation & Open Space Master Plan 2018-2022, and the Town's *Roadway Design and Construction Criteria Manual*.

Tasks: The following tasks address information and analysis that will need to be included in the Parks Master Plan, prior to approval of the Sketch and Preliminary Plan.

Task 1: Provide and include a map of Segment 1, including the tabulation by planning area of land uses, gross acreage, maximum density, net acres, along with totals where applicable.

Task 2: Provide and include a phasing map for Segment 1 that reflects the anticipated project phasing by planning area through build-out of Segment 1.

Task 3: Provide and include an existing conditions map with aerial as background for Segment 1, which illustrates surrounding development, including the Rueter-Hess Reservoir area. Show existing and planned surrounding open space areas, parks and trails.

Task 4: Provide and include a map that depicts all proposed park locations within Segment 1, including both community and neighborhood parks. Provide in tabular form acreage amounts for all proposed parks. For community parks greater than 10 acres in size, the Town will determine as part of the future platting process if these parks will be accepted by the Town, *i.e.*, owned, maintained and programmed by the Town, based on the following criteria.

- Is the park greater than 10 acres in size?
- Does the park provide uses and amenities that are beneficial to the Town?
- Do the proposed park uses and amenities meet an unmet or underserved need within the Town?
- Is the park designed to minimize any potential impacts to the surrounding community, *i.e.*, adequate parking, safe pedestrian access, etc.
- Is there the opportunity for a reasonable combination of active and passive park uses?

Task 5: Provide and include a map(s) of all proposed community parks that includes data related to topography/slopes, existing vegetation, floodplain/drainage areas, existing easements, proposed detention areas, or any other constraints that would impact the design of these parks. Based on this information, provide a percentage breakdown of potential active and passive park area for each community park.

Task 6: Provide an overall trails master plan map for the Property that depicts all regional and community trails. These trails will be 10'-wide concrete. This map should also demonstrate trail connectivity both within Segment 1 but also connections to existing and proposed trails that border the Property. Grade-separated trail crossing or at-grade trail crossings shall be indicated and shall be consistent with the Street Classification and Roadway Design Technical Criteria, as contained in the Town's *Roadway Design and Construction Criteria Manual*, the Annexation Agreement, and the Anthology North Development Plan. Provide standards for implementation of local trails (8' concrete) that will serve individual subdivisions and provide local access to neighborhood parks and other community features within Segment 1. Soft-surface trails may be allowed on a limited basis based on topography, sensitive site characteristics and intended use. Include the location of all future trailheads. Potential trailhead locations include, but are not limited to, community parks, activity centers such as future commercial sites, near proposed school sites, at major roadway crossings and near major open space corridors.

Task 7: Provide a map that depicts all proposed linear open space areas along with acreage amounts within Segment 1. This map can be combined with the trails master plan map. Include on this map existing well site facilities and other utilities, future stormwater facilities, detention ponds, plus any existing access roads that may exist within these open space areas.

Task 8: The Parks Master Plan will be modified in the future to complete Tasks 1 through 7 for Segment 2 prior to the approval of the sketch and preliminary plan for Segment 2.

Task 9: The Parks Master Plan will be modified in the future to complete Tasks 1 through 7 for Segment 3 prior to the approval of the sketch and preliminary plan for Segment 3.

The Parks Master Plan will show consistency of proposed parks, trails and open space uses along the common property boundary between the Property and the Hess Ranch Property. The Segment 1 boundary plan, which is part of the Parks Master Plan, will demonstrate conceptually how various parks, trails and open space corridors contained within the Property and the Hess Ranch Property, which are located along the common boundary, align and are consistent in design and location. Specific grade-separated and at-grade crossings will need to be identified along this common boundary; provided such are in keeping with the Annexation Agreement and the Anthology North Development Plan. Proposed open space areas will be dedicated as part of the adjacent platting process for residential development as provided in the Annexation Agreement.

As an advisory matter, the Town has initiated limited discussions with both the Property Owner and Hess Ranch Property Owner regarding the potential of dedicating to the Town an approximate 12-acre site for a second recreation facility, as a part of the Parks Master Plan process. The Town desires to continue to advance these discussions as the Parks Master Plan process moves forward; provided, however, that such dedication shall not be a condition to Property Owner's compliance with the terms of this partial waiver or to approval of the Sketch and Preliminary Plan or any final plat.





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2 - TEAM MEMBERS/MISSION STATEMENT
3 - APPROVED ANTHOLOGY DEVELOPMENT PLAN
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6 - OVERALL PARKS MASTER PLAN
7 - OVERALL TRAILS MASTER PLAN
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10 - PA-21 OPEN AIR PARK DESIGN INTENT

ANTHOLOGY - a collection

A COLLECTION OF PARKS IS A BEAUTIFUL THING

It's hard to express the inspiration being outdoors ignites, the ease and satisfaction of simply being in the fresh air. The chance for a good conversation. A place to lose a few pounds or the weight of the world. A park can turn an ordinary day into a great day, it can lift your spirits. Kids expand their imaginations and learn to play together. People break free of the hectic pace of today's world.

That's the power of a park.

Here, Anthology offers a collection of parks, all linked together with a variety of trails. From day one, Anthology is being envisioned as a place where people will spend more time outside. Getting to know each other, taking advantage of Colorado's climate, and taking better care of them selves. In so many ways, the anthology of parks and trails are what will make this a great place.

Now for the boring stuff, this document is intended to inspire future design efforts, all the images, diagrams, and ideas are subject to further creative input and collaboration and no absolute specific designs or images are intended to be drawn yet with this document.

Team Members

OWNER:

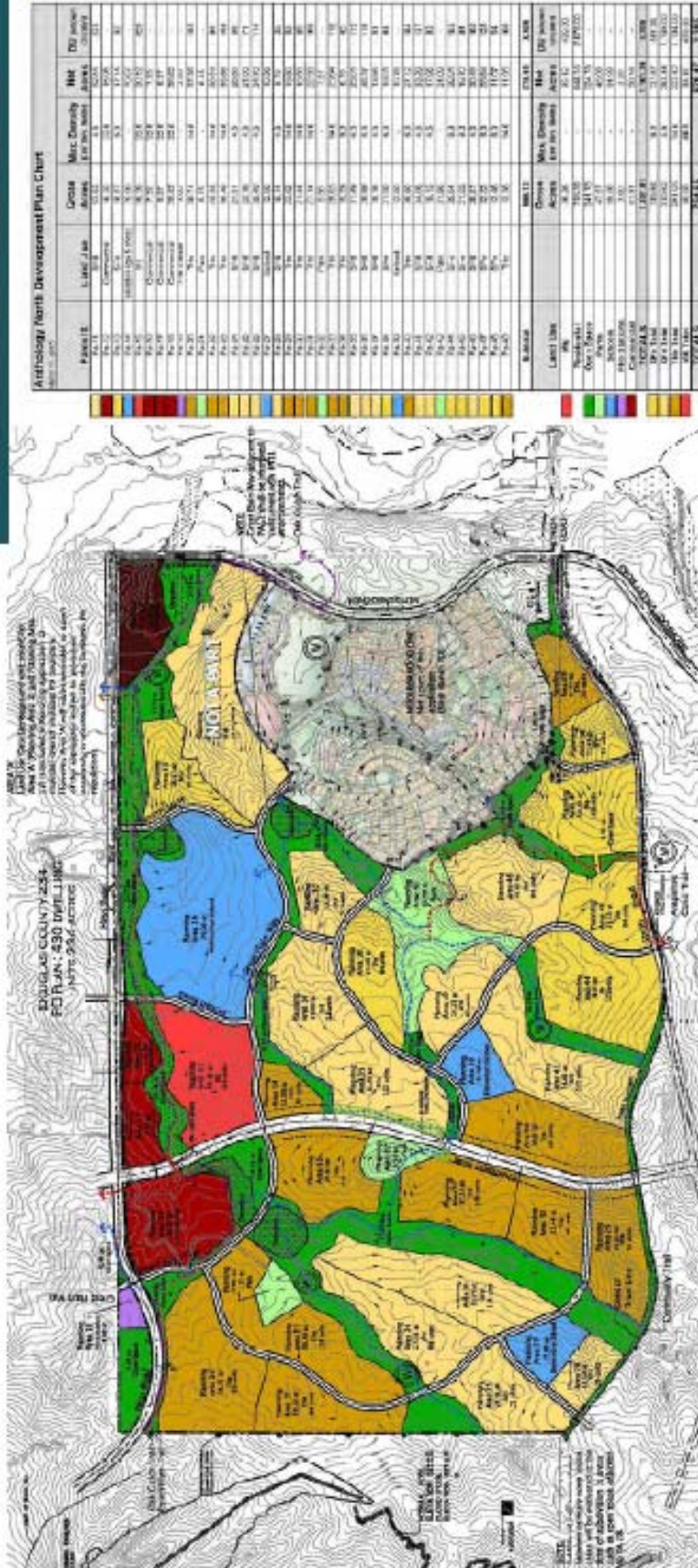
NORTH PARKER INVESTMENTS, LLC.

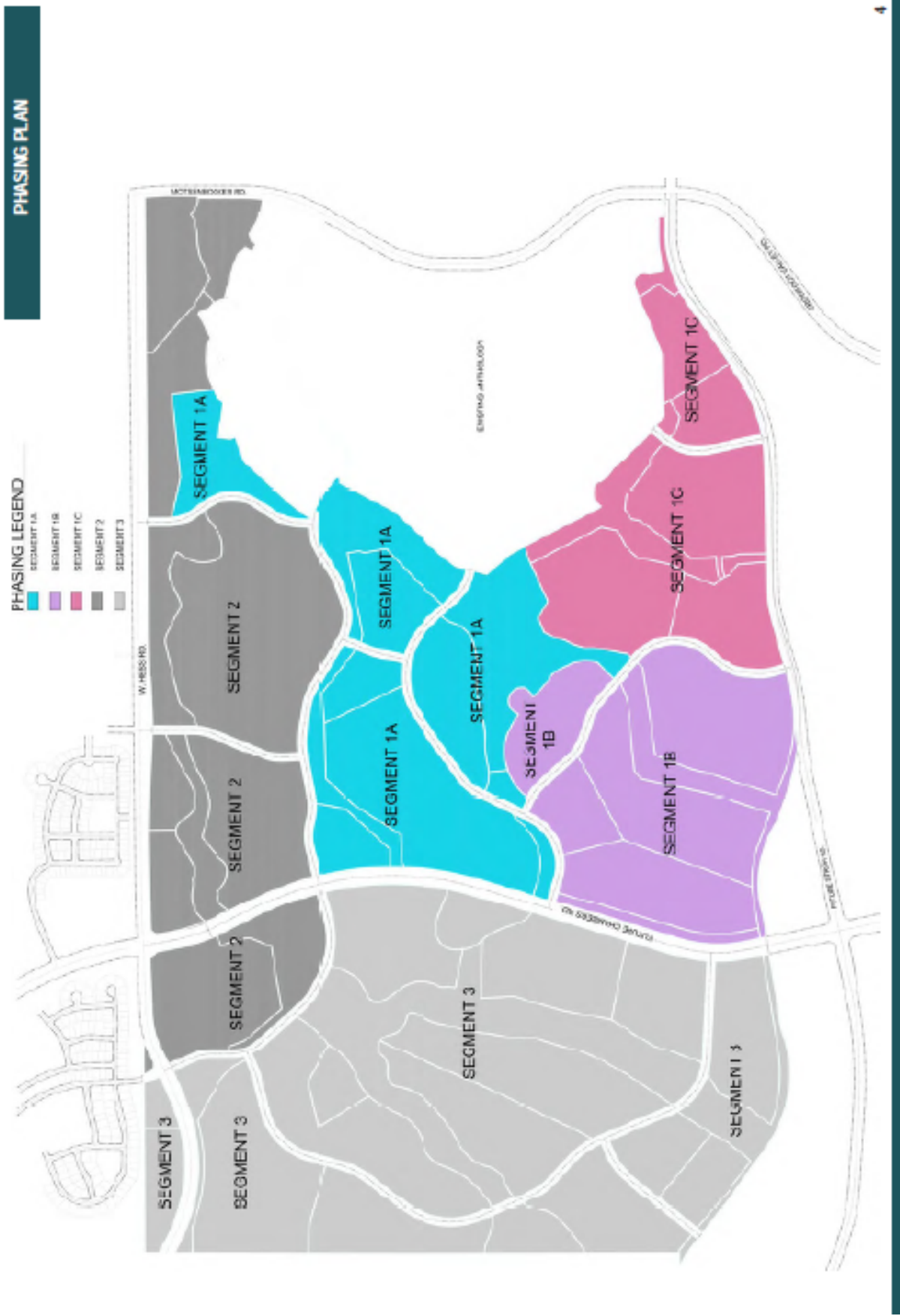
CIVIL ENGINEER:



PLANNER/LANDSCAPE ARCHITECT:





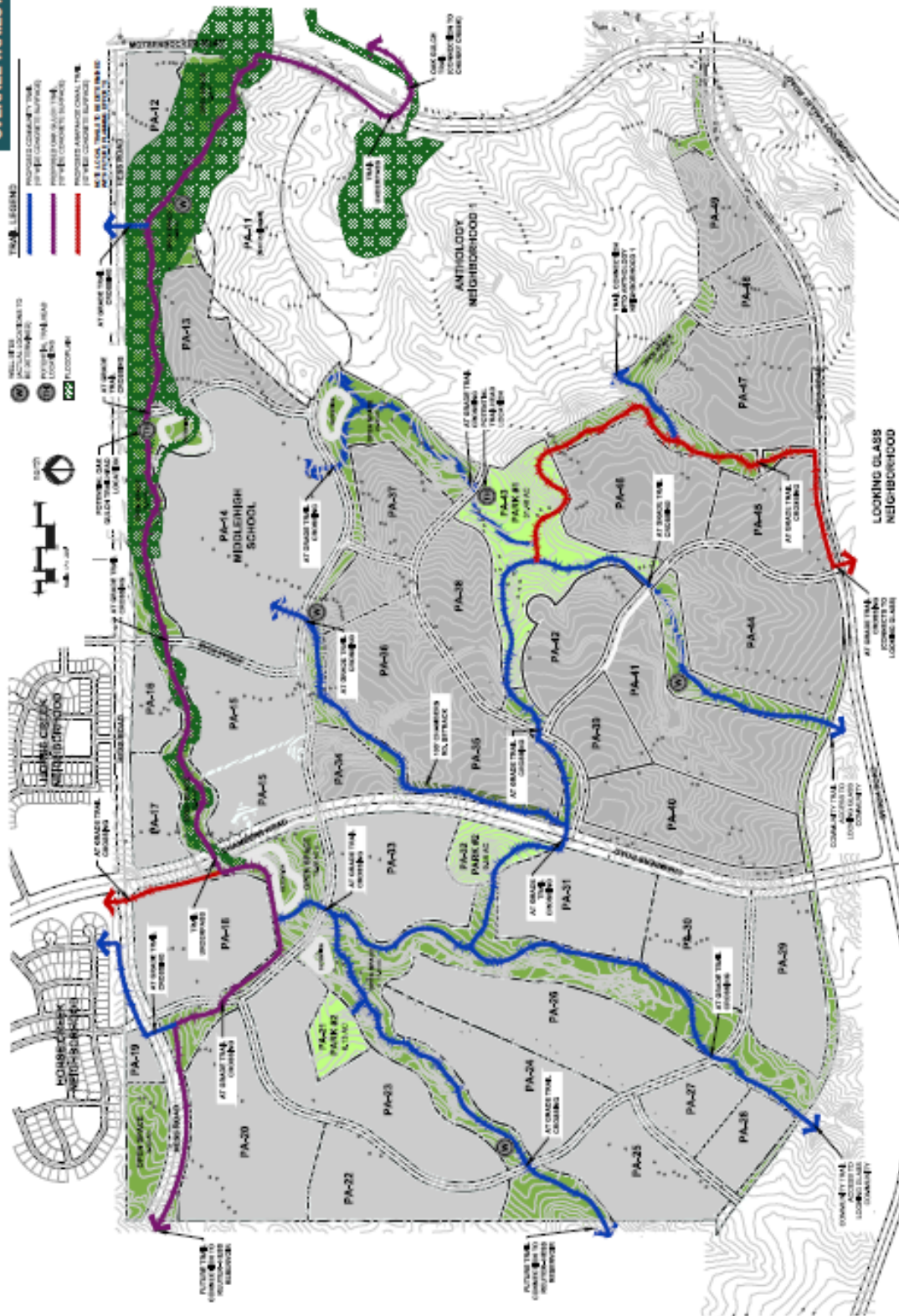




OVERALL PARKS MASTER PLAN

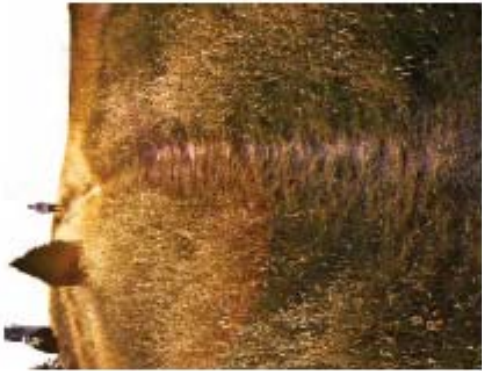


OVERALL TRAILS MASTER PLAN





PA-32 CONSTELLATION PARK DESIGN INTENT- 9.58 acres






DESIGN INTENT

As the highest point in the community, Constellation Park has potential to be a favorite among walkers and runners, and is also home to some very important features: the Sledding Hill, Climbing Stairs, Sunrise Point, and even more Adventure Playgrounds.

While it's easy for these attractions to hold the spotlight, what makes Constellation Park so unique is the mature vegetation and natural rock outcroppings. The lushness of the park makes it well for natural amenities.

POTENTIAL PROGRAM HIGHLIGHTS:

- Climbing Stairs
- Park Overlook
- Multi-level Play Structures
- Exercise Stations
- Sledding Hill

Note: Conceptual Plan for illustrative purposes only.



EXHIBIT 5

Planning Area 15

A minimum of one third (1/3) of the developable land area included in Planning Area 15, as described in the Development Plan and Guide, shall be zoned and developed for commercial uses (the “Commercial Area”) and the Property Owner shall submit and obtain approval of an application to the Town to amend the Development Plan and Guide (including the requirement for commercial uses, preservation of overall residential yield, a Concept Plan for Planning Area 15, which addresses the future development envelope for the Commercial Area with roadway access in the manner provided by the Town of Parker’s *Roadway Design and Construction Criteria Manual*, as amended, limits of regional drainage traversing and adjoining the Commercial Area, likely location of site-generated drainage and future grading necessary for the Commercial Area, and any Town regulatory constraints necessary to evaluate the Commercial Area for a commercial development, as described below). To satisfy this condition, the Property Owner shall obtain the Town’s approval of such amendment prior to the approval of the first final plat for Segment 1 or any portion thereof.

(1) Concept Plan Scope of Work:

a. The purpose of this Exhibit is to provide the methodology for rezoning for future commercial use a minimum one-third (1/3) of the developable land within Planning Area 15. This shall be achieved by the Property Owner’s submission and Town approval of a rezoning application that amends the Anthology North Development Plan and Guide to identify the section of Planning Area 15, which will be zoned for commercial use. To accomplish this, it is necessary for the Property Owner to prepare a concept plan that will allow for a “fit analysis” that will identify the appropriate location of the section of Planning Area 15 for commercial use, subject to evaluation of the development envelope, roadway access, limits of environmentally sensitive areas, drainage/stormwater and grading (the “Concept Plan”). The Concept Plan will be at a design level of ten (10) percent and based on the following tasks:

b. **Task 1:** Prepare and submit a base map consistent with Section 13.07.060(g)(9) of the Code. The map shall be at a scale of 1” = 100’ illustrating the Planning Area limits for Planning Area 15, existing topography, existing utility easements, natural features including steep slopes and 100-year floodplain, as well as adjacent Planning Areas.

c. **Task 2:** Prepare and submit a development envelope map consistent with Section 13.07.060(g)(10) of the Code illustrating the future upland developable area(s) for Planning Area 15 located outside of areas unsuitable for development, such as 100-year floodplain, steep slopes and utility corridors/easements.

d. **Task 3:** Prepare and submit an access map addressing the Town’s *Roadway Design and Construction Criteria Manual* for Planning Area 15 and showing limits of access upon all roadway frontages and feasible public access points for Planning Area 15.

e. **Task 4:** Prepare and submit a conceptual drainage/stormwater map consistent with Town’s *Storm Drainage and Environmental Criteria Manual* that

illustrates the location and limits of future regional drainage facilities traversing and adjacent to Planning Area 15. Identify the projected location and extent of future site-generated drainage necessary to accommodate future development based upon known site characteristics, such as grading, topography and soil conditions for Planning Area 15.

f. **Task 5:** Prepare and submit a conceptual overlot grading map consistent with Town's *Storm Drainage and Environmental Criteria Manual* and Section 13.07.060(g)(11) of the Code that illustrates the future grading of Planning Area 15 necessary to support development, including contours, slopes and direction of stormwater flow.

g. **Task 6:** The Concept Plan will incorporate the results of Tasks 1 through 5 illustrating the existing conditions affecting future development, projected development envelope, roadway access points, drainage/stormwater limits and overlot grading for Planning Area 15. The Concept Plan shall serve as the basis for evaluation of the appropriate location for the required commercial use upon a minimum one-third (1/3) of the developable land within Planning Area 15.

h. **Task 7:** Divide Planning Area 15 into two subareas: one for the required commercial use upon a minimum one-third (1/3) of the developable land and the other for the remainder which shall retain the existing mixed-use zone designation.

i. **Task 8:** Prepare and submit a table of permitted uses consistent with the existing commercial planning areas contained in the current Anthology North Development Plan and Guide and identify any requested revisions by addition, deletion or modification for Town approval.

j. **Task 9:** Upon review and direction by Town staff, prepare and submit a complete application for rezoning to amend the Anthology North Development Plan and Guide that meets the requirements of this Resolution, including, but not limited to, Condition i (Task 7 above) and this Exhibit 5.

k. **Compliance with the Requirement:** The requirement to provide for future commercial use upon a minimum of one-third (1/3) of the developable area of Planning Area 15 shall be deemed to have been satisfied upon successful completion of the Concept Plan Scope of Work described herein and Town Council approval of the application to amend the Anthology North Development Plan and Guide consistent with Condition h (Task 7 above) and of this Exhibit 5. While this Exhibit 5 requires rezoning of a “minimum” one-third (1/3) of the developable area of Planning Area 15 to commercial use, the Property Owner shall have no obligation to agree to rezone any greater area than one-third (1/3) of the developable area, and the Town shall have no right to demand that greater than one-third (1/3) of the developable area be rezoned to commercial use.

(2) The rezoning contemplated herein shall preserve the total number of residential units for the Property, and Property Owner shall have the option to transfer unused residential yield, if any, from the Commercial Area to other residential Planning Areas in an amount not to exceed 143 dwelling units. Any transferred residential yield shall be dispersed throughout the Property such that no residential Planning Area or the remainder mixed-use subarea of Planning Area 15 shall receive greater than 48 of the

dwelling units to be transferred from the Commercial Area of Planning Area 15. The determination to transfer residential yield shall be made prior to the approval of a minor development plat, first final plat, or site plan for the Commercial Areas within Planning Area 15, whichever occurs first.

(3) The Property Owner shall submit a complete application to amend the Development Plan and Guide consistent with the requirements contained herein with the Segment 2 Road and Utility Sketch and Preliminary Plan application. The Property Owner shall obtain approval of the amendment to the Anthology North Development Plan and Guide prior to the approval of the first final plat for Segment 1. The approved amendment shall also include Town approval preserving the residential yield, as set forth in Paragraph 2, above.

(4) Mixed-Use Development: The Parker 2035 Master Plan recommends mixed-use development within Planning Area 15 and vertical mixed-use development is encouraged within the area to be reserved, zoned and used for future commercial development. A density bonus of ten percent (10%), not to exceed a total of 36 dwelling units, shall be available to support vertical mixed-use development(s) consisting of ground floor commercial use with multifamily residential use on the upper floors within the area to be reserved, zoned and used for future commercial development, subject to the approval of the Planning Director.



Request for Town Council Action

Date: April 15, 2019

Submitted By: Jason Rogers, Deputy Community Development Director

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 1.289.5 - Second Reading**
A Bill for an Ordinance to Approve the First Amendment to the Amended and Restated Cooperation Agreement Between the Town of Parker, Colorado, and the Parker Authority for Reinvestment for Administrative Services

Department: **Community Development, Jason Rogers**
Town Attorney, Jim Maloney

EXECUTIVE SUMMARY

The Parker Authority for Reinvestment ("PAR") and the Town of Parker (the "Town") seek to amend the Amended and Restated Cooperation Agreement between the two (2) entities. This amendment comprehensively memorializes the relationship and clarifies various budget costs for the 2019 budget year.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

PAR and the Town have operated as two (2) separate entities through a Cooperation Agreement since August 21, 2006, which has subsequently been amended on three (3) occasions; once on June 4, 2012 (the "First Amendment"); again on March 17, 2014 (the "Second Amendment"); and again on May 15, 2017 (the "Third Amendment").

On December 4, 2017, PAR and the Town entered into an Amended and Restated Agreement, which replaced the original 2006 Cooperation Agreement and related amendments. The purpose of the Amended and Restated Agreement was to memorialize the relationship between the Town and PAR that continued to evolve as the three (3) urban renewal plans have been implemented by PAR.

This First Amendment to the Amended and Restated Cooperation Agreement (the "First Amendment") further memorializes the relationship between the two (2) entities and provides clarification as to the following:

Staff Costs

PAR is reimbursing the cost of salaries and benefits for the following dedicated staff for the 2019 Budget:

PAR Executive Director – 25% of the Town Administrator’s salary and benefits

PAR Director – 50% of the Deputy Community Development Director’s salary and benefits

PAR Redevelopment Manager – 100% salary and benefits

PAR Redevelopment Coordinator – 100% salary and benefits

Administrative Fee

PAR’s reimbursement of costs to Town departments (Human Resource, Finance/Accounting, Information Technology, Risk Management, and the Town Clerk) for support functions during the 2019 budget year.

Amendments by Resolution

A clause has been included in the First Amendment to allow the Town to modify or adjust budget numbers annually by a means of a resolution. Under the current Amended and Restated Agreement, any modifications to budget numbers requires an ordinance.

Office Rent

PAR’s reimbursement of cost to the Town for office space used by PAR staff.

Downtown Development

The First Amendment allows PAR to oversee the development and redevelopment of Town-owned properties (“Municipal Redevelopment Properties”). A clause has been included in the First Amendment to clarify that costs (*i.e.*, professional consulting, appraisal costs, closing costs) incurred by PAR on behalf of the Town for development and/or redevelopment purposes of the Municipal Redevelopment Properties shall be reimbursed by the Town to PAR.

FINANCIAL IMPACT

The revenue due to the Town from PAR in 2019 is \$342,480.

STRATEGIC GOAL(S)



ATTACHMENTS

1. Ordinance No. 1.289.5

RECOMMENDED MOTION

I move to approve Ordinance No. 1.289.5 on second reading.

ORDINANCE NO. 1.289.5, Series of 2019

TITLE: A BILL FOR AN ORDINANCE TO APPROVE THE FIRST AMENDMENT TO THE AMENDED AND RESTATED COOPERATION AGREEMENT BETWEEN THE TOWN OF PARKER, COLORADO, AND THE PARKER AUTHORITY FOR REINVESTMENT FOR ADMINISTRATIVE SERVICES

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

Section 1. The Town Council of the Town of Parker hereby approves the First Amendment to the Amended and Restated Cooperation Agreement between the Town of Parker and the Parker Authority for Reinvestment for Administrative Services, which is attached hereto as **Exhibit 1** and incorporated herein by this reference, and authorizes the Mayor of the Town to enter into the Agreement on behalf of the Town.

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 _____, 2019.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____,
2019.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney

EXHIBIT 1

FIRST AMENDMENT TO THE AMENDED AND RESTATED COOPERATION AGREEMENT BETWEEN THE TOWN OF PARKER, COLORADO, AND THE PARKER AUTHORITY FOR REINVESTMENT

THIS FIRST AMENDMENT TO THE AMENDED AND RESTATED COOPERATION AGREEMENT (the "First Amendment") dated as of the ____ day of _____, 2019, is entered into by and between the Town of Parker, Colorado (the "Town"), a home rule municipal corporation of the State of Colorado, and the Parker Authority for Reinvestment (the "Authority"), a body corporate duly organized and existing as an urban renewal authority under the laws of the State of Colorado and the Charter of the Town.

RECITALS:

WHEREAS, the Town is a home rule municipality and municipal corporation duly organized and existing under and pursuant to Article XX of the Colorado Constitution and the Charter of the Town the Charter;

WHEREAS, the Authority is a body corporate and has been duly organized, established and authorized by the Town to transact business and exercise its powers as an urban renewal authority, all under and pursuant to the Charter and the Colorado Urban Renewal Law, C.R.S. § 31-25-101, *et seq.* (the "Act");

WHEREAS, pursuant to C.R.S. § 31-25-109 of the Act, the Authority has the power and authority to issue or to incur notes, interim certificates or receipts, temporary bonds, certificates of indebtedness, debentures, advances or other obligations including refunding obligations (collectively, the "Obligations"), for the purpose of financing the activities and operations authorized to be undertaken by the Authority with respect to the projects in accordance with an adopted urban renewal plan and the Act as approved by the Town;

WHEREAS, the Act and Section 18 Article XIV of the Colorado Constitution authorize the Town and the Authority to enter into cooperative agreements, such as this Cooperation Agreement;

WHEREAS, the Town and the Authority entered into the Cooperation Agreement for Administrative Services on August 21, 2006 (the "Original Cooperation Agreement");

WHEREAS, the Town and the Authority entered into the First Amendment to Cooperation Agreement for Administrative Services on June 4, 2012 (the "First Amendment");

WHEREAS, the Town and the Authority entered into the Second Amendment to Cooperation Agreement for Administrative Services on March 17, 2014 (the "Second Amendment");

WHEREAS, the Town and the Authority entered into the Third Amendment to Cooperation Agreement for Administrative Services on May 15, 2017 (the "Third Amendment");

WHEREAS, the Town and the Authority entered in the Amended and Restated Cooperation Agreement on December 4, 2017 (the "Restated Cooperation Agreement"); and

WHEREAS, the Town and the Authority now desire to enter into this First Amendment to amend the Restated Cooperation Agreement to:

1. Update the Town's provision of administrative services to the Authority on a contractual basis as set forth herein; and
2. Slightly modify the Authority's role in acting as an agent on the Town's behalf in overseeing the development and redevelopment of Authority and Town-owned properties in the Parker Central Area Reinvestment Plan Area.

NOW, THEREFORE, in consideration of the foregoing recitals and the following terms and conditions, the Town and the Authority hereby agree to this First Amendment as follows:

1. Section 3.1 of the Restated Cooperation Agreement is amended to read as follows:

3.1 The Town hereby authorizes the Authority to utilize the services of certain specified Town employees to assist the Authority in work related to urban renewal projects in the Town. Effective January 1, ~~2018~~ **2019**, the Town hereby assigns the following positions to perform such services for the percentage of their time specified below as follows:

A. The Authority Executive Director: The Town Administrator shall perform the function of Executive Director, and the Authority shall pay twenty five percent (25%) of the total cost of the Town Administrator's salary and benefits for performing such functions;

B. The Authority Director: The Deputy Director of Community Development shall perform the function of Authority Director, and the Authority shall pay fifty percent (50%) of the total cost of the Deputy Director of Community Development's salary and benefits for performing such functions;

C. The Authority Redevelopment Manager: The Community Development Department shall provide an employee to perform the function of Authority Redevelopment Manager, and the Authority shall pay one hundred percent (100%) of the total cost of the salary and benefits for performing such functions;

D. The Authority Redevelopment Coordinator: The Community Development Department shall provide an employee to perform the function of Authority Redevelopment Coordinator, and the Authority shall pay one hundred percent (100%) of the total cost of the salary and benefits for performing such functions; and

E. Town Administrative Fee: In addition to the specific staff positions set forth above, the Town shall charge the total amount of ~~Thirty Seven Thousand~~

~~Seven Hundred Dollars~~ **Forty-Three Thousand Nine Hundred Dollars (\$43,900.00)** for administrative support, including, but not limited to, Town human resources, finance, information technology and Town Clerk support.

The specific employees, ~~and~~ the amount of time devoted to the projects, **and the annual charge for administrative support** may be modified from time to time by Resolution of the Town of Parker. The use of such employees by the Authority and the proportionate cost of their services shall be deemed an advance by the Town and an obligation of the Authority. **The annual charge for administrative support shall also be deemed an obligation of the Authority.**

2. Section 4.0 of the Restated Cooperation Agreement is amended to read as follows:

4.0 **TOWN FACILITIES.** The Authority shall pay the Town rent in the amount of ~~Twenty Three Thousand Nine Hundred and Fifty Eight Dollars (\$23,958.00)~~ **Twenty-Four Thousand Dollars (\$24,000.00)**, which amount reflects the rent on a price per square foot basis for those employees identified in Section 3.1 above. The costs incurred by the Authority as set forth in this Section 4.0 shall be allocated equally one-third each to each of the three (3) urban renewal plans set forth in section 6.0 of this Cooperation Agreement.

The rent charged by the Town to the Authority may be modified from time to time by Resolution of the Town of Parker. The rent paid by the Authority shall be deemed an obligation of the Authority.

3. Section 5.0 of the Restated Cooperation Agreement is amended to read as follows:

5.0 **COOPERATION REGARDING DEVELOPMENT AND REDEVELOPMENT OF AUTHORITY AND TOWN OF PARKER OWNED PROPERTIES IN DOWNTOWN PARKER.** The Town and the Authority agree that the Authority shall oversee the development and redevelopment of Authority and Town of Parker owned properties in Downtown Parker, as more particularly described in **Replacement Exhibit A**, attached hereto and incorporated herein by this reference (the "Municipal Redevelopment Properties"). The Town may modify the Municipal Redevelopment Properties that are subject to this Cooperation Agreement by Resolution. Provided however, nothing in this Cooperation Agreement shall authorize the Authority to convey Town-owned property or otherwise provide incentives on behalf of the Town, and any agreements shall require specific Town of Parker authorization. **The Town and the Authority shall reconcile any costs incurred for development and redevelopment costs such as professional consulting fees for public engagement and brokerage services, appraisal costs, surveying costs, title insurance and closing costs upon closing of any of the Municipal Redevelopment Properties.**

4. Exhibit A is replaced with Replacement Exhibit A, attached hereto, and incorporated herein by this reference.

5. Except as specifically amended by this First Amendment, the Restated Cooperation Agreement remains in full force and effect and is hereby ratified by the Town and the Authority.

IN WITNESS WHEREOF, the parties hereto have caused this First Amendment to be duly executed and delivered by their duly authorized officers as of the date first above written.

TOWN OF PARKER, COLORADO

By: _____
Mike Waid, Mayor

Attest:

Carol Baumgartner, CMC, Town Clerk

PARKER AUTHORITY FOR REINVESTMENT

By: _____
Mike Waid, Chairman

Attest:

Carol Baumgartner, CMC, Authority Clerk

REPLACEMENT EXHIBIT A
MUNICIPAL REDEVELOPMENT PROPERTIES
LEGAL DESCRIPTIONS

PACE Lot 2

Civic Center Filing No. 1, 1st Amendment Subdivision Exemption Plat Lot 2

East Main

Mainstreet and Pine Marketplace 4th Amendment Lot 4

Pine Curve

Parcel 1 (larger parcel)

TRACT IN W1/2NW1/4 23-6-66 21.159 AM/L

Parcel 2 (smaller parcel)

TR IN W1/2NW1/4 23-6-66 3 AM/L 243-427 MTD 0356485

Schoolhouse Property

Lot 1B, Mainstreet Center 1st Amendment



Request for Town Council Action

Date: April 15, 2019

Submitted By: Jacob James, Stormwater Manager

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 9.269.2 – Second Reading
A Bill for an Ordinance Approving the Amendment to
Agreement Regarding Design and Construction of Drainage
and Flood Control Improvements for Lemon Gulch
Downstream of Crowfoot Valley Road (Agreement No. 17-
06.08B, Project No. 106741) By and Between Urban Drainage
and Flood Control District and the Town of Parker**

Department: **Engineering/Public Works, Jacob
James**

EXECUTIVE SUMMARY

The Town of Parker and Urban Drainage and Flood Control District received funds from Meritage Homes to design improvements to Lemon Gulch through the Meadowlark development. This satisfied the developer's obligation to design the major drainage improvements to Lemon Gulch through the development. The second part of the developer obligation is to fund the construction costs for the improvements to Lemon Gulch. Meritage Homes has provided the construction funds to the Town and through this IGA amendment, the Town will transfer the funds to Urban Drainage for construction.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

Meritage Homes has received final plat approval of the Meadowlark Filing 1 subdivision. Meritage was obligated to fund construction of improvements to Lemon Gulch with recordation of the final plat. The funds were provided to the Town and are now being held in a restricted account. With approval of this IGA amendment, the Town will transfer the funds from the restricted account to Urban Drainage to be utilized for construction of the improvements to Lemon Gulch.

FINANCIAL IMPACT

This project was budgeted in 2018 and was rolled over into 2019 with a supplemental budget revision to reflect the actual amount received by the Town. The budget is completely offset by the developer obligation resulting in no impact to the Town's Stormwater Utility budget. The history of funding is shown below:

2017 Design:

Town of Parker through Meritage Homes	\$210,423
Urban Drainage	\$150,000

2019 Construction:

Town of Parker through Meritage Homes	\$1,786,000
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Total Project Cost:	\$2,146,423
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STRATEGIC GOAL(S)



PROMOTE A SAFE AND
HEALTHY COMMUNITY



INNOVATE WITH
COLLABORATIVE
GOVERNANCE

ATTACHMENTS

1. Ordinance No. 9.269.2

RECOMMENDED MOTION

I move to approve Ordinance No. 9.269.2 on second reading.

ORDINANCE NO. 9.269.2, Series of 2019

TITLE: A BILL FOR AN ORDINANCE APPROVING THE AMENDMENT TO AGREEMENT REGARDING DESIGN AND CONSTRUCTION OF DRAINAGE AND FLOOD CONTROL IMPROVEMENTS FOR LEMON GULCH DOWNSTREAM OF CROWFOOT VALLEY ROAD (AGREEMENT NO. 17-06.08B, PROJECT NO. 106741) BY AND BETWEEN URBAN DRAINAGE AND FLOOD CONTROL DISTRICT AND THE TOWN OF PARKER

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

Section 1. The Town Council of the Town of Parker hereby approves the Amendment to Agreement Regarding Design and Construction of Drainage and Flood Control Improvements for Lemon Gulch Downstream of Crowfoot Valley Road (Agreement No. 17-06.08B, Project No. 106741) by and between Urban Drainage and Flood Control District and the Town of Parker, which is attached hereto as **Exhibit 1** and incorporated herein by this reference, and authorizes the Mayor of the Town to enter into the Agreement on behalf of the Town.

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 _____, 2019.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2019.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney

EXHIBIT 1

AMENDMENT TO
AGREEMENT REGARDING
DESIGN AND CONSTRUCTION
OF DRAINAGE AND FLOOD CONTROL IMPROVEMENTS FOR
LEMON GULCH DOWNSTREAM OF CROWFOOT VALLEY ROAD
TOWN OF PARKER

Agreement No. 17-06.08B
Project No. 106741

THIS AGREEMENT, by and between URBAN DRAINAGE AND FLOOD CONTROL DISTRICT (hereinafter called "DISTRICT") and TOWN OF PARKER (hereinafter called "TOWN") and collectively known as "PARTIES";

WITNESSETH:

WHEREAS, PARTIES have entered into "Agreement Regarding Design and Construction of Drainage and Flood Control Improvements for Lemon Gulch downstream of Crowfoot Valley Road, Town of Parker" (Agreement No. 17-06.08) dated October 2, 2017, as amended; and

WHEREAS, PARTIES now desire to proceed to construction; and

WHEREAS, PARTIES desire to increase the level of funding by \$1,786,000; and

WHEREAS, the Town Council of TOWN and the Board of Directors of DISTRICT have authorized, by appropriation or resolution, all of PROJECT costs of the respective PARTIES; and

WHEREAS, PROJECT includes Lemon Gulch from Crowfoot Valley Road to approximately 3,500 feet downstream, as shown on Exhibit A.

NOW, THEREFORE, in consideration of the mutual promises contained herein, PARTIES hereto agree as follows:

1. Paragraph 4. PROJECT COSTS AND ALLOCATION OF COSTS is deleted and replaced as follows:
 4. PROJECT COSTS AND ALLOCATION OF COSTS
 - A. PARTIES agree that for the purposes of this Agreement PROJECT costs shall consist of and be limited to the following:
 1. Final design services;
 2. Construction of improvements;
 3. Contingencies mutually agreeable to PARTIES.
 - B. It is understood that PROJECT costs as defined above are not to exceed \$2,146,423 without amendment to this Agreement.

PROJECT costs for the various elements of the effort are estimated as follows:

<u>ITEM</u>	<u>AS AMENDED</u>	<u>PREVIOUSLY AMENDED</u>
1. Final Design	\$ 275,423	\$ 275,423
2. Construction	\$ 1,871,000	\$ 85,000
3. Contingency	\$ -0-	\$ -0-
Grand Total	\$ 2,146,423	\$ 360,423

This breakdown of costs is for estimating purposes only. Costs may vary between the various elements of the effort without amendment to this Agreement provided the total expenditures do not exceed the maximum contribution by all PARTIES plus accrued interest.

- C. Based on total PROJECT costs, the maximum percent and dollar contribution by each party shall be:

	<u>Percentage Share</u>	<u>Previously Contributed</u>	<u>Additional Contribution</u>	<u>Maximum Contribution</u>
DISTRICT	6.99%	\$150,000	\$ -0-	\$ 150,000
TOWN	93.01%	\$210,423	\$1,786,000	\$1,996,423
TOTAL	100.00%	\$360,423	\$1,786,000	\$2,146,423

2. Paragraph 5. MANAGEMENT OF FINANCES is deleted and replaced as follows:

5. MANAGEMENT OF FINANCES

As set forth in DISTRICT policy (Resolution No. 11, Series of 1973, Resolution No. 49, Series of 1977, and Resolution No. 37, Series of 2009), the funding of a local body's one-half share may come from its own revenue sources or from funds received from state, federal, or other sources of funding without limitation and without prior Board approval. Payment of each party's full share (TOWN - \$1,996,423; DISTRICT - \$150,000) shall be made to DISTRICT subsequent to execution of this Agreement and within 30 days of request for payment by DISTRICT. The payments by PARTIES shall be held by DISTRICT in a special fund to pay for increments of PROJECT as authorized by PARTIES, and as defined herein. DISTRICT shall provide a periodic accounting of PROJECT funds as well as a periodic notification to TOWN of any unpaid obligations. Any interest earned by the monies contributed by PARTIES shall be accrued to the special fund established by DISTRICT for PROJECT and such interest shall be used only for PROJECT upon approval by the contracting officers (Paragraph 13).

Within one year of completion of PROJECT if there are monies including interest earned remaining which are not committed, obligated, or disbursed, each party shall receive a share of such monies, which shares shall be computed as were the original shares; or at TOWN

request, TOWN share of remaining monies shall be transferred to another special fund held by DISTRICT.

3. All other terms and conditions of Agreement No. 17-06.08 shall remain in full force and effect.

WHEREFORE, PARTIES hereto have caused this instrument to be executed by properly authorized signatories as of the date and year first above written.

URBAN DRAINAGE AND
FLOOD CONTROL DISTRICT

By_____

Name Ken A. MacKenzie

Title Executive Director

Checked By

TOWN OF PARKER

By_____

Mike Waid

Title Mayor

Date_____

(SEAL)

ATTEST:

Carol Baumgartner, Town Clerk

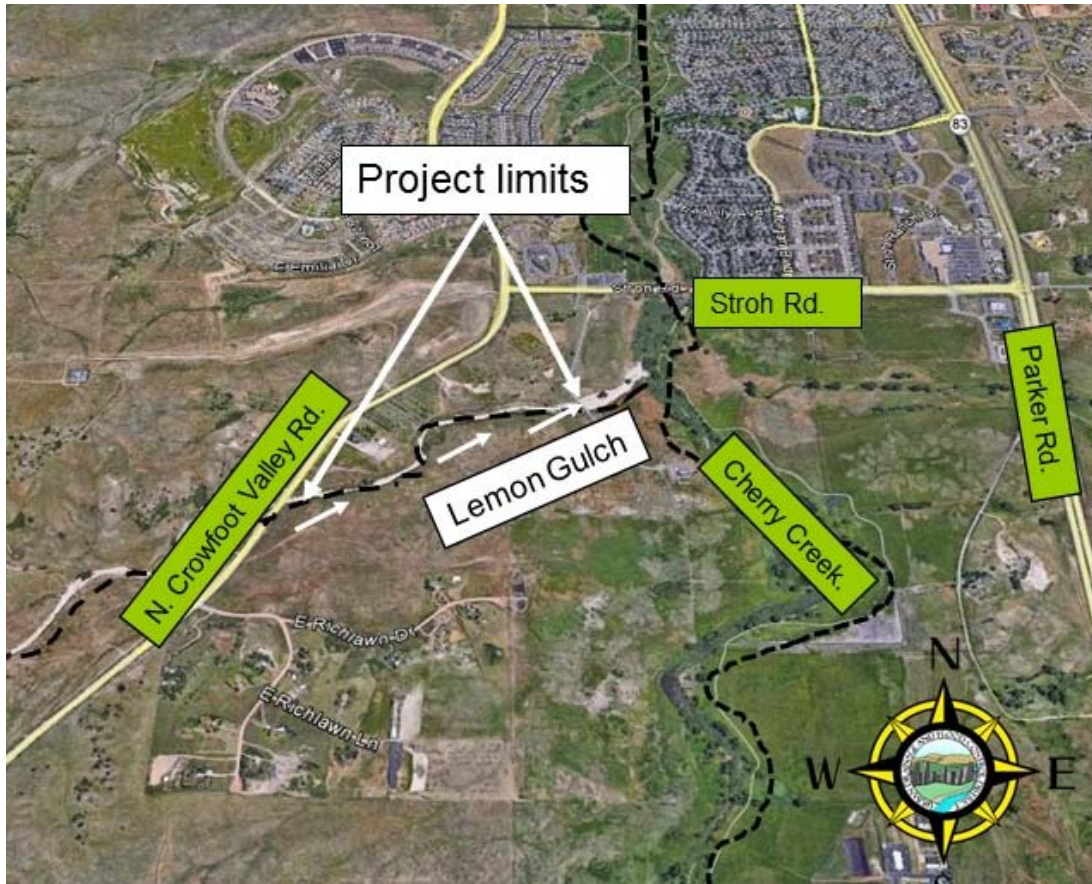
APPROVED AS TO FORM:

James S. Maloney, Town Attorney

AGREEMENT REGARDING
DESIGN AND CONSTRUCTION
OF DRAINAGE AND FLOOD CONTROL IMPROVEMENTS FOR
LEMON GULCH DOWNSTREAM OF CROWFOOT VALLEY ROAD
TOWN OF PARKER

Agreement No. 17-06.08B
Project No. 106741

Exhibit A





Request for Town Council Action

Date: April 15, 2019

Submitted By: Alex Mestdagh, Engineering Service Manager

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 1.529 - Second Reading**
A Bill for an Ordinance Conveying Certain Real Property by Easement to Parker Water and Sanitation District for Lot 1, Salisbury Equestrian Park

Department: Engineering and Public Works, Alex
TRAKiT No.: Mestdagh
Z19-009

EXECUTIVE SUMMARY

This item accompanies an ordinance proposing to dedicate a waterline easement to Parker Water and Sanitation District (PWSD) over Town-owned property, Lot 1, Salisbury Equestrian Park. This easement has been requested to accommodate the installation of two additional waterlines that will increase service capacity from PWSD's Regional Wellhouse within Salisbury Park.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

PWSD has identified a need to provide additional flows from their Regional Wellhouse within Salisbury Park in order to meet peak demands within their service area. The wellhouse is currently connected to the District's distribution system east of this area with a single 12" waterline. PWSD has submitted to the Town a use by special review application to allow for the construction of 20" and 24" lines from the wellhouse to increase capacity to the east.

The proposed alignment of the new waterlines is located entirely on Town property, requiring a waterline easement to be dedicated to PWSD to allow this work. The alignment extends northeasterly from the wellhouse across Cherry Creek and the associated floodplain and connects to an existing watermain just west of Parker Road. The new waterlines are proposed to be installed via horizontal directional drilling, which is an underground method of installation similar to boring, to avoid open trenching and minimize disturbance and environmental impacts

through Salisbury Park and the Cherry Creek corridor.

The proposed easement agreement would dedicate a 30-foot wide, non-exclusive easement to PWSD. A clause has been added to the agreement to allow trees and other plantings to be permitted within this easement, as the Town's Parks and Recreation Department currently utilizes a portion of the proposed easement area for growing and cultivating these items and to protect the existing trees along Cherry Creek.

FINANCIAL IMPACT

None. This easement is proposed to be dedicated as part of an ongoing easement and right-of-way exchange between the Town and PWSD, and no direct payment for this easement is proposed.

STRATEGIC GOAL(S)



ATTACHMENTS

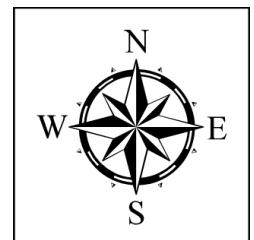
1. Vicinity Map
2. Ordinance No. 1.529
3. Waterline Project Narrative

RECOMMENDED MOTION

I move to approve Ordinance No. 1.529 on second reading.



Parker Water and
Sanitation District
Easement Conveyance
Vicinity Map



ORDINANCE NO. 1.529, Series of 2019

TITLE: A BILL FOR AN ORDINANCE CONVEYING CERTAIN REAL PROPERTY BY EASEMENT TO PARKER WATER AND SANITATION DISTRICT FOR LOT 1, SALISBURY EQUESTRIAN PARK

WHEREAS, the Town Council of the Town of Parker desires to convey certain real property to Parker Water and Sanitation District for Salisbury Equestrian Park Minor Development; and

WHEREAS, the Town Council of the Town of Parker desires to authorize the Mayor to execute the subject Easement Agreement.

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

Section 1. The Town Council of the Town of Parker hereby approves the Water Pipeline Easement Agreement by the Town of Parker conveying certain property to Parker Water and Sanitation District for Lot 1, Salisbury Equestrian Park, which is attached hereto as **Exhibit 1** and incorporated herein by this reference, and authorizes the Mayor of the Town to execute the Easement Agreement on behalf of the Town.

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 _____, 2019.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2019.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney

EXHIBIT 1

EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT is dated this _____ day of _____, 2019, by and between the TOWN OF PARKER, a Colorado home rule municipality (hereafter referred to as "Grantor"), having an address at 20120 E. Mainstreet, Parker, Colorado 80138, and the PARKER WATER AND SANITATION DISTRICT (hereafter referred to as "Grantee"), a Colorado special district and political subdivision, having an address at 18100 E. Woodman Drive, Parker, Colorado 80134.

WHEREAS, Grantee desires to install water pipeline in certain real property owned by the Grantor and situate in Douglas County, Colorado, which real property is more particularly described and depicted in **Exhibit A** attached hereto and incorporated herein (the "Easement Property"); and

WHEREAS, Grantor is willing to grant an easement to Grantee in the Easement Property for the aforesaid purposes, subject to the terms and provisions hereof.

NOW, THEREFORE, for good and valuable consideration to Grantor by Grantee, and for the additional consideration of the performance by the parties of the terms and conditions hereof, the receipt and adequacy of which are hereby acknowledged, Grantor does hereby grant to Grantee, and Grantee accepts from Grantor, the following Easement as hereinbelow set forth:

1. Grant of Easement. Grantor does hereby grant and convey to Grantee, its successors, assigns, lessees, licensees and agents, a nonexclusive perpetual easement upon, over, under, across and through the Easement Property for the purpose of Grantee's construction, reconstruction, operation, maintenance and removal of the water pipeline required by Grantee from time to time. Grantee shall have the right of ingress and egress over and across the adjacent lands of Grantor to and from the Easement Property as may be necessary in connection with Grantee's construction, reconstruction, operation, maintenance and removal of the water pipeline.

2. Covenants of Grantee. Grantee hereby represents, covenants and warrants in favor of Grantor and its successors and assigns as follows:

(A) Grantee shall protect the Easement Property and the adjacent lands of Grantor over which Grantee has rights of ingress and egress from damage caused in whole or in part by acts or omissions of Grantee, its employees, agents, contractors, subcontractors, assigns, lessees, licensees and agents. Grantee shall clean, cure and correct any such damage to any elements of the Easement Property or the above-referenced adjacent lands, including, but not limited to, all pavement, curbs, gutters, walks, streets, other utilities, structures and other improvements situate therein or thereon, and shall keep all of such property reasonably clean and clear of equipment, building materials, dirt, debris and similar materials. If Grantee fails to clean, cure or correct such damage within fourteen (14) days after notice thereof from Grantor, then Grantor may do so, at Grantee's expense;

(B) In all activities undertaken on property belonging to Grantor, Grantee and/or its employees, agents, contractors, subcontractors, successors, assigns, lessees and/or licensees shall conduct and construct all work in a good and workmanlike manner; and

(C) Grantee shall not cause or permit to be caused by any of its employees, agents, contractors, subcontractors, successors, assigns, lessees or licensees, any hazardous substances, as defined by the Comprehensive Environmental Response Compensation and Liability Act of 1980 ("CERCLA"), pollutants or contaminants, as defined by CERCLA, or hazardous waste, as defined by the Resource Conservation and Recovery Act ("RCRA"), including, but not limited to, asbestos and/or urea formaldehyde, or any pollutants or toxic pollutants, as defined by the Clean Water Act and any amendments thereto, to be dumped, spilled, released, permanently stored, or deposited on, over or beneath the Easement Property. Any hazardous, toxic or flammable substances used by Grantee, its employees, agents, contractors, subcontractors, successors, assigns, lessees or licensees in the construction, reconstruction, operation, maintenance or removal of the water pipeline shall be utilized in a lawful manner and in compliance with all federal, state and local requirements relating to protection of health or the environment.

(D) Grantee hereby acknowledges that the easement area is currently used by the Grantor for the purposes of growing and cultivating trees, shrubs, and other plant materials, and that all such items shall be permitted within the easement area in perpetuity.

3. Grantor's Right of Relocation. In the event that the construction of any other utilities, roadways, or other improvements upon, over, under or across the Easement Property necessitates the relocation and/or encasement of the water pipeline, then Grantor shall, at its sole cost and expense, timely perform or cause the performance of such relocation and/or encasement of the water pipeline.

4. Indemnification of Grantor by Grantee. Grantee agrees, and hereby does, to the extent permitted by law, indemnify and hold harmless Grantor, any directors, officers employees and agents of Grantor, and any successors or assigns of Grantor, from any costs, expenses, damages, claims or demands incurred or asserted against Grantor as a result of or arising out of the activities of Grantee, its employees, agents, contractors, subcontractors, successors, assigns, lessees or licensees in the construction, reconstruction, operation, maintenance or removal of the water pipeline or otherwise relating to the Grantee's use of the Easement Property.

5. Miscellaneous.

(A) Except as otherwise expressly provided for herein, all provisions herein contained, including the benefits, burdens and covenants, are intended to run with the land and shall be binding upon and inure to the benefit of the respective parties, their heirs, successors and assigns.

(B) This Easement constitutes the entire agreement between the parties.

(C) This Easement shall be of no force and effect until the same is duly and validly executed by each of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Easement by their respective duly authorized officers as of the date and year first above set forth.

GRANTOR:
TOWN OF PARKER, COLORADO

By: _____
Mike Waid, Mayor

ATTEST:

By: _____
Carol Baumgartner, Town Clerk

STATE OF COLORADO)
) ss
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this _____ day of _____, 2019, by Mike Waid, Mayor of the Town of Parker, Colorado.

WITNESS my hand and official seal.

My commission expires: _____

GRANTEE:
PARKER WATER & SANITATION DISTRICT, a Colorado special district and political subdivision

By: _____
Ron R. Redd, P.E., District Manager

ATTEST:

By: _____
Maleia Good, Engineering Secretary

Notary Public

STATE OF COLORADO)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this _____ day of _____, 2019, by Ron R. Redd, P.E., District Manager of the Parker Water and Sanitation District.

WITNESS my hand and official seal.

My commission expires: _____

Notary Public

EXHIBIT "A"

LOCATED IN THE NORTH HALF OF SECTION 27, TOWNSHIP 6 SOUTH, RANGE 66
WEST OF THE 6TH PRINCIPAL MERIDIAN,
TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO
SHEET 1 OF 3

A 30 FOOT WATER EASEMENT, OVER AND ACROSS A PORTION OF LOT 1, SALISBURY EQUESTRIAN PARK AS RECORDED AT RECEPTION NO. 2004061175, DATED JUNE 11, 2004 IN THE RECORDS OF DOUGLAS COUNTY CLERK AND RECORDER, LOCATED IN THE NORTH HALF OF SECTION 27, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE SOUTH LINE OF SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 27 TO BEAR SOUTH 89°38'42" WEST, A DISTANCE OF 1324.06 FEET BETWEEN A FOUND 3-1/4" ALUMINUM CAP, STAMPED "T6S R66W C 1/4 S 27 1999 PLS 19003" AND A FOUND NO. 6 REBAR, WITH 3-1/4" ALUMINUM CAP, STAMPED "AZTEC CONSULTANTS INC. W 1/16 C-C S27 2009 LS 22561", WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT THE CENTER-WEST 1/16 CORNER OF SAID SECTION; THENCE NORTH 00°17'06" WEST, ALONG THE WEST LINE OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION, A DISTANCE OF 354.38 FEET; THENCE DEPARTING SAID SECTION LINE, NORTH 89°42'54" EAST, A DISTANCE 70.74 FEET TO THE POINT OF BEGINNING; THENCE NORTH 07°51'00" WEST, A DISTANCE OF 56.48 FEET; THENCE NORTH 03°24'00" EAST, A DISTANCE OF 100.71 FEET; THENCE NORTH 26°40'20" EAST, A DISTANCE OF 29.30 FEET; THENCE NORTH 71°40'20" EAST, A DISTANCE OF 672.04 FEET; THENCE NORTH 70°11'23" EAST, A DISTANCE OF 79.38 FEET; THENCE NORTH 67°13'35" EAST, A DISTANCE 79.49 FEET; THENCE NORTH 65°44'30" EAST, A DISTANCE OF 353.85 FEET; THENCE NORTH 64°50'54" EAST, A DISTANCE OF 46.31 FEET; THENCE NORTH 63°03'44" EAST, A DISTANCE OF 46.28 FEET; THENCE NORTH 62°10'09" EAST, A DISTANCE OF 572.95 FEET; THENCE NORTH 83°25'09" EAST, A DISTANCE OF 99.62 FEET; THENCE SOUTH 06°34'51" EAST, A DISTANCE OF 30.00 FEET; THENCE SOUTH 83°25'09" WEST, A DISTANCE OF 93.99 FEET; THENCE SOUTH 62°10'09" WEST, A DISTANCE OF 567.55 FEET; THENCE SOUTH 63°03'44" WEST, A DISTANCE OF 46.99 FEET;



JOB NUMBER: 19-72,521
DRAWN BY: E. DAVIS
DATE: MARCH 18, 2019

THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.

Flatirons, Inc.
Surveying, Engineering & Geomatics



655 FOURTH AVE
LONGMONT, CO 80501
PH: (303) 776-1733
FAX: (303) 776-4355
www.FlatironsInc.com

EXHIBIT "A"

LOCATED IN THE NORTH HALF OF SECTION 27, TOWNSHIP 6 SOUTH, RANGE 66
WEST OF THE 6TH PRINCIPAL MERIDIAN,
TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO
SHEET 2 OF 3

THENCE SOUTH 64°50'54" WEST, A DISTANCE OF 47.01 FEET; THENCE SOUTH 65°44'30" WEST, A DISTANCE OF 354.47 FEET; THENCE SOUTH 67°13'35" WEST, A DISTANCE OF 80.65 FEET; THENCE SOUTH 70°11'23" WEST, A DISTANCE OF 80.54 FEET; THENCE SOUTH 71°40'20" WEST, A DISTANCE OF 660.00 FEET; THENCE SOUTH 26°40'20" WEST, A DISTANCE 10.70 FEET; THENCE SOUTH 03°24'00" WEST, A DISTANCE OF 91.58 FEET; THENCE SOUTH 07°51'00" EAST, A DISTANCE OF 23.52 FEET; THENCE NORTH 82°09'00" EAST, A DISTANCE OF 60.09 FEET; THENCE SOUTH 07°51'00" EAST, A DISTANCE OF 30.00 FEET; THENCE SOUTH 82°09'00" WEST, A DISTANCE OF 90.09 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

SAID EASEMENT CONTAINING 65,154 SQ.FT. OR 1.50 ACRES, MORE OR LESS.

I, JOHN B. GUYTON, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT THIS PARCEL DESCRIPTION AND ATTACHED EXHIBIT, BEING MADE A PART THEREOF, WERE PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE AT THE REQUEST OF THE CLIENT AND IS NOT INTENDED TO REPRESENT A MONUMENTED LAND SURVEY OR SUBDIVIDE LAND IN VIOLATION OF STATE STATUTE.



JOHN B. GUYTON
COLORADO P.L.S. #16406
CHAIRMAN/CEO, FLATIRONS, INC.

SI JOB NO. 19-72,521

JOB NUMBER: 19-72,521
DRAWN BY: E. DAVIS
DATE: MARCH 18, 2019

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Flatirons, Inc.
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LOCATED IN THE NORTH HALF OF SECTION 27, TOWNSHIP 6 SOUTH, RANGE 66
WEST OF THE 6TH PRINCIPAL MERIDIAN,
TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO

UNPLATTED

A circular seal with a rope-like border. The text "COLORADO LICENSE" is at the top, "PROFESSIONAL LAND SURVEYOR" is at the bottom, and "NO. 16406" is in the center. The date "3/18/14" is stamped over the license number. A signature is written across the seal.

N67°13'35"E
79.49'
N70°11'23"E
79.38'

N63°03'44"E
46.28'
N64°50'54"E
46.31'

N83°25'09"E
99.62'

S06.34'51"E
30.00'

S. PARKER ROAD
(AKA: HIGHWAY 83)

LOT 1
SALISBURY
EQUESTRIAN PARK
(REC. NO. 2004061175)

N26°40'20"E
29.30'
N03°24'00"E
100.71'
N07°51'00"W
56.48'

—S26°40'20"W 10.70'
—S03°24'00"W 91.58'
—S07°51'00"E 23.52'
—S07°51'00"E 30.00'

N00°17'06"W
354.38'

N82°09'00"E 60.09'
 S82°09'00"W 90.09'
 POINT OF BEGINNING
 N89°42'54"E 70.74'

BASIS OF BEARINGS
S89°38'42"W 1324.06'

POINT OF COMMENCEMENT SOUTH LINE, SE 1/4
C-W 1/16, SEC. 27, T6S, R66W
FOUND NO. 6 REBAR, W/3-1/4" ALUMINUM
CAP, STAMPED "AZTEC CONSULTANTS INC.
W 1/16 C-C S27 2009 LS 22561"
(PER MON. REC. DATED 8/29/09)

— C 1 1/4, SEC. 27, T6S, R66W
FOUND 3-1/4" ALUMINUM CAP, STAMPED
"T6S R66W C 1/4 S 27 1999 PLS 19003"
(PER MON. REC. DATED 10/25/99)

COUNTRY MEADOWS
SUBDIVISION NO. 1

Flatirons, Inc.

Surveying, Engineering & Geomatics

655 FOURTH AVE
LONGMONT, CO 80501
PH: (303) 776-1733
FAX: (303) 776-4355

www.FlatironsInc.com

JOB NUMBER: 19-72,521
DRAWN BY: E. DAVIS
DATE: MARCH 18, 2019

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Project Narrative

Parker Water and Sanitation District (PWSD) is responsible for supplying potable water and sanitation services to approximately 50,000 residents in the Town of Parker, Colorado, and the surrounding area. The District's water supplies consist of the Rueter-Hess Reservoir, with surface water treatment provided at the Rueter-Hess Water Purification Facility, and 35 deep groundwater wells that supply water to six (6) centralized wellhouse facilities.

PWSD has identified a need for providing additional water flows to meet peak demand from one of these well houses, the Regional Wellhouse located at the Salisbury Equestrian Park in Parker, CO. In order to meet peak water demands, PWSD is proposing approximately 2,140 linear feet of a 20 & 24-inch waterline that will connect to the existing discharge waterline from the Regional Wellhouse and run northeast to the existing water distribution system located within McCabe Meadows Park just west of Parker Road.

A significant portion of the proposed waterline alignment is through the 100-year floodplain and a Riparian Conservation Zone (RCZ). The alignment also includes a crossing of the Cherry Creek. In order to avoid impacts (surface disturbance) to these areas, approximately 1,800 linear feet of the proposed 24-inch waterline will be installed via a trenchless method known as horizontal directional drilling (HDD). Surface impacts will be limited to roughly 100 linear feet of the waterline installation at each end of the proposed waterline or approximately 0.14 acres.



Request for Town Council Action

Date: April 15, 2019

Submitted By: Kristin Schledorn, Deputy Town Attorney

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 1.530 - Second Reading**
A Bill for an Ordinance Submitting Eight Ballot Questions to the Registered Electors of the Town of Parker at the November 5, 2019, Special Election to Amend the Town of Parker Home Rule Charter

Department: Town Attorney, Kristin Schledorn

EXECUTIVE SUMMARY

This ordinance submits eight ballot questions to amend the Town of Parker Home Rule Charter, for the November 5, 2019, special election.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

Pursuant to Section 15.10, the Charter may be amended at any general or special election called for such purpose upon questions which may be submitted to the electors by a majority of the Town Council. A special election is being held on November 5, 2019. This ordinance submits eight ballot questions to amend the Charter, for the November special election.

Ballot Questions 1-4

In 1995, Ordinance No. 1.81 called for a special election seeking approval for the Town to move from a “Strong Mayor” to a “Town Council-Town Administrator” form of government, which was subsequently approved by the Parker voters. Currently there are still several references in the Charter, subscribing duties and powers to the Mayor that are more appropriately delegated to the Town Administrator. To address these references in the Charter, the first four ballot questions amend: (1) Section 4.6; (2) Sections 8.3(d) and (e); (3) Section 9.12; and (4) Sections 15.14 and 15.15.

Ballot Question 5

The fifth ballot question requires the Town Administrator, rather than the Town Council, prepare and approve the Town's personnel manual, subject to annual budgeting and appropriation.

Ballot Question 6

The Charter refers to the chief administrative officer of the Town as the “Town Administrator.” The sixth ballot question would revise all references in the Town Charter from “Town Administrator” to “Town Manager.”

Ballot Question 7

Currently, the Charter requires the Planning Commission to review and approve plats. The seventh ballot question removes this requirement, which can then be directed by ordinance, rather than by Charter.

Ballot Question 8

Pursuant to Colorado Constitution Article XVIII, § 11, an elected official is limited to two consecutive terms. Voters of home rule municipalities may lengthen, shorten or eliminate this limitation. The eighth ballot question allows the Mayor and Town Councilmembers to serve three (3) consecutive four-year terms of office.

FINANCIAL IMPACT

The Town Clerk has funds budgeted for the November election.

STRATEGIC GOAL(S)



ATTACHMENTS

1. Ordinance No. 1.530

RECOMMENDED MOTION

I move to approve Ordinance No. 1.530 on second reading.

ORDINANCE NO. 1.530, Series of 2019

TITLE: A BILL FOR AN ORDINANCE SUBMITTING EIGHT BALLOT QUESTIONS TO THE REGISTERED ELECTORS OF THE TOWN OF PARKER AT THE NOVEMBER 5, 2019, SPECIAL ELECTION TO AMEND THE TOWN OF PARKER HOME RULE CHARTER

WHEREAS, the Town of Parker shall hold a special election on November 5, 2019; and

WHEREAS, the Town Council desires to present to the electors of the Town of Parker eight ballot questions to amend the Home Rule Charter.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, THAT:

Section 1. The following ballot questions shall be placed on the ballot of the November 5, 2019, special election of the Town of Parker for consideration by the registered electors:

QUESTION 1.

Shall the Home Rule Charter of the Town of Parker be amended by amending and readopting Section 4.6 – Departments Created, as follows?

Section 4.6 - Departments Created. The administrative functions of the Town may be performed by including but not limited to the following departments: Water and Sanitation, Fire, Streets, Police, Finance, Executive, Parks and such other departments as are or may be established by this Charter or by ordinances of the Town. The Town, within a reasonable time, shall provide policies and procedures for such departments created. The Council may by ordinance create, consolidate or merge any of the departments, whether set forth in the Charter or created by ordinance, in order to achieve more efficient operation or administration. All departments of the Town, except as otherwise provided in this Charter, shall be under the supervision and control of the ~~Mayer~~ **Town Administrator**. The Council may by ordinance or personnel regulations provide for the manner in which the department heads supervise, control and discipline employees of departments that are created by this Charter or by ordinance.

QUESTION 2.

Shall the Home Rule Charter of the Town of Parker be amended by amending and readopting Subsections (d) and (e) of Section 8.3 – Department of Police, as follows?

Section 8.3 - Department of Police.

d. The Department of Police shall be responsible for the preservation of public peace, prevention of crime, apprehension of criminals, protection of the rights of persons and property, the enforcement of the laws of the State and of the ordinances of the Town as provided by this Charter and all rules and regulations made in accordance therewith, and such other functions as the ~~Mayor~~ **Town Administrator** and Council may prescribe for public safety. All members of the Department shall have all powers with respect to the service of criminal process and the enforcement of criminal laws as are vested in police officers in the State of Colorado.

e. The Chief of Police, with approval of the ~~Mayor~~ **Town Administrator**, may appoint such special policemen, patrolmen or auxiliary force, with or without compensation, as may be deemed necessary, all of whom shall have the same responsibility, functions, duties and powers as do other members of the Police Department, unless changed by the Council upon recommendation of the ~~Mayor~~ **Town Administrator**. However, no special policeman, patrolman or auxiliary force may assume any responsibility, function or duty of the Police Department without adequate training as described in the personnel policy for the Police Department which is approved by the Council.

QUESTION 3.

Shall the Home Rule Charter of the Town of Parker be amended by amending and readopting Section 9.12 – Increase or Reduction of Appropriations, as follows?

Section 9.12 - Increase or Reduction of Appropriations. The Council may make additional appropriations by ordinance during the fiscal year for unanticipated expenditures required of the Town. Such additional appropriations shall not exceed the amount by which actual and anticipated revenues of the year exceed the revenues as estimated in the budget, unless the appropriations are necessary to relieve an emergency endangering the public peace, health, safety or property.

If at any time during the fiscal year it appears probable to the ~~Mayor~~ **Town Administrator** that the revenues available will be insufficient to meet the amount appropriated, he shall provide a report to the Council without delay indicating the estimated amount of deficit and his recommendations as to any steps to be taken. The Council shall then take such further action as it deems necessary to prevent or minimize any deficit, and for that purpose it may by ordinance reduce one (1) or more appropriations.

QUESTION 4.

Shall the Home Rule Charter of the Town of Parker be amended by amending and readopting Sections 15.14 - Emergency Powers, and 15.15 – Continuity of Government, as follows?

Section 15.14 - Emergency Powers. In case of riot, insurrection or extraordinary emergency, the ~~Mayor~~ **Town Administrator** shall assume the authority to execute any action necessary for the protection of life and property **to the extent allowed by ordinance**. Such authority may include but not be limited to establishing regulations governing conduct and activities related to the cause of the emergency, and if the emergency situation continues, the Mayor shall convene the Council who may take such action as it deems necessary. In the event it becomes necessary, the line of succession provided below in this Charter shall be followed.

Section 15.15 - Continuity of Government. The Council shall have the power to provide for the continuity of government of the Town of Parker in the event of natural or enemy caused disaster. Such power shall be employed in a manner which will preserve representative government to the Town of Parker and which will provide an orderly line of succession of officers, notwithstanding the provisions of this Charter. Such succession shall commence with the Mayor and the Mayor Pro Tem and shall then revert to the Councilmembers by order of seniority, **then to the Town Administrator** and then through an orderly line of succession of the administrative department heads.

YES _____ NO _____

QUESTION 5.

Shall the Home Rule Charter of the Town of Parker be amended by amending and readopting Section 15.19 – Personnel Manual, as follows?

Section 15.19 - Personnel Manual. The ~~Council~~ **Town Administrator** shall cause to be prepared a Personnel Manual for the Town which shall provide policies and guidelines for all Town employees and their supervisors **subject to annual budgeting and appropriation**. ~~Said Personnel Manual shall be approved by the Council and shall be in full force and effect no later than six (6) months from the date of the approval by the registered electors of this Charter.~~

YES _____ NO _____

QUESTION 6.

Shall the Home Rule Charter of the Town of Parker be amended by replacing all references to the term “Town Administrator” with the term “Town Manager”?

YES _____ NO _____

QUESTION 7.

Shall the Home Rule Charter of the Town of Parker be amended by amending and readopting Section 6.3 – Planning Commission, as follows?

Section 6.3 - Planning Commission. The Planning Commission shall consist of not less than five (5) nor more than nine (9) regular members as the Council may determine by ordinance from time to time. The Council shall also provide for as many alternate members as it may determine necessary. Members of the Planning Commission shall be appointed by the Council for overlapping terms of three (3) years. Each member shall be a registered elector of the Town and, in addition, shall have resided in the area comprising the Town at the time of his appointment for at least one (1) year immediately preceding the date of his appointment. If any member ceases to reside in the Town, his membership shall immediately terminate and the Council shall fill all vacancies created.

The Planning Commission shall exercise the functions and powers and perform the duties assigned to it by this Charter and the ordinances of the Town. It shall prepare and submit to the Council for its approval a master plan for the physical development of the Town and areas adjacent thereto. ~~All plats of proposed subdivisions shall be submitted to it for recommendations and approval before being presented to the Council for its approval.~~ The Commission may hold a hearing or hearings relative to zoning, changes in the zoning ordinance and zoning variances, and may make recommendations thereon to the Council.

YES _____ NO _____

QUESTION 8.

Shall the Home Rule Charter of the Town of Parker be amended by amending and readopting Section 2.7 – Mayor and Town Councilmember’s Terms of Office, as follows?

Section 2.7 - Mayor & Town Councilmember's Terms of Office. ~~The Mayor and the six (6) Trustees holding office at the time of the adoption of this Charter shall remain in office until the first regular Town election to be held under this Charter on the Tuesday following the first Monday in April in the year 1984. At that time the terms of Mayor and the terms of the present members of the Board of Trustees (who shall become known as Town Councilmembers) shall be as follows:~~

~~a. The term of office for Mayor of the Town of Parker, commencing with the election held in the year 1984, shall be for four (4) years. Thereafter, election for the Mayor shall be held at the regular municipal election every fourth year.~~

~~b. The members of the Town Council, commencing with the 1986 municipal election shall be elected for a four-year term of office.~~

~~c. At the regular municipal election in the year 1984, the Town Council of the Town of Parker shall be elected for the following terms of office:~~

~~1. Those nominees seeking election for the Town Council who receive the first, second and third largest number of votes each shall be elected for a four-year term of office.~~

~~2. Those nominees seeking election for the Town Council who receive the fourth, fifth and sixth largest number of votes shall be elected for a two year term of office.~~

~~3. In the event there is a tie for the persons receiving the third and fourth largest number of votes, then there shall be a drawing by lot pursuant to the Colorado Municipal Election Code, at the first regular meeting of the Town Council thereafter; the winner of said lot drawing shall serve a four year term and the loser a two year term of office.~~

~~4. Those persons whose term of office is determined to be four (4) years shall thereafter have their position as a member of the Town Council until the regular municipal election in the year 1988 and every fourth year thereafter. Those persons whose term of office is determined to be two (2) years shall have their position as a member of the Town Council until the regular municipal election in 1986 and every fourth year thereafter. By this means, overlapping terms of office will be established.~~

The term of office of all Town Councilmembers and the Mayor shall be four (4) years. The terms of office of the Town Councilmembers shall be staggered so that three (3) Town Councilmembers are elected every two (2) years. Neither the Mayor nor any Town Councilmember shall serve more than three (3) consecutive four-year terms of office in their respective offices. Terms of office shall be considered consecutive unless they are at least four (4) years apart. For purposes of this section, the office of Mayor and office of Town Councilmember shall be considered different offices.

YES _____ NO _____

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 _____,
2019.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____,
2019.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney



Request for Town Council Action

Date: April 15, 2019

Submitted By: Kristin Schledorn, Deputy Town Attorney

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 1.531 - Second Reading**
A Bill for an Ordinance Submitting a Ballot Question to the Registered Electors of the Town of Parker at the November 5, 2019, Special Election Concerning Provision of High-Speed Internet Services, Telecommunication Services and/or Cable Television Services Within the Town of Parker

Department: Town Attorney, Kristin Schledorn

EXECUTIVE SUMMARY

Pursuant to Senate Bill 152 (SB-152) local governments cannot provide subscribers with cable television service, telecommunications service or advanced service, which includes high-speed internet access, unless authorized by the voters. This ordinance submits an election question to override the provisions of SB-152, for the November 5, 2019, special election.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

Senate Bill 152 (SB-152) was passed in 2005 and is codified in Article 27, Title 29, of the Colorado Revised Statutes (the “Act”). Under the Act, local governments cannot provide subscribers with cable television service, telecommunications service or advanced service, which includes high-speed internet access, unless authorized through an election.

To date, over 100 cities and towns have successfully passed ballot measures to override the prohibitions in SB-152.

FINANCIAL IMPACT

The Town Clerk has funds budgeted for the November election.

STRATEGIC GOAL(S)



FOSTER COMMUNITY
CREATIVITY AND
ENGAGEMENT

ATTACHMENTS

1. Ordinance No. 1.531

RECOMMENDED MOTION

I move to approve Ordinance 1.531 on second reading.

ORDINANCE NO. 1.531, Series of 2019

TITLE: A BILL FOR AN ORDINANCE SUBMITTING A BALLOT QUESTION TO THE REGISTERED ELECTORS OF THE TOWN OF PARKER AT THE NOVEMBER 5, 2019, SPECIAL ELECTION CONCERNING PROVISION OF HIGH-SPEED INTERNET SERVICES, TELECOMMUNICATION SERVICES AND/OR CABLE TELEVISION SERVICES WITHIN THE TOWN OF PARKER

WHEREAS, given the technological advances made in broadband communications, people have become increasingly dependent on broadband access for a wide variety of uses, including business, education, healthcare and entertainment content;

WHEREAS, the Town of Parker is a home rule municipality that has been vested with certain powers pursuant to Article XX, Section 6 of the Colorado Constitution;

WHEREAS, in 2005 the Colorado General Assembly adopted Senate Bill 152 which restricted previously existing local authority, and now prohibits a municipality from providing services, such as high-speed internet, either directly or through public/private partnerships, without first obtaining approval from its voters;

WHEREAS, Town Council wishes to restore local authority in this area by referring a ballot question to the voters of Parker, seeking approval to restore the City's authority that existed before 2005 and remove the legislative barrier imposed by Senate Bill 152.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, THAT:

Section 1. The following ballot question shall be placed on the ballot of the November 5, 2019, special election of the Town of Parker for consideration by the registered electors:

Without increasing taxes, shall the Town of Parker be authorized to provide high-speed internet (advanced services), telecommunications services and/or cable television services to residents, businesses, schools, libraries, nonprofit entities and other users of such services, either directly or indirectly with public or private sector partners, as expressly permitted by Article 27, Title 29 of the Colorado Revised Statutes?

YES _____ NO _____

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 _____, 2019.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2019.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney