



PLANNING COMMISSION MEETING

**7:00 p.m.
April 25, 2019**

Prior to the Meeting: 5:30 p.m. *Planning Commissioner Study Session: Draft Commercial, Industrial and Mixed Use Design Standards and Planning Commission By-Laws*

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. ADDITIONS TO OR DELETIONS FROM THE AGENDA**
- 5. APPROVAL OF MINUTES
April 11, 2019 Meeting Minutes**
- 6. PUBLIC HEARING: UNPLATTED TRACT PARKER PLAZA SHOPPING CENTER – Rezoning (Continued from 3.28.19)
Applicant: Tom Dermody
Location: Northwest Corner of Parker Road and Plaza Drive
Department: Community Development, Carolyn Parkinson
TRAKiT No.: Z18-014**
- 7. PLANNING COMMISSION ITEMS**
- 8. STAFF ITEMS**
- 9. ADJOURNMENT**



PLANNING COMMISSION MINUTES

April 11, 2019

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

The Planning Commission and audience joined in saying the Pledge of Allegiance.

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

ADDITIONS TO OR DELETIONS FROM THE AGENDA

None

APPROVAL OF MINUTES

Commissioner Ruth Ann Nelson moved to approve the March 28, 2019 meeting minutes. Commissioner Tracie Manske seconded; a vote was taken and passed 4:0.

PUBLIC HEARING: OPENED: 7:03 P.M. UNPLATTED - SUNMARKE – Rezoning and Sketch and Preliminary Plans

Applicant: Jerry Richmond III, RainTree Investment Corporation
Location: Generally located at the Northwest Corner of Motsenbocker Road and French Creek Avenue
Department: Community Development, Paul Workman
TRaKiT No.: Z18-018, SUB18-030 and SUB18-034

Paul Workman, Planner presented the staff report for the SunMarke – Rezoning, Sketch and Preliminary Plans concurrently, and said two separate motions were required. Mr. Workman concluded with the determinations in the staff report and recommended the Planning Commission recommend Town Council approve the rezoning and sketch and preliminary plans.

Commissioners discussed with staff:

- the lot sizes of the paired homes to the south; (*Staff said the lots are between 4500-5500 square-feet.*)
- if the proposed 209 single-family detached units versus the original 285 is allowed; (*Staff said yes.*)
- time-frame for development of the three filings; (*Staff said depending on market conditions there could be a three to five year window for development.*)

- that lots will not be created within the current identified floodplain until redesign of the floodplain is complete; (*Staff said no lots will be created within designated floodplain.*)

APPLICANT PRESENTATION

Brock Chapman, President Schuck Communities, Inc., 2 N Cascade Avenue, Ste. 1280, Colorado Springs, CO spoke on behalf of RainTree Investment Corporation, 7200 S Alton Way Ste. C400, Centennial, CO presented project highlights:

- market changes conducive to paired homes
- proposed density less than allowed within the current Planned Development (PD)
- proposed affordable housing
- reduced lot size for paired housing
- reduced yard size
- property lines shared with a demise line
- proposed modifications to bulk standards and setbacks
- park and open space requirements are met or in some cases exceeded
- access points
- future trail connections
- requested Planning Commission recommend approval

Planning Commissioners discussed with staff and Mr. Chapman:

- the location of a traffic signal based on future traffic volume; (*Staff pointed out the intersection of French Creek and Motsenbocker on a map.*)
- *Mr. Chapman addressed the Army Corps of Engineering process for addressing development of lots within existing designated floodplain.*

PUBLIC COMMENT OPENED

The following members of the public spoke with concerns for traffic congestion, the need for traffic signals, the need to widen French Creek, the need for an additional access from Hess Road, where to locate additional snow removal, increased animal nuisance and waste and increased Homeowners' Association (HOA) dues:

- Aleta You, 18140 French Creek Avenue, Parker, CO
- Tim Mosher, 18165 E Saskatoon Place, Parker, CO

Staff addressed the traffic concerns:

- French Creek is a collector roadway that currently has the capacity to handle additional traffic
- the intersection of French Creek and Motsenbocker is on the Town's radar to warrant a future traffic signal
- the extension of Great Plain Way will provide another way out of the development
- an additional access off Motsenbocker Road does not have enough spacing to allow for safe access

Planning Commissioners discussed with staff and the applicant:

- if topography is taken into consideration for a traffic signal warrant; (*Staff said safety factors into a warrant for consideration of a traffic signal based on number of accidents within a given period which is a low number and determined by cause.*)
- if there are designated school sites in Anthology; (*Staff said there are several designated school sites within the Anthology development.*)
- if the Town has control over how school busses are routed through neighborhoods; (*Staff said the Town can work with Douglas County School District on use of local street routes.*)
- confirmation that 2000 vehicle trips is consider low volume for a collector roadway; (*Staff said yes; per Town criteria collector roadways are designed to carry between 2000 and 8000 vehicles per day and French Creek is currently just over 2000.*)
- when the current traffic study to warrant a traffic signal will be re-evaluated; (*Staff said the Town will re-evaluate on an annual basis.*)
- how the Motsenbocker and French Creek intersection is currently controlled; (*Staff said the intersection currently has a two-way stop and if warranted would go to a fully-signalized intersection..*)
- if this portion of Motsenbocker will be widened; (*Staff said future widening will be between French Creek and Hess Road.*)
- existing Homeowner's Association (HOA) membership add new development's residents or will there be a new HOA; (*Staff deferred to the applicant to respond. Mr. Chapman stated the new development residents will be included with the existing HOA; increasing the HOA funds to maintain the two large parks and small pocket park.*)
- the HOA area; (*Mr. Chapman pointed out the HOA area on the map.*)

PUBLIC COMMENT CLOSED

PUBLIC HEARING: CLOSED: 7:46 P.M. UNPLATTED - SUNMARKE – Rezoning and Sketch and Preliminary Plans

PLANNING COMMISSION DISCUSSION

Commissioner Tracie Manske thanked staff and the applicant for their time in going above and beyond answering questions; she said all Town zoning criteria appears to be met; she had no concerns with recommending approval to Town Council.

Commissioner Ruth Ann Nelson thanked the public that spoke and reminded everyone that the proposed zoning is being reduced from the original which means less of the mentioned concerns. She believed it is appropriate to change zoning and add additional price-points for affordable housing. She said she understands the traffic concerns but there would have been more cars if the zoning had been reduced. She recommended approval to Town Council.

Chair Gary Poole concurred; he said this is a good plan for an area that has been dormant for a while and that will provide additional housing price-points.

Commissioner Eliana Burke agreed.

Commissioner Ruth Ann Nelson moved that the Planning Commission recommend Town Council approve the requested Development Guide rezoning. Commissioner Eliana Burke seconded; a vote was taken and passed 4:0.

Commissioner Ruth Ann Nelson moved that the Planning Commission recommend Town Council approve the proposed sketch and preliminary plans subject to the conditions listed in staff's report. Commissioner Eliana Burke seconded; a vote was taken and passed 4:0.

PUBLIC MEETING: OPENED: 7:51 P.M. DRAFT ORDINANCE

A Bill for an Ordinance to Amend Sections 13.07.080, 13.07.090, 13.07.100 and 13.10.230 of the Parker Municipal Code Concerning Mylar Copies

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

Bryce Matthews, Planning Manager, presented the staff report for the update to the Land Development Ordinance concerning Mylar copies. Mr. Matthews concluded with the determinations in staff's report and recommended the Planning Commission recommend Town Council approve the amendment.

Commissioners had no questions for staff.

APPLICANT PRESENTATION

Staff presentation only.

PUBLIC COMMENT OPENED

None

PUBLIC COMMENT CLOSED

PUBLIC MEETING: CLOSED: 7:53 P.M. DRAFT ORDINANCE

A Bill for an Ordinance to Amend Sections 13.07.080, 13.07.090, 13.07.100 and 13.10.230 of the Parker Municipal Code Concerning Mylar Copies

PLANNING COMMISSION DISCUSSION

All Commissioners agreed this request makes sense and recommended approval by Town Council.

Commissioner Eliana Burke moved that the Planning Commission recommend the Town Council approve the ordinance to amend Sections 13.07.080, 13.07.090, 13.07.100 and 13.10.230 of the Parker Municipal Code Concerning Mylar Copies. Commissioner Tracie Manske seconded; a vote was taken and passed 4:0.

PLANNING COMMISSION ITEMS

Chair Gary Poole advised there will be a study session prior to the April 25, 2019 Planning Commission meeting to discuss the Planning Commission By-Laws.

STAFF ITEMS

Bryce Matthews provided an update of notable administrative approvals:

- Discount Tire at Hess and Parker Roads
- Dutch Brothers Coffee along Parker Road south of Hickory House
- Two-story, multi-tenant building, east of Culvers
- 46 single-family homes in the Meadowlark development

ADJOURNMENT

The meeting was adjourned at 7:57 p.m.

Rosemary Sietsema
Recording Secretary

Gary Poole
Chair



Planning Commission Staff Report

Planning Commission Date: 4/25/2019

Town Council Date: 5/6/2019

Hearing Type: Public Hearing
UNPLATTED TRACT PARKER PLAZA SHOPPING
CENTER – Rezoning (Continued from 3.28.19)
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.
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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 of
Colorado 20

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

Randy Capra

FIRE LIFE
SAFETY 15

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

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.

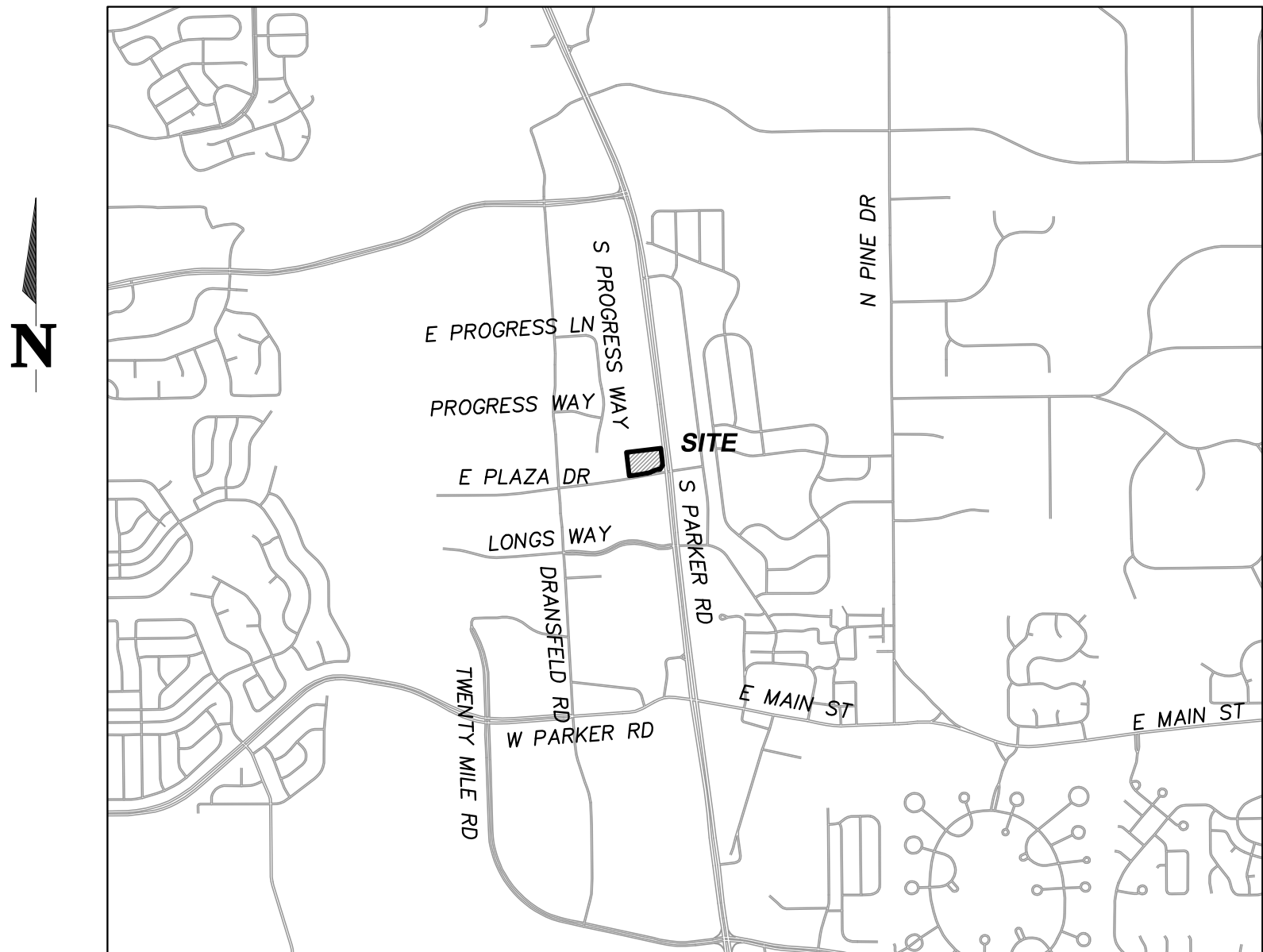
III. USES PERMITTED BY SPECIAL REVIEW:

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.

PARKER PLAZA SHOPPING CENTER DEVELOPMENT PLAN
BEING COMPOSED OF A TRACT WITHIN THE NORTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 15,
TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN,
TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO



VICINITY MAP
SCALE: 1" = 2,000'

STATEMENT OF INTENT

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.

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;

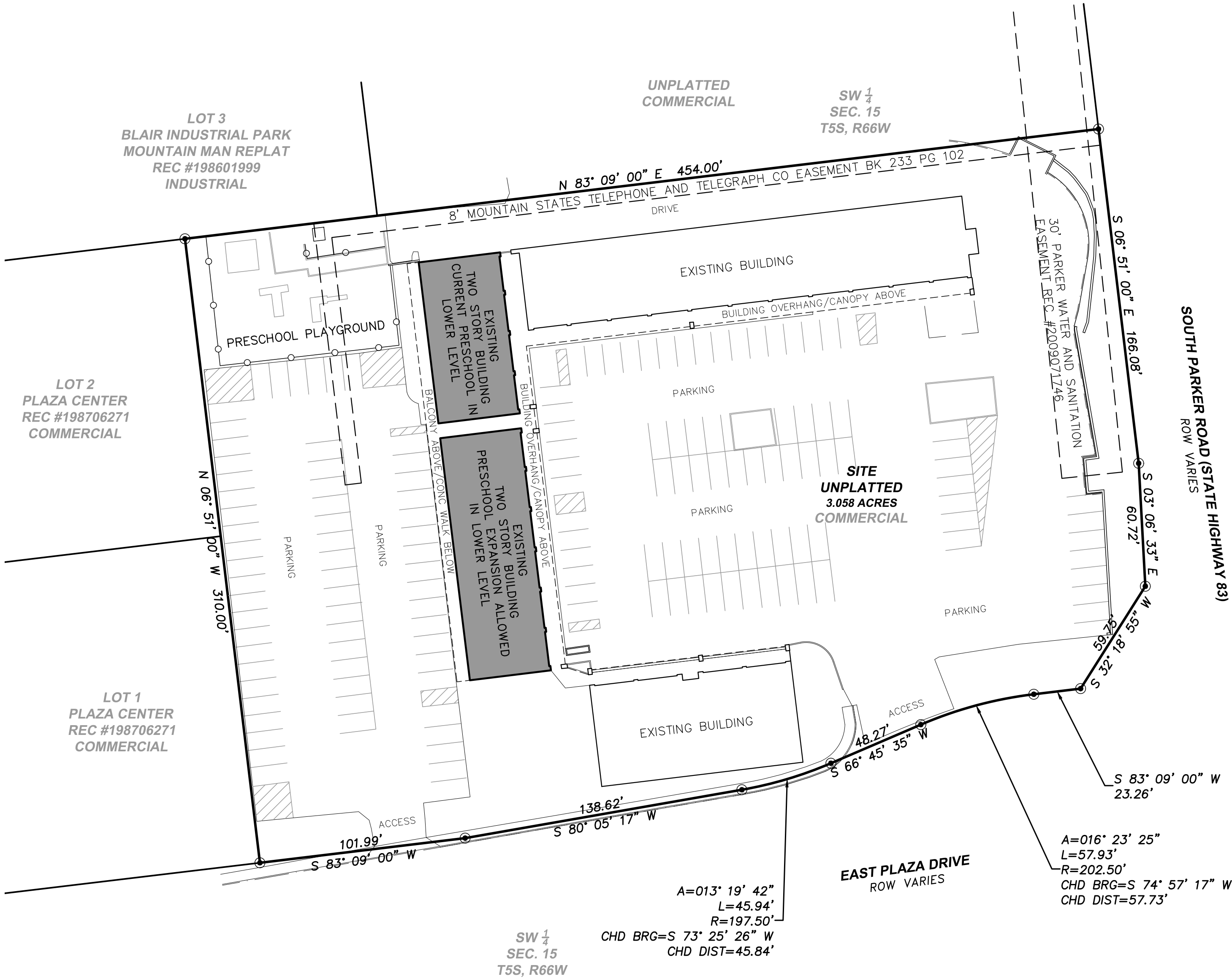
THENCE SOUTH 06° 51' 00" EAST AND ALONG SAID WESTERLY RIGHT OF WAY LINE A DISTANCE OF 340.00 FEET TO THE TRUE POINT OF BEGINNING,

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.

GENERAL NOTES

- 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;
- 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°51'11" EAST A DISTANCE OF 166.07 FEET.
- 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.
- 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.



PLANNING COMMISSION CERTIFICATE

THIS ZONING MAP 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 ZONING MAP WAS REVIEWED 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 NUMBER _____

MAYOR: TOWN OF PARKER

ATTEST: TOWN CLERK

CLERK AND RECORDER'S CERTIFICATE

STATE OF COLORADO)
COUNTY OF DOUGLAS)

I HEREBY CERTIFY THAT THIS PLAN WAS FILED IN MY OFFICE ON THE _____ DAY OF _____, 2018 A.D., AT _____, AM/PM., AND WAS RECORDED AT RECEPTION NUMBER _____

DOUGLAS COUNTY CLERK AND RECORDER

DATE PREPARED: NOVEMBER 26, 2018

ZONING INFORMATION

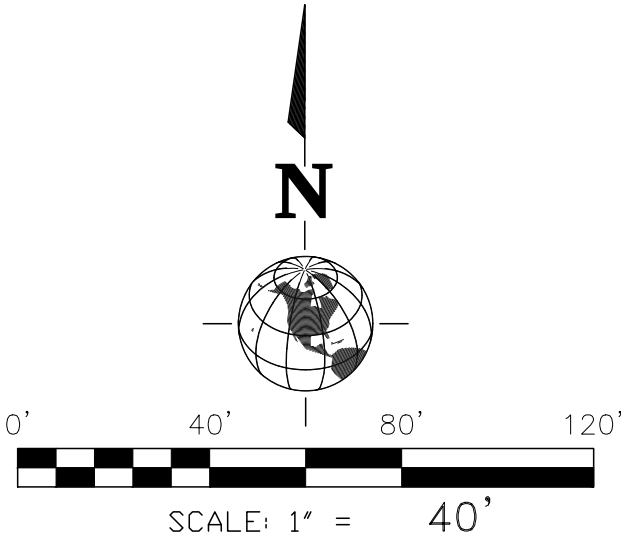
AREA: 3.058 ACRES
EXISTING ZONING: COMMERCIAL
PROPOSED ZONING: PLANNED DEVELOPMENT

OWNER / APPLICANT

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

PREPARED BY

ROCKY MOUNTAIN MERIDIAN INC.
19600 EAST PARKER SQUARE DRIVE
SUITE 200
PARKER, COLORADO 80134
PH: (303) 481-8567



PARKER PLAZA SHOPPING CENTER DEVELOPMENT PLAN
NE 1/4 OF THE SW 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 11/26/2018
CHANGED FROM 1/28/2019
MODIFIED COMMERCIAL
TO PLANNED DEVELOPMENT