



PLANNING COMMISSION MEETING

7:00 PM

September 26, 2019

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

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. ADDITIONS TO OR DELETIONS FROM THE AGENDA**
- 5. APPROVAL OF MINUTES**
September 12, 2019 Meeting Minutes
- 6. PUBLIC HEARINGS**
 - A. E-470 RIGHT-OF-WAY NORTHEAST - Zoning**
Applicant: Town of Parker
Location: Generally located north of Cottonwood Drive adjacent to the east and west borders of E-470
Department: Community Development, Carolyn Parkinson
TRAKiT No.: Z19-015
 - B. CANVAS FILING NO. 1 - Minor Development Plat**
Applicant: Level 5 LLC, Sean Morrical
Location: Northeast Corner of Parker Road and Ponderosa Drive
Department: Community Development, Paul Workman
TRAKiT No.: SUB18-010
- 7. PUBLIC MEETINGS**
 - A. DRAFT ORDINANCE**
A Bill for an Ordinance to Amend Section 10.13.080 of the Parker Municipal Code Concerning the Kiosk Program
Applicant: Town of Parker
Location: Townwide
Department: Community Development, Bryce Matthews

B. DRAFT ORDINANCE

A Bill for an Ordinance to Amend Chapter 13.02 of the Parker Municipal Code to Add a Definition for "Tourist Homes"

Applicant: Town of Parker

Location: Townwide

Department: Community Development, Bryce Matthews

C. DRAFT ORDINANCE

A Bill for an Ordinance to Add a New Section 13.07.170, Entitled Association, to the Parker Municipal Code

Applicant: Town of Parker

Location: Townwide

Department: Community Development, Bryce Matthews

D. DRAFT ORDINANCE

A Bill for an Ordinance to Amend 13.03.300, Entitled Planning Department Adjustments, of the Parker Municipal Code

Applicant: Town of Parker

Location: Townwide

Department: Community Development, Bryce Matthews

8. PLANNING COMMISSION ITEMS

9. STAFF ITEMS

10. ADJOURNMENT



PLANNING COMMISSION MINUTES

September 12, 2019

Vice Chair John Howe called the meeting to order at 7:00 p.m.

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

Also, present were Commissioners Duane Hopkins, Richard Foerster and Ruth Ann Nelson. Alternates Susan Caudill and Kimberly Rodell were present and seated for the absent Commissioners Eliana Burke and Erik Frandsen. Chair Gary Poole and Alternate Tracie Manske were absent.

ADDITIONS TO OR DELETIONS FROM THE AGENDA

None

APPROVAL OF MINUTES

Commissioner Ruth Ann Nelson moved to approve the August 22, 2019 meeting minutes. Commissioner Richard Foerster seconded; a vote was taken and passed 6:0.

PUBLIC HEARING: OPENED: 7:01 P.M. LOT 1 O'BRIEN PARK - Site Plan Amendment

Applicant: Town of Parker
Location: 10795 Victorian Drive
Department: Community Development, BrieAnna Simon
TRAKiT No.: SP19-049

Vice Chair John Howe asked if there were any conflicts of interest regarding the hearing; there were none.

BrieAnna Simon, Planner, presented the staff report for the Lot 1 O'Brien Park – Site Plan Amendment. Ms. Simon concluded with the determinations in staff's report and recommended the Planning Commission recommend that Town Council approve the site plan amendment.

Planning Commissioners discussed with staff:

- what the improvements will look like; *(Staff showed the slides with the improvements.)*
- projected completion date for the improvements; *(Staff said the pool area would be open by Memorial Day 2020.)*
- landscape changes; *(Staff said previously approved landscaping that has died will be replaced and conform to the original approved landscape plan.)*
- any issue with leaves affecting the pool; *(Staff said leaves do affect the filtration system and the Town will work to maintain the landscape and pool area.)*

APPLICANT PRESENTATION

Town project; staff presentation only.

PUBLIC COMMENT OPENED

None

PUBLIC COMMENT CLOSED

PUBLIC HEARING: CLOSED: 7:08 P.M. LOT 1 O'BRIEN PARK - Site Plan Amendment

PLANNING COMMISSION DISCUSSION

Commissioner Kimberly Rodell said the layout looks nice; she believed O'Brien Park needs a facelift and she said she appreciates the improvements. She thanked staff.

Commissioner Richard Foerster agreed.

Commissioner Duane Hopkins said he believed it is a positive sign that the Town of Parker is looking at the Town facilities and keeping them up. He said that is critical that the Town continue to do so and he thanked staff.

Commissioner Ruth Ann Nelson said she enjoyed looking at the anticipated changes and improvements. She said it is beyond her scope to micro-manage the process for the improvements but it appears they will enhance the use of the pool next year. She said she appreciated the thoughtfulness that has gone into the improvements; she said she was excited to see the improvements and thanked staff.

Commissioner Susan Caudill said she appreciated the improvements and is excited for the updates.

Vice Chair John Howe agreed; he said these will be excellent improvements for the entire area and will enhance the patron experience.

Commissioner Richard Foerster moved that the Planning Commission recommend that Town Council approve the site plan amendment to Lot 1 O'Brien Park for the renovation of the pool area and building. Commissioner Kimberly Rodell seconded; a vote was taken and passed 6:0.

PLANNING COMMISSION ITEMS

Commissioner Ruth Ann Nelson thanked the students in the audience for attending the meeting. She said it is encouraging to see young people interested and involved.

STAFF ITEMS

Staff reminded the Planning Commissioners of the September 26, 2019 at 5:30 p.m. training on Process, Deliberation and Motions, prior to the Planning Commission meeting.

ADJOURNMENT

The meeting was adjourned at 7:11 p.m.

Rosemary Sietsema
Recording Secretary

Gary Poole
Chair

DRAFT



Planning Commission Staff Report

Planning Commission Date: 9/19/2019

Town Council Date: 10/7/2019

Hearing Type: Public Hearing
E-470 RIGHT-OF-WAY Northeast - Zoning
TRAKiT No.: Z19-015

Location: The subject property is part of the E-470 Right-of-Way (ROW) and generally located north of Cottonwood Drive adjacent to the east and west borders of E-470 in unincorporated Douglas County.

Project Planner: Carolyn Parkinson, Planner

Applicant: Town of Parker

Executive Summary: The 6.5-acre site is comprised of three parcels and is proposed to be zoned E-470 Area Planned Development (PD) in conjunction with annexation ANX19-008. The site is an unplatted parcel that is contiguous to the Town's northeastern boundary and is bordered by the Highlands at King's Point PD Planning areas 1 and 2. The property is currently zoned Agricultural One (A1) in the County.

Staff Recommendation: Approval

RECOMMENDED MOTION

"I move the Planning Commission recommend Town Council approve the E-470 Right-of-Way Northeast Property zoning request."

ALTERNATIVE MOTIONS

"I move that the Planning Commission recommend that Town Council approve the E-470 Right-of-Way Northeast Property zoning request, subject to the following conditions:"

-List conditions (either by staff or Planning Commission)

"I move that the Planning Commission recommend that Town Council deny the E-470 Right-of-Way Northeast Property zoning request 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 E-470 Right-of-Way Northeast Property zoning request to a future date.”

BACKGROUND/DISCUSSION

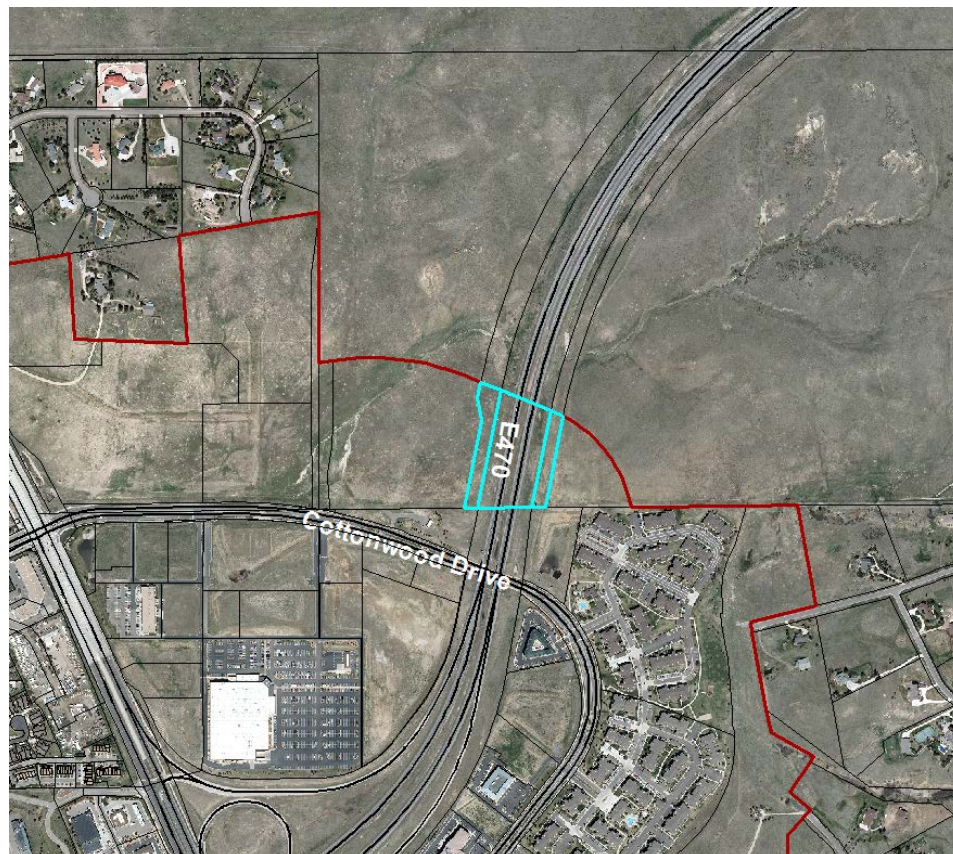
The subject property, known as the E-470 ROW Northeast Property, is located in unincorporated Douglas County and is bordered on three sides by the Town of Parker. The Town is currently processing an annexation of the E-470 ROW Northeast Property. Town of Parker regulations require that all property be zoned at the time of annexation.

The E-470 ROW corridor currently located within the Town boundaries was zoned E-470 Area PD in 2012. The Town proposes the same zoning for the section of E-470 ROW described as the E-470 Area ROW Northeast.

The purpose of this proposal is to ensure consistent zoning for the entirety of the E-470 corridor that lies within the Parker 2035 Master Plan’s Planning Area.

The Town originally considered annexing this portion of the E-470 ROW at the time the adjacent Highlands at Kings Point PD was being annexed and zoned in 2017. However, action on the E-470 ROW was deferred at that time and the focus was to remain upon the Highlands at Kings Point PD because of its commercial development potential.

Earlier this year, staff approached the E-470 Highway Authority about the annexation and zoning of this section of the E-470 ROW and obtained their support for this action.



I. PRIOR ACTIONS

Date	Action
2012	The Town annexed and zoned all of the E-470 ROW within the Town boundary excepting the subject property.

II. CURRENT SITE DATA

Existing Zoning	A1 - Agricultural District - Douglas County		
Overlay District	N/A		
PD & Plan Area	E-470 Area Planned Development		
Master Plan Area	Mixed Use - Residential Emphasis		
Site Acreage	6.54 Acres		
Subdivision	N/A		
Existing Use	E470 ROW		
Surrounding Uses			
	Master Plan Land Use	Zoning	Existing Use
North	City of Aurora	Aurora Zoning	E-470 ROW
South	E-470	PD - Planned Development	E-470 ROW
East	Mixed Use - Residential Emphasis	PD - Planned Development	Undeveloped
West	Mixed Use - Residential Emphasis	PD - Planned Development	Undeveloped

III. PARKER 2035 MASTER PLAN [Parker 2035 Master Plan | Town of Parker - Official Website](#)

MASTER PLAN CONSISTENCY	
Master Plan Designation	Choose an item. ☒ Consistent ☐ Inconsistent
Master Plan Character Discussion	<u>E-470 Mixed Use – Residential:</u> A multi-family residential area to provide easy and direct pedestrian and bike access to nearby commercial and employment areas. Appropriate land uses include; higher density residential housing, senior housing, assisted living facilities and mixed use developments that include a commercial component. Commercial uses should be of a scale that serves the needs of the area’s residents or provides support to adjoining uses. Single family detached residential uses and residential developments at less than 10 dwelling units per acre are not appropriate in this area.

Consistent Goals/Strategies	Transportation 2.A Transportation 2.B Transportation 2.D
Staff Analysis	The subject property is contiguous with the Town and is described in the Parker 2035 General Land Use Plan as being located within the Town's Municipal Planning Area. Specifically, the subject properties are located within the E-470 Mixed Use -Residential Emphasis character area, which is planned to provide high density residential housing, senior housing, assisted living facilities and mixed use developments that include a commercial component. The property is developed as part of the E-470 Right-of-Way (ROW) and serves the transportation network for the adjacent properties. The uses allowed for these properties are consistent with those in the E-470 Mixed Use -Residential Emphasis character area. The proposed zoning is consistent with the specific Goals/ Strategies of the Master Plan for the following reasons: 1) it will help ensure adequate opportunities for expansion of the Town's economic base; 2) it will serve the commercial corridor along E-470; and 3) it will serve as an important component of the transportation network -for existing and new residential development in this area.

LAND DEVELOPMENT ORDINANCE

ZONING CONSISTENCY (Site Plan/UBSR/Sketch/Prelim Plan/MDP)			
Provisions	Existing/Required	Proposed	Analysis
Setbacks			☐ Consistent ☐ Inconsistent ☒ N/A
Density			☐ Consistent ☐ Inconsistent ☒ N/A
Height/Stories			☐ Consistent ☐ Inconsistent ☒ N/A

Lot Size			☐ Consistent ☐ Inconsistent ☒ N/A
Lot Coverage			☐ Consistent ☐ Inconsistent ☒ N/A
Landscaping	Title 13.06.070		☐ Consistent ☐ Inconsistent ☒ N/A
Off-Street Parking	Title 13.06.050		☐ Consistent ☐ Inconsistent ☒ N/A
Miscellaneous			☐ Consistent ☐ Inconsistent ☒ N/A
Staff Analysis	This proposal is for the zoning of existing E470 Highway ROW. No further development is anticipated for this property. Consistency with the development standards of this section are not applicable.		

DEVELOPMENT POTENTIAL (Rezoning)			
Provisions	As recommended by the Master Plan	Proposed	Analysis
Units Per Acre			☐ Consistent ☐ Inconsistent ☐ No Change ☒ N/A
Allowed Uses			☐ Consistent ☐ Inconsistent ☒ No Change
Height/Stories			☐ Consistent ☐ Inconsistent ☒ No Change
Staff Analysis	No potential for development exists on the subject property.		

IV. APPROVAL CRITERIA

Title 13.04.240.f. Approval Considerations for Rezoning Requests:

1. A need exists for the proposal.

The purpose of this proposal is to annex the entirety of the E-470 corridor that lies within the municipal Planning Area and to ensure that the corridor has consistent zoning. Therefore, a need exists for the annexation and zoning of the subject property.

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

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

Improvements are existing and no new development is proposed.

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

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

N/A

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

With the exception of this property, the rest of the E-470 corridor located within the Town Planning Area was annexed and zoned E-470 Area Planned Development in 2012. The proposed zoning will ensure consistent zoning for the entirety of the corridor.

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

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

Improvements are existing and no new development is proposed.

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

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

There are no additional improvements related to the proposed zoning of the property.

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

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

No new development is proposed as part of the zoning. Therefore, no additional environmental impacts are anticipated.

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

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

As detailed in Section IV of this staff report, the proposed planned development zoning is consistent with the objectives identified within the Town's 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.

There are no additional improvements related to the proposed zoning of the property.
No additional utility service needs are anticipated.

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

V. SUMMARY REFERRAL AGENCY COMMENTS AND CONDITIONS

Agency	Comments
Aurora Long Range	No comment
Town of Parker Fire Life Safety	Approved
Building Department	Approved
Centennial Airport	No Comment
Century Link	No Comment
Comcast	No comment
Comprehensive Planning	Approved
Douglas County Assessor	No comment
Douglas County Planning	No Comment
Finance	No Comment
Fire Life Safety	Approved
Xcel	Approved
Magellan Pipeline	No comment
PAR	No comment
Engineering	No Comment
Police	No Comment
Finance	No comment
IREA	No comment
Aztec	Comments addressed
E-470 Highway Authority	No comment

VI. CONCLUSION

This zoning request is being processed concurrently with the annexation application as required by the Town of Parker Home Rule Charter and Section 13.04.250 of the Parker Municipal Code. Staff has determined that the proposal meets the zoning approval criteria

of the Parker Land Development Ordinance. Based on the analysis contained in this staff report, staff recommends that Planning Commission recommends Town Council approval of the request.

VII. RECOMMENDED CONDITIONS

None

VIII. ATTACHMENTS

1. Ordinance No. 3.296.1
2. Zoning Map
3. Referral comments

Report Approved By: Bryce Matthews, Planning Manager

Through: Jason Rogers, Deputy Community Development Director

ORDINANCE NO. 3.296.1, Series of 2019

TITLE: A BILL FOR AN ORDINANCE TO AMEND ZONING CERTAIN PROPERTY WITHIN THE TOWN OF PARKER, COLORADO, KNOWN AS THE E-470 RIGHT-OF-WAY NORTHEAST PROPERTY TO PD-PLANNED DEVELOPMENT DISTRICT PURSUANT TO THE PARKER LAND DEVELOPMENT ORDINANCE 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 has been made for rezoning certain property described in attached **Exhibit 1**, within the Town of Parker, Colorado (the “Property”), as PD-Planned Development District, pursuant to the Parker Land Development Ordinance.

b. Public notice has been given of such zoning by one (1) publication in the *Douglas County News-Press*, a newspaper of general circulation within the Town and the official newspaper of the Town, at least fifteen (15) days before the public hearing of such zoning.

c. Written notice was sent by certified mail to all owners of property within five hundred (500) feet of 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(f) of the Parker Land Development Ordinance are satisfied for rezoning this Property PD-Planned Development District, as described in the Parker Land Development Ordinance.

Section 2. The Property is hereby rezoned as PD-Planned Development District, pursuant to the Parker Land Development Ordinance.

Section 3. The E-470 Area Development Guide and Plan is hereby amended as provided by the “E-470 Area Development Guide and Plan 1st Amendment,” which is attached hereto as **Exhibit 2** and incorporated by this reference to include the Property. The uses permitted for the Property are specifically described in the attached Development Plan.

Section 4. The Zoning Ordinance and Zoning Map are hereby amended to conform with the zoning change to the Property.

Section 5. 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 6. 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 publication of an agenda that contains the title to this Ordinance in a newspaper of local circulation prior to first and second reading of this Ordinance creates a financial burden on the Town and 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 7. 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 8. This Ordinance shall become effective ten (10) days after final publication. This Ordinance shall not be deemed approved until the Annexation Ordinance for the Property goes into effect. In the event the Annexation Ordinance for the Property goes into effect, 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 1

**E-470 RIGHT-OF-WAY NORTHEAST
LEGAL DESCRIPTION**

A PARCEL OF LAND BEING LOCATED IN THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 3, WHENCE THE CENTER QUARTER CORNER OF SAID SECTION 3 BEARS NORTH 89°29'45" EAST, A DISTANCE OF 2655.20 FEET, WITH ALL BEARINGS HEREIN BEING REFERENCED THERETO;

THENCE ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER, NORTH 89°29'45" EAST, A DISTANCE OF 824.18 FEET TO THE WESTERLY RIGHT-OF-WAY OF STATE HIGHWAY NO. E-470 AS RECORDED IN BOOK 1698 AT PAGE 1250 IN THE RECORDS OF THE DOUGLAS COUNTY, COLORADO, CLERK AND RECORDER AND THE **POINT OF BEGINNING**;

THENCE ALONG SAID WESTERLY RIGHT-OF-WAY THE FOLLOWING (3) COURSES:

1. NORTH 11°07'45" EAST, A DISTANCE OF 504.26 FEET;
2. NORTH 10°45'44" WEST, A DISTANCE OF 133.84 FEET;
3. NORTH 13°22'45" EAST, A DISTANCE OF 91.73 FEET;

THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY, SOUTH 67°52'58" EAST, A DISTANCE OF 442.41 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 730.00 FEET;

THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 05°01'17", AN ARC LENGTH OF 63.98 FEET TO THE EASTERLY RIGHT-OF-WAY OF SAID STATE HIGHWAY NO. E-470;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY THE FOLLOWING (2) COURSES:

1. NON-TANGENT TO SAID CURVE SOUTH 13°22'45" WEST, A DISTANCE OF 4.74 FEET;
2. SOUTH 11°07'45" WEST, A DISTANCE OF 523.47 FEET TO SAID SOUTH LINE OF THE NORTHWEST QUARTER;

THENCE SAID EASTERLY RIGHT-OF-WAY, ALONG SAID SOUTH LINE, SOUTH 89°29'45" WEST A DISTANCE OF 459.44 FEET TO THE **POINT OF BEGINNING**.

CONTAINING AN AREA OF 6.583 ACRES, (286,742 SQUARE FEET), MORE OR LESS.

EXHIBIT 2

E-470 AREA DEVELOPMENT GUIDE AND PLAN, 1ST AMENDMENT

PLANNED DEVELOPMENT

I. INTRODUCTION

A. Statement of Purpose

The purpose of this Development Guide is to establish standards for the development and improvement of the property described in the Development Plan, which is attached as **Replacement Exhibit 1** to this Development Guide and incorporated by this reference. The standards contained in this Development Guide are intended to carry out the goals of this planned development.

B. Definitions

Unless otherwise stated herein, all provisions of and definitions found in the Town of Parker Land Development Ordinance shall apply.

II. AUTHORITY

A. Authority

The authority of this Development Guide is Section 13.04.150 PD-Planned Development, as amended, of the Town of Parker Municipal Code, as amended.

B. Relationship of Town Regulations

The provisions of this Development Guide shall apply to all property contained within the “E-470 Area” 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 Parker Municipal Code, but not any other chapter of the Parker Municipal Code. In the event there is a conflict between the standards contained in the Development Guide and the Parker Municipal Code (excluding Chapter 13.04) then the Parker Municipal Code shall control.

C. 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.

III. CONTROL PROVISIONS

Control Over Use

After the adoption of this Development Guide by the Town Council:

1. Any new building or other structure, and any parcel of land may be used as provided for in this Development Guide.
2. The location and bulk of all buildings and other structures built after the effective date of the Development Guide shall be in conformance with:
 - a. All applicable standards contained within the Development Guide; and
 - b. Any other applicable Town of Parker standards.

IV. GENERAL PROVISIONS AND DEVELOPMENT STANDARDS

A. Purpose

The purpose of this section is to establish general provisions and clarify standards and requirements for development, which occurs in the Development Guide.

B. Planning Area Standards

1. Planning Area 1 – Commercial
 - a. Uses permitted by right.
 - (1) Places for conducting the following public, quasi-public, commercial and service uses:
 - Automotive and truck repair
 - Car wash, automatic or coin-operated
 - Convenience stores
 - Drive-in eating and drinking establishments
 - Drug stores
 - Fast food establishments, drive-in and/or carry-out
 - Gas stations
 - Motels, hotels, including restaurants, gift shops and other incidental accessory uses located within the principal building
 - Offices: general, medical, dental, professional and governmental
 - Public and quasi-public facilities, including any facilities related to the operation of a public highway, as such term is defined in the Public Highway Authority Law, Section 43-4-503(12), C.R.S., as may be amended from time to time.
 - Recreation facilities
 - Restaurants and other eating establishments
 - b. Minimum area and yard requirements.

Development Control Standards		
Building Setbacks	Determined at Site Plan	N/A
Building Height	Permitted by Right	Up to 50 feet
	Use by Special Review	51-70 feet

ZONING MAP, TOWN OF PARKER
LOCATED IN THE NORTHWEST QUARTER OF SECTION 3,
TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
COUNTY OF DOUGLAS, STATE OF COLORADO

E-470 HIGHWAY-OF-WAY NORTHEAST ZONING MAP TOWN OF PARKER, COLORADO PREPARED FOR THE TOWN OF PARKER 20120 EAST MAINSTREET, PARKER, CO 80138		AZTEC CONSULTANTS, INC. 300 East Mineral Ave., Suite 1 Littleton, Colorado 80122 Phone: (303) 713-1898 Fax: (303) 713-1897 www.aztecconsultants.com	
SHEET 1		DATE 07/23/19 07/05/19 06/19/19 BY	
OF 1 SHEETS		PER TOWN'S COMMENTS PER TOWN'S COMMENTS PER TOWN'S COMMENTS REVISION DESCRIPTION	
24919-05		2018-05-07	

Donna George please see attached 6/25/2019 4:06:54 PM	Public Service Company of Colorado 20
Bryce Matthews The proposed zoning is an amendment to the area of the E-470 PD to accommodate the annexation of additional E-470 ROW into the Town. This proposed zoning complies with the Parker 2035 Master Plan. 6/28/2019 11:31:06 AM	Comprehensive Planning 20
Carolyn Parkinson Please see redline 7/2/2019 3:38:20 PM	DEVELOPMENT GUIDE 20
Carolyn Parkinson Please see redline 7/2/2019 3:38:35 PM	DEVELOPMENT PLAN 20
Chris Boyd Addressing has no remaining comment. Planning comments from previous referrals remain. 7/10/2019 3:56:29 PM	Douglas County Planning Services Division 20
Carolyn Parkinson Comments addressed 9/18/2019 1:00:51 PM	AzTec Consultants, Inc. 15



Planning Commission Staff Report

Planning Commission Date: 9/26/2019

Town Council Date: 10/21/2019

Hearing Type: Public Hearing
CANVAS FILING NO. 1 – Minor Development Plat
TRAKiT No.: SUB18-010

Location: Northeast Corner of Parker Road and Ponderosa Drive

Project Planner: Paul Workman, Senior Planner

Applicant: Level 5 LLC, Sean Morrical

Executive Summary: The applicant is requesting the approval of a Minor Development Plat to create four (4) lots for future commercial development and two (2) tracts for drainage.

Staff Recommendation: Approval

RECOMMENDED MOTION

"I move the Planning Commission recommend Town Council approve the Canvas Filing No. 1 Minor Development Plat."

ALTERNATIVE MOTIONS

*"I move the Planning Commission recommend Town Council approve the Canvas Filing No. 1 Minor Development Plat, subject to the following conditions:
-List conditions"*

*"I move the Planning Commission recommend Town Council deny the Canvas Filing No. 1 Minor Development Plat 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 Canvas Filing No. 1 Minor Development Plat to a future date."

I. BACKGROUND/DISCUSSION

This is a request for a Minor Development Plat to create four (4) lots for future commercial development and two (2) tracts that will be used for drainage. The proposed lots vary in size from .97 acres to 1.35 acres. The two drainage tracts are .29 acres and .61 acres in size. The site is currently undeveloped. The applicant has submitted a Site Plan application to develop Lot 1 (the lot at the corner of Parker Road and Ponderosa Drive) for a bank. That application is being reviewed administratively in accordance with the Land Development Ordinance (LDO).

Vicinity Map



II. PRIOR ACTIONS

Date	Action
3/20/06	Town Council approved the annexation of the subject property.
3/20/06	Town Council approved a C - Commercial zoning for the subject property.

III. CURRENT SITE DATA

Existing Zoning	C - Commercial District		
Overlay District	N/A		
PD & Plan Area	N/A		
Master Plan Area	Central Commercial		
Site Acreage	5.4 +/- acres		
Subdivision	Canvas Filing No. 1 Minor Development Plat (proposed)		
Existing Use	Undeveloped		
Surrounding Uses			
	Master Plan Land Use	Zoning	Existing Use
North	Central Commercial	Modified Commercial	Hotel and multi-tenant commercial uses
South	Central Commercial	C - Commercial District	Coffee Cabin
East	Medium Density Residential	Public Facilities District	Pine Lane Elementary School
West	Central Commercial	PD - Planned Development	Parker Road and commercial pad sites

IV. 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	<u>Central Commercial District:</u> 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	Land Use 1.C Jobs and Economic Vitality 1 Jobs and Economic Vitality 2 Jobs and Economic Vitality 2.A Jobs and Economic Vitality 2.B Jobs and Economic Vitality 2.E Jobs and Economic Vitality 6 Jobs and Economic Vitality 6.A Transportation 5 Natural Resource Protection 4.A Natural Resource Protection 4.C Natural Resource Protection 4.D Natural Resource Protection 4.E Natural Resource Protection 4.F
Inconsistent Goals/Strategies	None

Staff Analysis	Staff has reviewed the requested Minor Development Plat against the Town's Master Plan and has determined that the request is consistent with the goals identified above. The proposed plat would create lots for future commercial development as identified in the Master Land Use Plan and which are allowed by the zoning.
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V. LAND DEVELOPMENT ORDINANCE

ZONING CONSISTENCY (Minor Development Plat)			
Provisions	Existing/Required	Proposed	Analysis
Setbacks	Front – 40' Side – 0' when adjacent to commercial or 25' when adjacent to residential Rear – 25'	Setbacks will be reviewed with each individual Site Plan.	☐ Consistent ☐ Inconsistent ☒ N/A
Density	N/A. The site is zoned for commercial uses.	N/A. The site is zoned for commercial uses.	☐ Consistent ☐ Inconsistent ☒ N/A
Height/Stories	Maximum Building Height – 35'	Building heights will be reviewed with each individual Site Plan.	☐ Consistent ☐ Inconsistent ☒ N/A
Lot Size	Minimum Lot Width – 75'	141.19' is the smallest lot width proposed.	☒ Consistent ☐ Inconsistent ☐ N/A
Lot Coverage	None	Lot coverage will be reviewed with each individual Site Plan	☐ Consistent ☐ Inconsistent ☒ N/A
Landscaping	Title 13.06.070	As a part of the concurrent Site Plan application the applicant has shown compliance with the landscape standards as required by 13.06.070.	☒ Consistent ☐ Inconsistent ☐ N/A
Off-Street Parking	Title 13.06.050	As a part of the concurrent Site Plan application the applicant has shown compliance with the parking standards as required by 13.06.050.	☒ Consistent ☐ Inconsistent ☐ N/A
Staff Analysis	The request is for the approval of a Minor Development Plat to create four (4) lots for commercial development and two (2) tracts that will be used for drainage. Therefore, the development standard for the		

	minimum lot size is the only applicable standard at this time. The other development standards will be, or are being, reviewed with the Site Plan submittal(s). The applicant has demonstrated compliance with the minimum lot size. Therefore, the proposed Minor Development Plat is in conformance with the approved zoning.
--	---

VI. ACCESS, CIRCULATION & TRAFFIC ANALYSIS

The applicant has submitted a traffic study that has been reviewed and approved by the Town of Parker Public Works/Engineering Division. The study identifies that the subject property will have one full-movement access from Ponderosa Drive near the center of the subject property. There will be no direct access onto Parker Road. Internal to the site, the applicant is dedicating a 30-foot access easement that will serve all future lots within the development and connect to the property to the north. A ten foot (10) wide sidewalk will be constructed along Parker Road and a five-foot wide detached sidewalk will be constructed along Ponderosa Drive as a part of the development of the property. The combination of the proposed access, the access easement and the sidewalks will provide for multi-modal access for the property.

VII. SUMMARY REFERRAL AGENCY COMMENTS AND CONDITIONS

Agency	Comments
Aztec Consulting	No Comment
Town of Parker Engineering	Approved
Fire and Life Safety	Approved
Parker Water and Sanitation District	Approved
Douglas County	Completed
Xcel	Advisory Comments
IREA	Approved

VIII. CONCLUSION

The applicant is requesting the approval of a Minor Development Plat in order to create four (4) lots for commercial development and two (2) tracts that will be used for drainage. The zoning of the property allows for commercial uses and the applicant has demonstrated compliance with the minimum lot standards set forth in the Land Development Ordinance for a Minor Development Plat. Therefore, staff is recommending that Planning Commission recommend approval for the Canvas Filing No. 1 Minor Development Plat.

IX. RECOMMENDED CONDITIONS N/A

X. ATTACHMENTS

1. Minor Development Plat
2. Referral Agency Comment(s)

Report Approved By: Bryce Matthews, Planning Manager

Through: Jason Rogers, Deputy Community Development Director

M:_Golden Survey Projects\co-3265 - Level 5 Parker\Drawings\3265 BEC FINAL PLAT.dwg, 8/15/2019 1:05:08 PM, Michael Swanton

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE 6TH P.M., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: ASSUMING THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, AS MONUMENTED BY A #6 REBAR WITH A 3-1/4 INCH ALUMINUM CAP STAMPED PLS 22561 AT THE WEST QUARTER CORNER OF SAID SECTION 10 AND A #6 REBAR WITH A 3-1/4 INCH ALUMINUM CAP STAMPED PLS 19003 AT THE SOUTHWEST CORNER OF SAID SECTION 10 TO BEAR NORTH 00°09'08" WEST, BEING A GRID BEARING OF THE COLORADO STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NORTH AMERICAN DATUM 1983/2007, A DISTANCE OF 2669.29 FEET WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 10; THENCE NORTH 42°31'15" EAST A DISTANCE OF 2002.64 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF PARKER ROAD, SAID POINT ALSO BEING THE POINT OF BEGINNING;

THENCE ALONG SAID EAST RIGHT OF WAY LINE NORTH 24°23'28" WEST A DISTANCE OF 396.65 FEET TO THE SOUTHWEST CORNER OF LOT 4A-2, PEAKVIEW CENTER THIRD FILING;

THENCE DEPARTING THE EAST RIGHT OF WAY LINE OF SAID PARKER ROAD AND ALONG THE SOUTH LINE OF SAID LOT 4A-2 AND THE SOUTH LINE OF LOT 3-A, PEAKVIEW CENTER AMENDED NORTH 65°38'23" EAST A DISTANCE OF 508.61 FEET TO THE SOUTHEAST CORNER OF SAID LOT 3-A;

THENCE DEPARTING SAID SOUTH LINE SOUTH 24°21'51" EAST A DISTANCE OF 531.54 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF PONDEROSA DRIVE, BEING A POINT OF CURVATURE; THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE THE FOLLOWING TWO (2) COURSES:

- 1) ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT 347.79 FEET SAID CURVE HAVING A RADIUS OF 700.43 FEET, A DELTA OF 28°26'59" AND BEING SUBTENDED BY A CHORD BEARING SOUTH 79°52'27" WEST A DISTANCE OF 344.23 FEET TO A POINT OF TANGENCY;
- 2) SOUTH 65°38'58" WEST A DISTANCE OF 150.00 FEET TO A POINT ON SAID EAST RIGHT OF WAY LINE OF PARKER ROAD;

THENCE ALONG THE EAST RIGHT OF WAY LINE OF SAID PARKER ROAD NORTH 50°36'55" WEST A DISTANCE OF 56.00 FEET; TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 235,802 SQUARE FEET OR 5.413 ACRES MORE OR LESS.

DEDICATION STATEMENT:

THE UNDERSIGNED, BEING ALL THE OWNERS, MORTGAGEES, BENEFICIARIES OF DEEDS OF TRUST AND HOLDERS OF OTHER INTERESTS OF THE LANDS DESCRIBED HEREIN, HAVE LAID OUT, SUBDIVIDED AND PLATTED SAID LANDS INTO LOTS, TRACTS, BLOCKS, STREETS AND EASEMENTS AS SHOWN HEREON UNDER THE NAME AND SUBDIVISION OF CANVAS FILING NO. 1 MINOR DEVELOPMENT PLAT; THE UTILITY EASEMENTS AS SHOWN HEREON ARE HEREBY DEDICATED FOR PUBLIC UTILITIES AND CABLE COMMUNICATION SYSTEMS AND OTHER PURPOSES AS SHOWN HEREON. THE ENTITIES ARE RESPONSIBLE FOR PROVIDING THE UTILITY SERVICES FOR WHICH THE EASEMENTS ARE ESTABLISHED ARE HEREBY GRANTED THE PERPETUAL RIGHT OF INGRESS AND EGRESS FROM AND TO ADJACENT PROPERTIES FOR INSTALLATION, MAINTENANCE AND REPLACEMENT OF UTILITY LINES AND RELATED FACILITIES. THE OWNERS OF THE LANDS DESCRIBED HEREIN ARE RESPONSIBLE FOR THE MAINTENANCE AND OPERATION OF DRAINAGE EASEMENTS SHOWN HEREON AND RELATED FACILITIES, AS PROVIDED IN THE STORM DRAINAGE AND ENVIRONMENTAL CRITERIA MANUAL, AS AMENDED. THE UNDERSIGNED GRANTS THE TOWN OF PARKER A PERPETUAL RIGHT OF INGRESS AND EGRESS FROM AND TO ADJACENT PROPERTY TO MAINTAIN, OPERATE AND RECONSTRUCT THE DRAINAGE EASEMENTS AND RELATED FACILITIES COVERED BY CHAPTER 4.08 OF THE PARKER MUNICIPAL CODE, AS AMENDED; AND TO MAINTAIN, OPERATE AND RECONSTRUCT THE DRAINAGE EASEMENTS AND RELATED FACILITIES NOT COVERED BY CHAPTER 4.08 OF THE PARKER MUNICIPAL CODE AS AMENDED, WHEN THE OWNER(S) FAIL TO ADEQUATELY MAINTAIN SUCH DRAINAGE EASEMENTS AND RELATED FACILITIES, WHICH MAINTENANCE, OPERATION AND RECONSTRUCTION SHALL BE AT THE COST OF THE OWNER(S). ALL PUBLIC STREETS AND RIGHTS-OF-WAY SHOWN HEREON ARE DEDICATED AND CONVEYED TO THE TOWN OF PARKER, COLORADO, IN FEE SIMPLE ABSOLUTE, FOR PUBLIC USES AND PURPOSES. DRAINAGE AND DETENTION EASEMENTS AS SHOWN HEREON ARE HEREBY DEDICATED TO CANVAS CREDIT UNION. THE TOWN IS HEREBY GRANTED THE PERPETUAL RIGHT OF INGRESS AND EGRESS FROM AND TO THE ADJACENT PROPERTIES FOR CONSTRUCTION, REPAIR, MAINTENANCE, OPERATION AND REPLACEMENT OF STORM SEWERS AND DRAINAGE FACILITIES. THE UNDERSIGNED GRANTS TO THE TOWN A SIGHT EASEMENT(S) AS SHOWN HEREON WITHIN THE SUBDIVISION TO MAINTAIN ADEQUATE SIGHT DISTANCE AT ALL ROADWAY INTERSECTIONS AS PROVIDED BY THE TOWN OF PARKER ROADWAY DESIGN AND CONSTRUCTION CRITERIA MANUAL, AS AMENDED. THE TOWN IS HEREBY GRANTED THE PERPETUAL RIGHT OF INGRESS AND EGRESS ACROSS ALL LOTS AND TRACTS WITHIN THE SUBDIVISION TO REMOVE ANY OBSTRUCTION TO THE PROPER SITE DISTANCE, INCLUDING, BUT NOT LIMITED TO, ANY STRUCTURE, FENCE, UTILITY BOX, RAISED MEDIAN AND LANDSCAPING, AT THE SOLE COST AND EXPENSE OF THE OWNER OF THE LOT AND/OR TRACT UPON WHICH SUCH OBSTRUCTION IS SITUATED. THE OWNERS OR ADJACENT PROPERTY OWNERS OF THE LANDS ARE RESPONSIBLE FOR THE MAINTENANCE AND OPERATION OF SIGHT EASEMENTS SHOWN HEREON. WHEN THE OWNER(S) OR ADJACENT OWNERS FAIL TO ADEQUATELY MAINTAIN SUCH SIGHT EASEMENTS, THE MAINTENANCE, OPERATION AND RECONSTRUCTION SHALL BE AT THE COST OF THE OWNER(S).

TRACT A – DEDICATED TO CANVAS CREDIT UNION, PURSUANT TO THE RECORDED COVENANTS, CONDITIONS AND RESTRICTIONS. CANVAS CREDIT UNION IS RESPONSIBLE FOR MAINTENANCE OF TRACT A, AS STATED ABOVE.

TRACT B – DEDICATED TO CANVAS CREDIT UNION, PURSUANT TO THE RECORDED COVENANTS, CONDITIONS AND RESTRICTIONS. CANVAS CREDIT UNION IS RESPONSIBLE FOR MAINTENANCE OF TRACT B, AS STATED ABOVE.

CANVAS CREDIT UNION

BY: _____

TITLE: _____

ATTEST: _____

SUBSCRIBED AND SWORN BEFORE ME THIS _____ DAY OF _____ 20_____.

BY: _____ AS _____ OF CANVAS CREDIT UNION
WITNESS MY HAND AND SEAL

NOTARY PUBLIC

MY COMMISSION EXPIRES _____

ACKNOWLEDGEMENT:

THE UNDERSIGNED, BEING ALL THE OWNERS, MORTGAGEES, BENEFICIARIES OF DEEDS OF TRUST AND HOLDERS OF OTHER INTERESTS OF THE LANDS DESCRIBED HEREIN, HEREBY ACKNOWLEDGE THAT ANY SUBDIVISION APPROVAL OBTAINED BY THE TOWN OF PARKER DOES NOT OBTAIN SAID UNDERSIGNED'S NEED OR RESPONSIBILITY TO COMPLY WITH THE REQUIREMENTS OF THE ENDANGERED SPECIES ACT OF 1973, 16 U.S.C. §1 531, et seq., AS AMENDED, OR WITH ANY OTHER APPLICABLE FEDERAL, STATE OR LOCAL LAWS OR REGULATIONS.

BY: _____

TITLE: _____

ATTEST: _____

TITLE: _____

SUBSCRIBED AND SWORN BEFORE ME THIS _____ DAY OF _____ 2019

BY: _____

WITNESS MY HAND AND SEAL _____

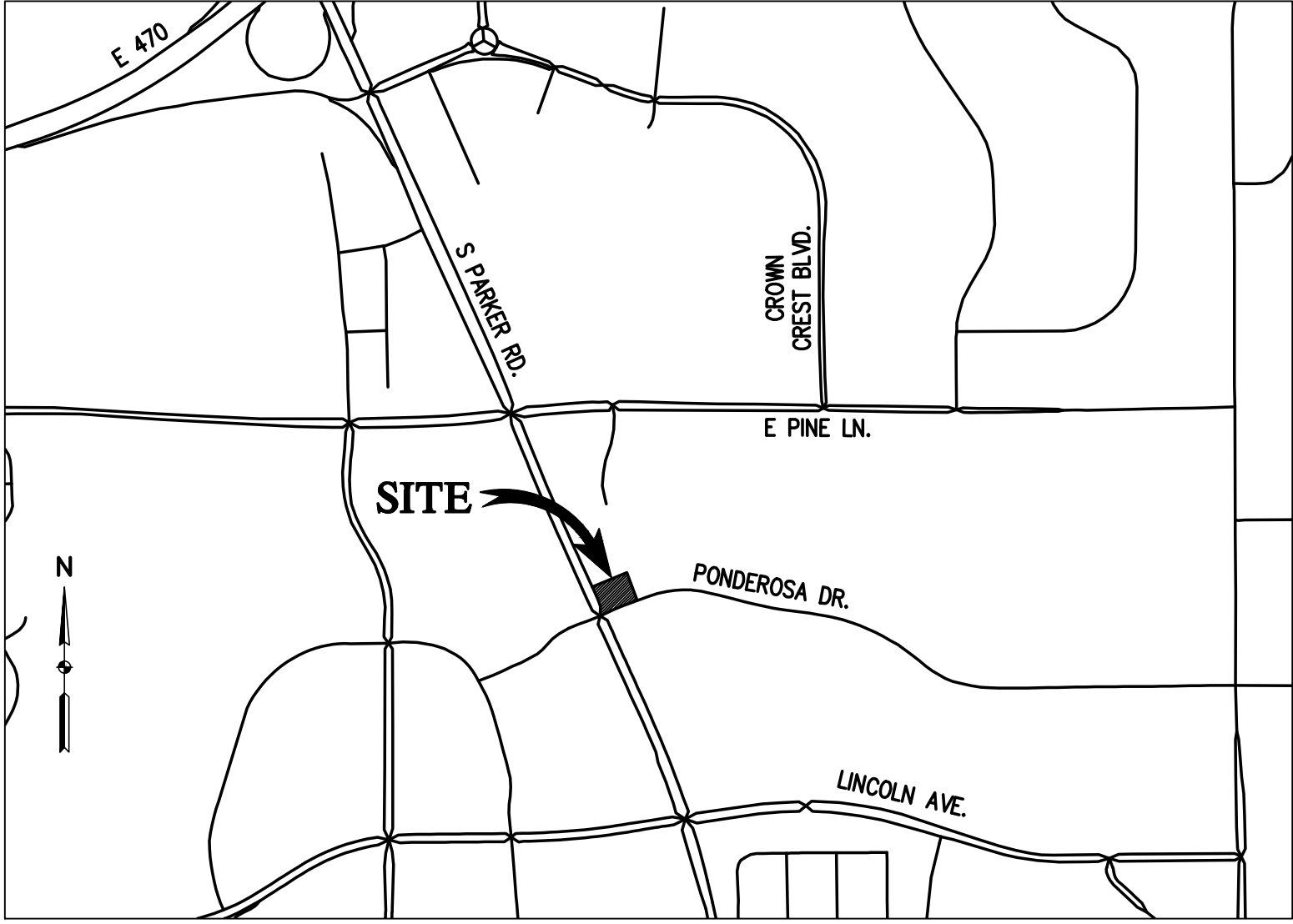
NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

CANVAS FILING NO. 1 MINOR DEVELOPMENT PLAT

SITUATED IN THE SOUTHWEST QUARTER OF SECTION 10,
TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE 6TH P.M.
TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO

SHEET 1 OF 3



VICINITY MAP

SCALE: 1"=1000'

GENERAL NOTES:

1. THIS SITE IS NOT WITHIN A DESIGNATED F.E.M.A. FLOODPLAIN, AS DETERMINED BY THE FLOOD INSURANCE RATE MAP FOR DOUGLAS COUNTY, COLORADO, PANEL NUMBER 0800490067 G, REVISED DATE MARCH 16, 2016.
2. ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY 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.
3. BASIS OF BEARINGS: ASSUMING THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, AS MONUMENTED BY A #6 REBAR WITH A 3-1/4 INCH ALUMINUM CAP STAMPED PLS 22561 AT THE WEST QUARTER CORNER OF SAID SECTION 10 AND A #6 REBAR WITH A 3-1/4 INCH ALUMINUM CAP STAMPED PLS 19003 AT THE SOUTHWEST CORNER OF SAID SECTION 10 TO BEAR NORTH 00°09'08" WEST, BEING A GRID BEARING OF THE COLORADO STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NORTH AMERICAN DATUM 1983/2007, A DISTANCE OF 2669.29 FEET WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.
4. ALL OF TRACT A AND B IS DEDICATED AS A DRAINAGE EASEMENT.
5. PUBLIC ACCESS EASEMENTS ARE HEREBY GRANTED OVER ALL PRIVATE ENTRANCES AND INTERNAL ROADWAYS WITHIN THE PROPERTY FOR THE BENEFIT OF ALL CURRENT AND FUTURE OWNERS OF THE PROPERTY FOR INGRESS, EGRESS AND TRAFFIC CIRCULATION. SHOULD THE PROPERTY BE FURTHER SUBDIVIDED INTO ADDITIONAL LOTS, ALL SUCH LOTS SHALL HAVE THE RIGHT TO USE ALL SUCH ENTRANCES AND INTERNAL ROADWAYS FOR PUBLIC ACCESS PURPOSES.
6. NO CERTIFICATES OF OCCUPANCY, TEMPORARY OR OTHERWISE, WILL BE ISSUED UNTIL ALL PUBLIC IMPROVEMENTS AND NECESSARY ONSITE IMPROVEMENTS ARE COMPLETED AND PROBABTIONALLY ACCEPTED IN WRITING BY THE TOWN.
7. NO CERTIFICATES OF OCCUPANCY, TEMPORARY OR OTHERWISE, SHALL BE ISSUED UNTIL THE LANDSCAPING IS INSTALLED AND APPROVED IN WRITING BY THE TOWN OR AS OTHERWISE ALLOWED IN THE LAND DEVELOPMENT ORDINANCE.
8. PRIVATE ACCESS DRIVES/ROADWAYS MUST BE CONSTRUCTED PRIOR TO THE ISSUANCE OF ANY CERTIFICATES OF OCCUPANCY, TEMPORARY OR OTHERWISE, FOR ANY DEVELOPMENT ON PROPERTY DESCRIBED HEREIN.
9. THIS PLAT IS SUBJECT TO A PERPETUAL, NONEXCLUSIVE CROSS-PARKING EASEMENT FOR THE BENEFIT OF ALL LOTS DESCRIBED HEREIN FOR THE SHARED USE OF ALL PARKING SPACES SITUATED ON THE PROPERTY DESCRIBED HEREIN. THE OWNER OF EACH LOT SHALL KEEP AND MAINTAIN THE PARKING SPACES CONTAINED WITHIN THEIR RESPECTIVE LOT IN A COMMERCIALLY REASONABLE CONDITION AND STATE OF REPAIR.
10. A BLANKET DRAINAGE EASEMENT IS HEREBY DEDICATED TO THE TOWN OF PARKER OVER AND ACROSS TRACTS A AND B FOR THE PURPOSE OF ACCESSING, MAINTAINING, AND REPAIRING STORMWATER MANAGEMENT IMPROVEMENTS INCLUDING, BUT NOT LIMITED TO, INLETS, PIPES, CULVERTS, CHANNELS, DITCHES, HYDRAULIC STRUCTURES, RIPRAP, DETENTION BASINS, FOREBAYS, MICROPOLS, AND WATER QUALITY FACILITIES IN THE EVENT THAT THE PROPERTY OWNER FAILS TO SATISFACTORILY MAINTAIN OR REPAIR SAID FACILITIES.
11. WITHIN THE SIGHT TRIANGLES, AS SHOWN, LIMITED LANDSCAPING SHALL BE ALLOWED BUT NO SOLID STRUCTURES OR TREES WILL BE PERMITTED. SOLID STRUCTURES SHALL INCLUDE, BUT NOT BE LIMITED TO, FENCES, MAILBOXES, AND UTILITY BOXES. LANDSCAPING WITHIN THE SIGHT TRIANGLES WILL BE LIMITED TO SHRUBS AND PLANTINGS THAT AT MATURITY WILL BE NO TALLER THAN TWO FEET. LANDSCAPING WITHIN THE SIGHT TRIANGLE SHALL BE MAINTAINED BY THE PROPERTY OWNER OR APPROPRIATE ASSOCIATION.
12. ACCESS EASEMENT ARE HEREBY GRANTED OVER ALL PRIVATE ENTRANCES AND INTERNAL ROADWAYS WITHIN THE DEVELOPMENT FOR THE BENEFIT OF ALL CURRENT AND FUTURE OWNERS OF THESE PROPERTIES FOR INGRESS, EGRESS AND TRAFFIC CIRCULATION. SHOULD PROPERTIES BE FURTHER SUBDIVIDED INTO ADDITIONAL LOTS, ALL SUCH LOTS SHALL HAVE THE RIGHT TO USE ALL SUCH ENTRANCES AND ROADWAYS FOR PUBLIC ACCESS PURPOSES.
13. NO CERTIFICATES OF OCCUPANCY, TEMPORARY OR OTHERWISE WILL BE ISSUED UNTIL ALL PUBLIC IMPROVEMENTS AND NECESSARY ONSITE IMPROVEMENTS ARE COMPLETED AND ACCEPTED IN WRITING BY THE TOWN.
14. NO CERTIFICATES OF OCCUPANCY, TEMPORARY OR OTHERWISE SHALL BE ISSUED UNTIL THE LANDSCAPING IS INSTALLED AND APPROVED BY THE TOWN OR AS OTHERWISE ALLOWED IN THE LAND DEVELOPMENT CODE.
15. PRIVATE ACCESS DRIVES/ROADWAYS MUST BE CONSTRUCTED PRIOR TO THE ISSUANCE OF TEMPORARY CERTIFICATE OF OCCUPANCY AND/OR CERTIFICATE OF OCCUPANCY FOR ANY DEVELOPMENT OCCURRING ON PROPERTY SHOWN HEREIN.
16. PROPERTIES IN THIS PLAT ARE SUBJECT TO A PERPETUAL, NON-EXCLUSIVE CROSS PARKING EASEMENT FOR THE SHARED USE OF ALL PARKING SPACES SITUATED WITH THE PROPERTIES SHOWN HEREIN. THE OWNER OF EACH LOT SHALL KEEP AND MAINTAIN THE PARKING SPACES CONTAINED WITHIN THERE RESPECTIVE LOT IN A COMMERCIALLY REASONABLE CONDITION AND STATE OF REPAIR.
17. NO PORTION OF LOTS 2, 3, AND 4 SHALL BE DEVELOPED, INCLUDING BUT NOT LIMITED TO, STAKING, OVERLOT GRADING, OR THE ERECTION OF ANY STRUCTURE, TEMPORARY OR OTHERWISE, UNTIL THE PROPERTY IS RE-PLATTED AND/OR SITE PLAN APPROVAL IS OBTAINED, EXCEPT AS ALLOWED FOR IN THE PUBLIC SERVICE CREDIT UNION CONSTRUCTION PLANS.
18. PER C.R.S. 38-51-106, "ALL LINEAL UNITS DEPICTED ON THIS PLAT ARE U.S. SURVEY FEET. ONE METER EQUALS 39.37/12 U.S. SURVEY FEET, EXACTLY ACCORDING TO THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY."

LOT/TRACT TABLE

LOT/TRACT	AREA	PURPOSE	OWNERSHIP	MAINTENANCE RESPONSIBILITY
LOT 1	42,310 SQ. FT.	COMMERCIAL DEVELOPMENT	CANVAS CREDIT UNION	CANVAS CREDIT UNION
LOT 2	44,035 SQ. FT.	FUTURE COMMERCIAL DEVELOPMENT	CANVAS CREDIT UNION	CANVAS CREDIT UNION
LOT 3	58,968 SQ. FT.	FUTURE COMMERCIAL DEVELOPMENT	CANVAS CREDIT UNION	CANVAS CREDIT UNION
LOT 4	51,528 SQ. FT.	FUTURE COMMERCIAL DEVELOPMENT	CANVAS CREDIT UNION	CANVAS CREDIT UNION
TRACT A	12,469 SQ. FT.	EASEMENT/DETENTION	CANVAS CREDIT UNION	CANVAS CREDIT UNION
TRACT B	26,492 SQ. FT.	EASEMENT/DETENTION	CANVAS CREDIT UNION	CANVAS CREDIT UNION

TOWN COUNCIL CERTIFICATION:

THIS PLAT WAS APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, ON THE _____ DAY OF _____, 20_____, FOR FILING SUBJECT TO THE CONDITIONS SET FORTH BY THE TOWN COUNCIL. THE DEDICATIONS ARE HEREBY ACCEPTED. THIS APPROVAL IS WITH THE UNDERSTANDING THAT ALL EXPENSES INCURRED WITH RESPECT TO REQUIRED IMPROVEMENTS FOR ALL UTILITY SERVICES, PAVING, GRADING, LANDSCAPING, CURBS, GUTTERS, SIDEWALKS, ROAD LIGHTING, ROAD SIGNS, FLOOD PROTECTION DEVICES, DRAINAGE STRUCTURES AND ALL OTHER IMPROVEMENTS THAT MAY BE REQUIRED SHALL BE THE RESPONSIBILITY OF THE SUBDIVIDER AND NOT OF THE TOWN OF PARKER. THE RESPONSIBILITY FOR MAINTAINING PRIVATE ROADS, INCLUDING THE REMOVAL OF SNOW ACCUMULATIONS, SHALL BE WITH THE SUBDIVIDER OR HIS OR HER ASSIGNS IN PERPETUITY.

MAYOR, TOWN OF PARKER

ATTEST: _____
TOWN CLERK

TITLE VERIFICATION:

WE FIRST AMERICAN TITLE INSURANCE COMPANY, A QUALIFIED TITLE INSURANCE COMPANY, DO HEREBY CERTIFY THAT WE HAVE EXAMINED THE TITLE OF ALL LAND PLATTED HEREON AND THAT TITLE TO SUCH LAND IS IN THE DEDICATOR(S) FREE AND CLEAR OF ALL LIENS, TAXES AND ENCUMBRANCES.

DATE _____ FIRST AMERICAN TITLE INSURANCE COMPANY

SUBSCRIBED AND SWORN BEFORE ME THIS _____ DAY OF _____ 20_____.

BY: _____

WITNESS MY HAND AND SEAL

NOTARY PUBLIC

MY COMMISSION EXPIRES _____

SURVEYOR CERTIFICATION:

I, AARON ALVIN DEMO, A PROFESSIONAL LAND SURVEYOR LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE SURVEY OF PUBLIC SERVICE FILING NO. 1 MINOR DEVELOPMENT PLAT WAS MADE BY ME OR DIRECTLY UNDER MY SUPERVISION ON OR ABOUT THE 10TH DAY OF MARCH, 2018, AND THAT THE SURVEY IS BASED UPON MY KNOWLEDGE, INFORMATION AND BELIEF THAT ALL MONUMENTS EXIST AS SHOWN HEREON; IT HAS BEEN PREPARED IN ACCORDANCE WITH APPLICABLE STANDARDS OF PRACTICE, THAT MATHEMATICAL CLOSURE ERRORS ARE LESS THAN 1:50,000 (SECOND ORDER); AND THAT SAID PLAT HAS BEEN PREPARED IN FULL COMPLIANCE WITH ALL APPLICABLE LAWS OF THE STATE OF COLORADO DEALING WITH MONUMENTS, SUBDIVISIONS OR SURVEYING OF LAND AND ALL PROVISIONS, WITHIN MY CONTROL, OF THE TOWN SUBDIVISION REGULATIONS. THIS SURVEY IS NOT A GUARANTY OR WARRANTY, EITHER EXPRESSED OR IMPLIED, AND THE ACCOMPANYING PLAT ACCURATELY AND PROPERLY SHOWS SAID MINOR DEVELOPMENT PLAT AND THE SURVEY THEREOF.

I ATTEST THE ABOVE ON THIS 18TH DAY OF JULY, 2018.

AARON ALVIN DEMO, P.L.S. #38285

FOR AND ON BEHALF OF BASELINE ENGINEERING

CLERK AND RECORDER:

STATE OF COLORADO)
COUNTY OF DOUGLAS)

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

DAY OF _____, 20_____ A.D., AT _____ A.M./P.M., AND WAS

RECORDED AT RECEPTION NO. _____

COUNTY CLERK AND RECORDER

BASELINE

Engineering - Planning - Surveying

4007 S. LINCOLN AVENUE, SUITE 405 • LOVELAND, COLORADO 80537
P. 970.333.7800 • F. 966.679.4864 • www.baselinecorp.com

DESIGNED BY _____
DRAWN BY _____
BOS
CHECKED BY _____
A.A.D.

PREPARED BY _____
DATE _____

REVISION DESCRIPTION
DATE
BY

DOUGLAS COUNTY

LEVEL 5

CANVAS FILING NO. 1
6405 PONDEROSA DRIVE
PARKER, COLORADO 80138

TOWN OF PARKER

PREPARED UNDER THE DIRECT SUPERVISION OF

FOR AND ON BEHALF OF BASELINE CORPORATION

INITIAL SUBMITTAL 04/27/2017

DRAWING SIZE 24" X 36"

SURVEY FIRM SURVEY DATE
BASELINE CORP. 03/10/2017

JOB NO. 3265

DRAWING NAME 3265 BEC FINAL PLAT.dwg

SHEET 1 OF 3

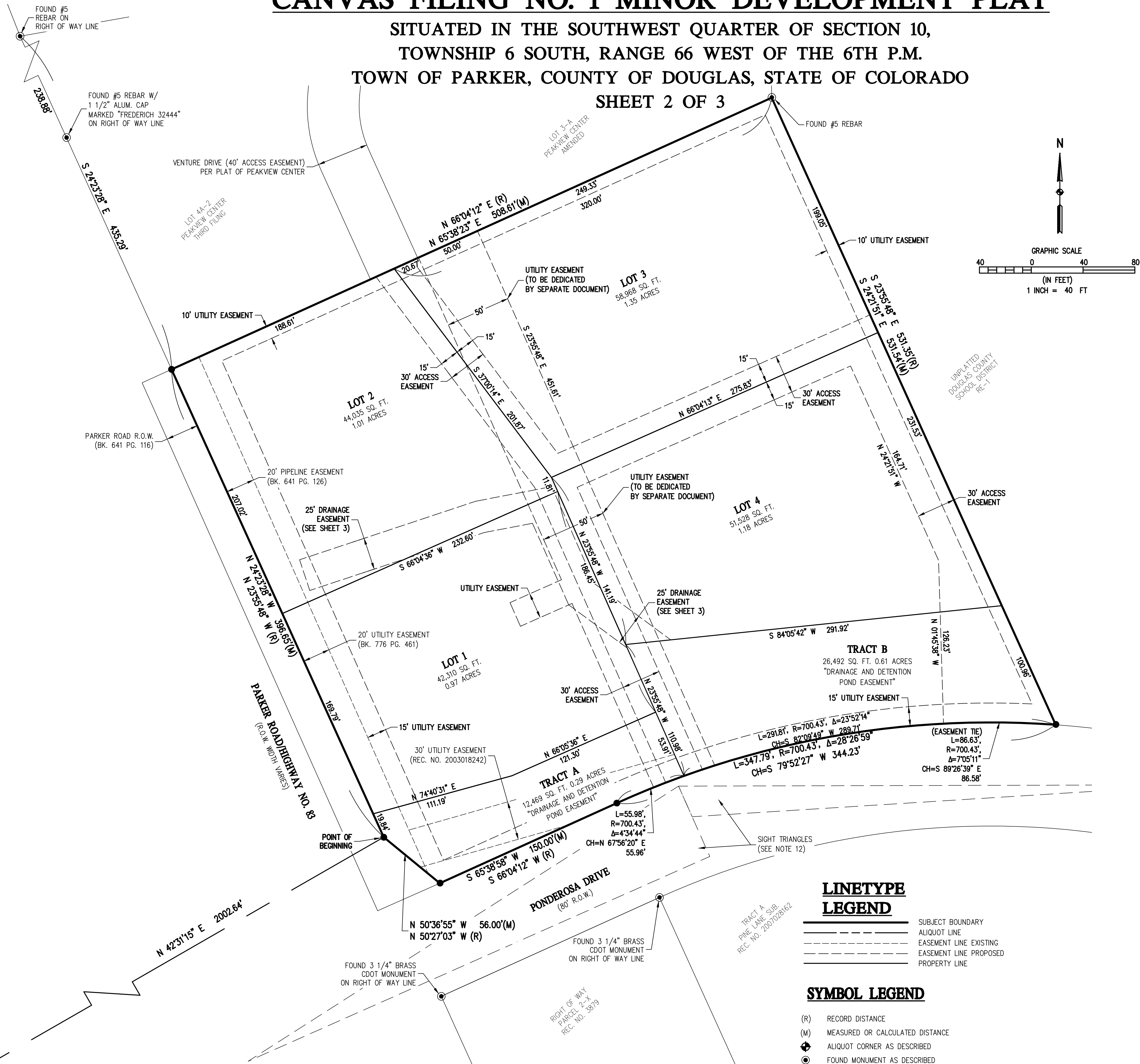
S1

M:_Golden Survey Projects\3265_BEC_FINAL_PLAT.dwg, 8/13/2019 2:36:50 PM, Michael Swanton

W 1/4 COR. SEC. 10
FOUND NO. 6 REBAR W/ 3 1/4" ALUM. CAP IN RANGE BOX
MARKED "AZTEC CONSULTANTS INC. 2008 PLS 22561"
AS PER MONUMENT RECORD DATED
JUNE 8, 2010

WEST LINE OF THE SOUTHWEST QUARTER SECTION 10
BASIS OF BEARINGS
N 00°09'08" W 2669.29'

POINT OF COMMENCEMENT
SW COR. SEC. 10
FOUND NO. 6 REBAR W/
3 1/4" ALUM. CAP IN RANGE BOX
MARKED "S.C. 1999 LS 19003"
AS PER MONUMENT RECORD DATED
MAY 10, 2016



LINETYPE LEGEND

---	SUBJECT BOUNDARY
---	ALIQUOT LINE
---	EASEMENT LINE EXISTING
---	EASEMENT LINE PROPOSED
---	PROPERTY LINE

SYMBOL LEGEND

(R)	RECORD DISTANCE
(M)	MEASURED OR CALCULATED DISTANCE
⊙	ALIQUOT CORNER AS DESCRIBED
⊙	FOUND MONUMENT AS DESCRIBED
●	SET NO. 5 REBAR WITH 1-1/4" ORANGE PLASTIC CAP MARKED "BASELINE CORP. PLS 38285"

AARON ALVIN DEMO, PLS
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR NO. 38285
FOR AND ON BEHALF OF BASELINE CORPORATION

BASELINE
Engineering · Planning · Surveying
4007 S. LINCOLN AVENUE, SUITE 405 • LOVELAND, COLORADO 80537
P. 970.333.7800 • F. 866.679.4664 • www.baselinecorp.com

REVISION DESCRIPTION	PREPARED BY	DATE	DESIGNED BY
</			

LEVEL 5	DOUGLAS COUNTY
CANVAS FILING NO. 1	
6405 PONDEROSA DRIVE	
PARKER, COLORADO 80138	

FOR AND ON BEHALF OF BASELINE CORPORATION	PREPARED UNDER THE DIRECT SUPERVISION OF
INITIAL SUBMITTAL	04/27/2017
DRAWING SIZE	24" X 36"
SURVEY FIRM	SURVEY DATE
BASELINE CORP.	03/10/2017
JOB NO.	3265
DRAWING NAME	3265_BEC_FINAL_PLAT.dwg
SHEET	2 OF 3
S2	

Mt:_Golden Survey Projects\co-3265 - Level 5 Parker\Drawings\3265_BEC_FINAL PLAT.dwg, 8/13/2019 2:37:24 PM, Michael Swanton

CANVAS FILING NO. 1 MINOR DEVELOPMENT PLAT

SITUATED IN THE SOUTHWEST QUARTER OF SECTION 10,
TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE 6TH P.M.
TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO
SHEET 3 OF 3



LINETYPE
LEGEND

- SUBJECT BOUNDARY
- ALIQUOT LINE
- EASEMENT LINE EXISTING
- EASEMENT LINE PROPOSED
- PROPERTY LINE

SYMBOL LEGEND

- (R) RECORD DISTANCE
- (M) MEASURED OR CALCULATED DISTANCE
- ALIQUOT CORNER AS DESCRIBED
- FOUND MONUMENT AS DESCRIBED
- SET NO. 5 REBAR WITH 1-1/4" ORANGE PLASTIC CAP MARKED "BASELINE CORP. PLS 38285"

AARON ALVIN DEMO, PLS
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR NO. 38285
FOR AND ON BEHALF OF BASELINE CORPORATION



Engineering · Planning · Surveying
4007 S. LINCOLN AVENUE, SUITE 405 • LOVELAND, COLORADO 80537
P. 970.333.7800 • F. 966.679.4864 • www.baselinecorp.com

DESIGNED BY
DRAWN BY
CHECKED BY

DATE
PREPARED BY

REVISION DESCRIPTION

LEVEL 5
TOWN OF PARKER
DOUGLAS COUNTY
CANVAS FILING NO. 1
6405 PONDEROSA DRIVE
PARKER, COLORADO 80138

PREPARED UNDER THE DIRECT SUPERVISION OF

FOR AND ON BEHALF OF
BASELINE CORPORATION

INITIAL SUBMITTAL 04/27/2017

DRAWING SIZE 24" X 36"

SURVEY FIRM SURVEY DATE
BASELINE CORP. 03/10/2017

JOB NO. 3265

DRAWING NAME
3265_BEC_FINAL_PLAT.dwg

SHEET 3 OF 3

S3

SUB18-010

Type (Asc) ▼

GO

REVIEWS

Donna George

Public
Service
Company
of
Colorado
10

The 10-foot wide perimeter dry utility easements are acknowledged on the plat.

Please note that the gas line was deactivated and abandoned in place. It does not appear that the PSCo easement has been quitclaimed, so it is still active. However, there is a building over it and it is not being used.

6/4/2019 7:26:05 AM



Planning Commission Staff Report

Planning Commission Date: 9/26/2019

Town Council Date: 10/21/2019

Hearing Type: Public Meeting
DRAFT ORDINANCE – A Bill for an Ordinance to Amend Section 10.13.080 of the Parker Municipal Code Concerning the Kiosk Program

Location: Townwide

Project Planner: Bryce Matthews, Planning Manager

Applicant: Town of Parker

Executive Summary: Section 10.13. 00 of the Parker Municipal Code allows the Town to administer a Kiosk Program for home builders to advertise new residential developments on kiosk signs located in the Town right-of-way (ROW). Current home builder advertising has evolved, now the Town has the option for home builder kiosk services to be provided by third party sign providers. The proposed ordinance adds the ability for the Town to designate a third party to provide home builder signs within Town owned ROW.

Staff Recommendation: Approval

RECOMMENDED MOTIONS

“I move the Planning Commission recommend Town Council approve an ordinance to Amend Section 10.13.080 of the Parker Municipal Code concerning the Kiosk Program.”

ALTERNATIVE MOTIONS

“I move that the Planning Commission recommend that Town Council approve an ordinance to Amend Section 10.13.080 of the Parker Municipal Code concerning the Kiosk Program with the following conditions:”

-List conditions (either by staff or Planning Commission)

“I move that the Planning Commission recommend that Town Council deny an ordinance to Amend Section 10.13.080 of the Parker Municipal Code concerning the Kiosk Program.”

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

I. BACKGROUND/DISCUSSION

The Town of Parker established a formal process to administer a builder sign kiosk program in 2007. The intent of the Town's Kiosk Program is to promote a desirable visual environment for Town residents and visitors that is free from visual clutter. This program will also allow the Town to administer coordinated public signage designs for sign kiosks that are located within Town-owned ROW.

The original kiosk program was discontinued by the Town in 2017 due to the cost and staff time required to maintain the signs and program and a lack of home builder support. Due to increased activity in Parker's housing market a number of new subdivisions are under construction and/or projected to be built out within the next ten years. The Town has been approached by third party sign providers to provide new home builders wayfinding signs within Town owned ROW.

The proposed ordinance will allow the Town to hire a third party sign provider, within Town approved requirements, to design, manufacture, install and maintain home builder panels on wayfinding sign kiosks through contractual and license agreements within Town-owned ROW. This ordinance does not commit the Town to hire a third party to manage the program; however, it will allow the Town the option to release a Request for Proposals (RFP) to negotiate and hire a sign company through a separate process.

PRIOR ACTIONS

Date	Action
February, 2007	Resolution No. 07-018 – Creation of a directional Kiosk Program
July, 2016	Ordinance No. 5.77 – Addition of Chapter 10.13 concerning signage within streets and sidewalks

II. PARKER 2035 MASTER PLAN

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

MASTER PLAN CONSISTENCY	
2035 Master Plan	Choose an item. ☒ Consistent ☐ Inconsistent
Consistent Goals/Strategies	<u>Community Appearance and Design 1</u>
Inconsistent Goals/Strategies	None
Staff Analysis	N/A

III. CONCLUSION

The Kiosk Program will ensure signs are compatible with the desired character and identity of the Town of Parker, as well as preserve and enhance community appearance of the streetscape. The proposed amendment allows the Town the option of hiring a third party to manage the Kiosk Program if it saves cost and staff time. Staff recommends the Planning Commission recommend Town Council approve the proposed Municipal Code amendment.

IV. ATTACHMENTS
Draft Ordinance

Report Approved By: Bryce Matthews, Planning Manager

Through: Jason Rogers, Deputy Community Development Director

ORDINANCE NO. 5.77.1, Series of 2019

TITLE: A BILL FOR AN ORDINANCE TO AMEND SECTION 10.13.080 OF THE PARKER MUNICIPAL CODE CONCERNING THE KIOSK PROGRAM

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

Section 1. Section 10.13.080 of the Parker Municipal Code is amended to read as follows:

10.13.080 ~~Town-owned kiosks~~ Kiosk program.

(a) Establishment and purpose. There is hereby established the Town of Parker Kiosk Program (the "Kiosk Program"). The purpose of the Kiosk Program is to allow ~~the use of panels on kiosks that are owned and maintained by the Town to provide directional signs to real estate developments within the Town~~ the Town to designate provider(s) of Kiosk Program services for wayfinding signage ("kiosks"). The kiosks shall contain homebuilder and development-related panels to promote a desirable visual environment and to assist the public in finding residential real estate developments under construction within the Town. The Kiosk Program is also intended to prevent the proliferation of unlawful off-premises signs, and to provide a reasonable alternative to off-premises signs that allow interested persons to find developments within the Town.

(b) Process. The Town will develop the process for administering the Kiosk Program by resolution approved by the Town Council. The process for administering the Kiosk Program shall include, but not be limited to, the following:

(1) The style and design of the kiosks, including the size of panels and an element that identifies the Town;

(2) The location of the kiosks to promote effective wayfinding and avoid unnecessary sign clutter;

~~(23)~~ What may be depicted on a panel within a kiosk, including whether to include development logos, homebuilder colors and/or logos or other logos deemed to be in the public interest by the Town Council;

~~(34)~~ The process for participating in the Kiosk Program, including the process for obtaining any panel(s) and the location of said panel(s), ~~the number of panels that may be obtained by any one (1) entity,~~ and other provisions to maximize participation in the Kiosk Program; and

~~(45)~~ The cost for participating in the Kiosk Program.

(6) Required Town approvals and permits.

(c) Location of kiosks. The Town shall ~~determine review and approve~~ the location of the kiosks ~~by resolution approved by the Town Council, which resolution may be amended from time to time based on the best interests of the Town.~~

(d) ~~License agreement~~ Agreements. In order to participate in the Kiosk Program based on the provisions identified by the Town as set forth above, a party desiring ~~to obtain a panel must execute to provide Kiosk Program services to the Town shall enter into a services agreement to administer the Kiosk Program and a~~ license agreement(s) for kiosks located in the public right-of-way, both in ~~the a~~ form approved by ~~Town Council resolution the Town Attorney.~~

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



Planning Commission Staff Report

Planning Commission Date: 9/26/2019

Town Council Date: 10/21/2019

Hearing Type: Public Meeting
DRAFT ORDINANCE – A Bill for an Ordinance to Amend Chapter 13.02 of the Parker Municipal Code to Add a Definition for "Tourist Home"

Location: Townwide

Project Planner: Bryce Matthews, Planning Manager

Applicant: Town of Parker

Executive Summary: The Land Development Ordinance (LDO) specifically does not permit "tourist homes" as "home occupations" in residential areas; however, the LDO does not provide a definition of "tourist home". The proposed amendment will add a definition of "tourist home" to Section 13.02 of the LDO. This amendment will provide clarification that short term rentals (less than 30 days) are defined as "tourist homes" in the LDO and are not permitted in residentially zoned areas.

Staff Recommendation: Approval

RECOMMENDED MOTIONS

"I move the Planning Commission recommend Town Council approve an ordinance to Amend Section 13.02 of the Parker Land Development Ordinance concerning the definition of tourist home."

ALTERNATIVE MOTIONS

"I move that the Planning Commission recommend that Town Council approve an ordinance to Amend Section 13.02 of the Parker Land Development Ordinance concerning the definition of tourist home with the following conditions:"

-List conditions (either by staff or Planning Commission)

"I move that the Planning Commission recommend that Town Council deny an ordinance to Amend Section 13.02 of the Parker Land Development Ordinance concerning the definition of tourist home."

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

I. BACKGROUND/DISCUSSION

Recently the Town has received complaints about short term rentals operating in residential neighborhoods. Impacts associated with these uses may include nuisance impacts on the surrounding neighborhood such as noise and traffic, unfair business competition and limiting the availability of affordable housing.

Typically, short-term rentals are residential properties that are rented to a visitor for fewer than thirty (30) days. Under the Town's Municipal Code, rentals of less than thirty (30) days are subject to both sales and lodging taxes.

The Town's LDO, limits hotels and motels to commercial areas, and boarding and rooming houses are limited to the multiple-family zone district. "Home occupations" are permitted in residential zone districts, but a "tourist home" is specifically excluded from allowed home occupations. "Tourist home" is currently not defined in the Town's LDO; this proposed amendment to the code will define "tourist home".

PRIOR ACTIONS

Date	Action
	None

II. PARKER 2035 MASTER PLAN

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

MASTER PLAN CONSISTENCY	
2035 Master Plan	Choose an item. ☒ Consistent ☐ Inconsistent
Consistent Goals/Strategies	<u>Land Use 1.J</u>
Inconsistent Goals/Strategies	None
Staff Analysis	N/A

III. CONCLUSION

Defining tourist homes will provide additional clarity that short term rentals are not permitted in residential neighborhoods. Staff recommends the Planning Commission recommend Town Council approve the proposed Municipal Code amendment.

IV. ATTACHMENTS

Draft Ordinance

Report Approved By: Bryce Matthews, Planning Manager

Through: Jason Rogers, Deputy Community Development Director

ORDINANCE NO. _____, Series of 2019

TITLE: A BILL FOR AN ORDINANCE TO AMEND CHAPTER 13.02 OF THE PARKER MUNICIPAL CODE TO ADD A DEFINITION FOR “TOURIST HOME”

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

Section 1. Chapter 13.02, Section 13.02.010, of the Parker Municipal Code is amended by the addition of a definition for *tourist home* to read as follows:

13.02.010 Definitions.

* * *

Tourist home means any dwelling, dwelling unit or portion of any dwelling unit rented or leased for valuable consideration to a particular person or persons for periods of time less than thirty (30) days.

* * *

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

DRAFT



Planning Commission Staff Report

Planning Commission Date: 9/26/2019

Town Council Date: 10/21/2019

Hearing Type: Public Meeting
DRAFT ORDINANCE – A Bill for an Ordinance to Add a New Section 13.07.170, Entitled Association, to the Parker Municipal Code

Location: Townwide

Project Planner: Bryce Matthews, Planning Manager

Applicant: Town of Parker

Executive Summary: The purpose of the proposed ordinance is to add a new section, Section 13.07.170 Entitled Associations, to the Land Development Ordinance that will require the formation of a residential or commercial property owners' association during the platting process to ensure enforcement of covenant restrictions, routine maintenance and repairs to community owned infrastructure and amenities.

Staff Recommendation: Approval

RECOMMENDED MOTIONS

"I move the Planning Commission recommend Town Council approve an ordinance to Add Section 13.07.170 of the Parker Land Development Ordinance concerning entitled associations."

ALTERNATIVE MOTIONS

"I move that the Planning Commission recommend that Town Council approve an ordinance to Amend Section 13.07.170 of the Parker Land Development Ordinance concerning entitled associations with the following conditions: "

-List conditions (either by staff or Planning Commission)

"I move that the Planning Commission recommend that Town Council deny an ordinance to Amend Section 13.07.170 of the Parker Land Development Ordinance concerning entitled associations."

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

I. BACKGROUND/DISCUSSION

Currently there are two communities in the Town that lack a homeowners' association (HOA), Cottonwood and Country Meadows. These neighborhoods demand a significantly higher amount of resources from Community Services than other neighborhoods with an HOA. Also, in neighborhoods with no HOA, residents of a subdivision are forced to be self-governing for enforcement of property maintenance and other items such as trash pick-up. Without an HOA to enforce the covenants, neighbors can be pitted against neighbors to resolve issues. Similar issues apply to commercial developments with the added concern of coordinating and assigning maintenance of shared access drives and other shared infrastructure.

To date, the Town has negotiated the establishment of HOA's through Subdivision Improvement Agreements for both residential and commercial developments. Most developers have been cooperative in this process and see the benefits of an HOA for the long term success of the neighborhoods they are building. However, recently a homebuilder with multiple projects in the Town has chosen not to create an HOA for one of their projects. To limit the proliferation of this issue going forward, the proposed ordinance language requires the following as a condition to approve any final or minor development plat:

- (i) mandatory membership;
- (ii) maintenance of property and private improvements;
- (iii) covenant enforcement; and
- (iv) other association responsibilities (i.e. trash and recycling collection)

Recordation of documents demonstrating compliance with the condition shall be provided to the Town for review prior to approval.

Also, if an HOA is amended or terminated, the Town must be notified.

PRIOR ACTIONS

Date	Action
	None

II. PARKER 2035 MASTER PLAN

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

MASTER PLAN CONSISTENCY	
2035 Master Plan	Choose an item. ☒ Consistent ☐ Inconsistent
Consistent Goals/Strategies	<u>Land Use 1.J</u>
Inconsistent Goals/Strategies	None
Staff Analysis	N/A

III. CONCLUSION

By requiring associations, the Town will improve the long term aesthetics, maintenance and overall conditions of our commercial areas and neighborhoods while managing the number of calls to our

Community Services division. Associations are partners in maintaining the high quality of life that our residents expect in the Town.

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

IV. ATTACHMENTS
Draft Ordinance

Report Approved By: Bryce Matthews, Planning Manager

Through: Jason Rogers, Deputy Community Development Director

ORDINANCE NO. _____, Series of 2019

**TITLE: A BILL FOR AN ORDINANCE TO ADD A NEW SECTION 13.07.170,
ENTITLED ASSOCIATIONS, TO THE PARKER MUNICIPAL CODE**

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

Section 1. The Parker Municipal Code is hereby amended by the adoption of a new
Section 13.07.170, entitled “Associations”:

13.07.170 Associations.

(a) Definitions.

Association means any covenant-controlled community containing two or more property owners, which includes a lawfully constituted and operational board or other similar entity that is empowered to enforce the community's recorded covenants and which has the power to impose assessments for its services that, if unpaid, may be made a lien on the property.

(b) Creation of homeowners’ association. For all residential condominiums or residential subdivisions, the applicant shall create a homeowners’ association under the laws of the State of Colorado, or the property shall be included in an existing homeowners’ association. The homeowners’ association shall be lawfully established prior to, or as a part of, first final plat approval or first condominium map approval that creates residential lots or units. All documents related to the homeowners’ association, including the articles of organization or incorporation and declaration of covenants, conditions, and restrictions, shall be submitted in draft form at the time of application for final plat or condominium map review. Such documents shall be acceptable to the Town as a condition of final plat or map approval.

(c) Creation of property owners’ association. For all vertical mixed-use, commercial condominiums, and commercial minor development plats that include private roadways, detention ponds or other improvements that need to be maintained, the applicant shall create a property owners’ association under the laws of the State of Colorado, or the property shall be included in an existing property owners’ association. The property owners’ association shall be lawfully established prior to, or as a part of, minor development plat approval or condominium map approval. All documents related to the property owners’ association, including the articles of organization or incorporation and declaration of covenants, conditions, and restrictions, shall be submitted in draft form at the time of application for minor development plat or condominium map review. Such documents shall be acceptable to the Town as a condition of minor development plat or map approval.

(d) Recordation. Prior to, or as a condition of, approval of the final plat, minor development plat, or condominium map, the applicant shall record the association documents approved by the Town in the Office of the Clerk and Recorder for Douglas County.

(e) Association documents. The association documents shall require, at a minimum:

(1) Mandatory membership.

a. All owners of lots, condominium units or of property within the subdivision shall be members of the association.

b. The members of the association shall share equitably in the costs of operating the association, including the costs of maintaining all open space, common areas and facilities, recreation areas and facilities, private roadways stormwater management areas and facilities, landscaping, walkways and other facilities, which are not dedicated to or accepted by the Town or by a special district organized for such purposes. The association documents shall require, at minimum, that the costs of such maintenance shall be collectable from the owner of the lot, unit or property to which such costs are assessed; and that such costs shall be and constitute a lien upon such lot, unit or property.

(2) Maintenance of property.

a. Associations shall have covenants regarding maintenance requirements for individual member's lots, units, or property that have standards that meet or exceed those contained in the Parker Property Maintenance Code. The covenants will provide the association the ability to enforce the rules and regulations set forth therein. The association documents shall give the Town the authority to require the association to perform routine maintenance and repairs necessary to keep the property within the subdivision or condominium in good condition, in accordance with the standards that meet or exceed those in the Parker Property Maintenance Code.

b. If the association does not respond to a notice of violation from the Town regarding maintenance within thirty (30) calendar days of the date of such notice, the Town shall have the right to perform the work itself or hire a contractor to perform the work and assess each property owner of the association and/or each owner of property within the subdivision, or unit within a condominium, a fee to recover its costs. Such fee shall include an administrative charge equal to fifteen percent (15%) of the cost of the work performed. The costs may be recovered in a Municipal Court proceeding. The Town may also assess and file a lien against any property within the subdivision, or unit within the condominium, for the cost of the work that

was performed by the Town. The lien shall be a first and prior lien to all other liens.

(3) Town approval to amend or terminate. The association documents shall include a provision requiring the Town's written consent to amend or terminate any of the covenants that are the subject of this Section.

(4) Additional association responsibilities.

a. Trash and Recycling Collection: Associations shall have covenants requiring regular trash and recycling collection and the association shall be responsible for regular trash and recycling collection for all lots or units, common amenities/facilities and parks and open space.

b. Public Access: Associations shall provide cross-access easements providing public access to all parks, open space, trails and accessory uses/facilities including but not limited to public bathrooms, parking, play equipment and seating.

c. Association documents: Associations shall make available within seven (7) days of request, at no charge to the Town, association records related to the requirements contained in this Section, including but not limited to, the association's governing documents, covenants, bylaws, meeting agendas and minutes, capital improvement plans, and budgets.

(f) Exemption. The Planning Director may exempt residential subdivisions containing less than ten (10) detached dwelling units from the requirements of this Section, where the applicant can demonstrate the following:

a. The proposed subdivision has no maintenance responsibilities or can demonstrate that maintenance responsibilities have been assigned to a special district.

b. The enforcement of covenants is made through a different or the use of a party wall agreement.

(g) Failure to Comply. The Town, through the Planning Director, shall have the authority to withhold approvals, permits and certificates of occupancy in the event that an applicant fails to comply with the requirements of this Section.

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



Planning Commission Staff Report

Planning Commission Date: 9/26/2019

Town Council Date: 10/21/2019

Hearing Type: Public Meeting
DRAFT ORDINANCE – A Bill for an Ordinance to Amend Section 13.03.030, Entitled Planning Department Adjustments, of the Parker Municipal Code

Location: Townwide

Project Planner: Bryce Matthews, Planning Manager

Applicant: Town of Parker

Executive Summary: Section 13.03.030 of the Land Development Ordinance (LDO) currently allows for the planning department to make certain minor administrative adjustments to approved site plans and Planned Developments. Currently, changes to building elevations and materials are not permitted to be reviewed and approved through an adjustment process and require a full site plan amendment process.

The proposed LDO amendment would support existing businesses through allowing limited changes to building exteriors such as color changes, material changes and additions of doors and windows to be approved quickly and administratively through a site plan adjustment process. All changes would still be required to be in compliance with the LDO and Town design standards.

Staff Recommendation: Approval

RECOMMENDED MOTIONS

“I move the Planning Commission recommend Town Council approve an ordinance to Amend Section 13.03.030 of the Parker Land Development Ordinance concerning planning department adjustments.”

ALTERNATIVE MOTIONS

“I move that the Planning Commission recommend that Town Council approve an ordinance to Amend Section 13.03.030 of the Parker Land Development Ordinance concerning planning department adjustments with the following conditions:”
-List conditions (either by staff or Planning Commission)

“I move that the Planning Commission recommend that Town Council deny an ordinance to Amend Section 13.03.030 of the Parker Land Development Ordinance concerning planning department adjustments.”

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

I. BACKGROUND/DISCUSSION

The Town continues to receive applications from businesses that desire to make improvements and updates to the exterior of buildings. Also, once a building design is approved, minor amendments to the exterior such as adding doors, windows and canopies are often required to customize the space for a new tenant.

Of the 72 site plan applications received so far this year, 14 of the applications were minor amendments to the exteriors of buildings and would have been considered site plan adjustments had this proposed amendment been approved. The Town processes these applications as efficiently as the code allows through the site plan amendment process. That being said, the process for these applications can become arduous and time-consuming for staff and the applicant.

Section 13.03.030 of the Land Development Ordinance (LDO) allows minor changes to approved site plans and planned development elements through a site plan adjustment. Building elevation changes and material changes do not qualify to be reviewed and approved through a site plan adjustment process and require a site plan amendment.

Both the site plan adjustment process and the site plan amendment process require compliance with the LDO and Town design standards. However, the site plan adjustment process takes approximately one (1) to two (2) weeks while a site plan amendment process can take two (2) to five (5) months depending on the complexity. The site plan adjustment timeline is shorter because it does not require as extensive of a referral process since the changes are minor in nature.

PRIOR ACTIONS

Date	Action
	None

II. PARKER 2035 MASTER PLAN

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

MASTER PLAN CONSISTENCY	
2035 Master Plan	Choose an item. ☒ Consistent ☐ Inconsistent
Consistent Goals/Strategies	Land Use 1.J
Inconsistent Goals/Strategies	None
Staff Analysis	N/A

III. CONCLUSION

It is the intent of this code amendment to make it easier for businesses to invest in improvements and updates to the exterior of their businesses and to make it quicker to receive approvals while still ensuring compliance with Town requirements. The full site plan amendment process for minor building elevation revisions is arduous and time-consuming for both staff and the applicant in relation to the scale of these minor requests.

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

IV. ATTACHMENTS Draft Ordinance

Report Approved By: Bryce Matthews, Planning Manager

Through: Jason Rogers, Deputy Community Development Director

ORDINANCE NO. _____, Series of 2019

TITLE: A BILL FOR AN ORDINANCE TO AMEND SECTION 13.03.030, ENTITLED PLANNING DEPARTMENT ADJUSTMENTS, OF THE PARKER MUNICIPAL CODE

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

Section 1. Section 13.03.030 of the Parker Municipal Code is amended to read as follows:

13.03.030 Planning Department adjustments.

(a) Minor changes to approved and/or recorded plans. Minor changes to approved and/or recorded plans inclusive of, but not limited to, site plans and planned development elements, shall be considered as minor those modifications or adjustments requested in writing by the applicant and which:

(1) Do not impact more than fifteen percent (15%) of any element or portion within a proposed planned development including land use area boundaries, roadways, alignments, open space tracts, park sites and similar elements (this does not apply to the number of units).

(2) Do not require the movement or shifting of any structure, building, roadway or other improvement to the site, by more than fifteen (15) feet.

(3) Is a minor change needed in the location, ~~or siting, or character of buildings, structures, alignment of streets, or setbacks.~~

(4) Are required due to unanticipated reasons which were not known at the time of final approval by the Planning Director, the Planning Commission or Town Council.

(5) If it is for the replacement of exterior elevation materials, such changes are to materials of equal or higher quality.

(6) If it involves a change to any element within a site plan, including landscaping, parking layout, site circulation or similar elements, such changes do not impact more than fifteen percent (15%) of the approved site plan.

~~(57)~~ The minor change does not violate the strict application of this Title.

(b) The minor change, upon adequate evidence and information provided by the applicant, and in such a manner prescribed by the Town, shall be reviewed by the Planning Director within ten (10) days of submittal of complete information.

The Director may request recommendation from other agencies prior to acting on the request. The Director may then approve or deny the request.

(c) Should the request be denied, the applicant has the option to either:

(1) Withdraw the request fully;

(2) Modify the request and resubmit for review; or

(3) Appeal the administrative decision by written request to the Town Council.

(d) Major plan modification or adjustment.

(1) The Planning Director may not authorize a change other than those specified above. The request, if not meeting the above criteria, must be brought to the attention of the Planning Commission and Town Council, if applicable, for their action on the request. Major changes shall include, but not be limited to:

a. A significant change in the use or character of the development or elements contained therein,

b. An increase in overall coverage of structures,

c. An increase in the intensity of the uses,

d. A modification in overall traffic circulation,

e. A modification in the method of providing adequate water and sewer service, and

f. A reduction in the approved percentage of required open space or landscaping, and

~~g. A change to approved building elevations or other design elements of a structure.~~

(2) Procedure. The procedures for development plan amendments, plat amendments and site plan amendments shall be processed in accordance with the respective sections of this Title.

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