

TOWN OF PARKER COUNCIL AGENDA

April 20, 2020

Notes:

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

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

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

Town Administrator Emergency Order No. 2-2020: All municipal facilities, including Town Hall where Town Council meetings are physically held, are closed to all members of the general public in response to the COVID-19 pandemic.

Town Administrator Emergency Order No. 4-2020: Town Council meetings are closed to members of the general public in response to the COVID-19 pandemic. The Town will provide for electronic participation by the general public, including applicants, residents and other interested parties during regular and special Town Council meetings. Information regarding such electronic participation will be included on the Town Council's website www.ParkerOnline.org/VirtualTownCouncilMeetings.

Town Administrator Emergency Order No. 8-2020: Public comment for items that are not on the agenda may be made electronically at <http://parkeronline.org/CouncilPublicComment>. For those unable to provide comments electronically through the website, please contact the Clerk's Office to make alternative arrangements. The Town Clerk can be reached at 303-805-3198. Public comments that are provided by 5:00 p.m. on the day of the regular or special Town Council meeting will be provided to the Town Council and will be included with the approved minutes of the Town Council meeting.

1. TOWN COUNCIL MEETING SCHEDULE

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

2. SPECIAL PRESENTATIONS

- 3. PUBLIC COMMENTS (No action will be taken on these items.) *Public Comment for items that are not on the agenda will be addressed in the manner provided by Town Administrator Emergency Order No. 8-2020.***

4. REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

5. CONSENT AGENDA

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

A. *APPROVAL OF MINUTES - April 6, 2020 and April 13, 2020*

B. *ORDINANCE NO. 8.20.5 - First Reading*

A Bill for an Ordinance to Amend Chapter 4.07 of the Parker Municipal Code Concerning Development Excise Tax

*Department: Town Attorney, Kristin Schledorn
Town Administrator, Jim Cleveland*

Second Reading: May 4, 2020

C. *ORDINANCE NO. 3.354 First Reading*

A Bill for an Ordinance Rezoning Certain Property Within the Town of Parker, Colorado, Known as the Lot 2, Mark Six Business Subdivision Property from C-Commercial District to LI-Light Industrial District Pursuant to the Town of Parker Land Development Ordinance and Amending the Zoning Ordinance and Zoning Map to Conform Therewith

Department: Community Development, BrieAnna Simon

Trakit No.: Z18-021

Second Reading: May 4, 2020

D. *ORDINANCE NO. 1.352.2 - First Reading*

A Bill for an Ordinance Affirming the Passage of Emergency Ordinance No. 1.352.1, Series of 2020, A Bill for an Emergency Ordinance to Amend Section 2.01.070 of the Parker Municipal Code Concerning Emergency Meetings

Department: Town Attorney, Kristin Schledorn

Second Reading: May 4, 2020

E. *CONTRACTS OVER \$100,000*

1. *2020 Townwide Pavement Markings - Crosswalk/Symbols Project (CIP20-010)*

Amount: \$163,515.00

Contractor: Colorado Barricade

Department: Engineering/Public Works, Spencer Raish

2. *2020 Townwide Concrete Replacement Program (CIP20-003) Contract*

Amount: \$1,145,000.00

Contractor: Stone and Concrete

Department: Engineering and Public Works, John Mounier

3. *Motsenbocker Road Shoulder Landscaping/Overlook at Cherry Creek*

Amount: \$148,677.22
Contractor: Consolidated Divisions, Inc. (CDI)
Department: Engineering and Public Works, Tom Gill

4. *Dransfeldt Extension - Phase 1 - Alignment*

Amount: \$128,849.80
Contractor: RS&H
Department: Engineering/Public Works, Chris Hudson

6. **TOWN ADMINISTRATOR**

- **TA Report - Spring 2020**

7. **PUBLIC HEARINGS**

A. **F & K SUBDIVISION, MOST OF LOT 2-PARKER ANIMAL HOSPITAL - Use by Special Review (Continued from 4/6/20)**

Applicant: Omni Building Corporation for Hayes and Bigbee LLC
Location: 10225 Parker Road
Department: Community Development, Carolyn Parkinson
TRAKiT No.: Z19-025

8. **ORDINANCES**

A. **ORDINANCE NO. 9.308 - Second Reading**
A Bill for an Ordinance to Approve the Intergovernmental Agreement By and Between the Town of Parker and Cottonwood Metropolitan District Concerning Tract C and New Fence Construction and Maintenance

Department: Engineering/Public Works, Chris Hudson

9. **ADJOURNMENT**

Parker Town Council

Executive Session Agenda

April 20, 2020

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

1. Section 15.14 of the Town of Parker Home Rule Charter (emergency powers)

**TOWN OF PARKER COUNCIL
VIRTUAL MEETING
MINUTES
APRIL 6, 2020**

Mayor Mike Waid called the meeting to order a 6:04 P.M. All Councilmembers were present.

Town Attorney Jim Maloney announced that the topics for discussion in Executive Session were four (4) items; under C.R.S. § 24-6-402(4)(e) there were two (2) items, the first was Listing Agreement for Town properties between NavPoint Real Estate Group and the Town (My Mainstreet) (East Main) (PACE Lot 2) and the second was Agreement for Sale and Purchase of Land (Schoolhouse) between the Town and ACG, LLC; under C.R.S. § 24-6-402(4)(b) there were two items, the first was to receive legal advice on specific legal questions concerning Appeal procedure under the Crown Point Center Development Guide, Third Amendment (Section 6.1.2.1.3) and the second was to receive legal advice on specific legal questions concerning Section 15.14 of the Town of Parker Home Rule charter (emergency powers).

EXECUTIVE SESSION

Joshua Rivero moved and Renee Williams seconded to go into Executive Session at 6:06 P.M. to determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators, pursuant to C.R.S. § 24-6-402(4)(e) and to hold a conference with the Town's attorney to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b).

The motion was approved unanimously.

Joshua Rivero moved and Debbie Lewis seconded to come out of Executive Session at 6:56 P.M.

The motion was approved unanimously.

Joshua Rivero moved and John Diak seconded to recess the meeting at 6:56 P.M.

The motion was approved unanimously.

REGULAR MEETING

Mayor Waid reconvened the meeting at 7:05 P.M.

The Mayor led the Pledge of Allegiance.

PUBLIC COMMENTS

There were none.

REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

Each Councilmember reported on meetings they attended since the last Town Council meeting.

CONSENT AGENDA

- A. *APPROVAL OF MINUTES - March 16, 2020*
- B. *ORDINANCE NO. 9.308 - First Reading*
A Bill for an Ordinance to Approve the Intergovernmental Agreement By and Between the Town of Parker and Cottonwood Metropolitan District Concerning Tract C and New Fence Construction and Maintenance
Department: Engineering/Public Works, Chris Hudson
Second Reading: April 20, 2020
- C. *RESOLUTION NO. 20-018*
A Resolution to Allow a Partial Waiver of Sections 13.09.040(b)(1), 13.09.070(l), 13.09.080(d) and Schedule 13.09.080B of the Parker Municipal Code for Certain Businesses for Parker Days, Trick or Treat on Mainstreet, and the Parker Christmas Carriage Parade
Department: Community Development, Rosemary Sietsema
- D. *CONTRACTS OVER \$100,000*
1. *Auburn Hills Park Improvements Project (CIP 20-008)*
Amount: \$1,145,410.00
Contractor: SaBell's Civil and Landscape
Department: Engineering/Public Works, Bob Exstrom
 2. *CentralSquare/TriTech*
Amount: \$192,104.90
Contractor: CentralSquare/TriTech
Department: Finance, Jason Long

Joshua Rivero moved and Debbie Lewis seconded to approve Consent Agenda Items 4A through 4D.

Roll call was taken:	Joshua Rivero	-	Yes
	Cheryl Poage	-	Yes
	Jeff Toborg	-	Yes
	Renee Williams	-	Yes
	Debbie Lewis	-	Yes
	John Diak	-	Yes

The motion was approved unanimously.

PUBLIC HEARINGS

A. PARKER POINTE FILING NO. 1 - Minor Development Plat and Subdivision Agreement

Applicant: Stroh and Parker, LLC
Location: Southeast corner of Parker Road and Stroh Road
Department: Community Development, Paul Workman
TRAKiT No.: SUB19-052

7:12 P.M.

The Town Council originally approved applications for a Minor Development Plat (MDP) and Subdivision Improvement Agreement (SIA) on March 18, 2019. However, the property owner did not execute the MDP and SIA so the approval expired due to inactivity by operation of Municipal Code.

The property owner has resubmitted applications for MDP and SIA approval to create 15 lots for future commercial use and two (2) tracts that will be dedicated to the Town. The tracts to be dedicated to the Town will preserve open space along Kinney Creek at the southern limit of the property.

The Planning Commission voted 6-0 on March 12, 2020, to recommend approval of the applications.

Applicant

No one appeared.

Public Comment - None

The Public Hearing was closed at 7:20 P.M.

1. Minor Development Plat

Joshua River moved to approve, based upon findings in the staff report, the Minor Development Plat.

Renee Williams seconded the motion.

Roll Call Vote taken:	Joshua Rivero	-	Yes
	Cheryl Poage	-	Yes
	Jeff Toborg	-	Yes
	Renee Williams	-	Yes
	Debbie Lewis	-	Yes
	John Diak	-	Yes

The motion was approved unanimously.

2. Subdivision Agreement

Cheryl Poage moved to approve, based upon findings in the staff report, the Subdivision Improvement Agreement.

Joshua Rivero seconded the motion.

Roll Call Vote taken:	Joshua Rivero	-	Yes
	Cheryl Poage	-	Yes
	Jeff Toborg	-	Yes
	Renee Williams	-	Yes
	Debbie Lewis	-	Yes
	John Diak	-	Yes

The motion was approved unanimously.

B. F & K SUBDIVISION, MOST OF LOT 2-PARKER ANIMAL HOSPITAL - Use by Special Review (To be Continued to 4/20/20)

Applicant: Omni Building Corporation for Hayes and Bigbee LLC
Location: 10225 Parker Road
Department: Community Development, Carolyn Parkinson
TRAKiT No.: Z19-025

Renee Williams moved to continue this item to April 20, 2020.

Joshua Rivero seconded the motion.

Roll Call Vote taken:	Joshua Rivero	-	Yes
	Cheryl Poage	-	Yes
	Jeff Toborg	-	Yes
	Renee Williams	-	Yes
	Debbie Lewis	-	Yes
	John Diak	-	Yes

The motion was approved unanimously.

APPEAL OF PLANNING DIRECTOR DETERMINATION

Crown Point Center Development Guide, Third Amendment

Department: Town Attorney, Jim Maloney

The owner of a lot (the “Lot”) located within a planning area of the Crown Point Center Development Guide, Third Amendment (the “Development Guide”) disagrees with the determination of the Community Development Director concerning the use of the Lot. The owner of the Lot is appealing this determination to the Town Council.

Transmark Company is the owner (the “Owner”) of the Lot, which is located in the

Commercial/Office/Hotel District plan area as described in the Development Guide. The Owner desires to locate a 1,300 square-foot Avis/Budget car rental use (the “Use”) on the Lot. The Community Development Director determined that the Use is not listed as a use by right within the Commercial/Office/Hotel District (the “Determination”).

Under Section 6.1.2.1.3 of the Development Guide, “should an applicant disagree with the determination(s) of the Planning Director . . . he may appeal directly to the Town Council.” The Owner filed an appeal challenging the Determination.

Joel Herz of Transmark Company presented their appeal. He stated that there are two rental centers in Parker and this office would be the same as the same type of business across the street. There will be no maintenance or repair done at this site.

John Fussa, Community Development Director, addressed the appeal by presenting the Community Development's position which was summarized in the staff report.

Joshua Rivero moved that the Use of the Lot as requested by the Owner is not listed as a use by right within the Commercial/Office/Hotel District.

Renee Williams seconded the motion.

Roll Call Vote taken:	Joshua Rivero	-	Yes
	Cheryl Poage	-	Yes
	Jeff Toborg	-	Yes
	Renee Williams	-	Yes
	Debbie Lewis	-	Yes
	John Diak	-	Yes

The motion was approved unanimously.

ORDINANCES

A. ORDINANCE NO. 9.307 - Second Reading (Continued from 3/16/20)

A Bill for an Ordinance Approving the Agreement Regarding Construction of Fee-In-Lieu Drainage and Flood Control Improvements for Lemon Gulch Upstream of Crowfoot Valley Road (Agreement No. 20-01.13, Project No. 107087) By and Between Urban Drainage and Flood Control District d/b/a Mile High Flood District and the Town of Parker

Department: Engineering and Public Works, Alex Mestdagh

This ordinance accompanies a proposed Intergovernmental Agreement (IGA) between the Town and the Mile High Flood District (MHFD). This IGA is necessary in order to provide developer funds to MHFD for the required improvements to the Lemon Gulch drainageway system, which are proposed as a fee-in-lieu project that will be contracted through MHFD.

This project will be 100% funded by the developer, with no Town funding proposed. The anticipated project cost for the Brandy Gulch improvements is \$1,454,137.81 with the following breakdown:

Construction Cost:	\$1,069,706.25
Contingency (5%):	53,485.31
Construction Engineering:	127,928.00
Administrative Fee:	42,788.25

Public Comment - None

Joshua Rivero moved to approve Ordinance No. 9.307 on second reading.

Debbie Lewis seconded the motion.

Roll Call Vote taken:	Joshua Rivero	-	Yes
	Cheryl Poage	-	Yes
	Jeff Toborg	-	Yes
	Renee Williams	-	Yes
	Debbie Lewis	-	Yes
	John Diak	-	Yes

The motion was approved unanimously.

B. ORDINANCE NO. 3.353 - Second Reading

A Bill for an Ordinance to Amend Title 13 of the Parker Municipal Code by the Addition Thereto of a New Section 13.10.250 Entitled Prairie Dog Management

Department: Community Development, Bryce Matthews

Town Council has been considering policy alternatives to address wildlife management dating to mid-2019. The proposed ordinance will amend Title 13 of the Municipal Code by the addition of a new Section 13.10.250 entitled Prairie Dog Management. The proposed Code amendment will provide additional guidance and standards about the management of prairie dogs in connection with applications for development. The ordinance will encourage applicants to relocate prairie dogs and partner with non-profit conservation and public interest groups for their removal. It will require the use of humane means of extermination if relocation is infeasible or prohibited.

Public Comment

The following individuals spoke in support of this ordinance.

Mark Snyder, Jr., 12918 Ironstone Way
 Siobhan Cox, 42943 Vista Ridge Road
 Amanda Steinhauser, 9157 Bayou Gulch Road
 Lynda Wilson - did not respond

Cheryl Poage moved to approve Ordinance No. 3.353 on seconded reading.

Jeff Toborg seconded the motion.

Roll Call Vote taken:	Joshua Rivero	-	Yes
	Cheryl Poage	-	Yes
	Jeff Toborg	-	Yes
	Renee Williams	-	Yes
	Debbie Lewis	-	Yes
	John Diak	-	Yes

The motion was approved unanimously.

The meeting was adjourned at 8:23 P.M.

Carol Baumgartner, Town Clerk

Mike Waid, Mayor

**TOWN OF PARKER
TOWN COUNCIL
SPECIAL MEETING
April 13, 2020**

Mayor Mike Waid called the meeting to order at 5:05 P.M. All Councilmembers were present.

Town Attorney Jim Maloney announced that the topics for discussion in Executive Session were two (2) items under C.R.S. § 24-6-402(4)(b) which was to receive legal advice on specific legal questions concerning Vista South, LLC, et al., v. City of Centennial, et al., Douglas County District Court, Case No. 2018CV030354 and Section 15.14 of the Town of Parker Home Rule Charter (emergency powers).

Renee Williams moved to go into Executive Session to hold a conference with the Town's attorney to receive legal advice on specific legal questions pursuant to C.R.S. § 24-6-402(4)(b).

Debbie Lewis seconded the motion.

The motion was approved unanimously.

Joshua Rivero moved and Renee Williams seconded to recess the meeting at 6:13 P.M.

A Roll call vote was taken:	Joshua Rivero	-	Yes
	Cheryl Poage	-	Yes
	Jeff Toborg	-	Yes
	Renee Williams	-	Yes
	Debbie Lewis	-	Yes
	John Diak	-	Yes

The motion was approved unanimously.

Joshua Rivero moved and Debbie Lewis seconded to go back into Executive Session at 7:31 P.M.

A Roll call vote was taken:	Joshua Rivero	-	Yes
	Cheryl Poage	-	Yes
	Jeff Toborg	-	Yes
	Renee Williams	-	Yes
	Debbie Lewis	-	Yes
	John Diak	-	Yes

The motion was approved unanimously.

Cheryl Poage moved and Renee Williams seconded to come out of Executive Session at 8:27 P.M.

A Roll call vote was taken:

Joshua Rivero	-	Yes
Cheryl Poage	-	Yes
Jeff Toborg	-	Yes
Renee Williams	-	Yes
Debbie Lewis	-	Yes
John Diak	-	Yes

The motion was approved unanimously.

John Diak moved and Debbie Lewis seconded to adjourn the meeting at 8:28 P.M.

The motion was approved unanimously.

The meeting was adjourned at 8:28 P.M.

Carol Baumgartner, Town Clerk

Mike Waid, Mayor



Request for Town Council Action

Date: April 20, 2020

Submitted By: Kristin Schledorn, Deputy Town Attorney

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 8.20.5 - First Reading**
A Bill for an Ordinance to Amend Chapter 4.07 of the Parker Municipal Code Concerning Development Excise Tax

Department: Town Attorney, Kristin Schledorn
Town Administrator, Jim Cleveland

Second Reading: May 4, 2020

EXECUTIVE SUMMARY

This ordinance amends Chapter 4.07 of the Parker Municipal Code to provide for a residential development excise tax credit for regional recreational trails and facilities.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

Last year, Town Council adopted Ordinance No. 8.30, to add a new Chapter 4.11, entitled Impact Fees, to the Parker Municipal Code. The imposition of impact fees by the Town, as provided for in Chapter 4.11, also included provisions for impact fee credits, including credits for recreational trails and facilities that were regional in nature.

At that same time, Town Council also adopted Ordinance 8.20.4, which repealed Chapter 4.11 if the voters approved an increase in the development excise tax at the November election. Parker electors did approve that excise tax increase, and as a result, Chapter 4.11 of the Parker Municipal Code was repealed.

This ordinance amends Chapter 4.07 of the Parker Municipal Code to provide for a credit to the residential development excise tax for regional recreational trails and facilities. The credit is structured almost identically to the one that was provided for under the previous impact fee ordinance, although the definitions have been revised to more specifically address what types of trails and facilities will qualify for the credit.

FINANCIAL IMPACT

The Town anticipates collecting approximately \$55 million in excise taxes, with approximately \$13.5 million of that being credited back as a result of this amendment to the Municipal Code.

STRATEGIC GOAL(S)



ATTACHMENTS

1. Ordinance No. 8.20.5

RECOMMENDED MOTION

I move to approve Ordinance No. 8.20.5 on first reading and to schedule second reading for May 4, 2020, as part of the consent agenda.

ORDINANCE NO. 8.20.5, Series of 2020

TITLE: A BILL FOR AN ORDINANCE TO AMEND CHAPTER 4.07 OF THE PARKER MUNICIPAL CODE CONCERNING DEVELOPMENT EXCISE TAX

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

Section 1. Section 4.07.020 of the Parker Municipal Code is amended by the addition of the following definitions (inserted alphabetically):

4.07.020 Definitions.

As used in this Chapter, the following words shall be construed to have the meanings defined below:

* * *

2019 Excise Tax means \$4,987 for each single-family dwelling, \$3,989 for each attached dwelling, and \$3,614 for each dwelling within an apartment building.

2020 Excise Tax means the residential development excise tax described in Section 4.07.030 of this Chapter, except that portion of the residential development excise tax allocated to South Metro Fire Rescue Fire Protection District (in the amounts of \$583 per single-family dwelling, \$376 per attached dwelling, and \$338 per dwelling unit within an apartment building), all of which are adjusted annually as provided by Section 4.07.070 of this Chapter.

Facilities means recreational facility, recreational support facility, recreational trail and regional park facility, which is accepted by the Town for maintenance and ownership.

Maximum Credit for Facilities Amount means [total dwelling units X (multiplied by) 2020 Excise Tax] – (subtracted by) [total dwelling units X (multiplied by) 2019 Excise Tax] X (multiplied by) 56%.

Recreational facility means a system-level facility that is owned and operated by the Town to serve the recreation needs of Town residents, including structures dedicated to recreation purposes and outdoor improvements in which organized recreational activities occur, such as gyms, fieldhouses, natatoriums, ball fields, athletic fields, soccer fields, swimming pools, tennis courts, and volleyball courts, and excepting therefrom real property and facilities and outdoor improvements serving specific neighborhoods or communities within the Town.

Recreational support facility means a system-level facility that is owned and operated by the Town for the storage of maintenance materials, servicing of equipment, and administrative support offices for maintenance personnel, which directly reduces the demand on the Town recreation support facilities known as the Motsenbocker Complex parks office, parks storage, and fleet shop and parks garage.

Recreational trail means any improved regional trail, which provides connectivity to the Townwide regional trail network, that is constructed to Town standards and is accepted by the Town for maintenance and ownership, excepting therefrom internal network trails.

Regional park facility means a system-level park that is conveyed in fee title which serves the park or recreation needs of the entire population of the Town, excepting therefrom pocket parks, neighborhood parks, and community parks.

Total dwelling units means the total number of approved and zoned dwelling units are within a specific planned development area that contains facilities.

Section 1. Chapter 4.07 of the Parker Municipal Code is amended by the addition of a new Section 4.07.035 to read as follows:

4.07.035 Residential development excise tax credit

A taxpayer may claim a credit against the residential development excise tax for the construction of facilities, only to the extent described in this Section. The total amount of the credit described herein shall not exceed the Maximum Credit for Facilities Amount. Any taxpayer claiming a credit as described herein shall submit documentation sufficient to permit the Town Finance Director to determine whether the credit claimed will be allowed and, if so, the amount of such credit. A credit must be claimed at the time application is made for a building permit. The decision by the Finance Director concerning the requested credit will be made in writing prior to the issuance of the building permit. Any credit not so claimed at this time shall be deemed waived by the taxpayer. Notwithstanding the above, a building permit shall not be issued until the question of the credit for the residential development excise tax has been resolved.

(a) A taxpayer may receive a credit up to forty-eight percent (48%) of the Maximum Credit for Facilities Amount against the residential development excise tax for the construction of recreational facilities. The amount of the credit will equal the amount of the reasonable cost of the actual construction of a recreational facility to the extent paid by the taxpayer, not to exceed forty-eight percent (48%) of the Maximum Credit for Facilities Amount, subject to the requirements contained in Subsection (e) below and any additional administrative regulations that may be established by the Town Administrator.

(b) A taxpayer may receive a credit up to twenty-nine percent (29%) of the Maximum Credit for Facilities Amount against the residential development excise tax for the construction of regional trails. The amount of the credit will equal the amount of the reasonable cost of the actual construction of the regional trails to the extent paid for by the taxpayer, not to exceed twenty-nine percent (29%) of the Maximum Credit for Facilities Amount, subject to the requirements contained in Subsection (e) below and any additional administrative regulations that may be established by the Town Administrator.

(c) A taxpayer may receive a credit up to twenty-one percent (21%) of the Maximum Credit for Facilities Amount against the residential development excise tax for the construction of regional park facilities. The amount of the credit will equal the amount of the reasonable cost of the actual construction of the regional park facilities to the extent paid for by the taxpayer, not to exceed twenty-one percent (21%) of the Maximum Credit for Facilities Amount, subject to the requirements contained in Subsection (e) below and any additional administrative regulations that may be established by the Town Administrator.

(d) A taxpayer may receive a credit up to two percent (2%) of the Maximum Credit for Facilities Amount against the residential development excise tax for the construction of recreational support facilities. The amount of the credit will equal the amount of the reasonable cost of the actual construction of recreational support facilities to the extent paid for by the taxpayer, not to exceed two percent (2%) of the Maximum Credit for Facilities Amount, subject to the requirements contained in Subsection (e) below and any additional administrative regulations that may be established by the Town Administrator.

(e) A taxpayer may receive a credit to offset the reasonable costs of actual construction of recreational facilities, regional trails, regional park facilities, and recreational support facilities to the extent paid by the taxpayer, pursuant to the following requirements and any additional administrative regulations that may be established by the Town Administrator:

(1) No credit shall be given for any recreational facility, regional trail, regional park facility, or recreational support facility that was constructed prior to the effective date of this Chapter.

(2) No credit shall be given for any dedication that was made prior to the effective date of this Chapter.

(3) No credits under this Section shall exceed the Maximum Credit for Facilities Amount.

(4) If a credit has not been exhausted within twenty (20) years of the date of the issuance of the first building permit for which the residential development excise tax was due and payable under the provisions of this

Chapter, or within such period as may be designated by the Town in writing, such credit shall lapse.

(f) Any credit claimed under the provisions of this Section shall be prorated among all zoned dwelling units that exist after the recreational facility, regional trail, regional park facility, or recreational support facility is completed and probationary acceptance by the Town within a planned development area and shall be applied at the time of the issuance of the building permit for each dwelling unit approved in a subsequent filing.

(g) A taxpayer may appeal the decision of the Finance Director concerning the availability, amount, or application of the credit to the Town Administrator, pursuant to such administrative hearing process as may be established by the Town Administrator:

(1) The burden of proof in any such hearing shall be on the taxpayer to demonstrate that the amount of credit was not properly calculated by the Town.

(2) All appeals must be made within thirty (30) days of the date of the Finance Director's written decision and must state with specificity the reasons for the appeal and shall contain such data and documentation upon which the taxpayer seeks to rely. Payment of the residential development excise tax and issuance of the associate building permit shall act as a waiver of any appeal right hereunder. The Town Administrator shall notify the taxpayer of the hearing date on the application, which notice shall be given no less than fifteen (15) working days prior to the date of the hearing. At the hearing, the Town Administrator shall provide the taxpayer and Town staff an opportunity to present testimony and evidence regarding the credit decision being appealed. The Town Administrator shall modify said amount only if there is substantial competent evidence in the record that the Town erred. The decision of the Town Administrator shall be final.

Section 3. **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 4. **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 5. This Ordinance shall become effective ten (10) days after final publication.

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____,
2020.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2020.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney



Request for Town Council Action

Date: April 20, 2020

Submitted By: BrieAnna Simon, Associate Planner
John Fussa, Community Development Director

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 3.354 First Reading**
A Bill for an Ordinance Rezoning Certain Property Within the Town of Parker, Colorado, Known as the Lot 2, Mark Six Business Subdivision Property from C-Commercial District to LI-Light Industrial District Pursuant to the Town of Parker Land Development Ordinance and Amending the Zoning Ordinance and Zoning Map to Conform Therewith

Department: Community Development, BrieAnna Simon

Trakit No.: Z18-021

Second Reading: May 4, 2020

EXECUTIVE SUMMARY

The subject property is a developed property located on Clarke Road east of Dransfeldt Road. The applicant, John Kopasz, has submitted an application to rezone the Mark Six Office/Warehouse Condominiums from C-Commercial to LI-Light Industrial. The intent of the rezoning application is to allow light industrial uses consistent with the Parker 2035 Master Plan. The proposal responds to and takes the light industrial character of this area into account.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The subject property consists of a portion of the Mark Six Business Subdivision, which was annexed and zoned as part of the Town's original incorporation in 1981. The property is currently zoned C-Commercial, however, the surrounding area is predominately light industrial in nature. The Mark Six Office/Warehouse Condominiums offer flexible space that may be used for commercial or light industrial businesses as evidenced by their design with high clearance rear access found in light industrial development.

The Town regularly reviews and updates the Land Development Ordinance where necessary including the standards found in existing zoning districts. Over time, the Town has revised the uses permitted in zoning districts to better align uses with the Master Plan, process requests from property owners and respond to changed conditions. For example, Lot 3A and Lot 5 within the original Mark Six Business Subdivision have previously been rezoned to LI-Light Industrial to better align with the prevailing character and use pattern of the area.

The Parker 2035 Master Plan designates the property as part of the Light Industrial Character Area despite its current zoning. The proposed rezoning from C-Commerical to LI-Light Industrial will permit certain light industrial uses by-right on the property. The proposal is therefore consistent with the Parker 2035 Master Plan.

Staff has reviewed the proposed rezoning against the nine (9) criteria for approval contained in the Land Development Ordinance. The applicant has satisfied these criteria and the proposal may therefore be approved.

The Planning Commission held a public hearing on April 9, 2020, to consider the proposed rezoning and make a recommendation to Town Council.

FINANCIAL IMPACT

None.

STRATEGIC GOAL(S)



ATTACHMENTS

1. Vicinity Map
2. Planning Commission Staff Report
3. Ordinance No. 3.354

RECOMMENDED MOTION

I move to approve Ordinance No. 3.354 on first reading and to schedule second reading for May 4, 2020, as part of the consent agenda.

Vicinity Map





Planning Commission Staff Report

Planning Commission Date: 4/9/2020

Town Council Date: 5/4/2020

Hearing Type: Public Hearing
LOT 2, MARK SIX BUSINESS SUBDIVISION
PROPERTY – Rezone
TRAKiT No.: Z18-021

Location: 18800 Clarke Road

Project Planner: BrieAnna Simon, Associate Planner

Applicant: John Kopasz

Executive Summary: The applicant, John Kopasz, is requesting a rezoning for the Mark Six Office/Warehouse Condominiums from C-Commercial to LI - Light Industrial. The site is located on the south side of Clarke Road east of Dransfeldt Road.

Staff Recommendation: Approval

RECOMMENDED MOTION

“I move the Planning Commission recommend Town Council approve the Lot 2, Mark Six Business Subdivision Property rezoning request.”

ALTERNATIVE MOTIONS

“I move the Planning Commission recommend Town Council deny the Lot 2, Mark Six Business Subdivision Property rezoning request.”

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

“I move the Planning Commission vote to continue the Lot 2, Mark Six Business Subdivision Property rezoning request.”

I. BACKGROUND/DISCUSSION

The property site consists of portion of the Mark Six Business Subdivision, which was originally annexed and zoned as part of the Town’s original incorporation in 1981. The property is currently zoned Commercial. The Mark Six Business Subdivision is predominately light industrial in nature. The Mark Six Office Warehouse Condos, provides roll-up door rear access typically found with light industrial uses.

Over time, the Town updates and maintains the Land Development Ordinance including criteria for zoning districts. The Town has removed some light industrial uses from the original 1983 zoning that were determined not to be compatible in commercial areas of Town. Since the original annexation, both Lot 3A and Lot 5 within the Mark Six Business Subdivision have been rezoned to light industrial to align with the building construction and the character of the area.

The applicant proposes to rezone the property from Commercial to Light Industrial. The Parker 2035 Master Plan shows this property in the Light Industrial Character Area, the proposed rezoning will allow for limited light industrial uses by right on the properties which aligns with the Parker 2035 Master Plan. Staff has reviewed this proposed against the nine (9) criteria for rezoning set forth in the Land Development Ordinance and has determined that the criteria have been met.

Vicinity Map



II. PRIOR ACTIONS

Date	Action
5/1981	Town Incorporation (410-88)
04/04/1986	Warehouse/Retail Site Plan Approval
12/17/1986	Mark Six Office Warehouse Condo Plat Approved

III. CURRENT SITE DATA

Existing Zoning	C - Commercial District		
Overlay District	Light Industrial Conservation Industrial District		
PD & Plan Area	None		
Master Plan Area	Light Industrial		
Site Acreage	1 Acres		
Subdivision	Mark Six Business Subdivision		
Existing Use	The existing building consists of five condominiums with various light-industrial uses.		
Surrounding Uses			
	Master Plan Land Use	Zoning	Existing Use
North	Light Industrial	C - Commercial District	Light Industrial – DBC Irrigation Supply Parker
South	Central Commercial	PD - Planned Development	Multi-Family Residential – Briargate on Main
East	Light Industrial	LI - Light Industrial	Commercial – Volleyball Club
West	Light Industrial	C - Commercial District	Commercial – Scale Gymnastics

IV. PARKER 2035 MASTER PLAN

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

MASTER PLAN CONSISTENCY	
Master Plan Designation	Light Industrial ☒ Consistent ☐ Inconsistent
Master Plan Character Discussion	The Light Industrial District is centrally located with properties that generally serve smaller local light industrial businesses that supply local, regional and sometimes national markets. This character area is intended to provide a location for a variety of work processes such as manufacturing, machine shops, production facilities, distribution facilities, flex office, commercial services and other uses of similar research and development, high tech and medical device manufacturing firms that have a synergistic relationship. Processes and land uses within this character area will be low impact in nature and not create or cause fumes, odor noise, vibration or other impacts which are detrimental to abutting properties or land uses. Special care should be taken to ensure that uses not compatible with the light industrial uses proposed within the character area are located in other more appropriate areas of Town. Public Facilities are appropriate within the character area.

Consistent Goals/Strategies	Land Use 1.A Land Use 1.C
Inconsistent Goals/Strategies	None
Staff Analysis	The property is located within the Light Industrial Character Area of the Parker 2035 Master Plan. The Parker 2035 Master Plan identifies the Light Industrial Character Area as providing for a variety of work processes such as manufacturing, machine shops, production facilities, distribution facilities, flex office, commercial services and other uses of similar research and development, high tech and medical device manufacturing firms that have a synergistic relationship. The existing building is designed to support many of the small light industrial uses supported by the Light Industrial Character Area. The proposed rezone will be consistent with the surrounding uses and be compatible with the Light Industrial character are of the Parker 2035 Master Plan.

V. ACCESS, CIRCULATION & TRAFFIC ANALYSIS

This property has vehicular access from Clarke Road. There are no proposed changes to the existing vehicular access or traffic circulation.

VI. APPROVAL CRITERIA

Title 13.04.240.f. Criteria for approval for amendments to the land use ordinance or zoning map:

1. A need exists for the proposal;

Applicant analysis and findings:

There is a need for light industrial zoning in the Town of Parker to accommodate light industrial businesses that provide needed services within Town.

Staff analysis and findings:

The proposed property is located within and surrounded on three sides by the Light Industrial Character Area described in the Parker 2035 Master Plan. The existing building is light industrial in character and design. The proposed rezoning allows for uses that are in harmony and compatible with the character of the surrounding uses. The proposed amendment will better serve the public and Town by meeting the intent of the Town's Master Plan.

Therefore, staff has determined that this criterion can be satisfied.

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

Applicant analysis and findings:

The site is currently developed for multi-tenant uses that can accommodate light industrial uses. Additionally, the area around this site is already developed for commercial and light industrial uses.

Staff analysis and findings:

The proposed property is located within and surrounded on three sides by the Light Industrial Character Area of the Parker 2035 Master Plan. The Parker 2035 Master Plan identifies land uses within this character area to generally serve smaller local light industrial businesses that supply local, regional and sometimes national markets. The proposed rezoning will align with the Town's Master Plan and provide compatibility with the surrounding land uses.

Therefore, staff has determined that this criterion can be satisfied.

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

Applicant analysis and findings:

N/A

Staff analysis and findings:

There was not an error in the original zoning.

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

Applicant analysis and findings:

The area around this property has developed as a mix of commercial and light industrial uses. The requested light industrial zoning would reflect the historical development patterns of the area.

Staff analysis and findings:

The properties were annexed, zoned and platted in the late 1980s. Since then the uses historically found within the Mark Six Office Warehouse Condominium building have been light industrial in nature. The proposed rezone will ensure uses historically found within this building are permitted uses. Much of the recent development within the Light Industrial Character Area, outside of the Mark Six Business Subdivision have been light industrial in nature. The Town continues to be concerned about accommodating future industrial uses that provide direct economic benefits and employment to the Town. The proposed rezoning preserves additional light industrial land.

Therefore, staff has determined that this criterion can be satisfied.

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

Applicant analysis and findings:

This change does not change traffic flows.

Staff analysis and findings:

This development has existing vehicular access from Clarke Road. The proposed uses are not anticipated to generate significant traffic volumes beyond what the development has been designed for or lead to congestion which might result in undue traffic hazards.

Therefore, staff has determined that this criterion can be satisfied.

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

Applicant analysis and findings:

No added cost to the Town would exist because of this change.

Staff analysis and findings:

The overall development was initially constructed to accommodate industrial uses. This light industrial character is not anticipated to generate demand for additional municipal services (police, street maintenance, drainage facility maintenance, etc.) beyond which the Town currently provides. Therefore, the proposed uses will not require a level of community facilities and services greater than presently available to serve the properties.

Therefore, staff has determined that this criterion can be satisfied.

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

Applicant analysis and findings:

There is no change in the environmental impacts.

Staff analysis and findings:

The property is located within the light industrial area of the Town. The existing development and area was designed and built for light industrial uses. The zoning is intended to provide a location for a variety of work processes such as manufacturing, machine shops, production facilities, distribution facilities, flex office, commercial services and other uses of similar research and development, high tech and medical device manufacturing firms that have a synergistic relationship. The uses proposed with this rezoning will not create or cause fumes, odor noise, vibration or other impacts which are detrimental to abutting properties or land uses and will be reviewed through the Town's Site Plan process. All uses will be required to meet the Town of Parker Municipal Code in order to minimize and/or mitigate any environmental impacts.

Therefore, staff has determined that this criterion can be satisfied.

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

Applicant analysis and findings:

The Town's General Land Use Plan identifies the subject property and surrounding area for light industrial uses. Therefore, the requested rezoning would align the zoning of the subject property with the Town's General Land Use Plan.

Staff analysis and findings:

The proposed property is located within and surrounded on three sides by the Light Industrial Character Area of the Parker 2035 Master Plan. Amending the zoning to Light Industrial is supported by and meets the intent of the Parker 2035 Master Plan. Alignment with the Parker 2035 Master Plan is further described in Section IV. of this report.

Therefore, staff has determined that this criterion can be satisfied.

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 analysis and findings:

This change does not have any negative impact to water, sewer, schools, parks or recreation.

Staff analysis and findings:

The Town has planned for development in this area to include light industrial uses. This light industrial character is not anticipated to generate demand for additional municipal facilities (parks, recreation center usage, etc.) beyond which the Town currently provides. Therefore, the proposed rezoning will not require a level of community facilities and services greater than presently available to serve the properties.

Therefore, staff has determined that this criterion can be satisfied.

VII. SUMMARY REFERRAL AGENCY COMMENTS AND CONDITIONS

Agency	Comments
Comprehensive Planning	This property is located in the Light Industrial Character Area of the Parker 2035 Master Plan. Rezoning this property to Light Industrial will be in compliance with the Parker 2035 Master Plan.
Economic Development	No comment.
Fire Life Safety	No comment.
IREA	No comment.
Parker Authority for Reinvestment	P3 supports the change in zoning from commercial to light industrial. The Master Plan supports this type of zoning.
Parker Water and Sanitation District	No comment.
Police	No comment.

Public Service Company	Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the request for the Mark Six Office/Warehouse Condominium Rezone. Please be advised that Public Service Company has existing natural distribution facilities within the areas indicated in this proposed rezone. Public Service Company has no objection to this proposed rezone, contingent upon PSCo'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. Should the project require any new natural gas service or modification to existing facilities, the property owner/developer/contractor must complete the application process via xcelenergy.com/InstallAndConnect.
South Metro Fire	No comment.
Town of Parker - Engineering	No comment.

VIII. CONCLUSION

The proposed rezoning to Light Industrial will bring the property into alignment with the Parker 2035 Master Plan. Staff has reviewed this proposal against the nine (9) criteria for rezoning set forth in the Land Development Ordinance and has determined that the criteria have been met. After evaluating the information provided by the applicant against the nine approval criteria, staff recommends that Planning Commission recommend that Town Council approve the request.

IX. RECOMMENDED CONDITIONS

Staff recommends that the Planning Commission recommend that the Town Council approve the Lot 2, Mark Six Business Subdivision Property rezoning request.

X. ATTACHMENTS

1. Applicant's Project Narrative
2. Rezoning Map

Report Approved By: Bryce Matthews, Planning Manager

Narrative

I am requesting a rezoning for the Mark 6 Office/Warehouse Condominiums from C-Commercial to LI - Light Industrial. The site is located on the south side of Clarke Drive east of Dransfeldt Road.

In response to the factors for the zoning change:

1. A need exists for the proposal:

There is a need for light industrial zoning in the Town of Parker to accommodate light industrial businesses that provide needed services within Town.

2. The site is currently developed for multi-tenant uses that can accommodate light industrial uses. Additionally, the area around this site is already developed for commercial and light industrial uses.

**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:

The area around this property has developed as a mix of commercial and light industrial uses. The requested light industrial zoning would reflect the historical development patterns of the area.

5. Adequate circulation exists and traffic movement would not be impeded by development; and this change does not change traffic flows.

6. Additional municipal service costs will not be incurred which the Town is not prepared to meet: No added costs to the town would exist because of this change.

**7. There are minimal environmental impacts or impacts can be mitigated:
There is no change in environmental impacts.**

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

The Town's General Land Use Plan identifies the subject property and the surrounding area for light industrial uses. Therefore, the requested rezoning would align the zoning of the subject property with the Town's General Land Use Plan.

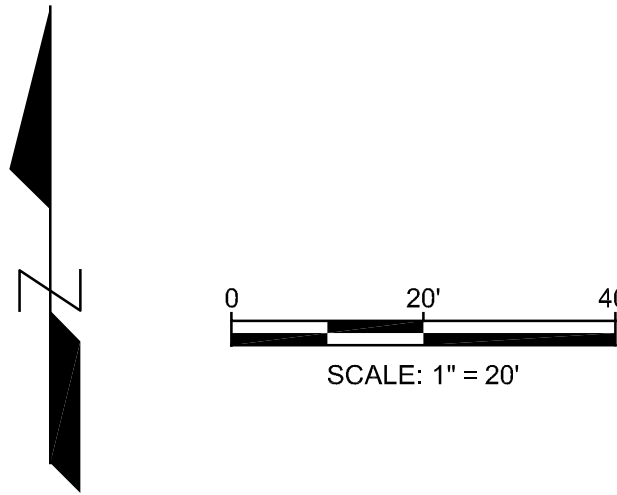
9. There is adequate waste and sewage disposal, water, schools, parks and recreation, and other services to the proportional degree necessary due to the impacts created by the proposed land uses.

This change does not have any negative impact to water, sewer, schools, parks or recreation.

LOT 2, MARK SIX BUSINESS SUBDIVISION

REZONING MAP

A PART OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 15, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN
COUNTY OF DOUGLAS, STATE OF COLORADO



PLANNING COMMISSION CERTIFICATION

THIS REZONING 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 CERTIFICATION

THIS REZONING MAP WAS APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PARKER ON THE _____ DAY OF _____, 2018, FOR THE PROPERTY DESCRIBED HEREON. THE ZONING INFORMATION AS SHOWN HEREON WAS CONFIRMED WITH THE ADOPTION OF ORDINANCE NUMBER _____.

MAYOR: TOWN OF PARKER

ATTEST: TOWN CLERK

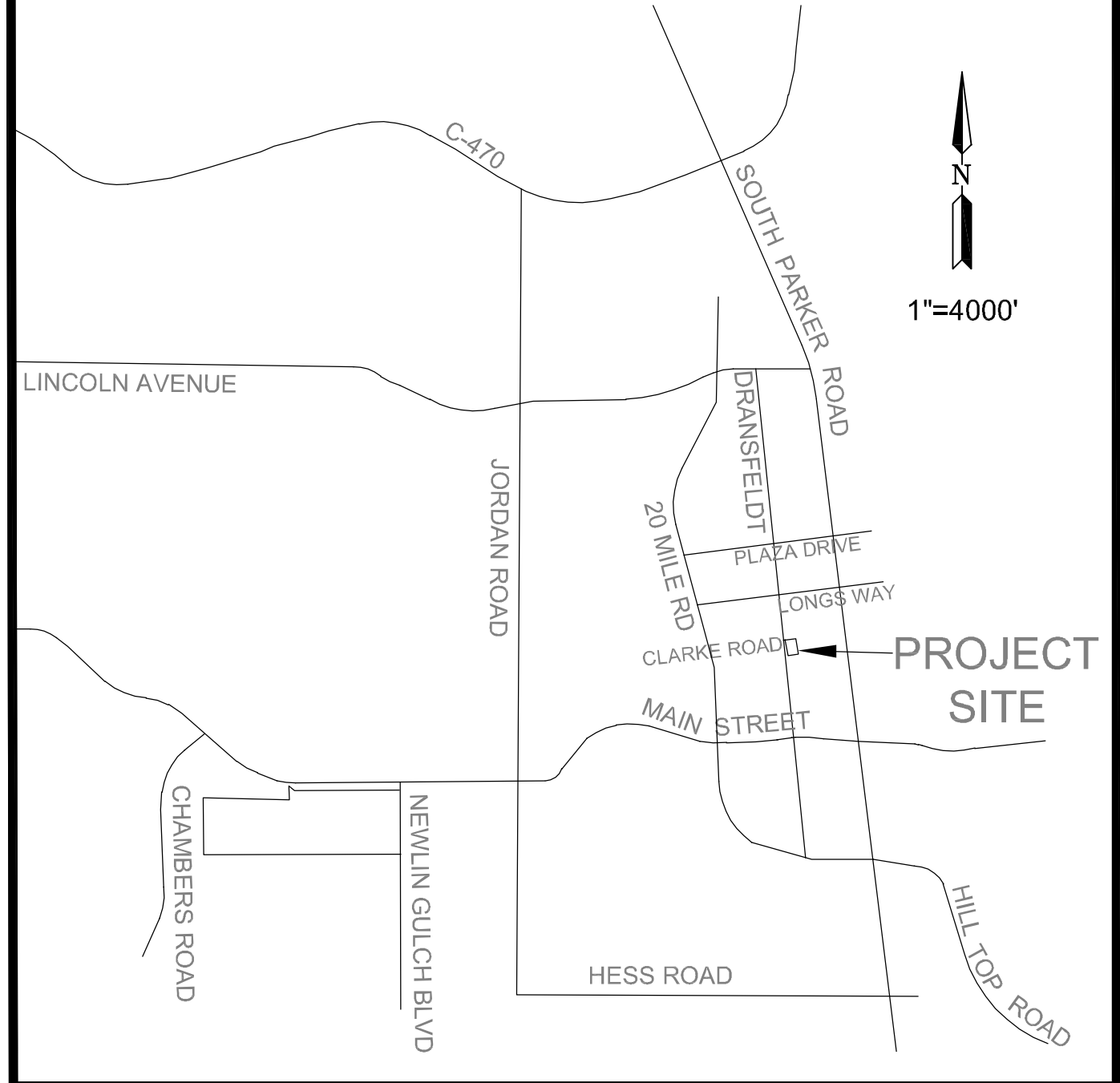
CLERK AND RECORDER'S CERTIFICATION

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

VICINITY MAP



ZONING INFORMATION:

AREA = 0.917 ACRES

EXISTING ZONING = COMMERCIAL

PROPOSED ZONING = LIGHT INDUSTRIAL

SURVEYOR CERTIFICATION:

THIS DOCUMENT IS BASED UPON A SURVEY PREPARED BY FRANE SURVEYING, INC.

ELIJAH FRANE, PLS

DATE _____

LEGAL:

LOT 2 MARK 6 BUSINESS SUBDIVISION,
COUNTY OF DOUGLAS, STATE OF COLORADO
RECEPTION NO. 263537

BENCHMARK:

SOUTHEAST CORNER OF PROPERTY LINE OF MARK SIX
BUSINESS SUBDIVISION - LOT 2 PC ILLEG. ELEV= 5863.47

BASIS OF BEARINGS:

BASIS OF BEARINGS IS THE SOUTH LINE, SOUTHWEST $\frac{1}{4}$ OF SECTION 15, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, WHICH BEARS N89°30'00"W PER THE FINAL PLAT FOR THE MARK SIX BUSINESS SUBDIVISION SECOND AMENDMENT.



MARK SIX CORPORATION
5730 FOX RUN COURT
PARKER, CO 80134

ISSUED DATE: 10-03-2018

PROJECT NUMBER:	18019
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SHEET 1 OF 1

ORDINANCE NO. 3.354, Series of 2020

TITLE: A BILL FOR AN ORDINANCE REZONING CERTAIN PROPERTY WITHIN THE TOWN OF PARKER, COLORADO, KNOWN AS THE LOT 2, MARK SIX BUSINESS SUBDIVISION PROPERTY FROM C-COMMERCIAL DISTRICT TO LI - LIGHT INDUSTRIAL DISTRICT PURSUANT TO THE TOWN OF PARKER LAND DEVELOPMENT ORDINANCE AND AMENDING THE ZONING ORDINANCE AND ZONING MAP TO CONFORM THEREWITH

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

Section 1. Finding of Fact.

a. Application has been made for rezoning the real property described in **Exhibit A**, which is attached hereto and incorporated by this reference (the “Property”), C-Commercial District to LI-Light Industrial District, pursuant to the Town of Parker Land Development Ordinance.

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

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

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

e. The requirements of Section 13.04.240 of the Parker Land Development Ordinance for rezoning of the Property have been satisfied.

Section 2. The Property is hereby zoned as LI-Light Industrial District, pursuant to the Town of Parker Land Development Ordinance.

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

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

Section 5. Safety Clause. The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Parker, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper

legislative object sought to be obtained. The Town Council further finds that the title to this Ordinance was posted in two public places two days before the Town Council meeting, as provided by Section 7.5e. of the Town of Parker Home Rule Charter.

Section 6. **Severability.** If any clause, sentence, paragraph or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 7. This Ordinance shall become effective ten (10) days after final publication.

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____, 2020.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2020.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney

EXHIBIT A

Lot 2, Mark Six Business Subdivision
Town of Parker
County of Douglas
State of Colorado



Request for Town Council Action

Date: April 20, 2020

Submitted By: Kristin Schledorn, Deputy Town Attorney

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 1.352.2 - First Reading**
A Bill for an Ordinance Affirming the Passage of Emergency Ordinance No. 1.352.1, Series of 2020, A Bill for an Emergency Ordinance to Amend Section 2.01.070 of the Parker Municipal Code Concerning Emergency Meetings

Department: Town Attorney, Kristin Schledorn
Second Reading: May 4, 2020

EXECUTIVE SUMMARY

The Town Code authorizes the Town Council to conduct meetings by telephone, electronically or by other means of communication when meeting in person is not prudent due to a health pandemic or other extraordinary emergency affecting the Town. The proposed ordinance affirms the passage of Emergency Ordinance 1.352.1, which extended this authority to the Planning Commission and the Special Licensing Authority.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

Section 2.01.070 of the Parker Municipal Code authorizes the Town Council to hold Town Council meetings by telephone, electronically or by other means when meeting in person is not prudent due to a health pandemic. This Section of the Code does not provide the same authority to the Planning Commission or the Special Licensing Authority. The purpose of this ordinance is to extend the authority contained in this Section to the Planning Commission and the Special Licensing Authority to address the Town's business during a health pandemic or other extraordinary emergencies.

This Code amendment was passed as an emergency ordinance on March 16, 2020. Pursuant to Section 7.6 of the Town Charter, an emergency ordinance shall not be in effect longer than ninety (90) days after passage, unless the Council by subsequent ordinance affirms the same.

FINANCIAL IMPACT

None.

STRATEGIC GOAL(S)



PROMOTE A SAFE AND
HEALTHY COMMUNITY

ATTACHMENTS

1. Ordinance No. 1.352.2

RECOMMENDED MOTION

I move to approve Ordinance 1.352.2 on first reading and to schedule second reading on May 4, 2020, as part of the consent agenda.

ORDINANCE NO. 1.352.2, Series of 2020

TITLE: A BILL FOR AN ORDINANCE AFFIRMING THE PASSAGE OF EMERGENCY ORDINANCE NO. 1.352.1, SERIES OF 2020, A BILL FOR AN EMERGENCY ORDINANCE TO AMEND SECTION 2.01.070 OF THE PARKER MUNICIPAL CODE CONCERNING EMERGENCY MEETINGS

WHEREAS, the Town Council of the Town of Parker passed Ordinance No. 1.352.1, Series of 2020, as an emergency ordinance on March 16, 2020, A Bill for an Emergency Ordinance to Amend Section 2.01.070 of the Parker Municipal Code Concerning Emergency Meetings;

WHEREAS, Section 7.6 of the Town of Parker Home Rule Charter requires that emergency ordinances "shall not be in effect longer than ninety (90) days after passage, unless the Council by subsequent ordinance shall affirm the same;" and

WHEREAS, the Town Council of the Town of Parker desires to affirm the passage of Ordinance No. 1.352.1, Series of 2020.

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

Section 1. The Town Council of the Town of Parker hereby affirms the passage of Ordinance No. 1.352.1, Series of 2020, attached hereto as **Exhibit A**, and incorporated by this reference.

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 _____, 2020.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this _____ day of _____, 2020.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney

EXHIBIT A

ORDINANCE NO. 1.352.1, Series of 2020

TITLE: A BILL FOR AN EMERGENCY ORDINANCE TO AMEND SECTION 2.01.070 OF THE PARKER MUNICIPAL CODE CONCERNING EMERGENCY MEETINGS

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

Section 1. Subsection 2.01.070 of the Parker Municipal Code is amended to read as follows:

2.01.070 Emergency Meetings.

(a) In the event a quorum of the Town Council, Planning Commission or Special Licensing Authority, as applicable, is unable to meet at the day, hour and place fixed by the rules and procedures of the Town Council because meeting in person is not practical or prudent due to a health pandemic or other extraordinary emergency affecting the Town, meetings may be conducted by telephone, electronically or by other means of communication so as to provide maximum practical notice.

(b) Meetings may be held by telephone, electronically or by other means of communication if the following conditions are met:

(1) The Town Administrator determines that meeting in person is not practical or prudent because of a health pandemic or declaration of emergency affecting the Town;

(2) All members of the Town Council, Planning Commission or Special Licensing Authority, as applicable, can hear one another or otherwise communicate with one another and can hear or read all discussion and testimony in a manner designed to provide maximum notice and participation;

(3) Members of the public present at the regular meeting location can hear or read all discussion, testimony and votes, unless not feasible due to the pandemic or emergency;

(4) At least one (1) member of the Town Council, Planning Commission or Special Licensing Authority, as applicable, is present at the regular meeting location, unless not feasible due to the pandemic or emergency declaration;

(5) All votes are conducted by roll call;

(6) Minutes of the meeting are taken and promptly recorded, and such records are open to public inspection; and

(7) To the extent possible, full and timely notice is given to the public setting forth the time of the meeting, the fact that some Town Council, Planning Commission or Special Licensing Authority members, as applicable, may participate by telephone, electronically or by other means of communication and the right of the public to monitor the meeting from another location.

Section 3. Police Power Finding. The Town Council hereby finds, determines and declares that this Ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the Town and the inhabitants thereof.

Section 4. Emergency Declared. Pursuant to Section 7.6 of the Charter, the Town Council hereby finds, determines and declares that this Ordinance is necessary for the immediate preservation of the public peace, health, safety and welfare of the Town of Parker, in order to immediately address the State of Disaster Emergency declared by Governor Jared Polis on March 10, 2020 and the Global Pandemic declared by the World Health Organization.

Section 5. Safety Clause. The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Parker, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. The Town Council further finds that the title to this Ordinance was posted in two public places two days before the Town Council meeting, as provided by Section 7.5e. of the Town of Parker Home Rule Charter.

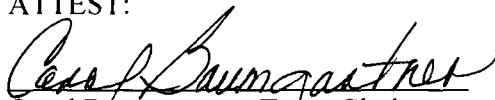
Section 6. Severability. If any clause, sentence, paragraph or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 7. This Ordinance shall become effective immediately upon adoption.

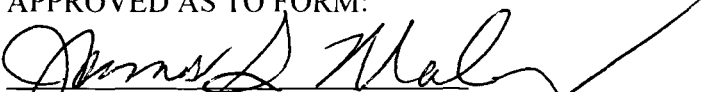
INTRODUCED, ADOPTED AND PASSED ON FIRST READING this 16th day of March, 2020.


Mike Waid, Mayor

ATTEST:


Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:


James S. Maloney, Town Attorney



Request for Town Council Action

Date: April 20, 2020
Submitted By: Spencer Raish, Assistant Traffic Engineer
Reviewed By: Michelle Kivela, Town Administrator
Title: **2020 Townwide Pavement Markings - Crosswalk/Symbols Project (CIP20-010)**

Amount: \$163,515.00
Contractor: Colorado Barricade
Department: Engineering/Public Works, Spencer Raish

EXECUTIVE SUMMARY

This item is to award a trade contractor agreement with Colorado Barricade for the 2020 Townwide Pavement Markings - Crosswalk/Symbols project (CIP20-010) for \$163,515.00. The Town of Parker needs to maintain and enhance the roadway pavement markings through annual maintenance projects.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

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

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

Staff identified the roadway segments that required this maintenance and estimated the areas requiring maintenance. These quantities were used as a basis for the public bid process. This contract allows the Town the option to renew for two (2) additional one-year periods subject to a price adjustment.

The Town publicly opened bids on April 2, 2020. Three (3) contractors submitted bids with Colorado Barricade being the lowest responsible bidder at \$163,515.00. Colorado Barricade has completed prior projects for the Town with satisfactory results. Therefore, staff recommends award of this contract.

The bids the Town received were as follows:

Colorado Barricade - \$163,515.00

Kolbe Striping - \$180,358.00

American Striping - \$225,199.00

Engineer's Estimate - \$185,000

FINANCIAL IMPACT

Funding for the annual striping contract is part of the approved 2020 Budget under Traffic Services in the general fund (101-4312).

STRATEGIC GOAL(S)



PROMOTE A SAFE AND
HEALTHY COMMUNITY



DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH

ATTACHMENTS

None

RECOMMENDED MOTION

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



Request for Town Council Action

Date: April 20, 2020
Submitted By: John Mounier, Associate Project Manager
Reviewed By: Michelle Kivela, Town Administrator
Title: **2020 Townwide Concrete Replacement Program (CIP20-003) Contract**

Amount: \$1,145,000.00
Contractor: Stone and Concrete
Department: Engineering and Public Works, John Mounier

EXECUTIVE SUMMARY

This item is to award a contractor agreement with Stone and Concrete, for the 2020 Townwide Concrete Replacement Program (CIP 20-003) in the amount of \$1,145,000.00. The Town of Parker needs to maintain, update and enhance the roadway network through annual contracted maintenance programs.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The Town of Parker publicly opened competitive bids on April 2, 2020, for the 2020 Townwide Concrete Replacement Program (CIP 20-003). This program includes removing and replacing damaged and outdated concrete infrastructure on Town arterial and collector streets such as Lincoln Avenue, Jordan Road and Hess Road. This program also includes replacing damaged concrete infrastructure for the Parks & Open Space and stormwater divisions.

The Town of Parker received three (3) sealed bids from contractors, with Stone and Concrete being the lowest responsible bidder. Stone and Concrete has performed as a prime contractor and completed projects in the past with the Town of Parker. Due to recent budget reductions, the scope and amount of the contract have been reduced. Therefore, Town staff recommends moving forward with this contract award.

The bid results were as follows:

- | | |
|-------------------------------------|----------------|
| 1.) Stone and Concrete | \$1,449,860.91 |
| 2.) Noraa Concrete Construction | \$1,586,003.00 |
| 3.) Ralph L. Wadsworth Construction | \$2,473,962.00 |

Engineers estimate - \$1,300,000.00

FINANCIAL IMPACT

Funding for this program has been appropriated in the Engineering and Public Works/Streets Division repair and maintenance (R&M) general fund account (101-4310).

STRATEGIC GOAL(S)



PROMOTE A SAFE AND
HEALTHY COMMUNITY



SUPPORT AN
ACTIVE COMMUNITY

ATTACHMENTS

None

RECOMMENDED MOTION

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



Request for Town Council Action

Date: April 20, 2020
Submitted By: Tom Gill, Associate Project Manager
Reviewed By: Michelle Kivela, Town Administrator
Title: **Motsenbocker Road Shoulder Landscaping/Overlook at Cherry Creek**

Amount: \$148,677.22
Contractor: Consolidated Divisions, Inc. (CDI)
Department: Engineering and Public Works, Tom Gill

EXECUTIVE SUMMARY

This item is to award a trade contractor agreement with Consolidated Divisions, Inc. (CDI) for the Motsenbocker Road Shoulder Landscaping/Overlook at Cherry Creek project for \$148,677.22.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

In 2019, the Town undertook the roadway widening/improvements to Motsenbocker Road between the Todd Drive intersection and the Clarke Farms subdivision. The bulk of these roadway improvements were paid for by the adjacent respective residential developments and included funding for the shoulder landscaping. In the fall of 2019, as the roadway improvements were beginning to wind down, Town staff began discussions with CDI to potentially complete the shoulder landscaping on the east side of Motsenbocker Road adjacent to the Overlook at Cherry Creek subdivision. Based on agreements with the adjacent development, this shoulder landscaping is integral to the adjacent development's landscaping and irrigation.

On January 21, 2020, Town Council approved Resolution No. 20-004. This resolution authorized Town staff to negotiate with CDI to complete the shoulder landscaping on the east side of Motsenbocker Road. After numerous meetings and discussions, the Town wrapped up negotiations for this work which will be completed in the spring/summer of 2020. A detailed unit price estimate was provided by CDI for this work based upon agreed design. The unit

pricing was compared to other work that the Town has completed and found it to be fair and reasonable. Therefore, Town staff recommends awarding the contract to CDI and proceeding with the work.

FINANCIAL IMPACT

Funding for this project is part of the approved capital improvement fund line item for the Motsenbocker Road project. The adjacent development (Overlook at Cherry Creek) will assume the long-term maintenance of the landscaping and irrigation.

STRATEGIC GOAL(S)



DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH

ATTACHMENTS

None

RECOMMENDED MOTION

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



Request for Town Council Action

Date: April 20, 2020
Submitted By: Chris Hudson, Deputy Director of Engineering
Reviewed By: Michelle Kivela, Town Administrator
Title: Dransfeldt Extension - Phase 1 - Alignment

Amount: \$128,849.80
Contractor: RS&H
Department: Engineering/Public Works, Chris Hudson

EXECUTIVE SUMMARY

This agenda item is for the approval of a professional services agreement with RS&H, for the Phase 1 (conceptual design) of the Dransfeldt Road extension project (Twenty Mile Road to Motsenbocker Road).

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The Town has been contemplating the extension of Dransfeldt Road south of Twenty Mile Road, over Cherry Creek, connecting to Motsenbocker Road for over a decade. This proposed roadway is an important component to the Parker area's long-term roadway transportation plan. Due to a portion of the proposed roadway extension being located in unincorporated Douglas County, the project is being coordinated with Douglas County. After several years of discussions with Douglas County staff, the Town and County are ready to move forward with the conceptual/preliminary design of this roadway extension. This resulted in Town Council approving an IGA regarding cost sharing at the June 3, 2019 Town Council meeting and an amendment on November 4, 2019.

In the IGA that was executed, Town and County staff requested statements of qualifications and interviewed potential design consultants for this project in order to determine the most qualified consultant to utilize on the project. This qualifications based selection process took several months to complete and resulted in the Town and County agreeing that RS&H was the most qualified consultant for this project. The Town and Douglas County have worked with the

RS&H team in the past. This work has included the Pine Lane bridge over Cherry Creek and the Hess Road bridge over Cherry Creek. Design for both of those projects were completed by a firm called Tsiouvaras, Simmons and Holderness (TSH) which was acquired by RS&H several years ago. Following several weeks of coordination, the Town and County were able to finalize a scope and fee for preliminary roadway design of the Dransfeldt extension project. The total for this initial work is estimated at \$128,849.80. After the roadway alignment is finalized, a second phase of design work will be needed to advance the design to a level required under the IGA with Douglas County.

FINANCIAL IMPACT

Funding has been appropriated for this preliminary design effort in the Streets Capital Projects fund (301-4310).

STRATEGIC GOAL(S)



INNOVATE WITH
COLLABORATIVE
GOVERNANCE



DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH



ENHANCE ECONOMIC
VITALITY

ATTACHMENTS

None

RECOMMENDED MOTION

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



Town Administrator's Report

Spring 2020



PARKER
C O L O R A D O

Town of Parker
20120 E. Mainstreet
Parker, CO 80138

Tel: 303.841.0353
Fax: 303.805.3153
townadministrator@parkeronline.org



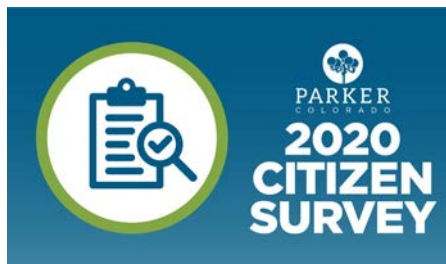
Communications

Department Updates



COVID-19 Resources and Information

Have questions about COVID-19 and how it impacts Parker? Visit www.ParkerOnline.org/Coronavirus for current information, resources and updates.



2020 Citizen Survey

The 2020 Citizen Survey, planned to be mailed in Spring 2020, has been delayed. We will keep our community posted on when they can expect to see the survey. Look for more information soon!



Census 2020

The Town is assisting with marketing for the 2020 Census to get the word out to our community about the importance of taking the census. This includes a link on the Town website, articles in Talk of the Town, promotion on social media and Census giveaways at Town events and facilities.



Town Events

The Town's summer event schedule may be impacted by the current COVID-19 Stay-at-Home and Social Distancing Orders. Any updates will be posted on the Town website, www.ParkerOnline.org, as they are available.

Publications



Recreation Activity Brochure, Talk of the Town Moved Online

Given the rapidly changing environment due to COVID-19, and as we are considering cost-saving measures, we have decided to move the Summer 2020 Recreation Activity Brochure and the April and May issues of the Talk of the Town newsletter to online-only publications.

You can find the online edition of the Recreation Activity Brochure at www.ParkerRec.com/RecreationBrochure and the Talk of the Town at www.ParkerOnline.org/TalkoftheTown.

The Summer Recreation Activity Brochure includes May through August programs and events for both Parker Recreation and Parker Arts. Find additional program information and registration at www.ParkerRec.com and www.ParkerArts.org/Education.

We are looking forward to this summer and inviting the community back to our facilities, programs and events!

Communications - cont'd

1st Quarter Digital Marketing Report

Social Media

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

Account Followers

Town Facebook: 16,841 to 17,280; +3%
Town Twitter: 4,298 to 4,463; +4%
Town Instagram: 4,327 to 5,062; +17%
Parks and Recreation Facebook: 7,784 to 8,069; +4%
Parks and Recreation Twitter: 1,940 to 1,988; +2%
Parks and Recreation Instagram: 1,739 to 1,887; +6%

Post Engagement

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

Town Social Media Accounts: 65,204
Parks and Recreation Social Media Accounts: 21,408

Post Impressions (number of views)

Town Social Media Accounts: 1,002,768
Parks and Recreation Social Media Accounts: 331,961

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

Website Statistics

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

Website Visits

Town of Parker: 98,279
Parks and Recreation: 107,035

Page Views

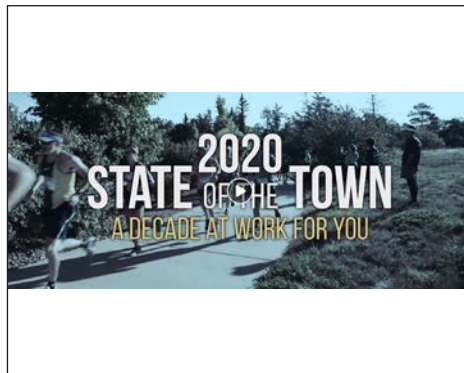
Town of Parker: 150,294
Parks and Recreation: 195,973



Town Facebook:

10,307 impressions; 2,648 reactions, comments and shares

The Town of Parker continues to respond to COVID-19 and The Mayor Mike Waid has a quick update on actions taken over the last week.



Town Facebook:

11,328 impressions; 1,240 reactions, comments and shares

State of the Town 2020:
A Decade at Work for You



Parks and Recreation Facebook:

10,907 impressions; 3,297 reactions, comments and shares

H2O'Brien Pool is getting a much-needed face-lift. The renovation is officially underway and will continue through May 2020.



Parks and Recreation Facebook:
9,489 impressions; 1,310 reactions, comments and shares

While getting outside for some fresh air is a great idea, using the playground equipment is not recommended during this time.



Town Instagram:

237 likes

Hello winter. Nice to see you again.



Parks and Recreation Instagram:

107 likes

We had a LOVE-ly time at the Therapeutic Recreation Winter Formal!



Community Development

Building Division Statistics - 1st Quarter 2020

Single-Family Permits: 76

\$28,079,159 Q1 valuation

76 total in 2020

\$28,079,159 total valuation

120 / \$40,853,113 End Q1 2019

Commercial Permits (New): 7

\$22,547,879 Q1 valuation

7 total in 2020

\$22,547,879 total valuation

13 / \$10,568,364 End Q1 2019

Multi-Family Permits: 0

\$0 Q1 valuation

0 apartment units in 2020

0 condo units

0 townhome units

\$0 total valuation

10 / \$2,401,810 End Q1 2019

Commercial Permits (Remodel): 180

\$2,176,113 Q1 valuation

180 total in 2020

\$2,176,113 total valuation

178 / \$6,798,272 End Q1 2019

Total Permits Valuation:

\$57,326,587 Q1

\$57,326,587 2020 End Q1
Total Valuation

\$63,156,896 / End Q1 2019
Total Valuation

Other Permits: 614

\$4,523,436 Q1 valuation

614 total in 2020

\$4,523,436 total valuation

451 / \$2,535,337 End Q1 2019

Inspections: 7,373 in Q1

7,373 total in 2020

7,917 / End Q1 2019

Total Permits: 877 in Q1

877 total in 2020

772 / End Q1 2019

Planning Division

Land Development Ordinance (LDO) - Modernization Project Update

The Town of Parker and consultant Clarion Associates have been working diligently on the first of three modules to rewrite the Town's Land Development Ordinance (LDO) - Chapter 13 of the Parker Municipal Code. The LDO are the regulations governing development in the Town. The proposed draft of Module 1 - Zoning Districts and Uses, represents proposed updated zoning districts and associated land uses. Module 1 includes the following five sections of the LDO:

- Chapter 13.02: Rules of Construction and Definitions
- Chapter 13.04: Zoning Districts
- Chapter 13.05: Use Regulations (Land Use)
- Chapter 13.06: Oil and Gas Regulations
- Chapter 13.07: Marijuana Facilities

A draft of the first installment, Module 1 - Zoning Districts and Uses, is available for public viewing and comment online through May 22 at www.ParkerOnline.org/LDO in the 'Document Library.' A summary of the major changes, titled Module 1 Summary Memorandum, can also be found in the same document library. The memorandum explains the major changes made to the draft regulations as compared to the current LDO. Citizens can provide feedback by clicking on the 'Comments and Ideas' tab.

Chambers and Hess Road Subarea Plan

The Chambers and Hess Road Subarea Plan is nearing completion and a public draft will be available soon. The purpose of the Plan is to build a framework for future commercial development within the project study area, which has been identified in the *Parker 2035 Master Plan* as a Community Center, located at the intersection of Chambers Road and Hess Road, in the southwest portion of the Town. This area is expected to experience planned growth over the next 20 years. For more information, visit the project webpage www.LetsTalkParker.org/Chambers-Hess-Sub-Area-Plan.

Open Space, Trails and Greenways Master Plan

Beginning later this year, the Community Development Department will embark on an update of the Town's *Open Space Trails and Greenways Master Plan*. This plan reflects the community vision that open space and trails go beyond community amenities and are interwoven into the places we live work and play.

Since the Plan was last updated in 2010, there have been many changes in the Town. The plan amendment will update the existing conditions map and use these maps and data to evaluate the trails and opens space system to determine missing trail links and important opens space connections. To review the current Open Space, Trails and Greenways Master Plan visit www.ParkerOnline.org/OSTGMP.

Community Development - con't

Development Review - Project Updates

Development Projects of Interest - Under Review

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

<i>Project Description</i>	<i>Project Type</i>	<i>Case #</i>
Pine Bluffs Medical Office Building * NE of Parker Road and Hess Road on Scenic Park Road * 29,556 sq. ft. medical office building for Kaiser Permanente	Site Plan	SP19-135
Cherry Creek Interceptor Project * E side of Cherry Creek from Plaza Drive to E-470 * A major sanitary sewer line for Parker Water and Sanitation	Use by Special Review	Z19-019
Parker and Pine Lane Multi-Pad Lot Development * SW corner of Parker Road and Pine Lane * Multi-lot pad development for commercial and multifamily uses	Rezoning Preliminary Site Plan Replat	Z19-027 SP18-047 SUB18-020
Olde Town/Senderos Creek North * S of Mainstreet, E of Jordan Road * 108 condominiums and 53 townhomes	Rezoning Sketch Plan Preliminary Plan Site Plan	Z19-014 SUB19-014 SUB19-015 SP19-043
Olde Town/Senderos Creek Office and Commercial * S of Mainstreet, E of Jordan Road * Two 24,761 sq. ft. two-story commercial/office buildings	Site Plan	SP19-131
Unplatted - Redevelopment of Vacant Gas Station * SW corner of Parker Road and Mainstreet * 3,470 sq. ft. bank with a drive through ATM	Site Plan, Minor Development Plat Use by Special Review	SP19-003 SUB19-004 Z19-001
Douglas 234 Planned Development Zoning Amendment * NE corner of Hess Road and Chambers Road * Plat property to create 11 commercial lots	Minor Development Plat	Z20-002
Parker Homestead Back 40 Archery and Gun Range * NW corner of Chambers Road and Double Angel Road * 25,000 sq. ft. archery and gun range facility	Final Plat	SUB19-051
Anthology North * S of Hess Road, W of Motsenbocker Road * Zoning Amendment, Sketch and Preliminary Plan for 496 lots, future development tracts, parks and open space on 1,099 acres	Zoning Amendment Sketch Plan Preliminary Plan	SUB20-005 SUB20-006 Z20-002
Looking Glass (Hess Ranch) Final Plats * SW of Crowfoot Valley Road and Stroh Road * Final Plat to create 588 single family detached lots, along with parks, trails and open space	Final Plats	SUB19-034 to 037 SUB19-041 to 042

Project Focus: New Restaurant and Bakery

Currently under review on the north side of Pikes Peak Avenue, between Pikes Peak Drive and Pine Drive in downtown Parker, is a proposed restaurant and bakery. The project proposes a single-story, 2,109-square-foot, single tenant restaurant building.

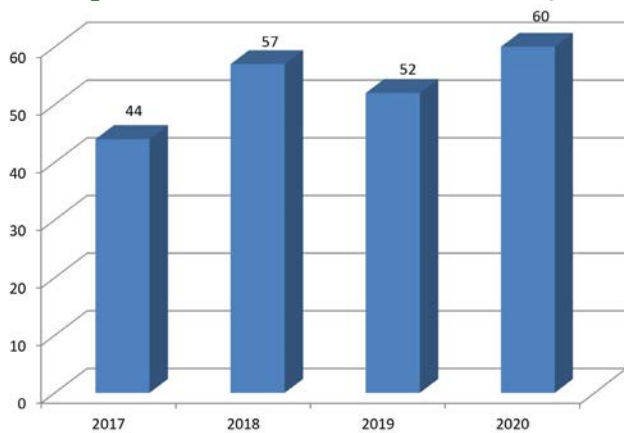


Community Development - con't

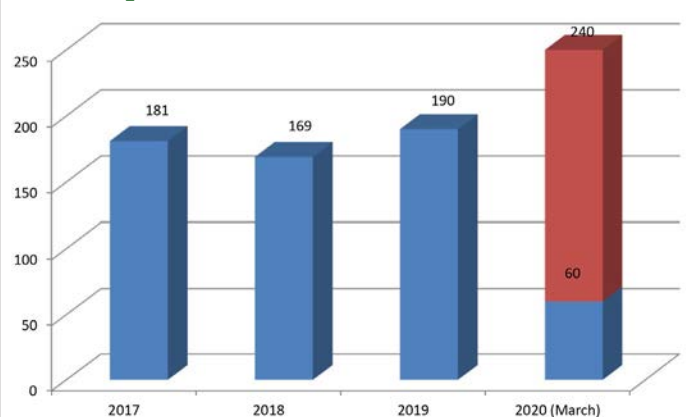
Major Administrative Approvals - 1st Quarter 2020

Proposal	Applicant	Case #	Approval Date
Reata West <i>* S of Stroh Road, W of Parker Road</i> <i>* 27,180 sf school building for Lemay Academy Phase II</i>	SH Parker LLC	SP19-068	Jan. 3, 2020
Bradbury Ranch Auburn Hills Park <i>* W of Bradbury Ranch Drive, S of Mainstreet</i> <i>* Renovation of existing community park</i>	Town of Parker	SP19-098	Jan. 27, 2020
Lincoln Meadows Commercial <i>* W of Twenty Mile Road, S of Lincoln Meadows Pkwy</i> <i>* 131,000 sf of commercial light industrial space in 6 buildings</i>	Monarch Lincoln Meadows LLC	SP17-108	Feb. 3, 2020
Crown Point Commercial <i>* S of Cottonwood Drive, E of Parker Road</i> <i>* 14,000 sf multi tenant commercial building</i>	Crown Point Center II LLC	SP19-055	Feb. 6, 2020
Big Tool Box <i>* E of Parker Road, S of Hess Road</i> <i>* 22,000 sf hardware store with 11,000 sf nursery</i>	Jackalope Properties LLC	SP19-030	March 6, 2020

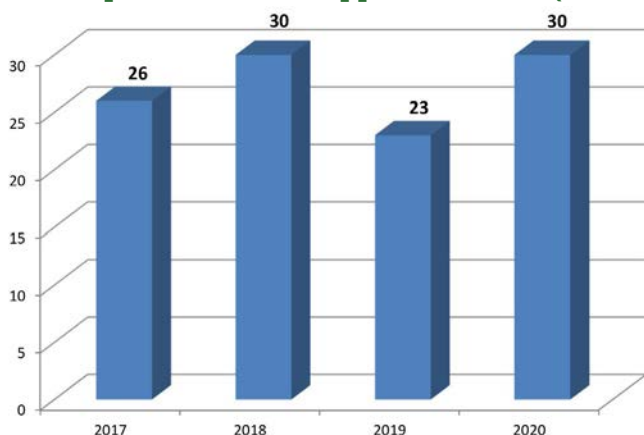
Development Review Submittals* - 1st Quarter



Development Review Submittals* - Year Total



Development Review Approvals* - 1st Quarter



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

* Annexation, Site Plan, Subdivision and Zoning



Cultural Department

Performances

Seats Sold for Q1 Shows

- Roald Dahl's Matilda the Musical (pictured at right) - Jan. 17 to Feb. 9 - 92% capacity
- Comedy & Cocktails-Brandt Tobler - Feb. 20 - 99% capacity
- Jackie Evancho - Feb. 28 - 98% capacity
- Doktor Kaboom: Look Out! Science is Coming! - March 10 - 93% capacity
- Rosanne Cash and John Leventhal - March 11 - 90% of capacity



Education

- Parker Arts Adult Lecture series continued to receive tremendous interest from the community. Our last presentation was attended by over 150 guests.
- Parker Arts offered a new class in American Sign Language which quickly filled to capacity, demanding a second offering. Classes have continued virtually once the Town had facilities closures due to COVID-19.
- Parker Arts Minecraft Gaming and Slimeology camps were at full capacity during winter break.
- The 4th Annual Portfolio Day and Bright Futures Student Exhibit on March 6, provided a professional portfolio building experience and curated art exhibit for 65 junior and seniors in Douglas County High Schools.
- "Timber Love" (pictured below) by Tristan DeVries from Lutheran High School was one of four students awarded a monetary scholarship from the Parker Artist Guild.



Development Update

- Parker Arts welcomed new sponsor Books Are Awesome. They are sponsoring our Family Discovery Series in 2020.
- We are delighted that Community Banks of Colorado will be a Parker Arts sponsor for the second year.
- In February, members enjoyed hearing curator Jennifer Henneman from the Denver Arts Museum talk about their upcoming show Natural Forces: Winslow Homer and Fredric Reminton.
- Members got a chance to meet Jackie Evancho and meet other members who were attending the show.

Facility Rentals

- We added a new French Class that takes place weekly at PACE.
- Granite Inliner held its Annual Meeting for the 2nd year in a row.
- Parker's State of the Town was held in February.
- Battle of the Books was hosted by Douglas County Libraries for the 8th year in row.
- We held 5 weddings in the first quarter.
- We began the 3rd year of providing Redemption Church space for their Sunday Services.
- Fred Astaire Dance Studio rented classroom space at the Schoolhouse when their dance floor was damaged by water.
- The Ruth Chapel underwent a facelift; the pews were restored, floors, wood work and front doors were refinished. The front doors have been weatherproofed and secured.



Economic Development

Economic Development in a Time of Crisis

A well-oiled and productive economy, based primarily on retail sales has ground to a halt except for “essential services.” As a result, our activities have gone from maintenance mode to working with local business partners, state and federal agencies to ensure businesses have every chance to move through this crisis and re-open their doors on the other side. In short, our activities have gone from “investing” in the future to “ensuring” the future.

Well intentioned federal programs are much slower to deploy than the media hype would have us believe but the direction is clear...invest billions in the economy at the grass roots level where it will hopefully tide businesses over until we can “restart” the economy. But in the short term that leaves all of us looking for ways to keep moving forward.

Here is what we’re doing so far:

- Developing and deploying resources as fast as we can. This includes the COVID-19 Business resource page where we compile current information and access to federal, state, and local information and programs (www.ParkerED.org/COVID-19-Small-Business-Resources).
- Engaging with local, regional and national partners to identify best practices - Learning what we can from our peers.



- Closely monitoring new and emerging sources of assistance - We are talking to many resource partners in the hope of disseminating beneficial, actionable information to our local partners - Parker Area Chamber of Commerce, Downtown Business Alliance.
- Initiating contact with businesses for practical ways to help - this was the genesis of the “Support your Local Restaurants” campaign by organizing a list of services and contact information (www.ParkerOnline.org/Coronavirus).
- Looking for new ways to join forces - Being in uncharted territory as we are means we must remain open to all well-informed and well-intentioned sources.

Business Retention

Business retention began routinely this year, having completed 16 formal face-to-face visits with business owners and managers. In the coming days, little did we know these efforts would change as the COVID-19 health crisis met us all head-on. Everyday problems have paled in comparison to what businesses began to face beginning in March.

Consequently, retention efforts have changed. In conjunction with the Parker Area Chamber of Commerce, state, regional and other local partner organizations, we are continuously researching and disseminating the best, most viable information to our valuable business community during the health crisis.

- The CARES Act, state, local and private resources can be found on our website: www.ParkerED.org
- To promote Parker restaurants and beverage establishments, owners and operators were emailed a survey link to provide operational details such as service hours and delivery options.
- This establishment list has been posted on the Town website and social media platforms, informing residents who is open for business.

Parker businesses who may have missed the opportunity to take advantage of these resources can follow the links above. Businesses can reach out to the Economic Development Division for any additional questions or concerns and be added to our direct email distribution list.



Economic Development - con't

Economic Indicators - 4th Quarter 2020

Commercial						
	Parker		Southeast Metro		Metro Denver	
	2019 - Q4	2018 - Q4	2019 - Q4	2018 - Q4	2019 - Q4	2018 - Q4
Total Existing Office Square Footage	1,206,674	178,591	25,990,800	25,761,361	177,010,733	175,863,761
Office Vacancy Rate	4.90%	5.20%	12.00%	12.40%	9.20%	9.60%
Office Rental Rate - median	\$22.50	\$21.61	\$23.02	\$22.65	\$23.82	\$23.25
Total Existing Retail Square Footage	4,374,841	4,282,609	15,352,060	15,222,818	155,038,159	154,416,119
Retail Vacancy Rate	2.20%	3.70%	4.00%	3.40%	4.30%	3.80%
Retail Rental Rate - median	\$20.39	\$20.72	\$19.59	\$20.55	\$18.03	\$18.35
Total Existing Industrial/ Flex Square Footage	828,137	828,137	15,352,490	15,068,445	247,336,536	242,563,840
Industrial/ Flex Vacancy Rate	1.60%	1.70%	4.90%	5.00%	5.20%	4.50%
Industrial/Flex Rental Rate - median	\$13.74	\$13.92	\$10.39	\$10.23	\$8.49	\$8.14

Residential and Labor Force				
	Parker		Metro Denver	
	2019 - Q4	2018 - Q4	2019 - Q4	2018 - Q4
Residential Building Permits:	424	438	6,042	5,717
- Single Family	393	394	2,615	2,662
- Multi Family	31	44	3,427	3,055
Median Home Price	\$507,000	\$495,000	\$450,000	\$430,000
Median Condo/Townhome Price	\$301,685	\$286,950	\$308,788	\$298,225
Labor Force	32,654	32,210	1,686,434	1,661,129
Unemployment Rate	2.00%	3.50%	2.30%	3.60%

Multifamily						
	Parker		Southeast Metro		Metro Denver	
	2019 - Q4	2018 - Q4	2019 - Q4	2018 - Q4	2019 - Q4	2018 - Q4
Total Existing Multi Family Units	5,401	4,882	38,291	3,748	332,221	319,270
Multi Family Vacancy Rate	8.80%	9.70%	7.30%	7.00%	7.50%	7.10%
Average rent per unit	\$1,432	\$1,440	\$1,513	\$1,471	\$1,423	\$1,387

Sources - Costar, Real Estate Center Texas A & M, US Bureau of Labor Statistics, Denver Metro Association of Realtors



Engineering and Public Works

Stormwater Capital Improvement Projects

Cherry Creek at KOA

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

This project is currently in design with permitting projected for the first quarter of 2020 and construction for the fourth quarter of 2020.

Lemon Gulch at Meadowlark

- Channel and bank stabilization from Crowfoot Valley Road to the Meadowlark property boundary approximately 1,500 feet east

This project is currently under construction with substantial completion anticipated by the third quarter of 2020.

Lemon Gulch at Looking Glass

- Channel and bank stabilization from the Looking Glass property boundary west of Crowfoot Valley Road approximately 4,000 feet southwest

This project is currently in design with permitting projected for the second quarter of 2020 and construction for the fourth quarter of 2020.

Brandy Gulch at Looking Glass

- Channel and bank stabilization from the confluence point with Lemon Gulch approximately 2,700 feet west

This project is currently approved with construction projected for the second quarter of 2020.

Green Acres Tributary at Compark Village South

- Channel and bank stabilization from a culvert under E-470 approximately 4,200 feet southwest

This project is currently approved with construction projected for the second to third quarter of 2020.

Oak Gulch at Anthology North

- Channel and bank stabilization from the confluence point with Lemon Gulch approximately 2,700 feet west

This project is currently in design with permitting and construction projected for the first quarter of 2021.



Annual Roadway Maintenance Projects

Concrete Repair

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

The 2020 scope of work is anticipated to be awarded by Town Council in April. Work is expected to begin May 15.

Townwide Slurry/Chip

- Slurry seal and chip seal on local, collector, and arterial streets throughout Town

The 2020 scope of work was awarded to Vance Brothers Inc on Jan. 21. Slurry seal of local streets is scheduled to begin May 18 and chip seal of collector and arterial streets is scheduled to begin June 2.

Roadway Resurfacing

- Thin overlays, chip seal and slurry seal (pavement preservation) work in various locations in Town; roto-milling and resurfacing Dransfeldt Road and Crown Crest Boulevard

The 2020 asphalt overlay and slurry/chip seal pavement preservation projects were awarded by Town Council in February. Work is anticipated to commence as temperature/ weather allows in the spring of 2020. The resurfacing of Crown Crest Boulevard is scheduled to begin on June 15 and of Dransfeldt Road on July 15.

Engineering and Public Works - con't

Roadway Capital Improvement Projects

Motsenbocker Road Widening

- *Clarke Farms subdivision to Todd Drive intersection*

The roadway project is complete. The Town has contracted for the irrigation/landscaping of the two medians with construction underway in the spring of 2020. Shoulder landscaping restoration/installation is currently being coordinated with the appropriate adjacent developments for completion in the spring/summer of 2020.

Motsenbocker/Hess Intersection Improvements

- *Improvements at the Motsenbocker/Hess intersection and widening south*

Project design has commenced. Construction is anticipated in 2020 pending right-of-way/easement acquisitions needed for the project.

Parker Road Sidewalk Project - South

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

Project design has commenced and the Town has received tentative approval for partial State multi-modal funding for this project. An intergovernmental agreement (IGA) is anticipated to be reviewed by Town Council in the spring/summer of 2020 to solidify State funding.

Cottonwood Drive Widening

- *Jordan Road to Cottonwood Way*

Design work is substantially completed and the Town is proceeding with acquisition of needed temporary construction easements for the project. Funding for the project is anticipated to be completed in the second quarter of 2020 to allow for potential competitive bidding of the project in the summer of 2020.

Jordan Road/Cottonwood Subdivision Mid-Block Pedestrian Crossing

- *Installation of a mast arm pedestrian beacon/traffic signal on Jordan Road between the Sandreed Circle and Apache Plume Drive intersections*

Project design has commenced. Construction is anticipated for the second half of 2020.

Parker Road Responsive Signal System Improvements

- *Infrastructure improvements needed to implement responsive signal timing on Parker Road*

Phase 1 & Phase 2 of the vehicle counting infrastructure has been awarded and is underway. Phase 1 was substantially completed in December of 2020 with Phase 2 implementation in the spring of 2020.

Southwest Parker Road/Mainstreet Improvements

- *Widening of turn lane at the southwest corner of Parker Road/Mainstreet*

Project design has commenced. Construction is anticipated in 2020 pending right-of-way/easement acquisitions needed for the project.

North Parker Road Operational Improvements

- *Traffic and multi-modal operational improvements on Parker Road between Lincoln Avenue and E-470*

Project design has commenced.

Kings Point Way

- *Construction for proposed collector roadway on east side of Parker Road between Cottonwood Drive to Aurora Pkwy*

Following a winter shutdown, construction has resumed with completion planned for the summer of 2020.

Chambers Road/Grasslands Drive Traffic Signal

- *Installation of a mast arm traffic signal at intersection of Chambers Road and Grasslands Drive*

The project has been competitively bid and awarded. Construction is anticipated to commence in May and be completed in late summer 2020.

Parks and Recreation Improvements

H2O'Brien Pool and Building Renovation Project

- *Site, aquatics and building renovations*

Construction is underway with anticipated completion spring 2020.

Auburn Hills Park Project

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

Town Council has awarded the contract for the project and construction is scheduled for the spring of 2020. Completion of the soccer field improvements is scheduled for mid-summer and completion of the balance of the project in fall of 2020.

Jordan Road Undercrossing Project

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

Design is underway with construction anticipated in 2021 pending approval of the budget.



Parks and Recreation

Department Highlights

Day Camp

Day Camp Counselors have been working on training videos for summer staff through the first part of 2020. However, due to the COVID-19 situation, they have now transitioned to creating fun, small group game videos for Facebook to help keep families with kiddos busy while they are at home. Marketing staff will post the videos (pictured below) every Sunday. We are naming the day #FieldhouseFUNday. The current video Silent Ball has over 500 views.



Fitness and Wellness

Post-Natal Pilates classes were added to the Winter/Spring brochure. This new program focuses on new moms and re-engaging them in an exercise routine that helps them recover from childbirth. These classes are a compliment to our Pre-Natal Boot Camp and Yoga classes.

Sports

Sports Coordinator Brandan Glader earned his Certified Youth Sport Administrator (CYSA) Certificate.

Aquatics

H2O'Brien Pool renovations are moving along extremely well. We are looking forward to revealing the facility to the public and hosting several new activities and events this summer.

Therapeutic Recreation/Active Aging Adults

On Feb. 14, we hosted an Active Adult Valentine's Day Potluck. Approximately 25 participants joined us for dinner, door prizes and fun on Valentine's Day.

Facilities

February Skate Night (pictured below) was a hit with over 100 participants, up from 78 the previous year. The addition of skate monitors engaging with the kids and new lighting features have improved the program. The Events team is exploring skate rental programs, as well as additional lighting upgrades, to grow the program even further.



By the Numbers

250

Children who signed up participate in the Parker Fieldhouse Day Camp in 2020. Summer registration began the last week in March. Most days are already filled to capacity.

5

Virtual challenges the Sports Division will host during the COVID-19 closure in April.

320

New memberships sold from January through March.

210

Therapeutic Recreation participants our partnership with Renew Active has provided with passes to use the recreation facility in just three months.

22

CancerFit participants in the first quarter of 2020. This program continues to grow thanks to a strong referral stream coming from local clinics and doctors offices. We have had program interest not limited to Parker residents, but also from people as far as Lakewood.

17,191

Seniors who used the Parker Recreation Center and Parker Fieldhouse in February and March.

200

Total loungers that will be at H2O'Brien Pool following the facility renovation project. We will be adding 32 new loungers, as well as 5 new shade structures, 1 new elevated deck seating area, 26 new tables, 6 new benches, 20 additional Adirondack chairs, and a deck game area with 4 family games.



Parker Police

Community Outreach



- Eighteen Officers played the Legend Unified basketball team in front of hundreds of Parker residents at the 4th annual Legend Unified versus Parker PD basketball game (picture above). The support from the community and Legend High School students was absolutely amazing and the atmosphere matched a rivalry game. The Unified team won for the 4th straight year, although it was a very close game, 56-52. Channel 7 came out and did a news story on the event.
- We launched our Family Wellness Academy in February. This is a program designed to enhance our wellness program and focuses on family members of PD employees. Our first topic was Parker PD 101 and focused on a general overview of the police department and benefits.

- School Resource Officer Crystal Essman attended Cimarron's Celebration of Learning. She handed out flyers and spoke with parents about upcoming trainings and opportunities to connect with the police department.

- We hosted more than 20 students from the Douglas County School District Transition Bridge Program for a tour of the police department (pictured below). Dispatch seemed to be the biggest hit as the students learned what happens when you dial 9-1-1. The Transition Bridge Program helps special needs students transition into adulthood after completing high school.



- We teamed up with the Legend Unified Sports program for the Special Olympics Colorado Polar Plunge (pictured at right). Detective Teagan Kavanagh, Officers Josh Cummins and Chase Kelsay and Communications Technician Debra Daily braved the chilly waters and had huge smiles doing it. Together, we raised more than \$5,400 to help ensure that Special Olympics Colorado Athletes and their families never have to pay to participate in sports programs.

Department News

Downtown Parking Monitors

In an effort to effectively enforce downtown parking limits, the Parker Police Department created a program where volunteers will patrol the downtown area. Members of Citizens Offering Parker Police Support (COPPS) will walk downtown and alert Parker Police Community Services Officers (CSO) when a vehicle has violated the two hour parking restriction. The CSO would write the ticket or speak with the violator. COPPS is made up of alumni from the Parker Police Department Citizen's Academy. The story was featured on Channel 7. Training for this program will resume later in the year.



New Officer Sworn In

Officer Wes McClain (pictured above) was sworn-in. Wes has worked for the Town since 2011, starting at the Fieldhouse as a lifeguard and working his way up to maintenance and facilities before graduating from the Police Academy last year. Officer McClain now begins the 18-week PTO program before achieving solo status. Mayor Waid spoke during the ceremony and Councilmembers Joshua Rivero and Jeff Toborg were also in attendance.





Town Clerk's Office

Statistics – 1st Quarter 2020

Community Event Permits

- 2016 Total – 63
- 2017 Total – 68
- 2018 Total – 60
- 2019 Total – 74
- YTD 2020 – 15

Special Events Permits Processed (Events with Liquor)

- 2016 Total – 17
- 2017 Total – 33
- 2018 Total – 31
- 2019 Total – 23
- YTD 2020 – 5

Active Liquor Licenses

- 2016 – 96
- 2017 – 97
- 2018 – 107
- 2019 – 117
- YTD 2020 – 118

Open Records Requests

- 2016 Total – 170
- 2017 Total – 120
- 2018 Total – 119
- 2019 Total – 187
- YTD 2020 – 42

Peddlers and Solicitors Permits

- 2016 Total – 19
- 2017 Total – 30
- 2018 Total – 18
- 2019 Total – 21
- YTD 2020 – 4



Request for Town Council Action

Date: April 20, 2020

Submitted By: Carolyn Parkinson, Planner I
Bryce Matthews, Planning Manager
John Fussa, Community Development Director

Reviewed By: Michelle Kivela, Town Administrator

Title: **F & K SUBDIVISION, MOST OF LOT 2-PARKER
ANIMAL HOSPITAL - Use by Special Review (Continued
from 4/6/20)**

Applicant: Omni Building Corporation for Hayes
and Bigbee LLC

Location: 10225 Parker Road

Department: Community Development, Carolyn
Parkinson

TRAKiT No.: Z19-025

EXECUTIVE SUMMARY

The subject property is located on the west side of Parker Road between Parkglenn Way to the north and Mountain Man Drive to the south. It contains an existing business, Parker Animal Hospital, that plans to expand their facility and the services offered. The applicant has submitted a Use by Special Review (UbSR) application to obtain approval for the boarding and daycare of dogs and cats within the existing building on the property.

On March 18, 2020, the applicant voluntarily requested a continuation to the April 6, 2020 Town Council public meeting. This request was in response to the COVID-19 public health emergency.

The Planning Commission held a public hearing on the UbSR application on April 9, 2020, and made a recommendation to the Town Council to approve the UbSR.

STAFF RECOMMENDATION

Approve with Conditions

BACKGROUND/DISCUSSION

Parker Animal Hospital is proposing to add an additional use to their existing veterinary practice. The new use will be a boarding and daycare facility for dogs and cats. The existing animal hospital is located on the upper/main level of the current building with the client entrance facing east towards Parker Road. The boarding and daycare facility would be located on the lower level of the building that is not actively used at present. The new use would require a renovation of the lower level space to properly house animals. The entrance for the new use will be on the western side of the building.

The proposed boarding and daycare facility will primarily utilize existing interior space in the building but also add a fenced outdoor exercise area and a new parking lot to serve the facility. The new outdoor exercise area and parking lot will be located on the western side of the building. This area is screened from Parker Road by the existing building and is proximate to adjacent commercial and light industrial uses. The applicant also proposes limited exterior alterations to the rear elevation of the existing building.

The presence of on-site veterinarians will make Parker Animal Hospital's proposed boarding and daycare facility for cats and dogs unique. The veterinarians will be on-site during working hours as well as on-call for any potential emergencies that boarded animals may experience. According to the applicant, this level of veterinary supervision is not currently found within the Town. According to the applicant, there are few facilities in the Town that accept chronically ill or older animals for boarding. The proposed facility would address this need.

The Planning Commission Staff Report at page 4 summarizes the proposal as it relates to the Parker 2035 Master Plan and concludes that it is consistent with the Master Plan. The Staff Report at page 7 also analyzes the proposal against the 9 Criteria for the Approval of a Use by Special Review found at Subsection 13.04.200(b) of the Land Development Ordinance and finds that the applicant has satisfied the criteria for approval.

Parker Animal Hospital has also submitted a Site Plan Amendment application for the proposed exterior improvements. This application is under review and will be approved administratively if the Town Council approves the UbSR application and the Plan complies with Town codes and standards.

The applicant has also applied for their Pet Animal Care Facilities Act (PACFA) license and is waiting for approval.

FINANCIAL IMPACT

None.

STRATEGIC GOAL(S)



ATTACHMENTS

1. Planning Commission Staff Report
2. Project Narrative
3. Operational Information Parker Animal Hospital
4. Overall Site Plan

RECOMMENDED MOTION

I move to approve the Use by Special Review to allow the boarding and daycare of dogs and cats at the site of the existing Parker Animal Hospital, subject to the five (5) conditions in the Planning Commission staff report:

1. The Use by Special Review Project Narrative and Nine (9) Criteria document submitted to the Community Development Department on March 11, 2020, shall be the approved Use by Special Review materials.
2. Operations at the facility shall comply with the Operational Information document uploaded on February 17, 2020.
3. A building permit shall be required for any interior or exterior work completed on site.
4. A Pet Animal Care Facilities Act (PACFA) license is required. The use shall be in compliance with all PACFA requirements at all times.
5. This approval shall expire twelve (12) months after the date of approval unless a grading or building permit has been issued. The Community Development Director, upon written request, may grant a ninety-(90) day extension.



Planning Commission Staff Report

Planning Commission Date: 4/9/2020

Town Council Date: 4/20/2020

Hearing Type: Public Hearing
F & K SUBDIVISION, MOST OF LOT 2 -PARKER
ANIMAL HOSPITAL – Use by Special Review
(Continued from 3/26/2020)
TRAKiT No.: Z19-025

Location: 10225 S Parker Road
Located on the west side of Parker Road south of
Parkglenn Way

Project Planner: Carolyn Parkinson, Planner

Applicant: Omni Building Corp – Nicque Conley
Hayes and Bigbee LLC (Owners)

Executive Summary: On March 13, 2020 the Town of Parker Town Administrator issued Emergency Order 2-2020 to continue the March 26, 2020 Planning Commission meeting to April 9, 2020.

On March 18, 2020, the applicant voluntarily requested to continue the March 26, 2020 Planning Commission public hearing to April 9, 2020, via a virtual meeting, due to the Covid-19 pandemic and the risk it posed to public gatherings.

The applicant is requesting a Use by Special Review to allow boarding of dogs and cats on the site of the existing Parker Animal Hospital.

Staff Recommendation: Approval with Conditions

RECOMMENDED MOTION

“I move the Planning Commission recommend Town Council approve the Use by Special Review to allow boarding of dogs and cats at the site of the existing Parker Animal Hospital, subject to the five (5) conditions contained in staff’s report:”

1. *That the Use by Special Review Project Narrative and Nine Criteria document submitted to the Community Development Department on March 11, 2020, shall be the approved Use by Special Review materials.*

2. *Operations at the facility shall comply with the 'Operational Information' document uploaded on February 17, 2020.*
3. *A building permit shall be required for any interior or exterior work completed on site.*
4. *A Pet Animal Care Facilities Act (PACFA) license is required. The use shall be in compliance with all (PACFA) requirements at all times.*
5. *This approval shall expire twelve (12) months after the date of approval unless a building permit has been applied for. The Community Development Director, upon written request, may grant a ninety-(90) day extension.*

ALTERNATIVE MOTIONS

"I move that the Planning Commission recommend that Town Council approve the <insert request>:"

"I move that the Planning Commission recommend that Town Council deny the <insert 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 <insert request> to a future date."

I. BACKGROUND/DISCUSSION

Parker Animal Hospital is proposing to add an additional use to their existing animal hospital. The new use will be dog and cat boarding and daycare. The existing hospital use takes place on the upper/main level of the current building with the client entry facing east. The boarding and daycare facilities would be located on the lower level of the building which is not currently being actively used. This new use would require a renovation of the lower level existing space to properly house animals. The entrance for this lower level would be on the west side of the building.

This proposal includes no additional structures but will add fenced outdoor kennels and a new parking lot to serve the boarding facility. Both the new parking lot and the outdoor "exercise" areas will be located on the western side of the building adjacent to light industrial and commercial uses. This area is hidden from view from Parker Road as it is located behind the building. Some exterior changes to the rear façades will be needed. A site plan amendment is under review.

On site veterinarians will make Parker Animal Hospital's boarding and day play facility unique. Veterinarians will be on site during working hours as well as on-call for any potential emergencies that boarded animals may experience. This level of veterinary supervision is not currently found within a 10-mile radius of Parker Animal Hospital. Additionally, few locations in the Parker area will accept chronically ill or elderly animal patients for boarding. This severely restricts pet owners who struggle to find adequate and expert pet care when traveling.

The Pet Animal Care Facilities Act (PACFA) licensure was applied for by Hayes and Bigbee LLC on February 11, 2020, and is pending approval.



II. PRIOR ACTIONS

Date	Action
9.23.2011	The subject property was annexed and zoned Progress Lane Area Planned Development in 2011 as a part of larger annexation and zoning applications.

III. CURRENT SITE DATA

Existing Zoning	PD - Planned Development		
Overlay District	N/A		
PD & Plan Area	Progress Lane Area Planned Development		
Master Plan Area	Central Commercial		
Site Acreage	1.049 Acres		
Subdivision	F & K Subdivision		
Existing Use	Parker Animal Hospital		
Surrounding Uses			
	Master Plan Land Use	Zoning	Existing Use
North	Central Commercial	PD - Planned Development	Commercial – Car wash and U Haul Storage
South	Central Commercial	C - Commercial District	Commercial- Multi Tennant
East	Central Commercial	C - Commercial District	Commercial – MOB and Charter School
West	Light Industrial	PD - Planned Development	Light Industrial – Manufacture and Parking

IV. 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	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 2.A Jobs and Economic Vitality 2.C Jobs and Economic Vitality 6.A
Inconsistent Goals/Strategies	None
Staff Analysis	The subject property is located within the Central Commercial Character Area of the Town's Master Land Use Plan. 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 Use by Special Review is consistent with the goals and strategies of the Parker 2035 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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OTHER MASTER PLANNING DOCUMENTS

OTHER PLANNING DOCUMENTS CONSISTENCY	
Other Planning Documents	Parker Road Corridor Plan
Policies/Guidelines/Strategies	N/A
Parker Road Corridor Plan Character Area Discussion	This parcel is located in the Central Sub Area which should include a mix of attractive commercial and employment-based land uses that fit with the smaller parcels of the area. This area should encourage supportive commercial and daily service uses that are not dependent on access from Parker Road.
Consistency Review	☐ Consistent ☐ Inconsistent ☒ N/A
Staff Analysis	This application predates the adoption of the Parker Road Corridor Plan (the Plan). The parcel is located in the area identified as High Value Frontage, which is contemplated to provide opportunities for significant redevelopment opportunities in the medium to long term. The proposed Use by Special Review does not preclude any recommendations of the Parker Road Corridor Plan.

V. LAND DEVELOPMENT ORDINANCE

ZONING CONSISTENCY - UBSR			
Provisions	Existing/Required	Proposed	Analysis
Setbacks	Front (Parker Road) – 40-feet Side – 20-feet Rear – 20-feet	Front (Parker Road) – 131.6-feet Side – 69.2-feet and 14.9-feet (legally nonconforming) Rear – 154.5-feet	☒ Consistent ☐ Inconsistent ☐ N/A
Density	N/A.	N/A. The proposal is for nonresidential use.	☐ Consistent ☐ Inconsistent ☒ N/A
Height/Stories	50-foot maximum	22.6-feet	☒ Consistent ☐ Inconsistent ☐ N/A
Lot Size	N/A.	1.049 acres	☐ Consistent ☐ Inconsistent ☒ N/A
Lot Coverage	N/A.	.059	☐ Consistent ☐ Inconsistent ☒ N/A
Landscaping	Title 13.06.070	Staff has evaluated the landscape plan as a part of the site plan amendment and determined the landscape requirements have been met.	☒ Consistent ☐ Inconsistent ☐ N/A
Off-Street Parking	Title 13.06.050	Staff has evaluated the parking as a part of the site plan amendment and determined the parking requirements have been met.	☒ Consistent ☐ Inconsistent ☐ N/A
Staff Analysis	No new structures are proposed as a part of this Use by Special Review. The landscape and parking requirements related to this use have been determined to meet the Town’s standards as a part of the site plan amendment application. The request is in compliance with the Land Development Ordinance.		

VI. APPROVAL CRITERIA

Title 13.04.200.b. Criteria for approval for Uses Permitted by Special Review:

1. Will be in harmony and compatible with the character of the surrounding areas and neighborhoods.

Applicant Response

The proposed use is in harmony and compatible with the character of the surrounding area. It is surrounded by other commercial properties. This is an existing building that has been there since 1978. The work to be done has minimal impact to the exterior look and feel of the building.

The work to the front (upper level) exterior includes upgrades for handicap accessibility (adding striping to the front parking lot, adding an accessible ramp, modifications to the existing steps to comply with accessibility). There will also be new parking lot lighting per Parker guidelines for safety. We will be adding steps from the front of the building to the back to accommodate pedestrian access between the two separate entries.

The work to the back of the exterior includes adding new fencing and turf in the dog play areas, a new accessible entry with new small roof canopy to keep rain and snow off the entry sidewalk, new overhead door with a row of glazing to filter light into the dog boarding space and new accessible door to the play area. The new doors will match the character of the existing building. We are also adding parking, including an ADA accessible space to the lower level (back) of the property to access the new dog boarding space. The building is not located adjacent to any residential areas. Overall, the changes that will come with this project will only enhance and beautify the surrounding neighborhood.

Staff Analysis

This is an existing facility that abuts commercial and light industrial uses on three sides. The fourth boundary is adjacent to Parker Road. There are no residential uses adjacent or nearby. Therefore, any impacts related to the proposed use are consistent with other similar impacts of nonresidential development.

Staff analysis has determined that the proposed use is compatible with the character of the surrounding areas and neighborhoods and this criterion has been met.

2. Will be consistent with the Town Master Plan.

Applicant Response

From the Town of Parker Master Plan concerning Revitalization and Economic Vitality:

"Parker's goal is to prevent the decline of our mature commercial areas by acting in a proactive manner where possible to prevent these areas from losing their desirability. Retaining and enhancing the vitality of the Town's maturing areas are critical priorities in maintaining the Town's overall economic health."

Parker Animal Hospital was constructed long before any of the surrounding businesses were here in Parker. As such, the lot on which it stands and the overall look of this area of Parker Road has a run-down look and feel to it. We are located right in the heart of that "mature commercial" area that needs to be revitalized. The exterior of the building was painted approximately 5 years ago to update the look and bring a more attractive appearance to drivers on Parker Road. We have added new, updated signage on the building and a new freestanding sign will soon be added along Parker Road to let the community know that we are still here after 48 years. Having a business that can proudly display that to the community shows there is a long-term presence in the town that provides evidence of stability and prosperity to new and prospective residents.

The "run-down" presentation of the current Animal Hospital's parking lot and surrounding features will be dramatically improved with the addition of a fresh-looking parking lot with a new, wider walk-up entrance to the facility. The Hospital will become ADA-compliant with the addition of proper ramps and separate ADA parking spaces. Landscaping added along the northern and Eastern borders of the property will visually elevate the property in the eyes of the public. Tens of thousands of cars pass this location daily right now and dismiss it as just another building. With the improvements we have planned, this location will soon be an attractive highlight on the North side of town; a distinctive landmark of which the Town and its residents can be proud.

We are consistent with the Master Plan. Parker Animal Hospital falls under the Central Commercial District, which says: "The Central Commercial District encompasses the commercial core of the Town. Due to its central location, with access to Parker Road, Dransfeldt Road and Twenty Mile Road and current land uses, growth in the Character Area should focus on core retail, services offices, lodging, restaurants, entertainment and, to a lesser extent, higher density residential uses..." The Master Plan also talks about a "full service community that requires a broad range of services and housing opportunities and the importance to locate the more intensive uses at Parker's center and along major highway corridors so that our single family neighborhoods on the periphery retain their family orientation, appearance, and protected open space." The Animal Hospital, plus the addition of animal boarding is a service in demand for the area and the Town of Parker as a whole. They are adding a complimentary service to their existing clinic which is not located adjacent to a residential area. They are adding convenience to their current loyal clients who wish to utilize dog boarding.

Another topic of concern that is included in the Master Plan (from Parker residents who participated in the 2012 outreach process is "Vacant Commercial Buildings: Participants believed that the Town should focus on incentivizing property owners to fill their vacant buildings." This is the exact direction the Parker Animal Hospital decided to go. Their existing Basement is vacant and currently under-utilized as it is only used for storage. The owners are proposing a conversion of this space to fill a void in the current availability for animal boarding. This also falls in line with the desire for "controlled growth" outlined in the Master Plan – utilizing existing space rather than a new building or addition at this time. They are also updating the entire site to Town of Parker standards (adding parking lot lighting, a trash enclosure, parking lot, pedestrian access from Parker Road, etc. per our plan submission).

Staff Analysis

The subject property is located within the Central Commercial Character Area 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 proposed use is consistent with the goals and strategies in the Master Plan to encourage and support local businesses and provide the mechanism for the expansion of needed infrastructure, physical amenities, and other services. Detailed analysis is provided in Section IV of this staff report. Additionally, this proposal does not preclude any of the recommendation of the Parker Road Corridor Plan as discussed in Section IV of this staff report.

Based on this analysis, staff has determined that the request is consistent with the Parker 2035 Master Plan and this criterion has been met.

3. Will not result in an over-intensive use of land.

Applicant Response

The use of the land will not be over-intensive. We are adding landscaping throughout per Town of Parker standards. The dog play area will be artificial turf. We are adding a small paved parking lot at the rear of the property, trash enclosure, and sidewalk to the lower level. A pedestrian path will be added along the northern side of the existing building allowing customers access to both the front and rear access points of the building. Both uses for the building will have ADA access and the Animal Hospital use of the building will now have an ADA space as well as ADA access. Previously no water quality measures existed on this property, a water quality drainage swale (with 4" underdrain) will be installed to treat the minimal increase in imperviousness to the property as well as treat the site as a whole to improve the water quality leaving the property.

Staff Analysis

There is no indication from the submitted site plan amendment documents or from referral agencies that the proposed use would result in over-intensive use of the land. Specific site analysis is found in Section V of this staff report

Staff analysis has determined that the proposal is compliant with this criterion.

4. Will not have a material adverse effect on community capital improvement programs.

Applicant Response

The owners of Parker Animal Hospital have been in regular contact with members of the P3 group that is directly looking at ways to improve the look and use of the Parker Road corridor in our area over the past year. Those members know of the plans that the Hospital has and have been privy to multiple discussions concerning them.

As such, no capital improvements have been communicated that would conflict with the plans of Parker Animal Hospital and this new boarding facility.

Staff Analysis

This is an existing building with existing infrastructure and access. No additional improvements or conflicts with planned capital projects were identified by the Town or other referral agencies during review.

Staff analysis has determined that the proposal is compliant with this criterion.

5. Will not require a level of community facilities and services greater than that which is available.

Applicant Response

The additional use will not require a level of community facilities and services greater than that which is available. Based on engineering assessments, any additional need for water, electricity, gas, sewage, etc. for this project will not exceed the current abilities and facilities of the Town of Parker. This project will actually work in conjunction with a pending IREA easement project that will reduce power line issues on the western side of our property. We will be adding a modern, efficient switchboard to our building that will increase the safety and efficiency of the local power grid.

Staff Analysis

This proposal has been reviewed by all relevant utility providers. No additional facility or service needs have been identified by the Town or other referral agency responses.

Staff analysis has determined that the proposal is compliant with this criterion.

6. Will not result in undue traffic congestion or traffic hazards.

Applicant Response

Per our traffic study, the existing animal hospital and proposed remodel would add minimal traffic volume to the surrounding road network. With the proposed remodel the site would see a maximum increase of 9 trips in the AM peak hour and 10 trips in the PM peak hour. Much of the boarding will be support for existing hospital use and would likely not result in the number of trips calculated above. This slight increase in traffic is to exit southbound onto Parker Road. We estimate that the busiest time of the day will be when the daycare facility opens and dogs can be dropped off. At that time of day, that side of Parker Road experiences much lighter traffic than the northbound side. The typical Parker commuter shouldn't even notice any increase in driveway traffic due to the boarding facility.

Staff Analysis

The applicant submitted a traffic generation memo that has been reviewed and approved by Town of Parker Engineering. No indications of undue traffic congestion or hazards resulting from the proposed use have been identified by the Town or other referral agency responses.

Staff analysis has determined that the proposal is compliant with this criterion.

7. Will not cause significant air, water, or noise pollution.

Applicant Response

There will be no significant air, water or noise pollution. Parker Animal Hospital has been in business in this location for 40 years with no prior complaints regarding noise, air, or water issues. We endeavor to operate the new kennel in the same manner with the same stringent standards of care.

A more extensive discussion of how we plan on dealing with our pet waste can be found in the Operational Information document.

Inspections and licensing by the Colorado Department of Agriculture (under the Pet Animal Care Facilities Act - PACFA) will ensure proper regulations are being followed. With the additional use of outdoor play areas, professional management of any noise will be controlled to the best practices of the industry. A large kennel of 80-100 dogs left unattended can produce between 95-110 decibels. One dog barks at about 60 decibels. The heavy traffic on Parker Rd. can produce a constant 80 decibels. In this case, small groups of 10-15 dogs will be outside the rear of the building playing in their fenced in play yards. They will be supervised constantly by a qualified human attendant and only outside during work hours. Any impact on the immediate area will be negligible regarding noise. In this case of PAH, the possible noise produced by their dog clientele will be kept to a minimum and the Team will be extremely conscious of any barking and how it may or may not disturb neighboring businesses. Any noise produced will not exceed state regulations, referenced below, nor will it produce an environmental noise hazard in the area.

25-12-103 Maximum permissible noise levels

(1) Every activity to which this article is applicable shall be conducted in a manner so that any noise produced is not objectionable due to intermittence, beat frequency, or shrillness.

Sound levels of noise radiating from a property line at a distance of twenty-five feet or more therefrom in excess of the db(A) established for the following time periods and zones shall constitute prima facie evidence that such noise is a public nuisance:

Zone Maximum Sound Level dB(A) 7 am to 7 pm 7pm to 7 am

Residential 55 50

Commercial 60 55

Light Industrial 70 65

Industrial 80 75

(2) In the hours between 7:00 a.m. and the next 7:00 p.m., the noise levels permitted in subsection (1) of this section may be increased by ten db(A) for a period of not to exceed fifteen minutes in any one-hour period.

Staff Analysis

The site is currently served by the Parker Water and Sanitation District (PWSD). PWSD provides properly treated water and waste water. Pet waste disposal is to be provided by a specialized dog waste removal protocol, which is outlined in the Operations Information document. The applicant has provided an analysis of how the proposal will maintain compliance with state noise requirements.

Staff analysis has determined that the proposal is compliant with this criterion.

8. Will be adequately landscaped, buffered and screened.

Applicant Response

Landscaping and fencing are included in the site plan development.

Staff Analysis

Landscaping that will adequately buffer and screen the newly fenced area of the site has been reviewed as a part of the site plan amendment application and determined to meet the Town's requirements.

Staff analysis has determined that the proposal is compliant with this criterion

9. Will not otherwise be detrimental to the health, safety or welfare of the present or future inhabitants of the Town.

Applicant Response

The addition of animal boarding will not be detrimental to the health, safety or welfare of the inhabitants of the Town.

Staff Analysis

The impacts created by kennel and pet daycare uses will be minimal if approved subject to the proposed conditions. The applicant will work to ensure pet health and welfare and ensure that the facility will not be detrimental to the health, safety or welfare of present or future inhabitants of the Town.

Staff analysis has determined that the proposal is compliant with this criterion

SUMMARY REFERRAL AGENCY COMMENTS AND CONDITIONS

Agency	Comments
Centennial Airport	No Comment
Century Link	No Comment
Comcast	No Response
Comprehensive Planning	Advisory Comments -The Parker 2035 Master Plan shows this property in the Central Commercial Character Area which allows for a variety of commercial uses. The kenneling of animals may be appropriate in this character area subject to mitigation of off-site nuisances.
Economic Development	Approved
Fire Life Safety	No issues with UBSR
Xcel	Approved
IREA	Approved
Parker Water & Sanitation	Approved
Town of Parker Engineering	Approved
Building	Advisory comments related to associated site plan

VII. CONCLUSION

The addition of a boarding and pet daycare facility will provide a necessary and unique service to Parker residents and their pets. The impacts created by the additional use will be mitigated by the proposed conditions. After evaluating the information provided by the applicant, staff has determined that the requested use meets, or can meet subject to conditions, the nine approval criteria set forth in the Land Development Ordinance and outlined in Section VI of this staff report.

VIII. RECOMMENDED CONDITIONS

1. That the Use by Special Review Project Narrative and Nine Criteria document submitted to the Community Development Department on March 11, 2020, shall be the approved Use by Special Review materials.
2. Operations at the facility shall comply with the 'Operational Information' document uploaded on February 17, 2020.
3. A building permit shall be required for any interior or exterior work completed on site.
4. A Pet Animal Care Facilities Act (PACFA) license is required. The use shall be in compliance with all (PACFA) requirements at all times.

5. This approval shall expire twelve (12) months after the date of approval unless a building permit has been applied for. The Community Development Director, upon written request, may grant a ninety-(90) day extension.

IX. ATTACHMENTS

1. Applicant's Project Narrative
2. Applicant's Operations Manual
3. Referral Comments

Report Approved By: Paul Workman, Senior Planner



March 11, 2020 *Amended Narrative*

Parker Animal Hospital – Project Narrative
10225 S. Parker Road
Parker, CO 80134

Parker Animal Hospital is proposing to add an additional use to their existing animal hospital. The new use will be dog and cat boarding and daycare. The existing Animal Hospital use takes place on the upper/main level of the current building with the client entry facing East. The boarding and daycare facilities would be located on the lower level of the building which is not currently being actively used by the Animal Hospital. This new use would require a renovation of the lower level existing space to properly house animals. The entrance for this lower level would be on the West side of the current building, very close to the Northwestern corner. This exit/entrance would not be visible from Parker Road.

About The Business:

Parker Animal Hospital has been in business since 1972 and has been at its current location since 1978. It started as a mixed animal practice (seeing large and small animals) with the large animal portion of the hospital being housed in the basement of the animal hospital.

As the previous owners aged, the large animal side of the business gradually fell away and the practice limited itself to small animal patients only. That left a very large empty area of the building, as well as a large outdoor area in the rear of the property with no purpose or usage.

The current owners would like to renovate the basement to provide dog and cat overnight boarding and day play for dogs only. These services have been frequently requested by the clients of Parker Animal Hospital for some time. Currently, these clients utilize other kennels in the area for these services.

The animals will be boarded in what is currently the unoccupied basement level of the Animal Hospital. The outdoor "exercise" areas will be on the western side of the building completely hidden from current clients and anyone passing by on Parker Road. Fencing will prohibit anyone from being able to see into these areas as well as helping to cut down on the amount of barking heard nearby.

We will have no breed restrictions at our kennel, but we will reserve the right to exclude any dogs that exhibit aggressive behavior towards dogs or humans.

There will be constant direct supervision of any animals in the outdoor areas. Waste will be removed immediately and each area will be cleaned and disinfected several times daily. Using artificial turf as the base for the exercise areas will greatly restrict any potential environmental impact.

This constant supervision will also help to curtail excessive barking while the animals are outside. There will be indoor exercise areas as well for those times when the weather doesn't permit outside play or there is a particular animal(s) that needs a more secluded exercise area.

Parker Animal Hospital's boarding and day play facility would be different from every other similar service in town due to its tight relationship with Parker Animal Hospital. Veterinarians would be on site during working hours as well as on-call for any potential emergencies that boarding animals may experience.

This level of veterinary supervision is not currently found within a 10-mile radius of Parker Animal Hospital and we feel that many clients will feel more secure leaving their animals at a facility such as ours than other kennels. Also, very few locations in the Parker area will actually take in chronically ill or elderly animal patients for boarding. This severely restricts pet owners who struggle to find adequate and expert pet care when they need to leave town for a time.

Hours of operation (when staff will be present) will start at 7 a.m. and end at 6 p.m. at night. While these are our "staffed hours," we know that there may be schedule adjustments in the future to better manage our boarders. Actual "open" hours where the public will be able to "drop-off" or "pick-up" their pets will be from 7 a.m. – 9 a.m. and 3:30 p.m. – 6 p.m.

There will be no day play activities on Saturday or Sunday, and our "open" hours will be even more tightly restricted to limit when the public is able to enter the facility. We will be open on Saturday from 9 a.m. – 12 p.m. and closed to the general public on Sundays. We do plan on discharging boarders on Sunday by appointment only. We plan on maximizing communication with boarding and day play clients via the use of text messages. This will allow a high level of service and minimize communication difficulties with clients.

Security and supervision of the facility will be accomplished by expanding existing security equipment with ADT. However, private security monitoring will also be present via a remote video and audio feed to at least one of the owner's residences to monitor potential issues that can arise when staff are not present. One of the owners lives just a few miles away and can get to the facility within 7 minutes in cases of emergency.

Parker Animal Hospital takes great pride in our current facilities being clean and comfortable for our patients, clients, and employees. If there are issues with noise and smell, we will be the first ones affected so it will be in our best interest to maintain those high standards after the boarding facility is opened.

Parker Animal Hospital also values strong relationships with its neighbors and so every effort will be made to ensure that the surrounding businesses aren't affected by our business expansions. This will be done by the use of periodic phone calls and personal visits to these businesses to ensure that there are no issues. One of the owners (Dr. Hayes) visited every single neighbor in December that could directly be affected by a kennel and encountered no resistance or objection from anyone. She left personal business cards with every one of these neighbors so they could reach out if they had any future concerns.

PACFA licensure was applied for by Hayes and Bigbee LLC on February 11, 2020, and is pending approval.

Per Town of Parker 9 criteria, the proposed use:

(1) Will be in harmony and compatible with the character of the surrounding areas and neighborhood:

The proposed use is in harmony and compatible with the character of the surrounding area. It is surrounded by other commercial properties. This is an existing building that has been there since 1978. The work to be done has minimal impact to the exterior look and feel of the building.

The work to the front (upper level) exterior includes upgrades for handicap accessibility (adding striping to the front parking lot, adding an accessible ramp, modifications to the existing steps to comply with accessibility). There will also be new parking lot lighting per Parker guidelines for safety. We will be adding steps from the front of the building to the back to accommodate pedestrian access between the two separate entries.

The work to the back of the exterior includes adding new fencing and turf in the dog play areas, a new accessible entry with new small roof canopy to keep rain and snow off the entry sidewalk, new overhead door with a row of glazing to filter light into the dog boarding space and new accessible door to the play area. The new doors will match the character of the existing building. We are also adding parking, including an ADA accessible space to the lower level (back) of the property to access the new dog boarding space. The building is not located adjacent to any residential areas. Overall, the changes that will come with this project will only enhance and beautify the surrounding neighborhood.

(2) Will be consistent with the Town Master Plan:

From the Town of Parker Master Plan concerning Revitalization and Economic Vitality:

"Parker's goal is to prevent the decline of our mature commercial areas by acting in a proactive manner where possible to prevent these areas from losing their desirability. Retaining and enhancing the vitality of the Town's maturing areas are critical priorities in maintaining the Town's overall economic health."

Parker Animal Hospital was constructed long before any of the surrounding businesses were here in Parker. As such, the lot on which it stands and the overall look of this area of Parker Road has a run-down look and feel to it. We are located right in the heart of that "mature commercial" area that needs to be revitalized. The exterior of the building was painted approximately 5 years ago to update the look and bring a more attractive appearance to drivers on Parker Road. We have added new, updated signage on the building and a new freestanding sign will soon be added along Parker Road to let the community know that we are still here after 48 years. Having a business that can proudly display that to the community shows there is a long-term presence in the town that provides evidence of stability and prosperity to new and prospective residents.

The "run-down" presentation of the current Animal Hospital's parking lot and surrounding features will be dramatically improved with the addition of a fresh-looking parking lot with a new, wider walk-up entrance to the facility. The Hospital will become ADA-compliant with the addition of proper ramps and separate ADA parking spaces. Landscaping added along the northern and Eastern borders of the property will visually elevate the property in the eyes of the public. Tens of thousands of cars pass this location daily right now and dismiss it as just another building. With the improvements we have planned, this location will soon be an attractive highlight on the North side of town; a distinctive landmark of which the Town and its residents can be proud.

We are consistent with the Master Plan. Parker Animal Hospital falls under the Central Commercial District, which says: "The Central Commercial District encompasses the commercial core of the Town. Due to its central location, with access to Parker Road, Dransfeldt Road and Twenty Mile Road and current land uses, growth in the Character Area should focus on core retail, services offices, lodging, restaurants, entertainment and, to a lesser extent, higher density residential uses..." The Master Plan also talks about a "full service community that requires a broad range of services and housing opportunities and the importance to locate the more intensive uses at Parker's center and along major highway corridors so that our single family neighborhoods on the periphery retain their family orientation, appearance, and protected open space." The Animal Hospital, plus the addition of animal boarding is a service in demand for the area and the Town of Parker as a whole. They are adding a complimentary service to their existing clinic which is not located adjacent to a residential area. They are adding convenience to their current loyal clients who wish to utilize dog boarding.

Another topic of concern that is included in the Master Plan (from Parker residents who participated in the 2012 outreach process is "Vacant Commercial Buildings: Participants believed that the Town should focus on incentivizing property owners to fill their vacant buildings." This is the exact direction the Parker Animal Hospital decided to go. Their existing Basement is vacant and currently under-

utilized as it is only used for storage. The owners are proposing a conversion of this space to fill a void in the current availability for animal boarding. This also falls in line with the desire for “controlled growth” outlined in the Master Plan – utilizing existing space rather than a new building or addition at this time. They are also updating the entire site to Town of Parker standards (adding parking lot lighting, a trash enclosure, parking lot, pedestrian access from Parker Road, etc. per our plan submission).

(3)Will not result in an over-intensive use of land:

The use of the land will not be over-intensive. We are adding landscaping throughout per Town of Parker standards. The dog play area will be artificial turf. We are adding a small paved parking lot at the rear of the property, trash enclosure, and sidewalk to the lower level. A pedestrian path will be added along the northern side of the existing building allowing customers access to both the front and rear access points of the building. Both uses for the building will have ADA access and the Animal Hospital use of the building will now have an ADA space as well as ADA access. Previously no water quality measures existed on this property, a water quality drainage swale (with 4” underdrain) will be installed to treat the minimal increase in imperviousness to the property as well as treat the site as a whole to improve the water quality leaving the property.

(4)Will not have a material adverse effect on community capital improvement programs:

The owners of Parker Animal Hospital have been in regular contact with members of the P3 group that is directly looking at ways to improve the look and use of the Parker Road corridor in our area over the past year. Those members know of the plans that the Hospital has and have been privy to multiple discussions concerning them. As such, no capital improvements have been communicated that would conflict with the plans of Parker Animal Hospital and this new boarding facility.

(5)Will not require a level of community facilities and services greater than that which is available:

The additional use will not require a level of community facilities and services greater than that which is available. Based on engineering assessments, any additional need for water, electricity, gas, sewage, etc. for this project will not exceed the current abilities and facilities of the Town of Parker. This project will actually work in conjunction with a pending IREA easement project that will reduce power line issues on the western side of our property. We will be adding a modern, efficient switchboard to our building that will increase the safety and efficiency of the local power grid.

(6)Will not result in undue traffic congestion or traffic hazards:

Per our traffic study, the existing animal hospital and proposed remodel would add minimal traffic volume to the surrounding road network. With the proposed remodel the site would see a maximum increase of 9 trips in the AM peak hour and 10 trips in the PM peak hour. Much of the boarding will be support for existing hospital use and would likely not result in the number of trips calculated above. This slight increase in traffic is to exit southbound onto Parker Road. We estimate that the busiest time of the day will be when the daycare facility opens and dogs can be dropped off. At that time of day, that side of Parker Road experiences much lighter traffic than the northbound side. The typical Parker commuter shouldn't even notice any increase in driveway traffic due to the boarding facility.

(7) Will not cause significant air, water or noise pollution:

There will be no significant air, water or noise pollution. Parker Animal Hospital has been in business in this location for 40 years with no prior complaints regarding noise, air, or water issues. We endeavor to operate the new kennel in the same manner with the same stringent standards of care.

A more extensive discussion of how we plan on dealing with our pet waste can be found in the Operational Information document.

Inspections and licensing by the Colorado Department of Agriculture (under the Pet Animal Care Facilities Act - PACFA) will ensure proper regulations are being followed. With the additional use of outdoor play areas, professional management of any noise will be controlled to the best practices of the industry. A large kennel of 80-100 dogs left unattended can produce between 95-110 decibels. One dog barks at about 60 decibels. The heavy traffic on Parker Rd. can produce a constant 80 decibels. In this case, small groups of 10-15 dogs will be outside the rear of the building playing in their fenced in play yards. They will be supervised constantly by a qualified human attendant and only outside during work hours. Any impact on the immediate area will be negligible regarding noise. In this case of PAH, the possible noise produced by their dog clientele will be kept to a minimum and the Team will be extremely conscious of any barking and how it may or may not disturb neighboring businesses. Any noise produced will not exceed state regulations, referenced below, nor will it produce an environmental noise hazard in the area.

25-12-103 Maximum permissible noise levels

(1) Every activity to which this article is applicable shall be conducted in a manner so that any noise produced is not objectionable due to intermittence, beat frequency, or shrillness.

Sound levels of noise radiating from a property line at a distance of twenty-five feet or more therefrom in excess of the db(A) established for the following time periods and zones shall constitute prima facie evidence that such noise is a public nuisance:

Zone Maximum Sound Level dB(A) 7 am to 7 pm 7pm to 7 am
Residential 55 50
Commercial 60 55
Light Industrial 70 65
Industrial 80 75

(2) In the hours between 7:00 a.m. and the next 7:00 p.m., the noise levels permitted in subsection (1) of this section may be increased by ten db(A) for a period of not to exceed fifteen minutes in any one-hour period.

(8) Will be adequately landscaped, buffered and screened:

Landscaping and fencing are included in the site plan development.

(9) Will not otherwise be detrimental to the health, safety or welfare of the present or future inhabitants of the Town:

The addition of animal boarding with not be detrimental to the health, safety or welfare of the inhabitants of the Town

Sincerely,

Michelle Miller
jigsaw design, LLC
720.339.3447 mobile
720.225.9323 office
888.845.6890 fax

Operational Information

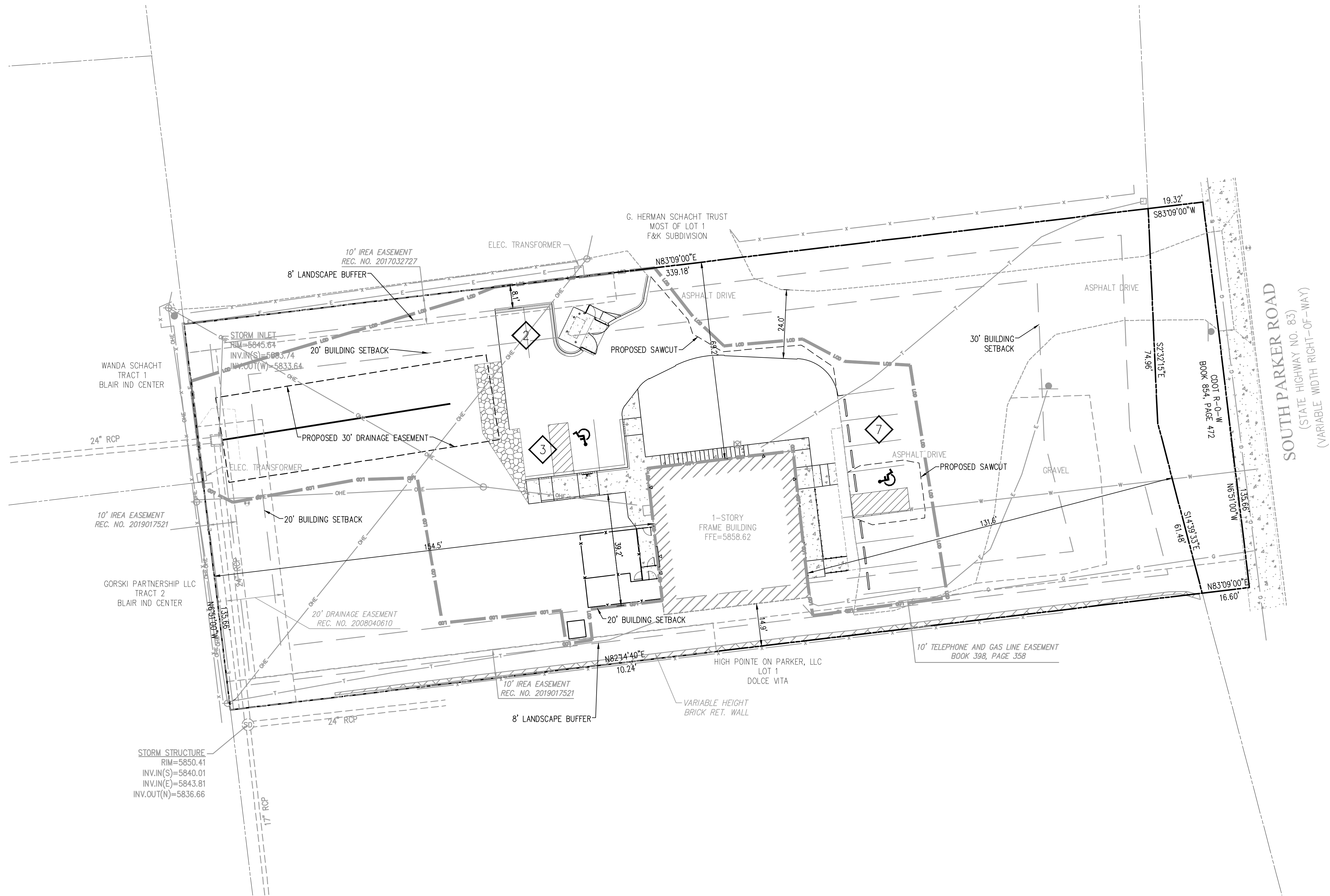
- 1) With 28 dog kennels, we estimate that the maximum number of dogs that we might hold at any one time would be 39. Some of the kennels would be large enough to accommodate two dogs from the same family. We expect to board no more than 4 cats at any one time.
- 2) With regards to employees present during working hours, here is how we plan to utilize our staff:
 - a. The dogs that are in the outdoor area for day play will always have one attendant present to supervise. As we are planning for no more than 10 dogs daily for drop-off day play, only one attendant will need to be present with them (PACFA regulations are 1 staff member per 15 dogs supervised at the most).
 - b. Another staff member will need to stay outside with dogs that are having their boarding areas cleaned. The third attendant will do the cleaning. It's possible that in the early morning (6:30 a.m. – 8:00 a.m.), a fourth attendant may also be present for a short period to help with feeding and cleaning.
 - c. In total, 2-3 employees will be present during the vast majority of the working hours.
- 3) Dog waste disposal is a difficult but necessary issue that every facility that deals with animals must contend with:
 - a. We are financially unable at this time to add an underground “septic connection” for the kennel which would allow disposal of solid waste directly into the sewer lines.
 - b. Adding an indoor flushing unit (a toilet that would be mounted on a wall and separate from the human bathroom) will be problematic from a sanitary perspective. We are also not wanting to use more water in our facility than we absolutely need to. Disposing of dog waste via an extra toilet will also add to the solid waste of Parker as a whole and isn't what we want to do.
 - c. After conducting a phone survey of multiple kennels in the Parker area, we discovered that almost everyone exclusively disposes of their solid waste in their dumpster. This is the only option for many facilities as they can't do the above measures such as the flushing unit, etc. This is legal and a common practice by (likely) all the kennels in Colorado. This is how we had originally planned on disposing of the dog waste.
 - d. However, after some extensive research, we have come up with a potential alternative that we plan on utilizing for our boarding facility:
 - i. Pet Scoop (<https://www.petscoop.com/>) is a dog waste removal business that operates all over Denver. They are working in conjunction with a company called EnviroWagg (<https://envirowagg.com/>) that produces dog waste-based compost.
 - ii. Pet Scoop would provide us with 20-gallon containers that we would line with compostable bags. We would pick up any solid waste matter after every outdoor session of our boarders. We also would be continuously picking up the waste from dogs in the day play area. This waste would be placed in smaller compostable bags that would be tied off and placed into the larger container. This container would be sealed and placed outside the physical facility but

within the fencing of the business. Any odor would be minimized with proper handling of the waste.

- iii. Pet Scoop will then come and empty the container(s) twice weekly. They then take the compostable bags up to Envirowagg's location for composting. We would attempt to dispose of all the dog waste in this manner. However, there may be times when we might need to bag it and place it in the regular trash (unforeseen circumstances such as inclement weather making it impossible for Pet Scoot to come for a pickup at times).
- iv. The expenses for this service will likely cost us \$280 - \$320 per month, depending on how many containers we have.
- e. In regard to normal cleaning procedures, outdoor play areas will be cleaned and disinfected with organic cleaning products multiple times daily to maintain cleanliness and proper hygiene.

Julie Hayes, DVM

Parker Animal Hospital



PARKING DATA	
VETERINARY USE PARKING	
USE SF = 2,649	
REQUIRED: 1 SPACE/400 SF = 7 SPACES	
PROVIDED: 7 SPACES	
KENNEL USE PARKING	
USE SF = 1,977	
REQUIRED: 1 SPACE/400 SF = 5 SPACES	
PROVIDED = 5 SPACES	

LEGEND	
	RIGHT OF WAY/PROPERTY BOUNDARY
	PROPOSED CURB AND GUTTER
	6" CURB AND 1" "SPILL" GUTTER
	SETBACKS
	LIMITS OF DISTURBANCE
	CONCRETE
	RIPRAP
	DOOR LOCATION
	GATE LOCATION
	PROPOSED SWALE FLOWLINE
	PROPOSED EASEMENT
	PROPOSED HANDRAIL
	PARKING COUNT

REVISIONS		DATE
REVISION	DESCRIPTION	
---	2ND SUBMISSION	1/8/2020

OVERALL SITE PLAN	
SITE PLAN AMENDMENT	
PARKER ANIMAL HOSPITAL	
TOWN OF PARKER	
COLORADO	

NOT FOR CONSTRUCTION		
DESIGN	DRAWN	CHKD
RSD	BKM	RSD
SCALE	H: 1" = 20' V: 1" = 20'	
JOB No.	020416-01-001	
DATE :	08/23/2019	
SHEET	C3.0	



Request for Town Council Action

Date: April 20, 2020

Submitted By: Chris Hudson, Deputy Director of Engineering

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 9.308 - Second Reading**
A Bill for an Ordinance to Approve the Intergovernmental Agreement By and Between the Town of Parker and Cottonwood Metropolitan District Concerning Tract C and New Fence Construction and Maintenance

Department: **Engineering/Public Works, Chris Hudson**

EXECUTIVE SUMMARY

This item is for an ordinance to approve a proposed intergovernmental agreement (IGA) between the Cottonwood Metropolitan District and the Town of Parker concerning the conveyance of the Cottonwood Trailhead (Tract C - Cottonwood Filing #8) and new fence construction/maintenance adjacent to the south side of Cottonwood Drive between Cherry Creek and the Cottonwood Way intersection.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The Town is anticipating commencing construction in the second half of 2020 on the Cottonwood Drive widening project between Jordan Road and Parker Road. Due to continued growth in the area, the traffic on Cottonwood Drive has reached a point that it needs to be widened as originally planned in the 1980's to the ultimate four (4) lane configuration.

As part of that project, the Town needs to acquire an area for a stormwater detention pond and temporary construction easement areas to construct this roadway widening project. The Town approached the Cottonwood Metropolitan District (CMD) regarding these needs due to their property ownership adjacent to Cottonwood Drive. Due to overlapping maintenance and ownership questions/concerns at the Cottonwood Trailhead located on the south side of Cottonwood Drive between Cherry Creek and the Apache Plume Drive intersection, CMD

proposed transferring the trailhead parcel (Tract C - Cottonwood Filing 8) to the Town. A significant portion of Tract C is the trailhead that the Town has been maintaining according to the terms of a trail easement agreement. This trail easement agreement does not fully address the improvements at the trailhead which has lead to confusion on maintenance. This ownership transfer will eliminate maintenance "gaps" in the easement agreement as the Town will assume the ownership of property. The remainder of the property is open space and/or floodplain. In addition, the property will be used for a needed stormwater quality pond for the roadway widening project and as a temporary staging area for the construction project.

In addition, the Town needs to acquire temporary construction easement areas on property owned by CMD in and adjacent to Cherry Creek to allow for construction of the new bridge while minimizing the impacts to the traveling public. As consideration for the temporary construction easements, CMD is asking that the Town replace the existing six (6) foot high wooden privacy fence on the south side of Cottonwood Drive between Cherry Creek and the Cottonwood Way intersection. The majority of fence in this area is in poor condition and planned roadway widening work adjacent to it may accelerate the deterioration further. Based on the value of the temporary construction easement areas, this is a reasonable consideration request. The long term maintenance of this fence will be the responsibility of the adjacent property owners following construction.

This arrangement will be memorized in an IGA between the Town of Parker and the Cottonwood Metropolitan District. An ordinance is needed to approve this IGA.

FINANCIAL IMPACT

The Town is currently maintaining the Cottonwood Trailhead and there are no anticipated additional financial impacts by the transfer of property to the Town. The construction costs of the roadway improvements are included in project budget. The project will also reconstruct the trailhead parking lot as it is in poor condition. The fence constructed as part of this agreement will be maintained by the adjacent property owners.

STRATEGIC GOAL(S)



PROMOTE A SAFE AND
HEALTHY COMMUNITY



INNOVATE WITH
COLLABORATIVE
GOVERNANCE



DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH



SUPPORT AN
ACTIVE COMMUNITY

ATTACHMENTS

1. Ordinance No. 9.308

RECOMMENDED MOTION

I move to approve Ordinance No. 9.308 on second reading.

ORDINANCE NO. 9.308, Series of 2020

TITLE: A BILL FOR AN ORDINANCE TO APPROVE THE INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE TOWN OF PARKER AND COTTONWOOD METROPOLITAN DISTRICT CONCERNING TRACT C AND NEW FENCE CONSTRUCTION AND MAINTENANCE

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

Section 1. The Town Council of the Town of Parker hereby approves the Intergovernmental Agreement by and between the Town of Parker and Cottonwood Metropolitan District concerning Tract C and new fence construction and maintenance, which is attached hereto as **Exhibit 1** and incorporated herein by this reference, and authorizes the Mayor of the Town to enter into the Agreement on behalf of the Town.

Section 2. Safety Clause. The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Parker, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. The Town Council further finds that the title to this Ordinance was posted in two public places two days before the Town Council meeting, as provided by Section 7.5e. of the Town of Parker Home Rule Charter.

Section 3. Severability. If any clause, sentence, paragraph or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 4. This Ordinance shall become effective ten (10) days after final publication.

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____, 2020.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2020.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney

EXHIBIT 1

INTERGOVERNMENTAL AGREEMENT

THIS INTERGOVERNMENTAL AGREEMENT (the "Agreement") is made and entered into this _____ day of _____ 2020, by and between the Town of Parker, Colorado, a Colorado home rule municipal corporation (the "Town"), and the Cottonwood Metropolitan District, a quasi-municipal special district organized and existing pursuant to the provisions of Title 32, C.R.S. (the "District").

WITNESSETH:

WHEREAS, C.R.S. § 29-1-203 authorizes the Town and the District as political subdivisions to cooperate and contract with one another regarding functions, services and facilities each is authorized to provide;

WHEREAS, the Town desires to acquire from the District that real property described in **Exhibit A**, which is attached hereto and incorporated by this reference ("Tract C");

WHEREAS, the District desires that the Town replace the fence on the real property described in **Exhibit B**, which is attached hereto and incorporated by this reference (the "New Fence"); and

WHEREAS, The Town and the District agree that it is in the best interests of the residents of both the Town and the District for the Town and the District to cooperate in the manner set forth in this Agreement.

NOW THEREFORE, in consideration of the foregoing Recitals and the mutual covenants and promises set forth below, the receipt and sufficiency of which are mutually acknowledged, the Town and the District hereby agree as follows:

ARTICLE I

DISTRICT'S RESPONSIBILITIES

Tract C Conveyance. The District shall, within thirty (30) days of execution of this Agreement, convey Tract C by special warranty deed to the Town, subject those items of record, free and clear of all liens and encumbrances, without additional consideration other than the covenants and promises contained herein. The District shall have the opportunity to salvage existing appurtenances located on Tract C, as agreed to between the Town and the District in writing prior to the conveyance.

ARTICLE II

TOWN'S RESPONSIBILITIES

A. **The New Fence – Construction.** The Town shall replace the existing fence with the New Fence according to the plans attached as **Exhibit C**, and incorporated by this reference. The New Fence shall be constructed on or before December 31, 2021, at no cost to the District or the adjacent property owners.

B. **The New Fence – Maintenance.** The adjacent property owners shall be responsible for the maintenance of the New Fence following construction.

C. **Grant of Temporary Construction Easement.** Within sixty (60) days of the execution of this Agreement, the District, at no cost to the Town, will grant a temporary construction easement on Cottonwood Filing 1, Tract A and Cottonwood Filing 2, Tract A, for the construction of the Cottonwood Drive widening project in the form of **Exhibit D**, which is attached hereto and incorporated by this reference.

ARTICLE III

MISCELLANEOUS

A. **Effective Date.** This Agreement shall be in full force and effect and be legally binding upon final approval of the governing bodies of the parties.

B. **Nonassignability.** No party to this Agreement may assign any interest therein to any person without the consent of the other party hereto at that time, and the terms of this Agreement shall inure to the benefit of and be binding upon the respective representatives and successors of each party hereto.

C. **Amendments.** This Agreement may be amended from time to time by written amendment, duly authorized and signed by representatives of the parties hereto.

D. **Severability.** If any section, subsection, paragraph, clause, phrase, or other provision of this Agreement shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause, phase, or other provision shall not affect any of the remaining provisions of this Agreement.

E. **Execution of Documents.** This Agreement shall be executed in two (2) counterparts, either of which shall be regarded for all purposes as one original. Each party agrees that it will execute any and all deeds, instruments, documents, and resolutions or ordinances necessary to give effect to the terms of this Agreement.

F. **Waiver.** No waiver by either party of any term or condition of this Agreement shall be deemed or construed as a waiver of any other term or condition, nor shall a waiver of any breach be deemed to constitute a waiver of any subsequent breach, whether of the same or of a different provision of this Agreement.

G. **Entirety.** This Agreement merges and supersedes all prior negotiations, representations, and agreements between the parties hereto relating to the subject matter hereof and constitutes the entire Agreement between the parties concerning the subject matter hereof.

IN WITNESS WHEREOF, this Agreement is executed by the Town and the District as of the date first above written.

TOWN OF PARKER, COLORADO

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney

COTTONWOOD METROPOLITAN DISTRICT

_____, President

ATTEST:

[name/title]

EXHIBIT LIST

- | | |
|-----------|---|
| Exhibit A | Legal description of acquired property |
| Exhibit B | Legal description of New Fence property |
| Exhibit C | New Fence plans |
| Exhibit D | Form of temporary construction easement for the Cottonwood Drive widening project |

EXHIBIT A

Legal description of acquired property



EXHIBIT B

Legal description of New Fence property



EXHIBIT C **New Fence plans**

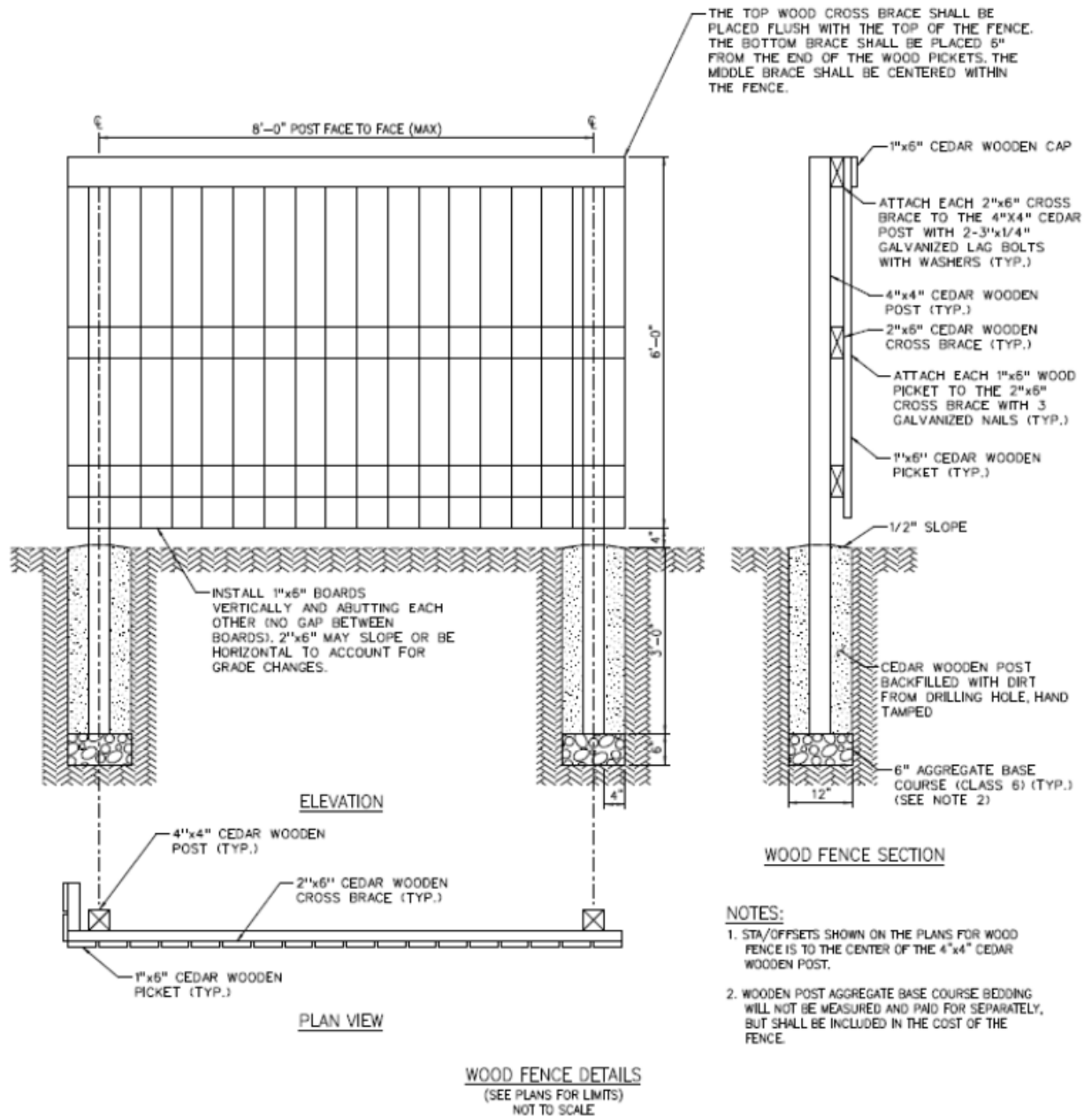


EXHIBIT D

Form of temporary construction easement for the Cottonwood Drive widening project

TEMPORARY CONSTRUCTION EASEMENT AGREEMENT

THIS TEMPORARY CONSTRUCTION EASEMENT AGREEMENT (the "Easement Agreement") is made this _____ day of _____, 2020, between COTTONWOOD METROPOLITAN DISTRICT, a quasi-municipal special district organized and existing pursuant to the provisions of Title 32, C.R.S., whose legal address is c/o Anthony Boone, 2525 S. Wadsworth Boulevard #304, Lakewood, CO 80227 (the "Grantor"), and the TOWN OF PARKER, a Colorado home rule municipality, whose legal address is 20120 East Mainstreet, Parker, Colorado 80138 (the "Grantee").

THE GRANTOR, for good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to the Grantee a Temporary Easement (the "Temporary Easement") for use during construction of roadway improvements, together with all rights and privileges as are necessary or incidental to the reasonable and proper use of such easement in and to, over, under and across the tract of land more particularly described on **Exhibit A**, attached hereto and by this reference made a part hereof (the "Easement Property").

1. Said Temporary Easement shall expire and be of no further force or effect twelve (12) months after the date the Grantee provides written notice of the commencement of this Temporary Easement to the Grantor. The Grantor also grants to the Grantee the option to extend this Temporary Easement for a period not to exceed six (6) months from the date of expiration hereof.

2. During the term of this Temporary Easement, the Grantor shall not erect or construct, or allow to be erected or constructed, any building or other structure which may interfere with Grantee's full enjoyment of the rights hereunder.

3. The parties hereto agree that neither has made nor authorized any agreement with respect to the subject matter of this instrument other than as expressly set forth herein, and no oral representation, promise or consideration different from the terms herein contained shall be binding on either party, or its agents or employees hereto.

4. Grantor warrants that it has full and lawful authority to make the grant hereinabove contained and promises and agrees to defend Grantee in the exercise of its rights hereunder against any defect in Grantor's title to the land involved or Grantor's rights to make the grant hereinabove contained.

5. Whenever used herein, the singular number shall include the plural, the plural the singular; and the use of any gender shall be applicable to all genders. All of the covenants herein contained shall be binding upon and inure to the benefit of the parties hereto, their respective heirs, personal representatives, successors and assigns.

6. Prior to the expiration of the Term of this Easement, Grantee shall restore the Easement Property to as near as possible a condition as existed prior to Grantee's entry on the

Easement Property. The Grantee shall restore the surface of any ground that has been disturbed in connection with such work, except as may be modified to accommodate the Grantee's necessary uses, in a reasonably similar manner to its condition immediately preceding such use. Notwithstanding the foregoing, if the Grantee fails to restore the Easement Property as set forth in this Paragraph 7 of the Agreement, and such failure continues for fifteen (15) days following Grantee's receipt of written notice from Grantor specifying the failure, Grantor shall have the right to restore the Easement Property at the sole cost and expense of the Grantee.

7. Grantee shall obtain for itself, its agents, successors, assigns, lessees, licensees and agents, necessary and adequate workers' compensation insurance, personal injury insurance, and property damage insurance, with limits commensurate with the hazards and risks associated with the use of the Easement Area, but in no event less than the liability limits established by the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, *et seq.*, as now in effect or as hereinafter amended. Neither Grantee nor its agents, successors and assigns shall commence any grading, construction, placement, operation or maintenance on the Easement Area until it has obtained all insurance required under this section and shall have filed a certificate of insurance or a certified copy of the insurance policy with the Grantor. Each insurance policy shall list the Grantor as an additional named insured and shall contain a clause providing that coverage shall not be cancelled by the insurance company without thirty (30) days' written notice to the Grantor of intention to cancel.

8. Grantee shall use best efforts and take all necessary and appropriate safety measures with respect to all construction and other activities on or about the Easement Property to protect the public from entering the construction area and from harm, and to construct and/or maintain all Improvements in accordance with all applicable safety standards at all times during the term of this Agreement. Barricades, cones, signs, or other vehicular or pedestrian traffic controls shall be taken out of service after designated working hours unless their use and application are required to ensure the safety of the traveling public.

9. The Grantor does not intend hereby to create a multiple-fiscal year direct or indirect debt or other financial obligation whatsoever. The performance of all financial obligations of the Grantor under this Agreement are subject to annual appropriation, budgeting, and availability of funds to discharge such obligations. Nothing in this Agreement constitutes a pledge of the Grantor's credit or faith, directly or indirectly, to the Grantee. No provision of this Agreement shall be construed or interpreted as a delegation of governmental powers by the Grantor, or as creating a multiple-fiscal year direct or indirect debt or other financial obligation whatsoever of the Grantor or statutory debt limitation, including, without limitation, Article X, Section 20 or Article XI, Section 6 of the Constitution of the State of Colorado. No provision of this Agreement shall be construed to pledge or create a lien on any class or source of Grantor funds.

10. Nothing in this Agreement shall be construed to limit, modify, or otherwise constitute a waiver, in whole or in part, of any governmental immunity that may be available by law to the Grantor, its respective officials, employees, contractors or agents, and in particular, the Grantor's rights and protections under the Colorado Governmental Immunity Act, §§ 24-10-101, *et seq.*, C.R.S., as amended from time to time.

11. The Grantee shall comply with all applicable laws while utilizing the Easement or the Easement Property under this Agreement.

12. During the term of this Agreement, Grantee agrees to maintain the Easement Property in good order, condition and repair, and to standards acceptable to the Grantor.

13. If either party fails to perform in accordance with the terms, covenants and conditions of this Agreement, or is otherwise in default of any of the terms of this Agreement, the non-defaulting party shall deliver written notice to the defaulting party of the default, at the address specified in Section 17 of this Agreement, and the defaulting party will have ten (10) days from and after receipt of the notice to cure the default. If the default is not of a type which can be cured within such ten (10)-day period and the defaulting party gives written notice to the non-defaulting party within such ten (10)-day period that it is actively and diligently pursuing a cure, the defaulting party will have a reasonable period of time given the nature of the default following the end of the ten (10)-day period to cure the default, provided that the defaulting party is at all times within the additional time period actively and diligently pursuing the cure. If any default under this Agreement is not cured as described above, the non-defaulting party will, in addition to any other legal or equitable remedy, have the right to terminate this Agreement and enforce the defaulting party's obligations pursuant to this Agreement by an action for injunction or specific performance.

14. The Grantee shall not cause or allow any mechanics' or materialmen's liens to be filed against the Easement Property or the Property as a result of any work performed or material furnished on behalf of the Grantee in connection with the Work (a "Lien"). If a Lien is filed, the Grantee shall, at its sole cost and expense, cause the Lien to be discharged or bonded off of record not later than 30 days after the Grantee's receipt of notice of the filing of such Lien. In the event that such Lien is not discharged or bonded off of record within such 30 days, the Grantor may, but shall have no obligation to, defend, prosecute or pursue any action that the Grantor deems reasonably necessary to discharge the Lien, and the Grantee shall promptly reimburse the Grantor's out-of-pocket expenses incurred in connection therewith, upon demand therefor by the Grantor, subject to the Grantor's delivery to the District of reasonable documentation (i.e., invoices, receipts, etc.) of such expenses. This Section shall survive termination of this Agreement.

15. This Agreement may be executed in counterparts, each of which may be deemed an original, but all of which together shall constitute one and the same instrument. Executed copies hereof may be delivered by facsimile or email of a PDF document, and, upon receipt, shall be deemed originals and binding upon the signatories hereto, and shall have the full force and effect of the original for all purposes, including the rules of evidence applicable to court proceedings.

[Remainder of page intentionally left blank. Signatures on following page.]

IN WITNESS WHEREOF, the parties hereto have executed this Easement Agreement as of the date and year first above written.

**GRANTOR: COTTONWOOD
METROPOLITAN DISTRICT, a quasi-
municipal special district organized and existing
pursuant to the provisions of Title 32, C.R.S.**

By: _____
_____, President
[Print name/title on line]

ATTEST:

[Print name/title]

GRANTEE: TOWN OF PARKER

By: _____
Michelle Kivela, Town Administrator

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney