



PLANNING COMMISSION MEETING

7:00 PM

September 10, 2020

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

Town Administrator Emergency Order No. 2-2020: All municipal facilities, including Town Hall where Planning Commission 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: Planning Commission meetings are closed to members of the general public in response to the COVID-19 pandemic. The Town will provide for **electronic, virtual participation** by the general public, including applicants, residents and other interested parties during regular and special Planning Commission meetings via two (2) media types:

- **VIRTUAL PUBLIC PARTICIPATION: VIA ZOOM WEBINAR**

Instructions on how to participate in the public hearing are available by viewing the individual Planning Commission meeting listing on the Town's online calendar at www.parkeronline.org/calendar.

- **PUBLIC VIEWING ONLY: FACEBOOK LIVE**

Planning Commission meetings may be viewed through Facebook Live from the Town of Parker website: www.facebook.com/townofparkerco.

- **PLEASE NOTE: PUBLIC PARTICIPATION IS NOT AVAILABLE THROUGH FACEBOOK LIVE.**

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

4. **ADDITIONS TO OR DELETIONS FROM THE AGENDA**

5. APPROVAL OF MINUTES

July 23, 2020 Meeting Minutes

6. PUBLIC HEARINGS

A. CAROUSEL FARMS FILING NO. 1, LOTS 11 AND 12, BLOCK 1 - Fence Variance

1) Applicant: Julie Trail
Location: 16022 Hayloft Lane
Department: Community Development, BrieAnna Simon
TRAKiT No.: Z20-007

2) Applicant: Julie Trail
Location: 11092 Hayloft Street
Department: Community Development, BrieAnna Simon
TRAKiT No.: Z20-008

B. BOWEY PROPERTY - Zoning

Applicant: Town of Parker
Location: Northeast Corner of Parker Road and Pine Drive
Department: Community Development, BrieAnna Simon
TRAKiT No.: Z20-001

7. PLANNING COMMISSION ITEMS

8. STAFF ITEMS

9. ADJOURNMENT



PLANNING COMMISSION MINUTES

July 23, 2020

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

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

Also, present were the Commissioners seated at the June 25, 2020 Planning Commission meeting; Richard Foerster, Ruth Ann Nelson, John Howe and Susan Caudill. Commissioner Eliana Burke was seated for the absent Commissioner Tracie Manske.

ADDITIONS TO OR DELETIONS FROM THE AGENDA

None

APPROVAL OF MINUTES

Commissioner John Howe moved to approve the June 25, 2020 meeting minutes.

Commissioner Richard Foerster seconded; a vote was taken and passed 6:0.

Chair Gary Poole advised the public to join the Zoom webinar link if they wished to make public comments using the “Raise your Hand” feature; and that those watching on Facebook Live would not be able to make public comments.

Chair Gary Poole stated, for the record, the items to be heard are for Olde Town:

- ORDINANCE NO. 3.162.3 – A Bill for an Ordinance to Amend the Olde Town at Parker Planned Development Guide and Plan, and to Amend the Zoning Ordinance and Map to Conform Therewith
- Filing 2 Sketch and Preliminary Plans and
- “These items were remanded back to the Planning Commission to allow the Planning Commission to obtain more information from members of the public that were not able to participate in the public hearing that was held on these items on June 25, 2020.
- “The Planning Commission was advised by Town staff that some members of the public attempted to access the public hearing through Facebook Live instead of the Zoom Webinar link that was provided on the Town’s website,
- “Please note that the remanded public hearing will be reopened for the limited purpose of allowing Town staff to present information related to the remand and to allow those members of the public that attempted to access the June 25, 2020, public hearing through Facebook Live to provide public comment.
- “The applicant will be allowed to respond to the additional public comments.

- “Following the additional public comments and response by the applicant, I will close the public hearing. The Planning Commission members that were present on June 25, 2020, are present tonight, with the exception of one commission member that is not able to attend tonight’s meeting.
- “Commissioner Burke will fill-in for the commission member that is absent. Commissioner Burke has reviewed the record from the June 25, 2020, meeting.
 - Commissioner Burke stated she read the minutes from the June 25, 2020 Planning Commission meeting and watched the video of the meeting.
- “Following the Planning Commission’s deliberation, in which you will consider the additional public comment and applicant response, you will need to consider new motions for the zoning and sketch and preliminary plan.
- “Please note for the record that Town staff contacted Brandi & Cory Wilks and the Olde Town HOA, in addition to the Town Council and Planning Commission agendas that were posted concerning the remand of this matter.”

PUBLIC HEARING: OPENED: 7:05 P.M. OLDE TOWN - Rezone and Filing 2 – Sketch/Preliminary Plans

Applicant: Pacific North Enterprises, LLC
 Location: Generally located on the south side of Mainstreet between Jordan Road and Motsenbocker Road
 Department: Community Development, BrieAnna Simon
 TRAKiT Nos.: Z19-014, SUB19-014/SUB19-015

BrieAnna Simon, Planner, presented the staff report for the Olde Town rezone and sketch/preliminary plans request. Ms. Simon concluded with the determinations in the staff report; requested questions be asked after the applicant’s presentation; and recommended the Planning Commission recommend Town Council approve:

- an ordinance for the Olde Town at Parker Planned Development Guide- 3rd Amendment and
- approve the Olde Town at Parker Filing 2 Sketch and Preliminary Plans, with the two (2) conditions in staff’s report.

APPLICANT PRESENTATION

Bill Mahar, Norris Design, presented project information:

- introduced project team:
 - **Pacific North, Bryan Byler, Applicant / Developer**
 - **Martin/Martin, Ben Baltzer, Civil Engineer**
 - **Godden Sudik, Alex Duran, Architect**
- working on project for four years
- includes housing diversity, parks, trails and other amenities
- appreciate being able to answer any questions

Commissioners had no questions for staff or the applicant.

Chair Gary Poole stated this is the time where citizens are encouraged to speak publicly. The use of video conference technology can be challenging when inviting public comment. Therefore, to help us proceed in an organized fashion, we request that you use the "Raise Your Hand" feature to indicate you would like to speak. We will acknowledge speakers in the order they are received. When you are acknowledged for your turn to speak, we request that you introduce yourself by stating your name and address and speak respectfully. Your comments will be limited to three (3) minutes.

PUBLIC COMMENT OPENED

The following citizens spoke against the proposed rezone and sketch/preliminary plans request with concerns regarding:

- condo units are not a good fit in a single-family residential area
- existing homes are already built to close together
- condo units reduce surrounding home values
- increased traffic
- potential for increased crime; due to condos and underground parking
- potential seepage and drainage issues with construction of underground parking
- lack of sufficient parking
- concerns with emergency vehicles having access to the development based on traffic and parking limitations
- general aesthetics of the design for the proposed development; doesn't fit existing development
- the proposed development will exceed pool capacity
- the Homeowners' Association (HOA) and Metro District Board member doesn't speak for all the home owners
- potential for increase in traffic accidents and violations
- there is not a need for another dog park; need more parking
- construction drainage issues
- the consensus was that condos don't belong in this development; single-family, paired, and townhomes would be acceptable
 - Cory Wilks, 17402 E Neu Towne Parkway, Parker, CO
 - Sara Lubchenko, 17474 E Neu Towne Parkway, Parker, CO
 - Brandi Wilks, 17402 E Neu Towne Parkway, Parker, CO
 - Yvonne Araujo, 11402 S Trailmaster Circle, Parker, CO
 - Dustin Tallant, 17197 E Springfield Court, Parker, CO
 - Tammy Henkels, 17384 E Neu Towne Parkway, Parker, CO
 - Steve Sawatzky, 17492 E Neu Towne Parkway, Parker, CO

Mike Heimerle, 11364 S Trailmaster Circle, Parker, CO, HOA and Metro District Board Member spoke in support of the proposed rezone and sketch/preliminary plans as:

- he is not the only member on the Board and Metro District that supports the proposal
- the people that spoke with concerns for the proposal only represent approximately 2 percent of the development
- condos exist in the current development

- the proposed development is needed to keep the Metro District solvent
- if the Metro District is not funded, property values will go down

PUBLIC COMMENT CLOSED

PUBLIC HEARING: CLOSED: 7:45 P.M. OLDE TOWN - Rezone and Filing 2 – Sketch/Preliminary Plans

Planning Commissioners discussed with staff and the applicant:

- traffic impact metric; *(Staff deferred to the applicant to respond. Mr. Mahar said a very thorough traffic study was submitted for review and approved by Town staff; the findings indicated there is not a noticeable increase in traffic due to the proximity of the adjacent roads, good access and opportunities to disperse traffic in other ways. Staff added that the traffic study metric counts for Neu Towne Parkway were at 314 cars per day; Town of Parker limits are 2000 cars per day; the study also indicates that most of the traffic would be going north through the commercial development.)*
- medium density on-street parking concerns; *(Staff said parking requirements are part of a site plan review; the applicant will be required to meet all parking standards within the Municipal Code.)*
- if consideration will be given to restricting on-street parking to only one side of the street; *(Staff said the engineering and fire life safety plan for the access road is to restrict on-street parking to only one side.)*
- if there are crime statistics related to underground parking; *(Staff said land use applications are not reviewed for crime statistics; no comments or concerns have been raised by referral agencies.)*
- has the design for the units been considered as part of this application; *(Staff said the applicant has submitted site plan applications; currently under review and are required to meet all of the 2018 design standards.)*
- confirmation that most of the existing buildings along Parking Road were constructed prior to the 2018 design standards; *(Staff said that is correct.)*
- when the traffic impact study was done; before, during or after the Coronavirus pandemic; *(Staff said the traffic impact study was done prior to the Coronavirus pandemic.)*

PLANNING COMMISSION DISCUSSION

Planning Commissioners discussed the request:

- thanked the public for their participation and comments
- appreciated the public's concerns that are better addressed by HOA's and traffic control
- these requests regard land use
- is consistent with the Parker 2035 Master Plan
- will provide diverse housing ownership options
- good location; fits the area; is well designed to meet the updated design standards

- will provide parking relief with the underground parking area
- brings to fruition and completion development on land that has been vacant for quite a time
- meets nine criteria to recommend Town Council approval

Commissioner John Howe moved that the Planning Commission recommend Town Council approve an ordinance for the Olde Town at Parker Planned Development Guide – 3rd Amendment. Commissioner Eliana Burke seconded; a vote was taken and passed 6:0.

Commissioner John Howe moved that the Planning Commission recommend Town Council approve the Olde Town at Parker Filing 2 Sketch Plan, with the two (2) conditions in staff's report. Commissioner Richard Foerster seconded; a vote was taken and passed 6:0.

Commissioner John Howe moved that the Planning Commission recommend Town Council approve the Olde Town at Parker Filing 2 Preliminary Plan, with the two (2) conditions in staff's report. Commissioner Richard Foerster seconded; a vote was taken and passed 6:0.

PLANNING COMMISSION ITEMS

None

STAFF ITEMS

None

ADJOURNMENT

The meeting was adjourned at 7:52 p.m.

Rosemary Sietsema
Recording Secretary

Gary Poole
Chair



Planning Commission Staff Report

Planning Commission Date: 9/10/2020

Town Council Date: 9/21/2020

Hearing Type: Public Hearing
CAROUSEL FARMS FILING NO. 1, LOTS 11 AND 12,
BLOCK 1 – Fence Variance
TRAKiT Nos.: Z20-007 and Z20-008

Location: 16022 Hayloft Lane and 11092 Hayloft Street

Project Planner: BrieAnna Simon, Associate Planner

Applicant: Julie Trail, Home Owner and Neighbor

Executive Summary: The applicant, Julie Trail, is requesting two variances to allow for a six (6) foot privacy fence adjacent to open space on separate lots. The sites are located northeast of the intersection of Mainstreet and Newlin Gulch Boulevard.

Staff Recommendation: Denial

RECOMMENDED MOTION

“I move the Planning Commission recommend Town Council deny the Carousel Farms Filing 1, Lot 11, Block 1 - Fence Variance to not allow the six-foot privacy fence adjacent to open space as the request does not meet the following approval criteria:”

- There are no peculiar and exceptional practical difficulties or exceptional and undue hardship by reason of exceptional narrowness, shallowness or shape of a specific piece of property or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property

“I move the Planning Commission recommend Town Council deny the Carousel Farms Filing 1, Lot 12, Block 1 - Fence Variance to not allow the six-foot privacy fence adjacent to open space as the request does not meet the following approval criteria:”

- There are no peculiar and exceptional practical difficulties or exceptional and undue hardship by reason of exceptional narrowness, shallowness or shape of a specific piece of property or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property

ALTERNATIVE MOTIONS

"I move the Planning Commission recommend Town Council approve the Carousel Farms Filing 1, Lot 11, Block 1 - Fence Variance to allow the six-foot privacy fence adjacent to open space with the following conditions:

- The existing split rail fence, adjacent to the privacy fence be removed.*
- The privacy fence be updated with additional decorative details in order to match the existing privacy fence along Mainstreet."*

"I move the Planning Commission recommend Town Council approve the Carousel Farms Filing 1, Lot 12, Block 1 - Fence Variance to allow the six-foot privacy fence adjacent to open space with the following conditions:

- The existing split rail fence, adjacent to the privacy fence be removed.*
- The privacy fence be updated with additional decorative details in order to match the existing privacy fence along Mainstreet."*

"I move the Planning Commission vote to continue the Carousel Farms Filing 1, Lot 11, Block 1 - Fence Variance to allow the six-foot privacy fence adjacent to open space to a future date."

"I move the Planning Commission vote to continue the Carousel Farms Filing 1, Lot 12, Block 1 - Fence Variance to allow the six-foot privacy fence adjacent to open space to a future date."

I. BACKGROUND/DISCUSSION

The applicant, Julie Trail, is requesting a variance to allow for a six (6) foot privacy fence adjacent to open space. Julie is representing herself and Thomas Menefee as owners of *Carousel Farms Filing 1, Lot 11, Block 1* and representing Mi In Yoon and Sung Yoon Jeong as owners of *Carousel Farms Filing 1, Lot 12, Block 1* on the other side of the trail 1 corridor. The sites are located northeast of the intersection of Mainstreet and Newlin Gulch Boulevard. Both lots have recently constructed a six-foot privacy fence directly adjacent to the existing split rail fence, along the trail in the open space between the two lots.

The homes on both lots were constructed in 2018 and the split rail fence was installed by the developer. The subject properties were platted and developed as part of Carousel Farms Filing No. 1, which was approved in September of 2016. This approval included a master landscape and fence plan.

The approved plans indicated the fence locations in question are required to be a split rail fence. This approval was based on Section 13.07145(c)(9)(e)(2) of the land development ordinance, which states:

"Where public parks or open space are bordered predominantly by private rear or side yards, only open fences (e.g., split rail fences) no higher than forty-eight (48) inches may be erected on the common boundaries with the park or open space. Opaque fences and walls (e.g., privacy fences) are prohibited in yards bordering the park or open space."

Vicinity Map



II. PRIOR ACTIONS

Date	Action
9/21/2016	Carousel Farms Filing No. 1 Final Plat Approval

III. CURRENT SITE DATA

Existing Zoning	PD - Planned Development		
Overlay District	N/A		
PD & Plan Area	Carousel Farms Planned Development		
Master Plan Area	Medium Density Residential		
Site Acreage	Lot 11 – 0.133 Acres Lot 12 - 0.153 Acres		
Subdivision	Carousel Farms Filing No. 1		
Existing Use	Both properties consist of one single-family residence.		
Surrounding Uses			
	Master Plan Land Use	Zoning	Existing Use
North	Medium Density Residential	PD - Planned Development	Single Family Residential
South	Medium Density Residential	PD - Planned Development	Single Family Residential
East	Medium Density Residential	PD - Planned Development	Single Family Residential
West	Medium Density Residential	PD - Planned Development	Single Family Residential

IV. LAND DEVELOPMENT ORDINANCE

ZONING CONSISTENCY – Section 13.07.145			
Provisions	Existing/Required	Proposed	Analysis
Fence Height	48 inches maximum (4 feet)	6 feet	☐ Consistent ☒ Inconsistent ☐ N/A
Fence Detail	Open fences (e.g., split rail fences)	Opaque	☐ Consistent ☒ Inconsistent ☐ N/A
Landscaping	Title 13.06.070	The proposed variance will not alter any exterior landscaping.	☒ Consistent ☐ Inconsistent ☐ N/A
Staff Analysis	Staff has determined that the proposed fence does not meet the requirements and intent of Title 13.07.145 - Common open space. The applicant is requesting a variance from this section of the code.		

V. ACCESS, CIRCULATION & TRAFFIC ANALYSIS

The property for Lot 11 has vehicular access from Hayloft Lane and Lot 12 from Hayloft Street. There are no proposed changes to the existing vehicular access or traffic circulation.

VI. APPROVAL CRITERIA

Title 13.04.260.b. Criteria for approval for Variance:

In order to grant relief from the Land Development Ordinance, the applicant must demonstrate any peculiar and exceptional practical difficulties or exceptional and undue hardship that cause the need for the variance. The code defines by reason of exceptional as any of the following:

1. narrowness,
2. shallowness or shape of a specific piece of property or
3. by reason of exceptional topographic conditions or
4. other extraordinary and exceptional situation or condition of such piece of property

If the Town determines such relief may be granted, the variances shall not result in substantial detriment to the public good and substantially impairing the intent and purpose of this Title.

Applicant analysis and findings:

Request for Variance. We are requesting a variance according to Municipal Code Section 13.04.260(b)(2) that authorizes the Town of Parker to grant a variance in order to relieve any peculiar and exceptional practical difficulty or undue hardship by reason of an exceptional situation or condition of a property if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Code. While the verbiage of the Code limits the granting of variances to the height of the fence allowed, we are requesting that the City Planning Committee and Town Council consider our request for a variance for the type of fence allowed - an opaque privacy fence to be allowed on our property that abuts the common open space.

Reasons for Variance. In general, we believe the 6' opaque privacy fence promotes our health, safety and welfare without any detriment to the public good or impairment to the purpose of the Municipal Code. Here are the specific reasons supporting our request for a variance:

1. Intent of the Code. While the intent of the Code is understandable and makes sense, we feel that the Code does not take into consideration properties that abut common open spaces AND busy roadways. Although we are located next to a common open space, we also find ourselves located 50' from a busy roadway that presents a very specific and exceptional set of issues that other properties that abut common open spaces do not have to manage. In our situation, there is a direct conflict between the Code's intent to preserve a natural, welcoming, open feel to common open spaces for its residents and the Code's intent to protect its residents and their well-being.

2. Safety. A 40" Split Rail Fence with Horizontal Rails is Easily Mastered by Children and Dogs. Our house backs up to Mainstreet and while it has a posted 40 mph speed limit, most cars and trucks are consistently exceeding that speed limit. Like most children, our son enjoys climbing and exploring. The existing horizontal rails on the Split Rail Fence makes it easy for him to climb the fence. In a matter of minutes, my son could be walking in Mainstreet. The same can be said for most mid-sized to large dogs with any jumping ability (golden retrievers, labradors, poodles, shepherds, cattedogs, etc.). In addition, a 6' privacy fence greatly deters would-be burglars from considering a home invasion versus having a 40"
3. Minimize Chance of Abduction. Working along the same lines as #2 above, a fence needs to be at least 5' high to minimize child abductions. Cars stop in the turn lane on Mainstreet, 50' from our house. This proximity increases the chances of someone attempting to grab our son from the backyard and speed away down Mainstreet. I have reviewed relevant research (Office of Child Care from the Maryland State Department of Education) that supports the need to have fences of at least 5' in height to minimize the chances of a child abduction. The 6' privacy fence greatly reduces the chances of an attempted abduction.
4. Proximity to Mainstreet/Unauthorized Use of the Common Sidewalk. Someone recently rode a motorcycle down the common open space sidewalk from Hayloft Lane to get to Mainstreet. While this is a rare event, it will happen again and it raises safety concerns for us, our children and pets. A 6' privacy fence ensures that children and pets are isolated from the risk of being able to scale a smaller fence and gain access to the common open space sidewalk.
5. Reduced Road Noise in Our Backyard. Since installing the 6' privacy fence along the border of the common open space, we have experienced a dramatic reduction in noise from Mainstreet. This greatly improves our quality of life and allows us to spend more time in our backyard without having to deal with constant road noise.
6. Reduced Garbage in Our Backyard. Since installing the 6' privacy fence along the border of the common open space, we have experienced a dramatic reduction in garbage and debris from Mainstreet coming into our backyard. Random trash from Mainstreet creates dangers to my son and pets.
7. Backyard is a Safe Haven. Our 6' privacy fence has created a safe haven for us during the COVID-19 pandemic. With required social distancing, stay-at-home orders and not having access to parks, the 6' privacy fence has allowed us to provide our son with a safe place to explore and be a kid without having to worry about him scaling a 40" Split Rail Fence or something/someone from outside of our property negatively affecting us.
8. Financial Hardship. We made a substantial investment when we paid a contractor to install our high quality, visually pleasing privacy fence after it was approved by the HOA. The fence does not disrupt the physical aesthetic of the neighborhood and actually makes the area look more uniform instead of having a privacy fence on the rear side of our backyard and then a Split Rail Fence on the side of our property abutting the common open space. Paying a contractor to remove the privacy fence would create a financial hardship for us.

9. Neighbor Support. We have included several signed letters from our neighbors that show their support of us being granted a variance and allowed to retain the existing privacy fence. These are neighbors who are very familiar with our property, its proximity to Mainstreet and the issues we (as well as our neighbor) have encountered with only having a Split Rail Fence in such close proximity to Mainstreet. In addition, our HOA is very aware of the particular situation we (and our neighbor) face after approving our request to install the privacy fence and have directed us to apply for this variance.

Staff analysis and findings:

The Land Development Ordinance restricts fencing adjacent to open space to be open fencing no greater than four feet in height. The intent of this is to ensure that dedicated open space is accessible and open to the public, is not walled off creating unsightly fence canyons and to enhance safety by increasing visibility and “eyes on the street” within the public areas. Typically, these open areas are adjacent to trails, parks, and other pedestrian activities. Having open and limited height on fences, provides additional visibility of the pedestrian areas and enhance the presence of safety within these areas.

The requested variance has not been determined to meet the set forth in the code. The request for a taller fence is not due to topographic conditions or an undue hardship created by the physical characteristics of the lots in question, such as shape or size. Therefore, staff has determined that this criterion for a variance has not been satisfied.

The applicant may choose to add enhanced landscaping on their property along the open rail fence without the need for variance approval. This landscaping may address some of the property owner’s concerns noted in their application.

Following are photos of the non-approved six foot fences erected by the applicant, behind the approved, for the development and by the Homeowners’ Association, split-rail fences:



VII. SUMMARY REFERRAL AGENCY COMMENTS AND CONDITIONS

Agency	Comments
Fire Life Safety	No Comment
Parker Public Works	No Comment
South Metro Fire & Rescue Authority	No comment
Parker Water and Sanitation District	Approved
IREA	Approved
CenturyLink	No comment
Comcast	No comment
Carousel Farms HOA	Please be advised that the Enclave at Pine Grove Homeowners Association ("Association") has received and reviewed the property owners' requests for a variance to the fencing that was approved for the community. After careful consideration, the Association has determined that Association does not support any variance to the approved fencing. The current approved open rail fence designated for these lots complies with the Town's development codes and has been implemented in most of the communities in the Town of Parker. The Association does not find that there are any special or unique circumstances regarding the subject properties which would necessitate a change in the approved plans or approval of a variance. To date, the Architectural Review Committee has denied the property owners' requests for approval to change the existing fences or to have double fencing. Violation letters have been sent to the property owner's requesting that the privacy fences be removed.

VIII. CONCLUSION

After evaluating the information provided by the applicant for a variance staff has determined that the request does not meets the approval criteria set forth in the Land Development Ordinance and outlined in Section VII of this staff report.

IX. RECOMMENDED CONDITIONS

Staff recommends that the Planning Commission recommend that the Town Council deny the Carousel Farms *Filing 1, Lot 11, Block 1 - Fence Variance* to not allow the six-foot privacy fence adjacent to open space as the request does not meet the following approval criteria.

- There are no peculiar and exceptional practical difficulties or exceptional and undue hardship by reason of exceptional narrowness, shallowness or shape of a specific piece of property or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property

Staff recommends that the Planning Commission recommend that the Town Council deny the Carousel Farms *Filing 1, Lot 12, Block 1* - Fence Variance to not allow the six-foot privacy fence adjacent to open space as the request does not meet the following approval criteria.

- There are no peculiar and exceptional practical difficulties or exceptional and undue hardship by reason of exceptional narrowness, shallowness or shape of a specific piece of property or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property

X. ATTACHMENTS

1. Applicant's Project Narrative for Lot 11
2. Applicant's Project Narrative for Lot 12

Report Approved By: Bryce Matthews, Planning Manager

**Town of Parker Community Development Department
Land Use and Development Application**

**Application for Variance
May 22, 2020**

Property: 16022 Hayloft Lane, Parker, CO 80134

Applicant/Property Owner: Julie Trail and Thomas Menefee

This Application Includes:

1. Statement from the Applicant
2. Land Use and Development Application with Exhibits A - E
3. Photographs of the Privacy Fence for which the Variance is being sought
4. List of Neighboring Property Owners to be Notified of Variance Application
5. Support from Neighbors
6. Approval from the Homeowner's Association

1. Statement from the Applicants

(Our History and Purpose Behind Petition for Variance)



History.

The rear property line of our home abuts Mainstreet, a busy six-lane road with a posted speed limit of 40 mph which is often exceeded. There is a common open space sidewalk that runs from Mainstreet, by our property, to Hayloft Lane and into our neighborhood. There is a 40" (3'4") high split-rail fence with three horizontal posts that are roughly 2' apart from one another (the "Split Rail Fence") that runs along the east side of our property that borders the common open space. Mainstreet is approximately 50' from the split-rail fence. When we purchased our home in 2018, there was and remains a 6' high opaque privacy fence that runs along the back side of our property that borders Mainstreet. The developer did not install a privacy fence on the side of our property that borders the common open space as the Parker Municipal Code prohibits privacy fences on portions of property that border common open spaces.

In 2018, we applied to our homeowner's association, The Enclave at Pine Grove Homeowners Association ("HOA"), to replace the Split Rail Fence with a 6' high opaque privacy fence to match the existing privacy fence that sits on the back of our property that borders Mainstreet. The HOA rejected our request.

In 2019, our neighbors at 11092 Hayloft Street, directly east from us across the common open space, were burglarized. In addition, the garbage from Mainstreet continued to find its way into their yard and was consumed by their dogs, resulting in the dogs getting seriously sick. The neighbor's dogs were also able to jump their Split Rail Fence, giving the dogs easy access to Mainstreet. The neighbors subsequently applied to the HOA and were approved to install a 6' opaque privacy fence on the portion of their property that borders the common open space, just inside of their Split Rail Fence in relation to their

home. Aside from giving the neighbors an increased sense of safety and privacy, the privacy fence they installed matched the privacy fence that ran along the border of their property that abutted Mainstreet, resulting in a clean, uniform look.

At that time, we had just had our first child and were very concerned about the lack of privacy, safety, security and exposure to garbage from Mainstreet. While we understood that there are certain things you give up by living next to a busy road, we felt that a privacy fence would greatly ease our concerns and decrease some of the negative effects of being located so close to Mainstreet. So we applied and were approved by the HOA to install a 6' foot opaque privacy fence on the portion of our property that borders the common open space to match the existing privacy fence that was already running along the back side of our property abutting Mainstreet. The fence was installed just inside of our Split Rail Fence in relation to our home, also matching the existing privacy fence located along the rear property line of our home.

Lack of Approval from Parker.

Once the HOA approved our request to install the privacy fence, we believed that we did not need to gain approval from the Town of Parker to install the privacy fence because fence permits are not needed for fences that are 6' and shorter (Section 13.04.040(e)(2)). Regrettably, we did not think to dig deeper into the Municipal Code because our property abuts a common open space. In retrospect, we are apologetic and can see that Section 13.07.140 (9)(e)(2) of the Code prohibits opaque privacy fences in areas of properties that border common open spaces.

Request for Variance.

We are requesting a variance according to Municipal Code Section 13.04.260(b)(2) that authorizes the Town of Parker to grant a variance in order to relieve any peculiar and exceptional practical difficulty or undue hardship by reason of an exceptional situation or condition of a property if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Code. While the verbiage of the Code limits the granting of variances to the height of the fence allowed, we are requesting that the City Planning Committee and Town Council consider our request for a variance for the type of fence allowed - an opaque privacy fence to be allowed on our property that abuts the common open space.

Reasons for Variance.

In general, we believe the 6' opaque privacy fence promotes our health, safety and welfare without any detriment to the public good or impairment to the purpose of the Municipal Code. Here are the specific reasons supporting our request for a variance:

1. Intent of the Code. While the intent of the Code is understandable and makes sense, we feel that the Code does not take into consideration properties that abut common open spaces AND busy roadways. Although we are located next to a common open space, we also find ourselves located 50' from a busy roadway that presents a very specific and exceptional set of issues that other properties that abut common open spaces do not have to manage. In our situation, there is a direct conflict between the Code's intent to preserve a natural, welcoming, open feel to common open spaces for its residents and the Code's intent to protect its residents and their well-being.

2. Safety. A 40" Split Rail Fence with Horizontal Rails is Easily Mastered by Children and Dogs. Our house backs up to Mainstreet and while it has a posted 40 mph speed limit, most cars and trucks are consistently exceeding that speed limit. Like most children, our son enjoys climbing and exploring. The existing horizontal rails on the Split Rail Fence makes it easy for him to climb the fence. In a matter of minutes, my son could be walking in Mainstreet. The same can be said for most mid-sized to large dogs with any jumping ability (golden retrievers, labradors, poodles, shepherds, cattedogs, etc.). In addition, a 6' privacy fence greatly deters would-be burglars from considering a home invasion versus having a 40"

Split Rail Fence. The 6' privacy fence with vertical posts greatly decreases any chance of my son, a pet or a would-be burglar of scaling the fence.

3. Minimize Chance of Abduction. Working along the same lines as #2 above, a fence needs to be at least 5' high to minimize child abductions. Cars stop in the turn lane on Mainstreet, 50' from our house. This proximity increases the chances of someone attempting to grab our son from the backyard and speed away down Mainstreet. I have reviewed relevant research (Office of Child Care from the Maryland State Department of Education) that supports the need to have fences of at least 5' in height to minimize the chances of a child abduction. The 6' privacy fence greatly reduces the chances of an attempted abduction.

4. Proximity to Mainstreet/Unauthorized Use of the Common Sidewalk. Someone recently rode a motorcycle down the common open space sidewalk from Hayloft Lane to get to Mainstreet. While this is a rare event, it will happen again and it raises safety concerns for us, our children and pets. A 6' privacy fence ensures that children and pets are isolated from the risk of being able to scale a smaller fence and gain access to the common open space sidewalk.

5. Reduced Road Noise in Our Backyard. Since installing the 6' privacy fence along the border of the common open space, we have experienced a dramatic reduction in noise from Mainstreet. This greatly improves our quality of life and allows us to spend more time in our backyard without having to deal with constant road noise.

6. Reduced Garbage in Our Backyard. Since installing the 6' privacy fence along the border of the common open space, we have experienced a dramatic reduction in garbage and debris from Mainstreet coming into our backyard. Random trash from Mainstreet creates dangers to my son and pets.

7. Backyard is a Safe Haven. Our 6' privacy fence has created a safe haven for us during the COVID-19 pandemic. With required social distancing, stay-at-home orders and not having access to parks, the 6' privacy fence has allowed us to provide our son with a safe place to explore and be a kid without having to worry about him scaling a 40" Split Rail Fence or something/someone from outside of our property negatively affecting us.

8. Financial Hardship. We made a substantial investment when we paid a contractor to install our high quality, visually pleasing privacy fence after it was approved by the HOA. The fence does not disrupt the physical aesthetic of the neighborhood and actually makes the area look more uniform instead of having a privacy fence on the rear side of our backyard and then a Split Rail Fence on the side of our property abutting the common open space. Paying a contractor to remove the privacy fence would create a financial hardship for us.

9. Neighbor Support. We have included several signed letters from our neighbors that show their support of us being granted a variance and allowed to retain the existing privacy fence. These are neighbors who are very familiar with our property, its proximity to Mainstreet and the issues we (as well as our neighbor) have encountered with only having a Split Rail Fence in such close proximity to Mainstreet. In addition, our HOA is very aware of the particular situation we (and our neighbor) face after approving our request to install the privacy fence and have directed us to apply for this variance.



TOWN OF PARKER COMMUNITY DEVELOPMENT DEPARTMENT LAND USE AND DEVELOPMENT APPLICATION

20120 E. Mainstreet, Parker, CO 80138

303/841.2332 (Phone) 303/841.3223 (Fax) <http://www.parkeronline.org> (internet)

Instructions:

1. All applications must be typed or printed. Illegible applications may be rejected at the discretion of the Community Development Department.
2. All applicable sections must be completed, and the application signed by ALL parties of interest. Unsigned applications **WILL NOT** be processed.
3. All requisite Exhibit Attachments must be included if the application is to be deemed complete.

Type of Application:		OFFICIAL USE ONLY	Case # _____
(Check All that Apply)		Trakit #:	
☐ Amendment to Comprehensive Plan	☐ Vacation of Lot Line or Easement	Application Accepted by:	
☐ Annexation & Rezoning	☐ Use by Special Review	Date:	
☐ Rezoning or PD Amendment	☒ Variance	Fees:	
☐ Sketch Plan	☐ Site Plan	Receipt No.:	
☐ Preliminary Plan	☐ Site Plan Amendment	Application Reviewed by:	
☐ Final Plat	☐ Condo Plat	Date:	
☐ Minor Development Plat	☐ Amendment to SIA or Recorded Plat	Application Assigned to:	
☐ Re-Plat	☐ Other: _____	Date:	

Project Name:			
Address or General Location: 16022 Hayloft Lane, Parker, CO 80134			
Section	☐ NW ☐ NE ☐ SW ☐ SE	Lot	11
Township		Block	1
Range		Filing No.	1Card
Total Acres: Gross		Net	
Requested Application in Detail: Applicants are seeking a variance for the portion of their exterior opaque privacy fence that borders the common open space sidewalk on the east side of the property that is currently violating Parker Municipal Code Section 13.07.140 (9)(e)(2). See the attached 'Statement from Applicants' for more details.			

Property Owner of Record:	Applicant (if different from Property Owner):
Name: Julie Trail & Thomas Menefee	Name: _____
Company: _____	Company: _____
Address: 16022 Hayloft Lane	Address: _____
Parker CO 80134	_____
Phone: 720.810.3743 Fax: _____	Phone: _____ Fax: _____
Email: Jtrailpt@gmail.com	Email: _____

Project Representative or Consultant:	For Subject Property, List Utility Providers
Name: _____	Water: Parker Water & Sanitation District
Company: _____	Sanitary Sewer: Parker Water & Sanitation District
Address: _____	Electricity: IREA
_____	Gas: Xcel
Phone: _____ Fax: _____	Telephone: N/A
Email: _____	Cable: Xfinity
Note: Unless otherwise specified, all correspondence from the Town will be directed to the project representative.	
Fire Protection: Fire Protection South Metro	

Current Property Zoning & Use:	Proposed Property Zoning & Use:
Zoning: Residential	Requested Zoning: N/A
IF PD, Specify Use: _____	If Applicable PD Name: _____
Current Use: _____	If Rezoning Total Acreage: _____
Subdivision: Carousel Farms	Proposed Use: _____

Proposals For Construction of New Residential, Commercial, or Industrial Buildings or Space	
Has prior residential project been approved for all or part of this project Yes ☐ No ☐ Total residential dwelling units requested: _____	
Indicate total number of units: _____ Single Family Detached: _____	Single Family Attached: _____
Multi-Family/Condominiums/Townhomes: _____	

Indicate the type of commercial/industrial development proposed (Check all that applies)

☐ Retail
 ☐ Other Commercial
 ☐ Medical/Dental Office
 ☐ High Tech Office
 ☐ Business/Professional Office
☐ Light Industrial
 ☐ Warehouse
 ☐ Other

Please provide additional descriptions as appropriate: **Not Applicable**

What type of gross leasable square footage for each category indicated above?

Type	No. of Buildings	Gross Square Footage	Leasable Square Footage
N/A	N/A	N/A	N/A

By signing below, the Land Owner of Record, Applicant and Project representative are indicating that each understands and agrees to the following terms:

1. Authorized personnel from the Town of Parker, and its consultants, are hereby granted the right to enter the subject property for the purposes of reviewing and processing the application.
2. The Property Owner of Record acknowledges and agrees that the Town of Parker may file liens against the subject property for any unpaid financial obligation owed to the Town related to reviewing and processing the application.
3. There are no known geologic, physical or biologic hazards, or vicious animals present on the subject property except as indicated in the attached Exhibit D.
4. All requirements for submission of this application for reviewing and processing by Town of Parker Community Development Department made in accordance with the Town's Land Development Code, and any and all applicable Town of Parker Ordinances and Resolutions.
5. All requisite fees have been paid to the Town of Parker.
6. All information contained in this application, the attached Exhibits, and other materials submitted in connection with this application are true and accurate to the best knowledge of the Applicant, Land Owner of Record and Project Representative. It is clearly understood and agreed to that false or untruthful information may be grounds for the Town to stop processing this application or withdrawing any approval granted based upon such false or untruthful information.
7. The Town of Parker is under no obligation to approve the request contained in the application. No promises of approval are conveyed with the acceptance of this application.
8. The schedule of Exhibit attachments, as described below, accompanies this application:
 - Exhibit A: Legal Description of Property.
 - Exhibit B: Title Policy, current to within thirty (30) days of the date of signatures below.
 - Exhibit C: Letter of Authorization from the Property Owner of Record, allowing Applicant and Project Representative to act on their behalf, and accepting ultimate financial obligation for expenses incurred by the Town of Parker as a result of the evaluation of this request.
 - Exhibit D: Disclosure of any Geologic, Physical or Biologic Hazard present on site, or any vicious animals in residence on property.
 - Exhibit E: Vicinity Map of Project Site.

Property Owner of Record:

Print Name: **Julie Trail & Thomas Menefee**

Signature:

Julie Trail *Thomas Menefee*

Date:

5.22.20

Applicant, if different from Property Owner:

Print Name:

Signature:

Date:

Project Representative or Consultant

Print Name:

Signature:

Date:

Exhibit A
to Land Use and Development Application
(Legal Description)

Lot 11, Block 1, Carousel Farms Subdivision Filing No. 1, County of Douglas, State of Colorado.

Exhibit B
to Land Use and Development Application
(Title Policy)

SHORT FORM RESIDENTIAL LOAN POLICY (One-To-Four Family)

Issued by Land Title Insurance Corporation

SCHEDULE A

File Number: TR70652841-2 Mortgage Amount: \$408,000.00
Loan Number: 3447100066 Mortgage Date: FEBRUARY 27, 2020
Amount of Insurance \$408,000.00 Date of Policy: March 03, 2020
Policy Number: 70652841.2059844SX or the date of recording of the insured mortgage, whichever is later
Name of Insured: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ACTING SOLELY AS NOMINEE FOR QUICKEN LOANS INC., ITS SUCCESSORS AND/OR ASSIGNS
Name of Borrower(s): THOMAS ADAM MENEFEE AND JULIE ANNE TRAIL
Property Address: 16022 HAYLOFT LANE, PARKER, CO 80134
County and State: County of Douglas State of Colorado

The estate or interest in the land identified in this Schedule A and which is encumbered by the insured mortgage is fee simple and is at Date of Policy vested in the borrower(s) shown in the insured mortgage and named above.

The land referred to in this policy is described as set forth in the Insured Mortgage.

This policy consists of two pages, unless an addendum is attached and indicated below:

☒ Addendum Attached

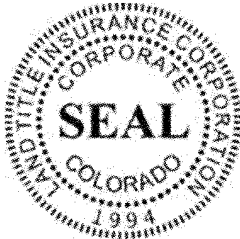
The ALTA endorsements checked below, if any, are incorporated in this policy:

- ☐ ALTA ENDORSEMENT 4-06 (Condominium)
☐ ALTA ENDORSEMENT 4.1-06 (Condominium), if the Land or estate or interest is referred to in the Insured Mortgage as a condominium
☐ ALTA ENDORSEMENT 5-06 (Planned Unit Development)
☐ ALTA ENDORSEMENT 5.1-06 (Planned Unit Development)
☐ ALTA ENDORSEMENT 6-06 (Variable Rate), if the Insured Mortgage contains provisions which provide for an adjustable rate.
☐ ALTA ENDORSEMENT 6.2-06 (Variable Rate-Negative Amortization), if the Insured Mortgage contains provisions which provide for both an adjustable interest rate and a negative amortization.
☐ ALTA ENDORSEMENT 7-06 (Manufactured Housing), if a manufactured housing unit is located on the Land at Date of Policy.
☐ ALTA ENDORSEMENT 7.1-06 (Manufactured Housing – Conversion Loan)
☒ ALTA ENDORSEMENT 8.1-06 (Environmental Protection Lien) - Paragraph b refers to the following state statute(s):
☒ ALTA ENDORSEMENT 9-06 (Restrictions, Encroachments, Minerals)
☐ ALTA ENDORSEMENT 14-06 (Future Advance - Priority)
☐ ALTA ENDORSEMENT 14.1-06 (Future Advance – Knowledge)
☐ ALTA ENDORSEMENT 14.3-06 (Future Advance – Reverse Mortgage)
☐ ALTA ENDORSEMENT 22-06 (Location) The type of improvement is a one-to-four family residential structure and the street address is as shown above
☐ ALTA ENDORSEMENT 30-06 (Shared Appreciation Mortgage)

Issues through the Office of :
LAND TITLE GUARANTEE COMPANY
3033 E 1st AVE #600
DENVER, CO 80206
303-850-4168

CB Rantz

Senior Vice President



Land Title Insurance Corporation
P.O. Box 5645
Denver, CO 80217
(303) 331-6296

John E. Freyer, Jr.

John E. Freyer, Jr., President

Tina L. Rutherford

Tina L. Rutherford, Secretary

AMERICAN
LAND TITLE
ASSOCIATION



SUBJECT TO THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B BELOW, AND ANY ADDENDUM ATTACHED HERETO, Land Title Insurance Corporation, HEREIN CALLED THE "COMPANY", HEREBY INSURES THE INSURED IN ACCORDANCE WITH AND SUBJECT TO THE TERMS, EXCLUSIONS, AND CONDITIONS SET FORTH IN THE AMERICAN LAND TITLE ASSOCIATION LOAN POLICY (06-17-06), ALL OF WHICH ARE INCORPORATED HEREIN. ALL REFERENCES TO SCHEDULE A AND B SHALL REFER TO SCHEDULES A AND B OF THIS POLICY.

SCHEDULE B

EXCEPTIONS FROM COVERAGE AND AFFIRMATIVE ASSURANCES

Except to the extent of the affirmative insurance set forth below, this policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees, or expenses) which arise by reason of:

1. Those taxes and special assessments that become due or payable subsequent to Date of Policy. (This does not modify or limit the coverage provided in Covered Risk 11(b).)
2. Covenants, conditions or restrictions, if any, appearing in the Public Records; however, this policy insures against loss or damage arising from:

(a) the violation of those covenants, conditions, or restrictions on or prior to Date of Policy;

(b) a forfeiture or reversion of Title from a future violation of those covenants, conditions, or restrictions, including those relating to environmental protection; and

(c) provisions in those covenants, conditions, or restrictions, including those relating to environmental protection, under which the lien of the Insured Mortgage can be extinguished, subordinated, or impaired.

As used in paragraph 2(a), the words "covenants, conditions, or restrictions" do not refer to or include any covenant, condition, or restriction (a) relating to obligations of any type to perform maintenance, repair or remediation on the Land, or (b) pertaining to environmental protection of any kind or nature, including hazardous or toxic matters, conditions or substances, except to the extent that a notice of a violation or alleged violation affecting the Land has been recorded or filed in the Public records at Date of Policy and is not referenced in an addendum attached to this policy.

3. Any easements or servitudes appearing the Public Records; however, this policy insures against loss or damage arising from

(a) the encroachment, at Date of Policy, of the improvements on any easement, and (b) any interference with or damage to existing improvements, including lawns, shrubbery, and trees, resulting from the use of the easements for the purposes granted or reserved.

4. Any lease, grant, exception, or reservation of minerals or mineral rights appearing in the Public Records; however, this policy insures against loss or damage arising from (a) any affect on or impairment of the use of the Land for residential one-to-four family dwelling purposes by reason of such lease, grant, exception or reservation of minerals or mineral rights, and (b) damage to existing improvements, including lawns, shrubbery, and trees, resulting from the future exercise of any right to use the surface of the Land for the extraction or development of the minerals or mineral rights so leased, granted, excepted, or reserved. Nothing herein shall insure against loss or damage resulting from subsidence.

ANTI-FRAUD STATEMENT: Pursuant to CRS 10-1-128(6)(a), it is unlawful to knowingly provide false, incomplete or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete, or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado division of insurance within the department of regulatory agencies.

This anti-fraud statement is affixed and made a part of this policy.

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Exhibit C
to Land Use and Development Application
(Letter of Authorization)

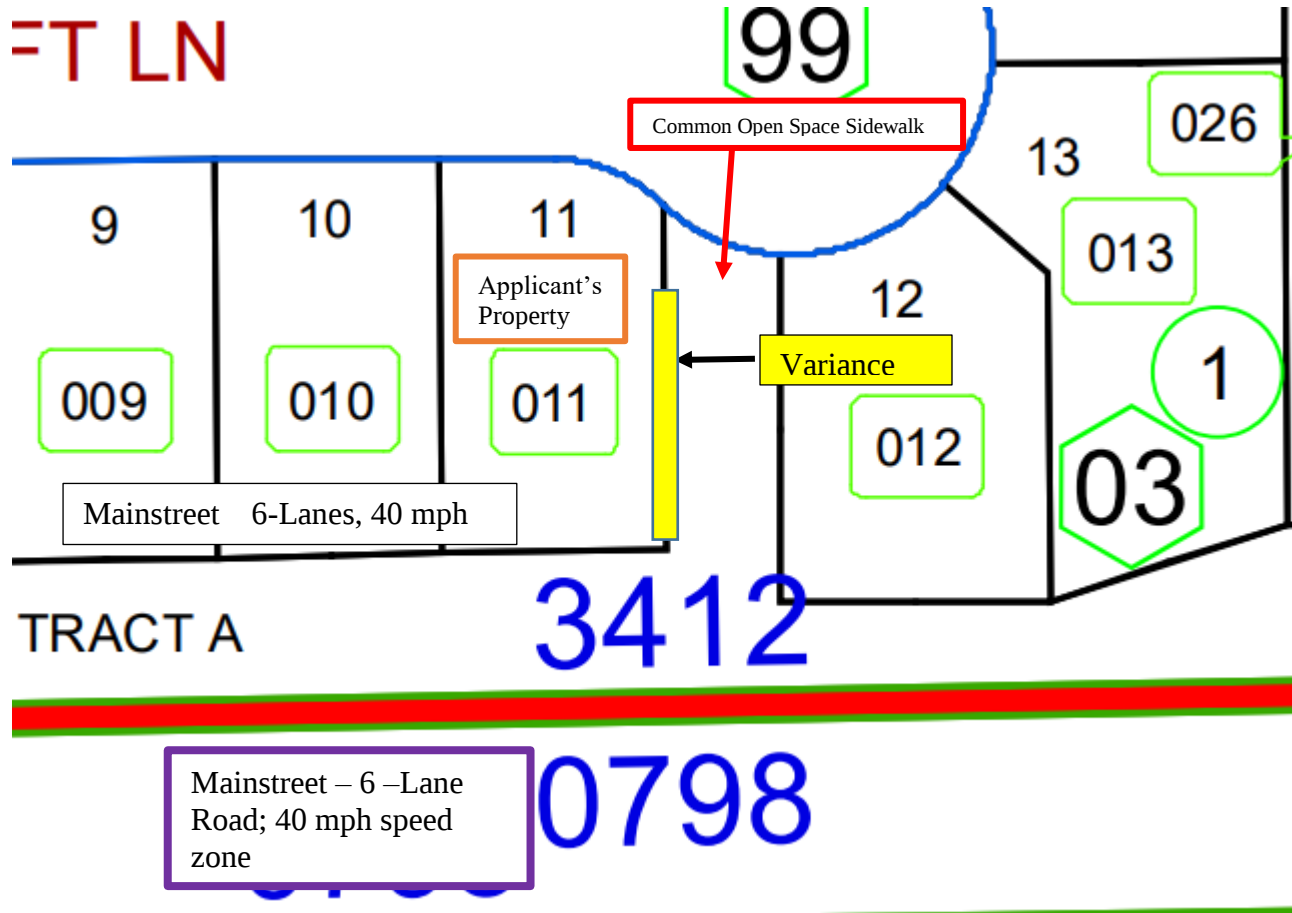
Not Applicable

Exhibit D
to Land Use and Development Application
(Disclosure of Hazards)

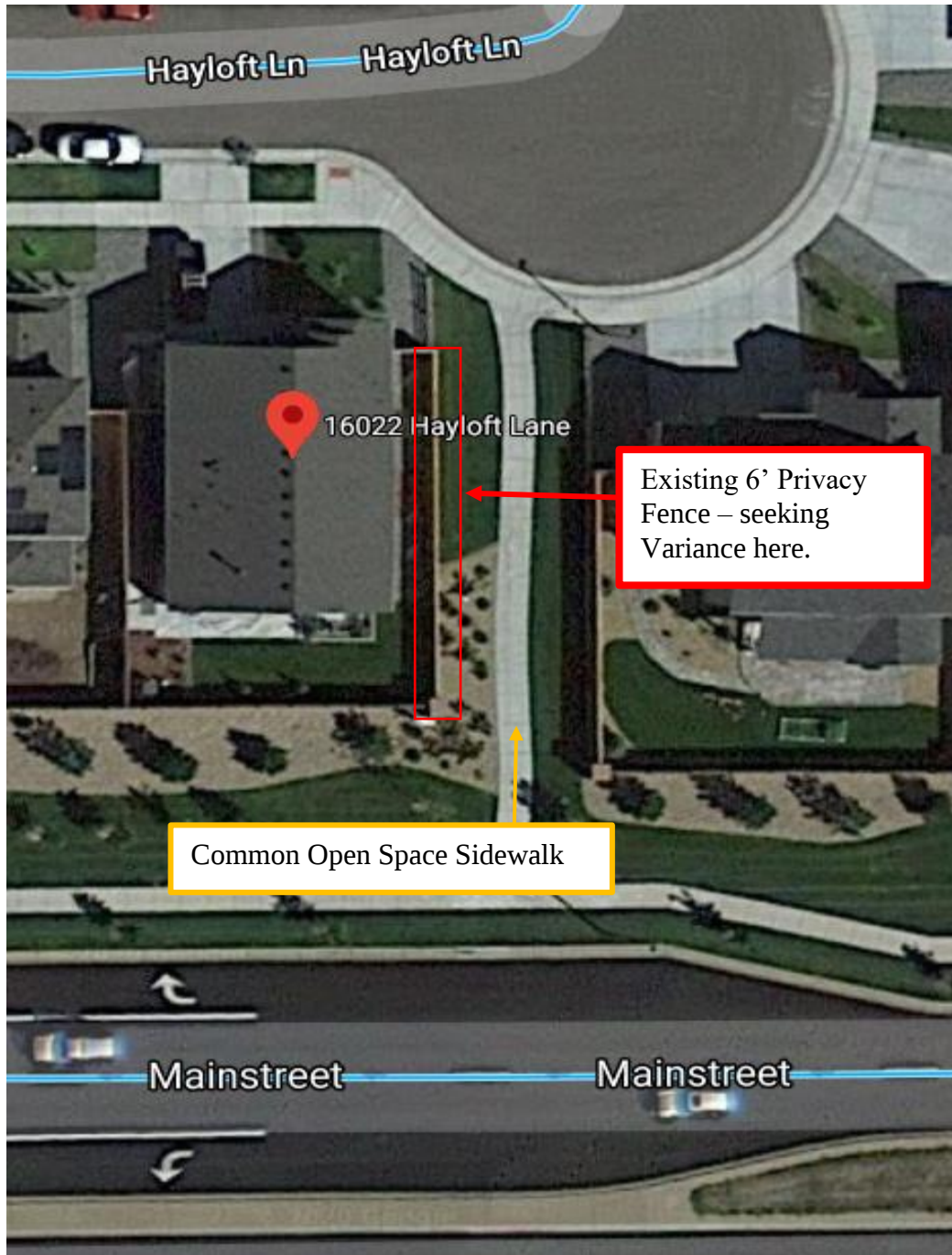
There are no geologic, physical or biological hazards on the Property, nor are there any vicious animals located on the Property.

Exhibit E
to Land Use and Development Application
(Vicinity Map, Photographs of the Property)

Lot 11 is the Applicant's property. The yellow highlighted area is the location of the requested variance. The white space between Lot 11 and Lot 12 is the common open space sidewalk.



(Google Map Aerial photograph on the next page)



3. Photographs of the Privacy Fence for which the Variance is being sought









**4. List of Neighboring Property Owners to be Notified of Variance
Application**

List of Neighbors to Provide Notice

Christopher and Nathalie Despain
16008 Hayloft Lane
Parker, CO 80134

Salinas & Frazin Residence Trust
16015 Hayloft Lane
Parker, CO 80134

Jeffrey & Heidi Osborne
16023 Hayloft Lane
Parker, CO 80134

Deidre Newcomer
11080 Hayloft Street
Parker, CO 80134

Sureshkumar Muthupandian & Priya Sivanu Pandi
16027 Kilberry Lane
Parker, CO 80134

Mi In Yoon & Sung Yoon Jeong
11092 Hayloft Street
Parker, CO 80134

5. Support from Neighbors

Enclave at Pine Grove Neighbors,

This is Julie and Mi and we hope this letter finds everyone healthy during this difficult time. We are writing this letter today regarding our privacy fences which run along the common pedestrian sidewalk into our neighborhood from Mainstreet. We petitioned the HOA to place a privacy fence behind the split rail fence that runs on our property lines June 2019. The reason we petitioned to construct the privacy fence on the sides of our houses was for safety and privacy reasons due to the heavy traffic on Main Street. We were concerned for the safety of our young son who loves to climb and for our pets. Since there was also a robbery, we had concerns regarding security. The HOA granted permission for us to build the fences and we hired a contractor to build the fences July 2019 following the guidelines of the HOA. The finished fences were approved by the HOA March 17, 2020.

However, on March 23, 2020 the HOA informed us our privacy fences would have to be removed because they are not allowed by the Town of Parker regulations. It seems the landscaping between the sidewalk and our properties is deemed "open space" and only split rail fences are allowed in "open spaces."

To keep our privacy fence, we need to obtain a variance from the Town of Parker. We are asking homeowners in our community to help us in gaining the needed variance. Would you please sign this letter stating you approve our privacy fence? If you have any questions, please do not hesitate to reach out to us at our below contact information. You can drop off the signed letters at one of our houses or e-mail them to jtrailpt@gmail.com

Thanks so much.

Julie and Adam
16022 Hayloft Lane
e-mail: jtrailpt@gmail.com
ph. 720-448-6820

Mi and Cory
11092 Hayloft St.
e-mail: Midenma@gmail.com
ph. 720-837-4033

We are homeowners in the Enclave at Pine Grove, and we believe a variance should be granted to allow the privacy fences constructed should be allowed to remain in place.

Homeowner Name OKSANA SCHETEPA

Signature Oksana S.

Homeowner address 11016 Hayloft St.
Parker, CO, 80134

May 6, 2020

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ph. 720-448-6820

Mi and Cory
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e-mail: Midenma@gmail.com
ph. 720-837-4033

We are homeowners in the Enclave at Pine Grove, and we believe a variance should be granted to allow the privacy fences constructed should be allowed to remain in place.

Homeowner Name Chris Despain

Signature 

Homeowner address 16008 Hayloft Ln
Parker, CO 80134

May 6, 2020

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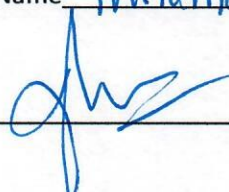
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e-mail: Midenma@gmail.com
ph. 720-837-4033

We are homeowners in the Enclave at Pine Grove, and we believe a variance should be granted to allow the privacy fences constructed should be allowed to remain in place.

Homeowner Name Thirumoorthy Selvaraj
Signature 
Homeowner address 15984 Hayloft Ln
Parker CO

May 6, 2020

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e-mail: Midenma@gmail.com
ph. 720-837-4033

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Homeowner Name Raul Ramirez

Signature 

Homeowner address 15932 Hayloft Lane
Parker, CO 80134

May 6, 2020

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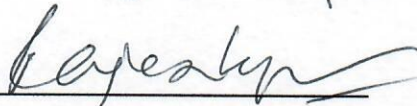
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ph. 720-448-6820

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11092 Hayloft St.
e-mail: Midenma@gmail.com
ph. 720-837-4033

We are homeowners in the Enclave at Pine Grove, and we believe a variance should be granted to allow the privacy fences constructed should be allowed to remain in place.

Homeowner Name Rajeev Narpane

Signature 

Homeowner address 15956 Hayloft Lane
Parker, CO 80134

May 6, 2020

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Thanks so much.

Julie and Adam
16022 Hayloft Lane
e-mail: jtrailpt@gmail.com
ph. 720-448-6820

Mi and Cory
11092 Hayloft St.
e-mail: Midenma@gmail.com
ph. 720-837-4033

We are homeowners in the Enclave at Pine Grove, and we believe a variance should be granted to allow the privacy fences constructed should be allowed to remain in place.

Homeowner Name Bhavika paikh

Signature B. B. paikh

Homeowner address 15972 Hayloft Lane
Parker Colorado

May 6, 2020

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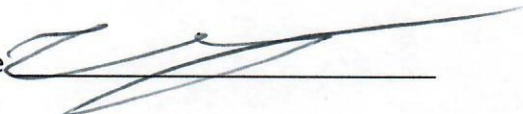
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Homeowner Name ERIN CLAVEZ

Signature 

Homeowner address 15969 FULLY AVE
PARKER, CO 80134

May 6, 2020

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Homeowner Name Philip Salinas & Mary Ann Trazin

Signature Philip Salinas & Mary Ann Trazin

Homeowner address 16015 Hayloft Lane
Parker, CO 80134

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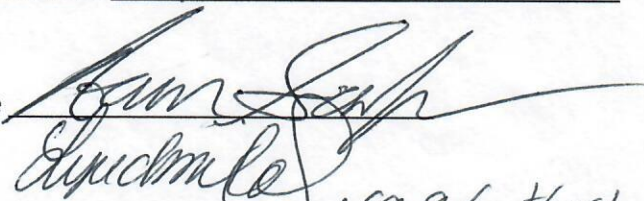
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Homeowner Name Aaron & Mila Sandefer

Signature 

Homeowner address 15996 Hayloft Lane
Parker, CO 80134

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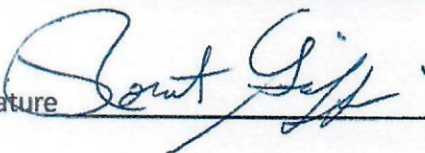
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ph. 720-837-4033

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Homeowner Name ROBERT GRIFFIN

Signature 

Homeowner address 16001 HAYLOFT LN.
PARKER, CO. 80134

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Homeowner Name Darlene Newcomer

Signature Darlene Newcomer

Homeowner address 11080 Hayloft St
Parker CO 80134

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Homeowner Name Melinda Hamblin

Signature Melinda Hamblin

Homeowner address 11032 Hayloft St
Parker, CO 80134

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Homeowner Name Jeff Osborne

Signature Jeff Osborne

Homeowner address 16023 Hayloft Lane
Parker, CO 80134

6. Approval from the Homeowner's Association

Enclave at Pine Grove Homeowners Association, Inc.
c/o TMMC Property Management
P.O. Box 1540
Castle Rock CO 80104
(303) 985-9623

Date: 3/17/2020 12:21:58 PM

Project Ref: 16022 Hayloft Lane

Thomas Menefee & Julie Trail
16022 Hayloft Lane
Parker CO 80134

Dear **Thomas Menefee & Julie Trail**,

For the listed project item(s):

Fence

Thank you for completing your project. We wanted to let you know that we have received confirmation that your project has been completed according to the CC&Rs of Enclave at Pine Grove Homeowners Association, Inc..

Please retain this letter in your files. If you have any questions regarding this matter, please contact our office at (303) 985-9623.

Sincerely,

TMMC Property Management

On Behalf of the
Enclave at Pine Grove Homeowners Association, Inc.

View / Update Online: <https://hoa.smartwebs.com/e79zJ>

Enclave at Pine Grove Homeowners Association, Inc.
c/o TMMC Property Management
P.O. Box 1540, Castle Rock CO 80104
(303) 985-9623

July 09, 2019

Project Ref: 66099909 16022 Hayloft Lane Thomas Menefee & Julie Trail

16022 Hayloft Lane
Parker CO 80134

Dear Thomas Menefee & Julie Trail,

For the listed project item(s): **Fence**

I am pleased to inform you that the Committee has approved your application **with the following stipulations: Must match fences and fence stain colors throughout the community.**

Please note, no part of the open space can be used as access for this project.

The approval is contingent upon compliance with the specifications set forth in the approved application. If your change or addition requires a county, city or state permit, it is the responsibility of the homeowner to obtain this before starting construction.

Please retain this letter in your files. If you have any questions regarding this matter, please contact our office at (303) 985-9623 or via email at lhill@tmmccares.com.

Sincerely,

TMMC Property Management Lauren Hill

At the Direction of the
Enclave at Pine Grove Homeowners Association, Inc.

Enclave at Pine Grove Homeowners Association, Inc.

c/o TMMC Property Management

P.O. Box 1540

Castle Rock CO 80104

Main Phone: (303) 985-9623 Fax:

Website:

Date: 7/9/2019 10:48:03 AM

Project Ref: [66099909] 16022 Hayloft Lane

Thomas Menefee & Julie Trail

16022 Hayloft Lane

Parker CO 80134

Dear **Thomas Menefee & Julie Trail**,

For the listed project item(s):

Fence

We wish to inform you that the Enclave at Pine Grove Homeowners Association, Inc. Architectural Committee is now waiting for the completion of this project. Please have it completed within the time specified in your CCRs and please let the committee know.

Please retain this letter in your files. If you have any questions regarding this matter, please contact our office at (303) 985-9623.

On behalf of the ACC Committee

Sincerely,

Enclave at Pine Grove Homeowners Association, Inc.

**Town of Parker Community Development Department
Land Use and Development Application**

**Application for Variance
May 22, 2020**

Property: 11092 Hayloft Street, Parker, CO 80134

Applicant/Property Owner: Mi Yoon and Sung Yoon Jeong

This Application Includes:

1. Statement from the Applicant
2. Land Use and Development Application with Exhibits A - E
3. Photographs of the Privacy Fence for which the Variance is being sought
4. List of Neighboring Property Owners to be Notified of Variance Application
5. Support from Neighbors
6. Approval from the Homeowner's Association

1. Statement from the Applicants

(The History and Purpose Supporting Our Petition for Variance)



History.

The rear property line of our home abuts Mainstreet, a busy six-lane road with a posted speed limit of 40 mph which is often exceeded. There is a common open space sidewalk that runs from Mainstreet, by our property, to Hayloft Lane and into our neighborhood. There is a 40" (3'4") high split-rail fence with three horizontal posts that are roughly 2' apart from one another (the "Split Rail Fence") that runs along the west side of our property that borders the common open space. Mainstreet is approximately 50' from our Split Rail Fence. When we purchased our home in 2018, there was and remains a 6' high opaque privacy fence that runs along the back side of our property that borders Mainstreet. The developer did not install a privacy fence on the side of our property that borders the common open space as the Parker Municipal Code prohibits privacy fences on portions of property that border common open spaces.

In 2019, our home was burglarized while we still had only the Split Rail Fence running along the west boundary of our property along the common open space. In addition, garbage from Mainstreet was continuously finding its way into our backyard and was being consumed by our dogs. Our dogs got very sick as a result of consuming the garbage in our backyard. Our dogs were easily able to jump the Split Rail Fence, giving them easy access to Mainstreet. The burglary really pushed us over our limit and we subsequently applied to our homeowner's association, The Enclave at Pine Grove Homeowners Association ("HOA"), and were approved to install a 6' opaque privacy fence on the west portion of our property that borders the common open space, just inside of our Split Rail Fence in relation to our home. Aside from giving us an increased feeling of safety and privacy, the privacy fence also decreased the noise from Mainstreet. In keeping with HOA requirements, the new privacy fence matched the other privacy fences in the neighborhood and presented a clean, classy visual aesthetic.

Lack of Approval from Parker.

Once the HOA approved our request to install the privacy fence, we believed that we did not need to gain approval from the Town of Parker to install the privacy fence because fence permits are not needed for fences that are 6' and shorter (Section 13.04.040(e)(2)). We did not know to

look further into other provisions of the Municipal Code because our property abuts a common open space. We regret not seeking approval from Parker for our privacy fence.

Request for Variance.

We are requesting a variance according to Municipal Code Section 13.04.260(b)(2) that authorizes the Town of Parker to grant a variance in order to relieve any peculiar and exceptional practical difficulty or undue hardship by reason of an exceptional situation or condition of a property if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Code. While the verbiage of the Code limits the granting of variances to the height of the fence allowed, we are requesting that the City Planning Committee and Town Council consider our request for a variance for the type of fence allowed - an opaque privacy fence to be allowed on our property that abuts the common open space.

Reasons for Variance.

In general, we believe the 6' opaque privacy fence promotes our health, safety and welfare without any detriment to the public good or impairment to the purpose of the Municipal Code. Here are the specific reasons supporting our request for a variance:

1. Intent of the Code. While the intent of the Code is understandable and makes sense, we feel that the Code does not take into consideration properties that abut common open spaces AND busy roadways. Although we are located next to a common open space, we also find ourselves located 50' from a busy roadway that presents a very specific and exceptional set of issues that other properties that abut common open spaces do not have to manage. In our situation, there is a direct conflict between the Code's intent to preserve a natural, welcoming, open feel to common open spaces for its residents and the Code's intent to protect its residents and their well-being.

2. Safety. A 40" Split Rail Fence with Horizontal Rails is Easily Mastered by Children and Dogs. Our house backs up to Mainstreet and while it has a posted 40 mph speed limit, most cars and trucks are consistently exceeding that speed limit. Although we also have a wire fence installed on the inside of our Split Rail Fence, our dogs can still easily jump the Split Rail Fence. The grid pattern of the wire fence is no match for a motivated dog as its paws can easily make use of the openings in the wire fence. In a matter of seconds, our dogs could be running into traffic on Mainstreet. In addition, a 6' privacy fence greatly deters would-be burglars from considering a home invasion versus having a 40" Split Rail Fence. The 6' privacy fence decreases a would-be burglar's line of sight into our home as well as makes it challenging to scale the fence and gain access to our backyard.

3. Minimize Chance of Abduction. Working along the same lines as #2 above, a fence needs to be at least 5' high to minimize child abductions. Cars stop in the turn lane on Mainstreet, 50' from our house. This proximity increases the chances of someone attempting to grab family members' children who are playing in our backyard and speed away down Mainstreet. Thanks to my neighbor, Julie Trail, I have reviewed very relevant research (Office of Child Care from the Maryland State Department of Education) that supports the need to have fences of at least 5' in height to minimize the chances of a child abduction. The 6' privacy fence greatly reduces the chances of an attempted abduction.

4. Proximity to Mainstreet/Unauthorized Use of the Common Sidewalk. Someone recently rode a motorcycle down the common open space sidewalk from Hayloft Lane to get to Mainstreet. While this is a rare event, it will happen again and it raises safety concerns for us and our pets. A 6' privacy fence ensures that children and pets are isolated from the risk of being able to scale a smaller fence and gain access to the common open space sidewalk.

5. Reduced Road Noise in Our Backyard. Since installing the 6' privacy fence along the border of the common open space, we have experienced a dramatic reduction in noise from Mainstreet. This has greatly improved our quality of life and has allowed us to spend more time in our backyard without having to deal with constant road noise.

6. Reduced Garbage in Our Backyard. Since installing the 6' privacy fence along the border of the common open space, we have experienced a dramatic reduction in garbage and debris from Mainstreet coming into our backyard. Random trash from Mainstreet creates dangers to our dogs.

7. Backyard is a Safe Haven. Our 6' privacy fence has created a safe haven for us during the COVID-19 pandemic. With required social distancing, stay-at-home orders and not having access to parks, the 6' privacy fence has allowed us to spend time outside in our backyard without having to battle road noise in conversations or clean up our yard from the random trash blowing in from Mainstreet. We have been able to rest easy with the 6' privacy fence, knowing that our dogs cannot jump the fence regardless of how motivated they might be at the time.

8. Financial Hardship. We made a substantial investment when we paid a contractor to install our high quality, visually pleasing privacy fence after it was approved by the HOA. The fence does not disrupt the physical aesthetic of the neighborhood and actually makes the area look more uniform instead of having a privacy fence on the rear side of our backyard and then a Split Rail Fence on the side of our property abutting the common open space. Paying a contractor to remove the privacy fence would create a financial hardship for us.

9. Neighbor Support. We have included several signed letters from our neighbors that show their support of us being granted a variance and allowed to retain the existing privacy fence. These are neighbors who are very familiar with our property, its proximity to Mainstreet and the issues we (as well as our neighbor) have encountered with only having a Split Rail Fence in such close proximity to Mainstreet. In addition, our HOA is very aware of the particular situation we face after approving our request to install the privacy fence and have directed us to apply for this variance.

2. Land Use and Development Application with Exhibits A - E



TOWN OF PARKER COMMUNITY DEVELOPMENT DEPARTMENT LAND USE AND DEVELOPMENT APPLICATION

20120 E. Mainstreet, Parker, CO 80138

303/841.2332 (Phone) 303/841.3223 (Fax) <http://www.parkeronline.org> (internet)

Instructions:

1. All applications must be typed or printed. Illegible applications may be rejected at the discretion of the Community Development Department.
2. All applicable sections must be completed, and the application signed by ALL parties of interest. Unsigned applications **WILL NOT** be processed.
3. All requisite Exhibit Attachments must be included if the application is to be deemed complete.

Type of Application:		OFFICIAL USE ONLY	Case # _____
<i>(Check All that Apply)</i>		Trakit #:	
☐ Amendment to Comprehensive Plan	☐ Vacation of Lot Line or Easement	Application Accepted by:	
☐ Annexation & Rezoning	☐ Use by Special Review	Date:	
☐ Rezoning or PD Amendment	☒ Variance	Fees:	
☐ Sketch Plan	☐ Site Plan	Receipt No.:	
☐ Preliminary Plan	☐ Site Plan Amendment	Application Reviewed by:	
☐ Final Plat	☐ Condo Plat	Date:	
☐ Minor Development Plat	☐ Amendment to SIA or Recorded Plat	Application Assigned to:	
☐ Re-Plat	☐ Other: _____	Date:	

Project Name:			
Address or General Location: 11092 Hayloft Street, Parker, CO 80134			
PROPERTY	Section	☐ NW ☐ NE ☐ SW ☐ SE	Lot 12
	Township		Block 1
	Range		Filing No. 1Card
	Total Acres: Gross	Net	
Requested Application in Detail: Applicants are seeking a variance for the portion of their exterior opaque privacy fence that borders the common open space sidewalk on the west side of the property that is currently violating Parker Code Section 13.07.140 (9)(e)(2). See the attached 'Statement from Applicants' for more details.			

Property Owner of Record:		Applicant (if different from Property Owner):	
Name:	Mi Yoon & Sung Yoon Jeong	Name:	
Company:		Company:	
Address:	11092 Hayloft Street	Address:	
	Parker CO 80134		
Phone:	720.837.4033	Phone:	
Fax:		Fax:	
Email:	midenma@gmail.com	Email:	

Project Representative or Consultant:		For Subject Property, List Utility Providers	
Name:	Julie Trail	Water:	Parker Water & Sanitation District
Company:		Sanitary Sewer:	Parker Water & Sanitation District
Address:	16022 Hayloft Lane	Electricity:	IREA
	Parker, CO 80134	Gas:	Xcel
Phone:	720.810.3743	Telephone:	N/A
Fax:		Cable:	CenturyLink
Email:	jtrailpt@gmail.com	Fire Protection:	Fire Protection South Metro
<i>Note: Unless otherwise specified, all correspondence from the Town will be directed to the project representative.</i>			

Current Property Zoning & Use:		Proposed Property Zoning & Use:	
Zoning:	Residential	Requested Zoning:	N/A
IF PD, Specify Use:		If Applicable PD Name:	
Current Use:		If Rezoning Total Acreage:	
Subdivision:	Carousel Farms	Proposed Use:	

Proposals For Construction of New Residential, Commercial, or Industrial Buildings or Space			
Has prior residential project been approved for all or part of this project		Yes ☐ No ☐	Total residential dwelling units requested: _____
Indicate total number of units: _____	Single Family Detached: _____	Single Family Attached: _____	
Multi-Family/Condominiums/Townhomes: _____			

Indicate the type of commercial/industrial development proposed (Check all that applies)

- ☐ Retail ☐ Other Commercial ☐ Medical/Dental Office ☐ High Tech Office ☐ Business/Professional Office
☐ Light Industrial ☐ Warehouse ☐ Other

Please provide additional descriptions as appropriate: **Not Applicable**

What type of gross leasable square footage for each category indicated above?

Type	No. of Buildings	Gross Square Footage	Leasable Square Footage
N/A	N/A	N/A	N/A

By signing below, the Land Owner of Record, Applicant and Project representative are indicating that each understands and agrees to the following terms:

1. Authorized personnel from the Town of Parker, and its consultants, are hereby granted the right to enter the subject property for the purposes of reviewing and processing the application.
2. The Property Owner of Record acknowledges and agrees that the Town of Parker may file liens against the subject property for any unpaid financial obligation owed to the Town related to reviewing and processing the application.
3. There are no known geologic, physical or biologic hazards, or vicious animals present on the subject property except as indicated in the attached Exhibit D.
4. All requirements for submission of this application for reviewing and processing by Town of Parker Community Development Department made in accordance with the Town's Land Development Code, and any and all applicable Town of Parker Ordinances and Resolutions.
5. All requisite fees have been paid to the Town of Parker.
6. All information contained in this application, the attached Exhibits, and other materials submitted in connection with this application are true and accurate to the best knowledge of the Applicant, Land Owner of Record and Project Representative. It is clearly understood and agreed to that false or untruthful information may be grounds for the Town to stop processing this application or withdrawing any approval granted based upon such false or untruthful information.
7. The Town of Parker is under no obligation to approve the request contained in the application. No promises of approval are conveyed with the acceptance of this application.
8. The schedule of Exhibit attachments, as described below, accompanies this application:
Exhibit A: Legal Description of Property.
Exhibit B: Title Policy, current to within thirty (30) days of the date of signatures below.
Exhibit C: Letter of Authorization from the Property Owner of Record, allowing Applicant and Project Representative to act on their behalf, and accepting ultimate financial obligation for expenses incurred by the Town of Parker as a result of the evaluation of this request.
Exhibit D: Disclosure of any Geologic, Physical or Biologic Hazard present on site, or any vicious animals in residence on property.
Exhibit E: Vicinity Map of Project Site.

Property Owner of Record:

Print Name: **Mi Yoon & Sung Yoon Jeong**

Signature: 

Date: **5.22.20**

Applicant, if different from Property Owner:

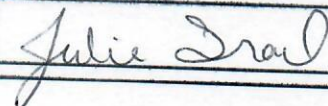
Print Name:

Signature:

Date:

Project Representative or Consultant

Print Name: **Julie Trail**

Signature: 

Date: **5.22.20**

Exhibit A
to Land Use and Development Application
(Legal Description)

Lot 12, Block 1, Carousel Farms Subdivision Filing No. 1, County of Douglas, State of Colorado.

Exhibit B
to Land Use and Development Application
(Title Policy)

SCHEDULE A

First American Title Insurance Company

Name and Address of Title Insurance Company:
First American Title Insurance Company
1 First American Way
Santa Ana, CA 92707

File No.: **5520-2988126**

Policy No.: **2988126**

Loan No.: 0010028587

Address Reference: 11092 Hayloft Street Parker, CO 80134

Amount of Insurance: \$301,200.00

Date of Policy: February 02, 2018 at 5:00 p.m.

1. Name of Insured:

Mortgage Electronic Registration Systems, Inc. ("MERS"), solely as nominee for Inspire Home Loans, Inc., its successors and/or assigns as defined in the Conditions of the policy, as their interests may appear.

2. The estate or interest in the Land that is encumbered by the Insured Mortgage is:

Fee Simple

3. Title is vested in:

Mi In Yoon and Sung Yoon Jeong

4. The Insured Mortgage, and its assignments, if any, are described as follows:

Deed of Trust/Mortgage:

Grantor/Trustor: Sung Yoon Jeong and Mi In Yoon

Trustee: Public Trustee of Douglas County

Grantee/Beneficiary: Mortgage Electronic Registration Systems, Inc. ("MERS"), solely as nominee for Inspire Home Loans, Inc.

Original Amount: \$301,200.00

Dated: January 30, 2018

Recorded: February 02, 2018

Recording No.: Reception No. 2018006935

5. The Land referred to in this policy is described as follows:

See Exhibit "A" attached hereto and made a part hereof.

EXHIBIT A

File No.: 5520-2988126

Policy No.: 2988126

The land referred to in Schedule A is situated in the County of Douglas, State of Colorado and is described as follows:

LOT 12, BLOCK 1, CAROUSEL FARMS SUBDIVISION FILING NO. 1, COUNTY OF DOUGLAS, STATE OF COLORADO.

SCHEDULE B

File No.: **5520-2988126**

Policy No.: **2988126**

EXCEPTIONS FROM COVERAGE

PART I

This Policy does not insure against loss or damage, and the Company will not pay costs, attorneys' fees, or expenses that arise by reason of:

1. Taxes for the year 2018 and subsequent years. Taxes not yet due or payable.
2. Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof.
3. Any water rights, claims of title to water, in, on or under the land.
4. The right of a proprietor of a vein or lode to extract and remove his ore therefrom should the same be found to penetrate or intersect the premises, as reserved in United States Patent issue October 3, 1892, in Patent Certificate No. 15974.
5. Any tax, lien, fee, or assessment by reason of inclusion in the Cherry Creek Basin Authority, as evidenced by instrument recorded May 6, 1988 at Reception No. 8810344.
6. Douglas County Planning Commission, Minutes of Public Meeting/Public Hearing recorded July 13, 1988 at Reception No. 8815730 .
7. Terms, agreements, provisions, conditions, obligations and easements, if any, as contained in Agreement for Covenants Running with the Land recorded April 11, 1995 at Reception No. 9515982.
8. Terms, agreements, provisions, conditions, obligations and easements, if any, as contained in Easement Deed and Agreement recorded November 29, 2001 at Reception No. 0114269 (Reception No. on document 01114269).
9. Terms, agreements, provisions, conditions, obligations and easements, if any, as contained in Intergovernmental Agreement recorded November 25, 2002 at Reception No. 2002127889.
10. The effect of all or part of real property not valued and assessed as agricultural real estate in the County of Douglas, as set forth in the letter recorded November 25, 2002 at Reception No. 2002128171 .
11. Terms, agreements, provisions, conditions, obligations and easements, if any, as contained in Easement, Maintenance and Indemnity Agreement recorded August 28, 2014 at Reception No. 2014048788.
12. Reservations as contained in Special Warranty Deed recorded September 15, 2014 at Reception No. 2014052900.

13. The right of proprietor of a vein or lode to extract or remove his ore should the same be found to penetrate or intersect the premises thereby granted as reserved in United States patent recorded September 23, 1908 in Book X at Page 511; and any and all assignments thereof or interests therein.
14. Terms, agreements, provisions, conditions, obligations and easements, if any, as contained in Impact Area Agreement recorded December 11, 2000 at Reception No. 00089315.
15. Terms, agreements, provisions, conditions, obligations and easements, if any, as contained in Easement Deed and Agreement recorded November 29, 2001 at Reception No. 01114268.
16. Terms, agreements, provisions, conditions, obligations and easements, if any, as contained in Permanent Slope and Drainage Easement recorded January 19, 2005 at Reception No. 2005005983.
17. Terms, agreements, provisions, conditions, obligations and easements, if any, as contained in Resolution No. R-005-063 recorded June 1, 2005 at Reception No. 2005048476.
18. Reservations as contained in Special Warranty Deed recorded September 15, 2014 at Reception No. 2014052910.
19. Terms, agreements, provisions, conditions, obligations and easements, if any, as contained in Easement Deed and Agreement recorded April 24, 2002 at Reception No. 02039401.
20. Terms, agreements, provisions, conditions, obligations and easements, if any, as contained in Resolution No. 13-054, Series of 2013 recorded September 22, 2014 at Reception No. 2014054645.
21. Terms, agreements, provisions, conditions, obligations and easements, if any, as contained in Ordinance No. 2.234, Series of 2013, for annexation recorded September 22, 2014 at Reception No. 2014054646.
22. Easements, notes, covenants, restrictions and rights-of-way as shown on the Carousel Farms Annexation Map to the Town of Parker, recorded September 22, 2014 at Reception No. 2014054647 .
23. Terms, agreements, provisions, conditions, obligations and easements, if any, as contained in Carousel Farms Annexation Agreement recorded September 22, 2014 at Reception No. 2014054648.

NOTE: Assignment and Assumption Agreement for Carousel Farms Annexation Agreement in connection therewith recorded September 24, 2014 at Reception No. 2014055155 .

NOTE: First Amendment in connection therewith recorded March 24, 2015 at Reception No. 2015018111.

NOTE: Second Amendment recorded August 24, 2015 at Reception No. 2015060266.

NOTE: Third Amendment recorded February 3, 2016 at Reception No. 2016006564.

24. Ordinance No. 3.305, Series of 2013, for zoning, recorded September 22, 2014 at Reception No. 2014054649 .
25. Easements, notes, covenants, restrictions and rights-or-way as shown on the Carousel Farms Development Plan, recorded September 22, 2014 at Reception No. 2014054652.

26. Terms, agreements, provisions, conditions, obligations and easements, if any, as contained in Special District Public Disclosure Document recorded November 25, 2014 at Reception No. 2014068608.

NOTE: First Amendment recorded May 9, 2017 at Reception No. 2017030992.

27. Terms, agreements, provisions, conditions, obligations and easements, if any, as contained in Non-Tributary Ground Water Consent Landownership Statement recorded August 5, 2015 at Reception Nos. 2015055532, 2015055533, 2015055534, 2015055535 and 2015055536.
28. Notice of Lis Pendens recorded January 12, 2015 at Reception No. 2015002020.
29. An easement for underground telephone equipment and incidental purposes recorded August 23, 1968 in Book 186 at Page 186.
30. Terms, agreements, provisions, conditions and obligations as contained in Easement Deed and Agreement recorded April 30, 2002 in Book 2319 at Page 354.
31. Notes and easements as shown on the Plat of Carousel Farms Subdivision Filing No. 1 recorded September 21, 2016 at Reception No. 2016066033.
32. Terms, agreements, provisions, conditions, obligations and easements, if any, as contained in Subdivision Agreement recorded September 21, 2016 at Reception No. 2016066049 and re-recorded October 3, 2017 at Reception No. 2017066855.

NOTE: First Amendment recorded October 4, 2017 at Reception No. 2017067680.

33. Terms, agreements, provisions, conditions, obligations and easements, if any, as contained in Carousel Farms Metropolitan District General Information and Disclosure Sheet recorded November 7, 2016 at Reception No. 2016080553.
34. Terms, agreements, provisions, conditions, obligations and easements, if any, as contained in 30-Foot Temporary Easement Agreement recorded November 21, 2016 at Reception No. 2016084130.
35. Terms, agreements, provisions, conditions, obligations and easements, if any, as contained in 50-Foot Temporary Easement Agreement recorded November 21, 2016 at Reception No. 2016084133.
36. Terms, agreements, provisions, conditions, obligations and easements, if any, as contained in 50-Foot Temporary Easement Agreement recorded November 21, 2016 at Reception No. 2016084134.
37. Intermountain Rural Electric Association General Right-of-Way Easement recorded April 24, 2017 at Reception No. 2017027270.
38. Covenants, conditions, restrictions and easements, if any, which do not contain a forfeiture or reverter clause, (deleting any restrictions indicating any preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin) as contained in instrument recorded July 25, 2017 at Reception No. 2017050186 and any and all amendments and/or supplements thereto.

Annexation of Additional Land to Declaration of Covenants, Conditions, and Restrictions recorded February 02, 2018 at Reception No 2018006933.

SCHEDULE B

File No.: **5520-2988126**

Policy No.: **2988126**

PART II

In addition to the matters set forth in Part I of this Schedule, the Title is subject to the following matters, and the Company insures against loss or damage sustained in the event that they are not subordinate to the lien of the Insured Mortgage:

None

Exhibit C
to Land Use and Development Application
(Letter of Authorization)

As the Applicant and Property Owners of Record, we allow and authorize Julie Trail, the Project Representative, to act on our behalf. We accept ultimate financial obligation for any and all expenses incurred by the Town of Parker as a result of the evaluation of this request.

Applicant/Property Owners of Record:

Mi Yoon & Sung Yoon Jeong

Mi Yoon

Sung Yoon Jeong

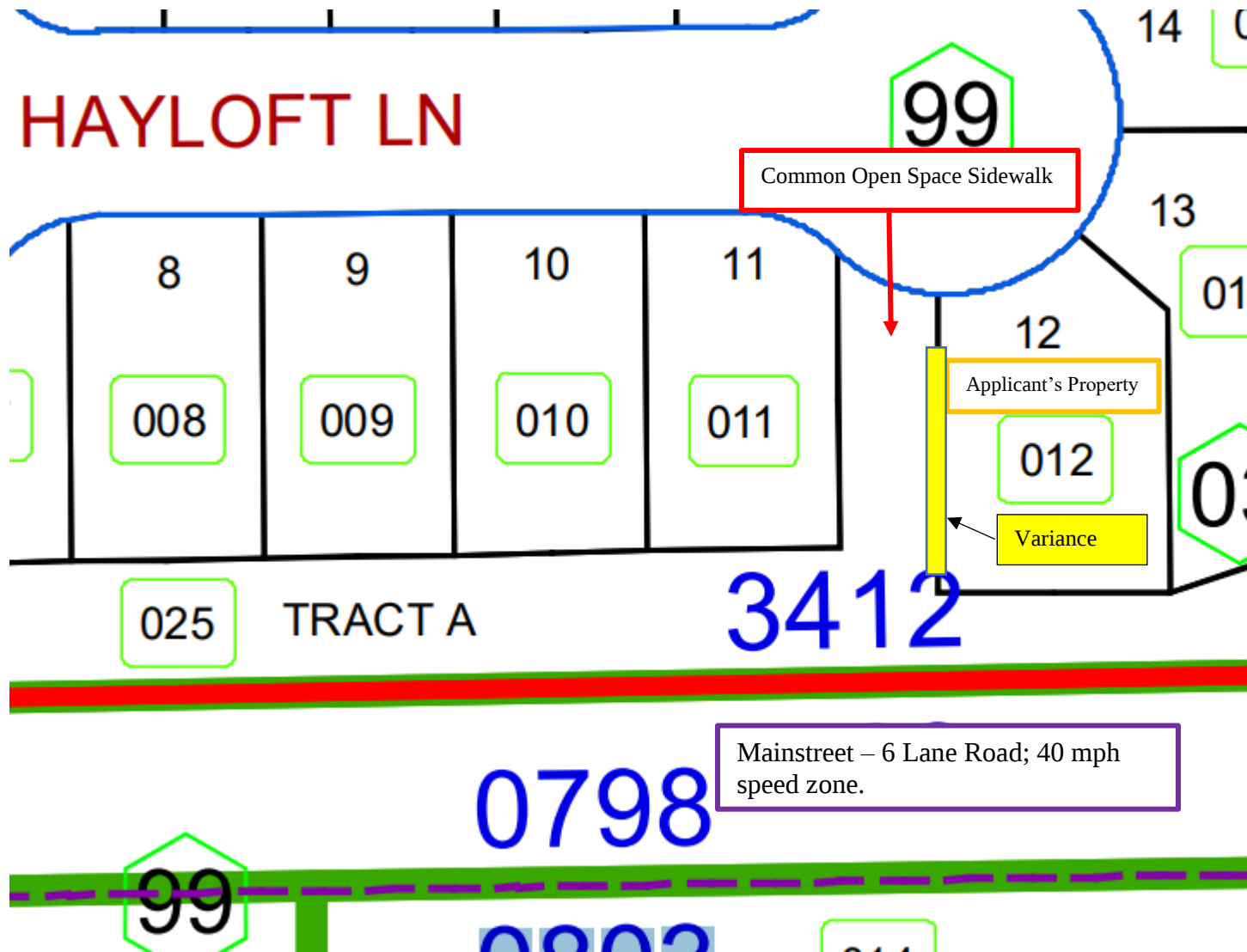


Exhibit D
to Land Use and Development Application
(Disclosure of Hazards)

There are no geologic, physical or biological hazards on the Property, nor are there any vicious animals located on the Property.

Exhibit E
to Land Use and Development Application
(Vicinity Map, Photographs of the Property)

Lot 12 is the Applicant's property. The yellow highlighted area is the location of the requested variance. The white space between Lot 11 and Lot 12 is the common open space sidewalk.



(Google Maps Depiction on the following page)



3. Photographs of the Privacy Fence for which the Variance is being sought









**4. List of Neighboring Property Owners to be Notified of Variance
Application**

List of Neighbors to Provide Notice

Julie Trail and Adam Menefee
16022 Hayloft Lane
Parker, CO 80134

Jeffrey and Heidi Osborne
16023 Hayloft Lane
Parker, CO 80134

Ermin Masetic
11088 Hayloft St.
Parker, CO 80134

Deidre Newcomer
11080 Hayloft St.
Parker, CO 80134

Bryan Barrett
11203 Plover Cir
Parker, CO 80134

Aartee Pujar
11072 Hayloft St
Parker, CO 80134

5. Support from Neighbors

Enclave at Pine Grove Neighbors,

This is Julie and Mi and we hope this letter finds everyone healthy during this difficult time. We are writing this letter today regarding our privacy fences which run along the common pedestrian sidewalk into our neighborhood from Mainstreet. We petitioned the HOA to place a privacy fence behind the split rail fence that runs on our property lines June 2019. The reason we petitioned to construct the privacy fence on the sides of our houses was for safety and privacy reasons due to the heavy traffic on Main Street. We were concerned for the safety of our young son who loves to climb and for our pets. Since there was also a robbery, we had concerns regarding security. The HOA granted permission for us to build the fences and we hired a contractor to build the fences July 2019 following the guidelines of the HOA. The finished fences were approved by the HOA March 17, 2020.

However, on March 23, 2020 the HOA informed us our privacy fences would have to be removed because they are not allowed by the Town of Parker regulations. It seems the landscaping between the sidewalk and our properties is deemed "open space" and only split rail fences are allowed in "open spaces."

To keep our privacy fence, we need to obtain a variance from the Town of Parker. We are asking homeowners in our community to help us in gaining the needed variance. Would you please sign this letter stating you approve our privacy fence? If you have any questions, please do not hesitate to reach out to us at our below contact information. You can drop off the signed letters at one of our houses or e-mail them to jtrailpt@gmail.com

Thanks so much.

Julie and Adam
16022 Hayloft Lane
e-mail: jtrailpt@gmail.com
ph. 720-448-6820

Mi and Cory
11092 Hayloft St.
e-mail: Midenma@gmail.com
ph. 720-837-4033

We are homeowners in the Enclave at Pine Grove, and we believe a variance should be granted to allow the privacy fences constructed should be allowed to remain in place.

Homeowner Name OKSANA SCHTEPA

Signature Oksana S.

Homeowner address 11016 Hayloft St.
Parker, CO, 80134

May 6, 2020

Hello Enclave at Pine Grove Neighbors,

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ph. 720-448-6820

Mi and Cory
11092 Hayloft St.
e-mail: Midenma@gmail.com
ph. 720-837-4033

We are homeowners in the Enclave at Pine Grove, and we believe a variance should be granted to allow the privacy fences constructed should be allowed to remain in place.

Homeowner Name Chris Despain

Signature 

Homeowner address 16008 Hayloft Ln
Parker, CO 80134

May 6, 2020

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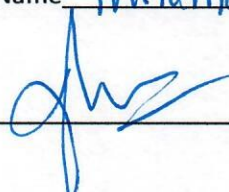
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Homeowner Name Thirumorthy Selvaraj
Signature 
Homeowner address 15984 Hayloft Ln
Parker Co

May 6, 2020

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ph. 720-837-4033

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Homeowner Name Raul Ramirez

Signature 

Homeowner address 15932 Hayloft Lane
Parker, CO 80134

May 6, 2020

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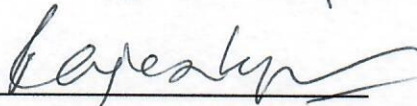
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ph. 720-837-4033

We are homeowners in the Enclave at Pine Grove, and we believe a variance should be granted to allow the privacy fences constructed should be allowed to remain in place.

Homeowner Name Rajeev Narpane

Signature 

Homeowner address 15956 Hayloft Lane
Parker, CO 80134

May 6, 2020

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ph. 720-837-4033

We are homeowners in the Enclave at Pine Grove, and we believe a variance should be granted to allow the privacy fences constructed should be allowed to remain in place.

Homeowner Name Bhavika Parikh

Signature B. B. Parikh

Homeowner address 15972 Hayloft Lane
Parker Colorado

May 6, 2020

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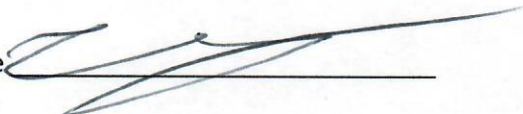
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ph. 720-837-4033

We are homeowners in the Enclave at Pine Grove, and we believe a variance should be granted to allow the privacy fences constructed should be allowed to remain in place.

Homeowner Name ERIN CLAVEZ

Signature 

Homeowner address 15969 FULLY AVE
PARKER, CO 80134

May 6, 2020

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16022 Hayloft Lane
e-mail: jtrailpt@gmail.com
ph. 720-448-6820

Mi and Cory
11092 Hayloft St.
e-mail: Midenma@gmail.com
ph. 720-837-4033

We are homeowners in the Enclave at Pine Grove, and we believe a variance should be granted to allow the privacy fences constructed should be allowed to remain in place.

Homeowner Name Philip Salinas & Mary Ann Trazin

Signature Philip Salinas & Mary Ann Trazin

Homeowner address 16015 Hayloft Lane
Parker, CO 80134

May 6, 2020

Hello Enclave at Pine Grove Neighbors,

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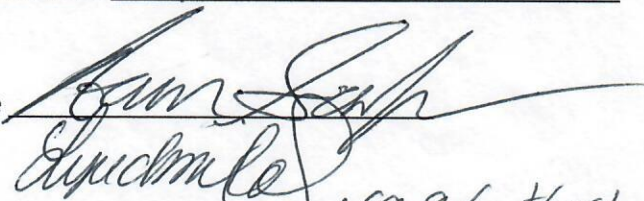
Thanks so much.

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ph. 720-448-6820

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e-mail: Midenma@gmail.com
ph. 720-837-4033

We are homeowners in the Enclave at Pine Grove, and we believe a variance should be granted to allow the privacy fences constructed should be allowed to remain in place.

Homeowner Name Aaron & Mila Sandefer

Signature 

Homeowner address 15996 Hayloft Lane
Parker, CO 80134

May 6, 2020

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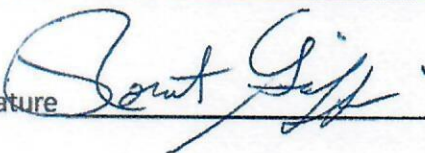
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ph. 720-837-4033

We are homeowners in the Enclave at Pine Grove, and we believe a variance should be granted to allow the privacy fences constructed should be allowed to remain in place.

Homeowner Name ROBERT GRIFFIN

Signature 

Homeowner address 16001 HAYLOFT LN.
PARKER, CO. 80134

May 6, 2020

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e-mail: jtrailpt@gmail.com
ph. 720-448-6820

Mi and Cory
11092 Hayloft St.
e-mail: Midenma@gmail.com
ph. 720-837-4033

We are homeowners in the Enclave at Pine Grove, and we believe a variance should be granted to allow the privacy fences constructed should be allowed to remain in place.

Homeowner Name Darlene Newcomer

Signature Darlene Newcomer

Homeowner address 11080 Hayloft St
Parker CO 80134

May 6, 2020

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ph. 720-448-6820

Mi and Cory
11092 Hayloft St.
e-mail: Midenma@gmail.com
ph. 720-837-4033

We are homeowners in the Enclave at Pine Grove, and we believe a variance should be granted to allow the privacy fences constructed should be allowed to remain in place.

Homeowner Name Melinda Hamblin

Signature Melinda Hamblin

Homeowner address 11032 Hayloft St
Parker, CO 80134

May 6, 2020

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Mi and Cory
11092 Hayloft St.
e-mail: Midenma@gmail.com
ph. 720-837-4033

We are homeowners in the Enclave at Pine Grove, and we believe a variance should be granted to allow the privacy fences constructed should be allowed to remain in place.

Homeowner Name Jeff Osborne

Signature Jeff Osborne

Homeowner address 16023 Hayloft Lane
Parker, CO 80134

6. Approval from the Homeowner's Association

Enclave at Pine Grove Homeowners Association, Inc.
c/o TMMC Property Management
P.O. Box 1540, Castle Rock CO 80104
(303) 985-9623

June 26, 2019

Project Ref: 58420087 11092 Hayloft Street Mi In Yoon & Sung Yoon Jeong

11092 Hayloft Street
Parker CO 80134

Dear Mi In Yoon & Sung Yoon Jeong,

For the listed project item(s): **Fence**

I am pleased to inform you that the Committee has approved your application **with the following stipulations:**

The fence must match other fences within the community to have consistency throughout the community.

Please note, **no part of the open space can be used as access for this project.**

The approval is contingent upon compliance with the specifications set forth in the approved application. If your change or addition requires a county, city or state permit, it is the responsibility of the homeowner to obtain this before starting construction.

Please retain this letter in your files. If you have any questions regarding this matter, please contact our office at (303) 985-9623 or via email at lhill@tmccares.com.

Sincerely,

TMMC Property Management Lauren Hill

At the Direction of the
Enclave at Pine Grove Homeowners Association, Inc.

Enclave at Pine Grove Homeowners Association, Inc.

c/o TMMC Property Management

P.O. Box 1540

Castle Rock CO 80104

(303) 985-9623

Date: 3/17/2020 12:23:14 PM

Project Ref: 11092 Hayloft Street

Mi In Yoon & Sung Yoon Jeong

11092 Hayloft Street

Parker CO 80134

Dear **Mi In Yoon & Sung Yoon Jeong**,

For the listed project item(s):

Fence

Thank you for completing your project. We wanted to let you know that we have received confirmation that your project has been completed according to the CC&Rs of Enclave at Pine Grove Homeowners Association, Inc..

Please retain this letter in your files. If you have any questions regarding this matter, please contact our office at (303) 985-9623.

Sincerely,

TMMC Property Management

On Behalf of the

Enclave at Pine Grove Homeowners Association, Inc.

View / Update Online: <https://hoa.smartwebs.com/xOA66>



Planning Commission Staff Report

Planning Commission Date: 9/10/2020

Town Council Date: 10/5/2020

Hearing Type: Public Hearing
BOWEY PROPERTY – Zoning
TRAKiT No.: Z20-001

Location: Generally located on the northeast corner of Parker Road and Pine Drive

Project Planner: BrieAnna Simon, Associate Planner

Applicant(s): Town of Parker Community Development Department

Executive Summary: The 48.9 acre Bowey Property is proposed to be zoned Agricultural in conjunction with an annexation (ANX20-001). The site is an unplatted parcel located on the northeast corner of Parker Road and Pine Drive. The property is currently zoned Agricultural One (A1) in Douglas County.

Staff Recommendation: Approval

RECOMMENDED MOTION

“I move the Planning Commission recommend Town Council approve the Bowey Property zoning request.”

ALTERNATIVE MOTIONS

*“I move the Planning Commission recommend Town Council approve the **Bowey Property** zoning request, subject to the following conditions:”*

-List proposed conditions

*“I move the Planning Commission recommend Town Council deny the **Bowey Property** zoning as the request does not meet the following approval criteria:”*

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

*“I move the Planning Commission vote to continue the **Bowey Property** zoning to a future date.”*

I. BACKGROUND/DISCUSSION

The subject property, known as the Bowey Property, is located in unincorporated Douglas County and is surrounded by the Town of Parker. The Town is processing an enclave annexation of the Bowey Property and will zone the property A-Agricultural District, which is the Town zoning most similar to the existing County zoning.

The Bowey Property is located on the northeast corner of Parker Road and Pine Drive. The subject property is approximately 48.9 acres owned by the Bowey Family Partnership LLLP. The Bowey Property has been completely surrounded by the Town of Parker for a period of not less than three (3) years and is considered an enclave under the Municipal Annexation Act of 1965. The Town has committed to a policy of actively pursuing the annexation of enclaves. The subject property is located within the Town's Planning Area described in the Parker 2035 Master Plan and the proposed annexation is consistent with the Parker 2035 Master Plan.

Vicinity Map



II. PRIOR ACTIONS

Date	Action
N/A	The annexation and zoning requests are the first actions by the Town related to the subject properties.

III. CURRENT SITE DATA

Existing Zoning	Agriculture One (Douglas County)		
Overlay District	N/A		
PD & Plan Area	Agriculture (proposed)		
Master Plan Area	Medical		
Site Acreage	48.912 acres		
Subdivision	Unplatted		
Existing Use	Vacant		
Surrounding Uses			
	Master Plan Land Use	Zoning	Existing Use
North	Medical	PD – Planned Development	Parker Adventist Hospital
South	Central Commercial	Modified C - Commercial District	Commercial
East	Medical	Public Facilities District	Sierra Middle School
West	Regional Commercial Retail	PD - Planned Development	Mixed Office/ Commercial/Restaurants

IV. PARKER 2035 MASTER PLAN

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

MASTER PLAN CONSISTENCY	
Master Plan Designation	Medical ☒ Consistent ☐ Inconsistent
Master Plan Character Discussion	Medical: This Character Area focuses on state of the art medical care, preventative health care and wellness to create an industry synergy that ensures a successful business environment. Appropriate uses include hospitals, medical offices, health care clinics and facilities, rehabilitation centers and hotels. Retail uses are appropriate where they provide an ancillary service in size, scale and purpose to the medical uses.
Consistent Goals/Strategies	<u>Land Use 1.C</u> <u>Land Use 1.E</u>
Staff Analysis	The subject property is part of an enclave annexation where the proposed zoning is consistent with the property's current Douglas County zoning. The subject property is located along Parker Road surrounded by properties within the Town boundaries and located within the Town's growth boundary. The annexation and zoning fulfills the Town of Parker goal of actively pursuing annexation of enclaves and roads to allow for continuity of services within the Parker 2035 Master Plan's Planning Area.

V. LAND DEVELOPMENT ORDINANCE

DEVELOPMENT POTENTIAL (Rezoning)			
Provisions	As recommended by the Master Plan	Proposed	Analysis
Units Per Acre	None	One unit is allowed per every 10 acres	☐ Consistent ☐ Inconsistent ☐ No Change ☒ N/A
Allowed Uses	Hospitals, medical offices, health care clinics and facilities, rehabilitation centers, hotels, and retail uses	Agricultural uses	☐ Consistent ☐ Inconsistent ☒ No Change
Height/Stories	None	35 feet	☒ Consistent ☐ Inconsistent ☐ No Change
Staff Analysis	The proposed zoning will be compatible with the current zoning in Douglas County. As detailed in the analysis above, the proposed annexation provides an opportunity to bring the proposed zoning into compliance with the Town's Master Plan. An additional rezoning and associated analysis of compliance of the future request will be required when the property is developed in the future. The annexation and zoning fulfills the Town of Parker goal of actively pursuing annexation of enclaves and roads to allow for continuity of services within the Parker 2035 Planning Area.		

VI. ACCESS, CIRCULATION & TRAFFIC ANALYSIS

The subject property currently has a right-in/right-out access to Pine Lane that serves as access to the existing agricultural uses. This access is sufficient for the current use of the property. Additional access will be required when the property is developed in the future.

VII. APPROVAL CRITERIA

Title 13.04.240.f. Approval Considerations for Rezoning Requests:

1. A need exists for the proposal.

A need exists for the annexation and zoning of the subject property, for the reasons that it will (1) allow the Town to consolidate services and recognize efficiencies of scale and delivery of services; and (2) promote orderly growth, continuity of development and certainty of development within the subject property and surrounding areas within the Town and the Town Urban Growth Area.

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

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

This property is considered an enclave, located within unincorporated Douglas County but surrounded by the Town of Parker. The Town has been working for several years to clean up the Town's boundaries and annex these enclave areas. The subject property is contiguous with the Town and is located within the Town's Planning Area as described in the Parker 2035 General Land Use Plan.

For the reason that the subject property has been identified as property to be annexed, zoned and developed in the Town, the subject property is indeed the correct site for annexation and zoning.

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

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

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

The subject property is currently zoned Agriculture One in unincorporated Douglas County. The zoning application for the subject property is for A-Agricultural District under the Town's Land Development Ordinance, which is mostly consistent with the current development standards and uses of the existing zoning in Douglas County. The property proposed for annexation is entirely surrounded by the Town and has been surrounded for more than three years.

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

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

Roadway infrastructure exists around the property. No additional improvements are anticipated with the property's zoning. When the property develops in the future, additional access and circulation will be required.

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

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

The Town does not anticipate significant additional municipal service costs with the proposed zoning.

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

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

No new development is proposed as part of the zoning. Therefore, no additional environmental impacts are anticipated at this time. Any future development will be required to meet all environmental criteria set forth in the Land Development Ordinance.

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

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

As detailed in Section IV of this staff report, the A-Agricultural District is consistent with the objectives identified within the Parker 2035 Master Plan.

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

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

The property is located adjacent to Cottonwood Water and Sanitation District and will require inclusion in the district. Infrastructure exists serving adjoining properties. When developed the property will be able to receive adequate services.

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

VIII. SUMMARY REFERRAL AGENCY COMMENTS AND CONDITIONS

Agency	Comments
Parker Engineering	No Comment
Aztec Consultants	Minor corrections to be made on the zoning map - Corrections were made
Parker Building	No Comment
Fire Life Safety	No Comment
Douglas Country Planning	No Comment
Douglas County Public Works	No Comment
Douglas County Assessor's Office	No Comment
Douglas County School District	No Comment
Parker Police	No Comment
Parker Comprehensive Planning	The property is located within the E-470 Corridor/Medical Planning Area which recommends future medical uses and other supportive uses. The Agricultural zoning is similar to the current zoning in Douglas County and is consistent with the Parker 2035 Master Plan.
Parker Economic Development	Approved
IREA	No Comment
CenturyLink	No Comment
Comcast	No Comment
Cottonwood Water and Sanitation District	No Comment

IX. CONCLUSION

This zoning request is being processed concurrently with the annexation application as provided by the Town of Parker Home Rule Charter and Section 13.04.250 of the Parker Municipal Code and has been determined to meet the zoning approval criteria of the Parker Land Development Ordinance. Based on the analysis contained in this staff report, staff recommends that the Planning Commission recommend Town Council approve the request.

X. RECOMMENDED CONDITIONS

None

XI. ATTACHMENTS

1. Draft Zoning Ordinance
2. Zoning Map

Report Approved By: Bryce Matthews, Planning Manager

ORDINANCE NO. 3., Series of 2020

TITLE: A BILL FOR AN ORDINANCE ZONING CERTAIN PROPERTY WITHIN THE TOWN OF PARKER, COLORADO, KNOWN AS THE BOWEY PROPERTY TO A-AGRICULTURAL DISTRICT PURSUANT TO THE TOWN OF PARKER LAND DEVELOPMENT ORDINANCE AND AMENDING THE ZONING ORDINANCE AND MAP TO CONFORM THEREWITH

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

Section 1. Finding of Fact.

a. Application has been made for zoning certain property described in attached **Exhibit 1**, within the Town of Parker, Colorado, as A-Agricultural District, pursuant to the Town of Parker Land Development Ordinance (the “Property”).

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

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

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

d. The requirements contained in Section 13.04.240(f) of the Parker Land Development Ordinance are satisfied for zoning the Property to A-Agricultural District, as described in the Parker Land Development Ordinance.

Section 2. The Property is hereby zoned A-Agricultural District, as described in the 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 upon the later to occur of: (i) the date that is ten (10) days after final publication; or (ii) the date the Annexation Ordinance for the Property goes into effect, whichever occurs last.

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

Legal Description

A PARCEL OF LAND BEING ALL OF THAT SPECIAL WARRANTY DEED RECORDED AT RECEPTION NO. 2015022961 IN THE OFFICIAL RECORDS OF THE CLERK AND RECORDER, COUNTY OF DOUGLAS, STATE OF COLORADO, SITUATED IN THE NORTH HALF OF SECTION 27, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, SAID COUNTY AND STATE, ADDITIONALLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 27;

THENCE ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 27, NORTH 89°33'16" EAST, A DISTANCE OF 1,325.98 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION 27;

THENCE ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 27, NORTH 89°29'46" EAST, A DISTANCE OF 434.20 FEET TO THE WESTERLY RIGHT-OF-WAY OF SOUTH PARKER ROAD AS DESCRIBED IN SPECIAL WARRANTY DEED RECORDED IN BOOK 875, AT PAGE 652, IN SAID OFFICIAL RECORDS;

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

1. SOUTH 07°17'29" EAST, A DISTANCE OF 326.50 FEET;
2. SOUTH 17°31'59" EAST, A DISTANCE OF 170.70 FEET;
3. SOUTH 09°36'29" EAST, A DISTANCE OF 855.06 FEET TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 27;

THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY ALONG SAID SOUTH LINE, SOUTH 89°34'02" WEST, A DISTANCE OF 664.07 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 27;

THENCE ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 27, SOUTH 89°35'51" WEST, A DISTANCE OF 1,325.06 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 27;

THENCE ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 27, NORTH 00°17'07" WEST, A DISTANCE OF 1,329.90 FEET TO THE **POINT OF BEGINNING**.

CONTAINING AN AREA OF 57.253 ACRES, (2,493,945 SQUARE FEET), MORE OR LESS.

DANIEL E. DAVIS, PLS 38256
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.
300 e. MINERAL AVENUE, SUITE 1
LITTLETON, CO 80122

DRAFT

