

TOWN OF PARKER COUNCIL AGENDA

April 5, 2021

Notes:

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

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

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

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

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

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

Virtual Public Participation by Zoom Webinar: Instructions on how to participate in the public comment or public hearing part of the meeting are available by viewing the individual Town Council meeting listings on the Town's online calendar at www.parkeronline.org/calendar.

Public Viewing Only - Facebook Live: Town Council 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. TOWN COUNCIL MEETING SCHEDULE

- A. 4:30 P.M. – Call to Order Town Council Meeting and Roll Call**
- B. Executive Session – Immediately following Call to Order/Roll Call – (See Attached)**
- C. Reconvene Town Council Meeting at 7:00 P.M. or as soon thereafter as the regular public meeting can be conducted.**

2. SPECIAL PRESENTATIONS

- Senator Smallwood Update - 15 minutes

3. PARKER CHAMBER OF COMMERCE UPDATES

4. DOWNTOWN BUSINESS ALLIANCE UPDATES

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

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

7. **CONSENT AGENDA**

Consent Agenda Items are considered to be routine and will be enacted by one motion and vote. There will be no separate discussion of Consent Agenda Items unless Council votes to remove an item for individual discussion. Ordinances on the Consent Agenda are for introduction only and will not be removed for discussion. Consent Agenda items discussed at study session can be viewed by clicking the following link: <https://parkerco.civicclerk.com/Web/Player.aspx?id=621&key=-1&mod=-1&mk=-1&nov=0>

A. APPROVAL OF MINUTES - March 22, 2021

B. CONTRACTS OVER \$100,000

1. 2021 Townwide Pavement Markings-Crosswalks/Symbols (CIP21-007)
Amount: \$176,054
Contractor: Kolbe Striping
Department: Engineering and Public Works, Spencer Raish
2. Lemon Gulch Trail Low-Water Crossing Design Contract
Amount: \$129,783
Contractor: Muller Engineering Company
Department: Parks, Recreation and Open Space, Dennis Trapp
Engineering and Public Works, Chris Hudson
3. 2021 Facility Master Plan
Amount: \$330,000
Contractor: Stantec
Department: Engineering and Public Works, Jim Gilbert

C. PROCLAMATION - Building Safety Month

8. PUBLIC HEARINGS

A. LINCOLN PROFESSIONAL PARK - Annexation Eligibility Hearing

Applicant: Ryanne Sass, Plaza Street Partners
Location: Generally located on the southeast corner of Lincoln Avenue and Dransfeldt Road
Department: Community Development, Stacey Nerger
TRAKiT No.: ANX20-006

1. RESOLUTION NO. 21-018

A Resolution to Set Forth Town Council's Findings of Fact and Conclusions as to the Eligibility of the Lincoln Professional Park Property for Annexation into the Town of Parker

B. ROBINSON RANCH FILING 2, AMENDMENT 2, LOT 8 - Use By Special Review

Applicant: Dr. Lindsay Mamula
Location: Generally located southeast of Parker Road and Hess Road
Department: Community Development, Krista Flynt
TRAKiT No.: Z20-015

9. RESOLUTIONS

A. RESOLUTION NO. 21-019

A Resolution Approving the Form of Intergovernmental District Facilities Construction and Administrative Services Agreement Between Chambers Highpoint Metropolitan District No. 1 and Chambers Highpoint Metropolitan District No. 2

Department: Town Attorney, Kristin Hoffmann

B. RESOLUTION NO. 21-020

A Resolution of the Parker Town Council Regarding the Town Council's Opposition to Proposed Colorado Senate Bill 21-062 - "Concerning Measures to Reduce Jail Populations"

Department: Town Attorney, Jamie Wynn

10. ADJOURNMENT

Parker Town Council

Executive Session Agenda

April 5, 2021

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

1. C.R.S. Section 31-12-108, related to the annexation of real property located at the southeast corner of the intersection of Dransfeldt Road and Lincoln Avenue commonly known as the Peaslee Property (eligibility hearing process)

2. H.R. 1319, The American Rescue Plan Act of 2021

3. Colorado Department of Public Health and Environment Ninth Amended Public Health Order 20-36 – COVID-19 Dial, dated March 23, 2021

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

4. Sections V.C. and X. of the Consolidated Service Plan for Chambers Highpoint Metropolitan District Nos. 1 and 2, as amended, concerning an Intergovernmental District Facilities Construction and Administrative Services Agreement

5. Proposed amendment to Resolution No. 19-023, Series of 2019, a partial waiver to defer compliance with certain requirements for the processing of the sketch and preliminary plan for certain segments of the Anthology North property until those segments are ready for development

6. Proposed amendment to Resolution No. 19-028, Series of 2019, a partial waiver to defer compliance with certain requirements for the sketch and preliminary plan for certain segments of the real property commonly known as the Hess Ranch property until those segments are ready for development

“To consider the purchase, acquisition, lease, transfer or sale of real, personal or other property, pursuant to C.R.S. § 24-6-402(4)(a).”

7. Ground Lease between The Town and Parker Tennis Center, LLLP, dated October 2, 2017 (proposed site plan amendment for Parker Tennis facility)

**TOWN OF PARKER COUNCIL
MINUTES
MARCH 22, 2021
(CONTINUED FROM MARCH 15, 2021)**

Mayor Toborg called the meeting to order at 7:09 P.M. All Councilmembers were present.

The Mayor led the Pledge of Allegiance.

PUBLIC COMMENTS

Steve Jewett, 12521 S. Sopris Creek Drive - Commented on the Motsenbocker Road project and the large subdivisions in the area. He stated that there has not been sufficient infrastructure put in place to handle the traffic. He suggested the Chambers Road extension be completed first.

Arlynn Cook - 12507 Venable Creek Street - Commented on the Motsenbocker Road project regarding the traffic and noise issues present. She stated the noise exceeds appropriate noise levels. The time construction is allowed during the day needs to be monitored and enforced.

REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

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

CONSENT AGENDA

A. *APPROVAL OF MINUTES - March 1, 2021*

B. *CONTRACTS OVER \$100,000*

1. *Jordan Road Underpass (CIP 20-012) Agreement for Construction Management Services*

Amount: \$209,997.75

Contractor: EST, Inc.

Department: Engineering and Public Works, Bob Exstrom

2. *Jordan Road Underpass (CIP 20-012) Agreement for General Contracting Services*

Amount: \$1,765,000.00

Contractor: Hudick Excavating Inc. dba HEI Civil

Department: Engineering and Public Works, Bob Exstrom

3. *Rueter-Hess Recreation Authority Annual Assessment*

Amount: \$210,000.00

Payee: Rueter-Hess Recreation Authority

Department: Parks, Recreation and Open Space, Mary Colton

John Diak moved to approved Consent Agenda Items 4A through 4B(3).

Todd Hendreks seconded the motion.

The motion was approved unanimously.

PUBLIC HEARINGS

A. Compark Boulevard at Upland Drive Annexation

Applicant: Town of Parker

Location: Compark Boulevard at Upland Drive

Department: Community Development, Mary Munekata

TRAKiT No.: ANX-003

7:26 P.M.

The Town proposes to annex a Town-owned portion of Compark Boulevard right-of-way (ROW) between Upland Drive on the west and Prairie Trail on the east. This section of Compark Boulevard is located in unincorporated Douglas County within the Compark Village Planned Development and is approximately 600-feet in length. The Town has maintained this section of roadway since 2018 as a result of adjacent property annexations that required the Town to utilize this section of Compark Boulevard to access and maintain the previously annexed Upland Drive roadway area. On November 12, 2019, Douglas County deeded this segment of Compark Boulevard to the Town. On August 3, 2020, the Town Council accepted ownership of this segment of Compark Boulevard by resolution.

On February 1, 2021, the Town Council approved Resolution No. 21-007, determining that the annexation petition substantially complies with the requirements of C.R.S. § 31-12-107(1)(a) and set a public hearing for March 15, 2021, on the eligibility of the subject property to be annexed into the Town as provided by State law.

The required public notice regarding the March 15, 2021 public hearing of the annexation was published in the *Douglas County News Press* dated February 11, 2021. All other public notice requirements have been addressed in accordance with state law and the Municipal Code.

Public Comment: None.

The Public Hearing was closed at 7:32 P.M.

1. RESOLUTION NO. 21-016

**A Resolution to Establish the Findings of Fact and Conclusions Thereon
Concerning the Eligibility of the Town Compark Boulevard at Upland Drive
Property for Annexation**

Cheryl Poage moved to approve Resolution No. 21-016.

Todd Hendreks seconded the motion.

The motion was approved unanimously.

2. ORDINANCE NO. 2.275 - Second Reading

**A Bill for an Ordinance Approving and Accomplishing the Annexation of
Contiguous Unincorporated Territory Known as the Compark Boulevard at
Upland Drive Property in Douglas County**

Cheryl Poage moved to approve Ordinance No. 2.275 on second reading.

Todd Hendreks seconded the motion.

The motion was approved unanimously.

B. ORDINANCE NO. 1.547.1 - Second Reading

**A Bill for an Ordinance to Adopt the 2021 Revised Budget for the Town of Parker and
to Make Appropriations for the Same**

Department: Finance, Rhonda Willey

7:34 P.M.

Budget revisions for the current year budget are submitted to Town Council for consideration several times per year. This ordinance covers two categories of adjustments.

1. Carryovers, which are the re-appropriation of unspent appropriation from the prior year to the current year for projects that cover multiple years, or were not finished and under contract at the end of the previous year. Carryover requests total \$28,504,422.

2. Amendments, which consist of additional or new appropriation requests that were not anticipated at the time of the development of the budget. Supplemental expenditure requests total \$175,500.

The total amount of the budget adjustments equal \$28,679,922.

Public Comment: None.

The Mayor closed the Public Hearing at 7:41 PM

Laura Hefta moved to approve Ordinance No. 1.547.1 on second reading.

John Diak seconded the motion.

The motion was approved unanimously.

ORDINANCES

A. ORDINANCE NO. 9.136.4 - Second Reading (Continued from Feb.16, 2021 and to be continued to April 19, 2021)

A Bill for an Ordinance to Approve the Addendum to Amended and Restated Funding Agreement By and Between the Town of Parker and the Douglas County Emergency Telephone Service Authority Concerning the Hosted 911 NICE Recording Services

Department: Town Attorney, Jamie Wynn

John Diak moved to continue Ordinance No. 9.134.4 to April 19, 2021, for second reading.

Todd Hendreks seconded the motion.

The motion was approved unanimously.

B. ORDINANCE NO. 5.59.2 - Second Reading

A Bill for an Ordinance to Amend Chapters 6.01 and 6.03 of the Parker Municipal Code Concerning Noise Regulations

**Department: Community Development, John Fussa
Town Attorney, Jamie Wynn**

Sections of Chapter 6 of the Parker Municipal Code focus on public health and welfare and are intended to provide for a safe environment and quality of life. Excessive noise, sound, and vibration can jeopardize public health, welfare, and the safety of the Town's citizens by creating nuisances that degrade quality of life and adversely impact the community.

In 2019, an amendment was added to Chapter 6.03 of the Parker Municipal Code related to the use of loudspeakers, public address systems, and similar devices. After having an opportunity to review the effect of these amendments, staff proposed additional amendments to clarify the purpose of the Code sections that regulate noise and sound in mixed-use and non-residential (commercial). The proposal includes updated standards, prohibitions and exceptions regarding noise and sound based on expert advice, other relevant information, and discussions with Town Council.

After some discussion between Council regarding the request that all residential be removed from the ordinance which includes residential in mixed use areas, it was decided to continue the ordinance to a date certain to June 7, 2021, at which time a full council will be seated to hear the proposed ordinance.

John Diak moved to continue Ordinance No. 5.59.2 to a date certain of June 7, 2021 for second reading.

Todd Hendreks seconded the motion.

The motion was approved unanimously.

C. ORDINANCE NO. 9.286.2 - Second Reading

A Bill for an Ordinance Approving the Second Amendment to Intergovernmental Agreement Between the Town of Parker and the Board of County Commissioners of the County of Douglas County Concerning the Dransfeldt Extension

Department: Engineering and Public Works, Chris Hudson

The Town has been contemplating the extension of Dransfeldt Road south of Twenty Mile Road, over Cherry Creek, connecting to Motsenbocker Road for over a decade. This proposed roadway is an important component to the Parker area's long-term roadway transportation plan. Due to a portion of the proposed roadway extension being located in unincorporated Douglas County, the project needs to be coordinated with Douglas County. After several years of discussions with Douglas County staff, the Town and County moved forward with an intergovernmental agreement (IGA) and an amendment to the original IGA in 2019 to start the conceptual/preliminary design of this roadway extension. Parker Town Council approved the original IGA at the June 3, 2019 Town Council meeting and a First Amendment was approved at the November 4, 2019 Town Council meeting.

The design for the project commenced in late-2019 and continued through the end of 2020 when the conceptual design work was wrapped up. The Town and Douglas County would like to continue to advance this design in 2021 necessitating the IGA amendment to continue to utilize the consultants previously selected. The Town and Douglas County have both appropriated \$250,000 as part of their 2021 budgets (\$500,000 total) to fund the next step in the design effort in 2021. The next milestone in the design effort is the submittal of the Conditional Letter of Map Revision (CLOMR) to the Federal Emergency Management Agency (FEMA) by the end of 2021. The Town and Douglas County have agreed to a 50/50 split on this preliminary engineering cost to be completed by December 31, 2021 and an IGA is needed to formalize this arrangement. An ordinance is needed for approval of this IGA amendment.

Assuming that all goes according to plan, a final design effort will be undertaken in 2022 and an additional (future) IGA amendment will be needed. A subsequent IGA is anticipated to follow the final design effort to fund construction that is currently projected to occur in 2023.

The Douglas County Board of County Commissioners is scheduled to review this IGA amendment at their meeting on March 23, 2021.

Public Comment: None.

Todd Hendreks moved to approved Ordinance No. 9.286.2 on second reading.

Laura Hefta seconded the motion.

The motion was approved unanimously.

D. ORDINANCE NO. 9.307.1 - Second Reading

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

Department: Engineering and Public Works, Alex Mestdagh

The Looking Glass development is located in the southwest quadrant of the Town, generally west of Crowfoot Valley Road and south of Stroh Road. The major infrastructure required to support the first segment of residential development on this property is currently under construction. The developer's infrastructure obligations include major drainageway improvements to portions of Lemon Gulch and a tributary stream known as Brandy Gulch that are located on the property. The Town's Code requires that the developer construct or fund these master-planned improvements on the property. The improvements to the drainageways consist of stabilization improvements and selective realignment of the streams to provide stable grades and improved channel geometry.

The Town and the MHFD have negotiated with the developer a Fee-in-Lieu (FIL) arrangement for the drainageway improvements. A FIL arrangement requires the developer to fund 100% of the cost to design and construct the improvements, which are then managed by MHFD with assistance from the Town. This approach provides benefits to both the Town/MHFD and the developer - the Town/MHFD receive increased control of the project direction, including engineer and contractor selection, and the developer is able to remove the improvements and any related permitting from their scope of work and schedule.

The FIL arrangements require the developer to provide the project funding to the Town by way of a subdivision or development agreement, which the Town then provides to MHFD via IGA. This IGA was originally reviewed and approved by Town Council in 2020 in order to codify the funding and construction of the Brandy Gulch improvements. This amendment now proposes to codify the funding and construction of the Lemon Gulch improvements by requiring the Town to provide the developer's funding to MHFD, and in turn requiring MHFD to construct the improvements.

Construction of the Brandy Gulch improvements is currently underway, and construction of the Lemon Gulch improvements is anticipated to begin in the coming months, pending federal permitting being obtained.

Public Comment: None.

Laura Hefta moved to approve Ordinance No. 9.307.1 on second reading.

John Diak seconded the motion.

The motion was approved unanimously.

E. ORDINANCE NO. 1.455.1 - Second Reading

A Bill for an Ordinance to Amend Section 2.06.030 of the Parker Municipal Code Concerning the Affidavit of Intent for Write-In Candidates for Municipal Office and Cancelling Election

Department: Town Attorney, Jim Maloney

In 2000, the Charter was amended to allow elections to be coordinated with Douglas County. Since 2000, Douglas County has conducted the Town's November elections under the Uniform Election Code. The Town will be holding a special election on April 20, 2021. For the reason that this election is not being held in November, the Town will not be able to coordinate the election with Douglas County under the Uniform Election Code. As a result, the Town's special election must be held under the Municipal Election Code, which has not been amended since the last time the Town held an election under the Municipal Election Code. The purpose of the attached ordinance is to bring the Parker Municipal Code into conformance with the Municipal Election Code, specifically Section 2.06.030, which addresses write-in candidates and the ability to cancel elections if the number of candidates does not exceed the number of offices to be filled at the election.

Public Comment: None.

John Diak moved to approve Ordinance No. 1.455.1 on second reading.

Todd Hendreks seconded the motion.

The motion was approved unanimously.

F. ORDINANCE NO. 9.320.1 - Second Reading

A Bill for an Ordinance to Approve the Amended and Restated Intergovernmental Agreement By and Between the Board of County Commissioners of Douglas County, the Town of Castle Rock, the Town of Parker, the City of Lone Tree, the City of Castle Pines, and the Town of Larkspur Concerning Local Governmental Distribution Under the CARES Act

Department: Town Attorney, Jim Maloney

On March 27, 2020, Congress adopted the CARES Act, which established a \$150 billion Coronavirus Relief Fund, a portion of which was allocated to the State of Colorado. The Governor issued an executive order allocating \$270 million for local governments that did not receive a direct distribution of funds under the CARES Act, including Douglas County, Parker, Lone Tree, Castle Pines, Castle Rock and Larkspur (the "Parties"). The purpose of the Initial Agreement was to establish the structure for reimbursement of the eligible expenses incurred by the Parties in compliance with the CARES Act. Under the initial agreement, Parker was allocated up to \$2,876,671. On December 21, 2021, Congress passed the Consolidated

Appropriations Act (H.R. 133), which extended the date by which state and local governments must make expenditures with CARES Act relief fund awards, from December 31, 2020, to December 31, 2021. The Initial Agreement expires on June 30, 2021. The purpose of the attached agreement is to extend the term of the Initial Agreement to February 1, 2022, by amending and restating the Initial Agreement.

Public Comment: None.

Todd Hendreks moved to approve Ordinance No. 9.320.1 on second reading.

Laura Hefta seconded the motion.

The motion was approved unanimously.

RESOLUTIONS

RESOLUTION NO. 21-017

A Resolution to Amend Resolution No. 20-028.1, Series of 2020, Concerning the Adoption of the Development-Related User Fee Schedule and Administrative Code Fee Schedule

**Department: Community Development, Bryce Matthews
Engineering and Public Works, Alex Mestdagh**

The Town of Parker's current Development Fee Schedule was approved by Town Council in June 2020. This new fee schedule was the product of a user fee study that was performed by the Town Administrator's office. The schedule set forth revised fees for all development-related services performed by Engineering, Community Development, Parks and Recreation, and the Town Attorney's Office. These fees are paid by applicants submitting a development request to the Town.

Staff proposed three additions to the fee schedule in order to adequately recover the Town's costs for several development tasks:

A new Inspection Surcharge for development construction inspection was proposed by the Engineering/Public Works Department. In order to effectively inspect the extensive amount of development-related construction anticipated in 2021, staff has identified a need to supplement the Town's inspection staff with a consultant inspector. Since the Town's inspection fees are based on Town staff performing the inspections rather than consultants, additional funding beyond that generated by our fees is needed to fund a consultant contract. The proposed fee would be collected from all development projects that will need infrastructure inspections in 2021, including projects already under construction, and the fees would be used to fund the consultant inspector. This consultant will perform inspections of development projects at the direction of Town Staff to ensure that construction is done in accordance with Town standards. While it is anticipated that the consultant inspector will focus on only a few projects, an additional fee of 27% of each project's calculated inspection fee is proposed to be collected from all projects to fairly spread the cost among all developers. This fee is estimated to generate the additional funds (beyond the standard

inspection fees anticipated to be collected) necessary to fund a consultant inspector through the construction season. If this fee is approved, the subsequent contract for the consultant will come before Town Council for consideration. This fee would be revisited later this year to determine if inspection assistance would be required again in 2022.

Fees were also proposed by Community Development for plat corrections and waivers/extensions. These applications have rarely been used in the past, and were not included in the original fee schedule adopted by Town Council. However, over the past year the frequency of these types of applications have increased, in part due to challenges presented by COVID. Fees are now proposed to be added for these applications. Staff proposed a flat fee of \$104 for waiver/extension requests, and \$50 for plat corrections.

Public Comment: None.

Todd Hendreks moved to approve Resolution No. 21-017.

Laura Hefta seconded the motion.

The motion was approved unanimously.

ADJOURNMENT

Laura Hefta moved to adjourn the Town Council meeting at 8:34 P.M.

Todd Hendreks seconded the motion.

A roll call vote was taken:

Todd Hendreks - Yes

Cheryl Poage - Yes

John Diak - Yes

Laura Hefta - Yes

The motion was approved unanimously.

Chris Vanderpool, Deputy Town Clerk

Jeff Toborg, Mayor



Request for Town Council Action

Date: April 5, 2021

Submitted By: Spencer Raish, Assistant Traffic Engineer

Reviewed By: Michelle Kivela, Town Administrator

Title: **2021 Townwide Pavement Markings-Crosswalks/Symbols (CIP21-007)**

Amount:	\$176,054
Contractor:	Kolbe Striping
Department:	Engineering and Public Works, Spencer Raish

EXECUTIVE SUMMARY

The purpose of this item is to request that the Town Council approve the award of a trade contractor agreement with Kolbe Striping, for the 2021 Townwide Pavement Markings - Crosswalk/Symbols Project (CIP21-007) for \$176,054. The Town of Parker needs to maintain and enhance our roadway pavement markings through annual maintenance projects.

Staff has presented on this item at the March 29, 2021 Council Study Session.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

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

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

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

The Town publicly opened bids on March 16, 2021. Three (3) contractors submitted bids with Kolbe Striping being the lowest responsible bidder at \$176,054.00. Kolbe Striping has completed prior projects for the Town with satisfactory results. Therefore, staff recommends award of this contract.

The bids the Town received were as follows:

Kolbe Striping - \$176,054.00
American Striping - \$176,187.00
Colorado Barricade - \$185,000.00
Engineer's Estimate - \$170,000.00

FINANCIAL IMPACT

Funding for the annual striping contract is part of the approved 2021 Budget under Traffic Services in the general fund (101-4312).

STRATEGIC GOAL(S)



PROMOTE A SAFE AND
HEALTHY COMMUNITY



DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH

ATTACHMENTS

None

RECOMMENDED MOTION

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



Request for Town Council Action

Date: April 5, 2021

Submitted By: Dennis Trapp, Projects Administrator
Chris Hudson, Deputy Director of Engineering
Bo Martinez, Deputy Town Administrator

Reviewed By: Michelle Kivela, Town Administrator

Title: **Lemon Gulch Trail Low-Water Crossing Design Contract**

Amount: \$129,783

Contractor: Muller Engineering Company

Department: Parks, Recreation and Open Space,
Dennis Trapp
Engineering and Public Works, Chris Hudson

EXECUTIVE SUMMARY

Staff is seeking approval from Town Council to award the contract in the amount of \$129,783 to Muller Engineering Company to perform the necessary design and engineering work for the Lemon Gulch Trail low-water crossing of the Lemon Gulch drainageway.

Staff introduced this contract to Town Council at the March 8, 2021 Study Session.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The Lemon Gulch Trail low-water crossing design contract with Muller Engineering will initiate the preparation of specific design and engineering analysis, along with other technical studies, to secure the necessary permits and approvals from other agencies prior to construction of the low-water trail crossing of the Lemon Gulch drainageway. The fee for these services is \$129,783 and includes a number of subconsultants authorized to perform specific technical analysis to facilitate the completion of this project. This is a negotiated professional services agreement and Muller Engineering is uniquely qualified to complete this project. Muller previously completed the engineering for the design of the Lemon Gulch stabilization upstream of the proposed crossing location with the Mile High Flood District (MHFD). Integration of this upstream design and following MHFD requirements is very important in completing this proposed trail crossing. In addition, the Town engaged Muller to complete conceptual design work on this proposed trail crossing in 2020. This conceptual effort will be valuable as this design is advanced. The subconsultants include, Aztec Consultants (surveying), Goodbee Associates (subsurface utility engineering), CTL | Thompson (geotechnical investigation), and ERO

Resources (environmental permitting and ecological design). More specifically, ERO will provide permitting assistance and consultation as needed for the project as it may pertain to Section 404 of the Clean Water Act, the Endangered Species Act, and any potential cultural or historic resources. It is important to note that this contract is for preliminary design efforts and that a final design contract will be needed subsequently to finalize the design after the Town has the required permits and approvals. A cost estimate for this subsequent effort is unavailable at this point in the process.

FINANCIAL IMPACT

The proposed contract in the amount of \$129,783 with Muller Engineering Company will provide design and engineering services for the Lemon Gulch Trail low-water crossing of the existing Lemon Gulch drainageway. Funding for this contract has been appropriated in the 2021 budget fund (203-4520).

STRATEGIC GOAL(S)



**SUPPORT AN
ACTIVE COMMUNITY**



**PROMOTE A SAFE AND
HEALTHY COMMUNITY**



**DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH**

ATTACHMENTS

None

RECOMMENDED MOTION

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



Request for Town Council Action

Date: April 5, 2021

Submitted By: Jim Gilbert, Deputy Director of Operations

Reviewed By: Michelle Kivela, Town Administrator

Title: **2021 Facility Master Plan**

Amount: **\$330,000**

Contractor: **Stantec**

Department: **Engineering and Public Works, Jim Gilbert**

EXECUTIVE SUMMARY

Town Staff is recommending entering into a contract with Stantec to perform a Facility Master Plan for the Town of Parker. The contract amount is \$330,000. Staff performed an evaluation of qualified consultants and selected Stantec to perform this master plan.

The Facility Master Plan is a future modeling guide for the Town and is recommended to be performed periodically to make course corrections and update assumptions that will impact space needs. In 2008, the Town conducted a Facility Master Plan which provides the basis for this evaluation.

Town staff presented information related to the Facility Master Plan to Town Council at the Study Session on February 22, 2021.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The Facility Master Plan's purpose includes five main components.

- Evaluation of the Town's current portfolio and how these facilities meet the current levels of service provided
- Determine if previous assumptions require adjustments to address deficiencies
- Develop a plan for the future to provide adequate operational capacity at the right time
- Create a priority based plan of action and determine funding levels and timeline for plan implementation
- Ensure the current infrastructure is maintained through future capital improvements

The proposed scope of work for the 2021 Facility Master Plan includes the following covered

areas.

- A demographic analysis of the Town and the impact that future growth will have on facility infrastructure to provide space to perform current levels of service to the community sector being served.
- Perform an evaluation of the Town's facilities, with a focus on the capital projects to maintain these facilities.
- Evaluation of the organizational structure and use of existing space.
- Perform a staffing and space needs assessment for each Department.
- Perform a financial analysis of anticipated costs for existing and projected expanded space needs.

FINANCIAL IMPACT

The initial budget for this project is \$300,000. The negotiated scope of work and submittal by Stantec exceeded this budget by \$26,500. Staff has identified savings from two other capital projects funded in 2021 to cover the additional fees associated with this project. No other financial impacts are expected.

The Facility Master Plan is intended to provide a financial perspective of future expenses that should be evaluated and budgeted. These expenses will include funds for remodels, expansions and estimated costs for existing portfolio capital projects.

STRATEGIC GOAL(S)



DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH



PROMOTE A SAFE AND
HEALTHY COMMUNITY



ENHANCE ECONOMIC
VITALITY

ATTACHMENTS

None

RECOMMENDED MOTION

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



Your kind of place.

Proclamation

Building Safety Month — May 2021

WHEREAS, our Town of Parker is committed to recognizing **that** our growth and strength depends on the safety and economic value of the homes, buildings and infrastructure that serve our citizens, **both** in everyday life and in times of natural disaster, and;

WHEREAS, our confidence in the structural integrity of these buildings that make up our community is achieved through the devotion of vigilant guardian building safety and fire prevention officials, architects, engineers, builders, tradespeople, design professionals, laborers, plumbers and others in the construction industry—who work year-round to ensure the safe construction of buildings, and;

WHEREAS, these guardians are dedicated members of the International Code Council, a U.S. based organization, that brings together local, state and federal officials that are experts in the built environment to create and implement the highest-quality codes to protect us in the buildings where we live, learn, work, play, and;

WHEREAS, our nation benefits economically and technologically from **using** the International Codes that are developed by a national, voluntary consensus codes and standards developing organization, our government is able to avoid the high cost and complexity of developing and maintaining these codes, which are the most widely adopted building safety and fire prevention codes in the world;

WHEREAS, these modern building codes include safeguards to protect the public from natural disasters such as hurricanes, snowstorms, tornadoes, wildland fires, floods and earthquake; which, according to a FEMA-commissioned study by the National Institute of Building Sciences, provide \$11 in future mitigation benefits for every dollar invested, and;

WHEREAS, Building Safety Month is sponsored by the International Code Council to remind the public about the critical role of our communities' largely unknown protectors of public safety---our local code officials—who assure us of safe, efficient and livable buildings that are essential to America's prosperity, and;

WHEREAS, “Safer Buildings, Safer Communities, Safer World” the theme for Building Safety Month 2021, encourages all Americans to raise awareness of the importance of safe and resilient construction; fire prevention; disaster mitigation, and new technologies in the construction industry. Building Safety Month 2021 encourages appropriate steps everyone can take to ensure the safety of our built environment, and recognizes that the **implementation of safety** codes by local and **state** agencies has saved lives and protected homes and businesses, and,

WHEREAS, each year, in observance of Building Safety Month, Americans are asked to consider the commitment to improve building safety and economic investment at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments, fire prevention bureaus and federal agencies in protecting lives and property.

NOW THEREFORE, I, Jeff Toborg, Mayor of the Town of Parker, do hereby proclaim the month of May 2021 as Building Safety Month. Accordingly, I encourage our citizens to join with their communities in participation in Building Safety Month activities.

Jeff Toborg, Mayor

ATTEST:

Carol Baumgartner, Town Clerk



Request for Town Council Action

Date: April 5, 2021

Submitted By: Stacey Nerger, Senior Planner
Bryce Matthews, Planning Manager
John Fussa, Community Development Director

Reviewed By: Michelle Kivela, Town Administrator

Title: **LINCOLN PROFESSIONAL PARK - Annexation Eligibility Hearing**

Applicant: Ryanne Sass, Plaza Street Partners

Location: Generally located on the southeast corner of Lincoln Avenue and Dransfeldt Road

Department: Community Development, Stacey Nerger

TRAKiT No.: ANX20-006

EXECUTIVE SUMMARY

The applicant, Plaza Street Partners, LLC, proposes to annex and zone an approximate 4.4 acre property that is currently located in Douglas County into the Town of Parker. On February 16, 2021 Town Council approved Resolution 21-008 which set the public hearing date of April 5, 2021, to determine if the property is eligible for annexation under the Municipal Annexation Act of 1965.

By approving Resolution No. 21-018, the Town Council will determine that the Lincoln Professional Park property is eligible for annexation into the Town, as provided by the Municipal Annexation Act of 1965, and will set the public hearing date for consideration of the annexation ordinance for May 17, 2021.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The Lincoln Professional Park Property is located at the southeastern corner of the intersection of Lincoln Avenue and Dransfeldt Road. This property is approximately 4.4 acres in size and is undeveloped except for several dilapidated agricultural buildings. The adjacent properties and the surrounding area are located in the Town of Parker.

The applicant proposes concurrent annexation and zoning as required by the Town Land

Development Ordinance and Town Charter. The proposed zoning to C-Commercial will permit future commercial development including retail, service and restaurant uses. The Town Council will hold the public hearing for the proposed annexation and zoning on May 17, 2021, if Resolution No. 21-018 is approved.

The Lincoln Professional Park property that is proposed for annexation is located within the Town's Planning Area, is identified in the 2020 Three-Mile Plan and is recommended for future annexation in the Parker 2035 Master Plan. Our review of the submitted Annexation Map indicates that the subject property satisfies the contiguity requirement of the Municipal Annexation Act of 1965 pursuant to C.R.S. § 31-12-104(a). As a result, if the Town Council determines that the property is eligible for annexation, the Town may process the Annexation Petition and the Town Council may hear and consider the annexation request on May 17, 2021.

FINANCIAL IMPACT

None

STRATEGIC GOAL(S)



ENHANCE ECONOMIC
VITALITY



DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH

ATTACHMENTS

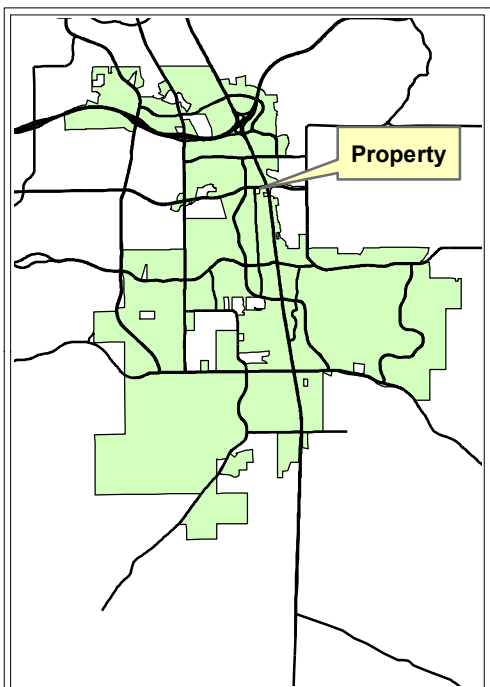
1. Vicinity Map
2. Resolution No. 21-018

RECOMMENDED MOTION

I move to approve Resolution No. 21-018 and set the annexation ordinance hearing for May 17, 2021.

Lincoln Professional Park Annexation

Annexation
Case No. ANX20-006



Legend
Site
Roads

Narrative:
Proposed annexation of approximately 4.5 acres from Dougals County into the Town of Parker.

Planner: Stacey Nerger
Hearing Schedules:

Town Council:
April 5, 2021



RESOLUTION NO. 21-018, Series of 2021

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

WHEREAS, an annexation petition was filed with the Town Clerk requesting the annexation of certain unincorporated territory located in the County of Douglas and State of Colorado, otherwise known as the Lincoln Professional Park, and hereafter described in **Exhibit 1** attached hereto and made a part hereof (the "Property");

WHEREAS, said petition was forwarded by the Town Clerk to the Town Council;

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

WHEREAS, the Town Council of the Town of Parker, Colorado, conducted a public hearing as required by law to determine the eligibility for annexation of the Property;

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

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

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

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

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

Section 2. Not less than one-sixth (1/6th) of the perimeter of the Property is contiguous with the existing boundaries of the Town of Parker, as required by law.

Section 3. A community of interest exists between the Property and the Town of Parker, and the Property will be urbanized in the near future.

Section 4. The Property is integrated or is capable of being integrated within the Town of Parker.

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

a. No land in the territory to be annexed which is held in identical ownership and consists of either a single tract or parcel, or two or more contiguous tracts or parcels,

has been divided or portion thereof excluded from the area to be annexed without the written consent of the owners thereof;

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

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

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

Section 6. The petition(s) for the annexation of the Property meets the requirements of law and are in proper order for annexation for the Property.

Section 7. No election is required, pursuant to Colo. Rev. Stat. § 31-12-107(2) or any other law of the State of Colorado or the Town of Parker, and no additional terms and conditions within the meaning of Colo. Rev. Stat. § 31-12-111 are to be imposed on the annexation of the Property.

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

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

Section 10. The Property is eligible for annexation to the Town of Parker and all requirements of law have been met for such annexation, including the requirements of section 30 of article II of the state constitution and the applicable requirements of Colo. Rev. Stat. §§ 31-12-104 and 31-12-105, as amended.

Section 11. The ordinance annexing the Property to the Town of Parker shall be considered by this Town Council, pursuant to Colo. Rev. Stat. § 31-12-111.

RESOLVED AND PASSED this _____ day of _____, 2021.

TOWN OF PARKER, COLORADO

Jeff Toborg, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

EXHIBIT 1

Legal Description

A PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 15; THENCE SOUTH 83°44'03" EAST, A DISTANCE OF 846.76 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF LINCOLN AVENUE AND THE POINT OF BEGINNING;

THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE NORTH 89°29'00" EAST, A DISTANCE OF 371.25 FEET;

THENCE SOUTH 02°18'01" EAST, A DISTANCE OF 467.18 FEET TO A POINT ON THE NORTH LINE OF LOT 1, E.T. TECHNOLOGIES INC., RECORDED AT RECEPTION NO. 2002093991;

THENCE SOUTH 84°51'34" WEST ALONG SAID NORTH LINE, A DISTANCE OF 395.93 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF DRANSFELDT ROAD DEEDED BY RECEPTION NO. 2002088425 AND A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG SAID EAST RIGHT-OF-WAY LINE THE FOLLOWING SIX (6) COURSES:

- 1) ALONG THE ARC OF SAID CURVE TO THE RIGHT AN ARC LENGTH OF 25.79 FEET, SAID CURVE HAVING A RADIUS OF 660.00 FEET, A CENTRAL ANGLE OF 02°14'19", AND A CHORD WHICH BEARS NORTH 02°20'42" WEST A CHORD DISTANCE OF 25.79 FEET;
- 2) NORTH 01°13'32" WEST, A DISTANCE OF 165.71 FEET TO A POINT OF CURVATURE;
- 3) ALONG THE ARC OF SAID CURVE TO THE LEFT AN ARC LENGTH OF 43.04 FEET, SAID CURVE HAVING A RADIUS OF 740.00 FEET, A CENTRAL ANGLE OF 03°19'57", AND A CHORD WHICH BEARS NORTH 02°53'30" WEST A CHORD DISTANCE OF 43.03 FEET;
- 4) NORTH 04°33'29" WEST, A DISTANCE OF 217.83 FEET TO A POINT OF CURVATURE;
- 5) ALONG THE ARC OF SAID CURVE TO THE RIGHT AN ARC LENGTH OF 49.23 FEET, SAID CURVE HAVING A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF 94°01'51", AND A CHORD WHICH BEARS NORTH 42°27'27" EAST A CHORD DISTANCE OF 43.89 FEET;
- 6) NORTH 04°33'21" WEST, A DISTANCE OF 15.04 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 190,643 SQUARE FEET OR 4.38 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, ASSUMED TO BEAR SOUTH 89°29'00" WEST.



Request for Town Council Action

Date: April 5, 2021

Submitted By: John Fussa, Community Development Director
Krista Flynt, Associate Planner

Reviewed By: Michelle Kivela, Town Administrator

Title: **ROBINSON RANCH FILING 2, AMENDMENT 2, LOT 8 -
Use By Special Review**

Applicant: Dr. Lindsay Mamula

Location: Generally located southeast of Parker Road and Hess Road

Department: Community Development, Krista Flynt

TRAKiT No.: Z20-015

EXECUTIVE SUMMARY

The subject property is located within the Robinson Ranch Planned Development near the southeastern corner of the intersection of Parker Road and Hess Road. The applicant is requesting Use by Special Review approval for a new veterinary hospital and pet boarding facility on Lot 8 of Robinson Ranch Filing 2, Amendment 2.

STAFF RECOMMENDATION

Approve with Conditions

BACKGROUND/DISCUSSION

The applicant, Lindsey Mamula of the Veterinary Center of Parker, is requesting Use by Special Review (UbSR) approval for a new veterinary hospital and pet boarding facility on Lot 8 of Robinson Ranch Filing 2, Amendment 2. The subject property is zoned as part of the Robinson Ranch Planned Development (PD) and is located in Planning Area C, designated Commercial, that permits veterinary clinics and hospitals through the UbSR process.

The subject property has a total area of 1.4 acres or 61,550 square feet and is currently undeveloped. The applicant proposes to build a 22,116 square foot commercial building with a 512 square foot outdoor pet run/ relief area, parking lot and accessory improvements. The Veterinary Center of Parker is currently located in the Robinson Ranch PD within an existing multi-tenant commercial building fronting Hess Road. The proposal would enable the applicant to construct a larger building to expand their business and offer additional services such as the boarding of pets.

The subject property is located within a designated, mixed-use Neighborhood Center according

to the Parker 2035 Master Plan. The proposed veterinary hospital and pet boarding facility will be located in a designated commercial Planning Area within the Robinson Ranch PD and is adjacent to existing commercial uses. Veterinary hospitals are classified as commercial services, which is consistent with General Land Use Plan recommendations in Chapter 6 of the Master Plan. The proposal is, therefore, compatible with adjacent uses and is consistent with the Parker 2035 Master Plan including the Land Use Plan and Neighborhood Center designation.

Staff has reviewed the proposal against the nine (9) criteria for consideration of a UbSR application set forth in the Land Development Ordinance and has determined that the proposal meets the criteria for approval subject to the proposed conditions. For further analysis of the UbSR application, please see the Planning Commission Staff Report that is attached to the Council Action Form.

The Planning Commission will hold a public hearing on the proposed veterinary hospital and pet boarding facility on March 25, 2021, and make a recommendation to the Town Council at that time.

If Town Council approves the UbSR application, the applicant will submit a site plan application at a future date.

FINANCIAL IMPACT

None

STRATEGIC GOAL(S)



ENHANCE ECONOMIC
VITALITY



DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH

ATTACHMENTS

1. Planning Commission Staff Report
2. Vicinity Map
3. Applicant Narrative
4. Applicant Criteria Responses
5. Conceptual Site Plan

RECOMMENDED MOTION

I move to approve, based on staff findings, with the following conditions (if any) contained in the staff report.

1. *That the Use by Special Review materials stamped by the Community Development Department on March 25, 2021, shall be the approved Use by Special Review materials.*
2. *The applicant will operate the facility using fecal removal procedures on a daily basis. The applicant will ensure that fecal matter will be immediately cleaned up, disinfected with a pet safe and environmentally friendly product (for example a hydrogen peroxide-based product) and then kept in a lid sealed container. To prevent accumulation of feces on site, the feces will be frequently removed from the site by a third party.*
3. *Following the Use by Special Review Approval, a site plan will need to be reviewed and*

approved by the Community Development Department.

- 4. Operations of the facility will be subject to the Town's noise ordinance, as amended.*
- 5. A building permit shall be required for any interior or exterior work completed on site.*
- 6. This approval shall expire sixteen (16) months after the date of approval unless a building permit or grading permit has been applied for. The Community Development Director, upon written request, may grant a ninety (90) day extension.*



Planning Commission Staff Report

Planning Commission Date: 3/25/2021

Town Council Date: 4/5/2021

Hearing Type: Public Hearing
Robinson Ranch Filing 2 Amendment 2 Lot 8
– Use By Special Review for Vet hospital
Z20-015

Location: 12373 Pine Bluffs Way

Project Planner: Krista Flynt, Planner 1

Applicant: Dr. Lindsay Mamula, Veterinary Center of Parker

Executive Summary: Robinson Ranch L8 - Vet Clinic and Kennel

Staff Recommendation: Approval with Conditions

RECOMMENDED MOTION

"I move the Planning Commission recommend Town Council approve the Use by Special Review request for Lot 8 in the Robinson Ranch Filing 2 AMD 2 to allow up to 100 percent of the building to be used for a veterinary hospital and pet boarding facility, with up to 23,000 square feet of indoor space, and 600square feet of an outdoor fenced area subject to the conditions contained in staff's report"

- 1. That the Use by Special Review materials submitted to the Community Development Department on March 25, 2021, shall be the approved Use by Special Review materials.*
- 2. The applicant will operate the facility using fecal removal procedures on a daily basis. The applicant will ensure that fecal matter will be immediately cleaned up, disinfected with a pet safe and environmentally friendly product (for example a hydrogen peroxide-based product) and then kept in a lid sealed container. To prevent accumulation of feces on site, the feces will be frequently removed from the site by a third party.*
- 3. Following the Use by Special Review Approval, a site plan will need to be reviewed and approved by the Town of Parker.*
- 4. Operations of the facility will be subject to the Town's noise ordinance, as amended.*
- 5. A building permit shall be required for any interior or exterior work completed on site.*

6. *This approval shall expire sixteen (16) months after the date of approval unless a building permit or grading permit has been applied for. The Community Development Director, upon written request, may grant a ninety-(90) day extension.*

ALTERNATIVE MOTIONS

"I move the Planning Commission recommend Town Council approve the Use by Special Review request for Lot 8 in the Robinson Ranch Filing 2 AMD 2 to allow up to 100 percent of the building to be used for a veterinary hospital and pet boarding facility, with up to 23,000 square feet of indoor space, and 600square feet of an outdoor fenced area

"I move the Planning Commission recommend Town Council deny the Use by Special Review request for Lot 8 in the Robinson Ranch Filing 2 AMD 2 to allow up to 100 percent of the building to be used for a veterinary hospital and pet boarding facility, with up to 23,000 square feet of indoor space, and 600square feet of an outdoor fenced area 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 Use by Special Review request for Lot 8 in the Robinson Ranch Filing 2 AMD 2 to allow up to 100 percent of the building to be used for a veterinary hospital and pet boarding facility, with up to 23,000 square feet of indoor space, and 600square feet of an outdoor fenced area to a future date."

I. BACKGROUND/DISCUSSION

The applicant, Lindsey Mamula of the Veterinary Center of Parker, is requesting a Use by Special Review to allow for a veterinary hospital and pet boarding facility on Lot 8 of Robinson Ranch Filing 2, Amendment 2. The property zoning is Robinson Ranch PD, Planning Area C, designated use “Commercial” - which allows for veterinary clinics and hospitals as a Use by Special Review. The property is 61,550 square feet and is currently undeveloped.

The applicant proposes to build a 22,116 square foot building and fence in a 512 square foot outdoor pet relief area on site. The Veterinary Center of Parker is currently located in the same commercial development in an existing multi-tenant building on Lot 3. The move in location would allow the applicant to construct a larger building that could accommodate the accessory use of pet boarding in the basement

The proposed veterinary hospital facility will not negatively impact the center or the surrounding uses.

Vicinity Map



II. PRIOR ACTIONS

Date	Action
------	--------

2/23/1998	Robinson Ranch PD established
7/21/2008	Robinson Ranch F2 AMD 1, Tract B is replatted
9/20/2010	Robinson Ranch F2 AMD 2, Lots 4-8 are replated

III. CURRENT SITE DATA

Existing Zoning	PD - Commercial		
Overlay District	N/A		
PD & Plan Area	Robinson Ranch		
Master Plan Area	Neighborhood Center		
Site Acreage	61,550 SF		
Subdivision	Robinson Ranch Filing 2, Amendment 2 http://parkeronline.org/DocumentCenter/View/22922/29---Robinson-Ranch-2?bidId=		
Existing Use	Site is Vacant		
Surrounding Uses			
	Master Plan Land Use	Zoning	Existing Use
North	Neighborhood Center	PD - Planned Development	Commercial: Multi-tenant retail and service
South	Low Density Residential	Douglas County Zoning	Immediately South is the Parker Riding Academy which is outside of the town boundaries. South of that is Robinson Ranch single family development
East	Low Density Residential	PD - Planned Development	Mining of Clay. Owned by General Shale Brick Inc
West	Neighborhood Center	PD - Planned Development	Commercial: Restaurant

IV. PARKER 2035 MASTER PLAN

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

MASTER PLAN CONSISTENCY	
Master Plan Designation	Neighborhood Center ☒ Consistent ☐ Inconsistent
Master Plan Character Discussion	Neighborhood Centers: Serve the basic needs of the surrounding residents. Typical uses include convenient retail and personal/business services usually anchored by a grocery store. Other compatible uses such as small offices, recreational uses and restaurants are also permitted. The total Gross Leasable Area for the commercial/office components within an entire

	Neighborhood Center should range from a combined 50,000 to 250,000 square feet.
Consistent Goals/Strategies	< i.e. - Land Use 1.A, Housing 1.A> <There may be none> Land Use 1.A Land Use 1.C Land Use 1.H Jobs and Economic Vitality 2.A Jobs and Economic Vitality 2.B Jobs and Economic Vitality 2.C Jobs and Economic Vitality 2.E
Inconsistent Goals/Strategies	None
Staff Analysis	The property is located within a designated Neighborhood Center of the Town's Master Plan. The proposed veterinary hospital and pet boarding facility is a needed service in the community, the proposed use will be situated within an existing retail context and on a currently vacant commercial parcel. Veterinary hospital facilities are classified as commercial services, which is consistent with General Land Use Plan recommendations in Chapter 6 of the Parker 2035 Master Plan. The proposed use would be consistent with the Master Plan for this area.

V. LAND DEVELOPMENT ORDINANCE

ZONING CONSISTENCY (Site Plan/UBSR/Sketch/Prelim Plan/MDP)			
Provisions	Existing/Required	Proposed	Analysis
Setbacks	Front – 20 Side – 0 Rear – 0 Corner – N/A	The proposed site layout meets all setback requirements.	☒ Consistent ☐ Inconsistent ☐ N/A
Density	N/A	The proposed use does not propose residential uses.	☐ Consistent ☐ Inconsistent ☒ N/A
Height/Stories	Maximum 40 feet.	Building height will be reviewed through the Site Plan Process	☒ Consistent ☐ Inconsistent ☐ N/A
Lot Size	N/A	The existing lot 61,550 square feet.	☒ Consistent ☐ Inconsistent ☐ N/A
Lot Coverage	N/A	N/A	☐ Consistent ☐ Inconsistent ☒ N/A
Landscaping	Title 13.06.070	Landscaping will be reviewed through the Site Plan Process The proposed development's initial site plan would meet the minimum landscaping percentage requirements.	☒ Consistent ☐ Inconsistent ☐ N/A
Off-Street Parking	Title 13.06.050	Parking will be reviewed through the Site Plan Process. The initial site plan would meet the minimum parking requirements.	☒ Consistent ☐ Inconsistent ☐ N/A
Miscellaneous			☐ Consistent ☐ Inconsistent ☐ N/A
Staff Analysis	Staff has determined that the proposed use has the ability comply with the Land Development Ordinance and Zoning subject to Site Plan review and approval by the Town.		

VI. ACCESS, CIRCULATION & TRAFFIC ANALYSIS

The property has access off of S Parker Road and Pine Bluffs Way via internal private drives. The proposed site circulation can meet Town standards. The parcel already includes sidewalks, and crosswalks on all sides.

VII. APPROVAL CRITERIA

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

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

Applicant analysis:

We strongly desire to continue our serving our existing neighborhood and surrounding area around the Robinson Ranch by staying within this development. We believe our ability to thrive over the last five years is standing proof that our business is serving a need in our community. VCPI currently takes care of Parker residents and its furry family members by offering full medical & dental services. Building our own facility would allow us to expand these services and offer the new benefit of overnight boarding & dog training which, in turn, serves our residents by offering peace of mind while traveling or raising a new puppy (look at ownership jump with COVID) at a local, neighborhood facility caring for their beloved pets.

The intent is for VCPI to move to a ground-up, standalone structure in Robinson Ranch Lot 8 immediately south of its current location at the east end of the retail center on Lot 3. The design and character of the structure will complement the surrounding community by utilizing similar design features such as covered exterior walkways & entries, a warm color palette, an appropriate scale to the area (maximum of two stories). There will be human scale elements such covered walkways, large windows at eye level, varying planes in the elevations to avoid a straight long box, and varying façade materials to maintain visual interest. Additionally, there will be plenty of trees & landscaping including a large garden designed by a licensed a landscape architect.

We will work closely with City's development team to ensure the aesthetics, materials, and massing of our new building closely coincide with the neighboring vernacular.

The complex will be two stories similar to the neighboring Takoda Tavern. This scale is tall enough to be noticeable without being overbearing and will include interesting and human scale features such a roof deck, glass wrapped entry stair, large, shaded overhangs, and rich materials/textures (brick, wood, stone, etc). It will also be good neighbor by having generous green space including the aforementioned garden and perimeter trees and shrubs around the parking.

Staff Analysis:

The use of this lot as a veterinary clinic, pet boarding, and class facility will be in character with the surrounding commercial activity. The surrounding commercial development type is small scale retail and service functions. The veterinary clinic currently exists in the development. The clinic has no open zoning violations against them, nor have they had any since opening.

The proposed site plan is large enough to meet and exceed the requirement for landscaping. The applicant is proposing a garden as a part of the landscaping that would buffer the commercial development from the area to the East, which is slated to eventually develop into low-density, single-family residential in the Robinson Ranch PD guide.

As the building would be new construction, it will be subject to all of the Town's Land Development Ordinance, Development Design Standards and other Town regulatory documents to ensure that it is physically compatible within the surrounding area and high quality design.

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

2. Will be consistent with the Town Master Plan.

Applicant analysis:

As a currently thriving practice in the Town of Parker, we strongly believe that we offer the Town and Robinson Ranch a valuable business partner and good neighbor. The Guiding Principles note that in addition to the Town preserving single-family neighborhoods they want to be sure the residents are offered choices that promote lifelong permanency. As a veterinary center, we offer a critical service for the Town's pets & respective owners that is very proximal to the residential lots in and around Robinson Ranch. Additionally, we want to simply relocate to a neighboring lot which will minimize disruption for our patrons and support the Guiding Principle to promote varied transportation that is safe, emphasizing local & regional connections, and considerate of the neighborhood. Being that this lot is a developed pad site the infrastructure of regional and local street connection has already been successfully vetted, and simultaneously offers pedestrian and biking access from the surround residences. We strongly feel we are a desirable commercial entity to remain in the neighborhood center fabric that is being steadily established.

A third Guiding Principle we would like to note is the desired of the Town to create long-term economic well-being and encouraging a variety of employment opportunities through promotion of unique, local businesses. As a current steady employer of local talent, we believe our proposed relocation will offer us the opportunity to extend even more employment opportunities of varying positions & levels by giving us the adequate space to expand our clinic size and offer new boarding services.

Given that Robinson Ranch is a Neighborhood Center with surrounding low density residential it our belief we fall within the desired uses of such a center. Both Chapter

5 & Chapter 7 of the Town Masterplan note the ability for multimodal transportation (transit, bike, automobile, or walking) be readily available which is a work in progress with Robinson Ranch as it is a developing commercial center at a significant intersection neighbored by proximal housing developments (and a horse stable!). Certainly, housing is within walking distance for those that are inclined. We will be providing bike racks and ample parking so as to offer an easy experience for our patrons even during busier hours (7am-9am and 3pm-5pm). Chapter 7 also notes the use of architecture, building design, public spaces, and massing are to create unique & attractive commercial destinations. We absolutely believe we will meet these criteria as described under Item 1, while working within the neighborhood scale, utilizing interesting materials and massing, offering community education opportunities, and beautifying the area with our garden (while simultaneously offering a tranquil place for grieving patrons). The building & garden situated along Pine Bluffs Way offers both the desired “visual buffer to screen parking areas from adjacent roadways” and helps “block or break up the view of the parking lot”. We will then further buffer the remaining exposed perimeter of the parking lots with trees, shrubs, and plantings.

We know the Town Masterplan strives to promote economic vitality and Chapter 9 specifically notes the desire to “Continue to support the small, local businesses that contribute to our own hometown feel” and to “promote & encourage small, unique businesses.” We firmly believe our veterinary practice is a local, small business that actively contributes to that very hometown feel being described as few things are more intimate than an owner’s relationship to his or her pets. We also believe our expansion can further act a destination, not only for pet care and boarding, but also new opportunities for training, education, and community gathering both indoors and out including a spacious second level with office with a larger meeting room, breakroom, and rooftop patio available for classes & seminars, as well as large basement level indoor dog yard for training classes.

Staff Analysis:

The proposed use of this lot for a vet clinic and other functions is compatible with the the Master Plan Character Area description for this lot as a Neighborhood center. Businesses in these centers should “serve the basic needs of the surrounding residents.” The applicant proposes to serve residents in multiple ways through pet medical care, pet boarding, and training classes. By constructing a new building on this lot in order to expand their services, the Veterinary Center of Parker will increase the economic activity in the area and free up an existing tenant space for another business, further increasing the diversity of commercial activity in the area. This will further the goals of the Master Plan’s Chapter 9 – Jobs and Economic Vitality by supporting small local businesses.

Further information on staff’s analysis of Master Plan Compliance can be found in Section IV. above.

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

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

Applicant analysis:

VCPI will be providing veterinary care to the community and has no reason for over intensive use of the land. The lot is already planned for a commercial use based on the Robinson Ranch development plan, and we believe we will an ideal development by not looking to maximize the building footprint beyond our needs. We will maintain a large amount of pervious green space (currently showing at least 35%) compared to other potential uses that may want to maximize building and parking footprints. A garden is a key component of our desired program, and the endcap parcel in the developing lots affords us a comfortable buffer from other structures to do so. The building itself will be an attractive & comfortable scale with only two stories including an occupiable rooftop deck, similar to the neighboring Takoda Tavern.

Staff Analysis:

The proposed use is not anticipated to generate significant traffic volumes or lead to congestion which might result in undue traffic hazards. The use will occupy an existing lot in a commercial area that was designed to accommodate visitors to the area and commercial development.

The site is large enough to accommodate landscaping and on-site parking that complies with and exceeds the requirements of the Municipal Code. Therefore, the proposed use will not result in an over-intensive use of land.

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

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

Applicant analysis:

Our proposed use of this available parcel should in no way hinder any current community capital improvement programs. The road system in Robinson Ranch is already clearly built and established. Our new facility would work well as the east endcap lot of the development offering, being a good balance between an attractive new building and developed landscaping along Pine Bluffs Way. Our customer base is not intensive and should not cause undue strain on Robinson Ranch maintenance, nor should it prevent any desirable park/trail programs.

Staff Analysis:

This use will not adversely affect capital improvement programs. The use is proposed on an existing platted commercial lot served by infrastructure, the use will not require additional capital road, utility, or stormwater improvements.

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

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

Applicant analysis:

VCPI will not require any additional public services greater than that which is available at Robinson Ranch currently. Robinson Ranch is intended for new commercial uses on each lot (of which several are still available) and adequately services the new Takoda Tavern which, as a restaurant, draws a much higher water & sanitary need than our veterinary practice would require. Our design team is already familiar with Robinson Ranch's development services in place (new taps to our particular site would need to be pulled from the nearby street) and overall stormwater plan, and we would further vet these criteria during the site development process with the city engineers.

Staff Analysis:

The proposed veterinary hospital will occupy a lot in an existing commercial development in an area anticipated for commercial uses and services. This use is not anticipated to generate demand for additional municipal services (police, street maintenance, drainage facility maintenance, etc.) or facilities (parks, recreation center usage, etc.) beyond which the Town currently provides. Therefore, the proposed use will not require a level of community facilities and services greater than presently available to serve the site

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

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

Applicant analysis:

VCPI will be proximally located to the stoplight on Hess Road and Pine Bluffs Way. As a result of the stop light and a spacious parking lot, minimal congestion or hazards of traffic will occur as a result of our modest location shift. The nature of business means a somewhat continuous volume of traffic throughout the day, rather than large surges at any given time, though we do have somewhat busier times from 7-9am and 3-5pm. We realize our goal is to grow and that will mean our ability to serve a larger customer base. We foresee having up to six doctors working at one time, with a dog/cat boarding facility and dog training facility. This will increase traffic into the facility, but with the layout of the parking lot and the building it will flow very efficiently preventing congestion. Additionally, we'd like to note that the Robinson Ranch development is intended for commercial uses and therefore has adequately been sized and built to meet the future needs of businesses like ourselves to set up here.

Furthermore, we would like to point the non-required but very nice benefit we offer of being offset from Takoda Tavern in terms of volume of visitors versus time of day. We are certainly more active during the main part of the day, whereas one could consider the restaurant rather quiet in the mornings and heavily active in the evenings into the night when we are closed. Currently, we can service 10-15 patients at once in our present facility. It is difficult to say what our maximum will be because there are

too many variables with size of animals and size of families that enter our facility, but at most we may eventually have eight doctors per day which account for 30-40 clients at our busiest times between exam rooms, surgery, dental & tech appoints, medical pick-up, and boarding comings and goings.

Staff Analysis:

This property can be accessed from South Parker Road, Pine Bluffs Way, or Cockriel Drive – which will disperse traffic. Employees, customers and their pets will arrive and depart at various times during the hours of operation. The proposed use is not anticipated to generate significant traffic volumes or lead to congestion which might result in undue traffic hazards.

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

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

Applicant analysis:

We will be proposing an additional use to our current veterinary program. In order to better serve our customers and the local neighborhood, we'd like to provide an overnight boarding facility (with the added benefit of medical boarding). This would be located in the basement of the facility to muffle any dog barking and include both kennels and play yards. Dogs will be outside only to eliminate waste, on average 3-4 times daily for approximately 10-15 minutes in

length based on animal size & breed (grouped appropriately with shared family members or known compatibility). The dogs will be taken out in groups no larger than five at any given time and will be on leash.

Understandably, cleanliness will be of critical importance to the facility and surrounds grounds. Animal fecal matter will be collected in garbage lined trash cans whether the animal defecates on the premises inside the hospital, in the boarding facility, or in the outdoor dog areas. It will be collected immediately. Trash will be removed two to three times daily into the dumpsters depending on quantity. All indoor potty areas will be hosed down in the mornings and evenings with water. We use minimal chemicals in our facility, but when used they are enzyme based and concentrated hydrogen peroxide for removal of smell. The products we use are without chemical issues to the animals. Soap and water are used as the primary cleaning agents, as well as vinegar. Any other cleaning chemical would be used on a rag and not dumped on the floor or hosed down drains.

Additionally, we have an evening cleaning crew that will clean the hospital, boarding play areas, and second level offices every night. The boarding kennels will be cleaned daily while the dog receives exercise and subsequently sanitized prior to the next guest. Please note, pet waste is cleaned immediately as it made and not left outside or in the building for any length of time. Poop bags and trash receptacles will be provided near the (2) front entrances for easy clean up of animal waste that may occur upon arrival or departure of clients to help ensure the surrounding landscape remains

free of animal waste. Similarly, the staff will be required to clean up after every pet as they are walked either with a poop bag or a pooper-scooper for disposal into trash receptacles placed near employee entrances & yard gates. Additionally, the staff or a hired professional vendor will be responsible at the end of each working day to walk the premises and clean any waste not picked up by clients to maintain a healthy and clean environment. Any accidents on the premises, whether surrounding exterior flatwork or interior floors, upon discovery will be cleaned immediately with animal safe disinfectants, specifically a 0.5% hydrogen peroxide cleaner called Rescue Ready. This cleaner is diluted into two-gallon buckets and its Safety Data Sheet notes it can be safely flushed into the sanitary sewer system. We also shared this information with our landscape architect who has informed has no concerns on its effect on the landscaping and noted hydrogen peroxide can even be beneficial. Note that outdoor trashcans will be emptied every night into the site's dumpsters.

VCPI will not cause significant air, water or noise pollution. Medical waste will be removed by professional services on a weekly basis (or more if needed). Similarly, dumpsters will be emptied on a weekly basis or more if we find they are at capacity quicker than anticipated. The facility will be an isolated building with minimal interaction with other landowners in the area given its centralized location on the site with landscape and/or parking buffers around each side. Furthermore, by locating boarding & dog training in the basement level and

providing indoor dog runs for the clinic patients, exterior dog noise will be kept to a minimum when dogs are taken out to relieve themselves in small groups of five or less. In terms of design, additional care will be given to interior acoustics and sound attenuation. For example, while we may explore window wells for natural daylight in the basement, the noisiest play zones will be centralized away from the exterior walls. Window wells would have sound abatement windows specified and the first floor will be well insulated in the basement plenum under a concrete floor to reduce noise transfer up to the main level. At the clinic level we will utilize a combination of masonry and cavity insulation around the indoor dog run/play zone and dog ward to add mass & help absorb sound. Any windows specified for these dog-related areas would be up at higher clerestory height and of a sound abatement specification.

Staff Analysis:

With pet boarding is limited to the basement of the proposed structure, and dogs are only outside for limited, supervised times for relief breaks, based on these design and operations techniques, noise pollution should be mitigated. In addition, there is an existing ambient noise level from surrounding commercial uses, as well as, Parker Road and Hess Road traffic.

The vet center has outlined multiple methods of pet waste cleanup procedures that will be codified in the approval conditions of this Use by Special Review. The applicant will be required to mitigate the potential (if any) for significant air and water pollution. Therefore, the veterinary hospital will not cause significant air, water or noise pollution.

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

8. Will be adequately landscaped, buffered and screened.

Applicant analysis:

We will continue the current trends of the current surroundings of Robinson Ranch. The landscaping will be professionally maintained, and the surrounding areas will be promptly cleaned for waste as well as for general cleanliness. We will also utilize native species and low water designs as appropriate. Trees and shrubs will be purposefully placed for screening around parking stalls. More uniquely, we will have large garden with flowering plants, trees, shrubs, & stepping pavers, etc. to serve in comforting our guests that need to bring in pets for euthanasia – a beautiful place for final good-byes or private exits afterwards. This garden will have a low decorative fence surrounding it between 30”-42”.

Staff Analysis:

The proposed site plan includes a wraparound building design, multiple fences, a large garden, and landscape buffering surrounding the pet relief area. Other pet related services will take place indoors. As a new building, it will be subject to the the Town’s landscape requirements in the municipal code. The site square footage is large enough to allow for a design that meets the Town’s landscaping, buffering and screening requirements.

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

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

Applicant analysis:

VCPI is proud to offer veterinary services to the Town of Parker. VCPI will be run by a veterinarian with 10 years of ownership and management experience in the field of veterinary medicine. This facility will provide current and future residents with a facility that’s emphasis is on pet wellness and health. VCPI will be treating dogs, cats, pocket pets (guinea pigs/hamsters/gerbils), birds, and reptiles. The hospital will not treat hooved animals on site. Any large animal work we might pursue would be performed at the client’s home. Staff members will be at facility from 6am to 8pm with the hours of operation being from 7am to 7pm. There will also be 24 hour camera surveillance of the facility. The center simply will not be detrimental to the health, safety or welfare of the residents of Parker.

Staff Analysis:

The impacts created by kennel and dog daycare uses will be minimal if subject to the conditions proposed by staff. The applicant will work to ensure pet health and welfare and will not be detrimental to the health, safety or welfare of present or future inhabitants of the Town. The site is served by water and sanitary sewer, the facility will have water and waste water will be properly treated.

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

VIII. SUMMARY REFERRAL AGENCY COMMENTS AND CONDITIONS

Agency	Comments
Parker Comprehensive Planning	Advisory comments: The Parker 2035 Master Plan denotes this area as a Neighborhood Center. A Neighborhood Center is described as providing commercial services for the surrounding neighborhoods. Vet clinics and kennels exist, but are not common in Neighborhood Centers subject but can be compatible with mitigation of noise and smell impacts on potential surrounding residents. A vet clinic and kennel at this location, with separate commercial access and located away from residential homes as proposed should be able to mitigate these impacts through proper site design and complying with the Town's Land Development Ordinance and Development Design Standards.
Parker Engineering	Advisory Comments: Public Works is comfortable that the roadway infrastructure can accommodate this use. Please note that a Traffic Conformance Letter will be required with a Site Plan for a new building should the use/building be expanded.
Parker Fire Life Safety.	Advisory Comments: The applicant shall locate the fire sprinkler control valve room along the western edge of the building meeting the following criteria. The riser room shall be large enough to accommodate both the sprinkler riser... allowed to enter the building no more than 24 inches... and the fire alarm control panel (FACP); three feet of unencumbered clearance is required for both the riser and the FACP and the FACP is required to be located on an interior wall, that exterior access is provided into the riser room with adjacent access into the building (or through the riser room if it is sized to accommodate this access), and provide line of site visual access from the emergency response vehicle to the riser room door. A fire hydrant is required to be located in the immediate area of the riser room. Also, please note that accessibility does not appear to be addressed between the upper and lower level of the facility. Accessibility will likely need to be addressed with the addition of an elevator.
Parker Water and Sanitation	Approved
IREA	Approved
Comcast	No comments
CenturyLink	No comments
Xcel	Advisory Comments: The property owner/developer/contractor must complete the application process for any new natural gas service via xcelenergy.com/InstallAndConnect . It is then the responsibility of the developer to contact the Designer assigned to the project for approval of design details. Additional easements may need to be acquired by separate document for new facilities.
Robinson Ranch Homeowners Association	Approved: On behalf of a majority of the Board of Directors for The Shops at Robinson Ranch Association, of the Use by Special Review for the Vet Center of Parker, has been approved by the Association as presented and submitted.

IX. CONCLUSION

The veterinary clinic with observation kennels and pet daycare facility will provide a necessary service to Parker residents and their pets. The impacts created by the proposed expansion will be mitigated if subject to the conditions proposed. After evaluating the information provided by the applicant for a Use by Special Review staff has determined that the requested use meets, or can meet subject to conditions, the nine approval criteria set forth in the Land Development Ordinance and outlined in Section VII of this staff report.

X. RECOMMENDED CONDITIONS

1. That the Use by Special Review materials submitted to the Community Development Department on March 25, 2021, shall be the approved Use by Special Review materials.
2. The applicant will operate the facility using fecal removal procedures on a daily basis. The applicant will ensure that fecal matter will be immediately cleaned up, disinfected with a pet safe and environmentally friendly product (for example a hydrogen peroxide-based product) and then kept in a lid sealed container. To prevent accumulation of feces on site, the feces will be frequently removed from the site by a third party.
3. Following the Use by Special Review Approval, a site plan will need to be reviewed and approved by the Town of Parker.
4. Operations of the facility will be subject to the Town's noise ordinance, as amended.
5. A building permit shall be required for any interior or exterior work completed on site.
6. This approval shall expire sixteen (16) months after the date of approval unless a building permit or grading permit has been applied for. The Community Development Director, upon written request, may grant a ninety-(90) day extension.

XI. ATTACHMENTS

1. Vicinity Map
2. Proposed Site Plan
3. Applicant's project narrative

Report Approved By: Bryce Matthews, Planning Manager

Proposed New Construction - Veterinary Center of Parker, Inc.
Lot 8 Robinson Ranch

The Veterinary Center of Parker, Inc. (VCPI) is an existing and established business in the Robinson Ranch shopping district. We strongly desire to continue our serving our existing neighborhood and surrounding area around the Robinson Ranch by staying within this development. Our continued success has led to the realization that more community members could be better served with an expanded practice but doing so in the current location is infeasible. Dr. Lindsay Mamula wants to continue her practice in this vicinity and has invested in the study of relocating across S Parker Rd from the endcap of Lot 3 to the available Lot 8 parcel next to the Takoda Tavern.

VCPI currently takes care of Parker residents and its furry family members by offering full medical & dental services. Building our own facility would allow us to expand these services and offer the new benefit of overnight boarding & dog training which, in turn, serves our residents by offering peace of mind while traveling or raising a new puppy (look at ownership jump with COVID) at a local, neighborhood facility caring for their beloved pets.

We have met for a pre-application meeting to review our options and the processes to move forward, and the first step is to reconfirm her special use permit as a Veterinary Center. Broadly thinking, the project is presenting an expanded program from its current facility by proposing boarding opportunities for animals that may need longer care or have special needs while owners are traveling. We do not want to cause sound intrusion for the restaurant or nearby stables, so we are keeping our play areas indoors and underground. We propose a 22,116 SF facility with one level underground, and two levels above including double high space at the entry and rooftop patio. We also plan on a third of the site being pervious landscaping including a 2,450 SF garden and 512 SF pet relief yard.

VCPI will be treating dogs, cats, pocket pets (guinea pigs/hamsters/gerbils), birds, and reptiles. The hospital will not treat hooved animals on site. Any large animal work we might pursue would be performed at the client's home. Staff members will be at facility from 6am to 8pm with the hours of operation being from 7am to 7pm. There will also be 24 hour camera surveillance of the facility.

Understandably, cleanliness will be of critical importance to the facility and surrounds grounds. Animal fecal matter will be collected in garbage lined trash cans whether the animal defecates on the premises inside the hospital, in the boarding facility, or in the outdoor dog areas. It will be collected immediately. Trash will be removed two to three times daily into the dumpsters depending on quantity. All indoor potty areas will be hosed down in the mornings and evenings with water. We use minimal chemicals in our facility, but when used they are enzyme based and concentrated hydrogen peroxide for removal of smell. The products we use are without chemical issues to the animals. Soap and water are used as the primary cleaning agents, as well as vinegar. Any other cleaning chemical would be used on a rag and not dumped on the floor or hosed down drains.

Additionally, we have an evening cleaning crew that will clean the hospital, boarding play areas, and second level offices every night. The boarding kennels will be cleaned daily while the dog receives exercise and subsequently sanitized prior to the next guest. Please note, pet waste is cleaned immediately as it made and not left outside or in the building for any length of time.

The outdoor areas will be cleaned of fecal material with multiple poop bags stations at strategic locations on the property for ease of clean up my staff and clients. The fecal material will be in the bags in the trash cans and cleaned out nightly and placed in the dumpsters.

Animals will go out 3-4 times per day based on size and need for 10-15 minutes. Animals will only go out with family members or animals that they are known to have good interactions with. At most 5 dogs at one time and they will be on leash with a staff member in a 6' fenced yard.

The center would also like to offer a highly quality staff experience and the opportunity for community engagement (classes, training, etc) by creating a spacious second level office with a large meeting room, breakroom, and rooftop patio. In turn, this will be keeping with scale and vibe of the neighboring Takoda Tavern. We also want to keep over a third of our property as pervious green space including a fully developed garden for grieving patients, plenty of trees & shrubs, low water native grasses & groundcover, etc. A landscape architect will be engaged for the full design during the planning documentation.

Parking will be ample and with easy way finding & parking zones for pet owners, staff, and vendors. We would like to discuss our options for curb cut locations with the planning team, but we believe our current scheme will satisfy early questions relative to re-assigning our use permit to this new lot. We will also maintain proper sidewalk access for pedestrian and bike racks at our entry.

Use by Special Review Application - Lot 8 Robison Ranch - Pine Bluffs
Criteria for Approval

Veterinary Center of Parker, Inc. (VCPI)

Current location:

12311 Pine Bluffs Way, Unit 115

Parker, CO 80134

Applicant: Dr. Lindsay Mamula - drlindsay@vcparker.net

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

We strongly desire to continue our serving our existing neighborhood and surrounding area around the Robinson Ranch by staying within this development. We believe our ability to thrive over the last five years is standing proof that our business is serving a need in our community. VCPI currently takes care of Parker residents and its furry family members by offering full medical & dental services. Building our own facility would allow us to expand these services and offer the new benefit of overnight boarding & dog training which, in turn, serves our residents by offering peace of mind while traveling or raising a new puppy (look at ownership jump with COVID) at a local, neighborhood facility caring for their beloved pets.

The intent is for VCPI to move to a ground-up, standalone structure in Robinson Ranch Lot 8 immediately south of its current location at the east end of the retail center on Lot 3. The design and character of the structure will complement the surrounding community by utilizing similar design features such as covered exterior walkways & entries, a warm color palette, an appropriate scale to the area (maximum of two stories). There will be human scale elements such covered walkways, large windows at eye level, varying planes in the elevations to avoid a straight long box, and varying façade materials to maintain visual interest. Additionally, there will be plenty of trees & landscaping including a large garden designed by a licensed a landscape architect.

We will work closely with City's development team to ensure the aesthetics, materials, and massing of our new building closely coincide with the neighboring vernacular. The complex will be two stories similar to the neighboring Takoda Tavern. This scale is tall enough to be noticeable without being overbearing and will include interesting and human scale features such a roof deck, glass wrapped entry stair, large, shaded overhangs, and rich materials/textures (brick, wood, stone, etc). It will also be good neighbor by having generous green space including the aforementioned garden and perimeter trees and shrubs around the parking.

2. Will be consistent with the Town Master Plan

As a currently thriving practice in the Town of Parker, we strongly believe that we offer the Town and Robinson Ranch a valuable business partner and good neighbor. The Guiding Principles note that in addition to the Town preserving single-family neighborhoods they want to be sure the residents are offered choices that promote lifelong permanency. As a veterinary center, we offer a critical service for the Town's pets & respective owners that is very proximal to the residential lots in and around Robinson Ranch. Additionally, we want to simply relocate to a neighboring lot which will minimize disruption for our patrons and support the Guiding Principle to promote varied transportation that is safe, emphasizing local & regional connections, and considerate of the neighborhood. Being that this lot is a developed pad site the infrastructure of regional and local street connection has already been successfully vetted, and simultaneously offers pedestrian and biking access from the surround residences. We strongly feel we are a desirable commercial entity to remain in the neighborhood center fabric that is being steadily established.

A third Guiding Principle we would like to note is the desired of the Town to create long-term economic well-being and encouraging a variety of employment opportunities through promotion of unique, local businesses. As a current steady employer of local talent, we believe our proposed relocation will offer us the opportunity to extend even more employment opportunities of varying positions & levels by giving us the adequate space to expand our clinic size and offer new boarding services.

Given that Robinson Ranch is a Neighborhood Center with surrounding low density residential it our belief we fall within the desired uses of such a center. Both Chapter 5 & Chapter 7 of the Town Masterplan note the ability for multimodal transportation (transit, bike, automobile, or walking) be readily available which is a work in progress with Robinson Ranch as it is a developing commercial center at a significant intersection neighbored by proximal housing developments (and a horse stable!). Certainly, housing is within walking distance for those that are inclined. We will be providing bike racks and ample parking so as to offer an easy experience for our patrons even during busier hours (7am-9am and 3pm-5pm). Chapter 7 also notes the use of architecture, building design, public spaces, and massing are to create unique & attractive commercial destinations. We absolutely believe we will meet these criteria as described under Item 1, while working within the neighborhood scale, utilizing interesting materials and massing, offering community education opportunities, and beautifying the area with our garden (while simultaneously offering a tranquil place for grieving patrons). The building & garden situated along Pine Bluffs Way offers both the desired "visual buffer to screen parking areas from adjacent roadways" and helps "block or break up the view of the parking lot". We will then

further buffer the remaining exposed perimeter of the parking lots with trees, shrubs, and plantings.

We know the Town Masterplan strives to promote economic vitality and Chapter 9 specifically notes the desire to "Continue to support the small, local businesses that contribute to our own hometown feel" and to "promote & encourage small, unique businesses." We firmly believe our veterinary practice is a local, small business that actively contributes to that very hometown feel being described as few things are more intimate than an owner's relationship to his or her pets. We also believe our expansion can further act a destination, not only for pet care and boarding, but also new opportunities for training, education, and community gathering both indoors and out including a spacious second level with office with a larger meeting room, breakroom, and rooftop patio available for classes & seminars, as well as large basement level indoor dog yard for training classes.

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

VCPI will be providing veterinary care to the community and has no reason for over intensive use of the land. The lot is already planned for a commercial use based on the Robinson Ranch development plan, and we believe we will an ideal development by not looking to maximize the building footprint beyond our needs. We will maintain a large amount of pervious green space (currently showing at least 35%) compared to other potential uses that may want to maximize building and parking footprints. A garden is a key component of our desired program, and the endcap parcel in the developing lots affords us a comfortable buffer from other structures to do so. The building itself will be an attractive & comfortable scale with only two stories including an occupiable rooftop deck, similar to the neighboring Takoda Tavern.

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

Our proposed use of this available parcel should in no way hinder any current community capital improvement programs. The road system in Robinson Ranch is already clearly built and established. Our new facility would work well as the east endcap lot of the development offering, being a good balance between an attractive new building and developed landscaping along Pine Bluffs Way. Our customer base is not intensive and should not cause undue strain on Robinson Ranch maintenance, nor should it prevent any desirable park/trail programs.

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

VCPI will not require any additional public services greater than that which is

available at Robinson Ranch currently. Robinson Ranch is intended for new commercial uses on each lot (of which several are still available) and adequately services the new Takoda Tavern which, as a restaurant, draws a much higher water & sanitary need than our veterinary practice would require. Our design team is already familiar with Robinson Ranch's development services in place (new taps to our particular site would need to be pulled from the nearby street) and overall stormwater plan, and we would further vet these criteria during the site development process with the city engineers.

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

VCPI will be proximally located to the stoplight on Hess Road and Pine Bluffs Way. As a result of the stop light and a spacious parking lot, minimal congestion or hazards of traffic will occur as a result of our modest location shift. The nature of business means a somewhat continuous volume of traffic throughout the day, rather than large surges at any given time, though we do have somewhat busier times from 7-9am and 3-5pm. We realize our goal is to grow and that will mean our ability to serve a larger customer base. We foresee having up to six doctors working at one time, with a dog/cat boarding facility and dog training facility. This will increase traffic into the facility, but with the layout of the parking lot and the building it will flow very efficiently preventing congestion. Additionally, we'd like to note that the Robinson Ranch development is intended for commercial uses and therefore has adequately been sized and built to meet the future needs of businesses like ourselves to set up here.

Furthermore, we would like to point the non-required but very nice benefit we offer of being offset from Takoda Tavern in terms of volume of visitors versus time of day. We are certainly more active during the main part of the day, whereas one could consider the restaurant rather quiet in the mornings and heavily active in the evenings into the night when we are closed. Currently, we can service 10-15 patients at once in our present facility. It is difficult to say what our maximum will be because there are too many variables with size of animals and size of families that enter our facility, but at most we may eventually have eight doctors per day which account for 30-40 clients at our busiest times between exam rooms, surgery, dental & tech appointments, medical pick-up, and boarding comings and goings.

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

We will be proposing an additional use to our current veterinary program. In order to better serve our customers and the local neighborhood, we'd like to provide an overnight boarding facility (with the added benefit of medical boarding). This would be located in the basement of the facility to muffle any dog barking and include both kennels and play yards. Dogs will be outside only to eliminate waste, on average 3-4 times daily for approximately 10-15 minutes in

length based on animal size & breed (grouped appropriately with shared family members or known compatibility). The dogs will be taken out in groups no larger than five at any given time and will be on leash.

Understandably, cleanliness will be of critical importance to the facility and surrounds grounds. Animal fecal matter will be collected in garbage lined trash cans whether the animal defecates on the premises inside the hospital, in the boarding facility, or in the outdoor dog areas. It will be collected immediately. Trash will be removed two to three times daily into the dumpsters depending on quantity. All indoor potty areas will be hosed down in the mornings and evenings with water. We use minimal chemicals in our facility, but when used they are enzyme based and concentrated hydrogen peroxide for removal of smell. The products we use are without chemical issues to the animals. Soap and water are used as the primary cleaning agents, as well as vinegar. Any other cleaning chemical would be used on a rag and not dumped on the floor or hosed down drains.

Additionally, we have an evening cleaning crew that will clean the hospital, boarding play areas, and second level offices every night. The boarding kennels will be cleaned daily while the dog receives exercise and subsequently sanitized prior to the next guest. Please note, pet waste is cleaned immediately as it made and not left outside or in the building for any length of time. Poop bags and trash receptacles will be provided near the (2) front entrances for easy clean up of animal waste that may occur upon arrival or departure of clients to help ensure the surrounding landscape remains free of animal waste. Similarly, the staff will be required to clean up after every pet as they are walked either with a poop bag or a pooper-scooper for disposal into trash receptacles placed near employee entrances & yard gates. Additionally, the staff or a hired professional vendor will be responsible at the end of each working day to walk the premises and clean any waste not picked up by clients to maintain a healthy and clean environment. Any accidents on the premises, whether surrounding exterior flatwork or interior floors, upon discovery will be cleaned immediately with animal safe disinfectants, specifically a 0.5% hydrogen peroxide cleaner called Rescue Ready. This cleaner is diluted into two gallon buckets and its Safety Data Sheet notes it can be safely flushed into the sanitary sewer system. We also shared this information with our landscape architect who has informed has no concerns on its effect on the landscaping and noted hydrogen peroxide can even be beneficial. Note that outdoor trashcans will be emptied every night into the site's dumpsters.

VCPI will not cause significant air, water or noise pollution. Medical waste will be removed by professional services on a weekly basis (or more if needed). Similarly, dumpsters will be emptied on a weekly basis or more if we find they are at capacity quicker than anticipated. The facility will be an isolated building with minimal interaction with other landowners in the area given its centralized location on the site with landscape and/or parking buffers around each side. Furthermore, by locating boarding & dog training in the basement level and

providing indoor dog runs for the clinic patients, exterior dog noise will be kept to a minimum when dogs are taken out to relieve themselves in small groups of five or less. In terms of design, additional care will be given to interior acoustics and sound attenuation. For example, while we may explore window wells for natural daylight in the basement, the noisiest play zones will be centralized away from the exterior walls. Window wells would have sound abatement windows specified and the first floor will be well insulated in the basement plenum under a concrete floor to reduce noise transfer up to the main level. At the clinic level we will utilize a combination of masonry and cavity insulation around the indoor dog run/play zone and dog ward to add mass & help absorb sound. Any windows specified for these dog-related areas would be up at higher clerestory height and of a sound abatement specification.

8. Will be adequately landscaped, buffered and screened

We will continue the current trends of the current surroundings of Robinson Ranch. The landscaping will be professionally maintained, and the surrounding areas will be promptly cleaned for waste as well as for general cleanliness. We will also utilize native species and low water designs as appropriate. Trees and shrubs will be purposefully placed for screening around parking stalls. More uniquely, we will have large garden with flowering plants, trees, shrubs, & stepping pavers, etc to serve in comforting our guests that need to bring in pets for euthanasia – a beautiful place for final good-byes or private exits afterwards. This garden will have a low decorative fence surrounding it between 30"-42".

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

VCPI is proud to offer veterinary services to the Town of Parker. VCPI will be run by a veterinarian with 10 years of ownership and management experience in the field of veterinary medicine. This facility will provide current and future residents with a facility that's emphasis is on pet wellness and health. VCPI will be treating dogs, cats, pocket pets (guinea pigs/hamsters/gerbils), birds, and reptiles. The hospital will not treat hooved animals on site. Any large animal work we might pursue would be performed at the client's home. Staff members will be at facility from 6am to 8pm with the hours of operation being from 7am to 7pm. There will also be 24 hour camera surveillance of the facility. The center simply will not be detrimental to the health, safety or welfare of the residents of Parker.

HESS RD

HESS RD

PINE BLUFFS WAY

SITE

COCKRIEL DR

Proposed New Construction - Veterinary Center of Parker, Inc.
Lot 8 Robinson Ranch

The Veterinary Center of Parker, Inc. (VCPI) is an existing and established business in the Robinson Ranch shopping district. We strongly desire to continue our serving our existing neighborhood and surrounding area around the Robinson Ranch by staying within this development. Our continued success has led to the realization that more community members could be better served with an expanded practice but doing so in the current location is infeasible. Dr. Lindsay Mamula wants to continue her practice in this vicinity and has invested in the study of relocating across S Parker Rd from the endcap of Lot 3 to the available Lot 8 parcel next to the Takoda Tavern.

VCPI currently takes care of Parker residents and its furry family members by offering full medical & dental services. Building our own facility would allow us to expand these services and offer the new benefit of overnight boarding & dog training which, in turn, serves our residents by offering peace of mind while traveling or raising a new puppy (look at ownership jump with COVID) at a local, neighborhood facility caring for their beloved pets.

We have met for a pre-application meeting to review our options and the processes to move forward, and the first step is to reconfirm her special use permit as a Veterinary Center. Broadly thinking, the project is presenting an expanded program from its current facility by proposing boarding opportunities for animals that may need longer care or have special needs while owners are traveling. We do not want to cause sound intrusion for the restaurant or nearby stables, so we are keeping our play areas indoors and underground. We propose a 22,116 SF facility with one level underground, and two levels above including double high space at the entry and rooftop patio. We also plan on a third of the site being pervious landscaping including a 2,450 SF garden and 512 SF pet relief yard.

VCPI will be treating dogs, cats, pocket pets (guinea pigs/hamsters/gerbils), birds, and reptiles. The hospital will not treat hooved animals on site. Any large animal work we might pursue would be performed at the client's home. Staff members will be at facility from 6am to 8pm with the hours of operation being from 7am to 7pm. There will also be 24 hour camera surveillance of the facility.

Understandably, cleanliness will be of critical importance to the facility and surrounds grounds. Animal fecal matter will be collected in garbage lined trash cans whether the animal defecates on the premises inside the hospital, in the boarding facility, or in the outdoor dog areas. It will be collected immediately. Trash will be removed two to three times daily into the dumpsters depending on quantity. All indoor potty areas will be hosed down in the mornings and evenings with water. We use minimal chemicals in our facility, but when used they are enzyme based and concentrated hydrogen peroxide for removal of smell. The products we use are without chemical issues to the animals. Soap and water are used as the primary cleaning agents, as well as vinegar. Any other cleaning chemical would be used on a rag and not dumped on the floor or hosed down drains.

Additionally, we have an evening cleaning crew that will clean the hospital, boarding play areas, and second level offices every night. The boarding kennels will be cleaned daily while the dog receives exercise and subsequently sanitized prior to the next guest. Please note, pet waste is cleaned immediately as it made and not left outside or in the building for any length of time.

The outdoor areas will be cleaned of fecal material with multiple poop bags stations at strategic locations on the property for ease of clean up my staff and clients. The fecal material will be in the bags in the trash cans and cleaned out nightly and placed in the dumpsters.

Animals will go out 3-4 times per day based on size and need for 10-15 minutes. Animals will only go out with family members or animals that they are known to have good interactions with. At most 5 dogs at one time and they will be on leash with a staff member in a 6' fenced yard.

The center would also like to offer a highly quality staff experience and the opportunity for community engagement (classes, training, etc) by creating a spacious second level office with a large meeting room, breakroom, and rooftop patio. In turn, this will be keeping with scale and vibe of the neighboring Takoda Tavern. We also want to keep over a third of our property as pervious green space including a fully developed garden for grieving patients, plenty of trees & shrubs, low water native grasses & groundcover, etc. A landscape architect will be engaged for the full design during the planning documentation.

Parking will be ample and with easy way finding & parking zones for pet owners, staff, and vendors. We would like to discuss our options for curb cut locations with the planning team, but we believe our current scheme will satisfy early questions relative to re-assigning our use permit to this new lot. We will also maintain proper sidewalk access for pedestrian and bike racks at our entry.

Use by Special Review Application - Lot 8 Robison Ranch - Pine Bluffs
Criteria for Approval

Veterinary Center of Parker, Inc. (VCPI)

Current location:

12311 Pine Bluffs Way, Unit 115

Parker, CO 80134

Applicant: Dr. Lindsay Mamula - drlindsay@vcparker.net

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

We strongly desire to continue our serving our existing neighborhood and surrounding area around the Robinson Ranch by staying within this development. We believe our ability to thrive over the last five years is standing proof that our business is serving a need in our community. VCPI currently takes care of Parker residents and its furry family members by offering full medical & dental services. Building our own facility would allow us to expand these services and offer the new benefit of overnight boarding & dog training which, in turn, serves our residents by offering peace of mind while traveling or raising a new puppy (look at ownership jump with COVID) at a local, neighborhood facility caring for their beloved pets.

The intent is for VCPI to move to a ground-up, standalone structure in Robinson Ranch Lot 8 immediately south of its current location at the east end of the retail center on Lot 3. The design and character of the structure will complement the surrounding community by utilizing similar design features such as covered exterior walkways & entries, a warm color palette, an appropriate scale to the area (maximum of two stories). There will be human scale elements such covered walkways, large windows at eye level, varying planes in the elevations to avoid a straight long box, and varying façade materials to maintain visual interest. Additionally, there will be plenty of trees & landscaping including a large garden designed by a licensed a landscape architect.

We will work closely with City's development team to ensure the aesthetics, materials, and massing of our new building closely coincide with the neighboring vernacular. The complex will be two stories similar to the neighboring Takoda Tavern. This scale is tall enough to be noticeable without being overbearing and will include interesting and human scale features such a roof deck, glass wrapped entry stair, large, shaded overhangs, and rich materials/textures (brick, wood, stone, etc). It will also be good neighbor by having generous green space including the aforementioned garden and perimeter trees and shrubs around the parking.

2. Will be consistent with the Town Master Plan

As a currently thriving practice in the Town of Parker, we strongly believe that we offer the Town and Robinson Ranch a valuable business partner and good neighbor. The Guiding Principles note that in addition to the Town preserving single-family neighborhoods they want to be sure the residents are offered choices that promote lifelong permanency. As a veterinary center, we offer a critical service for the Town's pets & respective owners that is very proximal to the residential lots in and around Robinson Ranch. Additionally, we want to simply relocate to a neighboring lot which will minimize disruption for our patrons and support the Guiding Principle to promote varied transportation that is safe, emphasizing local & regional connections, and considerate of the neighborhood. Being that this lot is a developed pad site the infrastructure of regional and local street connection has already been successfully vetted, and simultaneously offers pedestrian and biking access from the surround residences. We strongly feel we are a desirable commercial entity to remain in the neighborhood center fabric that is being steadily established.

A third Guiding Principle we would like to note is the desired of the Town to create long-term economic well-being and encouraging a variety of employment opportunities through promotion of unique, local businesses. As a current steady employer of local talent, we believe our proposed relocation will offer us the opportunity to extend even more employment opportunities of varying positions & levels by giving us the adequate space to expand our clinic size and offer new boarding services.

Given that Robinson Ranch is a Neighborhood Center with surrounding low density residential it our belief we fall within the desired uses of such a center. Both Chapter 5 & Chapter 7 of the Town Masterplan note the ability for multimodal transportation (transit, bike, automobile, or walking) be readily available which is a work in progress with Robinson Ranch as it is a developing commercial center at a significant intersection neighbored by proximal housing developments (and a horse stable!). Certainly, housing is within walking distance for those that are inclined. We will be providing bike racks and ample parking so as to offer an easy experience for our patrons even during busier hours (7am-9am and 3pm-5pm). Chapter 7 also notes the use of architecture, building design, public spaces, and massing are to create unique & attractive commercial destinations. We absolutely believe we will meet these criteria as described under Item 1, while working within the neighborhood scale, utilizing interesting materials and massing, offering community education opportunities, and beautifying the area with our garden (while simultaneously offering a tranquil place for grieving patrons). The building & garden situated along Pine Bluffs Way offers both the desired "visual buffer to screen parking areas from adjacent roadways" and helps "block or break up the view of the parking lot". We will then

further buffer the remaining exposed perimeter of the parking lots with trees, shrubs, and plantings.

We know the Town Masterplan strives to promote economic vitality and Chapter 9 specifically notes the desire to "Continue to support the small, local businesses that contribute to our own hometown feel" and to "promote & encourage small, unique businesses." We firmly believe our veterinary practice is a local, small business that actively contributes to that very hometown feel being described as few things are more intimate than an owner's relationship to his or her pets. We also believe our expansion can further act a destination, not only for pet care and boarding, but also new opportunities for training, education, and community gathering both indoors and out including a spacious second level with office with a larger meeting room, breakroom, and rooftop patio available for classes & seminars, as well as large basement level indoor dog yard for training classes.

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

VCPI will be providing veterinary care to the community and has no reason for over intensive use of the land. The lot is already planned for a commercial use based on the Robinson Ranch development plan, and we believe we will an ideal development by not looking to maximize the building footprint beyond our needs. We will maintain a large amount of pervious green space (currently showing at least 35%) compared to other potential uses that may want to maximize building and parking footprints. A garden is a key component of our desired program, and the endcap parcel in the developing lots affords us a comfortable buffer from other structures to do so. The building itself will be an attractive & comfortable scale with only two stories including an occupiable rooftop deck, similar to the neighboring Takoda Tavern.

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

Our proposed use of this available parcel should in no way hinder any current community capital improvement programs. The road system in Robinson Ranch is already clearly built and established. Our new facility would work well as the east endcap lot of the development offering, being a good balance between an attractive new building and developed landscaping along Pine Bluffs Way. Our customer base is not intensive and should not cause undue strain on Robinson Ranch maintenance, nor should it prevent any desirable park/trail programs.

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

VCPI will not require any additional public services greater than that which is

available at Robinson Ranch currently. Robinson Ranch is intended for new commercial uses on each lot (of which several are still available) and adequately services the new Takoda Tavern which, as a restaurant, draws a much higher water & sanitary need than our veterinary practice would require. Our design team is already familiar with Robinson Ranch's development services in place (new taps to our particular site would need to be pulled from the nearby street) and overall stormwater plan, and we would further vet these criteria during the site development process with the city engineers.

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

VCPI will be proximally located to the stoplight on Hess Road and Pine Bluffs Way. As a result of the stop light and a spacious parking lot, minimal congestion or hazards of traffic will occur as a result of our modest location shift. The nature of business means a somewhat continuous volume of traffic throughout the day, rather than large surges at any given time, though we do have somewhat busier times from 7-9am and 3-5pm. We realize our goal is to grow and that will mean our ability to serve a larger customer base. We foresee having up to six doctors working at one time, with a dog/cat boarding facility and dog training facility. This will increase traffic into the facility, but with the layout of the parking lot and the building it will flow very efficiently preventing congestion. Additionally, we'd like to note that the Robinson Ranch development is intended for commercial uses and therefore has adequately been sized and built to meet the future needs of businesses like ourselves to set up here.

Furthermore, we would like to point the non-required but very nice benefit we offer of being offset from Takoda Tavern in terms of volume of visitors versus time of day. We are certainly more active during the main part of the day, whereas one could consider the restaurant rather quiet in the mornings and heavily active in the evenings into the night when we are closed. Currently, we can service 10-15 patients at once in our present facility. It is difficult to say what our maximum will be because there are too many variables with size of animals and size of families that enter our facility, but at most we may eventually have eight doctors per day which account for 30-40 clients at our busiest times between exam rooms, surgery, dental & tech appointments, medical pick-up, and boarding comings and goings.

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

We will be proposing an additional use to our current veterinary program. In order to better serve our customers and the local neighborhood, we'd like to provide an overnight boarding facility (with the added benefit of medical boarding). This would be located in the basement of the facility to muffle any dog barking and include both kennels and play yards. Dogs will be outside only to eliminate waste, on average 3-4 times daily for approximately 10-15 minutes in

length based on animal size & breed (grouped appropriately with shared family members or known compatibility). The dogs will be taken out in groups no larger than five at any given time and will be on leash.

Understandably, cleanliness will be of critical importance to the facility and surrounds grounds. Animal fecal matter will be collected in garbage lined trash cans whether the animal defecates on the premises inside the hospital, in the boarding facility, or in the outdoor dog areas. It will be collected immediately. Trash will be removed two to three times daily into the dumpsters depending on quantity. All indoor potty areas will be hosed down in the mornings and evenings with water. We use minimal chemicals in our facility, but when used they are enzyme based and concentrated hydrogen peroxide for removal of smell. The products we use are without chemical issues to the animals. Soap and water are used as the primary cleaning agents, as well as vinegar. Any other cleaning chemical would be used on a rag and not dumped on the floor or hosed down drains.

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VCPI will not cause significant air, water or noise pollution. Medical waste will be removed by professional services on a weekly basis (or more if needed). Similarly, dumpsters will be emptied on a weekly basis or more if we find they are at capacity quicker than anticipated. The facility will be an isolated building with minimal interaction with other landowners in the area given its centralized location on the site with landscape and/or parking buffers around each side. Furthermore, by locating boarding & dog training in the basement level and

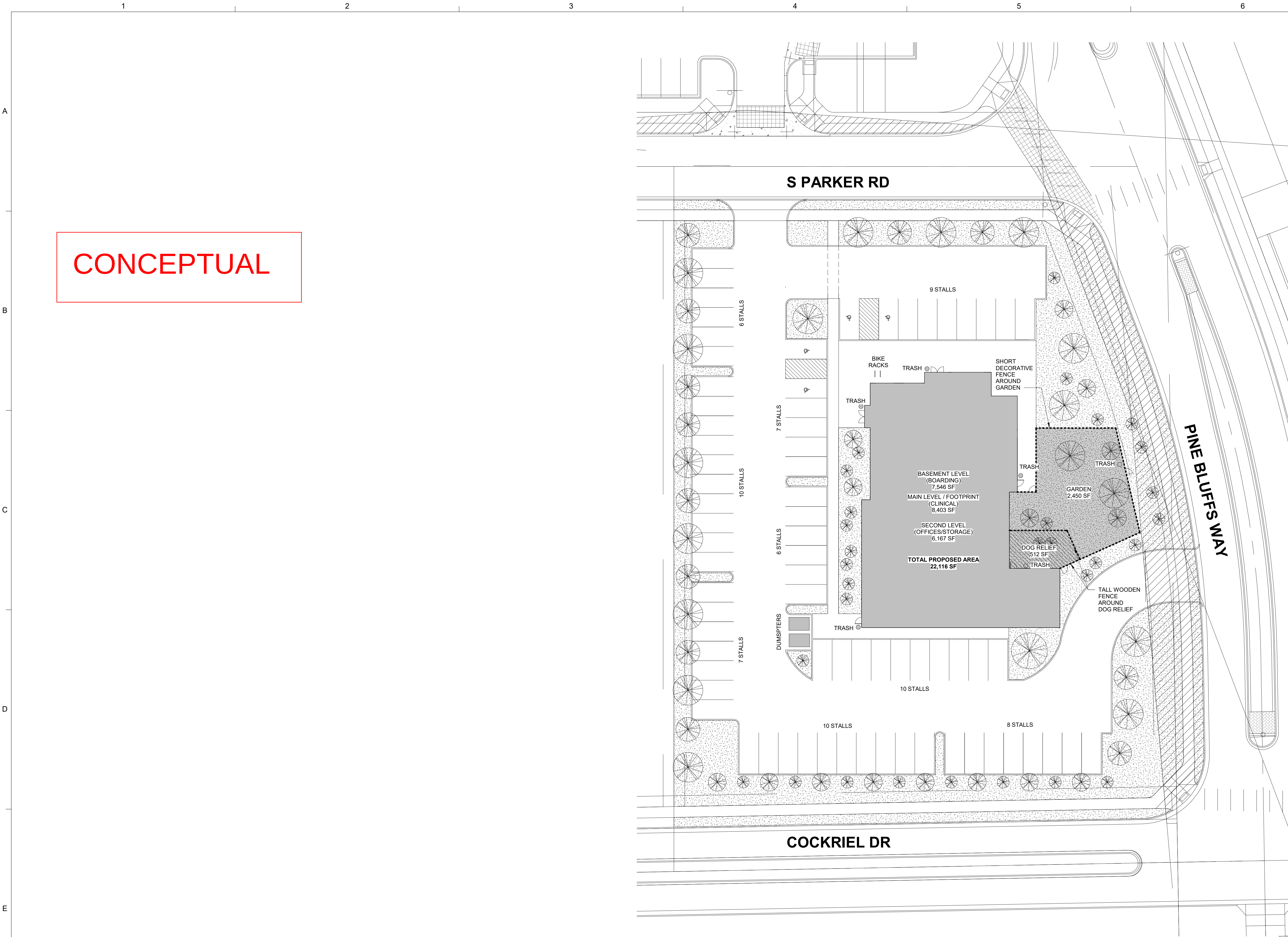
providing indoor dog runs for the clinic patients, exterior dog noise will be kept to a minimum when dogs are taken out to relieve themselves in small groups of five or less. In terms of design, additional care will be given to interior acoustics and sound attenuation. For example, while we may explore window wells for natural daylight in the basement, the noisiest play zones will be centralized away from the exterior walls. Window wells would have sound abatement windows specified and the first floor will be well insulated in the basement plenum under a concrete floor to reduce noise transfer up to the main level. At the clinic level we will utilize a combination of masonry and cavity insulation around the indoor dog run/play zone and dog ward to add mass & help absorb sound. Any windows specified for these dog-related areas would be up at higher clerestory height and of a sound abatement specification.

8. Will be adequately landscaped, buffered and screened

We will continue the current trends of the current surroundings of Robinson Ranch. The landscaping will be professionally maintained, and the surrounding areas will be promptly cleaned for waste as well as for general cleanliness. We will also utilize native species and low water designs as appropriate. Trees and shrubs will be purposefully placed for screening around parking stalls. More uniquely, we will have large garden with flowering plants, trees, shrubs, & stepping pavers, etc to serve in comforting our guests that need to bring in pets for euthanasia – a beautiful place for final good-byes or private exits afterwards. This garden will have a low decorative fence surrounding it between 30"-42".

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

VCPI is proud to offer veterinary services to the Town of Parker. VCPI will be run by a veterinarian with 10 years of ownership and management experience in the field of veterinary medicine. This facility will provide current and future residents with a facility that's emphasis is on pet wellness and health. VCPI will be treating dogs, cats, pocket pets (guinea pigs/hamsters/gerbils), birds, and reptiles. The hospital will not treat hooved animals on site. Any large animal work we might pursue would be performed at the client's home. Staff members will be at facility from 6am to 8pm with the hours of operation being from 7am to 7pm. There will also be 24 hour camera surveillance of the facility. The center simply will not be detrimental to the health, safety or welfare of the residents of Parker.



CONCEPTUAL

1 PROPOSED SITE PLAN
1" = 20'-0"



PARKER MUNICIPAL CODE
SCHEDULE 13.06.050A - OFF STREET PARKING REQUIREMENTS
KENNEL, PET DAY CARE, VETERINARY CLINIC - 1 PER 400 SF NLA (not including animal pens)
PROPOSED: 73 STALLS x 400 SF = 29,200 SF ALLOWABLE > 22,116 SF ACTUAL
SITE AREA: 61,550 SF PERVIOUS COVER: 22,007 SF

STAMP:

ARCHITECT:

FLUENCY
architecture + design

JENNIFER MCDANIEL
CO LICENSE #: 402530
jmcDaniel@fluencyarch.com
720.515.5584

CONSULTANT:

STAMP:

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OF FLUENCY ARCHITECTURE + DESIGN,
PLLC

CLIENT:

**VETERINARY CENTER
OF PARKER**

PROPOSED GROUND-UP

LOT 8, ROBINSON RANCH
PARKER, CO

NO.	DATE:	ISSUANCE:
	08.24.20	OWNER REVIEW
	09.01.20	SPECIAL USE PERMIT
	01.15.21	SPECIAL USE PERMIT REV 1
	02.24.21	SPECIAL USE PERMIT REV 2

DRAWN BY: JWM
CHECKED BY: LM
PROJECT NO: 19026
CLIENT PROJECT NO:

SHEET TITLE:
**PROPOSED SITE
PLAN**

SHEET NUMBER:

AS100



Request for Town Council Action

Date: April 5, 2021

Submitted By: Kristin Hoffmann, Deputy Town Attorney

Reviewed By: Michelle Kivela, Town Administrator

Title: **RESOLUTION NO. 21-019**
A Resolution Approving the Form of Intergovernmental District Facilities Construction and Administrative Services Agreement Between Chambers Highpoint Metropolitan District No. 1 and Chambers Highpoint Metropolitan District No. 2

Department: Town Attorney, Kristin Hoffmann

EXECUTIVE SUMMARY

The Chambers Highpoint Metropolitan Districts are requesting Town approval of the form of the Intergovernmental District Facilities Construction and Administrative Services Agreement between District No. 1 and District No. 2.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The Town Council approved the Consolidated Service Plan for the Chambers Highpoint Metropolitan Districts on October 3, 2016. The Consolidated Service Plan was amended by a First Amendment to Consolidated Service Plan, which was approved by the Town Council on March 18, 2019. The districts desire to enter into the attached agreement to set forth the contractual relationship between the two districts. Under the agreement, District No. 2 will be the "Operating District" and as such will contract for and supervise the construction of the public improvements and will provide administrative services to District No. 1, as the "Financing District". The Town is not a party to the agreement. Pursuant to the Consolidated Service Plan, as amended, the agreement is subject to review and approval by the Town prior to its execution by the districts.

FINANCIAL IMPACT

None

STRATEGIC GOAL(S)



ATTACHMENTS

1. Vicinity Map
2. Resolution No. 21-019

RECOMMENDED MOTION

I move to approve Resolution No. 21-019.

Chambers Highpoint Metro Districts 1 & 2 Vicinity Map

Compark

Compark Blvd

TOWN OF PARKER

Dove
Village

Cottonwood Dr

E-470

Chambers Highpoint
Metro District 2

Chambers Highpoint
Metro District 1

Chambers Rd

E-470

UNINCORPORATED
DOUGLAS COUNTY

Chambers Rd

Stonegate



0 500 1,000
Feet



Parker Town Boundary

RESOLUTION NO. 21-019, Series of 2021

TITLE: A RESOLUTION APPROVING THE FORM OF INTERGOVERNMENTAL DISTRICT FACILITIES CONSTRUCTION AND ADMINISTRATIVE SERVICES AGREEMENT BETWEEN CHAMBERS HIGHPOINT METROPOLITAN DISTRICT NO. 1 AND CHAMBERS HIGHPOINT METROPOLITAN DISTRICT NO. 2

WHEREAS, THE TOWN COUNCIL OF PARKER FINDS:

A. By Resolution No. 16-063, the Town Council of the Town of Parker on October 3, 2016, approved a Consolidated Service Plan for Chambers Highpoint Metropolitan District Nos. 1 and 2 (collectively, the “Districts”), which was amended pursuant to a First Amendment to Consolidated Service Plan by Resolution No. 19-009 on March 18, 2019 (as amended, the “Service Plan”).

B. Section V.C of the Service Plan states in part that it is anticipated the Districts, collectively, will undertake the financing and construction of the Public Improvements (as defined in the Service Plan).

C. Section V.C of the Service Plan further states in part that the nature of the functions and services to be provided by each of the Districts, and the mechanisms by which the Districts will cooperatively fund Public Improvements costs, shall be clarified in an intergovernmental agreement among the Districts.

D. Pursuant to Sections V.C and X. of the Service Plan, such intergovernmental agreement between the Districts, as well as all other intergovernmental agreements and amendments thereto proposed between the Districts regarding the subject matter of the Service Plan, shall be subject to review and approval by the Town prior to execution thereof by the Districts.

E. The Districts have submitted to the Town a proposed Intergovernmental District Facilities Construction and Administrative Services Agreement (the “Districts’ IGA”), by and between the Districts, which is attached hereto as **Exhibit 1** and incorporated herein by this reference.

F. Pursuant to state statute, the Town of Parker Municipal Code, and the Service Plan, the Town Council has authority to review the proposed Districts’ IGA.

G. The Town Council has reviewed the proposed Districts’ IGA and the related information submitted by and on behalf of the Districts in connection therewith and, based upon the representations of the Districts set forth in the proposed Districts’ IGA and in such related information, the Town Council has determined to adopt this resolution approving the form of the proposed Districts’ IGA.

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

Section 1. The foregoing recitals are incorporated in and made a part of this Resolution.

Section 2. Based upon the representations of the Districts, including the representations set forth in the proposed Districts' IGA and in the related information submitted by and on behalf of the Districts in connection therewith, the Town Council of the Town of Parker hereby approves the Districts' IGA in the form accompanying this Resolution, subject to Section 3 hereof.

Section 3. Town approval herein of the forms of the Districts' IGA does not in any manner amend, effect, alter, change or constitute any waiver or release of any terms, conditions, provisions, or requirements of the Service Plan or any intergovernmental agreement between the Town and any of the Districts. Further, Town approval herein of the form of the Districts' IGA does not in any manner amend, effect, alter, change or constitute any waiver or release of any terms, conditions, provisions, or requirements of any development plans, annexation agreement, subdivision agreement, and other agreement with the Town governing development and the completion of Public Improvements within the Districts, all of which plans and agreements remain in full force and effect in accordance with their terms. Town approval herein of the forms of the Districts' IGA shall not be construed as a waiver of any of the Town's rights or remedies under the Service Plan, any intergovernmental agreement between the Town and any of the Districts, or any plans and agreements.

RESOLVED AND PASSED effective as of the ____ day of _____, 2021.

TOWN OF PARKER, COLORADO

Jeff Toborg, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

EXHIBIT 1

INTERGOVERNMENTAL DISTRICT FACILITIES CONSTRUCTION AND ADMINISTRATIVE SERVICES AGREEMENT

THIS INTERGOVERNMENTAL DISTRICT FACILITIES CONSTRUCTION AND ADMINISTRATIVE SERVICES AGREEMENT (the “Agreement”) is made and entered into the _____ day of April, 2021, by and between CHAMBERS HIGHPOINT METROPOLITAN DISTRICT NO. 2, a quasi-municipal corporation and political subdivision of the State of Colorado (the “Operating District”), and CHAMBERS HIGHPOINT METROPOLITAN DISTRICT NO. 1, a quasi-municipal corporation and political subdivision of the State of Colorado (the “Financing District”). The Operating District and the Financing District are referred to herein as the “Districts.”

RECITALS

WHEREAS, the Districts are duly organized and existing under and pursuant to the constitution, laws of the State of Colorado, and the Consolidated Service Plan for the Districts, which the Town Council of Parker approved through Resolution No. 16-063 on October 3, 2016, as amended (“Service Plan”); and

WHEREAS, the Districts were created for the purpose of providing certain public improvements and services to and for the benefit of the properties within and without the Districts in accordance with Title 32, Article 1, C.R.S. (the “Special District Act”), and pursuant to the Service Plan; and

WHEREAS, the Districts are empowered by Section 32-1-1101, C.R.S., to issue bonds for the public purposes of the Districts; and

WHEREAS, pursuant to Article XIV, Section 18(2)(a) of the Colorado Constitution, and Section 29-1-201, *et seq.*, C.R.S., the Districts may cooperate or contract with each other to provide any function, service, or facility lawfully authorized to each District, including financing and constructing public improvements (“Public Improvements”), and any such contract may provide for the sharing of costs, the imposition and collection of taxes, and the incurring of debt; and

WHEREAS, the Districts may, in an ongoing effort to provide for the financing and construction of the Public Improvements, agree among themselves to alter, from time to time, their respective roles, responsibilities and obligations in order to most efficiently and effectively provide the public improvements and services contemplated under the Service Plan; and

WHEREAS, the Boards of Directors of the Districts have determined that it is in the best interests of the Districts and the taxpayers and residents thereof for the Operating District to construct the Public Improvements benefitting the Districts and for the Financing District to contribute to the costs related to the construction of the Public Improvements in accordance with the terms of this Agreement; and

WHEREAS, the Boards of Directors of the Districts have determined that it is in the best interests of the Districts and the taxpayers and residents thereof for one or both of the Districts to

incur indebtedness in the form of the issuance of bonds pursuant to which one, a combination, or all of the Districts will issue general obligation bonds (“Bonds”) for the purpose of funding the Public Improvements for the Districts subject to the conditions set forth in the Bonds and related documents (together “Bond Documents”); and

WHEREAS, the Districts agree that the Operating District will also perform the administrative services on behalf of the Districts; and

WHEREAS, in order to provide funding for the Public Improvements, the Districts agree to impose and collect a debt service mill levy within their respective boundaries; and

WHEREAS, the Financing District agrees to pledge the revenues from its mill levy to the Operating District or to the repayment of the Operating District’s obligations pursuant to the terms of this Agreement.

NOW, THEREFORE, in consideration of the foregoing recitals, the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Districts hereby agree as follows:

AGREEMENT

1. **Purpose and Scope of Agreement.** The purpose of this Agreement is to set forth the rights and obligations of the Districts to fund the Public Improvements, in addition to the rights and obligations of the Operating District to provide administrative services on behalf of the Districts. The Districts acknowledge and agree that the Public Improvements to be designed and constructed by the Operating District will benefit all property owners and residents within the Districts. It is agreed by the Districts that the Districts shall use their best efforts to fund the Public Improvements, however, in accordance with Service Plan, the Districts will not be required to issue any debt which exceeds the ability of the Districts to service such debt from debt service revenues generated by the imposition of the maximum debt mill levy, as that term is defined in the Service Plan, subject to the adjustment of the maximum debt mill levy, as provided for therein. The Districts will also not be required to issue any debt in excess of the applicable voted debt authority of the Districts.

2. **Funding of Public Improvements.** The Districts hereby agree that, to the extent the Districts determine it is financially feasible to do so, the Districts shall fund the repayment of the Bonds pursuant to the terms of the Bond Documents, which may include revenue from the imposition of fees, charges, and ad valorem property taxes.

3. **Construction of Public Improvements.** The Operating District will, on behalf of the Districts, contract for and supervise the construction or acquisition of the Public Improvements. The Operating District will obtain all necessary governmental approvals for all construction and acquisitions. The Operating District will comply with Colorado law and other applicable rules, laws, regulations and orders in its contractual undertakings concerning the construction of the Public Improvements.

4. **Ownership and Operation of Public Improvements.** It is acknowledged that all Public Improvements will either be dedicated to the Town of Parker or other entity. The Districts will not operate or maintain the Public Improvements unless specifically provided for in an amendment to the Intergovernmental Agreement between the Town of Parker, Colorado and the Districts, dated February 6, 2017.

5. **Administrative Services.** The Operating District shall perform various administrative functions for the Districts, including but not limited to preparation of annual budgets, engagement of legal counsel and other consultants, and statutory compliance measures. The Financing District hereby engages the Operating District, and the Operating District hereby accepts such engagement, as the “district administrator,” which engagement the Districts hereby agree and acknowledge is further defined and limited by the following:

- a) Subject to subsection (d) hereof, the Operating District shall perform, or cause to be performed, the following administrative services for the Districts: accounting, legal, management, insurance administration, election administration, budget and audit preparation, preparation of notices, meeting materials, district information, record keeping, financial planning, and any other services required from time to time to ensure statutory compliance of the Districts. The Operating District shall engage all contractors required to carry out all functions necessary for the provisions of such administrative services, provided that any such engagement shall be subject to termination upon the same notice provided in subsection (c) hereof.
- b) The Operating District shall provide the administrative services in accordance with such written guidance (including policies, procedures and rules and regulations adopted by the Districts) as may be provided by the Financing District and agreed upon by the Operating District. Until such time as any such guidance is provided by the Financing District, the Operating District shall provide such administrative services in such manner as is reasonably determined from time to time by the Operating District, subject to the funding of costs thereof by the Financing District (as more particularly provided in subsection (d) hereof).
- c) The Financing District may determine to terminate its engagement of the Operating District as district administrator at any time upon 180 days written notice. No later than 180 days after the receipt of any written notice of any such termination, the Operating District shall cause all contracts relating to the provision of administrative services for the Financing District to be assigned to or at the direction of the Financing District.
- d) The obligation of the Operating District to provide the administrative services is subject to the Financing District providing moneys sufficient to fund the same. The Financing District hereby agrees that, so long as they have not terminated the engagement of the Operating District as district administrator as provided in subsection (c) hereof, the Financing District shall impose ad

valorem property taxes and/or fees sufficient to fund the costs of administrative services, as such costs are estimated and set forth from time to time in the Financing District's annual budget. The Operating District shall submit to the Financing District, no later than September 15, or such other date as may be agreed upon by the Districts, an estimate of the costs anticipated for such administrative services. The Financing District shall, in its sole discretion, accept or modify such estimate, which acceptance or modification shall be reflected in the Financing District's annual adopted budget. The Operating District shall be obligated to provide the administrative services described in subsection (a) above only to the extent of funding made available by the Financing District. Under no circumstances shall the Operating District be obligated to fund administrative costs or to provide administrative services on behalf of the Financing District that are not funded by the Financing District.

6. **Operating District Compensation.** The compensation for the provision of services hereunder by the Operating District shall be agreed upon by the Districts on or before the Districts' adoption of their annual budgets.

7. **Operating District Termination Rights.** The Operating District shall have the option to terminate the provisions hereof pertaining to its engagement as district administrator upon 180 days prior written notice to the Financing District. In addition, in the event that the Operating District and the Financing District cannot agree upon a budget for the provision of such services, including the Operating District's compensation for the same, the Operating District shall have the option to terminate this Agreement within 15 days of the Financing District's adoption of its annual budget.

8. **Tax Exempt Status.** By their execution hereof, the Districts covenant, promise and agree not to undertake any act or commit any omission, which would adversely affect the tax-exempt status of the interest paid on any tax-exempt bonds or loans issued by the Districts for the purpose of funding, constructing or acquiring the Public Improvements.

9. **No Unintended Third Party Beneficiaries.** Nothing expressed or implied in this Agreement is intended or shall be construed to confer upon, or to give to, any person other than the developer and the parties hereto, any rights, remedy, or claim under or by reason of this Agreement or any covenants, terms, conditions, or provisions thereof, and all of the covenants, terms, conditions, and provisions in this Agreement by and on behalf of the parties shall be for the sole and exclusive benefit of the parties, except as provided in Section 4 hereof. The covenants, terms, conditions, and provisions contained herein shall inure to and be binding upon the representatives, successors, and permitted assigns of the parties hereto. This Agreement is not intended to create any third-party beneficiaries, implied trusts, or similar implied agreements, nor may the provisions hereof be enforced by any person or entity not a party hereto, including without limitation, the owners of bonds issued by the Districts.

10. **Severability.** If any covenant, term, condition, or provision under this Agreement shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of

such covenant, term, condition, or provision shall not affect any other provision contained herein, the intention being that such provisions are severable.

11. **Amendment.** This Agreement may be amended from time to time by agreement between the District and upon prior approval of the Town in accordance with the Service Plan; provided, however, that no amendment, modification, or alteration of the terms or provisions hereof shall be binding upon the Districts unless the same is in writing and duly executed by the Districts.

IN WITNESS WHEREOF, the Districts have executed this Agreement on the date first above written.

CHAMBERS HIGHPOINT METROPOLITAN
DISTRICT NO. 1

By: _____
_____, President

ATTEST:

_____, Secretary

CHAMBERS HIGHPOINT METROPOLITAN
DISTRICT NO. 2

By: _____
_____, President

ATTEST:

_____, Secretary



Request for Town Council Action

Date: April 5, 2021

Submitted By: Jamie Wynn, Assistant Town Attorney

Reviewed By: Michelle Kivela, Town Administrator

Title: **RESOLUTION NO. 21-020**
A Resolution of the Parker Town Council Regarding the Town Council's Opposition to Proposed Colorado Senate Bill 21-062 - "Concerning Measures to Reduce Jail Populations"

Department: Town Attorney, Jamie Wynn

EXECUTIVE SUMMARY

On February 16, 2021, Senate Bill 21-062 was introduced in the Colorado State Senate titled "Concerning Measures to Reduce Jail Populations." Throughout the State of Colorado, law enforcement officials and various municipal bodies have expressed significant concerns should SB21-062 get passed, based on the restrictions it places on law enforcement officers and the court system. Should the Bill become law, there is concern regarding the impacts it will have to law enforcement, the court process, victims, and public safety in general.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

On February 16, 2021, Senate Bill 21-062 was introduced in the Colorado State Senate. SB21-062 is currently titled "Concerning Measures to Reduce Jail Populations." Throughout the State of Colorado, law enforcement officials and various municipal bodies have expressed significant concerns should SB21-062 get passed. The Bill prohibits police officers from making an arrest for most crimes committed in the State of Colorado, and generally prohibits judges from issuing any type of monetary, surety, or property bond until a defendant in a criminal matter has failed to appear for court at least three times. These restrictions have a potential significant impact on the court process, the ability of any prosecutor's office to fairly prosecute a criminal matter, and also has a significant impact on victims of criminal actions. Law Enforcement throughout the State has seen a substantial increase in criminal activity, due in part to the reduction in jail populations based on the COVID-19 pandemic. There is reasonable concern that creating a permanent requirement for a reduction in jail populations will continue to have impacts on increases in criminal activity.

The majority of the Chiefs and Sheriffs in the 18th Judicial District have signed a statement in opposition to SB 21-062. Other jurisdictions have also issued statements of opposition to the Bill. Based upon discussions with Town Council, a Resolution has been drafted to state

Council's opposition to SB 21-062.

FINANCIAL IMPACT

None.

STRATEGIC GOAL(S)

PROMOTE A SAFE AND
HEALTHY COMMUNITY

ATTACHMENTS

1. Resolution No. 21-020

RECOMMENDED MOTION

I move to approve Resolution No. 21-020.

RESOLUTION NO. 21-020, Series of 2021

TITLE: A RESOLUTION OF THE PARKER TOWN COUNCIL REGARDING THE TOWN COUNCIL'S OPPOSITION TO PROPOSED COLORADO SENATE BILL 21-062 – "CONCERNING MEASURES TO REDUCE JAIL POPULATIONS"

WHEREAS, the Town Council of the Town of Parker is aware of the proposed legislation that has been introduced in the Colorado Senate, Senate Bill 21-062, Concerning Measures to Reduce Jail Populations (the "Act");

WHEREAS, the Act, if signed into law, modifies the crimes for which individuals may be arrested, as well as modifying a Judge's ability to impose any type of monetary bond for the majority of crimes, and requires a Judge to grant a personal recognizance bond even when a Defendant fails to appear for a scheduled Court date, until they have failed to appear at least three (3) times;

WHEREAS, these modifications to the law would have a significant increase on crime rates;

WHEREAS, the Act, if signed into law, would additionally have a detrimental impact on crime victims;

WHEREAS, the Act, if signed into law, would have a significant impact on the judicial process and the efficiency and reliability of that process;

WHEREAS, these are only a few of the significant concerns regarding what harm will occur to both public safety and the justice process should this Act become law; and

WHEREAS, based on these concerns, Parker Town Council wishes to express their opposition to the proposed Act;

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

The Parker Town Council stands with our local law enforcement and judicial agencies and states their opposition to proposed Colorado Senate Bill 21-062, and requests that the Colorado Legislature refrain from voting this Act into law.

RESOLVED AND PASSED this _____ day of _____, 2021.

TOWN OF PARKER, COLORADO

Jeff Toborg, Mayor

ATTEST:

Carol Baumgartner, Town Clerk