

TOWN OF PARKER COUNCIL AGENDA

May 3, 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.

Public comment may be made in person in accordance with Town Administrator Amended Emergency Order No. 8-2020. Public comment for items that are not on the agenda may also 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

- **7:00 P.M. – Call to Order Town Council Meeting and Roll Call**

2. SPECIAL PRESENTATIONS

- **Municipal Clerks Week - May 2-8, 2021**

3. PARKER CHAMBER OF COMMERCE UPDATES

4. DOWNTOWN BUSINESS ALLIANCE UPDATES

- 5. PUBLIC COMMENTS (No action will be taken on these items.)** *Public Comment is an opportunity for Town residents and other interested individuals to speak about items that are NOT on the agenda. Public Comment for items that are not on the agenda may also be made by Zoom or electronically as provided by Town Administrator Amended Emergency Order No. 8-2020. This comment period is limited to 30 minutes total time, with each individual allowed a maximum of 3 minutes to speak. You must sign up ahead of time in order to comment, and that sign up begins 30 minutes before the start of the meeting. The Council will accommodate as many speakers as possible during this time—with preference to Town residents—but if public comment extends beyond the allotted 30 minutes, Town Council will continue the comment period at the end of the meeting, prior to adjourning for those who signed up before the meeting.*

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=622&key=-1&mod=-1&mk=-1&nov=0>

A. *APPROVAL OF MINUTES - April 19, 2021*

B. *LINCOLN PROFESSIONAL PARK - Annexation and Zoning*

Department: Community Development, Stacey Nerger

Trakit No.: ANX20-006 and Z20-017

Second Reading: May 17, 2021

1. *ORDINANCE NO. 2.276 - First Reading*

A Bill for an Ordinance Approving and Accomplishing the Annexation of Contiguous Unincorporated Territory Known as Lincoln Professional Park in Douglas County

2. *ORDINANCE NO. 3.358 - First Reading*

A Bill for an Ordinance Zoning Certain Property within the Town of Parker, Colorado, Known as the Lincoln Professional Park Property to C-Commercial District, Pursuant to the Town of Parker Land Development Ordinance and Amending the Zoning Ordinance and Map to Conform Therewith

C. *ORDINANCE NO 9.75.2 - First Reading*

A Bill for an Ordinance to Approve the Intergovernmental Agreement Terminating the Regional Hazardous Materials Board of Arapahoe/Douglas Counties

Department: Town Attorney, Jamie Wynn

Police Department, Andy Coleman

Second Reading: May 17, 2021

D. *Motion to Reschedule the July 6, 2021 Meeting to July 12, 2021*

Department: Town Council

8. PUBLIC HEARINGS

PARKGLENN SUBDIVISION FILING NO. 3, LOT 1, BLOCK 2 - Rezone to C-Commercial District

Applicant: Masterworks, LLC
Location: Generally located on the west side of Parker Road south of Parkglenn Way
Department: Community Development, Krista Flynt
TRAKiT No.: Z20-020

- 1. ORDINANCE NO. 3.38.3 - Second Reading**
A Bill for an Ordinance Amending Ordinance No. 3.38 by the Deletion of Certain Property (Parkglenn Subdivision Filing No. 3, Lot 1, Block 2) from the Planned Development Zoned Area Known as Parkglenn
- 2. ORDINANCE NO. 3.357 - Second Reading**
A Bill for an Ordinance Rezoning Certain Property (Parkglenn Subdivision Filing No. 3, Lot 1, Block 2) from Parkglenn Planned Development to C-Commercial District, Pursuant to the Parker Land Development Ordinance and Amending the Zoning Ordinance and Map to Conform Therewith

9. ORDINANCES

ORDINANCE NO. 9.328 - Second Reading

A Bill for an Ordinance Approving the Intergovernmental Agreement Between the Town of Parker and the Board of County Commissioners of the County of Douglas County Concerning Lincoln Avenue (Jordan to Parker Road)

Department: Engineering and Public Works, Bob Exstrom
Engineering and Public Works, Tom Williams

10. RESOLUTIONS

RESOLUTION NO. 21-022

A Resolution to Amend Resolution No. 19-023, Series of 2019, to Allow, Subject to the Satisfaction of Certain Conditions, a Partial Waiver to Defer Compliance With Certain Requirements of Sections 13.07.060 and 13.07.060 and 13.070.070 of the Parker Land Development Ordinance as Amended, Associated With the Processing of the Sketch and Preliminary Plan for Certain Segments of the Real Property Commonly Known as the Anthology North Property Until Those Segments are Ready for Development

Department: Community Development, BrieAnna Simon

11. ADJOURNMENT

Proclamation

MUNICIPAL CLERKS WEEK

May 2 - 8, 2021

Whereas, The Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world, and

Whereas, The Office of the Municipal Clerk is the oldest among public servants, and

Whereas, The Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

Whereas, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all.

Whereas, The Municipal Clerk serves as the information center on functions of local government and community.

Whereas, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations.

Whereas, It is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.

Now, Therefore, I, Jeff Toborg, Mayor of Parker, Colorado, do recognize the week of May 2 through May 8, 2021, as Municipal Clerks Week, and further extend appreciation to our Municipal Clerks, Carol Baumgartner, Chris Vanderpool, Mandy Denny and Jennifer Malley, and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Dated this 3th day of May, 2021.

Jeff Toborg, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

**TOWN OF PARKER COUNCIL
MINUTES
APRIL 19, 2021**

Mayor Jeff Toborg called the meeting to order at 5:30 P.M. All Councilmembers were present.

Town Attorney Jim Maloney announced the topic for discussion in Executive Session were two (2) items under C.R.S. § 24-6-402(4)(b). The first item was to receive legal advice on specific legal questions concerning the Devolution of Public Health Order 20-36, on or around April 16, 2021; Tri-County Health Department Public Health Order Simplified COVID-19 Dial, dated April 9, 2021; and Resolution No. R-021-XXX, Board of County Commissioners of the County of Douglas, Colorado Resolution to "Opt Out" of Further Tri-County Public Health Orders Based on Current Public Health Data and State Devolution of the COVID-19 Dial, dated April 13, 2021, and Town Administrator Emergency Orders; the second item was to receive legal advice on specific legal questions concerning House Bill 21-1252: A Bill for an Act Concerning the Ability of Voters in the Town of Parker in Douglas County to Determine Whether to be Included in the Boundaries of the Regional Transportation District.

EXECUTIVE SESSION

Cheryl Poage moved and Todd Hendreks seconded to go into Executive Session at 5:31 P.M. to hold a conference with the Town's attorney to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b).

The motion was approved unanimously.

Todd Hendreks moved and Laura Hefta seconded to come out of Executive Session at 6:32 P.M.

The motion was approved unanimously.

Cheryl Poage moved and Todd Hendreks seconded to recess the regular Town Council meeting until 7:00 P.M.

The motion was approved unanimously.

REGULAR MEETING

Mayor Toborg reconvened the meeting at 7:00 P.M. All Councilmembers were present.

The Mayor led the Pledge of Allegiance.

PUBLIC COMMENTS

There were two written comments that will be attached to the approved minutes.

REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

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

TOWN ADMINISTRATOR

The Spring 2021 Town Administrator's Report is available on the Town's web site.

CONSENT AGENDA**A. APPROVAL OF MINUTES - April 5, 2021****B. ORDINANCE NO. 9.328 - First Reading**

A Bill for an Ordinance Approving the Intergovernmental Agreement Between the Town of Parker and the Board of County Commissioners of the County of Douglas County Concerning Lincoln Avenue (Jordan to Parker Road)

*Department: Engineering and Public Works, Bob Exstrom
Engineering and Public Works, Tom Williams*

Second Reading: May 3, 2021

C. PARKGLENN SUBDIVISION FILING NO. 3, LOT 1, BLOCK 2 - Rezone to C-Commercial District

Department: Community Development, Krista Flynt

Second Reading: May, 3, 2021

1. ORDINANCE NO. 3.38.3 - First Reading

A Bill for an Ordinance Amending Ordinance No. 3.38 by the Deletion of Certain Property (Parkglenn Subdivision Filing No. 3, Lot 1, Block 2) from the Planned Development Zoned Area Known as Parkglenn

2. ORDINANCE NO. 3.357 - First Reading

A Bill for an Ordinance Rezoning Certain Property (Parkglenn Subdivision Filing No. 3, Lot 1, Block 2) from Parkglenn Planned Development to C-Commercial District, Pursuant to the Parker Land Development Ordinance and Amending the Zoning Ordinance and Map to Conform Therewith

D. CONTRACTS OVER \$100,000

2021 Townwide Concrete Replacement Program (CIP21-006)

Amount: \$1,107,509.31

Contractor: Stone & Concrete, Inc.

Department: Engineering and Public Works, Danny Smith

John Diak moved to approve Consent Agenda Items 5A through 5D.

Cheryl Poage seconded the motion.

The motion was approved unanimously.

PUBLIC HEARINGS**PARKER HOMESTEAD FILING 1 AMD 1 TRACT A – Use by Special Review**

Applicant: Mohan Muthu, Mitrah Investments and Holdings, LLC
Location: Generally located on the west side of Chambers Road north of Double Angel Road
Department: Community Development, Stacey Nerger
TRAKiT No.: Z20-012

7:10 P.M.

The subject property is 1.3 acres in total area and is located in the Parker Homestead Planned Development (PD) zone district within the Mixed Use Neighborhood Center Planning Area (PA-1) at the southwest corner of Chambers Road and Double Angel Road. The PD zoning allows convenience stores with gasoline pumps as a Use by Special Review (UbSR) within PA-1. The applicant is proposing to construct a convenience store with gasoline service station on proposed Lot 1 of the Parker Homestead Filing No. 1, 2nd Amendment Plat.

The Land Development Ordinance (LDO) incorporates the UbSR process for certain uses in zoning districts that require additional review because they have the potential to generate nuisance impacts upon adjacent properties and/or the surrounding area. The UbSR process addresses those uses with potential impacts that require additional review beyond those uses that are permitted on a by-right basis within a zoning district. A UbSR application is a discretionary request made by an applicant that is subject to the nine (9) criteria for approval found at Section 13.04.200 of the LDO. Additional information and a detailed discussion of the nine (9) criteria for approval may be found in the attached Planning Commission staff report.

The proposed convenience store and gasoline service station will bring additional commercial services to the western-central section of Parker where there are few such options. The potential nuisance impacts created by the proposed development will be addressed by additional buffering and screening including enhanced landscaping along the western and southern property lines to help mitigate the impact to nearby residential uses. The applicant has indicated that all local, State and Federal requirements for gasoline service stations will be satisfied. Staff has reviewed the information provided by the applicant for the UbSR application and has determined that the proposal satisfies the nine (9) criteria for approval set forth in the LDO including consistency with the Parker 2035 Master Plan.

The Town Council is advised that the UbSR application would allow the proposed convenience store with gasoline service station use if approved, but does not include the actual development plan with site plan details. The review of these details would occur during a future site plan application and building permit review process.

The Planning Commission held a public hearing for the proposed UbSR application at their April 8, 2021 meeting and voted unanimously to approve the application.

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

Applicant:

Sreenivas Gudavalli, 17050 Mainstreet, Parker, Mitrah Investments and Holdings, LLC - Mr. Gudavalli described the project to Town Council. He stated the neighborhood needs this type of business, there is not an over intense use of the land, and this development will not cause traffic congestion.

Public Comment:

Travis Downey, 11678 Jutland Street, spoke against the project. He stated there was no passcode in the Zoom invite for the public to provide input. Only two neighbors from the neighborhood were in the Zoom meeting. Landscape buffering and lighting are very concerning.

The Public Hearing was closed at 7:46 P.M.

John Diak moved to approve, based on staff findings, with the following four (4) conditions contained in the staff report.

1. That the Use by Special Review materials submitted to the Community Development Department on March 15, 2021, shall be the approved Use by Special Review materials.
2. The applicant shall provide buffering along the south and west property lines that is above the minimum requirements within the Town of Parker Land Development Ordinance. The required enhanced buffering will mitigate potential impacts and be reviewed and approved through the Site Plan process.
3. The Replat to create Lot 1 shall be recorded prior to the approval of the required Site Plan application.
4. This approval shall expire twelve (12) months after the date of approval unless the property owner submits a complete application to the Town for a building permit to construct the project. The Community Development Director, upon written request, may grant a ninety-(90) day extension if necessary.

Todd Hendreks seconded the motion.

The motion was approved unanimously.

ORDINANCES

ORDINANCE NO. 9.136.4 - Second Reading (Continued from March 22, 2021 and to be continued to June 7, 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. 9.136.4 to June 7, 2021, for second reading.

Laura Hefta seconded the motion.

The motion was approved unanimously.

ADJOURNMENT

Cheryl Poage moved to adjourn the meeting at 7:50 P.M.

Todd Hendreks seconded the motion.

The motion was approved unanimously.

Chris Vanderpool, Deputy Town Clerk

Jeff Toborg, Mayor



Request for Town Council Action

Date: May 3, 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 and Zoning**
Department: Community Development, Stacey Nerger
Trakit No.: ANX20-006 and Z20-017
Second Reading: May 17, 2021

EXECUTIVE SUMMARY

The applicant, Plaza Street Partners, L.L.C., proposes to annex and zone an approximate 4.4-acre property that is located on Lincoln Avenue in Douglas County into the Town of Parker. The property is proposed to be zoned C-Commercial concurrently with the annexation request.

On February 16, 2021, the Town Council approved Resolution 21-008 that set the public hearing date of April 5, 2021 to determine compliance with the Municipal Annexation Act of 1965. On April 5, 2021, the Town Council approved Resolution 21-018 that determined the Lincoln Professional Park property was eligible for annexation into the Town and set the public hearing date for consideration of the annexation and zoning ordinances 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 current zoning for the subject property is A1-Agricultural One within unincorporated Douglas County. The proposed zoning to C-Commercial will permit future commercial development including retail, service and restaurant uses. The proposed C-Commercial zoning is consistent with several goals and strategies of the Parker 2035 Master Plan for the following reasons:

- It implements the Master Plan designation of the subject property and surrounding area as the Central Commercial District with a land use recommendation for core retail, service, office, lodging, restaurant and entertainment development;
- It will help ensure adequate opportunities for expansion of the Town's commercial base;
- It will continue the commercial corridor along Lincoln Avenue; and,
- It will support new businesses by providing additional land for commercial development

The Lincoln Professional Park property that is proposed for annexation is located within the Town's Planning Area for future growth and development, is identified in the 2020 Three-Mile Plan as an annexation opportunity 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).

The Planning Commission heard this request on April 22, 2021, and recommended unanimous approval.

FINANCIAL IMPACT

None

STRATEGIC GOAL(S)



DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH



ENHANCE ECONOMIC
VITALITY

ATTACHMENTS

1. VicinityMap
2. Ordinance No. 2.276
3. Annexation Plat
4. Ordinance No. 3.358
5. Planning Commission Staff Report

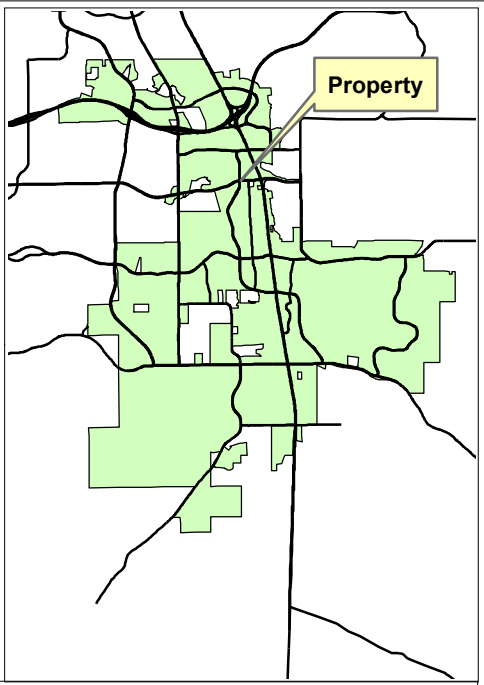
RECOMMENDED MOTION

1. I move to approve Ordinance No. 2.276 on first reading and to schedule second reading for May 17, 2021, as part of the consent agenda.

2. I move to approve Ordinance No. 3.358 on first reading and to schedule second reading for May 17, 2021, as part of the consent agenda.

Lincoln Professional Park Annexation, Zoning, and UbsR

Annexation, Zoning and Use by Special Review
Case No. ANX20-006, Z20-017 and Z20-019



Legend

-  Site
-  Roads

Narrative:
Proposed Annexation,
Zoning and Use by Special
Review for the Lincoln
Professional Park property.

Planner: Stacey Neger
Hearing Schedules:

Planning Commission:
April 22, 2021

Town Council:
May 3, 2021 (1st Reading)
May 19, 2021 (2nd Reading)



ORDINANCE NO. 2.276, Series of 2021

TITLE: A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY KNOWN AS THE LINCOLN PROFESSIONAL PARK IN DOUGLAS COUNTY

WHEREAS, pursuant to the laws of the State of Colorado, there was presented to and filed with the Town Council of the Town of Parker, Colorado, written petition(s) for annexation to and by the Town of Parker, Colorado, of that property described in attached **Exhibit 1** (the “Property”), being contiguous unincorporated territory situated, lying, and being in the County of Douglas, State of Colorado;

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

WHEREAS, the Town Council of the Town of Parker, Colorado, has satisfied itself concerning the eligibility for annexation of the Property, and concerning the conformance of the proposed annexation to the applicable law and the annexation policy of the Town of Parker, Colorado.

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

Section 1. The annexation by and to the Town of Parker, State of Colorado, of the Property, situated, lying, and being in the County of Douglas, State of Colorado, meets all requirements of law and the annexation policy of the Town of Parker, and therefore, the said annexation is hereby approved.

Section 2. More than fifty percent (50%) of the owner(s) of more than fifty percent (50%) of the Property have petitioned for annexation.

Section 3. Rezoning of the Property shall be completed simultaneously with the annexation of the Property, pursuant to Section 15.9 of the Home Rule Charter for the Town of Parker (the “Charter”).

Section 4. Upon the effective date of this Annexation Ordinance, the Property shall become subject to the Municipal Laws of the State of Colorado pertaining to cities and to the Charter, ordinances, resolutions, rules and regulations of the Town of Parker, except general taxation, which shall be effective on and after January 1 of the next succeeding year following the passage of this Annexation Ordinance.

Section 5. The Town Council hereby approves the Annexation Agreement that is attached hereto as **Exhibit 2**, and incorporated by this reference, and authorizes the execution of the Annexation Agreement by the Mayor and Town Clerk.

Section 6. Considering all of the foregoing, and based on the conviction that annexation of the Property to the Town of Parker will serve the best interests of the Town of Parker and the owner(s) of the Property, the Property is hereby annexed to the Town of Parker, Colorado.

Section 7. The Town Clerk shall file for recording three (3) certified copies of the Annexation Ordinance and three (3) certified copies of the Annexation Map for the Property with the Clerk and Recorder of the County of Douglas, State of Colorado.

Section 8. The Annexation Map showing the boundaries of the newly annexed territory, as above described, shall be kept on file in the office of the Douglas County Clerk and Recorder.

Section 9. Safety Clause. The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Parker, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. The Town Council further finds that the title to this Ordinance was posted in two public places two days before the Town Council meeting, as provided by Section 7.5e. of the Town of Parker Home Rule Charter.

Section 10. This Annexation Ordinance shall become effective ten (10) days after the publication date of this Annexation Ordinance, except for the purpose of general taxation, and for such purposes it shall become effective on January 1st of the next succeeding year following passage of this Annexation Ordinance.

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____, 2021.

Jeff Toborg, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2021.

Jeff Toborg, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney

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.

EXHIBIT 2

ANNEXATION AGREEMENT LINCOLN PROFESSIONAL PARK PROPERTY

THIS ANNEXATION AGREEMENT (the "Agreement") is voluntarily made and entered into this ____ day of _____, 2021, by and between the Town of Parker, a Colorado home rule municipality (the "Town"), Parker Water and Sanitation District (the "District") (only as to Paragraph 3), and Leila May Peaslee Residuary Trust and Howard R. Peaslee, their successors and assigns (the "Property Owner").

RECITALS:

A. The Property Owner is the owner of certain real property (the "Property") situated in the County of Douglas, State of Colorado, which Property is described in **Exhibit A**, which is attached hereto and incorporated by this reference.

B. The Property Owner desires to have the Property annexed to the Town.

C. The Town wishes to annex the Property into the Town and shall consider the zoning application for the Property upon the condition that this Agreement is approved by the Town and is executed by the Town and the Property Owner.

D. Section 110(2) of the Colorado Municipal Annexation Act of 1965, C.R.S. § 31-12-101, *et seq.*, authorizes the Town to impose terms and conditions upon the annexation of the Property, which terms and conditions are set forth in their entirety herein.

NOW, THEREFORE, in consideration of the foregoing recitals, mutual covenants and promises set forth below, the receipt and sufficiency of which are mutually acknowledged, the Town, the District (only as to Paragraph 3), and the Property Owner hereby agree as follows:

1. Annexation. The annexation of the Property shall be in accordance with the Colorado Municipal Annexation Act of 1965, as amended.

a. Conditions Precedent. Annexation of the Property shall not become effective, and neither the Property Owner nor the Town shall record or cause to be recorded the items described in § 31-12-113(2)(a)(II)(A), C.R.S. or this Agreement, until each of the following conditions have been satisfied (it being acknowledged that the Town shall cause recordation of the requisite documents to effect annexation of the Property upon satisfaction of the conditions precedent):

(1) The Property Owner and the Town have mutually executed and delivered this Agreement.

(2) Transfer of Ownership has occurred in accordance with Subparagraph 1.c. of this Agreement.

(3) The ordinance approving the annexation of the Property has become effective in accordance with the provisions of the Town Charter.

(4) No legal challenge to the Town's approval of the annexation, this Agreement, or the zoning approvals set forth in Subparagraph 4.a. below, including, but not limited to, appeals pursuant to C.R.S. § 31-12-116 and Colorado Rules of Civil Procedure 106(a)(4) or a referendum pursuant to Section 14.3 of the Town Charter, has been brought within the applicable period(s) for such challenge(s).

(5) The Property Owner certifies in writing to the Town, in a form acceptable to the Town, that the conditions precedent described in Subparagraph 1.a of this Agreement have been fully satisfied, within ten (10) days after the legal challenge period described in Subparagraph 1.a.iv. of this Agreement expires and no legal challenge has been brought within the applicable period(s) for such challenge(s).

b. Failure of Conditions. Until the conditions precedent set forth in Subparagraph 1.a have been satisfied, this document shall constitute an offer by the Property Owner and the Town to enter into this Agreement (notwithstanding the parties' mutual execution and delivery of this document), and the annexation of the Property to the Town shall not become effective. In such case, neither the Property Owner nor the Town shall record or cause to be recorded this Agreement or the items described in § 31-12-113(2)(a)(II)(A), C.R.S.

c. Transfer of Ownership/Authorized Representative. Property Owner shall execute and cause to be recorded a conveyance deed in a form acceptable to the Town, which deed shall convey fee simple title in and to the Property to Plaza Street Partners, LLC, or its assign, which deed shall be recorded in the Douglas County Clerk and Recorder's Office, contemporaneously with the recordation of the items described in § 31-12-113(2)(a)(II)(A), C.R.S., as provided in Subparagraph 1.a. (the "Transfer of Ownership"). Upon the Transfer of Ownership, the Property Owner shall have no further liability, obligation or responsibility hereunder and all rights and obligations of the Property Owner shall be assumed by and be the sole obligation of Plaza Street Partners, LLC, or its assigns.

2. Purpose. The purpose of this Agreement is to set forth the terms, conditions, and fees to be paid by the Property Owner upon the initial development of the Property. Unless otherwise expressly provided to the contrary herein, all conditions contained herein are in addition to any and all requirements of the Parker Land Development Ordinance and the Parker Municipal Code, as amended.

3. Water and Sewer Services. The parties to this Agreement acknowledge that the Town has no obligation under this Agreement to provide water and sewer service to the Property. The District will provide water and sewer services to the Property if the Property Owner satisfies all requirements of the District, including, but not limited to, the dedication of water resources and/or the payment of fees in lieu thereof, and the construction of water, sewer and wastewater treatment lines and facilities necessary to service the land use proposed for the Property.

4. Zoning and Development.

a. The Property Owner hereby consents to the Town Council of the Town of Parker adopting Ordinance No. 3.358, Series of 2021, zoning the Property C-Commercial District, as described in Section 13.04.120 of the Parker Municipal Code and approving by motion the Use by Special Review to allow a gas station on the Property, contemporaneously with the approval of this Agreement. The Property Owner acknowledges and agrees that the zoning of the Property does not include any approval related to the grading of the Property. The Property Owner further acknowledges and agrees that any grading or development of the Property is subject to the requirements contained within the Parker Municipal Code, as amended.

b. Town Fees. The Property Owner hereby agrees to pay the Town the actual cost plus fifteen percent (15%) to defray the administrative and review expenses of the Town, and for engineering, surveying, and legal services rendered in connection with the review of the annexation of the Property, which cost shall be determined by the Town Planning Director. In addition, the Property Owner shall reimburse the Town for the actual cost of making corrections or additions to the official Town Map, with a fee for recording such map, if necessary, and accompanying documents with the County Clerk and Recorder. The Property Owner further agrees to pay all impact fees as established by Town ordinance at the time this Agreement is executed and such additional impact fees as may be in effect at the time of development of the Property (as evidenced by plat approval) so long as said additional impact fees are assessed or adopted Townwide, except as specifically provided by this Agreement. The Town may withhold any plat approval or withhold the issuance of any permits for construction or occupancy for failure to pay Town fees as provided herein. All fees recited in this Agreement shall be subject to amendment by the Town Council by ordinance so long as any amendment is Townwide. Any amendment to the fees shall be incorporated into this Agreement as if originally set forth herein.

5. Open Space. The Property Owner acknowledges and agrees that the Town, as a condition to annexation, requires an open space dedication for any residential development. The Town acknowledges and agrees that if the Property is zoned in the manner described in Paragraph 4 of this Agreement, which does not include any residential uses, then the Property Owner will have no obligation to dedicate Open Space. The Property Owner acknowledges and agrees that the Town may require the dedication of Open Space as a condition to any change in the zoning initiated by the Property Owner, which results in any residential uses on the Property.

6. School Mitigation Plan. The Property Owner acknowledges and agrees that the Town, as a condition to annexation, requires a contribution to the Douglas County School District No. RE-1 (the "School District") for school mitigation (the "School Mitigation Fee") for any residential development. The Town acknowledges and agrees that if the Property is zoned in the manner described in Paragraph 4 of this Agreement, which does not include any residential uses, then the Property Owner will have no obligation to pay a School Mitigation Fee to the School District. The Property Owner acknowledges and agrees that the Town may require the payment of a School Mitigation Fee, as determined by the School District, as a condition to any change in the zoning initiated by the Property Owner, which results in any residential uses on the Property.

7. Deficit Reduction Fee. The Property Owner acknowledges and agrees that the Town, as a condition to annexation, requires a payment of a "Deficit Reduction Fee" to the Town to off-set the impact to the Town's General Fund as the result of the annexation. The Town acknowledges and agrees that if the Property is zoned in the manner described in Paragraph 4 of this Agreement, then the financial impact to the Town will be fiscally neutral, and the Property Owner will not have to pay a Deficit Reduction Fee. The Property Owner further acknowledges and agrees that the Town may impose a deficit reduction fee as a condition to any change in the zoning initiated by the Property Owner, which results in any residential uses on the Property, based upon the method used by the Town for calculating the "Deficit Reduction Fee" at the time such change in zoning is initiated by the Property Owner, as described herein.

8. Preliminary Site Plan. The Property will submit a preliminary site plan for the Property as provided by Chapter 13.16 of the Parker Municipal Code, which preliminary site plan shall be reviewed and approved prior the first final plat for the Property.

9. Roads Improvements to be Designed, Constructed and/or Paid for by the Property Owner. The Property Owner shall design and construct, at its sole expense, the following road improvements, in accordance with Town standards, except as otherwise provided in this Paragraph:

a. Dransfeldt Road. The Property Owner shall design and construct, at its sole expense, the following improvements to Dransfeldt Road as a major collector roadway, which is defined in the Town of Parker Roadway Design and Construction Manual ("Roadway Manual"), in accordance with the Roadway Manual and the Town-approved Traffic Study for the Property, prior to any certificates of occupancy for the Property, temporary or otherwise;

1) Additional Southbound Lane. An additional southbound lane, located on the west side of existing Dransfeldt Road, including replacement of the curb and gutter and sidewalk from Lincoln Avenue south to a point 100 feet south of the existing commercial access, and the additional pavement necessary to construct a lane taper back to existing pavement in accordance with the Roadway Manual.

2) Northbound Auxiliary Lane Adjacent to the Property. A northbound acceleration/right-turn lane, located on the east side of existing Dransfeldt Road, between the proposed entrance to the Property and Lincoln Avenue, including any intersection improvements and/or traffic signal modifications necessary to accommodate this lane, as determined by the Town.

b. Lincoln Avenue. The Property Owner shall design and construct, at its sole expense, all auxiliary lane modifications to Lincoln Avenue necessary to serve the Property as an arterial roadway, which is defined in the Roadway Manual, and associated intersection improvements, in accordance with the Roadway Manual and the Town approved Traffic Study for the Property, prior to any certificates of occupancy for the Property, temporary or otherwise. The Property Owner shall not be responsible for the cost to design and construct improvements related to the future expansion of Lincoln Avenue.

c. Lincoln Avenue Sidewalk. The Property Owner shall design and construct an eight-foot wide detached sidewalk on the south side of Lincoln Avenue from Dransfeldt Road to Parker Road, according the arterial roadway typical section contained in the Roadway Manual, prior to any certificates of occupancy for the Property, temporary or otherwise.

10. Land Dedication. The Property Owner, shall either dedicate on a plat or otherwise convey to the Town, as applicable, by special warranty deed, free and clear of all liens and encumbrances, the following real property:

a. Dransfeldt Road. The real property to construct the improvements to Dransfeldt Road as described in Paragraph 9.a. of this Agreement, at the time of the first final plat for the Property, and the real property necessary to construct a future dedicated southbound left turn lane into the Property, as determined by the Town, at the time of the first final plat for the Property.

b. Future Lincoln Avenue Auxiliary Lane. The real property located between Dransfeldt Road and the Property's right-in/right-out access point on Lincoln Avenue, to construct an additional eastbound acceleration/deceleration on Lincoln Avenue, at the time of the first final plat for the Property.

d. Lincoln Avenue Sidewalk. The real property to construct the improvements to the Lincoln Avenue sidewalk as described in Paragraph 9.c. of this Agreement, at the time of the first final plat for the Property.

e. Public Access Easements. The Property Owner shall dedicate public access easements through the Property connecting adjacent properties (south and east) to the access points that are allowed by the Town on the Property for access to Dransfeldt Road and Lincoln Avenue, at the time of the first final plat for the Property.

11. Permitted Development. The Property Owner shall develop the Property in accordance with this Agreement, Town ordinances and regulations, and applicable state and federal law and regulations. The Town shall allow and permit the development of the Property upon submission of proper application and payment of fees imposed by Town ordinances and regulations.

12. Property Owner. The Property Owner is entering into this Agreement and is undertaking the obligations imposed upon the Property Owner herein in reliance upon the Town's concurrent adoption of the ordinance described in Paragraph 4.a. of this Agreement. Performance of the Property Owner's obligations hereunder is expressly conditioned upon the Town's adoption of the ordinance described in Paragraph 4.a. of this Agreement. If the Town fails to adopt the ordinance described in Paragraph 4.a. of this Agreement, then this Agreement shall not go into effect and the Original Annexation Agreement shall remain in full force and effect.

13. Waiver of Prior Vested Rights. The Property Owner waives any prior vested property rights acquired in Douglas County so long as the Property remains annexed into the Town. The Property Owner acknowledges and agrees that the vesting of property rights in the Town is governed by Section 13.01.110 of the Parker Municipal Code, as amended.

14. Remedies. The Property Owner's remedies against the Town for the Town's breach of this Agreement are limited to breach of contract claims. The Town's remedies under this Agreement include, but are not limited to, the following:

- a. The refusal to issue any building permit or certificate of occupancy.
- b. The revocation of any building permit previously issued under which construction directly related to such building permit has not commenced, except a building permit previously issued to a third party.
- c. A demand that the security given for the completion of the public improvements be paid or honored.
- d. Any other remedy available at law.

15. Authority of the Town. Nothing contained in this Agreement shall constitute or be interpreted as a repeal of existing codes or ordinances or as a waiver or abrogation of the Town's legislative, governmental, or police powers to promote and protect the health, safety and general welfare of the Town or its inhabitants; nor shall this Agreement prohibit the enactment by the Town of any fee that is of uniform or general application.

16. Termination. If Ordinance No. 3.358, Series of 2021, and the Use by Special Review to allow a gas station on the Property are not approved as provided by Paragraph 4.a. of this Agreement, or this Agreement is not approved by the Town Council, then this Agreement shall be null and void and of no force and effect whatsoever, and any monies paid will be reimbursed to the Property Owner.

17. Binding Effect. This Agreement, when executed, shall inure to the benefit of and be binding upon the successors or assigns in interest or the legal representatives of the parties hereto, including all the purchasers and subsequent owners of any lots or parcels within the Property. This Agreement constitutes the entire agreement of the parties and may be amended only in writing, approved in substantially the same manner as the Agreement itself. This Agreement is binding upon and shall run with the land.

18. Recordation of Agreement. This Agreement shall be recorded with the Clerk and Recorder of Douglas County, Colorado, upon the effective date of Ordinance No. 3.358, Series of 2021, as described in Paragraph 4.a. of this Agreement.

19. No Third-Party Beneficiaries. It is expressly understood and agreed that enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to the parties hereto, their successors and assigns, and nothing contained in this Agreement shall give or allow any claim or right of action by any other or third person under this Agreement. It is the express intention of the parties that any person other than the parties receiving services or benefits under this Agreement shall be deemed to be an incidental beneficiary only.

20. Severability. It is understood and agreed by the parties hereto that if any part, term, or provision of this Agreement is held by the courts to be illegal or in conflict with any law of the State of Colorado, the validity of the remaining portions or provisions shall not be affected, and

the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular part, term, or provision held to be invalid.

21. Governing Law. The laws of the State of Colorado shall govern the validity, performance and enforcement of this Agreement. Should either party institute legal suit or action for enforcement of any obligation contained herein, it is agreed that venue of such suit or action shall be in Douglas County, Colorado.

22. Notice. All notice required under this Agreement shall be in writing and shall be hand delivered or sent by registered or certified mail, return receipt requested, postage prepaid, to the addresses of the parties herein set forth. All notices so given shall be considered effective on the earlier of actual receipt or seventy-two (72) hours after deposit in the United States mail with the proper address as set forth below. Either party by notice so given may change the address to which future notices shall be sent.

To the Town: Director of Engineering/Public Works
Town of Parker
20120 East Mainstreet
Parker, Colorado 80138

To the Property Owner: Leila May Peaslee Residuary Trust, and Howard R. Peaslee
Attn: Tom Kaufman, Executive Director
1528 Wazee
Denver, CO 80202
Phone 303.669.8118
tkaufman@antonoff.com

With Notice to: Leila May Peaslee Residuary Trust, and Howard R. Peaslee
Attn: EVC Parker, LLC
3501 SW Fairlawn Rd., Suite 200
Topeka, KS 66614
Phone 785.272.1398
lspellmeier@equityventurescd.com

23. Effective Date. This Agreement shall be effective and binding upon the parties immediately upon the effective date of Ordinance No. 3.358, Series of 2021, as described in Paragraph 4.a. of this Agreement.

24. Recitals. The recitals to this Agreement are incorporated herein by this reference.

25. Entire Agreement - Amendments. This Agreement embodies the whole agreement of the parties. There are no promises, terms, conditions, or obligations other than those contained herein, and this Agreement shall supersede all previous communications, representations or agreements, either verbal or written, between the parties hereto. This Agreement may be amended by written agreement between the Property Owner and the Town acting pursuant to Town Council authorization.

IN WITNESS WHEREOF, the parties have signed this Agreement as of the date set forth above.

TOWN OF PARKER, COLORADO

Jeff Toborg, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM AND SUFFICIENCY:

James S. Maloney, Town Attorney

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

**PROPERTY OWNER: LEILA MAY
PEASLEE RESIDUARY TRUST**

_____, _____ (name/title)

STATE OF COLORADO)
)ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____,
2021, by _____, as _____ of the Leila May Peaslee
Residuary Trust.

My commission expires: _____.

SEAL

Notary Public

PROPERTY OWNER: HOWARD R. PEASLEE

_____, _____ (name/title)

STATE OF COLORADO)
)ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____,
2021, by Howard R. Peaslee.

My commission expires: _____.

SEAL

Notary Public

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

**PARKER WATER AND SANITATION
DISTRICT**
(AS TO PARAGRAPH #3 ONLY)

By: _____
Ron R. Redd, P.E., District Manager

ATTEST:

Maleia Good

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

CONSENT AND SUBORDINATION OF LENDER

_____, as the beneficiary of a deed of trust that is secured against the real property described in Exhibit A (the "Property") and recorded on _____, 20____, at Reception No. _____ of the Douglas County Clerk and Recorder's Office (the "Deed of Trust"), hereby consents to this Annexation Agreement, and agrees and confirms for itself and its successors and assigns that the lien of the Deed of Trust and other rights and interests of the Lender in the Property are subject to and subordinate to this Annexation Agreement. In the event of a foreclosure of the Deed of Trust and the sale of the Property that is the subject to the Deed of Trust pursuant to such foreclosure, the rights of the Town of Parker acquired by virtue of this Annexation Agreement shall not be affected thereby.

LENDER:

By: _____

[Please print name and title on line↑]

STATE OF COLORADO)
)ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2021, by _____, as _____ of _____.

My commission expires: _____.

SEAL

Notary Public

EXHIBIT A

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.

NO CHANGES ARE TO BE MADE TO THIS DRAWING WITHOUT WRITTEN PERMISSION OF HARRIS KOCHER SMITH.

LINCOLN PROFESSIONAL PARK

ANNEXATION MAP TO THE TOWN OF PARKER
SITUATED IN THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE 6TH P.M.,
COUNTY OF DOUGLAS, STATE OF COLORADO
SHEET 1 OF 2

LEGAL DESCRIPTION:

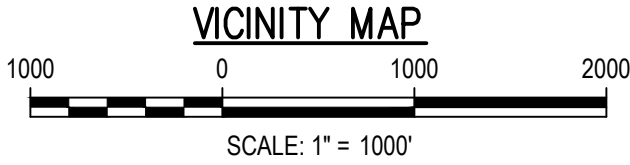
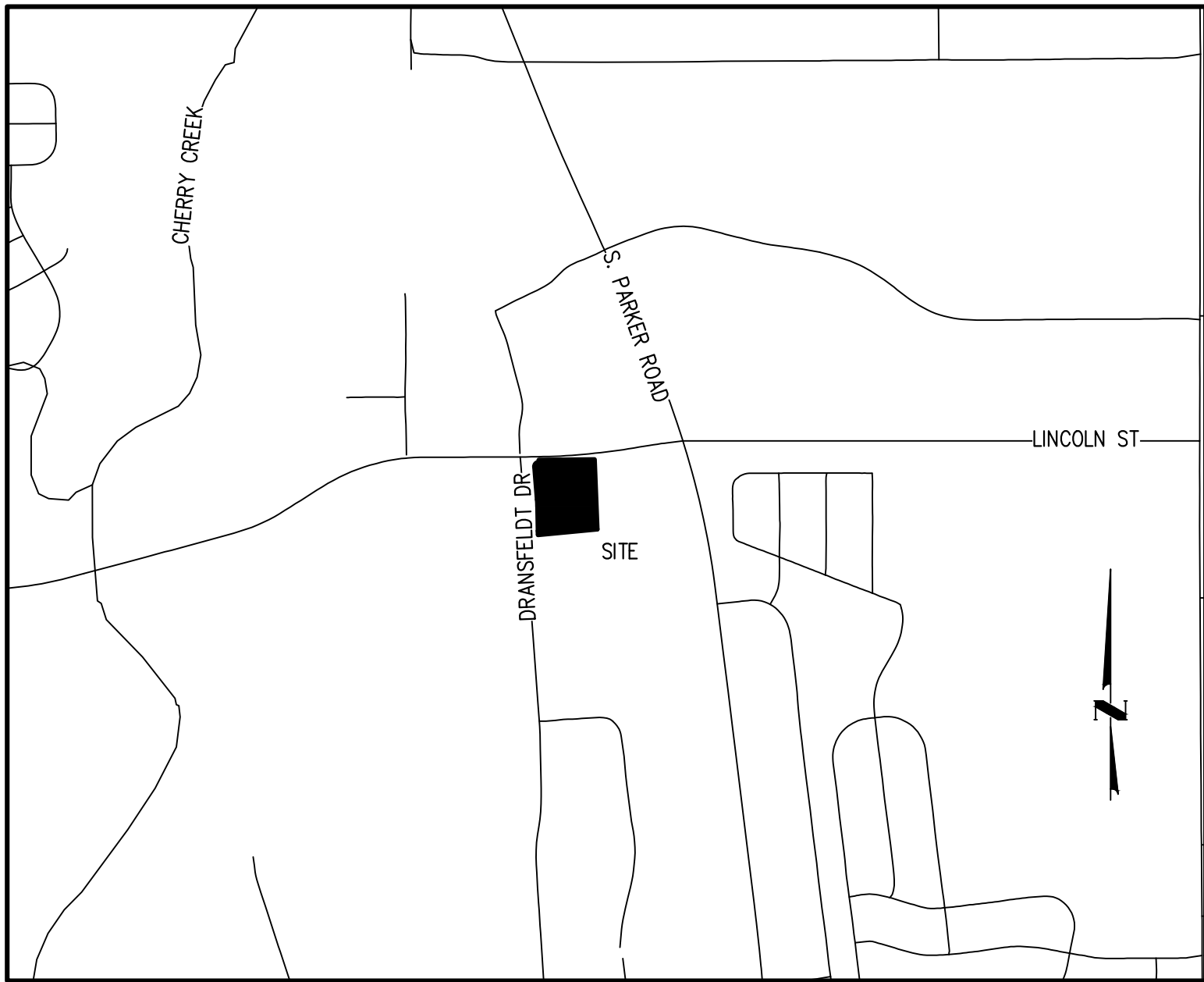
A PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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 DEDED 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.



SUMMARY TABLE

TOTAL ANNEXATION AREA	190,643 SQ. FT. (4.38 AC.)
TOTAL ANNEXATION PERIMETER	1,750.99 FT.
ANNEXATION PERIMETER CONTIGUOUS TO PRESENT TOWN OF PARKER	1,750.99 FT. (100%)

NOTES:

1. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY HARRIS KOCHER SMITH TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD. FOR ALL INFORMATION REGARDING EASEMENTS, RIGHTS-OF-WAY AND TITLE OF RECORD, HARRIS KOCHER SMITH RELIED UPON COMMITMENT FOR TITLE INSURANCE, COMMITMENT NO. NCS-1003894-KCTY ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY AND HAVING AN EFFECTIVE DATE OF MARCH 02, 2020 AT 5:00 P.M. **THE SURVEYED PROPERTY IS A PORTION OF THE ABOVE REFERENCED TITLE COMMITMENT.**
2. NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
3. BASIS OF BEARINGS: 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. AS MONUMENTED AT BOTH THE NORTHWEST QUARTER CORNER AND NORTH QUARTER CORNER BY 3.25" ALUMINUM CAPS, ASSUMED TO BEAR SOUTH 89°29'00" WEST.
4. SURVEYED PROPERTY FALLS WITHIN ZONE X OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP, MAP NO. 08035C0067G, LAST REVISED MARCH 16, 2016. ZONE X IS DEFINED AS AREAS OUTSIDE THE 0.2-PERCENT ANNUAL CHANCE FLOODPLAIN.
5. THE LINEAR UNITS FOR THIS SURVEY ARE U.S. SURVEY FEET.
6. THE SURVEYED PROPERTY IS SUBJECT TO THE TERMS, PROVISIONS, COVENANTS, CONDITIONS, RESTRICTIONS, OBLIGATIONS AND RESERVATIONS CONTAINED IN THE RECORDED DOCUMENTS IN THE TITLE COMMITMENT AS REFERENCED IN NOTE 1.

PROJECT CONTACTS:

DEVELOPER

PLAZA STREET FUND 106, LLC A KANSAS LIMITED LIABILITY COMPANY,
2400 W. 75TH STREET, SUITE 220,
PRAIRIE VILLAGE, KANSAS 66208.

OWNER

HOWARD R PEASLEE & LEILA MAY PEASLEE RESIDUARY TRUST
426 FREEMONT DR
LAWRENCE, KS 66049

ENGINEER/SURVEYOR

HARRIS KOCHER SMITH,
1120 LINCOLN STREET, SUITE 1000,
DENVER, COLORADO 80203.

PROFESSIONAL LAND SURVEYOR CERTIFICATION:

I, AARON MURPHY, A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS ANNEXATION MAP WAS PREPARED UNDER MY DIRECT SUPERVISION; THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS MAP ACCURATELY DELINEATES THE PARCEL OF LAND TO BE ANNEXED TO THE TOWN OF PARKER, COLORADO; AND THAT AT LEAST ONE SIXTH (1/6) OF THE BOUNDARY OF SAID PARCEL IS CONTIGUOUS TO THE PRESENT TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO.

AARON MURPHY, PLS 38162
FOR AND ON BEHALF OF
HARRIS KOCHER SMITH

DATE

TOWN COUNCIL ACCEPTANCE:

ACCEPTED BY THE PARKER TOWN COUNCIL ON THE ____ DAY OF _____, 20__

MAYOR, TOWN OF PARKER

ATTEST:

TOWN CLERK

CLERK AND RECORDER CERTIFICATION:

STATE OF COLORADO)
COUNTY OF DOUGLAS) SS

I HEREBY CERTIFY THAT THIS MAP WAS FILED IN MY OFFICE ON THIS ____ DAY OF _____, 20__ A.D., AT A.M./P.M., AND WAS RECORDED AT RECEPTION NUMBER _____

COUNTY CLERK AND RECORDER

LINCOLN PROFESSIONAL PARK
ANNEXATION MAP TO THE TOWN OF PARKER

SHEET INDEX

SHEET 1	COVER
SHEET 2	SITE

PREPARED BY:

PROJECT #: 200829

HKS **HARRIS KOCHER SMITH**
1120 Lincoln Street, Suite 1000
Denver, Colorado 80203
P: 303.623.6300 F: 303.623.6311
HarrisKocherSmith.com

ANNEXATION MAP TO THE TOWN OF PARKER
SITUATED IN THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE 6TH P.M.,
COUNTY OF DOUGLAS, STATE OF COLORADO
SHEET 2 OF 2

SHEET 2 OF 2

PREPARED BY: PROJECT #: 200829

HKS **HARRIS
KOCHER
SMITH**

1120 Lincoln Street, Suite 1000
Denver, Colorado 80203
P: 303.623.6300 F: 303.623.6311
HarrisKocherSmith.com

ORDINANCE NO. 3.358, Series of 2021

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

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

Section 1. Finding of Fact.

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

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

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

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

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

Section 2. The Property is hereby zoned C-Commercial District, as described in **Exhibit 2**, which is attached hereto and incorporated by this reference.

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

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

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

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

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

Section 7. This Ordinance shall become effective upon the later to occur of: (i) the date that is ten (10) days after final publication; or (ii) the date the Annexation Ordinance for the Property goes into effect, whichever occurs last.

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____, 2021.

Jeff Toborg, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2021.

Jeff Toborg, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney

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.

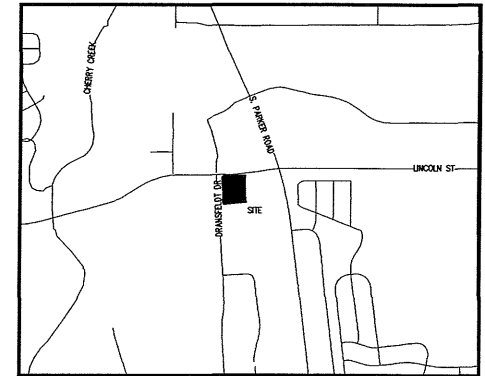
SAID PARCEL CONTAINS 190,643 SQUARE FEET OR 4.38 ACRES, MORE OR LESS.

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.

EXHIBIT 2

LINCOLN PROFESSIONAL PARK ZONING MAP

SITUATED IN THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE 6TH P.M.,
COUNTY OF DOUGLAS, STATE OF COLORADO
SHEET 1 OF 1



VICINITY MAP
SCALE 1" = 800'

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 DECEDED 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) NORTH 01°13'32" WEST, A DISTANCE OF 165.71 FEET TO A POINT OF CURVATURE;
2) 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 25.78 FEET;
3) NORTH 01°13'32" WEST, A DISTANCE OF 165.71 FEET TO A POINT OF CURVATURE;
4) ALONG THE ARC OF SAID CURVE TO THE LEFT AN ARC LENGTH OF 45.04 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;
5) NORTH 04°33'29" WEST, A DISTANCE OF 217.83 FEET TO A POINT OF CURVATURE;
6) 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 43.88 FEET;
THENCE NORTH 04°33'29" 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.

NOTES:

- THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY HARRIS KOCHER SMITH TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD, FOR ALL INFORMATION REGARDING EASEMENTS, RIGHTS-OF-WAY AND TITLE OF RECORD, HARRIS KOCHER SMITH RELIED UPON COMMITMENT FOR TITLE INSURANCE, COMMITMENT NO. 102-100388-HCTY ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY AND HAVING AN EFFECTIVE DATE OF MARCH 02, 2020 AT 5:00 P.M. THE SURVEYED PROPERTY IS A PORTION OF THE ABOVE REFERENCED TITLE COMMITMENT.
- NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
- BASES OF BEARINGS: 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, AS MONUMENTED AT BOTH THE NORTHWEST QUARTER CORNER AND NORTH QUARTER CORNER BY 3.25" ALUMINUM CAPS, ASSUMED TO BEAR SOUTH 89°29'00" WEST.
- THE LINEAR UNITS FOR THIS SURVEY ARE U.S. SURVEY FEET.
- THIS WAS PREPARED FOR ZONING PURPOSES ONLY AND SHOULD NOT BE USED AS A BOUNDARY SURVEY OR LAND SURVEY PLAT.
- THE SURVEYED PROPERTY IS SUBJECT TO THE TERMS, PROMISINGS, COVENANTS, CONDITIONS, RESTRICTIONS, OBLIGATIONS AND RESERVATIONS CONTAINED IN THE RECORDED DOCUMENTS IN THE TITLE COMMITMENT AS REFERENCED IN NOTE 1.

ZONING SUMMARY TABLE

EXISTING ZONING	A1 - AGRICULTURAL ONE DOUGLAS
PROPOSED ZONING	COUNTY COMMERCIAL



SCALE 1" = 30'

PREPARED BY: PROJECT #: 20020
HKS HARRIS KOCHER SMITH
1700 Lincoln Street, Suite 1000
Denver, Colorado 80202
P: 303.673.4300 F: 303.673.6311
harris@hksco.com

LOT 1, BLOCK 1
E.T. TECHNOLOGIES INC.
MINOR DEVELOPMENT PLAT
REC. NO. 2002093991

25' PARKWAY WATER AND
SANITATION DISTRICT ESMAT-
BK. 342 PG. 887

S84°51'34"W 395.93'

L=25.79'
R=660.00'
Δ=2°14'19"
ChB=N02°20'42"W
ChL=25.79'

WEST QTR COR SECTION 15
FOUND 3.25" ALUM. CAP
STAMPED: 102 R10W S16 S15
PLS 12405 1997

15' TELECOM
EASEMENT REC.
NO. 99018172

EXCEPTION PARCEL
REC. NO. 2002088425

11964 DRANSFELDT RD
PARCEL CONTAINS
190,643 SQ. FT. OR
4.38 AC. ±

EXISTING ZONING: A1 - AGRICULTURAL ONE DOUGLAS COUNTY
PROPOSED ZONING: COMMERCIAL

UNPLATTED

UNPLATTED

1800 E. LINCOLN AVE PARK UP
OWNERS: HARRIS KOCHER SMITH
OWNER'S SURVEYING COMMITMENT

BASES OF BEARINGS NORTH LINE NW 1/4 SEC 15 S89°29'00"W 3641.80'

LINCOLN AVE
(100' R.O.W.)

N89°29'00"E 371.25'

L=14.81'
R=30.00'
Δ=94°01'51"
ChB=N42°27'27"E
ChL=43.89'

N04°33'21"W 15.04'

L=49.23'
R=30.00'
Δ=94°01'51"
ChB=N42°27'27"E
ChL=43.89'

DRANSFELDT RD
(VARIABLE WIDTH R.O.W.)

N04°33'21"W 15.04'

L=43.04'
R=740.00'
Δ=3°19'57"
ChB=N02°53'30"W
ChL=43.03'

N01°13'32"W 165.71'

DOUGLAS AND COULD BE DUE TO THE CHANGING WIDTH OF THE DRANSFELDT ROAD

THIS MAP WAS PREPARED BY HARRIS KOCHER SMITH, LICENSED SURVEYOR, AND IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF HARRIS KOCHER SMITH



Planning Commission Staff Report

Planning Commission Date: 4/22/2021

Town Council Date: 5/17/2021

Hearing Type: Public Hearing
Lincoln Professional Park Property –
1. Zoning to C-Commercial and
2. Use by Special Review
TRAKiT No.: Z20-017 and Z20-019

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

Project Planner: Stacey Nerger, Senior Planner

Applicant(s): Ryanne Sass, Plaza Street Partners

Executive Summary: The applicant, Plaza Street Partners, is proposing to zone a 4.37 acre parcel to Commercial concurrent with the annexation of the property and a Use by Special Review to allow for a gas station on property located at the southeast corner of Lincoln Avenue and Dransfeldt Road.

Staff Recommendation: Approval with Conditions

RECOMMENDED MOTION

1. *"I move the Planning Commission recommend Town Council approve the zoning."*
2. *"I move the Planning Commission recommend Town Council approve the Lincoln Professional Park Use by Special Review to allow for a gas station subject to the three (3) conditions contained in staff's report:"*
 1. That the Use by Special Review materials submitted to the Community Development Department on November 30, 2020 shall be the approved Use by Special Review materials.
 2. The Property Owner shall dedicate public access easements through the Property connecting adjacent properties (south and east) to the access points that are allowed by the Town on the Property for access to Dransfeldt Road and Lincoln Avenue, at the time of the first final plat for the Property.
 3. This approval shall expire Twelve (12) month after the date of approval unless a building permit has been applied for. The Community Development Director, upon written request, may grant a ninety-(90) day extension.

ALTERNATIVE MOTIONS

1. *"I move the Planning Commission recommend Town Council approve the zoning request, subject to the following conditions:"*
-List proposed conditions
2. *"I move the Planning Commission recommend Town Council approve the Lincoln Professional Park Use by Special Review."*

1. *"I move the Planning Commission recommend Town Council deny the zoning as the request does not meet the following approval criteria:"*
-List criteria not met (either by staff or Planning Commission)
2. *I move the Planning Commission recommend Town Council deny the Lincoln Professional Park Use by Special Review:"*
-List criteria not met (either by staff or Planning Commission)

1. *"I move the Planning Commission vote to continue the zoning to a future date."*
2. *"I move the Planning Commission vote to continue the Lincoln Professional Park Use by Special Review to a future date."*

I. BACKGROUND/DISCUSSION

The applicant has submitted two (2) applications. The first application is a request to zone approximately 4.37 acres to C-Commercial concurrent with the proposed Annexation of the Property. The subject site is located at the southeast corner of Lincoln Avenue and Dransfeldt Road. Under Section 15.9 of the Town of Parker Home Rule Charter "[i]n all proceedings for the annexation of territory into the Town, the Council shall require concurrent zoning of the same...."

The second application is a Use by Special Review to allow for a gas station on the property. The proposed C-Commercial zoning within the Town lists a gas station as a use permitted by special review. The applicant is proposing to construct a 5,637 square foot convenience store with gas at the northwest corner of the property.

The proposed zoning establishes uses that are permitted by right, those permitted by special review and those not listed are prohibited. Uses by Special Review are established in zone districts when a proposed use may present external impacts that require additional review beyond those uses that are considered uses-by-right within a zone district. The request for a Use by Special Review is a discretionary request made by a private property owner or applicant. The Use by Special Review is to determine whether or not 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.

A Use by Special Review does not include the review of specific development standards or construction standards. The review of those items occurs during the site plan and building permit processes.

Vicinity Map



II. PRIOR ACTIONS

Date	Action
2018	An application for Annexation and Zoning of this property was submitted to the Town. This application was withdrawn prior to the Town Council hearing.

III. CURRENT SITE DATA

Existing Zoning	Agricultural One (Douglas County)		
Overlay District	N/A		
PD & Plan Area	Commercial (proposed)		
Master Plan Area	Central Commercial		
Site Acreage	4.37 acres		
Subdivision	Metes and Bounds - not currently subdivided		
Existing Use	Residential/Undeveloped property		
Surrounding Uses			
	Master Plan Land Use	Zoning	Existing Use
North	Central Commercial	Modified Commercial District	Commercial – Murdoch’s
South	Central Commercial	PD - Planned Development	Commercial/Light Industrial – ET Technology
East	Central Commercial	C - Commercial District	Residential and Commercial - Walgreens
West	Central Commercial	PD - Planned Development	Commercial – Lowe’s and Richie’s Carwash

IV. PARKER 2035 MASTER PLAN

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

MASTER PLAN CONSISTENCY	
Master Plan Designation	Central Commercial ☒ Consistent ☐ Inconsistent
Master Plan Character Discussion	<u>Central Commercial District:</u> This is the commercial core of the Town. Growth should focus on core retail, services, offices, lodging, restaurants, entertainment, and to a lesser extent, higher density residential uses. Vertical mixed use is highly encouraged where appropriate.
Consistent Goals/Strategies	<u>Land Use 1.C</u> <u>Land Use 1.E</u> <u>Jobs and Economic Vitality 2.A</u> <u>Jobs and Economic Vitality 2.B</u>
Staff Analysis	The subject property is located west of Parker Road and south of Lincoln Avenue within a commercial corridor area as designated by the Parker 2035 Master Plan.

	This area is intended to provide commercial uses which focus on retail, services, lodging, restaurants and entertainment. The proposed property is surrounded by the Town of Parker and is considered an enclave. Landowners of unincorporated enclave properties identify with the Town of Parker and the public views them as a part of the community fabric. In addition, annexation of this enclave will benefit the landowners, the Town and the County by consolidating the service areas of the Town and County. The requested zoning and Use by Special Review are consistent with the specific Goals/ Strategies of the Master Plan for the following reasons: • Land Use 1.C: The request would expand the Town's economic base in an area that is designated for commercial uses and zoned for commercial uses. • Jobs and Economic Vitality 2.A: The request would provide for expanded commercial activities in an area designated as a Commercial Center. • Transportation 2.B: The transportation systems that would serve this proposal are either in place or can be constructed to adequately serve the proposal. In addition, the property is identified in the Parker Road Master Plan to include access points to connect the existing properties along Parker Road (Walgreens) through the subject site to Dransfeldt Rd. The cross-access connections will allow for greater traffic movement for the entire southwest corner of Parker Road and Lincoln Avenue. Based on this analysis, staff has determined that the request is consistent with the Parker 2035 Master Plan.
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V. LAND DEVELOPMENT ORDINANCE

DEVELOPMENT POTENTIAL (Rezoning)			
Provisions	As recommended by the Master Plan	Proposed	Analysis
Units Per Acre	N/A	N/A. The proposed zoning is for commercial uses that do not allow for single-family	☐ Consistent ☐ Inconsistent ☐ No Change

		or multiple-family residential.	☒ N/A
Allowed Uses	Primary uses include retail, office, lodging and services	Commercial uses focusing on retail, service, lodging and restaurant.	☒ Consistent ☐ Inconsistent ☐ No Change
Height/Stories	None	35 feet	☒ Consistent ☐ Inconsistent ☐ No Change
Staff Analysis	As detailed in the analysis above, the requested zoning is consistent with the Parker 2035 Master Plan for the allowed uses and the requested height maximum for buildings. Based on this analysis, staff has determined that the request is consistent with the Parker 2035 Master Plan.		

ZONING CONSISTENCY (Site Plan/UBSR/Sketch/Prelim Plan/MDP)			
Provisions	Existing/Required	Proposed	Analysis
Setbacks	Lincoln Avenue – 40’ Dransfeldt Road – 40’ South property line – 25’ East property line – 15’	Setbacks will be reviewed at the time of a site plan application.	☐ Consistent ☐ Inconsistent ☒ N/A
Density	N/A	The request is for commercial development.	☐ Consistent ☐ Inconsistent ☒ N/A
Height/Stories	35’	Building height will be reviewed at the time of a site plan application.	☐ Consistent ☐ Inconsistent ☒ N/A
Lot Size	None.	Compliance for lot size is reviewed with the subdivision application.	☐ Consistent ☐ Inconsistent ☒ N/A
Lot Coverage	None.	Compliance for lot coverage is reviewed at the time of site plan application.	☐ Consistent ☐ Inconsistent ☒ N/A
Landscaping	Title 13.06.070	Compliance for landscape requirements is reviewed at the time of site plan application.	☐ Consistent ☐ Inconsistent ☒ N/A
Off-Street Parking	Title 13.06.050	Compliance for parking is reviewed	☐ Consistent

		at the time of site plan application.	☐ Inconsistent ☒ N/A
Staff Analysis	The specific details related to the development of the property are not a part of the Use by Special Review, but will be reviewed during the site plan and subdivision applications if the Use by Special Review is approved. The proposed site is large enough and regular shaped as to allow for a gas and convenience store to be constructed that meets the zoning and Development Design Standards requirements.		

VI. ACCESS, CIRCULATION & TRAFFIC ANALYSIS

The subject property will construct a full movement access from Dransfeldt road. As the southeast corner of Lincoln Avenue and Dransfelt Road develop it is anticipated that this property, the large lot residential property to the east and the Walgreens will have cross access easements to provide for enhanced commercial access between the properties. Once developed together the site will include the full movements access from Dransfeldt Road, a right in/right out from Lincoln and an existing cross-access point through Walgreens. The property owner will be required to provide access through the site to the properties located to the south and east to allow for better connectivity for the entire Parker Road, Lincoln Avenue and Dransfeldt Road corner. At the time of development, the applicant will be required to ensure all required roadway improvements are constructed as identified in compliance with an approved traffic study.

VII. APPROVAL CRITERIA REZONING

Title 13.04.240.f. Approval Considerations for Rezoning Requests:

1. A need exists for the proposal.

Applicant's Response

As demonstrated by the PMP, the Application is consistent with the Town's vision for the Property to be utilized as a commercial development in conformance with the surrounding commercial properties. There is an increasing demand for retail services to serve the Town's growing population. The Application provides additional retail services to satisfy these needs and will provide additional sales and property tax revenue for the Town. The Property's annexation to the Town also presents a need for the Application. Once annexed, the Property must be zoned under the Town's regulations. Therefore, a need for the rezoning request exists.

Staff Analysis

A need exists for the annexation and zoning of the subject property because the Town of Parker Home Rule Charter and Section 13.04.250 of the Parker Municipal Code require that zoning occur concurrently with annexation requests and, the project will:

1. Provide adequate opportunities for expansion of the Town's economic and tax base;
2. Continue the planned commercial corridor along Lincoln Avenue;

3. Support new businesses while providing assurances that similar commercial uses will be drawn to the subject property;
4. Protect the investment and property values of exiting uses located on the subject property and surrounding areas in the Town and the Town Planning Area;
5. Allow the Town to consolidate services and recognize efficiencies of scale and delivery of services; and
6. Promote orderly growth, continuity of development and certainty of development within the subject property and surrounding areas within the Town and the Town Urban Growth Area.

Compliance with the Parker 2035 Master Plan is further described in Section IV. Parker 2035 Master Plan located above in this report.

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

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

Applicant's Response

The Property is an appropriate location for the proposed rezoning and development. As noted above, the Property is surrounded by other commercial uses and located at a major intersection.

Staff Analysis

The property is considered an enclave, located within unincorporated Douglas County but surrounded by the Town of Parker. The Town has been working for several years to clean up the Town's boundary and annex these enclave areas. The subject property is contiguous with the Town and is described in the Parker 2035 General Land Use Plan as being located within the Town's "Planning Area Boundary." Specifically, the subject property is located within the Central Commercial area as designated by the Parker 2035 General Land Use Plan, which is planned to provide commercial uses.

The subject property has been identified as property to be annexed, zoned and developed in the Town for commercial uses; therefore, the subject property is appropriate for commercial development.

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

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

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

Applicant's Response

The Property is surrounded by other commercial uses and located in an area that has seen a significant increase in development. The Property is located at the intersection

of two major arterials and is no longer appropriate for a single-family residential or agriculture use.

The Property's annexation to the Town also constitutes a significant change that warrants a zone change. As discussed above, the Town's charter requires that the Town zone the Property concurrently with the annexation.

Staff Analysis

The subject property is currently zoned Agricultural One within Unincorporated Douglas County and Commercial within the Town of Parker. The zoning application for the subject property is for new zoning as a part of the annexation of the subject property. The property proposed for annexation is entirely surrounded by properties that have been annexed into the Town and zoned for commercial uses since the original zoning of this property in the County. In addition, the property has been surrounded by annexed properties for more than three years.

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

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

Applicant's Response

The Property is located at the intersection of two major arterials, Lincoln Avenue and Dransfeldt Road. The Application will not impede traffic circulation or movement. The Project will include improvements to Dransfeldt Road, and the Applicant will convey right-of-way to the Town for expansion of Lincoln Avenue.

The Project will provide efficient internal circulation of traffic within the Property and the adjacent parcel to ensure the development does not impede traffic mobility and circulation, and to minimize access points from Lincoln Avenue and Dransfeldt Road. Additionally, the Applicant intends to provide access to Parker Road by acquiring an access easement across the property to the east.

Staff Analysis

There are two existing roads that serve the subject property, which include Lincoln Avenue and Dransfeldt Road. At the time of development, the applicant will be required to construct any additional auxiliary lanes necessary for their development as identified within the traffic study for the property and create cross access easements to ensure adequate circulation.

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

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

Applicant's Response

The Project will not create additional municipal service costs that would burden the Town. In contrast, once developed, the Project will provide an additional revenue source for the Town by virtue of additional taxes collected from the retail development.

Staff Analysis

The public improvements necessary to support the subject property are currently in place. Any construction on the subject properties will be considered private and will be privately maintained.

As evidenced by the inclusion of the subject property in the Town's Planning Area, the Town is prepared to meet the additional municipal service costs associated with the subject property.

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

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

Applicant's Response

The Application and Project create minimal environmental impacts. The Property does not contain any significant natural features, wildlife habitat, or known hazards.

Staff Analysis

The subject property is surrounded by urbanized areas and will be required to meet all Town environmental standards as set forth in the Land Development Ordinance, such review will occur during the subdivision and Site Plan processes. As a part of this review, site improvements will be required to be designed to ensure that any environmental impacts are mitigated.

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

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

Applicant's Response

The PMP designates the Property as within the Central Commercial Character Area. PMP p. 6.5, Figure 6B. By rezoning the Property to the Commercial zoning district, the Application is consistent with and furthers the PMP's vision for the Property.

Staff Analysis

As detailed in Section IV. of this staff report, the proposed zoning of the property to C-Commercial is consistent with the Parker 2035 Master Plan designation as Central Commercial.

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

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

Applicant's Response

There are adequate, existing services to serve the Property and any impacts created by the Application. The Parker Water and Sanitation District will provide water and sewage services to the Property. The South Metro Fire Rescue Fire Protection District will provide fire safety services to the Property. The Application will not create any additional residential units that would impact schools, parks, and open space.

Staff Analysis

The property is surrounded by existing commercial uses located within the commercial core of Parker. As a part of the review of this proposal, referrals were sent to the appropriate service providers and departments within the Town, these referrals agencies responded with no concerns regarding the provision of required services. Adequate services are located within the area and will be available to the property at the time of development.

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

VIII. APPROVAL CRITERIA USE BY SPECIAL REVIEW

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 and findings:

The Property subject to the Application is located at the intersection of two major arterials, Lincoln Avenue and Dransfeldt Road. The area surrounding the Property is predominately commercial and includes an auto parts store, used car dealership, and tire store, among the other automobile-oriented uses. Use of a portion of the Property as a gas station is compatible with the character of the surrounding area.

Staff analysis and findings:

The subject site is located within the Central Commercial Area as identified within the Parker 2035 Master Plan. The area surrounding the site currently consists of commercial uses which are compatible with a gas station use. The addition of a gas station would add to the mix of uses in the area and would provide an additional service use to the surrounding neighborhood.

The applicant will be required to submit a Site Plan application for the development of the gas station at this location.

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

2. Will be consistent with the Town Master Plan.

Applicant analysis and findings:

The PMP designates the Property as within the Central Commercial Character Area. PMP p. 6.5, Figure 6B. The construction of a gas station on the Property is consistent with the PMP's guidance to develop core retail and services in the Central Commercial Character Area.

Staff analysis and findings:

As detailed in Section IV. of this staff report, the property is located within the Central Commercial Character Area of the Parker 2035 Master Plan. Uses proposed within the Central Commercial Area should focus on core retail, services, offices, lodging, restaurants and entertainment. The proposed gas station use is defined as a service which is a use contemplated by the Master Plan.

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

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

Applicant analysis and findings:

The gas station will occupy the portion of the Property that is adjacent to two arterial roads, in a commercially dominated area of the Town. The Application will not result in an over-intensive use of the land that is otherwise out of character with the surrounding area.

Staff analysis and findings:

The proposed use was anticipated within the developments traffic study for the property. The proposed gas station will be located on a portion of the property to be developed with the remainder being developed for other commercial uses. All requirements of the Parker Land Development Ordinance as it relates to setbacks, landscaping, parking, drainage and architecture will be reviewed and required to be satisfied prior to construction through the Site Plan process.

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 and findings:

The Application will not impact community capital improvement programs.

Staff analysis and findings:

It is anticipated that the existing roadway network around the subject property will be able to handle the additional traffic generated by the gas station use at this location subject to the provision of access easements between and through the adjoining

properties. The applicant will be required to construct additional lanes along Dransfeldt as identified within the traffic study.

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 and findings:

The Application will not require community facilities or services beyond those that are presently available to the Property to serve the gas station use, and the Project will include improvements to Dransfeldt Road.

Staff analysis and findings:

The applicant's request will not require a level of community facilities and services greater than that which is available.

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

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

Applicant analysis and findings:

The Property is located at the intersection of two major arterials, Lincoln Avenue and Dransfeldt Road. The Application will mitigate undue traffic congestion or traffic hazards by minimizing access points from Lincoln Avenue and Dransfeldt Road. Additionally, the Applicant intends to provide access to Parker Road by acquiring an access easement across the property to the east. These measures will provide efficient internal circulation of traffic within the Property and adjacent parcel to ensure the gas station development does not create additional traffic congestion or hazards.

Staff analysis and findings:

The existing roadway network around the site provides adequate infrastructure to support the development of this site. The proposed gas station will be located at the intersection of two arterial roadways (Lincoln Avenue and Dransfeldt Road). The applicant will be required to construct a new full movement access on Dransfeldt Road along with any auxiliary lanes as outlined within the traffic study. The applicant will also be required to dedicate access easement through the property to provide access to the eastern property as well as through the Walgreens property providing access to Parker Road.

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

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

Applicant analysis and findings:

The Application will not create significant air, water or noise pollution.

Staff analysis and findings:

The applicant will be required to meet all state and federal requirements for the installation of the underground gas tanks along with annual monitoring of the ground water and soils.

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

8. Will be adequately landscaped, buffered and screened.

Applicant analysis and findings:

The Applicant intends to landscape the Property in accordance with the Town's design standards.

Staff analysis and findings:

A detailed site plan has not been submitted for the application in order to evaluate the development requirements for the subject property. However, the applicant has indicated an ability to meet the necessary development requirements should the requested Use by Special Review be approved.

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 and findings:

The Application will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of the Town. Instead, the Application will provide a conveniently located gas station at the intersection of two major arterials within a commercially dominated area of the Town.

Staff analysis and findings:

The request will not be detrimental to the health, safety or welfare of current or future Parker residents. The subject property, subject to approval, will be zoned for commercial uses and the portion of the property not subject to the use by special review request, will be developed with compatible commercial uses. The proposed gas station will be required to meet all Town, State and Federal regulations and guidelines. In addition, the applicant will be required to meet all requirements for site layout, landscaping, parking, lighting, drainage and circulation of the Town Land Development Ordinance.

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

IX. SUMMARY REFERRAL AGENCY COMMENTS AND CONDITIONS

Agency	Zoning Comments	Use by Special Review Comments
Parker Engineering	Approved	No Comment
Aztec Consultants	No Comment	
Parker Building	No Comment	No Comment
Fire Life Safety	No Comment	No Comment
Douglas Country Planning	The existing addresses will be deleted once annexed, zoned and buildings demolished.	
Douglas County Public Works	No Comment	
Douglas County Assessor's Office	Zoning exhibit looks to be missing several signatures.	
Parker Police	No Comment	
Parker Comprehensive Planning	The property is located within the Town's Planning Area as described within the Parker 2035 Master Plan and is located within the Central Commercial Character Area.	The property is located within the Town's Planning Area as described within the Parker 2035 Master Plan and is located within the Central Commercial Character Area. Due to the location of the site, the site layout is important and will need to comply with the Town's Development Design Standards.
Parker Authority for Reinvestment	No Comment	It is the opinion of P3 that the proposed gas station is not the highest and best use for this corner.
Xcel	Public Service Company has existing natural gas distribution facilities throughout the area and has no objection to the proposed annexation and zoning, contingent upon their ability to maintain all existing rights.	The property owner shall complete the application process for any new natural gas service.
IREA	Approved	Approved
CenturyLink	No Comment	No Comment
Comcast	No Comment	No Comment
Parker Water and Sanitation District	Approved	Approved
RTD	No Comment	

X. CONCLUSION

This zoning request is being processed concurrently with the annexation application as provided by the Town of Parker Home Rule Charter and Section 13.04.250 of the Parker Municipal Code. The application has been determined to meet the zoning approval criteria of the Parker Land Development Ordinance.

In addition, the proposed Use by Special Review to allow for a gas station on the property will bring an added service to this area of Parker. All local, State and Federal requirements for gas stations will be satisfied. The application has been determined to meet the Use by Special Review approval criteria of the Parker Land Development Ordinance

Based on the analysis contained in this staff report, staff recommends that Planning Commission recommends Town Council approve the zoning and Use by Special Review requests.

RECOMMENDED CONDITIONS

Staff recommends that the Planning Commission recommend that the Town Council approve the Lincoln Professional Park zoning to C-Commercial with no conditions.

Staff recommends that the Planning Commission recommend that the Town Council approve the Lincoln Professional Park Use by Special Review to allow a gas station, subject to the conditions below:

1. That the Use by Special Review materials submitted to the Community Development Department on November 30, 2020 shall be the approved Use by Special Review materials.
2. The Property Owner shall dedicate public access easements through the Property connecting adjacent properties (south and east) to the access points that are allowed by the Town on the Property for access to Dransfeldt Road and Lincoln Avenue, at the time of the first final plat for the Property.
3. This approval shall expire sixteen (16) months after the date of approval unless a building permit has been applied for. The Community Development Director, upon written request, may grant a ninety-(90) day extension.

XI. ATTACHMENTS

1. Zoning Map
2. Use by Special Review Narrative
3. Use by Special Review Exhibit
4. Referral Comments

Report Approved By: Bryce Matthews, Planning Manager



Request for Town Council Action

Date: May 3, 2021

Submitted By: Andy Coleman, Commander
Jamie Wynn, Assistant Town Attorney

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO 9.75.2 - First Reading**
A Bill for an Ordinance to Approve the Intergovernmental Agreement Terminating the Regional Hazardous Materials Board of Arapahoe/Douglas Counties
Department: Town Attorney, Jamie Wynn
Police Department, Andy Coleman
Second May 17, 2021
Reading:

EXECUTIVE SUMMARY

On March 17, 2003, Town Council approved an Ordinance adopting the Arapahoe/Douglas Counties Regional Hazardous Materials Board Intergovernmental Agreement ("IGA"), which was amended and reapproved on May 5, 2003.

Currently, there is not a need for a Board or the joint efforts that were necessary at the time of the 2003 IGA. Therefore, the jurisdictions that were part of the Board through the IGA have determined to terminate the Board and Agreement. The current ordinance and agreement before Town Council, will allow for the Town of Parker to enter into an IGA with the other jurisdictions to terminate the prior IGA and Board.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

On March 17, 2003, Town Council approved an Ordinance adopting the Arapahoe/Douglas Counties Regional Hazardous Materials Board Intergovernmental Agreement ("IGA"). On May 5, 2003, Town Council again approved an Ordinance to incorporate minor changes to the IGA.

The purpose of the IGA in 2003 was based on Colorado statute which requires governing bodies of any municipality to designate an emergency response authority that is responsible for hazardous substance incidents. Under the IGA, the Board served as the oversight for all of the various jurisdictions in Arapahoe and Douglas Counties and acted to manage the various entities for the purpose of conducting joint hazardous materials activities, to include the planning and information management response, as well as for purposes of obtaining equipment, training, and

personnel needs, and other related activities.

The IGA included multiple jurisdictions and agencies, including South Metro Fire Rescue Authority (SMFRA), which is the agency generally and locally responsible for Town of Parker hazardous materials incidents.

While SMFRA currently handles and will continue to handle Town of Parker hazardous materials incidents, and can request the assistance of other agencies, if necessary, the Town of Parker Emergency Operations Plan ("EOP") did specifically designate the Regional Hazardous Materials Board as the management and oversight entity for such incidents.

Based on changes that have occurred with respect to methods and capabilities of handling hazardous materials incidents, it was determined that the Regional Hazardous Materials Board is no longer necessary. A new IGA was provided for all member municipalities and agencies to sign to formally terminate the Regional Board.

There is still a statutory requirement, pursuant to CRS Section 29-22-102(3)(a), that the Town Council must designate the emergency response authority responsible for hazardous substances incidents within the Town's jurisdiction. As SMFRA has always been the responsible authority and will remain so, the EOP will also be amended to reflect the specific designation of SMFRA.

FINANCIAL IMPACT

The Town will be reimbursed for any unused dues/fees previously paid to the Board and will no longer have future dues/fees required.

STRATEGIC GOAL(S)



PROMOTE A SAFE AND
HEALTHY COMMUNITY

ATTACHMENTS

1. Ordinance No. 9.75.2

RECOMMENDED MOTION

I move to approve Ordinance No. 9.75.2 on first reading and to schedule second reading for May 17, 2021, as part of the consent agenda.

ORDINANCE NO. 9.75.2, Series of 2021

**TITLE: A BILL FOR AN ORDINANCE TO APPROVE THE
INTERGOVERNMENTAL AGREEMENT TERMINATING THE
REGIONAL HAZARDOUS MATERIALS BOARD OF
ARAPAHOE/DOUGLAS COUNTIES**

WHEREAS, on March 17, 2003, the Parker Town Council adopted Ordinance No. 9.75 approving the Reciprocal Hazardous Material Incident Intergovernmental Agreement (“IGA”), as a member entity of the Regional Hazardous Materials Board of Arapahoe/Douglas Counties (the “Board”);

WHEREAS, on May 5, 2003, the Parker Town Council adopted Ordinance No. 9.75.1 amending the Reciprocal Hazardous Material Incident Intergovernmental Agreement;

WHEREAS, due to changes in the methods and capabilities of managing hazardous materials incidents, the member entities have determined it is appropriate to terminate the Board and the IGA;

WHEREAS, the Town of Parker has and continues to utilize South Metro Fire Rescue Authority for responding to and managing hazardous materials incidents; and

WHEREAS, the Town of Parker is concurrently amending the Town of Parker Emergency Operations Plan to remove the designation of the Regional Hazardous Materials Board of Arapahoe/Douglas Counties and add the specific designation of South Metro Fire Rescue Authority as the entity responsible for responding to and managing hazardous materials incidents, in compliance with state statute and federal law.

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

Section 1. The Town Council of the Town of Parker hereby approves the Intergovernmental Agreement Terminating the Regional Hazardous Materials Board of Arapahoe/Douglas Counties, which is attached hereto as **Exhibit 1** and incorporated herein by this reference, and authorizes the Mayor of the Town to enter into the Agreement on behalf of the Town.

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

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

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

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____,
2021.

Jeff Toborg, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2021.

Jeff Toborg, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney

EXHIBIT 1

INTERGOVERNMENTAL AGREEMENT (“IGA”) TERMINATING THE REGIONAL HAZARDOUS MATERIALS BOARD OF ARAPAHOE/DOUGLAS COUNTIES (“RHMBADC”)

This IGA is made and entered into by and between Arapahoe County, Bennett Fire Protection District, Byers Fire Protection District, Town of Castle Rock, City of Centennial, Town of Columbine Valley, Deer Trail Fire Protection District, Douglas County, City of Englewood, Town of Foxfield, Franktown Fire Protection District, City of Glendale, City of Greenwood Village, Jackson 105 Fire Protection District, Town of Larkspur, Larkspur Fire Protection District, City of Littleton, City of Lone Tree, Town of Parker, City of Sheridan, South Metro Fire Rescue Fire Protection District, Skyline Fire Protection District, Strasburg Fire Protection District, and West Douglas County Fire Protection District, hereinafter referred to as “RHMBADC Operational Members” or “Parties.”

RECITALS

A. The Parties are counties, municipalities, and fire protection districts organized and operating pursuant to Colorado law and providing emergency services in Arapahoe and Douglas Counties; and

B. All of the Parties were original Parties to the 2003 IGA creating RHMBADC; and

C. Paragraph 26 of the 2003 IGA provides that it may be amended from time to time by subsequent written IGA duly authorized by all of the Parties to the 2003 IGA; and

D. RHMBADC was created by the Parties to comply with federal and state law regarding the coordination of local government responses to releases of hazardous materials and incidents; and

E. RHMBADC was designed to enable and encourage the mutual cooperation of the Parties with respect to planning and responding to hazardous materials incidents; and

F. The methods and capacities for managing hazardous materials incidents have changed substantially since 2003; and

G. These changes have supplanted RHMBADC as the most effective way in which to coordinate these emergency service activities; and

H. The Parties have determined that RHMBADC should be terminated and that they should withdraw from the 2003 IGA.

NOW, THEREFORE, for good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the Parties hereby agree as follows:

1. Termination of 2003 IGA. The Parties hereby terminate the 2003 IGA and RHMBADC, effective upon the signatures of all Parties hereto.

2. Wind-up of Affairs of RHMBADC. The Board of Directors of RHMBADC is hereby directed to wind up the affairs of RHMBADC in accordance with the terms of the 2003 IGA. Any remaining funds held by RHMBADC shall be distributed to the counties and municipalities which contributed such funds based on the proportionate share of assessed valuation as provided in paragraph 12 of the 2003 IGA.

IN WITNESS WHEREOF, the Parties have caused this IGA to be executed effective as of the date and year first written above.

[SIGNATURES ON FOLLOWING PAGES]

**INTERGOVERNMENTAL AGREEMENT
TERMINATING THE REGIONAL HAZARDOUS MATERIALS BOARD
OF ARAPAHOE/DOUGLAS COUNTIES**

ARAPAHOE COUNTY

By: _____

Name: _____

Title: County Commissioner

Date: _____

By: _____

Name: _____

Title: Sheriff

Date: _____

**INTERGOVERNMENTAL AGREEMENT
TERMINATING THE REGIONAL HAZARDOUS MATERIALS BOARD
OF ARAPAHOE/DOUGLAS COUNTIES**

BENNETT FIRE PROTECTION DISTRICT

By: _____

Name: _____

Title: Fire Chief

Date: _____

By: _____

Name: _____

Title: Chairperson of the Board

Date: _____

**INTERGOVERNMENTAL AGREEMENT
TERMINATING THE REGIONAL HAZARDOUS MATERIALS BOARD
OF ARAPAHOE/DOUGLAS COUNTIES**

BYERS FIRE PROTECTION DISTRICT

By: _____

Name: _____

Title: Fire Chief

Date: _____

By: _____

Name: _____

Title: Chairperson of the Board

Date: _____

**INTERGOVERNMENTAL AGREEMENT
TERMINATING THE REGIONAL HAZARDOUS MATERIALS BOARD
OF ARAPAHOE/DOUGLAS COUNTIES**

TOWN OF CASTLE ROCK

By: _____

Name: _____

Title: _____

Date: _____

By: _____

Name: _____

Title: _____

Date: _____

**INTERGOVERNMENTAL AGREEMENT
TERMINATING THE REGIONAL HAZARDOUS MATERIALS BOARD
OF ARAPAHOE/DOUGLAS COUNTIES**

CITY OF CENTENNIAL

By: _____

Name: _____

Title: Mayor

Date: _____

By: _____

Name: _____

Title: City Clerk

Date: _____

**INTERGOVERNMENTAL AGREEMENT
TERMINATING THE REGIONAL HAZARDOUS MATERIALS BOARD
OF ARAPAHOE/DOUGLAS COUNTIES**

TOWN OF COLUMBINE VALLEY

By: _____

Name: _____

Title: Mayor

Date: _____

By: _____

Name: _____

Title: Town Clerk

Date: _____

**INTERGOVERNMENTAL AGREEMENT
TERMINATING THE REGIONAL HAZARDOUS MATERIALS BOARD
OF ARAPAHOE/DOUGLAS COUNTIES**

DEER TRAIL FIRE PROTECTION DISTRICT

By: _____

Name: _____

Title: Fire Chief

Date: _____

By: _____

Name: _____

Title: Chairperson of the Board

Date: _____

**INTERGOVERNMENTAL AGREEMENT
TERMINATING THE REGIONAL HAZARDOUS MATERIALS BOARD
OF ARAPAHOE/DOUGLAS COUNTIES**

DOUGLAS COUNTY

By: _____

Name: _____

Title: County Commissioner

Date: _____

By: _____

Name: _____

Title: Sheriff

Date: _____

**INTERGOVERNMENTAL AGREEMENT
TERMINATING THE REGIONAL HAZARDOUS MATERIALS BOARD
OF ARAPAHOE/DOUGLAS COUNTIES**

CITY OF ENGLEWOOD

By: _____

Name: _____

Title: Mayor

Date: _____

By: _____

Name: _____

Title: City Clerk

Date: _____

**INTERGOVERNMENTAL AGREEMENT
TERMINATING THE REGIONAL HAZARDOUS MATERIALS BOARD
OF ARAPAHOE/DOUGLAS COUNTIES**

TOWN OF FOXFIELD

By: _____

Name: _____

Title: Mayor

Date: _____

By: _____

Name: _____

Title: Town Clerk

Date: _____

**INTERGOVERNMENTAL AGREEMENT
TERMINATING THE REGIONAL HAZARDOUS MATERIALS BOARD
OF ARAPAHOE/DOUGLAS COUNTIES**

FRANKTOWN FIRE PROTECTION DISTRICT

By: _____

Name: _____

Title: Fire Chief

Date: _____

By: _____

Name: _____

Title: Chairperson of the Board

Date: _____

**INTERGOVERNMENTAL AGREEMENT
TERMINATING THE REGIONAL HAZARDOUS MATERIALS BOARD
OF ARAPAHOE/DOUGLAS COUNTIES**

CITY OF GLENDALE

By: _____

Name: _____

Title: Mayor

Date: _____

By: _____

Name: _____

Title: City Clerk

Date: _____

**INTERGOVERNMENTAL AGREEMENT
TERMINATING THE REGIONAL HAZARDOUS MATERIALS BOARD
OF ARAPAHOE/DOUGLAS COUNTIES**

CITY OF GREENWOOD VILLAGE

By: _____

Name: _____

Title: Mayor

Date: _____

By: _____

Name: _____

Title: City Clerk

Date: _____

**INTERGOVERNMENTAL AGREEMENT
TERMINATING THE REGIONAL HAZARDOUS MATERIALS BOARD
OF ARAPAHOE/DOUGLAS COUNTIES**

JACKSON 105 FIRE PROTECTION DISTRICT

By: _____

Name: _____

Title: Fire Chief

Date: _____

By: _____

Name: _____

Title: Chairperson of the Board

Date: _____

**INTERGOVERNMENTAL AGREEMENT
TERMINATING THE REGIONAL HAZARDOUS MATERIALS BOARD
OF ARAPAHOE/DOUGLAS COUNTIES**

TOWN OF LARKSPUR

By: _____

Name: _____

Title: Mayor

Date: _____

By: _____

Name: _____

Title: Town Clerk

Date: _____

**INTERGOVERNMENTAL AGREEMENT
TERMINATING THE REGIONAL HAZARDOUS MATERIALS BOARD
OF ARAPAHOE/DOUGLAS COUNTIES**

LARKSPUR FIRE PROTECTION DISTRICT

By: _____

Name: _____

Title: Fire Chief

Date: _____

By: _____

Name: _____

Title: Chairperson of the Board

Date: _____

**INTERGOVERNMENTAL AGREEMENT
TERMINATING THE REGIONAL HAZARDOUS MATERIALS BOARD
OF ARAPAHOE/DOUGLAS COUNTIES**

CITY OF LITTLETON

By: _____

Name: _____

Title: Mayor

Date: _____

By: _____

Name: _____

Title: City Clerk

Date: _____

**INTERGOVERNMENTAL AGREEMENT
TERMINATING THE REGIONAL HAZARDOUS MATERIALS BOARD
OF ARAPAHOE/DOUGLAS COUNTIES**

CITY OF LONE TREE

By: _____

Name: _____

Title: Mayor

Date: _____

By: _____

Name: _____

Title: City Clerk

Date: _____

**INTERGOVERNMENTAL AGREEMENT
TERMINATING THE REGIONAL HAZARDOUS MATERIALS BOARD
OF ARAPAHOE/DOUGLAS COUNTIES**

TOWN OF PARKER

By: _____

Name: Jeff Toborg

Title: Mayor

Date: _____

By: _____

Name: _____

Title: Town Clerk

Date: _____

APPROVED AS TO FORM AND SUFFICIENCY:

Town Attorney's Office

**INTERGOVERNMENTAL AGREEMENT
TERMINATING THE REGIONAL HAZARDOUS MATERIALS BOARD
OF ARAPAHOE/DOUGLAS COUNTIES**

CITY OF SHERIDAN

By: _____

Name: _____

Title: Mayor

Date: _____

By: _____

Name: _____

Title: City Clerk

Date: _____

**INTERGOVERNMENTAL AGREEMENT
TERMINATING THE REGIONAL HAZARDOUS MATERIALS BOARD
OF ARAPAHOE/DOUGLAS COUNTIES**

SKYLINE FIRE PROTECTION DISTRICT

By: _____

Name: _____

Title: Fire Chief

Date: _____

By: _____

Name: _____

Title: Chairperson of the Board

Date: _____

**INTERGOVERNMENTAL AGREEMENT
TERMINATING THE REGIONAL HAZARDOUS MATERIALS BOARD
OF ARAPAHOE/DOUGLAS COUNTIES**

SOUTH METRO FIRE RESCUE FIRE PROTECTION DISTRICT

By: _____

Name: _____

Title: Fire Chief

Date: _____

By: _____

Name: _____

Title: Chairperson of the Board

Date: _____

**INTERGOVERNMENTAL AGREEMENT
TERMINATING THE REGIONAL HAZARDOUS MATERIALS BOARD
OF ARAPAHOE/DOUGLAS COUNTIES**

STRASBURG FIRE PROTECTION DISTRICT

By: _____

Name: _____

Title: Fire Chief

Date: _____

By: _____

Name: _____

Title: Chairperson of the Board

Date: _____

**INTERGOVERNMENTAL AGREEMENT
TERMINATING THE REGIONAL HAZARDOUS MATERIALS BOARD
OF ARAPAHOE/DOUGLAS COUNTIES**

WEST DOUGLAS COUNTY FIRE PROTECTION DISTRICT

By: _____

Name: _____

Title: Fire Chief

Date: _____

By: _____

Name: _____

Title: Chairperson of the Board

Date: _____



Request for Town Council Action

Date: May 3, 2021
Submitted By: Jim Maloney, Town Attorney
Reviewed By: Michelle Kivela, Town Administrator
Title: Motion to Reschedule the July 6, 2021 Meeting to July 12, 2021
Department: Town Council

EXECUTIVE SUMMARY

It will be necessary to reschedule the July 6, 2021 Town Council meeting to July 12, 2021, due to a lack of a quorum.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

Each year, the Town Council regular meeting calendar is set. In 2020, when the calendar was set, the meeting that would have been on the first Monday in July was set for Tuesday, July 5th, instead, due to the Town being closed for the 4th of July holiday. Because the Tuesday meeting follows the Monday closure day and some Councilmembers will still be out of town, there will not be a quorum for the Tuesday, July 6, Town Council meeting. Therefore, it is necessary to reschedule the July 6, 2021, meeting to July 12, 2021, to avoid a disruption of service.

FINANCIAL IMPACT

None.

STRATEGIC GOAL(S)



ATTACHMENTS

None

RECOMMENDED MOTION

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



Request for Town Council Action

Date: May 3, 2021

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

Reviewed By: Michelle Kivela, Town Administrator

Title: **PARKGLENN SUBDIVISION FILING NO. 3, LOT 1,
BLOCK 2 - Rezone to C-Commercial District**

Applicant: Masterworks, LLC

Location: Generally located on the west side of Parker Road south of Parkglenn Way

Department: Community Development, Krista Flynt

TRAKiT Z20-020

No.:

EXECUTIVE SUMMARY

The applicant plans to redevelop an existing commercial property containing a service station and car wash located at the intersection of Parkglenn Way and Parker Road. The two (2) proposed ordinances would remove Lot 1, Block 2, of Parkglenn Subdivision Filing 3 from the Parkglenn Planned Development (PD) zone district and rezone the property to a C-Commercial District. If approved, the property owner would demolish the existing service station, retain the existing car wash and construct a new commercial building.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The subject property is currently developed for commercial use with a service station, convenience store and accessory car wash. The applicant proposes to demolish the service station and convenience store while retaining the car wash. The Parkglenn PD zoning permits car washes as an accessory use to a service station but not as a permitted principal use on their own. The rezoning application is required to retain the car wash as a primary use because they are permitted as a use by right in the C-Commercial district.

The subject property is completely surrounded by commercial development; some of which is zoned PD and others of which are zoned C-Commercial District. The property is adjacent to Parker Road, a State highway, which provides accessibility and visibility that make it suitable for commercial use. The proposed C-Commercial District is appropriate in this regard and would support the adjacent commercial uses as well as the commercial character of the Parker

Road corridor.

The Parker 2035 Master Plan identifies the subject property as being located in the Central Commercial Character Area. The Central Commercial Character Area is recommended for retail, service and restaurant uses. The proposed rezoning will permit these uses and align development on the subject property with the Town's vision for future commercial use in this character area. As a result, the proposal to rezone the property to the C-Commercial District is consistent with the Master Plan.

Staff has reviewed the proposed rezoning for compliance with the nine (9) criteria for approval of such applications found at Section 13.04.240 of the Land Development Ordinance. We have determined that the application has satisfied the criteria for approval including consistency with the Master Plan as further described in the attached Planning Commission staff report.

The Town Council is advised that the applicant has submitted a site plan application that is being reviewed concurrently with the proposed rezoning application. The site plan would replace the service station and convenience store with a new commercial building containing a coffee shop.

The Planning Commission held a public hearing for the proposed Rezoning at their April 8, 2021 meeting and voted unanimously to recommend that Town Council approve the application.

FINANCIAL IMPACT

None

STRATEGIC GOAL(S)



**ENHANCE ECONOMIC
VITALITY**



**DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH**

ATTACHMENTS

1. Vicinity map
2. Applicant Narrative
3. Zoning Map
4. Referral Comment
5. PC Staff Report
6. Ordinance 3.38.3
7. Ordinance 3.357

RECOMMENDED MOTION

I move to approve Ordinance No. 3.38.3 on second reading.

I move to approve Ordinance No. 3.357 on second reading.



PARKER
COLORADO

Parkglenn Filing 3, Lot 1, Block 2

Rezoning
Case No. Z20-020



Legend

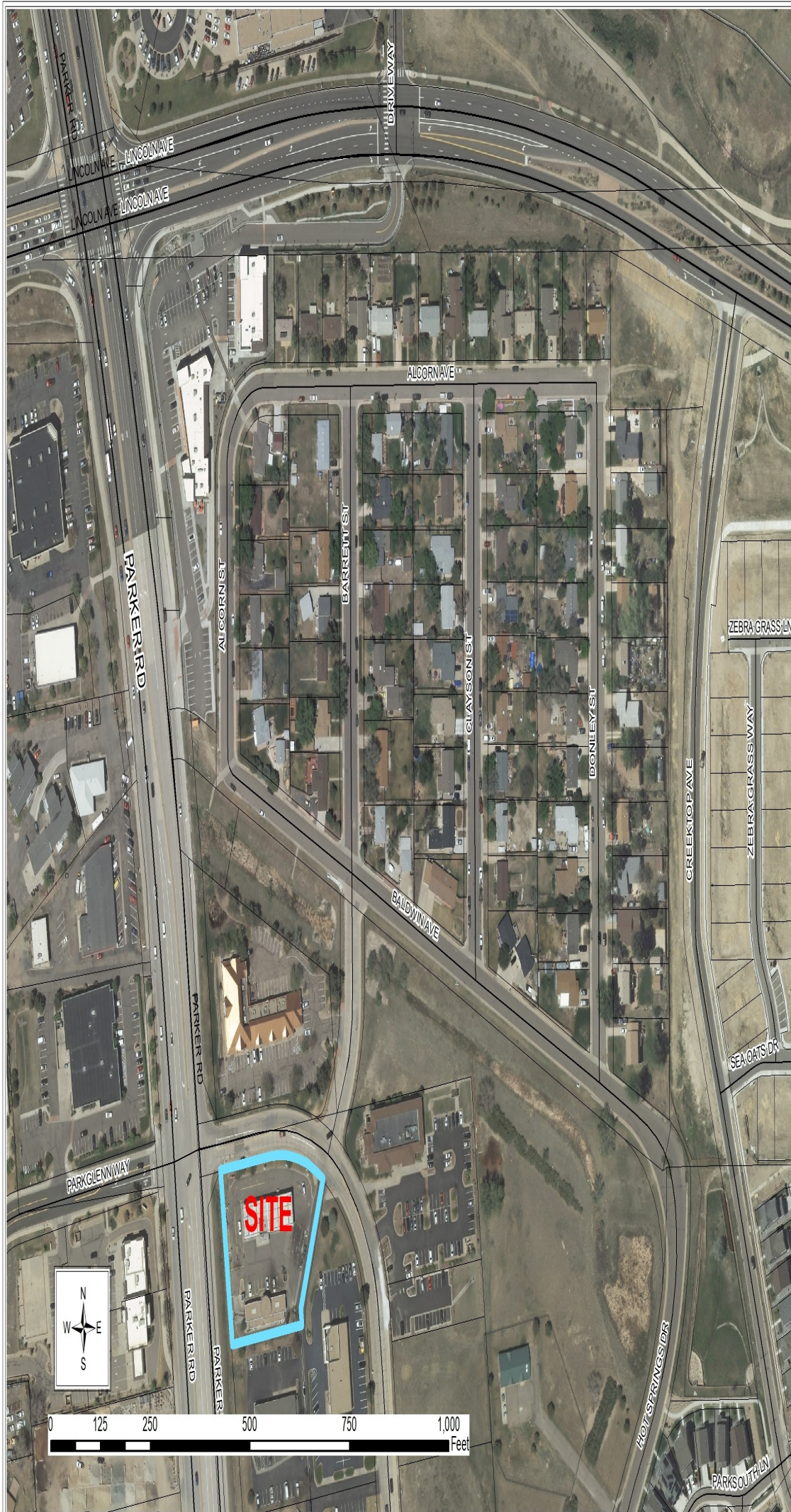
-  Site
-  Roads

Narrative:
A proposed rezoning of
Parkglenn Filing 3, Lot 1,
Block 2 from the Parkglenn
PD to C - Commercial

Planner: Krista Flynt

Town Council:
April 19, 2021

Town Council:
May 3, 2021



**REQUEST TO REZONE FROM
PLANNED DEVELOPMENT TO C-COMMERCIAL**

For

**BLACK ROCK COFFEE BAR
&
WASH 'N GO EXPRESS CAR WASH**

**10159 Parkglenn Way
Parker, Colorado**

Applicant:

Wash 'N Go Colorado, LLC
3740 Dacoro Lane
Suite 200
Castle Rock, Colorado 80109

Prepared by:

Masterworks, LLC
360 East Happy Canyon Road
Castle Rock, CO 80108

February 26, 2021

PROPOSED DEVELOPMENT

Wash ‘N Go of Colorado, LLC hereby requests a **zone modification from Planned Development to C-Commercial** for an existing commercial development located at 10159 Parkglenn Way in Parker, Colorado. The site is situated at the southeast corner of Parker Road and Parkglenn Way. The 0.9715-acres (42,322 square feet) parcel is legally described as Lot 1, Block 2, Parkglenn Subdivision Filing Number 3, situated in the Northwest ¼ Section of 15, Township 6 South, Range 66 West, Town of Parker, County of Douglas, State of Colorado.

The site is currently developed and includes an existing Conoco Fuel and Convenience Store in addition to an express tunnel car wash known as the Magic Rabbit Car Wash. The development is adjacent to the Good Year Tire Store to the south and Eagle Transmission & Auto Repair Center to the southeast.

Wash ‘N Go of Colorado is under contract to purchase the existing businesses and make significant improvements to the older commercial business in accordance with the “goals and strategies” within the Town of Parker’s 2035 Master Plan vision statement. It is the developer’s intent to eliminate the no-longer commercially viable fuel and c-store and replaced with a drive-thru coffee bar, which will function as the primary retail land use. The existing car wash facility will remain as a secondary use, which will be modernized to include automatic wash and vacuum equipment. Both businesses will operate under a single ownership entity and utility services will be shared as appropriate.

A Site Plan Amendment has been submitted concurrently with this C-Commercial Rezoning Request and follows the requirements specified in Sections 13.06 and 13.04.120 of the Town’s Zoning Land Development Ordinance in which both proposed uses are “Uses Permitted by Right”. Special attention has been given to the commercial building massing, form, and design to create a unified architectural theme of both buildings that shall contribute to the overall character enhancement of the Parker Road corridor. The site plan has been designed to cohesively address the operational, vehicular, and pedestrian access needs of each land uses. Upgrades to the overall existing site improvements, including grading, drainage and landscaping, are further defined in the Site Plan Application documents.

Redevelopment of the two land uses shall be constructed in a single improvement phase concurrently. Parker Water and Sanitation District shall continue to service the proposed land uses and the existing water and sewer taps continue to be sufficient to service the development. No significant vehicular access changes are required and or included with the proposed Site Plan Amendment.

REZONING INTENT

This Commercial (C-1) Rezoning Request has been submitted concurrently with a Site Plan Application requesting the existing Planned Development zoning be amended to C-1 Commercial. The intent of this rezoning request is to correct an inconsistency in Parkglenn Subdivision Filing Number 3, PD - Planned Development Zoning District as recorded in Ordinance 3,108 series of 1995.

Under the associated Parkglenn Development Guide and Map, the “Uses Permitted by Right” included “Convenience Store with Gas Pumps”. However, the “Car Wash” land use was not specifically listed as a use permitted by right and therefore would be categorized as a “Use Permitted by Special Review”.

Research of the historical Town of Parker Site Plan records do not provide sufficient evidence that the “Starlight Car Wash Facility with Texaco Fueling Station & Convenience Store”, which was approved in 1996 also include a request for a Special Use Permit. Construction of the fuel and convenience store, in addition to the car wash was completed in 1997 and have been in continual operation until the present date. With the exception to the development changing ownership in 2005 and the rebranding of the fuel component to Conoco, no other significant changes have been made to the overall business operations. Therefore, it has been determined that to legally correct the parcels’ zoning classification to document the historical land uses, either a PD Amendment to the Parkglenn Development Guide and Map, or a rezoning request to C-Commercial will need to be requested concurrently with a Site Plan Amendment request.

The development parcel is located within the “Central Commercial Character Area” as described in the Parker 2035 Master Plan and as shown on the General Land Use Plan map. The Master Plan’s goal and policies emphasizes that the growth within the Central Commercial Character Area with its central location and access to Parker Road, shall be focused on the development of commercial land uses including retail, community services, offices, lodging, restaurant, and entertainment land uses. The existing car wash is consistent with criteria identified in the General Land Use Plan for “Central Commercial Character Area”.

Parker’s Municipal Zoning Code/Land Use Ordinance, Section 13.04.120 pertaining to C-Commercial land uses identifies “Drive-in eating and drinking establishments” and “Car Wash, automatic or coin-operated” as “Uses Permitted by Right”. Therefore, the zone modification request from Planned Development to C-Commercial is the most logical and appropriate method for documenting the historical car wash land use.

APPROVAL CONSIDERATIONS

In accordance with Town of Parker’s Municipal Code, the Black Rock Coffee Bar and Wash ‘N Go Express Car Wash Site Plan and Request to Rezone to C-Commercial applications adhere to the 9 Approval Considerations referenced in Section 13.04.240(f)1-9 as follows:

1. A need exists for the rezoning proposal.

The existing car wash land use does not currently adhere to the Parkglenn Subdivision Filing Number 3, Development Guide and Map as a “Uses Permitted by Right”. Approval documentation of a “Special Use Permit” is not available in the Town of Parker’s planning records. Therefore, to legally document the car wash business as an allowed land use, a rezoning request to C-Commercial is needed to correct the parcel’s zoning overlay regulations.

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

The exiting service-oriented development has been in continuous operation for 24 years and has provided much needed automotive and neighborhood services to the Town of Parker's citizens. The proposed zoning revision is consistent with the existing commercial service-related operations and complies with the C-Commercial Zone District objectives and goals.

Based upon the surrounding automotive-oriented commercial businesses adjoining the subject development parcel, the existing car wash land use and proposed C-Commercial zoning classification is consistent with the original intent of the Parkglenn Development Guide and Map and shall not introduce a change in character to Parkglenn Subdivision as it currently exists. Furthermore, there are surrounding nearby food and beverage operations, classified as C-Commercial, consistent with the Town's Commercial Corridor vision.

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

The request for a **zone modification from Planned Development to C-Commercial** is necessitated by either an entitlement inconsistency and or an error in Parkglenn Subdivision Filing Number 3, PD - Planned Development Zoning District as recorded in Ordinance 3,108 series of 1995. Because the car wash has been in continuous operation since 1997, a rezone change to C-Commercial will legally correct the parcel's zoning classification as deemed necessary to document the historical land uses.

Parker's C-Commercial zoning classification complies with the original intent of the Planned Development envisioned zoning overlay and therefore, the zone change request to C-Commercial does not reflect a significant land use change from the original development intent. The proposed zone modification specifically adheres to the Town of Parker 2035 Municipal Code and satisfies the "Central Commercial Character Area" framework policies.

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

There have been no significant changes to the land uses types within the Parkglenn Subdivision. However, the desire by consumers to visit modern facilities with more comprehensive services has rendered the current uses significantly less viable commercially, requiring extensive upgrades to facilities and services. Additionally, newer, more modern fuel centers, C-stores, and car washes have been or are envisioned to be developed within the Central Commercial Corridor.

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

As identified in the Traffic Letter prepared by SM Rocha, the proposed development will not create any negative impacts to the existing traffic patterns and is anticipated to improve circulation on the development site.

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

No additional municipal services are requested over and above the current service standards, and therefore no addition cost shall be incurred to the Town of Parker.

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

The proposed land uses shall reduce and or eliminate the existing environmental impacts associated with the existing Conoco Fuel Center. The existing car wash will be upgraded to include new energy saving and environmentally friendly wash equipment and therefore improving the environment impacts to the community.

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

As identified in the Parker 2035 Master Plan and as shown on the General Land Use Plan map, the proposed Black Rock Coffee Bar and Wash 'N Go Express Car Wash Site Plan and Request to Rezone to C-Commercial applications are consistent with the maps, goals, and policies as follows:

- The subject development parcel is located within and adheres to the “Central Commercial Character Area Map” and addresses land use policies identified for the development of core retail and commercial service-related businesses adjacent to the Parker Road frontage.
- The proposal includes a plan for beautification of Parker Road that includes safe pedestrian access along the CDOT controlled State Highway.
- The redevelopment efforts incorporate improvements to an older commercial area as outlined in the Master Plan to make improvements to streetscapes corridors and building exterior frontages.
- The proposed redevelopment is designed in a manner that adheres to the Town’s Design Standards for commercial developments and addresses building massing, form, and design to create a series of unique places that contribute to the overall character of the Town of Parker as a distinctive community.
- The development design concepts support quality appearance of the built environment as the structures age.
- Minimize negative visual impacts from parking areas adjacent to the Parker Road corridor.
- Attract and maintain a variety of employment opportunities for Parker residents.
- Encourage and support a high level of diverse, quality retail and community services, with an emphasis on local businesses that contribute to Parker’s sales and property tax base so the needed infrastructure, physical amenities, service s and expansion of such services are provided.
- Sustain the long-term economic well being of the Town and its citizens through redevelopment and revitalization efforts.

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

Wash ‘N Go of Colorado, LLC proposed redevelopment of the fuel and convenience store as a coffee shop with drive-thru will not require any additional levels of service with respect to the existing waste and sewage disposal, water, schools, parks and recreation, and other services. The existing car wash shall operate utilizing originally developed infrastructure and will likewise not require any additional service over and above the current business operation.

CONCLUSION

The request to rezone from Planned Development to C-Commercial is consistent with the Town of Parker’s 2035 Comprehensive Master Plan and General Land Use Plan and Map. The proposed Black Rock Coffee Bar and Wash ‘N Go Express Car Wash are land uses “Permitted by Right” within the C-Commercial District as defined in Section 13.04.120 of the Town of Parker Land Development Ordinance, as amended.

The subject development parcel is located within the “Central Commercial Character Area” and supports core retail and commercial services as specified in the Town’s Master Plan goals and policies.

This request to rezone will clarify unknown Parkglenn PD discussions regarding the historical car wash use on the property.

Parker’s Zoning/Land Use Ordinance, Section 13.04.120 for “C-Commercial” land uses identifies “Drive-in eating and drinking establishments” and “Car Wash, automatic or coin-operated” as “Uses Permitted by Right”. Therefore, the zone modification request from Planned Development to C-Commercial is the most logical and legal method for documenting the historical car wash land use.

No significant changes shall be required to Town of Parker’s Comprehensive Plan and or Municipal Codes.

ZONING MAP
BLACK ROCK COFFEE BAR & WASH 'N GO EXPRESS CAR WASH
C-COMMERCIAL ZONING FROM PLANNED DEVELOPMENT

LOT 1, BLOCK 2, PARKGLENN SUBDIVISION FILING NO. 3
SITUATED IN THE NORTHWEST 1/4 OF SECTION 15, T6S, R66W OF THE 6TH PM
TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO

LEGEND:

—

PROPERTY LINE

- - -

EXISTING LOT LINE

- - -

EXISTING EASEMENT

■

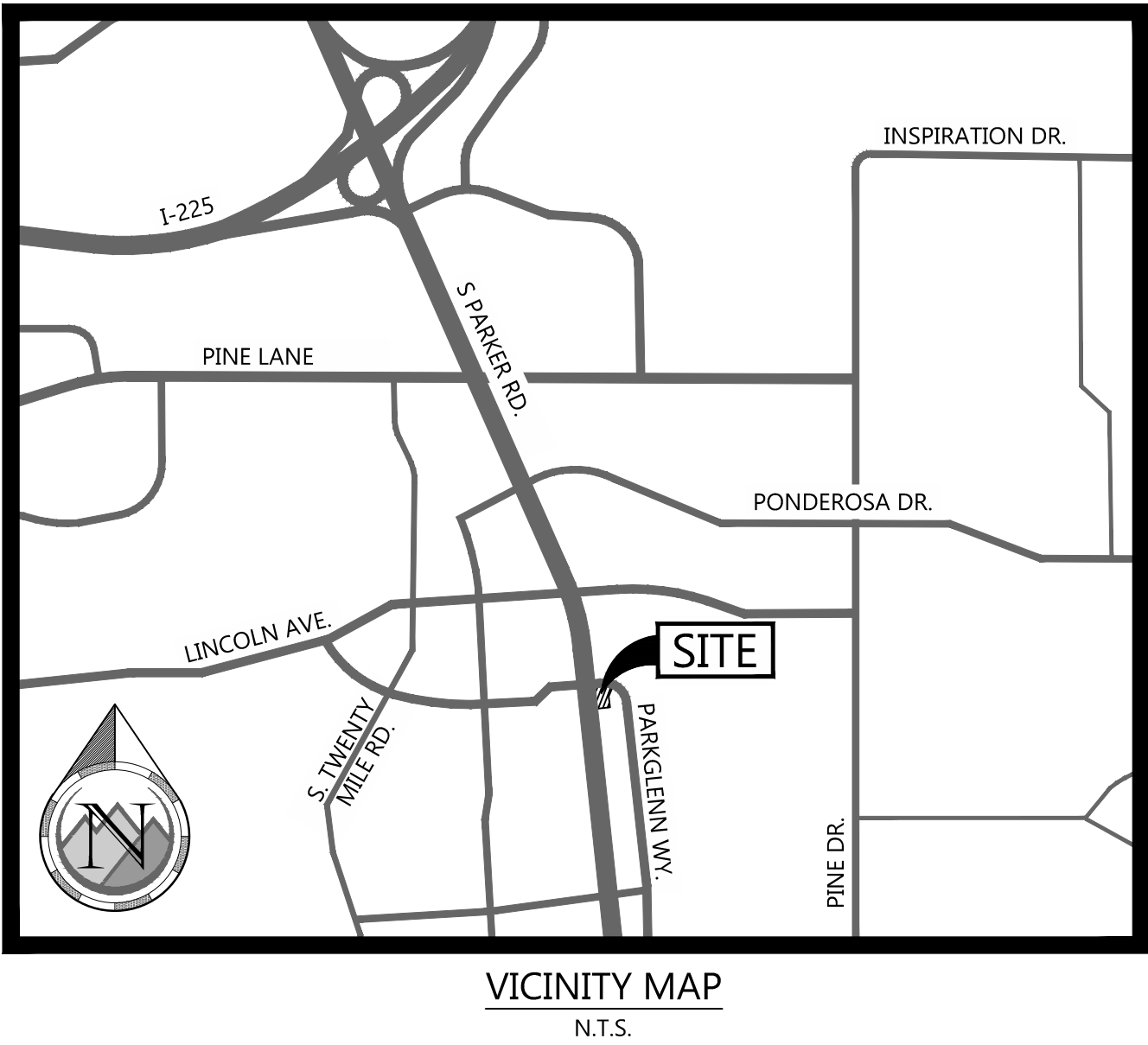
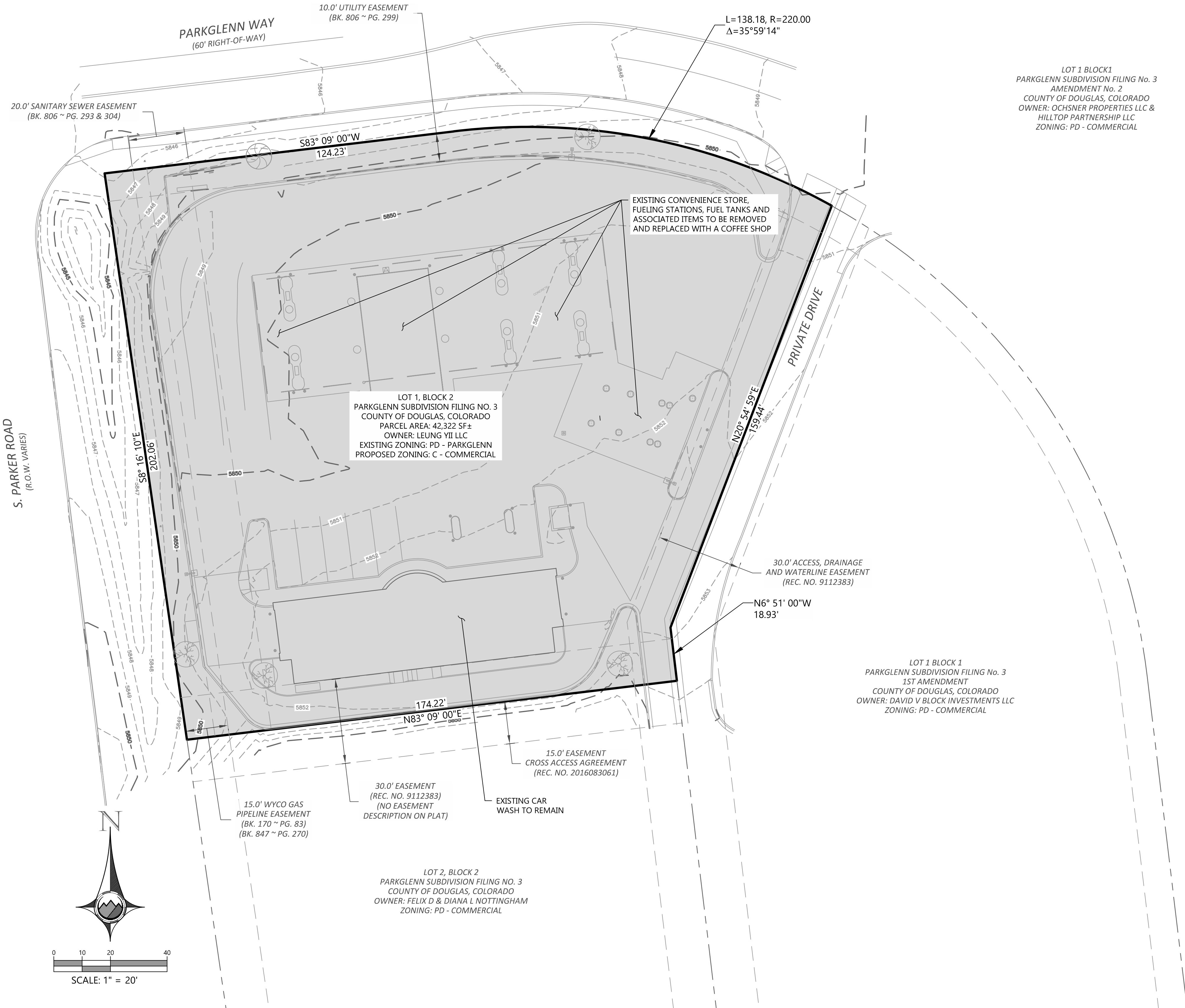
LOT FOR REZONE

LEGAL DESCRIPTION:
LOT 1, BLOCK 2, PARKGLENN SUBDIVISION FILING NO. 3
TOWN OF PARKER, STATE OF COLORADO.

BASIS OF BEARINGS:
BEARINGS ARE BASED ON THE WEST LINE OF LOT 1,
BLOCK 2, PARKGLENN SUBDIVISION FILING NO. 3
BEARING N08°16'10"W AS REFERENCED ON SAID PLAT,
REC. NO 199112383

OWNER
WASH 'N GO OF COLORADO, LLC
3740 DACORO LANE, SUITE 200
CASTLE ROCK, CO 80109
303-809-7766
JODY NEWTON

ENGINEER
PROOF CIVIL
800 W 8TH AVENUE STE 104
DENVER, CO 80204
303.325.5709
TODD LYON



REVISIONS			
NO.	DATE	DESCRIPTION	
1	07/28/2021	RESPONSE TO COMMENTS	
FOR AND ON BEHALF OF PROOF CIVIL CO.			

ZONING MAP	
BLACK ROCK COFFEE SHOP & WASH 'N GO EXPRESS CAR WASH	COLORADO
10159 PARKGLENN WAY	PARKER



Right of Way & Permits

1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: **303.571.3306**
Facsimile: 303. 571.3284
donna.l.george@xcelenergy.com

January 19, 2021

Town of Parker Community Development Department
20120 E. Mainstreet
Parker, CO 80138

Attn: Krista Flynt

Re: Parkglenn F3 L1 B2 PD to C-Commercial Rezone, Case # Z20-020

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the request for the **Parkglenn F3 L1 B2 PD to C-Commercial Rezone**. Please be advised that Public Service Company has existing natural gas distribution facilities within the areas indicated in this proposed rezone along the southeasterly property line. Public Service Company has no objection to this proposed rezone, contingent upon PSCo's ability to maintain all existing rights and this amendment should not hinder our ability for future expansion, including all present and any future accommodations for natural gas transmission and electric transmission related facilities.

The property owner/developer/contractor must complete the application process for any new natural gas service, or modification to existing facilities 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.

As a safety precaution, PSCo would like to remind the developer to call the Utility Notification Center by dialing 811 for utility locates prior to construction.

Donna George
Right of Way and Permits
Public Service Company of Colorado dba Xcel Energy
Office: 303-571-3306 – Email: donna.l.george@xcelenergy.com



Planning Commission Staff Report

Planning Commission Date: 4/8/2021

Town Council Date: 4/19/2021

Hearing Type: Public Hearing
Z20-020 Rezone PD to C-Commercial

Location: Southeast corner of Parker Road and Parkglenn Way

Project Planner: Krista Flynt, Planner 1

Applicant: Masterworks, LLC and Wash 'N Go Colorado, LLC

Executive Summary: The applicant, Masterworks, LLC, is applying for Lot 1 Block 2 of the Parkglenn Filing 3 to be removed from the Parkglenn PD and rezoned to C-Commercial zoning.

Staff Recommendation: Approval

RECOMMENDED MOTION

"I move the Planning Commission recommend Town Council approve an ordinance to remove Lot 1, Block 2 Parkglenn Filing No. 3 from the Parkglenn PD."

AND

"I move the Planning Commission recommend Town Council approve an ordinance to rezone Lot 1, Block 2 Parkglenn Filing No. 3 to C-Commercial."

ALTERNATIVE MOTIONS

"I move that the Planning Commission recommend that Town Council an ordinance to remove Lot 1, Block 2 Parkglenn Filing No. 3 from the Parkglenn PD, with the following conditions:"

List proposed conditions

AND

"I move the Planning Commission recommend Town Council approve an ordinance to rezone Lot 1, Block 2 Parkglenn Filing No. 3 to C-Commercial with the following conditions:"

List proposed conditions

"I move that the Planning Commission recommend that Town Council deny an ordinance to remove Lot 1, Block 2 Parkglenn Filing No. 3 from the Parkglenn PD as the request does not meet the following approval criteria:"

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

AND

“I move that the Planning Commission recommend that Town Council deny an ordinance to rezone Lot 1, Block 2 Parkglenn Filing No. 3 to C-Commercial as the request does not meet the following approval criteria:”

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

“I move that the Planning Commission vote to continue the removal of Lot 1, Block 2 Parkglenn Filing No. 3 from the Parkglenn PD to a future date.”

AND

“I move that the Planning Commission vote to continue the rezone of Lot 1, Block 2 Parkglenn Filing No. 3 to C-Commercial to a future date.”

I. BACKGROUND/DISCUSSION

The property is currently developed with a convenience store, gas station and accessory car wash. The applicant is proposing to demolish the convenience store and gas station while retaining the car wash. Car washes are not a use by right in the current zoning and are only allowed as accessory to gas stations. In order to have a car wash as a primary use, a rezoning is required. Car washes are a use by right in the C-Commercial district.

The applicant also has a site plan application that is being reviewed by the Town concurrently with this rezoning request. The Site Plan is proposing to replace the gas station with a new construction coffee shop. The existing car wash would remain on site.

Vicinity Map



II. PRIOR ACTIONS

Date	Action
1984	Town Council approved the annexation and zoning to PD
1987	Parkglenn Filing 3 is platted
1991	Town Council approves the rezoning of the site to PD Commercial within the Parkglenn Planned Development Guide
1996	The site plan for the gas station and car wash currently on site is approved.

III. CURRENT SITE DATA

Existing Zoning	PD - Planned Development		
Overlay District	N/A		
PD & Plan Area	Parkglenn Planned Development		
Master Plan Area	Central Commercial		
Site Acreage	.972 acres (42,322 SF)		
Subdivision	N/A		
Existing Use	Commercial		
Surrounding Uses			
	Master Plan Land Use	Zoning	Existing Use
North	Central Commercial	PD - Planned Development	Multitenant commercial
South	Central Commercial	PD - Planned Development	Tire Service and Auto Repair
East	Central Commercial	PD - Planned Development	Transmission & Auto Repair and Medical Offices
West	Central Commercial	C - Commercial District	Parker Road then Banks and Office Uses

IV. PARKER 2035 MASTER PLAN

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

MASTER PLAN CONSISTENCY	
Master Plan Designation	Central Commercial ☒ Consistent ☐ Inconsistent
Master Plan Character Discussion	This is the commercial core of the Town. Growth should focus on core retail, services, offices, lodging, restaurants, entertainment, and to a lesser extent, higher density residential uses. Vertical mixed use is highly encouraged where appropriate.
Consistent Goals/Strategies	Land Use 1.A Land Use 1.C Land Use 1.H Community Appearance and Design 1.A Jobs and Economic Vitality 2
Staff Analysis	Staff has reviewed the requested Commercial zoning and change of use against the Town's Master Plan and determined that the proposal is consistent with the Master Plan Character Area designation for the property.

V. LAND DEVELOPMENT ORDINANCE

DEVELOPMENT POTENTIAL (Rezoning)			
Provisions	As recommended by the Master Plan	Proposed	Analysis
Units Per Acre	High density residential as part of a mixed-use development is appropriate.	N/A. No residential development is proposed.	☒ Consistent ☐ Inconsistent ☐ No Change ☐ N/A
Allowed Uses	Core retail, services, offices, lodging, restaurants, and entertainment. Vertical mixed use.	An existing car wash would remain on site, a coffee shop would be constructed.	☒ Consistent ☐ Inconsistent ☐ No Change
Height/Stories	No height/story recommendations in the Master Plan.	Maximum building height permitted is 35-feet per the “C-Commercial District”.	☒ Consistent ☐ Inconsistent ☐ No Change
Staff Analysis	The proposed rezoning to C-Commercial will remove the property from an outdated PD and align it with the Town’s vision for commercial development within the Central Commercial Character Area.		

VI. ACCESS, CIRCULATION & TRAFFIC ANALYSIS

The vehicular access to the property will not be altered with this proposed rezoning and the site plan application that accompanies it. The existing vehicular access is off a private drive that connects to Parkglenn Way. With the proposed redevelopment site plan, a sidewalk will be added along Parker Road. Pedestrian circulation from the intersection of Parker Road and Parkglenn Way up and throughout the site will be improved.

VII. APPROVAL CRITERIA

Title 13.04.240.f. Approval Considerations for Rezoning Requests:

1. A need exists for the proposal.

Applicant’s Response

The existing car wash land use does not currently adhere to the Parkglenn Subdivision Filing Number 3, Development Guide and Map as a “Uses Permitted by Right”. Approval documentation of a “Special Use Permit” is not available in the Town of Parker’s planning records. Therefore, to legally document the car wash business as an allowed land use, a rezoning request to C-Commercial is needed to correct the parcel’s zoning overlay regulations.

Staff Analysis

The proposed rezoning is needed to replace the outdated PD with the Town's current C-Commercial zoning which better aligns with the Parker 2035 Master Plan.

Rezoning the property allows the existing car wash to remain with the demolition of the existing gas station – the car wash is not a use by right in the Parkglenn PD.

Based on this analysis, staff has determined that the request meets this criterion.

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

Applicant's Response

The exiting service-oriented development has been in continuous operation for 24 years and has provided much needed automotive and neighborhood services to the Town of Parker's citizens. The proposed zoning revision is consistent with the existing commercial service-related operations and complies with the C-Commercial Zone District objectives and goals.

Based upon the surrounding automotive-oriented commercial businesses adjoining the subject development parcel, the existing car wash land use and proposed C-Commercial zoning classification is consistent with the original intent of the Parkglenn Development Guide and Map and shall not introduce a change in character to Parkglenn Subdivision as it currently exists. Furthermore, there are surrounding nearby food and beverage operations, classified as C-Commercial, consistent with the Town's Commercial Corridor vision.

Staff Analysis

The subject property is completely surrounded by commercial development – some of which is zoned PD and some of which is zoned C – Commercial. The Master Plan designates the area as Central Commercial, which recommends retail, service, and restaurant type uses. As well, the subject property's location along Parker Road, a State highway, is compatible and desirable for commercial uses. The subject property is suitable for C- Commercial designation and would be well situated to support its neighboring commercial uses and fill in the commercial corridor of Parker Road.

Based on this analysis, staff has determined that the request meets this criterion.

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

Applicant's Response

The request for a zone modification from Planned Development to C-Commercial is necessitated by either an entitlement inconsistency and or an error in Parkglenn Subdivision Filing Number 3, PD - Planned Development Zoning District as recorded in Ordinance 3,108 series of 1995. Because the car wash has been in continuous operation since 1997, a rezone change to C-Commercial will legally correct the parcel's zoning classification as deemed necessary to document the historical land uses.

Parker's C-Commercial zoning classification complies with the original intent of the Planned Development envisioned zoning overlay and therefore, the zone change

request to C-Commercial does not reflect a significant land use change from the original development intent. The proposed zone modification specifically adheres to the Town of Parker 2035 Municipal Code and satisfies the “Central Commercial Character Area” framework policies.

Staff Analysis

An error has not occurred within the original zoning.

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

Applicant’s Response

There have been no significant changes to the land uses types within the Parkglenn Subdivision. However, the desire by consumers to visit modern facilities with more comprehensive services has rendered the current uses significantly less viable commercially, requiring extensive upgrades to facilities and services. Additionally, newer, more modern fuel centers, C-stores, and car washes have been or are envisioned to be developed within the Central Commercial Corridor.

Staff Analysis

Since the original zoning approval in 1984, there has been significant growth and change in the area, in particular increased traffic volumes on Parker Road. These significant changes in the community and character of Parker Road have made many of the uses in the Parkglenn PD outdated. The proposed rezoning will align the existing and proposed uses on the property with the Town’s vision for commercial properties.

Based on this analysis, staff has determined that the request meets this criterion.

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

Applicant’s Response

As identified in the Traffic Letter prepared by SM Rocha, the proposed development will not create any negative impacts to the existing traffic patterns and is anticipated to improve circulation on the development site.

Staff Analysis

This site and surrounding area where designed to accommodate commercial development. The existing infrastructure and circulation currently adequately served the commercial uses on the site. The internal site circulation of the new coffee shop will be reviewed for compliance as part of the site plan amendment application. No alterations to vehicular access to the site will be necessary.

Based on this analysis, staff has determined that the request meets this criterion.

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

Applicant’s Response

No additional municipal services are requested over and above the current service standards, and therefore no addition cost shall be incurred to the Town of Parker.

Staff Analysis

The proposed rezoning would not require any additional municipal services which are not currently provided by the Town to the property.

Based on this analysis, staff has determined that the request meets this criterion.

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

Applicant's Response

The proposed land uses shall reduce and or eliminate the existing environmental impacts associated with the existing Conoco Fuel Center. The existing car wash will be upgraded to include new energy saving and environmentally friendly wash equipment and therefore improving the environment impacts to the community.

Staff Analysis

As an existing commercial site in the center of town, the proposed rezoning will not create environmental impacts. The applicant will be required to meet all federal, state and local laws requiring the removal of the existing gas tanks located on the site and clean up any site contaminants as applicable.

Based on this analysis, staff has determined that the request meets this criterion.

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

Applicant's Response

As identified in the Parker 2035 Master Plan and as shown on the General Land Use Plan map, the proposed Black Rock Coffee Bar and Wash 'N Go Express Car Wash Site Plan and Request to Rezone to C-Commercial applications are consistent with the maps, goals, and policies as follows:

- The subject development parcel is located within and adheres to the "Central Commercial Character Area Map" and addresses land use policies identified for the development of core retail and commercial service-related businesses adjacent to the Parker Road frontage.
- The proposal includes a plan for beautification of Parker Road that includes safe pedestrian access along the CDOT controlled State Highway.
- The redevelopment efforts incorporate improvements to an older commercial area as outlined in the Master Plan to make improvements to streetscapes corridors and building exterior frontages.
- The proposed redevelopment is designed in a manner that adheres to the Town's Design Standards for commercial developments and addresses building massing, form, and design to create a series of unique places that contribute to the overall character of the Town of Parker as a distinctive community.
- The development design concepts support quality appearance of the built environment as the structures age.

- Minimize negative visual impacts from parking areas adjacent to the Parker Road corridor.
- Attract and maintain a variety of employment opportunities for Parker residents.
- Encourage and support a high level of diverse, quality retail and community services, with an emphasis on local businesses that contribute to Parker's sales and property tax base so the needed infrastructure, physical amenities, services and expansion of such services are provided.
- Sustain the long-term economic well being of the Town and its citizens through redevelopment and revitalization efforts.

Staff Analysis

The Town of Parker Master Plan identifies this property as a Central Commercial Character Area – which,

“Due to its central location, with access to Parker Road, Dransfeldt Road and Twenty Mile Road and current land uses, growth in this Character Area should focus on core retail, services, offices, lodging, restaurants....”

A C – Commercial zoning designation aligns with the Master Plan's designation of the Central Commercial. By rezoning the property to C – Commercial from PD, the subject property will be able to fully and continually adhere to the goals of the Master Plan. The Town has the ability to update the definition of C – Commercial over time to guide commercial development, where the PD guide is fixed.

The proposed rezoning of the property to the modified C-Commercial Zone District is consistent with the Town's Master Plan, this alignment is further described in Section IV. above

Based on this analysis, staff has determined that the request meets this criterion.

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

Applicant's Response

Wash 'N Go of Colorado, LLC proposed redevelopment of the fuel and convenience store as a coffee shop with drive-thru will not require any additional levels of service with respect to the existing waste and sewage disposal, water, schools, parks and recreation, and other services. The existing car wash shall operate utilizing originally developed infrastructure and will likewise not require any additional service over and above the current business operation.

Staff Analysis

The proposed rezoning will not change the property's designation as commercial, the proposed rezoning will only change some of the permitted uses on the property. Existing development on the property is already served by water, waste and sewer services. All new development will be reviewed by the appropriate utility services to ensure adequate supply for the new use through the Site Plan Amendment process. The

proposed zoning will not increase the need for schools, parks, recreation, or other services.

Based on this analysis, staff has determined that the request meets this criterion.

VIII. SUMMARY REFERRAL AGENCY COMMENTS AND CONDITIONS

Agency	Comments
Parker Engineering	Approved
Fire Life Safety	Approved
Aztec Consultants	Approved
Parker Water and Sanitation District	Approved: <i>Please submit a PWSD utility plan with the site plan when ready.</i>
Public Service Company of Colorado	Advisory Comments (<i>see attachment for full comment letter</i>)
Parker Comprehensive Planning	Approved: <i>This property is located in the Central Commercial Character Area as described in the Parker 2035 Master Plan and the Master Plan General Land Use Plan. The Central Commercial Character Area recommends focusing on core retail, commercial services, lodging, restaurants and entertainment. The C-Commercial zoning aligns with the Parker 2035 Master Plan's Central Commercial Character Area.</i>
IREA	Advisory comments: <i>The existing monument and retaining wall are not permitted within the 10 foot utility easement.</i>
CenturyLink	No Comment
Comcast	No Comment

IX. CONCLUSION

The applicant submitted this rezoning request in order for the existing car wash to be allowed to continue as part of a redevelopment project. Rezoning the property from PD to C – Commercial has the added effect of satisfying several goals of the Parker 2035 Master Plan and the Community Development Department – one of which is reducing the use of PD zoning throughout the town.

Staff and the applicable referral agencies have reviewed the applicant's request to rezone the subject property. This review included staff's evaluation of the request against the Town's Master Plan and zoning criteria. After performing this analysis, staff has determined that the request meets the requirements of the Town to zone the property to C – Commercial. Based on this information staff is recommending approval of the rezoning request.

X. RECOMMENDED CONDITIONS

None

XI. ATTACHMENTS

1. Referral Agency Comments
2. Rezoning Map
3. Applicant's Project Narrative

Report Approved By: Bryce Matthews, Planning Manager

ORDINANCE NO. 3.38.3, Series of 2021

TITLE: A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3.38 BY THE DELETION OF CERTAIN PROPERTY (PARKGLENN SUBDIVISION FILING NO. 3, LOT 1, BLOCK 2) FROM THE PLANNED DEVELOPMENT ZONED AREA KNOWN AS PARKGLENN

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

Section 1. Finding of Fact.

- a. Application has been made for rezoning Lot 1, Block 2, Parkglenn Subdivision Filing No. 3, which was zoned Parkglenn Planned Development, pursuant to Town of Parker Ordinance No. 3.38 (the "Property"), to C-Commercial District.
- b. Public notice has been given of such rezoning by publication on the Town of Parker's website, at least fifteen (15) days before the public hearing of such rezoning.
- c. Written notice was sent by first class mail to all owners of property that abut the Property, at least fifteen (15) days prior to the public hearing.
- d. Notice of such proposed hearing was posted on the Property for fifteen (15) consecutive days prior to said hearing.
- e. The requirements of Section 13.04.240 of the Parker Land Development Ordinance for rezoning of the Property to C-Commercial District have been satisfied.

Section 2. The Property is hereby deleted from the Parkglenn Planned Development, as described in Town of Parker Ordinance No. 3.38, and is rezoned as more particularly set forth in Ordinance No. 3.357, approved concurrently herewith.

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

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

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

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

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

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____, 2021.

Jeff Toborg, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2021.

Jeff Toborg, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney

ORDINANCE NO. 3.357, Series of 2021

TITLE: A BILL FOR AN ORDINANCE REZONING CERTAIN PROPERTY (PARKGLENN SUBDIVISION FILING NO. 3, LOT 1, BLOCK 2) FROM PARKGLENN PLANNED DEVELOPMENT TO C-COMMERCIAL DISTRICT, PURSUANT TO THE PARKER LAND DEVELOPMENT ORDINANCE AND AMENDING THE ZONING ORDINANCE AND MAP TO CONFORM THEREWITH

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

Section 1. Finding of Fact.

a. Application has been made for amending the zoning for Lot 1, Block 2, Parkglenn Subdivision Filing No. 3 (the “Property”), from Parkglenn Planned Development to C-Commercial District, pursuant to the Town of Parker Land Development Ordinance.

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

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

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

e. The requirements contained in Section 13.04.240(b) of the Parker Land Development Code are satisfied for rezoning the Property to C-Commercial District.

Section 2. The Property is hereby zoned C-Commercial District.

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

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

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

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

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

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____,
2021.

Jeff Toborg, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2021.

Jeff Toborg, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney



Request for Town Council Action

Date: May 3, 2021

Submitted By: Bob Exstrom, Project Manager
Tom Williams, Director Eng/PW

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 9.328 - Second Reading**
A Bill for an Ordinance Approving the Intergovernmental Agreement Between the Town of Parker and the Board of County Commissioners of the County of Douglas County Concerning Lincoln Avenue (Jordan to Parker Road)
Department: Engineering and Public Works, Bob Exstrom
Engineering and Public Works, Tom Williams

EXECUTIVE SUMMARY

This item is associated with an ordinance to approve an intergovernmental agreement (IGA) with Douglas County for the conceptual / preliminary design of the proposed Lincoln Avenue widening project. The IGA is needed to formalize negotiations and jointly fund the conceptual / preliminary design effort.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

Lincoln Avenue was widened to its current four (4) lane configuration in 1997. However, based on traffic projections at that time, a six (6) lane (three through lanes in each direction) was anticipated in the future. Due to existing and projected traffic increases on Lincoln Avenue, the time has come for this widening to occur. The project will include widening of four (4) bridge structures with two (2) at Newlin Gulch and two (2) at Cherry Creek. This proposed roadway is an important component to the Parker area's long-term roadway transportation plan.

Douglas County has recently agreed to jointly fund the project with the Town due to the regional significance of the roadway. After several years of discussions, the Town and County are ready to move forward with the conceptual / preliminary design of this roadway widening. The Town and Douglas County have both appropriated \$250,000 per entity (\$500,000 total) to fund this conceptual / preliminary design effort in 2021. Douglas County and Parker staff have agreed to utilize each entity's on-call engineering listing to select up to six (6) professional engineering firms to prepare proposals for the conceptual / preliminary design services. The

selection of a professional engineering firm will be completed via a qualification based interview selection process of the short-listed firms. The Town and Douglas County have agreed to a 50/50 split on this conceptual / preliminary engineering cost to be completed by November 30, 2022. An IGA is needed to formalize this arrangement.

FINANCIAL IMPACT

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

STRATEGIC GOAL(S)



INNOVATE WITH
COLLABORATIVE
GOVERNANCE



DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH



ENHANCE ECONOMIC
VITALITY

ATTACHMENTS

1. Vicinity Map
2. Ordinance No. 9.328

RECOMMENDED MOTION

I move to approve Ordinance No. 9.328 on second reading.

Exhibit A
Town of Parker Lincoln Avenue
Widening Vicinity Map



ORDINANCE NO. 9.328, Series of 2021

TITLE: A BILL FOR AN ORDINANCE TO APPROVE THE INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE TOWN OF PARKER AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF DOUGLAS REGARDING COST SHARING FOR THE LINCOLN AVENUE (JORDAN TO PARKER ROAD) PROJECT

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

Section 1. The Town Council of the Town of Parker hereby approves the Intergovernmental Agreement by and between the Town of Parker and the Board of County Commissioners of the County of Douglas Regarding Cost Sharing for the Lincoln Avenue (Jordan to Parker Road) Project, which is attached hereto as **Exhibit 1** and incorporated herein by this reference, and authorizes the Mayor of the Town to enter into the Agreement on behalf of the Town.

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

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

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

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____, 2021.

Jeff Toborg, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2021.

Jeff Toborg, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney

EXHIBIT 1

INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN OF PARKER AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF DOUGLAS REGARDING COST SHARING FOR LINCOLN AVENUE (JORDAN TO PARKER ROAD)

THIS INTERGOVERNMENTAL AGREEMENT (the "Agreement") is made and entered into this ____ day of _____, **2021**, by and between the Town of Parker, Colorado, a Colorado home rule municipality (the "Town"), and the Board of County Commissioners of Douglas County, Colorado (the "County"), hereinafter collectively referred to as the "Parties."

WITNESSETH:

WHEREAS, the Parties are legally empowered under Section 29-1-201, et seq., C.R.S. to enter into this Agreement; and

WHEREAS, the County and the Town desire to cooperate in advancing the design and construction associated with improving and widening Lincoln Avenue between Jordan Road and Parker Road, (the "Project"). The Lincoln Avenue widening is a critical component of the region's long-term transportation infrastructure plan and the Project will help to reduce congestion, improve safety and mobility, incident management and emergency response for residents of the Town and County. The Project limits are shown in **Exhibit A**, which is attached hereto and incorporated by this reference; and

WHEREAS, the Parties agree to advance the Project in exchange for mutual commitments of the Parties hereto; and the Parties desire to share in the cost of the Project, described herein; and

WHEREAS, the Parties agree this Agreement can be amended to further the design and construction of the Project, and

WHEREAS, the Town is responsible for managing all aspects of Project, including providing project oversight during the design, right-of-way and construction phases; and

WHEREAS, the Town is responsible for securing all funding necessary to design and construct the Project, except for the County's contribution; and

WHEREAS, the County's only responsibility is for its voluntary contribution for a portion of the Project costs as identified in **Section 3**; and

WHEREAS, the County agrees to assist the Town with the selection of the Qualified Engineer; and

NOW, THEREFORE, for and in consideration of the mutual promises and covenants contained herein, the sufficiency of which is mutually acknowledged, the Parties hereto agree as follows:

1. Consultant Selection Process and Contracting for the Project. The Parties agree that the Town will enter into a professional services agreement with a qualified engineer to complete the Project (the "Qualified Engineer"). The Qualified Engineer shall be selected based

on the responses to a Request for Proposals (RFP) advertised by the Town and a list of consultants will be shortlisted to submit a proposal. The Parties agree to jointly select a minimum of six (6) consultants to receive an RFP, utilizing the current Douglas County Public Works Engineering Final Consultant Shortlist for 2021 through 2022 Projects under the category of Division 1 – Major Roadway. The consultant selection panel shall be equally compromised with two representatives from both Parties’ respective Public Works / Engineering Departments and the selection process will be agreed to by the Town and the County in writing. Once the Parties agree on the overall ranking of consultants submitting proposals, then the Town and County representatives will seek to finalize the scope and fee for the Project with highest-ranked consultant, and if they are unable to negotiate a mutually acceptable fee with the highest-ranked consultant then the Parties will work with the second highest-ranked consultant. Upon the selection of the Qualified Engineer, the Town shall prepare necessary Professional Service Contract(s).

2. Project Cost Estimate. The Parties have estimated and budgeted Five Hundred Thousand Dollars and No Cents (\$500,000.00) to be set aside for the initial consultant services needed to advance the design associated with the Project. The actual Parties contributions shown below, shall be based on actual Project expenditures.

3. County Contribution and Responsibilities. The County agrees to pay to the Town an amount not to exceed Two Hundred Fifty Thousand Dollars and No Cents (\$250,000.00), hereinafter referred to as the “County Contribution” for the purpose of advancing the design of the Project. The County Contribution shall be used solely for paying for a portion of the professional services performed by the Qualified Engineer. In no event will the County be liable for paying the Town any amount more than the County Contribution, including for any additional work authorized by the Town or for any unforeseen project costs or claims.

The County’s lump sum contribution is payable to the Town within forty-five (45) days after the County has received a written invoice from the Town containing a statement that the Town has awarded a professional service contract with the Qualified Engineer.

The County agrees to provide representatives from its Public Works / Engineering Department to participate in the Town design review meetings for the Project, but all Project decisions and directions to the Town’s consultants is ultimately the Town’s responsibility.

If the Town elects to unilaterally increase the Project Cost and its project budget, it may do so; provided it does not include an increase in the County Contribution. The County Contribution may not be increased without both Parties executing an amendment to this Agreement prior to any additional expenditures in which the Town wants the County to participate.

4. Town Contribution and Responsibilities. The Town shall be responsible for managing all phases of the Project, including managing the Qualified Engineer and all other aspects of the Project. Except as expressly provided in **Section 3**, (County Contribution and Responsibilities), the Town shall be responsible for all other project responsibilities and project costs, including changes to the initial scope of work or adding supplementary tasks in order to further advance the Project. The Town is responsible for completing the Project.

The Town of Parker will track Project monthly costs for the conceptual / preliminary design effort performed by the Qualified Engineer and will use this information to provide a summary of the Project costs within thirty (30) days after completion or termination of the Project or upon written request by Douglas County.

At the completion of the conceptual / preliminary design effort performed by the Qualified Engineer or termination of the Qualified Engineer, the Town will provide written notification to the County regarding any unused project funding; and the County shall be refunded fifty percent (50%) of any amount of the difference between the actual Project expenditures and the initial Project Cost Estimate of \$500,000. The Town shall refund the County within forty-five (45) days for any of the reasons stipulated above.

5. Time of Performance. Upon execution of this Agreement, the Town shall diligently pursue award of the initial contract to advance the design of the Project. Currently, the Town anticipates that the initial design will commence before **August 31, 2021** and will be substantially completed before **November 30, 2022**.

6. Remedies. The Parties hereto acknowledge and agree that each Party may exercise all rights and remedies in law or in equity, by a decree in specific performance, or such other legal or equitable relief as may be available, including a return of the funds described in **Section 3** of this Agreement in the event of a default by the other Party. In the event that the initial design contract is delayed and does not commence before **December 1, 2021**, unless an extension is agreed to in writing by both Parties prior to **December 31, 2021**, the County may terminate this Agreement and the Town will give a full refund of any County Contribution received. This Section shall survive the termination of this Agreement.

If any of the County Contribution is not used within twenty-four (24) months of being paid to the Town, then the County may request any unused portion be returned within sixty (60) days of written notice. Under this provision, any amount that the Town desires to retain (not refund to the County), shall be detailed in a written request and presented by the Town for the County's consideration, and said request should include copies of all applicable supporting documents justifying why the unused funds are still needed for additional Project costs. The County will determine in its sole discretion if the Town may retain such funds.

7. Notice. Any notice required or permitted by this Agreement shall be in writing and shall be deemed to have been sufficiently given for all purposes if sent by certified mail or registered mail, postage and fees prepaid, addressed to the party to whom such notice is to be given, at the address set forth below, or at such other address as has been previously furnished in writing, to the other party. Such notice shall be deemed to have been given when deposited in the United States mail.

Town of Parker:	Town of Parker
	Attn: Director of Engineering / Public Works
	20120 E. Mainstreet
	Parker, Colorado 80138

Douglas County: Douglas County
Attn: Director of Engineering Services
100 Third Street
Castle Rock, Colorado 80104

With electronic copy sent to: attorney@douglas.co.us

8. Appropriation. Pursuant to C.R.S. § 29-1-110, the financial obligations of the Town and the County contained herein which are payable after the current fiscal year are contingent upon funds for that purpose being appropriated, budgeted and otherwise made available.

9. No Waiver of Governmental Immunity Act. The Parties hereto understand and agree that the Parties, their Commissioners, Councilmembers, officials, officers, directors, agents and employees, are relying on, and do not waive or intend to waive by any provisions of this Agreement, the monetary limitations or any other rights, immunities and protections provided by the Colorado Governmental Immunity Act, §§ 24-10-101 to 120, C.R.S., or otherwise available to the County.

10. Additional Documents. The Parties agree to execute any additional documents or take any additional action that is necessary to carry out the intent of this Agreement.

11. Colorado Law. This Agreement shall be governed by the laws of the State of Colorado. Venue for any action hereunder shall be in the District Court, County of Douglas, State of Colorado, and the Parties waive any right to remove any action to any other court, whether state or federal.

12. Separate Entities. The Parties enter into this Agreement as separate, independent governmental entities and shall maintain such status throughout.

13. No Third-Party Beneficiaries. The enforcement of the terms and conditions of this Agreement and all rights of action relating to such enforcement, shall be strictly reserved to the Parties, and nothing contained in this Agreement shall give or allow any such claim or right of action by any other or third person under such Agreement. Any beneficiary of the terms and conditions of this Agreement are not intended beneficiaries but are incidental beneficiaries only.

14. Severability. It is understood and agreed by the Parties hereto that if any part, term, or provision of this Agreement is by the courts held to be illegal or in conflict with any law of the State of Colorado, the validity of the remaining portions or provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular part, term, or provision held to be invalid.

15. Recitals. The Recitals to this Agreement are incorporated herein by this reference.

16. Entirety. This Agreement merges and supersedes all prior negotiations, representations and agreements between the Parties hereof and constitutes the entire agreement between the Parties concerning the subject matter hereof.

IN WITNESS WHEREOF, this Agreement is executed by the Parties hereto as of the date first written above.

TOWN OF PARKER, COLORADO

Jeff Toborg, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney

BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY

Lora L. Thomas, Chair

ATTEST:

APPROVED AS TO CONTENT:

Emily Wrenn,
Clerk to the Board

Douglas J. DeBord,
County Manager

APPROVED AS TO FORM:

APPROVED AS TO FISCAL CONTENT:

Chris Pratt,
Senior Assistant County Attorney

Andrew Copland,
Director of Finance

Exhibit A
Town of Parker Lincoln Avenue
Widening Vicinity Map

E-470

PINE LN

JORDAN RD

Lincoln Avenue Widening
to 6 Lanes
Jordan Road to Parker Road

LINCOLN AVE

Gulch

Newlin

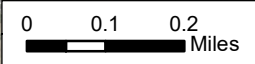
Creek

Cherry

TWENTY MILE RD

PARKER RD

MAIN STREET





Request for Town Council Action

Date: May 3, 2021

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

Reviewed By: Michelle Kivela, Town Administrator

Title: **RESOLUTION NO. 21-022**
A Resolution to Amend Resolution No. 19-023, Series of 2019, to Allow, Subject to the Satisfaction of Certain Conditions, a Partial Waiver to Defer Compliance With Certain Requirements of Sections 13.07.060 and 13.07.060 and 13.070.070 of the Parker Land Development Ordinance as Amended, Associated With the Processing of the Sketch and Preliminary Plan for Certain Segments of the Real Property Commonly Known as the Anthology North Property Until Those Segments are Ready for Development

Department: Community Development, BrieAnna Simon

EXECUTIVE SUMMARY

The Anthology North Planned Development (PD) is a large mixed-use development proposed for the southwestern section of the Town. The property owner, North Parker Investments, L.L.C., and their development partner in 2019 requested that the Town allow them to segment (phase) the development because of its large size, major infrastructure requirements and need to address housing market conditions. In response, the Town Council approved Resolution No. 19-023 (the "Partial Waiver Resolution") to allow them to segment the development of the PD into three (3) phases. The proposed Resolution No. 21-022 will amend the Partial Waiver Resolution to allow the property owner and their development partner to further sequence the initial phase into Segments 1A, 1B and 1C. It also incorporates several minor amendments related to the Parks Master Plan and dedication of school sites that are limited in nature.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The Anthology North Planned Development (PD) is one of the largest mixed-use planned development projects in Parker with a total area of 1,208 acres. Anthology North is located in the southwestern section of the Town to the south of Hess Road, west of Motsenbocker Road, east of Rueter-Hess Reservoir and north of the Hess Ranch PD. On April 15, 2019, the Town Council approved Resolution No. 19-023 otherwise known as the Partial Waiver Resolution to

allow the property owner and their development partner to segment the development of the PD into three (3) phases. The approved Partial Waiver Resolution enables the Anthology North development team to proceed with Segment One (1) while deferring compliance with the Sketch and Preliminary Plan requirements of the Land Development Ordinance (LDO) found at Sections 13.07.060 and 13.07.070 for future Segments Two (2) and Three (3). They will comply with the Sketch and Preliminary Plan requirements of the LDO with the submittal of development applications for these segments.

The Anthology North development team has submitted Sketch and Preliminary Plan applications for Segment One (1) that are currently under review. They have requested that the Town allow them to further sequence Segment One (1) into Segments 1A, 1B and 1C to allow for the orderly processing of their development applications and in recognition of the large size of this area as well as the need to coordinate the planning and design of the development from north (Segment 1A) to south (Segment 1B, 1C). This request does not change the planned development in any way other than allowing the property owner and their development partner to sequence Segment One (1) in three (3) manageable subareas to be processed as Segments 1A, 1B and 1C. They will be required by the LDO and Partial Waiver Resolution to obtain Town Council approval for Segments 1A, 1B and 1C as well as future Segments Two (2) and Three (3) at a public hearing. The proposed Partial Waiver Resolution would approve the sequence of Segment One (1) as described above, subject to the condition that the development team may not obtain final plat approval for Segment 1A to create legal lots of record until they have obtained Preliminary Plan approval for Segments 1A, 1B and 1C.

Staff has also identified the need for limited "clean-up" amendments to the Partial Waiver Resolution as follows:

- **Parks, Trails, Open Space and Recreation Master Plan ("Parks Master Plan"):** An amendment is proposed that requires the Anthology North development team to update the required Parks Master Plan with each Sketch and Preliminary Plan for Segments 1 (1A-C), 2 and 3 to Town approval to ensure this important guiding document remains current.
- **School Site Dedication:** An amendment is proposed to revise when certain Planning Areas that are reserved for future Douglas County School District (the "School District") use will be dedicated to the Town to hold in trust for the School District until they need them. Specifically, the amendment would require that Planning Area 39 be dedicated to the Town at the time the Anthology North development team obtains first final plat approval for Segment 1B where the school site is located and that the large middle school/high school site in Planning Area 14 be dedicated to the Town when they obtain first final plat approval for Segment 2 where the school site is located.

Staff has consulted with the Anthology North development team on the proposed amendments to the Partial Waiver Resolution and they are supportive of the changes as indicated.

FINANCIAL IMPACT

None

STRATEGIC GOAL(S)



DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH



ENHANCE ECONOMIC
VITALITY



INNOVATE WITH
COLLABORATIVE
GOVERNANCE

ATTACHMENTS

1. Anthology North Res signed by property owner

RECOMMENDED MOTION

I move to approve Resolution No. 21-022.

RESOLUTION NO. 21-022, Series of 2021

TITLE: A RESOLUTION TO AMEND RESOLUTION NO. 19-023, SERIES OF 2019, TO ALLOW, SUBJECT TO THE SATISFACTION OF CERTAIN CONDITIONS, A PARTIAL WAIVER TO DEFER COMPLIANCE WITH CERTAIN REQUIREMENTS OF SECTIONS 13.07.060 AND 13.07.070 OF THE PARKER LAND DEVELOPMENT ORDINANCE AS AMENDED, ASSOCIATED WITH THE PROCESSING OF THE SKETCH AND PRELIMINARY PLAN FOR CERTAIN SEGMENTS OF THE REAL PROPERTY COMMONLY KNOWN AS THE ANTHOLOGY NORTH PROPERTY UNTIL THOSE SEGMENTS ARE READY FOR DEVELOPMENT

WHEREAS, the Town Council (the “Town”) approved Resolution No. 19-023, Series of 2019 (the “Resolution”), which was consented to by North Parker Investments, LLC (the “Property Owner”); and

WHEREAS, the Property Owner and the Town desire to amend the Resolution to the extent provided herein. concerning the development of the Property.

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

Section 1. The fourth Whereas clause on page 1 of the Resolution is amended to provide as follows:

WHEREAS, the Property is zoned “Anthology North Development Plan and Guide,” as approved by Ordinance No. 3.308, Series of 2014, and recorded at Reception No. 2015001479 of the Douglas County Clerk and Recorder’s Office, and amended by Ordinance No. 3.308.1, Series of 2015, and recorded at Reception No. 2015089144 of the Douglas County Clerk and Recorder’s Office, and further amended by Ordinance No. 3.308.2, Series of 2020, and recorded at Reception No. 2020121824 of the Douglas County Clerk and Recorder’s Office (as amended, the “Development Plan and Guide”);

Section 2. The second Whereas clause on page 2 of the Resolution is amended to provide as follows:

WHEREAS, Segment 1 will include Planning Areas 13 and 34 through 49, as described in the development plan for the Property, which is part of the Development Plan and Guide, the development plan portion of which is attached as **Replacement Exhibit 2** and incorporated by this reference (the “Development Plan”);

Section 3. The third Whereas clause on page 2 of the Resolution is amended to provide as follows:

WHEREAS, portions of Segment 1 are further defined as follows: Segment 1(A) will include Planning Areas 13, 34-38, 43 and the open space as described on Exhibit E-6 of the Annexation Agreement; Segment 1(B) will include Planning Areas 39, 40, 41, 42, 44, 45 and adjacent open space; and Segment 1(C) will include

Planning Areas 46 through 49, and adjacent open space; which segments shall be final platted in sequential order, whereby Segment 1(A) is final platted first, Segment 1(B) is final platted second, and Segment 1(C) is final platted last, to ensure that the necessary roadway infrastructure is constructed as the Property develops;

Section 4. The fourth Whereas clause on page 2 of the Resolution is amended to provide as follows:

WHEREAS, Segment 2 will include Planning Areas 12, 14 through 18, 19, and adjacent open space, as described in the Development Plan;

Section 5. The fifth Whereas clause on page 2 of the Resolution is amended to provide as follows:

WHEREAS, Segment 3 will include Planning Areas 20 through 33, and adjacent open space, as described in the Development Plan;

Section 6. The seventh Whereas clause on page 2 of the Resolution is amended to provide as follows:

WHEREAS, the portion of the Sketch and Preliminary Plan for Segment 1 will be subject to the requirements contained in Sections 13.07.060 and 13.07.070 of the Code provided that the Property Owner submits a completed application for the Sketch and Preliminary Plan for the Property, as described herein, and the application is deemed complete by the Town on or before the date that is eight months after the date the Town approves this Resolution (the "Submittal Deadline," which shall be extended to include the next non-weekend or holiday date in the event that the Submittal Deadline would otherwise fall on a weekend, federal or Town holiday). The Property Owner may submit separate completed applications for preliminary plans for Segment 1(A), Segment 1(B) and Segment 1(C), provided that no final plats will be approved for Segment 1(A) until the preliminary plans for Segment 1(A), Segment 1(B) and Segment 1(C) are approved by the Town. The Planning Director may grant one (1) administrative extension of not more than ninety (90) days for the submission of a completed Sketch and Preliminary Plan application should the Property Owner need additional time to meet the requirements of Sections 13.07.060 and 13.07.070 of the Code;

Section 7. Paragraph 9 on page 5 of the Resolution is amended to provide as follows:

9. prepare a parks, trails, open space and recreation master plan, subject to Town approval, for the Property, consistent with the preliminary draft plan and scope of work to complete the preliminary draft plan attached as **Exhibit 4**, and incorporated by this reference (the "Parks Master Plan"), prior to the approval of the Sketch and Preliminary Plan. The approved Parks Master Plan will be updated with each Sketch and Preliminary Plan for Segments 1, 2 and 3, which updates will be subject to Town approval. The planning and design of all future plats for the Property for Segments 1, 2 and 3 shall be consistent with the Town-approved Parks Master Plan inclusive of location, extent and improvements. It shall not be

construed as a failure to comply with this condition if the Town fails to approve the Parks Master Plan before approval of the Sketch and Preliminary Plan for any reason other than Property Owner's failure or refusal to abide by the terms set forth on Exhibit 4;

Section 8. Paragraph 11 on pages 5 and 6 of the Resolution is amended to provide as follows:

11. cooperate with the Town and Douglas County School District RE-1 to convey Planning Area 39 to the Town, as a lot of legal record, at the time of the Town's approval of the first final plat for Segment 1(B), convey Planning Area 14 to the Town at the time of the Town's approval of the first final plat for Segment 2, and to convey Planning Area 27 to the Town at the time of the Town's approval of the first final plat for Segment 3. All such conveyances shall be subject to a perpetual restriction that the Town shall only use any such property conveyed for a school or other public use and purpose, as reasonably determined by the Town, or ownership of those Planning Areas shall revert to the Owner. Without limitation, in no event shall the development or sale for the purpose of residential, commercial or industrial uses be considered a public use and purpose for the purposes of this provision. Such conveyance shall be deemed to satisfy Property Owner's school land dedication obligations only under the Annexation Agreement with relation to Planning Areas 14, 39, and 27; and

Section 9. The Recitals of this Resolution are incorporated herein by this reference.

RESOLVED AND PASSED this _____ day of _____, 2021.

TOWN OF PARKER, COLORADO

Jeff Toborg, Mayor

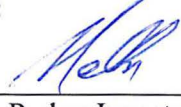
ATTEST:

Carol Baumgartner, Town Clerk

CONSENT OF THE PROPERTY OWNER

The Property Owner hereby consents to and agrees to be bound by Resolution No. 21-____, Series of 2021.

NORTH PARKER INVESTMENTS,
LLC:

By: 

North Parker Investments, LLC

By: Anthology Management L.L.C., its
manager

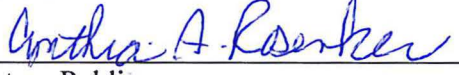
By: Scott Seldin, member

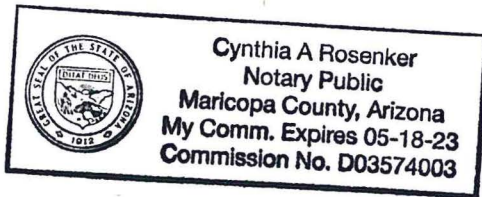
STATE OF ARIZONA)
)ss.
COUNTY OF MARICOPA)

The foregoing instrument was acknowledged before me this 16 day of April, 2021, by Scott Seldin, as member of Anthology Management L.L.C., manager of North Parker Investments, LLC.

My commission expires: 5/18/2023.

SEAL


Notary Public



REPLACEMENT EXHIBIT 2

ANTHOLOGY NORTH DEVELOPMENT PLAN

AMENDMENT NO. 2
COUNTY OF DOUGLAS, STATE OF COLORADO
1207.9 ACRES - 3,305 UNITS



- NOTES:
- THE 3,305 TOTAL DWELLING UNIT COUNT INCLUDES PA 11 AND PA 12
- "NET ACRES" FOR DU PARCELS EQUALS GROSS ACRES MINUS ROADS, 100' BUFFER ALONG CHAMBERS ROAD AND UTILITY EASEMENTS, AS SHOWN ON THE PLAN
- "NET ACRES" FOR PARKS AND OPEN SPACE EQUALS GROSS ACRES MINUS ROADS, AS SHOWN ON THE PLAN
- ALL TRAILS TO BE OPEN AND ACCESSIBLE TO THE PUBLIC
- ALL PROPOSED COLLECTOR STREETS ARE CONCEPTUAL ONLY. FINAL ALIGNMENTS ARE SUBJECT TO FINAL PARCEL PLANNING AND TRAFFIC ANALYSIS
- ADDITIONAL TRAIL CONNECTIONS SHALL BE EVALUATED AT THE TIME OF SUBSEQUENT PLAN
- GREAT PLAIN WAY FROM HESS ROAD TO CHAMBERS ROAD WILL BE A 3-LANE COLLECTOR
- THE ANNEXATION REQUIREMENT FOR PROVIDING A MINIMUM OF 47.32 ACRES OF DEVELOPED PARK SITES IS SATISFIED WITH 48.95 ACRES
- 28.53 ACRES OF OPEN SPACE FROM THE ANTHOLOGY NORTH PD HAS ALREADY BEEN DEDICATED TO THE TOWN OF PARKER
- THE ANNEXATION REQUIREMENT FOR 242.80 GROSS ACRES OF OPEN SPACE IS SATISFIED WITH 285.27 ACRES PLUS 30.53 ACRES OF OPEN SPACE THAT HAS ALREADY BEEN DEDICATED TO THE TOWN OF PARKER



ENGINEERING



10733 E. DRY CREEK RD.
#240
ENGLEWOOD, CO 80112
720-693-9535

PREPARED FOR

OREO, LLC
7383 SOUTH ALTON WAY
CENTENNIAL, CO 80112
303.770.9101

Parcel #	Land Use	Gross Acres	Max. Density (per Dev. Guide)	Net Acres	DU (Shown on Plan)
Pa. 11	Sf'd	58.63	4.5	33.81	223
Pa. 12	Commercial	30.94	22.00	35.93	-
Pa. 13	Sf'd	17.56	6.00	16.92	71
Pa. 14	School	75.07	-	71.44	-
Pa. 15A	Commercial	11.80	22.00	8.89	-
Pa. 15B	MU	27.81	22.00	25.96	420
Pa. 16	Commercial	7.81	22.00	7.28	-
Pa. 17	Commercial	13.09	22.00	10.77	-
Pa. 18	Commercial	28.34	22.00	25.72	-
Pa. 19	Fire Station	3.31	-	3.00	-
Pa. 20 & 21	Trw	70.12	14.00	56.04	263
Pa. 21	Park	5.12	-	5.12	-
Pa. 23	Trw	30.14	14.00	27.44	127
Pa. 24 & 26	Sf'd	44.31	4.50	42.58	189
Pa. 25	Sf'd	34.18	4.50	34.62	144
Pa. 27	School	13.26	-	12.36	-
Pa. 28	Sf'd	15.29	4.50	14.68	62
Pa. 29 & 30	Trw	38.34	14.00	35.55	159
Pa. 31	Trw	25.59	14.00	23.23	134
Pa. 32	Park	9.82	-	9.34	-
Pa. 33	Trw	34.00	14.00	33.24	140
Pa. 34	Trw	7.94	14.00	5.95	33
Pa. 35	Trw	13.20	14.00	10.3	104
Pa. 36	Sf'd	21.27	6.00	20.17	86
Pa. 37	Sf'd	22.09	6.00	21.62	100
Pa. 38	Sf'd	15.54	4.50	15.44	69
Pa. 39	School	12.05	-	11.56	-
Pa. 40	Sf'd	18.85	6.00	18.45	84
Pa. 41	Sf'd	6.03	4.50	5.99	26
Pa. 42	Sf'd	20.77	4.50	19.79	85
Pa. 43	Park	24.00	-	23.50	-
Pa. 44	Trw	33.97	14.00	33.05	133
Pa. 45	Sf'd	30.63	6.00	29.70	120
Pa. 46	Sf'd	27.81	6.00	27.12	109
Pa. 47	Sf'd	25.73	4.50	24.64	111
Pa. 48	Sf'd	30.23	6.00	29.40	126
Pa. 49	Sf'd	18.41	6.00	17.85	82
Subtotal		821.94	-	802.42	3,305

Land Use	Gross Acres	Max. Density (per Dev. Guide)	Net Acres	DU (Shown on Plan)
MU	27.81	-	25.96	420
Residential	861.50	-	831.09	2,876
Open Space	185.96	-	243.84	-
Parks	49.93	-	46.02	-
Schools	300.09	-	94.32	-
Fire Station	4.13	-	3.00	-
Commercial	75.88	-	107.03	-
TOTALS	1,207.9	-	1,132.32	3,305
Sf'd Total	185.32	6.00	180.06	876
Sf'd Total	215.88	4.50	210.79	822
Trw Total	297.62	14.00	246.17	1,178
Trw Total	27.81	22.00	25.96	420
TOTALS	681.31	-	697.55	3,305

- LEGEND
- FLOODPLAIN
 - COMMUNITY TRAIL, WITHIN THE 100' CHAMBERS ROAD SETBACK
 - PROPOSED COMMUNITY TRAIL (10' WIDE CONCRETE SURFACE)
 - PROPOSED REGIONAL TRAIL (10' WIDE CONCRETE SURFACE)
 - ARAPAHOE CANAL TRAIL
 - WELL SITE (ACTUAL LOCATIONS TO BE DETERMINED, WELL SITES ARE SUBJECT TO USE BY SPECIAL REVIEW)
 - DETENTION (ACTUAL LOCATIONS TO BE DETERMINED)

Property Owner Signature:

Print Name: _____ Date: _____

Title: _____

Planning Commission Acceptance:

This Development Plan was reviewed and recommended for approval by the Town of Parker Planning Commission on this _____ day of _____, 2020 A.D. at _____

Planning Director, on behalf of Planning Commission

This planned development plan was reviewed and approved by the Town Council of the Town of Parker on this _____ day of _____, 2020.

Mayor, Town of Parker ATTEST

Town Clerk

I hereby certify that this Development Plan was filed in my office on this _____ day of _____, 2020 A.D. at _____ A.M. / P.M. and was recorded with reception number: _____

County Clerk and Recorder



ANTHOLOGY
PARKER, COLORADO

DRAWN BY:

JP

REVIEWED BY:

AS SHOWN

DATE: 09/30/2020

1 of 1