

TOWN OF PARKER COUNCIL AGENDA

September 7, 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 for items that are not on the agenda may be made in person, by Zoom or electronically at <http://parkeronline.org/CouncilPublicComment>. For those unable to provide comments in person, electronically through the website or via Zoom, please contact the Clerk's Office to make alternative arrangements. The Town Clerk can be reached at 303-805-3198. Public comments provided electronically through the website that are provided by 5:00 p.m. on the day of the regular or special Town Council meeting will be provided to the Town Council and will be included with the approved minutes of the Town Council meeting.

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

Public Viewing Only - Facebook Live: Town Council meetings may be viewed through Facebook Live from the Town of Parker website: www.facebook.com/townofparkerco.

PLEASE NOTE: Public participation is NOT available through Facebook Live.

1. TOWN COUNCIL MEETING SCHEDULE

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

2. PARKER CHAMBER OF COMMERCE UPDATES

3. DOWNTOWN BUSINESS ALLIANCE UPDATES

- ### **4. 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. 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.*

5. REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

6. **CONSENT AGENDA**

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

A. *APPROVAL OF MINUTES - August 16, 2021 & August 23, 2021*

B. *ORDINANCE NO. 9.332 - First Reading*
A Bill for an Ordinance to Approve the Intergovernmental Agreement Among Arapahoe County, the Town of Parker, and the City of Aurora Regarding High Plains Regional Trail Maintenance
Department: Parks, Recreation and Open Space, Brett Collins
Second Reading: September 20, 2021

C. *ORDINANCE NO. 12.03.6 – First Reading*
A Bill for an Ordinance to Amend Chapter 12.02 of the Parker Municipal Code Concerning Electric-Powered Wheeled Devices, Trail Speeds and Other Code Updates
Department: Town Attorney, Jamie Wynn
Second Reading: September 20, 2021

D. *ORDINANCE NO. 5.03.8 – First Reading*
A Bill for an Ordinance to Amend Chapter 7.01 of the Town of the Parker Municipal Code Concerning Electric Personal Assistive Mobility Devices
Department: Town Attorney, Jamie Wynn
Second Reading: September 20, 2021

E. *ORDINANCE NO. 9.340 – First Reading*
A Bill for an Ordinance to Approve the Intergovernmental Agreement By and Between the Town of Parker and Newlin Crossing Metropolitan District
Department: Town Attorney, Kristin Hoffmann
Second Reading: September 20, 2021

F. *CONTRACT OVER \$100,000*

Professional Services Agreement for Conceptual/Preliminary Design for Lincoln Avenue Widening Project

Amount: \$499,984.00
Contractor: Felsburg Holt & Ullevig
Department: Engineering and Public Works, Bob Exstrom

G. *PROCLAMATION - Constitution Week - September 17 - 23, 2021*

7. PUBLIC HEARINGS

A. ANTHOLOGY NORTH - Planned Development Amendment No. 3

Applicant: PCS Group
Location: Generally located on the south side of Hess Road between Chambers Road and Motsenbocker Road
Department: Community Development, BrieAnna Simon
TRAKiT No.: Z21-008

ORDINANCE NO. 3.308.3 - Second Reading

A Bill for an Ordinance to Amend the Anthology North Development Plan Second Amendment Pursuant to the Town of Parker Land Development Ordinance, and Amending the Zoning Ordinance and Map to Conform Therewith

B. PARKER NORTH, 1ST AMENDMENT, TRACT D PROPERTY ANNEXATION

Applicant: Town of Parker
Location: The east side of Parker Road, north of Parkglenn Way
Department: Community Development, Bryce Matthews
TRAKiT Nos.: ANX21-003 and Z21-001

1. RESOLUTION NO. 21-036

A Resolution to Establish the Findings of Fact and Conclusions Thereon Concerning the Eligibility of the Town Parker North, 1st Amendment, Tract D Property for Annexation

2. ORDINANCE NO. 2.277 - Second Reading

A Bill for an Ordinance Approving and Accomplishing the Annexation of Contiguous Unincorporated Territory Known as the Town Parker North, 1st Amendment, Tract D Property

3. ORDINANCE NO. 3.359 - Second Reading

A Bill for an Ordinance Zoning Certain Property Within the Town of Parker, Colorado, Known as the Town Parker North, 1st Amendment, Tract D Property to PF-Public Facilities District Pursuant to the Town of Parker Land Development Ordinance and Amending the Zoning Ordinance and Map to Conform Therewith

8. PUBLIC COMMENTS CONTINUED IF NECESSARY

9. ADJOURNMENT

Parker Town Council

Executive Session Agenda

September 7, 2021

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

1. Proposed assignment and assumption of the Amended and Restated Stroh/Hess Ranch Annexation Agreement (Southern Property) dated September 21, 2015

2. Section 13.07.020(h) of the Parker Municipal Code concerning the exemption plat for Pace Lot 2.

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

3. Proposed Newlin Crossing Metropolitan District Service Plan and intergovernmental agreement and amendment to annexation agreement

**TOWN OF PARKER COUNCIL
MINUTES
AUGUST 16, 2021**

Mayor Jeff Toborg called the Town Council meeting to order at 5 p.m. All Councilmembers were present.

Attorney Kristin Hoffman announced the topics for discussion in the Executive Session were three (3) items. Under C.R.S. § 24-6-402(4)(b) there was one (1) item which was concerning the Community Development Block Grant (CDBG) Program; under C.R.S. § 24-6-402(4)(f) there were two (2) items, the first item was concerning the Town Administrator evaluation process; and the second item was concerning the Town Attorney evaluation process.

EXECUTIVE SESSION

Laura Hefta moved and Cheryl Poage seconded to go into Executive Session at 5 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); and to consider personnel matters, pursuant to C.R.S. § 24-6-402(4)(f).

The motion was approved unanimously.

Joshua Rivero moved and Todd Hendreks seconded to come out of the Executive Session at 6:30 p.m.

The motion was approved unanimously.

Joshua Rivero moved and Todd Hendreks seconded to recess the regular Town Council meeting until 7 p.m.

The motion was approved unanimously.

REGULAR MEETING

Mayor Toborg reconvened the Town Council meeting at 7 p.m., and led the Pledge of Allegiance.

SPECIAL PRESENTATIONS

The Mayor announced that the Parker Teen Court received the distinguished honor of hosting the 9/11 Flag of Honor Across America Memorial Ceremony on September 11, 2021. Teen Court was selected as only 1 of 100 communities and tribes across the country to lead the inaugural event. During the memorial event, 50 of the 2,983 victim's names will be read aloud, along with short biographical information about each person. The memorial will conclude with a moment of silence at the flagpole in front of Town Hall and the raising of the 9/11 Flag of Honor. The 9/11 Flag of Honor was created by the Flag of Heroes Project. The flag is created from the names of those who died in the World Trade Center, the Pentagon, United flights 175 and 93 and American flights 11 and 77 so they will forever be remembered.

This event is open to the public and will take place here in Council Chambers, on Saturday, September 11, 2021, at 10 a.m. At 10:03:11, specific to the time flight 93 crashed in Pennsylvania, the opening statement will begin.

The Mayor presented Teen Court with this Special Certificate of recognition for being selected for this great honor.

PUBLIC COMMENTS

There was one written general public comment to be included in the approved Town Council minutes.

Steve Jewitt, 12521 S. Cypress Creek - He spoke about safety issues on Motsenbocker Road. He requested the installation of a traffic light at French Creek, reduce the speed limit and enforce the speed limit.

REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

Each Councilmember provided a report on meetings they attended since the last Town Council meeting.

PRESENTATION OF FINANCIAL STATEMENTS BY CLIFTONLARSONALLEN LLP

Paul Miller of CliftonLarsonAllen LLP provided a presentation on the Town's financial statements.

He noted that the Town implemented four GASB standards in 2020. The Town received a clean opinion. There were no issues discovered during the audit process.

CONSENT AGENDA

A. APPROVAL OF MINUTES - August 2, 2021

B. Parker North, 1st Amendment, Tract D Property Annexation

Department: Community Development, Bryce Matthews

Second September 7, 2021

Reading:

1. ORDINANCE NO. 2.277 - First Reading

A Bill for an Ordinance Approving and Accomplishing the Annexation of Contiguous Unincorporated Territory Known as the Town Parker North, 1st Amendment, Tract D Property

2. *ORDINANCE NO. 3.359 - First Reading*

A Bill for an Ordinance Zoning Certain Property Within the Town of Parker, Colorado, Known as the Town Parker North, 1st Amendment, Tract D Property to PF-Public Facilities District Pursuant to the Town of Parker Land Development Ordinance and Amending the Zoning Ordinance and Map to Conform Therewith

C. *ORDINANCE NO. 3.308.3 - First Reading*

A Bill for an Ordinance to Amend the Anthology North Development Plan Second Amendment Pursuant to the Town of Parker Land Development Ordinance, and Amending the Zoning Ordinance and Map to Conform Therewith

Department: Community Development, BrieAnna Simon

Second September 7, 2021

Reading:

D. *RESOLUTION NO. 21-035*

A Resolution Assigning and Transferring to Douglas County Housing Partnership All of the Town of Parker's 2021 Private Activity Bond Volume Cap Allocation from the State Ceiling for Private Activity Bonds, and Authorizing the Execution and Delivery of an Assignment and Other Documents in Connection Therewith

Department: Community Development, Bryce Matthews

E. *CONTRACTS OVER \$100,000*

1. *Downtown Circulation Improvements (CIP21-018)*

Amount: \$1,236,809.00

Contractor: T & M Construction, LLC

Department: Engineering and Public Works, Tom Gill

2. *Motsenbocker Road and Hess Road Widening and Intersection Improvements (CIP21-001)*

Amount: \$1,368,617.55

Contractor: Villalobos Concrete, Inc.

Department: Engineering and Public Works, Tom Gill

Joshua Rivero moved to approve Consent Agenda items 6A through 6E.

Todd Hendreks seconded the motion.

Councilmember Poage moved to remove Consent Agenda item 6E.

Councilmember Rivero stated there was already a motion on the floor that needed to be dealt with first.

Laura Hefta seconded the motion made by Councilmember Poage.

Councilmember Rivero again stated there was already a motion on the floor that needed to be dealt with first.

After some discussion, Joshua Rivero withdrew his motion and Todd Hendreks consented.

The motion to remove Consent Agenda item 6E failed. The vote was 2-4. (Rivero, Hendreks, Diak, and Barrington voted no)

Joshua Rivero moved to approve Consent Agenda items 6A through 6E.

Todd Hendreks seconded the motion.

The motion was approved 5-1. (Poage voted no)

PUBLIC HEARINGS

A. OLDE TOWN AT PARKER F2 - Sketch and Preliminary Plan

Applicant: Bill Mahar, Norris Design

Location: Generally located south side of Mainstreet between Jordan Road and Motsenbocker Road

Department: Community Development, Stacey Nerger

TRAKiT SUB20-038 and SUB20-039

No.:

The Public Hearing was opened at 7:29 p.m.

The subject property fronts Mainstreet and is bordered to the east by American Academy Charter School at Motsenbocker Road and to the west by the Mainstreet Dental Plaza commercial development. The property is bordered to the north by the Clarke Farms residential neighborhood and to the south by the Olde Town/Senderos Creek residential neighborhood, of which it is a part.

The Olde Town at Parker Planned Development (PD) was annexed into the Town of Parker in December 2000 with approved PD zoning that incorporated 5.5 acres of commercial area and permitted 595 residential units with parks, trails and open space. In 2003, the PD zoning was amended and sketch and preliminary plans were approved that enlarged the commercial area (PA1) to 13.35 acres. The commercial area includes the access drive and adjacent drainage swale on the east boundary of the new planning area proposed with this application.

Also in 2003, the original Olde Town at Parker PD zoning was amended to create a large park and community pool within the center of the residential community. The development of the western half of the PD temporarily ceased in 2008 with the Great Recession, but has since been largely built-out. In 2017, the Olde Town at Parker PD zoning was again amended to reorganize

the eastern half of the PD to be developed with a mix of single-family detached and attached homes that are currently under construction.

On August 3, 2020, the applicant proposed a further amendment to the PD zoning and a Sketch and Preliminary Plan for a residential community of condominiums and townhomes that was denied by the Town Council because of concerns about the condominium use, building height, residential yield/density and parking. The applicant responded by revising their development proposal to eliminate the condominiums, decrease residential yield/density, reduce building heights and improve parking. On December 7, 2020, the applicant obtained Town Council approval for an amendment to the Olde Town at Parker PD zoning that incorporates these revisions and permits a residential community of single-family attached townhomes with a residential yield of 122 units at a residential density of 10 units per acre.

The proposed Sketch and Preliminary Plan proposes a total of 122 single-family attached townhome lots on 12.2 acres, which complies with the PD zoning that permits a residential yield of 122 housing units and a residential density of 10 units per acre. Additionally, the proposed plans will reconfigure two (2) commercially zoned lots and incorporate 1.86 acres from the adjacent tract through a redesign of the drainage. These two (2) commercial lots and the tract will be incorporated into Filing 2 through the replatting process.

The design of the proposed Sketch and Preliminary Plans allows for adequate access, landscaping, parking and the required park amenities. The applicant has also submitted a site plan application that is currently under review and the plans will be required to meet all setbacks, building height, landscaping, open space, park dedication and development design requirements.

The proposed Sketch and Preliminary Plans have been comprehensively reviewed and comply with the Olde Town at Parker PD zoning and are consistent with the Parker 2035 Master Plan. As such, the applicant has satisfied the criteria for approval under the Land Development Ordinance.

The applicant held a neighborhood meeting on June 1, 2021, to present their proposed Sketch and Preliminary Plans and address comments and questions.

The Planning Commission held a public hearing on July 22, 2021, and voted unanimously to recommend approval.

Norris Design Representative Bill Maher, 1101 Bannock St, Denver, provided an overview of the project.

Public Comment: None.

The Public Hearing was closed at 7:44 p.m.

Todd Hendreks moved to approve, based on staff findings, with the following conditions:

1. All Final Plats shall be substantially similar in design and layout and the inclusion of

amenities to this Preliminary Plan, as determined by Town staff.

2. The applicant shall add the IREA Note to all Final Plats for this development.
3. The applicant shall continue to work with Douglas County on street names and addresses which will be finalized at the time of any final plats for the property.
4. The applicant shall meet required setbacks, stagger and zoning as stated with the Olde Town at Parker Planned Development Guide and Plan and the Parker Land Development Ordinance.

Cheryl Poage seconded the motion.

The motion was approved unanimously.

B. OLDE TOWN 1A AMD 2 LOT 4A - Use By Special Review

Applicant: Advanced Pet Care of Parker
Location: East of Jordan Road, North of Cedar Gulch Parkway
Department: Community Development, BrieAnna Simon
TRAKiT Z21-009
No.:

The Public Hearing was opened at 7:52 P.M.

The subject property is located in a commercial area off the southeast corner of the intersection of Mainstreet and Jordan Road. The property is part of the Olde Town at Parker PD with a total area of 1.07 acres and is currently undeveloped. It is located within Planning Area 1 of the PD and the zoning is designated a Commercial Center that permits veterinary clinics and hospitals as a Use by Special Review. The applicant is requesting Use by Special Review approval to permit a veterinary hospital on Lot 4A of Olde Town at Parker PD Filing 1A, Amendment 2.

The applicant proposes to build a 5,000 s.f. commercial building on the site with parking, landscaping and a 300 s.f. outdoor space to be used as a pet run/relief area. The applicant currently has a veterinary hospital known as Advanced Pet Care of Parker that is located in the adjacent multi-tenant commercial building at the southeast corner of the intersection of Mainstreet and Jordan Road on Lot 1. The proposed Use by Special Review would allow the applicant to construct a larger, build-to-suit facility that better supports the business and its clients.

Staff has reviewed the application and determined that the proposed veterinary hospital complies, subject to conditions, with the nine (9) criteria for approval of a Use by Special Review. The criteria and related staff analysis are summarized in the attached Planning Commission staff report.

The Planning Commission will hold a public hearing to consider the proposed Use by Special Review application on August 12, 2021.

Applicant: Dr. Shawn Sibel, 17002 Mainstreet #J, Parker, was present and provided a brief overview of the project.

Public Comment: None.

The Public Hearing was closed at 7:58 p.m.

Joshua Rivero moved to approve the Olde Town Filing 1A, AMD 2 Lot 4A Use by Special Review, based upon staff findings, with the following (6) conditions contained in the staff report:

1. The applicant will operate the facility using fecal removal procedures on a daily basis. The applicant will ensure that fecal matter will be immediately cleaned up, disinfected with a pet safe and environmentally friendly product (for example, a hydrogen peroxide-based product) and then kept in a sealed container. To prevent the accumulation of feces on site, the feces will be frequently removed from the site by a third party.
2. Following the Use by Special Review approval, a site plan will need to be reviewed and approved by the Town of Parker.
3. Operations of the facility will be subject to the Town's noise ordinance, as amended.
4. All animals shall be supervised at all times when utilizing outdoor areas.
5. A building permit shall be required for any interior or exterior work completed on site.
6. This approval shall expire twelve (12) months after the date of approval unless a building permit or grading permit has been applied for. The Community Development Director, upon written request, may grant a ninety-(90) day extension.

Todd Hendreks seconded the motion.

The motion was approved unanimously.

ADJOURNMENT

Joshua Rivero moved to adjourn the meeting at 8:02 p.m.

Todd Hendreks seconded the motion.

The motion was approved unanimously.

Chris Vanderpool, Acting Town Clerk

Jeff Toborg, Mayor

**TOWN OF PARKER COUNCIL
MINUTES
AUGUST 23, 2021**

Mayor Jeff Toborg called the Special Town Council meeting to order at 7:46 p.m. All Councilmembers were present.

Town Attorney Jim Maloney announced the topic for discussion in the Executive Session were two (2) items under C.R.S. § 24-6-402(4)(f); the first item was concerning the Town Administrator evaluation process; and the second item was concerning the Town Attorney evaluation process.

Joshua Rivero moved and Todd Hendreks seconded to go into Executive Session at 7:48 p.m.

The motion was approved unanimously.

Cheryl Poage moved and Todd Hendreks seconded to come out of Executive Session at 8:29 p.m.

The motion was approved unanimously.

Todd Hendreks moved and Cheryl Poage seconded to adjourn the meeting at 8:30 p.m.

The motion was approved unanimously.

Chris Vanderpool, Acting Town Clerk

Jeff Toborg, Mayor



Request for Town Council Action

Date: September 7, 2021

Submitted By: Brett Collins, Projects Administrator

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 9.332 - First Reading**
A Bill for an Ordinance to Approve the Intergovernmental Agreement Among Arapahoe County, the Town of Parker, and the City of Aurora Regarding High Plains Regional Trail Maintenance

Department: Parks, Recreation and Open Space, Brett Collins

Second Reading: September 20, 2021

EXECUTIVE SUMMARY

The High Plains Trail project is a regional partnership between the Town of Parker, Douglas County, Arapahoe County, and the City of Aurora (The Partners Group) to design, construct and maintain a one-mile trail gap. The project will connect the Cherry Creek Trail to the High Plains Regional Trail at the Douglas/Arapahoe county line near Highway E-470 and E. Cottonwood Drive. Please see the attached location map.

The funding agreement approved by Council on June 7, 2021, between Arapahoe County and the Town of Parker requires a maintenance agreement to transfer the funds between the agencies. Staff recommends approval of the maintenance agreement so the County can start the construction process for the project.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The Partners Group was formed approximately five years ago to raise funding, design and construct the High Plains Trail project. Project funding was committed by the Partners Group, Denver Regional Council of Governments, Great Outdoors Colorado, E-470 Authority, and the City of Centennial in the amount of \$7,910,946.

To better define the phases for design, construction and maintenance, a trail segments map was created. The total project includes four segments and is a one-mile trail connecting the High Plains Regional Trail at the Douglas/Arapahoe County Line to the Cherry Creek Regional Trail at Arapahoe County's 17 Mile House property. Please see the attached trail segments map. The

project will be constructed in phases based on the segments. The construction drawings for segment one are 100% complete and include a trail underpass round-a-bout, 255-foot pedestrian/bicycle bridge, railings, bridge abutments, and a 10-foot wide concrete trail. Please see the attached renderings.

Arapahoe County will be the lead agency to construct the High Plains Trail project. On June 7, 2021, the Town Council approved Ordinance No. 9.283.2 for a Funding Agreement to allow for the transfer of funds held by the Town to Arapahoe County to get the construction completed. The City of Aurora is working on a similar agreement to transfer their funds to the County and the other funding is already held by the County.

The funding agreements require a maintenance agreement to be in place before transferring the funds to the County. The maintenance agreement negotiated between the Town of Parker, Arapahoe County, and the City of Aurora outlines responsibilities for routine trail maintenance, major trail repairs, and major bridge and abutment repairs or replacement. The summary chart below shows the maintenance responsibilities for each agency. Please see the agreement attached to Ordinance 9.332 for details on each category.

	Routine Trail Maintenance	Major Trail Repairs	Major Bridge and Abutment Repairs or Replacement
Town of Parker	No additional	Segment I	Segment I
Arapahoe County	Segment I	Segment I	Segment I
City of Aurora	Segments II, III, IV	Segments II, III, IV	Segments II, III, IV

FINANCIAL IMPACT

The total Council-approved capital expenditure for construction is \$750,000.

There will be costs for the Town associated with the major trail repairs and major bridge and abutment repairs or replacement, which are most likely 20 years away, and costs will depend on maintenance needs at the time, subject to future budgets and appropriations by Town Council.

STRATEGIC GOAL(S)



**SUPPORT AN
ACTIVE COMMUNITY**



**DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH**



**INNOVATE WITH
COLLABORATIVE
GOVERNANCE**

ATTACHMENTS

1. Ordinance No. 9.332
2. Location Map
3. Trail Segments Map
4. Renderings

RECOMMENDED MOTION

I move to approve Ordinance No. 9.332 on first reading and schedule second reading for September 20, 2021, as a part of the consent agenda.

ORDINANCE NO. 9.332, Series of 2021

TITLE: A BILL FOR AN ORDINANCE TO APPROVE THE INTERGOVERNMENTAL AGREEMENT AMONG ARAPAHOE COUNTY, THE TOWN OF PARKER, AND THE CITY OF AURORA REGARDING HIGH PLAINS REGIONAL TRAIL MAINTENANCE

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

Section 1. The Town Council of the Town of Parker hereby approves the Intergovernmental Agreement among Arapahoe County, the Town of Parker, and the City of Aurora Regarding High Plains Regional Trail Maintenance, which is attached hereto as **Exhibit 1** and incorporated herein by this reference, and authorizes the Mayor of the Town to enter into the Agreement on behalf of the Town.

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

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

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

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

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Acting Town Clerk

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

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Acting Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney

EXHIBIT 1

INTERGOVERNMENTAL AGREEMENT AMONG ARAPAHOE COUNTY, THE TOWN OF PARKER AND THE CITY OF AURORA REGARDING HIGH PLAINS REGIONAL TRAIL MAINTENANCE

THIS INTERGOVERNMENTAL AGREEMENT (the “Agreement”) is made and entered into this _____ day of _____ 2021, by and among the **BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ARAPAHOE, STATE OF COLORADO**, (the “County”), the **TOWN OF PARKER** a Colorado home rule municipality (“Town”), and the **CITY OF AURORA**, (the “City”), (collectively, the “Parties” and individually a “Party”).

RECITALS

WHEREAS, the County is the owner of 29.33 acres of fee property, which includes the historic 17 Mile House Farm and Park (herein referred to as the “County Property”); and

WHEREAS, the County has historically anticipated construction of a future public recreational trail in the southwest corner of the County Property to connect to the Cherry Creek Trail; and

WHEREAS, the County, Town, and City have historically anticipated construction of a pedestrian bridge across South Parker Road (“CDOT Property”); and

WHEREAS, a portion of the Norton Farms Property is necessary to complete the trail (“Parker Property”); and

WHEREAS, the County, Town, and City have historically anticipated construction of a future public recreational trail along the south side of the future Aurora Parkway within an easement on property owned by the Kings Point developer and Douglas County Associates Limited Partnership (“Kings Point Properties”); and

WHEREAS, the County and Town have entered into separate Intergovernmental Agreements Regarding Funding Related to Design Improvements and Construction, (the “Design Improvements”), in which the County and Town agreed that ongoing maintenance obligations for the High Plains Trail would be addressed by a future intergovernmental agreement between the County and Town; and

WHEREAS, the County, Town, and City desire to fulfill the Parties’ obligations regarding maintenance of the High Plains Trail as set out in **Exhibits A** (the “Trail Segments”), **B** (the “Routine Maintenance” and “Major Repairs”) (both as defined herein) and **C** (the “Maintenance Area Delineation Parker and Arapahoe”), which are attached hereto and incorporated by this reference; and

WHEREAS, the County, Town and City, as Colorado governments, are constitutionally and statutorily empowered, pursuant to Colo. Const., Article XIV, §18 and Sections 29-1-201, *et seq.*, C.R.S., to cooperate or contract via intergovernmental agreement with one another to provide functions, services or facilities authorized to each cooperating government; and

WHEREAS, the County, Town and City acknowledge and agree it is in their mutual interest to identify their respective rights and obligations in and to the High Plains Trail in order to avoid conflict and to agree to the terms for operating and maintaining the High Plains Trail.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto hereby covenant and agree as follows:

AGREEMENT

The Recitals set forth above are hereby incorporated into the covenants and agreements set forth below.

1. TRAIL AND BRIDGE MAINTENANCE AREA RESPONSIBILITIES FOR THE COUNTY, TOWN, AND CITY.

A. The County will be responsible for maintenance of Trail Segment I on the County Property, as shown on Exhibit A, including the bridge across the CDOT Property spanning South Parker Road and the associated bridge abutments.

B. The Town will contribute a monetary share to the County to the Major Repairs for Trail Segment I on the County Property and Parker Property shown on Exhibit A, based on a percentage for cost of the work.

C. The City will be responsible for maintenance of Trail Segments II, III and IV on the Kings Point Properties as shown on Exhibit A.

2. USE AND OCCUPANCY OF HIGH PLAINS TRAIL BY THE COUNTY AND CITY. The County owns a portion of the property in Trail Segment I. CDOT owns a portion of the property in Trail Segment I within the Parker Road right-of-way. Kings Point owns the property in Trail Segments II, III and a portion of Segment IV. Douglas County Associates Limited Partnership owns the property in a portion of Segment IV.

A. The County, its officers, agents, employees, designees, contractors, guests, invitees, successors and assigns, and all those acting by or on behalf of the County respectively, will obtain a right-of-way permit to use and occupy the portion of the High Plains Trail and Bridge within the CDOT Property designated for use, as depicted in Exhibit A, for the purposes of maintaining and operating the improvements in Trail Segment I in accordance with and as more particularly described in Exhibit B, subject to the terms of this Agreement;

B. The Town grants the County access to perform routine maintenance for the trail segment and landscape on the Parker Property shown on Exhibit C from the County Line back to the County Line. All other routine maintenance on the Norton Farms Conservation Easement south of the trail will be performed by the Town.

C. The City will acquire a trail easement from the Kings Point Developer and the Douglas County Associates Limited Partnership Developer through Segments II, III,

and IV depicted in Exhibit A, for the purposes of maintaining and operating the improvements in the Trail Segment areas in accordance with and as more particularly described in Exhibit B, subject to the terms of this Agreement.

3. ROUTINE MAINTENANCE AND MAJOR REPAIRS

A. **Routine Trail Maintenance.** The County accepts responsibility for the Routine Maintenance of the Trail, Bridge and Abutments, including annual bridge inspections in accordance with the County's trail maintenance standards and Exhibit B (the "Routine Maintenance"), at its sole cost and expense within Trail Segment I. The City accepts responsibility for the Routine Maintenance of the Trail in accordance with the City's trail maintenance standards and Exhibit B, at its sole cost and expense within Trail Segments II and IV. The City intends to require the current owner/developer/future metropolitan district to maintain Segment III and will be fully responsible for requiring this maintenance.

B. **Major Trail Repairs.** The County accepts responsibility for major repairs to the trail and surrounding landscape within the County's Property in Trail Segment I including, but not limited to, those types of repairs and modifications listed in Exhibit B (the "Major Repairs"). The City accepts responsibility for major repairs to the trail and surrounding landscape within segments II, III and IV, including, but not limited to, those types of repairs and modifications listed in Exhibit B.

C. **Major Bridge and Abutment Repairs or Replacement.** Based on the annual bridge inspection report, the Parties shall agree, in writing, which Major Repairs are necessary and shall request an appropriation from each of its respective governmental authority to fund such repairs using an engineer's estimate of the costs provided by the County. The County shall be responsible for obtaining any and all required approvals and permits associated with installation of any Major Repairs from CDOT and all applicable local, state, and federal governments.

4. PAYMENT

The Town and the City will compensate the County for thirty-three percent (33%) of the cost of Capital Repairs and Replacement of the Bridge, and the Town will compensate the County for fifty percent (50%) of the services to perform major repairs of the High Plains Trail, as shown on Exhibit A, Segment I, subject to the availability of appropriated funds within their annual budgets. The County and City are responsible for paying all applicable income, Federal Insurance Contributions Act (FICA), Federal Unemployment Tax Act or other taxes owed on compensation paid under this Agreement for services performed on their respective responsibilities as shown on Exhibit A, and for Capital Repairs and Replacement of the Bridge services performed as part of this Agreement. The County shall submit requests for payment in a form acceptable to the Town and the City and in conformance with the Town and the City's respective policies, typically on a bi-annual basis when major repairs are needed. The County shall each provide such backup information for its payment requests as may be reasonably requested by the Town and the City. The Town and the City shall have thirty (30) days from receipt of any payment request to make payment to the County.

5. TERM AND TERMINATION OF AGREEMENT. The Parties shall have the right to terminate this Agreement, with or without cause, by giving one hundred eighty (180) days' prior written notice to the other Parties of such termination and specifying the effective date thereof. In such event, all finished or unfinished documents, data, studies, and reports prepared by the County and the City pursuant to this Agreement shall become their property. Unless expressly stated otherwise in the notice, the County and the City shall provide no further services in connection with this Agreement after receipt of a notice of termination, and the County and the City shall proceed to cancel all existing orders and contracts that are chargeable to the Town under this Agreement. The County and the City shall be entitled to receive compensation in accordance with this Agreement for any satisfactory services completed pursuant to the terms of this Agreement, prior to the date of receipt of the notice of termination, or such other stop-work date as may be specified in the notice.

6. OWNERSHIP OF TRAIL AND BRIDGE. The County will own the trail, bridge and abutments within County-owned and CDOT-owned property on Segment I shown on Exhibit A. The City intends to own the trail on Segments II, III and IV shown on Exhibit A, pending future plans by local developer to create City owned ROW along these Segments.

7. MAINTENANCE OF HEALTH, SAFETY AND WELFARE. The County and the City agree to maintain the Trail Areas, pursuant to this Agreement, in a manner that protects the health, safety and welfare of the public using the High Plains Trail.

8. NOTICES. Any notice required or permitted to be given hereunder shall be deemed given and received: (i) two business days after mailing by United States certified mail, return receipt requested, postage prepaid, (ii) one business day after deposit prepaid with a reputable overnight courier for next day delivery, or (iii) upon personal delivery during regular business hours, properly addressed as follows:

If to the County:

Arapahoe County

Attn: Open Spaces and Intergovernmental Relations Director

6934 S. Lima St., Suite A

Centennial, CO 80112

If to the City:

City of Aurora

Attn: Parks, Recreation & Open Spaces Director

15151 E. Alameda Parkway, Suite 4600

Aurora, CO 80012

If to the Town:

Town of Parker

Attn: Parks, Recreation & Open Space Director

20120 E. Mainstreet

Parker, CO 80134

Any Party may change its address for the purposes of notice by giving written notice of such change to the other Parties, in any manner above specified.

9. MISCELLANEOUS.

A. Governing Law and Venue. The Parties hereto agree that this Agreement shall be governed by the laws of the State of Colorado. Venue for any civil action relating to this Agreement shall be in Arapahoe County, Colorado.

B. Entire Agreement. This Agreement constitutes the entire agreement between the Parties relating to the subject matter thereof and there are no prior or contemporaneous agreements, either oral or written, relating to the subject matter hereof, except as expressly set forth herein.

C. Agreement Modification. The Agreement may not be amended, altered, or otherwise changed, except by a written agreement among the Parties.

D. Counterpart Execution. This Agreement may be executed in one or more counterparts, each of which when executed shall be deemed an original, all of which together shall constitute one and the same instrument. Executed copies hereof may be delivered by electronic delivery and, upon receipt, shall be deemed originals and binding upon the Parties.

E. Governmental Immunity. Nothing in this Agreement shall be construed to waive, limit or otherwise modify, in whole or in part, any governmental immunity that may be available by law to the County, Town or City, or their respective officials, employees, contractors or agents, or any other person acting on their behalf and, in particular, governmental immunity that may be afforded or available to the County, Town or City, pursuant to the Colorado Governmental Immunity Act, Title 24, Article 10, Part 1 of the Colorado Revised Statutes.

F. Annual Appropriations. The Parties do not intend hereby to create a multiple-fiscal year direct or indirect debt or other financial obligation whatsoever. The Parties' payment obligations hereunder are subject to annual appropriation. The Parties have appropriated sufficient funds for this Agreement for the current fiscal year.

G. Nonassignability. Neither the County, the Town nor the City may assign its rights or delegate its duties hereunder without the prior written consent of the other Parties to this Agreement.

H. Headings for Convenience. The headings and captions in this Agreement are intended solely for the convenience of reference and shall be given no effect in the construction or interpretation of this Agreement.

I. No Waiver. No waiver of any of the provisions of this Agreement shall be deemed to constitute a waiver of any other of the provisions of this Agreement, nor shall such

waiver constitute a continuing waiver, unless otherwise expressly provided herein, nor shall the waiver of any default hereunder be deemed a waiver of any subsequent default hereunder.

J. Recordation. The Parties agree that this Agreement may be recorded in the records of the Clerk and Recorder for Arapahoe County.

K. Binding Agreement. The benefits and burdens of this Agreement shall inure to the benefit of and be binding upon the heirs, executors, administrators, successors and assigns of the Parties.

L. Definitions and Interpretations. Except as otherwise provided herein, nouns, pronouns and variations thereof shall be deemed to refer to the singular or plural, and masculine or feminine, as the context may require. Any reference to a policy, procedure, law, regulation, rule, or document shall mean such policy, procedure, law, regulation, rule, or document as it may be amended from time to time.

M. Survival of Representations. Each and every covenant, promise and payment contained in this Agreement shall survive each and be binding and obligatory upon each of the Parties and shall not merge into any deed, assignment, covenant, escrow agreement, easement, lease or any other document.

N. Severability. The invalidity or unenforceability of any portion or previous version of this Agreement shall not affect the validity or enforceability of any other portion or provision. Any invalid or unenforceable portion or provision shall be deemed severed from this Agreement and the balance of this Agreement shall be construed and enforced as if this Agreement did not contain such invalid or unenforceable portion or provisions.

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

IN WITNESS WHEREOF, this Agreement has been executed as of the day and year first written above.

**BOARD OF COUNTY COMMISSIONERS,
ARAPAHOE COUNTY, COLORADO**

By: _____
Title: _____

ATTEST:

TOWN OF PARKER, COLORADO

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Deputy Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney

THE CITY OF AURORA

By: _____
Mike Coffman, Mayor

ATTEST:

By: _____
Kaydee Rodriguez, City Clerk

REVIEWED BY:

By: _____
Brooke Bell, Parks, Recreation & Open Space Department

APPROVED AS TO FORM:

By: _____
Tim Joyce, Senior Assistant City Attorney

EXHIBIT A

Trail Areas

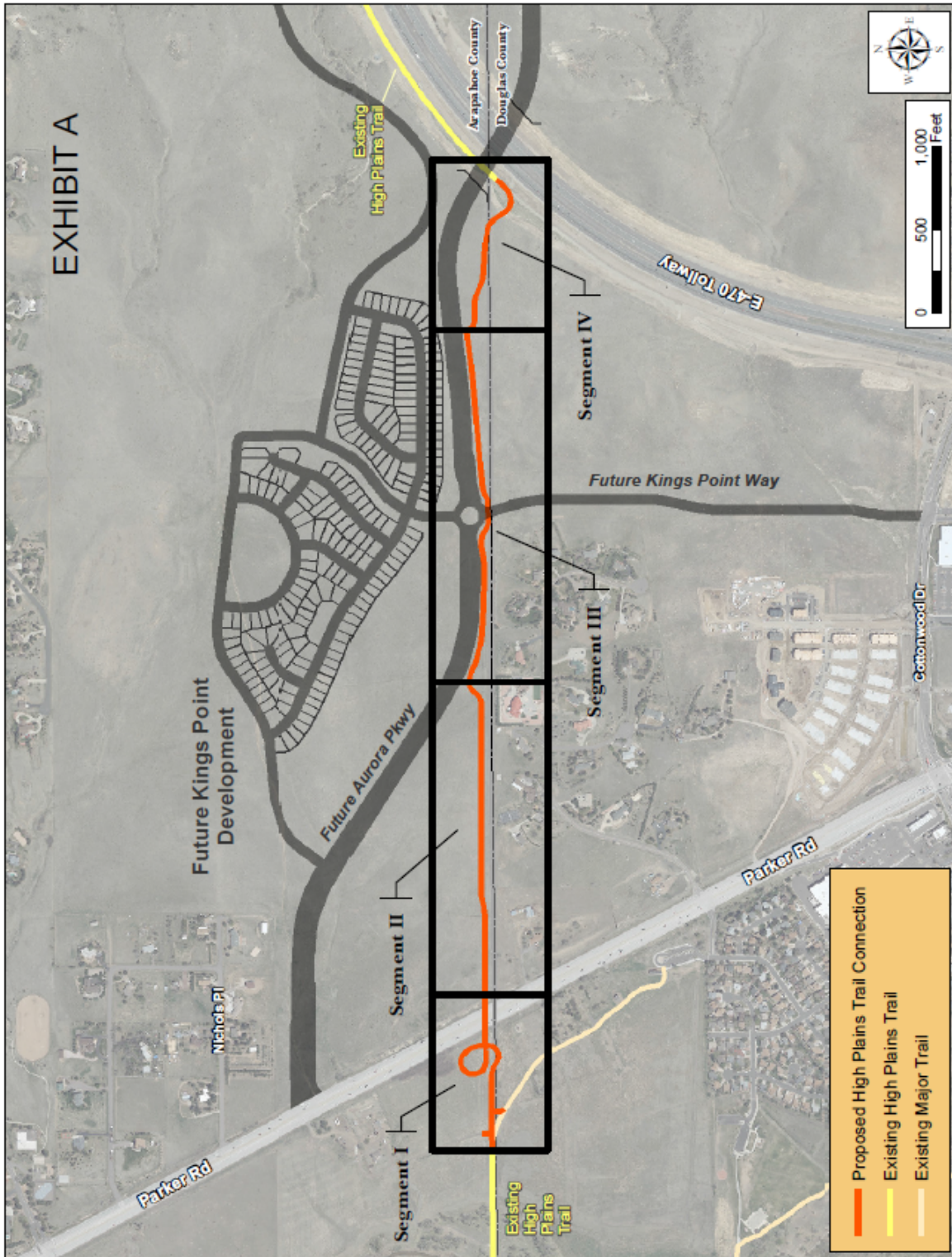


EXHIBIT B

Routine Maintenance and Major Repairs

ROUTINE MAINTENANCE:

The County and the City agree to maintain the Trail Segments, at a minimum, to the standard established throughout the trail system within the County and City, including, but not limited to, the following:

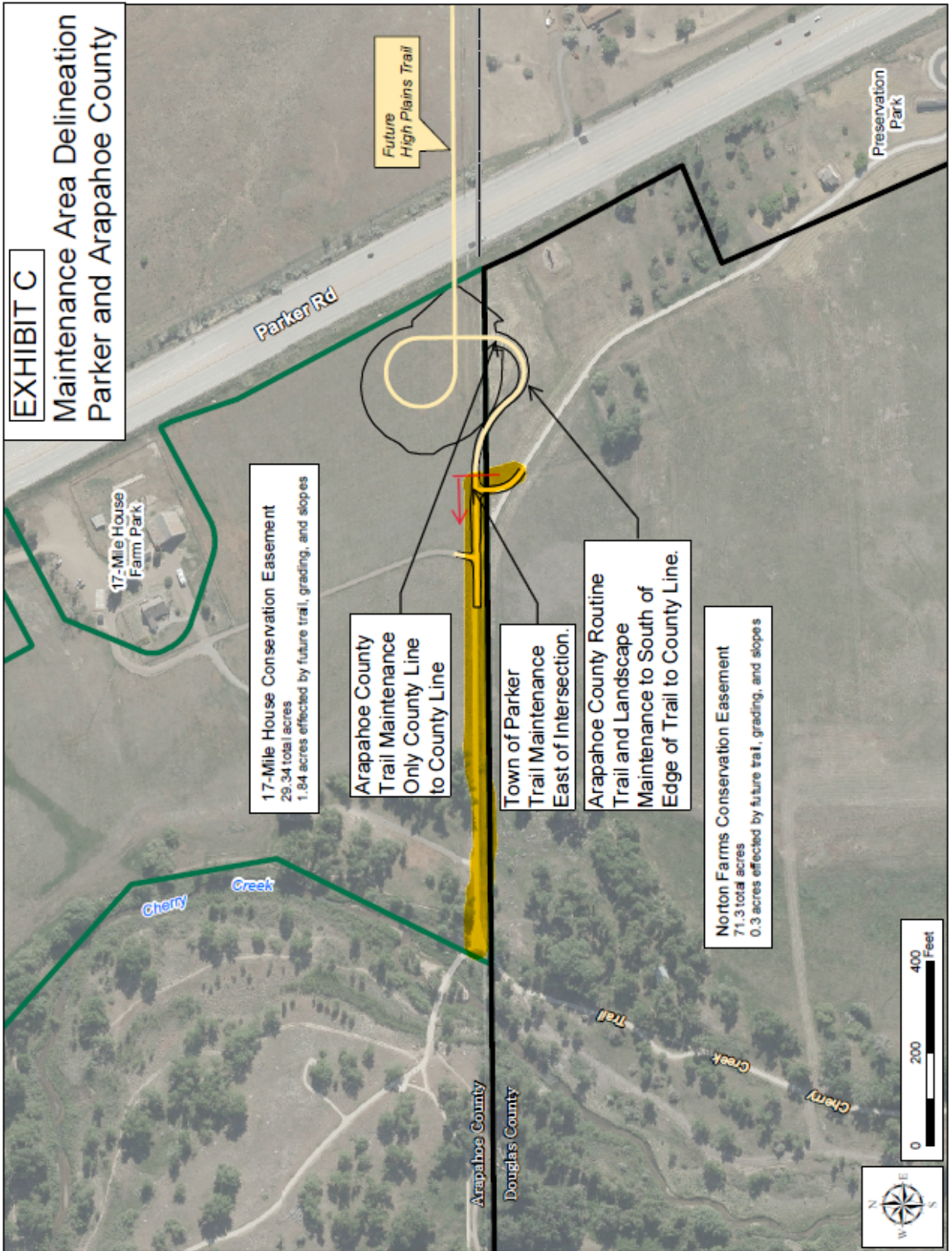
- General trail maintenance and upkeep
- Adjacent shoulder maintenance approximately 2 to 6 feet beyond either side of the trail's edge, to include:
 - Shoulder mowing
 - Trimming (via string trimmer)
 - Washout/rutting/erosion mitigation
 - Vegetation rehabilitation/ weed control
 - Litter/trash removal
- Snow removal and ice mitigation
- Trail sweeping
- Concrete trail crack mitigation and repair, routing, and sealing
- Concrete trail grinding or smoothing and cross-stitching
- Graffiti removal for all surfaces
- Trail sign maintenance, repair, and replacement
- Permit oversight and emergency services
- Landscape and Irrigation
- Minor railing repairs

MAJOR REPAIRS:

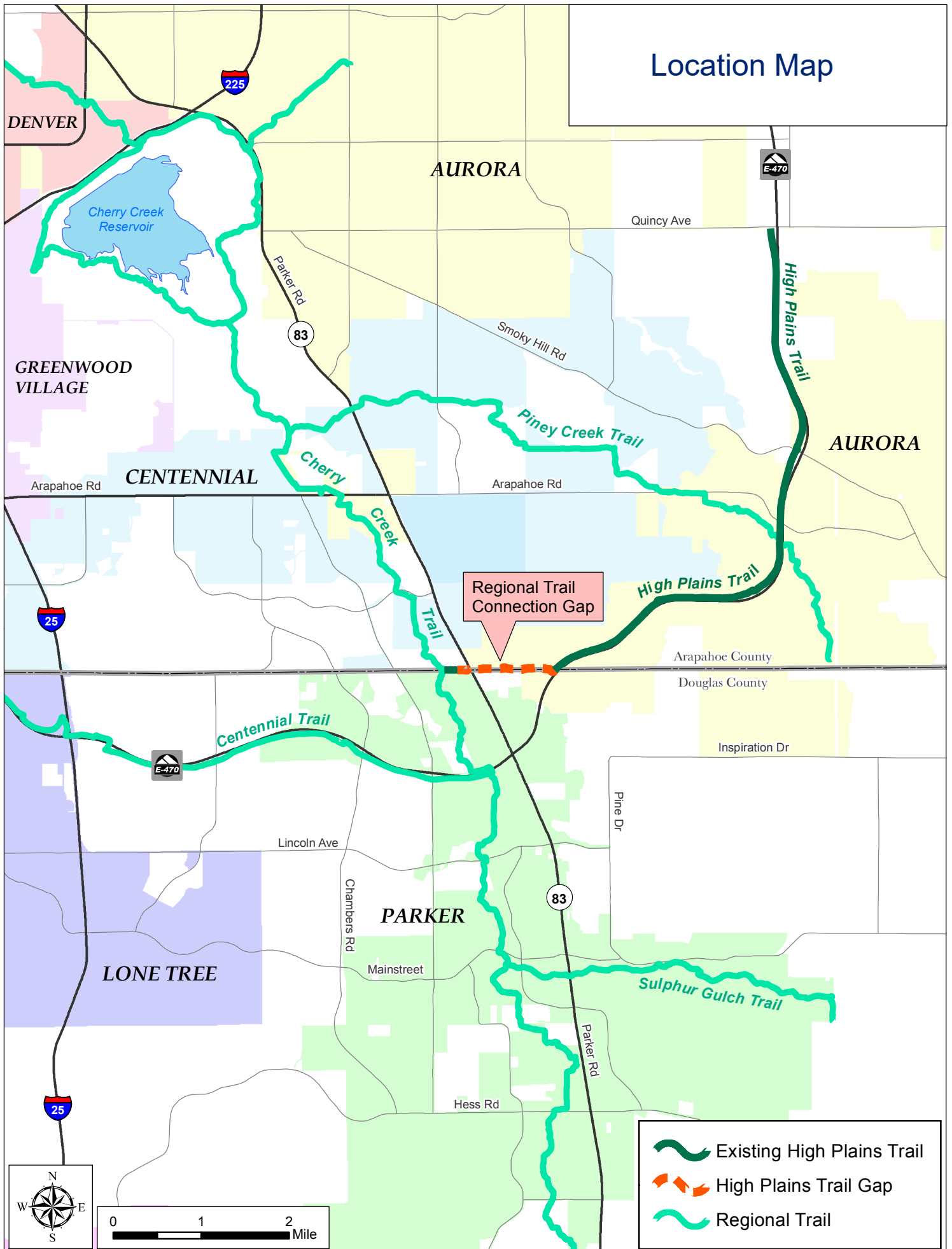
The Parties agree that the following constitute Major Repairs in accordance with Sections 3A and 3B of the Agreement:

- Concrete trail removal and replacement over 500 square feet
- Major railing repair or replacement of 10 or more linear feet
- Installation, repair, or replacement of any trail-supporting wall
- Installation, repair or replacement of any drainage or culvert
- Installation, repair, or replacement of any bridge abutment
- Installation, repair, or replacement of any bridge structure

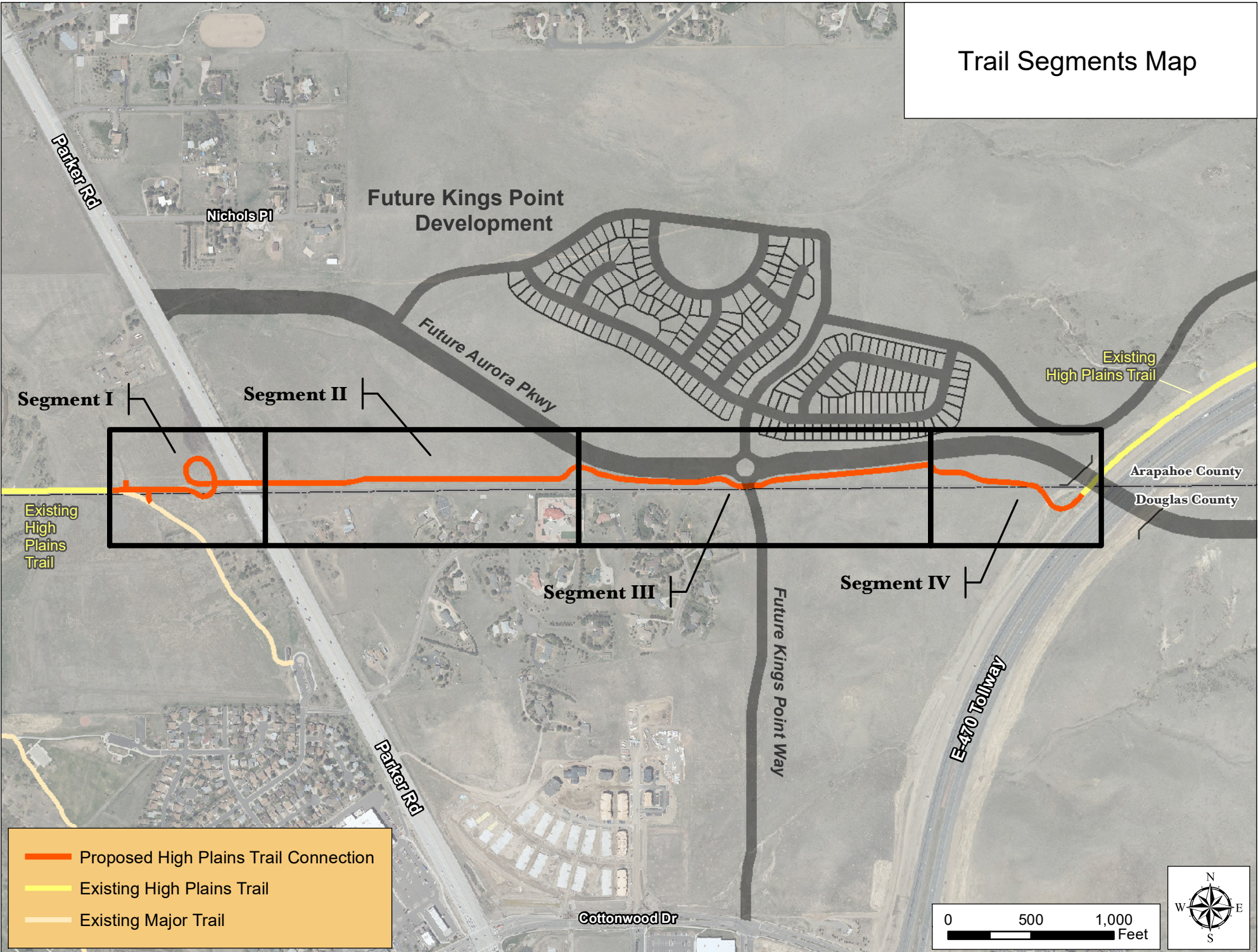
EXHIBIT C



Location Map



Trail Segments Map









Request for Town Council Action

Date: September 7, 2021

Submitted By: Mary Colton, Parks and Recreation Director
Brett Collins, Projects Administrator
Jared Musil, Parks and Open Space Manager
Jamie Wynn, Assistant Town Attorney
Ben Shipley

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 12.03.6 – First Reading**
A Bill for an Ordinance to Amend Chapter 12.02 of the Parker Municipal Code Concerning Electric-Powered Wheeled Devices, Trail Speeds and Other Code Updates
Department: Town Attorney, Jamie Wynn
Second Reading: September 20, 2021

EXECUTIVE SUMMARY

With the increase in public usage of devices such as electrical assisted bicycles (e-bikes), electric skateboards, electric scooters, and other similar electric devices on trails, Town staff is looking at updating the Municipal Code provisions to be consistent with other municipalities and to adapt to the changing nature of outdoor recreation. Additionally, it has come to the attention of staff that while the Parks Rules and Regulations specify that the speed limit on trails is fifteen (15) miles per hour, the Municipal Code provision only includes the 15-mile-per-hour speed limit on “all roadways and parking areas within park lands....” The definition of "Director" needs to be updated to the current title, as well as a few other updates that need to be made to reflect current regulations and procedures.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The usage of the Town of Parker park lands and trails has changed since the original Municipal Code provisions were passed in 1989, and while there have been some updates to those sections, there is a need to revisit various sections of the Municipal Code for current-day updates. This will ensure that the Town’s Code provisions related to the use of park lands reasonably conform with the actual usage of those lands, is consistent with similar provisions throughout Colorado’s municipalities, and yet, still maintain the necessary restrictions for the health and safety of our citizens.

The Parks and Open Space Division has been looking at this issue for the last couple of years, as well as reviewing rules, regulations, and code provisions from other local jurisdictions. Based on the available information and how the usage of the trails and park lands has changed over the last few years, staff is recommending updates to various sections of the Parker Municipal Code.

Staff is proposing updates to the Municipal Code, specifically under Title 12, Chapter 12.02, for the purpose of updating and adding definitions specific to that Chapter, to update the speed limits provision under Section 12.02.190 to include trails in addition to the already included roadways and parking areas, as well as to address specific devices, equipment and/or vehicles that can be used on the Town's trails.

The added and updated definitions under Chapter 12.02 may vary slightly from similar definitions included in Sections 7.03.010, 7.04.010, and 7.07.050; however, since each of these provisions is specific to their individual Chapters, and to keep the necessary provisions in the relevant Chapters for ease of reference, staff recommends that the definitions related to the updates be specifically included in Chapter 12.02.

FINANCIAL IMPACT

None.

STRATEGIC GOAL(S)



SUPPORT AN
ACTIVE COMMUNITY

ATTACHMENTS

1. Ordinance No. 12.03.6

RECOMMENDED MOTION

I move to approve Ordinance No. 12.03.6 on first reading and to schedule second reading for September 20, 2021, as part of the consent agenda.

ORDINANCE NO. 12.03.6, Series of 2021

TITLE: A BILL FOR AN ORDINANCE TO AMEND CHAPTER 12.02 OF THE PARKER MUNICIPAL CODE CONCERNING ELECTRIC-POWERED WHEELED VEHICLES, TRAIL SPEEDS AND OTHER ADMINISTRATIVE UPDATES

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

Section 1. Section 12.02.020 of the Parker Municipal Code is amended to read as follows:

12.02.020 Definitions.

As used in this Chapter:

Director refers to the **Parks, Recreation, and Open Space** Director. The Director shall make and publish such regulations, not inconsistent with the terms of this Chapter, as he or she deems necessary for the orderly use and management of the Town's park and recreation facilities and programs.

Electrical assisted bicycles or e-bikes, means a vehicle having two or three wheels, fully operable pedals, and an electric motor not exceeding seven hundred fifty watts of power. Electrical assisted bicycles are further defined under one of three classes as follows:

a. Class 1 electrical assisted bicycle means an electrical assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of twenty miles per hour.

b. Class 2 electrical assisted bicycle means an electrical assisted bicycle equipped with a motor that provides assistance regardless of whether the rider is pedaling but ceases to provide assistance when the bicycle reaches a speed of twenty miles per hour. A class 2 electrical assisted bicycle must operate in a manner so that the electric motor is disengaged or ceases to function when the brakes are applied.

c. Class 3 electrical assisted bicycle means an electrical assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of twenty-eight miles per hour. A Class 3 electrical assisted bicycle must be equipped with a speedometer that displays, in miles per hour, the speed the electrical assisted bicycle is traveling.

Electric-powered wheeled device means, other than any other vehicles specifically defined in this Chapter, a non-gas powered electrical mobility device such as an electric single-wheeled skateboard-type ride on device, an electric stand-on scooter, or an electric recumbent bicycle or tricycle. Such devices would not include electric-powered golf carts, quad bikes, all-terrain vehicles, utility task vehicles, or other similar types of devices. For purposes of this Chapter, Electric-powered wheeled devices include what are commonly known as “Electric Personal Assistive Mobility Devices or EPAMDs,” which are self-balancing, nontandem two-wheeled device, designed to transport only one person, that is powered solely by an electric propulsion system producing an average power output of no more than seven hundred fifty watts.

* * *

Motorized Vehicle, for purposes of this Chapter 12.02, has the same definition as specified in Section 7.07.050 of this Code.

Other Power-Driven Mobility Devices or OPDMD means any mobility device powered by batteries, fuel, or other engines that is used by individuals with mobility disabilities for the purpose of locomotion, but is not a wheelchair as otherwise defined in the 2010 Model Traffic Code, which has been adopted pursuant to Section 7.01.020 of this Code, and may include EPAMDs as defined in this Chapter.

* * *

Section 2. Section 12.02.100 of the Parker Municipal Code is amended by the addition of a new Subsection (c) to read as follows:

12.02.100 Use of motorized vehicles.

* * *

(c) Exceptions to this Section are only as specifically authorized by a valid permit issued by the Parker Police Department, or as otherwise specifically authorized in this Chapter 12.02 or in Chapter 7.03 of this Code.

Section 3. Section 12.02.190 of the Parker Municipal Code is amended to read as follows:

12.02.190 Speed limits.

The speed limit on all roadways, **trails**, and parking areas within park lands is fifteen (15) miles per hour.

Section 4. Chapter 12.02 is amended by the addition of a new Section 12.02.210, Types of vehicles allowed on Town trails, of the Parker Municipal Code to read as follows, and renumbering Sections 12.02.210 through 12.02.230 accordingly:

12.02.210 Types of vehicles allowed on Town trails.

The following specific types of vehicles or devices are allowed on the Town's trails subject to any restrictions specified in this Code, or any Town rules and regulations, adopted pursuant to Section 12.02.220 of this Chapter:

(1) Any fully human-powered wheeled device, such as a stroller, wagon, skateboard, bicycle, recumbent bicycle, or other similar types of devices;

(2) Class 1 and Class 2 electrical assisted bicycles. Class 3 electrical assisted bicycles are prohibited on Town trails;

(3) Other Power-Driven Mobility Devices ("OPDMD"), subject to the following provisions and restrictions:

a. The operator or passenger of an OPDMD must be a person with a mobility disability and Town personnel may ask patrons if they are using the OPDMD because of a disability in accordance with Americans with Disabilities Act (ADA) regulations;

b. The operator of an OPDMD must remain in control of the device at all times;

c. An OPDMD is allowed only in areas of park lands, hard surface trails, or facilities in which the general public is allowed;

d. The operator of an OPDMD must abide by all speed limits either as specified in this Code, or as otherwise posted on park lands;

e. All OPDMD devices shall be driven, to the extent possible, on the right side of the circulation route;

f. An OPDMD shall not exceed more than one-half the width of any trail;

g. An OPDMD shall not weigh more than 500 pounds;

h. The operator of an OPDMD shall not use such a device on any park lands if the use of the device will cause damage to the land, infrastructure or facilities;

i. The operator of an OPDMD shall not use the device while intoxicated;

j. The operator of an OPDMD is prohibited from carrying another person on the device, unless it is specifically made to carry more than one passenger;

k. The operator of an OPDMD is prohibited from carrying any object on the device that may make the device less stable;

l. The operator of an OPDMD shall not operate the device in a dangerous or reckless manner;

m. An OPDMD may not be operated on park lands or Town trails between dusk and dawn;

n. The parking of an OPDMD shall not impede normal pedestrian or other vehicle/device movements;

o. An individual without a mobility disability is prohibited from using an OPDMD, unless they are the operator of an OPDMD on which a person with a mobility disability is a passenger and the device is specifically manufactured for more than one individual;

p. An operator of an OPDMD must abide by any other Town rules and regulations adopted pursuant to Section 12.02.220 of this Chapter.

(4) Electric personal assistive mobility devices (EPAMD) or electric-powered wheeled devices, subject to the following provisions and restrictions:

a. The operator of such a device must remain in control of the device at all times;

b. The operator of an EPAMD or electric-powered wheeled device must abide by all speed limits either as specified in this Code, or as otherwise posted on park lands;

c. All EPAMD or electric-powered wheeled devices shall be driven or ridden, to the extent possible, on the right side of the circulation route;

d. An EPAMD or electric-powered wheeled device shall not exceed more than one-half the width of any trail;

e. An EPAMD or electric-powered wheeled device shall not weigh more than 500 pounds;

f. The operator of an EPAMD or electric-powered wheeled device shall not use such a device on any park lands if the use of the device will cause damage to the land, infrastructure or facilities;

g. The operator of an EPAMD or electric-powered wheeled device shall not use the device while intoxicated;

h. The operator of an EPAMD or electric-powered wheeled device is prohibited from carrying another person on the device, unless the device is specifically manufactured for more than one individual, and any operator is prohibited from carrying any object on the device that may make the device less stable;

i. The operator of an EPAMD or electric-powered wheeled device shall not operate the device in a dangerous or reckless manner;

j. The parking of an EPAMD or electric-powered wheeled device shall not impede normal pedestrian or other vehicle/device movements;

k. An operator of an EPAMD or electric-powered wheeled device must abide by any other Town rules and regulations adopted pursuant to Section 12.02.220.

(5) While certain gas-powered OPDMD devices may be allowed if compliant with Paragraph 3 above, no other gas-powered device shall be allowed on Town trails, unless a permit has been issued as provided in Paragraph (3) above.

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:

Chris Vanderpool, Acting Town Clerk

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

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Acting Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney



Request for Town Council Action

Date: September 7, 2021

Submitted By: Mary Colton, Parks and Recreation Director
Brett Collins, Projects Administrator
Jared Musil, Parks and Open Space Manager
Jamie Wynn, Assistant Town Attorney
Ben Shipley

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 5.03.8 – First Reading**
A Bill for an Ordinance to Amend Chapter 7.01 of the Town of the Parker Municipal Code Concerning Electric Personal Assistive Mobility Devices
Department: Town Attorney, Jamie Wynn
Second Reading: September 20, 2021

EXECUTIVE SUMMARY

With the increase in public usage of devices such as electrical assisted bicycles (e-bikes), electric skateboards, electric scooters, and other similar electric devices on trails, Town staff is recommending updates to the Municipal Code Chapter 12.02 - Park Regulations to be consistent with other municipalities, to adapt to the changing nature of outdoor recreation, and to comply with current regulations and procedures. Based on the updates being recommended for the Park Regulations Chapter, the Municipal Code's adoption of the Model Traffic Code will be impacted and will also need to be updated.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The usage of the Town of Parker park lands and trails has changed since the original Municipal Code provisions under Chapter 12.02 Park Regulations were passed in 1989, and while there have been some updates to those sections, there is a need to revisit various sections of the Municipal Code for current-day updates. Based upon the updates being recommended for Municipal Code Chapter 12.02 - Park Regulations, Section 7.01.020, which is the provision adopting the Model Traffic Code, should also be amended with respect to the section specific to electric personal assistive mobility devices (EPAMDs).

FINANCIAL IMPACT

None.

STRATEGIC GOAL(S)



SUPPORT AN
ACTIVE COMMUNITY

ATTACHMENTS

1. Ordinance No. 5.03.8

RECOMMENDED MOTION

I move to approve Ordinance No. 5.03.8 on first reading and to schedule second reading for September 20, 2021, as part of the consent agenda.

ORDINANCE NO. 5.03.8, Series of 2021

TITLE: A BILL FOR AN ORDINANCE TO AMEND CHAPTER 7.01 OF THE PARKER MUNICIPAL CODE CONCERNING ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES

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

Section 1. Section 7.01.020 is hereby amended by the addition thereto of a new paragraph (3) of the Parker Municipal Code to read as follows, and renumbering paragraphs (3) through (50) accordingly:

7.01.020 Adoption of Model Traffic Code.

* * *

(b) Amendments. The 2010 edition of the *Model Traffic Code* is adopted as if set out at length save and except the following additions, deletions or modifications:

(3) Subsection 117(3) of the *Model Traffic Code* is modified to read as follows:

“(3) An EPAMD shall not be operated:

“(a) On a limited-access highway;

“(b) On a bike or pedestrian path in a manner inconsistent with any Town Municipal Code sections or any Policies, Procedures, Rules, or Regulations of the Town or Town Departments;

“(c) At a speed greater than fifteen (15) miles per hour along Town trails that are specifically designated with fifteen miles per hour speed limit signs or twelve and one-half (12-1/2) miles per hour in all other areas.”

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:

Chris Vanderpool, Acting Town Clerk

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

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Acting Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney



Request for Town Council Action

Date: September 7, 2021

Submitted By: Kristin Hoffmann, Deputy Town Attorney

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 9.340 – First Reading**
A Bill for an Ordinance to Approve the Intergovernmental Agreement By and Between the Town of Parker and Newlin Crossing Metropolitan District
Department: Town Attorney, Kristin Hoffmann
Second Reading: September 20, 2021

EXECUTIVE SUMMARY

This ordinance approves an intergovernmental agreement with the Newlin Crossing Metropolitan District. The public hearing on the service plan and second reading of the ordinance is scheduled for September 20, 2021.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The Newlin Crossing Metropolitan District has submitted an application for approval of a service plan. One of the requirements of the service plan is execution of an intergovernmental agreement with the Town. This ordinance approves the intergovernmental agreement between the Town and the district. The public hearing on the service plan and second reading on the ordinance is scheduled for September 20, 2021.

FINANCIAL IMPACT

Under the terms of the intergovernmental agreement, the district agrees to impose a property tax of 5 mills, which will be remitted to the Town for the planning, design, financing, acquisition, construction, operation and maintenance of the Town infrastructure identified in Exhibit B of the intergovernmental agreement.

STRATEGIC GOAL(S)



INNOVATE WITH
COLLABORATIVE
GOVERNANCE



ENHANCE ECONOMIC
VITALITY

ATTACHMENTS

1. Ordinance No. 9.340

RECOMMENDED MOTION

I move to approve Ordinance No. 9.340 on first reading and to schedule second reading on September 20, 2021, as part of the consent agenda.

ORDINANCE NO. 9.340, Series of 2021

TITLE: A BILL FOR AN ORDINANCE TO APPROVE THE INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE TOWN OF PARKER AND NEWLIN CROSSING METROPOLITAN DISTRICT

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 Newlin Crossing Metropolitan District, 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:

Chris Vanderpool, Acting Town Clerk

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

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Acting Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney

EXHIBIT 1

TOWN OF PARKER MODEL INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN OF PARKER, COLORADO AND NEWLIN CROSSING METROPOLITAN DISTRICT

THIS AGREEMENT (the “Agreement”) is made and entered into as of this ____ day of September, 2021, by and between the TOWN OF PARKER, a home rule municipal corporation of the State of Colorado (the “Town”), and the NEWLIN CROSSING METROPOLITAN DISTRICT, a quasi-municipal corporation and political subdivision of the State of Colorado (the “District”). The Town and the District are collectively referred to as the Parties.

WITNESSETH:

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

WHEREAS, the District was organized to provide those services and to exercise powers as are more specifically set forth in the District’s Service Plan approved by the Town on September 20, 2021 (the “Service Plan”); and

WHEREAS, the Service Plan makes reference to the execution of an intergovernmental agreement between the Town and the District, as required by Chapter 10.11 of the Town Code; and

WHEREAS, specific regional improvements were identified in the Service Plan and as more particularly set forth on Exhibit A (the “Regional Infrastructure”), which Regional Infrastructure the Town has determined is necessary or desirable in connection with the impacts of the development of the Property; and

WHEREAS, in accordance with the provisions of the Service Plan, the District has agreed to levy a property tax of 5 mills that will be used for the planning, design and construction of the Regional Infrastructure (the “Infrastructure Capital Mill Levy”), and the District has conducted an election under Article X, Section 20 of the Colorado Constitution (“TABOR”) to enable it to impose the Infrastructure Capital Mill Levy and to issue debt repayable from the Infrastructure Capital Mill Levy; and

WHEREAS, the parties to this Agreement acknowledge the need for the Regional Improvements in order to accomplish the comprehensive development of the property located within the District’s service area (the “Property”); and

WHEREAS, the parties further acknowledge that the Town will also have certain infrastructure capital and maintenance needs resulting from the development of the Property (“Town Infrastructure”); and

WHEREAS, in accordance with the provisions of the Service Plan, the District has agreed to levy a property tax of 5 mills that will be used for the planning, design, construction and maintenance of the Town Infrastructure (the “Town Capital and Maintenance Mill Levy”), and the District has conducted an election under TABOR to enable it to impose the Town Capital

and Maintenance Mill Levy and to issue debt repayable from the Town Capital and Maintenance Mill Levy; and

WHEREAS, the parties further acknowledge that the District will have certain ongoing administrative obligations, as well as regional maintenance obligations with regard to the Regional Infrastructure, and in accordance with the provisions of the Service Plan, the District has agreed to levy a property tax of 5.000 mills (the “Operation and Maintenance Mill Levy”) for such purposes; and

WHEREAS, the Town has approved the final plat for the Property; and

WHEREAS, the Parties have determined it to be in the best interests of their respective taxpayers, residents and property owners to enter into this Intergovernmental Agreement (“Agreement”) to address the utilization of the various mill levies as well as certain other matters related to the organization, powers and authorities of the District.

WHEREAS, any capitalized term not specifically defined in this Agreement shall have that meaning as set forth in the Service Plan; and

NOW, THEREFORE, in consideration of the covenants and mutual agreements herein contained, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto agree as follows:

1. Infrastructure Capital Mill Levy. The District agrees to impose a property tax of 5 mills that shall be used for the planning, design and construction of the Regional Infrastructure. The utilization of the Infrastructure Capital Mill Levy is set forth on Exhibit A to this Agreement.

2. Town Capital and Maintenance Mill Levy. The District agrees to impose a property tax of 5 mills that shall be used for the planning, design, construction and/or maintenance of the Town Infrastructure. The utilization of the Infrastructure Capital Mill Levy is set forth on Exhibit B to this Agreement.

3. Operation and Maintenance Mill Levy. The District agrees to impose a property tax of up to 5 mills which shall be used for the ongoing administrative and operating expenses of the District, and for the maintenance of certain of the Regional Infrastructure, as set forth on Exhibit C to this Agreement.

4. General Provisions Applicable to the Mill Levies. The Infrastructure Capital Mill Levy and the Town Capital and Maintenance Mill Levy shall be imposed by the District the first year the District certifies a Maximum Debt Mill Levy and shall be subject to the Mill Levy Adjustment. The Operation and Maintenance Mill Levy shall be imposed by the District at the District’s discretion but in a manner that will enable the District to perform its maintenance obligations in connection with the Regional Infrastructure in a timely and adequate manner. The District acknowledges and agrees that requirement to levy the Infrastructure Capital Mill Levy, the Town Capital and Maintenance Mill Levy and the Operation and Maintenance Mill Levy (together, the “Mill Levies”) is a material consideration in, and a condition of, the Town’s approval of the District’s Service Plan, and that the Town has relied thereon in approving the

District's Service Plan. The District specifically agrees that the requirement that the District impose the Mill Levies and to utilize the funds as set forth in this Agreement shall be enforceable by the Town by all remedies available at law or in equity, including without limitation affirmative injunctive relief. The District represents and warrants that it has obtained all voter authorizations to enable it to impose the Mill Levies, and to pledge the revenues from the Infrastructure Capital Mill Levy and the Town Capital and Maintenance Mill Levy to the repayment of debt issued by either the District or the Town, if and as applicable.

The District shall remit any revenues from the Mill Levies that are due to the Town no later than March 15 and June 30 each year, and the Town shall deposit and maintain such revenues in a separate fund earmarked specifically for use only as set forth in this Agreement (the "Newlin Crossing Metropolitan District Fund"). Any revenues from the Mill Levies the District receives after June 30 shall be remitted to the Town within 30 days of their receipt. The monies in the Newlin Crossing Metropolitan District Fund may be applied to any design, planning, engineering, surveying, construction management, labor, materials, operations and administrative costs related to construction of the Regional Infrastructure and the Town Infrastructure as further detailed in this Agreement. On a quarterly basis, the Town shall provide to the District an accounting of revenues received from the District attributable to the Mill Levies, along with an itemization of expenditures made in major categories.

5. Operation and Maintenance of the Public Improvements. The District shall dedicate the Public Improvements to the Town or other appropriate jurisdiction or owners association in a manner consistent with the final approved plat, other rules and regulations of the Town, and applicable provisions of the Town Code. The District shall not be authorized to operate and maintain any part or all of the Public Improvements, or any other improvements, public or private, unless specifically provided for in this Agreement or separate agreement with the Town.

6. Fire Protection. The District shall not be authorized to plan for, design, acquire, construct, install, relocate, redevelop, finance, operate or maintain fire protection facilities or services, unless specifically provided for in this Agreement or separate agreement with the Town. This provision shall limit the District's authority to plan for, design, acquire, construct, install, relocate, redevelop or finance fire hydrants and related improvements installed as part of the water system.

7. Television Relay and Translation; Mosquito Control and Other Limitations. Unless specifically provided for in this Agreement or separate agreement with the Town, the District shall not be authorized to plan for, design, acquire, construct, install, relocate, redevelop, finance, operate, maintain or provide: (a) any television relay and translation facilities and services, other than for the installation of conduit as a part of a street construction project; (b) any mosquito control facilities and services; (c) any solid waste disposal, collection and transportation facilities and services; and (d) any security, covenant enforcement and design review services.

8. Construction Standards. The District will ensure that the Public Improvements are designed and constructed in accordance with the standards and specifications of the Town and of federal and state governmental entities having proper jurisdiction. The District will obtain

the Town's approval of civil engineering plans and will obtain applicable permits for construction and installation of Public Improvements prior to performing such work.

9. Issuance of Privately Placed Debt. Prior to the issuance of any privately placed bonds or other obligations, the payment of which the District has promised to impose an *ad valorem* property tax mill levy ("Debt"), the District shall obtain the certification of an External Financial Advisor substantially as follows:

We are [I am] an External Financial Advisor within the meaning of the District's Service Plan.

We [I] certify that (1) the net effective interest rate (calculated as defined in Section 32-1-103(12), C.R.S.) to be borne by the District for the [insert the designation of the Debt] does not exceed a market [tax-exempt] [taxable] interest rate, using criteria deemed appropriate by us [me] and based upon our [my] analysis of comparable high yield securities; and (2) the structure of [insert designation of the Debt], including maturities and early redemption provisions, is reasonable considering the financial circumstances of the District.

10. Inclusion and Exclusion. The District shall not include within its boundaries any property outside the Service Area (as defined in the Service Plan) without the prior written consent of the Town Council. The District shall not exclude any property from the District if such exclusion will result, or is reasonably anticipated to result, in detriment to the remaining residents and taxpayers within the District, or to the District's bondholders.

11. Total Debt Issuance. The District shall not issue Debt in excess of \$21,287,500 in total aggregate principal amount, provided that such limitation shall not be applicable to refunding Bonds issued by the District to refund outstanding Debt.

12. Monies from Other Governmental Sources. The District shall not apply for or accept Conservation Trust Funds, Great Outdoors Colorado Funds, or other funds available from or through governmental or non-profit entities that the Town is eligible to apply for, except as may be specifically provided for herein. This Section shall not apply to specific ownership taxes which shall be distributed to and constitute a revenue source for the District without any limitation.

13. Consolidation; Dissolution. The District shall not file a request with any Court to consolidate with another Title 32 district without the prior written consent of the Town. The District agrees that it shall take all action necessary to dissolve the District in accordance with the provisions of the Service Plan and applicable state statutes.

14. Service Plan Amendment Requirement. Any action of the District which violates the limitations set forth in Sections V.A.1-13 or VI.B-H of the Service Plan, or which constitutes a material modification under Parker Municipal Code section 10.11.060, shall be deemed to be a material modification to the Service Plan and the Town shall be entitled to all remedies available under State and local law to enjoin any such action(s) of the District. The Town may also seek

damages for breach of this Agreement arising from violations by the District of any provision of the Service Plan.

15. Applicable Laws. The District acknowledges that the property within its boundaries shall be subject to all ordinances, rules and regulations of the Town, including without limitation, ordinances, rules and regulations relating to zoning, subdividing, building and land use, and to all related Town land use policies, master plans and related plans.

16. Annual Report. The District shall submit an annual report (“Annual Report”) to the Town no later than September 1st of each year following the year in which the Order and Decree creating the District has been issued by the District Court for and in Douglas County, Colorado, pursuant to Parker Municipal Code section 10.11.040 and containing the information set forth in Section VII of the Service Plan.

17. Notices. All notices, demands, requests or other communications to be sent by one party to the other hereunder or required by law, including the Annual Report, shall be in writing and shall be deemed to have been validly given or served by delivery of same in person to the address or by courier delivery, via Federal Express or other nationally recognized overnight air courier service, or by depositing same in the United States mail, postage prepaid, addressed as follows:

To the District:	Newlin Crossing Metropolitan District c/o White Bear Ankele Tanaka & Waldron 2154 E. Commons Avenue, Suite 2000 Centennial, CO 80122 Attn: Clint Waldron, Esq. Phone: (303) 858-1800
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To the Town: Town of Parker
20120 E. Mainstreet
Parker, CO 80138-7334
Attn: Jim Maloney, Town Attorney
cc: Mary Lou Brown, Finance Director
Phone: (303) 841-0353
Fax: (303) 840-9792

All notices, demands, requests or other communications shall be effective upon such personal delivery or one (1) business day after being deposited with Federal Express or other nationally recognized overnight air courier service or three (3) business days after deposit in the United States mail. By giving the other party hereto at least ten (10) days written notice thereof in accordance with the provisions hereof, each of the Parties shall have the right from time to time to change its address.

18. Miscellaneous.

A. **Effective Date.** This Agreement shall be in full force and effect and be legally binding upon final approval of the governing bodies of the Parties. No Debt shall be issued by the District until after the effective date of this Agreement.

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

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

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

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

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

G. **Default/Remedies.** In the event of a breach or default of this Agreement by any party, the non-defaulting party shall be entitled to exercise all remedies available at law or in equity, specifically including suits for specific performance and/or monetary damages. In the event of any proceeding to enforce the terms, covenants or conditions hereof, the prevailing party in such proceeding shall be entitled to obtain as part of its judgment or award its reasonable attorneys' fees.

H. **Governing Law and Venue.** This Agreement shall be governed and construed under the laws of the State of Colorado. Venue for all actions brought hereunder shall be in the District Court in and for Douglas County.

I. **Inurement.** Each of the terms, covenants and conditions hereof shall be binding upon and inure to the benefit of the Parties hereto and their respective successors and assigns.

J. **Paragraph Headings.** Paragraph headings are inserted for convenience of reference only.

K. **No Third Party Beneficiaries.** No person or entity who or which is not a party to this Agreement will have any right of action under this Agreement.

L. Entirety. This Agreement merges and supersedes all prior negotiations, representations, and agreements between the parties hereto relating to the subject matter hereof and this Agreement, together with the Service Plan provisions that serve to supplement or complement this Agreement, constitutes the entire agreement between the Parties concerning the subject matter hereof.

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

TOWN OF PARKER, COLORADO

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Acting Town Clerk

APPROVED AS TO FORM:

Town Attorney's Office

**NEWLIN CROSSING METROPOLITAN
DISTRICT**, a quasi-municipal corporation and
political subdivision of the State of Colorado

By: _____
_____, President

ATTEST:

_____, Secretary

EXHIBIT A

Utilization of Infrastructure Capital Mill Levy

The District shall be required to impose the Infrastructure Capital Mill Levy for as long as the District is in existence. The District shall be authorized to impose the Infrastructure Capital Mill Levy and retain the revenues therefore for the planning, design, financing, acquisition, or construction of all or a portion of the Regional Infrastructure. The District shall provide the Town notice of any obligation repayable in whole or in part from the Infrastructure Capital Mill Levy no later than 30 days following issuance of such obligation.

The District shall be permitted to retain revenues from the Infrastructure Capital Mill Levy received by the District to the extent needed to pay debt service on such obligation in the then-current calendar year. The Town agrees that for economic efficiency in financing the Regional Infrastructure, the District may pledge the Infrastructure Capital Mill Levy along with the District's debt service mill levy for purposes of financing bonds, notes or other obligations, provided that the proceeds generated from the pledge of the Infrastructure Capital Mill Levy are used only to pay the costs of the Regional Infrastructure. Any revenues from the Infrastructure Capital Mill Levy that are not needed to pay debt service on such obligation in the then-current calendar year shall be remitted to the Town within 30 days of receipt by the District of such revenues.

So long as no obligation of the District is outstanding whereby the revenues derived from the Infrastructure Capital Mill Levy are pledged to the repayment of such obligations, in the event the Town determines that the costs related to the Regional Infrastructure are less than the revenues generated from the Infrastructure Capital Mill Levy, the Town may provide notice to the District no later than October 1 that the District may reduce the Infrastructure Capital Mill Levy as provided in such notice from the Town. Any reduction of either the Infrastructure Capital Mill Levy as a result of such notice from the Town shall not constitute a modification of this Agreement or a material modification of the Service Plan.

Unless and until the District has issued an obligation repayable, in whole or in part, from the Infrastructure Capital Mill Levy, any revenues from the Infrastructure Capital Mill Levy received by the District shall be remitted to the Town within 30 days of receipt by the District of such revenues. Upon maturity of any District obligation repayable in part or in whole from revenues generated by the Infrastructure Capital Mill Levy, such revenues shall be remitted to the Town within 30 days of their receipt by the District.

The Town agrees that the revenues received by the Town from the District from the Infrastructure Capital Mill Levy shall only be used for costs associated with the impacts to the Town of the development within the District pursuant to the terms of this Agreement.

The District is authorized to utilize the revenues from the Infrastructure Capital Mill Levy for the planning, design, financing, acquisition, or construction of the follow Regional Infrastructure:

- Regional drainage improvements associated with Newlin Gulch;

- Traffic and safety improvements associated with the intersection of South Chambers Road and East Mainstreet; and
- Traffic and safety improvements associated with the collector road.

EXHIBIT B

Utilization of Town Capital and Maintenance Mill Levy

The District shall be required to impose the Town Capital and Maintenance Mill Levy for as long as the District is in existence. Any revenues from the Town Capital and Maintenance Mill Levy received by the District shall be remitted to the Town within 30 days of receipt by the District of such revenues.

The Town agrees that the revenues received from the Town Capital and Maintenance Mill Levy shall only be used for costs associated with the impacts to the Town of the development within the District pursuant to the terms of this Agreement.

In the event the Town determines that the costs related to the Town Infrastructure are less than the revenues generated from the Town Capital and Maintenance Mill Levy, the Town may provide notice to the District no later than October 1 that the District may reduce the Town Capital and Maintenance Mill Levy as provided in such notice from the Town. Any reduction of the Town Capital and Maintenance Mill Levy as a result of such notice from the Town shall not constitute a modification of this Agreement or a material modification of the Service Plan.

The Town is authorized to utilize the revenues from the Town Capital and Maintenance Mill Levy for the planning, design, financing, acquisition, construction, operation, and maintenance of the following Town Infrastructure:

- All roadways, storm sewer, and associated items constructed within Town right-of-way;
- Regional roadways serving the District; and
- All storm sewer, detention ponds, stream improvements, and other stormwater conveyance infrastructure located on Town, homeowners association, or District-owned property that is eligible for maintenance assistance through the Town's Stormwater Utility.

The parties agree that the Town may modify the list of Town Infrastructure provided in this Exhibit B without amending this Agreement upon advance written notice to the District. The District shall have 30 days to object to such modification. In the event the District fails to object within 30 days of receipt of such notice, the Town may proceed to utilize the revenues from the Town Capital and Maintenance Mill Levy as set forth in such written notice which notice shall become a part of this Agreement by Addendum.

EXHIBIT C

Utilization of Operation and Maintenance Mill Levy

The District shall dedicated the Public Improvements (as defined in the Service Plan) to the Town or other appropriate jurisdiction or homeowners association in a manner consistent with the Approved Development Plan and other rules and regulations of the Town and applicable provisions of the Town Code. The District shall be authorized to own, operate, and maintain the Public Improvements not otherwise required to be dedicated to the Town or other public entity. If the Public Improvements are owned by an entity other than the District, the Town or other public entity, such entity shall be responsible for the operation and maintenance unless the District agrees to provide for the operation and maintenance of the Public Improvements pursuant to an agreement with such entity.

The District is authorized to impose up to 5 mills for District administrative and operating expenses as well as maintenance of Regional Infrastructure as set forth below. The Operation and Maintenance Mill Levy shall be imposed by the District at the District's discretion but in a manner that will enable the District to perform its administrative and operating obligations and its maintenance obligations in connection with the Regional Infrastructure in a timely and adequate manner.

- Drainage improvements (including detention and storm improvements);
- Street improvements (including roads, curbs, gutters, culverts, sidewalks, bridges, parking facilities, paving, lighting, grading, landscaping, and other street improvements);
- Traffic and Safety Controls;
- Open Space and Trails;
- Landscaping;
- Parks and Recreation Improvements and Facilities, including clubhouses, recreation centers, and swimming pools;
- Retaining Walls; and
- Irrigation Systems.



Request for Town Council Action

Date: September 7, 2021

Submitted By: Bob Exstrom, Project Manager

Reviewed By: Michelle Kivela, Town Administrator

Title: **Professional Services Agreement for Conceptual/Preliminary Design for Lincoln Avenue Widening Project**

Amount: **\$499,984.00**

Contractor: **Felsburg Holt & Ullevig**

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

EXECUTIVE SUMMARY

This agenda item is for the approval of a professional services agreement with Felsburg Holt & Ullevig (FHU) for the conceptual and preliminary design of the Lincoln Avenue Widening Project (Keystone Boulevard to Parker Road).

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The Town has been contemplating the widening of Lincoln Avenue between Keystone Boulevard and Parker Road since the original design and construction of Lincoln Avenue. This proposed roadway is an important component to Parker's long-term roadway transportation plan.

Due to the regional significance of the proposed roadway widening, the project is being coordinated with Douglas County. After several years of discussions with County staff, the Town and County are ready to move forward with the conceptual and preliminary design of this roadway widening. This resulted in Town Council approving an intergovernmental agreement (IGA) with the County regarding cost sharing (50/50) at the May 3, 2021 Town Council Meeting.

As provided by the IGA, Town and County staff requested statements of qualifications from six preselected firms from the County's on-call listing in order to determine the most qualified consultant to utilize on this project. This qualifications-based selection process took several months to complete and resulted in the Town and County agreeing that FHU was the most qualified consultant for this project. The Town and County have worked successfully with FHU in the past and FHU is currently on the Town and County's on-call listing for civil engineering services. FHU's proposed team consists of experienced engineering and project management staff and subconsultants that Town staff are confident will provide a high level of service.

Following several weeks of coordination, the Town, County and FHU finalized a scope, fee and

schedule for the conceptual and preliminary design of the Lincoln Avenue widening project. The total amount for this phase of work is \$499,984.00. After the preliminary design is finalized in late 2022, a second design contract and IGA amendment will be needed to finalize the design and environmental clearances. A third design contract and IGA amendment will be needed in 2024 for construction administration services. Tentatively, construction is scheduled to start early 2024 and be completed in late 2025.

FINANCIAL IMPACT

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

STRATEGIC GOAL(S)

ENHANCE ECONOMIC
VITALITY



PROMOTE A SAFE AND
HEALTHY COMMUNITY

ATTACHMENTS

None

RECOMMENDED MOTION

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

PROCLAMATION

WHEREAS, it is the privilege and duty of the American people to commemorate the two hundred and thirty-fourth anniversary of the drafting of the Constitution of the United States of America with appropriate ceremonies and activities; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week.

NOW, THEREFORE, I, Jeff Toborg, by virtue of the authority vested in me as Mayor of the Town of Parker, Colorado do hereby proclaim the week of September 17 through 23, 2021, as

CONSTITUTION WEEK

and urge all citizens to study the Constitution and reflect on the privilege of being an American with all the rights and responsibilities which that privilege involves.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the (State or City) to be affixed this 7th day of September of the year of our Lord two thousand twenty-one.

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Acting Town Clerk



Request for Town Council Action

Date: September 7, 2021

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

Reviewed By: Michelle Kivela, Town Administrator

Title: **ANTHOLOGY NORTH - Planned Development Amendment No. 3**

Applicant: PCS Group

Location: Generally located on the south side of Hess Road between Chambers Road and Motsenbocker Road

Department: Community Development, BrieAnna Simon

TRAKiT No.: Z21-008

EXECUTIVE SUMMARY

The applicant is proposing an amendment to the Anthology North Planned Development (PD) zoning through a revision of the Development Plan. The purpose of the PD zoning amendment is to relocate the previously approved South Metro Fire/Rescue Authority (SMFRA) fire station location from Planning Area 19 adjacent to the Horse Creek residential neighborhood to the northwest corner of the intersection of Chambers Road and Great Plain Way. The proposed relocation of the fire station will address the concerns of residents, Town Council and the Planning Commission about nuisance impacts on the Horse Creek neighborhood from emergency response activities.

The Town Council, in reviewing this request, shall consider the following factors:

1. A need exists for the proposal;
2. The particular parcel of ground is indeed the correct site for the proposed development;
3. There has been an error in the original zoning; or
4. There have been significant changes in the area to warrant a zone change;
5. Adequate circulation exists and traffic movement would not be impeded by development; and
6. Additional municipal service costs will not be incurred which the Town is not prepared to meet.
7. There are minimal environmental impacts or impacts can be mitigated.
8. The proposal is consistent with the Town Master Plan maps, goals and policies.
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.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The Anthology North PD is generally located on the south side of Hess Road between Rueter-Hess Reservoir to the west and Motsenbocker Road to the east. The PD is currently undeveloped and is adjacent to the Horse Creek residential neighborhood to the north, Hess Ranch (Looking Glass) PD to the south and the original Anthology residential neighborhood to the east. A SMFRA fire station has been approved and planned in Planning Area 19 for many years, pre-dating the existence of the Horse Creek residential neighborhood. During the public hearing process for other aspects of the Anthology project, members of the public requested the relocation of the SMFRA fire station, due to impacts to the Horse Creek residential neighborhood. Recently, it has become feasible to address the relocation now that the property owner and their development partner have decided to proceed with development and have submitted land use applications towards this end.

Notwithstanding the above, the applicant is aware of the concerns about the potential impacts of the planned fire station and has been working with SMFRA and Town staff to identify a feasible relocation site and evaluate its suitability for use as a fire station. This evaluation takes time; requires substantial coordination between the applicant, SMFRA and the Town; and can only be accomplished through an official amendment to the PD zoning. Staff is pleased to report that the three (3) parties have successfully identified a relocation site, confirmed its feasibility for fire station use at a conceptual/schematic level and have the support of SMFRA for a proposed amendment to the PD zoning moving the fire station to the interior of Anthology North. The applicant requests the approval of the proposed amendment to the PD zoning to revise the Anthology North Development Plan relocating the SMFRA fire station in Planning Area 19 to the northwest corner of Chambers Road and Great Plain Way.

At the northwest corner of Chambers Road and Great Plain Way, the proposed fire station will continue to have adequate access to arterial and collector roadways, meet SMFRA facility spacing requirements and be shifted away from existing residential uses to the north. The original, approved location of the fire station in Planning Area 19 adjacent to the Horse Creek residential neighborhood will be rezoned to open space, thereby eliminating the possibility of impacts from emergency service activity next to the Horse Creek neighborhood. The proposed amendment to the PD zoning maintains the total amount of open space required by the Annexation Agreement and the previously approved Anthology North PD. It is likely that the planning and design of the area around the fire station relocation site will occur in Segment 2 of the Anthology North PD as opposed to Segment 3, which would be the case if the fire station remained in Planning Area 19. Ultimately, SMFRA will determine at what point in the future it needs to construct a new fire station in Anthology North based upon their budget process, capital improvement plan/program and service planning.

The proposed amendment to the Anthology North PD zoning will maintain all of the use, bulk,

density/yield and park/open space standards of the PD as approved by the Town Council except for the fire station relocation and associated rezoning of Planning Area 19 to open space. The proposed amendment to the Anthology North PD zoning is also consistent with the Parker 2035 Master Plan as to recommended use, access and necessary public services in the southwestern section of Town.

The Planning Commission held a public hearing for the proposed application on August 12, 2021 and made a unanimous recommendation of approval.

FINANCIAL IMPACT

None

STRATEGIC GOAL(S)



DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH



INNOVATE WITH
COLLABORATIVE
GOVERNANCE



ENHANCE ECONOMIC
VITALITY

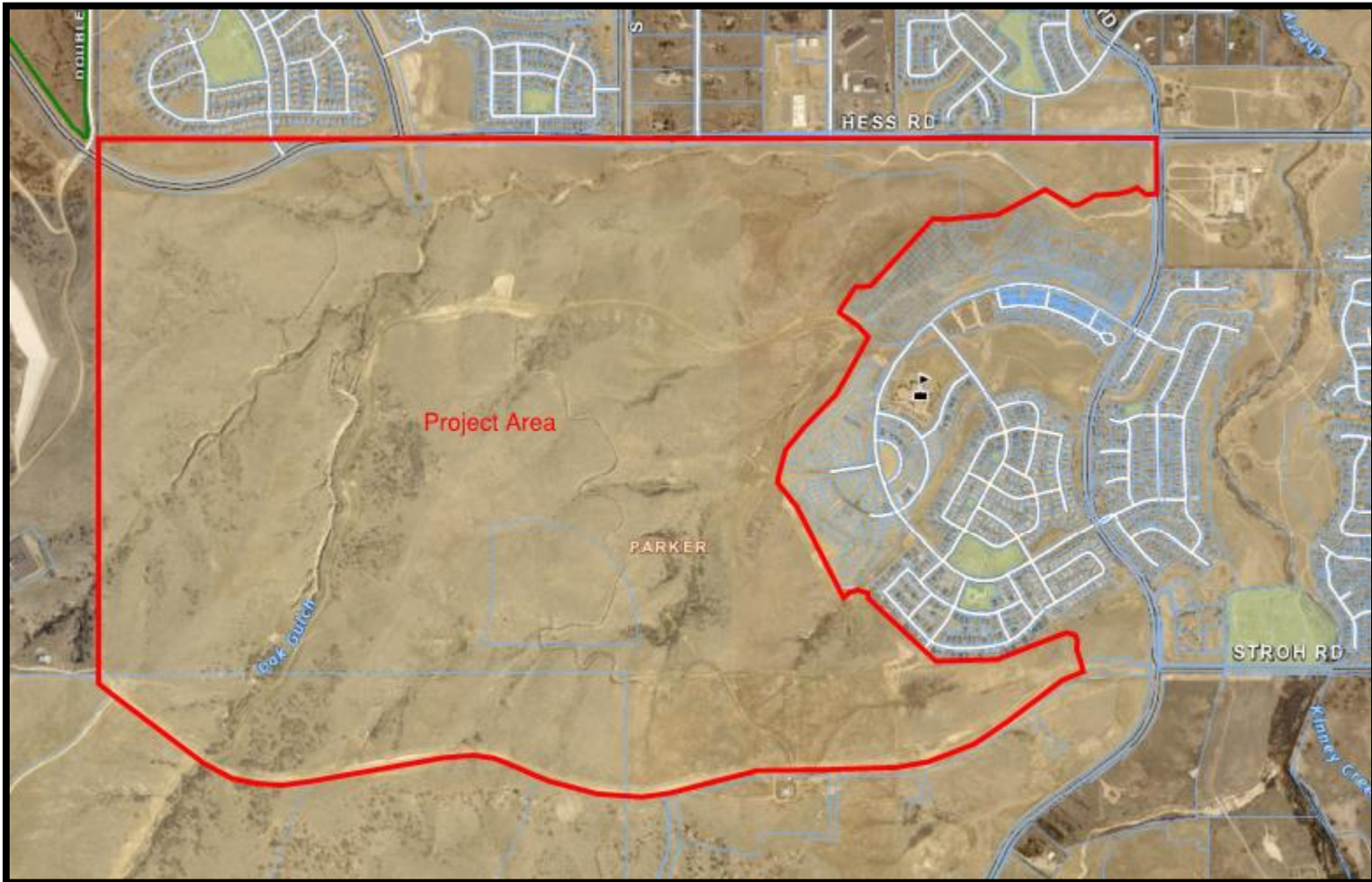
ATTACHMENTS

1. Vicinity Map
2. Ordinance No. 3.308.3
3. Planning Commission Staff Report
4. Project Narrative
5. Rezoning Criteria Analysis
6. Proposed Development Plan
7. Existing PD Guide
8. South Metro Fire Rescue Response
9. Fire Station Concepts

RECOMMENDED MOTION

I move to approve Ordinance No. 3.308.3 on second reading.

Vicinity Map



ORDINANCE NO. 3.308.3, Series of 2021

TITLE: A BILL FOR AN ORDINANCE TO AMEND THE ANTHOLOGY NORTH DEVELOPMENT PLAN SECOND AMENDMENT PURSUANT TO THE TOWN OF 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 PD-Planned Development zoning for the “Anthology North Development Plan Second Amendment,” approved by the Town Council on November 16, 2020, and recorded in the Office of the Douglas County Clerk and Recorder’s Office on December 10, 2020, at Reception No. 2020121823, pursuant to the Town of Parker Land Development Ordinance.

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

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

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

e. The requirements contained in Section 13.04.240(b) of the Parker Land Development Ordinance for amending the PD-Planned Development zoning the property described in **Exhibit A**, which is attached hereto and incorporated by this reference (the “Property”), have been satisfied.

Section 2. The Anthology North Development Plan Second Amendment for the Property is hereby amended as provided in the “Anthology North Development Plan Third Amendment,” which is attached hereto as **Exhibit B** and incorporated by this reference. The uses permitted for the Property are specifically described in the attached Anthology North Development Guide, which is attached as **Exhibit C** 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 ten (10) days after final publication.

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

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Acting Town Clerk

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

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Acting Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney

EXHIBIT A

LTG Policy No. PIB70378536*2

Our Order No. ABC70378536*2

LEGAL DESCRIPTION**PARCEL C:**

A PARCEL OF LAND BEING A PART OF SECTIONS 32 AND 33, TOWNSHIP 6 SOUTH, RANGE 66 WEST AND A PART OF SECTIONS 4, 5 AND 6, TOWNSHIP 7 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 4,
THENCE SOUTH 89 DEGREES 14 MINUTES 11 SECONDS WEST, A DISTANCE OF 72.69 FEET TO
A POINT ON THE WESTERLY RIGHT OF WAY OF CROWFOOT VALLEY ROAD, AS RECORDED IN
THE DOUGLAS COUNTY SURVEYOR'S LAND SURVEY PLATS/RIGHT OF WAY SURVEYS, SURVEY
NO. LSP-2474;

THENCE NORTH 00 DEGREES 12 MINUTES 58 SECONDS EAST, ALONG THE WESTERLY RIGHT OF
WAY OF SAID CROWFOOT VALLEY ROAD, A DISTANCE OF 21.60 FEET TO THE POINT OF
BEGINNING;

THENCE NORTH 89 DEGREES 30 MINUTES 54 SECONDS WEST, A DISTANCE OF 314.70 FEET TO
A POINT OF CURVATURE;

THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 32
DEGREES 01 MINUTES 27 SECONDS, A RADIUS OF 1,070.97 FT, AND AN ARC LENGTH OF
598.59 FEET, (CHORD BEARS SOUTH 74 DEGREES 28 MINUTES 22 SECONDS WEST, A
DISTANCE OF 590.83 FEET);

THENCE SOUTH 54 DEGREES 06 MINUTES 08 SECONDS WEST, A DISTANCE OF 556.22
FEET;

THENCE SOUTH 52 DEGREES 19 MINUTES 22 SECONDS WEST, A DISTANCE OF 242.53 FEET TO
A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF SAID NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL
ANGLE OF 24 DEGREES 24 MINUTES 53 SECONDS, A RADIUS OF 2,197.49 FEET, AND AN
ARC LENGTH OF 936.39 FEET, (CHORD BEARS SOUTH 66 DEGREES 58 MINUTES 35 SECONDS
WEST, A DISTANCE OF 929.33 FEET) TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF SAID NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL
ANGLE OF 02 DEGREES 43 MINUTES 59 SECONDS, A RADIUS OF 11,639.30 FEET, AND AN
ARC LENGTH OF 555.20 FEET, (CHORD BEARS SOUTH 85 DEGREES 41 MINUTES 11 SECONDS
WEST, A DISTANCE OF 555.17 FEET);

THENCE NORTH 89 DEGREES 40 MINUTES 01 SECONDS WEST, A DISTANCE OF 307.11
FEET;

THENCE SOUTH 89 DEGREES 32 MINUTES 44 SECONDS WEST, A DISTANCE OF 543.29 FEET TO
A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF SAID NON-TANGENT CURVE TO THE LEFT HAVING A CENTRAL
ANGLE OF 20 DEGREES 01 MINUTES 18 SECONDS, A RADIUS OF 1,374.23 FEET, AND AN
ARC LENGTH OF 480.22 FT, (CHORD BEARS SOUTH 79 DEGREES 53 MINUTES 13 SECONDS
WEST, A DISTANCE OF 477.78 FEET);

THENCE SOUTH 74 DEGREES 13 MINUTES 58 SECONDS WEST, A DISTANCE OF 480.67 FEET TO
A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF SAID NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL
ANGLE OF 25 DEGREES 57 MINUTES 29 SECONDS, A RADIUS OF 2408.42 FEET, AND AN ARC
LENGTH OF 1,091.14 FEET, (CHORD BEARS NORTH 88 DEGREES 01 MINUTES 55 SECONDS
WEST, A DISTANCE OF 1,081.84 FEET);

THENCE NORTH 71 DEGREES 26 MINUTES 34 SECONDS WEST, A DISTANCE OF 415.03 FEET TO
A POINT OF NON-TANGENT CURVATURE;

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THENCE ALONG THE ARC OF SAID NON-TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 50 DEGREES 07 MINUTES 52 SECONDS, A RADIUS OF 1142.75 FEET, AND AN ARC LENGTH OF 999.85 FEET, (CHORD BEARS NORTH 81 DEGREES 36 MINUTES 30 SECONDS WEST, A DISTANCE OF 968.27 FEET);

THENCE SOUTH 81 DEGREES 02 MINUTES 05 SECONDS WEST, A DISTANCE OF 1,141.54 FEET TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF SAID NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 62 DEGREES 35 MINUTES 02 SECONDS, A RADIUS OF 1,265.85 FEET, AND AN ARC LENGTH OF 1382.68 FEET, (CHORD BEARS NORTH 79 DEGREES 28 MINUTES 34 SECONDS WEST, A DISTANCE OF 1,314.97 FEET);

THENCE NORTH 55 DEGREES 15 MINUTES 32 SECONDS WEST, A DISTANCE OF 412.26 FEET;

THENCE NORTH 52 DEGREES 02 MINUTES 09 SECONDS WEST, A DISTANCE OF 651.65 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 11 DEGREES 18 MINUTES 24 SECONDS, A RADIUS OF 1335.23 FEET, AND AN ARC LENGTH OF 263.49 FEET, (CHORD BEARS NORTH 57 DEGREES 41 MINUTES 21 SECONDS WEST, A DISTANCE OF 263.06 FEET) TO A POINT ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 6;

THENCE NORTH 89 DEGREES 24 MINUTES 48 SECONDS EAST, ALONG SAID NORTH LINE, A DISTANCE OF 135.95 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 32 MONUMENTED BY A 2 1/2" ALUMINUM CAP STAMPED: LS 22088;

THENCE NORTH 00 DEGREES 11 MINUTES 12 SECONDS WEST, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 32, A DISTANCE OF 2,662.24 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 32 MONUMENTED BY A STONE MATCHING MONUMENT RECORDS;

THENCE NORTH 00 DEGREES 12 MINUTES 52 SECONDS EAST, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 32, A DISTANCE OF 2,659.46 FEET TO THE NORTHWEST CORNER OF SAID SECTION 32 MONUMENTED BY A 3 1/2" ALUMINUM CAP STAMPED: LS 28286;

THENCE NORTH 89 DEGREES 43 MINUTES 54 SECONDS EAST, ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 32, A DISTANCE OF 1,693.37 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY OF HESS ROAD;

THENCE ALONG SAID SOUTHERLY RIGHT OF WAY THE FOLLOWING TWENTY (20) COURSES:

1. ALONG THE ARC OF SAID NON-TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 15 DEGREES 55 MINUTES 25 SECONDS, A RADIUS OF 335.00 FEET, AND AN ARC LENGTH OF 93.11 FEET, (CHORD BEARS SOUTH 28 DEGREES 57 MINUTES 53 SECONDS EAST, A DISTANCE OF 92.80 FEET);
2. SOUTH 36 DEGREES 55 MINUTES 38 SECONDS EAST, A DISTANCE OF 115.29 FEET TO A POINT OF NON-TANGENT CURVATURE;
3. ALONG THE ARC OF SAID NON-TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 01 DEGREES 41 MINUTES 07 SECONDS, A RADIUS OF 789.50 FEET, AND AN ARC LENGTH OF 93.22 FEET, (CHORD BEARS SOUTH 49 DEGREES 41 MINUTES 21 SECONDS WEST, A DISTANCE OF 23.22 FEET);
4. SOUTH 41 DEGREES 09 MINUTES 12 SECONDS EAST, A DISTANCE OF 89.50 FEET TO A POINT OF NON-TANGENT CURVATURE;
5. ALONG THE ARC OF SAID NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 40 DEGREES 31 MINUTES 44 SECONDS, A RADIUS OF 700.00 FEET, AND AN ARC LENGTH

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OF 495.15 FEET, (CHORD BEARS NORTH 69 DEGREES 06 MINUTES 40 SECONDS EAST, A DISTANCE OF 484.89 FEET);

6. NORTH 89 DEGREES 22 MINUTES 32 SECONDS EAST, A DISTANCE OF 137.07 FEET;

7. NORTH 88 DEGREES 06 MINUTES 09 SECONDS EAST, A DISTANCE OF 145.43 FEET;

8. NORTH 85 DEGREES 33 MINUTES 26 SECONDS EAST, A DISTANCE OF 113.19 FEET;

9. NORTH 88 DEGREES 06 MINUTES 09 SECONDS EAST, A DISTANCE OF 243.94 FEET;

10. SOUTH 51 DEGREES 12 MINUTES 49 SECONDS EAST, A DISTANCE OF 75.83 FEET;

11. SOUTH 10 DEGREES 31 MINUTES 47 SECONDS EAST, A DISTANCE OF 322.84 FEET TO A POINT OF CURVATURE;

12. ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 01 DEGREES 01 MINUTES 03 SECONDS, A RADIUS OF 1,285.00 FEET, AND AN ARC LENGTH OF 22.82 FEET, (CHORD BEARS SOUTH 11 DEGREES 02 MINUTES 19 SECONDS EAST, A DISTANCE OF 22.82 FEET);

13. NORTH 78 DEGREES 27 MINUTES 10 SECONDS EAST, A DISTANCE OF 170.00 FEET TO A POINT OF NON-TANGENT CURVATURE;

14. ALONG THE ARC OF SAID NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 01 DEGREES 01 MINUTES 03 SECONDS, A RADIUS OF 1,115.00 FEET, AND AN ARC LENGTH OF 19.80 FEET, (CHORD BEARS NORTH 11 DEGREES 02 MINUTES 19 SECONDS WEST, A DISTANCE OF 19.80 FEET);

15. NORTH 10 DEGREES 31 MINUTES 47 SECONDS WEST, A DISTANCE OF 297.03 FEET;

16. NORTH 38 DEGREES 47 MINUTES 11 SECONDS EAST, A DISTANCE OF 65.19 FEET;

17. NORTH 88 DEGREES 06 MINUTES 09 SECONDS EAST, A DISTANCE OF 712.96 FEET TO A POINT OF CURVATURE;

18. ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 04 DEGREES 19 MINUTES 28 SECONDS, A RADIUS OF 5,661.50 FEET, AND AN ARC LENGTH OF 427.31 FEET, (CHORD BEARS SOUTH 89 DEGREES 44 MINUTES 07 SECONDS EAST, A DISTANCE OF 427.20 FEET);

19. SOUTH 87 DEGREES 34 MINUTES 23 SECONDS EAST, A DISTANCE OF 829.68 FEET TO A POINT OF CURVATURE;

20. ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 03 DEGREES 01 MINUTES 07 SECONDS, A RADIUS OF 2,360.50 FEET, AND AN ARC LENGTH OF 124.36 FEET, (CHORD BEARS SOUTH 89 DEGREES 04 MINUTES 57 SECONDS EAST, A DISTANCE OF 124.35 FEET);

THENCE CONTINUING ALONG SAID SOUTHERLY RIGHT OF WAY THE FOLLOWING SEVEN (7) COURSES:

1. ALONG THE ARC OF SAID NON-TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 02 DEGREES 08 MINUTES 58 SECONDS, A RADIUS OF 2,360.50 FEET, AND AN ARC LENGTH OF 88.55 FEET, (CHORD BEARS NORTH 88 DEGREES 19 MINUTES 58 SECONDS EAST, A DISTANCE OF 88.55 FEET);

2. NORTH 87 DEGREES 15 MINUTES 29 SECONDS EAST, A DISTANCE OF 352.50 FEET;

3. NORTH 02 DEGREES 44 MINUTES 31 SECONDS WEST, A DISTANCE OF 7.50 FEET;

4. NORTH 87 DEGREES 15 MINUTES 29 SECONDS EAST, A DISTANCE OF 290.82 FEET TO A POINT OF CURVATURE;

5. ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 02 DEGREES 19 MINUTES 07 SECONDS, A RADIUS OF 2,945.00 FEET, AND AN ARC LENGTH OF 119.18 FEET, (CHORD BEARS NORTH 88 DEGREES 25 MINUTES 02 SECONDS EAST, A DISTANCE OF 119.17 FEET) TO A POINT ON A LINE BEING 70 FEET SOUTHERLY OF THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 23;

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6. NORTH 89 DEGREES 34 MINUTES 38 SECONDS EAST, PARALLEL WITH AND 70 FEET SOUTHERLY OF SAID NORTH LINE, A DISTANCE OF 1,799.34 FEET TO THE EAST LINE OF SAID NORTHWEST QUARTER;

7. NORTH 89 DEGREES 34 MINUTES 39 SECONDS EAST, PARALLEL WITH AND 70 FEET SOUTHERLY OF THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 33, A DISTANCE OF 2,579.25 FEET TO THE WESTERLY LINE OF STROH RANCH FILING NO. 11 AS RECORDED AT RECEPTION NO. 99012788 OF THE DOUGLAS COUNTY CLERK AND RECORDER'S OFFICE, SAID POINT ALSO BEING THE WESTERLY RIGHT OF WAY LINE OF MOTSENBOCKER ROAD;

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

1. THENCE SOUTH 03 DEGREES 33 MINUTES 30 SECONDS EAST, A DISTANCE OF 256.18 FEET TO A POINT OF CURVATURE;
2. ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 03 DEGREES 46 MINUTES 16 SECONDS, A RADIUS OF 760.00 FEET, AND AN ARC LENGTH OF 50.02 FEET, (CHORD BEARS SOUTH 01 DEGREES 40 MINUTES 22 SECONDS EAST, A DISTANCE OF 50.01 FEET);
3. SOUTH 00 DEGREES 12 MINUTES 46 SECONDS WEST, A DISTANCE OF 218.19 FEET;

THENCE NORTH 89 DEGREES 47 MINUTES 14 SECONDS WEST, A DISTANCE OF 35.00 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 53 DEGREES 08 MINUTES 20 SECONDS, A RADIUS OF 175.00 FEET, AND AN ARC LENGTH OF 162.30 FEET, (CHORD BEARS NORTH 63 DEGREES 13 MINUTES 04 SECONDS WEST, A DISTANCE OF 156.55 FEET);

THENCE SOUTH 65 DEGREES 32 MINUTES 00 SECONDS WEST, A DISTANCE OF 90.91 FEET;

THENCE SOUTH 77 DEGREES 51 MINUTES 49 SECONDS WEST, A DISTANCE OF 101.33 FEET;

THENCE SOUTH 86 DEGREES 15 MINUTES 55 SECONDS WEST, A DISTANCE OF 130.98 FEET;

THENCE SOUTH 79 DEGREES 36 MINUTES 20 SECONDS WEST, A DISTANCE OF 114.37 FEET;

THENCE SOUTH 67 DEGREES 16 MINUTES 44 SECONDS WEST, A DISTANCE OF 92.37 FEET;

THENCE SOUTH 65 DEGREES 03 MINUTES 57 SECONDS WEST, A DISTANCE OF 146.84 FEET;

THENCE NORTH 59 DEGREES 52 MINUTES 53 SECONDS WEST, A DISTANCE OF 311.08 FEET;

THENCE SOUTH 63 DEGREES 53 MINUTES 55 SECONDS WEST, A DISTANCE OF 712.05 FEET;

THENCE NORTH 86 DEGREES 38 MINUTES 38 SECONDS WEST, A DISTANCE OF 480.66 FEET;

THENCE SOUTH 43 DEGREES 43 MINUTES 39 SECONDS WEST, A DISTANCE OF 865.32 FEET TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF SAID NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 67 DEGREES 55 MINUTES 20 SECONDS, A RADIUS OF 175.00 FEET, AND AN ARC

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LENGTH OF 207.46 FEET, (CHORD BEARS SOUTH 73 DEGREES 16 MINUTES 15 SECONDS WEST, A DISTANCE OF 195.52 FEET);

THENCE SOUTH 34 DEGREES 33 MINUTES 03 SECONDS WEST, A DISTANCE OF 242.55 FEET;

THENCE SOUTH 22 DEGREES 45 MINUTES 33 SECONDS WEST, A DISTANCE OF 70.00 FEET;

THENCE SOUTH 67 DEGREES 14 MINUTES 27 SECONDS EAST, A DISTANCE OF 22.61 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 20 DEGREES 57 MINUTES 39 SECONDS, A RADIUS OF 465.00 FEET, AND AN ARC LENGTH OF 170.11 FEET, (CHORD BEARS SOUTH 56 DEGREES 45 MINUTES 38 SECONDS EAST, A DISTANCE OF 169.17 FEET);

THENCE SOUTH 46 DEGREES 16 MINUTES 48 SECONDS EAST, A DISTANCE OF 125.78 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 03 DEGREES 45 MINUTES 35 SECONDS, A RADIUS OF 335.00 FEET, AND AN ARC LENGTH OF 21.98 FEET, (CHORD BEARS SOUTH 48 DEGREES 09 MINUTES 36 SECONDS EAST, A DISTANCE OF 21.98 FEET);

THENCE SOUTH 46 DEGREES 01 MINUTES 59 SECONDS EAST, A DISTANCE OF 25.04 FEET TO A POINT ON THE NORTHERLY LINE OF STROH RANCH FILING NO. 18A AS RECORDED AT RECEPTION NO. 2003022326 OF THE DOUGLAS COUNTY CLERK AND RECORDER'S OFFICE;

THENCE SOUTH 27 DEGREES 34 MINUTES 49 SECONDS WEST, ALONG THE NORTHERLY LINE OF SAID STROH RANCH FILING NO. 18A, A DISTANCE OF 203.52 FEET TO A POINT ON THE WESTERLY LINE OF STROH RANCH FILING NO. 18A AS RECORDED AT RECEPTION NO. 2003092248 OF THE DOUGLAS COUNTY CLERK AND RECORDER'S OFFICE;

THENCE ALONG THE WESTERLY LINE OF SAID STROH RANCH FILING NO. 18B, THE FOLLOWING SIX (6) COURSES:

1. SOUTH 27 DEGREES 34 MINUTES 49 SECONDS WEST, A DISTANCE OF 405.99 FEET;
2. SOUTH 42 DEGREES 57 MINUTES 30 SECONDS WEST, A DISTANCE OF 600.52 FEET;
3. SOUTH 37 DEGREES 28 MINUTES 51 SECONDS WEST, A DISTANCE OF 217.29 FEET;
4. SOUTH 14 DEGREES 16 MINUTES 53 SECONDS WEST, A DISTANCE OF 318.98 FEET;
5. SOUTH 40 DEGREES 44 MINUTES 41 SECONDS EAST, A DISTANCE OF 298.72 FEET;
6. SOUTH 27 DEGREES 11 MINUTES 54 SECONDS EAST, A DISTANCE OF 875.11 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF STROH RANCH FILING NO. 17C AS RECORDED AT RECEPTION NO. 2003092246 OF THE DOUGLAS COUNTY CLERK AND RECORDER'S OFFICE;

THENCE ALONG THE SOUTHWESTERLY LINE OF SAID STROH RANCH FILING NO. 17C, THE FOLLOWING SEVEN (7) COURSES:

1. SOUTH 27 DEGREES 11 MINUTES 54 SECONDS EAST, A DISTANCE OF 154.51 FEET TO A POINT OF NON-TANGENT CURVATURE;
2. ALONG THE ARC OF SAID NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 91 DEGREES 10 MINUTES 03 SECONDS, A RADIUS OF 175.00 FEET, AND AN ARC LENGTH OF 278.46 FEET, (CHORD BEARS NORTH 82 DEGREES 07 MINUTES 28 SECONDS EAST, A DISTANCE OF 250.00 FEET);
3. SOUTH 00 DEGREES 53 MINUTES 54 SECONDS WEST, A DISTANCE OF 23.45 FEET;
4. SOUTH 34 DEGREES 07 MINUTES 59 SECONDS EAST, A DISTANCE OF 67.94 FEET;

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5. SOUTH 52 DEGREES 25 MINUTES 22 SECONDS EAST, A DISTANCE OF 120.48 FEET;
 6. SOUTH 43 DEGREES 41 MINUTES 47 SECONDS EAST, A DISTANCE OF 468.56 FEET;
 7. SOUTH 50 DEGREES 01 MINUTES 36 SECONDS EAST, A DISTANCE OF 74.07 FEET TO THE
 SOUTHWESTERLY CORNER OF STROH RANCH FILING NO. 17B AS RECORDED AT RECEPTION NO.
 2003092244 OF THE DOUGLAS COUNTY CLERK AND RECORDER'S OFFICE;

THENCE ALONG THE SOUTHWESTERLY LINE OF SAID STROH RANCH FILING NO. 17B, THE
 FOLLOWING SEVEN (7) COURSES:

1. SOUTH 50 DEGREES 01 MINUTES 36 SECONDS EAST, A DISTANCE OF 202.61 FEET;
 2. NORTH 88 DEGREES 12 MINUTES 52 SECONDS EAST, A DISTANCE OF 600.55 FEET;
 3. NORTH 68 DEGREES 31 MINUTES 42 SECONDS EAST, A DISTANCE OF 738.42 FEET TO A
 POINT OF CURVATURE;
 4. ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 140
 DEGREES 27 MINUTES 40 SECONDS, A RADIUS OF 100.00 FEET, AND AN ARC LENGTH OF
 245.15 FEET, (CHORD BEARS SOUTH 41 DEGREES 14 MINUTES 28 SECONDS EAST, A
 DISTANCE OF 188.21 FEET);
 5. SOUTH 17 DEGREES 29 MINUTES 20 SECONDS EAST, A DISTANCE OF 149.94 FEET TO A
 POINT OF NON-TANGENT CURVATURE;
 6. ALONG THE ARC OF SAID NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE
 OF 17 DEGREES 22 MINUTES 04 SECONDS, A RADIUS OF 1,100.00 FEET, AND AN ARC
 LENGTH OF 333.44 FEET, (CHORD BEARS NORTH 81 DEGREES 11 MINUTES 42 SECONDS
 EAST, A DISTANCE OF 332.16 FEET);
 7. NORTH 89 DEGREES 52 MINUTES 44 SECONDS EAST, A DISTANCE OF 363.34 FEET TO A
 POINT ON THE WESTERLY RIGHT OF WAY LINE OF MOTSENBOCKER ROAD;

THENCE SOUTH 00 DEGREES 12 MINUTES 58 SECONDS WEST, ALONG SAID WESTERLY RIGHT OF
 WAY LINE, A DISTANCE OF 103.80 FEET TO THE POINT OF BEGINNING.

EXCEPT THOSE PORTIONS CONVEYED TO THE TOWN OF PARKER BY DEEDS RECORDED APRIL 26,
 2005 UNDER RECEPTION NO. 2005036076 AND FEBRUARY 25, 2009 UNDER RECEPTION NO.
 2009012692 AND FEBRUARY 15, 2012 UNDER RECEPTION NO. 2012010974.

ALSO EXCEPT THAT PORTION LYING WITHIN TRACT A-1 OF STROH RANCH FILING NO. 17B,
 1ST AMENDMENT ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 3, 2006 UNDER
 RECEPTION NO. 2006085225.

OUT PARCEL C:

A PARCEL OF LAND BEING A PART OF NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 6
 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE
 OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 32;
 THENCE SOUTH 89 DEGREES 43 MINUTES 54 SECONDS WEST, ALONG THE NORTH LINE OF THE
 NORTHWEST QUARTER OF SAID SECTION 32, A DISTANCE OF 519.56 FEET TO A POINT OF
 NON-TANGENT CURVATURE BEING THE POINT OF BEGINNING;

THENCE ALONG THE ARC OF SAID NON-TANGENT CURVE TO THE LEFT HAVING A CENTRAL
 ANGLE OF 22 DEGREES 45 MINUTES 46 SECONDS, A RADIUS OF 801.50 FEET, AND AN ARC

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LENGTH OF 318.42 FEET, (CHORD BEARS SOUTH 66 DEGREES 57 MINUTES 25 SECONDS WEST, A DISTANCE OF 316.33 FEET);
THENCE NORTH 36 DEGREES 55 MINUTES 38 SECONDS WEST, A DISTANCE OF 103.28 FEET TO A POINT OF CURVATURE;
THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 10 DEGREES 04 MINUTES 15 SECONDS, A RADIUS OF 265.00 FEET, AND AN ARC LENGTH OF 46.58 FEET, (CHORD BEARS NORTH 31 DEGREES 53 MINUTES 34 SECONDS WEST, A DISTANCE OF 46.51 FEET) TO A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 32;
THENCE NORTH 89 DEGREES 43 MINUTES 54 SECONDS EAST, ALONG SAID NORTH LINE, A DISTANCE OF 377.72 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE TOWN OF PARKER BY DEED RECORDED FEBRUARY 25, 2009 UNDER RECEPTION NO. 2009012692.

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN AS BEARING NORTH 89 DEGREES 52 MINUTES 44 SECONDS EAST. THE SOUTHWEST CORNER OF SAID SECTION 34 IS MONUMENTED BY A 3" ALUMINUM CAP IN RANGE BOX STAMPED: LS 17666 AND THE SOUTH QUARTER CORNER OF SAID SECTION 34 IS MONUMENTED BY A 3" ALUMINUM CAP IN RANGE BOX STAMPED: LS 22098.

EXHIBIT B

Anthology North Town of Parker, Colorado

PD DEVELOPMENT GUIDE

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I. GENERAL PROVISIONS

A. Application

The standards outlined in the Development Guide shall apply to all property contained within the "ANTHOLOGY NORTH DEVELOPMENT PLAN AND GUIDE" (the "Development Plan") except as provided herein. The standards outlined in the Development Plan may be divergent from the zoning regulations contained in Chapter 13.04 of the Parker Municipal Code, but not any other Chapter of the Parker Municipal Code. In the event there is a conflict between the standards contained in the Development Plan and the Parker Municipal Code (excluding Chapter 13.04) then the Parker Municipal Code shall control. The terms "DEVELOPMENT PLAN" and "MASTER PLAN" may be used interchangeably.

B. Density Standards

The Dwelling Unit Density permitted in any residential Planning Area is an Average Density that shall apply to the entire residential Planning Area and shall not be specifically applicable to any portion thereof. The Average Density of any residential Planning Area shall be computed by dividing the total number of Dwelling Units in the residential Planning Area by the gross acres in the residential Planning Area.

C. Density Variations

In no event shall the total number of 3,305 residential Dwelling Units within all Planning Areas as set forth on the "ANTHOLOGY NORTH DEVELOPMENT PLAN AND GUIDE" be exceeded.

In general, residential Planning Areas may contain up to an additional ten percent (10%) of the number of units allowed for each Planning Area, as set forth in the "ANTHOLOGY NORTH PD DEVELOPMENT PLAN AND GUIDE", as determined by the Developer. The total number of Dwelling Units actually developed in a Planning Area may be less than the number established on the Development Plan. Any decrease in units may be transferred to other Planning Areas in whole or in part, subject to the limitations of Section 13.07.160 of the Parker Municipal Code. Any increase of dwelling units within a Planning Area by more than 10% must be processed as a Major Amendment under Section 13.04.240 of the Parker Municipal Code (except for PA 15 which is subject to the restrictions found in Section D Mixed Use, 4 b-Maximum number of Dwelling Units which allows for an administrative minor amendment process).

D. Planning Area Boundaries

Wherever a Planning Area abuts a street as shown on the "ANTHOLOGY NORTH DEVELOPMENT PLAN", the Planning Area boundary is the centerline of the abutting right-of-way of such street (except Molsenbocker, Crowfoot Valley and Hess Road). Wherever a Planning Area does not so abut a street, the Planning Area boundary shall be as shown on the "ANTHOLOGY NORTH DEVELOPMENT PLAN". Modifications in Planning Area boundaries and streets may be accomplished by the Developer by final road alignments or engineering refinements shown on a Site Plan or Plat, without any amendment to the "ANTHOLOGY NORTH DEVELOPMENT PLAN" provided the Planning Area does not increase or decrease by more than ten percent (10%) in size.

E. Underground Utility Requirements

All electrical and communications distribution lines shall be placed underground. All transmission lines shall be underground unless same cannot be accomplished by direct burial.

F. Homeowner Associations and/or Special Districts

Homeowner Associations and/ or Special Districts composed of property owners in residential areas may be created for the following purposes: a) to provide for the continued development, improvement and maintenance of properties and facilities which it owns or administers, and b) to protect the investment, enhance the value, and control the use of property owned by its members.

Homeowner's Associations and/ or special districts may be created in residential areas where common lands or facilities are to be owned and maintained by the Homeowner's Association or Special District.

Special Districts must be approved by Town Council following a hearing and adaption of the necessary enabling ordinances or resolutions on a case by case basis.

II. DEFINITIONS

A. **Purposes:** It is the purpose of this Article to define words, terms and phrases contained within this PD Development Guide. See the Town of Parker Land Development Code for other definitions not defined herein.

B. **Word Usage:** In the interpretation of this Guide, the provisions and rules of this section shall be observed and applied, except when the context requires otherwise.

1. The particular controls the general.
2. In the case of any difference of meaning or implication between the text of this Guide and any caption or table, the text shall control.
3. Words used or defined in one tense or form shall include other tenses and derivative forms.
4. Words in the singular number shall include the plural number and words in the plural number shall include the singular number.
5. The masculine gender shall include the feminine and the feminine gender shall include the masculine.
6. The word "shall" is mandatory.
7. The word "may" is permissive.

C. **Definitions:**

Existing definitions in the Parker Municipal Code shall apply unless specifically stated herein.

1. Abut. To have a common border with.
2. Accessory Buildings. Detached subordinate building(s) or Structure(s), the use of which is customarily incidental to that of the Principal Building or to the main use of the land and which is located on the same lot with the Main Building or use.
3. Accessory Dwelling Unit. Detached subordinate building(s) or Structure(s), the use of which is customarily incidental to that of the Principal Building or to the main use of the land and which is located on the same lot with the Main Building or use, including carriage house units located above detached and semi-detached garages, designated for and occupied by not more than one family, and with a maximum size of 600 square feet.
4. Age Restricted Dwelling. Housing limited to buyers and occupants 55 years of age or older within an active adult subdivision filing.
5. Assisted Living Residence. A building containing multiple residential units and/or rooms served by a common dining facility and kitchen and staffed by trained health care professionals who are allowed to administer medications.
6. Building, Principal or Main. A building or buildings which may contain one or more Dwelling Unit(s) in which is conducted one or more of the permitted Principal Uses of the Lot or project in which it is situated and including areas such as garages, carports, storage sheds which are attached to or architecturally integrated with the principal building.
7. Building Front. That exterior wall of a Building which faces a Front Lot Line of a Lot.
8. Building Ground Coverage. The amount of land covered or permitted to be covered by a Building.
9. Building Height. The vertical distance from the average finished grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. A weighted average of the finished grade on the perimeter of the building may be utilized.
10. Building Setback. The distance between the Building and the adjacent street right-of-way, property line, exterior of the Private Street Easement, or external planning area boundary.
11. Building Side. That exterior wall of a Building which faces a Side Lot Line of a Lot.

12. Building Rear. That exterior wall of a Building which faces a Rear Lot Line of a Lot.
13. Car Care Center. An establishment providing sales of vehicle fuel and such services as lubrication, oil and tire changes, and minor repairs. This use does not include Paint spraying or body repair.
14. Density, Gross or Average. A ratio of number of Dwelling Units per acre calculated by dividing the number of Dwelling Units within the boundary of one or more residential Planning Areas or portion thereof by the number of acres contained within the Planning Area (s) or portions thereof; including all land within said Planning Area (s) or portion thereof reserved or dedicated for Parks, Open Space, recreation, educational, community, or public use, and Public Street rights-of way and Easements. For calculation purposes, the gross density excludes the 100-year floodplain as mapped by FEMA and slopes of 20% or greater
15. Density, Net. A ratio of number of Dwelling units per acre calculated by dividing the number of Dwelling Units within the boundary of one or more residential Planning Areas or portion thereof by the number of acres contained within the Planning Area(s) or portion thereof; excluding all land within said Planning Area(s) or portion thereof reserved or dedicated for Parks, Open Space, recreation, educational, community or public use, and Public Street rights-of-ways and easements. For calculation purposes, the gross density excludes the 100-year floodplain as mapped by FEMA and slopes of 20% or greater
16. Dwelling Unit, Clustered Single Family. A type of Single Family Detached or Attached Dwelling Unit development that combines reduced lot size with compensating amounts of Open Space within the proposed development.
17. Dwelling Unit, Patio. An alternative type of Single Family Detached or Attached Dwelling Unit in which the private individual Open Space associated with each Dwelling Unit is consolidated into a garden or patio area commonly located toward the side or rear of the Lot. This patio area replaces the conventional front, side and rear yards associated with traditional Single Family Detached Dwelling Units.
18. Dwelling Unit, Single Family. A Dwelling Unit Type which includes both Single Family Detached or Attached Dwelling Units.
19. Dwelling Unit, Single Family Attached. A Building designated for and containing more than one Dwelling Unit and occupied by not more than 6 families within one Structure each of which is separated from the others by one (1) or more un-pierced walls from ground to roof.
20. Dwelling Unit, Single Family Detached. A type of Dwelling Unit designated for and occupied by not more than one family and having no roof, wall or floor in common with any other Dwelling Unit.
21. Dwelling Unit, Townhome. A type of Single Family Attached or Multi-Family Dwelling Unit in which each single Dwelling Unit goes from ground to roof and is separated from other Townhome Dwelling Units by a common wall. Each Townhome Dwelling Unit has individual outside access. Townhome Dwelling Units may have no side yards, or front and rear yards. May include duplex, tri-plex, four-plex, or more.
22. Dwelling Unit, Zero Lot Line. An alternative type of Single Family Detached Dwelling Unit which is situated on a Lot so that one or more sides rest directly on the boundary line of the Lot.
23. Dwelling Unit, Live/Work. An alternative type of Townhome Dwelling Unit in which a range of retail goods and services, consistent with the Mixed Use (MU) designation are permitted, in combination with residential use, and where residential setbacks apply.
24. Easement, Private Street. An acquired right of use, interest or privilege in land owned by another containing a privately owned access way constructed to the specifications of the Town of Parker but not maintained by the Town of Parker. Town of Parker and Parker Fire Protection District approved fire access shall be provided in all cases.
25. Floor Area Ratio. A measurement of Development intensity expressed as a ratio derived by dividing the total Floor Area of a Building by the actual area of the Lot.
26. Garage, Parallel. A garage, attached or detached, which is oriented so that the axis which corresponds with the garage opening is substantially parallel to the adjacent street from which the Lot derives access.

27. Garage, Perpendicular. A garage, attached or detached, which is oriented so that the axis which corresponds with the garage opening is substantially perpendicular to the adjacent street from which the Lot derives access.
28. Group Care Facilities. A facility where three or more persons are provided supervision and a planned treatment of counseling, therapy or other rehabilitative social services in a family environment. Such residence must be licensed by or operated by a federal, state, county or local/judicial/health/welfare agency or serve only referrals from such agencies, and is subject to state statute for permitting. Examples of group care facilities are: group foster care, children's homes, halfway houses, rehabilitative centers, assisted living, maternity or senior citizen homes.
29. Independent Living. A living arrangement for people with special needs affording them as much independence and autonomy as possible.
30. Land Use Category. A set of permitted land use types which are aggregated to form a land use classification similar in nature to zoning districts. Each Land Use Category is identified on the PD Master Plan and in Section III. Land Use Regulations of this PD Development Guide.
31. Nursery. An enterprise which conducts the retail and wholesale sale of plants grown on the site, as well as accessory items (but not farm implements) directly related to their care and maintenance. The accessory items normally sold are clay pots, potting soil, fertilizers, insecticides, hanging baskets, rakes and shovels.
32. Planning Areas. Areas of land delineated on the PD Master Plan identified with a phrase or symbol which designates a specific set of permitted land use types according to the Land Use Categories provided in Section III. - Land Use Regulations of this PD Development Guide. Planning Area boundaries are as depicted on the PD Master Plan.
33. Principal Use. The specific primary purpose, activity or use for which land or any building thereon is designed, arranged or intended, or for which it is occupied or maintained.
34. Recreational Vehicle. A vehicle or a unit that is mounted on or drawn by another vehicle primarily designed for recreation or temporary living. Recreational vehicles include travel trailers, camping trailers, truck campers, motor homes, boats, snowmobiles and other similar recreation equipment.
35. Restaurant, Conventional. An establishment whose principal business is the sale of food and/or beverages to customers whose principal method of operation includes one or both of the following characteristics: (1) customers, normally provided with an individual menu, are served their foods and beverages by a restaurant employee at the same table or counter at which food and beverages are consumed. And (2) cafeteria type operation where food and beverages generally are consumed within the restaurant building.
36. Restaurant, Fast Food. An establishment whose principal business is the sale of food and/or beverages in a "ready to consume" state: (1) within the restaurant building; (2) within a motor vehicle parked on the premises; or (3) off the premises as carry out orders and whose principal method of operation includes the following characteristics: food and/or beverages are usually served in edible containers or in paper, plastic or other disposable containers.
37. Setback. The distance between the Building Line and the adjacent street right-of-way line or Lot Boundary.
38. Structure. Anything constructed or erected, which requires permanent location on the ground or is attached to something having a permanent location on the ground, but not including fences or walls less than six (6) feet, poles, lines, cables, or other transmission or distribution facilities or public utilities.
39. Traditional Neighborhood Design (TND). Traditional Neighborhood Design standards are intended to provide flexibility allowing land use patterns representative of those that were planned earlier in the 20th century. Traditional neighborhoods generally have a broad mix of uses including Single Family and Multi-Family land use patterns that help to create more pedestrian friendly streetscapes, in neighborhoods where homes and other uses orient toward the street.

III. LAND USE REGULATIONS

A. Residential (SFd)

1. Intent

Provide for residential Development allowing for a variety of Single Family Detached Dwelling Units, Zero Lot Line Dwelling Units, Duplex Units and Accessory Uses at no more than 4.5 Dwelling Units per acre.

2. Uses Permitted by Right

- a. Single Family Detached Dwelling Units.
- b. Zero Lot Line Dwelling Units.
- c. Duplex,
- d. Age restricted senior dwellings.
- e. A temporary sales and marketing center function developed to showcase a variety of builders and housing types within a limited area.
- g. Attached or detached private garages (3 cars maximum).
- h. Accessory Uses, incidental to the Principal Use or Building, including but not limited to: storage sheds, private greenhouses, home occupations, radio or T.V. antennas, T.V. satellite dishes, private tennis courts, private swimming pools, and private facilities for the keeping of common household pets according to the regulations and standards contained within the Parker Municipal Code.
- i. Open Space.
- k. Public or Private parks, playgrounds and recreational facilities including tennis courts, swimming pools and multipurpose trails.
- l. Places of religious assembly.

3. Uses Permitted by Special Review

- a. Group Care Facilities.
- b. Community centers, libraries and museums.
- c. Child Care Centers.
- d. Private schools and related facilities for elementary and secondary education.

4. Development Standards

- a. Average Density. The Average Density shall be up to four and five-tenths (4.5) Dwelling Units per acre for each SFd Planning Area. These Average Densities are set forth on the PD Development Plan, and reflect the number of units over the entire acreage for the Planning Area. Densities within portions of the Planning Area will vary depending on product type.
- b. Maximum Number of Dwelling Units. The maximum number of Dwelling Units permitted within each SFd residential Planning Area shall not exceed 110% of the units shown on the PD Development Plan for each individual Planning Area.
- c. Cluster Development. Patio homes, dwelling units, zero lot line dwelling units or duplex dwelling units where a reduction in lot size results in additional parcel open space which will not be available for future development.

- d. **Building Setback:** The minimum Building Setbacks in SFd residential Planning Areas will vary depending upon the product type in any given portion of the Planning Area. The following setbacks will be associated with the different product types defined as a Use Permitted by Right.

Single Family Detached Unit

Building Front - 10' to porch or living space
- 18' to garage face
Building Sides - 5'
Building Sides - 10' from ROW on corner lot
Building Rear - 10'
Building Rear (alley condition) - 5' from alley

Patio Dwelling Unit

Building Front - 10'
- 18' to garage face
Building Sides - 3'
Building Sides - 10' from ROW on corner lot
Building Rear - 10'
Building Rear (alley condition) - 5' from alley

Zero Lot Line Dwelling Unit

Building Front - 10'
- 18' to garage face
Building Sides - 0' one side, 6' other side
Building Sides - 10' from ROW on corner lot
Building Rear - 10'
Building Rear (alley condition) - 0' from alley*

Duplex Dwelling Unit

Building Front - 10'
- 18' to garage face
Building Sides - 0' on common wall, 5' on other side
Building Sides - 10' from ROW on corner lot
Building Rear - 10'
Building Rear (alley condition) - 5' from alley

Non-residential Land Uses

Building Front - 20'
Building Side - 10'
Building Side from ROW on corner lot-20'
Rear - 20'
Distance to residential lot – 25'

*subject to utility and drainage easement location

- e. **Building Separation.** The minimum building separation shall be the greater of:
i) eight (8) feet for Single Family Detached residential Buildings and twenty (20) feet for other Principal Buildings located within SFd Land Use Planning Areas, or
ii) shall be governed by the applicable building code.
- f. **Building Height.** No residential Buildings within SFd Planning Areas shall exceed thirty-five (35) feet in height except by special review.
- g. **Minimum Lot Sizes.** The minimum lot sizes in SFd residential Planning Areas shall be forty five hundred (4500) square feet for single family detached homes, or three thousand (3000) square feet for duplex homes, patio homes, or zero lot line homes.

B. Residential (SFe)

1. Intent
Provide for residential Development allowing for a variety of Single Family Detached Dwelling Units, Zero Lot Line Dwelling Units, Single Family Attached, Semi-detached, Clustered Single Family Dwelling Units, Duplex Dwelling Units, Tri-plex and Four-plex Dwelling Units, Townhome Dwelling Units and Accessory Uses at no more than 6.0 Dwelling Units per acre.
2. Uses Permitted by Right
 - a. Single Family Detached Dwelling Units.
 - b. Zero Lot Line Dwelling Units.
 - c. Duplex.
 - d. Townhome Dwelling Units including Single Family Attached, Tri-Plex, and Four-Plex Dwelling Units, Semi-detached Dwelling Units not to exceed 4 units per building.
 - e. Age restricted senior dwellings.
 - f. A temporary sales and marketing center function developed to showcase a variety of builders and housing types within a limited area.
 - g. Attached or detached private garages (3 cars maximum).
 - h. Accessory Uses, incidental to the Principal Use or Building, including but not limited to: storage sheds, private greenhouses, home occupations, radio or T.V. antennas, T.V. satellite dishes, private tennis courts, private swimming pools, and private facilities for the keeping of common household pets according to the regulations and standards contained within the Parker Municipal Code.
 - i. Open Space.
 - j. Public or Private parks, playgrounds and recreational facilities including tennis courts, swimming pools and multipurpose trails.
 - k. Places of religious assembly, religious schools.
3. Uses Permitted by Special Review
 - a. Group Care Facilities.
 - b. Buildings, garages and utility stations related to emergency services, such as ambulance, fire, police and rescue.
 - c. Neighborhood public service, health and education facilities, such as community centers, libraries and museums.
 - d. Child Care Centers.
 - e. Private schools and related administrative facilities for elementary and secondary education.
4. Development Standards
 - a. Average Density. The Average Density shall be up to six (6.0) Dwelling Units per acre for each SFe Planning Area, as set forth in the PD Development Plan, and reflect the number of units over the entire acreage for the Planning Area. Densities within portions of the Planning Area will vary depending on product type.
 - b. Maximum Number of Dwelling Units. The maximum number of Dwelling Units permitted within each SFe residential Planning Area shall not exceed 110% of the units shown on the PD Development Plan for each individual Planning Area.
 - c. Cluster Development. Patio homes, dwelling units, zero lot line dwelling units or duplex dwelling units where a reduction in lot size results in additional parcel open space which will not be available for future development.

- d. Building Setback: The minimum Building Setbacks in SFe residential Planning Area will vary depending upon the product type in any given portion of the Planning Area. The following setbacks will be associated with the different product types defined as a Use Permitted by Right.

Single Family Detached Unit

Building Front - 8' to front porch or living space
- 16' to garage face
Building Sides - 4'
Building Sides - 10' from ROW on corner lot
Building Rear - 10'
Building Rear (alley condition) - 5' from alley

Patio Dwelling Unit

Building Front - 10'
- 16' to garage face
Building Sides - 3'
Building Sides - 10' from ROW on corner lot
Building Rear - 10'
Building Rear (alley condition) - 5' from alley

Zero Lot Line Dwelling Unit

Building Front - 10'
- 16' to garage face
Building Sides - 0' one side, 6' other side
Building Sides - 10' from ROW on corner lot
Building Rear - 10'
Building Rear (alley condition) - 0' from alley*

Duplex Dwelling Unit

Building Front - 10'
- 16' to garage face
Building Sides - 0' on common wall, 5' on other side
Building Sides - 10' from ROW on corner lot
Building Rear - 10'
Building Rear (alley condition) - 5' from alley

Townhome Dwelling Unit (including Live/Work Townhomes)

Building Front - 4' (Principal Building)
- 5' or less or 16' or greater to garage face
Building Sides - 4' from ROW on corner lot
Building Sides - 0' from other property lines & lots with common walls
Building Rear - 4' from alley
Building Rear - 0' from other property lines*

Non-residential Land Uses

Building Front - 20'
Building Side - 10'
Building Side from ROW on corner lot - 20'
Rear - 20'
Distance to nearest residential lot - 25'

*subject to utility and drainage easement location

- e. Building Separation. The minimum building separation shall be the greater of:
- eight (8) feet for Single Family Detached Dwelling Units, ten (10) feet for Buildings containing Single Family Attached Dwelling Units, and twenty (20) feet for other Principal Buildings located within each SFe Lands Use Planning Area, or
 - shall be governed by the applicable building code.
- f. Building Height. No residential Buildings within SFe Planning Areas shall exceed thirty-five (35) feet in height except by special review.

- g. Minimum Lot Sizes. The minimum lot sizes in SFe residential Planning Areas shall be thirty five hundred (3500) square feet for Single Family Detached Housing, twenty five hundred (2500) square feet for zero lot line, or duplex, two thousand (2000) square feet for patio home.

C. Residential (THe)

1. Intent

Provide for residential Development allowing for a variety of Single Family Detached Dwelling Units, Zero Lot Line Dwelling Units, Single Family Attached, Semi-detached, Clustered Single Family Dwelling Units, , Multi-family/Condominium Units, Duplex Dwelling Units, Townhome Dwelling Units and Accessory Uses, at no more than 14 Dwelling Units per zone.

2. Uses Permitted by Right

- a. Single Family Detached Dwelling Units.
- b. Zero Lot Line Dwelling Units.
- c. Duplex,.
- d. Townhome Dwelling Units including Single Family Attached, Tri-Plex, and Four-Plex Dwelling Units, Semi-detached Dwelling Units and Live/Work Dwelling Units.
- e. Age restricted senior dwellings.
- f. Assisted and/or Independent Living.
- g. A temporary sales and marketing center function developed to showcase a variety of builders and housing types within a limited area.
- h. Attached or detached private garages.
- i. Accessory Uses, incidental to the Principal Use or Building, including but not limited to: storage sheds, private greenhouses, home occupations, radio or T.V. antennas, T.V. satellite dishes, private tennis courts, private swimming pools, and private facilities for the keeping of common household pets according to the regulations and standards contained within the Parker Municipal Code.
- j. Open Space.
- k. Public or Private parks, playgrounds and recreational facilities including tennis courts, swimming pools and multipurpose trails.
- l. Places of religious assembly.

3. Uses Permitted by Special Review

- a. Group Care Facilities.
- b. Buildings, garages and utility stations related to emergency services, such as ambulance, fire, police and rescue.
- c. Neighborhood public service, health and education facilities, such as community centers, libraries and museums.
- d. Child Care Centers.

4. Development Standards

- a. Average Density. The Average Density shall be up to fourteen (14) Dwelling Units per acre for each THe Planning Area. These average densities are set forth on the PD Development Plan, and reflect the number of units over the entire acreage for the Planning Area. Densities within portions of the Planning Area will vary depending on product type.
- b. Maximum Number of Dwelling Units. The maximum number of Dwelling Units permitted within each THe residential Planning Area shall not exceed 110% of the units shown on the PD Development Plan for each individual Planning

Area.

- c. Cluster Development. Patio homes, dwelling units, zero lot line dwelling units or duplex dwelling units where a reduction in lot size results in additional parcel open space which will not be available for future development.
- d. Building Setback. The minimum Building Setbacks in The residential Planning Areas will vary depending upon the product type in any given portion of the Planning Area. The following setbacks will be associated with the different product types defined as a Use Permitted by Right.

Single Family Detached Unit

Building Front - 8' to front porch or living space
- 18' to garage face
Building Sides - 4'
Building Sides - 10' from ROW on corner lot
Building Rear - 10'
Building Rear (alley condition) - 5' from alley

Patio Dwelling Unit

Building Front - 10'
- 16' to garage face
Building Sides - 3'
Building Sides - 10' from ROW on corner lot
Building Rear - 10'
Building Rear (alley condition) - 5' from alley

Zero Lot Line Dwelling Unit

Building Front - 10'
- 16' to garage face
Building Sides - 0' one side, 6' other side
Building Sides - 10' from ROW on corner lot
Building Rear - 10'
Building Rear (alley condition) - 0' from alley*

Duplex Dwelling Unit

Building Front - 10'
- 16' to garage face
Building Sides - 0' on common wall, 5' on other side
Building Sides - 10' from ROW on corner lot
Building Rear - 10'
Building Rear (alley condition) - 0' from alley

Townhome Dwelling Unit (including Live/Work Townhomes)

Building Front - 4' (Principal Building)
- 5' or less or 16' or greater to garage face
Building Sides - 4' from ROW on corner lot
Building Sides - 0' from other property lines & lots with common walls
Building Rear - 4' from alley
Building Rear - 0' from other property lines*
Building Separation 5'

Non-residential Land Uses

Building Front - 20'
Building Side - 10'
Building Side from ROW on corner lot - 20'
Rear - 20'
Distance to nearest residential lot – 25'

*subject to utility and drainage easement location

- f. Building Separation. The minimum building separation shall be the greater of:
i) eight (8) feet for Single Family Detached residential Buildings, ten (10) feet for Buildings containing Single Family Attached Dwelling Units, and twenty (20) feet for other Principal Buildings located within each The Planning Area,

or
ii) shall be governed by the applicable building code.

f. Building Height. No residential Buildings within The Planning Areas shall exceed forty (40) feet or three stories in height except by Special Review.

g. Minimum Lot Sizes. The minimum lot sizes for detached homes in The Planning Areas shall be

Single Family Detached Homes - thirty five hundred (3500) square feet

Zero Lot Line - twenty five hundred (2500) square feet

Duplex - two thousand (1200) square feet

Patio Home - two thousand (2000) square feet

Townhome Dwelling Unit - one thousand two hundred (1200) square feet

D. Mixed Use (MU)

1. Intent

To provide for the integration, horizontally and vertically, of a broad range of retail goods and services, business and professional services with Duplex, Tri-plex, Four-plex, Townhome, and/or Multi-family residential development.

2. Uses Permitted by Right

A. Retail

(1) Grocery store

(2) Convenience retail shopping facilities, including but not limited to:

a. drug stores

b. liquor stores

c. convenience grocery

(3) Specialty retail including but not limited to:

a. art gallery

b. antiques

c. artisan shops

d. gift shop

e. pet shops

f. florists, plant stores, plant nurseries

g. book store

h. stationery stores

i. retail food specialty shops which sell food products not intended to be consumed on the premises

j. butcher shops

k. candy stores

l. bakeries

m. doughnut shops

n. dairy product shops

o. toy and game stores

p. battery and accessory stores

q. bicycle stores

r. music stores

s. sporting goods store

t. card and gift shop

u. tobacco shop

v. cosmetic store

(4) Hardware and building material stores

(5) General retail merchandise and apparel shops, including but not limited to:

a. junior department stores

b. craft and hobby stores

c. discount department stores

- d. clothing stores
- e. shoe stores
- f. furniture stores, home furnishings
- g. household appliance stores
- h. floor covering, drapery and upholstery stores
- i. electronics stores
- j. cosmetic store;
- k. accessory and specialty store
- (6) Development Sales and Marketing Center

B. Eating and Drinking Establishments

- (1) restaurants
- (2) fast food, including drive-through
- (3) ice cream parlors
- (4) coffee shops
- (5) delicatessens
- (6) lounge, bar or microbrewery
- (7) cafeteria

C. Personal Services

- (1) Convenience service establishments, including but not limited to:
 - a. barber shops and beauty salons
 - b. dry cleaners and laundries
 - c. photo studio
 - d. shoe repair shops
 - e. watch or jewelry repair
 - f. travel agency
- (2) day care centers, nursery school
- (3) health clubs, tennis courts, swimming pools, community centers

D. Entertainment, Indoor

- (1) indoor movie theaters
- (2) performance arts
- (3) bowling alleys
- (4) skating rinks (both ice and roller)
- (5) pool halls
- (6) arcade amusement centers

E. General Office and Professional Services

- (1) business and professional offices
- (2) medical and dental offices and clinics
- (3) banks and other financial service establishments, with or without drive-through facilities
- (4) electronic funds transfer facilities
- (5) printing and publishing offices
- (6) radio and television offices and/or studios
- (7) mortuaries

F. Lodging

- (1) hotels and motels, including detached guest units, restaurants, gift shops and other incidental accessory uses located within the principal building
- (2) bed and breakfast

G. Motor Vehicle

- (1) gasoline stations
- (2) auto repair centers
- (3) tire sales and service
- (4) auto parts stores

(5) car wash

H. General Government or Health Services

(1) fire stations

(2) police department substations

(3) transit facilities

I. Institution of Higher Education

J. Vocational Trade School

K. Structured Parking

L. Any other uses consistent with the purposes of this Section and compatible with the uses set forth herein, as determined by the Planning Director.

M. Residential

1. Age Restricted Dwellings.

3. Duplex, Tri-Plex, and Four-Plex Dwelling Units.

4. Townhome Dwelling Units including Single Family Attached, Semi-detached Dwelling Units and Live/Work Dwelling Units.

5. Independent Living Dwellings.

6. Assisted Living Dwellings.

7. A temporary sales and marketing center function developed to showcase a variety of builders and housing types within a limited area.

9. Attached or detached private garages, structured parking.

10. Accessory Uses, incidental to the Principal Use or Building, including but not limited to: storage sheds, private greenhouses, home occupations, radio or T.V. antennas, T.V. satellite dishes, private tennis courts, private swimming pools, and private facilities for the keeping of common household pets according to the regulations and standards contained within the Parker Municipal Code.

11. Open Space.

12. Public or Private parks, playgrounds and recreational facilities including tennis courts, swimming pools and multipurpose trails.

13. All those uses permitted within the Parks and Open Space Land Use categories.

3. Uses Permitted by Special Review

a. Group Care Facilities.

b. Automobile and motor vehicle sales, leasing, rental and/or service.

c. Buildings, garages and utility stations related to emergency services, such as ambulance, fire, police and rescue.

d. Neighborhood public service, health and education facilities, such as community centers, libraries and museums.

e. Child Care Centers.

f. Small animal veterinary clinics with no outside facilities.

g. Private schools and related administrative facilities for elementary and secondary education.

4. Development Standards

- a. Floor/Area Ratio. The maximum floor-area ratio for each development tract within the Mixed Use Planning Area shall not be greater than eight tenths (.80) to one (1).
- b. Maximum Number of Dwelling Units. For Planning Area 15 zoned Mixed Use (MU), dwelling units may be transferred at the Site Plan stage up to a maximum density of 22 Dwelling units/gross acre. An increase in the number of permitted Dwelling Units within this Planning Area may be accomplished through a transfer of Dwelling Units from any other Planning Area with an administrative minor amendment, to create an updated map of the PD Development Plan and PD Development Guide.
- c. Cluster Development. Patio homes, dwelling units, zero lot line dwelling units or duplex dwelling units where a reduction in lot size results in additional parcel open space which will not be available for future development.
- d. Building Setback: Non-Residential. The minimum building setback from any public street right-of-way shall be:
 - Building front— 4 feet
 - Building side— 0 feet
 - Building rear— 20 feet
 - Distance to nearest residential use – 25 feet
- e. Building Setback: Residential
 - Building Front – 4' (Principal Building)
 - 5' or less or 18' or greater to garage face
 - Building Sides - 4' from ROW on corner lot
 - Building Sides - 0' from other property lines & lots with common walls
 - Building Rear - 4' from alley
 - Building Rear - 0' from other property lines*
 - Building Separation – 6'
- f. Building Separation. Commercial buildings can have a 0' separation.
- g. Building Height. Buildings or structures in Mixed Use Planning Areas are permitted up to 45' in height without special review and up to 60' in height with Special Review.

E. Commercial

1. Intent

To provide for the integration, horizontally and vertically, of a broad range of retail goods and services, business and professional services.

2. Uses Permitted by Right

A. Retail

(1) Grocery store

(2) Convenience retail shopping facilities, including but not limited to:

- a. drug stores
- b. liquor stores
- c. convenience grocery

(3) Specialty retail including but not limited to:

- a. art gallery
- b. antiques
- c. artisan shops
- d. gift shop
- e. pet shops
- f. florists, plant stores, plant nurseries
- g. book store
- h. stationery stores
- i. retail food specialty shops which sell food products not intended to be consumed on the premises

- j. butcher shops
 - k. candy stores
 - l. bakeries
 - m. doughnut shops
 - n. dairy product shops
 - o. toy and game stores
 - p. battery and accessory stores
 - q. bicycle stores
 - r. music stores
 - s. sporting goods store
 - t. card and gift shop
 - u. tobacco shop
 - v. cosmetic store
 - (4) Hardware and building material stores
 - (5) General retail merchandise and apparel shops, including but not limited to:
 - a. junior department stores
 - b. craft and hobby stores
 - c. discount department stores
 - d. clothing stores
 - e. shoe stores
 - f. furniture stores, home furnishings
 - g. household appliance stores
 - h. floor covering, drapery and upholstery stores
 - i. electronics stores
 - j. cosmetic store;
 - k. accessory and specialty store
 - (6) Development Sales and Marketing Center
- B. Eating and Drinking Establishments
- (1) restaurants
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 - (2) day care centers, nursery school
 - (3) health clubs, tennis courts, swimming pools, community centers
- D. Entertainment, Indoor
- (1) indoor movie theaters
 - (2) performance arts
 - (3) bowling alleys
 - (4) skating rinks (both ice and roller)
 - (5) pool halls
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- E. General Office and Professional Services
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 - (2) medical and dental offices and clinics
 - (3) banks and other financial service establishments, with or without drive-through facilities
 - (4) electronic funds transfer facilities
 - (5) printing and publishing offices
 - (6) radio and television offices and/or studios
 - (7) mortuaries
 - F. Lodging
 - (1) hotels and motels, including detached guest units, restaurants, gift shops and other incidental accessory uses located within the principal building
 - (2) bed and breakfast
 - G. Motor Vehicle
 - (1) gasoline stations
 - (2) auto repair centers
 - (3) tire sales and service
 - (4) auto parts stores
 - (5) car wash
 - H. General Government or Health Services
 - (1) fire stations
 - (2) police department substations
 - (3) transit facilities
 - I. Institution of Higher Education
 - I. Vocational Trade School
 - K. Structured Parking
3. Uses Permitted by Special Review
- a. Automobile and motor vehicle sales, leasing, rental and/or service.
 - b. Buildings, garages and utility stations related to emergency services, such as ambulance, fire, police and rescue.
 - c. Neighborhood public service, health and education facilities, such as community centers, libraries and museums.
 - d. Small animal veterinary clinics with no outside facilities.
4. Development Standards
- a. Floor/Area Ratio. The maximum floor-area ratio for each development tract within the Commercial Planning Area shall not be greater than eight tenths (.80) to one (1).
 - b. Building Setback: The minimum building setback from the perimeter of any planning area shall be 15 feet. The minimum building setback from any public street right-of-way shall be:
 - Building Front-4'
 - Building Side-0' if attached to adjacent building, 4' if free standing
 - Building Side from ROW on corner lot-20'
 - Rear-20'
 - c. Building Separation. The minimum building or structure separation shall be the greater of:
 - i) ten (10) feet or
 - ii) shall be governed by the applicable building code.
 - d. Building Height. Buildings or structures in Commercial Planning Areas are permitted up to 60' in height without special review and up to 75' in height with Special Review. Distance to nearest residential area – 50 feet.

F. Parks

1. Intent

To provide for park uses which compliment residential neighborhoods.

2. Uses Permitted by right

- a. Passive recreation uses and open space.
- b. Active recreation uses, including but not limited to the following facilities: baseball diamonds, softball diamonds, soccer fields, tennis courts, volleyball courts, basketball courts, swimming pools, play apparatus, picnic areas, recreation center, and jogging, hiking and/or bicycling trails.
- c. Free standing light fixtures 14' and under.

3. Development Standards

- a. Building Setback: Street. The minimum building setback from any public street right-of-way line shall be:

Building front–	25 feet
Building side–	20 feet
Building rear–	25 feet
- b. Building Separation. The minimum building or structure separation shall be the greater of:
 - i) twenty (20) feet or
 - ii) shall be governed by the applicable building code.
- c. Building Height. No buildings or structures shall exceed thirty-five (35) feet in height, except by Special Review, in which case no Buildings or Structures shall exceed forty-five (45) feet.

G. Open Space (OS)

1. Intent

To provide passive open space uses which will separate, define and protect the development planning areas contained within this Planned Development. Open Space does not include golf courses.

2. Uses Permitted by Right

- a. Passive recreation uses and open space.
- b. Jogging, hiking and/or bicycle trails.
- c. Dog Parks.
- d. Community Gardens.
- e. Drainage Facilities.
- f. Picnic shelters.

4. Development Standards

- a. Building Setback: Street. The minimum building setback from any public street right-of-way line shall be:

Building front–	25 feet
Building side–	15 feet
Building rear–	25 feet
- b. Building Separation. The minimum building or structure separation shall be the greater of
 - i) twenty (20) feet or

ii) shall be governed by the applicable building code.

- c. Building Height. No buildings or structures shall exceed thirty-five (35) feet in height, except by Special Review, in which case no Buildings or Structures shall exceed forty five (45) feet.

IV. ADDITIONAL PLANNING AREA REQUIREMENTS

Sales and Marketing Center

A Sales and Marketing Center may be located in any Planning Area. Eventually the Sales and Marketing Center may be converted to a Community Center or if designed as a private home (with a temporary use as a sales and marketing center) to a for-sale home. While section III.A.2.g of this PD Guide permits facilities anticipated with the future Community Center, the Sales and Marketing Center is a use that will be permitted by right.

V. ENFORCEMENT AND ADMINISTRATION

A. Incorporation of Planned Development Master Plan

The plan of development for Anthology North Amendment 1, including the location and boundaries of Planning Areas, the circulation elements, and the densities established by the "ANTHOLOGY NORTH DEVELOPMENT PLAN AND GUIDE" together with everything shown thereon and all amendments thereto.

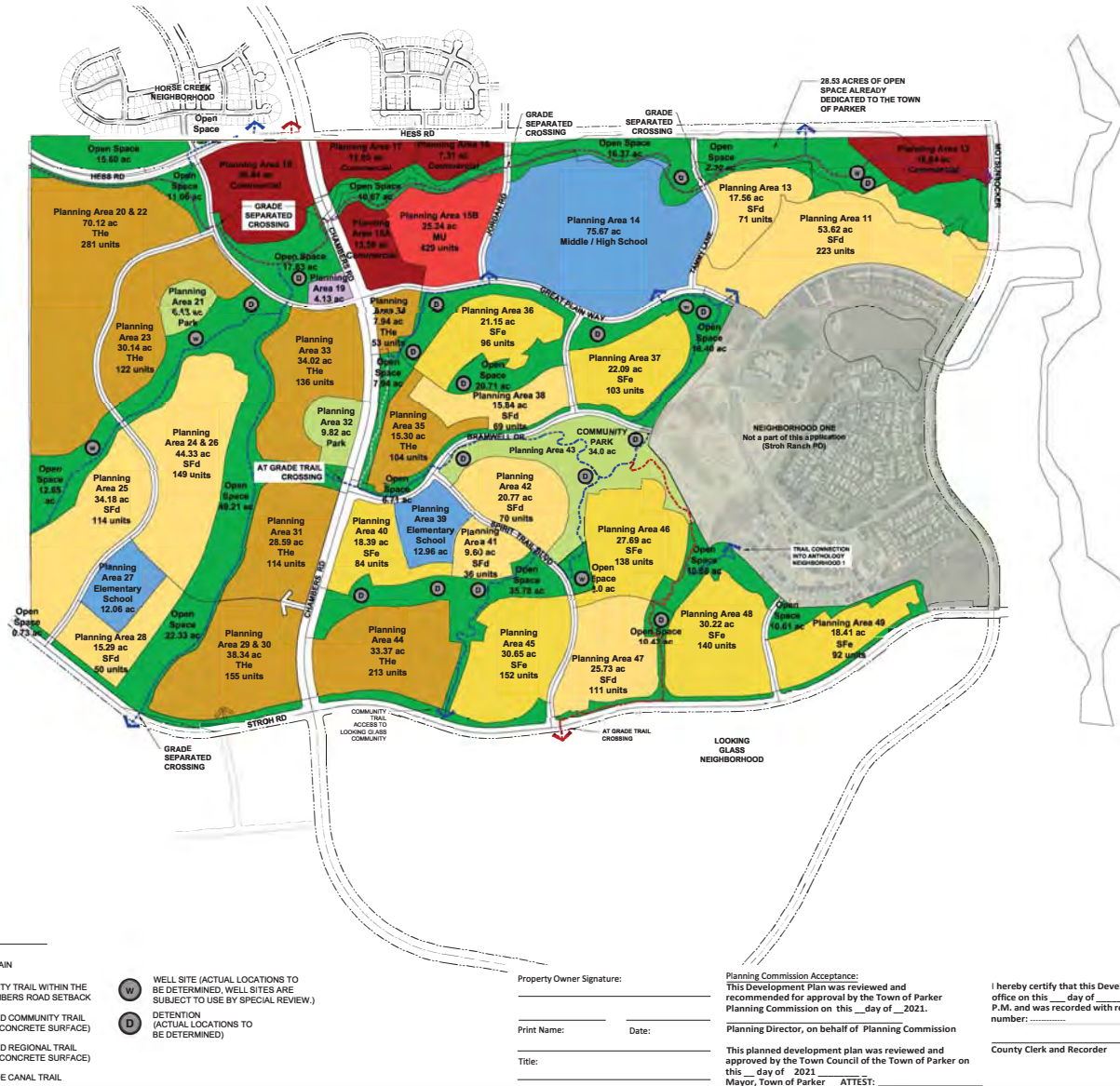
B. Effect of Recorded Plan

The approval by Ordinance of the "ANTHOLOGY NORTH Amendment 1 DEVELOPMENT PLAN AND GUIDE" by the Town Council and the recording of such Development Plan and Guide with the Douglas County Clerk and Recorder shall be deemed to be rezoning to a PD-Planned Development District under Section 13.04.150 of the Parker Municipal Code for the real property described in the Development Plan.

EXHIBIT C

ANTHOLOGY NORTH DEVELOPMENT PLAN

AMENDMENT NO. 3
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 SUBDIVISION PLAT.
 - 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 OPEN SPACE IS SATISFIED WITH 49.95 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 240.90 GROSS ACRES OF OPEN SPACE IS SATISFIED WITH 285.27 ACRES PLUS 28.53 ACRES OF OPEN SPACE THAT HAS ALREADY BEEN DEDICATED TO THE TOWN OF PARKER.

LAND PLANNING:

JOHN J. GRIFFIN
JOHN J. GRIFFIN & ASSOCIATES, LLC
1001 S. W. 10TH AVE., SUITE 100
FORT WORTH, TEXAS 76104
817.335.4555 / 817.335.4556

ENGINEERING:

CVL
CONSULTANTS
10333 E. DRY CREEK RD., #200
ENGLEWOOD, CO 80112
720.482.9526

PREPARED FOR:

OEO, LLC
7353 SOUTH ALTON WAY
CENTENNIAL, CO 80112
303.770.9701

ANTHOLOGY
PARKER, COLORADO

Parcel #	Land Use	Gross Acres	Max. Density (per Dev. Guide)	Net Area	DU (Shown on Plan)
Pa-11	Sfd	53.62	4.5	52.81	222
Pa-12	Commercial	16.64	22.00	15.91	-
Pa-13	Sfe	17.56	6.00	16.91	71
Pa-14	School	75.67	-	71.44	-
Pa-15A	Commercial	11.02	22.00	8.80	-
Pa-15B	MU	27.81	22.00	25.96	429
Pa-16	Commercial	7.31	22.00	7.19	-
Pa-17	Commercial	12.05	22.00	10.27	-
Pa-18	Commercial	28.84	22.00	25.27	-
Pa-19	Fire Station	4.13	-	3.00	-
Pa-20 & 22	Thie	70.12	14.00	68.04	281
Pa-21	Park	6.13	-	6.13	-
Pa-23	Thie	30.14	14.00	27.44	122
Pa-24 & 26	Sfd	44.33	4.50	42.58	149
Pa-25	Sfd	34.18	4.50	31.88	114
Pa-27	School	12.06	-	10.9	-
Pa-28	Sfd	15.25	4.50	14.69	50
Pa-29 & 30	Thie	38.34	14.00	35.55	155
Pa-31	Thie	28.59	14.00	25.23	114
Pa-32	Park	9.82	-	8.34	-
Pa-33	Thie	34.02	14.00	31.24	136
Pa-34	Thie	7.96	14.00	5.96	53
Pa-35	Thie	15.30	14.00	15.3	104
Pa-36	Sfe	21.17	6.00	21.17	96
Pa-37	Sfe	22.09	6.00	21.62	103
Pa-38	Sfd	15.84	4.50	15.44	69
Pa-39	School	12.96	-	11.98	-
Pa-40	Sfe	18.39	6.00	15.65	84
Pa-41	Sfd	1.60	4.50	0.99	36
Pa-42	Sfd	20.77	4.50	19.71	70
Pa-43	Park	34.00	-	31.55	-
Pa-44	Thie	33.37	14.00	32.02	213
Pa-45	Sfe	30.65	6.00	29.70	132
Pa-46	Sfe	27.83	6.00	27.71	128
Pa-47	Sfd	25.73	4.50	24.64	111
Pa-48	Sfe	30.22	6.00	29.44	140
Pa-49	Sfe	18.41	6.00	17.85	92
Subtotal		921.94		868.42	3,305

LAND USE	Gross Acres	Max. Density (per Dev. Guide)	Net Acres	DU (Shown on Plan)
MU	27.81	-	25.96	429
Residential	661.50	-	631.59	2,876
Open Space	285.96	-	243.80	-
Parks	49.95	-	46.02	-
Schools	100.69	-	94.32	-
Fire Station	4.13	-	3.00	-
Commercial	76.86	-	67.53	-
TOTALS	1207.9		1,112.22	3,305
Sfe Total	186.32	6.00	180.06	876
Sfd Total	219.36	4.50	210.76	822
Thie Total	257.82	14.00	240.77	1,128
MU Total	27.81	22.00	25.96	429
TOTALS	691.31		657.55	3,305

DRAWN BY:

DESIGNED BY:

SCALE

AS SHOWN

SUBMITTED ON:

5/10/2021

1 of 1



Planning Commission Staff Report

Planning Commission Date: 8/12/2021

Town Council Date: 9/7/2021

Hearing Type: Public Hearing
ANTHOLOGY NORTH - Rezoning
TRAKiT No(s): Z21-008

Location: Generally located on the south side of Hess Road
between Chambers Road and Motsenbocker Road

Project Planner: BrieAnna Simon, Associate Planner

Applicant: John Prestwich, PCS Group

Executive Summary: The applicant, PCS Group, is proposing a minor PD amendment to the Anthology North PD to relocate the proposed Fire Station location. The Anthology North PD is generally located south of Hess Road and West of Motsenbocker Road.

Staff Recommendation: Approval

RECOMMENDED MOTION

"I move the Planning Commission recommend Town Council approve the requested Anthology North Planned Development rezoning."

ALTERNATIVE MOTIONS

"I move the Planning Commission recommend Town Council approve the requested Anthology North Planned Development rezoning, subject to the following conditions:"

-List proposed conditions

"I move the Planning Commission recommend Town Council deny the requested Anthology Planned Development rezoning as the request does not meet the following approval criteria:"

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

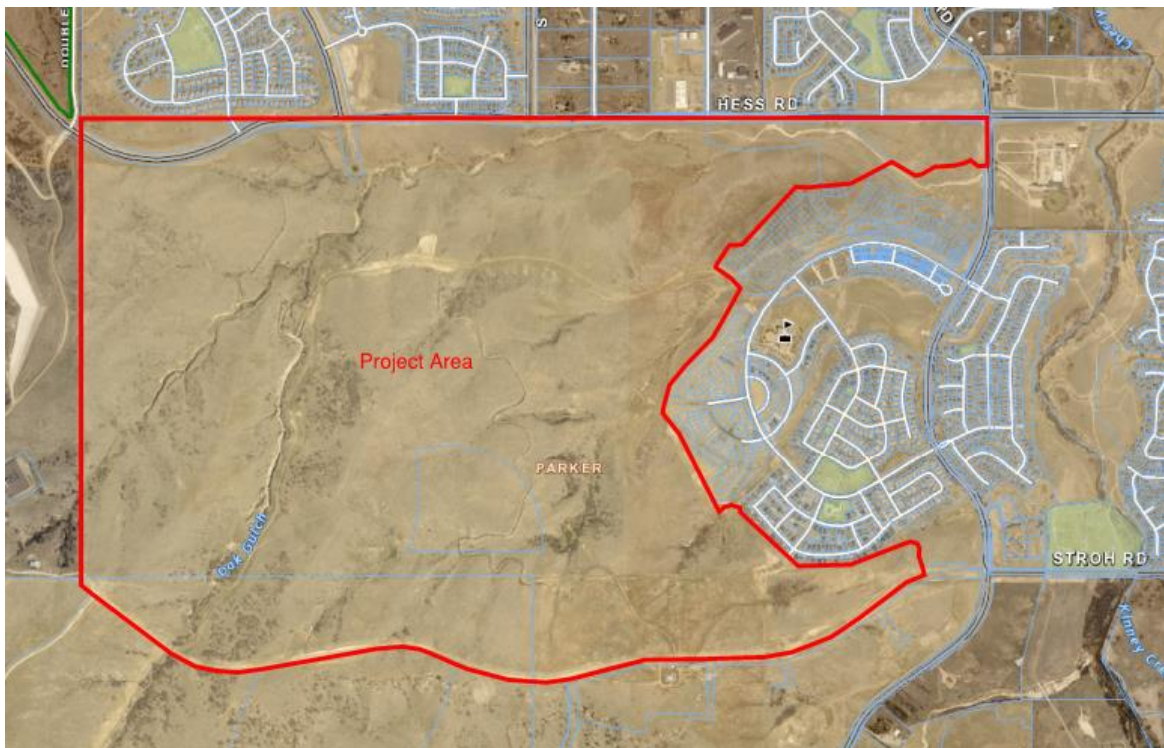
"I move the Planning Commission vote to continue the requested Anthology North Planned Development rezoning to a future date."

I. BACKGROUND/DISCUSSION

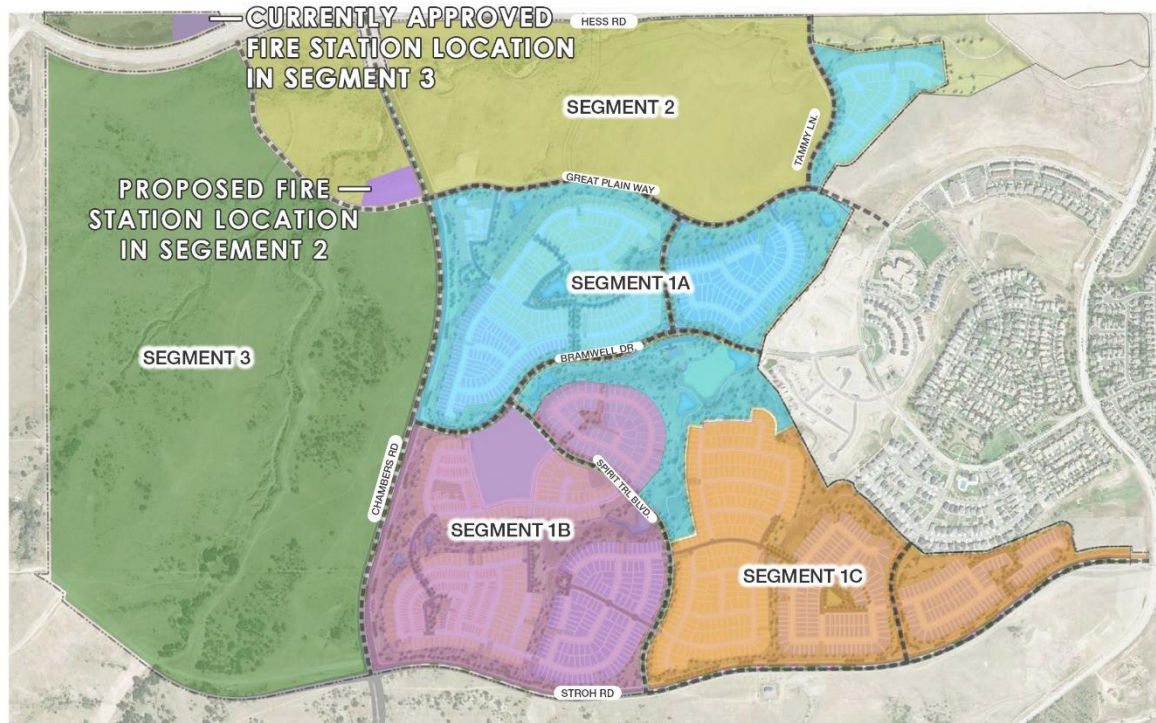
The subject property is generally located on the south side of Hess Road between Chambers Road and Motsenbocker Road. The site is currently undeveloped and is directly adjacent to Looking Glass (currently under development) to the south, Douglas 234 residential and commercial development to the north, and the Anthology residential development to the east.

The applicant, PSC Group, is requesting the approval of a zoning amendment to the Anthology North PD map to relocate the fire planning area. At previous public hearings, a number of local residents spoke against the current fire station location. In an effort to address these comments, the applicant and staff have been working closely with South Metro Fire District to find an alternative location. The proposed location will have adequate access to arterial and collector roadways, meets South Metro Fire Rescue spacing requirements and is located away from existing residential homes. The proposed location for the fire station is zoned for open space uses, with the proposed rezoning the current fire station location will change to open space. This proposed zoning change does not reduce the total open space reserved as outlined on the Planned Development Plan. The proposed rezoning will move the fire station location from Segment 3 to Segment 2 of the proposed development plan. This will allow South Metro Fire Rescue additional flexibility for the timing of construction of this station.

Vicinity Map



Current Segment 3 Project Area



PRIOR ACTIONS

Date	Action
1984	The east half of the subject property was voluntarily annexed by the Town (Ordinance 2.27) as Stroth Ranch and zoned for a variety of residential and commercial uses.
2003	The Hess Ranch property to the south and west was voluntarily annexed by the Town (Ordinance 2.140) and zoned as PD- Planned Development to allow a variety of residential and commercial uses.
2007	Town Council approved a PD Amendment to allow a variety of residential and commercial uses and renamed SunMarke.
2008	Town Council approved a PD Amendment to allow a variety of residential and commercial uses and renamed Anthology.
2015	The current PD-Planned Development zoning was a split of the original larger Anthology PD into the Hess Ranch PD and the Anthology North PD and was approved by Town Council and allowing for a variety of residential and commercial uses.
2020	Town Council approved an amendment to the Anthology North Planned Development (PD) to adjust Planning Area boundaries to reflect a dendritic design, amend lot size requirements and to implement the partial waiver resolution requirements for Planning Area 15 and the Parks, Trails, and Open Space Master Plan.

II. CURRENT SITE DATA

Existing Zoning	PD - Planned Development		
Overlay District	N/A		
PD & Plan Area	Anthology North Planned Development		
Master Plan Area	Medium/Low-Density Residential		
Site Acreage	1,207.9 acres		
Subdivision	Anthology North (under review)		
Existing Use	Undeveloped		
Surrounding Uses			
	Master Plan Land Use	Zoning	Existing Use
North	Medium Density Residential	PD - Planned Development	Single-family detached residential units, 14 acre commercial site and Town of Parker Public Works Operations Center
South	Low Density Residential	PD - Planned Development	Undeveloped (Hess Ranch_
East	Medium Density Residential	PD - Planned Development and Douglas County Zoning	Single-family attached and detached residential units
West	Douglas County	Douglas County Zoning	Reuter-Hess Reservoir site

III. PARKER 2035 MASTER PLAN

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

MASTER PLAN CONSISTENCY	
Master Plan Designation	Medium Density Residential ☒ Consistent ☐ Inconsistent
Master Plan Character Discussion	<u>Medium Density Residential:</u> The Medium Density Residential Character Area will consist of an overall gross density of 3.5 dwelling units per acre. Higher densities for housing for older adults may be considered as long as impacts are comparable to other uses permitted within this Character Area. Other community assets are such as schools, places of worship and other similar public amenities are appropriate in this Character Area.
Consistent Goals/Strategies	<u>Land Use 1.A</u> <u>Land Use 1.E</u> <u>Land Use 1.H</u> <u>Land Use 1.I</u>
Inconsistent Goals/Strategies	None

Staff Analysis	The subject property is identified for medium density residential uses per the General Land Use Plan. The proposed rezoning will address comments and concerns heard from neighboring residents as it relates to land use. The proposed zoning amendment does not increase the number of approved dwelling units from the existing zoning.
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IV. LAND DEVELOPMENT ORDINANCE

DEVELOPMENT POTENTIAL (Rezoning)			
Provisions	Current	Proposed	Analysis
Setbacks	Based on the Planning Area designation and the type of residential development that is proposed.	No change.	☐ Consistent ☐ Inconsistent ☒ No Change ☐ N/A
Lot Size	Single Family Detached Homes - 3500 sqft Zero Lot Line – 2500 sqft Duplex - 1200 sqft Patio Home – 2000 sqft Townhome Dwelling Unit – 1200 sqft	No Change.	☒ Consistent ☐ Inconsistent ☐ No Change ☐ N/A
Units Per Acre	A maximum of 3,305 units are allowed per the zoning.	No Change.	☐ Consistent ☐ Inconsistent ☒ No Change ☐ N/A
Allowed Uses	a. Single Family Detached Dwelling Units. b. Zero Lot Line Dwelling Units. c. Duplex,. d. Townhome Dwelling Units including Single Family Attached, Tri-Plex, and Four-Plex Dwelling Units, Semi-detached Dwelling Units and Live/Work Dwelling Units. e. Age restricted senior dwellings. f. Assisted and/or	No Change.	☐ Consistent ☐ Inconsistent ☒ No Change ☐ N/A

	Independent Living. g. A temporary sales and marketing center function developed to showcase a variety of builders and housing types within a limited area. h. Attached or detached private garages. i. Accessory Uses, incidental to the Principal Use or Building, including but not limited to: storage sheds, private greenhouses, home occupations, radio or T.V. antennas, T.V. satellite dishes, private tennis courts, private swimming pools, and private facilities for the keeping of common household pets according to the regulations and standards contained within the Parker Municipal Code. j. Open Space. k. Public or Private parks, playgrounds and recreational facilities including tennis courts, swimming pools and multipurpose trails. l. Places of religious assembly.		
Height/Stories	40-feet	No Change.	☐ Consistent ☐ Inconsistent ☒ No Change ☐ N/A
Staff Analysis	The proposed request will not amend existing lot standards in the Anthology North PD and is consistent with the uses that are allowed in the Development Guide. The requested amendments only relocates the fire station planning area on the proposed development plan. No changes will be made to the development guide with this rezoning.		

V. DESIGN REVIEW

N/A. There is no design review associated with a rezoning application.

VI. ACCESS, CIRCULATION & TRAFFIC ANALYSIS

The Anthology North development will be served by Stroh Road and Chambers Road extensions. A new collector street, Spirit Trail Boulevard, will be constructed to connect these two arterial streets. The Stroh Road and Chambers Road extensions provide connections to the existing infrastructure and road network while implementing a portion of the overall roadway plan adopted in the Town's Transportation Master Plan. The proposed fire station will be served by Spirit Trail Boulevard and Chamber Road. South Metro Fire Rescue has deemed this intersection a viable location with adequate access.

VII. APPROVAL CRITERIA

Title 13.04.240.f. Approval Considerations for Rezoning Requests:

1. A need exists for the proposal.

Applicant's Response:

This PD Amendment request is primarily being driven by conversations with the adjacent Horse Creek residents to move the currently approved Fire Station location to an area internal to the Anthology community, rather than on the edge of the community adjacent to existing residences.

Staff Analysis:

The rezoning is needed to address comments presented by adjacent Horse Creek residents. The rezoning will relocate the current fire station location away from existing residential homes. The proposed location meets roadway access and service requirements of the South Metro Fire Rescue

Based on this analysis, the proposal meets this criterion.

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

Applicant's Response:

This PD Amendment request will not modify the overall land uses.

Staff Analysis:

The requested rezoning will not change the allowed uses within the overall PD nor will the total number of allowable residential units change. South Metro Fire Rescue and staff have determined the subject property is the correct site for this rezoning request. This could not be achieved without the modification of Planning Area boundaries.

Based on this analysis, the proposal meets this criterion.

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

Applicant's Response:

There was not an error in the original zoning.

Staff Analysis:

There has been no error in the original zoning. Therefore, this criterion has been met.

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

Applicant's Response:

Existing homes in the Horse Creek neighborhood present a change to warrant this request.

Staff Analysis:

The existing zoning for the subject property was approved in 2003. The applicant brought forward a rezoning request in 2020 to accommodate the market demands for housing that have changed and led to a need to amend the lot standards in this Planned Development. During this rezoning process, existing residents of the Horse Creek neighborhood discussed concerns with the existing fire station location established in 2003. In an effort to address these concerns, the applicant has worked closely with South Metro Fire Rescue and Town staff in order to identify a new location. Analysis has been completed to determine a fire station is feasible at the new location. This request is simply to move the fire station zoning to a new location with the development plan.

Based on this analysis, this criterion has been met.

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

Applicant's Response:

This PD Amendment request will not change any circulation or traffic movement.

Staff Analysis:

The Town of Parker Public Works/Engineering Department has reviewed and approved the traffic analysis that was provided by the applicant. The applicant has agreed to dedicate all right-of-way that has been requested by the Town. Additional information related to this analysis can be found in Section VI of this staff report.

Based on this analysis, 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:

This PD Amendment request will not change anything that was previously anticipated.

Staff Analysis:

There are no municipal service costs that the Town is not prepared to meet.

Based on this analysis, this criterion has been met.

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

Applicant's Response:

This PD Amendment request will not change anything that was previously anticipated.

Staff Analysis:

There are no known additional environmental impacts associated with the requested rezoning and no referral agencies have indicated any additional environmental impacts. Future development will be required to meet all environmental criteria set forth in the Land Development Ordinance.

Based on this analysis, this criterion has been met.

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

Applicant's Response:

This PD Amendment request maintains the anticipated land uses and general areas for development and is consistent with the Town Master Plan maps, goals and policies.

Staff Analysis:

As detailed in Section III of this staff report, the proposed zoning amendment is consistent with the Town's Parker 2035 Master Plan.

Based on this analysis, 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:

This PD Amendment request maintains all obligations related to impacts and services.

Staff Analysis:

The Parker Water and Sanitation District has indicated an ability to serve the subject property. With the original annexation and zoning, the zoning has set aside one fire station site. The reservation of this sites and the future dedication of the site will satisfy the requirements from the Annexation Agreement. As a part of the future sketch plan and preliminary plan applications for the individual lot, staff will evaluate and the applicant will be required to meet all site plan requirements.

Based on this analysis, this criterion has been met.

VIII. SUMMARY REFERRAL AGENCY COMMENTS AND CONDITIONS

Agency	Comments
AzTec Consultants	No comments
Town of Parker Building	No comments
Town of Parker Comprehensive Planning	Advisory Comments: The proposed fire station location is a coordinated proposal with South Metro Fire Rescue and is supportive of Chapter 11 of the Parker 2035 Master Plan and Goal - 1.C. Fire Protection Coordinate with the South Metro Fire Rescue Authority to continue to provide responsive and reliable fire protection for our community.
CenturyLink	Our engineer has reviewed this plat and determined that we have no objections.
Douglas County Planning	No comments
Douglas County Schools	No comments
Town of Parker Fire Life Safety	Advisory Comments: So long as South Metro Fire Rescue has no issue with the proposed new location and so long as the site is large enough to accommodate the needs of the proposed fire station (including parking and access), then I have no issue with the new proposed site.
IREA	Approved
Town of Parker Engineering	Approved
Town of Parker Police	No comments
Town of Parker Parks and Recreation	No comments
Parker Water and Sanitation	Approved
Public Service Company of Colorado	Advisory Comments: Public Service Company of Colorado's Right of Way & Permits Referral Desk has reviewed the PD amendment documentation for Anthology North – Firehouse Relocation and has no apparent conflict.
South Metro Fire Rescue	Over the past few days, SMFR has received information related to our phasing, grading, access, and easement questions about the proposed fire station site. Based on that information, along with previous conceptual layouts showing that several fire station designs will fit on the site, SMFR is supportive of the Anthology Fire Station Amendment (Z21-008) showing the relocation of the fire station land dedication to the northwest corner of Chambers Road and Great Plain Way. The construction of a fire station on this site appears feasible, subject to further details anticipated during the design/development processes for Segment 2 and the fire station site.

IX. CONCLUSION

The subject property is generally located on the south side of Hess Road between Chambers Road and Motsenbocker Road. The site is currently undeveloped and is directly adjacent to the Looking Glass site to the south which is currently under development, Douglas 234 residential and commercial development to the north, and the Reuter Hess Reservoir to the east.

The benefits of the approval of the requested Anthology North PD rezoning will be a proactive approach to address concerns of existing residents in the Town of Parker. The proposed location will have adequate access to arterial and collector roadways, meets South Metro Fire Rescue spacing requirements and is located away from existing residential homes. The proposed rezoning will move the fire station location from Segment 3 to Segment 2 of the proposed development plan. The proposed zoning amendment does not increase the number of approved dwelling units from the existing zoning. Additionally, no changes will be made to the development guide with this rezoning.

X. RECOMMENDED CONDITIONS

None

XI. ATTACHMENTS

1. Project Narrative
2. Rezoning Criteria Analysis
3. Proposed Development Plan
4. Existing PD Guide
5. Ordinance 3.308.3
6. South Metro Fire Rescue Response

Report Approved By: Bryce Matthews, Planning Manager



ANTHOLOGY NORTH

PD Amendment Narrative
5-10-2021



pcs group inc. www.pcsgroupco.com

community design | entitlement | site design | landscape architecture | community imaging

MAY 10, 2021
BRIEANNA SIMON,
ASSOCIATE PLANNER
TOWN OF PARKER
20120 E. MAINSTREET
PARKER, CO 80138

Re: ANTHOLOGY NORTH — PD Amendment

Dear BrieAnna:

PCS Group, Inc., on behalf of E5X Management is pleased to present this letter as the required narrative for our PD Amendment submittal. The ownership and design team have been meeting regularly with the Town of Parker to help facilitate the review of this exciting project. As you are aware this is simply a map amendment to move the existing approved fire station location from the northwest area adjacent to the existing Horse Creek residential area, to the intersection of Chambers Road and Great Plain Way. The existing 4.13 acre PA-19 is being converted to Open Space, and is being moved to an Open Space area at the intersection of Chamber Road and Great Plain Way resulting in no change to Open Space or Land Use areas.

We are very excited about working with the Town of Parker to create this new community. Thank you for your time and consideration of this request. Please feel free to call if you have any comments or questions or if you need additional information.

Sincerely,

John Prestwich - RLA, President
President, PCS Group, Inc.



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 COLLECTION 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 SUBDIVISION PLAT
- GREAT PLAIN WAY FROM HESS ROAD TO CHAMBERS ROAD WILL BE A SLANE COLLECTOR
- THE ANNEXATION REQUIREMENT FOR PROVIDING A MINIMUM OF 47.32 ACRES OF DEVELOPED PARK SITE 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 34.00 GROSS ACRES OF OPEN SPACE IS SATISFIED WITH 28.57 ACRES PLUS 28.53 ACRES OF OPEN SPACE THAT HAS ALREADY BEEN DEDICATED TO THE TOWN OF PARKER

Parcel #	Land Use	Gross Acres	Max. Density (per Acre)	Net Acres	DU (Shown as Plan)
Pa-11	SFD	53.82	4.5	52.83	223
Pa-12	Commercial	22.00	22.00	22.00	535
Pa-13	SFD	17.96	8.00	16.91	71
Pa-14	School	79.87	1.00	79.87	420
Pa-15A	Commercial	13.02	22.00	8.89	223
Pa-15B	MC	7.73	22.00	7.73	223
Pa-16	Commercial	12.05	22.00	10.27	223
Pa-17	Commercial	22.00	22.00	22.00	535
Pa-18	Commercial	22.00	22.00	22.00	535
Pa-19	Fire Station	4.13	-	3.00	1
Pa-20A-22	Tru	79.12	14.00	60.49	281
Pa-23	Park	6.13	-	6.13	1
Pa-24	Tru	80.16	14.00	74.47	333
Pa-24A-26	SFD	48.13	4.50	42.58	149
Pa-27	SFD	36.40	4.50	31.80	115
Pa-28	SFD	15.29	4.50	10.79	36
Pa-29A-30	Tru	38.34	14.00	30.34	135
Pa-31	Tru	28.59	14.00	25.23	114
Pa-32	Park	9.87	-	9.87	1
Pa-33	Tru	34.02	14.00	31.24	136
Pa-34	Tru	7.96	14.00	5.99	25
Pa-35	Tru	15.33	14.00	13.33	104
Pa-36	SFD	21.17	6.00	21.17	96
Pa-37	SFD	23.09	6.00	23.09	100
Pa-38	SFD	15.84	4.50	15.84	69
Pa-39	School	12.99	1.00	12.99	64
Pa-40	SFD	38.39	6.00	35.05	141
Pa-41	SFD	38.39	4.50	35.05	141
Pa-42	SFD	20.77	4.50	19.73	73
Pa-43	Park	34.02	14.00	31.24	136
Pa-44	Tru	33.27	14.00	30.00	133
Pa-45	SFD	30.65	6.00	29.70	132
Pa-46	SFD	27.83	6.00	27.77	118
Pa-47	SFD	25.73	4.50	24.64	111
Pa-48	SFD	30.23	6.00	29.44	144
Pa-49	SFD	38.43	6.00	37.05	152
Subtotal		921.94	-	868.42	3,305

LAND USE	Gross Acres	Max. Density (per Acre)	Net Acres	DU (Shown as Plan)
MC	27.81	-	25.96	420
Residential	663.30	-	631.99	2,876
Open Space	285.96	-	243.86	100
Parks	49.95	-	46.02	2
Schools	309.09	-	309.09	82
Fire Station	4.13	-	3.00	1
Commercial	79.86	-	67.53	3,305
TOTALS	1,009.9	-	1,112.92	3,305
Gr Total	385.32	6.00	380.06	876
Sfd Total	233.39	4.50	219.76	892
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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.

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

Scale: 1" = 800'

North

1 of 1

- NOTES:
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MAY 10, 2021
BRIANNA SIMON,
ASSOCIATE PLANNER
TOWN OF PARKER
20120 E. MAINSTREET
PARKER, CO 80138

Re: ANTHOLOGY NORTH — PD Amendment - Approval Considerations

1. A need exists for the proposal;

This PD Amendment request is primarily being driven by conversations with the adjacent Horse Creek residents to move the currently approved Fire Station location to an area internal to the Anthology community, rather than on the edge of the community adjacent to existing residences.

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

This PD Amendment request will not modify the overall land uses.

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

There was not an error in the original zoning.

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

Existing homes in the Horse Creek neighborhood present a change to warrant this request.

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

This PD Amendment request will not change any circulation or traffic movement.

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

This PD Amendment request will not change anything that was previously anticipated.

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

This PD Amendment request will not change anything that was previously anticipated.

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

This PD Amendment request maintains the anticipated land uses and general areas for development and is consistent with the Town Master Plan maps, goals and policies.

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

This PD Amendment request maintains all obligations related to impacts and services.

ANTHOLOGY NORTH DEVELOPMENT PLAN

AMENDMENT NO. 3

COUNTY OF DOUGLAS, STATE OF COLORADO

1207.9 ACRES - 3,305 UNITS



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:

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Planning Director, on behalf of Planning Commission

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Mayor, Town of Parker ATTEST: _____
Town Clerk

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- THE ANNEXATION REQUIREMENT FOR PROVIDING A MINIMUM OF 47.32 ACRES OF DEVELOPED PARK SITES IS SATISFIED WITH 49.95 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 240.90 GROSS ACRES OF OPEN SPACE IS SATISFIED WITH 285.27 ACRES PLUS 28.53 ACRES OF OPEN SPACE THAT HAS ALREADY BEEN DEDICATED TO THE TOWN OF PARKER.

ANTHOLOGY DEVELOPMENT CHART

	Parcel #	Land Use	Gross Acres	Max. Density (per Dev. Guide)	Net Area	DU (Shown on Plan)
	Pa - 11	SFd	53.62	4.5	52.81	223
	Pa - 12	Commercial	16.64	22.00	15.91	-
	Pa - 13	SFe	17.56	6.00	16.91	71
	Pa - 14	School	75.67	-	71.44	-
	Pa - 15A	Commercial	11.02	22.00	8.89	-
	Pa - 15B	MU	27.81	22.00	25.96	429
	Pa - 16	Commercial	7.31	22.00	7.19	-
	Pa - 17	Commercial	12.05	22.00	10.27	-
	Pa - 18	Commercial	28.84	22.00	25.27	-
	Pa - 19	Fire Station	4.13	-	3.00	-
	Pa - 20 & 22	THE	70.12	14.00	68.04	281
	Pa - 21	Park	6.13	-	6.13	-
	Pa - 23	THE	30.14	14.00	27.44	122
	Pa - 24 & 26	SFd	44.33	4.50	42.58	149
	Pa - 25	SFd	34.18	4.50	31.88	114
	Pa - 27	School	12.06	-	10.9	-
	Pa - 28	SFd	15.29	4.50	14.69	50
	Pa - 29 & 30	THE	38.34	14.00	35.55	155
	Pa - 31	THE	28.59	14.00	25.23	114
	Pa - 32	Park	9.82	-	8.34	-
	Pa - 33	THE	34.02	14.00	31.24	136
	Pa - 34	THE	7.94	14.00	5.95	53
	Pa - 35	THE	15.30	14.00	15.3	104
	Pa - 36	SFe	21.17	6.00	21.17	96
	Pa - 37	SFe	22.09	6.00	21.62	103
	Pa - 38	SFd	15.84	4.50	15.44	69
	Pa - 39	School	12.96	-	11.98	-
	Pa - 40	SFe	18.39	6.00	15.65	84
	Pa - 41	SFd	9.60	4.50	8.99	36
	Pa - 42	SFd	20.77	4.50	19.73	70
	Pa - 43	Park	34.00	-	31.55	-
	Pa - 44	THE	33.37	14.00	32.02	213
	Pa - 45	SFe	30.65	6.00	29.70	152
	Pa - 46	SFe	27.83	6.00	27.72	138
	Pa - 47	SFd	25.73	4.50	24.64	111
	Pa - 48	SFe	30.22	6.00	29.44	140
	Pa - 49	SFe	18.41	6.00	17.85	92
	Subtotal		921.94	-	868.42	3,305

LAND USE	Gross Acres	Max. Density (per Dev. Guide)	Net Acres	DU (Shown on Plan)
MU	27.81	-	25.96	429
Residential	663.50	-	631.59	2,876
Open Space	285.96	-	243.80	
Parks	49.95	-	46.02	
Schools	100.69	-	94.32	
Fire Station	4.13	-	3.00	
Commercial	75.86	-	67.53	
TOTALS	1207.9		1,112.22	3,305
SFe Total	186.32	6.00	180.06	876
SFd Total	219.36	4.50	210.76	822
THE Total	257.82	14.00	240.77	1,178
MU Total	27.81	22.00	25.96	429
TOTALS	691.31		657.55	3,305

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1.303.531.4902 • 1.303.531.4908

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SCALE:

AS SHOWN

SUBMITTED ON:

5/10/2021

Anthology North

Town of Parker, Colorado

PD DEVELOPMENT GUIDE

January 15, 2015
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Revised October 5, 2020

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I. GENERAL PROVISIONS

A. Application

The standards outlined in the Development Guide shall apply to all property contained within the "ANTHOLOGY NORTH DEVELOPMENT PLAN AND GUIDE" (the "Development Plan") except as provided herein. The standards outlined in the Development Plan may be divergent from the zoning regulations contained in Chapter 13.04 of the Parker Municipal Code, but not any other Chapter of the Parker Municipal Code. In the event there is a conflict between the standards contained in the Development Plan and the Parker Municipal Code (excluding Chapter 13.04) then the Parker Municipal Code shall control. The terms "DEVELOPMENT PLAN" and "MASTER PLAN" may be used interchangeably.

B. Density Standards

The Dwelling Unit Density permitted in any residential Planning Area is an Average Density that shall apply to the entire residential Planning Area and shall not be specifically applicable to any portion thereof. The Average Density of any residential Planning Area shall be computed by dividing the total number of Dwelling Units in the residential Planning Area by the gross acres in the residential Planning Area.

C. Density Variations

In no event shall the total number of 3,305 residential Dwelling Units within all Planning Areas as set forth on the "ANTHOLOGY NORTH DEVELOPMENT PLAN AND GUIDE" be exceeded.

In general, residential Planning Areas may contain up to an additional ten percent (10%) of the number of units allowed for each Planning Area, as set forth in the "ANTHOLOGY NORTH PD DEVELOPMENT PLAN AND GUIDE", as determined by the Developer. The total number of Dwelling Units actually developed in a Planning Area may be less than the number established on the Development Plan. Any decrease in units may be transferred to other Planning Areas in whole or in part, subject to the limitations of Section 13.07.160 of the Parker Municipal Code. Any increase of dwelling units within a Planning Area by more than 10% must be processed as a Major Amendment under Section 13.04.240 of the Parker Municipal Code (except for PA 15 which is subject to the restrictions found in Section D Mixed Use, 4 b-Maximum number of Dwelling Units which allows for an administrative minor amendment process).

D. Planning Area Boundaries

Wherever a Planning Area abuts a street as shown on the "ANTHOLOGY NORTH DEVELOPMENT PLAN", the Planning Area boundary is the centerline of the abutting right-of-way of such street (except Molsenbocker, Crowfoot Valley and Hess Road). Wherever a Planning Area does not so abut a street, the Planning Area boundary shall be as shown on the "ANTHOLOGY NORTH DEVELOPMENT PLAN". Modifications in Planning Area boundaries and streets may be accomplished by the Developer by final road alignments or engineering refinements shown on a Site Plan or Plat, without any amendment to the "ANTHOLOGY NORTH DEVELOPMENT PLAN" provided the Planning Area does not increase or decrease by more than ten percent (10%) in size.

E. Underground Utility Requirements

All electrical and communications distribution lines shall be placed underground. All transmission lines shall be underground unless same cannot be accomplished by direct burial.

F. Homeowner Associations and/or Special Districts

Homeowner Associations and/ or Special Districts composed of property owners in residential areas may be created for the following purposes: a) to provide for the continued development, improvement and maintenance of properties and facilities which it owns or administers, and b) to protect the investment, enhance the value, and control the use of property owned by its members.

Homeowner's Associations and/ or special districts may be created in residential areas where common lands or facilities are to be owned and maintained by the Homeowner's Association or Special District.

Special Districts must be approved by Town Council following a hearing and adaption of the necessary enabling ordinances or resolutions on a case by case basis.

II. DEFINITIONS

A. **Purposes:** It is the purpose of this Article to define words, terms and phrases contained within this PD Development Guide. See the Town of Parker Land Development Code for other definitions not defined herein.

B. **Word Usage:** In the interpretation of this Guide, the provisions and rules of this section shall be observed and applied, except when the context requires otherwise.

1. The particular controls the general.
2. In the case of any difference of meaning or implication between the text of this Guide and any caption or table, the text shall control.
3. Words used or defined in one tense or form shall include other tenses and derivative forms.
4. Words in the singular number shall include the plural number and words in the plural number shall include the singular number.
5. The masculine gender shall include the feminine and the feminine gender shall include the masculine.
6. The word "shall" is mandatory.
7. The word "may" is permissive.

C. **Definitions:**

Existing definitions in the Parker Municipal Code shall apply unless specifically stated herein.

1. **Abut.** To have a common border with.
2. **Accessory Buildings.** Detached subordinate building(s) or Structure(s), the use of which is customarily incidental to that of the Principal Building or to the main use of the land and which is located on the same lot with the Main Building or use.
3. **Accessory Dwelling Unit.** Detached subordinate building(s) or Structure(s), the use of which is customarily incidental to that of the Principal Building or to the main use of the land and which is located on the same lot with the Main Building or use, including carriage house units located above detached and semi-detached garages, designated for and occupied by not more than one family, and with a maximum size of 600 square feet.
4. **Age Restricted Dwelling.** Housing limited to buyers and occupants 55 years of age or older within an active adult subdivision filing.
5. **Assisted Living Residence.** A building containing multiple residential units and/or rooms served by a common dining facility and kitchen and staffed by trained health care professionals who are allowed to administer medications.
6. **Building, Principal or Main.** A building or buildings which may contain one or more Dwelling Unit(s) in which is conducted one or more of the permitted Principal Uses of the Lot or project in which it is situated and including areas such as garages, carports, storage sheds which are attached to or architecturally integrated with the principal building.
7. **Building Front.** That exterior wall of a Building which faces a Front Lot Line of a Lot.
8. **Building Ground Coverage.** The amount of land covered or permitted to be covered by a Building.
9. **Building Height.** The vertical distance from the average finished grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. A weighted average of the finished grade on the perimeter of the building may be utilized.
10. **Building Setback.** The distance between the Building and the adjacent street right-of-way, property line, exterior of the Private Street Easement, or external planning area boundary.
11. **Building Side.** That exterior wall of a Building which faces a Side Lot Line of a Lot.

12. Building Rear. That exterior wall of a Building which faces a Rear Lot Line of a Lot.
13. Car Care Center. An establishment providing sales of vehicle fuel and such services as lubrication, oil and tire changes, and minor repairs. This use does not include Paint spraying or body repair.
14. Density, Gross or Average. A ratio of number of Dwelling Units per acre calculated by dividing the number of Dwelling Units within the boundary of one or more residential Planning Areas or portion thereof by the number of acres contained within the Planning Area (s) or portions thereof; including all land within said Planning Area (s) or portion thereof reserved or dedicated for Parks, Open Space, recreation, educational, community, or public use, and Public Street rights-of way and Easements. For calculation purposes, the gross density excludes the 100-year floodplain as mapped by FEMA and slopes of 20% or greater
15. Density, Net. A ratio of number of Dwelling units per acre calculated by dividing the number of Dwelling Units within the boundary of one or more residential Planning Areas or portion thereof by the number of acres contained within the Planning Area(s) or portion thereof; excluding all land within said Planning Area(s) or portion thereof reserved or dedicated for Parks, Open Space, recreation, educational, community or public use, and Public Street rights-of-ways and easements. For calculation purposes, the gross density excludes the 100-year floodplain as mapped by FEMA and slopes of 20% or greater
16. Dwelling Unit, Clustered Single Family. A type of Single Family Detached or Attached Dwelling Unit development that combines reduced lot size with compensating amounts of Open Space within the proposed development.
17. Dwelling Unit, Patio. An alternative type of Single Family Detached or Attached Dwelling Unit in which the private individual Open Space associated with each Dwelling Unit is consolidated into a garden or patio area commonly located toward the side or rear of the Lot. This patio area replaces the conventional front, side and rear yards associated with traditional Single Family Detached Dwelling Units.
18. Dwelling Unit, Single Family. A Dwelling Unit Type which includes both Single Family Detached or Attached Dwelling Units.
19. Dwelling Unit, Single Family Attached. A Building designated for and containing more than one Dwelling Unit and occupied by not more than 6 families within one Structure each of which is separated from the others by one (1) or more un-pierced walls from ground to roof.
20. Dwelling Unit, Single Family Detached. A type of Dwelling Unit designated for and occupied by not more than one family and having no roof, wall or floor in common with any other Dwelling Unit.
21. Dwelling Unit, Townhome. A type of Single Family Attached or Multi-Family Dwelling Unit in which each single Dwelling Unit goes from ground to roof and is separated from other Townhome Dwelling Units by a common wall. Each Townhome Dwelling Unit has individual outside access. Townhome Dwelling Units may have no side yards, or front and rear yards. May include duplex, tri-plex, four-plex, or more.
22. Dwelling Unit, Zero Lot Line. An alternative type of Single Family Detached Dwelling Unit which is situated on a Lot so that one or more sides rest directly on the boundary line of the Lot.
23. Dwelling Unit, Live/Work. An alternative type of Townhome Dwelling Unit in which a range of retail goods and services, consistent with the Mixed Use (MU) designation are permitted, in combination with residential use, and where residential setbacks apply.
24. Easement, Private Street. An acquired right of use, interest or privilege in land owned by another containing a privately owned access way constructed to the specifications of the Town of Parker but not maintained by the Town of Parker. Town of Parker and Parker Fire Protection District approved fire access shall be provided in all cases.
25. Floor Area Ratio. A measurement of Development intensity expressed as a ratio derived by dividing the total Floor Area of a Building by the actual area of the Lot.
26. Garage, Parallel. A garage, attached or detached, which is oriented so that the axis which corresponds with the garage opening is substantially parallel to the adjacent street from which the Lot derives access.

27. Garage, Perpendicular. A garage, attached or detached, which is oriented so that the axis which corresponds with the garage opening is substantially perpendicular to the adjacent street from which the Lot derives access.
28. Group Care Facilities. A facility where three or more persons are provided supervision and a planned treatment of counseling, therapy or other rehabilitative social services in a family environment. Such residence must be licensed by or operated by a federal, state, county or local/judicial/health/welfare agency or serve only referrals from such agencies, and is subject to state statute for permitting. Examples of group care facilities are: group foster care, children's homes, halfway houses, rehabilitative centers, assisted living, maternity or senior citizen homes.
29. Independent Living. A living arrangement for people with special needs affording them as much independence and autonomy as possible.
30. Land Use Category. A set of permitted land use types which are aggregated to form a land use classification similar in nature to zoning districts. Each Land Use Category is identified on the PD Master Plan and in Section III. Land Use Regulations of this PD Development Guide.
31. Nursery. An enterprise which conducts the retail and wholesale sale of plants grown on the site, as well as accessory items (but not farm implements) directly related to their care and maintenance. The accessory items normally sold are clay pots, potting soil, fertilizers, insecticides, hanging baskets, rakes and shovels.
32. Planning Areas. Areas of land delineated on the PD Master Plan identified with a phrase or symbol which designates a specific set of permitted land use types according to the Land Use Categories provided in Section III. - Land Use Regulations of this PD Development Guide. Planning Area boundaries are as depicted on the PD Master Plan.
33. Principal Use. The specific primary purpose, activity or use for which land or any building thereon is designed, arranged or intended, or for which it is occupied or maintained.
34. Recreational Vehicle. A vehicle or a unit that is mounted on or drawn by another vehicle primarily designed for recreation or temporary living. Recreational vehicles include travel trailers, camping trailers, truck campers, motor homes, boats, snowmobiles and other similar recreation equipment.
35. Restaurant, Conventional. An establishment whose principal business is the sale of food and/or beverages to customers whose principal method of operation includes one or both of the following characteristics: (1) customers, normally provided with an individual menu, are served their foods and beverages by a restaurant employee at the same table or counter at which food and beverages are consumed. And (2) cafeteria type operation where food and beverages generally are consumed within the restaurant building.
36. Restaurant, Fast Food. An establishment whose principal business is the sale of food and/or beverages in a "ready to consume" state: (1) within the restaurant building; (2) within a motor vehicle parked on the premises; or (3) off the premises as carry out orders and whose principal method of operation includes the following characteristics: food and/or beverages are usually served in edible containers or in paper, plastic or other disposable containers.
37. Setback. The distance between the Building Line and the adjacent street right-of-way line or Lot Boundary.
38. Structure. Anything constructed or erected, which requires permanent location on the ground or is attached to something having a permanent location on the ground, but not including fences or walls less than six (6) feet, poles, lines, cables, or other transmission or distribution facilities or public utilities.
39. Traditional Neighborhood Design (TND). Traditional Neighborhood Design standards are intended to provide flexibility allowing land use patterns representative of those that were planned earlier in the 20th century. Traditional neighborhoods generally have a broad mix of uses including Single Family and Multi-Family land use patterns that help to create more pedestrian friendly streetscapes, in neighborhoods where homes and other uses orient toward the street.

III. LAND USE REGULATIONS

A. Residential (SFd)

1. Intent

Provide for residential Development allowing for a variety of Single Family Detached Dwelling Units, Zero Lot Line Dwelling Units, Duplex Units and Accessory Uses at no more than 4.5 Dwelling Units per acre.

2. Uses Permitted by Right

- a. Single Family Detached Dwelling Units.
- b. Zero Lot Line Dwelling Units.
- c. Duplex,
- d. Age restricted senior dwellings.
- e. A temporary sales and marketing center function developed to showcase a variety of builders and housing types within a limited area.
- g. Attached or detached private garages (3 cars maximum).
- h. Accessory Uses, incidental to the Principal Use or Building, including but not limited to: storage sheds, private greenhouses, home occupations, radio or T.V. antennas, T.V. satellite dishes, private tennis courts, private swimming pools, and private facilities for the keeping of common household pets according to the regulations and standards contained within the Parker Municipal Code.
- i. Open Space.
- k. Public or Private parks, playgrounds and recreational facilities including tennis courts, swimming pools and multipurpose trails.
- l. Places of religious assembly.

3. Uses Permitted by Special Review

- a. Group Care Facilities.
- b. Community centers, libraries and museums.
- c. Child Care Centers.
- d. Private schools and related facilities for elementary and secondary education.

4. Development Standards

- a. Average Density. The Average Density shall be up to four and five-tenths (4.5) Dwelling Units per acre for each SFd Planning Area. These Average Densities are set forth on the PD Development Plan, and reflect the number of units over the entire acreage for the Planning Area. Densities within portions of the Planning Area will vary depending on product type.
- b. Maximum Number of Dwelling Units. The maximum number of Dwelling Units permitted within each SFd residential Planning Area shall not exceed 110% of the units shown on the PD Development Plan for each individual Planning Area.
- c. Cluster Development. Patio homes, dwelling units, zero lot line dwelling units or duplex dwelling units where a reduction in lot size results in additional parcel open space which will not be available for future development.

- d. **Building Setback:** The minimum Building Setbacks in SFd residential Planning Areas will vary depending upon the product type in any given portion of the Planning Area. The following setbacks will be associated with the different product types defined as a Use Permitted by Right.

Single Family Detached Unit

Building Front - 10' to porch or living space
- 18' to garage face
Building Sides - 5'
Building Sides - 10' from ROW on corner lot
Building Rear - 10'
Building Rear (alley condition) - 5' from alley

Patio Dwelling Unit

Building Front - 10'
- 18' to garage face
Building Sides - 3'
Building Sides - 10' from ROW on corner lot
Building Rear - 10'
Building Rear (alley condition) - 5' from alley

Zero Lot Line Dwelling Unit

Building Front - 10'
- 18' to garage face
Building Sides - 0' one side, 6' other side
Building Sides - 10' from ROW on corner lot
Building Rear - 10'
Building Rear (alley condition) - 0' from alley*

Duplex Dwelling Unit

Building Front - 10'
- 18' to garage face
Building Sides - 0' on common wall, 5' on other side
Building Sides - 10' from ROW on corner lot
Building Rear - 10'
Building Rear (alley condition) - 5' from alley

Non-residential Land Uses

Building Front - 20'
Building Side - 10'
Building Side from ROW on corner lot-20'
Rear - 20'
Distance to residential lot – 25'

*subject to utility and drainage easement location

- e. **Building Separation.** The minimum building separation shall be the greater of:
i) eight (8) feet for Single Family Detached residential Buildings and twenty (20) feet for other Principal Buildings located within SFd Land Use Planning Areas, or
ii) shall be governed by the applicable building code.
- f. **Building Height.** No residential Buildings within SFd Planning Areas shall exceed thirty-five (35) feet in height except by special review.
- g. **Minimum Lot Sizes.** The minimum lot sizes in SFd residential Planning Areas shall be forty five hundred (4500) square feet for single family detached homes, or three thousand (3000) square feet for duplex homes, patio homes, or zero lot line homes.

B. Residential (SFe)

1. Intent
Provide for residential Development allowing for a variety of Single Family Detached Dwelling Units, Zero Lot Line Dwelling Units, Single Family Attached, Semi-detached, Clustered Single Family Dwelling Units, Duplex Dwelling Units, Tri-plex and Four-plex Dwelling Units, Townhome Dwelling Units and Accessory Uses at no more than 6.0 Dwelling Units per acre.
2. Uses Permitted by Right
 - a. Single Family Detached Dwelling Units.
 - b. Zero Lot Line Dwelling Units.
 - c. Duplex.
 - d. Townhome Dwelling Units including Single Family Attached, Tri-Plex, and Four-Plex Dwelling Units, Semi-detached Dwelling Units not to exceed 4 units per building.
 - e. Age restricted senior dwellings.
 - f. A temporary sales and marketing center function developed to showcase a variety of builders and housing types within a limited area.
 - g. Attached or detached private garages (3 cars maximum).
 - h. Accessory Uses, incidental to the Principal Use or Building, including but not limited to: storage sheds, private greenhouses, home occupations, radio or T.V. antennas, T.V. satellite dishes, private tennis courts, private swimming pools, and private facilities for the keeping of common household pets according to the regulations and standards contained within the Parker Municipal Code.
 - i. Open Space.
 - j. Public or Private parks, playgrounds and recreational facilities including tennis courts, swimming pools and multipurpose trails.
 - k. Places of religious assembly, religious schools.
3. Uses Permitted by Special Review
 - a. Group Care Facilities.
 - b. Buildings, garages and utility stations related to emergency services, such as ambulance, fire, police and rescue.
 - c. Neighborhood public service, health and education facilities, such as community centers, libraries and museums.
 - d. Child Care Centers.
 - e. Private schools and related administrative facilities for elementary and secondary education.
4. Development Standards
 - a. Average Density. The Average Density shall be up to six (6.0) Dwelling Units per acre for each SFe Planning Area, as set forth in the PD Development Plan, and reflect the number of units over the entire acreage for the Planning Area. Densities within portions of the Planning Area will vary depending on product type.
 - b. Maximum Number of Dwelling Units. The maximum number of Dwelling Units permitted within each SFe residential Planning Area shall not exceed 110% of the units shown on the PD Development Plan for each individual Planning Area.
 - c. Cluster Development. Patio homes, dwelling units, zero lot line dwelling units or duplex dwelling units where a reduction in lot size results in additional parcel open space which will not be available for future development.

- d. Building Setback: The minimum Building Setbacks in SFe residential Planning Area will vary depending upon the product type in any given portion of the Planning Area. The following setbacks will be associated with the different product types defined as a Use Permitted by Right.

Single Family Detached Unit

Building Front - 8' to front porch or living space
- 16' to garage face
Building Sides - 4'
Building Sides - 10' from ROW on corner lot
Building Rear - 10'
Building Rear (alley condition) - 5' from alley

Patio Dwelling Unit

Building Front - 10'
- 16' to garage face
Building Sides - 3'
Building Sides - 10' from ROW on corner lot
Building Rear - 10'
Building Rear (alley condition) - 5' from alley

Zero Lot Line Dwelling Unit

Building Front - 10'
- 16' to garage face
Building Sides - 0' one side, 6' other side
Building Sides - 10' from ROW on corner lot
Building Rear - 10'
Building Rear (alley condition) - 0' from alley*

Duplex Dwelling Unit

Building Front - 10'
- 16' to garage face
Building Sides - 0' on common wall, 5' on other side
Building Sides - 10' from ROW on corner lot
Building Rear - 10'
Building Rear (alley condition) - 5' from alley

Townhome Dwelling Unit (including Live/Work Townhomes)

Building Front - 4' (Principal Building)
- 5' or less or 16' or greater to garage face
Building Sides - 4' from ROW on corner lot
Building Sides - 0' from other property lines & lots with common walls
Building Rear - 4' from alley
Building Rear - 0' from other property lines*

Non-residential Land Uses

Building Front - 20'
Building Side - 10'
Building Side from ROW on corner lot - 20'
Rear - 20'
Distance to nearest residential lot - 25'

*subject to utility and drainage easement location

- e. Building Separation. The minimum building separation shall be the greater of:
- eight (8) feet for Single Family Detached Dwelling Units, ten (10) feet for Buildings containing Single Family Attached Dwelling Units, and twenty (20) feet for other Principal Buildings located within each SFe Lands Use Planning Area, or
 - shall be governed by the applicable building code.
- f. Building Height. No residential Buildings within SFe Planning Areas shall exceed thirty-five (35) feet in height except by special review.

- g. Minimum Lot Sizes. The minimum lot sizes in SFe residential Planning Areas shall be thirty five hundred (3500) square feet for Single Family Detached Housing, twenty five hundred (2500) square feet for zero lot line, or duplex, two thousand (2000) square feet for patio home.

C. Residential (THe)

1. Intent

Provide for residential Development allowing for a variety of Single Family Detached Dwelling Units, Zero Lot Line Dwelling Units, Single Family Attached, Semi-detached, Clustered Single Family Dwelling Units, , Multi-family/Condominium Units, Duplex Dwelling Units, Townhome Dwelling Units and Accessory Uses, at no more than 14 Dwelling Units per zone.

2. Uses Permitted by Right

- a. Single Family Detached Dwelling Units.
- b. Zero Lot Line Dwelling Units.
- c. Duplex,.
- d. Townhome Dwelling Units including Single Family Attached, Tri-Plex, and Four-Plex Dwelling Units, Semi-detached Dwelling Units and Live/Work Dwelling Units.
- e. Age restricted senior dwellings.
- f. Assisted and/or Independent Living.
- g. A temporary sales and marketing center function developed to showcase a variety of builders and housing types within a limited area.
- h. Attached or detached private garages.
- i. Accessory Uses, incidental to the Principal Use or Building, including but not limited to: storage sheds, private greenhouses, home occupations, radio or T.V. antennas, T.V. satellite dishes, private tennis courts, private swimming pools, and private facilities for the keeping of common household pets according to the regulations and standards contained within the Parker Municipal Code.
- j. Open Space.
- k. Public or Private parks, playgrounds and recreational facilities including tennis courts, swimming pools and multipurpose trails.
- l. Places of religious assembly.

3. Uses Permitted by Special Review

- a. Group Care Facilities.
- b. Buildings, garages and utility stations related to emergency services, such as ambulance, fire, police and rescue.
- c. Neighborhood public service, health and education facilities, such as community centers, libraries and museums.
- d. Child Care Centers.

4. Development Standards

- a. Average Density. The Average Density shall be up to fourteen (14) Dwelling Units per acre for each THe Planning Area. These average densities are set forth on the PD Development Plan, and reflect the number of units over the entire acreage for the Planning Area. Densities within portions of the Planning Area will vary depending on product type.
- b. Maximum Number of Dwelling Units. The maximum number of Dwelling Units permitted within each THe residential Planning Area shall not exceed 110% of the units shown on the PD Development Plan for each individual Planning

Area.

- c. Cluster Development. Patio homes, dwelling units, zero lot line dwelling units or duplex dwelling units where a reduction in lot size results in additional parcel open space which will not be available for future development.
- d. Building Setback. The minimum Building Setbacks in The residential Planning Areas will vary depending upon the product type in any given portion of the Planning Area. The following setbacks will be associated with the different product types defined as a Use Permitted by Right.

Single Family Detached Unit

Building Front - 8' to front porch or living space
- 18' to garage face
Building Sides - 4'
Building Sides - 10' from ROW on corner lot
Building Rear - 10'
Building Rear (alley condition) - 5' from alley

Patio Dwelling Unit

Building Front - 10'
- 16' to garage face
Building Sides - 3'
Building Sides - 10' from ROW on corner lot
Building Rear - 10'
Building Rear (alley condition) - 5' from alley

Zero Lot Line Dwelling Unit

Building Front - 10'
- 16' to garage face
Building Sides - 0' one side, 6' other side
Building Sides - 10' from ROW on corner lot
Building Rear - 10'
Building Rear (alley condition) - 0' from alley*

Duplex Dwelling Unit

Building Front - 10'
- 16' to garage face
Building Sides - 0' on common wall, 5' on other side
Building Sides - 10' from ROW on corner lot
Building Rear - 10'
Building Rear (alley condition) - 0' from alley

Townhome Dwelling Unit (including Live/Work Townhomes)

Building Front - 4' (Principal Building)
- 5' or less or 16' or greater to garage face
Building Sides - 4' from ROW on corner lot
Building Sides - 0' from other property lines & lots with common walls
Building Rear - 4' from alley
Building Rear - 0' from other property lines*
Building Separation 5'

Non-residential Land Uses

Building Front - 20'
Building Side - 10'
Building Side from ROW on corner lot - 20'
Rear - 20'
Distance to nearest residential lot – 25'

*subject to utility and drainage easement location

- f. Building Separation. The minimum building separation shall be the greater of:
i) eight (8) feet for Single Family Detached residential Buildings, ten (10) feet for Buildings containing Single Family Attached Dwelling Units, and twenty (20) feet for other Principal Buildings located within each The Planning Area,

or
ii) shall be governed by the applicable building code.

f. Building Height. No residential Buildings within The Planning Areas shall exceed forty (40) feet or three stories in height except by Special Review.

g. Minimum Lot Sizes. The minimum lot sizes for detached homes in The Planning Areas shall be

Single Family Detached Homes - thirty five hundred (3500) square feet

Zero Lot Line - twenty five hundred (2500) square feet

Duplex - two thousand (1200) square feet

Patio Home - two thousand (2000) square feet

Townhome Dwelling Unit - one thousand two hundred (1200) square feet

D. Mixed Use (MU)

1. Intent

To provide for the integration, horizontally and vertically, of a broad range of retail goods and services, business and professional services with Duplex, Tri-plex, Four-plex, Townhome, and/or Multi-family residential development.

2. Uses Permitted by Right

A. Retail

(1) Grocery store

(2) Convenience retail shopping facilities, including but not limited to:

a. drug stores

b. liquor stores

c. convenience grocery

(3) Specialty retail including but not limited to:

a. art gallery

b. antiques

c. artisan shops

d. gift shop

e. pet shops

f. florists, plant stores, plant nurseries

g. book store

h. stationery stores

i. retail food specialty shops which sell food products not intended to be consumed on the premises

j. butcher shops

k. candy stores

l. bakeries

m. doughnut shops

n. dairy product shops

o. toy and game stores

p. battery and accessory stores

q. bicycle stores

r. music stores

s. sporting goods store

t. card and gift shop

u. tobacco shop

v. cosmetic store

(4) Hardware and building material stores

(5) General retail merchandise and apparel shops, including but not limited to:

a. junior department stores

b. craft and hobby stores

c. discount department stores

- d. clothing stores
- e. shoe stores
- f. furniture stores, home furnishings
- g. household appliance stores
- h. floor covering, drapery and upholstery stores
- i. electronics stores
- j. cosmetic store;
- k. accessory and specialty store
- (6) Development Sales and Marketing Center

B. Eating and Drinking Establishments

- (1) restaurants
- (2) fast food, including drive-through
- (3) ice cream parlors
- (4) coffee shops
- (5) delicatessens
- (6) lounge, bar or microbrewery
- (7) cafeteria

C. Personal Services

- (1) Convenience service establishments, including but not limited to:
 - a. barber shops and beauty salons
 - b. dry cleaners and laundries
 - c. photo studio
 - d. shoe repair shops
 - e. watch or jewelry repair
 - f. travel agency
- (2) day care centers, nursery school
- (3) health clubs, tennis courts, swimming pools, community centers

D. Entertainment, Indoor

- (1) indoor movie theaters
- (2) performance arts
- (3) bowling alleys
- (4) skating rinks (both ice and roller)
- (5) pool halls
- (6) arcade amusement centers

E. General Office and Professional Services

- (1) business and professional offices
- (2) medical and dental offices and clinics
- (3) banks and other financial service establishments, with or without drive-through facilities
- (4) electronic funds transfer facilities
- (5) printing and publishing offices
- (6) radio and television offices and/or studios
- (7) mortuaries

F. Lodging

- (1) hotels and motels, including detached guest units, restaurants, gift shops and other incidental accessory uses located within the principal building
- (2) bed and breakfast

G. Motor Vehicle

- (1) gasoline stations
- (2) auto repair centers
- (3) tire sales and service
- (4) auto parts stores

(5) car wash

H. General Government or Health Services

(1) fire stations

(2) police department substations

(3) transit facilities

I. Institution of Higher Education

J. Vocational Trade School

K. Structured Parking

L. Any other uses consistent with the purposes of this Section and compatible with the uses set forth herein, as determined by the Planning Director.

M. Residential

1. Age Restricted Dwellings.

3. Duplex, Tri-Plex, and Four-Plex Dwelling Units.

4. Townhome Dwelling Units including Single Family Attached, Semi-detached Dwelling Units and Live/Work Dwelling Units.

5. Independent Living Dwellings.

6. Assisted Living Dwellings.

7. A temporary sales and marketing center function developed to showcase a variety of builders and housing types within a limited area.

9. Attached or detached private garages, structured parking.

10. Accessory Uses, incidental to the Principal Use or Building, including but not limited to: storage sheds, private greenhouses, home occupations, radio or T.V. antennas, T.V. satellite dishes, private tennis courts, private swimming pools, and private facilities for the keeping of common household pets according to the regulations and standards contained within the Parker Municipal Code.

11. Open Space.

12. Public or Private parks, playgrounds and recreational facilities including tennis courts, swimming pools and multipurpose trails.

13. All those uses permitted within the Parks and Open Space Land Use categories.

3. Uses Permitted by Special Review

a. Group Care Facilities.

b. Automobile and motor vehicle sales, leasing, rental and/or service.

c. Buildings, garages and utility stations related to emergency services, such as ambulance, fire, police and rescue.

d. Neighborhood public service, health and education facilities, such as community centers, libraries and museums.

e. Child Care Centers.

f. Small animal veterinary clinics with no outside facilities.

g. Private schools and related administrative facilities for elementary and secondary education.

4. Development Standards

- a. Floor/Area Ratio. The maximum floor-area ratio for each development tract within the Mixed Use Planning Area shall not be greater than eight tenths (.80) to one (1).
- b. Maximum Number of Dwelling Units. For Planning Area 15 zoned Mixed Use (MU), dwelling units may be transferred at the Site Plan stage up to a maximum density of 22 Dwelling units/gross acre. An increase in the number of permitted Dwelling Units within this Planning Area may be accomplished through a transfer of Dwelling Units from any other Planning Area with an administrative minor amendment, to create an updated map of the PD Development Plan and PD Development Guide.
- c. Cluster Development. Patio homes, dwelling units, zero lot line dwelling units or duplex dwelling units where a reduction in lot size results in additional parcel open space which will not be available for future development.
- d. Building Setback: Non-Residential. The minimum building setback from any public street right-of-way shall be:
 - Building front— 4 feet
 - Building side— 0 feet
 - Building rear— 20 feet
 - Distance to nearest residential use – 25 feet
- e. Building Setback: Residential
 - Building Front – 4' (Principal Building)
 - 5' or less or 18' or greater to garage face
 - Building Sides - 4' from ROW on corner lot
 - Building Sides - 0' from other property lines & lots with common walls
 - Building Rear - 4' from alley
 - Building Rear - 0' from other property lines*
 - Building Separation – 6'
- f. Building Separation. Commercial buildings can have a 0' separation.
- g. Building Height. Buildings or structures in Mixed Use Planning Areas are permitted up to 45' in height without special review and up to 60' in height with Special Review.

E. Commercial

1. Intent

To provide for the integration, horizontally and vertically, of a broad range of retail goods and services, business and professional services.

2. Uses Permitted by Right

A. Retail

(1) Grocery store

(2) Convenience retail shopping facilities, including but not limited to:

- a. drug stores
- b. liquor stores
- c. convenience grocery

(3) Specialty retail including but not limited to:

- a. art gallery
- b. antiques
- c. artisan shops
- d. gift shop
- e. pet shops
- f. florists, plant stores, plant nurseries
- g. book store
- h. stationery stores
- i. retail food specialty shops which sell food products not intended to be consumed on the premises

- j. butcher shops
 - k. candy stores
 - l. bakeries
 - m. doughnut shops
 - n. dairy product shops
 - o. toy and game stores
 - p. battery and accessory stores
 - q. bicycle stores
 - r. music stores
 - s. sporting goods store
 - t. card and gift shop
 - u. tobacco shop
 - v. cosmetic store
 - (4) Hardware and building material stores
 - (5) General retail merchandise and apparel shops, including but not limited to:
 - a. junior department stores
 - b. craft and hobby stores
 - c. discount department stores
 - d. clothing stores
 - e. shoe stores
 - f. furniture stores, home furnishings
 - g. household appliance stores
 - h. floor covering, drapery and upholstery stores
 - i. electronics stores
 - j. cosmetic store;
 - k. accessory and specialty store
 - (6) Development Sales and Marketing Center
- B. Eating and Drinking Establishments
- (1) restaurants
 - (2) fast food, including drive-through
 - (3) ice cream parlors
 - (4) coffee shops
 - (5) delicatessens
 - (6) lounge, bar or microbrewery
 - (7) cafeteria
- C. Personal Services
- (1) Convenience service establishments, including but not limited to:
 - a. barber shops and beauty salons
 - b. dry cleaners and laundries
 - c. photo studio
 - d. shoe repair shops
 - e. watch or jewelry repair
 - f. travel agency
 - (2) day care centers, nursery school
 - (3) health clubs, tennis courts, swimming pools, community centers
- D. Entertainment, Indoor
- (1) indoor movie theaters
 - (2) performance arts
 - (3) bowling alleys
 - (4) skating rinks (both ice and roller)
 - (5) pool halls
 - (6) arcade amusement centers

- E. General Office and Professional Services
 - (1) business and professional offices
 - (2) medical and dental offices and clinics
 - (3) banks and other financial service establishments, with or without drive-through facilities
 - (4) electronic funds transfer facilities
 - (5) printing and publishing offices
 - (6) radio and television offices and/or studios
 - (7) mortuaries
 - F. Lodging
 - (1) hotels and motels, including detached guest units, restaurants, gift shops and other incidental accessory uses located within the principal building
 - (2) bed and breakfast
 - G. Motor Vehicle
 - (1) gasoline stations
 - (2) auto repair centers
 - (3) tire sales and service
 - (4) auto parts stores
 - (5) car wash
 - H. General Government or Health Services
 - (1) fire stations
 - (2) police department substations
 - (3) transit facilities
 - I. Institution of Higher Education
 - I. Vocational Trade School
 - K. Structured Parking
3. Uses Permitted by Special Review
- a. Automobile and motor vehicle sales, leasing, rental and/or service.
 - b. Buildings, garages and utility stations related to emergency services, such as ambulance, fire, police and rescue.
 - c. Neighborhood public service, health and education facilities, such as community centers, libraries and museums.
 - d. Small animal veterinary clinics with no outside facilities.
4. Development Standards
- a. Floor/Area Ratio. The maximum floor-area ratio for each development tract within the Commercial Planning Area shall not be greater than eight tenths (.80) to one (1).
 - b. Building Setback: The minimum building setback from the perimeter of any planning area shall be 15 feet. The minimum building setback from any public street right-of-way shall be:
 - Building Front-4'
 - Building Side-0' if attached to adjacent building, 4' if free standing
 - Building Side from ROW on corner lot-20'
 - Rear-20'
 - c. Building Separation. The minimum building or structure separation shall be the greater of:
 - i) ten (10) feet or
 - ii) shall be governed by the applicable building code.
 - d. Building Height. Buildings or structures in Commercial Planning Areas are permitted up to 60' in height without special review and up to 75' in height with Special Review. Distance to nearest residential area – 50 feet.

F. Parks

1. Intent

To provide for park uses which compliment residential neighborhoods.

2. Uses Permitted by right

- a. Passive recreation uses and open space.
- b. Active recreation uses, including but not limited to the following facilities: baseball diamonds, softball diamonds, soccer fields, tennis courts, volleyball courts, basketball courts, swimming pools, play apparatus, picnic areas, recreation center, and jogging, hiking and/or bicycling trails.
- c. Free standing light fixtures 14' and under.

3. Development Standards

- a. Building Setback: Street. The minimum building setback from any public street right-of-way line shall be:

Building front–	25 feet
Building side–	20 feet
Building rear–	25 feet
- b. Building Separation. The minimum building or structure separation shall be the greater of:
 - i) twenty (20) feet or
 - ii) shall be governed by the applicable building code.
- c. Building Height. No buildings or structures shall exceed thirty-five (35) feet in height, except by Special Review, in which case no Buildings or Structures shall exceed forty-five (45) feet.

G. Open Space (OS)

1. Intent

To provide passive open space uses which will separate, define and protect the development planning areas contained within this Planned Development. Open Space does not include golf courses.

2. Uses Permitted by Right

- a. Passive recreation uses and open space.
- b. Jogging, hiking and/or bicycle trails.
- c. Dog Parks.
- d. Community Gardens.
- e. Drainage Facilities.
- f. Picnic shelters.

4. Development Standards

- a. Building Setback: Street. The minimum building setback from any public street right-of-way line shall be:

Building front–	25 feet
Building side–	15 feet
Building rear–	25 feet
- b. Building Separation. The minimum building or structure separation shall be the greater of
 - i) twenty (20) feet or

ii) shall be governed by the applicable building code.

- c. Building Height. No buildings or structures shall exceed thirty-five (35) feet in height, except by Special Review, in which case no Buildings or Structures shall exceed forty five (45) feet.

IV. ADDITIONAL PLANNING AREA REQUIREMENTS

Sales and Marketing Center

A Sales and Marketing Center may be located in any Planning Area. Eventually the Sales and Marketing Center may be converted to a Community Center or if designed as a private home (with a temporary use as a sales and marketing center) to a for-sale home. While section III.A.2.g of this PD Guide permits facilities anticipated with the future Community Center, the Sales and Marketing Center is a use that will be permitted by right.

V. ENFORCEMENT AND ADMINISTRATION

A. Incorporation of Planned Development Master Plan

The plan of development for Anthology North Amendment 1, including the location and boundaries of Planning Areas, the circulation elements, and the densities established by the "ANTHOLOGY NORTH DEVELOPMENT PLAN AND GUIDE" together with everything shown thereon and all amendments thereto.

B. Effect of Recorded Plan

The approval by Ordinance of the "ANTHOLOGY NORTH Amendment 1 DEVELOPMENT PLAN AND GUIDE" by the Town Council and the recording of such Development Plan and Guide with the Douglas County Clerk and Recorder shall be deemed to be rezoning to a PD-Planned Development District under Section 13.04.150 of the Parker Municipal Code for the real property described in the Development Plan.

Simon, BrieAnna

From: Mike DellOrfano <Mike.DellOrfano@southmetro.org>
Sent: Thursday, July 22, 2021 2:37 PM
To: Simon, BrieAnna
Cc: Fussa, John; Kevin Milan; mjanke@e5xmanagement.com; celliott@e5xmanagement.com
Subject: RE: Anthology North - Fire Station Rezoning Application

Hi BrieAnna,

Over the past few days, SMFR has received information related to our phasing, grading, access, and easement questions about the proposed fire station site. Based on that information, along with previous conceptual layouts showing that several fire station designs will fit on the site, SMFR is supportive of the Anthology Fire Station Amendment (Z21-008) showing the relocation of the fire station land dedication to the northwest corner of Chambers Road and Great Plain Way. The construction of a fire station on this site appears feasible, subject to further details anticipated during the design/development processes for Segment 2 and the fire station site.

Please let me know if you have further questions at this time.

Thanks.

Mike Dell'Orfano
Assistant Chief, Business Services
South Metro Fire Rescue
9195 E. Mineral Ave.
Centennial, CO 80112
(720) 989-2232

Please join us on social media





CVL
a Westwood team

N:\PROJECTS\ANTHOC\ENGINEERING\HBIT\4-9-21 TANTERRA FIRE STATION 2.5 BAY 1 STORY DWG.BP\WILSON, 4/27/2021 2:14 PM



TANTERRA 2.5 BAY 1 STORY
FIRE STATION EXHIBIT

CML
a Westwood team

10333 E. Dry Creek Rd.
Suite 240
Englewood, CO 80112
Tel: 720.482.952
www.cmlinc.net
www.westwoods.com



Request for Town Council Action

Date: September 7, 2021

Submitted By: Bryce Matthews, Planning Manager
John Fussa, Community Development Director

Reviewed By: Michelle Kivela, Town Administrator

Title: **PARKER NORTH, 1ST AMENDMENT, TRACT D
PROPERTY ANNEXATION**

Applicant: Town of Parker

Location: The east side of Parker Road, north of
Parkglenn Way

Department: Community Development, Bryce
Matthews

TRAKiT Nos.: ANX21-003 and Z21-001

EXECUTIVE SUMMARY

The Town of Parker owns a small parcel known as Parker North Tract D located on the east side of Parker Road (northbound) between Lincoln Avenue and Parkglenn Drive. The Town is proposing to annex and zone the parcel to PF-Public Facilities. It is planned for a future multi-use trail project as part of the Town's long-term goal of improving multi-modal access in the Parker Road Corridor, including pedestrian/bicycle mobility and safety.

The Town Council, in reviewing the zoning request, shall consider the following factors:

1. A need exists for the proposal;
2. The particular parcel of ground is indeed the correct site for the proposed development;
3. There has been an error in the original zoning; or
4. There have been significant changes in the area to warrant a zone change;
5. Adequate circulation exists and traffic movement would not be impeded by development; and
6. Additional municipal service costs will not be incurred, which the Town is not prepared to meet.
7. There are minimal environmental impacts or impacts can be mitigated.
8. The proposal is consistent with the Town Master Plan maps, goals and policies.
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.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

Staff proposes that the Town concurrently annex and zone a Town-owned parcel in the manner provided by State law and the Land Development Ordinance.

The Parker North Tract D parcel, currently in unincorporated Douglas County, is located in the Parker Road Corridor and was a remnant of the Parker North residential neighborhood. The subject parcel is approximately 0.27 acres in total area and was conveyed by Douglas County to the Town in September, 2020. The purpose of the acquisition was to provide the opportunity for a multi-use trail along Parker Road and create an enclave for the potential annexation of unincorporated land on the west side of Parker Road in the future.

The Town is processing an annexation for the Parker North Tract D parcel and proposes to zone the property as PF-Public Facilities. The PF zoning will permit future public improvements such as a multi-use trail and associated grading or drainage if necessary. In addition, it will close a gap in the Town's border on the east side of Parker Road to create an enclave whereby the Town surrounds land within unincorporated Douglas County south of NAPA Auto Parts on the west side of Parker Road that may be annexed in the future after a period of three (3) years from annexation has elapsed.

The Parker North Tract D Property 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 annexation map indicates that the subject property satisfies the contiguity requirement of the Municipal Annexation Act of 1965, specifically C.R.S. § 31-12-104(a). The proposed annexation is consistent with the Town Master Plan, Parker Road Corridor Plan and land use policies for future growth and development.

The Planning Commission held a public hearing for the proposed zoning application on August 12, 2021, and made a unanimous recommendation of approval.

FINANCIAL IMPACT

None.

STRATEGIC GOAL(S)



DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH



SUPPORT AN
ACTIVE COMMUNITY



PROMOTE A SAFE AND
HEALTHY COMMUNITY

ATTACHMENTS

1. Vicinity Map
2. Resolution 21-036
3. Ordinance 2.277
4. Ordinance 3.359
5. Annexation Map
6. Zoning Map

7. Planning Commission Staff Report

RECOMMENDED MOTION

1. I move to approve Resolution No. 21-036.
2. I move to approve Ordinance No. 2.277 on second reading.
3. I move to approve Ordinance No. 3.359 on second reading.

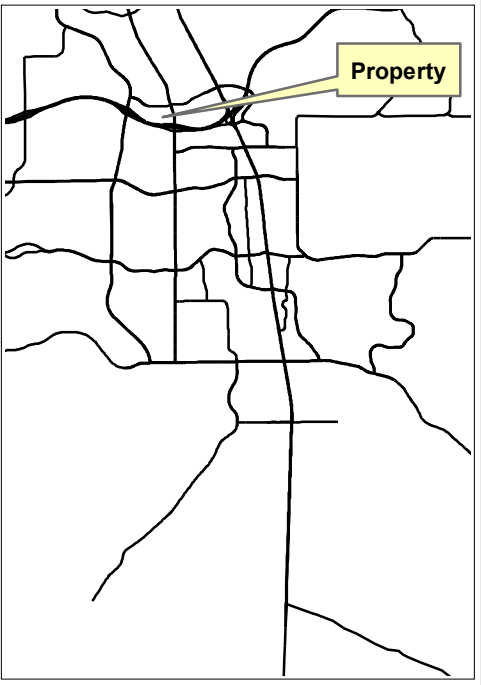


PARKER
COLORADO

Tract D Annexation

Annexation

Case No. ANX21-003



Legend

-  Site
-  Roads

Narrative:
Proposed annexation
of a portion of right of way.
Parcel is currently in
Douglas County.

Planner: Krista Flynt
Hearing Schedules:

Town Council:
July 19, 2021
September 7, 2021



RESOLUTION NO. 21-036, Series of 2021

TITLE: A RESOLUTION TO ESTABLISH THE FINDINGS OF FACT AND CONCLUSIONS THEREON CONCERNING THE ELIGIBILITY OF THE TOWN PARKER NORTH, 1ST AMENDMENT, TRACT D PROPERTY FOR ANNEXATION

WHEREAS, pursuant to C.R.S. § 31-12-110, the Town Council, sitting as the governing body of the Town of Parker, Colorado, is required to set forth its findings of fact and its conclusion as to the eligibility of that property described in attached **Exhibit A** for annexation to the Town of Parker.

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

Section 1. A service plan for that area encompassing the property described in attached Exhibit A has been adopted by the Town Council pursuant to C.R.S. § 31-12-105(1)(e).

Section 2. The property is solely owned by the Town of Parker, and the area is eligible for annexation, as set forth in C.R.S. §§ 31-12-104(1)(a) and 31-12-105.

Section 3. No election is required pursuant to C.R.S. § 31-12-107(2) or any other law of the State of Colorado or the Town of Parker.

Section 4. The proposed annexation will not have the effect of extending a municipal boundary more than three (3) miles in any direction from any point of the Town boundary in any one year.

Section 5. The entire width of any street or alley to be annexed is included within the annexation.

Section 6. The property described in the attached Exhibit A is eligible for annexation to the Town of Parker and all requirements of law have been met for such annexation, including the requirements of C.R.S. § 31-12-106, as amended.

Section 7. An ordinance annexing that property described in attached Exhibit A to the Town of Parker shall be considered by this Town Council pursuant to C.R.S. § 31-12-111.

RESOLVED AND PASSED this _____ day of _____, 2021.

TOWN OF PARKER, COLORADO

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Acting Town Clerk

EXHIBIT A
Legal Description

A PARCEL OF LAND BEING A PORTION OF BALDWIN AVENUE AS SHOWN ON THE PLAT OF PARKER HEIGHTS FILING NO. 1, RECORDED AT RECEPTION NO. 113057 AND A PORTION OF TRACT D, PARKER NORTH, 1ST AMENDMENT, RECORDED AT RECEPTION NO. 9461273, BOTH IN THE OFFICIAL RECORDS OF THE CLERK AND RECORDER'S OFFICE OF DOUGLAS COUNTY, COLORADO, LYING WITHIN THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, SAID COUNTY AND STATE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID TRACT D, WHENCE THE SOUTHERLY BOUNDARY OF SAID TRACT D BEARS SOUTH 68°59'26" EAST, A DISTANCE OF 342.09 FEET, BEING THE BEGINNING OF A NONTANGENT CURVE CONCAVE WESTERLY HAVING A RADIUS OF 5830.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS SOUTH 81°35'32" WEST;

THENCE ALONG THE WESTERLY BOUNDARY OF SAID TRACT D, NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 01°08'04", AN ARC LENGTH OF 115.43 FEET TO THE NORTHERLY BOUNDARY OF SAID TRACT D AND THE SOUTHERLY RIGHT-OF-WAY OF SAID BALDWIN AVENUE;

THENCE ALONG THE NORTHERLY BOUNDARY OF SAID TRACT D AND THE SOUTHERLY RIGHT-OF-WAY OF BALDWIN AVENUE, SOUTH 68°59'26" EAST, A DISTANCE OF 17.05 FEET;

THENCE DEPARTING THE NORTHERLY BOUNDARY OF SAID TRACT D AND THE SOUTHERLY RIGHT-OF-WAY OF SAID BALDWIN AVENUE, NORTH 07°54'31" WEST, A DISTANCE OF 68.55 FEET TO THE NORTHERLY RIGHT-OF-WAY OF SAID BALDWIN AVENUE AND THE SOUTHERLY BOUNDARY OF LOT 2, PARKER KEYSTONE MINOR DEVELOPMENT AMENDMENT NO.2, RECORDED AT RECEPTION NO. 2018007786 OF SAID RECORDS;

THENCE ALONG THE NORTHERLY RIGHT-OF-WAY OF SAID BALDWIN AVENUE AND THE SOUTHERLY BOUNDARY OF SAID LOT 2, SOUTH 68°59'11" EAST, A DISTANCE OF 49.82 FEET TO THE SOUTHEAST CORNER OF SAID LOT 2;

THENCE DEPARTING THE NORTHERLY RIGHT-OF-WAY OF SAID BALDWIN AVENUE AND THE SOUTHEAST CORNER OF SAID LOT 2, SOUTH 00°29'15" EAST, A DISTANCE OF 64.48 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF SAID BALDWIN AVENUE AND THE NORTHERLY BOUNDARY OF SAID TRACT D;

THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY OF SAID BALDWIN AVENUE AND THE NORTHERLY BOUNDARY OF SAID TRACT D, SOUTH 68°59'26" EAST, A DISTANCE OF 62.23 FEET;

THENCE DEPARTING THE SOUTHERLY RIGHT-OF-WAY OF SAID BALDWIN AVENUE AND THE NORTHERLY BOUNDARY OF SAID TRACT D, SOUTH 21°07'08" WEST, A DISTANCE OF 99.98 FEET TO THE SOUTHERLY BOUNDARY OF SAID TRACT D;

THENCE ALONG THE SOUTHERLY BOUNDARY OF SAID TRACT D, NORTH 68°59'26" WEST, A DISTANCE OF 61.70 FEET TO THE **POINT OF BEGINNING**.

CONTAINING AN AREA OF 0.270 ACRES (11,744 SQUARE FEET), MORE OR LESS.

ORDINANCE NO. 2.277, Series of 2021

TITLE: A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY KNOWN AS THE TOWN PARKER NORTH, 1ST AMENDMENT, TRACT D PROPERTY

WHEREAS, the property described in attached **Exhibit A**, being in the County of Douglas, State of Colorado, is owned solely by the Town of Parker and is not solely a public street or right-of-way;

WHEREAS, the Town Council of the Town of Parker, Colorado, as required by law, determined the eligibility for annexation of that property described in attached Exhibit A; and

WHEREAS, the Town Council of the Town of Parker, Colorado, has satisfied itself concerning the eligibility for annexation of that property described in attached Exhibit A, and concerning the conformance of the proposed annexation to the applicable law in the annexation policy of the Town of Parker, Colorado.

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

Section 1. The annexation by and to the Town of Parker, State of Colorado, of that property described in attached Exhibit A, 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 and made effective.

Section 2. Upon the effective date of this Annexation Ordinance, all lands within the area to be annexed shall become subject to the Municipal Laws of the State of Colorado pertaining to towns and to all ordinances, resolutions, rules and regulations of the Town of Parker.

Section 3. Considering all of the foregoing, and based on the conviction that annexation of this property to the Town of Parker will serve the best interests of the Town of Parker and the owner(s) of the territory to be annexed, the unincorporated territory described in Exhibit A, which is attached hereto and made a part hereof, is hereby annexed to the Town of Parker, Colorado.

Section 4. The Town Clerk shall file for recording three (3) certified copies of the Annexation Ordinance and three (3) certified copies of the Annexation Map with the Clerk and Recorder of the County of Douglas, State of Colorado.

Section 5. 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 6. **Safety Clause.** The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Parker, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. The Town Council further finds that the title to this Ordinance was posted in two public places two days before the Town Council meeting, as provided by Section 7.5e. of the Town of Parker Home Rule Charter.

Section 7. This Annexation shall become effective within ten (10) days of the publication date of this 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:

Chris Vanderpool, Acting Town Clerk

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

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Acting Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney

EXHIBIT A

Legal Description

A PARCEL OF LAND BEING A PORTION OF BALDWIN AVENUE AS SHOWN ON THE PLAT OF PARKER HEIGHTS FILING NO. 1, RECORDED AT RECEPTION NO. 113057 AND A PORTION OF TRACT D, PARKER NORTH, 1ST AMENDMENT, RECORDED AT RECEPTION NO. 9461273, BOTH IN THE OFFICIAL RECORDS OF THE CLERK AND RECORDER'S OFFICE OF DOUGLAS COUNTY, COLORADO, LYING WITHIN THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, SAID COUNTY AND STATE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID TRACT D, WHENCE THE SOUTHERLY BOUNDARY OF SAID TRACT D BEARS SOUTH 68°59'26" EAST, A DISTANCE OF 342.09 FEET, BEING THE BEGINNING OF A NONTANGENT CURVE CONCAVE WESTERLY HAVING A RADIUS OF 5830.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS SOUTH 81°35'32" WEST;

THENCE ALONG THE WESTERLY BOUNDARY OF SAID TRACT D, NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 01°08'04", AN ARC LENGTH OF 115.43 FEET TO THE NORTHERLY BOUNDARY OF SAID TRACT D AND THE SOUTHERLY RIGHT-OF-WAY OF SAID BALDWIN AVENUE;

THENCE ALONG THE NORTHERLY BOUNDARY OF SAID TRACT D AND THE SOUTHERLY RIGHT-OF-WAY OF BALDWIN AVENUE, SOUTH 68°59'26" EAST, A DISTANCE OF 17.05 FEET;

THENCE DEPARTING THE NORTHERLY BOUNDARY OF SAID TRACT D AND THE SOUTHERLY RIGHT-OF-WAY OF SAID BALDWIN AVENUE, NORTH 07°54'31" WEST, A DISTANCE OF 68.55 FEET TO THE NORTHERLY RIGHT-OF-WAY OF SAID BALDWIN AVENUE AND THE SOUTHERLY BOUNDARY OF LOT 2, PARKER KEYSTONE MINOR DEVELOPMENT AMENDMENT NO.2, RECORDED AT RECEPTION NO. 2018007786 OF SAID RECORDS;

THENCE ALONG THE NORTHERLY RIGHT-OF-WAY OF SAID BALDWIN AVENUE AND THE SOUTHERLY BOUNDARY OF SAID LOT 2, SOUTH 68°59'11" EAST, A DISTANCE OF 49.82 FEET TO THE SOUTHEAST CORNER OF SAID LOT 2;

THENCE DEPARTING THE NORTHERLY RIGHT-OF-WAY OF SAID BALDWIN AVENUE AND THE SOUTHEAST CORNER OF SAID LOT 2, SOUTH 00°29'15" EAST, A DISTANCE OF 64.48 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF SAID BALDWIN AVENUE AND THE NORTHERLY BOUNDARY OF SAID TRACT D;

THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY OF SAID BALDWIN AVENUE AND THE NORTHERLY BOUNDARY OF SAID TRACT D, SOUTH 68°59'26" EAST, A DISTANCE OF 62.23 FEET;

THENCE DEPARTING THE SOUTHERLY RIGHT-OF-WAY OF SAID BALDWIN AVENUE AND THE NORTHERLY BOUNDARY OF SAID TRACT D, SOUTH 21°07'08" WEST, A DISTANCE OF 99.98 FEET TO THE SOUTHERLY BOUNDARY OF SAID TRACT D;

THENCE ALONG THE SOUTHERLY BOUNDARY OF SAID TRACT D, NORTH 68°59'26" WEST, A DISTANCE OF 61.70 FEET TO THE **POINT OF BEGINNING**.

CONTAINING AN AREA OF 0.270 ACRES (11,744 SQUARE FEET), MORE OR LESS.

ORDINANCE NO. 3.359, Series of 2021

TITLE: A BILL FOR AN ORDINANCE ZONING CERTAIN PROPERTY WITHIN THE TOWN OF PARKER, COLORADO, KNOWN AS THE TOWN PARKER NORTH, 1ST AMENDMENT, TRACT D PROPERTY TO PF-PUBLIC FACILITIES DISTRICT PURSUANT TO THE TOWN OF 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 zoning certain property described in attached **Exhibit A** within the Town of Parker, Colorado, as PF-Public Facilities District pursuant to the Town of Parker Land Development Ordinance.

b. Public notice has been given of such zoning by publication on the Town's website at least fifteen (15) days before 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 PF-Public Facilities, as described in the Parker Land Development Ordinance.

Section 2. The Property is hereby zoned PF-Public Facilities District as provided in the Town of Parker Land Development Ordinance.

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

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

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

Ordinance was posted in two public places two days before the Town Council meeting, as provided by Section 7.5e. of the Town of Parker Home Rule Charter.

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

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

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

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Acting Town Clerk

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

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Acting Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney

EXHIBIT A

Legal Description

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BEGINNING AT THE SOUTHWEST CORNER OF SAID TRACT D, WHENCE THE SOUTHERLY BOUNDARY OF SAID TRACT D BEARS SOUTH 68°59'26" EAST, A DISTANCE OF 342.09 FEET, BEING THE BEGINNING OF A NONTANGENT CURVE CONCAVE WESTERLY HAVING A RADIUS OF 5830.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS SOUTH 81°35'32" WEST;

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CONTAINING AN AREA OF 0.270 ACRES (11,744 SQUARE FEET), MORE OR LESS.

PARKER NORTH 1ST AMENDMENT TRACT D ANNEXATION MAP TO THE TOWN OF PARKER

A PARCEL LOCATED IN THE NORTHWEST QUARTER OF SECTION 15,
TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
COUNTY OF DOUGLAS, STATE OF COLORADO



VICINITY MAP
SCALE: 1" = 300'

LEGAL DESCRIPTION

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CONTAINING AN AREA OF 0.270 ACRES, (11,744 SQUARE FEET), MORE OR LESS.

GENERAL NOTES

1. BASIS OF BEARINGS

BEARINGS ARE BASED ON THE SOUTHERLY BOUNDARY OF TRACT D, PARKER NORTH, 1ST AMENDMENT RECORDED AT RECEPTION NUMBER DC9461273 IN THE OFFICIAL RECORDS OF THE CLERK AND RECORDER'S OFFICE OF DOUGLAS COUNTY, COLORADO, ASSUMED TO BEAR SOUTH 68°59'26" EAST.

2. DISTANCES SHOWN HEREON ARE GROUND DISTANCES IN U.S. SURVEY FEET UNITS.

3. THE WORD "CERTIFY" AS USED HEREON MEANS AN EXPRESSION OF PROFESSIONAL OPINION AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED.

4. THIS ANNEXATION MAP HAS BEEN PREPARED FROM RECORD INFORMATION AND DOES NOT REPRESENT A MONUMENTED LAND SURVEY.

TOWN COUNCIL ACCEPTANCE

ACCEPTED BY THE PARKER TOWN COUNCIL THIS _____ DAY OF _____ 2021.

MAYOR, TOWN OF PARKER

ATTEST: TOWN CLERK

SURVEYOR'S CERTIFICATE

I, GERALD E. BOYSEN JR., 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, INFORMATION, 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.

GERALD E. BOYSEN JR.
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR No. 32428
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.

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.

NOTICE:
PER THE STATE OF COLORADO BOARD OF LICENSURE FOR ARCHITECTS, PROFESSIONAL ENGINEERS, AND PROFESSIONAL LAND SURVEYORS RULE 1.6.B.2 THE WORD "CERTIFY" AS USED HEREON MEANS AN EXPRESSION OF PROFESSIONAL OPINION AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED. THE SURVEY REPRESENTED HEREON HAS BEEN PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION IN ACCORDANCE WITH APPLICABLE STANDARDS OF PRACTICE AND IS BASED UPON MY KNOWLEDGE, INFORMATION AND BELIEF.

CLERK AND RECORDER'S CERTIFICATE

STATE OF COLORADO)
COUNTY OF DOUGLAS) SS

I HEREBY CERTIFY THAT THIS ANNEXATION MAP WAS FILED IN MY OFFICE ON THIS _____ DAY OF _____

2021 A.D., AT _____ A.M./P.M. AND WAS RECORDED AT

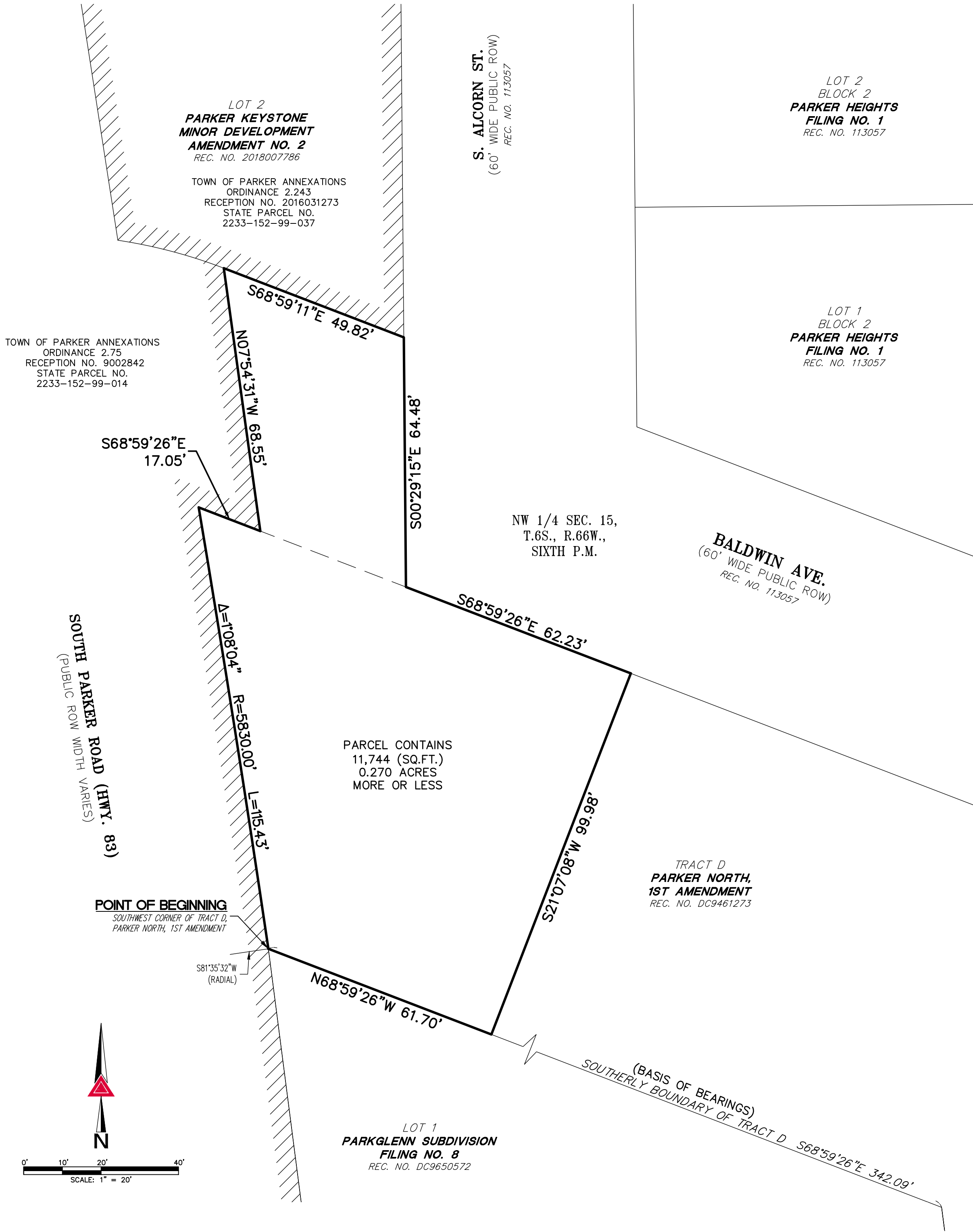
RECEPTION NO. _____

COUNTY CLERK AND RECORDER

CONTIGUITY
TOTAL PERIMETER = 539.23'
CONTIGUOUS PERIMETER = 250.84'
1/6 TOTAL PERIMETER = 89.87'
TOTAL AREA = 0.270 ACRES±

LEGEND

ANNEXATION BOUNDARY
CONTIGUOUS BOUNDARY
LOT OR PARCEL LINE



SCALE 1" = 20'		TOWN BAM		DATE 2021-03-03	
		GEB		REVISED PER TOWNS COMMENTS	
		DATE 6/18/2021		BY GB	
				REVISION DESCRIPTION	
PARKER NORTH 1ST AMENDMENT TRACT D ANNEXATION MAP TO THE TOWN OF PARKER DOUGLAS COUNTY, COLORADO PREPARED FOR TOWN OF PARKER 20120 EAST MAIN STREET PARKER, CO 80138					
ONE OF 1 SHEETS					
24920-06 JOB NO.					

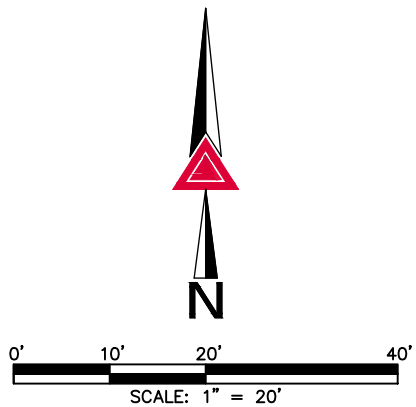
AZTEC
CONSULTANTS, INC.
300 East Mineral Ave., Suite 1
Littleton, Colorado, 80122
Phone: (303) 713-1898
Fax: (303) 713-1897
www.aztecconsultants.com

A PARCEL LOCATED IN THE NORTHWEST QUARTER OF SECTION 15,
TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO



LEGEND

ZONING BOUNDARY
LOT OR PARCEL LINE



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1. BASIS OF BEARINGS

BEARINGS ARE BASED ON THE SOUTHERLY BOUNDARY OF TRACT D, PARKER NORTH, 1ST AMENDMENT
RECORDED AT RECEPTION NUMBER DC9461273 IN THE OFFICIAL RECORDS OF THE CLERK AND RECORDER'S
OFFICE OF DOUGLAS COUNTY, COLORADO, ASSUMED TO BEAR SOUTH 68°59'26" EAST.

2. DISTANCES SHOWN HEREON ARE GROUND DISTANCES IN U.S. SURVEY FEET UNITS.

3. PER THE STATE OF COLORADO BOARD OF LICENSURE FOR ARCHITECTS, PROFESSIONAL ENGINEERS, AND PROFESSIONAL LAND SURVEYORS RULE 1.6.B.2 THE WORD "CERTIFY" AS USED HEREON MEANS AN EXPRESSION OF PROFESSIONAL OPINION AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED.

4. THIS ZONING MAP WAS PREPARED IN ACCORDANCE WITH APPLICABLE STANDARDS OF PRACTICE IN DOUGLAS COUNTY, COLORADO TO THE BEST OF MY INFORMATION, KNOWLEDGE, AND BELIEF.

5. THIS ZONING MAP HAS BEEN PREPARED FROM RECORD INFORMATION AND DOES NOT REPRESENT A MONUMENTED LAND SURVEY.



Planning Commission Staff Report

Planning Commission Date: 8/12/2021

Town Council Date: 9/7/2021

Hearing Type: Public Hearing
PARKER NORTH TRACT D – Zoning
TRAKiT No.: Z21-001

Location: Generally located on the east side of Parker Road and north of Parkglenn Way

Project Planner: Bryce Matthews, Planning Manager

Applicant(s): Town of Parker Community Development Department

Executive Summary: The applicant, the Town of Parker, is proposing to rezone a 0.27 acre parcel to Public Facilities, the property is being annexed into the Town of Parker for a future multi use trail project. The site is located on the east side of Parker Road between Lincoln Avenue and Parkglenn Drive.

Staff Recommendation: Approval

RECOMMENDED MOTION

“I move the Planning Commission recommend Town Council approve the Parker North Tract D Property zoning request.”

ALTERNATIVE MOTIONS

“I move the Planning Commission recommend Town Council approve the Parker North Tract D Property zoning request, subject to the following conditions:”

-List proposed conditions

“I move the Planning Commission recommend Town Council deny the Parker North Tract D Property zoning as the request does not meet the following approval criteria:”

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

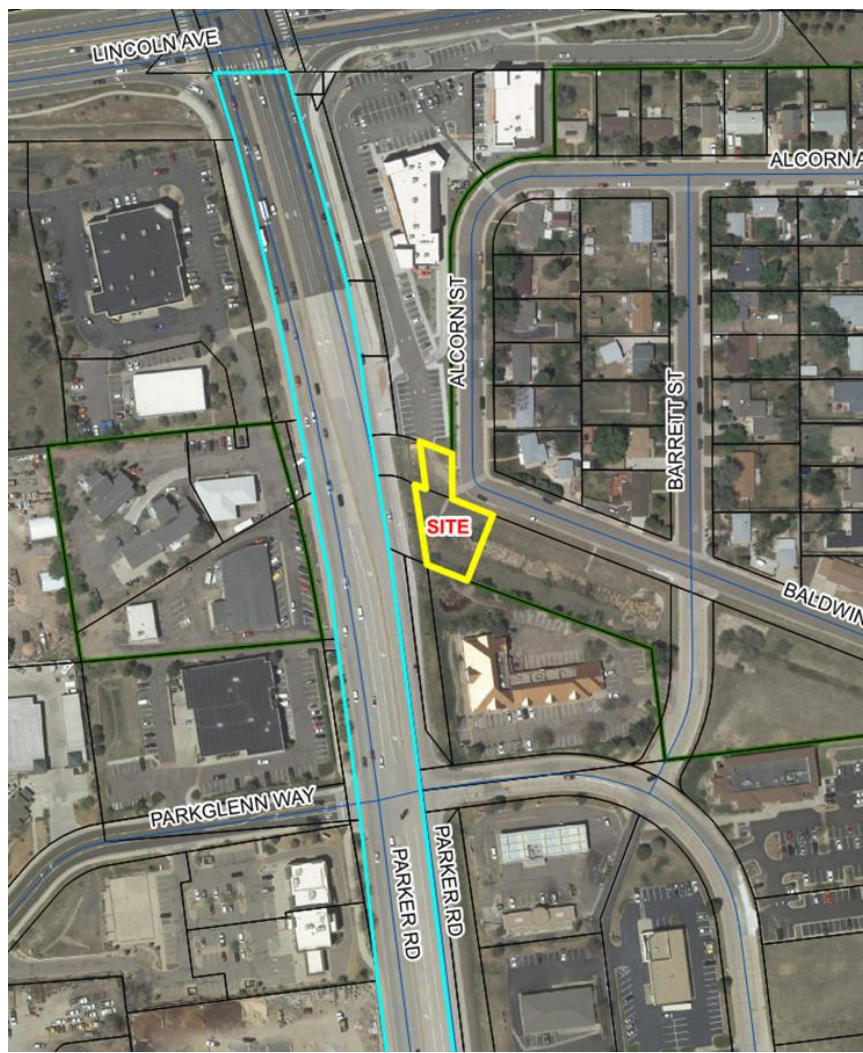
“I move the Planning Commission vote to continue the Parker North Tract D Property zoning to a future date.”

I. BACKGROUND/DISCUSSION

The subject property, known as the Parker North Tract D Property, is located in unincorporated Douglas County and is adjacent to the Town of Parker to the north, south and west. The Town is processing an enclave annexation of the Parker North Tract D Property and will zone the property PF-Public Facilities, which will allow for the construction of a multi-use trail crossing of an existing drainage swale.

The Parker North Tract D Property is located on the East side of Parker Road, North of Parkglenn Way and South of Lincoln Avenue. The subject property is approximately .027 acres and is owned by the Town of Parker. The Parker North Tract D Property is adjacent to the Town of Parker on the north, south and west. The subject property is located within the Town's Planning Area described in the Parker 2035 Master Plan and the proposed annexation is consistent with the Parker 2035 Master Plan.

Vicinity Map



II. PRIOR ACTIONS

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

III. CURRENT SITE DATA

Existing Zoning	SR – Suburban Residential (Douglas County)		
Overlay District	N/A		
PD & Plan Area	PF – Public Facility		
Master Plan Area	Central Commercial		
Site Acreage	0.27 acres		
Subdivision	Unplatted		
Existing Use	Vacant		
Surrounding Uses			
	Master Plan Land Use	Zoning	Existing Use
North	Central Commercial	Modified C – Commercial	Mixed Office/ Commercial
South	Central Commercial	PD - Planned Development	Mixed Office/ Commercial
East	Central Commercial	Douglas County Zoning	Medium Density Residential
West	Central Commercial	C - Commercial District	Parker Road/Mixed Office/Commercial/Restaurants

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> The Central Commercial District encompasses the commercial core of the Town. Due to its central location, with access to Parker Road, Dransfeldt Road and Twenty Mile Road and current land uses, growth in this Character Area should focus on core retail, services, offices, lodging, restaurants, entertainment and, to a lesser extent, higher density residential uses as part of a development with a mix of uses and a design that focuses on vehicular and pedestrian connectivity between uses. Vertical mixed use is highly encouraged where appropriate.
Consistent Goals/Strategies	<u>Land Use 1.C</u> <u>Land Use 1.D</u> <u>Land Use 1.E</u>

Staff Analysis	The proposed zoning is consistent with the property's planned use as a multi-use trail. The subject property is located along Parker Road and borders the Town of Parker on three sides. This property is located within the Town's growth boundary. The annexation and zoning fulfills the Town of Parker goal of actively pursuing annexations to allow for continuity of services within the Parker 2035 Master Plan's Planning Area.
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V. LAND DEVELOPMENT ORDINANCE

DEVELOPMENT POTENTIAL (Rezoning)			
Provisions	As recommended by the Master Plan	Proposed	Analysis
Units Per Acre	None	None	☐ Consistent ☐ Inconsistent ☒ No Change ☐ N/A
Allowed Uses	Core retail, services, offices, lodging, restaurants, entertainment, pedestrian connectivity	Multi-Use Trail	☒ Consistent ☐ Inconsistent ☐ No Change
Height/Stories	None	None	☐ Consistent ☐ Inconsistent ☒ No Change
Staff Analysis	The proposed zoning will be compatible with the planned use of the property as a multi-use trail. The annexation and zoning fulfills the Town of Parker goal of actively pursuing annexations to allow for continuity of services within the Parker 2035 Planning Area.		

VI. ACCESS, CIRCULATION & TRAFFIC ANALYSIS

Once annexed and zoned, the Town plans to construct a multi-use trail connecting Lincoln Avenue to Parkglenn Way east of Parker Road including a crossing of an existing drainage swale at this location.

VII. APPROVAL CRITERIA

Title 13.04.240.f. Approval Considerations for Rezoning Requests:

1. A need exists for the proposal.

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

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

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

This property is located within unincorporated Douglas County and adjacent to the Town of Parker on three sides. The subject property is contiguous with the Town and is located within the Town's Planning Area as described in the Parker 2035 General Land Use Plan.

The Town has acquired this land to construct a multi-use trail on this site that will be owned by the Town.

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

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

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

N/A

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

The property to the north developed as a commercial center in 2017. As a part of this development a multi-use trail was constructed from Lincoln Avenue to the northerly lot line of this parcel. This, along with other development and growth in the area, has caused the Town to plan a multi-use trail connection across an existing drainage swale to connect to Parkglenn Drive to the south. The zoning application for the subject property is for PF – Public Facilities District under the Town's Land Development Ordinance construction of a multi-use trail would be permitted.

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

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

Roadway infrastructure exists around the property. No additional improvements are anticipated with the property's zoning.

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

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

The Town does not anticipate significant additional municipal service costs with the proposed zoning with the exception of construction of the planned multi-use trail.

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

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

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

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

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

As detailed in Section IV of this staff report, the PF- Public Facilities is consistent with the objectives identified within the Parker 2035 Master Plan.

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

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

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

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

VIII. SUMMARY REFERRAL AGENCY COMMENTS AND CONDITIONS

Agency	Comments
Aztec Consultants	Minor corrections to be made on the zoning map - Corrections were made
Fire Life Safety	Approved
Douglas County Planning	No Comment
Douglas County Assessor's Office	No Comment

Parker Comprehensive Planning	Advisory Comment: The Parker 2035 Master Plan identifies this area as Central Commercial, recommending retail, lodging, service and other commercial uses. Because of the size, shape, ownership, current use and proposed use, a commercial zoning would not be appropriate for this site. The site is currently used for drainage and proposed improvements will include a multiuse trail and bridge. Uses proposed are supportive of the surrounding commercial uses and rezoning to Public Facilities aligns with the Parker 2035 Master Plan as a supporting land uses to those recommended by the Master Plan and the zoning will support the future construction of a multi-use trail thereby supporting multi modal transportation along the important Parker Road Corridor as described in the Parker Road Corridor Plan.
IREA	Advisory Comment: The Association has existing underground electric facilities on the subject property. The Association will maintain these existing utility easements and facilities unless otherwise requested by the applicant to modify them under the Association's current extension policies. Any relocation of underground electric facilities for the multi use trail will be at the expense of the Town.
CenturyLink	No objections.
Comcast	No Comment
Parker Water and Sanitation District	No Comment

IX. CONCLUSION

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

X. RECOMMENDED CONDITIONS

None

XI. ATTACHMENTS

1. Draft Zoning Ordinance
2. Zoning Map

Report Approved By: Bryce Matthews, Planning Manager