

TOWN OF PARKER COUNCIL AGENDA

December 6, 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. SPECIAL PRESENTATIONS

- Dr. Doug Resler and Darrin Kessler, Douglas County Christian Council Center and the Parker Evangelical Presbyterian Church**
- Legend High School CHSAA 5A State Softball Champions**

3. PARKER CHAMBER OF COMMERCE UPDATES

4. DOWNTOWN BUSINESS ALLIANCE UPDATES

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

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

7. **CONSENT AGENDA**

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

A. *APPROVAL OF MINUTES – November 15, 2021*

B. *ORDINANCE NO. 3.01.127 – First Reading*

A Bill for an Ordinance to Amend Section 13.02.010 of the Parker Municipal Code Concerning the Definition of Dwelling and Dwelling Unit, and Section 13.04.180 of the Parker Municipal Code Concerning Home Occupations

Department: Town Attorney, Jim Maloney

Second Reading: December 13, 2021

C. *RESOLUTION NO. 21-056*

A Resolution to Set a Fee for Communal Outdoor Dining Area and Festival Permit Applications Pursuant to Section 5.02.710 of the Parker Municipal Code

Department: Town Clerk, Chris Vanderpool

Town Attorney, Jamie Wynn

D. *CONTRACTS OVER \$100,000*

1. *Give 5 Productions - Footloose*

Amount: Not to exceed \$130,000

Contractor: Give 5 Productions

Department: Cultural, Carrie Glassburn

2. *Parker Road Sidewalks East Side Multi-Use Trail Connection (CIP22-004) - Final Design Services - Phase 2*

Amount: \$ 154,366

Contractor: Stanley Consulting, Inc.

Department: Engineering and Public Works, Tom Gill

8. PUBLIC HEARINGS

A. TOWNHOMES AT PINE DRIVE SKETCH AND PRELIMINARY PLAN

Applicant: Chuck Micale, Parker Townhomes, LLC
Location: Northeast corner of Pine Drive and Summerset Lane
Department: Community Development, Stacey Nerger
TRAKiT No.: SUB20-043 and SUB20-044

B. STROH RANCH FILING NO. 14 LOT 3 XCEL GAS REGULATOR STATION - Use by Special Review

Applicant: Cheryl Diedrich, Public Service Company of Colorado
Location: Southwest corner of Parker Road and J. Morgan Boulevard
Department: Community Development, Stacey Nerger
TRAKiT No.: Z21-002

C. KIME RANCH ANNEXATION

Applicant: PCS Group
Location: Kime North Parcel; 7611 E. Parker Road
Department: Community Development, Julia Duncan
TRAKiT No.: ANX21-005; Z21-007

- 1. RESOLUTION NO. 21-053**
A Resolution to Set Forth Town Council's Findings of Fact and Conclusions as to the Eligibility of the Kime Ranch Property for Annexation into the Town of Parker
- 2. ORDINANCE NO. 2.278 – Second Reading**
A Bill for an Ordinance Approving and Accomplishing the Annexation of Contiguous Unincorporated Territory Known as the Kime Ranch Property in Douglas County
- 3. ORDINANCE NO. 3.360 – Second Reading**
A Bill for an Ordinance Zoning Certain Property Within the Town of Parker, Colorado, Known as the Kime Ranch Property to PD-Planned Development District Pursuant to the Town of Parker Land Development Ordinance and Amending the Zoning Ordinance and Map to Conform Therewith
- 4. Kime Ranch Annexation Agreement**

9. ORDINANCES

ORDINANCE NO. 3.01.126 - Second Reading

A Bill for an Ordinance to Amend Section 13.03.030 of the Parker Municipal Code concerning Planning Department Adjustments for Temporary Patios

Department: Town Attorney, Jim Maloney

10. **RESOLUTIONS**

RESOLUTION NO. 21-050

A Resolution to Approve the Douglas County Local Mitigation Plan, Comprehensive 2021 Update, Volumes I and II

Department: Police, Andy Coleman

11. **PUBLIC COMMENTS CONTINUED IF NECESSARY**

12. **ADJOURNMENT**

Parker Town Council

Executive Session Agenda

December 6, 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. Section 13.04.200 of the Parker Municipal Code concerning use by special review for Parker Auto Plaza Development Guide

“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).”

2. My Mainstreet Plan and Downtown Development
3. Carousel Farms Metropolitan District concerning satisfaction of inclusion requirements to issue debt

**TOWN OF PARKER COUNCIL
MINUTES
NOVEMBER 15, 2021**

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

Town Attorney Jim Maloney announced the topics for discussion in Executive Session were six (6) items. Under C.R.S. § 24-6-402(4)(b) there were two items; the first item was to hold a conference with the Town's attorney to receive legal advice on specific legal questions regarding Section 13.04.180 of the Parker Municipal Code concerning home occupations; the second item was to hold a conference with the Town's attorney to receive legal advice on specific legal questions regarding Section 13.04.205 of the Parker Municipal Code concerning use by special review for public utilities. Under C.R.S. § 24-6-402(4)(e) there were four (4) items; the first item was concerning the proposed annexation agreement for the Kime Property; the second item was concerning the proposed acquisition of right-of-way for the North Parker Road Operational Improvements; the third item was regarding Anthology West Metropolitan District Nos. 4 and 2 concerning a revenue pledge agreement; and the fourth item was regarding Cherry Creek South Metropolitan District Nos. 4 and 6 concerning the inclusion of property.

Mayor Toborg stated there are two items on the executive session agenda related to the Anthology West Metropolitan Districts and the Cherry Creek Metropolitan Districts, which are both residential metropolitan districts. On June 15, 2020, the Town Council found that a conflict of interest existed for Councilmember Poage that precludes her from participating in any executive session that involves matters related to a residential metropolitan district service plan. Councilmember Poage will leave the Pikes Peak Conference Room before I open items 5 and 6 on the executive session agenda for discussion by Town Council.

EXECUTIVE SESSION

Joshua Rivero moved and Todd Hendreks seconded to go into Executive Session at 5:03 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 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).

The motion was approved unanimously.

Cheryl stated that she could not approve residential metropolitan districts, because such approval amounts to taxation without representation. Cheryl Poage left the meeting at 6:07 p.m. due to her conflict of interest with items 5 and 6 on the Executive Session agenda.

Joshua Rivero moved and Todd Hendreks seconded to come out of the Executive Session at 6:13 p.m.

The motion was approved unanimously.

John Diak moved and Joshua Rivero seconded to recess the regular Town Council meeting until after the Parker Authority for Reinvestment meeting.

The motion was approved unanimously.

REGULAR MEETING

Mayor Toborg reconvened the Town Council meeting at 7:10 p.m., which immediately followed the Parker Authority for Reinvestment meeting.

SPECIAL PRESENTATIONS

Mayor Toborg recognized the 2021 Fall Police Department Citizens' Academy participants.

PUBLIC COMMENTS – None.

REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

CONSENT AGENDA

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

- B. *ORDINANCE NO. 3.01.126 - First Reading*
A Bill for an Ordinance to Amend Section 13.03.030 of the Parker Municipal Code concerning Planning Department Adjustments for Temporary Patios
Department: Town Attorney, Jim Maloney
Second December 6, 2021
Reading:

- C. *KIME RANCH ANNEXATION*
Department: Community Development, Julia Duncan
 - 1. *ORDINANCE NO. 2.278 – First Reading*
A Bill for an Ordinance Approving and Accomplishing the Annexation of Contiguous Unincorporated Territory Known as the Kime Ranch Property in Douglas County

 - 2. *ORDINANCE NO. 3.360 – First Reading*
A Bill for an Ordinance Zoning Certain Property Within the Town of Parker, Colorado, Known as the Kime Ranch Property to PD-Planned Development District Pursuant to the Town of Parker Land Development Ordinance and Amending the Zoning Ordinance and Map to Conform Therewith

D. CONTRACTS OVER \$100,000

1. Lasso Digital Media

Amount: Not to exceed \$259,000
Contractor: Lasso Digital
Department: Cultural, Carrie Glassburn

2. Motsenbocker Road and Hess Road Widening and Intersection Improvements (CIP 21-001) - Contract Modification

Amount: \$103,050
Contractor: Villalobos Concrete, Inc.
Department: Engineering and Public Works, Tom Gill

3. Motsenbocker Road/French Creek Avenue Signal Poles

Amount: \$104,476
Vendor: The MH Companies
Department: Engineering and Public Works, Chris Hudson

E. PROCLAMATION - Small Business Saturday in Parker

F. PROCLAMATION - National American Indian Heritage Month

Joshua Rivero moved to approve Consent Agenda Items 5A through 5F.

Todd Hendreks seconded the motion.

A roll call vote was taken:

Joshua Rivero - Yes

Cheryl Poage - Yes

Todd Hendreks - Yes

John Diak - Yes

Anne Barrington - Yes

Laura Hefta - Yes

The motion was approved unanimously.

PUBLIC HEARINGS**A. ORDINANCE NO. 1.553 - Second Reading****A Bill for an Ordinance to Adopt the 2022 Budget and to Make Appropriations for the Same****Department: Finance, Mary Lou Brown**

The Public Hearing was opened at 7:25 p.m.

The 2022 Town of Parker Annual Budget has been prepared for Town Council consideration and approval. Internal work on the budget began in mid-July and was followed by three Council Study Sessions on September 27, October 4 and 11, 2021. The 2022 Budget and Council Study Session presentation were posted to the internet on Wednesday, October 6, 2021. The budget document is legally required to be posted and made public no later than October 15, 2021. The first public hearing for the 2022 Budget was held on November 1, 2021.

The 2022 Budget was prepared in conjunction with four overall guidelines:

- Meet the General Fund's required cash balance percentage and focus on cash balances in the remaining Funds
- Reflect operational recovery in the Recreation and Cultural Funds
- Balance competing needs - operating expenses, increased employee positions, infrastructure requirements
- Maintain and grow community programs

The Town is in a unique position coming into the 2022 budget preparation. Sales tax revenue, the primary source of revenue for the General Fund, has recorded very strong growth of 18% year-to-date. While the Town continues to grow and increased shopping opportunities exist for citizens, a lower growth rate of six percent is reflected for 2022 and is more in line with historical growth rates.

In the General Fund, which is the main operational fund of the Town, operating expense growth is fifteen percent due to the return to pre-Covid 19 activity levels. The performance pay pool and commissioned officer step plan have both been funded at four percent, which is consistent with the surrounding metro areas. In addition, the police department compensation plan has undergone a structural correction. Six additional full-time employees are being added in the General Fund with four of those positions in the Public Works department.

The General Fund cash-to-expense ratio is budgeted at 25.6% for year-end 2022.

Both the Recreation and Cultural Funds have continued to be impacted by the pandemic during 2021; the budget reflects a full return to normal operations. Revenue and expense will continue to be monitored for signs of ongoing softness.

Public Comment: None.

The Public Hearing was closed at 7:52 p.m.

John Diak moved to approve Ordinance No. 1.553 on second reading.

Anne Barrington seconded the motion.

A roll call vote was taken:

Joshua Rivero - Yes

Cheryl Poage - Yes

Todd Hendreks - Yes

John Diak - Yes

Anne Barrington - Yes

Laura Hefta - Yes

The motion was approved unanimously.

B. ORDINANCE NO. 1.547.2 - Second Reading

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

Department: Finance, Jennifer Campbell

The Public Hearing was opened at 7:55 p.m.

Budget adjustments for the current year's budget are submitted to the Council for consideration several times per year. Supplemental amendments consist of additional/new appropriation requests that were not anticipated at the time of budget development. Section 9.12 of the Parker Municipal Code provides the authority under which these adjustments may occur. For supplemental amendments, additional revenue or available cash is the source of funding.

Public Comment: None.

The Public Hearing was closed at 8:00 p.m.

Joshua Rivero moved to approve Ordinance No. 1.547.2 on second reading.

Todd Hendreks seconded the motion.

A roll call vote was taken:

Joshua Rivero - Yes

Cheryl Poage - Yes

Todd Hendreks - Yes

John Diak - Yes

Anne Barrington - Yes

Laura Hefta - Yes

The motion was approved unanimously.

C. PINE DRIVE ANNEXATION

Department: Community Development, Stacey Nerger

Second November 15, 2021

Reading:

The Public Hearing was opened at 8:01 p.m.

The applicant, Douglas County School District, proposed to annex and zone a 1.95-acre property located at the intersection of Pine Drive and Hills Drive in Douglas County into the Town of Parker. The subject property was also proposed to be zoned PF-Public Facilities to permit school use. In addition, the applicant also proposed to rezone an existing 17.99 acre property, which is located in the Town of Parker, from Pine Drive Planned Development to PF-Public Facilities.

On October 4, 2021, the Town Council approved Resolution No. 21-042 that determined the subject property was eligible for annexation into the Town and set the public hearing date for consideration of the annexation ordinance on November 15, 2021.

As required by the Land Development Ordinance, the Town Council considered the following factors when it evaluated and made a decision on the zoning application:

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.

Public Comment: None.

The Public Hearing was closed at 8:07 p.m.

1. RESOLUTION NO. 21-048

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

Todd Hendreks moved to approve Resolution No. 21-048.

Joshua Rivero seconded the motion.

A roll call vote was taken:

Joshua Rivero - Yes

Cheryl Poage - Yes

Todd Hendreks - Yes

John Diak - Yes

Anne Barrington - Yes

Laura Hefta - Yes

The motion was approved unanimously.

2. ORDINANCE NO. 2.279 – Second Reading
A Bill for an Ordinance Approving and Accomplishing the Annexation of
Contiguous Unincorporated Territory Known as the Pine Drive Property in
Douglas County

Joshua Rivero moved to approve Ordinance No. 2.279 on second reading.

Anne Barrington seconded the motion.

A roll call vote was taken:

Joshua Rivero - Yes

Cheryl Poage - Yes

Todd Hendreks - Yes

John Diak - Yes

Anne Barrington - Yes

Laura Hefta - Yes

The motion was approved unanimously.

3. ORDINANCE NO. 3.241.2 – Second Reading
A Bill for an Ordinance Zoning Certain Property Within the Town of Parker,
Colorado, Known as the Pine Drive 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

Cheryl Poage moved to approve Ordinance No. 3.241.2 on second reading.

Joshua Rivero seconded the motion.

A roll call vote was taken:

Joshua Rivero - Yes

Cheryl Poage - Yes

Todd Hendreks - Yes

John Diak - Yes
Anne Barrington - Yes
Laura Hefta - Yes

The motion was approved unanimously.

4. Amended and Restated Annexation Agreement

Joshua Rivero moved to approve the Amended and Restated Annexation Agreement.

Anne Barrington seconded the motion.

A roll call vote was taken:

Joshua Rivero - Yes
Cheryl Poage - Yes
Todd Hendreks - Yes
John Diak - Yes
Anne Barrington - Yes
Laura Hefta - Yes

The motion was approved unanimously.

D. ORDINANCE NO. 3.193.6 – Second Reading A Bill for an Ordinance Amending the Parker Auto Plaza Development Guide Pursuant to the Town of Parker Land Development Ordinance Department: Community Development, Julia Duncan

The Public Hearing was opened at 8:10 p.m.

The Public Hearing was closed at 8:10 p.m.

Joshua Rivero moved to continue Ordinance No. 3.193.6 to December 13, 2021 for second reading.

Todd Hendreks seconded the motion.

A roll call vote was taken:

Joshua Rivero - Yes
Cheryl Poage - Yes
Todd Hendreks - Yes
John Diak - Yes
Anne Barrington - Yes
Laura Hefta - Yes

The motion was approved unanimously.

ORDINANCES

A. BUILDING CODE UPDATES

Department: Community Development, Randy Sale

The Town amends the Building Code on a three (3) year cycle to ensure that proposed construction projects are reviewed and approved using the most current standards in the field. The proposed updates are the best practices and ensure that all construction is approved using the most current standards for life and fire safety as well as the structural integrity of buildings. The proposed Building Code amendments apply uniformly to the administration of all the technical codes related to building and construction.

Public Comment: None.

1. ORDINANCE NO. 4.85.5 - Second Reading

A Bill for an Ordinance to Amend Sections 11.05.020, 11.05.050, 11.05.060 and 11.05.080 of the Parker Municipal Code Concerning the Parker Electrical Code

Joshua Rivero moved to approve Ordinance 4.85.5 on second reading.

Todd Hendreks seconded the motion.

A voice vote was taken:

Joshua Rivero - Yes

Cheryl Poage - Yes

Todd Hendreks - Yes

John Diak - Yes

Anne Barrington - Yes

The motion was approved unanimously.

2. ORDINANCE NO. 4.89.7 - Second Reading

A Bill for an Ordinance to Amend Sections 11.01.030, 11.01.060 and 11.01.080 of the Parker Municipal Code Concerning the Parker Administrative Code

Joshua Rivero moved to approve Ordinance 4.89.7 on second reading.

Laura Hefta seconded the motion.

A voice vote was taken:

Joshua Rivero - Yes

Cheryl Poage - Yes

Todd Hendreks - Yes

John Diak - Yes

Anne Barrington - Yes

The motion was approved unanimously.

3. ORDINANCE NO. 4.91.7 - Second Reading

A Bill for an Ordinance to Amend Sections 11.02.020, 11.02.050, 11.02.060 and 11.02.080 of the Parker Municipal Code Concerning the Parker Residential Code for One- and Two-Family Dwellings Building Code

Joshua Rivero moved to approve Ordinance 4.91.7 on second reading.

Todd Hendreks seconded the motion.

A voice vote was taken:

Joshua Rivero - Yes

Cheryl Poage - Yes

Todd Hendreks - Yes

John Diak - Yes

Anne Barrington - Yes

The motion was approved unanimously.

4. ORDINANCE NO. 4.92.6 - Second Reading

A Bill for an Ordinance to Amend Sections 11.03.020, 11.03.050, 11.03.060 and 11.03.080 of the Parker Municipal Code Concerning the Parker Building Code

Joshua Rivero moved to approve Ordinance 4.92.6 on second reading.

Todd Hendreks seconded the motion.

A voice vote was taken:

Joshua Rivero - Yes

Cheryl Poage - Yes

Todd Hendreks - Yes

John Diak - Yes

Anne Barrington - Yes

The motion was approved unanimously.

5. ORDINANCE NO. 4.93.6 - Second Reading

A Bill for an Ordinance to Amend Sections 11.04.020, 11.04.050, 11.04.060 and 11.04.080 of the Parker Municipal Code Concerning the Parker Fire Protection Code

Joshua Rivero moved to approve Ordinance 4.93.6 on second reading.

Cheryl Poage seconded the motion.

A voice vote was taken:

Joshua Rivero - Yes

Cheryl Poage - Yes

Todd Hendreks - Yes

John Diak - Yes

Anne Barrington - Yes

The motion was approved unanimously.

6. ORDINANCE NO. 4.94.5 - Second Reading

A Bill for an Ordinance to Amend Sections 11.06.020, 11.06.050, 11.06.060 and 11.06.080 of the Parker Municipal Code Concerning the Parker Mechanical Code

Joshua Rivero moved to approve Ordinance 4.94.5 on second reading.

Todd Hendreks seconded the motion.

A voice vote was taken:

Joshua Rivero - Yes

Cheryl Poage - Yes

Todd Hendreks - Yes

John Diak - Yes

Anne Barrington - Yes

The motion was approved unanimously.

7. ORDINANCE NO. 4.96.5 - Second Reading

A Bill for an Ordinance to Amend Sections 11.14.020, 11.14.050, 11.14.060 and 11.14.080 of the Parker Municipal Code Concerning the Parker Energy Code

Joshua Rivero moved to approve Ordinance 4.96.5 on second reading.

Anne Barrington seconded the motion.

A voice vote was taken:

Joshua Rivero - Yes

Cheryl Poage - Yes

Todd Hendreks - Yes
John Diak - Yes
Anne Barrington - Yes

The motion was approved unanimously.

8. ORDINANCE NO. 4.97.5 - Second Reading

A Bill for an Ordinance to Amend Sections 11.15.020, 11.15.050, 11.15.060 and 11.15.080 of the Parker Municipal Code Concerning the Parker Fuel Gas Code

Joshua Rivero moved to approve Ordinance 4.9.5 on second reading.

Anne Barrington seconded the motion.

A voice vote was taken:

Joshua Rivero - Yes
Cheryl Poage - Yes
Todd Hendreks - Yes
John Diak - Yes
Anne Barrington - Yes

The motion was approved unanimously.

9. ORDINANCE NO. 4.101.6 - Second Reading

A Bill for an Ordinance to Amend Sections 11.16.020, 11.16.050, 11.16.060 and 11.16.080 of the Parker Municipal Code Concerning the Parker Property Maintenance Code

Joshua Rivero moved to approve Ordinance 4.101.6.5 on second reading.

Cheryl Poage seconded the motion.

A voice vote was taken:

Joshua Rivero - Yes
Cheryl Poage - Yes
Todd Hendreks - Yes
John Diak - Yes
Anne Barrington - Yes

The motion was approved unanimously.

10. ORDINANCE NO. 4.105.3 - Second Reading

A Bill for an Ordinance to Amend Sections 11.08.020, 11.08.050, 11.08.060 and 11.08.080 of the Parker Municipal Code Concerning the Parker Existing Building Code

Joshua Rivero moved to approve Ordinance 4.105.3 on second reading.

Anne Barrington seconded the motion.

A voice vote was taken:

Joshua Rivero - Yes

Cheryl Poage - Yes

Todd Hendreks - Yes

John Diak - Yes

Anne Barrington - Yes

The motion was approved unanimously.

11. ORDINANCE NO. 4.106.3 - Second Reading

A Bill for an Ordinance to Amend Sections 11.09.020, 11.09.050, 11.09.060 and 11.09.080 of the Parker Municipal Code Concerning the Parker Swimming Pool and Spa Code

Joshua Rivero moved to approve Ordinance 4.106.3 on second reading.

Anne Barrington seconded the motion.

A voice vote was taken:

Joshua Rivero - Yes

Cheryl Poage - Yes

Todd Hendreks - Yes

John Diak - Yes

Anne Barrington - Yes

The motion was approved unanimously.

12. ORDINANCE NO. 4.95.5 - Second Reading

A Bill for an Ordinance to Amend Sections 11.07.020, 11.07.050, 11.07.060 and 11.07.080 of the Parker Municipal Code Concerning the Parker Plumbing Code

Joshua Rivero moved to approve Ordinance 4.95.5 on second reading.

Anne Barrington seconded the motion.

A voice vote was taken:

Joshua Rivero - Yes

Cheryl Poage - Yes
Todd Hendreks - Yes
John Diak - Yes
Anne Barrington - Yes

The motion was approved unanimously.

B. ORDINANCE NO. 1.552 - Second Reading

A Bill for an Ordinance to Levy General Property Taxes for the Year 2021 to Help Defray the Costs of Government for the Town of Parker, Colorado, for the 2022 Budget Year

Department: Finance, Mary Lou Brown

The Town of Parker is required to certify a mill levy to Douglas County prior to December 15, 2021, in order to collect property taxes for the 2022 budget year.

Public Comment: None.

Cheryl Poage moved to approve Ordinance 1.552 on second reading.

Laura Hefta seconded the motion.

A roll call vote was taken:

Joshua Rivero - Yes
Cheryl Poage - Yes
Todd Hendreks - Yes
John Diak - Yes
Anne Barrington - Yes
Laura Hefta - Yes

The motion was approved unanimously.

C. ORDINANCE NO. 1.554 - Second Reading

A Bill for an Ordinance Stating the Intent of the Town of Parker to Acquire Certain Property Interests for the Purpose of Constructing and Improving the North Sidewalk on East Mainstreet, a Town Roadway, Through the Utilization of the Town's Power of Eminent Domain, and Directing the Town's Staff and Town Attorney to Notify All Persons Affected Thereby of the Above-Stated Intent of the Town, and Thereafter to Comply with All Pertinent Provisions of C.R.S. § 38-1-101, et seq., Relating to Good Faith Negotiations

Department: Engineering and Public Works, Chris Hudson

This ordinance provides notice of the Town's intent to acquire a needed permanent fee (right-of-way) area and a temporary construction easement area on the north side of Mainstreet for

sidewalk improvements between the Victorian Drive (east) intersection and the PACE Center Drive intersection.

Public Comment: None.

John Diak moved to approve Ordinance 1.554 on second reading.

Joshua Rivero seconded the motion.

A roll call vote was taken:

Joshua Rivero - Yes

Cheryl Poage - Yes

Todd Hendreks - Yes

John Diak - Yes

Anne Barrington - Yes

Laura Hefta - Yes

The motion was approved unanimously.

D. ORDINANCE NO. 1.551 – Second Reading

A Bill for an Ordinance Vacating a Public Sidewalk Easement Agreement Conveyed to the Town of Parker by Parker Water and Sanitation District

Department: Engineering and Public Works, Chris Hudson

This ordinance vacates an existing sidewalk easement at the PAR/P3 property at the northeast corner of Mainstreet and Victorian Drive (east).

Public Comment: None.

Joshua Rivero moved to approve Ordinance 1.551 on second reading.

Anne Barrington seconded the motion.

A roll call vote was taken:

Joshua Rivero - Yes

Cheryl Poage - Yes

Todd Hendreks - Yes

John Diak - Yes

Anne Barrington - Yes

Laura Hefta - Yes

The motion was approved unanimously.

E. ORDINANCE NO. 9.342 – Second Reading

A Bill for an Ordinance to Approve the Intergovernmental Agreement By and Between the Douglas County School District and the Town of Parker Regarding an MS4 Participation Agreement

Department: Engineering and Public Works, Michael Grabczyk

Both the Town of Parker and Douglas County School District (DCSD) currently operate stormwater facilities such as inlets, storm pipes, and stormwater ponds under a state permit, known as an MS4 Permit (Municipal Separate Storm Sewer System). The Town operates under a “Standard Permit” while the DCSD operates under a “Non-standard Permit” based on populations served. Historically, the administrative and reporting requirements for Non-standard Permits are much less stringent due to the smaller population served, lack of expertise, and more limited resources of the permittees. Earlier this year, the CDPHE updated the Non-standard Permit requirements to align more with the Standard Permit requirements.

Due to the burdensome programming and documentation requirements, language within the update was included which allows Standard permittees, such as the Town, to administer their construction and post-construction programs over the Non-standard Permit’s jurisdictional boundary for coverage of these permit items. However, the ownership, maintenance, and operation of the covered stormwater facilities remains with DCSD. This arrangement would require the Town to perform and maintain records and documentation of plan reviews and approval, permitting, inspection, and acceptance in accordance with the Town’s land use process. Additionally, the Town will forward records and documentation of these actions within 30 days of any request by DCSD for the recordkeeping requirements of their Non-standard Permit. This benefits the Town as it would guarantee staff the ability to inspect and comment on the functionality of ponds, inlets, storm pipes and other storm facilities to which the Town previously had no legal access.

This intergovernmental agreement codifies the responsibilities of both the DCSD and the Town of Parker associated with their respective MS4 Permit programs.

Public Comment: None.

Joshua Rivero moved to approve Ordinance 9.342 on second reading.

Todd Hendreks seconded the motion.

A roll call vote was taken:

Joshua Rivero - Yes

Cheryl Poage - Yes

Todd Hendreks - Yes

John Diak - Yes

Anne Barrington - Yes

Laura Hefta - Yes

The motion was approved unanimously.

RESOLUTIONS

A. RESOLUTION NO. 21-054

A Resolution Approving the Form of Revenue Pledge Agreement Between Anthology West Metropolitan District No. 4 and Anthology West Metropolitan District No. 2

Department: Town Attorney, Kristin Hoffmann

Mayor Toborg stated the final two items on the agenda for Town Council's consideration of matters related to the Anthology West Metropolitan Districts and the Cherry Creek Metropolitan Districts, which are both residential metropolitan districts. On June 15, 2020, the Town Council found that conflict of interest existed for Councilmember Poage that precludes her from participating in any public hearing that involves a residential metropolitan district. At this time, we will pause the meeting so that Councilmember Poage may leave the Council Chambers before I open the public hearings.

Before leaving the meeting, Cheryl stated that she could not approve residential metropolitan districts, because such approval amounts to taxation without representation. Cheryl Poage left the meeting at 9:02 p.m.

Anthology West Metropolitan District No. 2 ("District 2") and Anthology West Metropolitan District No. 4 ("District 4" and collectively with District 2, the "Districts") requested Town Council approve the form of a Revenue Pledge Agreement (the "Pledge Agreement") between the Districts, as required by Section X of the Service Plan (the "Service Plan") for Cherry Creek South Metropolitan District No. 2 (now known as Anthology West Metropolitan District No. 2), Cherry Creek South Metropolitan District No. 3 (now known as Anthology West Metropolitan District No. 3), Anthology West Metropolitan District No. 4, Anthology West Metropolitan District No. 5 and Anthology West Metropolitan District No. 6.

Section V.C of the Service Plan states the Districts, collectively, will undertake the financing and construction of the Public Improvements, and will enter into an intergovernmental agreement to further state and clarify the functions and services provided by the Districts. The Service Plan requires intergovernmental agreements among the Districts be submitted to the Town Council for review and approval prior to signing.

Public Comment: None.

John Diak moved to approve Resolution No. 21-054

Anne Barrington seconded the motion.

A roll call vote was taken:

Joshua Rivero - Yes

Todd Hendreks - Yes

John Diak - Yes
 Anne Barrington - Yes
 Laura Hefta - Yes

The motion was approved unanimously.

B. RESOLUTION NO. 21-055

A Resolution Providing Consent to the Inclusion of Property Within Cherry Creek South Metropolitan District No. 4 and Cherry Creek South Metropolitan District No. 6.

Department: Town Attorney, Kristin Hoffmann

Cherry Creek South Metropolitan District No. 4 and Cherry Creek South Metropolitan District No. 6 (collectively, the "Districts") are governed by Amended and Restated Service Plans that were approved by the Town Council on June 15, 2020 (collectively, the "Service Plans"). Section V.A.7 of the Service Plans states, "The Districts shall not include within any of its boundaries any property outside the Service Area without the prior written consent of the Town Council." The Service Plans define the "Service Area" as the property within the boundaries of Cherry Creek South Metropolitan District Nos. 4-11.

The Districts sought written consent of Town Council to include an additional 10.763 acre parcel (the "Property") into the boundaries of the Districts.

Attorney Megan Murphy with White Bear Ankele Tanaka and Waldron, 2154 East Commons Avenue, Suite 2000, Centennial, Colorado, was present to answer any questions.

Public Comment: None.

Anne Barrington moved to approve Resolution No. 21-055

Laura Hefta seconded the motion.

A roll call vote was taken:

Joshua Rivero - Yes
 Todd Hendreks - Yes
 John Diak - Yes
 Anne Barrington - Yes
 Laura Hefta - Yes

The motion was approved unanimously.

ADJOURNMENT

Joshua Rivero moved to adjourn the meeting at 9:10 p.m.

Todd Hendreks seconded the motion.

A roll call vote was taken:

Joshua Rivero - Yes

Todd Hendreks - Yes

John Diak - Yes

Anne Barrington - Yes

Laura Hefta - Yes

The motion was approved unanimously.

Chris Vanderpool, Town Clerk

Jeff Toborg, Mayor



Request for Town Council Action

Date: December 6, 2021

Submitted By: Jim Maloney, Town Attorney

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 3.01.127 – First Reading**
A Bill for an Ordinance to Amend Section 13.02.010 of the Parker Municipal Code Concerning the Definition of Dwelling and Dwelling Unit, and Section 13.04.180 of the Parker Municipal Code Concerning Home Occupations
Department: Town Attorney, Jim Maloney
Second Reading: December 13, 2021

EXECUTIVE SUMMARY

The purpose of this ordinance is to amend the definition of *dwelling* and *dwelling unit* and amend home occupations, as contained in the Land Development Ordinance, to provide that clinics, nursing and convalescent homes, barber shops, beauty parlors, tourist homes, animal hospitals and restaurants, are a prohibited use of a *dwelling* or *dwelling unit*.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

On October 21, 2019, the Town Council approved Ordinance No. 3.01.118 to add a definition of the term “*tourist home*” that was contained in the Parker Land Development Ordinance. *Tourist home* was defined to mean “any dwelling, dwelling unit or portion of any dwelling unit rented or leased for valuable consideration to a particular person or persons for periods of time less than thirty (30) days.” Short-term rentals (tourist homes) have been prohibited in residential areas of the Town since as early as 1981, when the Town first adopted its zoning ordinance. The definition was added to simply clarify that tourist homes constituted short-term rentals. The purpose of Ordinance No. 3.01.127 is to provide further clarification that short-term rentals (tourist homes) are a prohibited use in any *dwelling* or *dwelling unit*.

The Planning Commission will hold a public hearing on December 9, 2021, concerning the proposed ordinance amendment.

FINANCIAL IMPACT

None.

STRATEGIC GOAL(S)



PROMOTE A SAFE AND
HEALTHY COMMUNITY

ATTACHMENTS

1. Ordinance No. 3.01.127

RECOMMENDED MOTION

I move to approve Ordinance No. 3.01.127 on first reading and to schedule second reading for December 13, 2021, as part of the consent agenda.

ORDINANCE NO. 3.01.127, Series of 2021

TITLE: A BILL FOR AN ORDINANCE TO AMEND SECTION 13.02.010 OF THE PARKER MUNICIPAL CODE CONCERNING THE DEFINITION OF DWELLING AND DWELLING UNIT, AND SECTION 13.04.180 OF THE PARKER MUNICIPAL CODE CONCERNING HOME OCCUPATIONS

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

Section 1. Section 13.02.010 of the Parker Municipal Code is amended to read as follows:

13.02.010 Definitions.

* * *

Dwelling means a building or portion thereof used exclusively for residential occupancy, including one-family dwellings, two-family dwellings and multiple-family dwellings, but not including mobile homes, hotels, motels, tents, seasonal vacation cabins, **tourist home**, or other structures designed or used primarily for temporary occupancy. No mobile home or converted mobile home shall be classed as a dwelling.

* * *

Dwelling unit means one (1) or more rooms, designed, occupied ~~or~~ **and** intended for occupancy as a separate living quarter, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

* * *

Section 2. Section 13.04.180 of the Parker Municipal Code is amended to read as follows:

13.04.180 Home occupations.

A home occupation shall be allowed as a permitted accessory use, provided that all of the following conditions are met:

* * *

(8) Home occupations shall not generate traffic **or parking** which significantly affects the residential character of an area, nor allow for deliveries of materials or products to the property.

* * *

(10) Clinics, nursing and convalescent homes, barber shops, beauty parlors, tourist homes, animal hospitals and restaurants shall not be considered a home occupation, **and are a prohibited use of a dwelling or dwelling unit.**

Section 3. **Safety Clause.** The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Parker, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. The Town Council further finds that the title to this Ordinance was posted in two public places two days before the Town Council meeting, as provided by Section 7.5e. of the Town of Parker Home Rule Charter.

Section 4. **Severability.** If any clause, sentence, paragraph or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

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

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

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk

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

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney



Request for Town Council Action

Date: December 6, 2021

Submitted By: Chris Vanderpool, Town Clerk
Jamie Wynn, Assistant Town Attorney

Reviewed By: Michelle Kivela, Town Administrator

Title: **RESOLUTION NO. 21-056**
A Resolution to Set a Fee for Communal Outdoor Dining Area and Festival Permit Applications Pursuant to Section 5.02.710 of the Parker Municipal Code

Department: Town Clerk, Chris Vanderpool
Town Attorney, Jamie Wynn

EXECUTIVE SUMMARY

This Resolution establishes the fees for the Festival and Communal Outdoor Dining Permits, which were recently approved under Ordinances 5.28.28 and 5.28.29.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

On November 1, 2021, Town Council approved Ordinances 5.28.28 and 5.28.29 allowing the Town to permit Communal Outdoor Dining Areas and Festivals. This Resolution establishes permit fees in the amount of \$300.00 for Festival Permits, and \$50.00 per licensee for the Communal Outdoor Dining Permits to cover the actual and necessary expenses associated with each permit process.

FINANCIAL IMPACT

None.

STRATEGIC GOAL(S)



ATTACHMENTS

1. Resolution No. 21-056

RECOMMENDED MOTION

I move to approve Resolution No. 21-056, as part of the consent agenda.

RESOLUTION NO. 21-056, Series of 2021

TITLE: A RESOLUTION TO SET A FEE FOR COMMUNAL OUTDOOR DINING AREA AND FESTIVAL PERMIT APPLICATIONS PURSUANT TO SECTION 5.02.710 OF THE PARKER MUNICIPAL CODE

WHEREAS, Section 5.02.710 of the Parker Municipal Code authorizes liquor licensing fees to be set by Resolution;

WHEREAS, the Town Council established said license fees; and

WHEREAS, the Town Council desires to establish permit application fees for communal outdoor dining areas and festivals, as defined in Chapter 5.02 of the Parker Municipal Code.

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

Section 1. The Town Council hereby adopts a permit application fee for communal outdoor dining areas, under Section 5.02.830 of the Parker Municipal Code, in the amount of fifty dollars (\$50.00) per licensee, which fee must accompany the application filed with the local licensing authority in order to cover actual and necessary expenses.

Section 2. The Town Council hereby adopts a permit application fee for festivals, under Section 5.02.830 of the Parker Municipal Code, in the amount of three hundred dollars (\$300.00), which fee must accompany the application filed with the local licensing authority in order to cover actual and necessary expenses.

Section 3. This Resolution shall be effective for all applications received on or after January 1, 2022.

RESOLVED AND PASSED this _____ day of _____, 2021.

TOWN OF PARKER, COLORADO

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk



Request for Town Council Action

Date: December 6, 2021

Submitted By: Carrie Glassburn, Cultural Director

Reviewed By: Michelle Kivela, Town Administrator

Title: **Give 5 Productions - Footloose**

Amount: **Not to exceed \$130,000**

Contractor: **Give 5 Productions**

Department: **Cultural, Carrie Glassburn**

EXECUTIVE SUMMARY

This agenda item is to request Council approval of a Performance Agreement with Give 5 Productions Inc. for production services for "Footloose, the Musical," which will be presented in June/July of 2022. Town Council previously approved Give 5 Productions as one of three companies to receive a Master Agreement awarded under SOQ-19-005. This Master Agreement dictates that production costs may not exceed \$130,000 per production. For this production, Give 5 will receive a guarantee of \$120,000, plus a bonus of \$5,000.00 if the show capacity reaches 85%, and an additional bonus of \$5,000.00 if the show is 100% sold out, with a maximum total fee potential of \$130,000.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

In our 2019 patron survey, we asked the community which musicals they would like to see. "Footloose, the Musical" ranked in the top three, so we were thrilled to be able to include it in our lineup this season. Tickets for this show went on sale in June of 2021, and sales are already strong. We conservatively forecast selling 75% of the total seats available for the 16 public performances of this production, which would result in an estimated gross ticket revenue of just over \$197,000.

FINANCIAL IMPACT

Total production expenses and revenue for this theatrical production are in line with past years, and have been accounted for in the 2022 Cultural budget.

STRATEGIC GOAL(S)



**FOSTER COMMUNITY
CREATIVITY AND
ENGAGEMENT**



**ENHANCE ECONOMIC
VITALITY**

ATTACHMENTS

None

RECOMMENDED MOTION

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



Request for Town Council Action

Date: December 6, 2021

Submitted By: Tom Gill, Associate Project Manager

Reviewed By: Michelle Kivela, Town Administrator

Title: **Parker Road Sidewalks East Side Multi-Use Trail Connection (CIP22-004) - Final Design Services - Phase 2**

Amount: **\$ 154,366**

Contractor: **Stanley Consulting, Inc.**

Department: **Engineering and Public Works, Tom Gill**

EXECUTIVE SUMMARY

This agenda item is for the approval of a professional services agreement with Stanley Consultants, Inc., for final design services of the Parker Road Sidewalks East Side Multi-Use Trail Connection project.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

In August 2021, Stanley Consultants, Inc., began working on Phase 1 - preliminary (30% level) design for the Parker Road Sidewalks East Side Multi-Use Trail Connection project. This proposed multi-use trail/sidewalk is on the east side of Parker Road between the existing Sulphur Gulch regional trail and the existing Parker Road sidewalk/trail south of Parker Square Drive. This segment of the proposed Parker Road trail/sidewalk is broken into two segments. The first (northern) segment of the new trail/sidewalk is between the existing Sulphur Gulch regional trail and Clubhouse Drive and includes a new pedestrian bridge over Sulphur Gulch. The second (southern) segment consists of new trail/sidewalk improvements between Hilltop Road to south of Parker Square Drive to connect to the recently constructed sidewalk/trail adjacent to the Peak 83 Apartments and will require retaining walls to mitigate right-of-way impacts.

The Phase 2 project scope of services will advance the Phase 1 - preliminary plans to a final design level for this section of the Parker Road trail/sidewalk. Design services will include, but not limited to, project management, utility coordination, final design and bidding assistance.

The scope of this work is to be completed by December 31, 2022, to support the planned bidding for the project in the winter of 2022/2023 with construction of the project being anticipated for construction in 2023. A preliminary estimated construction cost of \$4,000,000 is

eligible for reimbursement up to \$3,200,000 by DRCOG/CDOT, which was made possible by the Council approving an intergovernmental agreement in June of 2021.

FINANCIAL IMPACT

Funding for this agreement has been appropriated in the Highway and Streets Capital Projects Fund (301-4310).

STRATEGIC GOAL(S)



**SUPPORT AN
ACTIVE COMMUNITY**



**PROMOTE A SAFE AND
HEALTHY COMMUNITY**



**INNOVATE WITH
COLLABORATIVE
GOVERNANCE**



**DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH**

ATTACHMENTS

None

RECOMMENDED MOTION

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



Request for Town Council Action

Date: December 6, 2021

Submitted By: Stacey Nerger, Senior Planner
John Fussa, Community Development Director

Reviewed By: Michelle Kivela, Town Administrator

Title: **TOWNHOMES AT PINE DRIVE SKETCH AND PRELIMINARY PLAN**

Applicant: Chuck Micale, Parker Townhomes, LLC

Location: Northeast corner of Pine Drive and
Summerset Lane

Department: Community Development, Stacey
Nerger

TRAKiT No.: SUB20-043 and SUB20-044

EXECUTIVE SUMMARY

The applicant, Parker Townhomes L.L.C., has submitted a Sketch and Preliminary Plan application to subdivide an existing 8.37 acre property for future residential and commercial development with required parks, open space, landscaping and access. The subject property is located at the northeastern corner of the intersection of Pine Drive and Summerset Lane.

The Town Council, in reviewing the proposed Sketch and Preliminary Plan, shall consider the following factors as required by the Land Development Ordinance:

1. Consistency with Master Plan. The proposed subdivision is consistent with the goals and policies of the Town of Parker Master Plan and the General Land Use Plan in the Master Plan.
2. Consistency with the Land Development Ordinance and other minimum standards established by the Town. The proposed subdivision complies with this Section and all other provisions of this Title, the Town's Stormwater Drainage and Environmental Criteria Manual and the Town of Parker Roadway Design and Construction Criteria Manual and other applicable standards adopted by the Town.
3. Consistency with Zone District Standards or Planned Development Guide, if applicable. The proposed subdivision complies with all of the provisions of the applicable Zone District or Planned Development Guide.
4. Previous plans. All conditions of the previous plan have been met. The plan is in substantial conformance with the sketch plan.
5. Public notice requirements. The applicant has demonstrated that all public notice

requirements have been met.

STAFF RECOMMENDATION

Approve with Conditions

BACKGROUND/DISCUSSION

The subject property is an 8.37 acre parcel located at the edge of Downtown at the northeastern corner of the intersection of Pine Drive and Summerset Lane. The property is currently in residential use with three (3) detached single-family homes, a large barn/garage and several accessory structures. It was annexed into the Town in December 2018, and the westernmost 2.4 acre parcel fronting Pine Drive was zoned Modified Commercial for future commercial use while the easternmost parcel was zoned Modified Multi-Family for future residential use as a transition to the existing Parker Vista residential neighborhood to the east.

The adopted Modified Commercial zoning for the 2.4 acre parcel permits a range of commercial retail, service and restaurant uses appropriate for the location on Pine Drive at the edge of Downtown. The list of permitted uses includes a gasoline service station with a convenience store. The Modified Multi-Family zoning permits single-family attached dwelling units with a maximum residential density of 20 dwelling units (du) per acre. This allows an appropriate transition from the future commercial use fronting Pine Drive to the medium density Parker Vista residential neighborhood to the east.

The proposed Sketch and Preliminary Plan incorporates a total of 85 lots for single-family townhomes at a residential density of 14.2 du per acre ($85 / 5.97 = 14.2$). The Sketch and Preliminary Plan also includes a 2.4 acre unbuildable tract for future commercial use, 1.3 acres of park(s), 1.25 acres of open space and associated road right-of-way, drainage and utility easements. The Plan design complies with the Town's park, open space and infrastructure requirements found in the Municipal Code and the Annexation Agreement.

The Parker 2035 Master Plan designates the subject property as a part of the East Downtown Gateway Character Area. The Master Plan (p. 6.12) recommends that this Character Area *"...serves as a transition from the unique mixed-use Downtown Core to the suburban residential uses to the east" and that it "...will be a mixed-use neighborhood that includes uses such as higher density residential, office, ...restaurants, retail, personal services, etc...."* The property is bordered to the east by the Parker Vista residential neighborhood, to the west by Pine Drive and the Town and Country residential neighborhood, to the north by a church and single-family homes in unincorporated Douglas County and to the south by the Villa Parker event venue and the Town-owned Pine Curve property. The proposed Sketch and Preliminary Plan as well as the future commercial and residential development are therefore consistent with the Master Plan and compatible with the existing land use pattern of the surrounding area.

The Planning Commission held a public hearing on November 4, 2021 to consider the proposed Sketch and Preliminary Plan. The Commission voted unanimously to recommend that Town Council approve the application(s).

FINANCIAL IMPACT

None

STRATEGIC GOAL(S)



DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH



ENHANCE ECONOMIC
VITALITY

ATTACHMENTS

1. Vicinity Map
2. Planning Commission Staff Report
3. Townhomes at Pine Drive Sketch and Preliminary Plan
4. Townhomes at Pine Drive Parks Plan

RECOMMENDED MOTION

I move to approve, based on staff findings, with the following conditions contained in the staff report:

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 required Xcel easements to the Final Plat.
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 within the Parker Land Development Ordinance.

Townhomes at Pine Drive

Sketch and Preliminary Plan





Planning Commission Staff Report

Planning Commission Date: 11/4/2021

Town Council Date: 12/6/2021

Hearing Type: Public Hearing
Townhomes at Pine Drive - Sketch and Preliminary Plan

TRAKiT No(s): SUB20-043 and SUB20-044

Location: Generally located on the northeast Corner of Pine Drive and Summerset Lane

Project Planner: Stacey Nerger, Planner

Applicant: Chuck Micale, M&B Construction

Executive Summary: The applicant, M&B Construction, is proposing a Sketch and Preliminary Plan to create lots for 85 townhome units with associated open space, landscaping and parks and to create a 2.399-acre commercial tract for future development. The site is located on Summerset Lane east of Pine Drive.

Staff Recommendation: Approval with Conditions

RECOMMENDED MOTION

"I move the Planning Commission recommend Town Council approve the Townhomes at Pine Drive Sketch and Preliminary Plan, subject to 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 required Xcel easements to the Final Plat.*
- 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 within the Parker Land Development Ordinance.*

ALTERNATIVE MOTIONS

"I move the Planning Commission recommend Town Council approve the Townhomes at Pine Drive Sketch and Preliminary Plan."

*“I move the Planning Commission recommend Town Council deny the Townhomes at Pine Drive Sketch and Preliminary Plan 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 Townhomes at Pine Drive Sketch and Preliminary Plan to a future date.”

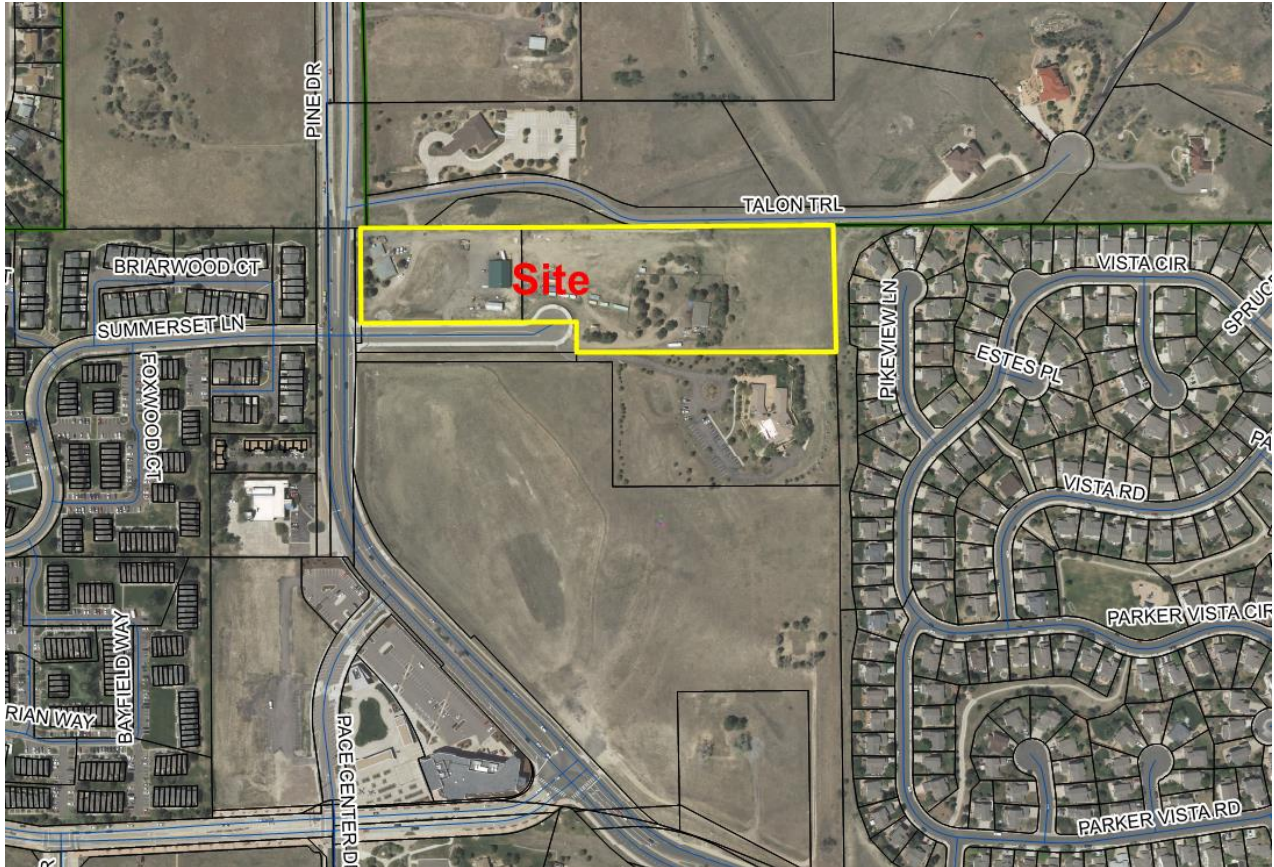
I. BACKGROUND/DISCUSSION

The subject property was annexed into the Town in December 2018, with a Modified Multifamily zoning on the eastern portion of the property which provided for single family attached dwelling units with a density up to 20 units per acre. The property also included a zoning of Modified Commercial for the western portion of the property. The modified commercial zoning allows for standard commercial uses including a gas station/convenience store.

The proposed sketch and preliminary plan would allow a total of 85 single family attached (townhome) lots on 5.97 acres at a proposed density of 14 units per acre along with a 2.399-acre unbuildable commercial tract and the required roadway, drainage, parks and open space. The Sketch and Preliminary Plan proposes 1.25 acres of open space and 1.3 acres of park space to meet the minimum requirements of the Annexation Agreement and Town Land Development Ordinance.

The subject area is bounded on the east by the Parker Vista Subdivision and to the west by Pine Drive. To the north of the site is a church and large lot residential located within unincorporated Douglas County and to the south is the vacant Town owned property known as Pine Curve and the Villa Parker Event Center.

VICINITY MAP



II. PRIOR ACTIONS

Date	Action
August 31, 2016	Town Council approved the Agreement for Possession and Use with the Property Owner which allowed the dedication and construction of Summer Set Lane on the property.
June 7, 2017	Town Council approved the First Amendment to the Agreement for Possession and Use.
February 5, 2018	Town Council approved the Second Amendment to the Agreement for Possession and Use.
June 18, 2018	Town Council approved the Third Amendment to the Agreement for Possession and Use.
December 3, 2018	The property was annexed into the Town and zoned Modified Commercial and Modified Multifamily.

III. CURRENT SITE DATA

Existing Zoning		Modified Multifamily and Modified Commercial	
Overlay District		N/A	
PD & Plan Area		N/A	
Master Plan Area		East Downtown Gateway	
Site Acreage		8.37	
Subdivision		Not currently subdivided	
Existing Use		Large lot residential with outbuildings	
Surrounding Uses			
	Master Plan Land Use	Zoning	Existing Use
North	Douglas County	Douglas County Zoning	Rural Residential
South	East Downtown Gateway	GD - Greater Downtown District	Vacant Town owned Pine Curve and existing events center
East	Medium Density Residential	PD - Planned Development	Residential – Parker Vista
West	Downtown Core	PD - Planned Development	Multifamily – Town and Country

IV. PARKER 2035 MASTER PLAN

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

MASTER PLAN CONSISTENCY	
Master Plan Designation	East Downtown Gateway ☒ Consistent ☐ Inconsistent
Master Plan Character Discussion	East Downtown Gateway: Provides a transition from the Downtown Core to the suburban residential uses to the east. Development in this area should frame the gateway to the Downtown Core at the intersection of Pine Drive and Mainstreet and then west along Mainstreet to PACE Center Drive. Appropriate uses include; higher density residential, office, government, arts and cultural venues, restaurants, retail that compliments residential and unique land uses of the Downtown Core, personal services, as well as parks, open space and other public gathering places. The total Gross Leasable Area for the commercial/office within the East Downtown Gateway should range from a combined 100,000 to 300,000 square feet. The East Downtown Gateway should focus on connecting the Downtown Core and the Sulphur Gulch Trail. The properties are also included within the

	Mainstreet Master Plan and identified for future mixed-use development.
Consistent Goals/Strategies	Land Use 1.C Land Use 1.E Housing and Neighborhoods 3.A Jobs and Economic Vitality 2.B
Staff Analysis	The subject properties are located east of the Downtown core within the East Downtown Gateway area. This area is intended to provide a gateway into the Downtown Core and should include higher density residential along with retail, services and gathering spaces. The proposed property is surrounded on the south, east and west by the Town of Parker. Annexation of this property will benefit the landowners, the Town and the County by consolidating the service areas of the Town and County. The requested zoning is consistent with the specific Goals/ Strategies of the Master Plan for the following reasons: 1. It will encourage a variety of housing densities in close proximity to employment centers within and around the Downtown Core; 2. It will continue commercial uses within and adjacent to the Downtown Core; and 3. It will support new businesses by providing additional land for commercial development. Based on this analysis, staff has determined that the request is consistent with the Parker 2035 Master Plan.

V. LAND DEVELOPMENT ORDINANCE

ZONING CONSISTENCY (Site Plan/UBSR/Sketch/Prelim Plan/MDP)			
Provisions	Existing/Required	Proposed	Analysis
Setbacks	To be determined at time of site plan with the following Exception: The Eastern boundary of the property shall have a 65-foot minimum setback. This setback may include recreational uses such as parks,	Structures are not a part of this proposal. Required setbacks will be met at time of site plan approval.	☒ Consistent ☐ Inconsistent ☒ N/A

	gardens, and patio areas as an accessory use. No parking is permitted in this setback. This setback may be reduced subject to review and approval of a development plan. The setback must include a 35-foot minimum landscaped buffer as described in Parker Municipal code, section 13.02.010, at the eastern property boundary.		
Density	Minimum – 5 du/ac Maximum- 20 du/ac	14 du/ac	☒ Consistent ☐ Inconsistent ☐ N/A
Height/Stories	Forty- Five feet (45') and no building shall penetrate the elevation ceiling plane which is defined as 15 feet above the Pikeview Lane street pavement elevation of 5971' based on Douglas County GIS point 1.085040 with an elevation of 5917.93' NAVD 88 and Douglas County GIS point 1.090035 with an elevation of 5883.72' NAVD 88. (Street pavement elevation= average of the highest and lowest points along Pikeview Lane.)	Structures are not a part of this proposal. Required height will be met at time of site plan approval.	☒ Consistent ☐ Inconsistent ☒ N/A
Lot Size	None	Townhome lot sizes are 905 – 1,116 square feet and the commercial tract is 2.399 acres.	☒ Consistent ☐ Inconsistent ☐ N/A
Lot Coverage	None	Structures are not a part of this proposal.	☐ Consistent ☐ Inconsistent ☒ N/A
Landscaping	Title 13.06.070	All required streetscape, open space and park area landscape will be met at the time of site plan approval.	☒ Consistent ☐ Inconsistent ☐ N/A
Off-Street Parking	Title 13.06.050	All parking	☒ Consistent ☐ Inconsistent

		requirements will be met at the time of site plan approval.	☒ N/A
Staff Analysis	As outlined above, staff has evaluated the requested Sketch and Preliminary Plans against the requirements in the Norton Modified Multifamily zoning as well as the standards in the Land Development Ordinance (LDO) and determined that the request complies with the relevant standards.		

VI. ACCESS, CIRCULATION & TRAFFIC ANALYSIS

The subject site will be accessed through the newly constructed Summerset Lane. Summerset Lane will be a full-movement signalized intersection at Pine Drive. An internal network of private drives will connect Summerset Lane to the residential areas. These internal private drives will conform to Town of Parker criteria and be owned and maintained by a future HOA or Metro District.

VII. SUMMARY REFERRAL AGENCY COMMENTS AND CONDITIONS

Agency	Comments
Aztec	No Comment
Town of Parker Building	The Town does not enforce ADA requirements and only works with compliance. When submitting for building permits please identify that these requirements are being met.
CenturyLink Communications	No comments submitted
Cherry Creek Basin Water Quality Authority	The authority requires construction and post-construction best management practices. No exceptions take with the proposed BMPs. The authority reserves the right to review and comment on future submittals.
Comcast	No comments submitted
Town of Parker Comprehensive Planning	The subject site is located within the Town of Parker's boundary and Comprehensive Planning supports urban level development of this parcel.
Town of Parker Engineering/Storm water	The remainder of the comments can be addressed with the Site Plan submittal.
Douglas County Assessors	No comment
Douglas County Planning and Engineering	There are a couple of townhomes facing Talon Trail, fencing and or landscaping shall be installed along this property line to keep people from using this road for parking.
Douglas County School District	The applicant shall dedicate land or cash-in-lieu for a total of 0.660 acres. The developer and the District have agreed with a flat cash-in-lieu payment to the District of \$2,803.00 per each residential unit constructed towards capital mitigation and land dedication.
Fire Life Safety	Approved
IREA	Conditionally approved

Parker Vista HOA	No comments submitted
Parker Water and Sanitation District	No further design comments. Fees are required prior to approval.
Public Service Company/ Xcel	Xcel requests 15-foot easements within the property.
Town and Country HOA	No comments submitted
Urban Drainage	No comments as there are no proposed eligible facilities.

VIII. CONCLUSION

The proposed Sketch and Preliminary Plan will allow for a total of 85 single family attached housing units with a density of 14 units per acre. The proposed density aligns with the permitted densities allowed within the Norton Modified Multifamily zoning. The layout proposed within the Sketch and Preliminary Plan allows for adequate access, landscaped area and the required parks space. A Site Plan application is currently under review which will require the development to meet all setbacks, heights, landscaping, open space, park dedication and multifamily design requirements.

Additionally, the plat will create an unbuildable tract for the Commercial Area as well as realign the drainage through this commercial tract as required by the Annexation Agreement for the property.

This proposal is consistent with the *Parker 2035 Master Plan* and the Sketch and Preliminary Plan has demonstrated compliance with the applicable approval criteria. Therefore, staff is recommending that the Planning Commission recommend Town Council approve the Townhomes at Pine Drive Sketch and Preliminary Plan.

IX. RECOMMENDED 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 required Xcel easements to the Final Plat.
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 Norton Modified Multifamily Zoning and the Parker Land Development Ordinance.

X. ATTACHMENTS

1. Townhomes at Pine Drive Sketch and Preliminary Plan
2. Townhomes at Pine Drive Parks Plan
3. Referral Agency Comments

Report Approved By: Bryce Matthews, Planning Manager

PROPERTY DESCRIPTION:

A PARCEL OF PROPERTY LOCATED IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE 6TH P.M., COUNTY OF DOUGLAS, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 23 AND CONSIDERING THE NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 23 TO BEAR S89°54'19"E, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO; THENCE S89°54'19"E, ALONG SAID NORTH LINE, A DISTANCE OF 85.00 FEET TO THE NORTHEAST CORNER OF A PARCEL OF PROPERTY AS DESCRIBED AT RECEPTION NO. 2002030025 IN THE RECORDS OF THE DOUGLAS COUNTY CLERK AND RECORDER AND THE POINT OF BEGINNING; THENCE CONTINUING S89°54'19"E, ALONG SAID NORTH LINE, A DISTANCE OF 420.67 FEET TO THE NORTHEAST CORNER OF A PARCEL OF PROPERTY AS DESCRIBED AT RECEPTION NO. 20200057934 IN THE RECORDS OF THE DOUGLAS COUNTY CLERK AND RECORDER; THENCE CONTINUING S89°54'19"E, ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 23, A DISTANCE OF 834.68 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 23; THENCE S00°05'40"W, ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 23, A DISTANCE OF 325.00 FEET; THENCE N89°54'19"W, A DISTANCE OF 692.90 FEET TO A POINT ON THE EAST LINE OF A PARCEL OF PROPERTY AS RECORDED AT RECEPTION NO. 2019013323 & 2019013324 IN THE RECORDS OF THE DOUGLAS COUNTY CLERK AND RECORDER; THENCE N00°05'22"E, ALONG THE EAST LINE OF SAID PARCEL, A DISTANCE OF 76.56 FEET TO THE NORTHEAST CORNER OF SAID PARCEL; THENCE N89°54'38"W, ALONG THE NORTH LINE OF SAID PARCEL, A DISTANCE OF 141.60 FEET TO A POINT ON THE EAST LINE OF A PARCEL OF PROPERTY AS RECORDED AT RECEPTION NO. 20200057934 IN THE RECORDS OF THE DOUGLAS COUNTY CLERK AND RECORDER; THENCE S00°02'07"W, ALONG SAID EAST LINE, A DISTANCE OF 51.55 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL AS DESCRIBED IN RECEPTION NO. 20200057934; THENCE N89°54'19"W ALONG THE SOUTH LINE OF SAID PARCEL A DISTANCE OF 420.63 FEET TO THE SOUTHEAST CORNER OF A PARCEL OF PROPERTY AS DESCRIBED AT RECEPTION NO. 2002030025 IN THE RECORDS OF THE DOUGLAS COUNTY CLERK AND RECORDER; THENCE N00°02'33"E ALONG THE EAST LINE OF SAID PARCEL A DISTANCE OF 300.00 FEET TO THE NORTHEAST CORNER OF SAID PARCEL OF PROPERTY AS DESCRIBED AT RECEPTION NO. 2002030025, AND THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 8.87 ACRES MORE OR LESS, COUNTY OF DOUGLAS, STATE OF COLORADO.

TOWNHOMES AT PINE DRIVE PRELIMINARY PLAT

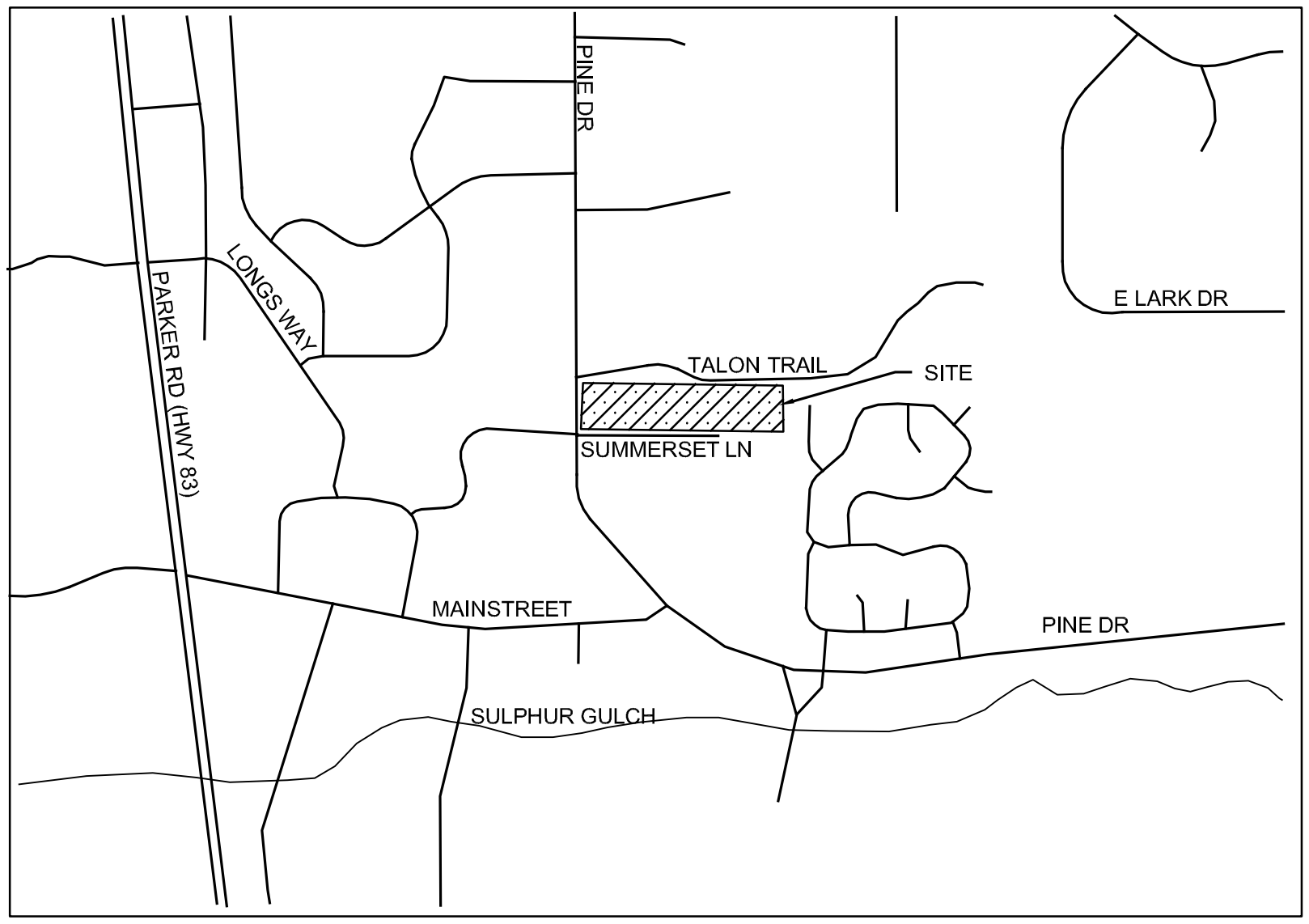
A PORTION OF THE NORTHWEST 1/4 OF NORTHWEST 1/4 OF SECTION 23,
TOWNSHIP 6, RANGE 66 WEST, 6TH P.M.,
TOWN OF PARKER, COUNTY OF DOUGLAS,
STATE OF COLORADO
8.37 ACRES, 86 LOTS AND 15 TRACTS

SHEET INDEX:

- 1 COVER SHEET
- 2 PLAT
- 3 PLAT
- 4 PLAT
- 5 PLAT
- 6 EASEMENT EXHIBIT

LOT SIZE SUMMARY TABLE

85 TOTAL LOTS
MINIMUM LOT = 905 S.F. (0.020 AC)
MAXIMUM LOT = 1,116 S.F. (0.025 AC)
AVERAGE LOT = 1,000 S.F. (0.022 AC)



VICINITY MAP
1" = 2000'

TRACT SUMMARY TABLE				
TRACT	AREA (S.F.)	AREA (AC.)	USE	OWNERSHIP
TRACT A	24,035	0.5518	PARK AREA, UTILITIES & DRAINAGE	HOMEOWNERS ASSOCIATION
TRACT B	10,637	0.2442	PARK AREA, OPEN SPACE, UTILITIES & DRAINAGE	HOMEOWNERS ASSOCIATION
TRACT C	3,856	0.0885	TOWN OF PARKER RIGHT OF WAY	TOWN OF PARKER RIGHT OF WAY
TRACT D	5,560	0.1276	OPEN SPACE, UTILITIES & DRAINAGE	HOMEOWNERS ASSOCIATION
TRACT E	14,638	0.3360	PARK AREA, OPEN SPACE, UTILITIES & DRAINAGE	HOMEOWNERS ASSOCIATION
TRACT F	7,395	0.1698	OPEN SPACE, UTILITIES, DRAINAGE & ACCESS	HOMEOWNERS ASSOCIATION
TRACT G	6,730	0.1545	OPEN SPACE, UTILITIES, DRAINAGE & ACCESS	HOMEOWNERS ASSOCIATION
TRACT H	16,753	0.3846	PARK AREA, OPEN SPACE, UTILITIES & DRAINAGE	HOMEOWNERS ASSOCIATION
TRACT I	1,276	0.0293	OPEN SPACE, UTILITIES, DRAINAGE & ACCESS	HOMEOWNERS ASSOCIATION
TRACT J	1,276	0.0293	OPEN SPACE, UTILITIES, DRAINAGE & ACCESS	HOMEOWNERS ASSOCIATION
TRACT K	5,635	0.1294	OPEN SPACE, UTILITIES, DRAINAGE & ACCESS	HOMEOWNERS ASSOCIATION
TRACT L	5,635	0.1294	OPEN SPACE, UTILITIES, DRAINAGE & ACCESS	HOMEOWNERS ASSOCIATION
TRACT M	60,259	1.3834	UTILITY, DRAINAGE & EMERGENCY ACCESS	HOMEOWNERS ASSOCIATION
TRACT N	11,637	0.2671	OPEN SPACE, UTILITIES & DRAINAGE	HOMEOWNERS ASSOCIATION
TRACT Z	104,506	2.3991	FUTURE COMMERCIAL	CURRENT OWNER

LAND USE SUMMARY TABLE			
USAGE	AREA (S.F.)	ACREAGE	PERCENTAGE
RESIDENTIAL	85,080	1.953	23%
COMMERCIAL	104,506	2.399	29%
RIGHT OF WAY	3,856	0.089	1%
ACCESS	60,259	1.383	17%
OPEN SPACE	54,487	1.251	15%
PARK	56,720	1.302	16%
TOTAL	364,908	8.377	

NOTE:
THE TOWN COUNCIL OF THE TOWN OF PARKER HEREBY ESTABLISHES THE FOLLOWING LEGISLATIVE CONDITION TO THE APPROVAL OF THIS MINOR DEVELOPMENT PLAT TO PROMOTE THE PROMPT, EFFICIENT AND COST EFFECTIVE RESOLUTION OF DISPUTES PERTAINING TO THE DEVELOPMENT OF THE PROPERTY AS A MULTIFAMILY PROJECT, EXCLUDING ANY PROPERTY OWNED BY THE TOWN (THE "PROPERTY"), FOR THE PURPOSE OF ENCOURAGING AND FOSTERING THE DEVELOPMENT OF AFFORDABLE HOUSING IN THE TOWN AND THE CONSTRUCTION OF OWNER-OCCUPIED MULTI-FAMILY DEVELOPMENTS IN THE TOWN.

AS A LEGISLATIVE CONDITION TO THE TOWN COUNCILS APPROVAL OF THIS MINOR DEVELOPMENT PLAT THE FOLLOWING CLAIMS INVOLVING THE PROPERTY SHALL BE SUBMITTED TO BINDING ARBITRATION IN LIEU OF SUBMITTING ANY SUCH CLAIM TO A COURT OF LAW:

1. ANY AND ALL CLAIMS (1) THAT ARE BETWEEN ANY TWO OR MORE OF THE FOLLOWING PERSONS OR ENTITIES: (A) ANY OWNER OF ANY PORTION OF THE PROPERTY, (B) ANY COMMON INTEREST COMMUNITY ASSOCIATION CREATED WITH RESPECT TO THE PROPERTY, (C) THE SUBDIVIDER, DEVELOPER OR ANYONE CLAIMING UNDER OR THROUGH ANY SUCH PERSONS, (D) ANY PARTY THAT CONSTRUCTS OR DESIGNS ANY PORTION OF ANY RESIDENTIAL DWELLING UNITS UPON THE PROPERTY, AND (E) ANY CONSTRUCTION PROFESSIONAL AS DEFINED IN THE CONSTRUCTION DEFECT ACTION REFORM ACT, C.R.S. § 13-80-802.5, ET SEQ., AS AMENDED ("CADARA"), AND (2) THAT PERTAINS TO ANY OF (A) THE PROPERTY, (B) ANY DWELLING UNIT OR OTHER IMPROVEMENTS CONSTRUCTED ON THE PROPERTY OR COMMON AREA DEVELOPMENT STRUCTURE, (C) THE COMMON INTEREST COMMUNITY TO BE CREATED FOR THE PROPERTY OR ANY PORTION THEREOF, OR (D) THE DECLARATION OR OTHER DOCUMENTS GOVERNING SUCH COMMUNITY.

2. THE LEGISLATIVE CONDITION SHALL NOT PRECLUDE ANY OF THE PERSONS OR ENTITIES DESCRIBED ABOVE FROM ENDEAVORING TO RESOLVE ANY SUCH CLAIM(S) THROUGH EITHER NEGOTIATION OR MEDIATION BEFORE SUBMITTING SUCH CLAIM TO BINDING ARBITRATION. ADDITIONALLY, THE PROPERTY MAY ALSO BE SUBJECT TO A DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS THAT MAY IMPLEMENT AND EXPAND UPON THE REQUIREMENTS OF THIS PLAT NOTE AND THAT MAY EXEMPT CERTAIN CLAIMS FROM THE REQUIREMENT THAT SUCH CLAIMS MUST BE SUBMITTED TO BINDING ARBITRATION, INCLUDING CLAIMS BROUGHT TO FORECLOSE LIENS FILED AS A PART OF THE CONSTRUCTION PROCESS, CLAIMS BROUGHT BY A COMMON INTEREST COMMUNITY ASSOCIATION TO RECOVER UNPAID ASSESSMENTS PAYABLE TO SUCH ASSOCIATION OR TO OBTAIN A TEMPORARY RESTRAINING ORDER OR INJUNCTION FROM A COURT OF LAW PROHIBITING A VIOLATION OF SUCH COVENANTS, CONDITIONS AND RESTRICTIONS; PROVIDED, HOWEVER, THAT ANY SUBSEQUENT AMENDMENT OR CHANGE TO SUCH DECLARATION OF COVENANTS, CONDITIONS OR RESTRICTION SHALL NOT ELIMINATE THE REQUIREMENT THAT THE CLAIMS DESCRIBED IN THIS PLAT NOTE, INCLUDING CONSTRUCTION DEFECT CLAIMS, AS MORE PARTICULARLY DEFINED BY THE CADARA, SHALL BE SUBMITTED TO BINDING ARBITRATION IN LIEU OF SUBMITTING ANY SUCH CLAIM TO A JUDICIAL PROCEEDING.

3. FOR PURPOSES OF THIS PLAT NOTE, BINDING ARBITRATION SHALL MEAN SUBMISSION OF ANY CLAIM DESCRIBED ABOVE BE SUBMITTED TO A SINGLE ARBITRATOR WHO MUST BE, AT A MINIMUM, A RETIRED COLORADO STATE DISTRICT COURT JUDGE OR FEDERAL DISTRICT COURT JUDGE OR THROUGH THE USE OF SUCH ORGANIZATION THAT SUCH RETIRED JUDGE MAY BE A MEMBER OF, INCLUDING SUCH ORGANIZATIONS AS THE JUDICIAL ARBITER GROUP OR ITS SUCCESSORS. IN SUCH ARBITRATION, THE COSTS AND EXPENSES OF ARBITRATION SHALL BE BORNE EQUALLY BY THE PARTIES AND SHALL BE CONDUCTED UTILIZING SUCH RULES OF PROCEDURE AS THE ARBITRATOR MAY REASONABLY ADOPT TO PROMOTE THE EFFICIENT AND ECONOMICAL RESOLUTION OF ANY SUCH CLAIM.

4. ALL FUTURE PURCHASERS OF ANY INTEREST IN THE PROPERTY ARE DEEMED TO HAVE ACCEPTED AND AGREED TO THE TERMS AND CONDITIONS OF THIS PLAT NOTE, WHICH IS RECORDED IN THE DOUGLAS COUNTY CLERK AND RECORDERS OFFICE AND IS DEEMED TO BE A COVENANT RUNNING WITH THE PROPERTY.

PLAT NOTES:

- TRACT C IS HEREBY DEDICATED TO THE TOWN OF PARKER AS RIGHT-OF-WAY FOR THE SUMMERSET LANE CUL-DE-SAC.
- BASIS OF BEARINGS FOR THIS SURVEY IS THE NORTH LINE OF THE NW1/4 OF THE NW1/4 OF SECTION 23 HAVING AN ASSUMED BEARING OF S89°54'19"E BETWEEN THE NW CORNER OF THE NW1/4 NW1/4 OF SECTION 23 A 3.25" ALUMINUM CAP LS#17666 IN A RANGE BOX AND THE NE CORNER OF THE NW1/4 NW1/4 OF SECTION 23 BEING A 2.5" ALUMINUM MONUMENT LS #6935
- THIS SURVEY IS BASED ON EXISTING MONUMENTS FOUND IN PLACE, AS SHOWN, DOCUMENTS OF RECORD AND THE TITLE COMMITMENT PROVIDED BY THE CLIENT.
- THE UNIT OF MEASURE USED FOR THIS SURVEY IS THE U.S. SURVEY FOOT.
- DATE OF SURVEY WAS OCTOBER 2020.
- 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.
- TRACT Z IS HEREBY ESTABLISHED AS A PARCEL TO BE RE-PLATTED IN THE FUTURE INTO BUILDABLE LOTS. AT SUCH TIME AS A REPLAT IS APPROVED FOR THIS TRACT, PUBLIC IMPROVEMENTS ASSOCIATED WITH THE RESULTING LOTS WILL BE DETERMINED BY A SIGNED AND FINANICALLY SECURED SUBDIVISION AGREEMENT WITH EACH REPLAT APPLICATION. NO PORTION OF THE TRACT SHALL BE DEVELOPED, INCLUDING BUT NOT LIMITED TO, STAKING, OVERLOT GRADING, OR THE ERECTION OF ANY STRUCTURE, TEMPORARY OR OTHERWISE, UNTIL THE PROPERTY IS RE-PLATTED AND/OR SITE PLAN APPROVAL IS OBTAINED, EXCEPT AS ALLOWED FOR IN THE PARKER TOWNHOMES CONSTRUCTION PLANS.

"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."

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TOWNHOMES AT PINE DRIVE
PARKER TOWNHOMES, LLC

PARKER, CO

ISSUED DATE: 10-05-21

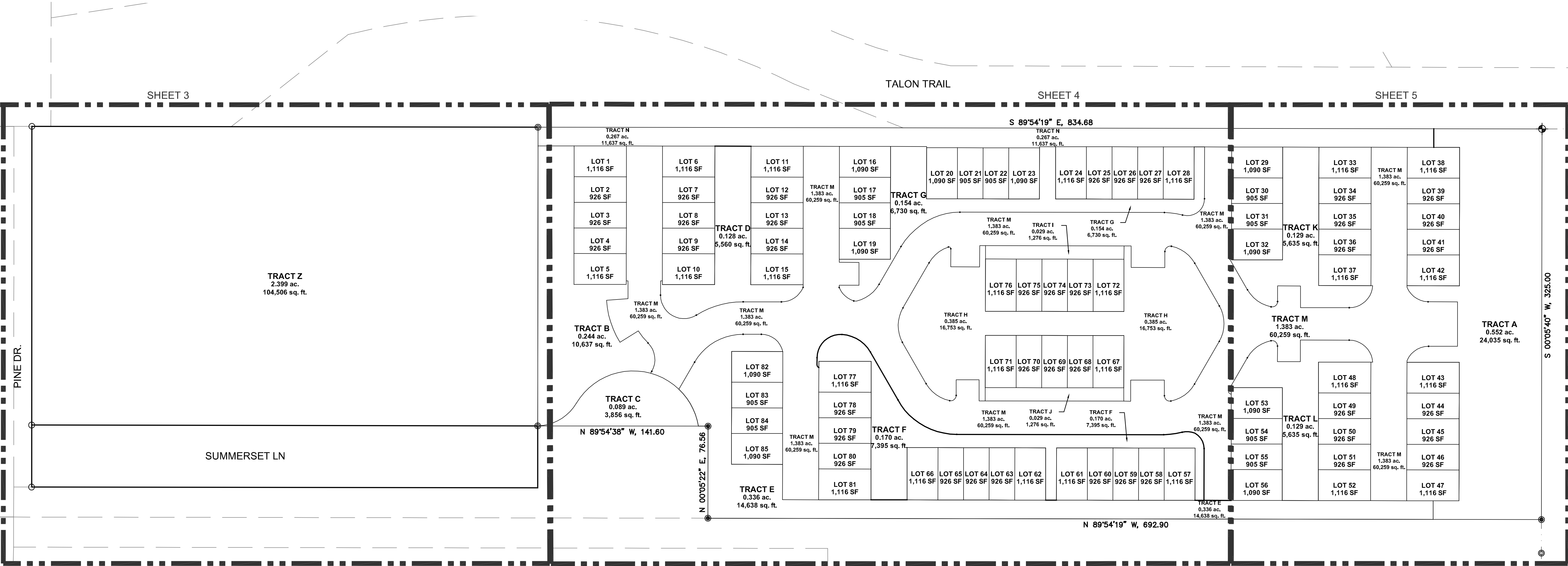
PROJECT NUMBER: 20002

SHEET 1 OF 6

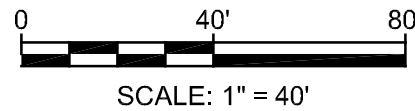
TOWNHOMES AT PINE DRIVE PRELIMINARY PLAT

A PORTION OF THE NORTHWEST 1/4 OF NORTHWEST 1/4 OF SECTION 23,
TOWNSHIP 6, RANGE 66 WEST, 6TH P.M.,
TOWN OF PARKER, COUNTY OF DOUGLAS,
STATE OF COLORADO
5.98 ACRES, TOWNHOME 85 UNITS

- LEGEND:
- SUBDIVISION PROPERTY BOUNDARY LINE
 - EASEMENT LINE
 - LOT LINE
 - RIGHT-OF-WAY
 - ROAD CENTERLINE



OVERALL PROPERTY / PAGE INDEX



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PARKER, CO

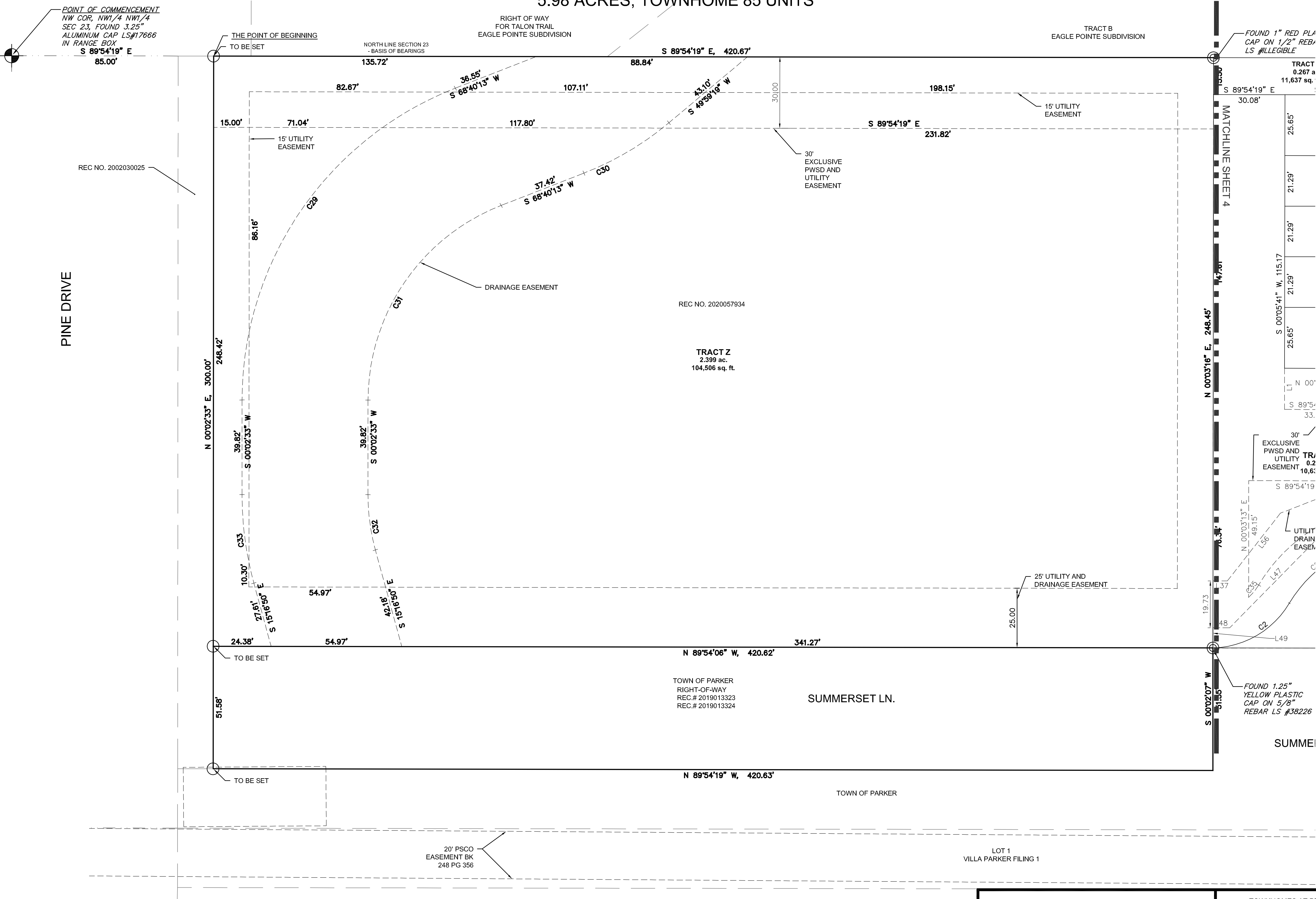
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PROJECT NUMBER:	20002
SHEET 2 OF 6	

TOWNHOMES AT PINE DRIVE PRELIMINARY PLAT

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STATE OF COLORADO
5.98 ACRES, TOWNHOME 85 UNITS

LEGEND:

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- LOT LINE
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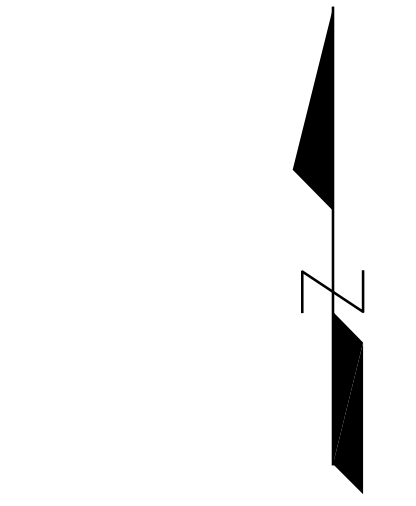
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PARKER TOWNHOMES, LLC
PARKER, CO

ISSUED DATE:	10-05-21
PROJECT NUMBER:	20002
SHEET 3 OF 6	

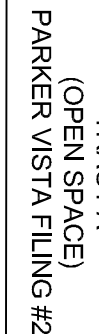
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TOWN OF PARKER, COUNTY OF DOUGLAS,
STATE OF COLORADO
5.98 ACRES, TOWNHOME 85 UNITS

_____ SUBDIVISION PROPERTY BOUNDARY LINE
 - - - - - EASEMENT LINE
 _____ LOT LINE
 _____ RIGHT-OF-WAY
 - . . - . . ROAD CENTERLINE



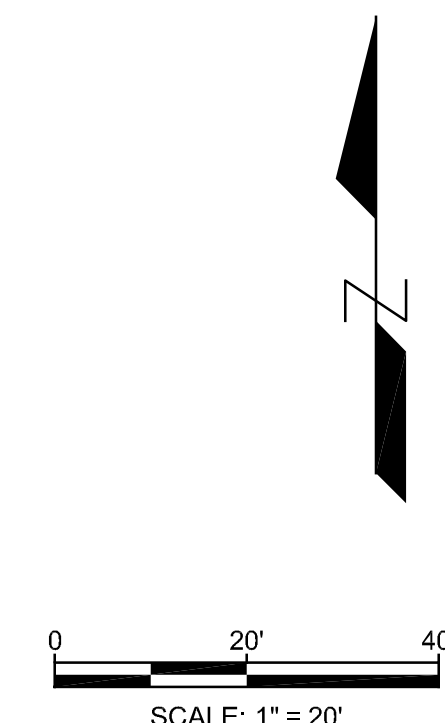
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STATE OF COLORADO
5.98 ACRES, TOWNHOME 85 UNITS

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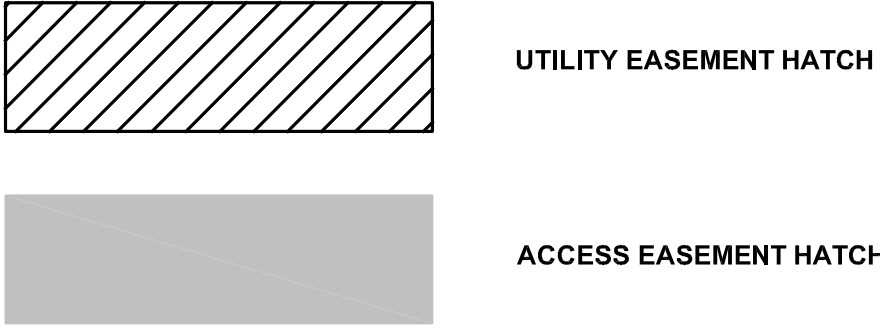
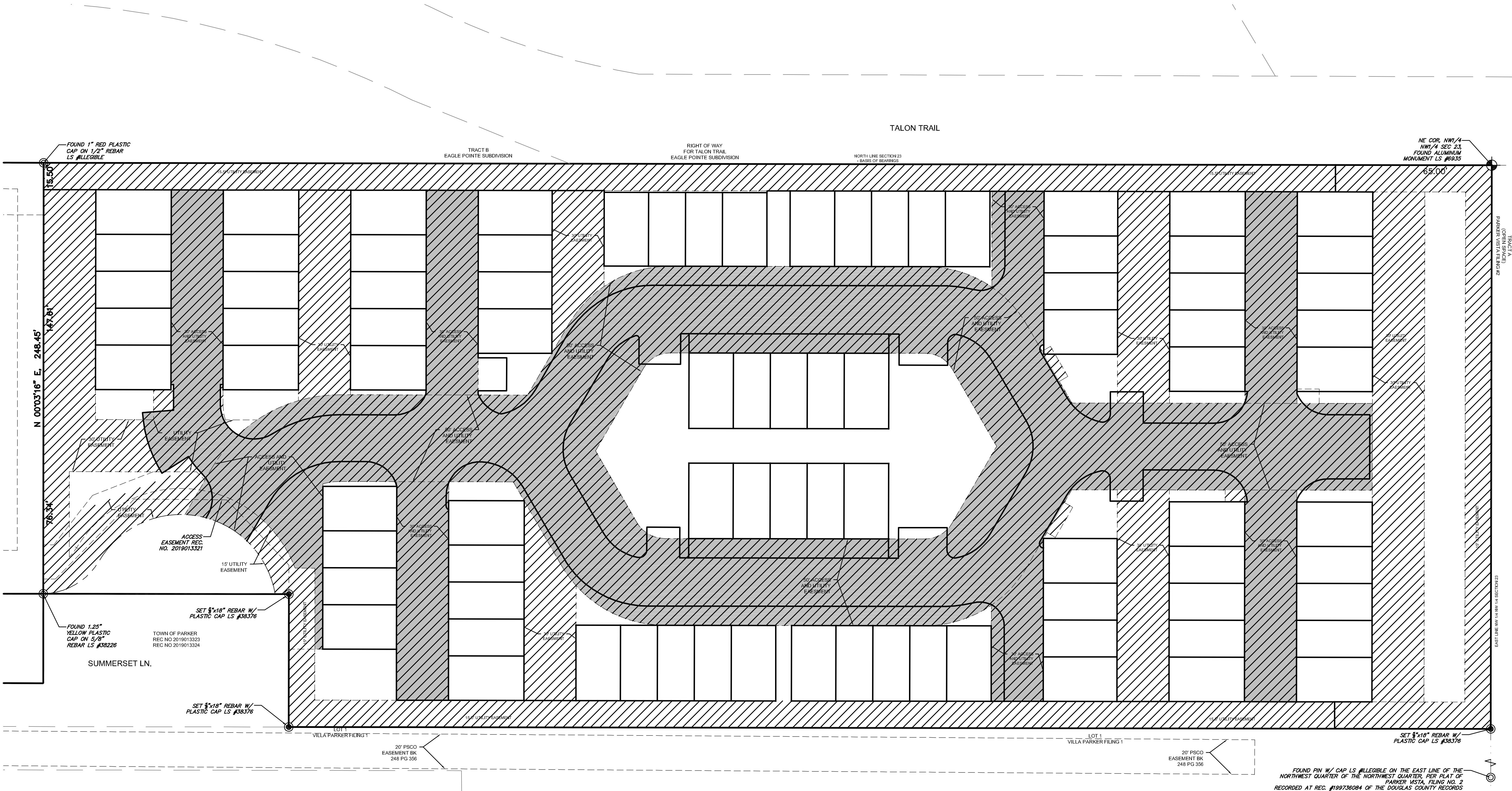
C78	24.69	18.30	77°18'38"	S51°15'00"E	22.86
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LINE TABLE		
LINE #	BEARING	DISTANCE
L62	N89°54'19"W	1.50
L63	S00°05'41"E	11.92
L64	S89°54'19"E	18.23
L65	N00°13'11"E	15.00
L66	S89°54'19"E	31.76
L67	N89°46'49"W	24.00
L68	N00°05'41"E	2.20
L69	S00°05'41"E	2.62
L70	S89°54'19"E	16.47
L71	S00°05'41"E	19.00
L72	N89°54'19"W	16.47
L73	S00°05'41"W	1.92
L74	S00°13'10"W	17.64
L75	N89°46'49"W	4.82
L76	N00°05'41"E	11.08
L77	N30°04'58"E	36.34
L78	S89°54'19"E	5.76
L79	N00°05'41"E	17.58
L80	S89°54'19"E	28.00
L81	N00°05'41"E	5.50
L82	S28°54'19"E	30.74
L83	N00°05'41"E	12.99
L84	S89°54'19"E	19.00
L85	S00°05'41"E	18.00
L86	N89°54'19"W	1.46
L87	S00°05'41"E	1.35
L88	S00°05'41"W	12.99
L89	N89°54'19"W	0.22
L90	S60°05'41"E	5.62
L91	S89°53'18"E	24.54
L92	N89°54'19"W	24.00
L93	N60°05'41"E	5.62
L94	S00°05'41"E	1.34
L95	S89°54'19"E	1.50
L96	N29°54'19"W	20.00
L97	N00°05'41"E	18.00
L98	S89°54'19"E	19.00
L99	S00°05'41"E	12.99
L100	N89°54'19"W	12.84
L101	S00°13'11"E	13.35
L102	N30°05'41"E	30.74
L103	N89°46'49"W	28.00
L104	N00°13'30"E	17.91
L105	S00°10'20"W	5.78
L106	N00°05'41"E	5.30
L107	N89°54'19"W	5.97
L108	N00°05'41"E	8.28
L109	S00°05'41"E	11.08
L110	S00°05'41"E	11.08
L111	S89°54'19"E	30.66
L112	N89°54'38"W	11.45
L113	S89°54'19"E	73.50
L114	S00°05'41"E	6.83
L115	S59°54'19"E	5.62
L116	S30°05'41"W	20.00
L117	N59°54'19"W	5.62
L118	N89°54'19"W	13.64



TOWNHOMES AT PINE DRIVE PRELIMINARY PLAT

A PORTION OF THE NORTHWEST 1/4 OF NORTHWEST 1/4 OF SECTION 23,
TOWNSHIP 6, RANGE 66 WEST, 6TH P.M.,
TOWN OF PARKER, COUNTY OF DOUGLAS,
STATE OF COLORADO
5.98 ACRES, TOWNHOME 85 UNITS



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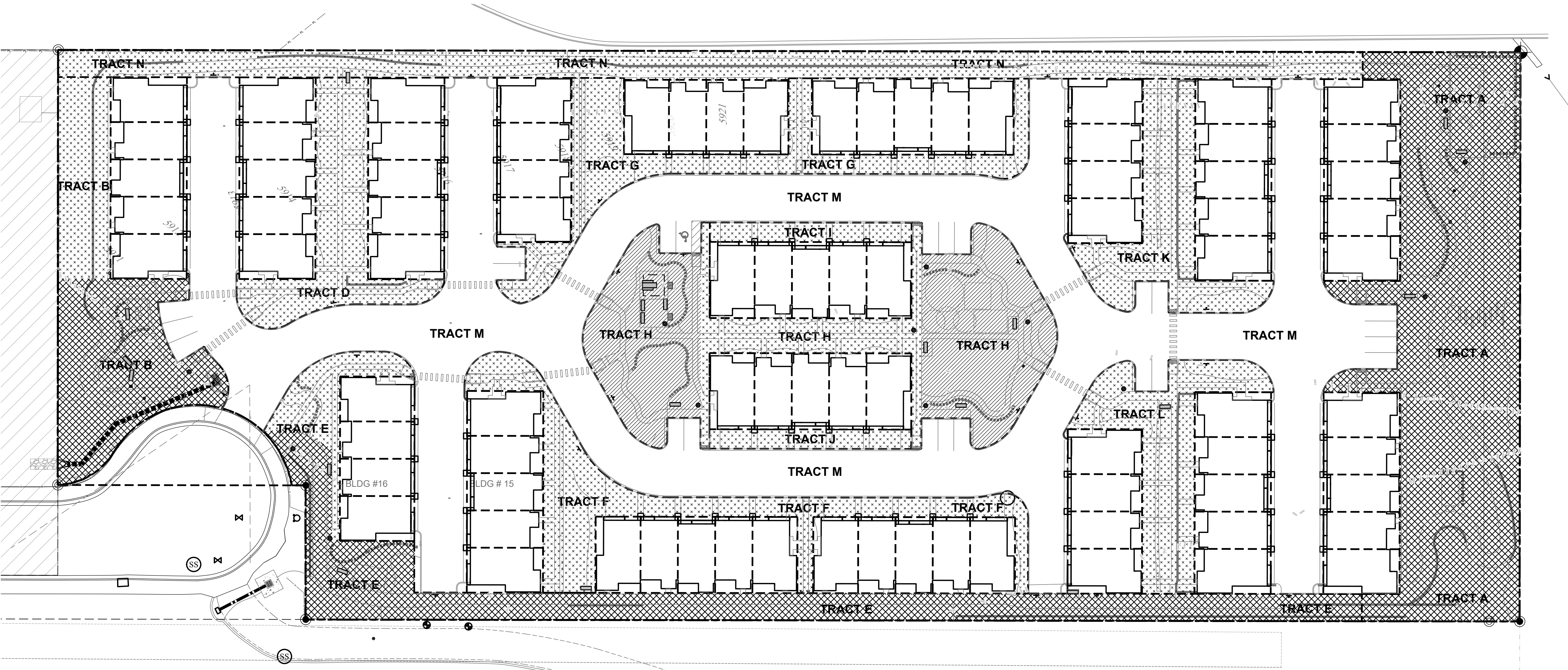
TOWNHOMES AT PINE DRIVE
PARKER TOWNHOMES, LLC
PARKER, CO

ISSUED DATE:	10-05-21
PROJECT NUMBER:	20002
SHEET 6 OF 6	

05-SKETCH/PRELIMINARY LANDSCAPE PLAN TOWNHOMES AT PINE DRIVE

A PORTION OF THE NORTHWEST 1/4 OF NORTHWEST 1/4 OF SECTION 23,
TOWNSHIP 6, RANGE 66 WEST, 6TH P.M.,
TOWN OF PARKER, COUNTY OF DOUGLAS,
STATE OF COLORADO
5.98 ACRES, 260,489 SF (85 TOWNHOME UNITS)

Sheet 17 of 28



PARK/OPEN SPACE PLAN

PARK AREA NOTE: ALL PARK SPACE AREAS WILL BE APPROPRIATELY LANDSCAPED.
REFER TO LANDSCAPE PLAN.

TRACT/EASEMENT NOTE

FOR TRACT AND EASEMENT INFORMATION REFER TO PRELIMINARY PLAT BY 2N CIVIL.

OPEN SPACE & PARK AREA LEGEND			
SYMBOL	DESCRIPTION	AREA SF	AREA ACRE REQ/PROV.
	PARK AREA: 1 ACRE CONTINUOUS (TRACT A AND B) REQUIRED: 43,560 SF	45,670 SF	
	PARK AREA	13,050 SF	
	TOTAL PARK AREA 51,400 REQUIRED	56,720 SF	1.18/1.30
	OPEN SPACE REQUIRED: 54,450 SF	54,487 SF	1.25/1.25
	TOTAL: 111,207 SF	111,207 SF	

NOT TO SCALE NORTH
NOT FOR CONSTRUCTION

ROCKY MOUNTAIN GROUP
ARCHITECTS
Geotechnical
Mechanical
Electrical
Civil/Planning
Environmental
Forensics
RMG
ROCKY MOUNTAIN GROUP
14 INVERNESS DR., E. SUITE E-100, BOULDER, CO 80501
1303.688.9475 WWW.RMGENGINEERS.COM
BOULDER, COLORADO, DENVER, METRO, NORTHERN COLORADO

TOWNHOMES AT PINE DRIVE
10940 PINE DR. PARKER, COLORADO 80138
PARKER TOWNHOMES, LLC
These plans are prepared solely for the use of the client and are not to be used for any other purpose without the express written consent of RMG. RMG is not responsible for any errors or omissions in these plans or for any consequences arising from the use of these plans.

LANDSCAPE PLAN
PROJECT STATUS
SKETCH/PRELIMINARY PLAN

ARCHENG: KEM
DRAWN: DWJ
CHECKED: km
DATE
12.21.2020
REVISION
DATE
PER COMMENTS 4-16-21
PER COMMENTS 6-22-21
PER COMMENTS 8-11-21
PER COMMENTS 9-16-21
PER COMMENTS 10-7-21
JOB NO. 178236
SHEET NO. L1.3



Request for Town Council Action

Date: December 6, 2021

Submitted By: Stacey Nerger, Senior Planner
John Fussa, Community Development Director

Reviewed By: Michelle Kivela, Town Administrator

Title: **STROH RANCH FILING NO. 14 LOT 3 XCEL GAS
REGULATOR STATION - Use by Special Review**
Applicant: Cheryl Diedrich, Public Service Company of
Colorado
Location: Southwest corner of Parker Road and J.
Morgan Boulevard
Department: Community Development, Stacey Nerger
TRAKiT Z21-002
No.:

EXECUTIVE SUMMARY

The applicant, Public Service Company of Colorado, is requesting Use by Special Review approval to upgrade an existing natural gas regulator station. The site is located on the west (southbound) side of Parker Road south of the intersection with J. Morgan Boulevard.

The LDO requires that the Council shall consider the following factors in making its decision on the proposed UBSR for utilities:

1. Whether the public utility is compatible with the surrounding area;
2. Whether the public utility is in harmony with the character of the surrounding area;
3. The effect of the public utility upon the immediate area;
4. The effect of the public utility upon future development of the area;
5. Whether the proposed height limitations, setbacks, lot area and open space are sufficient to mitigate the impacts of the proposed use by special review on the surrounding area;
6. Whether land surrounding the public utility can be planned in coordination with the public utility;
7. Whether the public utility is in conformity with the master plan;
8. Whether the existing and proposed streets are adequate to carry anticipated traffic in the vicinity of the public utility;
9. Whether adequate open space and visual corridors are preserved;
10. Whether the public utility fosters a desirable and stable environment;
11. Whether the public utility makes possible the innovative and efficient use of the subject property;

12. Whether the public utility would exacerbate a natural hazard; and
13. Whether there are reasonably available and economically feasible alternatives for the public utility.

STAFF RECOMMENDATION

Approve with Conditions

BACKGROUND/DISCUSSION

The applicant, Public Service Company of Colorado d/b/a Xcel Energy, is requesting Utility Use by Special Review (UbSR) approval to upgrade an existing natural gas regulator station on their easement area near the southwestern corner of the intersection of Parker Road and J. Morgan Boulevard. Xcel Energy has been upgrading their facilities within the Parker area to meet the substantial increase in demand for natural gas created by new development. The proposed expansion of the natural gas regulator station, along with the construction of additional connections to the existing natural gas pipeline under Parker Road, will support an increase in the capacity of the natural gas distribution network required for the southern section of the Town and adjacent areas.

The proposed upgrades to the natural gas regulator station are located within the existing easement area, but the applicant will be enlarging the station and acquiring the parcel in fee simple ownership. If the Town Council approves the UbSR application, the expanded regulator station will continue to be unstaffed, but Xcel employees will make periodic visits for inspection and maintenance purposes only.

The applicant has also submitted a Site Plan application #SP21-072 for the proposed natural gas regulator station that is currently under review and would be approved administratively if the Town Council approves the UbSR application. The applicant will be required by the Land Development Ordinance (LDO) standards to fully screen the proposed facility and comply with all landscaping requirements.

The Planning Commission heard this request on November 18, 2021 and recommended unanimous approval.

FINANCIAL IMPACT

N/A

STRATEGIC GOAL(S)



DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH



INNOVATE WITH
COLLABORATIVE
GOVERNANCE

ATTACHMENTS

1. Vicinity Map_1
2. Planning Commission Staff Report

3. Applicant's Conceptual Plan Layout

RECOMMENDED MOTION

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

1. The Use by Special Review exhibits, submitted to the Town on October 29, 2021, will be the approved plan set. Any alteration or modification will require the applicant to file for an amendment to the approved set.
2. The parallel project applications for Stroh Ranch Filing No. 14 Amendment No. 1 Replat (Case No. SUB21-038) and Stroh Ranch Filing No. 14 Amendment No. 1 Lot 3 Site Plan (Case No. SP21-072) must be approved and, in the case of the replat, be recorded, before this Use by Special Review approval can be issued.

Stroh Ranch Filing No. 14 Lot 3

Xcel Regulator Station Use by Special Review





Planning Commission Staff Report

Planning Commission Date: 11/18/2021

Town Council Date: 12/6/2021

Hearing Type: Public Hearing
Stroh Ranch Filing No. 14 Lot 3 – Xcel Gas Regulator Station
TRAKiT No(s): Z21-002

Location: Southwest corner of Parker Road and J. Morgan Blvd.

Project Planner: Stacey Nerger, Planner

Applicant: Cheryl Diedrich, PSCo

Executive Summary: The applicant, Public Service Company of Colorado, is requesting a Use by Special Review to upgrade an existing gas regulator station. The site is located on the west side of Parker Road south of J. Morgan Blvd.

Staff Recommendation: Approval with Conditions

RECOMMENDED MOTION

“I move the Planning Commission recommend Town Council approve the Stroh Ranch Filing No. 14 Lot 3 Use by Special Review subject to the following conditions:”

- 1. The Use by Special Review Exhibits, submitted to the Town on October 29, 2021, will be the approved plan set. Any alteration or modification will require the applicant to file for an amendment to the approved set.*
- 2. The parallel project applications for Stroh Ranch Filing No. 14 Amendment No. 1 Replat (Case No. SUB21-038) and Stroh Ranch Filing No. 14 Amendment No. 1 Lot 3 Site Plan (Case No. SP21-072) must be approved and, in the case of the replat, be recorded, before this Use by Special Review approval can be issued.*

ALTERNATIVE MOTIONS

“I move the Planning Commission recommend Town Council approve the Stroh Ranch Filing No. 14 Lot 3 Use by Special Review.”

“I move the Planning Commission recommend Town Council deny the Stroh Ranch Filing No. 14 Lot 3 Use by Special Review 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 Stroh Ranch Filing No. 14 Lot 3 Use by Special Review to a future date."

BACKGROUND/DISCUSSION

The applicant, Public Service Company of Colorado, also known as Xcel Energy, is proposing to upgrade an existing natural gas regulator station on the property. The property is located at the southwest corner of Parker Road and J Morgan Boulevard. With the increase in demand created by new development, Xcel Energy has been upgrading its facilities within this corridor, including the regulator facility that is the subject of this request and report. The proposed upgrades will be located within the existing easement but the applicant will be enlarging the station and acquiring the parcel in fee. The proposed regulator station will continue to be an unstaffed station with visits to the site for planned maintenance only.

Vicinity Map



I. PRIOR ACTIONS

Date	Action
June 18, 1984	The Property was Annexed and Zoned as part of the Stroh Ranch Development.
November 11, 1999	The property was platted as part of Stroh Ranch Filing No. 14

II. CURRENT SITE DATA

Existing Zoning	PD - Planned Development		
Overlay District	Title 32 Overlay District		
PD & Plan Area	Stroh Ranch Planned Development		
Master Plan Area	Community Center		
Site Acreage	1,600 square feet or 0.037 acre (easement area)		
Subdivision	Stroh Ranch Filing No. 14		
Existing Use	Vacant		
Surrounding Uses			
	Master Plan Land Use	Zoning	Existing Use
North	Community Center	PD - Planned Development	Residential – Creekside Meadows Townhomes
South	Community Center	PD - Planned Development	Vacant Commercial
East	Low Density Residential	PD - Planned Development	Parker Road and Residential – Robinson Ranch
West	Community Center	PD - Planned Development	Vacant Commercial and Residential- Ironstone Condominiums

III. PARKER 2035 MASTER PLAN

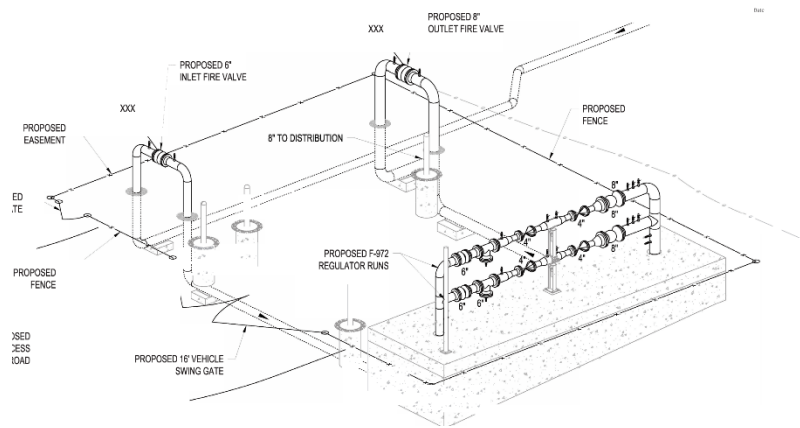
[Parker 2035 Master Plan | Town of Parker - Official Website](#)

MASTER PLAN CONSISTENCY	
Master Plan Designation	Community Center ☒ Consistent ☐ Inconsistent
Master Plan Character Discussion	Community Centers: Community Centers have a larger market area than Neighborhood Centers, serving multiple neighborhoods. Typical uses include retail and personal/business services. Other compatible uses such as small offices, recreational and restaurants are also permitted. The total Gross Leasable Area for the commercial/office components within an entire Community Center should range from a combined 250,000 to 500,000 square feet.

Consistent Goals/Strategies	Land Use 1.A Land Use 1.B Public Services and Facilities 1
Staff Analysis	The subject property is located in the Community Center Character Area located at the intersection of Parker Road and Stroh Road. The surrounding area consists of a major commercial corridor to the south and west with higher density residential to the north and then lower density residential to the east and further west. This area is intended to provide commercial uses and higher density residential uses that serve the community. As the southwest area of the Town of Parker as well as the surrounding areas within Unincorporated Douglas County and Castle Pines have continued to develop and grow a need to increase capacity for utility services has increased. The requested Use by Special Review is consistent with the specific Goals/ Strategies of the Master Plan by ensuring Town residents receive high quality utility service, while protecting utility company investments, as well as the following: 1. Provide sustainable and reliable public services to Town residents, businesses and visitors in an efficient and effective manner. 1.I. Keep pace with demand and anticipated needs related to utilities and communication technology. Minimize the aesthetic and environmental impacts of transmission and distribution systems and facilities. Based on this analysis, staff has determined that the request is consistent with the Parker 2035 Master Plan.

IV. DESIGN REVIEW

The proposed upgrade of the existing aboveground gas regulator station along with the construction of additional tie-ins to the natural gas distribution pipeline within Parker Road will allow for the increase in capacity to the natural gas network needed for this area of the Town. Construction access as well as temporary access to the facility will be from J Morgan Blvd. to the facility. All aboveground equipment, fencing and access will require review and approval of a Site Plan.



V. APPROVAL CRITERIA

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

1. The public utility is compatible with the surrounding area.

Applicant's Response

The Project is required to provide consistent, reliable natural gas service to meet the demand from community growth in the area. The permanent regulator station footprint will be small in size, occupying a 40-foot-by-40-foot fee owned property. The regulator station is expanding the preexisting regulator station at this location. Therefore, the Project will be compatible with the surrounding area.

Staff Response

The proposed regulator station will be constructed on a lot within the Stroh Ranch Planned Development. This portion of Stroh ranch has a Mixed Use designation which allows for a wide variety of retail, office and residential uses. There is currently an existing regulator station on the property, this proposal is to increase capacity which requires the regulator station to be reconstructed and larger. The location of the proposed regulator station will be similar to the existing station and screened from view by existing trees. Additional screening will also be provided when the surrounding lots develop.

2. The public utility is in harmony with the surrounding area;

Applicant's Response

The Project will be located in an area with existing natural gas infrastructure. The regulator station will be fenced (see Item 9 within this section). The natural gas pipeline will be buried underground and therefore not visible after construction and restoration. Therefore, the Project will be in harmony with the character of the surrounding area.

Staff's Response

The proposed regulator station will be located on a 40-foot-by-40-foot easement at the northeastern portion of the property. The upgraded regulator station will be located within an existing easement. The proposed upgraded regulator station will be located within an existing easement that will not restrict the future development of the property for

commercial uses. Existing mature evergreen trees as well as fencing will help screen the regulator station from view of the adjacent properties and roadways.

3. The effect of the public utility on the immediate area;

Applicant's Response

The Project is required to provide natural gas service to the immediate area. Natural gas regulator stations and pipelines are a passive use of land and will have minimal permanent land use impacts.

Staff's Response

Construction of the upgraded regulator station will provide a stable power source for the immediate area. The upgraded facility is necessary to support the increased demand for natural gas. The Town Master Plan recommends additional commercial and residential development in the area. In addition, the Unincorporated Areas of Douglas County to the south will also continue to development with residential and commercial uses.

4. The effect of the public utility upon future development of the areas;

Applicant's Response

The Project will not have an adverse effect on future development of the area; indeed, the Project is required to provide consistent, reliable natural gas service to meet the demand from community growth in the area.

Staff's Response

Construction of the regulator station will support additional development and growth in the area. It is therefore consistent with the Master Plan as indicated in criteria number 3.

5. The proposed height limitation, setbacks, lot area and open space are sufficient to mitigate impacts of the proposed use by special review on the surrounding areas;

Applicant's Response

The Project will be located in an area with existing natural gas infrastructure. Natural gas regulator stations are common throughout Colorado's Front Range and represent a passive use of land, generating few impacts to the surrounding areas. The permanent Project footprint will be small in size, occupying a 40-foot-by-40-foot area. A Trex fence and the existing mature trees on the property will screen this area from view from the surrounding area. See also the response to Item 9 within this section.

Staff's Response

The proposed regulator station will be located on a proposed tract to be created and owned by Xcel. All requirements of the Stroh Ranch Planned Development Guide will be reviewed and approved as part of a future site plan application. The regulator station will be enclosed within a fenced in area.

6. The land surrounding the public utility can be planned in coordination with the public utility,

Applicant's Response

As PSCo provides natural gas service within the Town of Parker, PSCo is a referral agency for projects proposed within the Town of Parker and will continue to coordinate with the Town of Parker in this capacity. PSCo has coordinated with the property owner to site the Project in order to accommodate future plans for development of this property (not subject to this Use by Special Review application).

Staff's Response

An Xcel regulator station is currently located on the property. The applicant has worked with the property owner to minimize the impact to the future development of the property. Construction of the regulator station and the increased capacity for natural gas will support development opportunities on adjacent sites.

7. The public utility is in conformity with the Master Plan.

Applicant's Response

PSCo reviewed the Town of Parker Master Plan (Town of Parker 2018) to determine the Project's consistency with the Master Plan. The Project is subject to several goals and strategies outlined within Chapter 6: Land Use, Chapter 8: Housing and Neighborhoods, Chapter 9: Jobs and Economic Vitality, and Chapter 11: Public Services and Facilities of the Master Plan. The Project's consistency with applicable goals and strategies is discussed in the subsequent text.

Chapter 6: Land Use

Strategy 1.B. Ensure that growth occurs in a manner that balances the pace of development with the ability of the Town and special districts to provide quality services and capital improvements, such as utilities, transportation, parks and open space and police protection.

This Project will reinforce and enhance the existing natural gas system infrastructure in the area. It will contribute to enhancing and promoting the welfare of the area and adjacent properties by providing safe, reliable, and economical natural gas services for current and future residents and businesses.

Chapter 8: Housing and Neighborhoods

Goal 1. Preserve and protect the quality of life within our existing residential neighborhoods.

The Project will be located in an area with existing natural gas infrastructure. The Project will connect to and support existing natural gas pipeline infrastructure and is crucial to support the new residential development and the associated increasing demand for natural gas in the area served by the Project.

Chapter 9: Jobs and Economic Vitality

Strategy 2.A. Nurture and support established businesses and ensure adequate opportunities for future and expanded commercial activity within designated areas of Town, as specified on the General Land Use Plan.

The Project will connect to and support existing natural gas pipeline infrastructure and is crucial to support the new residential and commercial development and the associated increasing demand for natural gas in the area served by the Project. Commercial centers identified on the General Land Use Plan (Town of Parker 2019) include the area surrounding the intersection of South Parker Road and Hess Road, approximately 0.5 mile north of the regulator station, and the area surrounding the intersection of South Parker Road and Stroh Road, approximately 0.5 mile south of the regulator station. The Project already provides natural gas service to both of these areas.

Chapter 11: Public Services and Facilities

Strategy 1.I. Other Utilities and Communication

Keep pace with demand and anticipated needs related to utilities and communication technologies.

PSCo provides natural gas service to the Town of Parker. The Project will connect to and support existing natural gas pipeline infrastructure and is crucial to support the new residential and commercial development and the associated increasing demand for natural gas in the area served by the Project.

Minimize the aesthetic and environmental impacts of transmission and distribution systems and facilities.

Natural gas regulator stations are common throughout the Colorado's Front Range and represent a passive use of land, generating few impacts to the surrounding areas. During construction, erosion and stormwater Best Management Practices (BMPs) will be implemented to minimize impacts to adjacent areas. Vegetated areas will be reseeded and returned to pre-construction conditions to stabilize the soil and prevent the emergence of noxious weeds.

This regulator station will be fenced (see Item 9 within this section). The permanent Project footprint will be small in size, occupying a 40-foot-by-40-foot area. A Trex fence and the existing mature trees on the property will screen this area from view. An approximately 26-foot- wide private access drive will connect the proposed regulator station site to the existing J Morgan Boulevard.

The natural gas pipeline will be buried underground and therefore not visible after construction and restoration.

Support the development and use of alternative energy sources.

PSCo invests in renewable energy sources to deliver clean energy in the most economical way. Under the Colorado Energy Plan, by 2026 more than half of the energy delivered by PSCo will come from low-cost, clean energy sources. PSCo plans to reduce carbon emissions 60 percent in less than a decade and has a bold vision to deliver 100 percent carbon-free electricity to customers by 2050.

Staff's Response

The Town's Master Plan makes these recommendations pertaining to public services and facilities:

1. Provide sustainable and reliable public services to Town residents, businesses and visitors in an efficient and effective manner.
 - 1.I. Keep pace with demand and anticipated needs related to utilities and communication technology. Minimize the aesthetic and environmental impacts of transmission and distribution systems and facilities.

Construction of the regulator station will lead to a stable and reliable power supply. It will also allow Parker to keep pace with anticipated demands for electrical utilities. Staff finds the proposed substation and transmission line is in conformity with these goals.

8. The existing and proposed streets are adequate to carry anticipated traffic in the vicinity of the public utility.

Applicant's Response

No traffic congestion or hazards are anticipated due to operation of the Project. The private access drive will connect the proposed regulator station site to the existing J Morgan Boulevard; this access drive will not be authorized for public use.

Staff's Response

Xcel anticipates that this facility will receive one to two vehicle visits per month. The existing roadway network surrounding this site can accommodate this level of activity. In addition, the applicant will be required to construct a temporary access road into the site.

9. Adequate open space and visual corridors are preserved.

Applicant's Response

The Project is not located within designated open space.

The regulator station equipment will be enclosed by a 30-foot-by-40-foot 6-foot-high Trex composite security fence with one 16-foot-wide cantilever vehicle access gate and one 3-foot-wide pedestrian gate. The mature trees along the west side of South Parker Road and the south side of J Morgan Boulevard will provide screening of the regulator station from vehicular traffic on these roads.

The Project will require removal of up to three trees. One is an existing mature tree that is in the easement of the existing natural gas pipeline and must be removed to comply with

the U.S. Department of Transportation's Pipelines and Hazardous Materials Safety Administration (PHMSA) safety regulations. The other two trees are in the proposed access road easement and are required to be removed to meet Parker Fire and Life Safety requirements to accommodate emergency vehicles. One is a mature tree and the other is a recently planted sapling that PSCo can relocate or remove if required by the Town of Parker. A Tree Conservation Plan will be included in the Site Plan Application (submitted under separate cover). Removal of up to three trees will not significantly impact the existing visual corridors.

Staff's Response

The proposed site for the regulator station is currently located adjacent to Parker Road, but sits behind existing mature evergreen trees. With the proposed larger facility, views from surrounding properties, Parker Road and J Morgan Blvd will be blocked by the existing landscaping as well as the proposed solid screen fence. Additional mitigation will be provided by future development.

10. The public utility fosters a desirable and stable environment.

Applicant's Response

This Project will foster a desirable and stable environment by reinforcing and enhancing the existing natural gas system infrastructure in the area. It will provide safe, reliable, and economical natural gas services for current and future residents and businesses.

PSCo makes every effort to ensure safety and quality in construction, operation, and maintenance of all its facilities. PSCo safely operates many regulator stations and pipelines located in suburban areas and consistently meets or exceeds standards mandated by the PHMSA. PSCo's equipment is monitored remotely from an operations center through which event response is coordinated. In the event of an outage or other emergency, the equipment is instantaneously shut down, and PSCo personnel respond in coordination with the fire department and other first responders as needed. The regulator station and pipelines will undergo regular inspection and maintenance approximately once a month in accordance with federal, state, and local regulations.

Construction, operation, and maintenance activities that would require PSCo or its construction contractor to bring any hazardous materials onto the Project site would comply with applicable federal, state, and local laws and regulations regarding the use of hazardous substances. In its contract with the construction contractor, PSCo requires the contractor to comply with applicable laws. Construction and operations and maintenance activities will follow BMPs for the management of wastes to avoid and minimize impacts from potential spills or other releases to the environment.

If trenching uncovers previously unknown areas of contamination that are apparent, work will be stopped until the party responsible for such contamination has properly managed and/or disposed of such contamination.

Excavation damage is the most significant threat to natural gas pipelines, often because the individual or contractor who is digging is not aware of the natural gas pipeline's location even when pipeline markers are nearby. To prevent damage, state laws require notification to a "One-Call Center" prior to beginning excavation work or digging. PSCo is an active participant in the State of Colorado's one-call program to proactively prevent third-party damage to its infrastructure.

Interference or damage to the natural gas pipeline would be detected by PSCo employees using continuous electronic monitoring. In the case of an emergency, PSCo would follow their Gas Emergency Plan in Section 18 of PSCo's Pipeline Compliance & Standards Manual, which includes procedures and directions for emergency dispatch in the case of a natural gas pipeline emergency. Crews are available to respond to problems 24 hours a day. Local law enforcement would be contacted based on the type and degree of such an emergency.

In addition, PSCo uses its Integrity Management Program to proactively identify and address problems before they affect the safety and reliability of service. In Colorado, the Transmission Integrity Management Plan (TIMP) focuses on natural gas transmission pipelines, and the Distribution Integrity Management Program (DIMP) focuses on the maintenance of natural gas distribution pipelines. Both TIMP and DIMP are required by PHMSA, which directs PSCo to assess natural gas pipeline conditions, recheck them periodically, and develop and implement plans to ensure reliability and safety. Behind-the-scenes work for integrity management includes data acquisition, improvements in recording and documenting compliance work, and risk software that enables PSCo to identify and weigh the relative risks on various pipe segments.

Staff's Response

This proposed upgraded regulator station will allow this portion of the Town to receive the same natural gas service as historically provided. As identified within the Parker 2035 Master Plan, the following goals and strategies are satisfied as part of this proposal:

1. Provide sustainable and reliable public services to Town residents, businesses and visitors in an efficient and effective manner.
 - 1.I. Keep pace with demand and anticipated needs related to utilities and communication technology. Minimize the aesthetic and environmental impacts of transmission and distribution systems and facilities.

11. The public utility makes possible the innovative and efficient use of the subject property.

Applicant's Response

The permanent regulator station footprint will occupy a 40-foot-by-40-foot area. PSCo has coordinated with the property owner to site the Project in order to accommodate future plans for development of this property (not subject to this Use by Special Review application).

Staff's Response

This proposal will allow for a stable and reliable power source in a rapidly growing portion of Parker and Douglas County. It will therefore make possible the innovative and efficient use of surrounding sites.

12. Will the public utility exacerbate a natural hazard.**Applicant's Response**

No natural hazards have been identified on the property. See the response to Item 10 regarding PSCo's safety protocols.

Staff's Response

There are no known natural hazards within the vicinity of the subject property. Construction of the proposed regulator station at this location will not have materially adverse impacts upon water quality or air quality as the use will not generate airborne or waterborne pollutants.

13. Are there reasonable available and economically feasible alternative for the public utility.**Applicant's Response**

The regulator station is expanding the existing regulator station at this location. The Project will connect to and support existing natural gas pipeline infrastructure and is crucial to support the new residential and commercial development and the associated increasing demand for natural gas in the area served by the Project. There are no reasonably available or economically feasible alternatives for the Project.

Staff's Response

The need for the regulator station is driven by the current and forecasted growth of the area. The proposed facility will replace an existing facility to expand the capacity for natural gas within the area. The proposed location minimizes the impact of the proposed facility on the adjacent properties and is close to future growth and demand.

VI. SUMMARY REFERRAL AGENCY COMMENTS AND CONDITIONS

Agency	Comments
Parker Engineering	Plans and technical reports will be reviewed with the Site Plan and plat applications.
Douglas County Planning and Engineering	An address for the facility has been created. No other comments.
Fire Life Safety	No issues with the UBSR
Parker Water and Sanitation District	No comments

Town of Parker Building	Please contact the building division to determine possible permits.
CDOT	No comments
Comcast	Comcast has facilities in the area that will need to be protect in place during construction. No other objections.
IREA	Approved
CenturyLink	No comments
Ironstone Condominiums	No comments
Stroh Ranch HOA	No comments

VII. CONCLUSION

The proposed upgrade of the existing aboveground gas regulator station along with the construction of additional tie-ins to the natural gas distribution pipeline within Parker Road will allow for the increase in capacity to the natural gas network needed for this area of the Town. The site currently consists of an existing aboveground natural gas regulator station. The proposed upgrade would continue an existing use on the on the property, but increase capacity of the system to support existing residents and the continued growth in the area. Based on the above analysis, staff recommends that the Planning Commission recommend that Town Council approve the Stroh Ranch Filing No. 14 Lot 3 Use by Special Review request subject to the following conditions.

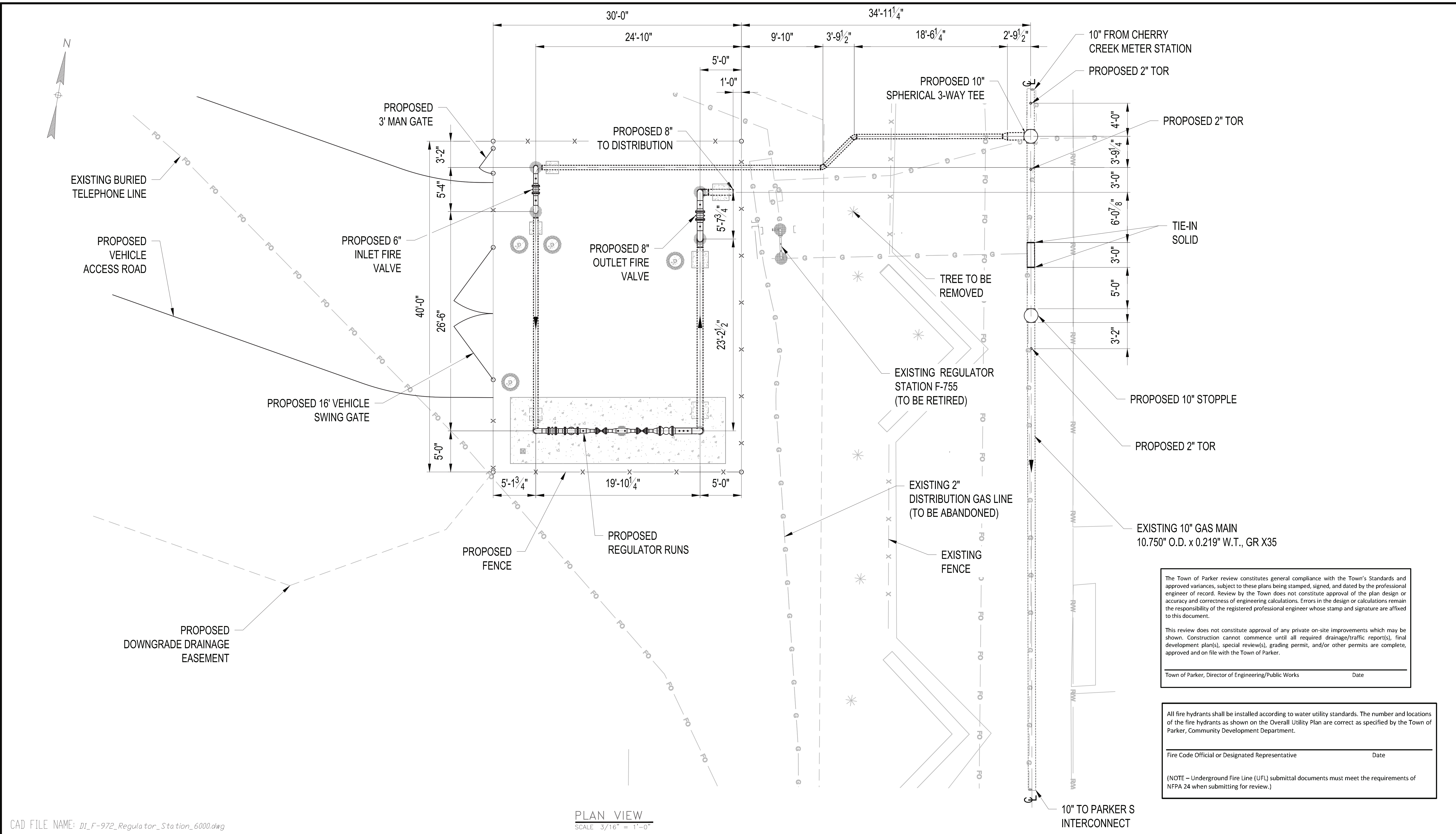
VIII. RECOMMENDED CONDITIONS

1. The Use by Special Review Exhibits, submitted to the Town on October 29, 2021, will be the approved plan set. Any alteration or modification will require the applicant to file for an amendment to the approved set.
2. The parallel project applications for Stroh Ranch Filing No. 14 Amendment No. 1 Replat (Case No. SUB21-038) and Stroh Ranch Filing No. 14 Amendment No. 1 Lot 3 Site Plan (Case No. SP21-072) must be approved and, in the case of the replat, be recorded, before this Use by Special Review approval can be issued.

IX. ATTACHMENTS

1. Referral Agency Comments
2. Applicant's Site Plan

Report Approved By: Bryce Matthews, Planning Manager



CAD FILE NAME: DI_F-972_Regulator_Station_6000.dwg

PLAN VIEW
SCALE 3/16" = 1'-0"

 FLOC: GD-0CPMF177C-RD132-RST0000F972	 9777 PYRAMID COURT, STE. 300 ENGLEWOOD, CO. 80112 TEL: 303-405-2799 WWW.ENENGINEERING.COM	HISTORY		DATE	REVISIONS			F-972 REGULATOR STATION PLAN VIEW PIPING			DRAWING 6102	
		DRAWN BY: MAM		10/12/20	NO.	DESCRIPTION	BY					DATE
		DESIGNED BY: NPA		10/07/20	A	ISSUED FOR PERMIT	JR	10/22/20	SERVICE CENTER: LDC - DENVER METRO			LOCATION: SEC34, T6S, R66W
		CHECKED BY: CRM		09/07/21	B	ISSUED FOR PERMIT	JS	08/19/21				
		APPROVED BY:			C	ISSUED FOR PERMIT	MT	09/07/21	DIVISION: EASTERN		CITY/COUNTY : PARKER/ DOUGLAS	TYPE: DISTRIBUTION
IN SERVICE DATE:												



Request for Town Council Action

Date: December 6, 2021

Submitted By: Julia Duncan, Associate Planner
John Fussa, Community Development Director

Reviewed By: Michelle Kivela, Town Administrator

Title: **KIME RANCH ANNEXATION**

Applicant: PCS Group

Location: Kime North Parcel; 7611 E. Parker Road

Department: Community Development, Julia Duncan

TRAKiT No.: ANX21-005; Z21-007

EXECUTIVE SUMMARY

The applicant, PCS Group, proposes to annex 7.5 acres of undeveloped land along East Mainstreet into the Town of Parker on behalf of property owner Century Land Holdings L.L.C. The subject land will be consolidated with an adjoining 35.4 acre parcel known as Kime Ranch that is already in the Town. The combined 42.9 acre site is proposed to be zoned Planned Development (PD) for medium density residential use with a maximum yield of 150 single-family residential lots. The proposed residential development will be similar in character to the adjacent Parker Vista and Sunset Ridge residential neighborhoods with regard to use, bulk standards and parks/open space.

The LDO requires that the Council shall consider the following factors in making its decision on the proposed zoning:

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;
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 subject property consists of two (2) parcels owned by Century Land Holdings, L.L.C. consisting of a 7.5 acre parcel located in Douglas County and a 35.4 acre parcel located in the Town. The applicant is proposing to annex the 7.5 acre vacant parcel into the Town and consolidate it with the adjacent 35.4 acres of land already in the Town. The large parcel that is known as Kime Ranch is developed with an existing single-family home, barn/stable and small accessory buildings. It is currently zoned A - Agricultural District for agricultural use pursuant to the Land Development Ordinance (LDO).

The applicant has submitted a rezoning application that is running concurrently with the annexation petition. The two (2) parcels having a total area of 42.9 acres are proposed to be zoned to Kime Ranch Planned Development (PD), which would permit a maximum of 150 single-family residential lots with associated parks and open space. The proposal will have a maximum density of 3.5 dwelling units per acre consistent with the Parker 2035 Master Plan that designates the subject property as part of the Medium Density Residential Character Area.

The annexation petition was submitted in accordance with the Municipal Annexation Act of 1965 (Title 31, Article 12, Part 1, C.R.S.) as described in the petition. The Town Clerk, as provided by the Act (C.R.S. § 31-12-107(1)f), referred the annexation petition to the Town Council as a communication. The Town Council, as provided by the Act (C.R.S. § 31-12-107(1)f), is required without undue delay to take appropriate steps to determine if the submitted annexation petition is in substantial compliance with State statute. The Town Council did so on October 25, 2021 by its approval of Resolution No. 21-043 entitled *"A Resolution Finding Substantial Compliance of the Kime Property's Annexation Petition with C.R.S. § 31-12-107 and Setting a Public Hearing on December 6, 2021, for the Purpose of Considering Said Annexation."*

Concurrent Annexation and Zoning

The Town Charter and Section 13.04.250 of the LDO require the concurrent annexation and zoning of land when annexation is proposed. The applicant proposes to rezone the subject land from A-Agricultural (Town) and RR-Rural Residential (County) to Kime Ranch PD for future medium density residential use. The proposed PD zoning would allow detached single-family homes; have a maximum residential density of 3.5 dwelling units per acre; permit a maximum residential yield of 150 lots; require all necessary infrastructure improvements; and incorporate at least 12.2 acres of parks and open space (3.58 acres parks, 8.58 acres open space). The proposed PD zoning includes bulk standards to regulate development intensity as follows:

- **Lot Area:** Minimum 5,500 s.f.
- **Lot Width:** Minimum 40 feet
- **Setbacks:** Minimum 20 feet front and rear, 5 feet side

- **Building Height:** Maximum 35 feet

The proposed Kime Ranch PD zoning use and bulk standards are consistent with the Master Plan designation of the subject property for medium density residential development and the established residential character of the adjacent Parker Vista and Sunset Ridge residential neighborhoods located in the Town. The proposed Kime Ranch PD will have a greater residential density than the existing residential neighborhood to the north in unincorporated Douglas County but this is a common occurrence wherever the Town borders the County and is mitigated by:

- **Use:** The proposed Kime Ranch PD containing detached single-family homes is fully compatible with adjacent residential properties from a use perspective.
- **Buffers:** The proposed Kime Ranch PD zoning requires a buffer of 40- to 70-feet to the existing residential properties in Douglas County to the north (see attached November 15, 2021 email).

Land Use Context

The Parker 2035 Master Plan designates most of the East Mainstreet corridor as part of the Medium Density Residential Character Area and the prevailing land use pattern reflects this policy direction. The existing land use context may be summarized as follows:

- **South of Subject Property:** The property to the south is the Willow Park residential neighborhood that was developed under the Willow Pointe South PD zoning. The PD zoning encompasses 103.7 acres and permits single-family residential use of up to 350 dwelling units at a residential density of 3.4 dwelling units per acre. The proposed Kime Ranch residential development is compatible with the Willow Park neighborhood as to use, density and bulk characteristics.
- **East of Subject Property:** The property to the east is the Sunset Ridge residential neighborhood that was developed under the Willow Pointe North PD zoning. The PD zoning encompasses 81.6 acres and permits single-family residential use of up to 392 dwelling units at a residential density of 4.8 dwelling units per acre. The proposed Kime Ranch residential development would be less dense than the Sunset Ridge neighborhood and is compatible with it as to use and bulk characteristics.
- **West of Subject Property:** The property to the west is the Parker Vista residential neighborhood that was developed under the Parker Vista PD zoning. The PD zoning encompasses 57 acres and permits single-family residential use of up to 220 dwelling units at a residential density of 3.9 dwelling units per acre. The proposed Kime Ranch residential development would be less dense than the Parker Vista neighborhood and is compatible with it as to use and bulk characteristics.

Master Plan

The proposed Kime Ranch annexation and zoning fulfill the Parker 2035 Master Plan goal of actively pursuing annexations to allow for continuity of services within the Town's Planning Area. The proposed PD zoning to allow single-family residential use with a maximum

residential yield of not more than 150 dwelling units at a maximum density of 3.5 dwelling units per acre is fully consistent with the Master Plan designation of the site as part of the Medium Density Residential Character Area.

Planning Commission

On November 4, 2021, the Planning Commission voted unanimously to recommend Town Council approve the proposed Kime Ranch PD zoning.

FINANCIAL IMPACT

N/A

STRATEGIC GOAL(S)



DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH

ATTACHMENTS

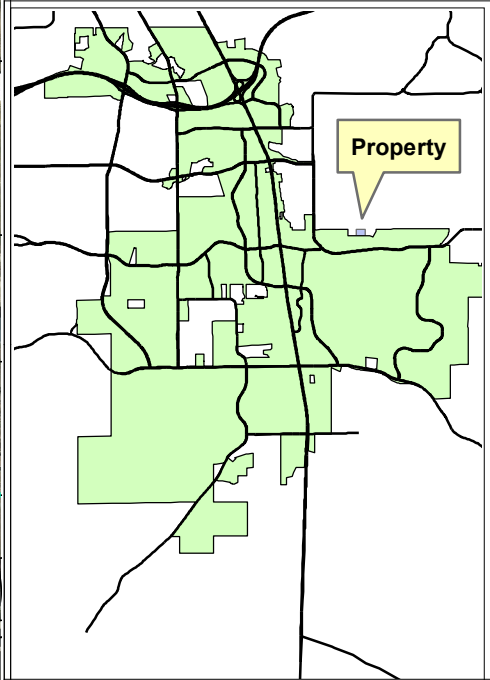
1. Vicinity Map
2. Planning Commission Staff Report Z21-007
3. Kime Ranch Development Guide
4. Kime Rezoning Map-Development Plan
5. Public Comment Letter
6. Email_Kime Ranch_Buffers and Water
7. Resolution No. 21-053
8. Ordinance 2.278
9. Ordinance 3.360
10. Annexation Agreement

RECOMMENDED MOTION

1. I move to approve Resolution No.21-053
2. I move to approve Ordinance No. 2.278 on second reading.
3. I move to approve Ordinance No. 3.360 on second reading.
4. I move to approve the Kime Ranch Annexation Agreement.

Kime Ranch Annexation

Annexation: Case No.ANX21-005
Zoning: Z21-007



Legend

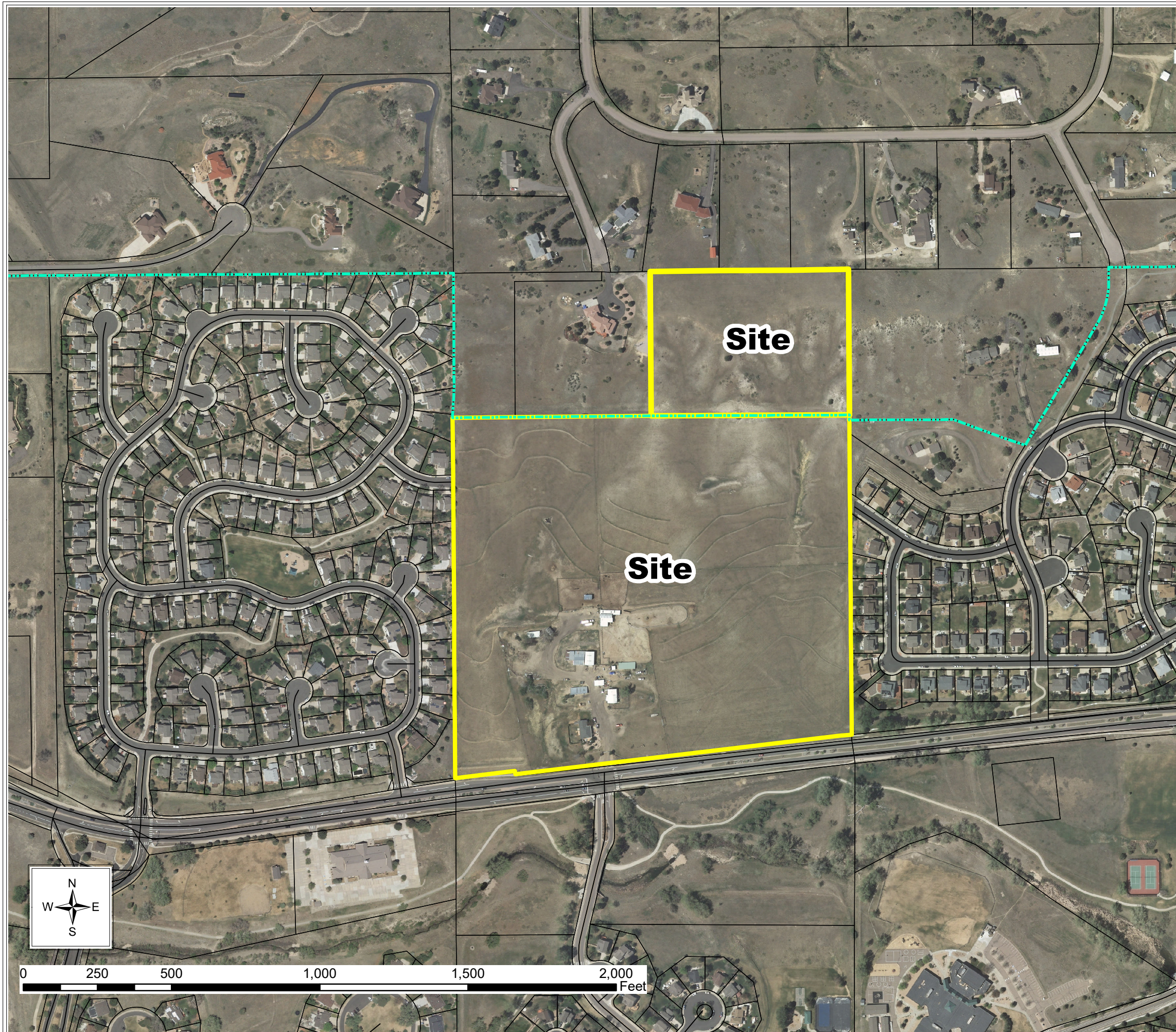
-  Site
-  Roads

Narrative:

Proposed annexation of approximately 7.5 acres from Dougals County into the Town of Parker. Rezoning to Kime Ranch Planned Development.

Planner: Julia Duncan
Hearing Schedules:

Town Council:
December 6, 2021



0 250 500 1,000 1,500 2,000 Feet



Planning Commission Staff Report

Planning Commission Date: 11/4/2021

Town Council Date: 12/6/2021

Hearing Type: Public Hearing
Kime Ranch – Zoning
TRAKiT No: Z21-007

Location: The site is located on the north side of Mainstreet at Willow Park Drive.

Project Planner: Julia Duncan, Associate Planner

Applicant: PCS Group, Applicant;
Century Land Holdings LLC., Owner

Executive Summary: The applicant, PCS Group, on behalf of the owner, Century Land Holdings LLC., proposes to annex 7.5 acres of undeveloped land along East Mainstreet into the Town of Parker. The subject land will be consolidated with an adjoining 35.41-acre parcel known as Kime Ranch that is already in the Town. The combined 42.91-acre site is proposed to be zoned Planned Development (PD) for residential use with a maximum 150 single-family residential lots

Staff Recommendation: Approval

RECOMMENDED MOTION

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

ALTERNATIVE MOTIONS

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

-List proposed conditions

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

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

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

I. BACKGROUND/DISCUSSION

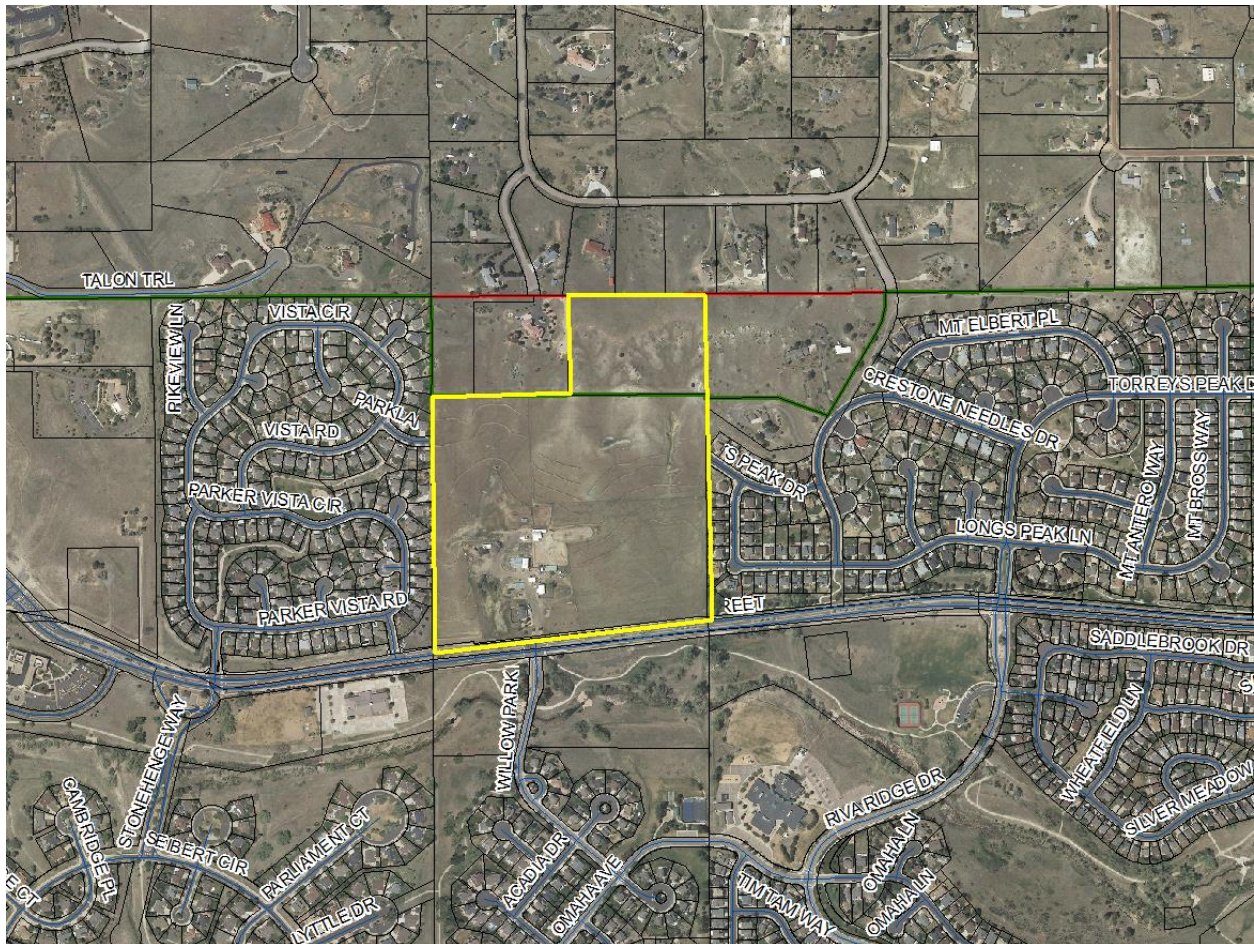
The subject property consists of two (2) parcels owned by Century Land Holdings, LLC, a 7.5-acre parcel located in Douglas County and a 35.41-acre parcel located in the Town. The applicant is proposing to annex the 7.5-acre vacant parcel into the Town and consolidate it with the adjacent 35.41 acres of land already in the Town. The large parcel that is known as Kime Ranch is developed with an existing single-family home, barn/stable and small accessory buildings. It is zoned A - Agricultural District for agricultural use pursuant to the Land Development Ordinance (LDO).

The applicant has submitted an Annexation Petition application that is running concurrently with this zoning request. The two (2) parcels, with a total area of 42.9 acres, are proposed to be zoned to Kime Ranch Planned Development (PD), which would permit a maximum of 150 single-family residential lots with associated parks and open space. The proposal will have a maximum density of 3.5 dwelling units per acre consistent with the Parker 2035 Master Plan that designates the subject property as part of the Medium Density Residential Character Area.

A need exists for zoning of the subject property because the Town of Parker Home Rule Charter and Section 13.04.250 of the Parker Municipal Code require that zoning occurs concurrently with annexation requests. The project proposes to rezone from agriculture and rural residential to Kime Ranch PD and would allow a maximum of 150 single family lots, a minimum of 8.582 acres of open space, and 3.58 acres of park space. Minimum lot areas, building heights, lot widths, and required setbacks are consistent with existing adjacent single-family residential developments as well as the straight zoning proposed in the Land Development Ordinance Updates.

The annexation and zoning fulfill the Town of Parker goal of actively pursuing annexations to allow for continuity of services within the Parker 2035 Master Plan's Planning Area.

Vicinity Map



II. PRIOR ACTIONS

Date	Action
September 16, 2002	Town Council adopted Ordinance No. 2,139 annexing unincorporated property known as Kime II and zoned the property A-Agricultural.

III. CURRENT SITE DATA

Existing Zoning	A - Agricultural District
Overlay District	N/A
PD & Plan Area	N/A
Master Plan Area	Medium Density Residential
Site Acreage	42.9 acres
Subdivision	N/A

Existing Use		Vacant, existing single-family home, barn/stable and small accessory buildings.	
Surrounding Uses			
	Master Plan Land Use	Zoning	Existing Use
North	Douglas County	Rural Residential	Vacant
South	Medium Density Residential	PD - Planned Development	Open Space/Willow Point South Single Family Homes
East	Medium Density Residential	PD - Planned Development	Willow Point North Single Family Homes
West	Medium Density Residential	PD - Planned Development	Parker Vista Single Family Homes

IV. PARKER 2035 MASTER PLAN

Parker 2035 Master Plan | Town of Parker - Official Website

MASTER PLAN CONSISTENCY	
Master Plan Designation	Choose an item. ☒ Consistent ☐ Inconsistent
Master Plan Character Discussion	<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.
Consistent Goals/Strategies	Land Use 1. A Land Use 1. B Land Use 1.H Land Use 1. I Community Appearance and Design 1.C Community Appearance and Design 2 Community Appearance and Design 2. B Housing and Neighborhoods 1 Housing and Neighborhoods 1. A Housing and Neighborhoods 3. A
Staff Analysis	The project proposes to rezone from agriculture and rural residential to Kime PD to allow for 150 single family home lots, in addition to parks and open space. The site is located on the north side of Mainstreet at Willow Park Drive. The property is within the Medium Density Residential Character Area as designated by the Parker 2035 Master Plan. This area is intended to provide a maximum density of 3.5 dwelling units per acre.

	The proposal would allow a maximum of 150 single family lots, a minimum of 8.582 acres of open space, and 3.58 acres of open space. Minimum lot areas, building heights, lot widths, and required setbacks are consistent with existing adjacent single-family residential developments as well as the straight zoning proposed in the Land Development Ordinance Updates. The proposal creates a PD that is consistent with existing adjacent uses and is an infill site in close proximity to Parker Road and the Downtown core. The annexation and zoning fulfill the Town of Parker goal of actively pursuing annexations to allow for continuity of services within the Parker 2035 Master Plan's Planning Area. Based on this analysis, staff has determined that the request is consistent with the Parker 2035 Master Plan.
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V. LAND DEVELOPMENT ORDINANCE

DEVELOPMENT POTENTIAL (Rezoning)			
Provisions	As recommended by the Master Plan	Proposed	Analysis
Units Per Acre	3.5	3.5	☒ Consistent ☐ Inconsistent ☐ No Change ☒ N/A
Allowed Uses	Neighborhoods: Single-family detached homes and other community assets such as places of worship, schools and parks, are allowed within our neighborhoods. Pedestrian oriented small (less than 10,000 s.f. of building area per neighborhood) commercial uses may be appropriate where uses are focused on serving the immediate area. Such uses should not include gas, storage or drive through uses or repurposing of a residential home. Typical uses within neighborhoods include small retail, restaurants and personal service businesses.	1. Single family detached dwellings with front or side loaded garages. 2. Home occupations in accordance with Section 13.04.180 of the Parker Municipal Code, as amended 3. Attached or detached private garages (3 cars maximum)	☒ Consistent ☐ Inconsistent ☐ No Change
Height/Stories	N/A.	35 feet	☒ Consistent ☐ Inconsistent ☐ No Change

Staff Analysis	As detailed in the analysis above, the requested zoning is consistent with the Parker 2035 Master Plan for the allowed uses and the requested height maximum for buildings. Based on this analysis, staff has determined that the request is consistent with The Parker 2035 Master Plan.
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VI. ACCESS, CIRCULATION & TRAFFIC ANALYSIS

The subject property proposes a main entry into the development off E. Mainstreet from Willow Peak Drive. Internal connections are proposed for Parklane Drive and Grays Peak Drive, existing roadways that end at the property line and were planned for future extension into the site. Exact alignments will be evaluated through the Sketch, Preliminary, and Final Plat process.

At the time of development, the applicant will be required to ensure all required roadway improvements are constructed as identified in compliance with an approved traffic study.

VII. APPROVAL CRITERIA REZONING

Title 13.04.240.f. Approval Considerations for Rezoning Requests:

1. A need exists for the proposal.

Applicant's Response

Growing employment centers along Parker Road and E-470, in addition to population growth over the last 5 years with another one million people anticipated in Colorado by 2035, has increased the need for single-family homes in the Parker community. This proposal for 150 single-family detached homes would contribute to the much-needed supply of single-family homes in Parker and the larger Denver metro area.

Staff Analysis

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

1. Continue the planned Medium Density Residential corridor north of Mainstreet and east of Pine Drive;
2. Support infill development that is consistent with existing single-family residential neighborhoods in close proximity to the Downtown core;
3. Allow the Town to consolidate services and recognize efficiencies of scale and delivery of services; and
4. 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.

Applicant's Response

The proposed parcel is located between medium density single family detached lots on the east, west, and south, and large estate lots to the north. The proposed medium density development would be consistent with these surrounding land uses. Its location along Main Street, a 4-lane arterial, provides excellent access to Downtown Parker, Parker Road, and other community services and amenities. Additionally, the parcel is located within Parker's Urban growth Boundary per Figure 2A of the 2035 Master Plan. This indicates residential would be an appropriate use for this site.

Staff Analysis

The subject property is contiguous with the Town and is described in the Parker 2035 General Land Use Plan as being located within the Town's "Planning Area Boundary." Specifically, the subject property is located within the Neighborhood Character Area of Medium Density Residential as designated by the Parker 2035 General Land Use Plan, which is planned to provide residential uses not to exceed 3.5 dwelling units per acre.

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

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

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

Applicant's Response

The original zoning is agricultural. The parcel is surrounded by residential development and existing City services, defining it as an infill community. Agriculture is not the highest and best use for this parcel as its Southern Boundary is adjacent to Main Street and it is in between two existing residential neighborhoods.

Staff Analysis

There was no error in the original zoning but single-family residential is more consistent with the Town's 2035 Master Plan land use designation of Medium Density Residential.

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

Applicant's Response

Since the 1970s this area of Parker has continually been developed as a low to medium density single-family residential community. This infill parcel is surrounded by residential development on all its boundaries and Mainstreet to the south. Given this growth and surrounding uses, agriculture is an outdated use for this parcel, and single-family residential would be appropriate new use for the property.

Staff Analysis

The Parker 2035 Master Plan directs future zonings of unincorporated lands within the Planning Area and requests for rezonings of existing properties already annexed in the Town. The Denver Metropolitan area is home to 2.8 million people today and another million people are expected in the metro area by 2035. Parker will continue to receive a share of this growth over the next 20 years. The existing Agricultural Zoning designation within the Town of Parker Boundary and the 7.5-acre property zoned Rural Residential within unincorporated Douglas county are inconsistent with the Master Plan's Character Area designation for Medium Density Residential.

The property to the immediate east and south is zoned Willow Pointe North and Willow Pointe South Planned Development. The PD consists of 185.3 acres and allows a maximum total of 742 units, 392 units in Willow Pointe North (81.6 acres for a density of 4.8 dwelling units per acre) and 350 units in Willow Pointe South (103.7 acres for a density of 3.37 dwelling units per acre). Willow Pointe North and South have a combined average allowed maximum density of four dwelling units per acre, exceeding the recommended maximum density for the Medium Density Residential Area of 3.5 dwelling units per acre. At the time the Town Code only required 10% park and open space dedication. Lot sizes in the plan have a minimum range of 3,000 square feet to 6,000.00 sf and a maximum building height of 35 feet.

The property to the immediate west is zoned Parker Vista Planned Development. The PD consists of 57 acres with an allowed density range from 3.5 to a maximum of 4 dwelling units per acre. The PD allows for a maximum of 220 dwelling units, equating to 3.86 dwelling units per acre, exceeding the recommended maximum density for the Medium Density Residential Area of 3.5 dwelling units per acre. The average lot size for the PD is 6,000 s.f.

The Kime Ranch PD proposes a maximum density of 3.5 dwelling units per acre, 20% Open Space dedication, equating to 8.582 acres, and park space to be provided at .0239 acres per dwelling unit per code requirements. Lots are required to be a minimum of 5,500 s.f. with a maximum building height of 35 feet. The Kime Ranch PD is consistent and comparable with adjoining Planned Developments in density, lot sizes, building heights, and setbacks and has larger percentage of allocated open space to total acreage.

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

Applicant's Response

Vehicular circulation will be provided with primary access from Mainstreet to the south. Mainstreet is a 4-lane arterial with a Level of Service (LOS) D. LOS D is defined as a roadway where speeds begin to decline with increased density. This LOS provides vehicular circulation under the capacity of the roadway, with vehicles typically spaced 160' (8 car lengths) apart. The primary access point will be at the intersection of Mainstreet and Willow Park Drive. This is a signalized intersection with a dedicated

left-hand turn-lane and arrow from Mainstreet to the parcel. Additional connections will be provided to the existing single-family detached neighborhoods to the east and the west. These connections will be made at Parklane Drive and Grays Peak Drive, which are existing stub streets in the Parkers Vista and Willow Pointe neighborhoods. Associated with the streets are sidewalks furthering the circulation within the parcel and will connect to the adjacent neighborhoods. The Sulphur Gulch Trail directly to the south is a regional trail that will connect this development to the Riva Ridge Park, Norwell Outdoor Fitness Park, Parker Town Hall, Parker Arts, Culture, and events Center, and the Douglas County Library. All these amenities are within a 5-to-10-minute walk. This regional trail also provides a direct bicycle and pedestrian connection to Downtown Parker.

Staff Analysis

Main entry access will be provided with Mainstreet to the south. At the time of development, the applicant will be required to construct any additional auxiliary lanes necessary for their development as identified within the traffic study for the property and create cross access easements to ensure adequate circulation.

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

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

Applicant's Response

Service costs to the municipality will be minimal. The parcel is surrounded by existing development including access to utilities, such as water, sewer, electric, etc. The park and open space will be owned and maintained by the HOA/Metro District. Fire and police protection are already serviced by the Town of Parker, and 150 units should be minimal impact to life safety.

Staff Analysis

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

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

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

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

Applicant's Response

Environmental impacts will be minimal considering the parcel's prior use was agricultural for many years. The proposed development will reduce the amount of

erosion and aid in weed mitigation. Provided open space areas and detention allow for natural water quality processes to occur. The provided perimeter landscape buffers act as a wildlife corridor for smaller game which will remain relatively undisturbed

Staff Analysis

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

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

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

Applicant's Response

The parcel is located within the Medium Density Residential Land Use of the Parker 2035: Changes and Choices. Medium-density residential is intended for single-family residential housing at a density of no more than 3.5 units per acre. The proposed development of 150 units (3.5 units per acre) would meet the intention of this category. The proposed development would meet the following goals and strategies outlined in the Town Master Plan:

Chapter 6 - Land Use Goals and Strategies: 1, 1.A., 1.B., 1.D., 1.F., 1.G., and 1.H.

Chapter 8 - Housing and Neighborhoods Goals and Strategies: 1., 1.A., 3., 5., and 5.A.

Chapter 10 – Transportation: 2. And 3.

Chapter 11 – Public Services and Facilities: 1.G., 1.H., and 1.J.

Chapter 12 – Natural Resources: 3.C., 5.C., 7., 7.A., and 7.C.

Chapter 13 – Open Space and Recreation: 2. And 3.

Staff Analysis

As detailed in Section IV. of this staff report, the proposed rezoning to allow for the Kime Ranch Planned Development is consistent with the Neighborhood Character Area Medium Density Residential of 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.

Applicant's Response

The parcel is surrounded by development including access to utilities, such as water, sewer, electric, etc. and is part of Parker Water and Sanitation District's service boundary. The proposal includes a park and trail to provide neighborhood residents a place for active and passive recreational activities. Schools will be compensated with fees in lieu.

Staff Analysis

The property is located within Parker Water and Sanitation District and infrastructure exists serving adjoining properties.

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

I. SUMMARY REFERRAL AGENCY COMMENTS AND CONDITIONS

Agency	Zoning Comments
Parker Engineering	Approved
Aztec Consultants	No Comment
Parker Building	Advisory Comments
Fire Life Safety	Approved
Douglas County Assessor's Office	No Comment
Douglas County Planning	No Comment
Douglas County School District	Advisory Comments
Parker Police	No Comment
Parker Comprehensive Planning	This proposed rezoning is located in the Medium Density Residential Character Area which is described on the Master Plan as residential development up to 3.5 dwelling units per acre and supporting uses. The proposed zoning with 150 dwelling units on 42.91 acres, parks and open space aligns with the recommendations of the Parker 2035 Master Plan.

Xcel	Public Service Company has no objection to this proposed rezone, contingent upon Public Service Company of Colorado's ability to maintain all existing rights and this amendment should not hinder our ability for future expansion, including all present and any future accommodations for natural gas transmission and electric transmission related facilities.
IREA	Approved
CenturyLink	No Comment
Comcast	No Comment
Parker Water and Sanitation District	Approved
RTD	No Comment

VIII. CONCLUSION

This zoning request is being processed to allow a maximum of 150 single-family homes in the Medium Density Residential area. The proposed rezoning to Kime Ranch Planned Development dictates height, setbacks, floor area, required open space and park space consistent with the Town's Land Development Ordinance and the Parker 2035 Master Plan. The application 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 Planning Commission recommends Town Council approve the zoning request.

IX. RECOMMENDED CONDITIONS

Staff recommends that the Planning Commission recommend that the Town Council approve the Kime Ranch Property rezoning to PD-Planned Development District with no conditions.

X. ATTACHMENTS

1. Kime Ranch Development Plan
2. Kime Ranch Development Guide

Report Approved By: Bryce Matthews, Planning Manager

KIME RANCH

Planned Development Guide

Submitted to:

The Town of Parker

Prepared for:

Century Communities

Cindy Myers, VP Director of Land Entitlement

8390 E. Crescent Parkway, Suite 650

Greenwood Village, CO 80111

A. Statement of Purpose

The purpose of this development Plan and Development Guide is to establish standards for the development and improvement of the property. The standards contained in this Development Guide are intended to carry out the goals of this planned community.

B. Application

These standards shall apply to all property obtained within the Kime Ranch PD as shown on the Development Plan and this Development Guide. These zoning regulations and requirements shall become the governing standards for review, approval and modification of all uses occurring on the site.

Provisions of this guide shall prevail and govern the use of the site; however, this guide only supersedes the specific zoning category, not the Parker Municipal Code, as amended. The zoning codes and regulations for the Town of Parker shall apply where the provisions of this guide do not address a specific subject; or where there is a conflict in which case the Parker Municipal Code prevails.

AUTHORITY

A. Authority

The authority of this Development Guide is Section 13.04.150 (PD-Planned Development) of the Parker Municipal Code, as amended.

B. Adoption

Reference Chapter 13.04.150 (PD-Planned Development) of the Parker Municipal Code, as amended.

C. Relationship of Town Regulations

The provisions of this Development Guide shall prevail and govern development of the Kime Ranch PD to the extent provided by Chapter 13.04.150 (PD-Planned Development) of the Parker Municipal Code, as amended, except where the provisions of the Development Guide do not clearly address a specific subject, or are silent. In such a case the provisions of the Parker Municipal Code, or any other codes or regulations of the Town of Parker shall prevail, when applicable.

D. Enforcement

The provisions of the Development Guide relating to the use for land shall run in favor of the Town or Parker and shall be enforceable, at law or in equity, by the Town of Parker. All Provisions of this Development Guide shall run in favor of the residents, occupants, or owners of the land on which the Kime Ranch PD is located to the extent expressly provided in this Development Guide and in accordance with its terms and conditions, the Parker Municipal Code and Charter, as amended, and where applicable, State law.

E. Additions

The addition of appropriately zoned land to the Kime Ranch PD shall be considered a zoning amendment and shall be subject to the procedures and requirements contained in Sec. 13.04.240 of the Parker Municipal Code, as amended.

CONTROL PROVISIONS

A. Control Over Use

After the adoption of this Development Guide by the Town Council, The Town of Parker and subject to the approved Annexation Agreement, the provisions of Section 13.04.230 (Non-Conforming Situations) and these Development Standards, in conjunction with the Town of Parker Land Development Code, shall control development and land use.

B. Control Over Location and Bulk

After adoption of this Development Guide by the Town Council, the location and bulk of all buildings and other structures built after the effective date of the Development Guide shall be in conformance with:

1. All applicable standards contained within the Development Plan and Guide; and
2. Any other applicable standards of the Parker Municipal Code, as amended and where such standards are not specifically addressed in, or are in conflict with the Development Guide.

C. Incorporation of the Development Plan

The plan for development of the Kime Ranch including the type, location and boundaries of land use area as shown on the Kime Ranch PD Development Plan, which is attached as Exhibit A and is hereby incorporated by reference into this Development Guide.

GENERAL PROVISIONS

A. Purpose

The purpose of this section is to establish general provisions and clarify standard and requirements for development which may occur in the Kime Ranch PD.

B. Planning Area Boundaries

The boundaries and acreage of all Planning Areas within Kime Ranch PD are shown on the Kime Ranch Development Plan.



1. The final boundary of any Planning area shall be established when the final plat(s) is prepared for the area.

C. Utility Connections

Approval for connection to the Parker Water and Sanitation District facilities or other appropriate utility system shall be required for each principal building to be constructed under the terms of this Development Guide within the Kime Ranch PD and notice of such approval shall be provided to the Town Building Inspector.

D. Agricultural Uses

Agricultural activities, and all accessory structures and uses which are customarily incidental or appropriate to farming and ranching shall be permitted within the Kime Ranch PD prior to but not during the phased development of the total project, subject to the Parker Municipal Code, as amended.

DEVELOPMENT STANDARDS

SECTION I.

DEVELOPMENT STANDARDS

SECTION 1.

SINGLE FAMILY DETACHED RESIDENTIAL Planning Area One - (PA) – 1

Sec. 1-10 Description & Definitions

The Single Family Detached residential area may have up to a total of 150 homes. The single family detached neighborhood will include a park, open spaces and trail corridors which will connect the residences to the site's amenities, and regional trail network.

1. Building Setback: The distance between the building (measured at foundation) and the adjacent street right-of-way or property lines, whichever is closer.
2. Patio: A covered or uncovered, unenclosed portion of a single family detached or duplex structure, typically projecting beyond the structure's foundation.
3. Porch: A covered or uncovered, unenclosed portion of a single family detached or duplex structure, typically projecting beyond the structure's exterior façade.
4. Side Loaded Garage: A garage in which the door is situated parallel to the side elevation of a structure.

Sec. 1-20 Intent

The intent for the Single-Family Zone District is to create development that is diverse and unique and offers creative site planning solutions for detached homes which add variety to the Town of Parker community. These homes may offer a variety of unit types with varying building characteristics including ranches and two story homes.

Single-family residential homes may be served by public streets, existing on fee-simple lots, with common open spaces maintained by an Owners Association.

Sec. 1-30 Uses Permitted

Primary Uses



1. Single family detached dwellings with front or side loaded garages.
2. Home occupations in accordance with Section 13.04.180 of the Parker Municipal Code, as amended
3. Attached or detached private garages (3 car maximum)

Accessory Uses

1. Public and private Open Space and Parks
 - a. The maximum height of any structure in an Open Space or Park area shall be 25 feet.
2. Other outdoor recreational uses including but not limited to;
 - a. Trails and pathways.
 - b. Nature center/ picnic area.
3. Drainage facilities and detention/water quality ponds, subject to the requirements established within Section 13.07.140(c)(9)(f) of the Parker Municipal Code, as amended.
4. Temporary sales trailers or modular homes and show home complexes and accessory uses in accordance with section 13.04.210 of the Town of Parker Municipal Code, as amended.

Sec 1-40 Development Standards

1. Maximum number of dwelling units: 150.
2. Minimum standard lot area: 5,500 square feet
3. Maximum Building height: 35 feet
4. Minimum lot width:
 - a. At the street: 40 feet
 - b. At a cul-de-sac, knuckle or similarly curved frontage at the street: 30 feet
5. Primary structure front setback (from local street right-of-way):
 - a. 20 feet to face of garage
 - b. 15 feet to face of home
 - c. 10 feet to unenclosed covered porch or patio without living space above the porch
6. Primary and accessory structure side setback: 5 feet
7. Primary structure rear setback:
 - a. 20 feet from rear building façade to internal lot line or lot adjacent to a buffer
 - b. 15 feet from unenclosed covered porch, patio, or deck without living space above to internal lot line or lot adjacent to a buffer.
8. Accessory structure rear setback: 10 feet
9. Detached garage rear setback: 5 feet
10. Corner lot side setback (From local street right-of-way): 10 feet to side of structure,
11. Corner lot side setback (From collector street right-of-way): 15 feet to side of structure,
12. Minimum building separation: 10 feet (does not include overhangs or window wells)
13. Setback Encroachments:
 - a. Cantilevers, chimneys, entertainment centers, bay or box windows, brick or stone ledges and roof overhangs may encroach into the setback a maximum of 24 inches.
 - b. Window wells may encroach into the setback a maximum of 36 inches so long as there is no conflict with utility easements.

Sec. 1-50 Design Standards

1. Minimum Buffer from the Western and Northern Property lines: No fences or structures shall be erected closer than 40 feet from the property lines of Kime Ranch for the purpose of preserving land.
2. Minimum Buffer from the Eastern Property line: No fences or structures shall be erected closer than 6 feet with and average of 30 feet from the property lines of Kime Ranch for the purpose of preserving land.
3. Minimum Buffer adjacent to Mainstreet: A separation buffer between the back of residential lot and edge of Mainstreet right-of-way shall be 35 feet. The buffer may be counted towards the open space requirement.
4. Front porches are encouraged.



5. All single family homes must be located with the first floor elevation above the adjacent sidewalk.
6. Two (2) car garages (minimum) shall be required.

Staggered setbacks are required. The front building setback of one (1) lot shall be varied by a minimum of two (2) feet from the front building setback of any home within two (2) lots on either side of the subject lot in accordance with the Town of Parker Residential Design Criteria- Sec. 13.10.161 (g) of the Parker Municipal Code, as amended.

SECTION 2. NOTES

1. The developer has the right to build at a lower density provided the Town has determined that the use is permitted and compatible with surrounding land uses. The finding of compatibility is determined at the time of Preliminary Plan or Site Plan review; provided the developer meets the requirements of that particular zone district and the intent statement of this Development Plan. This reduction shall be considered a minor change, enabling the developer to gain approval of the site without amending the Development Plan.
2. All roadway systems are conceptually located to provide access to the site and its environs. Final alignments, access and design will be determined at the time of Final Plat.

SECTION 4. DESIGN INTENT AND CRITERIA

Sec 5-10 Circulation, Road Patterns and Standards

Roads will be designed pursuant to the Town of Parker Roadway Design and Construction Criteria Manual and will provide street trees and detached walks on both sides along neighborhoods streets. The intent is to encourage pedestrians to utilize the walks and trails for day to day local trips creating more pedestrian oriented streets.

Sec. 5-20 Right-of-way Landscaping

The agreement shall be assigned to the homeowner's, or commercial owner's association, therefore requiring the maintenance and irrigation, including the irrigation taps by the assigned entity or individual resident.



KIME RANCH PD - PLANNED DEVELOPMENT

DEVELOPMENT PLAN
BEING A PART OF SECTION 23, TOWNSHIP 6 SOUTH
RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN
TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO

LEGAL DESCRIPTION:

A PARCEL OF LAND BEING LOCATED IN THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 23, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE 6TH P.M., COUNTY OF DOUGLAS, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE NORTH LINE OF THE NORTHEAST 1/4 OF SECTION 23, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE 6TH P.M. BEING MONUMENTED BY A 1.5" BRASS CAP ENCASED IN CONCRETE AT THE NORTH 1/4 CORNER AND A 3" BRASS CAP STAMPED "LS 2690" AT THE NORTHEAST CORNER, SAID LINE BEING ASSUMED TO BEAR N89°31'03"E A DISTANCE OF 2676.71 FEET.

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 23;

THENCE ON THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 23, S00°20'03"E A DISTANCE OF 488.30 FEET, TO THE SOUTHWESTERLY CORNER OF THE DALTON SUBDIVISION 3RD AMENDMENT, RECORDED UNDER RECEPTION NO. 2016082720 IN THE RECORDS OF THE DOUGLAS COUNTY CLERK AND RECORDER;

THENCE ON THE SOUTHERLY AND EASTERLY LINES OF SAID SUBDIVISION, THE FOLLOWING TWO (2) COURSES:

- N89°31'03"E A DISTANCE OF 669.29 FEET;
- N00°20'45"W A DISTANCE OF 488.30 FEET, TO A POINT ON THE NORTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 23;

THENCE ON SAID NORTH LINE, N89°31'03"E A DISTANCE OF 669.19 FEET, TO THE NORTHEAST CORNER OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SAID SECTION 23;

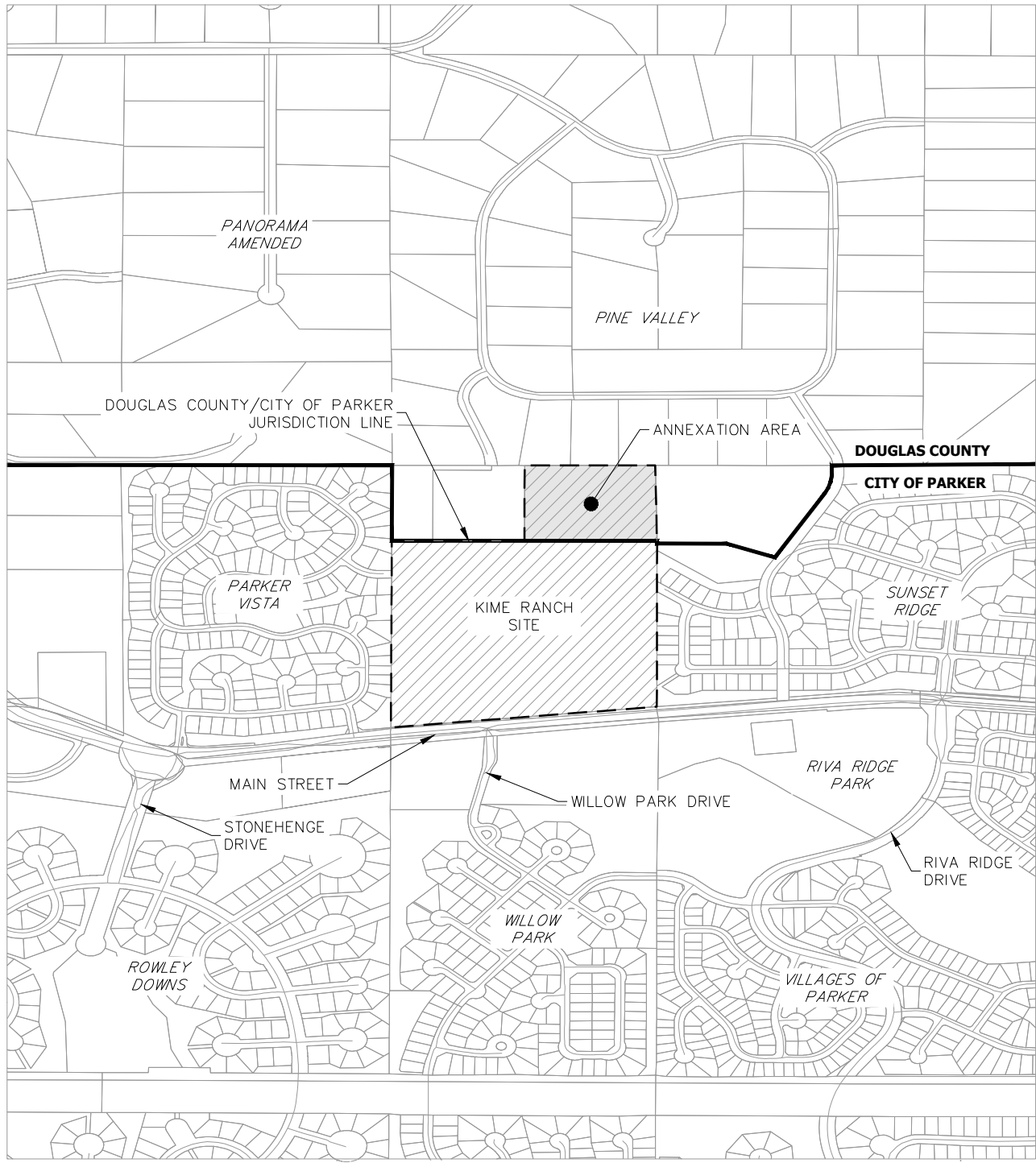
THENCE ON THE EAST LINE OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SAID SECTION 23, S00°21'26"E A DISTANCE OF 1570.02 FEET, TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF MAINSTREET;

THENCE ON SAID NORTHERLY RIGHT-OF-WAY LINE, THE FOLLOWING FOUR (4) COURSES:

- S85°28'12"W A DISTANCE OF 40.99 FEET;
- S83°13'47"W A DISTANCE OF 1101.75 FEET;
- N06°46'13"W A DISTANCE OF 12.00 FEET;
- S83°06'16"W A DISTANCE OF 203.32 FEET, TO A POINT ON THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 23;

THENCE ON SAID WEST LINE, N00°20'03"W A DISTANCE OF 1216.06 FEET, TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 1,869,272 SQUARE FEET OR 42.9126 ACRES.



VICINITY MAP

SCALE: 1:1000
NORTH

SHEET INDEX

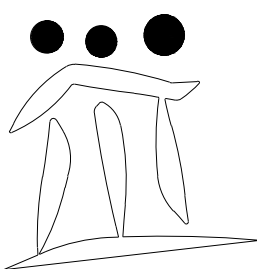
1 OF 2 COVER SHEET
2 OF 2 DEVELOPMENT PLAN

OWNER



8390 E. CRESCENT
PARKWAY, SUITE 650.
GREENWOOD
VILLAGE, CO 80111

LAND PLANNING



PCS GROUP, INC.
P.O. BOX 18287
DENVER, CO 80218
P. 303.531.4905
F. 303.531.4908

ENGINEERING



7200 S ALTON WAY, C400
CENTENNIAL, CO 80112
P. 303.740.9393

SIGNATURE BLOCK BY OWNER:

I / WE THE UNDERSIGNED, BEING THE OWNER OF THE DEEDS OF TRUST AND HOLDER OF OTHER INTEREST IN THE PLANNED DEVELOPMENT KNOWN AS KIM E RANCH, DO HEREBY INDICATED THAT THIS DEVELOPMENT PLAN REPRESENTS THE APPROVED LAND USE CONCEPT FOR THE PROPERTY DESCRIBED AS FOLLOWS: A PARCEL OF LAND LOCATED BEING PART OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO.

OWNER:

BY CENTURY LAND HOLDINGS, LLC

OWNER OR OWNER'S REPRESENTATIVE

STATE OF COLORADO)
COUNTY OF DOUGLAS)SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 20____.

BY: _____

WITNESS MY HAND AND OFFICIAL SEAL

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC

PLANNING COMMISSION ACCEPTANCE:

THIS DEVELOPMENT PLAN WAS REVIEWED AND RECOMMENDED FOR APPROVAL BY THE TOWN OF PARKER PLANNING COMMISSION FOLLOWING A PUBLIC HEARING HELD ON _____, 2021.

PLANNING DIRECTOR, ON BEHALF OF THE TOWN OF PARKER PLANNING COMMISSION

TOWN COUNCIL ACCEPTANCE:

THIS DEVELOPMENT PLAN WAS APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PARKER ON THE ____ DAY OF _____, 2021, FOR THE PROPERTY DESCRIBED AS THE HESS RANCH PROPERTY. THE ZONING INFORMATION SHOWN HEREON WAS CONFIRMED WITH THE ADOPTION OF ORDINANCE NO. _____.

MAYOR, TOWN OF PARKER

ATTEST: _____
TOWN CLERK

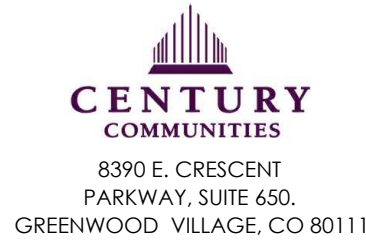
CLERK AND RECORDER'S CERTIFICATE

STATE OF COLORADO)
COUNTY OF DOUGLAS)SS

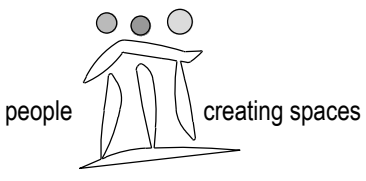
I HEREBY CERTIFY THAT THIS DEVELOPMENT PLAN WAS FILED IN MY OFFICE ON THIS ____ DAY OF _____, 2021 A.D. AT _____ O'CLOCK, ____M. AND WAS RECORDED WITH RECEPTION NUMBER _____.

DOUGLAS COUNTY CLERK AND RECORDER

Prepared For



Landscape Architecture



pcs group inc. www.pcsgroupco.com
p.o. box 18287
denver, co 80218
t 303.531.4905 f 303.531.4908

KIME RANCH

TOWN OF PARKER

PLANNED DEVELOPMENT

Drawn by: PCS
Checked by: PMS
Issue Date: 04.30.21
Revisions: 07.21.21

Sheet Name

COVER SHEET

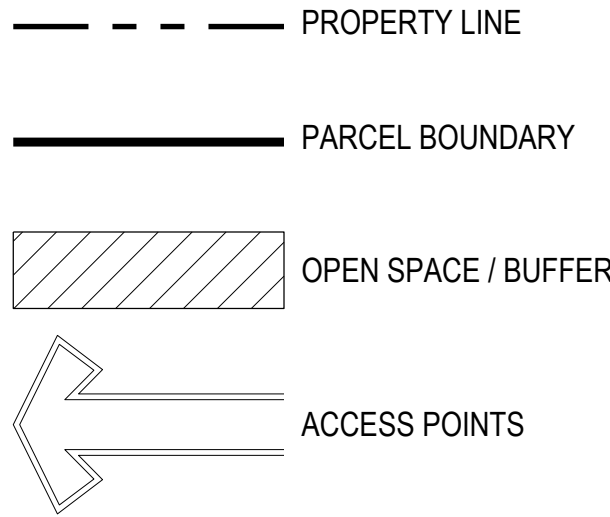
Sheet Number

1 OF 2

KIME RANCH PD - PLANNED DEVELOPMENT

DEVELOPMENT PLAN
BEING A PART OF SECTION 23, TOWNSHIP 6 SOUTH
RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN
TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO

LEGEND



NOTES:

- THE PROPERTY OWNER SHALL DESIGN, CONSTRUCT, MAINTAIN TRAILS THROUGHOUT THE PROPERTY ACCORDING TO TOWN STANDARDS AND AS DEPICTED ON THE DEVELOPMENT PLAN.
- LOCATION OF ROADS AND PARK ARE FOR PURPOSES OF INTENT ONLY TO DEPICT CONNECTIVITY TO ADJACENT NEIGHBORHOODS AND WILL BE FURTHER DEFINED IN SUBSEQUENT SITE PLAN SUBMITTALS.
- OPEN SPACE AND PARK HATCHING IS TO ILLUSTRATE INTENT, EXACT LOCATIONS TO BE DETERMINED AT SUBDIVISION.
- ALL STRUCTURES SHOWN ON SITE ARE EXISTING AND SHALL BE REMOVED.
- UTILITY PROVIDERS:
WATER AND SANITARY SEWER: PARKER WATER AND SANITATION DISTRICT
GAS: XCEL
ELECTRIC: IREA
- SERVICE PROVIDERS:
POLICE PROTECTION AND OTHER MUNICIPAL SERVICES WILL BE EXTENDED TO THE PROPERTY BY THE TOWN OF PARKER.
FIRE PROTECTION WILL BE PROVIDED BY SOUTH METRO FIRE AND RESCUE AUTHORITY.
- THERE ARE NO KNOWN EXISTING WATER COURSES, FLOOD PLAINS OR RETENTION AREAS ON THE SITE.

LAND USE SUMMARY:

ACRES:
42.91
MAX. DU/AC: 3.5
MAX. UNITS: 150

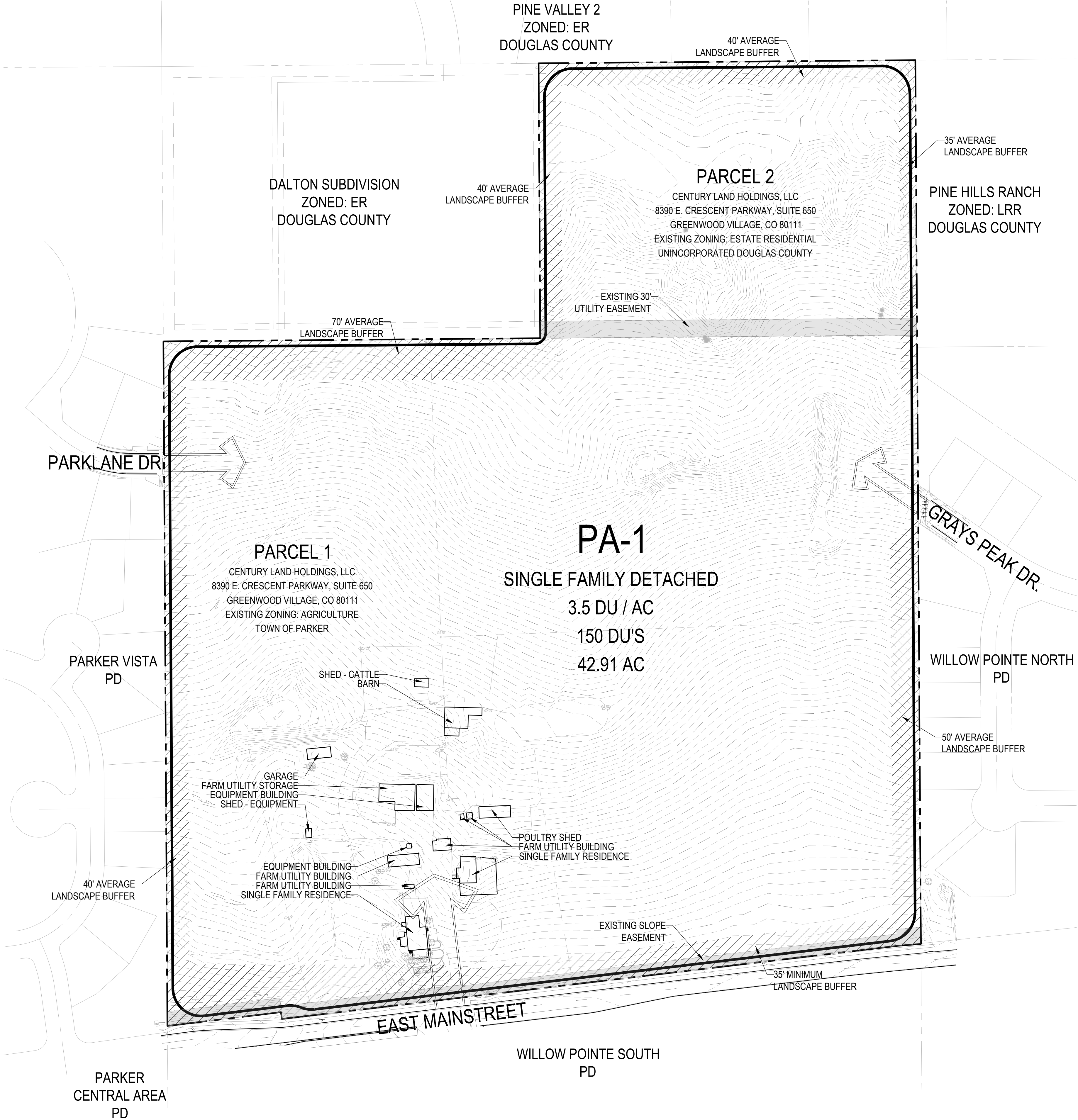
ZONING SUMMARY:

	PARCEL 1	PARCEL 2
EXISTING MUNICIPALITY:	TOWN OF PARKER	DOUGLAS COUNTY
PROPOSED MUNICIPALITY:	TOWN OF PARKER	TOWN OF PARKER
EXISTING ZONING:	AG (AGRICULTURE)	ER (ESTATE RESIDENTIAL)
PROPOSED ZONING:	PD DEVELOPMENT PLAN	PD DEVELOPMENT PLAN

PARKS AND OPEN SPACE REQUIREMENTS

PARKS: 150 UNITS X 0.0239 = 3.58 ACRES¹
OPEN SPACE: 42.91 ACRES X 0.20 = 8.582 ACRES

- FINAL PARK ACREAGE TO BE DETERMINED AT TIME OF SUBDIVISION AND SHALL BE BASED ON NUMBER OF PLATTED LOTS. THE CUMULATIVE NATURE OF PARK, IF SEPARATED IN DIFFERENT AREAS OF PLAN AND / OR THE CASH-IN-LIEU OF LAND DEDICATION WILL COLLECTIVELY MEET THE MINIMUM REQUIREMENT OF PARK ACREAGE. FINAL SITE AND CONFIGURATION TO BE DETERMINED AT TIME OF SUBDIVISION.



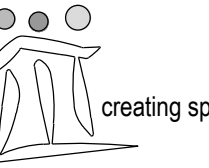
SCALE: 1"=100'

0 50 100 200 NORTH

Prepared For

CENTURY
COMMUNITIES
8390 E. CRESCENT
PARKWAY, SUITE 650,
GREENWOOD VILLAGE, CO 80111

Landscape Architecture



pcs group inc. www.pcsgroupco.com
p.o. box 18287
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t 303.531.4905 f 303.531.4908

KIME RANCH
TOWN OF PARKER

PLANNED DEVELOPMENT

Drawn by: PCS
Checked by: PMS
Issue Date: 04.30.21
Revisions: 07.21.21

Sheet Name

DEVELOPMENT
PLAN

Sheet Number

2 OF 2

Town of Parker
Planning Division
20120 E Main Street
Parker Co 80134
303 805-3327
Attn: Julia Duncan
303 805-3334
jduncan@parkeronline.org

September 9, 2021

Julia,

We have concerns about the proposed housing development located on the Kime Ranch property. Century Homes has indicated they are trying to “Fit in”, “Be good neighbors”, meaning blend in with **ALL** of the surrounding properties. This should include similar house styles and lot sizes. Along the north side of this development, they are backing up to our 7 1/2 acres, all of our other Pine Valley neighbors each have 2 ½ or more acres. Our property values are at a million plus, Century Homes is proposing houses that are 1/3 of that. While Century Homes spoke of being good neighbors at their September 2nd zoom meeting, it seemed to us that only the neighbors to the East and West of the Kime Ranch were being considered. We to the North in Pine Valley are going to be **GREATLY** impacted by this development, and should be considered as well. Only giving the Pine Valley neighbors to the North a 40 ft. buffer does not seem appropriate.

At the zoom meeting held on Century Homes stated the lot sizes would be about 1/3 of an acre. The size of lots proposed are 110 X 50 that equals 1/8 of an acre per lot. That calculates to be 8 houses per acre. Building 8 houses per acre seems excessive! Century Homes current plan does not blend in with the surrounding neighborhoods at all. These proposed lots are much smaller than all surrounding neighborhood lots.

There is a subdivision in the town of Parker called Reata Ridge Village, built by Richmond homes. We are sure you are familiar with that. Richmond has excavated 20 to 30 feet in some areas, moved their houses back off the North property lines 300 to 500 ln.ft., have kept low profile homes along the North property lines, and created a nice open space between the existing acreage lot neighborhood called Robinson Ranch. The Richmond houses are 3500 to 7000 sq.st. and are on larger lots. If Richmond can do this for the existing neighbors in order to “Fit in”, “Be good neighbors” Century Homes should make the same effort. We would like to see low profile homes and a substantial buffer between the Century Homes development and our property line.

Well water contamination. We have a concern that our well water is going to be contaminated with pesticides, fertilizer, etc. Who is going to be held accountable for that?

Please consider our requests before approving this development.
Let us know what the next step is.
Thanks for your consideration,

Sincerely,

Michael and Joanna Floyd and family
Pine Valley
7786 Lark Drive (Lot 19, 20, & 21)
Parker Co 80138
303 841-0867
Joannafloyd@comcast.net

Fussa, John

From: Fussa, John
Sent: Monday, November 15, 2021 2:48 PM
To: Poage, Cheryl
Cc: Mayor, Council, and TA; Kivela, Michelle
Subject: RE: Kime Annexation

Council Member Poage,

Thanks for your email. The proposed buffer for the Kime Ranch Planned Development (PD) zoning is a minimum 40-feet up to 70-feet so its greater than the 30-feet you reference. Its also greater than that required by the adjacent Parker Vista and Sunset Ridge (Willow Point North) PD zoning which does not require at buffer at all. Its also greater than the built condition for each neighborhood because Parker Vista lacks a buffer to the residential properties in unincorporated Douglas County to the north and Sunset Ridge has a variable buffer to the residential properties in unincorporated Douglas County to the north that is 30-feet at its narrowest extent. Its ultimately up to the Council at public hearing but the proposed and existing residential uses are compatible from a planning perspective and the need for a greater buffer is generally caused by the need to mediate impacts between conflicting uses which is not the case here.

As to the comment about water contamination, there is nothing in the proposal that indicates the residential use will contaminate a well(s), the proposed use is not industrial or commercial where this may be of concern and the regulation of drinking water is beyond the Town's jurisdiction. I trust this information is helpful and please call or email if you wish to discuss further.

Thanks



John Fussa, Community Development Director
20120 E. Mainstreet Parker, CO 80138-7335
303.805.3115 www.parkeronline.org



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From: Poage, Cheryl <cpoage@parkeronline.org>
Sent: Monday, November 15, 2021 1:13 PM
To: Fussa, John <jfussa@parkeronline.org>
Subject: Re: Kime Annexation

I told him that 30 feet was not adequate and requested additional information, also the neighbor concern about environmental impact is valid and I don't see any reports on that issue as well.

Cheryl Poage, Councilmember
20120 E. Mainstreet Parker, CO 80138-7335



303.841.0353 www.parkeronline.org



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From: Fussa, John <jfussa@parkeronline.org>

Sent: Monday, November 15, 2021 12:46 PM

To: Poage, Cheryl <cpoage@parkeronline.org>; Kivela, Michelle <mkivela@parkeronline.org>; Toborg, Jeff <jtoborg@parkeronline.org>; Mayor, Council, and TA <Elected@parkeronline.org>

Cc: Matthews, Bryce <bmatthews@parkeronline.org>; Duncan, Julia <jduncan@parkeronline.org>

Subject: RE: Kime Annexation

Council Member Poage,

Thanks for your email. I believe that Planning Manager Bryce Matthews answered your questions including those about the buffer to the residential properties north of Kime Ranch in unincorporated Douglas County in his email of October 29, 2021. I have attached Bryce's email response to you and the rest of Town Council from two (2) weeks ago and have also copied it below with Bryce's answer about the proposed buffers to the County properties highlighted in yellow. I have also attached the Kime Ranch Rezoning Map-Development Plan that is included in your packet per Bryce's email that illustrates the proposed buffers that vary in width from a minimum of 40-feet to 70-feet. This buffer is required in the proposed PD zoning that accompanies the Annexation Petition and future development proposals must comply with it.

I did a quick evaluation of existing setbacks and can advise that the closest house in unincorporated Douglas County to the north has an existing rear yard (to south) setback of 273-feet to Kime Ranch and an existing side yard (to east) setback of 112-feet to Kime Ranch. This means that the house closest to Kime Ranch in unincorporated Douglas County to the north has a minimum buffer of 313-feet (273' + 40') to Kime Ranch when measured from the south and 152-feet (112' + 40') when measured from the east.

Finally, as part of my evaluation I can advise that the closest house in unincorporated Douglas County to the north of the Parker Vista neighborhood has an existing setback of 109-feet to Parker Vista with no buffer at all in Parker Vista. The closest house in unincorporated Douglas County to the north of the Sunset Ridge neighborhood has an existing setback of 50-feet to Sunset Ridge with a minimum 30-foot buffer provided in Sunset Ridge. The Kime Ranch PD zoning requires a greater buffer of 40- to 70-feet than exists in Parker Vista and Sunset Ridge. From a land use perspective, having a proposed detached single-family residential use next to an existing detached single-family residential use is entirely compatible regardless of lot size or buffers.

I trust this information answers your question but please feel free to call or email if you have additional questions or would like to discuss the proposal. Thanks



John Fussa, Community Development Director

20120 E. Mainstreet Parker, CO 80138-7335

303.805.3115 www.parkeronline.org



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Hi Cheryl,

Thanks for the email and the phone conversation today. I am following up with you and the rest of Mayor and Council with the answers to your questions that we discussed. As you know this information and more detail on the proposal will be part of your packet for the upcoming public hearing.

I hope the following answers provide the information you were looking for.

Have a great day,

Bryce



Bryce Matthews, Planning Manager
20120 E. Mainstreet Parker, CO 80138-7335
303.805.3174 www.parkeronline.org

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Begin forwarded message:

From: "Poage, Cheryl" <cpoage@parkeronline.org>
Date: October 27, 2021 at 8:42:53 PM MDT
To: "Fussa, John" <jfussa@parkeronline.org>, "Mayor, Council, and TA" <Elected@parkeronline.org>, "Maloney, Jim" <jmaloney@parkeronline.org>
Subject: Kime Annexation

In reviewing what was presented Monday evening if find a few questions based on a 42.9 acre site with 150 single family lots.

1. With the density presented, the lot size is 0.286 acres. –

As you know, the lot size is reduced when you take the roads, open space and parks land area out of the property so lot sizes will be smaller than 0.286 acres

2. What are the lot sizes in the subdivisions directly to the west, east, and south? The lots to the north are generally 5 acres, what kind of buffer is proposed. How is this compatible to the surrounding area. –

Buffers vary between 40 and 70 feet on average to the properties to the north where the 5+ acre parcels are. These buffers are displayed on the graphic that will be in your Town Council packet when you receive it.

Parker Vista to the West –

1. Minimum lot size per zoning is 6,000 sq. ft.
2. Developed lot size start at around 6,500 sq. ft.
3. Existing density is about 3.5 du/acre
4. Buffer to properties to the north – 0'

5. Open Space – 10% +/-

Willow Point to the East

1. Minimum lot size per zoning is 3,000 sq. ft.
2. Developed lot size start at around 6,500 sq. ft.
3. Existing density is about 3.3 du/acre
4. Buffer to properties to the north – Varies starting at about 50' in width
5. Open Space – 10% +/-

2. How many acres are set aside for parks and open space?

8.582 acres (20%) of open space and 3.58 acres of parks meeting Town requirements

3. What is the proposed lot size with the acreage for streets, parks, and open space removed.

Minimum lot size proposed is 5,500 sq. ft. actual lot sizes will vary we won't have actual lot sizes until Sketch and Preliminary Plan, which will require a separate hearing before Town Council as well

4. Are the road widths going to allow for street parking?

Roads will be required to meet the Roadway Design and Construction Manual requirements. Local road designs do accommodate on street parking. This will be addressed during Sketch and Preliminary Plan.

5. What is the square footage range of the residences.

Town staff does not know this as it is not a criteria for zoning.

6. Are they one and two-story structures?

The height restriction allow for both one and two story homes. Maximum height in the zoning is 35', same as almost all other single family residential zonings in the Town



Cheryl Poage, Councilmember

20120 E. Mainstreet Parker, CO 80138-7335

303.841.0353 www.parkeronline.org



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From: Poage, Cheryl <cpoage@parkeronline.org>

Sent: Monday, November 15, 2021 11:07 AM

To: Kivela, Michelle <mkivela@parkeronline.org>; Toborg, Jeff <jtoborg@parkeronline.org>; Fussa, John <jfussa@parkeronline.org>

Subject: Kime Annexation

I requested information earlier regarding the property, the remaining question was the buffer separating this annexation and the larger acreage properties the adjoin the proposed annexation and the densities, I did not receive all of this information and therefore can't approve the annexation at this time.



Cheryl Poage, Councilmember

20120 E. Mainstreet Parker, CO 80138-7335

303.841.0353 www.parkeronline.org



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original message. Although the Town of Parker has taken reasonable precautions to ensure no viruses are present in this email, we accept no responsibility for any loss or damage arising from the use of this email or attachments.

RESOLUTION NO. 21-053, Series of 2021

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

WHEREAS, an annexation petition was filed with the Town Clerk requesting the annexation of certain unincorporated territory located in the County of Douglas and State of Colorado, otherwise known as the Kime Ranch Property, and hereafter described in **Exhibits 1 and 2** attached hereto and made a part hereof (the "Property");

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RESOLVED AND PASSED this _____ day of _____, 2021.

TOWN OF PARKER, COLORADO

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk

EXHIBIT 1

Legal Description of Parcel 1

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE 6TH P.M., TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE 6TH P.M., MONUMENTED AT NORTHEAST CORNER OF SECTION 23 BY A 3" BRASS CAP STAMPED "2690", AND AT THE NORTH QUARTER OF SECTION 23 BY A 1-1/2" BRASS CAP, SAID LINE BEARS N89°31'03"E.

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 23, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE 6TH P.M.

THENCE ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 23, S00°20'03"E A DISTANCE OF 488.30 FEET, TO THE SOUTHWESTERLY CORNER OF DALTON SUBDIVISION, 3RD AMENDMENT RECORDED UNDER RECEPTION NO. 2016082720 IN THE RECORDS OF THE DOUGLAS COUNTY CLERK AND RECORDER, SAID POINT BEING THE POINT OF BEGINNING;

THENCE ON THE SOUTHERLY LINE OF SAID DALTON SUBDIVISION 3RD AMENDMENT AND ITS EXTENSION, N89°31'03"E A DISTANCE OF 1338.59 FEET, TO A POINT ON THE EAST LINE OF THE WEST 1/2 OF THE NORTHEAST QUARTER OF SAID SECTION 23;

THENCE ON SAID EAST LINE, S00°21'26"E A DISTANCE OF 1081.72 FEET, TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF MAIN STREET;

THENCE ON SAID NORTHERLY RIGHT-OF-WAY LINE, THE FOLLOWING FOUR (4) COURSES:

1. S85°28'12"W A DISTANCE OF 40.99 FEET;
2. S83°13'47"W A DISTANCE OF 1101.75 FEET;
3. N06°46'13"W A DISTANCE OF 12.00 FEET;
4. S83°06'16"W A DISTANCE OF 203.32 FEET, TO A POINT ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 23;

THENCE ON SAID WEST LINE, N00°20'03"W A DISTANCE OF 1216.06 FEET, TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 1,542,483 SQUARE FEET OR 35.4105 ACRES.

EXHIBIT 2

Legal Description of Parcel 2

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE 6TH P.M., COUNTY OF DOUGLAS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE 6TH P.M., MONUMENTED AT NORTHEAST CORNER OF SECTION 23 BY A 3" BRASS CAP STAMPED "2690", AND AT THE NORTH QUARTER OF SECTION 23 BY A 1-1/2" BRASS CAP, SAID LINE BEARS N89°31'03"E.

BEGINNING AT THE EAST SIXTEENTH CORNER OF SECTION 23 AND SECTION 14, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE 6TH P.M.

THENCE ON THE WEST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 23, S00°21'26"E A DISTANCE OF 488.30 FEET, TO A POINT ON THE EXISTING BOUNDARY OF THE TOWN OF PARKER AS ANNEXED IN WILLOW POINTE ANNEXATION, RECORDED UNDER RECEPTION NO. 320260, IN THE RECORDS OF THE DOUGLAS COUNTY CLERK AND RECORDER;

THENCE ON SAID EXISTING BOUNDARY, S89°31'03"W A DISTANCE OF 669.29 FEET, TO A POINT ON THE EAST LINE OF DALTON SUBDIVISION 3RD AMENDMENT, RECORDED UNDER RECEPTION NO. 2016082720, IN THE RECORDS OF THE DOUGLAS COUNTY CLERK AND RECORDER;

THENCE ON SAID EAST LINE, N00°20'45"W A DISTANCE OF 488.30 FEET, TO A POINT ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 23;

THENCE ON SAID NORTH LINE N89°31'03"E A DISTANCE OF 669.19 FEET, TO THE POINT OF BEGINNING;

CONTAINING A CALCULATED AREA OF 326,789 SQUARE FEET OR 7.5021 ACRES.

ORDINANCE NO. 2.278, Series of 2021

TITLE: A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY KNOWN AS THE KIME RANCH PROPERTY IN DOUGLAS COUNTY

WHEREAS, pursuant to the laws of the State of Colorado, there was presented to and filed with the Town Council of the Town of Parker, Colorado, written petition(s) for annexation to and by the Town of Parker, Colorado, of that property described in attached **Exhibits 1 and 2** (the “Property”), being contiguous unincorporated territory situated, lying, and being in the County of Douglas, State of Colorado;

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

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

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

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

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

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

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

Section 5. The Town Council hereby approves the Annexation Agreement that is attached hereto as **Exhibit 3**, and incorporated by this reference, and authorizes the execution of the Annexation Agreement by the Mayor and Town Clerk.

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

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

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

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

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

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

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk

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

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney

EXHIBIT 1

Legal Description of Parcel 1

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE 6TH P.M., TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE 6TH P.M., MONUMENTED AT NORTHEAST CORNER OF SECTION 23 BY A 3" BRASS CAP STAMPED "2690", AND AT THE NORTH QUARTER OF SECTION 23 BY A 1-1/2" BRASS CAP, SAID LINE BEARS N89°31'03"E.

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 23, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE 6TH P.M.

THENCE ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 23, S00°20'03"E A DISTANCE OF 488.30 FEET, TO THE SOUTHWESTERLY CORNER OF DALTON SUBDIVISION, 3RD AMENDMENT RECORDED UNDER RECEPTION NO. 2016082720 IN THE RECORDS OF THE DOUGLAS COUNTY CLERK AND RECORDER, SAID POINT BEING THE POINT OF BEGINNING;

THENCE ON THE SOUTHERLY LINE OF SAID DALTON SUBDIVISION 3RD AMENDMENT AND ITS EXTENSION, N89°31'03"E A DISTANCE OF 1338.59 FEET, TO A POINT ON THE EAST LINE OF THE WEST 1/2 OF THE NORTHEAST QUARTER OF SAID SECTION 23;

THENCE ON SAID EAST LINE, S00°21'26"E A DISTANCE OF 1081.72 FEET, TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF MAIN STREET;

THENCE ON SAID NORTHERLY RIGHT-OF-WAY LINE, THE FOLLOWING FOUR (4) COURSES:

1. S85°28'12"W A DISTANCE OF 40.99 FEET;
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3. N06°46'13"W A DISTANCE OF 12.00 FEET;
4. S83°06'16"W A DISTANCE OF 203.32 FEET, TO A POINT ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 23;

THENCE ON SAID WEST LINE, N00°20'03"W A DISTANCE OF 1216.06 FEET, TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 1,542,483 SQUARE FEET OR 35.4105 ACRES.

EXHIBIT 2

Legal Description of Parcel 2

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE 6TH P.M., COUNTY OF DOUGLAS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE 6TH P.M., MONUMENTED AT NORTHEAST CORNER OF SECTION 23 BY A 3" BRASS CAP STAMPED "2690", AND AT THE NORTH QUARTER OF SECTION 23 BY A 1-1/2" BRASS CAP, SAID LINE BEARS N89°31'03"E.

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THENCE ON SAID EAST LINE, N00°20'45"W A DISTANCE OF 488.30 FEET, TO A POINT ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 23;

THENCE ON SAID NORTH LINE N89°31'03"E A DISTANCE OF 669.19 FEET, TO THE POINT OF BEGINNING;

CONTAINING A CALCULATED AREA OF 326,789 SQUARE FEET OR 7.5021 ACRES.

EXHIBIT 3

KIME RANCH ANNEXATION AGREEMENT

THIS KIME RANCH ANNEXATION AGREEMENT (this “**Agreement**”) is voluntarily made and entered into this _____ day of _____, 2021, by and between the Town of Parker, a Colorado home rule municipality (hereinafter referred to as the “**Town**”), the Parker Water and Sanitation District (hereinafter referred to as the “**District**”) (only as to Paragraph 3), and Century Land Holdings, LLC, and its successors and assigns (the “**Property Owner**”).

RECITALS:

A. The Property Owner is the owner of certain real property situated in the Town of Parker, Colorado, which is described in **Exhibit A**, attached hereto and made a part hereof (the “**Parcel 1**”) and zoned A-Agricultural District under the Parker Land Development Ordinance.

B. The Property Owner is the owner of certain real property situated in the County of Douglas, State of Colorado, which is described in **Exhibit B**, attached hereto and made a part hereof (the “**Parcel 2**”) and zoned Rural Residential in Douglas County.

C. The Property Owner desires that the Town annex Parcel 2 and zone both Parcel 1 and Parcel 2 (collectively referred to as the “**Property**”), PD-Planned Development under the Parker Land Development Ordinance to be developed under single development responsibility in accord with a unified plan for development of the Property.

D. Concurrently with its petition for annexation to the Town, the Property Owner has filed with the District a petition for inclusion of the Property.

E. The Town wishes to annex Parcel 2 into the Town and shall consider the zoning application for the Property upon the condition that this Agreement is approved by the Town and is executed by the Town, the District and the Property Owner.

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

AGREEMENT:

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

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

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

cause recordation of the requisite documents to effect annexation of the Property upon satisfaction of the conditions precedent):

i. The Property Owner and the Town have mutually executed and delivered this Agreement.

ii. Parcel 2 has been fully included within the boundaries of the District by virtue of an Order of Inclusion having been signed by the Douglas County District Court and recorded in the real estate records of Douglas County, Colorado (the “**Records**”).

iii. The District signs this Agreement.

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

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

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

4. Zoning and Development.

a. Zoning Approval. The Property Owner hereby consents to zoning the Property PD-Planned Development pursuant to the Development Plan and Guide that is adopted by Ordinance No. 3.360 contemporaneously with this Agreement (the “**Development Plan**”).

b. Town Fees. The Property Owner hereby agrees to pay the Town its actual out of pocket cost plus fifteen percent (15%) to defray the administrative and review expenses of the Town, and for engineering, surveying, and legal services rendered in connection with the review of the annexation of the Property, which cost shall be determined by the Town Planning Director, provided that the Town provides to the Property Owner reasonable documentation of such costs, such as invoices. In addition,

the Property Owner shall reimburse the Town for the actual cost of making corrections or additions to the official Town Map, with a fee for recording such map, if necessary, and accompanying documents with the County Clerk and Recorder. The Property Owner further agrees to pay all building fees, use taxes, impact fees and excise taxes as established by Town ordinance and such additional fees and taxes as may be in effect at the time such payment is required in accordance with Town ordinance except as specifically provided by this Agreement, provided that real property taxes will become effective on January 1 of the next succeeding year following the effectiveness of the annexation ordinance adopted by the Town annexing the Property into the Town. The Town may withhold any plat approval or withhold the issuance of any permits for construction or occupancy for failure to pay Town fees and taxes as provided herein. All fees recited in this Agreement shall be subject to amendment by the Town Council by ordinance so long as any amendment is Townwide. Any amendment to the fees shall be incorporated into this Agreement as if originally set forth herein.

5. Open Space. The Property Owner shall provide 8.582 acres of open space on the Property (the “**Open Space**”), which Open Space will be owned and maintained by a homeowners' association approved by the Town (the “**Association**”). The Open Space within the Property shall be conveyed to the Association with each final plat that contains or abuts the Open Space. The Property Owner shall implement and complete a plan using best management practices as approved by the Town to eradicate the noxious weeds and rodents on the Open Space Property prior to the conveyance to the Association.

6. Trail and Trail Connections. The Property Owner shall hereby design and construct, and cause to be maintained by the Association approved by the Town, trail connections throughout the Property, in accordance with any and all future approved subdivision plat(s) for the subject properties, as set forth in the Development Plan. The Property Owner shall design and construct such trails according to Town standards contained in the Construction Specifications and Design Considerations for Parks, Trails and Streetscapes, as amended (the “**Park and Trail Standards**”). Materials used to construct such trails shall be determined by the Town at the time of the first preliminary plan for the Property. Prior to the issuance of any building permit for the construction of a dwelling unit within any Planning Area or part thereof that contains or abuts portions of such trails, such portions of such trails shall be constructed. If only a portion of a Planning Area is platted, the Property Owner shall construct such trails within and/or adjacent to the entire Planning Area.

7. Parks. The Property Owner shall develop parks sites in accordance with the minimum collective acreage that is calculated based upon 0.0239 acres of developed parks for each residential dwelling unit. The park sites shall be owned and maintained by the Association (the “**Park Sites**”). The Park Sites shall be developed according to the standards contained in the Town's Parks and Open Space Master Plan and the Town of Parker Construction Specifications and Design considerations for Parks, Trails and Streetscapes, as amended. The Property Owner shall construct the Park Sites prior to the issuance of the first (1st) certificate of occupancy (temporary or otherwise) for a final platted area (including a replat) for the Property, as described in the Development Plan. In the event that the Property Owner is not able to install or complete the landscaping improvements within any Park Site due to extreme weather conditions, as generally described in Section 13.10.180 of the Parker Municipal Code, the Property Owner may continue to obtain building permits for residential dwelling units after the

deadline described herein; provided the Property Owner deposits with the Town one hundred and ten percent (110%) of the cost to install the remaining landscaping improvements, in the form of cash or letter of credit, to secure the Property Owner's obligation to install such landscaping improvements on or before the following June 1st.

8. Deficit Reduction Fee. The Property Owner hereby agrees to pay the Town a deficit reduction fee to off-set the impact to the Town's General Fund as a result of this annexation in the amount of Three Thousand Five Hundred Forty-Two and 00/100 Dollars (\$3,542.00) for each residential unit on the Property (the "**Deficit Reduction Fee**"). The Deficit Reduction Fee shall be paid individually at the time of the issuance of a building permit for any residential unit. The Deficit Reduction Fee shall increase annually, commencing on the recordation of first final plat for the Property, by the U.S. Bureau of Labor Statistics Consumer Price Index for Denver-Boulder, All Items, All Urban Consumers, or its successor index.

9. Mainstreet Auxiliary Lanes/Sidewalks. The Property Owner shall design and construct, at its sole expense, the following road and sidewalk improvements, in accordance with the Town of Parker Roadway Design and Construction Criteria Manual, as amended (the "**Roadway Manual**"), except as otherwise provided in this Paragraph.

a. Mainstreet Auxiliary Lanes. The Property Owner shall design and construct, at its sole expense, any auxiliary lanes on Mainstreet, or modifications to existing auxiliary lanes, adjacent to the Property, as determined by the Town-approved traffic impact study and in accordance with the Roadway Manual, prior to the issuance of any building permit for the Property.

b. Mainstreet Sidewalks. The Property Owner shall design and construct an eight-foot (8') detached sidewalk on Mainstreet adjacent to the Property, in accordance with the Roadway Manual, prior to the issuance of any building permit for the Property.

10. Mainstreet Signal Modifications. The Property Owner shall design and construct all necessary improvements to the existing traffic signal at the intersection of Mainstreet and Willow Park Drive, as determined by the Town and in accordance with the Roadway Manual, prior to the issuance of any building permit for the Property.

11. Limitation on Number of Dwelling Units. The total number of residential dwelling units allowed on the Property shall not exceed one hundred fifty (150) single family residential dwelling units.

12. Land Dedication. The Property Owner shall either dedicate by plat or convey to the Town, by special warranty deed, free and clear of all liens and monetary encumbrances, any additional right-of-way necessary to accommodate any required improvements to Mainstreet adjacent to the Property, in accordance with the Roadway Manual, at the time of recordation of the first final plat for the Property.

13. School Mitigation Plan.

a. School Mitigation Fee Payment. The Property Owner desires and has agreed to contribute to the Douglas County School District No. RE-1 (the "**School**

District") the sum of Two Thousand Six Hundred Thirty-Five Dollars (\$2,635.00) for each residential unit constructed on the Property for school mitigation (the "**School Mitigation Fee**"), which fee is for the benefit of the School District and its students. The School Mitigation Fee shall be paid by the Property Owner to the School District prior to the issuance of a building permit for each residential unit within the Property.

b. In Lieu Fee. The Property Owner shall contribute a fee in lieu of land dedication for the school sites (the "**In-Lieu Fee**"), which fee is for the benefit of the School District and its students. The amount of the In-Lieu Fee shall be determined by an appraisal provided by the Property Owner prior to the recording of the first final plat for the Property. The In-Lieu Fee shall be paid by the Property Owner in one (1) installment to the School District for all lots in each final plat, concurrently with the recording of each final plat for the Property. The In-Lieu Fee for each final plat shall be calculated as a proportionate share of the total In-Lieu Fee for the Property, based upon the number of residential units contemplated in such final plat. Any outstanding balance of the In-Lieu Fee shall be paid to the School District in its entirety concurrently with recording of the last residential subdivision plat for the Property.

14. Permitted Development. The Property Owner shall develop the Property in accordance with this Agreement, Town ordinances and regulations, and applicable state and federal laws and regulations. The Town shall allow and permit the development of the Property upon submission of proper application and payment of fees imposed by the Town ordinances and regulations. The Property Owner shall cause the Association to be created at the time of the first final plat for the Property for the purpose of maintaining those areas described in this Agreement which are to be owned and maintained by the Association.

15. Property Owner. The Property Owner is entering into this Agreement and is undertaking the obligations imposed upon the Property Owner herein in reliance upon the Town's concurrent adoption of an ordinance annexing the Property into the Town and the adoption of an ordinance zoning the Property PD-Planned Development as provided in Subparagraph 4.a of this Agreement. Performance of the Property Owner's obligations hereunder is expressly conditioned upon the Town's adoption of the ordinance described in Subparagraph 4.a. If the Town fails to adopt the ordinance described in Subparagraph 4.a, then the petition for annexation will be deemed withdrawn and the annexation process will be terminated.

16. Waiver of Prior Vested Rights. The Property Owner waives any prior vested property rights acquired in Douglas County so long as the Property remains annexed into the Town.

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

- a. The refusal to issue any building permit or certificate of occupancy.

b. The revocation of any building permit previously issued under which construction directly related to such building permit has not commenced, except a building permit previously issued to a third party.

c. A demand that the security given for the completion of the public improvements be paid or honored.

d. Any other remedy available at law.

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

19. Termination. If the zoning as set forth above in Subparagraph 4.a. is not approved by ordinance, or if the annexation of the Property is for any reason not completed, or this Agreement is not approved by the Town Council, then this Agreement shall be null and void and of no force and effect whatsoever, and any monies paid will be reimbursed to the Property Owner.

20. Binding Effect; Amendments. Upon and after the Effective Date, this Agreement shall inure to the benefit of and be binding on the successors or assigns in interest or the legal representatives of the parties hereto, including all the purchasers and subsequent owners of any lots or parcels within the Property. This Agreement constitutes the entire agreement of the parties and may be amended only in writing by the parties, approved in substantially the same manner as the Agreement itself. The Property Owner is hereby authorized to execute amendments to this Agreement with respect to the entire Property without the approval of any owner of any lot within the Property that is used for residential purposes; however, such amendment(s) will not be enforceable as against such owner(s).

21. Recordation of Agreement. Upon the Effective Date, this Agreement shall be recorded in the Records and upon recordation shall run with the land.

22. Effective Date. This Agreement shall be effective upon the satisfaction of the conditions set forth in Subparagraph 1.a of this Agreement (the "**Effective Date**").

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

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

**PROPERTY OWNER: CENTURY
LAND HOLDINGS, LLC**

By: _____
Brian Mulqueen, Vice President

STATE OF COLORADO)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____,
2021, by Brian Mulqueen as Vice President of Century Land Holdings, LLC.

SEAL

Notary Public

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

By: _____
Ron Redd, District Manager

ATTEST:

Maliea Good, Engineering Secretary

EXHIBITS

EXHIBIT A LEGAL DESCRIPTION OF PARCEL 1

EXHIBIT B LEGAL DESCRIPTION OF PARCEL 2

EXHIBIT A

Legal Description of Parcel 1

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE 6TH P.M., TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE 6TH P.M., MONUMENTED AT NORTHEAST CORNER OF SECTION 23 BY A 3" BRASS CAP STAMPED "2690", AND AT THE NORTH QUARTER OF SECTION 23 BY A 1-1/2" BRASS CAP, SAID LINE BEARS N89°31'03"E.

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 23, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE 6TH P.M.

THENCE ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 23, S00°20'03"E A DISTANCE OF 488.30 FEET, TO THE SOUTHWESTERLY CORNER OF DALTON SUBDIVISION, 3RD AMENDMENT RECORDED UNDER RECEPTION NO. 2016082720 IN THE RECORDS OF THE DOUGLAS COUNTY CLERK AND RECORDER, SAID POINT BEING THE POINT OF BEGINNING;

THENCE ON THE SOUTHERLY LINE OF SAID DALTON SUBDIVISION 3RD AMENDMENT AND ITS EXTENSION, N89°31'03"E A DISTANCE OF 1338.59 FEET, TO A POINT ON THE EAST LINE OF THE WEST 1/2 OF THE NORTHEAST QUARTER OF SAID SECTION 23;

THENCE ON SAID EAST LINE, S00°21'26"E A DISTANCE OF 1081.72 FEET, TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF MAIN STREET;

THENCE ON SAID NORTHERLY RIGHT-OF-WAY LINE, THE FOLLOWING FOUR (4) COURSES:

1. S85°28'12"W A DISTANCE OF 40.99 FEET;
2. S83°13'47"W A DISTANCE OF 1101.75 FEET;
3. N06°46'13"W A DISTANCE OF 12.00 FEET;
4. S83°06'16"W A DISTANCE OF 203.32 FEET, TO A POINT ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 23;

THENCE ON SAID WEST LINE, N00°20'03"W A DISTANCE OF 1216.06 FEET, TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 1,542,483 SQUARE FEET OR 35.4105 ACRES.

EXHIBIT B

Legal Description of Parcel 2

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE 6TH P.M., COUNTY OF DOUGLAS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE 6TH P.M., MONUMENTED AT NORTHEAST CORNER OF SECTION 23 BY A 3" BRASS CAP STAMPED "2690", AND AT THE NORTH QUARTER OF SECTION 23 BY A 1-1/2" BRASS CAP, SAID LINE BEARS N89°31'03"E.

BEGINNING AT THE EAST SIXTEENTH CORNER OF SECTION 23 AND SECTION 14, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE 6TH P.M.

THENCE ON THE WEST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 23, S00°21'26"E A DISTANCE OF 488.30 FEET, TO A POINT ON THE EXISTING BOUNDARY OF THE TOWN OF PARKER AS ANNEXED IN WILLOW POINTE ANNEXATION, RECORDED UNDER RECEPTION NO. 320260, IN THE RECORDS OF THE DOUGLAS COUNTY CLERK AND RECORDER;

THENCE ON SAID EXISTING BOUNDARY, S89°31'03"W A DISTANCE OF 669.29 FEET, TO A POINT ON THE EAST LINE OF DALTON SUBDIVISION 3RD AMENDMENT, RECORDED UNDER RECEPTION NO. 2016082720, IN THE RECORDS OF THE DOUGLAS COUNTY CLERK AND RECORDER;

THENCE ON SAID EAST LINE, N00°20'45"W A DISTANCE OF 488.30 FEET, TO A POINT ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 23;

THENCE ON SAID NORTH LINE N89°31'03"E A DISTANCE OF 669.19 FEET, TO THE POINT OF BEGINNING;

CONTAINING A CALCULATED AREA OF 326,789 SQUARE FEET OR 7.5021 ACRES.

ORDINANCE NO. 3.360, Series of 2021

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

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

Section 1. Finding of Fact.

- a. Application has been made for zoning certain property described in attached **Exhibits 1 and 2**, within the Town of Parker, Colorado (the “Property”), as Kime Ranch District, pursuant to the Town of Parker Land Development Ordinance.
- b. Public notice has been given by publication on the Town’s website at least fifteen (15) days prior to the public hearing of such zoning.
- c. Written notice was sent by first class mail to all owners of property that abut the Property, at least fifteen (15) days prior to the public hearing.
- d. Notice of such proposed hearing was posted on the Property for fifteen (15) consecutive days prior to said hearing.
- e. The requirements contained in Section 13.04.240(f) of the Parker Land Development Ordinance are satisfied for zoning the Property to PD-Planned Development District, as described in the Parker Land Development Ordinance.

Section 2. The Property is hereby zoned PD-Planned Development District as provided in the Kime Ranch Development Plan and Guide, which is attached hereto as **Exhibit 3** and incorporated by this reference. The uses permitted for the Property are specifically described in the attached Development Guide and Plan.

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

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

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

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

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

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

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

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk

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

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney

EXHIBIT 1

Legal Description of Parcel 1

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE 6TH P.M., TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE 6TH P.M., MONUMENTED AT NORTHEAST CORNER OF SECTION 23 BY A 3" BRASS CAP STAMPED "2690", AND AT THE NORTH QUARTER OF SECTION 23 BY A 1-1/2" BRASS CAP, SAID LINE BEARS N89°31'03"E.

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 23, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE 6TH P.M.

THENCE ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 23, S00°20'03"E A DISTANCE OF 488.30 FEET, TO THE SOUTHWESTERLY CORNER OF DALTON SUBDIVISION, 3RD AMENDMENT RECORDED UNDER RECEPTION NO. 2016082720 IN THE RECORDS OF THE DOUGLAS COUNTY CLERK AND RECORDER, SAID POINT BEING THE POINT OF BEGINNING;

THENCE ON THE SOUTHERLY LINE OF SAID DALTON SUBDIVISION 3RD AMENDMENT AND ITS EXTENSION, N89°31'03"E A DISTANCE OF 1338.59 FEET, TO A POINT ON THE EAST LINE OF THE WEST 1/2 OF THE NORTHEAST QUARTER OF SAID SECTION 23;

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THENCE ON SAID NORTHERLY RIGHT-OF-WAY LINE, THE FOLLOWING FOUR (4) COURSES:

1. S85°28'12"W A DISTANCE OF 40.99 FEET;
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4. S83°06'16"W A DISTANCE OF 203.32 FEET, TO A POINT ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 23;

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CONTAINING A CALCULATED AREA OF 1,542,483 SQUARE FEET OR 35.4105 ACRES.

EXHIBIT 2

Legal Description of Parcel 2

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE 6TH P.M., COUNTY OF DOUGLAS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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CONTAINING A CALCULATED AREA OF 326,789 SQUARE FEET OR 7.5021 ACRES.

KIME RANCH

Planned Development Guide

Submitted to:

The Town of Parker

Prepared for:

Century Communities

Cindy Myers, VP Director of Land Entitlement

8390 E. Crescent Parkway, Suite 650

Greenwood Village, CO 80111

A. Statement of Purpose

The purpose of this development Plan and Development Guide is to establish standards for the development and improvement of the property. The standards contained in this Development Guide are intended to carry out the goals of this planned community.

B. Application

These standards shall apply to all property obtained within the Kime Ranch PD as shown on the Development Plan and this Development Guide. These zoning regulations and requirements shall become the governing standards for review, approval and modification of all uses occurring on the site.

Provisions of this guide shall prevail and govern the use of the site; however, this guide only supersedes the specific zoning category, not the Parker Municipal Code, as amended. The zoning codes and regulations for the Town of Parker shall apply where the provisions of this guide do not address a specific subject; or where there is a conflict in which case the Parker Municipal Code prevails.

AUTHORITY

A. Authority

The authority of this Development Guide is Section 13.04.150 (PD-Planned Development) of the Parker Municipal Code, as amended.

B. Adoption

Reference Chapter 13.04.150 (PD-Planned Development) of the Parker Municipal Code, as amended.

C. Relationship of Town Regulations

The provisions of this Development Guide shall prevail and govern development of the Kime Ranch PD to the extent provided by Chapter 13.04.150 (PD-Planned Development) of the Parker Municipal Code, as amended, except where the provisions of the Development Guide do not clearly address a specific subject, or are silent. In such a case the provisions of the Parker Municipal Code, or any other codes or regulations of the Town of Parker shall prevail, when applicable.

D. Enforcement

The provisions of the Development Guide relating to the use for land shall run in favor of the Town or Parker and shall be enforceable, at law or in equity, by the Town of Parker. All Provisions of this Development Guide shall run in favor of the residents, occupants, or owners of the land on which the Kime Ranch PD is located to the extent expressly provided in this Development Guide and in accordance with its terms and conditions, the Parker Municipal Code and Charter, as amended, and where applicable, State law.

E. Additions

The addition of appropriately zoned land to the Kime Ranch PD shall be considered a zoning amendment and shall be subject to the procedures and requirements contained in Sec. 13.04.240 of the Parker Municipal Code, as amended.

CONTROL PROVISIONS

A. Control Over Use

After the adoption of this Development Guide by the Town Council, The Town of Parker and subject to the approved Annexation Agreement, the provisions of Section 13.04.230 (Non-Conforming Situations) and these Development Standards, in conjunction with the Town of Parker Land Development Code, shall control development and land use.

B. Control Over Location and Bulk

After adoption of this Development Guide by the Town Council, the location and bulk of all buildings and other structures built after the effective date of the Development Guide shall be in conformance with:

1. All applicable standards contained within the Development Plan and Guide; and
2. Any other applicable standards of the Parker Municipal Code, as amended and where such standards are not specifically addressed in, or are in conflict with the Development Guide.

C. Incorporation of the Development Plan

The plan for development of the Kime Ranch including the type, location and boundaries of land use area as shown on the Kime Ranch PD Development Plan, which is attached as Exhibit A and is hereby incorporated by reference into this Development Guide.

GENERAL PROVISIONS

A. Purpose

The purpose of this section is to establish general provisions and clarify standard and requirements for development which may occur in the Kime Ranch PD.

B. Planning Area Boundaries

The boundaries and acreage of all Planning Areas within Kime Ranch PD are shown on the Kime Ranch Development Plan.



1. The final boundary of any Planning area shall be established when the final plat(s) is prepared for the area.

C. Utility Connections

Approval for connection to the Parker Water and Sanitation District facilities or other appropriate utility system shall be required for each principal building to be constructed under the terms of this Development Guide within the Kime Ranch PD and notice of such approval shall be provided to the Town Building Inspector.

D. Agricultural Uses

Agricultural activities, and all accessory structures and uses which are customarily incidental or appropriate to farming and ranching shall be permitted within the Kime Ranch PD prior to but not during the phased development of the total project, subject to the Parker Municipal Code, as amended.

DEVELOPMENT STANDARDS

SECTION I.

DEVELOPMENT STANDARDS

SECTION 1.

SINGLE FAMILY DETACHED RESIDENTIAL Planning Area One - (PA) – 1

Sec. 1-10 Description & Definitions

The Single Family Detached residential area may have up to a total of 150 homes. The single family detached neighborhood will include a park, open spaces and trail corridors which will connect the residences to the site's amenities, and regional trail network.

1. Building Setback: The distance between the building (measured at foundation) and the adjacent street right-of-way or property lines, whichever is closer.
2. Patio: A covered or uncovered, unenclosed portion of a single family detached or duplex structure, typically projecting beyond the structure's foundation.
3. Porch: A covered or uncovered, unenclosed portion of a single family detached or duplex structure, typically projecting beyond the structure's exterior façade.
4. Side Loaded Garage: A garage in which the door is situated parallel to the side elevation of a structure.

Sec. 1-20 Intent

The intent for the Single-Family Zone District is to create development that is diverse and unique and offers creative site planning solutions for detached homes which add variety to the Town of Parker community. These homes may offer a variety of unit types with varying building characteristics including ranches and two story homes.

Single-family residential homes may be served by public streets, existing on fee-simple lots, with common open spaces maintained by an Owners Association.

Sec. 1-30 Uses Permitted

Primary Uses



1. Single family detached dwellings with front or side loaded garages.
2. Home occupations in accordance with Section 13.04.180 of the Parker Municipal Code, as amended
3. Attached or detached private garages (3 car maximum)

Accessory Uses

1. Public and private Open Space and Parks
 - a. The maximum height of any structure in an Open Space or Park area shall be 25 feet.
2. Other outdoor recreational uses including but not limited to;
 - a. Trails and pathways.
 - b. Nature center/ picnic area.
3. Drainage facilities and detention/water quality ponds, subject to the requirements established within Section 13.07.140(c)(9)(f) of the Parker Municipal Code, as amended.
4. Temporary sales trailers or modular homes and show home complexes and accessory uses in accordance with section 13.04.210 of the Town of Parker Municipal Code, as amended.

Sec 1-40 Development Standards

1. Maximum number of dwelling units: 150.
2. Minimum standard lot area: 5,500 square feet
3. Maximum Building height: 35 feet
4. Minimum lot width:
 - a. At the street: 40 feet
 - b. At a cul-de-sac, knuckle or similarly curved frontage at the street: 30 feet
5. Primary structure front setback (from local street right-of-way):
 - a. 20 feet to face of garage
 - b. 15 feet to face of home
 - c. 10 feet to unenclosed covered porch or patio without living space above the porch
6. Primary and accessory structure side setback: 5 feet
7. Primary structure rear setback:
 - a. 20 feet from rear building façade to internal lot line or lot adjacent to a buffer
 - b. 15 feet from unenclosed covered porch, patio, or deck without living space above to internal lot line or lot adjacent to a buffer.
8. Accessory structure rear setback: 10 feet
9. Detached garage rear setback: 5 feet
10. Corner lot side setback (From local street right-of-way): 10 feet to side of structure,
11. Corner lot side setback (From collector street right-of-way): 15 feet to side of structure,
12. Minimum building separation: 10 feet (does not include overhangs or window wells)
13. Setback Encroachments:
 - a. Cantilevers, chimneys, entertainment centers, bay or box windows, brick or stone ledges and roof overhangs may encroach into the setback a maximum of 24 inches.
 - b. Window wells may encroach into the setback a maximum of 36 inches so long as there is no conflict with utility easements.

Sec. 1-50 Design Standards

1. Minimum Buffer from the Western and Northern Property lines: No fences or structures shall be erected closer than 40 feet from the property lines of Kime Ranch for the purpose of preserving land.
2. Minimum Buffer from the Eastern Property line: No fences or structures shall be erected closer than 6 feet with and average of 30 feet from the property lines of Kime Ranch for the purpose of preserving land.
3. Minimum Buffer adjacent to Mainstreet: A separation buffer between the back of residential lot and edge of Mainstreet right-of-way shall be 35 feet. The buffer may be counted towards the open space requirement.
4. Front porches are encouraged.



5. All single family homes must be located with the first floor elevation above the adjacent sidewalk.
6. Two (2) car garages (minimum) shall be required.

Staggered setbacks are required. The front building setback of one (1) lot shall be varied by a minimum of two (2) feet from the front building setback of any home within two (2) lots on either side of the subject lot in accordance with the Town of Parker Residential Design Criteria- Sec. 13.10.161 (g) of the Parker Municipal Code, as amended.

SECTION 2. NOTES

1. The developer has the right to build at a lower density provided the Town has determined that the use is permitted and compatible with surrounding land uses. The finding of compatibility is determined at the time of Preliminary Plan or Site Plan review; provided the developer meets the requirements of that particular zone district and the intent statement of this Development Plan. This reduction shall be considered a minor change, enabling the developer to gain approval of the site without amending the Development Plan.
2. All roadway systems are conceptually located to provide access to the site and its environs. Final alignments, access and design will be determined at the time of Final Plat.

SECTION 4. DESIGN INTENT AND CRITERIA

Sec 5-10 Circulation, Road Patterns and Standards

Roads will be designed pursuant to the Town of Parker Roadway Design and Construction Criteria Manual and will provide street trees and detached walks on both sides along neighborhoods streets. The intent is to encourage pedestrians to utilize the walks and trails for day to day local trips creating more pedestrian oriented streets.

Sec. 5-20 Right-of-way Landscaping

The agreement shall be assigned to the homeowner's, or commercial owner's association, therefore requiring the maintenance and irrigation, including the irrigation taps by the assigned entity or individual resident.



EXHIBIT A

KIME RANCH PD - PLANNED DEVELOPMENT

DEVELOPMENT PLAN
BEING A PART OF SECTION 23, TOWNSHIP 6 SOUTH
RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN
TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO

LEGAL DESCRIPTION:

A PARCEL OF LAND BEING LOCATED IN THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 23, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE 6TH P.M., COUNTY OF DOUGLAS, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE NORTH LINE OF THE NORTHEAST 1/4 OF SECTION 23, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE 6TH P.M. BEING MONUMENTED BY A 1.5" BRASS CAP ENCASED IN CONCRETE AT THE NORTH 1/4 CORNER AND A 3" BRASS CAP STAMPED "1.5 2690" AT THE NORTHEAST CORNER, SAID LINE BEING ASSUMED TO BEAR N89°31'03"E A DISTANCE OF 2676.71 FEET.

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 23;

THENCE ON THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 23, S00°20'03"E A DISTANCE OF 488.30 FEET, TO THE SOUTHWESTERLY CORNER OF THE DALTON SUBDIVISION 3RD AMENDMENT, RECORDED UNDER RECEPTION NO. 2016082720 IN THE RECORDS OF THE DOUGLAS COUNTY CLERK AND RECORDER;

THENCE ON THE SOUTHERLY AND EASTERLY LINES OF SAID SUBDIVISION, THE FOLLOWING TWO (2) COURSES:

1. N89°31'03"E A DISTANCE OF 669.29 FEET;
2. N00°20'45"W A DISTANCE OF 488.30 FEET, TO A POINT ON THE NORTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 23;

THENCE ON SAID NORTH LINE, N89°31'03"E A DISTANCE OF 669.19 FEET, TO THE NORTHEAST CORNER OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SAID SECTION 23;

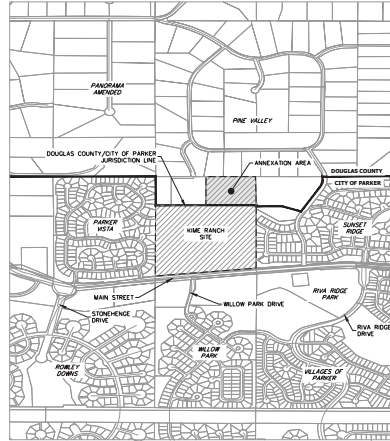
THENCE ON THE EAST LINE OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SAID SECTION 23, S00°21'28"E A DISTANCE OF 1570.02 FEET, TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF MAIN STREET;

THENCE ON SAID NORTHERLY RIGHT-OF-WAY LINE, THE FOLLOWING FOUR (4) COURSES:

1. S85°28'12"W A DISTANCE OF 40.99 FEET;
2. S83°13'47"W A DISTANCE OF 1101.75 FEET;
3. N06°46'13"W A DISTANCE OF 12.00 FEET;
4. S83°06'16"W A DISTANCE OF 203.32 FEET, TO A POINT ON THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 23;

THENCE ON SAID WEST LINE, N00°20'03"W A DISTANCE OF 1216.06 FEET, TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 1,869,272 SQUARE FEET OR 42.9126 ACRES.



VICINITY MAP

SCALE: 1:1000
NORTH

SHEET INDEX

1 OF 2 COVER SHEET
2 OF 2 DEVELOPMENT PLAN

OWNER



8390 E. CRESCENT
PARKWAY, SUITE 650.
GREENWOOD
VILLAGE, CO 80111

LAND PLANNING



PCS GROUP, INC.
P.O. BOX 18287
DENVER, CO 80218
P. 303.531.4905
F. 303.531.4908

ENGINEERING



7200 S ALTON WAY, C400
CENTENNIAL, CO 80112
P. 303.740.9393

SIGNATURE BLOCK BY OWNER:

I / WE THE UNDERSIGNED, BEING THE OWNER OF THE DEEDS OF TRUST AND HOLDER OF OTHER INTEREST IN THE PLANNED DEVELOPMENT KNOWN AS KIME RANCH, DO HEREBY INDICATE THAT THIS DEVELOPMENT PLAN REPRESENTS THE APPROVED LAND USE CONCEPT FOR THE PROPERTY DESCRIBED AS FOLLOWS: A PARCEL OF LAND LOCATED BEING PART OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO.

OWNER:

BY CENTURY LAND HOLDINGS, LLC

OWNER OR OWNER'S REPRESENTATIVE

STATE OF COLORADO)

COUNTY OF DOUGLAS) SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 20____.

BY: _____

WITNESS MY HAND AND OFFICIAL SEAL

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC

PLANNING COMMISSION ACCEPTANCE:

THIS DEVELOPMENT PLAN WAS REVIEWED AND RECOMMENDED FOR APPROVAL BY THE TOWN OF PARKER PLANNING COMMISSION FOLLOWING A PUBLIC HEARING HELD ON _____, 2021.

PLANNING DIRECTOR, ON BEHALF OF THE TOWN OF PARKER PLANNING COMMISSION

TOWN COUNCIL ACCEPTANCE:

THIS DEVELOPMENT PLAN WAS APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PARKER ON THE ____ DAY OF _____, 2021, FOR THE PROPERTY DESCRIBED AS THE KIME RANCH PROPERTY. THE ZONING INFORMATION SHOWN HEREON WAS CONFIRMED WITH THE ADOPTION OF ORDINANCE NO. _____.

MAYOR, TOWN OF PARKER

ATTEST: _____
TOWN CLERK

CLERK AND RECORDER'S CERTIFICATE

STATE OF COLORADO)
COUNTY OF DOUGLAS)

I HEREBY CERTIFY THAT THIS DEVELOPMENT PLAN WAS FILED IN MY OFFICE ON THIS ____ DAY OF _____, 2021, A.D. AT ____ O'CLOCK, ____ M. AND WAS RECORDED WITH RECEPTION NUMBER _____.

DOUGLAS COUNTY CLERK AND RECORDER

Prepared For



Landscape Architecture



pcs group inc. www.pcsgrupp.co.com
p.o. box 28287
DENVER, CO 80228
1.303.531.4905 / 1.303.531.4908

KIME RANCH
TOWN OF PARKER

PLANNED DEVELOPMENT

Drawn by: PCS
Checked by: PMS
Issue Date: 04/30/21
Revisions: 07/21/21

Sheet Name

COVER SHEET

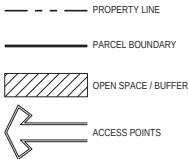
Sheet Number

1 OF 2

KIME RANCH PD - PLANNED DEVELOPMENT

DEVELOPMENT PLAN
BEING A PART OF SECTION 23, TOWNSHIP 6 SOUTH
RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN
TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO

LEGEND



NOTES:

1. THE PROPERTY OWNER SHALL DESIGN, CONSTRUCT, MAINTAIN TRAILS THROUGHOUT THE PROPERTY ACCORDING TO TOWN STANDARDS AND AS DEPICTED ON THE DEVELOPMENT PLAN.
2. LOCATION OF ROADS AND PARK ARE FOR PURPOSES OF INTENT ONLY TO DEPICT CONNECTIVITY TO ADJACENT NEIGHBORHOODS AND WILL BE FURTHER DEFINED IN SUBSEQUENT SITE PLAN SUBMITTALS.
3. OPEN SPACE AND PARK HATCHING IS TO ILLUSTRATE INTENT, EXACT LOCATIONS TO BE DETERMINED AT SUBDIVISION.
4. ALL STRUCTURES SHOWN ON SITE ARE EXISTING AND SHALL BE REMOVED.
5. UTILITY PROVIDERS:
 - WATER AND SANITARY SEWER: PARKER WATER AND SANITATION DISTRICT
 - GAS: XCEL
 - ELECTRIC: IREA
6. SERVICE PROVIDERS:
 - POLICE PROTECTION AND OTHER MUNICIPAL SERVICES WILL BE EXTENDED TO THE PROPERTY BY THE TOWN OF PARKER.
 - FIRE PROTECTION WILL BE PROVIDED BY SOUTH METRO FIRE AND RESCUE AUTHORITY.
7. THERE ARE NO KNOWN EXISTING WATER COURSES, FLOOD PLAINS OR RETENTION AREAS ON THE SITE.

LAND USE SUMMARY:

ACRES:
42.91
MAX. DU/AC: 3.5
MAX. UNITS: 150

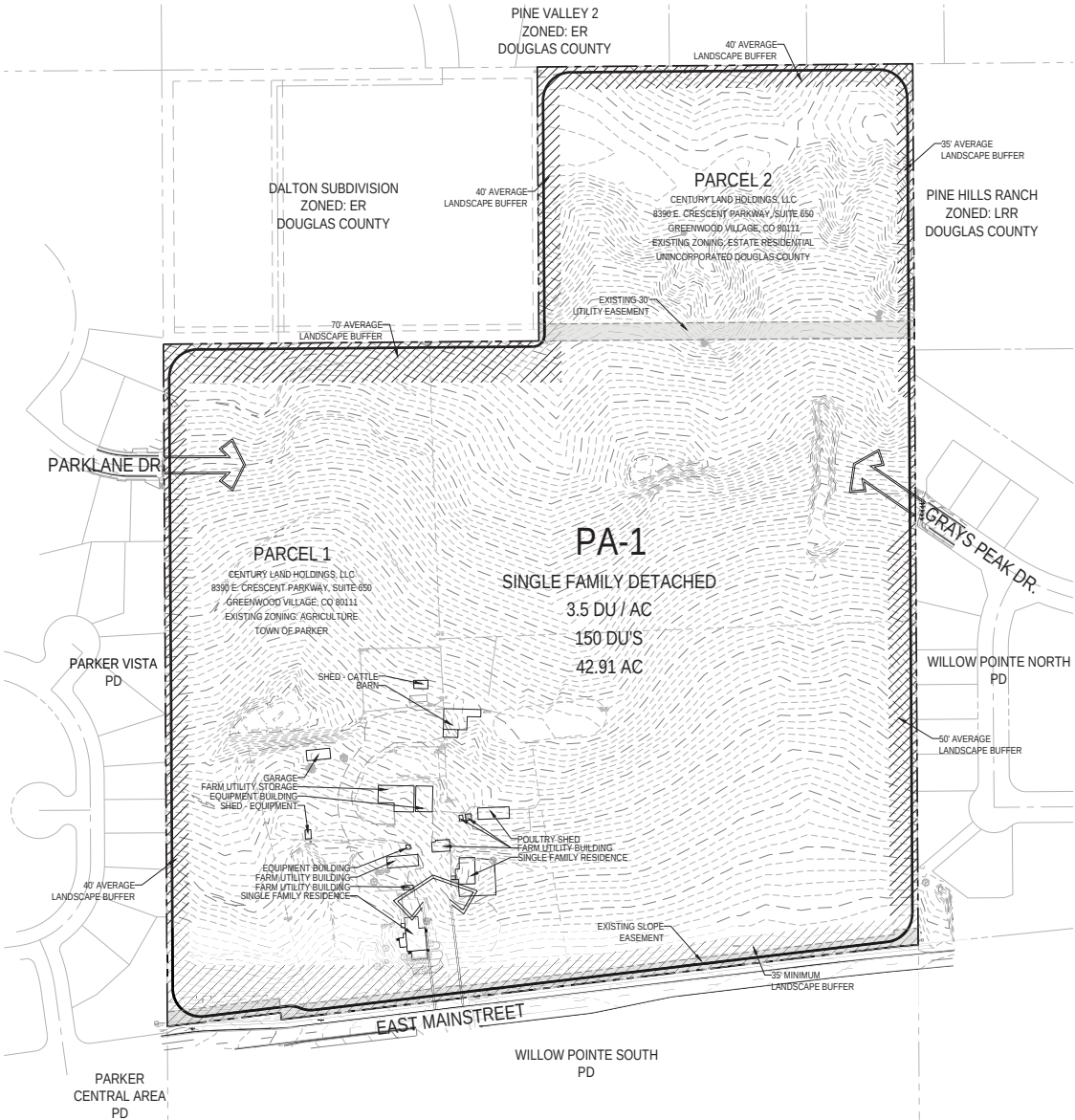
ZONING SUMMARY:

	PARCEL 1	PARCEL 2
EXISTING MUNICIPALITY:	TOWN OF PARKER	DOUGLAS COUNTY
PROPOSED MUNICIPALITY:	TOWN OF PARKER	TOWN OF PARKER
EXISTING ZONING:	AG (AGRICULTURE)	ER (ESTATE RESIDENTIAL)
PROPOSED ZONING:	PD DEVELOPMENT PLAN	PD DEVELOPMENT PLAN

PARKS AND OPEN SPACE REQUIREMENTS

PARKS: 150 UNITS X 0.0239 = 3.58 ACRES¹
OPEN SPACE: 42.91 ACRES X 0.20 = 8.582 ACRES

1. FINAL PARK ACREAGE TO BE DETERMINED AT TIME OF SUBDIVISION AND SHALL BE BASED ON NUMBER OF PLATTED LOTS. THE CUMULATIVE NATURE OF PARK, IF SEPARATED IN DIFFERENT AREAS OF PLAN AND / OR THE CASH-IN-LIEU OF LAND DEDICATION WILL COLLECTIVELY MEET THE MINIMUM REQUIREMENT OF PARK ACREAGE. FINAL SITE AND CONFIGURATION TO BE DETERMINED AT TIME OF SUBDIVISION.



SCALE: 1"=100'



Prepared For



Landscape Architecture



pcs group inc. www.pcsgruip.co.com
p.o. box 26287
denver, co 80228
1.303.531.4905 f.303.531.4905

KIME RANCH
TOWN OF PARKER

PLANNED DEVELOPMENT

Drawn by: PCS
Checked by: PMS
Issue Date: 04.30.21
Revisions: 07.21.21

Sheet Name

DEVELOPMENT
PLAN

Sheet Number

2 OF 2

KIME RANCH ANNEXATION AGREEMENT

THIS KIME RANCH ANNEXATION AGREEMENT (this “**Agreement**”) is voluntarily made and entered into this _____ day of _____, 2021, by and between the Town of Parker, a Colorado home rule municipality (hereinafter referred to as the “**Town**”), the Parker Water and Sanitation District (hereinafter referred to as the “**District**”) (only as to Paragraph 3), and Century Land Holdings, LLC, and its successors and assigns (the “**Property Owner**”).

RECITALS:

A. The Property Owner is the owner of certain real property situated in the Town of Parker, Colorado, which is described in **Exhibit A**, attached hereto and made a part hereof (the “**Parcel 1**”) and zoned A-Agricultural District under the Parker Land Development Ordinance.

B. The Property Owner is the owner of certain real property situated in the County of Douglas, State of Colorado, which is described in **Exhibit B**, attached hereto and made a part hereof (the “**Parcel 2**”) and zoned Rural Residential in Douglas County.

C. The Property Owner desires that the Town annex Parcel 2 and zone both Parcel 1 and Parcel 2 (collectively referred to as the “**Property**”), PD-Planned Development under the Parker Land Development Ordinance to be developed under single development responsibility in accord with a unified plan for development of the Property.

D. Concurrently with its petition for annexation to the Town, the Property Owner has filed with the District a petition for inclusion of the Property.

E. The Town wishes to annex Parcel 2 into the Town and shall consider the zoning application for the Property upon the condition that this Agreement is approved by the Town and is executed by the Town, the District and the Property Owner.

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

AGREEMENT:

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

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

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

cause recordation of the requisite documents to effect annexation of the Property upon satisfaction of the conditions precedent):

i. The Property Owner and the Town have mutually executed and delivered this Agreement.

ii. Parcel 2 has been fully included within the boundaries of the District by virtue of an Order of Inclusion having been signed by the Douglas County District Court and recorded in the real estate records of Douglas County, Colorado (the "Records").

iii. The District signs this Agreement.

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

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

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

4. Zoning and Development.

a. Zoning Approval. The Property Owner hereby consents to zoning the Property PD-Planned Development pursuant to the Development Plan and Guide that is adopted by Ordinance No. 3.360 contemporaneously with this Agreement (the "Development Plan").

b. Town Fees. The Property Owner hereby agrees to pay the Town its actual out of pocket cost plus fifteen percent (15%) to defray the administrative and review expenses of the Town, and for engineering, surveying, and legal services rendered in connection with the review of the annexation of the Property, which cost shall be determined by the Town Planning Director, provided that the Town provides to the Property Owner reasonable documentation of such costs, such as invoices. In addition,

the Property Owner shall reimburse the Town for the actual cost of making corrections or additions to the official Town Map, with a fee for recording such map, if necessary, and accompanying documents with the County Clerk and Recorder. The Property Owner further agrees to pay all building fees, use taxes, impact fees and excise taxes as established by Town ordinance and such additional fees and taxes as may be in effect at the time such payment is required in accordance with Town ordinance except as specifically provided by this Agreement, provided that real property taxes will become effective on January 1 of the next succeeding year following the effectiveness of the annexation ordinance adopted by the Town annexing the Property into the Town. The Town may withhold any plat approval or withhold the issuance of any permits for construction or occupancy for failure to pay Town fees and taxes as provided herein. All fees recited in this Agreement shall be subject to amendment by the Town Council by ordinance so long as any amendment is Townwide. Any amendment to the fees shall be incorporated into this Agreement as if originally set forth herein.

5. Open Space. The Property Owner shall provide 8.582 acres of open space on the Property (the “**Open Space**”), which Open Space will be owned and maintained by a homeowners' association approved by the Town (the “**Association**”). The Open Space within the Property shall be conveyed to the Association with each final plat that contains or abuts the Open Space. The Property Owner shall implement and complete a plan using best management practices as approved by the Town to eradicate the noxious weeds and rodents on the Open Space Property prior to the conveyance to the Association.

6. Trail and Trail Connections. The Property Owner shall hereby design and construct, and cause to be maintained by the Association approved by the Town, trail connections throughout the Property, in accordance with any and all future approved subdivision plat(s) for the subject properties, as set forth in the Development Plan. The Property Owner shall design and construct such trails according to Town standards contained in the Construction Specifications and Design Considerations for Parks, Trails and Streetscapes, as amended (the “**Park and Trail Standards**”). Materials used to construct such trails shall be determined by the Town at the time of the first preliminary plan for the Property. Prior to the issuance of any building permit for the construction of a dwelling unit within any Planning Area or part thereof that contains or abuts portions of such trails, such portions of such trails shall be constructed. If only a portion of a Planning Area is platted, the Property Owner shall construct such trails within and/or adjacent to the entire Planning Area.

7. Parks. The Property Owner shall develop parks sites in accordance with the minimum collective acreage that is calculated based upon 0.0239 acres of developed parks for each residential dwelling unit. The park sites shall be owned and maintained by the Association (the “**Park Sites**”). The Park Sites shall be developed according to the standards contained in the Town's Parks and Open Space Master Plan and the Town of Parker Construction Specifications and Design considerations for Parks, Trails and Streetscapes, as amended. The Property Owner shall construct the Park Sites prior to the issuance of the first (1st) certificate of occupancy (temporary or otherwise) for a final platted area (including a replat) for the Property, as described in the Development Plan. In the event that the Property Owner is not able to install or complete the landscaping improvements within any Park Site due to extreme weather conditions, as generally described in Section 13.10.180 of the Parker Municipal Code, the Property Owner may continue to obtain building permits for residential dwelling units after the

deadline described herein; provided the Property Owner deposits with the Town one hundred and ten percent (110%) of the cost to install the remaining landscaping improvements, in the form of cash or letter of credit, to secure the Property Owner's obligation to install such landscaping improvements on or before the following June 1st.

8. Deficit Reduction Fee. The Property Owner hereby agrees to pay the Town a deficit reduction fee to off-set the impact to the Town's General Fund as a result of this annexation in the amount of Three Thousand Five Hundred Forty-Two and 00/100 Dollars (\$3,542.00) for each residential unit on the Property (the "**Deficit Reduction Fee**"). The Deficit Reduction Fee shall be paid individually at the time of the issuance of a building permit for any residential unit. The Deficit Reduction Fee shall increase annually, commencing on the recordation of first final plat for the Property, by the U.S. Bureau of Labor Statistics Consumer Price Index for Denver-Boulder, All Items, All Urban Consumers, or its successor index.

9. Mainstreet Auxiliary Lanes/Sidewalks. The Property Owner shall design and construct, at its sole expense, the following road and sidewalk improvements, in accordance with the Town of Parker Roadway Design and Construction Criteria Manual, as amended (the "**Roadway Manual**"), except as otherwise provided in this Paragraph.

a. Mainstreet Auxiliary Lanes. The Property Owner shall design and construct, at its sole expense, any auxiliary lanes on Mainstreet, or modifications to existing auxiliary lanes, adjacent to the Property, as determined by the Town-approved traffic impact study and in accordance with the Roadway Manual, prior to the issuance of any building permit for the Property.

b. Mainstreet Sidewalks. The Property Owner shall design and construct an eight-foot (8') detached sidewalk on Mainstreet adjacent to the Property, in accordance with the Roadway Manual, prior to the issuance of any building permit for the Property.

10. Mainstreet Signal Modifications. The Property Owner shall design and construct all necessary improvements to the existing traffic signal at the intersection of Mainstreet and Willow Park Drive, as determined by the Town and in accordance with the Roadway Manual, prior to the issuance of any building permit for the Property.

11. Limitation on Number of Dwelling Units. The total number of residential dwelling units allowed on the Property shall not exceed one hundred fifty (150) single family residential dwelling units.

12. Land Dedication. The Property Owner shall either dedicate by plat or convey to the Town, by special warranty deed, free and clear of all liens and monetary encumbrances, any additional right-of-way necessary to accommodate any required improvements to Mainstreet adjacent to the Property, in accordance with the Roadway Manual, at the time of recordation of the first final plat for the Property.

13. School Mitigation Plan.

a. School Mitigation Fee Payment. The Property Owner desires and has agreed to contribute to the Douglas County School District No. RE-1 (the "**School**

District") the sum of Two Thousand Six Hundred Thirty-Five Dollars (\$2,635.00) for each residential unit constructed on the Property for school mitigation (the "**School Mitigation Fee**"), which fee is for the benefit of the School District and its students. The School Mitigation Fee shall be paid by the Property Owner to the School District prior to the issuance of a building permit for each residential unit within the Property.

b. **In Lieu Fee.** The Property Owner shall contribute a fee in lieu of land dedication for the school sites (the "**In-Lieu Fee**"), which fee is for the benefit of the School District and its students. The amount of the In-Lieu Fee shall be determined by an appraisal provided by the Property Owner prior to the recording of the first final plat for the Property. The In-Lieu Fee shall be paid by the Property Owner in one (1) installment to the School District for all lots in each final plat, concurrently with the recording of each final plat for the Property. The In-Lieu Fee for each final plat shall be calculated as a proportionate share of the total In-Lieu Fee for the Property, based upon the number of residential units contemplated in such final plat. Any outstanding balance of the In-Lieu Fee shall be paid to the School District in its entirety concurrently with recording of the last residential subdivision plat for the Property.

14. **Permitted Development.** The Property Owner shall develop the Property in accordance with this Agreement, Town ordinances and regulations, and applicable state and federal laws and regulations. The Town shall allow and permit the development of the Property upon submission of proper application and payment of fees imposed by the Town ordinances and regulations. The Property Owner shall cause the Association to be created at the time of the first final plat for the Property for the purpose of maintaining those areas described in this Agreement which are to be owned and maintained by the Association.

15. **Property Owner.** The Property Owner is entering into this Agreement and is undertaking the obligations imposed upon the Property Owner herein in reliance upon the Town's concurrent adoption of an ordinance annexing the Property into the Town and the adoption of an ordinance zoning the Property PD-Planned Development as provided in Subparagraph 4.a of this Agreement. Performance of the Property Owner's obligations hereunder is expressly conditioned upon the Town's adoption of the ordinance described in Subparagraph 4.a. If the Town fails to adopt the ordinance described in Subparagraph 4.a, then the petition for annexation will be deemed withdrawn and the annexation process will be terminated.

16. **Waiver of Prior Vested Rights.** The Property Owner waives any prior vested property rights acquired in Douglas County so long as the Property remains annexed into the Town.

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

a. The refusal to issue any building permit or certificate of occupancy.

b. The revocation of any building permit previously issued under which construction directly related to such building permit has not commenced, except a building permit previously issued to a third party.

c. A demand that the security given for the completion of the public improvements be paid or honored.

d. Any other remedy available at law.

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

19. Termination. If the zoning as set forth above in Subparagraph 4.a. is not approved by ordinance, or if the annexation of the Property is for any reason not completed, or this Agreement is not approved by the Town Council, then this Agreement shall be null and void and of no force and effect whatsoever, and any monies paid will be reimbursed to the Property Owner.

20. Binding Effect; Amendments. Upon and after the Effective Date, this Agreement shall inure to the benefit of and be binding on the successors or assigns in interest or the legal representatives of the parties hereto, including all the purchasers and subsequent owners of any lots or parcels within the Property. This Agreement constitutes the entire agreement of the parties and may be amended only in writing by the parties, approved in substantially the same manner as the Agreement itself. The Property Owner is hereby authorized to execute amendments to this Agreement with respect to the entire Property without the approval of any owner of any lot within the Property that is used for residential purposes; however, such amendment(s) will not be enforceable as against such owner(s).

21. Recordation of Agreement. Upon the Effective Date, this Agreement shall be recorded in the Records and upon recordation shall run with the land.

22. Effective Date. This Agreement shall be effective upon the satisfaction of the conditions set forth in Subparagraph 1.a of this Agreement (the "Effective Date").

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

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

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

To the Town:

Town Administrator
Town of Parker
20120 East Mainstreet
Parker, Colorado 80138

To Century Land Holdings, LLC:

Century Land Holdings, LLC
C/O Cindy Meyers
8390 E. Crescent Parkway, Ste. 650
Greenwood Village, CO 80111

26. Entire Agreement. This Agreement embodies the whole agreement of the parties. There are no promises, terms, conditions, or obligations other than those contained herein, and this Agreement shall supersede all previous communications, representations or agreements, either verbal or written, between the parties hereto.

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

TOWN OF PARKER, COLORADO

By: _____
Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Acting Town Clerk

APPROVED AS TO FORM AND SUFFICIENCY:

James S. Maloney, Town Attorney

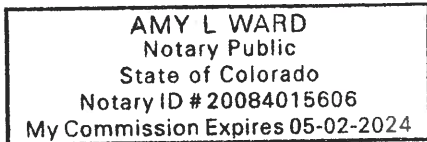
**PROPERTY OWNER: CENTURY
LAND HOLDINGS, LLC**

By: B. Mulqueen
Brian Mulqueen, Vice President

STATE OF COLORADO)
) ss.
COUNTY OF ARAPAHOE)

The foregoing instrument was acknowledged before me this 12th day of October, 2021, by Brian Mulqueen as Vice President of Century Land Holdings, LLC.

SEAL



Amy L Ward
Notary Public

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

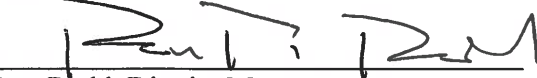
By: _____
Ron Redd, District Manager

ATTEST:

Maliea Good, Engineering Secretary

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

By:


Ron Redd, District Manager

ATTEST:


Maleia Good, Administration Manager

EXHIBITS

EXHIBIT A LEGAL DESCRIPTION OF PARCEL 1

EXHIBIT B LEGAL DESCRIPTION OF PARCEL 2

EXHIBIT A

Legal Description of Parcel 1

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE 6TH P.M., TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE 6TH P.M., MONUMENTED AT NORTHEAST CORNER OF SECTION 23 BY A 3" BRASS CAP STAMPED "2690", AND AT THE NORTH QUARTER OF SECTION 23 BY A 1-1/2" BRASS CAP, SAID LINE BEARS N89°31'03"E.

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 23, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE 6TH P.M.

THENCE ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 23, S00°20'03"E A DISTANCE OF 488.30 FEET, TO THE SOUTHWESTERLY CORNER OF DALTON SUBDIVISION, 3RD AMENDMENT RECORDED UNDER RECEPTION NO. 2016082720 IN THE RECORDS OF THE DOUGLAS COUNTY CLERK AND RECORDER, SAID POINT BEING THE POINT OF BEGINNING;

THENCE ON THE SOUTHERLY LINE OF SAID DALTON SUBDIVISION 3RD AMENDMENT AND ITS EXTENSION, N89°31'03"E A DISTANCE OF 1338.59 FEET, TO A POINT ON THE EAST LINE OF THE WEST 1/2 OF THE NORTHEAST QUARTER OF SAID SECTION 23;

THENCE ON SAID EAST LINE, S00°21'26"E A DISTANCE OF 1081.72 FEET, TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF MAIN STREET;

THENCE ON SAID NORTHERLY RIGHT-OF-WAY LINE, THE FOLLOWING FOUR (4) COURSES:

1. S85°28'12"W A DISTANCE OF 40.99 FEET;
2. S83°13'47"W A DISTANCE OF 1101.75 FEET;
3. N06°46'13"W A DISTANCE OF 12.00 FEET;
4. S83°06'16"W A DISTANCE OF 203.32 FEET, TO A POINT ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 23;

THENCE ON SAID WEST LINE, N00°20'03"W A DISTANCE OF 1216.06 FEET, TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 1,542,483 SQUARE FEET OR 35.4105 ACRES.

EXHIBIT B

Legal Description of Parcel 2

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE 6TH P.M., COUNTY OF DOUGLAS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE 6TH P.M., MONUMENTED AT NORTHEAST CORNER OF SECTION 23 BY A 3" BRASS CAP STAMPED "2690", AND AT THE NORTH QUARTER OF SECTION 23 BY A 1-1/2" BRASS CAP, SAID LINE BEARS N89°31'03"E.

BEGINNING AT THE EAST SIXTEENTH CORNER OF SECTION 23 AND SECTION 14, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE 6TH P.M.

THENCE ON THE WEST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 23, S00°21'26"E A DISTANCE OF 488.30 FEET, TO A POINT ON THE EXISTING BOUNDARY OF THE TOWN OF PARKER AS ANNEXED IN WILLOW POINTE ANNEXATION, RECORDED UNDER RECEPTION NO. 320260, IN THE RECORDS OF THE DOUGLAS COUNTY CLERK AND RECORDER;

THENCE ON SAID EXISTING BOUNDARY, S89°31'03"W A DISTANCE OF 669.29 FEET, TO A POINT ON THE EAST LINE OF DALTON SUBDIVISION 3RD AMENDMENT, RECORDED UNDER RECEPTION NO. 2016082720, IN THE RECORDS OF THE DOUGLAS COUNTY CLERK AND RECORDER;

THENCE ON SAID EAST LINE, N00°20'45"W A DISTANCE OF 488.30 FEET, TO A POINT ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 23;

THENCE ON SAID NORTH LINE N89°31'03"E A DISTANCE OF 669.19 FEET, TO THE POINT OF BEGINNING;

CONTAINING A CALCULATED AREA OF 326,789 SQUARE FEET OR 7.5021 ACRES.



Request for Town Council Action

Date: December 6, 2021

Submitted By: Jim Maloney, Town Attorney

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 3.01.126 - Second Reading**
A Bill for an Ordinance to Amend Section 13.03.030 of the
Parker Municipal Code concerning Planning Department
Adjustments for Temporary Patios
Department: Town Attorney, Jim Maloney

EXECUTIVE SUMMARY

The purpose of this Ordinance is to further extend the temporary use of patios from December 31, 2021, to May 31, 2022.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

To assist Parker businesses during the COVID pandemic, the Town Administrator issued an emergency order to allow for temporary patios. On July 12, 2021, prior to the expiration of the emergency order, the Town Council approved Ordinance No. 3.01.125, Series of 2021, to extend the period of time that a business owner may use a patio approved as a temporary use during the pandemic until December 31, 2021. Recently, the Colorado Department of Revenue extended the expiration date to May 31, 2022, for temporary modifications to a licensed premise to use patios and other outdoor areas for the consumption of alcohol. The purpose of this Ordinance is to further extend the temporary use of patios from December 31, 2021, to May 31, 2022.

FINANCIAL IMPACT

None.

STRATEGIC GOAL(S)



ATTACHMENTS

1. Ordinance No. 3.01.126

RECOMMENDED MOTION

I move to approve Ordinance No. 3.01.126 on second reading.

ORDINANCE NO. 3.01.126, Series of 2021

TITLE: A BILL FOR AN ORDINANCE TO AMEND SECTION 13.03.030 OF THE PARKER MUNICIPAL CODE CONCERNING PLANNING DEPARTMENT ADJUSTMENTS FOR TEMPORARY PATIOS

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

Section 1. Section 13.03.030 of the Parker Municipal Code is amended by the addition of new Subsections (e) and (f) to read as follows:

13.03.030 Planning Department adjustments.

* * *

(e) Adjustments to allow retail and service businesses to provide pick-up/delivery of personal, tangible property, parking, and other adjustments to previously approved site plans to facilitate temporary activities related to the operation of such businesses shall not be considered an adjustment requiring the review and approval of the Director under the provisions of this Section or any other Section concerning site plan amendments.

(f) Where a property owner or business has received approval of a temporary use permit from the Town for a temporary patio, the property owner or business may continue to use the approved patio through ~~December 31, 2021~~ **May 31, 2022**. The approved patio shall not be subject to the requirements of this Section or any other Section concerning site plan amendments and shall not be considered an adjustment under the provisions of this Section.

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.

Section 5. This Ordinance shall sunset on May 31, 2022, and be of no further force or effect after this date.

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

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk

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

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney



Request for Town Council Action

Date: December 6, 2021

Submitted By: Andy Coleman, Commander

Reviewed By: Michelle Kivela, Town Administrator

Title: **RESOLUTION NO. 21-050**
A Resolution to Approve the Douglas County Local Mitigation Plan, Comprehensive 2021 Update, Volumes I and II
Department: Police, Andy Coleman

EXECUTIVE SUMMARY

In June 2020, the Douglas County Office of Emergency Management (DCOEM) was tasked with updating the Natural Hazard Mitigation Plan for the entire County of Douglas to include the municipalities. The mitigation planning process includes the development of a Risk Assessment, Capability and Vulnerability Assessment, and Hazard Mitigation Actions (projects). FEMA requires a Hazard Mitigation Plan to be federally approved and updated every five years.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

Douglas County Office of Emergency Management hired an engineering company, Emergency Management and Community Resilience Services, to develop a Local Planning Committee (LPC) to guide the planning team through the process resulting in a Hazard Mitigation Plan (HMP). The LPC provided guidance and leadership, oversaw the planning process, and acted as the point of contact for all partners and the various interest groups. The makeup of that committee was selected to provide the best possible cross section of views to enhance the planning effort and to help build support for hazard mitigation.

Directors and other employees throughout the Town of Parker were tasked with updating certain needs in order to fulfill the requirements of the newly developed HMP. Sergeant Greg Epp and Commander Andrew Coleman were part of the LPC and were tasked with reaching out to the different departments throughout the Town.

In the early months of 2021, Emergency Management and Community Resilience Services completed the HMP. The HMP was distributed to all the local municipalities by the DCOEM. DCOEM is seeking the Town of Parker's approval of the updated version of the Hazard Mitigation Plan.

To view the Mitigation Plan: [Douglas County Mitigation Plan](#)

FINANCIAL IMPACT

There are no financial impacts.

STRATEGIC GOAL(S)

PROMOTE A SAFE AND
HEALTHY COMMUNITY



INNOVATE WITH
COLLABORATIVE
GOVERNANCE

ATTACHMENTS

1. Resolution No. 21-050

RECOMMENDED MOTION

I move to approve Resolution No. 21-050.

RESOLUTION NO. 21-050, Series of 2021

TITLE: A RESOLUTION TO APPROVE THE DOUGLAS COUNTY LOCAL MITIGATION PLAN, COMPREHENSIVE 2021 UPDATE, VOLUMES I AND II

WHEREAS, the Douglas County Office of Emergency Management, with the assistance of the Town of Parker, has gathered information and prepared the *Douglas County Local Hazard Mitigation Plan, Comprehensive Update 2021*;

WHEREAS, the *Douglas County Local Hazard Mitigation Plan, Comprehensive Update 2021* (the “Plan”) has been prepared in accordance with FEMA requirements at 44 C.F.R. 201.6;

WHEREAS, the Town of Parker, Colorado, in conjunction with Douglas County, has afforded the citizens an opportunity to comment and provide input in the Plan and the actions in the Plan; and

WHEREAS, Douglas County, Colorado, has reviewed the Plan and affirms that the Plan will be updated no less than every five years.

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

Section 1. The Town Council of the Town of Parker hereby approves the *Douglas County Local Hazard Mitigation Plan, Comprehensive Update 2021*. The Plan is available through a link on the Town’s website at www.parkeronline.org.

RESOLVED AND PASSED this _____ day of _____, 2021.

TOWN OF PARKER, COLORADO

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk