

TOWN OF PARKER COUNCIL AGENDA

May 2, 2022

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

- **Mayor and Town Council Recognition and Chief's Commendation**

- 3. 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.*

4. REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

5. **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 - April 18, 2022
- B. ORDINANCE NO. 1.558 - First Reading
A Bill for an Ordinance Vacating a Portion of Right-of-Way Adjacent to Jordan Road Between Mainstreet and East Auburn Hills Place
Department: Engineering and Public Works, Alex Mestdagh
Second Reading: May 16, 2022
- C. ORDINANCE NO. 1.560 - First Reading
A Bill for an Ordinance to Amend Title 2 of the Parker Municipal Code by the Addition Thereto of a New Chapter 2.07 Concerning the Creation of the Parker Youth Commission
Department: Town Administrator, Michelle Kivela
Second Reading: May 16, 2022
- D. RESOLUTION NO. 22-026
A Resolution to Allow a Partial Waiver of Sections 13.09.040(b)(1), 13.09.070(1), 13.09.080(d) and Schedule 13.09.080B of the Parker Municipal Code for Certain Businesses for Parker Days
Department: Community Development, Bryce Matthews
- E. RESOLUTION NO. 22-027
A Resolution Accepting the Conveyance of a Drainage Easement from RM GVA Douglas County CO LLC, for a Portion of Lot 1B, Block 3, Parker Auto Plaza 2, 4th Amendment
Department: Engineering and Public Works, Alex Mestdagh
- F. RESOLUTION NO. 22-028
A Resolution Accepting the Conveyance of a Drainage Easement from Stanley Real Estate Parker, LLC for a Portion of Lot 1A, Block 3, Parker Auto Plaza 2, 4th Amendment
Department: Engineering and Public Works, Alex Mestdagh
- G. PROCLAMATION - Professional Municipal Clerks Week - May 1-7, 2022
- H. CONTRACTS OVER \$100,000
1. Final Design Services for the Newlin Gulch Regional Trail Through the Property Known as Tract Q
Amount: \$107,412.00
Contractor: Stanley Consultants, Inc.
Department: Parks, Recreation and Open Space, Brett Collins

2. 2022 Townwide Pavement Markings - Long Line Project (CIP22-034)
 Amount: \$177,660
 Contractor: RoadSafe Traffic Systems, Inc.
 Department: Engineering and Public Works, Spencer Raish

6. **PUBLIC HEARINGS**

ORDINANCE NO. 3.213.7 - Second Reading

A Bill for an Ordinance to Amend the Cottonwood Highlands Development Plan and Guide, and the Zoning Ordinance and Map to Conform Therewith

Department: Community Development, Stacey Nerger

7. **ORDINANCES**

A. **ORDINANCE NO. 9.328.1 - Second Reading**

A Bill for an Ordinance to Approve the First Amendment to the Intergovernmental Agreement By and Between the Town of Parker and the Board of County Commissioners of the County of Douglas Regarding Cost Sharing for the Lincoln Avenue (Jordan to Parker Road) Project

Department: Engineering and Public Works, Bob Exstrom

B. **ORDINANCE NO. 9.334.1 - Second Reading (*continue to a date certain of August 1, 2022*)**

A Bill for an Ordinance Approving the First Amendment to Agreement Regarding Design and Construction of Drainage and Flood Control Improvements for Cherry Creek at Dransfeldt Road (Agreement No. 21-05.04A Project No. 108515) by and between Urban Drainage and Flood Control District d/b/a Mile High Flood District, the Town of Parker, and Cherry Creek Basin Water Quality Authority

Department: Engineering and Public Works, Michael Grabczyk

8. **RESOLUTIONS**

RESOLUTION NO. 22-018

A Resolution to Determine, Upon Recommendation of the Town Administrator, that the Public Interest Will Be Served By Competitive Proposal Concerning the Town Hall Expansion Project

Department: Engineering and Public Works, Bob Exstrom

9. **CONTRACTS OVER \$500,000**

Dransfeldt Road Extension (CIP23-001) - Final Design

Amount: \$941,013

Contractor: RS&H

Department: Engineering and Public Works, Chris Hudson

10. **PUBLIC COMMENTS CONTINUED IF NECESSARY**

11. ADJOURNMENT

Parker Town Council

Executive Session Agenda

May 2, 2022

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

1. C.R.S. Section 31-12-108 related to the annexation of Chambers Road right-of-way
2. Section 15.10 of the Parker Home Rule Charter (potential Charter amendments)
3. Section 8.07.070 of the Parker Municipal Code, *People v. Moreno*, 506 P.3d 849 (Colo. 2022)

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

4. My Mainstreet Plan and Downtown Development
5. Proposed amendment to Intergovernmental Agreement with Cottonwood Highlands Metropolitan District Nos. 1 and 2

**TOWN OF PARKER COUNCIL
MINUTES
APRIL 18, 2022**

Mayor Pro Tem Diak called the Town Council meeting to order at 6:30 p.m. All other Councilmembers were present except Mayor Jeff Toborg.

Town Attorney Kristin Hoffmann announced the topic for discussion in Executive Session was one (1) item, which was 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) concerning the potential sale/vacation of Town-owned right-of-way located in the vicinity of Mainstreet and Jordan Road.

EXECUTIVE SESSION

Joshua Rivero moved and Anne Barrington seconded to go into Executive Session at 6:30 p.m., in order 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.

Joshua Rivero moved and Cheryl Poage seconded to come out of Executive Session at 6:39 p.m.

The motion was approved unanimously.

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

The motion was approved unanimously.

REGULAR MEETING

Mayor Pro Tem Diak reconvened the regular Town Council meeting at 7:00 p.m.

Mayor Pro Tem Diak led the Pledge of Allegiance.

DOWNTOWN BUSINESS ALLIANCE UPDATE

Omar Castillo, President, provided an update on activities for the month of April and reported on upcoming events.

PUBLIC COMMENTS

Harold McCloud, 25130 East Plaza Drive, Aurora, provided an update to Council about the upcoming State of the Town hosted by the Rotary Club.

Kris Schnell, 15654 East Pine Drop Avenue, Parker, spoke in favor of the Downtown Conceptual Designs presented at the Study Session on April 11, 2022.

REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

Each Councilmember provided an update on meetings they had attended since the last Town Council meeting.

CONSENT AGENDA

- A. APPROVAL OF MINUTES - April 4, 2022
- B. ORDINANCE NO. 1.559 - First Reading
A Bill for an Ordinance to Release a Portion of the Slope Easement for Hess Road Associated with Pine Bluffs Filing 4, Amendment 1, Lot 3, Pursuant to Section 13.07.120(c)(5) of the Parker Municipal Code
Department: Engineering and Public Works, Alex Mestdagh
Second May 16, 2022
Reading:
- C. ORDINANCE NO. 9.328.1 - First Reading
A Bill for an Ordinance to Approve the First Amendment to the Intergovernmental Agreement By and Between the Town of Parker and the Board of County Commissioners of the County of Douglas Regarding Cost Sharing for the Lincoln Avenue (Jordan to Parker Road) Project
Department: Engineering and Public Works, Bob Exstrom
Second May 2, 2022
Reading:
- D. ORDINANCE NO. 3.213.7 - First Reading
A Bill for an Ordinance to Amend the Cottonwood Highlands Development Plan and Guide, and the Zoning Ordinance and Map to Conform Therewith
Department: Community Development, Stacey Nerger
Second May 2, 2022
Reading:
- E. ORDINANCE NO. 9.334.1 - First Reading
A Bill for an Ordinance Approving the First Amendment to Agreement Regarding Design and Construction of Drainage and Flood Control Improvements for Cherry Creek at Dransfeldt Road (Agreement No. 21-05.04A Project No. 108515) by and between Urban Drainage and Flood Control District d/b/a Mile High Flood District, the Town of Parker, and Cherry Creek Basin Water Quality Authority
Department: Engineering and Public Works, Michael Grabczyk
Second May 2, 2022
Reading:
- F. RESOLUTION NO. 22-016
A Resolution Approving the Town of Parker Comprehensive Facility Master Plan
Department: Engineering and Public Works, Jim Gilbert

G. *RESOLUTION NO. 22-019*

A Resolution Accepting the Conveyance of a Drainage Easement from Brytar Parker CO LP, for a Portion of Horseshoe Ridge Subdivision 3rd Amendment (Learning Express)

Department: Engineering and Public Works, Alex Mestdagh

H. *RESOLUTION NO. 22-020*

A Resolution Accepting the Conveyance of a Drainage Easement from Brytar Parker CO LP, for a Portion of Horseshoe Ridge Subdivision 3rd Amendment (Commercial LDE)

Department: Engineering and Public Works, Alex Mestdagh

I. *RESOLUTION NO. 22-021*

A Resolution Accepting the Conveyance of a Drainage Easement from NLD Parker LLC, for a Part of Lot 6, Parker and Pine Filing 1

Department: Engineering and Public Works, Alex Mestdagh

J. *RESOLUTION NO. 22-022*

A Resolution Accepting the Conveyance of a Drainage Easement from Cobblestone Denver Propco, LLC, for Lot 6, Country Meadows Square, 3rd Amendment

Department: Engineering and Public Works, Alex Mestdagh

K. *CONTRACT OVER \$100,000*

1. *2022 Fleet Replacement - Ken Garff - Minor Modification*

Amount: \$4,186

Contractor: Ken Garff Ford

Department: Engineering and Public Works, Jim Gilbert

2. *Security Cameras for Recreation Center and Fieldhouse*

Amount: \$159,899.24

Contractor: ESI - Electronic Systems International, Inc.

Department: Parks, Recreation and Open Space, Mary Colton

3. *Boiler Replacement for Town Hall*

Amount: \$276,576

Contractor: Holbrook Services

Department: Engineering and Public Works, Jim Gilbert

4. *Downtown Circulation Improvements (CIP21-018) – Contract Modification*

Amount: \$50,000

Contractor: T & M Construction, LLC

Department: Engineering and Public Works, Tom Gill

5. *Fieldhouse Roof Top Unit Replacement*

Amount: \$150,000

Contractor: Daikin Mechanical

Department: Engineering and Public Works, Jim Gilbert

Joshua Rivero moved to approve Consent Agenda items 5A through 5K.

Cheryl Poage seconded the motion.

The motion was approved unanimously.

ORDINANCES

A. ORDINANCE NO. 9.348 - Second Reading

A Bill for an Ordinance Approving the Agreement Regarding Design and Construction of Development Improvement Project for Drainage and Flood Control Improvements for Stroh Gulch Upstream of French Avenue Tanterra Town of Parker By and Between Urban Drainage and Flood Control District dba Mile High Flood District and the Town of Parker (Agreement No. 22-03.35 Project No. 107465)

Department: Engineering and Public Works, Alex Mestdagh

This ordinance amends the Intergovernmental Agreement between the Town and the Mile High Flood District (MHFD) regarding improvements to Stroh Gulch at the proposed Tanterra development. This amendment codifies the construction costs for these developer-funded improvements that will be constructed by MHFD at no cost to the Town.

Public Comment: None.

Todd Hendreks moved to approve Ordinance No. 9.348 on second reading.

Laura Hefta seconded the motion.

The motion was approved unanimously.

B. ORDINANCE NO. 9.349 - Second Reading
A Bill for an Ordinance to Approve the Intergovernmental Agreement for Court Clerk Services By and Between the Town of Parker and the City of Lone Tree
Department: Town Administrator, Michelle Kivela

Ordinance 9.349 approves an Intergovernmental Agreement between the Town of Parker and the City of Lone Tree to provide for temporary coverage of each organization's Municipal Court through the sharing of court staff on an as-needed basis to ensure continuity of services for both communities.

Public Comment: None.

Cheryl Poage moved to approve Ordinance No. 9.349 on second reading.

Anne Barrington seconded the motion.

The motion was approved unanimously.

ADJOURNMENT

Mayor Pro Tem Diak adjourned the meeting at 7:50 p.m.

Chris Vanderpool, Town Clerk

John Diak, Mayor Pro Tem



Request for Town Council Action

Date: May 2, 2022

Submitted By: Alex Mestdagh, Engineering Service Manager

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 1.558 - First Reading**
A Bill for an Ordinance Vacating a Portion of Right-of-Way
Adjacent to Jordan Road Between Mainstreet and East
Auburn Hills Place
Department: Engineering and Public Works, Alex Mestdagh
Second May 16, 2022
Reading:

EXECUTIVE SUMMARY

This ordinance proposes to sell 0.48 acres of excess right-of-way located on the west side of Jordan Road south of Mainstreet to the developer of the adjacent commercial property.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

A commercial development is being proposed within the Bradbury Ranch area at the southwest corner of Mainstreet and Jordan Road, as described in the attached vicinity map. Adjacent to this property along Jordan Road, the Town owns approximately 40 feet of excess right-of-way for which no future roadway or pedestrian improvements are planned. The developer has requested that the Town sell and vacate this excess right-of-way, and allow it to be incorporated into the new development.

This segment of the Jordan Road right-of-way was dedicated to the Town in 2001 by the original developer of Bradbury Ranch. At the time of the original development, both the developer and the Town assumed that the alignment of Jordan Road would be located further west than was ultimately constructed. As a result, the original dedication of the Jordan Road right-of-way to the Town included excess width on the west side of Jordan Road. The roadway is now constructed to the ultimate arterial roadway width, including all necessary auxiliary lanes, and the Town's long-term roadway system projections do not forecast a need for additional widening along this stretch. As a part of this proposed sale and vacation, the Town will retain the right-of-way necessary to accommodate a new eight-foot sidewalk on Jordan Road, in accordance with the Town's standard roadway template. The remaining right-of-way totals approximately 0.48 acres.

With no roadway or pedestrian use forecasted to require this right-of-way, staff is supportive of selling this land and allowing it to be incorporated into the adjacent commercial development. In order to determine the value of the land, the developer performed an appraisal that was then reviewed by a third-party professional on behalf of the Town. Based on the market value of the land and the added value that the additional land would bring to the overall development, a purchase price of \$165,000 was negotiated with the developer.

If this ordinance is approved, the developer will pay this purchase price to the Town by the Subdivision Improvement Agreement for the proposed development. The Town will then convey the land by a Special Warranty Deed, and it will be included in the new commercial lots created by the minor development plat for the development. This will ensure the land is incorporated into the development.

FINANCIAL IMPACT

The excess right-of-way is proposed to be sold to the developer for a price of \$165,000. This land would then be incorporated into the proposed commercial development, aiding in the generation of sales and property taxes.

STRATEGIC GOAL(S)



ENHANCE ECONOMIC
VITALITY



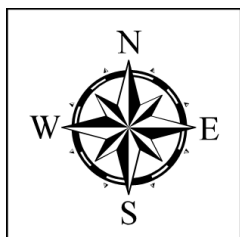
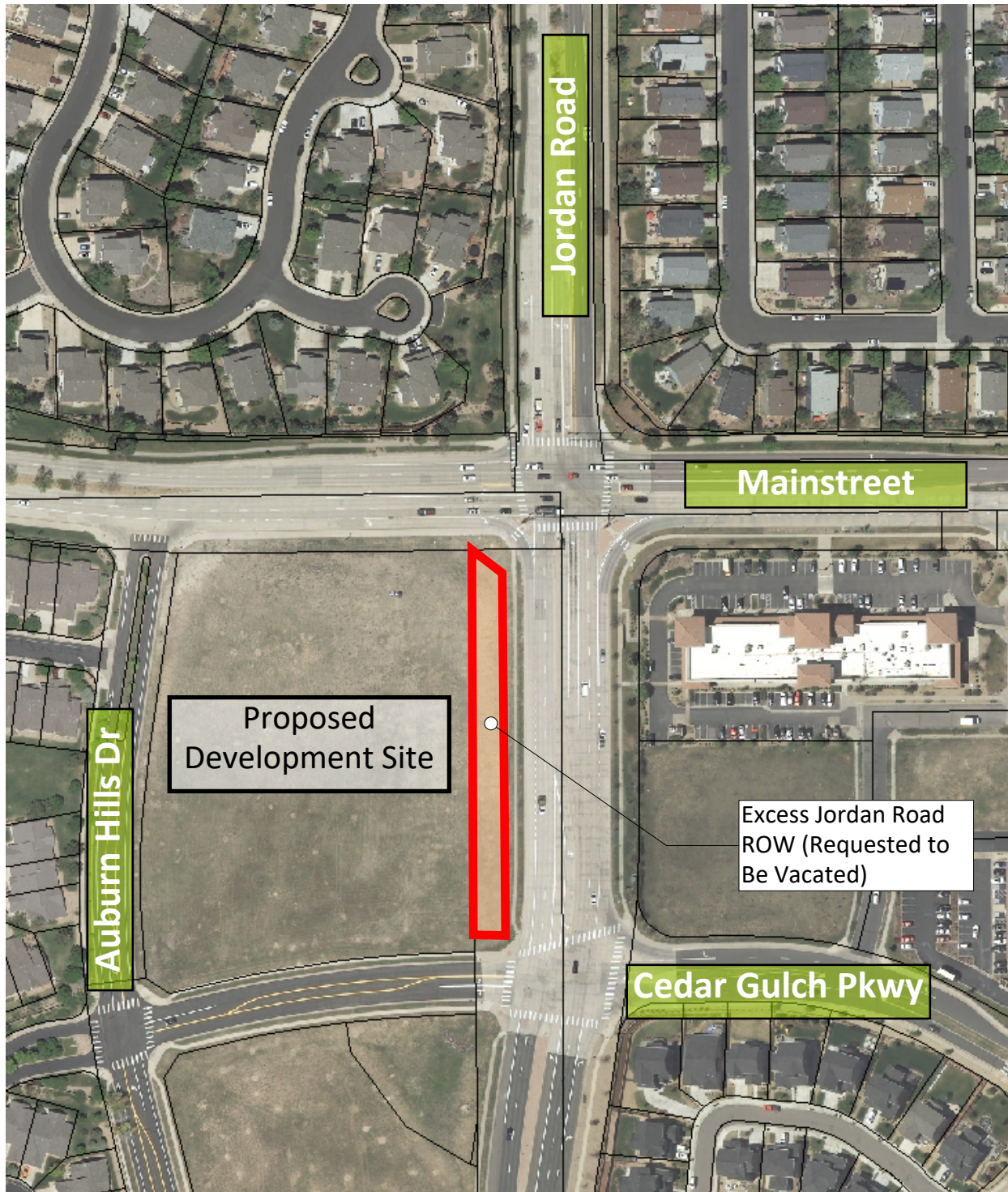
DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH

ATTACHMENTS

1. Vicinity Map
2. Ordinance No. 1.558, Series of 2022

RECOMMENDED MOTION

I move to approve Ordinance No. 1.558 on first reading and to schedule second reading for May 16, 2022, as part of the consent agenda.



Jordan Road ROW
Vacation Request
Vicinity Map

ORDINANCE NO. 1.558, Series of 2022

TITLE: A BILL FOR AN ORDINANCE VACATING A PORTION OF RIGHT-OF-WAY ADJACENT TO JORDAN ROAD BETWEEN MAINSTREET AND EAST AUBURN HILLS PLACE

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

Section 1. Pursuant to C.R.S. §43-2-303 and Chapter 10.12 of the Parker Municipal Code, the Town of Parker hereby vacates that portion of right-of-way adjacent to Jordan Road between Mainstreet and East Auburn Hills Place that is described in **Exhibit A**, which is attached hereto and incorporated by this reference. The Town further determines pursuant to Section 10.12.050 that, upon the effective date of said vacation, title shall vest to the property described in Exhibit A to WDG Jordan LLC, a Colorado limited liability company.

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, subject to payment to the Town in the amount of One Hundred Sixty-Five Thousand Dollars (\$165,000), and approval of the minor development plat in Town of Parker case number SUB21-049, Auburn Hills Centre Minor Development Plat.

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____, 2022.

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2022.

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk

APPROVED AS TO FORM:

Kristin Hoffmann, Town Attorney

Exhibit-A

PROPERTY DESCRIPTION

A parcel of land being a portion of that right-of-way described as Parcel IV in Special Warranty Deed recorded on October 14, 1987 in Book 753, Page 617 of the records of Douglas County, situate in the Southeast Quarter (SE1/4) of Section Twenty (20), Township Six South (T.6S.), Range Sixty-Six West (R.66W.) of the Sixth Principal Meridian (6th P.M.), Town of Parker, County of Douglas, State of Colorado, and more particularly described as follows:

COMMENCING at the East Quarter Corner of said Section 20 and assuming the East line of said SE1/4 as bearing South 00°21'15" East, being a grid bearing of the Colorado State Plane Coordinate System, Central Zone, North American Datum 1983, with all other bearings contained herein being relative thereto;

The lineal dimensions as contained herein are based upon the "U.S. Survey Foot."

THENCE South 00°21'15" East a distance of 70.00 feet to the South line of Bradbury Ranch Subdivision Filing No. 2K recorded October 1, 1997 at Reception No. 9754676 of the records of Douglas County;

THENCE South 88°58'38" West along said South line a distance of 94.78 feet to the **POINT OF BEGINNING**;

THENCE South 45°37'01" East a distance of 43.32 feet;

THENCE South 00°21'15" East a distance of 295.63 feet;

THENCE South 00°05'09" East a distance of 34.05 feet to a Point on a Curve (POC);

THENCE along the arc of a curve concave to the West and being non-tangent to the aforesaid line a distance of 96.74 feet, said curve has a Radius of 898.98 feet, a Delta of 6°09'57", and is subtended by a Chord bearing South 01°58'23" West a distance of 96.70 feet;

THENCE South 48°27'30" West non-tangent from the aforesaid curve a distance of 55.70 feet to the intersection of the North right-of-way line of East Auburn Hills Place per Bradbury Ranch Subdivision Filing No. 3B recorded July 5, 2000 at Reception No. 00046266 of the records of Douglas County and the West line of that right-of-way described as Parcel IV in Special Warranty Deed recorded on October 14, 1987 in Book 753, Page 617 of the records of Douglas County;

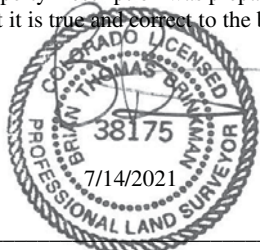
THENCE North 00°21'15" West along said West right-of-way line a distance of 493.29 feet to the South right-of-way line of East Main Street per Bradbury Ranch Subdivision Filing No. 2K recorded October 1, 1997 at Reception No. 9754676 of the records of Douglas County;

THENCE North 88°58'38" East along said South right-of-way line a distance of 15.23 feet to the **POINT OF BEGINNING**.

Said parcel contains 0.486 Acres or 21,187 sq. ft. more or less (+/-), and is subject to any rights-of-way or other easements of record as now existing on said described parcel of land.

SURVEYORS CERTIFICATE

I, Brian T. Brinkman, a Colorado Licensed Professional Land Surveyor do hereby state that this Property Description was prepared by me or under my personal supervision and checking, and that it is true and correct to the best of my knowledge and belief.



Brian T. Brinkman – on behalf of Lat40°, Inc.
Colorado Licensed Professional
Land Surveyor #38175

Lat40°, Inc.
Professional Land Surveyors
6250 W. 10th St. Unit 2
Greeley, CO 80634
(970) 515-5294

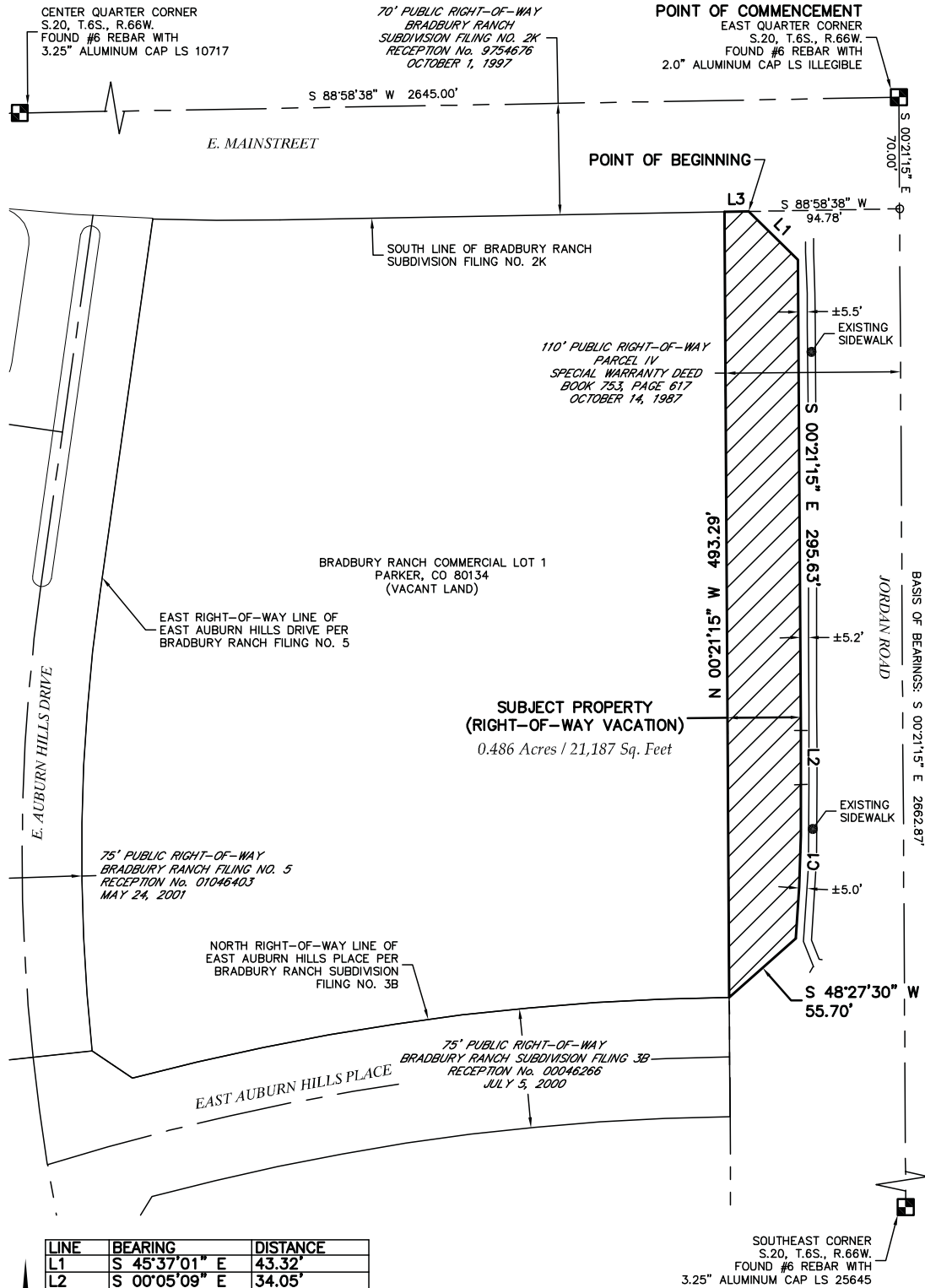


Lat40°, Inc. 6250 W. 10th Street, Unit 2, Greeley, CO 970-515-5294

EXHIBIT-B

THIS MAP DOES NOT REPRESENT A BOUNDARY SURVEY

SECTION: 20
TOWNSHIP: 6S
RANGE: 66W



NOTE: This exhibit drawing is not intended to be a monumented land survey. It's sole purpose is as a graphic representation to aid in the visualization of the written property description which it accompanies. The written property description supersedes the exhibit drawing.

Brian T. Brinkman—On behalf of Lat40°, Inc.
Colorado Licensed Professional Land Surveyor No. 38175
DATE: 7/14/2021
PROJECT#: 2020523



Request for Town Council Action

Date: May 2, 2022

Submitted By: Michelle Kivela, Town Administrator

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 1.560 - First Reading**
A Bill for an Ordinance to Amend Title 2 of the Parker Municipal Code by the Addition Thereto of a New Chapter 2.07 Concerning the Creation of the Parker Youth Commission
Department: Town Administrator, Michelle Kivela
Second May 16, 2022
Reading:

EXECUTIVE SUMMARY

The Mayor, Town Council and Town Administrator would like to create a Youth Commission to offer youth an opportunity to interact with their government, build leadership skills and enhance civic engagement.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

At the January 10, 2022 Study Session, staff presented draft bylaws for the creation of a Parker Youth Commission. Following the Study Session presentation and discussion, staff was directed to proceed with developing an ordinance to establish a Youth Commission for the Town of Parker.

Section 6.1 of the Town of Parker Home Rule Charter provides that the Town Council may establish commissions to have such powers and perform such duties as provided by ordinance. Ordinance No. 1.560 establishes the Town of Parker Youth Commission (“Youth Commission”). The purpose of the Youth Commission is to provide an opportunity for youth in the Town of Parker to learn about government, participate in the process and to represent and articulate the needs of Parker’s youth.

The overall objective of the Youth Commission is to provide an opportunity for the youth of Parker to:

1. Acquire a greater knowledge and appreciation for the political system through active participation in local government.

2. Learn how municipal government works and how municipal services are provided.
3. Provide a means by which the Town's youth can be heard and share their perspective on issues affecting the lives of young people in areas of social, educational, recreational, cultural and public safety.
4. Assist the Mayor, Town Council and Town Administrator in policy and decision-making, problem solving, and accomplishing community goals as related to youth by working directly with the representatives of the youth.
5. Provide leadership development and experience that will enable young people to become productive citizens and leaders in the community.

FINANCIAL IMPACT

None

STRATEGIC GOAL(S)

**FOSTER COMMUNITY
CREATIVITY AND
ENGAGEMENT**



**SUPPORT AN
ACTIVE COMMUNITY**

ATTACHMENTS

1. Ordinance No. 1.560

RECOMMENDED MOTION

I move to approve Ordinance No. 1.560 on first reading and to schedule second reading for May 16, 2022, as part of the consent agenda.

ORDINANCE NO. 1.560, Series of 2022

TITLE: A BILL FOR AN ORDINANCE TO AMEND TITLE 2 OF THE PARKER MUNICIPAL CODE BY THE ADDITION THERETO OF A NEW CHAPTER 2.07 CONCERNING THE CREATION OF THE PARKER YOUTH COMMISSION

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

Section 1. The Parker Municipal Code is amended by the addition thereto of a new Chapter 2.07, entitled “Parker Youth Commission,” to read as follows:

CHAPTER 2.07

Parker Youth Commission

2.07.010 Purpose.

It is the primary purpose of this Chapter, which is established pursuant to Article VI of the Town Charter, to create a Youth Commission to provide a means for youth in the Town of Parker to learn about government, to participate in the process, and to represent and articulate the needs of the community’s youth.

2.07.020 Parker Youth Commission created; membership; compensation.

The Town Council shall appoint a Youth Commission composed of as many members as the Town Council may determine sufficient by resolution. After the membership of the Youth Commission is determined by the Town Council, it may be expanded or contracted from time to time at the discretion of the Town Council by resolution. Commission members serve at the pleasure of the Town Council and may be removed at any time with or without cause by vote of the Council. All commission members serve without compensation. At the Town Council's discretion, compensation may be established by resolution. Commission members and representatives of the Youth Commission need not reside within the boundaries of the Town.

2.07.030 Terms of office.

Commission members shall serve for a period of two (2) years. Terms shall be staggered to promote continuity on the Youth Commission. To provide for staggered terms of the Commission members who are initially appointed, approximately one-half of the initial Commission members shall be appointed for two-year terms and the remainder of the initial Commission members shall be appointed for one-year terms, as provided in the Bylaws. Following such initial appointments, subsequent appointments shall be for two-year terms.

2.07.040 Rules and procedures.

(a) The “Youth Commission Bylaws” dated May 16, 2022, are hereby adopted and made a part of this Title (the "Bylaws"). The Bylaws may only be amended by Town Council resolution.

(b) The Town Council shall appoint one (1) of the members of the Youth Commission to serve as chair. The chair shall serve for a period of one (1) year following appointment by the Town Council. After the initial appointment of the chair, the vice chair shall assume the role of chair upon completion of the vice-chair’s term. In the event the vice-chair is unable to assume the role of chair, the Town Council shall appoint one (1) of the members of the Youth Commission to serve as chair.

(c) The Town Council shall appoint one (1) of the members of the Youth Commission to serve as vice-chair. The vice-chair shall serve for a period of one (1) year following appointment by the Town Council. After the initial appointment of the chair, the vice chair shall assume the role of chair upon completion of the vice-chair’s term.

(d) The Youth Commission shall choose one (1) of its members to serve as secretary. The secretary shall serve for a period of one (1) year following appointment by the Youth Commission.

(e) The Youth Commission shall choose one (1) of its members to serve as treasurer. The treasurer shall serve for a period of one (1) year following appointment by the Youth Commission.

(f) Meetings of the Youth Commission shall be held at least monthly at a regularly scheduled time and location. The Youth Commission may also hold special meetings from time to time as it deems necessary. Special meetings shall be at the call of the chair of the Youth Commission or on request of a majority of Commission members. A complete record shall be kept of all proceedings of the Youth Commission, which shall be available for public examination during regular business hours.

(g) In the event there is no business pending before the Youth Commission, the regular monthly meeting may be cancelled upon posted notice to the public.

2.07.050 Duties.

The duties and responsibilities of the Youth Commission shall be to serve in an advisory capacity to the Town Council. This advisory position is in reference to the Youth Commission's mission to provide a means for youth in the Town of Parker to learn about government, to participate in the process, and to represent and articulate the needs of the community’s youth. Additional duties shall be assigned in the Bylaws.

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

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

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

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____, 2022.

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2022.

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk

APPROVED AS TO FORM:

Kristin Hoffmann, Town Attorney



Request for Town Council Action

Date: May 2, 2022

Submitted By: Bryce Matthews, Planning Manager

Reviewed By: Michelle Kivela, Town Administrator

Title: **RESOLUTION NO. 22-026**
A Resolution to Allow a Partial Waiver of Sections 13.09.040(b)(1), 13.09.070(1), 13.09.080(d) and Schedule 13.09.080B of the Parker Municipal Code for Certain Businesses for Parker Days
Department: Community Development, Bryce Matthews

EXECUTIVE SUMMARY

Parker Days is a major community event in Downtown that is sponsored by the Parker Area Chamber of Commerce. The community event often requires street closures that may impact local businesses by limiting their access and visibility. The purpose of the proposed action is to support local businesses in Downtown that may be impacted by Parker Days through a partial waiver of the Sign Code to allow additional signage for specified dates, times and identified locations.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The Parker Area Chamber of Commerce has sponsored the Parker Days community event in Downtown for many years except 2020 and 2021, when the event was cancelled due to the COVID-19 pandemic. The Chamber of Commerce is resuming the Parker Days event and it is scheduled to return to Downtown on June 10-12, 2022.

The Town Council must approve a partial waiver of the Sign Code in order to allow local businesses in Downtown to utilize additional signage during the Parker Days community event. The proposed resolution would allow unlimited on-site window signs and one (1) additional banner sign not to exceed forty (40) square-feet for eligible businesses during Parker Days. The resolution will support local businesses in Downtown by allowing additional signage on a temporary basis to mitigate the impact of street closures, which may affect business access and visibility.

The Sign Code partial waiver would be in place for the duration of the Parker Days community event from 5 p.m. on Thursday, June 9, 2022 through midnight on June 13, 2022.

FINANCIAL IMPACT

None

STRATEGIC GOAL(S)



ENHANCE ECONOMIC
VITALITY



DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH

ATTACHMENTS

1. Resolution 22-026

RECOMMENDED MOTION

I move to approve Resolution No. 22-026, as part of the consent agenda.

RESOLUTION NO. 22-026, Series of 2022

TITLE: A RESOLUTION TO ALLOW A PARTIAL WAIVER OF SECTIONS 13.09.040(b)(1), 13.09.070(1), 13.09.080(d) AND SCHEDULE 13.09.080B OF THE PARKER MUNICIPAL CODE FOR CERTAIN BUSINESSES FOR PARKER DAYS

WHEREAS, Parker Days is scheduled for June 10, 11, and 12, 2022;

WHEREAS, certain streets will be closed or access will be limited during Parker Days;

WHEREAS, certain businesses located adjacent to the streets that will be closed or subject to limited access desire to display additional signage beyond what is permitted during Parker Days;

WHEREAS, Section 13.01.100 of the Parker Municipal Code provides that the Town may authorize waivers to the Parker Land Development Ordinance "if it is deemed by the Town Council to be in the public interest and does not impair the intent and purposes of this Title;"

WHEREAS, a partial waiver of Sections 13.09.040(b)(1), 13.09.070(1), 13.09.080(d) and Schedule 13.09.080B of the Parker Municipal Code will allow certain businesses to display additional signage to the extent provided in this Resolution to increase their visibility to the public while certain streets are closed or access is limited during Parker Days; and

WHEREAS, the Town Council desires to grant a partial waiver, to the extent provided below.

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

Section 1. The Town Council authorizes a partial waiver to Sections 13.09.040(b)(1), 13.09.070(1), 13.09.080(d) and Schedule 13.09.080B of the Parker Municipal Code, subject to the following conditions:

(a) This partial waiver is limited to those businesses located within the area described in **Exhibit A**, which is attached hereto and incorporated by this reference (the "Affected Businesses");

(b) This partial waiver is limited to the display of additional temporary signage on the same site as the Affected Businesses displaying the additional temporary signage;

(c) Each Affected Business is allowed unlimited window signs, as that term is defined in the Parker Municipal Code;

(d) Each Affected Business is allowed a banner, not to exceed forty (40) square feet;

(e) This partial waiver does not authorize pedestrian signs or sandwich board signs of any type or material;

(f) The duration of this partial waiver is from 5:00 p.m. on Thursday, June 9, 2022, through 12:00 midnight on Monday, June 13, 2022.

RESOLVED AND PASSED this _____ day of _____, 2022.

TOWN OF PARKER, COLORADO

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk

EXHIBIT A





Request for Town Council Action

Date: May 2, 2022

Submitted By: Alex Mestdagh, Engineering Service Manager

Reviewed By: Michelle Kivela, Town Administrator

Title: **RESOLUTION NO. 22-027**
A Resolution Accepting the Conveyance of a Drainage Easement from RM GVA Douglas County CO LLC, for a Portion of Lot 1B, Block 3, Parker Auto Plaza 2, 4th Amendment

Department: Engineering and Public Works, Alex Mestdagh

EXECUTIVE SUMMARY

This resolution accepts the conveyance of a drainage easement covering offsite drainage improvements proposed with a site plan for Lot 1A, Block 3, Parker Auto Plaza 2, 4th Amendment.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The Town's Stormwater criterion requires that drainage easements be dedicated over all storm drainage facilities located on private property. The drainage easements are necessary to ensure the long-term operation and maintenance of drainage infrastructure to minimize flooding and protect the quality of stormwater runoff.

The Engineering Department has reviewed and approved the construction drawings for the drainage facilities associated with the approved site plan for Lot 1A, Block 3, Parker Auto Plaza 2, 4th Amendment. This site plan requires offsite drainage infrastructure located on the adjacent lot in order to convey stormwater runoff to an existing detention pond. The proposed developer has negotiated and obtained a drainage easement from the owner of the adjacent property to cover this infrastructure. Since the drainage facilities are being constructed as part of a site plan process, and not a plat, the easements need to be dedicated by a separate instrument.

FINANCIAL IMPACT

As the drainage improvements proposed with the easement will be the maintenance responsibility of the developer, there is no financial impact to the Town.

STRATEGIC GOAL(S)



PROMOTE A SAFE AND
HEALTHY COMMUNITY



DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH

ATTACHMENTS

1. Vicinity Map
2. Resolution No. 22-027

RECOMMENDED MOTION

I move to approve Resolution No. 22-027, as part of the consent agenda.

Offsite Drainage
Easement - Res. 22-027
(to be accepted)

Drainage Easement -
Res. 22-028
(to be accepted)

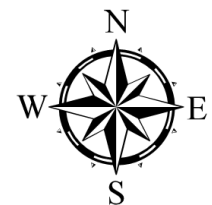
Global
Village
Academy

Proposed Development
(Audi Service Facility)

Ponderosa Drive

Twenty Mile Road

CarMax



RESOLUTION NO. 22-027, Series of 2022

TITLE: A RESOLUTION ACCEPTING THE CONVEYANCE OF A DRAINAGE EASEMENT FROM RM GVA DOUGLAS COUNTY CO LLC, FOR A PORTION OF LOT 1B, BLOCK 3, PARKER AUTO PLAZA 2, 4TH AMENDMENT

WHEREAS, the Town Council of the Town of Parker desires to accept the grant of an easement for the purpose of the maintenance of a drainage pipe and appurtenant drainage facilities;

WHEREAS, Section 1.06.010 of the Town of Parker Municipal Code requires the acceptance of a conveyance of real property to the Town be effectuated by resolution; and

WHEREAS, the Town Council of the Town of Parker desires to accept the grant of an easement specified hereinbelow to the Town by this Resolution.

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 accepts the conveyance of certain property interests for the purpose of the maintenance of a drainage pipe and appurtenant drainage facilities from RM GVA Douglas County CO LLC, for a portion of Lot 1B, Block 3, Parker Auto Plaza 2, 4th Amendment, as provided in the Drainage Easement Agreement attached as **Exhibit 1** and incorporated by this reference, and authorizes the Mayor of the Town to enter into the Agreement on behalf of the Town.

RESOLVED AND PASSED this _____ day of _____, 2022.

TOWN OF PARKER, COLORADO

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk

EXHIBIT 1

DRAINAGE EASEMENT AGREEMENT

THIS DRAINAGE EASEMENT AGREEMENT (the "Easement Agreement") is dated this ____ day of _____, 20__, by RM GVA Douglas County CO LLC, a Delaware limited liability company, having an address of 1674 Meridian Avenue, Suite 420, Miami Beach, Florida 33139 ("Grantor"), and the Town of Parker, a Colorado home rule municipality, having an address of 20120 East Mainstreet, Parker, Colorado 80138 ("Grantee").

WHEREAS, Grantee desires to acquire an easement for the purpose of the maintenance of a drainage pipe and appurtenant drainage facilities on and through the property more particularly described and depicted in **Exhibit A** ("Easement Property"), attached hereto and incorporated herein by this reference; and

WHEREAS, Grantor is willing to grant an easement to Grantee for the aforesaid purposes on the terms and conditions set forth hereinbelow.

NOW, THEREFORE, for good and valuable consideration by Grantee to Grantor, the covenants of Grantee herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor does hereby grant, and for and in consideration of the easement rights herein granted and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantee does hereby covenant and agree as follows:

1. Grant of Easement. Grantor does hereby grant and convey unto Grantee, its successors, assigns, lessees, licensees and agents, an easement under and through the Easement Property, for the purpose of providing the maintenance of a drainage pipe and appurtenant drainage facilities. Grantee shall also have the specific rights of ingress and egress, consistent with this Easement Agreement, for the construction, reconstruction, operation and maintenance of a drainage pipe and appurtenant drainage facilities, consistent with the easement provided herein. Subject to the other terms and conditions of this Easement Agreement, Grantee shall also have the right to remove impediments to operation and maintenance of the Easement Property such as trees, asphalt and sidewalks. Grantee further agrees all construction, reconstruction, operation, maintenance, removal and any other activities which disturb the Easement Property will be coordinated with Grantor so as to minimize any disruption to Grantor's property.

2. Unencumbered Title. Grantor warrants that the Easement Property granted herein is granted free and clear of all liens and encumbrances.

3. Operation and Maintenance.

a. The operation and maintenance of the drainage facilities described herein and located within the Easement Property shall be the responsibility of the Grantor; provided, however, that Grantee shall have the right to maintain the Easement Property in the event Grantee, in its sole discretion, determines to enter the Easement Property for the operation and/or maintenance of the Easement Property as set forth in subsection b. hereinbelow. The Grantor acknowledges and agrees that the Grantee has the right to enter the Easement Property to maintain and operate the

drainage facilities covered by Chapter 4.08 of the Parker Municipal Code or to maintain and operate the drainage facilities in the manner described herein.

b. If Grantor fails to adequately maintain the drainage facilities located within the Easement Property, and within fourteen (14) days after the date of written notice from Grantee, fails to correct the maintenance problem, or fails to begin to clean, cure or correct such problem within fourteen (14) days if such problem cannot be reasonably cleaned, cured or corrected within fourteen (14) days, and fails to diligently prosecute such cleaning, cure or correction to completion, then Grantee may do so as provided herein. Notwithstanding the foregoing, Grantee may, in the event of an emergency, as determined by Grantee in its sole discretion, clean, cure or correct any damage caused by Grantor's failure to adequately maintain the drainage facilities located within the Easement Property. The Grantor shall reimburse the Grantee for the cost of such maintenance to the extent that (i) the drainage facilities and/or the type of maintenance performed by Grantee are not covered by Chapter 4.08 of the Parker Municipal Code, as amended, or (ii) if the drainage facilities and/or the type of maintenance performed by the Grantee is covered by Chapter 4.08 of the Parker Municipal Code, as amended, and the Grantee determines in its sole discretion that there are not sufficient funds available for such maintenance. If Grantor fails to reimburse Grantee for the cost of such maintenance, within thirty (30) days after receipt of an invoice from Grantee describing the corrective or maintenance action taken, the unpaid amount shall constitute a lien on the Easement Property until paid in full, with priority over all other liens, except general tax liens, which liens shall be certified to the County Treasurer and collected in the same manner as other taxes are collected. Grantor further agrees that Grantee may also pursue any and all other remedies available at law or in equity.

4. Grantor Defined. The word "Grantor" as used herein, whenever the context requires or permits, shall include the heirs, personal representatives, beneficiaries, successors, grantees and assigns of the owners of the land through which the easement runs, or the respective owners from time to time of portions thereof. The burdens and benefits of this Easement Agreement shall be deemed covenants running with said easements and said land. Notwithstanding any contrary provision in this Easement Agreement, however, any obligation under this Easement Agreement which is to be performed by the owner of any land which is burdened by this Easement Agreement shall be enforceable only against the then owner of such land, and not against any such owner's predecessors in interest.

5. Covenants of Grantee. Grantee hereby represents, covenants and warrants in favor of Grantor, and its successors and assigns, as follows:

a. Grantee shall protect the Easement Property, and the adjacent lands of Grantor over which Grantee has rights of ingress and egress, from damage caused, in whole or in part, by acts or omissions of Grantee, its employees, agents, contractors, subcontractors, assigns, lessees, licensees and agents.

b. Grantee shall not cause or permit to be caused by any of its employees, agents, contractors, subcontractors, successors, assigns, lessees or licensees, any hazardous substances, as defined by the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA"), pollutants or contaminants, as defined by CERCLA, or hazardous waste, as defined by the Resource, Conservation and Recovery Act ("RCRA"), including, but not limited to, asbestos and/or urea formaldehyde, or any pollutants or toxic pollutants as defined by the Clean Water Act,

and any amendments thereto, to be dumped, spilled, released, permanently stored or deposited on, over or beneath the Easement Property or any other lands owned by Grantor.

6. Retained Rights. Grantor shall have all rights to the Easement Property not granted hereby.

7. Notice. Any notice or communication between the Grantor or Grantee that may be required, or which may be given, under the terms of this Easement 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 given shall be considered effective seventy-two (72) hours after deposit in the United States mail with the proper address, as set forth below. Any party, by notice so given, may change the address to which future notices shall be sent. The addresses for notices under the terms of this Easement Agreement are as follows:

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

and (send to both) Town of Parker
 Attn: Legal/Town Attorney
 20120 E. Mainstreet
 Parker, Colorado 80138

To the Grantor: RM GVA Douglas County CO LLC
 Attn: B.Z. Halberstam
 1674 Meridian Avenue, Suite 420
 Miami Beach, Florida 33139

and (send to both) Stanley Real Estate Parker, LLC
 c/o McDonald Automotive
 6060 S. Broadway
 Littleton, Colorado 80121

8. Miscellaneous.

a. Except as otherwise expressly provided herein, all provisions herein contained, including the benefits, burdens and covenants, are intended to run with the land and shall be binding upon and inure to the benefit of the respective successors and assigns of the parties hereto.

b. This easement constitutes all of the agreements, understandings and promises between the parties hereto, with respect to the subject matter hereof.

c. This easement shall be of no force and effect until this easement is duly and validly executed by all parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Easement Agreement as of the date and year first above written.

**GRANTOR: RM GVA DOUGLAS COUNTY
CO LLC, a Delaware limited liability company**

**By: RM Charter Holdings LLC,
a Delaware limited liability company,
its Sole Member**

**By: Rosemawr Management LLC,
a Delaware limited liability company,
its Non-Member Manager**

By: _____
Name: B.Z. Halberstam
Its: Principal

STATE OF _____)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 20__, by B.Z. Halberstam, as Principal for Rosemawr Management, LLC, as Non-Member Manager of RM Charter Holdings LLC, as Sole Member of RM GVA Douglas County CO LLC.

My commission expires: _____

(S E A L)

Notary Public

GRANTEE: TOWN OF PARKER

Jeff Toborg, Mayor

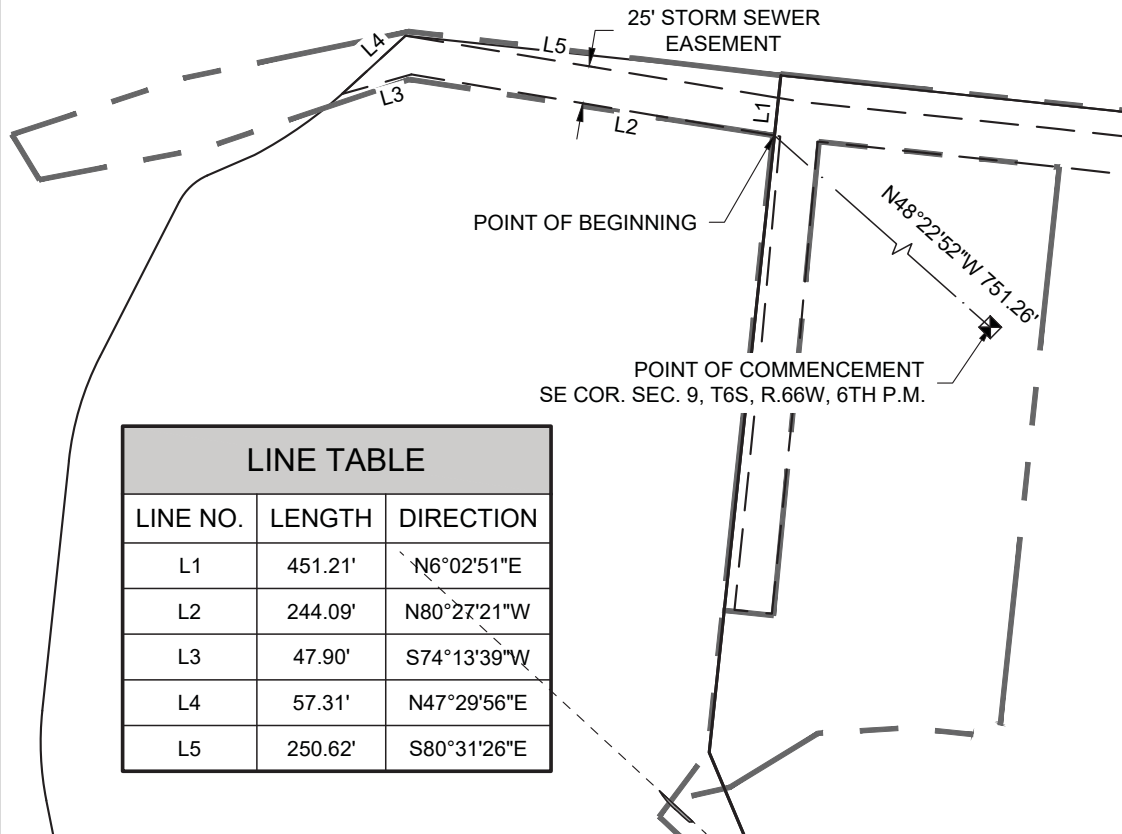
ATTEST:

Chris Vanderpool, Town Clerk

APPROVED AS TO FORM:

Town Attorney's Office

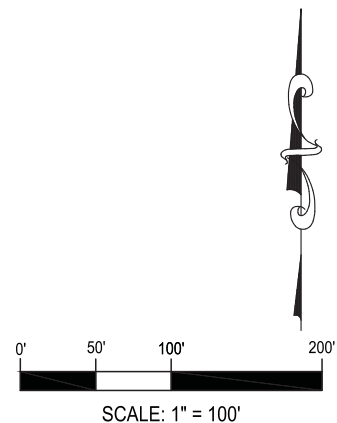
EXHIBIT A
MCDONALD REMOTE AUDI SERVICE
25 FOOT WIDE OFFSITE STORM SEWER
DRAINAGE EASEMENT



LINE TABLE		
LINE NO.	LENGTH	DIRECTION
L1	451.21'	N6°02'51"E
L2	244.09'	N80°27'21"W
L3	47.90'	S74°13'39"W
L4	57.31'	N47°29'56"E
L5	250.62'	S80°31'26"E

OWNER
GREGORY SHLIONSKY, MANAGING MEMBER
RM GVA DOUGLAS COUNTY CO LLC, A DELAWARE LIMITED LIABILITY COMPANY
BY: RM CHARTER HOLDINGS LLC, A DELAWARE LIMITED LIABILITY COMPANY,
SOLE MEMBER
BY: ROSEMAWR MANAGEMENT LLC, A DELAWARE LIMITED LIABILITY COMPANY,
NON-MEMBER MANAGER

- THIS ILLUSTRATION DOES NOT REPRESENT A MONUMENTED SURVEY. IT IS INTENDED ONLY TO DEPICT THE ATTACHED LEGAL DESCRIPTION.
- ACCESS, UTILITY AND DRAINAGE ESMT: CONTAINS 14,343 S.F., 0.329 ACRES, MORE OR LESS.



			MCDONALD REMOTE AUDI SERVICE OFFSITE STORM SEWER DRAINAGE EASEMENT PARKER AUTO PLAZA FILING NO. 2 SURVEY PLAT, LOCATED IN THE SE $\frac{1}{4}$ OF SECTION 9, T6S, R66W OF THE 6TH P.M., TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO
DRAWN BY:	SCALE: 1" = 100'	FOLDER:	
CHECKED BY:	DATE: 7/5/2021	FILE: 2017 McDonald Remote Audi/Cadd/Sheetsets/Esmt	
SHEET 1 OF 2		42 OFFSITE STORM SEWER LEGAL DESCRIPTION	

EXHIBIT A
MCDONALD REMOTE AUDI SERVICE
25 FOOT WIDE OFFSITE STORM SEWER DRAINAGE EASEMENT
LEGAL DESCRIPTION

LEGAL DESCRIPTION:

A 25.00 FOOT WIDE OFFSITE STORM SEWER EASEMENT SITUATED IN A PART OF PARKER AUTO PLAZA LAND SURVEY PLAT AS RECORDED AT RECEPTION NUMBER XXXXX (?), LOCATED IN THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 9; THENCE N83°22'52"W, A DISTANCE OF 751.26' FEET TO THE POINT OF BEGINNING; THENCE ALONG THE FOLLOWING FIVE COURSES:

1. NORTH 80°27'21" WEST, A DISTANCE OF 244.09 FEET TO A POINT OF NON-TANGENCY;
2. SOUTH 74°13'39" WEST, A DISTANCE OF 47.90 FEET TO A POINT OF NON-TANGENCY;
3. NORTH 47°29'56" EAST, A DISTANCE OF 57.31 FEET TO A POINT OF NON-TANGENCY;
4. SOUTH 80°31'26" EAST, A DISTANCE OF 250.62 FEET TO A POINT OF NON-TANGENCY;
5. SOUTH 6°02'51" WEST, A DISTANCE OF 25.05 FEET; TO THE POINT OF BEGINNING

CONTAINING 6,756.23 SQUARE FEET OR 0.155 ACRES, MORE OR LESS.

BASIS OF BEARING: THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, T6S, R66W WHICH BEARS N00°17'51"E 2669.21'.

CURTIS M. LANDRY, COLORADO PLS NO. 28275
FOR AND ON BEHALF OF ACTION CIVIL ENGINEERING LLC
9777 PYRAMID CT, SUITE 225
ENGLEWOOD, CO 80112

			MCDONALD REMOTE AUDI SERVICE OFFSITE STORM SEWER DRAINAGE EASEMENT PARKER AUTO PLAZA FILING NO. 2 SURVEY PLAT, LOCATED IN THE SE $\frac{1}{4}$ OF SECTION 9, T6S, R66W OF THE 6TH P.M., TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO
DRAWN BY:	SCALE: 1" = 100'	FOLDER:	
CHECKED BY:	DATE: 7/5/2021	FILE: 42 OFFSITE STORM SEWER LEGAL DESCRIPTION	
SHEET 2 OF 2			



Request for Town Council Action

Date: May 2, 2022

Submitted By: Alex Mestdagh, Engineering Service Manager

Reviewed By: Michelle Kivela, Town Administrator

Title: **RESOLUTION NO. 22-028**
A Resolution Accepting the Conveyance of a Drainage Easement from Stanley Real Estate Parker, LLC for a Portion of Lot 1A, Block 3, Parker Auto Plaza 2, 4th Amendment
Department: Engineering and Public Works, Alex Mestdagh

EXECUTIVE SUMMARY

This resolution accepts the conveyance of a drainage easement covering drainage improvements proposed with a site plan for Lot 1A, Block 3, Parker Auto Plaza 2, 4th Amendment.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The Town's Stormwater criterion requires that drainage easements be dedicated over all storm drainage facilities located on private property. The drainage easements are necessary to ensure the long-term operation and maintenance of drainage infrastructure to minimize flooding and protect the quality of stormwater runoff.

The Engineering Department has reviewed and approved the construction drawings for the drainage facilities associated with an approved site plan for Lot 1A, Block 3, Parker Auto Plaza 2, 4th Amendment. Since the drainage facilities are being constructed as part of a site plan process, and not a plat, the easements need to be dedicated by a separate instrument.

FINANCIAL IMPACT

As the drainage improvements proposed with the easement will be the maintenance responsibility of the property owner, there is no financial impact to the Town.

STRATEGIC GOAL(S)



PROMOTE A SAFE AND
HEALTHY COMMUNITY

ATTACHMENTS

1. Vicinity Map

2. Resolution No. 22-028

RECOMMENDED MOTION

I move to approve Resolution No.22-028, as part of the consent agenda.

Offsite Drainage
Easement - Res. 22-027
(to be accepted)

Drainage Easement -
Res. 22-028
(to be accepted)

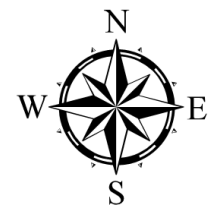
Global
Village
Academy

Proposed Development
(Audi Service Facility)

Ponderosa Drive

Twenty Mile Road

CarMax



RESOLUTION NO. 22-028, Series of 2022

TITLE: A RESOLUTION ACCEPTING THE CONVEYANCE OF A DRAINAGE EASEMENT FROM STANLEY REAL ESTATE PARKER, LLC, FOR A PORTION OF LOT 1A, BLOCK 3, PARKER AUTO PLAZA 2, 4TH AMENDMENT

WHEREAS, the Town Council of the Town of Parker desires to accept the grant of an easement for the purpose of the maintenance of a drainage pipe and appurtenant drainage facilities;

WHEREAS, Section 1.06.010 of the Town of Parker Municipal Code requires the acceptance of a conveyance of real property to the Town be effectuated by resolution; and

WHEREAS, the Town Council of the Town of Parker desires to accept the grant of an easement specified hereinbelow to the Town by this Resolution.

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 accepts the conveyance of certain property interests for the purpose of the maintenance of a drainage pipe and appurtenant drainage facilities from Stanley Real Estate Parker, LLC, for a portion of Lot 1A, Block 3, Parker Auto Plaza 2, 4th Amendment, as provided in the Drainage Easement Agreement attached as **Exhibit 1** and incorporated by this reference, and authorizes the Mayor of the Town to enter into the Agreement on behalf of the Town.

RESOLVED AND PASSED this _____ day of _____, 2022.

TOWN OF PARKER, COLORADO

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk

EXHIBIT 1

DRAINAGE EASEMENT AGREEMENT

THIS DRAINAGE EASEMENT AGREEMENT (the "Easement Agreement") is dated this ____ day of _____, 20__, by Stanley Real Estate Parker, LLC, a Colorado limited liability company, having an address of 6060 S. Broadway, Littleton, CO 80121 ("Grantor"), and the Town of Parker, a Colorado home rule municipality, having an address of 20120 East Mainstreet, Parker, Colorado 80138 ("Grantee").

WHEREAS, Grantee desires to acquire an easement for the purpose of the maintenance of a drainage pipe and appurtenant drainage facilities on and through the property more particularly described and depicted in **Exhibit A** ("Easement Property"), attached hereto and incorporated herein by this reference; and

WHEREAS, Grantor is willing to grant an easement to Grantee for the aforesaid purposes on the terms and conditions set forth hereinbelow.

NOW, THEREFORE, for good and valuable consideration by Grantee to Grantor, the covenants of Grantee herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor does hereby grant, and for and in consideration of the easement rights herein granted and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantee does hereby covenant and agree as follows:

1. Grant of Easement. Grantor does hereby grant and convey unto Grantee, its successors, assigns, lessees, licensees and agents, an easement under and through the Easement Property, for the purpose of providing the maintenance of a drainage pipe and appurtenant drainage facilities. Grantee shall also have the specific rights of ingress and egress, consistent with this Easement Agreement, for the construction, reconstruction, operation and maintenance of a drainage pipe and appurtenant drainage facilities, consistent with the easement provided herein. Subject to the other terms and conditions of this Easement Agreement, Grantee shall also have the right to remove impediments to operation and maintenance of the Easement Property such as trees, asphalt and sidewalks. Grantee further agrees all construction, reconstruction, operation, maintenance, removal and any other activities which disturb the Easement Property will be coordinated with Grantor so as to minimize any disruption to Grantor's property.

2. Unencumbered Title. Grantor warrants that the Easement Property granted herein is granted free and clear of all liens and encumbrances.

3. Operation and Maintenance.

a. The operation and maintenance of the drainage facilities described herein and located within the Easement Property shall be the responsibility of the Grantor; provided, however, that Grantee shall have the right to maintain the Easement Property in the event Grantee, in its sole discretion, determines to enter the Easement Property for the operation and/or maintenance of the Easement Property as set forth in subsection b. hereinbelow. The Grantor acknowledges and agrees that the Grantee has the right to enter the Easement Property to maintain and operate the

drainage facilities covered by Chapter 4.08 of the Parker Municipal Code or to maintain and operate the drainage facilities in the manner described herein.

b. If Grantor fails to adequately maintain the drainage facilities located within the Easement Property, and within fourteen (14) days after the date of written notice from Grantee, fails to correct the maintenance problem, or fails to begin to clean, cure or correct such problem within fourteen (14) days if such problem cannot be reasonably cleaned, cured or corrected within fourteen (14) days, and fails to diligently prosecute such cleaning, cure or correction to completion, then Grantee may do so as provided herein. Notwithstanding the foregoing, Grantee may, in the event of an emergency, as determined by Grantee in its sole discretion, clean, cure or correct any damage caused by Grantor's failure to adequately maintain the drainage facilities located within the Easement Property. The Grantor shall reimburse the Grantee for the cost of such maintenance to the extent that (i) the drainage facilities and/or the type of maintenance performed by Grantee are not covered by Chapter 4.08 of the Parker Municipal Code, as amended, or (ii) if the drainage facilities and/or the type of maintenance performed by the Grantee is covered by Chapter 4.08 of the Parker Municipal Code, as amended, and the Grantee determines in its sole discretion that there are not sufficient funds available for such maintenance. If Grantor fails to reimburse Grantee for the cost of such maintenance, within thirty (30) days after receipt of an invoice from Grantee describing the corrective or maintenance action taken, the unpaid amount shall constitute a lien on the Easement Property until paid in full, with priority over all other liens, except general tax liens, which liens shall be certified to the County Treasurer and collected in the same manner as other taxes are collected. Grantor further agrees that Grantee may also pursue any and all other remedies available at law or in equity.

4. Grantor Defined. The word "Grantor" as used herein, whenever the context requires or permits, shall include the heirs, personal representatives, beneficiaries, successors, grantees and assigns of the owners of the land through which the easement runs, or the respective owners from time to time of portions thereof. The burdens and benefits of this Easement Agreement shall be deemed covenants running with said easements and said land. Notwithstanding any contrary provision in this Easement Agreement, however, any obligation under this Easement Agreement which is to be performed by the owner of any land which is burdened by this Easement Agreement shall be enforceable only against the then owner of such land, and not against any such owner's predecessors in interest.

5. Covenants of Grantee. Grantee hereby represents, covenants and warrants in favor of Grantor, and its successors and assigns, as follows:

a. Grantee shall protect the Easement Property, and the adjacent lands of Grantor over which Grantee has rights of ingress and egress, from damage caused, in whole or in part, by acts or omissions of Grantee, its employees, agents, contractors, subcontractors, assigns, lessees, licensees and agents.

b. Grantee shall not cause or permit to be caused by any of its employees, agents, contractors, subcontractors, successors, assigns, lessees or licensees, any hazardous substances, as defined by the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA"), pollutants or contaminants, as defined by CERCLA, or hazardous waste, as defined by the Resource, Conservation and Recovery Act ("RCRA"), including, but not limited to, asbestos and/or urea formaldehyde, or any pollutants or toxic pollutants as defined by the Clean Water Act,

and any amendments thereto, to be dumped, spilled, released, permanently stored or deposited on, over or beneath the Easement Property or any other lands owned by Grantor.

6. Retained Rights. Grantor shall have all rights to the Easement Property not granted hereby.

7. Miscellaneous.

a. Except as otherwise expressly provided herein, all provisions herein contained, including the benefits, burdens and covenants, are intended to run with the land and shall be binding upon and inure to the benefit of the respective successors and assigns of the parties hereto.

b. This easement constitutes all of the agreements, understandings and promises between the parties hereto, with respect to the subject matter hereof.

c. This easement shall be of no force and effect until this easement is duly and validly executed by all parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Easement Agreement as of the date and year first above written.

**GRANTOR: STANLEY REAL ESTATE
PARKER, LLC**

Michael McDonald, President

STATE OF _____)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 20__, by Michael McDonald, as President of Stanley Real Estate Parker, LLC.

My commission expires: _____

(S E A L)

Notary Public

GRANTEE: TOWN OF PARKER

Jeff Toborg, Mayor

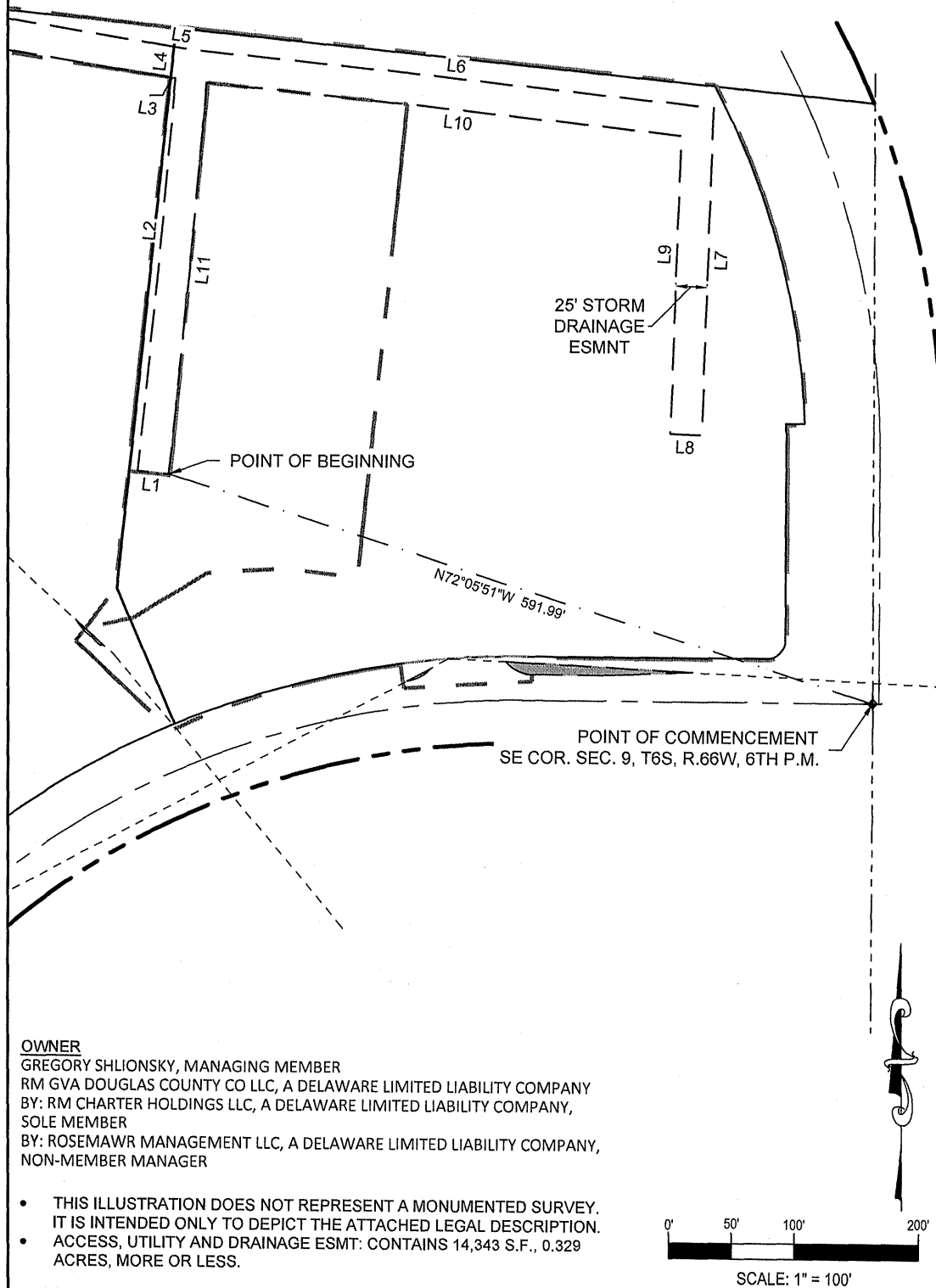
ATTEST:

Chris Vanderpool, Town Clerk

APPROVED AS TO FORM:

Town Attorney's Office

EXHIBIT A
MCDONALD REMOTE AUDI SERVICE
25 FOOT WIDE STORM SEWER DRAINAGE
EASEMENT



DRAWN BY:			SCALE:			FOLDER:		
CHECKED BY:			1" = 100'			2017 McDonald Remote Audi/Cadd/Sheetsets/Esmt		
SHEET 1 OF 3			DATE:			FILE:		
			7/5/2021			3.3 STORM SEWER UTILITY ESMT LINE AND CURVE		

MCDONALD REMOTE AUDI SERVICE
 STORM SEWER DRAINAGE EASEMENT
 PARKER AUTO PLAZA FILING NO. 2 SURVEY PLAT, LOCATED IN
 THE SE $\frac{1}{4}$ OF SECTION 9, T6S, R66W OF THE 6TH P.M., TOWN OF
 PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO

**EXHIBIT A
MCDONALD REMOTE AUDI SERVICE
25 FOOT WIDE STORM SEWER DRAINAGE
EASEMENT**

LEGAL DESCRIPTION:

A 25.00 FOOT WIDE STORM SEWER DRAINAGE EASEMENT SITUATED IN A PART OF PARKER AUTO PLAZA LAND SURVEY PLAT AS RECORDED AT RECEPTION NUMBER 2015013675, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 9; THENCE N72°05'51"W, A DISTANCE OF 591.99' FEET TO THE POINT OF BEGINNING; THENCE ALONG THE FOLLOWING FIFTEEN COURSES:

1. SOUTH 83°37'34" EAST, A DISTANCE OF 246.87 FEET TO A POINT OF NON-TANGENCY;
2. SOUTH 2°09'26" WEST, A DISTANCE OF 261.37 FEET TO A POINT OF NON-TANGENCY;
3. NORTH 87°50'34" WEST, A DISTANCE OF 25.00 FEET TO A POINT OF NON-TANGENCY;
4. NORTH 2°09'26" EAST, A DISTANCE OF 238.15 FEET TO A POINT OF NON-TANGENCY;
5. NORTH 83°37'34" WEST, A DISTANCE OF 223.57 FEET TO A POINT OF NON-TANGENCY;
6. NORTH 83°58'14" WEST, A DISTANCE OF 159.10 FEET TO A POINT OF NON-TANGENCY;
7. SOUTH 5°09'38" WEST, A DISTANCE OF 148.90 FEET TO A POINT OF NON-TANGENCY;
8. SOUTH 5°51'37" WEST, A DISTANCE OF 165.56 FEET TO A POINT OF NON-TANGENCY;
9. NORTH 84°08'23" WEST, A DISTANCE OF 25.00 FEET TO A POINT OF NON-TANGENCY;
10. NORTH 5°51'37" EAST, A DISTANCE OF 165.41 FEET TO A POINT OF NON-TANGENCY;
11. NORTH 5°09'38" EAST, A DISTANCE OF 149.86 FEET TO A POINT OF NON-TANGENCY;
12. NORTH 80°27'21" WEST, A DISTANCE OF 3.86 FEET TO A POINT OF NON-TANGENCY;
13. NORTH 6°02'51" EAST, A DISTANCE OF 25.05 FEET TO A POINT OF NON-TANGENCY;
14. SOUTH 80°27'21" EAST, A DISTANCE OF 16.58 FEET TO A POINT OF NON-TANGENCY;
15. SOUTH 83°58'14" EAST, A DISTANCE OF 171.48 FEET, TO THE POINT OF BEGINNING;

CONTAINING 24,692.02 SQUARE FEET, OR 0.567 ACRES MORE OR LESS .

BASIS OF BEARING: THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, T6S, R66W WHICH BEARS N00°17'51"E 2669.21'.

CURTIS M. LANDRY, COLORADO PLS NO. 28275
FOR AND ON BEHALF OF ACTION CIVIL ENGINEERING LLC
9777 PYRAMID CT, SUITE 225
ENGLEWOOD, CO 80112

			MCDONALD REMOTE AUDI SERVICE STORM SEWER DRAINAGE EASEMENT	
DRAWN BY:	SCALE: 1" = 100'	FOLDER:	PARKER AUTO PLAZA FILING NO. 2 SURVEY PLAT, LOCATED IN	
CHECKED BY:	DATE:	FILE:	THE SE ¼ OF SECTION 9, T6S, R66W OF THE 6TH P.M., TOWN OF	
SHEET 2 OF 3	7/5/2021	3.3 STORM SEWER UTILITY ESMT LINE AND CURVE	PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO	

EXHIBIT A
MCDONALD REMOTE AUDI SERVICE
25 FOOT WIDE STORM SEWER DRAINAGE
EASEMENT

LINE TABLE		
LINE NO.	LENGTH	DIRECTION
L1	25.00'	N84°08'23"W
L2	149.86'	N5°09'38"E
L3	3.86'	N80°27'21"W
L4	451.21'	N6°02'51"E
L5	16.58'	S80°27'21"E
L6	246.87'	S83°37'34"E
L7	261.37'	S2°09'26"W
L8	25.00'	N87°50'34"W
L9	238.15'	N2°09'26"E
L10	223.57'	N83°37'34"W
L11	165.56'	S5°51'37"W

			MCDONALD REMOTE AUDI SERVICE STORM SEWER DRAINAGE EASEMENT PARKER AUTO PLAZA FILING NO. 2 SURVEY PLAT, LOCATED IN THE SE $\frac{1}{4}$ OF SECTION 9, T6S, R66W OF THE 6TH P.M., TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO	
DRAWN BY:	SCALE:	FOLDER:		
CHECKED BY:	1" = 100'	2017 McDonald Remote Audi/Cadd/Sheetsets/Esmt		
	DATE:	FILE:		
SHEET 3 OF 3	7/5/2021	3.3 STORM SEWER UTILITY ESMT LINE AND CURVE		

Proclamation

MUNICIPAL CLERKS WEEK

May 1 - 7, 2022

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

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

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

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

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

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

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

Now, Therefore, I, Jeff Toborg, Mayor of Parker, Colorado, do recognize the week of May 1 through May 7, 2022, as Municipal Clerks Week, and further extend appreciation to our Municipal Clerks, Chris Vanderpool, Amy Putch, Susan Irvine and Wendy Seacat, and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Dated this 2nd day of May, 2022.

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk



Request for Town Council Action

Date: May 2, 2022

Submitted By: Brett Collins, Projects Administrator

Reviewed By: Michelle Kivela, Town Administrator

Title: **Final Design Services for the Newlin Gulch Regional Trail Through the Property Known as Tract Q**

Amount: **\$107,412.00**

Contractor: **Stanley Consultants, Inc.**

Department: **Parks, Recreation and Open Space, Brett Collins**

EXECUTIVE SUMMARY

Staff is requesting approval of a professional services agreement with Stanley Consultants, Inc., for the preliminary and final design of the Newlin Gulch Regional Trail connection through a property known as Tract Q, located on the southeast corner of Mainstreet and South Chambers Road.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The Town recently acquired 20.25 acres of property from Shea Homes, known as Tract Q. As part of the agreement with Shea, the Town is responsible for building the Newlin Gulch Regional Trail connection within the property from the East-West Regional Trail that will connect to the Stonegate subdivision.

Stanley Consultants, Inc. was selected from the Engineering Department's On-call List of Professional Engineers to complete the conceptual design for the Newlin Gulch Regional Trail connection in 2021 to analyze the cost and feasibility of the trail project. In order to move forward with the trail project, preliminary and final designs need to be completed. Staff recommends utilizing Stanley Consultants, Inc. as they have the expertise and background on the project to complete the final design. Stanley has provided similar services for other Town projects and has performed excellent work.

FINANCIAL IMPACT

Funding for this \$107,412 professional services agreement was appropriated and approved by the Town Council in the 2022 Budget within the Parks, Recreation and Open Space Fund 203-4520.

STRATEGIC GOAL(S)



SUPPORT AN
ACTIVE COMMUNITY

ATTACHMENTS

None

RECOMMENDED MOTION

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



Request for Town Council Action

Date: May 2, 2022

Submitted By: Spencer Raish, Deputy Traffic Engineer

Reviewed By: Michelle Kivela, Town Administrator

Title: **2022 Townwide Pavement Markings - Long Line Project (CIP22-034)**

Amount:	\$177,660
Contractor:	RoadSafe Traffic Systems, Inc.
Department:	Engineering and Public Works, Spencer Raish

EXECUTIVE SUMMARY

The Town of Parker negotiated a contract amount of \$177,660 with RoadSafe Traffic Systems, Inc., (RoadSafe) for the 2022 Townwide Pavement Markings - Long Line Project (CIP22-034). The 2021 contract, which was publicly advertised, competitively bid and awarded to RoadSafe, included the option for two (2) contract renewals which the Town could exercise. The Town of Parker needs to maintain and enhance our roadway pavement markings through annual maintenance projects.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

On an annual basis, the Town of Parker updates the pavement striping lines on those streets that show the most wear. The Town's long-line pavement marking inventory includes, but is not limited to, double yellow center lines, white channelization lines, white-lane lines, and white-edge lines. These pavement markings require annual maintenance to ensure their quality and retro-reflectivity due to damage from vehicle tire wear and environmental degradation (sun and weather). The Town specifies epoxy-based paint for long-line markings due to its superior durability over standard alkyd paint. Epoxy paint application requires specialty equipment the Town does not possess due to the high capital expense. Therefore, the Town utilizes qualified area contractors for this work.

Staff negotiated the 2022 contract with RoadSafe. The 2021 contract, which was publicly advertised, competitively bid and awarded to RoadSafe (they were the lowest responsible bidder), included the option for two (2) contract renewals which the Town could exercise. With the award of this contract, this would be the first renewal option. Town staff elected to negotiate the 2022 contract based on a successfully completed 2021 contract. Pricing provided for the contract by RoadSafe is fair with a price increase in epoxy paint mainly due to supplier cost

increases. Due to supply chain issues, the materials needed for epoxy paint have increased. Additional information, including back-up documentation, was provided from RoadSafe and staff verified the material prices have increased from suppliers.

The extent of the work is approximately 1,850 gallons of modified epoxy pavement markings at various locations throughout the Town of Parker. The project will have two (2) mobilizations.

FINANCIAL IMPACT

Funding for the annual striping contract is part of the approved 2022 Budget under Traffic Services in the general fund (101-4312).

STRATEGIC GOAL(S)



PROMOTE A SAFE AND
HEALTHY COMMUNITY



DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH

ATTACHMENTS

None

RECOMMENDED MOTION

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



Request for Town Council Action

Date: May 2, 2022

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

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 3.213.7 - Second Reading**
A Bill for an Ordinance to Amend the Cottonwood Highlands Development Plan and Guide, and the Zoning Ordinance and Map to Conform Therewith
Department: Community Development, Stacey Nerger

EXECUTIVE SUMMARY

The applicant, Parkerhouse Road, L.L.C., has submitted an application to amend the Cottonwood Highlands Planned Development (PD) to rezone a portion of Planning Area East to continue to permit assembly uses on a portion of the site while continuing to allow commercial uses. The proposed rezoning would create two (2) new Planning Areas: one (1) for churches and other assembly uses and another for commercial uses that support the retail and service needs of nearby residents. The subject property is located at the southeast corner of the intersection of Jordan Road and Parkerhouse Road immediately north of E-470.

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

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

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The applicant, Parkerhouse Road, L.L.C., has submitted an application to amend the Cottonwood Highlands PD that would rezone a portion of Planning Area East to permit assembly uses, including churches, on a portion of the site. The applicant proposes to rezone approximately 14.5 acres located at the southeast corner of the intersection of Jordan Road and Parkerhouse Road from Highway Commercial, creating two (2) new Planning Areas. The first Planning Area will consist of approximately 9.1 acres (62.7% of the property) and will be named Retail to permit appropriate commercial uses including retail, services and restaurants. The second Planning Area will consist of approximately 5.4 acres (37.3% of the property) and will be named Assembly to permit assembly uses, including but not limited to churches.

The proposed amendment to the Cottonwood Highlands PD is consistent with the Parker 2035 Master Plan recommendations for the E-470 Mixed-Use Character Area. This includes the recommendation that "Land uses appropriate within this Character Area include a variety of higher intensity uses including multifamily, senior housing, assisted-living facilities, office, retail and restaurants (Parker 2035 Master Plan p. 6.6)." In addition, the proposed PD amendment will improve the zoning by tailoring the types of permitted commercial uses to focus on those that are compatible with the surrounding area while meeting the retail and service needs of local residents.

The proposed amendment to the Cottonwood Highlands PD also addresses and is consistent with the Town's approval criteria for rezoning applications contained in the Land Development Ordinance and listed above.

The Planning Commission heard this application at its meeting on April 14, 2022 and voted unanimously to recommend that Town Council approve it.

FINANCIAL IMPACT

None

STRATEGIC GOAL(S)



DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH



ENHANCE ECONOMIC
VITALITY

ATTACHMENTS

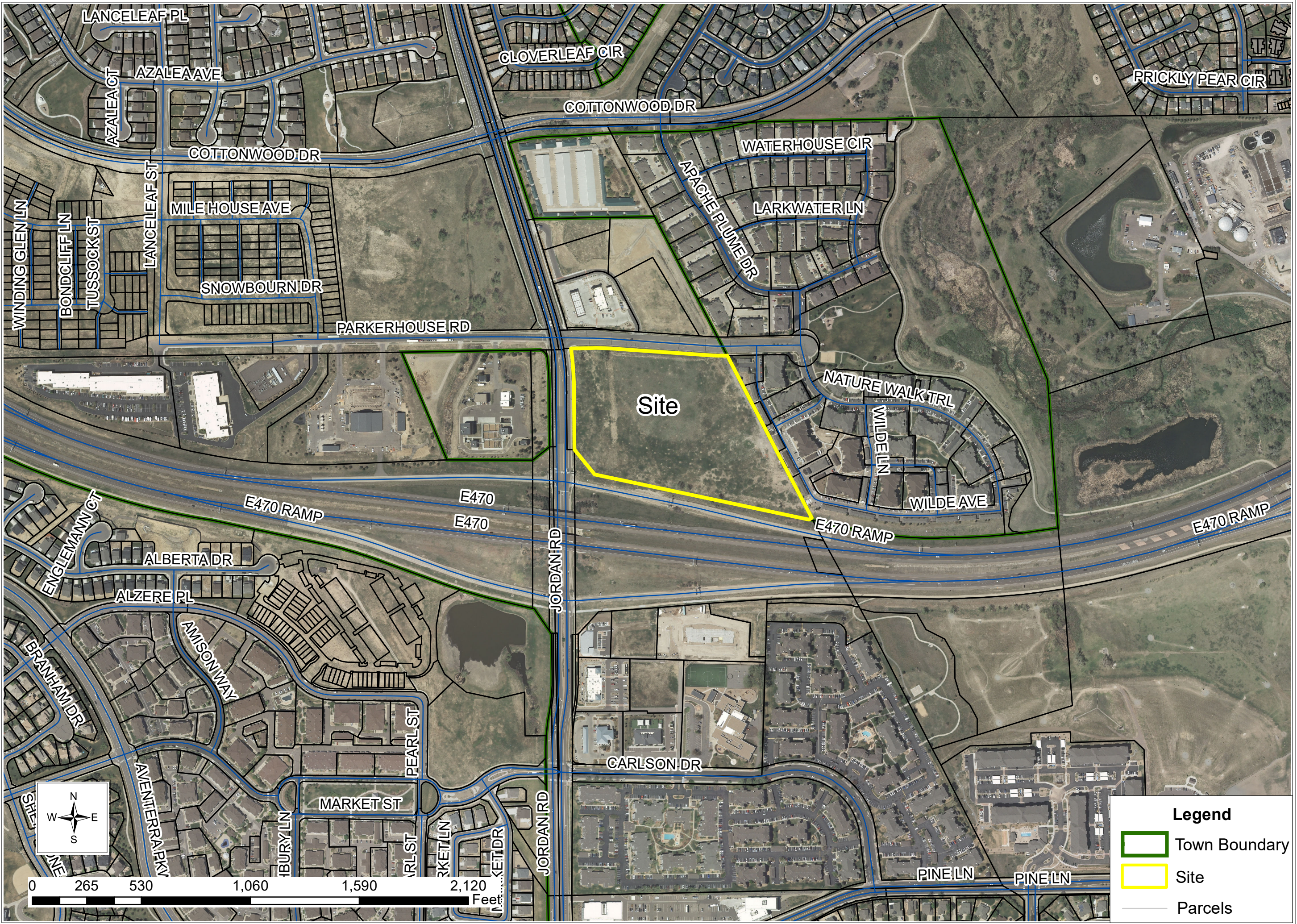
1. Vicinity Map
2. Ordinance No. 3.213.7
3. Planning Commission Staff Report

RECOMMENDED MOTION

I move to approve Ordinance No. 3.213.7 on second reading.

Cottonwood Highlands PD Amendment No. 6

PD Amendment - Rezoning



ORDINANCE NO. 3.213.7, Series of 2022

TITLE: A BILL FOR AN ORDINANCE AMEND THE COTTONWOOD HIGHLANDS DEVELOPMENT PLAN AND GUIDE AND THE ZONING ORDINANCE AND MAP TO CONFORM THEREWITH

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

Section 1. Finding of Fact.

a. Application has been made for amending the Cottonwood Highlands Development Plan and Guide for the real property described in **Exhibit A**, which is attached hereto and incorporated herein by this reference (the "Property"), pursuant to the Town of Parker Land Development Ordinance.

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

b. 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 of the Parker Land Development Ordinance for rezoning of the property described in Exhibit A to PD-Planned Development have been satisfied.

Section 2. The property described in Exhibit A is hereby zoned Cottonwood Highlands Guide Fourth Amendment and Cottonwood Highlands Development Plan Sixth Amendment, which are attached as **Exhibit B** and incorporated by this reference.

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

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

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

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

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

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____, 2022.

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2022.

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk

APPROVED AS TO FORM:

Kristin Hoffmann, Town Attorney

EXHIBIT A

Legal Description

LOT 3, COTTONWOOD SOUTH, NW QUARTER OF SECTION 9, TOWNSHIP 6 SOUTH,
RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF PARKER,
COUNTY OF DOUGLAS, STATE OF COLORADO

Cottonwood Highlands PD

Fourth Amendment

An Amendment to the
Development Guide

May 2, 2022

Prepared for:

Parkerhouse Rd, LLC
c/o Seed Development
211 N Robinson Ave, Floor
Oklahoma, OK 73102
(405) 513-49620

Prepared by:

Kimley-Horn and Associates, Inc.
4582 South Ulster Street, Suite 1500
Denver, CO 80237
(303) 228-2300

CONTENTS

Contents.....	2
SECTION I	5
A. Objective	5
B. Purpose	5
C. Intent.....	5
D. Application	5
SECTION II	7
A. Authority	7
B. Adoption	7
C. Enforcement	7
SECTION III	8
A. Control Over Use.....	8
B. Control Over Location and Bulk	8
C. Incorporation of Development Plan	8
SECTION IV	9
A. Purpose	9
B. Relationship to the Town of Parker Land Development Ordinance	9
C. Relationship to the Town of Parker Roadway Design and Construction Criteria Manual, as Amended	9
D. Conflicts	9
E. Density Standards	9
F. Density Variations	9
G. Utility Connections.....	10
H. Agricultural Uses	10
I. Underground Utility	10
SECTION V	11
A. Purpose	11
B. Uses Permitted by Right	11
C. Development Standards	11
SECTION VI	13
A. Purpose	13

B.	Uses Permitted by Right	13
C.	Retail, Commercial, and Office	13
D.	Restaurants, Eating Establishments, and Entertainment	13
E.	Services	13
F.	Supporting Land Uses	14
G.	Uses by Special Review:	14
H.	Development Standards	14
SECTION VII		16
A.	Purpose:	16
B.	Development Program.....	16
C.	Mixed Use Alternative	16
D.	Residential Land Uses permitted by right.....	17
E.	Residential Land Uses	17
F.	Supporting Land Uses	17
G.	Commercial Land Uses Permitted by Right -- in support of residential	17
H.	Retail, Commercial, and Office	17
I.	Restaurants Eating Establishments and Entertainment	18
J.	Services	18
K.	Supporting Land Uses	18
L.	Uses Permitted by Special Review - with residential uses.....	18
M.	Commercial Land Uses Permitted by Right -- without residential uses.....	18
N.	Uses Permitted by Special Review-without residential uses.....	19
O.	Development standards with and without residential uses.....	19
	Density	19
	Residential uses	19
	Building Height.....	19
	Minimum Lot Area	19
	Setbacks - Residential	19
	Setbacks – Commercial and Mixed Use	20
Section VIII		21
A.	Purpose	21

B.	Development Program.....	21
C.	Land Uses Permitted by Right.....	21
D.	Commercial Land Uses Permitted by Right.....	21
E.	Retail and Commercial Land Uses.....	21
F.	Restaurants including quick serve, and drive thru	22
G.	Services	22
H.	Supporting Land Uses	23
I.	Uses Permitted by Special Review - without residential uses	23
J.	Development Standards	23
	Building Height.....	23
	Minimum Lot Area	23
	Setbacks - Residential	23
SECTION IX		24
A.	Purpose	24
B.	Uses Permitted by Right	24
C.	Development Standards	24
SECTION X		25
A.	Purpose	25
B.	Maximum Size of Planning Area	25
C.	Uses permit by Right.....	25
D.	Development Standards	25
SECTION XI		27
A.	Purpose	27
B.	Uses Permitted by Right	27
C.	Retail, Commercial, and Office	27
D.	Restaurants, Eating Establishments, and Entertainment	27
E.	Services	27
F.	Supporting Land Uses	27
G.	Development Standards	27

SECTION I

OBJECTIVE, PURPOSE, INTENT, APPLICATION

A. Objective

The objective for the Cottonwood Highlands Planned Development is to create a living working community in response to the accelerated development of the E-470 Corridor at the northwestern edge of the Town of Parker. Such a community will offer the opportunity for a blend of residential and mixed commercial land uses.

B. Purpose

The purpose of the Cottonwood Highlands Planned Development Guide (hereinafter sometimes referred to as "Development Guide") is to establish standards for the comprehensive development and improvement of the property. The Development Guide will provide opportunities for innovative community design and the necessary flexibility for changing community needs.

C. Intent

It is the intent of this Development Guide to:

1. Provide for mixed use, commercial, and residential land uses conveniently located to support a pedestrian environment;
2. Provide for well-located, clean, and safe commercial uses that will provide products and service to the surrounding residential community as well as the region;
3. Encourage innovative approaches to residential, mixed use, and commercial, development to meet the growing demands of the population;
4. Encourage the development of a community incorporating the best features of modern design;
5. Encourage energy conservation in site design and building construction within residential mixed use and commercial projects;
6. Encourage alternatives to conventional transportation systems which will minimize the strain on existing and future facilities in and around the Cottonwood Highlands Planned Development. The convenient location of tomorrow's employees in close proximity to the future employers is intended to reduce vehicle trips and reinforce the walkability of the community.
7. Conserve and enhance the value of the land;
8. Encourage design and layout of residential and mixed commercial projects to best preserve the land's natural characteristics;

D. Application

This Development Guide shall apply to all land known as the Cottonwood Highlands Planned Development and as illustrated on the Development Plan. All Section references, unless

otherwise stated, shall apply to Sections in this Development Guide.

END OF SECTION

SECTION II

AUTHORITY

A. Authority

The authority for this PD Development Guide is Section 13.04.150. (PD-Planned Development) of the Town of Parker Land Development Ordinance.

B. Adoption

The adoption of this Development Guide shall evidence the findings and decision of the Town Council of the Town of Parker that this Development Guide for Cottonwood Highlands Planned Development is authorized by the provisions of Section 13.04.150 of the Town of Parker Land Development Ordinance.

C. Enforcement

The provisions of the Development Guide relating to the use of land shall run in favor of the Town of Parker and shall be enforceable, at law or in equity, by the Town of Parker without any limitation on any power or authority otherwise granted by law. All provisions of this Development Guide shall run in favor of the residents, occupants, and owners of the land within the Cottonwood Highlands Planned Development to the extent expressly provided in this Development Guide and in accordance with its terms and conditions.

END OF SECTION

SECTION III

CONTROL PROVISIONS

A. Control Over Use

After the adoption of this Development Guide by the Town Council of the Town of Parker and subject to the provisions of Section 13.04.230 (Non-Conforming Situations) and these Development Standards, in conjunction with the Town of Parker Land Development Ordinance, shall control development and land use including the following:

1. Any new building or other structure, and any parcel of land, or land use; and
2. The use of any existing building, other structure or parcel of land may be changed or extended; and
3. Any existing building or other structure may be enlarged, reconstructed, structurally altered, converted or relocated provided changes are in accordance with this Development Guide and the Development Plan

For any purpose permitted or required by the provisions of this Development Guide applicable to the area in which the building, other structure or parcel of land is located, and for no other purpose. Such use, change, extension, enlargement, reconstruction, structural alteration, conversion or relocation shall be subject to all other standards and requirements set forth or referred to in the standards and requirements for that area, and to any other applicable standards and requirements of this Development Guide.

B. Control Over Location and Bulk

After the adoption of this Development Guide by the Town Council of the Town of Parker and subject to the provisions of Section 13.04.230 (Non-Conforming Situations) of the Town of Parker Land Development Ordinance, the location and bulk of all buildings and other structures, existing and future, shall be in conformity with:

1. All standards and requirements set forth or referred to in the standards and requirements for the area in which such buildings and other structures are located; and
2. Any other applicable standards and requirements of this Development Guide.

C. Incorporation of Development Plan

The development of the Cottonwood Highlands Planned Development, including the type, location and boundaries of land use areas, the circulation elements, and the densities established by this Development Guide, are shown upon the "Cottonwood Highlands Development Plan" (hereinafter sometimes referred to as "Development Plan"), which Development Plan is hereby incorporated by reference into this Development Guide together with everything shown thereon and all amendments thereto.

END OF SECTION

SECTION IV

GENERAL PROVISION

A. Purpose

The purpose of this section is to provide general provisions and clarifications of standards and requirements for development that will occur in the Cottonwood Highlands Planned Development.

B. Relationship to the Town of Parker Land Development Ordinance

The provisions of this Development Guide shall prevail and govern the development of the Cottonwood Highlands Planned Development provided; however, where the provisions of the Development Guide do not address a specific subject, the provisions of the Town of Parker Land Development Ordinance, as amended, or other applicable ordinances, resolutions or regulations of the Town of Parker shall prevail.

C. Relationship to the Town of Parker Roadway Design and Construction Criteria Manual, as Amended

All provisions of the Town of Parker Roadway Design and Construction Criteria manual, as amended, and successors thereof, as now in effect and is hereafter amended, are by this reference incorporated herein as if set forth in full.

D. Conflicts

Where there is more than one provision within the Development Guide that covers the same subject matter, the provision which is most restrictive or imposes higher standard or requirements shall govern unless determined otherwise by the Community Development Director.

E. Density Standards

The dwelling unit density permitted in any Residential Area shall apply to the entire Area and shall not be specifically applicable to any portion thereof. Density of any Residential Area shall be computed by dividing the total number of dwelling units by the gross residential acres in the Area.

F. Density Variations

The total number of residential dwelling units for the Cottonwood Highlands Planned Development is shown on the Development Plan. The anticipated maximum density for each Residential Area is also shown on the Development Plan. Density variations within the Cottonwood Highlands PD shall be permitted as follows:

1. The Density of any Residential Area may be less than the anticipated maximum density shown on the Development Plan for that area.
2. The density of any Residential Areas may exceed the anticipated maximum density shown on the Development Plan for that Area by 10%. A transfer of dwelling units of 10% or less shall be considered a Minor Amendment to the Development Plan. A transfer of dwelling

units of 10% greater shall be considered a Major Amendment to the Development Plan.

3. The increase in maximum density for any Residential Area will be accomplished by a transfer of dwelling units from another Residential Area.
4. No amendment to this Development Guide or approval by the Town of Parker shall be required for these density variations.
5. In no event shall the total number of residential dwelling units for the Cottonwood Highlands Planned Development, as shown on the Development Plan, be exceeded.

G. Utility Connections

Connection to Cottonwood Water and Sanitation District facilities shall be required for each principal building constructed in the future with the Cottonwood Highlands Planned Development.

H. Agricultural Uses

Agricultural activities and uses, and all accessory structures and uses that are customarily incidental or appropriate to farming shall be permitted within the Cottonwood Highlands Planned Development. In those areas of the Cottonwood Highlands PD under development, an orderly transition from agricultural to urban uses will be undertaken to assure that agricultural uses will not be detrimental to the Cottonwood Highlands PD residents.

I. Underground Utility

All electrical and communication distribution lines shall be placed underground.

END OF SECTION

SECTION V

RESIDENTIAL AREAS

A. Purpose

The purpose of this Section is to establish standards for the development of residential areas within the Cottonwood Highlands Planned Development, which will result in a pleasant and desirable living community. The standards set forth herein will offer both a conventional and contemporary approach to the residential development of the Cottonwood Highlands Planned Development and will permit mixed residential and nonresidential uses as identified below.

B. Uses Permitted by Right

The following uses shall be permitted in Mixed Residential Areas as a matter of right:

1. One Family Detached (OFD)
2. Two-family dwellings
3. Playgrounds
4. Recreation center or club house for private use to serve the residential development
5. Trails for bikes and pedestrians

C. Development Standards

One-Family and Two-Family Residential uses as a matter of right in Residential Areas may be constructed in accordance with the following development standards.

1. Minimum lot area: 4,500 square feet
2. Minimum lot width:

At the street:	45 feet
At a cul-de-sac, knuckle, or similarly curved frontage at the street:	25 feet
3. The following yards shall be required:
 - a. Minimum front yard: 20 feet from the edge of walk to the garage door
 - b. 10 feet from the front property line to the building livable area, provided that with respect to a flag or panhandle lot, the length of the corridor or access way shall be excluded in applying such minimum to such lot.
 - c. Minimum side yard: 5 feet from the property line
 - d. Corner lots: 10 feet on the side adjoining the side street
 - e. Minimum rear yard: 10 feet from the property line

4. Density:

See Development Plan Land Use Tabulation

END OF SECTION

SECTION VI

COMMERCIAL AREAS

A. Purpose

The purpose of this Section is to establish standards for the development of those areas within the Cottonwood Highlands Planned Development that are intended for Commercial uses. Development within this District shall be designed to provide for such uses in a low-intensity manner on well-landscaped sites such that they can be located in proximity to business, commercial and residential uses. Growth should occur in a phased and contiguous manner to reduce costly premature extension of basic infrastructure.

B. Uses Permitted by Right

The following uses shall be permitted in the Commercial Area as a matter of right:

1. Agricultural uses such as farming and the grazing of livestock are permitted until a site plan for development is approved and construction begins.
2. Nurseries
3. Banks with or without drive-thru facilities
4. Building materials sales
5. Convenience retail without gas pumps;
6. Drug store;
7. Grocery store
8. Hardware store
9. Liquor store;
10. Medical and dental office, clinic;
11. Office/professional, accounting, law, consulting, medical office, medical clinic;
12. Office for research and development, experimental and testing
13. Office for clean assembly and manufacturing without outdoor storage
14. Office for research, scientific development, and testing
15. Office and shops for special trade contractors including but not limited to plumbing, electrical heating, air conditioning, cabinetry, woodworking, and printing,
16. Retail sales of products
17. Wholesale business / general merchandising
18. Bar and lounge;
19. Bowling alley, pool hall;
20. Restaurants with drive-thru or drive-in facilities
21. Night club;
22. Quick serve with and without drive thru;
23. Restaurant, full service
24. Theater and movie house
25. Automobile service stations. (see section vii for a list of conditions.)

- 26. Athletic club - private/public
 - a. No single facility to exceed 50,000 square feet
- 27. Commercial recreation- private/public
 - a. Establishments engaged in providing entertainment, amusement or recreation services at a fee. These activities shall include a principal use that generates a retail/sales tax component and be located inside of a structure.
 - b. No single facility shall exceed 10 acres in size.
- 28. Day care center, nursery school
 - a. Not permitted on parcels with Jordan Road frontage.
 - b. Permitted only in sub areas of the commercial planning area as delineated on the pd development plan.
- 29. Dry cleaners;
- 30. Library
- 31. Miniature golf
- 32. Personal service shops:
 - a. Beauty parlor, barber shops;
- 33. Shipping facility
- 34. Repair shops
- 35. School - private and public, including college and universities with related facilities;
- 36. Veterinary clinic, animal hospital, pet grooming, no outside kennels.
- 37. Clinic, health care facility
- 38. Fire station
- 39. Hotel, motel, conference, or convention facilities
- 40. Mortuary, without crematorium
- 41. Open space.
- 42. Commercial warehouse, showroom, or distribution center.
 - a. Building gross square footage of less than 200,000 square feet
 - b. Truck docks to be screened from major streets

C. Uses by Special Review:

- 1. Automobile body shops.
 - a. Athletic club - private/public facilities greater than 50,000 square feet.

D. Development Standards

The development standards for Commercial Areas shall be:

- 1. Minimum lot area: 10,000 square feet, unless development is designed as a project or projects, in which case there shall be no minimum lot area.
- 2. Minimum lot width: 100 feet, unless such development is designed as a project or projects, in which case there shall be no required minimum lot width.

3. Maximum building height: 60 feet. Except that, Commercial Planning Areas adjacent to Single Family Residential uses shall have a maximum building height of 35 feet within 200 feet of a residential use.
4. The following yards shall be required:
 - a. 40' when adjacent to an arterial roadway.
 - b. 20' when adjacent to a local roadway.
 - c. 50' wherever Commercial boundaries abut Residential land-uses without street separation.
 - d. No yards shall be required adjacent to property lines which merely separate Commercial Areas
5. Dust, fumes, odors, refuse, smoke, vapor, noise, lights and vibrations shall be confined to the site upon which the use is located.
6. All loading and unloading shall be performed on the lot or project. Loading platforms and areas shall be screened from view from adjacent streets and highways.
7. All permitted uses and their resulting products shall be contained entirely within a fully enclosed structure, excluding therefore such uses as off-street parking; trash storage; loading; sale of nursery stock; automobile washing; outdoor dining; automobile yards outdoor recreation activities; and similar uses.
8. Screening shall be in accordance with Town of Parker Land Development Ordinance.
9. Landscaping and Signs shall be in accordance to the Town of Parker Land Development Ordinance
10. Design Standards as specified in the Town of Parker Architectural and Design Standards for Commercial, Industrial, and Multifamily Projects as amended.

END OF SECTION

SECTION VII

MIXED USE - (MU)

Multifamily/ Commercial Alternative

A. Purpose:

The mixed use - multifamily/commercial alternative - planning area provides for the opportunity to offer flexibility with the land planning and site development within a defined framework of excellence. The planning area can be developed with residential uses with supporting retail, office, and commercial uses or development can be limited to either residential or commercial uses. The flexibility in land uses provides the framework to combine supporting uses in a dynamic neighborhood and allows development to respond to changing market conditions. The development standards will help assure quality improvements in the Town of Parker.

The land uses allow housing to be combined with supporting retail and commercial uses to provide a sustainable mixed-use environment. The mix of housing, retail, office, and commercial uses supports the Town of Parker's goals and intent for the development of the E-470 corridor. The mixed use, alternative, planning areas will help build a community in the Town of Parker where you can *live, work, shop, and play*.

All non-residential structures, regardless of intended use, shall comply with the *Commercial design standards outlined within the Town of Parker Commercial, Industrial & Multifamily Residential Design Standards*, referenced within Section 13.10.200 of the Parker Municipal Ordinance, as amended, unless otherwise stated in these standards.

B. Development Program

The design intent is to create a neighborhood with a pedestrian environment. Walks will connect to the regional trail systems along Chambers Road and Happy Canyon Creek. Commercial developments permitted with residential uses are limited to services that **will** support the residential neighborhood and the Cottonwood Highlands Development. The Development Standards for the multifamily and mixed use alternative land uses are programmed to achieve a mixed use development where commercial, retail, and multifamily residential developments can complement each other.

C. Mixed Use Alternative

The multifamily and mixed use development standards apply in the event multifamily uses are developed. If residential land uses are developed in the Mixed Use planning area, support retail, commercial and services will be limited to principal uses that are compatible with the residential neighborhood. Once residential development is introduced, specific development standards will apply to non-residential development. If residential uses are not developed in a mixed use planning area, a list of additional permitted uses and the design standards for non-residential uses apply.

D. Residential Land Uses permitted by right

The multifamily land use should promote a pedestrian environment. A traditional design theme that creates pedestrian-friendly streets, screened parking areas, and public outdoor spaces is encouraged. Auto, warehousing, big box, and similar non-- residential uses are not allowed. Parking areas should be dispersed to promote a pedestrian, neighborhood character. Building frontages are encouraged to be street oriented to promote an urban environment. The design standards provide criteria for providing the appropriate environment.

The permitted uses for residential only development include the following and other uses that are similar and compatible with the intent of this section as determined by the Community Development Director:

1. Dormitories
2. Duplex
3. Mixed use residential
4. Residential above first floor retail/commercial/office
5. Multifamily
6. Open space;
7. Playground with play structures
8. Public plazas, courts and gathering spaces
9. Recreation center - club house for private use to serve the residential development
10. Schools - private or public, k-12, colleges or university, and trade with related facilities
11. Swimming pool
12. Trails for bikes, pedestrian & equestrian use

E. Commercial Land Uses Permitted by Right -- in support of residential

Where commercial development is combined with residential uses, the commercial and residential uses may be located in the same building or on adjacent lots. First- floor retail with upper floor residential or office is permitted and encouraged but not required. Residential uses may be developed on a public or private street with permitted commercial uses on the opposing side of the street provided a pedestrian environment is provided. The intent is to create the opportunity to develop a sustainable, active neighborhood where the commercial uses provide products, services, and employment opportunities to the residential community and the residential uses provide consumers and employees to the commercial uses.

The non-residential land uses permitted to support the residential development include the following and other uses that are similar and compatible with the intent of this section as determined by the Community Development Director.

1. Agricultural uses such as farming and the grazing of livestock are permitted until a site plan for development is approved and construction begins.
2. Convenience retail without gas pumps;
3. Drug store;
4. Grocery store
5. Liquor store;

6. Medical and dental office, clinic;
7. Office/professional, accounting, law, consulting;
8. Office for research and development, experimental and testing;
9. Retail sales less than 40,000 sq. Ft. Per user including the following:
 - a. Retail sales;
 - b. Retail showroom;
 - c. Specialty shop;
10. Bar and lounge;
11. Bowling alley, pool hall;
12. Night club;
13. Quick serve with and without drive thru;
14. Restaurant, full service.
15. Athletic club - private/public
 - a. No single facility to exceed 50,000 square feet;
16. Commercial recreation- private/public
 - a. Establishments engaged in providing entertainment, amusement or recreation services at a fee. These activities shall include a principal use that generates a retail/sales tax component and be located inside of a structure.
 - b. No single facility shall exceed 10 acres in size.
17. Bank with and without drive thru;
18. Day care center, nursery school;
19. Dry cleaners;
20. Library;
21. Miniature golf
22. Personal service shops:
 - a. Beauty parlor, barber shops;
23. School - private and public, including college and universities with related facilities;
24. Veterinary clinic, animal hospital, no outside kennels;
25. Churches and church schools

F. Supporting Land Uses

1. Congregate care, convalescent home, nursing home, memory care, and retirement home
2. Fire station

G. Uses Permitted by Special Review - with residential uses

1. Retail sales greater than 40,000 sq. ft. per user

H. Commercial Land Uses Permitted by Right -- without residential uses

The following uses are permitted by right in addition to the non-residential uses listed above when residential uses are NOT developed:

1. Retail, commercial, and office - (without residential uses)
2. Equipment rental- less than 30,000 sf.; outdoor storage by special review;
3. Office warehouse or showroom warehouse hardware store/home repairs;
4. Retail sale of any product or commodity including the following:
 - a. Grocery store;
 - b. Auto and motor vehicle equipment parts and accessories
 - c. Specialty shop
5. Retail showroom,
6. Office showroom;
7. Wholesale business/general merchandising.

I. Uses Permitted by Special Review-without residential uses

1. Movie theater
2. Outdoor storage, loading and service areas that are incidental to a primary use provided:
 - a. Outdoor storage does not exceed 20% of the total land area of the development parcel;
 - b. Major loading, service areas and outdoor storage are screened from collector roads;
 - c. Placement of structures along the open space may be used to screen outdoor storage from the adjacent open space and residential planning area.
3. Athletic club - private/public
 - a. Facilities greater than 50,000 square feet

J. Development standards with and without residential uses

Density

Residential uses

1. Not to exceed 30 dwelling units per acre on any single lot;
2. Maximum number of dwelling units as noted on the PD Plan Land Use Tabulation
3. Congregate care and assisted living facilities are not included in dwelling unit calculations but shall be included in the gross floor area tabulation.

Building Height

Residential and commercial uses -- Maximum building height per planning area:

1. 60 feet, (90 feet permitted by special review)
 - a. Not including roof-top mechanical equipment
 - b. All rooftop equipment shall be screened, solar panels excepted

Minimum Lot Area

None

Setbacks – Residential

1. Cottonwood Drive and Lanceleaf Drive

Structural setback	20'
Parking	10'

2. E-470 Ramp

Structural setback	40'
Parking	10'

3. Local Internal Streets

Residential	10' to the living space 20' to the face of the garage
Side	5' 8' to the corner lot line
Rear	10'

Setbacks – Commercial and Mixed Use

1. Cottonwood Drive

Structural setback	20'
Parking	10'

2. E-470 Ramp

Structural setback	40'
Parking	10'

3. Local Internal Streets

Structural setback	40'
Parking	10'

END OF SECTION

Section VIII

HIGHWAY COMMERCIAL (HC)

Planning Area West

A. Purpose

The Highway Commercial planning area is expected to attract users that will benefit from direct access and visibility from the E-470 I Chambers Road interchange and from dramatic, uninterrupted views of the Front Range. The intent of the Highway Commercial planning area is to promote the combination of retail and commercial uses with an active neighborhood character.

B. Development Program

The development program is to attract uses that are complementary and supportive of the Compark Business Campus, Cottonwood Highlands, surrounding residential neighborhoods, and the Town of Parker. The goal is to provide destination retail and commercial uses as a recognized landmark along the E-470 corridor. The program promotes a pedestrian environment. The surrounding residential neighborhoods and direct access from E-470 will support the local retail development.

All non-residential structures, regardless of intended use, shall comply with the Commercial design standards outlined within the Town of Parker Commercial, Industrial & Multifamily Residential Design Standards, referenced within Section 13.10.200 of the Parke Municipal Ordinance, as amended.

C. Land Uses Permitted by Right

The permitted uses include the following and other uses that are similar and compatible with the intent of this section as determined by the Community Development Director.

D. Commercial Land Uses Permitted by Right

The following uses are permitted by right:

1. Retail, commercial, and office
2. Equipment rental - less than 30,000 sf.; outdoor storage by special review;
3. Office warehouse or showroom warehouse hardware store/home repairs;
4. Retail sale of any product or commodity including the following: grocery store; auto and motor vehicle equipment parts and accessories; specialty shop
5. Retail showroom,
6. Office showroom;
7. Wholesale business/general merchandising.

E. Retail and Commercial Land Uses

1. Convenience retail without gas pump;

2. Drug store;
3. Hotel, motel, conference center;
4. Liquor store;
5. Office professional, accounting, law, consulting,
6. Medical office, dental office, medical clinic;
7. Retail sale of any product or commodity:
8. Auto and motor vehicle equipment parts and accessories
9. Grocery store;
10. Big box retail with screened outdoor display and storage; not including the sale of motorized vehicles that require outdoor on-site storage of motorized vehicles;
11. Retail showroom;
12. Specialty shops.

F. Restaurants including quick serve, and drive thru

1. Bar and lounge;
2. Bowling alley, pool hall;
3. Fast food with drive thru;
4. Night club;
5. Quick serve with and without drive thru;
6. Restaurant, full service.

G. Services

1. Athletic club - private/public,
 - a. No single facility to exceed 50,000 square feet
2. Commercial recreation- private/public
 - a. Establishments engaged in providing entertainment, amusement or recreation services at a fee. These activities shall include a principal use that generates a retail/sales tax component and be located inside of a structure.
 - b. No single facility shall exceed 10 acres in size.
3. Bank with and without drive thru;
4. Day care center, nursery school;
5. Dry cleaners;
6. Funeral home, mortuary -- crematorium not permitted
7. Hospital;
8. Medical/dental office or clinic;
9. Movie theater,
10. Personal service shops:
 - a. Beauty parlor, barber shops;
11. School - private and public, including college and universities with related facilities;
12. Short-term rehabilitation center
13. Veterinary clinic, small animal hospital, no outside kennels or runs;

H. Supporting Land Uses

1. Fire station;
2. Library;
3. Mortuary, funeral home, without crematorium
4. Open space;
5. Playground with play structures;
6. Police station;
7. Public plazas, courts and gathering spaces

I. Uses Permitted by Special Review - without residential uses

1. Congregate care, convalescent home, nursing home, memory care, assisted living and retirement home.

J. Development Standards

Building Height

Retail Use

All retail, office, and commercial uses	75 feet
Permitted by special review	90 feet

Minimum Lot Area

None

Setbacks - Residential

1. Cottonwood Drive	Structural setback	20'
	Parking	10'
2. E-470 Ramp	Structural setback	40'
	Parking	10'
3. Local Internal Streets		10'
	Rear	10'

END OF SECTION

SECTION IX

AUTOMOBILE SERVICE STATIONS

A. Purpose

The purpose of this Section is to establish development standards for the design and use of Automobile Service Stations. It is the intent of this Section to encourage the development of properly located and aesthetically-pleasing Automobile Service Stations to service primarily the needs of the motorists of the Cottonwood Highlands Planned Development.

B. Uses Permitted by Right

Automobile Service Station's building or canopy shall have minimum of a 200' separation from the nearest residential structure. Automobile Service Stations providing only the following goods and services shall be permitted as a matter of right in Mixed Commercial Areas

1. Sale of petroleum products, propane, butane, and natural gas.
2. Sale of tires, batteries, and related automotive accessories.
3. Minor automobile maintenance such as: tune-ups, fan belt maintenance, alternator repair, car washing, and car lubrications.
4. Convenience food, beverage sales and merchandise sales

c. Development Standards

The development standards for Automobile Service Stations shall be as shown on an approved Site Improvement Plan prepared in accordance with VII of this Development Guide and as follows:

1. Minimum lot area: 10,000 square feet.
2. Minimum lot width: 100 feet
3. Maximum building height: 35 feet, except for architectural features.
4. The following yards shall be required - Minimum front, side and rear yards: 20 feet
5. Trash and storage areas shall be screened from view in accordance to the Town of Parker Land Development Ordinance. Walls and fence materials shall complement exterior building materials.
6. All facilities other than gasoline pump islands, and trash and storage areas shall be contained entirely within a fully enclosed structure.
7. Wherever an Automobile Service Station abuts a Residential Area, a 6-foot high opaque wall, fence, or landscaping consisting of berms, trees and shrubs shall be erected along said common boundary.
8. All parking lots and driveways shall be maintained in a reasonably neat and clean manner in order to reduce particulate and nonpoint source pollution.

END OF SECTION

SECTION X

ASSEMBLY/CHURCH AREAS

A. Purpose

The purpose of this Section is to establish standards for the development of those areas within the Cottonwood Highlands Planned Development that are intended for Assembly uses. Development within this District shall be designed to provide for such uses in a low-intensity manner on well-landscaped site such that they can be located in proximity to business, commercial and residential uses. Growth should occur in a phased and contiguous manner to reduce costly premature extension of basic infrastructure.

B. Maximum Size of Planning Area

This Planning Area shall not exceed 235,224 square feet of 5.4 acres in size. This area shall include all required parking and landscaping for the proposed construction/use.

C. Uses permit by Right

The following uses shall be permitted in the Assembly/Church Areas as a matter of right:

1. All uses permitting with the Retail Planning Area
2. Church or assembly use
3. Athletic club - private/public
 - a. No single facility to exceed 5,000 square feet
4. Indoor Commercial recreation- private/public
 - a. Establishments engaged in providing entertainment, amusement or recreation services at a fee.
 - b. No single facility shall exceed 5,000 square feet in size.
5. Day care center, nursery school
 - a. No single facility shall exceed 5,000 square feet in size.
6. School - private and public, including college and universities with related facilities;
 - a. No single facility shall exceed 5,000 square feet in size.
7. Event Center - private/public
 - a. No single facility to exceed 5,000 square feet

D. Development Standards

The development standards for Assembly Areas shall be:

1. Minimum lot area: 10,000 square foot, unless development is designed as a project or projects, in which case there shall be no minimum lot area.
2. Minimum lot width: 100 feet, unless such development is designed as project or projects, in which case there shall be no required minimum lot width.
3. Maximum building height: 60 feet. Except that Assembly Planning Areas adjacent to Single Family Residential uses shall have a maximum building height of 35 feet within 200 feet of a residential use.
4. The following yards shall be required:
 - a. 20' when adjacent to an arterial roadway.
 - b. 10' when adjacent to a local roadway.

- c. 50' where Assembly boundaries abut Residential land-uses without street separation.
- d. No yards shall be required adjacent Commercial Areas.
- e. No yards shall be required adjacent to property lines which merely separate Assembly Areas.

END OF SECTION

SECTION XI

RETAIL AREAS

A. Purpose

The purpose of this Section is to establish standards for the development of those areas within the Cottonwood Highlands Planned Development that are intended for Retail/Commercial uses. Development within this District shall be designed to provide for such uses in a low-intensity manner on well-landscaped sites such that they can be located in proximity to business, commercial and residential uses. Growth should occur in a phased and contiguous manner to reduce costly premature extension of basic infrastructure.

B. Uses Permitted by Right

The following uses shall be permitted in the Retail Area as a matter of right:

1. Agricultural uses such as farming and the grazing of livestock are permitted until a site plan for development is approved and construction begins.
2. Retail, Commercial, and Office
 - a. Banks with or without drive-thru facilities
 - b. Building materials sales
 - c. Convenience retail without gas pumps;
 - d. Drug store;
 - e. Grocery store
 - f. Hardware store
 - g. Liquor store;
 - h. Medical or Dental Clinic;
 - i. Administrative, Professional, and Governmental Office;
 - j. Retail sales of products
3. Restaurants and Eating Establishments
 - a. Bar and lounge;
 - b. Restaurants with drive-thru or drive-in facilities
 - c. Microbrewery, Cidery, Distillery, or Winery
4. Services
 - a. Indoor Commercial recreation- private/public
 - i. Establishments engaged in providing entertainment, amusement or recreation services at a fee.
 - ii. Maximum one (1) facility within the Retail Planning Area not to exceed 3,500 square feet in size.
 - b. Personal service shops:
 - c. Beauty parlor, barber shops, spa
 - d. Veterinary clinic, animal hospital, pet grooming, no outside kennels.
5. Supporting Land Uses
 - a. Hotel, or motel
 - b. Open space.

C. Development Standards

The development standards for Retail Areas shall be:

1. Minimum lot area: 10,000 square feet, unless development is designed as a project or projects, in which case there shall be no minimum lot area.
2. Minimum lot width: 100 feet, unless such development is designed as a project or projects, in which case there shall be no required minimum lot width.
3. Maximum building height: 60 feet. Except that, Commercial Planning Areas adjacent to Single Family Residential uses shall have a maximum building height of 35 feet within 200 feet of a residential use.
4. The following yards shall be required:
 - a. 20' when adjacent to an arterial roadway.
 - b. 10' when adjacent to a local roadway.
 - c. No yards shall be required adjacent to property lines which merely separate Commercial Areas

D. Design Standards

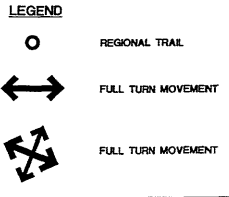
1. All retail and commercial buildings surrounding the plaza shall have 'four sided architecture' with a substantial architectural feature (such as window glass, awnings, canopies, etc.) towards Jordan Road and Parkerhouse Road to ensure they do not appear as a rear/back of house areas.

END OF SECTION

COTTONWOOD HIGHLANDS PLANNED DEVELOPMENT - 6TH AMENDMENT

DEVELOPMENT PLAN

BEING A PART OF THE EAST ONE-HALF, SOUTHWEST ONE-QUARTER OF SECTION 5 AND THE SOUTHWEST ONE-QUARTER OF SECTION 4 AND THE NORTHWEST ONE-QUARTER OF SECTION 9 ALL IN TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN COUNTY OF DOUGLAS, STATE OF COLORADO.



LEGAL DESCRIPTION

CONSISTING OF THE FOLLOWING SUBDIVISIONS:
LOTS 2 & 3 OF COTTONWOOD SOUTH
COTTONWOOD HIGHLANDS FILING 1A
COTTONWOOD HIGHLANDS FILING 1B
TRACT A AND B COTTONWOOD HIGHLANDS FILING 2 AMENDMENT 1
COTTONWOOD HIGHLANDS FILING 2A
COTTONWOOD HIGHLANDS FILING 2B
COTTONWOOD HIGHLANDS FILING 2C
COTTONWOOD HIGHLANDS FILING 5 AMENDMENT 1
COTTONWOOD HIGHLANDS FILING 6 AMENDMENT 1
COTTONWOOD HIGHLANDS FILING 7
TRACT A COTTONWOOD FILING 11, 1ST AMENDMENT
TRACT A COTTONWOOD FILING 11, 2ND AMENDMENT
TRACT A COTTONWOOD FILING 11, 3RD AMENDMENT
TRACT A COTTONWOOD FILING 11, 4TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 5TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 6TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 7TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 8TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 9TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 10TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 11TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 12TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 13TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 14TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 15TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 16TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 17TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 18TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 19TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 20TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 21ST AMENDMENT
TRACT A COTTONWOOD FILING 11, 22ND AMENDMENT
TRACT A COTTONWOOD FILING 11, 23RD AMENDMENT
TRACT A COTTONWOOD FILING 11, 24TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 25TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 26TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 27TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 28TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 29TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 30TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 31ST AMENDMENT
TRACT A COTTONWOOD FILING 11, 32ND AMENDMENT
TRACT A COTTONWOOD FILING 11, 33RD AMENDMENT
TRACT A COTTONWOOD FILING 11, 34TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 35TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 36TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 37TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 38TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 39TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 40TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 41ST AMENDMENT
TRACT A COTTONWOOD FILING 11, 42ND AMENDMENT
TRACT A COTTONWOOD FILING 11, 43RD AMENDMENT
TRACT A COTTONWOOD FILING 11, 44TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 45TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 46TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 47TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 48TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 49TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 50TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 51ST AMENDMENT
TRACT A COTTONWOOD FILING 11, 52ND AMENDMENT
TRACT A COTTONWOOD FILING 11, 53RD AMENDMENT
TRACT A COTTONWOOD FILING 11, 54TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 55TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 56TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 57TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 58TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 59TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 60TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 61ST AMENDMENT
TRACT A COTTONWOOD FILING 11, 62ND AMENDMENT
TRACT A COTTONWOOD FILING 11, 63RD AMENDMENT
TRACT A COTTONWOOD FILING 11, 64TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 65TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 66TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 67TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 68TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 69TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 70TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 71ST AMENDMENT
TRACT A COTTONWOOD FILING 11, 72ND AMENDMENT
TRACT A COTTONWOOD FILING 11, 73RD AMENDMENT
TRACT A COTTONWOOD FILING 11, 74TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 75TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 76TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 77TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 78TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 79TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 80TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 81ST AMENDMENT
TRACT A COTTONWOOD FILING 11, 82ND AMENDMENT
TRACT A COTTONWOOD FILING 11, 83RD AMENDMENT
TRACT A COTTONWOOD FILING 11, 84TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 85TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 86TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 87TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 88TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 89TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 90TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 91ST AMENDMENT
TRACT A COTTONWOOD FILING 11, 92ND AMENDMENT
TRACT A COTTONWOOD FILING 11, 93RD AMENDMENT
TRACT A COTTONWOOD FILING 11, 94TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 95TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 96TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 97TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 98TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 99TH AMENDMENT
TRACT A COTTONWOOD FILING 11, 100TH AMENDMENT

NOTE:

- Roadway alignments are conceptual. Exact alignments will be established during the preparation of plats and site improvement plans.
- Intersections and access points shown are conceptual and will be refined and established during the Site Improvement Plan or platting process.
- Trails are shown for graphic representation only. The exact location may vary.
- The Development Plan illustrates proposed land uses and site data. Land use acres are approximate. The plan is intended to allow for changes and refinement.

EXISTING ZONING

COTTONWOOD HIGHLANDS PLANNED DEVELOPMENT - FIFTH AMENDMENT

PROPOSED ZONING

COTTONWOOD HIGHLANDS PLANNED DEVELOPMENT - SIXTH AMENDMENT

PROPERTY OWNER SIGNATURE

PARKER HOUSE RD, LLC AN OKLAHOMA LIMITED LIABILITY COMPANY

BY: _____ PRINT NAME AND TITLE
NOTARY: _____
STATE OF _____ SS
COUNTY OF _____
THE FOREGOING WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 20____ BY _____
WITNESS MY HAND AND OFFICIAL SEAL:

NOTARY PUBLIC
MY COMMISSION EXPIRES: _____

SURVEYOR'S CERTIFICATE

I, DARREN R. WOLTERSTORF, A LICENSED PROFESSIONAL SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS ZONING MAP WAS PREPARED UNDER MY DIRECT SUPERVISION AND THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THIS MAP ACCURATELY DELINEATES THE PARCELS OF LAND TO BE ZONED IN THE TOWN OF PARKER, COLORADO.

DARREN R. WOLTERSTORF 0036281
PROFESSIONAL L.S. NO.
FOR AND ON BEHALF OF
KIMLEY-HORN AND ASSOCIATES, INC.

TOWN COUNCIL CERTIFICATE

THIS DEVELOPMENT PLAN WAS APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PARKER ON THE _____ DAY OF _____ 2022, FOR THE PROPERTY DESCRIBED AS THE COTTONWOOD HIGHLANDS PLANNED DEVELOPMENT. THE ZONING INFORMATION SHOWN HEREON WAS CONFIRMED WITH THE ADOPTION OF ORDINANCE NO. _____

MAYOR, TOWN OF PARKER

ATTEST: TOWN CLERK

PLANNING COMMISSION CERTIFICATE

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

PLANNING DIRECTOR ON BEHALF OF THE PLANNING COMMISSION

CLERK AND RECORDER'S CERTIFICATE

STATE OF COLORADO }
COUNTY OF DOUGLAS } SS
I HEREBY CERTIFY THAT THIS PLAT WAS FILED IN MY OFFICE ON THIS _____ DAY OF _____ 2022 A.D., AT _____ AM/PM AND WAS RECORDED AT RECEPTION
NO. _____

COUNTY CLERK AND RECORDER



Kimley-Horn

© 2022 KIMLEY-HORN AND ASSOCIATES, INC.
4582 SOUTH ULLSTER STREET, SUITE 1500, DENVER, 80237
PHONE: 303-228-2300

LAND USE TABULATION

PLANNING AREAS	LAND USE	GROSS ACRES	PERCENT	MAXIMUM DWELLING UNITS	MAXIMUM DENSITY
1	RESIDENTIAL (R)	±32.5	16.5%	105	3.2 DU/AC
2	RESIDENTIAL (R)	±11.1	5.6%	45	4.1 DU/AC
3	RESIDENTIAL (R)	±44.0	22.4%	160	3.6 DU/AC
4	MIXED USE (MU)	±29.3	14.9%	500	20.5 DU/AC
5	COMMERCIAL (C)	±20.2	10.3%	-	-
6	MIXED USE (MU)	±16.0	8.1%	320	20.0 DU/AC
7	RETAIL	±9.1	4.6%	-	-
8	ASSEMBLY/CHURCH	±5.4	2.8%	-	-
9	HIGHWAY COMMERCIAL (HC)	±8.5	4.3%	-	-
OPEN SPACE	OPEN SPACE(OS)	±10.7	5.4%	-	-
TOTAL		196.8	100.0%	1,230	

VICINITY MAP
1"=1,000'



Planning Commission Staff Report

Planning Commission Date: 4/14/2022

Town Council Date: 5/2/2022

Hearing Type: Public Hearing
Cottonwood Highlands PD Amendment No. 6
TRAKiT No: Z21-019

Location: The site is located at the southeast corner of Jordan Road and Parkerhouse Road.

Project Planner: Stacey Nerger, Planner

Applicant: Dan Skeehan, Kimley-Horn and Associates

Executive Summary: The applicant, Kimley-Horn and Associates, is proposing to amend Cottonwood Highlands PD to add churches and assembly uses to the commercial 'Planning Area East'. The site is located on the northeast corner of E-470 and Jordan Road.

Staff Recommendation: Approval

RECOMMENDED MOTION

"I move the Planning Commission recommend Town Council approve the Cottonwood Highlands Planned Development Amendment No. 6."

ALTERNATIVE MOTIONS

"I move the Planning Commission recommend Town Council approve the Cottonwood Highlands Planned Development Amendment No. 6, subject to the following conditions:"

-List proposed conditions

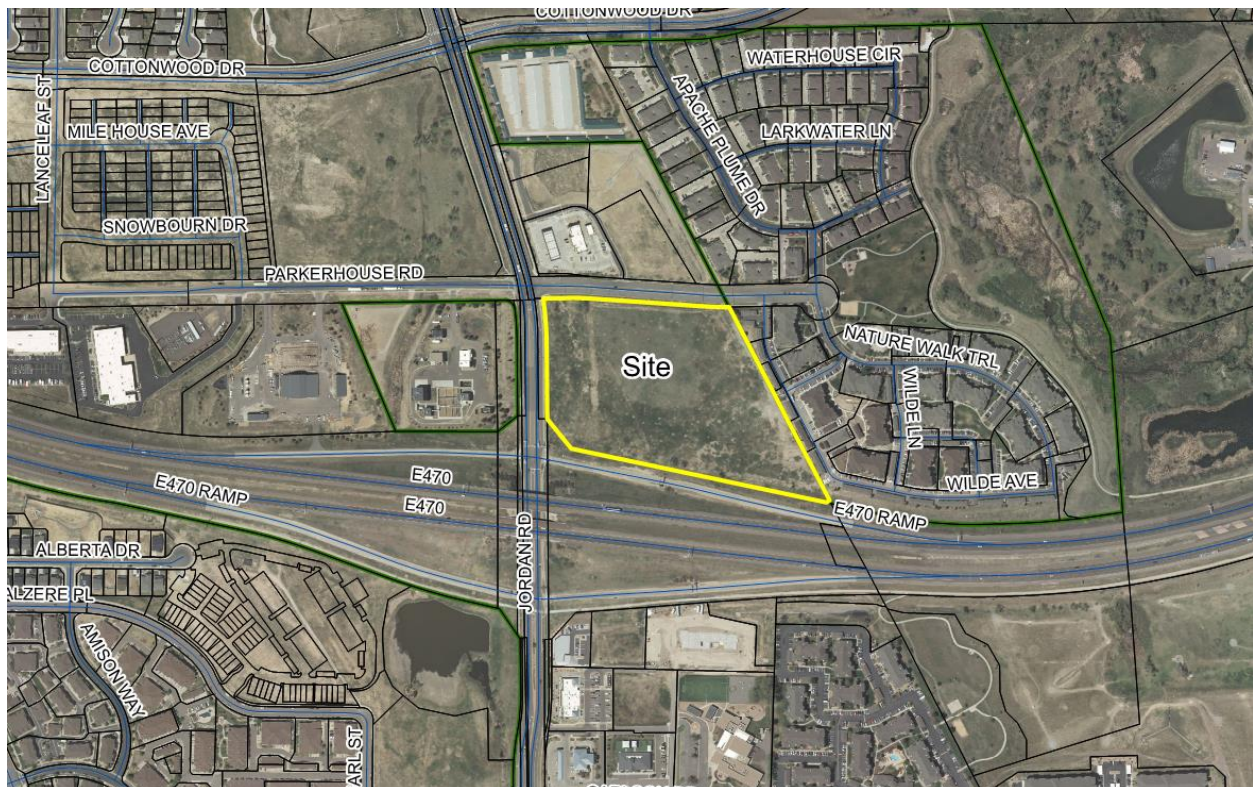
"I move the Planning Commission recommend Town Council deny the Cottonwood Highlands Planned Development Amendment No. 6 as the request does not meet the following approval criteria:"

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

"I move the Planning Commission vote to continue the Cottonwood Highlands Planned Development Amendment No. 6 to a future date."

I. BACKGROUND/DISCUSSION

The applicant, Kimley-Horn and Associates has submitted a Planned Development Amendment (Rezone) to rezone a portion of the Cottonwood Highlands Planned Development to allow for a church. The applicant is proposing to rezone approximately 14.5 acres located at the southeast corner of Jordan Road and Parkerhouse Road from Highway Commercial to two separate Planning Areas. The first Planning Area will consist of approximately 9.1 acres (62.7% of the property) will be zoned Retail to allow for specific retail uses and the second Planning Area will consist of approximately 5.4 acres (37.3% of the property) will be zoned Assembly and will allow for a church along with other assembly uses.



II. PRIOR ACTIONS

Date	Action
October 6, 2003	The original Cottonwood Highlands property which comprises approximately 224 acres of real property was annexed into the Town and rezoned to PD.
September 19, 2011	The Planned Development Map and Annexation Agreement for Cottonwood Highlands were modified in order to align the zoning with the property ownership, which was changed at the time through a trade of properties with the Compark Village PD property owner.
April 7, 2014	The Annexation Agreement and Cottonwood Highlands PD were amended. The total site area was reduced to 201.7 acres and Mixed-Use and Highway Commercial Planning Areas were introduced into the zoning.

November 3, 2014	The Annexation Agreement was amended to allow the payment of school fees at the time of building permit.
June 5, 2017	The Annexation Agreement and Cottonwood Highlands PD were amended to reduce the total site area by 8 acres.
November 6, 2017	The Annexation Agreement and Cottonwood Highlands PD were amended to include Tracts A and C of Cottonwood Subdivision Filing No. 11, a stormwater detention pond that was originally constructed in unincorporated Douglas County, and improved as part of the Cottonwood Highlands Development.

III. CURRENT SITE DATA

Existing Zoning	PD - Planned Development		
Overlay District	Title 32 Overlay District		
PD & Plan Area	Cottonwood Highlands		
Master Plan Area	E-470 Mixed Use		
Site Acreage	14.5 acres		
Subdivision	Cottonwood Highlands		
Existing Use	Undeveloped		
Surrounding Uses			
	Master Plan Land Use	Zoning	Existing Use
North	E-470 Mixed Use	PD - Planned Development	Gas station and partially vacant commercial area within the Cottonwood Highlands Planned Development.
South	E-470 Mixed Use - Residential Emphasis	PD - Planned Development	Commercial Development within the Cherrywood Commercial Subdivision
East	E-470 Mixed Use - Residential Emphasis	Douglas County Zoning	Prairie Walk Condo Development
West	E-470 Mixed Use	Douglas County Zoning	Stonegate Water and Sanitation Facility

IV. PARKER 2035 MASTER PLAN

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

MASTER PLAN CONSISTENCY	
Master Plan Designation	E-470 Mixed Use ☒ Consistent ☐ Inconsistent
Master Plan Character Discussion	E-470 Mixed Use: Residents should be able to walk and bike to services through a mix of land uses with public amenities to serve the needs of the residents. Appropriate land uses include; multi-family, senior housing, assisted-living facilities, office, retail and restaurants. No one land use will dominate the

	development pattern. Residential at less than 10 dwelling units per acre is not appropriate in this area unless transitioning to adjacent residential development.
Consistent Goals/Strategies	Land Use 1.A Land Use 1.C Land Use 1.E Land Use 1.H Jobs and Economic Vitality 2.B Jobs and Economic Vitality 6.A
Staff Analysis	The proposed rezone to allow for church and assembly uses on a portion of the property along with focused retail uses on most of the property aligns with the recommendation of the E-470 Mixed Use Character Area. The proposed rezoning will reduce the types of permitted uses to focus on those compatible land uses designed to meet the needs of the surrounding community and residents. The requested zoning is consistent with the specific Goals/ Strategies of the Master Plan for the following reasons: • Land Use 1.C: The request would expand the Town's economic base in an area that is designated for commercial uses and zoned for commercial uses. • Jobs and Economic Vitality 2.A: The request would provide for expanded commercial activities in an area designated as a Commercial Center. Based on this analysis, staff has determined that the request is consistent with the Parker 2035 Master Plan.

V. LAND DEVELOPMENT ORDINANCE

DEVELOPMENT POTENTIAL (Rezoning)			
Provisions	As recommended by the Master Plan	Proposed	Analysis
Units Per Acre	Multifamily is an appropriate use.	N/A. The proposed rezoning is for commercial uses and do not allow for residential.	☐ Consistent ☐ Inconsistent ☐ No Change ☒ N/A

Allowed Uses	Multi-family, senior housing, assisted-living facilities, office, retail and restaurants.	Retail, office and restaurants along with assembly uses including a church	☒ Consistent ☐ Inconsistent ☐ No Change
Height/Stories	None	60 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.		

VI. ACCESS, CIRCULATION & TRAFFIC ANALYSIS

The subject property is located at the southeast corner of Parkerhouse Road and Jordan Road just north of E-470. The roads were constructed to accommodate the existing uses along with the proposed commercial development. Additional traffic analysis will be required at the time of Site Plan review to ensure that the existing road network is sufficient to accommodate end users. Any roadway improvements determined necessary at the time of Site Plan will be the responsibility of the property owner.

VII. APPROVAL CRITERIA

Title 13.04.240.f. Approval Considerations for Rezoning Requests:

1. A need exists for the proposal.

Applicant analysis and findings:

This project aims to develop a mixed-use commercial development, including an assembly/church use, which the current zoning does not support. Currently there is only one church (Southwest Christian Church located at 9650 Jordan Road) within 0.5 miles and one additional church (Crossroads Community Church located at 990 S Twenty Mile Road) within 1.5 miles. Since the parcel was zoned in 2001 and updated in 2014, much of the surrounding area has developed as residential, including several parcels within Cottonwood Highlands which would have allowed an assembly/church use. The parcel is uniquely located at the intersection of E-470 and Jordan Road providing good vehicular access to the site for a larger geographical area. By positioning the assembly/church use on the southeast corner of the development, it will be visible from E-470 and provide a buffer to the existing multi-family residences to the east, while the retail components can benefit from the increased visibility along the adjacent roadways.

Staff Analysis and findings:

The Cottonwood Highlands PD was created in 2003 and was written to allow an expansive list of commercial types of uses on this property. All of the allowed residential portions of the Planned Development have been developed, only the

commercial areas remain. This property is located just north of the E-470 off ramp with limited visibility, but great visibility from the intersection of Jordan and Parkerhouse Roads. As visibility to the east of the property will be limited, this portion of the property is a prime location for a destination user. The proposed rezoning would allow for the destination user (church) to be located at the rear of the property while reserving the more visible front portion of the property for a refined list of active commercial uses supporting sales tax generation and office employment uses.

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

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

Applicant analysis and findings:

The project's parcel is in a prominent location with one adjacent arterial roadway and freeway frontage. The location makes this parcel accessible to both the surrounding area and the larger sub-area. By locating the church on the southeast corner of the parcel, it will allow retail uses to develop along Jordan and Parkerhouse roads, which will provide buffering between the existing multi-family residential to the east and the retail uses to the north and west. Due to the rapid development of single and multi-family residences in the immediate vicinity, a need for additional church/assembly uses has arisen, a need which is not currently being met. This parcel has been identified as being ideally located to service both the immediate vicinity and the large geographic area.

Staff Analysis and findings:

The property is located at the corner of Jordan Road and Parkerhouse Road, which is located within a growing area of the Town. The Town of Parker Master Plan identifies this property as E-470 Mixed Use, which is recommended to serve the basic needs of the surrounding residents with convenient retail and personal/business services. The property has been zoned for an expansive list of commercial uses since annexation. This proposed rezoning will allow for an assembly use on the east while ensuring the remainder of the property will be zoned for commercial sales tax generating development. The hard corner of Jordan and Parkerhouse will be reserved to accommodate retail/commercial uses and office employment uses while the smaller back of the property (less visible) will allow for assembly/church uses.

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

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

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

Applicant analysis and findings:

Since the parcel was zoned in 2001 and updated in 2014, much of the surrounding area has developed as residential, including several parcels within Cottonwood Highlands which would have allowed assembly/church use. This effectively shifted the original

planned land uses in response to market demands for additional single and multifamily residential. In addition, the retail environment has changed overtime, with few retailers constructing new facilities and fewer retailers willing to be located in a deep parcel behind other buildings. A church is a destination location that can be used to ‘bring-in’ customers to adjacent retailers, while also providing a buffer between the proposed retail component and the existing multi-family residential.

Staff Analysis and findings:

The subject property is currently zoned Planned Development within the Town of Parker and allows for a variety of commercial uses. The majority of the residentially zoned area within the Cottonwood Highlands Planned Development has been built out or is nearing completion. As residential development in the area continues to grow and existing larger commercial areas located to the east and south are building out, the need to preserve opportunities for retail within this area of the Town and provide appropriate locations for assembly uses will be beneficial. The proposed rezoning will add assembly uses/churches to the list of permitted uses on a limited portion of the property while refining the commercial uses on the remainder of the property to commercial sales tax producing uses and office employment uses.

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

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

Applicant analysis and findings:

The Original/Existing Traffic Impact Study anticipated all access points from Parkerhouse Road and is not proposed to be changed. Jordan Road is an existing four-lane arterial roadway, which are designed to accommodate high volumes of traffic and provide connectivity to the larger regionally transportation network. Parkerhouse Road is a local collector with sufficient capacity to serve the proposed development and convey vehicles to and from Jordan Road. A project specific Traffic Compliance Letter is included in the submittal and confirms the proposed traffic generated by the development is lower than originally contemplated and no additional improvements will be required.

Staff Analysis and findings:

The subject property is adjacent to two public roads, Jordan Road and Parkerhouse Road . At the time of Site Plan application, the applicant will be required to submit a detailed traffic study and construct any additional improvements necessary for their development.

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 analysis and findings:

The proposed rezoning will not incur additional municipal service costs. Municipal service costs having been previously addressed during the initial annexation and rezoning process. Additionally, no public roads or other publicly maintained items are proposed. The Developer will be responsible for the construction of sidewalk and tree lawn adjacent to Jordan and Parkerhouse Road, private open space, a private stormwater detention pond, water and sanitary sewer infrastructure (dedicated to PWSD), parking lots, and various buildings.

Staff Analysis and findings:

The site is located within the Town and public improvements necessary to support the subject property are currently in place. At the time of Site Plan application, a detailed traffic study will be required to determine if any additional improvements will be required. If necessary, these improvements will be constructed by the applicant at the applicant's cost. Any construction within the subject property 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 analysis and findings:

The rezoning application does not adversely impact proposed environmental conditions, and there are no significant natural features or hazards located on the property. The Developer will comply with the Town's prairie dog management ordinance.

Staff Analysis and findings:

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 Site Plan process. 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 analysis and findings:

Based on the Master Plan – General Land Use Plan zoning map, the parcel is located within the E-470 Corridor character area with a 'Mixed Use' designation. The parcels directly to the west and north are also designated 'Mixed Use', and 'Mixed Use with a

Residential Emphasis’ parcels are directly to the west and south. The ‘Mixed Use’ character area is intended to “allow residents to walk and bicycle to their daily needs including retail, employment and recreation through a blend of compatible and uses, public amenities.” Therefore, the addition of an assembly/church use to the proposed mixed-use project is consistent with the Town Master Plan. The assembly/church use also addresses the Parker 2035 Master Plan goal of promoting ‘cultural venues and experiences.’

Staff Analysis and findings:

As detailed in Section IV. of this staff report, the proposed Planned Development Amendment is consistent with the Parker 2035 Master Plan designation E-470 Mixed Use.

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 analysis and findings:

Waste, sewage disposal, and water will be unchanged. With the addition of assembly/church use, schools and parks will be unchanged.

Staff Analysis and findings:

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

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

VIII. SUMMARY REFERRAL AGENCY COMMENTS AND CONDITIONS

Agency	Comments
Aztec	No Comment
Engineering	Approved for PD hearings. More detailed traffic analysis will be required at the time of Site Plan.
Fire Life Safety	No comment on the zoning request. The application shall review the fire code and two points of access will be required.
Building	Building has no issues with the rezone.
Cottonwood Water & Wastewater Authority	Approved
Comprehensive Planning	The proposed PD amendment aligns with the Parker 2035 Master Plan

Centennial Airport	Centennial Airport is strongly opposed to utilizing the property for noise sensitive development which includes churches. In addition, Centennial Airport recommends an avigation easement and overflight disclosure. - The applicant has acknowledged the Airport Authorities comments and will work with them at the time of platting and site plan.
Xcel	No Comment
IREA	Approved
CenturyLink	No Comment
Comcast	No Comment
Douglas County Assessor	No Comment

IX. CONCLUSION

The applicant submitted this Planned Development Amendment in order to expand the permitted uses on the property to create a balanced development proposal. The existing 14.5-acre Highway Commercial Planning Area will be rezoned to 5.4 acres (37.3% of the property) for Assembly uses (church) while the remaining 9.1 acres (62.7% of the property) will be rezoned for commercial retail allowing for focused sales tax generating uses. The proposed Planned Development Amendment is consistent with the Town's Master Plan and the application has demonstrated compliance with the applicable approval criteria including the Land Development Ordinance. Therefore, staff is recommending that Planning Commission recommend approval for this request.

X. RECOMMENDED CONDITIONS

None

XI. ATTACHMENTS

1. Referral Agency Comments
2. Cottonwood Highlands PD Guide Amendment No. 6
3. Cottonwood Highlands PD Plan Amendment No. 6

Report Approved By: Bryce Matthews, Planning Manager



Request for Town Council Action

Date: May 2, 2022

Submitted By: Bob Exstrom, Project Manager

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 9.328.1 - Second Reading**
A Bill for an Ordinance to Approve the First Amendment to the Intergovernmental Agreement By and Between the Town of Parker and the Board of County Commissioners of the County of Douglas Regarding Cost Sharing for the Lincoln Avenue (Jordan to Parker Road) Project

Department: Engineering and Public Works,
Bob Exstrom

EXECUTIVE SUMMARY

The purpose of this ordinance is to approve the First Amendment to the Intergovernmental Agreement (IGA) with Douglas County for the advancement of the proposed Lincoln Avenue widening project design effort. This IGA amendment is needed to formalize negotiations and jointly fund the continuing design effort.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

Over the past two decades, the Town has been anticipating the widening of Lincoln Avenue between Jordan Road and Parker Road. The project is a critical component to the Parker area's long-term roadway transportation plan and will help to reduce congestion within and around the Town of Parker. Due to the regional significance of the roadway, the project needs to be coordinated with Douglas County. After several years of discussions with Douglas County staff, the Town and County moved forward with an IGA in 2021 to start the conceptual/preliminary design of this roadway widening. Town Council approved the original IGA in May 2021.

After approval of the original IGA, Town and County staff moved forward with a three-month consultant selection process and Felsburg Holt & Ullevig (FHU) was selected from six preselected firms from the County's on-call listing. Town Council approved the conceptual/preliminary design contract in September 2021, and services started shortly thereafter. Currently, conceptual design efforts are wrapping up and preliminary and final design efforts are remaining. The Town and Douglas County would like to continue utilizing the consultants previously selected to continue to advance this design. The Town and Douglas County have both appropriated \$500,000 as part of their 2022 budgets (\$1,000,000 total) to fund

the continued design effort. The Town and Douglas County have agreed to a 50/50 split on this continuing design effort for completion by December 31, 2023. To formalize this agreement, an amendment to the IGA is needed, which requires an ordinance.

Construction is currently anticipated to commence in the first half of 2024 and continue into 2025. An additional (future) IGA amendment or new IGA will be needed to solidify construction funding from Douglas County.

The Douglas County Board of County Commissioners is scheduled to review this IGA amendment at their meeting on April 26, 2022.

FINANCIAL IMPACT

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

STRATEGIC GOAL(S)



INNOVATE WITH
COLLABORATIVE
GOVERNANCE



DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH

ATTACHMENTS

1. Ordinance 9.328.1
2. Vicinity Map

RECOMMENDED MOTION

I move to approve Ordinance No. 9.328.1 on second reading.

ORDINANCE NO. 9.328.1, Series of 2022

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

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

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

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

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

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

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____, 2022.

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk

ADOPTED ON SECOND AND FINAL READING this _____ day of _____, 2022.

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk

APPROVED AS TO FORM:

Kristin Hoffmann, Town Attorney

EXHIBIT 1

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

THIS FIRST AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT (“**First Amendment**”) is made and entered into this ____ day of _____, **2022**, by and between the Town of Parker, Colorado, a Colorado home rule municipality (the "**Town**"), and the Board of County Commissioners of Douglas County, State of Colorado, (the "**County**"), hereinafter collectively referred to as the "**Parties**."

RECITALS

WHEREAS, the Parties entered into the Intergovernmental Agreement (the “Agreement”) concerning advancing the design and construction associated with improving and widening Lincoln Avenue between Jordan and Parker Road (the “Project”); and

WHEREAS, as part of this First Amendment, the County desires to voluntarily contribute up to an additional \$500,000, which represents approximately fifty percent (50%) of the additional consultant services needed to further advance the design for the Project, and the Parties agree to provide additional time for completion of the additional design, as provided in **Section D**, as shown below; and

WHEREAS, the Parties desire to amend the Agreement in accordance with the terms and conditions stated in this First Amendment.

NOW, THEREFORE, for and in consideration of the mutual promises and covenants contained herein, the sufficiency of which are mutually acknowledged, the Parties hereto agree to this First Amendment to the Agreement, including modifications to the following Sections:

Section A. **Section 2** of the Agreement titled, “Project Cost Estimate,” is hereby amended as follows:

As part of this First Amendment, the Parties agree to revise the Project budget from the original Five Hundred Thousand Dollars and No Cents (\$500,000.00) to One Million Five Hundred Thousand Dollars and No Cents; (\$1,500,000.00) and the Parties’ contribution shall be in accordance with the amounts stipulated in **Section B** and **Section C** shown below and based on the actual Project expenditures performed by the Qualified Engineer.

Section B. The first full Paragraph of **Section 3** of the Agreement, titled “County Contribution and Responsibilities,” is amended to provide as follows:

As part of this First Amendment, the County agrees to pay to the Town an additional amount not to exceed Five Hundred Thousand Dollars and No Cents

(\$500,000.00). With approval of this First Amendment, the total contribution from the County shall not exceed Seven Hundred Fifty Thousand Dollars and No Cents (\$750,000.00), hereinafter referred to as the "County Contribution" for the sole purpose of further advancing the design of the Project associated with paying for a portion of the professional services performed by the Qualified Engineer. In no event will the County be liable for paying the Town any amount more than the County Contribution, including for any additional work authorized by the Town or for any unforeseen project costs or claims.

Section C. As a part of this Agreement, the last full Paragraph of **Section 4** of the Agreement titled "Town Contribution and Responsibilities," is amended to provide as follows:

At the completion of the additional design services performed by the Qualified Engineer or termination of the Qualified Engineer, the Town will provide written notification to the County regarding any unused project funding; and the County shall be refunded fifty percent (50%) of any amount of the difference between the actual Project expenditures and the increased Project Cost Estimate, which has been revised and is now estimated to equal One Million Five Hundred Thousand Dollars and No Cents; (\$1,500,000.00). The Town shall refund the County within forty-five (45) days for any reasons stipulated above.

Section D. **Section 5** of the Agreement, titled "Time of Performance," is replaced in its entirety with the following:

The Parties acknowledge and agree that the design of the Project shall be substantially completed on or before **December 31, 2023**.

Section E. **Section 10** of the Agreement, titled "Additional Documents," is amended by the addition of the following language to the end of the Section:

The Town and the County acknowledge and agree that the Agreement has been modified to include the additional information and provisions identified in this First Amendment.

The remainder of the Agreement shall be unchanged and in full force and effect.

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

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

TOWN OF PARKER, COLORADO

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk

APPROVED AS TO FORM:

Kristin Hoffmann, Town Attorney

BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY

_____, Chair

ATTEST:

APPROVED AS TO CONTENT:

Kristin Randlett,
Clerk to the Board

Douglas J. DeBord,
County Manager

APPROVED AS TO FORM:

APPROVED AS TO FISCAL CONTENT:

Chris Pratt,
Senior Assistant County Attorney

Andrew Copland,
Director of Finance

Lincoln Avenue Widening Vicinity Map

E-470

PINE LN

JORDAN RD

Lincoln Avenue Widening
to 6 Lanes
Jordan Road to Parker Road

LINCOLN AVE

TWENTY MILE RD

PARKER RD

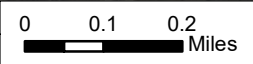
MAIN STREET

Gulch

Newlin

Creek

Cherry





Request for Town Council Action

Date: May 2, 2022

Submitted By: Michael Grabczyk, Project Engineer

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 9.334.1 - Second Reading (*continue to a date certain of August 1, 2022*)**
A Bill for an Ordinance Approving the First Amendment to Agreement Regarding Design and Construction of Drainage and Flood Control Improvements for Cherry Creek at Dransfeldt Road (Agreement No. 21-05.04A Project No. 108515) by and between Urban Drainage and Flood Control District d/b/a Mile High Flood District, the Town of Parker, and Cherry Creek Basin Water Quality Authority
Department: Engineering and Public Works, Michael Grabczyk

EXECUTIVE SUMMARY

The Town of Parker, the Mile High Flood District (MHFD - formerly the Urban Drainage and Flood Control District), and the Cherry Creek Basin Water Quality Authority (CCB WQA) previously executed an intergovernmental agreement (IGA) to design and permit improvements to Cherry Creek at Dransfeldt Road adjacent to Flat Acres Farms. It is anticipated that design and permitting of these improvements will be completed in the fall of this year. The Town, MHFD, and CCB WQA would like to proceed with amending this IGA to provide funding for construction of the project.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The Town of Parker, the MHFD and the CCB WQA have partnered previously to design and construct several major drainage projects within the Cherry Creek corridor. This reach of Cherry Creek adjacent to Dransfeldt Road and Flat Acres Farms has been identified as unstable with various locations of bank and bed erosion, in addition to requiring a realignment of the stream and some utilities to accommodate a future roadway crossing of Dransfeldt Road. A preliminary design for several reaches of Cherry Creek, including this project, was completed in 2017. Final design and permitting efforts for this project were initiated in 2021 with the initial execution of this IGA. This amendment to the IGA is intended to fund the construction of this project, which is anticipated to begin in late 2022.

FINANCIAL IMPACT

This project has been identified in the Stormwater Capital Improvements Projects 10-year plan and is included within the 2022 budget approved by Town Council. A preliminary design was completed under a 2017 IGA with the MHFD and CCB WQA and final design was funded in 2021 under the original execution of the IGA. The Town, MHFD and CCB WQA will provide additional funding for construction of the project as shown below:

Previous Contributions

Town of Parker:	\$250,000
MHFD:	\$60,000
CCB WQA:	\$60,000

Contributions this IGA Amendment

Town of Parker:	\$2,500,000
MHFD:	\$300,000
CCB WQA:	\$170,000

STRATEGIC GOAL(S)



INNOVATE WITH
COLLABORATIVE
GOVERNANCE



PROMOTE A SAFE AND
HEALTHY COMMUNITY

ATTACHMENTS

1. Ordinance 9.334.1
2. MHFD Vicinity Map

RECOMMENDED MOTION

I move to continue Ordinance No. 9.334.1 to a date certain of August 1, 2022.

ORDINANCE NO. 9.334.1, Series of 2022

TITLE: A BILL FOR AN ORDINANCE APPROVING THE FIRST AMENDMENT TO AGREEMENT REGARDING DESIGN AND CONSTRUCTION OF DRAINAGE AND FLOOD CONTROL IMPROVEMENTS FOR CHERRY CREEK AT DRANSFELDT ROAD (AGREEMENT NO. 21-05.04A PROJECT NO. 108515) BY AND BETWEEN URBAN DRAINAGE AND FLOOD CONTROL DISTRICT D/B/A MILE HIGH FLOOD DISTRICT, THE TOWN OF PARKER, AND CHERRY CREEK BASIN WATER QUALITY AUTHORITY

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

Section 1. The Town Council of the Town of Parker hereby approves the First Amendment to Agreement Regarding Design and Construction of Drainage and Flood Control Improvements for Cherry Creek at Dransfeldt Road (Agreement No. 21-05.04A Project No. 108515) by and between Urban Drainage and Flood Control District d/b/a Mile High Flood District, the Town of Parker and Cherry Creek Basin Water Quality Authority, which is attached hereto as **Exhibit 1** and incorporated herein by this reference, and authorizes the Mayor of the Town to enter into the Agreement on behalf of the Town.

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

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

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

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____, 2022.

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2022.

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk

APPROVED AS TO FORM:

Kristin Hoffmann, Town Attorney

EXHIBIT 1

FIRST AMENDMENT TO AGREEMENT REGARDING DESIGN AND CONSTRUCTION OF DRAINAGE AND FLOOD CONTROL IMPROVEMENTS FOR CHERRY CREEK AT DRANSFELDT ROAD TOWN OF PARKER

Agreement No. 21-05.04A
Project No. 108515

THIS FIRST AMENDMENT TO AGREEMENT (hereinafter called "FIRST AMENDMENT"), by and between URBAN DRAINAGE AND FLOOD CONTROL DISTRICT D/B/A MILE HIGH FLOOD DISTRICT (hereinafter called "DISTRICT") and TOWN OF PARKER (hereinafter called "TOWN"), and CHERRY CREEK BASIN WATER QUALITY AUTHORITY (hereinafter called "CCBWQA") and collectively known as "PARTIES";

WITNESSETH:

WHEREAS, PARTIES have entered into "Agreement Regarding Design and Construction of Drainage and Flood Control Improvements for Cherry Creek at Dransfeldt Road" (Agreement No. 21-05.04) dated June 23, 2021, (hereinafter called "AGREEMENT"); and

WHEREAS, PARTIES now desire to proceed with design and construction of drainage and flood control improvements for Cherry Creek at Dransfeldt Road (hereinafter called "PROJECT"); and

WHEREAS, PARTIES desire to increase the level of funding by \$2,970,000; and

WHEREAS, DISTRICT's Board of Directors has authorized additional DISTRICT financial participation for PROJECT (Resolution No. 12, Series of 2022); and

WHEREAS, the Town Council of TOWN, Board of Directors of CCBWQA, and Board of Directors of DISTRICT have authorized, by appropriation or resolution, all of PROJECT costs of the respective PARTIES.

NOW, THEREFORE, in consideration of the mutual promises contained herein, PARTIES hereto agree as follows:

1. Paragraph 4. PROJECT COSTS AND ALLOCATION OF COSTS is deleted and replaced as follows:

4. PROJECT COSTS AND ALLOCATION OF COSTS

A. PARTIES agree that for the purposes of this AGREEMENT, PROJECT costs shall consist of and be limited to the following:

1. Final design services;
2. Construction of improvements;
3. Contingencies mutually agreeable to PARTIES.

- B. It is understood that PROJECT costs as defined above are not to exceed \$3,340,000 without amendment to this AGREEMENT.

PROJECT costs for the various elements of the effort are estimated as follows:

<u>ITEM</u>	<u>AS AMENDED</u>		<u>ORIGINAL</u>
1. Final Design	\$	370,000	\$ 370,000
2. Construction *	\$	2,970,000	\$ -0-
3. Contingency	\$	-0-	\$ -0-
Grand Total	\$	3,340,000	\$ 370,000

* It is anticipated that funding for construction will be brought in through future amendments.

This breakdown of costs is for estimating purposes only. Costs may vary between the various elements of the effort without amendment to this Agreement provided the total expenditures do not exceed the maximum contribution by all PARTIES plus accrued interest, if applicable.

- C. Based on total PROJECT costs, the maximum percent and dollar contribution by each party shall be:

	<u>Percentage Share</u>	<u>Previously Contributed</u>	<u>Additional Contribution</u>	<u>Maximum Contribution</u>
DISTRICT	10.77%	\$60,000	\$300,000	\$360,000
TOWN	82.33%	\$250,000	\$2,500,000	\$2,750,000
CCBWQA	6.9%	\$60,000	\$170,000	\$230,000
TOTAL	100.00%	\$370,000	\$2,970,000	\$3,340,000

D. DISTRICT Acknowledges that (i) CCBWQA does not by this Agreement irrevocably pledge present cash reserves for payments in future fiscal years, and (ii) It is understood and agreed that notwithstanding any other provision contained herein to the contrary, any additional contribution obligation of CCBWQA hereunder, whether direct or contingent, shall extend only to funds duly and lawfully appropriated and encumbered by the Board of Directors of CCBWQA for the purposes of the Agreement, and paid into the Treasury of CCBWQA, and shall under no circumstances exceed \$230,000 without CCBWQA's prior express written consent.

2. Paragraph 5. MANAGEMENT OF FINANCES is deleted and replaced as follows:

5. MANAGEMENT OF FINANCES

As set forth in DISTRICT policy (Resolution No. 11, Series of 1973, Resolution No. 49, Series of 1977, and Resolution No. 37, Series of 2009), the funding of a local body's one-half share may come from its own revenue sources or from funds received from state, federal or other sources of funding without limitation and without prior DISTRICT approval.

Payment of each PARTY's full share (TOWN - \$2,750,000; CCBWQA - \$230,000; DISTRICT - \$360,000) shall be made to DISTRICT subsequent to execution of this AGREEMENT and within 30 days of request for payment by DISTRICT. The payments by PARTIES shall be held by DISTRICT in a special fund to pay for increments of PROJECT as authorized by PARTIES, and as defined herein. DISTRICT shall provide a periodic accounting of PROJECT funds as well as a periodic notification to TOWN of any unpaid obligations. Any interest earned by the monies contributed by PARTIES shall be accrued to the special fund established by DISTRICT for PROJECT and such interest shall be used only for PROJECT upon approval by the contracting officers (Paragraph 13).

Within one year of completion of PROJECT if there are monies including interest earned remaining which are not committed, obligated, or disbursed, each party shall receive a share of such monies, which shares shall be computed as were the original shares; or at TOWN request, TOWN share of remaining monies shall be transferred to another special fund held by DISTRICT.

3. All other terms and conditions of this AGREEMENT shall remain in full force and effect.

WHEREFORE, PARTIES hereto have caused this FIRST AMENDMENT to be executed by properly authorized signatories as of the date and year written below.

URBAN DRAINAGE AND
FLOOD CONTROL DISTRICT D/B/A
MILE HIGH FLOOD DISTRICT

By_____

Name Ken A. MacKenzie

Title Executive Director

Date_____

Checked By

TOWN OF PARKER

Jeff Toborg, Mayor

Date_____

ATTEST:

Chris Vanderpool, Town Clerk

APPROVED AS TO FORM AND SUFFICIENCY:

Kristin Hoffmann, Town Attorney

CHERRY CREEK BASIN
WATER QUALITY AUTHORITY

By_____

Name_____

Title_____

Date_____

Richard G. Borchardt, PAP Manager



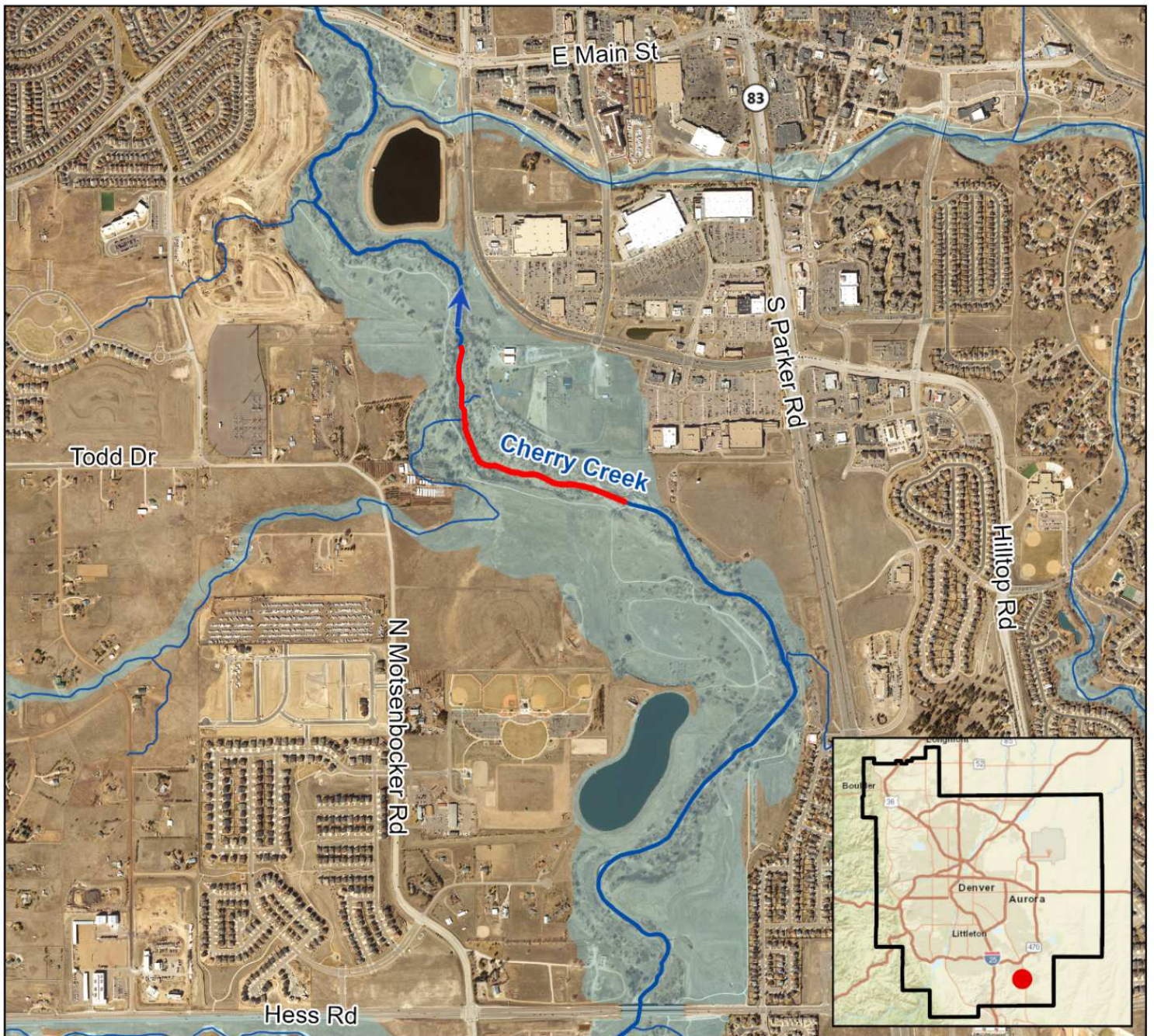
Cherry Creek at Dransfeldt



0 0.13 0.25 Miles

— Project Limits Floodplain ↑ Flow Direction

Updated 03/04/2021





Request for Town Council Action

Date: May 2, 2022

Submitted By: Bob Exstrom, Project Manager

Reviewed By: Michelle Kivela, Town Administrator

Title: **RESOLUTION NO. 22-018**
A Resolution to Determine, Upon Recommendation of the Town Administrator, that the Public Interest Will Be Served By Competitive Proposal Concerning the Town Hall Expansion Project

Department: Engineering and Public Works, Bob Exstrom

EXECUTIVE SUMMARY

The purpose of this resolution is to make a recommendation to Town Council that the public interest will be best served by utilizing the Competitive Proposal, Construction Manager/General Contractor (CM/GC) and Cost-Plus-Fee up to a Guaranteed Maximum Price (GMP) methods for the construction of the Town Hall expansion project.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

In accordance with the Parker Municipal Code Chapter 11.13, the Engineering/Public Works Department is required to obtain approval from the Town Council to utilize alternative contracting methods. Due to the size and complexity of the Town Hall expansion project, Engineering/Public Works recommends utilizing alternative contracting methods.

On April 5, 2005, the voters of the Town approved an amendment to Section 15.8 of the Parker Home Rule Charter. This amendment allows the Town Council to award contracts for the construction of public works projects in the manner established by ordinance.

On April 18, 2005, the Town Council approved an ordinance that resulted in a change to Section 11.13.030(a) of the Parker Municipal Code as follows:

“(a) Every contract for a public works project in an amount that exceeds (\$100,000.00) shall be by bid, unless the Town Council determines, upon recommendation of the Town Administrator, that the public interest will be best served by competitive proposal or by negotiating a contract with a single contractor.”

Engineering/Public Works is recommending, for the reasons specified in the attached

memorandum, that the public interest will be best served by using the Competitive Proposal, Construction Manager/General Contractor (CM/GC) and Cost-Plus-Fee up to a Guaranteed Maximum Price (GMP) methods for the Town Hall expansion project.

The combination of these three methods will increase the quality of design and construction while optimizing and economizing the budget and provide an opportunity to share in any cost savings at project completion. Staff successfully utilized these three methods on the Fieldhouse, Police Station, PACE Center, PWOC, Recreation Center Expansion and Discovery Park projects.

FINANCIAL IMPACT

The budget impact from this resolution for FY2022 has been appropriated in the General Government Buildings and Plant Fund (101-4194). Future expenditures related to this resolution will need to be approved by annual budget and appropriation.

STRATEGIC GOAL(S)



DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH

ATTACHMENTS

1. Staff Memorandum April 18, 2022 - Contracting Methods
2. Resolution No. 22-018

RECOMMENDED MOTION

I move to approve Resolution No. 22-018.



Your kind of place.

Public Works Memorandum

To: Michelle Kivela, Town Administrator
From: Bob Exstrom, Project Manager
Date: April 18, 2022
RE: **Parker Town Hall Expansion – Contracting Methods**

The purpose of this memo is to inform the Town Administrator of Engineering's recommendation for contracting methods regarding the Town Hall Expansion Project. This recommendation is required pursuant to Chapter 11.13 of the Parker Municipal Code for variations from approved methods. There are three methods included in this recommendation including contractor selection, project delivery and contractor compensation. Staff successfully utilized all three methods on the Fieldhouse, Police Station, PACE Center, PWOC, Recreation Center Expansion and Discovery Park projects.

- 1) ***“Competitive Proposal”*** is a contractor selection method whereby contractors submit qualifications to a procuring entity who evaluates and selects the most qualified candidate based on qualifications and price. It is a Qualifications-Based Selection (QBS) process used for the selection of professional and construction services. Unlike price-based selection methods, QBS can measure qualifications and price not just lowest bid. For the Town Hall Expansion project, staff is proposing a four-step QBS selection process consisting of 1) requests for qualifications (RFQ), 2) request for proposals (RFP), 3) interviews and ranking and 4) contract negotiations. During step-one, contractors submit statements of qualifications in response to the advertisement of the RFQ and three to five are shortlisted. During step-two, the shortlist responds to a RFP where costs for preconstruction services, general conditions and fee (overhead & profit) are measured. During step-three, the selection committee interviews and ranks the shortlist. During step-four, the Town enters into contract negotiations with the most qualified contractor. This selection method is recommended because it measures qualifications and price and is commonly used on public CM/GC projects.
- 2) ***“Construction Manager/General Contractor (CM/GC)”*** is a project delivery method where the contractor serves as the construction manager during the design phase for the purpose of controlling time, cost, scope and quality; and as the general contractor during the construction phase (see attached diagram). When the owner considers the design complete, the construction manager then has the opportunity to bid on the project based on the completed design and schedule. If the owner agrees the construction manager has submitted a fair price, they execute a contract amendment for general construction services, and the construction manager becomes the general contractor. This delivery method is recommended because it fosters innovation, allows flexibility, improves cost control and certainty, decreases change orders and overruns, increases design quality, reduces risk, optimizes schedules, enhances collaboration, allows for upfront value engineering, improves constructability and is the right fit for a project of this scale and complexity.
- 3) ***“Cost-Plus-Fee up to a Guaranteed Maximum Price (GMP)”*** is a contractor compensation method where the general contractor is paid by the owner for the actual cost of the work it incurs to construct the project, plus a fixed fee, not-to-exceed the GMP subject to the conditions of the contract. The general contractor bares the risk if the cost of the work exceeds the GMP. The GMP proposal is submitted at the end of design, and if accepted, is added to the contract via amendment. The GMP proposal is open book and is subject to outside review and stand-alone estimate and owner has right to audit the general contractor's accounting records anytime during construction.

As a broad overview, the GMP generally consists of five components including the 1) preconstruction fee, 2) general conditions, 3) subcontractors, 4) fee and 5) contingencies.

The first component of the GMP is the preconstruction fee which refers to the professional services provided by the contractor during design. Services vary based on the agreement but generally include time, cost, scope and quality control. This fee is requested, evaluated and committed during the contractor selection process for competition purposes. It is lump sum and is paid in one installment at the first construction draw. The fee for the Town Hall expansion project is anticipated to run between 0-0.5% of total construction costs.

The second component of the GMP is general conditions which consist of resources and items needed for project execution that will not be part of the finished project that is turned over to the owner including things like bonds, insurances, permits, project management, field supervision, administration, temporary offices, safety, equipment, dumpsters, fencing, temp lighting...etc. Rates for labor, equipment and tools are negotiated at time of contract or amendment. General conditions are reimbursable expenses based on actual costs so detailed accounting records are submitted and reviewed at each monthly draw. A target value for general conditions costs is requested and evaluated during the contractor selection process for competition purposes and is finalized when the GMP proposal is prepared. General conditions costs vary project to project and are primarily a function of project location, type, size and schedule.

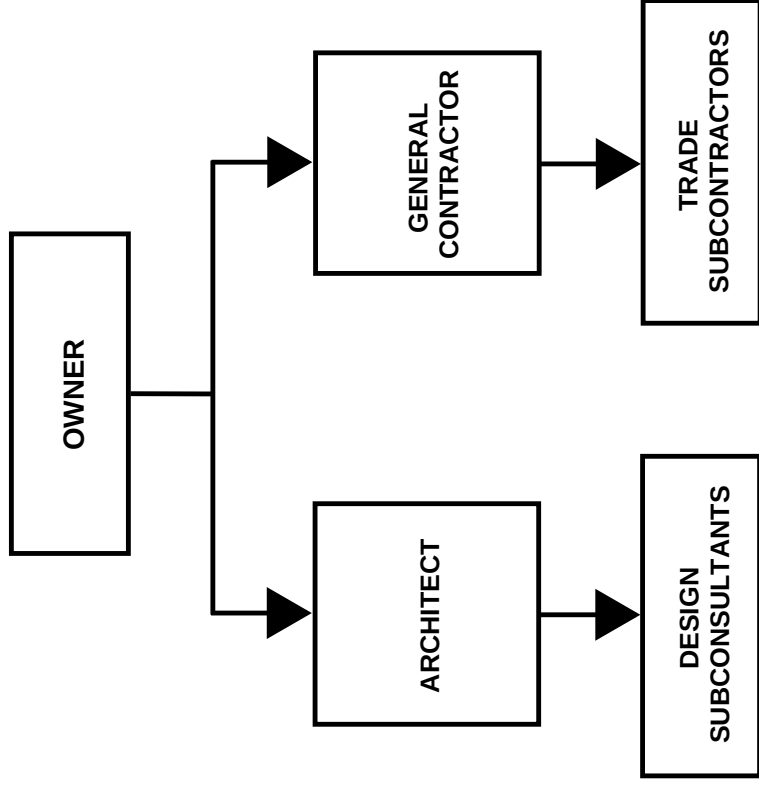
The third component of the GMP is subcontractors who are specialized contractors hired by the general contractor for their expertise. Subcontractors are the largest component of the GMP and represent the highest risk. Common subcontractors include earthwork, concrete, steel, masonry, roofing, plumbing, mechanical, electrical, drywall, finishes...etc. The general contractor is required to obtain a minimum of three bids on all subcontractor packages in excess of \$25K including any self-performed work for competition purposes. Commitment or buyout of subcontractor packages occurs as construction progresses and any savings is transferred to a holding account or contingency. Subcontracts are lump sum and are paid by the owner through the general contractor on a monthly basis based on percentage of work complete. Subcontractor costs vary project to project and are primarily a function of project location, type, size and schedule.

The fourth component of the GMP is the fee which consists of the markup applied to total construction costs for overhead and profit recovery. Overhead costs generally consist of expenses related to the corporate office that are paid on a regular basis such as executives, administration, insurances, rent, utilities...etc. and are not chargeable to any one project. Profit is the amount leftover after paying project costs and overhead. The fee is requested, evaluated and committed during the contractor selection process for competition purposes. It is lump sum and is paid in equal monthly installments over the duration of construction. The fee for the Town Hall expansion project is anticipated to run between 2-4% of total construction costs.

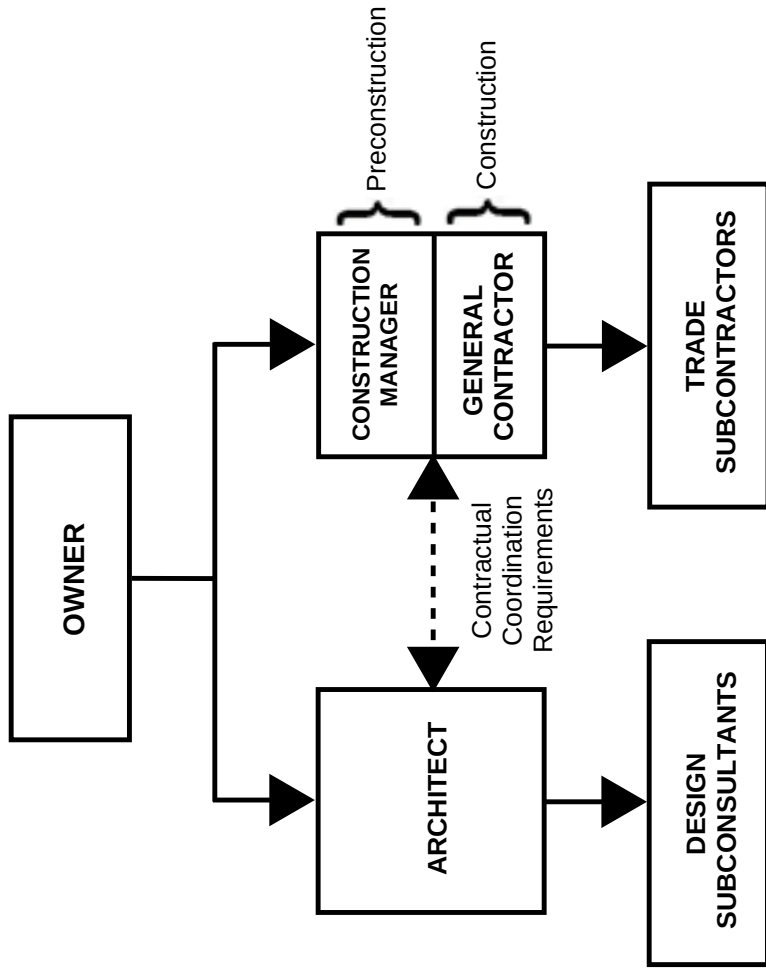
The fifth and final component of the GMP is the contingency. The contingency refers to a percentage of money set aside for use by the contractor to cover legitimate unforeseen construction expenses, or expenses otherwise agreed upon by owner and contractor, after the GMP has been accepted, subject to the owner's approval, but not the basis for a change order. Examples include refinement of design details within the scope and standards of quality and quantities on which the estimate was based, abnormal field conditions and delays attributable to weather conditions not reasonably anticipated. As risks and uncertainties decrease throughout the project duration, the owner and contractor can elect to use unspent contingencies to increase quality and scope that would have otherwise been omitted from the program because of budget concerns. The contingency amount depends on the level of completion of the construction drawings and forecasted market conditions when the GMP was prepared.

In general, this compensation method is recommended because it is a "cost reimbursement" type contract where the contractor is reimbursed for the actual cost of the work plus a fixed fee up to the GMP. Therefore, if the project comes in under the GMP, and depending on the provisions of the contract, the owner can keep the savings or share it with the contractor as additional incentive to finish under budget. Lastly, this is a commonly used compensation method on most CM/GC projects.

Traditional Design-Bid-Build Project Delivery Method



Construction Manager/General Contractor (CM/GC) Project Delivery Method



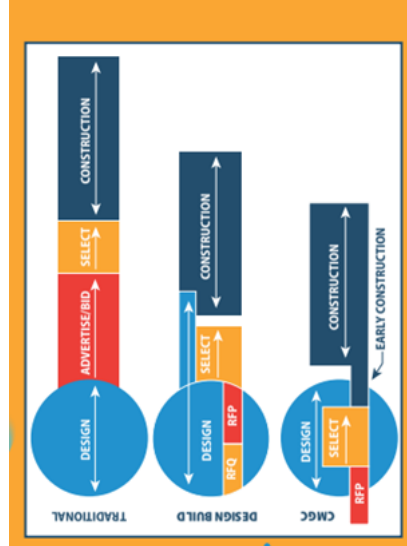
source: <https://www.fhwa.dot.gov/construction/contracts/acm/cmgc.cfm>

BENEFITS

WHAT ARE THE BENEFITS OF CMGC?

- FOSTERS INNOVATION
- ALLOWS FLEXIBILITY
- IMPROVES COST CONTROL AND COST CERTAINTY
- FEWER CHANGE ORDERS AND OVERRUNS
- HIGHER DESIGN QUALITY
- REDUCES RISK
- OPTIMIZES SCHEDULES
- ENHANCES COLLABORATION
- UPFRONT VALUE ENGINEERING
- IMPROVES CONSTRUCTABILITY

(The design only includes features that can be built.)



source: <https://www.dot.state.mn.us/winonabridge/docs/benefits-of-cmhc.pdf>

RESOLUTION NO. 22-018, Series of 2022

TITLE: A RESOLUTION TO DETERMINE, UPON RECOMMENDATION OF THE TOWN ADMINISTRATOR, THAT THE PUBLIC INTEREST WILL BE SERVED BY A COMPETITIVE PROPOSAL CONCERNING THE TOWN HALL EXPANSION PROJECT

WHEREAS, on April 5, 2005, the voters of the Town of Parker approved an amendment to Section 15.8 of the Town of Parker Home Rule Charter (the "Amendment");

WHEREAS, the Amendment allows the Town Council to award contracts for the construction of public works in the manner established by ordinance;

WHEREAS, on April 18, 2005, the Town Council, pursuant to the Amendment, established by ordinance the procedure for awarding contracts for the construction of public works (the "Public Works Ordinance");

WHEREAS the Public Works Ordinance provides that public works projects in excess of \$100,000 shall be by bid "unless the Town Council determines, upon recommendation of the Town Administrator, that the public interest will be best served by competitive proposal or by negotiating a contract with a single contractor;"

WHEREAS, the Town Administrator recommends that the public interest will be best served by using the contractor selection method known as "Competitive Proposal," the project delivery method known as "Construction Manager/General Contractor (CM/GC)," and the contractor compensation method known as "Cost-Plus-Fee up to a Guaranteed Maximum Price (GMP)" for the construction of the Town Hall Expansion project; and

WHEREAS, the Town Council of the Town of Parker believes that the public interest will be best served by using the contractor selection method known as "Competitive Proposal," the project delivery method known as "Construction Manager/General Contractor (CM/GC)," and the contractor compensation method known as "Cost-Plus-Fee up to a Guaranteed Maximum Price (GMP)" for the construction of the Town Hall Expansion project.

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

Section 1. The Town Council determines, upon recommendation of the Town Administrator, that the public interest will be best served by using the contractor selection method known as "Competitive Proposal," the project delivery method known as "Construction Manager/General Contractor (CM/GC)," and the contractor compensation method known as "Cost-Plus-Fee up to a Guaranteed Maximum Price (GMP)" to complete the work, as provided by Chapter 11.13 of the Parker Municipal Code, as amended, for the construction of the Town Hall Expansion project.

RESOLVED AND PASSED this _____ day of _____, 2022.

TOWN OF PARKER, COLORADO

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk



Request for Town Council Action

Date: May 2, 2022

Submitted By: Chris Hudson, Deputy Director of Engineering

Reviewed By: Michelle Kivela, Town Administrator

Title: Dransfeldt Road Extension (CIP23-001) - Final Design

Amount: \$941,013

Contractor: RS&H

Department: Engineering and Public Works, Chris Hudson

EXECUTIVE SUMMARY

This agenda item is for the approval of a professional services agreement with RS&H for the final design of the Dransfeldt Road extension project (Twenty Mile Road to Motsenbocker Road).

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The Town has been contemplating the extension of Dransfeldt Road south of Twenty Mile Road, over Cherry Creek, connecting to Motsenbocker Road for over two (2) decades. This proposed roadway is an important component to the Parker area's long-term roadway transportation plan. Due to a portion of the proposed roadway extension being located in unincorporated Douglas County, the project is being coordinated with Douglas County. This coordination resulted in a design cost sharing intergovernmental agreement (IGA) that was executed in 2019. The IGA initiated a competitive design consultant selection process that involved both Town and Douglas County staff, with RS&H being selected as the most qualified consultant for the project. This selection resulted in the execution of a conceptual design contract that was approved by the Town Council on April 20, 2020, and a separate contract for preliminary design that was approved by the Town Council on January 19, 2021. Those previous design contracts resulted in finalizing the preliminary design earlier this year and allowed for the submittal of the Conditional Letter of Map Revision (CLOMR) to the Federal Emergency Management Agency (FEMA) required due to impacts to the Cherry Creek floodplain that will be caused by the proposed project. The final design effort should be undertaken to allow for construction to potentially commence in 2023 (subject to 2023 funding).

The final design phase for this project includes advancing the design of the roadway, bridge, drainage design, utility coordination, landowner coordination, erosion control and phasing. The total for this preliminary work is estimated at \$941,013. Without this effort, the proposed

construction commencement in 2023 will not be possible.

FINANCIAL IMPACT

Funding has been appropriated for this preliminary design effort in the Streets capital projects fund (301-4310).

STRATEGIC GOAL(S)

DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH



INNOVATE WITH
COLLABORATIVE
GOVERNANCE

ATTACHMENTS

None

RECOMMENDED MOTION

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