

TOWN OF PARKER COUNCIL AGENDA

December 4, 2023

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.

Public comment for items that are not on the agenda may be made in person or electronically at <http://parkeronline.org/CouncilPublicComment>. For those unable to provide comments in person or electronically through the website, please contact the Clerk's Office to make alternative arrangements. The Town Clerk can be reached at 303-805-3198. Public comments submitted electronically through the website that are received 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.

Public Viewing Only - YouTube: Town Council meetings may be viewed live on YouTube at www.youtube.com/townofparkerco.

PLEASE NOTE: Public participation is NOT available through YouTube.

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. 6:30 P.M. or as soon thereafter as the Executive Session ends - Council Updates/Work Session**
- D. Reconvene Town Council Meeting at 7:00 P.M. or as soon thereafter as the regular public meeting can be conducted.**

- 2. 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.*

3. REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

4. CONSENT AGENDA

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

- A. *APPROVAL OF MINUTES - November 20, 2023***

- B. *TOWN COUNCIL OF THE TOWN OF PARKER ORDER IN SUPPORT OF DENIAL OF THE PETITION FOR EXCLUSION FROM THE DOWNTOWN PARKER BUSINESS IMPROVEMENT DISTRICT***

Department: Town Council

- C. *A MOTION TO CANCEL THE DECEMBER 18, 2023 TOWN COUNCIL MEETING DUE TO A LACK OF TOWN COUNCIL BUSINESS*
Department: Town Council
- D. *ORDINANCE NO. 9.364 - First Reading*
A Bill for an Ordinance to Approve the Intergovernmental Agreement By and Between the Town of Parker and the State of Colorado Acting By and Through the Colorado Department of Transportation Concerning Parker Road Multiuse Path Pine Drive to Stroh Road (Project # CRP M039-010 (25906) (OLA # 331003196, Routing No. 24-HA1-XC-00224)
Department: Engineering and Public Works, Patrick Burke
Second Reading: January 2, 2024
- E. *RESOLUTION NO. 23-089*
A Resolution to Adopt the Administrative Policy for the Naming or Renaming of Parks, Trails, Open Space and Recreational Facilities
Department: Parks, Recreation and Open Space, Brett Collins
- F. *RESOLUTION NO. 23-096*
A Resolution Consenting to the Dissolution of the Rueter-Hess Recreation Authority
Department: Parks, Recreation and Open Space, Mary Colton
- G. *CONTRACTS OVER \$100,000*
1. *PACE PA System Replacement CIP Project*
Amount: \$185,360.32
Contractor: Clearwing Systems Integration
Department: Cultural, Carrie Glassburn
2. *Snow Mitigation Material - Additional Purchase*
Amount: \$100,000
Contractor: GMCO Corp.
Department: Engineering and Public Works, Jim Gilbert
3. *Sales and Use Tax Auditor Contract*
Amount: \$99,744 Year 2
\$524,982 Full Contract Amount Including Year 1 and Option Years 2-5
Contractor: Revenue Recovery Group
Department: Finance, Rhonda Willey
4. *Professional Services Agreement Annual Contract Review*
Amount: Not to exceed \$288,900
Contractor: Evolution Agency, LLC, d/b/a Lasso Digital
Department: Cultural, Carrie Glassburn

5. **RESOLUTIONS**

RESOLUTION NO. 23-091

A Resolution to Appoint Members to the Parker Parks, Recreation and Open Space Advisory Commission and to Appoint a Chair

Department: Parks, Recreation and Open Space, Mary Colton

6. **PUBLIC HEARINGS**

ORDINANCE NO. 3.74.4 - Second Reading

A Bill for an Ordinance to Amend Section 13 of the Crown Point Center Development Guide Third Amendment Titled “Crown Point Center Development Plan,” Pursuant to the Parker Land Development Ordinance

Department: Community Development, Ashley Chasez

7. **ORDINANCES**

A. ORDINANCE NO. 1.594 - Second Reading

A Bill for an Ordinance to Levy General Property Taxes for the Year 2023 to Help Defray the Costs of Government for the Town of Parker, Colorado, for the 2024 Budget Year

Department: Finance, Mary Lou Brown

B. ORDINANCE NO. 1.595 - Second Reading

A Bill for an Ordinance to Utilize Available Funds to Redeem, Pay and Discharge All of the Outstanding Certificates of Participation, Series 2014

Department: Finance, Mary Lou Brown

C. ORDINANCE NO. 9.338.2 - Second Reading

A Bill for an Ordinance Approving the Second Amendment to Agreement Regarding Design and Construction of Drainage and Flood Control Improvements for Upper Jordan Road Tributary at Bradbury Ranch (Agreement No. 21-05.17B, Project No. 108522) by and between Urban Drainage and Flood Control District d/b/a Mile High Flood District and the Town of Parker

Department: Engineering and Public Works, Michael Grabczyk

8. **PUBLIC COMMENTS CONTINUED IF NECESSARY**

9. **ADJOURNMENT**

Parker Town Council

Executive Session Agenda

December 4, 2023

“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. Chapter 4.07 of the Parker Municipal Code
2. Quasi-judicial hearings

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

3. Proposed Amended and Restated Douglas County School District School Resource Officer Intergovernmental Agreement

**TOWN OF PARKER COUNCIL
MINUTES
NOVEMBER 20, 2023**

Mayor Toborg called the meeting to order at 7:00 p.m. All Councilmembers were present except John Diak.

Mayor Toborg led the Council and audience in the Pledge of Allegiance.

PUBLIC COMMENTS

There were none.

REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

Each Councilmember reported on meetings and activities they had attended since the last Town Council meeting.

CONSENT AGENDA

- A. *APPROVAL OF MINUTES - November 6, 2023*
- B. *Motion to Approve the 2024 Town Council Meeting and Study Session Calendar*
Department: Town Council
- C. *ORDINANCE NO. 1.594 - First Reading*
A Bill for an Ordinance to Levy General Property Taxes for the Year 2023 to Help Defray the Costs of Government for the Town of Parker, Colorado, for the 2024 Budget Year
Department: Finance, Mary Lou Brown
Second December 4, 2023
Reading:
- D. *ORDINANCE NO. 1.595 - First Reading*
A Bill for an Ordinance to Utilize Available Funds to Redeem, Pay and Discharge All of the Outstanding Certificates of Participation, Series 2014
Department: Finance, Mary Lou Brown
Second December 4, 2023
Reading:
- E. *ORDINANCE NO. 3.74.4 - First Reading*
A Bill for an Ordinance to Amend Section 13 of the Crown Point Center Development Guide Third Amendment Titled "Crown Point Center Development Plan," Pursuant to the Parker Land Development Ordinance
Department: Community Development, Ashley Chasez
Second December 4, 2023

Reading:

- F. *ORDINANCE NO. 9.338.2 - First Reading*
A Bill for an Ordinance Approving the Second Amendment to Agreement Regarding Design and Construction of Drainage and Flood Control Improvements for Upper Jordan Road Tributary at Bradbury Ranch (Agreement No. 21-05.17B, Project No. 108522) by and between Urban Drainage and Flood Control District d/b/a Mile High Flood District and the Town of Parker
Department: *Engineering and Public Works, Michael Grabczyk*
Second Reading: *December 4, 2023*
- G. *RESOLUTION NO. 23-090*
A Resolution Accepting the Conveyance of Real Property from 2010 – Cottonwood LLC for Jordan Road Near Carlson Drive
Department: *Engineering & Public Works, Chris Hudson*
- H. *RESOLUTION NO. 23-095*
A Resolution Adopting an Application Fee for Retail Establishment Permits
Department: *Town Clerk, Chris Vanderpool*
- I. *RESOLUTION NO. 23-097*
A Resolution to Approve the Fourth Amendment to the Amended and Restated Employment Agreement for the Town Manager
Department: *Town Council*
- J. *CONTRACTS OVER \$100,000*
1. *Replacement Traffic Signal and Lighting Infrastructure*
Amount: *\$182,500*
Contractor: *The M/H Companies*
Department: *Engineering and Public Works, David Aden*
2. *Parker Road Sidewalk - Pine Drive to Stroh Road - Preliminary Design*
Amount: *\$150,000*
Contractor: *Merge Resource Group Ltd.*
Department: *Engineering and Public Works, Patrick Burke*
3. *Lemon Gulch Trail Improvements - Construction Management*
Amount: *\$142,997*
Contractor: *Felsburg, Holt & Ullevig*
Department: *Engineering and Public Works, Patrick Burke*

4. *Police Station Audio Visual System Upgrade*

Amount: \$188,054.67

Contractor: Conference Technologies Incorporated

Department: Police, Ron Combs

Joshua Rivero moved to remove item 4H from the Consent Agenda for discussion.

Todd Hendreks seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Anne Barrington - yes

Todd Hendreks - yes

Brandi Wilks - yes

Laura Hefta - yes

The motion was approved unanimously.

Brandi Wilks moved to approve Consent Agenda Items 4A through 4J except 4H.

Todd Hendreks seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Anne Barrington - yes

Todd Hendreks - yes

Brandi Wilks - yes

Laura Hefta - yes

The motion was approved unanimously.

Item 4H: Town Clerk Chris Vanderpool explained the reasoning for the application fee of \$100. The amount is for labor to process the application and to meet with the business to provide education about the permit guidelines. The application fee includes 24 occurrences in a year. The fee is also in line with the Special Events Permit and the Tastings Permit.

Brandi Wilks moved to approve Item 4H.

Todd Hendreks seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Anne Barrington - yes

Todd Hendreks - yes
 Brandi Wilks - yes
 Laura Hefta - yes

The motion was approved unanimously.

PUBLIC HEARINGS

A. POPE PROPERTY ANNEXATION AND ZONING

Applicant: David Brehm, Plan West
Location: Southwest corner of Twenty Mile Road and Dransfeldt
Department: Community Development, Stacey Nerger
TRAKiT No.: ANX22-009, Z22-032 & Z22-037

Mayor Toborg turned this portion of the meeting over to Acting Mayor Joshua Rivero as Joshua has been a part of Council since discussions first began regarding this annexation.

Acting Mayor Joshua Rivero opened the Public Hearing at 7:15 p.m.

Senior Planner Stacey Nerger presented the following:

State and Town Code Requirements

The applicant submitted an annexation petition in accordance with the Colorado Municipal Annexation Act of 1965 (the Act), Title 31, Article 12, Part 1, C.R.S., for annexation of the subject property into the Town as described in the petition. The Town Clerk, as provided by C.R.S. § 31-12-107(1)(f), referred the annexation petition to the Town Council as a communication. The Town Council, as provided by C.R.S. § 31-12-107(1)(f), is required, without undue delay, to take appropriate steps to determine if the submitted annexation petition is in substantial compliance with the Act. Under Section 13.04.250(c) of the Town Code, the Town Council may determine the following:

1. The annexation petition substantially complies with the requirements of C.R.S. § 31-12-107(1)(a), which will require that the Town Council establish by resolution the date, time and place that the Town Council will hold the public hearing not less than thirty (30) days nor more than sixty (60) days after the resolution setting the public hearing, unless otherwise required by state law; or
2. The annexation petition does not substantially comply with the requirements of C.R.S. § 31-12-107(1)(a), which will require no further action; or
3. Table any action on the annexation petition for a period of time not to exceed one hundred eighty (180) days.

Prior Review and Actions

1. On October 3, 2022, the Town Council approved Resolution No. 22-048 that determined the submitted annexation petition substantially complies with the Colorado Municipal Annexation Act of 1965 (the Act, § 31-12-107(1)) and which set a public

hearing date of November 21, 2022 to determine eligibility for annexation into the Town.

2. On November 21, 2022, the Town Council approved Resolution No. 22-061 that determined the Pope property is eligible for annexation into the Town as provided by the Act. In addition, the annexation ordinance was scheduled for a public hearing of the Town Council on February 6, 2023.
3. On January 17, 2023, the Town Council approved the annexation ordinance on first reading with the public hearing for the ordinance scheduled on February 6, 2023.
4. On February 6, 2023, the Town Council continued the annexation ordinance public hearing to May 1, 2023 to allow the applicant additional time to negotiate the annexation agreement, complete the required inclusion into Parker Water and Sanitation District and process the required zoning application.
5. On May 1, 2023, the Town Council continued the annexation ordinance public hearing to July 17, 2023 to allow the applicant additional time to negotiate the annexation agreement, complete the required inclusion into Parker Water and Sanitation District and process the required zoning application.
6. On July 17, 2023, the Town Council continued the annexation ordinance public hearing to October 16, 2023 to allow the applicant additional time to negotiate the annexation agreement, complete the required inclusion into Parker Water and Sanitation District and process the required zoning application.
7. The October 16, 2023 Town Council meeting was rescheduled to October 23, 2023. On October 23, 2023, the Town Council continued the annexation ordinance public hearing to November 20, 2023 to allow the applicant additional time to finalize the annexation agreement.

Summary of Proposal

The subject property, known as the Pope property, is an enclave parcel located in unincorporated Douglas County that is contiguous to the Town. The property has a total area of approximately 38 acres and is currently used as Flat Acres Farm, an "agritainment" and commercial recreation business.

The subject property fronts Twenty Mile Road and is bordered to the north by commercial uses at the Parker Valley Center (Target); to the south and west by the Cherry Creek open space and future Salisbury Park North; and to the east by commercial uses at FlatAcres Marketplace (Kohls). The property and adjacent areas in the Cherry Creek open space contain environmentally sensitive land including a 100-year floodplain and habitat for the Preble's Meadow Jumping Mouse, which is protected by the U.S. Endangered Species Act.

The Town surrounds the subject property and has identified it as a candidate for future annexation within its Municipal Planning Area (urban growth boundary). This is an existing land use policy recommendation supported by the annual Three-Mile Area Plan and the Parker 2035 Master Plan. It is also consistent with the Town's approach to annexation that prioritizes enclave parcels surrounded by the Town to promote orderly growth and rational service delivery.

The property owner is proposing to divide the 38-acre property into three (3) sections with different zoning as follows:

- **Western Section:** The western 9.2 acres of the property within the Cherry Creek 100-year floodplain, which includes Preble's Jumping Mouse habitat, will be zoned Open Space and dedicated to the Town.
- **Central Section:** The majority of the central section of the property consisting of approximately 11.791 acres will be zoned Agricultural and allow the applicant to continue the existing "agritainment" uses currently in operation.
- **Eastern Section:** The remainder, consisting of the upland central section and the area located east of the future Dransfeldt Road extension, has a total area of 17.48 acres and will be zoned to Greater Downtown District - Market Center. This zoning will permit future commercial use for retail, restaurants, services, etc.

The Parker 2035 Master Plan identifies the subject property as located in the Central Commercial and Medium Density Residential Districts as well as the Cherry Creek 100-year floodplain. The Master Plan recommends a mix of uses in this area including commercial, open space and transportation use. The proposed rezoning has been prepared in accordance with the Master Plan as to permitted uses, zone district boundaries and development standards. Further, the Transportation Master Plan recommends the Dransfeldt Road extension through the subject property to expand the transportation system for greater vehicular, bicycle, and pedestrian mobility across Cherry Creek. The annexation petition and proposed zoning are therefore consistent with the Master Plan and its various elements.

The property owner's annexation has been submitted in accordance with the Act as described in the petition. Further, the Town has identified the Pope Property as a candidate for future annexation through the annual Three-Mile Plan and the Parker 2035 Master Plan. Therefore, the proposed annexation is consistent with the Town's land use policy as expressed in both plans. The subject property is eligible for annexation because it is located within the Town's Planning Area (urban growth boundary) and satisfies the contiguity requirements of the Act, C.R.S. § 31-12-104(a). The annexation petition and zoning application are being processed together because the Town Charter and Section 13.04.250 of the Town Code require concurrent annexation and zoning.

Annexation Agreement

Town staff and the Property Owner negotiated the terms of an annexation agreement, which would govern the annexation of the Property into the Town if approved by Town Council (the "Annexation Agreement" or "Agreement"). The Agreement outlines the responsibilities of both the Town and the Property Owner as development occurs onsite. The major terms of the Agreement include the Property Owners obligation to convey to the Town the right of way and easements necessary for the construction of that portion of Dransfeldt Road on the property.

Planning Commission Review

The Planning Commission held a public hearing for the proposed zoning application on November 9, 2023 and voted unanimously to recommend that the Town Council approve the zoning.

The Applicant, David Brehm with Plan West, made a brief presentation and was available for any questions.

Public Comments:

Mike Smith - Parker, Colorado, was present and spoke in favor of the annexation and zoning of his property. He added that this project took many years to come to fruition with each party getting what each felt they needed.

Acting Mayor Rivero closed the Public Hearing at 7:39 p.m.

**1. ORDINANCE NO. 2.282 - Second Reading (Continued from February 6, 2023, May 1, 2023, and July 17, 2023)
A Bill for an Ordinance Approving and Accomplishing the Annexation of Contiguous Unincorporated Territory Known as the Pope Property in Douglas County**

Anne Barrington moved to approve Ordinance No. 2.282 on second reading.

Todd Hendreks seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Anne Barrington -yes

Todd Hendreks -yes

Brandi Wilks - yes

Laura Hefta -yes

The motion passed unanimously.

**2. ORDINANCE NO. 3.364 - Second Reading
A Bill for an Ordinance Zoning Certain Property Within the Town of Parker, Colorado, Known as the Pope Property to GD-Greater Downtown District, Market Center, Pursuant to the Town of Parker Land Development Ordinance and Amending the Zoning Ordinance and Map to Conform Therewith**

Laura Hefta moved to approve Ordinance No. 3.364 on second reading.

Brandi Wilks seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Anne Barrington -yes

Todd Hendreks -yes

Brandi Wilks - yes

Laura Hefta -yes

The motion passed unanimously.

3. **ORDINANCE NO. 3.365 - Second Reading**
A Bill for an Ordinance Zoning Certain Property Within the Town of Parker, Colorado, Known as the Pope Property to A-Agricultural District Pursuant to the Town of Parker Land Development Ordinance and Amending the Zoning Ordinance and Map to Conform Therewith

Todd Hendreks moved to approve Ordinance No. 3.365 on second reading.

Brandi Wilks seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Anne Barrington -yes

Todd Hendreks -yes

Brandi Wilks - yes

Laura Hefta -yes

The motion passed unanimously.

4. **ORDINANCE NO. 3.366 - Second Reading**
A Bill for an Ordinance Zoning Certain Property Within the Town of Parker, Colorado, Known as the Pope Property to OS-Open Space District Pursuant to the Town of Parker Land Development Ordinance and Amending the Zoning Ordinance and Map to Conform Therewith

Brandi Wilks moved to approve Ordinance No. 3.366 on second reading.

Anne Barrington seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Anne Barrington -yes

Todd Hendreks -yes

Brandi Wilks - yes

Laura Hefta -yes

The motion passed unanimously.

5. ORDINANCE NO. 3.367 – Second Reading

A Bill for an Ordinance Rezoning Certain Property Within the Town of Parker, Colorado, Known as the Pope I Remnant 1 Property from GD-Greater Downtown District to OS-Open Space District Pursuant to the Town of Parker Land Development Ordinance and Amending the Zoning Ordinance and Map to Conform Therewith

Todd Hendreks moved to approve Ordinance No. 3.367 on second reading.

Anne Barrington seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Anne Barrington -yes

Todd Hendreks -yes

Brandi Wilks - yes

Laura Hefta -yes

The motion passed unanimously.

6. ORDINANCE NO. 3.368 – Second Reading

A Bill for an Ordinance Rezoning Certain Property Within the Town of Parker, Colorado, Known as the Town-Owned Pope I Remnant 2 Property from GD-Greater Downtown District to A-Agricultural District Pursuant to the Town of Parker Land Development Ordinance and Amending the Zoning Ordinance and Map to Conform Therewith

Brandi Wilks moved to approve Ordinance No. 3.368 on second reading.

Laura Hefta seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Anne Barrington -yes

Todd Hendreks -yes

Brandi Wilks - yes

Laura Hefta -yes

The motion passed unanimously.

7. Annexation Agreement

Anne Barrington moved to approve the Annexation Agreement.

Brandi Wilks seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Anne Barrington -yes

Todd Hendreks -yes

Brandi Wilks - yes

Laura Hefta -yes

The motion passed unanimously.

B. ORDINANCE NO. 1.567.2 - Second Reading

A Bill for an Ordinance to Adopt the 2023 Revised Budget for the Town of Parker and to Make Appropriations for the Same

Department: Finance, Mary Lou Brown & Christine Brookshire

Mayor Toborg opened the Public Hearing at 7:52 p.m.

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

Public Comment: None.

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

Joshua Rivero moved to approve Ordinance No. 1.567.2 on second reading.

Anne Barrington seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Anne Barrington -yes

Todd Hendreks -yes

Brandi Wilks - yes

Laura Hefta -yes

The motion passed unanimously.

C. ORDINANCE NO. 1.593 - Second Reading**A Bill for an Ordinance to Adopt the 2024 Budget and to Make Appropriations for the Same****Department: Finance, Mary Lou Brown & Christine Brookshire**

Mayor Toborg opened the Public Hearing at 8:02 p.m.

Internal work on the 2024 Town of Parker Budget began in mid-July and was followed by a Council budget retreat on October 6, 2023 and a Council study session on October 23, 2023. The 2024 Budget was posted to the internet on Monday, October 9, 2023, in advance of the legal deadline of October 15, 2023. Tonight is the second public hearing for the 2024 Budget. The first public hearing was held on November 6, 2023.

The 2024 Budget was prepared in conjunction with seven overall guidelines:

- Meet the General Fund required cash balance percentage
- Calculate the Cultural and Recreation Fund cash balances in the same manner as the General Fund
- Sustain level of funding for community programs
- Maintain repair and maintenance programs at the current activity levels
- Plan for potential compensation study recommendations
- Fund performance pay and police officer step plans in line with other area agencies
- Contain growth in discretionary expense items

The sales tax growth rate has experienced considerable volatility from the 2021 and 2022 rates of 18.4% and 11.1%, respectively, to the 2023 projection of 4.0%. Based on this history, the sales tax growth rate for 2024 is budgeted at 5%.

In the General Fund, which is the main operational fund of the Town, expense growth is 14% due to twelve and a half additional employees being added to the Police Department and four in Public Works, \$1.13M added in Capital Outlay, and inflationary growth in most categories.

Public Comment: None.

The Public Hearing was closed at 8:22 p.m.

Todd Hendreks moved to approve Ordinance No. 1.593 on second reading.

Brandi Wilks seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Anne Barrington -yes

Todd Hendreks -yes

Brandi Wilks - yes

Laura Hefta -yes

The motion passed unanimously.

ADJOURNMENT

Laura Hefta moved and Joshua Rivero seconded to adjourn the meeting at 8:23 p.m.

A roll call vote was taken:

Joshua Rivero - yes

Anne Barrington -yes

Todd Hendreks -yes

Brandi Wilks - yes

Laura Hefta -yes

The motion passed unanimously.

Chris Vanderpool, Town Clerk

Jeff Toborg, Mayor



Request for Town Council Action

Date: December 4, 2023
Submitted By: Kristin Hoffmann, Town Attorney
Reviewed By: Michelle Kivela, Town Manager

Title: **TOWN COUNCIL OF THE TOWN OF PARKER ORDER IN
SUPPORT OF DENIAL OF THE PETITION FOR EXCLUSION
FROM THE DOWNTOWN PARKER BUSINESS IMPROVEMENT
DISTRICT**

Department: Town Council

EXECUTIVE SUMMARY

This item approves an Order in Support of Denial of the Petition for Exclusion from the Downtown Parker Business Improvement District.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

On November 6, 2023, the Town Council held a hearing on a petition filed by Bonbeck Parker LLC requesting to be excluded from the Downtown Parker Business Improvement District (the "Petition"). The Town Council failed to approve Ordinance No. 13.111.1, Series of 2023, A Bill for an Ordinance Approving the Exclusion of Certain Property from the Boundaries of the Downtown Parker Business Improvement District and Making Findings Related Thereto, on a vote of 2-4. The Town Council then directed the Town Attorney to draft findings consistent with the failure to adopt Ordinance 13.111.1.

Attached is an Order in Support of Denial of the Petition for Exclusion from the Downtown Parker Business Improvement District, which makes findings of fact and conclusions in support of denial of the Petition.

FINANCIAL IMPACT

None.

STRATEGIC GOAL(S)



INNOVATE WITH
COLLABORATIVE
GOVERNANCE



ENHANCE ECONOMIC
VITALITY

ATTACHMENTS

1. Order in Support of Denial

RECOMMENDED MOTION

I move to approve the Order in Support of Denial of the Petition for Exclusion from the Downtown Parker Business Improvement District, as part of the consent agenda.

TOWN COUNCIL OF THE TOWN OF PARKER
ORDER IN SUPPORT OF DENIAL OF THE PETITION FOR EXCLUSION
FROM THE DOWNTOWN PARKER BUSINESS IMPROVEMENT DISTRICT

The Town Council of the Town of Parker hereby denies the Petition in this matter, and in support thereof, makes the following findings and order.

Section 1. Findings of Fact.

a. By Ordinance No. 13.111, Series of 2023, adopted by the Town Council (the “Town Council”) of the Town of Parker (the “Town”) on August 21, 2023, the Town Council approved the organization and creation of the Downtown Parker Business Improvement District (the “BID”).

b. A petition for exclusion of certain property from the boundaries of the BID (the “Petition”) was filed by Bonbeck Parker LLC with the Town Clerk on September 25, 2023.

c. The Town Council fixed a place and time for a hearing on the Petition, which hearing was scheduled for Monday, November 6, 2023, at 7:00 p.m., to be held at Parker Town Hall, 20120 E. Mainstreet, Parker, Colorado, 80138.

d. Notice of such hearing was duly published and given as required by Section 31-25-1220, C.R.S.

e. The Town Council heard the Petition and all objections thereto which were presented by any person showing cause as to why the Petition should not be granted.

f. Pursuant to C.R.S. § 31-25-1220, if the change of boundaries does not adversely affect the district and if the petition is granted, the governing body shall adopt an ordinance to that effect.

g. On November 6, 2023, the Town Council, following notice and hearing, failed to adopt Ordinance No. 13.111.1, Series of 2023, A Bill for an Ordinance Approving the Exclusion of Certain Property from the Boundaries of the Downtown Parker Business Improvement District and Making Findings Related Thereto, on a vote of 2-4.

h. On November 6, 2023, the Town Council unanimously voted to direct the Town Attorney to draft findings consistent with the failure to adopt Ordinance No. 13.111.1.

Section 2. Conclusions.

a. The Town Council concludes that granting the Petition to change the boundaries of the BID will adversely affect the BID.

1) The Town Council received evidence that the BID’s operating budget anticipates a mill levy of up to 8 mills (subject to voter approval), and with an assessed value of \$1,306,060, the estimated taxes payable to the District by the property that is petitioning to be excluded from the BID are \$10,448.48 per year.

2) The Town Council received evidence that the total proposed annual budget of the BID for 2024 is \$150,000 and the total anticipated mill levy revenue for 2024 is \$114,000, representing approximately 9% of the mill levy revenue received by the BID, on an annual basis.

3) The Town Council finds there was competent evidence in the record to support a finding that the exclusion of the Property from the BID will adversely affect the BID.

Section 3. Order of the Town Council.

Applying the findings of fact and conclusions contained herein, the Town Council hereby determines that, in accordance with C.R.S. § 31-25-1220, the Petition should not be granted as it will adversely affect the BID. As a result, the Petition is denied.

IT IS FURTHER ORDERED that a copy of this Order shall be mailed or delivered to the Petitioner.

PARKER TOWN COUNCIL

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk



Request for Town Council Action

Date: December 4, 2023
Submitted By: Chris Vanderpool, Town Clerk
Reviewed By: Michelle Kivela, Town Manager
Title: **A MOTION TO CANCEL THE DECEMBER 18, 2023 TOWN COUNCIL MEETING DUE TO A LACK OF TOWN COUNCIL BUSINESS**
Department: **Town Council**

EXECUTIVE SUMMARY

There are no items scheduled on the December 18, 2023 Town Council agenda, so there is no reason to hold a meeting.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

There are no items currently set on the December 18, 2023 Town Council agenda. Staff recommends canceling this meeting date.

FINANCIAL IMPACT

None.

STRATEGIC GOAL(S)



ATTACHMENTS

None

RECOMMENDED MOTION

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



Request for Town Council Action

Date: December 4, 2023

Submitted By: Patrick Burke, Project Engineer

Reviewed By: Michelle Kivela, Town Manager

Title: **ORDINANCE NO. 9.364 - First Reading**
A Bill for an Ordinance to Approve the Intergovernmental Agreement
By and Between the Town of Parker and the State of Colorado Acting
By and Through the Colorado Department of Transportation
Concerning Parker Road Multiuse Path Pine Drive to Stroh Road
(Project # CRP M039-010 (25906) (OLA # 331003196, Routing No. 24-
HA1-XC-00224)
Department: Engineering and Public Works, Patrick Burke
Second January 2, 2024
Reading:

EXECUTIVE SUMMARY

The purpose of the attached ordinance is to approve the Intergovernmental Agreement (IGA) with the Colorado Department of Transportation to receive partial construction funding for the Parker Road Multiuse Path – Pine Drive to Stroh Road project.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The Town of Parker is proposing to construct two segments of trail/sidewalk on the east side of Parker Road where there are currently gaps in the sidewalk. The first segment consists of a multi-use trail between Pine Drive and the existing multi-use trail that terminates at the Town of Parker open space property near the Pine Bluffs neighborhood. The second segment consists of a multi-use trail between the existing trail fronting the Big Tool Box property, crossing J. Morgan Blvd., and then connecting to the existing multi-use trail just south of Robinson Ranch.

Through the Denver Regional Council of Governments (DRCOG), the Town was approved to receive partial state/federal multi-modal funding for construction of this trail/sidewalk and pedestrian bridge. An IGA with CDOT is required to receive these funds. The proposed IGA is for direct construction funding being reimbursed up to \$3,596,000. The Town will be required to fund the remaining \$1,404,000 of the estimated \$5,000,000 direct construction cost. The funding cannot be used for non-direct construction expenses such as design, materials testing or construction administration and the Town will be responsible for these costs.

The Town's consultant is just starting to work on preliminary design for this section of trail/sidewalk and pedestrian bridge. The Town is intending to competitively bid and award the construction contract in early 2025 with construction occurring during the 2025 construction season. Recently, the Town has successfully completed other trail/sidewalk projects along Parker Road with similar funding and IGAs with CDOT including a section on the west side of Parker Road between Twenty Mile Road to Hess Road.

FINANCIAL IMPACT

As with any new sidewalk and bridge construction, long-term maintenance should be anticipated. Given typical use and proper initial construction, the sidewalk/bridge should last for 30 years. Snow removal is not typically the Town's responsibility unless the Town is the adjacent property owner. While a portion this sidewalk will be on CDOT property, CDOT does not own or maintain sidewalks and the Town will be responsible for any damage and/or replacement.

STRATEGIC GOAL(S)



PROMOTE A SAFE AND
HEALTHY COMMUNITY



SUPPORT AN
ACTIVE COMMUNITY



ENHANCE ECONOMIC
VITALITY

ATTACHMENTS

1. Ordinance No. 9.364

RECOMMENDED MOTION

I move to approve Ordinance No. 9.364 on first reading and to schedule second reading for January 2, 2024, as part of the consent agenda.

ORDINANCE NO. 9.364, Series of 2023

TITLE: A BILL FOR AN ORDINANCE TO APPROVE THE INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE TOWN OF PARKER AND THE STATE OF COLORADO ACTING BY AND THROUGH THE COLORADO DEPARTMENT OF TRANSPORTATION CONCERNING PARKER ROAD MULTIUSE PATH PINE DRIVE TO STROH ROAD (PROJECT # CRP M039-010 (25906) (OLA # 331003196, ROUTING NO. 24-HA1-XC-00224)

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

Section 1. The Town Council of the Town of Parker hereby approves the Intergovernmental Agreement By and Between the Town of Parker and the State of Colorado Acting By and Through the Colorado Department of Transportation Concerning Parker Road Multiuse Path Pine Drive to Stroh Road (Project # CRP M039-010 (25906) (OLA # 331003196, Routing No. 24-HA1-XC-00224), 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 _____, 2023.

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2024.

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk

APPROVED AS TO FORM:

Kristin Hoffmann, Town Attorney



Request for Town Council Action

Date: December 4, 2023
Submitted By: Brett Collins, Projects Administrator
Reviewed By: Michelle Kivela, Town Manager
Title: **RESOLUTION NO. 23-089**
A Resolution to Adopt the Administrative Policy for the Naming or Renaming of Parks, Trails, Open Space and Recreational Facilities
Department: Parks, Recreation and Open Space, Brett Collins

EXECUTIVE SUMMARY

The 1991 Naming of Parks, Open Space and Recreational Facilities Administrative Policy needs to be updated. Resolution No. 23-089 adopts the revised policy.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

In 1991, the Town Council, through the Parks and Recreation Commission, created an administrative policy to name parks, open spaces and recreational facilities. The policy is still in effect and needs to be updated to provide a process for naming new parks, trails, open spaces and facilities that will be built in the future.

Currently, seven new Town-owned community parks are proposed for the Trails at Crowfoot, Tanterra and Looking Glass developments that will need to be named along with any other park property acquired in the future.

Parks staff revised the outdated 1991 policy to better align with the current trends and what other similar agencies are doing.

The PROS Commission reviewed the proposed changes at their August 29, 2023 meeting and staff incorporated the comments received into the revised policy.

The Town Council reviewed the proposed changes at their November 13, 2023 Study Session, and staff incorporated the comments received into the revised policy.

The proposed changes to the 1991 policy are:

Title

- The title of the new policy was updated to: Naming or Renaming of Parker Parks, Trails,

Open Space and Recreational Facilities.

General Procedures

- We have updated the PROS Commission name and park site.
- The title status of the property was deleted.

Name Selection Guidelines:

- The section title was updated to “Name Selection Process.”
- Creeks and streams were added to geographic features.
- The Park Project Manager will make a name recommendation to the PROS Commission for consideration instead of citizen requests.
- Petitions from citizens were deleted.
- Written requests from citizens were deleted.
- Requests from person(s) who donate property or who monetarily matches the Town of Parker’s investment were deleted.
- "Other, as determined by a majority of the PRC or its subcommittee", was deleted.
- A review and recommendation by the Parker Historical Society and Parker Douglas County Library were added for historic events.

Classifications:

- The “classifications” section was renamed to “Name Selection Process”
- The naming of parks, trails, open spaces and facilities after a person was deleted.
- A community input process option was added.
- Names will be submitted through the Park Project Manager for approval by Town Council was added.
- An option for renaming a park site was added.

FINANCIAL IMPACT

N/A

STRATEGIC GOAL(S)



SUPPORT AN
ACTIVE COMMUNITY

ATTACHMENTS

1. Resolution No. 23-089

RECOMMENDED MOTION

I move to approve Resolution No. 23-089, as part of the consent agenda.

RESOLUTION NO. 23-089, Series of 2023

TITLE: A RESOLUTION TO ADOPT THE ADMINISTRATIVE POLICY FOR THE NAMING OR RENAMING OF PARKS, TRAILS, OPEN SPACE AND RECREATIONAL FACILITIES

WHEREAS, at the May 6, 1991, Town Council meeting, the Town Council of the Town of Parker adopted the Administrative Policy Naming of Parks, Open Space and Recreational Facilities (the “1991 Policy”);

WHEREAS, the 1991 Policy has not been reviewed and amended since 1991;

WHEREAS, the Parks, Recreation and Open Space Director has reviewed the 1991 Policy and determined that certain updates are necessary to provide reference to the Parks, Recreation, and Open Space Advisory Commission (the “PROS Commission”), which considers and recommends names of parks, trails, open space, and recreational facilities to Town Council, and to otherwise revise the 1991 Policy as set forth herein; and

WHEREAS, the Town recognizes the need to ensure that the 1991 Policy reflects the Town’s current process for naming Town facilities, including by recognizing the role of the PROS Commission, and detailing guidelines for name selection that adhere to contemporary standards.

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 adopts the revised Administrative Policy for the Naming or Renaming of Parks, Trails, Open Space and Recreational Facilities, which is attached hereto as **Exhibit 1**.

RESOLVED AND PASSED this _____ day of _____, 2023.

TOWN OF PARKER, COLORADO

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk

EXHIBIT 1

ADMINISTRATIVE POLICY FOR THE NAMING OR RENAMING OF PARKER PARKS, TRAILS, OPEN SPACE AND RECREATIONAL FACILITIES

1. **Purpose**

To provide a uniform policy for naming or renaming Town-owned parks, trails, open space and recreational facilities, including all buildings, hereinafter referred to as "park site."

2. **General Procedures**

A. The Parks, Recreation and Open Space Advisory Commission, hereinafter referred to as PROS Commission, will consider the use of the park site and make its recommendation to the Town Council. If the park site is to be recommended for naming, the PROS Commission shall, by majority vote, recommend a name for such park site to the Town Council for consideration based upon this Policy.

3. **Name Selection Process**

- A. The Parks, Recreation and Open Space Department's Park Project Manager will make a park site naming recommendation to the PROS Commission.
- a. Park site names will be based on the following:
1. Location or geographic features: Natural phenomena, rivers, recognizable areas, neighborhoods, or descriptive names.
 - In order for names relating to the location or geographic features to be considered, they shall be named for the area in which it is located or for geographical features in that area.
 2. Historic events.
 - If a name is submitted for Historical significance, the Parker Area Historical Society and the Parker Douglas County Library will be asked to review and make a recommendation as to the name submitted.
- B. The PROS Commission may choose to seek community input through various community engagement channels on the name recommendation or initiate a process to name a park site based on community input.
- C. The PROS Commission will submit the park site name to the Town Council for approval through the Park Project Manager.

The criteria set forth herein shall have no bearing or effect on park sites presently existing in the Town of Parker except in the case of a proposed park site name change. This Policy shall become effective and binding upon the Town of Parker and the Parker Parks, Recreation, and Open Space Advisory Commission as soon as it has been formally adopted by the majority of the members of that Commission and the Town Council. This Policy and Procedure shall continue in effect regardless of member changes in the PROS Commission or the Town Council but may be amended or revoked at any time by a majority vote of the Town Council.



Request for Town Council Action

Date: December 4, 2023

Submitted By: Mary Colton, Parks and Recreation Director

Reviewed By: Michelle Kivela, Town Manager

Title: **RESOLUTION NO. 23-096**
A Resolution Consenting to the Dissolution of the Rueter-Hess Recreation Authority

Department: Parks, Recreation and Open Space, Mary Colton

EXECUTIVE SUMMARY

The final step in the dissolution of the Rueter-Hess Recreation Authority (the "Authority") is the approval of Resolution No. 23-096 which confirms that the members entered into an Intergovernmental Agreement (the "IGA") on April 27, 2023, dissolving the Authority and establishing the Douglas County Board of County Commissioners as the Managing Jurisdiction of Recreation Operations and Management for the Rueter-Hess Reservoir. Upon Town Council approval, the dissolution of the Recreation Authority is effective December 31, 2023. If a majority of members pass a resolution approving the dissolution of the Authority, it will be effective December 31, 2023.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

On August 27, 2015, the Town entered into an Intergovernmental Agreement with Douglas County, Parker Water and Sanitation District ("PWSD"), the City of Castle Pines, the City of Lone Tree, and the Town of Castle Rock (the "Members") to establish the Rueter-Hess Recreation Authority (the "Establishing IGA"). However, the Members determined that the current management was insufficient to provide the level of public access to the Reservoir's recreation facilities necessary to meet demand. The Members therefore agreed to dissolve the Authority, terminate the Establishing IGA, and enter into a new IGA establishing Douglas County as the "Managing Jurisdiction" for the reservoir.

On March 20, 2023, Town Council approved Ordinance No. 9.356 on second reading to proceed with the dissolution of the Rueter-Hess Recreation Authority. On April 27, 2023, the Members entered into an IGA where members agreed to terminate the Establishing IGA, dissolve the Authority effective December 31, 2023, and transfer the Authority's property to the Managing Jurisdiction. As the final step in the process, the Members must consent to the dissolution of the Authority and termination of the Establishing IGA effective December 31, 2023.

FINANCIAL IMPACT

None

STRATEGIC GOAL(S)



SUPPORT AN
ACTIVE COMMUNITY



PROMOTE A SAFE AND
HEALTHY COMMUNITY



INNOVATE WITH
COLLABORATIVE
GOVERNANCE

ATTACHMENTS

1. Resolution No. 23-096

RECOMMENDED MOTION

I move to approve Resolution No. 23-096, as part of the consent agenda.

RESOLUTION NO. 23-096, Series of 2023

**TITLE: A RESOLUTION CONSENTING TO THE DISSOLUTION OF THE RUETER-
HESS RECREATION AUTHORITY**

WHEREAS, the Parker Water and Sanitation District, Douglas County, the City of Castle Pines, the City of Lone Tree, the Town of Parker, and the Town of Castle Rock (collectively, the “Members”) entered into that certain Intergovernmental Agreement Establishing the Rueter-Hess Recreation Authority on August 27, 2015 (the “Establishing IGA”), which established the Rueter-Hess Recreation Authority (the “Authority”);

WHEREAS, Section 7.2 of the Establishing IGA provides that a majority of the Members may terminate the Establishing IGA by mutual agreement, subject to the condition that the powers granted to the Authority under the Establishing IGA shall continue to the extent necessary to make an effective disposition of the property, equipment and facilities under the Establishing IGA;

WHEREAS, the Members entered into that certain Intergovernmental Agreement Dissolving the Rueter-Hess Recreation Authority and Establishing the Douglas County Board of County Commissioners as the Managing Jurisdiction of Recreation Operations and Management of Rueter-Hess Reservoir on April 27, 2023 (the “Dissolving IGA”);

WHEREAS, Section 1.2 of the Dissolving IGA provides that the Members agree to terminate the Establishing IGA and dissolve the Authority effective as of December 31, 2023, and transfer the Authority’s property to the Managing Jurisdiction; and

WHEREAS, the Town Council is supportive of the dissolution of the Authority and consents to the dissolution of the Authority and the termination of the IGA, effective December 31, 2023.

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 adopts as findings and determinations the recitals stated above.

Section 2. The Town Council hereby consents to the termination of the IGA and the dissolution of the Authority, effective December 31, 2023.

Section 3. The Town Manager and the Town Attorney are authorized and directed to take any and all actions necessary or appropriate to effectuate the provisions of this Resolution for the dissolution of the Authority.

RESOLVED AND PASSED this _____ day of _____, 2023.

TOWN OF PARKER, COLORADO

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk



Request for Town Council Action

Date: December 4, 2023
Submitted By: Carrie Glassburn, Cultural Director
Reviewed By: Michelle Kivela, Town Manager
Title: **PACE PA System Replacement CIP Project**
Amount: **\$185,360.32**
Contractor: **Clearwing Systems Integration**
Department: **Cultural, Carrie Glassburn**

EXECUTIVE SUMMARY

The PACE Center was not originally designed to house the larger national musical acts which have since become a mainstay of the Parker Arts presented season. Without the proper acoustic equipment, the sound reverberates, negatively impacting the sound quality and clarity. As a result, there have been numerous complaints from patrons about the poor sound quality.

After an extensive RFP process, staff has selected Clearwing Systems Integration to replace the inadequate sound system.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The audio system in the PACE Center Theater falls short of original specifications and does not meet the needs of current national touring artist contract riders. The room is too reverberant for amplified performances, reducing sound clarity and intelligibility. The most frequent complaint that staff received via patron surveys is poor sound quality.

To address this issue, Parker Arts worked with Theatre Projects, an acoustics consultant, to put out an RFP to replace the audio system. This includes the replacement of: speaker cabinets, rigging hardware, amplifiers for speaker cabinets, processing equipment for the system, and miscellaneous equipment necessary to install and integrate the equipment listed. The RFP was released in September 2023, and six qualified audio companies submitted proposals.

The consultant, along with members of the Parker Arts team, carefully reviewed and scored the proposals based on set criteria including firm and team experience, project approach and schedule, warranty of work, and overall costs. Clearwing Systems Integration was selected unanimously as the most qualified, and was awarded the project.

FINANCIAL IMPACT

The total project cost is \$185,360.32, which had been previously budgeted for and approved in the 2023 Cultural CIP budget.

STRATEGIC GOAL(S)



ENHANCE ECONOMIC
VITALITY



FOSTER COMMUNITY
CREATIVITY AND
ENGAGEMENT

ATTACHMENTS

None

RECOMMENDED MOTION

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



Request for Town Council Action

Date: December 4, 2023
Submitted By: Jim Gilbert, Deputy Director of Operations
Reviewed By: Michelle Kivela, Town Manager
Title: **Snow Mitigation Material - Additional Purchase**
Amount: **\$100,000**
Contractor: **GMCO Corp.**
Department: **Engineering and Public Works, Jim Gilbert**

EXECUTIVE SUMMARY

The Engineering and Public Works Department is requesting authorization to purchase solid deicing material from GMCO Corp., utilizing a Colorado Department of Transportation (CDOT) contract award. Funding for this additional purchase of granular material is currently allocated in the approved 2023 Budget for the Streets division. The source of the funding is through consolidation of other line-item savings within the Streets budget.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

Public Works is responsible for removal of snow and ice from Town streets. This operation requires the use of deicing materials to aid in removing snow and ice from the street surface. GMCO Corp. distributes a solid granular material that is currently more cost-effective than their competitors. GMCO Corp. has a Colorado Department of Transportation (CDOT) award resulting from a bid process conducted by CDOT. This purchase will provide an additional 742 tons of material for use during snow events this season.

The Streets maintenance budget has savings in several accounts which, when consolidated, provide the needed funding for this additional purchase of granular material. Several adjustments to the Levels of Service in snow mitigation efforts have required additional material to be used during snow events. In order to continue to meet expectations, it is necessary to increase the amount of material on hand.

FINANCIAL IMPACT

Funding for the purchase of the deicing material has been appropriated in the 2023 Engineering & Public Works Streets Division General Fund account.

STRATEGIC GOAL(S)



SUPPORT AN
ACTIVE COMMUNITY



PROMOTE A SAFE AND
HEALTHY COMMUNITY

ATTACHMENTS

None

RECOMMENDED MOTION

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



Request for Town Council Action

Date: December 4, 2023

Submitted By: Rhonda Willey, Controller

Reviewed By: Michelle Kivela, Town Manager

Title: **Sales and Use Tax Auditor Contract**

Amount: **\$99,744 Year 2**
\$524,982 Full Contract Amount Including Year 1 and Option Years 2-5

Contractor: **Revenue Recovery Group**

Department: **Finance, Rhonda Willey**

EXECUTIVE SUMMARY

This agenda item is for the approval to renew the agreements with Revenue Recovery Group to assist the Sales Tax Department with sales and use tax audits.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

This agreement is to assist the Sales Tax Department with sales and use tax audits. The original agreement was approved at the September 19, 2022 Council meeting. Revenue Recovery Group provides the following services:

- Assist with the selection of potential audits.
- Prepare and submit an annual audit plan for review and approval by the Town.
- Perform sales and building use tax audits to determine the compliance with the Town's sales and use tax code.
- Provide a technical review of all audits prior to the submission to the Town.
- Provide comprehensive and defensible audit reports, work papers, correspondence, filings, analysis and calculations pertaining to the errors identified in the audit.
- Provide support, as needed, to the Town for taxpayer negotiations and protested assessment hearings.

FINANCIAL IMPACT

Year 1: \$94,992

*Option Year 2: \$99,744

Option Year 3: \$104,724

Option Year 4: \$109,968

Option Year 5: \$115,464

*This item is for Option Year 2 of the agreement.

STRATEGIC GOAL(S)



ENHANCE ECONOMIC
VITALITY

ATTACHMENTS

None

RECOMMENDED MOTION

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



Request for Town Council Action

Date: December 4, 2023
Submitted By: Carrie Glassburn, Cultural Director
Reviewed By: Michelle Kivela, Town Manager
Title: **Professional Services Agreement Annual Contract Review**
Amount: **Not to exceed \$288,900**
Contractor: **Evolution Agency, LLC, d/b/a Lasso Digital**
Department: **Cultural, Carrie Glassburn**

EXECUTIVE SUMMARY

This agenda item is to approve the Second Amendment to the Agreement for Professional Services with Lasso Digital, the media agency of record for Parker Arts. This will be the second option year of our marketing and media services contract, which commenced in January 2022.

The total budget impact of this contract for 2024 will not exceed \$288,900. The amount will be divided among digital, social, print, and broadcast media as well as public relations and other media/marketing tactics as approved by the Cultural Marketing staff. The budget includes a 15% agency fee, which continues to be standard for the industry and has been a part of all previously approved marketing and media services contracts.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

Lasso Digital, formerly Evolution, has been placing media for the Cultural Department since 2016. At the conclusion of their first contract, and after another competitive procurement process, Lasso was awarded a new, one-year contract beginning in January 2022 that includes four option years.

As the Town and surrounding areas continue to grow, keeping top-of-mind awareness is key, so staff is recommending renewing the Town's current contract with Lasso Digital in 2024 by an amendment. Lasso Digital continues to assist Parker Arts in building and maintaining brand awareness and getting new patrons into our facilities. Our combined media efforts with Lasso Digital, along with other marketing and advertising efforts, will help achieve that goal.

FINANCIAL IMPACT

The 2024 budget for Lasso Digital will not exceed \$288,900, which is a 7% increase over 2023 marketing expenses. These expenses have been accounted for in the approved 2024 Cultural budget.

STRATEGIC GOAL(S)



ENHANCE ECONOMIC
VITALITY



FOSTER COMMUNITY
CREATIVITY AND
ENGAGEMENT

ATTACHMENTS

None

RECOMMENDED MOTION

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



Request for Town Council Action

Date: December 4, 2023

Submitted By: Mary Colton, Parks and Recreation Director

Reviewed By: Michelle Kivela, Town Manager

Title: **RESOLUTION NO. 23-091**
A Resolution to Appoint Members to the Parker Parks, Recreation and Open Space Advisory Commission and to Appoint a Chair
Department: Parks, Recreation and Open Space, Mary Colton

EXECUTIVE SUMMARY

The initial one-year term of two Parks, Recreation and Open Space (PROS) Commissioners, Andrei Teudean and Austin Craddock, expire in December 2023, creating two vacant positions. After conducting four interviews for the two positions, Andrei Teudean and Michael Doyle are being recommended for approval by the Town Council for a three-year appointment to the PROS Commission. Heather Bennett is recommended to continue as the chair.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

In December 2022, the Town Council approved the seven (7) member Parks, Recreation and Open Space (PROS) Commission. Two of the Commission members, Andrei Teudean and Austin Craddock were serving an initial one-year term, and those terms expire in December-2023. Subsequent terms after the initial staggered terms are for three (3) years. The open positions were advertised by the Parks and Recreation Department and a total of four (4) individuals applied. Commission member Austin Craddock did not reapply to continue serving. The interview panel consisted of Josh Rivero, Todd Hendreks and staff members Brenda Mooney and Mary Colton, but only Todd and Mary were able to attend the interviews held on October 8.

Based on the interviews, it was unanimous that Andrei Teudean and Michael Doyle would best represent the PROS Commission and are being recommended for the two positions with three (3) year appointments. Michael Doyle has been a resident of Parker for several years and will be the newest member of the Commission. Heather Bennett has done an outstanding job as Chair and will continue in that role pending Council's appointment.

The terms of the PROS Commissioners are summarized below:

1. Appointment of two (2) regular Parker Advisory Commission members for a term up to and including December 31, 2024.
 - a. Toby Levy
 - b. Candace Sotwick
2. Appointment of three (3) regular Parker Advisory Commission members for a term up to and including December 31, 2025.
 - a. Heather Bennett -- Chair
 - b. Matthew Lunn
 - c. Jody Walker
3. Appointment of two (2) regular Parker Advisory Commission members for a term up to and including December 31, 2026 (Current recommendation to Town Council for approval on 12/4).
 - a. Michael Doyle
 - b. Andrei Teudean

FINANCIAL IMPACT

None.

STRATEGIC GOAL(S)

SUPPORT AN
ACTIVE COMMUNITY



FOSTER COMMUNITY
CREATIVITY AND
ENGAGEMENT



PROMOTE A SAFE AND
HEALTHY COMMUNITY

ATTACHMENTS

1. Resolution No. 23-091

RECOMMENDED MOTION

I move to approve Resolution No. 23-091, as part of the regular agenda.

RESOLUTION NO. 23-091, Series of 2023

TITLE: A RESOLUTION TO APPOINT MEMBERS TO THE PARKER PARKS, RECREATION AND OPEN SPACE ADVISORY COMMISSION AND TO APPOINT A CHAIR

WHEREAS, the term of two (2) members of the Parker Parks, Recreation and Open Space Advisory Commission (the “Advisory Commission”) expires on December 31, 2023;

WHEREAS, the Town Council of the Town of Parker desires to appoint two (2) regular members to the Advisory Commission; and

WHEREAS, the Town Council desires to appoint Heather Bennett as the Chair of the Advisory Commission.

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 appoints two (2) regular members to the Parker Parks, Recreation and Open Space Advisory Commission for the terms specified in **Exhibit A**, which is attached hereto and incorporated by this reference.

Section 2. The Town Council hereby appoints Heather Bennett as the Chair of the Advisory Commission.

RESOLVED AND PASSED this _____ day of _____, 2023.

TOWN OF PARKER, COLORADO

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk

EXHIBIT A

1. Appointment of two (2) regular Parker Advisory Commission members for a term up to and including December 31, 2024.

- a. Toby Levy
- b. Candace Sotwick

2. Appointment of three (3) regular Parker Advisory Commission members for a term up to and including December 31, 2025.

- a. Heather Bennett
- b. Matthew Lunn
- c. Jody Walker

3. Appointment of two (2) regular Parker Advisory Commission members for a term up to and including December 31, 2026.

- a. Michael Doyle
- b. Andrei Teudean



Request for Town Council Action

Date: December 4, 2023

Submitted By: Ashley Chasez, Planner I
John Fussa, Community Development Director

Reviewed By: Michelle Kivela, Town Manager

Title: **ORDINANCE NO. 3.74.4 - Second Reading**
A Bill for an Ordinance to Amend Section 13 of the Crown Point Center Development Guide Third Amendment Titled “Crown Point Center Development Plan,” Pursuant to the Parker Land Development Ordinance
Department: Community Development, Ashley Chasez

EXECUTIVE SUMMARY

The applicant, Ryan Companies, has submitted a rezoning application for the Crown Point Center Planned Development (PD) to permit assisted living with memory care as a use permitted by right at a property located in the Commercial/Office/Hotel District of the PD. This District is intended primarily for intensive commercial development and permits shopping centers, retail stores, offices, restaurants and hotels. Consistent with this, the District does not permit assisted living as a use by right, although the opportunity for this use exists in an adjacent district within the Crown Point Center PD and at the existing Pine Grove Crossing assisted living development located a short distance away on Cottonwood Drive. The subject property is located in the Crown Point Center PD south of E-470 and east of Parker Road at the roundabout where Crown Crest Boulevard and Cottonwood Drive converge.

LDO Criteria for Review

The Town Council, in reviewing the rezoning application, shall consider the following criteria in making its decision:

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 degree necessary due to the impacts created by the proposed land

uses.

STAFF RECOMMENDATION

Deny

BACKGROUND/DISCUSSION

Summary of Proposal

The applicant, Ryan Companies, has submitted a rezoning application for the Crown Point Center PD as described in the Executive Summary. The applicant proposes to rezone by expanding Planning Area 6b, which is included in the Commercial/Office/Research and Development District, to include the subject property, which is located in Planning Area 2b, which is part of the existing Commercial/Office/Hotel District. Planning Area 6b, as part of the Commercial/Office/Research and Development District, permits assisted living use whereas the existing zoning for Planning Area 2b, which is the Commercial/Office/Hotel District, does not permit assisted living, but rather is limited to intensive commercial development. The applicant has proposed the rezoning through a revision to the Crown Point Center Development Plan that would allow a proposed residential development on the subject property that includes independent living, assisted living and memory care components.

Site Conditions and Context

The subject property is located in the Crown Point Center PD south of E-470, east of Parker Road and on the southeast side of the roundabout where Crown Crest Boulevard and Cottonwood Drive converge. The property is currently undeveloped and the proposed rezoning affects an area of approximately 5.6 acres. It is located in a well-established commercial center and is bordered by undeveloped land to the east; restaurants, a gas station/convenience store and a child care center to the west; Lifetime Fitness to the north; and an office building, restaurant and hospital to the south. The property has frontage upon two (2) major roads, a high visibility corner location, multiple points of access and is served by existing utility infrastructure that is supportive of future commercial use and development.

Discussion of Proposal

The intent of the proposed rezoning application is to amend the uses permitted by right on the subject property to include assisted living and memory care facilities. The proposed rezoning would increase the total area of Planning Area 6b, the Commercial/Office/Research and Development District, by approximately 5.6 acres and decrease the total area of Planning Area 2b, the Commercial/Office/Hotel District, by an equivalent amount (pp. 40, 37 of attached PD Guide). Both Planning Areas permit a broad range of commercial uses on a use permitted by right basis, as well as certain medical uses. The Commercial/Office/Hotel District permits uses that include but are not limited to: shopping centers, retail stores, offices, restaurants, hotels and certain medical uses. In contrast, the Commercial/Office/Research and Development District permits commercial uses that generate primary employment and may complement the medical district around AdventHealth Parker Hospital, such as research and development centers, as well as education and training facilities.

Staff Review and Comments

Staff has reviewed the proposed rezoning application for compliance with the nine (9) criteria for approval of this type of application required by the Municipal Code and has determined that it does not satisfy the following criteria:

- **Criterion #1, A Need Exists for the Proposal:** The Town of Parker is home to a large number of senior residents and that population is projected to increase in the future. However, there are currently multiple sites located within the Crown Point Center PD and elsewhere in Town that already permit assisted living and memory care use. Staff review indicates that there are more than 10 assisted living facilities within the Parker area, including six (6) in the Town. This includes the existing Pine Grove Crossing assisted living development less than one-quarter (1/4) mile from the subject property within Planning Area 6b of the PD. Further, the greater need is to retain the opportunity for retail, office, hotel and business service uses specified in the existing Crown Point Center PD as part of the overall, master planned development. This is particularly the case when there are other sites in the Town with existing zoning that already permit assisted living and memory care use. It is worth noting that there are also several properties within the adjacent Commercial/Office/Research and Development District (Planning Areas 3-4 and 6a-6b) that already permit assisted living and memory care as a use permitted by right, thereby providing an opportunity for this type of development.
- **Criterion #2, The Particular Parcel of Ground is Indeed the Correct Site for the Proposed Development:** The subject property is located at a prominent, high-visibility crossroads within the Crown Point Center PD. The existing, well-established PD zoning has designated the subject property for intensive commercial use, including, but not limited to: shopping centers, retail stores, offices, restaurants, hotels and certain medical uses that align with the Parker 2035 Master Plan. The rezoning of the property to permit an assisted living and memory care facility, which is residential in character, is not consistent with the intent or objectives of the PD nor the Parker 2035 Master Plan. Related, the Town Council has already provided an opportunity for assisted living and memory care use in the Crown Point Center PD through: (1) its 2013 approval of a “Uses not Itemized” application to permit an assisted living and memory care development called Pine Grove Crossing in the adjacent Commercial/Office/Research and Development District (Planning Areas 3-4 and 6a-6b) and, (2) its 2014 rezoning approval to permit assisted living and memory care use in the entirety of the adjacent Commercial/Office/Research and Development District (Planning Areas 3-4 and 6a-6b). The intent of this action was to permit the opportunity for assisted living and memory care use in the Crown Point Center PD on a *limited* basis while preserving the opportunity for more intensive commercial use in planning areas (and sites) such as the subject property that are more suitable for the development of retail, offices, restaurants, hotels and certain medical office uses. As such, the Crown Point Center PD already permits assisted living and memory care uses as a use by right in the adjacent Commercial/Office/Research and Development Districts (Planning Areas 3-4 and 6a-6b).
- **Criterion #4, There have been Significant Changes in the Area to Warrant a Zone Change:** The subject property and the surrounding areas have been designated by the

Parker 2035 Master Plan as a Medical District within the E-470 Corridor Character Area. The Medical District within the E-470 Corridor Character Area has been developed in accordance with the Master Plan vision and land use policies intended to promote a regional center at Crown Point that is a retail shopping destination, primary employment hub and node for medical services. The existing development within this area includes large format retail, specialized retail, restaurants, entertainment, services, hotels and a hospital as was originally planned and zoned by the Town. The Crown Point Center PD also permits a limited residential component that has been fully developed with the Stone Canyon Apartments on Cottonwood Drive to the east of the subject property. The staff analysis is that the Crown Point Center PD has been developing and is almost fully built-out in a manner consistent with the adopted PD zoning and Parker 2035 Master Plan without significant changes that would warrant a rezoning.

- **Criterion #8, The Proposal is Consistent with the Town Master Plan, Maps, Goals and Policies:** The subject property and surrounding areas are located within the Medical District that is contained within the E-470 Corridor Character Area of the Parker 2035 Master Plan. The intent of the E-470 Medical District focuses on primary employment and state-of-the-art medical care, preventative health care, and wellness. The Master Plan identifies and recommends the appropriate land uses in this area as: hospitals, medical offices, health care clinics/facilities, rehabilitation centers and hotels. It also recommends retail use as appropriate when it supports the aforementioned principal uses and is ancillary in size, scale and purpose. From a planning and zoning perspective, the requested assisted living and memory care uses are considered residential in nature and classified as a residential use that is not consistent with the Parker 2035 Master Plan commercial designation for the area in question. The proposed rezoning application does not align with the Master Plan vision or goals and recommendations and the proposed uses are more appropriate at another location in Town where the Master Plan and existing zoning already permit them.

The complete staff analysis and the applicant's responses are available in the attached Planning Commission staff report.

Planning Commission Review

The Planning Commission held a public hearing on November 9, 2023 about the proposed rezoning application and voted 5 - 1 to recommend that the Town Council deny the rezoning application.

FINANCIAL IMPACT

None

STRATEGIC GOAL(S)

None

ATTACHMENTS

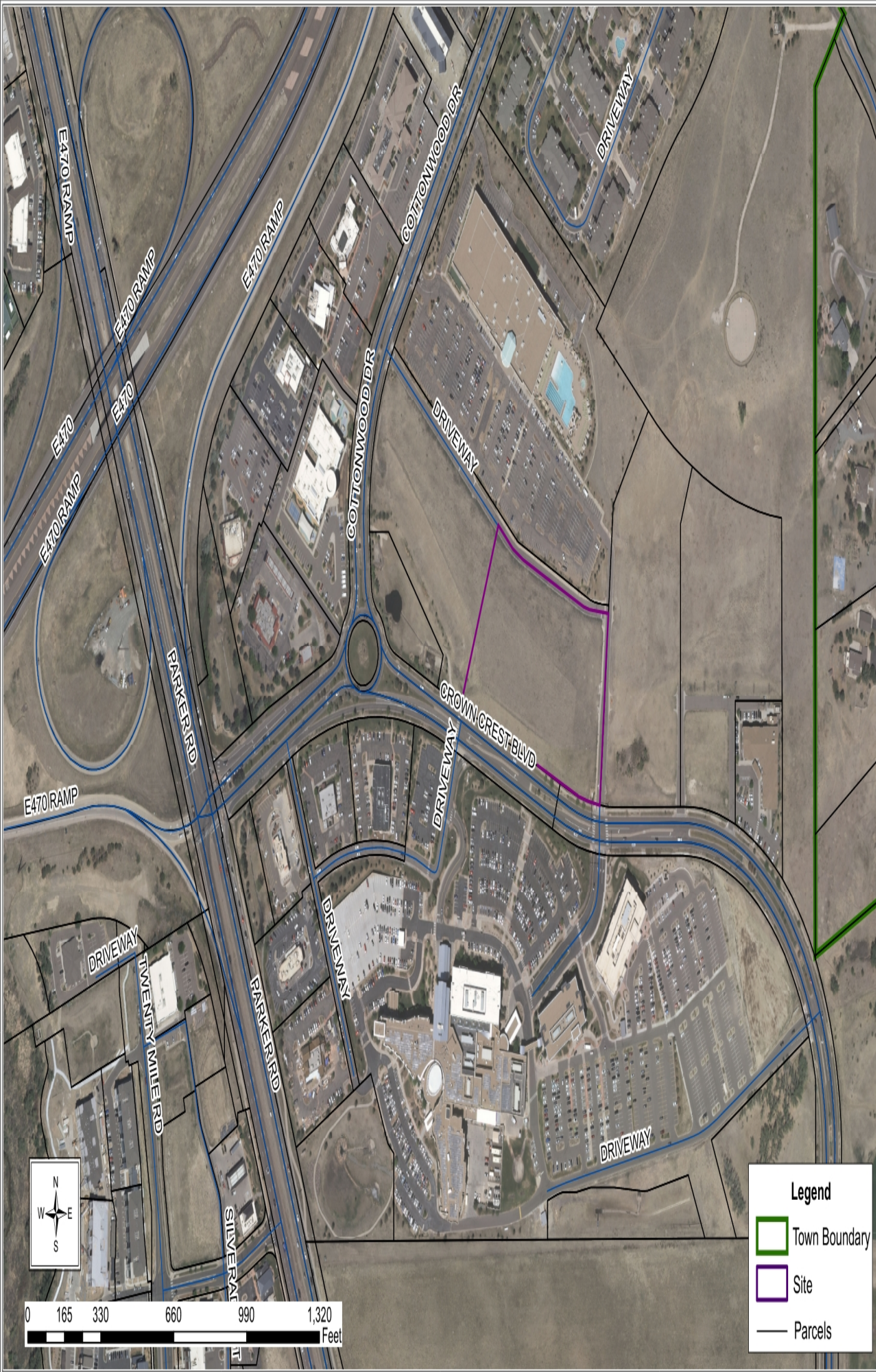
1. Vicinity Map
2. Z23-005 PC Staff Report
3. Crown Point Center PD AMD 4-Development Plan
4. Ordinance 3.74.1 3rd Amendment to the Crown Point Development Guide

5. Ordinance No. 3.74.4

RECOMMENDED MOTION

I move to deny Ordinance 3.74.4 on second reading and to direct the Town Attorney to draft findings consistent with this denial for consideration by the Town Council at the meeting on January 16, 2024.

Z23-005 PD Amendment
Crown Point Center PD AMD 4 - Assisted Living
Vicinity Map





Planning Commission Staff Report

Planning Commission Date: 11/9/2023

Town Council Date: 12/4/2023

Hearing Type: Public Hearing
Crown Point Center PD AMD 4 – Assisted Living
TRAKiT No.: Z23-005

Location: 9284 CROWN CREST BLVD

Project Planner: Ashley Chasez, Planner I

Applicant: Ryan Companies

Executive Summary: The applicant, Ryan Companies, is proposing to amend the Crown Point Center Planned Development (PD) Map to expand Planning Area 6B to allow for Assisted Living and Memory Care Facilities. The site is located southeast of Parker Road and E-470.

Staff Recommendation: Denial

RECOMMENDED MOTION

“I move the Planning Commission recommend Town Council deny the Crown Point Planned Development 4th Amendment as the request does not meet the following approval criteria:”

- A need exist for the proposal
- The particular parcel of ground is indeed the correct site for the proposed development.
- There have been significant changes in the area to warrant a zone change
- The proposal is consistent with the Town Master Plan, maps, goals, and policies.

ALTERNATIVE MOTIONS

“I move the Planning Commission recommend Town Council approve the Crown Point Planned Development 4th Amendment.”

“I move the Planning Commission recommend Town Council approve the Crown Point Planned Development 4th Amendment, subject to the following conditions:”

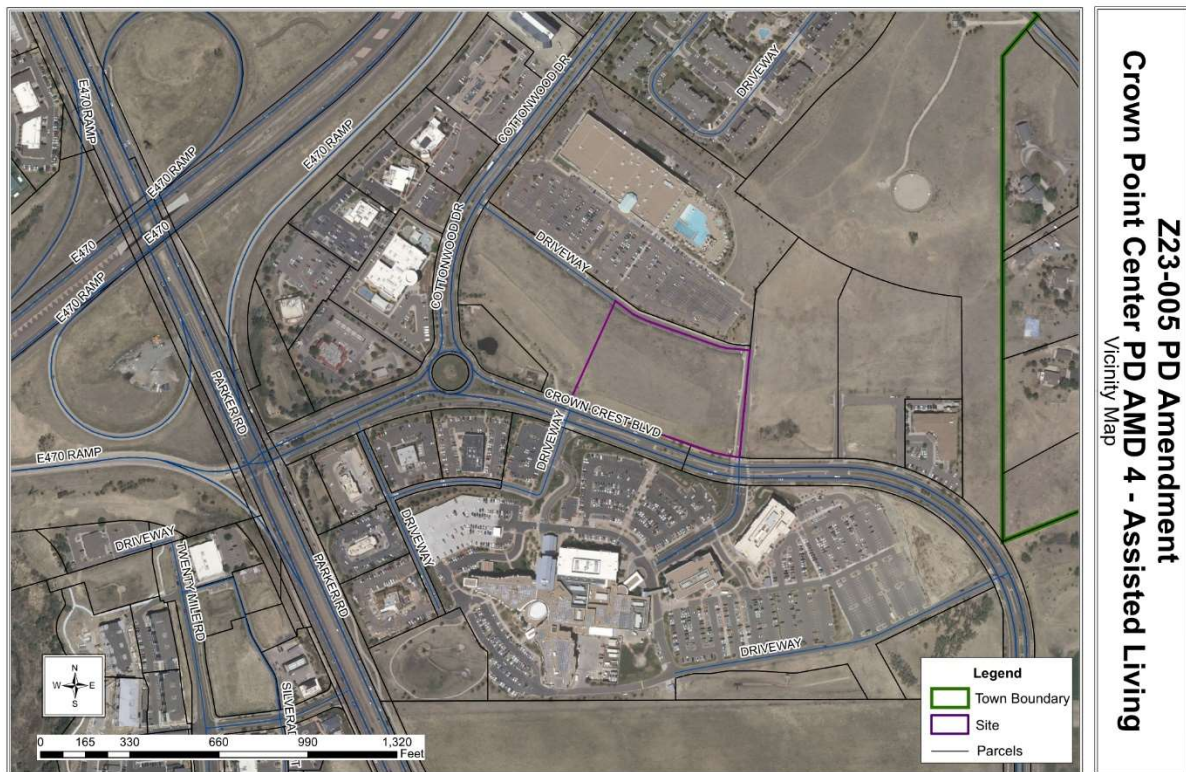
- List proposed conditions

“I move the Planning Commission vote to continue the Crown Point Planned Development 4th Amendment to a future date.”

I. BACKGROUND/DISCUSSION

The applicant, Ryan Companies, is applying for an amendment to the Crown Point Planned Development. The application is requesting to expand Planning Area 6b Commercial/Office/Research and Development District of the Crown Point Planned Development (PD) with the intent of changing the permitted use of the property to include assisted living and memory care facilities. The PD Amendment would increase the acreage of Planning Area 6b Commercial/Office/Research and Development District (Page 40 of the PD Guide attached) and decrease the acreage of Planning Area 2b Commercial/Office/Hotel District (Page 37 of the PD Guide attached) by approximately 5.56 acres. Both planning areas allow for many commercial uses as a use by right as well as medical uses. The Commercial/Office/Hotel District's permitted uses include but are not limited to shopping centers, hotels and motels, public facilities and other uses that support the medical district. On the other hand, the Commercial/Office/Research and Development district allows for more employment and medical support oriented commercial uses such as research and development centers as well as wholesale establishments. The applicant has proposed the PD map amendment to accommodate a proposed residential development that includes independent living, assisted living and memory care campus.

Currently, the 5 acres that is proposed to change planning areas is vacant and is adjacent to Crown Crest Boulevard, an important collector road in this major commercial and employment development. Crown Point is situated on the corner of Parker Road (CO-83) and the major toll road Highway E-470 and is planned, zoned and platted to be a major employment and commercial crossroad for the Town and region.



II. PRIOR ACTIONS

Date	Action
December 4, 1989	Crown Point PD was approved by the Town
September 18, 2000	Crown Point Filing No. 1 (first plat).
August 7, 2001	Crown Point PD 2 nd Amendment was approved by the Town
December 14, 2006	Crown Point Filing No. 1 Amendment No. 11 (current plat)
May 28, 2013	Crown Point PD 3 rd Amendment was approved by the Town

III. CURRENT SITE DATA

Existing Zoning	PD – Planned Development		
Overlay District	N/A		
PD & Plan Area	Crown Point 3RD AMD		
Master Plan Area	Medical		
Site Acreage	5.56		
Subdivision	Crown Point Filing No. 1, Amendment No. 11		
Existing Use	Vacant		
Surrounding Uses			
	Master Plan Land Use	Zoning	Existing Use
North	Medical	PD – Planned Development	Commercial/ Health Club
South	Medical	PD – Planned Development	Commercial/ Hospital
East	Medical	PD – Planned Development	Commercial/ Vacant
West	Regional Commercial Retail	PD – Planned Development	Commercial/ Restaurant

IV. PARKER 2035 MASTER PLAN

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

MASTER PLAN CONSISTENCY	
Master Plan Designation	Medical & E-470 ☐ Consistent ☒ Inconsistent
Master Plan Character Discussion	E-470: Corridor E-470 is a toll highway that acts as an eastern beltway for the Denver Metropolitan Region. This beltway, which bisects Parker near its northern boundary, connects the Town to the regional transportation network and provides easy access to the Denver International Airport. The location of this highway through Town allows for higher intensity uses without significantly impacting our transportation system or the character of our community.

	Medical District: Located at the eastern most end of the emerging E-470 medical corridor, the Parker Adventist Hospital and the supporting uses serve as an anchor and catalyst for this Character Area. The Character Area will focus on state of the art medical care, preventative health care and wellness to create an industry synergy that ensures a successful business environment. Appropriate uses include hospitals, medical offices, health care clinics and facilities, rehabilitation centers and hotels. Retail uses are appropriate where they provide an ancillary service in size, scale and purpose to the medical uses.
Consistent Goals/Strategies	Housing 4.A Housing 4.C
Inconsistent Goals/Strategies	Land Use 1.C Land Use 1.E Land Use 1.J Land Use 1.L Housing 4.B
Staff Analysis	The Town of Parker's Master Plan deems the area in which the amendment is proposed as a part of the E-470 corridor and more specifically within in the E-470 Medical District Character Area. The Medical District focuses on state of the art medical care, preventative health care and wellness. Appropriate land uses include; hospitals, medical offices, health care clinics and facilities, rehabilitation centers and hotels. Retail uses are appropriate when they provide ancillary services in size, scale and purpose. The proposed use for the property in question that is driving the PD amendment, while providing supporting uses to its residents, is a residential land use. Residential uses are not consistent within and the Medical District Character Area. There are other zoned properties within the Crown Point PD and within the E-470 corridor that allow for this use. In addition, there are other Master Plan character areas that would support zoning that would allow for the proposed use. Based on this analysis, staff has determined that the request is not consistent with the Parker 2035 Master Plan.

V. OTHER MASTER PLANNING DOCUMENTS

OTHER PLANNING DOCUMENTS CONSISTENCY	
Other Planning Documents	Parker Road Corridor Plan
Consistency Review	☐ Consistent ☒ Inconsistent ☐ N/A
Staff Analysis	The Parker Road Corridor Plan is a document that functions as a roadmap that coordinates both the Town's and CDOT's policies and programming for future land development approvals and transportation investments. This Plan was created to aid Town staff with difficult zoning challenges, guide the creation of new development standards as well as assist other land use goals. This Plan lays out a guideline that helps guide development along the Parker Road Corridor. Within the land use chapter of the Plan, it is stated that the future land goals for the corridor are commercial in nature rather than the current suburban character. One of the key takeaways of the Parker Road Corridor is to encourage commercial nodes along Parker Road. The proposed zoning change directly conflicts with the Parker Road Corridor's goal as it will be allowing residential uses into a major commercial hub along Parker Road.

DEVELOPMENT POTENTIAL			
Provisions	As recommended by the Master Plan	Proposed	Analysis
Units Per Acre	Residential uses are not recommended by the Master Plan within this character area.	The applicant is proposing to rezone the property to allow for assisted living and memory care facilities which are residential land uses.	☐ Consistent ☒ Inconsistent ☐ No Change ☐ N/A
Allowed Uses	Medical district and Commercial hub	Assisted living and memory care facilities	☐ Consistent ☒ Inconsistent ☐ No Change
Height/Stories	N/A. The Master Plan does not speak to height.	60ft – with exceptions	☐ Consistent ☐ Inconsistent ☒ N/A
Staff Analysis	The proposed property is located within the E-470 Corridor and Medical District Character Areas which plan for and recommend that area as a major commercial, employment and medical district. The applicant is proposing a change to the Crown Point Planned Development by moving the boundary of Planning Area's 6b and 2b.		

	This amendment would remove the 5-acre property from its current Planning Area, 2b, and include it in Planning Area 6b. The proposed amendment would change the allowed uses on the property as well as height restrictions. The applicant is proposing this change to the PD to allow for assisted living and memory care facilities as a use by right for the property. The Crown Point PD created planning areas within the overall PD to support development and uses that align with the Master Plan and meet Town goals. The proposed change would allow for a residential use to be located at a key location within a major commercial development in an area that the zoning has planned and reserved for medical, employment and supportive uses. Based on this analysis, staff has determined that the request is not consistent with the Parker 2035 Master Plan.
--	--

VI. ACCESS, CIRCULATION & TRAFFIC ANALYSIS

Vehicular access for the site will be provided by Crown Crest Boulevard on its south side and by a private access road to the north and east sides of the property.

VII. APPROVAL CRITERIA

Title 13.04.240.f. Approval Considerations for Rezoning Requests:

1. A need exists for the proposal.

Applicant First Submittal:

As discussed in further detail earlier in this Written Narrative, the Town acknowledges the importance of providing housing for an aging population throughout the Master Plan. A guiding principle of the Master Plan includes providing residential opportunities “that will allow people to live in Parker throughout their lives” (p. 5.4). In addition, “Douglas County will see one of the highest percentage increases in people over 65” and that providing housing in order to allow them to stay in the community is important to the Town (p. 8.6). Therefore the need for the development of additional senior living opportunities is fully demonstrated by the Master Plan, and indeed the changing demographics within the community.

The Project will provide senior living that will include both independent and assisted living, as well as memory care, which will implement the vision for the Medical District and the “emerging E-470 medical corridor” (Master Plan, p. 6.7). By providing health care and wellness for the various needs and stages of residents as they age, the Project will allow residents to continue to live in the Town throughout their lives.

Indeed, it has been determined, based upon a preliminary market analysis of the senior living options in Parker and the surrounding area, that local senior living facilities have high occupancy rates. These high occupancy rates indicate the need for additional senior living options within Parker and the surrounding area.

The Town will also benefit from the Project by allowing an underutilized vacant parcel of land that is largely surrounded by development to be put into use. Adding a senior living community to the area will contribute economically to the community.

Second Submittal:

As discussed in further detail in the written narrative provided with the First Submittal, the Town acknowledges the importance of providing housing for an aging population throughout the Master Plan. A guiding principle of the Master Plan includes providing residential opportunities “that will allow people to live in Parker throughout their lives” (p. 5.4). In addition, “Douglas County will see one of the highest percentage increases in people over 65” and that providing housing in order to allow them to stay in the community is important to the Town (p. 8.6). Therefore, the need for the development of additional senior living opportunities is fully identified by the Master Plan, and the changing demographics within the community.

The Property is located within the Medical District Character Area of the Master Plan (the “Medical District”), and the Project will implement the vision for the Medical District and the “emerging E-470 medical corridor” by providing senior living options that will include both independent and assisted living, as well as memory care (Master Plan, p. 6.7). By providing assisted living opportunities proximate to the E-470 medical corridor, the Project will allow residents to continue to live in the Town throughout their lives and access healthcare and services in a convenient, accessible way. Indeed, it has been determined, based upon a preliminary market analysis of the senior living options in Parker and the surrounding area demographics conducted by MDS Research Company, Inc. in December 2022 (the “Market Analysis”), that there is a growing need for this type of development.

Currently, the 75+ age group makes up 4.9% of the population in the primary market area (Denver Aurora-Lakewood), and this age group is expected to increase by 32% over the next five years.

Additionally, adult children (ages 55-64) currently make up 12.7% of the population, increasing to 12.9% over the same five-year period, while the national trend is on a decline. The market study confirmed that there are only three communities that offer IL, AL and MC together within the primary market area. The newest community in the market, Gardens Care Senior Living (2021), is a small AL/MC community that offers care in a home-type setting. These existing communities have high occupancy rates, with 98% for IL, 89.4% for AL and 86.1% for MC. These high occupancy rates indicate the need for additional senior living options within Parker and the surrounding area.

The Town will further benefit from the Project by allowing an underutilized vacant parcel of land that is largely surrounded by development to be put into use. The Project will help broaden the variety of options to live a healthy and active lifestyle in Parker and will further bolster the availability of quality healthcare for Parker residents close

to home (Master Plan, p. 11.11). Adding a senior living community to the area will contribute economically to the community. The Project is projected to create between 150 and 175 jobs, which includes 10 department leaders with employees that bring various culinary, nursing, hospitality, sales, environmental and maintenance, office and senior life enrichment type educations and backgrounds to the area.

Staff Analysis:

The property is subject to the Crown Point PD. Under the Crown Point PD, the property is part of an overall plan that includes 272 acres, divided into three permitted use districts, “to assure that the Crown Point Center grows as a comprehensively planned development with adequate provisions for orderly development and improvement of the property....” Moreover, the Crown Point PD “is intended to accommodate a mix of commercial, office, hotel, research and development, residential, open space/buffer, and recreational land uses,” to the extent permitted, as part of a comprehensively planned development.

The Crown Point PD limits permitted uses in the Commercial/Office/Hotel District to shopping centers, hotels and motels, public facilities, and other uses that support the Medical District designated in the Town Master Plan. Residential uses, including assisted living and memory care facilities are not permitted uses in this use district. The property occupies a key location within a major commercial development that does not include residential, but rather is limited to medical, employment and supportive uses. Allowing residential uses on the property will reduce the inventory of land within Commercial/Office/Hotel District needed for commercial development as part of this comprehensively planned development and in accordance with the Town Master Plan for the Medical District.

While the Town of Parker is home to a large number of senior residents, and that number is going to increase in the coming years, there currently are sites located within this PD and elsewhere in Town that already allow for assisted living and memory care facilities. In fact, there are currently over 10 assisted living facilities within the Town including one within planning area 6b of the Crown Point PD. Furthermore, the greater need is to retain the property for the uses specified in the Crown Point PD as part of this comprehensively planned development, particularly when there are other sites available throughout the Town to accommodate assisted living and memory care facilities.

Based on this analysis, staff believes that this criterion cannot be satisfied.

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

Applicant First Submittal:

The development of the Property for senior living will be a natural transition from the commercial services provided to the west to the low-density residential that exists within unincorporated Douglas County to the east. In addition, providing residential opportunities for senior living near the surrounding commercial uses will allow the

Town to meet Goal 4 under Chapter 8 of the Master Plan by allowing independent living and services for the elderly by enabling easy access to meet every day needs.

Additionally, the Property is directly across from the Parker Adventist Hospital campus, which includes a variety of health services. The Project's proximity to this medical campus is compatible with the proposed use of the site and will provide access to services for those that may require them.

Applicant Second Submittal:

As previously stated in the First Submittal, the Property is the appropriate location for the Project. The Property consists of approximately 5 acres of the eastern portion of the Overall Property, and therefore only approximately 50% of the Overall Property is proposed for a change of zoning to the C-O-RD District, or Planning Area 6b. See Figure 1. This will allow the remaining portion of the Overall Property, which is in closer proximity to existing development and the core of the Crown Point Development, to develop for a permitted use under the C-O-H District in the future.

Additionally, the Review Comments acknowledge the Property is directly adjacent to a property to the east that is located within the C-O-RD District, or Planning Area 6b, within which assisted living is a permitted use (the "Adjacent Property"). Extending the C-O-RD District to the Property would not interfere with consistency in surrounding development and use. There is no meaningful distinction between the



Figure 1: Depicts the approximate portion of the Overall Property to be developed for the Project, with the western portion of the Overall Property remaining vacant for future development.

Property and the Adjacent Property, including visibility to the entrance of the Crown Point Development, general size, access, configuration, and designation within the General Land Use Plan of the Master Plan. Both the Property and Adjacent Property are designated within the Medical District. Based on the Town's recognition in the Review Comments that an assisted living use is appropriate at the Adjacent Property, an assisted living use is consistent with the Medical District. See Figure 2. Therefore, the Project is an appropriate and correct site for a senior living community that provides independent and assisted living, as well as memory care services.

As stated in the First Submittal, the development of the Project will allow a natural transition from the commercial services provided to the west to the low-density residential that exists within unincorporated Douglas County to the east. This complies with the Master Plan's strategy that encourages transitions between different land uses and intensities (p. 6.3). The Project aligns with the Master Plan's focus on creating a community for a diversity of residents. For example, the 2005 outreach process as part of the Master Plan identified the need to create a "community for our whole lives" (p. 3.6). This includes creating a "full service" community with a broad range of services and housing opportunities. The Master Plan also encourages land uses that create a sense of community among those who work, live and play within appropriate neighborhoods (p. 6.3). The Project will be proximate to a number of commercial services, as well as the fitness facility directly to the north. The Master Plan states that the Town is encouraged to "promote a healthy community through site design that



Figure 2: Depicts the adjacent property's designation within the Medical District and Planning Area 6b of the PD Plan. Note that the image shows an overlay of the current PD Plan map over the Town's Master Plan map, and that the planning area boundaries vary slightly.

encourages active living” (p. 11.15). The Project location near commercial services, medical services, as well as the fitness center, will allow independent living and services for the elderly by enabling easy access to everyday needs, which is an identified goal of the Master Plan (p. 8.8).

It also includes locating “more intensive uses at Parker’s center and along major highway corridors so that single-family neighborhoods on the periphery retain their family orientation, appearance, and protected open space” (p. 3.6), as well as an emphasis to “locate higher residential densities in specific and appropriate areas” (p. 8.7). By locating this higher density use within close proximity to the of E-470 and South Parker Road, and away from the lower density uses to the east, it ensures that single-family neighborhoods in the area will maintain their character, as reflected as a desired outcome in the Master Plan.

Notably, the General Land Use Plan, which is an important element of the Master Plan, is “focused primarily on the physical form and development pattern of the Town” (p. 6.4). The proposed use for an assisted living and memory care community, while not commercial in nature, is consistent with a number of the building forms that are permitted under C-O-H District. For example, the planned four story community for assisted living and memory care would be similar in form to a hotel, and would therefore contribute to the desired appearance for the entrance of the Crown Point Development. As a result, the Town’s desired building form for this location, as evidenced by the General Land Use Plan, would be enhanced by rezoning the Property to the C-O-RD District.

The 2005 outreach process as part of the Master Plan identified a desire among citizens for “balancing the pace of development” (p. 3.6). Support was expressed for directing and timing growth so that the Town can provide supporting services and improvements to match expectations of maintaining the high quality of life (p 3.6). A goal of the Master Plan also states that “growth shall be appropriately directed and site-planned to sustain our community’s needs as we grow” (p. 6.3). The Property has been vacant for a number of years, despite its proximate access to services and improvements within the Town. In fact, the Master Plan directs the Town to “encourage and support the quality renovation and reuse of under-utilized parcels and buildings” (p. 9.10). Development of the Project will ensure that the Town develops in a logical, balanced manner by putting a vacant lot within an existing subdivision into use, while also meeting the needs of the community by providing housing and services to an aging demographic.

The Master Plan identifies a strategy that encourages the development of land use patterns that are compatible with and support a variety of transportation opportunities and/or choices (p. 6.3) and encourages a “variety of housing densities in close proximity to employment centers along the E-470 Corridor, around commercial areas and near transit centers” (p. 8.8). The Property is located less than a quarter mile from an RTD bus stop that is served by Route 4831 and has the potential to provide residents without access to a vehicle with public transportation services throughout the Denver metro area. In addition, the Property is in close proximity to the E-470 and South Parker Road intersection, which will provide convenient access for residents and visitors of

the Project.

Staff Analysis:

The proposed property is located at a key location within the Crown Point Development. The existing Crown Point PD has designated this property for commercial uses including but not limited too: hospitals, hotels, restaurants, shopping centers which aligns with the Parker 2035 Master Plan. The rezoning of this property to allow for an assisted living and memory care facility, a residential use, is not consistent with the intent of the existing PD's construction nor with the Parker 2035 Master Plan. In addition, the Crown Point Planned Development guide was amended in 2014 by a "Uses not Itemized" request to allow for assisted living and memory care facilities in portions of the Crown Point Planned Development guide that are further away from the commercial center of the PD. The PD allows for assisted living and memory care facilities as a use by right on properties within the PD that are designated in the Commercial/Office/Research and Development Planning Areas. One such location is located directly to the east of the proposed lot. Staff believes that the lot located to the east, where assisted living and memory care facilities are a permitted use, is a correct location for the proposed use. This key commercial location within the development is not the correct location.

The PD zoning for Crown Point, which is binding on current and future owners, has determined the correct sites for assisted living and memory care facilities through the establishment of planning areas, which sites do not include the particular parcel for the proposed development. The applicant is responsible under the Parker Land Development Ordinance for developing the particular parcel in accordance with the overall plan and the applicant as a future owner is required to develop the particular parcel in accord with the Crown Point Center Development Guide (the "Guide"). The Guide specifically provides that "once the Development Guide is approved and recorded by the Town of Parker, all current and future owners and their assigns are required to develop their property in accordance with the Development Guide." Here, the particular parcel is located in the Commercial/Office/Hotel District. Assisted living and memory care facilities are not listed as a use permitted by right or by use permitted by special review in the Commercial/Office/Hotel District. However, assisted living and memory care facilities are listed as a use permitted by right in other Districts of the Crown Point Development Plan, which contain the correct sites for this type of facility.

The Town of Parker's Master Plan also lists as one of its goals and strategies, "Integrate senior housing into neighborhoods to promote opportunities for intergenerational connection and continuum of care for the elderly." There are other open lots available in the Crown Point Planned Development area that allow for the described use that are closer to other residential communities.

The use described by the applicant's project narrative is not consistent with the basic requirements and characteristics of Crown Point's Commercial/Office/Hotel District. The uses permitted by right encourage and promote more robust, revenue generating commercial uses and employment centers along the E-470 corridor. Additionally, the Master Plan states, "Primary uses appropriate along the E-470 include: employment centers (professional and corporate offices and light industrial uses), regional retail,

and service centers; a hospital and a higher education campus.” The assisted living and memory care use described in the project is residential in nature with few employment or economic benefits.

In conclusion, the proposed use is not the correct site, and an opportunity exists for the proposed use to be located elsewhere.

Based on this analysis, staff believes that this criterion cannot be satisfied.

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

The purpose of this application is not to correct an error in the original zoning; therefore, this factor is not applicable.

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

Applicant First Submittal:

The market need for commercial and office space has shifted significantly since the adoption of the Master Plan due to an increase in remote work and online shopping. However, the need for senior living opportunities remains. Therefore, re-designating the Property to the C-O-RD District in order to allow senior living and memory care will better accommodate the needs of the area as they exist today.

Applicant Second Submittal:

As discussed in the written narrative provided with the First Submittal, there are significant changes in the area that warrant the proposed zone change. In particular, the significant need for senior living options is identified throughout the Master Plan. It is important to note that the Master Plan states that it is “designed to be a living document that provides broad policy guidance” and that “making long range decisions means that issues need to be periodically readdressed to reflect new or emerging circumstances,” and that each succeeding Town Council has the discretion to reconsider long range policy decisions (p. 4.9). In fact, the Master Plan is intended to be a “broad and flexible document that changes to meet the community’s needs, conditions and direction of change” (p. 4.10). As previously mentioned, the projected 32% increase in the 75+ age group is a specific changing condition that the Master Plan’s vision was intended to address.

The Property has remained vacant despite its inclusion within the PD and prominent location within the Crown Point Development, which indicates that the demand for some of the particular uses identified under the C-O-H District, including, but not limited to, shopping centers, commercial retail and wholesale businesses, banks, financial institutions and services, commercial service businesses, hotels and motels, restaurants, offices, indoor theaters, educational and training related facilities, executive and caretaker residences, and hospitals and health care facilities, are not warranted by the market at this location within the development. As stated in the written narrative provided with the First Submittal, and acknowledged throughout the Master Plan, the need for senior living opportunities remains.

The Market Analysis determined that there is a sufficient need for additional senior living opportunities within the Parker area. The Market Analysis confirmed that there are only three (3) communities that offer IL, AL and MC together within the primary market area surrounding and including Parker, the newest being Legacy Village of Castle Pines which opened in 2018. The newest community in the market, Gardens Care Senior Living (2021), is a small AL/MC community that offers care in a home type setting. These existing communities have high occupancy rates with 98% for IL, 89.4% for AL and 86.1% for MC. The Master Plan also acknowledges throughout the document the significant need to provide a variety of senior housing opportunities, which will ensure that Douglas County can accommodate having one of the highest percentage increases in people over 65 (p. 8.6). Therefore, re-designating the Property to the C-O-RD District in order to allow senior living and memory care will better accommodate the present and future needs of the Town.

Staff Analysis:

The proposed property and surrounding areas have been designated by the Parker 2035 Master Plan as a Medical District within the E-470 Corridor Character Area. The Medical District within the E-470 Corridor Character Area has developed following the vision that the Master Plan intended to be a commercial and employment medical center within the Town and sub-region. Development within the PD includes the Parker AdventHealth hospital, medical office buildings, restaurants, hotels and other uses that support the medical center have developed as originally planned and zoned for. The Crown Point PD also contemplated multi-family residential, which was developed as planned away from key locations in the development.

There are also several properties within the PD that allow for assisted living and memory care facilities as a use by right due to the 2014 change to the PD.

In conclusion, there have not been significant changes in the area outside of that which was planned that would warrant a zone change.

Based on this analysis, staff believes that this criterion cannot be satisfied.

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

Applicant First Submittal:

A traffic circulation plan has previously been approved by the Town as part of the PD, and the roadways within the Crown Point Development have been constructed in conformance with the approved traffic circulation plan. The Project will not alter the overall traffic circulation plan as shown on the PD, and therefore traffic movement will not be impeded by the proposed development. Additionally, the Project will result in a reduced amount of traffic when compared to commercial uses that could otherwise be developed on the Property. Indeed, the Traffic Impact Study dated February 2023 that has been submitted with the PD Amendment, determined that traffic generated by the

Project is expected to create no negative impact to traffic operations for the existing and surrounding roadway system.

Applicant Second Submittal:

The Property is located within the E-470 Corridor Character Area, in addition to the Medical District of the Master Plan. The location of E-470 “allows for higher intensity uses without significantly impacting the transportation system or character area of the community” (p. 6.6). The close proximity to E-470 will ensure that the majority of traffic generated from the Project will be directed away from lower intensity uses within the Town, therefore ensuring that traffic movements will not be impeded from the proposed development.

In addition, a provision has been made for cross access easements for the benefit of the property over the private drives surrounding it.

Staff Analysis:

At the time of development, applicants are required to construct all warranted traffic mitigation improvements necessary for the development as identified within a traffic study for the property to ensure adequate circulation.

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

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

Applicant First Submittal:

The Project is part of the Crown Point Development, and the need for municipal services and related costs would have been assessed as part of the original approval of the PD. Municipal services required to directly serve the Property will be determined and finalized as part of the site plan review process with the Town. Any municipal service needs will also be offset through required fees and improvements as part of development of the Project.

Staff Analysis:

Any construction on the subject properties will be considered private and will be privately maintained.

As evidenced by the zoning and platting of this property, 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 can be met.

7. There are minimal environmental impacts can be mitigated.

Applicant First Submittal:

The Property is a portion of the overall Crown Point Development, and the environmental impacts would have been assessed as part of the original approval of the PD. Any environmental impacts from the Project will be determined and finalized as part of the site plan review process with the Town.

Staff Analysis:

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

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

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

Applicant First Submittal:

The PD Amendment is consistent with the Master Plan maps, goals, and policies, as discussed in further detail earlier in this Written Narrative. The Property's designation within the Medical District makes the proposed use as a senior living community both compatible and complementary to the surrounding area. The Medical District is intended to "focus on state of the art medical care, preventative health care and wellness to create an industry synergy that ensures a successful business environment" (Master Plan, p. 6.7).

The Project will locate residents in proximity to existing commercial, as well as to medical services in the surrounding area, thus creating the "industry synergy" that is envisioned by the Master Plan. In addition, the senior living community will include both independent and assisted living, as well as memory care. These services provide an important component to the vision for the Medical District by providing health care and wellness for the various needs and stages of residents as they age, as intended by the Master Plan.

Please reference the statement of consistency with the Master Plan discussion set forth earlier in this Written Narrative for additional detail on how the Project is consistent with the maps, goals, and policies of the Master Plan.

Applicant Second Submittal:

The PD Amendment is consistent with the Master Plan maps, goals, and policies, as discussed in further detail in the written narrative provided with the First Submittal. In addition to these previous comments, the proposed rezone to the C-O-RD District conforms to the Medical District designation of the Master Plan. The Property is directly adjacent to a property that is located within the C-O-RD District, which is also designated within the Medical District. This indicates that a change of zone of the Property to the C-O-RD District is consistent with the Medical District under the Master Plan.

Job creation is identified throughout the Master Plan as an important objective for the Town. During the Master Plan's 2012 outreach process, the community expressed a desire for the Town to create local quality jobs that pay a living wage, and particularly the expansion of health care industry jobs (p3.11). In addition, the Guiding Principles under the Master Plan acknowledge that the long-term economic well-being of the Town is fundamental to its future, and that the Town will encourage a variety of employment opportunities (p. 5.4). The Project includes both independent and assisted living, as well as memory care. These services provide an important component to the vision for the Medical District by providing health care and wellness for the various needs and stages of residents as they age, as intended by the Master Plan, and will allow the Town to provide these additional desired jobs.

As stated previously, and in the written narrative with the First Submittal, the Master Plan identifies the need for a variety of senior housing options as an important need for the community. Indeed, it states that the Town should "support the development of a full range of senior housing" (p. 8.7). In order to achieve this, the Master Plan encourages increased availability and integration of a "variety of housing that supports flexibility, mobility, independent living and services for the elderly" (p. 8.8).

The Property will allow residents to be integrated into the community by allowing for easy access to nearby commercial services, as well as provide mobility options due to the proximity to the E-470 and South Parker Road intersection and RTD transportation options. The Master Plan also seeks to integrate quality health care and needed facilities for all ages into the community (p. 11.15). Not only is the Property within close proximity to medical services that will serve residents of the Project, but the Project itself will provide needed assisted living and memory care services.

The Project is aligned with multiple 'Guiding Principles' by providing a housing choice that will allow people to live in Parker throughout their lives in addition to creating employment opportunities (Master Plan, p. 5.4). The addition of 'primary' jobs will benefit Parker where the majority of the job market is made up of 'secondary' jobs (Master Plan, p. 9.3). The Project will employ between 150 and 175 positions with various required education levels, etc. which will help reduce the migration of a highly educated workforce out of Parker.

Staff Analysis:

As detailed in Section IV. of this staff report, the property and surrounding areas are located within the Medical District within the E-470 Corridor Character Area of the Parker 2035 Master Plan. The intent of the E-470 Medical District focuses on state of the art medical care, preventative health care and wellness. Appropriate land uses include; hospitals, medical offices, health care clinics and facilities, rehabilitation centers and hotels. Retail uses are appropriate when they provide ancillary services in size, scale and purpose.

The proposed use of assisted living and memory care is classified as a residential use and is not consistent with the Town's Master Plan designation. The proposed use does not align with the goals and vision of the Master Plan as it is primarily residential and should be proposed for another location within Town.

In conclusion, the proposed use is not consistent with the Town's Master Plan as it is proposing a residential use in a heavily used commercial corridor.

Based on this analysis, staff believes that this criterion cannot be satisfied.

- 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 First Submittal:

Services were addressed as part of the original approval of the PD, and as set forth in Section 3 of the Plan. This includes applicable easements for water services, roadway easements and dedications for E-470 and South Parker Road (or State Highway 83), as well as payment for a portion for a signalized intersection at Cottonwood Drive and Parker Road. In addition, each planning area within the PD is required to provide a certain amount of landscaping and open space. As described earlier, any additional services required to serve the Property will be determined and finalized as part of the site plan review process with the Town.

Staff Analysis:

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

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

I. SUMMARY REFERRAL AGENCY COMMENTS AND CONDITIONS

Agency	Zoning Comments
Parker Engineering	No Comment
Aztec Consultants	Advisory Comments - Invoice
Parker Building	Advisory Comments - Building has no comment specific to the zoning request.
Fire Life Safety	Advisory Comments - Fire Life Safety as no issue specific to the zoning request
Douglas County Assessor's Office	No Comment
Douglas County Planning	No Comment
Douglas County School District	No Comment
Parker Police	No Comment
PSCO	Advisory Comments - PSCO has no objection to the proposed rezone contingent upon the district's ability to maintain all existing rights.
CORE	Approved
CenturyLink	No Comment
Comcast	No Comment
Cottonwood Water and Sanitation District	No Comment
RTD	No Comment
South Metro Fire	No Comment
Parker Recreation	No Comment

VIII. CONCLUSION

The requested PD amendment is proposing to expand Planning Area 6b Commercial/Office/Research and Development District of the Crown Point Planned Development (PD) with the intent of changing the permitted use of the property to include assisted living and memory care facilities.

Staff has reviewed the application to amend the Crown Point Planned Development as described herein and has determined that the proposed amendment does not satisfy the criteria contained in Section 13.04.240(b)(7)f of the Parker Municipal Code, and specifically finds:

- A need does not exist for the proposal
- The particular parcel of ground is not the correct site for the proposed development.
- There have not been significant changes in the area to warrant a zone change
- The proposal is not consistent with the Town Master Plan, maps, goals, and policies.

Based on the analysis contained in this staff report, staff recommends that the Planning Commission recommends Town Council deny the PD amendment request.

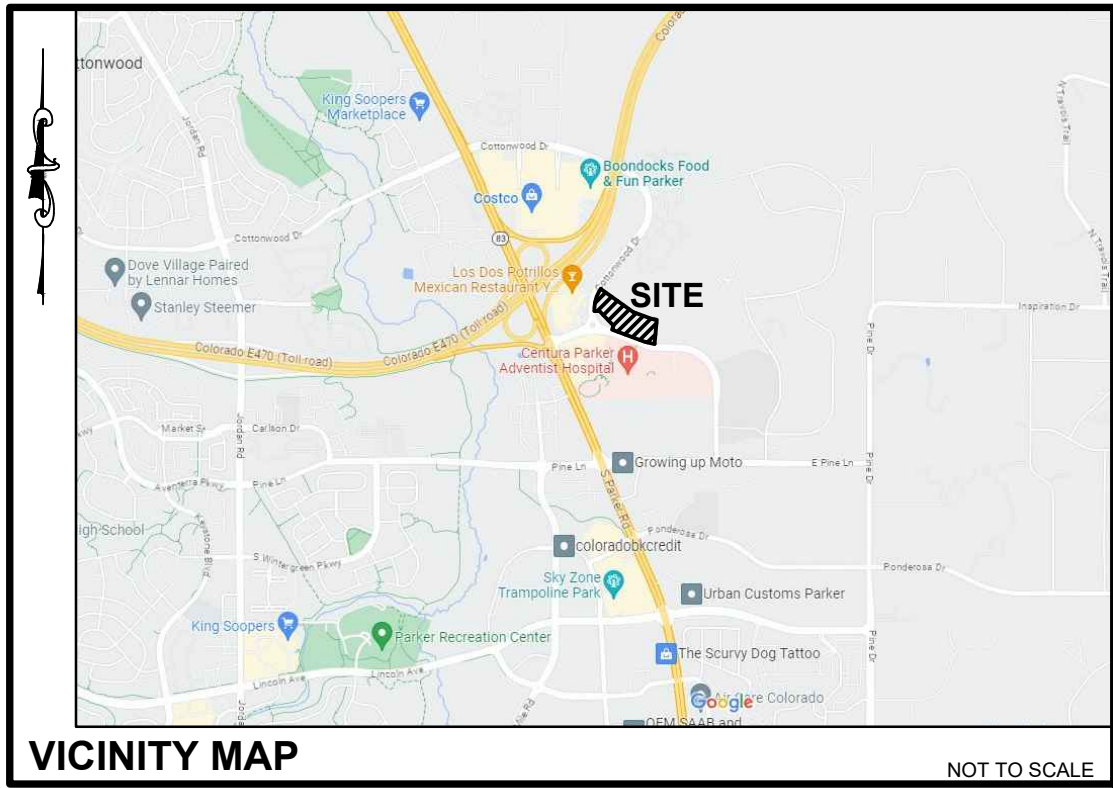
IX. ATTACHMENTS

1. Crown Point PD Guide
2. Rezoning Map

Report Approved By: Bryce Matthews, Assistant Director-Planning

CROWN POINT PLANNED DEVELOPMENT - 4TH AMENDMENT DEVELOPMENT PLAN

A PORTION OF LOT 2, BLOCK 1, CROWN POINT FILING 1, 11TH AMENDMENT,
SITUATED IN THE NW 1/4 OF SECTION 10, T.6S., R.66W. OF THE P.M.
TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO



LEGAL DESCRIPTION OF EXISTING PROPERTY:

LOT 2, BLOCK 1,
CROWN POINT FILING 1, 11TH AMENDMENT,
COUNTY OF DOUGLAS, STATE OF COLORADO.

LEGAL DESCRIPTION OF PROPERTY TO BE REZONED AS PLANNING AREA 6B:

A PORTION OF LOT 2, BLOCK 1, CROWN POINT FILING 1, 11TH AMENDMENT, SITUATED IN THE NORTHWEST 1/4 OF SECTION 10, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, TOWN OF CASTLE ROCK, COUNTY OF DOUGLAS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 2, SAID POINT BEING ON THE WEST LINE OF LOT 1 CROWN POINT F#1, 9TH AMENDMENT;

THENCE S05°31'11"W, COINCIDENT WITH THE WEST LINE OF SAID LOT 1, CROWN POINT F#1, 9TH AMENDMENT, A DISTANCE OF 422.47 FEET TO A POINT OF NON-TANGENT CURVE, SAID POINT BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF CROWN CREST BOULEVARD (96' WIDE PUBLIC RIGHT-OF-WAY);

THENCE COINCIDENT WITH SAID NORTHERLY RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES:

1. THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGEL OF 14°22'55", A RADIUS OF 622.00 FEET, AN ARC LENGTH OF 156.13 FEET, HAVING A CHORD BEARING N77°07'03"W WITH A CHORD DISTANCE OF 155.72 FEET;
2. THENCE N69°55'35"W A DISTANCE OF 490.44 FEET;

THENCE N20°11'53"E A DISTANCE OF 241.23 FEET;

THENCE N31°26'10"E A DISTANCE OF 191.22 FEET TO THE SOUTH LINE OF LOT 1, BLOCK 1, CROWN POINT FILING 1, 11TH AMENDMENT;

THENCE COINCIDENT WITH SAID SOUTH LINE THE FOLLOWING THREE (3) COURSES:

1. THENCE SOUTH 54°17'31"E A DISTANCE OF 69.31 FEET;
2. THENCE SOUTH 69°55'31"E A DISTANCE OF 338.72 FEET TO A POINT OF TANGENT CURVE;
3. THENCE ALONG SAID CURVE TO THE LEFT HAVING A CENTRAL ANGEL OF 14°32'52", A RADIUS OF 190.00 FEET, AN ARC LENGTH OF 48.24 FEET, A CHORD BEARING S77°11'57"E WITH A CHORD DISTANCE OF 48.11 FEET;
4. THENCE S84°28'23"E A DISTANCE OF 48.96 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 242,005 SQUARE FEET OR 5.55567 ACRES MORE OR LESS;

BEARINGS ARE BASED ON THE EAST LINE OF LOT 2, BLOCK 1, CROWN POINT FILING 1, 11TH AMENDMENT HAVING A MEASURED BEARING OF S05°31'11"W AND BEING BOUNDED BY A FOUND 1" BRASS CAP STAMPED "BOUNDARY BOYS" "PLS 32430" SET FLUSH IN ASPHALT ON THE NORTH END AND BY A FOUND NAIL AND 1" BRASS TAG STAMPED "ESC" "LS 38421" SET FLUSH IN ASPHALT ON THE SOUTH END.

OWNER OF PROPERTY TO BE REZONED:

LTF REAL ESTATE COMPANY, INC.
P (877)-241-8265

BY: _____
SIGNATURE

PRINTED NAME AND TITLE

NOTARY:

STATE OF _____)
COUNTY OF _____) SS

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

BY _____

WITNESS MY HAND AND OFFICIAL SEAL:

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

SURVEYOR'S CERTIFICATION:

I, JEFFREY A. MILLER, 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, IS IN ACCORDANCE WITH APPLICABLE STANDARDS OF PRACTICE AND IS NOT A GUARANTY OR WARRANTY. EITHER EXPRESSED OR IMPLIED, THIS MAP ACCURATELY DELINEATES THE PARCEL OF LAND TO BE ZONED IN THE TOWN OF PARKER, COLORADO.

JEFFREY A. MILLER
PROFESSIONAL L.S. NO. 38467
FOR AND ON BEHALF OF
ENGINEERING SERVICE COMPANY
Email: jeffm@engineeringserviceco.com

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

TOWN COUNCIL CERTIFICATE:

THIS DEVELOPMENT PLAN WAS APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PARKER ON THE _____ DAY OF _____, 20____, FOR THE PROPERTY DESCRIBED AS THE CROWN POINT PLANNED DEVELOPMENT. THE ZONING INFORMATION SHOWN HEREON WAS CONFIRMED WITH THE ADOPTION OF ORDINANCE NO. _____.

MAYOR, TOWN OF PARKER

ATTEST: TOWN CLERK

CLERK AND RECORDER'S CERTIFICATE:

STATE OF COLORADO)
COUNTY OF DOUGLAS) SS

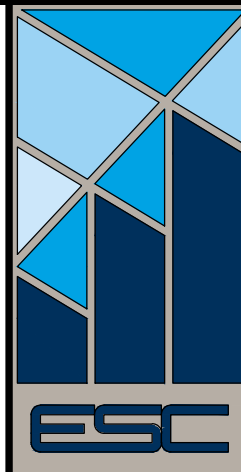
I HEREBY CERTIFY THAT THIS DEVELOPMENT PLAN WAS FILED IN MY OFFICE ON THIS _____ DAY OF _____, 20__ A.D.,

AT _____ M. AND WAS RECORDED AT RECEPTION NO. _____

COUNTY CLERK AND RECORDER

SHEET INDEX:

SHEET 1 - COVER SHEET
SHEET 2 - OVERALL CROWN POINT PLANNED DEVELOPMENT
SHEET 3 - PLANNING AREA 2B & 6B DETAIL (REVISION AREA)



14190 East Evans Avenue
Aurora, Colorado 80014
engineering@serviceco.com
P 303.337.1393
F 303.337.7481
T/F 1.877.273.0659

**ENGINEERING
SERVICE
COMPANY**
Creative Solutions Since 1954
CIVIL ENGINEERS & LAND SURVEYORS

Revisions:	Date:
ADDITIONS: TOWN COMMISSIONS	08/17/2023
REVISIONS: TOWN COMMISSIONS	08/17/2023

RYAN COMPANIES US, INC
533 SOUTH THIRD STREET SUITE 100
MINNEAPOLIS, MINNESOTA 55415
P (612) 482-4174

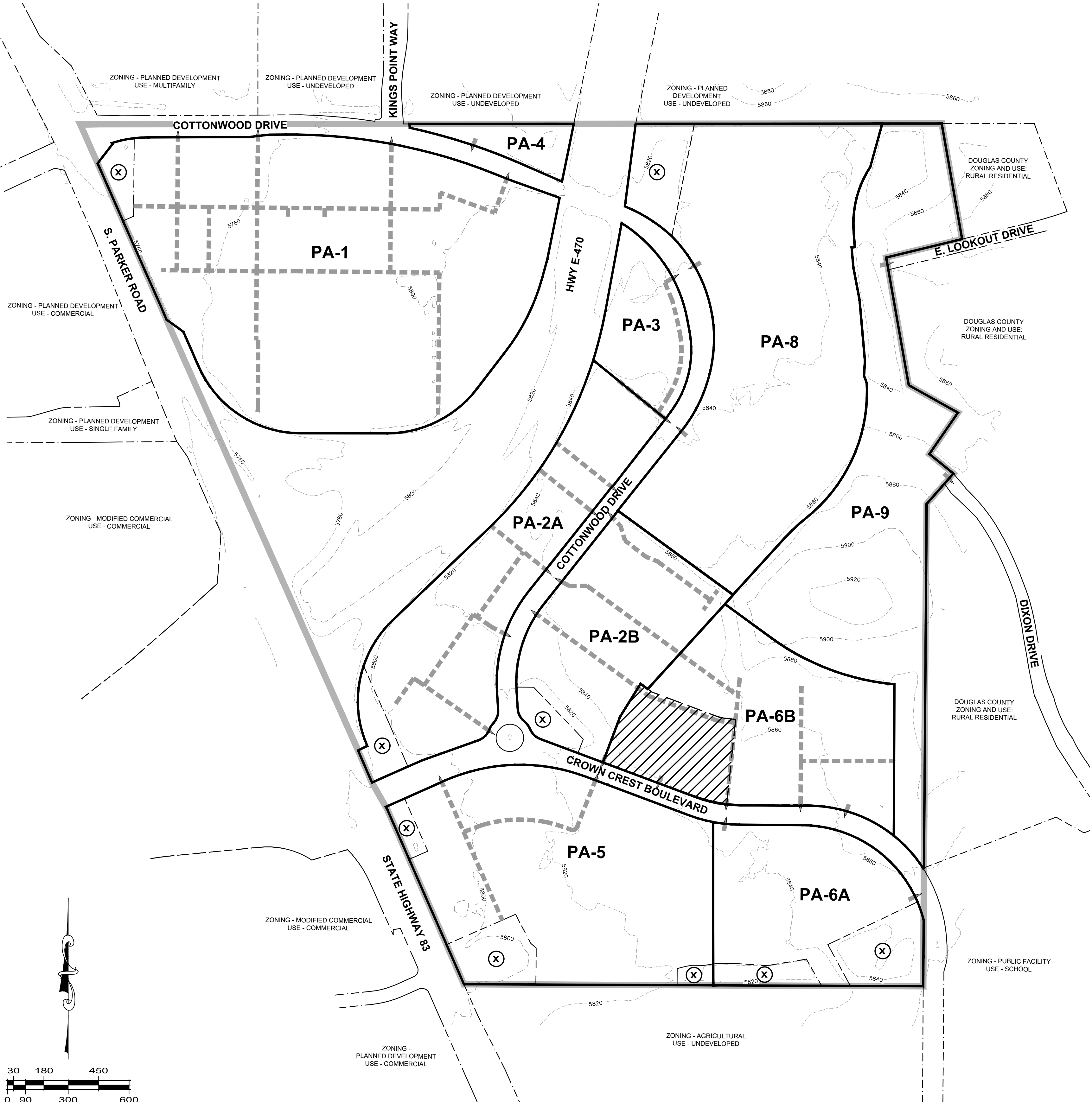
Prepared For:

CROWN POINT PLANNED DEVELOPMENT
4TH AMENDMENT DEVELOPMENT PLAN
A PORTION OF LOT 2, BLOCK 1, CROWN POINT FILING 1, 11TH AMENDMENT,
SITUATED IN THE NW 1/4 OF SECTION 10, T.6S., R.66W. OF THE P.M.
TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO
9284 CROWN CREST BOULEVARD

Designed By:	Date:
JAM	7/28/2023
Drawn By:	Survey No.:
JAM	23-023-R
Checked By:	Project No.:
JAC	1160.4
Field Book No.:	Scale:
960	N/A
Sheet No.:	

CROWN POINT PLANNED DEVELOPMENT - 4TH AMENDMENT DEVELOPMENT PLAN

A PORTION OF LOT 2, BLOCK 1, CROWN POINT FILING 1, 11TH AMENDMENT,
SITUATED IN THE NW 1/4 OF SECTION 10, T.6S., R.66W. OF THE P.M.
TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO



LEGEND

OVERALL DEVELOPMENT BOUNDARY

PLANNING AREA BOUNDARY

EXISTING PARCEL LINES

CONTOUR LINE

ACCESS EASEMENT / PRIVATE DRIVE

ACCESS TO PUBLIC RIGHT-OF-WAY

PLANNING AREA NUMBER

EXISTING DRAINAGE, DETENTION OR RETENTION TRACT

AREA TO BE REZONED AS PLANNING AREA 6B

PROPOSED LAND USE SUMMARY - 4TH AMENDMENT:

CROWN POINT PLANNED DEVELOPMENT 4TH AMENDMENT LAND USE SUMMARY		
LAND USE	PLANNING AREA	2023 PROPOSED ACRES
COMMERCIAL / OFFICE / HOTEL DISTRICT	1	57.1 ACRES
	2A	22.0 ACRES
	2B	14.9 ACRES
COMMERCIAL / OFFICE / RESEARCH AND DEVELOPMENT DISTRICT	5	31.7 ACRES
	3	7.0 ACRES
	4	2.6 ACRES
CAMPUS OFFICE DISTRICT	6A	18.0 ACRES
	6B	23.8 ACRES
OPEN SPACE / BUFFER	8	45.0 ACRES
MAJOR COLLECTOR R.O.W.	9	32.2 ACRES
		17.7 ACRES
		TOTAL 272.0 ACRES

- UTILITY PROVIDERS FOR CROWN POINT PLANNED DEVELOPMENT:
1. DRAINAGE - TOWN OF PARKER

2. WATER - COTTONWOOD WATER AND SANITATION DISTRICT

3. WASTEWATER - COTTONWOOD WATER AND SANITATION DISTRICT

4. GAS - XCEL ENERGY

5. ELECTRIC - CORE ELECTRIC COOPERATIVE (FORMERLY IREA)

6. CABLE / TELEPHONE - CENTURY LINK (LEVEL 3)

ENGINEERING SERVICE COMPANY

14190 East Evans Avenue
Aurora, Colorado 80014
engineering@esc.com
P 303.337.1393
F 303.337.7481
T/F 1.877.273.0659

Revisions:

Date	Description
06/17/2023	PREPARED

RYAN COMPANIES US, INC

533 SOUTH THIRD STREET SUITE 100
MINNEAPOLIS, MINNESOTA 55415

CROWN POINT PLANNED DEVELOPMENT

4TH AMENDMENT DEVELOPMENT PLAN

A PORTION OF LOT 2, BLOCK 1, CROWN POINT FILING 1, 11TH AMENDMENT,
SITUATED IN THE NW 1/4 OF SECTION 10, T.6S., R.66W. OF THE P.M.
TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO

9284 CROWN CREST BOULEVARD

Designed By: JAM

Drawn By: JAM

Checked By: JAC

Field Book No: 960

Scale: 1" = 300'

Sheet No: 2 OF 3

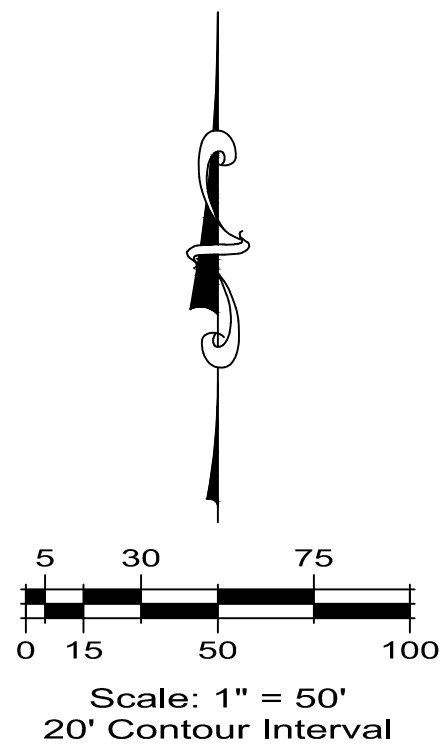
Date: 7/28/2023

Survey No: 23-023-Z

Project No: 1160.4

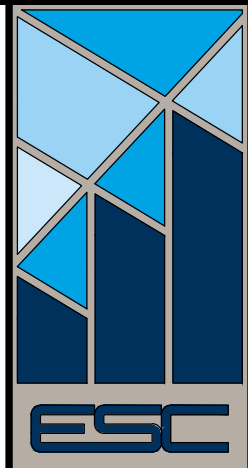
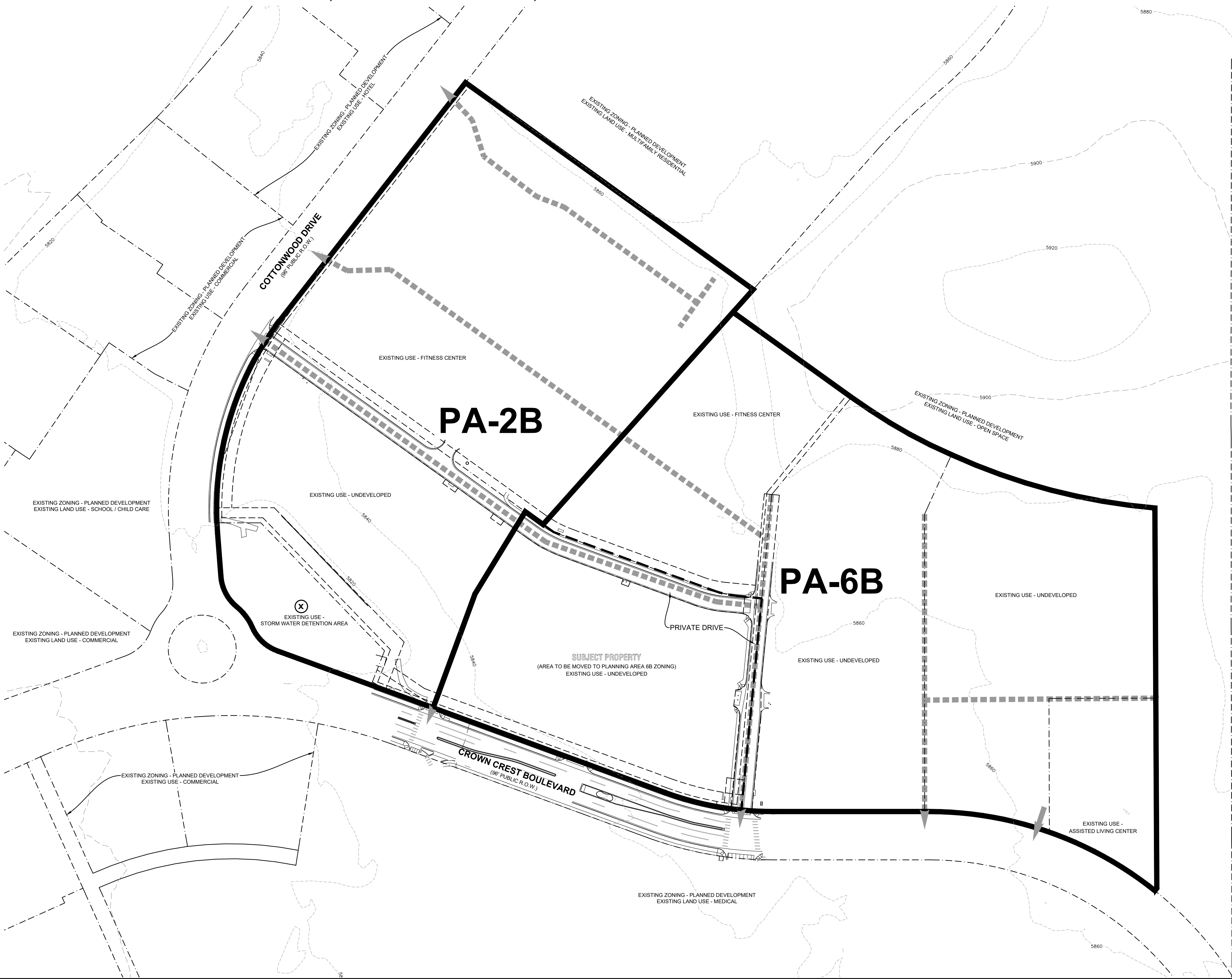
CROWN POINT PLANNED DEVELOPMENT - 4TH AMENDMENT DEVELOPMENT PLAN

A PORTION OF LOT 2, BLOCK 1, CROWN POINT FILING 1, 11TH AMENDMENT,
SITUATED IN THE NW 1/4 OF SECTION 10, T.6S., R.66W. OF THE P.M.
TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO



LEGEND	
	PLANNING AREA BOUNDARY
	EXISTING PARCEL LINES
	CONTOUR LINE
	ACCESS EASEMENT / PRIVATE DRIVE
	ACCESS TO PUBLIC RIGHT-OF-WAY
	PLANNING AREA NUMBER
	EXISTING DRAINAGE, DETENTION OR RETENTION TRACT

CROWN POINT PLANNED DEVELOPMENT 4TH AMENDMENT LAND USE SUMMARY - REVISED AREAS 2B & 6B		
LAND USE	PLANNING AREA	2023 PROPOSED ACRES
COMMERCIAL / OFFICE / HOTEL DISTRICT	2B	14.9 ACRES
COMMERCIAL / OFFICE / RESEARCH AND DEVELOPMENT DISTRICT	6B	23.8 ACRES
	TOTAL	41.0 ACRES



14100 East Evans Avenue
Aurora, Colorado 80014
engineering@esc.com
P 303.337.1393
F 303.337.7481
T/F 1.877.273.0659
Creative Solutions Since 1954
CIVIL ENGINEERS & LAND SURVEYORS

Revisions:	Date:	By:	For:
1	06/17/2023	JAM	ISSUED FOR PERMIT
ADDITIONS: TOWN COMMENTS			
DELETIONS: TOWN COMMENTS			

RYAN COMPANIES US, INC.
533 SOUTH THIRD STREET SUITE 100
MINNEAPOLIS, MINNESOTA 55415

Prepared For:

CROWN POINT PLANNED DEVELOPMENT
4TH AMENDMENT DEVELOPMENT PLAN
A PORTION OF LOT 2, BLOCK 1, CROWN POINT FILING 1, 11TH AMENDMENT,
SITUATED IN THE NW 1/4 OF SECTION 10, T.6S., R.66W. OF THE P.M.
TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO
9284 CROWN CREST BOULEVARD

Designed By:	JAM	Date:	7/28/2023
Drawn By:	JAM	Survey No.:	23-023-R
Checked By:	JAC	Project No.:	1160.4
Field Book No.:	990	Scale:	1" = 100'
Sheet No.:	3 OF 3		

ORDINANCE NO. 3.74.1, Series of 2013

**TITLE: A BILL FOR AN ORDINANCE TO AMEND THE CROWN POINT
CENTER DEVELOPMENT GUIDE THIRD AMENDMENT PURSUANT
TO THE PARKER LAND DEVELOPMENT ORDINANCE**

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 Planned Development zoning, for the "Crown Point Development Guide Second Amendment," approved by the Town Council on August 7, 1989, and recorded in the Office of the Douglas County Clerk and Records Office on September 10, 2001, in Book 2126, page 1089 and Reception No. 01083112, for the property described in attached **Exhibit A** within the Town of Parker, Colorado, pursuant to the Parker Land Development Ordinance (the "2001 Crown Point Development Guide").

b. Public notice has been given of such zoning amendment by one (1) publication in the *Douglas County News-Press*, a newspaper of general circulation within the Town and the official newspaper of the Town, at least fifteen (15) days before the public hearing of such zoning.

c. Written notice was sent by certified mail to all owners of property within five hundred (500) feet of 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 Municipal Code for approving the amendment to the 2001 Crown Point Development Guide have been satisfied.

Section 2. The 2001 Crown Point Development Guide approved by the Town Council on August 7, 2001, for the property identified in Exhibit A is hereby amended by the "Crown Point Center Development Guide Third Amendment" as set forth in **Exhibit B**, which is attached hereto and incorporated by this reference

Section 3. 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.

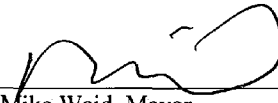
Section 4. Safety Clause. The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Parker, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation 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

publication of an agenda that contains the title to this ordinance in a newspaper of local circulation prior to first and second reading of this ordinance creates a financial burden on the Town and 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.

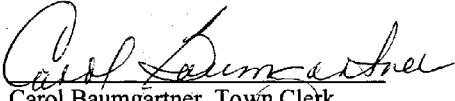
Section 5. Severability. If any clause, sentence, paragraph or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 6. This Ordinance shall become effective ten (10) days after final publication.

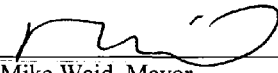
INTRODUCED AND PASSED ON FIRST READING this 28th day of May, 2013.


Mike Waid, Mayor

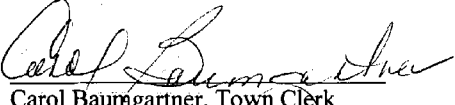
ATTEST:


Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this 3rd day of June, 2012.


Mike Waid, Mayor

ATTEST:


Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

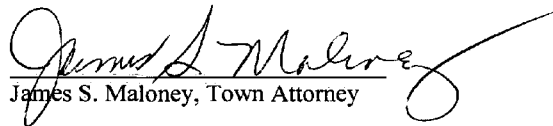

James S. Maloney, Town Attorney

EXHIBIT A

SECTION 12

LEGAL DESCRIPTION

TWO PARCELS OF LAND LOCATED IN SECTIONS 3, 4, 9 AND 10, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL A

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 3;

THENCE N89°14'30"E ALONG THE NORTH LINE OF SAID SOUTHWEST ONE-QUARTER A DISTANCE OF 1,227.45 FEET TO THE POINT OF BEGINNING ON THE EASTERLY RIGHT-OF-WAY LINE OF E-470, PARCEL NO. TK-23 REV. 1;

THENCE CONTINUING N89°14'30"E ALONG SAID NORTH LINE A DISTANCE OF 1,483.59 FEET TO THE POINT ON THE WESTERLY BOUNDARY LINE OF SIERRA VISTA FILING NO. 3;

THENCE ALONG THE WESTERLY BOUNDARY LINES OF SIERRA VISTA FILINGS NO. 3 AND NO. 2 THE FOLLOWING EIGHT (8) COURSES:

- 1) S10°45'30"E A DISTANCE OF 580.00 FEET;
- 2) S75°14'30"W A DISTANCE OF 385.00 FEET;
- 3) 10°45'30"E A DISTANCE OF 635.00 FEET;
- 4) S61°33'52"E A DISTANCE OF 281.33 FEET;
- 5) S34°32'23"W A DISTANCE OF 280.00 FEET TO THE POINT OF RADIAL CURVE, WHENCE THE CENTER OF SAID CURVE BEARS S34°32'23"W;
- 6) ALONG THE ARC OF SAID RADIAL CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 07°00'00" AND A RADIUS OF 1,250.00 FEET, A DISTANCE OF 152.72 FEET TO THE POINT ON A RADIAL LINE;
- 7) S41°32'23"W ALONG SAID RADIAL LINE A DISTANCE OF 172.48 FEET;
- 8) S00°21'34"E A DISTANCE OF 756.72 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 10;

THENCE CONTINUING S00°21'34"E ALONG THE EAST LINE OF SAID NORTHWEST ONE-QUARTER A DISTANCE OF 1,621.90 FEET TO THE POINT ON THE NORTH LINE OF THAT PARCEL OF LAND DESCRIBED IN BOOK 289 AT PAGE 826, DOUGLAS COUNTY RECORDS;

THENCE S89°32'23"W ALONG SAID NORTH LINE A DISTANCE OF 2,265.17 FEET TO THE POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 83, AS DESCRIBED IN BOOK 727 AT PAGE 628, DOUGLAS COUNTY RECORDS; THENCE N24°38'59"W ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 665.42 FEET;

THENCE N19°46'10"W ALONG THE RIGHT-OF-WAY LINE OF E-470, PARCEL NO. TK-23 B REVISION 1 A DISTANCE OF 501.81 FEET;

THENCE N24°39'15"W ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 100.00 FEET TO SAID EASTERLY RIGHT-OF-WAY LINE OF E-470, PARCEL NO. TK-23 REV.1; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE THE FOLLOWING FIVE (5) COURSES:

- 1) N65°20'45"E A DISTANCE OF 52.69 FEET TO THE POINT OF RADIAL CURVE, WHENCE THE CENTER OF SAID CURVE BEARS N65°20'45"E;

- 2) ALONG THE ARC OF SAID RADIAL CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 70°18'53" AND A RADIUS OF 549.41 FEET, A DISTANCE OF 674.24 FEET TO THE POINT OF TANGENT;
- 3) N45°39'38"E ALONG SAID TANGENT LINE A DISTANCE OF 648.67 FEET TO THE POINT OF CURVE;
- 4) ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 35°55'43" AND A RADIUS OF 1,979.85 FEET, A DISTANCE OF 1,241.51 FEET TO THE POINT OF TANGENT;
- 5) N09°43'55"E ALONG SAID TANGENT LINE A DISTANCE OF 945.48 FEET TO THE POINT OF BEGINNING.

CONTAINING 9,086,265 SQUARE FEET OR 208.5919 ACRES, MORE OR LESS.

TOGETHER WITH:

PARCEL B

BEGINNING AT THE NORTHWEST CORNER OF SAID SOUTHWEST ONE-QUARTER OF SECTION 3;
THENCE N89°14'30"E ALONG THE NORTH LINE OF SAID SOUTHWEST ONE-QUARTER A DISTANCE OF 900.77 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF E-470, PARCEL NO. TK-23 REVISION 1;
THENCE ALONG THE RIGHT-OF-WAY LINE OF E-470, PARCELS NO. TK-23 REVISION 1 AND TK-23 A REVISION 1 AND THE RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 83 THE FOLLOWING ELEVEN (11) COURSES:
1) S10°52'39"W A DISTANCE OF 681.68 FEET;
2) S14°37'39"W A DISTANCE OF 95.13 FEET TO A POINT OF CURVE; THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 22°03'52" AND A RADIUS OF 1,075.92 FEET, A DISTANCE OF 414.33 FEET TO A POINT OF TANGENT;
3) S36°41'31"W ALONG SAID TANGENT LINE A DISTANCE OF 228.17 FEET TO A POINT OF CURVE;
4) ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 52°39'15" AND A RADIUS OF 549.41 FEET, A DISTANCE OF 504.90 FEET TO A POINT OF TANGENT;
5) S89°20'46"W ALONG SAID TANGENT LINE A DISTANCE OF 428.00 FEET TO A POINT OF CURVE;
6) ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 66°00'00" AND A RADIUS OF 549.41 FEET, A DISTANCE OF 632.88 FEET;
7) N24°39'14"W A DISTANCE OF 189.84 FEET;
8) N55°34'56"W A DISTANCE OF 82.67 FEET;
9) N24°39'05"W A DISTANCE OF 862.93 FEET;
10) N37°19'01"E A DISTANCE OF 106.97 FEET;
11) N28°26'39"W A DISTANCE OF 105.93 FEET TO A POINT ON THE NORTH LINE OF SAID SOUTHEAST ONE-QUARTER OF SECTION 4;
THENCE N88°53'23"E ALONG SAID NORTH LINE A DISTANCE OF 1,427.66 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,762,891 SQUARE FEET OR 63.4272 ACRES, MORE OR LESS.

EXHIBIT B

**CROWN POINT CENTER
DEVELOPMENT GUIDE
THIRD AMENDMENT**

ORIGINALLY APPROVED BY THE PARKER TOWN COUNCIL
DECEMBER 4, 1989

SECOND AMENDMENT
APPROVED BY THE PARKER TOWN COUNCIL
AUGUST 7, 2001

THIRD AMENDMENT
APPROVED BY THE TOWN OF PARKER TOWN COUNCIL
JUNE 3, 2013

TABLE OF CONTENTS
CROWN POINT CENTER DEVELOPMENT GUIDE

TABLE OF CONTENTS

SECTION 1
PURPOSE, OBJECTIVES AND INTENT

1.1	Purpose	1
1.2	Objectives	1
1.3	Legislative Intent	1

SECTION 2
AUTHORITY

2.1	Authority	1
2.2	Adoption	1
2.3	Enforcement	2
2.4	Application of Any Provision Declared Invalid	2

SECTION 3
LAND DEDICATIONS, CONVEYANCES AND EXPENDITURES

3.1	Land Dedications, Conveyances and Expenditures	2
3.1.1	E -470 Dedication	2
3.1.2	S H 83 (Parker Road)	2
3.1.3	Cottonwood Water and Sanitation District	2
3.1.4	Open Space/Buffer District	3
3.1.5	Cottonwood Drive/Parker Road Intersection	3

SECTION 4
DEFINITIONS

4.1	Purpose and Intent	3
4.2	Rules of Construction	3
4.2.10	Definitions	4

CROWN POINT CENTER DEVELOPMENT GUIDE

TABLE OF CONTENTS

SECTION 5
GENERAL PROVISION

5.1	Purpose	10
5.2	Conflict	10
5.3	Incorporation of Land Development Plan	10
5.4	Development Phasing	10
5.5	Planning Area Boundaries	10
5.6	Construction Standards	10
5.7	Utility Connections	10
5.8	Underground Utility Requirements	10
5.9	Borrow Sites	11
5.10	Erosion Control	11
5.11	Agricultural Uses	11
5.12	Foundation Design	11
5.13	Public Improvements	11
5.14	Exterior Lighting	11

SECTION 6
AMENDMENTS, INCLUSIONS AND VARIANCES

6.1	Process for Amending Development Plan	11
6.1.1	Amendments	11
6.1.1.1	Minor Amendments	11
6.1.1.2	Major Amendments	12
6.1.2	Amendment Procedure	12
6.1.2.1	Minor Amendment Procedure	12
6.1.2.2	Major Amendment Procedure	13
6.1.2.3	Fees	13
6.2	Process for Amending Development Guide	13
6.3	Inclusion of Additional Land	14
6.3.1	Requirements	14
6.3.1.1	Contiguity	14
6.3.1.2	Application	14
6.3.1.3	Development Control	14
6.3.2	Procedure	14
6.4	Variances	14

CROWN POINT CENTER DEVELOPMENT GUIDE

TABLE OF CONTENTS

SECTION 7
CONTROL PROVISIONS

7.1	Control Over Use	15
7.2	Control Over Location and Height	15
7.3	Architectural Control	16

SECTION 8
SITE PLANNING STANDARDS AND PROCEDURE

8.1	Intent	16
8.2	Miscellaneous General Requirements	16
8.3	Site Plan Review	16
8.3.1	Submittal Requirements	16
8.3.2	Procedure	20
8.3.3	Exclusivity of Requirements and Procedures	23
8.4	Special Site Plan Requirements	23

SECTION 9
USES AND STANDARDS

9.1	General Site Design/Development Standards	24
9.1.1	Minimum Dimensions of Lots	24
9.1.2	Minimum Setbacks	24
9.1.3	Maximum Height of Buildings	25
9.1.4	Screening	25
9.1.5	Loading and Unloading	26
9.1.6	Trash and Storage Areas	26
9.1.7	Compliance with Airport Influence - Overlay Map	26
9.2	Crown Point Center Permitted Use Districts	26
9.2.1	Commercial/Office/Hotel District	26
9.2.1.1	Uses Permitted by Right	26
9.2.1.2	Uses Permitted by Special Review	28
9.2.1.3	Development/Design Standards	28
9.2.2	Commercial/Office/Research and Development District	29
9.2.2.1	Uses Permitted by Right	29
9.2.2.2	Uses Permitted by Special Review	30
9.2.2.3	Site Design/Development Standards	30

TABLE OF CONTENTS

SECTION 9
USES AND STANDARDS (CONTINUED)

9.2.3	Campus Office District	32
9.2.3.1	Uses Permitted by Right	32
9.2.3.2	Uses Permitted by Special Review	33
9.2.3.3	Non-Residential Site Design/Development Standards	33
9.2.3.4	Residential Site Design/Standards	34
9.2.4	Open Space/Buffer District	34
9.2.3.1	Uses Permitted by Right	34
9.2.4.2	Uses Permitted by Special Review	34

SECTION 10
OFF-STREET PARKING

10.1	Off-street Parking Requirements	34
10.2	Alternative Requirements	36
10.3	Shared Parking	36
10.4	Handicapped Parking	36
10.5	Compact Car Ratio	36
10.6	Off-site Parking	36
10.7	Loading Areas	36
10.8	Parking Space Dimensions	36

SECTION 11
SIGNS

11.1	General	37
11.1.1	Entryway Signs	37
11.1.2	Shopping Center Identification Signs	37
11.1.3	Business, Commercial, or Office Park Identification Signs	38
11.1.4	Individual Uses within a Center or Park	38
11.1.5	Mall Type Shopping Center	38
11.1.6	Indoor Theaters	38

CROWN POINT CENTER DEVELOPMENT GUIDE

TABLE OF CONTENTS

SECTION 12	
<u>CROWN POINT CENTER LEGAL DESCRIPTION</u>	39
SECTION 13	
<u>CROWN POINT CENTER DEVELOPMENT PLAN</u>	41

SECTION 1

PURPOSE, OBJECTIONS AND INTENT

- 1.1 Purpose. The purpose of this Crown Point Center Planned Development District Development Guide Second Amendment (hereinafter referred to as “Development Guide”) is to assure that Crown Point Center grows as a comprehensively planned development with adequate provisions for the orderly development and improvement of the property. The property to which this development guide is applicable (hereinafter referred to as Crown Point Center) is legally described in Section 12 hereof. All section references, unless otherwise stated, are to sections in this Development Guide.
- 1.2 Objectives. The Crown Point Center Planned Development is intended to accommodate a mix of commercial, office, hotel, research and development, residential, open space/buffer, and recreational land uses. This Development Guide permits opportunities for innovative community design and sensitive site design, while allowing the flexibility to respond to changing market and community needs.
- 1.3 Legislative Intent. It is the intent of this Development Guide to be consistent with, and to assist in the implementation of, the legislative declarations contained in the Planned Unit Development Act of 1972 for the State of Colorado, as amended.

SECTION 2

AUTHORITY

- 2.1 Authority. The authority for this Development Guide is Section XXIV - Planned Development - PD of the Town of Parker Zoning Ordinance, July 30, 1981. The authority for Section XXIV of the Town of Parker Zoning Ordinance is Article 67, Title 24 (Planned Unit Development Act of 1972), of the Colorado Revised Statutes, 1973, as amended.
- 2.2 Adoption. The adoption of this Development Guide (and the included Development Plan) shall evidence the finding and decision of the Town Council that this Development Guide for Crown Point Center is authorized by the provisions of Section XXIV of the Town of Parker Zoning Ordinance; that said Section XXIV and this Development Guide comply with the Planned Unit Development Act of 1972; that this Development Guide supersedes, voids, terminates and otherwise replaces by operation of law that certain Crown Point Development Guide and Development Plan (including, without limitation, all owner/developer commitments and obligations contained within the “Preamble” thereto) adopted by Douglas County and filed in the records of Douglas County at Book 545, Page 751 on October 29, 1984.
- 2.3 Enforcement. The provisions of this Development Guide (and the included Development Plan) 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. All provisions of this Development Guide shall also run in favor of the occupants and owners of the land within Crown Point Center.

- 2.4 Application of Any Provision Declared Invalid. If the application of any provision of this Development Guide to any parcel, building, other structure, or tract of land is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the intent of this Development Guide that:
- 2.4.1 The effect of such decision shall be limited, to the extent practical, to that lot, building, other structure or tract of land immediately involved in the controversy, action, or proceeding in which the judgement or decree of invalidity was rendered; and
- 2.4.2 Such decision shall, to the extent practical, not affect, impair or nullify this Development Guide as a whole or the application of any provision hereof to any other lot, building, other structure or tract of land.

SECTION 3

LAND DEDICATIONS, CONVEYANCES AND EXPENDITURES

- 3.1 Land Dedications, Conveyances and Expenditures. Prior to the date of this Development Guide, the following land dedications, conveyances and expenditures for public use have been made by the Developer and/or its predecessors:
- 3.1.1 E-470 Dedication. The Developer has dedicated, in fee simple and without charge, 1,834,015 square feet (42.1 acres) of land to the E-470 Authority. The required "slope easements" consisting of an additional 3.7 acres have also been granted to the E-470 Authority. The total conveyance represents 14.3% of total site. The Developer has paid to the E-470 Authority \$38,500 for additional design work and environmental impact studies relating to the final alignment of E-470 right-of-way through Crown Point Center.
- 3.1.2 S H 83 (Parker Road). The Developer has dedicated, in fee simple and without charge, 227,857 square feet (5.2 acres) to Douglas County for use by the Colorado Department of Highways for improvements to State Highway 83 (Parker Road) (1.6% of site). In addition, the Developer has conveyed permanent easements totaling 29,507 square feet (0.68 acres) to the Colorado Department of Highways for the purpose of relocating the Wyco Pipeline.
- 3.1.3 Cottonwood Water and Sanitation District. The Developer has granted easements totaling 8.89 acres to the Cottonwood Water and Sanitation District for water transmission lines and for the site on which their water storage facilities have been constructed. In addition, the Developer is committed to conveying to the District, in fee simple and without charge, perpetual rights to approximately 450 acre feet of non-tributary water decreed to the Developer.

- 3.1.4 Open Space/Buffer District. The Developer has, as shown on the Development Plan, preserved a buffer area suitable for future dedication, separating Crown Point Center from the adjacent residential areas (approximately 10% of total the site). Additionally, a minimum prescribed portion of each Planning Area is set aside for landscaping/open space.
- 3.1.5 Cottonwood Drive/Parker Road Intersection. The Developer has previously paid \$35,000 representing 50% of the cost to signalize the intersection of Cottonwood Drive and Parker Road.

SECTION 4

DEFINITIONS

- 4.1 Purpose and Intent. The purpose of this Section is to make certain the meanings of certain words, terms and phrases used in this Development Guide. Any words, terms and phrases contained in this Development Guide shall be defined and interpreted in accordance with the definitions contained in this Section, unless the context indicates a different meaning was intended.
- 4.2 Rules of Construction. The following rules of construction shall govern the interpretation of the provision of this Development Guide.
- 4.2.1 All words, terms and phrases not defined herein in other resolutions or codes of the Town of Parker relative to land development or construction shall be construed as defined in such ordinances or codes, unless the context indicates a different meaning was intended.
- 4.2.2 All words, terms and phrases neither defined herein nor in other such ordinances or codes shall be given their usual and customary meanings unless the context indicates a different meaning was intended.
- 4.2.3 The text of this Development Guide shall have precedence over its captions and titles.
- 4.2.4 The word “shall” is mandatory and not permissive; the word “may” is permissive and not mandatory.
- 4.2.5 Words used in the singular include the plural and words used in the plural include the singular, unless the context indicates the contrary.
- 4.2.6 Words used in the present tense include the future tense and words used in the future tense include the present tense.
- 4.2.7 The phrase “used for” includes “arranged for” “designed for” , “intended for” , “maintained for” and “occupied for”.
- 4.2.8 The particular or specific definitions given in this Development Guide control over the general meaning of those words.

- 4.2.9 The definitions set forth in Section XIII, Definitions, of the Town of Parker Zoning Ordinance and the successors thereof, as in effect at the time of adoption of this Development Guide, except as amended in this Development Guide, are by this reference incorporated herein as if set forth in full to the extent not inconsistent with this Development Guide.
- 4.2.10 Definitions:
- 4.2.10.1 Abut: Are contiguous, i.e., have a common property line
- 4.2.10.2 Accessory Building: A subordinate building, the use of which is customarily incidental to that of the main building(s) or to the main use(s) of the land and which is located on the same lot(s) or parcel with the main building or use.
- 4.2.10.3 Accessory Use: A use naturally and normally incidental and subordinate to, and devoted exclusively to, the main use of the premises.
- 4.2.10.4 Borrow Site: An area used for the extraction of earthen materials such as sand, gravel or dirt which is outside the area of immediate development.
- 4.2.10.5 Building: Any permanent structure, or portion thereof, built for the shelter or enclosure of human beings or property of any kind, but excluding advertising signboards, fences and walls.
- 4.2.10.6 Building Height: Except as otherwise provided for in the Development Guide, Building Height shall mean the vertical distance measured from the highest point of the ground-level grade to the elevation of the highest point of the roof level. Also see Section 9.1.3.
- 4.2.10.7 Car Care Center: An establishment providing sales of vehicle fuel and such services as lubrication, oil, tire changes, maintenance and repairs. This use does not include paint spraying or body repair.
- 4.2.10.8 Caretaker Residence: A dwelling unit accessory to any building arranged, designed and intended for occupancy by a person or persons owning, employed in or dealing with and responsible for security and maintenance of such building or the uses permitted therein.
- 4.2.10.9 Common Area or Common Element: The total area and structures within a project which are designed, designated and maintained for common use and enjoyment by the owners and tenants of the project and their invitees, such as recreation areas and facilities, landscaped areas, open space areas, sidewalks, hallways, parking facilities, elevators, and entries.

- 4.2.10.10 Community Information Center: A temporary or permanent structure or facility, including associated parking areas, which is used principally for dissemination of community news and events, and information concerning real estate held for sale or lease during the development of Crown Point Center.
- 4.2.10.11 Contiguous Land: A parcel of land which has a common property line with another parcel of land.
- 4.2.10.12 Convenience, Commercial: A retail or service commercial use which serves the area immediately surrounding the use by providing groceries, sundries and miscellaneous services which do not typically offer comparison shopping opportunities.
- 4.2.10.13 CPCACC ("Crown Point Center Architectural Control Committee"): The Crown Point Center Architectural Control Committee created pursuant to the Protective Covenants.
- 4.2.10.14 Day Care Center: A facility which may utilize one or more buildings, which is maintained for the whole or part of a day for the care of persons under the age of 21 years under the provisions of the Colorado Child Care Act. Such facilities may be operated with or without stated educational purposes. The term shall include facilities commonly known as "day care centers", "day nurseries", "nursery schools", "pre-schools", "kindergartens" and those facilities which give 24 hour care for dependent and neglected children and shall include those facilities with stated educational purposes operated in conjunction with public or private educational facilities.
- 4.2.10.15 Developer: Crown Point Center, Ltd. and its designees as formally appointed in writing by Crown Point Center, Ltd., which appointment shall be recorded in the records of Douglas County, Colorado.
- 4.2.10.16 Development: Any construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure, building and/or land.
- 4.2.10.17 Development Guide: The document establishing permissible parameters for the lot size, type of use or activity, lot coverage, open space and other Town of Parker zoning regulation standards within a Planned Development. Unless otherwise specifically provided for herein, e.g., variances, once the Development Guide is approved and recorded by the Town of Parker, all current and future owners and their assigns are required to develop their property in accordance with the Development Guide.

- 4.2.10.18 Development Plan: A map depicting the land to be used within a Planned Development. Once a Development Plan is approved and recorded by the Town of Parker, the current and future owner and their assigns are required to develop their property in accordance with the Development Plan. The Development Plan is an integral part of and must be interpreted in accordance with the Development Guide.
- 4.2.10.19 Executive Residence: A dwelling unit accessory to any commercial or office main building which is arranged, designed and intended for occupancy by a person or persons owning, employed by or dealing with a business contained within such building.
- 4.2.10.20 Floor Area, Net (Commercial): The total horizontal floor area, measured in square feet, of all floors of a building, excluding therefrom walls, stairwells, elevator shafts, covered walkways, roof patio areas, covered entries, covered parking, covered driveways, covered loading areas, utility rooms and storage areas.
- 4.2.10.21 Grade, Ground Level: The elevation of the finished lot surface measured at any point along the perimeter of the building.
- 4.2.10.22 Helipad: The area necessary to land and hold a helicopter which is used for Hospital emergencies, unscheduled flights; no maintenance or fueling facilities are to be present. The Helipad shall be located at grade.
- 4.2.10.23 Hospital: A service commercial building or portion thereof used primarily for the overnight accommodation and medical and surgical care of the sick, injured, and infirm, including sanitariums, but excluding therefrom medical clinics, rest homes, convalescent homes and homes for the aged.
- 4.2.10.24 Hotel: Any building arranged, designed and intended as a temporary lodging place for human beings, with or without meals; in which there are 6 or more guest rooms or suites.
- 4.2.10.25 Landscape: Improvement to an area of land by the planting of a combination of trees, shrubs and ground cover or the installation of other materials such as rock and bark.
- 4.2.10.26 Lot: A lot is a portion of a subdivision intended as a unit for transfer of property ownership or for development and designated as a lot on a recorded plat.
- 4.2.10.27 Lot Line: A line bounding a lot which divides one lot from another or from a street or any other public or private space.

- 4.2.10.28 Motel: A hotel primarily for transients traveling by automobile.
- 4.2.10.29 Open Space: Public or private land and aquatic areas which are acquired, regulated and managed to protect the natural environment and significant cultural resources, provide recreational and agricultural opportunities; shape the pattern of urban development, or any combination thereof, including yards, common areas and common elements.
- 4.2.10.30 Owner: Any person or persons who from time to time own or hold an aggregate fee simple interest in any portion of Crown Point Center or any Net Floor Area appurtenant thereto. The owners or holders of an "aggregate fee simple interest" shall not include owners or holders of (a) mortgages, deeds of trust, and other instruments pursuant to which said land or floor area rights secure indebtedness, (b) easements, rights-of-way or licenses that pertain to or affect said land or floor area rights, (c) water, mineral, air, or subsurface rights that, as appropriate, are located in, on, under, over or are or were appurtenant to said land, (d) leasehold interests, or (e) other equitable title interests such as a vendee's interest under an installment land contract.
- 4.2.10.31 Parking Area: A portion of land, other than a street, used for the parking of automobiles and available for use, either free or for remuneration.
- 4.2.10.32 Parking, Off-Street: A portion of land, other than a street, used for parking of motor vehicles and available for use, either free or for remuneration.
- 4.2.10.33 Planning Director: The Planning Director or acting head of the Planning Department for the Town of Parker.
- 4.2.10.34 Planned Development: A tract or parcel of land controlled by one or more landowners, which is developed under unified control or a single Development Guide for either a number of residential units, business, commercial, educational, recreational uses or any combination of the foregoing.
- 4.2.10.35 Planning Area: An area of land identified on the Development Plan, the boundaries of which are streets and other lines and areas set forth on the Development Plan. The specific uses in, and the corresponding development standards and requirements applicable to, any Planning Area are determined by the Planning District within which such Planning Area is placed.
- 4.2.10.36 Planning District: Those specific zoning classification Districts provided for in Section 9 of this Development Guide, i.e., Commercial/Office/Hotel District; Commercial/Office/Research and Development District;

Suburban Residential/Campus Office District; Open Space/Buffer District.

- 4.2.10.37 **Plat:** A map of a subdivision showing the location, boundaries and ownership of individual properties and prepared in accordance with the requirements of the Town of Parker and recorded in the records of Douglas County, Colorado.
- 4.2.10.38 **Power Center:** Generally defined as being an up-scale, unenclosed community center consisting of multiple anchors which are compatible, but not necessarily competitive. Typically, between 60% - 80% of the space is occupied by anchors having a regional impact and the balance devoted to smaller tenants. The anchors may be free standing and/or individually owned, or in line, in which case the anchor stores may also be individually owned.
- 4.2.10.39 **Professional Office:** A place of business for any of the following: accountants, architects, attorneys, bookkeeping services, brokers (of stocks, bonds, real estate), building designers, persons licensed by the State to practice any of the healing arts, corporate offices, drafting services, financial institutions, including banks, savings and loan associations, insurance companies, credit unions and credit reporting agencies, development companies, engineers, surveyors and planners, insurance agencies and brokers, interior decorators and designers (no retail sales allowed on premises), laboratories (medical and dental), landscape architects, pharmacies, notaries public, public stenographers, typing and secretarial services, and other similar businesses and professions.
- 4.2.10.40 **Project:** One or more lots or parcels planned and designed as a unified entity such as a condominium development, cluster development, townhouse development, commercial development, recreational development, shopping center development, etc.
- 4.2.10.41 **Protective Covenants:** The Declaration of Protective Covenants for Crown Point Center recorded and/or to be recorded in the records of Douglas County, Colorado by the Developer, as may from time to time be amended and/or restated and/or extended.
- 4.2.10.42 **Recreation Facility Commercial:** A commercial use characterized by the provision of recreational facilities and services for remuneration, such as theaters, bowling alleys, tennis courts, recreation centers and similar uses.
- 4.2.10.43 **Recreation Facility Private:** A recreation facility operated by a non-profit organization and open only to bona fide members and guests of such non-profit organization.

- 4.2.10.44 Recreation Facility, Public: A recreation facility operated by a governmental or quasi-governmental agency and open to the general public.
- 4.2.10.45 Retail Commercial: A commercial use characterized by the selling of tangible goods, wares, and merchandise directly to the consumer.
- 4.2.10.46 Setback: The length of any required unobstructed area (exclusive of certain items as otherwise provided in this Development Guide, such as landscaping, walkways and patios) measured perpendicular to the lot line.
- 4.2.10.47 Service Commercial: A commercial use characterized by the selling of services and intangibles directly to the consumer.
- 4.2.10.48 Shopping Center: A group of three (3) or more commercial establishments planned, developed and managed as a unit with common off-street parking and open space provided on the property.
- 4.2.10.49 Site: Any portion or part of Crown Point Center that is the subject of any Site Plan submitted in accordance with the provisions of this Development Guide.
- 4.2.10.50 Site Design/Development Standards: See Section 9 of this Development Guide.
- 4.2.10.51 Site Plan: The plans and supplement materials drawn and submitted in accordance with the requirements of this Development Guide to evaluate a project prior to the issuance of design approval or a building permit.
- 4.2.10.52 Site Planning Standards: See Section 8 of this Development Guide.
- 4.2.10.53 Special Community Event: A temporary event, such as fireworks, parades, community picnics, athletics events, non-motorized vehicle races, Christmas and holiday pageants and other outdoor programs, (sponsored by an association, property owners association, other community organization or the owner of land within Crown Point Center).
- 4.2.10.54 Structure: Anything constructed or erected which requires permanent location on the ground or is attached to something having a permanent location on the ground, but not including fences or walls less than eight (8) feet in height, poles, lines, cables, or other transmission or distribution facilities or public utilities.

- 4.2.10.55 Use: The purpose for which land, or portions thereof, or buildings are arranged, designed and intended, or the purpose for which either land or buildings, or portions thereof, are or may be occupied or maintained.

SECTION 5

GENERAL PROVISIONS

- 5.1 Purpose. The purpose of this Section is to provide general provisions and clarifications of standards and requirements for development which occurs within Crown Point Center.
- 5.2 Conflict. The provisions of the Development Guide shall prevail and govern the development of Crown Point Center provided, however, where the provisions of the Development Guide do not clearly address a specific subject, the provisions of the Town of Parker Zoning Ordinance shall prevail.
- 5.3 Incorporation of Land Development Plan. The Crown Point Center Development Plan is hereby incorporated by reference into this Development Guide as Section 13 together with everything shown thereon and all amendments thereto.
- 5.4 Development Phasing. Any project may be constructed in phases, provided that there is compliance with the appropriate Site Design/Development Standards and other applicable requirements of this Development Guide.
- 5.5 Planning Area Boundaries. Wherever a Planning Area abuts a dedicated roadway, i.e., Parker Road (State Highway 83), E-470 or other public right-of-way shown on the Development Plan, the Planning Area boundary is the abutting right-of-way line. Modifications in Planning Area boundaries and streets may be accomplished by the Developer through final road alignments or technical refinements shown on a final plat, with the approval of the Planning Director, without any amendment to this Development Guide, provided, however, that Planning Areas may not increase or decrease more than twenty-five (25) percent in gross area.
- 5.6 Construction Standards. Construction shall comply with applicable provisions of the Uniform Building and Mechanical Code, the National Electrical Code, Uniform Fire Code, the Colorado Plumbing Code and other similar such codes, and the successors thereof, setting forth construction standards as promulgated by the International Conference of Building Officials or other standards-establishing bodies and adopted by the Town of Parker.
- 5.7 Utility Connections. Connection to public water and public sewerage facilities shall be required for each principal building constructed in Crown Point Center. All connections shall be made in compliance with the specifications set forth by the Cottonwood Water and Sanitation District. Temporary structures such as sales and construction trailers shall be exempt from this requirement.

- 5.8 Underground Utility Requirements. All future permanent distribution lines and cables, including, without limitation, electrical, gas, communication, and cable television shall be placed underground. Temporary facilities such as interim telephone and electric or similar lines or cables for use prior to the installation of permanent underground services will be allowed to be overhead.
- 5.9 Borrow Sites. Any area within Crown Point Center may be used as a borrow site for construction materials. All borrow areas shall be regraded, reseeded and re-landscaped, in a timely manner, with appropriate plant materials subsequent to borrow operations.
- 5.10 Erosion Control. All lands disturbed during development and/or construction or not left in a natural state shall be treated to prevent erosion. Further, an erosion control plan shall be submitted to the Town Planning Director prior to grading. To the extent reasonably practical, the Open/Space Buffer District lands depicted on the Development Plan(s) shall be left undisturbed so as not to disrupt the natural vegetation.
- 5.11 Agricultural Uses. Agricultural and ranch activities and uses and all ancillary uses which are customarily incidental or appropriate to farming and ranching, shall be permitted within all Planning Areas in Crown Point Center where development is not taking place.
- 5.12 Foundation Design. All footings and/or foundation structures and retaining walls shall be designed and certified by a licensed professional engineer, and shall be constructed in accordance with such designs.
- 5.13 Public improvements. All public streets and roads and other public improvements to be dedicated to and/or maintained by the Town of Parker within the confines of Crown Point Center shall be designed and constructed to Town of Parker standards and specifications. Water and sewer design shall be to the standards and specifications of the Cottonwood Water and Sanitation District.
- 5.14 Exterior Lighting. Ground and building lighting shall be designed, installed and maintained to minimize energy consumption, provide adequate illumination for the intended use and public safety, and to minimize glare or illumination onto adjoining property.

SECTION 6

AMENDMENTS, INCLUSIONS AND VARIANCES

- 6.1 Process for Amending Development Plan. The Crown Point Center Development Plan is the map which depicts the various locations of land uses. As Crown Point Center develops, changes may need to be made in Planning Area boundaries. These changes need to be shown on Amended Development Plans which are approved by the Town of Parker. Therefore, the process for amending the Development Plan shall be as follows :

- 6.1.1 Amendments. A land owner may amend, alter or modify the Crown Point Center Development Plan by making written application to the Town of Parker Planning Department, which application shall include the proposed Amended Development Plan. Upon submission, the Town of Parker Planning Director shall make the determination whether the requested amendment is a “Minor Amendment” or a “Major Amendment.” The basic criteria that the Planning Director shall use for his determination is as follows:
- 6.1.1.1 Minor Amendment : Any changes to the Development Plan due to changes in or to the E-470 right-of-way and its corresponding frontage road shall be reviewed by the Town of Parker Planning Director as a Minor Amendment. Additionally, the requested Amendment to the Development Plan may be Minor in nature if the applicant can document to the Planning Director that :
- 6.1.1.1.1 Such Amendment to the Development Plan does not involve Planning Area boundary changes greater than twenty-five percent (25%) of the overall Development Plan as calculated in gross acres and does not exceed 40 gross acres.
- 6.1.1.1.2 Such Amendment to the Development Plan does not substantially alter the overall traffic circulation plan as shown on the approved Development Plan. It is anticipated that some right-of-way adjustment and refinement of proposed roadway alignments will be accomplished during platting.
- 6.1.1.1.3 Such Amendment to the Development Plan does not substantially diminish any existing Open Space/Buffer District.
- 6.1.1.2 Major Amendments: Unless the Amendment request meets all three (3) of the requirements set forth in Section 6.1.1.1.1, 6.1.1.1.2 and 6.1.1.1.3, above, it shall be deemed to be a Major Amendment.
- 6.1.2 Amendment Procedure:
- 6.1.2.1 Minor Amendment Procedure:
- 6.1.2.1.1 If the Planning Director has determined that the requested Amendment is a Minor Amendment to this Development Plan, he may, but shall not be obligated to, refer the submittal with the proposed Amendment to any one or more referral agencies for their review and comment.

- 6.1.2.1.2 When a Minor Amendment to the Development Plan is approved by the Planning Director, the Amended Development Plan shall be recorded by the Town. The Plan shall be designated as an "Amended Plan", dated, and shall bear the Planning Director's signature.
- 6.1.2.1.3 Should an applicant disagree with any determination(s) of the Planning Director, other than as to whether or not the Amendment is a Minor or Major Amendment, he may appeal directly to the Town Council. The applicant shall initiate this appeal to the Town Council in a written form which specifies with particularity the nature of the appeal/request. The Town Clerk shall schedule the appeal/request for the next available date on the Town Council's agenda.
- 6.1.2.2 Major Amendment Procedure:
- 6.1.2.2.1 If the Planning Director has determined that the requested Amendment does not meet the criteria for being a Minor Amendment as set forth in Section 6.1.2.1, above, it shall be deemed a Major Amendment and the applicant shall be required to process the Amendment through the Planning Department, Planning Commission and the Town Council. The procedure for approval of a Major Amendment shall be the same as the procedure required for the adoption of a new Development Plan.
- 6.1.2.2.2 When the Major Amendment has been approved by Town Ordinance, an Amended Development Plan shall be recorded by the Town. The Plan shall be noted as an "Amended Plan", dated, and shall bear the Mayor's or Mayor Pro Tem's signature, and the signature of the Chairman of the Planning Commission or his designee.
- 6.1.2.2.3 The inclusion or exclusion of lands to the Development Plan shall be deemed a Major Amendment to the Development Plan.
- 6.1.2.3 Fees: Any Amendment request, Minor or Major, shall be subject to the Town review fees then in effect.
- 6.2 Process for Amending Development Guide. This Development Guide establishes standards, and requirements for the Crown Point Center Planned Development. These Standards may or may not be the same as the standards and practices outlined by the Town of Parker Zoning Ordinance. The process for amending this Development Guide (exclusive of the Development Plan) shall be as follows:

- 6.2.1 A land owner may amend, alter or modify the Crown Point Center Development Guide by making a written application to the Town of Parker Planning Department.
- 6.2.2 The Planning Director may, but shall not be obligated to, refer the application along with the proposed Amendment to any one or more referral agencies for their review and comment.
- 6.2.3 Minor modifications of the provisions of this Development Guide may be made administratively by the Planning Director upon application of an owner of the affected property when it is determined by the Planning Director that the modification is not inconsistent with the purpose, objectives and intent of this Development Guide.
- 6.2.4 Should the Planning Director, in his sole discretion, believe the requested Amendment is of major significance he shall require the applicant to obtain formal approval by the Town Council. The Town Clerk shall schedule a formal approval hearing for the next available date on the Town Council's agenda.
- 6.2.5 Any request to Amend this Development Guide shall be subject to the applicable Town of Parker fees then in effect.
- 6.2.6 If an Amendment to this Development Guide is approved by the Town Council, the Amendment shall be recorded by the Town as an Amendment to the previously recorded Development Guide.
- 6.3 Inclusion of Additional Land.
 - 6.3.1 Requirements. Notwithstanding anything to the contrary in this Development Guide, additional land may be made subject to the terms and provisions of this Development Guide by the Town Council in accordance with the requirements and procedures of this Development Guide if and only if the following requirements are met:
 - 6.3.1.1 Contiguity. Such land is contiguous to any land which is already subject to this Development Guide. For purposes of this Development Guide, contiguity shall be deemed to exist, even if the additional land is separated from Crown Point Center by a platted street or alley, or a public or private right-of-way.
 - 6.3.1.2 Application. The application to include such land under the Crown Point Center Development Guide, and the resulting amendment to and/or amended and restated version of the Crown Point Center Development Plan are signed by all owners of the said additional land and by the Developer.
 - 6.3.1.3 Development Control. All of such land which is capable of being developed shall be subject to the Crown Point Center Protective Covenants.

- 6.3.2 Procedure. An application for the inclusion of additional land into the Crown Point Center Planned Development shall be processed as an Amendment to the Development Guide and as a Major Amendment to the Development Plan.
- 6.4 Variances. A property owner may be granted minor relief from the provisions of this Development Guide by the Town of Parker, provided it is determined that the minor relief has no substantial adverse affect on the rights and enjoyment of the other occupants and owners of Crown Point Center properties and there exist practical difficulties or particular hardships, or other reasonable jurisdiction in carrying out the strict letter of the regulations of this Development Guide. The Variance process shall be:
- 6.4.1 The applicant shall make written application to the Town of Parker Planning Department. The application shall, at a minimum, contain the following:
- 6.4.1.1 A narrative description along with an acceptable sketch or map indicating the requested variance and its justification; and
- 6.4.1.2 Adequate proof of ownership; and
- 6.4.1.3 A map indicating the ownership and uses of the abutting properties; and
- 6.4.1.4 Any required fee.
- 6.4.2 Upon the Planning Director finding that the rights and enjoyment of the other occupants and owners of Crown Point Center properties would not be adversely effected and that there is reasonable justification for approval, the Planning Director may grant such variance, or, in his sole discretion, endorse the application subject to formal approval by the Town Council. In their deliberations, the Town Council may hear the variance request with or without requiring public comment on the merits of the application. The Town Clerk shall schedule such a formal approval hearing for the next available date on the Town Council's agenda.
- 6.4.3 In the event the Planning Director denies a variance request, the applicant shall have the right to appeal directly to the Town Council. The applicant shall initiate such appeal to the Town Council in a written form which specifies with particularity the nature of the appeal/request. The Town Clerk shall schedule the appeal/request for the next available date on the Town Council's agenda.
- 6.4.4 Any variance approved shall run with the property for which it is granted, and shall be for the duration of the use or activity for which it is intended.

SECTION 7

CONTROL PROVISIONS

- 7.1 Control Over Use. After the effective date of this Development Guide:
- 7.1.1 Any new building or other structure, and any parcel of land, may be used; and
- 7.1.2 The use of any existing building, other structure or parcel of land may be changed or extended; and
- 7.1.3 Any existing building or other structure may be enlarged, reconstructed, structurally altered, converted or relocated;
- for any purpose permitted or required by the provisions of this Development Guide applicable to the Planning Area in which such building, other structure or parcel of land is located, and for no other purpose. Existing non-conforming structures shall not be enlarged or altered in any manner which increase their non-conformity, unless a variance is granted, but any such structure or portion thereof may be altered or relocated to increase its conformity. 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 District, and to any other applicable standards and requirements of this Development Guide.
- 7.2 Control Over Location and Height. After the effective date of this Development Guide the location and height of all buildings and other structures erected in the future, shall be in conformity with the restrictions of this Development Guide.
- 7.3 Architectural Control. The CPCACC shall act in lieu of the Town of Parker, e.g., the Design Advisory Review Committee, in approving all building plans and designs. As a condition to the flexibility granted hereunder and granted under Section 8 hereof, the Town shall have the right (but not the obligation) to appoint up to one-third (1/3) of the members of the CPCACC from members of the Town Council and/or the Town Planning Commission. Further the Town shall be given the opportunity to review and comment on the architectural guidelines to be established by the CPCACC.

SECTION 8

SITE PLANNING STANDARDS AND PROCEDURE

- 8.1 Intent. It is the intent of this Section 8 to promote the orderly and sound development of Crown Point Center. The following Site Planning Standards and other requirements contained in this Section are intended to enhance and protect Crown Point Center's natural as well as man-made environments.
- 8.2 Miscellaneous General Requirements. These Site Planning Standards and other requirements of this Section 8 (other than Sections 8.4, 8.4.1 and 8.4.2)

shall apply to Planning Areas 1, 2a, 2b, 3, 4, 8 and 9 described in the 2001 Development Plan for Crown Point Center. Sections 8.4, 8.4.1 and 8.4.2 of this Development Guide (but not any other provisions of Section 8 of this Development Guide, other than this sentence) shall apply to Planning Areas 5, 6a and 6b described in the 2001 Development Plan for Crown Point Center.

- 8.2.1 A Site Plan shall not be approved prior to the platting of the specific parcel of ground which is the subject of the Site Plan. A plat may be submitted simultaneously with the proposed Site Plan, and approval of the Site Plan application may be made subject to the final approval of the plat.
- 8.2.2 No building permit shall be issued for the construction of any new building, structure, or improvement to the site without first obtaining the approval of a Site Plan for the proposed use.
- 8.2.3 No overlot grading (as distinguished from mass grading), drainage work, parking lot construction, or other site improvements shall be allowed on a specific site or lot, unless specifically provided for by the Planning Director, without first obtaining approval of the Site Plan for the proposed use.
- 8.3 Site Plan Review.
- 8.3.1 Submittal Requirements. For any proposed improvement in Crown Point Center for which a building permit is required from the Town of Parker, six (6) copies of a Site Plan, six (6) copies of a Landscape Plan, proof of ownership acceptable to the Town of Parker and the certifications described hereinafter shall be submitted to the Town of Parker for review and approval. All Site Plans, Landscape Plans and certifications submitted shall comply with the requirements set forth hereinafter.
 - 8.3.1.1 Both Site Plans and Landscape Plans shall comply with the following general provisions.
 - 8.3.1.1.1 Such plans shall contain the name of the proposed development, the legal description of the site, the area of the site in terms of square footage and, if applicable, the address of the existing or proposed improvements on the site.
 - 8.3.1.1.2 Such plans shall contain a north arrow and shall state the scale utilized.
 - 8.3.1.1.3 Such plans shall be on 24" x 36" sheets with the long dimension horizontal.
 - 8.3.1.1.4 Such plans shall include a title block in the lower right-hand corner of each sheet and shall set forth the date of preparation or amendment in the title block.

- 8.3.1.1.5 Such plans shall show development phasing lines, if any.
- 8.3.1.1.6 Such plans shall show adjoining land uses and zoning.
- 8.3.1.1.7 Such plans shall show public and private easements on or adjacent to the site, with dimensions and uses of those easements.
- 8.3.1.1.8 Such plans shall show major drainage ways affecting the site.
- 8.3.1.1.9 Such plans shall show existing and proposed topography at two (2) foot intervals.
- 8.3.1.2 In addition to complying with the general requirements set forth in Section 8.3.1.1., above, Site Plans shall comply with the following specific requirements:
 - 8.3.1.2.1 Site Plans shall be prepared at a scale of 1" = 50' , 1" = 100' or other scale that allows for maximum clarity of the project.
 - 8.3.1.2.2 Site Plans shall include a vicinity map to scale showing the relationship of the site to the surrounding area.
 - 8.3.1.2.3 Site Plans shall show dimensions for all existing and proposed structures (including setback dimensions from property lines) and building heights. Structures to be removed should be indicated as such.
 - 8.3.1.2.4 Site Plans shall show the location and dimensions of required off-street parking and loading areas and shall note the total number of parking spaces provided. In addition, Site Plans must contain the following information:
 - 8.3.1.2.4.1 Number, location and size of parking stalls;
 - 8.3.1.2.4.2 Widths of parking aisles and islands;
 - 8.3.1.2.4.3 Location(s) of landscaping areas with in parking, access and loading areas;
 - 8.3.1.2.4.4 Type of surfacing;
 - 8.3.1.2.4.5 Location(s) of streets, curb cuts and property boundaries;
 - 8.3.1.2.4.6 Location(s) of traffic directional arrows, signs and marking;

- 8.3.1.2.4.7 Location(s) of loading areas;
- 8.3.1.2.4.8 Proposed drainage and detention improvements;
- 8.3.1.2.4.9 Location(s) and direction of proposed exterior lighting;
- 8.3.1.2.4.10 Location(s) , height and material of any screening as required by Section 9.1.4. hereof;
- 8.3.1.2.4.11 Location(s) of trash collection facilities and any exterior storage area(s).
- 8.3.1.2.5 Site plans shall name and show dimensions of any public and private roadways, rights-of-way, and points of access on or adjacent to the Site and shall note the surface materials.
- 8.3.1.2.6 Site Plans shall show the location and sign area of all existing and proposed signs, exclusive of traffic control signs.
- 8.3.1.2.7 Site Plans shall include signature/approval blocks for the Town of Parker Planning Director and for each of the referral agencies whose signatures are required pursuant to Section 8.3.2.2., below.
- 8.3.1.3 In addition to complying with the general requirements as set forth in Section 8.3.1.1. above, landscaping plans shall comply with the following specific requirements:
 - 8.3.1.3.1 Landscape Plans shall show all planting areas to be maintained in a natural state, with plant materials drawn at mature size at the scale of the plan; shall identify trees, shrubs, lawn areas and ground cover area (living and non-living) by name of material to be used; and shall show the dimensions and include the total square footage of each such area.
 - 8.3.1.3.2 Landscape Plans shall show all pedestrian walkways and pedestrian oriented areas, dimensioned, with materials and type of surface finish noted.
 - 8.3.1.3.3 Landscape Plans shall locate and identify all landscape structures (including fences, signs, lighting, water features, etc.) and recreational facilities.
 - 8.3.1.3.4 Landscape Plans shall show all significant naturally vegetated landscape features to be preserved and improved.

- 8.3.1.3.5 Landscape Plans shall indicate existing and finished grades at a maximum of two (2) foot intervals and identify all mounds and areas in excess of 20% slopes.
- 8.3.1.3.6 Landscape Plans shall label all public and private roadways, right-of-way, and points of access on or adjacent to the site and shall note all off-street parking and loading areas and surfacing materials.
- 8.3.1.3.7 Landscape Plans shall show all planting details and notes, including methods of soil preparation, erosion control, soil and vegetation removal, stockpiling and reuse.
- 8.3.1.3.8 Landscaping Plans shall contain the following statement concerning maintenance: "All landscaping shown on this plan shall be maintained in a neat and adequate manner. Required maintenance activities shall include, but not be limited to mowing of lawns, trimming of hedges, adequate irrigation, replacement of dead, diseased or unsightly landscaping, removal of weeds from planted areas and appropriate pruning of plant materials".
- 8.3.1.4 The certifications required to be submitted to the Town of Parker shall be as follows :
 - 8.3.1.4.1 The applicant shall submit a certification by one or more professionals, e.g., architects, engineers, attorneys, licensed in the State of Colorado and competent and experienced in the matters being certified to that state(s) as follows:
 - 8.3.1.4.1.1 The proposed land use is allowed under the Crown Point Center Development Guide.
 - 8.3.1.4.1.2 The proposed structures comply with the height limitation(s) set forth in this Development Guide.
 - 8.3.1.4.1.3 The proposed setbacks comply with the setback requirements set forth in this Development Guide.
 - 8.3.1.4.1.4 The proposed parking facilities comply with the applicable requirements contained in Section 10 of this Development Guide.
 - 8.3.1.4.1.5 The proposed signs are in compliance with the applicable requirements contained in this Development Guide.

- 8.3.1.4.2 The applicant shall submit a certification by a professional engineer licensed in the State of Colorado and competent and experienced in drainage engineering, confirming that the proposed improvements comply and are consistent with any applicable master drainage plans previously approved by the Town of Parker.
- 8.3.1.4.3 The applicant shall submit a certification by one or more professional engineers licensed in the State of Colorado and competent and experienced in both traffic and civil engineering to the effect that the proposed vehicular access system to and from the site will be adequate to serve the proposed improvements on the site.
- 8.3.1.4.4 The applicant shall submit a certification by the CPCACC that the Site Plan and Landscape Plan conforms to the requirements of the Crown Point Center Protective Covenants.
- 8.3.2 Procedure.
- 8.3.2.1 Any Site Plans, Landscape Plans, proof of ownership and certifications required pursuant to Section 8 above, shall be submitted to the Town of Parker Planning Department.
- 8.3.2.2 Immediately upon receipt of the Site Plan, Landscape Plan, proof of ownership and certifications for a particular project as described above, the Planning Department shall distribute copies of the materials submitted to the following referral agencies:
- 8.3.2.2.1 The Town of Parker Public Works Department;
- 8.3.2.2.2 The Town of Parker Building Department;
- 8.3.2.2.3 The Town of Parker Police Department;
- 8.3.2.2.4 The Parker Fire District;
- 8.3.2.2.5 The Cottonwood Water and Sanitation District.
- 8.3.2.3 Within thirty (30) calendar days after the submittal of the application to the Planning Department, as aforesaid, the Planning Department and the other referral agencies shall take the following actions:
- 8.3.2.3.1 The Planning Department shall make its own determination whether all of the statements set forth in Sections 8.3.1.4.1.1. through 8.3.1.4.1.5., above, are true with respect to the submittal, and notwithstanding anything to the contrary in the Crown Point Center

Development Guide, the scope of Site Plan approval rights by the Planning Department for improvements in Crown Point Center shall be limited to that determination. If the Planning Department determines that all of the statements set forth in Sections 8.3.1.4.1.1. through 8.3.1.4.1.5., above, are true with respect to the submittal, the Town of Parker Planning Director shall sign his approval onto the Site Plan and onto the Landscape Plan. If the Planning Director is absent or unavailable, the Mayor or the Mayor Pro Tem of the Town of Parker shall have the authority to sign the Planning Director's approval of the submittal onto the Site Plan and onto the Landscape Plan.

8.3.2.3.2

The Town of Parker Public Works Department shall make its own determination whether both the certifications described in Sections 8.3.1.4.2 and 8.3.1.4.3., above, are true with respect to the submittal, and notwithstanding anything to the contrary in this Development Guide, the scope of Site Plan approval rights of the Town of Parker Public Works Department for improvements in Crown Point Center shall be limited to that determination. If the Town of Parker Public Works Department determines that both of the certifications described in Sections 8.3.1.4.2. and 8.3.1.4.3., above, are true with respect to the submittal, the Town of Parker Public Works Director shall sign his approval of the submittal onto the Site Plan . If the Public Works Director is absent or unavailable, the Town of Parker Planning Director, the Mayor or the Mayor Pro Tem of the Town of Parker shall have the authority to sign the Public Works Director's approval of the submittal onto the Site Plan.

8.3.2.3.3

The Town of Parker Building Department shall make its own determination whether the street name or names proposed as part of or in connection with the submittal is or are acceptable to it, and notwithstanding anything to the contrary in this Development Guide, the scope of Site Plan approval rights by the Town of Parker Building Department for improvements in Crown Point Center shall be limited to that determination. If the Town of Parker Building Department determines that any street name or names proposed as part of or in connection with the submittal is or are acceptable to it, the Town of Parker Building Department shall sign its approval of the submittal onto the Site Plan. If the official or officials within the Town of Parker Building Department who have signature/approval authority are absent, the Town of Parker Planning Director, the Mayor or the Mayor Pro Tem of the Town of Parker shall have the authority to

sign the Building Department's approval of the submittal onto the Site Plan.

8.3.2.3.4

The Parker Fire District shall make its own determination whether the proposed project is satisfactory to it in terms of all issues relating to fire protection, and notwithstanding anything to the contrary in this Development Guide, the scope of Site Plan approval rights by the Parker Fire District for improvements in Crown Point Center shall be limited to that determination. If the Parker Fire District determines that the proposed project is satisfactory to it in terms of those issues relating to fire protection, the Parker Fire District shall sign its approval onto the Site Plan.

8.3.2.3.5

Although the Town of Parker Police Department shall have the right to review the Site Plan, it shall not have the right to either approve or disapprove the Site Plan for any reason.

8.3.2.3.6

The Cottonwood Water and Sanitation District shall make the determination whether or not the proposed improvements interfere with existing or proposed District facilities. If the Cottonwood Water and Sanitation District determines that the proposed project is satisfactory to it in terms of those issues relating to possible interference with District facilities, the District Manager shall sign his approval onto the Site Plan.

8.3.2.4

If, within the thirty (30) calendar day review period described in Section 8.3.2.3., above, the Town of Parker Planning Department and the other four referral agencies all approve and/or sign the Site Plan submittal pursuant to the review, approval and signature procedures set forth in Sections 8.3.2.2. and 8.3.2.3., above, the applicant at any time thereafter shall have the right to apply to the Town of Parker Building Department for issuance of a building permit or permits for the project. If, however, within said thirty (30) calendar day period, the Town of Parker Planning Department, and/or Public Works Department, and/or Building Department, and/or the Parker Fire District, and/or the Cottonwood Water and Sanitation District affirmatively object to the Site Plan submittal for a reason within the scope of its or their review and approval authority as set forth in Sections 8.3.2.2. and 8.3.2.3., above, within five (5) working days following the last day of the aforesaid thirty (30) calendar day review period the Town of Parker Planning Department shall advise the applicant in writing of that fact and shall identify for and explain to the applicant in writing the basis or reason for the objection.

- 8.3.2.5 Upon receipt of a written notification of the type described in the second sentence of Section 8.3.2.4., above, the applicant shall have the option either to modify the proposed Site Plan and/or Landscape Plan to meet all of the objections of the Town of Parker Planning Department and/or other referral agencies and thereafter to resubmit the proposed Site Plan and/or Landscape Plan as modified to the Town of Parker Planning Department for review and approval by it and/or the appropriate referral agency within fourteen (14) days after re-submittal, or not to modify (or to modify only with respect to some but not to all of Planning Department's or other referral agency's comments) the proposed Site Plan and/or Landscape Plan and to submit the unmodified or partially modified plan(s) directly to the Town Council, which shall make a decision thereon within twenty-one (21) calendar days. If the Town Council determines that all of said criteria have been met with respect to the proposed Site Plan and/or Landscape Plan submitted, the Town Council shall authorize the applicant to apply to the Town of Parker for issuance of a building permit or permits for the project.
- 8.3.2.6 Any Site Plan and/or Landscape Plan approval granted by the Town of Parker pursuant to this Section 8 shall be valid until the third (3rd) anniversary of the date of approval. If construction of the project shown on the approved plan(s) does not commence within said three year period, except for good cause shown, the approval(s) shall lapse and the plan(s) must be resubmitted to the Town of Parker for a new approval or approvals pursuant to the process set forth in this Section 8 before construction of the project may commence.
- 8.3.3 Exclusivity of Requirements and Procedures. Notwithstanding anything to the contrary in this Crown Point Center Development Guide and the Crown Point Center Development Plan or in any other Town of Parker regulations, the Site Plan Review requirements and procedure set forth in this Section 8 shall be the sole and exclusive Site Plan review requirements and procedures for Crown Point Center, and no other Site Plan review requirements or procedures shall apply to any proposed improvement within Crown Point Center. Thus, any Site Plan review requirement, procedure, matter or item not addressed or listed in this Section 8 shall not be applicable to, or a requirement or procedure of, or a review item for, Site Plan review for proposed improvements within Crown Point Center.
- 8.4 Special Site Plan Requirements: These Site Planning Standards shall apply to Hospitals, medical offices/facilities located in Planning Areas 5, 6a and 6b as described in the 2001 Development Plan for Crown Point Center.
- 8.4.1 Hospitals and medical offices/facilities located in Planning Areas 5, 6a, and 6b shall be required to follow the Town's Site Plan process as outlined in Section 13.06 of the Town of Parker Land Development Code (as it exists on the date of this restated Development Guide and not as

hereafter amended). Upon submittal of the site plan for the above mentioned uses, the Town shall have thirty (30) days to review the site plan submittal for compliance with the Town of Parker Land Development Code (as it exists on the date of this restated Development Guide and not as hereafter amended). Upon expiration of the first thirty (30) days review period, the Town will have an additional thirty (30) days to schedule a Public Meeting before the Town of Parker Planning Commission in which to review the Site Plan application.

- 8.4.2 Hospital and medical offices/facilities located in Planning Areas 5, 6a and 6b shall be required to meet the requirements of the Town of Parker Land Development Code (as it exists on the date of this restated Development Guide and not as hereafter amended), including, but not limited to, landscape requirements, pedestrian access, and other design standards. The Town of Parker Planning Commission shall have the authority to grant exceptions to the strict interpretation of the requirements of the Land Development Code (as it exists on the date of this restated Development Guide and not as hereafter amended), as long as the intent of the Land Development Code (as it exists on the date of this restated Development Guide and not as hereafter amended) is met.

SECTION 9

USES AND STANDARDS

9.1 General Site Design/Development Standards.

In addition to the Site Planning Standards of Section 8 hereof and except as otherwise provided for in this Development Guide, the following general Site Design/Development Standards shall apply to all Districts within Crown Point Center :

9.1.1 Minimum Dimensions of Lots.

- 9.1.1.1 Unless otherwise provided herein, no part of the area, setback or dimension of a lot required for the purpose of complying with the provisions of this Development Guide shall be included as part of the area, setback or dimension required for another lot.

9.1.2 Minimum Setbacks.

- 9.1.2.1 Cornices, canopies, eaves, wing walls or similar architectural features may extend into a required setback not more than six (6) feet.
- 9.1.2.2 Open, unenclosed, pads and loading docks at ground level may extend into a required setback.
- 9.1.2.3 Open, unenclosed, pads and loading docks three (3) feet or more above ground level may extend into a required rear setback,

- provided that the distance from the pad or dock to the rear property line shall not be less than five (5) feet.
- 9.1.2.4 For purposes of this Development Guide, the setback bordering on Parker Road shall not be less than fifty (50) feet from the Parker Road right-of-way line (applies only to above-grade enclosed buildings and not to any other improvements except above-grade parking structures). When this requirement conflicts with a setback otherwise required by this Guide, the greater setback shall be required.
- 9.1.2.5 There shall be no set back required from the E-470 right-of-way.
- 9.1.2.6 No structure shall be erected within a utility easement without approval of the appropriate agency.
- 9.1.2.7 No minimum setback will apply adjacent to property lines which merely separate uses whether or not under separate or different ownerships, e.g., anchor tenant buildings attached to a regional mall.
- 9.1.2.8 The only setbacks which shall be applicable within Crown Point Center are those set forth within this Development Guide. Any reduction in a specific setback, except as otherwise permitted by this Development Guide, shall be treated and processed as a Variance, as provided for in Section 6.4 hereof.
- 9.1.3 Maximum Height of Buildings. The height limitations of this Development Guide shall not apply to permitted communication facilities, solar collectors and appurtenances, and to heating, air conditioning and ventilating equipment usually carried above roof level.
- 9.1.4 Screening. At a minimum, screening shall be provided as follows :
- 9.1.4.1 Adequate screening shall be constructed along property lines where non- residential Planning Districts abut any residential Planning District without street separation and, in addition, along that portion of the eastern most boundary of Zone District Number "7" (of the Development Plan) which backs to the existing residential subdivision to the East. The height of such screening shall be indicated on the approved Site Plan.
- 9.1.4.2 All mechanical equipment placed on any roof or otherwise outside of any building, including but not limited to, air conditioning, heating and ventilating equipment, shall be screened from view at ground level. In addition, all mechanical equipment shall be painted a uniform complimentary color so as to mitigate its visual impact to the surrounding community.
- 9.1.4.3 Screening material shall consist of any one or combination of the following:

- 9.1.4.3.1 Wall: A wall consisting of concrete block, stone, brick, tile or similar solid masonry material, which shall complement exterior building materials.
- 9.1.4.3.2 Berm: A berm constructed of earthen materials and landscaped.
- 9.1.4.3.3 Fence: An opaque fence constructed of wood or other fence materials, which shall complement the exterior building materials.
- 9.1.4.3.4 Planting: Landscape planting utilizing vegetative species to maximize year-round effectiveness.
- 9.1.5 Loading and Unloading. Loading areas shall be screened from view at ground level.
- 9.1.6 Trash and Storage Areas. Trash collection facilities and storage areas shall be indicated on the Site Plan, These areas shall be screened from view at ground level, or enclosed.
- 9.1.7 Compliance with Airport Influence - Overlay Map. Any requirements imposed by virtue of any applicable airport influence zone shall be complied with.
- 9.2 Crown Point Center Permitted Use Districts.
- 9.2.1 Commercial/Office/Hotel District
- 9.2.1.1 Uses Permitted By Right. The following uses are permitted by right in the Commercial/Office/Hotel District of Crown Point Center.
 - 9.2.1.1.1 Shopping Centers including, but not limited to, Regional Community, Neighborhood and Power Centers, and all uses customarily associated with such shopping centers.
 - 9.2.1.1.2 Commercial retail and wholesale businesses.
 - 9.2.1.1.3 Banks, financial institutions and services, with or without drive-up facilities.
 - 9.2.1.1.4 Car Care Centers.
 - 9.2.1.1.5 Commercial service businesses, including but not limited to, dry cleaners, barber shops and salons, travel agencies, shoe repair stores.
 - 9.2.1.1.6 Hotels and Motels, including conference and convention centers and other incidental accessory uses located within the principal building.

- 9.2.1.1.7 Restaurants, with or without drive-up facilities, and other eating and drinking establishments including bars and lounges.
- 9.2.1.1.8 General business, professional, and government offices.
- 9.2.1.1.9 Indoor theatres.
- 9.2.1.1.10 Parking structures
- 9.2.1.1.11 Commercial, public and private recreational facilities.
- 9.2.1.1.12 Educational and training related facilities.
- 9.2.1.1.13 Executive and caretaker residences.
- 9.2.1.1.14 Hospitals and health care facilities.
- 9.2.1.1.15 Veterinary clinics and hospitals.
- 9.2.1.1.16 Community information centers.
- 9.2.1.1.17 Nursery schools and day care centers.
- 9.2.1.1.18 Open space, parks, playgrounds, country clubs and other clubs operated for the benefit of the public or for private members.
- 9.2.1.1.19 Special community events in open space and plaza areas (subject to application and receipt of any required Town permit(s)) .
- 9.2.1.1.20 Public, commercial and private recreational facilities.
- 9.2.1.1.21 Public and quasi-public buildings and structures, including but not limited to, police stations, fire stations, libraries, schools and emergency care facilities.
- 9.2.1.1.22 Public and private utilities and utility service facilities and ancillary, related and/or accessory facilities including, but not limited to, land application of treated effluent, water treatment, transmission and storage facilities.
- 9.2.1.1.23 Transit facilities or other facilities designed to enhance the use of public transit.
- 9.2.1.1.24 Microwave dishes and other communication facilities without towers.

- 9.2.1.1.25 Religious institutions, including churches, temples and other religious facilities.
- 9.2.1.1.26 Helipads affiliated with a Hospital use are allowed as a permitted use solely within Planning Area 5, subject to the following conditions being met: (1) they are used for emergency purposes only (no scheduled flights), (2) no maintenance or fueling of aircraft shall be permitted, (3) it shall be located at grade, and (4) the use must be associated with a Hospital use within Crown Point (use by right in only Planning Areas 5).
- 9.2.1.1.27 Accessory and support uses and buildings.
- 9.2.1.1.28 Any other use compatible with the uses set forth herein.
- 9.2.1.2 Uses Permitted By Special Review.
- 9.2.1.2.1 Microwave and other communication facilities with towers.
- 9.2.1.2.2 Heliports.
- 9.2.1.3 Development/Design Standards. Development permitted in the Commercial/Office/Hotel District shall be constructed in accordance with an approved Site Plan and the following Development/Design Standards.
- 9.2.1.3.1 Minimum lot area: 10,000 square feet, unless such development is designed as a project(s) in which case there is no minimum lot area.
- 9.2.1.3.2 Maximum Building Height: Sixty (60) feet except for Hotels, which shall be 120 feet, and except for Regional Shopping Malls which shall be 80 feet, and except where height limitations are otherwise dictated by virtue of existing Airport Influence Zones. The following exceptions apply:
- 1) Within Planning Area 5, as depicted on the 2001 Development Plan for Crown Point Center, Hospitals and attached medical offices/facilities beyond nine hundred (900) feet of the eastern property boundary of Crown Point may be constructed to a maximum height of one hundred twenty (120) feet.
 - 2) Detached medical offices/facilities affiliated with a Hospital use within Planning Area 5, as depicted on the 2001 Development Plan for Crown Point Center, may be constructed to a maximum height of ninety (90) feet.

- 3) Religious institutions, including churches, temples and other religious facilities may be constructed to a maximum height of sixty (60) feet; heights in excess of sixty (60) feet shall be required to follow the use by special review process outlined in the Town of Parker Land Development Code (as it exists on the date of this restated Development Guide and not as hereafter amended).

9.2.1.3.3 Minimum Setback: Thirty (30) feet shall be required in areas abutting perimeter and interior public streets and the boundaries of the Planning Area, except that buildings will be set back a minimum of fifty (50) feet from Parker Road (applies only to above-grade enclosed buildings and not any other improvements except above-grade parking structures). No minimum setback will apply adjacent to property lines which merely separate uses whether or not under separate or different ownerships, e.g., anchor tenant buildings attached to a regional mall.

9.2.1.3.4 Landscaped Area: A minimum of eight percent (8%) of the gross land area of each site shall be landscaped, except in the case of a regional shopping mall in which event the minimum landscape area shall be five percent (5%).

9.2.2 Commercial/Office/Research and Development District

9.2.2.1 Uses Permitted by Right. The following uses shall be permitted by right in the Commercial/Office/Research and Development District of Crown Point Center:

9.2.2.1.1 Any use permitted by right in the non-residential portion, i.e., the Campus Office portion, (Section 9.2.3.2.1) of the Residential Suburban/Campus Office District.

9.2.2.1.2 Scientific research and development facilities.

9.2.2.1.3 Indoor theaters.

9.2.2.1.4 Commercial retail and wholesale businesses.

9.2.2.1.5 Showroom and office/showroom facilities.

9.2.2.1.6 Car Care Centers and gasoline/convenience stores.

- 9.2.2.1.7 Restaurants with or without drive-up facilities and other eating and drinking establishments including bars and lounges.
- 9.2.2.1.8 Motor vehicle and motorized equipment sales, leasing, service and repair.
- 9.2.2.1.9 Garden shops, greenhouses and wholesale/retail plant nurseries.
- 9.2.2.1.10 Home repair centers - wholesale/retail.
- 9.2.2.1.11 Bakeries - wholesale/retail.
- 9.2.2.1.12 Boat and recreational vehicle sales.
- 9.2.2.1.13 Building materials - wholesale/retail.
- 9.2.2.1.14 Accessory and support uses and buildings.
- 9.2.2.1.15 Microwave and other communication facilities without towers
- 9.2.2.1.16 Food and beverage processing facilities.
- 9.2.2.1.17 Mortuaries and funeral homes.
- 9.2.2.1.18 Office warehouses with no storage of hazardous materials.
- 9.2.2.1.19 Product distribution and storage facilities.
- 9.2.2.1.20 Special community events.
- 9.2.2.1.21 Executive and caretaker residences.
- 9.2.2.1.22 Educational and training related facilities.
- 9.2.2.1.23 Helipads affiliated with a Hospital use are allowed as a permitted use solely within Planning Areas 6a and 6b, subject to the following conditions being met: (1) they are used for emergency purposes only (no scheduled flights), (2) no maintenance or fueling of aircraft shall be permitted, (3) it shall be located at grade, and (4) the use must be associated with a Hospital use within Crown Point (use by right in only Planning Areas 6a and 6b).
- 9.2.2.1.24 Religious Institutions, including churches, temples and other religious facilities.

- 9.2.2.1.25 Hotels and Motels, including conference facilities and accessory uses within the building.
- 9.2.2.1.26 Hospitals and health care facilities (Planning Areas 6a and 6b only).
- 9.2.2.1.27 Any other use compatible with the uses set forth herein.
- 9.2.2.2 Uses Permitted by Special Review
- 9.2.2.2.1 Heliports.
- 9.2.2.2.2 Microwave and other communication facilities with towers.
- 9.2.2.3 Site Design/Development Standards. Development permitted in the Commercial/Office/Research and Development District shall be constructed in accordance with an approved Site Plan and the following Site Design/Development Standards.
- 9.2.2.3.1 Minimum Lot Area: 10,000 square feet, unless such development is designed as a project(s) in which case there is no minimum lot area.
- 9.2.2.3.2 Maximum Building Height: The maximum building height is sixty (60) feet with the following exceptions:
- 1) Within Planning Areas 6a and 6b, no building over forty-five (45) feet in height shall be closer than one hundred fifty (150) feet from the easternmost property boundary of the Crown Point Planned Development as depicted in the 2001 Development Plan.
 - 2) Within Planning Areas 6a and 6b, no building over sixty (60) feet in height shall be closer than three hundred (300) feet from the easternmost property boundary of the Crown Point Planned Development as depicted in the 2001 Development Plan.
 - 3) Within Planning Areas 6a and 6b, no building over ninety (90) feet in height shall be closer than nine hundred (900) feet from the easternmost property boundary of the Crown Point Planned Development as depicted in the 2001 Development Plan.
 - 4) No building over one hundred twenty (120) feet in height shall be constructed within Planning Areas 6a and 6b.

- 5) Religious Institutions, including churches, temples and other religious facilities, may be constructed to a maximum height of sixty (60) feet, subject to the set-back limitations set forth in this Section 9.2.2.3.2; heights of Religious Institutions, including churches, temples and other religious facilities, in excess of sixty (60) feet shall be required to follow the use by special review process outlined in the Town of Parker Land Development Code (as it exists on the date of this restated Development Guide and not as hereafter amended).
- 6) Any Hotel and/or Motel in this District in excess of sixty (60) feet in height shall be required to follow the Use By Special Review process outlined in the Town of Parker Land Development Code (as it exists on the date of this restated Development Guide and not as hereafter amended).
- 7) Within Planning Areas 6a and 6b, Hospitals and attached medical offices/facilities may be constructed to a maximum of one hundred twenty (120) feet in height, subject to the set-back limitations set forth in this Section 9.2.2.3.2.
- 8) Within Planning Areas 6a, and 6b, detached medical offices/facilities affiliated with a hospital use within Crown Point may be constructed to a maximum of ninety (90) feet in height, subject to the set-back limitations set forth in this Section 9.2.2.3.2.

9.2.2.3.3

Minimum Setback: Thirty (30) feet shall be required in areas abutting perimeter and interior public streets and the boundaries of the Planning District, except that buildings will be set back a minimum of fifty (50) feet from Parker Road (applies only to above-grade enclosed buildings and not to any other improvements except above-grade parking structures). No minimum setback will apply adjacent to property lines which merely separate uses whether or not under separate or different ownerships, e.g., anchor tenant buildings attached to a regional mall.

9.2.2.3.4

Landscaped Area: a minimum of ten percent (10%) of the gross land area of each site shall be landscaped.

9.2.3	<u>Campus Office District</u>
9.2.3.1	<u>Uses Permitted by Right.</u> The following uses are permitted by right in the Campus Office Districts of Crown Point Center.
9.2.3.1.1	General business professional and governmental offices.
9.2.3.1.2	Accessory buildings and uses.
9.2.3.1.3	Banks, financial institutions and services including automatic teller machines.
9.2.3.1.4	Caretaker residences.
9.2.3.1.5	Community information centers.
9.2.3.1.6	Day care centers and nursery schools.
9.2.3.1.7	Public and quasi-public buildings and structures including, but not limited to, police stations, fire stations, libraries, schools and emergency care facilities.
9.2.3.1.8	Public and private utilities and utility service facilities and ancillary, related and/or accessory facilities including, but not limited to, land application of treated effluent, water treatment, transmission and storage facilities.
9.2.3.1.9	Institutional facilities including, without limitation, churches, temples and other religious institutions.
9.2.3.1.10	Educational and training related facilities.
9.2.3.1.11	Public and private parking lots.
9.2.3.1.12	Commercial, public and private recreational areas.
9.2.3.1.13	Commercial services including, but not limited to, dry cleaners, barber shops and salons, travel agencies, shoe repair stores.
9.2.3.1.14	Transit facilities or other facilities designed to enhance the use of public transit.
9.2.3.1.15	Microwave dishes and other communication facilities without towers.
9.2.3.1.16	Special community events.
9.2.3.1.17	Public or private membership clubs.

9.2.3.1.18 Any other uses consistent with the purposes and compatible with the uses set forth herein.

9.2.3.2 Uses Permitted by Special Review

9.2.3.2.1 Microwave and other communication facilities with towers.

9.2.3.2.2 Outdoor community and entertainment centers.

9.2.3.2.3 Convenience Commercial.

9.2.3.2.4 Equipment rentals requiring exterior storage or display.

9.2.3.2.5 Residential.

9.2.3.3 Non-Residential Site Design/Development Standards: Non-residential development permitted in the Campus Office District shall be constructed in accordance with an approved Site Plan and the following Site Design/Development Standards.

9.2.3.3.1 Minimum lot area: 10,000 square feet, unless such development is designed as a project(s) in which case there is no minimum lot area.

9.2.3.3.2 Maximum Building Height: 35 feet.

9.2.3.3.3 Minimum Setback: 30 feet shall be required in areas abutting perimeter and interior public streets and the boundaries of the District. No minimum setback will apply adjacent to property lines which merely separate uses whether or not under separate or different ownerships, e.g., anchor tenant buildings attached to a regional mall.

9.2.3.3.4 Landscaped Area: a minimum of ten percent (10%) of the gross land area of each site shall be landscaped.

9.2.3.4 Residential Site Design/Standards: To be determined as part of the Use By Special Review process.

9.2.4 Open Space/Buffer District

9.2.4.1 Uses Permitted by Right. The following uses shall be permitted by right in the Open Space/Buffer District(s) within Crown Point Center.

9.2.4.1.1 Public and private utilities and ancillary, related and/or accessory facilities including, but not limited to, utility service facilities, land application of treated effluent

(including rapid infiltration ponds), water and storm water storage, transmission and treatment facilities.

9.2.4.1.2

Off-street parking for open/space uses.

9.2.4.1.3

Special community events.

9.2.4.1.4

Any other uses consistent with the uses set forth herein.

9.2.4.2

Uses Permitted by Special Review

9.2.4.2.1

Roads or roadways, both public and private, which access the existing residential area(s) located to the East of the Open Space/Buffer District, i.e., Zone District Number "9" (of the Development Plan).

9.2.4.2.2

Athletic fields, picnic facilities, playgrounds, biking and jogging trails, parks, tennis courts, other sports courts, swimming pools and other public recreation facilities.

SECTION 10

OFF-STREET PARKING

10.1

Off-street Parking Requirements. The following minimum requirements for off-street parking spaces shall be implemented in Crown Point Center:

10.1.1

Shopping Centers - Four (4) parking spaces for each one thousand (1,000) square feet of net floor area.

10.1.2

Churches and Related Buildings: One (1) off-street parking space per four (4) fixed seats in principal public areas (example: auditoriums), or one (1) off-street parking space per one hundred fifty (150) square feet of net floor area, whichever is greater.

10.1.3

Auditoriums and Other Places of Public Assembly: One (1) off-street parking space per three (3) fixed seats, or one (1) off-street parking space per one hundred (100) square feet of net floor area, whichever is greater.

10.1.4

Hospitals and Similar Health Facilities: one (1) off-street parking space per four (4) beds, plus one (1) off-street parking space per two (2) employees.

10.1.5

Home Occupations: One (1) off-street parking space per permitted home occupation.

10.1.6

Hotels, Motels, Tourist Homes: one (1) off-street parking space per rental unit, plus one (1) off-street parking space per two (2) employees.

- 10.1.7 Restaurants, Bars, and Similar Dining and Drinking Establishments: one (1) off-street parking space per three (3) seats, or one (1) off-street parking space per seventy-five (75) square feet of gross floor area, whichever is greater.
- 10.1.8 Nursing Homes, Sanitariums, and Similar Establishments: one (1) off-street parking space per two (2) employees, plus one (1) off-street parking space per five (5) beds.
- 10.1.9 Office Uses: one (1) off-street parking space per three hundred (300) square feet of net floor area.
- 10.1.10 Other Business and Commercial Uses: one (1) off-street parking space per two hundred and fifty (250) square feet of net floor area, or as required by the Council.
- 10.1.11 Warehouse Distribution and Storage Facilities: one (1) parking space for each five thousand (5,000) square feet of net floor area not in use for retail, wholesale or office area plus one (1) parking space for each five hundred (500) square feet of net floor area in use for retail, wholesale or office area.
- 10.1.12 Car Care Centers: one (1) parking space for each attendant on duty at any given time plus two (2) parking spaces for each service bay.
- 10.1.13 Nursery Schools and Day care Centers: one (1) parking space for each teacher/care provider on maximum shift plus one parking space for each five (5) students/care recipients in attendance on maximum shift.
- 10.1.14 Amusement/Recreational Enterprises (Swimming Pools, Skating Rinks, Health Clubs, Spas, etc.): one (1) parking space for each two (2) persons based on designated use or occupancy capacity or one (1) parking space for each spectator seat, whichever applies.
- 10.1.15 Libraries, Museums, and Galleries: one (1) parking space for each three hundred (300) square feet of net floor area.
- 10.1.16 Indoor Theaters: one (1) parking space for each three (3) fixed seats plus one (1) parking space for each employee on maximum shift.
- 10.1.17 Veterinary Clinics and Hospitals: one (1) parking space for each employee on maximum shift plus one (1) parking space for each five hundred (500) square feet of net floor area.
- 10.1.18 Use Not Specified: For any use not specified above, or in the Town of Parking Off-Street Parking Regulations, the requirements for a similar use shall apply, or the applicant shall have the right to propose a new parking requirement for the use. This requirement shall be considered for approval by the Town of Parking Planning Director.

- 10.2 Alternative Requirements. Should the applicant for a specific use present a Site Plan with less than the number of required parking spaces due to site or project specific requirements, the alternative parking requirements shall be considered for approval by the Town of Parker Planning Director. If the alternative requirements are justifiable and achieve at least 85% of the required parking spaces, the site plan may be approved.
- 10.3 Shared Parking. Parking facilities shared by more than one use (whether or not the uses are in separate buildings or projects) are permitted in Crown Point Center. Parking spaces provided must meet the applicable criteria for the use which requires the greater number of spaces. The uses may not utilize the parking facilities at the same time.
- 10.4 Handicapped Parking. Parking for the handicapped shall be provided for all uses, except single family residential uses for which no parking for the handicapped will be required, at the minimum rate of two percent (2%) of the total parking spaces subject to a minimum of one space per use. The minimum size of a handicap parking space shall be as shown in Table I. Handicap parking shall be located near the entrance to the use.
- 10.5 Compact Car Ratio. Parking facilities with a minimum of twenty (20) spaces may provide a maximum of forty percent (40%) of the required parking spaces for compact cars. Such parking spaces shall be clearly designated for compact cars. The minimum size of a compact car parking space shall be as shown in Table I.
- 10.6 Off-site Parking. Off-site parking shall be permitted for uses in Crown Point Center. Said off-site parking must be in reasonable proximity to the use and will be considered for approval by the Town of Parker Planning Director.
- 10.7 Loading Areas. Off-street locations for the loading and unloading of goods and materials ancillary to a use shall be provided in accordance with the specific requirements of the use. Such loading areas will be located to avoid conflicts with other traffic and will be considered for adequacy by the Town of Parker Planning Director.
- 10.8 Parking Space Dimensions. Table I, below, establishes the minimum dimensions for parking spaces within Crown Point Center:

Table 1

Full Sized Car

Angle	0 (parallel parking)	45°	60°	90°
Width	8'	8'6"	8'6"	9'
Length	20'	19'	20'	18'

Compact Cars

Angle	0	45°	60°	90°
Width	7'6"	7'6"	8'	7'6"
Length	16'	17'	16'	16'
Aisle Width	11'	22'	22'	22'

Handicap Parking

Angle	0	45°	60°	90°
Width	12'	12'6"	12'6"	13'
Length	20'	19'	20'	18'

SECTION 11

SIGNS

- 11.1 General. Signs allowed in Crown Point Center shall conform to the Sign Ordinance for the Town of Parker except as specifically addressed within this Section to meet the unique requirements of Crown Point Center.
- 11.1.1 Entryway Signs. Permanent entryway signs or monuments shall be permitted to identify Crown Point Center, individual projects or major facilities within Crown Point Center. The Crown Point Center entryway signs will be permitted at both of the intersections of Cottonwood Drive with State Highway 83. Other entryway signs will typically be located at the entrance to the project or facility from Cottonwood Drive or other major roadway. Two sign faces per entrance are permitted, and shall have a maximum sign area of 100 square feet per sign face. The maximum height of the sign shall be fifteen (15) feet above finished grade. Signs shall be setback a minimum of ten (10) feet from any property line adjacent to a street, and shall be located to avoid visibility or other traffic conflicts.
- 11.1.2 Shopping Center Identification Signs.
- 11.1.2.1 One identification ground sign per shopping center shall be permitted provided such sign does not extend more than fifteen (15) feet in height above ground level, the total sign area does not exceed two hundred (200) square feet per sign, and no sign face exceeds one hundred (100) square feet, or

- 11.1.2.2 One identification ground sign identifying the individual businesses within the shopping center if a minimum of fifty percent (50%) of the area of said sign serves as identification of the Shopping Center. Such sign shall not exceed fifteen (15) feet in height above ground level, the total sign area shall not exceed two hundred (200) square feet, and no sign shall exceed one hundred (100) square feet.
- 11.1.3 Business, Commercial, or Office Park Identification Signs
- 11.1.3.1 One identification ground sign identifying the park shall be permitted per access point into the project area, provided such sign is located adjacent to major intersecting roadways on the outside perimeter of the park. In addition the sign shall not extend more than fifteen (15) feet in height above ground level, the total sign area shall not exceed two hundred (200) square feet per sign, and no sign face shall exceed one hundred (100) square feet.
- 11.1.3.2 One directory sign identifying each use or tenant is allowed per park provided such a sign does not exceed one hundred (100) square feet in area. Such sign is recommended to be located at the primary entrance to the park.
- 11.1.4 Individual Uses within a Center or Park. Each use shall be entitled to a fascia sign area of fifty (50) square feet per wall area visible from a public right-of-way; however, such sign area for each wall area visible from a public right-of-way may be increased at the rate of one (1) square foot of sign area for each lineal foot of building exposure in excess of fifty (50) lineal feet, to a maximum of one hundred (100) square feet of sign area per each wall area visible from a public right-of-way.
- 11.1.5 Mall Type Shopping Center. In addition to the signs allowed in the preceding paragraph, mall type of shopping centers shall be allowed signs at all building entrances to the mall. In addition, mall type shopping malls shall be allowed one sign advertising a food court. The maximum size of all above signs will be seventy (70) square feet.
- 11.1.6 Indoor Theaters. In addition to signs permitted in 11.1.4 and 11.1.5 above, indoor theaters shall be allowed one additional sign for the purpose of displaying the current selection ("readerboard"). Such readerboard may either be affixed to the exterior wall of the building or be a ground sign. Readerboard ground signs shall not extend more than fifteen (15) feet in height above ground level. The total sign area shall not exceed two hundred (200) square feet per sign, and no sign face shall exceed one hundred (100) square feet.

SECTION 12

LEGAL DESCRIPTION

TWO PARCELS OF LAND LOCATED IN SECTIONS 3, 4, 9 AND 10, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL A

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 3;

THENCE N89°14'30"E ALONG THE NORTH LINE OF SAID SOUTHWEST ONE-QUARTER A DISTANCE OF 1,227.45 FEET TO THE POINT OF BEGINNING ON THE EASTERLY RIGHT-OF-WAY LINE OF E-470, PARCEL NO. TK-23 REV. 1;

THENCE CONTINUING N89°14'30"E ALONG SAID NORTH LINE A DISTANCE OF 1,483.59 FEET TO THE POINT ON THE WESTERLY BOUNDARY LINE OF SIERRA VISTA FILING NO. 3;

THENCE ALONG THE WESTERLY BOUNDARY LINES OF SIERRA VISTA FILINGS NO. 3 AND NO. 2 THE FOLLOWING EIGHT (8) COURSES:

- 1) S10°45'30"E A DISTANCE OF 580.00 FEET;
- 2) S75°14'30"W A DISTANCE OF 385.00 FEET;
- 3) 10°45'30"E A DISTANCE OF 635.00 FEET;
- 4) S61°33'52"E A DISTANCE OF 281.33 FEET;
- 5) S34°32'23"W A DISTANCE OF 280.00 FEET TO THE POINT OF RADIAL CURVE, WHENCE THE CENTER OF SAID CURVE BEARS S34°32'23"W;
- 6) ALONG THE ARC OF SAID RADIAL CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 07°00'00" AND A RADIUS OF 1,250.00 FEET, A DISTANCE OF 152.72 FEET TO THE POINT ON A RADIAL LINE;
- 7) S41°32'23"W ALONG SAID RADIAL LINE A DISTANCE OF 172.48 FEET;
- 8) S00°21'34"E A DISTANCE OF 756.72 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 10;

THENCE CONTINUING S00°21'34"E ALONG THE EAST LINE OF SAID NORTHWEST ONE-QUARTER A DISTANCE OF 1,621.90 FEET TO THE POINT ON THE NORTH LINE OF THAT PARCEL OF LAND DESCRIBED IN BOOK 289 AT PAGE 826, DOUGLAS COUNTY RECORDS;

THENCE S89°32'23"W ALONG SAID NORTH LINE A DISTANCE OF 2,265.17 FEET TO THE POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 83, AS DESCRIBED IN BOOK 727 AT PAGE 628, DOUGLAS COUNTY RECORDS;

THENCE N24°38'59"W ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 665.42 FEET;

THENCE N19°46'10"W ALONG THE RIGHT-OF-WAY LINE OF E-470, PARCEL NO. TK-23 B REVISION 1 A DISTANCE OF 501.81 FEET;

THENCE N24°39'15"W ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 100.00 FEET TO SAID EASTERLY RIGHT-OF-WAY LINE OF E-470, PARCEL NO. TK-23 REV.1;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE THE FOLLOWING FIVE (5) COURSES:

- 1) N65°20'45"E A DISTANCE OF 52.69 FEET TO THE POINT OF RADIAL CURVE, WHENCE THE CENTER OF SAID CURVE BEARS N65°20'45"E;

- 2) ALONG THE ARC OF SAID RADIAL CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 70°18'53" AND A RADIUS OF 549.41 FEET, A DISTANCE OF 674.24 FEET TO THE POINT OF TANGENT;
- 3) N45°39'38"E ALONG SAID TANGENT LINE A DISTANCE OF 648.67 FEET TO THE POINT OF CURVE;
- 4) ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 35°55'43" AND A RADIUS OF 1,979.85 FEET, A DISTANCE OF 1,241.51 FEET TO THE POINT OF TANGENT;
- 5) N09°43'55"E ALONG SAID TANGENT LINE A DISTANCE OF 945.48 FEET TO THE POINT OF BEGINNING.

CONTAINING 9,086,265 SQUARE FEET OR 208.5919 ACRES, MORE OR LESS.

TOGETHER WITH:

PARCEL B

BEGINNING AT THE NORTHWEST CORNER OF SAID SOUTHWEST ONE-QUARTER OF SECTION 3;

THENCE N89°14'30"E ALONG THE NORTH LINE OF SAID SOUTHWEST ONE-QUARTER A DISTANCE OF 900.77 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF E-470, PARCEL NO. TK-23 REVISION 1;

THENCE ALONG THE RIGHT-OF-WAY LINE OF E-470, PARCELS NO. TK-23 REVISION 1 AND TK-23 A REVISION 1 AND THE RIGHT-OF-WAY LINE OF STATE HIGHWAY NO.

83 THE FOLLOWING ELEVEN (11) COURSES:

- 1) S10°52'39"W A DISTANCE OF 681.68 FEET;
- 2) S14°37'39"W A DISTANCE OF 95.13 FEET TO A POINT OF CURVE; THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 22°03'52" AND A RADIUS OF 1,075.92 FEET, A DISTANCE OF 414.33 FEET TO A POINT OF TANGENT;
- 3) S36°41'31"W ALONG SAID TANGENT LINE A DISTANCE OF 228.17 FEET TO A POINT OF CURVE;
- 4) ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 52°39'15" AND A RADIUS OF 549.41 FEET, A DISTANCE OF 504.90 FEET TO A POINT OF TANGENT;
- 5) S89°20'46"W ALONG SAID TANGENT LINE A DISTANCE OF 428.00 FEET TO A POINT OF CURVE;
- 6) ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 66°00'00" AND A RADIUS OF 549.41 FEET, A DISTANCE OF 632.88 FEET;
- 7) N24°39'14"W A DISTANCE OF 189.84 FEET;
- 8) N55°34'56"W A DISTANCE OF 82.67 FEET;
- 9) N24°39'05"W A DISTANCE OF 862.93 FEET;
- 10) N37°19'01"E A DISTANCE OF 106.97 FEET;
- 11) N28°26'39"W A DISTANCE OF 105.93 FEET TO A POINT ON THE NORTH LINE OF SAID SOUTHEAST ONE-QUARTER OF SECTION 4;

THENCE N88°53'23"E ALONG SAID NORTH LINE A DISTANCE OF 1,427.66 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,762,891 SQUARE FEET OR 63.4272 ACRES, MORE OR LESS.

SECTION 13

CROWN POINT CENTER DEVELOPMENT PLAN



ORDINANCE NO. 3.74.4, Series of 2023

TITLE: A BILL FOR AN ORDINANCE TO AMEND SECTION 13 OF THE CROWN POINT CENTER DEVELOPMENT GUIDE THIRD AMENDMENT TITLED “CROWN POINT CENTER DEVELOPMENT PLAN,” PURSUANT TO THE PARKER LAND DEVELOPMENT ORDINANCE

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

Section 1. Findings of Fact.

a. Application has been made (the “Application”) for amending the PD-Planned Development zoning for the “Crown Point Development Guide Third Amendment” approved by the Town Council on June 3, 2013, and recorded in the Douglas County Clerk and Recorder’s Office on June 4, 2013, at Reception No. 2013046212, for the property described in attached **Exhibit A**, within the Town of Parker, Colorado, pursuant to the Parker Land Development Ordinance (the “2013 Crown Point Development Guide”).

b. The Application requests that Section 13 of the 2013 Crown Point Development Guide titled “Crown Point Center Development Plan” be amended to remove the real property described in attached **Exhibit B** (the “Property”) from the “Commercial/Office/Hotel District,” specifically Planning Area 2b, and include the Property in the “Commercial/Office/Research and Development District,” specifically Planning Area 6b.

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

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

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

f. The requirements contained in Section 13.04.240(b) of the Parker Land Development Ordinance for amending Section 13 of the 2013 Crown Point Development Guide and rezoning the Property by removing the Property from Planning Area 2b of the “Commercial/Office/Hotel District,” and including the Property in Planning Area 6b of the “Commercial/Office/Research and Development District.”

Section 2. Section 13 of the 2013 Crown Point Development Guide is hereby amended as provided in the “Crown Point Center Development Plan – 2023 Amendment,” which is attached hereto as **Exhibit C** and incorporated herein by 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 _____, 2023.

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2023.

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk

APPROVED AS TO FORM:

Kristin Hoffmann, Town Attorney

EXHIBIT A

Legal Description

TWO PARCELS OF LAND LOCATED IN SECTIONS 3, 4, 9 AND 10, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL A

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 3;

THENCE N89°14'30"E ALONG THE NORTH LINE OF SAID SOUTHWEST ONE-QUARTER A DISTANCE OF 1,227.45 FEET TO THE POINT OF BEGINNING ON THE EASTERLY RIGHT-OF-WAY LINE OF E-470, PARCEL NO. TK-23 REV. 1;

THENCE CONTINUING N89°14'30"E ALONG SAID NORTH LINE A DISTANCE OF 1,483.59 FEET TO THE POINT ON THE WESTERLY BOUNDARY LINE OF SIERRA VISTA FILING NO. 3;

THENCE ALONG THE WESTERLY BOUNDARY LINES OF SIERRA VISTA FILINGS NO. 3 AND NO. 2 THE FOLLOWING EIGHT (8) COURSES:

- 1) S10°45'30"E A DISTANCE OF 580.00 FEET;
- 2) S75°14'30"W A DISTANCE OF 385.00 FEET;
- 3) S10°45'30"E A DISTANCE OF 635.00 FEET;
- 4) S61°33'52"E A DISTANCE OF 281.33 FEET;
- 5) S34°32'23"W A DISTANCE OF 280.00 FEET TO THE POINT OF RADIAL CURVE, WHENCE THE CENTER OF SAID CURVE BEARS S34°32'23"W;
- 6) ALONG THE ARC OF SAID RADIAL CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 07°00'00" AND A RADIUS OF 1,250.00 FEET, A DISTANCE OF 152.72 FEET TO THE POINT ON A RADIAL LINE;
- 7) S41°32'23"W ALONG SAID RADIAL LINE A DISTANCE OF 172.48 FEET;
- 8) S00°21'34"E A DISTANCE OF 756.72 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 10;

THENCE CONTINUING S00°21'34"E ALONG THE EAST LINE OF SAID NORTHWEST ONE-QUARTER A DISTANCE OF 1,621.90 FEET TO THE POINT ON THE NORTH LINE OF THAT PARCEL OF LAND DESCRIBED IN BOOK 289 AT PAGE 826, DOUGLAS COUNTY RECORDS;

THENCE S89°32'23"W ALONG SAID NORTH LINE A DISTANCE OF 2,265.17 FEET TO THE POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 83, AS DESCRIBED IN BOOK 727 AT PAGE 628, DOUGLAS COUNTY RECORDS;

THENCE N24°38'59"W ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 665.42 FEET;

THENCE N19°46'10"W ALONG THE RIGHT-OF-WAY LINE OF E-470, PARCEL NO. TK-23 B REVISION 1 A DISTANCE OF 501.81 FEET;

THENCE N24°39'15"W ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 100.00 FEET TO SAID EASTERLY RIGHT-OF-WAY LINE OF E-470, PARCEL NO. TK-23 REV. 1;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE THE FOLLOWING FIVE (5) COURSES:

- 1) N65°20'45"E A DISTANCE OF 52.69 FEET TO THE POINT OF RADIAL CURVE, WHENCE THE CENTER OF SAID CURVE BEARS N65°20'45"E;
- 2) ALONG THE ARC OF SAID RADIAL CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 70°18'53" AND A RADIUS OF 549.41 FEET, A DISTANCE OF 674.24 FEET TO THE POINT OF TANGENT;

- 3) N45°39'38"E ALONG SAID TANGENT LINE A DISTANCE OF 648.67 FEET TO THE POINT OF CURVE;
- 4) ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 35°55'43" AND A RADIUS OF 1,979.85 FEET, A DISTANCE OF 1,241.51 FEET TO THE POINT OF TANGENT;
- 5) N09°43'55"E ALONG SAID TANGENT LINE A DISTANCE OF 945.48 FEET TO THE POINT OF BEGINNING.

CONTAINING 9,086,265 SQUARE FEET OR 208.5919 ACRES, MORE OR LESS.

TOGETHER WITH:

PARCEL B

BEGINNING AT THE NORTHWEST CORNER OF SAID SOUTHWEST ONE-QUARTER OF SECTION 3;
 THENCE N89°14'30"E ALONG THE NORTH LINE OF SAID SOUTHWEST ONE-QUARTER A DISTANCE OF 900.77 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF E-470, PARCEL NO. TK-23 REVISION 1;
 THENCE ALONG THE RIGHT-OF-WAY LINE OF E-470, PARCELS NO. TK-23 REVISION 1 AND TK-23 A REVISION 1 AND THE RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 83 THE FOLLOWING ELEVEN (11) COURSES:

- 1) S10°52'39"W A DISTANCE OF 681.68 FEET;
- 2) S14°37'39"W A DISTANCE OF 95.13 FEET TO A POINT OF CURVE;
 THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 22°03'52" AND A RADIUS OF 1,075.92 FEET, A DISTANCE OF 414.33 FEET TO A POINT OF TANGENT;
- 3) S36°41'31"W ALONG SAID TANGENT LINE A DISTANCE OF 228.17 FEET TO A POINT OF CURVE;
- 4) ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 52°39'15" AND A RADIUS OF 549.41 FEET, A DISTANCE OF 504.90 FEET TO A POINT OF TANGENT;
- 5) S89°20'46"W ALONG SAID TANGENT LINE A DISTANCE OF 428.00 FEET TO A POINT OF CURVE;
- 6) ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 66°00'00" AND A RADIUS OF 549.41 FEET, A DISTANCE OF 632.88 FEET;
- 7) N24°39'14"W A DISTANCE OF 189.84 FEET;
- 8) N55°34'56"W A DISTANCE OF 82.67 FEET;
- 9) N24°39'05"W A DISTANCE OF 862.93 FEET;
- 10) N37°19'01"E A DISTANCE OF 106.97 FEET;
- 11) N28°26'39"W A DISTANCE OF 105.93 FEET TO A POINT ON THE NORTH LINE OF SAID SOUTHEAST ONE-QUARTER OF SECTION 4;
 THENCE N88°53'23"E ALONG SAID NORTH LINE A DISTANCE OF 1,427.66 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,762,891 SQUARE FEET OR 63.4272 ACRES, MORE OR LESS.


 LARRY W. HAGAN, P.L.S. NO. 16112
 FOR AND ON BEHALF OF HOLLAND WEST, INC.

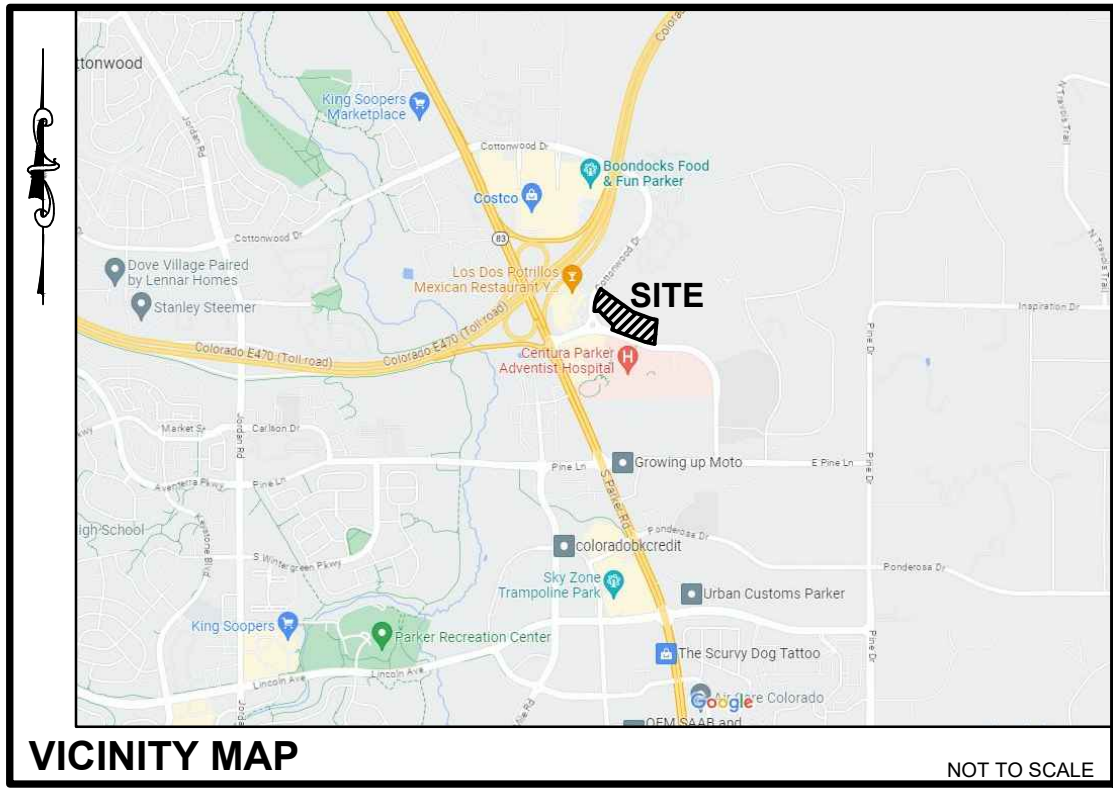


EXHIBIT B

Lot 2, Block 1, Crown Point Filing 1, 11th Amendment, County Of Douglas, State of Colorado

CROWN POINT PLANNED DEVELOPMENT - 4TH AMENDMENT DEVELOPMENT PLAN

A PORTION OF LOT 2, BLOCK 1, CROWN POINT FILING 1, 11TH AMENDMENT,
SITUATED IN THE NW 1/4 OF SECTION 10, T.6S., R.66W. OF THE P.M.
TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO



VICINITY MAP

NOT TO SCALE

LEGAL DESCRIPTION OF EXISTING PROPERTY:

LOT 2, BLOCK 1,
CROWN POINT FILING 1, 11TH AMENDMENT,
COUNTY OF DOUGLAS, STATE OF COLORADO.

LEGAL DESCRIPTION OF PROPERTY TO BE REZONED AS PLANNING AREA 6B:

A PORTION OF LOT 2, BLOCK 1, CROWN POINT FILING 1, 11TH AMENDMENT, SITUATED IN THE NORTHWEST 1/4 OF SECTION 10, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, TOWN OF CASTLE ROCK, COUNTY OF DOUGLAS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 2, SAID POINT BEING ON THE WEST LINE OF LOT 1 CROWN POINT F#1, 9TH AMENDMENT;

THENCE S05°31'11"W, COINCIDENT WITH THE WEST LINE OF SAID LOT 1, CROWN POINT F#1, 9TH AMENDMENT, A DISTANCE OF 422.47 FEET TO A POINT OF NON-TANGENT CURVE, SAID POINT BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF CROWN CREST BOULEVARD (96' WIDE PUBLIC RIGHT-OF-WAY);

THENCE COINCIDENT WITH SAID NORTHERLY RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES:

1. THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGEL OF 14°22'55", A RADIUS OF 622.00 FEET, AN ARC LENGTH OF 156.13 FEET, HAVING A CHORD BEARING N77°07'03"W WITH A CHORD DISTANCE OF 155.72 FEET;
2. THENCE N69°55'35"W A DISTANCE OF 490.44 FEET;

THENCE N20°11'53"E A DISTANCE OF 241.23 FEET;

THENCE N31°26'10"E A DISTANCE OF 191.22 FEET TO THE SOUTH LINE OF LOT 1, BLOCK 1, CROWN POINT FILING 1, 11TH AMENDMENT;

THENCE COINCIDENT WITH SAID SOUTH LINE THE FOLLOWING THREE (3) COURSES:

1. THENCE SOUTH 54°17'31"E A DISTANCE OF 69.31 FEET;
2. THENCE SOUTH 69°55'31"E A DISTANCE OF 338.72 FEET TO A POINT OF TANGENT CURVE;
3. THENCE ALONG SAID CURVE TO THE LEFT HAVING A CENTRAL ANGEL OF 14°32'52", A RADIUS OF 190.00 FEET, AN ARC LENGTH OF 48.24 FEET, A CHORD BEARING S77°11'57"E WITH A CHORD DISTANCE OF 48.11 FEET;
4. THENCE S84°28'23"E A DISTANCE OF 48.96 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 242.005 SQUARE FEET OR 5.55567 ACRES MORE OR LESS;

BEARINGS ARE BASED ON THE EAST LINE OF LOT 2, BLOCK 1, CROWN POINT FILING 1, 11TH AMENDMENT HAVING A MEASURED BEARING OF S05°31'11"W AND BEING BOUNDED BY A FOUND 1" BRASS CAP STAMPED "BOUNDARY BOYS" "PLS 32430" SET FLUSH IN ASPHALT ON THE NORTH END AND BY A FOUND NAIL AND 1" BRASS TAG STAMPED "ESC" "LS 38421" SET FLUSH IN ASPHALT ON THE SOUTH END.

OWNER OF PROPERTY TO BE REZONED:

LTF REAL ESTATE COMPANY, INC.
P (877)-241-8265

BY: _____
SIGNATURE

PRINTED NAME AND TITLE

NOTARY:

STATE OF _____)
COUNTY OF _____) SS

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

BY _____

WITNESS MY HAND AND OFFICIAL SEAL:

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

SURVEYOR'S CERTIFICATION:

I, JEFFREY A. MILLER, 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, IS IN ACCORDANCE WITH APPLICABLE STANDARDS OF PRACTICE AND IS NOT A GUARANTY OR WARRANTY. EITHER EXPRESSED OR IMPLIED, THIS MAP ACCURATELY DELINEATES THE PARCEL OF LAND TO BE ZONED IN THE TOWN OF PARKER, COLORADO.

JEFFREY A. MILLER
PROFESSIONAL L.S. NO. 38467
FOR AND ON BEHALF OF
ENGINEERING SERVICE COMPANY
Email: jeffm@engineeringserviceco.com

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

TOWN COUNCIL CERTIFICATE:

THIS DEVELOPMENT PLAN WAS APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PARKER ON THE _____ DAY OF _____, 20____, FOR THE PROPERTY DESCRIBED AS THE CROWN POINT PLANNED DEVELOPMENT. THE ZONING INFORMATION SHOWN HEREON WAS CONFIRMED WITH THE ADOPTION OF ORDINANCE NO. _____.

MAYOR, TOWN OF PARKER

ATTEST: TOWN CLERK

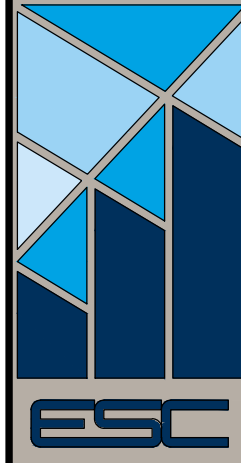
CLERK AND RECORDER'S CERTIFICATE:

STATE OF COLORADO)
COUNTY OF DOUGLAS) SS

I HEREBY CERTIFY THAT THIS DEVELOPMENT PLAN WAS FILED IN MY OFFICE ON THIS _____ DAY OF _____, 20__ A.D.,

AT _____ M. AND WAS RECORDED AT RECEPTION NO. _____

COUNTY CLERK AND RECORDER



14190 East Evans Avenue
Aurora, Colorado 80014
engineering@serviceco.com
P 303.337.1393
F 303.337.7481
T/F 1.877.273.0659

**ENGINEERING
SERVICE
COMPANY**
Creative Solutions Since 1954
CIVIL ENGINEERS & LAND SURVEYORS

Revisions:	Date:	By:
ADDITIONS TO TOWN COMMISSIONS	06/17/2023	JAM
REVISIONS TO TOWN COMMISSIONS		

RYAN COMPANIES US, INC
533 SOUTH THIRD STREET SUITE 100
MINNEAPOLIS, MINNESOTA 55415
P (612) 482-4174

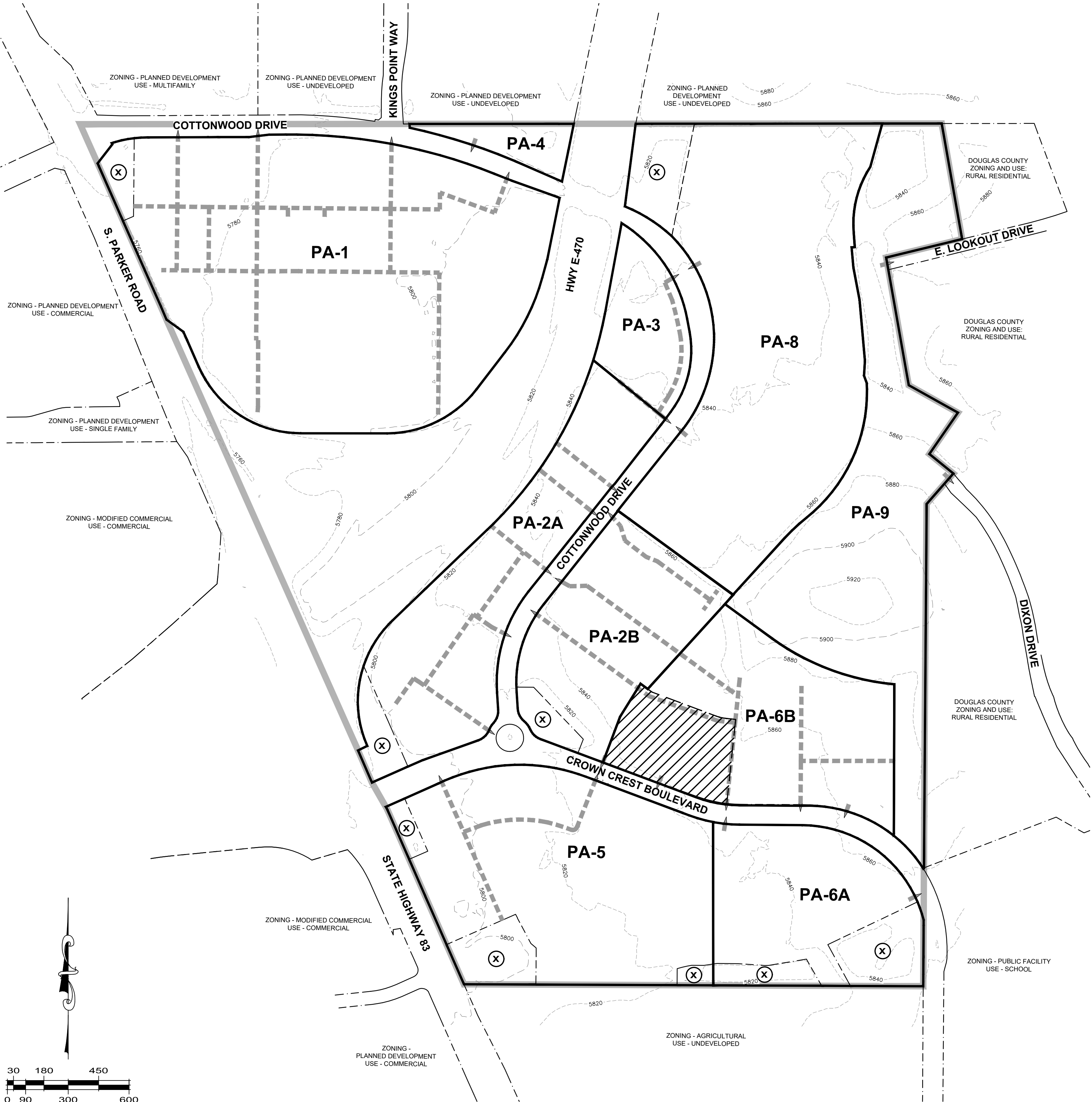
Prepared For:

CROWN POINT PLANNED DEVELOPMENT
4TH AMENDMENT DEVELOPMENT PLAN
A PORTION OF LOT 2, BLOCK 1, CROWN POINT FILING 1, 11TH AMENDMENT,
SITUATED IN THE NW 1/4 OF SECTION 10, T.6S., R.66W. OF THE P.M.
TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO
9284 CROWN CREST BOULEVARD

Designed By:	JAM	Date:	7/28/2023
Drawn By:	JAM	Survey No.:	23-023-R
Checked By:	JAC	Project No.:	1160.4
Field Book No.:	960	Scale:	N/A
Sheet No.:			

CROWN POINT PLANNED DEVELOPMENT - 4TH AMENDMENT DEVELOPMENT PLAN

A PORTION OF LOT 2, BLOCK 1, CROWN POINT FILING 1, 11TH AMENDMENT,
SITUATED IN THE NW 1/4 OF SECTION 10, T.6S., R.66W. OF THE P.M.
TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO



LEGEND

OVERALL DEVELOPMENT BOUNDARY

PLANNING AREA BOUNDARY

EXISTING PARCEL LINES

CONTOUR LINE

ACCESS EASEMENT / PRIVATE DRIVE

ACCESS TO PUBLIC RIGHT-OF-WAY

PLANNING AREA NUMBER

EXISTING DRAINAGE, DETENTION OR RETENTION TRACT

AREA TO BE REZONED AS PLANNING AREA 6B

PROPOSED LAND USE SUMMARY - 4TH AMENDMENT:

CROWN POINT PLANNED DEVELOPMENT 4TH AMENDMENT LAND USE SUMMARY		
LAND USE	PLANNING AREA	2023 PROPOSED ACRES
COMMERCIAL / OFFICE / HOTEL DISTRICT	1	57.1 ACRES
	2A	22.0 ACRES
	2B	14.9 ACRES
COMMERCIAL / OFFICE / RESEARCH AND DEVELOPMENT DISTRICT	5	31.7 ACRES
	3	7.0 ACRES
	4	2.6 ACRES
CAMPUS OFFICE DISTRICT	6A	18.0 ACRES
	6B	23.8 ACRES
OPEN SPACE / BUFFER	8	45.0 ACRES
MAJOR COLLECTOR R.O.W.	9	32.2 ACRES
		17.7 ACRES
		TOTAL 272.0 ACRES

- UTILITY PROVIDERS FOR CROWN POINT PLANNED DEVELOPMENT:
1. DRAINAGE - TOWN OF PARKER

2. WATER - COTTONWOOD WATER AND SANITATION DISTRICT

3. WASTEWATER - COTTONWOOD WATER AND SANITATION DISTRICT

4. GAS - XCEL ENERGY

5. ELECTRIC - CORE ELECTRIC COOPERATIVE (FORMERLY IREA)

6. CABLE / TELEPHONE - CENTURY LINK (LEVEL 3)

ENGINEERING SERVICE COMPANY

14190 East Evans Avenue
Aurora, Colorado 80014
engineering@esc.com
P 303.337.1393
F 303.337.7481
T/F 1.877.273.0659

Revisions:

DATE	DESCRIPTION
06/17/2023	REVISED

RYAN COMPANIES US, INC.

533 SOUTH THIRD STREET SUITE 100
MINNEAPOLIS, MINNESOTA 55415

CROWN POINT PLANNED DEVELOPMENT

4TH AMENDMENT DEVELOPMENT PLAN

A PORTION OF LOT 2, BLOCK 1, CROWN POINT FILING 1, 11TH AMENDMENT,
SITUATED IN THE NW 1/4 OF SECTION 10, T.6S., R.66W. OF THE P.M.
TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO

9284 CROWN CREST BOULEVARD

Designed By: JAM

Drawn By: JAM

Checked By: JAC

Field Book No: 960

Scale: 1" = 300'

Sheet No: 2 OF 3

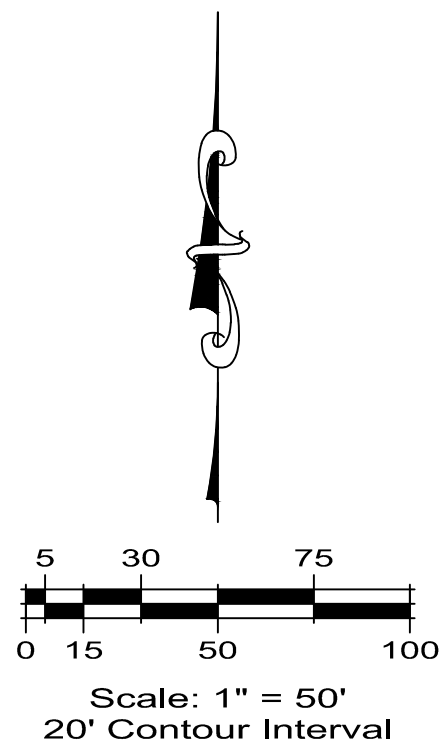
Date: 7/28/2023

Survey No: 23-023-Z

Project No: 1160.4

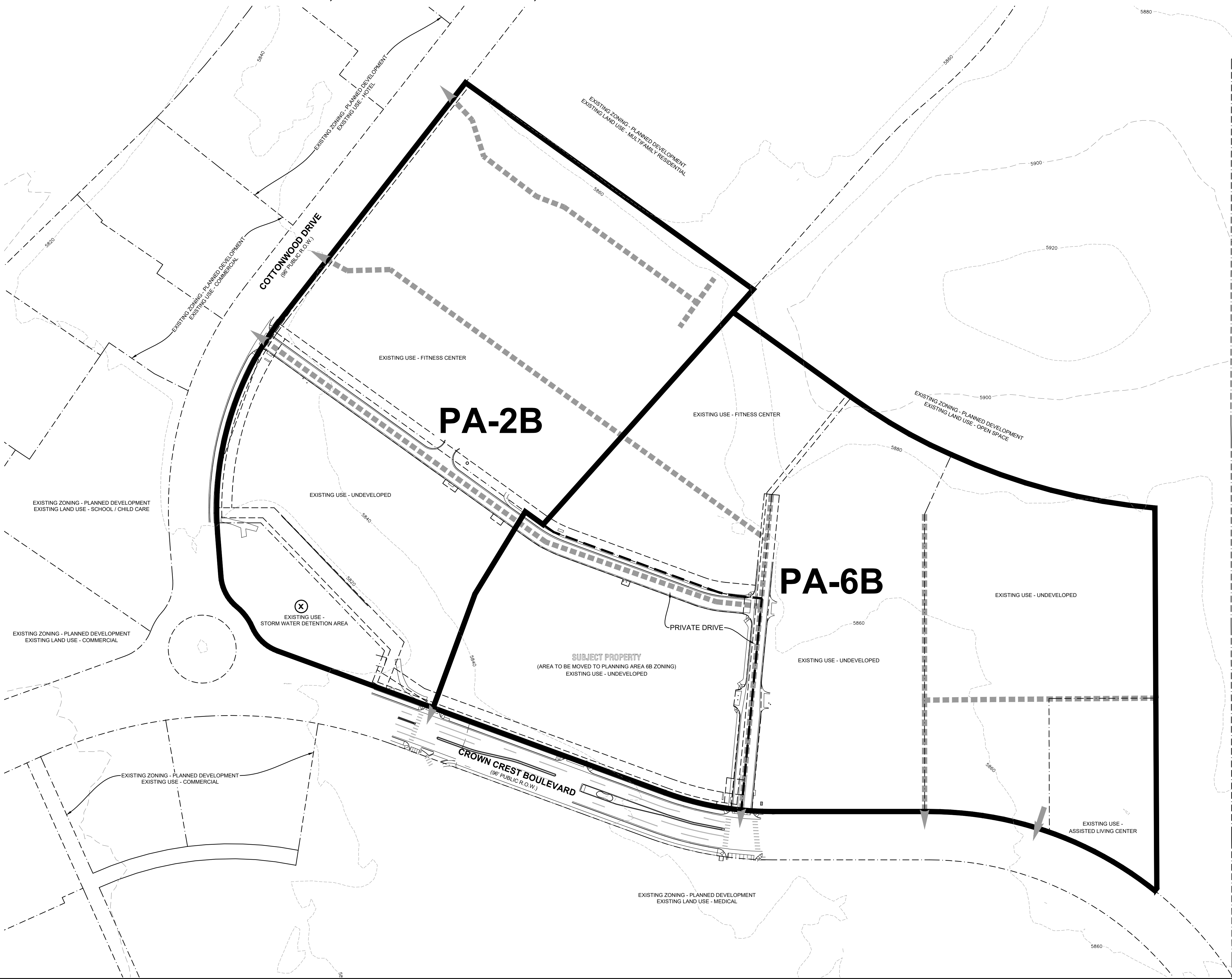
CROWN POINT PLANNED DEVELOPMENT - 4TH AMENDMENT DEVELOPMENT PLAN

A PORTION OF LOT 2, BLOCK 1, CROWN POINT FILING 1, 11TH AMENDMENT,
SITUATED IN THE NW 1/4 OF SECTION 10, T.6S., R.66W. OF THE P.M.
TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO



LEGEND	
	PLANNING AREA BOUNDARY
	EXISTING PARCEL LINES
	CONTOUR LINE
	ACCESS EASEMENT / PRIVATE DRIVE
	ACCESS TO PUBLIC RIGHT-OF-WAY
	PLANNING AREA NUMBER
	EXISTING DRAINAGE, DETENTION OR RETENTION TRACT

CROWN POINT PLANNED DEVELOPMENT 4TH AMENDMENT LAND USE SUMMARY - REVISED AREAS 2B & 6B		
LAND USE	PLANNING AREA	2023 PROPOSED ACRES
COMMERCIAL / OFFICE / HOTEL DISTRICT	2B	14.9 ACRES
COMMERCIAL / OFFICE / RESEARCH AND DEVELOPMENT DISTRICT	6B	23.8 ACRES
	TOTAL	41.0 ACRES



14100 East Evans Avenue
Aurora, Colorado 80014
engineering@esc.com
P 303.337.1393
F 303.337.7481
T/F 1.877.273.0659

ENGINEERING SERVICE COMPANY
Creative Solutions Since 1954
CIVIL ENGINEERS & LAND SURVEYORS

Revisions:	Date:	By:
1	06/17/2023	JAM
2	07/28/2023	JAM
3	08/01/2023	JAM
4	08/01/2023	JAM
5	08/01/2023	JAM
6	08/01/2023	JAM
7	08/01/2023	JAM
8	08/01/2023	JAM
9	08/01/2023	JAM
10	08/01/2023	JAM
11	08/01/2023	JAM
12	08/01/2023	JAM
13	08/01/2023	JAM
14	08/01/2023	JAM
15	08/01/2023	JAM
16	08/01/2023	JAM
17	08/01/2023	JAM
18	08/01/2023	JAM
19	08/01/2023	JAM
20	08/01/2023	JAM
21	08/01/2023	JAM
22	08/01/2023	JAM
23	08/01/2023	JAM
24	08/01/2023	JAM
25	08/01/2023	JAM
26	08/01/2023	JAM
27	08/01/2023	JAM
28	08/01/2023	JAM
29	08/01/2023	JAM
30	08/01/2023	JAM
31	08/01/2023	JAM
32	08/01/2023	JAM
33	08/01/2023	JAM
34	08/01/2023	JAM
35	08/01/2023	JAM
36	08/01/2023	JAM
37	08/01/2023	JAM
38	08/01/2023	JAM
39	08/01/2023	JAM
40	08/01/2023	JAM
41	08/01/2023	JAM
42	08/01/2023	JAM
43	08/01/2023	JAM
44	08/01/2023	JAM
45	08/01/2023	JAM
46	08/01/2023	JAM
47	08/01/2023	JAM
48	08/01/2023	JAM
49	08/01/2023	JAM
50	08/01/2023	JAM
51	08/01/2023	JAM
52	08/01/2023	JAM
53	08/01/2023	JAM
54	08/01/2023	JAM
55	08/01/2023	JAM
56	08/01/2023	JAM
57	08/01/2023	JAM
58	08/01/2023	JAM
59	08/01/2023	JAM
60	08/01/2023	JAM
61	08/01/2023	JAM
62	08/01/2023	JAM
63	08/01/2023	JAM
64	08/01/2023	JAM
65	08/01/2023	JAM
66	08/01/2023	JAM
67	08/01/2023	JAM
68	08/01/2023	JAM
69	08/01/2023	JAM
70	08/01/2023	JAM
71	08/01/2023	JAM
72	08/01/2023	JAM
73	08/01/2023	JAM
74	08/01/2023	JAM
75	08/01/2023	JAM
76	08/01/2023	JAM
77	08/01/2023	JAM
78	08/01/2023	JAM
79	08/01/2023	JAM
80	08/01/2023	JAM
81	08/01/2023	JAM
82	08/01/2023	JAM
83	08/01/2023	JAM
84	08/01/2023	JAM
85	08/01/2023	JAM
86	08/01/2023	JAM
87	08/01/2023	JAM
88	08/01/2023	JAM
89	08/01/2023	JAM
90	08/01/2023	JAM
91	08/01/2023	JAM
92	08/01/2023	JAM
93	08/01/2023	JAM
94	08/01/2023	JAM
95	08/01/2023	JAM
96	08/01/2023	JAM
97	08/01/2023	JAM
98	08/01/2023	JAM
99	08/01/2023	JAM
100	08/01/2023	JAM

CROWN POINT PLANNED DEVELOPMENT
4TH AMENDMENT DEVELOPMENT PLAN
A PORTION OF LOT 2, BLOCK 1, CROWN POINT FILING 1, 11TH AMENDMENT,
SITUATED IN THE NW 1/4 OF SECTION 10, T.6S., R.66W. OF THE P.M.
TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO
9284 CROWN CREST BOULEVARD

Designed By: JAM Date: 7/28/2023
Drawn By: JAM Survey No: 23-023-R
Checked By: JAC Project No: 1160-4
Field Book No: 990 Scale: 1" = 100'
Sheet No: 3 OF 3



Request for Town Council Action

Date: December 4, 2023

Submitted By: Christine Brookshire, Finance Manager
Mary Lou Brown, Finance Director

Reviewed By: Michelle Kivela, Town Manager

Title: **ORDINANCE NO. 1.594 - Second Reading**
A Bill for an Ordinance to Levy General Property Taxes for the Year 2023 to Help Defray the Costs of Government for the Town of Parker, Colorado, for the 2024 Budget Year
Department: Finance, Mary Lou Brown

EXECUTIVE SUMMARY

The Town of Parker must certify a mill levy to Douglas County prior to December 15, 2023, in order to collect property taxes for the 2024 budget year.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The Town of Parker must certify a mill levy to Douglas County prior to December 15, 2023, in order to collect property taxes for the 2024 budget year.

FINANCIAL IMPACT

The following is a comparison of the mill levy, assessed valuation and property tax revenue for this year (2023) and next year (2024). These revenues impact the General Fund.

2023 Budget Year

Assessed Valuation	\$1,051,774,818
Mill Levy	2.602
Property Tax Revenue	\$2,736,718

2024 Budget Year

Assessed Valuation	\$1,380,270,820
Mill Levy	2.602
Property Tax Revenue	\$3,591,465

The mill levy of 2.602 mills is the same as the prior year. The voters exempted Town revenues from the TABOR amendment, so the restriction to an increase of the local growth factor plus inflation does not apply. The Town cannot increase the mill levy without a vote of the citizens.

The owner of a home valued at \$500,000 would pay \$90 per year in property taxes to the Town of Parker in 2024. This reflects statewide legislation that lowered the 2023 assessment rate for 2024 collections to 6.95% from 7.15%.

Market Value	\$500,000
x Assessment Ratio	6.95%
Assessment Value	\$34,750
x Mill Levy	2.602
Divided by 1,000	/1,000
Property Tax	\$90

STRATEGIC GOAL(S)



ENHANCE ECONOMIC
VITALITY

ATTACHMENTS

1. Ordinance No. 1.594

RECOMMENDED MOTION

I move to approve Ordinance No. 1.594 on second reading.

ORDINANCE NO. 1.594, Series of 2023

TITLE: A BILL FOR AN ORDINANCE TO LEVY GENERAL PROPERTY TAXES FOR THE YEAR 2023 TO HELP DEFRAY THE COSTS OF GOVERNMENT FOR THE TOWN OF PARKER, COLORADO, FOR THE 2024 BUDGET YEAR

WHEREAS, the Town Council of the Town of Parker has adopted the annual budget in accordance with the Local Government Budget Law, on November 20, 2023;

WHEREAS, the amount of money necessary to balance the budget for general operating purposes is \$3,591,465;

WHEREAS, the 2023 valuation for assessment for the Town of Parker, as estimated by the County Assessor, is \$1,380,270,820;

WHEREAS, pursuant to the provisions of Section 39-3-119.5, C.R.S., nonexempt personal property parcels shall be exempt from the levy and collection of property tax if the personal property would otherwise be listed on a single personal property schedule and the actual value of such personal property is seven thousand dollars (\$7,000.00) or less;

WHEREAS, pursuant to Paragraph 8(b) of Section 20 of Article X of the Colorado Constitution, each taxing district in Colorado may enact cumulative uniform exemptions and credits to reduce or end business personal property taxes;

WHEREAS, the personal property tax is a tax which is levied annually and is in addition to all applicable sales and use taxes collected when any personal property is first utilized in a business;

WHEREAS, the Town Council believes that increasing the exemption amount for personal property taxes on a temporary basis for the year 2023 would benefit the businesses in the Town of Parker, would not significantly impact the Town's budgets, and would not cause a reduction in services to taxpayers and residents of the Town of Parker; and

WHEREAS, the Town Council desires to establish a tax policy, which will remain in effect on a temporary basis for the year 2023, it being the explicit purpose and understanding of the Town Council that a return to the prior exemption limits under Section 39-3-119.5, C.R.S. is not a tax policy change or a new tax as contemplated by TABOR.

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

Section 1. For the purpose of meeting all general operating expenses of the Town of Parker during the 2023 budget year, there is hereby levied a tax of 2.602 mills upon each dollar of the total valuation for assessment of all taxable property within the Town for the year 2023.

Section 2. The Finance Director is hereby authorized and directed to immediately certify to the County Commissioners of Douglas County, Colorado, the mill levies for the Town of Parker as hereinabove determined and set.

Section 3. The Town Council hereby establishes a temporary tax policy to increase the uniform exemption from taxation upon business personal property to cause the first hundred thousand dollars of actual value in business personal property listed on a single personal property schedule to be exempt from the levy and collection of personal property tax for the year 2023. This increased exemption amount shall apply to all parcels located in the Town of Parker and shall apply to those taxes levied by the Town of Parker. Town Council further directs that the Town Finance Department take whatever actions are necessary to implement this temporary policy, including any changes to the certification of mill levy filed annually with Douglas County.

Section 4. 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 5. 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 6. This Ordinance shall become effective ten (10) days after final publication.

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____, 2023.

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2023.

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk

APPROVED AS TO FORM:

Kristin Hoffmann, Town Attorney



Request for Town Council Action

Date: December 4, 2023

Submitted By: Mary Lou Brown, Finance Director

Reviewed By: Michelle Kivela, Town Manager

Title: **ORDINANCE NO. 1.595 - Second Reading**
A Bill for an Ordinance to Utilize Available Funds to Redeem, Pay and Discharge All of the Outstanding Certificates of Participation, Series 2014

Department: Finance, Mary Lou Brown

EXECUTIVE SUMMARY

Staff has recommended, through the 2024 Budget, that the 2014 Certificates of Participation (principal and interest) be fully paid, defeased, and discharged. The General Fund would provide the funding through the one-time use of cash balance. The benefit of this action would accrue to the Stormwater Utility Fund and the Parks and Recreation Fund.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The General Fund has available cash balance that could be utilized to pay, defease, and discharge the principal of, and interest on, the 2014 Certificates of Participation as the same become due upon maturity or prior redemption on or after November 1, 2023. The 2014 Certificates mature on and after November 1, 2024 and may be called for redemption prior to their maturities on any date on and after November 1, 2023 at a price of the principal amount plus accrued interest to the redemption date, without premium. Staff will provide the Trustee with 45 days' notice of its intention to prepay the Lease and purchase the Trustee's interest in the Leased Property. Hilltop Securities, the Town's financial advisor, has calculated the defeasance would require funding in the amount of \$12,355,000 for the par amount and \$129,676.56 for the accrued interest through January 31, 2024 for a total cash payment of \$12,484,676.56. The present value of the prior debt to January 31, 2024 is \$15,700,031.30, and the net present value of the savings is \$3,215,354.74, which is equivalent to a percentage savings of 26.02%.

The Town's 10-year financial plan indicates there is no need for additional debt for identified projects. Existing revenue sources should be adequate in each of the Town's major funds for the Long Range Plan period. This is always subject to changes in plans and outside economic forces.

FINANCIAL IMPACT

The current estimate of the cash expenditure for the par amount and the accrued interest through January 31, 2024 is \$12,484,676.56. This would be funded through the General Fund as a one-time use of available cash balance. The 2024 budgeted cash to total expense ratio with the inclusion of this transaction is above the required 25% level.

STRATEGIC GOAL(S)



ENHANCE ECONOMIC
VITALITY

ATTACHMENTS

1. Ordinance No. 1.595

RECOMMENDED MOTION

I move to approve Ordinance No. 1.595 on second reading.

ORDINANCE NO. 1.595, Series of 2023

TITLE: A BILL FOR AN ORDINANCE TO UTILIZE AVAILABLE FUNDS TO REDEEM, PAY AND DISCHARGE ALL OF THE OUTSTANDING CERTIFICATES OF PARTICIPATION, SERIES 2014

WHEREAS, the Town of Parker, Colorado (the “Town”), is a duly organized and existing home rule municipality of the State of Colorado, created and operating pursuant to Article XX of the Constitution of the State of Colorado and the home rule charter of the Town (the “Charter”);

WHEREAS, the members of the Town Council (the “Council”) have been duly elected or appointed and qualified;

WHEREAS, there have been previously executed and delivered certain Certificates of Participation, Series 2014 (the “2014 Certificates”), evidencing proportionate interests in the base rentals and other revenues under an annually renewable Lease Purchase Agreement dated as of April 8, 2014 (the “Lease”), between Wells Fargo Bank, National Association, solely in its capacity as trustee (the “Trustee”) under an Indenture of Trust dated as of April 14, 2014 (the “Indenture”), and the Town;

WHEREAS, under the terms of the Lease, the Town shall have the option to prepay rent under the Lease, in whole or in part, and exercise its option to purchase the Trustee’s leasehold interest in the Leased Property, at any time, subject to providing the Trustee with 45 days’ notice of its intention to prepay the Lease and purchase the Trustee’s interest in the Leased Property;

WHEREAS, under the terms of the Indenture, the 2014 Certificates maturing on and after November 1, 2024, may be called for redemption prior to their maturities on any date on and after November 1, 2023, at a price of the principal amount so redeemed plus accrued interest to the redemption date, without premium;

WHEREAS, in order for the Town to exercise its option to prepay its rental obligations under the Lease, available amounts of the Town shall be transferred to the Trustee to fully redeem, pay and discharge such 2014 Certificates on a date hereafter determined by the Town, at which time the Trustee shall release its interest in the Indenture and the Lease; and

WHEREAS, the Council has determined, and hereby declares, that it is advantageous and favorable to the Town and its inhabitants that available revenue of the Town be used to pay, defease and discharge the principal of and interest on the 2014 Certificates as the same become due upon maturity or prior redemption on or after November 1, 2023 (the “Bond Requirements”) (as determined to be to the best advantage of the Town).

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

Section 1. Authorization to Prepay the 2014 Certificates. The Town hereby authorizes and directs that there be deposited with Computershare Trust Company, N.A., as successor in interest to Wells Fargo Bank, National Association, as trustee (the “Trustee”) under that certain

Indenture of Trust dated as of April 8, 2014 (the “Indenture”), relating to the execution and delivery of the 2014 Certificates, certain amounts from available revenue of the Town which are sufficient to fully pay, defease and discharge all of the currently outstanding 2014 Certificates (the “Redeemed Certificates”) on any date after November 1, 2023, as hereafter determined by the Town (the “Redemption Date”).

Section 2. **Notice of Discharge.** The Trustee is hereby authorized and directed to give notice concerning the redemption, payment and discharge of the Redeemed Certificates to the registered owners of such Redeemed Certificates by first-class, postage prepaid mail, to each registered owner of any Redeemed Certificates, such notice to be in substantially the form as on file with the Town and attached hereto as **Exhibit A**.

The Town shall cause a material event notice to be provided pursuant to Rule 15c2-12, as amended, promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as amended, to be filed with respect to the Redeemed Certificates.

Section 3. **Ratification and Approval of Prior Action.** All actions heretofore taken by the officers of the Town and the members of the Council, consistent with the provisions of this Ordinance relating to the redemption, defeasance and discharge of the 2014 Certificates are hereby ratified, approved, and confirmed.

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

Section 5. **Repealer.** All orders, resolutions, bylaws, or regulations of the Town, or parts thereof, inconsistent with this Ordinance are hereby repealed to the extent only of such inconsistency.

Section 6. **Charter Controls.** Pursuant to Article XX of the State Constitution and the Charter, all State statutes that might otherwise apply in connection with the provisions of this Ordinance are hereby superseded to the extent of any inconsistencies or conflicts between the provisions of this Ordinance and such statutes. Any such inconsistency or conflict is intended by the Council and shall be deemed made pursuant to the authority of Article XX of the State Constitution and the Charter.

Section 7. **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 8. Filing and Authentication. Immediately upon its passage this Ordinance shall be filed with the Town Clerk, authenticated by the signatures of the Mayor and the Town Clerk.

Section 9. Effective Date. This Ordinance shall become effective ten (10) days after final publication.

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____, 2023.

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2023.

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk

APPROVED AS TO FORM:

Kristin Hoffmann, Town Attorney

EXHIBIT A

CONDITIONAL NOTICE OF

REDEMPTION, DEFEASANCE AND DISCHARGE

CERTIFICATES OF PARTICIPATION, SERIES 2014

**Evidencing Proportionate Interests in the Base Rentals and other Revenues under an
Annually Renewable Lease Purchase Agreement dated as of April 8, 2014,
between WELLS FARGO BANK, NATIONAL ASSOCIATION,
solely in its capacity as trustee under the Indenture, as lessor, and
THE TOWN OF PARKER, COLORADO, as lessee**

CUSIP NOS. 70105F BX0, BY8, BZ5, CA9, DB7, CC5, CD3, CE1, CF8, CG6, CH4

NOTICE IS HEREBY GIVEN by Computershare Trust Company, National Association, as successor to Wells Fargo Bank, National Association, acting as Trustee for the above captioned Certificates of Participation, Series 2014 (the “2014 Trustee”), on behalf of the TOWN OF PARKER, COLORADO, that pursuant to that certain Indenture of Trust dated as of April 8, 2014 (the “Indenture”) , the Town has determined to exercise its option to redeem, pay, and discharge the principal of and interest on the above captioned certificates maturing on and after November 1, 2024, and caused to be deposited with the 2014 Trustee moneys available in an amount sufficient to pay, redeem and discharge all of the outstanding 2014 Certificates maturing on and after November 1, 2024, in the aggregate principal amount of \$12,355,000 (the “Redeemed Certificates”) as described below:

<u>Maturity Date</u>	<u>Principal Amt</u>	<u>Interest Rate</u>	<u>CUSIP No.</u>	<u>Certificate No.</u>
11/1/2024	\$910,000	3.250%	70105F BX0	BOOK ENTRY
11/1/2025	940,000	4.000	70105F BY8	BOOK ENTRY
11/1/2026	975,000	5.000	70105F BZ5	BOOK ENTRY
11/1/2027	1,025,000	5.000	70105F CA9	BOOK ENTRY
11/1/2028	1,075,000	3.375	70105F CB7	BOOK ENTRY
11/1/2029	1,110,000	3.500	70105F CC5	BOOK ENTRY
11/1/2030	1,150,000	5.000	70105F CD3	BOOK ENTRY
11/1/2031	1,210,000	5.000	70105F CE1	BOOK ENTRY
11/1/2032	1,270,000	4.000	70105F CF8	BOOK ENTRY
11/1/2033	1,320,000	4.000	70105F CG6	BOOK ENTRY
11/1/2034	1,370,000	4.000	70105F CH4	BOOK ENTRY

The Redeemed Certificates will be called for redemption on January 1, 2024 (the “Redemption Date”) at a price equal to the principal amount thereof, plus accrued interest thereon, without premium. On the Redemption Date, the principal of such Redeemed Certificates and accrued interest to the Redemption Date will become due and payable at the office of the 2014 Trustee, and thereafter interest will cease to accrue.

This notice is conditional upon the deposit with the 2014 Trustee on or prior to the Redemption Date, moneys in an amount sufficient to call for prior redemption all of the currently outstanding Redeemed Certificates. If there shall not have been deposited with the 2014 Trustee moneys sufficient to redeem all of the Redeemed Certificates so called for redemption on January 31, 2024, then this notice shall be of no effect.

In compliance with the federal law, the Paying Agent is required to withhold at the current backup withholding rate a percentage from payments of principal to individuals who fail to furnish valid Taxpayer Identification Numbers. A completed Form W-9 should be presented with your bond.

The above-referenced CUSIP numbers were assigned to this issue by Standard & Poor's Corporation and are intended solely for bondholders' convenience. Neither the Paying Agent nor the District shall be responsible for selection or use of the CUSIP numbers, nor is any representation made as to their correctness on the Redeemed Certificates or as indicated in any redemption notice.

Dated _____, 2023.

COMPUTERSHARE TRUST COMPANY,
NATIONAL ASSOCIATION, as successor
in interest to WELLS FARGO BANK,
NATIONAL ASSOCIATION
Acting as Trustee for the Redeemed
Certificates

(End form of Notice)



Request for Town Council Action

Date: December 4, 2023

Submitted By: Michael Grabczyk, Project Engineer

Reviewed By: Michelle Kivela, Town Manager

Title: **ORDINANCE NO. 9.338.2 - Second Reading**
A Bill for an Ordinance Approving the Second Amendment to Agreement Regarding Design and Construction of Drainage and Flood Control Improvements for Upper Jordan Road Tributary at Bradbury Ranch (Agreement No. 21-05.17B, Project No. 108522) by and between Urban Drainage and Flood Control District d/b/a Mile High Flood District and the Town of Parker

Department: Engineering and Public Works, Michael Grabczyk

EXECUTIVE SUMMARY

The Town of Parker and the Mile High Flood District (MHFD), formerly the Urban Drainage and Flood Control District, have identified the Upper Jordan Road Tributary as a reach of major drainageway requiring rehabilitation to support existing and future Town growth. To this end, the Town and MHFD have executed an intergovernmental agreement (IGA) for the design and construction of flood control improvements on Upper Jordan Road Tributary. This ordinance proposes an amendment to this agreement which will bring in additional funds from the MHFD to complete funding for the construction of the project.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The Town of Parker and MHFD have partnered previously to design and construct numerous major drainageway projects within the Town. This reach is located within the Bradbury Ranch development and has been identified as an area of concern for flood conveyance and long-term maintenance. The reach contains two in-line stormwater ponds and has experienced aggradation or sediment accumulation over time, as well as an immense growth of cattails causing a reduction in flood conveyance. The elevation and design of the contributing storm outfalls are not conducive to long-term maintenance which will be alleviated with the project improvements. In addition, this reach experienced sediment deposition from the culvert failure and emergency repair on Bradbury Ranch Drive, which will be removed with this project. This project will construct channel improvements such as outfall forebays, channel widening for increased flood conveyance, selective relocation and dredging of cattail areas, and retrofitting of existing concrete storm structures. This IGA amendment will fund the construction of the project.

FINANCIAL IMPACT

This IGA amendment commits no new funds from the Town, but allows for additional funds from the MHFD to be contributed to the project.

Proposed Project Contributions:

Town of Parker	\$0
Mile High Flood District	\$150,000

Total Project Contributions:

Town of Parker	\$900,000
Mile High Flood District	\$580,000
Special Funds Transfer	\$46,350

STRATEGIC GOAL(S)



INNOVATE WITH
COLLABORATIVE
GOVERNANCE



PROMOTE A SAFE AND
HEALTHY COMMUNITY

ATTACHMENTS

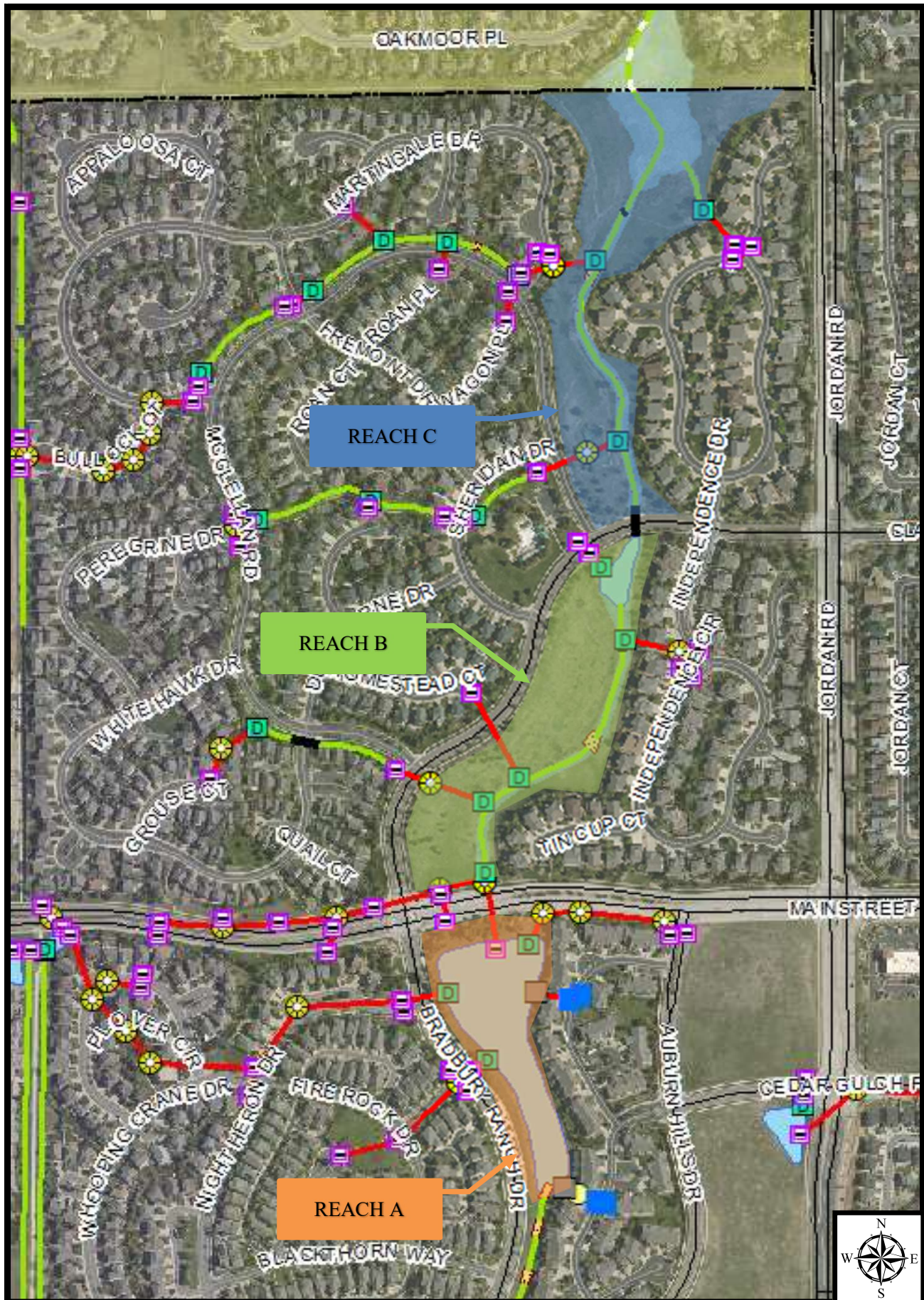
1. Vicinity Map - Jordan Tributary at Bradbury
2. Ordinance No. 9.338.2

RECOMMENDED MOTION

I move to approve Ordinance No. 9.338.2 on second reading.

REACH MAP

JORDAN TRIBUTARY AT BRADBURY RANCH



ORDINANCE NO. 9.338.2, Series of 2023

TITLE: A BILL FOR AN ORDINANCE APPROVING THE SECOND AMENDMENT TO AGREEMENT REGARDING DESIGN AND CONSTRUCTION OF DRAINAGE AND FLOOD CONTROL IMPROVEMENTS FOR UPPER JORDAN ROAD TRIBUTARY AT BRADBURY RANCH (AGREEMENT NO. 21-05.17B, PROJECT NO. 108522) BY AND BETWEEN URBAN DRAINAGE AND FLOOD CONTROL DISTRICT D/B/A MILE HIGH FLOOD DISTRICT AND THE TOWN OF PARKER

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 Second Amendment to Agreement Regarding Design and Construction of Drainage and Flood Control Improvements for Upper Jordan Road Tributary at Bradbury Ranch (Agreement No. 21-05.17B, Project No. 108522) by and between Urban Drainage and Flood Control District d/b/a Mile High Flood District and the Town of Parker, 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 _____, 2023.

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2023.

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk

APPROVED AS TO FORM:

Kristin Hoffmann, Town Attorney

EXHIBIT 1

SECOND AMENDMENT TO AGREEMENT REGARDING DESIGN AND CONSTRUCTION OF DRAINAGE AND FLOOD CONTROL IMPROVEMENTS FOR UPPER JORDAN ROAD TRIBUTARY AT BRADBURY RANCH TOWN OF PARKER

Agreement No. 21-05.17B
Project No. 108522

THIS SECOND AMENDMENT TO AGREEMENT (hereinafter called "SECOND 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 collectively known as "PARTIES";

WITNESSETH:

WHEREAS, PARTIES have entered into "Agreement Regarding Design and Construction of Drainage and Flood Control Improvements for Upper Jordan Road Tributary at Bradbury Ranch" (Agreement No. 21-05.17) dated August 25, 2021, (hereinafter called "AGREEMENT"); and

WHEREAS, PARTIES now desire to proceed with design and construction of drainage and flood control improvements for Upper Jordan Road Tributary at Bradbury Ranch, Town of Parker (hereinafter called "PROJECT"); and

WHEREAS, PARTIES desire to increase the level of funding by \$150,000; and

WHEREAS, DISTRICT'S Board of Directors has authorized additional DISTRICT financial participation for PROJECT (Resolution No. 79, Series of 2023); and

WHEREAS, the TOWN Commissioners of TOWN and the 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 \$1,526,350.16 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>AS AMENDED</u>	
1. Final Design	\$	426,350.16	\$	376,350.16
2. Construction *	\$	1,100,000.00	\$	1,000,000.00
3. Contingency	\$	-0-	\$	-0-
Grand Total	\$	1,526,350.16	\$	1,376,350.16

* It is anticipated that funds for construction shall be added to this Agreement at a future date.

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.

C. At the request of TOWN, the following TOWN funds may be transferred to PROJECT from a separate special fund held by DISTRICT:

Transfer from: Cherry Creek at Mainstreet Agreement No. 07-01.19 Amount:
\$46,350.16

D. 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	38%	\$430,000.00	\$150,000.00	\$580,000.00
TOWN	62%	\$900,000.00	-0-	\$900,000.00
Special Fund Transfer		\$46,350.16	-0-	\$46,350.16
TOTAL	100.00%	\$1,376,350.16	\$150,000.00	\$1,526,350.16

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 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 - \$946,350.16; DISTRICT - \$580,000) 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 SECOND 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 Laura A. Kroeger

Title Executive Director

Date_____

Checked By

TOWN OF PARKER

Jeff Toborg, Mayor

Date_____

ATTEST:

Town Clerk's Office

APPROVED AS TO FORM AND SUFFICIENCY:

Town Attorney's Office