TOWN OF PARKER COUNCIL
MINUTES
DECEMBER 4, 2023

Mayor Jeff Toborg called the meeting to order at 5:00 p.m. All Councilmembers were present except for Brandi Wilks.

Town Attorney Kristin Hoffmann announced there were three topics for discussion in the Executive Session. Under C.R.S. § 24-6-402(4)(b), the first topic was Chapter 4.07 of the Parker Municipal Code, and the second topic was Quasi-judicial hearings. The third topic, under C.R.S. § 24-6-402(4)(e), was regarding a Proposed Amended and Restated Douglas County School District School Resource Officer Intergovernmental Agreement.

EXECUTIVE SESSION

Joshua Rivero moved and Todd Hendreks seconded to go into Executive Session at 5:02 p.m. to hold a conference with the Town's Attorney to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b) and to determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators, pursuant to C.R.S. § 24-6-402(4)(e).

Joshua Rivero moved and Todd Hendreks seconded to come out of Executive Session at 6:35 p.m.

The motion was approved unanimously.

COUNCIL UPDATES/WORK SESSION

Council Updates/Work Session began at 6:35 p.m.

Joshua Rivero and Anne Barrington proposed doing a "2024 Healthy Parker" Proclamation and a ten-week challenge among Council and employees.

Laura Hefta informed the group that she has been in discussions with Comcast regarding charitable giving. She stated she has been reaching out to corporate donors in Parker to talk with them about donating to local non-profits.

John Diak asked about the Mayor's meeting with the Highlands Ranch Metro District regarding an RTD Bill. The Mayor said he had reached out to Renee Anderson as a follow-up from last year to keep the communication open regarding this matter. John Diak felt like the Mayor should be meeting with Council as a group to get Council direction before moving forward with anything. Michelle added that RTD will be coming to the Study Session in February and would like to put together a list of questions to ask.

John Diak also asked about the meeting the Mayor had regarding Kaiser. The Mayor stated Kaiser wanted the local jurisdictions to know how they are expanding. He added that Commissioner George Teal was also in attendance.

Joshua Rivero asked about a meeting with Blake Allen regarding a BMX track. Mayor Toborg reported that he has a meeting set up with Mr. Allen to talk about a BMX track. He also said that Mary Colton will be reaching out to Blake regarding the plans for a track at Salisbury North.

REGULAR SESSION
Mayor Toborg reconvened the meeting at 7:00 p.m.

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

PUBLIC COMMENTS
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 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

Joshua Rivero moved to approve Consent Agenda Items 4A through 4G.

Todd Hendreks seconded the motion.

A roll call vote was taken:
Joshua Rivero - yes
Anne Barrington - yes
Todd Hendreks - yes
John Diak - yes
Laura Hefta - yes

The motion was approved unanimously.

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

The initial one-year terms 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.

The Council recognized the applicants for their willingness to serve.

Public Comments: None.

Todd Hendreks moved to approve Resolution No. 23-091, as part of the regular agenda.

Laura Hefta seconded the motion.

A roll call vote was taken:
Joshua Rivero - yes
Anne Barrington - yes
Todd Hendreks - yes
John Diak - yes
Laura Hefta - yes

The motion was approved unanimously.

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

Mayor Toborg opened the Public Hearing at 7:19 p.m.

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.

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 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.

A presentation was made by Steve Strom, Chris Teigen, and Mitch Trevey on behalf of the applicant, and questions of Council were answered.

Public Comments: None.

Mayor Toborg closed the Public Hearing at 8:58 p.m.

Joshua Rivero moved to approve Ordinance 3.74.4 on second reading.

Laura Hefta seconded the motion.

A roll call vote was taken:
Joshua Rivero - yes
Anne Barrington - yes
Todd Hendreks - yes
John Diak - yes
Laura Hefta - yes

The motion was approved unanimously.

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

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

Public Comments: None.

Todd Hendreks moved to approve Ordinance No. 1.594 on second reading.

Anne Barrington seconded the motion.

A roll call vote was taken:
Joshua Rivero - yes
Anne Barrington - yes
Todd Hendreks - yes
John Diak - yes
Laura Hefta - yes

The motion was approved unanimously.

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

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.

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 the 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 subject to changes in plans and outside economic forces.

Public Comments: None.

John Diak moved to approve Ordinance No. 1.595 on second reading.
Laura Hefta seconded the motion.

A roll call vote was taken:
Joshua Rivero - yes
Anne Barrington - yes
Todd Hendreks - yes
John Diak - yes
Laura Hefta - yes

The motion was approved unanimously.

The Mayor and Councilmembers recognized Mary Lou Brown for excellent service to the Town, and wished her well in her retirement.

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

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.

Public Comments: None.

Joshua Rivero moved to approve Ordinance No. 9.338.2 on second reading.

Anne Barrington seconded the motion.

A roll call vote was taken:
Joshua Rivero - yes
Anne Barrington - yes
Todd Hendreks - yes
John Diak - yes

Laura Hefta - yes

The motion was approved unanimously.

ADJOURNMENT

Joshua Rivero moved to adjourn the meeting at 9:21 p.m.

Todd Hendreks seconded the motion.

A roll call vote was taken:
Joshua Rivero - yes
Anne Barrington - yes
Todd Hendreks - yes
John Diak -yes
Laura Hefta - yes

The motion was approved unanimously.

Susan L. Irvine

Susan L. Irvine, Deputy Town Clerk

Jeff Toborg, Mayor

TREVEY COMMERCIAL REAL ESTATE

July 25, 2023

Steve Strom
President of Development – Senior Living
Ryan Companies US, Inc.
533 South Third Street, Suite 100
Minneapolis, MN 55415

VIA Email
steve.strom@ryancompanies.com

RE: Land Use and Development Overview
Crown Point Center, Parker, Colorado

Mr. Strom,

Per your request, we are providing a brief overview of the existing and prospective land uses relevant to the Crown Point Center Planned Development, located at the intersection of E-470 and Parker Road in Parker, Colorado. We are fully aware that Ryan Companies US, Inc. (Ryan Companies) is proposing the construction of a Grand Living Senior Care facility in one of the Planning Areas of the Crown Point Center Planned Development that is currently not supported by the staff of the Town of Parker's Community Development Department.

The Crown Point Center was "intended to accommodate a mix of commercial, office, hotel, research and development, residential, open space / buffer and recreational land uses" pursuant to the Development Guide of the Crown Point Center Planned Development. It has certainly done that, and the market has driven the development along those lines. Specific to the intended uses in the Planning Areas within the project, the bulk of the existing uses have evolved relative to some of the early tenants and uses, setting the tone for other uses to follow. Please see the attached map reflecting existing and planned developments.

The project itself has developed into two distinctive character areas which are readily apparent based on existing development and both historic and current demand:

- The portion of the Crown Point Center south of E-470 (consisting of all Planning Areas except PA-1 and PA-4) was heavily influenced by the arrival of Parker Adventist Hospital, creating synergistic demand for medical offices, healthcare and senior care, hospitality uses, fitness, restaurants, higher density residential development and daycare to support that use.

- The portion of the Crown Point Center to the north (consisting of PA-1 and PA-4) was undoubtedly influenced by the arrival of Costco, setting the tone for additional retail and consumer services including big-box retail, recreation, fast-food, car wash, banking, additional grocers, and other consumer-driven retail uses.

With the recent arrival of Trader Joe's and the announcement that Whole Foods will be joining the other commercial / retail uses on the north side of E-470 (already hosting 265,000 s.f. of fully leased retail space); and plans for additional medical office buildings to the south of E-470, there is little doubt the established characteristics of these two areas will continue to evolve along those lines.

We have been provided with comments from the Town of Parker in response to the PD Amendment application submitted by Ryan Companies to allow for the introduction of Senior Care in the form of a Grand Living branded facility adjacent to Parker Adventist Hospital and the Lifetime Fitness facility.

The Town's position that the "use described in the applicant's project narrative is not consistent with the basic requirements and characteristics of Crown Point's Commercial, Office, and Hotel Development District" is perplexing. Although the Grand Living project does include a residential component, with the inclusion of memory care, the use is more consistent with healthcare than "assisted living" or multi-family residential development. With over 100 employees anticipated to operate the facility (including a measurable number of licensed medical professionals) the project would qualify as a major healthcare employer and be synergistic and complimentary to the existing uses in the surrounding Planning Areas.

The demand for medical office space in proximity to Parker Adventist Hospital has waned substantially in recent years. With the change in business practice models in medical services (with virtual patient visits as an option and the ability for administrative staff to work remotely), space needed for existing practices has been reduced and new practices are requiring less. The existing medical office buildings adjacent to the hospital are now experiencing an alarming vacancy rate of nearly 27% (over 36,000 s.f.), clearly illustrating that additional medical office space planned for delivery in new buildings is not currently warranted and likely won't be for some time to come, if ever. So indeed, the Medical District within the E-470 Planning Area has changed significantly and consideration for entertaining a revision to the uses envisioned under the PD for that area is supported.

The view that the Grand Living project would not be consistent with the Town's Master Plan should be reconsidered, as well. The intent of the E-470 Medical District focuses on state-of-the-art medical care, preventative health care and wellness with appropriate land uses to include hospitals, medical offices, health care clinics and facilities. Therefore, the Grand Living project should be considered a health care facility, as it will be licensed accordingly with the State of Colorado.

Additionally, Master Plans change and require modification based on what's transpiring in the market. Population growth drives the demand for goods and services and employment opportunities, with development following suit to meet that demand. History has proven that although Master Plans are a necessary and initially helpful visioning document for future development, they cannot predict the future. Master Plans are periodically revised and Planned Developments are consistently being amended to implement the changes needed to accommodate an evolving community and economy.

Thank you for the opportunity to provide an overview and comments on the Crown Point Center from a commercial real estate perspective. Please feel free to contact us directly should you need any additional information or supporting data for your consideration.

Respectfully,

Mitch Trevey

Mitch Trevey
Managing Director

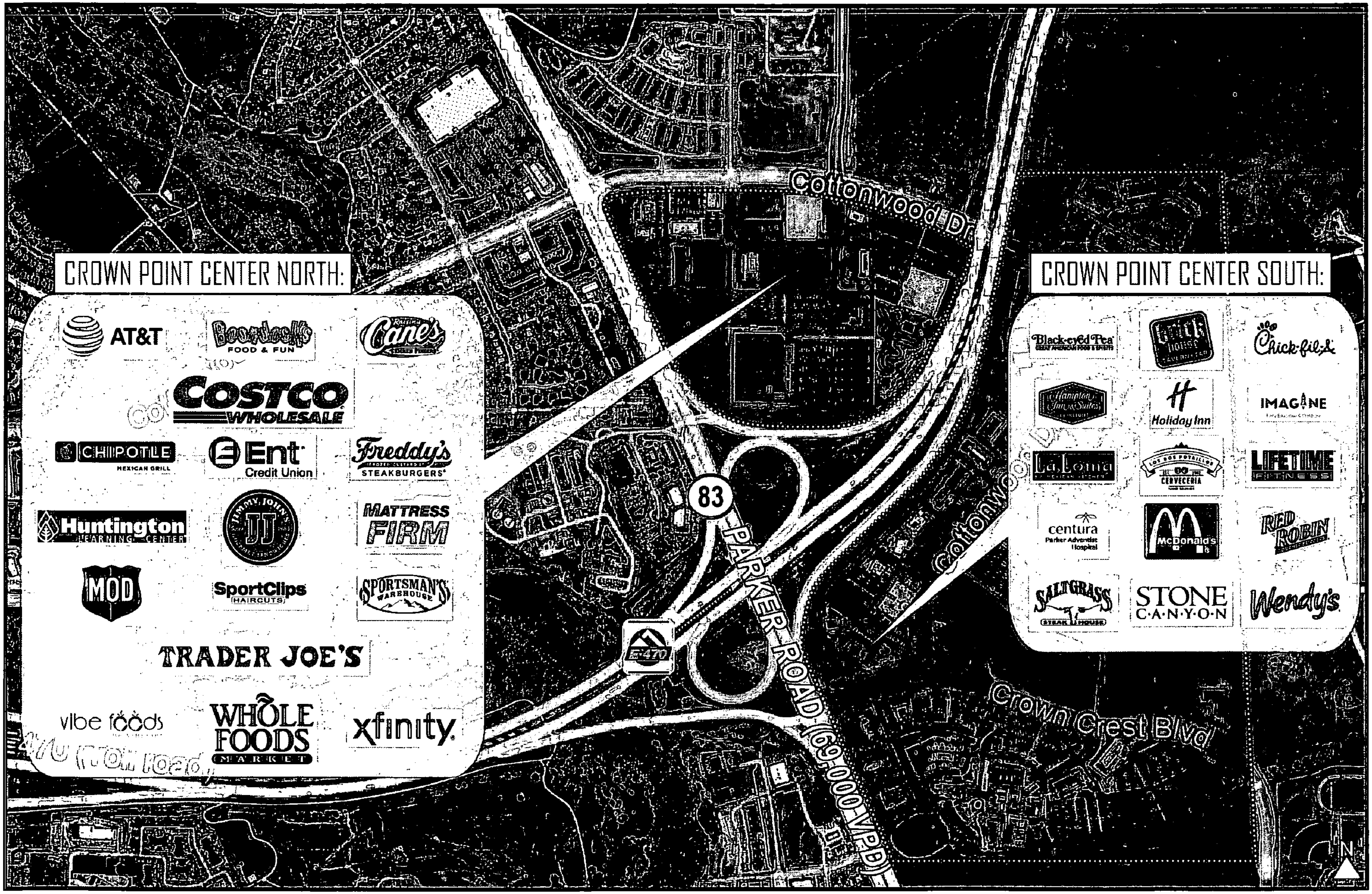
Heath Honbarrier

Heath Honbarrier
Associate Broker

Crown Point Center

E-470 & Parker Road Parker, Colorado

Existing and Approved Land Uses and Completed Development



AdventHealth

November 30, 2023

Parker Town Councilmembers
Town of Parker
20120 E Mainstreet
Parker, CO 80138

Town Council Members:

I am aware of the proposed senior living community to be developed by Ryan Companies at 9284 Crown Crest Boulevard.

The proposed PD Map amendment will allow for the development of a high-quality 4-story senior living building that will provide important health care services and housing for Parker's aging population. The project will ensure Parker residents can continue to live in the community throughout their lives and access our services in a convenient, accessible way. There is a growing need for this type of development as the project will broaden the variety of options for our seniors to live a healthy and active lifestyle. The project as described to me will allow seniors to age in place which is not a model offered by all senior living facilities but is highly desirable.

I believe this type of project fits very well in our area of Crown Crest and integrates quality healthcare and needed facilities into the overall medical district. We fully support Ryan Companies' project to develop 9284 Crown Crest Boulevard as a new senior living community. Please consider this letter as our formal support of Ryan Companies proposed project for the Crown Crest property.

Sincerely,

Michael Goebel

Michael Goebel
Chief Executive Officer
Advent Health Parker

12/4/23

LIFETIME
THE HEALTHY WAY OF LIFE COMPANY

Mayor Toborg
Parker Town Councilmembers
Town of Parker
20120 E Mainstreet
Parker, CO 80138

Dear Mayor Toborg and Parker Town Councilmembers:

As an adjacent neighborhood business to the site located at 9284 Crown Crest Boulevard, in which a PD Map amendment is being proposed, Life Time Parker-Aurora has an interest in the above-referenced project.

The proposed PD Map amendment by Ryan Companies will allow for the development of a high-quality 4-story senior living community, that will provide critical healthcare services and housing for the aging population in Parker. We're excited to see this long vacant and underutilized property developed, keeping residents and their families in our community, and encouraging intergenerational connections in the neighborhood. The project is designed to allow residents to stay active, social, and age-in-place. I believe the proposed location is appropriate for the development; the site provides convenient access to healthcare and other commercial uses including our fitness club. This is exactly the type of development we should encourage and support, one that promotes healthy living and an active lifestyle, and provides the essential housing we need to support our aging demographic.

We fully support Ryan Companies' project to develop 9284 Crown Crest Boulevard as a new senior living community. Please consider this letter as our formal support and full endorsement of the PD Map amendment application.

Sincerely,

Jeffrey May

Life Time Parker
9250 Crown Crest Blvd
Parker, CO 80138

jmay@lt.life