

**TOWN OF PARKER COUNCIL AGENDA  
MARCH 7, 2016**

**Notes:**

Town Council meeting packets are prepared several days prior to the meeting. This information is reviewed and studied by the Councilmembers eliminating lengthy discussions to gain a basic understanding. Timely action and short discussion on agenda items does not reflect lack of thought or analysis on the part of Council.

Ordinances listed for first reading are being approved to introduce them. Public comment will be held upon second reading.

Start times for regular agenda items are tentative; some items may be held earlier than scheduled time.

1. **TOWN COUNCIL MEETING SCHEDULE**

- (a) **5:30 P.M. – Call to Order Town Council Meeting and Roll Call**
- (b) **Executive Session – Immediately following Call to Order/Roll Call – (See Attached)**
- (c) **Reconvene Town Council Meeting at 7:00 P.M. or as soon thereafter as the regular public meeting can be conducted.**

2. **SPECIAL PRESENTATIONS**

3. **PARKER CHAMBER OF COMMERCE UPDATES**

4. **DOWNTOWN BUSINESS ALLIANCE UPDATES**

5. **PUBLIC COMMENTS – 3 Minute Limit (No action will be taken on these items.)**

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

7. **CONSENT AGENDA**

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

A. **APPROVAL OF MINUTES**

*February 16, 2016*

B. **ALCORN PROPERTY ANNEXATION**

*Applicant: Greg Armstrong, Armstrong Development Co.  
Location: Southeast corner of Lincoln Ave. and Parker Road  
Department: Community Development, Patrick Mulready  
Second Reading: March 21, 2016*

- (1) **ORDINANCE NO. 2.242 – First Reading**  
*A Bill for an Ordinance Approving and Accomplishing the Annexation of Contiguous Unincorporated Territory Known as 6429 Alcorn Street Property in Douglas County*
- (2) **ORDINANCE NO. 2.243 – First Reading**  
*A Bill for an Ordinance Approving and Accomplishing the annexation of Contiguous Unincorporated Territory Known as 11895 W. Alcorn Street and 11897 S. Alcorn Street Property in Douglas County*

(3) *ORDINANCE NO. 2.244 – First Reading*  
*A Bill for an Ordinance Approving and Accomplishing the Annexation of Contiguous Unincorporated Territory Known as 11905 S. Alcorn Street Property in Douglas Country*

C. *ORDINANCE NO. 9.248 – First Reading*  
*A Bill for an Ordinance to Approve the Intergovernmental Agreement By and Between the Town of Parker and the Douglas County Board of County Commissioners Regarding a Public Safety Communications Tower at the Parker Public Works Operations Center and Microwave Dishes at the Parker Police Station*

*Department: Public Works, Mike Sutherland*  
*Police, Ron Combs*  
*Second Reading: March 21, 2016*

D. *ORDINANCE NO. 9.249 – First Reading*  
*A Bill for an Ordinance to Approve the Intergovernmental Agreement for Electrical Plan Review and Inspection By and Between the City of Greenwood Village and the Town of Parker*

*Department: Building, Gil Rossmiller*  
*Second Reading: March 21, 2016*

E. *RESOLUTION NO. 16-014*  
*A Resolution Accepting the Conveyance of a Drainage Easement from Dransfeldt Business Park, LLC, for Lot 1, Block 1, Parkglenn West Filing No. 3*

*Department: Engineering, Alex Mestdagh*

F. *ORDINANCE NO. 1.465.1 – First Reading*  
*A Bill for an Ordinance to Adopt the 2016 Revised Budget for the Town of Parker and to Make Appropriations for the Same*

*Department: Finance, Don Warn*  
*Second Reading: March 21, 2016*

G. *CONTRACTS ABOVE \$100,000*

- *Parker Consolidated School Restoration Project – Phase IIB*  
*Amount: \$516,068.00*  
*Contractor: Wattle & Daub Contractors*  
*Department: Engineering, Tom Gill*

7. **TOWN ADMINISTRATOR**

- **Reports**

8. **PUBLIC HEARINGS**

A. **ROBINSON RANCH FILING 2 AMENDMENT 3 LOT 1B – Use by Special Review**

**Applicant: Cadence Capital Investments LLC – Kay Stallworthy**  
**Location: 12340 Parker Road**  
**Department: Carolyn Parkinson**

B. **RESOLUTION NO. 16-015**

**A Resolution to Adopt an Update of the Parker 2035 Master Plan**

**Department: Community Development, Bryce Matthews**

9. **ORDINANCE NO. 3.321** – Second Reading  
A Bill for an Ordinance to Amend Sections 13.02.010, 13.04.100(c), 13.04.130(a), 13.04.130(c), 13.04.160(c), and 13.04.170 of the Parker Municipal Code, and Chapter 13.04 of the Parker Municipal Code is Hereby Amended by the Addition Thereto of a New Section 13.04.300, and to Repeal Paragraphs 13.04.120(d)(7), 13.04.130(c)(21), 13.04.130(e)(5), Section 13.04.140, Paragraphs 13.04.160(d)(3), 13.04.160(d)(5) and Section 13.10.050 of the Parker Municipal Code, Concerning Storage Uses in the Town of Parker  
Department: Community Development, Bryce Matthews
10. **ORDINANCE NO. 3.171.3** – Second Reading  
A Bill for an Ordinance to Amend Sections 13.05.010 and 13.10.220 of the Parker Municipal Code Concerning Adoption of the Revised Flood Insurance Study for Douglas County, Colorado, and Incorporated Areas, and the Revised Flood Insurance Rate Maps (FIRMs)  
Department: Engineering, Jacob James
11. **ORDINANCE NO. 1.475** – Second Reading  
A Bill for an Ordinance Stating the Intent of the Town of Parker to Acquire Real Property for the Purpose of Constructing and Improving Summerset Lane, a Town Roadway, Through the Utilization of the Town’s Power of Eminent Domain, and Directing the Town’s Staff and Town Attorney to Notify All Persons Affected Thereby of the Above-stated Intent of the Town, and Thereafter to Comply with All Pertinent Provisions of C.R.S. § 38-1-101, et seq., Relating to Good Faith Negotiations  
Department: Engineering, Chris Hudson
12. **ORDINANCE NO. 4.113** – Second Reading  
A Bill for an Ordinance Establishing the Vertical and Horizontal Alignment and the Grade of Summerset Lane from the Pine Drive Intersection to Approximately 600 Feet East of the Pine Drive Intersection  
Department: Engineering, Chris Hudson
13. **ADJOURNMENT**

*Parker Town Council*

# **Executive Session Agenda**

March 7, 2016

To consider the purchase, acquisition, lease, transfer or sale of real, personal or other property, pursuant to C.R.S. § 24-6-402(4)(a).”

1. Proposed intergovernmental agreement between the Town and Douglas County concerning the construction of Belford Avenue

"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)."

2. Section 10.11.150 of the Parker Municipal Code
3. Section 13.04.120 of the Parker Municipal Code
4. Section 13.04.200 of the Parker Municipal Code
5. CRS Section 29-20-108



**TOWN OF PARKER COUNCIL  
MINUTES  
FEBRUARY 16, 2016**

Mayor Mike Waid called the meeting to order at 6:45 P.M. All Councilmembers were present.

Town Attorney Jim Maloney announced that the topics for discussion in Executive Session were two (2) items under C.R.S. § 24-6-402(4)(b), the first was a specific legal question concerning Colo. Rev. Stat. Section 22-32-124 and the second was a specific legal question concerning Colo. Rev. Stat. Section 31-25-107.

**EXECUTIVE SESSION**

Josh Martin moved and Debbie Lewis seconded to go into Executive Session 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).

The motion was approved unanimously.

Amy Holland moved and Joshua Rivero seconded to recess the Executive Session at 6:59 P.M.

The motion was approved unanimously.

**REGULAR MEETING**

Mayor Waid reconvened the meeting at 7:05 P.M.

Girl Scout Brownie Troop 624 led the Council and audience in the Pledge of Allegiance.

**SPECIAL PRESENTATIONS**

- **Don Warn – Distinguished Budget Presentation Award**
- **Rhonda Willey – Certificate of Achievement for Excellence in Financial Reporting**

Judy Dahl, President of the Colorado GFOA, presented these awards to the Town. She congratulated Don Warn on the Distinguished Budget Presentation Award and Rhonda Willey for the Certificate of Achievement for Excellence in Financial Reporting.

**PARKER CHAMBER OF COMMERCE UPDATES**

Dennis Houston, President and CEO of the Parker Chamber of Commerce, gave an update of the Chamber's events and activities.

**PUBLIC COMMENTS**

- Elaine Mariner, Cultural Director, introduced the Creative District Executive Committee. Naioma Walberg introduced Sara Crowe and Kelli Benson.
- Cory Nelson, 21398 E. Wanderlust Place, asked that our web page, Public Transportation,

show a map for #153 and to beef up information for using RTD. They are looking for someone from Parker to serve on the Public Safety Advisory Committee for Douglas County; they should contact Corey Nelson.

- Todd Wright, 10011 Granite Hill Dr., spoke regarding an ordinance which is hurtful towards dozens of businesses. He did not specify what ordinance he was addressing.
- Renee Williams advised she received a text message from Dan Candra (sp) thanking the Task Force and others for helping his family get by. He is now giving back to the Parker community and stated he could not have made it without the support of the community.

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

**John Diak**

Attended DRCOG last week and noted that he sits on the Board.

**Debbie Lewis**

1. Debbie and John Diak did the 5K Walk last Friday.
2. Attended the Innovation Pavilion Awards at PACE at which there were a lot of attendees.

**Renee Williams**

1. Attended the Cyber Bulling Event at the PACE Center.
2. Attended the Douglas County Senior Council Meeting.

**Joshua Rivero**

Attended the CML Legislative Workshop. He stated that this is a valuable organization and that it is important that we keep everything we can in local control and CML helps with this.

**Amy Holland**

1. Attended the Innovative Pavilion Awards.
2. Looked at the Pine Curve Master Plan.
3. She was in touch with our RTD representative; it took her about 2 hours, using the light rail from Lone Tree, to get to the Broncos parade.
4. She is working on a statue of a community person who has passed.

**Josh Martin**

He gave numbers for 2015 regarding traffic use on E-470 which is up 12%.

**CONSENT AGENDA**

A. *APPROVAL OF MINUTES*  
*February 1, 2016*

B. *ORDINANCE NO. 3.171.3 – First Reading*  
*A Bill for an Ordinance to Amend Sections 13.05.010 and 13.10.220 of the Parker Municipal Code Concerning Adoption of the Revised Flood Insurance Study for Douglas County, Colorado, and Incorporated Areas, and the Revised Flood Insurance Rate Maps (FIRMs)*

<i>Department:</i>	<i>Engineering, Jacob James</i>
<i>Second Reading:</i>	<i>March 7, 2016</i>

C. *ORDINANCE NO. 3.321 – First Reading*  
*A Bill for an Ordinance to Amend Sections 13.02.010, 13.04.100(c), 13.04.130(a), 13.04.130(c), 13.04.160(c), and 13.04.170 of the Parker Municipal Code, and Chapter 13.04 of the Parker Municipal Code is Hereby Amended by the Addition Thereto of a New Section 13.04.300, and to Repeal Paragraphs 13.04.120(d)(7), 13.04.130(c)(21), 13.04.130(e)(5), Section 13.04.140, Paragraphs 13.04.160(d)(3), 13.04.160(d)(5) and Section 13.10.050 of the Parker Municipal Code, Concerning Storage Uses in the Town of Parker*

*Department: Community Development, Bryce Matthews*  
*Second Reading: March 7, 2016*

D. *ORDINANCE NO. 1.475 – First Reading*  
*A Bill for an Ordinance Stating the Intent of the Town of Parker to Acquire Real Property for the Purpose of Constructing and Improving Summerset Lane, a Town Roadway, Through the Utilization of the Town’s Power of Eminent Domain, and Directing the Town’s Staff and Town Attorney to Notify All Persons Affected Thereby of the Above-stated Intent of the Town, and Thereafter to Comply with All Pertinent Provisions of C.R.S. § 38-1-101, et seq., Relating to Good Faith Negotiations*

*Department: Engineering, Chris Hudson*  
*Second Reading: March 7, 2016*

E. *ORDINANCE NO. 4.113 – First Reading*  
*A Bill for an Ordinance Establishing the Vertical and Horizontal Alignment and the Grade of Summerset Lane from the Pine Drive Intersection to Approximately 600 Feet East of the Pine Drive Intersection*

*Department: Engineering, Chris Hudson*  
*Second Reading: March 7, 2016*

F. *RESOLUTION NO. 16-011*  
*A Resolution to Allow a Partial Waiver of Section 13.06.040(f), (g) and (h) of the Parker Municipal Code for the Site Plan for the Enclave Disc Golf/Dog Park*

*Department: Parks and Recreation, Jim Cleveland*

G. *RESOLUTION NO. 16-012*  
*A Resolution to Appoint Members to the Parker Creative District Executive Committee and to Reappoint the Chair*

*Department: Cultural, Elaine Mariner*

H. *RESOLUTION NO. 16-013*  
*A Resolution Adopting the Rules of Procedure and Conduct for the Parker Creative District Executive Committee Dated February 16, 2016*

*Department: Cultural, Elaine Mariner*

I. *CONTRACTS ABOVE \$100,000*

- *2016 Townwide Roadway Reconstruct Program (CIP 16-004)*  
*Amount: \$1,704,979.50*  
*Contractor: T&M Construction*  
*Department: Engineering, Chris Hudson*

- *Support Agreement for the Police Department Records Management and Field Reporting Systems*  
*Amount: \$148,500.00*  
*Contractor: COHERO*  
*Department: Police, Ron Combs*
- *Parker Consolidated School, Phase II-A Contract Modification*  
*Amount: \$11,533.00*  
*Contractor: Wattle & Daub Contractors*  
*Department: Engineering, Tom Gil*

J. *PROCLAMATION – National Pancake Day and Shriners Hospitals for Children Day in Parker – March 8, 2016*  
*Department: Town Council*

*John Diak moved and Josh Martin seconded to approve Consent Agenda Items 6A through 6J.*

*The motion was approved unanimously.*

**TOWN ADMINISTRATOR**

• **Reports**

Randy Young congratulated Don Warn and Rhonda Willey. He also thanked all the Directors and staff for the job they have done.

He referred to the Town Administrator’s report in the packet and indicated that the capacity for the Mary Poppins show was 96% (over 16 shows, including two new performances added to meet patron demand).

**PUBLIC HEARINGS**

**ROBINSON RANCH LOT 3 FILING 2, FIRST AMENDMENT – Use by Special Review**

**Applicant: Veterinary Center of Parker, Dr. Lindsay Mamula**  
**Location: 12311 Pine Bluffs Way, Unit 115**  
**Department: Community Development, Ryan McGee**

**7:48 P.M.**

Dr. Lindsay Mamula applied for a Use by Special Review request to allow a Veterinary Clinic in the Robinson Ranch Planned Development (PD). The clinic will be located in Unit 115.

The veterinary clinic will be compatible with surrounding uses when evaluated against the nine Use by Special Review criteria as specified in the Town’s Land Development Ordinance. The proposal conforms to the Town’s Master Plan and will not result in an over-intensive use of the site.

**Applicant**

The applicant was present for questions.

**Public Comment – None**

The Public Hearing was closed at 7:53 P.M.

John Diak moved to approve, based upon staff findings, with the five (5) conditions contained in the staff report:

1. The Use by Special Review materials submitted to the Community Development Department on January 8, 2016 shall be the approved Use by Special Review materials.
2. The applicant submits tenant finish plans that depicts sound deadening insulation within the wall and ceiling separation of the veterinary clinic and adjacent tenant space to the west.
3. The applicant and/or property owner install a pet waste bag apparatus and an extra trash can(s) on the property to maintain cleanliness and the landscaping on the site.
4. THIS APPROVAL SHALL EXPIRE SIX (6) MONTHS AFTER THE DATE OF APPROVAL UNLESS A GRADING PERMIT HAS BEEN APPLIED FOR. The Community Development Director, upon written request, may grant a ninety-(90) day extension.
5. This approval DOES NOT include signage. A separate sign permit is required from the Community Development Department. The applicant shall also contact the Building Division regarding sign permit requirements.

Amy Holland seconded the motion.

The motion was approved unanimously.

**ORDINANCE NO. 1,474 – Second Reading (Continued from February 1, 2016)**  
**A Bill for an Ordinance Stating the Intent of the Town of Parker to Acquire Real Property for the Purpose of Constructing and Improving South Parker Road from Sulphur Gulch to Plaza Drive, a Roadway Within the Town and State Highway, by the Addition of a Sidewalk on the East Side, Through the Utilization of the Town's Power of Eminent Domain, and Directing the Town's Staff and Town Attorney to Notify all Persons Affected Thereby of the Above-Stated Intent of the Town, and Thereafter to Comply with all Pertinent Provisions of C.R.S. § 38-1-101, et seq., Relating to Good Faith Negotiations**

**Department:                      Engineering, Chris Hudson**  
**Town Attorney, Jim Maloney**

Acquisition of easements needed to construct a multi-use sidewalk/trail on the east side of Parker Road (State Highway 83) between the Sulphur Gulch Trail and Plaza Drive.

The proposed project consists of the addition of a 10 ft. wide multi-use sidewalk/trail on the east side of Parker Road. As part of the 2015 DRCO funding cycle, the Town received approval to receive Federal funds through the Colorado Department of Transportation (CDOT) for construction in 2017. There are a few locations where curb ramps and/or sidewalk will encroach onto private property. These are the locations where the permanent easements are needed. The remaining easements are temporary construction easements needed for constructing the improvement (such adjustment of the slopes or for installation of erosion control measures) or redoing driveways affected by the sidewalk addition.

**Public Comment – None**

Renee Williams moved to approve Ordinance No. 1.474 on second reading.

Debbie Lewis seconded the motion.

The motion was approved unanimously.

The Council then recessed the regular meeting at 7:59 P.M.

Renee Williams moved and Amy Holland seconded at 8:06 P.M. to go back into Executive Session.

The motion was approved unanimously.

Debbie Lewis moved and Josh Martin seconded to come out of Executive Session at 9:12 P.M. at which time the regular meeting was adjourned.

The motion was approved unanimously.

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Carol Baumgartner, Town Clerk

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Mike Waid, Mayor





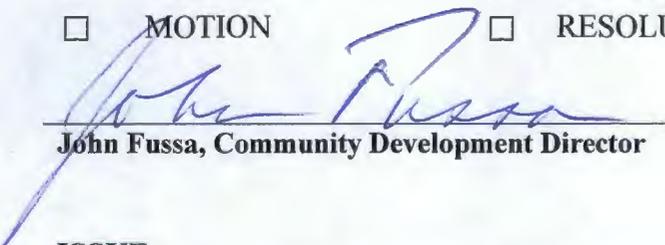
ITEM NO: 7B  
DATE: 03/07/2016

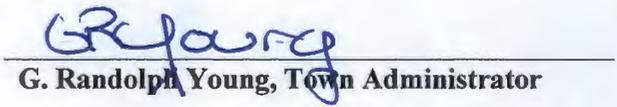
**REQUEST FOR TOWN COUNCIL ACTION**

**TITLE: ALCORN PROPERTY ANNEXATION**

- (1) **ORDINANCE 2.242 – A Bill for an Ordinance Approving and Accomplishing the Annexation of Contiguous Unincorporated Territory Known as 6429 Alcorn Street Property in Douglas County**
- (2) **ORDINANCE 2.243 – A Bill for an Ordinance Approving and Accomplishing the Annexation of Contiguous Unincorporated Territory Known as 11895 S. Alcorn Street and 11897 S. Alcorn Street Property in Douglas County**
- (3) **ORDINANCE 2.244 – A Bill for an Ordinance Approving and Accomplishing the Annexation of Contiguous Unincorporated Territory Known as 11905 S. Alcorn Street Property in Douglas County**

- |   |   |              |
|---|---|--------------|
| <input type="checkbox"/> PUBLIC HEARING | <input checked="" type="checkbox"/> ORDINANCE FOR 1 <sup>ST</sup> READING | (03/07/2016) |
| <input type="checkbox"/> CONTRACT       | <input type="checkbox"/> ORDINANCE FOR 2 <sup>ND</sup> READING            | (03/21/2016) |
| <input type="checkbox"/> MOTION         | <input type="checkbox"/> RESOLUTION                                       |              |

  
\_\_\_\_\_  
John Fussa, Community Development Director

  
\_\_\_\_\_  
G. Randolph Young, Town Administrator

**ISSUE:**

Armstrong Development Group seeks to annex three parcels located at the southeast corner of Parker Road and Lincoln Avenue. These parcels total 1.8 acres in total area. The applicant is also requesting a Modified Commercial zoning for the site. If approved they intend to develop the site for commercial use.

**PRIOR ACTION:**

This past November, Council adopted three resolutions setting the public hearing date for the Alcorn Property annexation requests to January 19, 2016. Noticing of these resolutions had to be redone when it was discovered that an incorrect legal description was attached to one of the resolutions. The resolutions were re-introduced to Town Council on January 19, 2016 setting the public hearing date for March 21, 2016.

The three ordinances establishing the zoning on each of the three parcels were approved at first reading on January 4, 2016. On January 19, 2016, the three zoning ordinances were continued to March 21, 2016 for second reading and the public hearing.

**FUNDING/BUDGET IMPACT:**

None

**BACKGROUND:**

The three parcels under consideration for this annexation and zoning request are within the Town's Urban Growth Boundary. They exist as three residential lots within the Parker Heights subdivision in unincorporated Douglas County. A related amendment to the Town of Parker Master Plan will appear on Town Council's March 7, 2016 agenda for consideration.

**RECOMMENDATION:**

Staff recommends Town Council approve the three ordinances at first reading and schedule second reading for March 21, 2016. Planning Commission recommended approval of the zoning request following a public hearing conducted January 14, 2016.

**PREPARED/REVIEWED BY:**

Patrick Mulready, Senior Planner; Steve Greer, Deputy Community Development Director; John Fussa, Community Development Director; James S. Maloney, Town Attorney

**ATTACHMENTS:**

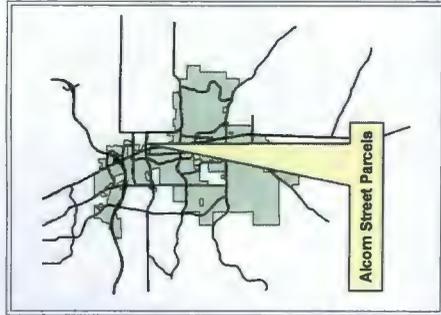
1. Vicinity Map
2. Ordinance 2.242
3. Ordinance 2.243
4. Ordinance 2.244

**RECOMMENDED MOTION:**

- (1) "I move to approve Ordinance No. 2.242 on first reading and schedule second reading for March 21, 2016, as a part of the consent agenda."
- (2) "I move to approve Ordinance No. 2.243 on first reading and schedule second reading for March 21, 2016, as a part of the consent agenda."
- (3) "I move to approve Ordinance No. 2.244 on first reading and schedule second reading for March 21, 2016, as a part of the consent agenda."

Annexation:

Ordinances 2.242, 2.243, 2.244



**Legend**

-  Town Boundary
-  Site
-  Roads

**Narrative:**  
Applicant seeks approval of an annexation of 1.8 acres of land over three parcels for Modified Commercial.

**Planner:** Patrick Mulready  
**Hearing Schedules:**  
**Planning Commission:** January 14, 2016  
**Town Council:** March 7 and 21, 2016



ORDINANCE NO. 2.242, Series of 2016

**TITLE: A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY KNOWN AS 6429 ALCORN STREET PROPERTY IN DOUGLAS COUNTY**

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

WHEREAS, the Town Council of the Town of Parker, Colorado has conducted a public hearing, as required by law, to determine the eligibility for annexation of that property described in attached Exhibit A; and

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

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

Section 1. The annexation by and to the Town of Parker, State of Colorado, of that property described in attached Exhibit A, situated, lying, and being in the County of Douglas, State of Colorado, meets all requirements of law and the annexation policy of the Town of Parker, and therefore, the said annexation is hereby approved and made effective.

Section 2. The owner(s) of more than fifty percent (50%) of the property described in attached Exhibit A has petitioned for annexation.

Section 3. Rezoning of the above-described property shall be completed simultaneously with the annexation of the property described in attached Exhibit A, pursuant to Section 15.9 of the Home Rule Charter for the Town of Parker.

Section 4. Upon the effective date of this Annexation Ordinance, all lands within the area to be annexed shall become subject to the Municipal Laws of the State of Colorado pertaining to towns and to all ordinances, resolutions, rules and regulations of the Town of Parker.

Section 5. The Town Council hereby approves the annexation agreement that is attached hereto as **Exhibit B**, and incorporated by this reference.

Section 6. Considering all of the foregoing, and based on the conviction that annexation of this property to the Town of Parker will serve the best interests of the Town of Parker and the

owner(s) of the territory to be annexed, the unincorporated territory described in Exhibit A is hereby annexed to the Town of Parker, Colorado.

Section 7. The Town Clerk shall file for recording one certified copy of the Annexation Ordinance and one copy of the Annexation Map with the Clerk and Recorder of the County of Douglas, State of Colorado.

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

Section 9. The Town Clerk shall file one certified copy of the Annexation Ordinance and one copy of the Annexation Map with the Division of Local Governments of the Department of Local Affairs.

Section 10. 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 11. This Annexation shall become effective within ten (10) days of the publication date of this Ordinance, except for the purpose of general taxation, and for such purposes it shall become effective on January 1st of the next succeeding year following passage of this Annexation Ordinance.

INTRODUCED AND PASSED ON FIRST READING this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Mike Waid, Mayor

ATTEST:

\_\_\_\_\_  
Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Mike Waid, Mayor

ATTEST:

\_\_\_\_\_  
Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
James S. Maloney, Town Attorney

## **EXHIBIT A: LEGAL DESCRIPTION**

Lot 1, Block 1, Parker Heights – Filing No. 1 as recorded under Reception No. 113057 of the Douglas County Clerk and Recorders Office, and a Parcel of land located in the Northwest Quarter of Section 15, Township 6 South, Range 66 West of the 6th P.M., County of Douglas, State of Colorado, described as follows:

Commencing at the North Quarter Corner of said Section 15 being monumented with a found 3.25" aluminum cap flush with ground stamped PLS 30109, whence the Northwest Corner of said Section 15 being monumented with a found 3.25" aluminum cap in range box stamped PLS 19003, bears S 89°29'01" W, a distance of 2643.42 feet; Thence along the Northerly line of said Northwest Quarter, S 89°29'01" W, a distance of 441.75 feet to a point being the Northeast Corner of a parcel of land as described under Reception No. 2007022588 of said Clerk's office, said point also being the Northwest Corner of said Lot 1, Block 1, said point also being the POINT OF BEGINNING:

Thence along the common line of said Reception No.2007022588 and Lot 1, Block 1, S 40°11'57" E, a distance of 201.62 feet to the most Easterly Corner of said Reception No.2007022588, said point also being the Southwest Corner of said Lot1, Block 1, said point also being on the Northerly Right-of-Way line of Alcorn Avenue as platted under Reception No.113057 of said Clerk's Office; Thence along said Northerly Right-of-Way line and the Westerly Right-of-Way line of South Alcorn Street as platted under Reception No. 113057 the following two courses: 1) On a non-tangent curve to the left with a radius of 130.00 feet, a central angle of 50°11'02", an arc length of 113.86 feet, whose chord bears S 24°36'15" W, a distance of 110.26 feet; 2) S 00° 29'16" E, a distance of 43.90 feet to a point being the Southeast Corner of said Reception No. 2011013028 of said Clerk's Office; Thence along the Southerly line of said Reception No. 2007022588, said line also being the Northerly line of said Reception No. 2011013028, S 89°30'44" W, a distance of 108.40 feet to a point being the Southeast Corner of Colorado Department of Transportation Parcel No. 64 as recorded under Book 847 at Page 361 of said Clerk's Office, said point also being the Northeast Corner of Colorado Department of Transportation Parcel No. 65 recorded under Book 768 at Page 736 of said Clerk's Office; Thence along the Easterly line of said Parcel No. 64, N 16°07'16" W, a distance of 268.16 feet to a point on the Southeasterly line of a Town of Parker ROW Parcel No. 36 as recorded under Reception No. 2001050511 of said Clerk's Office; Thence along said Southeasterly line, N 26°15'1" E, a distance of 45.44 feet to a point being the Northeasterly Corner of said Parcel No. 36, said point also being on the Northerly line the Northwest Quarter of Section 15; Thence along said Northerly line, also being the Northerly line of said Reception No. 2007022588, N 89°29'01" E, a distance of 78.16 feet to the POINT OF BEGINNING.

The above described combined parcel contains 57,365 Square Feet or 1.32 Acres more or less.

# EXHIBIT B

## ALCORN PROPERTY ANNEXATION AGREEMENT

THIS AGREEMENT is voluntarily made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by and between the Town of Parker, a Colorado home rule municipality (hereinafter referred to as the "Town"), the Parker Water and Sanitation District (hereinafter referred to as the "District") (only as to Paragraph 3), Ronald D. Pfeifer, Greg Armstrong and Donald F. Heilhoff and their successors and assigns (hereinafter collectively referred to as the "Property Owner").

### RECITALS:

A. The Property Owner is the owner of certain real property (the "Property") situated in the County of Douglas, State of Colorado, which Property is described in **Exhibit A**, attached hereto and made a part hereof.

B. The Property Owner desires to have the Property annexed to the Town.

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

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

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

a. Conditions Precedent. Annexation of the Property shall not become effective, and neither the Property Owner nor the Town shall record or cause to be recorded the items described in § 31-12-113(2)(a)(II)(A), C.R.S. (2014) or this Annexation Agreement, until each of the following conditions have been satisfied (it being acknowledged that the Town shall cause recordation of the requisite documents to effect annexation of the Property upon satisfaction of the conditions precedent):

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

ii. The District signs this Agreement.

iii. Consolidation of Ownership (as described in subparagraph 1.c. of this annexation agreement).

iv. The Property Owner provides the Town a copy of the access permit as described in subparagraph 1.d of this Annexation Agreement.

v. The Property Owner certifies in writing to the Town, in a form reasonably acceptable to the Town, that the conditions precedent described in subparagraph 1.a. of the Annexation Agreement have been fully satisfied.

b. Failure of Conditions. Until the conditions precedent set forth in subparagraph 1.a. have been satisfied, this document shall constitute an offer by the Property Owner and the Town to enter into this Annexation Agreement (notwithstanding the parties' mutual execution and delivery of this document), and the annexation of the Property to the Town shall not become effective. In such case, neither the Property Owner nor the Town shall record or cause to be recorded the items described in § 31-12-113(2)(a)(II)(A), C.R.S. (2014) or this Agreement.

c. Consolidation of Ownership/Authorized Representative. Ronald D. Pfeifer, Greg Armstrong and Donald F. Heilhoff, each shall execute and cause to be recorded a conveyance deed in a form acceptable to the Town, which deeds shall convey fee simple title in and to the Property to \_\_\_\_\_, LLC or its assign, which deeds shall be recorded in the Douglas County Clerk and Recorder's Office, contemporaneously with the recordation of the items described in § 31-12-113(2)(a)(II)(A), C.R.S. (2015), as provided in subparagraph 1.a.

d. Issuance of Access Permit by Colorado Department of Transportation ("CDOT"). CDOT issues an access permit to \_\_\_\_\_, LLC, or its assigns, that permits vehicular access to the Property from State Highway 83.

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

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

4. Zoning and Development.

a. The Property Owner hereby consents to zoning the Property Modified Commercial as adopted by Ordinance No.'s 3.318. 3.319 and 3.20 contemporaneously with this Agreement (the "Development Plan").

b. Town Fees. The Property Owner agrees to pay all building fees, use taxes, impact fees and excise taxes as established by Town ordinance at the time this Agreement is executed and such additional fees and taxes as may be in effect at the time of development of the Property (as evidenced by plat approval) except as specifically provided by this Agreement. The Town may withhold any plat approval or withhold the

issuance of any permits for construction or occupancy for failure to pay Town fees and taxes as provided herein. All fees recited in this Agreement shall be subject to amendment by the Town Council by ordinance so long as any amendment is Townwide. Any amendment to the fees shall be incorporated into this Agreement as if originally set forth herein. Notwithstanding anything in this Agreement to the contrary, the parties acknowledge and agree that the Property has already been developed in unincorporated Douglas County and because of this fact the Property and the Property Owner shall not be responsible for the payment of any Town fees related to the annexation of the Property into the Town and the zoning of the Property pursuant to this Agreement.

5. Construction of Roads. The Property Owner will design and construct the improvements described herein according to the Town-approved Traffic Study, the Town of Parker Roadway Design and Construction Criteria Manual, the Town of Parker Construction Specifications and Design Considerations for Parks, Trails and Streetscapes, the CDOT Standard Specifications for Road and Bridge Construction, and the CDOT State Highway Access Code, as amended and applicable.

a. State Highway 83 Deceleration Lane Improvements. A continuous deceleration lane on northbound State Highway 83 between Parkglenn Way and the existing deceleration lane for Lincoln Avenue to accommodate the proposed access, prior to any certificates of occupancy, temporary or otherwise, for the Property have been issued.

b. Lincoln Avenue Intersection Improvements. Improvements to the existing signalized intersection on Lincoln Avenue to accommodate the proposed site access to the Property, including a new westbound to southbound left turn lane, and any associated modifications to the existing roadway infrastructure to accommodate the turn lane, prior to any certificates of occupancy, temporary or otherwise, for the Property have been issued.

6. Lincoln Avenue Site Access Signal. The Property Owner shall be responsible for the cost to design and construct all traffic signal upgrades to the existing signal on Lincoln Avenue, as determined by Town, prior to the issuance of any certificates of occupancy, temporary or otherwise, for the Property. The traffic signal upgrades described herein shall be designed and constructed in accordance with the Town of Parker Roadway Design and Construction Criteria Manual, and the Town-approved traffic study for the Property.

7. Sidewalks and Sidewalk Connections. The Property Owner will design and construct the improvements described herein according to the Town of Parker Roadway Design and Construction Criteria Manual, the Town of Parker Construction Specifications and Design Considerations for Parks, Trails and Streetscapes, and the CDOT Standard Specifications for Road and Bridge Construction, as amended and applicable.

a. State Highway 83 Sidewalk Improvements. The Property Owner shall design and construct a 10-foot-wide concrete sidewalk on the east side of State Highway 83 from the intersection of Parkglenn Way to the intersection of Lincoln Avenue, prior to any certificate of occupancy, temporary or otherwise, for the Property.

b. Lincoln Avenue Sidewalk. The Property Owner shall design and construct a concrete sidewalk on the south side of Lincoln Avenue from the proposed site access intersection on Lincoln Avenue to the intersection of State Highway 83, prior to any certificate of occupancy, temporary or otherwise, for the Property.

8. Land Dedication. The Property Owner shall either dedicate by plat (including replat) or convey to the Town and/or CDOT, as may be applicable, by separate instrument approved by the Town and/or CDOT, as may be applicable, any access, slope, drainage and construction easements, as determined by the Town and/or CDOT, as may be applicable, for State Highway 83, Lincoln Avenue, and the sidewalk improvements.

a. State Highway 83. The Property Owner shall dedicate to the Town and/or CDOT any land necessary to accommodate the deceleration lane and sidewalk improvements, as determined by the Town and/or CDOT, including all necessary auxiliary lanes as described in the Town-approved traffic study, as part of the first final plat of the Property.

b. Lincoln Avenue. The Property Owner shall dedicate to the Town and/or CDOT any land necessary to accommodate the intersection and sidewalk improvements, as determined by the Town and/or CDOT, including all necessary auxiliary lanes as described in the Town-approved traffic study, as part of the first final plat of the Property.

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

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

11. Waiver of Prior Vested Rights. The Property Owner waives any prior vested property rights acquired in Douglas County so long as the Property remains annexed into the Town, except for any permits issued by Douglas County to the Property Owner or its tenants prior to the effective date of Ordinance No. 2.241 (the "Annexation Ordinance"). Any permits issued by Douglas County to the Property Owner or its tenants prior to the effective date of the Annexation Ordinance will be handled by Douglas County, including inspections of work, as well as the approval of work inspected though the issuance of certificates of occupancy or

certificates of compliance as may be applicable, the issuance of which will be accepted by the Town.

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

- a. The refusal to issue any building permit or certificate of occupancy.
- b. The revocation of any building permit previously issued under which construction directly related to such building permit has not commenced, except a building permit previously issued to a third party.
- c. A demand that the security given for the completion of the public improvements be paid or honored.
- d. Any other remedy available at law.

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

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

15. Binding Effect. This Agreement, when executed, shall inure to the benefit of and be binding on the successors or assigns in interest or the legal representatives of the parties hereto, including all the purchasers and subsequent owners of any lots or parcels within the Property. This Agreement constitutes the entire agreement of the parties and may be amended only in writing, approved in substantially the same manner as the Agreement itself. This Agreement is binding upon and shall run with the land.

16. Recordation of Agreement. When the conditions precedent described in Paragraph 1.a. of this Agreement have been satisfied as provided herein, this Agreement shall be recorded with the Clerk and Recorder of Douglas County, Colorado, and shall run with the land, and shall be binding upon and shall inure to the benefit of the heirs, successors, and permitted assigns of the parties hereto.

17. Effective Date. This Agreement shall be effective and binding upon the parties immediately upon the effective date of an ordinance annexing and zoning the Property, regardless of whether the Agreement is executed prior to the effective date of said ordinance annexing and zoning the Property.





**PROPERTY OWNER:**

By: \_\_\_\_\_  
Donald F. Heilhoff

STATE OF COLORADO )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by Donald F. Heilhoff.

My commission expires: \_\_\_\_\_

(S E A L)

\_\_\_\_\_  
Notary Public

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

By: \_\_\_\_\_  
Ron Redd, District Manager

ATTEST:

\_\_\_\_\_  
Maliea Good, Engineering Secretary

**EXHIBIT A**

**LEGAL DESCRIPTION OF THE PROPERTY**

# PARCEL 1

## EXHIBIT A: LEGAL DESCRIPTION

Lot 1, Block 1, Parker Heights – Filing No. 1 as recorded under Reception No. 113057 of the Douglas County Clerk and Recorders Office, and a Parcel of land located in the Northwest Quarter of Section 15, Township 6 South, Range 66 West of the 6th P.M., County of Douglas, State of Colorado, described as follows:

Commencing at the North Quarter Corner of said Section 15 being monumented with a found 3.25" aluminum cap flush with ground stamped PLS 30109, whence the Northwest Corner of said Section 15 being monumented with a found 3.25" aluminum cap in range box stamped PLS 19003, bears S 89°29'01" W, a distance of 2643.42 feet; Thence along the Northerly line of said Northwest Quarter, S 89°29'01" W, a distance of 441.75 feet to a point being the Northeast Corner of a parcel of land as described under Reception No. 2007022588 of said Clerk's office, said point also being the Northwest Corner of said Lot 1, Block 1, said point also being the POINT OF BEGINNING:

Thence along the common line of said Reception No.2007022588 and Lot 1, Block 1, S 40°11'57" E, a distance of 201.62 feet to the most Easterly Corner of said Reception No.2007022588, said point also being the Southwest Corner of said Lot1, Block 1, said point also being on the Northerly Right-of-Way line of Alcorn Avenue as platted under Reception No.113057 of said Clerk's Office; Thence along said Northerly Right-of-Way line and the Westerly Right-of Way line of South Alcorn Street as platted under Reception No. 113057 the following two courses: 1) On a non-tangent curve to the left with a radius of 130.00 feet, a central angle of 50°11'02", an arc length of 113.86 feet, whose chord bears S 24°36'15" W, a distance of 110.26 feet; 2) S 00° 29'16" E, a distance of 43.90 feet to a point being the Southeast Corner of said Reception No. 2011013028 of said Clerk's Office; Thence along the Southerly line of said Reception No. 2007022588, said line also being the Northerly line of said Reception No. 2011013028, S 89°30'44" W, a distance of 108.40 feet to a point being the Southeast Corner of Colorado Department of Transportation Parcel No. 64 as recorded under Book 847 at Page 361 of said Clerk's Office, said point also being the Northeast Corner of Colorado Department of Transportation Parcel No. 65 recorded under Book 768 at Page 736 of said Clerk's Office; Thence along the Easterly line of said Parcel No. 64, N 16°07'16" W, a distance of 268.16 feet to a point on the Southeasterly line of a Town of Parker ROW Parcel No. 36 as recorded under Reception No. 2001050511 of said Clerk's Office; Thence along said Southeasterly line, N 26°15'1" E, a distance of 45.44 feet to a point being the Northeasterly Corner of said Parcel No. 36, said point also being on the Northerly line the Northwest Quarter of Section 15; Thence along said Northerly line, also being the Northerly line of said Reception No. 2007022588, N 89°29'01" E, a distance of 78.16 feet to the POINT OF BEGINNING.

The above described combined parcel contains 57,365 Square Feet or 1.32 Acres more or less.

# PARCEL 2

## EXHIBIT A: LEGAL DESCRIPTION

A parcel of located in the Northwest Quarter of Section 15, Township 6 South, Range 66 West of the 6<sup>th</sup> P.M., County of Douglas, State of Colorado, described as follows:

Commencing at the North Quarter Comer of said Section 15 being monumented with a found 3.25" aluminum cap flush with ground stamped PLS 30109, whence the Northwest Corner of said Section 15 being monumented with a found 3.25" aluminum cap in range box stamped PLS 19003, bears S 89°29'01" W, a distance of 2643.42 feet; Thence S 50°27'23" W, a distance of 644.82 feet to a point being the Northeast Corner of a parcel of land as described under Reception No. 2011037128, said point also being the Southeast Corner of a parcel of land as described under Reception No. 2011013028, said point also being on the Westerly Right-of-Way line of South Alcon Street as platted under Reception No. 113057 all in Douglas County Clerk and Recorders Office, said point also being the POINT OF BEGINNING:

Thence along the side Westerly Right-of-Way line, also being the Easterly line of said Reception No. 2011037128, South 00°29'16" E, a distance of 142.26 feet to the Southeast Corner of said Reception No. 2011037128, said point also being on the Northerly Right-of-Way line of East Baldwin Ave. as platted under said Reception No. 113057; Thence also said Southerly line of said Reception No. 2011037128 the follow two courses:

- 1) N 68°59'11" W, a distance of 49.82 feet;
- 2) Along a curve to the left with a radius of 130.00 feet, a central angle of 12°29'44", any arc length of 28.35 feet, whose chord bears N 75°14'03" W, a distance of 28.30 feet to a point of the Easterly line of Colorado Department of Transportation Parcel No. 66 as recorded under Block 847 at Page 361 of said Clerk's Office;

Thence along said Easterly line in North 08°49'26" W, a distance of 117.80 feet to a point on the Northerly line of said Reception No. 2011037128, said point also begin on the Southerly line of said Reception No. 201103028, said point also being the Northeast Corner of said Parcel 66; Thence along the said Northerly and Southerly lines N 89°30'44" E, a distance of 90.73 feet to the POINT OF BEGINNING.

The above described parcel contains 10435 Square Feet or 0.24 Acers more or less.

# PARCEL 3

## EXHIBIT A: LEGAL DESCRIPTION

A Parcel of located in the Northwest Quarter of Section 15, Township 6 South, Range 66 West of the 6<sup>th</sup> P.M., County of Douglas, State of Colorado, described as follows:  
Commencing at the North Quarter Corner of said Section 15 being monumented with a found 3.25" aluminum cap flush with ground stamped PLS 30109, whence the Northwest Corner of said Section 15 being monumented with a found 3.25" aluminum cap in range box stamped PLS 19033, bears S 89°29'01" W, a distance of 2643.42 feet; Thence S 50°27'23" W, a distance of 644.82 feet to a point being the Southeast Corner of a parcel of land as described under Reception No. 2011013028, said point also being the Northeast Corner of a parcel of land as described as Reception No. 2011037128, said point also being on the Westerly Right-of-Way line of South Alcorn Street as platted under Reception No. 113057 all in Douglas County Clerk and Recorders Office, said point also being the POINT OF BEGINNING:

Thence along the Southerly line of said Reception No. 2011013028, said as being on the Northerly line of the said Reception No. 2011037128, S 89°30'44" W, a distance of 90.73 feet to the Southeast corner of Colorado Department of Transportation Parcel No. 65 as recorder under Book 768 at page 736 of said Clerk's Office;

Thence along the Easterly line of said Parcel 65, N 09°51'10" W, a distance of 108.59 feet to a point being the Northeast corner of said Parcel 65, said point also being on the Northerly line of said Reception No. 2011013028, said point also being on the Southerly line of Reception No. 2007022588 of said Clerk's Office; Thence along said Northerly and Southerly lines N 89°30'44" E, a distance of 108.40 feet to a point being the Northeast Corner of said Reception No. 2011013028, said point also being the Southeast Corner of said Reception No. 2007022588, said point also being on said Westerly Right-of-Way line of South Alcorn Street; Thence also said Westerly line S 00°29'16" E, a distance of 107.14 feet to the POINT OF BEGINNING.

The above described parcel contains 10667.5 Square Feet or 0.25 Acers more or less.

ORDINANCE NO. 2.243, Series of 2016

**TITLE: A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY KNOWN AS 11895 S. ALCORN STREET AND 11897 S. ALCORN STREET PROPERTY IN DOUGLAS COUNTY**

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

WHEREAS, the Town Council of the Town of Parker, Colorado has conducted a public hearing, as required by law, to determine the eligibility for annexation of that property described in attached Exhibit A; and

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

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

Section 1. The annexation by and to the Town of Parker, State of Colorado, of that property described in attached Exhibit A, situated, lying, and being in the County of Douglas, State of Colorado, meets all requirements of law and the annexation policy of the Town of Parker, and therefore, the said annexation is hereby approved and made effective.

Section 2. The owner(s) of more than fifty percent (50%) of the property described in attached Exhibit A has petitioned for annexation.

Section 3. Rezoning of the above-described property shall be completed simultaneously with the annexation of the property described in attached Exhibit A, pursuant to Section 15.9 of the Home Rule Charter for the Town of Parker.

Section 4. Upon the effective date of this Annexation Ordinance, all lands within the area to be annexed shall become subject to the Municipal Laws of the State of Colorado pertaining to towns and to all ordinances, resolutions, rules and regulations of the Town of Parker.

Section 5. The Town Council hereby approves the annexation agreement that is attached hereto as **Exhibit B**, and incorporated by this reference.

Section 6. Considering all of the foregoing, and based on the conviction that annexation of this property to the Town of Parker will serve the best interests of the Town of Parker and the owner(s) of the territory to be annexed, the unincorporated territory described in Exhibit A is hereby annexed to the Town of Parker, Colorado.

Section 7. The Town Clerk shall file for recording one certified copy of the Annexation Ordinance and one copy of the Annexation Map with the Clerk and Recorder of the County of Douglas, State of Colorado.

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

Section 9. The Town Clerk shall file one certified copy of the Annexation Ordinance and one copy of the Annexation Map with the Division of Local Governments of the Department of Local Affairs.

Section 10. 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 11. This Annexation shall become effective within ten (10) days of the publication date of this Ordinance, except for the purpose of general taxation, and for such purposes it shall become effective on January 1st of the next succeeding year following passage of this Annexation Ordinance.

INTRODUCED AND PASSED ON FIRST READING this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Mike Waid, Mayor

ATTEST:

\_\_\_\_\_  
Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Mike Waid, Mayor

ATTEST:

\_\_\_\_\_  
Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
James S. Maloney, Town Attorney

## **EXHIBIT A: LEGAL DESCRIPTION**

A parcel of located in the Northwest Quarter of Section 15, Township 6 South, Range 66 West of the 6<sup>th</sup> P.M., County of Douglas, State of Colorado, described as follows:

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Thence along the side Westerly Right-of-Way line, also being the Easterly line of said Reception No. 2011037128, South 00°29'16" E, a distance of 142.26 feet to the Southeast Corner of said Reception No. 2011037128, said point also being on the Northerly Right-of-Way line of East Baldwin Ave. as platted under said Reception No. 113057; Thence also said Southerly line of said Reception No. 2011037128 the follow two courses:

- 1) N 68°59'11" W, a distance of 49.82 feet;
- 2) Along a curve to the left with a radius of 130.00 feet, a central angle of 12°29'44", any arc length of 28.35 feet, whose chord bears N 75°14'03" W, a distance of 28.30 feet to a point of the Easterly line of Colorado Department of Transportation Parcel No. 66 as recorded under Block 847 at Page 361 of said Clerk's Office;

Thence along said Easterly line in North 08°49'26" W, a distance of 117.80 feet to a point on the Northerly line of said Reception No. 2011037128, said point also begin on the Southerly line of said Reception No. 201103028, said point also being the Northeast Corner of said Parcel 66; Thence along the said Northerly and Southerly lines N 89°30'44" E, a distance of 90.73 feet to the POINT OF BEGINNING.

The above described parcel contains 10435 Square Feet or 0.24 Acers more or less.

**ALCORN PROPERTY ANNEXATION AGREEMENT**

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**RECITALS:**

A. The Property Owner is the owner of certain real property (the "Property") situated in the County of Douglas, State of Colorado, which Property is described in **Exhibit A**, attached hereto and made a part hereof.

B. The Property Owner desires to have the Property annexed to the Town.

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

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

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

a. Conditions Precedent. Annexation of the Property shall not become effective, and neither the Property Owner nor the Town shall record or cause to be recorded the items described in § 31-12-113(2)(a)(II)(A), C.R.S. (2014) or this Annexation Agreement, until each of the following conditions have been satisfied (it being acknowledged that the Town shall cause recordation of the requisite documents to effect annexation of the Property upon satisfaction of the conditions precedent):

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

ii. The District signs this Agreement.

iii. Consolidation of Ownership (as described in subparagraph 1.c. of this annexation agreement).

iv. The Property Owner provides the Town a copy of the access permit as described in subparagraph 1.d of this Annexation Agreement.

v. The Property Owner certifies in writing to the Town, in a form reasonably acceptable to the Town, that the conditions precedent described in subparagraph 1.a. of the Annexation Agreement have been fully satisfied.

b. Failure of Conditions. Until the conditions precedent set forth in subparagraph 1.a. have been satisfied, this document shall constitute an offer by the Property Owner and the Town to enter into this Annexation Agreement (notwithstanding the parties' mutual execution and delivery of this document), and the annexation of the Property to the Town shall not become effective. In such case, neither the Property Owner nor the Town shall record or cause to be recorded the items described in § 31-12-113(2)(a)(II)(A), C.R.S. (2014) or this Agreement.

c. Consolidation of Ownership/Authorized Representative. Ronald D. Pfeifer, Greg Armstrong and Donald F. Heilhoff, each shall execute and cause to be recorded a conveyance deed in a form acceptable to the Town, which deeds shall convey fee simple title in and to the Property to \_\_\_\_\_, LLC or its assign, which deeds shall be recorded in the Douglas County Clerk and Recorder's Office, contemporaneously with the recordation of the items described in § 31-12-113(2)(a)(II)(A), C.R.S. (2015), as provided in subparagraph 1.a.

d. Issuance of Access Permit by Colorado Department of Transportation ("CDOT"). CDOT issues an access permit to \_\_\_\_\_, LLC, or its assigns, that permits vehicular access to the Property from State Highway 83.

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

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

4. Zoning and Development.

a. The Property Owner hereby consents to zoning the Property Modified Commercial as adopted by Ordinance No.'s 3.318. 3.319 and 3.20 contemporaneously with this Agreement (the "Development Plan").

b. Town Fees. The Property Owner agrees to pay all building fees, use taxes, impact fees and excise taxes as established by Town ordinance at the time this Agreement is executed and such additional fees and taxes as may be in effect at the time of development of the Property (as evidenced by plat approval) except as specifically provided by this Agreement. The Town may withhold any plat approval or withhold the

issuance of any permits for construction or occupancy for failure to pay Town fees and taxes as provided herein. All fees recited in this Agreement shall be subject to amendment by the Town Council by ordinance so long as any amendment is Townwide. Any amendment to the fees shall be incorporated into this Agreement as if originally set forth herein. Notwithstanding anything in this Agreement to the contrary, the parties acknowledge and agree that the Property has already been developed in unincorporated Douglas County and because of this fact the Property and the Property Owner shall not be responsible for the payment of any Town fees related to the annexation of the Property into the Town and the zoning of the Property pursuant to this Agreement.

5. Construction of Roads. The Property Owner will design and construct the improvements described herein according to the Town-approved Traffic Study, the Town of Parker Roadway Design and Construction Criteria Manual, the Town of Parker Construction Specifications and Design Considerations for Parks, Trails and Streetscapes, the CDOT Standard Specifications for Road and Bridge Construction, and the CDOT State Highway Access Code, as amended and applicable.

a. State Highway 83 Deceleration Lane Improvements. A continuous deceleration lane on northbound State Highway 83 between Parkglenn Way and the existing deceleration lane for Lincoln Avenue to accommodate the proposed access, prior to any certificates of occupancy, temporary or otherwise, for the Property have been issued.

b. Lincoln Avenue Intersection Improvements. Improvements to the existing signalized intersection on Lincoln Avenue to accommodate the proposed site access to the Property, including a new westbound to southbound left turn lane, and any associated modifications to the existing roadway infrastructure to accommodate the turn lane, prior to any certificates of occupancy, temporary or otherwise, for the Property have been issued.

6. Lincoln Avenue Site Access Signal. The Property Owner shall be responsible for the cost to design and construct all traffic signal upgrades to the existing signal on Lincoln Avenue, as determined by Town, prior to the issuance of any certificates of occupancy, temporary or otherwise, for the Property. The traffic signal upgrades described herein shall be designed and constructed in accordance with the Town of Parker Roadway Design and Construction Criteria Manual, and the Town-approved traffic study for the Property.

7. Sidewalks and Sidewalk Connections. The Property Owner will design and construct the improvements described herein according to the Town of Parker Roadway Design and Construction Criteria Manual, the Town of Parker Construction Specifications and Design Considerations for Parks, Trails and Streetscapes, and the CDOT Standard Specifications for Road and Bridge Construction, as amended and applicable.

a. State Highway 83 Sidewalk Improvements. The Property Owner shall design and construct a 10-foot-wide concrete sidewalk on the east side of State Highway 83 from the intersection of Parkglenn Way to the intersection of Lincoln Avenue, prior to any certificate of occupancy, temporary or otherwise, for the Property.

b. Lincoln Avenue Sidewalk. The Property Owner shall design and construct a concrete sidewalk on the south side of Lincoln Avenue from the proposed site access intersection on Lincoln Avenue to the intersection of State Highway 83, prior to any certificate of occupancy, temporary or otherwise, for the Property.

8. Land Dedication. The Property Owner shall either dedicate by plat (including replat) or convey to the Town and/or CDOT, as may be applicable, by separate instrument approved by the Town and/or CDOT, as may be applicable, any access, slope, drainage and construction easements, as determined by the Town and/or CDOT, as may be applicable, for State Highway 83, Lincoln Avenue, and the sidewalk improvements.

a. State Highway 83. The Property Owner shall dedicate to the Town and/or CDOT any land necessary to accommodate the deceleration lane and sidewalk improvements, as determined by the Town and/or CDOT, including all necessary auxiliary lanes as described in the Town-approved traffic study, as part of the first final plat of the Property.

b. Lincoln Avenue. The Property Owner shall dedicate to the Town and/or CDOT any land necessary to accommodate the intersection and sidewalk improvements, as determined by the Town and/or CDOT, including all necessary auxiliary lanes as described in the Town-approved traffic study, as part of the first final plat of the Property.

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

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

11. Waiver of Prior Vested Rights. The Property Owner waives any prior vested property rights acquired in Douglas County so long as the Property remains annexed into the Town, except for any permits issued by Douglas County to the Property Owner or its tenants prior to the effective date of Ordinance No. 2.241 (the "Annexation Ordinance"). Any permits issued by Douglas County to the Property Owner or its tenants prior to the effective date of the Annexation Ordinance will be handled by Douglas County, including inspections of work, as well as the approval of work inspected through the issuance of certificates of occupancy or

certificates of compliance as may be applicable, the issuance of which will be accepted by the Town.

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

- a. The refusal to issue any building permit or certificate of occupancy.
- b. The revocation of any building permit previously issued under which construction directly related to such building permit has not commenced, except a building permit previously issued to a third party.
- c. A demand that the security given for the completion of the public improvements be paid or honored.
- d. Any other remedy available at law.

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

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

15. Binding Effect. This Agreement, when executed, shall inure to the benefit of and be binding on the successors or assigns in interest or the legal representatives of the parties hereto, including all the purchasers and subsequent owners of any lots or parcels within the Property. This Agreement constitutes the entire agreement of the parties and may be amended only in writing, approved in substantially the same manner as the Agreement itself. This Agreement is binding upon and shall run with the land.

16. Recordation of Agreement. When the conditions precedent described in Paragraph 1.a. of this Agreement have been satisfied as provided herein, this Agreement shall be recorded with the Clerk and Recorder of Douglas County, Colorado, and shall run with the land, and shall be binding upon and shall inure to the benefit of the heirs, successors, and permitted assigns of the parties hereto.

17. Effective Date. This Agreement shall be effective and binding upon the parties immediately upon the effective date of an ordinance annexing and zoning the Property, regardless of whether the Agreement is executed prior to the effective date of said ordinance annexing and zoning the Property.





**PROPERTY OWNER:**

By: \_\_\_\_\_  
Donald F. Heilhoff

STATE OF COLORADO )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by Donald F. Heilhoff.

My commission expires: \_\_\_\_\_

(S E A L)

\_\_\_\_\_  
Notary Public

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

By: \_\_\_\_\_  
Ron Redd, District Manager

ATTEST:

\_\_\_\_\_  
Maliea Good, Engineering Secretary

**EXHIBIT A**

**LEGAL DESCRIPTION OF THE PROPERTY**

# PARCEL 1

## EXHIBIT A: LEGAL DESCRIPTION

Lot 1, Block 1, Parker Heights – Filing No. 1 as recorded under Reception No. 113057 of the Douglas County Clerk and Recorders Office, and a Parcel of land located in the Northwest Quarter of Section 15, Township 6 South, Range 66 West of the 6th P.M., County of Douglas, State of Colorado, described as follows:

Commencing at the North Quarter Corner of said Section 15 being monumented with a found 3.25" aluminum cap flush with ground stamped PLS 30109, whence the Northwest Corner of said Section 15 being monumented with a found 3.25" aluminum cap in range box stamped PLS 19003, bears S 89°29'01" W, a distance of 2643.42 feet; Thence along the Northerly line of said Northwest Quarter, S 89°29'01" W, a distance of 441.75 feet to a point being the Northeast Corner of a parcel of land as described under Reception No. 2007022588 of said Clerk's office, said point also being the Northwest Corner of said Lot 1, Block 1, said point also being the POINT OF BEGINNING:

Thence along the common line of said Reception No. 2007022588 and Lot 1, Block 1, S 40°11'57" E, a distance of 201.62 feet to the most Easterly Corner of said Reception No. 2007022588, said point also being the Southwest Corner of said Lot 1, Block 1, said point also being on the Northerly Right-of-Way line of Alcorn Avenue as platted under Reception No. 113057 of said Clerk's Office; Thence along said Northerly Right-of-Way line and the Westerly Right-of-Way line of South Alcorn Street as platted under Reception No. 113057 the following two courses: 1) On a non-tangent curve to the left with a radius of 130.00 feet, a central angle of 50°11'02", an arc length of 113.86 feet, whose chord bears S 24°36'15" W, a distance of 110.26 feet; 2) S 00° 29'16" E, a distance of 43.90 feet to a point being the Southeast Corner of said Reception No. 2011013028 of said Clerk's Office; Thence along the Southerly line of said Reception No. 2007022588, said line also being the Northerly line of said Reception No. 2011013028, S 89°30'44" W, a distance of 108.40 feet to a point being the Southeast Corner of Colorado Department of Transportation Parcel No. 64 as recorded under Book 847 at Page 361 of said Clerk's Office, said point also being the Northeast Corner of Colorado Department of Transportation Parcel No. 65 recorded under Book 768 at Page 736 of said Clerk's Office; Thence along the Easterly line of said Parcel No. 64, N 16°07'16" W, a distance of 268.16 feet to a point on the Southeasterly line of a Town of Parker ROW Parcel No. 36 as recorded under Reception No. 2001050511 of said Clerk's Office; Thence along said Southeasterly line, N 26°15'1" E, a distance of 45.44 feet to a point being the Northeasterly Corner of said Parcel No. 36, said point also being on the Northerly line the Northwest Quarter of Section 15; Thence along said Northerly line, also being the Northerly line of said Reception No. 2007022588, N 89°29'01" E, a distance of 78.16 feet to the POINT OF BEGINNING.

The above described combined parcel contains 57,365 Square Feet or 1.32 Acres more or less.

# PARCEL 2

## EXHIBIT A: LEGAL DESCRIPTION

A parcel of located in the Northwest Quarter of Section 15, Township 6 South, Range 66 West of the 6<sup>th</sup> P.M., County of Douglas, State of Colorado, described as follows:

Commencing at the North Quarter Comer of said Section 15 being monumented with a found 3.25" aluminum cap flush with ground stamped PLS 30109, whence the Northwest Corner of said Section 15 being monumented with a found 3.25" aluminum cap in range box stamped PLS 19003, bears S 89<sup>0</sup>29'01" W, a distance of 2643.42 feet; Thence S 50<sup>0</sup>27'23" W, a distance of 644.82 feet to a point being the Northeast Corner of a parcel of land as described under Reception No. 2011037128, said point also being the Southeast Corner of a parcel of land as described under Reception No. 2011013028, said point also being on the Westerly Right-of-Way line of South Alcon Street as platted under Reception No. 113057 all in Douglas County Clerk and Recorders Office, said point also being the POINT OF BEGINNING:

Thence along the side Westerly Right-of-Way line, also being the Easterly line of said Reception No. 2011037128, South 00<sup>0</sup>29'16" E, a distance of 142.26 feet to the Southeast Corner of said Reception No. 2011037128, said point also being on the Northerly Right-of-Way line of East Baldwin Ave. as platted under said Reception No. 113057; Thence also said Southerly line of said Reception No. 2011037128 the follow two courses:

- 1) N 68<sup>0</sup>59'11" W, a distance of 49.82 feet;
- 2) Along a curve to the left with a radius of 130.00 feet, a central angle of 12<sup>0</sup>29'44", any arc length of 28.35 feet, whose chord bears N 75<sup>0</sup>14'03" W, a distance of 28.30 feet to a point of the Easterly line of Colorado Department of Transportation Parcel No. 66 as recorded under Block 847 at Page 361 of said Clerk's Office;

Thence along said Easterly line in North 08<sup>0</sup>49'26" W, a distance of 117.80 feet to a point on the Northerly line of said Reception No. 2011037128, said point also begin on the Southerly line of said Reception No. 201103028, said point also being the Northeast Corner of said Parcel 66; Thence along the said Northerly and Southerly lines N 89<sup>0</sup>30'44" E, a distance of 90.73 feet to the POINT OF BEGINNING.

The above described parcel contains 10435 Square Feet or 0.24 Acers more or less.

# PARCEL 3

## EXHIBIT A: LEGAL DESCRIPTION

A Parcel of located in the Northwest Quarter of Section 15, Township 6 South, Range 66 West of the 6<sup>th</sup> P.M., County of Douglas, State of Colorado, described as follows:

Commencing at the North Quarter Corner of said Section 15 being monumented with a found 3.25" aluminum cap flush with ground stamped PLS 30109, whence the Northwest Corner of said Section 15 being monumented with a found 3.25" aluminum cap in range box stamped PLS 19033, bears S 89°29'01" W, a distance of 2643.42 feet; Thence S 50°27'23" W, a distance of 644.82 feet to a point being the Southeast Corner of a parcel of land as described under Reception No. 2011013028, said point also being the Northeast Corner of a parcel of land as described as Reception No. 2011037128, said point also being on the Westerly Right-of-Way line of South Alcorn Street as platted under Reception No. 113057 all in Douglas County Clerk and Recorders Office, said point also being the POINT OF BEGINNING:

Thence along the Southerly line of said Reception No. 2011013028, said as being on the Northerly line of the said Reception No. 2011037128, S 89°30'44" W, a distance of 90.73 feet to the Southeast corner of Colorado Department of Transportation Parcel No. 65 as recorder under Book 768 at page 736 of said Clerk's Office;

Thence along the Easterly line of said Parcel 65, N 09°51'10" W, a distance of 108.59 feet to a point being the Northeast corner of said Parcel 65, said point also being on the Northerly line of said Reception No. 2011013028, said point also being on the Southerly line of Reception No. 2007022588 of said Clerk's Office; Thence along said Northerly and Southerly lines N 89°30'44' E, a distance of 108.40 feet to a point being the Northeast Corner of said Reception No. 2011013028, said point also being the Southeast Corner of said Reception No. 2007022588, said point also being on said Westerly Right-of-Way line of South Alcorn Street; Thence also said Westerly line S 00°29'16" E, a distance of 107.14 feet to the POINT OF BEGINNING.

The above described parcel contains 10667.5 Square Feet or 0.25 Acers more or less.

ORDINANCE NO. 2.244, Series of 2016

**TITLE: A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY KNOWN AS 11905 S. ALCORN STREET PROPERTY IN DOUGLAS COUNTY**

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

WHEREAS, the Town Council of the Town of Parker, Colorado has conducted a public hearing, as required by law, to determine the eligibility for annexation of that property described in attached Exhibit A; and

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

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

Section 1. The annexation by and to the Town of Parker, State of Colorado, of that property described in attached Exhibit A, situated, lying, and being in the County of Douglas, State of Colorado, meets all requirements of law and the annexation policy of the Town of Parker, and therefore, the said annexation is hereby approved and made effective.

Section 2. The owner(s) of more than fifty percent (50%) of the property described in attached Exhibit A has petitioned for annexation.

Section 3. Rezoning of the above-described property shall be completed simultaneously with the annexation of the property described in attached Exhibit A, pursuant to Section 15.9 of the Home Rule Charter for the Town of Parker.

Section 4. Upon the effective date of this Annexation Ordinance, all lands within the area to be annexed shall become subject to the Municipal Laws of the State of Colorado pertaining to towns and to all ordinances, resolutions, rules and regulations of the Town of Parker.

Section 5. The Town Council hereby approves the annexation agreement that is attached hereto as **Exhibit B**, and incorporated by this reference.

Section 6. Considering all of the foregoing, and based on the conviction that annexation of this property to the Town of Parker will serve the best interests of the Town of Parker and the owner(s) of the territory to be annexed, the unincorporated territory described in Exhibit A is hereby annexed to the Town of Parker, Colorado.

Section 7. The Town Clerk shall file for recording one certified copy of the Annexation Ordinance and one copy of the Annexation Map with the Clerk and Recorder of the County of Douglas, State of Colorado.

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

Section 9. The Town Clerk shall file one certified copy of the Annexation Ordinance and one copy of the Annexation Map with the Division of Local Governments of the Department of Local Affairs.

Section 10. 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 11. This Annexation shall become effective within ten (10) days of the publication date of this Ordinance, except for the purpose of general taxation, and for such purposes it shall become effective on January 1st of the next succeeding year following passage of this Annexation Ordinance.

INTRODUCED AND PASSED ON FIRST READING this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Mike Waid, Mayor

ATTEST:

\_\_\_\_\_  
Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Mike Waid, Mayor

ATTEST:

\_\_\_\_\_  
Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
James S. Maloney, Town Attorney

**EXHIBIT A:  
LEGAL DESCRIPTION**

A Parcel of located in the Northwest Quarter of Section 15, Township 6 South, Range 66 West of the 6<sup>th</sup> P.M., County of Douglas, State of Colorado, described as follows:

Commencing at the North Quarter Corner of said Section 15 being monumented with a found 3.25" aluminum cap flush with ground stamped PLS 30109, whence the Northwest Corner of said Section 15 being monumented with a found 3.25" aluminum cap in range box stamped PLS 19033, bears S 89°29'01" W, a distance of 2643.42 feet; Thence S 50°27'23" W, a distance of 644.82 feet to a point being the Southeast Corner of a parcel of land as described under Reception No. 2011013028, said point also being the Northeast Corner of a parcel of land as described as Reception No. 2011037128, said point also being on the Westerly Right-of-Way line of South Alcorn Street as platted under Reception No. 113057 all in Douglas County Clerk and Recorders Office, said point also being the POINT OF BEGINNING:

Thence along the Southerly line of said Reception No. 2011013028, said as being on the Northerly line of the said Reception No. 2011037128, S 89°30'44" W, a distance of 90.73 feet to the Southeast corner of Colorado Department of Transportation Parcel No. 65 as recorder under Book 768 at page 736 of said Clerk's Office;

Thence along the Easterly line of said Parcel 65, N 09°51'10" W, a distance of 108.59 feet to a point being the Northeast corner of said Parcel 65, said point also being on the Northerly line of said Reception No. 2011013028, said point also being on the Southerly line of Reception No. 2007022588 of said Clerk's Office; Thence along said Northerly and Southerly lines N 89°30'44' E, a distance of 108.40 feet to a point being the Northeast Corner of said Reception No. 2011013028, said point also being the Southeast Corner of said Reception No. 2007022588, said point also being on said Westerly Right-of-Way line of South Alcorn Street; Thence also said Westerly line S 00°29'16" E, a distance of 107.14 feet to the POINT OF BEGINNING.

The above described parcel contains 10667.5 Square Feet or 0.25 Acers more or less.

## ALCORN PROPERTY ANNEXATION AGREEMENT

THIS AGREEMENT is voluntarily made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by and between the Town of Parker, a Colorado home rule municipality (hereinafter referred to as the "Town"), the Parker Water and Sanitation District (hereinafter referred to as the "District") (only as to Paragraph 3), Ronald D. Pfeifer, Greg Armstrong and Donald F. Heilhoff and their successors and assigns (hereinafter collectively referred to as the "Property Owner").

### RECITALS:

A. The Property Owner is the owner of certain real property (the "Property") situated in the County of Douglas, State of Colorado, which Property is described in **Exhibit A**, attached hereto and made a part hereof.

B. The Property Owner desires to have the Property annexed to the Town.

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

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

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

a. Conditions Precedent. Annexation of the Property shall not become effective, and neither the Property Owner nor the Town shall record or cause to be recorded the items described in § 31-12-113(2)(a)(II)(A), C.R.S. (2014) or this Annexation Agreement, until each of the following conditions have been satisfied (it being acknowledged that the Town shall cause recordation of the requisite documents to effect annexation of the Property upon satisfaction of the conditions precedent):

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

ii. The District signs this Agreement.

iii. Consolidation of Ownership (as described in subparagraph 1.c. of this annexation agreement).

iv. The Property Owner provides the Town a copy of the access permit as described in subparagraph 1.d of this Annexation Agreement.

v. The Property Owner certifies in writing to the Town, in a form reasonably acceptable to the Town, that the conditions precedent described in subparagraph 1.a. of the Annexation Agreement have been fully satisfied.

b. Failure of Conditions. Until the conditions precedent set forth in subparagraph 1.a. have been satisfied, this document shall constitute an offer by the Property Owner and the Town to enter into this Annexation Agreement (notwithstanding the parties' mutual execution and delivery of this document), and the annexation of the Property to the Town shall not become effective. In such case, neither the Property Owner nor the Town shall record or cause to be recorded the items described in § 31-12-113(2)(a)(II)(A), C.R.S. (2014) or this Agreement.

c. Consolidation of Ownership/Authorized Representative. Ronald D. Pfeifer, Greg Armstrong and Donald F. Heilhoff, each shall execute and cause to be recorded a conveyance deed in a form acceptable to the Town, which deeds shall convey fee simple title in and to the Property to \_\_\_\_\_, LLC or its assign, which deeds shall be recorded in the Douglas County Clerk and Recorder's Office, contemporaneously with the recordation of the items described in § 31-12-113(2)(a)(II)(A), C.R.S. (2015), as provided in subparagraph 1.a.

d. Issuance of Access Permit by Colorado Department of Transportation ("CDOT"). CDOT issues an access permit to \_\_\_\_\_, LLC, or its assigns, that permits vehicular access to the Property from State Highway 83.

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

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

4. Zoning and Development.

a. The Property Owner hereby consents to zoning the Property Modified Commercial as adopted by Ordinance No.'s 3.318. 3.319 and 3.20 contemporaneously with this Agreement (the "Development Plan").

b. Town Fees. The Property Owner agrees to pay all building fees, use taxes, impact fees and excise taxes as established by Town ordinance at the time this Agreement is executed and such additional fees and taxes as may be in effect at the time of development of the Property (as evidenced by plat approval) except as specifically provided by this Agreement. The Town may withhold any plat approval or withhold the

issuance of any permits for construction or occupancy for failure to pay Town fees and taxes as provided herein. All fees recited in this Agreement shall be subject to amendment by the Town Council by ordinance so long as any amendment is Townwide. Any amendment to the fees shall be incorporated into this Agreement as if originally set forth herein. Notwithstanding anything in this Agreement to the contrary, the parties acknowledge and agree that the Property has already been developed in unincorporated Douglas County and because of this fact the Property and the Property Owner shall not be responsible for the payment of any Town fees related to the annexation of the Property into the Town and the zoning of the Property pursuant to this Agreement.

5. Construction of Roads. The Property Owner will design and construct the improvements described herein according to the Town-approved Traffic Study, the Town of Parker Roadway Design and Construction Criteria Manual, the Town of Parker Construction Specifications and Design Considerations for Parks, Trails and Streetscapes, the CDOT Standard Specifications for Road and Bridge Construction, and the CDOT State Highway Access Code, as amended and applicable.

a. State Highway 83 Deceleration Lane Improvements. A continuous deceleration lane on northbound State Highway 83 between Parkglenn Way and the existing deceleration lane for Lincoln Avenue to accommodate the proposed access, prior to any certificates of occupancy, temporary or otherwise, for the Property have been issued.

b. Lincoln Avenue Intersection Improvements. Improvements to the existing signalized intersection on Lincoln Avenue to accommodate the proposed site access to the Property, including a new westbound to southbound left turn lane, and any associated modifications to the existing roadway infrastructure to accommodate the turn lane, prior to any certificates of occupancy, temporary or otherwise, for the Property have been issued.

6. Lincoln Avenue Site Access Signal. The Property Owner shall be responsible for the cost to design and construct all traffic signal upgrades to the existing signal on Lincoln Avenue, as determined by Town, prior to the issuance of any certificates of occupancy, temporary or otherwise, for the Property. The traffic signal upgrades described herein shall be designed and constructed in accordance with the Town of Parker Roadway Design and Construction Criteria Manual, and the Town-approved traffic study for the Property.

7. Sidewalks and Sidewalk Connections. The Property Owner will design and construct the improvements described herein according to the Town of Parker Roadway Design and Construction Criteria Manual, the Town of Parker Construction Specifications and Design Considerations for Parks, Trails and Streetscapes, and the CDOT Standard Specifications for Road and Bridge Construction, as amended and applicable.

a. State Highway 83 Sidewalk Improvements. The Property Owner shall design and construct a 10-foot-wide concrete sidewalk on the east side of State Highway 83 from the intersection of Parkglenn Way to the intersection of Lincoln Avenue, prior to any certificate of occupancy, temporary or otherwise, for the Property.

b. Lincoln Avenue Sidewalk. The Property Owner shall design and construct a concrete sidewalk on the south side of Lincoln Avenue from the proposed site access intersection on Lincoln Avenue to the intersection of State Highway 83, prior to any certificate of occupancy, temporary or otherwise, for the Property.

8. Land Dedication. The Property Owner shall either dedicate by plat (including replat) or convey to the Town and/or CDOT, as may be applicable, by separate instrument approved by the Town and/or CDOT, as may be applicable, any access, slope, drainage and construction easements, as determined by the Town and/or CDOT, as may be applicable, for State Highway 83, Lincoln Avenue, and the sidewalk improvements.

a. State Highway 83. The Property Owner shall dedicate to the Town and/or CDOT any land necessary to accommodate the deceleration lane and sidewalk improvements, as determined by the Town and/or CDOT, including all necessary auxiliary lanes as described in the Town-approved traffic study, as part of the first final plat of the Property.

b. Lincoln Avenue. The Property Owner shall dedicate to the Town and/or CDOT any land necessary to accommodate the intersection and sidewalk improvements, as determined by the Town and/or CDOT, including all necessary auxiliary lanes as described in the Town-approved traffic study, as part of the first final plat of the Property.

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

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

11. Waiver of Prior Vested Rights. The Property Owner waives any prior vested property rights acquired in Douglas County so long as the Property remains annexed into the Town, except for any permits issued by Douglas County to the Property Owner or its tenants prior to the effective date of Ordinance No. 2.241 (the "Annexation Ordinance"). Any permits issued by Douglas County to the Property Owner or its tenants prior to the effective date of the Annexation Ordinance will be handled by Douglas County, including inspections of work, as well as the approval of work inspected though the issuance of certificates of occupancy or

certificates of compliance as may be applicable, the issuance of which will be accepted by the Town.

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

- a. The refusal to issue any building permit or certificate of occupancy.
- b. The revocation of any building permit previously issued under which construction directly related to such building permit has not commenced, except a building permit previously issued to a third party.
- c. A demand that the security given for the completion of the public improvements be paid or honored.
- d. Any other remedy available at law.

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

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

15. Binding Effect. This Agreement, when executed, shall inure to the benefit of and be binding on the successors or assigns in interest or the legal representatives of the parties hereto, including all the purchasers and subsequent owners of any lots or parcels within the Property. This Agreement constitutes the entire agreement of the parties and may be amended only in writing, approved in substantially the same manner as the Agreement itself. This Agreement is binding upon and shall run with the land.

16. Recordation of Agreement. When the conditions precedent described in Paragraph 1.a. of this Agreement have been satisfied as provided herein, this Agreement shall be recorded with the Clerk and Recorder of Douglas County, Colorado, and shall run with the land, and shall be binding upon and shall inure to the benefit of the heirs, successors, and permitted assigns of the parties hereto.

17. Effective Date. This Agreement shall be effective and binding upon the parties immediately upon the effective date of an ordinance annexing and zoning the Property, regardless of whether the Agreement is executed prior to the effective date of said ordinance annexing and zoning the Property.



APPROVED AS TO FORM AND SUFFICIENCY:

\_\_\_\_\_  
James S. Maloney, Town Attorney

**PROPERTY OWNER:**

By: \_\_\_\_\_  
Ronald D. Pfeifer

STATE OF COLORADO )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2016, by Ronald D. Pfeifer.

My commission expires: \_\_\_\_\_

(S E A L)

\_\_\_\_\_  
Notary Public

**PROPERTY OWNER:**

By: \_\_\_\_\_  
Greg Armstrong

STATE OF COLORADO )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2016, by Greg Armstrong.

My commission expires: \_\_\_\_\_

(S E A L)

\_\_\_\_\_  
Notary Public

**PROPERTY OWNER:**

By: \_\_\_\_\_  
Donald F. Heilhoff

STATE OF COLORADO )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2016, by Donald F. Heilhoff.

My commission expires: \_\_\_\_\_

(S E A L)

\_\_\_\_\_  
Notary Public

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

By: \_\_\_\_\_  
Ron Redd, District Manager

ATTEST:

\_\_\_\_\_  
Malica Good, Engineering Secretary

**EXHIBIT A**

**LEGAL DESCRIPTION OF THE PROPERTY**

# PARCEL 1

## EXHIBIT A: LEGAL DESCRIPTION

Lot 1, Block 1, Parker Heights – Filing No. 1 as recorded under Reception No. 113057 of the Douglas County Clerk and Records Office, and a Parcel of land located in the Northwest Quarter of Section 15, Township 6 South, Range 66 West of the 6th P.M., County of Douglas, State of Colorado, described as follows:

Commencing at the North Quarter Corner of said Section 15 being monumented with a found 3.25" aluminum cap flush with ground stamped PLS 30109, whence the Northwest Corner of said Section 15 being monumented with a found 3.25" aluminum cap in range box stamped PLS 19003, bears S 89°29'01" W, a distance of 2643.42 feet; Thence along the Northerly line of said Northwest Quarter, S 89°29'01" W, a distance of 441.75 feet to a point being the Northeast Corner of a parcel of land as described under Reception No. 2007022588 of said Clerk's office, said point also being the Northwest Corner of said Lot 1, Block 1, said point also being the POINT OF BEGINNING:

Thence along the common line of said Reception No. 2007022588 and Lot 1, Block 1, S 40°11'57" E, a distance of 201.62 feet to the most Easterly Corner of said Reception No. 2007022588, said point also being the Southwest Corner of said Lot 1, Block 1, said point also being on the Northerly Right-of-Way line of Alcorn Avenue as platted under Reception No. 113057 of said Clerk's Office; Thence along said Northerly Right-of-Way line and the Westerly Right-of-Way line of South Alcorn Street as platted under Reception No. 113057 the following two courses: 1) On a non-tangent curve to the left with a radius of 130.00 feet, a central angle of 50°11'02", an arc length of 113.86 feet, whose chord bears S 24°36'15" W, a distance of 110.26 feet; 2) S 00° 29'16" E, a distance of 43.90 feet to a point being the Southeast Corner of said Reception No. 2011013028 of said Clerk's Office; Thence along the Southerly line of said Reception No. 2007022588, said line also being the Northerly line of said Reception No. 2011013028, S 89°30'44" W, a distance of 108.40 feet to a point being the Southeast Corner of Colorado Department of Transportation Parcel No. 64 as recorded under Book 847 at Page 361 of said Clerk's Office, said point also being the Northeast Corner of Colorado Department of Transportation Parcel No. 65 recorded under Book 768 at Page 736 of said Clerk's Office; Thence along the Easterly line of said Parcel No. 64, N 16°07'16" W, a distance of 268.16 feet to a point on the Southeasterly line of a Town of Parker ROW Parcel No. 36 as recorded under Reception No. 2001050511 of said Clerk's Office; Thence along said Southeasterly line, N 26°15'1" E, a distance of 45.44 feet to a point being the Northeasterly Corner of said Parcel No. 36, said point also being on the Northerly line the Northwest Quarter of Section 15; Thence along said Northerly line, also being the Northerly line of said Reception No. 2007022588, N 89°29'01" E, a distance of 78.16 feet to the POINT OF BEGINNING.

The above described combined parcel contains 57,365 Square Feet or 1.32 Acres more or less.

# PARCEL 2

## EXHIBIT A: LEGAL DESCRIPTION

A parcel of located in the Northwest Quarter of Section 15, Township 6 South, Range 66 West of the 6<sup>th</sup> P.M., County of Douglas, State of Colorado, described as follows:

Commencing at the North Quarter Comer of said Section 15 being monumented with a found 3.25" aluminum cap flush with ground stamped PLS 30109, whence the Northwest Corner of said Section 15 being monumented with a found 3.25" aluminum cap in range box stamped PLS 19003, bears S 89°29'01" W, a distance of 2643.42 feet; Thence S 50°27'23" W, a distance of 644.82 feet to a point being the Northeast Corner of a parcel of land as described under Reception No. 2011037128, said point also being the Southeast Corner of a parcel of land as described under Reception No. 2011013028, said point also being on the Westerly Right-of-Way line of South Alcon Street as platted under Reception No. 113057 all in Douglas County Clerk and Recorders Office, said point also being the POINT OF BEGINNING:

Thence along the side Westerly Right-of-Way line, also being the Easterly line of said Reception No. 2011037128, South 00°29'16" E, a distance of 142.26 feet to the Southeast Corner of said Reception No. 2011037128, said point also being on the Northerly Right-of-Way line of East Baldwin Ave. as platted under said Reception No. 113057; Thence also said Southerly line of said Reception No. 2011037128 the follow two courses:

- 1) N 68°59'11" W, a distance of 49.82 feet;
- 2) Along a curve to the left with a radius of 130.00 feet, a central angle of 12°29'44", any arc length of 28.35 feet, whose chord bears N 75°14'03" W, a distance of 28.30 feet to a point of the Easterly line of Colorado Department of Transportation Parcel No. 66 as recorded under Block 847 at Page 361 of said Clerk's Office;

Thence along said Easterly line in North 08°49'26" W, a distance of 117.80 feet to a point on the Northerly line of said Reception No. 2011037128, said point also begin on the Southerly line of said Reception No. 201103028, said point also being the Northeast Corner of said Parcel 66; Thence along the said Northerly and Southerly lines N 89°30'44" E, a distance of 90.73 feet to the POINT OF BEGINNING.

The above described parcel contains 10435 Square Feet or 0.24 Acers more or less.

# PARCEL 3

## EXHIBIT A: LEGAL DESCRIPTION

A Parcel of located in the Northwest Quarter of Section 15, Township 6 South, Range 66 West of the 6<sup>th</sup> P.M., County of Douglas, State of Colorado, described as follows:

Commencing at the North Quarter Corner of said Section 15 being monumented with a found 3.25" aluminum cap flush with ground stamped PLS 30109, whence the Northwest Corner of said Section 15 being monumented with a found 3.25" aluminum cap in range box stamped PLS 19033, bears S 89°29'01" W, a distance of 2643.42 feet; Thence S 50°27'23" W, a distance of 644.82 feet to a point being the Southeast Corner of a parcel of land as described under Reception No. 2011013028, said point also being the Northeast Corner of a parcel of land as described as Reception No. 2011037128, said point also being on the Westerly Right-of-Way line of South Alcorn Street as platted under Reception No. 113057 all in Douglas County Clerk and Recorders Office, said point also being the POINT OF BEGINNING:

Thence along the Southerly line of said Reception No. 2011013028, said as being on the Northerly line of the said Reception No. 2011037128, S 89°30'44" W, a distance of 90.73 feet to the Southeast corner of Colorado Department of Transportation Parcel No. 65 as recorder under Book 768 at page 736 of said Clerk's Office;

Thence along the Easterly line of said Parcel 65, N 09°51'10" W, a distance of 108.59 feet to a point being the Northeast corner of said Parcel 65, said point also being on the Northerly line of said Reception No. 2011013028, said point also being on the Southerly line of Reception No. 2007022588 of said Clerk's Office; Thence along said Northerly and Southerly lines N 89°30'44' E, a distance of 108.40 feet to a point being the Northeast Corner of said Reception No. 2011013028, said point also being the Southeast Corner of said Reception No. 2007022588, said point also being on said Westerly Right-of-Way line of South Alcorn Street; Thence also said Westerly line S 00°29'16" E, a distance of 107.14 feet to the POINT OF BEGINNING.

The above described parcel contains 10667.5 Square Feet or 0.25 Acres more or less.





ITEM NO: 7C  
DATE: 03/07/2016

### REQUEST FOR TOWN COUNCIL ACTION

**TITLE: ORDINANCE NO. 9.248 – A Bill for an Ordinance to Approve the Intergovernmental Agreement By and Between the Town of Parker and the Douglas County Board of County Commissioners Regarding a Public Safety Communications Tower at the Parker Public Works Operations Center and Microwave Dishes at the Parker Police Station**

- |   |   |              |
|---|---|--------------|
| <input type="checkbox"/> PUBLIC HEARING | <input checked="" type="checkbox"/> ORDINANCE FOR 1 <sup>ST</sup> READING | (03/07/2016) |
| <input type="checkbox"/> CONTRACT       | <input type="checkbox"/> ORDINANCE FOR 2 <sup>ND</sup> READING            | (03/21/2016) |
| <input type="checkbox"/> MOTION         | <input type="checkbox"/> RESOLUTION                                       |              |

  
\_\_\_\_\_  
David King, Chief of Police

  
\_\_\_\_\_  
G. Randolph Young, Town Administrator

**ISSUE:**

Approval of an Intergovernmental Agreement between the Town of Parker and Douglas County to facilitate the construction of a public safety communications tower at the Parker Public Works Operations Center and installation of microwave dishes at the Parker Police Station.

**PRIOR ACTION:**

None

**FUNDING/BUDGET IMPACT:**

Funding for this project has been appropriated by the Douglas County Emergency Telephone Service Authority.

**BACKGROUND:**

The public safety radio system throughout Douglas County is being upgraded to provide increased capacity and system reliability that benefits all public safety agencies within Douglas County. This system is the primary radio communication source for the Parker Police and Public Works Departments. This IGA covers one portion of an overall radio system upgrade effort which includes microwave connections between the new Lost Lake radio tower near Franktown and a tower proposed for construction at the Parker Public Works Operations Center (PWOC). Additionally, this IGA covers microwave connections from the proposed tower at PWOC to the Parker Police Station (PPD) and another connection from PPD to the Hess radio tower. These microwave links provide important connectivity to other components in the radio system.

**RECOMMENDATION:**

Approve.

**PREPARED/REVIEWED BY:**

Ron Combs, Police Captain

**ATTACHMENTS:**

1. Ordinance No.9.248
2. Intergovernmental Agreement

**RECOMMENDED MOTION:**

“I move to approve Ordinance No. 9.248 on first reading and schedule second reading for March 21, 2016, as part of the consent agenda.”

ORDINANCE NO. 9.248, Series of 2016

**TITLE: A BILL FOR AN ORDINANCE TO APPROVE THE INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE TOWN OF PARKER AND THE DOUGLAS COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING A PUBLIC SAFETY COMMUNICATIONS TOWER AT THE PARKER PUBLIC WORKS OPERATIONS CENTER AND MICROWAVE DISHES AT THE PARKER POLICE STATION**

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 Douglas County Board of County Commissioners Regarding a Public Safety Communications Tower at the Parker Public Works Operations Center and Microwave Dishes at the Parker Police Station, 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 \_\_\_\_\_, 2016.

\_\_\_\_\_  
Mike Waid, Mayor

ATTEST:

\_\_\_\_\_  
Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this \_\_\_\_ day of \_\_\_\_\_,  
2016.

\_\_\_\_\_  
Mike Waid, Mayor

ATTEST:

\_\_\_\_\_  
Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
James S. Maloney, Town Attorney

**INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN OF PARKER  
AND THE DOUGLAS COUNTY BOARD OF COUNTY COMMISSIONERS  
REGARDING A PUBLIC SAFETY COMMUNICATIONS TOWER  
AT THE PARKER PUBLIC WORKS OPERATIONS CENTER AND MICROWAVE  
DISHES AT THE PARKER POLICE STATION**

THIS INTERGOVERNMENTAL AGREEMENT ("Agreement") is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2016, by and between the Town of Parker, Colorado, a Colorado home rule municipality (the "Town"), and the Board of County Commissioners of Douglas County, Colorado (the "County"), hereinafter collectively referred to as the "Parties."

WITNESSETH:

WHEREAS, the County and the Town are members of the Douglas County Emergency Telephone Service Authority (the "Authority");

WHEREAS, the Authority plans to fund the installation of a sixty-foot tower, including, but not limited to, microwave dishes and related cabinet and electronic equipment (the "Tower"), as part of a wireless radio network that will create a high-capacity, reliable and cost-effective internet protocol platform to connect the members of the Authority (the "Network");

WHEREAS, the Authority plans to fund the installation of two additional microwave dishes and related radio equipment and cabling (the "Additional Dishes"), as part of the Network.

WHEREAS, the Tower will be installed on real property owned by the Town and located at 9045 Tammy Lane, Parker, Colorado 80134, and more specifically described herein (the "Parker Public Works Operations Center");

WHEREAS, the Additional Dishes will be installed on real property owned by the Town and located at 18600 Lincoln Meadows Parkway, Parker, Colorado 80134, and more specifically described herein ( the "Parker Police Station");

WHEREAS, the Tower will be owned by the Town and will be maintained by the County as a part of the Network;

WHEREAS, the Additional Dishes will be owned and maintained by the County as part of the Network;

WHEREAS, the Authority will provide the funds to maintain the Tower and Additional Dishes as part of the Network, subject to annual budget and appropriation;

WHEREAS, the Parties will have equal access to the Tower and Additional Dishes, as provided herein;

WHEREAS, the Parties desire to share in the use and operation of the Tower and Additional Dishes as part of the Network, as such joint use is in the best interest of the taxpayers of both jurisdictions; and

WHEREAS, the Parties are in agreement as to the use, ownership, operation and maintenance of the Tower and Additional Dishes, as provided herein.

NOW, THEREFORE, for and in consideration of the mutual promises and covenants contained herein, the sufficiency of which is mutually acknowledged, the Parties hereto agree as follows:

1. Acknowledgement and Incorporation of Recitals. The foregoing recitals are hereby acknowledged by the Parties to be true and correct and are incorporated into this Agreement.

2. Term. This Agreement shall commence upon execution by both Parties (the "Effective Date") and shall continue through and until otherwise modified or terminated, as provided herein.

3. Ownership. The Town will own the Tower following the installation of the Tower at the Parker Public Works Operations Center. In the event that the Town or the County install additional equipment on the Tower or the portion of the Parker Public Works Operations Center dedicated for the occupancy of the Tower that is not part of the Network ("Additional Equipment"), such equipment shall be owned and maintained by the entity that installs such equipment. The Parties agree that the installation of Additional Equipment, on the Tower, shall not interfere with the Network. Furthermore, the County will own and maintain the Additional Dishes installed at the Parker Police Station. Any Additional Equipment installed at the Parker Police Department, beyond the Additional Dishes, will require separate agreement.

4. Maintenance of Tower. The Tower shall be maintained by the County or qualified contractor approved in writing by the Town and the County. The Parties will notify each other prior to commencing any work on the Tower or the Additional Equipment. The County shall be allowed access to the Tower by either the Town of Parker Public Works operational staff located at 9045 Tammy Lane, Parker, Colorado 80134, 303-840-9546, or the Douglas County staff located at 9040 Tammy Lane, 303-660-7480. If access to the Tower is required after normal working hours, contact should be made through the Parker Police Dispatch at 303-841-9800.

5. Maintenance of Additional Dishes. The Additional Dishes shall be maintained by the County or qualified contractor approve in writing by the Town and County. The Parties will notify each other prior to commencing any work on the Additional Dishes. The County shall be allowed access to the Additional Dishes by Town of Parker Police Department staff located at 18600 Lincoln Meadows Parkway, Parker, Colorado 80134, 303-841-9800. Parker Police Department staff are available 24 hours a day.

6. Construction and Installation of Tower. The County will construct the Tower and related site improvements, which includes a security fence that fully encloses the Tower and limits access to the Tower to the Parties as provided herein, using fencing that is similar to the

fencing used at the Parker Public Works Operations Center. The design and construction plans for the Tower and related improvements, including the security fence are described in **Exhibit A**, which is attached hereto and incorporated by this reference. Upon completion of the construction of the improvements described in Exhibit A, the Parties will be responsible for the installation of their own Additional Equipment. No Additional Equipment shall be installed until both the Town and the County have agreed in writing to allow the Additional Equipment and have mutually determined that the installation of the Additional Equipment will not interfere with existing or planned equipment that is or will be part of the Network, and will not overload the Tower.

7. Construction and Installation of Additional Dishes. The County will construct and install the Additional Dishes and related radio equipment.

8. Third-Party Use. No third party shall be allowed to use the Tower without the prior written approval of both the Town and the County allowing the use, including any payment for such use, following the mutual determination of the Town and the County that such use will not interfere with the Tower or the Network. In the event that third-party use is allowed, payments for such use shall be shared as provided by written agreement between the Town and the County.

9. Termination of the Agreement. Either the County or the Town shall have the right to terminate the Agreement upon ninety (90) days' advance written notice to the other party. If the Town gives notice to terminate, the County shall remove its Additional Equipment at the end of the 90-day notice period. If the County gives notice to terminate, the County shall remove its Additional Equipment at the end of the 90-day notice period. Upon the termination of the Agreement, the County will have no further responsibilities related to the maintenance and operation of the Tower or Additional Dishes.

10. Insurance. Each party shall maintain in full force and effect statutory-required workers' compensation insurance and general liability insurance affording coverage for all claims for bodily injury, including death, and all claims for destruction or damage to property arising out of or in connection with the use of the Tower. Said insurance shall provide limits of liability of not less than One Million Dollars (\$1,000,000). The Tower itself shall be insured under the Town's property insurance. The equipment used for the Network shall be insured by the County so long as the County still is operating and maintaining the network installations and/or its Additional Equipment on the Tower.

11. Default Notice. In the event either party alleges the other party has breached an obligation or covenant of this Agreement, the nondefaulting party shall first notify the defaulting party in writing of such default, and specify the exact nature of the default in such notice. The defaulting party shall have thirty (30) days from receipt of such notice within which to cure such default before the nondefaulting party may exercise any of its remedies hereunder; provided that, (i) such default is capable of being cured; (ii) the defaulting party has commenced such cure within said 30-day period; and (iii) the defaulting party diligently prosecutes such cure to completion. If such default is not of a nature that can be cured in such 30-day period, corrective action must be commenced within such period by the defaulting party and thereafter diligently pursued to completion. Any issue that substantially interferes with public safety

communications equipment on the Tower may be immediately resolved by the effected party pending a long-term resolution of the issue regardless of the notice periods indicated above.

12. Remedies. Upon the defaulting party's failure to timely cure a default as provided in Section 9, the nondefaulting party shall have the right to take whatever action at law or in equity appears necessary or desirable to enforce performance and observation of any obligation, agreement or covenant of the defaulting party under the Agreement, or to collect any monies then due or thereafter becoming due.

13. Amendment. Any and all changes to this Agreement, in order to be mutually effective and binding upon the parties and their successors, must be in writing and duly executed by the signatories or their respective representatives, successors, or assigns.

14. Notice. The addresses of the Parties to this Agreement are as listed below. Any and all notices allowed or required to be given in accordance with this Agreement are deemed to have been given when delivered to the other Parties or five (5) days following the date the same is deposited in the United States mail, registered or certified mail, postage prepaid, return receipt requested, addressed to the other party at the address noted, or such address as is subsequently endorsed in writing.

Town: Town of Parker  
Attn: Public Works Director  
20120 E. Mainstreet  
Parker, Colorado 80138

With a copy to: Town of Parker  
Attn: Town Attorney  
20120 E. Mainstreet  
Parker, Colorado 80138

County: Douglas County Facilities, Fleet, and Emergency Support Services  
Attn: Vicky Starkey, Director  
3026 N. Industrial Way, P.O. Box 1390  
Castle Rock, Colorado 80109

With a copy to: Douglas County Attorney's Office  
100 Third Street  
Castle Rock, Colorado 80104

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

16. Entire Agreement and Amendment. This instrument embodies the whole agreement of the parties. There are no promises, terms, conditions, or obligations other than those contained herein; and this Agreement shall supersede all previous communications,

representations, or agreements, either verbal or written. Any alteration of this Agreement shall only be effective if in a writing signed by the Parties.

17. No Third-Party Beneficiaries. The enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to the Parties, and nothing contained in this Agreement shall give or allow any such claim or right of action by any other or third person under such Agreement.

18. No Waiver of Governmental Immunity Act. The Parties hereto understand and agree that the Parties, their commissioners, officials, officers, directors, agents and employees, are relying on, and do not waive or intend to waive by any provisions of this Agreement, the monetary limitations or any other rights, immunities and protections provided by the Colorado Governmental Immunity Act, C.R.S. §§ 24-10-101 to 120, as amended, or otherwise available to the Parties.

19. Appropriation. Pursuant to C.R.S. § 29-1-110, the financial obligations of the Town and the County contained herein which are payable after the current fiscal year are contingent upon funds for that purpose being appropriated, budgeted and otherwise made available.

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

IN WITNESS WHEREOF, this Intergovernmental Agreement is executed by the Town of Parker and the Board of County Commissioners of Douglas County, as of the date first above written.

**TOWN OF PARKER, COLORADO**

\_\_\_\_\_  
Mike Waid, Mayor

ATTEST:

\_\_\_\_\_  
Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
James S. Maloney, Town Attorney

**BOARD OF COUNTY COMMISSIONERS OF  
THE COUNTY OF DOUGLAS, COLORADO**

\_\_\_\_\_  
David A. Weaver, Chair

ATTEST:

\_\_\_\_\_  
Codie Brenner, Deputy Clerk to the Board

APPROVED AS TO FORM:

\_\_\_\_\_  
Lance Ingalls, County Attorney





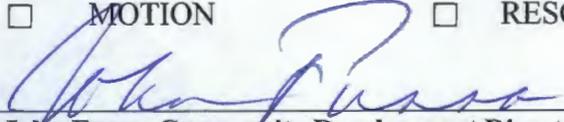


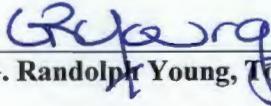
ITEM NO: 7D  
DATE: 03/07/2016

**REQUEST FOR TOWN COUNCIL ACTION**

**TITLE: ORDINANCE 9.429 – A Bill for an Ordinance to Approve the Intergovernmental Agreement for Electrical Plan Review and Inspection By and Between the City of Greenwood Village and the Town of Parker**

- |   |   |              |
|---|---|--------------|
| <input type="checkbox"/> PUBLIC HEARING | <input checked="" type="checkbox"/> ORDINANCE FOR 1 <sup>ST</sup> READING | (03/07/2016) |
| <input type="checkbox"/> CONTRACT       | <input type="checkbox"/> ORDINANCE FOR 2 <sup>ND</sup> READING            | (03/21/2016) |
| <input type="checkbox"/> MOTION         | <input type="checkbox"/> RESOLUTION                                       |              |

  
\_\_\_\_\_  
John Fussa, Community Development Director

  
\_\_\_\_\_  
G. Randolph Young, Town Administrator

**ISSUE:**

The Town desires to receive back-up coverage for electrical plan review and inspection services, as needed, based on availability from the City of Greenwood Village. The City of Greenwood Village would receive back-up coverage for electrical plan review and inspection services, as needed, based on availability from the Town. The intent of this Intergovernmental Agreement (IGA) is that there would be an equal amount of time spent at each other's jurisdiction.

**PRIOR ACTION:**

None

**FUNDING/BUDGET IMPACT:**

None

**BACKGROUND:**

Currently the City of Greenwood Village has one qualified electrical plans examiner/inspector and will need help when this person is on vacation. Parker currently has three qualified electrical plans examiner/inspectors. However, much of their time is spent completing building, mechanical and plumbing inspections. This IGA would provide Parker and Greenwood Village the ability to call on each other for electrical plan review and inspection help when needed.

**RECOMMENDATION:**

Staff recommends the Town Council approve this ordinance on first reading.

**PREPARED/REVIEWED BY:**

Gil Rossmiller, Chief Building Official; Steve Greer, Deputy Community Development Director; John Fussa, Community Development Director; James S. Maloney, Town Attorney

**ATTACHMENTS:**

Ordinance 9.249

**RECOMMENDED MOTION:**

"I move to approve Ordinance No. 9.249 on first reading and schedule second reading for March 21, 2016, as a part of the consent agenda."

ORDINANCE NO. 9.249, Series of 2016

**TITLE: A BILL FOR AN ORDINANCE TO APPROVE THE INTERGOVERNMENTAL AGREEMENT FOR ELECTRICAL PLAN REVIEW AND INSPECTION BY AND BETWEEN THE CITY OF GREENWOOD VILLAGE 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 Intergovernmental Agreement for Electrical Plan Review and Inspection by and between the City of Greenwood Village 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 \_\_\_\_\_, 2016.

\_\_\_\_\_  
Mike Waid, Mayor

ATTEST:

\_\_\_\_\_  
Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this \_\_\_\_\_ day of \_\_\_\_\_,  
2016.

\_\_\_\_\_  
Mike Waid, Mayor

ATTEST:

\_\_\_\_\_  
Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
James S. Maloney, Town Attorney

## Exhibit 1

### INTERGOVERNMENTAL AGREEMENT FOR ELECTRICAL PLAN REVIEW AND INSPECTION

THIS AGREEMENT ("Agreement") is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2016 (the "Effective Date"), by and between the CITY OF GREENWOOD VILLAGE, Colorado, a home rule municipality ("Greenwood Village"), and the TOWN OF PARKER, a Colorado home rule municipality ("Parker"), (each individually the "Party" and collectively the "Parties").

WHEREAS, each Party operates a building department and employs at least one electrical inspector certified by the International Code Council as an Electrical Inspector and possessing a current Colorado Master Electricians License; and

WHEREAS, Article XIV, § 18(2)(a) of the Colorado Constitution and Article 1, Title 29, C.R.S., encourage and authorize governments to cooperate and contract with one another to provide any function, service or facility authorized to each;

WHEREAS, each Party maintains common training programs, protocols and procedures for its electrical inspectors; and

WHEREAS, the Parties desire to share their electrical inspectors with each other to improve safety and services to both communities and maximize use of the positions.

**NOW, THEREFORE,** Greenwood Village and Parker agree as follows:

1. Inspection Services. Each Party agrees to provide to other the services outlined in **Exhibit A**, attached hereto and incorporated herein by this reference, when available to do so without compromising the workload of the other Party.
2. Tools and Equipment. Each Party will provide a motor vehicle, personal computer systems, software, telephone, and other equipment and materials necessary for their electrical inspector to do his or her job; provided that when Parker's electrical inspector is doing inspections for the Greenwood Village or Greenwood Village's inspector doing inspections for Parker that each will provide appropriate identification to the other in order to avoid confusion at inspection sites and provide the authority needed to perform such inspections.
3. Supervision. Each electrical inspector will receive direction from the Chief Building Official of the jurisdiction for which it is performing inspections or plan review. All code interpretations and appeals will be processed by the jurisdiction where the project is located.
4. Employment Status and Compensation. At all times each electrical inspector shall remain the employee of his or her employing jurisdiction and shall, likewise, remain subject to that jurisdiction's personnel policies and procedures, inclusive of policies and procedures governing overtime, employment compensation and benefits, worker's compensation, vacation and sick time, grievances and discipline, job performance review, duty assignments, and termination. Each Party shall be solely responsible for the salary and other compensation paid its

electrical inspectors. Any overtime accrued by any inspector will be the responsibility of the Party employing the electrical inspector and overtime accrual will be managed by each Party's Chief Building Official or designee.

5. Term and Termination. The initial term of this Agreement shall be for one year from the Effective Date. Thereafter, this Agreement shall automatically renew for five (5) subsequent one-year terms, unless earlier terminated by either Party for any reason, by providing ninety (90) days' written notice to the other Party.

6. Appropriation. Pursuant to Article X, § 20 of the Colorado Constitution, the Parties' financial obligations under this Agreement and the renewal of this Agreement are specifically contingent upon annual appropriation of funds sufficient to perform such obligation. Should adequate appropriations not be made by either Party, this Agreement shall automatically terminate. This Agreement shall never constitute a debt of either Party within any statutory or constitutional provision.

7. Miscellaneous.

a. Notices. Any notice required by this Agreement shall be in writing and mailed by first class mail, postage prepaid, to the respective parties as follows:

Greenwood Village: City Manager  
City of Greenwood Village  
6060 S. Quebec Street  
Greenwood Village, CO 80111

Parker: Town Administrator  
Town of Parker  
20120 E. Mainstreet  
Parker, CO 80138

b. Insurance. Each Party will provide adequate insurance to cover the property and equipment utilized by its electrical inspectors throughout the term of this Agreement, and General Liability Insurance with a minimum combined single limit of One Million Dollars (\$1,000,000), each occurrence, and Two Million Dollars (\$2,000,000), aggregate, as well as errors and omissions coverage, and Workers' Compensation Insurance.

c. Hold Harmless. To the extent permitted by law, each Party shall defend, indemnify and hold harmless the other Party and its officers, agents, employees and insurers from and against any and all claims, damages, liability, causes of action or expense of whatever nature (including costs, expenses and attorney fees), which may result from any loss, injury or damage allegedly sustained by any person or entity arising out of or caused by any Party's negligence or failure to fulfill the terms and conditions of this Agreement.

d. Governmental Immunity. Nothing herein shall be construed as a waiver of any protections or immunities either Party may have under the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, *et seq.*, as amended.

e. Governing Law and Venue. This Agreement shall be governed by and construed in accordance with the laws of the State of Colorado and venue for any legal action arising out of this Agreement shall be in the 18<sup>th</sup> Judicial District.

f. Integration. The foregoing constitutes the entire agreement between the Parties and no additional or different representation, promise or agreement shall be binding on any Party with respect to the subject matter of this Agreement.

g. Modification. This Agreement may only be modified upon written agreement of both Parties.

h. Binding Effect. This Agreement shall be binding upon and inure to the benefit of the Parties hereto and each of their respective successors, assigns or heirs.

i. Severability. If any provision of this Agreement is found by a court of competent jurisdiction to be unlawful or unenforceable for any reason, the remaining provisions hereof shall remain in full force and effect.

j. No Third-Party Beneficiaries. There are no intended third-party beneficiaries to this Agreement.

k. Duplicate Originals. This Agreement may be executed in several counterparts, each of which shall be an original, but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the Effective Date.

**CITY OF GREENWOOD VILLAGE,  
COLORADO**

\_\_\_\_\_  
Mayor Ronald J. Rakowsky

ATTEST:

\_\_\_\_\_  
Susan M. Ortiz, MMC, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Tonya Haas Davidson, City Attorney

**TOWN OF PARKER, COLORADO**

---

Mike Waid, Mayor

ATTEST:

---

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM AND SUFFICIENCY:

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James S. Maloney, Town Attorney

## EXHIBIT A

### SCOPE OF SERVICES

#### A. Electrical Inspections

1. Inspects electrical installations of all new or existing, commercial, residential, and tenant finish construction and equipment for compliance; ensures compliance with electrical codes, and approved plans and specifications with other codes as may be adopted by the applicable Party.
2. Detects and locates defective electrical wiring in new and existing electrical installations.
3. Coordinates inspections with other code enforcement personnel to ensure that all required approvals are obtained.
4. Checks electrical installation permits, plans and specifications for compliance with required codes.
5. Reviews special inspector reports on complex new commercial construction and residential construction to verify compliance with applicable codes.
6. Inspects buildings for hazardous situations in electrical applications; provides expertise in determining hazards that may deem a structure or installation as dangerous; inputs inspection results in computer.

#### B. Plan Reviews

1. Performs electrical plan reviews during the review process to ensure conformance with the National Electrical Code; reviews plans and engineered drawings; prepares correction list identifying plan deficiencies.
2. Participates in preliminary review meetings; reviews deficiencies and code requirements with contractors, architects, and/or engineers; resolves problems with plans and/or installation/construction; provides recommendations to meet code requirements.





ITEM NO: 7E  
DATE: 03/07/2016

### REQUEST FOR TOWN COUNCIL ACTION

**TITLE: RESOLUTION NO. 16-014 – A Resolution Accepting the Conveyance of a Drainage Easement from Dransfeldt Business Park, L.L.C., for Lot 1, Block 1, Parkglenn West Filing No. 3.**

- |   |  |
|---|--|
| <input type="checkbox"/> PUBLIC HEARING | <input type="checkbox"/> ORDINANCE FOR 1 <sup>ST</sup> READING |
| <input type="checkbox"/> CONTRACT       | <input type="checkbox"/> ORDINANCE FOR 2 <sup>ND</sup> READING |
| <input type="checkbox"/> MOTION         | <input checked="" type="checkbox"/> RESOLUTION                 |

  
\_\_\_\_\_  
Tom Williams, Director of Engineering

  
\_\_\_\_\_  
G. Randolph Young, Town Administrator

**ISSUE:**

This item accompanies a resolution accepting conveyance of a drainage easement from Dransfeldt Business Park, L.L.C. covering drainage improvements proposed with the approved Site Plan for Lot 1, Block 1, Parkglenn West Filing No. 3.

**PRIOR ACTION:**

N/A

**FUNDING/BUDGET IMPACT:**

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

**BACKGROUND:**

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

The Public Works Department has reviewed and approved the construction drawings for the drainage facilities associated with an approved Site Plan for Lot 1, Block 1, Parkglenn West Filing No. 3. Since the drainage facilities are being constructed as part of a Site Plan process, and not a Plat, the easements need to be dedicated via separate instrument.

**RECOMMENDATION:**

Staff recommends that Town Council approve the resolution accepting the conveyance of a drainage easement from Dransfeldt Business Park, L.L.C. to the Town of Parker.

**PREPARED/REVIEWED BY:**

Alex Mestdagh, Senior Development Review Engineer; Jim Maloney, Town Attorney

**ATTACHMENTS:**

1. Vicinity Map
2. Resolution
3. Drainage Easement Agreement (7 pages)(Exhibit to the resolution)

**RECOMMENDED MOTION:**

"I move to approve Resolution 16-014, as a part of the consent agenda."



Dransfeldt Business Park, L.L.C.  
Drainage Easement Acceptance  
Vicinity Map

RESOLUTION NO. 16-014, Series of 2016

**TITLE: A RESOLUTION ACCEPTING THE CONVEYANCE OF A DRAINAGE EASEMENT FROM DRANSFELDT BUSINESS PARK, LLC, FOR LOT 1, BLOCK 1, PARKGLENN WEST FILING NO. 3**

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

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

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

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

Section 1. The Town Council of the Town of Parker hereby accepts the conveyance of certain property interests for the purpose of the maintenance of a drainage pipe and appurtenant drainage facilities from Dransfeldt Business Park, LLC, for Lot 1, Block 1, Parkglenn West Filing No. 3, as provided in the Drainage Easement Agreement attached as **Exhibit 1** and incorporated by this reference, and authorizes the Mayor of the Town to enter into the Agreement on behalf of the Town.

RESOLVED AND PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

TOWN OF PARKER, COLORADO

\_\_\_\_\_  
Mike Waid, Mayor

ATTEST:

\_\_\_\_\_  
Carol Baumgartner, Town Clerk

**DRAINAGE EASEMENT AGREEMENT**

THIS DRAINAGE EASEMENT AGREEMENT (the "Easement Agreement") is dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by Dransfeldt Business Park, LLC whose legal address is 367 Sandy Hollow Trail, Parker, CO 80138 ("Grantor"), and the Town of Parker, a Colorado home rule municipality, having an address of 20120 East Mainstreet, Parker, Colorado 80138 ("Grantee").

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

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

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

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

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

3. Operation and Maintenance.

a. The operation and maintenance of the drainage facilities described herein and located within the Easement Property shall be the responsibility of the Grantor and be performed in accordance with "Operations & Maintenance Plan – Dransfeldt Business Center" provided, however, that Grantee shall have the right to maintain the Easement Property in the event Grantor, in its sole

discretion, determines to enter the Easement Property for the operation and/or maintenance of the Easement Property as set forth in subsection b. hereinbelow. The Grantor acknowledges and agrees that the Grantee has the right to enter the Easement Property to maintain and operate the drainage facilities covered by Chapter 4.08 of the Parker Municipal Code or to maintain and operate the drainage facilities in the manner described herein.

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

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

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

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

b. Grantee shall not cause or permit to be caused by any of its employees, agents, contractors, subcontractors, successors, assigns, lessees or licensees, any hazardous substances, as defined by the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA"), pollutants or contaminants, as defined by CERCLA, or hazardous waste, as defined by the Resource, Conservation and Recovery Act ("RCRA"), including, but not limited to, asbestos and/or urea formaldehyde, or any pollutants or toxic pollutants as defined by the Clean Water Act, and any amendments thereto, to be dumped, spilled, released, permanently stored or deposited on, over or beneath the Easement Property or any other lands owned by Grantor.

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

7. Miscellaneous.

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

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

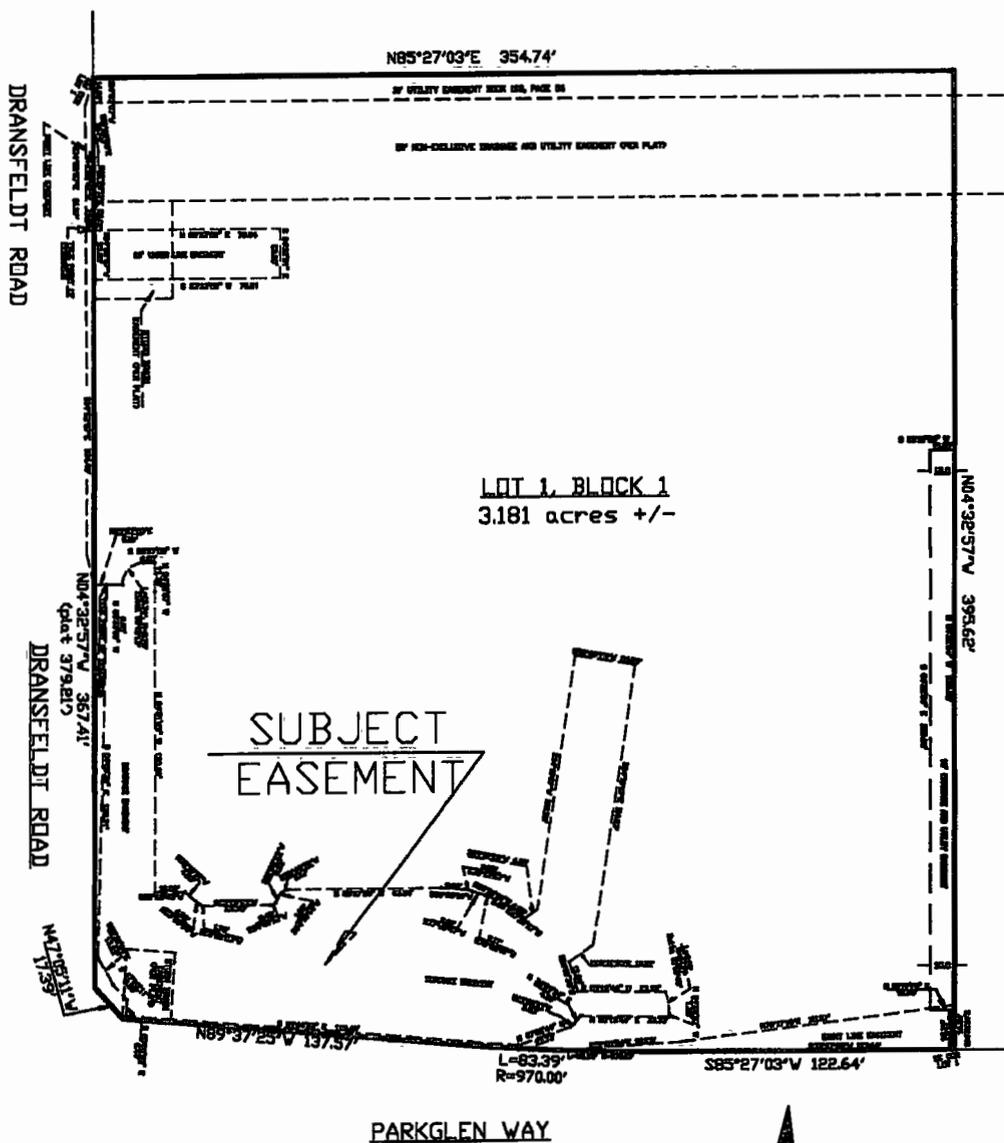
c. This easement shall be of no force and effect until this easement is duly and validly executed by all parties hereto.





4901 E. DRY CREEK ROAD  
 UNIT 208  
 CENTENNIAL, COLORADO 80122

EXHIBIT A  
 SHEET 1 of 2

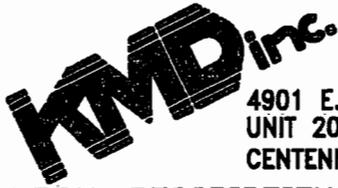


LEGAL  
 LOT 1, BLOCK 1, PARKVIEW WEST SUBDIVISION,  
 FILING NO.1, MINOR DEVELOPMENT PLAT, TOWN OF  
 PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO.



SCALE: 1" = 60'





4901 E. DRY CREEK ROAD  
 UNIT 208  
 CENTENNIAL, COLORADO 80122

DRAINAGE EASEMENT

LEGAL DESCRIPTION:

A DRAINAGE EASEMENT, LOCATED IN LOT 1, BLOCK 1, PARKGLENN WEST SUBDIVISION, FILING NO. 1, MINOR DEVELOPMENT PLAT, LOCATED IN THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 6 SOUTH, OF THE 6TH PRINCIPAL MERIDIAN, TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE S04°32'57"E, ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 204.49' FEET; THENCE N05°27'03"E A DISTANCE OF 5.15' FEET TO A POINT, SAID POINT BEING THE TRUE POINT OF BEGINNING, THENCE S04°03'39"E A DISTANCE OF 150.31' FEET, THENCE S33°32'04"E A DISTANCE OF 13.22' FEET, THENCE S47°05'11"E A DISTANCE OF 8.59' FEET, THENCE S00°00'00"E A DISTANCE OF 6.44' FEET, THENCE S89°44'39"E A DISTANCE OF 162.45' FEET, THENCE N67°02'44"E A DISTANCE OF 22.73' FEET, THENCE N42°00'27"E A DISTANCE OF 2.02' FEET, THENCE N34°50'24"E A DISTANCE OF 4.20' FEET, THENCE N86°16'44"E A DISTANCE OF 36.73' FEET, THENCE N04°32'57"W A DISTANCE OF 1.30' FEET TO A POINT OF TANGENT. THENCE NORTHERLY ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 24.27' FEET, AN INTERNAL ANGLE OF 21°03'40", AND AN ARC DISTANCE OF 8.92' FEET. THENCE S86°16'44"W A DISTANCE OF 36.25' FEET, THENCE N20°08'33"W A DISTANCE OF 12.96' FEET, THENCE N50°31'38"E A DISTANCE OF 12.12', THENCE N04°10'07"E A DISTANCE OF 114.22', THENCE N85°49'53"W A DISTANCE OF 24.99', THENCE S04°10'07"W A DISTANCE OF 103.52', THENCE S50°13'38"W A DISTANCE OF 6.16', THENCE N57°20'27"W A DISTANCE OF 4.55' FEET, THENCE S66°39'59"W A DISTANCE OF 8.83' FEET, THENCE N76°32'07"W A DISTANCE OF 2.17' FEET; THENCE N77°05'47"W, A DISTANCE OF 5.61' FEET; THENCE N83°12'28"W, A DISTANCE OF 3.23' FEET, THENCE S89°39'14"W, A DISTANCE OF 9.64' FEET; THENCE S85°27'20"W, A DISTANCE OF 63.34' FEET; THENCE S58°46'51"W, A DISTANCE OF 3.01' FEET; THENCE S34°10'50"W, A DISTANCE OF 1.62' FEET; THENCE S21°35'39"W, A DISTANCE OF 3.38' FEET; THENCE S64°50'12"W, A DISTANCE OF 2.43' FEET; THENCE S85°20'03"W, A DISTANCE OF 26.76' FEET; THENCE N80°20'52"W, A DISTANCE OF 1.76' FEET; THENCE N55°38'04"W, A DISTANCE OF 4.22' FEET; THENCE N52°10'12"W, A DISTANCE OF 4.23' FEET; THENCE S85°25'45"W, A DISTANCE OF 12.32' FEET; THENCE N04°31'42"W A DISTANCE OF 120.69' FEET, THENCE N04°32'57"W A DISTANCE OF 11.75' FEET, THENCE S85°27'03"W A DISTANCE OF 4.65' FEET TO A POINT OF TANGENT. THENCE WESTERLY ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 8.75' FEET, AN INTERNAL ANGLE OF 90°00'00", AND AN ARC DISTANCE OF 13.75' FEET, THENCE S85°33'09"W A DISTANCE OF 6.52' FEET TO THE TRUE POINT OF BEGINNING.

*Daniel J. Kaljes*







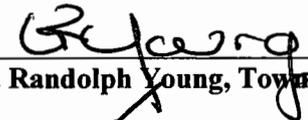
ITEM NO: 7F  
 DATE: 03/07/2016

**REQUEST FOR TOWN COUNCIL ACTION**

**TITLE: ORDINANCE NO. 1.465.1 - A Bill for an Ordinance to Adopt the 2016 Revised Budget for the Town of Parker and to Make Appropriations for the Same**

- |   |  |
|---|--|
| <input type="checkbox"/> PUBLIC HEARING | <input checked="" type="checkbox"/> ORDINANCE FOR 1 <sup>st</sup> READING (03/07/2016) |
| <input type="checkbox"/> CONTRACT       | <input type="checkbox"/> ORDINANCE FOR 2 <sup>nd</sup> READING (03/21/2016)            |
| <input type="checkbox"/> MOTION         | <input type="checkbox"/> RESOLUTION  |

  
 \_\_\_\_\_  
 Donald Warn, Finance Director

  
 \_\_\_\_\_  
 G. Randolph Young, Town Administrator

**ISSUE:** Budget revision for the 2016 budget.

**PRIOR ACTION:** None.

**FUNDING/BUDGET IMPACT:** The table below summarizes the revision by fund and a detailed list of the carryover and supplemental appropriation requests is attached.

	Supplemental	Carryover	Total Expenditures	Revenue	Net Revision
General Fund	\$ 926,000	\$ 721,746	\$ 1,647,746	\$ 730,000	\$ 917,746
Parks and Recreation Fund	60,000	1,365,541	1,425,541	-	1,425,541
Law Enforcement Assistance Fund	-	6,499	6,499	-	6,499
Cultural Fund	180,000	18,000	198,000	-	198,000
Recreation Fund	-	120,682	120,682	-	120,682
Capital Improvement Fund	81,000	3,389,081	3,470,081	-	3,470,081
Stormwater Fund	207,788	64,704	272,492	-	272,492
Fleet Services Fund	20,000	-	20,000	-	20,000
Information Technology Fund	-	252,935	252,935	-	252,935
Facility Services Fund	-	3,190	3,190	-	3,190
<b>Total all funds</b>	<b>\$ 1,474,788</b>	<b>\$ 5,942,377</b>	<b>\$ 7,417,165</b>	<b>\$ 730,000</b>	<b>\$ 6,687,165</b>

**BACKGROUND:** The purpose of this budget revision is to appropriate funds to carryover unspent 2015 appropriations and to appropriate additional funds for 2016. The total carry-over from 2015 is \$5,912,695 which includes \$721,746 in the General Fund, \$1,365,541 in the Parks and Recreation Fund, \$6,499 in the Law Enforcement Assistance Fund, \$18,000 in the Cultural Fund, \$120,682 in the Recreation Fund, \$3,389,081 in the Public Improvement Fund, \$64,704 in the Stormwater Fund, \$252,935 in the IT Fund and \$3,190 in the Facilities Services Fund.

The total supplemental appropriation for 2016 is \$1,474,788 which includes \$926,000 in the General Fund, \$60,000 in the Parks and Recreation Fund, \$180,000 in the Cultural Fund, \$81,000 in the Capital Improvement Fund, \$207,788 in the Stormwater Fund, and \$20,000 in the Fleet Services Fund. The detail list of items can be found in Exhibit A attached to the budget Ordinance.

**RECOMMENDATIONS:** Approve

**PREPARED/REVIEWED BY:** Donald Warn, Finance Director

**ATTACHMENTS:** Ordinance 1.465.1

**RECOMMENDED MOTION:** "I move to approve Ordinance No. 1.465.1 on first reading and schedule second reading for March 21, 2016, as a part of the consent agenda."

ORDINANCE NO. 1.465.1, Series of 2016

**TITLE: A BILL FOR AN ORDINANCE TO ADOPT THE 2016 REVISED BUDGET FOR THE TOWN OF PARKER AND TO MAKE APPROPRIATIONS FOR THE SAME**

WHEREAS, the Home Rule Charter of the Town of Parker specifies that Town Council may make additional appropriations by ordinance during the fiscal year for unanticipated expenditures; and

WHEREAS, upon due and proper notice published and posted in accordance with the Town of Parker Home Rule Charter, said proposed budget revisions are open for inspection by the public at the Town Hall.

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

**Section 1.** The 2016 Revised Budget for the Town of Parker, Colorado, which is attached hereto as **Exhibit A** and incorporated by this reference, is hereby adopted and the monies are appropriated to the various funds as the same are budgeted.

**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 \_\_\_\_\_, 2016.

\_\_\_\_\_  
Mike Waid, Mayor

ATTEST:

\_\_\_\_\_  
Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this \_\_\_\_\_ day of \_\_\_\_\_,  
2016.

\_\_\_\_\_  
Mike Waid, Mayor

ATTEST:

\_\_\_\_\_  
Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
James S. Maloney, Town Attorney

	<u>Revision</u>	<u>2016 Revised Budget</u>
<b><u>General Fund</u></b>		
Beginning fund balance		\$ 20,648,221
Revenue		45,415,983
Revenue revision	<u>730,000</u>	<u>730,000</u>
Total revised revenue		46,145,983
Total available		<u>66,794,204</u>
Expenditures		52,943,701
2015 Carry-over	721,746	
Supplemental appropriation	<u>926,000</u>	
Total expenditure revision		<u>1,647,746</u>
Total revised expenditures	<u>-</u>	<u>54,591,447</u>
Ending fund balance		<u>\$ 12,202,757</u>
 <b><u>Parks and Recreation Fund</u></b>		
Beginning fund balance		\$ 12,322,752
Revenue		8,373,300
Revenue revision	<u>-</u>	<u>-</u>
Total revised revenue		8,373,300
Total available		<u>20,696,052</u>
Expenditures		17,457,119
2015 Carry-over	1,365,541	
Supplemental appropriation	<u>60,000</u>	
Total expenditure revision		<u>1,425,541</u>
Total revised expenditures		<u>18,882,660</u>
Ending fund balance		<u>\$ 1,813,392</u>

	<u>Revision</u>	<u>2016 Revised Budget</u>
<b><u>Law Enforcement Assistance Fund</u></b>		
Beginning fund balance		\$ 82,736
Revenue		140,700
Revenue revision		-
Total revised revenue		140,700
Total available		<u>223,436</u>
Expenditures		130,504
2015 Carry-over	<u>6,499</u>	
Total expenditure revisions		<u>6,499</u>
Total revised expenditures		<u>137,003</u>
Ending fund balance		<u><u>\$ 86,433</u></u>
 <b><u>Cultural Fund</u></b>		
Beginning fund balance		\$ 1,284,613
Revenue		5,134,810
Revenue revision		-
Total revised revenue		<u>5,134,810</u>
Total available		<u>6,419,423</u>
Expenditures		5,457,199
2015 Carry-over	18,000	
Supplemental appropriation	<u>180,000</u>	
Total expenditure revisions		<u>198,000</u>
Total revised expenditures		<u>5,655,199</u>
Ending fund balance		<u><u>\$ 764,224</u></u>

	<u>Revision</u>	<u>2016 Revised Budget</u>
<b><u>Recreation Fund</u></b>		
Beginning fund balance		\$ 1,611,022
Revenue		5,675,650
Revenue revision		-
Total revised revenue		<u>5,675,650</u>
Total available		<u>7,286,672</u>
Expenditures		6,954,210
2015 Carry-over	120,682	
Total expenditure revisions		<u>120,682</u>
Total revised expenditures		<u>7,074,892</u>
Ending fund balance		<u><u>\$ 211,780</u></u>
<b><u>Public Improvements Fund</u></b>		
Beginning fund balance		\$ 14,424,983
Revenue		10,479,467
Revenue revision	-	-
Total revised revenue		<u>10,479,467</u>
Total available		<u>24,904,450</u>
Expenditures		18,093,661
2015 Carry-over	3,389,081	
Supplemental appropriation	81,000	
Total expenditure revisions		<u>3,470,081</u>
Total revised expenditures		<u>21,563,742</u>
Ending fund balance		<u><u>\$ 3,340,708</u></u>

	<u>Revision</u>	<u>2016 Revised Budget</u>
<b><u>Stormwater Utility Fund</u></b>		
Beginning fund balance		\$ 5,119,123
Revenue		2,082,100
Revenue revision	-	-
Total revised revenue		<u>2,082,100</u>
Total available		<u>7,201,223</u>
Expenditures		1,974,875
2015 Carry-over	64,704	
Supplemental appropriation	207,788	
Total expenditure revisions		<u>272,492</u>
Total revised expenditures		<u>2,247,367</u>
Ending fund balance		<u><u>\$ 4,953,856</u></u>
<b><u>Fleet Services Fund</u></b>		
Beginning fund balance		\$ 1,970,346
Revenue		1,588,100
Revenue revision	-	-
Total revised revenue		<u>1,588,100</u>
Total available		<u>3,558,446</u>
Expenditures		2,217,613
Supplemental appropriation	20,000	
2015 Carry-over		
Total expenditure revisions		<u>20,000</u>
Total revised expenditures		<u>2,237,613</u>
Ending fund balance		<u><u>\$ 1,320,833</u></u>

	<u>Revision</u>	<u>2016 Revised Budget</u>
<b><u>Information Technology Fund</u></b>		
Beginning fund balance		\$ 561,954
Revenue		<u>3,635,996</u>
Revenue revision	<u>-</u>	<u>-</u>
Total revised revenue		<u>3,635,996</u>
Total available		<u>4,197,950</u>
Expenditures		3,751,469
Supplemental appropriation	-	
2015 Carry-over	<u>252,935</u>	
Total expenditure revisions		<u>252,935</u>
Total revised expenditures		<u>4,004,404</u>
Ending fund balance		<u><u>\$ 193,546</u></u>
<b><u>Facility Services Fund</u></b>		
Beginning fund balance		\$ 85,429
Revenue		<u>862,700</u>
Revenue revision	<u>-</u>	<u>-</u>
Total revised revenue		<u>862,700</u>
Total available		<u>948,129</u>
Expenditures		862,860
Supplemental appropriation	-	
2015 Carry-over	<u>3,190</u>	
Total expenditure revisions		<u>3,190</u>
Total revised expenditures		<u>866,050</u>
Ending fund balance		<u><u>\$ 82,079</u></u>

**Town of Parker**

Detail of Carryover Revisions to 2016 Budget

**General Fund**

HR Furniture	1,500	101-4155-2125
Employee Recognition Program	11,000	101-4155-3954
Sign Code Amendment	4,000	101-4191-3310
Parker Road Corridor Plan	119,000	101-4191-3326
Michael Baker International	29,000	101-4191-3391
PSC Group Task Orders	26,500	101-4191-3391
Town Branding Initiative	15,000	101-4193-3390
Radio Upgrade in Dispatch	19,569	101-4215-7415
Third Party Roofing Inspection	13,000	101-4242-3390
Truck for Life Safety Inspector	25,480	101-4242-7420
R&M Bridges - Chambers & Happy Canyon Bridge	65,000	101-4310-3435
R&M Town Parking Lot - Rec Center	5,500	101-4310-3436
R&M Concrete - Delay Due to Frost	4,900	101-4310-3445
R&M Resurfacing - Delay Due to Snow	30,000	101-4310-3446
Pine Curve Development	6,500	101-4311-3320
Bike Lane Striping	28,959	101-4312-3440
Terminal Server Cards	33,254	101-4312-3443
LED Roadway Fixture	34,584	101-4312-3455
Traffic Signal System	220,000	101-4312-7420
Motsenbocker FF&E	7,500	101-4520-2125
Ball field Light Repair	12,500	101-4520-3445
Trail Repair	9,000	101-4520-3448

**Total General Fund carryover revision**

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**721,746**

**Parks and Recreation Fund**

Rec Center Expansion Construction	789	203-4520-7210
Rec Center Expansion IT	16,886	203-4520-7211
Rec Center Expansion FF&E	6,403	203-4520-7212
Rec Center Expansion Art & Signage	58,848	203-4520-7213
Norton Improvements	14,131	203-4520-7717
Bradbury Hills Trail	322,661	203-4520-7726
Site Signage	15,030	203-4520-7759
Dog Park/Disc Golf	525,000	203-4520-7766
The Plaza on Main Construction	189,472	203-4520-7776
O'Brien Park/Mainstreet Ped Improvements	30,000	203-4520-7778
Stroh Ranch Parking Lot	36,321	203-4520-7779
The Plaza on Main FFE, IT & Art	150,000	203-4520-7780

**Total Parks and Recreation Fund carryover revision**

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**1,365,541**

**Law Enforcement Assistance Fund**

E-Citation Project	6,499	204-4216-7415
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**Total Law Enforcement Assistance Fund carryover revision**

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**6,499**

**Town of Parker**

Detail of Carryover Revisions to 2016 Budget

**Cultural Fund**

Printing for Meeting Rental & Booth Display 18,000 205-4539-3550

**Total Cultural Fund carryover revision**

**18,000**

**Recreation Fund**

Fieldhouse Power Conditioner 13,000 206-4526-7200  
Complete Active Implementation 20,000 206-4510-7415  
Basketball Hoops Rec Center 45,000 206-4523-7410  
Security Cameras (reallocated from Active implementation) 29,682 206-4523-7410  
Floor Burnisher Fieldhouse 9,080 206-4526-7200  
Sigh Repair Fieldhouse 3,920 206-4526-7200

**Total Recreation Fund carryover revision**

**120,682**

**Public Improvement Fund**

Signal Chambers/Compark 9,000 301-4293-7540  
Signal Cottonwood Dr/Cottonwood Way 12,000 301-4293-7541  
Redundant Fiber Optics Upgrade 185,000 301-4293-7542  
Town-wide Sign Program 31,000 301-4310-7557  
Chambers Road - Mainstreet to Hess 50,000 301-4310-7566  
Hess Widening - Motts-Leesburg 10,000 301-4310-7610  
Todd Drive - Jordan to Motsenbocker 10,000 301-4310-7612  
Dransfeldt/Motsenbocker/Todd Roadway Alignment 200,000 301-4310-7614  
Summerset Lane Extension 67,019 301-4310-7620  
Power Line Undergrounding 49,150 301-4310-7700  
The Plaza on Main Site Development 2,199,170 301-4310-7776  
Public Works Fac Construction 288,841 301-4317-7210  
Public Works Fac FF&E 200,900 301-4317-7212  
Public Works Fac Artwork/Signage 77,000 301-4317-7213

**Total Public Improvement Fund carryover revision**

**3,389,081**

**Stormwater Fund**

Newlin Gulch Trail Crossing 4,697 501-4315-7839  
Muller-Newlin Gulch Low Water Crossing Design 7,862 501-4315-3320  
Muller-Floodplain Analysis 2,145 501-4315-3320  
Hilltop Water Quality Improvement 50,000 501-4315-7838

**Total Stormwater Fund carryover revision**

**64,704**

**Town of Parker**

Detail of Carryover Revisions to 2016 Budget

**Information Technology Fund**

Equipment for network redesign	193,350	602-4192-7415
Professional Services Fiber Network to OSFP Standards	19,950	602-4192-7415
Complete Multi-Factor Authentication Project	17,000	602-4192-7415
Professional Services PCI Compliance	4,635	602-4192-3390
SAN maintenance	18,000	602-4192-7415

***Total Information Technology Fund carryover revision***

252,935

**Facility Services Fund**

Facilities - Training	3,190	603-4196-3570
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***Total Facility Services Fund carryover revision***

3,190

***Total carryover revision***

\$ 5,942,377

**Town of Parker**

## Detail of Supplemental Revisions to 2016 Budget

**General Fund**

TRAKiT System Upgrades	5,000
Town Branding Project	30,000
Storage for Historic Fire Truck	11,000
Replace 911 Telephone System	500,000
Purchase Two Dispatch Consoles	230,000
Part-time Wages for Payment Tech	8,000
Third Party Roofing Inspections	27,000
Permanent LED lighting across Mainstreet	115,000

***Total General Fund supplemental revision***

---

**926,000****Parks & Recreation Fund**

Analysis of Long-term Senior Needs	15,000
Innovation Pavilion Interactive Playground	35,000
Rueter Hess Recreation Authority	10,000

***Total Parks & Recreation Fund supplemental revision***

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**60,000****Cultural Fund**

Schoolhouse Gymnasium Demolition	180,000
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***Total Cultural Fund supplemental revision***

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**180,000**

## Recreation Fund

*Total Recreation Fund supplemental revision*

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-

## Public Improvement Fund

Traffic Signal Parker Road and Parkglenn	(269,000)
Parker Rd Sidewalk (Sulphur Gulch to Plaza Dr)	50,000
Powerline Undergrounding (Jordan Rd from E470 to Acer Dr)	300,000

*Total Public Improvement Fund supplemental revision*

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**81,000**

## Stormwater Utility Fund

Newlin Gulch Trail Crossing at Parker Homestead	7,788
Newlin Gulch Trail Crossing at East/West Trail	200,000

*Total Stormwater Utility Fund supplemental revision*

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**207,788**

## Fleet Service Fund

Rack for Alignment System	20,000
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*Total Fleet Services Fund supplemental revision*

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**20,000**

*Total supplemental revision*

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**\$ 1,474,788**

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ITEM NO: 7G  
DATE: 03/07/2016

### REQUEST FOR TOWN COUNCIL ACTION

**TITLE: CONTRACTS ABOVE \$100,000 - Parker Consolidated School Restoration Project – Phase IIB**

- |  |  |
|--|--|
| <input type="checkbox"/> PUBLIC HEARING      | <input type="checkbox"/> ORDINANCE FOR 1 <sup>ST</sup> READING |
| <input checked="" type="checkbox"/> CONTRACT | <input type="checkbox"/> ORDINANCE FOR 2 <sup>ND</sup> READING |
| <input type="checkbox"/> MOTION              | <input type="checkbox"/> RESOLUTION                            |

*Elaine Mariner*

Elaine Mariner, Cultural Director

*G. Randolph Young*

G. Randolph Young, Town Administrator

**ISSUE:**

Award of a contract modification with Wattle & Daub Contractors for the Phase II-B restoration work on the Parker Consolidated School (Mainstreet Center).

**PRIOR ACTION:**

In May 2014, Town Council approved the State Historic Fund grant contract for Phase I to fund restoration work on the front windows and entrance at the Parker Consolidated School (Mainstreet Center). On March 2, 2015, Town Council approved a resolution approving a competitive proposal process for this project. Town Council approved the award to Wattle & Daub Contractors on March 16, 2015, for Phase I work. In April 2015, Town Council approved the State Historic Fund grant contract for Phase II for basement work. On November 16, 2015, Town Council approved the Phase II-A agreement. Then on January 19, 2016 and February 16, 2016, the Council approved contract modifications to the Phase II-A agreement.

**FUNDING/BUDGET IMPACT:**

Funding for this work has been appropriated.

**BACKGROUND:**

Phase I has been completed. Phase II-A which includes windows and door work, and restoration of the entry way on the lower level is progressing. To keep the project moving, Town Council has previously approved two contract modifications to the Phase II-A contract. The project is now ready to advance to Phase II-B which includes major items such as rehabilitation of the entire basement, mechanical and electrical upgrades. This will complete work on the lower level of the historic portion of the schoolhouse building. Other items included in this phase are removing and augmenting portions of the basement floor, restoring the wood flooring, concrete work, finish carpentry, preliminary elevator work, plaster & drywall, radiators and steam piping removal, and installation of two hydronic boilers. In addition, there are many other less major

items encompassed in this phase. Other costs associated with Phase II-B would include site supervision, administration, travel & lodging, and profit. Wattle & Daub Contractors has received several competitive subcontractor bids on various items, and they will also be self-performing much of the carpentry work. Staff has analyzed and reviewed all associated pricing and feels it is reasonable. Wattle & Daub has been excellent with the earlier restoration work and contracting with them to complete the remaining basement work will result in the basement being completed in the fall of 2016.

**RECOMMENDATION:**

Award the contract with Wattle & Daub Contractors in the amount of \$516,068 for the Parker Consolidated School Restoration Project, Phase II-B.

**PREPARED/REVIEWED BY:**

Thomas Gill, Associate Project Manager  
Chris Hudson, Capital Improvements & Construction Manager  
Elaine Mariner, Cultural Director

**ATTACHMENTS:**

None

**RECOMMENDED MOTION:**

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



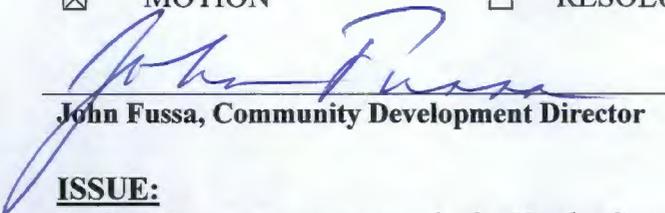


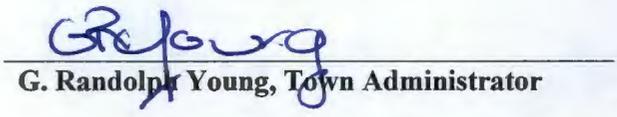
ITEM NO: 9A  
DATE: 03/07/2016

**REQUEST FOR TOWN COUNCIL ACTION**

**TITLE: ROBINSON RANCH FILING 2 LOT 1B CAR CARE FACILITY - Use by  
Special Review**

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> PUBLIC HEARING | <input type="checkbox"/> ORDINANCE FOR 1 <sup>ST</sup> READING |
| <input type="checkbox"/> CONTRACT                  | <input type="checkbox"/> ORDINANCE FOR 2 <sup>ND</sup> READING |
| <input checked="" type="checkbox"/> MOTION         | <input type="checkbox"/> RESOLUTION                            |

  
\_\_\_\_\_  
John Fussa, Community Development Director

  
\_\_\_\_\_  
G. Randolph Young, Town Administrator

**ISSUE:**

Brakes Plus requests approval of a Use by Special Review (UbSR) to allow a car care facility in the Robinson Ranch Planned Development (PD) located on the southeast corner of Parker Road and Hess Road.

**PRIOR ACTION:**

None

**FUNDING/BUDGET IMPACT:**

None

**BACKGROUND:**

The Robinson Ranch property was annexed to the Town in 1998. The subject property was platted as Filing 2 in 2006 and amended in 2009, 2012 and in 2015.

The recently approved Third Amendment divided Lot 1 of Robinson Ranch Filing 2 Amendment 2 into two lots designated 1A and 1B.

A site plan for lot 1A was administratively approved for an Advanced Auto store on January 15, 2016.

A site plan request for a Brakes Plus on Lot1B has been submitted and review is underway to ensure compliance with all other requirements of the Design Guidelines and the Town of Parker Land Development Ordinance.

Commercial uses are permitted in this area of the Robinson Ranch PD. A car care facility however, requires approval of a Use by Special Review.

**RECOMMENDATION:**

The Planning Commission will make a recommendation to Town Council on February 25, 2016. Staff has determined that the proposed use meets or can meet the UbSR criteria established by Town of Parker Ordinance 3.01.107. Staff recommends Town Council approve the Use by Special Review with the six conditions contained in the staff report subject to the Planning Commission action.

**PREPARED/REVIEWED BY:**

Carolyn Parkinson, Planner I; Steve Greer, Deputy Community Development Director; John Fussa, Community Development Director; James S. Maloney, Town Attorney

**ATTACHMENTS:**

1. Vicinity Map
2. Planning Commission Staff Report

**RECOMMENDED MOTION:**

"I move to approve, based upon staff findings, with the following five conditions:

1. That the Use by Special Review materials submitted to the Community Development Department on December 14, 2015 shall be the approved Use by Special Review materials.
2. Approval of this Use by Special Review **DOES NOT** constitutes site plan approval. Approval of a separate site plan submittal is required.
3. This approval **DOES NOT** include signage. A separate sign permit is required from the Community Development Department. The applicant shall also contact the Building Division regarding sign permit requirements.
4. There will be no overnight storage of vehicles in the parking lot.
5. Garage bay doors shall remain closed unless driving a vehicle into or out of a garage space within the building."



**Community Development Department Memorandum  
Development Review Division**

**To:** Town of Parker Planning Commission

**From:** Carolyn Parkinson, Planner I   
Steve Greer, Deputy Community Development Director 

**Through:** John Fussa, Community Development Director

**Date:** February 25, 2016

**Regarding:** Public Hearing: Brakes Plus - Use by Special Review  
Robinson Ranch Filing No.2 Third Amendment Lot 1B (Case No. Z15-0030)

**Section I.  
Subject & Proposal:**

**Location:** 12340 Parker Road generally located at the southeast corner of Parker Road and Hess Road.

**Applicants:** Cadence Capital Investments LLC-Kay Stallworthy

**Proposal:** Brakes Plus requests approval of a Use by Special Review to allow a car care facility in the Robinson Ranch Planned Development (PD).

**Section II.  
Background:**

**History:** The Robinson Ranch property was annexed to the Town in 1998. The subject property was platted as Filing 2 in 2006 and amended in 2009, 2012 and in 2015 to amend the total number of lots in the Filing.

The recently approved Third Amendment divided Lot 1 of Robinson Ranch Filing 2 Amendment 2 into two lots designated 1A and 1B.

A site plan for lot 1A was administratively approved for an Advanced Auto store on January 15, 2016.

---

**Land Use Summary Data:**

**Total Area:** .83 acres (36,137 square feet)

**Zoning:** PD

**Existing Use:** The parcel is currently vacant.

**Surrounding Zoning**

**& Land Use:** **North:** PD Pine Bluffs Filing 4 Lot 2–Unimproved–Designated Commercial Use

**East:** PD Stroh Ranch 1<sup>st</sup> Amendment Tract B–Unimproved– Designated Commercial Use

**South:** PD Robinson Ranch 2<sup>nd</sup> Amendment Lot 5-Unimproved- Designated Commercial Use

**West:** PD Robinson Ranch 2<sup>nd</sup> Amendment Lot 2-Unimproved- Designated Commercial Use

**Section III.**

**Analysis:**

**Conformance with PD Development Guide:**

Commercial uses are permitted in this area of the Robinson Ranch PD. A car care facility however, requires approval of a Use by Special Review. A site plan request for a Brakes Plus on Lot 1B has been submitted and review is underway to ensure compliance with all other requirements of the Design Guidelines and the Town of Parker Land Development Ordinance.

**Characteristics of Use:**

The proposed development is a neighborhood commercial use. The surrounding uses, both existing and future, are consistent in character with the proposed commercial use.

**Utilities:**

Parker Water and Sanitation District will provide water and sanitary sewer service to the development. Xcel Energy and Intermountain Rural Electric (IREA) will provide the power needs of the development.

**Major Roads, Access and Circulation:**

The site is generally located at the southeast corner of Parker Road and Hess Road. An existing detention pond lies between Parker Road and the site prohibiting access from Parker Road. Site access will be via an un-named private drive that runs perpendicular between Hess Road and Cockriel Road. There are two proposed driveways access points.

The first is opposite an intersection with another unnamed internal private drive and the second is located approximately 85 feet further north. The second driveway will be shared with Advanced Auto located to the north.

**Section IV.**  
**Additional Staff Findings:**

The Town of Parker Land Development Code, §13.04.240(f), specifies nine criteria to be used in evaluating zoning requests. If the proposed use meets these criteria, or can meet them subject to reasonable mitigation conditions, the use may be approved.

**1. Will be in harmony and compatible with the character of the surrounding areas and neighborhood;**

*Applicant response;*

The project will be in harmony and compatible with the character of the surrounding area and neighborhood. The building will use similar materials and colors to the proposed Advance Auto on the north part of this site and the multi-tenant retail building that is part of the Robinson Ranch Development. It will incorporate stone, EIFS and brick. The use will be compatible with the Advance Auto just to the north. Brakes Plus is a small auto repair shop similar to the Service Street Repair shop on the northwest corner of Parker Rd and Hess.

*Staff Analysis;*

The project is located in an area that currently contains commercial development and is zoned for future commercial development. The proposed structure utilizes similar materials and architectural style as those adjacent and in close proximity. The use is compatible with the recently approved Advance Auto site plan adjacent to the north and is similar in terms of scale and mass. Attention has been paid to minimizing the automobile-oriented aspects of the use by situating the building so that the garage bay doors do not face Parker Road. The proposed use will be in harmony and compatible with the surrounding areas and neighborhood.

**2. Will be consistent with the Town Master Plan;**

*Applicant response;*

We will be consistent with the Town Master Plan as neighborhoods are the primary building blocks of the Parker community, we intend to build in a Neighborhood Center to serve the basic needs of the immediate and surrounding residents. We will develop a building that reflects Parker's desire to promote architectural and aesthetic excellence. In order to support the long-term economic well-being of the Town, this new development will encourage employment opportunities.

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The development will use transportation systems that are safe and already in place.

***Staff Analysis;***

The Master Plan identifies this intersection as a neighborhood center for the surrounding low and medium density residential use. Neighborhood Centers are described within the Master Plan as intended to provide “the basic needs of the surrounding residents”. This proposal will provide car care services to immediate and surrounding residents and is consistent with the Town Master Plan.

**3. Will not result in an over-intensive use of land;**

***Applicant response;***

The Brakes Plus will not result in an over-use of the land. While this lot has been vacant for many years, the overall Robinson Ranch Development Plan has identified this parcel for retail use. The building will be 4,730 square feet and the lot will be 25% landscaped.

***Staff Analysis;***

The total lot size for this proposal is 36,127 square-feet. The proposed structure is 4730 square-feet, 13 percent of the overall site. The scale and massing of this project are not inconsistent with adjacent structures within the Robinson Ranch commercial area. The main difference here is that the use being proposed is automotive in nature. Staff feels the design considerations factored into the site, coupled with landscape buffering that exceeds what is required, will mitigate negative impacts associated with the automotive nature of the use. The proposed use will not result in over-intensive use of the land.

**4. Will not have a material adverse effect on community capital improvement programs;**

***Applicant response;***

This will not have a material adverse effect on community capital improvement programs. The access to this site is from a private road that is in place.

***Staff Analysis;***

The project will be privately funded and will not impact the Town’s capital improvement programs. The existing private access is adequate for the proposed use and storm water flows will be mitigated as part of the associated site plan review. The proposed commercial use will not have a material adverse effect on community capital improvement programs.

**5. Will not require a level of community facilities and services greater than that which is available;**

***Applicant response;***

This project will not require a level of community facilities and services greater than that which is available.

***Staff Analysis;***

There were no referral comments indicating that required services will exceed the level of community facilities and services greater available.

**6. Will not result in undue traffic congestion or traffic hazards;**

***Applicant response;***

This retail project will not result in undue traffic congestion or traffic hazards. The building will be accessed from an internal roadway system that also provides a connection to Pine Bluff Way and a signalized intersection on Hess Road and a connection to an east/west roadway on the southern border of Robinson Ranch Property. We believe the traffic that will be generated by the proposed project is in conformance with the Robinson Ranch TIS. Please see Traffic Conformance Letter drafted by a licensed traffic engineer and part of this application for more details.

***Staff Analysis;***

The applicant provided a traffic study for the proposed commercial use. The study concluded that no modifications are necessary to accommodate the traffic from the proposed use and that the project will not cause undue traffic congestion or traffic hazards. The development will be required to meet all traffic safety requirements as part of the associated site plan submittal and review.

**7. Will not cause significant air, water or noise pollution;**

***Applicant response;***

This development will not cause significant air, water or noise pollution. Brakes Plus is not an auto-body repair shop or a tire store. There will be little noise pollution. They are also buffered from any residential areas by landscaping and vacant commercial land.

***Staff Analysis;***

Brakes Plus will be required to adhere with state requirements regarding the disposal of potentially hazardous substances.

As stated by the applicant, noise from the facility will be buffered by both landscaping and adjacent commercial uses and/or vacant land. Potential for noise pollution derives mainly from the use of power tools used in automotive repair. Consideration should be given to having the applicant agree to keep the garage bay doors closed unless driving a vehicle into or out of a garage space within the building.

**8. Will be adequately landscaped, buffered and screened; and**

***Applicant response;***

The development will be adequately landscaped, buffered and screened with 25% landscaping including 9 trees and 42 shrubs.

***Staff Analysis;***

The associated site plan proposal provides for landscaping that exceeds what is required by Town ordinance. A drainage easement on site prevents the location of trees on the west property boundary, however, the proposal includes significant site perimeter landscaping along the south boundary, which is the most exposed and impactful to the surrounding neighborhood. The facility will be further buffered from residential uses by adjacent commercial uses and/or vacant land.

**9. Will not otherwise be detrimental to the health, safety or welfare of the present or future inhabitants of the Town.**

***Applicant response;***

This development will not otherwise be detrimental to the health, safety or welfare of the present or future inhabitants of the Town and will in fact be a great addition to this intersection, adding amenities to the community and activating a commercial intersection within the Town of Parker.

***Staff Analysis;***

The proposed use will improve the welfare of present and future Town of Parker inhabitants by providing community related services near residential areas.

Additionally, the proposed commercial use will add to the Town's sales tax revenue and further activate a commercial intersection south of the downtown area. Therefore, the proposed commercial project will not be detrimental to the health, safety or welfare of present or future inhabitants of Parker.

**Section V.**  
**Referral Agency Comments:**

Below are the condensed versions of referral responses received from affected agencies:

**Town of Parker Building Department:**  
Approved

**Robinson Ranch Homeowners':**  
No written comment.

**Town of Parker Fire and Life Safety:**  
No comment

**Shops at Robinson Ranch Association:**  
Requested requirement for closed bay doors whenever possible and an increased percentage of evergreen trees on south perimeter

**IREA:**  
No comment

**Parker Water and Sanitation:**  
Approved for Zoning only

**Xcel:**  
All construction activities will require Xcel review due to existing facilities.

**Section VI.**  
**Recommendation:**

Staff recommends that the Planning Commission recommend that the Town Council approve the Use by Special Review request to allow a car care facility in Robinson Ranch Filing 2 PD with the following five conditions:

1. That the Use by Special Review materials submitted to the Community Development Department on December 14, 2015 shall be the approved Use by Special Review materials.
2. Approval of this Use by Special Review **DOES NOT** constitutes site plan approval. Approval of a separate site plan submittal is required.
3. This approval **DOES NOT** include signage. A separate sign permit is required from the Community Development Department. The applicant shall also contact the Building Division regarding sign permit requirements.

4. There will be no overnight storage of vehicles in the parking lot.
5. Garage bay doors shall remain closed unless driving a vehicle into or out of a garage space within the building.

**Section VII.**  
**Attachments:**

1. Vicinity Map
2. Referral Agency Comments

**Section VIII.**  
**Proposed Motion(s):**

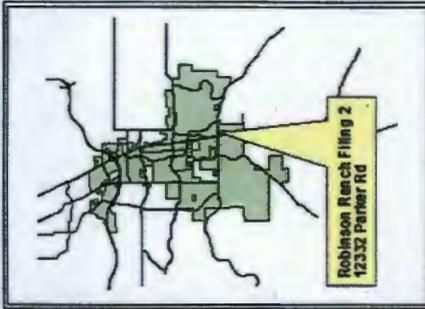
*"I move that the Planning Commission recommend the Town Council approve the Use by Special Review request to allow a car care facility in the Robinson Ranch Filing 2 Planned Development with the five conditions outlined in staff's report."*



# L1B Robinson Ranch F2 AMD3 Brakes Plus

Use by Special Review

Case No. Z15-0030



**Legend**

- Town Boundary
- Roads

**Narrative:**  
 A request for approval of a Use by Special Review to allow a Car Care Facility (Brakes Plus) on Lot 18 in the Commercial area of Robinson Ranch Planned Development.

**Planner:** Carolyn Parkinson  
**Hearing Schedules:**  
**Planning Commission:** February 23, 2016  
**Town Council:** March 7, 2016





December 29, 2015

Carolyn Parkinson  
Town of Parker  
20120 E Mainstreet  
Parker CO 80138

Re: Robinson Ranch F2 AMD2 L1B (Brakes Plus)  
Site Plan – 1<sup>st</sup> Referral Project #SP15-0083  
PWSD Project I.D. #2015-082

Dear Ms. Parkinson:

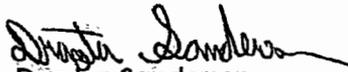
Thank you for forwarding the referral request for the above mentioned project. After a review of the documents submitted, the Parker Water & Sanitation District has the following comments:

- Please submit a dedicated PWSD set of water and sanitary sewer construction plans, complete with details, cover sheet and signature blocks to the Town of Parker's Etrakit system with the next submittal.
- Please update PWSD's contact and location on the cover sheet. Please change the contact to Drayton Sanderson and the address to 18100 E. Woodman Drive Parker, Co 80134.
- Please add a materials list to the cover sheet for the water and sanitary sewer related items.
- Submit the plumbing plans for the building(s) for verification and calculation of tap size (include engineer's fixture count worksheet). The District uses the 2009 IPC for sizing water taps.
- Due to the addition of the Fire Hydrant please submit an executed Standard Improvement Agreement with all required exhibits.
- A wet stamped and signed Engineers Estimate for the fire hydrants materials and installation with a 20% contingency must be submitted for verification and District approval. The approved document will be an Exhibit for the Standard Improvement Agreement and Letter of Credit.
- A letter of credit or cash in lieu will be required for the fire hydrant materials and installation.
- For the fire hydrant, please add PWSD water detail sheets 5 and 6, 34, 61.
- Please call out a sampling manhole for the sand and oil interceptor right after the interceptor on the East side and before the buildings sanitary sewer service tie in. Please add PWSD sewer detail sheets 31, 32, and 33.
  - Please change the callout on the plans from a Proposed Grease Trap to a Sand and Oil Interceptor. Additionally callout the proposed volume of the sand and oil Interceptor on the plans.

- An Industrial Waste Permit application must be completed. Application is available at [www.pwsd.org](http://www.pwsd.org).
- Tap fees for a domestic 3/4" tap are approximately \$30,857 fees will be invoiced on the second submittal.
- Our minimum Engineering Review/Inspection Fees of \$2,000 will be invoiced on the next submittal.
- Submit landscape/irrigation plans for verification and calculation of tap size(s) (include completed PWSD landscape worksheet-one worksheet per tap). PWSD Landscape/Irrigation worksheet is available online, at [www.pwsd.org/developer.html](http://www.pwsd.org/developer.html). The approved worksheet must be shown on the approved landscaped plans.

Please do not hesitate to contact us should you have any questions.

Sincerely,  
Parker Water & Sanitation District

  
Drayton Sanderson  
Engineering Technician



**REVIEWS**

<b>Drayton Sanderson</b>	<b>Parker Water and Sanitation District 20</b>
Approved for zoning only. See Sp15-0083 for PWSD comment letter.	
12/22/2015 8:50:19 AM	

<b>Donna George</b>	<b>Public Service Company of Colorado 20</b>
see attached letter	
1/19/2016 11:37:15 AM	

**ROBINSON RANCH COMMUNITY ASSOC  
PARKER, COLORADO**

**SPECIALIZED PROPERTY MANAGEMENT, INC.  
19590 E. MAINSTREET, #101  
PARKER, COLORADO 80138  
303-841-0456 FAX 303-479-8923**

**FEBRUARY 9, 2016**

**CAROLYN PARKINSON  
PLANNER, TOWN OF PARKER  
20120 E. MAINSTREET  
PARKER, CO 80138**

**REFERENCE: CASE # SP150083**

**DEAR CAROLYN:**

**THANK YOU FOR THE OPPORTUNITY TO REVIEW THE SITE AND DEVELOPMENT PLANS FOR ROBINSON RANCH F2 AMD2 L1B BRAKES PLUS DATED FEBRUARY 1 AND 2, 2016. WE HAVE REVIEWED THE JANUARY 21, 2016 COMMENTS MADE BY STAFF FROM THE PREVIOUS SUBMITTAL AND AGREE THAT THOSE CHANGES WILL MAKE FOR A BETTER DEVELOPMENT. AS STATED PREVIOUSLY, SINCE NOISE IS ASSOCIATED WITH THIS TYPE OF DEVELOPMENT, WE DO REQUEST THAT HOURS OF OPERATION AND A MEANS OF DAMPENING THE NOISE (I.E. BAY DOORS CLOSED DURING OPERATIONS) BE NOTED AND STRONGLY ENFORCED. IN REFERENCING THE LANDSCAPE PLAN, WE WOULD REQUEST THAT THE GSL BE REPLACED BY TWO FAS IN THE SOUTH PARKING PERIMETER PLANTING AREA IN ORDER TO HELP BUFFER NOISE TOWARD OUR COMMUNITY. WE WOULD ALSO REQUEST THAT ALL OF THE FAS BE A MINIMUM PLANTING HEIGHT OF 10' TO PROVIDE IMMEDIATE RELIEF. OVERSPILL LIGHTING IS ALSO OF CONCERN TO US AND WE REQUEST THAT ALL EXTERIOR LIGHTING TO BE KEPT TO THE MINIMUM FOR SAFETY AND WELFARE.**

**RESPECTFULLY SUBMITTED,  
ROBINSON RANCH, THE SHOPS AT ROBINSON RANCH  
MICHAEL B. OWENS**



**Right of Way & Permits**

1123 West 3<sup>rd</sup> Avenue  
Denver, Colorado 80223  
Telephone: 303.571.3306  
Facsimile: 303. 571.3524  
donna.l.george@xcelenergy.com

January 19, 2016

Town of Parker Community Development Department  
20120 E. Mainstreet  
Parker, CO 80138

Attn: Carolyn Parkinson

**Re: Robinson Ranch F2 A2 L1B Brakes Plus, Case #s SP15-0083 and Z15-0030**

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the use by special review and site plans for **Robinson Ranch F2 A2 L1B Brakes Plus**. Please be aware PSCo owns and operates existing natural gas distribution facilities within the subject property. The property owner/developer/contractor must contact the **Builder's Call Line at 1-800-628-2121** and complete the application process for any new gas service, or modification to existing facilities. It is then the responsibility of the developer to contact the Designer assigned to the project for approval of design details. Additional easements may need to be acquired by separate document for new facilities.

As a safety precaution, PSCo would like to remind the developer to call the **Utility Notification Center, at 1-800-922-1987** to have all utilities located prior to any construction.

If you have any questions about this referral response, please contact me at (303) 571-3306.

Donna George  
Contract Right of Way Referral Processor  
Public Service Company of Colorado





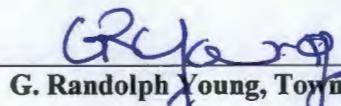
ITEM NO: 9B  
DATE: 03/07/2016

**REQUEST FOR TOWN COUNCIL ACTION**

**TITLE: RESOLUTION NO. 16-015 – A Resolution to Adopt an Update of the Parker 2035 Master Plan**

- |   |  |
|---|--|
| <input type="checkbox"/> PUBLIC HEARING | <input type="checkbox"/> ORDINANCE FOR 1 <sup>ST</sup> READING |
| <input type="checkbox"/> CONTRACT       | <input type="checkbox"/> ORDINANCE FOR 2 <sup>ND</sup> READING |
| <input type="checkbox"/> MOTION         | <input checked="" type="checkbox"/> RESOLUTION                 |

  
John Fussa, Community Development Director

  
G. Randolph Young, Town Administrator

**ISSUE:**

The Town desires an update of the Parker 2035 Master Plan to amend *Chapter 6: Land Use* and *Figure 6B: Parker General Land Use Plan*. The text amendments change the Light Industrial Character Area and add a new strategy regarding storage. The amendment to *Figure 6B: Parker General Land Use Plan* changes four parcels on the southeast corner of Parker Road and Lincoln Avenue from the Medium Density Residential character area to Central Commercial character area.

**PRIOR ACTION:**

The Parker 2035 Master Plan was last updated on November 2, 2015.

**FUNDING/BUDGET IMPACT:**

None

**BACKGROUND:**

Town Council is concerned that the level of interest for storage uses will negatively impact the inventory of available real property to accommodate existing and future demand for commercial and light industrial uses. Reduced availability of these properties has the potential to reduce economic and employment benefits that other commercial and light industrial uses provide to the Town.

On April 6, 2015, the Town Council approved emergency Ordinance No. 3.312 to temporarily suspend all applications for any land use approval or building permit for the development or construction of mini-warehouses, outdoor storage and related storage uses from March 24, 2015 through April 6, 2016. The emergency ordinance was affirmed through Ordinance No. 3.312.1 on May 4, 2015 and amended the suspension to end on January 6, 2016. On December 14, 2015, Town Council approved Ordinance No. 3.312.2 to extend the suspension to April 6, 2016. On

February 16, 2016, the Town Council approved Ordinance No. 3.321 on first reading. These ordinances were adopted in response to the significant level of interest in developing self storage uses within the Town's commercial/light industrial Planned Developments (PD) and the LI-Light Industrial zone district of the Town.

#### Chapter 6: Land Use Amendment Regarding Storage

Emergency Ordinance No. 3.312.1 suspended new development and construction of mini-warehouses, outdoor storage and related uses through January 6, 2016. During this suspension, the Community Development Department was to study, plan and recommend land use legislation regarding future development and construction of these facilities in the Town. For the purposes of this staff report, self storage shall generally include mini-warehouses, outdoor storage and related uses as described in the approved ordinances.

The attached Planning Commission staff report includes the Community Development report as required in the ordinance and provides a summary of the conclusions.

The proposed text changes to the *Chapter 6: Land Use* are intended to provide clarification regarding the desired land uses and character in the Light Industrial character area, including specifically removing ‘...warehouses, mini storage...’ from the text. Additionally the text is proposed to include an additional strategy as follows:

*1.K. In order to preserve the inventory of commercial and light industrial properties within the Town, amend the Land Development Ordinance to not permit self storage, mini-warehouses, outdoor storage and related storage uses within the Town including in existing Planned Development zone districts.*

#### General Land Use Plan Change to Southeast Corner of Parker Road and Lincoln Avenue

The southeast corner of Parker Road and Lincoln Avenue is currently subject to a rezoning and annexation request. Currently, the General Land Use Plan identifies the area subject to this request as Medium Density Residential which recommends up to 3.5 dwelling units per acre and:

*‘...Pedestrian oriented small (less than 10,000 s.f. of building area per neighborhood) commercial uses may be appropriate where uses are focused on serving the immediate area. Such uses should not include gas, storage or drive through uses or repurposing of a residential home. Typical uses within neighborhoods include small retail, restaurants and personal service businesses. Uses and architecture should focus on compatibility with the surrounding residential area. These small commercial uses will be contemplated during the development review process as a part of a master-planned community.’*

The proposal would change the four parcels subject to the annexation and zoning request to the Central Commercial character area to align with recommendations for the other three corners of the intersection of Parker Road and Lincoln Avenue. The Central Commercial area is described as:

*‘The Central Commercial District encompasses the commercial core of the Town. Due to its central location, with access to Parker Road, Dransfeldt Road and Twenty Mile Road and current land uses, growth in this Character Area should focus on core retail, services, offices,*

*lodging, restaurants, entertainment and, to a lesser extent, higher density residential uses as part of a development with a mix of uses and a design that focuses on vehicular and pedestrian connectivity between uses. Vertical mixed use is highly encouraged where appropriate.'*

If amended, the Master Plan as it relates to the site would expand the contemplated types of commercial uses to allow drive-throughs and increase the commercial building area above the Medium Density Residential maximum of 10,000 square feet. Final uses and site design for the area are subject to rezoning approval and compliance with the Land Development Ordinance.

On February 4, 2016, the Town held a public open house regarding the proposed amendments to the Master Plan; approximately 20 people attended. The comments/concerns can be summarized as follows:

Storage

- Concerned about ensuring that existing uses retain their legal non-conforming status
- Concerned about interpretation of 'accessory' storage uses
- Concerned that some businesses rely on storage lots to conduct business

SE Corner of Parker Road and Lincoln Ave.

- Concerned about noise, traffic and access related to commercial uses near their residences in Parker Heights

**RECOMMENDATION:**

Planning Commission considered this item on February 11, 2016 and recommended that the Town Council amend the Parker 2035 Master Plan regarding the Light Industrial Character Area and the General Land Use Plan as proposed. Staff recommends that the Town Council approve Resolution No. 16-015 amending the Parker 2035 Master Plan.

**PREPARED/REVIEWED BY:**

James S. Maloney, Town Attorney; Bryce Matthews, Community Development; John Fussa, Community Development Director

**ATTACHMENTS:**

1. Resolution No. 16-015
2. Planning Commission Staff Report which includes proposed amendments to the Parker 2035 Master Plan and the Self Storage Analysis dated January 27, 2016

**RECOMMENDED MOTION:**

"I move to approve Resolution No. 16-015."

**RESOLUTION NO. 16-015, Series of 2016****TITLE: A RESOLUTION TO ADOPT AN UPDATE OF THE PARKER 2035 MASTER PLAN**

WHEREAS, pursuant to C.R.S. § 31-23-206, it is the duty of the Town of Parker Planning Commission (the "Planning Commission") to make and adopt a master plan for the physical development of the municipality;

WHEREAS, pursuant to C.R.S. § 31-23-207, the master plan shall be made with the general purposes of guiding and accomplishing a coordinated, adjusted and harmonious development of the municipality and its environs which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity and general welfare, as well as efficiency and economy in the process of development, including, among other things, adequate provisions for traffic, the promotion of safety from fire, floodwaters and other dangers, adequate provisions for light and air, the promotion of healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds, and the promotion of energy conservation and adequate provisions of public utilities and other public requirements;

WHEREAS, pursuant to C.R.S. § 31-23-208, the Planning Commission may adopt the master plan as a whole by a single resolution or may, by successive resolutions, adopt successive parts of the plan, and may adopt any amendments or extensions thereof or additional thereto;

WHEREAS, pursuant to Section 6.3 of the Town of Parker Home Rule Charter, the Planning Commission shall prepare and submit to the Town Council the update of the Master Plan for approval by Town Council;

WHEREAS, the Town is concerned that the high level of interest for mini-warehouses, outdoor storage and related storage uses will negatively impact the inventory of real property available to accommodate existing and future demand for those commercial and industrial uses that provide direct economic benefits and employment to the Town;

WHEREAS, the Town desires to address the impact of mini-warehouses, outdoor storage and related storage uses that do not provide direct economic benefits and employment to the Town;

WHEREAS, on April 20, 2015, the Town Council adopted Ordinance No. 3.312 as an emergency ordinance, which ordinance is entitled "*A Bill for an Emergency Ordinance to Suspend All Applications for Any Land Use Approval or Building Permit for the Development or Construction of Mini-Warehouses, Outdoor Storage and Related Uses within the Corporate Limits of the Town of Parker Effective From March 24, 2015 Through April 6, 2016,*" (the "Emergency Ordinance");

WHEREAS, on May 4, 2015, the Town Council adopted Ordinance No. 3.312.1, affirming the Emergency Ordinance;

WHEREAS, on December 14, 2015, the Town Council adopted Ordinance No. 3.312.2 extending the suspension period described in the Emergency Ordinance from March 24, 2015, to April 6, 2016;

WHEREAS, the Emergency Ordinance provides that it is one of the highest priorities of the Town Council that the Community Development Department study, plan and recommend land use legislation to implement a land use policy regarding mini-warehouses, outdoor storage and related storage uses;

WHEREAS, the Town's Community Development Department completed the study and plan described in the Emergency Ordinance, planned and has made a recommendation, which is contained in a Memorandum dated January 27, 2016, and on file at Town Hall in the Office of the Town Clerk;

WHEREAS, the Parker 2035 Master Plan has established a goal to "*Encourage and support a high level of diverse, quality retail and services, with an emphasis on local businesses that contribute to Parker's sales and property tax base so that needed infrastructure, physical amenities, services and the expansion of such services are provided.*" Mini-warehouses, outdoor storage and related uses do not support this Master Plan goal because they do not contribute sales tax, and existing mini-warehouse facilities only contributed approximately \$18,000 in property tax to the Town in 2014;

WHEREAS, the Parker 2035 Master Plan has established a goal to "*Attract and retain a variety of employment opportunities for Parker resident.*" Mini-warehouses, outdoor storage and related uses do not support this Master Plan goal because they do not create substantial employment;

WHEREAS, existing Planned Development Districts allow mini-warehouses, outdoor storage and related storage uses on a total of 248 acres of land either by right or use by special review, most of which 248 acres are located in areas where the Parker 2035 Master Plan does not recommend these types of land uses;

WHEREAS, there are only 59.9 acres of undeveloped land in the Parker 2035 Master Plan Light Industrial Character Area, and mini-warehouses, outdoor storage and related storage uses are competing with uses that create employment and commerce that benefit the citizens of Parker for the use of this limited amount of land;

WHEREAS, there are 555,070 square feet of mini-warehouses existing and under construction within the Town's Urban Growth Area, which exceeds the national average of mini-warehouse space per resident within the Urban Growth Area, thereby meeting the local need for mini-warehouses;

WHEREAS, an additional 355,397 square feet of mini-warehouse is proposed within the Town's Urban Growth Boundary, but outside of the Town's municipal boundaries, proposed mini-warehouse development, along with other existing and proposed mini-warehouse located outside of the Town's Urban Growth Boundary, but within Town's trade area, exceed the

national average of mini-warehouse space per resident for the Parker trade area, thereby meeting the trade area need;

WHEREAS, the Town of Parker does not desire to fulfill the regional demand for mini-warehouses, outdoor storage and related storage uses and there is capacity within the Parker trade area and within a 5-mile radius of the Town of Parker to fulfill any excess regional demand;

WHEREAS, the Town of Parker desires to expand the Central Commercial character area to include the southeast corner of Parker Road and Lincoln Avenue;

WHEREAS, Chapter 6: Land Use of the Parker 2035 Master Plan sets forth the framework for what the urban fabric of our Town will look like and how our different land uses will interact.

WHEREAS, The General Land Use Plan of the Parker 2035 Master Plan visual depicts the physical form and development pattern of the Town and sets forth a basic framework, showing how Parker should grow and evolve through 2035;

WHEREAS, the Planning Commission held a public hearing and recommended to the Town Council approval of the Town of Parker 2035 Master Plan update on February 11, 2016; and

WHEREAS, the Town Council held a public hearing on the March 7, 2016, and approved the Town of Parker 2035 Master Plan.

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 update to the Town of Parker 2035 Master Plan, Chapter 6: Land Use, including the General Land Use Plan, as recommended for adoption by the Town of Parker Planning Commission, which Master Plan Update is attached hereto as **Exhibit A** and incorporated herein by this reference.

Section 2. A copy of the updated Chapter 6: Land Use of the Town of Parker 2035 Master Plan shall be filed with the Douglas County Clerk and Recorder.

RESOLVED AND PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

TOWN OF PARKER, COLORADO

\_\_\_\_\_  
Mike Waid, Mayor

ATTEST:

\_\_\_\_\_  
Carol Baumgartner, Town Clerk

# Land Use

# 6



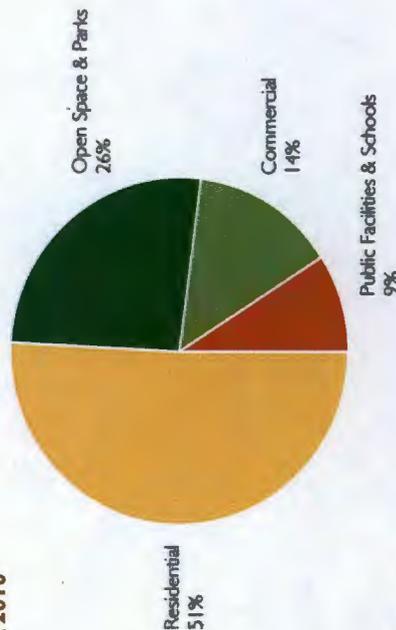
## INTRODUCTION

Parker has evolved and grown since its founding in 1862 and its incorporation in 1981. Starting as a small residential community sprinkled with dairy and cattle farms, through growth cycles that affected the entire Front Range, annexations of large areas of unincorporated lands and preservation of natural environments.

Parker has become a community that has maintained its' hometown feel as we've grown, balancing residential and commercial development with open space and parks. Today, Parker boasts a healthy mix of land uses, as illustrated below (see Figure 6A).

Continuing to perpetuate this balance is essential as we grow. As of 2010, there were 5,179 acres of vacant or underdeveloped land in the Town and future Urban Growth Area boundary. The General Land Use Plan (see Figure 6B) sets forth the basic framework for how this land should grow and evolve through 2035.

Figure 6A: Parker Land Use, 2010  
Source: Town of Parker



PARKER 2035: CHANGES AND CHOICES

Our Parker community will have land uses that complement each other aesthetically, socially and economically, and will be designed to enhance quality of life and ensure long-term prosperity. The Town is a community with a traditional form, with higher density uses located near downtown, along major highway corridors and at major intersections with lower densities near the fringes.

We listened...

### Growing Smart

When asked about growth during the public participation process, citizens consistently supported a 'managed/planned/controlled' scenario over 'unlimited' or 'no' growth. Tied to that was the importance of establishing the appropriate balance between housing, commerce and open space, limiting the negative impacts on the community and directing development to appropriate locations. The Plan embraces a controlled growth scenario and implements strategies that reflect citizen priorities.



## GOALS AND STRATEGIES

- 1. Growth shall be appropriately directed and site-planned to sustain our community's needs as we grow.**
  - 1.A.** Strengthen the identity of Parker by encouraging a balance of land uses that supports a high quality of life and contributes to the hometown character of our community.
  - 1.B.** Ensure that growth occurs in a manner that balances the pace of development with the ability of the Town and special districts to provide quality services and capital improvements, such as utilities, transportation, parks and open space and police protection.
  - 1.C.** Ensure adequate opportunities for future expansion of our economic base in appropriate locations in the community.
  - 1.D.** Increase the amount of open space using the criteria set forth in the Open Space, Trails and Greenways Master Plan which emphasizes supporting a regional greenway network that provides a community separation buffer from development in neighboring jurisdictions while maintaining the viability and connectivity of the natural ecosystem.
  - 1.E.** Encourage transitions between different land uses and intensities.

- 1.F.** Develop land use patterns that are compatible with and support a variety of transportation opportunities and/or choices.
- 1.G.** Sensitive integrate the built environment with the natural environment in order to protect the native landscape and topographical features naturally occurring throughout our community.
- 1.H.** Encourage land uses that create a sense of community among those who work, live and play within appropriate neighborhoods.
- 1.I.** Ensure that open space and parks are dedicated and made available to meet the needs of the community today and into the future.
- 1.J.** Continue to review our Land Development Ordinance to assure that it is fair, consistent and understandable.
- 1.K.** In order to preserve the inventory of commercial and light industrial properties within the Town, amend the Land Development Ordinance to not permit self storage, mini-warehouses, outdoor storage and related storage uses within the Town including in existing Planned Development zone districts.



## GENERAL LAND USE PLAN

The General Land Use Plan (*see Figure 6B*) is an important element of the Master Plan, intended to clarify how we move toward a clear plan for the Town's future. The General Land Use Plan is focused primarily on the physical form and development pattern of the Town and sets forth a basic framework, showing how Parker should grow and evolve through 2035.

### Urban Growth Area

The General Land Use Plan includes an 'Urban Growth Area' (UGA) as one means of managing our community's growth. The Master Plan assumes that the UGA boundary will generally remain as presently configured. However, the UGA boundary needs to be flexible in order to provide for minor amendments to accommodate changing conditions. The UGA was established in coordination with Douglas County and adopted through an Intergovernmental Agreement and Comprehensive Development Plan. The UGA can help preserve a physical separation between our community and neighboring jurisdictions. Modifications to the UGA must be reviewed by a jointly appointed board and approved by both the Douglas County Board of County Commissioners and the Parker Town Council.

### Open Space, Parks and Sensitive Natural Areas

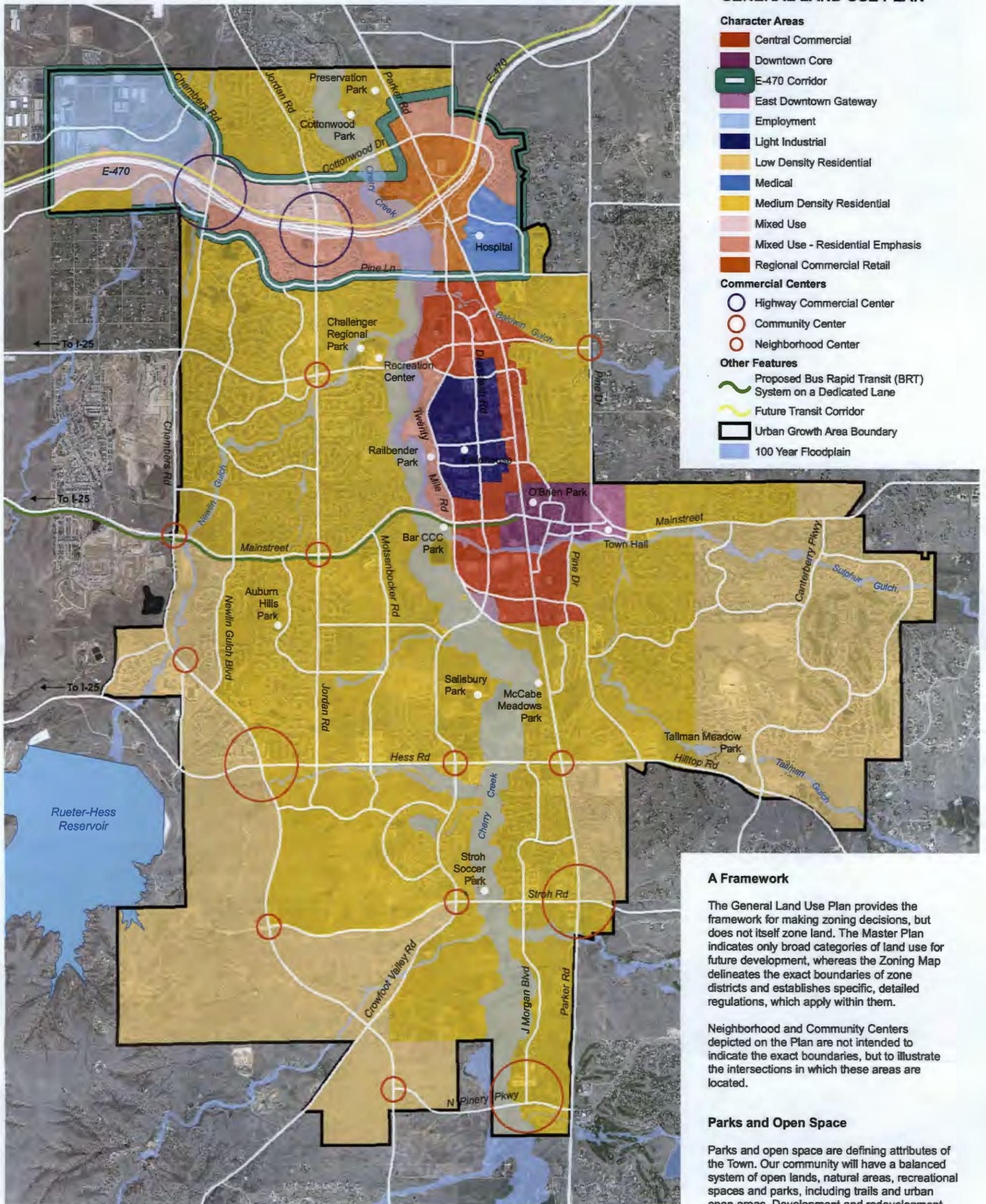
The Town values our open space, parks and sensitive areas. Direction for determining the appropriate location, type and amount of land that is required to be dedicated as open space and public parks in association with development is embodied in the 'Open Space, Trails and Greenways Master Plan' and the 'From Values to Visions: A Strategic Action Plan for Parker's Parks and Recreation'. Specific provisions for protecting, preserving and enhancing open space, parks and sensitive natural areas are found in the regulatory requirements of the Town's 'Land Use Code'.



Figure 6B: GENERAL LAND USE PLAN

Source: Parker 2035 General Land Use Plan, June 2012

**PARKER 2035  
GENERAL LAND USE PLAN**



- Character Areas**
- Central Commercial
  - Downtown Core
  - E-470 Corridor
  - East Downtown Gateway
  - Employment
  - Light Industrial
  - Low Density Residential
  - Medical
  - Medium Density Residential
  - Mixed Use
  - Mixed Use - Residential Emphasis
  - Regional Commercial Retail
- Commercial Centers**
- Highway Commercial Center
  - Community Center
  - Neighborhood Center
- Other Features**
- Proposed Bus Rapid Transit (BRT) System on a Dedicated Lane
  - Future Transit Corridor
  - Urban Growth Area Boundary
  - 100 Year Floodplain

**A Framework**

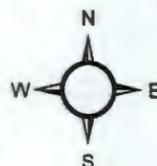
The General Land Use Plan provides the framework for making zoning decisions, but does not itself zone land. The Master Plan indicates only broad categories of land use for future development, whereas the Zoning Map delineates the exact boundaries of zone districts and establishes specific, detailed regulations, which apply within them.

Neighborhood and Community Centers depicted on the Plan are not intended to indicate the exact boundaries, but to illustrate the intersections in which these areas are located.

**Parks and Open Space**

Parks and open space are defining attributes of the Town. Our community will have a balanced system of open lands, natural areas, recreational spaces and parks, including trails and urban open areas. Development and redevelopment will be required to preserve lands for parks and open space. Guidance for preservation of these lands is provided in the 'Open Space, Trails and Greenways Master Plan' and 'From Values to Visions: A strategic Action Plan for Parker's Parks and Recreation.'

Disclaimer: The property boundaries, titles, legends, scale, reference to individual parcels and any and all other data shown



### **General Land Use Plan Designations**

Two major types of designations are illustrated in the General Land Use Plan; 'Character Areas' and 'Centers'.

### **Character Areas**

The areas contained on the General Land Use Plan are grouped into twelve kinds of places, or 'Character Areas' that make up our Town; E-470 Corridor, Central Commercial District, Light Industrial District, Downtown Core, East Downtown Gateway, Mixed Use- Residential Emphasis, Mixed Use, Medical District, Regional Retail District, Employment District, Medium Density Residential and Low Density Residential. These Character Areas are described below.

### **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.

Each of the Character Areas within the E-470 corridor has distinct characteristics and therefore development in this corridor should be contemplated in a cohesive and thoughtful way to ensure the long term land use compatibility and viability of the corridor. This corridor will develop as a series of interconnected places that serve regional retail, medical, employment and higher density residential needs.

Character Areas within the E-470 Character Area are listed and described below:

### Mixed Use

This Character Area will allow residents to walk and bicycle to their daily needs including retail, employment and recreation through a blend of compatible land uses, public amenities and an integrated multimodal transportation system.

Land uses appropriate within this Character Area include a variety of higher intensity uses including multifamily, senior housing, assisted-living facilities, office, retail and restaurants. No one land use will dominate the overall development pattern within this Character Area. Single family detached residential uses and residential at less than 10 dwelling units per acre are not appropriate in this area. Densities may be reduced as a transition to adjacent residential development.



### 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.



### Regional Retail District

The Parker Road and E-470 intersection is a significant gateway into the community and the only opportunity for E-470 traffic to enter and exit the tollway for free from both directions. This Character Area will provide more intense retail including large format retail (big box) and restaurant uses focused on serving both local and regional needs. Other commercial uses such as office and entertainment may be appropriate on a limited basis.





The E-470 Corridor will develop as a series of interconnected places that serve regional retail, medical, employment and higher density residential needs.

### Employment District

Primary jobs and higher educational opportunities are essential for the success of our community. The E-470 corridor's easy access to regional employment centers and regional transportation facilities including DIA and Centennial airport along with its location near hospitals and other medical industries make it an attractive location in Parker for businesses to locate. Primary uses appropriate in this Character Area include professional, medical and corporate offices, light industrial uses, flex office, research and development facilities and a higher educational campus. Light industrial uses will be focused on light manufacturing with ancillary warehousing and distribution. Light industrial uses in this Character Area are not intended to include primary use warehousing, outdoor storage or ministorage uses.

The primary uses in this district attract a variety of complementary uses, such as business and personal services, convenience retail, child care and restaurants. These complementary uses may be located near the intersection of Chambers and Compark Blvd. but should be clearly ancillary in scale and purpose of the character area.

### Mixed Use – Residential Emphasis

This Character Area is located adjacent to regional and locally significant commercial areas. These multifamily residential areas will be interconnected and provide easy and direct pedestrian and bicycle access to nearby commercial and employment areas. Uses appropriate in this Character Area include higher density residential housing, senior housing, assisted-living facilities and mixed use developments that include a commercial component. Commercial uses are encouraged when they are part of a mixed use development, are of a scale that serve the needs of the area residents or provide support to adjoining uses. Single family detached residential uses and residential developments at less than 10 dwelling units per acre are not appropriate in this area.

### Central Commercial District

The Central Commercial District encompasses the commercial core of the Town. Due to its central location, with access to Parker Road, Dransfeldt Road and Twenty Mile Road and current land uses, growth in this Character Area should focus on core retail, services, offices, lodging, restaurants, entertainment and, to a lesser extent, higher density residential uses as part of a development with a mix of uses and a design that focuses on vehicular and pedestrian connectivity between uses. Vertical mixed use is highly encouraged where appropriate.

### Light Industrial District

The Light Industrial District is centrally located with spaces that generally serve smaller local light industrial businesses that supply local, regional and sometimes national markets. This character area is intended to provide a location for a variety of work processes such as manufacturing, machine shops, production facilities, distribution facilities, flex office, commercial services and other uses of similar research and development, high tech and medical device manufacturing firms that have a synergistic relationship. Processes and land uses within this character area will be low impact in nature and not create or cause fumes, odor, noise, vibration or other impacts which are detrimental to abutting properties or land uses. Special care should be taken to ensure that uses not compatible with the light industrial uses proposed within the character area are located in other more appropriate areas of Town. Public Facilities are appropriate within the character area.



### Mixed Use- Residential Emphasis, Outside of the E-470 Character Area

This Character Area is located between the Light Industrial area and Cherry Creek. This multi-family residential area will be interconnected and provide easy and direct pedestrian and bicycle access to nearby commercial and employment areas. Uses appropriate in this Character Area include higher density residential housing, senior housing, assisted-living facilities and mixed-use developments that include a commercial component. Commercial uses are appropriate when they are part of a mixed-use development, are of a scale that serve the needs of the area residents or provide support to adjoining uses. Single family detached residential uses and residential developments at less than 10 dwelling units per acre are not appropriate in this area.

### Downtown Core

The Downtown Core is the essence of our hometown feel, with a wide range of things to do and see, drawing people beyond the traditional work day. Maintaining and enhancing the historical character of Parker, while providing a unique and creative local flavor, are important elements to maintaining Downtown as the focal point of the community. The objective of this Character Area is to embrace the fullest possible range of human interactions, from the simple buying and selling of goods and services to providing people with the widest spectrum of cultural, educational and entertainment experiences.



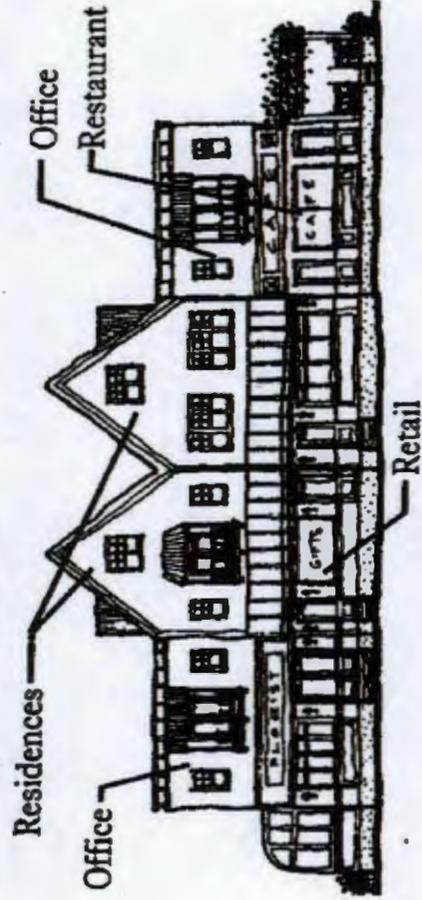
venues, restaurants, retail, personal services, as well as parks and other gathering places for community events. Provisions for these uses are promoted within vertically mixed-use developments that include housing and/or offices located above ground-floor retail and services.

The Downtown should be compact and walkable. In order to maintain Downtown as a vibrant and attractive 'destination', attention needs to be directed to development intensity, diverse land uses, building height and architectural design. These are critical elements in creating a sustainable downtown core for our growing population.

The Downtown Core acts as a 'mixed-use neighborhood' that includes uses such as higher density residential, office, government, arts and cultural

The Denver Regional Council of Governments classifies this character area as an Urban Center through their Metro Vision 2035 Plan.

Example of a mixed-use development



### East Downtown Gateway

East Downtown Gateway serves as a transition from the unique mixed use Downtown Core to the suburban residential uses to the east. Development in this area should focus on framing the gateway to the Downtown Core at the intersection of Pine Drive and Mainstreet and then west along Mainstreet to PACE Center Drive. Framing will be through similar massing and building placement to the Downtown Core but with the option for more current architecture. Uses to the east, adjacent to residential neighborhoods, shall be compatible with the scale and massing of adjoining land uses.



East Downtown Gateway will be a 'mixed-use neighborhood' that includes uses such as higher density residential, office, government, arts and cultural venues, restaurants, retail, personal services, as well as parks, open space and other public gathering places. Retail uses within East Downtown Gateway should be a mix of uses that focus on serving the needs of the surrounding residents as well as compliment the unique arts, culture, character and experience of the Downtown Core. The total Gross Leasable Area (GLA) for the commercial/office components within the entire East Downtown Gateway should range from 100,000 to 300,000 square feet combined.



East Downtown Gateway should be compact and walkable with a focus on connecting to the Downtown Core and the Sulphur Gulch Trail. Pine Drive, an arterial road, bisects this district. Any auto oriented uses should respect pedestrian safety and movement. The visible impact of drive-throughs, garage doors and gas canopies should be mitigated from Pine Drive, Mainstreet, pedestrian areas and residential areas.

The Denver Regional Council of Governments classifies this character area as an Urban Center through their Metro Vision 2035 Plan.

### Neighborhoods

Neighborhoods serve as the primary building blocks of our community and focus on a range of mostly residential classifications, with an emphasis on single-family detached homes. Other community assets such as places of worship, schools and parks, are allowed within our neighborhoods. Pedestrian oriented small (less than 10,000 s.f. of building area per neighborhood) commercial uses may be appropriate where uses are focused on serving the immediate area. Such uses should not include gas, storage or drive through uses or repurposing of a residential home. Typical uses within neighborhoods include small retail, restaurants and personal service businesses. Uses and architecture should focus on compatibility with the surrounding residential area. These small commercial uses will be contemplated during the development review process as a part of a master-planned community.



In Parker, neighborhood developments are primarily master-planned. Within these master-planned developments, a variety of residential densities and/or dwelling types may be developed; however, the overall density, on a gross acreage basis, must reflect the densities shown on the General Land Use Plan. Individual lot sizes may vary in master-planned developments due to clustering of dwellings and the preservation of sensitive environmental features and open space. Special care should be taken to provide adequate transitions between uses that have different intensities of development.

For calculation purposes, the gross density excludes the 100-year floodplain as mapped by FEMA and slopes of 20% or greater.

The General Land Use Plan describes two neighborhood Character Areas: Medium and Low Density Residential.

#### Medium Density Residential

The Medium Density Residential Character Area will consist of an overall gross density of 3.5 dwelling units per acre. Higher densities for housing for older adults may be considered as long as impacts are comparable to other uses permitted within this Character Area.

#### Low Density Residential

The Low Density Residential Character Area will consist of an overall gross density of 2.2 dwelling units per acre. Higher densities for housing for older adults may be considered as long as impacts are comparable to other uses permitted within this Character Area.

Neighborhoods  
serve as the primary  
building blocks of  
our community.



**Community, Neighborhood and Highway Commercial Centers**

Neighborhood Centers and Community Centers are located within Medium Density and Low Density Residential Character Areas and are generally situated at major intersections. These Centers must be carefully planned and coordinated to avoid negative impacts to traffic capacity and adjacent land uses. Development within these Centers should transition into the surrounding neighborhood, both in terms of land use and design features. These Centers, created to protect and serve residential neighborhoods, are defined below.



**Neighborhood Centers**

Neighborhood Centers should be planned to serve the basic needs of the surrounding residents. Typical uses within Neighborhood Centers include convenient retail and personal/business services, generally anchored by a grocery store. Other

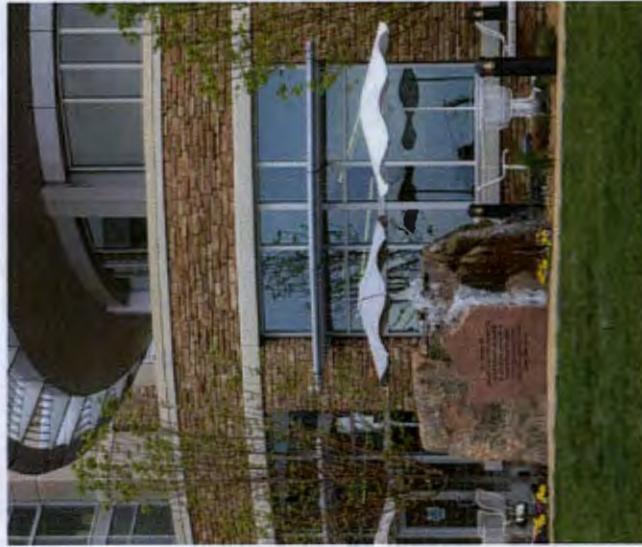
compatible uses such as small offices, recreational uses and restaurants are also permitted. Generally, the total Gross Leasable Area (GLA) for the commercial/office components within an entire Neighborhood Center should range from 50,000 to 250,000 square feet combined.

Higher density residential is appropriate in these Centers as a transition between less intense residential areas and non-residential areas when developed as part of a mixed-use development and when the design encourages residents to walk or bicycle to obtain goods and services. Massing and scale of higher density residential development shall respect the scale and massing of adjoining land uses and shall reflect an integrated neighborhood feel. Typical garden style apartment designs are not appropriate.



### Community Centers

Community Centers are areas that are larger than Neighborhood Centers and have a larger market area, serving multiple neighborhoods. Typical uses within Community Centers include retail and personal/business services. Other compatible uses such as small offices, recreational and restaurants are also permitted. Generally, the total Gross Leasable Area (GLA) for the commercial/office components within an entire Community Center should range from 250,000 to 500,000 square feet combined.



### Highway Commercial Center

Located at major intersections along E-470 these Centers overlay other Character Areas and the land uses may also focus on the demands of the traveling public and the needs of residents returning to or leaving Parker. Appropriate uses in these areas include those of the underlying Character Areas, but also contemplate uses such as convenience retail with gas stations and hotels.



**Community Development Department Memorandum  
Development Review Division**

**To:** Town of Parker Planning Commission

**From:** Bryce Matthews, Comprehensive Planning Manager *BM*  
Steve Greer, Deputy Community Development Director *SG*

**Through:** John Fussa, Community Development Director

**Date:** February 11, 2016

**Regarding:** Public Hearing: Town of Parker 2035 Master Plan Update

**Section I.  
Subject & Proposal:**

**Applicant:** Town of Parker

**Proposal:** This update to the Parker 2035 Master Plan consists of amendments to *Chapter 6: Land Use* and *Figure 6B: Parker General Land Use Plan*. The text amendments change the Light Industrial Character Area and add a new Strategy regarding storage. The amendment to *Figure 6B: Parker General Land Use Plan* changes four parcels on the southeast corner of Parker Road and Lincoln Avenue from the Medium Density Residential character area to Central Commercial character area.

**Section II.  
Background:**

**History:** The Parker 2035 Master Plan was recommended for approval by the Planning Commission on May 24, 2012 and approved by the Town Council on June 4, 2012 and last updated by Town Council on November 2, 2015.

**Section III.  
Analysis:**

**Chapter 6: Land Use Amendment Regarding Storage**

On April 20, 2015, the Town approved emergency Ordinance No. 3.312 entitled:

*A Bill for an Emergency Ordinance to Suspend All Applications for Any Land Use Approval or Building Permit for the Development or Construction of Mini-Warehouses, Outdoor Storage and Related Uses within the Corporate Limits of the Town of Parker Effective From March 24, 2015 Through April 6, 2016*

The emergency ordinance was affirmed through Ordinance No. 3.312.1 on May 4, 2015.

The Ordinance suspended new development and construction of mini-warehouses, outdoor storage and related uses through January 6, 2016. Ordinance No. 3.312.2 extended the suspension to April 6, 2016. During this suspension, the Community Development Department was to study, plan and recommend land use legislation regarding future development and construction of these facilities in the Town. For the purposes of this staff report, self storage shall generally include mini-warehouses, outdoor storage and related uses as described in the approved ordinances.

Council approved Ordinances 3.312 and 3.312.1 in response to the significant level of interest in developing self storage uses within the Town's commercial/light industrial Planned Developments (PD) and the LI-Light Industrial zone district of the Town. Town Council is concerned that this level of interest for this specific type of use will negatively impact the inventory of available real property to accommodate existing and future demand for those commercial and industrial uses and the direct economic and employment benefits that they provided to the Town.

Attached to this document is the final Community Development report as required in the ordinance. The report concluded the following:

- Self storage from a land use perspective is typically viewed as a heavy commercial/light industrial use. This is consistent with the Town's current land use policy.
- Self storage from the market perspective is viewed as a convenience service, meaning that proximity to residential uses (the customer) and visibility is important to the developer. This conflicts with Town land use policy which seeks to preserve sites for commercial and light industrial uses that provide community and economic development benefits.
- When the analysis is confined to the Parker Urban Growth Boundary (UGB) and includes self storage under construction, the Town has above the national average of 7.3 square-feet of self storage per household.
- When adding proposed self storage development in the County as of the time of this report, the residents in the Parker trade area are served at about the national average.
- With projected growth and surrounding households, the Parker area may be underserved by 2035 unless there is additional self storage development proximate to Town. A threshold issue is whether Parker should meet the regional need for this use within its boundaries or focus on the regional opportunity for self storage outside Town boundaries.
- Self Storage as a land use generally:
  - Generates little to no sales tax revenue
  - Generates few jobs compared to retail, office or light industrial uses
  - Pays as much or more per acre in property taxes compared to other land uses

- Has limited demand for or impact upon public services (traffic, water and police) compared to most other land uses
- Creates a 'dead zone' for activity because of the passive nature of the use
- The Town has limited land available in the Light Industrial Character Area (where self storage is currently recommended by the Master Plan) and the self storage industry may consume much of this scarce land if the current land use policy and zoning is not amended
- The Town has a significant amount of existing zoning that permits self storage; most of these areas are in locations zoned PD where the Master Plan does not support this use
- With the exception of Centennial, most other jurisdictions have not addressed self storage specifically within their regulations and many, like Parker, have existing zoning that is permissive with regard to self storage
- Broadly, there is no intent for surrounding jurisdictions to change their policy regarding self storage in the short term. There is a risk that Parker may become a self storage service center not only for Town residents but the residents of outlying communities and unincorporated Douglas County

The proposed text changes to the *Chapter 6: Land Use* are intended to provide clarification regarding the desired land uses and character in the Light Industrial character area, including specifically removing '...warehouses, mini storage...' from the text. Additionally the text is proposed to include an additional strategy as follows:

*1.K. In order to preserve the inventory of commercial and light industrial properties within the Town, amend the Land Development Ordinance to not permit self storage, mini-warehouses, outdoor storage and related storage uses within the Town including in existing Planned Development zone districts.*

#### General Land Use Plan Change to Southeast Corner of Parker Road and Lincoln Avenue

The southeast corner of Parker Road and Lincoln Avenue is currently subject to a rezoning and annexation request. Currently, the General Land Use Plan identifies the area subject to this request as Medium Density Residential which recommends up to 3.5 dwelling units per acre and:

*'...Pedestrian oriented small (less than 10,000 s.f. of building area per neighborhood) commercial uses may be appropriate where uses are focused on serving the immediate area. Such uses should not include gas, storage or drive through uses or repurposing of a residential home. Typical uses within neighborhoods include small retail, restaurants and personal service businesses. Uses and architecture should focus on compatibility with the surrounding residential area. These small commercial uses will be contemplated during the development review process as a part of a master-planned community.'*

The proposal would change the four parcels subject to the annexation and zoning request to the Central Commercial character area to align with recommendations for the other three corners of the intersection of Parker Road and Lincoln Avenue. The Central Commercial area is described as:

*'The Central Commercial District encompasses the commercial core of the Town. Due to its central location, with access to Parker Road, Dransfeldt Road and Twenty Mile Road and current land uses, growth in this Character Area should focus on core retail, services, offices, lodging, restaurants, entertainment and, to a lesser extent, higher density residential uses as part of a development with a mix of uses and a design that focuses on vehicular and pedestrian connectivity between uses. Vertical mixed use is highly encouraged where appropriate.'*

If amended, the Master Plan, as it relates to the site, would expand the contemplated types of commercial uses including allowing drive throughs and increase the commercial building area above the Medium Density Residential maximum of 10,000 square feet. Final uses and site design are subject to rezoning approval and compliance with the Land Development Ordinance.

#### **Section IV.**

##### **Referral Agency Comments:**

Below are the condensed versions of referral responses received from affected agencies:

**Aurora Long Range Planning:**

No comment

**Economic Development:**

No comment

**Castle Pines Long Range Planning**

No comment

**Lone Tree Long Range Planning:**

No comment

**Centennial Long Range Planning**

No comment

**Town of Parker Parks and Recreation  
Department:**

No comment

**Douglas County Planning:**

No comment

**Town of Castle Rock Long Range  
Planning:**

No comment

#### **Section V.**

##### **Recommendation:**

Staff recommends that the Planning Commission recommend that the Town Council adopt the Update of the Parker 2035 Master Plan.

#### **Section VI.**

##### **Attachments:**

1. Community Development Memorandum Dated January 12, 2015 Regarding Chapter 6: Land Use Black Line Proposed Changes
2. Page 6.3 and page 6.10 of the Parker 2035 Master Plan as proposed
3. General Land Use Plan Map with Proposed Changes
4. Self Storage Analysis Dated January 27, 2016

**Section VII.**  
**Proposed Motion(s):**

*"I move that the Planning Commission recommend the Town Council adopt the Update of the Parker 2035 Master Plan."*



## Community Development Department Memorandum

From: Bryce Matthews, AICP, Comprehensive Planning Manager  
Date: January 12, 2016  
Regarding: Parker 2035 Master Plan Amendment

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The Town is proposing amendments to both the text and the General Land Use Plan map in Chapter 6: Land Use of the *Parker 2035 Master Plan*. To view the current Master Plan please visit the following webpage: [www.parkeronline.org/parker2035](http://www.parkeronline.org/parker2035). Proposed text additions shown below are in bold and underlined and text that is strikethrough is proposed to be removed.

### **Proposed Text Amendments Regarding Self Storage**

Page 6.3: Add Strategy 1.K as follows:

**1.K In order to preserve the inventory of commercial and light industrial properties within the Town, amend the Land Development Ordinance to not permit mini-warehouses, outdoor storage and related uses within the Town including in existing Planned Development zone districts.**

Page 6.10: Amend the Light Industrial Character Area as follows:

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#### **Light Industrial District**

The Light Industrial District **is centrally located with spaces that generally serve smaller local light industrial businesses that supply local, regional and sometimes national markets. This character area** is intended to provide a location for a variety of work processes such as manufacturing, machine shops, **production facilities, distribution facilities, warehouses, mini storage, flex office,** commercial services and other uses of similar character **that create employment and economic output within the Town. The Light Industrial character area will include opportunities for research and development, high tech and medical device manufacturing firms that have a synergistic relationship. Processes and land uses within this character area will be low impact in nature and not create or cause fumes, odor, noise, vibration or other impacts which are detrimental to abutting properties or land uses.** Special care should be taken to ensure that uses not compatible with the light industrial

**uses proposed within the character area are located in other more appropriate areas of Town. Special care should be taken to ensure that uses not compatible with the light industrial uses proposed within the character area are located in other more appropriate areas of Town. Public facilities are appropriate within the character area. Additionally, large entertainment and recreational facilities may be located within this District because of the traditional large scale of buildings within Light Industrial areas.**

### **Proposed General Land Use Map Amendment**

The map amendment will change four properties located on the southeast corner of Parker Road and Lincoln Avenue from the Medium Density Residential Character Area (residential up to 3.5 dwelling units per acre) to the Central Commercial Character Area (commercial and related uses). Central Commercial is described in Chapter 6: Land Use as:

*The Central Commercial District encompasses the commercial core of the Town. Due to its central location, with access to Parker Road, Dransfeldt Road and Twenty Mile Road and current land uses, growth in this Character Area should focus on core retail, services, offices, lodging, restaurants, entertainment and, to a lesser extent, higher density residential uses as part of a development with a mix of uses and a design that focuses on vehicular and pedestrian connectivity between uses. Vertical mixed use is highly encouraged where appropriate.*

The other three corners of Parker Road and Lincoln Avenue are currently depicted as Central Commercial Character Area in the Parker 2035 Master Plan.

## GOALS AND STRATEGIES

**1. Growth shall be appropriately directed and site-planned to sustain our community's needs as we grow.**

**1.A.** Strengthen the identity of Parker by encouraging a balance of land uses that supports a high quality of life and contributes to the hometown character of our community.

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

**1.C.** Ensure adequate opportunities for future expansion of our economic base in appropriate locations in the community.

**1.D.** Increase the amount of open space using the criteria set forth in the Open Space, Trails and Greenways Master Plan which emphasizes supporting a regional greenway network that provides a community separation buffer from development in neighboring jurisdictions while maintaining the viability and connectivity of the natural ecosystem.

**1.E.** Encourage transitions between different land uses and intensities.

**1.F.** Develop land use patterns that are compatible with and support a variety of transportation opportunities and/or choices.

**1.G.** Sensitive integrate the built environment with the natural environment in order to protect the native landscape and topographical features naturally occurring throughout our community.

**1.H.** Encourage land uses that create a sense of community among those who work, live and play within appropriate neighborhoods.

**1.I.** Ensure that open space and parks are dedicated and made available to meet the needs of the community today and into the future.

**1.J.** Continue to review our Land Development Ordinance to assure that it is fair, consistent and understandable.

**1.K.** In order to preserve the inventory of commercial and light industrial properties within the Town, amend the Land Development Ordinance to not permit self storage, mini-warehouses, outdoor storage and related storage uses within the Town including in existing Planned Development zone districts.



### Central Commercial District

The Central Commercial District encompasses the commercial core of the Town. Due to its central location, with access to Parker Road, Dransfeldt Road and Twenty Mile Road and current land uses, growth in this Character Area should focus on core retail, services, offices, lodging, restaurants, entertainment and, to a lesser extent, higher density residential uses as part of a development with a mix of uses and a design that focuses on vehicular and pedestrian connectivity between uses. Vertical mixed use is highly encouraged where appropriate.

### Light Industrial District

The Light Industrial District is centrally located with spaces that generally serve smaller local light industrial businesses that supply local, regional and sometimes national markets. This character area is intended to provide a location for a variety of work processes such as manufacturing, machine shops, production facilities, distribution facilities, flex office, commercial services and other uses of similar research and development, high tech and medical device manufacturing firms that have a synergistic relationship. Processes and land uses within this character area will be low impact in nature and not create or cause fumes, odor noise, vibration or other impacts which are detrimental to abutting properties or land uses. Special care should be taken to ensure that uses not compatible with the light industrial uses proposed within the character area are located in other more appropriate areas of Town. Public Facilities are appropriate within the character area.



### Mixed Use- Residential Emphasis, Outside of the E-470 Character Area

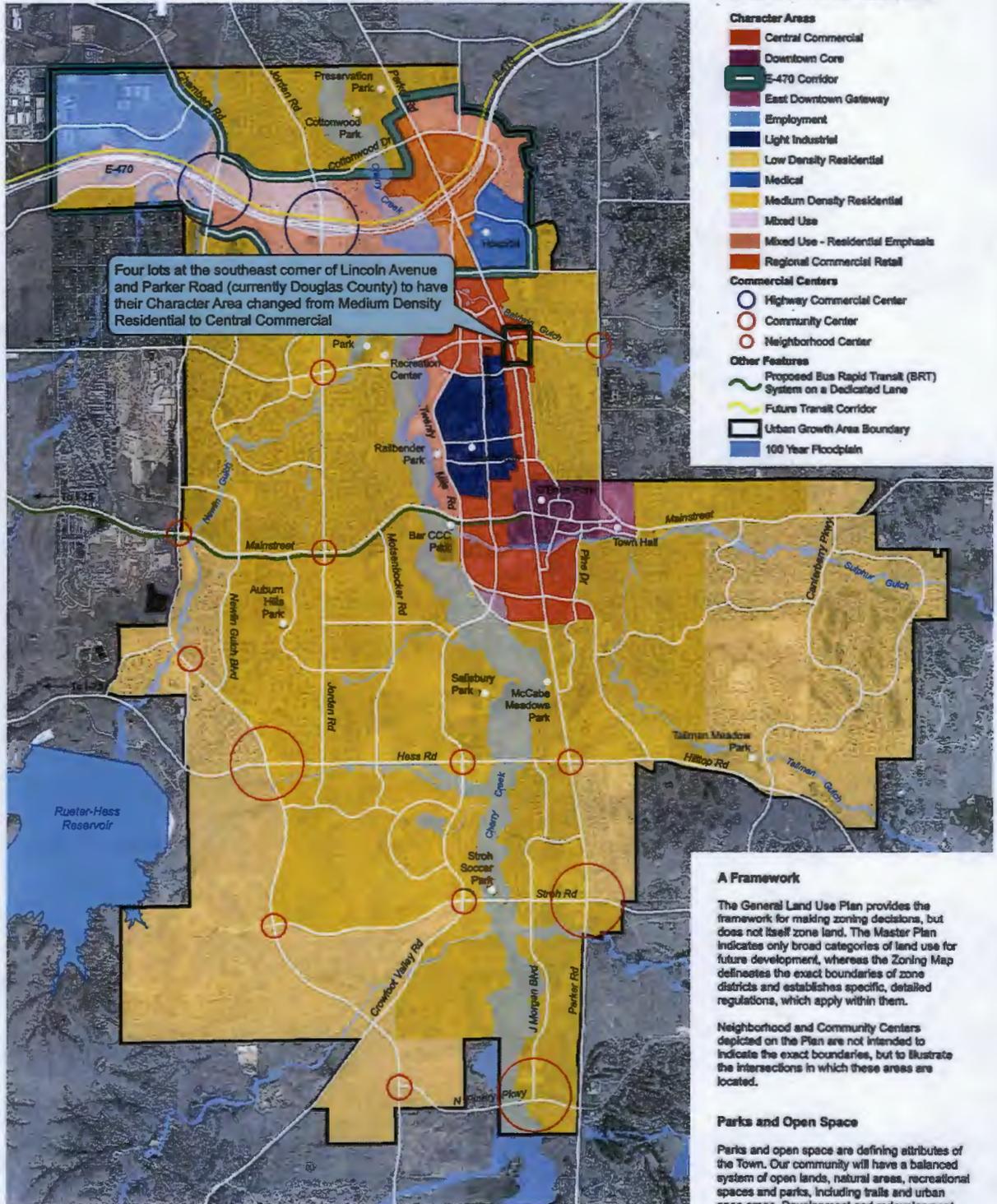
This Character Area is located between the Light Industrial area and Cherry Creek. This multi-family residential area will be interconnected and provide easy and direct pedestrian and bicycle access to nearby commercial and employment areas. Uses appropriate in this Character Area include higher density residential housing, senior housing, assisted-living facilities and mixed-use developments that include a commercial component. Commercial uses are appropriate when they are part of a mixed-use development, are of a scale that serve the needs of the area residents or provide support to adjoining uses. Single family detached residential uses and residential developments at less than 10 dwelling units per acre are not appropriate in this area.

**Figure 6B: GENERAL LAND USE PLAN**  
 Source: Parker 2035 General Land Use Plan, June 2012

# DRAFT: Proposed 2016 Master Plan Changes

## PARKER 2035 GENERAL LAND USE PLAN

- Character Areas**
- Central Commercial
  - Downtown Core
  - E-470 Corridor
  - East Downtown Gateway
  - Employment
  - Light Industrial
  - Low Density Residential
  - Medical
  - Medium Density Residential
  - Mixed Use
  - Mixed Use - Residential Emphasis
  - Regional Commercial Retail
- Commercial Centers**
- Highway Commercial Center
  - Community Center
  - Neighborhood Center
- Other Features**
- Proposed Bus Rapid Transit (BRT) System on a Dedicated Lane
  - Future Transit Corridor
  - Urban Growth Area Boundary
  - 100 Year Floodplain



Four lots at the southeast corner of Lincoln Avenue and Parker Road (currently Douglas County) to have their Character Area changed from Medium Density Residential to Central Commercial

### A Framework

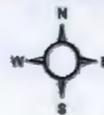
The General Land Use Plan provides the framework for making zoning decisions, but does not itself zone land. The Master Plan indicates only broad categories of land use for future development, whereas the Zoning Map delineates the exact boundaries of zone districts and establishes specific, detailed regulations, which apply within them.

Neighborhood and Community Centers depicted on the Plan are not intended to indicate the exact boundaries, but to illustrate the intersections in which these areas are located.

### Parks and Open Space

Parks and open space are defining attributes of the Town. Our community will have a balanced system of open lands, natural areas, recreational spaces and parks, including trails and urban open areas. Development and redevelopment will be required to preserve lands for parks and open space. Guidance for preservation of these lands is provided in the 'Open Space, Trails and Greenways Master Plan' and 'From Values to Visions: A Strategic Action Plan for Parker's Parks and Recreation.'

Disclaimer: The property boundaries, titles, legends, scale, reference to individual parcels and any and all other data shown





## SELF STORAGE ANALYSIS

**TO:** Mayor and Town Council  
**THROUGH:** G. Randolph Young, Town Administrator  
**FROM:** Bryce Matthews, AICP, Comprehensive Planning Manager  
**DATE:** January 27, 2016

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On April 20, 2015, the Town approved emergency Ordinance No. 3.312 entitled:

*A Bill for an Emergency Ordinance to Suspend All Applications for Any Land Use Approval or Building Permit for the Development or Construction of Mini-Warehouses, Outdoor Storage and Related Uses within the Corporate Limits of the Town of Parker Effective From March 24, 2015 Through April 6, 2016*

The Emergency Ordinance was affirmed through Ordinance No. 3.312.1 on May 4, 2015.

The Ordinance suspended new development and construction of mini-warehouses, outdoor storage and related uses through January 6, 2016. During this suspension, the Community Development Department was to study, plan and recommend land use legislation regarding future development and construction of these facilities in the Town. This memorandum is intended to provide the background and analysis desired through Ordinance 3.312.1 in order to allow Town Council to determine how they would like to proceed.

For the purposes of this memorandum, self storage shall generally include mini-warehouses, outdoor storage and related uses as described in the approved ordinances.

Council approved Ordinances 3.312 and 3.312.1 in response to the significant level of interest in developing self storage uses within the Town's commercial/light industrial Planned Developments (PD) and the LI-Light Industrial zone district of the Town. Town Council is concerned that this level of interest for this specific type of use will negatively impact the inventory of available real property to accommodate existing and future demand for those commercial and industrial uses and the direct economic and employment benefits that they provided to the Town. The Town Council stated a desire to address the impacts of self storage and other industrial uses to the Town, before approving any additional self storage uses.

The Real Estate Investment Handbook defines self storage as: a self-service operation for consumers/tenants to retain "care, custody and control" of their personal property at a secure off-site location or facility. Wikipedia defines self storage as: shorthand for "self-service storage", and also known as "mini storage" is an industry in which storage space (such as rooms, lockers, containers, and/or outdoor space), also known as "storage units" is rented to tenants, usually on a short-term basis (often month-to-month). Self-storage tenants include businesses and individuals.

The above-referenced Wikipedia definition goes on to describe the rented spaces as being secured by the tenant's own lock and key. Unlike in a warehouse, self-storage facility employees do not have casual access to the contents of the space and, thus, the facility is generally not liable for theft. A self-storage facility does not take possession or control of the contents of the space unless a lien is imposed for non-payment of rent, or if the unit is not locked the facility may lock the unit until the tenant provides his/her own lock.

Self storage may include additional services such as truck rental, United States Postal Service, private mailboxes, EBay, overnight shipping, sale of packing supplies and business centers. Self storage may occasionally include accessory uses such as outdoor parking for RV's, boats, other trailers and vehicles. Approximately 18.7% of self storage facilities offer this additional service.

### **Market**

The self storage industry has been one of the fastest-growing sectors of the United States (US) commercial real estate industry over the last 40 years. There are over 48,500 self storage facilities in the US as of year-end 2014 totaling roughly 2.5 billion square-feet of rentable self storage space.

According to the Self Storage Association, the following are the characteristics that are the advantage to self storage as a real estate investment:

1. Simplified building structures.
2. A short construction period enabling rapid initial rentals.
3. Low operating expenses and non-energy intensive.
4. Month to month leases, highly responsive.
5. Adjustable unit mix due to movable partitions.
6. Not labor or maintenance intensive.
7. High building rentability (near 100% for single story, 75% for multi-story).
8. Many tenancies, spreading vacancy risk factor.
9. Basic function resistant to economic shifts.
10. Cash flow oriented real estate investment.

There are a wide variety of self storage formats ranging from warehouse-like one-story facilities which are most common in Parker and the Denver suburbs to multi-story facilities typically seen in more urban areas such as Denver where land prices are higher. New concepts introduced during the recession include converting buildings such as vacant supermarkets and big box retail into storage facilities. Another approach not proposed in Parker yet is using movable module units (storage containers) which are usually stored in a large warehouse.

From a development perspective, self storage is viewed as a convenience service. Customers prefer to have their items stored near them. Because of this, traditional self storage is helped by visibility and proximity to their primary market of residential- land use. On the other hand, movable-module unit self storage facilities, which include pick-up and drop-off, are often located where land costs are less expensive. The Town's strong residential growth combined with the amount of vacant non-residentially zoned land as well as the inherent profitability of self storage have caused many developers to consider prime commercial locations for this marginal use in Parker.

The average (mean) size of a "primary" self storage facility in the US is approximately 56,900 square-feet. The average size of existing self storage facilities in Parker is 66,700 square feet. The most common new facility is located on a 2.5 to 5 acre site and will be about 60,000 - 80,000 net rentable square-feet, costs \$45-65 per square-foot to construct, not including land costs, and have break-even operating expenses in the 40-60 percent range (not including debt service) of total stabilized income. The typical self storage facility design includes a management office and a resident manager's apartment within the site and a wide range of unit sizes - 5' x 5' to 10' x 30' or larger with the average unit size being about 100 square-feet (10x10). Construction techniques depend upon a number of variables. These variables include: the developer, the franchise, the climate, building code requirements, zoning requirements and surrounding structures/land uses.

The average revenue per square-foot varies from facility to facility; however, according to the Self Storage Association, the average rents nationally for Q2 2015: \$1.25 PSF for a non-climate controlled 10 x 10 unit and \$1.60 PSF for a climate controlled 10 x 10 unit. Occupancy rates for self storage facilities as of Q2 2015 were 90% (percentage of units rented per facility) up from 86.8% at year-end 2013.

Communities which absorb larger amounts of storage space are found in high-growth areas such as the Sun Belt and the West including Parker. The residents of these areas typically have more opportunity to be outdoors and to own more recreational equipment. The type of housing (e.g. basement, enclosed garages, large homes with closets or no-frills housing, military bases, condominiums and apartments, and the density of older housing which may not have adequate storage space) also has an impact on how much storage space the market will accommodate. The predominance of Homeowners' Association (HOA's) also has an impact on the demand for outdoor RV storage. Age of population, mobility rate, employment status and income are other important measures.

#### Self Storage User Demographics

- 68 percent of self storage renters live in a single-family detached dwelling and 27 percent live in a multi-family dwellings
- 65 percent of all self storage renters have a garage; 47 percent have an attic in their home; and 33% have a basement
- 47 percent of all self storage renters have an annual household income of less than \$50,000 per year; 63 percent have an annual household income of less than \$75,000 per year; and 37% have an annual household income of over \$75,000 per year

- More than 1.5 million self storage units nationwide (6 percent) are rented to military personnel
- Approximately 9.5 percent of all American households currently rent a self storage unit

Table 1 on the next page reflects the average square-footage of indoor self storage per household and resident broken down into categories. The national average was calculated by the Self Storage Association. Square-footage for self storage within the Town of Parker Urban Growth Boundary (UGB) is 400,252 s.f. based on the Douglas County Assessor records. There are three proposed facilities in Town exempted from Ordinance 3.312.1, of these three facilities, two have received approvals from the Town and have begun construction at the time of this report. The two exempted facilities under construction will create an additional 154,818 square-feet of self storage based on the Town approved plans. Town of Parker UGB population and household estimates for 2015 are 62,378 residents in 22,135 households and were calculated by the Town based on existing estimates. Population and household projections for the Town of Parker UGB for 2035 are 79,460 residents in 29,213 occupied households, also calculated by the Town.

*Table 1: Average Square-Footage of Self-Storage*

<b>Average S.F. of Self-Storage per Households and Residents</b>		
	Average S.F. per Household	Average S.F. per resident
United States	21	7.3
Town of Parker UGB*	18.1	6.4
Town of Parker with Exempted Facilities Under Review*	25.1	8.8
Town of Parker 2035 Population with Exempted Facilities Under Construction **	18.8	7.0
Parker Trade Area with Exempted Facilities Under Review***	12.8	4.4

\* Based on estimated 2015 UGB Population of 62,378 in 22,135 occupied households

\*\* Based on 2035 projections for UGB of 79,460 in 29,213 occupied households

\*\*\* Based on trade area assumption of 126,000 in 42,714 occupied households

### **Economic Impacts**

In the U.S., self storage facilities pay a total of more than \$3.25 billion in property taxes to local government jurisdictions nationally. In Parker, all of the self storage facilities combined pay \$695,000 in property taxes of which \$18,000+/- accrues to the Town because of the relatively low property mill levy collected by the Town. Below is a comparison of select properties developed with different land uses in the Town to compare property tax generation by land use. Actual tax rates vary; to create a more level comparison staff used 98.665 mills for all calculations.

*Table 2: Comparison of Sample Property Tax by Land Use*

	Acres	Building Square Feet	Actual Value	Assessed Value	Approx. Property Tax	Approx. Tax per Acre
Self Storage	3.2	107,854	\$6,419,656	\$1,846,980	\$166,235	\$51,948
Outdoor RV Storage	19.7	0	\$546,101	\$158,370	\$15,623	\$793
Light Industrial	3.8	50,400	\$3,500,483	\$1,015,140	\$100,148	\$26,354
Retail	3.7	27,100	\$3,388,125	\$982,560	\$96,841	\$26,173
Office	2.8	33,721	\$5,058,150	\$1,466,870	\$144,714	\$51,683

Source: Douglas County Assessor and Town

According to the Self Storage Association, nationally self storage facilities employed more than 170,000 persons, or an average of 3.5 employees per facility. There are 6 self storage facilities in the Town of Parker's UGB, assuming that self storage in Parker mirrors the national average, there are approximately 21 jobs that can be attributed to self storage in Town.

Table 3 below provides a high level review of the economic impacts of varying land uses on a per acre basis. Each land use is assigned a level of impact by job creation, sales tax generation and property tax generation

*Table 3: Economic Impact per Acre*

Land Use	Employment	Sales Tax Generation	Property Taxes	Sales Tax Multiplier
Outdoor RV Storage	None	None	Low	None
Self Storage	Low	None	Medium	Low
Industrial	Medium*	Low	Medium	Medium
Retail	Medium	High	Medium	Medium
Office	High*	Low	Medium/High	High
Residential (Single Family 3.5 d.u./ac.)	None	Low	Low/Medium	High
Residential (Multi Family 20 d.u./ac.)	Low	Low	Medium	High

\*Typically higher paying jobs

The following demand for services per acre table was developed in coordination with the Town's Public Works Department, the Police Department and Parker Water and Sanitation District.

*Table 4: Demand for Services per Acre*

<b>Land Use</b>	<b>Transportation</b>	<b>Water and Sewer</b>	<b>Police</b>
Outdoor RV Storage	Low	Low	Low
Self Storage	Low	Low/Medium	Low
Industrial	Low/Medium	Low/Medium/High	Low
Retail	High	High	High
Office	Medium	Medium	Medium
Residential (Single Family 3.5 d.u./ac.)	Low	Medium	Medium/High
Residential (Multi Family 20 d.u./ac.)	Medium	Medium/High	Medium/High

### **Existing Policies and Conditions**

#### **Parker 2035 Master Plan**

The Master Plan is a policy framework for decisions that affect the physical, social and economic environment of the Town. The Parker 2035 Master Plan represents goals and strategies to guide the Town over the next 20 years.

The Plan provides vision, direction and a defined future for the Town by establishing specific goals and strategies for land use; community appearance and design; housing and neighborhoods; jobs and economic vitality; transportation; public services and facilities; natural resource protection; open space and recreation; history, arts and culture; and regional coordination.

The Parker 2035 Master Plan reflects the Parker area residents' and business owners' values and dreams for the future of Parker, as well as sound planning principles.

The Parker 2035 Master Plan was recommended for approval by the Planning Commission on May 24, 2012 and approved by the Town Council on June 4, 2012 with the last update recommended by Planning Commission on October 22, 2015 and approved by Town Council on November 2, 2015.

Overall, the current Parker 2035 Master Plan supports self storage, referred to as mini- storage in the document, only in the Light Industrial Character Area which generally fronts on Dransfeldt Road and Twenty Mile Road between Longs Way and Parkglenn Way (see the General Land Use Plan map on page 8). *Chapter 7: Community Appearance and Design* of the Plan recommends an update of the Town's Commercial, Multifamily and Industrial design standards to give special attention to building massing, form and design so as to contribute to the overall character of the Town. Lastly, *Chapter 9: Jobs and Economic Vitality* supports the attraction of a variety of employment opportunities which would include manufacturing. Self storage competes for land with other businesses that create retail sales and greater employment. Chapter 9 continues on to seek a desire for a 'balance' of business types. It is incumbent upon the Town to determine what the right 'balance' is. Below are the specific excerpts from the Parker 2035

Master Plan that are discussed in this paragraph. Also Map 1 on page 8 depicts the Parker 2035 Master Plan General Land Use Plan which depicts the Character Areas described in Chapter 6: Land Use.

**Chapter 6: Land Use** limits 'mini storage' to the Light Industrial Character Area and described as follows:

**Light Industrial District Character Area**

*The Light Industrial District is intended to provide a location for a variety of work processes such as manufacturing, machine shops, warehouses, mini storage, commercial services and other uses of similar character. Additionally, large entertainment and recreational facilities may be located within this District because of the traditional large scale of buildings within Light Industrial areas.*

**Chapter 7: Community Appearance and Design** includes Goal 3 which states:

3. *Commercial buildings shall give special attention to building massing, form and design to create a series of unique places that contribute to the overall character of Parker as a distinctive community.*

3.A. *Work with the residents, businesses and property owners within our community to update the commercial design standards to ensure development and redevelopment reflects the community's desire to create a high quality built environment that differentiates us from surrounding communities. Use architecture, building design, public spaces and massing to create unique and attractive commercial destinations that are easily accessible by all modes of travel, especially walking and bicycling, therefore creating attractive, economically vibrant/sustainable places*

**Chapter 9: Jobs and Economic Vitality** includes Goal 1 and Strategy 2B which state:

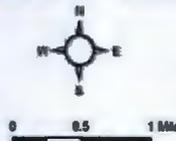
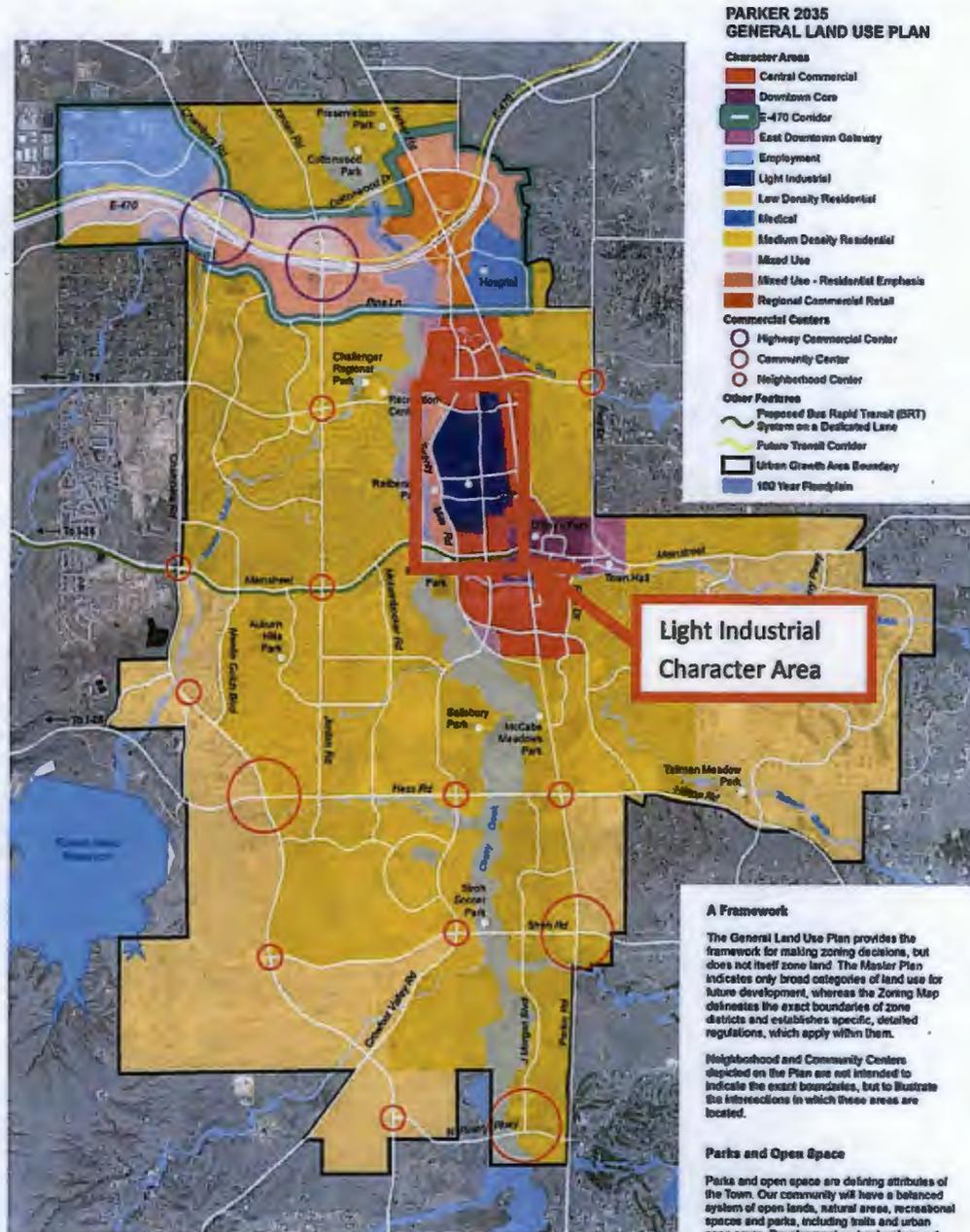
1. *Attract and retain a variety of employment opportunities for Parker residents.*

1.A. *Work with supporting entities such as the Parker Chamber of Commerce and Southeast Business Partnership (SEBP) within the local and regional community to attract appropriate business and employment opportunities.*

2.B. *Balance Parker's business and retail community so it includes a variety and diversity of business types as well as a variety of business scales and sizes.*

# Map 1: Parker 2035 Master Plan General Land Use Plan

Figure 6B: GENERAL LAND USE PLAN  
Source: Parker 2035 General Land Use Plan, June 2012



Disclaimer: The property boundaries, lines, legends, scale, reference to individual parcels and any and all other data shown or included on this map is for visual representation only and may not be accurate. Further studies and surveys, on a site specific basis, are required to verify this data.

#### Available Light Industrial Properties

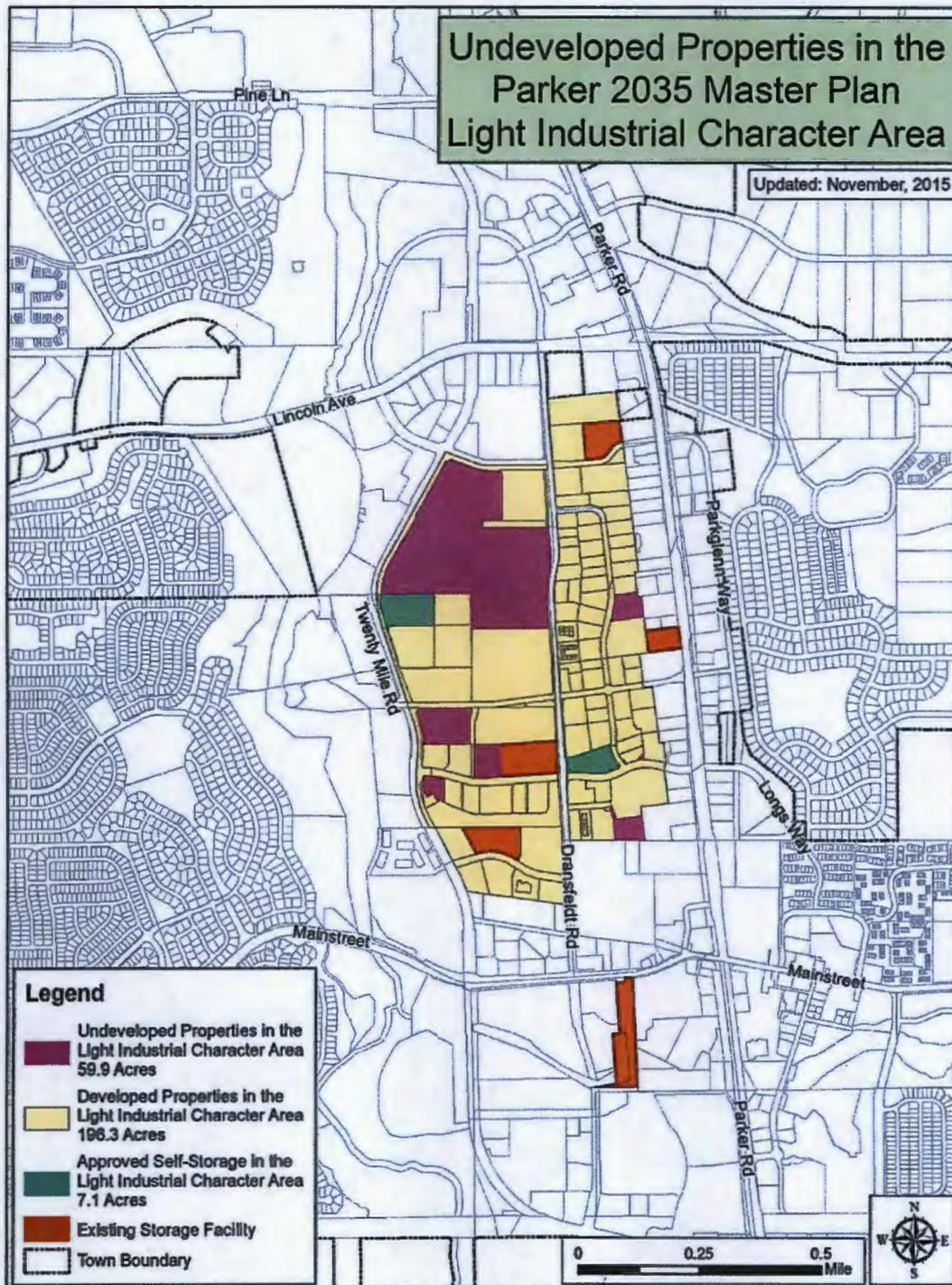
The current policy is to allow self storage uses in the Light Industrial Character Area as described in the Parker 2035 Master Plan. Town Council has stated a concern that self storage is competing with light industrial uses for the limited amount of land within the Light Industrial Character Area. It is a goal of the Town to attract and retain employment opportunities to the Town; many light industrial uses provide primary employment opportunities. Maps 2 (page 10) and 3 (page 11) visually illustrate the vacant land within the Light Industrial Character Area. Map 2 illustrates that there are 59.9 acres of vacant land within the Light Industrial Character Area. Map 3 illustrates that there are 25.1 acres of vacant land zoned for light industrial uses in the Light Industrial Character Area. If you apply a broad average of 20,000 s.f. of self storage per acre, the vacant acreage in the Light Industrial Character Area could accommodate about 1.2 million square-feet of self storage; vacant properties zoned Light Industrial (LI) within the Character Area resulting in about 500,000 s.f. of self storage. These development projections are well beyond the current demand for facilities in the Town of Parker. Outdoor storage is a much more land intensive use and could easily consume the remaining vacant acreage within the Light Industrial Character Area.

In order to serve the projected 2035 population of the Parker UGB (79,460 residents) at the current national average of 7.3 square-feet per resident, the Town would need an additional 30,000 s.f. of self storage on top of the existing and approved self storage. This would equate to one more facility on three-five acres.

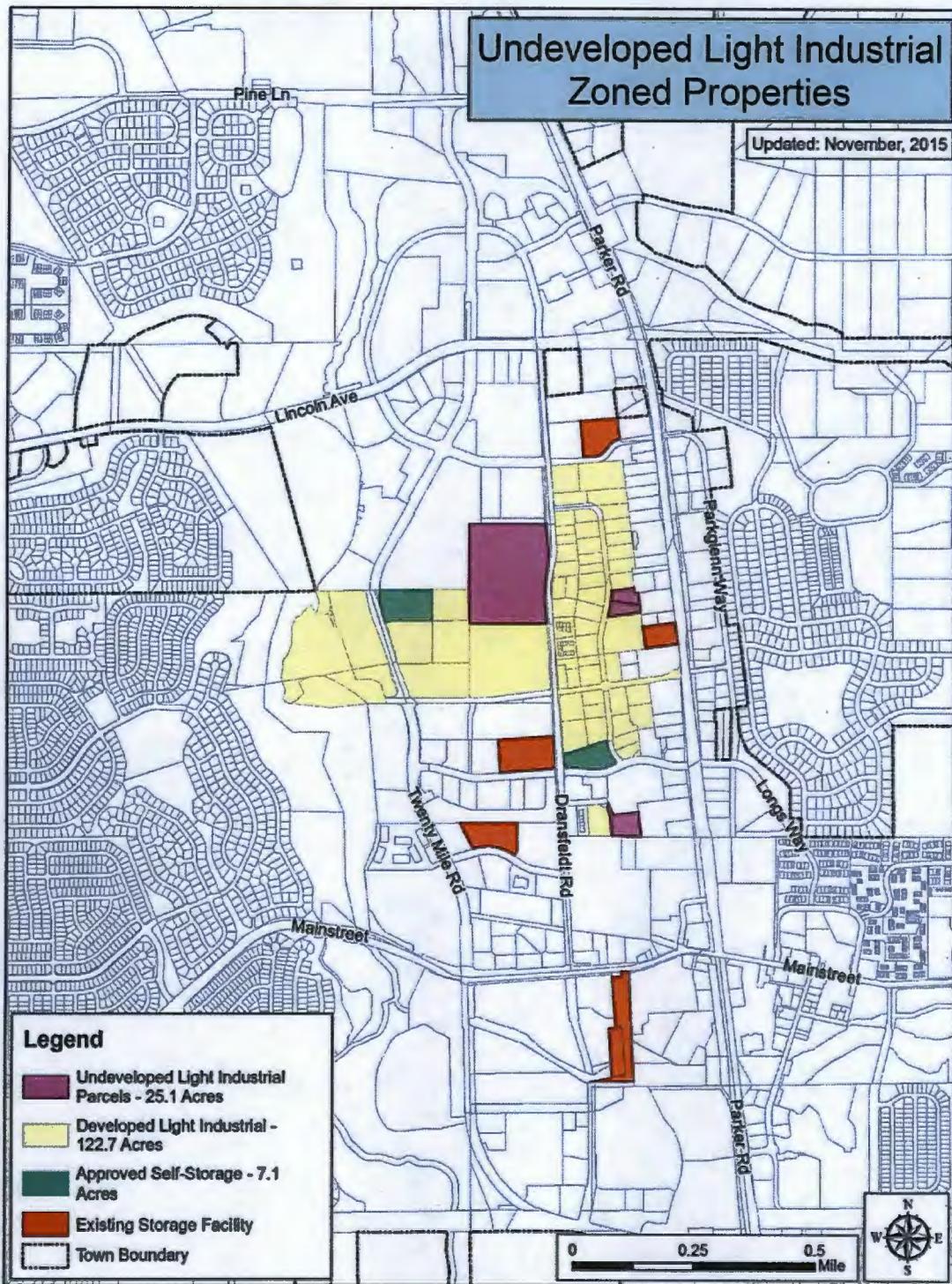
In order to serve the current trade area (126,000 residents) at the current national average of 7.3 square-feet per resident, the Town would need an additional 370,000 s.f. of self storage on top of the existing and approved self storage. This would equate to another five projects at an average of four acres each for approximately 20+ acres of land. Absorbing additional self-storage development at this greater scale would have substantial impacts to the future commercial and light industrial growth potential of the Town.

Staff does not have adequate data to determine the land demand for outdoor RV storage at this time but this is a land intensive form of development that yields few community or economic development benefits such as retail sales tax or primary employment. A single additional outdoor RV storage facility could have a significant impact on the developable property within the Light Industrial Character Area.

Map 2: Undeveloped Properties in Parker 2035 Master Plan Light Industrial Character Area



Map 3: Undeveloped Light Industrial Zoned Properties



### Existing Zoning

All properties in Town are zoned for certain uses. There are 15 existing Planned Development (PD) zones that allow self storage, many of these existing PD's do not meet the recommendations and intent of the Parker 2035 Master Plan. Table 6 below lists the existing PD's that allow self storage which potentially increases the amount of vacant land that is susceptible to this type of development. From a planning perspective, this increases the concern that a substantial portion of the Town's limited vacant land that is zoned for non-residential development may be developed for self storage as opposed to those uses which have community and economic development benefits. A map depicting the locations of where self storage is permitted can be found on page 16 of this document.

*Table 6: List of Planned Developments that Permit Self Storage*

<b>PD Name</b>	<b>Planning Area</b>	<b>Use by Special Review or Use by Right</b>	<b>Zoning Text</b>
Parker Auto Plaza	Commercial Uses	Use by Special Review	Self Storage Units
Yerkey		Use by Right	Mini-Warehouse
Valley Crest		Use by Right	Mini-Warehouse
Fairmark	Commercial	Use by Special Review	All uses permitted in the B-Business and C-Commercial including: mini-warehouse/public storage, with no storage of dangerous or flammable materials and selling of merchandise or services from any unit
Lincoln Meadows	Commercial	Use by Special Review	Mini-warehouse/public storage, subject to site plan approval with no storage of dangerous or flammable materials and no selling of merchandise and other tangible goods or services from any unit. Dead storage only.
Lincoln Meadows	Light Industrial	Use by Special Review	Mini-warehouse/public storage, subject to site plan approval with no storage of dangerous or flammable materials and no selling of merchandise and other tangible goods or services from any unit. Dead storage only.
Light Industrial Zoning		Use by Right	Mini-warehouses, subject to site plan approval: no storage of dangerous or flammable materials and no selling of merchandise and other tangible goods or services from any unit; dead storage only.
Dransfeldt Place		Use by Special Review	Mini-Storage warehouses, including recreational vehicle storage
Clarke Property	Mixed Commercial Industrial Areas	Use by Right	Storage and Warehousing Recreational vehicle storage

Progress Lane	Planning Area 1 & 2	Use by Right	Light Industrial Zoning as amended: Mini-warehouses, subject to site plan approval: no storage of dangerous or flammable materials and no selling of merchandise and other tangible goods or services from any unit; dead storage only.
Pine Bluffs	Commercial Use Area	Use by Special Review	Self Storage Units; and Recreational Vehicle Storage
Urwiller	Light Industrial	Use by Right	Mini-warehouses, subject to site plan approval: no storage of dangerous or flammable materials and no selling of merchandise and other tangible goods or services from any unit; dead storage only.
Cottonwood	Commercial	Use by Right	Recreational Vehicle Storage
Cottonwood	Mixed Commercial Industrial Areas	Use by Right	Recreational Vehicle Storage
ET Technologies		Use by Special Review	Storage and Warehousing

Following is a summary of the acreage of vacant land zoned for self storage or outdoor recreational vehicle storage in Town:

<p>Vacant property zoned for self storage as a use by right – 81 Acres  Vacant property zoned for self storage as a use by special review – 144 acres  Vacant property zoned for outdoor RV storage – 23 acres  Total vacant property zoned for self storage and outdoor RV storage uses – 248 acres</p>
--

**Existing and Proposed Self Storage Facilities**

There is currently 400,252 square-feet of existing self storage in the Town’s UGB in six different facilities. There are three facilities in the Town’s UGB that provide outdoor RV storage consisting of approximately 23 acres, 19.7 of the acres are in a single facility.

At the time of this document there are two self storage facilities within Town in the construction process consisting of 154,818 square-feet on a little over 7 acres; neither of these projects proposes outdoor RV storage. There are also three additional facilities under consideration by Douglas County within the Town's UGB, but outside the Town, totaling 355,397 square-feet. All of these projects are shown in Table 8 below. The construction of these additional projects alone will more than double the self storage in the Town's UGB. This increase in indoor self storage development will substantially surpass the national average for self storage per resident within Town based upon existing population and projected population growth. There are currently 355,397 s.f. of additional self storage being reviewed by the County, but located within the Town's UGB (see page 15), this does not include existing self storage facilities and additional self storage proposals being considered by the County outside of the Town's UGB. The additional self storage applications being considered by the County nearly meet the need (at the national average) for the Town's trade area. With the additional existing (62,921 s.f. Extra Storage at 13100 Lincoln Avenue and 11,050 s.f. Franktown self storage at 7561 E. Inga Way) and proposed facilities (90,000 s.f. Sierra Ridge Exemption Parcel 1) within the trade area and outside the UGB are included, the trade area demand is met at a level greater than the national average.

There are 17 self storage facilities and 8 RV storage facilities within a five mile radius of the Town's urban growth boundary as shown in Map 5 on page 17.

Table 7: Existing Facilities within the Town's Urban Growth Boundary

Account No.	Owner	Street Address	Actual Value	Assessed Value	Acreage	# of Buildings	S.F.	Year Built	Outdoor Storage
R0346011	STORQUEST PARKER LLC	16980 COTTONWOOD DR, PARKER, CO 80134	\$5,138,904	\$1,465,280	5.0	11	87,652	2004	N
R0463939	SHURGARD-TRC SELF STORAGE DEVELOPMENT LLC	9827 MANGANO LN, PARKER, CO 80134	\$5,005,643	\$1,451,640	3.0	5	82,592	2006	N
R0467165	PARKGLENN SELF STORAGE LLC	10144 PARKGLENN WAY, PARKER, CO 80134	\$6,419,636	\$1,846,980	3.3	7	107,854	2008	N
R0112926	PARKER MINI STORAGE LLC	11411 N STATE HIGHWAY 83, PARKER, CO 80134	\$1,084,108	\$314,390	2.0	10	21,312	1975	Y
R0361997	HOGAN FAMILY LIMITED PARTNERSHIP	19002 E MAINSTREET, PARKER, CO 80134	\$2,145,480	\$607,460	3.9	13	45,192	1986	Y
R0414402	18455 PONY EXPRESS SP LLC	18455 PONY EXPRESS DR, PARKER, CO 80134	\$3,660,311	\$1,061,490	3.7	11	55,650	1999	N
R0440067	OUTDOOR STORAGE II LLC	9575 MOTSENBOCKER RD, PARKER, CO 80134	\$703,701	\$204,080	19.7	0	0	N/A	Y

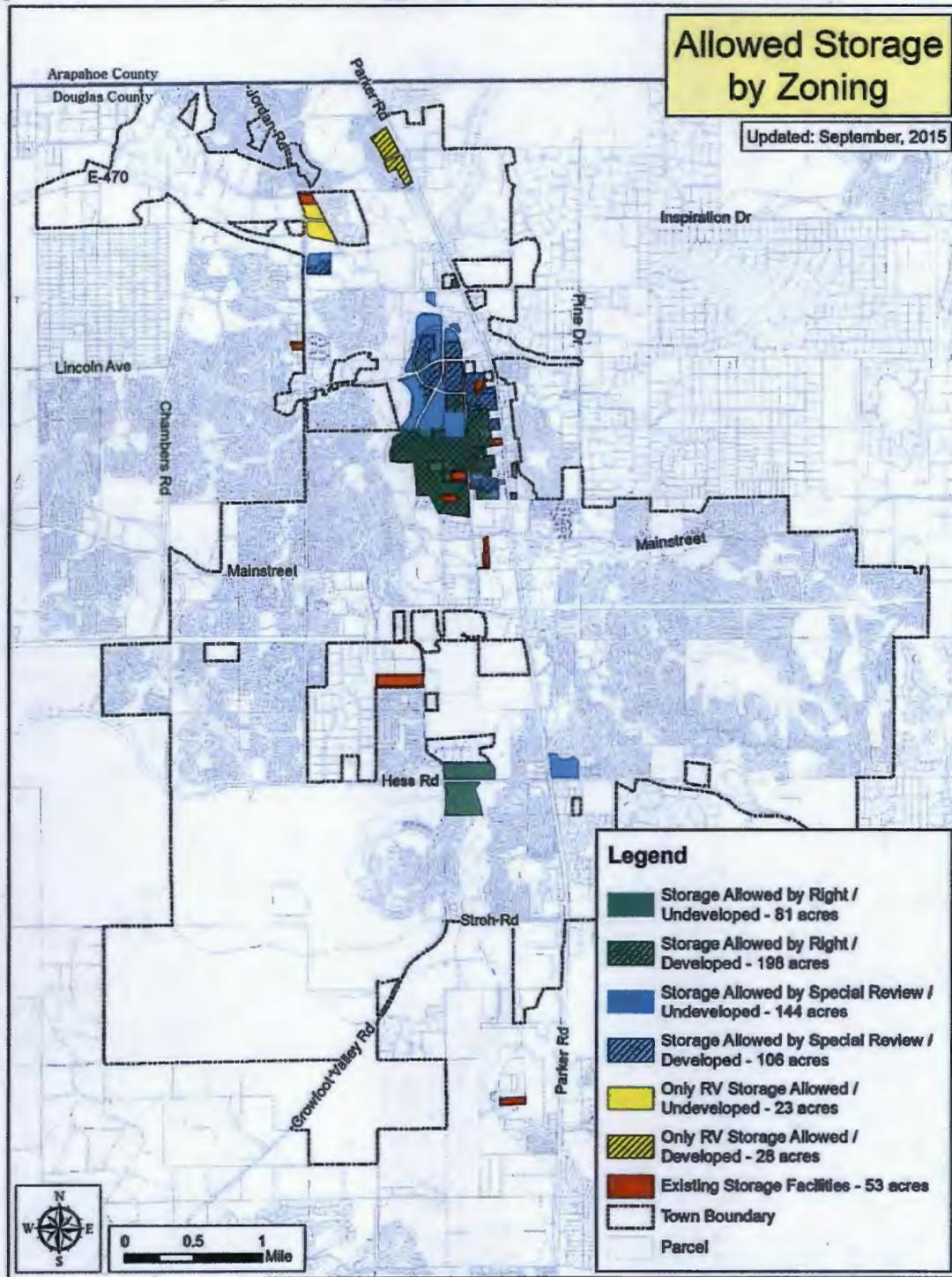
Source: Douglas County Assessor

Table 8: Proposed Facilities in the Town of Parker Urban Growth Boundary

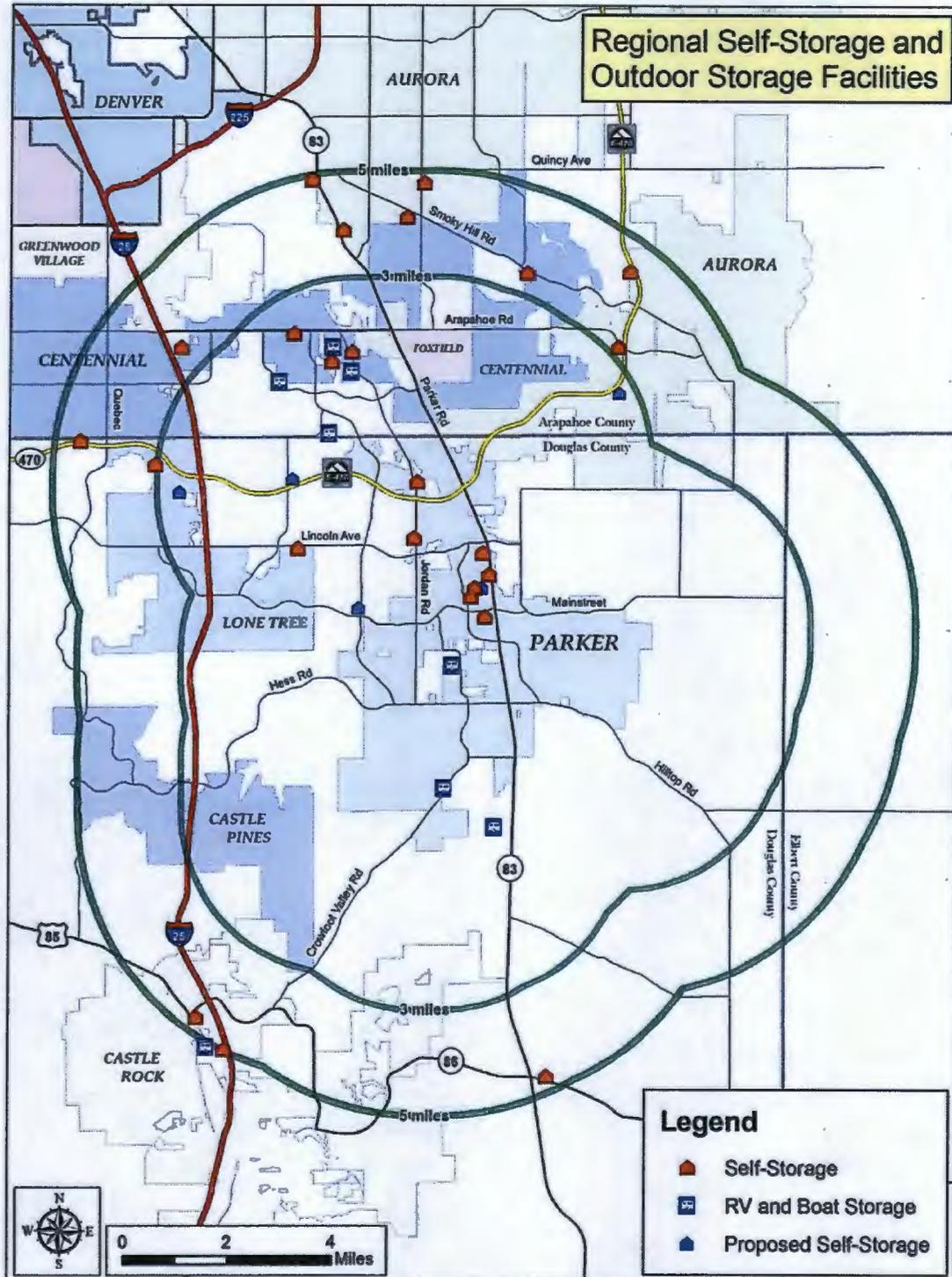
Owner	Street Address	Acreage	# of Buildings	S.F.	Outdoor Storage
MINI U STORAGE	18901 LONGS WAY, PARKER, CO 80134	2.79	3	91,700	N
POLO BUSINESS PARK E-470/COMPARK SELF STORAGE	18275 APACHE DRIVE, PARKER, CO 80134	4.15	12	63,120	N
NNP II STONEGATE LLC	13784 COMPARK BLVD., PARKER, CO 80134	7.1	6	88,134	Y
NNP II STONEGATE LLC	NORTHGATE DRIVE AND JORDAN ROAD, PARKER, CO 80134	1.86	1	165,535	N
NNP II STONEGATE LLC	AVENTERRA AVENUE AND JORDAN ROAD, PARKER, CO 80134	3.2	1	101,728	N

Source: Town of Parker and Douglas County

Map 4: Planned Developments Allowing for Self Storage



Map 5: Regional Self Storage/Outdoor Storage Facilities within 5 Mile Radius



Surrounding Jurisdictions Policies  
 Following is a brief overview of surrounding jurisdictions approaches to self storage. Jurisdictions responses are broken into three primary responses: master plan, zoning and design standards.

Table 9: Surround Jurisdiction Policy

Jurisdiction	Master Plan	Zoning	Design Standards	Other Notes
Parker	Recommended in the Light Industrial Character Area only	<ul style="list-style-type: none"> <li>Permitted in Light Industrial (LI)</li> <li>Permitted in some Planned Development zoning</li> </ul>	<ul style="list-style-type: none"> <li>Do not have architectural design standards specific to self storage, but are subject to light industrial design standards as described in the Commercial, Multifamily and Industrial Design Standards document.</li> <li>Outdoor storage subject to landscape and screening requirements</li> </ul>	
Douglas County	Not addressed specifically	<ul style="list-style-type: none"> <li>Permitted in light industrial and heavy commercial areas</li> <li>Permitted in some Planned Development zone districts</li> <li>Recommend outdoor RV storage in light industrial locations with no water and sanitation service</li> <li>When considering a rezoning, consider providing an adequate transition and compatibility with surrounding uses</li> </ul>	<ul style="list-style-type: none"> <li>Do not have architectural design standards specific to self storage</li> <li>Subject to HOA requirements</li> <li>Consider surrounding uses</li> <li>Outdoor storage subject to landscape and screening requirements</li> </ul>	Many larger developments have architectural review committees such as Highlands Ranch Architectural Review Committee
Castle Rock	Not addressed specifically	<ul style="list-style-type: none"> <li>Permitted in light industrial and heavy commercial areas</li> <li>Permitted in some Planned Development zone districts</li> </ul>	<ul style="list-style-type: none"> <li>Do not have architectural design standards specific to self storage</li> <li>During approval of Planned Developments, the Town has the ability to include additional design standard requirements</li> <li>Outdoor storage subject to landscape and screening requirements</li> </ul>	Castle Rock is in the process of updating their Master Plan and is currently seeing pressure for POD and shipping containers as self storage
Castle Rock	Not addressed specifically	<ul style="list-style-type: none"> <li>There is currently no zoning in Castle Pines that allows for self storage</li> </ul>	<ul style="list-style-type: none"> <li>Do not have architectural design standards specific to self storage</li> <li>Outdoor storage subject to landscape and screening requirements</li> </ul>	
Lone Tree	Not addressed specifically	<ul style="list-style-type: none"> <li>Permitted in some Planned Development zone districts</li> <li>Rezoning: considered a heavier commercial use and a low impact transitional use between residential and office.</li> </ul>	<ul style="list-style-type: none"> <li>Do not have architectural design standards specific to self storage, but are subject to Lone Tree design standards</li> </ul>	
Aurora	Not addressed specifically	<ul style="list-style-type: none"> <li>Permitted in light industrial areas</li> <li>Permitted as 'Conditional Use' in heavy commercial areas</li> <li>Permitted in some Planned Development zone districts</li> <li>Rezoning: consider compatibility with surrounding uses and other potential uses for the site; do not support self storage at retail corners.</li> <li>City encourages location of CMRS on self storage facilities.</li> </ul>	<ul style="list-style-type: none"> <li>Do not have architectural design standards for self storage except in the E-470 Corridor</li> <li>Outdoor storage subject to landscape and screening requirements</li> </ul>	Aurora is currently in the process of rewriting their zoning code; self storage has not been addressed yet. According to staff, there is not much property zoned in South Aurora for self storage.
Arapahoe County	Not addressed specifically	<ul style="list-style-type: none"> <li>Permitted in light industrial and heavy commercial areas</li> <li>Permitted in some Planned Development (PD) zone districts including the Dove Valley PD</li> </ul>	<ul style="list-style-type: none"> <li>Do not have architectural design standards specific to self storage</li> <li>Outdoor storage subject to landscape and screening requirements</li> <li>Dove Valley PD has specific design standards for self storage</li> </ul>	

Centennial	Not specifically addressed	<p>Permitted in light industrial subject to the following conditions:</p> <p><u>General Spacing Standards.</u></p> <ul style="list-style-type: none"> <li>From certain arterials: 300 feet</li> <li>From certain arterial intersections: 500 feet</li> <li>From other self-storage units: 1,000 feet</li> <li>From residential uses: 300 feet</li> </ul> <p><u>Maximum Parcel Size.</u> Not to exceed 5 acres in area</p> <p><u>Operational Requirements.</u></p> <ul style="list-style-type: none"> <li>No self storage facility may be refrigerated</li> <li>No electrical outlets in the unit</li> <li>The self-storage facility shall have a security system</li> <li>Shall not be used for conducting or operating a business</li> <li>No outdoor storage is permitted on the site of the self-storage facility</li> </ul>	<p><b>Design Standards</b> – including but not limited to:</p> <ul style="list-style-type: none"> <li>Shall be harmonious with the character of the surrounding neighborhood and shall integrate neutral colors and tones as the predominate color palette.</li> <li>Flat roofs are prohibited.</li> <li>At least 60 percent of the exterior façade of a self-storage facility shall consist of masonry.</li> <li>Building elements shall not function as signage.</li> <li>The use of intense, reflective, fluorescent, or metallic colors on storage unit doors, fencing, roofing, or walls is prohibited.</li> <li>Outdoor storage subject to landscape and screening requirements</li> </ul>	Centennial recently updated their zoning ordinance and rezoned many properties to straight Euclidean zoning
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In general, surrounding communities do not specifically address self storage in their master plans and view self storage as a heavy commercial or light industrial use during the development review process. All jurisdictions, with the exception of Centennial and Castle Pines, have existing PD zoning that allows for self storage that are potentially in areas that they would not support this use today. Without direction from the Master Plan and limited design requirements, most communities focus on compatibility and design when considering rezoning a property to allow self storage. Typically communities are much more restrictive when considering a rezoning to allow for outdoor storage.

Centennial recently updated their code to specifically address self storage as a land use. Highlights of their code are included in Table 9 on page 18.

There are five areas in the southeastern metropolitan area that have the potential for a concentration of self storage due to existing land uses and/or policies. These areas provide regional opportunity for self storage and outdoor storage including for Parker residents. They are shown generally on Map 6 on page 20. The locations are:

Parker Light Industrial Area – This location is currently recommended by the Parker 2035 Master Plan as a location that would allow for self storage uses.

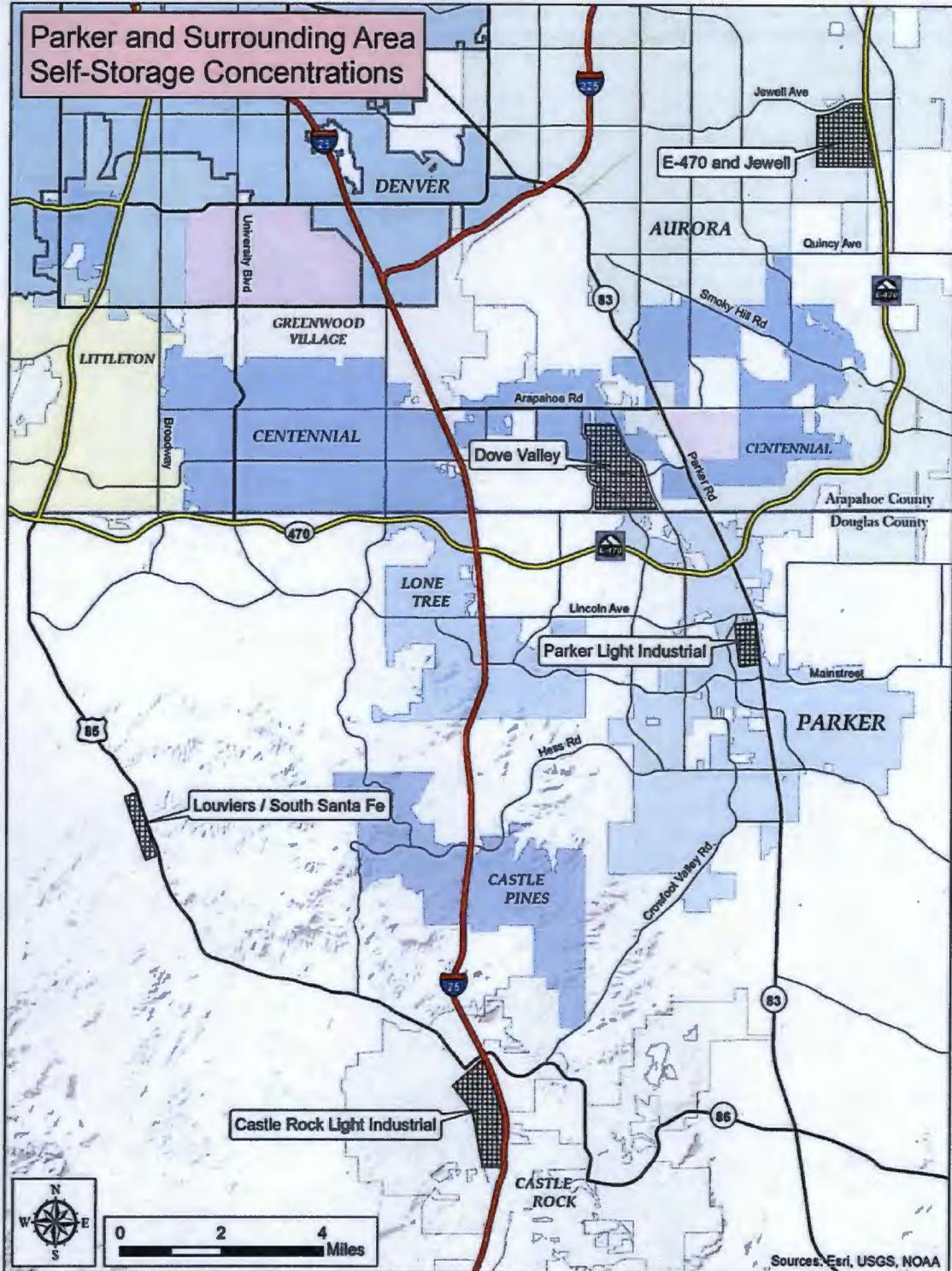
Castle Rock Light Industrial Area - Though not specifically mentioned in a Castle Rock documents, there is a current density of existing self storage facilities in this area.

Southeast corner of Jewell Avenue and E-470 – This location is at the end of the Buckley Air Force Base landing strip and has limited other appropriate uses.

Dove Valley – This location has a number of restrictions, but due to the industrial uses and proximity to the Centennial Airport landing strip allows for self storage in specific areas and subject to specific criteria.

Louviers/South Santa Fe (U.S. 85) – This light industrial area in Douglas County has a significant amount of outdoor RV storage. Douglas County has been generally supportive of this use because of land use compatibility and a lack of public water and sanitation.

Map 6: Parker and Surround Area Self Storage Concentrations



## **Summary of Conclusions**

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The following is a summary list of conclusions from staff research on self storage land use conditions and policy:

- Self storage from a land use perspective is typically viewed as a heavy commercial/light industrial use. This is consistent with the Town's current land use policy and zoning.
- Self storage from the market perspective is viewed as a convenience service, meaning that proximity to residential uses (the customer) and visibility is important to the developer. This conflicts with Town land use policy and zoning which seeks to preserve sites for commercial and light industrial uses that provide community and economic development benefits.
- Self storage is a low risk, high return investment which has created a high demand to develop these facilities, particularly in areas of substantial residential growth like Parker. The concern with this use (and outdoor storage) is exacerbated by the low barriers to entry, limited development costs and high returns which results in the uses becoming permanent as opposed to interim/transitional developments.
- When the analysis is confined to the Parker UGB and includes self storage under construction, the Town has above the national average of 7.3 square-feet of self storage per household.
- When adding proposed self storage development in the County as of the time of this report, the residents in the Parker trade area are served at about the national average.
- With projected growth and surrounding households, the Parker area may be underserved by 2035 unless there is additional self storage development proximate to Town. A threshold issue is whether Parker should meet the need for this marginal use within its boundaries or focus on the regional opportunity for self storage outside Town boundaries.
- Self Storage as a land use generally:
  - Generates little to no sales tax revenue
  - Generates few jobs compared to retail, office or light industrial uses
  - Pays as much or more per acre in property taxes compared to other land uses
  - Has limited demand for or impact upon public services (traffic, water and police) compared to most other land uses
  - Creates a 'dead zone' for activity because of the passive nature of the use
- The Town has limited land available in the Light Industrial Character Area (where self storage is currently recommended by the Master Plan) and the self storage industry may consume much of this scarce land if the current land use policy and zoning is not amended
- The Town has a significant amount of existing zoning that permits self storage; most of these areas are in locations zoned PD where the Master Plan does not support this use
- Self storage and outdoor storage often have a light industrial or warehouse character including architectural design that conflicts with the Town's design standards. The appearance of new development affects perceptions of the Town, impacts branding/marketing and is an issue of concern to residents

- With the exception of Centennial, most other jurisdictions have not addressed self storage specifically within their regulations and many, like Parker, have existing zoning that is permissive with regard to self storage
- Parker is unique in the fact that the current Master Plan provides direction regarding the location of self storage
- Broadly, there is no intent for surrounding jurisdictions to change their policy regarding self storage in the short term. There is a risk that Parker may become a self storage service center not only for Town residents but the residents of outlying communities and unincorporated Douglas County

### **Regulatory Options**

Table 10 articulates a variety of regulatory options including Master Plan amendments, zoning amendments, changes to the Town's design standards and a fee option. With each of these tools there is a range of options from no change to being more permissive to being less permissive. Implementation of policy will most likely require changes to more than one tool and will require further refinement to ensure that the land use policy and zoning amendments support the policy outcome that the Town Council desires.

Table 10: Regulatory Options

Tool	Change	Policy	Pros	Cons	Outcome
Master Plan	More restrictive	Do not recommend allowing self storage and/or RV storage in any Character Area	<ul style="list-style-type: none"> <li>Preserves land for employment, commercial, residential and institutional uses</li> <li>Provides clear direction for self storage developers</li> <li>Views self storage land use from a regional perspective</li> </ul>	<ul style="list-style-type: none"> <li>Slingles out a land use that is not recommended to be permitted in the Town thereby limiting our status as a 'full service' community</li> <li>Increases demand for self storage on our periphery</li> <li>Does not address existing zoning</li> <li>Does not affirmatively change our policy</li> </ul>	No new zoning will allow self storage in the Town
	No change	No Change: Continue to recommend self storage in Light Industrial Character Area	<ul style="list-style-type: none"> <li>Does not require a policy change</li> <li>Reaffirms the current policy</li> </ul>	<ul style="list-style-type: none"> <li>Further expands opportunities for self storage to compete against land for employment, commercial, residential and institutional uses</li> <li>Allows for a greater distribution of self storage throughout the community</li> </ul>	No change
	Less restrictive	Expand Character Areas where self storage is permitted	<ul style="list-style-type: none"> <li>Provides more opportunities for this type of land use</li> <li>May continue the Town's policy to be a 'full service' community</li> <li>Relieves the land use pressure in the Light Industrial Area and allows for a greater distribution of self storage throughout the community</li> <li>Easy</li> </ul>	<ul style="list-style-type: none"> <li>Further expands opportunities for self storage to compete against land for employment, commercial, residential and institutional uses</li> <li>Allows for a greater distribution of self storage throughout the community</li> </ul>	Allows for the rezoning and eventually the construction of additional self storage with a wide distribution throughout the community
Zoning	No change	No Change: do not change existing zoning or PD's	<ul style="list-style-type: none"> <li>Easy</li> </ul>	<ul style="list-style-type: none"> <li>Does not resolve the zoning concerns that caused the Town Council to approve Ordinances 3.312 and 3.312.1</li> <li>May not have property owner support</li> </ul>	No change
	More restrictive	Amend zoning and existing PD's or establish an overlay district to not permit self storage in Town	<ul style="list-style-type: none"> <li>Preserves land for employment, commercial, residential and institutional uses</li> <li>Provides clear direction for self storage developers</li> <li>Views self storage land use from a regional perspective</li> </ul>	<ul style="list-style-type: none"> <li>Does not resolve the zoning concerns that caused the Town Council to approve Ordinances 3.312 and 3.312.1</li> <li>May not have property owner support</li> </ul>	No new self storage would be developed in Town
	More restrictive	Amend zoning and existing PD's or establish an overlay district to not permit self storage outside of the Light Industrial Character Area and allowing it only as a use by special review within the Light Industrial Character Area	<ul style="list-style-type: none"> <li>Reinforces recommendations of Master Plan</li> <li>Creates a clear delineation of where self storage may develop in the future</li> <li>Preserves existing commercial, residential and potential employment areas outside of the Light Industrial Character Area</li> </ul>	<ul style="list-style-type: none"> <li>May not have property owner support</li> <li>Does not resolve the concern of self storage competing with light industrial land that could be used for employment</li> </ul>	New self storage only permitted in the Light Industrial Character Area and would be subject to an additional level of review (use by special review)
	More restrictive	Create additional zoning standards through an overlay district that address items such as but not limited to: <ul style="list-style-type: none"> <li>Distance from arterial roads</li> <li>Distance from arterial intersections</li> <li>Distance from specific other facilities and other land uses</li> </ul>	<ul style="list-style-type: none"> <li>Relatively easy to implement</li> <li>Does not change existing zoning, though it may impact the ability to develop self storage on certain parcels</li> <li>Reduces over concentration of self storage in a single area</li> <li>Preserves important commercial land</li> <li>Locates self storage away from highly visible location -- arterial roads</li> </ul>	<ul style="list-style-type: none"> <li>Does not specifically address competition for light industrial uses that provide employment</li> <li>Will be more difficult for developers and the Town to determine whether the use is permitted on a specific site.</li> </ul>	Limits locations of new self storage facilities away from prime intersections, arterial roads, other facilities and incompatible uses.

	More restrictive	Establish an overlay district or amend the code to specifically not permit outdoor RV storage	<ul style="list-style-type: none"> <li>• Relatively easy to implement</li> <li>• Does not change existing zoning</li> <li>• Preserves some commercial and industrial land</li> <li>• Zones out the most visible and least efficient use of land under the self storage umbrella</li> <li>• No action required</li> </ul>	<ul style="list-style-type: none"> <li>• Does not fully resolve the zoning concerns that caused the Town Council to approve Ordinances 3.312 and 3.312.1</li> </ul>	No new indoor RV storage would be permitted.
Design Standards	No change	No Change: Continue to review self storage against the existing industrial design standards in the Commercial, Industrial and Multifamily Design Standards	<ul style="list-style-type: none"> <li>• Ensures that new self storage facilities meet our residents desires for high quality design and aesthetics</li> <li>• No change</li> </ul>	<ul style="list-style-type: none"> <li>• Does not resolve the zoning concerns that caused the Town Council to approve Ordinances 3.312 and 3.312.1</li> <li>• No change</li> </ul>	No change
	More restrictive	Amend the Commercial, Industrial and Multifamily Design Standards to create specific enhanced design standards for self storage	<ul style="list-style-type: none"> <li>• Potential reimbursement for lost revenue</li> <li>• Could help fund employment initiatives</li> </ul>	<ul style="list-style-type: none"> <li>• Does not solve the underlying land use issue</li> <li>• May require an ordinance amendment, vote or only be applicable in conjunction with annexation.</li> </ul>	New self storage facilities will have a better appearance
Charges/Fees	No change	No change	<ul style="list-style-type: none"> <li>• No change</li> </ul>	<ul style="list-style-type: none"> <li>• No change</li> </ul>	No change
	More restrictive	Implement a storage charge or fee			Creates a funding source to address impacts of self storage including loss of economic development benefits

## **Recommendation**

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It is recommended:

- Self storage should be viewed as a regional service because the Town currently has over the national average of self storage per capita
- Additional self storage land uses should not be permitted in the Town; therefore the Town should commence an amendment to the Parker 2035 Master Plan and Title 13 of the Land Development Code to not allow for the development or construction of mini-warehouses, outdoor storage and related uses, referred to as self storage in this report, within the municipal limits of the Town of Parker for the following reasons:
  - It is in the best interest of the Town to reserve of light industrial land for light industrial uses
  - It is in the best interest of the Town to preserve commercial and retail properties as described in the Parker 2035 Master Plan which currently allow for self storage through outdated Planned Development (PD) zoning
  - It is in the best interest of the Town to maintain a diversity of land uses and economic opportunity
  - The Parker 2035 Master Plan establishes a goal to preserve and expand employment opportunities
  - The Town currently has adequate self storage existing and under construction to meet the community need (above the national average per capita) through approximately 2030 based on current projections

### **Sources:**

Town of Parker

Douglas County Assessor

Self Storage Association: *An Introduction to Self Storage*

Self Storage Association: *2015-16 SELF STORAGE INDUSTRY FACT SHEET (as of 07/01/2015)*





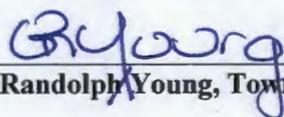
ITEM NO: 10  
DATE: 03/07/2016

**REQUEST FOR TOWN COUNCIL ACTION**

**TITLE: ORDINANCE NO. 3.321 – A Bill for an Ordinance to Amend Sections 13.02.010, 13.04.100(c), 13.04.130(a), 13.04.130(c), 13.04.160(c), and 13.04.170 of the Parker Municipal Code, and Chapter 13.04 of the Parker Municipal Code is Hereby Amended by the Addition Thereto of a New Section 13.04.300, and to Repeal Paragraphs 13.04.120(d)(7), 13.04.130(c)(21), 13.04.130(e)(5), Section 13.04.140, Paragraphs 13.04.160(d)(3), 13.04.160(d)(5) and Section 13.10.050 of the Parker Municipal Code, Concerning Storage Uses in the Town of Parker**

- PUBLIC HEARING
- CONTRACT
- MOTION
- ORDINANCE FOR 1<sup>ST</sup> READING (02/16/2016)
- ORDINANCE FOR 2<sup>ND</sup> READING (03/07/2016)
- RESOLUTION

  
John Fussa, Community Development Director

  
G. Randolph Young, Town Administrator

**ISSUE:**

In 2015, the Town identified the trend of increasing development proposals for storage uses as an issue of concern with Community Development and Economic Development impacts. The Town desires to preserve the inventory of available real property to accommodate existing and future demand for commercial and light industrial uses having direct economic benefits to the Town.

**PRIOR ACTION:**

On April 6, 2015, the Town Council approved emergency Ordinance No. 3.312 to temporarily suspend all applications for any land use approval or building permit for the development or construction of mini-warehouses, outdoor storage and related storage uses from March 24, 2015 through April 6, 2016. The emergency ordinance was affirmed through Ordinance No. 3.312.1 on May 4, 2015 and amended the suspension to end on January 6, 2016. On December 14, 2015, Town Council approved Ordinance No. 3.312.2 to extend the suspension to April 6, 2016. On February 16, 2016, the Town Council approved Ordinance No. 3.321 on first reading.

**FUNDING/BUDGET IMPACT:**

None

**BACKGROUND:**

Council approved Ordinances 3.312 and 3.312.1 in response to the significant level of interest in developing self storage uses within the Town's commercial/light industrial Planned Developments (PD) and the LI-Light Industrial zone district of the Town. Town Council is concerned that the level of interest for this type of use will negatively impact the inventory of available real property to accommodate existing and future demand for commercial and light industrial uses having direct economic benefits to the Town.

The Town Council directed the Community Development Department to study, plan and recommend land use legislation regarding future development and construction of storage uses in the Town. For the purposes of this staff report, self storage shall generally include mini-warehouses, outdoor storage and related uses as described in the approved ordinances.

Attached to this document is the final Community Development report as required in the Ordinance. The report concluded the following:

- Self storage from a land use perspective is typically viewed as a heavy commercial/light industrial use. This is consistent with the Town's current land use policy
- Self storage from the market perspective is viewed as a convenience service, meaning that proximity to residential uses (the customer) and visibility is important to the developer. This conflicts with Town land use policy which seeks to preserve high visibility sites for commercial and light industrial uses that provide community and economic development benefits
- When the analysis is confined to the Parker Urban Growth Boundary (UGB) and includes self storage under construction, the Town exceeds the national average of 7.3 square-feet of self storage per household
- When adding proposed self storage development in the County as of the time of this report, the residents in the Parker trade area are served at about the national average
- With projected growth and surrounding households, the Parker area should be adequately served through 2035 provided there is additional self storage development proximate to Town.
- A threshold issue is whether Parker should meet the regional need for self storage within its boundaries or focus on the regional opportunity for self storage outside Town boundaries
- Self Storage as a land use generally:
  - Generates little to no sales tax revenue
  - Generates few jobs compared to retail, office or light industrial uses
  - Pays as much or more per acre in property taxes compared to other land uses
  - Has limited demand for or impact upon public services (traffic, water and police) compared to most other land uses
  - Creates a 'dead zone' for activity because of the passive nature of the use
- The Town has limited land available in the Light Industrial Character Area (where self storage is currently recommended by the Master Plan) and the development of self storage may consume much of this scarce land if the current land use policy and zoning is not amended
- The Town has a significant amount of existing zoning that permits self storage; most of these areas are in locations zoned PD where the Master Plan does not support this use

- With the exception of Centennial, most other jurisdictions have not addressed self storage specifically within their regulations and many, like Parker, have existing zoning that is permissive with regard to self storage
- Broadly, there is no intent for surrounding jurisdictions to change their policy regarding self storage in the short term. There is a risk that Parker may become a self storage service center not only for Town residents but the residents of outlying communities and unincorporated Douglas County if land use policy and zoning are not amended

The study concludes and recommends that the Parker 2035 Master Plan and the Land Development Ordinance be amended to not permit additional self storage and outdoor self storage while limiting other storage uses to only accessory uses. An amendment to the Master Plan is being processed concurrent with this proposed Ordinance.

Following is a summary of the proposed Ordinance and changes to the Land Development Ordinance:

1. Creates definitions for Self Storage, Outdoor Self Storage, Storage and Warehousing
2. Amends B-Business, C-Commercial, PF-Public Facilities and LI-Light Industrial districts to remove self storage as a permitted use and only allow commercial storage as an accessory use
3. Removes GI-General Industrial zoning district from our code because the Parker 2035 Master Plan does not recommend heavy industrial uses in the Town
4. Amend the intent of the Light Industrial District to more closely align with the proposed amendment to the Parker 2035 Master Plan Light Industrial character area description
5. Defines storage and warehousing as accessory uses and generally describes them as 25% or less of a building or site
6. Removes radio antennas as accessory residential uses
7. Establishes a Storage Uses Overlay District which:
  - a. Clarifies the intent of the District
  - b. Allows for existing legal nonconforming situations to continue
  - c. Gives those projects excluded through Ordinance 3.312 until September 6, 2016 to submit a complete application
  - d. Prohibits storage as a primary land use in Town
  - e. Prohibits new self storage and outdoor self storage in Town
  - f. Cleans up the restrictions on residential storage
  - g. Clarifies screening requirements for permitted accessory storage

Additionally, the following amendments have been made since first reading:

1. The definition of Storage has been amended to clarify that the proposed changes do not apply to outside sales areas such as car dealerships, nurseries and retail lumber yards. Following is the proposed definition of storage with the new text in bold.

- a. *Storage* means the holding or stockpiling of material or products in a bulk form or in bulk containers either within a building or outside, where the use is ancillary and integral to the operations of a primary use permitted within the zone district. Storage is not permitted as a primary land use within the Town of Parker. **Storage does not include areas fitting the definition of *Principal Display* as found in section 13.10.140 – Lighting standards.**

2. Existing storage facilities in the LI-Light Industrial zone district that have not received Use by Special Review and Site Plan approvals as required by the Land Development Ordinance have until September 7, 2016 to submit a complete application to the Town. When the required applications are approved by the Town, the use will be allowed to continue as a nonconforming situation.
3. The deadline for projects excluded through Ordinance 3.312 to submit a complete application has been changed from April 6, 2016 to September 6, 2016.

**RECOMMENDATION:**

Planning Commission considered this item on February 11, 2016. Planning Commission recommended that the Town Council approve Ordinance No. 3.321 with a 3-2 vote. Staff recommends that the Town Council approve Ordinance No. 3.321 on second reading.

**PREPARED/REVIEWED BY:**

James S. Maloney, Town Attorney; Bryce Matthews, Community Development; John Fussa, Community Development Director

**ATTACHMENTS:**

1. Ordinance 3.321
2. Planning Commission Staff Report which includes Ordinance 3.321 and the Self Storage Analysis dated January 27, 2016

**RECOMMENDED MOTION:**

"I move to approve Ordinance No.3.321 on second reading."

ORDINANCE NO. 3.321, Series of 2016

**TITLE: A BILL FOR AN ORDINANCE TO AMEND SECTIONS 13.02.010, 13.04.100(c), 13.04.130(a), 13.04.130(c), 13.04.160(c), AND 13.04.170 OF THE PARKER MUNICIPAL CODE, AND CHAPTER 13.04 OF THE PARKER MUNICIPAL CODE IS HEREBY AMENDED BY THE ADDITION THERETO OF A NEW SECTION 13.04.300, AND TO REPEAL PARAGRAPHS 13.04.120(d)(7), 13.04.130(c)(21), 13.04.130(e)(5), SECTION 13.04.140, PARAGRAPHS 13.04.160(d)(3), 13.04.160(d)(5) AND SECTION 13.10.050 OF THE PARKER MUNICIPAL CODE, CONCERNING STORAGE USES IN THE TOWN OF PARKER**

WHEREAS, the Town is concerned that the high level of interest for mini-warehouses, outdoor storage and related storage uses will negatively impact the inventory of real property available to accommodate existing and future demand for those commercial and industrial uses that provide direct economic benefits and employment to the Town;

WHEREAS, the Town desires to address the impact of mini-warehouses, outdoor storage and related storage uses that do not provide direct economic benefits and employment to the Town;

WHEREAS, on April 6, 2015, the Town Council adopted Ordinance No. 3.312 as an emergency ordinance, which ordinance is entitled "*A Bill for an Emergency Ordinance to Suspend All Applications for Any Land Use Approval or Building Permit for the Development or Construction of Mini-Warehouses, Outdoor Storage and Related Uses within the Corporate Limits of the Town of Parker Effective From March 24, 2015 Through April 6, 2016,*" (the "Emergency Ordinance");

WHEREAS, on May 4, 2015, the Town Council adopted Ordinance No. 3.312.1, affirming the Emergency Ordinance;

WHEREAS, on December 14, 2015, the Town Council adopted Ordinance No. 3.312.2 extending the suspension period described in the Emergency Ordinance from March 24, 2015, to April 6, 2016;

WHEREAS, the Emergency Ordinance provides that it is one of the highest priorities of the Town Council that the Community Development Department study, plan and recommend land use legislation to implement a land use policy regarding mini-warehouses, outdoor storage and related storage uses;

WHEREAS, the Town's Community Development Department completed the study and plan described in the Emergency Ordinance, planned and has made a recommendation, which is contained in a Memorandum dated January 27, 2016, and on file at Town Hall in the Office of the Town Clerk;

WHEREAS, the Parker 2035 Master Plan has established a goal to "*Encourage and support a high level of diverse, quality retail and services, with an emphasis on local businesses*

*that contribute to Parker's sales and property tax base so that needed infrastructure, physical amenities, services and the expansion of such services are provided.*" Mini-warehouses, outdoor storage and related uses do not support this Master Plan goal because they do not contribute sales tax, and existing mini-warehouse facilities only contributed approximately \$18,000 in property tax to the Town in 2014;

WHEREAS, the Parker 2035 Master Plan has established a goal to "*Attract and retain a variety of employment opportunities for Parker resident.*" Mini-warehouses, outdoor storage and related uses do not support this Master Plan goal because they do not create substantial employment;

WHEREAS, existing Planned Development Districts allow mini-warehouses, outdoor storage and related storage uses on a total of 248 acres of land either by right or use by special review, most of which 248 acres are located in areas where the Parker 2035 Master Plan does not recommend these types of land uses;

WHEREAS, there are only 59.9 acres of undeveloped land in the Parker 2035 Master Plan Light Industrial Character Area, and mini-warehouses, outdoor storage and related storage uses are competing with uses that create employment and commerce that benefit the citizens of Parker for the use of this limited amount of land;

WHEREAS, there are 555,070 square feet of mini-warehouses existing and under construction within the Town's Urban Growth Area, which exceeds the national average of mini-warehouse space per resident within the Urban Growth Area, thereby meeting the local need for mini-warehouses;

WHEREAS, an additional 355,397 square feet of mini-warehouse is proposed within the Town's Urban Growth Boundary, but outside of the Town's municipal boundaries, proposed mini-warehouse development, along with other existing and proposed mini-warehouse located outside of the Town's Urban Growth Boundary, but within Town's trade area, exceed the national average of mini-warehouse space per resident for the Parker trade area, thereby meeting the trade area need; and

WHEREAS, the Town of Parker does not desire to fulfill the regional demand for mini-warehouses, outdoor storage and related storage uses and there is capacity within the Parker trade area and within a 5-mile radius of the Town of Parker to fulfill any excess regional demand.

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

**Section 1.** Section 13.02.010, Definitions, of the Parker Municipal Code is hereby amended by the addition thereto of the following definitions:

**13.02.010 Definitions.**

*Self storage* means a building, series of buildings, structure, or an outdoor area in which storage spaces (such as rooms, lockers, containers, and/or outdoor

space), also known as "storage units," are used by consumers/tenants for short- or long-term storage of personal property. Consumers/tenants retain "care, custody and control" of their personal property. Self storage may also be referred to as mini storage and mini warehouse.

*Self storage, outdoor*, means an outdoor area in which storage spaces are used by consumers/tenants for short- and long-term storage of personal property. Consumers/tenants retain "care, custody and control" of their personal property. Outdoor storage includes, but is not limited to, camper/RV storage, as well as landscape storage and contractor storage where such storage is not accessory to a contractor's office. (See *self storage*.)

*Storage* means the **placement**, holding or stockpiling of material or products in a bulk form, in bulk containers **or in individual containers** either within a building or outside, where the use is ancillary and integral to the operations of a **principal primary** use permitted within the zone district. Storage is not permitted as a **principal primary** land use within the Town of Parker. **Storage does not include areas fitting the definition of Principal Display as found in Section 13.10.140 – Lighting standards.**

*Warehousing* means the holding or stockpiling of material or products in a bulk form or in bulk containers where the use is ancillary and integral to the operations of a primary use permitted within the zone district. Warehousing is not permitted as a primary land use within the Town of Parker (see Storage).

**Section 2.** Subsection 13.04.100(c), B-Business District, Paragraph (12), of the Parker Municipal Code is hereby amended to read as follows:

**13.04.100 B-Business District**

\* \* \*

(c) Uses permitted by right.

\* \* \*

(12) Accessory buildings and uses as described in Section 13.04.170.

**Section 3.** Subsection 13.04.120(d), C-Commercial, Paragraph (7), of the Parker Municipal Code is hereby repealed and Paragraphs (8) through (14) are renumbered accordingly.

**Section 4.** Subsection 13.04.130(a), LI-Light Industrial, of the Parker Municipal Code is hereby amended to read as follows:

**13.04.130 LI-Light Industrial**

(a) Intent. The district is intended to provide a location for a variety of work processes such as manufacturing, machine shops, production facilities,

distribution facilities, flex office, commercial services and other uses of similar character that create employment and economic output within the Town that contribute to Parker's sales and property tax base. The Light Industrial character area will include opportunities for research and development, high tech and medical device manufacturing firms that have a synergistic relationship. Processes and land uses within this district will be low impact in nature and not create or cause fumes, odor, noise, vibration or other impacts which are detrimental to abutting properties or land uses.

**Section 5.** Subsection 13.04.130(c), LI-Light Industrial, Paragraphs (8) and (17), of the Parker Municipal Code are hereby amended to read as follows:

**13.04.130 LI-Light Industrial**

\* \* \*

(c) Uses permitted by right.

\* \* \*

(8) Contractor's offices with accessory equipment and trailer storage as described in Section 13.04.170, Accessory Uses.

\* \* \*

(17) Underground electrical transmission and distribution lines, telegraph and telephone lines, telephone exchanges, electric substations and gas regulator stations, inclusive of public offices and repair and accessory storage facilities.

**Section 6.** Subsection 13.04.130(c), LI-Light Industrial, Paragraph (21), of the Parker Municipal Code is hereby repealed.

**Section 7.** Subsection 13.04.130(e), LI-Light Industrial, Paragraph (5), of the Parker Municipal Code is hereby repealed.

**Section 8.** Section 13.04.140, GI-General Industrial, of the Parker Municipal Code is hereby repealed.

**Section 9.** Subsection 13.04.160(c), PF-Public Facilities District, Paragraph (1), of the Parker Municipal Code is hereby amended to read as follows:

**13.04.160 PF-Public Facilities District**

\* \* \*

(c) Uses permitted by right.

\* \* \*

(8) Accessory buildings and uses as described in Section 13.04.170.

**Section 10.** Subsection 13.04.160(d), PF-Public Facilities District, Paragraphs (3) and (5), of the Parker Municipal Code are hereby repealed and Paragraphs (4) and (6) are renumbered accordingly.

**Section 11.** Section 13.04.170, Accessory uses and buildings, of the Parker Municipal Code is hereby amended to read as follows:

**13.04.170 Accessory uses and buildings.**

(a) Accessory uses or buildings shall be those which:

- (1) Are clearly incidental and subordinate to the use of the principal building or use of the land;
- (2) Are customarily utilized in conjunction with the principal use of the land or the principal building;
- (3) Are located on the same platted lot as the principal use of the land or the principal building.

(b) Inclusions. Accessory uses and buildings may include, but not be limited to the following:

- (1) Off-street parking areas.
- (2) Storage sheds; household use only.
- (3) Private greenhouses.
- (4) Private swimming pools.
- (5) Private fallout shelters.

(c) Storage and warehousing. Storage and warehousing are permitted in the Town only where the use is accessory, ancillary, incidental, subordinate and integral to the operations of a primary nonresidential use permitted within a zone district. Storage and warehousing as an accessory use should generally occupy not more than twenty-five percent (25%) of the site or building(s) with the remaining seventy-five (75%) of the site or building being the primary use. Storage and warehousing are not permitted as a primary land use within the Town of Parker, as described in Section 13.04.300.

(d) All setbacks for accessory uses, except off-street parking areas, shall conform to the setbacks as outlined in the underlying zoning district.

**Section 12.** Chapter 13.04 of the Parker Municipal Code is hereby amended by the addition thereto of a new Section 13.04.300 to read as follows:

**13.04.300 Storage Uses Overlay District.**

(a) Intent. By adoption of this Section, the Town Council desires to specify as follows:

(1) Nothing in this Section shall be construed as permitting any new or expanded self storage, outdoor self storage, and warehousing within any zoning district of the Town or any areas of the Town zoned PD-Planned Development District after the effective date of this Section, except as provided by this Section.

(2) Nothing in this Section shall be construed as permitting any new or expanded storage, outdoor storage, and warehousing as primary uses within any zoning district of the Town or any areas of the Town zoned PD-Planned Development after the effective date of this Section, except as provided by this Section.

(3) Storage, self storage, outdoor self storage and warehouse uses that were in existence and were permitted prior to the effective date of this Section shall be allowed to continue as nonconforming situations to the extent provided by Section 13.04.230 of the Code.

(4) Any potential applicant that was qualified to submit an application as provided by Emergency Ordinance No. 3.312, Series of 2015, for a storage, self storage, outdoor self storage and warehouse use, submitted a complete application with the Town prior to ~~April 6~~, **September 7**, 2016, and which application ~~is~~ ~~was~~ approved by the Town as **provided** ~~required~~ by the Land Development Ordinance, shall be allowed to continue as nonconforming situations to the extent provided by Section 13.04.230 of the Code.

**(5) Storage, self storage, outdoor self storage and warehouse uses that are currently in existence within the LI – Light Industrial District, but were not approved by the Town as a use permitted by special review as required by Section 13.04.130(e)(5) of the Code, shall submit a complete application for a use permitted by special review as required by Section 13.04.130(e)(5) of the Code and for a site plan as required by Chapter 13.06 of the Code, with the Town prior to September 7, 2016, which application must be approved by the Town as provided by the Land Development Ordinance, in order for such storage uses to continue as nonconforming situations to the extent provided by Section 13.04.230 of the Code.**

~~(5 6)~~ This Section shall be subject to further review in the event that existing storage, self storage, outdoor self storage and warehouse uses located in the Town's trade area are no longer meeting the needs of the Town.

(b) Storage uses prohibited. All storage, self storage, outdoor self storage and warehousing uses are prohibited as a use by right or as a use by special review in all zoning districts established by this Title and in all areas zoned PD-Planned Development District, except as allowed as an accessory use to the extent provided by Section 13.04.170 of this Chapter.

(c) Residential. Storage in residential areas shall be limited to those items which are clearly incidental to residential functions and uses, and shall specifically exclude any commercial or industrial related storage of materials, equipment or vehicles.

(1) Outdoor storage shall not be permitted in the front yard of a residential dwelling.

(2) Outdoor storage of items commonly used inside a residential dwelling are not permitted.

(3) Storage of items defined as “junk” or “litter” under Section 6.01.020 of the Code are not permitted.

(d) Screening. All types of accessory commercial storage shall be screened in an aesthetic manner from public view and from the view of surrounding areas. This shall include the screening of materials and equipment used by the principal use. Screening shall meet the standards as described in Section 13.06.090 of the Code.

**Section 13.** Section 13.10.050, Storage, of the Parker Municipal Code is hereby repealed.

**Section 14. 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 15. 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 16.** This Ordinance shall become effective ten (10) days after final publication.

INTRODUCED AND PASSED ON FIRST READING this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Mike Waid, Mayor

ATTEST:

\_\_\_\_\_  
Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this \_\_\_\_ day of \_\_\_\_\_,  
2016.

\_\_\_\_\_  
Mike Waid, Mayor

ATTEST:

\_\_\_\_\_  
Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
James S. Maloney, Town Attorney



**Community Development Department Memorandum  
Development Review Division**

**To:** Town of Parker Planning Commission

**From:** Bryce Matthews, Comprehensive Planning Manager   
Steve Greer, Deputy Community Development Director 

**Through:** John Fussa, Community Development Director

**Date:** February 11, 2016

**Regarding:** Public Meeting: Amendments to Section 13 of the Land Development Ordinance Regarding Storage

**Section I.  
Subject & Proposal:**

**Applicant:** Town of Parker

**Proposal:** Proposed amendments to the Land Development Ordinance regarding storage, self storage and outdoor storage including creation of a new storage overlay district.

**Section II.  
Background**

**History:** On April 20, 2015, the Town approved emergency Ordinance No. 3.312 to suspend all applications for any land use approval or building permit for the development or construction of mini-warehouses, outdoor storage and related uses from March 24, 2015 through April 6, 2016

The emergency ordinance was affirmed through Ordinance No. 3.312.1 on May 4, 2015.

Ordinance No. 3.312.2 extended the suspension to April 6, 2016.

### **Section III.**

#### **Analysis:**

During this suspension, the Community Development Department was to study, plan and recommend land use legislation regarding future development and construction of these facilities in the Town. For the purposes of this staff report, self storage shall generally include mini-warehouses, outdoor storage and related uses as described in the approved ordinances. Council approved Ordinances 3.312 and 3.312.1 in response to the significant level of interest in developing self storage uses within the Town's commercial/light industrial Planned Developments (PD) and the LI-Light Industrial zone district of the Town. Town Council is concerned that this level of interest for this specific type of use will negatively impact the inventory of available real property to accommodate existing and future demand for those commercial and industrial uses and the direct economic and employment benefits that they provided to the Town.

Attached to this document is the final Community Development report as required in the Ordinance. The report concluded the following:

- Self storage from a land use perspective is typically viewed as a heavy commercial/light industrial use. This is consistent with the Town's current land use policy.
- Self storage from the market perspective is viewed as a convenience service, meaning that proximity to residential uses (the customer) and visibility is important to the developer. This conflicts with Town land use policy which seeks to preserve sites for commercial and light industrial uses that provide community and economic development benefits.
- When the analysis is confined to the Parker Urban Growth Boundary (UGB) and includes self storage under construction, the Town has above the national average of 7.3 square-feet of self storage per household.
- When adding proposed self storage development in the County as of the time of this report, the residents in the Parker trade area are served at about the national average.
- With projected growth and surrounding households, the Parker area may be underserved by 2035 unless there is additional self storage development proximate to Town. A threshold issue is whether Parker should meet the regional need for this use within its boundaries or focus on the regional opportunity for self storage outside Town boundaries.
- Self Storage as a land use generally:
  - Generates little to no sales tax revenue
  - Generates few jobs compared to retail, office or light industrial uses
  - Pays as much or more per acre in property taxes compared to other land uses
  - Has limited demand for or impact upon public services (traffic, water and police) compared to most other land uses
  - Creates a 'dead zone' for activity because of the passive nature of the use

- The Town has limited land available in the Light Industrial Character Area (where self storage is currently recommended by the Master Plan) and the self storage industry may consume much of this scarce land if the current land use policy and zoning is not amended
- The Town has a significant amount of existing zoning that permits self storage; most of these areas are in locations zoned PD where the Master Plan does not support this use
- With the exception of Centennial, most other jurisdictions have not addressed self storage specifically within their regulations and many, like Parker, have existing zoning that is permissive with regard to self storage
- Broadly, there is no intent for surrounding jurisdictions to change their policy regarding self storage in the short term. There is a risk that Parker may become a self storage service center not only for Town residents but the residents of outlying communities and unincorporated Douglas County

The study concludes and recommends that the Parker 2035 Master Plan and the Land Development Ordinance be amended to not permit additional self storage and outdoor self storage and limit other storage uses as ancillary uses. An amendment to the Master Plan is being processed concurrent with this proposed Ordinance.

Following is a summary of the proposed Ordinance and changes to the Land Development Ordinance:

1. Creates definitions for Self Storage, Outdoor Self Storage, Storage and Warehousing
2. Amends B-Business, C-Commercial, PF- Public Facilities and LI – Light Industrial districts to remove storage as primary uses and removes self storage as a permitted use
3. Removes GI-General Industrial zoning district from our code
4. Amend the intent of the Light Industrial District to more closely align with the proposed amendment to the Parker 2035 Master Plan Light Industrial character area description
5. Defines storage and warehousing as accessory uses and generally describes them as 25% or less of a building or site
6. Removes radio antennas as accessory residential uses
7. Establishes a Storage Uses Overlay District which:
  - a. Clarifies the intent of the District
  - b. Allows for nonconforming situations to continue
  - c. Gives those projects excluded through Ordinance 3.312 until April 6, 2016 to submit a complete application
  - d. Prohibits storage as a primary land use in Town
  - e. Prohibits new self storage and outdoor self storage in Town
  - f. Cleans up the restrictions on residential storage
  - g. Clarifies screening requirements for permitted ancillary storage

**Section V.  
Recommendation:**

Staff recommends that the Planning Commission recommend that the Town Council approve Ordinance No. 3.321 amending the Land Development Ordinance regarding storage.

**Section VI.  
Attachments:**

1. Ordinance No. 3.321
2. Self Storage Analysis Dated January 27, 2016

**Section VII.  
Proposed Motion(s):**

*"I move that the Planning Commission recommend that the Town Council approve Ordinance No. 3.321 amending the Land Development Ordinance regarding storage."*

ORDINANCE NO. 3.321, Series of 2016

**TITLE: A BILL FOR AN ORDINANCE TO AMEND SECTIONS 13.02.010, 13.04.100(c), 13.04.130(a), 13.04.130(c), 13.04.160(c), AND 13.04.170 OF THE PARKER MUNICIPAL CODE, AND CHAPTER 13.04 OF THE PARKER MUNICIPAL CODE IS HEREBY AMENDED BY THE ADDITION THERETO OF A NEW SECTION 13.04.300, AND TO REPEAL PARAGRAPHS 13.04.120(d)(7), 13.04.130(c)(21), 13.04.130(e)(5), SECTION 13.04.140, PARAGRAPHS 13.04.160(d)(3), 13.04.160(d)(5) AND SECTION 13.10.050 OF THE PARKER MUNICIPAL CODE, CONCERNING STORAGE USES IN THE TOWN OF PARKER**

WHEREAS, the Town is concerned that the high level of interest for mini-warehouses, outdoor storage and related storage uses will negatively impact the inventory of real property available to accommodate existing and future demand for those commercial and industrial uses that provide direct economic benefits and employment to the Town;

WHEREAS, the Town desires to address the impact of mini-warehouses, outdoor storage and related storage uses that do not provide direct economic benefits and employment to the Town;

WHEREAS, on April 20, 2015, the Town Council adopted Ordinance No. 3.312 as an emergency ordinance, which ordinance is entitled "*A Bill for an Emergency Ordinance to Suspend All Applications for Any Land Use Approval or Building Permit for the Development or Construction of Mini-Warehouses, Outdoor Storage and Related Uses within the Corporate Limits of the Town of Parker Effective From March 24, 2015 Through April 6, 2016,*" (the "Emergency Ordinance");

WHEREAS, on May 4, 2015, the Town Council adopted Ordinance No. 3.312.1, affirming the Emergency Ordinance;

WHEREAS, on December 14, 2015, the Town Council adopted Ordinance No. 3.312.2 extending the suspension period described in the Emergency Ordinance from March 24, 2015, to April 6, 2016;

WHEREAS, the Emergency Ordinance provides that it is one of the highest priorities of the Town Council that the Community Development Department study, plan and recommend land use legislation to implement a land use policy regarding mini-warehouses, outdoor storage and related storage uses;

WHEREAS, the Town's Community Development Department completed the study and plan described in the Emergency Ordinance, planned and has made a recommendation, which is contained in a Memorandum dated \_\_\_\_\_, 2016, and on file at Town Hall in the Office of the Town Clerk;

WHEREAS, the Parker 2035 Master Plan has established a goal to "*Encourage and support a high level of diverse, quality retail and services, with an emphasis on local businesses*

*that contribute to Parker's sales and property tax base so that needed infrastructure, physical amenities, services and the expansion of such services are provided."* Mini-warehouses, outdoor storage and related uses do not support this Master Plan goal because they do not contribute sales tax, and existing mini-warehouse facilities only contributed approximately \$18,000 in property tax to the Town in 2014;

WHEREAS, the Parker 2035 Master Plan has established a goal to *"Attract and retain a variety of employment opportunities for Parker resident."* Mini-warehouses, outdoor storage and related uses do not support this Master Plan goal because they do not create substantial employment;

WHEREAS, existing Planned Development Districts allow mini-warehouses, outdoor storage and related storage uses on a total of 248 acres of land either by right or use by special review, most of which 248 acres are located in areas where the Parker 2035 Master Plan does not recommend these types of land uses;

WHEREAS, there are only 59.9 acres of undeveloped land in the Parker 2035 Master Plan Light Industrial Character Area, and mini-warehouses, outdoor storage and related storage uses are competing with uses that create employment and commerce that benefit the citizens of Parker for the use of this limited amount of land;

WHEREAS, there are 555,070 square feet of mini-warehouses existing and under construction within the Town's Urban Growth Area, which exceeds the national average of mini-warehouse space per resident within the Urban Growth Area, thereby meeting the local need for mini-warehouses;

WHEREAS, an additional 355,397 square feet of mini-warehouse is proposed within the Town's Urban Growth Boundary, but outside of the Town's municipal boundaries, proposed mini-warehouse development, along with other existing and proposed mini-warehouse located outside of the Town's Urban Growth Boundary, but within Town's trade area, exceed the national average of mini-warehouse space per resident for the Parker trade area, thereby meeting the trade area need; and

WHEREAS, the Town of Parker does not desire to fulfill the regional demand for mini-warehouses, outdoor storage and related storage uses and there is capacity within the Parker trade area and within a 5-mile radius of the Town of Parker to fulfill any excess regional demand.

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

**Section 1.** Section 13.02.010, Definitions, of the Parker Municipal Code is hereby amended by the addition thereto of the following definitions:

**13.02.010 Definitions.**

*Self storage* means a building, series of buildings, or an outdoor area in which storage spaces (such as rooms, lockers, containers, and/or outdoor space), also

known as "storage units," are rented to consumers/tenants, usually on a short-term basis (often month-to-month) for storage of personal property. Consumers/tenants retain "care, custody and control" of their personal property.

*Self storage, outdoor*, means an outdoor area in which storage spaces are rented to consumers/tenants, usually on a short-term basis (often month-to-month) for storage of personal. Consumers/tenants retain "care, custody and control" of their personal property. (see Self Storage)

*Storage* means the holding or stockpiling of material or products in a bulk form or in bulk containers either within a building or outside, where the use is ancillary and integral to the operations of a primary use permitted within the zone district. Storage is not permitted as a primary land use within the Town of Parker.

*Warehousing* means the holding or stockpiling of material or products in a bulk form or in bulk containers where the use is ancillary and integral to the operations of a primary use permitted within the zone district. Warehousing is not permitted as a primary land use within the Town of Parker (see Storage).

**Section 2.** Subsection 13.04.100(c), B-Business District, Paragraph (12), of the Parker Municipal Code is hereby amended to read as follows:

**13.04.100 B-Business District**

\* \* \*

(c) Uses permitted by right.

\* \* \*

(12) Accessory buildings and uses as described in Section 13.04.170.

**Section 3.** Subsection 13.04.120(d), C-Commercial, Paragraph (7), of the Parker Municipal Code is hereby repealed and Paragraphs (8) through (14) are renumbered accordingly.

**Section 4.** Subsection 13.04.130(a), LI-Light Industrial, of the Parker Municipal Code is hereby amended to read as follows:

**13.04.130 LI-Light Industrial**

(a) Intent. The district is intended to provide a location for a variety of work processes such as manufacturing, machine shops, production facilities, distribution facilities, flex office, commercial services and other uses of similar character that create employment and economic output within the Town that contribute to Parker's sales and property tax base. The Light Industrial character area will include opportunities for research and development, high tech and medical device manufacturing firms that have a synergistic relationship. Processes and land uses within this district will be low impact in nature and not

create or cause fumes, odor, noise, vibration or other impacts which are detrimental to abutting properties or land uses.

**Section 5.** Subsection 13.04.130(c), LI-Light Industrial, Paragraphs (8) and (17), of the Parker Municipal Code are hereby amended to read as follows:

**13.04.130 LI-Light Industrial**

\* \* \*

(c) Uses permitted by right.

\* \* \*

(8) Contractor's offices with accessory equipment and trailer storage as described in Section 13.04.170, Accessory Uses.

\* \* \*

(17) Underground electrical transmission and distribution lines, telegraph and telephone lines, telephone exchanges, electric substations and gas regulator stations, inclusive of public offices and repair and accessory storage facilities.

**Section 6.** Subsection 13.04.130(c), LI-Light Industrial, Paragraph (21), of the Parker Municipal Code is hereby repealed.

**Section 7.** Subsection 13.04.130(e), LI-Light Industrial, Paragraph (5), of the Parker Municipal Code is hereby repealed.

**Section 8.** Section 13.04.140, GI-General Industrial, of the Parker Municipal Code is hereby repealed.

**Section 9.** Subsection 13.04.160(c), PF-Public Facilities District, Paragraph (1), of the Parker Municipal Code is hereby amended to read as follows:

**13.04.160 PF-Public Facilities District**

\* \* \*

(c) Uses permitted by right.

\* \* \*

(8) Accessory buildings and uses as described in Section 13.04.170.

**Section 10.** Subsection 13.04.160(d), PF-Public Facilities District, Paragraphs (3) and (5), of the Parker Municipal Code are hereby repealed and Paragraphs (4) and (6) are renumbered accordingly.

**Section 11.** Section 13.04.170, Accessory uses and buildings, of the Parker Municipal Code is hereby amended to read as follows:

**13.04.170 Accessory uses and buildings.**

(a) Accessory uses or buildings shall be those which:

- (1) Are clearly incidental to the use of the principal building or use of the land;
- (2) Are customarily utilized in conjunction with the principal use of the land or the principal building;
- (3) Are located on the same platted lot as the principal use of the land or the principal building.

(b) Inclusions. Accessory uses and buildings may include, but not be limited to the following:

- (1) Off-street parking areas.
- (2) Storage sheds; household use only.
- (3) Private greenhouses.
- (4) Private swimming pools.
- (5) Private fallout shelters.

(c) Storage and warehousing. Storage and warehousing are permitted in the Town only where the use is ancillary and integral to the operations of a primary nonresidential use permitted within a zone district. Storage and warehousing are not permitted as a primary land use within the Town of Parker, as described in Section 13.04.300.

(d) All setbacks for accessory uses, except off-street parking areas, shall conform to the setbacks as outlined in the underlying zoning district.

**Section 12.** Chapter 13.04 of the Parker Municipal Code is hereby amended by the addition thereto of a new Section 13.04.300 to read as follows:

**13.04.300 Storage Uses Overlay District.**

(a) Intent. By adoption of this Section, the Town Council desires to specify as follows:

- (1) Nothing in this Section shall be construed as permitting any new or expanded self storage and outdoor self storage within any zoning district of

the Town or any areas of the Town zoned PD-Planned Development District after the effective date of this Section, except as provided by this Section.

(2) Nothing in this Section shall be construed as permitting any new or expanded storage, outdoor storage and warehousing as primary uses within any zoning district of the Town or any areas of the Town zoned PD-Planned Development after the effective date of this Section, except as provided by this Section.

(3) Storage, self storage, outdoor self storage and warehouse uses that were in existence and were permitted prior to the effective date of this Section or the subject of a complete application that was filed prior the effective date of this Section, as provided by the Emergency Ordinance No. 3.312, Series of 2015, shall be allowed to continue as nonconforming situations to the extent provided by Section 13.04.230 of the Code.

(4) This Section shall be subject to further review in the event that existing storage, self storage, outdoor self storage and warehouse uses located in the Town's trade area are no longer meeting the needs of the Town.

(b) Storage uses prohibited. All storage, self storage, outdoor self storage and warehousing uses are prohibited as a use by right or as a use by special review in all zoning districts established by this Title and in all areas zoned PD-Planned Development District, except as allowed as an accessory use to the extent provided by Section 13.04.170 of this Chapter.

(c) Residential. Storage in residential areas shall be limited to those items which are clearly incidental to residential functions and uses, and shall specifically exclude any commercial or industrial related storage of materials, equipment or vehicles.

(1) Outdoor storage shall not be permitted in the front yard of a residential dwelling.

(2) Outdoor storage of items commonly used inside a residential dwelling are not permitted.

(3) Storage of items defined as "junk" or "litter" under Section 6.01.020 of the Code are not permitted.

(d) Screening. All types of accessory commercial storage shall be screened in an aesthetic manner from public view and from the view of surrounding areas. This shall include the screening of materials and equipment used by the principal use. Screening shall meet the standards as described in Section 13.06.090 of the Code.

**Section 13.** Section 13.10.050, Storage, of the Parker Municipal Code is hereby repealed.

**Section 14. 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 15. 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 16.** This Ordinance shall become effective ten (10) days after final publication.

INTRODUCED AND PASSED ON FIRST READING this \_\_\_\_ day of \_\_\_\_\_,  
2016.

\_\_\_\_\_  
Mike Waid, Mayor

ATTEST:

\_\_\_\_\_  
Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this \_\_\_\_ day of \_\_\_\_\_,  
2016.

\_\_\_\_\_  
Mike Waid, Mayor

ATTEST:

\_\_\_\_\_  
Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
James S. Maloney, Town Attorney



## SELF STORAGE ANALYSIS

**TO:** Mayor and Town Council  
**THROUGH:** G. Randolph Young, Town Administrator  
**FROM:** Bryce Matthews, AICP, Comprehensive Planning Manager  
**DATE:** January 27, 2016

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On April 20, 2015, the Town approved emergency Ordinance No. 3.312 entitled:

*A Bill for an Emergency Ordinance to Suspend All Applications for Any Land Use Approval or Building Permit for the Development or Construction of Mini-Warehouses, Outdoor Storage and Related Uses within the Corporate Limits of the Town of Parker Effective From March 24, 2015 Through April 6, 2016*

The Emergency Ordinance was affirmed through Ordinance No. 3.312.1 on May 4, 2015.

The Ordinance suspended new development and construction of mini-warehouses, outdoor storage and related uses through January 6, 2016. During this suspension, the Community Development Department was to study, plan and recommend land use legislation regarding future development and construction of these facilities in the Town. This memorandum is intended to provide the background and analysis desired through Ordinance 3.312.1 in order to allow Town Council to determine how they would like to proceed.

For the purposes of this memorandum, self storage shall generally include mini-warehouses, outdoor storage and related uses as described in the approved ordinances.

Council approved Ordinances 3.312 and 3.312.1 in response to the significant level of interest in developing self storage uses within the Town's commercial/light industrial Planned Developments (PD) and the LI-Light Industrial zone district of the Town. Town Council is concerned that this level of interest for this specific type of use will negatively impact the inventory of available real property to accommodate existing and future demand for those commercial and industrial uses and the direct economic and employment benefits that they provided to the Town. The Town Council stated a desire to address the impacts of self storage and other industrial uses to the Town, before approving any additional self storage uses.

The Real Estate Investment Handbook defines self storage as: a self-service operation for consumers/tenants to retain "care, custody and control" of their personal property at a secure off-site location or facility. Wikipedia defines self storage as: shorthand for "self-service storage", and also known as "mini storage" is an industry in which storage space (such as rooms, lockers, containers, and/or outdoor space), also known as "storage units" is rented to tenants, usually on a short-term basis (often month-to-month). Self-storage tenants include businesses and individuals.

The above-referenced Wikipedia definition goes on to describe the rented spaces as being secured by the tenant's own lock and key. Unlike in a warehouse, self-storage facility employees do not have casual access to the contents of the space and, thus, the facility is generally not liable for theft. A self-storage facility does not take possession or control of the contents of the space unless a lien is imposed for non-payment of rent, or if the unit is not locked the facility may lock the unit until the tenant provides his/her own lock.

Self storage may include additional services such as truck rental, United States Postal Service, private mailboxes, EBay, overnight shipping, sale of packing supplies and business centers. Self storage may occasionally include accessory uses such as outdoor parking for RV's, boats, other trailers and vehicles. Approximately 18.7% of self storage facilities offer this additional service.

### **Market**

The self storage industry has been one of the fastest-growing sectors of the United States (US) commercial real estate industry over the last 40 years. There are over 48,500 self storage facilities in the US as of year-end 2014 totaling roughly 2.5 billion square-feet of rentable self storage space.

According to the Self Storage Association, the following are the characteristics that are the advantage to self storage as a real estate investment:

1. Simplified building structures.
2. A short construction period enabling rapid initial rentals.
3. Low operating expenses and non-energy intensive.
4. Month to month leases, highly responsive.
5. Adjustable unit mix due to movable partitions.
6. Not labor or maintenance intensive.
7. High building rentability (near 100% for single story, 75% for multi-story).
8. Many tenancies, spreading vacancy risk factor.
9. Basic function resistant to economic shifts.
10. Cash flow oriented real estate investment.

There are a wide variety of self storage formats ranging from warehouse-like one-story facilities which are most common in Parker and the Denver suburbs to multi-story facilities typically seen in more urban areas such as Denver where land prices are higher. New concepts introduced during the recession include converting buildings such as vacant supermarkets and big box retail into storage facilities. Another approach not proposed in Parker yet is using movable module units (storage containers) which are usually stored in a large warehouse.

From a development perspective, self storage is viewed as a convenience service. Customers prefer to have their items stored near them. Because of this, traditional self storage is helped by visibility and proximity to their primary market of residential- land use. On the other hand, movable-module unit self storage facilities, which include pick-up and drop-off, are often located where land costs are less expensive. The Town's strong residential growth combined with the amount of vacant non-residentially zoned land as well as the inherent profitability of self storage have caused many developers to consider prime commercial locations for this marginal use in Parker.

The average (mean) size of a "primary" self storage facility in the US is approximately 56,900 square-feet. The average size of existing self storage facilities in Parker is 66,700 square feet. The most common new facility is located on a 2.5 to 5 acre site and will be about 60,000 - 80,000 net rentable square-feet, costs \$45-65 per square-foot to construct, not including land costs, and have break-even operating expenses in the 40-60 percent range (not including debt service) of total stabilized income. The typical self storage facility design includes a management office and a resident manager's apartment within the site and a wide range of unit sizes - 5' x 5' to 10' x 30' or larger with the average unit size being about 100 square-feet (10x10). Construction techniques depend upon a number of variables. These variables include: the developer, the franchise, the climate, building code requirements, zoning requirements and surrounding structures/land uses.

The average revenue per square-foot varies from facility to facility; however, according to the Self Storage Association, the average rents nationally for Q2 2015: \$1.25 PSF for a non-climate controlled 10 x 10 unit and \$1.60 PSF for a climate controlled 10 x 10 unit. Occupancy rates for self storage facilities as of Q2 2015 were 90% (percentage of units rented per facility) up from 86.8% at year-end 2013.

Communities which absorb larger amounts of storage space are found in high-growth areas such as the Sun Belt and the West including Parker. The residents of these areas typically have more opportunity to be outdoors and to own more recreational equipment. The type of housing (e.g. basement, enclosed garages, large homes with closets or no-frills housing, military bases, condominiums and apartments, and the density of older housing which may not have adequate storage space) also has an impact on how much storage space the market will accommodate. The predominance of Homeowners' Association (HOA's) also has an impact on the demand for outdoor RV storage. Age of population, mobility rate, employment status and income are other important measures.

#### Self Storage User Demographics

- 68 percent of self storage renters live in a single-family detached dwelling and 27 percent live in a multi-family dwellings
- 65 percent of all self storage renters have a garage; 47 percent have an attic in their home; and 33% have a basement
- 47 percent of all self storage renters have an annual household income of less than \$50,000 per year; 63 percent have an annual household income of less than \$75,000 per year; and 37% have an annual household income of over \$75,000 per year

- More than 1.5 million self storage units nationwide (6 percent) are rented to military personnel
- Approximately 9.5 percent of all American households currently rent a self storage unit

Table 1 on the next page reflects the average square-footage of indoor self storage per household and resident broken down into categories. The national average was calculated by the Self Storage Association. Square-footage for self storage within the Town of Parker Urban Growth Boundary (UGB) is 400,252 s.f. based on the Douglas County Assessor records. There are three proposed facilities in Town exempted from Ordinance 3.312.1, of these three facilities, two have received approvals from the Town and have begun construction at the time of this report. The two exempted facilities under construction will create an additional 154,818 square-feet of self storage based on the Town approved plans. Town of Parker UGB population and household estimates for 2015 are 62,378 residents in 22,135 households and were calculated by the Town based on existing estimates. Population and household projections for the Town of Parker UGB for 2035 are 79,460 residents in 29,213 occupied households, also calculated by the Town.

*Table 1: Average Square-Footage of Self-Storage*

<b>Average S.F. of Self-Storage per Households and Residents</b>		
	Average S.F. per Household	Average S.F. per resident
United States	21	7.3
Town of Parker UGB*	18.1	6.4
Town of Parker with Exempted Facilities Under Review*	25.1	8.8
Town of Parker 2035 Population with Exempted Facilities Under Construction **	18.8	7.0
Parker Trade Area with Exempted Facilities Under Review***	12.8	4.4

\* Based on estimated 2015 UGB Population of 62,378 in 22,135 occupied households

\*\* Based on 2035 projections for UGB of 79,460 in 29,213 occupied households

\*\*\* Based on trade area assumption of 126,000 in 42,714 occupied households

### **Economic Impacts**

In the U.S., self storage facilities pay a total of more than \$3.25 billion in property taxes to local government jurisdictions nationally. In Parker, all of the self storage facilities combined pay \$695,000 in property taxes of which \$18,000+/- accrues to the Town because of the relatively low property mill levy collected by the Town. Below is a comparison of select properties developed with different land uses in the Town to compare property tax generation by land use. Actual tax rates vary; to create a more level comparison staff used 98.665 mills for all calculations.

**Table 2: Comparison of Sample Property Tax by Land Use**

	Acreage	Building Square Feet	Actual Value	Assessed Value	Approx. Property Tax	Approx. Tax per Acre
Self Storage	3.2	107,854	\$6,419,656	\$1,846,980	\$166,235	\$51,948
Outdoor RV Storage	19.7	0	\$546,101	\$158,370	\$15,623	\$793
Light Industrial	3.8	50,400	\$3,500,483	\$1,015,140	\$100,148	\$26,354
Retail	3.7	27,100	\$3,388,125	\$982,560	\$96,841	\$26,173
Office	2.8	33,721	\$5,058,150	\$1,466,870	\$144,714	\$51,683

Source: Douglas County Assessor and Town

According to the Self Storage Association, nationally self storage facilities employed more than 170,000 persons, or an average of 3.5 employees per facility. There are 6 self storage facilities in the Town of Parker's UGB, assuming that self storage in Parker mirrors the national average, there are approximately 21 jobs that can be attributed to self storage in Town.

Table 3 below provides a high level review of the economic impacts of varying land uses on a per acre basis. Each land use is assigned a level of impact by job creation, sales tax generation and property tax generation

**Table 3: Economic Impact per Acre**

<u>Land Use</u>	<u>Employment</u>	<u>Sales Tax Generation</u>	<u>Property Taxes</u>	<u>Sales Tax Multiplier</u>
Outdoor RV Storage	None	None	Low	None
Self Storage	Low	None	Medium	Low
Industrial	Medium*	Low	Medium	Medium
Retail	Medium	High	Medium	Medium
Office	High*	Low	Medium/High	High
Residential (Single Family 3.5 d.u./ac.)	None	Low	Low/Medium	High
Residential (Multi Family 20 d.u./ac.)	Low	Low	Medium	High

\*Typically higher paying jobs

The following demand for services per acre table was developed in coordination with the Town's Public Works Department, the Police Department and Parker Water and Sanitation District.

*Table 4: Demand for Services per Acre*

<b>Land Use</b>	<b>Transportation</b>	<b>Water and Sewer</b>	<b>Police</b>
Outdoor RV Storage	Low	Low	Low
Self Storage	Low	Low/Medium	Low
Industrial	Low/Medium	Low/Medium/High	Low
Retail	High	High	High
Office	Medium	Medium	Medium
Residential (Single Family 3.5 d.u./ac.)	Low	Medium	Medium/High
Residential (Multi Family 20 d.u./ac.)	Medium	Medium/High	Medium/High

**Existing Policies and Conditions**

**Parker 2035 Master Plan**

The Master Plan is a policy framework for decisions that affect the physical, social and economic environment of the Town. The Parker 2035 Master Plan represents goals and strategies to guide the Town over the next 20 years.

The Plan provides vision, direction and a defined future for the Town by establishing specific goals and strategies for land use; community appearance and design; housing and neighborhoods; jobs and economic vitality; transportation; public services and facilities; natural resource protection; open space and recreation; history, arts and culture; and regional coordination.

The Parker 2035 Master Plan reflects the Parker area residents' and business owners' values and dreams for the future of Parker, as well as sound planning principles.

The Parker 2035 Master Plan was recommended for approval by the Planning Commission on May 24, 2012 and approved by the Town Council on June 4, 2012 with the last update recommended by Planning Commission on October 22, 2015 and approved by Town Council on November 2, 2015.

Overall, the current Parker 2035 Master Plan supports self storage, referred to as mini-storage in the document, only in the Light Industrial Character Area which generally fronts on Dransfeldt Road and Twenty Mile Road between Longs Way and Parkglenn Way (see the General Land Use Plan map on page 8). *Chapter 7: Community Appearance and Design* of the Plan recommends an update of the Town's Commercial, Multifamily and Industrial design standards to give special attention to building massing, form and design so as to contribute to the overall character of the Town. Lastly, *Chapter 9: Jobs and Economic Vitality* supports the attraction of a variety of employment opportunities which would include manufacturing. Self storage competes for land with other businesses that create retail sales and greater employment. Chapter 9 continues on to seek a desire for a 'balance' of business types. It is incumbent upon the Town to determine what the right 'balance' is. Below are the specific excerpts from the Parker 2035

Master Plan that are discussed in this paragraph. Also Map 1 on page 8 depicts the Parker 2035 Master Plan General Land Use Plan which depicts the Character Areas described in Chapter 6: Land Use.

**Chapter 6: Land Use** limits 'mini storage' to the Light Industrial Character Area and described as follows:

**Light Industrial District Character Area**

*The Light Industrial District is intended to provide a location for a variety of work processes such as manufacturing, machine shops, warehouses, mini storage, commercial services and other uses of similar character. Additionally, large entertainment and recreational facilities may be located within this District because of the traditional large scale of buildings within Light Industrial areas.*

**Chapter 7: Community Appearance and Design** includes Goal 3 which states:

3. *Commercial buildings shall give special attention to building massing, form and design to create a series of unique places that contribute to the overall character of Parker as a distinctive community.*

3.A. *Work with the residents, businesses and property owners within our community to update the commercial design standards to ensure development and redevelopment reflects the community's desire to create a high quality built environment that differentiates us from surrounding communities. Use architecture, building design, public spaces and massing to create unique and attractive commercial destinations that are easily accessible by all modes of travel, especially walking and bicycling, therefore creating attractive, economically vibrant/sustainable places*

**Chapter 9: Jobs and Economic Vitality** includes Goal 1 and Strategy 2B which state:

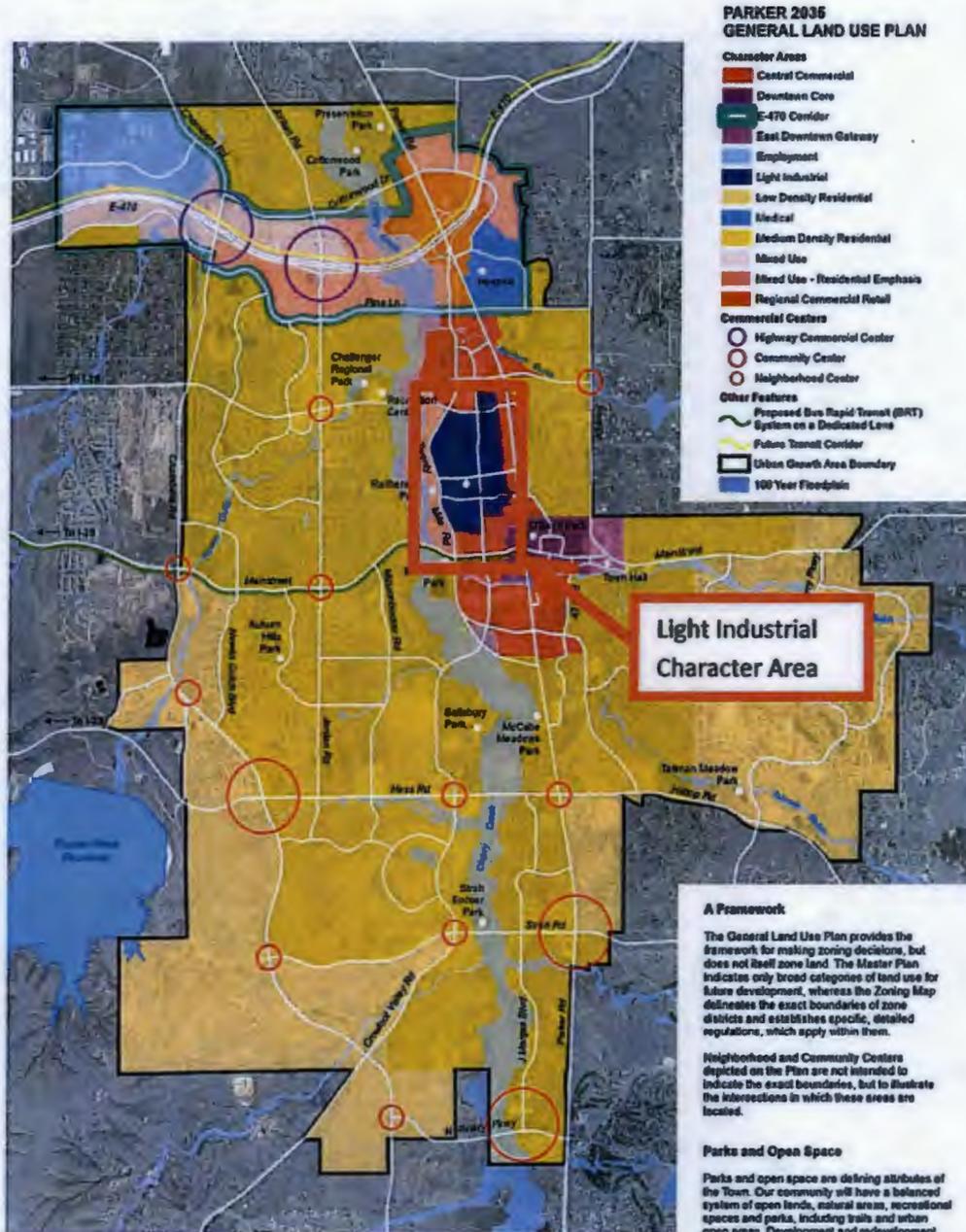
1. *Attract and retain a variety of employment opportunities for Parker residents.*

1.A. *Work with supporting entities such as the Parker Chamber of Commerce and Southeast Business Partnership (SEBP) within the local and regional community to attract appropriate business and employment opportunities.*

2.B. *Balance Parker's business and retail community so it includes a variety and diversity of business types as well as a variety of business scales and sizes.*

# Map 1: Parker 2035 Master Plan General Land Use Plan

Figure 08: GENERAL LAND USE PLAN  
 Source: Parker 2035 General Land Use Plan, June 2012



### A Framework

The General Land Use Plan provides the framework for making zoning decisions, but does not itself zone land. The Master Plan indicates only broad categories of land use for future development, whereas the Zoning Map delineates the exact boundaries of zone districts and establishes specific, detailed regulations, which apply within them.

Neighborhood and Community Centers depicted on the Plan are not intended to indicate the exact boundaries, but to illustrate the intersections in which these areas are located.

### Parks and Open Space

Parks and open space are defining attributes of the Town. Our community will have a balanced system of open lands, natural areas, recreational spaces and parks, including trails and urban open areas. Development and redevelopment will be required to preserve lands for parks and open space. Guidance for preservation of these lands is provided in the 'Open Space, Trails and Greenways Master Plan' and 'From Values to Vision: A Strategic Action Plan for Parker's Parks and Recreation.'

Disclaimer: The property boundaries, sites, legends, scale, reference to individual parcels and any and all other data shown or depicted on this map is for visual representation only and may not be accurate. Further studies and surveys, on a site specific basis, are required to verify this data.



### Available Light Industrial Properties

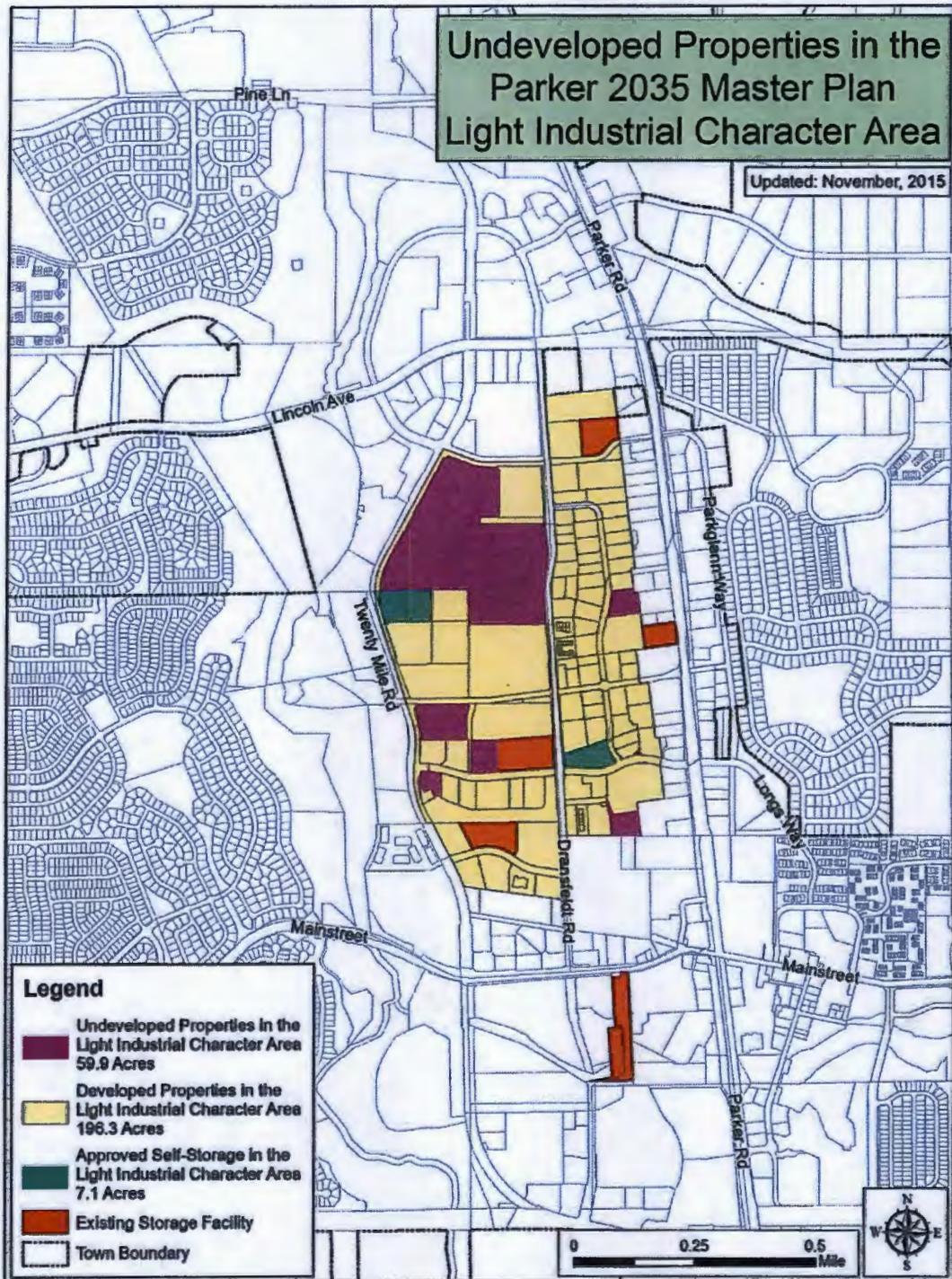
The current policy is to allow self storage uses in the Light Industrial Character Area as described in the Parker 2035 Master Plan. Town Council has stated a concern that self storage is competing with light industrial uses for the limited amount of land within the Light Industrial Character Area. It is a goal of the Town to attract and retain employment opportunities to the Town; many light industrial uses provide primary employment opportunities. Maps 2 (page 10) and 3 (page 11) visually illustrate the vacant land within the Light Industrial Character Area. Map 2 illustrates that there are 59.9 acres of vacant land within the Light Industrial Character Area. Map 3 illustrates that there are 25.1 acres of vacant land zoned for light industrial uses in the Light Industrial Character Area. If you apply a broad average of 20,000 s.f. of self storage per acre, the vacant acreage in the Light Industrial Character Area could accommodate about 1.2 million square-feet of self storage; vacant properties zoned Light Industrial (LI) within the Character Area resulting in about 500,000 s.f. of self storage. These development projections are well beyond the current demand for facilities in the Town of Parker. Outdoor storage is a much more land intensive use and could easily consume the remaining vacant acreage within the Light Industrial Character Area.

In order to serve the projected 2035 population of the Parker UGB (79,460 residents) at the current national average of 7.3 square-feet per resident, the Town would need an additional 30,000 s.f. of self storage on top of the existing and approved self storage. This would equate to one more facility on three-five acres.

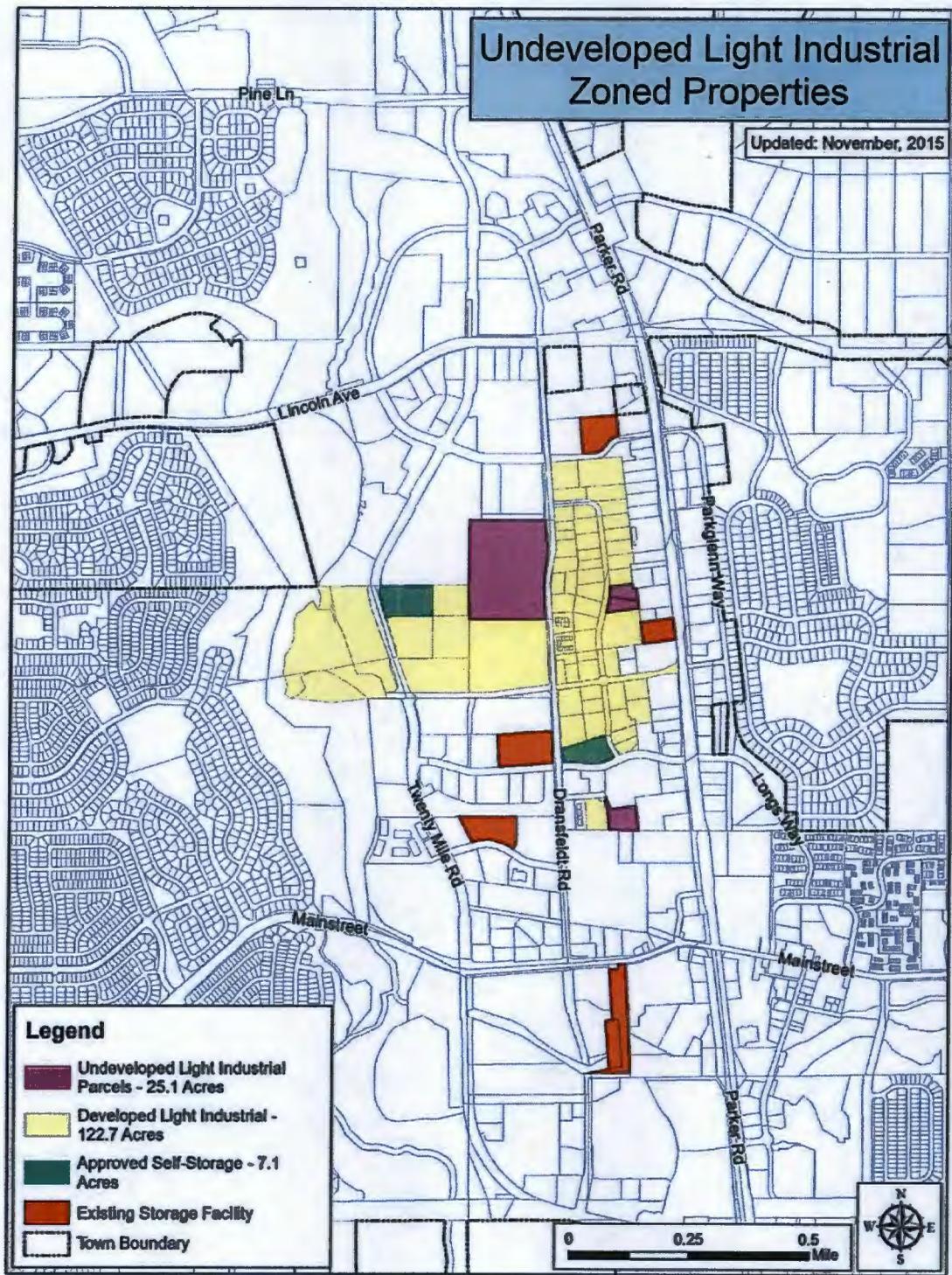
In order to serve the current trade area (126,000 residents) at the current national average of 7.3 square-feet per resident, the Town would need an additional 370,000 s.f. of self storage on top of the existing and approved self storage. This would equate to another five projects at an average of four acres each for approximately 20+ acres of land. Absorbing additional self-storage development at this greater scale would have substantial impacts to the future commercial and light industrial growth potential of the Town.

Staff does not have adequate data to determine the land demand for outdoor RV storage at this time but this is a land intensive form of development that yields few community or economic development benefits such as retail sales tax or primary employment. A single additional outdoor RV storage facility could have a significant impact on the developable property within the Light Industrial Character Area.

Map 2: Undeveloped Properties in Parker 2035 Master Plan Light Industrial Character Area



Map 3: Undeveloped Light Industrial Zoned Properties



### Existing Zoning

All properties in Town are zoned for certain uses. There are 15 existing Planned Development (PD) zones that allow self storage, many of these existing PD's do not meet the recommendations and intent of the Parker 2035 Master Plan. Table 6 below lists the existing PD's that allow self storage which potentially increases the amount of vacant land that is susceptible to this type of development. From a planning perspective, this increases the concern that a substantial portion of the Town's limited vacant land that is zoned for non-residential development may be developed for self storage as opposed to those uses which have community and economic development benefits. A map depicting the locations of where self storage is permitted can be found on page 16 of this document.

**Table 6: List of Planned Developments that Permit Self Storage**

<b>PD Name</b>	<b>Planning Area</b>	<b>Use by Special Review or Use by Right</b>	<b>Zoning Text</b>
Parker Auto Plaza	Commercial Uses	Use by Special Review	Self Storage Units
Yerkey		Use by Right	Mini-Warehouse
Valley Crest		Use by Right	Mini-Warehouse
Fairmark	Commercial	Use by Special Review	All uses permitted in the B-Business and C-Commercial including: mini-warehouse/public storage, with no storage of dangerous or flammable materials and selling of merchandise or services from any unit
Lincoln Meadows	Commercial	Use by Special Review	Mini-warehouse/public storage, subject to site plan approval with no storage of dangerous or flammable materials and no selling of merchandise and other tangible goods or services from any unit. Dead storage only.
Lincoln Meadows	Light Industrial	Use by Special Review	Mini-warehouse/public storage, subject to site plan approval with no storage of dangerous or flammable materials and no selling of merchandise and other tangible goods or services from any unit. Dead storage only.
Light Industrial Zoning		Use by Right	Mini-warehouses, subject to site plan approval: no storage of dangerous or flammable materials and no selling of merchandise and other tangible goods or services from any unit; dead storage only.
Dransfeldt Place		Use by Special Review	Mini-Storage warehouses, including recreational vehicle storage
Clarke Property	Mixed Commercial Industrial Areas	Use by Right	Storage and Warehousing Recreational vehicle storage

Progress Lane	Planning Area 1 & 2	Use by Right	Light Industrial Zoning as amended: Mini-warehouses, subject to site plan approval: no storage of dangerous or flammable materials and no selling of merchandise and other tangible goods or services from any unit; dead storage only.
Pine Bluffs	Commercial Use Area	Use by Special Review	Self Storage Units; and Recreational Vehicle Storage
Urwiller	Light Industrial	Use by Right	Mini-warehouses, subject to site plan approval: no storage of dangerous or flammable materials and no selling of merchandise and other tangible goods or services from any unit; dead storage only.
Cottonwood	Commercial	Use by Right	Recreational Vehicle Storage
Cottonwood	Mixed Commercial Industrial Areas	Use by Right	Recreational Vehicle Storage
ET Technologies		Use by Special Review	Storage and Warehousing

Following is a summary of the acreage of vacant land zoned for self storage or outdoor recreational vehicle storage in Town:

Vacant property zoned for self storage as a use by right – 81 Acres
Vacant property zoned for self storage as a use by special review – 144 acres
Vacant property zoned for outdoor RV storage – 23 acres
Total vacant property zoned for self storage and outdoor RV storage uses – 248 acres

**Existing and Proposed Self Storage Facilities**

There is currently 400,252 square-feet of existing self storage in the Town’s UGB in six different facilities. There are three facilities in the Town’s UGB that provide outdoor RV storage consisting of approximately 23 acres, 19.7 of the acres are in a single facility.

At the time of this document there are two self storage facilities within Town in the construction process consisting of 154,818 square-feet on a little over 7 acres; neither of these projects proposes outdoor RV storage. There are also three additional facilities under consideration by Douglas County within the Town's UGB, but outside the Town, totaling 355,397 square-feet. All of these projects are shown in Table 8 below. The construction of these additional projects alone will more than double the self storage in the Town's UGB. This increase in indoor self storage development will substantially surpass the national average for self storage per resident within Town based upon existing population and projected population growth.. There are currently 355,397 s.f. of additional self storage being reviewed by the County, but located within the Town's UGB (see page 15), this does not include existing self storage facilities and additional self storage proposals being considered by the County outside of the Town's UGB. The additional self storage applications being considered by the County nearly meet the need (at the national average) for the Town's trade area. With the additional existing (62,921 s.f. Extra Storage at 13100 Lincoln Avenue and 11,050 s.f. Franktown self storage at 7561 E. Inga Way) and proposed facilities (90,000 s.f. Sierra Ridge Exemption Parcel 1) within the trade area and outside the UGB are included, the trade area demand is met at a level greater than the national average.

There are 17 self storage facilities and 8 RV storage facilities within a five mile radius of the Town's urban growth boundary as shown in Map 5 on page 17.

Table 7: Existing Facilities within the Town's Urban Growth Boundary

Account No.	Owner	Street Address	Actual Value	Assessed Value	Acreage	# of Buildings	S.F.	Year Built	Outdoor Storage
R0346011	STORQUEST PARKER LLC	16980 COTTONWOOD DR, PARKER, CO 80134	\$5,138,904	\$1,465,280	5.0	11	87,652	2004	N
R0463939	SHURGARD-TRC SELF STORAGE DEVELOPMENT LLC	9827 MANGANO LN, PARKER, CO 80134	\$5,005,643	\$1,451,640	3.0	5	82,592	2006	N
R0467165	PARKGLENN SELF STORAGE LLC	10144 PARKGLENN WAY, PARKER, CO 80134	\$6,419,656	\$1,846,980	3.3	7	107,854	2008	N
R0112926	PARKER MINI STORAGE LLC	11411 N STATE HIGHWAY 83, PARKER, CO 80134	\$1,084,108	\$314,390	2.0	10	21,312	1975	Y
R0361997	HOGAN FAMILY LIMITED PARTNERSHIP	19002 E MAINSTREET, PARKER, CO 80134	\$2,145,480	\$607,460	3.9	13	45,192	1986	Y
R0414402	18455 PONY EXPRESS SP LLC	18455 PONY EXPRESS DR, PARKER, CO 80134	\$3,660,311	\$1,061,490	3.7	11	55,650	1999	N
R0440067	OUTDOOR STORAGE II LLC	9575 MOTSENBOCKER RD, PARKER, CO 80134	\$703,701	\$204,080	19.7	0	0	N/A	Y

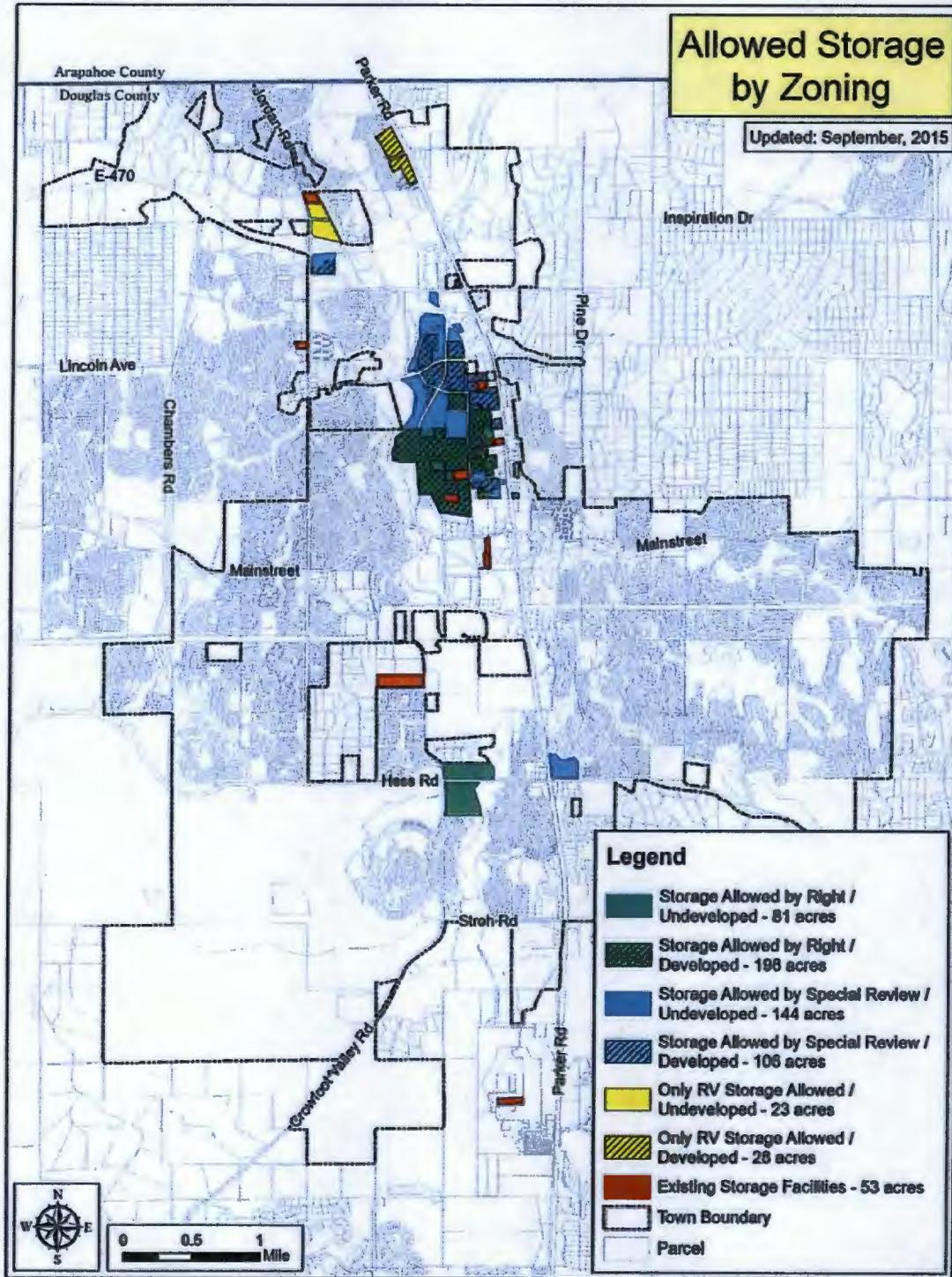
Source: Douglas County Assessor

Table 8: Proposed Facilities in the Town of Parker Urban Growth Boundary

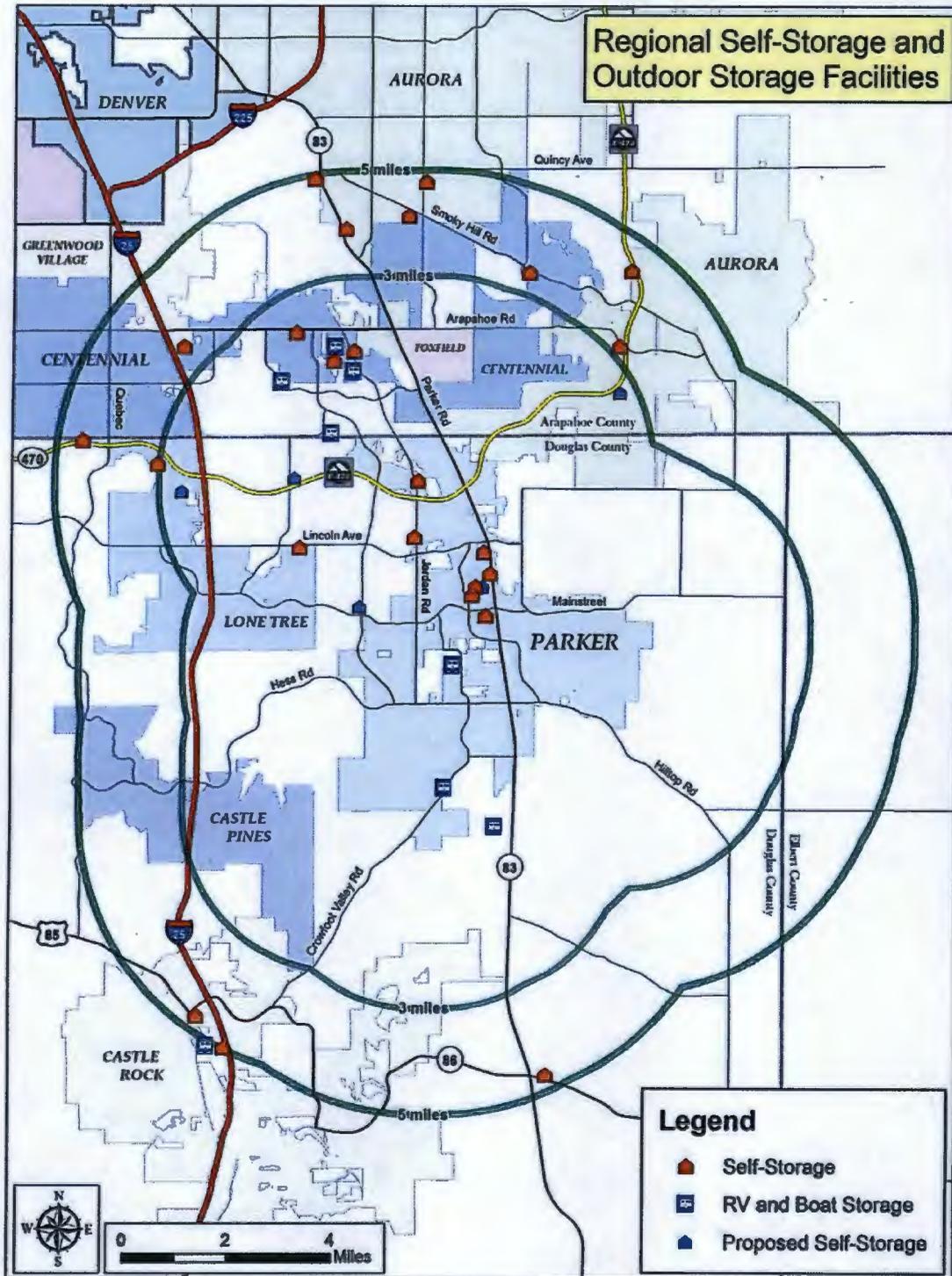
Owner	Street Address	Acreage	# of Buildings	S.F.	Outdoor Storage
MINI U STORAGE	18901 LONGS WAY, PARKER, CO 80134	2.79	3	91,700	N
POLO BUSINESS PARK	18275 APACHE DRIVE, PARKER, CO 80134	4.15	12	63,120	N
E-470/COMPARK SELF STORAGE	13784 COMPARK BLVD, PARKER, CO 80134	7.1	6	88,134	Y
NNP II STONEGATE LLC	NORTHGATE DRIVE AND JORDAN ROAD, PARKER, CO 80134	1.86	1	165,535	N
NNP II STONEGATE LLC	AVENTERRA AVENUE AND JORDAN ROAD PARKER, CO 80134	3.2	1	101,728	N

Source: Town of Parker and Douglas County

Map 4: Planned Developments Allowing for Self Storage



Map 5: Regional Self Storage/Outdoor Storage Facilities within 5 Mile Radius



Surrounding Jurisdictions Policies  
 Following is a brief overview of surrounding jurisdictions approaches to self storage. Jurisdictions responses are broken into three primary responses: master plan, zoning and design standards.

Table 9: Surround Jurisdiction Policy

Jurisdiction	Master Plan	Zoning	Design Standards	Other Notes
Parker	Recommended in the Light Industrial Character Area only	<ul style="list-style-type: none"> <li>Permitted in Light Industrial (LI)</li> <li>Permitted in some Planned Development zoning</li> </ul>	<ul style="list-style-type: none"> <li>Do not have architectural design standards specific to self storage, but are subject to light industrial design standards as described in the Commercial, Multifamily and Industrial Design Standards document.</li> <li>Outdoor storage subject to landscape and screening requirements</li> </ul>	
Douglas County	Not specifically addressed	<ul style="list-style-type: none"> <li>Permitted in light industrial and heavy commercial areas</li> <li>Permitted in some Planned Development zone districts</li> <li>Recommend outdoor RV storage in light industrial locations with no water and sanitation service</li> <li>When considering a rezoning, consider providing an adequate transition and compatibility with surrounding uses</li> </ul>	<ul style="list-style-type: none"> <li>Do not have architectural design standards specific to self storage</li> <li>Subject to HOA requirements</li> <li>Consider surrounding uses</li> <li>Outdoor storage subject to landscape and screening requirements</li> </ul>	Many larger developments have architectural review committees such as Highlands Ranch Architectural Review Committee
Castle Rock	Not specifically addressed	<ul style="list-style-type: none"> <li>Permitted in light industrial and heavy commercial areas</li> <li>Permitted in some Planned Development zone districts</li> </ul>	<ul style="list-style-type: none"> <li>Do not have architectural design standards specific to self storage</li> <li>During approval of Planned Developments, the Town has the ability to include additional design standard requirements</li> <li>Outdoor storage subject to landscape and screening requirements</li> </ul>	Castle Rock is in the process of updating their Master Plan and is currently seeing pressure for POD and shipping containers as self storage
Castle Pines	Not specifically addressed	<ul style="list-style-type: none"> <li>There is currently no zoning in Castle Pines that allows for self storage</li> </ul>	<ul style="list-style-type: none"> <li>Do not have architectural design standards specific to self storage</li> <li>Outdoor storage subject to landscape and screening requirements</li> </ul>	
Lone Tree	Not specifically addressed	<ul style="list-style-type: none"> <li>Permitted in some Planned Development zone districts</li> <li>Rezoning: considered a heavier commercial use and a low impact transitional use between residential and office.</li> </ul>	<ul style="list-style-type: none"> <li>Do not have architectural design standards specific to self storage, but are subject to Lone Tree design standards</li> </ul>	
Aurora	Not specifically addressed	<ul style="list-style-type: none"> <li>Permitted in light industrial areas</li> <li>Permitted as 'Conditional Use' in heavy commercial areas</li> <li>Permitted in some Planned Development zone districts</li> <li>Rezoning: consider compatibility with surrounding uses and other potential uses for the site; do not support self storage at retail corners.</li> <li>City encourages location of CMRS on self storage facilities.</li> </ul>	<ul style="list-style-type: none"> <li>Do not have architectural design standards for self storage except in the E-470 Corridor</li> <li>Outdoor storage subject to landscape and screening requirements</li> </ul>	Aurora is currently in the process of rewriting their zoning code; self storage has not been addressed yet. According to staff, there is not much property zoned in South Aurora for self storage.
Arapahoe County	Not specifically addressed	<ul style="list-style-type: none"> <li>Permitted in light industrial and heavy commercial areas</li> <li>Permitted in some Planned Development (PD) zone districts including the Dove Valley PD</li> </ul>	<ul style="list-style-type: none"> <li>Do not have architectural design standards specific to self storage</li> <li>Outdoor storage subject to landscape and screening requirements</li> <li>Dove Valley PD has specific design standards for self storage</li> </ul>	

Centennial	Not specifically addressed	<p>Permitted in light industrial subject to the following conditions:</p> <p><b>General Spacing Standards:</b></p> <ul style="list-style-type: none"> <li>From certain arterials: 300 feet</li> <li>From certain arterial intersections: 500 feet</li> <li>From other self-storage units: 1,000 feet</li> <li>From residential uses: 300 feet</li> </ul> <p><b>Maximum Parcel Size:</b> Not to exceed 5 acres in area</p> <p><b>Operational Requirements:</b></p> <ul style="list-style-type: none"> <li>No self storage facility may be refrigerated</li> <li>No electrical outlets in the unit</li> <li>The self-storage facility shall have a security system</li> <li>Shall not be used for conducting or operating a business</li> <li>No outdoor storage is permitted on the site of the self-storage facility</li> </ul>	<p><b>Design Standards</b> – including but not limited to:</p> <ul style="list-style-type: none"> <li>Shall be harmonious with the character of the surrounding neighborhood and shall integrate neutral colors and tones as the predominate color palette.</li> <li>Flat roofs are prohibited.</li> <li>At least 60 percent of the exterior facade of a self-storage facility shall consist of masonry.</li> <li>Building elements shall not function as signage.</li> <li>The use of intense, reflective, fluorescent, or metallic colors on storage unit doors, fencing, roofing, or walls is prohibited.</li> <li>Outdoor storage subject to landscape and screening requirements</li> </ul>	Centennial recently updated their zoning ordinance and rezoned many properties to straight Euclidian zoning
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In general, surrounding communities do not specifically address self storage in their master plans and view self storage as a heavy commercial or light industrial use during the development review process. All jurisdictions, with the exception of Centennial and Castle Pines, have existing PD zoning that allows for self storage that are potentially in areas that they would not support this use today. Without direction from the Master Plan and limited design requirements, most communities focus on compatibility and design when considering rezoning a property to allow self storage. Typically communities are much more restrictive when considering a rezoning to allow for outdoor storage.

Centennial recently updated their code to specifically address self storage as a land use. Highlights of their code are included in Table 9 on page 18.

There are five areas in the southeastern metropolitan area that have the potential for a concentration of self storage due to existing land uses and/or policies. These areas provide regional opportunity for self storage and outdoor storage including for Parker residents. They are shown generally on Map 6 on page 20. The locations are:

Parker Light Industrial Area – This location is currently recommended by the Parker 2035 Master Plan as a location that would allow for self storage uses.

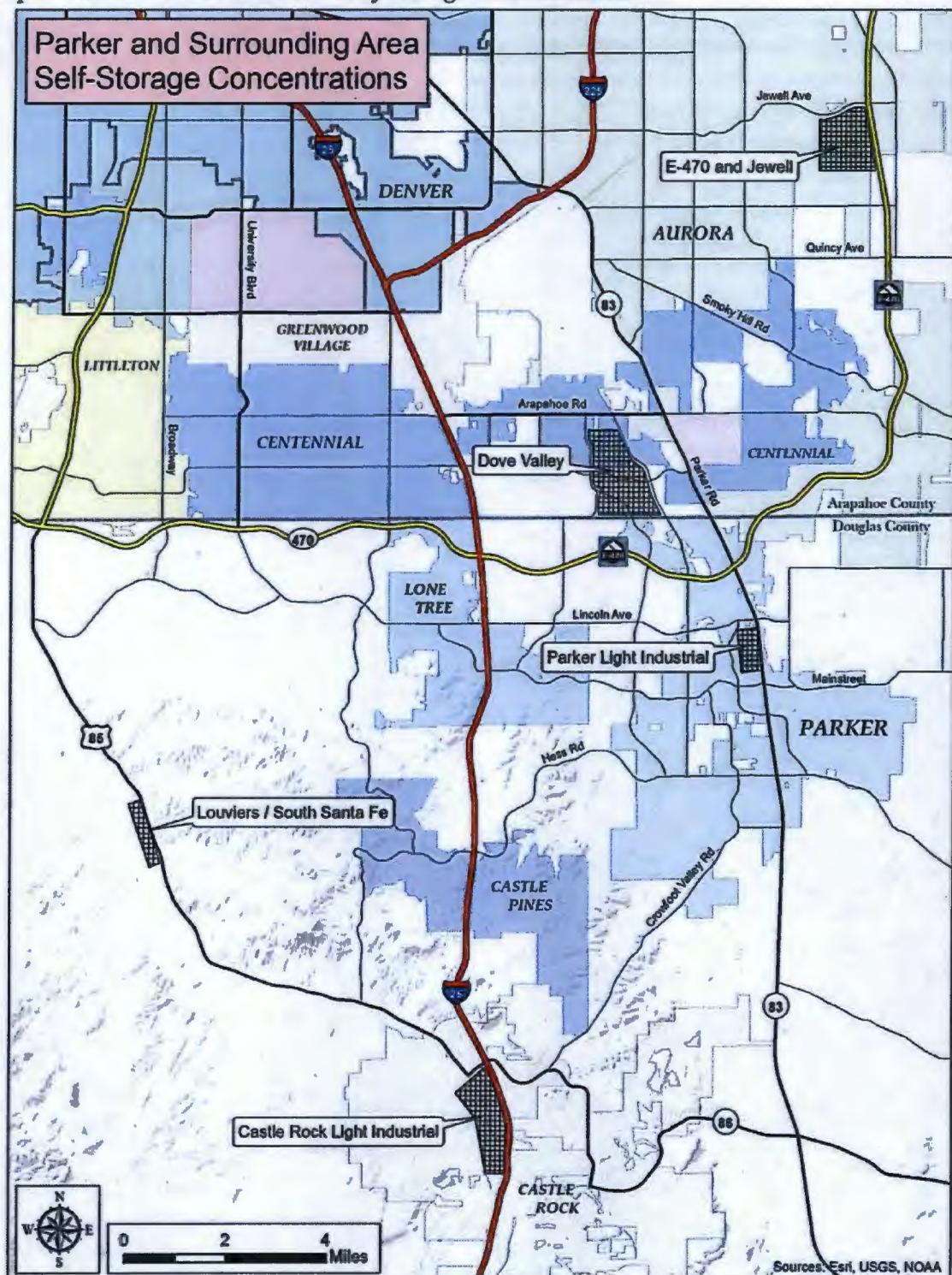
Castle Rock Light Industrial Area - Though not specifically mentioned in a Castle Rock documents, there is a current density of existing self storage facilities in this area.

Southeast corner of Jewell Avenue and E-470 – This location is at the end of the Buckley Air Force Base landing strip and has limited other appropriate uses.

Dove Valley – This location has a number of restrictions, but due to the industrial uses and proximity to the Centennial Airport landing strip allows for self storage in specific areas and subject to specific criteria.

Louviers/South Santa Fe (U.S. 85) – This light industrial area in Douglas County has a significant amount of outdoor RV storage. Douglas County has been generally supportive of this use because of land use compatibility and a lack of public water and sanitation.

Map 6: Parker and Surround Area Self Storage Concentrations



## Summary of Conclusions

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The following is a summary list of conclusions from staff research on self storage land use conditions and policy:

- Self storage from a land use perspective is typically viewed as a heavy commercial/light industrial use. This is consistent with the Town's current land use policy and zoning.
- Self storage from the market perspective is viewed as a convenience service, meaning that proximity to residential uses (the customer) and visibility is important to the developer. This conflicts with Town land use policy and zoning which seeks to preserve sites for commercial and light industrial uses that provide community and economic development benefits.
- Self storage is a low risk, high return investment which has created a high demand to develop these facilities, particularly in areas of substantial residential growth like Parker. The concern with this use (and outdoor storage) is exacerbated by the low barriers to entry, limited development costs and high returns which results in the uses becoming permanent as opposed to interim/transitional developments.
- When the analysis is confined to the Parker UGB and includes self storage under construction, the Town has above the national average of 7.3 square-feet of self storage per household.
- When adding proposed self storage development in the County as of the time of this report, the residents in the Parker trade area are served at about the national average.
- With projected growth and surrounding households, the Parker area may be underserved by 2035 unless there is additional self storage development proximate to Town. A threshold issue is whether Parker should meet the need for this marginal use within its boundaries or focus on the regional opportunity for self storage outside Town boundaries.
- Self Storage as a land use generally:
  - Generates little to no sales tax revenue
  - Generates few jobs compared to retail, office or light industrial uses
  - Pays as much or more per acre in property taxes compared to other land uses
  - Has limited demand for or impact upon public services (traffic, water and police) compared to most other land uses
  - Creates a 'dead zone' for activity because of the passive nature of the use
- The Town has limited land available in the Light Industrial Character Area (where self storage is currently recommended by the Master Plan) and the self storage industry may consume much of this scarce land if the current land use policy and zoning is not amended
- The Town has a significant amount of existing zoning that permits self storage; most of these areas are in locations zoned PD where the Master Plan does not support this use
- Self storage and outdoor storage often have a light industrial or warehouse character including architectural design that conflicts with the Town's design standards. The appearance of new development affects perceptions of the Town, impacts branding/marketing and is an issue of concern to residents

- With the exception of Centennial, most other jurisdictions have not addressed self storage specifically within their regulations and many, like Parker, have existing zoning that is permissive with regard to self storage
- Parker is unique in the fact that the current Master Plan provides direction regarding the location of self storage
- Broadly, there is no intent for surrounding jurisdictions to change their policy regarding self storage in the short term. There is a risk that Parker may become a self storage service center not only for Town residents but the residents of outlying communities and unincorporated Douglas County

### **Regulatory Options**

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Table 10 articulates a variety of regulatory options including Master Plan amendments, zoning amendments, changes to the Town's design standards and a fee option. With each of these tools there is a range of options from no change to being more permissive to being less permissive. Implementation of policy will most likely require changes to more than one tool and will require further refinement to ensure that the land use policy and zoning amendments support the policy outcome that the Town Council desires.

Table 10: Regulatory Options

Tool	Change	Policy	Pros	Cons	Outcome
Master Plan	More restrictive	Do not recommend allowing self storage and/or RV storage in any Character Area	<ul style="list-style-type: none"> <li>Preserves land for employment, commercial, residential and institutional uses</li> <li>Provides clear direction for self storage developers</li> <li>Views self storage land use from a regional perspective</li> </ul>	<ul style="list-style-type: none"> <li>Stingles out a land use that is not recommended to be permitted in the Town thereby limiting our status as a 'full service' community</li> <li>Increases demand for self storage on our periphery</li> <li>Does not address existing zoning</li> <li>Does not affirmatively change our policy</li> </ul>	No new zoning will allow self storage in the Town
	No change	No Change: Continue to recommend self storage in Light Industrial Character Area	<ul style="list-style-type: none"> <li>Does not require a policy change</li> <li>Reaffirms the current policy</li> </ul>	<ul style="list-style-type: none"> <li>Further expands opportunities for self storage to compete against land for employment, commercial, residential and institutional uses</li> <li>Allows for a greater distribution of self storage throughout the community</li> </ul>	Allows for the rezoning and eventually the construction of additional self storage with a wide distribution throughout the community
	Less restrictive	Expand Character Areas where self storage is permitted	<ul style="list-style-type: none"> <li>Provides more opportunities for this type of land use</li> <li>May continue the Town's policy to be a 'full service' community</li> <li>Releases the land use pressure in the Light Industrial Area and allows for a greater distribution of self storage throughout the community</li> </ul>	<ul style="list-style-type: none"> <li>Easy</li> </ul>	
Zoning	No change	No Change: do not change existing zoning or PD's	<ul style="list-style-type: none"> <li>Easy</li> </ul>	<ul style="list-style-type: none"> <li>Does not resolve the zoning concerns that caused the Town Council to approve Ordinances 3.312 and 3.312.1</li> <li>May not have property owner support</li> </ul>	No change
	More restrictive	Amend zoning and existing PD's or establish an overlay district to not permit self storage in Town	<ul style="list-style-type: none"> <li>Preserves land for employment, commercial, residential and institutional uses</li> <li>Provides clear direction for self storage developers</li> <li>Views self storage land use from a regional perspective</li> </ul>		No new self storage would be developed in Town
	More restrictive	Amend zoning and existing PD's or establish an overlay district to not permit self storage outside of the Light Industrial Character Area and allowing it only as a use by special review within the Light Industrial Character Area	<ul style="list-style-type: none"> <li>Reinforces recommendations of Master Plan</li> <li>Creates a clear delineation of where self storage may develop in the future</li> <li>Preserves existing commercial, residential and potential employment areas outside of the Light Industrial Character Area</li> </ul>	<ul style="list-style-type: none"> <li>May not have property owner support</li> <li>Does not resolve the concern of self storage competing with light industrial land that could be used for employment</li> </ul>	New self storage only permitted in the Light Industrial Character Area and would be subject to an additional level of review (use by special review)
	More restrictive	Create additional zoning standards through an overlay district that address items such as but not limited to: <ul style="list-style-type: none"> <li>Distance from arterial roads</li> <li>Distance from arterial intersections</li> <li>Distance from specific other facilities and other land uses</li> </ul>	<ul style="list-style-type: none"> <li>Relatively easy to implement</li> <li>Does not change existing zoning, though it may impact the ability to develop self storage on certain parcels</li> <li>Reduces over concentration of self storage in a single area</li> <li>Preserves important commercial land</li> <li>Locates self storage away from highly visible location - arterial roads</li> </ul>	<ul style="list-style-type: none"> <li>Does not specifically address competition for light industrial uses that provide employment</li> <li>Will be more difficult for developers and the Town to determine whether the use is permitted on a specific site.</li> </ul>	Limits locations of new self storage facilities away from prime intersections, arterial roads, other facilities and incompatible uses.

	More restrictive	Establish an overlay district or amend the code to specifically not permit outdoor RV storage	<ul style="list-style-type: none"> <li>Relatively easy to implement</li> <li>Does not change existing zoning</li> <li>Preserves some commercial and industrial land</li> <li>Zones out the most visible and least efficient use of land under the self storage umbrella</li> <li>No action required</li> </ul>	<ul style="list-style-type: none"> <li>Does not fully resolve the zoning concerns that caused the Town Council to approve Ordinances 3.312 and 3.312.1</li> </ul>	No new outdoor RV storage would be permitted.
Design Standards	No change	No Change: Continue to review self storage against the existing industrial design standards in the Commercial, Industrial and Multifamily Design Standards		<ul style="list-style-type: none"> <li>No Change</li> </ul>	No change
	More restrictive	Amend the Commercial, Industrial and Multifamily Design Standards to create specific enhanced design standards for self storage	<ul style="list-style-type: none"> <li>Ensures that new self storage facilities meet our residents desires for high quality design and aesthetics</li> </ul>	<ul style="list-style-type: none"> <li>Does not resolve the zoning concerns that caused the Town Council to approve Ordinances 3.312 and 3.312.1</li> </ul>	New self storage facilities will have a better appearance
Charges/Fees	No change	No change	<ul style="list-style-type: none"> <li>No change</li> </ul>	<ul style="list-style-type: none"> <li>No change</li> </ul>	No change
	More restrictive	Implement a storage charge or fee	<ul style="list-style-type: none"> <li>Potential reimbursement for lost revenue</li> <li>Could help fund employment initiatives</li> </ul>	<ul style="list-style-type: none"> <li>Does not solve the underlying land use issue</li> <li>May require an ordinance amendment, vote or only be applicable in conjunction with annexation.</li> </ul>	Creates a funding source to address impacts of self storage including loss of economic development benefits

## **Recommendation**

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It is recommended:

- Self storage should be viewed as a regional service because the Town currently has over the national average of self storage per capita
- Additional self storage land uses should not be permitted in the Town; therefore the Town should commence an amendment to the Parker 2035 Master Plan and Title 13 of the Land Development Code to not allow for the development or construction of mini-warehouses, outdoor storage and related uses, referred to as self storage in this report, within the municipal limits of the Town of Parker for the following reasons:
  - It is in the best interest of the Town to reserve of light industrial land for light industrial uses
  - It is in the best interest of the Town to preserve commercial and retail properties as described in the Parker 2035 Master Plan which currently allow for self storage through outdated Planned Development (PD) zoning
  - It is in the best interest of the Town to maintain a diversity of land uses and economic opportunity
  - The Parker 2035 Master Plan establishes a goal to preserve and expand employment opportunities
  - The Town currently has adequate self storage existing and under construction to meet the community need (above the national average per capita) through approximately 2030 based on current projections

### **Sources:**

Town of Parker

Douglas County Assessor

Self Storage Association: *An Introduction to Self Storage*

Self Storage Association: *2015-16 SELF STORAGE INDUSTRY FACT SHEET (as of 07/01/2015)*



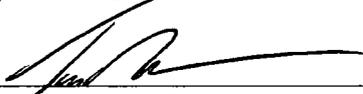


ITEM NO: 11  
DATE: 03/07/2016

**REQUEST FOR TOWN COUNCIL ACTION**

**TITLE: Ordinance No. 3.171.3 – A Bill for an Ordinance to Amend Sections 13.05.010 and 13.10.220 of the Parker Municipal Code Concerning Adoption of the Revised Flood Insurance Study for Douglas County, Colorado, and Incorporated Areas, and the Revised Flood Insurance Rate Maps (FIRMs)**

- |   |   |              |
|---|---|--------------|
| <input type="checkbox"/> PUBLIC HEARING | <input type="checkbox"/> ORDINANCE FOR 1 <sup>ST</sup> READING            | (02/16/2016) |
| <input type="checkbox"/> CONTRACT       | <input checked="" type="checkbox"/> ORDINANCE FOR 2 <sup>ND</sup> READING | (03/07/2016) |
| <input type="checkbox"/> MOTION         | <input type="checkbox"/> RESOLUTION                                       |              |

  
Tom Williams, Director of Engineering

  
G. Randolph Young, Town Administrator

**ISSUE:**

The Federal Emergency Management Agency (FEMA) has updated the Flood Insurance Study (FIS) for Parker and a portion of the Flood Insurance Rate Maps (FIRMs) that show the floodplains throughout Town. In order to remain compliant with the National Flood Insurance Program and the Community Rating System, the Town is required to adopt the new study and maps and use them when enforcing Town Code.

**PRIOR ACTION:**

The previous study and map adoption occurred on March 6, 2006.

**FUNDING/BUDGET IMPACT:**

N/A

**BACKGROUND:**

FEMA has updated the Flood Insurance Study and Flood Insurance Rate Maps by incorporating Letters of Map Change applications that have been approved since the previous effective dates of September 30, 2005. The revised Flood Insurance Study and Flood Insurance Rate Maps will become effective on March 16, 2016. FEMA did not revise all of the Flood Insurance Rate Maps for Parker resulting in a portion of the Maps adopted in 2006 remaining effective. The Flood Insurance Rate Maps that are revised resulted in no significant changes from the previous maps. FEMA has also changed the previous map numbers with this revision.

**RECOMMENDATION:**

Staff recommends approval of this Ordinance.

**PREPARED/REVIEWED BY:**

Jacob James, Senior Stormwater Engineer; Tom Williams, Director of Engineering

**ATTACHMENTS:**

Ordinance No. 3.171.3

**RECOMMENDED MOTION:**

"I move to approve Ordinance No. 3.171.3 on second reading."

ORDINANCE NO. 3.171.3, Series of 2016

**TITLE: A BILL FOR AN ORDINANCE TO AMEND SECTIONS 13.05.010 AND 13.10.220 OF THE PARKER MUNICIPAL CODE CONCERNING ADOPTION OF THE REVISED FLOOD INSURANCE STUDY FOR DOUGLAS COUNTY, COLORADO, AND INCORPORATED AREAS, AND THE REVISED FLOOD INSURANCE RATE MAPS (FIRMS)**

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

**Section 1.** Section 13.05.010, Paragraph (c)(2) of the Parker Municipal Code is amended to read as follows:

**13.05.010 Floodplain Regulations.**

\* \* \*

(c) General provisions.

\* \* \*

(2) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled *The Flood Insurance Study for Douglas County, Colorado, and Incorporated Areas*, dated ~~September 30, 2005~~ **March 16, 2016**, including any subsequent amendments made by the Town, with an accompanying Flood Insurance Rate Map (FIRM), as it may subsequently be amended, which report is hereby incorporated herein by this reference and declared to be a part of this Section. The Flood Insurance Study (FIS), DFIRMS and FIRMS are on file at the ~~Public Works~~ Department **of Engineering**, 20120 East Mainstreet in the Town.

**Section 2.** Section 13.10.220, Paragraph (c)(1) of the Parker Municipal Code is amended to read as follows:

**13.10.220 Stream protection standards.**

\* \* \*

(c) Stream buffer boundaries.

(1) Applicability. Stream buffers shall be designated along all streams located in the Town. Projects shall provide stream buffers based on the one-hundred-year floodplain as identified by the *Flood Insurance Rate Map (FIRM) for Douglas County, Colorado, and Incorporated Areas*, dated **March**

**16, 2016, and the map panels 0835C0069F, 0835C0202F, 0835C0088F, and 0835C0089F, which are dated** September 30, 2005, including any subsequent amendments adopted by the Town, a copy of which is available for review at the **Public Works Department of Engineering**, hereafter referred to as the "Flood Insurance Rate Map."

**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 \_\_\_\_\_, 2016.

\_\_\_\_\_  
Mike Waid, Mayor

ATTEST:

\_\_\_\_\_  
Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Mike Waid, Mayor

ATTEST:

\_\_\_\_\_  
Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
James S. Maloney, Town Attorney





ITEM NO: 12  
DATE: 03/07/2016

**REQUEST FOR TOWN COUNCIL ACTION**

**TITLE: ORDINANCE NO. 1.475 – A Bill for an Ordinance Stating the Intent of the Town of Parker to Acquire Real Property for the Purpose of Constructing and Improving Summerset Lane, a Town Roadway, Through the Utilization of the Town’s Power of Eminent Domain, and Directing the Town’s Staff and Town Attorney to Notify all Persons Affected Thereby of the Above-Stated Intent of the Town, and Thereafter to Comply with all Pertinent Provisions of C.R.S 38-1-101, et seq., Relating to Good Faith Negotiations**

- |   |   |              |
|---|---|--------------|
| <input type="checkbox"/> PUBLIC HEARING | <input type="checkbox"/> ORDINANCE FOR 1 <sup>ST</sup> READING            | (02/16/2016) |
| <input type="checkbox"/> CONTRACT       | <input checked="" type="checkbox"/> ORDINANCE FOR 2 <sup>ND</sup> READING | (03/07/2016) |
| <input type="checkbox"/> MOTION         | <input type="checkbox"/> RESOLUTION                                       |              |

  
\_\_\_\_\_  
Tom Williams, Engineering Director

  
\_\_\_\_\_  
G. Randolph Young, Town Administrator

**ISSUE:**  
Acquisition of rights-of-way and easements needed to construct Summerset Lane east of Pine Drive.

**PRIOR ACTION:**  
The first reading of this proposed ordinance was approved by Town Council as part of the consent agenda on February 16, 2016.

**FUNDING/BUDGET IMPACT:**  
Funding has been allocated for this project.

**BACKGROUND:**  
The proposed new Town roadway project consists of the extension of Summerset Lane east of Pine Drive for approximately 600 feet. As part of the 2016 budget process, the Town Council approved the construction budget for the project. In 2015, Town Council approved a mid-year supplemental budget request for the design of Summerset Lane east of Pine Drive. That design effort is still moving forward and it has progressed far enough that the rights-of-way and easements needed for the project have been determined. The Town would like to complete the acquisition of the rights-of-way and the easements needed in 2016 so that the roadway construction can follow. The summary of right-of-way and easements is as follows:

- 1) Rights-of-way – Five (5) legal descriptions

- 2) Drainage easement – One (1) legal description
- 3) Access Easement – One (1) legal description
- 4) Temporary construction easements – Three (3) legal descriptions
- 5) Affected property owners – Two (2)

Town has discussed the proposed roadway improvements with both affected property owners. The property owner on the north side of Summerset Lane is located outside the Town's incorporated boundary but has discussed potential annexation and zoning as part of this acquisition. The property owner on the south side is located in the Town's incorporated boundary. The Villa Parker annexation (south side property) from 2008 addresses the proposed Summerset Lane extension east of Parker Road.

**RECOMMENDATION:**

Approve the ordinance.

**PREPARED/REVIEWED BY:**

- 1) Chris Hudson, CIP & Construction Manager
- 2) Jim Maloney, Town Attorney

**ATTACHMENTS:**

- 1) Vicinity Map (1 page)
- 2) Ordinance (3 pages)
- 3) Exhibit A (to the Ordinance – 10 pages) – Rights-of-Way
- 4) Exhibit B (to the Ordinance – 2 pages) – Drainage Easement
- 5) Exhibit C (to the Ordinance – 2 pages) – Access Easement
- 6) Exhibit D (to the Ordinance – 6 pages) – Temporary Construction Easements
- 7) Exhibit E (to the Ordinance – 2 pages) – Proposed Summerset Lane Roadway Plans

**RECOMMENDED MOTION:**

"I move to approve Ordinance No. 1.475 on second reading."

# Proposed Summerset Lane Extension Vicinity Map



ORDINANCE NO. 1.475, Series of 2016

**TITLE: A BILL FOR AN ORDINANCE STATING THE INTENT OF THE TOWN OF PARKER TO ACQUIRE REAL PROPERTY FOR THE PURPOSE OF CONSTRUCTING AND IMPROVING SUMMERSET LANE, A TOWN ROADWAY, THROUGH THE UTILIZATION OF THE TOWN'S POWER OF EMINENT DOMAIN, AND DIRECTING THE TOWN'S STAFF AND TOWN ATTORNEY TO NOTIFY ALL PERSONS AFFECTED THEREBY OF THE ABOVE-STATED INTENT OF THE TOWN, AND THEREAFTER TO COMPLY WITH ALL PERTINENT PROVISIONS OF C.R.S. § 38-1-101, ET SEQ., RELATING TO GOOD FAITH NEGOTIATIONS**

WHEREAS, the Town of Parker, Colorado, possesses the power of eminent domain pursuant to the provisions of Article XX, § 1 of the Colorado Constitution, Section 15.5 of the Town of Parker Home Rule Charter, C.R.S. § 38-1-101, *et seq.*, and C.R.S. § 38-6-101, *et seq.*;

WHEREAS, the Town of Parker wishes to acquire the parcels of property more particularly described in **Exhibit A** (rights-of-way), **Exhibit B** (drainage easement acquisition), **Exhibit C** (access easement acquisition), and **Exhibit D** (temporary construction easement acquisitions) attached hereto and incorporated herein by this reference (collectively, the "Subject Properties"), for the purpose of constructing and improving Summerset Lane, a Town roadway, as generally depicted on **Exhibit E**, which is attached hereto and incorporated by this reference; and

WHEREAS, the Town Council of the Town of Parker wishes to comply with all applicable provisions of C.R.S. § 38-1-101, *et seq.*, including, but not limited to, the notice and negotiation requirements and provisions thereof.

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

**Section 1.** Notice is hereby given pursuant to C.R.S. § 38-1-121(1) that the Town of Parker, Colorado, intends to acquire the parcels of property more particularly described in **Exhibits A through D** (the "Subject Properties").

**Section 2.** The acquisition of the Subject Properties serves a public purpose and is necessary and essential to the Town's ability to provide public streets and roadways for the residents of the Town of Parker.

**Section 3.** The Town Attorney is hereby directed to provide a copy of this Ordinance to all persons who presently own or maintain an ownership interest in the Subject Properties notifying them of the intent of the Town of Parker to acquire such property through the use of the Town's power of eminent domain.

**Section 4.** The staff of the Town, together with the Town Attorney, and any and all persons retained or employed by the Town of Parker in the prosecution of this matter, are directed to comply with all notice and good faith negotiation requirements set forth in C.R.S. § 38-1-101, *et seq.*, in the conduct of the within-authorized eminent domain actions.

**Section 5.** In the prosecution of the within-authorized eminent domain actions, the Town shall retain all rights and powers lawfully delegated to it by the Colorado Constitution, the Town of Parker Home Rule Charter, and C.R.S. § 38-1-101, *et seq.*

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

**Section 7. 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 8.** This Ordinance shall become effective ten (10) days after final publication.

INTRODUCED AND PASSED ON FIRST READING this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Mike Waid, Mayor

ATTEST:

\_\_\_\_\_  
Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Mike Waid, Mayor

ATTEST:

\_\_\_\_\_  
Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

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James S. Maloney, Town Attorney

# **EXHIBIT A**

## **Rights-of-Way Acquisition**

**Five (5) Legal Descriptions (10 pages)**

# NORTON ROW PARCEL 1

## LEGAL DESCRIPTION

A PARCEL OF LAND BEING LOCATED IN THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE NORTHWEST CORNER OF SAID SECTION 23, WHENCE THE WEST QUARTER CORNER OF SAID SECTION 23 BEARS SOUTH 00°25'11" EAST, A DISTANCE OF 2648.35 FEET WITH ALL BEARINGS HEREON REFERENCED THERETO;

THENCE SOUTH 19°17'54" EAST, A DISTANCE OF 262.70 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF PINE DRIVE RECORDED AT RECEPTION NO. 2011031053 IN THE RECORDS OF THE DOUGLAS COUNTY CLERK AND RECORDER'S OFFICE, AND THE **POINT OF BEGINNING**;

THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY LINE NORTH 89°37'38" EAST, A DISTANCE OF 420.60 FEET TO THE EASTERLY BOUNDARY LINE OF THAT PARCEL OF LAND RECORDED AT RECEPTION NO. 2010050610 IN SAID RECORDS;

THENCE ALONG THE EASTERLY AND SOUTHERLY BOUNDARY LINES OF SAID PARCEL THE FOLLOWING (2) COURSES:

1. SOUTH 00°25'11" EAST, A DISTANCE OF 51.50 FEET;
2. SOUTH 89°37'38" WEST, A DISTANCE OF 420.60 FEET TO SAID EASTERLY RIGHT-OF-WAY LINE OF PINE DRIVE;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE NORTH 00°25'11" WEST, A DISTANCE OF 51.50 FEET TO THE **POINT OF BEGINNING**.

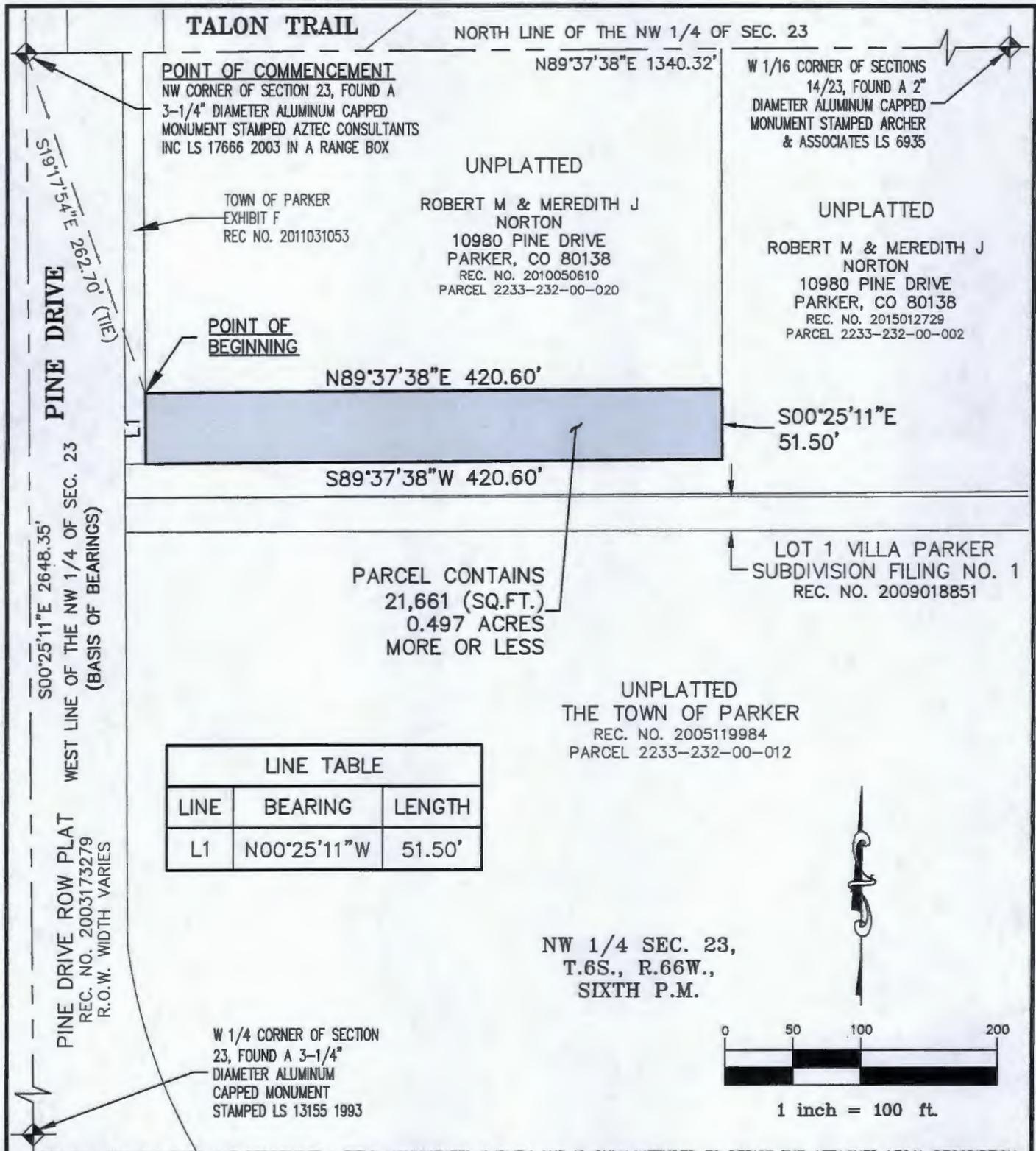
CONTAINING AN AREA OF 0.497 ACRES, (21,661 SQUARE FEET), MORE OR LESS.

EXHIBIT ATTACHED AND MADE A PART HEREOF.



DEAN E. CATES, PLS  
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.  
300 E. MINERAL AVE., SUITE 1, LITTLETON, CO 80122  
303-713-1898

# ILLUSTRATION TO LEGAL DESCRIPTION



NOTE: THIS DRAWING DOES NOT REPRESENT A FIELD MONUMENTED SURVEY AND IS ONLY INTENDED TO DEPICT THE ATTACHED LEGAL DESCRIPTION.

PATH: V:\24915-23\DWG DWG NAME: NORTON ROW PARCEL 1 DWG: BJM CHK: DEC DATE: 12/18/2015 SCALE: 1" = 100'	300 East Mineral Ave, Suite 1 Littleton, Colorado 80122 Phone: (303)713-1898 Fax: (303)713-1897 www.aztecconsultants.com	<p><b>NORTON ROW PARCEL 1</b> NW 1/4 SEC. 23, T6S., R.66W., 6TH P.M. DOUGLAS COUNTY, COLORADO</p> <p>JOB NUMBER 24915-23 2 OF 2 SHEETS</p>
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## NORTON ROW PARCEL 2

### LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PART OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE NORTHWEST CORNER OF SAID SECTION 23. WHENCE THE WEST QUARTER CORNER OF SAID SECTION 23 BEARS SOUTH 00°25'11" EAST, A DISTANCE OF 2648.35 FEET WITH ALL BEARINGS HEREON REFERENCED THERETO;

THENCE SOUTH 13°33'05" EAST, A DISTANCE OF 308.11 FEET TO THE NORTHWEST CORNER OF THAT PARCEL OF LAND RECORDED AT RECEPTION NO. 2015012729 IN THE RECORDS OF THE DOUGLAS COUNTY CLERK AND RECORDER'S OFFICE, AND THE **POINT OF BEGINNING**;

THENCE ALONG THE NORTHERLY AND WESTERLY BOUNDARY LINES OF SAID PARCEL THE FOLLOWING (2) COURSES:

1. NORTH 89°37'38" EAST, A DISTANCE OF 435.60 FEET;
2. NORTH 00°25'11" WEST, A DISTANCE OF 51.50 FEET;

THENCE DEPARTING SAID WESTERLY BOUNDARY LINE NORTH 89°37'38" EAST, A DISTANCE OF 141.59 FEET;

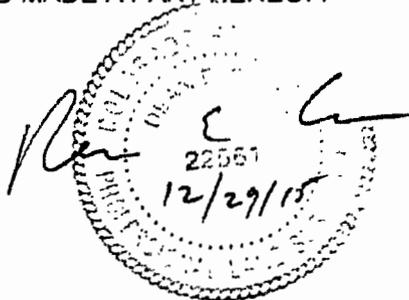
THENCE SOUTH 00°22'22" EAST, A DISTANCE OF 76.50 FEET TO THE SOUTHERLY BOUNDARY LINE OF SAID PARCEL;

THENCE ALONG SAID SOUTHERLY BOUNDARY LINE SOUTH 89°37'38" WEST, A DISTANCE OF 577.12 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF PINE DRIVE;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE NORTH 00°25'11" WEST, A DISTANCE OF 25.00 FEET TO THE **POINT OF BEGINNING**.

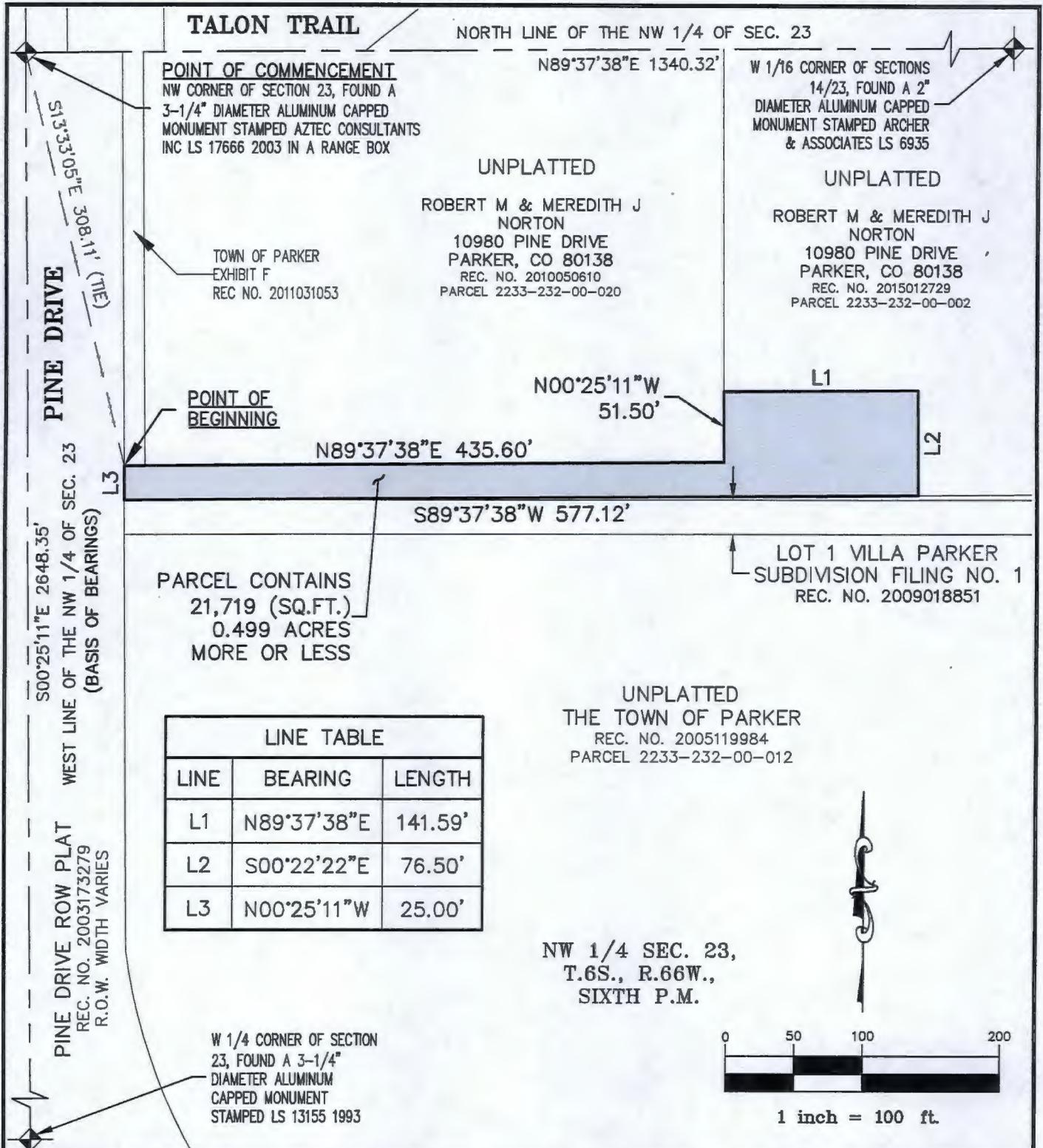
CONTAINING AN AREA OF 0.499 ACRES, (21,719 SQUARE FEET), MORE OR LESS.

EXHIBIT ATTACHED AND MADE A PART HEREOF.



DEAN E. CATES, PLS  
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.  
300 E. MINERAL AVE., SUITE 1, LITTLETON, CO 80122  
303-713-1898

# ILLUSTRATION TO LEGAL DESCRIPTION



NOTE: THIS DRAWING DOES NOT REPRESENT A FIELD MONUMENTED SURVEY AND IS ONLY INTENDED TO DEPICT THE ATTACHED LEGAL DESCRIPTION.

PATH: V:\24915-23\DWG  
 DWG NAME: NORTON ROW PARCEL 2  
 DWG: BJM CHK: DEC  
 DATE: 12/18/2015  
 SCALE: 1" = 100'



300 East Mineral Ave,  
 Suite 1  
 Littleton, Colorado 80122  
 Phone: (303)713-1898  
 Fax: (303)713-1897  
 www.aztecconsultants.com

**NORTON ROW PARCEL 2**  
 NW 1/4 SEC. 23, T6S, R66W, 6TH P.M.  
 DOUGLAS COUNTY, COLORADO

JOB NUMBER 24915-23

2 OF 2 SHEETS

## VILLA PARKER ROW PARCEL

### LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF LOT 1, VILLA PARKER SUBDIVISION FILING NO. 1, A SUBDIVISION PLAT RECORDED AT RECEPTION NO. 2009018851 IN THE RECORDS OF THE DOUGLAS COUNTY, COLORADO, CLERK AND RECORDER'S OFFICE, LOCATED IN THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF PARKER, SAID COUNTY AND STATE, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE NORTHWEST CORNER OF SAID SECTION 23, WHENCE THE WEST QUARTER CORNER OF SAID SECTION 23 BEARS SOUTH 00°25'11" EAST, A DISTANCE OF 2648.35 FEET WITH ALL BEARINGS HEREON REFERENCED THERETO;

THENCE SOUTH 12°34'22" EAST, A DISTANCE OF 332.51 FEET TO THE NORTHWEST CORNER OF SAID LOT 1 AND THE **POINT OF BEGINNING**;

THENCE ALONG THE NORTHERLY BOUNDARY LINE OF SAID LOT 1 NORTH 89°56'19" EAST, A DISTANCE OF 577.13 FEET;

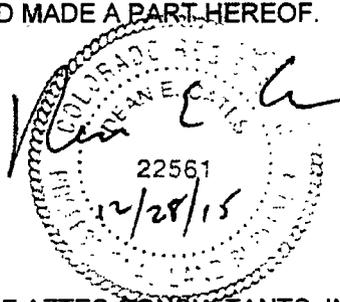
THENCE DEPARTING SAID NORTHERLY BOUNDARY LINE SOUTH 00°22'22" EAST, A DISTANCE OF 25.00 FEET TO THE SOUTHERLY BOUNDARY LINE OF SAID LOT 1;

THENCE ALONG SAID SOUTHERLY BOUNDARY LINE SOUTH 89°56'19" WEST, A DISTANCE OF 577.11 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF PINE DRIVE;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE NORTH 00°25'11" WEST, A DISTANCE OF 25.00 FEET TO THE **POINT OF BEGINNING**.

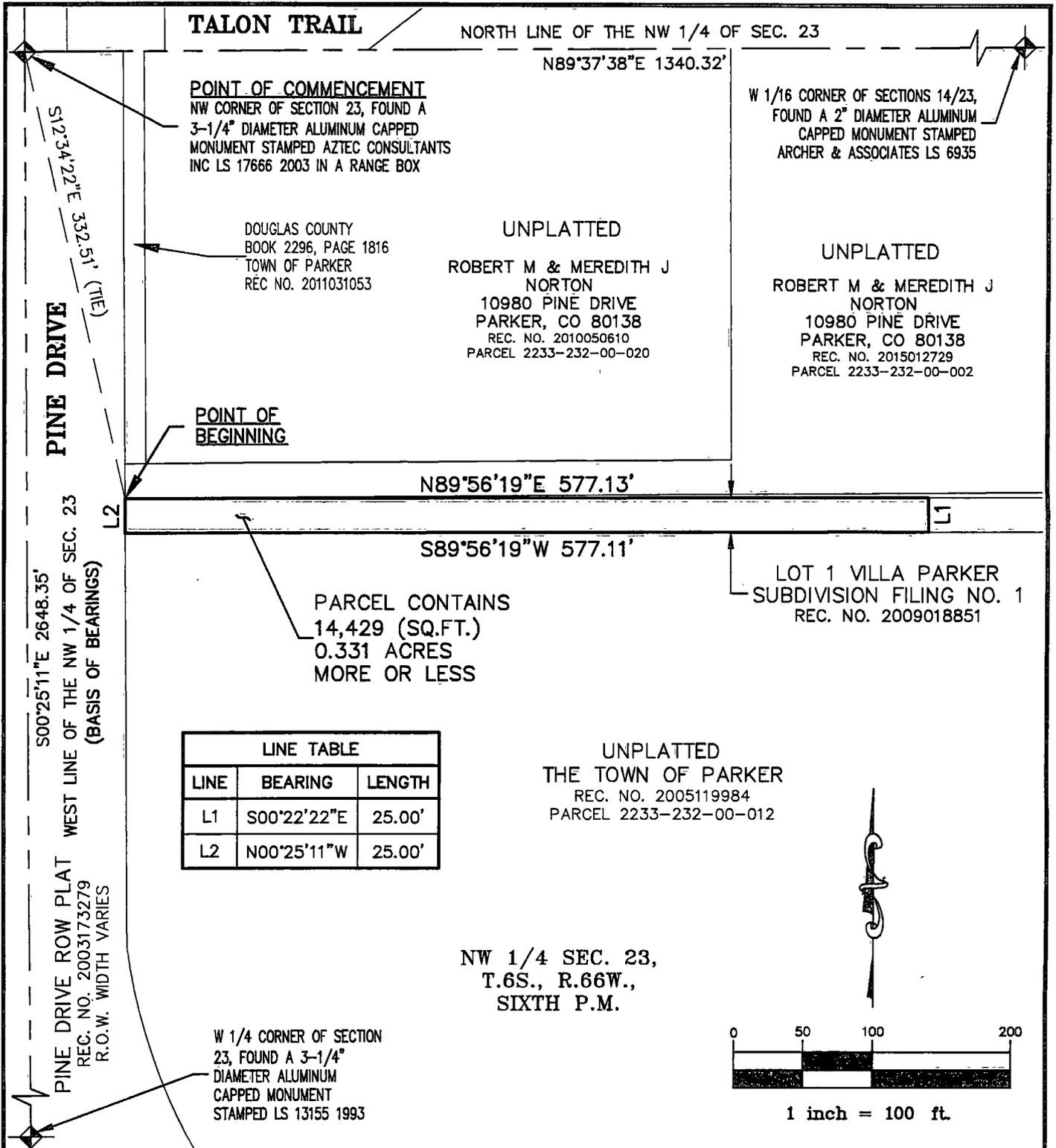
CONTAINING AN AREA OF 0.331 ACRES, (14,429 SQUARE FEET), MORE OR LESS.

EXHIBIT ATTACHED AND MADE A PART HEREOF.

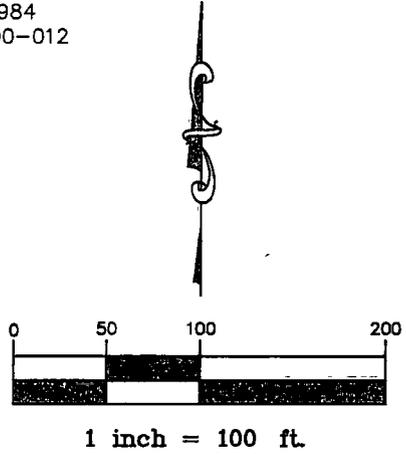


DEAN E. CATES, PLS  
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.  
300 E. MINERAL AVE., SUITE 1, LITTLETON, CO 80122  
303-713-1898

# ILLUSTRATION TO LEGAL DESCRIPTION



LINE TABLE		
LINE	BEARING	LENGTH
L1	S00°22'22\"E	25.00'
L2	N00°25'11\"W	25.00'



NOTE: THIS DRAWING DOES NOT REPRESENT A FIELD MONUMENTED SURVEY AND IS ONLY INTENDED TO DEPICT THE ATTACHED LEGAL DESCRIPTION.

PATH: V:\24915-23\DWG  
 DWG NAME: OSLUND ROW PARCEL  
 DWG: BJM CHK: DEC  
 DATE: 12/18/2015  
 SCALE: 1" = 100'



300 East Mineral Ave,  
 Suite 1  
 Littleton, Colorado 80122  
 Phone: (303)713-1898  
 Fax: (303)713-1897  
 www.aztecconsultants.com

**VILLA PARKER ROW PARCEL**  
 NW 1/4 SEC. 23, T6S, R66W, 6TH P.M.  
 DOUGLAS COUNTY, COLORADO

## NORTON QUITCLAIM PARCEL

### LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PART OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE NORTHWEST CORNER OF SAID SECTION 23, WHENCE THE WEST QUARTER CORNER OF SAID SECTION 23 BEARS SOUTH 00°25'11" EAST, A DISTANCE OF 2648.35 FEET WITH ALL BEARINGS HEREON REFERENCED THERETO;

THENCE SOUTH 13°33'05" EAST, A DISTANCE OF 308.11 FEET TO THE NORTHWEST CORNER OF THAT PARCEL OF LAND RECORDED AT RECEPTION NO. 2015012729 IN THE RECORDS OF THE DOUGLAS COUNTY CLERK AND RECORDER'S OFFICE AND THE **POINT OF BEGINNING**;

THENCE ALONG THE NORTHERLY AND WESTERLY BOUNDARY LINES OF SAID PARCEL THE FOLLOWING (2) COURSES:

1. NORTH 89°37'38" EAST, A DISTANCE OF 435.60 FEET;
2. NORTH 00°25'11" WEST, A DISTANCE OF 51.50 FEET;

THENCE DEPARTING SAID WESTERLY BOUNDARY LINE NORTH 89°37'38" EAST, A DISTANCE OF 141.59 FEET;

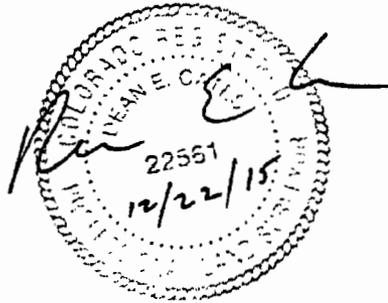
THENCE SOUTH 00°22'22" EAST, A DISTANCE OF 79.64 FEET TO THE NORTHERLY BOUNDARY LINE OF LOT 1, VILLA PARKER SUBDIVISION FILING NO. 1 RECORDED AT RECEPTION NO. 2009018851 IN SAID RECORDS;

THENCE ALONG SAID NORTHERLY BOUNDARY LINE SOUTH 89°56'19" WEST, A DISTANCE OF 577.13 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF PINE DRIVE;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE NORTH 00°25'11" WEST, A DISTANCE OF 25.00 FEET TO THE **POINT OF BEGINNING**.

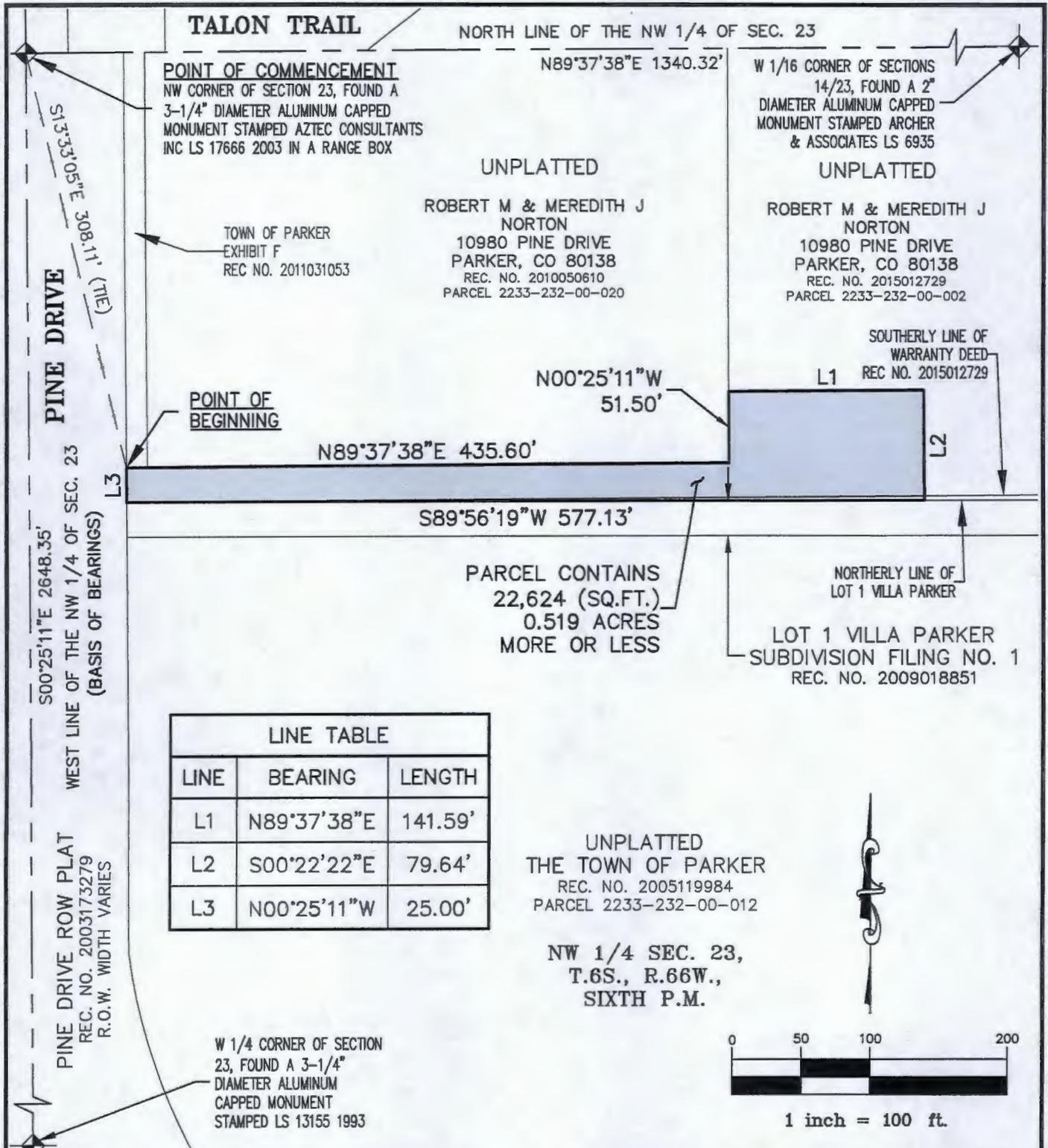
CONTAINING AN AREA OF 0.519 ACRES, (22,624 SQUARE FEET), MORE OR LESS.

EXHIBIT ATTACHED AND MADE A PART HEREOF.



DEAN E. CATES, PLS  
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.  
300 E. MINERAL AVE., SUITE 1, LITTLETON, CO 80122  
303-713-1898

# ILLUSTRATION TO LEGAL DESCRIPTION



NOTE: THIS DRAWING DOES NOT REPRESENT A FIELD MONUMENTED SURVEY AND IS ONLY INTENDED TO DEPICT THE ATTACHED LEGAL DESCRIPTION.

PATH: V:\24915-23\DWG  
 DWG NAME: NORTON QCD PARCEL  
 DWG: BJM CHK: DEC  
 DATE: 12/18/2015  
 SCALE: 1" = 100'



**NORTON QUITCLAIM PARCEL**  
 NW 1/4 SEC. 23, T6S, R66W, 6TH P.M.  
 DOUGLAS COUNTY, COLORADO  
 JOB NUMBER 24915-23 2 OF 2 SHEETS

## VILLA PARKER QUITCLAIM PARCEL

### LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE NORTHWEST CORNER OF SAID SECTION 23, WHENCE THE WEST QUARTER CORNER OF SAID SECTION 23 BEARS SOUTH 00°25'11" EAST, A DISTANCE OF 2648.35 FEET WITH ALL BEARINGS HEREON REFERENCED THERETO;

THENCE SOUTH 12°34'22" EAST, A DISTANCE OF 332.51 FEET TO THE SOUTHWEST CORNER OF THAT PARCEL OF LAND RECORDED AT RECEPTION NO. 2015012729 IN THE RECORDS OF THE DOUGLAS COUNTY CLERK AND RECORDER'S OFFICE, AND THE **POINT OF BEGINNING**;

THENCE ALONG THE SOUTHERLY BOUNDARY LINE OF SAID PARCEL NORTH 89°37'38" EAST, A DISTANCE OF 577.12 FEET;

THENCE DEPARTING SAID SOUTHERLY BOUNDARY LINE SOUTH 00°22'22" EAST, A DISTANCE OF 28.14 FEET TO THE SOUTHERLY BOUNDARY LINE OF LOT 1, VILLA PARKER SUBDIVISION FILING NO. 1, RECORDED AT RECEPTION NO. 2009018851 IN SAID RECORDS.

THENCE ALONG SAID SOUTHERLY BOUNDARY LINE SOUTH 89°56'19" WEST, A DISTANCE OF 577.11 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF PINE DRIVE;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE NORTH 00°25'11" WEST, A DISTANCE OF 25.00 FEET TO THE **POINT OF BEGINNING**.

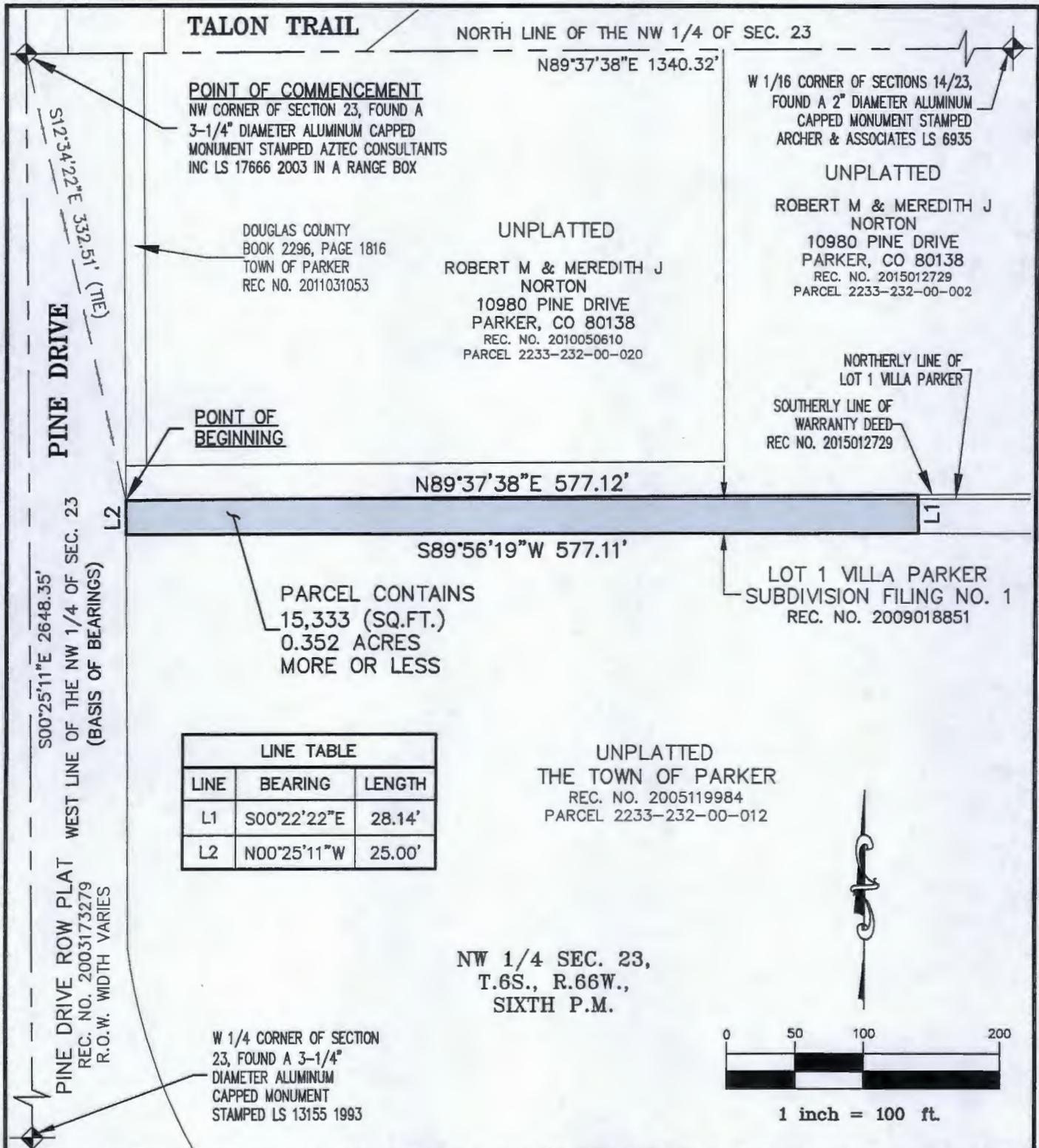
CONTAINING AN AREA OF 0.352 ACRES, (15,333 SQUARE FEET), MORE OR LESS.

EXHIBIT ATTACHED AND MADE A PART HEREOF.



DEAN E. CATES, PLS  
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.  
300 E. MINERAL AVE., SUITE 1, LITTLETON, CO 80122  
303-713-1898

# ILLUSTRATION TO LEGAL DESCRIPTION



NOTE: THIS DRAWING DOES NOT REPRESENT A FIELD MONUMENTED SURVEY AND IS ONLY INTENDED TO DEPICT THE ATTACHED LEGAL DESCRIPTION.

PATH: V:\24915-23\DWG  
 DWG NAME: OSLUND QC PARCEL  
 DWG: BJM CHK: DEG  
 DATE: 12/18/2015  
 SCALE: 1" = 100'

**AZTEC**  
CONSULTANTS, INC.

300 East Mineral Ave.  
Suite 1  
Littleton, Colorado 80122  
Phone: (303)713-1898  
Fax: (303)713-1897  
www.aztecconsultants.com

**VILLA PARKER QC PARCEL**  
 NW 1/4 SEC. 23, T6S, R66W, 6TH P.M.  
 DOUGLAS COUNTY, COLORADO  
 JOB NUMBER 24915-23 2 OF 2 SHEETS

# **EXHIBIT B**

## **Drainage Easement Acquisition**

**One (1) Legal Description (2 pages)**

## NORTON DRAINAGE EASEMENT

### LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PART OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE NORTHWEST CORNER OF SAID SECTION 23, WHENCE THE WEST QUARTER CORNER OF SAID SECTION 23 BEARS SOUTH 00°25'11" EAST, A DISTANCE OF 2648.35 FEET WITH ALL BEARINGS HEREON REFERENCED THERETO;

THENCE SOUTH 23°04'58" EAST, A DISTANCE OF 220.60 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF PINE DRIVE RECORDED AT RECEPTION NO. 2011031053 IN THE RECORDS OF THE DOUGLAS COUNTY CLERK AND RECORDER'S OFFICE, AND THE **POINT OF BEGINNING**;

THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY LINE NORTH 89°37'38" EAST, A DISTANCE OF 89.37 FEET;

THENCE SOUTH 00°22'22" EAST, A DISTANCE OF 45.00 FEET;

THENCE SOUTH 89°37'38" WEST, A DISTANCE OF 89.33 FEET TO SAID EASTERLY RIGHT-OF-WAY LINE;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE NORTH 00°25'11" WEST, A DISTANCE OF 45.00 FEET TO THE **POINT OF BEGINNING**.

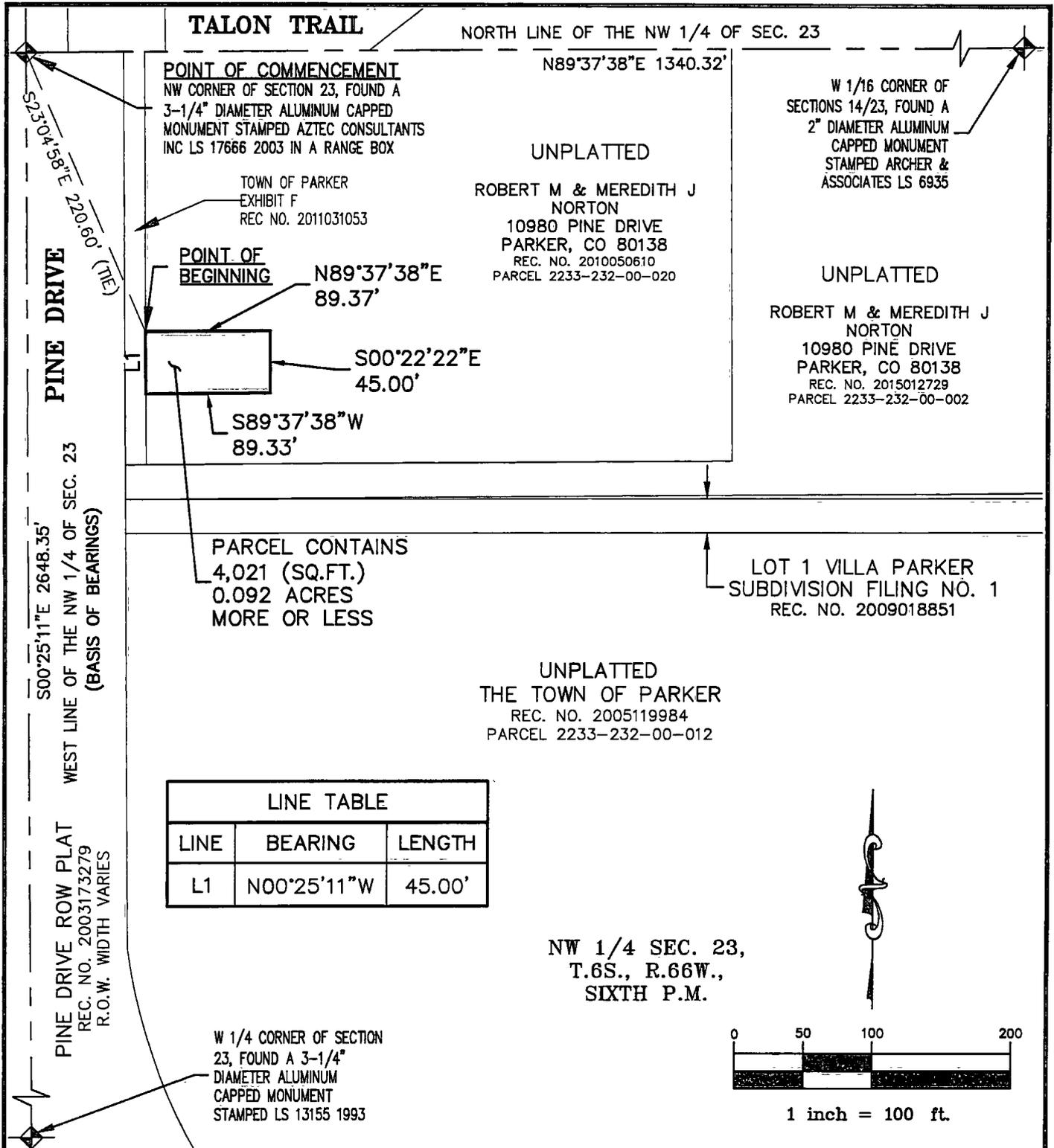
CONTAINING AN AREA OF 0.092 ACRES, (4,021 SQUARE FEET), MORE OR LESS.

EXHIBIT ATTACHED AND MADE A PART HEREOF.

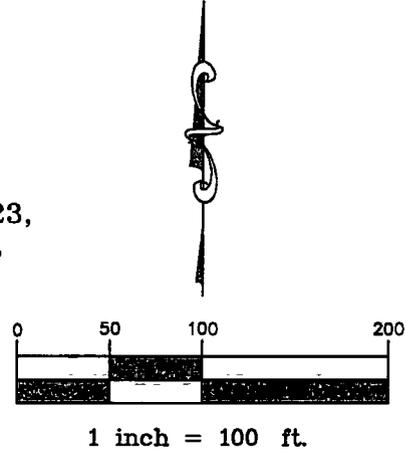


DEAN E. CATES, PLS  
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.  
300 E. MINERAL AVE., SUITE 1, LITTLETON, CO 80122  
303-713-1898

# ILLUSTRATION TO LEGAL DESCRIPTION



LINE TABLE		
LINE	BEARING	LENGTH
L1	N00°25'11\"W	45.00'



NOTE: THIS DRAWING DOES NOT REPRESENT A FIELD MONUMENTED SURVEY AND IS ONLY INTENDED TO DEPICT THE ATTACHED LEGAL DESCRIPTION.

PATH: V:\24915-23\DWG  
 DWG NAME: NORTON PDE  
 DWG: BJM CHK: DEC  
 DATE: 12/18/2015  
 SCALE: 1" = 100'


 300 East Mineral Ave,  
 Suite 1  
 Littleton, Colorado 80122  
 Phone: (303)713-1898  
 Fax: (303)713-1897  
 www.aztecconsultants.com

**NORTON DRAINAGE EASEMENT**  
 NW 1/4 SEC. 23, T6S, R66W, 6TH P.M.  
 DOUGLAS COUNTY, COLORADO  
 JOB NUMBER 24915-23 2 OF 2 SHEETS

# **EXHIBIT C**

## **Access Easement Acquisition**

**One (1) Legal Description (2 pages)**

## NORTON ACCESS EASEMENT

### LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PART OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE NORTHWEST CORNER OF SAID SECTION 23, WHENCE THE WEST QUARTER CORNER OF SAID SECTION 23 BEARS SOUTH 00°25'11" EAST, A DISTANCE OF 2648.35 FEET WITH ALL BEARINGS HEREON REFERENCED THERETO;

THENCE SOUTH 64°59'19" EAST, A DISTANCE OF 559.85 FEET TO THE WESTERLY BOUNDARY LINE OF THAT PARCEL OF LAND RECORDED AT RECEPTION NO. 2015012729 IN THE RECORDS OF THE DOUGLAS COUNTY CLERK AND RECORDER'S OFFICE, AND THE **POINT OF BEGINNING**;

THENCE DEPARTING SAID WESTERLY BOUNDARY LINE NORTH 89°37'38" EAST, A DISTANCE OF 7.01 FEET;

THENCE NORTH 44°05'16" EAST, A DISTANCE OF 64.69 FEET;

THENCE NORTH 90°00'00" EAST, A DISTANCE OF 53.37 FEET;

THENCE SOUTH 44°05'16" EAST, A DISTANCE OF 51.96 FEET;

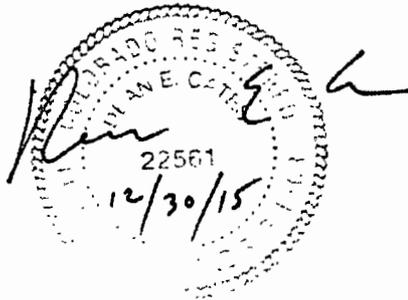
THENCE SOUTH 00°22'22" EAST, A DISTANCE OF 16.77 FEET;

THENCE SOUTH 89°37'38" WEST, A DISTANCE OF 141.59 FEET TO SAID WESTERLY BOUNDARY LINE;

THENCE ALONG SAID WESTERLY BOUNDARY LINE NORTH 00°25'11" WEST, A DISTANCE OF 8.50 FEET TO THE **POINT OF BEGINNING**.

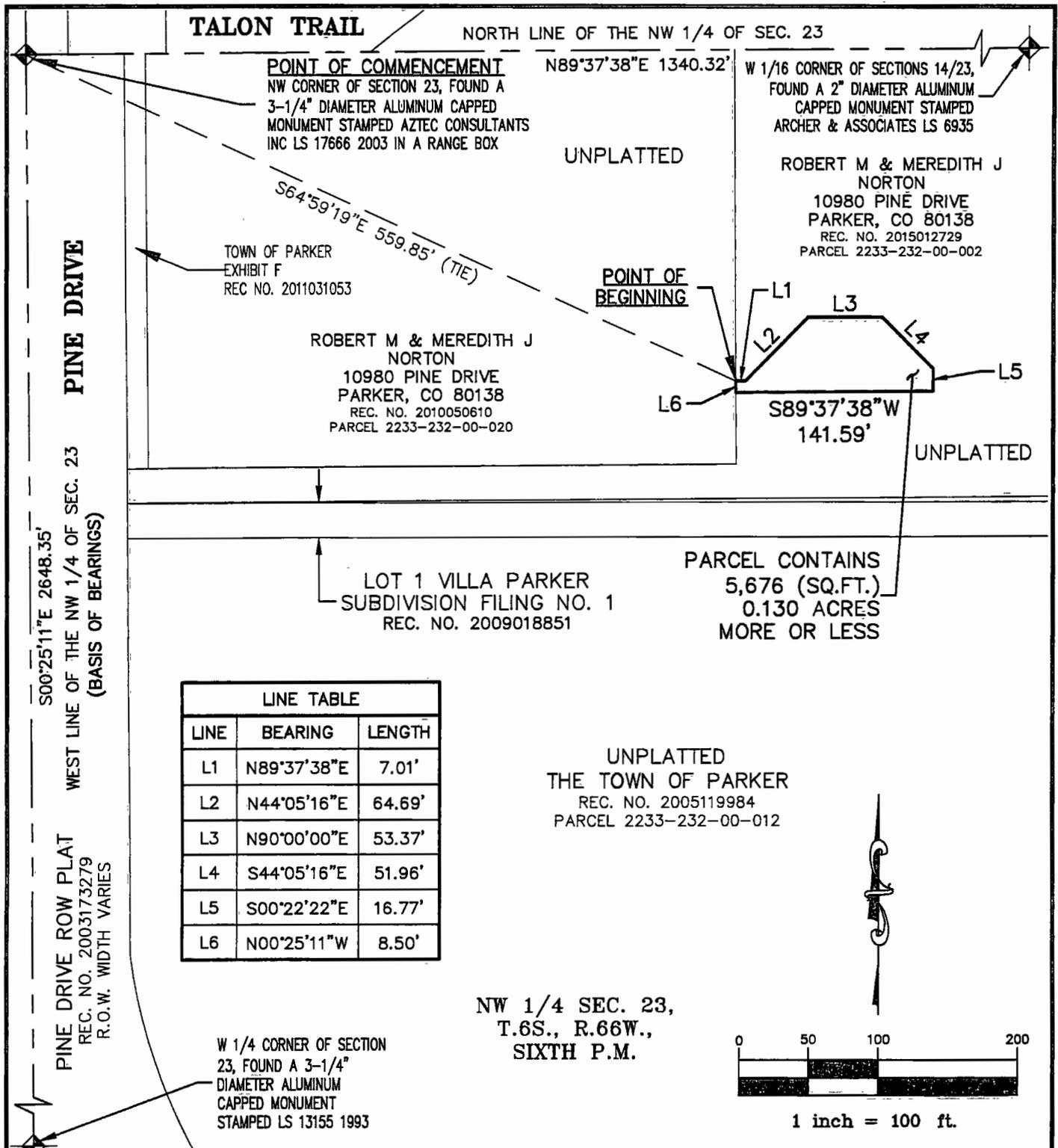
CONTAINING AN AREA OF 0.130 ACRES, (5,676 SQUARE FEET), MORE OR LESS.

EXHIBIT ATTACHED AND MADE A PART HEREOF.



DEAN E. CATES, PLS  
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.  
300 E. MINERAL AVE., SUITE 1, LITTLETON, CO 80122  
303-713-1898

# ILLUSTRATION TO LEGAL DESCRIPTION



NOTE: THIS DRAWING DOES NOT REPRESENT A FIELD MONUMENTED SURVEY AND IS ONLY INTENDED TO DEPICT THE ATTACHED LEGAL DESCRIPTION.

PATH: V:\24915-23\DWG  
 DWG NAME: NORTON UE  
 DWG: BJM CHK: DEC  
 DATE: 12/18/2015  
 SCALE: 1" = 100'

**AZTEC**  
CONSULTANTS, INC.

300 East Mineral Ave,  
Suite 1  
Littleton, Colorado 80122  
Phone: (303)713-1898  
Fax: (303)713-1897  
www.aztecconsultants.com

**NORTON ACCESS EASEMENT**  
 NW 1/4 SEC. 23, T6S, R66W, 6TH P.M.  
 DOUGLAS COUNTY, COLORADO  
 JOB NUMBER 24915-23 2 OF 2 SHEETS

# **EXHIBIT D**

## **Temporary Construction Easement Acquisition**

**Three (3) Legal Descriptions (6 pages)**

# NORTON TEMPORARY CONSTRUCTION EASEMENT 1

## LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PART OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE NORTHWEST CORNER OF SAID SECTION 23, WHENCE THE WEST QUARTER CORNER OF SAID SECTION 23 BEARS SOUTH 00°25'11" EAST, A DISTANCE OF 2648.35 FEET WITH ALL BEARINGS HEREON REFERENCED THERETO;

THENCE SOUTH 38°21'34" EAST, A DISTANCE OF 283.57 FEET TO THE **POINT OF BEGINNING**;

THENCE NORTH 89°37'38" EAST, A DISTANCE OF 114.58 FEET;

THENCE NORTH 00°22'22" WEST, A DISTANCE OF 8.50 FEET;

THENCE NORTH 89°37'38" EAST, A DISTANCE OF 40.00 FEET;

THENCE SOUTH 00°22'22" EAST, A DISTANCE OF 8.50 FEET;

THENCE NORTH 89°37'38" EAST, A DISTANCE OF 176.67 FEET TO THE EASTERLY BOUNDARY LINE OF THAT PARCEL OF LAND RECORDED AT RECEPTION NO. 2010050610 IN THE RECORDS OF THE DOUGLAS COUNTY CLERK AND RECORDER'S OFFICE;

THENCE ALONG SAID EASTERLY BOUNDARY LINE SOUTH 00°25'11" EAST, A DISTANCE OF 25.00 FEET;

THENCE DEPARTING SAID EASTERLY BOUNDARY LINE SOUTH 89°37'38" WEST, A DISTANCE OF 331.27 FEET;

THENCE NORTH 00°22'22" WEST, A DISTANCE OF 25.00 FEET TO THE **POINT OF BEGINNING**.

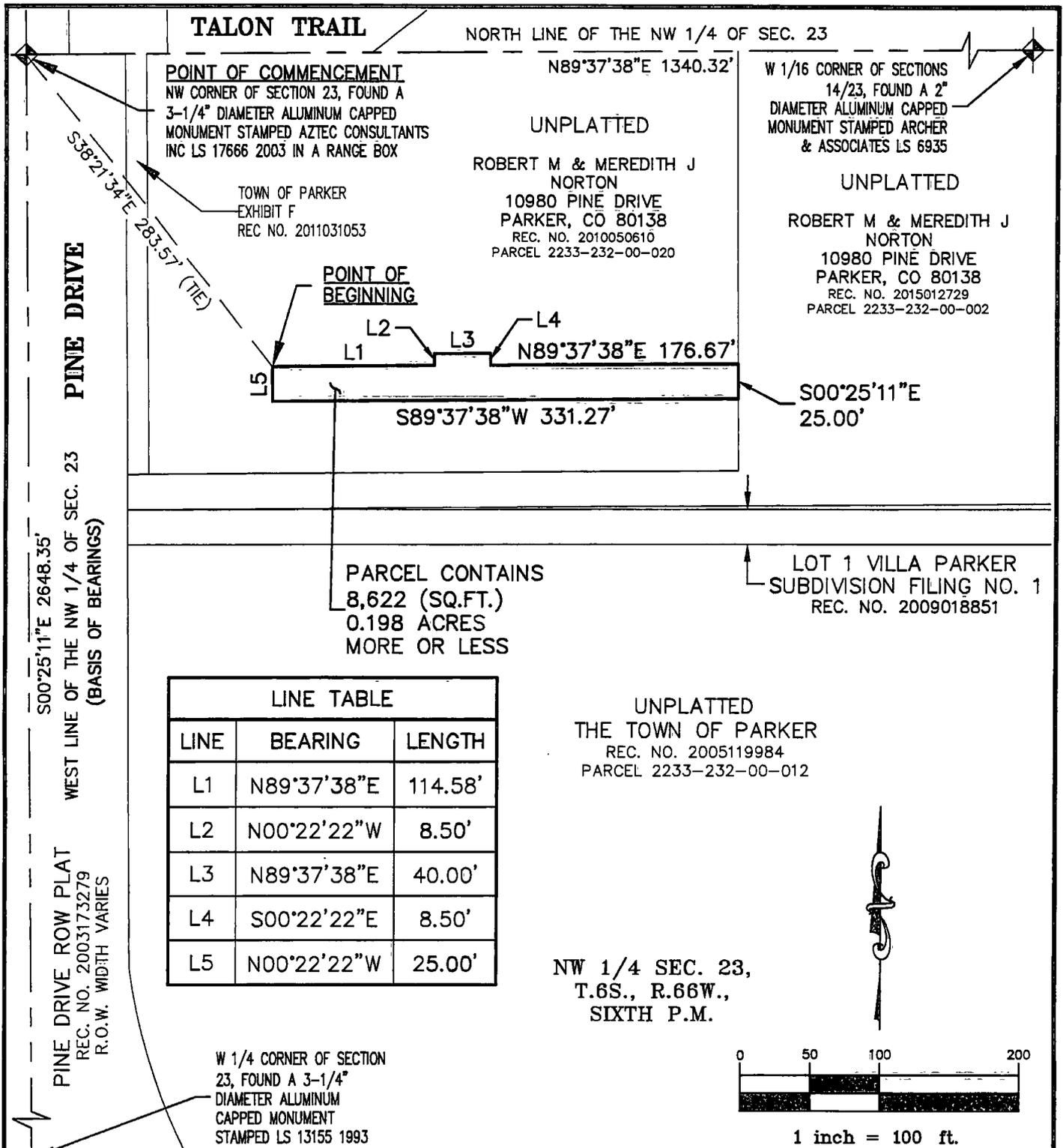
CONTAINING AN AREA OF 0.198 ACRES, (8,622 SQUARE FEET), MORE OR LESS.

EXHIBIT ATTACHED AND MADE A PART HEREOF.



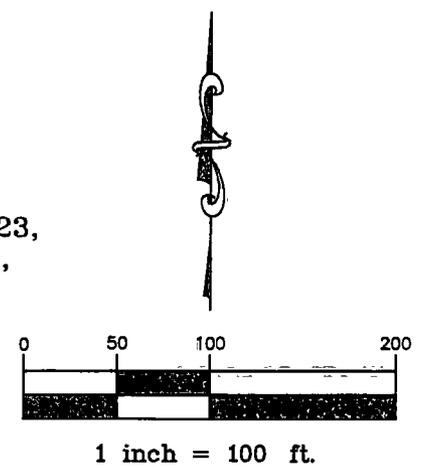
DEAN E. CATES, PLS  
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.  
300 E. MINERAL AVE., SUITE 1, LITTLETON, CO 80122  
303-713-1898

# ILLUSTRATION TO LEGAL DESCRIPTION



**LINE TABLE**

LINE	BEARING	LENGTH
L1	N89°37'38"E	114.58'
L2	N00°22'22"W	8.50'
L3	N89°37'38"E	40.00'
L4	S00°22'22"E	8.50'
L5	N00°22'22"W	25.00'



NOTE: THIS DRAWING DOES NOT REPRESENT A FIELD MONUMENTED SURVEY AND IS ONLY INTENDED TO DEPICT THE ATTACHED LEGAL DESCRIPTION.

PATH: V:\24915-23\DWG  
 DWG NAME: NORTON TCE 1  
 DWG: BJM CHK: DEC  
 DATE: 12/18/2015  
 SCALE: 1" = 100'

**AZTEC**  
CONSULTANTS, INC.

300 East Mineral Ave.  
Suite 1  
Littleton, Colorado 80122  
Phone: (303)713-1898  
Fax: (303)713-1897  
www.aztecconsultants.com

**NORTON TEMP CONSTRUCTION EASEMENT 1**  
 NW 1/4 SEC. 23, T6S, R66W, 6TH P.M.  
 DOUGLAS COUNTY, COLORADO  
 JOB NUMBER 24915-23 2 OF 2 SHEETS

## NORTON TEMPORARY CONSTRUCTION EASEMENT 2

### LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PART OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE NORTHWEST CORNER OF SAID SECTION 23, WHENCE THE WEST QUARTER CORNER OF SAID SECTION 23 BEARS SOUTH 00°25'11" EAST, A DISTANCE OF 2648.35 FEET WITH ALL BEARINGS HEREON REFERENCED THERETO;

THENCE SOUTH 66°31'25" EAST, A DISTANCE OF 553.00 FEET TO THE WESTERLY BOUNDARY LINE OF THAT PARCEL OF LAND RECORDED AT RECEPTION NO. 2015012729 IN THE RECORDS OF THE DOUGLAS COUNTY CLERK AND RECORDER'S OFFICE, AND THE **POINT OF BEGINNING**;

THENCE DEPARTING SAID WESTERLY BOUNDARY LINE NORTH 44°05'16" EAST, A DISTANCE OF 64.89 FEET;

THENCE NORTH 90°00'00" EAST, A DISTANCE OF 67.35 FEET;

THENCE SOUTH 44°05'16" EAST, A DISTANCE OF 65.56 FEET;

THENCE SOUTH 00°22'22" EAST, A DISTANCE OF 50.43 FEET;

THENCE SOUTH 59°24'41" EAST, A DISTANCE OF 66.68 FEET;

THENCE SOUTH 01°17'01" EAST, A DISTANCE OF 15.16 FEET TO THE SOUTHERLY BOUNDARY LINE OF SAID PARCEL RECORDED AT RECEPTION NO. 2015012729;

THENCE ALONG SAID SOUTHERLY BOUNDARY LINE SOUTH 89°37'38" WEST, A DISTANCE OF 73.92 FEET;

THENCE DEPARTING SAID SOUTHERLY BOUNDARY LINE NORTH 00°22'22" WEST, A DISTANCE OF 93.27 FEET;

THENCE NORTH 44°05'16" WEST, A DISTANCE OF 51.96 FEET;

THENCE NORTH 90°00'00" WEST, A DISTANCE OF 53.37 FEET;

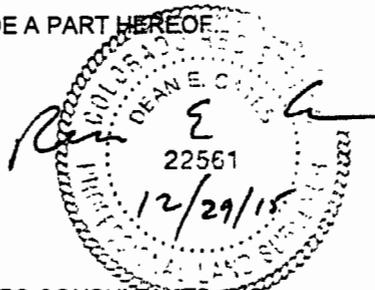
THENCE SOUTH 44°05'16" WEST, A DISTANCE OF 64.69 FEET;

THENCE SOUTH 89°37'38" WEST, A DISTANCE OF 7.01 FEET TO SAID WESTERLY BOUNDARY LINE;

THENCE ALONG SAID WESTERLY BOUNDARY LINE NORTH 00°25'11" WEST, A DISTANCE OF 16.40 FEET TO THE **POINT OF BEGINNING**.

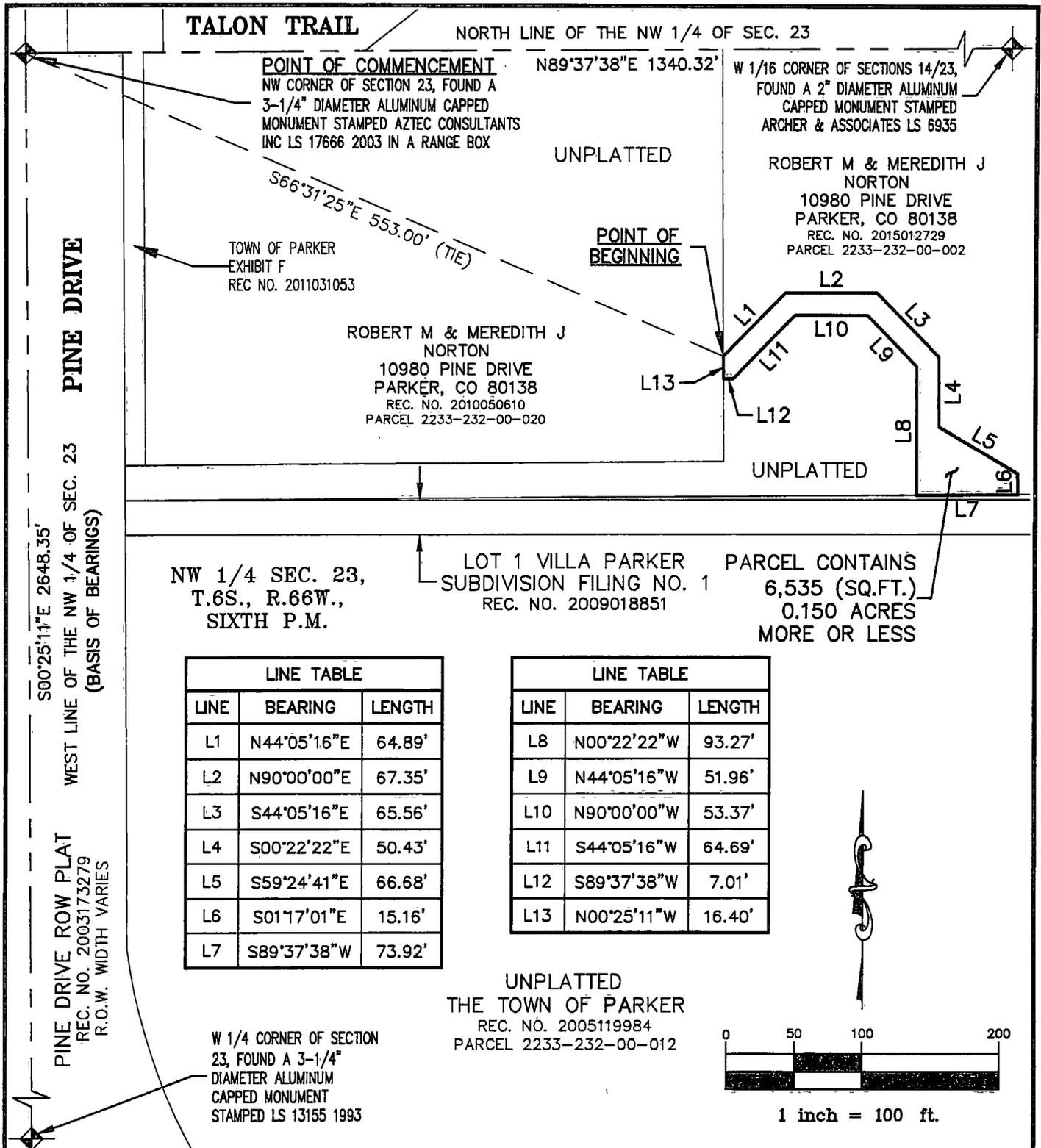
CONTAINING AN AREA OF 0.150 ACRES, (6,535 SQUARE FEET), MORE OR LESS.

EXHIBIT ATTACHED AND MADE A PART HEREOF.



DEAN E. CATES, PLS  
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.  
300 E. MINERAL AVE., SUITE 1, LITTLETON, CO 80122  
303-713-1898

# ILLUSTRATION TO LEGAL DESCRIPTION



NW 1/4 SEC. 23,  
T.6S., R.66W.,  
SIXTH P.M.

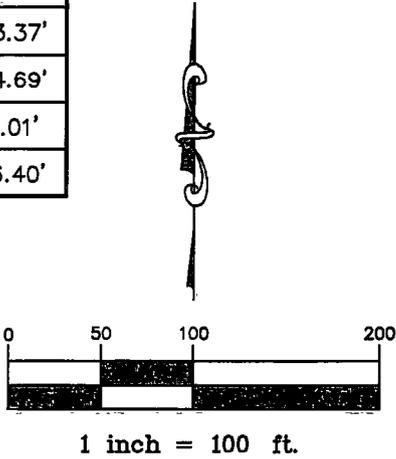
LOT 1 VILLA PARKER  
SUBDIVISION FILING NO. 1  
REC. NO. 2009018851

PARCEL CONTAINS  
6,535 (SQ.FT.)  
0.150 ACRES  
MORE OR LESS

LINE TABLE		
LINE	BEARING	LENGTH
L1	N44°05'16"E	64.89'
L2	N90°00'00"E	67.35'
L3	S44°05'16"E	65.56'
L4	S00°22'22"E	50.43'
L5	S59°24'41"E	66.68'
L6	S01°17'01"E	15.16'
L7	S89°37'38"W	73.92'

LINE TABLE		
LINE	BEARING	LENGTH
L8	N00°22'22"W	93.27'
L9	N44°05'16"W	51.96'
L10	N90°00'00"W	53.37'
L11	S44°05'16"W	64.69'
L12	S89°37'38"W	7.01'
L13	N00°25'11"W	16.40'

UNPLATTED  
THE TOWN OF PARKER  
REC. NO. 2005119984  
PARCEL 2233-232-00-012



NOTE: THIS DRAWING DOES NOT REPRESENT A FIELD MONUMENTED SURVEY AND IS ONLY INTENDED TO DEPICT THE ATTACHED LEGAL DESCRIPTION.

PATH: V:\24915-23\DWG  
 DWG NAME: NORTON TCE 2  
 DWG: BJM CHK: DEC  
 DATE: 12/18/2015  
 SCALE: 1" = 100'



300 East Mineral Ave,  
Suite 1  
Littleton, Colorado 80122  
Phone: (303)713-1898  
Fax: (303)713-1897  
www.aztecconsultants.com

**NORTON TEMP CONSTRUCTION EASEMENT 2**  
 NW 1/4 SEC. 23, T6S, R66W, 6TH P.M.  
 DOUGLAS COUNTY, COLORADO  
 JOB NUMBER 24915-23 2 OF 2 SHEETS

# VILLA PARKER TEMPORARY CONSTRUCTION EASEMENT

## LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF LOT 1, VILLA PARKER SUBDIVISION FILING NO. 1, A SUBDIVISION PLAT RECORDED AT RECEPTION NO. 2009018851 IN THE RECORDS OF THE DOUGLAS COUNTY, COLORADO, CLERK AND RECORDER'S OFFICE, LOCATED IN THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF PARKER, SAID COUNTY AND STATE, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE NORTHWEST CORNER OF SAID SECTION 23, WHENCE THE WEST QUARTER CORNER OF SAID SECTION 23 BEARS SOUTH 00°25'11" EAST, A DISTANCE OF 2648.35 FEET WITH ALL BEARINGS HEREON REFERENCED THERETO;

THENCE SOUTH 63°29'39" EAST, A DISTANCE OF 725.80 FEET TO THE NORTHERLY BOUNDARY LINE OF SAID LOT 1 AND THE **POINT OF BEGINNING**;

THENCE ALONG SAID NORTHERLY BOUNDARY LINE NORTH 89°56'19" EAST, A DISTANCE OF 20.33 FEET;

THENCE DEPARTING SAID NORTHERLY BOUNDARY LINE SOUTH 00°16'03" EAST, A DISTANCE OF 25.00 FEET TO THE SOUTHERLY BOUNDARY LINE OF SAID LOT 1;

THENCE ALONG SAID SOUTHERLY BOUNDARY LINE SOUTH 89°56'19" WEST, A DISTANCE OF 20.28 FEET;

THENCE DEPARTING SAID SOUTHERLY BOUNDARY LINE NORTH 00°22'22" WEST, A DISTANCE OF 25.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINING AN AREA OF 0.012 ACRES, (508 SQUARE FEET), MORE OR LESS.

EXHIBIT ATTACHED AND MADE A PART HEREOF.



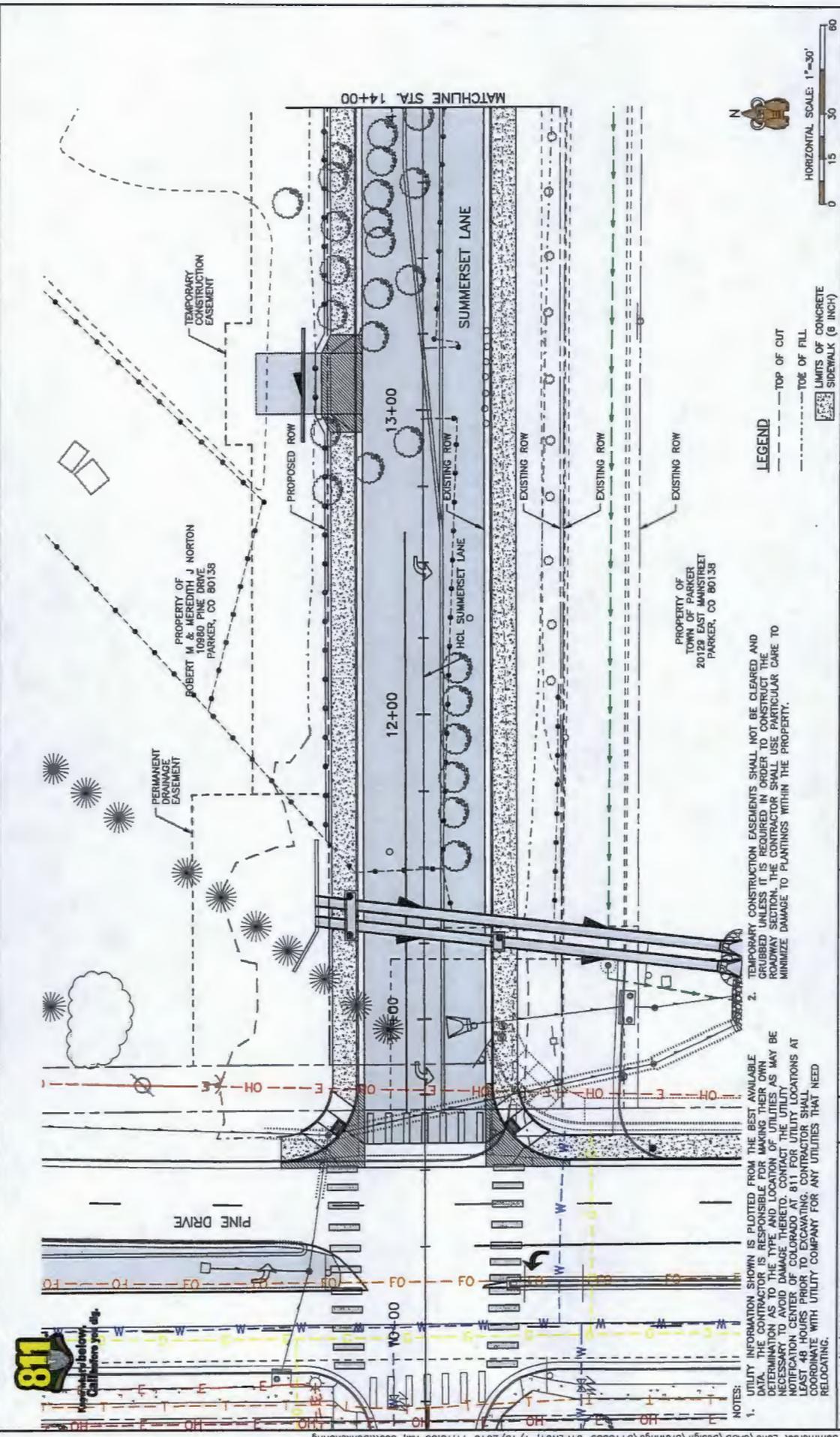
DEAN E. CATES, PLS  
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.  
300 E. MINERAL AVE., SUITE 1, LITTLETON, CO 80122  
303-713-1898



# **EXHIBIT E**

## **Summerset Lane Roadway Plans**

**2 pages**



LEGEND  
 --- TOP OF CUT  
 --- TOE OF FILL  
 [Symbol] LIMITS OF CONCRETE SIDEWALK (6 INCH)

HORIZONTAL SCALE: 1"=30'

As Constructed	Project No./Code
No Revisions:	STA. XX+XX.XX TO STA. 14+00
Revised:	Designer: SED
Void:	Detailer: SED
	Subject: Roadway
	Sheets: PP-1 of

PROPERTY OF TOWN OF PARKER  
 20129 EAST MAIN STREET  
 PARKER, CO 80138

PROPERTY OF ROBERT M & MEREDITH J NORTON  
 10980 PINE DRIVE  
 PARKER, CO 80138

PERMANENT DRAINAGE EASEMENT

TEMPORARY CONSTRUCTION EASEMENT

EXISTING ROW

MATCHLINE STA. 14+00 SUMMERSET LANE EXTENSION ROADWAY PLAN STA. XX+XX.XX TO STA. 14+00	
No Revisions:	Project No./Code: XX
Revised:	Designer: SED
Void:	Detailer: SED
Subject: Roadway	Sheets: PP-1 of
Subject: Roadway	Sheet Number

NOTES:  
 1. UTILITY INFORMATION SHOWN IS PLOTTED FROM THE BEST AVAILABLE DATA. THE CONTRACTOR IS RESPONSIBLE FOR MAKING THEIR OWN DETERMINATION AS TO THE TYPE AND LOCATION OF UTILITIES AS MAY BE NECESSARY TO AVOID DAMAGE THERETO. CONTACT THE UTILITY INDICATION CENTER OF COLORADO AT 811 FOR UTILITY LOCATIONS AT THE PROJECT LOCATION. CONTRACTOR SHALL COORDINATE WITH UTILITY COMPANY FOR ANY UTILITIES THAT NEED RELOCATING.

2. TEMPORARY CONSTRUCTION EASEMENTS SHALL NOT BE CLEARED AND GRUBBED UNLESS IT IS REQUIRED IN ORDER TO CONSTRUCT THE ROADWAY SECTION. THE CONTRACTOR SHALL USE PARTICULAR CARE TO MINIMIZE DAMAGE TO PLANTINGS WITHIN THE PROPERTY.

811

Call before you dig

8000 South Spruance Way, Suite 800

Phone: 303.721.1440

U.S. 101

Fax: 303.721.0332

Print Date: 1/13/2016 11:18:55 AM

File Name: D:\15359-01\PLN01.dwg

Horizontal Scale: 1"=30'

Vertical Scale: NTS

Initials

Comments

Date

Sheet Revisions

As Constructed

Project No./Code

Designer: SED

Detailer: SED

Subject: Roadway

Sheets: PP-1 of

Sheet Number

Horizontal Scale: 1"=30'

Vertical Scale: NTS

Initials

Comments

Date

Sheet Revisions

As Constructed

Project No./Code

Designer: SED

Detailer: SED

Subject: Roadway

Sheets: PP-1 of

Sheet Number

Horizontal Scale: 1"=30'

Vertical Scale: NTS

Initials

Comments

Date

Sheet Revisions

As Constructed

Project No./Code

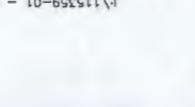
Designer: SED

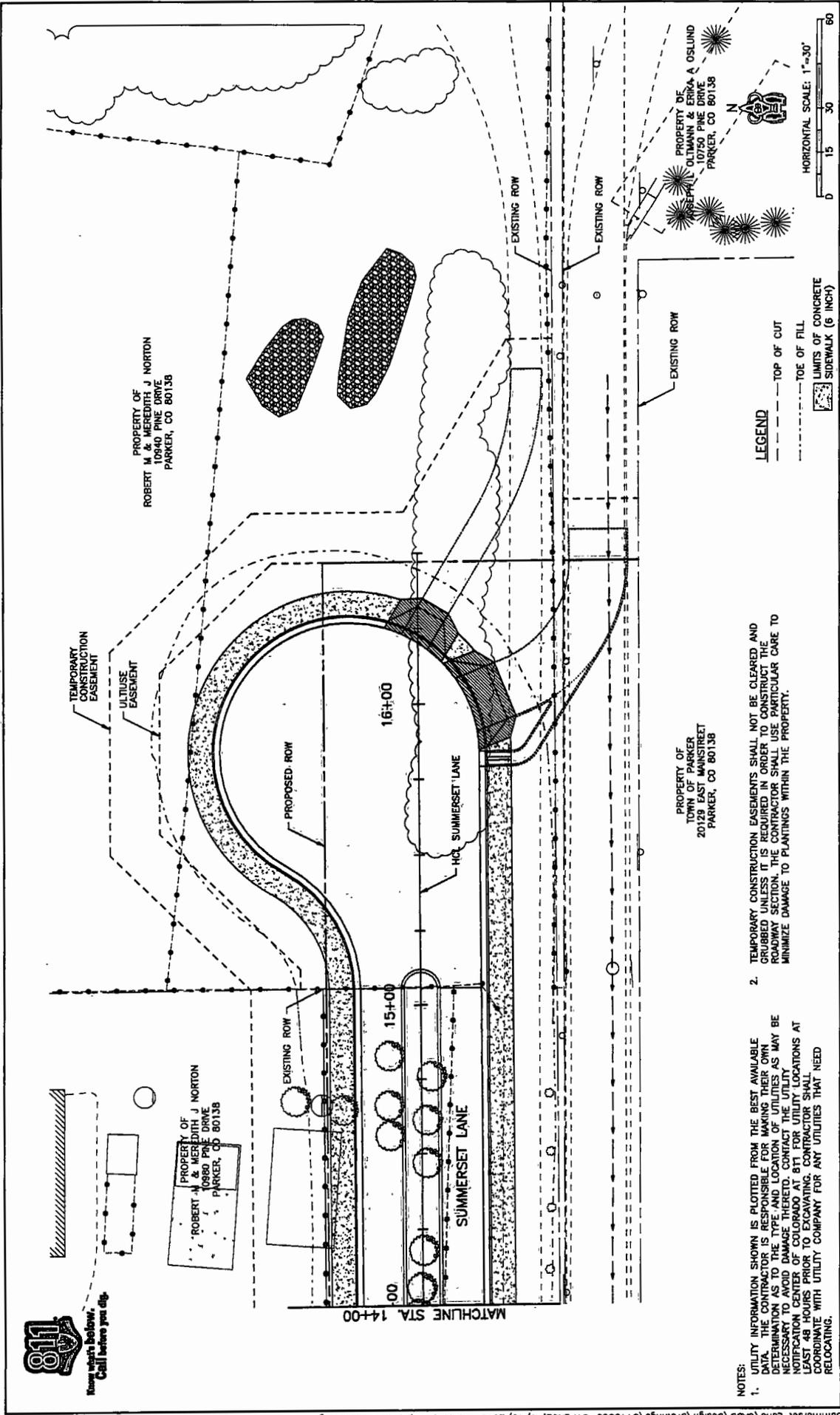
Detailer: SED

Subject: Roadway

Sheets: PP-1 of

Sheet Number



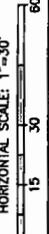


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**LEGEND**

- TOP OF CUT
- TOE OF FILL
- LIMITS OF CONCRETE SIDEWALK (6 INCH)



Print Date: 1/13/2016 11:19:05 AM File Name: D:\15359-01\PLAN02.dwg Horizontal Scale: 1"=30' Vertical Scale: NTS 8300 South Syracuse Way, Suite 800 Centennial, CO 80111 Phone: 303.721.1440 Fax: 303.721.1422		As Constructed No Revisions Revised: Void:	SUMMERSET LANE EXTENSION ROADWAY PLAN STA. 14+00 TO STA. XX+XX.XX Designer: XX Detailer: XX Subst: PP-3 of	Project No./Code XX XX Sheet Number												
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Date	Comments	Initials														
(E-X)																



PROPERTY OF  
 ROBERT M. & MEREDITH J. NORTON  
 10940 PINE DRIVE  
 PARKER, CO 80138

PROPERTY OF  
 ROBERT M. & MEREDITH J. NORTON  
 10940 PINE DRIVE  
 PARKER, CO 80138

PROPERTY OF  
 TOWN OF PARKER  
 20129 EAST MAIN STREET  
 PARKER, CO 80138





ITEM NO: 13  
DATE: 03/07/2016

**REQUEST FOR TOWN COUNCIL ACTION**

**TITLE: ORDINANCE 4.113 – A Bill for an Ordinance Establishing the Vertical and Horizontal Alignment and the Grade of Summerset Lane from the Pine Drive Intersection to Approximately 600 Feet East of the Pine Drive Intersection**

- |   |   |              |
|---|---|--------------|
| <input type="checkbox"/> PUBLIC HEARING | <input type="checkbox"/> ORDINANCE FOR 1 <sup>ST</sup> READING            | (02/16/2016) |
| <input type="checkbox"/> CONTRACT       | <input checked="" type="checkbox"/> ORDINANCE FOR 2 <sup>ND</sup> READING | (03/07/2016) |
| <input type="checkbox"/> MOTION         | <input type="checkbox"/> RESOLUTION                                       |              |

  
\_\_\_\_\_  
Tom Williams, Engineering Director

  
\_\_\_\_\_  
G. Randolph Young, Town Administrator

**ISSUE:**

The Town would like to commence the construction of Summerset Lane east of Pine Drive. Since this is a new Town roadway, the Town must establish the vertical alignment, the horizontal alignment and the grade for this roadway.

**PRIOR ACTION:**

The first reading of this proposed ordinance was approved by Town Council on February 16, 2016 as part of the consent agenda.

**FUNDING/BUDGET IMPACT:**

Funding for this roadway capital improvement project has been appropriated in the Streets Capital Improvement Projects (301-4310) fund.

**BACKGROUND:**

The Town identified the need to extend Summerset Lane east of Pine Drive over 10-years ago as part of a circulation plan. When the Villa Parker property annexed in the Town in 2008, the Summerset Lane extension was addressed in the annexation agreement. Due to ongoing discussions of potential development on the Pine Curve property, Town Council approved a mid-year supplemental budget request in 2015 for the design of Summerset Lane east of Pine Drive. Construction funding for the roadway is part of the approved 2016 budget. Therefore the Engineering Department has been moving forward with the design of this roadway.

The Town is anticipating commencing the construction of Summerset Lane east of Pine Drive in 2016. The roadway section to be constructed is approximately 600 feet long and terminates in a cul-de-sac on the eastern end to allow for vehicle turnaround and also access to two (2) properties east of the public roadway terminus. This ordinance establishes the vertical

alignment, horizontal alignment and the grade of this new proposed Town roadway. This ordinance is being proposed so that future development that occurs adjacent to this roadway will be able to determine the vertical alignment, the horizontal alignment and the grade of Summerset Lane.

**RECOMMENDATION:**

Approve the ordinance.

**PREPARED/REVIEWED BY:**

- 1) Chris Hudson, CIP & Construction Manager
- 2) Jim Maloney, Town Attorney

**ATTACHMENTS:**

- 1) Vicinity Map (1 pages)
- 2) Ordinance (3 pages)
- 3) Exhibit A (to the Ordinance – 4 pages) – Roadway Plan & Profile Sheets

**RECOMMENDED MOTION:**

"I move to approve Ordinance No. 4.113 on second reading."

# Proposed Summerset Lane Extension Vicinity Map



Proposed Summerset Lane Extension

Pine Curve Development

Town Boundary

ORDINANCE NO. 4.113, Series of 2016

**TITLE: A BILL FOR AN ORDINANCE ESTABLISHING THE VERTICAL AND HORIZONTAL ALIGNMENT AND THE GRADE OF SUMMERSSET LANE FROM THE PINE DRIVE INTERSECTION TO APPROXIMATELY 600 FEET EAST OF THE PINE DRIVE INTERSECTION**

WHEREAS, the Town of Parker Master Plan contains a major roadway plan for the construction of the road network that is necessary for the proper development of the Town of Parker;

WHEREAS, the major roadway plan is implemented by the capital improvements plan for roads which have been adopted by the Town of Parker;

WHEREAS, the Town of Parker adopted the "Town of Parker, Colorado Roadway Design and Construction Criteria Manual" to establish standards for the design and construction of roadways within the Town of Parker;

WHEREAS, due to the rapid growth both within and without the Town of Parker, it is necessary to begin designing certain roadways to be developed according to the Town of Parker Master Plan;

WHEREAS, the Town of Parker has determined the proper vertical and horizontal alignment, design and grade for that portion of Summersset Lane as indicated on **Exhibit A**, which is attached hereto and incorporated herein by this reference, shall be based on the consideration of several factors, including, but not limited to, roadway design requirements, topographical constraints, drainage, impact to adjacent homeowners, the current and planned improvements to the roadways within the Town of Parker, past experience, and the intended use of those roadways identified in this Ordinance; and

WHEREAS, the alignment design and grade for Summersset Lane was chosen for that portion of Summersset Lane identified in this Ordinance, because it meets the standards contained in the Town of Parker, Colorado Roadway Design and Construction Criteria Manual for safe travel routes based on the design speed and minimum right-of-way width for Summersset Lane.

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

**Section 1.** The Town Council of the Town of Parker hereby adopts the vertical and horizontal alignment design and grade for that portion of Summersset Lane as set forth in Exhibit A.

**Section 2.** The Town Council of the Town of Parker directs the Director of Engineering to ensure that a detailed survey of the area depicted in the alignment design and grade as shown on Exhibit A is on file with the Town of Parker Engineering Department.

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

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

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

INTRODUCED AND PASSED ON FIRST READING this \_\_\_\_ day of \_\_\_\_\_,  
2016.

\_\_\_\_\_  
Mike Waid, Mayor

ATTEST:

\_\_\_\_\_  
Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this \_\_\_\_ day of \_\_\_\_\_,  
2016.

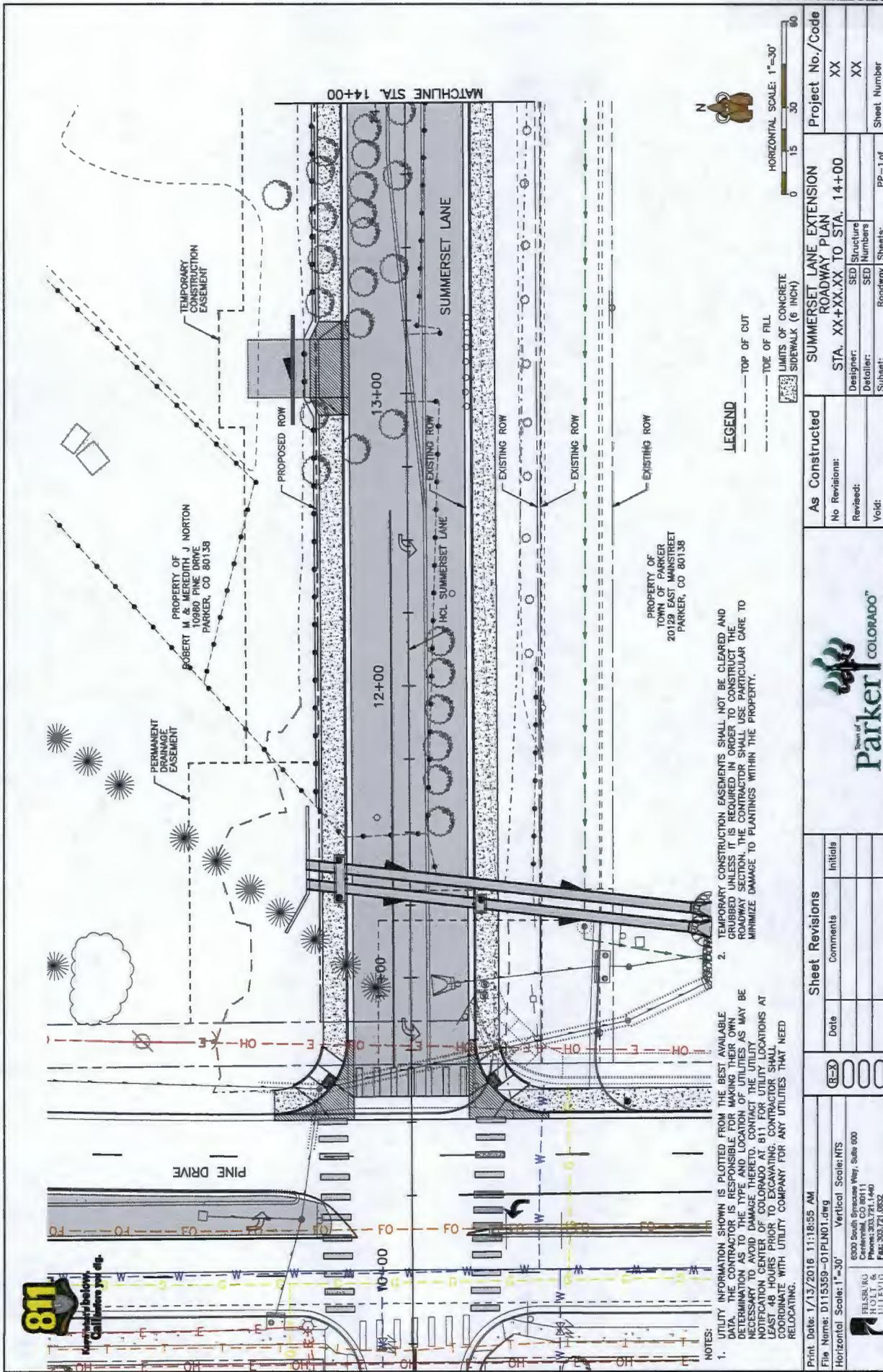
\_\_\_\_\_  
Mike Waid, Mayor

ATTEST:

\_\_\_\_\_  
Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
James S. Maloney, Town Attorney



PROPERTY OF ROBERT M. & MEREDITH J. NORTON  
10980 PINE DRIVE  
PARKER, CO 80138

PROPERTY OF TOWN OF PARKER  
20129 EAST MAIN STREET  
PARKER, CO 80138

NOTES:  
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2. TEMPORARY CONSTRUCTION EASEMENTS SHALL NOT BE CLEARED AND REMOVED UNTIL THE END OF THE PROJECT. THE CONTRACTOR SHALL USE PARTICULAR CARE TO MINIMIZE DAMAGE TO PLANTINGS WITHIN THE PROPERTY.

LEGEND  
 --- TOP OF CUT  
 --- TOE OF FILL  
 [Symbol] LIMITS OF CONCRETE SIDEWALK (6 INCH)

HORIZONTAL SCALE: 1"=30'

Project No./Code  
XX  
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Sheet Number  
PP-1 of

As Constructed  
 No Revisions:  
 Revised:  
 Void:

SummerSet Lane Extension  
 ROADWAY PLAN  
 STA. XX+XX.XX TO STA. 14+00  
 Designer:  
 Detailer:  
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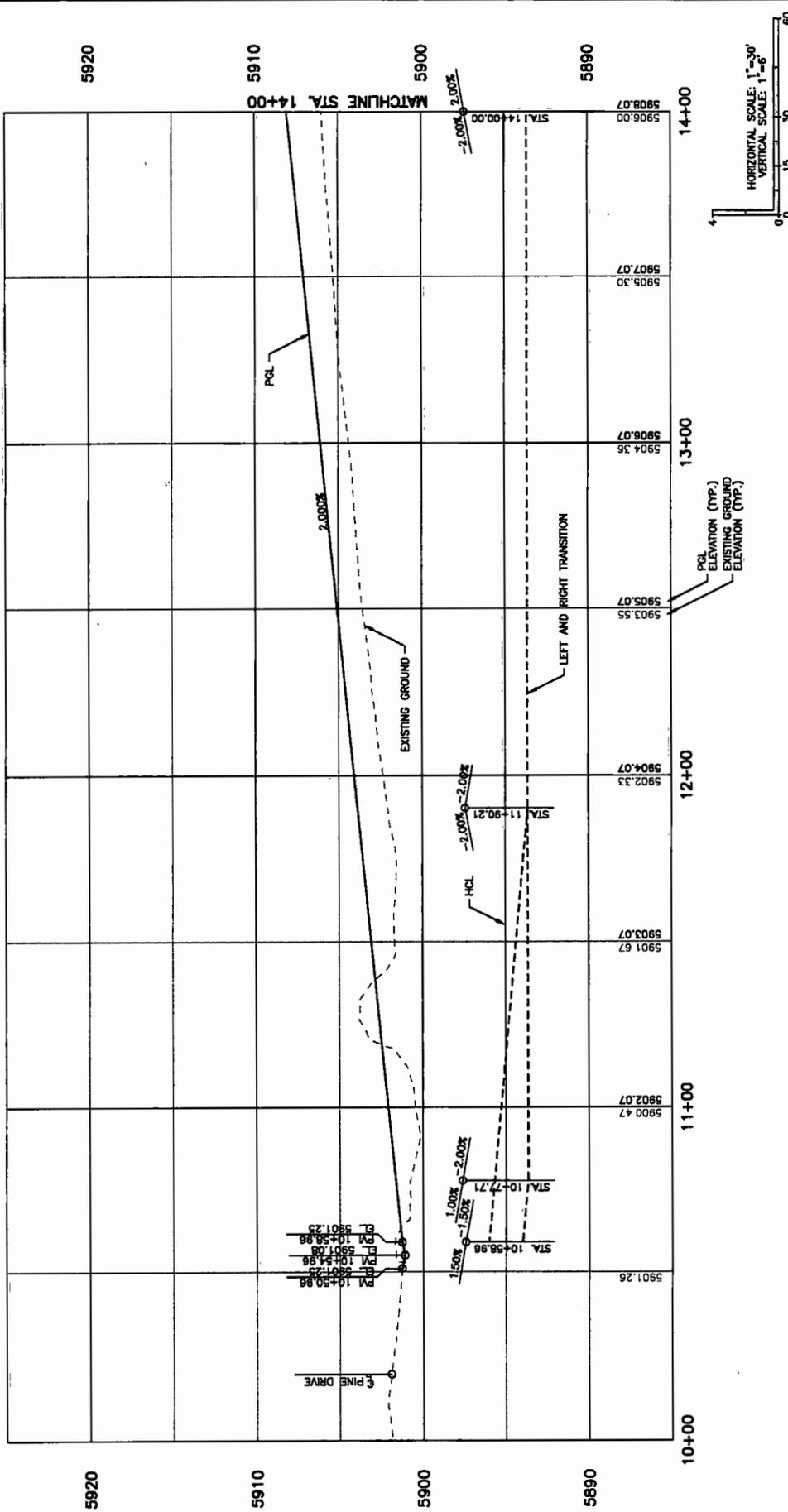
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 Horizontal Scale: 1"=30'  
 Vertical Scale: NTS  
 6300 South Syracuse Way, Suite 600  
 Centennial, CO 80111  
 Phone: 303.721.1440  
 Fax: 303.721.0622

**FELSBERG HOLT & ULLIUS**

**City of Parker COLORADO**

EXHIBIT A - Sheet 1 of 4

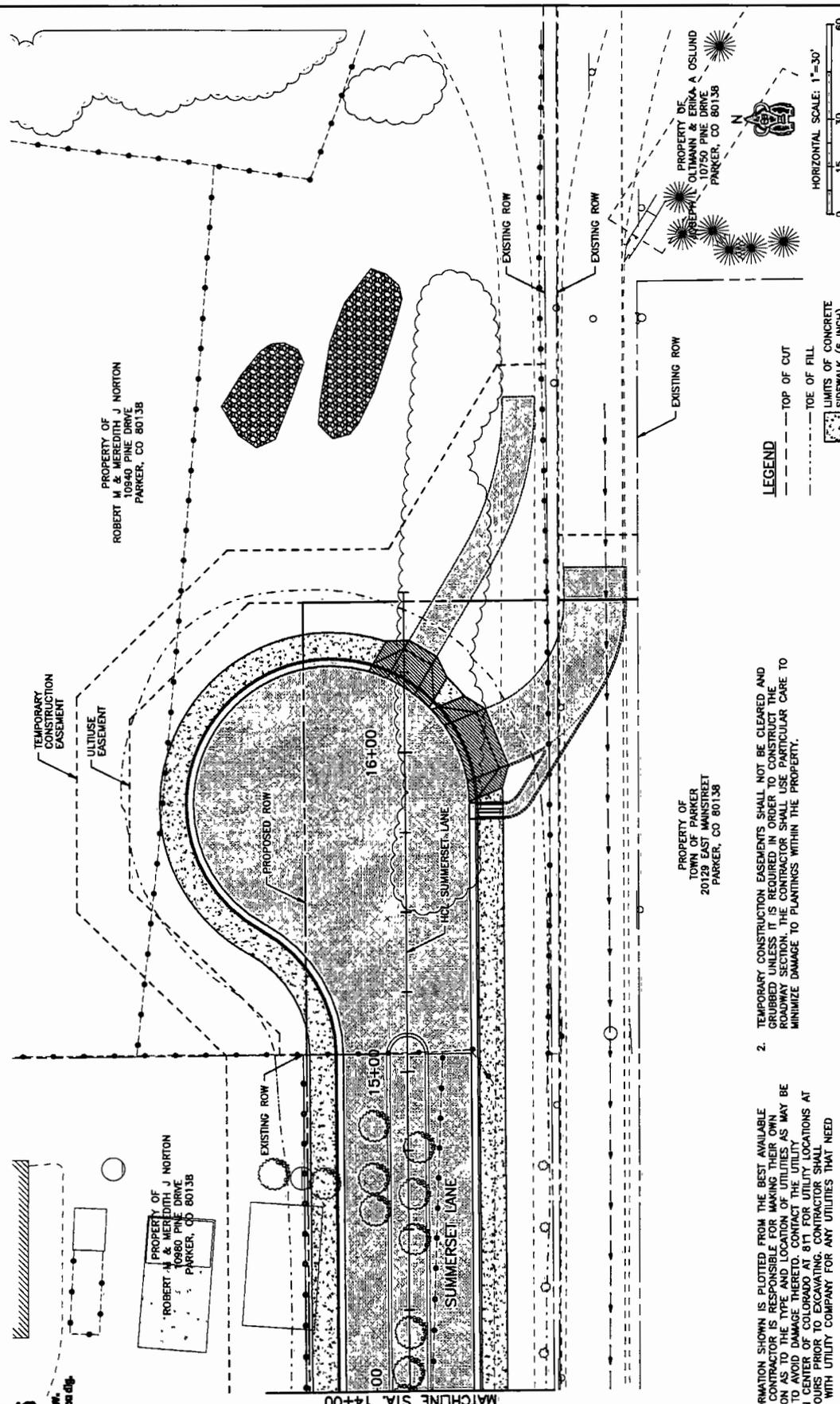
SUMMERSET LANE



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8200 South Sumner Way, Suite 600 Centennial, CO 80111 Phone: 303 721 1440 Fax: 303 721 0832		As Constructed No Revisions: Revises: Void:	
SUMMERSET LANE EXTENSION ROADWAY PROFILE STA. XX+XX.XX TO STA. 14+00		Designer: Detailer: Subject:	
SHEET REVISIONS		SED Structure SED Numbers Roadway Sheets:	
(E-3)	Date	Comments	Initials
00	00	00	00
FELSER INC HOLT & ULLEVIG		Sheet No. of PP-2 of	



Know what's below.  
Call before you dig.



- NOTES:**
1. UTILITY INFORMATION SHOWN IS PLOTTED FROM THE BEST AVAILABLE DATA. THE CONTRACTOR IS RESPONSIBLE FOR MAKING THEIR OWN DETERMINATION AS TO THE TYPE AND LOCATION OF UTILITIES AS MAY BE NECESSARY FOR THE PROPOSED CONSTRUCTION. THE CONTRACTOR SHALL USE PARTICULAR CARE TO MINIMIZE DAMAGE TO PLANTINGS WITHIN THE PROPERTY.
  2. TEMPORARY CONSTRUCTION EASEMENTS SHALL NOT BE CLEARED AND GROUBED UNLESS IT IS REQUIRED IN ORDER TO CONSTRUCT THE ROADWAY SECTION. THE CONTRACTOR SHALL USE PARTICULAR CARE TO MINIMIZE DAMAGE TO PLANTINGS WITHIN THE PROPERTY.

**LEGEND**

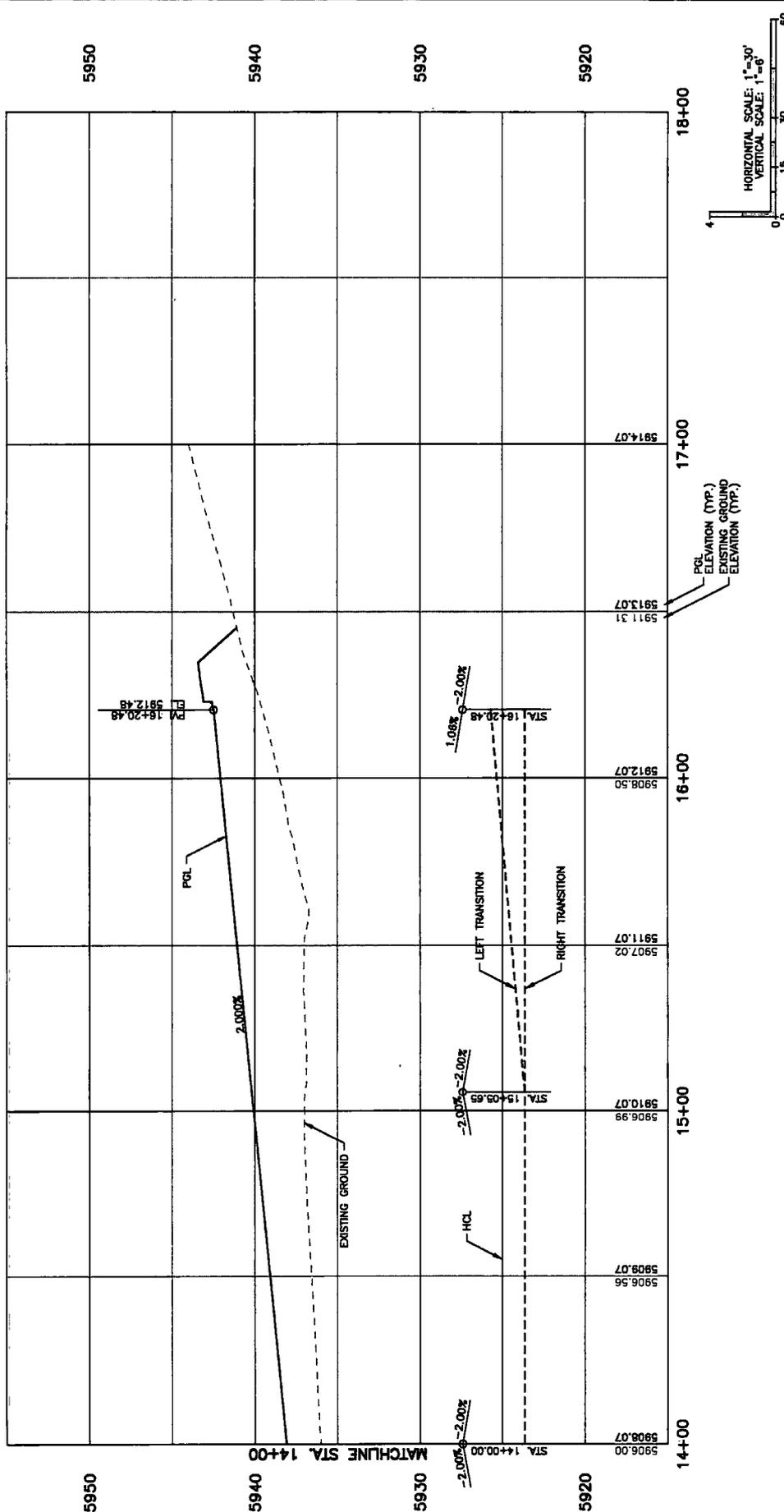
- TOP OF CUT
- TOE OF FILL
- LIMITS OF CONCRETE SIDEWALK (6 INCH)

HORIZONTAL SCALE: 1"=30'  
0 15 30 60

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Initials	Date	Comments													
8300 South Syracuse Way, Suite 600 Centennial, CO 80111 Phone: 303.721.1440 Fax: 303.721.0632		<b>As Constructed</b> No Revisions: Revisited: Void: Designator: Detailer: Subset:             Roadway Sheets: PP-3 of													
<b>Summerset Lane Extension</b> ROADWAY PLAN STA. 14+00 TO STA. XX+XX.XX		Project No./Code XX XX Sheet Number													



SUMMERSSET LANE



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