



August 11, 2016

PLANNING COMMISSION MEETING

7:00 p.m.

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **ADDITIONS TO OR DELETIONS FROM THE AGENDA**
5. **APPROVAL OF MINUTES**
June 30, 2016 and July 14, 2016 Minutes
6. **CONSENT AGENDA**
7. **PUBLIC MEETING: ORDINANCE 3.322.1** - A Bill for an Ordinance to Amend the Text of the Newlin Crossing Development Plan and Guide Pursuant to the Town of Parker Land Development Code
Applicant: Town of Parker
Location: Northeast Corner, Mainstreet and Chambers Road
Planner: Patrick Mulready
8. **PLANNING COMMISSION ITEMS**
9. **STAFF ITEMS**
10. **ADJOURNMENT**



PLANNING COMMISSION MINUTES

June 30, 2016

Chair Gary Poole called the meeting to order at 7:00 p.m. and advised the meeting was being streamed in the next room for viewing.

Commissioner John Howe led the Planning Commission and audience in the Pledge of Allegiance.

Also, present were Commissioners Duane Hopkins and Brent Bitz. Alternate Eliana Burke was present and seated for the absent Commissioner Sasha Levy. Alternate Robert Moffitt was present. Alternate Kathleen Thayer was absent.

ADDITIONS TO OR DELETIONS FROM THE AGENDA

None

APPROVAL OF MINUTES

Commissioner John Howe moved to approve the June 23, 2016 meeting minutes. Commissioner Brent Bitz seconded; a vote was taken and passed 4:0:1 with Commissioner Eliana Burke abstaining due to not being seated for the June 23, 2016 meeting.

CONSENT AGENDA

None

PUBLIC HEARING: OPEND: 7:02 P.M. PAWNEE-DANIELS PARK 345 KILOVOLT TRANSMISSION LINE – Use by Special Review (Rescheduled from June 23, 2016)

Chair Gary Poole stated the purpose for the public hearing is to consider the special use application for the Pawnee-Daniels Park 345 Kilovolt (kV) Transmission Line located within the Town of Parker. He explained to the audience that the Planning Commission will consider evidence provided by Town staff, Public Service Company of Colorado and the public. He said the evidence will be presented as:

- from the Town:
 - * the law firm of Kissinger & Fellman, P.C.; Brandon Dittman explained the jurisdictional authority of the Public Utilities Commission (PUC), the Town and the State of Colorado's interest

- * an expert retained by the Town; Tom Ghidossi with Exponential Engineering Company to address the technical aspects of the project, including noise and electromagnetic field levels.
 - * Tom Williams, Director of Engineering; recommending conditions and safeguards for approval of the use by special review
 - * Patrick Mulready, Senior Planner; presenting the project staff report
 - * James S. Maloney, Attorney; explaining the role of the Planning Commission in hearing the use by special review
- from Public Service Company of Colorado (PSCo); supporting the use by special review application
 - from the public; comments to be limited to three minutes per person controlled by light timer and with consideration to not repeat comments

The Chair requested the public be respectful of the all the individual presentations and advised that any questions posed to the Planning Commission, staff or PSCO will be addressed after the public comment portion of the meeting is closed.

Brandon Dittman, Kissinger & Fellman, P.C. presented:

- the two step process for transmission siting in the State of Colorado
 - as first to obtain a Certificate of Public Convenience and Necessity from the Public Utilities Commission (PUC)
 - second, to receive approval for a use by special review with the local government land use authority.
- the PUC ensures safe, reliable and reasonably priced electric service. The PUC evaluates the overall need for the project, reasonable alternatives and electromagnetic fields
- Specific siting evaluations are performed by the local land use authority through application for a use by special review
- the land use authority may consider visual, neighborhood segmentation and separation effects and connectivity impacts of the project
- the effects that cannot be considered are noise, electromagnetic field interference, overall need for the project, impacts on property values and rate impact from the project
- the applicant is able to appeal a ruling to the PUC if the Town were to deny or set unreasonable conditions for approval
 - past PUC appeals for large scale undergrounding requirements have been denied as an inconsistent duty to provide economical service
- the Pawnee-Daniels transmission line has been part of Xcel's SB-100 planning documents submitted to the PUC since 2007
 - the project is important to serve Energy Resource Zones (ERZ 1) which contains the largest share of Colorado's wind resources

Tom Ghidossi, Exponential Engineering Company presented:

- basic power system information
- wind farm power generation
- Pawnee Generating Station – near Brush
the existing Pawnee-Smoky Hill 345kV Single Circuit (future Double Circuit)
- the existing Smoky Hill-Daniels Park 230kV Double Circuit (future Double Circuit 345kV would be to left)
- the existing Smoky Hill-Daniels Park 230kV Double Circuit with 115kV Double Circuit underbuild (future Double Circuit 345kV would be to right)
- the Smoky Hill Substation
- the Hilltop Substation
- the Sulphur Substation
- the Daniels Park Substation
- the Hilltop Substation Distribution Facilities
- the Hilltop Substation Underground Cabinet and Transformer
- Senate Bill 07-100
 - Established requirements for utilities to continually evaluate and improve electric transmission facilities to meet the state’s existing and future needs
 - * Energy Resource Zones (ERZ) – transmission constraints limit the delivery of electricity to loads
 - Utilities to provide biennial SB07-100 reports to the PUC
 - * Designation of ERZ’s
 - * Plans for transmission facilities consistent with timing of ERZ’s
 - * Consideration of how transmission can encourage local ownership of renewable energy facilities
 - * Submission of plans and application for a CPCN
- Renewable Energy Capacity
 - The new double circuit line will provide an increase in capacity for bringing renewable energy to the front range from the north or south
 - PSCo has added 1,510MW of wind generation to substations along the line route for transmission to the Denver metropolitan area
 - PSCo is now in the process of adding another major 600MW wind farm in eastern Colorado; they have requested that the PUC allow the design and construction of the Pawnee to Daniels Park line now begin in 2017
- The inter connected Electric System – Project Detail
- Xcel’s Proposed 345 kV Transmission Line
- Transmission Line Siting – Right-of-Way
- Magnetic Fields
 - PUC Regulations – 4 CCR 723-3 Rule 3206, Part (e)
 - Magnetic fields to be measured at the edge of the transmission line right-of-way at a location one meter above ground
 - Magnetic fields limited to 150mG (milliGauss)
- Typical Magnetic Field Strengths
 - Charts taken from “EMF Electric and Magnetic Fields Associated with the Use of Electric Power, Questions and Answers”, National Institute of Environmental Health Sciences, National Institutes of Health, June 2002

- Audible Noise
 - PUC Regulations – 4 CCR 723-3 Rule 3206, Part (f)
 - * Noise is generally caused by corona (electrical ionization of air at points of concentrated electric field strength)
 - * Level of noise radiating beyond the property line or right-of-way (as applicable) at a distance of 25 feet
 - * Proposed Levels at or below:
 - Residential 50 db(A)
 - Commercial 55 db(A)
 - Light Industrial 65 db(A)
 - Industrial 75 db(A)
 - * Noise level will not be subject to further review if the applicant proposes a noise threshold of 50 db (A) or below regardless of the use of the land
- Construction – Underground Transmission
 - Comparison of Underground versus Overhead Transmission
 - * PUC considers large scale undergrounding of transmission lines to be inconsistent with providing economical service
 - Typically, if a community or affected group wishes to have a transmission line built underground, that community or affected group will be required to pay the difference in cost between overhead and underground construction (the rate payers will not be forced to cover those costs)
 - * Advantages of Overhead Transmission Lines
 - Lower cost (by a factor of 10 to 20)
 - Outages of shorter duration
 - Less expensive maintenance
 - Longer life span (80-100 years versus 40 years)
 - Repair is less expensive
 - * Advantages of Underground Transmission Lines
 - Less visual impact
 - Fewer “blinks” or short outages
 - No noise
- Underground line – cost of \$40million per mile for double circuit 345kV
- Life expectancy 40 years for underground cables, versus 80 years for typical overhead line

Tom Williams, Director of Engineering, Town of Parker said his department has reviewed the site plan and the use by special review applications submitted by PSCo. He said the review focused on:

- construction activities associated with the installation of the proposed power poles
 - construction traffic
 - access
 - roadway standards
 - drainage and erosion control
 - stillwater pollution control
- minimizing the impacts on the adjacent private and public properties

- recommending the 25 conditions and safeguards included in Exhibit D of Resolution 16-051 should Planning Commission and Town Council accept the mitigation strategy

Patrick Mulready, Planner, Town of Parker presented the staff report for the Pawnee-Daniels 345kV Transmission Line Use by Special Review request. Mr. Mulready concluded with the determinations in staff's report and recommended the Planning Commission find the mitigation strategy acceptable and recommended Town Council approve the Use by Special Review request subject to the adoption of a resolution citing the 26 conditions of approval contained in staff's report.

James S. Maloney, Town Attorney, Town of Parker presented:

- Home Rule Charter municipalities such as the Town can be pre-empted by state law
- this is the case with C.R.S. §29-20-108
- the Town had 90 ninety days to react to the application for the use by special review from PSCo; if no action within 90 days the application would be deemed approved
- the Town negotiated a waiver agreement to waive the 90 days and to address the discussed mitigation strategies and a timeline for processing the application
 - established the Planning Commission public hearing date of June 23, 2016 (rescheduled to June 30, 2016 due to a defect in the publication of one of the three notices required in this type of hearing)
 - established the Town Council meeting as July 5, 2016 or in the event of a lack of quorum, the hearing will be July 11, 2016
 - as of this time, a quorum for July 5, 2016 is assured for the hearing
 - if there is not an approved decision by July 19, 2016 the PUC will deem the application approved per state law
- the waiver agreement had a provision for PSCo and the Town to meet as many times as necessary, to address the Town's concerns regarding mitigation impacts that provide public benefits
- the negotiated mitigation agreement has been signed by PSCo as described in staff's report and is attached as Exhibit A to the resolution
- if Town Council approves the mitigation agreement, it will be binding with PSCo
- if Town Council denies the mitigation agreement, it will be null and void with PSCo, with no effect
- Town staff recommends approval of the use by special review request as conditioned with the mitigation agreement and the 25 conditions and safeguards recommended by the Director of Engineering for the Town of Parker; without those the proposal is unacceptable
- emphasized staff's recommendation is advisory; it is not binding for the Planning Commission
- staff's job is to deliver a project that meets the Town's criteria in staff's view based on review and negotiations
- the resolution contains extensive findings of fact in Exhibits B and C; it is up to the Planning Commission deliberation to agree or disagree with the findings

- the Planning Commission has the options to:
 - approve the request without conditions (not recommended by staff)
 - approve the request with conditions (recommended and stated by staff)
 - deny the request stating the reasons for denial

APPLICANT PRESENTATION

Derek Holscher, PSCo, 1800 Larimer Street presented:

- Construction of a new double circuit 345kV transmission line to connect our existing Pawnee Substation, located near Brush, CO., to our existing Daniels Park Substation, located near Castle Pines
- Project Components:
 - String 13-miles of new 345kV line on existing structures from the Missile Site Substation west to a point near the Town of Byers
 - Rebuild 29-miles of the existing line and structures from single-circuit 230kV to double-circuit 345kV, starting at Smoky Hill Substation heading east
 - Construction of a new electric substation in Arapahoe County, just east of the Smoky Hill Substation
 - Constructing 20-miles of new mono-pole structures and double circuit 345kV line between the existing Smoky Hill and Daniels Park Substations
- a project map
- why is the project needed:
 - Xcel Energy's load and resource balance for Colorado shows need for additional power generation as early as 2019, growing to approx. 800 to 1,000 MW by 2024
 - Natural gas-fired generation will be one of the energy supplies of choice: economically favorable, key to managing intermittency of renewable generation, lower pollutants and lower greenhouse gas emissions than coal-fired generation
 - Seeking approval to construct, own and operate the 600-megawatt Rush Creek wind project in eastern Colorado
 - Includes a 90-mile transmission line to connect the project to the Missile Site Substation in Arapahoe County
 - Rush Creek project will save Xcel Energy customers hundreds of millions of dollars in energy costs over the next 25 years - lowest cost wind energy on system
 - Pawnee-Daniels Park project connects through Missile Site Substation - deliver clean, carbon-free, low cost wind energy to customers along the Front Range
- Project Schedule/Timing
 - PUC approved CPCN April 2015 - in-service date of May 2022, construction beginning no earlier than May 1, 2020
 - Congress extended the Production Tax Credit (PTC) for new wind generation projects, declining recovery schedule for projects that start construction after 2016
 - Xcel Energy filed May 2016 to PUC asking to accelerate the in-service date – this segment October 31, 2019 with construction beginning January 31, 2019

- Advancing In-Service Date
 - Provides additional transmission capacity needed to carry generation from eastern and northern Colorado to load centers along the Front Range
 - Enables Xcel Energy and other wind developers to take full advantage of the production tax credits, locks in the cost savings for customers
 - Helps deliver clean, carbon-free, low-cost wind and ultimately solar energy to customers
- Town of Parker Benefits
 - Parker served electrically by IREA, wholesale customer of Xcel Energy
 - Xcel Energy provides a major portion of IREA's electricity
 - Project will terminate at new Harvest Mile Substation and tie in existing Smoky Hill Substation
 - IREA's 115kV transmission lines deliver power from the Smoky Hill substation to their facilities - distribution lines feed homes and businesses throughout Parker
 - Stronger transmission grid - more capacity to help ensure more reliable electricity for Xcel Energy/IREA customers
 - Improve overall system operations and performance
 - Population - nearly 50,000 residents in Parker with continuous development
 - Support the growth of housing, retail and office development in the area now and into the future
- Project Location
 - Smoky Hill – Daniels Park segment last link in completing a 345kV “backbone” along the Front Range
 - Early 1960's Xcel purchased enough land for two transmission lines in the corridor (210' wide), recognizing the eventual need for a second line
 - First line installed 1968 to one side of corridor, left other side open
 - Development built up around existing corridor
 - Simulated views of project corridors through the Town of Parker
- Alternative Routes
 - Due to public comment/jurisdiction requirement - research reasonably available & economically feasible alternatives for a new corridor between Smoky Hill and Daniels Park
 - Best practice – parallel existing linear infrastructure to minimize impacts
 - Collect/compile data (GIS), ops/cons analysis, preliminary routes/segments, field check, finalize end-end alternatives
- Alternative Routes (cost)
 - Two (2) main components – construction, right-of-way
 - Construction - foundations, hardware, steel poles, conductor (wire) and labor
 - * Route A (existing corridor) - \$48.6M
 - * Route B - \$69.8M
 - * Route C - \$88M

- Alternative Routes (cost continued)
 - Right-of-way - easement costs, condemnation, survey, appraisals, title work, and crop damage
 - Easement costs - based on a representative range of comp sales in the Project area – other factors would increase
 - * Route A – (existing corridor) \$0
 - * Route B - \$13.9M
 - * Route C - \$35.2M
 - Total Cost – Construction & Right-of-Way
 - * Route A - \$48.6M
 - * Route B - \$83.7M
 - * Route C - \$123.2M
- Public Outreach
 - Launched July 2013, numerous meetings with residents, NGOs, elected officials, HOAs, senior planning staff and other stakeholders
 - 4 open house meetings – pre-CPCN – 6,000 invites
 - PUC ALJ Public Hearing – PACE Center
 - 3 open house meetings – post-CPCN – 8,300 invites
 - Public comment tracking – written forms, emails, **hotline**
 - Project website – same materials, continually updated
 - Comment database to track/manage all comments, includes, e-mail, hotline phone calls, comment forms and face to face meetings
 - Total communications through 6/24/2016 – 995
 - Based on the current information, respondents show a strong preference for Preferred Alternative A, the existing corridor (84%) as compared with Alternatives B (2%) and C (12%), or none of the above (2%)
 - Top Five Issues Commenters Cited in Their Comments
 1. Proximity to Residences – 58%
 2. Visual/Aesthetic – 54%
 3. Health and Safety (including EMF) – 46%
 4. Noise – 29%
 5. Property Values – 26%
- EMF – Electro Magnetic Fields
 - Measured in milliGauss (mG), produced by electric current and only exists when an electric appliance is on
 - Strength of a magnetic field dissipates rapidly as you move away from its source
 - PUC sets standards for the reasonableness of noise levels and EMF - 150 mG at edge of right-of-way, one meter above ground
 - PUC decision found that the EMF and noise levels for the Project were reasonable (5-20 mG)

- Dr. Mark Israel, Hanover, New Hampshire presented:
 - his background in Electro Magnetic field studies
 - EMF Terminology/Sources
 - * Electromagnetic Fields
 - * Electric and Magnetic Fields
 - * “EMF” often used as abbreviation for magnetic fields from appliances and power lines
 - * “Radiation” describes how energy travels from a source (a rock tossed into a pond)
 - * Common sources of radiation include appliances, power lines, cellphones, remote controls, and TV and radio broadcast towers
 - * Medical x-rays and the upper level of the ultraviolet part of sunlight are called “*ionizing* radiation” because they are at a much higher frequency that can damage our cells.
 - * EMF from appliances and powerlines do not have enough energy to damage our cells.
- Types of EMF Studies
 - Epidemiology studies (statistical studies of population groups)
 - *In Vitro* studies (use tissue and cells taken from animals)
 - *In Vivo* Studies (use live animals)
 - *A key consideration for medical scientists: consistency in the results from the different types of studies.*
- Older Scientific Reviews
 - International Agency for Research on Cancer (IARC) 2002
 - * Categorized magnetic fields as “possibly” carcinogenic based on “limited evidence” of a statistical association.
 - * Found “inadequate” evidence from laboratory studies to support finding that magnetic fields cause childhood leukemia or any other cancer.
 - * Did not find magnetic fields cause or contribute to the development of childhood leukemia.
- Current Positions of Health Authorities
 - World Health Organization
 - * “Based on a recent in-depth review of the scientific literature, the WHO concluded that current evidence does not confirm the existence of any health consequences from exposure to low level electromagnetic fields.
 - * Despite extensive research, to date there is no evidence to conclude that exposure to low level electromagnetic fields is harmful to human health.”
 - U.S. Environmental Protection Agency
 - * Scientific experiments have not clearly shown whether or not exposure to EMF increases cancer risk.”
 - * "There is no clear scientific evidence that electromagnetic fields affect health."

- U.S. National Cancer Institute
 - * “Most of the research has focused on leukemia and brain tumors, the two most common cancers in children.”
 - * “Studies have examined associations of these cancers with living near power lines, with magnetic fields in the home, and with exposure of parents to high levels of magnetic fields in the workplace.”
 - * “No consistent evidence for an association between any source of non-ionizing EMF and cancer has been found.”
- Conclusion
 - based on his knowledge and experience as a medical doctor, pediatrician, and oncologist:
 - * “There is no reliable medical basis to conclude that magnetic fields cause childhood leukemia or any other cancer or other disease in children or adults.”

Derek Holscher, PSCo continued:

- Noise
 - Mitigate noise - design project using low-corona hardware and alternate phasing arrangements
 - Conducted studies addressing potential noise levels by modeling and measuring project noise levels
 - PUC staff reviewed studies and supported a finding that the noise levels were deemed reasonable – 50 & 55dB
- Visual – One Structure
 - Xcel Energy does not consider the idea of combining two double circuit lines on the same structures a viable alternative
 - Reliability risks are too great
 - Insulator failure = loss of at least four bulk power circuits feeding critical load-serving substations
 - Safety – tower failure has greater risk of causing harm
 - Maintenance – unable to perform maintenance, crews can’t take outages on multiple circuits at the same time
 - Size - huge and visually intrusive, avg. height 200 feet+
 - Stakeholders indicated a preference for lower structures
 - Structures would be seen by many more people
 - PUC would most likely not approve, not the most viable and reliable design or least cost option
- Property Values
 - Independent appraiser - comprehensive study of property values in 11 housing subdivisions along corridor including Rowley Downs and Villages of Parker
 - No measurable market impact on property values from power lines, regardless of:
 - * voltage
 - * structure type
 - * age of the homes/subdivisions
 - * direction of views
 - * proximity to lines

- Underground Transmission
 - Factors to consider - time, materials, process, transition substations and use of specialized labor
 - Not prevalent in United States
 - Estimated \$40 million per mile vs. \$1.5 million per mile for overhead
 - PSCo generally only considers underground transmission construction if the difference in cost between overhead and underground is paid by those requesting it or if technical constraints make it impossible to construct the line overhead
- Engineering Consultant Summary
 - Parker obtained services from Exponential Engineering to assist in reviewing technical aspects of the project
 - Conclusions:
 - * EMF and Noise meet PUC requirements
 - * Use of existing corridor is the appropriate route
 - * Provides a significant transmission path for additional resources and reduces existing loading on the 230kV transmission lines serving IREA
 - * Provides greater flexibility in system configurations, improving overall reliability to both PSCo and IREA customers

Mr. Maloney restated the Planning Commission deliberation process for the hearing.

PUBLIC COMMENT OPENED

The following opposed the use by special review:

- Jesse Watson, 20890 E Sussex Court, Parker
- Patty Lampman, 6217 Greely Court, Parker
- Scott Lampman, 6217 Greely Court, Parker
- Dale Brinker, 20130 E Williamson Drive, Parker
- Albert Thompson, Cambridge Court, Parker
- John Pankoff, 11417 S Liliary Court, Parker
- Beth Erickson, 20191 Edinborough Place, Parker
- Jonathan Erickson, 20191 Edinborough Place, Parker
- Travis Starns, 16309 Prairie Farm Circle, Parker
- Carrie Bingham, 17264 E Trailmaster Drive, Parker
- Lily Tang Williams, 11390 Hilary Place, Parker
- Jurene Mulford, 11467 S Marlborough Drive, Parker
- Adelia Marsh, 17313 E Trailmaster Drive, Parker
- Anne Marie Grewer, 20105 Williamson Drive, Parker
- Dough Ames, 12752 Buckhorn Creek Street, Parker
- Robert Edson, 17288 E Trailmaster Drive, Parker
- Tom Mathiesen, 11431 Dark Star Way, Parker
- Shane Power, 22040 Hill Gail Way, Parker
- Cindy Hurt, 20817 E Parliament Court, Parker
- Steve Hurt, 20817 E Parliament Court, Parker
- Tom Stockman, 11263 Parliament Way, Parker

- Nate Becker, 15895 Savory Circle, Parker
- Richard A. Jones, 23296 Blackwolf Way, Parker
- Terry Dodd, 11450 Marlborough Drive, Parker
- Lyndi Ermann, 20828 E Sussex Court, Parker
- Mike Roueche, 11425 Regency Court, Parker
- Colin Maclean, 16325 Prairie Farm Circle, Parker
- Isaac Ho, 20905 Omaha Avenue, Parker
- David Prok, 20590 Regency Way, Parker
- Jane Levinsky, 21604 Hill Gail Place, Parker
- Mort Levinsky, 21604 Hill Gail Place, Parker
- Joseph Dory, 23471 Glenmoor Drive, Parker
- J.L. McCaffrey, 23141 Blackwolf Way, Parker
- Ron Gneiting, 11451 S Marlborough Street, Parker
- James Scrabeck, 22293 Pebble Brook Lane, Parker
- Bill Witwer, 15885 Savory Circle, Parker
- Carolyn Haney, 23272 Blackwolf Way, Parker
- Bernie Kruse, 11448 Cannonade Way, Parker
- Michael Scott Renfrew, 23272 Blackwolf Way, Parker
- Terry Rock, 20557 E Regency Way, Parker
- Heather Delaney, 22405 Pebble Brook Lane, Parker
- Lynne Reynolds, 5351 S Eaton Parkway, Aurora, CO
- Ryan Aldridge, 22117 Pebble Brook Lane, Parker
- Lori Schuster, 9649 Derby Way, Parker
- Mpho Mapoulo, 21912 Whirlaway Avenue, Parker
- Bill Goeschel, 20860 Sheffield Place, Parker
- Joe Waskiewkz, 9366 McGill Court, Parker
- Laurie Bender, 20866 E Sussex Court, Parker
- Steve Bender, 20866 E Sussex Court, Parker
- Cyndi Erdmann, 20878 E Sussex Court, Parker
- Jacqueline Radell, 11051 Callaway Road, Parker
- Bruce Cunningham, 20881 Parliament Place, Parker

Those opposed addressed:

- public safety concerns including, noise, EMF transmission/health risks, proximity to gas pipelines corrosion/potential for explosions which has not been addressed (submitted Office of the Consumer Council notice of Intervention of Right, Entry of Appearance and Request for Hearing document)
- entire Rowley Downs Homeowners' Association (HOA) sees no benefit to the Town of Parker; only detriments
- decreased property values, reduced home sales; no reduction in property tax assessments
- proposed route doesn't match public concerns
- the option to stop retirement of existing equipment and may not need new equipment
- not enough work done in the studies to justify moving forward; additional work is needed to explore other alternatives

- lack of trust with PSCo; need for feasible options; PSCo's record profits over what is allowed by the PUC indicating they have funds to do more for the public's interest
- want the transmission lines buried with a delta cost provided from PSCo
- proposed mitigation negligible for adjacent property owners
- if \$160,000 from the Town of Parker General Fund transferred to the Todd Drive extension was for a transmission or a distribution line
- citizens' right to challenge public utilities
- mitigation is like bribery
- need for the new transmission line and costs not clearly defined
- request a vote by the citizens to proceed
- PSCo did not present accurate project costs
- project is politically driven; not need driven
- project is visibly ugly
- there is not a need for a more reliable system
- PSCo's lack of maintenance in the corridor regarding, equipment, weed and rodent infestation (submitted complaint response from Xcel)
- who is responsible to monitor noise/EMF levels to ensure they are in the acceptable range that run 24/7 and not like standing in front of a microwave
- Dr. Israel has a bias and was a paid expert
- which entity will be responsible for the mitigated park maintenance
- the Town of Parker does not get electrical power from Daniels Park but from the Intermountain Rural Electric Association (IREA) substation at Smoky Hill
- Parker should not be charged for underground transmission line since they are not asking for a new line and won't benefit from it/the cost should be spread among all users/ PSCo should be innovators for alternatives
- quote "the ultimate authority resides with the people...." if that is not believed it should be removed from the building
- Chris Neil study indicates additional power can be run on existing line (study provided)
- approval of the request compromises the values of the Town and will be a negative reflection on the Town
- should let the citizens speak first before the expert witnesses
- the Town should listen to the will of the citizens

The following supported the use by special review for Route A through Parker:

- Keith Newbrough, 12116 Elton Way, Parker (provided a petition with 1,419 signatures for support)
- Lisa Frahm, 15954 E Tall Timber Lane, Parker
- Dave Kime, 20994 Woodside Lane, Parker
- Jay Colas, 6048 Ponderosa Way, Parker (Pinery HOA)
- Peter Cipolla, 8802 Eagle Moon Way, Reata South
- Jason Corriere, 11422 S Birchwood Court, Parker
- Mary Freeman, 6965 Hill Court, Pinery
- Todd Irwin, 9263 Red Poppy Court, Parker Ridge
- Jim Zurcher, 6661 Village Road, Hidden Village

The Chair asked Mr. Mulready to address comments from the public.

Mr. Mulready said most of the comments are to be addressed by PSCo. He said the use by special review request is for Route A. He said PSCo cannot apply for a use by special review for the alternate routes until they own the land, which they do not.

Mr. Maloney addressed the right to vote. He said state statute dictates 90 days to make a decision and if no action is taken the application is deemed complete. The 90 days will be up before November elections and there isn't an opportunity for a vote. He addressed the request for a more stringent code in that the Town of Parker already has one.

Mr. Dittman said if the Town denies this project it will go before the PUC to determine the need for the facility; the extent that it is inconsistent with local land use plans and ordinances; whether it would "exacerbate" a natural hazard applicable engineering standards; the merits of feasible alternatives proposed by the applicant or the local government; the basis for the local government's decision; impact on local residents; and safety of the public. He said if the project goes back before the PUC, the mitigation agreement would be void and the project would proceed.

Mr. Maloney said maintenance of the parks and trails addressed in the mitigation strategy will be paid for by PSCo and maintained by the Town of Parker.

Mr. Williams said the underground line for the expansion of Todd Drive is a small distribution line for IREA and was funded under terms contained in the Town's franchise agreement with IREA.

Mr. Holscher said the safety of the line in proximity to the natural gas pipeline in the corridor will be protected properly against malfunctions or damages. He said the question regarding the percent in favor of Route A was affected by responses from the surrounding property owners of all the routes. He said the costs to bury the lines will be passed-on to rate payers in the whole state. He deferred a response on other health issues to Dr. Israel. He said they have taken all comments and concerns from the public into consideration and needs to wait for an outcome from the PUC to determine an in-service date. He said the City and County of Denver was able to put undergrounding to a vote because, he believes, they had the luxury of more time to make a recommendation. He said the items addressed in the PSCo presentation that the public and the Town of Parker couldn't, were there as a courtesy to the public in recognition of their importance. He said the line will skip by the IREA substation but the line will be tied in for improvements and reliability to benefit the Town of Parker. He needed to defer a response on the costs increase to rate people. He said the levels of EMF are greater directly under the towers and dissipate to the end of the corridor to acceptable levels closer to the residences.

Mr. Maloney asked Mr. Holscher to address:

- if EMF levels are safe why are their established safe levels; *Danny Pearson PE/PLS Transmission Engineer, PSCo/Xcel Energy*

- who monitors EMF levels to ensure the safe levels aren't exceeded; *Mr. Holscher deferred the response to the transmission experts. He did offer use of Gauss meters to the public to verify EMF levels and assist with that as well.*
- explain the cost differential between overhead lines and buried lines; *Mr. Holscher deferred the response for further study.*
- the study that said the additional power could be handled on the existing line; *Mr. Holscher said the PUC took the study into consideration before approving the need for the second line.*
- if the additional power could be handled on the existing equipment if it wasn't retired; *Mr. Holscher said the existing coal equipment is being replaced with wind and natural gas power and not just going away.*

Dr. Israel addressed non-cancer EMF effects. He said they have been studied extensively and reiterated there is no reliable medical basis to conclude that magnetic fields cause childhood leukemia or any other cancer or other disease in children or adults. He said birth defects and other such health issues can be covered in the same context. He said he doesn't know how to address lack of trust in the scientific studies. He said all parents and grandparents have responsibilities to ensure the safety of children and EMF data is clear there is no reason to associate EMF levels with health risk. He said he has not come across radon attracting EMF.

Danny Pearson, PE/PLS Transmission Engineer PSCo, 1800 Larimer Street said:

- he is currently working on parallel lines with the gas/oil industry in the Rifle/Parachute Colorado area
- mitigation studies take into account voltages, anticipated currents and other appropriate processes
- there are extensive, required project application forms submitted on every aspect of the project to the gas company
- the PUC monitors the noise levels based on the anticipated EMF's for the project through field verification

Commissioner Duane Hopkins requested clarification on how the PUC would handle an appeal from PSCo if this request was not approved or approved with unreasonable conditions.

Mr. Dittman said a litigation trial would occur that could take years to resolve. He said the end result could be the PUC would deny PSCo's application but more than likely the PUC would approve the application without the Town's input regarding mitigation strategies.

Chair Gary Poole confirmed with Mr. Maloney that Town Council is the final authority after the Planning Commission makes a recommendation; Mr. Maloney confirmed that to be true on July 18, 2016.

Commissioner John Howe confirmed with Mr. Maloney that Town Council will have the public hearing on July 5, 2016; Mr. Maloney confirmed that to be true.

Commissioner John Howe asked for the locations of the new monopoles relative to the existing lattice towers.

Mr. Holscher said the new monopoles will be located adjacent to the existing lattice towers along the corridor to prevent a staggering effect.

Commissioner Duane Hopkins asked how Denver was able to accomplish a vote to bury the lines underground; and asked staff if there is any way to have that happen in Parker.

Mr. Holscher said he would need to get information from the Company's Public Relation organization regarding the question.

Mr. Maloney said the statute is clear that there is a 90 day window to negotiate acceptance of the application before it is deemed approved. He said the Town successfully negotiated the presented mitigation strategies.

Commissioner Duane Hopkins said the right-of-way corridor has been established since the 1960's and asked if there is a maximum limit to the number of lines within a corridor or in 20 years will there be a request for an additional line.

Mr. Holscher said two lines is the maximum capacity for the corridor; it is not possible to add a third line. He said he would have to defer to engineering to know if there would be a need to remove the existing 230 kV line in the future and replace it with other technology.

Mr. Maloney called for closing remarks.

Mr. Holscher said the presentations from PSCo, Town staff and their consultants clearly summarized the research and due diligence to establish the need and location for the project.

Mr. Mulready had no further comment.

Mr. Maloney had no further comment.

PUBLIC COMMENT CLOSED

PUBLIC HEARING: CLOSED: 11:17 P.M. PAWNEE-DANIELS PARK 345 KILOVOLT TRANSMISSION LINE – Use by Special Review (Continued from June 23, 2016)

PLANNING COMMISSION DISCUSSION

Commissioner Duane Hopkins thanked everyone that came to the hearing, stayed and made comments. He said it is interesting to hear how long people have lived here and their connections to the Town. He said he is a 21-year resident of the community and lives within a block and a half of the transmission line corridor; therefore this application is not impersonal to him.

Commissioner Duane Hopkins said the Town was built around this corridor and it should not be a surprise to the residents that the Town is growing. He said the Town is a gateway to the southerly growth and there is a need for additional power. He said there certainly are concerns and he said he can understand them.

He said the Planning Commission needs to listen to the concerns and take them seriously, as well as take seriously, what the Planning Commission can and cannot do in taking a recommendation to Town Council.

Commissioner Duane Hopkins said his purpose in exploring the process to address denial was to ensure the public would be able to hear the Planning Commission's ability to recommend denial and understand the ramifications of that action. He said he believes coming out against the project is a very serious position to take with risks of having enough reliable power and associated economic impacts to the residents and the Town.

Commissioner John Howe said Commissioner Duane Hopkins and he live in the same neighborhood but he is a half block away from the power lines. He said he appreciates the concerns of the community very much but also, understands there are state, PUC and local regulations that need to be considered. He said the transmission corridor has been there since the 1960's and it is not like the additional line is totally new for the Town. He said there will be benefit to the Town with the additional power. He said sitting on the Planning Commission is always difficult, as citizens are sometimes happy with the decisions and some are not. He said as a Planning Commission, the entire group puts a lot of thought into the decisions. He said he sees this project as an essential part of the growth for the Town and the entire southeast corridor. He said this decision moves the proposal forward for additional consideration and a final decision by Town Council.

Commissioner Brent Bitz said as a local authority we can't change state law. He said what is in our purview is to consider visual, separation effects and connectivity impacts. He said Route A has an existing right-of-way corridor and is therefore more cost effective than the alternate routes. He said he believes, based on the presentations, that there is a need for additional clean, reliable power in the area. He said in the future we will need the additional power to adequately function. He said the Planning Commission has to evaluate the benefits to the Town with the proposed mitigations and the probability of the PUC overriding the mitigations if the proposal is denied. He said it was presented by the legal experts that all the reasons for locating the additional transmission line within the Town's jurisdiction as Route A are sound and that there is a high probability that the PUC would rule in favor of PSCo in the event of a denial. He said the last consideration is 10 to 30 times the cost difference that the PUC has indicated as reasonably priced for the additional monopolies along Route A. He said based on all the testimony presented tonight he supports of the proposal.

Commissioner Eliana Burke thanked everyone for being here since it was almost midnight. She also thanked Town staff and the presenters for always doing an amazing job of educating the Planning Commission and the public. She said she has heard the additional transmission line is needed; it's not needed; which route to take; potential for rate increases; no one wants rates increased. She said she has only been in Parker for four years but said everyone is affected on a day to day basis.

Commissioner Eliana Burke said this route is the measure of law as the best and most efficient way to go. She said we are encouraged to abide by the law and therefore she supports the proposal.

Chair Gary Poole said one of the challenging aspects to this project is that people want power to use their devices; to be cheap and yet we are faced with political divisions, as was pointed out. He said he doesn't disagree in any shape or form. He said he believed he heard a million people moved into Colorado last year and asked if this is Parker's problem. He answered no, but a bit did move here, they have brought their devices with them and need power.

Chair Gary Poole said as far as what can be considered and the consequences of not deciding, indicate that the signed mitigation agreement can be overwritten. He said the Planning Commission was challenged to make a statement; a statement can be made and if the PUC doesn't listen then he believes the Planning Commission will not have served the public well. He said therefore, he was in favor of the proposal.

Commissioner Duane Hopkins wanted to go on the record as far as making a statement, requested by the citizens to call for the Planning Commission to just say no to the proposal. He said before the Planning Commission can do that thought must be given to the consequences of that statement. He posed the question as to the detrimental costs financially, legally, and politically in making a statement. He said the possibility of winning or losing in making a statement is significant. He said he strongly disagrees with making statements that bribery, an ugly word, was involved in the signed mitigation agreement. He said he strongly agrees that staff has done well by the Town of Parker and said the same may be said of PSCo with them coming to the table in negotiations. He said this is business; there is always negotiation in business; he went against the statement of bribery and supported staff's efforts in the process and PSCo's sense of openness in to be at the table and discuss mitigation strategies; not just forcing us down a path that he felt they could. He said he has a lot of thoughts going through his mind; he has to take what was said seriously and takes very seriously the position the Town needs to take. He said his vote comes to support for the proposal.

Chair Gary Poole questioned if there are 25 or 26 conditions for approval of the proposal.

Mr. Mulready said there are 25 conditions contained in Exhibit D and Exhibit A is the mitigation strategy; together approval of the resolution has 26 conditions.

Commissioner John Howe confirmed the proposal meets all 13 criteria for approval.

Mr. Mulready said all 13 criteria are met as contained in Exhibit B to the resolution.

Commissioner John Howe moved that the Planning Commission accept the mitigation strategy for the Pawnee-Daniels Park 345 Kilovolt Transmission Line through the Town of Parker and recommend Town Council approve the Use by Special Review subject to the 26 conditions outlined in staff's report. Commissioner Duane Hopkins seconded; a vote was taken and passed 5:0.

PLANNING COMMISSION ITEMS

None

STAFF ITEMS

None

ADJOURNMENT

The meeting was adjourned at 11:33 p.m.

Rosemary Sietsema
Recording Secretary

Gary Poole
Chair



**PLANNING COMMISSION MINUTES
July 14, 2016**

Chair Gary Poole called the meeting to order at 7:00 p.m.

Commissioner John Howe led the Planning Commission and audience in the Pledge of Allegiance.

Also, present was Commissioner Sasha Levy. Alternate Eliana Burke was present and sat for the absent Commissioner Duane Hopkins. Alternate Richard Foerster was present. Commissioner Robert Moffitt and Alternate Erik Frandsen were absent.

ADDITIONS TO OR DELETIONS FROM THE AGENDA

None

APPROVAL OF MINUTES

This item left intentionally blank.

CONSENT AGENDA

None

**PUBLIC HEARING: OPENED: 7:01 P.M. ORDINANCE NO. 3.324 -
A Bill for an Ordinance to Repeal and Reenact Chapter 13.09 of the Parker
Municipal Code Concerning the Town of Parker Sign Code**

Applicant: Town of Parker
Location: Town Wide
Planner: Bryce Matthews

Bryce Matthews, Planning Manager, introduced Brian Connolly, Attorney with Otten Johnson law firm. He said Mr. Connolly was hired by the Town of Parker to ensure the sign code is in compliance with the First Amendment to the United States Constitution. Mr. Connolly presented the purpose for amending the sign code. Mr. Matthews then presented the staff report to amend the sign code. Mr. Matthews concluded with the determinations in staff's report and recommended the Planning Commission recommend Town Council approve Ordinance 3.324 repealing and reenacting the Land Development Ordinance regarding the Town of Parker Sign Code.

Commissioners discussed with staff:

- how the new sign code will impact signs in Town, like Adam Buys Houses; (*Staff said those type of signs will be regulated under an addition to Title 10 of the municipal code addressing signage within streets and sidewalks and enforced by Neighborhood Services the same way they are today.*)

APPLICANT PRESENTATION

Town staff presentation only

PUBLIC COMMENT OPENED

None

PUBLIC COMMENT CLOSED

PUBLIC HEARING: CLOSED: 7:16 P.M. ORDINANCE NO. 3.324

PLANNING COMMISSION DISCUSSION

Commissioner John Howe said this is a straight-forward proposal; Mr. Matthews and Mr. Connolly have done an excellent job in keeping the Planning Commission apprised of why this is being done. He said this cleans up the sign code and allows the regulations to be upheld.

Commissioner Sasha Levy agreed; the study session with Mr. Matthews and Mr. Connolly was very informative regarding the background on the sign code amendment and she said she supports the amendment.

Commissioner Eliana Burke agreed. She said between what was presented at the study session and tonight; she has no qualms recommending approval.

Chair Gary Poole agreed; it is a needed application of the law that is very clear.

Commissioner John Howe moved that the Planning Commission recommend that the Town Council approve Ordinance No. 3.324 amending the Land Development Ordinance regarding the Town of Parker Sign Code. Commissioner Sasha Levy seconded; a vote was taken and passed 4:0.

**PUBLIC HEARING: OPENED: 7: 18 P.M. WATERMARK II ON TWENTY MILE –
Minor Development Plat**

Applicant: Kimley-Horn, Meaghan Turner

Location: Generally located between Dransfeldt Road and Twenty Mile Road south of Sulphur Gulch and north of the existing Target store

Planner: Ryan McGee

Ryan McGee, Planner, presented the staff report for the Watermark II on Twenty Mile Minor Development Plat. Mr. McGee concluded with the determinations in staff's report and recommended the Planning Commission recommend Town Council approve the Watermark Minor Development Plat request subject to the Town of Parker Municipal Code and as conditioned in staff's report.

Commissioners discussed with staff:

- to confirm the visual enhancement along the south side of the proposed development to provide a buffer between the development and Target; *(Staff said the road will be landscaped, widened and will have parallel parking at the back of the developed sidewalk facing Target.)*
- if Target is considering doing enhancements to their building to minimize the commercial aspects from the new development; *(Staff said he did not believe so.)*
- if the Town will be reimbursed for the on-site fencing; *(Staff said yes that is condition two for approval of the project.)*
- location of fire damaged property; *(Staff indicated the location.)*

APPLICANT PRESENTATION

Meaghan Turner, Kimley Horn presented:

- who Watermark is
- what product Watermark will bring
- why the interest in Parker
- project design
- request recommendation for approval

Commissioner discussed with the applicant:

- if the plan is to have a big house design; *(Miss Turner confirmed that to be true.)*
- construction start date; ; *(Miss Turner said as soon as possible in August.)*
- how long to complete construction; ; *(Miss Turner said 18 to 20 months.)*
- the ratio of big house to apartments; *(Miss Turner said 50 percent of the project will be big houses with garages and the apartments will have the option of renting garages.)*

PUBLIC COMMENT OPENED

None

PUBLIC COMMENT CLOSED

PUBLIC HEARING: CLOSED: 7:31 P.M. WATERMARK II ON TWENTY MILE – Minor Development Plat

PLANNING COMMISSION DISCUSSION

Commissioner John Howe this a straight-forward request. He said the plan is a good addition to the Town. He said he supports the request.

Commissioner Sasha Levy concurred.

Commissioner Eliana Burke agreed.

Chair Gary Poole said he is particularly excited about the mixed-use aspects along Twenty Mile which will be an excellent addition to the Town.

Commissioner John Howe moved that the Planning Commission recommend that the Town Council approve the Watermark on Twenty Mile Minor Development Plat subject to the two (2) conditions outlined in staff's report. Commissioner Eliana Burke seconded; a vote was taken and passed 4:0.

PLANNING COMMISSION ITEMS

None

STAFF ITEMS

Parker Park-n-Ride Plan – Capstone Project Presentation

Mr. Matthews introduced Kevin Carder and thanked him for the work done on the Parker-Park-n-Ride Capstone Project.

Mr. Carder presented the capstone project developing a plan for the Parker Park-n-Ride to be redeveloped into a transit oriented developed.

The Planning Commission welcomed Mr. Carder and thanked him for his time and effort to consider improving transportation modes in town.

ADJOURNMENT

The meeting was adjourned at 7:52 p.m.

Rosemary Sietsema
Recording Secretary

Gary Poole
Chair



PARKER
C O L O R A D O

**Community Development Department Memorandum
Development Review Division**

To: Town of Parker Planning Commission

From: Patrick Mulready, Senior Planner
Bryce Matthews, Planning Manager *BM*

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

Date: August 11, 2016

Regarding: Public Meeting:
Ordinance No. 3.322.1
A Bill for an Ordinance to Amend the Text of the Newlin Crossing
Development Plan and Guide Pursuant to the Town of Parker Land
Development Code.

**Section I.
Subject & Proposal:**

Location: Northeast corner of Mainstreet and Chambers Road

Applicant: Town of Parker

Proposal:

Town staff has initiated an ordinance to amend the Newlin Crossing Development Guide to limit certain commercial uses which are both space-intensive and non-sales tax generating. It will also modify the residential areas concerning Group Homes to conform with the Town's Land Development Ordinance and add a provision for agricultural and ranching uses as legal non-conforming until displaced by future development.

**Section II.
Background:**

History: The subject property was annexed in June, 2016. It contains 100.76 acres and is within the Town's Urban Growth Boundary. The approved Planned Development (PD) contemplates four internal land use areas: Single-Family Residential, Multifamily Residential, Commercial Retail and Open Space.

Section III.

Analysis:

Ordinance No. 3.322.1 amends the text of the following sections of the Newlin Crossing Development Guide:

- Add Paragraph I: Agricultural and ranching uses permitted to remain until a Site Plan for development is approved (page 2 of 10)
- Residential Planning Area 1: Group Homes are permitted as a Use by Special Review and amendments to clarify minimum lot area and setback measurements
- Residential/Multifamily (RMF) Planning Areas 2 and 5: Memory Care, Single Family Attached, Accessory Structures, Open Space, Parks, Neighborhood Recreational Centers and Senior Living facilities are permitted as a use by right and amendments to clarify minimum lot area and setback measurements
- Commercial Retail Planning Areas 3 and 4: deletion of day care centers and lodging as a permitted use, limitation of health clubs to not be more than 25% of the planning area, limitation of commercial recreational areas to be not more than 25% of the planning area, size limitation on number of gas pumps permitted for gas station uses, and amendments to clarify setback measurements

Ordinance No. 3.322.1 is not rezoning the property, but makes corrections to the Development Guide as agreed between the Town and the applicant.

Section IV.

Recommendation:

Staff recommends that the Planning Commission recommend that Town Council approve Ordinance No. 3.322.1.

Section V.

Attachments:

1. Vicinity Map
2. Ordinance No. 3.322.1

Section VI.

Proposed Motion(s):

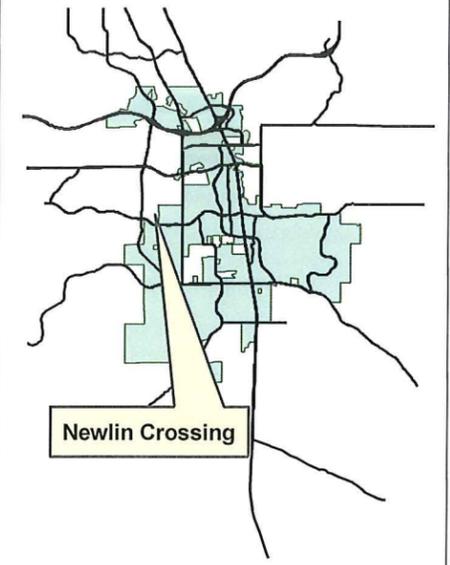
“I move the Planning Commission recommend Town Council approve Ordinance No. 3.322.1.”



PARKER
C O L O R A D O

Newlin Crossing Property

Ordinance 3.322.1 - Text Amendment



Legend

-  Town Boundary
-  Site
-  Roads

Narrative:
Ordinance 3.322.1 is a text amendment to the Newlin Crossing Development Guide to restrict certain commercial uses.

Planner: Patrick Mulready
Hearing Schedules:

Planning Commission:
 August 11, 2016

Town Council:
 September 6, 2016



ORDINANCE NO. 3.322.1, Series of 2016

TITLE: A BILL FOR AN ORDINANCE TO AMEND THE TEXT OF THE NEWLIN CROSSING DEVELOPMENT PLAN AND GUIDE PURSUANT TO THE TOWN OF PARKER LAND DEVELOPMENT CODE

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

Section 1. Finding of Fact.

a. Application has been made by Town staff pursuant to Section 13.04.240 of the Parker Municipal Code for an amendment to the text of the “Newlin Crossing Development Plan and Guide,” approved by the Town Council on June 20, 2016 (the “Newlin Crossing Development Guide”).

b. The text amendment for the Newlin Crossing Development Guide is to clearly address agricultural use, group homes, certain types of residential uses and setbacks in Planning Areas 2 and 5, and certain types of commercial retail uses in Planning Areas 3 and 4 of the Newlin Crossing Development Guide.

c. The requirements contained in Section 13.04.240 of the Parker Municipal Code for approving the text amendment to the Newlin Crossing Development Guide have been satisfied.

Section 2. The text of the Newlin Crossing Development Plan is hereby amended as provided in the First Amendment to the Newlin Crossing Development Plan and Guide, which is attached hereto as **Exhibit A** and incorporated by this reference.

Section 3. Approval of this Ordinance does not create a vested property right. Vested property rights may arise and accrue, pursuant to the provisions of Ordinance No. 3.65.1, as amended, of the Town of Parker.

Section 4. Safety Clause. The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Parker, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. The Town Council further finds the title to this Ordinance was posted in two public places two days before the Town Council meeting, as provided by Section 7.5e. of the Town of Parker Home Rule Charter.

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

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

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

Newlin Crossing Planned Development

Town of Parker, Colorado

Development Guide

A. Statement of Purpose

The purpose of the Newlin Crossing Development Plan and Guide is to establish standards for the comprehensive development and improvement of the property, except as provided herein. The standards contained in this Development Guide are intended to carry out the goals of this planned community. They are also intended to ensure a unified high-quality community for its residents and other users.

B. Application

These Standards, contained in the Development Guide, shall apply to all property contained within the Newlin Crossing PD as shown on the attached Development Plan, except as provided herein. These Standards, contained in the Development Guide, may be divergent from the zoning regulations contained in Chapter 13.04 of the Parker Municipal Code, but not any other Chapter of the Parker Municipal Code. In the event there is a conflict between the Standards contained in the Development Guide and Plan, and the Parker Municipal Code (excluding Chapter 13.04), then the Parker Municipal Code shall control.

Provisions of this guide shall prevail and govern the development, however, this guide only supersedes the specific zoning category, not the Town of Parker Land Development Code. The subdivision and zoning codes and regulations for the Town of Parker shall apply where the provisions of this guide do not address a specific subject, or where the Planning Commission or Town Council may approve changes subject to the requirements of the modification standards within this Development Guide or other applicable procedures within the Land Development Code.

C. Authority

The authority for this Development Guide is Chapter 13.04.150 (PD-Planned Developments) of the Town of Parker Land Development Code, as amended.

D. Adoption

The adoption of this Development Guide shall evidence the finding and decision of the Parker Town Council that this Development Guide for the Newlin Crossing PD is authorized by the provisions of Chapter 13.04.150 of the Town of Parker, Municipal Code, as amended.

E. Enforcement

The provisions of the Development Guide relating to the use of land shall run in favor of the Town of Parker and shall be enforceable, at law or in equity, by the Town of Parker. All provisions of this Development Guide shall run in favor of the residents, occupants or owners of the land on which the Newlin Crossing PD is located to the extent expressly provided in this Development Guide and in accordance with its terms and conditions, the codes of the Town of Parker, and where applicable, State law.

F. Control Over Use

After the adoption of this Development Guide by the Town Council of the Town of Parker, these Development Standards, in conjunction with the Town of Parker Municipal Code, shall control development and land use, including the following:

- 1) any new building, structure or land use;
- 2) the use of any existing building, structure or parcel of land; and,
- 3) any existing building or structure may be enlarged, reconstructed, structurally altered, converted or relocated provided changes are in accordance with this Development Guide and the Development Plan and the Town of Parker Municipal Code.

G. Incorporation of Development Plan

The Development Plan for Newlin Crossing PD, including the type, location and boundaries of land use areas, proposed major street alignments and access points is incorporated by exhibit into this Development Guide.

H. Conflicts

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

Formatted: Justified

I. Agricultural and ranching uses permitted to Remain

Agricultural and ranching uses such as farming, grazing of livestock, the boarding and breeding of horses, horseback riding and training, and other supporting agricultural uses are permitted to remain until a site plan for development is approved, a building permit is issued, and construction begins on the specific planning area. Specifically, Construction for development on the west side of Newlin Gulch will not prohibit agricultural and ranching land uses to remain on the east side of the Gulch.

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Indent: Left: 0", Hanging: 0.38", Numbered + Level: 1 + Numbering Style: I, II, III, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.75"

End of Section

Newlin Crossing PD

RESIDENTIAL

Planning Area 1

INTENT

Planning Area 1 is established to provide a low to moderate intensity residential land use as a transition to the existing church and Carousel Farms residential neighborhood,

USES PERMITTED BY RIGHT

Residential

- (1) Single Family Detached Dwelling
- (2) Duplex
- (3) Parks
- (4) Open Space
- (5) Neighborhood Recreation Centers
- (6) Places of Religious Assembly
- (7) Accessory Uses

USES PERMITTED BY SPECIAL REVIEW

- (1) ~~Group Home, neighborhood public service, health and education facilities, such as community centers, libraries and museums~~
- (2) nursery schools / child care centers

DEVELOPMENT STANDARDS

- (1) Density – not to exceed:
 - a. four and one-half (4.5) dwelling units per gross acre
- (2) Maximum Building Height:
 - a. thirty-five (35) feet
- (3) Minimum Lot Area:
 - a. single-family _____ –4,500 square feet
 - b. duplex and attached _2,000 square feet per unit
 - b,c.all other uses -- none
- (4) Setbacks – All Building foundation walls to property lot line:
 - a. north property boundary: 15 feet south of utility easement
 - b. Newlin Gulch Open Space: 10 feet side; 10 feet rear
 - c. Mainstreet _____40 feet
 - d. Single-family detached:
 - i. from local street ROW
 1. Front Facade: 15 feet
 2. 10 feet with side loaded garage
 3. 20 feet from sidewalk to face of garage
 4. Side: -10 feet
 - ii. Interior lot line: 5 feet side, 10 feet rear
- (5) Minimum Lot Width:
 - a. at street: 35 feet
 - b. at cul-de-sac, knuckle, or similarly curved frontage at setback: 30 feet

End of Section

RESIDENTIAL / MULTIFAMILY (RMF) PLANNING AREA 2 and 5

INTENT

The intent of the Residential / Multifamily Planning Areas is to provide a moderate density residential neighborhood as a transition to retail, office and personal/business services. Multifamily residential is permitted to transition from lower intensity uses located within PA-1, and the commercial/retail uses within PA-32 and PA-43. This village context will create an opportunity for a sustainable, vibrant mixed-use neighborhood where commercial uses provide products, services and employment opportunities for the residential community and the residential uses provide consumers and employees for the non-residential uses. Furthermore, the design intent is to enhance the pedestrian environment with uses interconnected within the property and to the larger community, providing access from alternative modes of transportation.

USES PERMITTED BY RIGHT

All uses permitted in PA-1 Residential including the following:

Residential

- (1) Multifamily
- (2) Congregate Care, Memory Care, and Assisted Living
- (3) Single Family Detached
- ~~(3)~~(4) Single Family Attached
- (5) Duplex
- (6) Accessory Structures
- (7) Open Space
- (8) Parks
- (9) Neighborhood Recreational Centers and Facilities
- (10) Assisted Living Residence
- (11) Long Term Care Facility/Nursing Home

USES by SPECIAL REVIEW

- (1) Group Home

Development Standards

- (1) Density – not to exceed:
 - a. PA – 2-- thirteen and one-half (13.5) dwelling units per gross acre
 - b. PA – 5 – thirteen and one-half (13.5) dwelling units per gross acre
- (2) Maximum Building Height:
 - a. forty (40) feet
- (3) Minimum Lot Area:
 - a. single-family – 4,500 square feet
 - b. duplex and multi-family attached residential, and all other uses: none
- (4) Setbacks – All Bbuilding foundation walls to lot property line:
 - a. north property boundary: 15 feet south of the open space tract
 - b. Newlin Gulch Open Space: 10 feet side; 10 feet rear
 - c. Chambers Road and :Mainstreet: 50 feet front, 10 feet side;

Formatted: Indent: Left: 0.75", Hanging: 0.38", Tab stops: 1.13", Left + Not at 1.25"

Formatted: Underline

Formatted: Space Before: 6 pt

Formatted: Normal, Indent: Left: 0.75", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Space Before: 6 pt

Formatted: Not Highlight

_____ 10 feet rear
e.d. Residential Collector: 25 feet front, 10 feet side, 10 feet rear

Formatted: Indent: Left: 1.5", No bullets or numbering

- d.e. Single-family detached:
 - i. Front Facade: 15 feet from Right of Way
 - ii. Side: 10 feet with side loaded garage
 - iii. Side: 5 feet
Along street ROW: 10 feet
 - iv. Rear: 10 feet
 - v. Garage: 20 feet from sidewalk of a public street
- e-f. attached and multifamily
 - i. Front, side, and rear façade: 5 feet from sidewalk
 - ii. Garage: 4 feet minimum from drive lane or sidewalk

(5) Setbacks parking lots

- a. Chambers, Mainstreet, Residential Collector: 10 feet
- b. Local streets: 10 feet
- c. From building to parking lot or parking lot sidewalk: 8 feet
- ii-d. Parking lots shared among adjacent uses and development lots may use a zero setback between lots provided parking lot landscape requirements are met for the combined parking lots and a shared use agreement is executed between the shared users

(5)(6) Minimum Lot Width: SFD, SFA

- a. at street: 4035 feet
- b. at cul-de-sac, knuckle, or similarly curved frontage at setback: 4030 feet
- c. Multifamily and all other users: none

Formatted: Indent: Left: 0.75", Tab stops: Not at 1.06" + 2" + 2.88"

End of Section

COMMERCIAL RETAIL (CR)

Planning Areas 3 and 4

INTENT

The Commercial Retail planning areas (PA-3 and PA-4) ~~is~~are planned to attract users that will benefit from the surrounding residential neighborhoods and provide goods and services to the local and regional businesses and residents. The intent of the Commercial Retail planning area is to promote the combination of retail commercial uses that will support an active neighborhood commercial center.

Residential

(+) Vertical Mixed-Use—Residential above first floor retail/commercial
USES PERMITTED BY RIGHT

Formatted: No Spacing, Left, No bullets or numbering, Tab stops: Not at 0.5"

Commercial Retail

- (1) Grocery store
- (2) Convenience retail shopping facilities, including but not limited to:
 - a. drug stores
 - b. liquor stores
 - c. convenience grocery with and without gas pumps
- (3) Retail including but not limited to:
 - a. art gallery
 - b. antiques
 - c. artisan shops
 - d. gift shop
 - e. pet shops
 - f. florists
 - g. book store
 - h. stationery stores
 - i. retail food specialty shops which sell food products not intended to be consumed on the premises
 - j. butcher shops
 - k. candy stores
 - l. bakeries
 - m. doughnut shops
 - n. dairy product shops
 - o. toy and game stores
 - p. battery and accessory stores
 - q. bicycle stores
 - r. music stores
 - s. sporting goods store
- (4) General retail merchandise and apparel shops, including but not limited to:
 - a. junior department stores
 - b. craft and hobby stores
 - c. discount department stores
 - d. hardware and building material stores
 - e. clothing stores
 - f. shoe stores
 - g. furniture stores

- h. household appliance stores
- i. floor covering, drapery and upholstery stores
- j. electronics stores
- k. cosmetic store;

(5) Development Sales and Marketing Center

Eating and Drinking Establishments

- (1) restaurants
- (2) fast food, drive-through or carryout restaurants
- (3) ice cream parlors
- (4) coffee shops
- (5) delicatessens
- (6) lounge, bar or microbrewery
- (7) quick-serve restaurants

Personal Services

- (1) Convenience service establishments, including but not limited to:
 - a. barber shops and beauty salons
 - b. dry cleaners and laundries
 - c. photo studio
 - d. shoe repair shops
 - e. watch or jewelry repair
 - f. travel agency

~~(2) day care centers, limit to one licensed center on a lot not greater than 2.5 acres.~~

(2) health clubs exercise, yoga, dance studio, or similar facility

(3)a. Not more than 25% of the total gross floor area built in PA-4

Formatted: Not Highlight

Formatted: Not Highlight

Formatted: Not Highlight

Formatted: Indent: Left: 1.25", Tab stops: 1.63", Left + Not at 1" + 1.25"

Formatted: Normal

Commercial Recreation

The following uses shall be permitted only as a supporting use to a primary use such as a restaurant, bar, night club, lounge, brewery that includes a restaurant or similar use that attracts users for the purchase of goods and services. The following uses are limited to no more than 25% of the total gross floor area of the primary use.

- (1) indoor movie theater
- (2) performing art center
- (3) bowling alley
- (4) skating rink (both ice and roller)
- (5) pool hall
- (6) arcade amusement center

General Office and Professional Services

- (1) business and professional offices
- (2) medical and dental offices and clinics
- (3) banks and other financial service establishments, with or without drive-through facilities
- ~~(4) congregate care, memory care, and assisted living facility~~

Formatted: No Spacing, Widow/Orphan control, Tab stops: Not at -0.75" + -0.5" + -0.25" + 0" + 0.25" + 0.75" + 1" + 1.25" + 1.5" + 1.75" + 2" + 2.25" + 2.5" + 2.75" + 3" + 3.25" + 3.5" + 3.75" + 4" + 4.25" + 4.5" + 4.75" + 5" + 5.25" + 5.5" + 5.75" + 6" + 6.25" + 6.5" + 6.75" + 7"

Lodging

- ~~(1) hotels and motels~~
- ~~(2) bed and breakfast~~

Motor Vehicle

- (1) gasoline stations with gas pumps and car wash with and without convenience grocery store
 - (1)a. Not more than 16 pumps
- (2) auto repair centers
- (3) tire sales and service
- (4) auto parts stores
- (5) car wash

Formatted: Indent: Left: 1.25", Tab stops: Not at 0.75" + 1"

Institution of Higher Educational

- (1) satellite classrooms limited no not more than 5,000 Gross Square Feet

Formatted: No underline

Vocational Trade School

- (1) Vocational. Trade school. Instructional facility not greater than 5,000 sf

Formatted: Font: 11 pt, Not Bold, No underline

Formatted: Indent: Left: 0.75", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

DEVELOPMENT STANDARDS

- (1) Maximum Building height:
 - a. 60 feet
- (2) Minimum lot area: none
- (3) Setbacks -- All Uses
 - a. Newlin Gulch Open Space
 - i. building 10 feet front, side; 10 feet and rear
 - b. ii. parking 10 feet
 - e. b. E--Mainstreet, & Chambers Road, Residential Collector
 - i. building 30 feet
 - ii. parking 20 feet
 - c. Interior lot lines
 - i. Distance between buildings subject to fire code
 - ii. zero lot line setback allowed on shared walled developments
- (4) Minimum Lot Width: none
- (5) Pedestrian Connectivity Physical and Functional Integration
 - a. Commercial and retail development shall be interconnected by pedestrian-friendly sidewalks, interior walkways, enclosed corridors, concourses, or plazas

Formatted: Indent: Left: 0.75", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.56" + Indent at: 0.81"

Formatted: No underline

Formatted: Font: 11 pt, Not Bold, No underline

Formatted: Numbered + Level: 3 + Numbering Style: i, ii, iii, ... + Start at: 1 + Alignment: Right + Aligned at: 1.94" + Indent at: 2.06"

Formatted: Indent: Left: 1.25"

Formatted: Indent: Left: 0"

End of Section

OPEN SPACE (OS)

Planning Areas OS 1 and 2

INTENT

Open Space Areas are intended to provide buffers, passive ~~and active~~ recreation, pedestrian trails and drainage ~~detention, and water quality ponds corridors~~ to satisfy requirements of residential ~~and non-residential park and development requirements~~.

a. USES PERMITTED BY RIGHT

- (1) As defined in Section 13.04.165 of the Parker Municipal Code
- (2) Nature center/picnic area
- (3) Trails and paths
- (4) Open field play as a supplement to adjacent park improvements
- (5) Other uses consistent with the purposes of this section and compatible with the uses set forth herein, as permitted by Section 13.04.22 of the Parker Municipal Code.

Formatted: Font: 12 pt, Kern at 14 pt

b. Park Dedication

~~Park dedications shall be subject to the provisions of Sections 13.07.140 and 13.07.145 of the Parker Municipal Code, as amended.~~

Formatted: No Spacing, Left, Indent: Left: 1", First line: 0", Tab stops: Not at 1"

Formatted: Font: Not Bold

End of Section