TOWN OF PARACHUTE

BOARD OF TRUSTEES PACKET
REGULAR MEETING

COUNCIL CHAMBER
PARACHUTE TOWN HALL
222 GRAND VALLEY WAY
PARACHUTE, CO 816354

JULY 10, 2014
6:30 P.M.

CODE ENFORCEMENT
DEREK WINGFIELD

AGENDA

TOWN OF PARACHUTE

BOARD OF TRUSTEES REGULAR MEETING

JULY 10, 2014

(A) ROLL CALL

(B) PLEDGE OF ALLEGIANCE

(C) CONSENT AGENDA:

(1) APPROVAL OF MINUTES FROM THE JUNE 12, 2014 MEETING

(2) APPROVAL OF JUNE 2014 EXPENDITURES

(D) COMMENTS FROM CITIZENS NOT ON THE AGENDA

(E) DEPARTMENTAL REPORTS:

(1) Mayor and Board of Trustees

(2) Administrative Monthly Update

(3) Police Department Monthly Update

a. APPLICATION FOR A HOTEL RESTAURANT LIQUOR LICENSE

Applicant: **Diana L. Lawrence - Tompkins**

D.B.A.: **Mama's Restaurant**

Location: **103 East First Street**
Parachute, CO 81635

b. RENEWAL APPLICATION LIQUOR OR 3.2 BEER OFF PREMISE LICENSE

Applicant: **Gary Dean**

D.B.A. **Bottlecap Liquors LLC**

Location: **150 Columbine Court Suite A**
Parachute, CO. 81635

(4) Public Works Monthly Update

(5) Code Enforcement Update

(F) AUDIT PRESENTATION

By: **Audit Company Dazzio & Flutt**

Will Send Out Electronic Copy Tuesday and Will have Bound Copy at Board Meeting

---

(G) BOARD APPROVAL TO ENTER INTO A CONTRACT WITH FRONTIER PAVING FOR PAVEMENT MAINTENANCE AND MAYOR TO SIGN THE SAME.

(H) PUBLIC HEARING:

PUBLIC MEETING BEFORE THE BOARD OF TRUSTEES FOR A LAND USE APPLICATION:

APPLICANT/OWNER:	**Clear Creek Ranch, LLC**
	643 County Road 337
	Parachute, CO 81635
PROJECT NAME:	**Grand View Industrial Center Planned Unit Development**
PROJECT LOCATION:	**Intersection of Murray Court and Murray Lane**
LEGAL DESCRIPTIONS:	**See Attached**

Request Hearing be Continued to August 14th Board Meeting

(I) INSTRUCTIONS ON USING OUR IPADS TO RECEIVE OUR PAPERLESS PACKETS

(M) EXECUTIVE SESSION:

(P) OTHER MATTERS

A THANK YOU AND INFORMATION ABOUT THE ABUNDANCE GARDEN

AGENDA ITEM

CONSENT AGENDA:

(1) APPROVAL OF MINUTES FROM THE JUNE 12, 2014 MEETING

(2) APPROVAL OF JUNE 2014 EXPENDITURES

TOWN OF PARACHUTE
BOARD OF TRUSTEES
MINUTES OF REGULAR MEETING
June 12, 2014

Meeting called to order at 6:30 p.m. by Mayor Roy McClung

ACTION MINUTES:

(A) ROLL CALL

TRUSTEES PRESENT:

John Loschke, Timothy Olk, Tom Rugaard, Juanita Williams, John Yadloski

TRUSTEES ABSENT:

Candy Allbee

STAFF PRESENT:

Town Manager Stuart McAthur, Town Cerk Denise Chiaretta, Administrative Assistant Colleen Kyle, Finance Clerk Dustie Colella, Public Works Mark King, Chief of Police Cary Parmenter, Community Development Specialist Derek Wingfield, Town Attorney Ed Sands

(B) PLEDGE OF ALLEGIANCE

(C) CONSENT AGENDA:

(1) APPROVAL OF MINUTES FROM THE MAY 8, 2014 MEETING

(2) APPROVAL OF MAY 2014 EXPENDITURES

MOTION NO. 1

Moved and seconded by Trustees Rugaard/Yadloski to approve minutes and expenditures as presented. Motion passed unanimously.

(D) COMMENTS FROM CITIZEN NOT ON THE AGENDA

There were none.

(E) DEPARTMENTAL REPORTS:

(1) Mayor and Board of Trustees

Mayor Pro-Tem Williams – Attended Community Counts

Trustee Tom Rugaard - Bragging Colorado Freestyle $385,000

At the High School Senior Award Night 65 students received $385,000.

(2) Administrative Monthly Update

Town Manager Stuart McArthur stated sales tax dollars for April were $76,000 up $10,00 from last year. Hotels are full.

New website will save $2,500 year, will be State sponsored starting in August, commitment has to be completed in 90 days.

Paperless packet will be starting next Board meeting in July.

Received Grant from AGNC for Cardinal Way. Decided to expand project, survey street so lights are where they should be versus where Xcel says it should be.

Working on annexation of CR 300 pump house. Property still titled under Town of Grand Valley, working on changing that.

Have been appointed to office of President, Board of Directors of The Chamber of Commerce, and have taken over Hayward's position as Secretary for Garfield County Clean Energy collaboration.

House Bill 14-1371 major negative infiltrations. Property tax will be based upon well head location on each individual properties, Bill says it now is only wellheads within town limits.

Mission statement and Motto will be incorporated in our website with pictures.

Resolution prepared by Garfield Clean Energy collaboration policy Board of Directors to encourage reinvesting of energy savings into new energy savings and continued financial support in Garfield County. How does it continue to survive? Communicate and educate the public on Energy Savings with rest stop, solar panels, comparison of before and now. Handle on financial backing. Find savings, find ways to reduce carbon emissions and reduce cost to towns and communities. Encourage cng vehicles, solar panels, different programs as long as town supports what they do. Bring back numbers to next meeting.

Does board support strategic values and concepts or does board want to take comments back?

Years ago Misty Gonzales was hit by backhoe, was hurt and Board had conversation that the sidewalk over bridge, be named Misty Way? Will have to be brought to county since they own bridge.

(3) Police Department Monthly Update

Increase number of calls from last year.

a. Special Events Permit

Applicant:	Grand Valley Park Association
Event:	Grand Valley Days
Location:	Rodeo Grounds / Cottonwood Park
Date:	July 25th and July 26th

MOTION NO.2

Moved and seconded by Trustees Loschke /Williams to approve special events permit for GVPA.

Motion passed with Trustees Loschke, Olk and Williams voting yes; Rugaard and Yadloski abstained.

(4) Public Works Monthly Update

Public Works Director Mark King explained to the board that it's been a busy month – they have been pulling weeds at the parks and rest areas, helped clean the walk bridge, cleared brush up the road to Battlement Mesa. Working with Mark Austin on street maintenance program, unfortunately will have to wait until July meeting for contract.

Abatement of Ms. Roach property, she hasn't been here since 1997, Public Works is 60% done, when done it will be cleaned off and grass will be planted.

Have a couple more properties to work on.

Started spraying weeds and weed eating around town in streets and right of ways.

(5) Code Enforcement Update

Community Development Specialist Derek Wingfield reported that Evelyn Schaller is a little happier with town concerning weeds and property lines.

Code Enforcement, mailed out letters and everyone has been complying. Weeds have been mowed and cleaning up around town.

Town Cleanup day was a success with 2 dumpsters of electronics and appliances and 2 with trash. We were the only one offering electronics with no charge to residents. Brought in $220 from Battlement residents and ended up getting donations.

Abatement no final numbers yet, asbestos found, would be a costly commitment by town. But saved thousands by Public Works doing the work.

Few holes in some of our ordinances concerning parking on streets, land use, sign and hand bills and plant growth. Going over those and rewriting. As far as development in town, took church group out and did some volunteer work for local residents home cleanup.

There are a couple of new businesses coming into town.

Changes to Grand Valley Days, changed up the parade route and BBQ event addition and still working on car show.

(F) PRESENTATION BY DAYNA WOOD:

Colorado Get Movin' Challenge
Updates and Information, Live Well Colorado is based out of Denver. Currently 24 funded communities across state. Second year of funding and each community can have up to 9 years of funding. Since inception here we have developed a coalition of different organizations of community members up to 60-70 people. Mission is to reduce and prevent obesity through healthy eating and active living, and develop community partnerships. $40,000 to grant twice a year for projects that have to do with active living and healthy eating. Out of 17 applicants, one out of Parachute, Methodist Church. The Get Moving Challenge is to get 30 minutes of exercise for 30 days in the month of May. Parachute finished 78th overall out of 181 cities. Overall winner Elizabeth, Colorado.

Working closely with District 16, including gardening in schools and the wellness policy.

(G) GARFIELD COUNTY CLEAN ENERGY'S ANNUAL ENERGY PRESENTATION:

PRESENTED BY SHELLEY KAUP

Progress update 2011-2013
Works for CLEAR Energy consists of Garfield County government and all towns in Garfield county are members. Joining together funding for energy efficiency by using it more efficiently.

Goals are to keep working on rebates.

Town of Parachute did some energy saving back in 2010 for governments.

Provides free energy coaching for businesses. Judy and Stuart have both been promoting in community. Available to businesses and homeowners they can sign up for information and upgrading on new high efficiency furnaces. Judith got an $800 rebate for furnace in her home and there was a $40,000 pot for only Parachute, Battlement Mesa and Rifle, we need to get word out on that for people needing insulation, windows, furnaces, swamp coolers, lots of opportunities for those items. Also do contractor training.

2 residential rebates given in Parachute, 10 participants in loan program right now.

Operation of CNG vehicles, cost and mileage of those she can get us if we are interested. Does not have numbers with her.

Energy spending for Town Hall and Water Plant since 2009 have done really well.

Recommendations on water plant, high electric in winter months and low gas use. Maybe investigate into converting gas into main use.

Historical Society has purchased solar panels they are offsetting electric bill, was an investment purchased 12 panels at around $700 each but they are theirs.

(H) GRAND VALLEY HISTORICAL SOCIETY ANNUAL REPORT JULY 1, 2012 - JUNE 2013

PRESENTED BY JUDITH HAYWARD

Fiscal year from June to July, report is for last year. Economic Development on 4th Sat and Sunday.

5 society members attended a conference in Colby, WY last month. Colorado Wyoming Association of Museums working on business plan for energy museum for Parachute, CO. Looked at it in 1999 looking at phasing a museum, considerable interest in our rest stop. 4 Rivers Historic Alliance for 3 counties, Pitkin, Eagle and Garfield county identifying some 40 historic places that tourists can visit, has been well received. Cultural heritage idea, sign telling about our history and historical sites at the rest stop.

Piece of history: Captain Luther Sage Kelly he is also known as Yellowstone and founded Yellowstone National Park and also Parachute's first Justice of Peace. A gulch just west of town is known as Kelly gulch and he lived there with his wife for 10 years in 1890's.

(I) BOARD TO APPROVE LEASE AGREEMENT WITH THE GRAND VALLEY FIRE DISTRICT AND APPROVAL OF MAYOR'S SIGNATURE

Town Manager McArthur stated few iterations and given to attorneys. Ground lease agreement at end of lease period we will own that property.

MOTION NO. 3

Moved and seconded by Trustees Loschke / Ruggard to approve lease agreement with the GVFD and mayors signature.

Motion passed unanimously.

(J) BOARD APPROVAL TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH PLANNING SERVICES FOR WESTERN SLOPE CONSULTING, LLC

Representative Davis Farrar, planning review done by our engineer.

MOTION NO. 4

Moved and seconded by Trustees Ruggard / Olk, to approve entering into a professional service agreement with Western Slope Consulting.

Motion passed unanimously.

(K) BOARD APPROVAL FOR THE TOWN TO ENTER INTO A CONTRACT WITH FRONTIER PAVING FOR PAVEMENT MAINTENANCE AND THE MAYOR TO SIGN THE SAME.

WILL BE A HAND OUT CONTRACT NOT AVAILABLE

(L) PUBLIC HEARING:

FOR THE PURPOSE OF DETERMINING AND DECIDING WHETHER THE AREA PROPOSED TO BE ANNEXED AS THE" VAN HORN AMENDED ANNEXATION" IS CONSIDERED ELIGIBLE FOR ANNEXATION

Public Hearing called to order
To replace the original annexation that was not done correctly it brought in private land without land owners consent.

This is a two step procedure, requiring a resolution to establish 1/6 contiguity to be integrated into the town. It's all CDOT land, just cleaning up the original annexation.
Close public hearing

(M) BOARD CONSIDERATION OF RESOLUTION NO. 2014-17

A RESOLUTION CONCERNING THE ANNEXATION OF CERTAIN PROPERTY MAPPED AS THE VAN HORN ANNEXATION AMENDMENT ANNEXATION, TO THE TOWN OF PARACHUTE, COLORADO

MOTION NO. 5

Moved and seconded by Trustees Loschke / Olk to adopt **A RESOLUTION CONCERNING THE ANNEXATION OF CERTAIN PROPERTY MAPPED AS THE VAN HORN ANNEXATION AMENDMENT ANNEXATION, TO THE TOWN OF PARACHUTE, COLORADO**

Motion passed unanimously.

(N) BOARD CONSIDERATION OF ORDINANCE NO. 673

AN ORDINANCE OF THE TOWN OF PARACHUTE, COLORADO, ANNEXING CERTAIN TERRITORY TO BE KNOWN AS THE VAN HORN ANNEXATION AMENDMENT, TO THE TOWN OF PARACHUTE, COLORADO

Ordinance to actually annex this parcel property.

MOTION NO. 6

Moved and seconded by Ruggard / Loschke to approve **AN ORDINANCE OF THE TOWN OF PARACHUTE, COLORADO, ANNEXING CERTAIN TERRITORY TO BE KNOWN AS THE VAN HORN ANNEXATION AMENDMENT, TO THE TOWN OF PARACHUTE, COLORADO**

Motion passed unanimously.

(O) COMMITTEE APPOINTMENTS:

a. Finance Committee

b. Economic Development/Planning Committee

c. Transportation /Public Works Committee

Would like to see Board involvement on these committees. Bring back to next meeting.

MOTION NO. 7

Moved and seconded by Loshke / Ruggard to enter into Executive Session.

Motion passed unanimously.

(P) EXECUTIVE SESSION:

(Q) OTHER MATTERS:

THANK YOU:

GRAND VALLEY HIGH SCHOOL AFTER PROM

COLORADO MOSQUITO CONTROL, INC.:

ADULT TRAP DATA FOR THE FIRST WEEK OF JUNE.

Meeting adjourned at 9:16 p.m.

_____
Mayor

_____
Town Clerk

The preceding Action Minutes were prepared in accordance with the Town of Parachute Board of Trustees Rules of Order and Procedure, General Rules 9.9. These Minutes contain a record of actions that were TAKEN at the meeting, not a transcript of what was said by members of the

Board, staff or other parties present. A recording of the meeting is available for review in the Town Clerk's Office for thirty days after the meeting.

Note: If you have corrections to the minutes that are minimal (incorrect spelling etc.), ***please contact the Town Clerk <u>the day prior to the meeting</u>****. A corrected copy of the minutes will then be prepared for approval by the Board of Trustees.*

DRAFT

Payee or Description	Amount
HRA Reimbursment Payflex Health Hub Ref. # 13	$2,034.61
HRA Reimbursment Ref.# 14	$869.34
HRA Reimbursment Ref.# 13	$2,377.64
Federal Tax Deposit Ref. # 11	$9,732.84
Paylocity Ref. # 5	$94.00
State Income Tax Colo. Dept. of Rev. Ref. #6	$1,491.00
AFLAC	$803.72
CANDLEWOOD SUITES	$360.00
CENTURY LINK	$938.43
CIRSA	$1,500.00
DEPENDABLE WASTE SERVICES	$4,725.67
DEREK WINGFIELD	$226.00
GARFIELD & HECHT, P.C.	$130.00
HILL AND ROBBINS P.C.	$287.50
JEAN'S PRINTING	$87.80
KANSAS CITY LIFE INS.	$2,292.46
KONICA MINOLTA	$888.28
LAW ENFORCEMENT ALLIANCE FOR DEFENSE	$28.00
LIBERTY NATIONAL LIFE INSURANCE CO.	$151.78
ORCHARD TRUST COMPANY, LLC	$2,039.42
RICOH USA, INC	$11.51
RICOH USA, INC.	$148.96
ROCKY MT. HEALTH PLANS	$20,124.46
SANDS LAW OFFICE, LLC	$3,490.76
TERRY KYLE	$199.97
VISION SERVICE PLAN - (CONNECTICUT)	$262.00
WELLS FARGO BUSINESS	$1,687.61
WELLS FARGO BUSINESS	$2,008.87
WELLS FARGO BUSINESS	$1,326.50
WELLS FARGO BUSINESS CARD	$3,628.30
ACCUTEST LABORATORIES	$224.00
ACTION SHOP SERVICE	$73.68
AIRGAS USA, LLC	$47.87
ALLY	$2,162.63
ALLY	$3,081.96
ALSCO	$163.20
AUSTIN CIVIL GROUP, INC.	$6,650.00
B & B PLUMBING	$2,815.35
BATTLEMENT MESA HARDWARE LLC	$116.87
BATTLEMENT MESA METROPOLITAN DISTRICT	$11,685.00
CASELLE INC	$525.33
CENTRAL DISTRIBUTING	$76.36
CHELEWSKI PIPE & SUPPLY, INC.	$99.88
CHURCHICH RECREATION LLC	$1,030.00
Colorado Water Conservation Board	$11,118.80
DEREK WINGFIELD	$226.00
DESKTOP CONSULTING, INC.	$284.95
EMEDCO INC.	$108.37
EmTech INC.	$5,594.86
FIKES WEST, INC.	$89.00

MESA COUNTY HEALTH DEPT.	$40.00
MOUNTAIN PEST CONTROL	$104.00
ON-SITE SAFETY INC.	$50.00
OPTICS PLANET	$208.00
ORCHARD TRUST COMPANY, LLC	$2,661.78
PARACHUTE SERVICE	$816.75
PAYFLEX SYSTEMS, USA INC.	$150.00
PINNACOL ASSURANCE	$5,606.00
PR DIAMOND PRODUCTS INC.	$900.00
PROGRADE AMMO GROUP, LLC	$2,363.00
R & S SALES & WELDING SERVICE	$12.00
RDJ SPECIALTIES, INC.	$185.83
SANDS LAW OFFICE, LLC	$1,531.63
TRU GREEN	$236.25
UNCC	$56.61
UNIVAR USA INC.	$485.13
USA BLUE BOOK	$110.72
VERIZON WIRELESS	$612.13
WAGNER EQUPMENT CO.	$18,170.00
XCEL ENERGY	$7,813.34
AMERICAN HOME INSPECTORS TRAINING	$1,295.00
COLORADO MT. NEWS MEDIA	$64.75
COMCAST CABLE	$139.95
CWD Services	$2,600.00
GARFIELD CO. CLERK & RECORDER	$52.00
HILL AND ROBBINS P.C.	$110.00
PARACHUTE AUTO PARTS & SUPPLY	$160.57
QUILL CORPORATION	$901.88
SWALLOW OIL COMPANY	$2,197.44
TRI COUNTY FIRE EXTINGUISHERS	$409.00
VALLEY LUMBER	$214.83
SALARIES	$61,421.61
TOTAL PAID OUT IN JUNE	$225,585.68

AGENDA ITEM

DEPARTMENTAL REPORTS:

(1) Mayor and Board of Trustees

(2) Administrative Monthly Update

(3) Police Department Monthly Update

a. APPLICATION FOR A HOTEL RESTAURANT LIQUOR LICENSE

Applicant: Diana L. Lawrence - Tompkins

D.B.A.: Mama's Restaurant

Location: 103 East First Street
Parachute, CO 81635

b. RENEWAL APPLICATION LIQUOR OR 3.2 BEER OFF PREMISE LICENSE

Applicant: Gary Dean

D.B.A. Bottlecap Liquors LLC

Location: 150 Columbine Court Suite A
Parachute, CO. 81635

(4) Public Works Monthly Update

(5) Code Enforcement Update

Parachute Police Department
Office of the Chief
222 Grand Valley Way
P.O. Box 100 Parachute, CO 81635-0100

Telephone (970)285-7630 ext. 114
Facsimile: (970)285-9146

Chief of Police
Cary L. Parmenter

June, 2014

Calls for service in June, 2013: **401**
Calls for service in June, 2014: **386**

We have completed the selection process for our new officer. There were several good candidates to choose from, whom all tested very high in the written and physical agility tests. We have hired Alex Grahm who is currently working for Costilla County as a Deputy. Alex will start his field training on July 16th.

In June several companies donated money for the Bike Rodeo which gives us enough money to continue our bike give-a-way and to buy more helmets for the younger riders.

We have been busy chasing the two bears we have around Town. So far they have only been reported to be getting into the trash cans left out. We will be getting the word out to be "Bear Aware" Keep trash and recyclables safely locked inside your home or a sturdy, locked garage or outbuilding constructed of heavy wood or metal. Don't leave any trash outside overnight; even empty bottles, cans, packages and recyclables have odors that attract bears. Don't store trash on your deck or screened-in porch, and don't stash your trash in your car, truck or camper. If you keep trash in your garage or an outbuilding, it should have sturdy doors and windows that lock. Put trash out the morning of pick up only.

Visit www.wildlife.state.co.us/bears for more information.

Liquor License:

Bottle Cap Liquors: No reported violations, no changes

Thank You

Cary Parmenter
Police Chief

PARACHUTE POLICE DEPARTMENT

POLICE ACTIVITY BLOTTER FOR JUNE 2014

DATE	SUMMARY
06/01/14	**Curfew Violation** Three Juveniles were contacted after 11 PM curfew. The Juveniles' parents/ Guardians were contacted and the Juveniles were issued Curfew Violation summons.
06/02/14	**Curfew Violation** A Juvenile was jogging down First St, past curfew, and was contacted by a Parachute Officer. A parent was contacted and a Curfew Violation summons was issued.
06/04/14	**Criminal Mischief** High Desert Floral reported a glass door had been broken overnight. Value of loss was $200.
06/06/14	**Burglary** An Officer responded to a report of a burglary at 224 E. Third St. The victims' reported a $5000.00 loss.
06/07/14	**Runaway/Missing Person** Officer responded to take a report of a missing person. The Juvenile was located.
06/09/14	**Theft of Services** The resident at 158 Cardinal Way reported that someone had attempted to connect to her DIRECTV cable. Mark Bernal 31, of Parachute, CO and Ashley Bahr 30, of Parachute, CO were issued Municipal summons for Criminal Trespass and Criminal Mischief.
06/09/14	**Domestic Violence** An Officer responded to a disturbance/domestic call at 220 Yampa Ave. Warren Shipley III 40, of Parachute, CO and Jennifer Shipley 42, of Parachute, CO were arrested for Harassment (strikes, shoves, kicks) and Domestic Violence and transported to the Garfield County Jail.

PARACHUTE POLICE DEPARTMENT

06/13/14

Theft

Follow up was done on a report of stolen property at 248 4th Street. The victim reported his computer tablet stolen. Ashley Kaufman 23, of Parachute, CO was issued a summons for Petty Theft and Harassment.

06/14/14

Driving Violation

A 13 year old Juvenile was issued a summons for Driving without a Valid Driver's License, Eluding a Police Officer, Failing to Dim Headlights, No License Plate Light and Reckless Driving. The Juvenile and the vehicle were released to the Parent of the Juvenile.

06/13/14

Theft from Vehicle

Officer investigated a report of a theft at 200 Colorado Ave. Four tires were removed from a vehicle, value of loss was $1100.00.

06/19/14

Warrant Arrest

Robert M. Roberson, 56 of Parachute, Co was arrested for a Municipal Warrant.

06/19/14

Criminal Impersonation

While being contacted at the Parachute Ponds Wildlife area, Ublester Molina Jr., 18 of Parachute, CO gave false identifying information to the Officer. He was arrested for Criminal Impersonation and transported to the Garfield County Jail.

06/20/14

Warrant Arrest

Derrick Hamn 22, of Parachute, CO was arrested for a warrant and transported to the Garfield County Jail.

06/27/14

Driving Violation

Salvador Rosendo Ponce, 42 of Parachute, CO was issued a summons for Speed and Driving without a Valid Driver's License.

06/29/14

Driving Violation

Terry Kay Short 57, of Parachute, CO was issued a summons for Driving without a Valid Driver's License and Failing to Drive in a Single Lane (weaving)/Changed Lanes when Unsafe.

06/29/14

Driving Violation/Warrant Arrest

Phillip A Fry 27, of Parachute, CO was issued a summons for Driving Vehicle while Under Restraint (suspended/revoked/denied) and Driver's View Obstructed. He was arrested for a warrant and transported to the Garfield County Jail.

PARACHUTE POLICE DEPARTMENT

37 Traffic Citations were issued in June, 2014

364 Total Calls for Service during June, 2014

DR 8404 (05/07/09) Page 1
COLORADO DEPARTMENT OF REVENUE
LIQUOR ENFORCEMENT DIVISION
DENVER CO 80261

21

DEPARTMENT USE ONLY

COLORADO LIQUOR RETAIL LICENSE APPLICATION

☒ NEW LICENSE ☐ TRANSFER OF OWNERSHIP ☐ LICENSE RENEWAL

- ALL ANSWERS MUST BE PRINTED IN BLACK INK OR TYPEWRITTEN
- APPLICANT MUST CHECK THE APPROPRIATE BOX(ES)
- LOCAL LICENSE FEE $ _____
- APPLICANT SHOULD OBTAIN A COPY OF THE COLORADO LIQUOR AND BEER CODE (Call 303-370-2165)

1. Applicant is applying as a

☐ Corporation
☐ Partnership (Includes Limited Liability and Husband and Wife Partnerships)
☒ Individual
☐ Limited Liability Company
☐ Association or Other

2. Applicant If an LLC, name of LLC; if partnership, at least 2 partner's names; if corporation, name of corporation: Diana L Lawrence-Tompkins

Fein Number: 26-2537105

2a. Trade Name of Establishment (DBA): Mama's Restaurant

State Sales Tax No.: 27185486-0000

Business Telephone: 970 285 0210

3. Address of Premises (specify exact location of premises): 103 East First Street

City: Parachute | County: Garfield | State: CO | ZIP Code: 81635

4. Mailing Address (Number and Street): PO BOX 754 | City or Town: Parachute | State: CO | ZIP Code: 81635

5. If the premises currently have a liquor or beer license, you MUST answer the following questions:

Present Trade Name of Establishment (DBA)	Present State License No.	Present Class of License	Present Expiration Date

LIAB SECTION A - NONREFUNDABLE APPLICATION FEES

2300 ☐ Application Fee for New License $1,025.00
2302 ☐ Application Fee for New License - w/Concurrent Review $1,125.00
2310 ☐ Application Fee for Transfer $1,025.00

LIAB SECTION B - LIQUOR LICENSE FEES

1905 ☐ Retail Gaming Tavern License (City) $500.00
1906 ☐ Retail Gaming Tavern License (County) $500.00
1940 ☐ Retail Liquor Store License (City) $227.50
1941 ☐ Retail Liquor Store License (County) $312.50
1950 ☐ Liquor Licensed Drugstore (City) $227.50
1951 ☐ Liquor Licensed Drugstore (County) $312.50
1960 ☐ Beer and Wine License (City) $351.25
1961 ☐ Beer and Wine License (County) $436.25
1970 ☒ Hotel and Restaurant License (City) $500.00
1971 ☐ Hotel and Restaurant License (County) $500.00
1975 ☐ Brew Pub License (City) $750.00
1976 ☐ Brew Pub License (County) $750.00
1980 ☐ Hotel and Restaurant License w/opt premises (City) $500.00
1981 ☐ Hotel and Restaurant License w/opt premises (County) $500.00
1983 ☐ Manager Registration - H & R ..... $ 75.00

LIAB SECTION B (CONT.) - LIQUOR LICENSE FEES

1985 ☐ Resort Complex License (City) $500.00
1986 ☐ Resort Complex License (County) $500.00
1988 ☐ Add Related Facility to Resort Complex ..... $ 75.00 X ____ Total ___
1990 ☐ Club License (City) $308.75
1991 ☐ Club License (County) $308.75
2010 ☐ Tavern License (City) $500.00
2011 ☐ Tavern License (County) $500.00
2012 ☐ Manager Registration - Tavern ..... $ 75.00
2020 ☐ Arts License (City) $308.75
2021 ☐ Arts License (County) $308.75
2030 ☐ Racetrack License (City) $500.00
2031 ☐ Racetrack License (County) $500.00
2040 ☐ Optional Premises License (City) $500.00
2041 ☐ Optional Premises License (County) $500.00
2045 ☐ Vintners Restaurant License (City) $750.00
2046 ☐ Vintners Restaurant License (County) $750.00
2220 ☐ Add Optional Premises to H & R ..... $100.00 X ____ Total ___
2370 ☐ Master File Location Fee ..... $ 25.00 X ____ Total ___
2375 ☐ Master File Background ..... $250.00 X ____ Total ___

DO NOT WRITE IN THIS SPACE - FOR DEPARTMENT OF REVENUE USE ONLY

LIABILITY INFORMATION

County	City	Industry Type	License Account Number	Liability Date FROM	License Issued Through (Expiration Date) TO

State	City	County	Managers Reg
_____-750 (999)	2180-100 (999)	2190-100 (999)	_____-750 (999)

Cash Fund New License	Cash Fund Transfer License	TOTAL
2300-100 (999)	2310-100 (999)	$

6. Is the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager under the age of twenty-one years? Yes ☐ No ☒

7. Has the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager ever (in Colorado or any other state);
   (a) been denied an alcohol beverage license? ☐ ☒
   (b) had an alcohol beverage license suspended or revoked? ☐ ☒
   (c) had interest in another entity that had an alcohol beverage license suspended or revoked? ☐ ☒
   If you answered yes to 7a, b or c, explain in detail on a separate sheet.

8. Has a liquor license application (same license class), that was located within 500 feet of the proposed premises, been denied within the preceding two years? If "yes," explain in detail. ☐ ☒

9. Are the premises to be licensed within 500 feet of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary? ☐ ☒

10. Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any current or former financial interest in said business including any loans to or from a licensee. Lawrence Enterprises ☒ ☐

11. Does the Applicant, as listed on line 2 of this application, have legal possession of the premises by virtue of ownership, lease or other arrangement? ☐ ☐
   ☐ Ownership ☒ Lease ☐ Other (Explain in Detail)

a. If leased, list name of landlord and tenant, and date of expiration, EXACTLY as they appear on the lease:

Landlord	Tenant	Expires
James + Bonnie Lawrence	Diana L. Lawrence-Tompkins	2020

Attach a diagram and outline or designate the area to be licensed (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8 1/2" X 11". (Doesn't have to be to scale)

12. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies), will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business. Attach a separate sheet if necessary.

NAME	DATE OF BIRTH	FEIN OR SSN	INTEREST

Attach copies of all notes and security instruments, and any written agreement, or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.

13. **Optional Premises or Hotel and Restaurant Licenses with Optional Premises** Yes ☐ No ☒
   Has a local ordinance or resolution authorizing optional premises been adopted?

Number of separate Optional Premises areas requested. _____ (See License Fee Chart)

14. **Liquor Licensed Drug Store** applicants, answer the following: Yes ☐ No ☒
   (a) Does the applicant for a Liquor Licensed Drug Store have a license issued by the Colorado Board of Pharmacy? COPY MUST BE ATTACHED.

15. **Club Liquor License** applicants answer the following and attach: Yes ☐ No ☒
   (a) Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain? ☐ ☒
   (b) Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain? ☐ ☒
   (c) How long has the club been incorporated? (Three years required) _____
   (d) Has applicant occupied an establishment for three years that was operated solely for the reasons stated above? ☐ ☐

16. **Brew-Pub License or Vintner Restaurant Applicants answer the following:** Yes ☐ No ☒
   (a) Has the applicant received or applied for a Federal Permit? (Copy of permit or application must be attached)

17a. **Name of Manager (for all on-premises applicants)** Diana L Lawrence tompkins (If this is an application for a Hotel, Restaurant or Tavern License, the manager must also submit an Individual History Record (DR 8404-I). Date of Birth 6/15/69

17b. Does this manager act as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number. Yes ☐ No ☒

18. **Tax Distraint Information.** Does the applicant or any other person listed on this application and including its partners, officers, directors, stockholders, members (LLC) or managing members (LLC) and any other persons with a 10% or greater financial interest in the applicant currently have an outstanding tax distraint issued to them by the Colorado Department of Revenue? If yes, provide an explanation and include copies of any payment agreements. Yes ☐ No ☒

19. If applicant is a corporation, partnership, association or limited liability company, applicant **must list** ALL OFFICERS, DIRECTORS, GENERAL PARTNERS, AND MANAGING MEMBERS. In addition applicant **must list** any stockholders, partners, or members with OWNERSHIP OF **10% OR MORE** IN THE APPLICANT. ALL PERSONS LISTED BELOW must also attach form DR 8404-I (Individual History record), and submit finger print cards to their local licensing authority.

NAME	HOME ADDRESS, CITY & STATE	DOB	POSITION	% OWNED*

*If total ownership percentage disclosed here does not total 100% applicant must check this box

☐ Applicant affirms that no individual other than these disclosed herein, owns 10% or more of the applicant

Additional Documents to be submitted by type of entity

☐ **CORPORATION** ☐ Cert. of Incorp. ☐ Cert. of Good Standing (if more than 2 yrs. old) ☐ Cert. of Auth. (if a foreign corp.)

☐ **PARTNERSHIP** ☐ Partnership Agreement (General or Limited) ☐ Husband and Wife partnership (no written agreement)

☐ **LIMITED LIABILITY COMPANY** ☐ Articles of Organization ☐ Cert. of Authority (if foreign company) ☐ Operating Agrmt.

☐ **ASSOCIATION OR OTHER** Attach copy of agreements creating association or relationship between the parties

Registered Agent (if applicable)	Address for Service

OATH OF APPLICANT

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor or Beer Code which affect my license.

Authorized Signature	Title	Date
Liliana L Laurence Tompkins	owner	5/20/14

REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY/COUNTY)

Date application filed with local authority	Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application 12-47-311 (1)) C.R.S.

THE LOCAL LICENSING AUTHORITY HEREBY AFFIRMS:

That each person required to file DR 8404-I (Individual History Record) has:

	Yes	No
☐ Been fingerprinted	☒	☐
☐ Been subject to background investigation, including NCIC/CCIC check for outstanding warrants	☒	☐
That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with, and aware of, liquor code provisions affecting their class of license	☒	☐

(Check One)

☐ Date of Inspection or Anticipated Date _____

☒ Upon approval of state licensing authority.

The foregoing application has been examined; and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants, and will comply with the provisions of Title 12, Article 46 or 47, C.R.S. **THEREFORE, THIS APPLICATION IS APPROVED.**

Local Licensing Authority for		Telephone Number	☐ TOWN, CITY ☐ COUNTY
Signature	Title		Date
Signature (attest)	Title		Date

DR 8404-I (07/25/11)
COLORADO DEPARTMENT OF REVENUE
LIQUOR ENFORCEMENT DIVISION
1881 PIERCE STREET RM 108A
DENVER CO 80261

INDIVIDUAL HISTORY RECORD

To be completed by the following persons, as applicable: sole proprietors; general partners regardless of percentage ownership, and limited partners owning 10% or more of the partnership; all principal officers of a corporation, all directors of a corporation, and any stockholder of a corporation owning 10% or more of the outstanding stock; managing members or officers of a limited liability company, and members owning 10% or more of the company; and any intended registered manager of Hotel and Restaurant or Tavern class of retail license.

NOTICE: This individual history record requires information that is necessary for the licensing investigation or inquiry. **All** questions must be answered in their entirety or the license application may be delayed or denied. If a question is not applicable, please indicate so by "N/A". **Any deliberate misrepresentation or material omission may jeopardize the license application.**

1. Name of Business
Mama's Restaurant

2. Your Full Name (last, first, middle)
Tompkins-Lawrence, Lynn Diana

3. List any other names you have used.
Diana Lynn Dunn

4. Mailing address (if different from residence)
PO Box 754 Parachute CO 81635

5. List current residence address. Include any previous addresses within the last five years (attach separate sheet if necessary).

	STREET AND NUMBER	CITY, STATE, ZIP	FROM	TO
Current	0998 Cty Rd 309	Parachute CO 81635	1990-2008 2013	- pres
Previous	1506 410th Ave	Imogene IA 51645	2008	2013

6. List all employment within the last five years. Include any self employment. (Attach separate sheet if necessary)

NAME OF EMPLOYER OR BUSINESS	ADDRESS (STREET, NUMBER, CITY, STATE, ZIP)	POSITION HELD	FROM	TO
Mama D's Restaurant	Sheridan, Shenandoah IA 51601	/owner	2012	2013

7. List the name(s) of relatives working in or holding a financial interest in the Colorado alcohol beverage industry.

NAME OF RELATIVE	RELATIONSHIP TO YOU	POSITION HELD	NAME OF LICENSEE

8. Have you ever applied for, held, or had an interest in a Colorado Liquor or Beer License, or loaned money, furniture, fixtures, equipment or inventory to any licensee? If yes, answer in detail. ☒ Yes ☐ No
Lawrence Enterprises, DBA Outlaw's Restaurant, Parachute CO 81635

9. Have you ever received a violation notice, suspension, or revocation for a liquor law violation, or have you applied for or been denied a liquor or beer license anywhere in the United States? If yes, explain in detail. ☐ Yes ☒ No

DR 4679 (09/21/06)
COLORADO DEPARTMENT OF REVENUE

AFFIDAVIT - RESTRICTIONS ON PUBLIC BENEFITS

I, Diana L Lawrence Tompkins, swear or affirm under penalty of perjury under the laws of the State of Colorado that **(check one)**:

- [x] I am a United States citizen.
- [ ] I am not a United States citizen but I am a Permanent Resident of the United States.
- [ ] I am not a United States citizen but I am lawfully present in the United States pursuant to Federal law.
- [ ] I am a foreign national not physically present in the United States.

I understand that this sworn statement is required by law because I have applied for a public benefit. I understand that state law requires me to provide proof that I am lawfully present in the United States prior to receipt of this public benefit. I further acknowledge that making a false, fictitious, or fraudulent statement or representation in this sworn affidavit is punishable under the criminal laws of Colorado as perjury in the second degree under Colorado Revised Statute 18-8-503 and it shall constitute a separate criminal offense each time a public benefit is fraudulently received.

Signature	Date
Diana L Lawrence Tompkins	5/20/14

LEASE AGREEMENT

This Lease Agreement (Lease) is entered into on this:

1 day of February, 2013

by and between

James L & Bonnie L Lawrence (Landlord) and

Diana L Lawrence Tompkins (Tenant)

Landlord is the owner of land and improvements whose address is:
103 E First Street, Parachute Colorado 81635

Landlord makes available for lease a portion of the Building designated as
x (Leased Premises).

Landlord desires to lease the Leased Premises to Tenant, and Tenant desires to lease the Leased Premises from Landlord for the term, at the rental and upon the provisions set forth herein.

THEREFORE, in consideration of the mutual promises contained herein, and for other good and valuable consideration, it is agreed:

Term.

The Initial Term of the Lease shall begin on the:

First day of Feb, 2013

and end on the:

First day of Feb, 2020

Landlord shall use its best efforts to put Tenant in possession of the Leased Premises on the beginning of the Lease term. If Landlord is unable to timely provide the Leased Premises, rent shall abate for the period of delay. Tenant shall make no other claim against Landlord for any such delay.

Tenant may renew the Lease for one extended term of 10 years. Tenant shall exercise such renewal option, if at all, by providing written notice

to Landlord not less than ninety (90) days prior to the expiration of the Initial Term. The renewal term shall be at the rental set forth below and otherwise upon the same covenants, conditions and provisions as contained in this Lease.

Rent.

Tenant shall pay to Landlord during the Initial Term rent of:

_____ ~~Rands (SAR) per year, payable in instalments of~~

1200.00 US. Dollars ~~Rands (SAR)~~ per month.

Each instalment payment shall be due in advance on the first day of each calendar month during the lease term to Landlord at the following address:

The rental payment amount for any partial calendar months included in the lease term shall be prorated on a daily basis.

Tenant shall also pay to Landlord a "Security Deposit" in the amount of 0.00 $ _____ ~~Rands (SAR~~).

The rental for any renewal lease term, if created as permitted under this Lease, shall be 14400.00 US Dollars ~~Rands (SAR~~) per year payable in instalments of 1200.00 US Dollars ~~Rands (SAR) per month~~.

Prohibited Uses.

Notwithstanding the forgoing, Tenant shall not use the Leased Premises for the purposes of storing, manufacturing or selling any explosives, flammables or other inherently dangerous substance, chemical, thing or device.

Sublease and Assignment.

Tenant shall have the right without Landlord's consent, to assign this Lease to a business with which Tenant may merge or consolidate, to any subsidiary of Tenant, to any corporation under common control with Tenant, or to a purchaser of substantially all of Tenant's assets.

Except as set forth above, Tenant shall not sublease all or any part of the Leased Premises, or assign this Lease in whole or in part without Landlord's consent, such consent not to be unreasonably withheld or delayed.

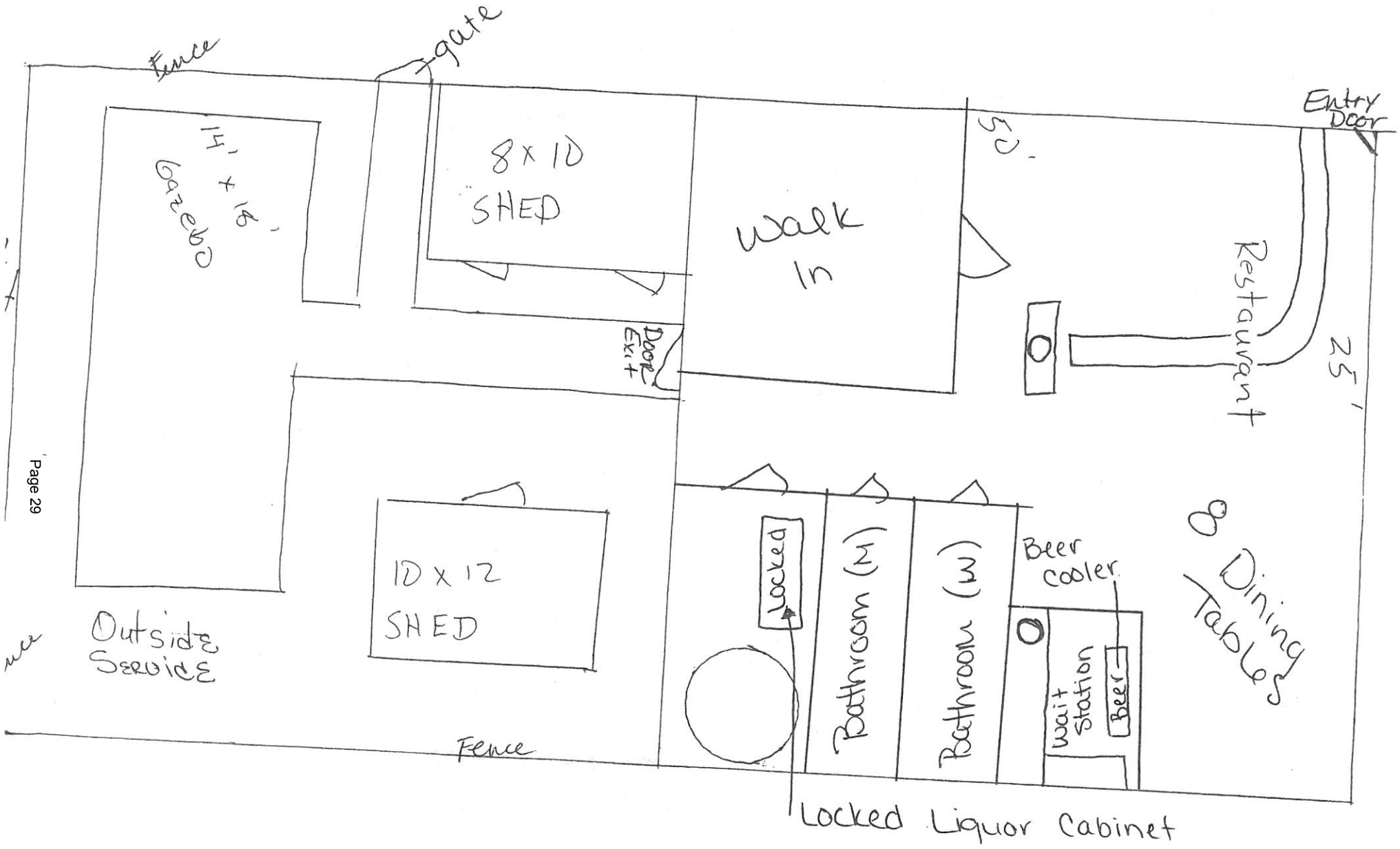
Final Agreement.

This Agreement terminates and supersedes all prior understandings or agreements on the subject matter hereof. This Agreement may be modified only by a further writing that is duly executed by both parties.

IN WITNESS WHEREOF, the parties have executed this Lease as of the day and year first above written.

Landlord Bonnie L Lawrence 3/1/13

Tenant Diana L Lawrence Tompkins 3/1/13


Fence
gate
14' x 18'
Gazebo
8 x 10
SHED
Walk
In
5'
Entry
Door
Restaurant
25'
Door
Exit
10 x 12
SHED
Outside
Service
Locked
Bathroom (M)
Bathroom (W)
Beer
cooler
8 Dining
Tables
wait
station
Beer
Fence
Locked Liquor Cabinet

Ad Name: 10305108A
Customer: Town of Parachute
Your account number is: 1003196

PROOF OF PUBLICATION

THE RIFLE CITIZEN TELEGRAM

STATE OF COLORADO, COUNTY OF GARFIELD

I, Michael Bennett, do solemnly swear that I am Publisher of ***The Rifle Citizen Telegram,*** that the same weekly newspaper printed, in whole or in part and published in the County of Garfield, State of Colorado, and has a general circulation therein; that said newspaper has been published continuously and uninterruptedly in said County of Garfield for a period of more than fifty-two consecutive weeks next prior to the first publication of the annexed legal notice or advertisement; that said newspaper has been admitted to the United States mails as a periodical under the provisions of the Act of March 3, 1879, or any amendments thereof, and that said newspaper is a weekly newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado.

That the annexed legal notice or advertisement was published in the regular and entire issue of every number of said weekly newspaper for the period of **1** consecutive insertions; and that the first publication of said notice was in the issue of said newspaper dated **6/26/2014** and that the last publication of said notice was dated **6/26/2014** the issue of said newspaper.

In witness whereof, I have here unto set my hand this **07/01/2014**.

Michael Bennett, Publisher Publisher Subscribed and sworn to before me, a notary public in and for the County of Garfield, State of Colorado this **07/01/2014**.

Pamela J. Schultz, Notary Public
My Commission expires:
November 1, 2015

NOTARY PUBLIC
PAMELA J. SCHULTZ
STATE OF COLORADO

My Commission Expires 11/01/2015

PUBLIC NOTICE

NOTICE OF HEARING

Pursuant to the Liquor Laws of Colorado

NOTICE IS HEREBY GIVEN that an application has been made to the Local Licensing Authority of the Town of Parachute, Colorado, for a Hotel and Restaurant Liquor License which permits the sale of malt, vinous and spirituous beverages for on premise consumption.

APPLICANT: Diana L. Lawrence - Tompkins

TRADE NAME: Mama's Restaurant

LOCATION: 103 East First Street
Parachute, Colorado 81635

PUBLIC NOTICE IS HEREBY GIVEN that a Public Hearing will be held on this application Thursday, July 10, 2014 at 6:30 p.m. in the Council Chambers in the Parachute Town Hall, 222 Grand Valley Way, Parachute, CO 81635.

All interested person may appear at said hearing.

BY ORDER OF THE LOCAL LICENSING AUTHORITY
TOWN OF PARACHUTE
BOARD OF TRUSTEES

P.O. BOX 100
PARACHUTE, CO. 81635-0100
(970) 285-7630

TOWN OF PARACHUTE, COLORADO

S. Denise Chiaretta, Town Clerk

Published in the Citizen Telegram June 26, 2014
(10305108)

DR 8400 (Revised 09/01/12)
COLORADO DEPARTMENT OF REVENUE
LIQUOR ENFORCEMENT DIVISION
SUBMIT TO LOCAL LICENSING AUTHORITY

LIQUOR OR 3.2 BEER LICENSE RENEWAL APPLICATION

Fees Due	
Renewal Fee	$22
Storage Permit $100 x ____	
Optional Premise $100 x ____	
Related Resort $75 x ____	
Amount Due/Paid	

Make check payable to: **Colorado Department of Rev**
The State may convert your check to a one-time elec banking transaction. Your bank account may be debited as as the same day received by the State. If converted, your will not be returned. If your check is rejected due to insuffici uncollected funds, the Department may collect the pay amount directly from your banking account electronically.

BOTTLECAP LIQUORS
PO BOX 85
PARACHUTE CO 81635-0085

PLEASE VERIFY & UPDATE ALL INFORMATION BELOW

RETURN TO CITY OR COUNTY LICENSING AUTHORITY BY DUE DATE

Licensee Name: BOTTLECAP LIQUORS LLC		DBA: BOTTLECAP LIQUORS		
Liquor License #: 10987970000	License Type: Liquor Store (city)	Sales Tax License #: 10987970000	Expiration Date: 9/25/2014	Due Date: 8/11/2014
Street Address: 150 COLUMBINE CT SUITE A PARACHUTE CO 81635-9750				Phone Number: (970) 242 9511
Mailing Address: PO BOX 85 PARACHUTE CO 81635-0085				
Operating Manager: Gary Dean	Date of Birth: 2-22-49	Home Address: 2490 H Ct GJ Co 81505		Phone Number: 9702429511

1. Do you have legal possession of the premises at the street address above? ☒ YES ☐ NO
   Is the premises owned or rented? ☒ Owned ☐ Rented* *If rented, expiration date of lease_____
2. Since the date of filing of the last annual application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. ☐ YES ☒ NO
   NOTE TO CORPORATION, LIMITED LIABILITY COMPANY AND PARTNERSHIP APPLICANTS: If you have added or deleted any officers, directors, managing members, general partners or persons with 10% or more interest in your business, you must complete and return immediately to your Local Licensing Authority, Form DR 8177: Corporation, Limited Liability Company or Partnership Report of Changes, along with all supporting documentation and fees.
3. Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. ☐ YES ☒ NO
4. Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation. ☐ YES ☒ NO
5. Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. ☒ YES ☐ NO
6. **SOLE PROPRIETORSHIPS, HUSBAND-WIFE PARTNERSHIPS AND PARTNERS IN GENERAL PARTNERSHIPS:** Each person must complete and sign the DR 4679: Affidavit – Restriction on Public Benefits (available online or by calling 303-205-2300) and **attach a copy of their driver's license, state-issued ID or valid passport.**

AFFIRMATION & CONSENT

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.

Type or Print Name of Applicant/Authorized Agent of Business: Gary H. Dean	Title: Manager Member
Signature:	Date: 6-16-14

REPORT & APPROVAL OF CITY OR COUNTY LICENSING AUTHORITY

The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 12, Articles 46 and 47, C.R.S. **THEREFORE THIS APPLICATION IS APPROVED.**

Local Licensing Authority For		Date
Signature	Title	Attest

LIQUOR LICENSES HELD BY KEITH POCKROSS AND GARY DEAN

Rocky Mountain C Stores
Shell Food Mart
200 County Road 215
Parachute CO 81635
Account # 03-61425-0002

Rocky Mountain C Stores, Inc
Conoco Food Mart
201 Columbine Court
Parachute CO 81635
Account # 03-61425-0003

Bottle Cap Liquors, LLC
150 Columbine Court Suite A
Parachute CO 81635
Account # 10-98797-0000

Town of Parachute

222 Grand Valley Way Parachute, Colorado 81635
Phone: 970.285.7630
Fax: 970-285-0292
Mark King
Public WorksDirector
mking@parachutecolorado.com

MONTHLY REPORT FOR JUNE 2014

Hello again-

It has been a very busy month.

The summer months bring many visitors and tourist to our parks; we are working diligently to ensure they remain neat and clean and also Parachute is putting its best foot forward.

We have recently hired a seasonal worker to assist with the irrigation and sprinkler systems, freeing up public works for other pressing summer projects.

Additional water meters have been ordered and will need to be installed; currently we have 50 meters and 100 radio readers.

The new split rail fence has arrived for the bag filter property and should have it installed this summer.

Mark Austin and I have been working on all of the R.F.P's, a new contract in your packet to approve for the 2014 street maintenance and anticipate starting soon after approval.

The public works crew worked tirelessly and has finished clearing the Sandie Roach property, the property looks great and the smell has dissipated.

Respectfully submitted,

Mark King

TOWN OF PARACHUTE

PO Box 100
222 Grand Valley Way, Parachute, CO 81635

Telephone: (970) 285-7630
Facsimile: (970) 285-9146

Community Development
Derek Wingfield

July 7, 2014

- Code Enforcement
  - 26 May communications made
    - 3 mowed problem lots on 1st Street (Collins Property, Pedestrian Bridge, 416 1st)
  - Abatement
    - Completed
  - Problem locations
    - 1 location on Final warning before summons
- Development
  - Volunteer clean up community service
    - Working toward acquiring ability for juvenile community service being done in town
  - 1 new business license was issued
  - Working on 3 building permits
    - Enrolled in Course scheduled in September to learn and become certified on Building Codes.
  - Website Skeleton was created
  - Changes and upgrades to GVD's
    - Parade route change for larger event
    - BBQ has 6+ verbal commitments
    - 4ft. X 30ft. Banner was made by the Parks Association to hang on Pedestrian Bridge
  - Walked a possible disc golf course with D.G.A. members
    - 9 hole course as possible start
- Positive Notes
  - I have been receiving multiple comments from local and B.M. citizens on how nice the Town looks.

Derek Wingfield
Community Development

Town of Parachute

222 Grand Valley Way Parachute, Colorado 81635
Phone: 970.285.7630 Fax: 970-285-0292
Mark King Public Works
Director
mking@parachutecolorado.com

STAFF REPORT

Date: July 2, 2014

To: Town of Parachute board of trustees

From: Mark King, Public Works Director

Subject: Street maintenance contract

Background:

The Town received four proposals from contractors for the 2014 street maintenance program on May 22, 2014.

1) Frontier Paving	$440,707.60
2) Asphalt Specialists	$492,082.75
3) JC excavating, Inc.	$502,660.72
4) United Companies	$625,922.80

The budget for this project was approximately $230,000. Therefore, all of the bids exceeded our budget.

Staff Analysis:

Public Works needs to complete the asphalt street repairs in critical locations (Cardinal Way) before the school year starts in August. Since Frontier Paving was the lowest bidder on the project, Town Staff has been working with Frontier Paving to reduce the original work scope to meet our budget constraints. The modifications include moving some of the proposed repair areas to 2015 and utilizing different methods to complete the asphalt repairs.

A revised proposal from Frontier Paving for $155,995.35 was received by Public Works on July 2, 2014.

Public Works will utilize the existing *Standard Contract Documents* contracts that are a part of the Town of Parachute Public Works Improvements Manual. A copy of this proposed contract is attached.

Attorney Review

The contract agreement proposed for this project comes directly from the previously reviewed and approved *Standard Contract Documents* as discussed above. This is the typical contract and contract language that has historically been utilized by the Town to complete public works type projects.

A copy of this agreement will be provided to the Town Attorney for final review and approval

Recommendations

The Public Works Department recommends the Town Board approve the 2014 Asphalt Pavement Maintenance proposal from Frontier Paving and an addition of $44,004.65 for any change orders that may occur for a total of $200,000 subject to the Town Staff receiving the performance and payment bonds from Frontier Paving and final review of the Contract by the Town Attorney.

If you have any additional questions or concerns, please contact me at 970-986-1821

Respectfully submitted;

Mark KING
PUBLIC WORKS DIRECTOR

TOWN OF PARACHUTE, COLORADO
2014 Pavement Maintenance

****

CONTRACT

This CONTRACT made and entered into this ___ day of ____ , 2014, by and between the **Town of Parachute, Colorado,** a Municipal Corporation in the County of Garfield, State of Colorado, hereinafter in the Contract Documents and Plans referred to as the "Town" and **FRONTIER PAVING, INC.**, hereinafter in the Contract Documents referred to as the "Contractor."

WITNESSETH:

WHEREAS, the Town advertised that sealed Bids would be received for furnishing all labor, tools, supplies, equipment, materials, and all that is necessary and required to provide asphalt pavement repair work.

WHEREAS, the Contract has been awarded to the above named Contractor by the Town, and said Contractor is now ready, willing and able to perform the Work specified in the Notice of Award, in accordance with the Contract Documents and Plans;

NOW, THEREFOR, in consideration of the compensation to be paid the Contractor, the mutual covenants hereinafter set forth and subject to the terms hereinafter stated, it is mutually covenanted and agreed as follows:

ARTICLE 1

Contract Documents: It is agreed by the parties hereto that the following list of instruments, drawings, and documents which are attached hereto, bound herewith, or incorporated herein by reference constitute and shall be referred to either as the "Contract Documents" or the "Contract", and all of said instruments, drawings, and documents taken together as a whole constitute the Contract between the parties hereto, and they are fully a part of this agreement as if they were set out verbatim and in full herein:

1. Contract Documents for 2014 Asphalt Paving Repairs
2. 2014 Asphalt Pavement Repairs Drawings 1 through 5.
3. Addendum #1 for 2014 Asphalt Pavement Repairs dated May 13, 2014
4. Public Works Improvements Manual;
   a. Work Change Requests (directing that changed work be performed);
   b. Field Orders;
   c. Change Orders;
   d. Notice of Award;
   e. Notice To Proceed;
   f. Request for Payments;
   g. Letter or Certificate of Substantial and Final Completion
   h. General Contract Conditions

ARTICLE 2

Definitions: The definitions provided in the General Contract Conditions apply to the terms used in the Contract and all the Contract Documents and Plans.

ARTICLE 3

Contract Work: The Contractor agrees to furnish all labor, tools, supplies, equipment, materials, and all that is necessary and required to complete the tasks associated with the Work described, set forth, shown, and included in the Contract Documents and Plans as Notice of Award.

ARTICLE 4

Contract Time and Liquidated Damages: The Contractor hereby agrees to commence Work under the Contract on or before the date specified in a written Notice to Proceed from the Town, and to achieve Substantial Completion and Final Completion of the Work within **sixty calendar days (60)**.

ARTICLE 5

Contract Price and Payment Procedures: The Contractor shall accept as full and complete compensation for the performance and completion of all of the Work specified in this Contract and the Contract Documents for a price of **$200,000. (TWO HUNDRED THOUSAND DOLLARS)**. The amount of the Contract Price is and has heretofore been appropriated by the Board of Trustees of the Town of Parachute for the use and benefit of this Project. The Contract Price shall not be modified, except by Change Order or other written directive of the Town. The Town shall not issue a Change Order or other written directive which requires additional work to be performed, which work causes the aggregate amount payable under this Contract to exceed the amount appropriated for this Project, unless and until the Town provides Contractor written assurance that lawful appropriations to cover the costs of the additional work have been made. Written assurance shall be provided in the form of a letter signed by the Town Administrator.

Unless otherwise provided in the Special Conditions, monthly partial payments shall be made as the Work progresses. Applications for partial and Final Payment shall be prepared by the Contractor and approved by the Town in accordance with the General Contract Conditions.

Upon Final Completion of the Work under the Contract, and before the Contractor shall receive final payment, the Town shall publish at least twice in a newspaper of general circulation published in the Town a notice that: 1) the Town has accepted such Work as completed according to the Contract Documents and Plans; 2) the Contractor is entitled to final payment therefor; 3) thirty days after the first publication, specifying the exact date, the Town shall pay the full balance due under the Contract; and 4) persons having claims for labor, materials, team hire, sustenance, provisions, provender, or other supplies used or consumed by the Contractor or a subcontractor shall file a verified statement of the amount due and unpaid on account of such claim prior to the date specified for such payment. Nothing herein shall be construed as relieving the Contractor and the Sureties on the Contractor's

Bonds from any claim or claims for work or labor done or materials or supplies furnished in the execution of the Contract.

ARTICLE 6

Bonds: The Contractor shall furnish currently herewith the Bonds required by the Contract Documents and Plans, such Bonds being attached hereto. The Performance Bond shall be in an amount not less than one hundred percent (100%) of the Contract Price set forth in Article 5. The Payment Bond shall be in an amount not less than one hundred (100%) of the Contract Price set forth in Article 5. Bonds in the amounts of $1,000 or less will be made in multiples of $100; in amounts exceeding $5,000, in multiples of $1,000; provided that the amount of the Bonds shall be fixed by the Town at the lowest sum that fulfills all conditions of the Contract.

ARTICLE 7

Contract Binding: The Town and the Contractor each binds itself, its partners, successors, assigns and legal representatives to the other party hereto in respect to all covenants, agreements and obligations contained in the Contract Documents. The Contract Documents constitute the entire agreement between the Town and Contractor and may only be altered, amended or repealed by a duly executed written instrument. Neither the Town nor the Contractor shall, without the prior written consent of the other, assign or sublet in whole or in part its interest under any of the Contract Documents and specifically, the Contractor shall not assign any moneys due or to become due without the prior written consent of the Town.

By executing this Agreement, Contractor warrants that:

1. Contractor has not allowed any competing bidder or employee or agent thereof to see Contractor's bid or to know of its content.

2. Contractor has not discussed the contents of its bid with any competing bidder, or any other person who a reasonably prudent person would believe would be likely to transmit the information to a competing bidder. Failure to abide by the above provision relating to collusion shall render the Contractor liable to the Town for damages, including, without limitations, payment of the bid bond as liquidated damages. In addition, the Town may void any contract entered into with a bidder guilty of collusion.

ARTICLE 8

Severability: If any part, portion of provision of the Contract shall be found or declared null, void or unenforceable for any reason whatsoever by any court of competent jurisdiction or any governmental agency having the authority thereover, only such part, portion or provision shall be effected thereby and all other parts, portions and provisions of the Contract shall remain in full force and effect.

ARTICLE 9

Contractor's Representations: In order to induce the Town to enter into this Agreement contractor makes the following representations and commitments:

1. Contractor has examined and carefully studied the Contract Documents, (including any and all Addenda) and the other related data identified in the Bidding Documents.

2. Contractor has inspected the site and become familiar with and is satisfied as to the general, local and site conditions that may affect cost, progress, performance or furnishing of the Work.

3. Contractor is familiar with and is satisfied as to all federal, State and local laws and regulations that may affect cost, progress and furnishing of the Work.

4. Contractor has carefully studied all reports of exploration and tests of subsurface conditions at or contiguous to the site and all drawings of physical conditions relating to surface or subsurface structures (except Underground Facilities) at or contiguous to the site.

5. Contractor acknowledges that such reports and drawings are not Contract Documents and may not be complete for Contractor's purposes.

6. Contractor acknowledges that the Town and the Project Manager do not assume responsibility for the accuracy or completeness of information and data shown or indicated in the Contract Documents with respect to such reports, drawings or to Underground Facilities (if any) at or contiguous to the site. Contractor has conducted, obtained and carefully studied (or assumes responsibility for having done so) all necessary examinations, investigations, explorations, tests, studies, and data concerning conditions (surface, subsurface and Underground Facilities) at or contiguous to the site or otherwise which may affect cost, progress, performance or furnishing of the Work or which relate to any aspect of the means, methods, techniques, sequences and procedures of construction to be employed by Contractor and safety precautions and programs incident thereto. Contractor does not consider that any additional examinations, investigations, explorations, tests, studies or data are necessary for the performance and furnishing of the Work at the Contract Price, within the Contract Times and in accordance with the other terms and conditions of the Contract Documents.

7. Contractor has reviewed and checked all information and data shown or indicated on the Contract Documents with respect to existing Underground Facilities at or contiguous to the site and assumes responsibility for the accurate location of said Underground Facilities. No additional examinations, investigations, explorations, tests, reports, studies or similar information or data in respect of said Underground Facilities are or will be required by Contractor in order to perform and furnish the Work at the Contract Price, within the Contract Time and in accordance with the other terms and conditions of the Contract Documents, including specifically the General Contract Conditions.

8. Contractor is aware of the general nature of work to be performed by the Town and others at the site that relates to the Work as indicated in the Contract Documents.

9. Contractor has correlated the information known to Contractor, information and observations obtained from visits to the site, reports and drawings identified in the Contract Documents and all additional examinations, investigations, explorations, tests studies and data with the Contract Documents.

10. Contractor has given the Project Manager written notice of all conflicts, errors, ambiguities or discrepancies that Contractor has discovered in the Contract Documents and the written resolution thereof by the Project Manager is acceptable to Contractor, and the Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing the Work.

11. Contractor will use its best skill and workmanship to provide Work of the highest quality which is consistent with the standards of the industry.

IN WITNESS WHEREOF, the Town of Parachute, Colorado, has caused this Contract to be subscribed by the Mayor and sealed and attested by its Town Clerk in its behalf; and the Contractor has signed this Contract the day and the year first mentioned herein.

The Contract is executed in four counterparts.

THE TOWN OF PARACHUTE, COLORADO

By: _____ _____
Mayor Date

ATTEST: SEAL:

By: _____
Town Clerk

_____
(Contractor)

By: _____ _____
Title Date

ATTEST: CORPORATE SEAL:

By: _____
Title

PO BOX 1167~SILT, CO 81652

970-625-2224 OFFICE ~ 970-625-2715 FAX

PROPOSAL

Submitted To:	Phone:	7/2/2014
Town Of Parachute Parachute CO Revised 7/2/2014	Job Name: 2014 Town of Parachute pavement repairs Parachute	

WE PROPOSE:

Description	Quantity	Unit	Unit Price	Extension
3"HMA #7,8,10,11	648	TN	$ 125.00	$ 81,000.00
2-4" HMA 3,4,5,6,9,12,13,14,15	194	TN	$185.00	$ 35,890.00
Manhole adj ring only	9	EA	$ 100.00	$ 900.00
Mobilization Pave Crew	1	LS	$ 6,500.00	$ 6,500.00
3" Full depth mill #7	1,449	SY	$4.00	$ 5,796.00
2" Joint and Misc mill	1,103	SY	$6.50	$ 7,169.50
Water Valve Ring Only	9	EA	$ 100.00	$ 900.00
Finish grade base	1449	SY	$2.65	$ 3,839.85
Mobilization base crew	1	EA	$ 2,500.00	$ 2,500.00
Mobilization mill	1	LS	$ 2,500.00	$ 2,500.00
Traffic Control	10	DY	$ 700.00	$ 7,000.00
Bond Rate $2,000.00 1st 100k + 2% · 2% there after	1	EA	$ 2,000.00	$ 2,000.00
				$ 155,995.35

Notes;
*Testing, permits, fees,, soft subgrade excluded
*Above work includes a one time mobilization each additional is $750.00
* Bond rate is $2,000.00 first $100,000.00 & 2% after on any additional contract amount.

UNLESS OTHERWISE NOTED, THIS IS A UNIT PRICE PROPOSAL

All of the above work to be completed in a workmanlike manner for the above stated sum.

Important: The terms and conditions stated on page 2 hereof are expressly made a part of this contract. This proposal shall not become a binding contract unless and until the Acceptance of Proposal and Confirmation by Contractor on page 2 has been executed. This proposal must be accepted as provided and delivered to Frontier Paving Inc. 20 days from above date or it shall expire.

Accepted Proposal # 12456

Date:_____

By:_____

Print Name:_____

Respectfully submitted
Frontier Paving Inc.

By:_____

Dave Helberger

PO BOX 1167~SILT, CO 81652

970-625-2224 OFFICE ~ 970-625-2715 FAX

TERMS AND CONDITIONS

This contract amount is payable to Frontier Paving Inc. for monthly work as it progresses with the entire balance payable upon completion unless otherwise provided in this contract or in the plans and specifications. Unless otherwise specified herein, the plans and specifications, if any, are expressly made a part of this contract. The contractor shall perform all the work in accordance with the terms of the plans and specifications.

If payments for work are not made when due, the contractor may stop work or terminate this contract and recover from the customer payment for all work executed and any loss sustained and reasonable profit and damages. It is hereby mutually agreed that the contractor shall not be held responsible or liable for any loss, damage, liquidated damages or delay caused by fire, strike, civil or military authority or any other cause beyond its control.

The customer may order additional work or changes in writing at any time, at an agreed price or at the contractor's regular rates for the time and material work.

A late charge of 18% per annum on the outstanding balance may be imposed upon all pat due amounts. Customer agrees to pay all costs of collection and a reasonable attorney's fee if the account becomes delinquent and is referred for collection.

ACCEPTANCE OF PROPOSAL

The prices, specifications, term and conditions stated above and on page 1 hereof are satisfactory and are hereby accepted.
By acceptance, I understand that a binding contract has been created when confirmed by Frontier Paving Inc.

ACCEPTED PROPOSAL # 12412

Date:_____

Signature:_____

Signature:_____

CONFIRMATION BY CONTRACTOR

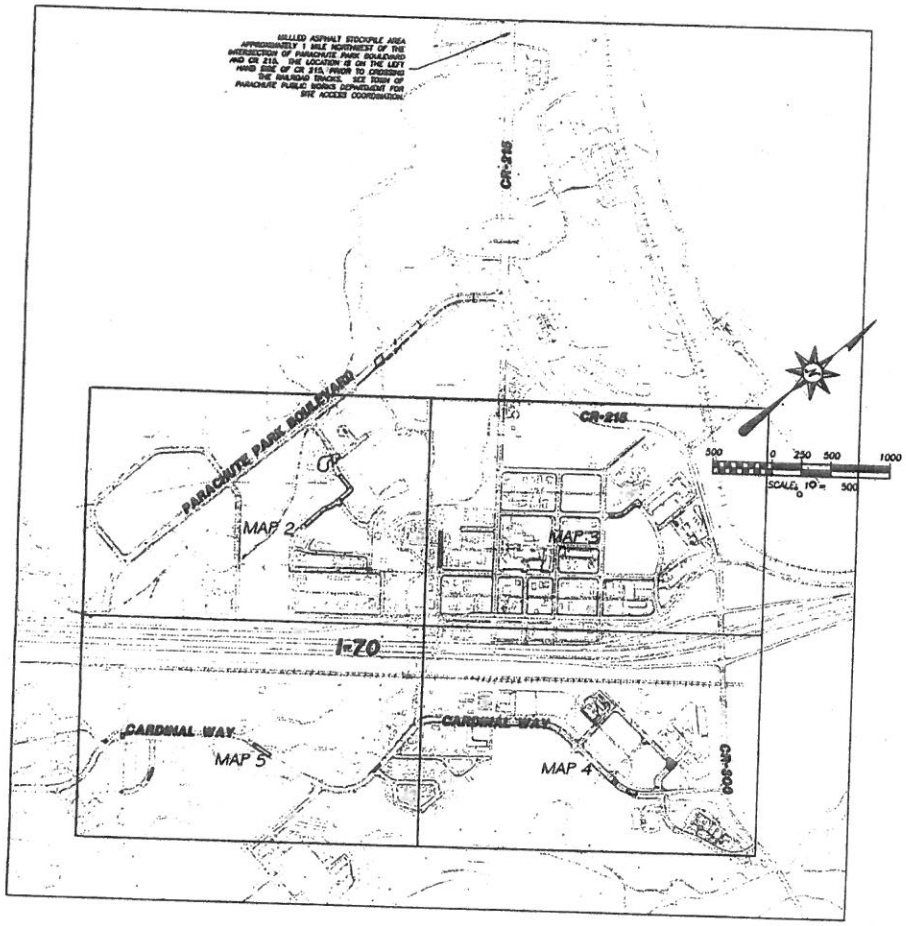
FRONTIER PAVING INC.

Date:_____

By:_____

Dave Heiberger

2014 ASPHALT PAVEMENT REPAIRS
Town Of Parachute, Colorado



GENERAL CONSTRUCTION NOTES

1. Locations of existing utilities shown on these plans are approximate only. Contractor is to contact affected utility for specific locations before digging.

2. The Contractor shall notify the engineer if unanticipated conditions are encountered during completion of the work which require modifications to the contract drawings. The engineer can be reached at (970)242-7540.

3. Contractor shall give 48-hour notice to all authorized inspectors, superintendents, or person in charge of public and private utilities affected by his operations prior commencement of work. Contractor shall assure himself that all construction permits are current.

4. Contractor shall confine his construction operations to the right-of-way, easements, and lots, as shown on plans and plat. Any damage to private facilities outside these limits shall be repaired by the Contractor at no expense to the Owner.

5. All construction work for this project shall conform with the latest edition of the Town of Parachute Public Works Improvements Manual.

6. Contractor shal be responsible for providing all construction materials testing work for the project. Testing frequencies and requirements are specified in the Standard Specifications for Road and Bridge Construction requirements included in the Town of Parachute Public Works Improvements Manual.

7. The Contractor will not be responsible for re-establishing or replacing any asphalt pavement markings.

8. The Contractor shall provide a TEE PATCH - 2-inch X 12-inch mill area, for all pavement repair areas.

9. The Contractor shall mill asphalt 2" deep X 8-ft wide minimum area along all gutter pans and pavement butt joint areas.

10. Asphalt Tack Coat work shall be included in the unit price for pavement overlay work. This item will not be paid for as a separate pay item.

11. Asphalt pavement shall be Grade "SX" with 20% RAP, 75 Design Gyration, PG 64-22F Asphalt Cement mix.

12. All asphalt overlay areas shal be a minimum of 2-inches thick.

13. All repair will require removal of existing asphalt, recompaction/reconditioning of sub-base area, new roadbase (10" to 12" thk) and new asphalt patchwork (4" to 5" Thk).

14. All milled asphalt material shall remain property of the Town of Parachute. Milled asphalt material may be stockpiled at a property located on CR 215, approximately XX miles north of Parachute Park Boulevard.

15. If the Contractor elects to demolish the asphalt repair areas using methods besides milling, the contractor shall be responsible for disposal of the material in an approved location/facility.

14. Asphalt Repair Areas shall include a geogrid (Tensar BX-1200 or equal) placed at the top of the subgrade unless otherwise noted.

REVISIONS

No.	Description	Date	By
1	CONTRACT AWARD WITH TOWN, GEOGRID TEXT	04-04-14	DPA

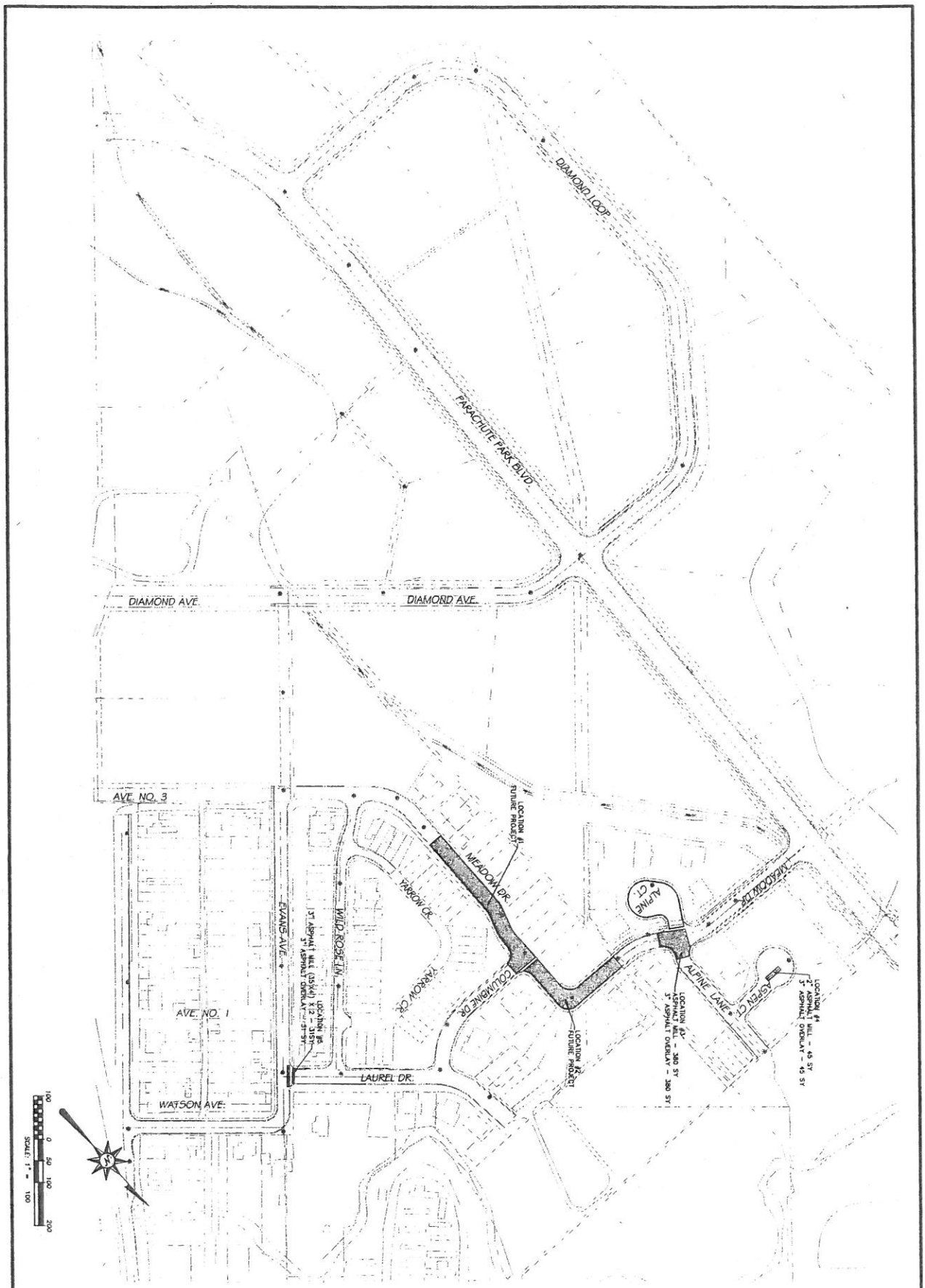
"CALL 811 BEFORE YOU DIG"
State of Colorado
1-800-922-1987

PHILIP A. PATRICK, P.E. & P.L.S. STATE OF COLORADO
AUSTIN CIVIL CORPORATION
DBA A C G CIVIL GROUP, INC.
1 CR 215 BOX 1 PARACHUTE, CO 81635
PHONE: (970) 285-9480 FAX: (970) 285-9486
PHILIP@ACGCIVIL.COM

A • C • G
AUSTIN CIVIL GROUP, INC
Land Planning • Civil Engineering • Development Services
326 Main Street, Suite 202 Lafayette, Colorado 80026

2014 Asphalt Pavement Repairs
COVER / INDEX SHEET
prepared for
TOWN OF PARACHUTE

JOB NUMBER 194.0026
DATE 04/03/2014
SCALE 1" = 500'
SHEET 1 of 5



SHEET NO. 2 of 5	SCALE: 1" = 100'	DATE: 04/03/2014	JOB NO. 1194.0026

DRAWN BY:
DESIGNED BY:
CHECKED BY:
APPROVED BY:

2014 ASPALT PAVEMENT REPAIRS

Description: MAP 2

Prepared for: TOWN OF PARACHUTE

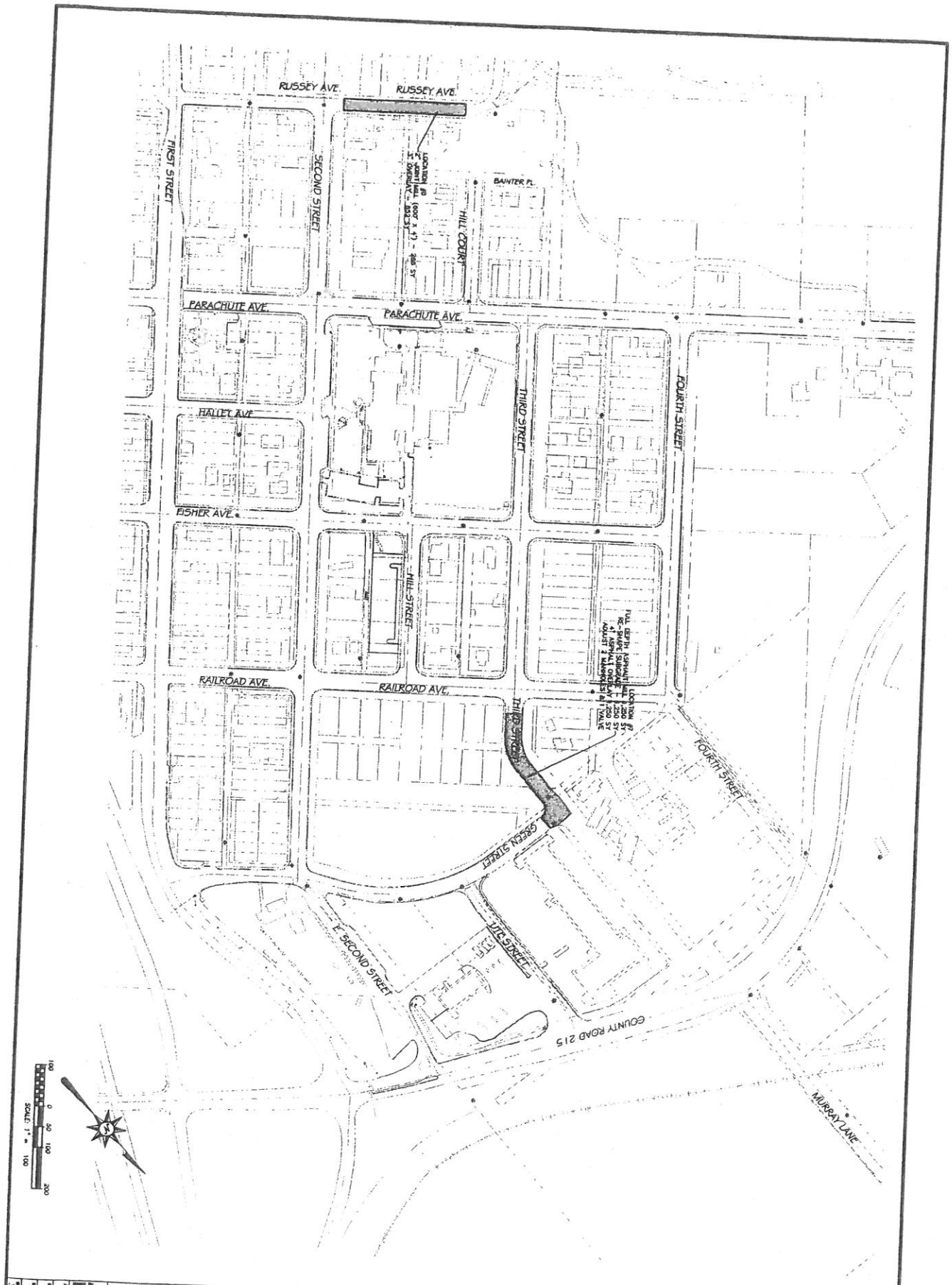
A·C·G
AUSTIN CIVIL GROUP, INC
Land Planning • Civil Engineering • Development Services
336 Main Street, Suite 2[illegible], Fruita, Colorado 81501
970.242.7540

REVISIONS

NO.	DESCRIPTION	DATE	BY
1	CONTRACT AWARD WORK SCOPE MODIFICATIONS	06-24-14	mrs

CALL UTILITY NOTIFICATION CENTER OF COLORADO
1-800-922-1987
CALL 2-BUSINESS DAYS IN ADVANCE BEFORE YOU DIG, GRADE, OR EXCAVATE FOR THE MARKING OF UNDERGROUND MEMBER UTILITIES.

SCALE VERIFICATION
BAR IS ONE INCH ON ORIGINAL DRAWING
IF NOT ONE INCH ON THIS SHEET ADJUST SCALES ACCORDINGLY



2014 ASPHALT PAVEMENT REPAIRS

MAP 3

prepared for

TOWN OF PARACHUTE

A • C • G

AUSTIN CIVIL GROUP, INC

Land Planning • Civil Engineering • Development Services

336 Main Street, Suite 202 • Grand Junction, Colorado 81501

970 242-7540

REVISIONS			
NO.	DESCRIPTION	DATE	BY
1	CONTRACT AWARD WORK SCOPE MODIFICATIONS	05-21-14	[illegible]

CALL UTILITY NOTIFICATION CENTER OF COLORADO

1-800-922-1987

CALL 2 BUSINESS DAYS IN ADVANCE BEFORE YOU DIG, GRADE, OR EXCAVATE FOR THE MARKING OF MEMBER UTILITIES UNDERGROUND FACILITIES.

SCALE VERIFICATION

BAR IS ONE INCH ON ORIGINAL DRAWING

IF NOT ONE INCH ON THIS SHEET ADJUST SCALES ACCORDINGLY

DRAWN BY:

DESIGNED BY:

CHECKED BY:

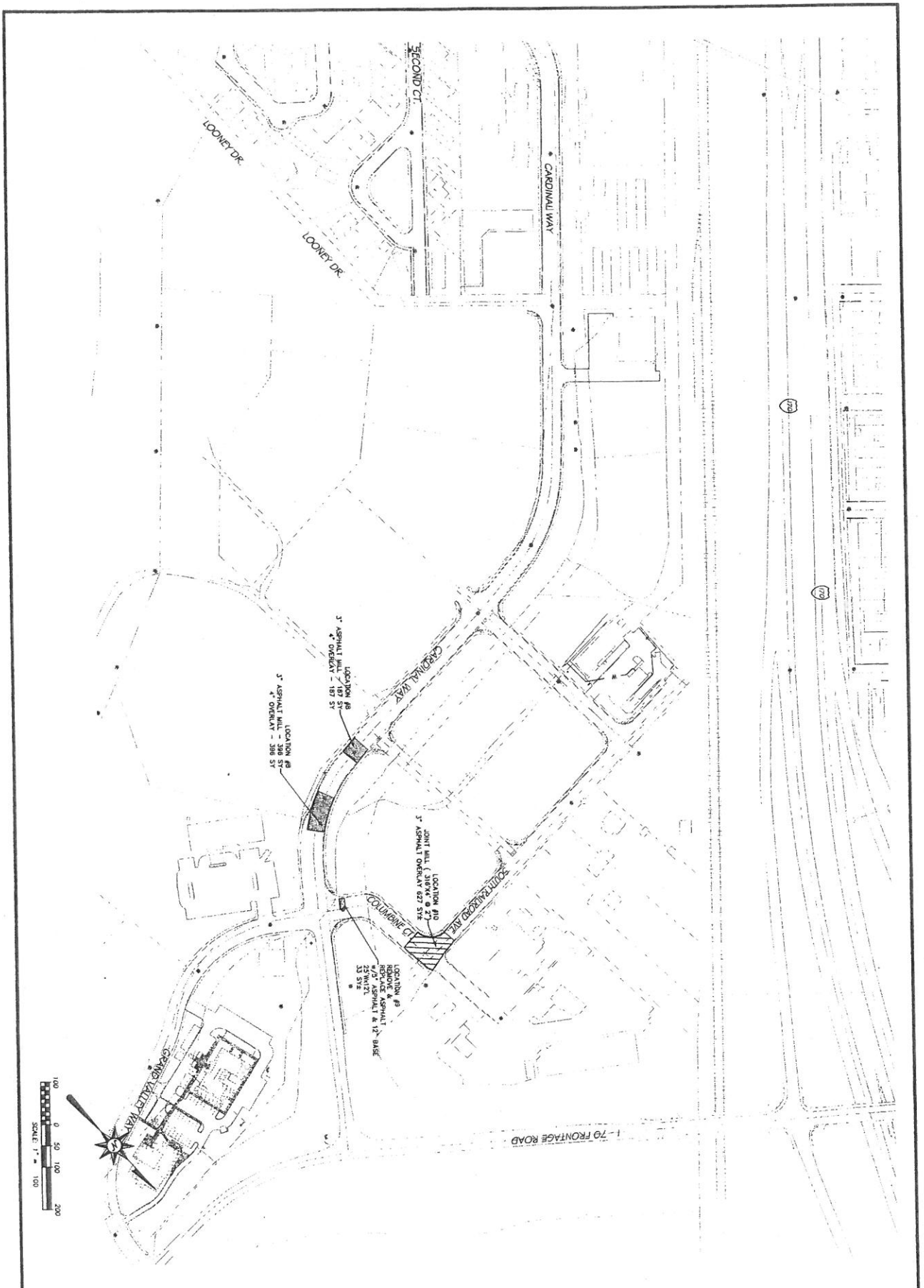
APPROVED BY:

JOB NUMBER: 194.0026

DATE: 04/03/2014

SCALE: 1" = 100'

SHEET 3 OF 5



DRAWN BY:	2014 ASPHALT PAVEMENT REPAIRS	A • C • G	REVISIONS
DESIGNED BY:	description: MAP 4	AUSTIN CIVIL GROUP, INC	NO. / DESCRIPTION / DATE / BY
CHECKED BY:		Land Planning • Civil Engineering • Development Services	1 / CONTRACT AWARD WORK SCOPE MODIFICATIONS / 06-24-14 / mrp
APPROVED BY:	prepared for: TOWN OF PARACHUTE	536 Main Street, Suite 203 • Grand Junction, Colorado 81501	

CALL UTILITY NOTIFICATION CENTER OF COLORADO
1-800-922-1987
CALL 2-BUSINESS DAYS IN ADVANCE BEFORE YOU DIG, GRADE, OR EXCAVATE FOR THE MARKING OF UNDERGROUND MEMBER UTILITIES.

SCALE VERIFICATION
BAR IS ONE INCH ON ORIGINAL DRAWING
IF NOT ONE INCH ON THIS SHEET ADJUST SCALES ACCORDINGLY

JOB NUMBER: 194.0026
DATE: 04/03/2014
SCALE: 1" = 100'
SHEET NO. 4 of 5

AGENDA ITEM

BOARD APPROVAL TO ENTER INTO A CONTRACT WITH FRONTIER PAVING FOR PAVEMENT MAINTENANCE AND MAYOR TO SIGN THE SAME.

AGENDA ITEM

PUBLIC HEARING:

PUBLIC MEETING BEFORE THE BOARD OF TRUSTEES FOR A LAND USE APPLICATION:

APPLICANT/OWNER:	**Clear Creek Ranch, LLC** **643 County Road 337** **Parachute, CO 81635**
PROJECT NAME:	**Grand View Industrial Center Planned Unit Development**
PROJECT LOCATION:	**Intersection of Murray Court and Murray Lane**
LEGAL DESCRIPTIONS:	**See Attached**

Request Hearing be Continued to August 14th Board Meeting

Phil Vaughan Construction Management, Inc.
1038 County Rd 323 Rifle, CO 81650

2. Proposal

May 23, 2014

Mr. Stuart McArthur
Town of Parachute Administrator
P.O. Box 100
222 Grand Valley Way
Parachute, CO 81635

Dear Mr. McArthur,

Please find below and attached details regarding our proposal.

A. Description of Proposal

The Grand View Industrial Center Planned Unit Development was approved by the Town of Parachute in May 1982 and was effectively zoned PUD.

Please find attached a copy of the Improvement Survey Plat- Clear Creek Ranch, LLC dated 9/4/13.

As per our meetings and discussions over the past month, it has been determined that a Planned Unit Development Guide and Covenants, Conditions and Restrictions are needed for the Grand View Industrial Center Planned Unit Development.

Please find these documents attached.

The purpose of our hearings before the Town of Parachute Planning Commission and the Town of Parachute Board of Trustees is to gain approval for these documents. These documents will then be recorded by the Garfield County Clerk and Recorder and will then be of public record.

B. Compliance with the Town of Parachute Land Use Regulations and the Town of Parachute Master Plan 2002.

15.05.104- Pre-Application Conference
Conducted on May 7, 2014 at 1:30 p.m. at Parachute Town Hall with Stuart McArthur- Town Administrator and Derek Wingfield- Town Code Enforcement Officer.

15.05.201- Administrative Procedures, Purpose and Applicability
(m) Any other land use application without a specific review process
A public hearing will be conducted on July 7, 2014 with the Town of Parachute Planning Commission and a public hearing will be conducted on July 10, 2014 with the Town of Parachute Board of Trustees.

15.05.206- Review Criteria and Planning Commission Recommendation
Clear Creek Ranch, LLC believes that the following criteria item is to be considered in the Planning Commission recommendation.
(a) Review Criteria
(1) Conformance of the proposal with the Town of Parachute Municipal Code
Applicant Reply: Clear Creek Ranch, LLC believes that the Planned Unit Development Guide and Covenants, Conditions and Restrictions for the Grand View Industrial Center Planned Unit Development are in compliance with Section 15.03.330- Variations from Zoning Provisions.

15.05.208- Board of Trustees Review and Decision
Clear Creek Ranch, LLC believes that the following criteria item is to be considered in the Board of Trustees decision.
(a) Review Criteria
(1) Conformance of the proposal with the Town of Parachute Municipal Code
Applicant Reply: Clear Creek Ranch, LLC believes that the Planned Unit Development Guide and Covenants, Conditions and Restrictions for the Grand View Industrial Center Planned Unit Development are in compliance with Section 15.03.330- Variations from Zoning Provisions.

15.03.330- Variations from Zoning Provisions.
"To implement the purposes of Planned Unit Developments, variation may be permitted in certain zone district requirements, including minimum lot sizes, height, setback, parking and open space requirements."

Applicant Reply: Clear Creek Ranch, LLC has requested requirements differing from the Town of Parachute zone districts within our submitted PUD guide.

The proposed Commercial Industrial District allows for a broad range of uses with an understanding that this property is an Industrial PUD.

Other dimensional issues are described as well:

3. Minimum Lot Size: 6,000 sq. ft.

4. Maximum Lot Coverage (percent): 75%

5. Maximum Building Height: 35 feet

6. Minimum Lot Width: 25 feet

7. Minimum Lot Depth: 100 feet

8. Maximum Floor Area Ratio: None

9. Minimum Building Setbacks:

   a. Front Yard- 10 feet
   b. Rear Yard- 10 feet
   c. Side Yard- 0 feet

These dimensions are reasonable and provide for an Industrial development that is developed in an orderly manner.

Section VII- Town of Parachute Land Use Regulations reinforces and recognizes the authority of the Town of Parachute and their site plan review and building permit processes.

15.03.360- Review Criteria
(i) *"The design of the PUD shall promote a high quality development, consistent with the Town's economic development objectives and the Parachute Plan."*

Applicant Reply: The Planned Unit Development Guide and Covenants, Conditions and Restrictions for the Grand View Industrial Center Planned Unit Development achieve this criteria.

C. Compliance with the Town of Parachute Master Plan 2002.

It is recognized that the Grand View Industrial Center Planned Unit Development was approved by the Town of Parachute in May 1982, well in advance of adoption of the Master Plan of 2002.

Via this approval in 1982, it is asserted that the land use within the Grand View Industrial Center Planned Unit Development is recognized as compliant with the Master Plan of 2002.

Further evidence of this assertion can be found within the Master Plan of 2002:

1. "Master Plan for Future Land Use and Public Facilities- Mapping prepared by Michael Blair- Planner. The subject property is noted as "General Industrial".

2. Goals and Policy Statements- 8.6.1- Goal: Assure and support an employment base supportable in a manner compatible with and complementary to the Town.

3. Section 7.13- Master Plan- Land Use Categories (Mixed Use Areas) notes *"Mixed Use Areas are comprised of one or more of the previously described uses: residential, commercial or light industrial. The specific mix of uses has intentionally been left undetermined to allow for innovative and site sensitive planning which is responsive to the changing economic market conditions of the region. Development proposals within the mixed use areas shall be consistent with the intent of the Master Plan, compatible with adjacent existing and proposed land uses and suitable for the site's specific characteristics, such as topography, visibility, ambient noise levels and access."*

Applicant Reply: The Grand View Industrial Center Planned Unit Development was approved by the Town of Parachute in May 1982, well in advance of adoption of the Master Plan of 2002.

Via this approval in 1982, it is asserted that the land use within the Grand View Industrial Center Planned Unit Development is recognized as compliant with the Master Plan of 2002.

Conclusion:

We request Town of Parachute approval of the Planned Unit Development Guide and Covenants, Conditions and Restrictions for the Grand View Industrial Center Planned Unit Development.

Please contact me with any questions.

Sincerely,

Philip B. Vaughan
President
Phil Vaughan Construction Management, Inc.
970-625-5350

Attachments:

1. Improvement Survey Plat- Clear Creek Ranch, LLC dated 9/4/13 (11x17 and D size format)
2. Grand View Industrial Center, P.U.D. Zone Districts dated May 23, 2014
3. Declaration of Covenants, Conditions and Restrictions for Grand View Industrial Center, P.U.D. dated May 23, 2014

5/22/14

GRAND VIEW INDUSTRIAL CENTER, P.U.D. ZONE DISTRICTS

I. Zone District Regulating Authority

The provisions of these regulations shall prevail and govern the development of the Grand View Industrial Center, P.U.D.; provided, however, that where the provisions of the Grand View Industrial Center, P.U.D. Zone Regulations herein or the Declaration of Covenants, Conditions and Restrictions for the Grand View Industrial Center, P.U.D. do not clearly address a specific subject, the ordinances, resolutions, or regulations of the Town of Parachute shall prevail. Definitions established by the Town of Parachute Land Use Regulations shall have precedence.

II. Zone Districts

To carry out the purposes and provisions of the Town of Parachute Land Use Regulations, the Grand View Industrial Center, P.U.D. Zone District is further divided into the following zone district classification:

C/I Commercial Industrial District

III. C/I Commercial Industrial District

Lots 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21 inclusive, according to the Plat of the Grand View Industrial Center, P.U.D., and as said Lot lines are subsequently relocated, adjusted or dissolved via approval from the Town of Parachute.

1. Permitted Uses:
    a. Truck or Car Wash
    b. Campgrounds
    c. Commercial Parking Lots or Garages
    d. Contractors (carpentry, machine, electrical, plumbing) shops
    e. Contractors yards- heavy equipment
    f. Equipment (heavy equipment) sales and service and storage
    g. Laundry- Commercial
    h. Manufacturing, fabrication and assembly operations or industrial uses
    i. Mixed-use commercial uses and multiple commercial uses in the same building or on the same lot
    j. Mixed industrial uses and multiple uses in the same building or on the same lot
    k. Natural Gas production, transmission, storage and warehousing
    l. Offices for the conduct of a business or profession
    m. Oil/Petroleum product production, transmission, warehousing and storage
    n. Open Sales Yards
    o. Outside Storage

p. Paint and Body Shops
q. Personal Storage Units
r. Printing and Bookbinding- commercial
s. Recreational vehicle (motorized) sales and service
t. Research and Development Facility/Laboratory
u. Tree and flower Nurseries
v. Vehicle Fueling Facilities
w. Vehicle (automobiles and trucks) Repair
x. Vehicle sales and service
y. Veterinary Clinics or Hospitals with or without kennels
z. Warehouses
aa. Wholesale Distribution Centers
bb. Wholesale Sales Establishments
cc. Wholesaling Distribution and Storage
**Uses not designated above are not allowed.

2. Special Review Use: None

3. Minimum Lot Size: 6,000 sq. ft.

4. Maximum Lot Coverage (percent): 75%

5. Maximum Building Height: 35 feet

6. Minimum Lot Width: 25 feet

7. Minimum Lot Depth: 100 feet

8. Maximum Floor Area Ratio: None

9. Minimum Building Setbacks:

a. Front Yard- 10 feet
b. Rear Yard- 10 feet
c. Side Yard- 0 feet

IV. Pre-Existing Uses

The following lots as of May 2014 have pre-existing structures that will be allowed to continue occupation and operation as these structures extend across lot lines and easements.
Lots 2 and 3- Dimension: 24.2' x 72.4'- Modular building
Lots 15, 16, and 17- Dimension: 51.8' x 146.7'- 8 bay shop with offices
Lots 18 and 19- Dimension: 34.3' x 94.2'- Single Story Wood Frame building with a 16.3' x 45.6'

addition at the Southwestern elevation.
These existing buildings will be considered pre-existing, non-conforming structures and will not be subject to minimum setbacks set forth in the respective P.U.D. zone district.
If any of these structures are to be expanded in square footage or relocated, the Lot Owner will be required to bring the structure into compliance with the setback requirements of the respective P.U.D. zone district.

V. Landscaping and Screening Requirements

The Grand View Industrial Center, P.U.D. is a primarily industrial development intended for heavy industry. Landscaping and screening shall not be required via the Town of Parachute review process.

VI. Exterior Surfacing

Travel and parking portions of lots shall be surfaced with asphalt, concrete, compressed gravel or equivalent surfacing materials.

VII. Town of Parachute Land Use Regulations

Lot owners are required to comply with the Town of Parachute Land Use Regulations in regards to Site Plan Review, Building Permits and other requirements for development that are not specifically addressed otherwise in this P.U.D. Zone District document.

EXHIBIT A

Improvement Survey Plat
Prepared by Bookcliff Survey Services, Inc.
Revision 9/4/13

Only relevant to:
Parcel 1
Lots 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21
Grand View Industrial Center
in the Town of Parachute
The plat of which is recorded as document no. 331635
County of Garfield
State of Colorado

A ▪ C ▪ G

Austin Civil Group, Inc.

Land Planning ▪ Civil Engineering ▪ Development Services

July 2, 2014

Mr. Stuart McArthur, Town Administrator
Town of Parachute
P. O. Box 100
Parachute, CO 81635

Re: GRAND VIEW INDUSTRIAL PUD
Development Application Review

Dear Mr. McArthur:

The purpose of this letter is to provide the Town of Parachute a review of the subject application and it's compliance with the Town of Parachute Land Use Regulations. The subject application is marked as a "Planned Unit Development" (PUD) which I believe is intended to fulfill the requirements for a preliminary/final PUD application.

The applicant submitted the following documents as part of the application process:

(1) Table of Contents
(2) Land Use Application Form
(3) Adjacent Property Owner Information
(4) Mineral Rights Owners and Lessees of Subject Property
(5) Garfield County Tax Certificates
(6) Legal Description of application land area
(7) Location Map
(8) Deed of Trust
(9) Certificate of Good Standing from State of Colorado for Clear Creek Ranch, LLC
(10) Letter authorizing Phil Vaughn Construction Management to represent Clear Creek Ranch, LLC for the application;
(11) Letter Dated May 23, 2014 from Phil Vaughn Construction Management, Inc. to Mr. Stuart McArthur describing the proposed application;
(12) Improvements Survey of the proposed property;
(13) Grand View Industrial Center P.U.D. Zone Districts document dated 5/22/14;
(14) Declaration of covenants, conditions and restrictions for Grand View Industrial Center, P.U.D dated 5/22/14

In reviewing the applicant's submittal documents for this project, it appears this application is requesting to correct deficiencies with a 1982 PUD application that was approved by the Town of Parachute in 1982. According to the applicant's letter to Mr. McArthur, the planned unit development guide and covenants, conditions, and restrictions were not completed as part of the 1982 PUD application process.

123 north 7th Street ▪ suite 300 ▪ grand junction, colorado 81501 ▪ 970-242-7540 phone ▪ 970-255-1212 fax

The requirements for PUD Zones are specified in Section 15.03.300 of the Town of Parachute's Land Use Regulations (code). Section 15.03-360 – *Review Criteria* and ***Section 15.03.380-Previously Approved Planned Unit Developments*** are directly applicable to this application request.

Section 15.04.380 was specifically placed in the Land Development Code by the Town Board in 2005 because older PUD's have historically been a problem for the Town of Parachute. This provision was specifically added to reinforce the Town's goal of discouraging any further PUD's and to convert existing PUD's to standard zoning districts. Listed below is a specific language from this section of the code:

15.03.380 Previously Approved Planned Unit Developments

(A) The Board of Trustees finds that the Town is burdened by a number of "Planned Unit Developments" which were approved in most cases more than 20 years age, and approvals for which have in most cases have expired. Some of these Planned Unit Developments are unbuilt, some have some infrastructure completed, and some have begun development. Most of these Planned Unit Developments have no defined underlying standard zoning district which the Planned Unit Development documents were intended to modify. This situation has caused uncertainty and made it difficult for the owners of the properties to develop them and put the land to productive use.

(B) Prior to development or sale of any land that is undeveloped as of September 30, 2005 and was previously part of a Planned Unit Development, and upon which no improvements have been made must either:

(1) Request and obtain approval for an underlying standard zoning district(s) in conjunction with a Planned Unit Development application; or

(2) Request and obtain approval of a standard zoning district or districts, and develop the property other than as a Planned Unit Development.

(C) Any Planned Unit Development approved prior to September 30, 2005, and partially developed prior to that date, may continue and complete such development under the terms and conditions of approval for that Planned Unit Development; subject, however, to the provision that any modifications to that Planned Unit Development shall require review and approval under the present requirements of this Code and further provided that any requirements or uses unspecified in the original Planned Unit Development shall be specified by the Town of Parachute in accordance with the provisions of the most appropriate Town zone district consistent with the purpose of the original Planned Unit Development

(D) Upon its own application, in the absence of a request for designation of an underlying zone district, and upon such notice as is required by this Code, the Town may zone the property encompassed by the Planned Unit Development to a standard zone district, so that the Planned Unit Development documents 9if valid) will become an overlay zone district.

Section 15.03.210 – *Purpose of Planned Unit Developments*, describes the conditions when the Town should consider PUD type development. The specific language for this section is depicted below:

15.03.310 Purpose of Planned Unit Developments
The purpose of Planned Unit Developments (PUD) is to provide flexibility in the development of large sites, to encourage integrated planning and to promote the unified and consolidated development and use of such tracts of land. The PUD regulations are intended to promote higher economic uses in development of tracts of land while protecting the unique environmental and ecological assets and to allow for special residential, recreational, commercial and industrial developments in which various uses and structures may be grouped in appropriate relationship to each other and to open space and common facilities. The PUD regulations are also intended to encourage a more efficient use of land and of public services, to promote high quality developments which implement the policies of the *Parachute Plan*, and to ensure the development is compatible with the Town and adjacent land uses.

In general, PUD's are typically implemented when unique conditions or site considerations are needed to develop a property because the property couldn't otherwise be developed using existing land use requirements.

LAND USE REGULATIONS SUBMITTAL REQUIREMENTS

The submittal requirements for a preliminary/final PUD application are stated in Section 15.06.210 of the code. This provision of the code also requires compliance with Section 15.06.207(Preliminary Plan) 15.06.208 (Final Subdivision Plan), 15.06.209 (Preliminary PUD Plan), 15.06.104 (Site Plan Requirements).

REVIEW OF APPLICANT'S SUBMITTALS

The applicant provided an "Improvements Survey" map which does a good job of depicting the existing site conditions on the property, but this plan does not provide the information required for a Final Plan. The survey clearly points out several problems with improvements constructed on the site, including the following:

1. The irrigation ditch along the north side of the site is not located within the 20-ft drainage and Access Easement in several locations;
2. Several of the existing easements are only 10-ft in width which is not adequate to allow for maintenance and repair operations with trespassing onto private property;
3. An existing building is constructed over Lot lines for Lots 15, 16 and 17;
4. An existing building is constructed over Lot lines for Lots 18 and 19;
5. An existing building is constructed over Lot lines for Lots 3 and 4;

6. An existing building is constructed over the majority of a 20-ft utility easement which has a Town of Parachute water main that services these industrial properties or the Town's water main was not constructed within the 20-ft designated utility easement;
7. A building encroaches into the utility easement area on Lot 2 and Lot 3;
8. A pump shed is constructed in an drainage and access easement;
9. A shed encroaches over the Lot 17 and 18 lot lines;
10. The office trailer installed on Lot 1 of KOA Addition was not approved by the Town of Parachute;

The applicant has not provided a PUD Plan as required by Section 15.06.209 & 15.06.210.

My review comments on the "Grand View Industrial Center PUD Zone Districts" document are listed below:

1. Part III, Permitted uses: Is a campground an appropriate use in this industrial subdivision? If this is to be allowed, what will be the specific use development criteria for a campground? Is a man-camp considered a campground?

2. Part III, Permitted uses: Not allowing any a specific use that isn't "permitted" on your current list seems pretty restrictive and presents problems in the future when new products and businesses develop. A great example is landscape rock, mulch or topsoil sales. Your list only includes trees and flowers. Keep in mind that if this is approved, it's approved in perpetuity.

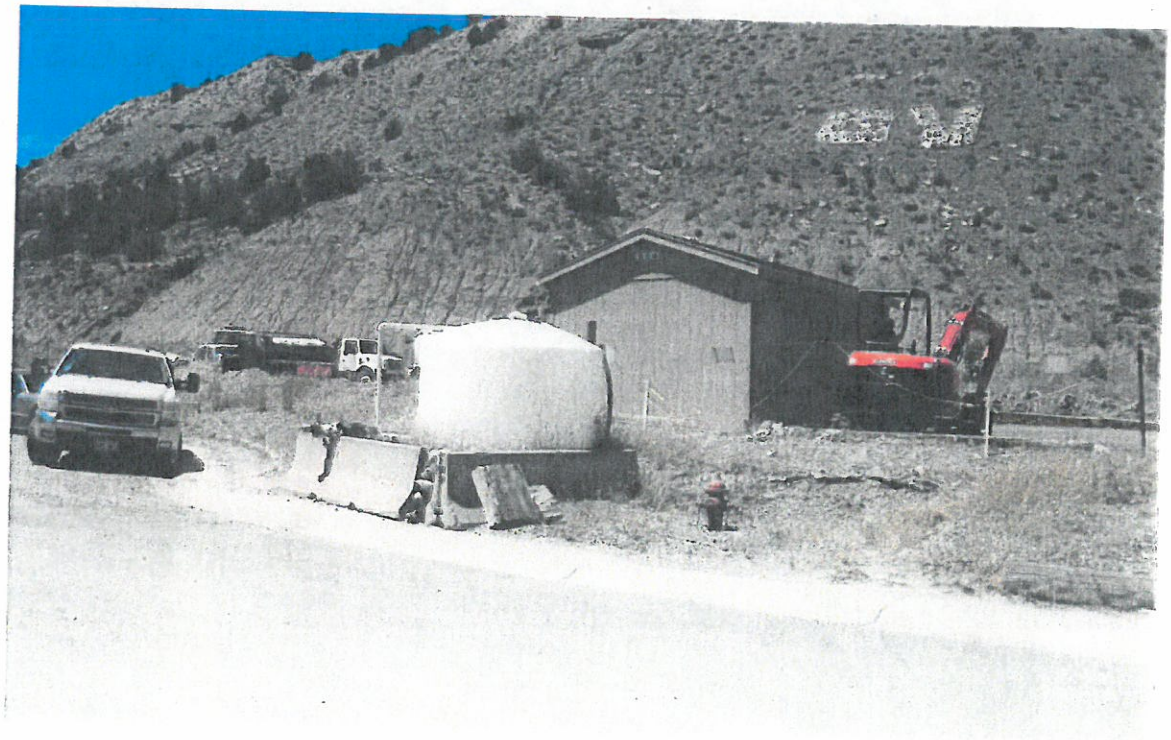
3. Part III, minimum lot size of 6,000 square feet is not realistic for a commercial / industrial lot that will require a building, parking, stormwater mitigation, parking, etc. My suggestion would be to use the "General Industrial" zone district standards which is a minimum of 20,000 square feet.

4. Part III, minimum lot width of 25-ft has historically been problematic within the existing Town limits. Even with a 0 side yard setback, the fire wall rating requirements typically are cost prohibitive to allow construction less than 5-ft from the property line. Again, I would recommend using the "General Industrial" zone district standards which is a minimum of 60-feet.

5. Part IV, Pre-Existing Uses, this statement does not specify what "uses" are currently on the properties. It currently only states what "structures" are on the property. I would suggest a comparison of approved building permits be made with the existing uses. It's very possible that sewer and water tap fee changes may be needed.

6. Part IV, Pre-existing conditions. The statement that existing non-conforming uses can continue is not acceptable. These non-conforming issues must be resolved by relocation of property lines, adjustment of easement areas, or movement of the structures to make them compliant.

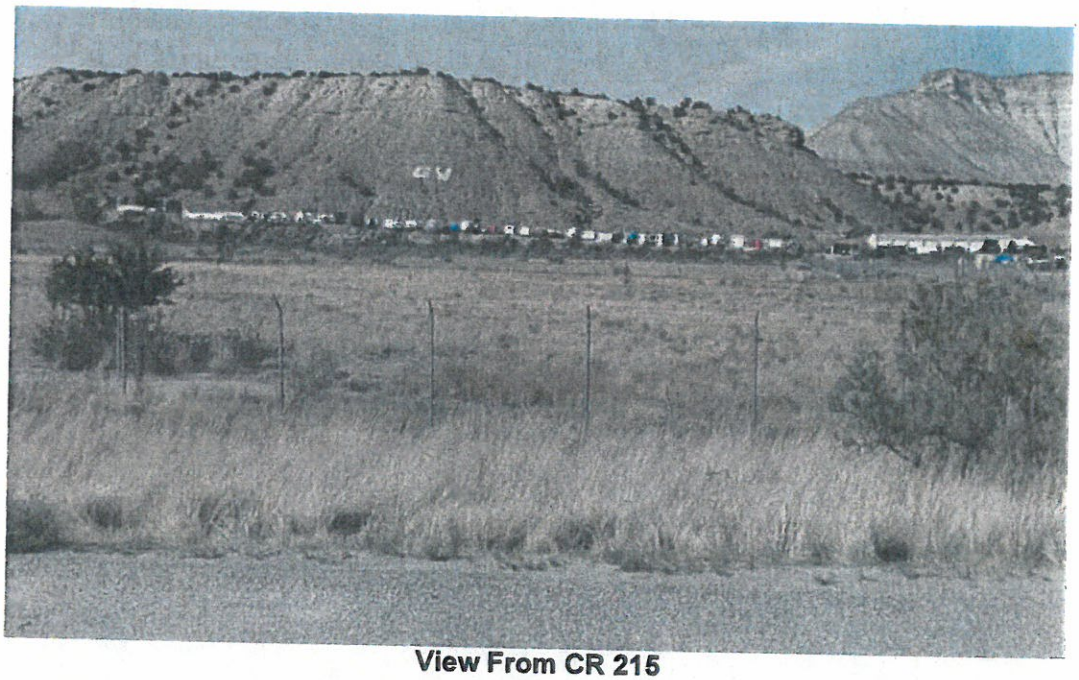
Trailer Encroaching In Easement & Over Lot Lines – No Building Permit Issued



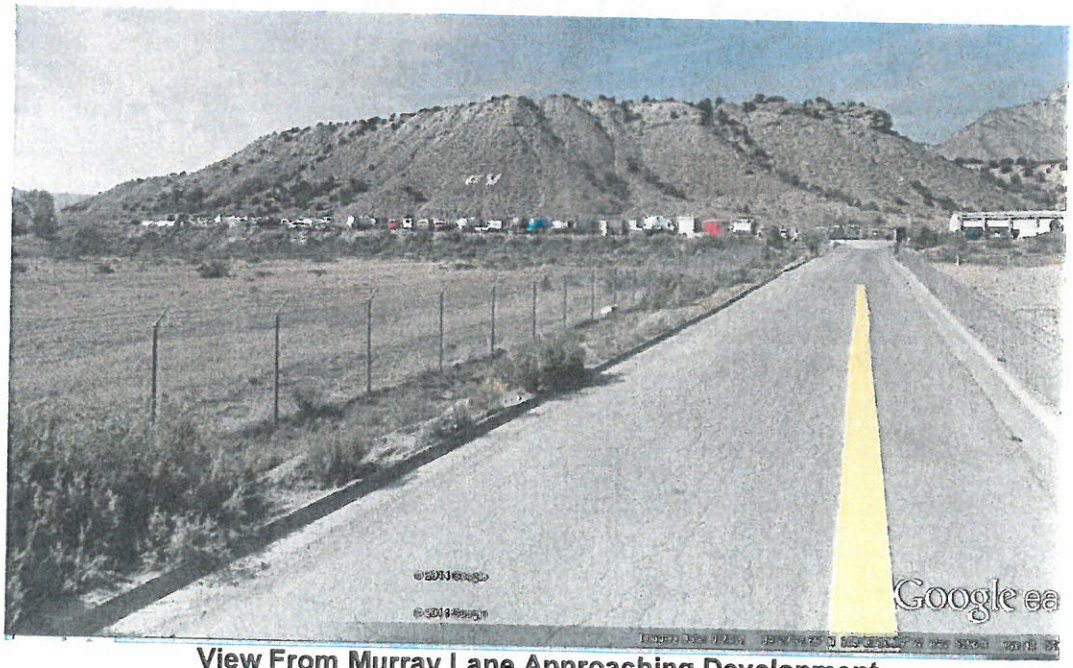
Tanks/Equipment Constructed in Right-Of-Way

7. Part IV, A new subdivision plat will be needed to address building encroachments and utility encroachments.

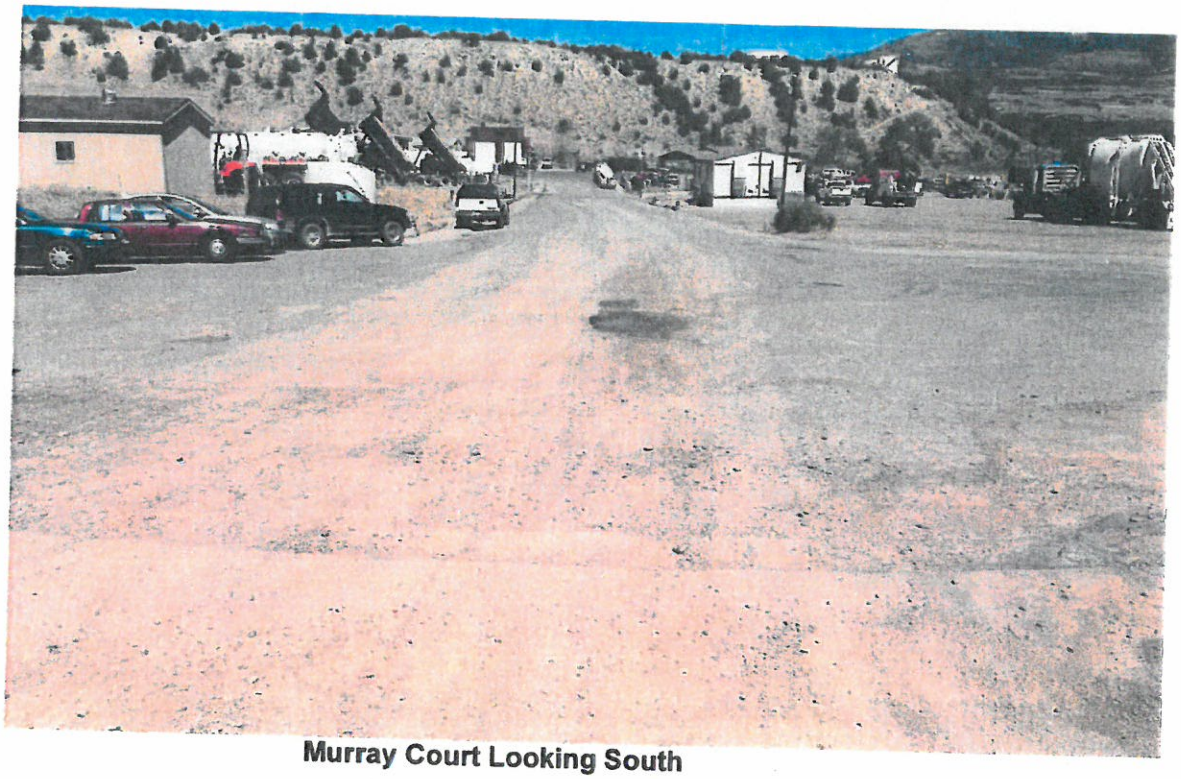
8. Part V, Landscaping and Screening Requirements. Your proposal is to have no landscaping or screening requirements. This development is viable from a majority of the Town of Parachute and especially the Rest Stop. Is this the impressions you want to give the public?



View From CR 215



View From Murray Lane Approaching Development



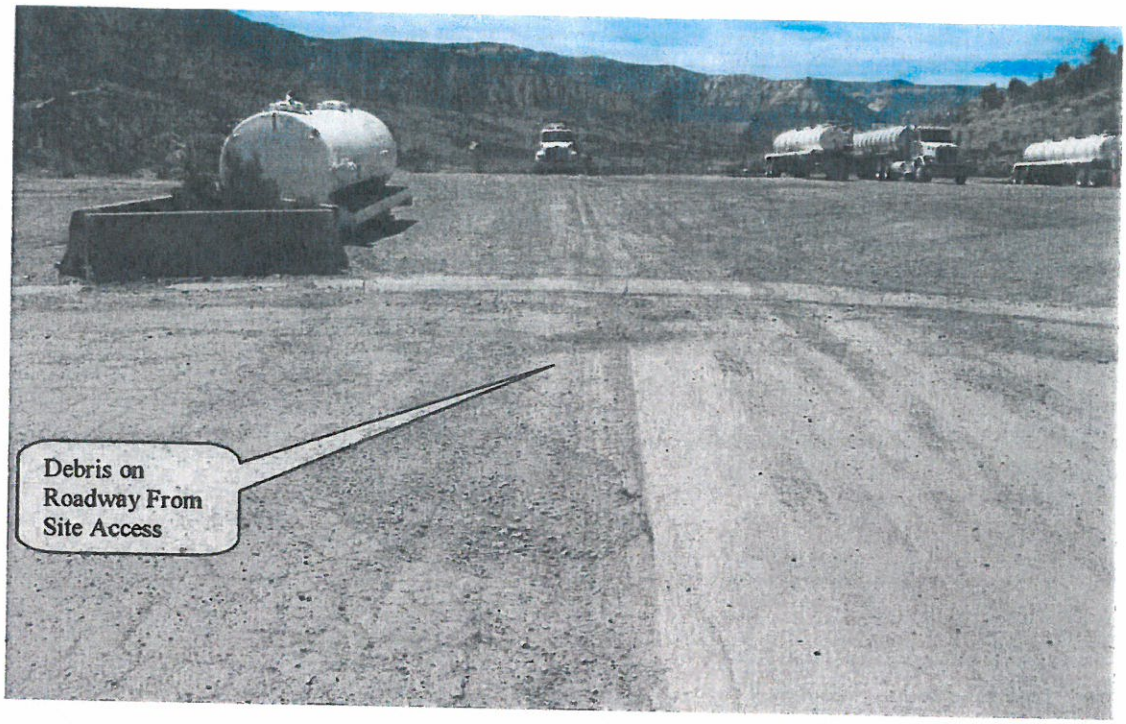
Murray Court Looking South

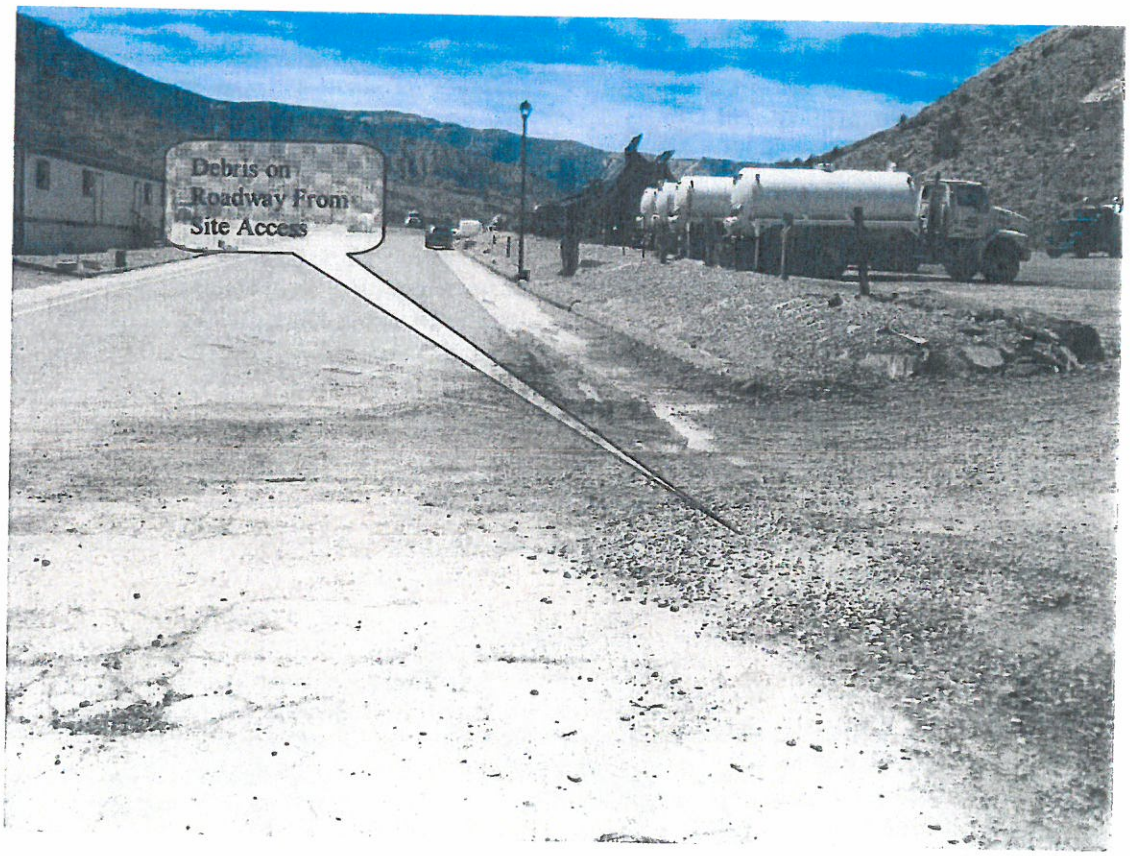
9. As stated in the Land Use Code, the purpose of a PUD is as follows:

15.03.310 Purpose of Planned Unit Developments
The purpose of Planned Unit Developments (PUD) is to provide flexibility in the development of large sites, to encourage integrated planning and to promote the unified and consolidated development and use of such tracts of land. The PUD regulations are intended to promote higher economic uses in development of tracts of land while protecting the unique environmental and ecological assets and to allow for special residential, recreational, commercial and industrial developments in which various uses and structures may be grouped in appropriate relationship to each other and to open space and common facilities. The PUD regulations are also intended to encourage a more efficient use of land and of public services, to promote high quality developments which implement the policies of the *Parachute Plan*, and to ensure the development is compatible with the Town and adjacent land uses.

How does this development achieve these purpose statements?

10. Part VI, Exterior Surfacing states travel and parking areas may be of compressed gravel or equivalent. This is not acceptable because it results in increased damage to public curb, gutter, concrete and asphalt surfaces. In addition, it results in mud and debris being tracked onto the public roadways which again results in additional maintenance costs by the Town to clean and maintain streets. Further, all facilities are required to comply with ADA accessibility standards which at a minimum results in parking and accessible routes being surfaced with hard surfaced materials.


Debris on
Roadway From
Site Access


Debris on
Roadway From
Site Access

My review comments on the "Declaration of Covenants, Conditions, and Restrictions for Grand View Industrial Center PUD" document are listed below:

1. Page 3, Landscaping.. There are no requirements for landscaping in the PUD guide but there are requirements in the CCR's?
2. Page 3, Article V – Parking… Provisions need to be added to require parking on their lots and not using the town ROW.
3. Page 4, Article VI, Item #1- a campground is not a commercial or industrial use
4. Page 4, Article VI, Item #3 – The approvals in a PUD should be in accordance with the PUD guide and Town approvals. The PUD is the rulebook for any approval on the land.
5. Page 4, Article VI - There needs to be language stating that building permits are needed for all site grading and buildings/structures proposed on the property.
6. Page 4, Article VI - There needs to be language stating that all sites will be required to comply with Town stormwater and site drainage requirements. Further, it is unclear how drainage is proposed to be handled on this project without trespassing onto adjacent properties.
7. Page 5, Architectural Control Committee. What are the "architectural regulations?" I didn't see any in this document.
8. Page 5, Article VIII, I don't understand what this is stating. Please clarify.
9. Page 6, Article X – Insurance. Is this necessary? How does will this be enforced or tracked?
10. Page 6, Article XI – Pre-Existing Uses. Property lines and other modifications will be needed as part of this project approval to make the existing structures compliant.
11. Page 7, Amendments and Modification – This provision potentially allows a majority property owner to modify this entire document after the Town has reviewed and approved it.
12. Page 7, Perpetuities – Really…? I can't even tell you who was on the Town Board 5 years ago.. Who is expected to track this information down? This provision should not be tied to 21-years after the last town board member dies…

RECOMMENDATIONS

Based on my review of this Preliminary/Final PUD application, my recommendation to the Town Planning Commission and Town Board approve this proposal with the following conditions:

My review comments on the "Declaration of Covenants, Conditions, and Restrictions for Grand View Industrial Center PUD" document are listed below:

1. Page 3, Landscaping.. There are no requirements for landscaping in the PUD guide but there are requirements in the CCR's?

2. Page 3, Article V – Parking… Provisions need to be added to require parking on their lots and not using the town ROW.

3. Page 4, Article VI, Item #1- a campground is not a commercial or industrial use

4. Page 4, Article VI, Item #3 – The approvals in a PUD should be in accordance with the PUD guide and Town approvals. The PUD is the rulebook for any approval on the land.

5. Page 4, Article VI - There needs to be language stating that building permits are needed for all site grading and buildings/structures proposed on the property.

6. Page 4, Article VI - There needs to be language stating that all sites will be required to comply with Town stormwater and site drainage requirements. Further, it is unclear how drainage is proposed to be handled on this project without trespassing onto adjacent properties.

7. Page 5, Architectural Control Committee. What are the "architectural regulations?" I didn't see any in this document.

8. Page 5, Article VIII, I don't understand what this is stating. Please clarify.

9. Page 6, Article X – Insurance. Is this necessary? How does will this be enforced or tracked?

10. Page 6, Article XI – Pre-Existing Uses. Property lines and other modifications will be needed as part of this project approval to make the existing structures compliant.

11. Page 7, Amendments and Modification – This provision potentially allows a majority property owner to modify this entire document after the Town has reviewed and approved it.

12. Page 7, Perpetuities – Really…? I can't even tell you who was on the Town Board 5 years ago.. Who is expected to track this information down? This provision should not be tied to 21-years after the last town board member dies…

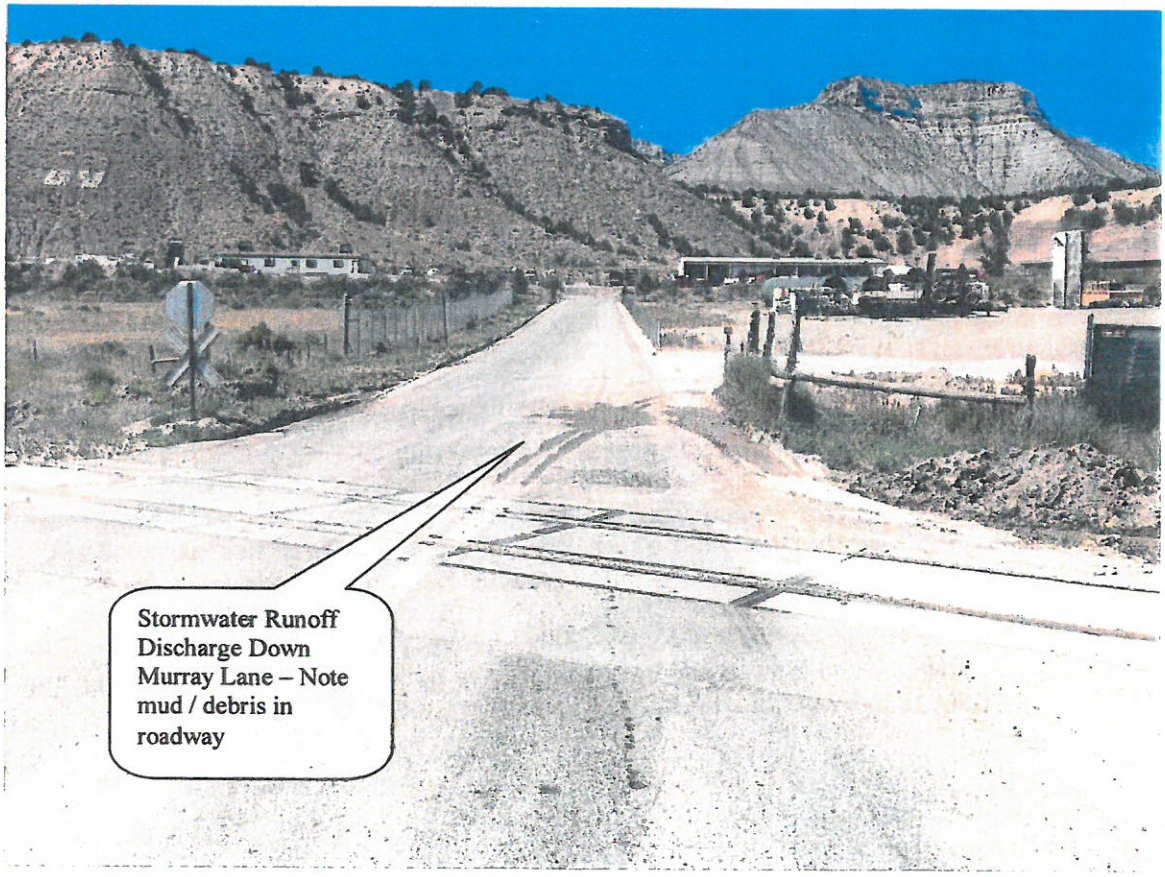
RECOMMENDATIONS

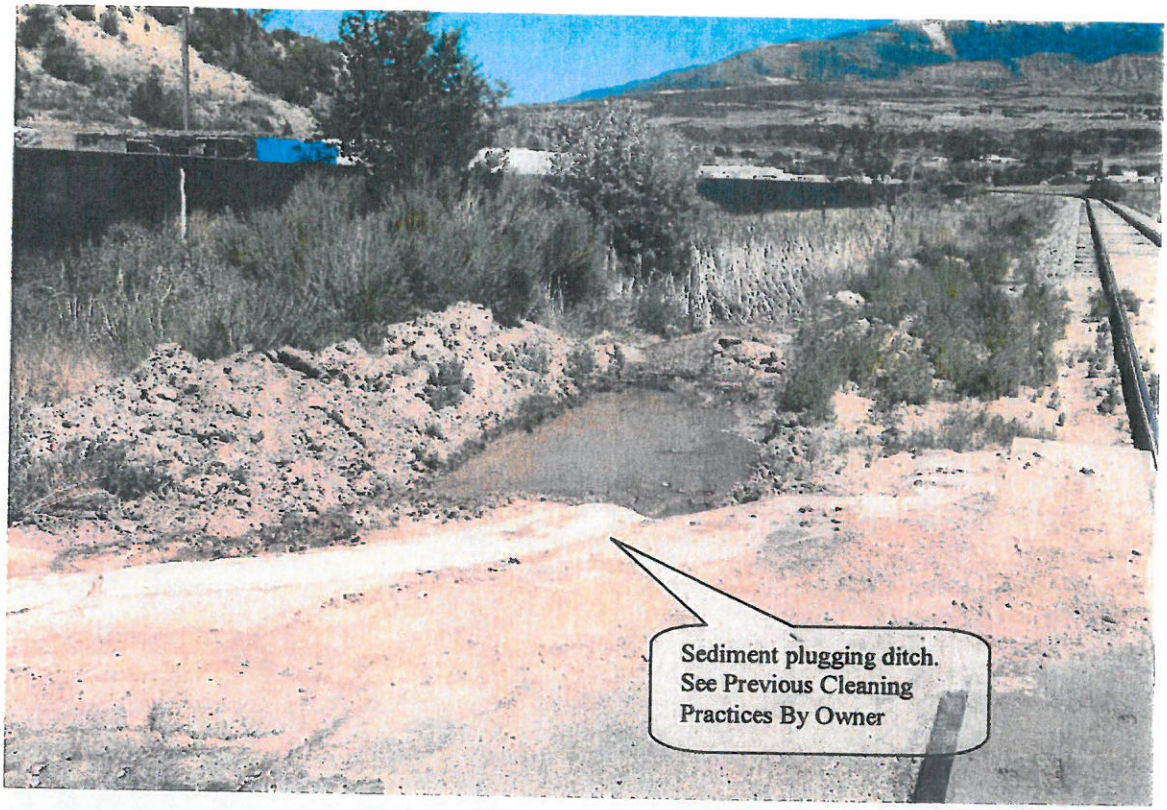
Based on my review of this Preliminary/Final PUD application, my recommendation to the Town Planning Commission and Town Board approve this proposal with the following conditions:

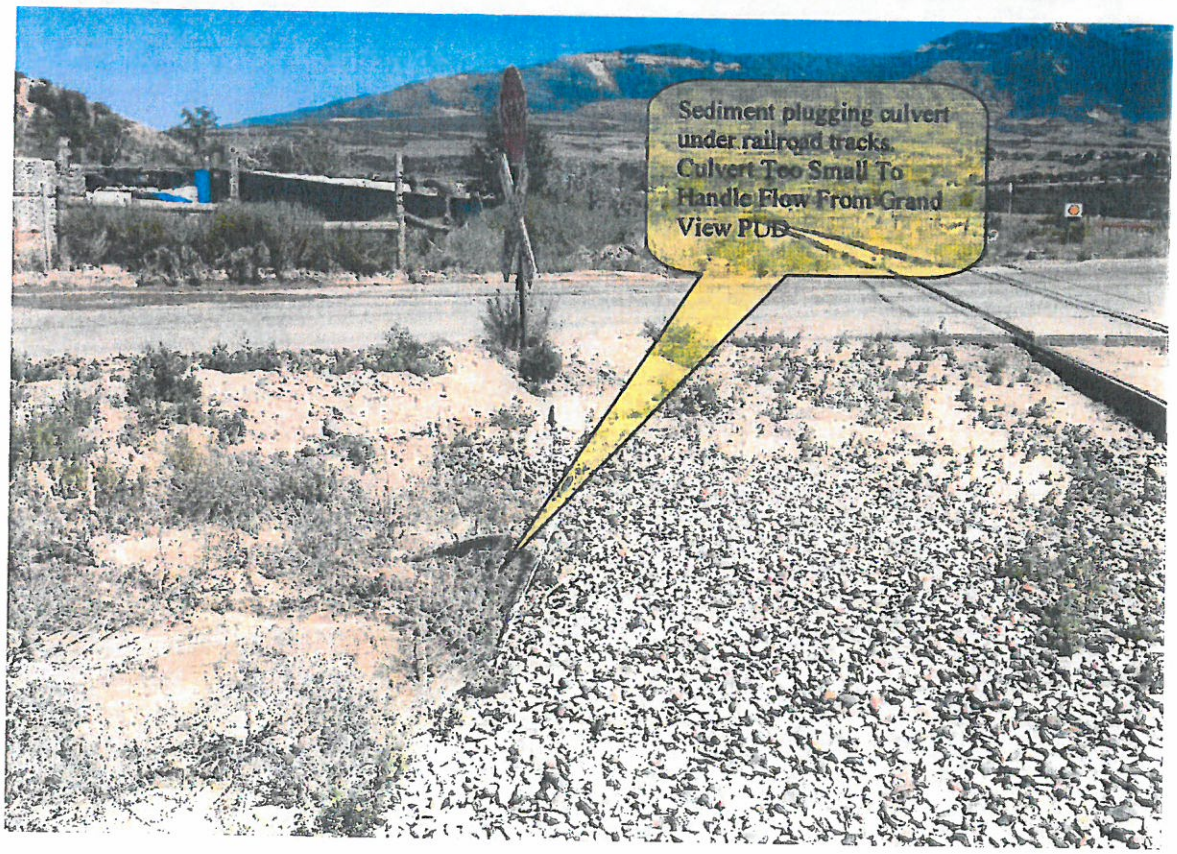
1. **Grand View Industrial PUD Must Address Site Runoff for the entire development.**

The PUD needs to include drainage provisions to address the increased runoff impacts. The 1982 PUD plan does nothing to address the site drainage and water quality required by today's standards. If this problem isn't addressed now, individual lot owners will bear the brunt of having to install expensive drainage infrastructure. This will result in political conflicts with future lot owners when the Town requires each individual development to provide these elements. The Town has an opportunity to correct these significant drainage problems now, while the property is all under one ownership. This requirement has been placed on all previous "redeveloped" PUD projects (Parachute Park PUD, Spring Lakes PUD) in that the developer was required to construct "regional" drainage facilities and infrastructure to address the runoff and water quality issues for the development. This will more than likely require modifications to lot lines, additional easements, etc. in order to complete this task.

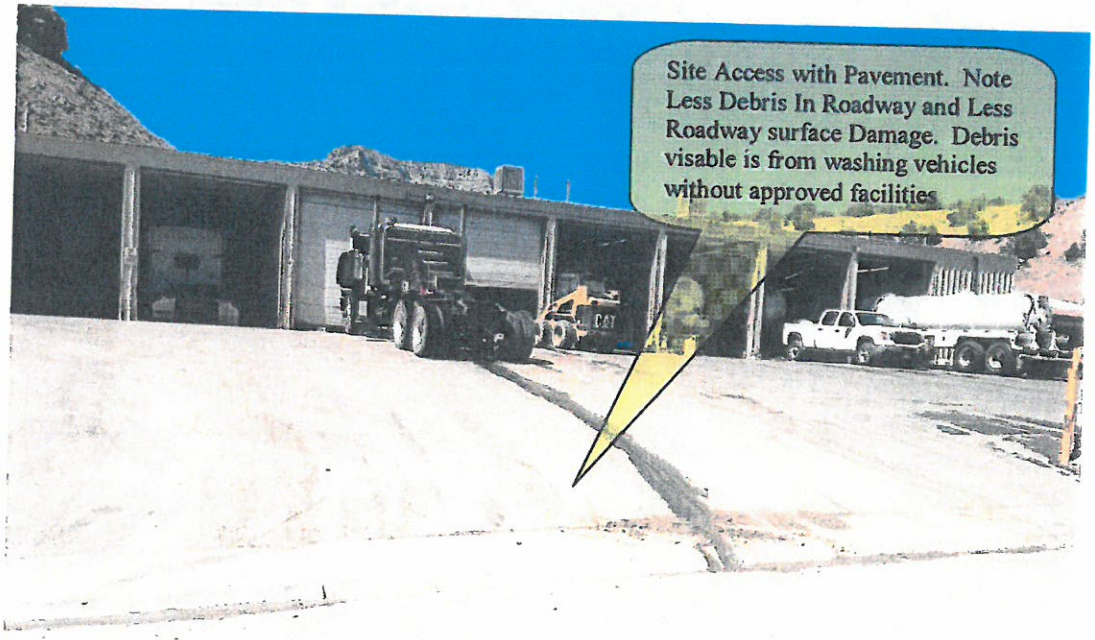
One of the problems is all of the runoff from these lots currently drains into the public streets (Murray Court) and discharges down Murray Lane and causes major erosion problems at the railroad track crossing on Murray Lane. See the photos below:




Sediment plugging ditch.
See Previous Cleaning
Practices By Owner


Sediment plugging culvert
under railroad tracks.
Culvert Too Small To
Handle Flow From Grand
View PUD

Runoff from North Lots in Grand View PUD. Note Sediment Problems and Road Damage from No hard surface access


Site Access with Pavement. Note Less Debris In Roadway and Less Roadway surface Damage. Debris visable is from washing vehicles without approved facilities

2. **The PUD application needs to include a new subdivision plat that modifies property lines, easements, etc. to address existing non-confirming buildings, and physical locations of improvements on the property.**

   This important because burdening "future" property owners with the non-confirming problems will be significantly complicated once separate ownership of properties happens. At that point you may no longer have the ability to simply shift a lot line or adjust the location of an easement. It must be done now while all parcels are under the control of the applicant.

3. **The PUD needs to address how maintenance of the irrigation ditch will be accomplished once individual lots are sold and developed.**

   This irrigation ditch has historically been maintained by the previous property owner. Therefore access and maintenance for irrigation ditch wasn't a problem. Once individual lots are sold and development occurs on the lots, access and historic cleaning practices of excavating the sediment and dumping it along the side of ditch will be a problem future owners will need to deal with. The best solution is to pipe the ditch.

   See attached photos.

4. **The "existing" uses that were NOT approved by the Town of Parachute Land Development Code / Building Permit process should be required to comply with current standards for grading and drainage.**

   The previous owner has historically created parking and outdoor storage areas for trucks and chemicals without any review or approval by the Town of Parachute. This has resulted in accelerated damage to public infrastructure in the right of way area. Drainage from these unauthorized facilities also cause erosion and debris problems in the roadway areas that will now become the Town's responsibility to maintain.

   The previous owner was notified on several occasions that approved wash pad facilities, complete with an sand/oil separator, were required for the outdoor washing operations. These practice appear to be continuing with the current operators. The uncontrolled runoff from the washing operations damages the roadway subgrade and accelerates pavement damage and creates debris problems.

   In reviewing the Town's files for building permits, it appears several of these structures were only approved for "residential use", "haybarn" and "storage". The majority of these facilities are now used for office type uses. It's unclear what sewer and or water tap fee's should have been paid.

5. **The Applicant shall replace the asphalt pavement surfaces that we damaged as a result of past owner operations on the facility.**

   The costs to repair the damaged roadway, concrete drainage pans, and installation of storm sewer system will easily exceed $500,000. The Town of Parachute should not have to bear the costs to repair these facilities which were damaged by the previous property owner and were verbally agreed to by the previous property owner that he would address these problems before selling the property.

6. **The PUD guide should include language that specifically states that individual lot owners will be required to construct stormwater and water quality facilities on their properties that meet current Town of Parachute drainage requirements. This requirement can be removed if regional drainage facilities are constructed by the applicant as part of this PUD approval.**

   What will happen if this is not specifically pointed out to potential purchasers of the lots upfront, the Town will be placed in difficult position of having to pass the buck to the lot owners.

The requirements that are identified above have historically been required of all previous developers of these older PUD's. The Parachute Park PUD was modified to utilize "standard" town zone districts, installed stormwater/water quality control provisions to allow all lots to develop without having to construct individual facilities, modified/added easements to address infrastructure needs, and all infrastructure was required to comply with 2005 standards.

The Spring Lakes PUD was modified to provide "standard" town zone districts, installed all new infrastructure (Storm, Water, Sanitary, Irrigation, Roads, Sidewalks) to meet current standards, modified lots and added easements to address current development requirements.

In summary, this PUD application is another perfect example why the Town's land use regulations were changed in 2005 to specifically discourage PUD's. I'm sure at the time these PUD's were created, everyone was convinced they were doing the right thing and that it would be best for the community for the long term.

Sincerely,

Mark Austin, P.E.
President

Town of Parachute Planning Commission Meeting
Monday, July 7, 2014
Grand View Industrial Center PUD Amendment
Staff Report

Report Date - 6/29/14

PROJECT INFORMATION	
Name of Project:	Grand View Industrial Center PUD
Type of Request:	PUD Amendment Application
Name of Applicant	Clear Creek Ranch, LLC c/o Kamron DMarco-Kracht & Hank Kracht
Address	PO Box 301, Parachute, CO 81635
Phone	Telephone 970-285-7271
Property Owner:	Clear Creek Ranch, LLC
Property Owner Address/Phone:	PO Box 301, Parachute, CO 81635, Telephone 970-285-7271
Real Property Address	16 & 18 Murray Court, Lot 17, Grand View Industrial Center, Parachute, CO 81635
Mineral Right Owner(s):	Listed in Application
Lien Holders:	Wells Fargo Bank, National Association
Lien Holder Address:	2808 North Ave., Grand Junction, CO 81501
Project Planner:	Phil Vaughan Construction Management, Inc. c/o Phil Vaughan
Planner Address/Phone:	1038 County Rd. 323, Rifle, CO 81650, Telephone 970-625-5350
Surveyor	Bookcliff Survey Services, Incorporated
Surveyor Address/Phone:	136 E. 3rd St., Rifle, CO 81650, Telephone 970-625-1330, Fax 970-625-2773
Existing Zoning	Light Industrial
Requested Zoning:	Application notes "no change requested", but applicant is requesting PUD zoning to industrial classification.
Surrounding Zoning:	**North** – General Industrial, **East** - Unincorporated Garfield County, **South** - Light Industrial, **West** – Light Industrial
Existing Land Use:	Truck parking, office, storage, mixed uses (office, vehicle repair) water impoundment, warehouse

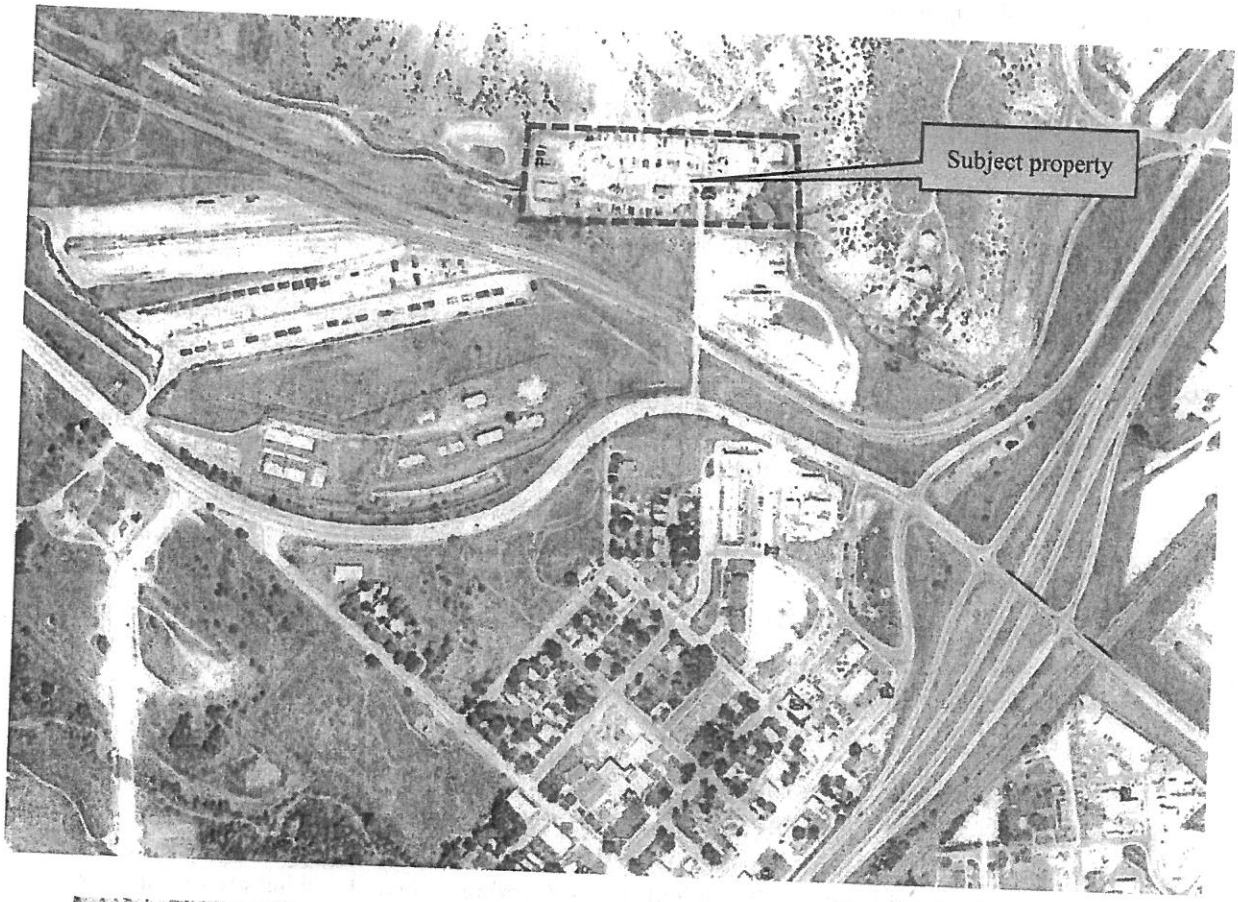
Surrounding Land Uses:	North - Vacant, East - Vacant, South - Storage, West - Water Impoundment
Net Project Acreage:	378,110 square ft., (8.68 acres - lots only not including public dedications)
Proposed Use:	PUD with industrial type uses
Minimum Setback	See PUD zoning
Maximum Building Height	35 feet - Proposed
Open Space/Park/Trail Acreage:	0
Property Legal Description	See Application

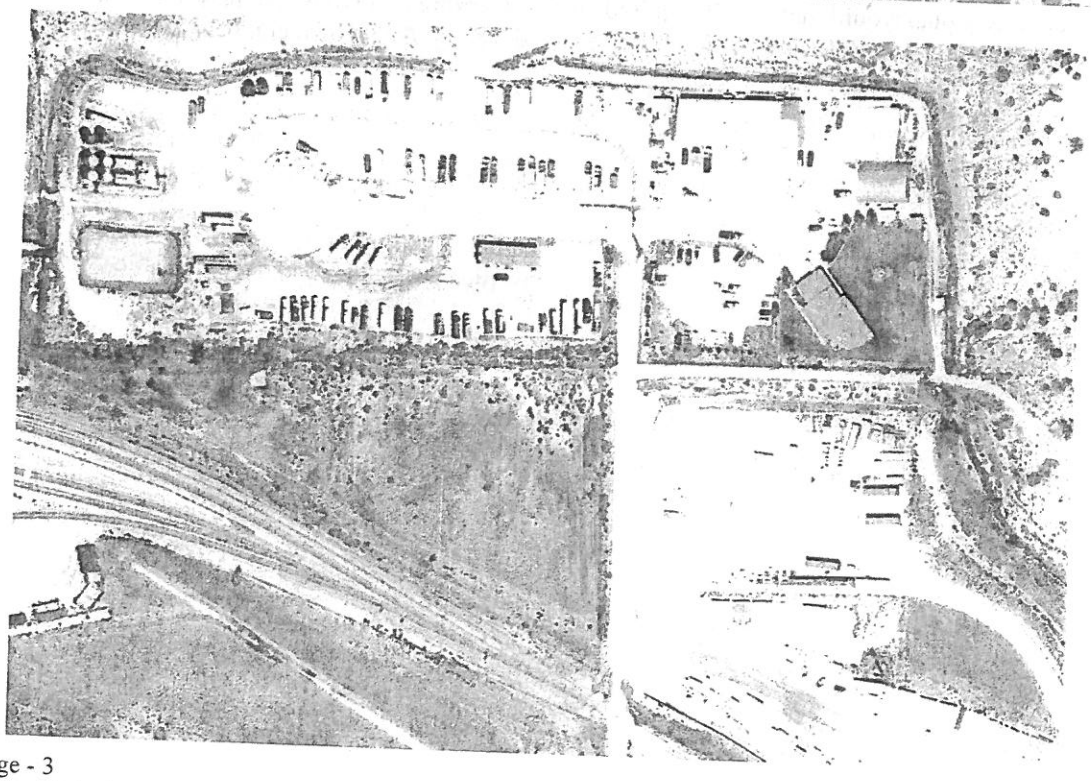
Proposed Land-use Summary:	**Number**	**Land Area**
Total Units & Project Area	21 Lots	8.68 Acres
Open Space & Parks	0	0 Acres
Net Project Density	21 Lots	Average of 1 Lot/18,005.24 square ft.

PUD Lot Size Table

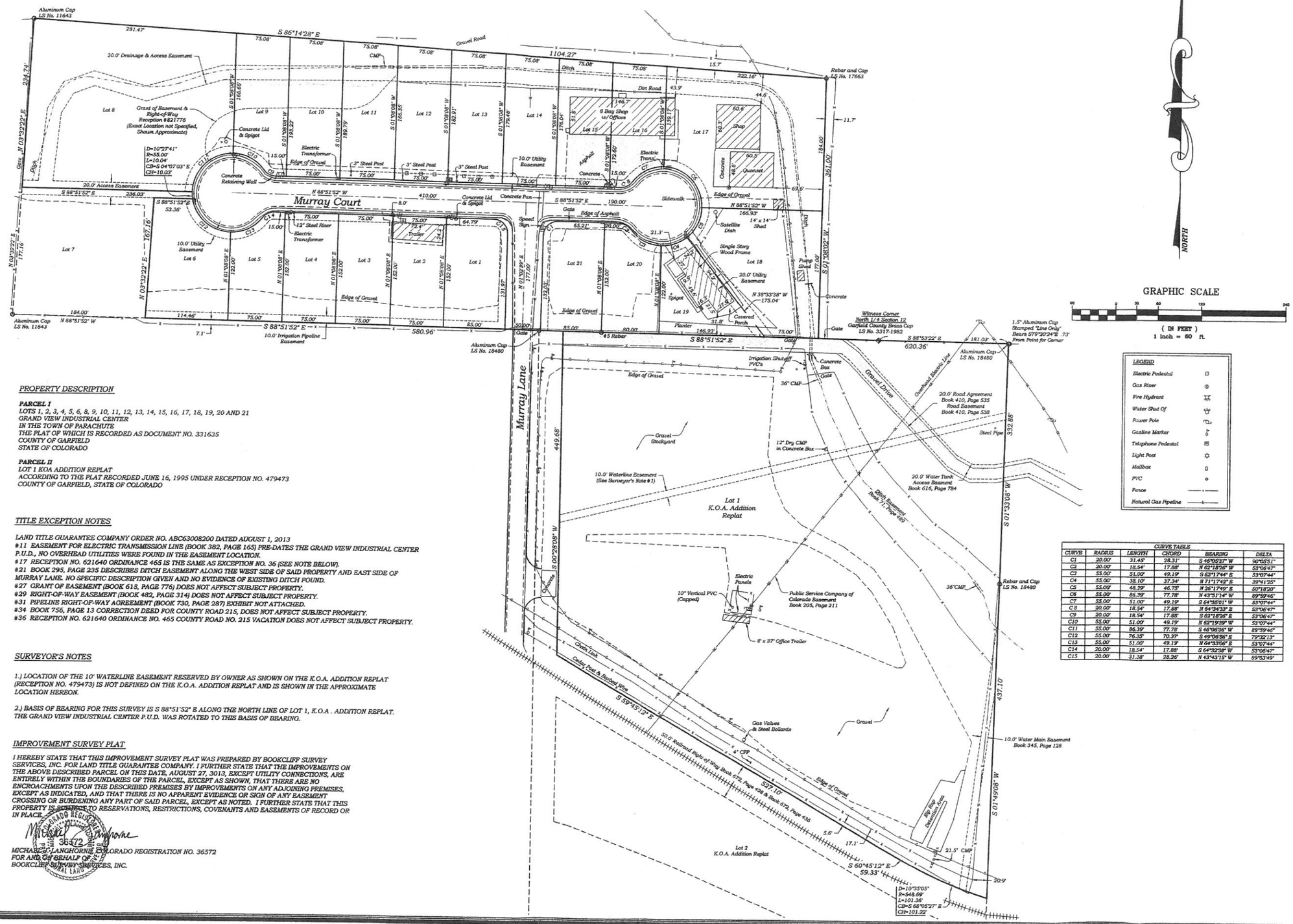
Lot	Square ft.
1	12,816
2	11,400
3	11,400
4	11,400
5	10,333
6	16,701
7	33,094
8	62,913
9	13,554
10	14,363
11	14,106
12	13,847
13	13,590
14	13,332
15	13,074
16	11,750
17	39,587
18	24,950
19	11,955
20	11,093
21	12,852
Total	**378,110**	**Square ft.**
Total	**8.68**	**Acres**

Project Location:





IMPROVEMENT SURVEY PLAT



LEGEND	
Electric Pedestal	
Gas Riser	
Fire Hydrant	
Water Shut Of	
Power Pole	
Gasline Marker	
Telephone Pedestal	
Light Post	
Mailbox	
PVC	
Fence	
Natural Gas Pipeline	

CURVE TABLE

CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C1	20.00'	31.45'	28.31'	S 45°05'37" W	90°05'51"
C2	20.00'	16.54'	17.88'	N 62°18'26" W	53°06'47"
C3	55.00'	51.00'	49.19'	S 63°17'44" E	53°07'44"
C4	55.00'	38.10'	37.34'	N 71°17'42" E	39°41'25"
C5	55.00'	48.39'	46.75'	N 26°17'49" E	50°18'20"
C6	55.00'	86.39'	77.78'	N 43°51'14" W	89°59'46"
C7	55.00'	51.00'	49.19'	S 64°35'51" W	53°07'44"
C8	20.00'	18.54'	17.88'	N 64°34'33" E	53°06'47"
C9	20.00'	18.54'	17.88'	S 62°18'26" E	53°06'47"
C10	55.00'	51.00'	49.19'	N 62°19'39" W	53°07'44"
C11	55.00'	86.39'	77.78'	S 46°08'36" W	89°59'46"
C12	55.00'	76.35'	70.37'	S 49°06'59" E	79°32'13"
C13	55.00'	51.00'	49.19'	N 64°33'06" E	53°07'44"
C14	20.00'	18.54'	17.88'	S 64°32'38" W	53°06'47"
C15	20.00'	31.38'	28.26'	N 43°43'19" W	89°53'49"

PROPERTY DESCRIPTION

PARCEL I
LOTS 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 AND 21
GRAND VIEW INDUSTRIAL CENTER
IN THE TOWN OF PARACHUTE
THE PLAT OF WHICH IS RECORDED AS DOCUMENT NO. 331635
COUNTY OF GARFIELD
STATE OF COLORADO

PARCEL II
LOT 1 KOA ADDITION REPLAT
ACCORDING TO THE PLAT RECORDED JUNE 16, 1995 UNDER RECEPTION NO. 479473
COUNTY OF GARFIELD, STATE OF COLORADO

TITLE EXCEPTION NOTES

LAND TITLE GUARANTEE COMPANY ORDER NO. ABC63008200 DATED AUGUST 1, 2013
#11 EASEMENT FOR ELECTRIC TRANSMISSION LINE (BOOK 382, PAGE 165) PRE-DATES THE GRAND VIEW INDUSTRIAL CENTER P.U.D., NO OVERHEAD UTILITIES WERE FOUND IN THE EASEMENT LOCATION.
#17 RECEPTION NO. 621640 ORDINANCE 465 IS THE SAME AS EXCEPTION NO. 36 (SEE NOTE BELOW).
#21 BOOK 295, PAGE 235 DESCRIBES DITCH EASEMENT ALONG THE WEST SIDE OF SAID PROPERTY AND EAST SIDE OF MURRAY LANE. NO SPECIFIC DESCRIPTION GIVEN AND NO EVIDENCE OF EXISTING DITCH FOUND.
#27 GRANT OF EASEMENT (BOOK 618, PAGE 776) DOES NOT AFFECT SUBJECT PROPERTY.
#29 RIGHT-OF-WAY EASEMENT (BOOK 482, PAGE 314) DOES NOT AFFECT SUBJECT PROPERTY.
#31 PIPELINE RIGHT-OF-WAY AGREEMENT (BOOK 730, PAGE 287) EXHIBIT NOT ATTACHED.
#34 BOOK 756, PAGE 13 CORRECTION DEED FOR COUNTY ROAD 215, DOES NOT AFFECT SUBJECT PROPERTY.
#36 RECEPTION NO. 621640 ORDINANCE NO. 465 COUNTY ROAD NO. 215 VACATION DOES NOT AFFECT SUBJECT PROPERTY.

SURVEYOR'S NOTES

1.) LOCATION OF THE 10' WATERLINE EASEMENT RESERVED BY OWNER AS SHOWN ON THE K.O.A. ADDITION REPLAT (RECEPTION NO. 479473) IS NOT DEFINED ON THE K.O.A. ADDITION REPLAT AND IS SHOWN IN THE APPROXIMATE LOCATION HEREON.

2.) BASIS OF BEARING FOR THIS SURVEY IS S 88°51'52" E ALONG THE NORTH LINE OF LOT 1, K.O.A . ADDITION REPLAT. THE GRAND VIEW INDUSTRIAL CENTER P.U.D. WAS ROTATED TO THIS BASIS OF BEARING.

IMPROVEMENT SURVEY PLAT

I HEREBY STATE THAT THIS IMPROVEMENT SURVEY PLAT WAS PREPARED BY BOOKCLIFF SURVEY SERVICES, INC. FOR LAND TITLE GUARANTEE COMPANY. I FURTHER STATE THAT THE IMPROVEMENTS ON THE ABOVE DESCRIBED PARCEL ON THIS DATE, AUGUST 27, 3013, EXCEPT UTILITY CONNECTIONS, ARE ENTIRELY WITHIN THE BOUNDARIES OF THE PARCEL, EXCEPT AS SHOWN, THAT THERE ARE NO ENCROACHMENTS UPON THE DESCRIBED PREMISES BY IMPROVEMENTS ON ANY ADJOINING PREMISES, EXCEPT AS INDICATED, AND THAT THERE IS NO APPARENT EVIDENCE OR SIGN OF ANY EASEMENT CROSSING OR BURDENING ANY PART OF SAID PARCEL, EXCEPT AS NOTED. I FURTHER STATE THAT THIS PROPERTY IS SUBJECT TO RESERVATIONS, RESTRICTIONS, COVENANTS AND EASEMENTS OF RECORD OR IN PLACE.

COLORADO REGISTERED PROFESSIONAL LAND SURVEYOR 36572

MICHAEL J. LANGHORNE, COLORADO REGISTRATION NO. 36572
FOR AND ON BEHALF OF
BOOKCLIFF SURVEY SERVICES, INC.

REVISION	DESCRIPTION
8/12/13	ATTORNEY COMMENTS
9/4/13	ADD NATURAL GAS PIPELINE LOCATE

BOOKCLIFF Survey Services, Inc.
P.O. BOX 1203 PARACHUTE, COLORADO 81635
(970) 285-7480

IMPROVEMENT SURVEY

CLEAR CREEK RANCH, LLC
PO BOX 301
PARACHUTE, CO 81635

FILE: IMP
DFT. TL
CK. SCB
DATE: 08/09/13
PROJECT NO. 13054-01
SHEET 1 OF 1

I. Description of Application:

The Grand View Industrial PUD is an existing 8.68 acre 21 lot project that was approved in 1982 as a Planned Unit Development. A PUD plan showing 21 individual lots was recorded as the Grand View Industrial Center PUD. Apparently, PUD zoning for the subject property was not recorded and does not appear to exist. The property has been used for various industrial purposes and possibly other uses since that time. The improvement survey plat created by Bookcliff Survey Services Incorporated and submitted with the application dated 8/9/13 shows 5 structures on the property. Correspondence from the applicant representative dated June 27, 2014 notes the following structures on the property with their current uses:

A. Lots 2 and 3- Dimension: 24.2' x 72.4'- Modular building Use: Offices for the conduct of a business or profession.

B. Lots 15, 16, and 17- Dimension: 51.8' x 146.7'- 8 bay shop with offices Uses: Mixed-use commercial uses and multiple commercial uses in the same building or on the same lot. Vehicle (automobiles and trucks) Repair and offices for the conduct of a business or profession.

C. Lots 18 and 19- Dimension: 34.3' x 94.2'- Single Story Wood Frame building with a 16.3' x 45.6' addition at the Southwestern elevation. Use: Offices for the conduct of a business or profession

D. Lot 17- Dimension: 60.6' x 60.3' shop and 48.6' x 60.5' Quonset. Uses: Mixed-use commercial uses and multiple commercial uses in the same building or on the same lot. Vehicle repair and maintenance and Warehouse

E. Lot 9- Dimension: 12' x 20' storage building on skids. Use: Warehouse

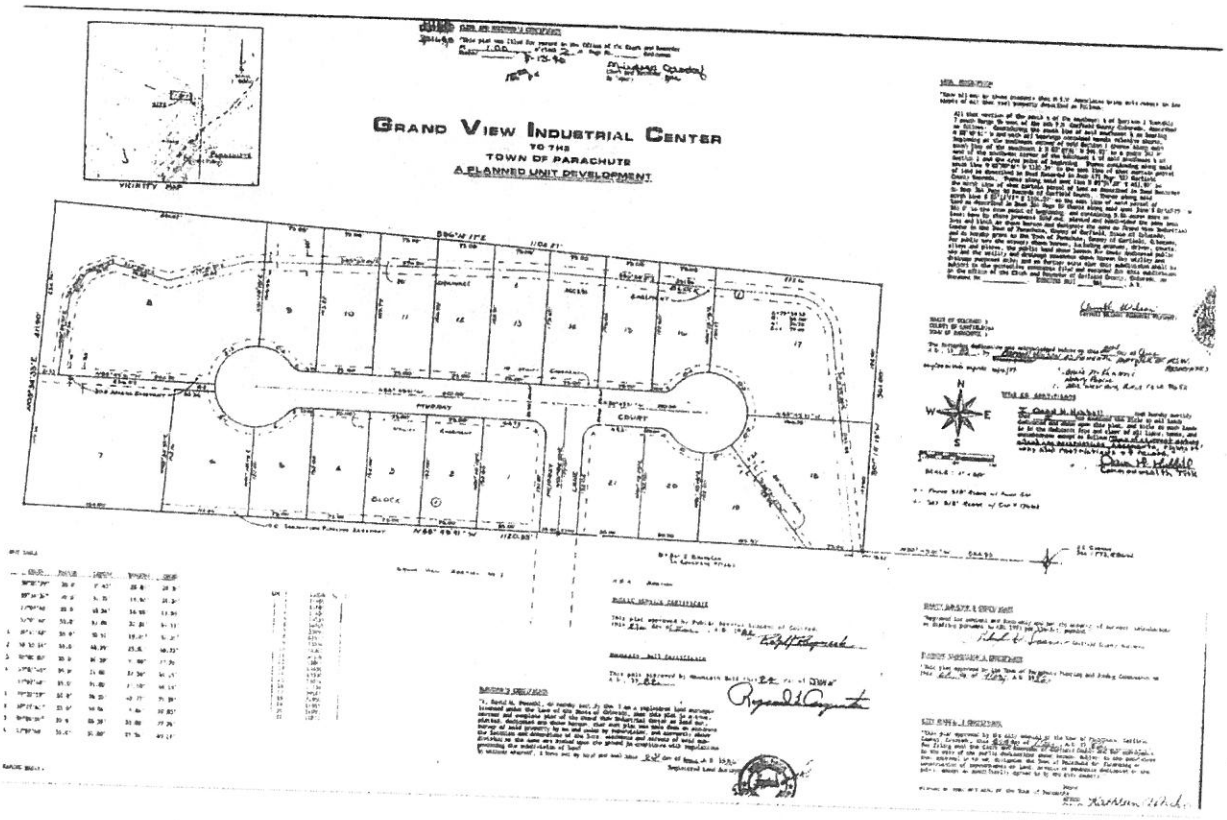
Several of the existing structures encroach on setbacks, cross lot lines and encroach on easements. These existing conditions and encroachments are shown on the Improvement Survey Plat.

Is not clear whether a preliminary plan for the PUD was ever submitted or approved by the town. A preliminary plan would include all required site engineering that would address roads, utilities, drainage facilities and other important elements in a development. Town engineer Mark Austin addresses these points in his correspondence.

The applicants are requesting approval of a "Planned Unit Development Guide and Covenants, Conditions and Restrictions". The applicants have submitted a request for PUD zoning that is detailed in their application. In addition, there are requesting variations from some of the requirements in the Parachute land-use regulations which include elimination of landscaping and screening, use of gravel or equivalent surfaces for travel and parking portions of lots, and allowance to continue occupation and use of structures that cross lot lines, encroach on easements and setbacks. Further, the proposed PUD zoning text provides that language and issues not addressed in the proposed PUD text be governed by the existing and/or future land-use regulations of the town of Parachute.

All of the lots in the PUD are owned by the developers and this helps to simplify the zoning request and corrections to the existing situation. The property is presently zoned Light Industrial.

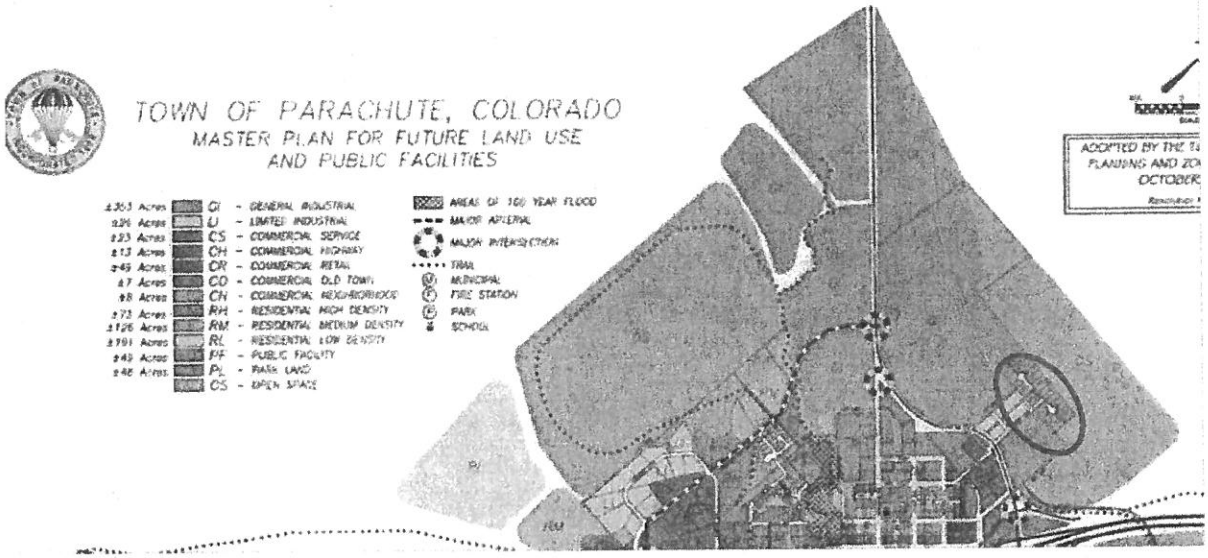
Original PUD Plan Recorded 8/13/1982



II. Relationship to the Comprehensive Plan:

The applicant represents that the 1982 PUD conforms to the 2002 "Town of Parachute-Master Plan" and the application includes statements supporting their opinion. The 2002 Parachute Master Plan includes some information about future land-use, but does not provide much direction for this existing PUD. The map shown below is the Future Land Use Map in the Parachute Master Plan and shows the area as "General Industrial."

Comprehensive Plan Future Land Use Map



Master Plan Section 7.0 - Master Plan-Land-Use Categories

"**Industrial General.** Intended for more intense manufacturing, natural gas industry development and distribution areas primarily at outside edges of current municipal limits. Adequate care must be undertaken in the design and development of such areas to ensure that polluting factors and truck or other traffic do not impact the residential and commercial centers of the community."

Staff Comment: The subject property conforms to this designation. The requested use of "campgrounds, tree in flower nurseries, veterinary clinics or hospitals with or without kennels, and printing & bookbinding" do not appear to be a compatible use in the "Industrial General" designation.

Master Plan Section 8.6 -New Industrial Areas, North Corridor County Rd. 215

Goal: Assure support an employment base supportable in a manner compatible with and complementary to the town.

Actions:

- Seek and encourage industrial manufacturing and service uses for the area.
- Assure that adequate town and utility facilities are available to the area.
- Establish appropriate access and traffic controls for the use and safety of public streets.
- Assure proper surface drainage facilities and practices are maintained.
- Establish adequate visual and noise buffers around the area, including landscaping, fencing and use of building design.
- Do not allow encroachment into the area by non-compatible uses.

Staff Comment: The proposed PUD zoning and development generally conforms to these provisions. However and as noted by the town engineer, there are concerns about drainage in the project. This development should "Assure proper surface drainage facilities and practices…" Although this is an existing platted property, the PUD should "establish adequate visual and noise buffers around the area, including landscaping, fencing and use of building design." The surrounding uses appear to be compatible with the proposed PUD. Consideration of this PUD is an opportunity to address visual and noise buffers. The applicant is requesting that they be exempt from the landscaping requirements in the land-use regulations.

III. Planning Staff Comments.

Planned Unit Developments.

Part 3 of Title 15-Article 3, Section 15.03.300 "Planned Unit Developments" spells out the requirements for PUD's and the current regulations. PUD's are intended to encourage efficient use of land, public services, promote high-quality developments that implement the policies of the Parachute Plan and ensure that development is compatible with the town and adjacent uses. Among other things, PUD's must have an appropriate relationship to surrounding areas, have an adequate internal street system, provide adequate parking, provide common open space, provide for adequate fire protection, and provide a minimum of 15% of the total area within the boundaries of any PUD as usable & accessible common open space. The Board of Trustees have the option to reduce open space requirements "if it finds that such decrease is warranted by the design of the PUD and amenities and features incorporated into the PUD plan as well as the needs of residents of the PUD for common open space is otherwise satisfied in the PUD and the surrounding area."

Staff Comment: Again, this project is an older 1982 PUD and exists with a number of deficiencies from the past. The applicant is submitting this proposal, in part, to remedy some of these deficiencies but not all of them. This land use submittal is the opportunity for the town to work with the applicant to create a viable development for both the property owner and the town, but it is also an important opportunity for the town to address problems in the project. As noted previously, these problems include structures encroaching on lot lines, setbacks, easements; drainage issues; screening/landscaping and other challenges. The applicant proposes to leave the non-conformities as they are and require that they be addressed in the future. It is staff's opinion that these items should be addressed at this time and as much as possible, be corrected.

Section 15.03.380 Previously Approved Planned Unit Developments.

As the town engineer has identified, this code language was developed by the Board of Trustees because "The town is burdened by number of Planned Unit Developments which were approved in most cases more than 20 years ago, and approvals for which have in most cases expired." The regulations note that "some of these Planned Unit Developments are unbuilt, some have infrastructure completed, and some have begun development. Most of these Planned Unit Developments have no defined underlying standard zoning district which the PUD development documents were intended to modify. This situation has caused uncertainty and made it difficult for the owners of the properties to develop them and put the land to productive use."

Section 15.03.380 (C) more specifically addresses this development. "Any Planned Unit Development approved prior to September 30, 2005 and partially developed prior to that date, may continue and complete such development under the terms and conditions of approval for that Planned Unit Development; subject, however, to the provision that any modifications to that Planned Unit Development shall require review and approval under the present requirements of this code and further provided that any requirements or uses unspecified in the original Planned Unit Development shall be specified by the town of Parachute in accordance with the provisions of the most appropriate town zone district consistent with the purpose of the original Planned Unit

Development."

Staff Comment: This PUD is an example of one of those older projects. In the case of the Grand View Industrial PUD, it has been developed with roads, water, sewer and other infrastructure, but there is no zoning. As noted above, this project can continue and be completed, but it must be under the provisions of the current regulations. In addition, uses "shall be specified by the town of Parachute in accordance with the provisions of the most appropriate town zone district consistent with the purpose of the original Planned Unit Development." In the case of this project, the most appropriate town zone district is a combination of **Light Industrial** and **General Industrial**. The existing uses in both zone districts shown on the following pages.

Section 15.03.216 Schedule of Uses - OTC, NC, HT, SC, LI, GI and P Districts							
Land Use	**OTC**	**NC**	**HT**	**SC**	**LI**	**GI**	**P**
One-Family Dwelling (Single Family Dwelling)	S	S		S	S	S	
Dwelling unit accessory to a permitted business use	S	S	S	S	S	S	
Dwelling unit accessory to permitted uses and located in the same building or on the same lot as the principal use	S	S	S	S	S	S	
Bed and Breakfast accommodations	S						
Bakeries - Commercial			S	S	S		
Campgrounds			S				
Car washes			S	P	P	S	
Truck washes				S	P	P	
Clubs and lodges, fraternal organizations	P	P	P	P			
Commercial parking lots or garages		S	S	S	S	S	
Contractors (carpentry, machine, electrical, plumbing) shops			S	S	P	P	
Contractor Yards - heavy equipment					P	P	
Convenience retail stores with or without motor vehicle fuel sales provided there are not more than four fuel pumps	S	S	S	S	S	S	
Convenience retail stores with more than four fueling stations			S	S	S	S	
Drive-in banks	S	S	S	S	S		
Restaurants - fast food type with drive through pick-up facilities	S	S	S	S	S		

Land Use	OTC	NC	HT	SC	LI	GI	P
Dry cleaning - plants				S	S	P	
Dry Cleaning - retail drop-off and pick-up	P	P	P	P	P		
Eating and/or drinking establishments excluding fast food restaurants	P	S	P	P			
Educational facilities	S	S	S	S	S	S	
Employee Housing (temporary) provided employees are in the employ of property owner						S	
Equipment (heavy equipment) sales and service and storage				S	P	P	
Financial institutions	P		P	P			
Food and beverage processing					P	P	
Frozen food lockers				P	P		
Government facilities	S	S	S	S	S	S	S
Grocery stores	P	P	P	P	P		
Hotels and motels	S		P	P			
Indoor commercial recreation facilities			P	P	P	P	
Laundromats and dry cleaning (retail) facilities	S	P	P	P			
Laundry - commercial					S	P	
Manufacturing, fabrication and assembly operations or industrial uses subject to limitations of §15.03.209(d)				S	S	P	
Medical and dental clinics	P	P	S	S			
Mixed-use commercial uses and multiple commercial uses in the same building	S	S	S	P	P	P	S

Land Use	OTC	NC	HT	SC	LI	GI	P
Mixed industrial uses and multiple uses in the same building or on the same lot					S	S	
Manufactured and modular home sales				S	S		
Natural Gas production, transmission, storage and warehousing		S	S	S	P	P	S
Offices for the conduct of a business or profession	P	P	P	P	P	P	
Oil/petroleum product production, transmission, warehousing and storage		S	S	S	P	P	S
Open sales yards					P	P	
Outside storage				S	S	S	
Paint and body shops					S	S	
Personal service establishments	P	P	P	P	S	S	
Personal storage units		S		S	S		
Printing and bookbinding - commercial			S	S	S		
Public assembly - indoor	S	S	S	S	S		
Public utility facilities - above ground	S	S	S	S	S	S	S
Public utility facilities - underground	P	P	P	P	P	P	P
Railroad Facilities/Rail Yard						P	
Recreational vehicle (motorized) sales and service			S	P	P	S	
Religious assembly and worship - indoor		S	S	S	S	S	
Research and Development Facility/Laboratory			S		S	S	
Retail sales establishments	P	P	P	P	S	S	
Salvage operations						S	
Sand and gravel, stone, and mineral extraction and processing					S	S	

Land Use	OTC	NC	HT	SC	LI	GI	P
Truck stops			S	S	S	S	
Vehicle fueling facilities with minor repair			S	S	S	S	
Vehicle (automobiles and trucks) repair				S	S	P	
Vehicle sales and service				S	S	S	
Veterinary clinics or hospitals with or without kennels	S		S	S	S		
Warehouses				S	S	P	
Wholesale distribution centers				S	P	P	
Wholesale sales establishments				P	P	P	
Wholesaling Distribution and Storage					S	P	
Uses not itemized (see §15.03.175	S	S	S	S	S	S	

Comments on Uses.

The following table compares the Light Industrial and General Industrial use tables with the applicant's proposed PUD use table and includes staff recommended uses. The applicant's proposed uses liberalize the existing zoning categories by making all uses a "permitted use". The applicant's proposal is to use the property for both heavy industrial and lighter industrial activities. The town's zoning classifications separate heavy industrial uses from light industrial uses and in some cases even in these categories some use activities are identified for Special Review. The special review use process is intended to give the town an opportunity to evaluate whether a particular use is appropriate in a specific setting. This process also gives the public an opportunity to attend a hearing and offer input about particular uses. The difference between the light industrial and general industrial classifications is based upon the potential impact of uses. It is generally not a good idea to mix of uses that encourage access by nonindustrial users in a location where moderate to heavy industrial activities taking place. For example, a campground (whether used by tourists or oilfield workers) is generally incompatible with heavy truck traffic, truck/equipment repair or similar uses that generate noise, exhaust and other activities that conflict with campground use. Likewise, veterinary clinic or hospital, tree and flower nurseries, or printing and bookbinding may also be incompatible with heavy industrial or in many cases light industrial activities. Personal storage units would also encourage access by nonindustrial customers. This activity could be considered through a special review process, so it could be evaluated on a site-specific basis and conditions could be imposed to address public safety. The table below includes a column of staff recommended uses for this PUD for consideration by the Planning Commission. Staff recommends that the limitations described in the section following the table and including the provisions of Section 15.03.197 also apply to the proposed PUD zoning. These requirements apply to other similar uses within the town of Parachute and should not be waived as part of this PUD application request.

Use Category	Light Industrial	General Industrial	Applicant's Proposed PUD Zoning	Staff Recommended Use Table
Truck or Car Wash	P	P	P	P

Use Category	Light Industrial	General Industrial	Applicant's Proposed PUD Zoning	Staff Recommended Use Table
Campgrounds	Not Allowed	Not Allowed	P	Not Allowed
Commercial Parking Lots or Garages	S	S	P	S
Contractors (Carpentry, Machine, Electrical, Plumbing) Shops	P	P	P	P
Contractor's Yards-Heavy Equipment	P	P	P	P
Equipment (Heavy Equipment) Sales and Service and Storage	S	S	P	P
Laundry-Commercial	S	P	P	P
Manufacturing, Fabrication and Assembly Operations or Industrial Uses	S	P	P	P
Mixed-Use Commercial Uses and Multiple Commercial Uses in the Same Building or on the Same Lot	P	P	P	P
Mixed Industrial Uses and Multiple Uses in the Same Building or on the Same Lot	S	S	P	P
Natural Gas Production, Transmission, Storage and Warehousing	P	P	P	P
Offices for the Conduct of a Business or Profession	P	P	P	P
Oil/Petroleum Product Production, Transmission, Warehousing and Storage	P	P	P	P
Open Sales Yards	P	P	P	P
Outside Storage	S	S	P	S
Paint and Body Shops	S	S	P	S
Personal Storage Units	S	Not Allowed	P	S
Printing and Bookbinding-Commercial	S	Not Allowed	P	S
Recreational Vehicle (Motorized) Sales and Service	P	S	P	S

Use Category	Light Industrial	General Industrial	Applicant's Proposed PUD Zoning	Staff Recommended Use Table
Research and Development Facility/Laboratory	S	S	P	S
Tree and Flower Nurseries	Not Listed	Not Listed	P	Not Allowed
Vehicle Fueling Facilities	S	S	P	S
Vehicle (Automobiles and Trucks) Repair	S	P	P	P
Vehicle Sales and Service	S	S	P	S
Veterinary Clinics or Hospitals with or without Kennels	S	Not Allowed	P	Not allowed
Warehouses	S	P	P	P
Wholesale Distribution Centers	P	P	P	P
Wholesale Sales Establishments	P	P	P	P
Wholesaling Distribution and Storage	S	P	P	P
Uses Not Identified	S	S	Not Allowed	S

The following additional limitations apply to the Industrial Zone District.

All uses permitted in the Industrial Zone District are subject to the following limitations:

(1) All permitted uses shall be operated primarily within an enclosed structure.

(2) Dust, fumes, odors, refuse matter, smoke, vapor, noise, light and vibrations shall be confined to the premises of the lot upon which such use is located.

(3) Travel and parking portions of the lot shall be surfaced with asphalt, concrete, compressed gravel or equivalent surfacing material.

(4) Outdoor storage areas shall be concealed from view from abutting streets and highways, and from adjoining residential zone districts or residences.

4. The total building area of all mixed-use commercial uses or multiple commercial uses in the same building must conform to the provisions of these land use regulations in terms of building height, setbacks, parking requirements, uses and any other provisions of these regulations and the *Town of Parachute Municipal Code*.

5. Industrial uses shall also subject to the provisions of §15.03.197

Section 15.03.197 General Requirements for All Businesses, Commercial and Industrial Uses are specified below and should be addressed as part of this PUD.

(a) All service, fabrication and repair operations shall be conducted within a building.

(b) All outdoor storage, trash receptacles and activities associated with permitted uses shall be entirely enclosed by building walls or by a solid masonry wall not less than seven (7) feet in height located at the front setback line. On all other property lines said uses shall be enclosed by buildings, solid masonry walls, vine covered chain-link fences, or uniformly compact evergreen hedges, continuously maintained and not less than seven (7) feet in height. Items stored within one hundred (100) feet of a dedicated street or residential zone shall not be stacked higher than six (6) feet. Screen landscaping, fences and walls to enclose storage areas between adjoining industrial side and/or rear property lines may be deleted by mutual agreement of the property owners involved and the Town. Temporary unloading of railroad car material and equipment shall be exempt from screening provided the material and equipment is or will be relocated to permanent storage appropriately screened or to the field within fifteen (15) calendar days from off-loading.

(c) All applicable environmental standards of the State of Colorado or the United States government shall be complied with at all times.

(d) All business, commercial and industrial facilities adjacent to residential uses shall be screened from the residential use with landscaping and fencing of a minimum height of six (6) feet subject to review and approval of the Town Administrator. No side or rear yards required except where adjoining a residential zone, the side and rear yard(s) shall be a minimum of one hundred (100) feet. Said yards may be used for parking, loading, and accessways. A solid masonry wall not less than seven (7) feet in height shall be installed along the property line abutting the residential zone.

(e) Where the Industrial Zone Districts fronts, sides, or rears on any arterial street, or a local street which is a boundary with a residential zone, there shall be a yard abutting said arterial street or local street of not less than fifty (50) feet. The twenty (20) feet nearest the street shall be landscaped and maintained. The remainder may be used for parking.

(f) Where the Industrial Zone Districts fronts, sides or rears on a local street which is not a boundary with a residential zone, there shall be a yard of not less than ten (10) feet abutting said street.

(g) In all front yards, the equivalent of one (1) tree per thirty (30) lineal feet of interior property line shall be provided; in all rear and side yards, visible from adjacent streets or residential neighborhoods, one (1) tree for each thirty (30) lineal feet of combined rear and side interior property lines shall be planted in either a lineal or grouped manner. In addition, a five (5) foot, net (clear of curb), interior property line landscaped strip shall be provided. This landscaping shall be continuous along all interior property lines. Landscaping shall be held back from the property line or intersection with driveways or streets so as not to hinder traffic visibility.

(h) All yards between the public street curbing and the property line are to be professionally landscaped and maintained with drought tolerant landscaping, incorporating native shrubs and trees.

(i) All unpaved or undeveloped areas of a site for which a development application has not been submitted, shall be planted with a ground cover and/or shrub material as a condition of project approval. Undeveloped areas which are proposed for future expansion shall be kept in a weed free condition.

(j) Property owners shall maintain all structures, including buildings, paved areas, accessory buildings and signs in the manner required to protect the health and safety of users,

Staff Comment: staff supports the concept of establishing PUD zoning for this project to allow it to move forward. In doing so, it is important to uphold the standards specified in the land-use regulations to ensure "high quality development" and not to waive standards that are otherwise required of development in the town of Parachute. For example, the applicant is requesting that the landscaping requirements not apply to this project. The justification is that the "PUD is a primarily industrial development intended for heavy industry." However, the provisions

noted above are specific to business, commercial and industrial uses for the very purposes that the applicant requests be waived. Industrial development offers benefits to the community in terms of jobs, tax revenues and community/area needs, but at the same time it can have significant adverse impacts visually, noise generation, and other factors that are addressed by section 15.03.197.

Staff Comments on Dimensional Standards.

The following is a comparative table showing dimensional standards for light industrial, general industrial, the applicants request and the staff recommended standards.

Dimensional Standards	LI	GI	Applicant Requested	Staff Recommended
Minimum Lot Size	6,000 square feet	20,000 square feet	6,000 square feet	6,000 square feet
Minimum Lot Width	60 feet/160 feet when adj to Residential, School, or Park	60 feet/160 feet when adj to Residential, School, or Park	25	50
Minimum Lot Depth	100 feet/200 feet when adjacent to Residential, School, or Park	100 feet/200 feet when adjacent to Residential, School, or Park	100	100
Maximum Lot Coverage	50%	50%	75%	75%
Maximum Floor Area Ratio	1:1	2:1	None	1.5:1
Maximum Building Height	35 feet	35 feet	35 feet	35 feet
Minimum Building Setbacks:				
Front Yard Local Streets:	20 feet	20 feet	20 feet	20 feet
Rear Yard	20 feet	20 feet	10 feet	10 feet Provided adequate easement space is allowed for irrigation ditch and utilities
Side Yard:	20 feet	20 feet	0 feet	10 feet

Staff Comment: The staff recommended dimensional standards are based upon general consistency with the existing dimensional standards in the regulations along with alternatives that allow more flexibility and consider the applicants requests but do not undermine the intent of the zoning regulations.

Nonconforming Structures

The applicant proposes that the "pre-existing uses" be allowed to continue. The existing nonconformities are not "uses" but rather they are structures that have been built over lot lines, into easements and setbacks. The applicant proposes that these nonconformities be allowed to continue

and only "If any of the structures are to be expanded in square footage or relocated, the Lot Owner will be required to bring the structure into compliance with the setback requirements of the respective PUD zone district." It is staff's opinion that the time to make these corrections is during this land-use review process and not at some later date on an individual lot owner by lot owner basis. In the case of the structures built across lot lines, there are potentially 2 options. One option would be to re-plat the subdivision and record a revised final plat. A second and perhaps less complex option would be to process boundary line adjustments in accordance with section 15.04.170. Boundary line adjustments could be used to eliminate boundary lines that run through existing structures and to relocate boundaries where structures encroach upon setbacks. The situation exists where a structure encroaches upon the town's waterline easement and may in fact lie on top of the town's waterline. This is a more complex problem to solve. It needs to be determined whether the structure lies on top of the water line or not. If the building does not lie on top of the water line and there is adequate room to excavate the water line for repairs or replacement, a solution could be to expand the easement in order to give the town adequate room for maintenance and repairs. If the building lies on top of the water line, the correct solution is to relocate the structure or relocate the water line. The cost of water line relocation or structure relocation must be borne by the applicant.

Other Staff Comments:

1. **Covenants** - The covenants should be subject to review by the Town attorney and staff to ensure that they are consistent with the approved PUD documents. Although the Town does not assume the responsibilities of covenant enforcement, there may be sections to which the Town should be a third party beneficiary with the right but not the obligation to enforce the terms of those sections.
2. **Utilities** - The town engineer and utility department should review the existing utility infrastructure to ensure functionality and work with the applicant to address the easement and water line encroachment by the existing building(s).
3. **Landscaping** - Detailed landscaping information should be submitted with the each new building permit that includes landscaping plans that conform to the town of Parachute landscaping requirements and identify tree/shrub/vegetation species, size, placement, irrigation, guarantee of survival and similar information.
4. **Drainage** - A drainage report for the PUD should be completed to ensure compliance with the municipal regulations and other applicable standards. The applicant should be required to comply with the requirements of the drainage report.
5. **PUD Amendments** - The Parachute regulations do not address PUD amendments and the only procedure for amending PUDs is to resubmit an application in conformance with the entire PUD application section. Parachute should consider amending their PUD regulations to allow for modifications through an administrative, minor and major PUD amendment process. This would allow minor additions or modifications to the text to be handled as administrative or minor modifications and any significant changes as a major amendment. This is particularly important with PUDs that will be developed over a long period of time. It is very likely that minor changes would need to be considered and it is unnecessary and inefficient to require re-submittal of an entire application.

IV. Review Agency Comments.

Engineers - Town Engineer Mark Austin delivered a July 2, 2014 letter about the Grand View Industrial PUD with a number of comments and photographs about issues related to the

project. He adequately covered the engineering issues related to this project and he has a much longer history and understanding of this PUD. It is not my intent to be redundant about his comments. Please review his letter.

Public Works – No written comments were received, but the public works staff has been involved with discussions with the applicant on the submittal.

Fire Department. No written comments were received.

Police Department. No written comments were received.

VI. Planning Commission Recommendation:

The Parachute Planning Commission will consider the application at their July 7, 2014 regular meeting. Staff recommends **CONDITIONAL APPROVAL** of the Grand View Industrial Center Planned Unit Development with the following conditions.

1. The PUD zoning use table shall conform with the staff recommended use schedule or the use schedule as recommended for modification by the Planning Commission and approved by the Board of Trustees
2. The applicant will work with the staff to develop PUD zoning text definitions for terms that are not defined in the PUD.
3. The PUD dimensional standards table shall conform to the staff recommended dimensional table or the dimensional standards table as recommended by the Planning Commission and approved by the Board of Trustees.
4. Nonconforming structures that cross lot lines, encroach on easements, setbacks and are otherwise nonconforming shall be brought into conformance by eliminating or moving lot lines through submission of an amended subdivision plat or boundary line adjustments.
5. Written comments should be solicited from Parachute Public Works, Utilities, Police Department and Fire Department about the proposed PUD prior to the Trustees meeting.
6. The covenants shall be subject to review by the Town attorney and staff to ensure that they are consistent with the approved PUD documents and include possible language providing for the Town's right but not obligation to enforce certain provisions.
7. Detailed landscaping information should be submitted with the each new building permit that includes landscaping plans that conform to the town of Parachute landscaping requirements and include a guarantee of survival.
8. All exterior lighting in the project shall utilize "dark sky" compliant cutoff fixtures.
9. The applicant shall comply with the recommendations made by the Town engineer and detailed in the July 2, 2014 letter from Austin Civil Group, Incorporated with the exception of condition 2 regarding the new subdivision plat because it is addressed and condition 4 above.
10. Any use or regulated activity that is not addressed and governed by the Grand View Industrial Center Planned Unit Development text that is otherwise addressed in the Parachute Municipal Code shall be governed by the Parachute Municipal Code.
11. All representations of the applicant made in written application materials submitted to the Town and/or verbally at the Planning Commission or Trustees meetings shall be considered part of the application and be binding on the applicant.

VI. Recommended Motion:

The recommended motion on this request is as follows.

Motion to **APPROVE** the Grand View Industrial Center Planned Unit Development with the staff recommended conditions. (Any modifications or additional conditions made by the Planning Commission should be added to this motion).

AGENDA ITEM

OTHER MATTERS:

A THANK YOU AND INFORMATION ABOUT THE ABUNDANCE GARDEN

Abundance Garden

Photo courtesy of Wisconsin Department of Natural Resources

plant a seed

grow a crop

share with all

make hunger stop!

The Abundance Garden is outshining our greatest expectations! With over 2,500 sq. ft. of area planted and growing nicely, we are still on task to address hunger in our community. Your contribution, regardless of size, assisted us in turning a dream into a reality.

So with great thanks, we hope that you will share with us great pride in being an active part of the Abundance Garden.

Thank you!

Mission and Outreach Committee

THE ABUNDANCE GARDEN
GRAND VALLEY UNITED METHODIST CHURCH

132 North Parachute
Parachute, CO 81635

INVITES YOU TO OUR
APPRECIATION LUNCHEON

Without your help – regardless of how small or large –
our garden would not be growing as well as it is.

Please join us for our appreciation luncheon to be held on Sunday, July 13th beginning at 11:30 a.m. As a part of our luncheon, we will be asking all that have volunteered or contributed to sign the Abundance Garden sign. It is our way of recognizing the number of individuals and companies that have been so important to us.

Please RSVP for the picnic (970-285-9892) and let us know if you (and any guests) will attend. We want to have plenty of hamburgers on hand!

If you can't attend, please feel free to add your signature to the sign once the service on the 13th is over.

We are excited about returning all of the fresh grown produce to those from the community that are in need. This is our mission statement….. to help reduce hunger.

Hope you can join us for our celebration. And again, a huge thank you.

The Mission and Outreach Committee

P.S. If you would like to join us for our church service as well, it will start at 10:00 a.m. Luncheon to immediately follow on the lawn.