

AGENDA
ROONEY VALLEY COMMISSION MEETING
RED ROCKS BAPTIST CHURCH
14711 W. MORRISON ROAD
MORRISON, CO 80465
THURSDAY, MAY 17, 2018
6:00-10:00 P.M.

1. CALL TO ORDER
2. ROLL CALL
3. AMENDMENTS TO THE AGENDA
4. PRESENTATIONS AND HEARINGS
 - a. Red Rocks Ranch Rezoning- Major Overall Development Plan Amendment
 - i. Staff Update
 - ii. Developer Update
 - iii. Commission Discussion and Decision
5. APPROVAL OF MINUTES
 - a. April 12, 2018
 - b. April 25, 2018
6. ADJOURNMENT

Staff report/ packet can be found at the following link: <https://bit.ly/2F0GkEV>.



TOWN OF MORRISON

321 HIGHWAY 8 • MORRISON, CO 80465 • PHONE: (303) 697-8749
FAX: (303) 697-8752

MEMO

Date: May 9, 2018

Prepared by: Stephanie Stevens, Town Planner
Gerald Dahl, Town Attorney
Troy Bales, Applicant's Representative

Prepared for: Rooney Valley Commission

Subject: Responses to Questions of the Commission
Regarding Red Rocks Ranch Rezoning
Major Overall Development Plan Amendment #1

SUMMARY:

As an outcome of the continued public hearing that took place on April 25th, 2018, regarding the application entitled Red Rocks Centre Overall Development Plan Amendment #1, the Rooney Valley Commission requested a second continuation based on the need for additional information, clarification and outstanding questions of the Commission. The Morrison Town Planner, Town Attorney and the applicant have provided responses below and attached.

QUESTIONS OF THE COMMISSION:

COMMISSIONER MATT SCHWEICH

In preparation for the continuation of the Rooney Valley Commission's hearing of the Red Rocks Ranch ODP Amendment #1 hearing on May 17, 2018, I would like to request the following information:

- 1) A copy of the recent letter from Jefferson County schools regarding land dedication.

Town Planner Response: A copy of the recent letter from Jefferson County Schools dated April 18, 2018 is attached and was uploaded to the development review website (Link to full application: <http://bit.ly/2ifsIvX>)

on April 26, 2018. Staff followed up with Jefferson County Schools to clarify whether they would like to see the option for land dedication or cash-in-lieu. Below is their response:

“The school district is requesting the full required land dedication. The fees-in-lieu will not be adequate to purchase land in the future, therefore, the school district would like documents to be clear and explicitly require full land dedication.”

The applicant has revised the ODP to include a requirement specific to school land dedication per Jefferson County School District’s request.

- 2) Revised (by the applicant) commercial guidelines that address the Town’s 2nd review comments dated April 2, 2018.

Applicant Response: The commercial guidelines within the Amendment #1 to the Red Rocks Centre Overall Development Plan (“ODP”) have been revised to address staff’s comments received 4/2/2018.

Town Planner Response: Please see attached revised Overall Development Plan (ODP) provided by the applicant. Staff finds that the revised ODP sufficiently addresses the previous concerns related to the design guidelines reflected in staff’s review comments dated April 2, 2018.

- 3) Design guidelines (prepared by the applicant) for the neighborhood nodes. These guidelines should contain sufficient detail to allow the commission to determine if they substantially meet the intent of the neighborhood nodes outlined in Plan Rooney Valley (the “Plan”).

Applicant Response: The design guidelines within the ODP have been revised to add additional language associated to the neighborhood nodes.

Town Planner Response: Please see the revised Overall Development Plan (ODP) provided by the applicant. The applicant has added a development condition in the ODP to require a subdivision improvements agreement (at time of final subdivision plat) to include assurances for neighborhood-specific commercial and community amenities. A section has also been added to the Commercial Guidelines to coincide with direction provided in Plan Rooney Valley (see Section D on Sheet 5 of the ODP). Staff finds that the proposed revisions, in combination with the allowance of convenience retail uses within the applicable residential planning areas for which the nodes are proposed to be located, satisfy the intent of Plan Rooney Valley.

- 4) Record of consultation by the applicant with Colorado Parks and Wildlife (“CPW”) regarding recommendations for mitigation of effects to wildlife.

Ideally, this would be in the form of a referral response from CPW that contains appropriate recommendations.

Applicant Response: Notes have been provided in the ODP to include requirements associated to the open space corridors. The notes were generated from the recommendations that CPW provided as a part of the Plan Rooney Valley process.

Town Planner Response: A Wildlife, Vegetation and Landscape Plan/Report is required by the Town of Morrison and Jefferson County as part of the subdivision platting process. At time of Final Subdivision Plat application to the governing jurisdiction, a formal referral will be sent to CPW for comment, once site-specific details of the development are known. The applicant has added notes on the ODP to reiterate CPW recommendations as outlined in Plan Rooney Valley (see Open Space Corridor Notes on Sheet 5 of the ODP). Please see the response letter provided by CPW during the Plan Rooney Valley update process, which gives some insight into the wildlife that is present within the area.

COMMISSIONER JAMEE CHAMBERS

- 1) I would like the ODP written restrictions to detail the allowable "mixed use" in the commercial area. For example, such that residential units could be placed on 2nd or 3rd stories but specifying only retail uses on the ground floor.

Applicant Response: Currently Plan Rooney Valley does not include allowances for residential uses within the commercial planning area.

Town Planner Response: Plan Rooney Valley specifically designates the 40-acre parcel located at the northwest corner of West Morrison Road and South McIntyre Street as commercial (with a civic component), to represent a broad mixture of commercial development to serve both local and regional markets. While the description provided in the land use designations chart of Plan Rooney Valley does refer to "mixed-use", in stating "the commercial land designated at West Morrison Road and South McIntyre Street is envisioned to function as a higher density mixed-use Town Center that has a strong civic component dedicated to the Town of Morrison", it is staff's interpretation that "mixed-use" as applied here is referring to the mix of commercial and civic use types. The Plan reserves the land in the northwest portion of the Valley for limited residential/commercial mixed-use types and neighborhood nodes strategically located throughout the Rooney Valley as a way to incorporate a mix of small-scale commercial uses within residential areas; but, the Plan does not specifically call for residential/commercial mixed uses elsewhere. Thus, staff finds that the subject application complies with Plan Rooney Valley in regards to proposed allowable uses within the commercial

planning area. That said, staff would not be opposed to allowing vertical residential/commercial mixed-uses within the commercial planning area, if desired by the Commission, so long as it is recognized that such an approach is not called for in Plan Rooney Valley, and any residential units should be limited to upper stories with densities limited by means of transfer from other residential planning areas as to not increase the overall residential density.

- 2) I am also agreeing that storage units of any size, shape, height or % of land area be NOT allowed at all.

Applicant Response: Self Storage has been removed from the permitted uses within the commercial planning area of the ODP.

COMMISSIONER ROBERT EADIE

- 1) Out of the last hearing, we moved to continue. However, we took a vote on the original motion which was to approve or deny the ODP/rezoning request. The motion failed. Therefore, it is my opinion that we recommended that the ODP not be approved. Please clarify that for me as I understand we voted it down.

Town Attorney Response: The Commission voted 4-2 to defeat a motion to recommend approval of the rezoning. Defeat of this motion does not automatically result in a recommendation of denial – it only means the approval motion failed. At the May 17 continued hearing, the Commission will need to either take a new motion to recommend approval with different conditions, or a motion to recommend denial. Once a motion actually passes, the Commission’s work is concluded.

- 2) We need additional information on the background of this case before our next hearing. My particular interest is the reason for the disconnect. If the land reverts to Jefferson County, what is the point in the Plan Rooney Valley and the IGA? Why not just disconnect the property now and let Jefferson County Planning Commission approve or deny the applicant's request on the ODP change?

Town Planner Response: The invaluable input that was received by the public and stakeholders during Plan Rooney Valley’s public participation process helped guide and develop the vision, guiding principles, goals and actions of Plan Rooney Valley. Jefferson County has voiced their desire for the Town to process the subject zoning application (i.e. ODP Amendment); the Town assumes this is because we have more appropriate tools in place. By incorporating the principles of the Plan within the ODP document, the ODP will be an enforceable means of ensuring implementation of the Plan, if approved. Jefferson County previously chose not to be party to the IGA and Plan Rooney Valley, but this does not

preclude the County from adopting Plan Rooney Valley and/or becoming participants of the IGA in the future.

Town Attorney Response: Disconnection is within the exclusive discretion of the Morrison Board of Trustees. The Rooney Valley Commission's role in this hearing is to act as the Town's planning commission in giving a recommendation on the proposed rezoning, not the proposed disconnection.

- 3) Why can't Morrison manage or handle additional population? There is a lot of medium density residential in Jefferson County now adjacent to Town of Morrison and this really should be incorporated into a City or Town of some kind so that more comprehensive planning and home rule be applied to these areas. Now with this development we will have a dense urban context that is lays within the County. This does not make any sense to me at least. I would like the opinion of professional comprehensive planners like Roger Wadnal to weigh in on this. Again, the Plan Rooney Valley seems to be pointless unless it is managed by some jurisdiction.

Town Planner Response: Staff has worked closely with the applicant throughout the review process to incorporate Plan Rooney Valley principles within the ODP document, which is considered the overall zoning document to be enforced by the governing jurisdiction, whether that be the Town of Morrison or Unincorporated Jefferson County. Plan Rooney Valley is the master plan and visioning document for the Rooney Valley, and serves as the most valuable tool for basing the Commission's decision on the rezoning. All other matters aside, the vision of the Plan remains the same. The ODP will be an enforceable means of ensuring implementation of the Plan, if approved.

Town staff reached out to Mr. Wadnal, City of Lakewood Comprehensive Planner, for comment. His response is provided below:

"The Rooney Valley IGA and joint master plans (currently Plan Rooney Valley) are between the City of Lakewood and Town of Morrison. Jefferson County, for their own historic reasons, chose not to participate as a partner. The intent of the IGA and plans was that lands, when developed, would be in one or the other jurisdiction. Morrison historically and recently indicated a desire not to have additional residential development in the Town that would dramatically change the voting dynamic in the Town.

Initially, the applicant / developer of Red Rocks Ranch pursued annexing the residential development into Lakewood, and would be subject to the IGA. There were formal applications to annex and initial zone the Red Rocks Ranch property with the City of Lakewood. These applications were withdrawn prior to opening up the cases with the

Town of Morrison. The developer then chose to pursue de-annexing from Morrison and developing in unincorporated Jefferson County. That is the developer's choice and they would need to be asked for their reasoning to do so.

In any case, Plan Rooney Valley was developed and adopted through an extensive public process, and it is important, from a planning perspective, for the concepts to be adhered to, in whatever jurisdiction the project is developed. Although, if developed in the County this would be more problematic unless the concepts are written into the ODP and carried over into the ODP adopted by the County, which is not guaranteed. The ODP should state that the development will adhere to Plan Rooney Valley, as may be amended."

- 4) Another thing is the non-participation in the IGA by County of Jefferson. I would like to know why they are not involved with Plan Rooney Valley given that it seems Morrison wants to disconnect all their land into the County.

Town Planner Response: While the County has historically chosen not to participate as a partner of the IGA, they were involved in the Rooney Valley Master Plan Update (i.e. Plan Rooney Valley) public participation process and provided input on the updated plan. Jefferson County has also been heavily involved in the development review process for the subject application. While they previously chose not to be party to the IGA and Plan Rooney Valley, this does not preclude the County from adopting Plan Rooney Valley and/or becoming participants of the IGA in the future.

Town Attorney Response: It is true the County is not a party to the Rooney Valley IGA, however this does not alter the role of the Rooney Valley Commission and its obligation to act as the Town's planning commission under the Morrison Code to give a recommendation on the proposed rezoning.

- 5) There is apparently a legal disagreement between Lakewood and Morrison on the terms of the IGA. The Lakewood attorney said we should stop the hearings now. While the Morrison attorney says we should continue. Where does this dispute stand today? Again, the process and all our time spend at these long hearings seems pointless if there is a legal dispute in play.

Town Attorney Response: The Rooney Valley Commission is required to process this application and to give a recommendation; that obligation is not affected or delayed by the City of Lakewood notice of dispute letter.

ATTACHMENTS:

- A. Colorado Parks & Wildlife Memo dated January 1, 2017
- B. Revised Overall Development Plan (ODP) dated May 7, 2018



COLORADO

Parks and Wildlife

Department of Natural Resources

Northeast Region
6060 Broadway
Denver, CO 80216
P 303 291-7227 | F 303 291-7114

January 18, 2017

Roger Wadnal
Project Planner
Lakewood Planning Department
Civic Center North
470 S. Allison Parkway
Lakewood, CO 80226

RE: Plan Rooney Valley, joint master plan development

Dear Mr. Wadnal:

Thank you for requesting Colorado Parks and Wildlife's (CPW's) input on this project. The mission of CPW is to perpetuate the wildlife resources of the state, to provide a quality state parks system, and to provide enjoyable and sustainable outdoor recreation opportunities that educate and inspire current and future generations to serve as active stewards of Colorado's natural resources. One of the ways that we achieve our mission is to comment on land use proposals such as the request we received from your agency.

The Rooney Valley consists of approximately 2,200 acres of land including parcels located in Lakewood, Morrison, and unincorporated Jefferson County. It is primarily bounded on the north by W. Alameda Ave and on the south by W. Morrison Rd. The Development Framework Map, included in the Plan Rooney Valley, includes lands west of C-470 and north of West Alameda Parkway as well.

The Bear Creek drainage is located to the south, across Morrison Rd. and Hayden Green Mountain is located to the north, across from West Alameda Pkwy. Thus, this site receives high wildlife use. This area contains rolling upland slopes with a diversity of native grasses such as blue grama and western wheatgrass and non-natives such as smooth brome. Yucca and rabbitbrush can also be found on site as well as small deciduous trees and willows. Noxious weeds are also present in some areas of the site including cheat grass, knapweed and toadflax.

Wildlife that would commonly be found in this area would include various reptiles, ground nesting birds, deer, and many small mammals including mice, voles, rabbits, skunks, foxes and coyotes. Elk, black bear, and mountain lions occasionally utilized this area. The Front Range "hogback"



feature is considered one of the most important migratory corridors for raptors in the western U.S. and several raptors can be observed utilizing this site including Swainson's and red-tailed hawks. Historically, a few prairie dog colonies were located within the Rooney Valley development. Occasional plague outbreaks have impacted these over the years but some may still be located within the project area.

The rolling hills and open expanses of this site are attractive to species such as raptors, meadowlarks, voles, prairie dogs and various reptiles. With development, these species will decrease in number and others may be lost completely from the site. Conversely, there are many small game species that tend to adapt with development and, in the long run, may increase in abundance with development. These species would include rabbits, skunks, foxes, coyotes and squirrels.

This site currently receives some use by deer. Corridors with natural vegetation and connectivity to existing open space may allow for effective movement of deer between Hayden Green Mountain and the Bear Creek Greenbelt. The deer population currently located on Green Mountain is relatively landlocked and many deer that currently venture off of the mountain run into conflicts with fences, roadways and pets in adjacent neighborhoods.

Habitat in this area is disappearing rapidly thus we appreciate any measures that are taken to help preserve some of the habitat value for wildlife. The four proposed drainage corridors, in the Plan Rooney Valley document, should allow for wildlife movement along the east side of C-470. Any future development planned on the west side of C-470 however, will likely have significant impacts to wildlife that utilize the "hogback" to move north and south along the Front Range.

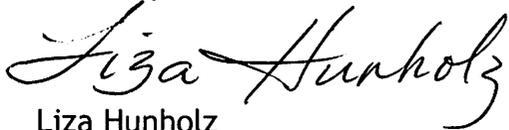
This development will have impacts to wildlife. Thus, we recommend the following as mitigation recommendations:

- Housing should be clustered as much as possible to allow larger expanses of open space for wildlife.
- The Development Framework Map shows that the four proposed drainage corridors will link to existing open space. Coordinating these in areas where wildlife can successfully cross roadways along W. Alameda Parkway and W. Morrison Rd. will also be important.
- The 200' and 300' proposed corridors will be most beneficial to wildlife if they contain native vegetation that is relatively undisturbed to allow good cover and ease of wildlife movement. CPW supports the size of the corridors as long as in areas where active open spaces (such as groomed parks, ball fields, pedestrian trails) are planned, that the active open space not be considered as part of the 200' and 300' corridor.
- Since noxious weeds are on site, we recommend that machinery be inspected prior to leaving the site so visible plant material can be removed. This will help slow the spread of invasive seeds.
- Desirable vegetation would be native plantings that are beneficial to wildlife. A few of these would include three-leaf sumac, chokecherries and American plum.
- If any trees are removed from the site, we recommend they be replaced utilizing native species.
- If any fencing is contained within the open space parcels, wildlife friendly fencing material and design should be considered. The CPW website has reference material for wildlife friendly fencing titled *Fencing with Wildlife in Mind*.

- Any drainage or detention areas would be most beneficial to wildlife if planted with native plantings and left undisturbed.
- If prairie dog colonies are present, CPW recommends relocating existing prairie dogs to a new location (which requires a state permit) or humanely poisoning before any earth-moving activities begin. Burrowing owls are a state threatened species which utilize prairie dog towns. Thus, if any construction activity is to begin between March 1 and October 31, we also recommend that surveys be conducted to determine the owl's presence. The owls are migratory thus activity outside of this window would not require any owl observations. More information can be found on the website or can be provided to you directly.
- Homeowners should be notified of wildlife that exists in this location. With the prevalence of wildlife in this area, precautions should be taken to avoid conflicts. All trash receptacles utilized should be bear-resistant or kept in a secured location until the morning of trash pick-up. Household pets should not be allowed to run at large and should be kept inside at night or in a secured kennel. Yards should be kept clear of trash and pet food. Bird feeders and barbecue grills should be used wisely. The CPW website has materials and additional information on coexisting with wildlife.

Thank you for allowing CPW to comment on this proposal. If you have any questions, feel free to contact your local District Wildlife Manager, Jerrie McKee at (303) 880-4089.

Sincerely,



Liza Hunholz
Area Wildlife Manager

cc: M. Leslie, T. Kroening, W. Padia, J. George, J. McKee



RECOMMENDED SURVEY PROTOCOL AND ACTIONS TO PROTECT NESTING BURROWING OWLS

Western Burrowing Owls (*Athene cunicularia hypugaea*) are commonly found in prairie dog towns throughout Colorado. Burrowing owls require prairie dog or other suitable burrows (e.g. badger) for nesting and roosting. Burrowing owls are migratory, breeding throughout the western United States, southern Canada, and northern Mexico and wintering in the southern United States and throughout Mexico.

Federal and state laws prohibit the harming or killing of burrowing owls and the destruction of active nests. It is quite possible to inadvertently kill burrowing owls during prairie dog poisoning projects, removal of prairie dogs, destruction of burrows and prairie dogs using a concussive device, or during earth moving for construction. Because burrowing owls often hide in burrows when alarmed, it is not practical to haze the birds away from prairie dog towns prior to prairie dog poisoning/removal, burrow destruction, or construction activity. Because of this, the Colorado Division of Wildlife recommends surveying prairie dog towns for burrowing owl presence before potentially harmful activities are initiated.

The following guidelines are intended as advice on how to determine if burrowing owls are present in a prairie dog town, and what to do if burrowing owls are detected. These guidelines do not guarantee that burrowing owls will be detected if they are present. However, adherence to these guidelines will greatly increase the likelihood of detection.

Seasonal Timing

Burrowing owls typically arrive on breeding grounds in Colorado in late March or early April, with nesting beginning a few weeks later. Active nesting and fledging has been recorded and may be expected from late March through early August. Adults and young may remain at prairie dog towns until migrating to wintering grounds in late summer or early autumn.

Surveys should be conducted during times when burrowing owls may be present on prairie dog towns. Surveys should be conducted for any activities occurring between March 15th and October 31st. No burrowing owls are expected to be present between November 1st and March 14th.

Daily Timing

Burrowing owls are active throughout the day; however, peaks in activity in the morning and evening make these the best times for conducting surveys (Conway and Simon 2003). Surveys should be conducted in the early morning (1/2 hour before sunrise until 2 hours after sunrise) and early evening (2 hours before sunset until 1/2 hour after sunset).

Number and locations of survey points

Burrowing owls are most frequently located visually, thus, obtaining a clear view of the entire prairie dog town is necessary. For small prairie dog towns that can be adequately viewed in their entirety from a single location, only one survey point is necessary. The survey point should be selected to provide unobstructed views (with binoculars if necessary) of the entire prairie dog town

(burrow mounds and open areas between) and all nearby structures that may provide perches (e.g., fences, utility poles, etc.)

For prairie dog towns that can not be entirely viewed from a single location because of terrain or size, enough survey points should be established to provide unobstructed views of the entire prairie dog town and nearby structures that may provide perches. Survey locations should be separated by approximately 800 meters (1/2 mile), or as necessary to provide adequate visual coverage of the entire prairie dog town.

Number of surveys to conduct

Detection of burrowing owls can be highly variable and multiple visits to each site should be conducted to maximize the likelihood of detecting owls if they are present. At least three surveys should be conducted at each survey point. Surveys should be separated by approximately one week.

Conducting the survey

- **Weather Considerations** Because poor weather conditions may impact the ability to detect burrowing owls, surveys should only be conducted on days with little or no wind and no precipitation.
- **Passive surveys** Most burrowing owls are detected visually. At each survey location, the observer should *visually* scan the area to detect any owls that are present. Some burrowing owls may be detected by their call, so observers should also *listen* for burrowing owls while conducting the survey.

Burrowing owls are frequently detected soon after initiating a survey (Conway and Simon 2003). However, some burrowing owls may not be detected immediately because they are inconspicuous, are inside of burrows, or are not present on the site when the survey is initiated. We recommend that surveys be conducted for 10 minutes at each survey location.

- **Call-broadcast surveys** To increase the likelihood of detecting burrowing owls, if present, we recommend incorporating call-broadcast methods into burrowing owl surveys. Conway and Simon (2003) detected 22% more burrowing owls at point-count locations by broadcasting the primary male (*coo-coo*) and alarm (*quick-quick-quick*) calls during surveys. Although call-broadcast may increase the probability of detecting burrowing owls, most owls will still be detected visually.
- We recommend the following 10-minute timeline for incorporating call-broadcast methods (Conway and Simon 2003, C. Conway pers. commun.). The observer should scan the area for burrowing owls during the entire survey period.
 - 3 minutes of silence
 - 30 seconds call-broadcast of primary call (*coo-coo*)
 - 30 seconds silence
 - 30 seconds call-broadcast of primary call (*coo-coo*)
 - 30 seconds silence
 - 30 seconds call-broadcast of alarm call (*quick-quick-quick*)
 - 30 seconds silence
 - 4 minutes of silence

Calls can be broadcast from a "boom box", a portable CD or cassette player, or an mp3 player attached to amplified speakers. Calls should be broadcast loudly but without distortion.

Recordings of this survey sequence (compact disc or mp3 sent via email) are available free of charge by contacting:

David Klute
Bird Conservation Coordinator
Colorado Division of Wildlife
6060 Broadway
Denver, CO 80216
Phone: 303-291-7320
Email: David.Klute@state.co.us

Identification

Adult burrowing owls are small, approximately 9-11 inches. They are brown with white spotting and white barring on the chest. They have long legs in comparison to other owls and are frequently seen perching on prairie dog mounds or other suitable perches (e.g., fence posts, utility poles) near prairie dog towns. Juvenile burrowing owls are similar to adults but smaller, with a white/buff colored chest that lacks barring.

General information about burrowing owls is available from the Colorado Division of Wildlife website:

<http://wildlife.state.co.us/WildlifeSpecies/Profiles/Birds/BurrowingOwl.htm>

Additional identification tips and information are available from the U.S. Geological Survey Patuxent Wildlife Research Center website:

<http://www.mbr-pwrc.usgs.gov/id/framlst/i3780id.html>

What To Do If Burrowing Owls Are Present

If burrowing owls are confirmed to be present in a prairie dog town, there are two options before proceeding with planned activities:

1. Wait to initiate activities until after November 1st or until it can be confirmed that the owls have left the prairie dog town.
2. Carefully monitor the activities of the owls, noting and marking which burrows they are using. This is not easy to accomplish and will require considerable time, as the owls may use several burrows in a prairie dog town. When all active burrowing owl burrows have been located and marked, activity can proceed in areas greater than 150 feet from the burrows with little danger to the owls. Activity closer than 150 feet may endanger the owls.

Reference

Conway, C. J. and J. C. Simon. 2003. Comparison of detection probability associated with Burrowing Owl survey methods. *Journal of Wildlife Management* 67:501-511.

revised 02/2008

See also: "Controlling Prairie Dogs: Suggestions For Minimizing Risk To Non-Target Wildlife Species" Colorado Division of Wildlife 03/2007

RECEPTION NO. _____, DATE _____, 2018, TIME _____, COUNTY OF JEFFERSON, STATE OF COLORADO, \$ _____

Red Rocks Centre Overall Development Plan Amendment #1

A PARCEL OF LAND LOCATED IN SECTION 36, TOWNSHIP 4 SOUTH, RANGE 70 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO. 353.72 ACRES (15,407,913 SQ. FT.), TOWN OF MORRISON

This Red Rocks Centre Overall Development Plan Amendment #1 supercedes and replaces in its entirety that certain Red Rocks Centre Overall Development Plan which was approved by the Board of Trustees on July 8, 2008 by Ordinance No. 356, and accepted by the Board of Trustees September 26, 2008; and, recorded on September 26, 2008 at Reception No. 2008090490 in the Office of the Jefferson County Clerk and Recorder.

LEGAL DESCRIPTION

A PART OF SECTION 36, TOWNSHIP 4 SOUTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, TOWN OF MORRISON, COUNTY OF JEFFERSON, STATE OF COLORADO;

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 36, BEING MONUMENTED BY A 3 1/4 INCH ALUMINUM CAP STAMPED "PLS 25965" IN A RANGE BOX, WHENCE THE EAST QUARTER CORNER OF SAID SECTION 36, BEING MONUMENTED BY A 3 1/4 INCH BRASS CAP STAMPED "LS 19591" BEARS S 00°12'12"E, A DISTANCE OF 2643.30 FEET; THENCE S 89°09'12"W ALONG THE NORTH LINE OF SAID SECTION 36 A DISTANCE OF 2.65 FEET TO THE POINT OF BEGINNING; THENCE S 00°09'54"W, A DISTANCE OF 661.02 (RECORDED AS 660.73) FEET; THENCE N 89°09'31"E, A DISTANCE OF 7.06 FEET TO THE EAST LINE OF SAID SECTION 36; THENCE S 00°12'12"E, ALONG SAID EAST LINE A DISTANCE OF 1982.34 FEET TO SAID EAST QUARTER CORNER OF SAID SECTION 36;

THENCE S 89° 43' 29" W, ALONG THE NORTH LINE OF RED ROCKS CENTRE FILING NO. 4 AS RECORDED AT RECEPTION NUMBER F2149063 IN SAID OFFICE A DISTANCE OF 830.51 FEET;

THENCE S 53° 06' 58" W, ALONG A NORTHWESTERLY LINE OF SAID PLAT OF RED ROCKS CENTRE FILING NO. 4 A DISTANCE OF 278.44 (RECORDED AS 278.59) FEET TO THE NORTHEASTERLY LINE OF SOUTH MCINTYRE STREET AS SHOWN ON SAID PLAT OF RED ROCKS CENTRE;

THENCE ALONG SAID NORTHEASTERLY LINE OF SOUTH MCINTYRE STREET THE FOLLOWING THREE COURSES:

1. THENCE S 36° 59' 42" E, A DISTANCE OF 1038.11 FEET TO A POINT ON A CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 286.39 FEET;
2. THENCE SOUTHEASTERLY, THROUGH A CENTRAL ANGLE OF 21° 40' 26", ALONG THE ARC OF SAID CURVE 108.34 FEET, SAID CURVE HAVING A CHORD THAT BEARS S 47° 50' 27" E, A DISTANCE OF 107.69 FEET;
3. THENCE S 58° 40' 40" E, A DISTANCE OF 314.27 FEET;

THENCE S 00° 10' 59" E, A DISTANCE OF 20.15 FEET TO THE NORTHWESTERLY LINE OF MORRISON ROAD AS SHOWN ON CDOT RIGHT-OF-WAY PLANS FOR STATE HIGHWAY NO. 8 PROJECT CC11-0008-27;

THENCE S 30° 14' 34" W, ALONG SAID NORTHWESTERLY LINE A DISTANCE OF 990.97 FEET TO AN INTERIOR LOT LINE OF SAID RED ROCKS CENTRE;

THENCE ALONG SAID INTERIOR BOUNDARY LINE THE FOLLOWING FIFTEEN COURSES:

1. THENCE N 64° 11' 50" W, A DISTANCE OF 688.96 FEET;
2. THENCE N 73° 31' 03" W, A DISTANCE OF 572.24 FEET;
3. THENCE N 51° 25' 17" W, A DISTANCE OF 511.39 FEET;
4. THENCE N 27° 36' 23" E, A DISTANCE OF 428.84 FEET;
5. THENCE N 26° 18' 53" W, A DISTANCE OF 568.24 FEET;
6. THENCE S 89° 17' 42" W, A DISTANCE OF 469.72 FEET;
7. THENCE S89° 05' 41" W, A DISTANCE OF 529.97 FEET;
8. THENCE S 00° 09' 10" E, A DISTANCE OF 199.90 FEET;
9. THENCE S 73° 49' 19" E, A DISTANCE OF 886.04 FEET;
10. THENCE S 15° 02' 24" W, A DISTANCE OF 569.76 FEET;
11. THENCE S 50° 51' 47" E, A DISTANCE OF 707.92 FEET;
12. THENCE S 00° 13' 00" E, A DISTANCE OF 200.00 FEET;
13. THENCE S 89° 59' 42" E, A DISTANCE OF 200.00 FEET;
14. THENCE S 89° 50' 46" E, A DISTANCE OF 134.56 FEET;
15. THENCE S 00° 09' 51" E, A DISTANCE OF 132.08 FEET TO THE NORTH LINE OF LOT 1 BLOCK 10 OF SAID PLAT OF RED ROCKS CENTRE;

THENCE N 78° 31'32" W, ALONG SAID NORTH LINE A DISTANCE OF 165.00 FEET; THENCE S 11° 28' 28" W, ALONG THE WEST LINE OF SAID LOT 1 A DISTANCE OF 294.05 FEET TO SAID NORTHWESTERLY RIGHT-OF-WAY LINE OF MORRISON ROAD AS SHOWN ON CDOT RIGHT-OF-WAY PLANS FOR STATE HIGHWAY NO. C-470 PROJECT IXFU 470-1(61) PHASE II;

THENCE ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE THE FOLLOWING SEVEN COURSES:

1. THENCE S 84° 10' 07" W, A DISTANCE OF 27.75 FEET;
2. THENCE S 05° 49' 53 " E, A DISTANCE OF 25.00 FEET;
3. THENCE S 84° 10' 07" W, A DISTANCE OF 226.33 FEET;
4. THENCE N 82° 04' 36" W, A DISTANCE OF 383.15 FEET;
5. THENCE N 77° 10' 07" W, A DISTANCE OF 1104.25 FEET;
6. THENCE N 77° 39' 17" W, A DISTANCE OF 101.79 FEET;
7. THENCE N 67° 48' 15" W, A DISTANCE OF 368.92 FEET TO THE EAST LINE OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 36;

THENCE N 00° 57' 40" W, ALONG SAID EAST LINE A DISTANCE OF 32.15 FEET;

THENCE N 87° 28' 36" W, A DISTANCE OF 220.00 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF C-470 AS SHOWN ON CDOT RIGHT-OF-WAY PLANS FOR STATE HIGHWAY NO. C-470 PROJECT IXFU 470-1(61) PHASE II;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE THE FOLLOWING TWO COURSES:

1. THENCE N 14° 53' 55" W, A DISTANCE OF 645.98 FEET TO A POINT ON A CURVE CONCAVE WESTERLY, HAVING A RADIUS OF 3989.72 FEET;
2. THENCE NORTHERLY, THROUGH A CENTRAL ANGLE OF 20° 15' 58", ALONG THE ARC OF SAID CURVE 1411.20 FEET, SAID CURVE HAVING A CHORD THAT BEARS N 16° 55' 46" W, A DISTANCE OF 1403.85 FEET TO THE NORTH LINE OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 36;

THENCE N 89° 09' 32" E, ALONG SAID NORTH LINE A DISTANCE OF 96.90 FEET;

THENCE S 25° 00' 10" E, A DISTANCE OF 80.05 FEET;

THENCE N 89° 10' 31" E, A DISTANCE OF 42.27 FEET;

THENCE N 00° 33' 23" E, A DISTANCE OF 102.83 FEET;

THENCE S 89° 09' 26" W, A DISTANCE OF 121.86 FEET;

THENCE N 26° 16' 48" W, A DISTANCE OF 33.23 FEET;

THENCE N 89° 09' 32" E, A DISTANCE OF 722.96 FEET TO A WESTERLY LINE OF SAID PLAT OF RED ROCKS CENTRE;

THENCE N 00° 56' 59" W, ALONG SAID WESTERLY LINE A DISTANCE OF 1261.49 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 36;

THENCE ALONG NORTHERLY AND WESTERLY LINES OF SAID PLAT OF RED ROCKS CENTRE THE FOLLOWING FOUR COURSES:

1. THENCE N 89° 16' 42" E, A DISTANCE OF 2064.67 FEET;
 2. THENCE N 69° 33' 14" E, A DISTANCE OF 12.47 FEET;
 3. THENCE N 89° 09' 59" E, A DISTANCE OF 45.50 FEET;
 4. THENCE N 00° 09' 51" W, A DISTANCE OF 1321.75 FEET TO THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 36;
- THENCE N 89° 09' 12" E, ALONG SAID NORTH LINE DISTANCE OF 1905.86 FEET TO THE POINT OF BEGINNING SAID PARCEL CONTAINS A CALCULATED AREA OF 353.717 ACRES, MORE OR LESS.

OWNER
THARALDSON ETHANOL PLANT, L.L.C., A Nevada limited liability company.

By: Gary Tharaldson, Manager owner signature

By Darwin Horan in his individual capacity and as Manager of HF Holdings, LLC, a Colorado limited liability company, Attorney-in-Fact to Gary Tharaldson, Manager of Tharaldson Ethanol Plant, L.L.C., A Nevada limited liability company.

State of Colorado)
) ss.
Jefferson County)

The foregoing was acknowledged and signed before me this _____ day of _____, 2018 by Darwin Horan in his individual capacity and as Manager of HF Holdings, LLC, a Colorado limited liability company, Attorney-in-Fact to Gary Tharaldson, Manager of Tharaldson Ethanol Plant, L.L.C., a Nevada limited liability company.

My commission expires _____.

Date Notary Public

OWNER
Vincent Schmitz

By: Marty Schmitz

Owner of Red Rocks Centre Lot 3, Block 6

State of Colorado)
) ss.
Jefferson County)

The foregoing was acknowledged and signed before me this _____ day of _____, 2018 by Marty Schmitz.

My commission expires _____.

Date Notary Public

OWNER
Louisville Property Company LLC

By: Marty Schmitz, Manager

Owner of Red Rocks Centre Lot 2, Block 6

State of Colorado)
) ss.
Jefferson County)

The foregoing was acknowledged and signed before me this _____ day of _____, 2018 by Marty Schmitz as Manager of Louisville Property Company, LLC.

My commission expires _____.

Date Notary Public

Approval of the Red Rocks Centre Overall Development Plan Amendment #1 constitutes a vested property right pursuant to Article 68 of Title 24, C.R.S., as amended, the Town of Morrison Code and the Development Agreement dated _____, 2018.

ROONEY VALLEY PLANNING COMMISSION

This Red Rocks Centre Overall Development Plan Amendment #1 has been reviewed by the Rooney Valley Planning Commission, and has found to be complete and in accordance with the Zoning Ordinance of the Town of Morrison (Article E 10-1 E-5, Planned Development Zone District), Plan Rooney Valley (February, 2017) and the Intergovernmental Agreement between the Town of Morrison, Colorado and the City of Lakewood, Colorado Regarding the Rooney Valley (April 25, 2016); and, recommended for approval pursuant to Resolution _____ dated _____, 2018

By: _____, 2018

Henry Hollender (Date)
Chair, Rooney Valley Planning Commission
(Signature)

State of Colorado)
) ss.
Jefferson County)

The foregoing dedication was acknowledged and signed before me this _____ day of _____, 2018 by Henry Hollender as Chair, Rooney Valley Planning Commission.

My commission expires _____.

Date Notary Public

TOWN OF MORRISON BOARD OF TRUSTEES

This Red Rocks Centre Overall Development Plan Amendment #1 was approved by the Board of Trustees for the Town of Morrison on _____, 2018 by Ordinance No. _____.

By: _____, 2018

Sean Forey (Date)
Town of Morrison, Mayor
(Signature)

State of Colorado)
) ss.
Jefferson County)

The foregoing was acknowledged and signed before me this _____ day of _____, 2018 by Sean Forey as Mayor, Town of Morrison, Colorado.

My commission expires _____.

Date Notary Public

TOWN OF MORRISON ZONING ADMINISTRATOR CERTIFICATION

This Red Rocks Centre Overall Development Plan Amendment #1 has been reviewed by the Zoning Administrator for the Town of Morrison, and found to be complete and in accordance with the Zoning Ordinance of the Town of Morrison (Article E 10-1 E-5, Planned Development Zone District), Plan Rooney Valley (February, 2017) and Intergovernmental Agreement between the Town of Morrison, Colorado and the City of Lakewood, Colorado Regarding the Rooney Valley (April 25, 2016).

By: _____ (signature)

Kara Winters (Date)
Zoning Administrator, Town of Morrison
(Signature)

State of Colorado)
) ss.
Jefferson County)

The foregoing was acknowledged and signed before me this _____ day of _____, 2018 by Kara Winters, Zoning Administrator, Town of Morrison, Colorado.

My commission expires _____.

Date Notary Public

CLERK AND RECORDER CERTIFICATION

Accepted for recording in the Office of the County Clerk and Recorder of Jefferson County in Golden, Colorado, on this _____ day of _____, 2018 at _____ o'clock _____ m.

Reception No. _____.

Jefferson County Clerk and Recorder By Deputy Clerk

SHEET INDEX

- COVER SHEET 1
- EXISTING CONDITIONS MAP 2
- PLANNING MAP: NORTH 3
- PLANNING MAP: SOUTH 4
- PLANNING AREA NOTES AND DEVELOPMENT STANDARDS 5
- DEVELOPMENT STANDARDS 6
- BICYCLE TRAIL EXHIBIT 6

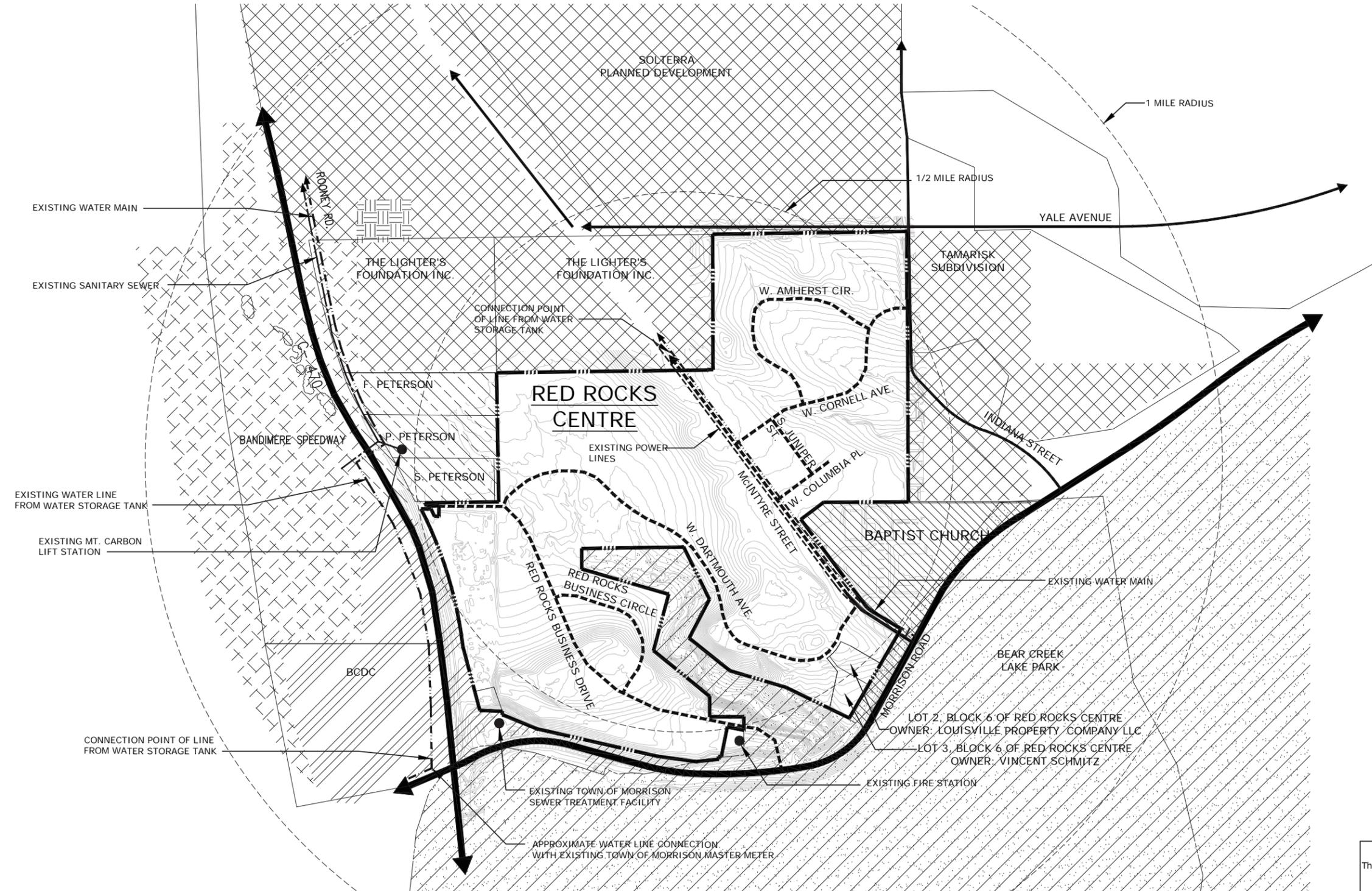
Prepared For:	Prepared By:	Project Managers:	Engineer:
Tharaldson Ethanol Plant I LLC 9801 E. Easter Ave. Centennial, CO. 80112	Rick Engineering Co. 9801 E. Easter Ave. Centennial, CO. 80112	Ventana Capital 9801 E. Easter Ave. Centennial, CO. 80112	Rick Engineering Co. 9801 E. Easter Ave. Centennial, CO. 80112
Date: May 3, 2018	COVER SHEET RED ROCKS CENTRE OVERALL DEVELOPMENT PLAN		Sheet: 1 of 6

RECEPTION NO. _____, DATE _____, 2018, TIME _____, COUNTY OF JEFFERSON, STATE OF COLORADO, \$ _____

Red Rocks Centre Overall Development Plan Amendment #1

A PARCEL OF LAND LOCATED IN SECTION 36, TOWNSHIP 4 SOUTH, RANGE 70 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO. 353.72 ACRES (15,407,913 SQ. FT.), TOWN OF MORRISON

EXISTING INFRASTRUCTURE MAP



LEGEND

- RED ROCKS CENTRE PROPERTY BOUNDARY
- EXISTING CONSTRUCTED ROAD NETWORK
- EXISTING PLATTED ROADS
- EXISTING SANITARY
- EXISTING WATER
- EXISTING POWER LINES

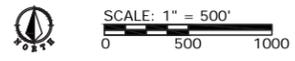
ADJACENT ZONING

- MIXED USE COMMERCIAL-OFFICE (MU-CO)
- MIXED USE COMMERCIAL (MU-C)
- SMALL LOT RESIDENTIAL (R-1-6)
- PLANNED DEVELOPMENT (PD)
- AGRICULTURAL A-2
- PLANNED DEVELOPMENT (GEOLOGIC HAZARD) (PD-GH)

Prepared For: Tharaldson Ethanol Plant I LLC 9801 E. Easter Ave. Centennial, CO. 80112	Prepared By: Rick Engineering Co. 9801 E. Easter Ave. Centennial, CO. 80112	Project Managers: Ventana Capital 9801 E. Easter Ave. Centennial, CO. 80112	Engineer: Rick Engineering Co. 9801 E. Easter Ave. Centennial, CO. 80112
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Date: May 3, 2018	EXISTING CONDITIONS MAP RED ROCKS CENTRE OVERALL DEVELOPMENT PLAN	Sheet: 2 of 6
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© 2017 Rick Engineering Company

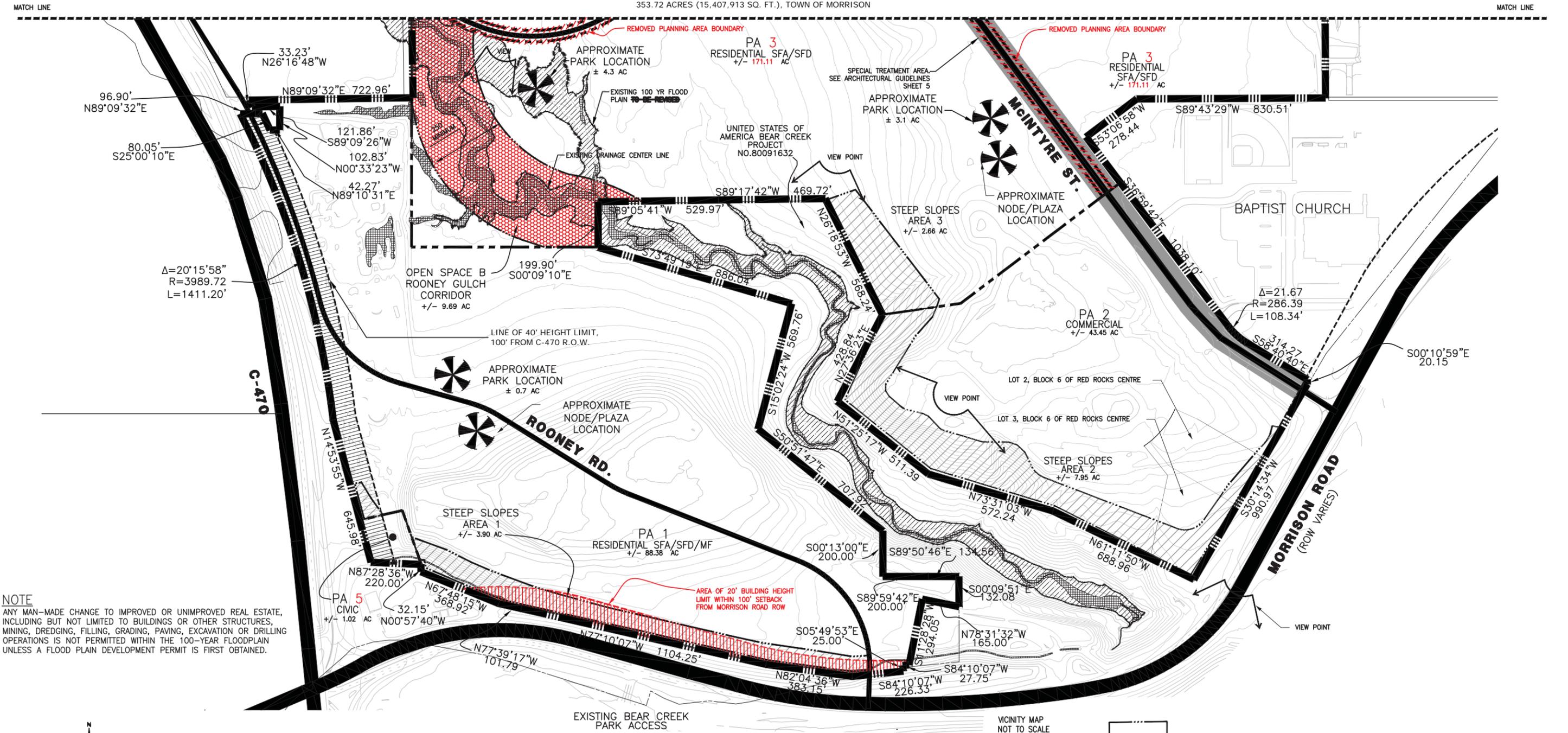


RECEPTION NO. _____, DATE _____, 2018, TIME _____, COUNTY OF JEFFERSON, STATE OF COLORADO, \$ _____

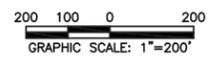
Red Rocks Centre Overall Development Plan Amendment #1

A PARCEL OF LAND LOCATED IN SECTION 36, TOWNSHIP 4 SOUTH, RANGE 70 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO. 353.72 ACRES (15,407,913 SQ. FT.), TOWN OF MORRISON

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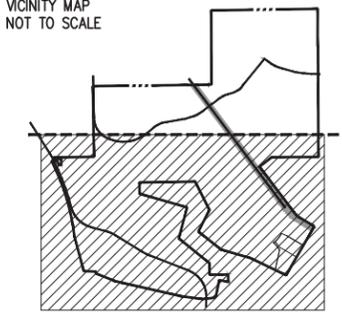
NOTE
 ANY MAN-MADE CHANGE TO IMPROVED OR UNIMPROVED REAL ESTATE, INCLUDING BUT NOT LIMITED TO BUILDINGS OR OTHER STRUCTURES, MINING, DREDGING, FILLING, GRADING, PAVING, EXCAVATION OR DRILLING OPERATIONS IS NOT PERMITTED WITHIN THE 100-YEAR FLOODPLAIN UNLESS A FLOOD PLAIN DEVELOPMENT PERMIT IS FIRST OBTAINED.



- LEGEND**
- RED ROCKS CENTRE PROPERTY BOUNDARY
 - PLANNING AREA BOUNDARY
 - STEEP SLOPES / OPEN SPACE BOUNDARY
 - CONCEPTUAL STREET ALIGNMENT
 - EXISTING CONTOURS

- LEGEND**
- STEEP SLOPES TO BE MAINTAINED AS OPEN SPACE
 - OPEN SPACE CORRIDORS
 - SPECIAL TREATMENT AREAS
 - APPROXIMATE WETLANDS
 - 100 YEAR FLOOD PLAIN BOUNDARY
 - VIEW POINT
 - PARK/NODE/PLAZA

STREET ALIGNMENTS SHOWN ARE CONCEPTUAL. FINAL ALIGNMENTS AND ACCESS LOCATIONS SHALL BE DETERMINED AT THE TIME OF FINAL SUBDIVISION PLAT.



Prepared For: Tharaldson Ethanol Plant I LLC 9801 E. Easter Ave. Centennial, CO. 80112	Prepared By: Rick Engineering Co. 9801 E. Easter Ave. Centennial, CO. 80112	Project Managers: Ventana Capital 9801 E. Easter Ave. Centennial, CO. 80112	Engineer: Rick Engineering Co. 9801 E. Easter Ave. Centennial, CO. 80112
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RECEPTION NO.

, DATE

, 2018, TIME

, COUNTY OF JEFFERSON, STATE OF COLORADO, \$

Red Rocks Centre Overall Development Plan Amendment #1

PLANNING AREA 1, 3-6: RESIDENTIAL SINGLE FAMILY ATTACHED/SINGLE FAMILY DETACHED/ MULTIFAMILY

PA 1 AND PA 3-6 IS INTENDED TO BE PRIMARILY RESIDENTIAL IN CHARACTER, PROVIDING SINGLE FAMILY ATTACHED AND / OR DETACHED (12 DU/ACRE MAX) AND MULTIFAMILY (35 DU/ACRE MAX) WITH LIMITED COMMERCIAL USES.

- PERMITTED USES:
- A. CONVENIENCE RETAIL SHOPPING FACILITY
 - B. CONVENIENCE SERVICE ESTABLISHMENT
 - C. DAYCARE (CHILD)
 - D. DWELLING: MULTIFAMILY (APARTMENT OR CONDO) (300 UNITS MAX OVER ENTIRE PROJECT)
 - E. DWELLING: SINGLE FAMILY ATTACHED (TOWN HOME, DUPLEX OR TRI-PLEX/FOUR-PLEX)
 - F. DWELLING: SINGLE FAMILY DETACHED
 - G. DWELLING: SINGLE FAMILY DETACHED ALLEY (20% OF LAND AREA MAX)
 - H. HOME OCCUPATION
 - I. LOW INTENSITY SPECIALTY GOODS & SERVICES
 - J. MULTIGENERATIONAL HOUSING WITH INDEPENDENT SUITE
 - K. OPEN SPACE / TRAILS
 - L. PARK / PLAYGROUND / TOT LOTS / COMMUNITY GARDEN
 - M. SCHOOL
 - N. UTILITY SERVICE FACILITY

PLANNING AREA 2: COMMERCIAL

PA 2 IS INTENDED TO BE COMMERCIAL IN CHARACTER, PROVIDING A MIX OF RETAIL AND OFFICE DEVELOPMENT UP TO 400,000 SF RETAIL.

- PERMITTED USES:
- A. ARCADE/POOL HALL
 - B. AUTO REPAIR FACILITY
 - C. BANK / FINANCIAL INSTITUTIONS
 - D. BUSINESS AND PROFESSIONAL OFFICE
 - E. CHURCH
 - F. CINEMA
 - G. COMMUNITY CENTER
 - H. CONVENIENCE RETAIL SHOPPING FACILITY
 - I. CONVENIENCE SERVICE ESTABLISHMENT
 - J. DAYCARE CENTER/PRESCHOOL/NURSERY
 - K. DRIVE-THRU ESTABLISHMENT
 - L. ENERGY CONSERVATION SYSTEMS
 - M. FARMER'S MARKET (TEMPORARY)
 - N. GAS STATION, SERVICE STATION OR CAR WASH
 - O. GROCERY STORE/SUPERMARKET
 - P. HEALTH CLUB / FITNESS CENTER (PUBLIC OR PRIVATE)
 - Q. HOTEL / MOTEL
 - R. LESSON TYPE STUDIO
 - S. LIQUOR STORE
 - T. LOW INTENSITY SPECIALTY GOODS AND SERVICES
 - U. MEDICAL OFFICE
 - V. PRIVATE COLLEGE/VOCATIONAL SCHOOL
 - W. R&D LABORATORY
 - X. RESTAURANT (INCLUDING DRIVE THROUGH)
 - Y. RETIREMENT HOME / NURSING HOME / ASSISTED LIVING
 - Z. SELF-STORAGE (150,000 SF MAX)

PLANNING AREA 4: RESIDENTIAL SINGLE FAMILY DETACHED

PA 4 IS INTENDED TO BE PRIMARILY RESIDENTIAL IN CHARACTER, PROVIDING SINGLE FAMILY DETACHED RESIDENTIAL HOMES WITH A MAXIMUM OF 7 DWELLING UNITS PER ACRE.

- PERMITTED USES:
- A. DAYCARE (CHILD)
 - B. DWELLING: SINGLE FAMILY DETACHED
 - C. HOME OCCUPATION
 - D. MULTIGENERATIONAL HOUSING WITH INDEPENDENT SUITE
 - E. OPEN SPACE / TRAILS
 - F. PARK / PLAYGROUND / TOT LOTS / COMMUNITY GARDEN
 - G. UTILITY SERVICE FACILITY
 - H. SCHOOL

STANDARD FLEXIBILITY STATEMENT:

THE GRAPHIC DRAWINGS CONTAINED WITHIN THIS OVERALL DEVELOPMENT PLAN ARE INTENDED TO DEPICT GENERAL LOCATIONS AND ILLUSTRATE CONCEPTS OF THE TEXTUAL PROVISIONS OF THIS OVERALL DEVELOPMENT PLAN. DURING THE PLATTING PROCESS THE PLANNING DIRECTOR MAY ALLOW MINOR VARIATIONS FOR THE PURPOSE OF ESTABLISHING:

- A. FINAL ROAD ALIGNMENTS
- B. FINAL CONFIGURATION OF LOT AND TRACT SIZES AND SHAPES
- C. FINAL BUILDING ENVELOPES
- D. FINAL ACCESS AND PARKING LOCATIONS
- E. LANDSCAPING ADJUSTMENTS

DEFINITIONS:

MULTIGENERATIONAL HOUSING: RESIDENCE CONSISTING OF THREE OR MORE GENERATIONS LIVING UNDER A COMMON ROOF. COULD INCLUDE A SEPARATE LIVING AREA INCLUSIVE OF A SECOND KITCHEN AND BATHROOM FACILITIES.

SCHOOLS:

LAND DEDICATION FOR A PUBLIC SCHOOL SITE SHALL BE OFFERED TO JEFFERSON COUNTY PUBLIC SCHOOLS. THE LAND AREA OFFERED FOR DEDICATION SHALL BE BASED ON THE REQUIREMENTS OF THE GOVERNING JURISDICTION AT THE TIME OF THE FINAL SUBDIVISION PLAT APPROVAL FOR THE PROPERTY.

OPEN SPACE A&B

ALL OPEN SPACE AREAS ARE CONTAINED WITHIN OTHER PLANNING AREAS. THESE SUB-AREAS SHALL PERMIT LANDSCAPING, TRAILS, RETAINING WALLS, DETENTION PONDS, DRAINAGE FACILITIES, PARKS, PASSIVE AND ACTIVE RECREATION FEATURES AND OTHER SIMILAR USES.

- PERMITTED USES:
- A. CHILDRENS PLAY EQUIPMENT
 - B. COMMUNITY EVENTS (TEMPORARY)
 - C. ENTRY MONUMENTATION / LANDSCAPING
 - D. FARMER'S MARKET (TEMPORARY)
 - E. NATURAL DRAINAGE CHANNELS, DETENTION FACILITIES AND WATER QUALITY.
 - F. PARK / PLAYGROUND
 - G. PEDESTRIAN / BICYCLE TRAILS
 - H. PICNIC AND BBQ AREAS INCLUDING SHELTERS
 - I. SIGNAGE AND LIGHTING
 - J. SPORTS FIELDS
 - K. STORM WATER DRAINAGE FACILITIES INCLUDING PIPES, OUTLETS AND CULVERTS (NOT COUNTED AS PART OF OPEN SPACE DEDICATION UNLESS DETERMINED FUNCTIONAL OPEN SPACE BY PLANNING & ZONING)

PLANNING AREA 5: CIVIC

PA 5 IS INTENDED TO BE CIVIC IN CHARACTER, WITH UP TO 10,000 SF OF FLOOR AREA.

- PERMITTED USES:
- A. ADMINISTRATIVE AND EXECUTIVE OFFICES
 - B. COMMUNITY EVENTS (TEMPORARY)
 - C. COMMUNITY WIDE SEWAGE TREATMENT PLANTS AND SOLID WASTE DISPOSAL SITES AND FACILITIES
 - D. DAYCARE CENTER
 - E. LIBRARY
 - F. RELIGIOUS ASSEMBLIES
 - G. FARMER'S MARKET
 - H. MAINTENANCE YARD
 - I. OPEN SPACE/TRAILS
 - J. PARKING LOT
 - K. PUBLIC UTILITY USES, FACILITIES, SERVICES AND BUILDINGS
 - L. RECREATION FACILITY (INDOOR)
 - M. RECREATIONAL AND SOCIAL FACILITIES (PARKS, PLAYFIELDS, PLAYGROUNDS, TENNIS CLUBS, SWIMMING CLUBS AND GOLF COURSES)
 - N. SCHOOL
 - O. TOWN FACILITY
 - P. UTILITY SERVICE FACILITY
 - Q. WORKSHOP

PLANNING AREA 3: RESIDENTIAL SINGLE FAMILY ATTACHED/SINGLE FAMILY DETACHED

PA 3 IS INTENDED TO BE PRIMARILY RESIDENTIAL IN CHARACTER, PROVIDING SINGLE FAMILY ATTACHED AND / OR DETACHED (12 DU/ACRE MAX) WITH LIMITED COMMERCIAL USES.

- PERMITTED USES:
- A. CONVENIENCE RETAIL SHOPPING FACILITY
 - B. CONVENIENCE SERVICE ESTABLISHMENT
 - C. DAYCARE (CHILD)
 - D. DWELLINGS: SINGLE FAMILY ATTACHED (TOWN HOME, DUPLEX OR TRI-PLEX/FOUR-PLEX)
 - E. DWELLINGS: SINGLE FAMILY DETACHED
 - F. DWELLING: SINGLE FAMILY DETACHED ALLEY
 - G. HOME OCCUPATION
 - H. LOW INTENSITY SPECIALTY GOODS & SERVICES
 - I. MULTIGENERATIONAL HOUSING WITH INDEPENDENT SUITE
 - J. OPEN SPACE / TRAILS
 - K. PARK / PLAYGROUND / TOT LOTS / COMMUNITY GARDEN
 - L. SCHOOL
 - M. UTILITY SERVICE FACILITY

DEVELOPMENT CONDITIONS:

- A. A MINIMUM OF 10% OF DWELLING UNITS MAY BE TRANSFERRED FROM ONE PLANNING AREA THAT ALLOWS RESIDENTIAL TO ANOTHER, SO LONG AS DWELLING UNITS IN ANY PLANNING AREA NOT INCREASED BY MORE THAN 10% NOR THE MAXIMUM NUMBER OF UNITS FOR THE RESIDENTIAL IS EXCEEDED. DWELLING UNIT TRANSFERS MUST BE ACCOMPANIED BY AN AMENDMENT TO THE PLANNING AREA SUMMARY CHART. THIS PROCESS WILL BE ADMINISTRATIVE.
- B. CDOT ACCESS PERMITS AND APPROVAL FROM THE CDOT ISSUING AUTHORITY (CITY OF LAKEWOOD) SHALL BE REQUIRED FOR ROADWAY CONNECTIONS ONTO WEST MORRISON ROAD.
- C. CDOT SHALL NOT BE LIABLE FOR ATTENUATION GIVEN THE DEVELOPER UNDERSTOOD NOISE LEVEL PLANS WERE UNDERWAY PRIOR TO ZONING AND DEVELOPMENT.
- D. A SUBDIVISION IMPROVEMENT AGREEMENT SHALL BE REQUIRED TO PROVIDE ASSURANCES FOR NEIGHBORHOOD-SPECIFIC CIVIC, COMMERCIAL AND COMMUNITY AMENITIES; GUARANTEES FOR LAND DEDICATION; GUARANTEES FOR CONSTRUCTION OF PEDESTRIAN, BICYCLE AND PUBLIC IMPROVEMENTS; GUARANTEES FOR OPEN SPACE PRESERVATION; GUARANTEES FOR MITIGATION OF WILDLIFE IMPACTS PER COLORADO DEPARTMENT OF PARKS AND WILDLIFE RECOMMENDATIONS; AND GUARANTEES FOR A GRADING AND EROSION CONTROL PLAN PRIOR TO ANY PLAT RECORDATION.

OPEN SPACE CORRIDOR NOTES:

- A. CORRIDORS SHALL CONTAIN NATIVE VEGETATION THAT IS RELATIVELY UNDISTURBED TO ALLOW GOOD COVER AND EASE OF WILDLIFE MOVEMENT.
- B. ACTIVE OPEN SPACES (SUCH AS GROOMED PARKS AND BALL FIELDS) SHALL NOT BE ALLOWED WITHIN THE CORRIDOR.
- C. ANY TREES REMOVED FROM THE CORRIDOR SHALL BE REPLACED UTILIZING NATIVE SPECIES.
- D. WILDLIFE FRIENDLY MATERIALS AND DESIGN SHALL BE UTILIZED FOR ALL FENCING CONTAINED WITHIN THE OPEN SPACE CORRIDOR.
- E. DRAINAGE AND DETENTION AREAS WITHIN CORRIDORS SHALL BE PLANTED WITH NATIVE PLANTINGS AND LEFT UNDISTURBED FOR THE BENEFIT OF THE WILDLIFE.

A PARCEL OF LAND LOCATED IN SECTION 36, TOWNSHIP 4 SOUTH, RANGE 70 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO. 353.72 ACRES (15,407,913 SQ. FT.), TOWN OF MORRISON

PLANNING AREA SUMMARY CHART

Planning Area	Uses	Gross Acreage	% Total Site	Max Gross Floor Area (GFA) (sf, non residential)		
				MAX. DU/AC	MAX. DU	
PA-1	Residential SFA/SFD	88.38	24.99%	NA	12.0	300
	Multifamily			35.0	300	
	Commercial			10,000	NA	NA
PA-2	Commercial	43.45	12.28%	400,000	NA	NA
	Residential SFA/SFD	171.11	48.37%	NA	12.0	600
PA-3	Commercial	24.02	20.93%	10,000	NA	NA
	Residential SFA/SFD			NA	12.0	185
PA-4	Residential SFA/SFD	47.26	13.36%	NA	12.0	220
PA-5	Residential SFA/SFD	15.03	4.25%	NA	12.0	70
PA-4	Residential SFD	49.76	14.07%	NA	7.0	150
PA-5	Civic	1.02	0.29%	10,000	NA	NA
Total		353.72	100.00%	430,000		1350

DEVELOPMENT CHART

LAND USE	MAX DENSITY	MIN. LOT SIZE (SF)	MINIMUM SETBACKS ¹								
			FRONT			SIDE		REAR			MAXIMUM BUILDING HEIGHTS
			STRUCTURE	GARAGE	ACCESSORY STRUCTURE	STRUCTURE TO LOT LINE OR TRACT	STRUCTURE TO ROW	STRUCTURE	GARAGE	ACCESSORY STRUCTURE	
SFD	12 DU/AC	4,500	20	18	30	5	10	10	3	3	35
SFD ALLEY	12 DU/AC	2,400	20	15	30	5	10	10	3	3	35
SFA	12 DU/AC	1,500	18	15	30	0/5	10	10	3	3	35
MF	35 DU/AC	NA	10	18	50	5	10	10	3	3	45
CIVIC	NA	NA	20	NA	NA	5	20	10	0	NA	45
COMMERCIAL	NA	NA	20	NA	50	0/20	20	20	0	20	45

1. SETBACKS ARE MEASURED FROM THE PROPERTY LINE

2. EAVES, ROOF OVERHANGS, WINDOW WELLS, FIRE PLACES, BAY WINDOWS AND CANTILEVERED ARCHITECTURAL FEATURES MAY PROTRUDE 24 INCHES INTO THE SETBACK

3. PORCHES MAY ENCR OACH SIX (6) FEET INTO SETBACK. PORCH EAVES AND ROOF OVERHANGS MAY ENCR OACH AN ADDITIONAL TWO (2) FEET INTO THE SETBACK

4. SFD, SFD ALLEY, AND SFA HOUSES FRONTING A PASEO OR GREEN COURT AND THE GARAGE ACCESSED FROM THE REAR MAY HAVE FRONT SETBACKS REDUCED TO TEN (10) FEET.

5. ALL BUILDINGS MUST COMPLY WITH APPLICABLE BUILDING AND FIRE CODES.

6. FOR SINGLE FAMILY ATTACHED DWELLINGS NO SIDE SETBACK SHALL BE REQUIRED WHERE THERE IS A COMMON WALL SHARED BETWEEN BUILDINGS ON ADJACENT LOTS

7. ALL FRONT LOADED GARAGES SHALL BE A MINIMUM OF 18" FROM BACK OF WALK OR ALLEY.

MF = MULTIFAMILY, SFA = SINGLE FAMILY ATTACHED, SFD = SINGLE FAMILY DETACHED, STRUCTURE = DWELLING UNIT NOT INCLUDING PORCH

ARCHITECTURAL GUIDELINES:

1. COMMERCIAL GUIDELINES:

- CREATIVE AND APPROPRIATE USE OF COLOR IS ENCOURAGED.
- USE OF COLOR SHOULD BE CONSISTENT WITH THE OVERALL ARCHITECTURAL STYLE OR THEME OF THE PROJECT.
- VARIATION IN EXTERIOR TREATMENT OF ADJACENT BUILDINGS IS ENCOURAGED.

THE ARCHITECTURAL STANDARDS OF THE GOVERNING JURISDICTION SHALL APPLY UNLESS OTHERWISE NOTED.

2. RESIDENTIAL GUIDELINES:

- A. ARCHITECTURAL DESIGN CONCEPT
 - A.1. THE OVERALL CHARACTER OF THE DEVELOPMENT SHALL BE DEFINED THROUGH THE USE OF A VARIETY OF COHESIVE ARCHITECTURAL STYLES.
 - BUILDING DESIGN SHOULD BE CONSISTENT WITH THE DEFINED ARCHITECTURAL STYLE AND SHOULD INCORPORATE THE ARCHITECTURAL EMBELLISHMENTS COMMONLY ASSOCIATED WITH THAT STYLE
 - A.2. PROJECTS THAT CONSIDER AND COMPLIMENT THE CONTEXT OF ADJACENT AND SURROUNDING PROJECTS, BUT ARE ORIGINAL IN DESIGN AND AVOID DUPLICATION ARE HIGHLY ENCOURAGED
- B. FORM AND MASSING
 - B.1. VARIATION OF WALL PLANES, ROOFLINES, AND BUILDING FORM SHALL BE PROVIDED TO CREATE VISUALLY ENGAGING DESIGNS.
 - ARCHITECTURAL ELEMENTS SUCH AS VARIED ROOF FORMS, ARTICULATION OF THE FACADE, BREAKS IN THE ROOF, WALLS, WITH TEXTURE MATERIALS AND ORNAMENTAL DETAILS, AND LANDSCAPING SHOULD BE INCORPORATED TO ADD VISUAL INTEREST.
 - ARCHITECTURAL ELEMENTS SUCH AS PENETRATIONS AND RECESSED PLANES SHOULD BE INCORPORATED INTO FACADE DESIGN. LARGE AREAS OF FLAT, BLANK WALL AND LACK OF TREATMENT ARE NOT ALLOWED.
 - ROOF HEIGHT, PITCH, RIDGELINES, AND ROOF MATERIALS SHOULD BE VARIED TO CREATE VISUAL INTEREST AND AVOID REPETITION. ARCHITECTURAL STYLE SHOULD BE CONSIDERED WHEN DESIGNING THE ROOF PLAN.
 - B.2. PROPORTIONAL RELATIONSHIP BETWEEN ADJACENT BUILDINGS AND BETWEEN THE BUILDING AND THE STREET SHALL BE MAINTAINED.
 - BUILDING LAYOUT SHOULD ENSURE THE GRADUAL TRANSITION OF BUILDING HEIGHT AND MASS.
 - PEDESTRIAN SCALED ENTRY SHOULD BE A PROMINENT FEATURE OF THE FRONT ELEVATION.
 - B.3. LANDSCAPING AND ARCHITECTURAL DETAIL AT THE STREET LEVEL SHALL BE USED TO SOFTEN THE EDGE OF THE BUILDING AND ENHANCE THE PEDESTRIAN SCALE AND STREETSCAPE.
 - B.4. ARCHITECTURAL DETAIL SUCH AS WINDOWS, AWNINGS, TRELLISES, ARTICULATION, ARCADES, LANDSCAPE PLANTERS, AND MATERIAL CHANGES AT THE STREET LEVEL SHALL BE USED TO SOFTEN THE EDGE OF THE BUILDING AND ENHANCE PEDESTRIAN SCALE.
 - B.5. CARRY THE ARCHITECTURAL MATERIALS AND STYLE USED ON THE FRONT OF THE BUILDING AROUND TO THE REMAINING SIDES OF THE BUILDING. THIS PROVIDES FOR MORE CONTINUITY ON A BUILDING AND AMONG ADJACENT BUILDINGS.
 - B.6. DESIGN CONTRASTING VERTICAL, HORIZONTAL, AND OTHER ARCHITECTURAL ELEMENTS THAT SUBDIVIDE THE WALL INTO A SCALE PROPORTIONAL TO THE ADJACENT PEDESTRIAN AMENITIES.
 - B.7. PROVIDE VARIATION IN TEXTURES OR MASONRY PATTERNS.
 - B.8. INCORPORATE VARIATION IN BUILDING FOOTPRINTS AND FACADES TO BREAK UP THE BULK OF THE BUILDING, WHICH ARE PROPORTIONAL TO THE OVERALL SIZE OF THE BUILDING.
- C. EXTERIOR BUILDING MATERIALS AND COLOR
 - C.1. VARIATION IN COLOR AND MATERIALS SHALL BE CONSIDERED TO CREATE VISUALLY ENGAGING DESIGNS.
 - HIGH QUALITY AND DURABLE MATERIALS, SUCH AS STONE AND BRICK ARE ENCOURAGED.

3. SPECIAL TREATMENT AREA GUIDELINES:

- A. THE SPECIAL TREATMENT AREA BORDERS SOUTH MCINTYRE STREET BETWEEN WEST MORRISON ROAD AND ~~YALE AVENUE~~ THE NORTHERN BOUNDARY AS INDICATED AND SHALL SERVE AS A GATEWAY INTO THE COMMUNITY WITH AN INVITING AND PLEASANT INTERFACE THAT INTEGRATES THE ADJACENT NEIGHBORHOODS.
- B. RESIDENTIAL BUILDINGS OR STRUCTURES LOCATED WITHIN THE SPECIAL TREATMENT AREA SHALL EITHER FRONT OR SIDE TO MCINTYRE STREET. IF SIDES OF BUILDINGS ARE ADJACENT TO MCINTYRE THE SIDE ELEVATIONS ~~AND~~ SHALL INCORPORATE SIDE ELEVATION ENHANCEMENTS. SIDE ELEVATION ENHANCEMENTS MAY CONSIST OF PORCHES, VARIED ROOF FORMS, ARTICULATION OF THE FACADE, BREAKS IN THE ROOF, WALLS WITH TEXTURE MATERIALS, ORNAMENTAL DETAILS, OR LANDSCAPING TO ADD VISUAL INTEREST.
- C. FENCING LOCATED WITHIN THE SPECIAL TREATMENT AREA SHALL BE OPEN-RAIL TYPE FENCING WITH AT LEAST 50% OPEN. FENCING SHALL INCORPORATE ARCHITECTURAL TREATMENTS, SUCH AS COLUMNS OR ENHANCED LANDSCAPING.
- D. ENHANCED LANDSCAPING SHALL BE INCORPORATED IN ADJACENT DEVELOPMENT TO CREATE INTEREST AND ENHANCE THE CHARACTER OF SOUTH MCINTYRE STREET.
- E. 10FT WIDE MULTI USE PATHS FOR BICYCLISTS AND PEDESTRIANS SHALL BE PROVIDED ON BOTH SIDES OF THE STREET.

PARKING:

PARKING REQUIREMENT CHART:

Dwelling	Single-family, Two-family, Duplex	2.0 per Dwelling Unit
Dwelling	Multiple Family, Townhomes, Condominiums, Apartments	1.5 spaces per 1 bedroom 2.25 spaces per 2 & 3 bedroom 0.25 guest spaces per unit
	Group Living Facility	2.0 per Dwelling Unit and 1.0 per staff shift and 0.25 per bed
School	Elementary/Junior	3.0 per Classroom
	College, Trade, Professional, Vocational	Special Review
Religious Assembly	Daycare, Preschool, Nursery	3.0 per 1,000 s.f. GFA
	House of Worship, Funeral Home, Mortuary, Mausoleum	0.25 per Fixed Seat
Outdoor Uses	Playground, Park, Active Recreational Uses (fields, diamonds, etc.)	Special Review
	Medical/Dental Clinics	5.0 per 1,000 s.f. GFA
Office	General Retail	4.0 per 1,000 s.f. GFA
	Auto Sales, Building Materials, Furniture	2.5 per 1,000 s.f. GFA
Retail	Fast Food, Drive-in	15.0 per 1,000 s.f. GFA
	Carry-out, Specialty, Sit-down, All Other	10.0 per 1,000 s.f. GFA
Indoor Commercial	Tennis/Racquet Club	0.75 per 1,000 s.f. GFA
	Recreation Center, Health Club	5.0 per 1,000 s.f. GFA
Banks		4 per 1,000 s.f. GFA
Service Establishment	Barber, Beauty Salon, Dry Cleaners	4 per 1,000 s.f. GFA
Vehicle Facilities	Gas Station, Service Station, Vehicle Repair	5.5 per 1,000 s.f. GFA
Theater	Live or Movie	0.5 per Fixed Seat
Storage	Mini-storage	1 per 10,000 s.f. GFA or a minimum of 5 spaces, whichever is greater

1. THE TOTAL PARKING REQUIREMENTS OF THE PLANNED DEVELOPMENT ZONE DISTRICT SHALL BE EQUAL TO OR GREATER THAN THE SUM OF THE PARKING THAT WOULD BE REQUIRED FOR EACH USE. THE TOTAL PARKING REQUIREMENTS MAY BE REDUCED, IF THE DEVELOPER DEMONSTRATES TO THE AGENCY USING INDUSTRY STANDARDS THAT THE TOTAL NUMBER OF SPACES IS NOT NEEDED WITHIN THE PLANNED DEVELOPMENT ZONE DISTRICT.

2. PERMITTED USES NOT IDENTIFIED SHALL PROVIDE PARKING IN ACCORDANCE WITH THE APPLICABLE CODES OF THE GOVERNING JURISDICTION.

3. SHARED PARKING SHALL BE ALLOWED BASED ON THE APPLICABLE CODES OF THE GOVERNING JURISDICTION.

4. BICYCLE PARKING SHALL BE PROVIDED AS REQUIRED BY THE DEVELOPMENT CODES OF THE GOVERNING JURISDICTION

OPEN SPACE REQUIREMENTS

OPEN SPACE SHALL BE PROVIDED AT THE TIME OF FINAL SUBDIVISION PLAT PURSUANT TO EITHER (1) THE TOWN OF MORRISON CODE, TITLE 10, CHAPTER 1, ARTICLE E (10-1E-5, C.3.b.); OR, (2) THE OPEN SPACE REQUIREMENTS OF ANY OTHER LOCAL GOVERNMENT WHICH SUBSEQUENTLY OBTAINS JURISDICTION OVER THE PROPERTY.

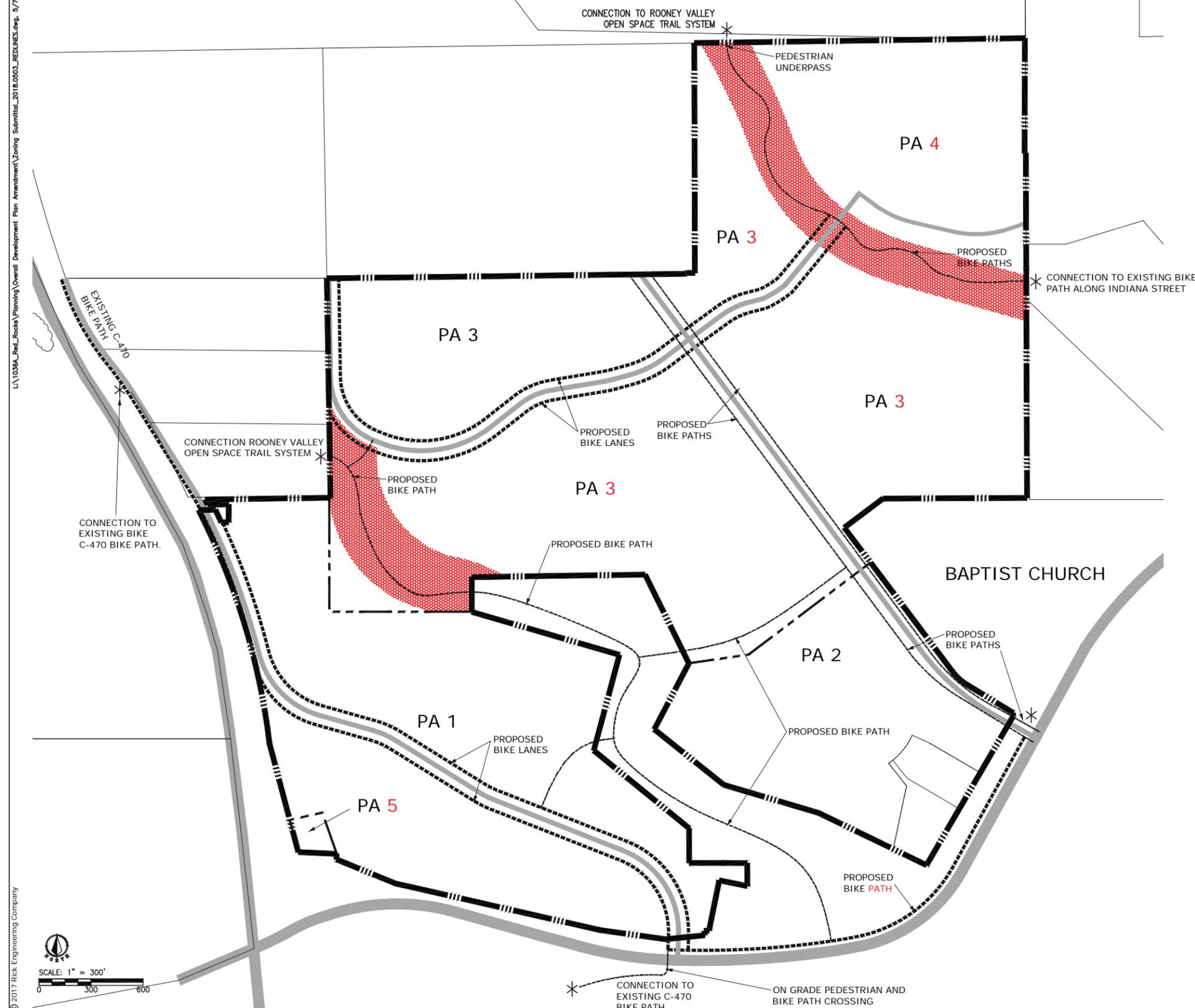
Prepared For:	Prepared By:	Project Managers:	Engineer:
Tharaldson Ethanol Plant I LLC 9801 E. Easter Ave. Centennial, CO. 80112	Rick Engineering Co. 9801 E. Easter Ave. Centennial, CO. 80112	Ventana Capital 9801 E. Easter Ave. Centennial, CO. 80112	Rick Engineering Co. 9801 E. Easter Ave. Centennial, CO. 80112
Date: May 3, 2018	PLANNING AREA NOTES RED ROCKS CENTRE OVERALL DEVELOPMENT PLAN		Sheet: 5 of 6

RECEPTION NO. _____, DATE _____, 2018, TIME _____, COUNTY OF JEFFERSON, STATE OF COLORADO, \$ _____

Red Rocks Centre Overall Development Plan Amendment #1

A PARCEL OF LAND LOCATED IN SECTION 36, TOWNSHIP 4 SOUTH, RANGE 70 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO. 353.72 ACRES (15,407,913 SQ. FT.), TOWN OF MORRISON

L:\1036A_Red_Rocks_Planning\Overall_Development_Plan_Amendment\Zoning_Submittal_2018.0503_REDLINE.dwg, 5/7/2018, 3:22 PM

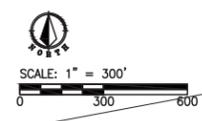


- LEGEND**
- RED ROCKS CENTRE PROPERTY BOUNDARY
 - PLANNING AREA BOUNDARY
 - STEEP SLOPES / OPEN SPACE BOUNDARY
 - CONCEPTUAL STREET ALIGNMENT
 - PROPOSED 10' DETACHED BIKE PATH
 - PROPOSED ON STREET BICYCLE LANES
 - CONCEPTUAL BIKE PATH
 - DEPICTS ENDORSED CONNECTIVITY

DEFINITIONS:
BIKE PATH:
 A HARD SURFACE GENERALLY 8'-10' WIDE EXCLUSIVELY FOR NON-MOTORIZED USERS. BIKE PATHS MAY BE LOCATED WITHIN A STREET RIGHT OF WAY OR THROUGH AN OPEN SPACE. INCLUDES ADDITIONAL WIDTH FOR LANDSCAPING.

BIKE LANE:
 AN AREA ON A ROADWAY THAT IS SET ASIDE FOR USE BY BICYCLIST THROUGH STRIPING AND MARKING. THEY ARE GENERALLY 4'-6' WIDE.

NOTES:
 EAST/WEST TRAIL CONNECTIVITY ALONG MORRISON ROAD WILL BE DETERMINED AT THE TIME OF FINAL CONSTRUCTION PLAN APPROVAL. THE PRESENCE OR ABSENCE OF PROPOSED TRAILS ON THE OVERALL DEVELOPMENT PLAN IS NOT INTENDED TO BE DETERMINATIVE OF FINAL LOCATIONS AND OBLIGATIONS WHICH SHALL BE DETERMINED IN ACCORDANCE WITH FINAL DEVELOPMENT PLAN STANDARDS AND PROCEDURES.



Prepared For: Tharaldson Ethanol Plant I LLC 9801 E. Easter Ave. Centennial, CO. 80112	Prepared By: Rick Engineering Co. 9801 E. Easter Ave. Centennial, CO. 80112	Project Managers: Ventana Capital 9801 E. Easter Ave. Centennial, CO. 80112	Engineer: Rick Engineering Co. 9801 E. Easter Ave. Centennial, CO. 80112
Date: May 3, 2018	BICYCLE TRAIL EXHIBIT RED ROCKS CENTRE OVERALL DEVELOPMENT PLAN		Sheet: 6 of 6

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Lakewood
Colorado

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Timothy P. Cox, City Attorney

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April 24, 2018

Town of Morrison
321 Highway 8
Morrison, Colorado 80465
Attn: Town Administrator

Gerald E. Dahl, Esq., Town Attorney
Carmen Beery, Esq., Deputy Town Attorney
Town of Morrison
Murray Dahl Kuechenmeister & Renaud LLP
via email to gdahl@mdkrlaw.com
via email to cbeery@mdkrlaw.com

Mr. Dahl, Ms. Beery and the Town of Morrison:

This letter shall serve as official notice, pursuant to Section 6.02 of that certain Intergovernmental Agreement between the Town of Morrison, Colorado (the "Town") and the City of Lakewood, Colorado (the "City") regarding the Rooney Valley dated April 25, 2016 (the "IGA"), that the City has identified one or more disputes in the interpretation and/or application of the IGA. Those disputes include but are not limited to:

1. Whether the Town may provide water and sewer service to the property known as Red Rocks Ranch ("RRR") if the property is disconnected from the Town into unincorporated Jefferson County (Section 2.06);
2. Whether the Town, by processing RRR's applications to amend its zoning and simultaneously to disconnect from the Town, is in breach of its obligation to encourage owners of property within the Rooney Valley to annex to the Town or the City (Section 2.06);
3. Whether the Town would violate Section 3.01 by providing water and sewer services to the property after disconnection of the property when the intent of the IGA is for Jefferson County or a District to provide municipal services to unincorporated portions of the Rooney Valley (Section 3.01);
4. Whether the Town would violate Section 3.01 by providing water and sewer services to unincorporated property that is not being annexed to the Town.

This letter shall also serve as official notice that in the event of any dispute such as those identified in this letter, the IGA requires the City and the Town to follow the alternative dispute resolution procedures described in Section 6.02. Specifically, for a period of not less than fifteen (15) days after delivery of this notice, the City and the Town are obligated to continue in



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good faith to attempt to resolve the dispute. Should the good faith attempt to resolve this dispute fail, the parties agree to participate in mediation and/or arbitration as set forth in Section 6.02.

Because the disputes identified herein are material to the pending rezoning, subdivision and disconnection applications submitted to the Town by RRR, it is in the best interests of the Town, the City, Jefferson County and RRR to maintain the status quo and stay any further action on any of those applications during the periods of negotiation, mediation and arbitration required by the IGA. The City asks that the Town take such steps as are necessary to postpone further meetings or hearings regarding the applications, including but not limited to:

1. The continued public hearing of the Rooney Valley Joint Commission scheduled for April 25, 2018 on the application of RRR to amend the zoning for its property;
2. The continued meeting of the Town's Planning Commission scheduled for May 1, 2018 on the subdivision application submitted by RRR; and
3. The meeting of the Town's Board of Trustees scheduled for May 1, 2018 on the application of RRR to disconnect from the Town.

The City respectfully requests that a duly authorized representative of the Town contact the undersigned within twenty-four (24) hours of delivery of this notice to confirm whether the Town has agreed to the postponement of any further action on any of the applications referenced herein. Upon receipt of confirmation of the status quo, the parties can then collaborate on the parameters for the upcoming negotiations.

Your anticipated cooperation in this matter is greatly appreciated.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Tim Cox", is written over the typed name.

Timothy P. Cox
City Attorney
City of Lakewood

cc: Gilbert F. McNeish, Esq. (via email to gmcneish@spencerfane.com)



April 25, 2018

Via e-mail: timcox@lakewood.org

Timothy Cox, Esq.
Lakewood City Attorney
Lakewood, Colorado

Re: April 24 Letter Notice of Dispute/Request for Postponement

Dear Mr. Cox:

I am in receipt of your letter of yesterday afternoon, giving notice of Lakewood's allegation of a dispute within the terms of the Rooney Valley IGA (the "IGA"), and taking the position that the interests of the Town, among others, is best served by halting all of the presently scheduled hearings, some of which are in the active process of being concluded. While the City has the right to send this notice under the IGA, the Town rejects both the premise of the alleged dispute and the request to delay present proceedings. The Town will not act to continue any of these proceedings in response to this request. Such an action is without basis in the IGA, would be a violation of the due process rights of the applicant and is not in the Town's best interest.

Instead, the Town will continue to hold the hearings as required by the Town's Municipal Code and by the IGA, which, importantly, requires that review of this particular project be conducted in accordance with the regulations of the municipality in which the property lies; that is, Morrison. IGA 2.02.2. This latter is of particular importance, as described below.

The following are some, but not all of the reasons for this response:

- The heart of the several described disputes alleged in your April 24 letter is the language of IGA 2.06.2 on service to unincorporated property. As you know and we have personally discussed, it is the Town's firm position that IGA 3.01 specifically recognizes the right of the Town to provide service to the property concerned, since that service obligation was in existence prior to the date of the IGA.
- In fact, the language of the second sentence in the first paragraph of IGA 3.01 was written with the Town's then-existing obligation to provide service to this property, through the contract with the Mt. Carbon District, in mind: *"This Agreement does not alter or affect any other agreement or legal requirement pursuant to which a District or other entity provides or has agreed to provide Municipal Services, Public Improvements, Public-Related Improvements or other services or improvements to the Rooney Valley."* This language takes service to the Red Rocks Ranch property out of the scope of IGA 2.06.1 and renders the listing of alleged disputes in your letter inapplicable.

Attorney® at Law

710 Kipling Street, Suite 300 Lakewood, Colorado 80215 Main 303.493.6670 Fax 303.945.7960

- Even assuming, arguendo that there is a basis to make a claim under 2.06.2, that claim is not ripe, and no dispute can exist, unless and until service is actually provided.
- With respect to the present hearings of the Rooney Valley Planning Commission:
 - It is important to always remember that the Rooney Valley Planning Commission (“Commission”) is sitting as and may only act as the Morrison Planning Commission. IGA 2.02.2. The matter before the Commission is an ODP amendment, not any form of service to unincorporated property, even if one could make that argument under IGA 3.01.
 - This is a major amendment to an ODP. Morrison Code 10-1E-5.E.3 requires that major amendments are processed in the same manner as the original overall development plan (ODP). Accordingly, Code 10-1E-5.D applies, and that requires a planning commission [here, the Rooney Valley Planning Commission sitting as the Town Planning Commission] recommendation to the Board of Trustees.
 - The Commission’s actions on the rezoning application do not implicate the extraterritorial service question, nor could they, since the Commission has no power to act on such service. To halt the Commission’s hearing on that basis would deprive the applicant of its due process right to a planning commission recommendation under Morrison Code 10-1E-5.D.9. Further, such an action would deny those rights arbitrarily and capriciously, since the question of extraterritorial service is neither before the Commission nor within its power to affect.
 - Finally, halting the Commission’s hearing on the basis of a dispute that does not yet exist and which is not within the Commission’s jurisdiction would also be an *ultra vires* act of the Commission.
- With respect to hearings of the Morrison Planning Commission (subdivision; April 30 [not May 1 as stated in your letter] and the Morrison Board of Trustees:

The IGA continues to require that these bodies act pursuant to the Morrison Municipal Code, which guarantees an applicant the same due process rights as are accorded before the Rooney Valley Planning Commission. For the same reasons as described above, any halting of the hearings of these bodies based on an alleged dispute that is not supported by the IGA similarly denies due process, and the Town will not accede to the City’s request to deny such rights.

- Regarding the IGA obligation to negotiate in good faith:

Even if we assume, arguendo, that there is a legitimate argument for a dispute on the basis that you have advocated, IGA 6.02 only says, as you recognize, that the parties are required to “continue in good faith to resolve” the dispute for 15 days, and after that, mediation is triggered. Nowhere does the IGA require or even suggest that land use review proceedings are to be held in abeyance while such dispute resolution is

Timothy Cox, Esq.
April 25, 2018
Page | 3

proceeding. The Morrison Municipal Code, which applies here where the IGA is silent, certainly does not provide for such delay. Continuing in good faith to resolve is perfectly consistent with the various bodies continuing to process the several applications, and that is the Town's expectation of the City in this case. Please advise when we can meet to fulfill our mutual obligation to do this. In advance of such a meeting, we request that the City provide its legal analysis of the basis for the alleged disputes in your letter. You have in hand the Town's analysis.

Because the Rooney Valley Planning Commission, while sitting here as the Morrison Planning Commission, is composed of equal members from Morrison and Lakewood, your office and mine have been jointly advising the Commission, and this is appropriate. To date, we have been able to cooperate on that advice, and our office will continue to do so. As you know, I am unavailable for the continued hearing of the Commission this evening and Carmen Beery is attending in my stead. She has reached out to Greg Graham to schedule a time just ahead of the meeting to coordinate for their joint advice at the continued hearing. We certainly hope we can agree on advice to the Commission for at least procedural matters, including whether and how any motions to continue will be heard and acted upon.

As noted above, the Town will not act to continue or cancel the Commission hearing scheduled for 6pm this evening. Accordingly, Ms. Beery will, for her part, advise the Commission that the Town does not consent to a continuance on the basis described in your letter. This may place her and your office in conflict as to advice to our joint client, the Commission, and while unfortunate, we will not accede to your position, so the Commission may be in the position of having to act upon divided advice.

Sincerely,



Gerald Dahl

cc: Gilbert F. McNeish (via gmeneish@spencerlane.com)
Kara Winters (via kara@town.morrison.co.us)