

ORDINANCE NO. 3.113.1, Series of 2019

TITLE: A BILL FOR AN ORDINANCE TO AMEND THE JACKALOPE PLANNED DEVELOPMENT GUIDE AND PLAN, PURSUANT TO THE TOWN OF PARKER LAND DEVELOPMENT ORDINANCE, AND AMENDING THE ZONING ORDINANCE AND MAP TO CONFORM THEREWITH

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

Section 1. Finding of Fact.

a. Application has been made for amending the PD-Planned Development zoning for the Jackalope Planned Development Guide and Plan, approved by the Town Council on July 7, 1997, and recorded in the Office of the Douglas County Clerk and Recorder's Office on November 20, 1997, at Book 1486, Page 0232, pursuant to the Town of Parker Land Development Ordinance.

b. Public notice has been given of such zoning by publication on the Town's website at least fifteen (15) days prior to the public hearing of such zoning.

c. Written notice was sent by first class mail to all owners of property that abut the Property, at least fifteen (15) days prior to the public hearing.

d. Notice of such proposed hearing was posted on the Property for fifteen (15) consecutive days prior to said hearing.

e. The requirements contained in Section 13.04.240(b) of the Parker Land Development Ordinance for amending the PD-Planned Development zoning the property described in **Exhibit A**, which is attached hereto and incorporated by this reference (the "Property"), have been satisfied.

Section 2. The Jackalope Planned Development Guide and Plan for the Property is hereby amended as provided in the "Jackalope Planned Development Guide and Plan 1st Amendment," which is attached hereto as **Exhibit B** and incorporated by this reference (the "First Amendment").

Section 3. The Zoning Ordinance and Zoning Map are hereby amended to conform with the zoning change to the property.

Section 4. Approval of this Ordinance does not create a vested property right. Vested property rights may arise and accrue pursuant to the provisions of Ordinance No. 3.65.1, as amended, of the Town of Parker.

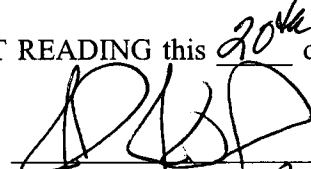
Section 5. Safety Clause. The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Parker, that it

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

Section 6. Severability. If any clause, sentence, paragraph or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.


Section 7. This Ordinance shall become effective ten (10) days after final publication.

INTRODUCED AND PASSED ON FIRST READING this 20th day of May, 2019.



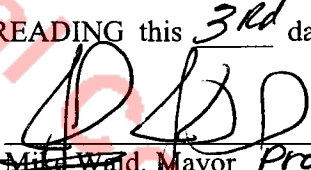
~~Mike Ward~~, Mayor *PRO TEM*
John Diak

ATTEST:



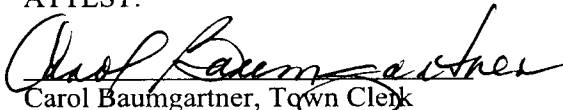
Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this 3rd day of June, 2019.



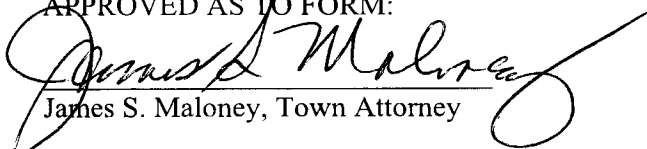
~~Mike Ward~~, Mayor *PRO TEM*
John Diak

ATTEST:



Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:



James S. Maloney, Town Attorney

EXHIBIT A

Legal Description

Legal Description for 12450 South Parker Road, Parker, CO 80134:

A parcel of land being a part of the northeast quarter of the northeast quarter (NE1/4, NE1/4) of Section 34, Township 6 South, Range 66 West, of the Sixth Principal Meridian, County of Douglas, State of Colorado, being more particularly described as follows:

Commencing at the southeast corner of said NE1/4, NE1/4 of Section 34;

Thence along the southerly line of said NE1/4, NE1/4, South 89°41'32" West, 325.00 feet, to the true point of beginning;

Thence parallel with the easterly line of said NE1/4, NE1/4, North 00°10'59" West, 670.16 feet;

Thence parallel with the southerly line of said NE1/4, NE1/4, South 89°41'32" West, 673.81 feet, to the easterly right-of-way (ROW) line of State Highway 83 as described in Book 1047 at page 908;

Thence along said easterly ROW line, South 08°45'20" East, 507.17 feet;

Thence continuing along said easterly ROW line, South 10°34'05" East, 171.23 feet, to the southerly line of said NE1/4, NE1/4;

Thence along said southerly line, North 89°41'32" East, 567.35 feet, to the true point of beginning. Containing 393,624 SF (9.041 AC), more or less.

EXHIBIT B

Jackalope

Planned Development Guide 1st Amendment

March 6, 1997

1st Amendment June 3, 2019

Unofficial Copy

Jackalope
Planned Development Guide

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GENERAL PROVISIONS:

I. PURPOSE:

This development guide sets forth land uses and development standards for the Jackalope Subdivision, a planned development in the Town of Parker, Colorado. It shall regulate the use of the land, define certain terms and clarify the zoning procedures.

The Jackalope Subdivision is comprised of approximately 9.6 acres. The comprehensive development of this parcel in response to certain opportunities and constraints will contribute to an orderly, balanced and quality addition to the Town of Parker.

II. INTENT:

It is the intent of this Development Guide to provide areas for businesses providing convenience retail and personal service uses and/or for wholesale and service commercial uses with minimal assembly or manufacturing activities.

III. APPLICATION:

The standards and regulations contained in this Development Guide shall apply to the Property. The standards and regulations contained in this Development Guide may be divergent from the standards and regulations contained in Chapter 13.04 of the Parker Land Development Ordinance, but not any other Chapter of the Parker Land Development Ordinance. In the event that there is a conflict between the standards and regulations contained in this Development Guide (excluding Chapter 13.04) then the Parker Land Development Ordinance shall control.

IV. CONTROL:

After the adoption of this Development Guide by the Town Council of the Town of Parker, subject to the provisions of Section 13.04.230 of the Parker Land Development Ordinance (Non-Conforming Situations), the standards and regulations contained in this Development Guide, in conjunction with the Town of Parker Land Development Ordinance, as provided herein, shall control development, land use, the location and bulk of all buildings and other structures, existing and future, and shall also apply to the following:

- A. Any new building or other structure, and any parcel of land, or land use;
- B. The use of any existing building, other structure or parcel of land may be changed or extended;
- C. Any existing building or other structure, if such building or other structure is to be enlarged, reconstructed, structurally altered, converted or relocated.
- D. All standards and regulations set forth or referred to in the standards and regulations for the planning area in which such buildings and other structures are located.

V. INCORPORATION OF DEVELOPMENT PLAN:

The Jackalope development, including the type, location and boundaries of land use areas are shown upon the “Jackalope Development Plan” (hereinafter referred to as “Development Plan”), which Development Plan is hereby incorporated by reference into this Development Guide together with everything shown thereon and all amendments thereto.

VI. CONFLICTS:

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

Unofficial Copy

AUTHORITY

I. AUTHORITY

The authority for this PD Development Guide is Section 13.04.150 (PD-Planned Development) of the Town of Parker Land Development Ordinance.

II. ADOPTION:

The adoption of this Development Guide and Development Plan by ordinance shall evidence the findings and decisions of the Town of Parker Town Council that this Development Guide and Development Plan for the Jackalope Planned Development is authorized by the provisions of Section 13.04.150 of the Town of Parker Land Development Ordinance.

III. ENFORCEMENT:

The provisions of the Development Guide relating to the use of land shall run in favor of the Town of Parker and shall be enforceable, at law or in equity, by the Town of Parker without any limitation on any power or authority otherwise granted by law. All provisions of this Development Guide shall run in favor of the owners of the Property to the extent expressly provided in this Development Guide and in accordance with its terms and conditions.

Official Copy

COMMERCIAL DEVELOPMENT STANDARDS

I. PURPOSE:

Provide areas for businesses providing convenience retail and personal service uses and/or for wholesale and service commercial uses with minimal assembly or manufacturing activities.

II. DEFINITIONS:

Commercial Retail is an establishment engaged in selling goods and/or merchandise to the general public at retail for personal or household consumption and rendering services incidental to the sale of such goods and/or merchandise.

Small engine motorized equipment: A small-displacement, single cylinder or twin cylinder four stroke/cycle, low-powered internal combustion engine (or electric motor equivalent) used to power lawn mowers, generators, concrete mixers, snow blowers, chain saws, string trimmers, utility vehicles (UTV's), and many other machines that require independent power sources.

Medium engine motorized equipment: medium and light duty farm, landscaping and recreational equipment generally under 100 horsepower including small tractors, skid loaders, ATVs, golf carts, and similar motorized equipment

Rental Vehicles: Pick-up trucks, trailers, cargo vans, box/moving trucks (up to 26' long), small engine motorized equipment, medium engine motorized equipment.

III. USES PERMITTED BY RIGHT:

A. The following uses shall be permitted as a matter of right:

1. Offices: general, medical, dental, professional and governmental
2. Public and quasi-public facilities
3. Greenhouses, nurseries (plants) and garden centers, wholesale and retail
4. Banks
5. Commercial Retail
6. Personal Services
7. Bars and Lounges
8. Dry Cleaning
9. Indoor amusement and recreational facilities up to 3,500 square feet
10. Instructional Services/studios up to 3,500 square feet
11. Health club, gym or fitness center up to 3,500 square feet
12. Child care facility up to 3,500 square feet
13. Restaurants including drive-thru or carry-out
14. Retail display and sale of storage sheds and similar structures
15. Outdoor commercial display, including storage of inventory, subject to the design standards listed within Section VII of this document
16. Auto parts stores

- 17. Brewery/distillery
- 18. Public parks, playgrounds, open space and outdoor recreation areas

IV. ACCESSORY USES:

The following uses shall be allowed which are incidental and subordinate to the principal use of the land or building on the property:

- A. Food trucks, vendor stands and commercial kiosks, subject to Section 13.04.215, as amended of the Parker Land Development Ordinance.
- B. Motor vehicles: sales, leasing, rental servicing and repair of Rental Vehicles as an accessory activity
- C. Indoor small and medium engine motorized equipment sales and repair – Not to exceed 35% of the total building area on the property
- D. Uses that are similar in nature and impact to those listed within the uses permitted by right shall be allowed as determined by the Community Development Director

V. USES PERMITTED BY SPECIAL REVIEW:

The following uses shall be allowed with a Use by Special Review:

- A. Automobile service, including repairs
- B. Convenience Store with or without gas station or car wash
- C. Tire repair shops
- D. Veterinary clinics and hospitals
- E. Observation kennels and pet day care

VI. DEVELOPMENT STANDARDS:

- A. Maximum Building Height: 35 feet
- B. Minimum Front Yard Setback:
 - 1. Parker Road - 25 feet for permanent enclosed structures
 - 2. Cockriel Drive -25 feet for permanent enclosed structures
- C. Minimum Side Yard Setback: 10 feet, except when adjoining a residential zone district, 25 feet for permanent enclosed structures (excluding perimeter fencing, walls or other enclosures for any garden center or nursery)
- D. Minimum Rear Yard Setback: 10 feet, except when adjoining a residential zone district, 25 feet for permanent enclosed structures (excluding perimeter fencing, walls or other enclosures for any garden center or nursery)
- E. Outdoor Commercial Display: 10 feet from Parker Road and Cockriel Drive, 25 feet when adjoining a residential zone district. Proper screening and buffer requirements shall apply as approved on a Site Plan.
- F. Storage areas: 50 feet from Parker Road and Cockriel Drive, 75 feet when adjoining a residential zone district. Proper screening and buffer requirements shall apply as approved on a Site Plan.

VII. OUTDOOR COMMERCIAL DISPLAY AREAS:

Allowed as outlined within Section 13.04.120 (d) (11), supplemented as follows:

- A. Outdoor commercial display shall occur only within the designated areas approved as part of the approved site plan and shall not comprise more than thirty-five percent (35%) of the total land area of the property.
- B. Any outdoor commercial display areas that are not enclosed with a fence, wall or other perimeter enclosure shall be identified by a permanent marking material, identifying the entire outdoor display area, as shown on the approved site plan for the property.
- C. The use of semi-trailers or temporary buildings (other than as provided in Section III.A.14 above) shall not be permitted on a permanent basis. All temporary uses shall comply with Chapter 13.04.210 of the Town of Parker Land Development Ordinance, as amended; provided, however that promotional events shall not exceed five thousand (5,000) square feet and shall not exceed a duration of ninety (90) days.

Unofficial Copy

JACKALOPE DEVELOPMENT PLAN 1ST AMENDMENT

12450 SOUTH PARKER ROAD
LOT 1, BLOCK 1 & TRACT A, JACKALOPE SUBDIVISION, FILING NO. 1
SECTION 34, TOWNSHIP 6 SOUTH, RANGE 66 WEST
TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO

LEGAL DESCRIPTION

THE LOT 1, BLOCK 1 AND TRACT A, JACKALOPE SUBDIVISION, FILING NO. 1, PUBLIC RECORDS OF DOUGLAS COUNTY, COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMINGLED THE EAST LINE OF TRACT A, JACKALOPE SUBDIVISION, FILING NO. 1, PUBLIC RECORDS OF DOUGLAS COUNTY, COLORADO AS BEING A DISTANCE OF 361.42 FEET TO THE SOUTH LINE OF PARCELS 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 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BASIS OF BEARING

BEARINGS BASED ON THE EAST LINE OF TRACT A, JACKALOPE SUBDIVISION, FILING NO. 1, AS BEING A DISTANCE OF 100.00 FEET TO THE SOUTH LINE OF PARCELS 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.

GENERAL NOTES

1. THIS SITE IS NOT WITHIN A 1000 FOOT BUFFER TO FEDERAL, STATE, OR LOCAL AIRWAYS.
2. NO UNLAWFUL FEATURES OR USES ARE SHOWN ON THIS SITE.

PROJECT CONTACTS:

DEVELOPER:
MR. JAMES BEACH, JR.
1945 SOUTH PARKER ROAD
PARKER, CO 80134
CONTACT: JEFF MULLER
ADDRESS:
JACKALOPE PROPERTIES, LLC
8000 S. HULLY STREET
CENTENNIAL, CO 80122
CONTACT: MARIE HODGSON
OWNER:
RIDGE TOP ENGINEERING AND CONSULTING, LLC
5255 RONALD REAGAN BLVD. SUITE 210
CENTENNIAL, CO 80122
CONTACT: AMEE BEACH, P.E.

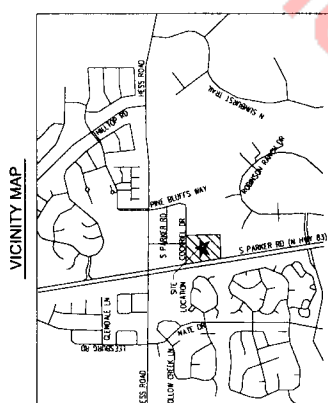
SURVEYOR CERTIFICATE

I, JAMES BEACH, JR., A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS DEVELOPMENT PLAN WAS PREPARED AND CHECKED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A MEMBER IN GOOD STANDING OF THE BOARD OF LAND SURVEYORS OF THE STATE OF COLORADO. THE SURVEY WAS PERFORMED IN ACCORDANCE WITH APPLICABLE STATUTES OF COLORADO AND I HAVE BEEN AN INSTRUMENTAL SURVEYOR FOR OVER 15 YEARS.

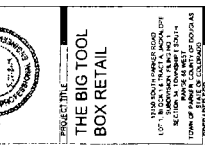
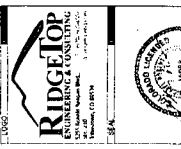
DATE OF SURVEY: 03/13/2019
FOR AND ON BEHALF OF A.S. GROUP

NOTE: THIS DEVELOPMENT PLAN HAS BEEN CHECKED AND FOUND TO BE ACCURATE AND CORRECT. THE SURVEYOR'S OFFICE HAS BEEN ADVISED BY THE DEVELOPER THAT THE DEVELOPMENT PLAN IS BEING PREPARED FOR THE CITY OF PARKER, COLORADO. THE SURVEYOR'S OFFICE HAS BEEN ADVISED BY THE DEVELOPER THAT THE DEVELOPMENT PLAN IS BEING PREPARED FOR THE CITY OF PARKER, COLORADO. THE SURVEYOR'S OFFICE HAS BEEN ADVISED BY THE DEVELOPER THAT THE DEVELOPMENT PLAN IS BEING PREPARED FOR THE CITY OF PARKER, COLORADO.

PER THE SLAVE OF COLORADO BOARD OF SURVEYORS FOR INSTRUMENTS, 6-212 THE SURVEYOR'S OFFICE HAS BEEN ADVISED BY THE DEVELOPER THAT THE DEVELOPMENT PLAN IS BEING PREPARED FOR THE CITY OF PARKER, COLORADO. THE SURVEYOR'S OFFICE HAS BEEN ADVISED BY THE DEVELOPER THAT THE DEVELOPMENT PLAN IS BEING PREPARED FOR THE CITY OF PARKER, COLORADO. THE SURVEYOR'S OFFICE HAS BEEN ADVISED BY THE DEVELOPER THAT THE DEVELOPMENT PLAN IS BEING PREPARED FOR THE CITY OF PARKER, COLORADO.



SHEET LIST
COVER SHEET
TOWNSHIP MAP
SCALE: 1:1000



PROJECT TITLE:
THE BIG TOOL BOX RETAIL

THE BIG TOOL BOX, INC.

107 SOUTH WASHINGTON ROAD
LOT 107
TOWNSHIP 6 SOUTH, RANGE 66 WEST
TOWN OF PARKER, COUNTY OF DOUGLAS
STATE OF COLORADO



Know what's below.
Call before you dig.

| | |
|--------------|----------------|
| SUBMITTAL: | ZONING: |
| DESIGNED BY: | PROJECT NO.: |
| DATE: | TOWN COMMENTS: |
| DATE: | DATE: |

DATE:
01/31/2019

COUNTY CLERK AND RECORDER'S CERTIFICATION

COVER SHEET

SHEET NO. 1 of 2

