

AGENDA
REGULAR MEETING OF THE CITY COUNCIL
CITY OF LAKEWOOD, COLORADO
480 S. ALLISON PARKWAY, 80226
HYBRID MEETING
AUGUST 28, 2023
7:00 P.M.

To watch the Council meeting live, please use either one of the following links:

City of Lakewood Website: [Lakewood.org/CouncilVideos](https://lakewood.org/CouncilVideos)

or

Lakewood Speaks: Lakewoodspeaks.org

How to Connect to Provide Public Comment:

By Computer: <https://lakewood.zoom.us/j/87017960123>

By iPad, iPhone, or Android device on the Zoom App, enter webinar ID: **870 1796 0123**

By Telephone: **720-707-2699**

Webinar ID: **870 1796 0123, #**

Participant ID: **#**

Press *9 to Request to Speak, you will be prompted when to speak.

Press *6 to Unmute

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ITEM 1 – CALL TO ORDER

ITEM 2 – ROLL CALL

ITEM 3 – PLEDGE OF ALLEGIANCE

ITEM 4 – STATEMENT OF CONFLICT OF INTEREST

ITEM 5 – PUBLIC COMMENT

Anyone who would like to address the Council on any matter other than an agenda item will be given the opportunity. Speakers should limit their comments to three minutes.

**CONSENT AGENDA
AND
ORDINANCES ON FIRST READING**

(Ordinances are on first reading for notice and publication only; public hearings are held on second reading)

ITEM 6 – APPROVING MINUTES OF THE CITY COUNCIL MEETINGS

City Council Special Meeting July 17TH, 2023

City Council Regular Meeting July 24TH, 2023

END OF CONSENT AGENDA

**ORDINANCES ON SECOND READING
AND PUBLIC HEARINGS**

**ITEM 7 – ORDINANCES AND RESOLUTION ADOPTING STEVINSON
ANNEXATIONS NOS. 22 & 23**

- **ORDINANCE O-2023-31** – ANNEXING CERTAIN PROPERTY TO BE KNOWN AS THE STEVINSON ANNEXATIONS NO. 22 & 23, LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTIONS 6, TOWNSHIP 4 SOUTH, RANGE 69 WEST AND THE SOUTHEAST ONE-QUARTER OF SECTION 1, TOWNSHIP 4 SOUTH, RANGE 70 WEST, 6TH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO
- **ORDINANCE O-2023-32** – TO INITIALLY ZONE AND REZONE LAND LOCATED AT 14700 W. 7TH AVE., CITY OF LAKEWOOD, COUNTY OF JEFFERSON, STATE OF COLORADO
- **ORDINANCE O-2023-33** – TO REZONE LAND LOCATED AT 15000 W. COLFAX AVE., CITY OF LAKEWOOD, COUNTY OF JEFFERSON, STATE OF COLORADO
- **ORDINANCE O-2023-34** – TO VEST THE ZONING FOR LAND LOCATED AT 14700 W. 7TH AVE., CITY OF LAKEWOOD, COUNTY OF JEFFERSON, STATE OF COLORADO
- **ORDINANCE O-2023-35** – TO VEST THE ZONING FOR LAND LOCATED AT 15000 W. COLFAX AVE., CITY OF LAKEWOOD, COUNTY OF JEFFERSON, STATE OF COLORADO
- **ORDINANCE O-2023-36** – VACATING ALL OF THE 600 BLOCK OF S. GARDENIA COURT RIGHT OF WAY NORTH OF WEST 6TH AVENUE FRONTAGE ROAD AND SOUTH OF WEST 7TH AVENUE

ITEM 8 – RESOLUTION 2023-47 – AUTHORIZING THE SITE-SPECIFIC ANNEXATION, ZONING, DEVELOPMENT, AND VESTING AGREEMENT (THE “AGREEMENT”) FOR APPROXIMATELY 64.3 ACRES OF LAND LOCATED WITHIN THE STEVINSON DENVER WEST CENTER AUTOMOTIVE CAMPUS ODP AND STEVINSON DENVER WEST CENTER ODP NO. 5

ITEM 9 – GENERAL BUSINESS

ITEM 10 – EXECUTIVE REPORT

A. CITY MANAGER

ITEM 11 – MAYOR AND CITY COUNCIL REPORTS

- A. COUNCIL MEMBERS BY WARD
- B. MAYOR

ITEM 12 – ADJOURNMENT



**MINUTES
VIRTUAL SPECIAL MEETING OF THE CITY COUNCIL
CITY OF LAKEWOOD**

6:00 P.M.

July 17, 2023

Minutes are not a verbatim transcription, but rather an attempt to capture the intent of the speaker by the City Clerk.

ITEM 1 – CALL TO ORDER

Mayor Paul called the virtual meeting to order at 6:00 pm.

ITEM 2 – ROLL CALL

Those present were: Mayor Adam Paul, Presiding

Charley Able
Barb Franks
Mary Janssen
Sophia Mayott-Guerrero
Richard Olver
Jeslin Shahrezaei
Anita Springsteen
Rebekah Stewart
Wendi Strom
Sharon Vincent

Absent: None

Full and timely notice of this City Council meeting had been given and a quorum was present.

Staff in attendance: Kathy Hodgson, City Manager, Ben Goldstein, Deputy City Manager, Alison McKenny Brown, City Attorney, Lauren Stanek Assistant City Attorney, Jay Robb, City Clerk

Others in attendance: Lenore Herskovitz, Karen Morgan, and someone logged in as “J”.

ITEM 3 – STATEMENT OF CONFLICT OF INTEREST

Mayor Paul made opening comments, then asked for a motion to go into executive session.

ITEM 4 – EXECUTIVE SESSION – A motion to hold an executive session of the Lakewood City Council for a conference with the City Attorney to receive legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) and Lakewood Municipal Charter 2.15(c)(4), focusing upon legal issues arising out of HB 23-1255

Motion: Mayor Pro Tem Strom made the motion, seconded by Councilor Vincent, to hold an executive session of the Lakewood City Council for a conference with the City Attorney to receive legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) and Lakewood Municipal Charter 2.15(c)(4), focusing upon legal issues arising out of House Bill 23-1255.

Councilor Able asked about the reason for meeting in an executive session.

Ms. McKenny Brown, City Attorney, explained why the issues arising from HB23-1255 needed to be discussed with the Council in executive session.

Councilor Able explained why he was voting against the motion to convene into executive session.

Councilor Janssen asked about opposition to HB23-1235 from the City and Council Members.

Mayor Paul explained that the Council needed to take action soon, due to the timing of HB23-1235.

Councilor Janssen explained why she was voting against the motion to convene into executive session.

Vote on Motion:

AYE: Paul, Franks, Mayott-Guerrero, Shahrezaei, Stewart, Strom, Vincent.

NAY: Able, Janssen, Olver, Springsteen,

Result: The motion failed 7-4, since Section 2.15(c) of the Lakewood Home Rule Charter requires a two-thirds vote of those present in order to hold an executive session.

ITEM 6 – ADJOURNMENT

Mayor Paul adjourned the regular meeting at 6:08 p.m.

Submitted by:

Jay Robb, City Clerk



**MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF LAKEWOOD**

7:00 P.M

July 24, 2023

Minutes are not a verbatim transcription, but rather an attempt to capture the intent of the speaker by the City Clerk.

ITEM 1 – CALL TO ORDER

[View video recording here](#)

Mayor Paul called the HYBRID meeting to order at 7:00 p.m.

ITEM 2 – ROLL CALL

[View video recording here](#)

Those present were: Mayor Adam Paul, Presiding
Charley Able (joined late- VIRTUAL)
Barb Franks (VIRTUAL)
Mary Janssen (VIRTUAL)
Sophia Mayott-Guerrero (joined late- VIRTUAL)
Richard Oliver
Jeslin Shahrezaei
Rebekah Stewart
Wendi Strom
Sharon Vincent

Absent: Anita Springsteen

Others in attendance: Kathy Hodgson, City Manager
Ben Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney
Jay Robb, City Clerk

Full and timely notice of this City Council meeting had been given and a quorum was present.

ITEM 3 – PLEDGE OF ALLEGIANCE

[View video recording here](#)

ITEM 4 – STATEMENT OF CONFLICT OF INTEREST

[View video recording here](#)

ITEM 5 – PROCLAMATION – NATIONAL DISABILITY INDEPENDENCE DAY

[View video recording here](#)

Mayor Paul read the proclamation and introduced Billy Cooper, City ADA Coordinator, and James Mace, Lakewood resident from Ward 1.

Mr. Cooper thanked the City Council, City Manager's Office, and the Community Advocates.

Mr. Mace thanked the City Council and talked about the importance of celebrating and respecting people with mental and physical challenges.

ITEM 5 – PUBLIC COMMENT

[View video recording here](#)

Public Comment received via telephone/in-person:

James Mace, Ward 1, asked the City Council about the fentanyl problem in Lakewood.

Miriam Wilch, representing three coalitions – the LW Bank Coalition, Lakewood Faith Coalition, Lakewood Service Club Coalition, spoke about Love Lakewood Day, a citywide volunteer day in the city scheduled on September 23rd.

Tarah X, spoke about several problems in her neighborhood with Lux Cocktail Lounge.

Cathy Kentner, Ward 1, spoke against Ordinance O-2023-30 and asked for the title of the Ordinance to be clarified.

Diane Duffey, Daniels Welchester Neighborhood Association, spoke about National Night Out coming up on Tuesday, August 1st.

Public Comment received via Lakewood Speaks: 4 See page 7

**CONSENT AGENDA
ORDINANCES ON FIRST READING**

[View video recording here](#)

Mayor Paul explained that Item 7 was removed by the applicant and would not be up for discussion or consideration by the Council.

ITEM 7 – RESOLUTION 2023-41 – APPROVING THE SERVICE PLAN FOR INDIGO AT RED ROCKS METROPOLITAN DISTRICT

Public Comments via Lakewood Speaks: 4 See page 9

Council member Mayott-Guerrero asked to pull Item 9 from the Consent Agenda.

ITEM 9 – ORDINANCE O-2023-30 – AN EMERGENCY ORDINANCE TEMPORARILY ENACTING AND ENFORCING A NONRENEWABLE ANTI-GROWTH LAW FOR THE PURPOSE OF DEVELOPING OR AMENDING LAND USE PLANS OR LAND USE LAWS COVERING RESIDENTIAL DEVELOPMENT OR THE RESIDENTIAL COMPONENT OF A MIXED-USE DEVELOPMENT

City Clerk Jay Robb read the Consent Agenda into the record.

Public Comment received via Lakewood Speaks: 4.

ITEM 8 – APPROVING MINUTES OF CITY COUNCIL MEETINGS

City Council Regular Meeting July 10, 2023

Mayor Pro Tem Strom made a motion to approve Council Minutes, all of which are included in the consent agenda items introduced into the record by the City Clerk, except for Item 7 which was pulled by applicant and Item 9 which was pulled for discussion. The motion was seconded.

Vote on Consent Agenda:

AYE: Paul, Able, Franks, Janssen, Mayott-Guerrero, Olver, Shahrezaei, Stewart, Strom, Vincent.

NAY: None.

ABSENT: Springsteen.

Result: Approved 10-0, the motion passed.

END OF CONSENT AGENDA

**ORDINANCES ON SECOND READING
AND PUBLIC HEARINGS**

ITEM 10 – ORDINANCE O-2023-28 – AMENDING TITLE 15, CHAPTER THREE, OF THE MUNICIPAL CODE OF THE CITY OF LAKEWOOD, COLORADO, IN CONNECTION WITH THE REGISTRATION OF VACANT PROPERTIES WITHIN THE CITY

[View video recording here](#)

Travis Parker, Director of Planning, provided a presentation and summary.

Public Comment received via telephone/in-person:

Diane Duffey, spoke in favor of Ordinance O-2023-28 and talked about specific problems with vacant properties in Lakewood and provided slides showing vacant properties in Lakewood.

Public Comment received via Lakewood Speaks: None.

Mr. Parker responded to questions from the Council Members regarding fees for vacant property owners and discussed the difference between city programs to regulate deteriorated occupied properties versus deteriorated vacant commercial and residential properties.

Lauren Stanek, Senior Assistant City Attorney referred the Council to the definition of 'vacant property' in the ordinance and explained that problems occupied are complaint based and regulated through other sections of the Lakewood Municipal Code.

Ms. Stanek also explained that there are exemptions in the proposed code, like occupied residences, properties that are vacant under 30 days, or properties that have an active building permit. She explained that vacant properties that go unregistered could be cited under the new proposed code as well as other code violations.

Discussion ensued among the Council Members regarding general support for the spirit of the Ordinance, but expressed concerns for the program to become punitive instead of supporting residents who may not be able to immediately address.

A motion was made by Mayor Pro Tem Strom to adopt Ordinance O-2023-28. It was seconded.

Vote on Ordinance O-2023-28:

AYE: Paul, Able, Franks, Mayott-Guerrero, Olver, Shahrezaei, Stewart, Strom, Vincent.

NAY: Janssen, Olver.

ABSENT: Springsteen.

Result:

Approved 8-2, the motion passed.

ITEM 11 – ORDINANCE O-2023-29 – DECLARING THE INTENT OF THE CITY OF LAKEWOOD TO ACQUIRE INTEREST IN PROPERTY FOR PUBLIC PURPOSES FOR PEDESTRIAN AND STORMWATER IMPROVEMENTS ALONG WEST 20TH AVENUE WEST OF NELSON STREET TO THE QUAIL STREET PARK AND AUTHORIZING NEGOTIATIONS WITH PROPERTY OWNERS, ACCEPTANCE OF CONVEYANCE INSTRUMENTS AND CONDEMNATION OF REAL PROPERTY INTERESTS (SUBJECT TO FURTHER COUNCIL APPROVAL)

[View video recording here](#)

Public Comment received via telephone/in-person: None.

Public Comment received via Lakewood Speaks: None.

A motion was made by Mayor Pro Tem Strom to approve Ordinance O-2023-28. It was seconded.

Vote on Ordinance O-2023-29:

AYE: Paul, Able, Franks, Janssen, Mayott-Guerrero, Olver, Shahrezaei, Stewart, Strom, Vincent.

NAY: None.

ABSENT: Springsteen.

Result:

Approved 10-0, the motion passed.

ITEM 9 – ORDINANCE O-2023-30 – AN EMERGENCY ORDINANCE TEMPORARILY ENACTING AND ENFORCING A NONRENEWABLE ANTI-GROWTH LAW FOR THE PURPOSE OF DEVELOPING OR AMENDING LAND USE PLANS OR LAND USE LAWS COVERING RESIDENTIAL DEVELOPMENT OR THE RESIDENTIAL COMPONENT OF A MIXED-USE DEVELOPMENT

[View video recording here](#)

Mayor Pro Tem Strom made a motion to order Emergency Ordinance O-2023-30 introduced on first reading to be published in the Denver Post with public hearing set for the date included in the Ordinance. It was seconded.

Council members asked questions and stated their comments and/or concerns with Ordinance O-2023-30.

Ms. Stanek discussed the timeline of the emergency ordinance but explained that legal counsel could not speak to the legal ramifications of adopting or not adopting the Ordinance.

Public Comment received via telephone/in-person: None.

Public Comment received via Lakewood Speaks: None.

Vote on Consent Agenda:

AYE: Paul, Franks, Janssen, Shahrezaei, Strom, Vincent.

NAY: Able, Mayott-Guerrero, Olver, Stewart.

ABSENT: Springsteen.

Result:

Approved 6 - 4, the motion passed.

ITEM 12 – GENERAL BUSINESS

None.

ITEM 13 – EXECUTIVE REPORT

Kathy Hodgson, City Manager, had no report.

ITEM 13 – MAYOR AND CITY COUNCIL REPORTS

[View video recording here](#)

Mayor Paul and City Council Members reported their attendance at previous meetings and events and announced upcoming neighborhood meetings and events.

ITEM 14 – ADJOURNMENT

[View video recording here](#)

There being no further business to come before City Council, Mayor Paul adjourned the meeting at 8:23 p.m.

Respectfully submitted,

Jay Robb, City Clerk

ITEM 5 – PUBLIC COMMENT

Public Comment received via Lakewood Speaks: 4

Miriam Wilch, Jul 24, 2023, 9:42am

Hello, I invite you all to participate in Love Lakewood Day, a city-wide day of service on September 23, hosted by Serve Spot Lakewood. Serve Spot Lakewood is a nonprofit organization in Lakewood created to strengthen collaboration and leverage resources between three coalitions started by the mayor: the Lakewood Faith Coalition, the Lakewood Service Club Coalition, and the Coalition to End Hunger in Lakewood. Show your Love for Lakewood by giving back to the community – volunteer on Love Lakewood Day! Serve Spot is coordinating with schools, nonprofit organizations, and caring community members in the Lakewood area to volunteer and host projects. Do you have a project idea in your neighborhood? Interested in volunteering? Visit servespotlakewood.com for more information

James Kinney, Jul 23, 2023, 11:27pm

Our City's Strategic Growth Initiative (SGI) ordinance specifically exempts, by designed intent, construction of affordable housing from any limitations in numbers. The law has allowed for an unlimited number of affordable homes to be built within the City of Lakewood each and every year since the SGI law was passed by voters in 2019. Many Councilors and the Mayor have expressed, including in statements issued during campaigns leading to elections, strong convictions supporting the need to make affordable housing available within our City. Some have made the statement that our teachers and emergency responders should have the ability to live within Lakewood in housing they can afford. SGI was designed and passed by citizens with clear provisions to allow development and construction of an unlimited number of affordable housing. However, what has transpired in the years the City has been strategically guided by SGI, is - NO AFFORDABLE HOUSING UNITS HAVE BEEN BUILT IN LAKEWOOD, NO RELIEF FOR OUR TEACHERS AND OTHERS IN NEED OF HOMES HAS BEEN PLANNED OR OFFERED. To the contrary, the City of Lakewood, under the policy direction of Mayor Paul and City Council, have been committed leaders in creating and maintaining the serious affordable housing crisis against which our community is now struggling. The Mayor, Council and City staff appear self-absorbed and blindly locked into their pet development dreams that were hatched well over a decade ago, ignorant to the reality that our society and the post-pandemic economy have changed and continue changing, and THE HOUSING NEEDS OF OUR COMMUNITY ARE NO LONGER SERVED BY THEIR AGEING, PERSONAL TUNNEL VISIONS. Can you fault State Legislature leaders for dictating radical policy from the top down to address and solve this housing crisis? Lakewood had their chance to wake up and are failing! The role of our elected City officials is to recognize reality and establish policy and direction to guide City staff to perform to protect and enhance our citizens' lives and futures, and maximize opportunities for all, including available affordable housing. The citizens of Lakewood deserve a complete, clear and transparent public accounting from the Mayor, City Council, and City staff explaining why no affordable housing has been developed in the City as part of our official strategic development plan, in particular during at least the last five years. Why have the Mayor and City Council chosen to ignore an obvious need in our City, and instead allowed City staff to proceed unchecked, fueling our long term housing crisis? It is time to schedule a City Council Study Session on the affordable housing crisis in order to collect citizen input to establish a plan to end our City's affordable housing crisis. Our seriousness and commitment to this effort should begin with a planning, development and construction time-out, to allow study to identify the pieces of the unfortunate path the City has taken, and continues to take, that has created our affordable housing crisis. Let's stop adding to the crisis, then work with our Strategic Growth Plan to fix it.

Lenore Herskovitz, Jul 22, 2023, 4:55pm

In the July 21, 2023 Friday Report newsletter it stated that on July 24, 2023 the City Council would be considering “setting a public hearing date for an emergency ordinance temporarily enacting an anti-growth law covering residential development”. This is referring to our voter approved Strategic Growth Initiative (SGI) and the term “anti-growth” is a misnomer. Since 2017 big money opponents have spent hundreds of thousands of dollars to convince the public that SGI was against growth. Yet somehow it survived 2 years of legal battles and the grassroots effort from concerned citizens was victorious at the ballot box in July 2019. But the malignment and misinformation did not stop with the passage of the bill. The city renamed the SGI the Residential Growth Limitation Ordinance. The word “strategic” was removed although it holds a prominent place in the title of both the state and city housing policy plans. The SGI, in reality, is an allocation program which prioritizes the types of housing that people want and what meets the communities’ needs. Affordable housing is exempt from any restriction. Ironically, housing goals expressed by both the state and city are addressed in the SGI, yet that has not stopped its critics from spreading misleading information. When you tour this city does there seem to be a shortage of high density housing? As an example, the east and west sides of Wadsworth around 12th have buildings under construction containing more than 400 units (combined). All are market rate and located within 2 blocks of a large light rail station. Lakewood seems to have adopted a ‘Field of Dreams’ philosophy: If you build it, they will come. What seems to be overlooked is that people don’t want to move to an unaffordable place that does not provide high paying jobs opportunities and the type of housing and neighborhoods THEY choose to live in. The purpose of the SGI was to meet these needs but since its passage, the City has been very effective at circumventing the ordinances’s intent resulting in the pervasiveness of high density developments. In May, the state legislature passed HB 23-1255 which was aimed at overturning what they determined to be “growth limiting legislation” targeting 4 communities: Pitkin County, Lakewood, Boulder and Golden. Pitkin County representatives successfully testified before the state legislature and had their ordinance exempted. Lakewood’s response was less stellar. Our City Council legislative committee didn’t address HB 23-1255 until April 24, 2023 when they voted to take a ‘strong oppose’ position. By that time the House had completed its 3rd reading of the bill. Our city, unlike most of the other members of the Colorado Municipal League (CML) does not have its own lobbyist so we rely on our staff or legislative committee chair to take an active role in advocating for our ‘strong oppose’ position on a bill that could overturn our voter approved legislation. Apparently our staff worked with CML on an amendment that would have removed Lakewood from HB 23-1255 at a minimum, but this was never brought to the table. When a copy of this amendment was requested, a city representative said it was unavailable. It is important to note that the SGI has a severability clause which by definition means if some of the terms of the document are held to be illegal or otherwise unenforceable, the remainder should still apply. There is no reason to dismantle our voter approved initiative in its entirety. We need to preserve Council oversight, promote inclusionary zoning, and encourage and support the types of housing and neighborhoods the community wants and needs. Let’s put an end to misnomers, malignment and misinformation and work together to respect the wishes of the voters who passed the SGI 4 years ago.

Ross Ollom, Jul 17, 2023, 2:17pm

With the lack of sidewalks on many neighborhood streets in the Two Creeks Community, and the limited budget, would the city consider painting yellow markings on the street to allocate safe spaces for people to walk/bike in the street? Also, regarding Molholm Elementary school, what types of considerations are being made in determining what to do with the property? Clearly, it can hardly be considered blighted as of now. The community would much appreciate the property remaining for community use and not being sold to a developer for residential units. What type of community organization would be required to achieve the goal of keeping the space for community use? Thank you so much for all your hard work!

ITEM 7 – RESOLUTION 2023-41 – APPROVING THE SERVICE PLAN FOR INDIGO AT RED ROCKS METROPOLITAN DISTRICT

Public Comment received via Lakewood Speaks: 4

James Kinney, Jul 23, 2023, 11:52pm

This plan should, among other additions (such as showing proof of 300 years of uninterrupted water supply for all homes, as well as the existence of a real, legal, in-place sewer service commitment) guarantee a percentage of for sale affordable housing units as determined by the City. A statement of guarantee that all included required affordable housing units will never become unaffordable needs to also be included. Vote No on this Plan. Back to the Drawing Board.

John Mohatt, Jul 21, 2023, 6:30pm

The Service Plan for Indigo at Red Rocks Metropolitan District should be denied since Indigo has failed to secure sewer services for the development. Until they get sewer service, their application should be denied under CRS 32-1-203(2). The service plan anticipates that sewer service will be supplied by GMWSD. There is no agreement with GPWSD to provide any sewer service. Not only that, but in several of the last elections, the residents of GMWSD made it clear that the district shall not provide any extraterritorial service. Indigo's service plan is not ready for approval and should be denied.

John Henderson, Jul 19, 2023, 1:42pm

<https://rooneyvalleynews.com/cardel-metro-district-proposal-green-mountain-rep-taggart-a-citizen/>

Alex Plotkin, Jul 18, 2023, 11:24am

The majority of the Lakewood City Council (including one of the Mayoral candidates, Wendi Strom) will talk about "affordable housing", while ensuring by their every action that there is nothing, but high-priced rentals and exorbitant metro district fees levied on to the citizens, current and future, while failing to facilitate the generation of localized, well-paying jobs, in order for those living here to actually be able to afford the housing they need. Let's look at the Cardel Homes Special District Application which is about to go in front of the council on July 24th. 1. Why did it take a CORA request just to get the Service Plan to look at it? Why not allow the citizens more time to have a look at, yet another, financial contraption that will saddle the people who have not even gotten a chance to vote on this, with millions of dollars of debt, they never agreed to? The arguments that such debt is needed are patently misleading - the developer could simply roll the cost of any infrastructure and other amenities into the cost of the homes to be sold, instead of saddling the future resident with millions of interest payments, while proclaiming that this is "affordable" housing. Recently, two Democrat lawmakers filed a lawsuit against the Democratic Party, specifically naming Monica Duran as one of the Defendants, pertaining to the perceived violations of the open meeting laws: <https://www.cpr.org/2023/07/10/two-house-democrats-sue-house-leaders-for-allegedly-breaking-open-meetings-law/> The current push, without much notice, without the proper diligence, without the proper conversation with the public for yet another Metro/Special District nobody needs in our community, smells wretched when it comes to transparency. Perhaps, the proverbial sunshine needs to be shined on the Lakewood City Council as well. 2. Why is the Service Plan mentioning Green Mountain Water and Sanitation District in a manner that would indicate that the District somehow, in any shape or form, agreed to provide service? The proposed Metro District is outside the GM's boundaries. There is no agreement to provide any service. Not only that, but in several of the last elections, the constituents of GMWSD made it clear, in no uncertain terms, that the District SHALL NOT provide any

extraterritorial service, full stop. Hence, again, why is Green Mountain Water and Sanitation even being mentioned? Where, in the Title 32 does it say that a Service/Metro District can just “assume” that another District will be providing it any service(s)? 3. Not only is there no agreement of any sort with the Green Mountain, but the applicant has other means of getting the service, such as either building their own waste processing facility, or working through the Mt. Carbon sanitation district, which was originally the sanitation district specifically created to serve the properties on the "other side of the hill" from the GMWSD. Why is the applicant not working with a sanitation district which is geographically and from an engineering perspective, potentially a more logical solution? Why are the GMWSD constituents potentially being embroiled in yet another scheme to subsidize someone else's profits? 4. The current majority on Lakewood City Council has repeatedly failed to champion any meaningful economic development initiatives in Lakewood or while working with the neighboring communities, such as Morrison. But they will waste no time in driving forth anything that will saddle the existing and future communities with further lack of localized economic opportunity AND further drive the residents into financial servitude. Hence, the residents, current and future should always remember that it was the current Lakewood City Council majority (with the aid of some of the city employees and advisory committees) who has put this city on the path to further economic and environmental hardships and not some mythical "external" forces, political, economic or environmental. Thank you.

STAFF MEMO

DATE OF MEETING: AUGUST 14, 2023 / AGENDA ITEM NO. 11

AUGUST 28, 2023 / AGENDA ITEM NO. 7

To: Mayor and City Council

From: Travis Parker, Director of Planning, 303-987-7908

Subject: **STEVINSON ANNEXATION, ZONING, VESTING AND ROW VACATION REQUESTS**

This ordinance was approved on 1st Reading by a vote of 10 ayes 0 nays.

SUMMARY STATEMENT: The applicant, Kent Stevinson, President of Automotive Services Inc., is requesting The City Council approval of six (6) formal land development applications and the Annexation, Zoning, Development and Vested Property Rights Agreement associated with the phased Stevinson Denver West Development proposal. The formal applications include an annexation request, two zoning requests, vesting of each zoning application, and a right-of-way vacation for the 600 Block of S. Gardenia Ct.

(Please note that the Zoning Department updated its document numbering system in 2022 which is resulting in differing numbering styles between 2021 documents and those applicable to subsequent years.)

East Side 14700 W 7 th Ave	AX-21-001	Annexation of 15.5 acres
	RZ-21-001	Stevinson Denver West Center Automotive Campus ODP <ul style="list-style-type: none"> ➤ Initial Zoning of 15.5 acres to a Planned Development with a base zone district of Commercial Regional (PD/C-R) ➤ Rezoning of 22.1 acres from Planned Development with a base zone district of Mixed-Use Employment Suburban (PD/M-E-S) to Planned Development with a base zone district of Commercial Regional (PD/C-R)
	VS-21-001	20-year vesting of zoning case #RZ-21-001
	VA-21-002	Vacating the 600 Block of S. Gardenia Ct
West Side 15000 W Colfax Ave	RZ22-0002	Stevinson Denver West Center ODP No. 5 <ul style="list-style-type: none"> ➤ Rezoning of 26.7 acres from Planned Development with a base zone district of Mixed-Use Employment Suburban (PD/M-E-S) to Planned Development with a base zone district of Commercial Limited (PD/C-L)
	VS23-0001	20-year vesting of zoning case #RZ22-0002

BACKGROUND INFORMATION:

Annexation – AX-21-001

A petition for annexation into the City of Lakewood was filed with the City Clerk on March 31, 2023. The petition was then referred to The City Council on April 10, 2023, for the adoption of the Intent to Annex Resolution (R-2023-16) to initiate the formal annexation process, set a public hearing date, and proceed with the notice requirements outlined in C.R.S. § 31-12-108. After the required notification period, The City Council held the annexation public hearing and adopted the Findings of Fact Resolution (R-2023-33) establishing eligibility for annexation. On June 7, 2023, the Lakewood Planning Commission held a public hearing on the proposed annexation and two zoning requests. Following public comment, the Planning commission passed a resolution recommending that The City Council approve Stevinson Annexations No. 22 & 23.

Zoning – RZ-21-001 & RZ22-0002

All Planned Developments (PD) are governed by an Official Development Plan (ODP). The ODP shall contain written stipulations and, when appropriate, graphic representation generally addressing land use, density, signage, fencing, lighting, access and circulation, architectural and landscape design requirements, and public and private improvements.

The Lakewood Planning Commission held a public hearing to consider the 37.6-acre east side initial zoning and rezoning request for the Stevinson Denver West Center Automotive Campus ODP and the 26.7-acre west side rezoning for the Stevinson Denver West Center ODP No. 5. Residents and property owners from the Pleasant View neighborhood expressed concern about increased traffic, glare from site lighting, noise from exterior paging systems and parking on neighborhood streets.

The Planning Commission adopted two resolutions, finding that the zoning criteria was satisfied and recommending the City Council approve the two resolutions with the following amendments to the Stevinson Denver West Center Automotive Campus ODP.

- A. The Planning Commission recommends amending Section III(F)(4) by adding:
 - Subsection A. In Planning Area 2, the landscape buffer will be a minimum of 175' in width along the entirety of Eldridge Street.
 - Subsection B. The landscape buffer will not contain any habitable structures.
- B. The Planning Commission recommends amending Section III(G)(1)(e) by adding.
 - (3) Lighting temperature should be consistent throughout the site.
- C. The Planning Commission recommends amending Section III(G)(1)(e) by adding.
 - (4) For a photometric plan reading of zero 0-foot candles to be required along the west edge of Eldridge Street.

The applicant has revised the Stevinson Denver West Center Automotive Campus ODP to include the Planning Commission amendments and is requesting approval of the Annexation, Zoning, Development and Vesting Rights Agreement, which includes additional provisions based on public comment from the Planning Commission Public Hearing.

Vesting – VS-21-001 & VS23-0001

Any zoning action approved by the City Council is automatically vested for a period of three years to give the property owner the right to complete the development and use of the property under the terms and conditions of the approval. Applicants may seek to vest the approval of a zoning action for a period of longer than three years through the approval of a development agreement.

Given the phased nature of the development proposal, the applicant is requesting a 20-year vesting period for RZ-21-001 and RZ22-0002. The terms of vesting are defined in the attached Annexation, Zoning, Development and Vesting Rights Agreement.

The City may conduct periodic subsequent reviews of the development and require the owner of the property to demonstrate compliance with the terms and conditions of the agreement. Failure to establish compliance may result in forfeiture of vested rights. Vesting approvals for longer than the standard three years must be approved by ordinance. Action by the City Council is also required to approve the attached Annexation, Zoning, Development and Vesting Rights Agreement through adoption of a resolution. The final agreement (signed by the applicant) has been incorporated into the attached Draft Resolution document.

ROW Vacation – VA-21-002

The 600 Block of S. Gardenia Court was dedicated to Jefferson County in 1970, prior to being annexed into the City of Lakewood in 1994 under the Stevinson Annexation No. 3. The right-of-way served as an unimproved driveway access for two dwelling units at 623 and 621 S. Gardenia Court and a commercial building at 622 S. Gardenia Court that have all been demolished.

All properties adjacent to the S. Gardenia Court right-of-way are owned by Automotive Services Inc. Site access for the future Automotive Campus will be required from W. 7th Avenue so there is no longer a public need or interest for right-of-way in this location.

Pursuant to the C.R.S, the City Council may vacate a right-of-way through the adoption of an ordinance.

BUDGETARY IMPACTS: N/A

STAFF RECOMMENDATIONS: Approval via ordinance and resolution of the six (6) land development applications and the development agreement:

- Ordinance 2023 – 31 (Stevinson Annexations No. 22 & 23)
- Ordinance 2023 – 32 (Initial Zoning and Rezoning, East Side)
- Ordinance 2023 – 33 (Rezoning, West Side)
- Ordinance 2023 – 34 (Vesting of RZ-21-001, East Side)
- Ordinance 2023 – 35 (Vesting RZ22-0002, West Side)
- Ordinance 2023 – 36 (Vacating the 600 Blk of S. Gardenia Ct)
- Resolution 2023 – 47 (Annexation, Zoning, Development and Vested Rights Agreement)

ALTERNATIVES: The City Council will need to take separate action on each ordinance with a vote to approve or deny. If the annexation ordinance is not approved, then the City Council will not be able to take action on the east side initial zoning/rezoning and vesting requests since it includes land that would not be located within the municipal boundary. The west side applications and ROW vacation (RZ22-0002 & VA23-0001) could still be approved regardless of the outcome of the annexation request.

PUBLIC OUTREACH: As required by the Zoning Ordinance, prior to a formal zoning application, initial neighborhood meetings were held on June 22, 2021, for the east side annexation and zoning and February 22, 2022, for the west side rezoning. Notices for the neighborhood meeting were mailed to property owners within five hundred (500) feet of the subject properties and registered neighborhood organizations within one-half (½) a mile of the subject property.

The community has also had several opportunities to provide comments during the annexation and zoning public meetings as listed below. Notices for the Planning Commission and final The City Council public hearings were

mailed to property owners within five hundred (500) feet of the subject properties and registered neighborhood organizations within one-half (½) a mile of the subject property. Notice signs were also posted on the properties.

Public Meeting Dates

Date	CC/PC	Actions
4-10-23 ✓	CC	Petition Acceptance / Adoption of Intent to Annex Resolution
5-22-23 ✓	CC	Public Hearing – Annexation / Adoption of Findings of Fact Resolution
6-7-23 ✓	PC	Public Hearing – Annexation / Initial Zoning & Rezoning Recommendation Resolutions (3) AX-21-001, RZ-21-001 & RZ22-0002
8-14-23	CC	1 st Reading for: 1. Annexation Ordinance - AX-21-001 2. Initial Zoning / Rezoning Ordinances (2) RZ-21-001 & RZ22-0002 3. ROW Vacation Public Hearing / Ordinance - VA-21-002 4. Ordinances for Vesting (2) VS-21-001 & VS23-0001
8-28-23	CC	Public Hearing for Initial Zoning, Rezoning, Vesting and ROW Vacation requests. Action on all applicable ordinances Action on the resolution to approve the Annexation, Zoning, Development and Vested Rights Agreement

NEXT STEPS: The annexation and ROW vacation ordinances will take effect thirty (30) days after final publication. The four ordinances related to the initial zoning / rezoning request and vesting applications will take effect forty-five (45) days after final publication. (Lakewood Charter 7.4 (b) and (c)).

If the annexation, zoning and vesting applications are approved by The City Council, the applicant must successfully complete all subdivision, major site plan and building permit plan applications prior to the issue of any building permits for construction. A fully executed Public Improvement Agreement (PIA) addressing all required street and sidewalk improvement requirements with future development will be recorded with an approved Final Plat.

ATTACHMENTS: Draft Ordinance – O-2023-31 - AX-21-001 (Annexation east)
 Draft Ordinance – O-2023-32 - RZ-21-001 (Initial Zoning/Rezoning east)
 Draft Ordinance – O-2023-33 - RZ22-0002 (Rezoning west)
 Draft Ordinance – O-2023-34 - VS-21-001 (Vesting east)
 Draft Ordinance – O-2023-35 - VS23-0001 (Vesting west)
 Draft Ordinance – O-2023-36 - VA-21-002 (ROW Vacation east)
 Draft Resolution – R-2023-47 - Annexation, Zoning, Development and Vesting Rights Agreement (east & west).
 Stevinson Denver West Center – Automotive Campus ODP
 Adopted Planning Commission Resolutions (3)
 Planning Commission Staff Report / Attachments
 Draft Planning Commission Minutes

REVIEWED BY: Kathleen E. Hodgson, City Manager
 Benjamin B. Goldstein, Deputy City Manager
 Alison McKenney Brown, City Attorney

O-2023-31

AN ORDINANCE

ANNEXING CERTAIN PROPERTY TO BE KNOWN AS THE STEVINSON ANNEXATIONS NO. 22 & 23, LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 6, TOWNSHIP 4 SOUTH, RANGE 69 WEST AND THE SOUTHEAST ONE-QUARTER OF SECTION 1, TOWNSHIP 4 SOUTH, RANGE 70 WEST, ALL WITHIN THE 6TH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO

WHEREAS, Resolution 2023-33 stating the intent of the City of Lakewood (the "City") to annex certain property known as the Stevinson Annexations No. 22 & 23 and initiating annexation proceedings, was adopted by the City Council on May 22, 2023;

WHEREAS, the Petition for annexation (the "Petition") has been signed by persons comprising more than fifty percent (50%) of the landowners in the area and owning more than fifty percent (50%) of the area, excluding public streets and alleys and any land owned by the City;

WHEREAS, the Petition has been referred to the City Council of the City for a determination of substantial compliance with the requirements of Section 31-12-107(1), C.R.S.;

WHEREAS, after notice pursuant to Section 31-12-108(2), C.R.S., the City Council held a public hearing on the proposed annexation; and

WHEREAS, approval of this ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, supports, approves, rejects or denies the proposal.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. The City Council finds and determines that an election pursuant to Sections 31-12-107 or 31-12-112, C.R.S. is not required, no other terms and conditions are to be imposed with the annexation, and it is in the best interests of the City to annex said area into the City.

SECTION 2. The annexation of the territory located in the County of Jefferson, State of Colorado, to the City of Lakewood, Colorado described in Exhibit A, attached hereto and incorporated herein by reference, and the same is hereby ordained and approved and said territory is hereby incorporated in and made a part of the City of Lakewood, Colorado.

SECTION 3. The annexation of such territory to the City of Lakewood, Colorado shall be complete and effective on the effective date of this Ordinance, and compliance with the filing requirements of Section 31-12-113, C.R.S.

SECTION 4. This Ordinance annexing said territory is expressly made subject to and conditioned upon zoning the property to a Planned Development with a base Commercial-Regional (C-R) Zone District.

SECTION 5. The City Clerk is hereby authorized and directed to perform all statutory duties required to complete said annexation.

SECTION 6. This ordinance shall take effect thirty (30) days after final publication.

I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a hybrid regular meeting of the Lakewood City Council on the 14th day of August 2023; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 17th day of August, 2023; set for public hearing to be held on the 28th day of August, 2023, read, finally passed and adopted by the City Council on the 28th day of August, 2023 and, signed by the Mayor on the _____ day of _____, 2023.

Adam Paul, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

EXHIBIT A
LEGAL DESCRIPTIONS
STEVINSON ANNEXATION NO. 22

A PARCEL OF LAND BEING A PORTION OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 6, TOWNSHIP 4 SOUTH, RANGE 69 WEST AND A PORTION OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SECTION 1, TOWNSHIP 4 SOUTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SW 1/4, BEING IN COMMON WITH THE SOUTHEAST CORNER OF SAID SE1/4;

THENCE S89°51'11"W, ALONG THE SOUTH LINE OF SAID SE1/4, A DISTANCE OF 42.50 FEET, MORE OR LESS, TO THE WESTERLY CORPORATE BOUNDARY LINE OF THE CITY OF LAKEWOOD, AS DEFINED BY ANNEXATION MAP **OF STEVINSON ANNEXATION NO. 5**, RECORDED IN PLAT BOOK 119, PAGE 56, AT RECEPTION NO. 94164854 IN THE RECORDS OF THE JEFFERSON COUNTY CLERK AND RECORDER, APPROVED BY ORDINANCE O-1994-56, RECORDED AT RECEPTION NO. 94164853 OF SAID RECORDS;

THENCE N00°06'53"W, ALONG SAID WESTERLY LINE AND ALONG A PORTION OF THE EASTERLY CORPORATE BOUNDARY LINE OF THE CITY OF LAKEWOOD AS DEFINED BY THE ANNEXATION MAP OF **DENVER WEST ANNEXATION NO. 20**, RECORDED IN PLAT BOOK 156, PAGE 37, AT RECEPTION NO. F1108033 OF SAID RECORDS, APPROVED BY ORDINANCE O-2000-28, RECORDED AT RECEPTION NO. F1108032 OF SAID RECORDS, A DISTANCE OF 390.50 FEET TO AN ANGLE POINT OF **SAID STEVINSON ANNEXATION NO. 5**, AND THE **POINT OF BEGINNING**;

THENCE DEPARTING THE WESTERLY LINE OF SAID **STEVINSON ANNEXATION NO. 5** AND CONTINUING ALONG THE EASTERLY LINE OF SAID **DENVER WEST ANNEXATION NO. 20**, N00°06'53"W, A DISTANCE OF 63.22 FEET TO AN ANGLE POINT OF SAID **DENVER WEST ANNEXATION NO. 20**;

THENCE DEPARTING THE EASTERLY LINE OF SAID **DENVER WEST ANNEXATION NO. 20** AND PROCEEDING ALONG THE WESTERLY RIGHT-OF-WAY LINE OF DENVER WEST COLORADO MILLS BOULEVARD, N00°06'53"W, A DISTANCE OF 26.78 FEET TO AN ANGLE POINT IN THE WESTERLY LINE OF SAID **STEVINSON ANNEXATION NO. 5**;

THENCE ALONG THE SOUTHERLY, WESTERLY, AND NORTHERLY BOUNDARY LINES OF SAID **STEVINSON ANNEXATION NO. 5**, THE FOLLOWING THREE (3) COURSES:

- 1) N89°57'49"E, ALONG SAID SOUTHERLY BOUNDARY LINE, A DISTANCE OF 222.33 FEET;
- 2) THENCE S00°08'27"E, ALONG SAID WESTERLY BOUNDARY LINE, A DISTANCE OF 90.00 FEET;
- 3) THENCE S89°57'49"W, ALONG SAID NORTHERLY BOUNDARY LINE, A DISTANCE OF 222.37 FEET, MORE OR LESS, TO THE **POINT OF BEGINNING**;

CONTAINING AN AREA OF 20,011 SQUARE FEET OR 0.459 ACRE, MORE OR LESS.

BASIS OF BEARINGS: THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 6 IS ASSUMED TO BEAR N 00°08'27" W, MONUMENTED ON THE SOUTH BY A FOUND 3-1/4 INCH DIAMETER BRASS CAP IN RANGE BOX STAMPED PLS 34989, 2002, AND MONUMENTED ON THE NORTH BY A 3-1/4 INCH ALUMINUM CAP IN RANGE BOX STAMPED LS 24966, 1998.

LEGAL DESCRIPTION
STEVINSON ANNEXATION NO. 23

A PARCEL OF LAND LOCATED IN THE SOUTHWEST ONE-QUARTER (SW $\frac{1}{4}$) AND THE SOUTHEAST ONE-QUARTER (SE $\frac{1}{4}$) OF SECTION 6, TOWNSHIP 4 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN; COUNTY OF JEFFERSON, STATE OF COLORADO; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 6;

THENCE N00°13'46"W, A DISTANCE OF 92.00 FEET TO AN ANGLE POINT IN THE CORPORATE BOUNDARY LINE OF THE CITY OF LAKEWOOD AS DEFINED BY THE ANNEXATION MAP OF **STEVINSON ANNEXATION NO. 1**, RECORDED IN PLAT BOOK 119, PAGE 52, AT RECEPTION NO. 94164846 OF THE RECORDS OF THE JEFFERSON COUNTY CLERK AND RECORDER, APPROVED BY ORDINANCE, O-1994-52, RECORDED AT RECEPTION NO. 94164845 OF SAID RECORDS, SAID ANGLE POINT BEING THE **POINT OF BEGINNING**;

THENCE ALONG THE CORPORATE BOUNDARY THE FOLLOWING COURSES:

A) ALONG THE EASTERLY AND NORTHERLY BOUNDARY LINES OF SAID **STEVINSON ANNEXATION NO. 1** THE FOLLOWING TWO (2) COURSES:

- 1) N00°13'46"W (N00°01'30"W (R)), ALONG THE EAST LINE OF SAID SW $\frac{1}{4}$, A DISTANCE OF 238.05 FEET TO THE CALLED NORTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SW $\frac{1}{4}$;
- 2) THENCE S89°57'53"W (N89°49'53"W (R)) ALONG THE CALLED NORTH LINE OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SW $\frac{1}{4}$ AND THE CALLED NORTH LINE OF THE EAST ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SW $\frac{1}{4}$, A DISTANCE OF 349.31 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF **STEVINSON ANNEXATION NO. 2**, RECORDED IN PLAT BOOK 119, PAGE 53, AT RECEPTION NO. 94164848 OF SAID RECORDS, APPROVED BY ORDINANCE, O-1994-53, RECORDED AT RECEPTION NO. 94164847 OF SAID RECORDS;

B) THENCE ALONG THE NORTHERLY AND WESTERLY BOUNDARY LINES OF SAID **STEVINSON ANNEXATION NO. 2** THE FOLLOWING TWO (2) COURSES:

- 1) S89°57'53"W (N89°49'53"W (R)), ALONG THE CALLED NORTH LINE OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SW $\frac{1}{4}$ AND ALONG THE CALLED NORTH LINE OF THE SOUTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SW $\frac{1}{4}$, A DISTANCE OF 803.80 FEET (850.75 FEET (R)), MORE OR LESS, TO THE CALLED NORTHWEST CORNER OF THE EAST ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SW $\frac{1}{4}$;

- 2) THENCE $S00^{\circ}13'35''E$, ($S00^{\circ}31'26''W$ (R)), ALONG THE CALLED WEST LINE OF THE EAST ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SAID $SW\frac{1}{4}$, A DISTANCE OF 195.83 FEET, MORE OR LESS, TO THE NORTHERLY LINE OF **STEVINSON ANNEXATION NO. 3**, RECORDED IN PLAT BOOK 119, PAGE 54, AT RECEPTION NO. 94164850 OF SAID RECORDS, APPROVED BY ORDINANCE, O-1994-54, RECORDED AT RECEPTION NO. 94164849 OF SAID RECORDS;
- C) THENCE ALONG THE NORTHERLY, EASTERLY, NORTHERLY AND WESTERLY BOUNDARY LINE OF SAID **STEVINSON ANNEXATION NO. 3** THE FOLLOWING ELEVEN (11) COURSES:
- 1) $N81^{\circ}17'33''W$ ($N81^{\circ}19'07''W$ (R)), A DISTANCE OF 165.50 FEET (173.42 FEET (R));
 - 2) THENCE $S75^{\circ}32'41''W$ ($S75^{\circ}32'51''W$ (R)), A DISTANCE OF 121.95 FEET (65.44 FEET (R));
 - 3) THENCE $N00^{\circ}16'57''W$ ($N00^{\circ}04'00''W$ (R)), A DISTANCE OF 35.80 FEET (35.04 FEET (R)) TO A POINT OF CURVATURE;
 - 4) THENCE 101.77 FEET (102.47 FEET (R)) ALONG THE ARC OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 175.00 FEET AND A CENTRAL ANGLE OF $33^{\circ}19'14''$ ($33^{\circ}33'00''$ (R)), THE LONG CHORD OF WHICH BEARS $N16^{\circ}56'34''W$, A LENGTH OF 100.34 FEET TO POINT OF REVERSE CURVATURE;
 - 5) THENCE 73.29 FEET (73.19 FEET (R)) ALONG THE ARC OF A REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 125.00 FEET AND A CENTRAL ANGLE OF $33^{\circ}35'33''$ ($33^{\circ}33'00''$ (R)), THE LONG CHORD OF WHICH BEARS $N16^{\circ}48'25''W$, A LENGTH OF 72.24 FEET TO POINT OF TANGENCY;
 - 6) THENCE $N00^{\circ}00'38''W$ ($N00^{\circ}04'00''W$ (R)), A DISTANCE OF 89.48 FEET (89.36 FEET (R));
 - 7) THENCE $S89^{\circ}57'20''W$ ($N89^{\circ}50'24''W$ (R)), A DISTANCE OF 50.00 FEET TO POINT OF CURVATURE;
 - 8) THENCE 5.51 FEET ALONG THE ARC OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 45.00 FEET AND A CENTRAL ANGLE OF $07^{\circ}01'12''$, THE LONG CHORD OF WHICH BEARS $S86^{\circ}26'51''W$, A LENGTH OF 5.51 FEET;
 - 9) THENCE $N00^{\circ}28'34''E$ ($N00^{\circ}40'50''E$ (R)), ALONG THE CALLED WEST LINE OF THE EAST ONE-HALF OF THE NORTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SAID $SW\frac{1}{4}$, A DISTANCE OF 62.77 FEET, MORE OR LESS, TO THE CALLED NORTHEAST ONE-CORNER OF THE SOUTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SAID $SW\frac{1}{4}$;

10) THENCE S89°57'55"W (N89°49'36"W (R)), A DISTANCE OF 173.67 FEET (171.21 FEET (R)), MORE OR LESS, TO THE CALLED NORTHWEST CORNER OF THE SOUTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SAID SW¼;

11) THENCE S00°33'15"W (S00°45'31"W (R)), ALONG THE CALLED NORTH-SOUTH CENTERLINE OF THE SOUTHWEST ONE-QUARTER OF SAID SW¼, A DISTANCE OF 151.81 FEET, MORE OR LESS, TO AN ANGLE POINT IN THE NORTHERLY LINE OF **STEVINSON ANNEXATION NO. 4**, RECORDED IN PLAT BOOK 119, PAGE 55, AT RECEPTION NO. 94164852 OF SAID RECORDS, APPROVED BY ORDINANCE O-1994-55, RECORDED AT RECEPTION NO. 94164851 OF SAID RECORDS;

D) THENCE ALONG THE NORTHERLY AND EASTERLY BOUNDARY LINES OF SAID **STEVINSON ANNEXATION NO. 4**, THE FOLLOWING TWO (2) COURSES:

1) S89°57'59"W (N89°49'45"W(R)), A DISTANCE OF 110.40 FEET;

2) THENCE N00°04'50"W (N00°07'26"E (R)), A DISTANCE OF 330.30 FEET TO THE SOUTHERLY LINE OF **STEVINSON ANNEXATION NO. 21**, RECORDED IN PLAT BOOK 170, PAGE 29, AT RECEPTION NO. F1694460 OF SAID RECORDS, APPROVED BY ORDINANCE, O-2003-2, RECORDED AT RECEPTION NO. F1694459 OF SAID RECORDS;

E) THENCE ALONG THE SOUTHERLY, EASTERLY AND SOUTHERLY BOUNDARY LINES OF SAID **STEVINSON ANNEXATION NO. 21**, THE FOLLOWING THREE (3) COURSES:

1) N89°58'26"E (N89°58'03"E (R)), A DISTANCE OF 164.70 FEET;

2) THENCE N00°08'27"W, A DISTANCE OF 330.36 FEET;

3) THENCE N89°58'47"E, A DISTANCE OF 176.01 FEET;

THENCE DEPARTING THE CORPORATE BOUNDARY OF THE CITY OF LAKEWOOD, S00°02'18"W, A DISTANCE OF 305.34 FEET, MORE OR LESS, TO THE NORTHERLY RIGHT-OF-WAY OF WEST 7TH AVENUE BEING 25.00 FEET NORTHERLY OF THE SOUTH LINE OF THE NORTH ONE-HALF OF THE SOUTH ONE-HALF OF SAID SW¼;

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY OF WEST 7TH AVENUE N89°58'26"E, A DISTANCE OF 715.43 FEET TO A POINT ON A CURVE;

THENCE 108.40 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 142.00 FEET, A CENTRAL ANGLE OF 43°44'26", THE LONG CHORD OF WHICH BEARS N47°56'12"E, A LENGTH OF 105.79 FEET;

THENCE NOT TANGENT TO THE PREVIOUSLY DESCRIBED COURSE, N89°58'26"E, A DISTANCE OF 50.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF FIG STREET;

THENCE S00°13'35"E, ALONG SAID EAST RIGHT-OF-WAY LINE OF FIG STREET, A DISTANCE OF 95.84 FEET, MORE OR LESS, TO THE SOUTH LINE OF THE NORTH ONE-HALF OF THE SOUTH ONE-HALF OF SAID SW¼;

THENCE N89°58'26"E, ALONG THE SOUTH LINE OF THE NORTH ONE-HALF OF THE SOUTH ONE-HALF OF SAID SW¼, A DISTANCE OF 310.00 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF THAT RIGHT-OF-WAY DESCRIBED IN RECEPTION NO. 90031503 OF SAID RECORDS;

THENCE ALONG THE WESTERLY AND NORTHERLY LINES OF SAID RIGHT-OF-WAY THE FOLLOWING TWO (2) COURSES:

- 1) N00°13'46"W, A DISTANCE OF 25.00 FEET;
- 2) THENCE N89°58'26"E, A DISTANCE OF 330.00 FEET TO THE SOUTHWEST CORNER OF LOT 49, **BROWNE'S SUBDIVISION**, THE PLAT OF WHICH IS RECORDED IN PLAT BOOK 13, PAGE 3, AT RECEPTION NO. 54578496 OF SAID RECORDS;

THENCE N89°54'24"E ALONG THE SOUTH LINE OF SAID LOT 49 AND THE NORTH LINE OF WEST 7TH AVENUE, AS SHOWN AND DEDICATED ON SAID **BROWNE'S SUBDIVISION**, A DISTANCE OF 30.00 FEET, MORE OR LESS, TO THE NORTHERLY EXTENDED EAST RIGHT-OF-WAY LINE OF ELDRIDGE STREET AS SHOWN AND PLATTED ON SAID **BROWNE'S SUBDIVISION**;

THENCE S00°13'36"E ALONG SAID EAST RIGHT OF WAY LINE AND VARIOUS EXTENSIONS THEREOF, A DISTANCE OF 578.13 FEET TO A POINT OF CURVATURE;

THENCE 23.53 FEET ALONG THE ARC OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 89°52'00", THE LONG CHORD OF WHICH BEARS S45°09'36"E, A LENGTH OF 21.19 FEET, MORE OR LESS, TO THE NORTHERLY BOUNDARY LINE OF SAID **STEVINSON ANNEXATION NO. 1**;

THENCE S89°54'19"W ALONG THE NORTHERLY LINE OF SAID **STEVINSON ANNEXATION NO. 1**, A DISTANCE OF 44.97 FEET, MORE OR LESS, TO THE **POINT OF BEGINNING**;

EXCEPTING LOT 2, **CURLING CLUB SUBDIVISION**, THE PLAT OF WHICH IS RECORDED AT RECEPTION NO. 2014006194 OF SAID RECORDS;

CONTAINING AN AREA OF 654,155 SQUARE FEET OR 15.017 ACRES, MORE OR LESS.

BASIS OF BEARINGS: THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 6 IS ASSUMED TO BEAR N 89°57'20" E, MONUMENTED ON THE WEST BY A FOUND 3-1/4 INCH DIAMETER BRASS CAP IN RANGE BOX STAMPED PLS 34989, 2002, AND MONUMENTED ON THE EAST BY A 3 INCH ALUMINUM CAP IN RANGE BOX STAMPED CITY OF LAKEWOOD LS 19591, 1986.

O-2023-32

AN ORDINANCE

TO INITIALLY ZONE AND REZONE LAND LOCATED AT 14700 W. 7TH AVE., CITY OF LAKEWOOD, COUNTY OF JEFFERSON, STATE OF COLORADO

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. Upon application by Mr. Kent Stevinson, as President of Automotive Services Inc., Rezoning Case RZ-21-001, and upon a recommendation of approval from the Lakewood Planning Commission on June 7, 2023, the Stevinson Denver West Center Automotive Campus Official Development Plan is approved; and the Lakewood Zoning Maps are hereby amended to initially zone and rezone the properties described in Exhibit A, attached hereto and made part hereof, to a Planned Development with a base Commercial Regional (PD/C-R) Zone District.

SECTION 2. The Mayor and City Clerk are hereby authorized and directed to certify the within and foregoing approval and record with the Clerk and Recorder of Jefferson County a certified copy of this Ordinance attached thereto, pursuant to the effective date thereof, and upon satisfaction of the conditions for recording relating to the property described in Exhibit A.

SECTION 3. This ordinance shall take effect forty-five (45) days after final publication.

I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a hybrid regular meeting of the Lakewood City Council on the 14th day of August 2023; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 17th day of August, 2023; set for public hearing to be held on the 28th day of August, 2023, read, finally passed and adopted by the City Council on the 28th day of August, 2023 and, signed by the Mayor on the _____ day of _____, 2023.

Adam Paul, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

EXHIBIT A—LEGAL DESCRIPTION

Planning Area 1:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 4 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN; COUNTY OF JEFFERSON, STATE OF COLORADO; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 6;

THENCE ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 6, N 00°08'27" W FOR 660.91 FEET TO THE NORTHWEST CORNER OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6;

THENCE ALONG THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6, N 89°58'26" E FOR 1216.24 FEET TO THE NORTHEAST CORNER OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6;

THENCE ALONG THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6, N 89°58'26" E FOR 817.91 FEET TO THE NORTHERLY EXTENSION OF THE WEST LINE OF LOT 2, CURLING CLUB SUBDIVISION AS RECORDED AT RECEPTION NUMBER 2014006194 OF THE JEFFERSON COUNTY RECORDS;

THENCE ALONG THE WEST LINE OF SAID LOT 2 AND THE NORTHERLY EXTENSION THEREOF, S 00°00'00" E FOR 330.13 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2;

THENCE ALONG THE SOUTH LINE OF SAID LOT 2, N 89°57'53" E FOR 224.41 FEET;

THENCE S 00°01'12" E FOR 330.09 FEET TO THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 6;

THENCE ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 6, S 89°57'20" W FOR 2257.04 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 1,417,273 SQUARE FEET OR 32.536 ACRES, MORE OR LESS.

Together with Planning Area 2:

A PARCEL OF LAND IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 4 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN; COUNTY OF JEFFERSON, STATE OF COLORADO; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 6;

THENCE ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 6, S 89°57'20" W FOR 280.05 FEET;

THENCE N 00°01'12" W FOR 330.09 FEET TO THE SOUTH LINE OF LOT 2, CURLING CLUB SUBDIVISION AS RECORDED AT RECEPTION NUMBER 2014006194 OF THE JEFFERSON COUNTY RECORDS;

THENCE ALONG THE SOUTH LINE OF SAID LOT 2, N 89°57'33" E FOR 49.09 FEET TO THE SOUTHEAST CORNER OF SAID LOT 2;

THENCE ALONG THE EAST LINE OF SAID LOT 2 AND THE NORTHERLY EXTENSION THEREOF, N 00°00'00" E FOR 330.08 FEET TO THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6;

THENCE ALONG THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6, N 89°58'26" E FOR 228.46 FEET TO THE NORTHEAST CORNER OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6;

THENCE ALONG THE EAST LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6, S 00°13'36" E FOR 660.09 FEET TO THE POINT OF BEGINNING;

CONTAINING AN AREA OF 167,860 SQUARE FEET OR 3.853 ACRES, MORE OR LESS.

Together with Planning Area 3:

A PARCEL OF LAND IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 4 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN; COUNTY OF JEFFERSON, STATE OF COLORADO; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 6;

THENCE ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 6, N 00°08'27" W FOR 660.91 FEET TO THE SOUTHWEST CORNER OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6;

THENCE ALONG THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6, N 89°58'26" E FOR 876.77 FEET;

THENCE N 00°08'27" W FOR 25.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING N 00°08'27" W, ALONG AN EAST LINE OF STEVINSON TOYOTA WEST SUBDIVISION LOT LINE ADJUSTMENT NO. 1 PLAT, AS RECORDED AT RECEPTION NUMBER F1972346 OF THE JEFFERSON COUNTY RECORDS, AND THE SOUTHERLY EXTENSION THEREOF, FOR 305.36 FEET TO A CORNER THEREOF;

THENCE ALONG A SOUTH LINE OF SAID SUBDIVISION, N 89°58'47" E FOR 176.01 FEET;

THENCE S 00°02'18" W FOR 305.34 FEET TO A POINT 25.00 FEET NORTH OF THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6;

THENCE S 89°58'26" W A DISTANCE OF 175.05 FEET TO THE POINT OF BEGINNING;

CONTAINING AN AREA OF 53,599 SQUARE FEET OR 1.230 ACRES, MORE OR LESS.

THE ABOVE DESCRIBED THREE PARCELS CONTAIN AN OVERALL AREA OF 1,638,732 SQUARE FEET OR 37.620 ACRES, MORE OR LESS.

BASIS OF BEARINGS: THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 6, MONUMENTED ON THE SOUTH BY A 3-1/4" BRASS CAP STAMPED PLS 34989,2002, AND MONUMENTED ON THE NORTH BY A 3-1/4" ALUMINUM CAP STAMPED PLS 24966,1988, AND BEARS N 00°08'27" W, 2643.44 FEET.

ALL DISTANCES ARE U.S. SURVEY FEET.

O-2023-33

AN ORDINANCE

TO REZONE LAND LOCATED AT 15000 W. COLFAX AVE., CITY OF LAKEWOOD,
COUNTY OF JEFFERSON, STATE OF COLORADO

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. Upon application by Mr. Kent Stevinson, as President of Automotive Services Inc., Rezoning Case RZ22-0002, and upon a recommendation of approval from the Lakewood Planning Commission on June 7, 2023, the Stevinson Denver West Center No. 5 Official Development Plan is approved; and the Lakewood Zoning Maps are hereby amended to change the underlying zone district for the properties described in Exhibit A, attached hereto and made part hereof, from a Planned Development with a base Mixed-Use Employment Suburban (PD/M-E-S) Zone District to a Planned Development with a base Commercial-Limited (PD/C-L) Zone District.

SECTION 2. The Mayor and City Clerk are hereby authorized and directed to certify the within and foregoing approval and record with the Clerk and Recorder of Jefferson County a certified copy of this Ordinance attached thereto, pursuant to the effective date thereof, and upon satisfaction of the conditions for recording relating to the property described in Exhibit A.

SECTION 3. This ordinance shall take effect forty-five (45) days after final publication.

I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a hybrid regular meeting of the Lakewood City Council on the 14th day of August 2023; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 17th day of August, 2023; set for public hearing to be held on the 28th day of August, 2023, read, finally passed and adopted by the City Council on the 28th day of August, 2023 and, signed by the Mayor on the _____ day of _____, 2023.

Adam Paul, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

EXHIBIT A—LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF STEVINSON AUTOMOBILE AGENCY LOT 1, BLOCK 1, EXEMPTION SURVEY NO.1, THE PLAT OF WHICH WAS RECORDED IN PLAT BOOK 86, AT PAGE 34, UNDER RECEPTION NUMBER 85112019, OF THE RECORDS OF THE JEFFERSON COUNTY CLERK & RECORDER, TOGETHER WITH A PORTION OF VACATED JUNIPER STREET AS RECORDED AT RECEPTION NUMBER 85097108 LOCATED WITHIN SAID PLAT, TOGETHER WITH STEVINSON AUTOMOBILE AGENCY FILING NO. 2 - EXEMPTION SURVEY NO. 1, THE PLAT OF WHICH WAS RECORDED IN PLAT BOOK 103 AT PAGE 11, UNDER RECEPTION NUMBER 90041454 OF SAID RECORDS, A PORTION OF BLOCK 44 OF PLEASANT VIEW SECOND ADDITION, THE PLAT OF WHICH WAS RECORDED IN PLAT BOOK 2 AT PAGE 68, UNDER RECEPTION NUMBER 00876034 OF SAID RECORDS, A PORTION OF THE WEST COLFAX AVENUE, DENVER WEST COLORADO MILLS BOULEVARD, AND INDIANA STREET RIGHT-OF-WAYS, AND WEST 7TH AVENUE RIGHT-OF-WAYS, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 4 SOUTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF LAKEWOOD. COUNTY OF JEFFERSON, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 1;

THENCE ALONG THE EASTERLY LINE OF SAID SOUTHEAST QUARTER OF SECTION 1, S00°08'11"E A DISTANCE OF 261.42 FEET TO THE POINT OF BEGINNING:

THENCE CONTINUING ALONG SAID EASTERLY LINE. S00°08'11"E A DISTANCE OF 1723.79 FEET;

THENCE ALONG THE CENTERLINE OF WEST 7TH AVENUE AS SHOWN AND PLATTED ON SAID PLEASANT VIEW SECOND ADDITION. S89°47'49"W A DISTANCE OF 312.38 FEET;

THENCE ALONG THE WESTERLY LINE EXTENDED SOUTHERLY OF BLOCK 44, SAID PLEASANT VIEW SECOND ADDITION, N00°07'30"W, A DISTANCE OF 30.00 FEET TO THE SOUTHWEST CORNER OF SAID BLOCK 44;

THENCE ALONG THE SOUTHERLY LINE OF SAID BLOCK 44. N89°47'49"E A DISTANCE OF 135.07 FEET TO THE INTERSECTION OF SAID LAST SOUTHERLY LINE WITH THE CENTERLINE OF THE VACATED ALLEY IN SAID, BLOCK 44 OF SAID PLEASANT VIEW SECOND ADDITION;

THENCE ALONG SAID CENTERLINE, N00°07'11" W, A DISTANCE OF 125.34 FEET TO THE INTERSECTION OF SAID CENTERLINE WITH THE SOUTHERLY LINE OF LOT 19, SAID BLOCK 44 EXTEND EASTERLY;

THENCE ALONG SAID SOUTHERLY LINE OF SAID LOT 19 EXTENDED EASTERLY, S89°46'39"W A DISTANCE OF 135.08 FEET TO THE SOUTHWEST CORNER OF SAID LOT 19;

THENCE ALONG THE WESTERLY LINE OF LOTS 19, 18, 17, 16 AND 15, SAID BLOCK 44, N00°07'30"W A DISTANCE OF 125.29 FEET TO THE NORTHWEST CORNER OF SAID LOT 15;

THENCE ALONG THE NORTHERLY LINE OF SAID LOT 15 EXTEND EASTERLY, N89°45'28"E A DISTANCE OF 135.09 FEET TO THE INTERSECTION OF SAID NORTHERLY LINE OF LOT 15 EXTENDED EASTERLY AND THE CENTERLINE OF SAID ALLEY;

THENCE ALONG SAID CENTERLINE OF SAID ALLEY, N00°07'11"W A DISTANCE OF 100.27 FEET TO THE INTERSECTION OF SAID CENTERLINE WITH THE NORTHERLY LINE OF LOT 11, SAID BLOCK 44 EXTEND EASTERLY;

THENCE ALONG SAID NORTHERLY LINE OF SAID LOT 11 EXTEND EASTERLY, S89°44'32"W A DISTANCE OF 135.10 FEET TO THE NORTHWEST CORNER OF SAID LOT 11;

THENCE ALONG THE WESTERLY LINE OF LOTS 10, 9 AND 8 SAID BLOCK 44 OF SAID PLEASANT VIEW SECOND ADDITION EXTENDED TO THE SOUTHERLY LINE OF SAID STEVINSON AUTOMOBILE AGENCY FILING NO. 2 EXEMPTION SURVEY NO. 1, AS MEASURED IN THE FIELD, N00°07'30"W A DISTANCE OF 84.98 FEET TO A POINT ON SAID SOUTHERLY LINE OF SAID STEVINSON AUTOMOBILE AGENCY FILING NO. 2 EXEMPTION SURVEY NO. 1;

THENCE ALONG SAID SOUTHERLY LINE THE FOLLOWING NINE (9) CONSECUTIVE COURSES:

1) S89°38'55"W A DISTANCE OF 30.00 FEET, MORE OR LESS, TO THE CENTERLINE OF ISABELL STREET AS SHOWN AND PLATTED ON SAID PLEASANT VIEW SECOND ADDITION;

2) THENCE ALONG SAID CENTERLINE, N00°07'30"W A DISTANCE OF 25.33 FEET MORE OR LESS, TO THE EASTERLY EXTENDED NORTHERLY LINE OF LOT 42, BLOCK 43, SAID PLEASANT VIEW SECOND ADDITION;

3) THENCE ALONG SAID LAST EXTENDED AND SOUTHERLY AND WESTERLY EXTENDED LINE OF SAID LOT 42,

S89°38'40"W, A DISTANCE OF 165.11 FEET, MORE OR LESS, TO THE CENTERLINE OF THE ALLEY IN SAID BLOCK 43;

4) THENCE ALONG SAID CENTERLINE, N00°07'48"W A DISTANCE OF 50.61 FEET MORE OR LESS, TO THE EASTERLY EXTENDED NORTHERLY LINE OF LOT 5, BLOCK 43;

5) THENCE ALONG SAID EASTERLY EXTENDED LINE AND NORTHERLY LINE OF SAID LOT 5, S89°37'54"W A DISTANCE OF 135.12 FEET TO A POINT ON THE WESTERLY LINE OF SAID BLOCK 43 MORE OR LESS, TO THE NORTHWEST CORNER OF SAID LOT 5;

6) THENCE ALONG SAID WESTERLY LINE OF BLOCK 43, N00°08'07"W A DISTANCE OF 63.38 FEET;

7) THENCE N31° 33'15"W, A DISTANCE OF 115.10 FEET, TO A POINT ON THE EASTERLY LINE OF BLOCK 38, SAID PLEASANT VIEW SECOND ADDITION;

8) THENCE ALONG THE SOUTHERLY LINE OF SAID BLOCK 38, S89°35'48"W , A DISTANCE OF 135.13 FEET, MORE OR LESS, TO THE CENTERLINE OF THE ALLEY IN SAID BLOCK 38;

9) THENCE ALONG SAID CENTERLINE, N00°08'26"W A DISTANCE OF 99.62 FEET TO A POINT ON THE SOUTH LINE OF SAID STEVINSON AUTOMOTIVE AGENCY LOT 1, BLOCK 1 EXEMPTION SURVEY NO. 1, SAID SOUTH LINE BEING IN COMMON WITH THE EASTERLY EXTENDED NORTHERLY LINE OF LOT 21 SAID BLOCK 38;

THENCE ALONG SAID SOUTHERLY LINE, S89°35'48"W, A DISTANCE OF 165.14 FEET TO THE SOUTHWEST CORNER OF SAID LAST EXEMPTION SURVEY , SAID CORNER ALSO BEING THE CENTERLINE OF JUNIPER STREET AS SHOWN AND PLATTED ON SAID PLEASANT VIEW SECOND ADDITION;

THENCE ALONG THE WESTERLY LINE OF SAID STEVINSON AUTOMOTIVE AGENCY LOT 1. BLOCK 1 EXEMPTION SURVEY NO. 1 AND NORTHLY EXTENSION THEREOF, N00°08'44"W A DISTANCE OF 536.27 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WEST COLFAX AVENUE AS RECORDED IN BOOK 359 AT PAGE 470, OF SAID RECORDS;

THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) CONSECUTIVE COURSES:

- 1). N00°15'03"W A DISTANCE OF 16.54 FEET;
- 2) THENCE N44°42'42"E A DISTANCE OF 34.26 FEET;
- 3) THENCE N73°59'44"E A DISTANCE OF 37.41 FEET;

THENCE N16°00'16"W A DISTANCE OF 110.01 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF WEST COLFAX AVENUE AS RECORDED IN IN BOOK 359 AT PAGE 470 OF SAID RECORDS;

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE. N72°44'19"E A DISTANCE OF 839.37 FEET TO THE SOUTHEASTERLY CORNER OF THAT TRACT OF LAND DESCRIBED IN INSTRUMENT RECORDED AT RECEPTION NUMBER 91063700 OF SAID RECORDS;

THENCE S00°33'09"W A DISTANCE OF 67.21 FEET TO A POINT ON THE CENTERLINE OF WEST COLFAX AVENUE:

THENCE ALONG SAID CENTERLINE, N73°22'01"E A DISTANCE OF 178.85 FEET TO THE POINT OF BEGINNING

SAID PARCEL CONTAINS 26.6646 ACRES MORE OR LESS

ALL LINEAL DIMENSIONS ARE IN U.S. SURVEY FEET.

BASIS OF BEARINGS

BEARINGS ARE BASED ON EASTERLY LINE OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 4 SOUTH, RANGE 70 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO ASSUMED TO BEAR S00°08'11"E BEING MONUMENTED BY A FOUND 3-1/4" ALUMINUM CAP IN RANGE BOX PLS #24966 AT THE EAST QUARTER CORNER AND A FOUND 3-1/4" BRASS CAP PLS #34989 AT THE SOUTHEAST CORNER.

O-2023-34

AN ORDINANCE

TO VEST THE ZONING FOR LAND LOCATED AT 14700 W. 7TH AVE., CITY OF LAKEWOOD, COUNTY OF JEFFERSON, STATE OF COLORADO

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. Upon application by Mr. Kent Stevinson, as President of Automotive Services Inc., in Lakewood Vesting Case VS-21-001, the zoning associated with the initial zoning Case RZ-21-001 is vested for twenty (20) years, for the property described in Exhibit A attached hereto and made a part hereof.

SECTION 2. The Annexation, Zoning, Development, and Vesting Agreement between the City and Automotive Services Inc., details the terms of the twenty (20)-year vesting of the zoning.

SECTION 3. The Mayor and City Clerk are hereby authorized and directed to certify the within and foregoing approval and record with the Clerk and Recorder of Jefferson County a certified copy of this Ordinance attached thereto, pursuant to the effective date thereof, and upon satisfaction of the conditions for recording relating to the property described in Exhibit A.

SECTION 4. This ordinance shall take effect forty-five (45) days after final publication.

I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a hybrid regular meeting of the Lakewood City Council on the 14th day of August 2023; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 17th day of August, 2023; set for public hearing to be held on the 28th day of August, 2023, read, finally passed and adopted by the City Council on the 28th day of August, 2023 and, signed by the Mayor on the _____ day of _____, 2023.

Adam Paul, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

EXHIBIT A—LEGAL DESCRIPTION

Planning Area 1

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 4 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN; COUNTY OF JEFFERSON, STATE OF COLORADO; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 6;

THENCE ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 6, N 00°08'27" W FOR 660.91 FEET TO THE NORTHWEST CORNER OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6;

THENCE ALONG THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6, N 89°58'26" E FOR 1216.24 FEET TO THE NORTHEAST CORNER OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6;

THENCE ALONG THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6, N 89°58'26" E FOR 817.91 FEET TO THE NORTHERLY EXTENSION OF THE WEST LINE OF LOT 2, CURLING CLUB SUBDIVISION AS RECORDED AT RECEPTION NUMBER 2014006194 OF THE JEFFERSON COUNTY RECORDS;

THENCE ALONG THE WEST LINE OF SAID LOT 2 AND THE NORTHERLY EXTENSION THEREOF, S 00°00'00" E FOR 330.13 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2;

THENCE ALONG THE SOUTH LINE OF SAID LOT 2, N 89°57'53" E FOR 224.41 FEET;

THENCE S 00°01'12" E FOR 330.09 FEET TO THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 6;

THENCE ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 6, S 89°57'20" W FOR 2257.04 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 1,417,273 SQUARE FEET OR 32.536 ACRES, MORE OR LESS.

Together with Planning Area 2:

A PARCEL OF LAND IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 4 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN; COUNTY OF JEFFERSON, STATE OF COLORADO; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 6;

THENCE ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 6, S 89°57'20" W FOR 280.05 FEET;

THENCE N 00°01'12" W FOR 330.09 FEET TO THE SOUTH LINE OF LOT 2, CURLING CLUB SUBDIVISION AS RECORDED AT RECEPTION NUMBER 2014006194 OF THE JEFFERSON COUNTY RECORDS;

THENCE ALONG THE SOUTH LINE OF SAID LOT 2, N 89°57'33" E FOR 49.09 FEET TO THE SOUTHEAST CORNER OF SAID LOT 2;

THENCE ALONG THE EAST LINE OF SAID LOT 2 AND THE NORTHERLY EXTENSION THEREOF, N 00°00'00" E FOR 330.08 FEET TO THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6;

THENCE ALONG THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6, N 89°58'26" E FOR 228.46 FEET TO THE NORTHEAST CORNER OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6;

THENCE ALONG THE EAST LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6, S 00°13'36" E FOR 660.09 FEET TO THE POINT OF BEGINNING;

CONTAINING AN AREA OF 167,860 SQUARE FEET OR 3.853 ACRES, MORE OR LESS.

Together with Planning Area 3:

A PARCEL OF LAND IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 4 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN; COUNTY OF JEFFERSON, STATE OF COLORADO; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 6;

THENCE ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 6, N 00°08'27" W FOR 660.91 FEET TO THE SOUTHWEST CORNER OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6;

THENCE ALONG THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6, N 89°58'26" E FOR 876.77 FEET;

THENCE N 00°08'27" W FOR 25.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING N 00°08'27" W, ALONG AN EAST LINE OF STEVINSON TOYOTA WEST SUBDIVISION LOT LINE ADJUSTMENT NO. 1 PLAT, AS RECORDED AT RECEPTION NUMBER F1972346 OF THE JEFFERSON COUNTY RECORDS, AND THE SOUTHERLY EXTENSION THEREOF, FOR 305.36 FEET TO A CORNER THEREOF;

THENCE ALONG A SOUTH LINE OF SAID SUBDIVISION, N 89°58'47" E FOR 176.01 FEET;

THENCE S 00°02'18" W FOR 305.34 FEET TO A POINT 25.00 FEET NORTH OF THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6;

THENCE S 89°58'26" W A DISTANCE OF 175.05 FEET TO THE POINT OF BEGINNING;

CONTAINING AN AREA OF 53,599 SQUARE FEET OR 1.230 ACRES, MORE OR LESS.

THE ABOVE DESCRIBED THREE PARCELS CONTAIN AN OVERALL AREA OF 1,638,732 SQUARE FEET OR 37.620 ACRES, MORE OR LESS.

BASIS OF BEARINGS: THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 6, MONUMENTED ON THE SOUTH BY A 3-1/4" BRASS CAP STAMPED PLS 34989,2002, AND MONUMENTED ON THE NORTH BY A 3-1/4" ALUMINUM CAP STAMPED PLS 24966,1988, AND BEARS N 00°08'27" W, 2643.44 FEET.

ALL DISTANCES ARE U.S. SURVEY FEET.

O-2023-35

AN ORDINANCE

TO VEST THE ZONING FOR LAND LOCATED AT 15000 W. COLFAX AVE., CITY OF LAKEWOOD, COUNTY OF JEFFERSON, STATE OF COLORADO

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. Upon application by Mr. Kent Stevinson, as President of Automotive Services Inc., in Lakewood Vesting Case VS23-0001, the zoning associated with the rezoning Case RZ22-0002 is vested for twenty (20) years, for the property described in Exhibit A attached hereto and made a part hereof.

SECTION 2. The Annexation, Zoning, Development, and Vesting Agreement between the City and Automotive Services Inc., details the terms of the twenty (20)-year vesting of the zoning.

SECTION 3. The Mayor and City Clerk are hereby authorized and directed to certify the within and foregoing approval and record with the Clerk and Recorder of Jefferson County a certified copy of this Ordinance attached thereto, pursuant to the effective date thereof, and upon satisfaction of the conditions for recording relating to the property described in Exhibit A.

SECTION 4. This ordinance shall take effect forty-five (45) days after final publication.

I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a hybrid regular meeting of the Lakewood City Council on the 14th day of August 2023; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 17th day of August, 2023; set for public hearing to be held on the 28th day of August, 2023, read, finally passed and adopted by the City Council on the 28th day of August, 2023 and, signed by the Mayor on the _____ day of _____, 2023.

Adam Paul, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

EXHIBIT A—LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF STEVINSON AUTOMOBILE AGENCY LOT 1, BLOCK 1, EXEMPTION SURVEY NO.1, THE PLAT OF WHICH WAS RECORDED IN PLAT BOOK 86, AT PAGE 34, UNDER RECEPTION NUMBER 85112019, OF THE RECORDS OF THE JEFFERSON COUNTY CLERK & RECORDER, TOGETHER WITH A PORTION OF VACATED JUNIPER STREET AS RECORDED AT RECEPTION NUMBER 85097108 LOCATED WITHIN SAID PLAT, TOGETHER WITH STEVINSON AUTOMOBILE AGENCY FILING NO. 2 - EXEMPTION SURVEY NO. 1, THE PLAT OF WHICH WAS RECORDED IN PLAT BOOK 103 AT PAGE 11, UNDER RECEPTION NUMBER 90041454 OF SAID RECORDS, A PORTION OF BLOCK 44 OF PLEASANT VIEW SECOND ADDITION, THE PLAT OF WHICH WAS RECORDED IN PLAT BOOK 2 AT PAGE 68, UNDER RECEPTION NUMBER 00876034 OF SAID RECORDS, A PORTION OF THE WEST COLFAX AVENUE, DENVER WEST COLORADO MILLS BOULEVARD, AND INDIANA STREET RIGHT-OF-WAYS, AND WEST 7TH AVENUE RIGHT-OF-WAYS, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 4 SOUTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF LAKEWOOD. COUNTY OF JEFFERSON, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 1;

THENCE ALONG THE EASTERLY LINE OF SAID SOUTHEAST QUARTER OF SECTION 1, S00°08'11"E A DISTANCE OF 261.42 FEET TO THE POINT OF BEGINNING:

THENCE CONTINUING ALONG SAID EASTERLY LINE. S00°08'11"E A DISTANCE OF 1723.79 FEET;

THENCE ALONG THE CENTERLINE OF WEST 7TH AVENUE AS SHOWN AND PLATTED ON SAID PLEASANT VIEW SECOND ADDITION. S89°47'49"W A DISTANCE OF 312.38 FEET;

THENCE ALONG THE WESTERLY LINE EXTENDED SOUTHERLY OF BLOCK 44, SAID PLEASANT VIEW SECOND ADDITION, N00°07'30"W, A DISTANCE OF 30.00 FEET TO THE SOUTHWEST CORNER OF SAID BLOCK 44;

THENCE ALONG THE SOUTHERLY LINE OF SAID BLOCK 44. N89°47'49"E A DISTANCE OF 135.07 FEET TO THE INTERSECTION OF SAID LAST SOUTHERLY LINE WITH THE CENTERLINE OF THE VACATED ALLEY IN SAID, BLOCK 44 OF SAID PLEASANT VIEW SECOND ADDITION;

THENCE ALONG SAID CENTERLINE, N00°07'11" W, A DISTANCE OF 125.34 FEET TO THE INTERSECTION OF SAID CENTERLINE WITH THE SOUTHERLY LINE OF LOT 19, SAID BLOCK 44 EXTEND EASTERLY;

THENCE ALONG SAID SOUTHERLY LINE OF SAID LOT 19 EXTENDED EASTERLY, S89°46'39"W A DISTANCE OF 135.08 FEET TO THE SOUTHWEST CORNER OF SAID LOT 19;

THENCE ALONG THE WESTERLY LINE OF LOTS 19, 18, 17, 16 AND 15, SAID BLOCK 44, N00°07'30"W A DISTANCE OF 125.29 FEET TO THE NORTHWEST CORNER OF SAID LOT 15;

THENCE ALONG THE NORTHERLY LINE OF SAID LOT 15 EXTEND EASTERLY, N89°45'28"E A DISTANCE OF 135.09 FEET TO THE INTERSECTION OF SAID NORTHERLY LINE OF LOT 15 EXTENDED EASTERLY AND THE CENTERLINE OF SAID ALLEY;

THENCE ALONG SAID CENTERLINE OF SAID ALLEY, N00°07'11"W A DISTANCE OF 100.27 FEET TO THE INTERSECTION OF SAID CENTERLINE WITH THE NORTHERLY LINE OF LOT 11, SAID BLOCK 44 EXTEND EASTERLY;

THENCE ALONG SAID NORTHERLY LINE OF SAID LOT 11 EXTEND EASTERLY, S89°44'32"W A DISTANCE OF 135.10 FEET TO THE NORTHWEST CORNER OF SAID LOT 11;

THENCE ALONG THE WESTERLY LINE OF LOTS 10, 9 AND 8 SAID BLOCK 44 OF SAID PLEASANT VIEW SECOND ADDITION EXTENDED TO THE SOUTHERLY LINE OF SAID STEVINSON AUTOMOBILE AGENCY FILING NO. 2 EXEMPTION SURVEY NO. 1, AS MEASURED IN THE FIELD, N00°07'30"W A DISTANCE OF 84.98 FEET TO A POINT ON SAID SOUTHERLY LINE OF SAID STEVINSON AUTOMOBILE AGENCY FILING NO. 2 EXEMPTION SURVEY NO. 1;

THENCE ALONG SAID SOUTHERLY LINE THE FOLLOWING NINE (9) CONSECUTIVE COURSES:

1) S89°38'55"W A DISTANCE OF 30.00 FEET, MORE OR LESS, TO THE CENTERLINE OF ISABELL STREET AS SHOWN AND PLATTED ON SAID PLEASANT VIEW SECOND ADDITION;

2) THENCE ALONG SAID CENTERLINE, N00°07'30"W A DISTANCE OF 25.33 FEET MORE OR LESS, TO THE EASTERLY EXTENDED NORTHERLY LINE OF LOT 42, BLOCK 43, SAID PLEASANT VIEW SECOND ADDITION;

3) THENCE ALONG SAID LAST EXTENDED AND SOUTHERLY AND WESTERLY EXTENDED LINE OF SAID LOT 42,

S89°38'40"W, A DISTANCE OF 165.11 FEET, MORE OR LESS, TO THE CENTERLINE OF THE ALLEY IN SAID BLOCK 43;

4) THENCE ALONG SAID CENTERLINE, N00°07'48"W A DISTANCE OF 50.61 FEET MORE OR LESS, TO THE EASTERLY EXTENDED NORTHERLY LINE OF LOT 5, BLOCK 43;

5) THENCE ALONG SAID EASTERLY EXTENDED LINE AND NORTHERLY LINE OF SAID LOT 5, S89°37'54"W A DISTANCE OF 135.12 FEET TO A POINT ON THE WESTERLY LINE OF SAID BLOCK 43 MORE OR LESS, TO THE NORTHWEST CORNER OF SAID LOT 5;

6) THENCE ALONG SAID WESTERLY LINE OF BLOCK 43, N00°08'07"W A DISTANCE OF 63.38 FEET;

7) THENCE N31° 33'15"W, A DISTANCE OF 115.10 FEET, TO A POINT ON THE EASTERLY LINE OF BLOCK 38, SAID PLEASANT VIEW SECOND ADDITION;

8) THENCE ALONG THE SOUTHERLY LINE OF SAID BLOCK 38, S89°35'48"W , A DISTANCE OF 135.13 FEET, MORE OR LESS, TO THE CENTERLINE OF THE ALLEY IN SAID BLOCK 38;

9) THENCE ALONG SAID CENTERLINE, N00°08'26"W A DISTANCE OF 99.62 FEET TO A POINT ON THE SOUTH LINE OF SAID STEVINSON AUTOMOTIVE AGENCY LOT 1, BLOCK 1 EXEMPTION SURVEY NO. 1, SAID SOUTH LINE BEING IN COMMON WITH THE EASTERLY EXTENDED NORTHERLY LINE OF LOT 21 SAID BLOCK 38;

THENCE ALONG SAID SOUTHERLY LINE, S89°35'48"W, A DISTANCE OF 165.14 FEET TO THE SOUTHWEST CORNER OF SAID LAST EXEMPTION SURVEY , SAID CORNER ALSO BEING THE CENTERLINE OF JUNIPER STREET AS SHOWN AND PLATTED ON SAID PLEASANT VIEW SECOND ADDITION;

THENCE ALONG THE WESTERLY LINE OF SAID STEVINSON AUTOMOTIVE AGENCY LOT 1. BLOCK 1 EXEMPTION SURVEY NO. 1 AND NORTHLY EXTENSION THEREOF, N00°08'44"W A DISTANCE OF 536.27 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WEST COLFAX AVENUE AS RECORDED IN BOOK 359 AT PAGE 470, OF SAID RECORDS;

THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) CONSECUTIVE COURSES:

- 1). N00°15'03"W A DISTANCE OF 16.54 FEET;
- 2) THENCE N44°42'42"E A DISTANCE OF 34.26 FEET;
- 3) THENCE N73°59'44"E A DISTANCE OF 37.41 FEET;

THENCE N16°00'16"W A DISTANCE OF 110.01 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF WEST COLFAX AVENUE AS RECORDED IN IN BOOK 359 AT PAGE 470 OF SAID RECORDS;

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE. N72°44'19"E A DISTANCE OF 839.37 FEET TO THE SOUTHEASTERLY CORNER OF THAT TRACT OF LAND DESCRIBED IN INSTRUMENT RECORDED AT RECEPTION NUMBER 91063700 OF SAID RECORDS;

THENCE S00°33'09"W A DISTANCE OF 67.21 FEET TO A POINT ON THE CENTERLINE OF WEST COLFAX AVENUE:

THENCE ALONG SAID CENTERLINE, N73°22'01"E A DISTANCE OF 178.85 FEET TO THE POINT OF BEGINNING

SAID PARCEL CONTAINS 26.6646 ACRES MORE OR LESS

ALL LINEAL DIMENSIONS ARE IN U.S. SURVEY FEET.

BASIS OF BEARINGS

BEARINGS ARE BASED ON EASTERLY LINE OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 4 SOUTH, RANGE 70 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO ASSUMED TO BEAR $S00^{\circ}08'11''E$ BEING MONUMENTED BY A FOUND 3-1/4" ALUMINUM CAP IN RANGE BOX PLS #24966 AT THE EAST QUARTER CORNER AND A FOUND 3-1/4" BRASS CAP PLS #34989 AT THE SOUTHEAST CORNER.

O-2023-36

AN ORDINANCE

VACATING ALL OF THE 600 BLOCK OF S. GARDENIA COURT RIGHT OF WAY NORTH OF WEST 6TH AVENUE FRONTAGE ROAD AND SOUTH OF WEST 7TH AVENUE

WHEREAS, an applicant has requested the vacation of the public right of way covering all of Gardenia Court (the "Subject ROW") to accommodate a proposed development;

WHEREAS, the owner(s) adjacent to Subject ROW agree to said vacation;

WHEREAS, the City Council finds that the vacation of the Subject ROW is in the public interest;

WHEREAS, the City Council finds that no land adjoining the Subject ROW would be left without an established connection to a public road; and

WHEREAS, approval of this ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, supports, approves, rejects or denies the proposal.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. Pursuant to Title 43, Article 2, Colorado Revised Statutes, and City of Lakewood Case VA-21-001, and upon a finding that the described area is no longer necessary for use by the public and that no land would, by this vacation, be left without a connection to an established public road, the right of way described in Exhibit A attached hereto and made a part hereof, is hereby vacated.

SECTION 2. This ordinance shall take effect thirty (30) days after final publication.

SECTION 3. After the effective date of this Ordinance, the Lakewood City Clerk will record a certified copy of this Ordinance, including the attached Exhibit A, at the Jefferson County Clerk and Recorder's office.

I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a hybrid regular meeting of the Lakewood City Council on the 14th day of August 2023; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 17th day of August, 2023; set for public hearing to be held on the 28th day of August, 2023, read, finally passed and adopted by the City Council on the 28th day of August, 2023 and, signed by the Mayor on the _____ day of _____, 2023.

Adam Paul, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

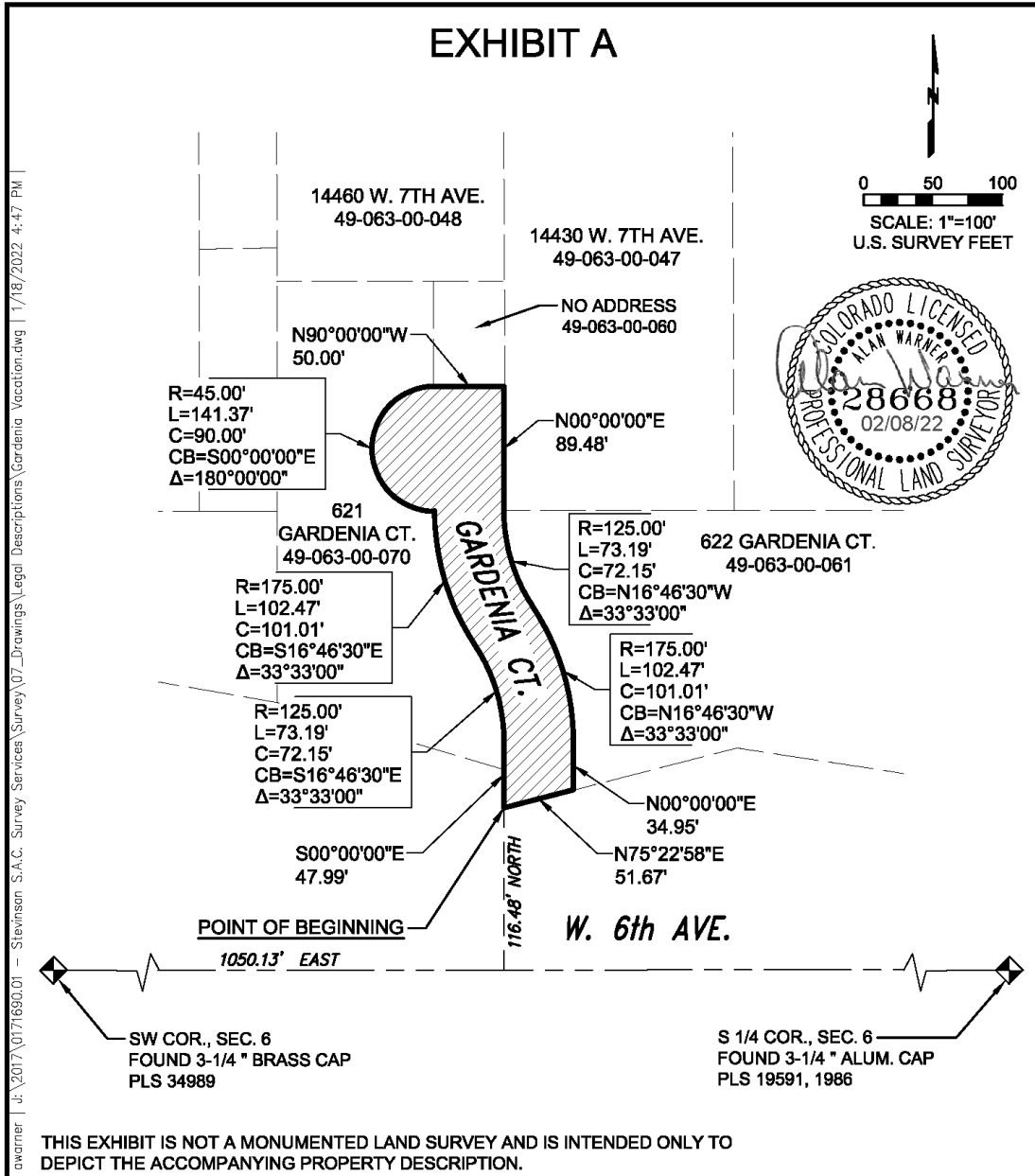
Alison McKenney Brown, City Attorney

EXHIBIT A


GARDENIA COURT ROW VACATION

LEGAL DESCRIPTION

ALL THAT PARCEL OF LAND CONVEYED AS GARDENIA COURT RIGHT OF WAY DESCRIBED IN THAT DEED RECORDED IN BOOK 2179, PAGE 611, AND AT RECEPTION NO. 70369322 OF THE RECORDS OF THE JEFFERSON COUNTY CLERK AND RECORDER, FURTHER LYING IN THE SOUTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 6, TOWNSHIP 4 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF LAKEWOOD, COUNTY OF JEFFERSON, STATE OF COLORADO.



THIS EXHIBIT IS NOT A MONUMENTED LAND SURVEY AND IS INTENDED ONLY TO
DEPICT THE ACCOMPANYING PROPERTY DESCRIPTION.

 <p>5613 DTC PARKWAY, SUITE 1100 GREENWOOD VILLAGE, COLORADO 80111 (303) 692-8838 / info@f-w.com</p>	<p>CITY OF LAKEWOOD GARDENIA COURT LOCATED IN THE SW 1/4, SECTION 6 T. 4 S. R. 69 W. 6TH P.M. JEFFERSON COUNTY, COLORADO</p>	<p>Project No: 0171690.01 Drawn by: AGW Approved: Date: 2022.01.18 Revised:</p> <p style="text-align: center;">2 OF 2</p>
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2023-47

A RESOLUTION

AUTHORIZING THE SITE-SPECIFIC ANNEXATION, ZONING, DEVELOPMENT, AND VESTING AGREEMENT (THE "AGREEMENT") FOR APPROXIMATELY 64.3 ACRES OF LAND LOCATED WITHIN THE STEVINSON DENVER WEST CENTER AUTOMOTIVE CAMPUS ODP AND STEVINSON DENVER WEST CENTER ODP NO. 5

WHEREAS, AUTOMOTIVE SERVICES INC., a Colorado corporation, (the "Owner"), owns the properties located within the Stevinson Denver West Center Automotive Campus Official Development Plan and Stevinson Denver West Center Official Development Plan NO. 5; and the Owner is seeking to annex, develop, and redevelop all or a portion of those properties totaling approximately 64.3 acres in size (the "Property" or "Properties");

WHEREAS, the Owner and the City wish to enter into this Agreement, attached hereto as Exhibit A, to ensure the Properties are developed and redeveloped as proposed and agreed upon;

WHEREAS, this is a large development and redevelopment project that will be phased over a number of years;

WHEREAS, the Agreement has been prepared providing for the City to annex certain property known as the Stevinson Annexations No. 22 & 23;

WHEREAS, the Agreement has been prepared providing for the Property located at 14700 W. 14th Ave. to reflect a change to the underlying zone district to a Planned Development with a base Commercial Regional (PD/C-R) Zone District;

WHEREAS, the Agreement, has been prepared providing for the Property located at 15000 W. Colfax Ave. to reflect a change to the underlying zone district from a Planned Development with a base Mixed-Use Employment Suburban (PD/M-E-S) Zone District to a Planned Development with a base Commercial-Limited (PD/C-L) Zone District;

WHEREAS, the Agreement has been prepared providing for the establishment of a twenty (20)-year vested property right for both Properties; and

WHEREAS, the Owner and the City agree that the rights and obligations of the parties to this Agreement will be binding on each of the parties' successors, assigns, and heirs.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lakewood, that:

SECTION 1. The site-specific Agreement for approximately 64.3 acres of land located within the Stevinson Denver West Center Automotive Campus Official

Development Plan and Stevinson Denver West Center Official Development Plan NO. 5, is hereby approved.

SECTION 2. The fully executed Agreement shall be recorded by the City.

SECTION 3. This Resolution shall become effective immediately upon adoption.

INTRODUCED, READ AND ADOPTED by a vote of ____ for and ____ against at a regular hybrid meeting of the City Council on August 14, 2023, at 7 o'clock p.m. at Lakewood City Hall, 480 South Allison Parkway, Lakewood, Colorado.

Adam Paul, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

ANNEXATION, ZONING, DEVELOPMENT AND VESTED RIGHTS AGREEMENT

THIS ANNEXATION, ZONING, DEVELOPMENT AND VESTED RIGHTS AGREEMENT (the "Agreement") is made and entered into as of this 13th day of July, 2023 (the "Effective Date"), by and between the CITY OF LAKEWOOD, a Colorado home rule municipal corporation whose principal business address is 480 South Allison Parkway, Lakewood, Colorado 80226 (the "City"), and AUTOMOTIVE SERVICES, INC., a Colorado corporation whose principal business address is 1726 Cole Boulevard, Suite 300, Lakewood, Colorado 80401 (the "Owner"); together with the City the "Parties" and each individually as "Party", for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, as of the 13th day of July, 2023 (the "Approval Date"), with reference to the following facts:

RECITALS

WHEREAS, Owner is the record owner of the real property more particularly described in Exhibit A, attached hereto and incorporated herein by this reference, which property is currently located in unincorporated Jefferson County, Colorado (the "Annexed Property");

WHEREAS, the Lakewood City Council (the "City Council") is the governing body of the City, with the legal authority to approve annexation of unincorporated territory into the City pursuant to the Colorado Municipal Annexation Act, C.R.S. §§ 31-12-101, *et seq.* (the "Annexation Act") and to confer vested rights as defined in and pursuant to C.R.S. §§ 24-68-101, *et seq.* (the "Vested Rights Act");

WHEREAS, Owner has executed and filed with the City a Petition for Annexation of the Property into the City (the "Petition"), which Petition was found by the City Council to be in substantial compliance with the requirements of the Annexation Act, and the Property was found by the City Council to be eligible for annexation under the Annexation Act;

WHEREAS, Owner desires that the Property be annexed to the City and be subject to the jurisdiction of the City, upon and subject to the terms and conditions set forth herein;

WHEREAS, the City determined that it is in its best interest to annex the Property, to provide municipal services thereto in the same manner as such services are provided elsewhere in the City, and to receive tax revenues from the development thereon, upon the terms and conditions set forth herein;

WHEREAS, Owner seeks the initial zoning and rezoning of approximately 37.6-acres, to be located within the City, to Planned Development with an underlying Commercial Regional (PD/C-R) Zone District as more particularly described on Exhibit C attached hereto (the "East Property").

WHEREAS, Owner seeks rezoning of approximately 26.7-acres, located within the City, to Planned Development with an underlying Commercial Limited (PD/C-L) Zone District as more particularly described on Exhibit D attached hereto (the "West Property").

WHEREAS, Owner or a successor entity proposes to develop the East Property and West Property as a multi-phase (each a "Phase") commercial development with roads and streets, utilities, and other amenities (collectively, the "Project");

WHEREAS, the Parties desire to set forth in this Agreement to document their understanding relative to the annexation, zoning, vested rights and future use of the Property and the Project.

NOW, THEREFORE, in good consideration of the terms set forth in this Agreement, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

I. GENERAL PROVISIONS

- A. INCORPORATION OF RECITALS. The foregoing recitals are incorporated into and made substantive provisions of this Agreement.
- B. NATURE OF AGREEMENT. This Agreement addresses the terms required by the City relating to the annexation, zoning and development of the Property. It does not address site planning terms and conditions as may be required prior to issuance of building permits. The City Council's approval of the Annexation and Zoning (as such terms are hereinafter defined) contemplated in this Agreement shall establish vested property rights pursuant to C.R.S. §§ 24-68-101, *et seq.*, as amended.
- C. LEGAL CHALLENGE. Any Legal Challenge (as such phrase is hereinafter defined) must be brought within sixty (60) days after the effective date of the ordinance. If a timely Legal Challenge occurs, this Agreement shall not become effective until the entry of a final, non-appealable order resolving such Legal Challenge substantially in favor of the City and Owner. The Parties covenant and agree to cooperate in good faith in the event of a Legal Challenge. If a Legal Challenge, successfully voids, enjoins, or otherwise invalidates this Agreement, and the Parties do not enter into a written agreement to cure the defect, either of the Parties shall have the right to terminate this Agreement.
- D. ANNEXATION. Annexation of the property shall be in accordance with the Annexation Act.
- E. ZONING. Concurrently with Annexation, the East Property shall be zoned PD/C-R (Commercial Regional), and the West Property shall be zoned PD/C-L (Commercial Limited) as more particularly depicted on the zoning map attached hereto as Exhibit B.
- F. FUTURE REZONING. Nothing in this Agreement shall preclude Owner from seeking a future rezoning of all or any part of the Project to another zone district within the Zoning Code.

II. DEFINITIONS. For purposes of this Agreement, the following terms and references shall have the following meanings.

- A. "Act" means the Colorado Municipal Annexation Act of 1965, C.R.S. §§ 31-12-101, *et seq.*
- B. "Agreement" means this Agreement.
- C. "Annexation" means annexing the Annexed Property to the City.
- D. "Annexation Ordinance" means the ordinance effecting the annexation of the Annexed Property in accordance with the Act.

- E. "Annexed Property" means the real property located in the County of Jefferson, State of Colorado, as more particularly described in the Exhibits to this Agreement.
- F. "City Council" means the City Council of the City of Lakewood.
- G. "East Property" means the Annexed Property plus real property located in the City of Lakewood, Colorado, included in the Stevinson Denver West Automotive Campus Official Development Plan, as more particularly described in the Exhibits to this Agreement.
- H. "Effective Date" means the date on which the City Council's approvals of the Annexation becomes final and non-appealable.
- I. "Legal Challenge" means any judicial proceeding or other legal action brought by a third party, within the sixty (60) day referendum period, that challenges the annexation of Annexed Property to the City.
- J. "LMC" means Lakewood Municipal Code, as may be amended from time to time.
- K. "ODP" means the Stevinson Denver West Center Automotive Campus Official Development Plan and the Stevinson Denver West Center Official Development Plan No. 5 for the Project, as more particularly identified in Exhibits C and D, which are attached hereto and incorporated herein by this reference.
- L. "Public Improvements" means those improvements described in Chapter 14.13 of the LMC, as amended, and any other improvements dedicated or used for public purposes which are deemed necessary and reasonable to serve the Project and to ensure that it may be developed in accordance with the ODP.
- M. "Public Improvements Cost" means the costs incurred to construct, acquire, or otherwise provide and maintain the Public Improvements, including any reserve fund created for such purposes.
- N. "Subdivision Code" means Title 16 of the Lakewood Municipal Code.
- O. "Vested Property Rights" means the right to undertake and complete the development of, and enjoy the use of, the Property in accordance with (a) the terms and conditions of the ODP; and (b) any final site plan approved pursuant to the ODP. For purposes of this Agreement, a final site plan approved pursuant to the ODP shall constitute a "site specific development plan" as defined in Article 17 of the Zoning Code and Colorado Revised Statute § 24-68-102(4).
- P. "West Property" means the real property located in the City of Lakewood, Colorado included in the Stevinson Denver West Center Official Development Plan, as more particularly described in the Exhibits to this agreement.
- Q. "Zoning" means the zoning classification for the Property and all other terms and conditions contained in the ODP.
- R. "Zoning Code" means Title 17 of the Lakewood Municipal Code.

III. FEES AND EXACTIONS

- A. FEES AND EXACTIONS. Owner shall pay the impact fees and satisfy the dedication requirements set forth in this Section, subject to any modifications to the LMC that are generally applicable at the time of subdivision, site plan, or building permit application, as specified by the LMC. Owner shall also pay any fees assessed during the Project including, but not limited to, notification fees and application fees.
- B. SCHOOL IMPACT, EMERGENCY SERVICE AND OTHER SIMILAR FEES. Owner shall pay applicable school impact, emergency service, and similar fees in place at the time of final plat recordation or building permit application, as specified in the LMC, and as generally applicable to and imposed on developments currently within the City limits.
- C. PARKLAND DEDICATIONS AND FEES. The City's generally applicable park and open space dedication regulations, as set forth in LMC 14.16.040 applies, requiring a dedication of land equal to 5.5 acres of park area per 1,000 anticipated population or cash in lieu thereof, which payment shall be calculated as the amount of the fair market value of the land that would otherwise be dedicated.
- D. PUBLIC IMPROVEMENTS The Owner shall construct, acquire, or otherwise provide, and maintain Public Improvements in accordance with this Section.
1. In connection with the approval of a plat or site plan for any portion of the Project, or if a site plan is not required, at the time a building permit is obtained, the City and the Owner shall enter into a public improvements agreement in accordance with the City's, ordinances and procedures to identify and provide for the construction of those Public Improvements determined by the City to be necessary and reasonable for the development of such portion of the Project.
 2. The Owner acknowledges that other governmental entities and utility providers will require other public improvements and/or utilities necessary and reasonable for the development of the Project, including, but not limited to, other transportation, drainage, water, sanitary sewer, gas, electricity, telephone, cable television, easement dedications, and ditch improvements, and the relocation of certain existing improvements or facilities. The Owner agrees to construct, acquire, or otherwise provide, and to maintain such Public Improvements and/ or public utilities as may be required by such other governmental entities or utility providers and to coordinate its efforts in doing so with the City.
 3. The City shall maintain curbs and gutters, asphalt pavement, concrete pavement, acceleration and deceleration lanes, pavement striping and traffic signals within City-owned public rights- of-way, which are located within the boundaries of the City. All other Public Improvements, including drainage improvements, shall be maintained by the Owner or other public entity, but not the City.
 4. The Owner shall not be required to construct, acquire, or otherwise provide, or to maintain any public improvements other than those contemplated in in this subsection, nor shall any building permits or other land use approvals contemplated under the ODP or otherwise required under the City's ordinances, regulations, codes, policies, and procedures ever be conditions upon Owner's payment of any Public Improvements Cost other than those contemplated in this Subsection.

IV. CITY AND OWNER OBLIGATIONS

A. CITY OBLIGATIONS.

1. City to Provide Municipal Services. The City agrees, upon annexation of the Annexed Property, that the City shall commence the provision to the Annexed Property of all applicable governmental services which the City provides to other similarly situated property in the City ("Municipal Services") and shall continuously provide for such Municipal Services in a uniform and nondiscriminatory manner.
2. Utilities. The City does not currently provide and does not have any obligation to provide any water, wastewater, emergency medical or fire protection service to the Annexed Property, all of which are provided through existing special districts.

B. OWNER OBLIGATIONS.

1. Property Maintenance. Owner agrees, upon annexation of the Annexed Property, that Owner shall continue to maintain the Annexed Property, subject to and in accordance with the Denver West Architectural Control Committee's policies and LMC.
2. Plans. With input from the City, Owner shall prepare all applications and related plans for the Project at Owner's sole cost.
3. Compliance With Applicable Law. Owner shall comply with all applicable laws, including without limitation all current and future federal, state, and local statutes, regulations, ordinances, and rules relating to: the emission, discharge, release, or threatened release of a hazardous material into the air, surface water, groundwater, or land; the manufacturing, processing, use, generation, treatment, storage, disposal, transportation, handling, removal, remediation, or investigation of a hazardous material; and the protection of human health, safety, or the indoor or outdoor environment, including (without limitation), the Comprehensive Environmental Response Compensation Liability Act, 42 U.S.C. § 9601, et seq. ("CERCLA"); the Hazardous Materials Transportation Act, 49 U.S.C. § 1801, et seq.; the Resource Conservation and Recovery Act, 42 U.S.C. § 6901, et seq. ("RCRA"); the Toxic Substances Control Act, 15 U.S.C. § 2601, et seq.; the Clean Water Act, 33 U.S.C. § 1251, et seq.; the Clean Air Act; the Federal Water Pollution Control Act; the Occupational Safety and Health Act; all applicable environmental statutes of the State of Colorado; and all other federal, state, or local statutes, laws, ordinances, resolutions, codes, rules, regulations, orders, or decrees regulating, relating to, or imposing liability or standards of conduct concerning any hazardous, toxic, or dangerous waste, substance or material, as now or at any time hereafter in effect.
4. Representations and Warranties. Owner hereby represents and warrants to the City that all of the following are true and correct as of the date of signature and the Effective Date: this Agreement has been duly authorized and executed by Owner as the legal, valid, and binding obligation of Owner, and is enforceable as to Owner in accordance with its terms; the person executing this Agreement on behalf of Owner is duly authorized and empowered to execute and deliver this Agreement on behalf of Owner; to the best of Owner knowledge, there is no pending or threatened litigation,

administrative proceeding or other proceeding pending or threatened against Owner which, if decided or determined adversely, would have a material adverse effect on the ability of Owner to undertake its obligations under this Agreement; and neither the execution of this Agreement nor the consummation of the transaction contemplated by this Agreement will constitute a breach under any contract, agreement or obligation to which Owner is a party or by which Owner is bound or affected.

V. VESTED RIGHTS

- A. VESTING. The Parties hereby agree that this Agreement and the approved zoning constitute a "Site Specific Development Plan" under C.R.S. §§ 24-68-101 *et seq.*, and Owner and its successors and assigns shall have a vested property right to undertake and complete the Project and use the Property under the terms and conditions set forth herein (the "Vested Rights"). The Vested Rights shall constitute benefits and burdens to the land and shall run with title to the Property.
- B. TERM. The vesting of the Project shall be for a period of twenty (20) years from the Effective Date.
- C. GENERAL REGULATIONS. The establishment of the Vested Rights under this Agreement to be submitted prior to development shall not preclude the application of City regulations of general applicability including, but not limited to, the application of local improvement districts, building, fire, plumbing, engineering, electrical, and mechanical codes, or the application of regional, state or federal regulations, as all of the foregoing exist on the Effective Date or may be enacted or amended after the Effective Date, except as otherwise provided herein, as against the Annexed Property and the Project. Owner does not waive its rights, however, to oppose adoption of any such regulations.

VI. DEFAULT, REMEDIES, DISPUTE RESOLUTION

- A. DISPUTE RESOLUTION. For any dispute arising out of or relating to this Agreement, or the breach thereof, the Parties shall first try in good faith to settle the dispute by mediation or some other mutually agreed upon form of alternative dispute resolution before resorting to litigation.
- B. EVENT OF DEFAULT DEFINED. The violation of any provision of this Agreement by any Party, and any one or more of the following, shall constitute an Event of Default under this Agreement. The failure (i) to perform or observe any other covenants, agreements, or conditions in this Agreement on the part of any Party; and (ii) to cure such failure within thirty (30) business days of receipt of notice from the other Party of such failure or such longer period of time as may be reasonably necessary to cure the Event of Default as otherwise agreed to by the Parties in writing.
- C. AVAILABLE REMEDIES. Subject to the terms and conditions set forth in this Agreement, the Party asserting that an Event of Default has occurred shall be entitled to pursue all remedies available in the State of Colorado at law or in equity, including but not limited to, specific performance and injunctive relief, both mandatory and/or prohibitory. The prevailing Party shall be entitled to a recovery of all reasonable costs and expenses, including attorneys fees, incurred by the prevailing Party to enforce the terms and

conditions of this Agreement. The exercise of one remedy shall not preclude the exercise of any other remedy.

1. Right to Cure. In addition to any other remedy available at law or in equity, in the Event of Default, either Party may cure such default within thirty (30) days after written notice specifying such default and requesting that it be cured.
2. Disconnection. In addition to any other remedy available at law or in equity, in the event of an uncured breach by the City, Owner shall be entitled to disconnect the Annexed Property or any portion thereof from the City as set forth in this Section. It is expressly understood and acknowledged that the procedures specified herein shall be in lieu of any procedures set forth in C.R.S. §§ 31-12-501 *et seq.*, or C.R.S. §§ 31-12-701, *et seq.*, which only apply to statutory cities and towns, as confirmed in *Allely v. City of Evans*, 124 P.3d 911 (Colo. App. 2005). The disconnection procedures set forth in this Section are authorized by the City's home rule charter under Article XX, Section 6 of the Colorado Constitution.
 - i. Petition for Disconnection. To avail itself of this remedy, Owner shall file a written petition for disconnection with the Lakewood City Clerk, which shall include a legal description of the Annexed Property or portion thereof subject to the disconnection and a map depicting the property to be disconnected. Within sixty (60) days following receipt of such a petition, the City Council shall adopt an ordinance disconnecting the property from the City (the "disconnection"). The City shall file the Disconnection ordinance and map with all parties entitled to receive an annexation ordinance and map under C.R.S. § 31-12-113.
 - ii. Levied Taxes. Upon the Disconnection, the property shall not be exempt from the payment of any property taxes lawfully assessed against it for the purpose of paying any indebtedness lawfully contracted by the City while such property was within the limits of the City and which remains unpaid and for the payment of which the property could be lawfully taxed. When the City levies a property tax for the purpose of paying indebtedness or any part thereof or interest thereon, the City may levy a tax at the same rate and for the same purpose on the disconnected property. The County Treasurer shall pay over to the City all moneys collected on account of such tax, to be applied only to the payment of such indebtedness. If any owner of the disconnected property pays off and discharges a portion of such indebtedness equal in amount to the same proportion of the indebtedness which the valuation for assessment of the land bears to the entire valuation for assessment of all the property subject to taxation for the payment of such indebtedness, calculated according to the last assessment previous to such payment, said land is exempted from further taxation to pay such indebtedness. Upon such payment being made, evidences of payment of such portion of said indebtedness shall be deposited with the City, and the City shall issue a certificate stating that such payment has been made.
 - iii. Conflicts. In the event of any conflict between this Section and any provision of the Municipal Annexation Act or LMC regarding disconnection, this Section shall control.

VII. PROVISIONS SPECIFIC TO THE AUTOMOTIVE CAMPUS (EAST SIDE)

- A. EXTERNAL SOUND SYSTEM. No external sound-amplifying equipment such as an intercom, paging or speaker system shall be used on the automotive campus site except for security purposes and/or emergency situations. An emergency is an unforeseen combination of circumstances or the resulting state that results in an immediate risk to health, life, property, or the environment.
- B. LIGHTING. All non-security lighting shall be turned off between the hours of 10:00 PM—6:00 AM.
- C. LOADING ON PUBLIC STREETS. No employees, contractors, or agents of Owner shall load or unload vehicles on public streets.
- D. EMPLOYEE PARKING. No employees of Owner shall park personal or work vehicles on public streets.

VIII. MISCELLANEOUS

- A. RECORDING. Owner and the City agree and acknowledge that this Agreement shall be recorded by the Lakewood City Clerk in the office of the Jefferson County Clerk and Recorder and that the provisions of this Agreement shall be binding upon and shall inure to the benefit of the beneficiaries, successors and assigns of the Parties as provided by this Agreement. Such recordation shall not occur prior to the Effective Date.
- B. AMENDMENTS. This Agreement may be amended only with the prior written approval of the Parties and any such Amendment shall be recorded with the Clerk and Recorder of Jefferson County, Colorado.
- C. NOTICES. Unless otherwise specifically required by a provision of this Agreement, any notice required or permitted by this Agreement shall be in writing and shall be deemed to have been sufficiently given for all purposes if either: (a) hand delivered to the person(s) identified below; or (b) sent by certified mail or registered mail, postage and fees prepaid; or (c) sent by recognized overnight courier, for the next business day delivery, addressed to the Party to whom such notice is to be given at the address set forth below or at such other address as has been previously furnished in writing to the other Party.

City Manager City of Lakewood 480 S. Allison Parkway Lakewood, CO 80226	President Automotive Services, Inc. 1546 Cole Boulevard, Ste. 100 Lakewood, CO 80401
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<p>With Copy to:</p> <p>City Attorney City of Lakewood 480 S. Allison Parkway Lakewood, CO 80226</p>	<p>With Copy to:</p> <p>Automotive Services, Inc. Attorney or Legal Representative 1546 Cole Boulevard, Ste. 100 Lakewood, CO 80401</p>
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- D. ORDINANCE NOT REPEALABLE. Conditioned upon the approval of the Annexation and Zoning Ordinances, this Agreement shall be approved by ordinance of the City Council. After the Agreement has been approved by ordinance of the City Council, this Agreement shall constitute a contract between Owner and the City as of the Effective Date.
- E. INTEGRATION; AMENDMENT; BINDING EFFECT. This Agreement contains the entire agreement of the Parties relating to the subject matter hereof and, except as provided herein, shall not be modified or amended except by written agreement of the Parties. This Agreement shall be binding upon, and shall inure to the benefit of, the Parties and their respective heirs, personal representatives, successors and assigns.
- F. CONTROLLING TERMS. In the event of any conflict or inconsistency between the provisions of this Agreement and those contained in any attachments or exhibits hereto, or any document referenced therein, the terms and conditions of this Agreement shall prevail, and the conflicting or inconsistent provisions of such attachments, exhibits or referenced documents shall be deemed void and of no force of effect.
- G. NO WAIVER. The waiver of any breach of a term, provision or requirement of this Agreement shall not be construed or deemed as a waiver of any subsequent breach of such term, provision or requirement or of any other term, provision or requirement.
- H. ASSIGNMENT. Owner may assign to one or more successor developers or a special district formed for such purpose (each a "District") all or any part of its obligations and rights under this Agreement with notice to the City and in accordance with the terms and conditions of this Agreement, any applicable service plan for such District, and applicable law. A District may assign to one or more additional metropolitan districts all or any part of its obligations and rights under this Agreement with notice to the City in accordance with the terms and conditions of this Agreement, any applicable service plan for such District, and applicable law. Where used in this Agreement; the term "Owner" or "District" shall also mean any of the lawful successors or assigns of Owner and or District, and all such successors and assigns shall be bound by and have the right to enforce this Agreement. A party shall be deemed a "successor" or "assign" of Owner or District under this Agreement only if specifically designated in a written instrument referring to this Agreement and duly recorded in the office of the Clerk and Recorder of Jefferson County, Colorado, as a successor or assign of Owner under this Agreement.
- I. INDEMNIFICATION. Owner hereby agrees to indemnify and hold harmless the City, its officers, employees, agents or servants, from any and all suits, actions, and claims of every nature and description caused by, arising from or on account of any grossly negligent or willful and wanton act or omission of Owner, or of any other person or entity for whose grossly negligent or willful and wanton act or omission Owner is liable, with

respect to construction of the Project (the "Claims"); and Owner shall pay any and all judgments rendered against the City as the result of any suit, action or claim, together with all reasonable expenses and attorney fees incurred by the City in defending any such suit, action, or claim arising out of or related to Claims. In addition, Owner shall pay all property taxes on property underlying improvements to be dedicated to the City before acceptance by the City, and shall indemnify and hold harmless the City for any such property tax liability.

- J. INCORPORATION OF EXHIBITS. Unless otherwise stated in this Agreement, exhibits, applications, or documents referenced in this Agreement shall be incorporated into this Agreement for all purposes. In the event of a conflict between any incorporated exhibit and this Agreement, the provisions of this Agreement shall govern and control.
- K. NO THIRD-PARTY BENEFICIARIES. It is expressly understood and agreed that enforcement of the terms and conditions of this Agreement and all rights of action relating to such enforcement shall be strictly reserved to the parties. It is the express intention of the parties that any person other than the City and Contractor shall be deemed to be only an incidental beneficiary under this Agreement.
- L. RELATIONSHIP OF PARTIES. This Agreement does not and shall not be construed as creating a relationship of joint venture, partners, or employer-employee between the Parties. Neither Party shall, with respect to any activity, be considered as agent or employee of the other Party.
- M. GOVERNING LAW AND VENUE; RECOVERY OF COSTS. This Agreement shall be governed by the laws of the State of Colorado. Venue shall be in Jefferson County, Colorado, or in the United States District Court for the District of Colorado, as appropriate. In the event legal action is brought to resolve any dispute among the parties related to this Agreement, the prevailing party in such action shall be entitled to recover from the non-prevailing party reasonable court costs and attorney fees.
- N. GOVERNMENTAL IMMUNITY. No term or condition of this Agreement shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protections or other provisions of the Colorado Governmental Immunity Act, C.R.S. §§ 24-10-101, *et seq.*
- O. CONFIDENTIAL INFORMATION; PUBLIC DOCUMENT. Owner hereby acknowledges that the City is a public entity subject to the Colorado Open Records Act, C.R.S. §§ 24-72-201, *et seq.* (the "Act"), and as such, this Agreement may be subject to public disclosure thereunder. In the event the provisions of any exhibit or attachment hereto, or of any other document, including any electronic document, purport to require protection from public disclosure of any so-called "confidential" or "proprietary" information or data, such provisions shall be null and void to the extent inconsistent or in conflict with the Act, and the City's good faith disclosure of any such information or data pursuant to the Act shall not constitute a breach of this Agreement.
- P. HEADINGS. Paragraph headings used in this Agreement are for convenience of reference and shall in no way control or affect the meaning or interpretation of any provision of this Agreement.

- Q. SEVERABILITY. In the event a court of competent jurisdiction holds any provision of this Agreement invalid or unenforceable, such holding shall not invalidate or render unenforceable any other provision of this Agreement.
- R. COUNTERPARTS; ELECTRONIC DISPOSITION. This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original and all such counterparts taken together shall be deemed to constitute one and the same instrument. The parties acknowledge and agree that the original of this Agreement, including the signature page, may be scanned and stored in a computer database or similar device, and that any printout or other output readable by sight, the reproduction of which is shown to accurately reproduce the original of this Agreement, may be used for any purpose as if it were the original, including proof of the content of the original writing.
- S. ADDITIONAL DOCUMENTS OR ACTIONS. The parties agree to negotiate and execute any additional documents and to take any additional actions necessary to carry out this Agreement.
- T. AUTHORITY. The parties represent and warrant that they have taken all actions necessary to legally authorize the undersigned signatories to execute this Agreement on behalf of the parties and to bind the parties to its terms.
- U. SUBJECT TO APPROPRIATION. Consistent with Article X, Section 20 of the Colorado Constitution, any financial obligation of the City not performed during the current fiscal year is subject to the annual appropriation, shall extend only to monies currently appropriated, and shall not constitute a mandatory charge, requirement, debt, or liability beyond the current fiscal year.

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


CITY OF LAKEWOOD

Kathleen Hodgson, City Manager

ATTEST:

Jay Robb, City Clerk

RECOMMENDED FOR APPROVAL:




Max Kirschbaum, Director
Public Works Department



Travis Parker, Director
Planning Department

APPROVED AS TO FORM:



Lauren Stanek, Senior Assistant City
Attorney

EXHIBIT A—LEGAL DESCRIPTION ANNEXATION NO. 22

A PARCEL OF LAND BEING A PORTION OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 6, TOWNSHIP 4 SOUTH, RANGE 69 WEST AND A PORTION OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SECTION 1, TOWNSHIP 4 SOUTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 6, BEING IN COMMON WITH THE SOUTHEAST CORNER OF SAID SOUTHEAST ONE-QUARTER (SE1/4) OF SECTION 1;

THENCE ALONG THE SOUTH LINE OF SAID SOUTHEAST ONE-QUARTER (SE1/4) OF SECTION 1, S89°51'11"W, A DISTANCE OF 42.50 FEET, MORE OR LESS, TO THE WESTERLY CORPORATE BOUNDARY LINE OF THE CITY OF LAKEWOOD, AS DEFINED BY ANNEXATION MAP **OF STEVINSON ANNEXATION NO. 5**, RECORDED IN PLAT BOOK 119, PAGE 56, AT RECEPTION NO. 94164854 IN THE RECORDS OF THE JEFFERSON COUNTY CLERK AND RECORDER, APPROVED BY ORDINANCE O-1994-56, RECORDED AT RECEPTION NO. 94164853 IN THE RECORDS OF THE JEFFERSON COUNTY CLERK AND RECORDER;

THENCE ALONG SAID WESTERLY LINE AND ALONG A PORTION OF THE EASTERLY CORPORATE BOUNDARY LINE OF THE CITY OF LAKEWOOD AS DEFINED BY THE ANNEXATION MAP OF **DENVER WEST ANNEXATION NO. 20**, RECORDED IN PLAT BOOK 156, PAGE 37, AT RECEPTION NO. F1108033 IN THE RECORDS OF THE JEFFERSON COUNTY CLERK AND RECORDER, APPROVED BY ORDINANCE O-2000-28, RECORDED AT RECEPTION NO. F1108032 IN THE RECORDS OF THE JEFFERSON COUNTY CLERK AND RECORDER, N00°06'53"W, A DISTANCE OF 390.50 FEET TO AN ANGLE POINT OF **SAID STEVINSON ANNEXATION NO. 5**, AND THE **POINT OF BEGINNING**;

THENCE DEPARTING THE WESTERLY LINE OF SAID **STEVINSON ANNEXATION NO. 5** AND CONTINUING ALONG THE EASTERLY LINE OF SAID **DENVER WEST ANNEXATION NO. 20**, N00°06'53"W, A DISTANCE OF 63.22 FEET TO AN ANGLE POINT OF SAID **DENVER WEST ANNEXATION NO. 20**;

THENCE DEPARTING THE EASTERLY LINE OF SAID **DENVER WEST ANNEXATION NO. 20** AND PROCEEDING ALONG THE WESTERLY RIGHT-OF-WAY LINE OF DENVER WEST COLORADO MILLS BOULEVARD, N00°06'53"W, A DISTANCE OF 26.78 FEET TO AN ANGLE POINT IN THE WESTERLY LINE OF SAID **STEVINSON ANNEXATION NO. 5**;

THENCE ALONG THE SOUTHERLY, WESTERLY, AND NORTHERLY BOUNDARY LINES OF SAID **STEVINSON ANNEXATION NO. 5**, THE FOLLOWING THREE (3) COURSES:

- 1) ALONG SAID SOUTHERLY BOUNDARY LINE, N89°57'49"E, A DISTANCE OF 222.33 FEET;
- 2) ALONG SAID WESTERLY BOUNDARY LINE, S00°08'27"E, A DISTANCE OF 90.00 FEET;

3) ALONG SAID NORTHERLY BOUNDARY LINE, S89°57'49"W, A DISTANCE OF 222.37 FEET, MORE OR LESS, TO THE **POINT OF BEGINNING**;

CONTAINING AN AREA OF 20,011 SQUARE FEET OR 0.459 ACRE, MORE OR LESS.

BASIS OF BEARINGS: THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 6 IS ASSUMED TO BEAR N 00°08'27" W, MONUMENTED ON THE SOUTH BY A FOUND 3-1/4 INCH DIAMETER BRASS CAP IN RANGE BOX STAMPED PLS 34989, 2002, AND MONUMENTED ON THE NORTH BY A 3-1/4 INCH ALUMINUM CAP IN RANGE BOX STAMPED LS 24966, 1998.

EXHIBIT A—LEGAL DESCRIPTION ANNEXATION NO. 23

A PARCEL OF LAND LOCATED IN THE SOUTHWEST ONE-QUARTER AND THE SOUTHEAST ONE-QUARTER OF SECTION 6, TOWNSHIP 4 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN; COUNTY OF JEFFERSON, STATE OF COLORADO; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 6;

THENCE N 00°13'46" W, A DISTANCE OF 92.00 FEET TO AN ANGLE POINT IN THE CORPORATE BOUNDARY LINE OF THE CITY OF LAKEWOOD AS DEFINED BY THE ANNEXATION MAP OF **STEVINSON ANNEXATION NO. 1**, RECORDED IN PLAT BOOK 119, PAGE 52, AT RECEPTION NO. 94164846 OF THE RECORDS OF THE JEFFERSON COUNTY CLERK AND RECORDER, APPROVED BY ORDINANCE, O-1994-52, RECORDED AT RECEPTION NO. 94164845 OF THE RECORDS OF THE JEFFERSON COUNTY CLERK AND RECORDER, SAID ANGLE POINT BEING THE **POINT OF BEGINNING**;

THENCE ALONG THE CORPORATE BOUNDARY THE FOLLOWING COURSES:

A) ALONG THE EASTERLY AND NORTHERLY BOUNDARY LINES OF SAID STEVINSON ANNEXATION NO. 1 THE FOLLOWING TWO (2) COURSES:

1) ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 6, N 00°13'46" W (N00°01'30"W (R)), A DISTANCE OF 238.05 FEET TO THE CALLED NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6;

2) ALONG THE CALLED NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6 AND THE CALLED NORTH LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6, S89°57'53"W (N 89°49'53" W (R)), A DISTANCE OF 349.31 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF **STEVINSON ANNEXATION NO. 2**, RECORDED IN PLAT BOOK 119, PAGE 53, AT RECEPTION NO. 94164848 OF THE RECORDS OF THE JEFFERSON COUNTY CLERK AND RECORDER, APPROVED BY ORDINANCE, O-1994-53, RECORDED AT RECEPTION NO. 94164847 OF THE RECORDS OF THE JEFFERSON COUNTY CLERK AND RECORDER;

B) ALONG THE NORTHERLY AND WESTERLY BOUNDARY LINES OF SAID **STEVINSON ANNEXATION NO. 2** THE FOLLOWING TWO (2) COURSES:

1) ALONG THE CALLED NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6 AND ALONG THE CALLED NORTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6, S 89°57'53" W (N89°49'53W (R)), A DISTANCE OF 803.80 FEET (850.75 FEET (R)) TO THE CALLED NORTHWEST CORNER OF THE EAST HALF OF THE SOUTHWEST

QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6;

2) ALONG THE CALLED WEST LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6, S 00°13'35" E, (S 00°31'26" W (R)), A DISTANCE OF 195.83 FEET, MORE OR LESS, TO THE NORTHERLY LINE OF **STEVINSON ANNEXATION NO. 3**, RECORDED IN PLAT BOOK 119, PAGE 54, AT RECEPTION NO. 94164850 OF THE RECORDS OF THE JEFFERSON COUNTY CLERK AND RECORDER, APPROVED BY ORDINANCE, O-1994-54, RECORDED AT RECEPTION NO. 94164849 OF THE RECORDS OF THE JEFFERSON COUNTY CLERK AND RECORDER;

C) ALONG THE NORTHERLY, EASTERLY, NORTHERLY AND WESTERLY BOUNDARY LINE OF SAID **STEVINSON ANNEXATION NO. 3** THE FOLLOWING ELEVEN (11) COURSES:

- 1) N 81°17'33" W (N 81°19'07" W (R)), A DISTANCE OF 165.50 FEET (173.42 FEET (R));
- 2) S 75°32'41" W (S 75°32'51" W (R)), A DISTANCE OF 121.95 FEET (65.44 FEET (R));
- 3) N 00°16'57" W (N 00°04'00" W (R)), A DISTANCE OF 35.80 FEET (35.04 FEET (R)) TO A POINT OF CURVATURE;
- 4) 101.77 FEET (102.47 FEET (R)) ALONG THE ARC OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 175.00 FEET AND A CENTRAL ANGLE OF 33°19'14" (33°33'00" (R)), THE LONG CHORD OF WHICH BEARS N 16°56'34" W, A LENGTH OF 100.34 FEET TO POINT OF REVERSE CURVATURE;
- 5) 73.29 FEET (73.19 FEET (R)) ALONG THE ARC OF A REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 125.00 FEET AND A CENTRAL ANGLE OF 33°35'33" (33°33'00" (R)), THE LONG CHORD OF WHICH BEARS N 16 48'25" W, A LENGTH OF 72.24 FEET TO POINT OF TANGENCY;
- 6) N 00°00'38" W (N 00°04'00" W (R)), A DISTANCE OF 89.48 FEET (89.36 FEET (R));
- 7) S 89°57'20" W (N 89°50'24" W (R)), A DISTANCE OF 50.00 FEET TO POINT OF CURVATURE;
- 8) 5.51 FEET ALONG THE ARC OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 45.00 FEET AND A CENTRAL ANGLE OF 07°01'12", THE LONG CHORD OF WHICH BEARS S86°26'51"W, A LENGTH OF 5.51 FEET;
- 9) ALONG THE CALLED WEST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6, N 00°28'34" E (N 00°40'50" E (R)), A DISTANCE OF 62.77 FEET TO THE CALLED NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6;

10) S 89°57'55" W (N 89°49'36" W (R)), A DISTANCE OF 173.67 FEET (171.21 FEET (R)) TO THE CALLED NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6;

11) ALONG THE CALLED NORTH-SOUTH CENTERLINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6, S 00°33'15" W (S00°45'31"W (R)), A DISTANCE OF 151.81 FEET TO AN ANGLE POINT IN THE NORTHERLY LINE OF **STEVINSON ANNEXATION NO. 4**, RECORDED IN PLAT BOOK 119, PAGE 55, AT RECEPTION NO. 94164852 OF THE RECORDS OF THE JEFFERSON COUNTY CLERK AND RECORDER, APPROVED BY ORDINANCE O-1994-55, RECORDED AT RECEPTION NO. 94164851 OF THE RECORDS OF THE JEFFERSON COUNTY CLERK AND RECORDER;

D) ALONG THE NORTHERLY AND EASTERLY BOUNDARY LINES OF SAID **STEVINSON ANNEXATION NO. 4**, THE FOLLOWING TWO (2) COURSES:

1) S 89°57'59" W (N 89°49'45" W(R)), A DISTANCE OF 110.40 FEET;

2) N 00°04'50" W (N 00°07'26" E (R)), A DISTANCE OF 330.30 FEET TO THE SOUTHERLY LINE OF **STEVINSON ANNEXATION NO. 21**, RECORDED IN PLAT BOOK 170, PAGE 29, AT RECEPTION NO. F1694460 OF THE RECORDS OF THE JEFFERSON COUNTY CLERK AND RECORDER, APPROVED BY ORDINANCE, O-2003-2, RECORDED AT RECEPTION NO. F1694459 OF THE RECORDS OF THE JEFFERSON COUNTY CLERK AND RECORDER;

E) ALONG THE SOUTHERLY, EASTERLY AND SOUTHERLY BOUNDARY LINES OF SAID **STEVINSON ANNEXATION NO. 21**, THE FOLLOWING THREE (3) COURSES:

1)N 89°58'26" E (N 89°58'03" E (R)), A DISTANCE OF 164.70 FEET;

2) N 00°08'27" W, A DISTANCE OF 330.36 FEET;

3) N 89°58'47" E, A DISTANCE OF 176.01 FEET;

THENCE DEPARTING THE CORPORATE BOUNDARY OF THE CITY OF LAKEWOOD, S 00°02'18" W, A DISTANCE OF 305.34 FEET TO THE NORTHERLY RIGHT-OF-WAY OF WEST 7TH AVENUE BEING 25.00 FEET NORTHERLY OF THE SOUTH LINE OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 6;

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY OF WEST 7TH AVENUE N 89°58'26" E, A DISTANCE OF 715.43 FEET TO A POINT ON A CURVE;

THENCE 108.40 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 142.00 FEET, A CENTRAL ANGLE OF 43°44'26", THE LONG CHORD OF WHICH BEARS N 47°56'12" E, A LENGTH OF 105.79 FEET;

THENCE NOT TANGENT TO THE PREVIOUSLY DESCRIBED COURSE, N 89°58'26" E, A DISTANCE OF 50.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF FIG STREET;

THENCE ALONG SAID EAST RIGHT-OF-WAY LINE OF FIG STREET, S 00°13'35" E, A DISTANCE OF 95.84 FEET TO THE SOUTH LINE OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 6;

THENCE ALONG THE SOUTH LINE OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 6, N 89°58'26" E, A DISTANCE OF 310.00 FEET TO THE SOUTHWEST CORNER OF THAT RIGHT-OF-WAY DESCRIBED IN RECEPTION NO. 90031503 OF THE RECORDS OF THE JEFFERSON COUNTY CLERK AND RECORDER;

THENCE ALONG THE WESTERLY AND NORTHERLY LINES OF SAID RIGHT-OF-WAY THE FOLLOWING TWO (2) COURSES:

- 1) N 00°13'46" W, A DISTANCE OF 25.00 FEET;
- 2) N 89°58'26" E, A DISTANCE OF 330.00 FEET TO THE SOUTHWEST CORNER OF LOT 49, **BROWNE'S SUBDIVISION**, THE PLAT OF WHICH IS RECORDED IN PLAT BOOK 13, PAGE 3, AT RECEPTION NO. 54578496 OF THE RECORDS OF THE JEFFERSON COUNTY CLERK AND RECORDER;

THENCE N 89°54'24" E ALONG THE SOUTH LINE OF SAID LOT 49 AND THE NORTH LINE OF WEST 7TH AVENUE, AS SHOWN AND DEDICATED ON SAID **BROWNE'S SUBDIVISION**, A DISTANCE OF 30.00 FEET, MORE OR LESS, TO THE NORTHERLY EXTENDED EAST RIGHT-OF-WAY LINE OF ELDRIDGE STREET AS SHOWN AND PLATTED ON SAID **BROWNE'S SUBDIVISION**;

THENCE S 00°13'36" E ALONG SAID EAST RIGHT OF WAY LINE OF SAID ELDRIDGE STREET AND VARIOUS EXTENSIONS THEREOF, A DISTANCE OF 578.13 FEET TO A POINT OF CURVATURE;

THENCE 23.53 FEET ALONG THE ARC OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 89°52'00", THE LONG CHORD OF WHICH BEARS S 45°09'36" E, A LENGTH OF 21.19 FEET, MORE OR LESS, TO THE NORTHERLY BOUNDARY LINE OF SAID **STEVINSON ANNEXATION NO. 1**;

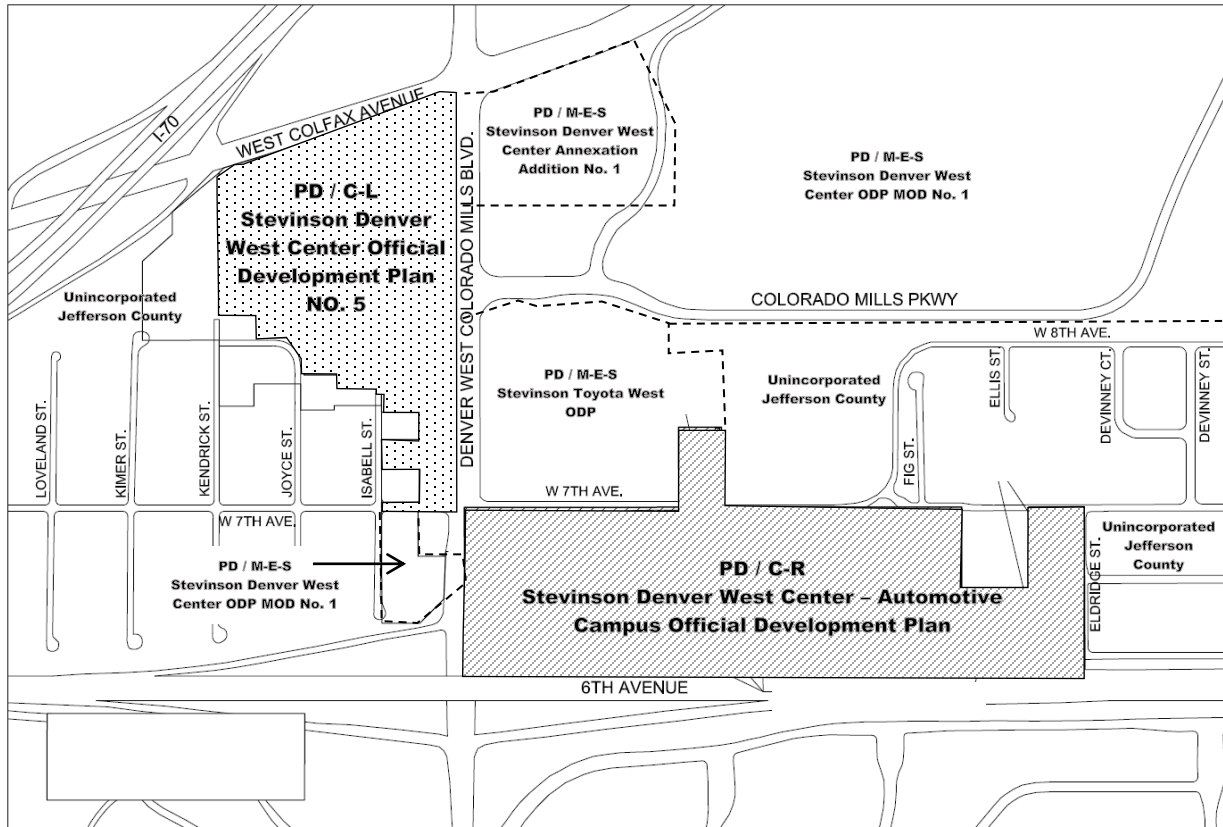
THENCE S 89°54'19" W ALONG THE NORTHERLY LINE OF SAID **STEVINSON ANNEXATION NO. 1**, A DISTANCE OF 44.97 FEET, MORE OR LESS, TO THE **POINT OF BEGINNING**;

EXCEPTING LOT 2, CURLING CLUB SUBDIVISION THE PLAT OF WHICH IS RECORDED AT RECEPTION NO. 2014006194 OF THE RECORDS OF THE JEFFERSON COUNTY CLERK AND RECORDER;

CONTAINING AN AREA OF 654,155 SQUARE FEET OR 15.017 ACRES, MORE OR LESS.

BASIS OF BEARINGS: THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 6 IS ASSUMED TO BEAR N 89°57'20" E, MONUMENTED ON THE WEST BY A FOUND 3-1/4 INCH DIAMETER BRASS CAP IN RANGE BOX STAMPED PLS 34989, 2002, AND MONUMENTED ON THE EAST BY A 3 INCH ALUMINUM CAP IN RANGE BOX STAMPED CITY OF LAKEWOOD LS 19591, 1986.

EXHIBIT B—ZONING MAP



**EXHIBIT C— LEGAL DESCRIPTION STEVINSON DENVER WEST CENTER –
AUTOMOTIVE CAMPUS OFFICAL DEVELOPMENT PLAN**

Planning Area 1:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 6,
TOWNSHIP 4 SOUTH, RANGE 69 WEST OF THE
SIXTH PRINCIPAL MERIDIAN; COUNTY OF JEFFERSON, STATE OF COLORADO; MORE
PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 6;

THENCE ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 6,
N 00°08'27" W FOR 660.91 FEET TO
THE NORTHWEST CORNER OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF
THE SOUTHWEST QUARTER OF SAID SECTION 6;

THENCE ALONG THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHWEST
QUARTER OF THE SOUTHWEST QUARTER OF SAID
SECTION 6, N 89°58'26" E FOR 1216.24 FEET TO THE NORTHEAST CORNER OF THE
SOUTH HALF OF THE SOUTHWEST
QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6;

THENCE ALONG THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST
QUARTER OF THE SOUTHWEST QUARTER OF SAID
SECTION 6, N 89°58'26" E FOR 817.91 FEET TO THE NORTHERLY EXTENSION OF THE
WEST LINE OF LOT 2, CURLING CLUB SUBDIVISION AS RECORDED AT RECEPTION
NUMBER 2014006194 OF THE JEFFERSON COUNTY RECORDS;

THENCE ALONG THE WEST LINE OF SAID LOT 2 AND THE NORTHERLY EXTENSION
THEREOF, S 00°00'00" E FOR 330.13 FEET TO THE SOUTHWEST CORNER OF SAID LOT
2;

THENCE ALONG THE SOUTH LINE OF SAID LOT 2, N 89°57'53" E FOR 224.41 FEET;

THENCE S 00°01'12" E FOR 330.09 FEET TO THE SOUTH LINE OF THE SOUTHWEST
QUARTER OF SAID SECTION 6;

THENCE ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 6,
S 89°57'20" W FOR 2257.04 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 1,417,273 SQUARE FEET OR 32.536 ACRES, MORE OR LESS.

Together with Planning Area 2:

A PARCEL OF LAND IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF
SECTION 6, TOWNSHIP 4 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL
MERIDIAN; COUNTY OF JEFFERSON, STATE OF COLORADO; MORE PARTICULARLY
DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 6;

THENCE ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 6, S 89°57'20" W FOR 280.05 FEET;

THENCE N 00°01'12" W FOR 330.09 FEET TO THE SOUTH LINE OF LOT 2, CURLING CLUB SUBDIVISION AS RECORDED AT RECEPTION NUMBER 2014006194 OF THE JEFFERSON COUNTY RECORDS;

THENCE ALONG THE SOUTH LINE OF SAID LOT 2, N 89°57'33" E FOR 49.09 FEET TO THE SOUTHEAST CORNER OF SAID LOT 2;

THENCE ALONG THE EAST LINE OF SAID LOT 2 AND THE NORTHERLY EXTENSION THEREOF, N 00°00'00" E FOR 330.08 FEET TO THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6;

THENCE ALONG THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6, N 89°58'26" E FOR 228.46 FEET TO THE NORTHEAST CORNER OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6;

THENCE ALONG THE EAST LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6, S 00°13'36" E FOR 660.09 FEET TO THE POINT OF BEGINNING;

CONTAINING AN AREA OF 167,860 SQUARE FEET OR 3.853 ACRES, MORE OR LESS.

Together with Planning Area 3:

A PARCEL OF LAND IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 4 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN; COUNTY OF JEFFERSON, STATE OF COLORADO; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 6;

THENCE ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 6, N 00°08'27" W FOR 660.91 FEET TO THE SOUTHWEST CORNER OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6;

THENCE ALONG THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6, N 89°58'26" E FOR 876.77 FEET;

THENCE N 00°08'27" W FOR 25.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING N 00°08'27" W, ALONG AN EAST LINE OF STEVINSON TOYOTA WEST SUBDIVISION LOT LINE ADJUSTMENT NO. 1 PLAT, AS RECORDED AT RECEPTION NUMBER F1972346 OF THE JEFFERSON COUNTY RECORDS, AND THE SOUTHERLY EXTENSION THEREOF, FOR 305.36 FEET TO A CORNER THEREOF;

THENCE ALONG A SOUTH LINE OF SAID SUBDIVISION, N 89°58'47" E FOR 176.01 FEET;

THENCE S 00°02'18" W FOR 305.34 FEET TO A POINT 25.00 FEET NORTH OF THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6;

THENCE S 89°58'26" W A DISTANCE OF 175.05 FEET TO THE POINT OF BEGINNING;

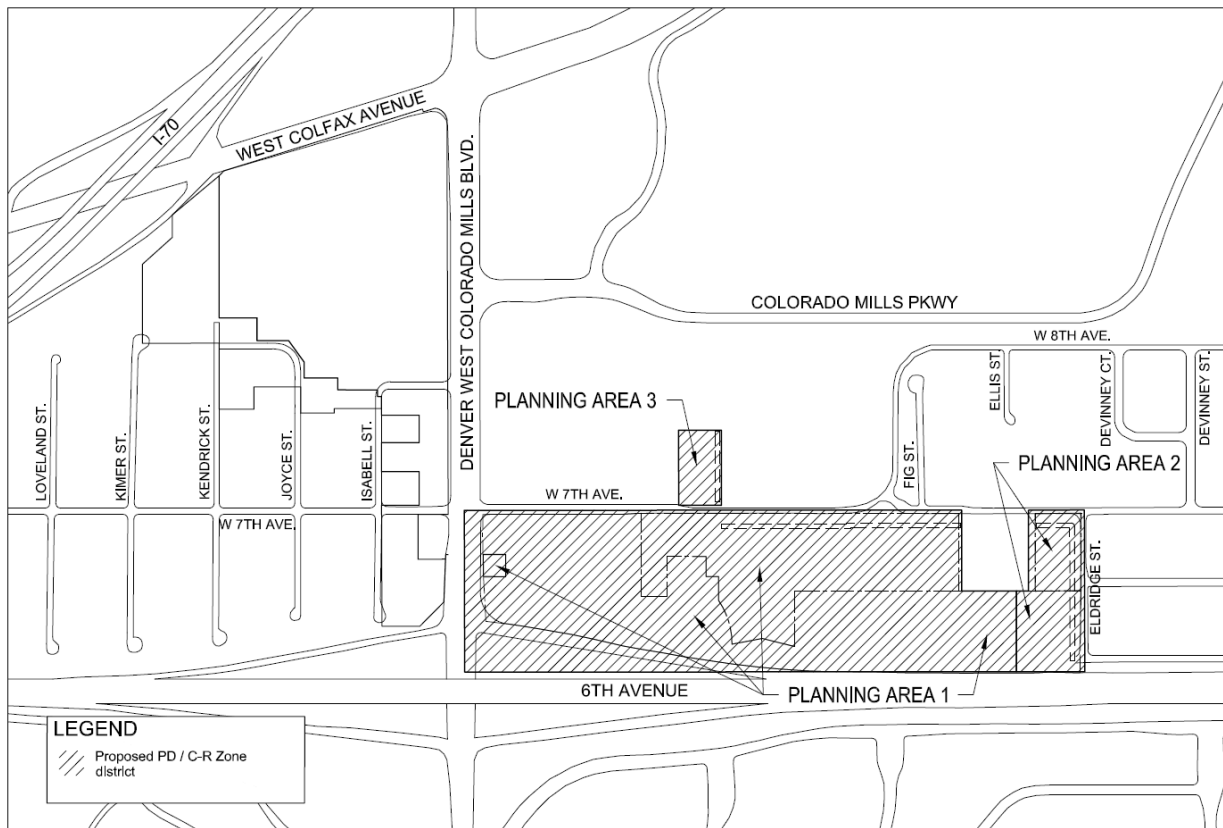
CONTAINING AN AREA OF 53,599 SQUARE FEET OR 1.230 ACRES, MORE OR LESS.

THE ABOVE DESCRIBED THREE PARCELS CONTAIN AN OVERALL AREA OF 1,638,732 SQUARE FEET OR 37.620 ACRES, MORE OR LESS.

BASIS OF BEARINGS: THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 6, MONUMENTED ON THE SOUTH BY A 3-1/4" BRASS CAP STAMPED PLS 34989,2002, AND MONUMENTED ON THE NORTH BY A 3-1/4" ALUMINUM CAP STAMPED PLS 24966,1988, AND BEARS N 00°08'27" W, 2643.44 FEET.

ALL DISTANCES ARE U.S. SURVEY FEET.

Vicinity Map



**EXHIBIT D— LEGAL DESCRIPTION STEVINSON DENVER WEST CENTER – OFFICAL
DEVELOPMENT PLAN NO. 5**

A PARCEL OF LAND BEING A PORTION OF STEVINSON AUTOMOBILE AGENCY LOT 1, BLOCK 1, EXEMPTION SURVEY NO.1, THE PLAT OF WHICH WAS RECORDED IN PLAT BOOK 86, AT PAGE 34, UNDER RECEPTION NUMBER 85112019, OF THE RECORDS OF THE JEFFERSON COUNTY CLERK & RECORDER, TOGETHER WITH A PORTION OF VACATED JUNIPER STREET AS RECORDED AT RECEPTION NUMBER 85097108 LOCATED WITHIN SAID PLAT, TOGETHER WITH STEVINSON AUTOMOBILE AGENCY FILING NO. 2 - EXEMPTION SURVEY NO. 1, THE PLAT OF WHICH WAS RECORDED IN PLAT BOOK 103 AT PAGE 11, UNDER RECEPTION NUMBER 90041454 OF SAID RECORDS, A PORTION OF BLOCK 44 OF PLEASANT VIEW SECOND ADDITION, THE PLAT OF WHICH WAS RECORDED IN PLAT BOOK 2 AT PAGE 68, UNDER RECEPTION NUMBER 00876034 OF SAID RECORDS, A PORTION OF THE WEST COLFAX AVENUE, DENVER WEST COLORADO MILLS BOULEVARD, AND INDIANA STREET RIGHT-OF-WAYS, AND WEST 7TH AVENUE RIGHT-OF-WAYS, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 4 SOUTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF LAKEWOOD. COUNTY OF JEFFERSON, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 1;

THENCE ALONG THE EASTERLY LINE OF SAID SOUTHEAST QUARTER OF SECTION 1, S00°08'11"E A DISTANCE OF 261.42 FEET TO THE POINT OF BEGINNING:

THENCE CONTINUING ALONG SAID EASTERLY LINE. S00°08'11"E A DISTANCE OF 1723.79 FEET;

THENCE ALONG THE CENTERLINE OF WEST 7TH AVENUE AS SHOWN AND PLATTED ON SAID PLEASANT VIEW SECOND ADDITION. S89°47'49"W A DISTANCE OF 312.38 FEET;

THENCE ALONG THE WESTERLY LINE EXTENDED SOUTHERLY OF BLOCK 44, SAID PLEASANT VIEW SECOND ADDITION, N00°07'30"W, A DISTANCE OF 30.00 FEET TO THE SOUTHWEST CORNER OF SAID BLOCK 44;

THENCE ALONG THE SOUTHERLY LINE OF SAID BLOCK 44. N89°47'49"E A DISTANCE OF 135.07 FEET TO THE INTERSECTION OF SAID LAST SOUTHERLY LINE WITH THE CENTERLINE OF THE VACATED ALLEY IN SAID, BLOCK 44 OF SAID PLEASANT VIEW SECOND ADDITION;

THENCE ALONG SAID CENTERLINE, N00°07'11" W, A DISTANCE OF 125.34 FEET TO THE INTERSECTION OF SAID CENTERLINE WITH THE SOUTHERLY LINE OF LOT 19, SAID BLOCK 44 EXTEND EASTERLY;

THENCE ALONG SAID SOUTHERLY LINE OF SAID LOT 19 EXTENDED EASTERLY, S89°46'39"W A DISTANCE OF 135.08 FEET TO THE SOUTHWEST CORNER OF SAID LOT 19;

THENCE ALONG THE WESTERLY LINE OF LOTS 19, 18, 17, 16 AND 15, SAID BLOCK 44, N00°07'30"W A DISTANCE OF 125.29 FEET TO THE NORTHWEST CORNER OF SAID LOT 15;

THENCE ALONG THE NORTHERLY LINE OF SAID LOT 15 EXTEND EASTERLY. N89°45'28"E A DISTANCE OF 135.09 FEET TO THE INTERSECTION OF SAID NORTHERLY LINE OF LOT 15 EXTENDED EASTERLY AND THE CENTERLINE OF SAID ALLEY;

THENCE ALONG SAID CENTERLINE OF SAID ALLEY, N00°07'11"W A DISTANCE OF 100.27 FEET TO THE INTERSECTION OF SAID CENTERLINE WITH THE NORTHERLY LINE OF LOT 11, SAID BLOCK 44 EXTEND EASTERLY;

THENCE ALONG SAID NORTHERLY LINE OF SAID LOT 11 EXTEND EASTERLY, S89°44'32"W A DISTANCE OF 135.10 FEET TO THE NORTHWEST CORNER OF SAID LOT 11;

THENCE ALONG THE WESTERLY LINE OF LOTS 10, 9 AND 8 SAID BLOCK 44 OF SAID PLEASANT VIEW SECOND ADDITION EXTENDED TO THE SOUTHERLY LINE OF SAID STEVINSON AUTOMOBILE AGENCY FILING NO. 2 EXEMPTION SURVEY NO. 1, AS MEASURED IN THE FIELD, N00°07'30"W A DISTANCE OF 84.98 FEET TO A POINT ON SAID SOUTHERLY LINE OF SAID STEVINSON AUTOMOBILE AGENCY FILING NO. 2 EXEMPTION SURVEY NO. 1;

THENCE ALONG SAID SOUTHERLY LINE THE FOLLOWING NINE (9) CONSECUTIVE COURSES:

1) S89°38'55"W A DISTANCE OF 30.00 FEET, MORE OR LESS, TO THE CENTERLINE OF ISABELL STREET AS SHOWN AND PLATTED ON SAID PLEASANT VIEW SECOND ADDITION;

2) THENCE ALONG SAID CENTERLINE, N00°07'30"W A DISTANCE OF 25.33 FEET MORE OR LESS, TO THE EASTERLY EXTENDED NORTHERLY LINE OF LOT 42, BLOCK 43, SAID PLEASANT VIEW SECOND ADDITION;

3) THENCE ALONG SAID LAST EXTENDED AND SOUTHERLY AND WESTERLY EXTENDED LINE OF SAID LOT 42,

S89°38'40"W, A DISTANCE OF 165.11 FEET, MORE OR LESS, TO THE CENTERLINE OF THE ALLEY IN SAID BLOCK 43;

4) THENCE ALONG SAID CENTERLINE, N00°07'48"W A DISTANCE OF 50.61 FEET MORE OR LESS, TO THE EASTERLY EXTENDED NORTHERLY LINE OF LOT 5, BLOCK 43;

5) THENCE ALONG SAID EASTERLY EXTENDED LINE AND NORTHERLY LINE OF SAID LOT 5, S89°37'54"W A DISTANCE OF 135.12 FEET TO A POINT ON THE WESTERLY LINE OF SAID BLOCK 43 MORE OR LESS, TO THE NORTHWEST CORNER OF SAID LOT 5;

6) THENCE ALONG SAID WESTERLY LINE OF BLOCK 43, N00°08'07"W A DISTANCE OF 63.38 FEET;

7) THENCE N31° 33'15"W, A DISTANCE OF 115.10 FEET, TO A POINT ON THE EASTERLY LINE OF BLOCK 38, SAID PLEASANT VIEW SECOND ADDITION;

8) THENCE ALONG THE SOUTHERLY LINE OF SAID BLOCK 38, S89°35'48"W , A DISTANCE OF 135.13 FEET, MORE OR LESS, TO THE CENTERLINE OF THE ALLEY IN SAID BLOCK 38;

9) THENCE ALONG SAID CENTERLINE, N00°08'26"W A DISTANCE OF 99.62 FEET TO A POINT ON THE SOUTH LINE OF SAID STEVINSON AUTOMOTIVE AGENCY LOT 1, BLOCK 1 EXEMPTION SURVEY NO. 1, SAID SOUTH LINE BEING IN COMMON WITH THE EASTERLY EXTENDED NORTHERLY LINE OF LOT 21 SAID BLOCK 38;

THENCE ALONG SAID SOUTHERLY LINE, S89°35'48"W, A DISTANCE OF 165.14 FEET TO THE SOUTHWEST CORNER OF SAID LAST EXEMPTION SURVEY , SAID CORNER ALSO BEING THE CENTERLINE OF JUNIPER STREET AS SHOWN AND

PLATTED ON SAID PLEASANT VIEW SECOND ADDITION;

THENCE ALONG THE WESTERLY LINE OF SAID STEVINSON AUTOMOTIVE AGENCY LOT 1. BLOCK 1 EXEMPTION SURVEY NO. 1 AND NORTHLY EXTENSION THEREOF, N00°08'44"W A DISTANCE OF 536.27 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WEST COLFAX AVENUE AS RECORDED IN BOOK 359 AT PAGE 470, OF SAID RECORDS;

THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) CONSECUTIVE COURSES:

- 1) N00°15'03"W A DISTANCE OF 16.54 FEET;
- 2) THENCE N44°42'42"E A DISTANCE OF 34.26 FEET;
- 3) THENCE N73°59'44"E A DISTANCE OF 37.41 FEET;

THENCE N16°00'16"W A DISTANCE OF 110.01 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF WEST COLFAX AVENUE AS RECORDED IN IN BOOK 359 AT PAGE 470 OF SAID RECORDS;

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE. N72°44'19"E A DISTANCE OF 839.37 FEET TO THE SOUTHEASTERLY CORNER OF THAT TRACT OF LAND DESCRIBED IN INSTRUMENT RECORDED AT RECEPTION NUMBER 91063700 OF SAID RECORDS;

THENCE S00°33'09"W A DISTANCE OF 67.21 FEET TO A POINT ON THE CENTERLINE OF WEST COLFAX AVENUE:

THENCE ALONG SAID CENTERLINE, N73°22'01"E A DISTANCE OF 178.85 FEET TO THE POINT OF BEGINNING

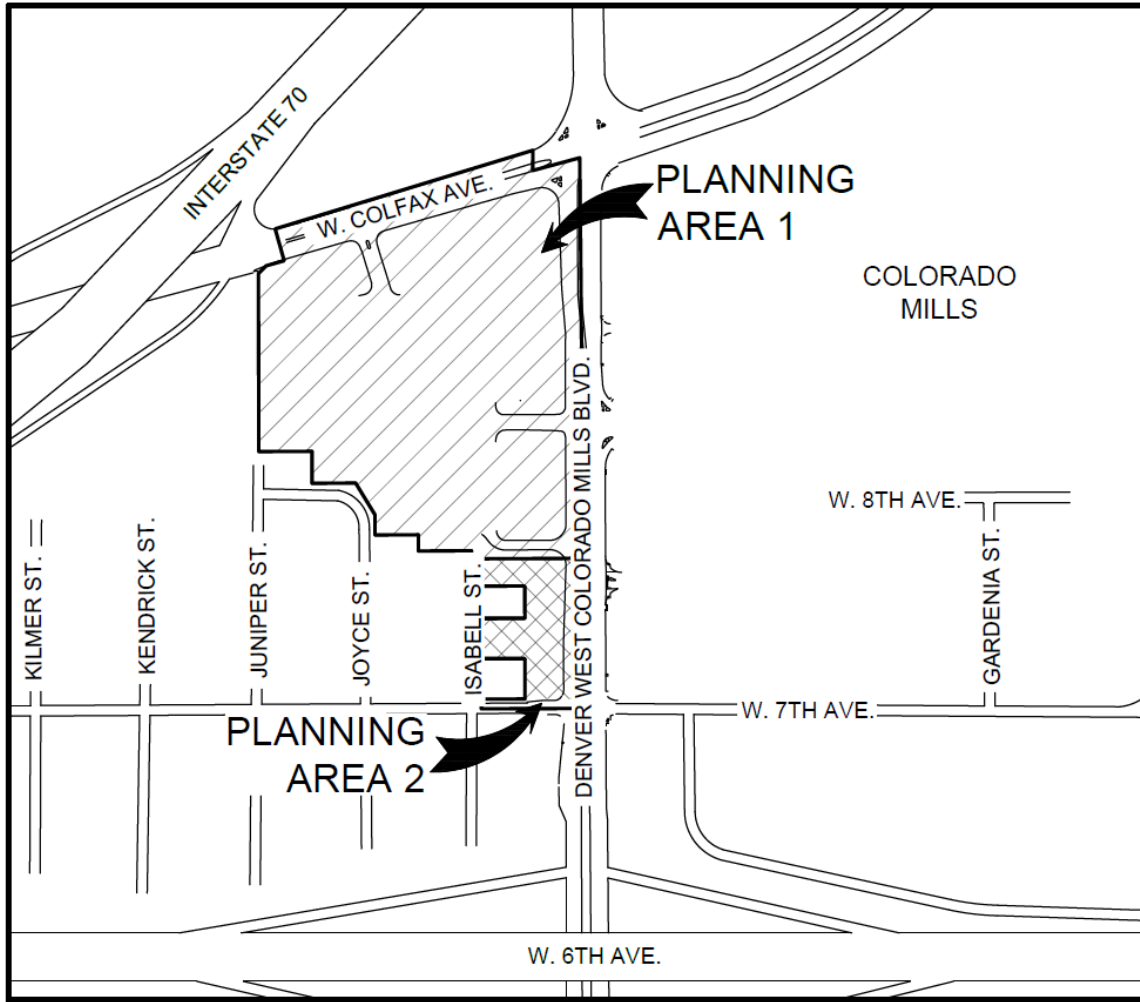
SAID PARCEL CONTAINS 26.6646 ACRES MORE OR LESS

ALL LINEAL DIMENSIONS ARE IN U.S. SURVEY FEET.

BASIS OF BEARINGS

BEARINGS ARE BASED ON EASTERLY LINE OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 4 SOUTH, RANGE 70 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO ASSUMED TO BEAR S00°08'11"E BEING MONUMENTED BY A FOUND 3-1/4" ALUMINUM CAP IN RANGE BOX PLS #24966 AT THE EAST QUARTER CORNER AND A FOUND 3-1/4" BRASS CAP PLS #34989 AT THE SOUTHEAST CORNER.

Vicinity Map



STEVINSON DENVER WEST CENTER - AUTOMOTIVE CAMPUS

OFFICIAL DEVELOPMENT PLAN

LYING IN THE SOUTHWEST ONE-QUARTER OF SECTION 6, TOWNSHIP 4 SOUTH,
RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN
CITY OF LAKEWOOD, COUNTY OF JEFFERSON, STATE OF COLORADO
OFFICIAL DEVELOPMENT PLAN

LEGAL DESCRIPTION

Planning Area 1 (Stevinson Automotive Campus):

A parcel of land located in the Southwest Quarter of Section 6, Township 4 South, Range 69 West of the Sixth Principal Meridian; County of Jefferson, State of Colorado; more particularly described as follows:

Beginning at the Southwest Corner of said Section 6;

Thence along the West line of the Southwest Quarter of said Section 6, N 00°08'27" W for 660.91 feet to the Northwest corner of the South Half of the Southwest quarter of the Southwest Quarter of said Section 6;

Thence along the North line of the South Half of the Southwest quarter of the Southwest Quarter of said Section 6, N 89°58'26" E for 1216.24 feet to the Northeast corner of the South Half of the Southwest Quarter of the Southwest Quarter of said Section 6;

Thence along the North line of the South Half of the Southeast quarter of the Southwest Quarter of said Section 6, N 89°58'26" E for 817.91 feet to the northerly extension of the west line of Lot 2, Curling Club Subdivision as recorded at Reception Number 2014006194 of the Jefferson County records;

Thence along the west line of said Lot 2 and the northerly extension thereof, S 00°00'00" E for 330.13 feet to the southwest corner of said Lot 2;

Thence along the south line of said Lot 2, N 89°57'53" E for 224.41 feet;

Thence S 00°01'12" E for 330.09 feet to the South Line of the Southwest Quarter of said Section 6;

Thence along the South line of the Southwest Quarter of said Section 6, S 89°57'20" W for 2257.04 feet to the Point Of Beginning.

Containing an area of 1,417,273 square feet or 32.536 acres, more or less.

Together with Planning Area 2:

A parcel of land in the Southwest Quarter of the Southwest Quarter of Section 6, Township 4 South, Range 69 West of the Sixth Principal Meridian; County of Jefferson, State of Colorado; more particularly described as follows:

Beginning at the South Quarter Corner of said Section 6;

Thence along the South Line of the Southwest Quarter of Said Section 6, S 89°57'20" W for 280.05 feet;

Thence N 00°01'12" W for 330.09 feet to the south line of Lot 2, Curling Club Subdivision as recorded at Reception Number 2014006194 of the Jefferson County records;

Thence along the south line of said lot 2, N 89°57'33" E for 49.09 feet to the southeast corner of said Lot 2;

Thence along the east line of said Lot 2 and the northerly extension thereof, N 00°00'00" E for 330.08 feet to the North line of the South Half of the Southeast quarter of the Southwest Quarter of said Section 6;

Thence along the North line of the South Half of the Southeast quarter of the Southwest Quarter of said Section 6, N 89°58'26" E for 228.46 feet to the Northeast corner of the South Half of the Southeast Quarter of the Southwest Quarter of Said Section 6;

Thence along the East line of the South Half of the Southeast quarter of the Southwest Quarter of said Section 6, S 00°13'36" E for 660.09 feet to the Point Of Beginning;

Containing an area of 167,860 square feet or 3.853 acres, more or less.

Together with Planning Area 3:

A parcel of land in the Southwest Quarter of the Southwest Quarter of Section 6, Township 4 South, Range 69 West of the Sixth Principal Meridian; County of Jefferson, State of Colorado; more particularly described as follows:

Commencing at the Southwest Corner of said Section 6; Thence along the west line of the southwest quarter of said Section 6, N 00°08'27" W for 660.91 feet to the Southwest Corner of the North half of the Southwest Quarter of the Southwest Quarter of Said Section 6; Thence along the south line of the North half of the Southwest Quarter of the Southwest Quarter of Said Section 6, N 89°58'26" E for 876.77 feet; Thence N 00°08'27" W for 25.00 feet to the Point of Beginning;

Thence continuing N 00°08'27" W, along an east line of Stevinson Toyota West Subdivision Lot Line Adjustment No. 1 Plat, as recorded at Reception Number F1972346 of the Jefferson County records, and the southerly extension thereof, for 305.36 feet to a corner thereof;

Thence along a south line of said Subdivision, N 89°58'47" E for 176.01 feet;

Thence S 00°02'18" W for 305.34 feet to a point 25.00 feet north of the South Line of the North Half of the Southwest Quarter of the Southwest Quarter of said Section 6;

Thence S 89°58'26" W a distance of 175.05 feet to the Point Of Beginning;

Containing an area of 53,599 square feet or 1.230 acres, more or less.

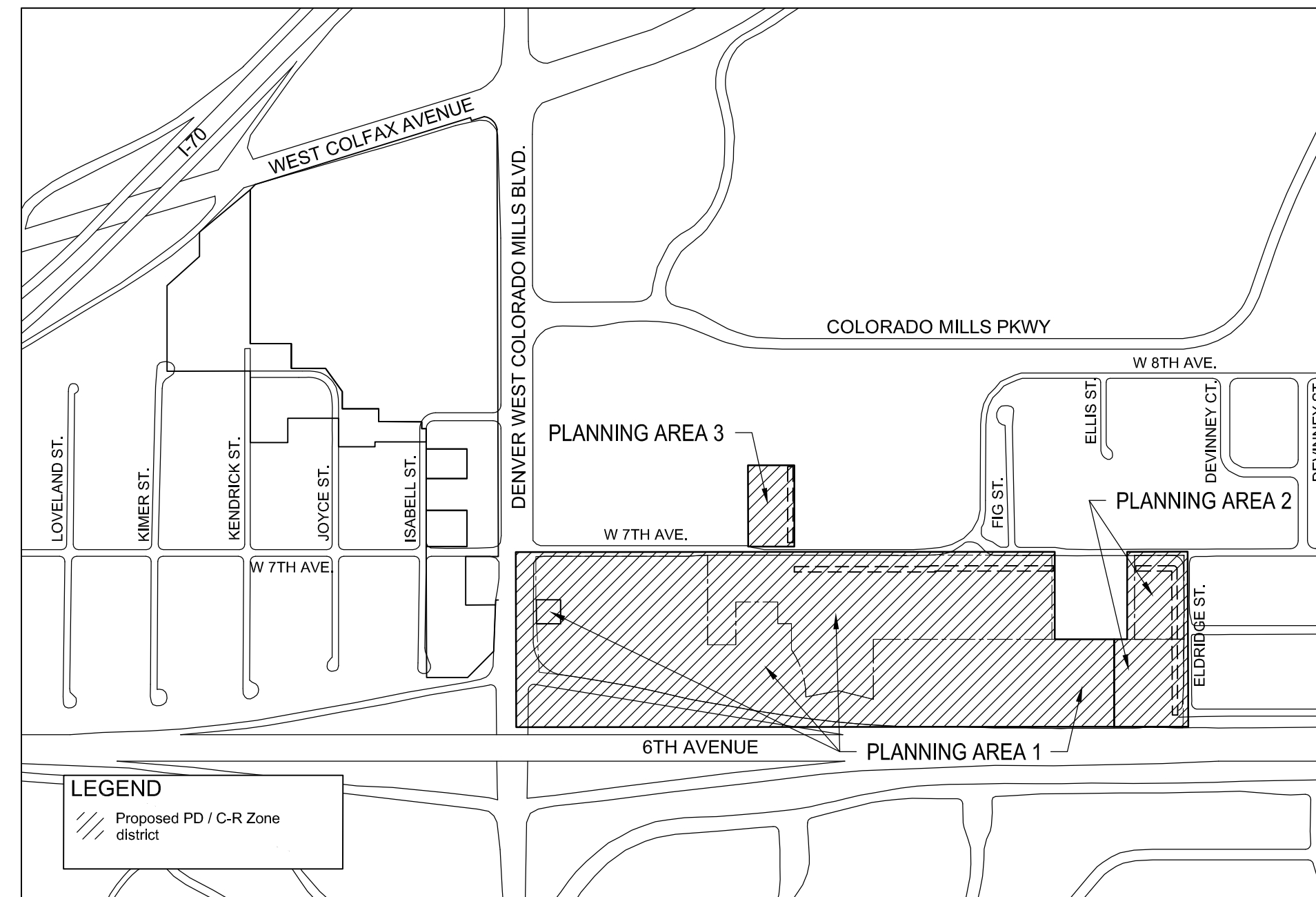
The above described three parcels contain an overall area of 1,638,732 square feet or 37.620 acres, more or less.

Basis of Bearings: The west line of the Southwest Quarter of said Section 6, monumented on the south by a 3-1/4" Brass Cap stamped PLS 34989, 2002, and monumented on the north by a 3-1/4" Aluminum Cap stamped PLS 24966, 1988, and bears N 00°08'27" W, 2643.44 feet.

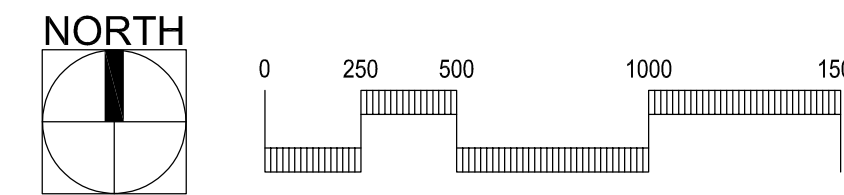
All distances are U.S. Survey Feet.

SHEET INDEX

- | | |
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| 1 | COVER SHEET, PLANNING AREA & LEGAL DESCRIPTION |
| 2 | ODP BOUNDARY EXHIBIT |
| 3 | ODP LANGUAGE: SECTION I |
| 4 | ODP LANGUAGE: SECTION II |
| 5 | ODP LANGUAGE: SECTION III |



1 VICINITY MAP
SCALE: 1" = 500'-0"



ARCHITECT:
ALAN FORD ARCHITECTS P.C.
3457 RINGSBY COURT, UNIT 217
DENVER, CO 80207

SURVEYOR:
FARNSWORTH GROUP
5613 DTC PARKWAY, SUITE 1100
GREENWOOD VILLAGE, CO 80111

OWNERS CERTIFICATE:

AUTOMOTIVE SERVICES, INC., a Colorado Corporation

BY: _____
Kent P. Stevinson, as President

NOTARY CERTIFICATE

STATE OF COLORADO)
COUNTY OF JEFFERSON)

The above and foregoing instrument was acknowledged before me this ____ day of _____, 2023, by Kent P. Stevinson, as President of AUTOMOTIVE SERVICES, INC., a Colorado Corporation, owner.

My Commission expires: _____

Witnes my hand and official seal,

[SEAL]

Notary Public

APPROVALS:

PLANNING COMMISSION:

REVIEWED BY THE CITY OF LAKEWOOD PLANNING COMMISSION THIS ____ DAY OF _____, 2023.

CHAIR: THERESA STONE

SECRETARY: CATHY KENTNER

CITY COUNCIL:

APPROVED BY THE LAKEWOOD CITY COUNCIL THIS ____ DAY OF _____, 2023.

MAYOR: ADAM PAUL

CITY CLERK: JAY ROBB

RECORDER'S CERTIFICATE:

Accepted for recording in the Office of the County Clerk and Recorder of Jefferson County at Golden, Colorado, on this ____ day of _____, 2023 at ____ o'clock ____m.

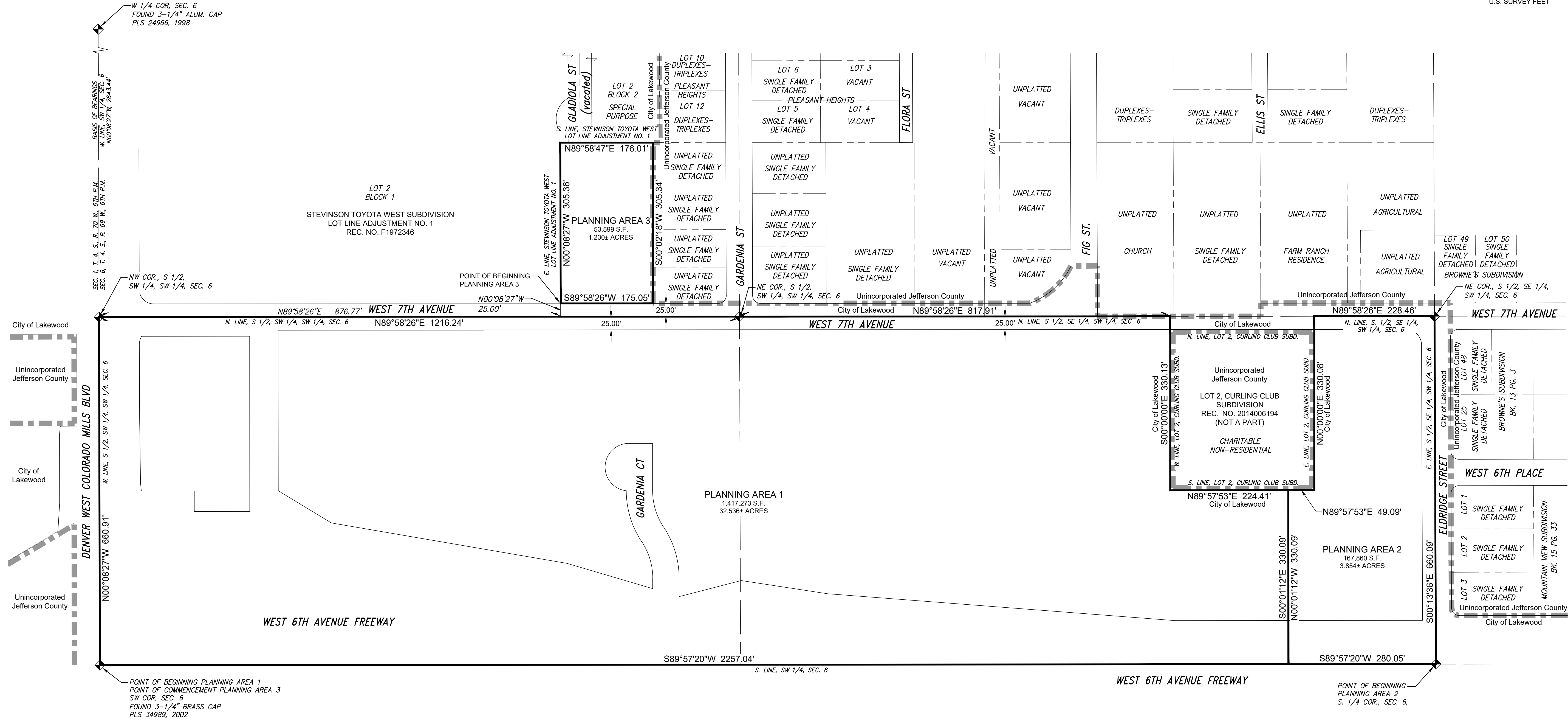
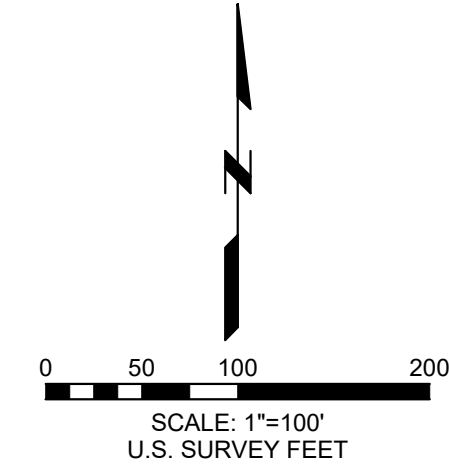
Amanda Gonzalez, Jefferson County Clerk and Recorder

By: _____
Deputy Clerk

STEVINSON DENVER WEST CENTER - AUTOMOTIVE CAMPUS

OFFICIAL DEVELOPMENT PLAN

LYING IN THE SOUTHWEST ONE-QUARTER OF SECTION 6,
TOWNSHIP 4 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN
CITY OF LAKEWOOD, COUNTY OF JEFFERSON, STATE OF COLORADO
OFFICIAL DEVELOPMENT PLAN
SHEET 2 OF 5



- LEGEND**
- SECTION CORNER
 - SECTION LINE
 - O.D.P. BOUNDARY LINE
 - CITY LIMITS
 - RIGHT-OF-WAY LINE
 - PROPERTY LINE

STEVINSON DENVER WEST CENTER - AUTOMOTIVE CAMPUS **OFFICIAL DEVELOPMENT PLAN**

LYING IN THE SOUTHWEST ONE-QUARTER OF SECTION 6, TOWNSHIP 4 SOUTH,
RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN
CITY OF LAKEWOOD, COUNTY OF JEFFERSON, STATE OF COLORADO
OFFICIAL DEVELOPMENT PLAN

STEVINSON DENVER WEST CENTER - **AUTOMOTIVE CAMPUS** **OFFICIAL DEVELOPMENT PLAN NO. 5**

SECTION I. GENERAL PROVISIONS

A. INTENT

This Official Development Plan provides land use regulations, standards, and review process for the design and development of a high-quality, mixed-use project consistent with the land planning standards and design quality of the surrounding Denver West Development.

B. PROVISIONS

This Official Development Plan includes the following provisions:

1. Section I. General provisions
2. Section II. Administration, review, approval, amendment, and appeal process and authority.
3. Section III. Development regulations

C. APPLICABILITY

The Official Development Plan shall apply to all real property described by the legal description contained in this ODP and all such additional real property as may be added hereto pursuant to Section II Article F below (the "Property"), to be known as the Stevinson Automotive Campus. The Property is generally bounded by Denver West Colorado Mills Boulevard to the west, West 7th Avenue to the north, US highway 6 (6th Avenue) to the south, and Eldridge Street to the east.

D. RELATIONSHIP TO OTHER REGULATIONS

The development of the Property will be subject to this Official Development Plan and such other applicable City regulations in effect on the recording date of this ODP but only to the extent that such applicable City regulations do not conflict with this Official Development Plan, or any other standard, plat or plan established pursuant to this Official Development Plan or other related agreements between the City and the Developer. If a conflict exists between (i) the City's regulations and ordinances and (ii) this Official Development Plan and any other standard, plat or plan and related (collectively, the "ODP and Related Agreements"), the ODP and Related Agreements govern. The vested property rights created by this ODP run with the land and remain in effect throughout the term set forth in the Related Agreements.

E. DEFINITIONS

1. City - "City" shall mean the City of Lakewood.
2. Developer - "Developer" means, collectively the signatory entities who are owners of portions of the Property on the date hereof, or any entity or person designated as Developer by the signatory entities as a Developer. A conveyance of all or substantially all of the Property shall automatically cause the transferee to become the Developer hereunder. Any such designation of transfer shall be filed with the City, shall constitute an amendment of this Official Development Plan and shall be reflected in any amendment hereto filed subsequent to such designation or transfer.
3. Design Documents - The Design Guidelines, the Integrated Landscape Plan and the Comprehensive Signage Program are referred to in this ODP collectively as the "Design Documents".
 - a. "Design Guidelines" means the DWACC Design Guidelines and Standards for the Denver West Development, as amended from time to time.
 - b. "Integrated Landscape Plan" means the DWACC Integrated Landscape Plan and Standards, as amended from time to time.
 - c. "Comprehensive Sign Program" means the DWACC Comprehensive Signage Program, as amended from time to time.

4. Denver West Architectural Control Committee or DWACC - "Denver West Architectural Control Committee" or "DWACC" means the Denver West Architectural Control Committee initially established by the Stevinson Denver West Center Official Development Plan, recorded on October 14, 1994 at Reception Number 94164868, in the real property records of Jefferson County, Colorado ("Regional ODP"), as amended, and incorporated as a non-profit corporation with the State of Colorado on March 21, 2002..

5. Official Development Plan - the "Official Development Plan" or "ODP" means this document and the maps attached hereto, as the same may be amended as provided in this ODP.

6. Owner - "Owner" means any person or entity who from time to time owns any portion of the Property or such Owner's designated agent, which may be a tenant, ground lessee, builder or other entity designated in writing by Owner to act on behalf of Owner for compliance with this ODP. A copy of such written designation shall be delivered by Owner to the DWACC and will include the term of such designation. Owner shall not include by way of example and not of limitation (1) holders of mortgages, deeds of trust, and other instruments pursuant to which the Property or portions of the Property secure indebtedness, (2) beneficiaries of easements, rights-of-way or licenses that pertain to or affect the Property or portions of the Property, (3) owners of water, mineral, air, or subsurface rights, that, as appropriate, are located in, on, under, over, or are or were appurtenant to, the Property or portions of the Property, (4) leasehold interests unless designated in writing by Owner to be an agent of Owner as set forth above, or (5) other equitable title interests such as the vendee's interest under on installment land contract.

7. Planning Areas – a "Planning Area" means the parcels of the Property which are labeled Planning Areas 1, 2, and 3 of this Official Development Plan.

8. Term – the term of this ODP is the duration during which this ODP remains in effect, as defined and specified by the associated Vesting Agreement ("Term").

STEVINSON DENVER WEST CENTER - AUTOMOTIVE CAMPUS OFFICIAL DEVELOPMENT PLAN

LYING IN THE SOUTHWEST ONE-QUARTER OF SECTION 6, TOWNSHIP 4 SOUTH,
RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN
CITY OF LAKEWOOD, COUNTY OF JEFFERSON, STATE OF COLORADO
OFFICIAL DEVELOPMENT PLAN

SECTION II. ADMINISTRATION, REVIEW APPROVAL, AMENDMENT AND APPEAL PROCESS

A. GENERAL DESCRIPTION OF REVIEW PROCESS

This Official Development Plan establishes the standards and review process for development and/or redevelopment of the Property.

1. Preplanning Submittal: When an Owner desires to initiate development on any portion of the Property, the Owner will submit a Preplanning Application to the City for review.
2. DWACC Submittal: After submitting the Preplanning Application to the City, the Owner shall submit to the Denver West Architectural Control Committee (the "DWACC") a site plan and building elevations for review by the DWACC.
3. DWACC Review: The DWACC shall review each site plan and plat (and accompanying building elevations) to be submitted hereunder to determine if the building plans and exterior site improvements are in conformance with the DWACC Design Documents. DWACC will provide comments to the Owner regarding submittals that are not, in the opinion and judgement of the DWACC, in conformance with the Design Documents and will notify the Owner once it accepts a proposed site plan and plat.
4. Formal Land Development Application (*Consists of any required site plan and plat application to the City*): Any additional site plan and plat revisions Owner submits to the City during the City's review process shall also be submitted by Owner to the DWACC for review. Such revisions shall require DWACC review and approval (as outlined in II.A.4. above), regardless of previous DWACC approval of prior site plans, plats, and/or building elevations.
5. Permit Applications: Building, grading, sign or other development permits may only be obtained following:
 - a. DWACC approval of the site plan and plat;
 - b. City approval of the site plan, plat and building permit plans; and
 - c. Receipt of payment for all fees and collateral due.

B. DENVER WEST ARCHITECTURAL CONTROL COMMITTEE

1. Oversight by Denver West Architectural Control Committee

The Denver West Architectural Control Committee (DWACC) is responsible for review and approval of any and all proposed development and/or redevelopment within the boundaries of the Property. Notwithstanding any provision of this Official Development Plan to the contrary, the Property shall in all respects be and remain subject to the effect and application of the authority of the DWACC and its bylaws.

- a. For purposes of this Official Development Plan only, the process for submittal to the DWACC for review and approval of the Property subject to this ODP is governed by this ODP.
2. Notice

All communications and submittals shall be addressed to the DWACC (submittal contact information located at www.dwacc.org).
3. Required Site Plan

No building construction or improvement work in any Planning Area may be commenced until the site plan for such work has been approved by the DWACC and the City as set forth in this ODP.
4. Guidelines and Plans

The DWACC shall have the right to establish and detail requirements and standards for approval, for development of the Property under this Official Development Plan and related agreements, including but not limited to the Design Documents.

5. General Development Standards

The DWACC shall establish qualitative standards to serve as general guidelines in the review of site plans and building elevations and which the DWACC will administer to improve those development proposals as necessary, in the opinion of the DWACC. These general standards are outlined in Section III.G.1 of this ODP.

6. Required Submittals/Records of Determination

The following materials and information shall be submitted to the DWACC in connection with the required approval for each site plan as set forth below. A DWACC letter of submittal shall be submitted with copies of the following:

- a. Architectural drawings (preliminaries and all subsequent drawings) for the proposed building or buildings that include:
 - (1) samples and specifications of exterior materials and colors;
 - (2) the location of all exterior mechanical, electrical, and structural systems applicable to the building and site.
- b. A preliminary grading plan and a preliminary planting plan including proposed screen walls and fences, drainage, and landscape architectural design;
- c. A plan for all signs to be erected, including details of signs, materials, location, design, size, color and lighting;
- d. Any other information as may be required by the DWACC to assist in review of the submittals;
- e. Application form and review fee;
- f. Letter of authorization where the Owner is represented by an agent;
- g. Legal description;
- h. Property ownership;
- i. Proposed use or uses;
- j. Existing and proposed structures, maximum gross floor area;
- k. Landscaping plan showing the sizes, location, and types of landscaping materials;
- l. Types of surfacing, hardscape, paving, or concrete;
- m. Setbacks and location of all buildings and structures;
- n. Tabulation of total number of square feet shown on specific site plan and total square footage by Planning Area to date;
- o. Phasing plan, as applicable;
- p. Location of all common areas with all structures and improvements;

7. Review with Owner

Upon receipt of a complete set of the materials and information described above, the DWACC may meet with the Owner to discuss such materials and information and any necessary changes which the DWACC requires for acceptance of a site plan.

8. Referrals

The DWACC shall review submitted materials and information with such agencies or governments as the DWACC and City may deem appropriate.

9. Decisions

The DWACC shall review all submittals to determine that, in the DWACC's opinion, all improvements for each Planning Area conform and harmonize with existing structures and site development as to exterior design, materials, color, and siting.

After review with the Owner, receipt of referral comments, and review of all materials and information, the DWACC shall provide its approval, conditional approval, or rejection of the proposed site plan(s) based upon this Official Development Plan, the general development guidelines set forth herein, and the Design Documents. Any such decisions of the DWACC shall be conclusive and binding on all interested parties except the City.

10. Reply Commitment

The DWACC shall endeavor to reply to all complete application packets with submittals of drawings, made in accordance herewith, in writing within thirty (30) days of receipt thereof.

11. Amendments to Site Plan

- a. Amendments to an approved site plan shall be subject to the same application and review process applicable to the original site plan, except that minor amendments may be considered pursuant to 11.b. below. Except for minor amendments, Owner shall submit to the City for approval a revised site plan that incorporates the amendment, provided that such amendment is approved by the DWACC.
- b. The minor amendment procedure is intended to provide a method whereby modification of up to twenty percent of measurable site plan design elements may be made, as long as they do not create any additional adverse impact or any expansion of a non-conforming use or structure, following the process below:
 - (1) an application for minor amendment to a site plan shall be filed with the DWACC. A minor amendment of a site plan shall not occur without the written approval of the DWACC, who may establish additional conditions to further the intent of the site plan and Official Development Plan.
 - (2) the DWACC may grant a minor amendment to site plan with modifications up to a maximum of twenty percent for measurable site plan design standards. Design standards shall include but not be limited to the following:
 - (a) distance between and location of structures;
 - (b) landscaping amount, size, and location;
 - (c) building area, mass, height, design and materials;
 - (d) number of parking spaces, provided the site plan remains in conformance with parking standards contained herein.
- c. The granting of prior minor amendments shall not be used in calculation of a new minor amendment except that minor amendments shall be considered cumulative in determining whether the twenty percent limit has been exceeded.
- d. Subsequent to DWACC approval of a minor amendment, Owner shall submit notice of the minor amendment to the City for its records and its issuance of building permits.
- e. Recognizing that the modification shall not materially conflict with City regulations nor the with the guidelines and standards outlined in this Official Development Plan, no building permit shall be issued by the City which implements the modification required by the minor amendment until, and unless, such minor amendment has been approved in writing by the DWACC and approved in writing by the City.

12. Non-Liability

Neither the DWACC, nor any member, employee, or agent thereof shall be liable to any Owner, the City, or to any tenant or anyone submitting plans for approval, or to any other party by reason of mistake in judgment, negligence, or nonfeasance arising out of or in connection with the acceptance, approval, disapproval, or failure to approve any such plans or for any other action in connection with it or their duties hereunder or for any other reason. Likewise, anyone submitting plans to the DWACC for approval, by submitting such plans, or any person or entity when they become an Owner, agrees that they will not bring any action or suit to recover damages against the DWACC, or any of its members, employees, agents, or against the Developer or any agents of the Developer for any reason. The DWACC has no liability for any plans it has reviewed and approved and is not responsible for any issue related to any changes or improvements on the Property, whether structural or otherwise, or for conformance with applicable laws or compliance with any other standards or regulations. The DWACC is not responsible for any matter related to safety.

C. CITY REVIEW

1. Submittal of Site Plans

In addition to Owner's required submittals, the Owner shall submit the site plan approved by the DWACC to the City, along with any other City requirements.

2. Effective Date

A site plan shall become effective as of the date approved by the City or the date a decision in favor of the Owner is rendered on an appeal.

D. SUBDIVISION

Prior to any subdivision of the Property, the Owner or Owner's agent shall submit to the DWACC a preliminary subdivision map of the entire Planning Area affected by the plat and a plat for the specific portion of the Planning Area affected by the subdivision. Any subdivision of the Property shall comply with the City's subdivision ordinance, unless the Owner obtains a variance.

E. PLAT NOTES

Each plat shall include appropriate plat notes to ensure the continued functioning and maintenance of the Planning Area affected by the plat. Such notes include but are not limited to cross-lot access and parking easements to be maintained by the Owner, Owner's agent, or any Owner's association.

F. INCLUSION OF ADDITIONAL PROPERTY

Owner may in the future make application to add real property to the Property subject to this Official Development Plan, and such addition shall be subject to this Official Development Plan.

STEVINSON DENVER WEST CENTER - AUTOMOTIVE CAMPUS

OFFICIAL DEVELOPMENT PLAN

LYING IN THE SOUTHWEST ONE-QUARTER OF SECTION 6, TOWNSHIP 4 SOUTH,
RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN
CITY OF LAKEWOOD, COUNTY OF JEFFERSON, STATE OF COLORADO
OFFICIAL DEVELOPMENT PLAN

SECTION III. DEVELOPMENT REGULATIONS

A. PERMITTED LAND USES WITHIN THIS PLANNED DEVELOPMENT ZONE DISTRICT

- Pursuant to Section 17.3.6.4 of the Lakewood Zoning Ordinance, the base zone district for the Property within this ODP is Commercial – Regional (C-R). All land uses in the C-R base zone are permitted. If a new base zone district exists after the effective date of this ODP, the Developer may apply for rezoning of the Property into a new base zone district.
- Planning Area 1 is intended by Developer for use as an automotive campus, with a focus on automobile and recreation vehicle sales and service with parking as an accessory use only.
- Planning Area 2 is intended by Developer as a buffer to adjacent residential development as well as for water quality and detention.
- At the time of this Official Development Plan, Developer does not have a specific development proposal identified for Planning Area 3.

B. OPEN SPACE & HEIGHT STANDARDS

1. Open Space Requirements

Pursuant to Section 17 Article 5 of the Lakewood Zoning Ordinance, the following standards for the base C-R zoning will apply:

- The minimum Open Space for Planning Areas 1 and 2 shall be twenty (20) percent combined across planning areas (Section 17.5.4.1). The minimum Open Space for Planning Area 3 shall be twenty (20) percent (Section 17.5.4.1).

2. Height Standards

The maximum building height for each Planning Area shall be forty-five (45) feet, and height transition requirements for buildings adjacent to residential zone districts will be determined in accordance with the Article 5 requirements for base C-R zoning (Section 17.5.4.2).

C. BUILD-TO ZONE REQUIREMENTS

- Build-to zone requirements are not applicable within this zone district.

D. BICYCLE PARKING STANDARDS AND REQUIREMENTS

- This Planned Development Zone District will contain an integrated parking and access system between the individual sites contained therein. As such, all required long- and short-term bicycle parking counts for individual motor vehicle sales and service sites can be calculated and shared cumulatively across the Planned Development Zone District. Arrangements to meet these requirements can also be calculated and shared cumulatively among motor vehicle sales and service sites across the Planned Development Zone District and may be met in any location(s)—including any Planning Area—within the Planned Development Zone District.
- Long-Term Bicycle Parking Requirements
Long-Term Bicycle Parking will not be required for motor vehicle sales and service uses and Section 17.8.4.2 of the Lakewood Zoning Ordinance “Long Term Bicycle Parking” will not apply to the development of motor vehicle sales and service uses within this Planned Development Zone District Boundary.
- Short-Term Bicycle Parking Requirements
The minimum short-term bicycle parking requirements for motor vehicle sales and service uses within the Planned Development Zone District will be 0.5 spaces per 5,000 sf.

E. PARKING REQUIREMENTS

- This Planned Development Zone District will contain an integrated parking and access system between the individual sites contained therein, and arrangements to meet parking counts can be shared cumulatively among motor vehicle sales and service sites across the Planned Development Zone District.
- Maximum allowable parking counts as calculated in Section 17 Article 8 of the Lakewood Zoning Ordinance shall not apply to motor vehicle sales inventory (new and used) or motor vehicle service inventory.

F. SETBACK AND SEPARATION STANDARDS

1. Setback Standards

Pursuant to Section 17 Article 5 of the Lakewood Zoning Ordinance, the following setback requirements for the base C-R zoning will apply:

- The minimum front setback will be fifteen (15) feet, with no maximum front setback. The minimum side and rear setbacks will be five (5) feet (Section 17.5.4.1). Setbacks shall be measured according to Section 17.5.1.3.C.
- Exceptions to setback requirements, including minor architectural and/or site elements, shall conform to those provided in Article 5 (Section 17.5.1.2.E).
 - EV equipment and pedestals shall also be exempted from setback requirements.
- Parking Setbacks: Pursuant to Article 5, parking is exempted from minimum required setbacks, and all parking locations shall conform to the C-R zoning standards as provided in the Lakewood Zoning Ordinance.

2. Retaining Walls

Retaining walls are exempted from minimum required setbacks pursuant to Article 5, and their locations and design shall conform to the C-R zoning standards as provided in Article 7 of the Lakewood Zoning Ordinance (Section 17.7.8), with the following additional details:

- Retaining walls may be allowed to exceed eight (8) feet by up to an additional six (6) feet.
- Retaining walls shall be spaced at a 1:1 ratio as measured from face of wall to face of wall if multiple walls are needed. In such instances, the walls shall have a minimum separation width of five (5) feet to accommodate landscaping and irrigation as needed between wall terraces.
- Wall colors and materials to be approved by the DWACC prior to approval.

3. Snow Removal

Snow removal storage areas will be permitted to be located within or adjacent to parking lots and will not require a curb or barrier around the perimeter.

4. Landscape Transition Buffers

- A landscape buffer pursuant to Section 17.7.7.3D shall be required along all property lines adjacent to lots with single-family or duplex land use.
- In Planning Area 2, the landscape buffer will be a minimum of 175' in width (extending west from Eldridge Street's western right-of-way boundary) along the length of Eldridge Street from West 7th Avenue to the north, extending south to the West 6th Avenue Frontage Rd.
- The landscape buffer in Section III.F.4.b shall not contain any habitable structures.

G. DESIGN GUIDELINES

All site-specific development proposals shall comply with the Design Guidelines. Prior to any formal City Site Plan or Subdivision Application and prior to the issuance of any building, grading or sign permit, Developer or Owner, as applicable, shall coordinate with the DWACC to ensure that the portion of the Property with a pending application complies with the Design Guidelines.

1. DWACC General Development Standards

It is the intent of this section that the following qualitative standards serve as general guidelines in the review of site plans and building elevations. It is not expected that every portion of the development will meet all of the following qualitative guidelines, but that, in the opinion of the DWACC and on a site-by-site basis, principles of good design will be applied in the best combination determined by the use, nature of the site, and location of the development. It is further the intent that the design criteria set forth in this ODP be administered to improve those development proposals which appear to be, in the opinion of the DWACC, incompatible, marginal, or weak in design character, building materials, etc.

a. On-site circulation system and parking:

- the circulation system, including parking lots, should contribute to the order and aesthetic quality of the site and adjacent properties.

b. Building scale and design:

- scale should be appropriate to the site and function of the project;
- should promote harmonious transitions in scale and character in areas between different land uses;
- quality and overall design should be compatible with the site location and proposed use as demonstrated by building elevations;
- diverse architectural treatments should be integrated to avoid a cluttered appearance.

c. Open space considerations:

- consideration should be given toward the preservation of natural site features, including trees and drainage areas;
- the overall landscape treatment of exterior spaces should enhance the quality of the project;
- landscape design should incorporate consideration of the function and use of outdoor spaces.

d. Vicinity considerations:

- logical on-site/off-site pedestrian, auto, and bike linkages should be implemented where practical;
- landscaping on or near the border of the site should consider appropriate buffering to mitigate impacts to adjacent properties, recognizing that “appropriate buffering” may vary depending upon the current and future usage, size, zoning, and density (as well as other factors) of the adjacent property(s).

e. Exterior lighting standards:

- exterior lighting standards should be of a scale, style, and material appropriate to the development;
- for the Property governed by this ODP, such standards should remain consistent with exterior lighting of existing automotive dealership uses adjacent to but outside of this Planned Development Zone District Boundary and its component Planning Areas.
- lighting temperature should be consistent throughout the Property.
- A photometric plan reading of zero foot candles along the west edge of Eldridge Street (from West 7th Avenue to the north, extending south to the West 6th Avenue Frontage Road) will be required.

H. INTEGRATED LANDSCAPE PLAN AND STANDARDS

Developer shall coordinate with the DWACC to provide the Integrated Landscape Plan to ensure that the overall standards, character, planting, and design requirements for perimeter landscape areas, sight triangles, parking lots, drainage and buffer areas, walkways and bike pedestrian paths, and the handling of trash enclosures, service lines, and mechanical equipment are in conformance with the Design Guidelines. Integrated Landscape Plans demonstrating conformance with Design Guidelines shall be submitted to the DWACC prior to any site plan or plat application to the City. DWACC approval is required prior to the issue of permits for final grading, building construction, or sign installations. Owner is responsible for conformance with the Integrated Landscape Plan.

1. Maintenance of Landscaping

Landscaping shall be continuously maintained, including necessary irrigation, watering, weeding, pruning, pest control, and replacement of dead or diseased plant material by each Owner. Dead or diseased plant material, including but not limited to trees, shrubs, and grasses, shall be replaced by the Owner and shall be of the same or a substitute (subject to DWACC approval) type of plant material as set forth in the Integrated Landscape Plan for each Planning Area. Replacement shall occur in the next planting season, but in any event, such replacement time shall not exceed one year, unless Owner has DWACC prior written approval to extend this timeline. Any replacement landscaping materials which conform to the requirements of this section shall not be considered an amendment to the site plan.

I. COMPREHENSIVE SIGNAGE PROGRAM

A Comprehensive Sign Program for each Planning Area, or for the entire Property, shall comply with the Design Documents. A comprehensive sign package demonstrating conformance with Design Guidelines shall be submitted to the DWACC before any site plan, plat, or sign permit application is submitted to the City. DWACC approval is required prior to the issue of permits for grading, building construction, or sign installations.

J. IMPLEMENTATION

The standards set forth in the Design Documents shall be administered and interpreted by the DWACC, as outlined in the Regional ODP and Section II of this ODP.

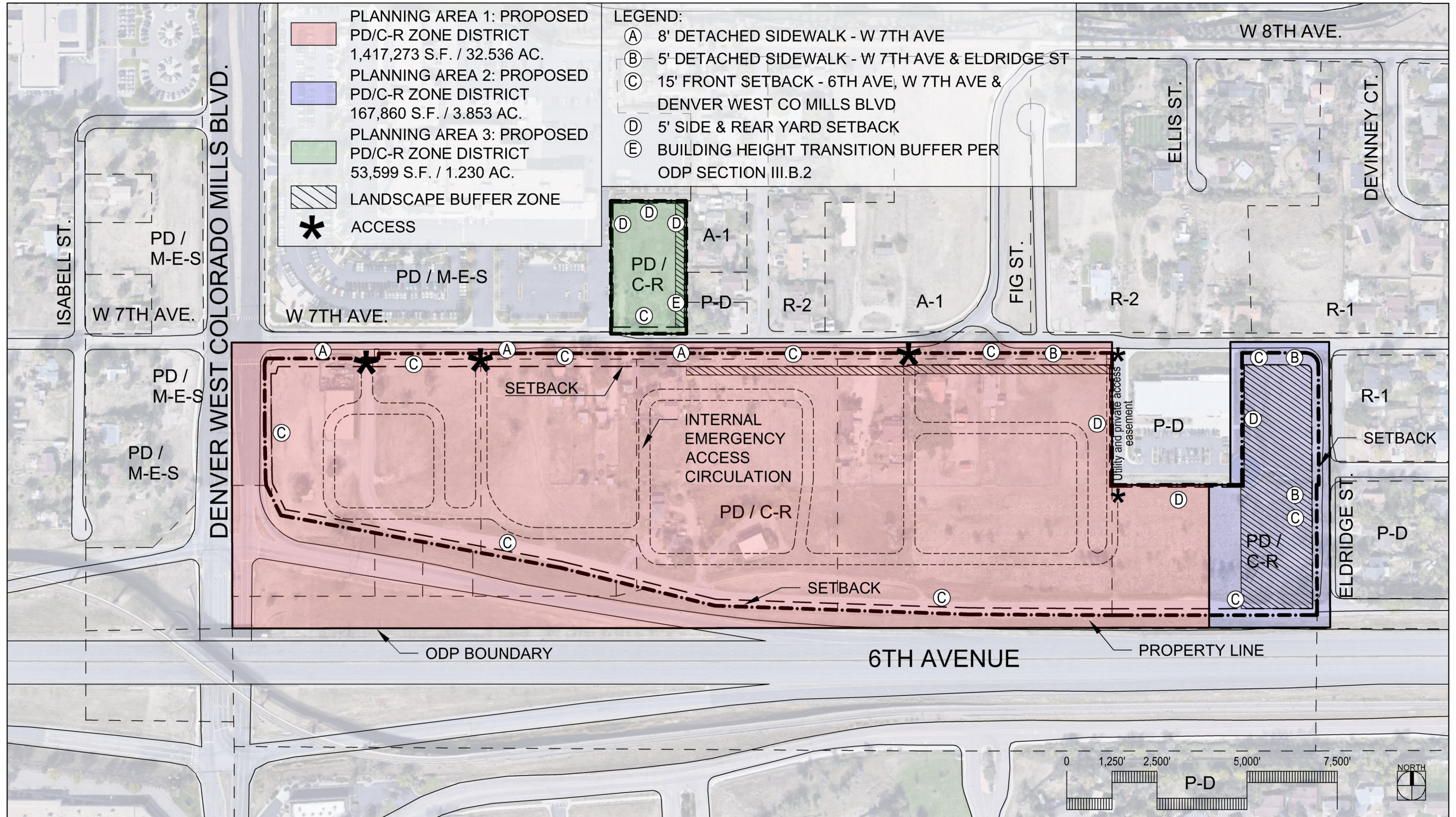
K. MAINTENANCE

Each Owner shall be responsible for the proper maintenance of their Property, as determined by and subject to the discretion of the DWACC.

L. VESTED DEVELOPMENT RIGHTS

The vested property rights created by this ODP run with the land and remain in effect throughout the Term of this ODP as specified in the Annexation, Zoning, Development and Vested Rights Agreement recorded on even date herewith.

STEVINSON AUTOMOTIVE CAMPUS CONCEPTUAL LAND USE PLAN



RESOLUTION OF CITY OF LAKEWOOD PLANNING COMMISSION

On June 7, 2023, the Lakewood Planning Commission reviewed Case No. AX-21-001, a request to annex 15.5 acres of property known as the Stevinson Annexations No. 22 & 23, into the City of Lakewood.

Motion was made by COMMISSIONER KENTNER and seconded by COMMISSIONER GREBLIUNAS to recommend approval by City Council. The motion passed with a vote of 6 to 0. The roll having been called, the vote of the Lakewood Planning Commission was as follows:

Steven Buckley	<u>AYE</u>
William (Bill) Furman	<u>AYE</u>
Eric Grebliunas	<u>AYE</u>
Cathy Kentner	<u>AYE</u>
Jenny O'Neill	<u>AYE</u>
Rhonda Peters	<u>AYE</u>

FINDINGS OF FACT

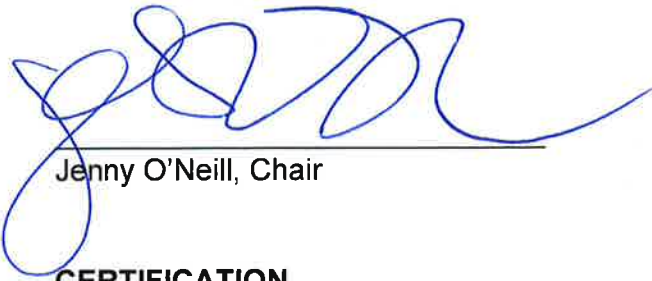
The Planning Commission finds that:

- A. The City of Lakewood initiated annexation proceedings for that property known as the Stevinson Annexations No. 22 & 23;
- B. Notice of the Public Hearing was posted on the subject property as required by 17.2.2.3(B)(1) of the Lakewood Zoning Ordinance;
- C. Notice of the Public Hearing was published in a newspaper of general circulation and on the City's website as required by 17.2.2.3(B)(2) of the Lakewood Zoning Ordinance;
- D. Notice of the Public Hearing was mailed to property owners and tenants within five hundred (500) feet of the subject property and registered neighborhood organizations within a half mile as required by 17.2.2.3(B)(3)(a) of the Lakewood Zoning Ordinance;
- E. All other notification and posting requirements have been satisfied;
- F. The request was reviewed by the appropriate referral agencies;
- G. The proposal is consistent with the goals of the Comprehensive Plan and Three Mile Plan; and
- H. The proposal complies with the Municipal Annexation Act of 1965, C.R.S. § 31-12-101 *et seq.*


NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Lakewood recommends as follows:

- 1. The findings of fact, A – H, as set forth in the recitals above are hereby approved; and

2. The Planning Commission hereby recommends approval of Case No. AX-21-001 by the City Council.



Jenny O'Neill, Chair



Cathy Kentner, Secretary

CERTIFICATION

I, Kayla Redd, Lakewood Planning Commission Clerk, do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Lakewood Planning Commission at a Public Hearing held in Lakewood, Colorado, on the 6th day of June 2023 as the same appears in the minutes of said meeting.

06/07/2023

Date approved



Kayla Redd
Clerk to the Planning Commission

RESOLUTION OF CITY OF LAKEWOOD PLANNING COMMISSION

On June 7, 2023, the Lakewood Planning Commission reviewed Case No. RZ-21-001, a request to initially zone and rezone approximately 37.6 acres of property to Planned Development with an underlying Commercial Regional (PD/C-R) Zone District known as the Stevinson Denver West Center Automotive Campus Official Development Plan.

Motion was made by COMMISSIONER BUCKLEY and seconded by COMMISSIONER KENTNER to recommend approval by City Council. The motion passed with a vote of 6 to 0. The roll having been called, the vote of the Lakewood Planning Commission was as follows:

Jenny O'Neill	Aye
Cathy Kentner	Aye
Rhonda Peters	Aye
Steven Buckley	Aye
William (Bill) Furman	Aye
Eric Grebliunas	Aye

FINDINGS OF FACT

- A. Notice of the Public Hearing was posted on the subject properties at least fourteen (14) days prior to the hearing date as required by 17.2.2.3(B)(1) of the Lakewood Zoning Ordinance;
- B. Notice of the Public Hearing was published in a newspaper of general circulation at least ten (10) days prior to the hearing as required by 17.2.2.3(B)(2) of the Lakewood Zoning Ordinance;
- C. Notice of the Public Hearing was provided in a timely manner to the property owners and tenants within five hundred (500) feet of the property and registered neighborhood organizations within a half mile as required by 17.2.2.3(B)(3)(a) of the Lakewood Zoning Ordinance;
- D. Notice of the Public Hearing was published on the official City website;
- E. The process for initial zoning and rezoning occurred after the City Council approved a Resolution of Intent to Annex and after a Petition for Annexation was submitted as required by 17.2.3.2(A)(2) & 17.2.3.2(B)(1);
- F. The process for initial zoning and rezoning occurred after the owner of the real property submitted a formal application for initial zoning and rezoning as required by 17.2.3.2(A)(3) & 17.2.3.2(B)(2);
- G. The proposed initial zoning and rezoning promotes the purposes of the Zoning Ordinance as required by 17.2.3.3(A)(1) in that it ensures the economic vitality of the City and the effective integration of development and redevelopment with surrounding land uses;
- H. The proposed initial zoning and rezoning is compatible with existing surrounding land uses and the land uses envisioned in the Comprehensive Plan as required by 17.2.3.3(A)(2); and

- I. The proposed initial zoning and rezoning promotes the implementation of the Comprehensive Plan by establishing a district of commercial regional land uses that will continue to diversify Lakewood’s economy and strengthen the tax base.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Lakewood recommends as follows:

1. The findings of fact, A – I, as set forth in the recitals above are hereby approved; and
2. The Planning Commission recommends amending Section III(F)(4) of the Stevinson Denver West Center Automotive Campus Official Development Plan “ODP” by adding:
 - a. Subsection A. In Planning Area 2, the landscape buffer will be a minimum of 175’ in width along the entirety of Eldridge Street.
 - b. Subsection B. The landscape buffer will not contain any habitable structures; and
3. The Planning Commission recommends amending ODP Section III(G)(1)(e) by adding:
 - a. (3) Lighting temperature should be consistent throughout the site; and
4. The Planning Commission recommends amending ODP Section III(G)(1)(e) by adding:
 - a. (4) For a photometric plan reading of zero-foot candles to be required along the west edge of Eldridge Street; and
5. Planning Commission Case No. RZ-21-001 is hereby recommended for approval by the City Council.

Jenny O’Neill, Chair

Cathy Kentner, Secretary

CERTIFICATION

I, Kayla Redd, Lakewood Planning Commission Clerk, do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Lakewood Planning Commission at a Public Hearing held in Lakewood, Colorado, on the 6th day of June, 2023 as the same appears in the minutes of said meeting.

06/07/2023
Date approved



Kayla Redd
Clerk to the Planning Commission

RESOLUTION OF CITY OF LAKEWOOD PLANNING COMMISSION

On June 7, 2023, the Lakewood Planning Commission reviewed Case No. RZ22-0002, a request to rezone 26.7 acres of property to Planned Development with an underlying to Commercial Limited (PD/C-L) Zone District known as the Stevinson Denver West Official Development Plan No. 5.

Motion was made by COMMISSIONER KENTNER and seconded by COMMISSIONER BUCKLEY to recommend approval by City Council. The motion passed with a vote of 6 to 0. The roll having been called, the vote of the Lakewood Planning Commission was as follows:

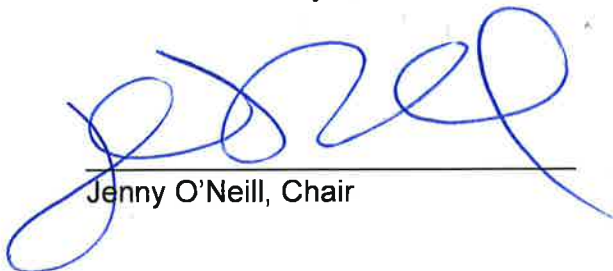
Steven Buckley	AYE
William (Bill) Furman	AYE
Eric Grebliunas	AYE
Cathy Kentner	AYE
Jenny O'Neill	AYE
Rhonda Peters	AYE

FINDINGS OF FACT

- A. Notice of the Public Hearing was posted on the subject properties at least fourteen (14) days prior to the hearing date as required by 17.2.2.3(B)(1) of the Lakewood Zoning Ordinance;
- B. Notice of the Public Hearing was published in a newspaper of general circulation at least ten (10) days prior to the hearing as required by 17.2.2.3(B)(2) of the Lakewood Zoning Ordinance;
- C. Notice of the Public Hearing was provided in a timely manner to the property owners and tenants within five hundred (500) feet of the property and registered neighborhood organizations within a half mile as required by 17.2.2.3(B)(3)(a) of the Lakewood Zoning Ordinance;
- D. Notice of the Public Hearing was published on the official City website;
- E. The process for rezoning applied when a change to the zoning classification was proposed as required by 17.2.3.2(B)(1);
- F. The process for rezoning occurred after the owner of the real property submitted a formal application for rezoning as required by 17.2.3.2(B)(2);
- G. The proposed rezoning promotes the purposes of the Zoning Ordinance as required by 17.2.3.3(A)(1) in that it ensures the economic vitality of the City and the effective integration of development and redevelopment with surrounding land uses;
- H. The proposed rezoning is compatible with existing surrounding land uses and the land uses envisioned in the Comprehensive Plan as required by 17.2.3.3(A)(2); and
- I. The proposed rezoning promotes the implementation of the Comprehensive Plan by promoting investment and reinvestment in a designated Growth Area

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Lakewood recommends as follows:

1. The findings of fact, A – I, as set forth in the recitals above are hereby approved; and
2. Planning Commission Case No. RZ22-0002 is hereby recommended for approval by the City Council.



Jenny O'Neill, Chair



Cathy Kentner, Secretary

CERTIFICATION

I, Kayla Redd, Lakewood Planning Commission Clerk, do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Lakewood Planning Commission at a Public Hearing held in Lakewood, Colorado, on the 6th day of June, 2023 as the same appears in the minutes of said meeting.

06/01/2023

Date approved



Kayla Redd
Clerk to the Planning Commission



PLANNING COMMISSION STAFF REPORT

ANNEXATION CASE NO: AX-21-001

REPORT DATE: May 10, 2023

REZONING CASE NO: RZ-20-001 & RZ22-0002

CASE NAME: Denver West Colorado Mills Blvd Corridor Phased Development

- East Side - Stevinson Denver West Center Automotive Campus ODP (Initial Zoning/Rezoning)
- West Side - Stevinson Denver West Center ODP No. 5 (Rezoning)

PC HEARING DATE: June 7, 2023

CASE ADDRESSES: East | 14700 W 7th Avenue
Lakewood, CO 80401

West | 15000 W COLFAX AVE
Lakewood, CO 80401

APPLICANT /

PROPERTY OWNER: Kent Stevinson, President
Automotive Services, INC
1546 Cold Blvd, Suite 100
Lakewood, CO 80401

REQUEST: The applicant is requesting approval of three separate land development applications associated with the phased Stevinson Denver West Colorado Mills Boulevard Corridor development proposal.

East Side	AX-21-001 RZ-21-001	Annexation of approximately 15.5 acres Stevinson Denver West Center Automotive Campus ODP <ul style="list-style-type: none">➤ Initial Zoning of 15.5 acres to a Planned Development with a base zone district of Commercial Regional (PD/C-R)➤ Rezoning of 22.1 acres from Planned Development with a base zone district of Mixed-Use Employment Suburban (PD/M-E-S) to Planned Development with a base zone district of Commercial Regional (PD/C-R)
West Side	RZ22-0002	Stevinson Denver West Center ODP No. 5 <ul style="list-style-type: none">➤ Rezoning of 26.7 acres from Planned Development with a base zone district of Mixed-Use Employment Suburban (PD/M-E-S) to Planned Development with a base zone district of Commercial Limited (PD/C-L)

CITY STAFF:

Development Review Planning
Development Review Engineering
Transportation Engineering
Property Management

Brea Pafford, Case Planner
Ben Mehmen, Case Engineer
Toni Bishop, Engineering Technician
Spencer Curtis, Right-of-Way Agent
Garrett Downs, Right-of-Way Agent

STAFF RECOMMENDATION:

Staff is requesting Planning Commission approval of three resolutions, recommending City Council approval of Case No. AX-21-001, RZ-21-001 & RZ22-0002



Brea Pafford, Case Planner
Planning – Development Assistance



Paul Rice, Manager
Planning – Development Assistance

CONTENTS OF THE REPORT:

- Attachment A – Vicinity Maps (Stevinson Denver West Center, Existing Zoning, Annexation Areas, and Proposed Zoning)
- Attachment B – Request for Council Action on Annexation Petition & Petition Acceptance Resolution
- Attachment C – Request for Council Action on Annexation Eligibility & Annexation Eligibility Resolution
- Attachment D – Annexation Maps No. 22 & 23
- Attachment E – Lakewood Comprehensive Plan Urban Growth Boundary Map
- Attachment F – City of Lakewood Three Mile Plan Map
- Attachment G – East Side ODP (Stevinson Denver West Center – Automotive Campus)
- Attachment H – East Side Conceptual Land Use Plan
- Attachment I – West Side ODP (Stevinson Denver West Center ODP No. 5)
- Attachment J – West Side Conceptual Land Use Plan
- Attachment K – East Side Neighborhood Meeting Summary
- Attachment L – West Side Neighborhood Meeting Summary
- Attachment M– Draft Resolution – AX-21-001
- Attachment N– Draft Resolution – RZ-21-001
- Attachment O – Draft Resolution – RZ22-0002

I. SUMMARY OF REQUEST

The applicant, Kent Stevinson, as President of Automotive Services, INC, is requesting approval of the Stevinson Annexations No. 22 and 23 along with two (2) rezoning applications associated with the phased Denver West Development proposal located along the Denver West Colorado Mills (DWCM) BLVD corridor between W. Colfax Ave. and W. 6th Ave.

Phase 1 | Stevinson Denver West Center Automotive Campus - East Side

The 15.5-acre annexation request includes 16 parcels of land located east of DWCM Blvd and north of W. 6th Avenue as depicted in Figure 1 below. The annexation request is part of the larger 37.6-acre initial zoning/rezoning proposal to Planned Development with a base Commercial Regional (PD/C-R) zone district labeled as the East Side in Figure 2 below. Approval of both applications is required before the proposed automotive campus can be subdivided into individual lots and redeveloped with new dealership facilities for Jaguar Land Rover, Chevrolet, and Lexus.

Phase 2 | Future Redevelopment - West Side

The second rezoning request is for the redevelopment of the 26.7-acre site located to the west of DWCM Blvd. between W. Colfax Avenue and W. 7th Avenue. The applicant is proposing a new Planned Development zoning with a base zone district of Commercial Limited (PD/C-L). Approval of the Stevinson Denver West Center Official Development Plan No. 5 will accommodate the redevelopment of the existing Chevy and Lexus sites with a new commercial center, labeled as West Side in Figure 2 below.

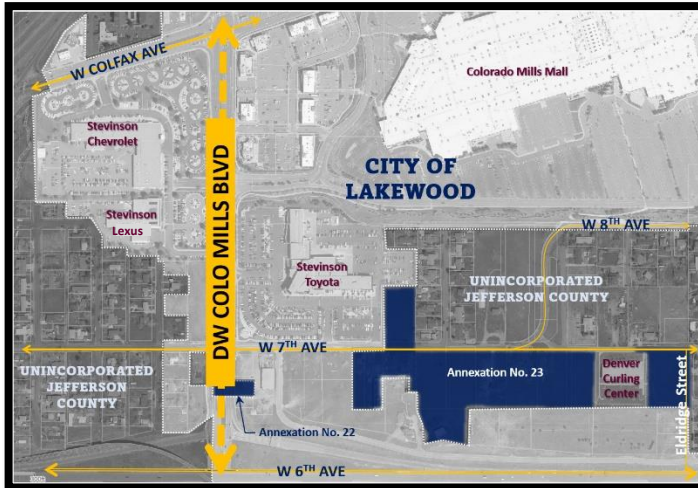


Figure 1 | Annexation Areas, See Attachment D

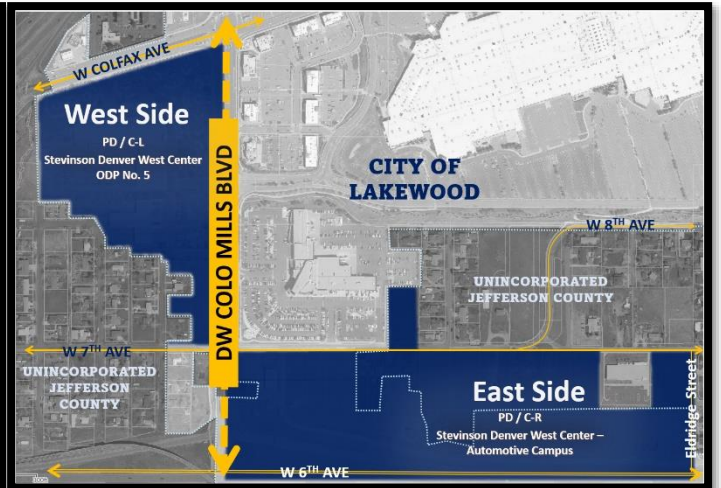


Figure 2 | East and West Side Rezoning Areas

II. PROCESS – REQUIRED CITY APPROVALS

Annexation/Initial Zoning: The process to annex unincorporated land into a municipal boundary is outlined in Title 31 of the Colorado Revised State Statutes (C.R.S). The Lakewood City Charter also requires the Planning Commission to review and make recommendations to the City Council on land use matters, including but not limited to annexation and zoning. The initial zoning process for newly annexed land is defined in Article 2 of the Lakewood Zoning Ordinance. State statutes require any land that is annexed into a municipality to be zoned within 90 days of the adoption of the annexation ordinance.

An annexation petition was filed with the City Clerk on March 31, 2023. The petition was then referred to the City Council on April 10, 2023, where the City Council adopted the Intent to Annex Resolution to initiate the formal annexation process, set a public hearing date, and proceed with the notice requirements outlined in C.R.S. § 31-12-108. The public process for annexation and zoning includes five (5) meeting dates between the City Council and the Planning Commission. The annexation public hearing was held on May 22, 2023, where the City Council adopted the findings of fact resolution. Pursuant to the City Charter, the Planning Commission must hold a public hearing and provide a recommendation to City Council on the proposed annexation and initial zoning of the Stevinson Annexations No. 22 and 23.

Rezoning: The rezoning process for all parcels of land currently in the City includes a neighborhood meeting, formal application, public hearing with the Lakewood Planning Commission and a public hearing with the Lakewood City Council. The Planning Commission reviews the rezoning request at a public hearing and then provides a recommendation to City Council. The City Council will review the Planning Commission recommendation, meeting minutes, staff report, and then hold a second public hearing, after which they will make a final decision on the rezoning application. If the rezoning application is approved, a 45-day referendum period is required.

Official Development Plans: The applicant is proposing two separate Planned Development (PD) zone districts that will continue to implement the long-term vision for the Stevinson Denver West Center Development. The proposed zoning is suitable in location and character for the land uses that are proposed. Conceptual Land Use Plans accompany each Official Development Plan (ODP) provided to show planning areas, primary access points, preliminary internal circulation and required buffers for adjacent residential land uses. Through the proposed Official Development Plans, the new PD zone districts define a development review and approval process that is consistent with the well-established review process for new development and redevelopment in Denver West.

There are eight (8) existing Stevinson Denver West PD zone districts that accommodate the existing residential, office and commercial developments within Denver West. The Stevinson Denver West Center Automotive Campus Official Development Plan (ODP) and the Stevinson Denver West Center ODP No. 5 will also require the Denver West Architectural Control Committee’s (DWACC) review and approval of all site plans and architectural drawings prior to city reviews/approvals that are required to issue permits and proceed with development activities. The DWACC was originally established in 1994 under the Stevinson Denver West Center Official Development Plan and has been actively involved in guiding the development of Denver West over the past three decades.

Site Development: Major site plan and final plat applications (which are separate from the annexation or rezoning process) are also required for the applicant to achieve the phased development proposal. The major site plan determines the proposed layout of new buildings, site circulation, open space configuration, building architecture, landscape design and other site elements. A site plan or subdivision plat is reviewed for compliance with the Zoning Ordinance, Subdivision Ordinance, Engineering Regulations, and the approved Official Development Plan. Site plan and plat applications are administrative approvals, provided the proposal complies with the applicable development standards.

III. ZONING AND LAND USE

East Side – Stevinson Denver West Center Automotive Campus ODP				
	North	South	East	West
Adjacent Zoning Designation	Planned Development in Lakewood (A-1, R-1 & R-2 in Jefferson County)	PD in Jefferson County (south of W. 6 th Ave)	PD in Jefferson County	Planned Development in Lakewood (C-1 in Jefferson County)
Adjacent Land Uses	Vacant, Auto Sales, Duplex & Single-Family	N/A (W. 6 th Ave)	Single-Family	Vacant

See Attachment G for adjacent land uses and Attachment H for adjacent zoning

West Side – Stevinson Denver West Center ODP No. 5				
	North	South	East	West
Adjacent Zoning Designation	Planned Development in Lakewood (PD in Jefferson County)	Planned Development (R-2 in Jefferson County)	Planned Development in Lakewood	R-2 & C-1 in Jefferson County
Adjacent Land Uses	Hotel, Motel, Vacant & Fueling Station	Single-Family & Duplex	Auto Sales, Retail & Restaurant	Vacant, Single Family & Duplex

See Attachment I for adjacent land uses and Attachment J for adjacent zoning

Development History / Existing Conditions: In 1994, the City of Lakewood approved a series of Denver West annexations for land located to the south of W. Colfax Ave, including the 22.1 acres that is part of the East Side proposal and currently zoned PD / M-E-S per the Stevinson Denver West Center ODP Mod. No. 1. The undeveloped land located to the south of the Lexus site was annexed into Lakewood in 2000, the same year that the Stevinson Denver West Center ODP No. 4 was approved.

The southwest corner of W. Colfax Ave and DWCM Blvd (formally Indiana St.) has been anchored by the Stevinson Chevy and Lexus dealerships since the mid to late 1980’s, preceding the 1996 Annexation into

the City of Lakewood and approval of the Stevinson Denver West Center Annexation Addition No. 1. ODP.

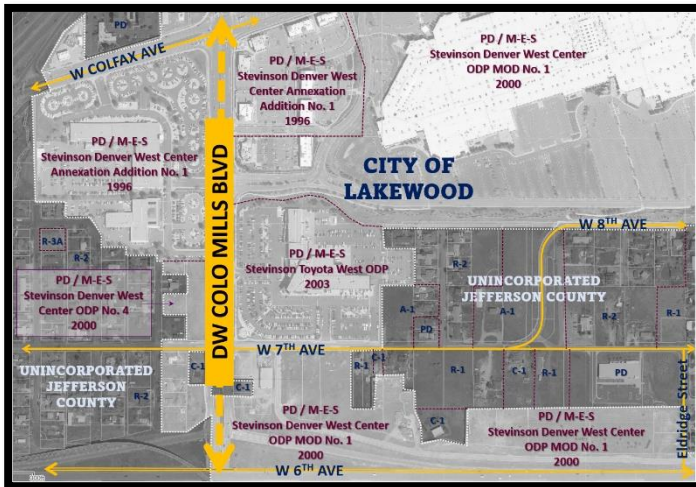


Figure 3 | Vicinity Map - Existing Zoning

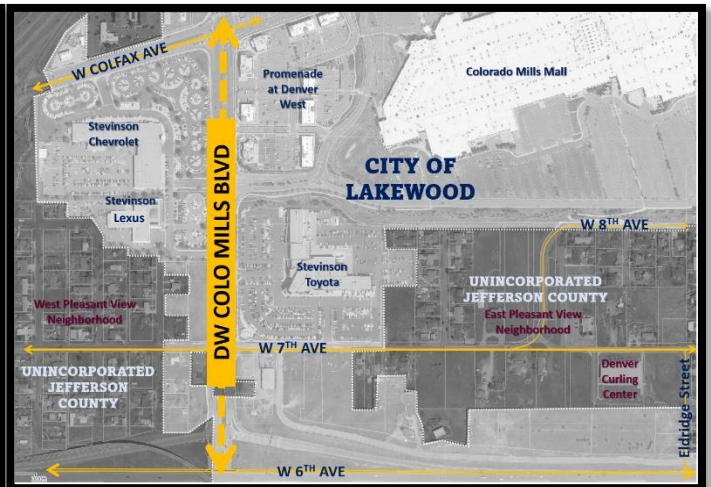


Figure 4 | Vicinity Map - Stevinson Denver West Center

Significant development and redevelopment of Denver West Center between W. Colfax Ave and W. 6th Ave included the construction of Colorado Mills Mall in 2002, the Stevinson Toyota dealership in 2003 and the Promenade at Denver West in 2012. These prior development activities and the required public improvements have resulted in a well-developed street network designed to accommodate the existing and proposed commercial land uses. W. Colfax Ave and DWCM Blvd are classified as arterial streets with direct access to Interstate 70 and W. 6th Ave. W. 7th Ave is classified as a collector street to the east of DWCM Blvd. Sections of W. 7th Avenue and the transition to W. 8th Avenue have been improved through adjacent development activities; however, large roadway segments have yet to be improved, leaving significant gaps where sidewalks have not been constructed.

The 37.6-acre redevelopment site for the automotive campus is in an urban area with existing commercial uses near Denver West Colorado Mills Blvd and south of W. 7th Ave and single-family residential development to the north of W 7th Ave and east of Eldridge St. Several of the existing commercial and residential buildings that were located on the subject site have been demolished in preparation for the proposed redevelopment. Directly south of the proposed automotive campus is W. 6th Avenue and the existing frontage road.

The 26.7-acre redevelopment site on the West Side includes the existing Stevinson Chevy and Lexus dealership facilities along with a few vacant plated parcels on the north side of W. 7th Avenue. The site is bound by two arterial streets (W. Colfax Ave and DWCM Blvd) on the north and east sides. To the south is the existing West Pleasant View neighborhood which includes single-family and duplex dwelling units. The site is bound on the west side by undeveloped platted lots, the Fairgrounds Gulch Floodplain and Interstate 70.

IV. AGENCY REVIEW AND NOTIFICATION

Notice of the Planning Commission public hearing for the annexation and rezoning request was mailed to 279 tenants and owners of property within 500 feet and 4 registered neighborhood organizations within a 1/2 mile of the subject property, as required by the Lakewood Zoning Ordinance. The annexation and rezoning applications were also sent to 12 outside referral agencies for review, as indicated in the table below.

Agency	Notification for Neighborhood Meeting	Notification for PC Hearing	Referral Sent	Comments Received
West Metro Fire Protection District			X	X
Pleasant View Fire District			X	X
Consolidated Mutual Water			X	X
Xcel Energy			X	X
Century Link / Lumen			X	X
Comcast Cable			X	
Lakewood Police Department			X	X
Pleasant View Water & Sanitation District			X	X
Regional Transportation District			X	X
Colorado Department of Transportation			X	X
Jefferson County School District			X	X
Jefferson County Planning & Zoning			X	X
City of Golden Planning Department			X	X
Property Owners within 500 feet	X	X		
Daniels-Welchster Neighborhood Association	X	X		
Union Corridor Professionals Group	X	X		
Applewood Business Association	X	X		
West Pleasant View Neighborhood Association	X			
North Lakewood Advocates	X	X		

Referral Agencies' Comments: The City received responses from most of the referral agencies and service districts; none with any objections to the annexation or rezoning proposals. Several service districts communicated that services would be provided, and that new development will need to comply with their adopted codes and district standards. Jefferson County Planning and Zoning also reviewed both zoning proposals and provided comments related to compatibility with the adjacent residential land uses, relationship to base zone district standards, and a request to receive future referrals for subdivision and site development.

Neighborhood Comments: A neighborhood meeting for the proposed East Side Annexation and Zoning was held on June 22, 2021, to introduce the proposal and gather feedback. The meeting was well attended by neighborhood stakeholders who had questions about increased traffic on W. 7th Ave, site design, site lighting, development character and the construction timeline for the new dealerships. A neighborhood meeting for the proposed West Side rezoning was held on February 22, 2022, to introduce the redevelopment proposal and gather feedback. Attendees' questions were primarily focused on the land uses intended with redevelopment and the relationship with the existing residential neighborhood.

A summary of both neighborhood meetings is included in Attachments K and L.

V. EVIDENCE AND CONCLUSIONS – ANNEXATION

The applicant is proposing to annex and initially zone two land areas depicted on the annexation maps in Attachment D. The Planning Commission is being asked to review the annexation request and initial zoning proposal of Planned Development with a Commercial Regional (PD/C-R) and make a recommendation on each to the City Council. The Stevinson Annexation proposal was evaluated based upon the requirements per Colorado Revised Statutes, guidance from the City of Lakewood Comprehensive Plan and the Lakewood Three-mile Plan.

Colorado Revised Statutes

All annexations in the state of Colorado must comply with Title 31, Article 12 of the Colorado Revised

Statutes (The Municipal Annexation Act of 1965). The statute regulates eligibility of property for annexation and specifies criteria to be used in evaluating and approving proposed annexations. Staff has provided a detailed analysis of the applicable statutory regulations in the Annexation Petition Request for Council Action (RFCA) memo (Attachment B) and Annexation Eligibility RFCA memo (Attachment C). Pursuant to the adopted Petition Acceptance Resolution (2023-16) and Annexation Eligibility Resolution (2023 -33), the City Council has found the annexation request to be in compliance with state regulations.

Lakewood Comprehensive Plan

Annexation is a discretionary action on the part of the City and the City's Comprehensive Plan does not provide specific guidance regarding annexation near the Denver West Growth Area, but it does refer to the City of Lakewood Urban Growth Boundary for locations where future growth and annexation may occur. The Lakewood Urban Growth Boundary Map in the Comprehensive Plan is included as Attachment E for reference. As depicted on the UGB map, the proposed 15.5-acre annexation is within the Lakewood Growth Boundary. This boundary was coordinated with Jefferson County and adjacent jurisdictions as part of the DRCOG Mile High Compact.

Lakewood Three Mile Plan

Section 31-12-105(1)(e) of the Colorado Revised Statutes places limits on municipalities which annex land by mandating that "*no annexation may take place that would have the effect of extending a municipal boundary more than three miles in any direction from any point of such municipal boundary in any one year.*" The proposed annexation would not extend the City's boundary more than three miles, a boundary that is depicted in Attachment F, the Three Mile Plan Map.

The City's current Three Mile Plan consists of an introduction and description of the Three Mile Plan, various independent and applicable land use plans including the City of Lakewood Comprehensive Plan and various area plans within the Jefferson County Comprehensive Master Plan. The County Plan indicates that the unincorporated areas near Denver West are within the Central Plans Area Plan, a transition area with commercial, mixed-use, and higher density residential uses near DWCM Blvd, transitioning to the lower density residential east of Fig Street. The Three Mile Plan also contains an explanation of how the plan addresses state requirements for an annexation area map (§ 31-12-105(1)(e) C.R.S.

VI. EVIDENCE AND CONCLUSIONS - ZONING

Zoning Analysis

The applicant is requesting approval of two separate zoning applications. The 37.6-acre East Side application includes the initial zoning of 15.5 acres and rezoning of 22.1 acres to a Planned Development with a Commercial Regional base zone district (PD/C-R) under the Stevinson Denver West Center Automotive Campus. The ODP establishes three planning areas. Planning Area 1 is the largest of the three planning areas where development for the automotive campus is proposed. Planning Area 2 will serve as a buffer between the automotive campus and the adjacent residential neighborhood and will accommodate stormwater drainage facilities including water quality and site detention. Planning Area 3 is the only site located to the north of W. 7th Avenue and is contiguous to the existing Toyota Dealership along the north and west property lines. The applicant has not identified a specific development proposal for this planning area.

On the West Side, the applicant is requesting approval to rezone 26.7 acres from PD / M-E-S to Planned Development with a Commercial Limited base zone district (PD / C-L). The proposed Stevinson Denver West Center Official Development Plan No. 5 will establish two Planning Areas for commercial development.

Conformance with Standards for Rezoning Criteria §17.2.3.3.A:

1. The proposed rezoning promotes the purposes of the Zoning Ordinance as stated in Section 17.1.2.

The proposed initial zoning and rezoning request will support the purpose and intent of the Zoning Ordinance as follows:

- Implementing the vision, goals and recommendations of the Comprehensive Plan through maintenance and reinvestment of underutilized commercial properties.
- Promoting orderly development through a public process.
- Accommodating the effective integration of a mixture of uses and redevelopment with surrounding land uses.
- Ensuring the economic vitality of the City of Lakewood by supporting existing businesses and industries that expand the primary employment base and contribute to the City's sales tax revenue.

2. The proposed rezoning is compatible with existing surrounding land uses or the land uses envisioned in the Comprehensive Plan.

The proposed rezoning is consistent with the surrounding land development pattern where commercial uses have existed adjacent to single-family residential uses for decades. The location of the East and West Side properties supports commercial development given the proximity and accessibility to Interstate 70, 6th Avenue Freeway, W. Colfax Avenue and DWCM Blvd.

The proposed rezoning is also compatible with the land uses envisioned in the Comprehensive Plan. The West Side ODP is located within the Denver West Growth Area with a land use designation of Mixed-Use Commercial. The East Side ODP is directly adjacent to the Denver West Growth Area and a logical location to expand commercial development, given that it is bounded by a freeway on the south side and an arterial street on the west.

3. The proposed rezoning meets at least one of the following:

a. The proposed rezoning promotes implementation of the Comprehensive Plan.

The proposed rezoning will promote the implementation of the Lakewood Comprehensive Plan and support the community's guiding principles, goals, and actions steps by:

- Encouraging investment that creates new employment opportunities and advances the City's economic goals by supporting growth of an existing and established Lakewood Business (Goal I-CS1-f).
- Enhance commercial and mixed-use district to create quality working, living, shopping and dining experiences (Goal I-CS3-b & c).
 - Working with owners of older commercial properties to accommodate reinvestment and redevelopment.
 - Promoting commercial and mixed-use investment and reinvestment in designated Growth Areas.
- Continue to diversify Lakewood's economy to strengthen and stabilize the tax base and maintain viability through fluctuating economic cycles by supporting business retention efforts for industries that are important to Lakewood (Goal I-CS7-a).
- Maintain the Denver West area as a primary regional retail and office location and attract new employers to the business park through new development on vacant parcels and through infill of parking lots (Goal I-GA12-c).

- Work with West Metro Fire Protection District during the development review process to ensure development adequately addresses fire and rescue access (Goal L-PS4-a).
- Ensure adequate utilities are available for Lakewood's current and future residents and businesses by ensuring coordination of services with applicable utility and service providers is occurring early in the development process. (Goal L-PS6-a).

b. There has been a material change in the character of the neighborhood or in the City generally, such that the proposed rezoning would be in the public interest and consistent with the change.

The character of the Denver West / Pleasant View Neighborhoods between W. Colfax Ave and W. 6th Ave have not changed much in the past 10 years. It continues to be an edge environment with commercial uses along the major street corridors that feather out into lower density residential neighborhoods with asphalt edged streets lacking curb, gutter, and sidewalk improvements. While little has changed in the area since the 2012 redevelopment for the Promenade at Denver West on the southeast corner of DWCM Blvd and W. Colfax Ave, looking back over the last three decades the changes to the I-70 / W. Colfax Ave and Pleasant View are more significant. The location and proximity of the proposed phased development to I-70, W. 6th Ave, W. Colfax Ave and the Denver West Growth Area supports the proposed commercial development patterns along the major street corridors and redevelopment in an area where commercial land uses have existed near residential neighborhoods for 35+ years.

c. The property was rezoned in error.

Not applicable.

Engineering Analysis

Preliminary Drainage Reports and Traffic Studies were required and reviewed for both rezoning applications. The east and west side properties are currently impacted by floodplain, which will need to be addressed with future redevelopment.

Preliminary Construction Plans associated with the East Side public street improvements were also reviewed by Engineering Development Assistance Staff in the Public Works department. Street improvements for the east side generally include widening of streets to match City standards and installation of sidewalks. Additional public improvements may be required upon review and approval of a Major Site Plan.

The Traffic Impact Analysis for the West Side dated February 13, 2023 was approved. The study included general retail trip generation numbers and indicated that the roadway system in the area can accommodate the proposed trips. With future site plans that show specific uses, the study will need to be revised to analyze the access points and the potential for roadway improvements such as additional turn bay storage, access location and additional language for deceleration lanes.

Additional site and public improvements may also be required with the future redevelopment of the West Side and final construction plans and drainage reports will be required for review and approval with future Major Site Plan applications.

VII. FINDINGS OF FACT - ANNEXATION

Based upon the information and materials provided in the staff report and testimony presented during the public hearing, staff supports the annexation request. Therefore, the City of Lakewood staff recommends that the Planning Commission find that:

- A. The City of Lakewood initiated annexation proceedings for the property known as the Stevinson Annexations No. 22 & 23;
- B. Notice of the Public Hearing was posted on the subject property as required by 17.2.2.3(B)(1) of the Lakewood Zoning Ordinance;
- C. Notice of the Public Hearing was published in a newspaper of general circulation and on the City's website as required by 17.2.2.3(B)(2) of the Lakewood Zoning Ordinance;
- D. Notice of the Public Hearing was mailed to property owners and tenants within five hundred (500) feet of the subject property and registered neighborhood organizations within a half mile as required by 17.2.2.3(B)(3)(a) of the Lakewood Zoning Ordinance;
- E. All other notification and posting requirements have been satisfied;
- F. The request was reviewed by the appropriate referral agencies;
- G. The proposal is consistent with the goals of the Comprehensive Plan and Three Mile Plan; and
- H. The proposal complies with the Municipal Annexation Act of 1965, C.R.S. § 31-12-101 *et seq.*

AND

The Planning Commission adopts the findings of fact and order, A through H, as presented in this staff report and recommends that the City Council **APPROVE** Annexation Case No. AX-21-001.

VIII. FINDINGS OF FACT – ZONING

Based upon the information and materials provided by the applicant, the neighborhood, and this staff report, staff supports the zoning request. Therefore, the City of Lakewood staff recommends that the Planning Commission find that:

- A. Notice of the Public Hearing was posted on the subject properties as required by 17.2.2.3(B)(1) of the Lakewood Zoning Ordinance;
- B. Notice of the Public Hearing was published in a newspaper of general circulation as required by 17.2.2.3(B)(2) of the Lakewood Zoning Ordinance;
- C. Notice of the Public Hearing was provided in a timely manner to the property owners and tenants within five hundred (500) feet of the property and registered neighborhood organizations within a half mile as required by 17.2.2.3(B)(3)(a) of the Lakewood Zoning Ordinance;
- D. Notice of the Public Hearing was published on the official City website;
- E. The process for initial zoning and rezoning occurred after the City Council approved a Resolution of Intent to Annex and after a Petition for Annexation was submitted as required by 17.2.3.2(A)(2) & 17.2.3.2(B)(1);
- F. The process for initial zoning and rezoning occurred after the owner of the real property submitted a formal application for initial zoning and rezoning as required by 17.2.3.2(A)(3) & 17.2.3.2(B)(2);
- G. The proposed initial zoning and rezoning promotes the purposes of the Zoning Ordinance as required by 17.2.3.3(A)(1) in that it ensures the economic vitality of the City and the effective integration of development and redevelopment with surrounding land uses;

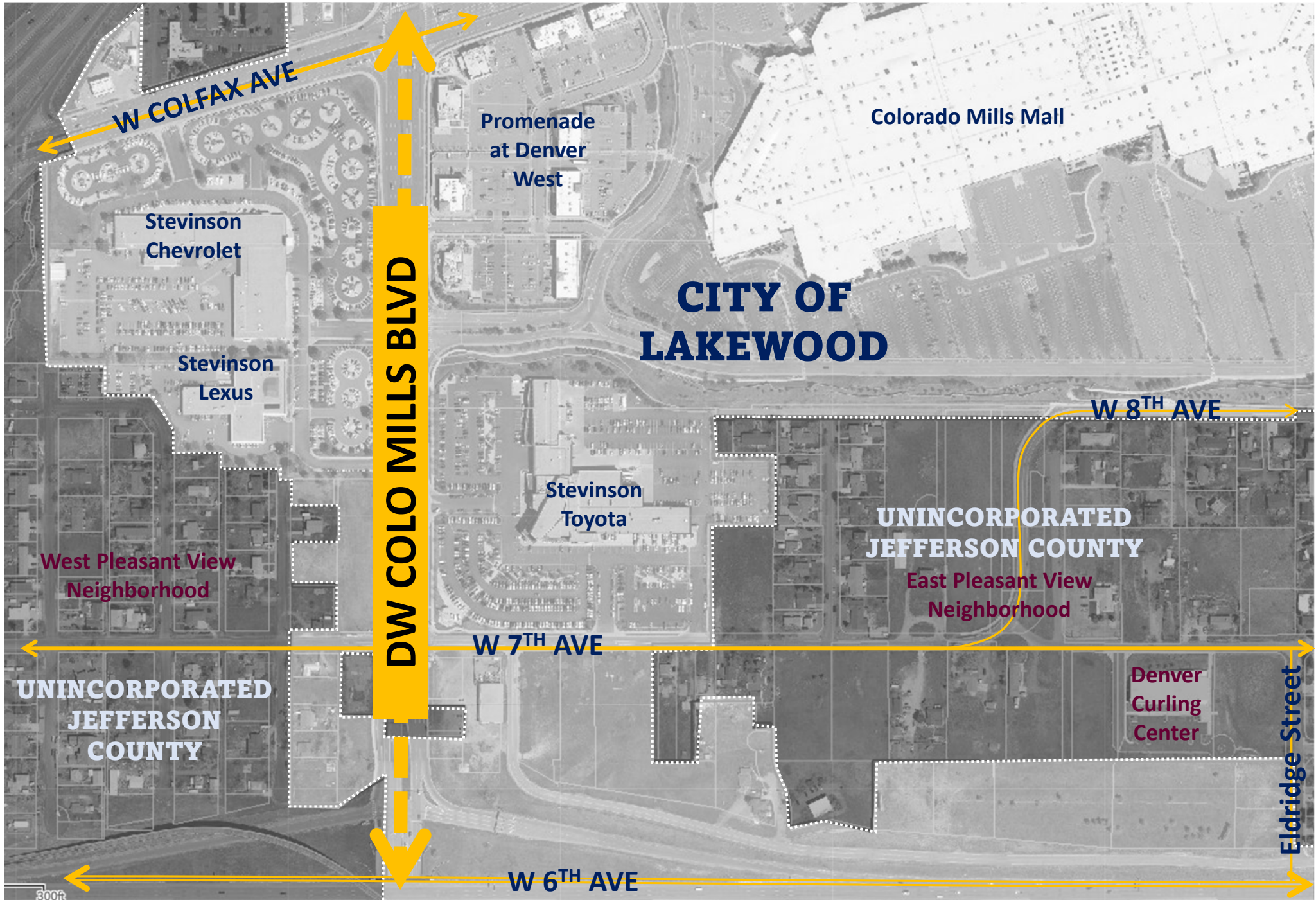
- H. The proposed initial zoning and rezoning is compatible with existing surrounding land uses and the land uses envisioned in the Comprehensive Plan as required by 17.2.3.3(A)(2); and
- I. The proposed initial zoning and rezoning promotes the implementation of the Comprehensive Plan by establishing a district of commercial regional land uses that will continue to diversify Lakewood's economy and strengthen the tax base and by promoting investment and reinvestment in a designated Growth Area.

AND

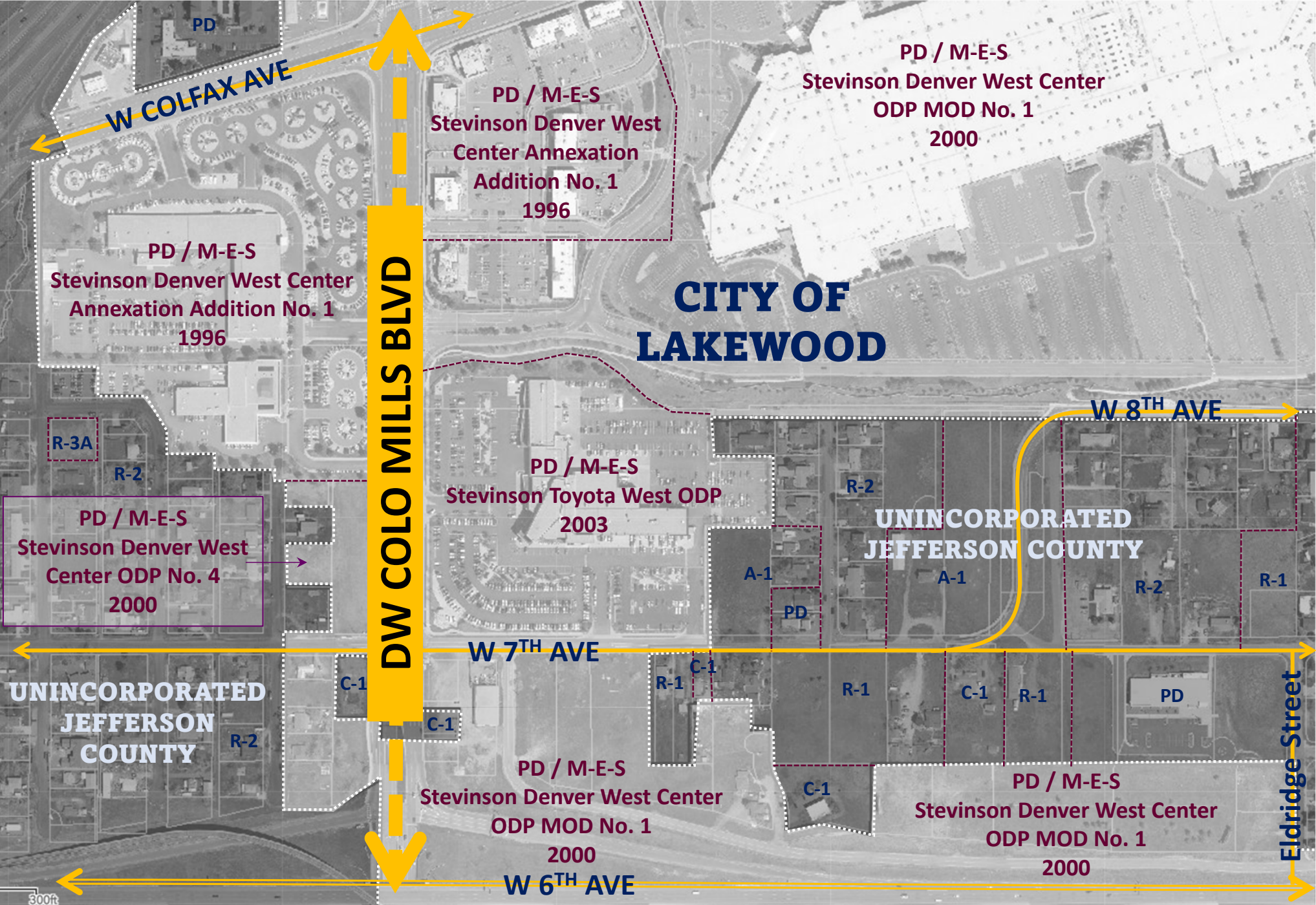
The Planning Commission adopts the findings of fact and order, A through I, as presented in this staff report and recommends that the City Council **APPROVE** Rezoning Case No. RZ-21-001 & RZ22-0002.

cc: Case File- RZ-21-001 & RZ22-0002
Kent Stevinson, Applicant

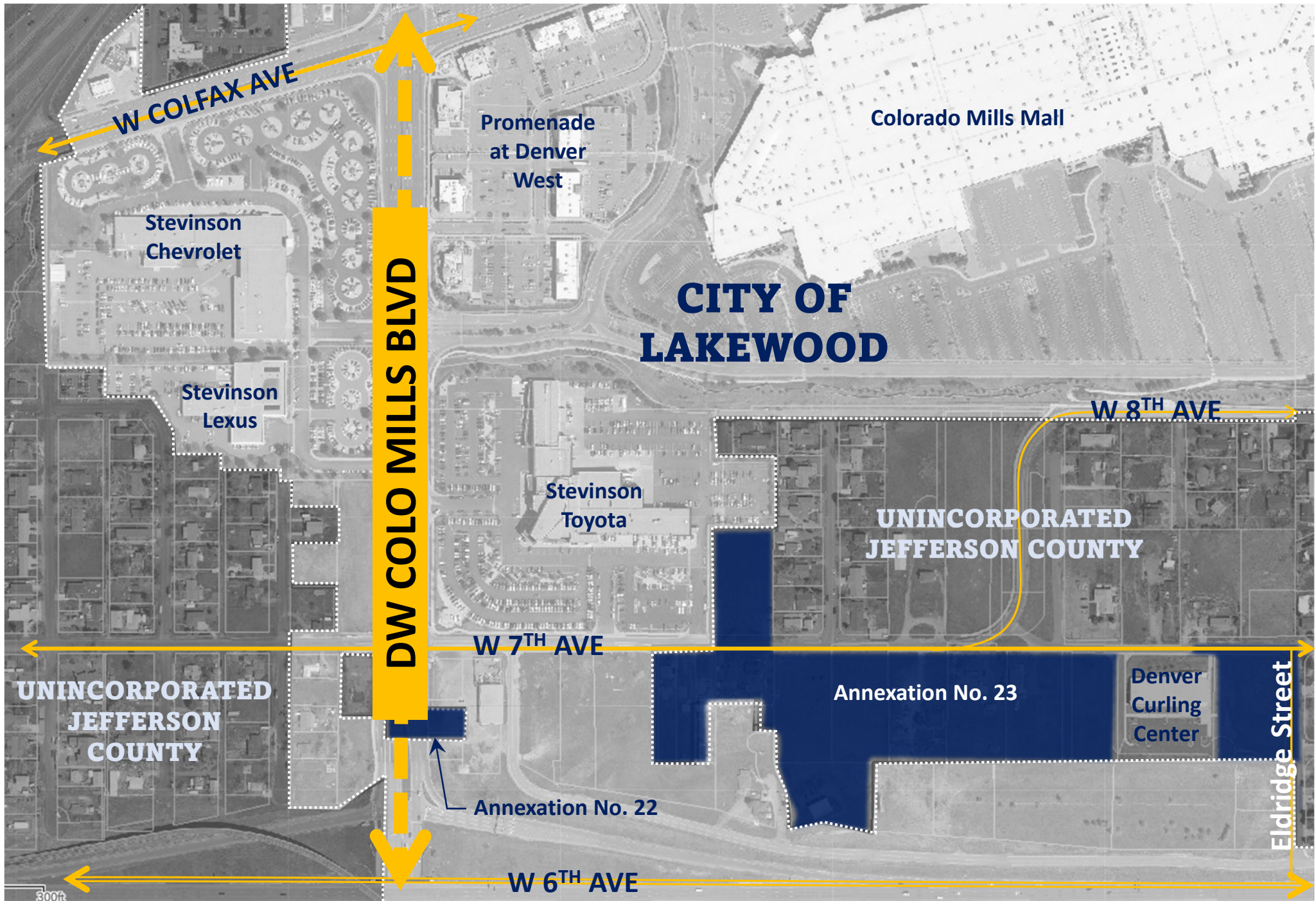
Vicinity Map – Stevinson Denver West Center



Vicinity Map - Existing Zoning



Vicinity Map – Annexation Areas



Vicinity Map – Proposed Zoning





STAFF MEMO

DATE OF MEETING: APRIL 10, 2023 / AGENDA ITEM NO. 8

To: Mayor and City Council

From: Travis Parker, Director of Planning, 303-987-7908

Subject: **STEVINSON ANNEXATIONS NO 22 & 23 – PETITION ACCEPTANCE / INTENT TO ANNEX (CASE AX-21-001 - 14700 W 7TH AVE)**

SUMMARY STATEMENT: The applicant, Kent P. Stevinson, as President of Automotive Services Inc., has submitted a petition to annex approximately 15.5 acres of land located in unincorporated Jefferson County. The request includes 16 unplatted parcels of land owned by Automotive Services Inc. and located north of W. 6th Ave and east of Denver West Colorado Mills (DWCM) Blvd.

Consideration of whether to extend the Lakewood Municipal Boundary through annexation requires many steps that are controlled by state statutes. The Petition Acceptance Resolution is the first step required of City Council to initiate consideration of the annexation request. This step does not determine the final question of whether to annex the property. Passage of this resolution would:

- Formally initiate procedures necessary to consider annexation; and
- Establish May 22, 2023, as the date for a public hearing before City Council and formal consideration of the proposed annexation.

The proposed annexation is shown on the attached vicinity map. The annexation, if approved, will be known as Stevinson Annexations No. 22 & 23.

BACKGROUND INFORMATION: The formal annexation application is one (1) of six (6) formal land development applications associated with the phased Denver West Development proposal located along the DWCM BLVD corridor between W. Colfax Ave. and W. 6th Ave. and depicted on the inset map. This includes the request for a 15.5-acre annexation, 37.6-acre initial zoning/rezoning (PD/C-R), vesting, and a ROW vacation of Gardenia Ct on the east side of DWCM BLVD for the new Stevinson Denver West Center Automotive Campus. It also includes the 26.6-acre rezoning and vesting request on the west side of DWCM BLVD for the future redevelopment of the existing Lexus and Chevy Dealership sites, after the two businesses have relocated to the proposed automotive campus.



Following the annexation hearing, but prior to the adoption of the Annexation Ordinance, the Lakewood Planning Commission will conduct a Public Hearing to review the applicant’s initial zoning and rezoning applications (RZ-21-001 & RZ22-0002). The Colorado Revised Statutes require land that is annexed to be zoned by the municipality within a 90-day timeframe. City staff has identified a public meeting schedule that will include a total of 5 meeting dates (starting with the Petition Acceptance) that will allow City Council to take final action on each of the formal land development cases at the last meeting on August 14, 2023. This schedule also accounts for all notification requirements and timeframes required by state statutes and the Lakewood Zoning Ordinance.

Public Meeting Dates

Date	CC/PC	Actions
4-10-23	CC	Petition Acceptance / Adoption of Intent to Annex Resolution
5-22-23	CC	Public Hearing – Annexation / Adoption of Findings of Fact Resolution
6-7-23	PC	Public Hearing – Initial Zoning / Rezoning - Zoning Recommendation Resolutions RZ-21-001 & RZ22-0002
7-24-23	CC	1 st Reading for: <ul style="list-style-type: none"> - Annexation Ordinance - AX-21-001 - Initial Zoning / Rezoning Ordinances (2) RZ-21-001 & RZ22-0002 - ROW Vacation Public Hearing / Ordinance - VA-21-002 - Resolutions (as needed) for Vesting (2) and the Development Agreement VS-21-001 & VS23-0001
8-28-23	CC	Public Hearing for Initial Zoning, Rezoning and ROW Vacation requests Action on all applicable ordinances and resolutions

BUDGETARY IMPACTS: N/A

STAFF RECOMMENDATIONS: Approval of Resolution 2023-16

ALTERNATIVES: City Council may accept the applicant’s petition and initiate the formal annexation process by adopting the resolution that sets a public hearing date.

Or, because a municipality is under no legal obligation to annex territory, City Council may reject the petition through a no vote on a motion to adopt the resolution. If City Council does not adopt the Intent to Annex Resolution, no further public hearings related to annexation or initial zoning of the 15.5 acres would proceed forward.

PUBLIC OUTREACH: As required by the Zoning Ordinance prior to a formal zoning application, an initial neighborhood meeting was held on June 22, 2021 to present the annexation and initial zoning for the Stevenson Automotive Campus project. A second neighborhood meeting was held on February 22, 2022 to present the rezoning proposal for the land west of DWCM Blvd. Interested parties were able to attend virtually via zoom or in person and were well attended.

NEXT STEPS: Annexation Public Hearing is scheduled for May 22, 2023, followed by the Planning Commission Hearing for the Initial Zoning and Rezoning applications.

ATTACHMENTS: Resolution / Notice
Vicinity Maps (Annexation & Denver West Development Proposal Map)
Annexation Petition
Annexation Map No. 22
Annexation Map No. 23
Parcel Ownership Exhibit

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney

2023-16

A RESOLUTION

INITIATING ANNEXATION PROCEEDINGS FOR CERTAIN PROPERTY TO BE KNOWN AS THE STEVINSON ANNEXATIONS NO. 22 & 23, LOCATED IN THE COUNTY OF JEFFERSON, STATE OF COLORADO

WHEREAS, a Petition for Annexation of certain parcels of land, as described in Exhibit A attached hereto, has been filed with the City Clerk of the City of Lakewood, Colorado (the "Petition");

WHEREAS, the Lakewood City Council finds that Automotive Services, Inc. comprises more than fifty percent of the landowners and owns more than fifty percent of the area identified in Exhibit A, excluding public streets and alleys;

WHEREAS, the Petition has been referred to the City Council for a determination of substantial compliance with the requirements of Colorado Revised Statute § 31-12-107(1); and

WHEREAS, the City Council has received testimony and evidence and has taken official notice of all maps, records and information and other material on file with the City of Lakewood regarding said Petition.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lakewood, that:

Section 1. The City Council received a petition for annexation of, and is initiating annexation proceedings for, certain properties situated in the County of Jefferson, State of Colorado, and legally described in Exhibit A to be known as the Stevinson Annexations No. 22 & 23

Section 2. The Petition is hereby determined to be in substantial compliance with Colorado Revised Statute § 31-12-107(1). Specifically, the City Council finds that the Automotive Services, Inc. comprises more than fifty percent of the landowners in the area and owns more than fifty percent of that area, excluding public streets and alleys.

Section 3. The Notice attached hereto as Exhibit B is adopted as part of this Resolution. Said Notice establishes the date, time and place of a public hearing to be held regarding consideration of an annexation ordinance pertaining to the above-described property. The City Clerk is directed to publish a copy of this Resolution and such Notice, as provided in Colorado Revised Statute § 31-12-108(2).

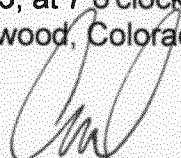
Section 4. The date, time and place of the public hearing on the proposed annexation ordinance shall be Monday, May 22, 2023, at 7:00 P.M. in the City Council Chambers, 480 S. Allison Parkway, Lakewood, Colorado 80226.

Section 6. The City Clerk shall send a copy of the published notice, this Resolution, and the Petition to the Jefferson County Board of County Commissioners, the Jefferson County Attorney, and any special district or school district within the area to be

annexed twenty-five (25) days prior to the date of the hearing, as provided in Colorado Revised Statute § 31-12-108(2).

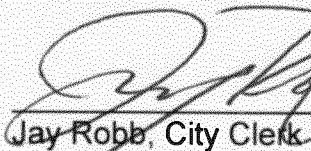
Section 7. An annexation impact report shall be filed with the Jefferson County Board of County Commissioners because the property is larger than ten (10) acres in size as provided in Colorado Revised Statute § 31-12-108.5.

INTRODUCED, READ AND ADOPTED by a vote of 11 for and 0 against at a hybrid regular meeting of the City Council on April 10, 2023, at 7 o'clock p.m. at the Lakewood Civic Center, 480 South Allison Parkway, Lakewood, Colorado.

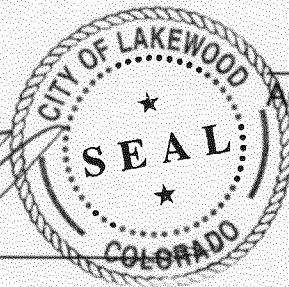


Adam Paul, Mayor

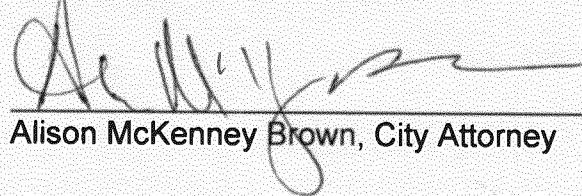
ATTEST:



Jay Robb, City Clerk



APPROVED AS TO FORM:



Alison McKenney Brown, City Attorney



STAFF MEMO

DATE OF COUNCIL MEETING: MAY 22, 2023 / AGENDA ITEM NO. 13

To: Mayor and City Council

From: Travis Parker, Director of Planning, 303-987-7908

Subject: **STEVINSON ANNEXATIONS NO 22 & 23 – ANNEXATION ELIGIBILITY HEARING
CASE AX-21-001 - 14700 W 7TH AVE**

SUMMARY STATEMENT: The applicant and sole petitioner, Kent Stevinson, as President of Automotive Services Inc., is requesting annexation into the City of Lakewood Municipal Boundary for two areas of land totaling 15.5 acres in size. The request includes sixteen (16) unplatted parcels of land owned by Automotive Services Inc. that is located north of W. 6th Avenue and east of Denver West Colorado Mills (DWCM) Blvd. The proposed annexation area is shown on the attached vicinity map. If approved, this annexation will be known as Stevinson Annexations No. 22 & 23.

Colorado Revised Statutes (C.R.S.) requires the Lakewood City Council to hold a public hearing within a thirty (30) to sixty (60) day timeframe from adoption of the Intent to Annex Resolution (2023-16). Following the public hearing, City Council shall set forth its findings of fact to determine if the proposed annexation complies with C.R.S. § 31-12-104 & § 31-12-105, through the adoption of a resolution.

Passage of this resolution would result in the following Findings:

1. The area to be annexed into the City meets the eligibility requirements in C.R.S. § 31-12-104.
2. The annexation complies with the applicable limitations on annexed land in C.R.S. § 31-12-105.
3. The petition for annexation is in substantial compliance with C.R.S. § 31-12-107.

BACKGROUND INFORMATION: An annexation petition was filed with the City Clerk on March 31, 2023. The petition was then referred to the City Council on April 10, 2023, where the City Council adopted the Intent to Annex Resolution to initiate the formal annexation process, set a public hearing date, and proceed with the notice requirements outlined in C.R.S. § 31-12-108. The public process for annexation and zoning includes five (5) meeting dates between the City Council and the Planning Commission. The annexation public hearing and adoption of the findings of fact resolution are the second actions to be considered by City Council and are required steps for the annexation to proceed.

Annexation Eligibility and Limitation Requirements

1. The area to be annexed into the City shall satisfy the eligibility requirements in C.R.S. § 31-12-104.
 - The perimeter boundary satisfies the one-sixth (1/6) minimum contiguity dimensional requirement to the Lakewood Municipal Boundary
 - A community of interest exists between the area proposed to be annexed and the City;
 - The area is urban or will be urbanized in the near future; and
 - The area is integrated with, or capable of being integrated within the City.

Staff Response: Converting the minimum dimensional boundary requirement into a percentage of the total boundary, one-sixth (1/6) is equivalent to 16.7% of the perimeter boundary. The perimeter boundary for the 0.5-acre area depicted on Annexation Map No. 22 is contiguous with the City's boundary for 598 linear feet, resulting in a 96% contiguity. The perimeter boundary for the fifteen (15) acre area depicted on Annexation Map No. 23 is contiguous with the City's boundary for 3,491 linear feet, resulting in a 50% contiguity.

Because the area proposed to be annexed exceeds the minimum required one-sixth contiguity with the City's boundary and it is within the Urban Growth Boundary per the City's Comprehensive Plan, it satisfies the requirement for community interest. The annexation area is adjacent to existing residential and commercial development that is urbanized, is located within existing utility and service district boundaries, and contains an extensive street network for access. The area is capable of being integrated into the City with minimal to no impact on City resources and services.

2. The area to be annexed into the City is subject to the limitation requirements in C.R.S. § 31-12-105.
 - Land cannot be divided into separate tracts without the consent of the landowner.
 - Annexation cannot result in the detachment from or attachment to another school district.
 - Annexation cannot proceed if another municipality has already commenced annexation proceedings.
 - The annexation cannot extend the municipal boundary more than three miles in any direction.
 - Where streets are being annexed, the entire width of the street is included in the annexed area.
 - Reasonable access shall not be denied to unincorporated land adjacent to a street that is annexed into the city.

Staff Response: The annexation boundary follows existing parcel boundaries and will not result in the division of any existing parcel of land. The annexation area will remain within the existing Jefferson County School District boundary. No other incorporated municipality has commenced annexation proceedings related to this annexation petition.

The existing streets and public right-of-way adjacent to the annexation area will be incorporated into the City as part of this annexation. This includes the remainder of W. 7th Avenue from the City boundary to Eldridge Street, a small segment of DWCM Blvd., and the 600 Block of Eldridge Street. Any remaining unincorporated property that is currently taking access from any of the streets within the annexation area will continue to have access. Future access requests will need to comply with the City's adopted Transportation Engineering Design Standards.

Impact Report

Municipalities considering annexation of land exceeding ten (10) acres in size are required to prepare an impact report concerning the proposed annexation and shall file a copy of the report with the Jefferson County Board of County Commissioners (JCBC). A copy of the Impact Report was provided to the JCBC with the annexation notification and is attached for reference.

The impact report identifies service districts, existing and proposed streets, utility main lines and facilities, ditches and land use patterns. Statements to address the impact of existing services and plans for providing or extending services; the method to finance the extension of municipal services; and effect upon the local public school district systems are also provided in the report.

Most of the parcels included in the annexation area have been previously developed with a mix of commercial and residential land uses. As such, the land is already receiving services from utility districts, metro districts, and service districts, which will not change with annexation into the City. No new municipal services are proposed with the annexation.

The annexation will incorporate adjacent public rights-of-way including DWCM Blvd., W. 7th Avenue, and the 600 Block of Eldridge Street. The City will expand police and law enforcement services and street maintenance services to the property; however, these services are already provided within the immediate area and any increase in service demands can be readily accommodated with existing personnel, equipment, and facilities.

Phased Development Proposal

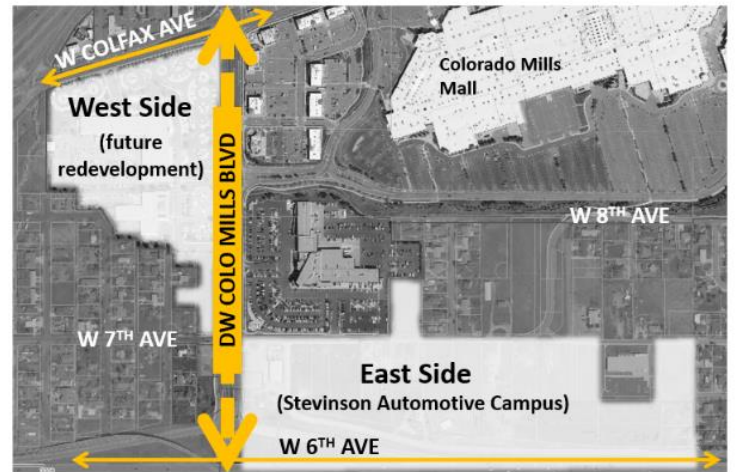
The formal annexation application is one (1) of six (6) formal land development applications associated with the phased Denver West Development proposal located along the DWCM BLVD. corridor between W. Colfax Ave. and W. 6th Ave. and depicted on the inset map.

East Side – Automotive Campus

- 15.5-acre Annexation
- 37.6-acre Initial Zoning/Rezoning (PD/C-R)
- Vesting (20 years)
- Gardenia Ct Right-of-Way Vacation.

West Side – Future Redevelopment

- 26.6-acre Rezoning
- Vesting (20 years)



BUDGETARY IMPACTS: N/A

STAFF RECOMMENDATIONS: Approval of Resolution 2023-33

ALTERNATIVES: The City Council may adopt the resolution finding that the annexation request satisfies the requirements of the Municipal Annexation Act of 1965, specifically, C.R.S. § 31-12-104 & 31-12-105. Or, because a municipality is under no legal obligation to annex territory, the City Council may find that the area proposed for annexation does not comply with the applicable statutory provisions, which will terminate the annexation proceedings.

PUBLIC OUTREACH: As required by the Zoning Ordinance, prior to a formal zoning application, an initial neighborhood meeting was held on June 22, 2021, to present the annexation and initial zoning for the Stevinson Automotive Campus project. Notices for the neighborhood meeting were mailed to property owners within five hundred (500) feet of the subject property and registered neighborhood organizations within half (½) a mile of the subject property.

Annexation Hearing Notice

Per statute, the public hearing notice must be published once a week for four (4) consecutive weeks in a newspaper of general circulation. The required notice was published in the Denver Post /Your Hub on the following dates:

- Week 1 - 4/20/23
- Week 2 - 4/27/23
- Week 3 - 5/4/23
- Week 4 - 5/11/23

Additionally, the annexation petition, legal description, resolution, and public hearing notice were sent via certified mail to the Jefferson Board of County Commissioners, Jefferson County Attorney, Jefferson County Sheriff's Office and Special Districts or School Districts having territory within the annexation area. All

notification letters and enclosures were mailed on 4/27/23, a minimum of twenty-five (25) days prior to the public hearing.

NEXT STEPS: The Planning Commission will hold a public hearing on June 7, 2023, for the annexation and initial zoning/rezoning applications.

Public Meeting Dates

Date	CC/PC	Actions
4-10-23 ✓	CC	Petition Acceptance / Adoption of Intent to Annex Resolution
5-22-23	CC	Public Hearing – Annexation / Adoption of Findings of Fact Resolution
6-7-23	PC	Public Hearing – Annexation / Initial Zoning & Rezoning Recommendation Resolutions (3) AX-21-001, RZ-21-001 & RZ22-0002
7-24-23	CC	1 st Reading for: 1. Annexation Ordinance - AX-21-001 2. Initial Zoning / Rezoning Ordinances (2) RZ-21-001 & RZ22-0002 3. ROW Vacation Public Hearing / Ordinance - VA-21-002 4. Resolutions/Ordinances (as needed) for Vesting (2) and the Development Agreement VS-21-001 & VS23-0001
8-24-23	CC	Public Hearing for Initial Zoning, Rezoning and ROW Vacation requests Action on all applicable ordinances and resolutions

ATTACHMENTS: Resolution 2023-33
Annexation Vicinity Map
Three Mile Plan Map
Lakewood Urban Growth Boundary Map
Annexation Map No. 22
Annexation Map No. 23
Parcel Ownership Exhibit
Notification Letters
Annexation Petition
Published Notice
Annexation Impact Report

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney

A RESOLUTION

MAKING CERTAIN FINDINGS OF FACT REGARDING THE PROPOSED ANNEXATION OF CERTAIN PROPERTY TO BE KNOWN AS THE STEVINSON ANNEXATIONS NO. 22 & 23, LOCATED IN THE COUNTY OF JEFFERSON, STATE OF COLORADO

WHEREAS, the City Council of the City of Lakewood found a Petition for the Annexation of the hereinafter described parcels of land to be in substantial compliance with the requirements of Section 31-12-107(1), C.R.S.;

WHEREAS, the City Clerk provided notice of public hearing on the proposed annexation by publication once a week for four (4) successive weeks with the first notice published at least thirty (30) days prior to the hearing;

WHEREAS, the City Clerk provided copies of the published notice, resolution, and petition by registered mail to the Jefferson County Board of County Commissioners, the Jefferson County Attorney, and to any special district or school district having territory in the area to be annexed at least twenty-five (25) days prior to the hearing;

WHEREAS, the City Clerk provided an impact report to the Jefferson County Board of County Commissioners at least twenty (20) days prior to the hearing; and

WHEREAS, the City Council completed a public hearing on May 22, 2023 and determined that the proposed annexation complies with Sections 31-12-104 and 31-12-105, C.R.S. establishing eligibility for annexation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lakewood, that:

SECTION 1. The City Council of the City of Lakewood hereby finds and determines with regard to the annexation of the territory described in Attachment A attached hereto and incorporated herein, that the area sought to be annexed to the City of Lakewood meets the requirements of the Municipal Annexation Act of 1965, Sections 31-12-104 and 31-12-105, in that:

- A. Not less than one-sixth (1/6) of the perimeter of the area proposed to be annexed is contiguous with the City of Lakewood.
- B. A community of interest exists between the area proposed to be annexed and the City of Lakewood.
- C. The area proposed to be annexed is urban or will be urbanized in the near future.

- D. The area proposed to be annexed is integrated with, or is capable of being integrated within, the City of Lakewood.

SECTION 2. The City Council further finds and determines that:

- A. No land within the area proposed to be annexed and held in identical ownership is divided into separate tracts or parcels without the written consent of the landowner or landowners thereof, unless such tracts or parcels are separated by a dedicated street, road, or other public way.
- B. The annexation of the area proposed to be annexed will not result in the detachment of area from any school district and the attachment of such area to another school district.
- C. No annexation proceedings have been commenced for the annexation to another municipality of any part or all of the area proposed to be annexed to the City hereunder nor is any part of said area presently a part of any incorporated city, town, or city and county.
- D. The annexation of the area proposed to be annexed will not have the effect of extending the boundary of the City of Lakewood more than three miles in any direction from any point of the City's boundary in any one year.
- E. In establishing the boundaries of the area proposed to be annexed, where a portion of a platted street or alley is annexed, the entire width of said street or alley is included within the area annexed.
- F. Reasonable access shall not be denied to landowners, owners of easements, or the owners of franchises adjoining a platted street or alley to be annexed by the City that is not bounded on both sides by the City.
- G. Due to the fact that the total land proposed to be annexed is more than ten (10) acres in total area, an Annexation Impact Report was prepared and timely filed with the Jefferson County Board of County Commissioners.

Section 3. The City Council further finds and determines that the Petitioners comprise more than fifty percent (50%) of the landowners of more than fifty percent (50%) of the area proposed to be annexed, exclusive of streets and alleys; an election is not required, and no additional terms or conditions are to be imposed upon the area to be annexed.

Section 4. This Resolution shall become effective immediately upon its adoption.

INTRODUCED, READ AND ADOPTED by a vote of ___ for and ___ against at a hybrid regular meeting of the City Council on May 22, 2023, at 7 o'clock p.m. at Lakewood City Hall, 480 South Allison Parkway, Lakewood, Colorado.

Adam Paul, Mayor

ATTEST:

Jay Robb, City Clerk

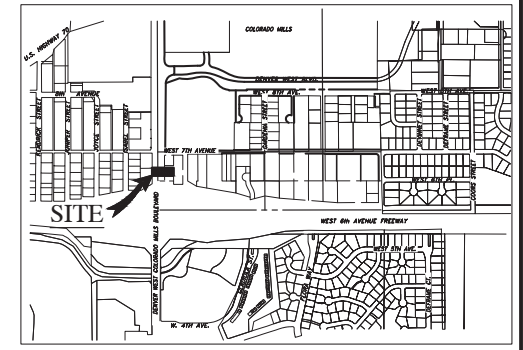
APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

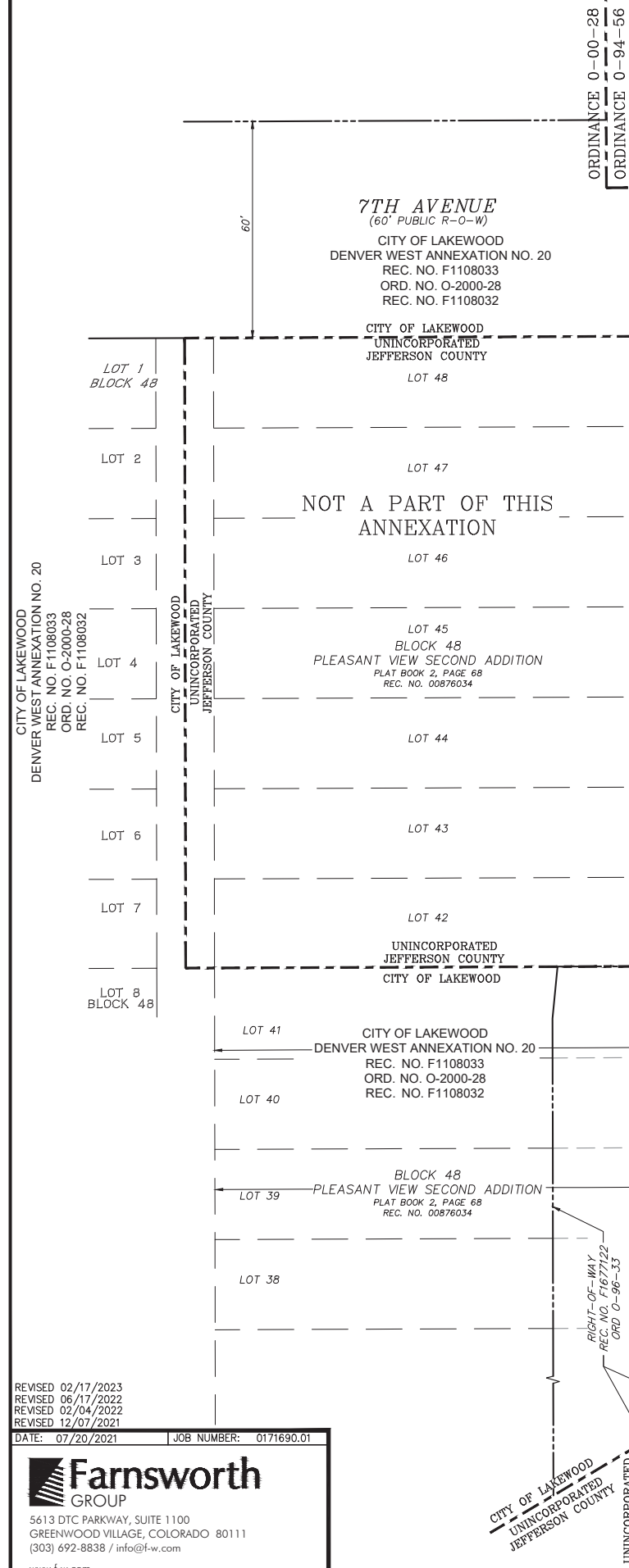
ANNEXATION MAP

TO THE CITY OF LAKEWOOD, STATE OF COLORADO
 A PORTION OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 4 SOUTH, RANGE 69 WEST OF
 THE SIXTH PRINCIPAL MERIDIAN TOGETHER WITH A PORTION OF THE SOUTHEAST QUARTER OF
 SECTION 1, TOWNSHIP 4 SOUTH, RANGE 70 WEST, OF THE SIXTH PRINCIPAL MERIDIAN;
 COUNTY OF JEFFERSON, STATE OF COLORADO.

SHEET 1 OF 1



VICINITY MAP
NOT TO SCALE



CONTIGUITY TABLE	
TOTAL BOUNDARY =	624.66'
CONTIGUOUS BOUNDARY =	597.88'
PERCENT CONTIGUOUS =	96 %
ANNEXATION AREA =	20,011 S.F.±

AREA TABLE	
TOTAL AREA	20,011 S.F.± / 0.459 Ac.±
AUTOMOTIVE SERVICES, INC. AREA	9,277 S.F.± / 0.213 Ac.±
RIGHT-OF-WAY AREA	10,734 S.F.± / 0.246 Ac.±

OWNERS:
 1 AUTOMOTIVE SERVICES, INC.

LEGEND:
 [Symbol] CONTIGUOUS BOUNDARY
 [Symbol] PROPERTY LINE
 [Symbol] SECTION LINE
 [Symbol] RIGHT-OF-WAY LINE
 [Symbol] PRIOR ANNEXATION BOUNDARY
 [Symbol] PROPERTY TIE LINE
 [Symbol] R.O.W.
 [Symbol] RIGHT-OF-WAY

ANNEXATION DESCRIPTION
 A PARCEL OF LAND BEING A PORTION OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 6, TOWNSHIP 4 SOUTH, RANGE 69 WEST AND A PORTION OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SECTION 1, TOWNSHIP 4 SOUTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 6, BEING IN COMMON WITH THE SOUTHEAST CORNER OF SAID SOUTHEAST ONE-QUARTER (SE 1/4) OF SECTION 1;
 THENCE ALONG THE SOUTH LINE OF SAID SOUTHEAST ONE-QUARTER (SE1/4) OF SECTION 1, S89°51'11"W, A DISTANCE OF 42.50 FEET, MORE OR LESS, TO THE WESTERLY CORPORATE BOUNDARY LINE OF THE CITY OF LAKEWOOD, AS DEFINED BY ANNEXATION MAP OF STEVINSON ANNEXATION NO. 5, RECORDED IN PLAT BOOK 119, PAGE 56, AT RECEPTION NO. 94164854 IN THE RECORDS OF THE JEFFERSON COUNTY CLERK AND RECORDER, APPROVED BY ORDINANCE O-2000-28, RECORDED AT RECEPTION NO. F1108032 IN THE RECORDS OF THE JEFFERSON COUNTY CLERK AND RECORDER, N00°06'53"W, A DISTANCE OF 390.50 FEET TO AN ANGLE POINT OF SAID STEVINSON ANNEXATION NO. 5, AND THE POINT OF BEGINNING;
 THENCE ALONG SAID WESTERLY LINE AND ALONG A PORTION OF THE EASTERLY CORPORATE BOUNDARY LINE OF THE CITY OF LAKEWOOD AS DEFINED BY THE ANNEXATION MAP OF DENVER WEST ANNEXATION NO. 20, RECORDED IN PLAT BOOK 156, PAGE 37, AT RECEPTION NO. F1108033 IN THE RECORDS OF THE JEFFERSON COUNTY CLERK AND RECORDER, APPROVED BY ORDINANCE O-2000-28, RECORDED AT RECEPTION NO. F1108032 IN THE RECORDS OF THE JEFFERSON COUNTY CLERK AND RECORDER, N00°06'53"W, A DISTANCE OF 390.50 FEET TO AN ANGLE POINT OF SAID STEVINSON ANNEXATION NO. 5, AND THE POINT OF BEGINNING;
 THENCE DEPARTING THE WESTERLY LINE OF SAID STEVINSON ANNEXATION NO. 5 AND CONTINUING ALONG THE EASTERLY LINE OF SAID DENVER WEST ANNEXATION NO. 20, N00°06'53"W, A DISTANCE OF 63.22 FEET TO AN ANGLE POINT OF SAID DENVER WEST ANNEXATION NO. 20;
 THENCE DEPARTING THE EASTERLY LINE OF SAID DENVER WEST ANNEXATION NO. 20 AND PROCEEDING ALONG THE WESTERLY RIGHT-OF-WAY LINE OF DENVER WEST COLORADO MILLS BOULEVARD, N00°06'53"W, A DISTANCE OF 26.78 FEET TO AN ANGLE POINT IN THE WESTERLY LINE OF SAID STEVINSON ANNEXATION NO. 5;
 THENCE ALONG SAID WESTERLY LINE AND ALONG A PORTION OF THE EASTERLY BOUNDARY LINES OF SAID STEVINSON ANNEXATION NO. 5, THE FOLLOWING THREE (3) COURSES:
 1) ALONG SAID SOUTHERLY BOUNDARY LINE, N89°57'49"E, A DISTANCE OF 222.33 FEET;
 2) ALONG SAID WESTERLY BOUNDARY LINE, S00°08'27"E, A DISTANCE OF 90.00 FEET;
 3) ALONG SAID NORTHERLY BOUNDARY LINE, S89°57'49"W, A DISTANCE OF 222.37 FEET, MORE OR LESS, TO THE POINT OF BEGINNING;
 CONTAINING AN AREA OF 20,011 SQUARE FEET OR 0.459 ACRE, MORE OR LESS.

GENERAL NOTES:
 1. **BASIS OF BEARING:** THE WEST LINE OF OF THE SOUTHWEST QUARTER OF SECTION 6, (BEING COMMON WITH THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 1) IS ASSUMED TO BEAR N 00°08'27" W AND MONUMENTED AS SHOWN HEREON. STEVINSON ANNEXATION NO. 5 CALLS THIS LINE TO BE S 00°04'00" W WHICH INDICATES A ROTATION OF 00°12'27" CLOCKWISE. DENVER WEST ANNEXATION NO. 20 CALLS THIS LINE TO BE S 00°08'06" E WHICH INDICATES A ROTATION OF 00°02'21" CLOCKWISE.

CITY PLAT ACCEPTANCE:
 THE FOREGOING IS APPROVED FOR FILING AND ACCEPTED BY THE CITY OF LAKEWOOD, COLORADO ON THIS _____ DAY OF _____, 2023 BY THE PLANNING DIRECTOR.

TRAVIS PARKER
 PLANNING DIRECTOR

JAY ROBB, CITY CLERK:

SURVEYOR'S CERTIFICATE:
 I, ALAN WARNER, A REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE HEREON ANNEXATION MAP TO THE CITY OF LAKEWOOD, COLORADO WAS PREPARED UNDER MY SUPERVISION AND ACCURATELY AND PROPERLY SHOWS SAID ANNEXATION.

ALAN WARNER
 FOR AND ON BEHALF OF
 FARNSWORTH GROUP, INC. P.L.S. NO. 28668

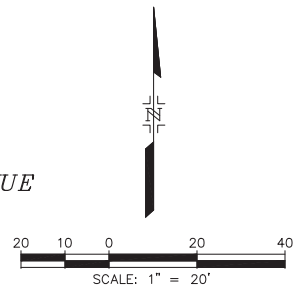
CITY CLERK'S CERTIFICATE:
 I, JAY ROBB, CITY CLERK OF THE CITY OF LAKEWOOD, COLORADO, HEREBY CERTIFY THAT THIS IS A TRUE AND ACCURATE COPY OF THE ANNEXATION MAP APPROVED BY THE CITY COUNCIL OF THE CITY OF LAKEWOOD, COLORADO, CONTAINING THE DESCRIBED LANDS ANNEXED BY THE CITY BY ORDINANCE NO. O-2023-_____. A CERTIFIED COPY OF WHICH IS HEREIN FILED, WHICH ORDINANCE BECAME EFFECTIVE ON _____, 2023 AND IS RECORDED AT RECEPTION NUMBER _____, ON _____, 2023.

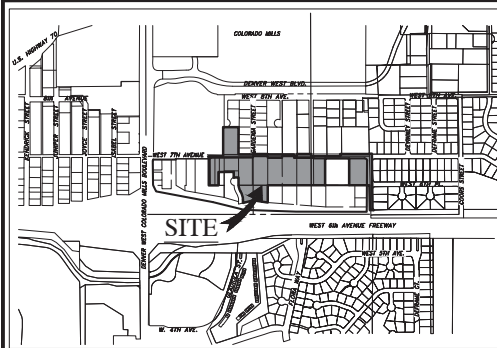
JAY ROBB, CITY CLERK
RECORDER'S CERTIFICATE:
 THIS ANNEXATION MAP WAS FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF JEFFERSON COUNTY AT GOLDEN, COLORADO ON THIS _____ DAY OF _____, 2023 AT _____ O'CLOCK _____.

JEFFERSON COUNTY CLERK AND RECORDER BY: _____ DEPUTY

REVISED 02/17/2023
 REVISED 06/17/2022
 REVISED 02/04/2022
 REVISED 12/07/2021
 DATE: 07/20/2021 JOB NUMBER: 0171690.01

Farnsworth GROUP
 5613 DTC PARKWAY, SUITE 1100
 GREENWOOD VILLAGE, COLORADO 80111
 (303) 692-8838 / info@f-w.com
 www.f-w.com





VICINITY MAP
NOT TO SCALE

ANNEXATION MAP

TO THE CITY OF LAKEWOOD, STATE OF COLORADO
A PORTION OF THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 6,
TOWNSHIP 4 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN
COUNTY OF JEFFERSON, STATE OF COLORADO.
SHEET 1 OF 2

ANNEXATION DESCRIPTION

A PARCEL OF LAND LOCATED IN THE SOUTHWEST ONE-QUARTER AND THE SOUTHEAST ONE-QUARTER OF SECTION 6, TOWNSHIP 4 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 6;

THENCE N 00°13'46" W, A DISTANCE OF 92.00 FEET TO AN ANGLE POINT IN THE CORPORATE BOUNDARY LINE OF THE CITY OF LAKEWOOD AS DEFINED BY THE ANNEXATION MAP OF STEVINSON ANNEXATION NO. 1, RECORDED IN PLAT BOOK 119, PAGE 52, AT RECEPTION NO. 94164846 OF THE RECORDS OF THE JEFFERSON COUNTY CLERK AND RECORDER, APPROVED BY ORDINANCE, O-1994-52, RECORDED AT RECEPTION NO. 94164845 OF THE RECORDS OF THE JEFFERSON COUNTY CLERK AND RECORDER, SAID ANGLE POINT BEING THE POINT OF BEGINNING;

THENCE ALONG THE CORPORATE BOUNDARY THE FOLLOWING COURSES:

- A) ALONG THE EASTERLY AND NORTHERLY BOUNDARY LINES OF SAID STEVINSON ANNEXATION NO. 1 THE FOLLOWING TWO (2) COURSES:
 - 1) ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 6, N 00°13'46" W (N 00°01'30" W (R)), A DISTANCE OF 238.05 FEET TO THE CALLED NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6;
 - 2) ALONG THE CALLED NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6 AND THE CALLED NORTH LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6, S 89°57'53" W (N 89°49'53" W (R)), A DISTANCE OF 349.31 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF STEVINSON ANNEXATION NO. 2, RECORDED IN PLAT BOOK 119, PAGE 53, AT RECEPTION NO. 94164848 OF THE RECORDS OF THE JEFFERSON COUNTY CLERK AND RECORDER, APPROVED BY ORDINANCE, O-1994-53, RECORDED AT RECEPTION NO. 94164847 OF THE RECORDS OF THE JEFFERSON COUNTY CLERK AND RECORDER;
- B) ALONG THE NORTHERLY AND WESTERLY BOUNDARY LINES OF SAID STEVINSON ANNEXATION NO. 2 THE FOLLOWING TWO (2) COURSES:
 - 1) ALONG THE CALLED NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6 AND ALONG THE CALLED NORTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6, S 89°57'53" W (N 89°49'53" W (R)), A DISTANCE OF 803.80 FEET (850.75 FEET (R)) TO THE CALLED NORTHWEST CORNER OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6;
 - 2) ALONG THE CALLED WEST LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6, S 00°13'35" E, (S 00°31'26" W (R)), A DISTANCE OF 195.83 FEET, MORE OR LESS, TO THE NORTHERLY LINE OF STEVINSON ANNEXATION NO. 3, RECORDED IN PLAT BOOK 119, PAGE 54, AT RECEPTION NO. 94164850 OF THE RECORDS OF THE JEFFERSON COUNTY CLERK AND RECORDER, APPROVED BY ORDINANCE, O-1994-54, RECORDED AT RECEPTION NO. 94164849 OF THE RECORDS OF THE JEFFERSON COUNTY CLERK AND RECORDER;
- C) ALONG THE NORTHERLY, EASTERLY, NORTHERLY AND WESTERLY BOUNDARY LINE OF SAID STEVINSON ANNEXATION NO. 3 THE FOLLOWING ELEVEN (11) COURSES:
 - 1) N 81°17'33" W (N 81°19'07" W (R)), A DISTANCE OF 165.50 FEET (173.42 FEET (R));
 - 2) S 75°32'41" W (S 75°32'51" W (R)), A DISTANCE OF 121.95 FEET (65.44 FEET (R));
 - 3) N 00°16'57" W (N 00°04'00" W (R)), A DISTANCE OF 35.80 FEET (35.04 FEET (R)) TO A POINT OF CURVATURE;
 - 4) 101.77 FEET (102.47 FEET (R)) ALONG THE ARC OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 175.00 FEET AND A CENTRAL ANGLE OF 33°19'14" (33°33'00" (R)), THE LONG CHORD OF WHICH BEARS N 16°56'34" W, A LENGTH OF 100.34 FEET TO POINT OF REVERSE CURVATURE;
 - 5) 73.29 FEET (73.19 FEET (R)) ALONG THE ARC OF A REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 125.00 FEET AND A CENTRAL ANGLE OF 33°35'33" (33°33'00" (R)), THE LONG CHORD OF WHICH BEARS N 16°48'25" W, A LENGTH OF 72.24 FEET TO POINT OF TANGENCY;
 - 6) N 00°00'38" W (N 00°04'00" W (R)), A DISTANCE OF 89.48 FEET (89.36 FEET (R));
 - 7) S 89°57'20" W (N 89°50'24" W (R)), A DISTANCE OF 50.00 FEET TO POINT OF CURVATURE;
 - 8) 5.51 FEET ALONG THE ARC OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 45.00 FEET AND A CENTRAL ANGLE OF 07°01'12", THE LONG CHORD OF WHICH BEARS S 86°26'51" W, A LENGTH OF 5.51 FEET;
 - 9) ALONG THE CALLED WEST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6, N 00°28'34" E (N 00°40'50" E (R)), A DISTANCE OF 62.77 FEET TO THE CALLED NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6;
 - 10) S 89°57'55" W (N 89°49'36" W (R)), A DISTANCE OF 173.67 FEET (171.21 FEET (R)) TO THE CALLED NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6;
 - 11) ALONG THE CALLED NORTH-SOUTH CENTERLINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6, S 00°33'15" W (S 00°45'31" W (R)), A DISTANCE OF 151.81 FEET TO AN ANGLE POINT IN THE NORTHERLY LINE OF STEVINSON ANNEXATION NO. 4, RECORDED IN PLAT BOOK 119, PAGE 55, AT RECEPTION NO. 94164852 OF THE RECORDS OF THE JEFFERSON COUNTY CLERK AND RECORDER, APPROVED BY ORDINANCE O-1994-55, RECORDED AT RECEPTION NO. 94164851 OF THE RECORDS OF THE JEFFERSON COUNTY CLERK AND RECORDER;
- D) ALONG THE NORTHERLY AND EASTERLY BOUNDARY LINES OF SAID STEVINSON ANNEXATION NO. 4 THE FOLLOWING TWO (2) COURSES:
 - 1) S 89°57'59" W (N 89°49'45" W (R)), A DISTANCE OF 110.40 FEET;
 - 2) N 00°04'50" W (N 00°07'26" E (R)), A DISTANCE OF 330.30 FEET TO THE SOUTHERLY LINE OF STEVINSON ANNEXATION NO. 21, RECORDED IN PLAT BOOK 170, PAGE 29, AT RECEPTION NO. F1694460 OF THE RECORDS OF THE JEFFERSON COUNTY CLERK AND RECORDER, APPROVED BY ORDINANCE, O-2003-2, RECORDED AT RECEPTION NO. F1694459 OF THE RECORDS OF THE JEFFERSON COUNTY CLERK AND RECORDER;
- E) ALONG THE SOUTHERLY, EASTERLY AND SOUTHERLY BOUNDARY LINES OF SAID STEVINSON ANNEXATION NO. 21, THE FOLLOWING THREE (3) COURSES:
 - 1) N 89°58'26" E (N 89°58'03" E (R)), A DISTANCE OF 164.70 FEET;
 - 2) N 00°08'27" W, A DISTANCE OF 330.36 FEET;
 - 3) N 89°58'47" E, A DISTANCE OF 176.01 FEET;

THENCE DEPARTING THE CORPORATE BOUNDARY OF THE CITY OF LAKEWOOD, S 00°02'18" W, A DISTANCE OF 305.34 FEET TO THE NORTHERLY RIGHT-OF-WAY OF WEST 7TH AVENUE BEING 25.00 FEET NORTHERLY OF THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 6;
THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY OF WEST 7TH AVENUE N 89°58'26" E, A DISTANCE OF 715.43 FEET TO A POINT ON A CURVE;
THENCE 108.40 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 142.00 FEET, A CENTRAL ANGLE OF 43°44'26", THE LONG CHORD OF WHICH BEARS N 47°56'12" E, A LENGTH OF 105.79 FEET;
THENCE NOT TANGENT TO THE PREVIOUSLY DESCRIBED COURSE, N 89°58'26" E, A DISTANCE OF 50.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF FIG STREET;
THENCE ALONG SAID EAST RIGHT-OF-WAY LINE OF FIG STREET, S 00°13'35" E, A DISTANCE OF 95.84 FEET TO THE SOUTH LINE OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 6;
THENCE ALONG THE SOUTH LINE OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 6, N 89°58'26" E, A DISTANCE OF 310.00 FEET TO THE SOUTHWEST CORNER OF THAT RIGHT-OF-WAY DESCRIBED IN RECEPTION NO. 90031503 OF THE RECORDS OF THE JEFFERSON COUNTY CLERK AND RECORDER;

THENCE ALONG THE WESTERLY AND NORTHERLY LINES OF SAID RIGHT-OF-WAY THE FOLLOWING TWO (2) COURSES:
1) N 00°13'46" W, A DISTANCE OF 25.00 FEET;
2) N 89°58'26" E, A DISTANCE OF 330.00 FEET TO THE SOUTHWEST CORNER OF LOT 49, BROWNE'S SUBDIVISION, THE PLAT OF WHICH IS RECORDED IN PLAT BOOK 13, PAGE 3, AT RECEPTION NO. 54578496 OF THE RECORDS OF THE JEFFERSON COUNTY CLERK AND RECORDER;
THENCE N 89°54'24" E ALONG THE SOUTH LINE OF SAID LOT 49 AND THE NORTH LINE OF WEST 7TH AVENUE, AS SHOWN AND DEDICATED ON SAID BROWNE'S SUBDIVISION, A DISTANCE OF 30.00 FEET, MORE OR LESS, TO THE NORTHERLY EXTENDED EAST RIGHT-OF-WAY LINE OF ELDRIDGE STREET AS SHOWN AND PLATTED ON SAID BROWNE'S SUBDIVISION;
THENCE S 00°13'36" E ALONG SAID EAST RIGHT OF WAY LINE OF SAID ELDRIDGE STREET AND VARIOUS EXTENSIONS THEREOF, A DISTANCE OF 578.13 FEET TO A POINT OF CURVATURE;
THENCE 23.53 FEET ALONG THE ARC OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 89°52'00", THE LONG CHORD OF WHICH BEARS S 45°09'36" E, A LENGTH OF 21.19 FEET, MORE OR LESS, TO THE NORTHERLY BOUNDARY LINE OF SAID STEVINSON ANNEXATION NO. 1;
THENCE S 89°54'19" W ALONG THE NORTHERLY LINE OF SAID STEVINSON ANNEXATION NO. 1, A DISTANCE OF 44.97 FEET, MORE OR LESS, TO THE POINT OF BEGINNING;

EXCEPTING LOT 2, CURLING CLUB SUBDIVISION THE PLAT OF WHICH IS RECORDED AT RECEPTION NO. 2014006194 OF THE RECORDS OF THE JEFFERSON COUNTY CLERK AND RECORDER;

CONTAINING AN AREA OF 654,155 SQUARE FEET OR 15.017 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, ALAN WARNER, A REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE HEREON ANNEXATION MAP TO THE CITY OF LAKEWOOD, COLORADO WAS PREPARED UNDER MY SUPERVISION AND ACCURATELY AND PROPERLY SHOWS SAID ANNEXATION.

ALAN WARNER
FOR AND ON BEHALF OF
FARNSWORTH GROUP, INC.

P.L.S. NO. 28668

GENERAL NOTES:

BASIS OF BEARING: THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SECTION 6, IS ASSUMED TO BEAR N 89°57'20" E AND MONUMENTED AS SHOWN HEREON. STEVINSON ANNEXATIONS NO. 1, NO. 2, NO. 3 AND NO. 4 CALL THIS LINE TO BE S 89°50'24" E WHICH INDICATES A ROTATION OF 00°12'16" COUNTER-CLOCKWISE.

CITY PLAT ACCEPTANCE:

THE FOREGOING IS APPROVED FOR FILING AND ACCEPTED BY THE CITY OF LAKEWOOD, COLORADO ON THIS _____ DAY OF _____, 2023 BY THE PLANNING DIRECTOR.

TRAVIS PARKER
PLANNING DIRECTOR

ATTEST:

JAY ROBB, CITY CLERK

CITY CLERK'S CERTIFICATE

I, JAY ROBB, CITY CLERK OF THE CITY OF LAKEWOOD, COLORADO, HEREBY CERTIFY THAT THIS IS A TRUE AND ACCURATE COPY OF THE ANNEXATION MAP APPROVED BY THE CITY COUNCIL OF THE CITY OF LAKEWOOD, COLORADO, CONTAINING THE DESCRIBED LANDS ANNEXED TO THE CITY BY ORDINANCE NO. 2023-_____, A CERTIFIED COPY OF WHICH IS HEREIN FILED, WHICH ORDINANCE BECAME EFFECTIVE ON _____, 2023 AND IS RECORDED UNDER RECEPTION NUMBER _____, ON _____, 2023.

JAY ROBB, CITY CLERK

RECORDER'S CERTIFICATE

THIS ANNEXATION MAP WAS FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF JEFFERSON COUNTY AT GOLDEN, COLORADO ON THIS _____ DAY OF _____, 2023 AT _____ O'CLOCK.

BY: _____
JEFFERSON COUNTY CLERK AND RECORDER
BY: _____
DEPUTY CLERK

REVISED 02/17/2023
REVISED 01/29/2023
REVISED 06/17/2022
REVISED 02/04/2022
REVISED 12/07/2021

DATE: 08/12/2021 JOB NUMBER: 0171690.01

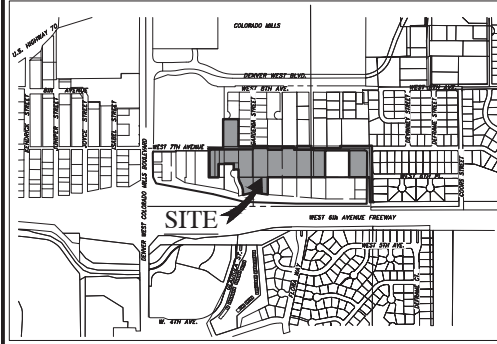


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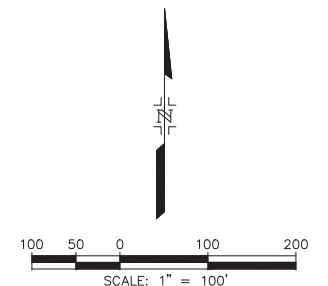
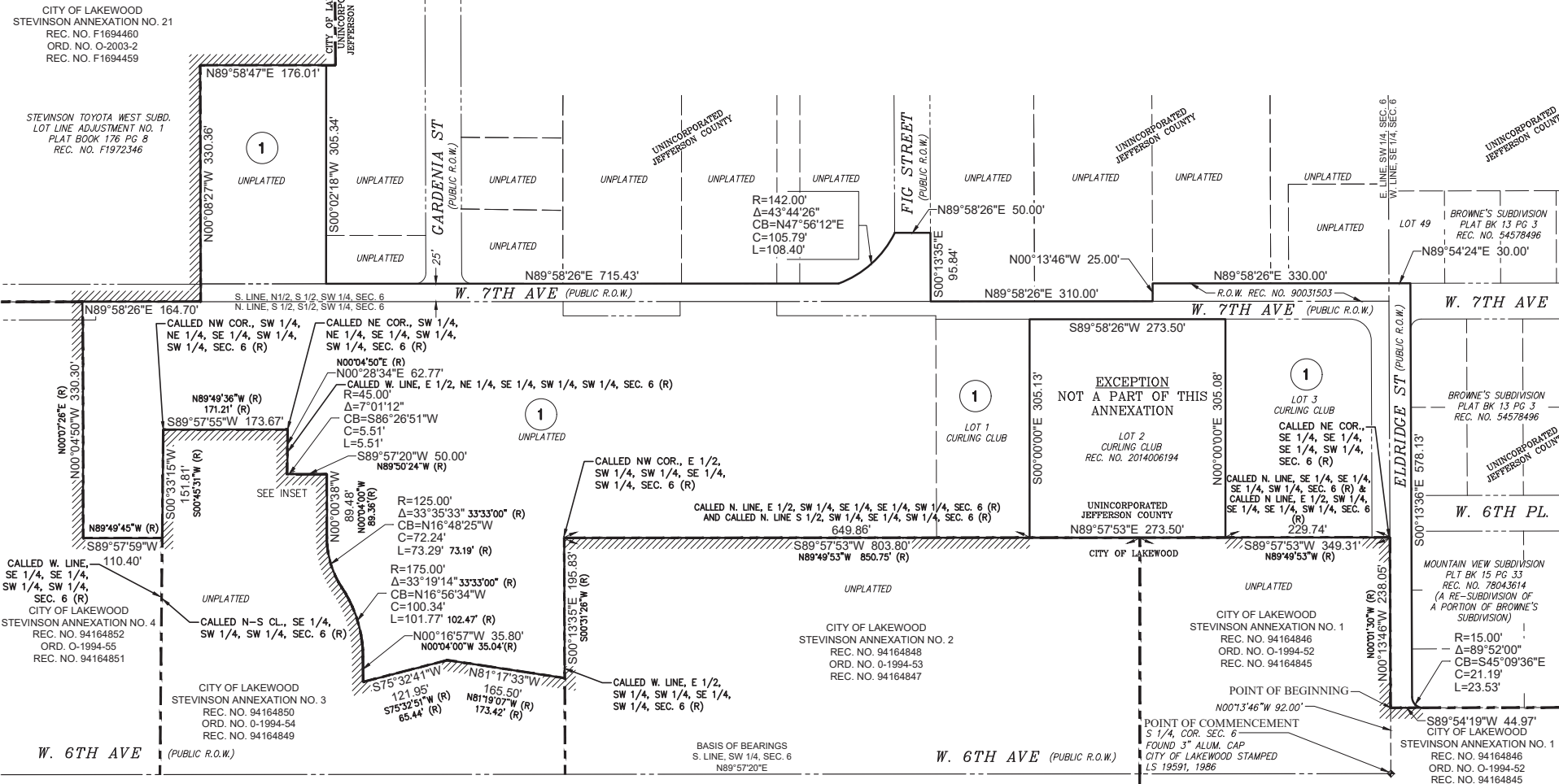
www.f-w.com

ANNEXATION MAP

TO THE CITY OF LAKEWOOD, STATE OF COLORADO
 A PORTION OF THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 6,
 TOWNSHIP 4 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN
 COUNTY OF JEFFERSON, STATE OF COLORADO.
 SHEET 2 OF 2



VICINITY MAP
NOT TO SCALE



CITY OF LAKEWOOD
 STEVINSON ANNEXATION NO. 21
 REC. NO. F1694460
 ORD. NO. O-2003-2
 REC. NO. F1694459

STEVINSON TOYOTA WEST SUBD.
 LOT LINE ADJUSTMENT NO. 1
 PLAT BOOK 176 PG 8
 REC. NO. F1972346

CALL NW COR., SW 1/4,
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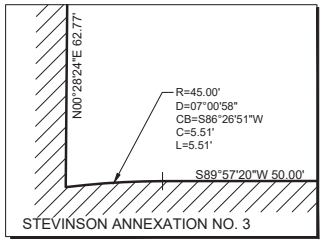
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INSET
T=5'

CONTIGUITY TABLE	
TOTAL BOUNDARY =	6,947'
CONTIGUOUS BOUNDARY =	3,491
PERCENT CONTIGUOUS =	50%
ANNEXATION AREA =	15.017 ACRES.±

AREA TABLE	
TOTAL AREA	654,155 S.F.± / 15.017 Ac.±
AUTOMOTIVE SERVICES, INC. AREA	557,950 S.F.± / 12.809 Ac.±
RIGHT-OF-WAY AREA	96,205 S.F.± / 2.209 Ac.±

OWNERS:
 1 AUTOMOTIVE SERVICES, INC.

LEGEND:

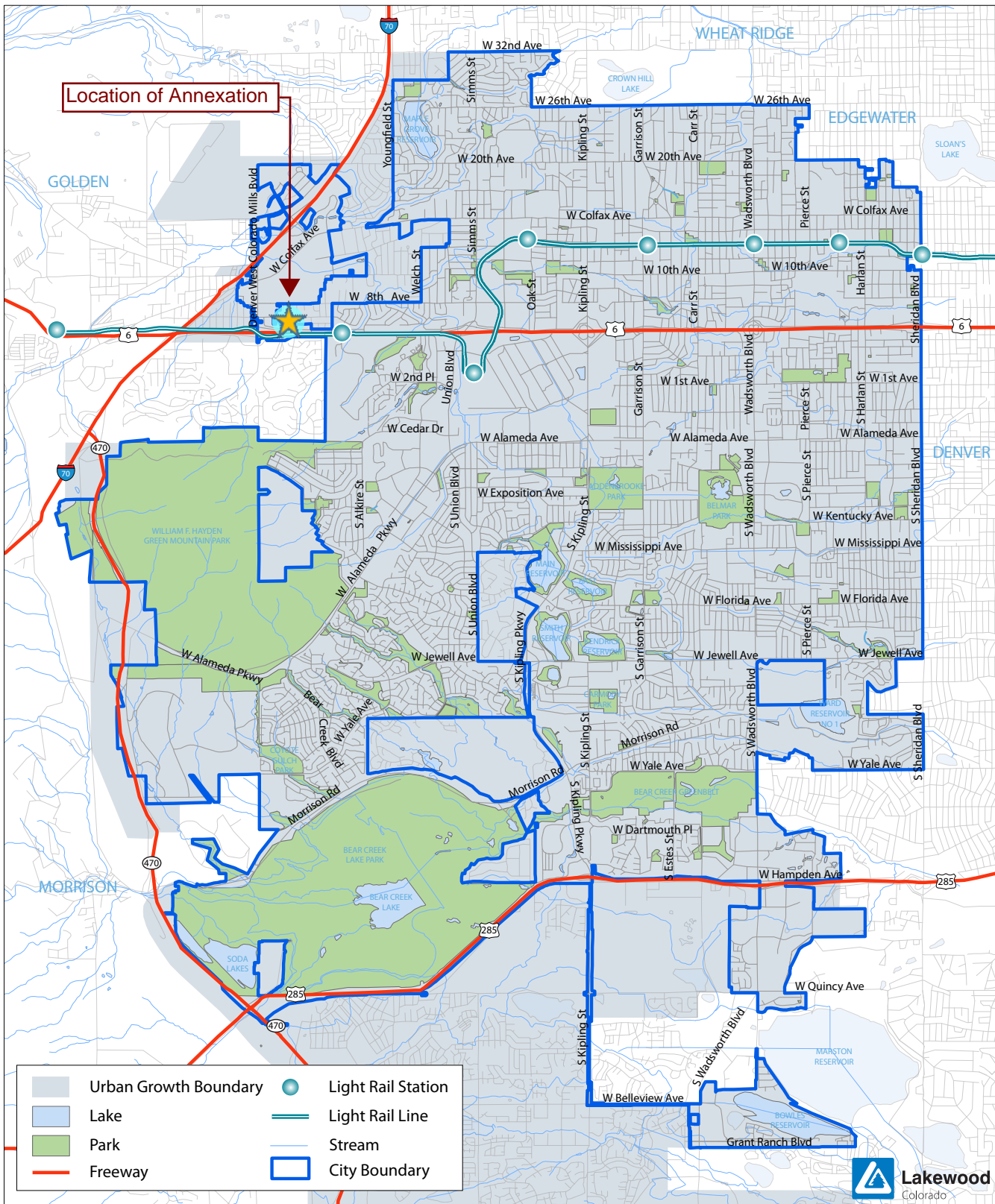
	CONTIGUOUS BOUNDARY
	PROPERTY LINE
	SECTION LINE
	RIGHT-OF-WAY LINE
	PRIOR ANNEXATION BOUNDARY
	PROPERTY TIE LINE
	RIGHT-OF-WAY
	RECORD DIMENSION FROM PRIOR ANNEXATION

NOTE:
 MANY ALIQUOT CORNERS AND LINES CALLED IN RECORDED PRIOR ANNEXATIONS 1, 2, 3 AND 4 WERE BASED ON A SECTION BREAKDOWN THAT DID NOT SEEM TO CONSIDER EVIDENCE OF ANTECEDENT SURVEYS OR LONG-STANDING OCCUPATION. THESE CORNERS AND LINES ARE SHOWN ON THIS MAP AS "CALLED" FOR HISTORICAL CONTINUITY ONLY AND SHOULD NOT BE RELIED UPON FOR ANY OTHER REASON OR USED TO RETRACE THIS ANNEXATION.

REVISED 01/29/2023
 REVISED 06/17/2022
 REVISED 02/04/2022
 REVISED 12/07/2021

DATE: 08/12/2021 | JOB NUMBER: 0171690.01

Farnsworth GROUP
 5613 DTC PARKWAY, SUITE 1100
 GREENWOOD VILLAGE, COLORADO 80111
 (303) 692-8838 / info@f-w.com
 www.f-w.com

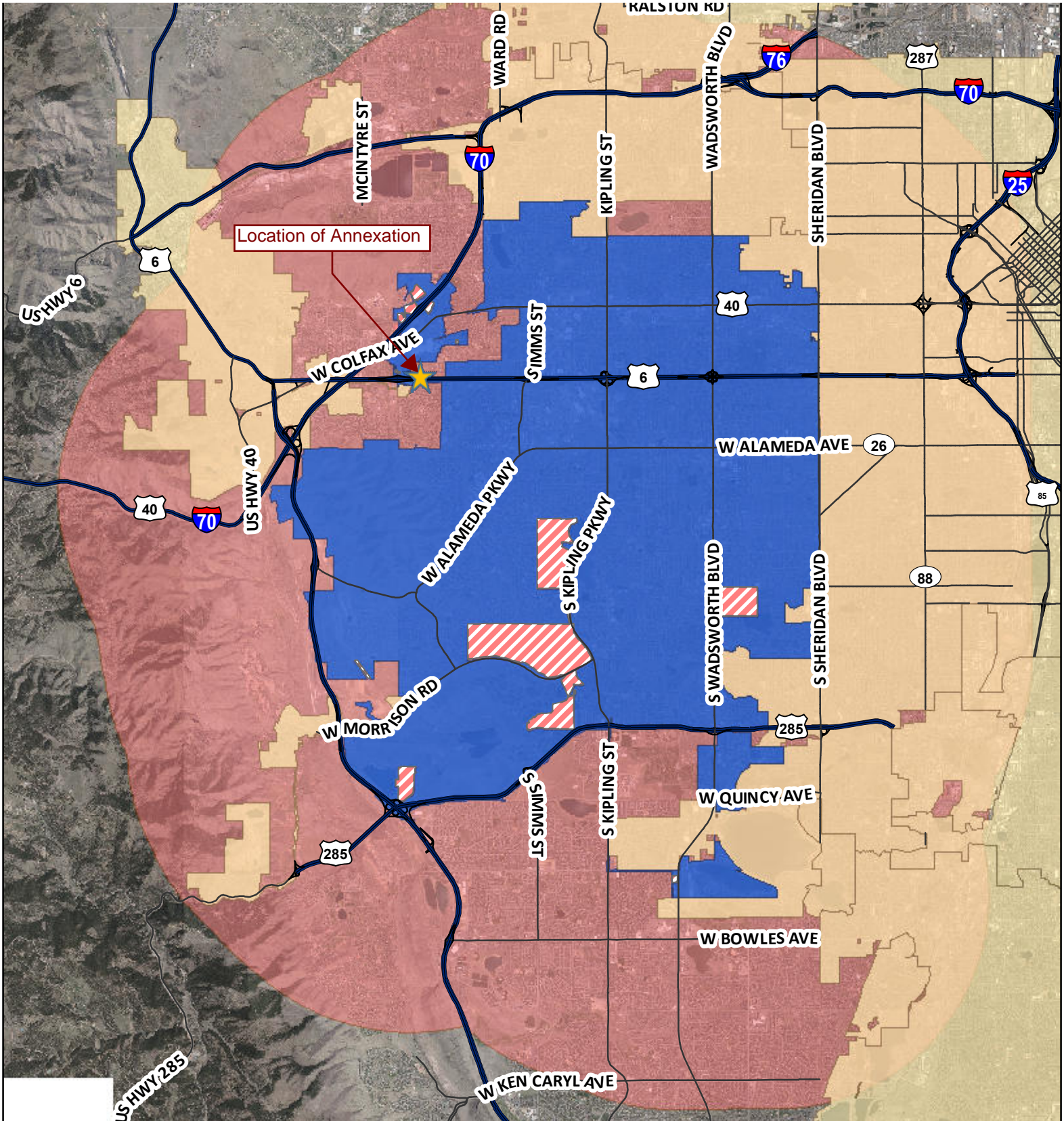


Map 3-a

Urban Growth Boundary

0 0.5 1 2 3 Miles

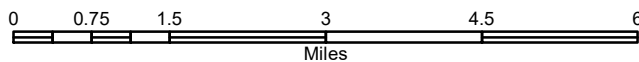




City of Lakewood - 2022 - Three-Mile Plan

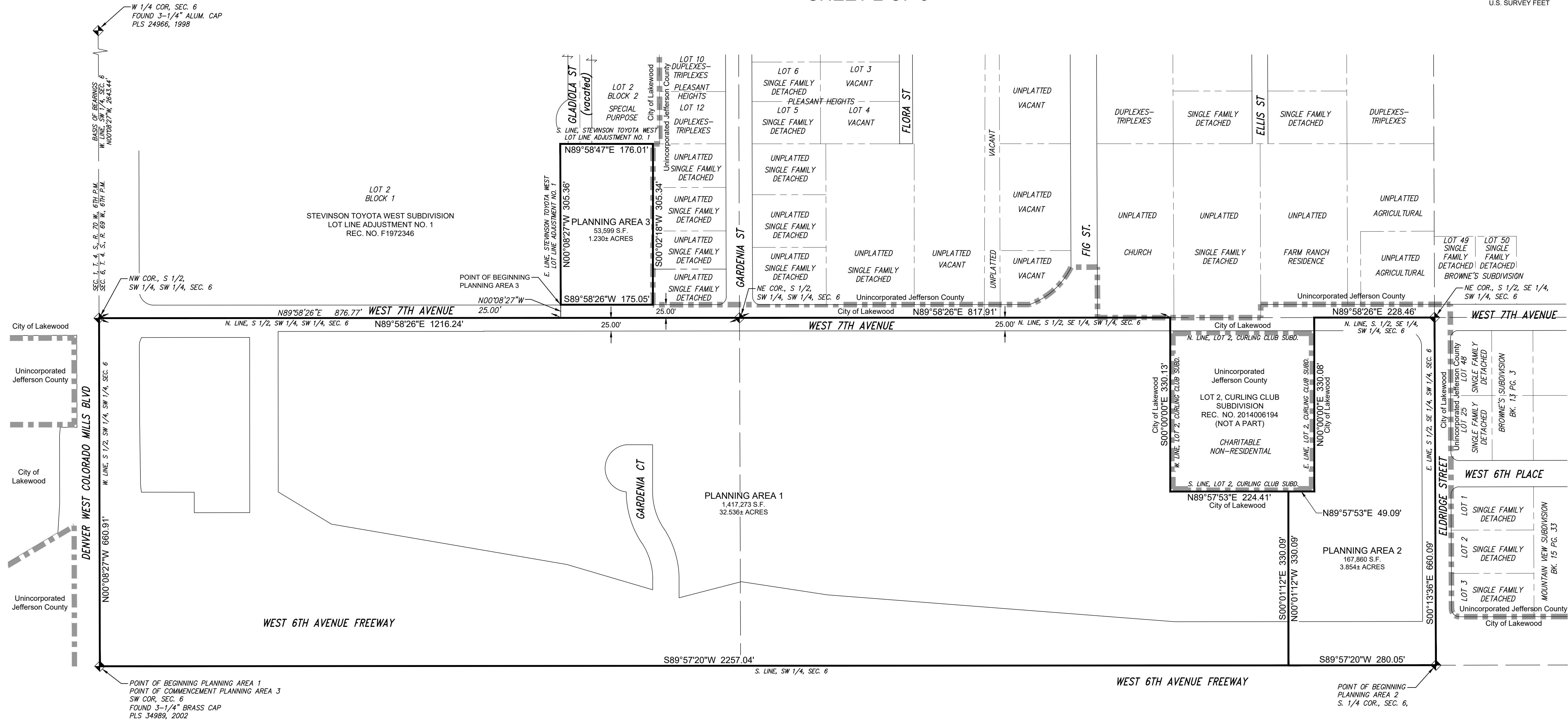
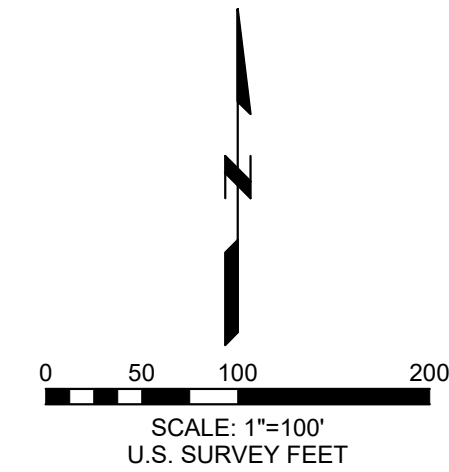


- City of Lakewood
- Three Mile Annexable Area
- Regional City Boundaries
- Annexable Enclaves



STEVINSON DENVER WEST CENTER - AUTOMOTIVE CAMPUS OFFICIAL DEVELOPMENT PLAN

LYING IN THE SOUTHWEST ONE-QUARTER OF SECTION 6,
TOWNSHIP 4 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN
CITY OF LAKEWOOD, COUNTY OF JEFFERSON, STATE OF COLORADO
OFFICIAL DEVELOPMENT PLAN
SHEET 2 OF 5



- LEGEND**
- ◆ SECTION CORNER
 - SECTION LINE
 - O.D.P. BOUNDARY LINE
 - CITY LIMITS
 - RIGHT-OF-WAY LINE
 - PROPERTY LINE

STEVINSON DENVER WEST CENTER - AUTOMOTIVE CAMPUS **OFFICIAL DEVELOPMENT PLAN**

LYING IN THE SOUTHWEST ONE-QUARTER OF SECTION 6, TOWNSHIP 4 SOUTH,
RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN
CITY OF LAKEWOOD, COUNTY OF JEFFERSON, STATE OF COLORADO
OFFICIAL DEVELOPMENT PLAN

STEVINSON DENVER WEST CENTER - **AUTOMOTIVE CAMPUS** **OFFICIAL DEVELOPMENT PLAN NO. 5**

SECTION I. GENERAL PROVISIONS

A. INTENT

This Official Development Plan provides land use regulations, standards, and review process for the design and development of a high-quality, mixed-use project consistent with the land planning standards and design quality of the surrounding Denver West Development.

B. PROVISIONS

This Official Development Plan includes the following provisions:

1. Section I. General provisions
2. Section II. Administration, review, approval, amendment, and appeal process and authority.
3. Section III. Development regulations

C. APPLICABILITY

The Official Development Plan shall apply to all real property described by the legal description contained in this ODP and all such additional real property as may be added hereto pursuant to Section II Article F below (the "Property"), to be known as the Stevinson Automotive Campus. The Property is generally bounded by Denver West Colorado Mills Boulevard to the west, West 7th Avenue to the north, US highway 6 (6th Avenue) to the south, and Eldridge Street to the east.

D. RELATIONSHIP TO OTHER REGULATIONS

The development of the Property will be subject to this Official Development Plan and such other applicable City regulations in effect on the recording date of this ODP but only to the extent that such applicable City regulations do not conflict with this Official Development Plan, or any other standard, plat or plan established pursuant to this Official Development Plan or other related agreements between the City and the Developer. If a conflict exists between (i) the City's regulations and ordinances and (ii) this Official Development Plan and any other standard, plat or plan and related (collectively, the "ODP and Related Agreements"), the ODP and Related Agreements govern. The vested property rights created by this ODP run with the land and remain in effect throughout the term set forth in the Related Agreements.

E. DEFINITIONS

1. City - "City" shall mean the City of Lakewood.
2. Developer - "Developer" means, collectively the signatory entities who are owners of portions of the Property on the date hereof, or any entity or person designated as Developer by the signatory entities as a Developer. A conveyance of all or substantially all of the Property shall automatically cause the transferee to become the Developer hereunder. Any such designation of transfer shall be filed with the City, shall constitute an amendment of this Official Development Plan and shall be reflected in any amendment hereto filed subsequent to such designation or transfer.
3. Design Documents - The Design Guidelines, the Integrated Landscape Plan and the Comprehensive Signage Program are referred to in this ODP collectively as the "Design Documents".
 - a. "Design Guidelines" means the DWACC Design Guidelines and Standards for the Denver West Development, as amended from time to time.
 - b. "Integrated Landscape Plan" means the DWACC Integrated Landscape Plan and Standards, as amended from time to time.
 - c. "Comprehensive Sign Program" means the DWACC Comprehensive Signage Program, as amended from time to time.

4. Denver West Architectural Control Committee or DWACC - "Denver West Architectural Control Committee" or "DWACC" means the Denver West Architectural Control Committee initially established by the Stevinson Denver West Center Official Development Plan, recorded on October 14, 1994 at Reception Number 94164868, in the real property records of Jefferson County, Colorado ("Regional ODP"), as amended, and incorporated as a non-profit corporation with the State of Colorado on March 21, 2002..

5. Official Development Plan - the "Official Development Plan" or "ODP" means this document and the maps attached hereto, as the same may be amended as provided in this ODP.

6. Owner - "Owner" means any person or entity who from time to time owns any portion of the Property or such Owner's designated agent, which may be a tenant, ground lessee, builder or other entity designated in writing by Owner to act on behalf of Owner for compliance with this ODP. A copy of such written designation shall be delivered by Owner to the DWACC and will include the term of such designation. Owner shall not include by way of example and not of limitation (1) holders of mortgages, deeds of trust, and other instruments pursuant to which the Property or portions of the Property secure indebtedness, (2) beneficiaries of easements, rights-of-way or licenses that pertain to or affect the Property or portions of the Property, (3) owners of water, mineral, air, or subsurface rights, that, as appropriate, are located in, on, under, over, or are or were appurtenant to, the Property or portions of the Property, (4) leasehold interests unless designated in writing by Owner to be an agent of Owner as set forth above, or (5) other equitable title interests such as the vendee's interest under an installment land contract.

7. Planning Areas – a "Planning Area" means the parcels of the Property which are labeled Planning Areas 1, 2, and 3 of this Official Development Plan.

8. Term – the initial term of this ODP shall be a period of twenty (20) years ("Term"). The Term will automatically be renewed for additional ten (10) year periods, until the Term of this ODP is modified or terminated.

STEVINSON DENVER WEST CENTER - AUTOMOTIVE CAMPUS OFFICIAL DEVELOPMENT PLAN

LYING IN THE SOUTHWEST ONE-QUARTER OF SECTION 6, TOWNSHIP 4 SOUTH,
RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN
CITY OF LAKEWOOD, COUNTY OF JEFFERSON, STATE OF COLORADO
OFFICIAL DEVELOPMENT PLAN

SECTION II. ADMINISTRATION, REVIEW APPROVAL, AMENDMENT AND APPEAL PROCESS

A. GENERAL DESCRIPTION OF REVIEW PROCESS

This Official Development Plan establishes the standards and review process for development and/or redevelopment of the Property.

1. Preplanning Submittal: When an Owner desires to initiate development on any portion of the Property, the Owner will submit a Preplanning Application to the City for review.
2. DWACC Submittal: After submitting the Preplanning Application to the City, the Owner shall submit to the Denver West Architectural Control Committee (the "DWACC") a site plan and building elevations for review by the DWACC.
3. DWACC Review: The DWACC shall review each site plan and plat (and accompanying building elevations) to be submitted hereunder to determine if the building plans and exterior site improvements are in conformance with the DWACC Design Documents. DWACC will provide comments to the Owner regarding submittals that are not, in the opinion and judgement of the DWACC, in conformance with the Design Documents and will notify the Owner once it accepts a proposed site plan and plat.
4. Formal Land Development Application (*Consists of any required site plan and plat application to the City*): Any additional site plan and plat revisions Owner submits to the City during the City's review process shall also be submitted by Owner to the DWACC for review. Such revisions shall require DWACC review and approval (as outlined in II.A.4. above), regardless of previous DWACC approval of prior site plans, plats, and/or building elevations.
5. Permit Applications: Building, grading, sign or other development permits may only be obtained following:
 - a. DWACC approval of the site plan and plat;
 - b. City approval of the site plan, plat and building permit plans; and
 - c. Receipt of payment for all fees and collateral due.

B. DENVER WEST ARCHITECTURAL CONTROL COMMITTEE

1. Oversight by Denver West Architectural Control Committee

The Denver West Architectural Control Committee (DWACC) is responsible for review and approval of any and all proposed development and/or redevelopment within the boundaries of the Property. Notwithstanding any provision of this Official Development Plan to the contrary, the Property shall in all respects be and remain subject to the effect and application of the authority of the DWACC and its bylaws.

- a. For purposes of this Official Development Plan only, the process for submittal to the DWACC for review and approval of the Property subject to this ODP is governed by this ODP.
2. Notice

All communications and submittals shall be addressed to the DWACC (submittal contact information located at www.dwacc.org).
 3. Required Site Plan

No building construction or improvement work in any Planning Area may be commenced until the site plan for such work has been approved by the DWACC and the City as set forth in this ODP.
 4. Guidelines and Plans

The DWACC shall have the right to establish and detail requirements and standards for approval, for development of the Property under this Official Development Plan and related agreements, including but not limited to the Design Documents.

5. General Development Standards

The DWACC shall establish qualitative standards to serve as general guidelines in the review of site plans and building elevations and which the DWACC will administer to improve those development proposals as necessary, in the opinion of the DWACC. These general standards are outlined in Section III.G.1 of this ODP.

6. Required Submittals/Records of Determination

The following materials and information shall be submitted to the DWACC in connection with the required approval for each site plan as set forth below. A DWACC letter of submittal shall be submitted with copies of the following:

- a. Architectural drawings (preliminaries and all subsequent drawings) for the proposed building or buildings that include:
 - (1) samples and specifications of exterior materials and colors;
 - (2) the location of all exterior mechanical, electrical, and structural systems applicable to the building and site.
- b. A preliminary grading plan and a preliminary planting plan including proposed screen walls and fences, drainage, and landscape architectural design;
- c. A plan for all signs to be erected, including details of signs, materials, location, design, size, color and lighting;
- d. Any other information as may be required by the DWACC to assist in review of the submittals;
- e. Application form and review fee;
- f. Letter of authorization where the Owner is represented by an agent;
- g. Legal description;
- h. Property ownership;
- i. Proposed use or uses;
- j. Existing and proposed structures, maximum gross floor area;
- k. Landscaping plan showing the sizes, location, and types of landscaping materials;
- l. Types of surfacing, hardscape, paving, or concrete;
- m. Setbacks and location of all buildings and structures;
- n. Tabulation of total number of square feet shown on specific site plan and total square footage by Planning Area to date;
- o. Phasing plan, as applicable;
- p. Location of all common areas with all structures and improvements;

7. Review with Owner

Upon receipt of a complete set of the materials and information described above, the DWACC may meet with the Owner to discuss such materials and information and any necessary changes which the DWACC requires for acceptance of a site plan.

8. Referrals

The DWACC shall review submitted materials and information with such agencies or governments as the DWACC and City may deem appropriate.

9. Decisions

The DWACC shall review all submittals to determine that, in the DWACC's opinion, all improvements for each Planning Area conform and harmonize with existing structures and site development as to exterior design, materials, color, and siting.

After review with the Owner, receipt of referral comments, and review of all materials and information, the DWACC shall provide its approval, conditional approval, or rejection of the proposed site plan(s) based upon this Official Development Plan, the general development guidelines set forth herein, and the Design Documents. Any such decisions of the DWACC shall be conclusive and binding on all interested parties except the City.

10. Reply Commitment

The DWACC shall endeavor to reply to all complete application packets with submittals of drawings, made in accordance herewith, in writing within thirty (30) days of receipt thereof.

11. Amendments to Site Plan

- a. Amendments to an approved site plan shall be subject to the same application and review process applicable to the original site plan, except that minor amendments may be considered pursuant to 11.b. below. Except for minor amendments, Owner shall submit to the City for approval a revised site plan that incorporates the amendment, provided that such amendment is approved by the DWACC.
- b. The minor amendment procedure is intended to provide a method whereby modification of up to twenty percent of measurable site plan design elements may be made, as long as they do not create any additional adverse impact or any expansion of a non-conforming use or structure, following the process below:
 - (1) an application for minor amendment to a site plan shall be filed with the DWACC. A minor amendment of a site plan shall not occur without the written approval of the DWACC, who may establish additional conditions to further the intent of the site plan and Official Development Plan.
 - (2) the DWACC may grant a minor amendment to site plan with modifications up to a maximum of twenty percent for measurable site plan design standards. Design standards shall include but not be limited to the following:
 - (a) distance between and location of structures;
 - (b) landscaping amount, size, and location;
 - (c) building area, mass, height, design and materials;
 - (d) number of parking spaces, provided the site plan remains in conformance with parking standards contained herein.
- c. The granting of prior minor amendments shall not be used in calculation of a new minor amendment except that minor amendments shall be considered cumulative in determining whether the twenty percent limit has been exceeded.
- d. Subsequent to DWACC approval of a minor amendment, Owner shall submit notice of the minor amendment to the City for its records and its issuance of building permits.
- e. Recognizing that the modification shall not materially conflict with City regulations nor the with the guidelines and standards outlined in this Official Development Plan, no building permit shall be issued by the City which implements the modification required by the minor amendment until, and unless, such minor amendment has been approved in writing by the DWACC and approved in writing by the City.

12. Non-Liability

Neither the DWACC, nor any member, employee, or agent thereof shall be liable to any Owner, the City, or to any tenant or anyone submitting plans for approval, or to any other party by reason of mistake in judgment, negligence, or nonfeasance arising out of or in connection with the acceptance, approval, disapproval, or failure to approve any such plans or for any other action in connection with it or their duties hereunder or for any other reason. Likewise, anyone submitting plans to the DWACC for approval, by submitting such plans, or any person or entity when they become an Owner, agrees that they will not bring any action or suit to recover damages against the DWACC, or any of its members, employees, agents, or against the Developer or any agents of the Developer for any reason. The DWACC has no liability for any plans it has reviewed and approved and is not responsible for any issue related to any changes or improvements on the Property, whether structural or otherwise, or for conformance with applicable laws or compliance with any other standards or regulations. The DWACC is not responsible for any matter related to safety.

C. CITY REVIEW

1. Submittal of Site Plans

In addition to Owner's required submittals, the Owner shall submit the site plan approved by the DWACC to the City, along with any other City requirements.

2. Effective Date

A site plan shall become effective as of the date approved by the City or the date a decision in favor of the Owner is rendered on an appeal.

D. SUBDIVISION

Prior to any subdivision of the Property, the Owner or Owner's agent shall submit to the DWACC a preliminary subdivision map of the entire Planning Area affected by the plat and a plat for the specific portion of the Planning Area affected by the subdivision. Any subdivision of the Property shall comply with the City's subdivision ordinance, unless the Owner obtains a variance.

E. PLAT NOTES

Each plat shall include appropriate plat notes to ensure the continued functioning and maintenance of the Planning Area affected by the plat. Such notes include but are not limited to cross-lot access and parking easements to be maintained by the Owner, Owner's agent, or any Owner's association.

F. INCLUSION OF ADDITIONAL PROPERTY

Owner may in the future make application to add real property to the Property subject to this Official Development Plan, and such addition shall be subject to this Official Development Plan.

STEVINSON DENVER WEST CENTER - AUTOMOTIVE CAMPUS OFFICIAL DEVELOPMENT PLAN

LYING IN THE SOUTHWEST ONE-QUARTER OF SECTION 6, TOWNSHIP 4 SOUTH,
RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN
CITY OF LAKEWOOD, COUNTY OF JEFFERSON, STATE OF COLORADO
OFFICIAL DEVELOPMENT PLAN

SECTION III. DEVELOPMENT REGULATIONS

A. PERMITTED LAND USES WITHIN THIS PLANNED DEVELOPMENT ZONE DISTRICT

1. Pursuant to Section 17.3.6.4 of the Lakewood Zoning Ordinance, the base zone district for the Property within this ODP is Commercial – Regional (C-R). All land uses in the C-R base zone are permitted. If a new base zone district exists after the effective date of this ODP, the Developer may apply for rezoning of the Property into a new base zone district.
2. Planning Area 1 is intended by Developer for use as an automotive campus, with a focus on automobile and recreation vehicle sales and service with parking as an accessory use only.
3. Planning Area 2 is intended by Developer as a buffer to adjacent residential development as well as for water quality and detention.
4. At the time of this Official Development Plan, Developer does not have a specific development proposal identified for Planning Area 3.

B. OPEN SPACE & HEIGHT STANDARDS

1. Open Space Requirements

Pursuant to Section 17 Article 5 of the Lakewood Zoning Ordinance, the following standards for the base C-R zoning will apply:

- a. The minimum Open Space for Planning Areas 1 and 2 shall be twenty (20) percent combined across planning areas (Section 17.5.4.1). The minimum Open Space for Planning Area 3 shall be twenty (20) percent (Section 17.5.4.1).

2. Height Standards

The maximum building height for each Planning Area shall be forty-five (45) feet, and height transition requirements for buildings adjacent to residential zone districts will be determined in accordance with the Article 5 requirements for base C-R zoning (Section 17.5.4.2).

C. BUILD-TO ZONE REQUIREMENTS

1. Build-to zone requirements are not applicable within this zone district.

D. BICYCLE PARKING STANDARDS AND REQUIREMENTS

1. This Planned Development Zone District will contain an integrated parking and access system between the individual sites contained therein. As such, all required long- and short-term bicycle parking counts for individual motor vehicle sales and service sites can be calculated and shared cumulatively across the Planned Development Zone District. Arrangements to meet these requirements can also be calculated and shared cumulatively among motor vehicle sales and service sites across the Planned Development Zone District and may be met in any location(s)—including any Planning Area—within the Planned Development Zone District.
2. Long-Term Bicycle Parking Requirements

Long-Term Bicycle Parking will not be required for motor vehicle sales and service uses and Section 17.8.4.2 of the Lakewood Zoning Ordinance “Long Term Bicycle Parking” will not apply to the development of motor vehicle sales and service uses within this Planned Development Zone District Boundary.
3. Short-Term Bicycle Parking Requirements

The minimum short-term bicycle parking requirements for motor vehicle sales and service uses within the Planned Development Zone District will be 0.5 spaces per 5,000 sf.

E. PARKING REQUIREMENTS

1. This Planned Development Zone District will contain an integrated parking and access system between the individual sites contained therein, and arrangements to meet parking counts can be shared cumulatively among motor vehicle sales and service sites across the Planned Development Zone District.
2. Maximum allowable parking counts as calculated in Section 17 Article 8 of the Lakewood Zoning Ordinance shall not apply to motor vehicle sales inventory (new and used) or motor vehicle service inventory.

F. SETBACK AND SEPARATION STANDARDS

1. Setback Standards

Pursuant to Section 17 Article 5 of the Lakewood Zoning Ordinance, the following setback requirements for the base C-R zoning will apply:

- a. The minimum front setback will be fifteen (15) feet, with no maximum front setback. The minimum side and rear setbacks will be five (5) feet (Section 17.5.4.1). Setbacks shall be measured according to Section 17.5.1.3.C.
- b. Exceptions to setback requirements, including minor architectural and/or site elements, shall conform to those provided in Article 5 (Section 17.5.1.2.E).
 - (1) EV equipment and pedestals shall also be exempted from setback requirements.
- c. Parking Setbacks: Pursuant to Article 5, parking is exempted from minimum required setbacks, and all parking locations shall conform to the C-R zoning standards as provided in the Lakewood Zoning Ordinance.

2. Retaining Walls

Retaining walls are exempted from minimum required setbacks pursuant to Article 5, and their locations and design shall conform to the C-R zoning standards as provided in Article 7 of the Lakewood Zoning Ordinance (Section 17.7.8), with the following additional details:

- a. Retaining walls may be allowed to exceed eight (8) feet by up to an additional six (6) feet.
- b. Retaining walls shall be spaced at a 1:1 ratio as measured from face of wall to face of wall if multiple walls are needed. In such instances, the walls shall have a minimum separation width of five (5) feet to accommodate landscaping and irrigation as needed between wall terraces.
- c. Wall colors and materials to be approved by the DWACC prior to approval.

3. Snow Removal

Snow removal storage areas will be permitted to be located within or adjacent to parking lots and will not require a curb or barrier around the perimeter.

4. Landscape Transition Buffers

A landscape buffer pursuant to Section 17.7.7.3.D shall be required along all property lines adjacent to lots with single-family or duplex land use.

G. DESIGN GUIDELINES

All site-specific development proposals shall comply with the Design Guidelines. Prior to any formal City Site Plan or Subdivision Application and prior to the issuance of any building, grading or sign permit, Developer or Owner, as applicable, shall coordinate with the DWACC to ensure that the portion of the Property with a pending application complies with the Design Guidelines.

1. DWACC General Development Standards

It is the intent of this section that the following qualitative standards serve as general guidelines in the review of site plans and building elevations. It is not expected that every portion of the development will meet all of the following qualitative guidelines, but that, in the opinion of the DWACC and on a site-by-site basis, principles of good design will be applied in the best combination determined by the use, nature of the site, and location of the development. It is further the intent that the design criteria set forth in this ODP be administered to improve those development proposals which appear to be, in the opinion of the DWACC, incompatible, marginal, or weak in design character, building materials, etc.

a. On-site circulation system and parking:

- (1) the circulation system, including parking lots, should contribute to the order and aesthetic quality of the site and adjacent properties.

b. Building scale and design:

- (1) scale should be appropriate to the site and function of the project;
- (2) should promote harmonious transitions in scale and character in areas between different land uses;
- (3) quality and overall design should be compatible with the site location and proposed use as demonstrated by building elevations;
- (4) diverse architectural treatments should be integrated to avoid a cluttered appearance.

c. Open space considerations:

- (1) consideration should be given toward the preservation of natural site features, including trees and drainage areas;
- (2) the overall landscape treatment of exterior spaces should enhance the quality of the project;
- (4) landscape design should incorporate consideration of the function and use of outdoor spaces.

d. Vicinity considerations:

- (1) logical on-site/off-site pedestrian, auto, and bike linkages should be implemented where practical;
- (2) landscaping on or near the border of the site should consider appropriate buffering to mitigate impacts to adjacent properties, recognizing that “appropriate buffering” may vary depending upon the current and future usage, size, zoning, and density (as well as other factors) of the adjacent property(s).

e. Exterior lighting standards:

- (1) exterior lighting standards should be of a scale, style, and material appropriate to the development;
- (2) for the Property governed by this ODP, such standards should remain consistent with exterior lighting of existing automotive dealership uses adjacent to but outside of this Planned Development Zone District Boundary and its component Planning Areas.

H. INTEGRATED LANDSCAPE PLAN AND STANDARDS

Developer shall coordinate with the DWACC to provide the Integrated Landscape Plan to ensure that the overall standards, character, planting, and design requirements for perimeter landscape areas, sight triangles, parking lots, drainage and buffer areas, walkways and bike pedestrian paths, and the handling of trash enclosures, service lines, and mechanical equipment are in conformance with the Design Guidelines. Integrated Landscape Plans demonstrating conformance with Design Guidelines shall be submitted to the DWACC prior to any site plan or plat application to the City. DWACC approval is required prior to the issue of permits for final grading, building construction, or sign installations. Owner is responsible for conformance with the Integrated Landscape Plan.

1. Maintenance of Landscaping

Landscaping shall be continuously maintained, including necessary irrigation, watering, weeding, pruning, pest control, and replacement of dead or diseased plant material by each Owner. Dead or diseased plant material, including but not limited to trees, shrubs, and grasses, shall be replaced by the Owner and shall be of the same or a substitute (subject to DWACC approval) type of plant material as set forth in the Integrated Landscape Plan for each Planning Area. Replacement shall occur in the next planting season, but in any event, such replacement time shall not exceed one year, unless Owner has DWACC prior written approval to extend this timeline. Any replacement landscaping materials which conform to the requirements of this section shall not be considered an amendment to the site plan.

I. COMPREHENSIVE SIGNAGE PROGRAM

A Comprehensive Sign Program for each Planning Area, or for the entire Property, shall comply with the Design Documents. A comprehensive sign package demonstrating conformance with Design Guidelines shall be submitted to the DWACC before any site plan, plat, or sign permit application is submitted to the City. DWACC approval is required prior to the issue of permits for grading, building construction, or sign installations.

J. IMPLEMENTATION

The standards set forth in the Design Documents shall be administered and interpreted by the DWACC, as outlined in the Regional ODP and Section II of this ODP.

K. MAINTENANCE

Each Owner shall be responsible for the proper maintenance of their Property, as determined by and subject to the discretion of the DWACC.

L. VESTED DEVELOPMENT RIGHTS

The vested property rights created by this ODP run with the land and remain in effect throughout the Term of this ODP.

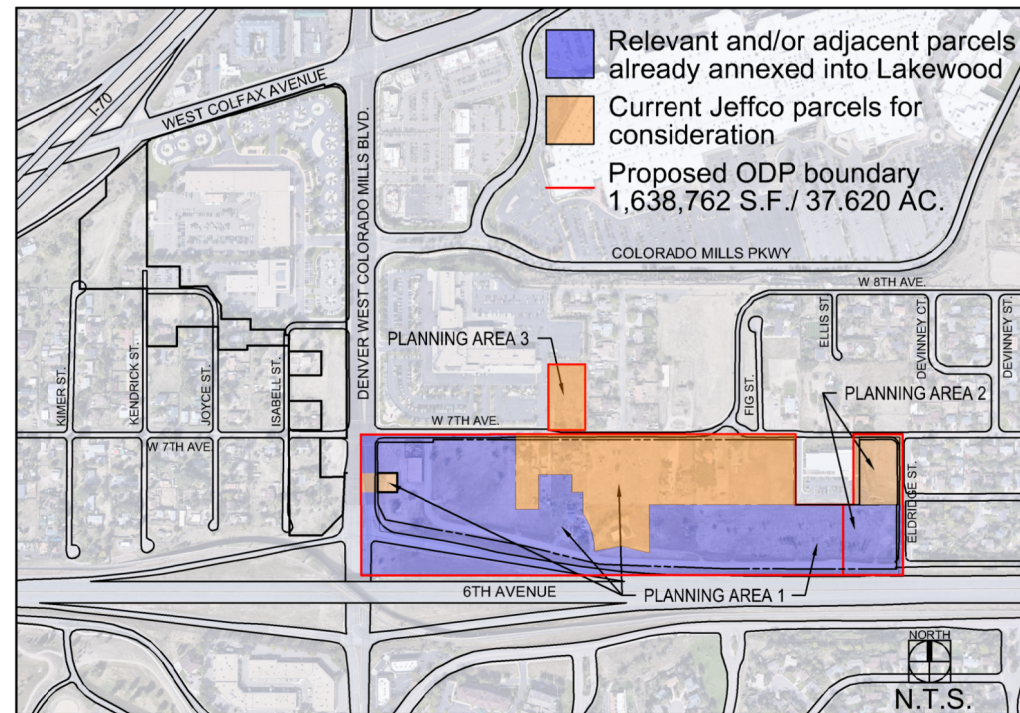
STEVINSON AUTOMOTIVE CAMPUS CONCEPTUAL LAND USE PLAN

STATEMENT OF INTENT

The Stevinson Automotive Campus is bounded by Denver West Colorado Mills Blvd. on the west, W. 7th Avenue on the North, Eldridge on the east, and 6th Avenue on the south. The site is immediately adjacent to the Stevinson Toyota West Campus on the north side of W. 7th Avenue.

The proposed annexation 15.892 of acres into the City of Lakewood, will create positive impacts to the tax-based business for the city. The annexation of these additional properties to the east of Denver West Colorado Mills Blvd. will revitalize bringing forth commercial uses that Lakewood needs. At this time, Automotive Services, Inc. is looking to expand their campus site an additional 28.706 acres south of W. 7th Avenue, north of 6th Avenue, east of Denver West Colorado Mills Parkway and west of Eldridge. The proposed motor vehicle sales site will revitalize this underused site while fitting contextually with adjacent development to the west and north side of the proposed site. As part of this proposed development the applicant intends to annex 15.892 acres from unincorporated Jefferson County.

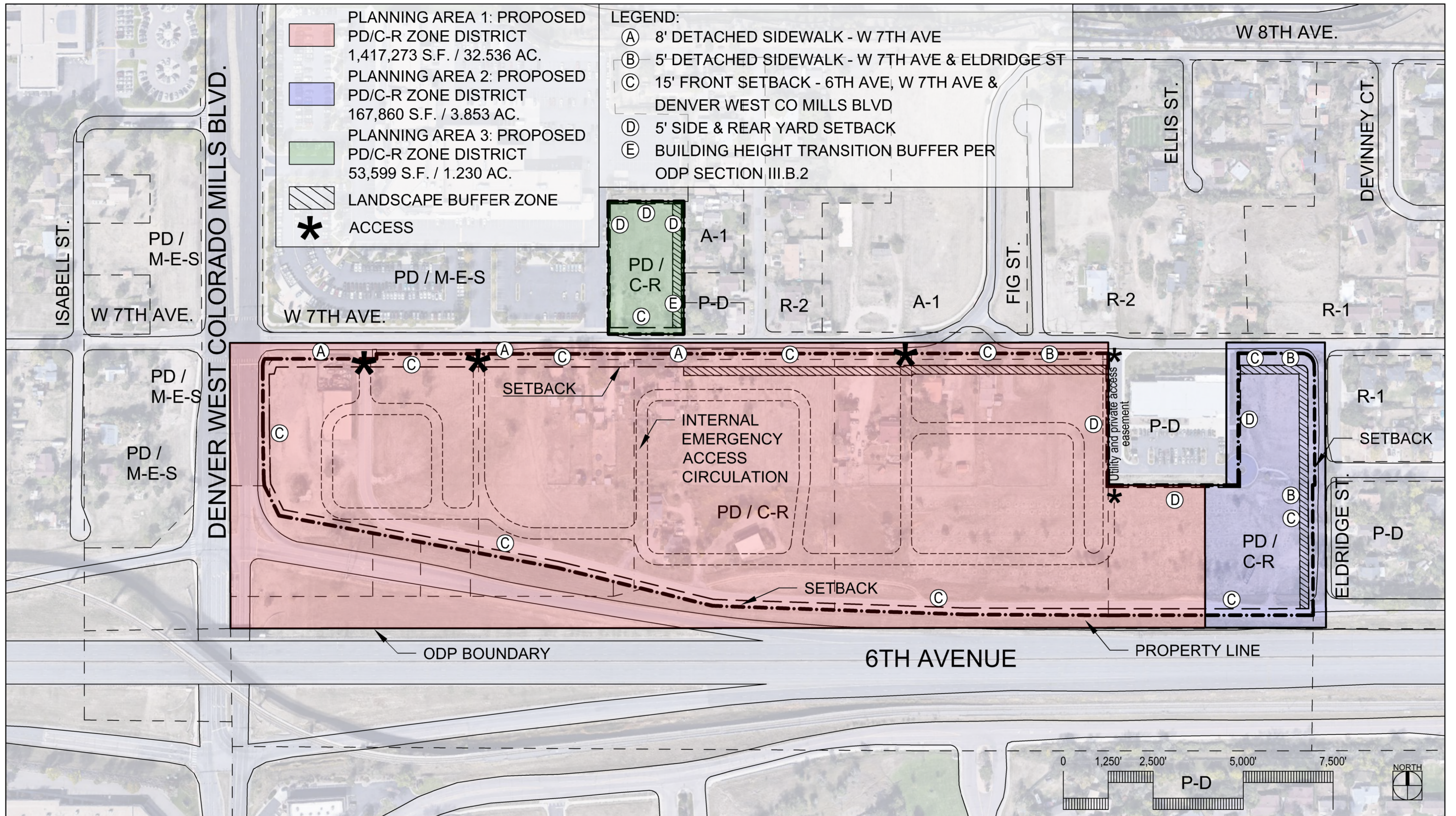
Zoning for the proposed site is Planned Development (PD) with a base zoning of C-R (Commercial-Regional). The proposed development which is intended to permit the planning and development of substantial parcels of land which are suitable in location and character for the uses proposed and are suitable to be developed as a unified and integrated project. The Commercial-Regional (C-R) district is intended to for regional commercial development along major street corridors and near highway interchanges. The district is intended to accommodate the highest level of motor vehicle activity, although pedestrian activity will still be an important element of design. The district reflects a more suburban character, with parking allowed in front of buildings and commercial buildings separated from residential uses.



C-R ZONE DISTRICT STANDARDS

Zoning Standard	Existing Lakewood C-R Base Zone District Standards	Proposed PD Zone District Standards
Permitted Uses	Group Residential Facility, Animal Care, Bar, Club/Lodge or Service Organization, Contractor Shop, Day Care Facility, Emergency Medical Facility, Entertainment Facility, Fitness or Athletic Facility, Gallery or Studio, Hotel, Light Manufacturing, Mortuary, Motel, Motor Vehicle Rental, Motor Vehicle Sales, Car Wash, Office, Stand Alone Structured Parking, Personal Services, Plant Nursery, Restaurant, Retail, Rental, Service, or Repair of Large items, Vehicle Dispatch Facility, School (Public, Private, Vocational or Trade), Transportation Facility, University or College, Minor Utility Facility, Horticulture, Wireless Communications Facility (Stealth, New Freestanding Structure ≤ 60 ft in height)	Same as base Zone District
Special Land Uses (Permitted with Special Use Permit)	Shelter, Crematory, Outdoor Storage, Correctional Institution, Major Utility Facility, Fueling Station, Wind-Powered Electric Generator (Freestanding), Wireless Communications Facility (> 60 ft in height)	Same as base Zone District
Limited Land Uses	Adult Business, Medical Marijuana Business, Mini-Warehouse or Storage, Major & Minor Motor Vehicle Service, Stand Alone Surface Parking, Pawnbroker, Apiaries, Community Garden, Solar Garden	Same as base Zone District
Front Setback	Min: 15' Max: None	Same as base Zone District
Rear/Side Setback	Min: 5'	Same as base Zone District
Build-to-Zone	N/A for this zone district	Same as base Zone District
Height Requirement	Min: None Max: 90'	Min: None Max: 45'
Open Space	Min: 20%	Same as base Zone District
Non-Residential Building Footprint	N/A for this zone district	Same as base Zone District
Parking	<p>Motor vehicle sales and service uses:</p> <p><u>Bicycle Parking:</u> Min: Long term - 1 per 2,500 sf Short term - 1 per 5,000 sf Max: N/A</p> <p><u>Vehicle Parking:</u> Min: 0.25 per 1,000 sf Max: 3 spaces per 1,000 sf</p>	<p>Motor vehicle sales and service uses:</p> <p><u>Bicycle Parking:</u> Min: Long term - not required Short term - 0.5 spaces per 5,000 sf Max: N/A</p> <p><u>Vehicle Parking:</u> Min: 0.25 per 1,000 sf Max: 3 spaces per 1,000 sf; motor vehicle sales inventory and motor vehicle service inventory excluded from maximum count.</p>
Residential Density	N/A for this zone district	Same as base Zone District

STEVINSON AUTOMOTIVE CAMPUS CONCEPTUAL LAND USE PLAN



STEVINSON DENVER WEST CENTER OFFICIAL DEVELOPMENT PLAN NO. 5

PARCELS OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 4 SOUTH
RANGE 70 WEST OF THE SIXTH PRINCIPAL MERIDIAN

COUNTY OF JEFFERSON
STATE OF COLORADO
OFFICIAL DEVELOPMENT PLAN

SHEET 1 OF 4 SHEETS

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF STEVINSON AUTOMOBILE AGENCY LOT 1, BLOCK 1, EXEMPTION SURVEY NO.1, THE PLAT OF WHICH WAS RECORDED IN PLAT BOOK 86, AT PAGE 34, UNDER RECEPTION NUMBER 85112019, OF THE RECORDS OF THE JEFFERSON COUNTY CLERK & RECORDER, TOGETHER WITH A PORTION OF VACATED JUNIPER STREET AS RECORDED AT RECEPTION NUMBER 85097108 LOCATED WITHIN SAID PLAT, TOGETHER WITH STEVINSON AUTOMOBILE AGENCY FILING NO. 2 - EXEMPTION SURVEY NO. 1, THE PLAT OF WHICH WAS RECORDED IN PLAT BOOK 103 AT PAGE 11, UNDER RECEPTION NUMBER 90041454 OF SAID RECORDS, A PORTION OF BLOCK 44 OF PLEASANT VIEW SECOND ADDITION, THE PLAT OF WHICH WAS RECORDED IN PLAT BOOK 2 AT PAGE 68, UNDER RECEPTION NUMBER 00876034 OF SAID RECORDS, A PORTION OF THE WEST COLFAX AVENUE, DENVER WEST COLORADO MILLS BOULEVARD, AND INDIANA STREET RIGHT-OF-WAYS, AND WEST 7TH AVENUE RIGHT-OF-WAYS, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 4 SOUTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF LAKEWOOD, COUNTY OF JEFFERSON, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 1; THENCE ALONG THE EASTERLY LINE OF SAID SOUTHEAST QUARTER OF SECTION 1, S00°08'11" E A DISTANCE OF 261.42 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID EASTERLY LINE, S00°08'11" E A DISTANCE OF 1723.79 FEET; THENCE ALONG THE CENTERLINE OF WEST 7TH AVENUE AS SHOWN AND PLATTED ON SAID PLEASANT VIEW SECOND ADDITION, S89°47'49" W A DISTANCE OF 312.38 FEET; THENCE ALONG THE WESTERLY LINE EXTENDED SOUTHERLY OF BLOCK 44, SAID PLEASANT VIEW SECOND ADDITION, N00°07'30" W, A DISTANCE OF 30.00 FEET TO THE SOUTHWEST CORNER OF SAID BLOCK 44; THENCE ALONG THE SOUTHERLY LINE OF SAID BLOCK 44, N89°47'49" E A DISTANCE OF 135.07 FEET TO THE INTERSECTION OF SAID LAST SOUTHERLY LINE WITH THE CENTERLINE OF THE VACATED ALLEY IN SAID, BLOCK 44 OF SAID PLEASANT VIEW SECOND ADDITION; THENCE ALONG SAID CENTERLINE, N00°07'11" W, A DISTANCE OF 125.34 FEET TO THE INTERSECTION OF SAID CENTERLINE WITH THE SOUTHERLY LINE OF LOT 19, SAID BLOCK 44 EXTEND EASTERLY; THENCE ALONG SAID SOUTHERLY LINE OF SAID LOT 19 EXTENDED EASTERLY, S89°46'39" W A DISTANCE OF 135.08 FEET TO THE SOUTHWEST CORNER OF SAID LOT 19; THENCE ALONG THE WESTERLY LINE OF LOT 19, 18, 17, 16 AND 15, SAID BLOCK 44, N00°07'30" W A DISTANCE OF 125.29 FEET TO THE NORTHWEST CORNER OF SAID LOT 15; THENCE ALONG THE NORTHERLY LINE OF SAID LOT 15 EXTEND EASTERLY, N89°45'28" E A DISTANCE OF 135.09 FEET TO INTERSECTION OF SAID NORTHERLY LINE OF LOT 15 EXTENDED EASTERLY AND THE CENTERLINE OF SAID ALLEY; THENCE ALONG SAID CENTERLINE OF SAID ALLEY, N00°07'11" W A DISTANCE OF 100.27 FEET TO THE INTERSECTION OF SAID CENTERLINE WITH THE NORTHERLY LINE OF LOT 11, SAID BLOCK 44 EXTEND EASTERLY; THENCE ALONG SAID NORTHERLY LINE OF SAID LOT 11 EXTEND EASTERLY, S89°44'32" W A DISTANCE OF 135.10 FEET TO THE NORTHWEST CORNER OF SAID LOT 11; THENCE ALONG THE WESTERLY LINE OF LOTS 10, 9 AND 8 SAID BLOCK 44 OF SAID PLEASANT VIEW SECOND ADDITION EXTENDED TO THE SOUTHERLY LINE OF SAID STEVINSON AUTOMOBILE AGENCY FILING NO. 2 EXEMPTION SURVEY NO. 1 AS MEASURED IN THE FIELD, N00°07'30" W A DISTANCE OF 84.98 FEET TO A POINT ON SAID SOUTHERLY LINE OF SAID STEVINSON AUTOMOBILE AGENCY FILING NO. 2 EXEMPTION SURVEY NO. 1; THENCE ALONG SAID SOUTHERLY LINE THE FOLLOWING NINE (9) CONSECUTIVE COURSES:

- 1) S89°38'55" W A DISTANCE OF 30.00 FEET, MORE OR LESS, TO THE CENTERLINE OF ISABELL STREET AS SHOWN AND PLATTED SAID PLEASANT VIEW SECOND ADDITION;
 - 2) THENCE ALONG SAID CENTERLINE, N00°07'30" W A DISTANCE OF 25.33 FEET MORE OR LESS, TO THE EASTERLY EXTENDED NORTHERLY LINE OF LOT 42, BLOCK 43, SAID PLEASANT VIEW SECOND ADDITION;
 - 3) THENCE ALONG SAID LAST EXTENDED AND SOUTHERLY AND WESTERLY EXTENDED LINE OF SAID LOT 42, S89°38'40" W, A DISTANCE OF 165.11 FEET, MORE OR LESS, TO THE CENTERLINE OF THE ALLEY IN SAID BLOCK 43;
 - 4) THENCE ALONG SAID CENTERLINE, N00°07'48" W A DISTANCE OF 50.61 FEET MORE OR LESS, TO THE EASTERLY EXTENDED NORTHERLY LINE OF LOT 5, BLOCK 43;
 - 5) THENCE ALONG SAID EASTERLY EXTENDED LINE AND NORTHERLY LINE OF SAID LOT 5, S89°37'54" W A DISTANCE OF 135.12 FEET TO A POINT ON THE WESTERLY LINE OF SAID BLOCK 43 MORE OR LESS, TO THE NORTHWEST CORNER OF SAID LOT 5;
 - 6) THENCE ALONG SAID WESTERLY LINE OF BLOCK 43, N00°08'07" W A DISTANCE OF 63.38 FEET;
 - 7) THENCE N31° 33'15" W, A DISTANCE OF 115.10 FEET, TO A POINT ON THE EASTERLY LINE OF BLOCK 38, SAID PLEASANT VIEW SECOND ADDITION;
 - 8) THENCE ALONG THE SOUTHERLY LINE OF SAID BLOCK 38, S89°35'48" W, A DISTANCE OF 135.13 FEET, MORE OR LESS, TO THE CENTERLINE OF THE ALLEY IN SAID BLOCK 38;
 - 9) THENCE ALONG SAID CENTERLINE, N00°08'26" W A DISTANCE OF 99.62 FEET TO A POINT ON THE SOUTH LINE OF SAID STEVINSON AUTOMOBILE AGENCY LOT 1, BLOCK 1 EXEMPTION SURVEY NO. 1 SAID SOUTH LINE BEING IN COMMON WITH THE EASTERLY EXTENDED NORTHERLY LINE OF LOT 21 SAID BLOCK 38;
- THENCE ALONG SAID SOUTHERLY LINE, S89°35'48" W, A DISTANCE OF 165.14 FEET TO THE SOUTHWEST CORNER OF SAID LAST EXEMPTION SURVEY, SAID CORNER ALSO BEING THE CENTERLINE OF JUNIPER STREET AS SHOWN AND PLATTED ON SAID PLEASANT VIEW SECOND ADDITION;
- THENCE ALONG THE WESTERLY LINE OF SAID STEVINSON AUTOMOBILE AGENCY LOT 1, BLOCK 1 EXEMPTION SURVEY NO. 1 AND NORTHL Y EXTENSION THEREOF, N00°08'44" W A DISTANCE OF 536.27 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WEST COLFAX AVENUE AS RECORDED IN BOOK 359 AT PAGE 470, OF SAID RECORDS;

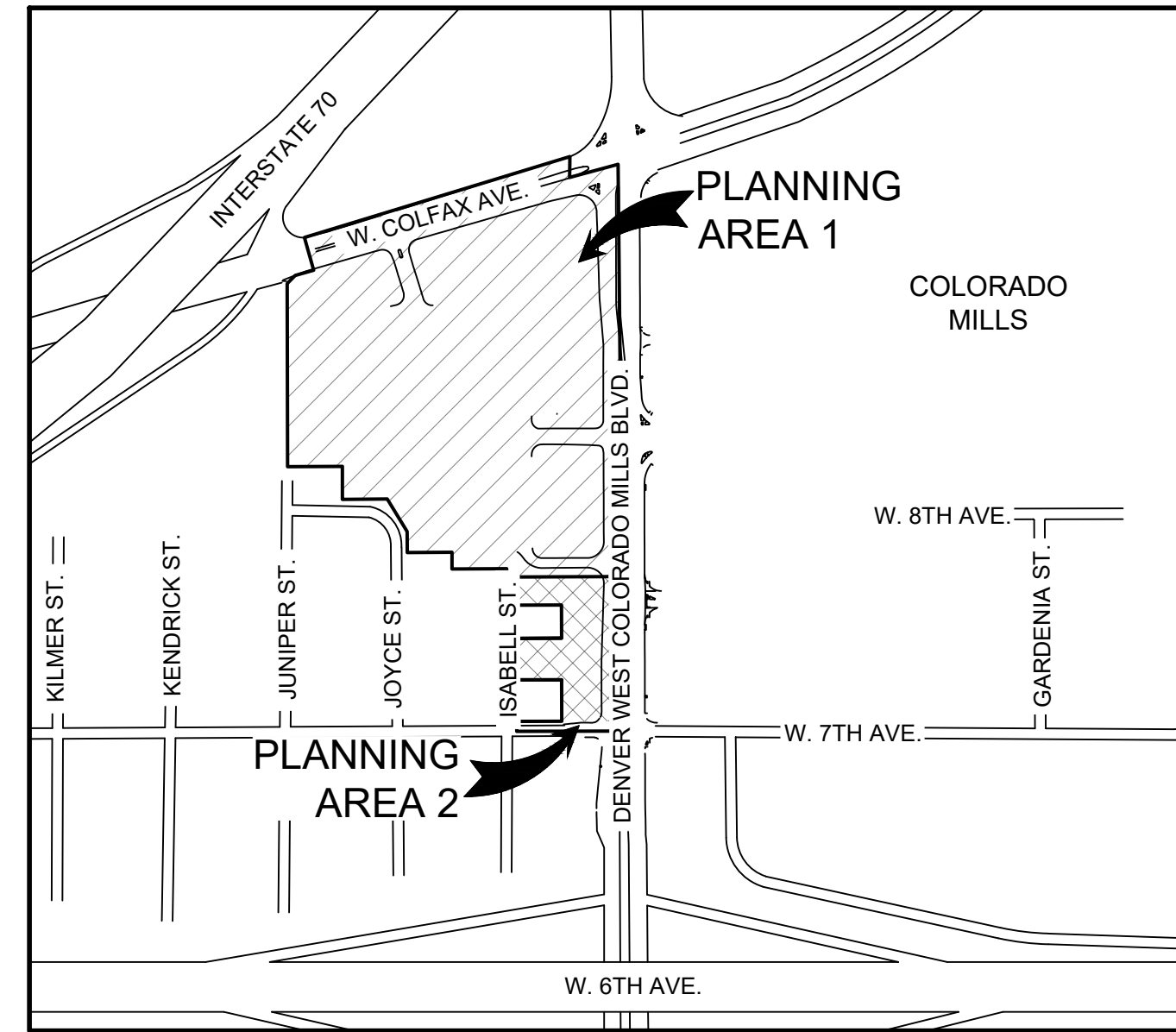
- THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) CONSECUTIVE COURSES:
- 1) N00°15'03" W A DISTANCE OF 16.54 FEET;
 - 2) THENCE N44°42'42" E A DISTANCE OF 34.26 FEET;
 - 3) THENCE N73°59'44" E A DISTANCE OF 37.41 FEET;
- THENCE N16°00'16" W A DISTANCE OF 110.01 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF WEST COLFAX AVENUE AS RECORDED IN IN BOOK 359 AT PAGE 470 OF SAID RECORDS;
- THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, N72°44'19" E A DISTANCE OF 839.37 FEET TO THE SOUTHEASTERLY CORNER OF THAT TRACT OF LAND DESCRIBED IN INSTRUMENT RECORDED AT RECEPTION NUMBER 91063700 OF SAID RECORDS;
- THENCE S00°33'09" W A DISTANCE OF 67.21 FEET TO A POINT ON THE CENTERLINE OF WEST COLFAX AVENUE;
- THENCE ALONG SAID CENTERLINE, N73°22'01" E A DISTANCE OF 178.85 FEET TO THE POINT OF BEGINNING

SAID PARCEL CONTAINS 26.6646 ACRES MORE OR LESS

ALL LINEAL DIMENSIONS ARE IN U.S. SURVEY FEET.

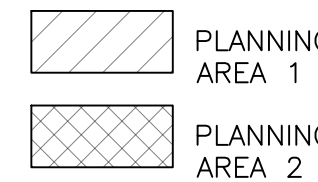
BASIS OF BEARINGS

BEARINGS ARE BASED ON EASTERLY LINE OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 4 SOUTH, RANGE 70 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO ASSUMED TO BEAR S00°808'11"E BEING MONUMENTED BY A FOUND 3-1/4" ALUMINUM CAP IN RANGE BOX PLS #24966 AT THE EAST QUARTER CORNER AND A FOUND 3-1/4" BRASS CAP PLS #34989 AT THE SOUTHEAST CORNER.



VICINITY MAP

SCALE: 1" = 500'



Sheet List Table

SHEET NUMBER	SHEET TITLE
1	COVER SHEET
2	BOUNDARY EXHIBIT
3	O.D.P. LANGUAGE
4	O.D.P. LANGUAGE

CONSULTANTS:

ENGINEER:
MARTIN/MARTIN INC.
12499 W. COLFAX AVE.
LAKEWOOD, COLORADO 80215
ATT: CHELSY CLARK-SUPINSKI, P.E.
303-431-6100

OWNER'S CERTIFICATE:

AUTOMOTIVE SERVICES, INC., A COLORADO CORPORATION

BY: _____
KENT P. STEVINSON, AS PRESIDENT

NOTARY CERTIFICATE

STATE OF COLORADO

COUNTY OF JEFFERSON

THE ABOVE AND FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE MY THIS ____ DAY OF _____ 2023, BY KENT P. STEVINSON, AS PRESIDENT OF AUTOMOTIVE SERVICES, INC., A COLORADO CORPORATION, OWNER.

MY COMMISSION EXPIRES: _____

WITNESS MY HAND AND OFFICIAL SEAL

(SEAL)

NOTARY PUBLIC

APPROVALS:

PLANNING COMMISSION:

REVIEWED BY THE CITY OF LAKEWOOD PLANNING COMMISSION THIS ____ DAY OF _____ 2023.

CHAIR: JENNY O'NEILL

SECRETARY: CATHY KENTNER

CITY COUNCIL:

APPROVED BY THE LAKEWOOD CITY COUNCIL THIS ____ DAY OF _____ 2023.

MAYOR: ADAM PAUL

CITY CLERK: JAY ROBB

RECORDER'S CERTIFICATE:

ACCEPTED FOR RECORDING IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF JEFFERSON COUNTY AT GOLDS, COLORADO, ON THIS ____ DAY OF _____ 2023 AT ____ O'CLOCK ____ M.

AMANDA GONZALEZ, JEFFERSON COUNTY CLERK AND RECORDER BY: _____
DEPUTY CLERK

STEVINSON DENVER WEST CENTER

OFFICIAL DEVELOPMENT PLAN NO. 5

PARCELS OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 4 SOUTH
RANGE 70 WEST OF THE SIXTH PRINCIPAL MERIDIAN

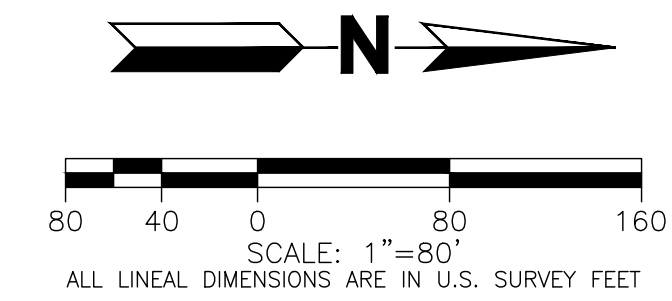
COUNTY OF JEFFERSON

STATE OF COLORADO

OFFICIAL DEVELOPMENT PLAN

SHEET 2 OF 4 SHEETS

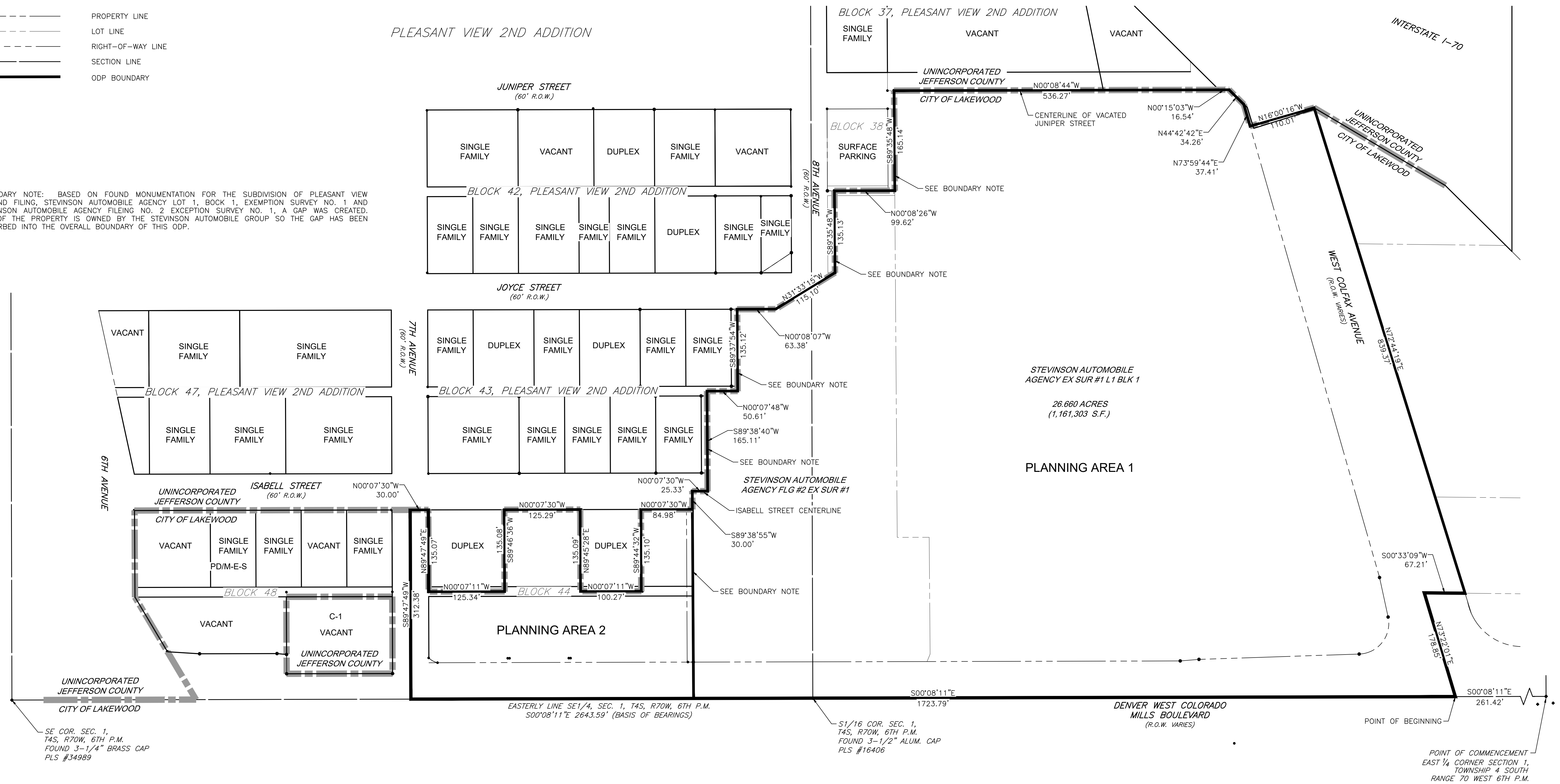
THIS EXHIBIT IS NOT A MONUMENTED LAND SURVEY AND IS INTENDED ONLY TO DEPICT THE ATTACHED O.D.P. BOUNDARY DESCRIPTION.



LEGEND

- PROPERTY LINE
- LOT LINE
- RIGHT-OF-WAY LINE
- SECTION LINE
- ODP BOUNDARY

BOUNDARY NOTE: BASED ON FOUND MONUMENTATION FOR THE SUBDIVISION OF PLEASANT VIEW SECOND FILING, STEVINSON AUTOMOBILE AGENCY LOT 1, BLOCK 1, EXEMPTION SURVEY NO. 1 AND STEVINSON AUTOMOBILE AGENCY FILING NO. 2 EXCEPTION SURVEY NO. 1, A GAP WAS CREATED. ALL OF THE PROPERTY IS OWNED BY THE STEVINSON AUTOMOBILE GROUP SO THE GAP HAS BEEN ABSORBED INTO THE OVERALL BOUNDARY OF THIS ODP.



SE COR. SEC. 1,
T4S, R70W, 6TH P.M.
FOUND 3-1/4" BRASS CAP
PLS #34989

S1/16 COR. SEC. 1,
T4S, R70W, 6TH P.M.
FOUND 3-1/2" ALUM. CAP
PLS #16406

POINT OF COMMENCEMENT
EAST 1/4 CORNER SECTION 1,
TOWNSHIP 4 SOUTH
RANGE 70 WEST 6TH P.M.

STEVINSON DENVER WEST CENTER OFFICIAL DEVELOPMENT PLAN NO. 5

PARCELS OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 4 SOUTH
RANGE 70 WEST OF THE SIXTH PRINCIPAL MERIDIAN

COUNTY OF JEFFERSON STATE OF COLORADO OFFICIAL DEVELOPMENT PLAN

SHEET 3 OF 4 SHEETS

STEVINSON DENVER WEST CENTER OFFICIAL DEVELOPMENT PLAN NO. 5

SECTION I. GENERAL PROVISIONS

A. INTENT

THIS OFFICIAL DEVELOPMENT PLAN PROVIDES LAND USE REGULATIONS, STANDARDS, AND REVIEW PROCESS FOR THE DESIGN AND DEVELOPMENT OF A HIGH-QUALITY, MIXED-USE, RETAIL-FOCUSED PROJECT CONSISTENT WITH THE LAND PLANNING STANDARDS AND DESIGN QUALITY OF THE SURROUNDING DENVER WEST DEVELOPMENT.

B. PROVISIONS

THIS OFFICIAL DEVELOPMENT PLAN INCLUDES THE FOLLOWING PROVISIONS:

- SECTION I. GENERAL PROVISIONS
- SECTION II. ADMINISTRATION, REVIEW, APPROVAL, AMENDMENT, AND APPEAL PROCESS AND AUTHORITY.
- SECTION III. DEVELOPMENT REGULATIONS

C. APPLICABILITY

THE OFFICIAL DEVELOPMENT PLAN SHALL APPLY TO ALL REAL PROPERTY DESCRIBED BY THE LEGAL DESCRIPTION CONTAINED IN THIS ODP AND ALL SUCH ADDITIONAL REAL PROPERTY AS MAY BE ADDED HERETO PURSUANT TO SECTION II ARTICLE F BELOW (THE "PROPERTY"), TO BE KNOWN AS THE DENVER WEST CENTER OFFICIAL DEVELOPMENT PLAN NO. 5. THE PROPERTY IS GENERALLY BOUNDED BY DENVER WEST COLORADO MILLS BOULEVARD TO THE EAST, US HIGHWAY 40 (COLFAX AVE.) TO THE NORTH, US HIGHWAY 6 (6TH AVENUE) TO THE SOUTH, AND ISABEL STREET TO THE WEST (ALONG THE SOUTHERN SECTION OF THE PROPERTY).

D. RELATIONSHIP TO OTHER REGULATIONS

THE DEVELOPMENT OF THE PROPERTY WILL BE SUBJECT TO THIS OFFICIAL DEVELOPMENT PLAN AND SUCH OTHER APPLICABLE CITY REGULATIONS IN EFFECT ON THE RECORDING DATE OF THIS ODP BUT ONLY TO THE EXTENT THAT SUCH APPLICABLE CITY REGULATIONS DO NOT CONFLICT WITH THIS OFFICIAL DEVELOPMENT PLAN, OR ANY OTHER STANDARD, PLAT OR PLAN ESTABLISHED PURSUANT TO THIS OFFICIAL DEVELOPMENT PLAN OR OTHER RELATED AGREEMENTS BETWEEN THE CITY AND THE DEVELOPER. IF A CONFLICT EXISTS BETWEEN (I) THE CITY'S REGULATIONS AND ORDINANCES AND (II) THIS OFFICIAL DEVELOPMENT PLAN AND ANY OTHER STANDARD, PLAT OR PLAN AND RELATED (COLLECTIVELY, THE "ODP AND RELATED AGREEMENTS"), THE ODP AND RELATED AGREEMENTS GOVERN. THE VESTED PROPERTY RIGHTS CREATED BY THIS ODP RUN WITH THE LAND AND REMAIN IN EFFECT THROUGHOUT THE TERM SET FORTH IN THIS ODP AND RELATED AGREEMENTS.

E. DEFINITIONS

- CITY – "CITY" SHALL MEAN THE CITY OF LAKEWOOD.
- DEVELOPER – "DEVELOPER" MEANS, COLLECTIVELY THE SIGNATORY ENTITIES WHO ARE OWNERS OF PORTIONS OF THE PROPERTY ON THE DATE HEREOF, OR ANY ENTITY OR PERSON DESIGNATED AS DEVELOPER BY THE SIGNATORY ENTITIES AS A DEVELOPER. A CONVEYANCE OF ALL OR SUBSTANTIALLY ALL OF THE PROPERTY SHALL AUTOMATICALLY CAUSE THE TRANSFEREE TO BECOME THE DEVELOPER HEREUNDER. ANY SUCH DESIGNATION OF TRANSFER SHALL BE FILED WITH THE CITY, SHALL CONSTITUTE AN AMENDMENT OF THIS OFFICIAL DEVELOPMENT PLAN AND SHALL BE REFLECTED IN ANY AMENDMENT HERETO FILED SUBSEQUENT TO SUCH DESIGNATION OR TRANSFER.
- DESIGN DOCUMENTS – THE DESIGN GUIDELINES, THE INTEGRATED LANDSCAPE PLAN AND THE COMPREHENSIVE SIGNAGE PROGRAM ARE REFERRED TO IN THIS ODP COLLECTIVELY AS THE "DESIGN DOCUMENTS".
 - "DESIGN GUIDELINES" MEANS THE DWACC DESIGN GUIDELINES AND STANDARDS FOR THE DENVER WEST DEVELOPMENT, AS AMENDED FROM TIME TO TIME.
 - "INTEGRATED LANDSCAPE PLAN" MEANS THE DWACC INTEGRATED LANDSCAPE PLAN AND STANDARDS, AS AMENDED FROM TIME TO TIME.
 - "COMPREHENSIVE SIGN PROGRAM" MEANS THE DWACC COMPREHENSIVE SIGNAGE PROGRAM, AS AMENDED FROM TIME TO TIME.
- DENVER WEST ARCHITECTURAL CONTROL COMMITTEE OR DWACC – "DENVER WEST ARCHITECTURAL CONTROL COMMITTEE" OR "DWACC" MEANS THE DENVER WEST ARCHITECTURAL CONTROL COMMITTEE INITIALLY ESTABLISHED BY THE STEVINSON DENVER WEST CENTER OFFICIAL DEVELOPMENT PLAN, RECORDED ON OCTOBER 14, 1994 AT RECEPTION NUMBER 94164868, IN THE REAL PROPERTY RECORDS OF JEFFERSON COUNTY, COLORADO ("REGIONAL ODP"), AS AMENDED, AND INCORPORATED AS A NON-PROFIT CORPORATION WITH THE STATE OF COLORADO ON MARCH 21, 2002.
- OFFICIAL DEVELOPMENT PLAN – THE "OFFICIAL DEVELOPMENT PLAN" OR "ODP" MEANS THIS DOCUMENT AND THE MAPS ATTACHED HERETO, AS THE SAME MAY BE AMENDED AS PROVIDED IN THIS ODP.
- OWNER – "OWNER" MEANS ANY PERSON OR ENTITY WHO FROM TIME TO TIME OWNS ANY PORTION OF THE PROPERTY OR SUCH OWNER'S DESIGNATED AGENT, WHICH MAY BE A TENANT, GROUND LESSEE, BUILDER OR OTHER ENTITY DESIGNATED IN WRITING BY OWNER TO ACT ON BEHALF OF OWNER FOR COMPLIANCE WITH THIS ODP. A COPY OF SUCH WRITTEN DESIGNATION SHALL BE DELIVERED BY OWNER TO THE DWACC AND WILL INCLUDE THE TERM OF SUCH DESIGNATION. OWNER SHALL NOT INCLUDE BY WAY OF EXAMPLE AND NOT OF LIMITATION (1) HOLDERS OF MORTGAGES, DEEDS OF TRUST, AND OTHER INSTRUMENTS PURSUANT TO WHICH THE PROPERTY OR PORTIONS OF THE PROPERTY SECURE INDEBTEDNESS, (2) BENEFICIARIES OF EASEMENTS, RIGHTS-OF WAY OR LICENSES THAT PERTAIN TO OR AFFECT THE PROPERTY OR PORTIONS OF THE PROPERTY, (3) OWNERS OF WATER, MINERAL, AIR, OR SUBSURFACE RIGHTS, THAT, AS APPROPRIATE, ARE LOCATED IN, ON, UNDER, OVER, OR ARE OR WERE APPURTENANT TO, THE PROPERTY OR PORTIONS OF THE PROPERTY, (4) LEASEHOLD INTERESTS UNLESS DESIGNATED IN WRITING BY OWNER TO BE AN AGENT OF OWNER AS SET FORTH ABOVE, OR (5) OTHER EQUITABLE TITLE INTERESTS SUCH AS THE VENDEE'S INTEREST UNDER AN INSTALLMENT LAND CONTRACT.
- PLANNING AREAS – A "PLANNING AREA" MEANS THE PARCELS OF THE PROPERTY WHICH ARE LABELED PLANNING AREAS 1 AND 2 OF THIS OFFICIAL DEVELOPMENT PLAN.
- TERM – THE INITIAL TERM OF THIS ODP SHALL BE A PERIOD OF TWENTY (20) YEARS ("TERM"). THE TERM WILL AUTOMATICALLY BE RENEWED FOR ADDITIONAL TEN (10) YEAR PERIODS, UNTIL THE TERM OF THIS ODP IS MODIFIED OR TERMINATED.

SECTION II. ADMINISTRATION, REVIEW APPROVAL, AMENDMENT AND APPEAL PROCESS

A. GENERAL DESCRIPTION OF REVIEW PROCESS

THIS OFFICIAL DEVELOPMENT PLAN ESTABLISHES THE STANDARDS AND REVIEW PROCESS FOR DEVELOPMENT AND/OR REDEVELOPMENT OF THE PROPERTY.

- PREPLANNING SUBMITAL: WHEN AN OWNER DESIRES TO INITIATE DEVELOPMENT ON ANY PORTION OF THE PROPERTY, THE OWNER WILL SUBMIT A PREPLANNING APPLICATION TO THE CITY FOR REVIEW.
- DWACC SUBMITAL: AFTER SUBMITTING THE PREPLANNING APPLICATION TO THE CITY, THE OWNER SHALL SUBMIT TO THE DENVER WEST ARCHITECTURAL CONTROL COMMITTEE (THE "DWACC") A SITE PLAN AND BUILDING ELEVATIONS FOR REVIEW BY THE DWACC.
- DWACC REVIEW: THE DWACC SHALL REVIEW EACH SITE PLAN AND PLAT (AND ACCOMPANYING BUILDING ELEVATIONS) TO BE SUBMITTED HEREUNDER TO DETERMINE IF THE BUILDING PLANS AND EXTERIOR SITE IMPROVEMENTS ARE IN CONFORMANCE WITH THE DWACC DESIGN DOCUMENTS. DWACC WILL PROVIDE COMMENTS TO THE OWNER REGARDING SUBMITTALS THAT ARE NOT, IN THE OPINION AND JUDGEMENT OF THE DWACC, IN CONFORMANCE WITH THE DESIGN DOCUMENTS AND WILL NOTIFY THE OWNER ONCE IT ACCEPTS A PROPOSED SITE PLAN AND PLAT.

4. FORMAL LAND DEVELOPMENT APPLICATION (CONSISTS OF ANY REQUIRED SITE PLAN AND PLAT APPLICATION TO THE CITY): ANY ADDITIONAL SITE PLAN AND PLAT REVISIONS OWNER SUBMITS TO THE CITY DURING THE CITY'S REVIEW PROCESS SHALL ALSO BE SUBMITTED BY OWNER TO THE DWACC FOR REVIEW. SUCH REVISIONS SHALL REQUIRE DWACC REVIEW AND APPROVAL (AS OUTLINED IN I.I.A.4. ABOVE), REGARDLESS OF PREVIOUS DWACC APPROVAL OF PRIOR SITE PLANS, PLATS, AND/OR BUILDING ELEVATIONS.

5. PERMIT APPLICATIONS: BUILDING, GRADING, SIGN OR OTHER DEVELOPMENT PERMITS MAY ONLY BE OBTAINED FOLLOWING:

- DWACC APPROVAL OF THE SITE PLAN AND PLAT;
- CITY APPROVAL OF THE SITE PLAN, PLAT AND BUILDING PERMIT PLANS; AND
- RECEIPT OF PAYMENT FOR ALL FEES AND COLLATERAL DUE.

B. DENVER WEST ARCHITECTURAL CONTROL COMMITTEE

1. OVERSIGHT BY DENVER WEST ARCHITECTURAL CONTROL COMMITTEE

THE DENVER WEST ARCHITECTURAL CONTROL COMMITTEE (DWACC) IS RESPONSIBLE FOR REVIEW AND APPROVAL OF ANY AND ALL PROPOSED DEVELOPMENT AND/OR REDEVELOPMENT WITHIN THE BOUNDARIES OF THE PROPERTY. NOTWITHSTANDING ANY PROVISION OF THIS OFFICIAL DEVELOPMENT PLAN TO THE CONTRARY, THE PROPERTY SHALL IN ALL RESPECTS BE AND REMAIN SUBJECT TO THE EFFECT AND APPLICATION OF THE AUTHORITY OF THE DWACC AND ITS BYLAWS.

a. FOR PURPOSES OF THIS OFFICIAL DEVELOPMENT PLAN ONLY, THE PROCESS FOR SUBMITTAL TO THE DWACC FOR REVIEW AND APPROVAL OF THE PROPERTY SUBJECT TO THIS ODP IS GOVERNED BY THIS ODP.

2. NOTICE

ALL COMMUNICATIONS AND SUBMITTALS SHALL BE ADDRESSED TO THE DWACC (SUBMITTAL CONTACT INFORMATION LOCATED AT WWW.DWACC.ORG).

3. REQUIRED SITE PLAN

NO BUILDING CONSTRUCTION OR IMPROVEMENT WORK IN ANY PLANNING AREA MAY BE COMMENCED UNTIL THE SITE PLAN FOR SUCH WORK HAS BEEN APPROVED BY THE DWACC AND THE CITY AS SET FORTH IN THIS ODP.

4. GUIDELINES AND PLANS

THE DWACC SHALL HAVE THE RIGHT TO ESTABLISH AND DETAIL REQUIREMENTS AND STANDARDS FOR APPROVAL, FOR DEVELOPMENT OF THE PROPERTY UNDER THIS OFFICIAL DEVELOPMENT PLAN AND RELATED AGREEMENTS, INCLUDING BUT NOT LIMITED TO THE DESIGN DOCUMENTS.

5. GENERAL DEVELOPMENT STANDARDS

THE DWACC SHALL ESTABLISH QUALITATIVE STANDARDS TO SERVE AS GENERAL GUIDELINES IN THE REVIEW OF SITE PLANS AND BUILDING ELEVATIONS AND WHICH THE DWACC WILL ADMINISTER TO IMPROVE THOSE DEVELOPMENT PROPOSALS AS NECESSARY, IN THE OPINION OF THE DWACC. THESE GENERAL STANDARDS ARE OUTLINED IN SECTION III.E.1 OF THIS ODP.

6. REQUIRED SUBMITTALS/RECORDS OF DETERMINATION

THE FOLLOWING MATERIALS AND INFORMATION SHALL BE SUBMITTED TO THE DWACC IN CONNECTION WITH THE REQUIRED APPROVAL FOR EACH SITE PLAN AS SET FORTH BELOW. A DWACC LETTER OF SUBMITTAL SHALL BE SUBMITTED WITH COPIES OF THE FOLLOWING:

a. ARCHITECTURAL DRAWINGS (PRELIMINARIES AND ALL SUBSEQUENT DRAWINGS) FOR THE PROPOSED BUILDING OR BUILDINGS THAT INCLUDE:

- SAMPLES AND SPECIFICATIONS OF EXTERIOR MATERIALS AND COLORS;
- THE LOCATION OF ALL EXTERIOR MECHANICAL, ELECTRICAL, AND STRUCTURAL SYSTEMS APPLICABLE TO THE BUILDING AND SITE.

b. A PRELIMINARY GRADING PLAN AND A PRELIMINARY PLANTING PLAN INCLUDING PROPOSED SCREEN WALLS AND FENCES, DRAINAGE, AND LANDSCAPE ARCHITECTURAL DESIGN;

c. A PLAN FOR ALL SIGNS TO BE ERECTED, INCLUDING DETAILS OF SIGNS, MATERIALS, LOCATION, DESIGN, SIZE, COLOR AND LIGHTING;

d. ANY OTHER INFORMATION AS MAY BE REQUIRED BY THE DWACC TO ASSIST IN REVIEW OF THE SUBMITTALS;

e. APPLICATION FORM AND REVIEW FEE;

f. LETTER OF AUTHORIZATION WHERE THE OWNER IS REPRESENTED BY AN AGENT;

g. LEGAL DESCRIPTION;

h. PROPERTY OWNERSHIP;

i. PROPOSED USE OR USES;

j. EXISTING AND PROPOSED STRUCTURES, MAXIMUM GROSS FLOOR AREA (TOTAL AND BY INTENDED USE TYPE);

k. LANDSCAPING PLAN SHOWING THE SIZES, LOCATION, AND TYPES OF LANDSCAPING MATERIALS;

l. TYPES OF SURFACING, HARDSCAPE, PAVING, OR CONCRETE;

m. SETBACKS, HEIGHTS, AND LOCATION OF ALL BUILDINGS AND STRUCTURES;

n. TABULATION OF TOTAL NUMBER OF SQUARE FEET SHOWN ON SPECIFIC SITE PLAN AND TOTAL SQUARE FOOTAGE BY PLANNING AREA TO DATE;

o. PHASING PLAN, AS APPLICABLE;

p. LOCATION OF ALL COMMON AREAS WITH ALL STRUCTURES AND IMPROVEMENTS;

7. REVIEW WITH OWNER

UPON RECEIPT OF A COMPLETE SET OF THE MATERIALS AND INFORMATION DESCRIBED ABOVE, THE DWACC MAY MEET WITH THE OWNER TO DISCUSS SUCH MATERIALS AND INFORMATION AND ANY NECESSARY CHANGES WHICH THE DWACC REQUIRES FOR ACCEPTANCE OF A SITE PLAN.

8. REFERRALS

THE DWACC SHALL REVIEW SUBMITTED MATERIALS AND INFORMATION WITH SUCH AGENCIES OR GOVERNMENTS AS THE DWACC AND CITY MAY DEEM APPROPRIATE.

9. DECISIONS

THE DWACC SHALL REVIEW ALL SUBMITTALS TO DETERMINE THAT, IN THE DWACC'S OPINION, ALL IMPROVEMENTS FOR EACH PLANNING AREA CONFORM AND HARMONIZE WITH EXISTING STRUCTURES AND SITE DEVELOPMENT AS TO EXTERIOR DESIGN, MATERIALS, COLOR, AND SITING.

AFTER REVIEW WITH THE OWNER, RECEIPT OF REFERRAL COMMENTS, AND REVIEW OF ALL MATERIALS AND INFORMATION, THE DWACC SHALL PROVIDE ITS APPROVAL, CONDITIONAL APPROVAL, OR REJECTION OF THE PROPOSED SITE PLAN(S) BASED UPON THIS OFFICIAL DEVELOPMENT PLAN, THE GENERAL DEVELOPMENT GUIDELINES SET FORTH HEREIN, AND THE DESIGN DOCUMENTS. ANY SUCH DECISIONS OF THE DWACC SHALL BE CONCLUSIVE AND BINDING ON ALL INTERESTED PARTIES EXCEPT THE CITY.

10. REPLY COMMITMENT

THE DWACC SHALL ENDEAVOR TO REPLY TO ALL COMPLETE APPLICATION PACKETS WITH SUBMITTALS OF DRAWINGS, MADE IN ACCORDANCE HEREWITH, IN WRITING WITHIN THIRTY (30) DAYS OF RECEIPT THEREOF.

11. AMENDMENTS TO SITE PLAN

a. AMENDMENTS TO AN APPROVED SITE PLAN SHALL BE SUBJECT TO THE SAME APPLICATION AND REVIEW PROCESS APPLICABLE TO THE ORIGINAL SITE PLAN, EXCEPT THAT MINOR AMENDMENTS MAY BE CONSIDERED PURSUANT TO 11.B. BELOW. EXCEPT FOR MINOR AMENDMENTS, OWNER SHALL SUBMIT TO THE CITY FOR APPROVAL A REVISED SITE PLAN THAT INCORPORATES THE AMENDMENT, PROVIDED THAT SUCH AMENDMENT IS APPROVED BY THE DWACC.

b. THE MINOR AMENDMENT PROCEDURE IS INTENDED TO PROVIDE A METHOD WHEREBY MODIFICATION OF UP TO TWENTY PERCENT OF MEASURABLE SITE PLAN DESIGN ELEMENTS MAY BE MADE, AS LONG AS THEY DO NOT CREATE ANY ADDITIONAL ADVERSE IMPACT OR ANY EXPANSION OF A NON-CONFORMING USE OR STRUCTURE, FOLLOWING THE PROCESS BELOW:

(1) AN APPLICATION FOR MINOR AMENDMENT TO A SITE PLAN SHALL BE FILED WITH THE DWACC. A MINOR AMENDMENT OF A SITE PLAN SHALL NOT OCCUR WITHOUT THE WRITTEN APPROVAL OF THE DWACC, WHO MAY ESTABLISH ADDITIONAL CONDITIONS TO FURTHER THE INTENT OF THE SITE PLAN AND OFFICIAL DEVELOPMENT PLAN.

(2) THE DWACC MAY GRANT A MINOR AMENDMENT TO SITE PLAN WITH MODIFICATIONS UP TO A MAXIMUM OF TWENTY PERCENT FOR MEASURABLE SITE PLAN DESIGN STANDARDS. DESIGN STANDARDS SHALL INCLUDE BUT NOT BE LIMITED TO THE FOLLOWING:

(a) DISTANCE BETWEEN AND LOCATION OF STRUCTURES;

(b) LANDSCAPING AMOUNT, SIZE, AND LOCATION;

(c) BUILDING AREA, MASS, HEIGHT, DESIGN AND MATERIALS;

(d) GROSS FLOOR AREA ALLOWANCES;

(e) HEIGHT;

(f) NUMBER OF PARKING SPACES, PROVIDED THE SITE PLAN REMAINS IN CONFORMANCE WITH PARKING STANDARDS CONTAINED HEREIN.

c. THE GRANTING OF PRIOR MINOR AMENDMENTS SHALL NOT BE USED IN CALCULATION OF A NEW MINOR AMENDMENT EXCEPT THAT MINOR AMENDMENTS SHALL BE CONSIDERED CUMULATIVE IN DETERMINING WHETHER THE TWENTY PERCENT LIMIT HAS BEEN EXCEEDED.

d. SUBSEQUENT TO DWACC APPROVAL OF A MINOR AMENDMENT, OWNER SHALL SUBMIT NOTICE OF THE MINOR AMENDMENT TO THE CITY FOR ITS RECORDS AND ITS ISSUANCE OF BUILDING PERMITS.

e. RECOGNIZING THAT THE MODIFICATION SHALL NOT MATERIALLY CONFLICT WITH CITY REGULATIONS NOR THE WITH THE GUIDELINES AND STANDARDS OUTLINED IN THIS OFFICIAL DEVELOPMENT PLAN, NO BUILDING PERMIT SHALL BE ISSUED BY THE CITY WHICH IMPLEMENTS THE MODIFICATION REQUIRED BY THE MINOR AMENDMENT UNTIL AND UNLESS, SUCH MINOR AMENDMENT HAS BEEN APPROVED IN WRITING BY THE DWACC AND APPROVED IN WRITING BY THE CITY.

12. NON-LIABILITY

NEITHER THE DWACC, NOR ANY MEMBER, EMPLOYEE, OR AGENT THEREOF SHALL BE LIABLE TO ANY OWNER, THE CITY, OR TO ANY TENANT OR ANYONE SUBMITTING PLANS FOR APPROVAL, OR TO ANY OTHER PARTY BY REASON OF MISTAKE IN JUDGMENT, NEGLIGENCE, OR NONFEASANCE ARISING OUT OF OR IN CONNECTION WITH THE ACCEPTANCE, APPROVAL, DISAPPROVAL, OR FAILURE TO APPROVE ANY SUCH PLANS OR FOR ANY OTHER ACTION IN CONNECTION WITH IT OR THEIR DUTIES HEREUNDER OR FOR ANY OTHER REASON. LIKEWISE, ANYONE SUBMITTING PLANS TO THE DWACC FOR APPROVAL, BY SUBMITTING SUCH PLANS, OR ANY PERSON OR ENTITY WHEN THEY BECOME AN OWNER, AGREES THAT THEY WILL NOT BRING ANY ACTION OR SUIT TO RECOVER DAMAGES AGAINST THE DWACC, OR ANY OF ITS MEMBERS, EMPLOYEES, AGENTS, OR AGAINST THE DEVELOPER OR ANY AGENTS OF THE DEVELOPER FOR ANY REASON. THE DWACC HAS NO LIABILITY FOR ANY PLANS IT HAS REVIEWED AND APPROVED AND IS NOT RESPONSIBLE FOR ANY ISSUE RELATED TO ANY CHANGES OR IMPROVEMENTS ON THE PROPERTY, WHETHER STRUCTURAL OR OTHERWISE, OR FOR CONFORMANCE WITH APPLICABLE LAWS OR COMPLIANCE WITH ANY OTHER STANDARDS OR REGULATIONS. THE DWACC IS NOT RESPONSIBLE FOR ANY MATTER RELATED TO SAFETY.

C. CITY REVIEW

1. SUBMITTAL OF SITE PLANS

IN ADDITION TO OWNER'S REQUIRED SUBMITTALS, THE OWNER SHALL SUBMIT THE SITE PLAN APPROVED BY THE DWACC TO THE CITY, ALONG WITH ANY OTHER CITY REQUIREMENTS.

2. EFFECTIVE DATE

A SITE PLAN SHALL BECOME EFFECTIVE AS OF THE DATE APPROVED BY THE CITY OR THE DATE A DECISION IN FAVOR OF THE OWNER IS RENDERED ON AN APPEAL.

D. SUBDIVISION

PRIOR TO ANY SUBDIVISION OF THE PROPERTY, THE OWNER OR OWNER'S AGENT SHALL SUBMIT TO THE DWACC A PRELIMINARY SUBDIVISION MAP OF THE ENTIRE PLANNING AREA AFFECTED BY THE PLAT AND A PLAT FOR THE SPECIFIC PORTION OF THE PLANNING AREA AFFECTED BY THE SUBDIVISION. ANY SUBDIVISION OF THE PROPERTY SHALL COMPLY WITH THE CITY'S SUBDIVISION ORDINANCE, UNLESS THE OWNER OBTAINS A VARIANCE.

E. PLAT NOTES

EACH PLAT SHALL INCLUDE APPROPRIATE PLAT NOTES TO ENSURE THE CONTINUED FUNCTIONING AND MAINTENANCE OF THE PLANNING AREA AFFECTED BY THE PLAT. SUCH NOTES INCLUDE BUT ARE NOT LIMITED TO CROSS-LOT ACCESS AND PARKING EASEMENTS TO BE MAINTAINED BY THE OWNER, OWNER'S AGENT, OR ANY OWNER'S ASSOCIATION.

F. INCLUSION OF ADDITIONAL PROPERTY

OWNER MAY IN THE FUTURE MAKE APPLICATION TO ADD REAL PROPERTY TO THE PROPERTY SUBJECT TO THIS OFFICIAL DEVELOPMENT PLAN, AND SUCH ADDITION SHALL BE SUBJECT TO THIS OFFICIAL DEVELOPMENT PLAN.

STEVINSON DENVER WEST CENTER

OFFICIAL DEVELOPMENT PLAN NO. 5

PARCELS OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 4 SOUTH
RANGE 70 WEST OF THE SIXTH PRINCIPAL MERIDIAN

COUNTY OF JEFFERSON

STATE OF COLORADO

OFFICIAL DEVELOPMENT PLAN

SHEET 4 OF 4 SHEETS

SECTION III. DEVELOPMENT REGULATIONS

A. PERMITTED LAND USES WITHIN THIS PLANNED DEVELOPMENT ZONE DISTRICT

- PURSUANT TO SECTION 17.3.6.4 OF THE LAKEWOOD ZONING ORDINANCE, THE BASE ZONE DISTRICT FOR THE PROPERTY WITHIN THIS ODP IS COMMERCIAL – LIMITED (C-L). ALL LAND USES IN THE CL BASE ZONE ARE PERMITTED SUBJECT TO THE REGULATIONS AND LIMITATIONS IN ARTICLE 4 OF THE LAKEWOOD ZONING ORDINANCE AND SUBJECT TO THE LIMITATIONS IN SECTION III.A OF THIS ODP.
- LIMITATIONS AND PERMISSIONS ON PERMITTED USES – THE FOLLOWING PERMITTED USES WITHIN THIS PROPERTY INCLUDE THE ADDITIONAL LIMITATIONS AND PERMISSIONS OUTLINED IN THIS SECTION III.A.2.
 - ANIMAL CARE – ANY BOARDING, GROOMING, OR VETERINARY PROCEDURES FALLING WITHIN THIS USE MUST BE ANCILLARY AND IN SUPPORT OF PET-RELATED RETAIL.
 - NO BOARDING OF ANIMALS OUTDOORS IS PERMITTED
 - BOARDING IS ONLY PERMITTED FOR THE DURATION NECESSARY FOR ANY PROCEDURES AND/OR SERVICES.
 - LONG-TERM BOARDING AND CARE (BEYOND THE DURATION REQUIRED TO COMPLETE THESE ANCILLARY SERVICES) IS NOT PERMITTED. LONG-TERM IS DEFINED AS LONGER THAN 24 HOURS, UNLESS REQUIRED FOR THE AFOREMENTIONED ANCILLARY PROCEDURES AND SERVICES.
 - OFFICE
 - OFFICE WITHIN THIS PROPERTY IS INTENDED AS AN ANCILLARY USE LIMITED TO RETAIL-SUPPORTING OFFICE, INCLUDING, WITHOUT LIMITATION, STOREFRONT OFFICE, BANKING, SMALL MEDICAL AND DENTAL, INVESTMENT SERVICES, INSURANCE, AND FINANCIAL SUPPORT SERVICES.
 - DRIVE-THRU IS A PERMITTED USE FOR ALL OFFICE USES (E.G. DRIVE-THRU BANK TELLER).
 - MOTOR VEHICLE SERVICE, FUELING STATION – FUELING STATIONS ARE A PERMITTED USE WITHIN THE PROPERTY SUBJECT TO THE LIMITATIONS AND STANDARDS OF SECTION 17.4.3.1.M.1 AND 17.4.3.1.M.2 OF THE LAKEWOOD ZONING ORDINANCE.
 - RESTAURANT – DRIVE-THRU IS A PERMITTED USE FOR ALL RESTAURANT USES.
 - RETAIL – DRIVE-THRU IS A PERMITTED USE FOR ALL RETAIL USES.
- ALL LAND USES WITHIN THIS PROPERTY ARE SUBJECT TO DWACC BUILDING DESIGN, GROUND FLOOR DESIGN, GROSS FLOOR AREA AND HEIGHT ALLOWANCES, AND OTHER DESIGN STANDARDS AND LIMITATIONS BY LAND USE TYPE, AS GENERALLY OUTLINED IN SECTION III.E AND FURTHER DEFINED IN THE DWACC DESIGN DOCUMENTS, AS THE SAME MAY BE AMENDED FROM TIME TO TIME.

B. OPEN SPACE, HEIGHT & LANDSCAPE BUFFERING STANDARDS

1. OPEN SPACE REQUIREMENTS

PURSUANT TO SECTION 17 ARTICLE 5 OF THE LAKEWOOD ZONING ORDINANCE, THE FOLLOWING STANDARDS FOR THE BASE C-L ZONING WILL APPLY:

- THE MINIMUM OPEN SPACE FOR THE PROPERTY SHALL BE TWENTY (20) PERCENT COMBINED ACROSS PLANNING AREAS (SECTION 17.5.4.1).

2. HEIGHT STANDARDS

THE MAXIMUM BUILDING HEIGHT SHALL BE SIXTY (60) FEET WITHIN PLANNING AREA 1, AND FORTY-FIVE (45) FEET WITHIN PLANNING AREA 2. HEIGHT TRANSITION REQUIREMENTS FOR BUILDINGS ADJACENT TO RESIDENTIAL ZONE DISTRICTS WILL BE DETERMINED IN ACCORDANCE WITH THE ARTICLE 5 REQUIREMENTS FOR BASE C-L ZONING (SECTION 17.5.4.2).

3. LANDSCAPE TRANSITION BUFFERS

A LANDSCAPE BUFFER PURSUANT TO SECTION 17.7.7.3.D SHALL BE REQUIRED ALONG ALL PROPERTY LINES ADJACENT TO LOTS WITH A SINGLE-FAMILY OR DUPLEX LAND USE.

C. BUILD-TO ZONE REQUIREMENTS

- BUILD-TO ZONE REQUIREMENTS ARE NOT APPLICABLE WITHIN THIS ZONE DISTRICT.

D. PARKING REQUIREMENTS

- THIS PLANNED DEVELOPMENT ZONE DISTRICT SHALL CONTAIN AN INTEGRATED PARKING AND ACCESS SYSTEM BETWEEN THE INDIVIDUAL SITES CONTAINED THEREIN, AND ARRANGEMENTS TO MEET PARKING COUNTS CAN BE SHARED CUMULATIVELY SITES ACROSS THE PLANNED DEVELOPMENT ZONE DISTRICT.
- MAXIMUM ALLOWABLE PARKING COUNTS AS CALCULATED IN SECTION 17 ARTICLE 8 OF THE LAKEWOOD ZONING ORDINANCE SHALL NOT APPLY TO LAND USES PERMITTED WITHIN THIS DEVELOPMENT.
- SNOW REMOVAL STORAGE AREAS WILL BE PERMITTED TO BE LOCATED WITHIN OR ADJACENT TO PARKING LOTS AND WILL NOT REQUIRE A CURB OR BARRIER AROUND THE PERIMETER OF SAID STORAGE AREAS.

E. DESIGN GUIDELINES

ALL SITE SPECIFIC DEVELOPMENT PROPOSALS SHALL COMPLY WITH THE DESIGN GUIDELINES. PRIOR TO ANY FORMAL CITY SITE PLAN OR SUBDIVISION APPLICATION AND PRIOR TO THE ISSUANCE OF ANY BUILDING, GRADING OR SIGN PERMIT, DEVELOPER OR OWNER, AS APPLICABLE, SHALL COORDINATE WITH THE DWACC TO ENSURE THAT THE PORTION OF THE PROPERTY WITH A PENDING APPLICATION COMPLIES WITH THE DESIGN GUIDELINES.

1. DWACC GENERAL DEVELOPMENT STANDARDS

IT IS THE INTENT OF THIS SECTION THAT THE FOLLOWING QUALITATIVE STANDARDS SERVE AS GENERAL GUIDELINES IN THE REVIEW OF SITE PLANS AND BUILDING ELEVATIONS. IT IS NOT EXPECTED THAT EVERY PORTION OF THE DEVELOPMENT WILL MEET ALL OF THE FOLLOWING QUALITATIVE GUIDELINES, BUT THAT, IN THE OPINION OF THE DWACC AND ON A SITE-BY-SITE BASIS, PRINCIPLES OF GOOD DESIGN WILL BE APPLIED IN THE BEST COMBINATION DETERMINED BY THE USE, NATURE OF THE SITE, AND LOCATION OF THE DEVELOPMENT. IT IS FURTHER THE INTENT THAT THE DESIGN CRITERIA SET FORTH IN THIS ODP BE ADMINISTERED TO IMPROVE THOSE DEVELOPMENT PROPOSALS WHICH APPEAR TO BE, IN THE OPINION OF THE DWACC, INCOMPATIBLE, MARGINAL, OR WEAK IN DESIGN CHARACTER, BUILDING MATERIALS, ETC.

- ON-SITE CIRCULATION SYSTEM AND PARKING:

- THE CIRCULATION SYSTEM, INCLUDING PARKING LOTS, SHOULD CONTRIBUTE TO THE ORDER AND AESTHETIC QUALITY OF THE SITE AND ADJACENT PROPERTIES.

- BUILDING SCALE AND DESIGN:

- SCALE SHOULD BE APPROPRIATE TO THE SITE AND FUNCTION OF THE PROJECT;

- SHOULD PROMOTE HARMONIOUS TRANSITIONS IN SCALE AND CHARACTER IN AREAS BETWEEN DIFFERENT LAND USES;

- QUALITY AND OVERALL DESIGN SHOULD BE COMPATIBLE WITH THE SITE LOCATION AND PROPOSED USE AS DEMONSTRATED BY BUILDING ELEVATIONS;

- DIVERSE ARCHITECTURAL TREATMENTS SHOULD BE INTEGRATED TO AVOID A CLUTTERED APPEARANCE.

- OPEN SPACE CONSIDERATIONS:

- CONSIDERATION SHOULD BE GIVEN TOWARD THE PRESERVATION OF NATURAL SITE FEATURES, INCLUDING TREES AND DRAINAGE AREAS;

- THE OVERALL LANDSCAPE TREATMENT OF EXTERIOR SPACES SHOULD ENHANCE THE QUALITY OF THE PROJECT;

- LANDSCAPE DESIGN SHOULD INCORPORATE CONSIDERATION OF THE FUNCTION AND USE OF OUTDOOR SPACES.

d. VICINITY CONSIDERATIONS:

- LOGICAL ON-SITE/OFF-SITE PEDESTRIAN, AUTO, AND BIKE LINKAGES SHOULD BE IMPLEMENTED WHERE PRACTICAL;

- LANDSCAPING ON OR NEAR THE BORDER OF THE SITE SHOULD CONSIDER APPROPRIATE BUFFERING TO MITIGATE IMPACTS TO ADJACENT PROPERTIES, RECOGNIZING THAT "APPROPRIATE BUFFERING" MAY VARY DEPENDING UPON THE CURRENT AND FUTURE USAGE, SIZE, ZONING, AND DENSITY (AS WELL AS OTHER FACTORS) OF THE ADJACENT PROPERTY(S).

e. EXTERIOR LIGHTING STANDARDS:

- EXTERIOR LIGHTING STANDARDS SHOULD BE OF A SCALE, STYLE, AND MATERIAL APPROPRIATE TO THE DEVELOPMENT;

f. LAND USE AND DEVELOPMENT CONSIDERATIONS:

- SHOULD SUPPORT THE DEVELOPMENT OF A HIGH-QUALITY, RETAIL-FOCUSED PROJECT CONSISTENT WITH THE DENVER WEST MASTER PLANNED DEVELOPMENT;

- SECONDARY, NON-RETAIL LAND USES SHOULD PROMOTE THE VIBRANCY OF AND BE COMPLEMENTARY TO A RETAIL-FOCUSED PROJECT.

- THE GROSS FLOOR AREAS AND BUILDING DESIGNS (E.G. HEIGHT LIMITATIONS, GROUND FLOOR DESIGN STANDARDS, ETC.) OF SUPPORTING NON-RETAIL USES SHOULD BE COMPLEMENTARY TO A RETAIL-FOCUSED PROJECT.

F. INTEGRATED LANDSCAPE PLAN AND STANDARDS

DEVELOPER SHALL COORDINATE WITH THE DWACC TO PROVIDE THE INTEGRATED LANDSCAPE PLAN TO ENSURE THAT THE OVERALL STANDARDS, CHARACTER, PLANTING, AND DESIGN REQUIREMENTS FOR PERIMETER LANDSCAPE AREAS, SIGHT TRIANGLES, PARKING LOTS, DRAINAGE AND BUFFER AREAS, WALKWAYS AND BIKE PEDESTRIAN PATHS, AND THE HANDLING OF TRASH ENCLOSURES, SERVICE LINES, AND MECHANICAL EQUIPMENT ARE IN CONFORMANCE WITH THE DESIGN GUIDELINES. INTEGRATED LANDSCAPE PLANS DEMONSTRATING CONFORMANCE WITH DESIGN GUIDELINES SHALL BE SUBMITTED TO THE DWACC PRIOR TO ANY SITE PLAN OR PLAT APPLICATION TO THE CITY. DWACC APPROVAL IS REQUIRED PRIOR TO THE ISSUE OF PERMITS FOR FINAL GRADING, BUILDING CONSTRUCTION, OR SIGN INSTALLATIONS. OWNER IS RESPONSIBLE FOR CONFORMANCE WITH THE INTEGRATED LANDSCAPE PLAN.

1. MAINTENANCE OF LANDSCAPING

LANDSCAPING SHALL BE CONTINUOUSLY MAINTAINED, INCLUDING NECESSARY IRRIGATION, WATERING, WEEDING, PRUNING, PEST CONTROL, AND REPLACEMENT OF DEAD OR DISEASED PLANT MATERIAL BY EACH OWNER. DEAD OR DISEASED PLANT MATERIAL, INCLUDING BUT NOT LIMITED TO TREES, SHRUBS, AND GRASSES, SHALL BE REPLACED BY THE OWNER AND SHALL BE OF THE SAME OR A SUBSTITUTE (SUBJECT TO DWACC APPROVAL) TYPE OF PLANT MATERIAL AS SET FORTH IN THE INTEGRATED LANDSCAPE PLAN FOR EACH PLANNING AREA. REPLACEMENT SHALL OCCUR IN THE NEXT PLANTING SEASON, BUT IN ANY EVENT, SUCH REPLACEMENT TIME SHALL NOT EXCEED ONE YEAR, UNLESS OWNER HAS DWACC PRIOR WRITTEN APPROVAL TO EXTEND THIS TIMELINE. ANY REPLACEMENT LANDSCAPING MATERIALS WHICH CONFORM TO THE REQUIREMENTS OF THIS SECTION SHALL NOT BE CONSIDERED AN AMENDMENT TO THE SITE PLAN.

G. COMPREHENSIVE SIGNAGE PROGRAM

A COMPREHENSIVE SIGN PROGRAM FOR EACH PLANNING AREA, OR FOR THE ENTIRE PROPERTY, SHALL COMPLY WITH THE DESIGN DOCUMENTS. A COMPREHENSIVE SIGN PACKAGE DEMONSTRATING CONFORMANCE WITH DESIGN GUIDELINES SHALL BE SUBMITTED TO THE DWACC BEFORE ANY SITE PLAN, PLAT, OR SIGN PERMIT APPLICATION IS SUBMITTED TO THE CITY. DWACC APPROVAL IS REQUIRED PRIOR TO THE ISSUE OF PERMITS FOR GRADING, BUILDING CONSTRUCTION, OR SIGN INSTALLATIONS.

H. IMPLEMENTATION

THE STANDARDS SET FORTH IN THE DESIGN DOCUMENTS SHALL BE ADMINISTERED AND INTERPRETED BY THE DWACC, AS OUTLINED IN THE REGIONAL ODP AND SECTION II OF THIS ODP.

I. MAINTENANCE

EACH OWNER SHALL BE RESPONSIBLE FOR THE PROPER MAINTENANCE OF THEIR PROPERTY, AS DETERMINED BY AND SUBJECT TO THE DISCRETION OF THE DWACC.

J. VESTED DEVELOPMENT RIGHTS

THE VESTED DEVELOPMENT RIGHTS CREATED BY THIS ODP RUN WITH THE LAND AND REMAIN IN EFFECT THROUGHOUT THE TERM OF THIS ODP.

**STEVINSON DENVER WEST CENTER
CONCEPTUAL LAND USE PLAN
SHEET 1**

STATEMENT OF INTENT

THE INTENT OF THIS REZONING REQUEST IS TO REVISE THE PROPERTY FROM ITS CURRENT ZONING (PD/M-E-S) TO A PLANNED DEVELOPMENT WITH UNDERLYING COMMERCIAL LIMITED (PD/C-L) ZONING IN ORDER TO CREATE ONE SINGLE, UNIFIED ZONING FOR THE ENTIRETY OF THE PROPERTY (CURRENTLY THERE ARE TWO SEPARATE PLANNED DEVELOPMENT OVERLAYS GOVERNING DIFFERENT PORTIONS OF THE PROPERTY); AND TO REMOVE A VARIETY OF CURRENTLY PERMITTED AND SPECIAL USES WHILE REDUCING ALLOWED BUILDING HEIGHTS. THIS WILL BRING THE ZONING INTO ACCORDANCE WITH THE DENVER WEST MASTER PLAN'S LONG TERM VISION FOR THE PROPERTY AS PART OF THE BROADER DENVER WEST DEVELOPMENT. THAT PLAN, WHICH IS SUPPORTED BY THE LAKEWOOD COMPREHENSIVE PLAN'S VISION FOR THE DENVER WEST GROWTH AREA, WOULD CONSTITUTE THE SOUTHWESTERN ENTRY TO THE CITY AND DENVER WEST, AND SERVE AS THE FINAL LINKAGE OF THE EXISTING DENVER WEST RETAIL AND COMMERCIAL DEVELOPMENT TO US HIGHWAY 6.

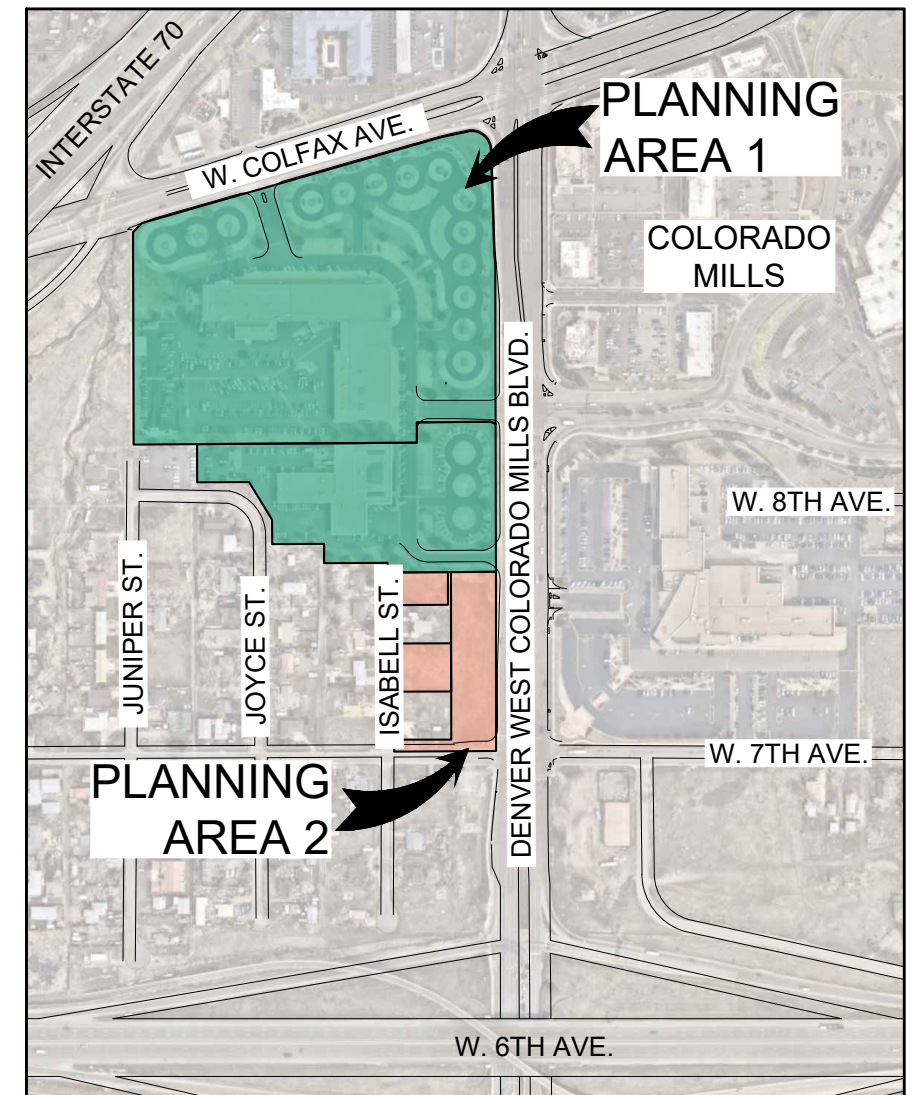
THE REZONING WOULD PROMOTE APPROPRIATE REDEVELOPMENT WITHIN THE LAKEWOOD COMPREHENSIVE PLAN'S DENVER WEST GROWTH AREA WHILE ENSURING A SET OF TAILORED PLANNED DEVELOPMENT PERMITTED AND SPECIAL USES AND BUILDING STANDARDS THAT ARE LIMITED AND CONSISTENT WITH THE HIGH QUALITY DEVELOPMENT THAT IS FOUND THROUGHOUT THE DENVER WEST MASTER PLANNED DEVELOPMENT. THE C-L DISTRICT IS APPROPRIATE FOR THESE GOALS, AS IT IS INTENDED FOR LOWER-INTENSITY COMMERCIAL USES ALONG MAJOR STREET CORRIDORS AND NEAR HIGHWAY INTERCHANGES.

OWNER'S CERTIFICATE

THIS WILL LIST AUTOMOTIVE SERVICES, INC. WITH KENT P. STEVINSON AS THE PRESIDENT. THE ASI ADDRESS IS: 1726 COLE BLVD SUITE 300, LAKEWOOD, CO 80401

PLANNING AREAS

THERE WILL BE TWO PLANNING AREAS, A NORTH PORTION AND A SOUTH PORTION. THE POINT OF SEPARATION IS THE EXISTING CURB CUT/ENTRYWAY ON THE SOUTH SIDE OF THE LEXUS PROPERTY. THE SOUTHERN PORTION ENCOMPASSES THE NARROW RECTANGULAR FINGER RUNNING SOUTH ALONG COLORADO MILLS BLVD. THE NORTHERN PORTION ENCOMPASSES THE REMAINDER. PLEASE NOTE THAT THIS IS A ROUGH APPROXIMATION OF THE SHAPE OF THE OVERALL AREAS.



VICINITY MAP

SCALE: 1" = 500'

- PLANNING AREA 1
- PLANNING AREA 2

MARTIN/MARTIN
CONSULTING ENGINEERS
12499 WEST COLFAX AVENUE, LAKEWOOD, COLORADO 80215
303.431.6100 MARTINMARTIN.COM

**STEVINSON DENVER WEST CENTER
CONCEPTUAL LAND USE PLAN
SHEET 2**

ZONE DISTRICT STANDARDS			
ZONING STANDARD	PD / M-E-S-ZONING	C-L ZONE DISTRICT (PROPOSED UNDERLYING ZONING)	PD ZONE DISTRICT (PROPOSED)
PERMITTED USES	COMMERCIAL, INCLUDING RETAIL, WHOLESALE, SALES, SUPPORT AND SERVICE BUSINESSES, PROCESSING AND ASSEMBLY, RESEARCH AND DEVELOPMENT, LABORATORIES, COMMUNICATIONS, RENTAL AND REPAIR FACILITIES, RESTAURANTS, AND AUTOMOBILE SALES AND SERVICE; ENTERTAINMENT AND CULTURAL FACILITIES, INCLUDING MUSEUMS, THEATERS AND RECREATIONAL FACILITIES, NIGHT CLUBS; OFFICE, INCLUDING BUSINESS, PROFESSIONAL, MEDICAL, AND DENTAL; HOTELS, INCLUDING CONFERENCE FACILITIES; INSTITUTIONAL, INCLUDING SCHOOLS, LIBRARIES, MEDICAL FACILITIES, GOVERNMENTAL, COMMUNITY, AND PUBLIC FACILITIES; PARKS AND OPEN SPACE, INCLUDING PARKS, COMMUNITY AND RECREATIONAL FACILITIES; PARKING AND TRANSIT FACILITIES, INCLUDING SURFACE PARKING, PARKING STRUCTURES, AND PUBLIC TRANSPORTATION FACILITIES. PARKING USE SHALL BE ACCESSORY ONLY; GROUP HOME (1-8 CLIENT RESIDENTS); CLUB/LODGE OR SERVICE ORGANIZATION; DAY CARE FACILITY; PRIVATE FITNESS OR ATHLETIC FACILITY; GALLERY OR STUDIO; LIGHT MANUFACTURING; RELIGIOUS INSTITUTION; UNIVERSITY OR COLLEGE; MINOR UTILITY FACILITY; HORTICULTURE; MAJOR HOME BUSINESS; WIRELESS COMMUNICATIONS FACILITY (STEALTH, NEW FREESTANDING STRUCTURES ≤60 FT IN HEIGHT)	GROUP RESIDENTIAL FACILITY; BAR; CLUB/LODGE, OR SERVICE ORGANIZATION; DAY CARE FACILITY; EMERGENCY MEDICAL FACILITY; INDOOR ENTERTAINMENT FACILITY; GALLERY OR STUDIO; HOTEL; CAR WASH; STAND ALONE STRUCTURED PARKING; PERSONAL SERVICES; PLANT NURSERY; RESTAURANT; RETAIL; COMMUNITY BUILDING; PARK; RELIGIOUS INSTITUTION; SCHOOL (PUBLIC OR PRIVATE); TRANSPORTATION FACILITY; UNIVERSITY OR COLLEGE; MINOR UTILITY FACILITY; HORTICULTURE; WIRELESS COMMUNICATIONS FACILITY (STEALTH, NEW FREESTANDING STRUCTURES ≤60 FT IN HEIGHT)	ADDITIONAL LIMITATIONS PER ODP: <ul style="list-style-type: none"> • ANIMAL CARE • MOTOR VEHICLE SERVICE - FUELING STATION
SPECIAL LAND USES (PERMITTED WITH SPECIAL USE PERMIT)	BAR; INDOOR ENTERTAINMENT FACILITY; VEHICLE DISPATCH FACILITY; HOSPITAL; SOLAR GARDEN; MAJOR UTILITY FACILITY; LONG-TERM TEMPORARY USE; FREESTANDING WIND-POWERED ELECTRIC GENERATOR; WIRELESS COMMUNICATIONS FACILITY (>60 FT IN HEIGHT)	SHELTER; FUELING STATION; MAJOR UTILITY FACILITY; LONG TERM TEMPORARY USE; FREESTANDING WIND-POWERED ELECTRIC GENERATOR; WIRELESS COMMUNICATIONS FACILITY (>60 FT IN HEIGHT)	SHELTER; MAJOR UTILITY FACILITY; LONG TERM TEMPORARY USE; FREESTANDING WIND-POWERED ELECTRIC GENERATOR; WIRELESS COMMUNICATIONS FACILITY (>60 FT IN HEIGHT)

**STEVINSON DENVER WEST CENTER
CONCEPTUAL LAND USE PLAN
SHEET 3**

ZONE DISTRICT STANDARDS			
ZONING STANDARD	PD / M-E-S-ZONING	C-L ZONE DISTRICT (PROPOSED UNDERLYING ZONING)	PD ZONE DISTRICT (PROPOSED)
LIMITED LAND USES	ACCESSORY DWELLING UNIT; ATTACHED DWELLING UNIT; MULTIFAMILY DWELLING UNIT; GROUP RESIDENTIAL FACILITY; ANIMAL CARE; CONTRACTOR SHOP; MOTOR VEHICLE RENTAL; STAND ALONE SURFACE PARKING; SMALL ANIMAL AGRICULTURE; APIARIES; COMMUNITY GARDEN; SHORT-TERM TEMPORARY USE	PRIVATE FITNESS OR ATHLETIC FACILITY; MOTOR VEHICLE RENTAL; MINOR MOTOR VEHICLE SERVICE; OFFICE; STAND ALONE SURFACE PARKING; SOLAR GARDEN; APIARIES; COMMUNITY GARDEN; SHORT-TERM TEMPORARY USE	SAME AS BASE ZONE DISTRICT
FRONT SETBACK	<p>M-E-S: MIN: TEN (10) FEET MAX: EIGHT-FIVE (85) FEET</p> <p>PD: <ul style="list-style-type: none"> • FROM I-70 AND W 6TH AVE: 50' • FROM INDIANA ST (COLO MILLS BLVD), WEST COLFAX AVE, AND ALL OTHER LOCAL ROW: 30' • OTHER PROPERTY LINES: MIN OF 15' </p>	<p>MIN: TEN (10) FEET MAX: NONE</p>	SAME AS BASE ZONE DISTRICT

**STEVINSON DENVER WEST CENTER
CONCEPTUAL LAND USE PLAN
SHEET 4**

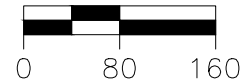
ZONE DISTRICT STANDARDS			
ZONING STANDARD	PD / M-E-S-ZONING	C-L ZONE DISTRICT (PROPOSED UNDERLYING ZONING)	PD ZONE DISTRICT (PROPOSED)
REAR/SIDE SETBACK	<p>M-E-S: MIN (SIDE): FIVE (5) FEET MIN (REAR): TEN (10) FEET</p> <p>PD: ADJACENT USE: • LOW AND MEDIUM DENSITY RESIDENTIAL: 30'** • HIGH DENSITY RESIDENTIAL: 10'* • NON-RESIDENTIAL: 0' * SUBJECT TO BUFFERING REQUIREMENTS ** FOR PROPOSED BUILDINGS 30 FEET IN HEIGHT, THE BUILDING SEPARATION FROM EXISTING RESIDENTIAL USES OR ZONE DISTRICT BOUNDARIES SHALL BE 45 FEET PLUS ½ FOOT FOR EACH FOOT OF PROPOSED BUILDING HEIGHT OVER 30 FEET. THE STRUCTURE MAY BE REQUIRED TO BE STEPPED BACK AT A 45 DEGREE ANGLE ABOVE THE SECOND STORY (28 FEET) TO MITIGATE IMPACTS OF HEIGHT ON SURROUNDING STRUCTURES.</p>	<p>MIN (SIDE): FIVE (5) FEET MIN (REAR): FIVE (5) FEET</p>	SAME AS BASE ZONE DISTRICT
BUILD-TO-ZONE	<p>M-E-S: FORTY (40) PERCENT</p> <p>PD: N/A</p>	N/A	N/A
HEIGHT REQUIREMENT	<p>MIN: NONE MAX: SIXTY (60) FEET</p>	<p>MIN: NONE MAX: SIXTY (60) FEET</p>	<p>MIN: NONE MAX: PLANNING AREA 1 - SIXTY (60) FEET PLANNING AREA 2 - FORTY-FIVE (45) FEET</p>
OPEN SPACE	<p>MIN: TWENTY (20) PERCENT</p>	<p>MIN: TWENTY (20) PERCENT</p>	SAME AS BASE ZONE DISTRICT
NON-RESIDENTIAL BUILDING FOOTPRINT	NONE	N/A	N/A
PARKING	LAKWOOD ZONING ORDINANCE SECTION 17.8 (SEE TABLE 17.8.1 FOR REQUIREMENTS FOR EACH USE TYPE)	LAKWOOD ZONING ORDINANCE SECTION 17.8 (SEE TABLE 17.8.1 FOR REQUIREMENTS FOR EACH USE TYPE)	<p>MIN: SAME AS BASE ZONE DISTRICT MAX: NO MAXIMUMS FOR PERMITTED LAND USES</p>
RESIDENTIAL DENSITY	NONE	N/A	N/A



STEVINSON DENVER WEST CENTER CONCEPTUAL LAND USE PLAN

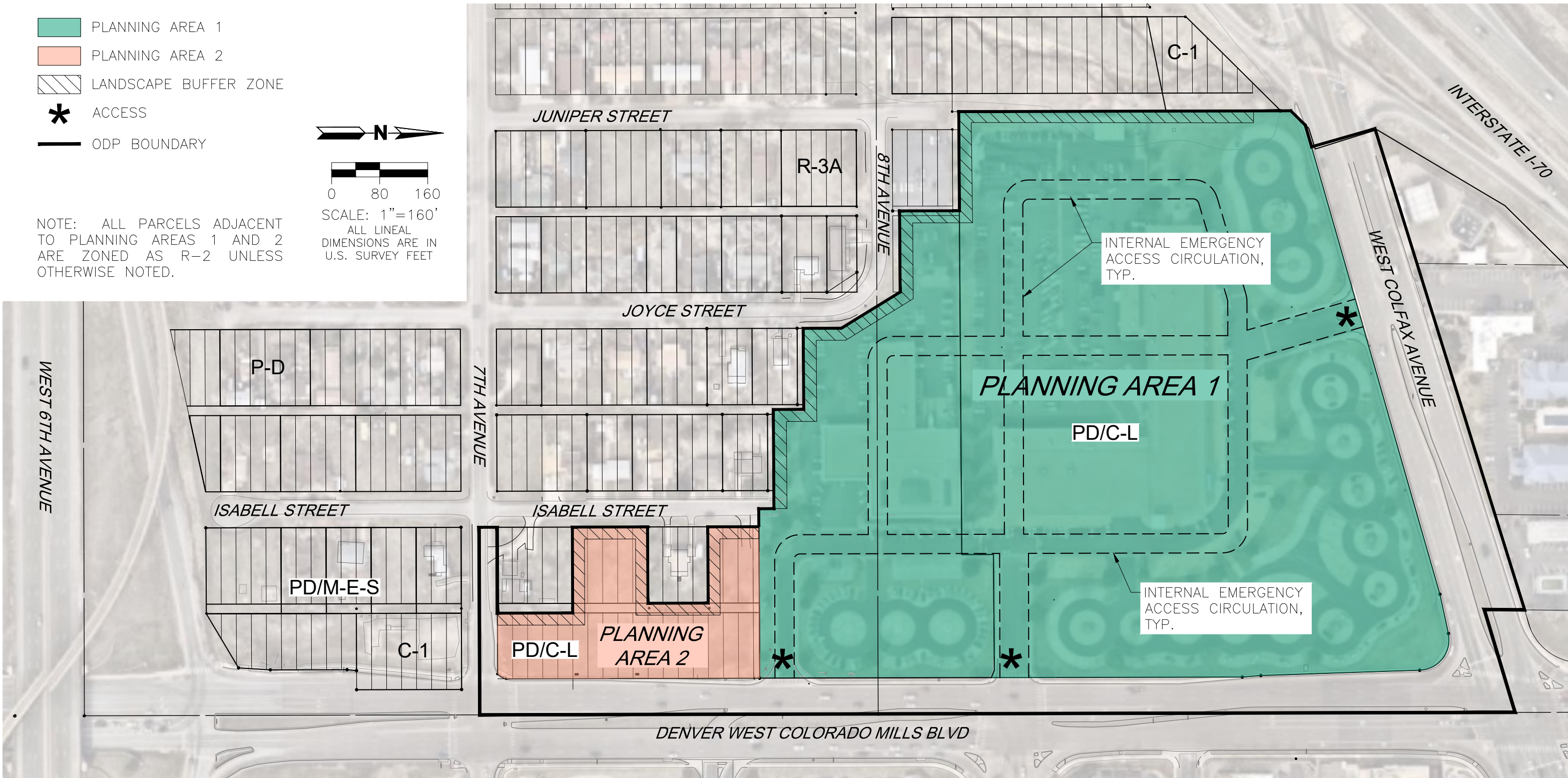
SHEET 5

- PLANNING AREA 1
- PLANNING AREA 2
- LANDSCAPE BUFFER ZONE
- * ACCESS
- ODP BOUNDARY



SCALE: 1"=160'
ALL LINEAL
DIMENSIONS ARE IN
U.S. SURVEY FEET

NOTE: ALL PARCELS ADJACENT
TO PLANNING AREAS 1 AND 2
ARE ZONED AS R-2 UNLESS
OTHERWISE NOTED.





Planning Department

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NEIGHBORHOOD MEETING NOTES

CASE NUMBER: ZP-20-069 – Preplanning application for a proposed rezoning
Project Manager: Brea Pafford
Applicant: Bonnie Niziolek, Norris Design
Owners: Stevinson Colorado Mills Holdings, LLC, Stevinson Automotive Campus, Denver West Properties, LLC, Golden Pottery Company & Golden Nursery
Case Address: 14700 W. 7th Ave.
Request: The applicant has expressed an interest in annexation and zoning/rezoning multiple parcels of land with a Planned Development (PD/M-E-S) zoning designation.
Date: June 22, 2021
Time: 6:00PM – 7:00PM
Location: 780 Denver West Colorado Mills Blvd.
Lakewood, CO 80401

Neighborhood Groups Notified: Daniels-Welchster Neighborhood Association, Union Corridor Professionals Group, Applewood Business Association, West Pleasant View Neighborhood Association, North Lakewood Advocates

City Staff: Brea Pafford, Planning - Development Assistance
Paul Rice, Planning Manager - Development Assistance

In Attendance: 31+ in person, 25 virtually via Zoom, 12 members from the applicant's team, and 2 City Staff members were in attendance.

This is a summary of the neighborhood meeting. It is not inclusive of all the details, but rather a summary of the main points discussed at the meeting.

Meeting Agenda:

- Introduction & Meeting Info
- Purpose of Meeting
- Explanation of Annexation & Zoning Process
- Presentation by the Applicant
- Questions and Discussion
- Closing Comments and Next Steps

At 6:00 PM the applicant opened the meeting with an explanation of the dual in-person/virtual meeting format and a quick introduction of the developer and consultant team.

Following introductions, staff provided information about the purpose, notice requirements, and an overview of the annexation and zoning review process before turning the meeting over to Greg Stevinson to present information about the development proposal.

Mr. Stevinson explained that the proposed annexation is being done with the permission of all property owners and that the current proposal is to create an automotive campus that will include the relocation of the existing Lexus and Chevy Dealerships to the east side of Denver West Colorado Mills Blvd. and the north of W. 6th Ave. Once the dealerships are relocated, the intent is to rezone and redevelop the vacated sites to the south of W. Colfax Ave. and west of Denver West Colorado Mills Blvd.

Kent Stevinson provided more specific information on the Stevinson Automotive Campus development. A total of three new automotive dealerships are proposed to the south of W. 7th Ave. & east of Denver West Colorado Mills Blvd. Stormwater detention facilities and landscape buffer is proposed for the land that is east of the existing curling center. The existing frontage road north of W. 6th Ave. will be demolished directly adjacent to the development site. Each new dealership will take access off W. 7th Ave. Illustrative images and elevation views of the three new dealership buildings were also provided for reference.

Following the presentation, the applicant opened the floor for questions/comments. The following lists the questions and comments that were received

Question (Q): Why are you looking to annex land that is in the floodplain and Kendrick Street?

Answer(A): Desire control of the existing gulch area to manage the runoff that ends up downstream in the Denver West Ponds.

Q: What will happen to the old Chevy and Lexus dealerships?

A: Proposal is to rezone to remove the automotive sales land use. It will likely be redeveloped with neighborhood scale retail, medical office, community center and restaurant land uses.

Q: How do you intent to ensure that property owner permission will be required for all future annexations into the City?

A: Will request a provision to be included within the annexation agreement that is a contractual obligation.

Q: Will existing local streets (west of Colorado Mills Denver West Blvd.) be used to access the future development of the old Chevy & Lexus sites?

A: No – access to any redevelopment will not connect directly to the residential neighborhood streets.

Q: What about the residential lot on Juniper St.?

A: Not sure, but it will probably not make sense as a commercial development site.

Q: What will the new development look like? Will it mimic the existing country setting?

A: Applicant will work to buffer site lighting. Building architecture is dictated by the manufacturer. New dealerships have minimal sales areas and small show rooms because of online shopping options.

Q: What is going to prevent property values from going up due to the redevelopment?

A: Involves influences outside of the developers control that are causing the current increase in property values. Cannot stop the laws of economics but will try to build projects that respect the adjacent neighborhood. Additionally, an increase in property values helps fund the Pleasant View Fire and Metro District.

Q: How is vehicle traffic through the residential neighborhood going to be addressed?

A: A traffic study is required and will be provided. There will be street improvements on W. 7th Ave. Applicant will propose to have signs to restrict right turns out of the automotive campus.

Q: 7th Avenue is narrow. How will you mitigate the additional traffic from the three dealerships?

A: City will require improvements if warranted by the traffic study. Employees at the dealership will not be permitted to turn left/drive through the neighborhood. Most test drives will be conducted on W 6th Ave.

Comment: Concerned that the church on Coors St and the Frontage Road will increase neighborhood traffic with the closure of the W. 6th Ave Frontage Rd.

Q: Are there development plans for the vacant lot to the north of W. 7th Ave?

A: No plans at this time.

Q: Timeframe to construct everything?

A: Construction will start in late 2022. All three dealerships will be constructed at one time.

Q: How long is construction?

A: 18-20 months

Q: Will there be bright lights on all night?

A: Yes. A lighting study will be completed and will work with the City's requirements. Site lighting is better than it was 5-10 years ago. It can be controlled so there is no light bleeding off the site.

Q: Has City Council weighed in?

A: No – the neighborhood meeting is required before a formal application/request to City Council is made.

Q: What happens after annexation and zoning? Will neighbors still receive notice of development.

A: No – annexation and zoning are a public process. Site development is typically an administrative review and the City does not send notices out for administrative reviews.

Q: What direction will the dealership face?

A: W. 6th Ave

Q: Is there not an option to provide a fence and keep the frontage road?

A: No – service road splits the site and causes grade issues.

Comment: Concern with more traffic, more crime from the additional development.

Q: Can you explain why is this land so important to the Stevinson family?

A: This is land that is under private ownership and this is the desired and intended use when it was purchased. Intend to be respectful to the neighborhood and look forward to continued communication with the residents. This will generate taxes that fund Pleasant View services.

The meeting ended at 7:09PM. Staff provided a summary of the applicant's 'next steps':

- Submit formal application
- Notification
- Public Hearing

CC: Case File ZP-20-069
Case File RZ-21-001



Planning Department

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470 South Allison Parkway
Lakewood, Colorado 80226-3127
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Lakewood.org/Planning

NEIGHBORHOOD MEETING NOTES

CASE NUMBER: ZP21-0010 – Preplanning application for a proposed rezoning

Project Manager: Brea Pafford

Applicant: John Wolforth

Owners: Stevinson Colorado Mills Holdings LLC, Stevinson Chevrolet INC, Denver West Properties LLC, Automotive Services INC, Golden Nursery Company -

Case Address: 15000 W Colfax Ave

Request: The applicant has expressed a desire to rezone multiple parcels of land with an existing Planned Development (PD/M-E-S) zoning designation.

Date: February 22, 2022

Time: 6:00PM – 7:00PM

Location: 1717 Denver West Marriott Blvd
Golden, CO 80401

Neighborhood Groups Notified: Daniels-Welchster Neighborhood Association, Union Corridor Professionals Group, Applewood Business Association, North Lakewood Advocates

City Staff: Brea Pafford, Planning - Development Assistance
Paul Rice, Planning Manager - Development Assistance

In Attendance: 6 in person, 5 virtually via Zoom, 4 members from the applicant’s team, and 2 City Staff members were in attendance.

This is a summary of the neighborhood meeting. It is not inclusive of all the details, but rather a summary of the main points discussed at the meeting.

Meeting Agenda:

- Introduction & Meeting Info
- Purpose of Meeting
- Explanation of Annexation & Zoning Process
- Presentation by the Applicant
- Questions and Discussion
- Closing Comments and Next Steps

At 6:03 PM the applicant opened the meeting with an explanation of the dual in-person/virtual meeting format and a quick introduction of the developer and consultant team.

Following introductions, staff provided information about the purpose, notice requirements, and an overview of the annexation and zoning review process before turning the meeting over to the applicant to present information about the development proposal.

Mr. Wolforth explained that the rezoning proposal includes the 23-acre property where the existing

Chevy and Lexis Dealerships are located, plus 9 other parcels located between Denver West Colorado Mills Blvd (DWCM) and Isabell St. The intent of the new Planned Development zone district is to remove land uses including Motor Vehicle and Recreational Vehicle sales from the Stevinson owned properties located west of DWCM Blvd. The ODP standards would also include additional limitations to the size and scale of future commercial land uses, but that there is not a specific redevelopment proposal for any of these properties at this time.

Following the presentation, the applicant opened the floor for questions/comments. The following lists the questions and comments that were received

Question (Q): Why do you want to remove the automotive sales land use?

Answer(A): There has been interest from several of the existing dealerships along the W. Colfax Avenue corridor to move out to Denver West. There is concern for the vitality of W. Colfax Avenue and the impact that vacant dealership buildings would have on the other existing business along the corridor.

Q: Why now?

A: The existing Chevy & Lexis dealerships will be relocated across DWCM Blvd to the proposed Stevinson Automotive Campus development located south of W. 7th Avenue, which will then allow for redevelopment of the existing dealership properties in the future. Removing automotive related land uses will ensure business diversity by consolidating the automotive land uses on the east side of DWCM Blvd.

Q: What do you intend to put on these properties?

A: Unsure – COVID has changed things.

Q: Will there be a liquor store or dispensary?

A: Both would fall under a retail land use, which would be allowed under the proposed zoning. A dispensary with an existing Lakewood license could potentially relocate here but would already need to exist elsewhere within Lakewood and would need to close the existing location to relocate.

Q: What is happening with the prior annexation & zoning proposal for land to the south and west of this rezoning proposal (per the neighborhood meeting held on June 22, 2021)?

A: That proposal has been withdrawn.

Comment (C): Concerned because we are surrounded by rental properties.

Response (R): The Stevinson family acknowledges these concerns and are trying to be thoughtful about what makes sense.

C: Grateful for Stevinson's commitment to W. Colfax Ave redevelopment & desire to limit attrition of existing Colfax Ave Corridor businesses.

Q: Unclear why there is a proposal to remove the automotive land use prior to the dealerships moving to the east. Why not just keep the existing dealerships in the current location.

A: The existing Chevy & Lexis building are reaching their lifespan and cannot be retrofitted to satisfy requirements of the vehicle manufacturers. The proposal to move these to the new campus allows for new buildings with smaller footprints that are more energy efficient with less impact. This will facilitate a desire to consolidate all Stevinson dealerships located in Denver West on the east side of DWCM Blvd and adjacent to the W. 6th Avenue Highway.

Q: Are there plans to demolish any of the existing houses?

A: Some of the houses on Indiana [*CMDW Blvd*] and on the east side will probably be removed; however, that is also a possibility with any redevelopment under the existing zoning anyway.

C: Concerned that the church on Coors St and the Frontage Road will increase neighborhood traffic

with the closure of the W. 6th Ave Frontage Rd.

Q: What land uses will be allowed?

A: Existing zoning already includes a lot of commercial land uses and most of these will continue to be allowed under the new zoning. Really just looking to remove the automotive sales. If the rezoning request is successful, we will need to evaluate what type of development makes sense in the post COVID environment.

C: Glad you are doing this; don't want another Auto sales group to move in. Appreciate that future redevelopment will not consist of additional dealerships in this area.

R: Our intent is to find businesses and uses that are not currently out at Denver West, and/or those that complement existing businesses and land uses.

C: Just don't sell the property.

R: Truth is that the Stevinson family might not own the land in the next 20-50 years. Housing, retail and office dynamics have changed and will continue to change.

Q: What will happen to the existing Chevy & Lexis buildings?

A: Eventually they will be demolished. No desire to leave vacant/derelict buildings.

Q: With the sale of the other dealerships, is the intent to sell the property and retire in the next 5-10 years?

A: No plans to retire.

The meeting ended at 6:50PM after staff provided a summary of the applicant's 'next steps':

- Submit formal application
- Notification
- Public Hearing

CC: Case File ZP21-0010
Case File RZ22-0002

**LAKESWOOD PLANNING COMMISSION
REGULAR MEETING
MINUTES**

June 7, 2023

COMMISSIONERS PRESENT:

Steven Buckley
William Furman
Eric Grebliunas
Cathy Kentner, Secretary
Jenny O’Neill, Chair
Rhonda Peters

STAFF PRESENT:

Lauren Stanek, Senior Assistant City Attorney
Brea Pafford, Sr. Planner, Planning – Development Assistance
Toni Bishop, Transportation Engineering Technician II, Public Works
Ben Mehmen, Civil Engineer III, Public Works
Paul Rice, Manager, Planning-Development Assistance
Kayla Redd, Clerk to the Planning Commission

Following are the minutes of the June 7th, 2023, Lakewood Planning Commission Regular Meeting. A permanent set of these minutes is retained in the office of the City Clerk.

Minutes are not a verbatim transcription, but rather an attempt by the Clerk to capture the intent of the speakers.

ITEM 1: CALL TO ORDER

ITEM 2: ROLL CALL

The roll having been called, a quorum was declared and the following business was conducted:

ITEM 3: APPROVE 04-19-2023 PC MEETING MINUTES

COMMISSIONER BUCKLEY made a MOTION to approve the meeting minutes at the next regular meeting.

COMMISSIONER KENTNER seconded the MOTION.

VOTE TAKEN –

6 Ayes – Commissioners BUCKLEY, FURMAN, GREBLIUNAS, KENTNER, O'NEILL, and PETERS

The motion PASSED.

ITEM 4: RZ-21-001 & RZ22-0002 & AX-21-001 VOTE & ACTION

BREA PAFFORD, Sr. Planner, Planning – Development Assistance, provided the staff presentation for case RZ-21-001 & RZ22-0002 & AX-21-001.

GREG & KENT STEVINSON, Applicant provided the application presentation for case RZ-21-001 & RZ22-0002 & AX-21-001.

CHAIR O'NEILL opened public comment.

Public Comment received via telephone/in-person:

Diane Duffey (President of Daniel's Welchester Neighborhood Association) – provided issues identified with the project including noise, lights, buffer area, car transports, enhancements to 7th Ave., traffic and traffic calming, neighborhood recognition signage, and frontage road access.

Rita Buchoiz (and Cody Rex) – talked about the retaining buffer wall and the lack of residential character it would achieve. The community is quiet and small so increased traffic congestion, noise, and light pollution will disrupt the privacy and community cohesion of the area. Stevinson employees already park in the neighborhoods and there is concern that there will be increased disturbance.

Kathleen Clark – expressed concern about traffic and elaborated on the current issues of speeding. The people proposing the project do not live in the area and do not have to experience the issues that the project may bring.

Laura Hack – expressed concern about the traffic aspect of the project.

Jane Alvarado – talked about how existing businesses have already increased the traffic and character of the residential area. There is concern regarding the privacy from light pollution.

Janey Hartly – talked about current traffic increases and the size of the roads. The adjacent community is not being considered.

Robert Licata – spoke about how the existing Stevinson car dealerships are not being used significantly. Changing the location of the dealership is not worth the impact the project will

have on the neighborhood. Robert feels that the Stevinson project should redevelop on land they already own.

Jennifer Clayton – stated concerns with the current lack of sidewalks, the blinking lights at the existing Stevinson dealership, the amount of expected traffic, and the plan for the water drainage system.

Public Comment received via Lakewood Speaks: 2

Michael Gulsvig – June 7, 2023 – 4:29 PM

I do not object to the rezoning but would like to bring up some concerns as a resident living to the east of the proposed Stevinson Automotive Campus, Case #AX-21-001. Building the Automotive Campus will inevitably increase traffic in the area, particularly on W. 7th Ave, which is a main entrance to the residential area. Infrastructure of that road will need to be improved to meet this significant change, as it was not originally built to accommodate heavy traffic. In particular, W. 7th Ave will require better turn lanes and sidewalks, which currently do not exist for most of the street (and where they do, are not contiguous). This is also a busy route for bicycles, both recreational and commuting, as well as pedestrian traffic. As such, sidewalks and bicycles lanes on W. 7th Ave should be incorporated into the development plans. Further, increased commercial traffic will significantly impact the residents of the area, which did not exist when individuals purchased their homes. Improved infrastructure should be completed by Stevinson Automotive and/or the City of Lakewood in an effort to minimize this impact. An example of recent impact is when large events take place at the Curling Center. At these times, cars park along W. 7th Ave, which effectively turns the two-lane road into a single lane road. This creates a dangerous situation for pedestrians and drivers; and is only bringing in traffic on a much smaller scale than the Automotive Campus will once fully developed. Proper planning will need to be completed to avoid situations like this when the Automotive Complex is built. Also worth noting is that the residential area to the east of the proposed Automotive Campus has more and more young families with children moving in. Therefore, it is recommended that vehicle test drives not be conducted in the residential area. Higher vehicle traffic with clients focusing on the test vehicle's features instead of the road, and unfamiliar vehicle operations induce higher safety concerns for pedestrians and children playing in the residential area. City of Lakewood and Jefferson County should investigate an improved roadway layout on Denver West Colorado Mills Blvd, Northbound traffic lanes, from the underpass of W 6th Ave Freeway to W 7th Ave. The off ramp from East travel traffic from W 6th Ave to North travel on Denver West Colorado Mills Blvd has a turn lane that splits into 2 lanes; it is difficult and sometimes dangerous to cross those two lanes for a right hand turn onto W. 7th Ave when traveling Northbound on Denver West Colorado Mills Blvd. Increased traffic to these proposed commercial areas will make this situation worse. A single merge lane and a dedicated right turn lane onto W. 7th Ave are suggested; also, a dedicated right turn and merge lane from W. 7th Ave onto Northbound Denver West Colorado Mills Blvd. Care to minimize construction debris on the roadways, such as dirt and rocks, should also be taken. Residents of the area should not have to worry about rocks being kicked up from vehicles causing personal vehicle damage such as cracked windshields. In conclusion, development plans need to consider the residents of this area to minimize impacts of the Automotive Center that were not present when they moved in. The roads and residential structure of the

community were not built to accommodate such a heavy flow of traffic that will inevitably follow the addition of such a large commercial entity. Increased traffic of the commercial space will be felt by the residents in perpetuity unless taken into consideration and addressed through intentional planning and action. Thank you.

Sherry Agard – June 7, 2023 – 4:29 PM

The 6th Avenue Frontage Road should remain open to provide an alternate safety route for emergency services if 7th Avenue is not accessible. This happened on June 14, 2022, when one of the abandoned houses within the Stevinson proposed development area, south of 7th Avenue, caught fire.

(Display of structure on fire.)

The large contingent from West Metro Emergency Services was quickly able to extinguish the fire, but 7th Avenue was blocked in both directions for more than an hour.

(Display of emergency service vehicles.)

Once 7th Avenue was blocked at the west end, additional emergency vehicles were able to use the frontage road to get to the east end. During this time, the public was also able to use the frontage road to get around the 7th Avenue closure.

(Display of fire truck blocking off road.)

The Stevinson development could also benefit from having established roads on both the north and south sides, especially for evacuation and EMS access to the campus in the event of an emergency. The frontage road should also be retained for other local traffic to the Mormon church and residential areas to the east, which extends to the Alkire Street neighborhood. Thank you.

COMMISSIONER BUCKLEY inquired about the traffic study that estimated 400 extra cars a day on 7th Avenue. What part of 7th Avenue is this referencing?

FRED LANCE, Traffic Engineer on behalf of the applicant – referenced the traffic study to explain that roughly 25 additional trips will be added to 8th Avenue at peak hour, with one to two additional trips heading eastbound on 7th Avenue. The 7th and 8th Avenue connector discourages traffic continuing east onto 7th Avenue. Existing traffic in the peak hours are in the 60-80 trip range on 8th Avenue with 25 trips on W. 7th Avenue, so increased traffic is expected to be low.

COMMISSIONER BUCKLEY stated the addition of 25 cars per hour is within the capacity of a residential street. This equates to about one additional car every couple of minutes. Is this study considering the traffic that will be rerouted onto 7th Avenue because the frontage road will no longer exist?

MR. LANCE stated the frontage road carries about 400 cars a day, with a maximum peak hour number of 20 cars using the frontage road. That maximum is included in the 7th Avenue calculation.

COMMISSIONER BUCKLEY inquired about the infrastructure improvements on 7th Avenue along the frontage of Stevinson's new car dealership property.

MR. LANCE stated that turn lanes may be needed and sidewalks will be provided.

BEN MEHMEN, Civil Engineer III, Public Works, stated that the City would require improvements including widening the roadway West of the curve to match the collector standard road which may include bike lanes. There will be a detached sidewalk along the South side across the frontage. The 7th Avenue piece East of the curve and Eldridge are intended to be local streets and will require widening to match the local street standard.

COMMISSIONER BUCKLEY inquired about the standard for local and collection streets.

MR. MEHMEN stated that a local street standard is 28 feet flowline to flowline which allows for parking on both sides and two through lanes. Typically, a collector street will require a 36-foot curb to curb section which allows for either a center turn lane or bike lanes. The dimensions can change depending on what is desired for the street. Those decisions will be determined once a final site plan is provided and the precise access locations are indicated.

COMMISSIONER BUCKLEY inquired about street improvements across the frontage of the Curling Center.

MR. MEHMEN talked about how that portion of the frontage was not included with this development, but the intention is to match into the existing attached sidewalk with a detached sidewalk on either side.

COMMISSIONER BUCKLEY inquired about further traffic calming methods.

TONI BISHOP, Transportation Engineering Technician II, Public Works stated that the City of Lakewood does not have jurisdiction for neighborhood streets that are in unincorporated Jefferson County. The County would need to approve and implement traffic calming methods within the residential neighborhoods.

COMMISSIONER BUCKLEY asked to provide a reaction the public comment of the neighbors.

MR. G. STEVINSON provided a statement outlining the previous redevelopment projects and the inclusion of community voice into those projects. There is a desire to work with community members to find a solution that satisfies their requests.

CHAIR O'NEILL asked the applicant to speak on the intent to eliminate residential from the proposed zoning.

MR. G. STEVINSON stated that multi-family on the West side would not be an optimal use because of the existing transportation infrastructure.

COMMISSIONER BUCKLEY inquired if a Motor Vehicle, Fueling Station on the West side is a permitted use by right or if it requires a special use permit.

MS. PAFFORD replied that it would be a permitted use by right but would need to meet the standards outlined in the Zoning Ordinance.

COMMISSIONER KENTNER inquired about if the frontage is currently right-of-way.

MS. PAFFORD stated that the West 6th Avenue Frontage Road is currently Colorado Department of Transportation (CDOT) right-of-way and will need to go through a process with CDOT for the right-of-way to be vacated.

COMMISSIONER KENTNER inquired if the CDOT process required a public comment period.

LAUREN STANEK, Senior Assistant City Attorney, stated that they are uncertain on the process.

COMMISSIONER KENTNER stated that it would be helpful to have of the traffic study and drainage report provided with the staff report.

MS. PAFFORD stated that regarding the right-of-way and CDOT, there will be a process that comes before City Council that involves an IGA between CDOT and Lakewood for another portion of the W. 6th Avenue Frontage Road.

COMMISSIONER KENTNER inquired about closing off Eldridge.

MS. PAFFORD stated that there has been no discussion of closing down Eldridge, but it will no longer be right-of-way in Jefferson County through the annexation.

COMMISSIONER GREBLIUNAS stated that dissection between the developer and community is important and inquired about the next steps in terms addressing topics that are a community concern and if there will be other opportunity for further community input once site designs are finalized.

MS. STANEK stated that issues presented through public comment could and/or would be addressed through one of the three documents, the Public Improvement Agreement, modifications to the Official Development Plan (ODP), or the Annexation, Zoning, Development and Vesting Agreement. Staff would decide which document is appropriate to address a specific topic or concern. The next opportunity for public comment will be the City Council Public Hearing on August 28, 2023.

COMMISSIONER GREBLIUNAS inquired about when the public would be able to see the progress as to what the proposed solutions to some of the issues would be.

MR. G. STEVINSON stated that the Stevinson group has been working on several of these issues already. The Architectural Control Committee can enforce compliance of public improvements.

COMMISSIONER GREBLIUNAS inquired about how much light pollution is allowed to spill into adjacent properties.

MS. PAFFORD stated that there are foot-candle limits at property lines and those limits are based on the adjacent land use. The City of Lakewood also requires full cutoff fixtures. The ODP could potentially address light color as it is not covered in the Zoning ordinance.

COMMISSIONER GREBLIUNAS inquired about how many candles are allowed to spill into residential properties.

MS. PAFFORD stated that adjacent to single family dwelling or duplex properties is a one-half foot candle restriction, attached dwelling or townhome and multifamily is one foot candle at the property line, and other non-residential uses is two foot candles at the property line.

COMMISSIONER GREBLIUNAS inquired about existing vacant dealerships.

MR. G. STEVINSON state that the cars are not as plentiful as they used to be and that is a supply chain issue where inventory has been depleted.

COMMISSIONER PETERS inquired about why existing concerns have remained.

MR. G. STEVINSON stated they are employing multiple mechanisms to address the voiced concerns.

COMMISSIONER PETERS inquired if the development agreement would come before City Council where there would be opportunity for public comment.

MS. STANEK stated that several concerns can be addressed in the development agreement and that will be brought forth to City Council and notified for the public to review. Some of the concerns will be addressed in a later public improvement agreement and/ or by modifying the ODP.

COMMISSIONER PETERS inquired about the impact on the character of the neighborhood. What about the buffer as a mitigation measure?

MR. G. STEVINSON stated that along the eastern edge of the new automotive campus, there is a portion for stormwater detention and a portion for an open native field. The buffer will be heavily planted with species that are resilient and provide screening.

COMMISSIONER PETERS inquired about a berm.

MR. G. STEVINSON stated that if the community wanted particular landscaping, they would like to work to achieve it.

COMMISSIONER PETERS inquired if this is going into the development agreement.

MS. PAFFORD stated that landscaping buffers are more appropriate for the ODP. Landscape buffer requirements are found in the zoning ordinance and the ODP can cover any additional screening requirements. It is helpful to leave some flexibility because the project is not in specific site design yet.

COMMISSIONER PETERS inquired about setbacks and buffers.

MS. PAFFORD stated that setbacks will be required everywhere. If there is a right-of-way in between commercial property and single-family dwellings, buffers are not triggered. The conceptual land use plan for the East side does show the intent to provide landscape buffers along the street frontage to help buffer the existing neighborhood north of W. 7th Avenue.

COMMISSIONER PETERS inquired if there would be opportunity for public input and collaboration throughout the process into the development agreement.

MS. PAFFORD talked about how that would be left up to the applicant and that anything related to design standards would be designated to the ODP.

COMMISSIONER PETERS inquired if there would be any other opportunities for public input with the ODP.

MS. PAFFORD stated that the ODP is what is being discussed at this public hearing. Any desired changes should be made before the zoning case goes to City Council for final consideration. The August 28th meeting will be the final for public input. The Major Site Plan application is an administrative review, which does not have a public input process, unless major variances or waivers are requested.

COMMISSIONER PETERS stated concern for not providing enough opportunity for public input so that community concerns are adequately addressed.

CHAIR O'NEILL asked for clarification on the purpose of today's hearing and the revisions of the ODP.

MS. PAFFORD stated that this is the process to create the zoning rules and regulations for future development. If the Planning Commission's motion and resolution included specific things that the applicant needs to address, then that goes to City Council for their consideration.

COMMISSIONER KENTNER inquired about the Denver West Architectural Control Committee (DWACC).

MR. G. STEVINSON explained the history and impact of the DWACC. Development plans are sent to the DWACC for concurrence of their standards.

COMMISSIONER KENTNER inquired about the potential to collaborate with the Lakewood Design Review Committee (DRC).

MR. G. STEVINSON stated that there would be no willingness to work with the DRC because the DWACC has a specific process in determining design, architecture, and compatibility.

COMMISSIONER KENTNER inquired about why it would not be appropriate to include the DRC.

PAUL RICE, Manager, Planning-Development Assistance stated that the DRC was formed for areas that did not have an architectural control committee or secondary level of review. It is a possibility in the future, but it is not necessary while the DWACC is active.

MR. G. STEVINSON stated that if the DWACC were to ever disband the architectural and design control review would become the responsibility of the City.

COMMISSIONER KENTNER inquired about if the ODP includes any restrictions of a building in the buffer zone.

MS. PAFFORD stated that there is nothing in the ODP that prohibits a structure; however, the stormwater detention may not allow for any future buildings.

COMMISSIONER KENTNER inquired about the vesting.

AMY BRIMAH, Legal representative on behalf of the Applicant stated that this vesting period is 20 years and located within the ODP.

COMMISSIONER KENTNER stated that the ODP said 20 years with an automatic 10-year extension.

MS. STANEK stated that there is no automatic renewal in the annexation zoning development vesting agreement. It is 20 years fixed.

MS. PAFFORD stated that the vesting component will be part of the development agreement which is adopted by ordinance. The vesting establishes the rules and regulations that apply for a period of time to allow development to occur. This is to provide assurance to navigate market trends.

COMMISSIONER BUCKLEY inquired about the term language in the ODP.

MS. BRIMAH stated that the language regarding the term of the ODP is statutory language on vested development rights and are governed by Colorado revises state statutes.

COMMISSIONER BUCKLEY inquired about what is enforcing the 20-year time.

MS. STANEK stated that there will be two vesting ordinances that City Council will have to review with the development agreement where the vesting information will be located. Those ordinances will control over the language in the ODP.

COMMISSIONER BUCKLEY inquired about the process of amending the ODP to mitigate some of the public's concerns.

MR. RICE stated that the Planning Commission can make recommendations with specific modifications to the ODP. Amendments cannot make general suggestions that are difficult to enforce or include conditions on the development agreement.

COMMISSIONER BUCKLEY inquired about the impact the floodplain may have on future development.

MR. G. STEVINSON stated that other Stevinson developments have been built on floodplains. They are working with staff to address the floodplain issue.

MR. MEHMEN stated that a floodplain runs through a portion of the site. One requirement of the site planning process will be to make sure that the development meets the City's floodplain management ordinance. There will likely be request for additional improvements such as more piping or modifying the limits of the floodplain.

COMMISSIONER BUCKLEY inquired about how to overcome the economic challenge for redevelopment of the site.

MR. G. STEVINSON stated that there are funds set up that are allocated towards public improvements and redevelopment.

COMMISSIONER BUCKLEY inquired about waiving maximum parking requirements.

MR. G. STEVINSON stated the impact of reducing maximum parking requirements. The flexibility to accommodate future commercial and transport trends is necessary.

COMMISSIONER BUCKLEY talked about the negative consequences of too much parking including detracting usable land which could be used for economic benefit. Large impervious parking areas also contribute to flooding and can create issues with water quality. There is skepticism that the parking maximums would need to be waived for a successful project.

MR. RICE stated that staff did not oppose the recommendation from the applicant because of restrictive parking maximums with other uses and the future intent of the commercial space.

MR. G. STEVINSON stated that waiving the maximum is to also avoid overflow parking into neighboring properties.

COMMISSIONER BUCKLEY inquired about the governing text regarding conflicting provisions between the ODP and the Zoning Ordinance.

MR. RICE stated that the ODP is the governing text, and the underlying base zone district will apply for anything else that is not addressed in the ODP.

COMMISSIONER KENTNER clarified Commissioner Buckley's question. Can a property transaction open up the choice of either underlying zone district or ODP?

MR. RICE said the ODP is the governing text.

COMMISSIONER BUCKLEY inquired about whether one can select the entirety of the ODP or the entirety of the base zone district.

MR. RICE stated that if one wanted to develop under ODP or base zone district, they could choose either in its entirety.

COMMISSIONER KENTNER inquired about parking by employees in the neighborhood.

MR. G. STEVINSON talked with the community member who brought up the complaint and stated that they would address it.

COMMISSIONER KENTNER asked if there will be documents that will be brought forth to City Council that have not been presented to the Planning Commission.

MS STANEK stated that the development agreement is still being drafted and several components which have been brought up tonight with public comment need to be incorporated. There could be changes proposed to the ODP as well.

COMMISSIONER KENTNER inquired on the easiest path forward.

MR. RICE stated options including (1) if there's something specific that is desired to be changed in the ODP, the language should be created and included in the Planning Commission's recommendation, (2) having staff create the language and provide something different to City Council, and (3) include recommendations in the development agreement.

COMMISSIONER PETERS inquired if the development agreement and ODP will be recorded and publicly accessible.

MS. STANEK clarified that the development agreement is recorded as a part of the ordinance.

COMMISSIONER PETERS suggested making modifications to the ODP and taking time to write up language.

CHAIR O'NEILL ordered a break for discussion.

Meeting resumed at 11:15 PM

COMMISSIONER KENTNER made a MOTION that the Planning Commission adopt the findings of fact and order presented in the staff report and recommend that the City Council APPROVE annexation case AX21-001.

COMMISSIONER BUCKLEY seconded the MOTION.

VOTE TAKEN –

6 Ayes – Commissioners BUCKLEY, FURMAN, GREBLIUNAS, KENTNER, O'NEILL, and PETERS

The motion PASSED.

COMMISSIONER KENTNER made a MOTION that the Planning Commission adopt the findings of fact and order presented in the staff report and recommend that the City Council APPROVE annexation case RZ-21-001.

COMMISSIONER GREBLIUNAS seconded the MOTION.

COMMISSIONER KENTNER recommended amending Section 3.F. Section 4 by adding a subsection A. This is in regard to the buffer zone in Planning Area 2. The landscape buffer will be a minimum of 175 feet in width along the entirety of Eldridge Street. Add Section B – the landscape buffer will not contain any habitable structures.

COMMISSIONER GREBLIUNAS seconded the MOTION.

COMMISSIONER BUCKLEY provided an explanation for this recommendation.

COMMISSIONER PETERS suggested including landscaping that prevents light pollution from impacting residential properties.

MR. RICE stated that the request is not quantifiable enough to enforce or measure.

COMMISSIONER PETERS inquired of the feasibility for requesting a zero-foot-candle light reading at the property line.

MS. PAFFORD stated that is a stipulation that can be verified with the site plan review through a photometric plan.

COMMISSIONER PETERS inquired about the technical feasibility.

MS. PAFFORD stated that a light fixture would have to move far enough away from the property line or have an additional shield to block light in a specific direction to achieve a zero-foot-candle reading which can be addressed through lighting design.

COMMISSIONER PETERS removed the request and would like to later suggest zero-foot candles at the property edge.

MR. RICE stated that it does not take into account a streetlight and the Curling Center.

COMMISSIONER PETERS stated that this is only related to the subject property.

VOTE TAKEN –

6 Ayes – Commissioners BUCKLEY, FURMAN, GREBLIUNAS, KENTNER, O’NEILL, and PETERS

The motion PASSED.

COMMISSIONER GREBLIUNAS made a MOTION, to amend the ODP to add Section 3.G.1.E.3 stating that lighting temperature shall be consistent throughout the site and add a number four to include the photometric plan reading of zero-foot candles to be required along the west edge of Eldridge.

COMMISSIONER KENTNER seconded the motion.

COMMISSIONER BUCKLEY stated concern with requesting zero-foot candles at the property line.

COMMISSIONER GREBLIUNAS inquired if staff has seen this.

MR. RICE stated that one could make a plan for zero-foot candles but that he recommends a half-foot candle restriction.

COMMISSIONER PETERS inquired about the background on the uniform lighting.

CHAIR O’NEILL stated the intent was that the light sources match in color.

COMMISSIONER PETERS stated that the 175-foot distance should be long enough where a zero-foot-candle reading is reasonable.

COMMISSIONER BUCKLEY emphasized his hesitancy with the zero-foot candle request.

CHAIR O’NEILL requested that COMMISSIONER GREBLIUNAS modify his motion.

COMMISSIONER GREBLIUNAS withdrew his MOTION.

COMMISSIONER KENTNER withdrew her second.

COMMISSIONER GREBLIUNAS made a MOTION under Section 3.G.1.E to add the number three stating that lighting temperature shall be consistent throughout the site.

COMMISSIONER KENTNER seconded the MOTION.

VOTE TAKEN –

6 Ayes – Commissioners BUCKLEY, FURMAN, GREBLIUNAS, KENTNER, O’NEILL, and PETERS

The motion PASSED.

COMMISSIONER GREBLIUNAS made a MOTION under Section 3.G.1.E to add a number four to include the photometric plan reading of zero-foot candles to be required along the west edge of Eldridge.

COMMISSIONER KENTNER seconded the MOTION.

VOTE TAKEN –

5 Ayes – Commissioners FURMAN, GREBLIUNAS, KENTNER, O’NEILL, and PETERS
1 Nay – Commissioner BUCKLEY

The motion PASSED.

COMMISSIONER PETERS suggested adding an amendment for no audible intercoms in the project site.

MR. RICE stated that the paging system is more appropriate in the development agreement and there are aspects that may need to be more thought out.

COMMISSIONER PETERS recommended putting zero decibels for normal operations.

MR. RICE stated that decibels are addressed in the Municipal Code and not in the Zoning Ordinance. Therefore, this condition should be included in the development agreement.

COMMISSIONER PETERS stated concern of decibels being addressed in the Municipal Code.

MR. RICE stated that sound and noise is addressed in the Municipal Code and enforced through Code Enforcement.

COMMISSIONER PETERS emphasized the importance of including it.

MS. STANEK stated that decibels are not included but it does discuss a loudspeaker public address system.

COMMISSIONER PETERS inquired how it is not acknowledged if this is not included in the ODP.

COMMISSIONER BUCKLEY stated that there is another amendment for the development agreement that this request could be included in.

COMMISSIONER BUCKLEY asked if the motion for the recommendations in the development agreement should be standalone.

MS. STANEK stated that it should be a standalone motion not contingent on the three resolutions for the ordinances. Staff will include the requests by Planning Commission for the development agreement, but it will not be a formal recommendation.

COMMISSIONER PETERS inquired if the ODP can be conditioned on the provisions of the development agreement.

MS. STANEK stated the development agreement is not under the Planning Commission purview, but staff will include what the Commission would like to see included in the development agreement. Both the ODP and development agreement will be reviewed by City Council and they will be able to amend either document at that hearing.

MS. PAFFORD stated that staff will work with the applicant to incorporate the items that were mentioned in tonight's meeting within the development agreement for City Council's consideration.

COMMISSIONER BUCKLEY provided the motion for Commissioner Furman and Commissioner Peters.

COMMISSIONER PETERS inquired if no regular outdoor audio systems could be reflected in the language of that motion.

CHAIR O'NEILL stated that the request may not be within the purview of the Planning Commission because of the municipal code and emergency service requirements.

MS. STANEK stated that many things brought up by community members will be incorporated other documents for City Council approval t; however, the development agreement is not something before the Commission for recommendation.

COMMISSIONER BUCKLEY made a MOTION that the Planning Commission adopt the findings of fact and order presented in the staff report an as amended by the Planning Commission this evening to recommend that the City Council approved rezoning case number RZ-21-001.

COMMISSIONER KENTNER seconded the MOTION.

VOTE TAKEN –

6 Ayes – Commissioners BUCKLEY, FURMAN, GREBLIUNAS, KENTNER, O’NEILL, and PETERS

The motion PASSED.

COMMISSIONER KENTNER made a MOTION that the Planning Commission adopt the findings of fact and order presented in the staff report as amended by the Planning Commission this evening to recommend that the City Council approved rezoning case number RZ22-0002.

COMMISSIONER GREBLIUNAS seconded the MOTION.

VOTE TAKEN –

6 Ayes – Commissioners BUCKLEY, FURMAN, GREBLIUNAS, KENTNER, O’NEILL, and PETERS

The motion PASSED.

COMMISSIONER BUCKLEY made a MOTION that the Planning Commission recommend that the City Attorney’s Office craft language in the development agreement that requires the developer to coordinate with Jefferson County, the City, and Daniel’s Welchester Neighborhood Associate on the design of outdoor audio systems, neighborhood gateway signage, traffic calming, and the 7th Avenue roadway including sidewalks and bike lanes.

COMMISSIONER GREBLIUNAS seconded the MOTION.

COMMISSIONER KENTNER talked about how the process for ODPs and underlying zoning caused delay in this project. Next time, there should be consideration to change the underlying zoning so that a person who wants a limited ODP is not in the position to create a whole new zone district.

COMMISSIONER BUCKLEY stated that there should be a discussion on how Planned Developments work.

VOTE TAKEN –

6 Ayes – Commissioners BUCKLEY, FURMAN, GREBLIUNAS, KENTNER, O’NEILL, and PETERS

The motion PASSED.

ITEM 5: GENERAL BUSINESS

MR. RICE stated that there will be affordable housing discussions next week for a virtual Study Session at 7 PM.

COMMISSIONER PETERS will be out for a significant portion of the meeting next week.

ITEM 6: ADJOURNMENT

Meeting adjourned at 12:02 AM.

Date Approved

Kayla Redd, Clerk to the
Planning Commission

DRAFT

STAFF MEMO

DATE OF MEETING: AUGUST 28, 2023 / AGENDA ITEM NO. 8

To: Mayor and City Council

From: Travis Parker, Director of Planning, 303-987-7908

Subject: **RESOLUTION 2023-47: ANNEXATION, ZONING, AND DEVELOPMENT AGREEMENT FOR STEVINSON DENVER WEST CENTER AUTOMOTIVE CAMPUS**

SUMMARY STATEMENT: The applicant, Kent Stevinson, President of Automotive Services Inc., is requesting The City Council approval of six (6) formal land development applications and the Annexation, Zoning, Development and Vested Property Rights Agreement associated with the phased Stevinson Denver West Development proposal. The formal applications include an annexation request, two zoning requests, vesting of each zoning application, and a right-of-way vacation for the 600 Block of S. Gardenia Ct.

(Please note that the Zoning Department updated its document numbering system in 2022 which is resulting in differing numbering styles between 2021 documents and those applicable to subsequent years.)

East Side 14700 W 7 th Ave	AX-21-001	Annexation of 15.5 acres
	RZ-21-001	Stevinson Denver West Center Automotive Campus ODP
	VS-21-001	20-year vesting of zoning case #RZ-21-001
	VA-21-002	Vacating the 600 Block of S. Gardenia Ct
West Side 15000 W Colfax Ave	RZ22-0002	Stevinson Denver West Center ODP No. 5
	VS23-0001	20-year vesting of zoning case #RZ22-0002

BACKGROUND INFORMATION:

Annexation – AX-21-001

A petition for annexation into the City of Lakewood was filed with the City Clerk on March 31, 2023. The petition was then referred to The City Council on April 10, 2023, for the adoption of the Intent to Annex Resolution (R-

2023-16) to initiate the formal annexation process, set a public hearing date, and proceed with the notice requirements outlined in C.R.S. § 31-12-108. After the required notification period, The City Council held the annexation public hearing and adopted the Findings of Fact Resolution (R-2023-33) establishing eligibility for annexation. On June 7, 2023, the Lakewood Planning Commission held a public hearing on the proposed annexation and two zoning requests. Following public comment, the Planning commission passed a resolution recommending that The City Council approve Stevinson Annexations No. 22 & 23.

Zoning – RZ-21-001 & RZ22-0002

All Planned Developments (PD) are governed by an Official Development Plan (ODP). The ODP shall contain written stipulations and, when appropriate, graphic representation generally addressing land use, density, signage, fencing, lighting, access and circulation, architectural and landscape design requirements, and public and private improvements.

The Lakewood Planning Commission held a public hearing to consider the 37.6-acre east side initial zoning and rezoning request for the Stevinson Denver West Center Automotive Campus ODP and the 26.7-acre west side rezoning for the Stevinson Denver West Center ODP No. 5. Residents and property owners from the Pleasant View neighborhood expressed concern about increased traffic, glare from site lighting, noise from exterior paging systems and parking on neighborhood streets.

The Planning Commission adopted two resolutions, finding that the zoning criteria was satisfied and recommending the City Council approve the two resolutions with the following amendments to the Stevinson Denver West Center Automotive Campus ODP.

- A. The Planning Commission recommends amending Section III(F)(4) by adding:
 - Subsection A. In Planning Area 2, the landscape buffer will be a minimum of 175’ in width along the entirety of Eldridge Street.
 - Subsection B. The landscape buffer will not contain any habitable structures.
- B. The Planning Commission recommends amending Section III(G)(1)(e) by adding.
 - (3) Lighting temperature should be consistent throughout the site.
- C. The Planning Commission recommends amending Section III(G)(1)(e) by adding.
 - (4) For a photometric plan reading of zero 0-foot candles to be required along the west edge of Eldridge Street.

The applicant has revised the Stevinson Denver West Center Automotive Campus ODP to include the Planning Commission amendments and is requesting approval of the Annexation, Zoning, Development and Vesting Rights Agreement, which includes additional provisions based on public comment from the Planning Commission Public Hearing.

Vesting – VS-21-001 & VS23-0001

Any zoning action approved by the City Council is automatically vested for a period of three years to give the property owner the right to complete the development and use of the property under the terms and conditions of the approval. Applicants may seek to vest the approval of a zoning action for a period of longer than three years through the approval of a development agreement.

Given the phased nature of the development proposal, the applicant is requesting a 20-year vesting period for RZ-21-001 and RZ22-0002. The terms of vesting are defined in the attached Annexation, Zoning, Development and Vesting Rights Agreement.

The City may conduct periodic subsequent reviews of the development and require the owner of the property to demonstrate compliance with the terms and conditions of the agreement. Failure to establish compliance may result in forfeiture of vested rights. Vesting approvals for longer than the standard three years must be approved by ordinance. Action by the City Council is also required to approve the attached Annexation, Zoning, Development and Vesting Rights Agreement through adoption of a resolution. The final agreement (signed by the applicant) has been incorporated into the attached Draft Resolution document.

ROW Vacation – VA-21-002

The 600 Block of S. Gardenia Court was dedicated to Jefferson County in 1970, prior to being annexed into the City of Lakewood in 1994 under the Stevinson Annexation No. 3. The right-of-way served as an unimproved driveway access for two dwelling units at 623 and 621 S. Gardenia Court and a commercial building at 622 S. Gardenia Court that have all been demolished.

All properties adjacent to the S. Gardenia Court right-of-way are owned by Automotive Services Inc. Site access for the future Automotive Campus will be required from W. 7th Avenue so there is no longer a public need or interest for right-of-way in this location.

Pursuant to the C.R.S, the City Council may vacate a right-of-way through the adoption of an ordinance.

BUDGETARY IMPACTS: N/A

STAFF RECOMMENDATIONS: Approval via ordinance and resolution of the six (6) land development applications and the development agreement:

- Ordinance 2023 – 31 (Stevinson Annexations No. 22 & 23)
- Ordinance 2023 – 32 (Initial Zoning and Rezoning, East Side)
- Ordinance 2023 – 33 (Rezoning, West Side)
- Ordinance 2023 – 34 (Vesting of RZ-21-001, East Side)
- Ordinance 2023 – 35 (Vesting RZ22-0002, West Side)
- Ordinance 2023 – 36 (Vacating the 600 Blk of S. Gardenia Ct)
- Resolution 2023 – 47 (Annexation, Zoning, Development and Vested Rights Agreement)

ALTERNATIVES: The City Council will need to take separate action on each ordinance with a vote to approve or deny. If the annexation ordinance is not approved, then the City Council will not be able to take action on the east side initial zoning/rezoning and vesting requests since it includes land that would not be located within the municipal boundary. The west side applications and ROW vacation (RZ22-0002 & VA23-0001) could still be approved regardless of the outcome of the annexation request.

PUBLIC OUTREACH: As required by the Zoning Ordinance, prior to a formal zoning application, initial neighborhood meetings were held on June 22, 2021, for the east side annexation and zoning and February 22, 2022, for the west side rezoning. Notices for the neighborhood meeting were mailed to property owners within five hundred (500) feet of the subject properties and registered neighborhood organizations within one-half (½) a mile of the subject property.

The community has also had several opportunities to provide comments during the annexation and zoning public meetings as listed below. Notices for the Planning Commission and final The City Council public hearings were mailed to property owners within five hundred (500) feet of the subject properties and registered neighborhood organizations within one-half (½) a mile of the subject property. Notice signs were also posted on the properties.

Public Meeting Dates

Date	CC/PC	Actions
4-10-23 ✓	CC	Petition Acceptance / Adoption of Intent to Annex Resolution
5-22-23 ✓	CC	Public Hearing – Annexation / Adoption of Findings of Fact Resolution
6-7-23 ✓	PC	Public Hearing – Annexation / Initial Zoning & Rezoning Recommendation Resolutions (3) AX-21-001, RZ-21-001 & RZ22-0002
8-14-23	CC	1 st Reading for: 1. Annexation Ordinance - AX-21-001 2. Initial Zoning / Rezoning Ordinances (2) RZ-21-001 & RZ22-0002 3. ROW Vacation Public Hearing / Ordinance - VA-21-002 4. Ordinances for Vesting (2) VS-21-001 & VS23-0001
8-28-23	CC	Public Hearing for Initial Zoning, Rezoning, Vesting and ROW Vacation requests. Action on all applicable ordinances Action on the resolution to approve the Annexation, Zoning, Development and Vested Rights Agreement

NEXT STEPS: The annexation and ROW vacation ordinances will take effect thirty (30) days after final publication. The four ordinances related to the initial zoning / rezoning request and vesting applications will take effect forty-five (45) days after final publication. (Lakewood Charter 7.4 (b) and (c)).

If the annexation, zoning and vesting applications are approved by The City Council, the applicant must successfully complete all subdivision, major site plan and building permit plan applications prior to the issue of any building permits for construction. A fully executed Public Improvement Agreement (PIA) addressing all required street and sidewalk improvement requirements with future development will be recorded with an approved Final Plat.

ATTACHMENTS: Draft Resolution – R-2023-47 - Annexation, Zoning, Development and Vesting Rights Agreement (east & west).

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney

2023-47

A RESOLUTION

AUTHORIZING THE SITE-SPECIFIC ANNEXATION, ZONING, DEVELOPMENT, AND VESTING AGREEMENT (THE "AGREEMENT") FOR APPROXIMATELY 64.3 ACRES OF LAND LOCATED WITHIN THE STEVINSON DENVER WEST CENTER AUTOMOTIVE CAMPUS ODP AND STEVINSON DENVER WEST CENTER ODP NO. 5

WHEREAS, AUTOMOTIVE SERVICES INC., a Colorado corporation, (the "Owner"), owns the properties located within the Stevinson Denver West Center Automotive Campus Official Development Plan and Stevinson Denver West Center Official Development Plan NO. 5; and the Owner is seeking to annex, develop, and redevelop all or a portion of those properties totaling approximately 64.3 acres in size (the "Property" or "Properties");

WHEREAS, the Owner and the City wish to enter into this Agreement, attached hereto as Exhibit A, to ensure the Properties are developed and redeveloped as proposed and agreed upon;

WHEREAS, this is a large development and redevelopment project that will be phased over a number of years;

WHEREAS, the Agreement has been prepared providing for the City to annex certain property known as the Stevinson Annexations No. 22 & 23;

WHEREAS, the Agreement has been prepared providing for the Property located at 14700 W. 14th Ave. to reflect a change to the underlying zone district to a Planned Development with a base Commercial Regional (PD/C-R) Zone District;

WHEREAS, the Agreement, has been prepared providing for the Property located at 15000 W. Colfax Ave. to reflect a change to the underlying zone district from a Planned Development with a base Mixed-Use Employment Suburban (PD/M-E-S) Zone District to a Planned Development with a base Commercial-Limited (PD/C-L) Zone District;

WHEREAS, the Agreement has been prepared providing for the establishment of a twenty (20)-year vested property right for both Properties; and

WHEREAS, the Owner and the City agree that the rights and obligations of the parties to this Agreement will be binding on each of the parties' successors, assigns, and heirs.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lakewood, that:

SECTION 1. The site-specific Agreement for approximately 64.3 acres of land located within the Stevinson Denver West Center Automotive Campus Official

Development Plan and Stevinson Denver West Center Official Development Plan NO. 5, is hereby approved.

SECTION 2. The fully executed Agreement shall be recorded by the City.

SECTION 3. This Resolution shall become effective immediately upon adoption.

INTRODUCED, READ AND ADOPTED by a vote of ____ for and ____ against at a regular hybrid meeting of the City Council on August 14, 2023, at 7 o'clock p.m. at Lakewood City Hall, 480 South Allison Parkway, Lakewood, Colorado.

Adam Paul, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

ANNEXATION, ZONING, DEVELOPMENT AND VESTED RIGHTS AGREEMENT

THIS ANNEXATION, ZONING, DEVELOPMENT AND VESTED RIGHTS AGREEMENT (the "Agreement") is made and entered into as of this 13th day of July, 2023 (the "Effective Date"), by and between the CITY OF LAKEWOOD, a Colorado home rule municipal corporation whose principal business address is 480 South Allison Parkway, Lakewood, Colorado 80226 (the "City"), and AUTOMOTIVE SERVICES, INC., a Colorado corporation whose principal business address is 1726 Cole Boulevard, Suite 300, Lakewood, Colorado 80401 (the "Owner"); together with the City the "Parties" and each individually as "Party", for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, as of the 13th day of July, 2023 (the "Approval Date"), with reference to the following facts:

RECITALS

WHEREAS, Owner is the record owner of the real property more particularly described in Exhibit A, attached hereto and incorporated herein by this reference, which property is currently located in unincorporated Jefferson County, Colorado (the "Annexed Property");

WHEREAS, the Lakewood City Council (the "City Council") is the governing body of the City, with the legal authority to approve annexation of unincorporated territory into the City pursuant to the Colorado Municipal Annexation Act, C.R.S. §§ 31-12-101, *et seq.* (the "Annexation Act") and to confer vested rights as defined in and pursuant to C.R.S. §§ 24-68-101, *et seq.* (the "Vested Rights Act");

WHEREAS, Owner has executed and filed with the City a Petition for Annexation of the Property into the City (the "Petition"), which Petition was found by the City Council to be in substantial compliance with the requirements of the Annexation Act, and the Property was found by the City Council to be eligible for annexation under the Annexation Act;

WHEREAS, Owner desires that the Property be annexed to the City and be subject to the jurisdiction of the City, upon and subject to the terms and conditions set forth herein;

WHEREAS, the City determined that it is in its best interest to annex the Property, to provide municipal services thereto in the same manner as such services are provided elsewhere in the City, and to receive tax revenues from the development thereon, upon the terms and conditions set forth herein;

WHEREAS, Owner seeks the initial zoning and rezoning of approximately 37.6-acres, to be located within the City, to Planned Development with an underlying Commercial Regional (PD/C-R) Zone District as more particularly described on Exhibit C attached hereto (the "East Property").

WHEREAS, Owner seeks rezoning of approximately 26.7-acres, located within the City, to Planned Development with an underlying Commercial Limited (PD/C-L) Zone District as more particularly described on Exhibit D attached hereto (the "West Property").

WHEREAS, Owner or a successor entity proposes to develop the East Property and West Property as a multi-phase (each a "Phase") commercial development with roads and streets, utilities, and other amenities (collectively, the "Project");

WHEREAS, the Parties desire to set forth in this Agreement to document their understanding relative to the annexation, zoning, vested rights and future use of the Property and the Project.

NOW, THEREFORE, in good consideration of the terms set forth in this Agreement, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

I. GENERAL PROVISIONS

- A. INCORPORATION OF RECITALS. The foregoing recitals are incorporated into and made substantive provisions of this Agreement.
- B. NATURE OF AGREEMENT. This Agreement addresses the terms required by the City relating to the annexation, zoning and development of the Property. It does not address site planning terms and conditions as may be required prior to issuance of building permits. The City Council's approval of the Annexation and Zoning (as such terms are hereinafter defined) contemplated in this Agreement shall establish vested property rights pursuant to C.R.S. §§ 24-68-101, *et seq.*, as amended.
- C. LEGAL CHALLENGE. Any Legal Challenge (as such phrase is hereinafter defined) must be brought within sixty (60) days after the effective date of the ordinance. If a timely Legal Challenge occurs, this Agreement shall not become effective until the entry of a final, non-appealable order resolving such Legal Challenge substantially in favor of the City and Owner. The Parties covenant and agree to cooperate in good faith in the event of a Legal Challenge. If a Legal Challenge, successfully voids, enjoins, or otherwise invalidates this Agreement, and the Parties do not enter into a written agreement to cure the defect, either of the Parties shall have the right to terminate this Agreement.
- D. ANNEXATION. Annexation of the property shall be in accordance with the Annexation Act.
- E. ZONING. Concurrently with Annexation, the East Property shall be zoned PD/C-R (Commercial Regional), and the West Property shall be zoned PD/C-L (Commercial Limited) as more particularly depicted on the zoning map attached hereto as Exhibit B.
- F. FUTURE REZONING. Nothing in this Agreement shall preclude Owner from seeking a future rezoning of all or any part of the Project to another zone district within the Zoning Code.

II. DEFINITIONS. For purposes of this Agreement, the following terms and references shall have the following meanings.

- A. "Act" means the Colorado Municipal Annexation Act of 1965, C.R.S. §§ 31-12-101, *et seq.*
- B. "Agreement" means this Agreement.
- C. "Annexation" means annexing the Annexed Property to the City.
- D. "Annexation Ordinance" means the ordinance effecting the annexation of the Annexed Property in accordance with the Act.

- E. "Annexed Property" means the real property located in the County of Jefferson, State of Colorado, as more particularly described in the Exhibits to this Agreement.
- F. "City Council" means the City Council of the City of Lakewood.
- G. "East Property" means the Annexed Property plus real property located in the City of Lakewood, Colorado, included in the Stevinson Denver West Automotive Campus Official Development Plan, as more particularly described in the Exhibits to this Agreement.
- H. "Effective Date" means the date on which the City Council's approvals of the Annexation becomes final and non-appealable.
- I. "Legal Challenge" means any judicial proceeding or other legal action brought by a third party, within the sixty (60) day referendum period, that challenges the annexation of Annexed Property to the City.
- J. "LMC" means Lakewood Municipal Code, as may be amended from time to time.
- K. "ODP" means the Stevinson Denver West Center Automotive Campus Official Development Plan and the Stevinson Denver West Center Official Development Plan No. 5 for the Project, as more particularly identified in Exhibits C and D, which are attached hereto and incorporated herein by this reference.
- L. "Public Improvements" means those improvements described in Chapter 14.13 of the LMC, as amended, and any other improvements dedicated or used for public purposes which are deemed necessary and reasonable to serve the Project and to ensure that it may be developed in accordance with the ODP.
- M. "Public Improvements Cost" means the costs incurred to construct, acquire, or otherwise provide and maintain the Public Improvements, including any reserve fund created for such purposes.
- N. "Subdivision Code" means Title 16 of the Lakewood Municipal Code.
- O. "Vested Property Rights" means the right to undertake and complete the development of, and enjoy the use of, the Property in accordance with (a) the terms and conditions of the ODP; and (b) any final site plan approved pursuant to the ODP. For purposes of this Agreement, a final site plan approved pursuant to the ODP shall constitute a "site specific development plan" as defined in Article 17 of the Zoning Code and Colorado Revised Statute § 24-68-102(4).
- P. "West Property" means the real property located in the City of Lakewood, Colorado included in the Stevinson Denver West Center Official Development Plan, as more particularly described in the Exhibits to this agreement.
- Q. "Zoning" means the zoning classification for the Property and all other terms and conditions contained in the ODP.
- R. "Zoning Code" means Title 17 of the Lakewood Municipal Code.

III. FEES AND EXACTIONS

- A. FEES AND EXACTIONS. Owner shall pay the impact fees and satisfy the dedication requirements set forth in this Section, subject to any modifications to the LMC that are generally applicable at the time of subdivision, site plan, or building permit application, as specified by the LMC. Owner shall also pay any fees assessed during the Project including, but not limited to, notification fees and application fees.
- B. SCHOOL IMPACT, EMERGENCY SERVICE AND OTHER SIMILAR FEES. Owner shall pay applicable school impact, emergency service, and similar fees in place at the time of final plat recordation or building permit application, as specified in the LMC, and as generally applicable to and imposed on developments currently within the City limits.
- C. PARKLAND DEDICATIONS AND FEES. The City's generally applicable park and open space dedication regulations, as set forth in LMC 14.16.040 applies, requiring a dedication of land equal to 5.5 acres of park area per 1,000 anticipated population or cash in lieu thereof, which payment shall be calculated as the amount of the fair market value of the land that would otherwise be dedicated.
- D. PUBLIC IMPROVEMENTS The Owner shall construct, acquire, or otherwise provide, and maintain Public Improvements in accordance with this Section.
1. In connection with the approval of a plat or site plan for any portion of the Project, or if a site plan is not required, at the time a building permit is obtained, the City and the Owner shall enter into a public improvements agreement in accordance with the City's, ordinances and procedures to identify and provide for the construction of those Public Improvements determined by the City to be necessary and reasonable for the development of such portion of the Project.
 2. The Owner acknowledges that other governmental entities and utility providers will require other public improvements and/or utilities necessary and reasonable for the development of the Project, including, but not limited to, other transportation, drainage, water, sanitary sewer, gas, electricity, telephone, cable television, easement dedications, and ditch improvements, and the relocation of certain existing improvements or facilities. The Owner agrees to construct, acquire, or otherwise provide, and to maintain such Public Improvements and/ or public utilities as may be required by such other governmental entities or utility providers and to coordinate its efforts in doing so with the City.
 3. The City shall maintain curbs and gutters, asphalt pavement, concrete pavement, acceleration and deceleration lanes, pavement striping and traffic signals within City-owned public rights- of-way, which are located within the boundaries of the City. All other Public Improvements, including drainage improvements, shall be maintained by the Owner or other public entity, but not the City.
 4. The Owner shall not be required to construct, acquire, or otherwise provide, or to maintain any public improvements other than those contemplated in in this subsection, nor shall any building permits or other land use approvals contemplated under the ODP or otherwise required under the City's ordinances, regulations, codes, policies, and procedures ever be conditions upon Owner's payment of any Public Improvements Cost other than those contemplated in this Subsection.

IV. CITY AND OWNER OBLIGATIONS

A. CITY OBLIGATIONS.

1. City to Provide Municipal Services. The City agrees, upon annexation of the Annexed Property, that the City shall commence the provision to the Annexed Property of all applicable governmental services which the City provides to other similarly situated property in the City ("Municipal Services") and shall continuously provide for such Municipal Services in a uniform and nondiscriminatory manner.
2. Utilities. The City does not currently provide and does not have any obligation to provide any water, wastewater, emergency medical or fire protection service to the Annexed Property, all of which are provided through existing special districts.

B. OWNER OBLIGATIONS.

1. Property Maintenance. Owner agrees, upon annexation of the Annexed Property, that Owner shall continue to maintain the Annexed Property, subject to and in accordance with the Denver West Architectural Control Committee's policies and LMC.
2. Plans. With input from the City, Owner shall prepare all applications and related plans for the Project at Owner's sole cost.
3. Compliance With Applicable Law. Owner shall comply with all applicable laws, including without limitation all current and future federal, state, and local statutes, regulations, ordinances, and rules relating to: the emission, discharge, release, or threatened release of a hazardous material into the air, surface water, groundwater, or land; the manufacturing, processing, use, generation, treatment, storage, disposal, transportation, handling, removal, remediation, or investigation of a hazardous material; and the protection of human health, safety, or the indoor or outdoor environment, including (without limitation), the Comprehensive Environmental Response Compensation Liability Act, 42 U.S.C. § 9601, et seq. ("CERCLA"); the Hazardous Materials Transportation Act, 49 U.S.C. § 1801, et seq.; the Resource Conservation and Recovery Act, 42 U.S.C. § 6901, et seq. ("RCRA"); the Toxic Substances Control Act, 15 U.S.C. § 2601, et seq.; the Clean Water Act, 33 U.S.C. § 1251, et seq.; the Clean Air Act; the Federal Water Pollution Control Act; the Occupational Safety and Health Act; all applicable environmental statutes of the State of Colorado; and all other federal, state, or local statutes, laws, ordinances, resolutions, codes, rules, regulations, orders, or decrees regulating, relating to, or imposing liability or standards of conduct concerning any hazardous, toxic, or dangerous waste, substance or material, as now or at any time hereafter in effect.
4. Representations and Warranties. Owner hereby represents and warrants to the City that all of the following are true and correct as of the date of signature and the Effective Date: this Agreement has been duly authorized and executed by Owner as the legal, valid, and binding obligation of Owner, and is enforceable as to Owner in accordance with its terms; the person executing this Agreement on behalf of Owner is duly authorized and empowered to execute and deliver this Agreement on behalf of Owner; to the best of Owner knowledge, there is no pending or threatened litigation,

administrative proceeding or other proceeding pending or threatened against Owner which, if decided or determined adversely, would have a material adverse effect on the ability of Owner to undertake its obligations under this Agreement; and neither the execution of this Agreement nor the consummation of the transaction contemplated by this Agreement will constitute a breach under any contract, agreement or obligation to which Owner is a party or by which Owner is bound or affected.

V. VESTED RIGHTS

- A. VESTING. The Parties hereby agree that this Agreement and the approved zoning constitute a "Site Specific Development Plan" under C.R.S. §§ 24-68-101 *et seq.*, and Owner and its successors and assigns shall have a vested property right to undertake and complete the Project and use the Property under the terms and conditions set forth herein (the "Vested Rights"). The Vested Rights shall constitute benefits and burdens to the land and shall run with title to the Property.
- B. TERM. The vesting of the Project shall be for a period of twenty (20) years from the Effective Date.
- C. GENERAL REGULATIONS. The establishment of the Vested Rights under this Agreement to be submitted prior to development shall not preclude the application of City regulations of general applicability including, but not limited to, the application of local improvement districts, building, fire, plumbing, engineering, electrical, and mechanical codes, or the application of regional, state or federal regulations, as all of the foregoing exist on the Effective Date or may be enacted or amended after the Effective Date, except as otherwise provided herein, as against the Annexed Property and the Project. Owner does not waive its rights, however, to oppose adoption of any such regulations.

VI. DEFAULT, REMEDIES, DISPUTE RESOLUTION

- A. DISPUTE RESOLUTION. For any dispute arising out of or relating to this Agreement, or the breach thereof, the Parties shall first try in good faith to settle the dispute by mediation or some other mutually agreed upon form of alternative dispute resolution before resorting to litigation.
- B. EVENT OF DEFAULT DEFINED. The violation of any provision of this Agreement by any Party, and any one or more of the following, shall constitute an Event of Default under this Agreement. The failure (i) to perform or observe any other covenants, agreements, or conditions in this Agreement on the part of any Party; and (ii) to cure such failure within thirty (30) business days of receipt of notice from the other Party of such failure or such longer period of time as may be reasonably necessary to cure the Event of Default as otherwise agreed to by the Parties in writing.
- C. AVAILABLE REMEDIES. Subject to the terms and conditions set forth in this Agreement, the Party asserting that an Event of Default has occurred shall be entitled to pursue all remedies available in the State of Colorado at law or in equity, including but not limited to, specific performance and injunctive relief, both mandatory and/or prohibitory. The prevailing Party shall be entitled to a recovery of all reasonable costs and expenses, including attorneys fees, incurred by the prevailing Party to enforce the terms and

conditions of this Agreement. The exercise of one remedy shall not preclude the exercise of any other remedy.

1. Right to Cure. In addition to any other remedy available at law or in equity, in the Event of Default, either Party may cure such default within thirty (30) days after written notice specifying such default and requesting that it be cured.
2. Disconnection. In addition to any other remedy available at law or in equity, in the event of an uncured breach by the City, Owner shall be entitled to disconnect the Annexed Property or any portion thereof from the City as set forth in this Section. It is expressly understood and acknowledged that the procedures specified herein shall be in lieu of any procedures set forth in C.R.S. §§ 31-12-501 *et seq.*, or C.R.S. §§ 31-12-701, *et seq.*, which only apply to statutory cities and towns, as confirmed in *Allely v. City of Evans*, 124 P.3d 911 (Colo. App. 2005). The disconnection procedures set forth in this Section are authorized by the City's home rule charter under Article XX, Section 6 of the Colorado Constitution.
 - i. Petition for Disconnection. To avail itself of this remedy, Owner shall file a written petition for disconnection with the Lakewood City Clerk, which shall include a legal description of the Annexed Property or portion thereof subject to the disconnection and a map depicting the property to be disconnected. Within sixty (60) days following receipt of such a petition, the City Council shall adopt an ordinance disconnecting the property from the City (the "disconnection"). The City shall file the Disconnection ordinance and map with all parties entitled to receive an annexation ordinance and map under C.R.S. § 31-12-113.
 - ii. Levied Taxes. Upon the Disconnection, the property shall not be exempt from the payment of any property taxes lawfully assessed against it for the purpose of paying any indebtedness lawfully contracted by the City while such property was within the limits of the City and which remains unpaid and for the payment of which the property could be lawfully taxed. When the City levies a property tax for the purpose of paying indebtedness or any part thereof or interest thereon, the City may levy a tax at the same rate and for the same purpose on the disconnected property. The County Treasurer shall pay over to the City all moneys collected on account of such tax, to be applied only to the payment of such indebtedness. If any owner of the disconnected property pays off and discharges a portion of such indebtedness equal in amount to the same proportion of the indebtedness which the valuation for assessment of the land bears to the entire valuation for assessment of all the property subject to taxation for the payment of such indebtedness, calculated according to the last assessment previous to such payment, said land is exempted from further taxation to pay such indebtedness. Upon such payment being made, evidences of payment of such portion of said indebtedness shall be deposited with the City, and the City shall issue a certificate stating that such payment has been made.
 - iii. Conflicts. In the event of any conflict between this Section and any provision of the Municipal Annexation Act or LMC regarding disconnection, this Section shall control.

VII. PROVISIONS SPECIFIC TO THE AUTOMOTIVE CAMPUS (EAST SIDE)

- A. EXTERNAL SOUND SYSTEM. No external sound-amplifying equipment such as an intercom, paging or speaker system shall be used on the automotive campus site except for security purposes and/or emergency situations. An emergency is an unforeseen combination of circumstances or the resulting state that results in an immediate risk to health, life, property, or the environment.
- B. LIGHTING. All non-security lighting shall be turned off between the hours of 10:00 PM—6:00 AM.
- C. LOADING ON PUBLIC STREETS. No employees, contractors, or agents of Owner shall load or unload vehicles on public streets.
- D. EMPLOYEE PARKING. No employees of Owner shall park personal or work vehicles on public streets.

VIII. MISCELLANEOUS

- A. RECORDING. Owner and the City agree and acknowledge that this Agreement shall be recorded by the Lakewood City Clerk in the office of the Jefferson County Clerk and Recorder and that the provisions of this Agreement shall be binding upon and shall inure to the benefit of the beneficiaries, successors and assigns of the Parties as provided by this Agreement. Such recordation shall not occur prior to the Effective Date.
- B. AMENDMENTS. This Agreement may be amended only with the prior written approval of the Parties and any such Amendment shall be recorded with the Clerk and Recorder of Jefferson County, Colorado.
- C. NOTICES. Unless otherwise specifically required by a provision of this Agreement, any notice required or permitted by this Agreement shall be in writing and shall be deemed to have been sufficiently given for all purposes if either: (a) hand delivered to the person(s) identified below; or (b) sent by certified mail or registered mail, postage and fees prepaid; or (c) sent by recognized overnight courier, for the next business day delivery, addressed to the Party to whom such notice is to be given at the address set forth below or at such other address as has been previously furnished in writing to the other Party.

City Manager City of Lakewood 480 S. Allison Parkway Lakewood, CO 80226	President Automotive Services, Inc. 1546 Cole Boulevard, Ste. 100 Lakewood, CO 80401
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<p>With Copy to:</p> <p>City Attorney City of Lakewood 480 S. Allison Parkway Lakewood, CO 80226</p>	<p>With Copy to:</p> <p>Automotive Services, Inc. Attorney or Legal Representative 1546 Cole Boulevard, Ste. 100 Lakewood, CO 80401</p>
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- D. **ORDINANCE NOT REPEALABLE.** Conditioned upon the approval of the Annexation and Zoning Ordinances, this Agreement shall be approved by ordinance of the City Council. After the Agreement has been approved by ordinance of the City Council, this Agreement shall constitute a contract between Owner and the City as of the Effective Date.
- E. **INTEGRATION; AMENDMENT; BINDING EFFECT.** This Agreement contains the entire agreement of the Parties relating to the subject matter hereof and, except as provided herein, shall not be modified or amended except by written agreement of the Parties. This Agreement shall be binding upon, and shall inure to the benefit of, the Parties and their respective heirs, personal representatives, successors and assigns.
- F. **CONTROLLING TERMS.** In the event of any conflict or inconsistency between the provisions of this Agreement and those contained in any attachments or exhibits hereto, or any document referenced therein, the terms and conditions of this Agreement shall prevail, and the conflicting or inconsistent provisions of such attachments, exhibits or referenced documents shall be deemed void and of no force of effect.
- G. **NO WAIVER.** The waiver of any breach of a term, provision or requirement of this Agreement shall not be construed or deemed as a waiver of any subsequent breach of such term, provision or requirement or of any other term, provision or requirement.
- H. **ASSIGNMENT.** Owner may assign to one or more successor developers or a special district formed for such purpose (each a "District") all or any part of its obligations and rights under this Agreement with notice to the City and in accordance with the terms and conditions of this Agreement, any applicable service plan for such District, and applicable law. A District may assign to one or more additional metropolitan districts all or any part of its obligations and rights under this Agreement with notice to the City in accordance with the terms and conditions of this Agreement, any applicable service plan for such District, and applicable law. Where used in this Agreement; the term "Owner" or "District" shall also mean any of the lawful successors or assigns of Owner and or District, and all such successors and assigns shall be bound by and have the right to enforce this Agreement. A party shall be deemed a "successor" or "assign" of Owner or District under this Agreement only if specifically designated in a written instrument referring to this Agreement and duly recorded in the office of the Clerk and Recorder of Jefferson County, Colorado, as a successor or assign of Owner under this Agreement.
- I. **INDEMNIFICATION.** Owner hereby agrees to indemnify and hold harmless the City, its officers, employees, agents or servants, from any and all suits, actions, and claims of every nature and description caused by, arising from or on account of any grossly negligent or willful and wanton act or omission of Owner, or of any other person or entity for whose grossly negligent or willful and wanton act or omission Owner is liable, with

respect to construction of the Project (the "Claims"); and Owner shall pay any and all judgments rendered against the City as the result of any suit, action or claim, together with all reasonable expenses and attorney fees incurred by the City in defending any such suit, action, or claim arising out of or related to Claims. In addition, Owner shall pay all property taxes on property underlying improvements to be dedicated to the City before acceptance by the City, and shall indemnify and hold harmless the City for any such property tax liability.

- J. INCORPORATION OF EXHIBITS. Unless otherwise stated in this Agreement, exhibits, applications, or documents referenced in this Agreement shall be incorporated into this Agreement for all purposes. In the event of a conflict between any incorporated exhibit and this Agreement, the provisions of this Agreement shall govern and control.
- K. NO THIRD-PARTY BENEFICIARIES. It is expressly understood and agreed that enforcement of the terms and conditions of this Agreement and all rights of action relating to such enforcement shall be strictly reserved to the parties. It is the express intention of the parties that any person other than the City and Contractor shall be deemed to be only an incidental beneficiary under this Agreement.
- L. RELATIONSHIP OF PARTIES. This Agreement does not and shall not be construed as creating a relationship of joint venture, partners, or employer-employee between the Parties. Neither Party shall, with respect to any activity, be considered as agent or employee of the other Party.
- M. GOVERNING LAW AND VENUE; RECOVERY OF COSTS. This Agreement shall be governed by the laws of the State of Colorado. Venue shall be in Jefferson County, Colorado, or in the United States District Court for the District of Colorado, as appropriate. In the event legal action is brought to resolve any dispute among the parties related to this Agreement, the prevailing party in such action shall be entitled to recover from the non-prevailing party reasonable court costs and attorney fees.
- N. GOVERNMENTAL IMMUNITY. No term or condition of this Agreement shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protections or other provisions of the Colorado Governmental Immunity Act, C.R.S. §§ 24-10-101, *et seq.*
- O. CONFIDENTIAL INFORMATION; PUBLIC DOCUMENT. Owner hereby acknowledges that the City is a public entity subject to the Colorado Open Records Act, C.R.S. §§ 24-72-201, *et seq.* (the "Act"), and as such, this Agreement may be subject to public disclosure thereunder. In the event the provisions of any exhibit or attachment hereto, or of any other document, including any electronic document, purport to require protection from public disclosure of any so-called "confidential" or "proprietary" information or data, such provisions shall be null and void to the extent inconsistent or in conflict with the Act, and the City's good faith disclosure of any such information or data pursuant to the Act shall not constitute a breach of this Agreement.
- P. HEADINGS. Paragraph headings used in this Agreement are for convenience of reference and shall in no way control or affect the meaning or interpretation of any provision of this Agreement.

- Q. SEVERABILITY. In the event a court of competent jurisdiction holds any provision of this Agreement invalid or unenforceable, such holding shall not invalidate or render unenforceable any other provision of this Agreement.
- R. COUNTERPARTS; ELECTRONIC DISPOSITION. This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original and all such counterparts taken together shall be deemed to constitute one and the same instrument. The parties acknowledge and agree that the original of this Agreement, including the signature page, may be scanned and stored in a computer database or similar device, and that any printout or other output readable by sight, the reproduction of which is shown to accurately reproduce the original of this Agreement, may be used for any purpose as if it were the original, including proof of the content of the original writing.
- S. ADDITIONAL DOCUMENTS OR ACTIONS. The parties agree to negotiate and execute any additional documents and to take any additional actions necessary to carry out this Agreement.
- T. AUTHORITY. The parties represent and warrant that they have taken all actions necessary to legally authorize the undersigned signatories to execute this Agreement on behalf of the parties and to bind the parties to its terms.
- U. SUBJECT TO APPROPRIATION. Consistent with Article X, Section 20 of the Colorado Constitution, any financial obligation of the City not performed during the current fiscal year is subject to the annual appropriation, shall extend only to monies currently appropriated, and shall not constitute a mandatory charge, requirement, debt, or liability beyond the current fiscal year.

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

CITY OF LAKEWOOD

Kathleen Hodgson, City Manager

ATTEST:

Jay Robb, City Clerk

RECOMMENDED FOR APPROVAL:




Max Kirschbaum, Director
Public Works Department



Travis Parker, Director
Planning Department

APPROVED AS TO FORM:



Lauren Stanek, Senior Assistant City
Attorney

EXHIBIT A—LEGAL DESCRIPTION ANNEXATION NO. 22

A PARCEL OF LAND BEING A PORTION OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 6, TOWNSHIP 4 SOUTH, RANGE 69 WEST AND A PORTION OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SECTION 1, TOWNSHIP 4 SOUTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 6, BEING IN COMMON WITH THE SOUTHEAST CORNER OF SAID SOUTHEAST ONE-QUARTER (SE1/4) OF SECTION 1;

THENCE ALONG THE SOUTH LINE OF SAID SOUTHEAST ONE-QUARTER (SE1/4) OF SECTION 1, S89°51'11"W, A DISTANCE OF 42.50 FEET, MORE OR LESS, TO THE WESTERLY CORPORATE BOUNDARY LINE OF THE CITY OF LAKEWOOD, AS DEFINED BY ANNEXATION MAP **OF STEVINSON ANNEXATION NO. 5**, RECORDED IN PLAT BOOK 119, PAGE 56, AT RECEPTION NO. 94164854 IN THE RECORDS OF THE JEFFERSON COUNTY CLERK AND RECORDER, APPROVED BY ORDINANCE O-1994-56, RECORDED AT RECEPTION NO. 94164853 IN THE RECORDS OF THE JEFFERSON COUNTY CLERK AND RECORDER;

THENCE ALONG SAID WESTERLY LINE AND ALONG A PORTION OF THE EASTERLY CORPORATE BOUNDARY LINE OF THE CITY OF LAKEWOOD AS DEFINED BY THE ANNEXATION MAP OF **DENVER WEST ANNEXATION NO. 20**, RECORDED IN PLAT BOOK 156, PAGE 37, AT RECEPTION NO. F1108033 IN THE RECORDS OF THE JEFFERSON COUNTY CLERK AND RECORDER, APPROVED BY ORDINANCE O-2000-28, RECORDED AT RECEPTION NO. F1108032 IN THE RECORDS OF THE JEFFERSON COUNTY CLERK AND RECORDER, N00°06'53"W, A DISTANCE OF 390.50 FEET TO AN ANGLE POINT OF **SAID STEVINSON ANNEXATION NO. 5**, AND THE **POINT OF BEGINNING**;

THENCE DEPARTING THE WESTERLY LINE OF SAID **STEVINSON ANNEXATION NO. 5** AND CONTINUING ALONG THE EASTERLY LINE OF SAID **DENVER WEST ANNEXATION NO. 20**, N00°06'53"W, A DISTANCE OF 63.22 FEET TO AN ANGLE POINT OF SAID **DENVER WEST ANNEXATION NO. 20**;

THENCE DEPARTING THE EASTERLY LINE OF SAID **DENVER WEST ANNEXATION NO. 20** AND PROCEEDING ALONG THE WESTERLY RIGHT-OF-WAY LINE OF DENVER WEST COLORADO MILLS BOULEVARD, N00°06'53"W, A DISTANCE OF 26.78 FEET TO AN ANGLE POINT IN THE WESTERLY LINE OF SAID **STEVINSON ANNEXATION NO. 5**;

THENCE ALONG THE SOUTHERLY, WESTERLY, AND NORTHERLY BOUNDARY LINES OF SAID **STEVINSON ANNEXATION NO. 5**, THE FOLLOWING THREE (3) COURSES:

- 1) ALONG SAID SOUTHERLY BOUNDARY LINE, N89°57'49"E, A DISTANCE OF 222.33 FEET;
- 2) ALONG SAID WESTERLY BOUNDARY LINE, S00°08'27"E, A DISTANCE OF 90.00 FEET;

- 3) ALONG SAID NORTHERLY BOUNDARY LINE, S89°57'49"W, A DISTANCE OF 222.37 FEET, MORE OR LESS, TO THE **POINT OF BEGINNING**;

CONTAINING AN AREA OF 20,011 SQUARE FEET OR 0.459 ACRE, MORE OR LESS.

BASIS OF BEARINGS: THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 6 IS ASSUMED TO BEAR N 00°08'27" W, MONUMENTED ON THE SOUTH BY A FOUND 3-1/4 INCH DIAMETER BRASS CAP IN RANGE BOX STAMPED PLS 34989, 2002, AND MONUMENTED ON THE NORTH BY A 3-1/4 INCH ALUMINUM CAP IN RANGE BOX STAMPED LS 24966, 1998.

EXHIBIT A—LEGAL DESCRIPTION ANNEXATION NO. 23

A PARCEL OF LAND LOCATED IN THE SOUTHWEST ONE-QUARTER AND THE SOUTHEAST ONE-QUARTER OF SECTION 6, TOWNSHIP 4 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN; COUNTY OF JEFFERSON, STATE OF COLORADO; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 6;

THENCE N 00°13'46" W, A DISTANCE OF 92.00 FEET TO AN ANGLE POINT IN THE CORPORATE BOUNDARY LINE OF THE CITY OF LAKEWOOD AS DEFINED BY THE ANNEXATION MAP OF **STEVINSON ANNEXATION NO. 1**, RECORDED IN PLAT BOOK 119, PAGE 52, AT RECEPTION NO. 94164846 OF THE RECORDS OF THE JEFFERSON COUNTY CLERK AND RECORDER, APPROVED BY ORDINANCE, O-1994-52, RECORDED AT RECEPTION NO. 94164845 OF THE RECORDS OF THE JEFFERSON COUNTY CLERK AND RECORDER, SAID ANGLE POINT BEING THE **POINT OF BEGINNING**;

THENCE ALONG THE CORPORATE BOUNDARY THE FOLLOWING COURSES:

A) ALONG THE EASTERLY AND NORTHERLY BOUNDARY LINES OF SAID STEVINSON ANNEXATION NO. 1 THE FOLLOWING TWO (2) COURSES:

- 1) ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 6, N 00°13'46" W (N00°01'30"W (R)), A DISTANCE OF 238.05 FEET TO THE CALLED NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6;
- 2) ALONG THE CALLED NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6 AND THE CALLED NORTH LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6, S89°57'53"W (N 89°49'53" W (R)), A DISTANCE OF 349.31 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF **STEVINSON ANNEXATION NO. 2**, RECORDED IN PLAT BOOK 119, PAGE 53, AT RECEPTION NO. 94164848 OF THE RECORDS OF THE JEFFERSON COUNTY CLERK AND RECORDER, APPROVED BY ORDINANCE, O-1994-53, RECORDED AT RECEPTION NO. 94164847 OF THE RECORDS OF THE JEFFERSON COUNTY CLERK AND RECORDER;

B) ALONG THE NORTHERLY AND WESTERLY BOUNDARY LINES OF SAID **STEVINSON ANNEXATION NO. 2** THE FOLLOWING TWO (2) COURSES:

- 1) ALONG THE CALLED NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6 AND ALONG THE CALLED NORTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6, S 89°57'53" W (N89°49'53W (R)), A DISTANCE OF 803.80 FEET (850.75 FEET (R)) TO THE CALLED NORTHWEST CORNER OF THE EAST HALF OF THE SOUTHWEST

QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6;

2) ALONG THE CALLED WEST LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6, S 00°13'35" E, (S 00°31'26" W (R)), A DISTANCE OF 195.83 FEET, MORE OR LESS, TO THE NORTHERLY LINE OF **STEVINSON ANNEXATION NO. 3**, RECORDED IN PLAT BOOK 119, PAGE 54, AT RECEPTION NO. 94164850 OF THE RECORDS OF THE JEFFERSON COUNTY CLERK AND RECORDER, APPROVED BY ORDINANCE, O-1994-54, RECORDED AT RECEPTION NO. 94164849 OF THE RECORDS OF THE JEFFERSON COUNTY CLERK AND RECORDER;

C) ALONG THE NORTHERLY, EASTERLY, NORTHERLY AND WESTERLY BOUNDARY LINE OF SAID **STEVINSON ANNEXATION NO. 3** THE FOLLOWING ELEVEN (11) COURSES:

- 1) N 81°17'33" W (N 81°19'07" W (R)), A DISTANCE OF 165.50 FEET (173.42 FEET (R));
- 2) S 75°32'41" W (S 75°32'51" W (R)), A DISTANCE OF 121.95 FEET (65.44 FEET (R));
- 3) N 00°16'57" W (N 00°04'00" W (R)), A DISTANCE OF 35.80 FEET (35.04 FEET (R)) TO A POINT OF CURVATURE;
- 4) 101.77 FEET (102.47 FEET (R)) ALONG THE ARC OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 175.00 FEET AND A CENTRAL ANGLE OF 33°19'14" (33°33'00" (R)), THE LONG CHORD OF WHICH BEARS N 16°56'34" W, A LENGTH OF 100.34 FEET TO POINT OF REVERSE CURVATURE;
- 5) 73.29 FEET (73.19 FEET (R)) ALONG THE ARC OF A REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 125.00 FEET AND A CENTRAL ANGLE OF 33°35'33" (33°33'00" (R)), THE LONG CHORD OF WHICH BEARS N 16 48'25" W, A LENGTH OF 72.24 FEET TO POINT OF TANGENCY;
- 6) N 00°00'38" W (N 00°04'00" W (R)), A DISTANCE OF 89.48 FEET (89.36 FEET (R));
- 7) S 89°57'20" W (N 89°50'24" W (R)), A DISTANCE OF 50.00 FEET TO POINT OF CURVATURE;
- 8) 5.51 FEET ALONG THE ARC OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 45.00 FEET AND A CENTRAL ANGLE OF 07°01'12", THE LONG CHORD OF WHICH BEARS S86°26'51"W, A LENGTH OF 5.51 FEET;
- 9) ALONG THE CALLED WEST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6, N 00°28'34" E (N 00°40'50" E (R)), A DISTANCE OF 62.77 FEET TO THE CALLED NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6;

10) S 89°57'55" W (N 89°49'36" W (R)), A DISTANCE OF 173.67 FEET (171.21 FEET (R)) TO THE CALLED NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6;

11) ALONG THE CALLED NORTH-SOUTH CENTERLINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6, S 00°33'15" W (S00°45'31"W (R)), A DISTANCE OF 151.81 FEET TO AN ANGLE POINT IN THE NORTHERLY LINE OF **STEVINSON ANNEXATION NO. 4**, RECORDED IN PLAT BOOK 119, PAGE 55, AT RECEPTION NO. 94164852 OF THE RECORDS OF THE JEFFERSON COUNTY CLERK AND RECORDER, APPROVED BY ORDINANCE O-1994-55, RECORDED AT RECEPTION NO. 94164851 OF THE RECORDS OF THE JEFFERSON COUNTY CLERK AND RECORDER;

D) ALONG THE NORTHERLY AND EASTERLY BOUNDARY LINES OF SAID **STEVINSON ANNEXATION NO. 4**, THE FOLLOWING TWO (2) COURSES:

1) S 89°57'59" W (N 89°49'45" W(R)), A DISTANCE OF 110.40 FEET;

2) N 00°04'50" W (N 00°07'26" E (R)), A DISTANCE OF 330.30 FEET TO THE SOUTHERLY LINE OF **STEVINSON ANNEXATION NO. 21**, RECORDED IN PLAT BOOK 170, PAGE 29, AT RECEPTION NO. F1694460 OF THE RECORDS OF THE JEFFERSON COUNTY CLERK AND RECORDER, APPROVED BY ORDINANCE, O-2003-2, RECORDED AT RECEPTION NO. F1694459 OF THE RECORDS OF THE JEFFERSON COUNTY CLERK AND RECORDER;

E) ALONG THE SOUTHERLY, EASTERLY AND SOUTHERLY BOUNDARY LINES OF SAID **STEVINSON ANNEXATION NO. 21**, THE FOLLOWING THREE (3) COURSES:

1)N 89°58'26" E (N 89°58'03" E (R)), A DISTANCE OF 164.70 FEET;

2) N 00°08'27" W, A DISTANCE OF 330.36 FEET;

3) N 89°58'47" E, A DISTANCE OF 176.01 FEET;

THENCE DEPARTING THE CORPORATE BOUNDARY OF THE CITY OF LAKEWOOD, S 00°02'18" W, A DISTANCE OF 305.34 FEET TO THE NORTHERLY RIGHT-OF-WAY OF WEST 7TH AVENUE BEING 25.00 FEET NORTHERLY OF THE SOUTH LINE OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 6;

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY OF WEST 7TH AVENUE N 89°58'26" E, A DISTANCE OF 715.43 FEET TO A POINT ON A CURVE;

THENCE 108.40 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 142.00 FEET, A CENTRAL ANGLE OF 43°44'26", THE LONG CHORD OF WHICH BEARS N 47°56'12" E, A LENGTH OF 105.79 FEET;

THENCE NOT TANGENT TO THE PREVIOUSLY DESCRIBED COURSE, N 89°58'26" E, A DISTANCE OF 50.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF FIG STREET;

THENCE ALONG SAID EAST RIGHT-OF-WAY LINE OF FIG STREET, S 00°13'35" E, A DISTANCE OF 95.84 FEET TO THE SOUTH LINE OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 6;

THENCE ALONG THE SOUTH LINE OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 6, N 89°58'26" E, A DISTANCE OF 310.00 FEET TO THE SOUTHWEST CORNER OF THAT RIGHT-OF-WAY DESCRIBED IN RECEPTION NO. 90031503 OF THE RECORDS OF THE JEFFERSON COUNTY CLERK AND RECORDER;

THENCE ALONG THE WESTERLY AND NORTHERLY LINES OF SAID RIGHT-OF-WAY THE FOLLOWING TWO (2) COURSES:

- 1) N 00°13'46" W, A DISTANCE OF 25.00 FEET;
- 2) N 89°58'26" E, A DISTANCE OF 330.00 FEET TO THE SOUTHWEST CORNER OF LOT 49, **BROWNE'S SUBDIVISION**, THE PLAT OF WHICH IS RECORDED IN PLAT BOOK 13, PAGE 3, AT RECEPTION NO. 54578496 OF THE RECORDS OF THE JEFFERSON COUNTY CLERK AND RECORDER;

THENCE N 89°54'24" E ALONG THE SOUTH LINE OF SAID LOT 49 AND THE NORTH LINE OF WEST 7TH AVENUE, AS SHOWN AND DEDICATED ON SAID **BROWNE'S SUBDIVISION**, A DISTANCE OF 30.00 FEET, MORE OR LESS, TO THE NORTHERLY EXTENDED EAST RIGHT-OF-WAY LINE OF ELDRIDGE STREET AS SHOWN AND PLATTED ON SAID **BROWNE'S SUBDIVISION**;

THENCE S 00°13'36" E ALONG SAID EAST RIGHT OF WAY LINE OF SAID ELDRIDGE STREET AND VARIOUS EXTENSIONS THEREOF, A DISTANCE OF 578.13 FEET TO A POINT OF CURVATURE;

THENCE 23.53 FEET ALONG THE ARC OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 89°52'00", THE LONG CHORD OF WHICH BEARS S 45°09'36" E, A LENGTH OF 21.19 FEET, MORE OR LESS, TO THE NORTHERLY BOUNDARY LINE OF SAID **STEVINSON ANNEXATION NO. 1**;

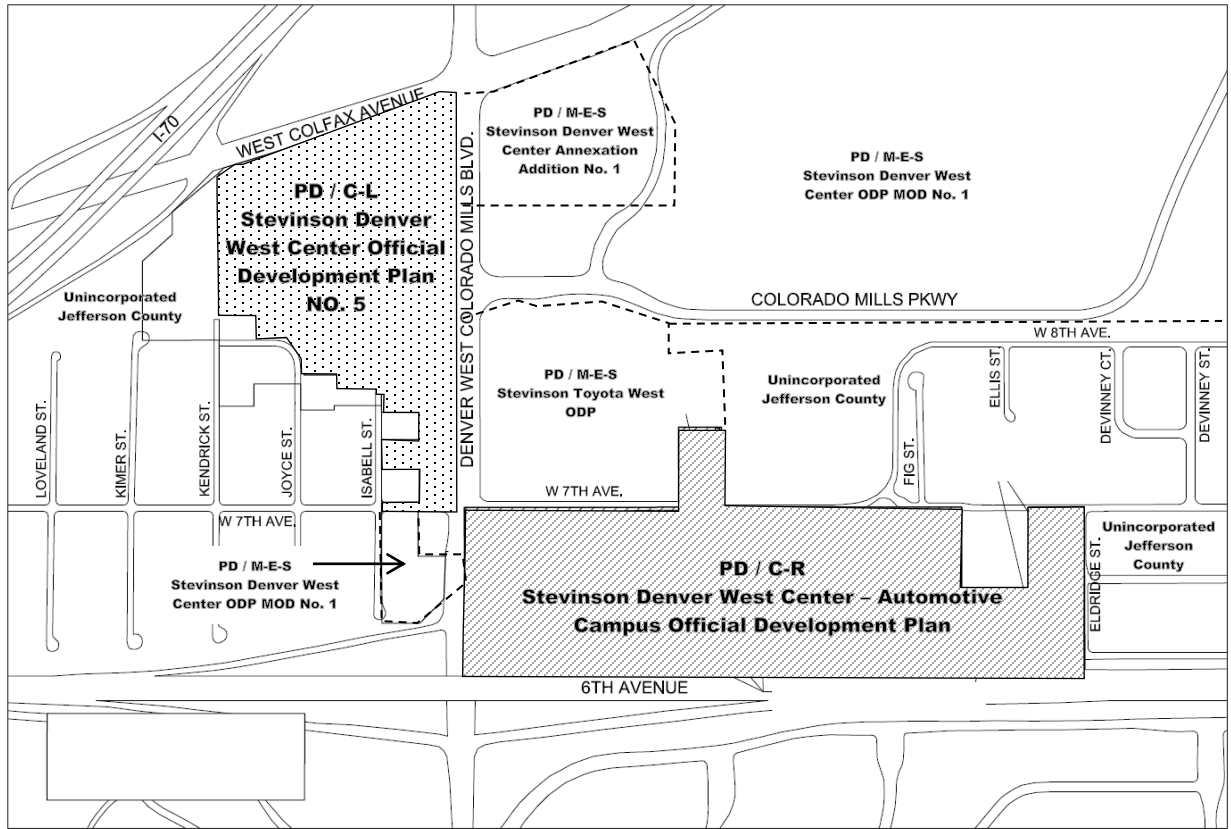
THENCE S 89°54'19" W ALONG THE NORTHERLY LINE OF SAID **STEVINSON ANNEXATION NO. 1**, A DISTANCE OF 44.97 FEET, MORE OR LESS, TO THE **POINT OF BEGINNING**;

EXCEPTING LOT 2, CURLING CLUB SUBDIVISION THE PLAT OF WHICH IS RECORDED AT RECEPTION NO. 2014006194 OF THE RECORDS OF THE JEFFERSON COUNTY CLERK AND RECORDER;

CONTAINING AN AREA OF 654,155 SQUARE FEET OR 15.017 ACRES, MORE OR LESS.

BASIS OF BEARINGS: THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 6 IS ASSUMED TO BEAR N 89°57'20" E, MONUMENTED ON THE WEST BY A FOUND 3-1/4 INCH DIAMETER BRASS CAP IN RANGE BOX STAMPED PLS 34989, 2002, AND MONUMENTED ON THE EAST BY A 3 INCH ALUMINUM CAP IN RANGE BOX STAMPED CITY OF LAKEWOOD LS 19591, 1986.

EXHIBIT B—ZONING MAP



**EXHIBIT C— LEGAL DESCRIPTION STEVINSON DENVER WEST CENTER –
AUTOMOTIVE CAMPUS OFFICAL DEVELOPMENT PLAN**

Planning Area 1:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 6,
TOWNSHIP 4 SOUTH, RANGE 69 WEST OF THE
SIXTH PRINCIPAL MERIDIAN; COUNTY OF JEFFERSON, STATE OF COLORADO; MORE
PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 6;

THENCE ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 6,
N 00°08'27" W FOR 660.91 FEET TO
THE NORTHWEST CORNER OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF
THE SOUTHWEST QUARTER OF SAID SECTION 6;

THENCE ALONG THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHWEST
QUARTER OF THE SOUTHWEST QUARTER OF SAID
SECTION 6, N 89°58'26" E FOR 1216.24 FEET TO THE NORTHEAST CORNER OF THE
SOUTH HALF OF THE SOUTHWEST
QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6;

THENCE ALONG THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST
QUARTER OF THE SOUTHWEST QUARTER OF SAID
SECTION 6, N 89°58'26" E FOR 817.91 FEET TO THE NORTHERLY EXTENSION OF THE
WEST LINE OF LOT 2, CURLING CLUB SUBDIVISION AS RECORDED AT RECEPTION
NUMBER 2014006194 OF THE JEFFERSON COUNTY RECORDS;

THENCE ALONG THE WEST LINE OF SAID LOT 2 AND THE NORTHERLY EXTENSION
THEREOF, S 00°00'00" E FOR 330.13 FEET TO THE SOUTHWEST CORNER OF SAID LOT
2;

THENCE ALONG THE SOUTH LINE OF SAID LOT 2, N 89°57'53" E FOR 224.41 FEET;

THENCE S 00°01'12" E FOR 330.09 FEET TO THE SOUTH LINE OF THE SOUTHWEST
QUARTER OF SAID SECTION 6;

THENCE ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 6,
S 89°57'20" W FOR 2257.04 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 1,417,273 SQUARE FEET OR 32.536 ACRES, MORE OR LESS.

Together with Planning Area 2:

A PARCEL OF LAND IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF
SECTION 6, TOWNSHIP 4 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL
MERIDIAN; COUNTY OF JEFFERSON, STATE OF COLORADO; MORE PARTICULARLY
DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 6;

THENCE ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 6, S 89°57'20" W FOR 280.05 FEET;

THENCE N 00°01'12" W FOR 330.09 FEET TO THE SOUTH LINE OF LOT 2, CURLING CLUB SUBDIVISION AS RECORDED AT RECEPTION NUMBER 2014006194 OF THE JEFFERSON COUNTY RECORDS;

THENCE ALONG THE SOUTH LINE OF SAID LOT 2, N 89°57'33" E FOR 49.09 FEET TO THE SOUTHEAST CORNER OF SAID LOT 2;

THENCE ALONG THE EAST LINE OF SAID LOT 2 AND THE NORTHERLY EXTENSION THEREOF, N 00°00'00" E FOR 330.08 FEET TO THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6;

THENCE ALONG THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6, N 89°58'26" E FOR 228.46 FEET TO THE NORTHEAST CORNER OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6;

THENCE ALONG THE EAST LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6, S 00°13'36" E FOR 660.09 FEET TO THE POINT OF BEGINNING;

CONTAINING AN AREA OF 167,860 SQUARE FEET OR 3.853 ACRES, MORE OR LESS.

Together with Planning Area 3:

A PARCEL OF LAND IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 4 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN; COUNTY OF JEFFERSON, STATE OF COLORADO; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 6;

THENCE ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 6, N 00°08'27" W FOR 660.91 FEET TO THE SOUTHWEST CORNER OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6;

THENCE ALONG THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6, N 89°58'26" E FOR 876.77 FEET;

THENCE N 00°08'27" W FOR 25.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING N 00°08'27" W, ALONG AN EAST LINE OF STEVINSON TOYOTA WEST SUBDIVISION LOT LINE ADJUSTMENT NO. 1 PLAT, AS RECORDED AT RECEPTION NUMBER F1972346 OF THE JEFFERSON COUNTY RECORDS, AND THE SOUTHERLY EXTENSION THEREOF, FOR 305.36 FEET TO A CORNER THEREOF;

THENCE ALONG A SOUTH LINE OF SAID SUBDIVISION, N 89°58'47" E FOR 176.01 FEET;

THENCE S 00°02'18" W FOR 305.34 FEET TO A POINT 25.00 FEET NORTH OF THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6;

THENCE S 89°58'26" W A DISTANCE OF 175.05 FEET TO THE POINT OF BEGINNING;

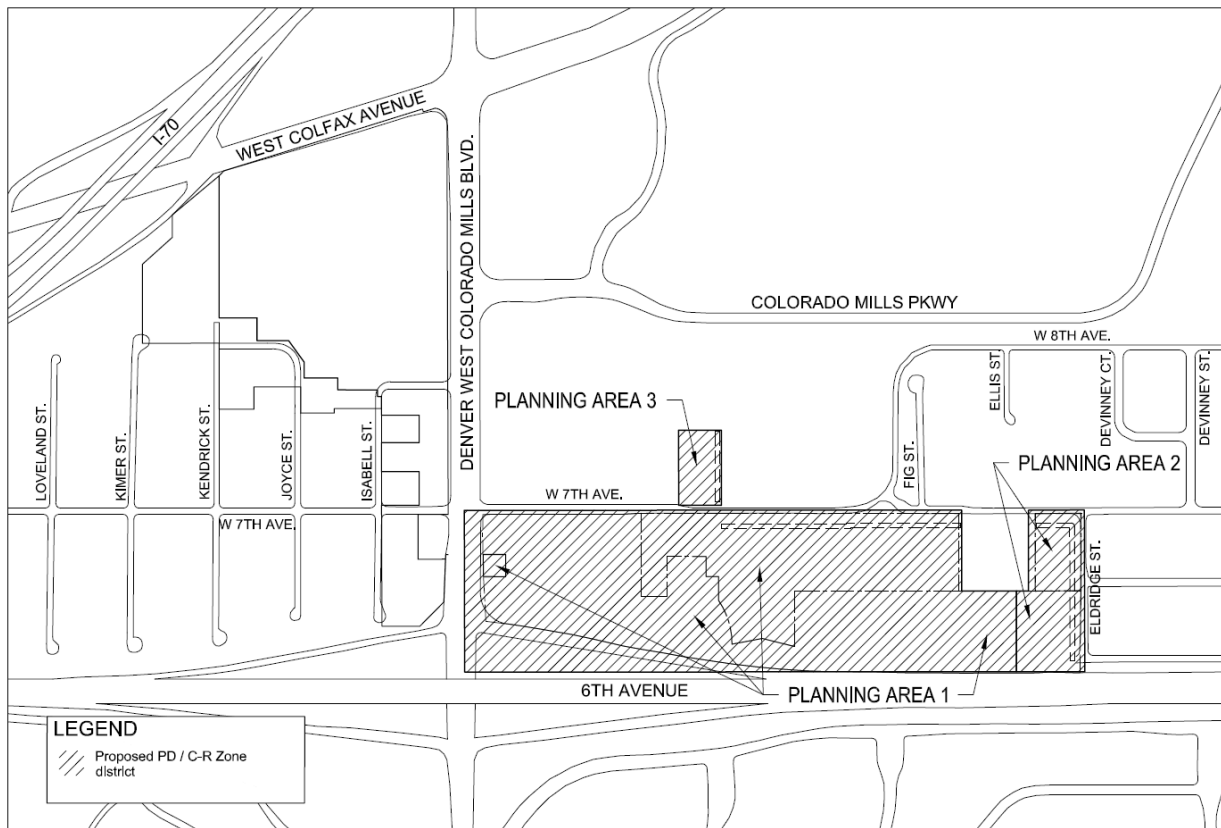
CONTAINING AN AREA OF 53,599 SQUARE FEET OR 1.230 ACRES, MORE OR LESS.

THE ABOVE DESCRIBED THREE PARCELS CONTAIN AN OVERALL AREA OF 1,638,732 SQUARE FEET OR 37.620 ACRES, MORE OR LESS.

BASIS OF BEARINGS: THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 6, MONUMENTED ON THE SOUTH BY A 3-1/4" BRASS CAP STAMPED PLS 34989,2002, AND MONUMENTED ON THE NORTH BY A 3-1/4" ALUMINUM CAP STAMPED PLS 24966,1988, AND BEARS N 00°08'27" W, 2643.44 FEET.

ALL DISTANCES ARE U.S. SURVEY FEET.

Vicinity Map



**EXHIBIT D— LEGAL DESCRIPTION STEVINSON DENVER WEST CENTER – OFFICAL
DEVELOPMENT PLAN NO. 5**

A PARCEL OF LAND BEING A PORTION OF STEVINSON AUTOMOBILE AGENCY LOT 1, BLOCK 1, EXEMPTION SURVEY NO.1, THE PLAT OF WHICH WAS RECORDED IN PLAT BOOK 86, AT PAGE 34, UNDER RECEPTION NUMBER 85112019, OF THE RECORDS OF THE JEFFERSON COUNTY CLERK & RECORDER, TOGETHER WITH A PORTION OF VACATED JUNIPER STREET AS RECORDED AT RECEPTION NUMBER 85097108 LOCATED WITHIN SAID PLAT, TOGETHER WITH STEVINSON AUTOMOBILE AGENCY FILING NO. 2 - EXEMPTION SURVEY NO. 1, THE PLAT OF WHICH WAS RECORDED IN PLAT BOOK 103 AT PAGE 11, UNDER RECEPTION NUMBER 90041454 OF SAID RECORDS, A PORTION OF BLOCK 44 OF PLEASANT VIEW SECOND ADDITION, THE PLAT OF WHICH WAS RECORDED IN PLAT BOOK 2 AT PAGE 68, UNDER RECEPTION NUMBER 00876034 OF SAID RECORDS, A PORTION OF THE WEST COLFAX AVENUE, DENVER WEST COLORADO MILLS BOULEVARD, AND INDIANA STREET RIGHT-OF-WAYS, AND WEST 7TH AVENUE RIGHT-OF-WAYS, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 4 SOUTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF LAKEWOOD. COUNTY OF JEFFERSON, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 1;

THENCE ALONG THE EASTERLY LINE OF SAID SOUTHEAST QUARTER OF SECTION 1, S00°08'11"E A DISTANCE OF 261.42 FEET TO THE POINT OF BEGINNING:

THENCE CONTINUING ALONG SAID EASTERLY LINE. S00°08'11"E A DISTANCE OF 1723.79 FEET;

THENCE ALONG THE CENTERLINE OF WEST 7TH AVENUE AS SHOWN AND PLATTED ON SAID PLEASANT VIEW SECOND ADDITION. S89°47'49"W A DISTANCE OF 312.38 FEET;

THENCE ALONG THE WESTERLY LINE EXTENDED SOUTHERLY OF BLOCK 44, SAID PLEASANT VIEW SECOND ADDITION, N00°07'30"W, A DISTANCE OF 30.00 FEET TO THE SOUTHWEST CORNER OF SAID BLOCK 44;

THENCE ALONG THE SOUTHERLY LINE OF SAID BLOCK 44. N89°47'49"E A DISTANCE OF 135.07 FEET TO THE INTERSECTION OF SAID LAST SOUTHERLY LINE WITH THE CENTERLINE OF THE VACATED ALLEY IN SAID, BLOCK 44 OF SAID PLEASANT VIEW SECOND ADDITION;

THENCE ALONG SAID CENTERLINE, N00°07'11" W, A DISTANCE OF 125.34 FEET TO THE INTERSECTION OF SAID CENTERLINE WITH THE SOUTHERLY LINE OF LOT 19, SAID BLOCK 44 EXTEND EASTERLY;

THENCE ALONG SAID SOUTHERLY LINE OF SAID LOT 19 EXTENDED EASTERLY, S89°46'39"W A DISTANCE OF 135.08 FEET TO THE SOUTHWEST CORNER OF SAID LOT 19;

THENCE ALONG THE WESTERLY LINE OF LOTS 19, 18, 17, 16 AND 15, SAID BLOCK 44, N00°07'30"W A DISTANCE OF 125.29 FEET TO THE NORTHWEST CORNER OF SAID LOT 15;

THENCE ALONG THE NORTHERLY LINE OF SAID LOT 15 EXTEND EASTERLY. N89°45'28"E A DISTANCE OF 135.09 FEET TO THE INTERSECTION OF SAID NORTHERLY LINE OF LOT 15 EXTENDED EASTERLY AND THE CENTERLINE OF SAID ALLEY;

THENCE ALONG SAID CENTERLINE OF SAID ALLEY, N00°07'11"W A DISTANCE OF 100.27 FEET TO THE INTERSECTION OF SAID CENTERLINE WITH THE NORTHERLY LINE OF LOT 11, SAID BLOCK 44 EXTEND EASTERLY;

THENCE ALONG SAID NORTHERLY LINE OF SAID LOT 11 EXTEND EASTERLY, S89°44'32"W A DISTANCE OF 135.10 FEET TO THE NORTHWEST CORNER OF SAID LOT 11;

THENCE ALONG THE WESTERLY LINE OF LOTS 10, 9 AND 8 SAID BLOCK 44 OF SAID PLEASANT VIEW SECOND ADDITION EXTENDED TO THE SOUTHERLY LINE OF SAID STEVINSON AUTOMOBILE AGENCY FILING NO. 2 EXEMPTION SURVEY NO. 1, AS MEASURED IN THE FIELD, N00°07'30"W A DISTANCE OF 84.98 FEET TO A POINT ON SAID SOUTHERLY LINE OF SAID STEVINSON AUTOMOBILE AGENCY FILING NO. 2 EXEMPTION SURVEY NO. 1;

THENCE ALONG SAID SOUTHERLY LINE THE FOLLOWING NINE (9) CONSECUTIVE COURSES:

1) S89°38'55"W A DISTANCE OF 30.00 FEET, MORE OR LESS, TO THE CENTERLINE OF ISABELL STREET AS SHOWN AND PLATTED ON SAID PLEASANT VIEW SECOND ADDITION;

2) THENCE ALONG SAID CENTERLINE, N00°07'30"W A DISTANCE OF 25.33 FEET MORE OR LESS, TO THE EASTERLY EXTENDED NORTHERLY LINE OF LOT 42, BLOCK 43, SAID PLEASANT VIEW SECOND ADDITION;

3) THENCE ALONG SAID LAST EXTENDED AND SOUTHERLY AND WESTERLY EXTENDED LINE OF SAID LOT 42,

S89°38'40"W, A DISTANCE OF 165.11 FEET, MORE OR LESS, TO THE CENTERLINE OF THE ALLEY IN SAID BLOCK 43;

4) THENCE ALONG SAID CENTERLINE, N00°07'48"W A DISTANCE OF 50.61 FEET MORE OR LESS, TO THE EASTERLY EXTENDED NORTHERLY LINE OF LOT 5, BLOCK 43;

5) THENCE ALONG SAID EASTERLY EXTENDED LINE AND NORTHERLY LINE OF SAID LOT 5, S89°37'54"W A DISTANCE OF 135.12 FEET TO A POINT ON THE WESTERLY LINE OF SAID BLOCK 43 MORE OR LESS, TO THE NORTHWEST CORNER OF SAID LOT 5;

6) THENCE ALONG SAID WESTERLY LINE OF BLOCK 43, N00°08'07"W A DISTANCE OF 63.38 FEET;

7) THENCE N31° 33'15"W, A DISTANCE OF 115.10 FEET, TO A POINT ON THE EASTERLY LINE OF BLOCK 38, SAID PLEASANT VIEW SECOND ADDITION;

8) THENCE ALONG THE SOUTHERLY LINE OF SAID BLOCK 38, S89°35'48"W , A DISTANCE OF 135.13 FEET, MORE OR LESS, TO THE CENTERLINE OF THE ALLEY IN SAID BLOCK 38;

9) THENCE ALONG SAID CENTERLINE, N00°08'26"W A DISTANCE OF 99.62 FEET TO A POINT ON THE SOUTH LINE OF SAID STEVINSON AUTOMOTIVE AGENCY LOT 1, BLOCK 1 EXEMPTION SURVEY NO. 1, SAID SOUTH LINE BEING IN COMMON WITH THE EASTERLY EXTENDED NORTHERLY LINE OF LOT 21 SAID BLOCK 38;

THENCE ALONG SAID SOUTHERLY LINE, S89°35'48"W, A DISTANCE OF 165.14 FEET TO THE SOUTHWEST CORNER OF SAID LAST EXEMPTION SURVEY , SAID CORNER ALSO BEING THE CENTERLINE OF JUNIPER STREET AS SHOWN AND

PLATTED ON SAID PLEASANT VIEW SECOND ADDITION;

THENCE ALONG THE WESTERLY LINE OF SAID STEVINSON AUTOMOTIVE AGENCY LOT 1. BLOCK 1 EXEMPTION SURVEY NO. 1 AND NORTHLY EXTENSION THEREOF, N00°08'44"W A DISTANCE OF 536.27 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WEST COLFAX AVENUE AS RECORDED IN BOOK 359 AT PAGE 470, OF SAID RECORDS;

THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) CONSECUTIVE COURSES:

- 1) N00°15'03"W A DISTANCE OF 16.54 FEET;
- 2) THENCE N44°42'42"E A DISTANCE OF 34.26 FEET;
- 3) THENCE N73°59'44"E A DISTANCE OF 37.41 FEET;

THENCE N16°00'16"W A DISTANCE OF 110.01 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF WEST COLFAX AVENUE AS RECORDED IN IN BOOK 359 AT PAGE 470 OF SAID RECORDS;

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE. N72°44'19"E A DISTANCE OF 839.37 FEET TO THE SOUTHEASTERLY CORNER OF THAT TRACT OF LAND DESCRIBED IN INSTRUMENT RECORDED AT RECEPTION NUMBER 91063700 OF SAID RECORDS;

THENCE S00°33'09"W A DISTANCE OF 67.21 FEET TO A POINT ON THE CENTERLINE OF WEST COLFAX AVENUE:

THENCE ALONG SAID CENTERLINE, N73°22'01"E A DISTANCE OF 178.85 FEET TO THE POINT OF BEGINNING

SAID PARCEL CONTAINS 26.6646 ACRES MORE OR LESS

ALL LINEAL DIMENSIONS ARE IN U.S. SURVEY FEET.

BASIS OF BEARINGS

BEARINGS ARE BASED ON EASTERLY LINE OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 4 SOUTH, RANGE 70 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO ASSUMED TO BEAR S00°08'11"E BEING MONUMENTED BY A FOUND 3-1/4" ALUMINUM CAP IN RANGE BOX PLS #24966 AT THE EAST QUARTER CORNER AND A FOUND 3-1/4" BRASS CAP PLS #34989 AT THE SOUTHEAST CORNER.

Vicinity Map

