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July 9, 2024

Zach Murphy
Circle K Stores, Inc.
5500 Quebec Street Suite 100
Greenwood Village, CO 80111

**RE: Request for 120-Day Extension of Approval;
Application Z22-009,
Auburn Hills Centre Circle K Gas Station UBSR**

Mr. Murphy;

The Town of Parker Town Council held a public hearing on July 11, 2022 and approved your Use by Special Review Application to allow for a gas station within the Auburn Hills Centre development. The site is located southwest of the intersection of Mainstreet and Jordan Road. The approval is effective for a period of 24 months. Based on the Town Land Development Ordinance, the Use by Special Review will expire on July 12, 2024.

On July 8, 2024, a request for a 120-day extension was submitted to the Town of Parker. This correspondence is to inform you that the Town has reviewed your request as it relates to the facts of the matter, the LDO and the Town's established land use process.

Section 13.03.030(h)(9)(b), Extensions of Expiration of Approvals, states that "the Planning Director, after consultations of the Director of Engineering/Public Works, may approve one extension for a time not to exceed 180 days for that permit or approval subject to the criteria set forth in Subsection 5 below." The criteria for approval of an extension are:

1. The applicant has provided evidence that the delay is not due to the action or inaction of the applicant. Evidence may include any documentation of an unexpected predevelopment challenge that is out of the reasonable control of the applicant, including but not limited to changes to or challenges in financing the project, delays due to state or federal permitting requirements, required technical design changes, title issues, or environmental issues;
2. If the request is related to a subdivision, there has been no significant change in development conditions affecting the subdivision plan and the plat continues to comply with all applicable standards and ordinances;
3. The applicant has exercised reasonable diligence to complete the project; and
4. Delays in the process are beyond the control of the applicant.

The applicant submitted a Minor Development Plat to plat the property into developable lots on July 22, 2021. In addition, the applicant submitted the Site Plan for the gas station on November 9, 2021. The Site Plan application has been continuously under review. The application review process has taken longer than expected due to outside agency processes outside of the applicant's control. The availability of equipment for the site and lack of response from the applicant's original team have also contributed to delays for this project. However, the Site Plan application is nearing approval, and the applicant has submitted both Building and Grading Permit applications.

I find that your reasons for requesting a 120-day extension of the Use by Special Review approval satisfy the criteria for granting the extension. Therefore, the above-mentioned Use by Special Review has been extended an additional 120 days effective July 9, 2024 and valid through November 6, 2024. Please be advised that no further administrative extensions under Section 13.03.030(b) of the LDO are possible. You are required by the LDO to obtain a grading permit or building permit on or before November 6, 2024 in order to preserve the entitlements of your project. Failure to do so shall cause an expiration of the approval and render it null and void.

If you have any questions, please contact this office at (303) 841-2332.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Fussa". The signature is fluid and cursive, with a long, sweeping underline that extends to the left.

John Fussa
Community Development Director

cc: Amber Wood Hicken, Planner I