



**DENVER**  
THE MILE HIGH CITY

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Denver, CO 80202  
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[www.denvergov.org/planning](http://www.denvergov.org/planning)

**TO: Land Use, Transportation, and Infrastructure Committee**  
**FROM: Chris Gleissner, Senior City Planner**  
**DATE: August 23, 2011**  
**RE: Zoning Map Amendment Application #2011I-00006**  
**75 Adams Street from PUD #304 to C-MX-8**

### Staff Report and Recommendation

Based on the criteria for review including legal basis evaluation and compliance with adopted City plans, Staff recommends approval for application #2011I-00006 for a rezoning from **PUD #304 to C-MX-8**.

#### I. Scope of Rezoning

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Application:	<b>#2011I-00006</b>
Address:	<b>75 Adams Street</b>
Neighborhood/Council District:	Council District #10
RNOs:	Capitol Hill United Neighborhoods, Inc., Cherry Creek East Association, Cherry Creek North Business Improvement District, Cherry Creek North Neighborhood Association, Cherry Creek Steering Committee, CommUNITY Renaissance Neighbors, Harman Neighborhood Association, Inc., Neighborhood Advisory Committee to the Botanic Gardens, Inter-Neighborhood Cooperation
Area of Property:	Approximately 6,262 SF/0.143 acres
Current Zoning:	PUD #304
Proposed Zoning:	<b>C-MX-8</b>
Applicant/Owner:	Mier Chazen Trust
Contact Person:	Bob Gollick

#### II. Summary of Proposal

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The applicant proposes changing the zoning to C-MX-8 in order to zone the property consistently with adjacent properties, allowing future redevelopment the opportunity to effectively redevelop the site.

#### III. Justifying Circumstances

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Pursuant to Section 12.4.10.14, requiring justification for the amendment request, the land and the environs has changed or are changing to the degree that it is in the public interest to encourage redevelopment. The subject property is currently a small dry cleaner. Rezoning the site will eliminate an existing PUD and provide a context based zone district for the site, consistent with surrounding zoning.

**IV. Existing Context**



	Existing Zoning	Existing Land Use	Blueprint Denver
<b>Site</b>	PUD #304	Dry Cleaner, allowed B-3 uses with some restrictions	Regional Center-Area of Change
<b>North</b>	C-MX-5	Retail	Regional Center-Area of Change
<b>South</b>	C-MX-8	Bank and surface parking	Regional Center-Area of Change
<b>West</b>	C-MX-12	Office Buildings	Regional Center-Area of Change
<b>East</b>	C-MX-5	Office Buildings	Regional Center-Area of Change

## **V. Summary of Agency Referral Responses**

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This rezoning has been reviewed for concurrence with the Denver Zoning Code and other applicable City Codes as utilized by the referral agencies listed below.

Development Services-Survey: Approved  
Development Services-Transportation: Approved  
Denver Fire: Approved  
Denver Parks: Approved  
Asset Management: Approved.

## **VI. Public Process & Public Comment**

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A letter of support from the Cherry Creek East Association is included in the application.

## **VII. Criteria for Review / Staff Evaluation**

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Pursuant to the Denver Zoning Code, Section 12.4.10.13 and 12.4.10.13, there are three criteria for review of all map amendments and two additional review criteria applied to non-legislative map amendments. The first three include:

1. Consistency with Adopted Plans
2. Uniformity of District Regulations and Restrictions
3. Public Health, Safety and General Welfare

These are explained in the following sections. The remaining two criteria include (*Justifying Circumstances* (explained in Section III above) and *Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements* (elements of the Denver Zoning Code)).

- **Neighborhood Contexts**

The requested zone district is within the Urban Center Neighborhood Context, which consists of multi-unit residential and mixed-use commercial strips and centers, with moderate to high building heights, a dense urban character, and high levels of access to multi-modal transportation. (Denver Zoning Code Division 7.1)

- **Zone District Purpose**

According to the general purpose stated in the Denver Zoning Code, Mixed Use zone districts are intended to promote safe, active, pedestrian-scaled, diverse areas. They are also intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods.

## **VIII. Consistency with Adopted Plans / Staff Evaluation**

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The proposal is consistent with adopted plans. Applicable plans for this site include:

- Denver Comprehensive Plan 2000
- Blueprint Denver

**A. Consistency with the Denver Comprehensive Plan 2000**

The proposal is consistent with and positively addresses many Denver Comprehensive Plan strategies, including:

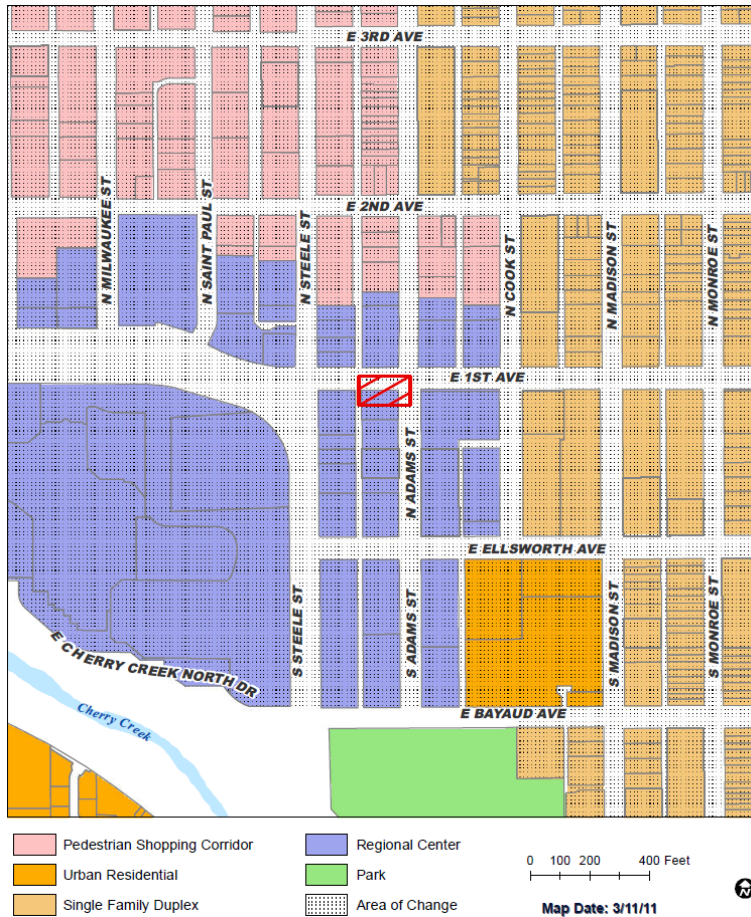
- a. Environmental Sustainability 2-F, 4-A;
- b. Land Use 1-B, 1-C, 3-B, 4-A, 4-B;
- c. Mobility 3-B, 4-E;
- d. Legacies 3-A, 3-B;
- e. Housing 2-F, 6-A;
- f. Economic Activity 4-B (1<sup>st</sup> Bullet);
- g. Neighborhoods 1-E.

**B. Consistency with Blueprint Denver**

The Blueprint Denver concept land use for this site is Regional Center in an Area of Change.

An ideal regional center has “a balance of retail, employment and residential uses... Cherry Creek is an example of a regional center where a major shopping center is at the core of many other uses concentrated in a small area” (p. 43). A regional center has moderate residential density, major commercial uses, and excellent pedestrian zones that accommodate automobile and transit use equally well (p. 65). “The purpose of Areas of Change is to channel growth where it will be beneficial and can best improve access to jobs, housing and services with fewer and short auto trips. Areas of Change are parts of the city where most people agree that development or redevelopment would be beneficial” (p.127). In the Cherry Creek Area of Change, “the neighborhood vision is to continue redeveloping the area in a manner that focuses on livability and produces a well-integrated blend of residential” (p. 134).

According to Blueprint Denver, 1st Avenue is classified as a Mixed Use Collector street and Adams Street is classified as an Undesignated Local street. “Mixed-use streets are located in high-intensity mixed-use commercial, retail and residential areas with substantial pedestrian activity” (p.57).



### C. **Cherry Creek Area Plan**

The applicable neighborhood plan for this site is the 2000 Cherry Creek Area Plan, and the property is located in the plan's Cherry Creek East District. The vision for Cherry Creek East is for redevelopment "as an urban village, with new development that is compatible with existing development and reinforces the neighborhood's unique identity, and with a strong sense of neighborliness." The plan calls for new residential / office / retail mixed-use development along 1st Avenue.

Specific Recommendations and Guidelines in this area recommend that the city "rezone the ... northern edge of Cherry East to reflect this plan... Map amendments may include the rezoning of Planned Unit Developments ... that vary significantly from the recommendations of this plan, and the existence of that seemingly precludes the redevelopment of their sites with projects that would be consistent with the plan and that might be more feasible in the current real estate market" (p. 95).

In the Northern Edge sub-district of Cherry Creek along 1st Avenue, the plan encourages residential and residential mixed-use projects, that retail and office uses front on 1st Avenue, parking be prohibited adjacent to 1st Avenue, and that retail and office should locate on either the first or second floor (p. 99).

General land use recommended policies in the plan include: Broaden the diversity of uses, Encourage further integration of uses, Create compatible edges, Invest in improvements, and encourage a broad range of neighborhood services and housing types (p. 35-6).

**D. Allowed Uses and Building Form**

The C-MX-8 district allows a variety of residential, neighborhood-serving and commercial retail uses, hotels, and a diverse mix of housing types. Form-based standards and build-to requirements will shape the pedestrian/building edge and help define the 1<sup>st</sup> and Steele intersection.

**IX. Uniformity of District Regulations and Restrictions**

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The proposed rezoning to C-MX-8 will result in the uniform application of zone district building form, use and design regulations to all buildings within the subject area.

**X. Public Health, Safety and General Welfare**

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The proposed rezoning will bring the property into conformance with adopted City plans and will allow for improved development conditions over the current PUD #304 zone district, thus providing overall improvement for the general public.

**XI. Planning Board Recommendation**

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Planning Board reviewed rezoning application #2011I-00006 at their regularly scheduled meeting on August 3, 2011. Planning Board recommended approval of this item on consent.

**XII. Staff Recommendation**

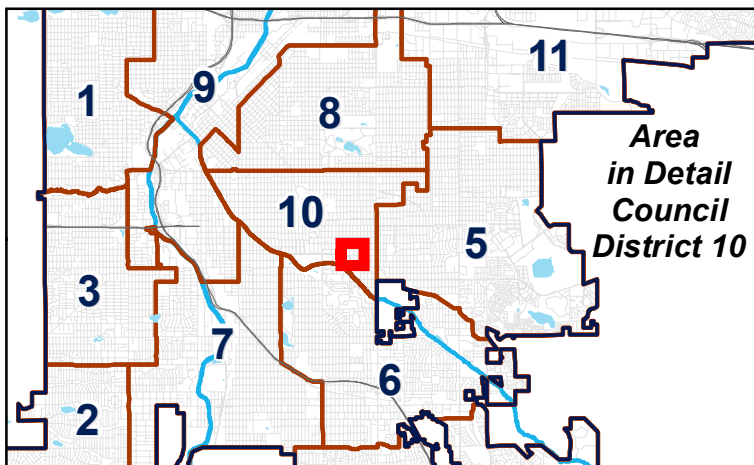
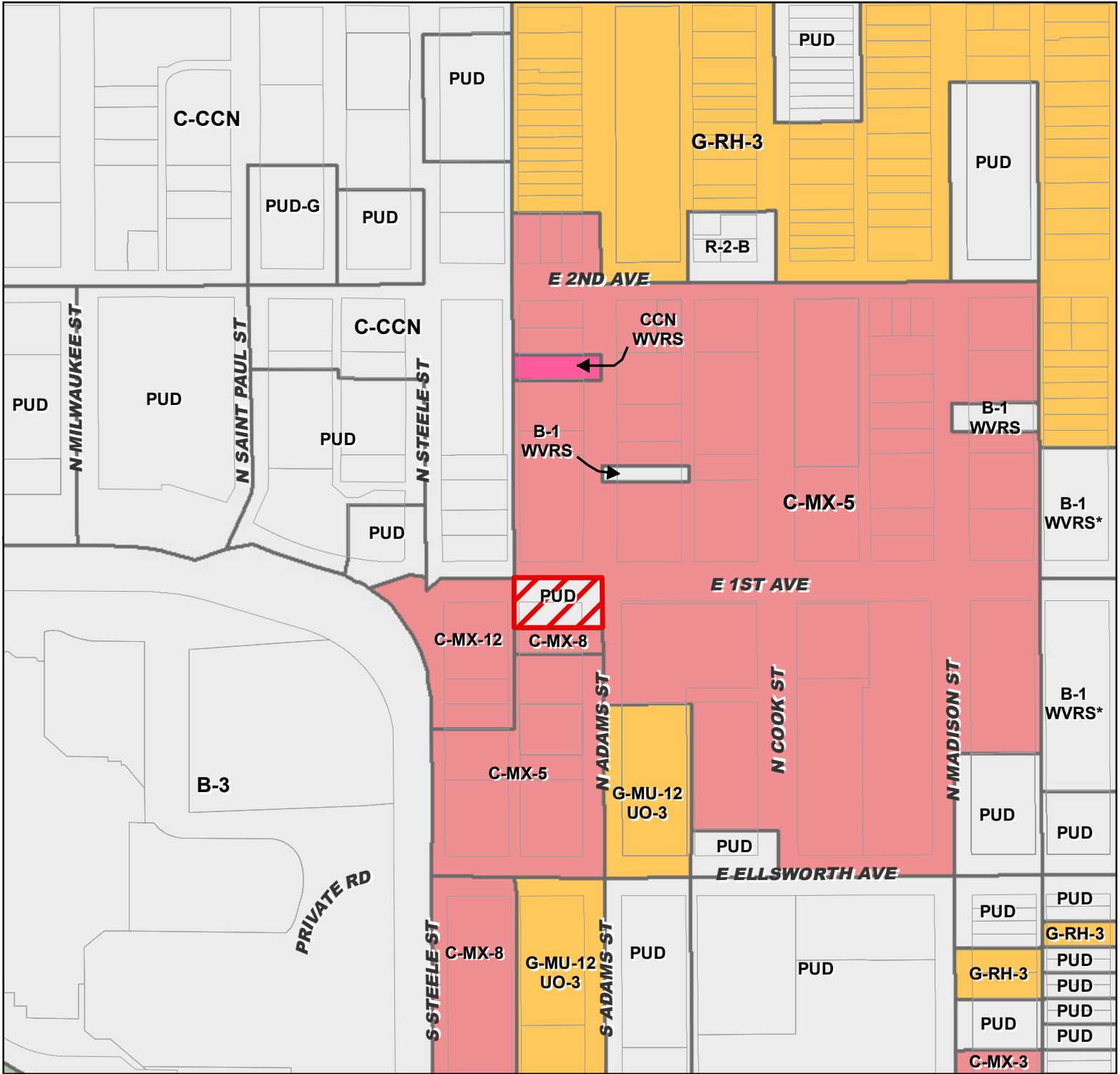
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Based on the criteria for review as defined above, CPD Staff recommends **approval** for rezoning the property located at 75 Adams Street, Application #2011I-00006, to C-MX-8, as defined on the attached application map.

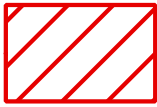
**Attachments:**


1. Official Zone Map Amendment Application
2. Map Series - Aerial, Zoning, Blueprint Map

# Pending Zone Map Amendment #2011I-00006



Application #2011I-00006  
 Location: 75 Adams St

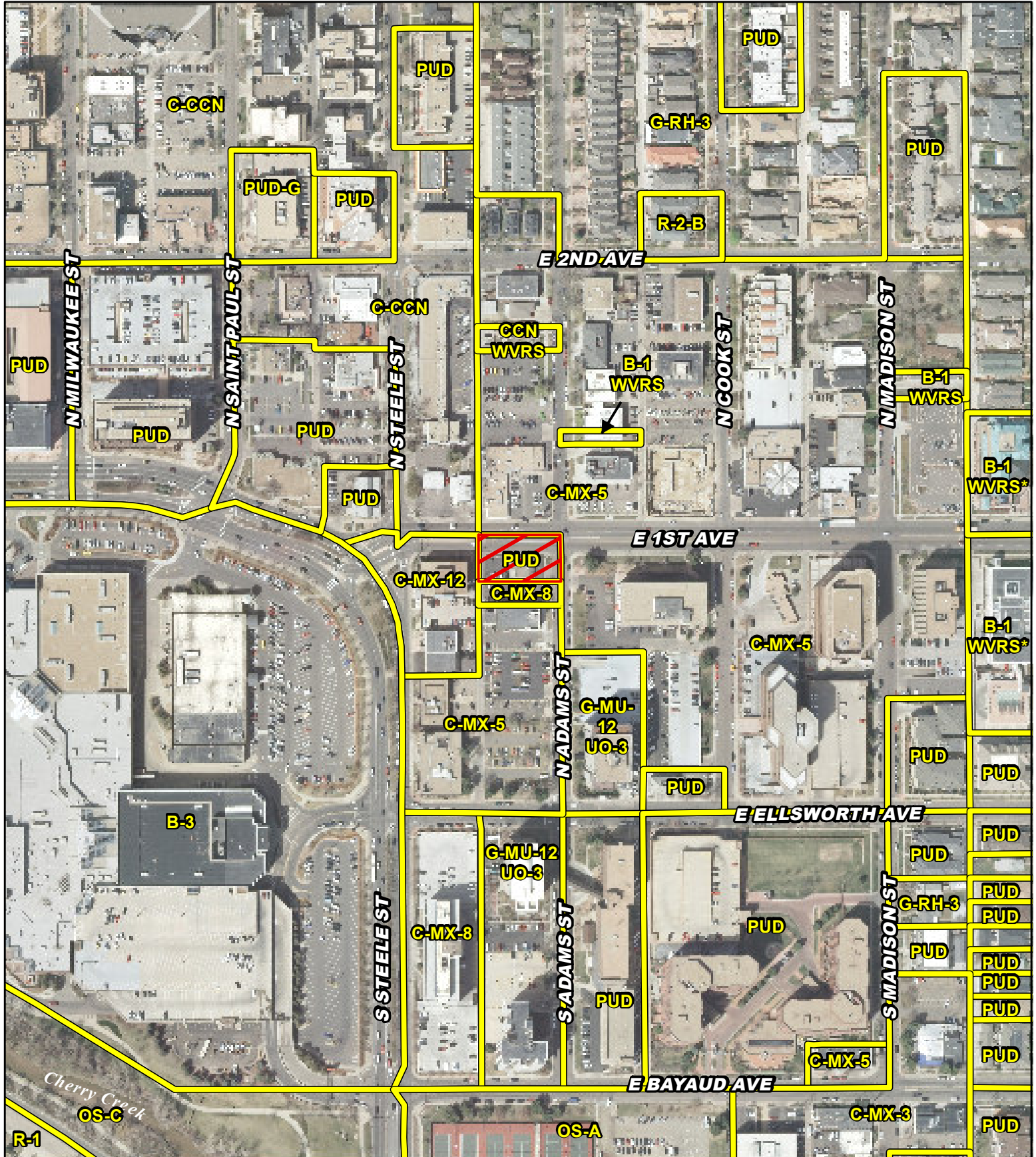
 Proposed Rezoning  
 From: PUD #304  
 To: C-MX-8

 0 100 200 400  
 Feet

Map Date: 3/11/11

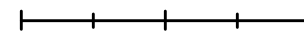
# Pending Zone Map Amendment - Aerial & Zoning Overlay

 Application #2011-00006



Aerial Photo: April 2008  
Community Planning and Development

0 100 200 400 Feet



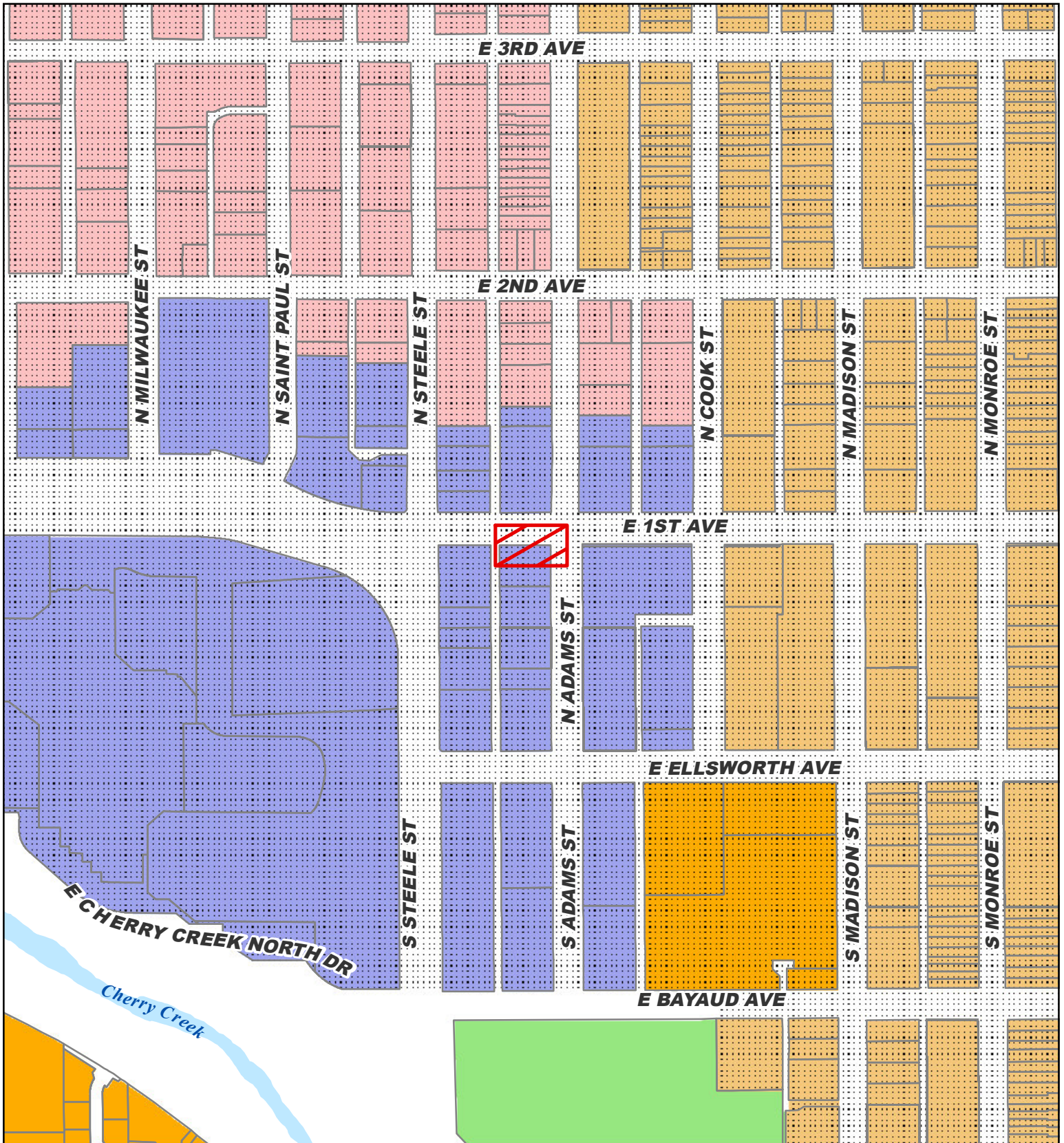
Map Date: 3/11/11











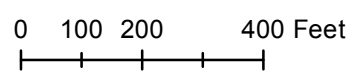
# Pending Zone Map Amendment - Blueprint Denver Overlay

 Application #2011I-00006



-  Pedestrian Shopping Corridor
-  Urban Residential
-  Single Family Duplex

-  Regional Center
-  Park
-  Area of Change



Map Date: 3/11/11





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**Community Planning and Development**  
**Planning Services**  
Plan Implementation

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Denver, CO 80202  
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**APPLICATION FOR ZONE MAP AMENDMENT**

<b>Application #</b>	<b>2011I-00006</b>	<b>Date Submitted</b>	<b>2.12.11 Rev: 4.25.11</b>	<b>Fee Required</b>	<b>\$1,000</b>	<b>Fee Paid</b>	<b>\$1,000</b>
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<b>APPLICANT INFORMATION</b>		<b>CONTACT INFORMATION (Same as Applicant? <input type="checkbox"/>)</b>	
<b>Applicant Name</b>	Mier Chazen Trust	<b>Contact Name</b>	Robert J. Gollick, Inc (Bob Gollick)
<b>Address</b>	2 Adams Street, #1402	<b>Address</b>	609 South Gaylord Street
<b>City, State, Zip</b>	Denver, Colorado 80206	<b>City, State, Zip</b>	Denver, Colorado 80209
<b>Telephone / Fax</b>	Private	<b>Telephone / Fax</b>	303 / 722-8771
<b>Email</b>	Use for all contact: bgollick@comcast.net	<b>Email</b>	bgollick@comcast.net

**Subject Property Location [Please Include Assessor's Parcel Number(s)]**

The site is located at the southwest intersection of Adams Street and East First Avenue in the Cherry Creek East neighborhood. It is addressed as follows:  
  
75 Adams Street, Assessor's No. 05125-08-020-000 (Mier Chazen Trust)

**Legal Description of Subject Property**

Lots 39 and 40 Block 17 Burlington Capitol Hill Addition

<b>Area of Subject Property (Acres/Sq Ft)</b>	<b>Present Zone District</b>	<b>Proposed Zone District (Waivers and Conditions Require Separate form)</b>
6,262± sq. ft. or 0.143± acres	PUD No. 304	C-MX-8

**Describe the nature and effect of the proposed Zone Map Amendment**

The nature of the proposed map amendment is to permit redevelopment of a 0.143± acre parcel of land located in the Cherry Creek East neighborhood. The property is a corner site which is bounded by First Avenue along the north and Adams Street to the east with a linear portion of the site extending east to Adams Street. The site has been the home of various commercial businesses under the guidelines of the existing PUD zoning, most currently operated as a dry cleaning facility. However, numerous changes in and around the site have resulted in a need to rezone to a more appropriate zone district that will provide a palette of uses that will remain flexible over time meeting the needs of the community as well as the property owner.

The intent of this map amendment is to provide the necessary zone district (C-MX-8) to permit development of a mixed-use project which may contain a bank along with supportive commercial and retail use(s). Being the corner site along a major arterial street provides the visibility and access that is necessary for commercial uses to be successful and thrive.

Thus to redevelop the property in a manner appropriate for a location as significant as East First Avenue in Cherry Creek, the C-MX-8 zone district is being proposed. The C-MX-8 is a mixed-use district that is intended to be utilized in an urban center

environment such as Cherry Creek. This type of urban center neighborhood context typically consists of multi-unit residential and mixed-use commercial strips along with commercial centers. Multi-unit buildings are typically Rowhouse, Courtyard Apartment and Apartment forms. Commercial buildings are typically Live-Work, Shopfront, and General Commercial forms. Commercial uses are primarily located along main and mixed-use arterial streets such as First Avenue. Of significance, is that a development agreement, between the developer and the area residents, is in place for this and the remaining portion of the proposed Steele Creek development. One of the conditions of that Agreement mandates that no structure will exceed eighty (80) feet in height. That height condition will apply to the subject property as well.

The nature of the proposed amendment is to permit the relocation of some of the commercial uses that are anticipated to coincide with the development of the First Avenue and Steele Street mixed-use project. This is supportive of the General Purpose of the mixed-use zone districts which states:

- The Mixed Use Zone Districts are intended to promote safe, active, and pedestrian-scaled, diverse areas through the use of town house, row house, courtyard apartment, apartment, and shopfront building forms that clearly define and activate the public street edge. (First Avenue)
- The Mixed Use Zone Districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city's neighborhoods.
- The Mixed Use Zone District standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods.
- Mixed use buildings have a shallow front setback range with high build-to requirements.

The effect of the proposed amendment will be immediate and positive. Redevelopment of the property will provide the potential for, high quality, retail, residential, commercial and office development. The proposed map amendment is in conformance with the Cherry Creek Neighborhood Plan, and the Vision for Cherry Creek East paraphrased as follows:

- Cherry Creek East will redevelop as an urban village with new development that is compatible with existing development,
- Broaden and balance the mixture of uses,
- Cherry Creek East will have both higher density residential density than the surrounding neighborhoods and neighborhood serving retail uses readily available,
- Streetscape improvements will provide a unique identity for the neighborhood design continuity for a variety of architectural styles, and a welcoming environment for pedestrians,

Additional effects of the proposed zoning will be to:

- Create permanent quality,
- Encourage private investment,
- Enhance the neighborhood character,
- Reinforce street edges,
- Improve the streetscape and infrastructure,
- Create project scale and quality that promote activity at street level.

The anticipated development will, at a minimum, meet these goals and utilize the recommendations. The effect of the proposed zoning will be immediate and very positive. All of the permitted uses are appropriate for this urban setting

and will add to the vitality and life to this area. Development of the property under the guidelines of the C-MX-8 zone district will create employment opportunities, and provide services within minutes of Colorado's major employment center. This will create an attractive and interesting project in an area that is undergoing renovation and development.

Select Legal Basis for the Zone Map Amendment and explain in detail

Error in the map as approved by City Council

Changed or Changing Conditions that make a Zone Map Amendment Necessary

The proposed C-MX-8 map amendment is in response to the changed and changing conditions in the Cherry Creek area. The redevelopment of the Cherry Creek Mall several years ago was the catalyst for development to occur throughout the Cherry Creek neighborhood. Numerous residential developments along with several commercial and retail projects have changed Cherry Creek into one of Denver's finest neighborhoods in which to live, work and shop.

A few examples of the changed conditions are as follows:

- The adoption by City Council of "Blueprint Denver",
- The adoption of the "form based" zoning code,
- Approval by City Council for the Steel Creek mixed-use development that is adjacent to this site,
- Approval of the site as an "Area of Change" for a Regional Center within "Blueprint Denver",
- Successful development of Clayton Lane including the J.W. Marriot Hotel and the Janus Building,
- Recent development by "Western Development" of Cherry Creek North, a mixed-use project a few blocks from this site
- The approval of the Fillmore Street Plaza PUD, and
- The neighborhood has evolved into a world-class area that now requires and can sustain high quality services, products and development.

All of the listed changed conditions result in a need for the types of services and amenities that C-MX zoning can provide. Additionally, the existing PUD zone district cannot meet the development needs for this site or provide the City and area residents the level of site plan review that is part of the mixed-use zone district.

The proposed zoning relates to the "Denver Comprehensive Plan" "The Cherry Creek Neighborhood Plan" as well as "Blueprint Denver: An Integrated Land Use and Transportation Plan" in several significant ways which are described as follows:

The property is located in the Cherry Creek East District (Western Edge Sub-District) of the "The Cherry Creek Neighborhood Plan". Some of the recommended land use and zoning policies from the Plan are as follows:

- Maintain a distinction between the uses,
- Create compatible district edges,
- Invest in improvements both private and public, and,
- Encourage a broad range of neighborhood services and housing types"
- **Recommended Zoning policy: "Rezone sections of Cherry Creek East to reflect this Plan using Mixed-Use zone districts."**

Of significance, is that the Cherry Creek Neighborhood Plan recommends that in the Cherry Creek East District (paraphrase) "new development on the northwestern-most block be developed with more intense mixed-use projects." And also In the Western Edge Sub-District, The western and northern edges of the northwestern-most block are highly visible because of their location.

The block has the potential of providing an important transition and connection between the adjoining retail, commercial, and residential districts. To help accomplish this, if this block is redeveloped it should include a more intense, but cohesive, mixture of residential, office, and retail uses. Parking should be incorporated on the interior of the site so that all of the edges can be developed to the sidewalk, creating a strong urban edge. Pedestrian connections should be emphasized.

The Blueprint Denver concept land use designation for the area is Regional Center, in an Area of Change. "Ideally, a regional center has a balance of retail, employment and residential uses. These centers cover a fairly large area and are dense enough to encompass both the dominant use and a wide variety of other uses". Blueprint Denver states that "the purpose of Areas of Change is to channel growth where it will be beneficial and can best improve access.

Further explanations of the changed conditions that justify this map amendment request are contained in *Denver Comprehensive Plan 2000*. Several of the objectives and resulting strategies that support the zoning request are listed below. They are extracted from the Land Use Chapter, Housing Chapter and Neighborhood Chapter of *Denver Comprehensive Plan 2000*.

#### **Environmental Sustainability Chapter**

##### **Strategy 2-F**

Conserve land by:

Promoting **infill development** within Denver at sites where services and infrastructure are already in place.

Designing **mixed-use communities and reducing sprawl**, so that residents can live, work and play within their own neighborhoods.

Creating more density at transit nodes.

#### **LAND USE CHAPTER**

##### **Objective 1: Citywide Land Use and Transportation Plan**

###### **Strategy 1-B:**

Ensure that the *Citywide Land Use and Transportation Plan* reinforces the cities character by building on a legacy of **high-quality urban design and stable, attractive neighborhoods**; encouraging preservation of historic buildings, districts and landscapes; and maintaining the integrity of the street grid, parks, parkways, and open space system.

##### **Objective 3: Residential Neighborhoods and Business Centers**

###### **Strategy 1-C:**

Incorporate relevant recommendations from neighborhood, corridor and area plans that are supplements to Plan 2000. Examples are the plans for Stapleton, Lowry, Gateway, Federal Boulevard, Central Platte Valley and the Golden Triangle.

#### **Residential Neighborhoods and Business Centers**

##### **Strategy 3-B:**

Encourage quality infill development that is consistent with the character of the surrounding neighborhood; that offers opportunities for increased density **and more amenities; and that broadens the variety of compatible uses.**

#### **Accommodating New Development**

##### **Strategy 4-A:**

**Encourage mixed-use**, transit-oriented development that makes effective use of existing transportation infrastructure, supports transit stations, increases transit patronage, reduces impact on the environment, and encourages vibrant urban centers and neighborhoods.

**Objective 4 Mobility Chapter**

**Strategy 4-E:**

Continue to promote mixed-use development, which enables people to live near work, retail and services.

**Objective 3 Legacies Chapter**

**Strategy 3-A**

Identify areas in which increased density and new uses are desirable and can be accommodated.

**Strategy 3-B**

Create regulations and incentives that encourage high-quality, mixed-use development at densities that will support Denver's diverse housing needs and public transportation alternatives.

**Housing Chapter**

**Objective 2 Preserve and Expand Existing Housing**

**Strategy 2-F**

Explore opportunities for housing in all proposed development and redevelopment projects, including commercial and retail projects.

**Strategy 6-A**

Support mixed-use development consistent with the goals of the Comprehensive Plan's land-use and mobility strategies.

**Economic Activity Chapter**

**Strategy 4-B** Enhance existing business centers and establish new business centers in a manner that offers a variety of high-quality uses that support Denver's business environment, complements neighboring residential areas, generates public revenue, and creates jobs. Consider the following key strategies as top priorities:

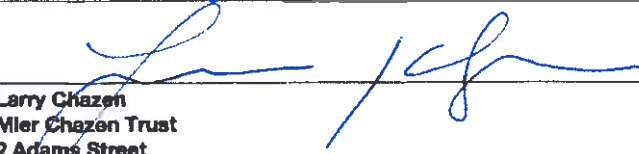
- Maintain the **Cherry Creek Shopping Center, Cherry Creek North and other nearby areas** as the premier retail destination in the Denver metro area and Rocky Mountain region.

The public interest for the citizens of Denver is best served by adoption of this map amendment, which will provide the services, amenities, employment opportunities and development necessary for positive planned growth to occur.

**State the land use and the development proposed for the subject property. Include the time schedule (if any) for development**

The land uses and development proposed for the property will primarily be a mixed-use development, which may incorporate a bank and other commercial and retail uses. The proposed C-MX-8 zone district will allow a mix of uses appropriate for this area. The proposed land use will include one or more of the permitted C-MX-8 use(s). The anticipated time schedule is contingent upon approval of this zoning request, site plan approval, market conditions and project financing.

Required Exhibits		Additional Exhibits	
Applicant & Owner Information Sheet	<input checked="" type="checkbox"/>	Letter of support from Cherry Creek East RNO	
Maps – Required for Final Submissions	<input type="checkbox"/>		
Signature			Date

 <b>Larry Chazen</b> <b>Mier Chazen Trust</b> <b>2 Adams Street</b> <b>Unit 1402</b> <b>Denver, Colorado 80206</b>	
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**APPLICANT & OWNER INFORMATION SHEET**

[1] Section 59-648(c) of the Denver Revised Municipal Code requires that an applicant for rezoning provide the applicant's name, address, and respective ownership interest, if any, on the application. In addition, unless subject to paragraph [2] below, the applicant must provide, in the space provided on this form, a list of all the owners of the property and the holders of deeds of trust, identifying which owners and holders of deeds of trust are represented by the applicant.

[2] If the application is for designation of an area as B-2, B-3, R-X or PUD zone district, the applicant must submit the concurrence of the owners and holders of deeds of trust of the entire land area to be included in the proposed district (and any structures thereon). In such cases, this form must be completed for each individual owner, together with sufficient evidence of ownership for each owner and holder of a deed of trust. Documentation verifying ownership interest may include (but is not limited to): Copies of deeds, powers of attorney, and corporate/partnership registrations filed with the Secretary of State.

<b>Application Number</b>	<b>Applicant's Name</b>
20111-00006	Mier Chazen Trust (Larry Chazen)

**Property Address(es)**  
75 Adams Street  
Denver, Colorado 80206


**Applicant's Address**  
Mier Chazen Trust  
2 Adams Street, Unit 1402  
Denver, Colorado 80206

**NOTE:** If application is for rezoning to B-2, B-3, R-X or PUD, and the applicant is not the property owner, this form must be accompanied by a Power of Attorney statement from the property owner.

Indicate as accurately as possible the form of interest in the property, and the amount held by the individual or entity listed as "applicant" above.

<b>Fee Title Owner (Has Deed of Ownership)</b>	All	<input checked="" type="checkbox"/>
	A Portion	<input type="checkbox"/>
<b>Contract Owner</b>	All	<input type="checkbox"/>
	A Portion	<input type="checkbox"/>
<b>Holder of a Security Interest</b>	All	<input type="checkbox"/>
	A Portion	<input type="checkbox"/>

List the names and addresses of all owners and holders of Deeds of Trust for the property, if any, and indicate which owners or holders of deeds of trust are represented by the applicant in the space below (please add additional pages, if needed).

<b>Signature of Applicant</b>  Larry Chazen Mier Chazen Trust	<b>Date Signed</b> 5/25/11
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April 21, 2011

Mr. Eric Bush, pres.  
BUSH DEVELOPMENT  
56 Steele Street  
Denver, CO 80206

Re: Status of Steele Creek Development &  
Rezoning at E 1<sup>st</sup> Ave at Adams St.

Dear Eric:

We appreciated the update on the Steele Creek project given by Phil Workman at our April 14<sup>th</sup> annual CCEA meeting. It would appear that things are moving ahead on development of the project. We look forward to exciting future announcements.

You have requested the support of the Cherry Creek East Association on your application for rezoning the parcel of ground at the corner of East 1<sup>st</sup> Avenue and Adams Street. We have had several meetings regarding the status of your rezoning application for that parcel from PUD to C-MX-8. And, Lou Raders is preparing an "inclusion agreement" to specifically include that parcel under the terms of the original "development agreement" recorded in July of 2009. We have also contacted representatives of the Mountain Shadows HOA and Allied Jewish Apartments who attended the April 14<sup>th</sup> CCEA meeting. I believe that we are all generally in support of your Application for Zone Map Amendment as prepared by Robert Gollick, Inc., submitted on February 12, 2011. However, it should be stated in your application that the height of proposed structures shall not exceed (80') eighty feet, as required by the original development agreement, page 8, Section 2.03, paragraph (a). It is also our understanding that the new "inclusion agreement" will be executed and recorded prior to final rezoning and your taking title to the property; or as may be structured otherwise in the "inclusion agreement."

Thank you for your continued efforts to work with the neighborhood through the assembly, rezoning and development process. We very much value the cooperative relationship that has been forged through the past months and we look forward to our continued good working relationship.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brooks Waldman', with a long, sweeping underline.

Brooks Waldman, pres.  
Cherry Creek East Association