



January 29, 2026

Denver Planning Department  
Denver Planning Board  
City and County of Denver  
201 West Colfax Avenue  
Denver CO, 80202

Re: Rezoning Application filed by CV Dance, LLC (“Owner”) dated November 24, 2025, to which the City has assigned the number 2025-Rezone-0000028 (the “Rezoning Application”) regarding the property located at 2625 East 3<sup>rd</sup> Avenue, Denver CO 80206 containing approximately 18,750 SF of land area located at the northwest corner of East 3rd Avenue (the “Property”) in Cherry Creek North

Dear Denver Department of Planning and Denver Planning Board:

This letter is submitted on behalf of the Cherry Creek North Neighborhood Association (“CCNNA”), the official Registered Neighborhood Organization (“RNO”) for Cherry Creek North, in connection with the above-referenced Rezoning Application. The Rezoning Application seeks to bring the Property into the C-CCN-4 district zoning, which is the predominate zoning for similarly situated properties in the Cherry Creek North Business Improvement District.

Background: The Property was originally subject to a Planned Unit Development plan that was rezoned in 2007 to a special CCN zone district that specifically allowed for the current use to be expanded to accommodate a dance performance venue. The 2007 rezoning was agreed to with restrictions under former Chapter 59 of the Denver Zoning Code. The Property was never expanded to include a performance venue.

Since that special 2007 zoning classification was given to the Property, the 2010 Denver Zoning Code was adopted with the intent that it replace much of former Chapter 59. In addition, in 2012 the Cherry Creek Area Plan was adopted which anticipates this and similarly situated properties for inclusion under new zoning code provisions for the new CCN zone district. In 2014, the new zoning code provisions were adopted for the Cherry Creek North business area and properties immediately east and west of the Property were included under the new C-CCN-4 zoning designation. The Property was not included in the C-CCN-4 zoning designation at the time, but the Owner now seeks to bring the Property under that intended zoning classification. CCNNA was very involved with the adoption of the Cherry Creek Area Plan and the new CCN zoning provisions adopted for the business area of the neighborhood.

RNO Outreach. CCNNA seeks to educate and inform residents in the neighborhood as to zoning and development matters, including providing educational information on the 2012 Cherry Creek Area Plan and the new 2010 and 2014 zoning code changes. CCNNA seeks to provide opportunities to allow residents to follow new and ongoing developments and rezonings in the neighborhood. The CCNNA RNO area boundaries are from 1<sup>st</sup> Ave. to 6<sup>th</sup> Ave. and from University Blvd. to Colorado Blvd. and includes the Cherry Creek North Business Improvement District (“BID”). CCNNA works closely with its residents and businesses (including those in the BID) to make sure that all members (both business and residents) work together for the betterment of the entire Cherry Creek North neighborhood.

Regarding the subject Rezoning Application, CCNNA has endeavored to make the entire neighborhood aware of the rezoning effort and the intent of the Owner to redevelop the Property under the 2014 C-CCN-4 zoning code provisions. CCNNA has shared Owner’s development plans including the presentation video from the Owner’s presentation to the Cherry Creek Steering Committee on the CCNNA YouTube channel and notices of the Rezoning Application and information on the Owner’s plans have been shared on CCNNA’s website and social media pages.

CCNNA has also reached out personally by email, direct calls and meetings with residents and by distributing printed flyers to make sure that the immediate neighbors on the 300 block of Clayton Street have received notice of the Rezoning Application and have had an opportunity to review the plans of the Owner for redevelopment of the Property. CCNNA confirmed outreach and meetings were held between the Owner and the immediate neighbors and CCNNA held a separate zoom meeting with the immediate neighbors on January 23, 2026 for the purpose of informing and educating such neighbors on the project and providing the status of the CCNNA response to the Rezoning Application. Specifically, CCNNA has worked to reach an agreement with the Owner to provide for certain restrictions on the Property and the development thereon. CCNNA has concluded that such an agreement will assist in mitigating the perceived negative consequences of a redevelopment on the Property under the C-CCN-4 zoning.

Development and Community Benefits Agreement. CCNNA and the Owner have reached agreement on a Development and Community Benefits Agreement with Restrictive Covenants (the “Agreement”) which includes agreements by the Owner to restrict its development in certain specific ways including (i) restricting certain medical and office building uses that will result in less overall traffic impacts, (ii) providing for more and larger landscaping in the set-back area between the C-CCN-4 zone district and the protected G-RH-3 zone district to the immediate north of the Property, (iii) restricting commercial patio, rooftop or balcony uses on the north side of the Property adjacent to the G-RH-3 zone district, (iv) restricting outdoor noise activities to protect nighttime noise from emanating into the neighborhood, (v) requiring specific good neighbor construction practices that will better protect neighbors and allow residents in the area closest to the construction activities to have direct access to construction supervisors to address concerns in real time, (vi) requiring the developer to work with the area transportation management association to better address future traffic and pedestrian safety concerns, and (vii)

requiring the Owner to keep CCNNA updated on the development plan for the Property, including final use, design and timing of construction. A copy of the Agreement is included with this letter for your information and inclusion in the Rezoning Application file. The Agreement has been approved by the CCNNA Board of Directors and shared with the neighborhood on the CCNNA website. The Agreement will be recorded if and when the rezoning is approved by City Council and will restrict the development and use of the Property as set forth therein.

Immediate Neighbor Concerns. CCNNA acknowledges and respects the concerns of immediate neighbors who wish to have the existing 2007 zoning Ordinance restriction for a 29 foot open buffer area remain in effect. We acknowledge and respect these neighbors' right to oppose the rezoning if they so choose. However, CCNNA believes that the Agreement does provide mitigation restrictions on the Property that will directly benefit the immediate neighbors. The Agreement even includes a provision allowing the neighbors to the north to participate in any undergrounding of utilities which run in the alley and directly in front of some of these townhome owners' west-facing patios.

CCNNA Considerations. The CCNNA zoning committee research indicates that this 29-foot landscape buffer described in the Ordinance was agreed to as a condition of the then dance business expanding to include a performance venue on the north side of its building. That intended building expansion which was the apparent basis for the Ordinance buffer never took place and yet the Ordinance provisions remain. The Ordinance provisions for the Property regarding the buffer are rare, ambiguous and unclear, especially as to the specifics of the care and use of the buffer space. The Ordinance did not provide for a public dedication of the 29-foot buffer nor were there any named beneficiaries of the buffer's restrictions. Accordingly, no specific easement or public use space was created and the buffer area has been unattended, is unkept and often overgrown with weeds. In addition, no other similarly situated properties in the Cherry Creek neighborhood have such a buffer from the residential areas to the north. The 2014 CCN zoning was drafted to provide for more protective setbacks and step-backs that give more space and separation between the C-CCN-4 and G-RH-3 building envelopes.

The CCNNA zoning committee believes that the Ordinance is an anomaly and inconsistent with the intended development under the Cherry Creek Area Plan, the 2010 zoning code and the 2014 CCN zoning code provisions. The existing building on the Property is in need of much repair and is not considered an asset to the community in its current form. Many residents have complained about the poor maintenance of the Property and unattractive state of the current building and the unattended landscape buffer.

For these reasons, CCNNA believes this Property is well-suited for development. CCNNA has negotiated the Agreement to better protect all neighbors in the immediate vicinity to the Property. The Agreement will provide benefits to the Cherry Creek North neighborhood as a whole in that the restrictions on uses will lessen traffic, noise and congestion impacts in the neighborhood.

Further, the Owner has indicated a desire to develop the Property for residential condominium uses. Residential condominium 'flats' are in demand and will be a welcome

development in the neighborhood. Since residential uses are the least impactful from a traffic perspective, these uses have been viewed by CCNNA as preferable over other more traffic-intensive developments.

Conclusion: For the reasons set forth in this letter and based on the conditions and restrictions contained in the Agreement, CCNNA SUPPORTS the rezoning of the Property in accordance with the Rezoning Application. We are available to address any questions you may have with respect to this matter.

Yours Truly,

Cherry Creek North Neighborhood Association

*/s/ Lou Raders, CCNNA Zoning Committee Chair*

*/s/ Linda Barker, CCNNA President*

cc: Councilwomen Amanda Sawyer