



Dear City Council Members,

We would like to begin by reaffirming our strong support for responsible density and affordable housing initiatives. We believe in the importance of thoughtful development that balances the needs of the community and long-term sustainability.

In this particular case, given our shared participation in the existing PBG—a document that requires all owners' signatures for any modifications—we wanted to share a few key considerations that we believe would need to be addressed in order for us to fully support the proposed rezoning. Our goal is to ensure that all parties involved, including our neighbors, are well-positioned for success. Below is a non-exhaustive list of topics we feel are important to discuss further:

1. Collaborative Site Plan Review: We believe it's essential for all parties to sign off on a new site plan to ensure mutual understanding and alignment.
2. Traffic and Road Use: The current PBG envisions phase two of the development being serviced off Albion, with restricted traffic flow through the private north-south street, which is currently only for emergency vehicles. We would appreciate clarification on ULC's plans regarding traffic limitations. Additionally, there are shared road service agreements (repaving, snow removal, maintenance, etc.) that may need to be updated to accommodate increased usage from up to or more than 600 additional units. We would like to better understand ULC's position on potential road ownership and maintenance adjustments, as well as any willingness to cover legal fees associated with these discussions.
3. Easement and Detention Rights: We would appreciate confirmation that our parcel will retain easement rights for detention on the adjacent parcel. Further, we hope to clarify that the detention area will be designed to handle our property's needs, and any necessary modifications to reimbursement agreements will reflect fair ratios based on each party's water flows.
4. Signage and Marketing Rights: Our current signage along Colorado Boulevard is tied to the PBG, and we are concerned that changes could affect our long-term marketing rights. Preserving these rights would likely involve legal costs, and we hope there's room for dialogue on how best to document and safeguard them.
5. Zoning, Financial, and Legal Risks: We are seeking additional assurance regarding the financial implications of placing our property in a non-conforming zone district. The rezoning may necessitate a review of our agency financing agreements to ensure compliance. We would appreciate a discussion on how best to address potential legal and financial costs associated with this exposure and review. For example, as the General Partner of PHVW LLLP, Park Hill Village West LLC, an affiliate of Delwest, has a legal obligation to ensure that Park Hill Station remains in full compliance with all applicable zoning regulations, ordinances, subdivision laws, and other relevant rules and regulations. It is imperative that any discussions surrounding rezoning also include PHVW's equity investor and 99.9% owner, Wells Fargo, to ensure all parties are aligned and that the project remains in compliance with its legal and financial obligations.
6. Utility Impact: We are mindful of potential utility impacts (e.g., water pressure, electricity, gas, sewer, stormwater) from the addition of 600+ new units. Should the need arise for enhancements, such as adding water pumps to our building, we would like to discuss how these costs might be reimbursed.



7. Park Access and Use: The proposed park addition to the north parcel is an exciting prospect. However, we would like assurance that our development will have access and use of the park. We would also appreciate clarity on any potential reimbursement agreements, insurance coverage, and how the neighboring community to the east may be impacted or involved.
8. RTD Property Vacation: We are aware that RTD has yet to vacate a small portion of property included in the rezoning, which also intersects with the private road. Would it be possible to include the RTD vacation as part of the rezoning process to avoid future complications?
9. Safety and Traffic Concerns: Given the existing challenges with traffic and safety at 40th and Colorado, we hope the City will revisit parking regulations along Albion. More effective enforcement and consideration of parking meters or crosswalks could significantly improve pedestrian and driver safety, especially as the area develops further.
10. Cooperation Agreement: To foster a collaborative and sustainable relationship between all stakeholders, we believe a Cooperation Agreement would be a positive step. This agreement could ensure a shared commitment to the neighborhood's long-term success as density increases.

We fully acknowledge that there is much to work through, and we are committed to engaging in these discussions thoughtfully and collaboratively. There are, of course, both time and financial implications for us, but we are optimistic that through continued dialogue, we can find solutions that benefit everyone involved.


Out of respect for ULC, Elmington, and the City, but without prejudice to our rights and remedies, we want to emphasize that we do not intend to formally object to the rezoning at this time. However, we feel it is important to acknowledge and to address the various issues, as well as the financial risks and uncertainty, that a rezoning might introduce. We hope to explore options for ensuring that the existing PBG remains on record and that any rezoning resolves the matters outlined above.

Thank you for your consideration, and we look forward to working together toward a mutually beneficial outcome.

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