

September 26, 2017

Jonathan Woodward, Planner II  
City of Aurora  
Planning and Development Services  
Attn: Planning Services  
15151 E. Alameda Parkway, Second Floor  
Aurora, CO 80012

**Re: Letter of Introduction and Justification for Cross Creek Rezoning Request, Framework Development Plan, and Comprehensive Plan Amendment**

Dear Mr. Woodward:

On behalf of Crosstown Investments LP and Sunrise Partners LP, we are pleased to submit the rezoning request, Cross Creek Framework Development Plan (FDP) amendment, and Comprehensive Plan amendment for properties within the Cross Creek FDP area as identified on the attached zoning exhibits. This Letter of Introduction provides an initial summary of this project and provides the justification for the proposed aforementioned land use applications.

We appreciate the assistance and direction you and your colleagues have provided thus far. Please find the following submittal items included with these applications:

- Letter of Introduction/Justification (this letter)
- Letter of Authorization
- Rezoning exhibits
- Framework Development Plan amendment exhibit
- Comprehensive Plan amendment exhibit

The following team of consultants has been assembled to complete this application

**Planner**

Norris Design  
1101 Bannock St.  
Denver, Colorado 80204  
303-892-1166  
Contact: Bill Mahar

**Land Surveyor**

JR Engineering, LLC  
7200 S. Alton Way, # C400  
Centennial, CO 80112  
303-740-9393  
Contact: Kurtis Williams

The proposed land area identified for rezoning is approximately 41.71 acres as indicated on the zoning map exhibits. The land is bisected into two different parcels all within the Cross Creek neighborhood. The north parcel, located north of E. 5<sup>th</sup> Avenue and east of N. Addison Way is currently zoned E-470 Regional Activity Center (RAC) multi-family and is approximately 9.81 acres. This site is planned to be rezoned E-470 Medium Density Residential. The south parcel located south of E. 5<sup>th</sup> Avenue is currently zoned E-470 Regional Activity Center (RAC) commercial and is approximately 31.91 acres. This site is planned to be zoned E-470 Medium Density Residential with an approximately 13 acre Commercial Activity Center (CAC) along N. Gun Club Road. Please see attached zoning exhibits that identify the proposed zoning districts.

This zoning change and associated applications are requested to allow for the development of duplexes on the north parcel area, due to the fact that the current zoning would not allow for the proposed Richmond American Homes proposed duplex development on this site. Furthermore, the applicant is including a rezoning of the RAC – commercial area that is located south of E. 5<sup>th</sup> Avenue. The motivation for a rezoning of this site is based on conversations with City of Aurora staff. They indicated that the applicant may want to consider a rezone of this site as the commercially designated sites within the Cross Creek site and adjacent areas have not developed into a commercial and/or mixed use site as initially planned. City staff suggested E-470 Medium Density Residential, which would include a future Community Activity Center (CAC) that is a minimum of 12 acres. The CAC would allow for future commercial land uses, albeit, in a smaller configuration than currently allowed.

### **Rezoning Criteria – Section 146-401 – Initial Zonings and Rezoning**

(A)

#### *Applicability*

1. *Initial Zonings.* All applicants filing an annexation petition in accordance with article 3 shall also be required to file a development application for initial zoning. Initial zoning applications shall be presented for a public hearing both to the planning and zoning commission, who shall render a recommendation to city council, and to city council for final decision. Initial zonings shall be approved, denied, or approved with conditions by the city council.

Response: The site was zoned many years ago. This application is for a rezoning that is following the established process for a zoning application as specified by the City of Aurora.

2. *Rezoning.* A rezoning request is required if the applicant is requesting zoning that differs from the existing zoning. The planning and zoning commission, city council, or an owner of land proposed to be rezoned may initiate a rezoning. Rezoning applications shall be presented for a public hearing both to the planning and zoning commission, who shall render a recommendation to city council, and to city council for final decision. Rezoning shall be approved, denied, or approved with conditions by the city council.

Response: This application is for a rezoning. The applicant is the property owner and is requesting this rezoning to the aforementioned zoning districts per the recommendation of City of Aurora staff. We are following the rezoning process as specified by the City of Aurora.

- (B) *Application Requirements.* The property owner or his or her authorized representative shall file application for an initial zoning or rezoning with the planning department. Such application and plan shall conform to the requirements established by the planning department.

Response: Norris Design has been authorized by the applicant/property owner to file the rezoning application and associated documents per the process as recommended by City of Aurora staff.

- (C) *Criteria for Approval.* When considering initial zoning or rezoning applications, the planning and zoning commission and city council, at their respective proceedings, shall use the following criteria to determine whether the rezoning shall be approved:

1. The applicant has demonstrated that the proposed initial zoning or rezoning is consistent with the spirit and intent of the city's comprehensive plan and with other policies and plans adopted by the city council; or

Response: The rezoning to E-470 Medium Density Residential (MDR) is consistent with the intent for the E-470 corridor as the proposed zoning category is an allowed zoning district within the E-470 corridor. City staff have indicated that the amount of RAC zoning that was initially approved many years ago, within the vicinity of this area, may need to be reevaluated and a smaller percentage of RAC zoning overall may be warranted, since the commercial areas have not developed up to this point.

2. The applicant has demonstrated that the proposed initial zoning or rezoning is compatible with surrounding development or that, through utilization of appropriate planning controls and techniques, the initial zoning or rezoning can be made compatible with surrounding development;

Response: The proposed zoning change to E-470 Medium Density Residential (MDR) is compatible with the surrounding development, because the zoning district is an allowed residential zone along with a CAC and therefore the zoning requirements have been determined to be appropriate within the E-470 area. The existing Cross Creek residential neighborhood that is located to the east has an underlying zoning of MDR. The zoning change will ensure that future residential development within the proposed zone change is compatible with the existing neighborhood.

or

3. A need exists to correct an error.

Response: Not applicable, as there was no error in the establishment of the existing zoning district. The current RAC zoning was thoughtfully determined and approved as part of an extensive planning process for the E-470 corridor. This zoning change is only for a small portion of the existing RAC zoning and is warranted due to a desire for more diverse and attainable housing products within this area, such as the planned duplexes north of East 5<sup>th</sup> Avenue. Furthermore, City staff have indicated that the amount of existing RAC zoning could be reduced as commercial development trends have changed since the establishment of the initial zoning.

4. The city council and the planning commission are authorized to consider the past performance of an applicant in their consideration of any rezoning. The city council may deny any rezoning if the applicant or developer thereof is determined to be in violation of any requirements, conditions, or representations on a prior development.

Response: The applicant, Mr. David Meyerowitz purchased the property in December, 2013. This past year he successfully worked with City of Aurora on the preliminary development of a Contextual Site Plan for the 9.8 acre site that is north of E. 5<sup>th</sup> Avenue. Prior to final approval, he decided to consider a Richmond American Homes duplex development project for this site, which led to this zoning change request.

He has been involved in the real estate development and investment industry in Canada and the USA for over 30 years. Projects have included retail, office and high rise residential developments. Mr. Meyerowitz's group, Crosstown Investments, LP has connections to Denver that date back to 1994 when it obtained financing for its fixed income activities with Denver companies. David Meyerowitz has seen both Denver and the state of Colorado flourish during the last 20 years, with a broadening of its economic and population base, and significant investments in infrastructure and recreation, and he is excited to be a part of the region's growth.

Sincerely,  
Norris Design



Bill Mahar, AICP  
Senior Associate