



**DENVER**  
THE MILE HIGH CITY

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

201 W Colfax Ave, Dept 205  
Denver, CO 80202  
p: 720-865-2915  
f: 720-865-3056  
www.denvergov.org/planning

**APPLICATION FOR ZONE MAP AMENDMENT**

<b>Application #</b>	2011-00012	<b>Date Submitted</b>	4-25-11	<b>Fee Required</b>	\$2000	<b>Fee Paid</b>	\$2000
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APPLICANT INFORMATION		CONTACT INFORMATION (Same as Applicant? <input type="checkbox"/> )	
<b>Applicant Name</b>	AIP Properties #1, L.P.	<b>Contact Name</b>	Dave Guetig / Tasha Syverson
<b>Address</b>	c/o Developers Diversified Realty 3300 Enterprise Parkway	<b>Address</b>	5300 DTC Parkway, Suite 100
<b>City, State, Zip</b>	Beachwood, Ohio 44122	<b>City, State, Zip</b>	Greenwood Village, CO 80111
<b>Telephone / Fax</b>	216 / 755-5669	<b>Telephone / Fax</b>	303 / 770-8884
<b>Email</b>	csalata@ddr.com	<b>Email</b>	daveguetig@gallowayUS.com / tashasyverson@gallowayUS.com

**Subject Property Location [Please Include Assessor's Parcel Number(s)]**  
7995 E HAMPDEN AVE, 7785 E. HAMPDEN AVE and a portion of 7777 E. HAMPDEN AVE.  
Real Property Record/Schedule #0633300054000

**Legal Description of Subject Property**  
See Attached.

Area of Subject Property (Acres/Sq Ft)	Present Zone District	Proposed Zone District (Waivers and Conditions Require Separate form)
172,339 S.F. ~ 3.956 acres	B-1	S-MX-5

**Describe the nature and effect of the proposed Zone Map Amendment**  
The current B-1 zoning does not allow for Eating Establishments. The applicant would like to develop the western half (approx.) of the subject parcel(s) located at 7785 E. Hampden Ave. as a fast food restaurant with drive-thru, which would not currently be allowed in the B-1 zone district. Based on the surrounding properties that were rezoned as a part of the City's June 21, 2010 citywide rezone, we are proposing the existing B-1 zone area be rezoned to S-MX-5 which would allow for the development of a fast food restaurant with drive-thru at 7785 E. Hampden Ave. while allowing the existing bank located at 7995 E. Hampden Ave. to remain. Please see attached project narrative.

<b>Select Legal Basis for the Zone Map Amendment and explain in detail</b>	<b>Error in the map as approved by City Council</b>	<input type="checkbox"/>
	<b>Changed or Changing Conditions that make a Zone Map Amendment Necessary</b>	<input checked="" type="checkbox"/>

Section 12.4.10.2(D)(2) of the Denver Zoning Code:  
D. For official map amendment applications for other than a PUD District or Zone District with waivers and/or conditions, either:  
1. All of the owners of the entire land area subject to the application for an official map amendment or their representatives authorized in writing to do so; or  
2. One or more of the owners of the real property subject to the application for amendment, or their representatives authorized to do so, accompanied by a petition requesting the amendment and which petition, at the time of submittal, contains the signatures of the owner or owners of 51-percent or more of the total area of the zone lots subject to the application for amendment.  
This rezone application is being submitted by Applicant based on the Denver Zoning Code Section 12.4.10.2(D)(2) above since they own 100% of the property subject to the rezone application located at 7995 E. Hampden Ave. and 7785 E. Hampden Ave.

**State the land use and the development proposed for the subject property. Include the time schedule (if any) for development**  
The land use for the subject parcel is an existing bank facility, the addition of a proposed Chick-Fil-A fast food restaurant with drive-thru, and a portion of the future redevelopment of the Tamarac Square mall site. The current schedule would include a formal submittal for the proposed Chick-Fil-A in May 2011. Construction would commence in late 2011 or early 2012 pending all required approvals/permit.

Required Exhibits	Additional Exhibits
<b>Applicant &amp; Owner Information Sheet</b>	Legal description of the existing B-1 zone lot has been included.
<b>Maps - Required for Final Submissions</b>	

**Case Manager** Deirdre Oss

**Signature**  **Date** 4/26/11

**311** for City Services  
Denver gets it done!  
2011-00012  
R. Chris Salata, VP of Redevelopment + Expansion

## APPLICANT & OWNER INFORMATION SHEET

[1] Section 59-649(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.

Application Number	Applicant's Name
2011-00012	AIP Properties #1, L.P.

**Property Address(es)**

7995 E. Hampden Ave., 7785 E. Hampden Ave. and a portion of 7777 E. Hampden Ave.

**Applicant's Address**

c/o Developers Diversified Realty  
 3300 Enterprise Parkway  
 Beachwood, Ohio 44122


**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).

AIP Properties #1, L.P.  
 3300 Enterprise Parkway  
 Beachwood, Ohio 44122

Signature of Applicant	Date Signed
 R. Chris Salata, VP Redevelopment + Expansion	4/26/11

## Project Narrative

### Proposed Rezone Existing B-1 Zone Lot at Tamarac Square Denver, CO

AIP Properties #1, L.P. is proposing to rezone the existing B-1 zone area located at the northwest corner of E. Hampden Ave. & South Tamarac Drive (the "Subject Parcel") to allow for the development of a fast food restaurant with drive-thru at 7785 E. Hampden Ave. The area within the existing B-1 zone lot is currently a paved parking field for the nearly vacant existing enclosed mall structure and an existing bank facility (with on-site parking) located at 7995 E. Hampden Ave. which will remain. The Subject Parcel being proposed for rezone is currently part of a larger PBG development known as Tamarac Square Shopping Center. The existing enclosed mall located north of the Subject Parcel is also part of the PBG development. Redevelopment of the existing enclosed mall is currently being contemplated by DDR. The enclosed mall is not part of this proposed rezone.

The existing PBG has been amended numerous times. The initial approval was recorded on 12/6/74. The first amendment was recorded on 7/2/76. The second amendment was recorded on 7/14/78. The third amendment was recorded on 12/1/78. The first of two fourth amendments was recorded in September of 1982, with the second one recorded on 10/18/89.

The Tamarac Square Shopping Center currently includes the following:

Enclosed Mall Structure: 133,280 SF (97% vacant)  
Convenience Center: 33,099 SF  
Benihana of Tokyo: 8,000 SF  
Bank of the West: 25,000 SF  
Vacant Restaurant Building (along South Tamarac Drive): 5,000 SF  
Office Building (Northeast corner): 21,169 SF  
Office Building (Northwest corner): 94,455 SF

#### **Zoning of Subject Parcel**

Existing Zoning: B-1

Proposed Zoning: S-MX-5

Section 12.4.10.2(D)(2) of the Denver Zoning Code:

D. For official map amendment applications for other than a PUD District or Zone District with waivers and/or conditions, either:

1. All of the owners of the entire land area subject to the application for an official map amendment or their representatives authorized in writing to do so; or
2. One or more of the owners of the real property subject to the application for amendment, or their representatives authorized to do so, accompanied by a petition requesting the amendment and which petition, at the time of submittal, contains the signatures of the owner or owners of 51 percent or more of the total area of the zone lots subject to the application for amendment.

The rezone application is being submitted by AIP Properties #1, L.P. based on the Denver Zoning Code Section 12.4.10.2(D)(2) above since it owns 100% of the property subject to the rezone application located within the existing B-1 zone lot area.

Currently the B-1 zoning district does not allow for eating establishments. By rezoning to the S-MX-5 district, Eating and Drinking Establishments would be permitted. The S-MX-5 district also allows for the greatest opportunity for future redevelopment along Hampden Ave. which is designated as a commercial arterial. The Tamarac Square area is designated as "Town Center" in Blueprint Denver. The mixed use districts in the suburban context most closely align with the "Town Center" as outlined in Blueprint Denver.

### **Surrounding Zoning/Uses**

East: The property located to the east across S. Tamarac Dr. is zoned S-MU-12 and used for multi-family residential.

West: The property located to the west across Goldsmith Gulch is zoned S-MX-5 and is currently a multi-story office facility.

North: The property is part of the existing PBG development and is zoned B-3. The property is used for retail uses, most of which are currently vacant.

South: The properties located to the south across E. Hampden Ave. are currently zoned B-1 and B-3 and include a variety of office and retail uses.

### **Existing PBG Parcels/Owners**

7785 E. Hampden Ave. – AIP Properties #1, L.P.

7795 E. Hampden Ave. – AIP Properties #1, L.P.

7777 E. Hampden Ave. – AIP Properties #1, L.P.

3333 S. Tamarac Dr. – AIP Properties #1, L.P.

7600 E. Eastman Ave. – Parmenter Realty Partners

3201 S. Tamarac Dr. – JFST, LLC

A Neighborhood meeting was held on March 1, 2011 at 6:00 pm at Tamarac Square to present the proposed Chick-Fil-A development for the site located at 7785 E. Hampden Ave. As part of the notification process, certified mailings were sent to both Parmenter Realty Partners and JFST, LLC (see attached receipts). 2 representatives for Parmenter Realty Partners attended the neighborhood meeting. Recently there have been numerous discussions between DDR and in-house counsel for Parmenter Realty Partners about this rezone request and the proposed Chick-Fil-A development. On the morning of March 2, 2011 representatives from AIP Properties #1, L.P. met with representatives for JFST, LLC to discuss both the proposed Chick-Fil-A project and the potential redevelopment of the enclosed mall site. Site plans for both the proposed Chick-Fil-A and the potential redevelopment of the enclosed mall have been provided to these owners. At this time, no objections by either Parmenter Realty Partners or JFST, LLC have been expressed in connection with this re-zone request.

### **Effects of Proposed Zone Map Amendment**

Parking – The parcel located at 7785 E. Hampden Ave. is currently paved and striped for mall parking. Given the fact that the majority of the Tamarac Square enclosed mall facility is vacant (all but 2 tenants have vacated) and redevelopment of the enclosed mall is currently being contemplated by AIP Properties #1, L.P., there is an overabundance of parking provided in the Tamarac Square development based on existing/operating uses. The existing bank facility located at 7995 E. Hampden Ave. has 82 parking spaces on its parcel which exceeds the requirement for the proposed S-MX-5 district which is 63 spaces (2.5 spaces per 1,000 SF). The proposed fast food development to be located at 7785 E. Hampden Ave. would be designed to accommodate all required parking within their parcel boundaries per S-MX-5 requirements. Potential redevelopment of the enclosed mall area would include enough parking spaces to meet code requirements for the potential use(s).

Drainage – Currently the southern portion of the Tamarac Square development sheet flows towards Goldsmith Gulch and would not meet the City of Denver drainage/detention/water quality requirements. As a part of the development of the Chick-Fil-A at 7785 E. Hampden Ave., detention and water quality would be designed and incorporated with the site plan approval process to bring the site into compliance with current City of Denver requirements. Future redevelopment of the enclosed mall structure would incorporate drainage/detention/water quality design as required by the City of Denver.

Zone Lot Boundary – The existing B-1 zone lot completely encompasses the parcels located at 7785 E. Hampden Ave. and 7995 E. Hampden Ave. and also includes a small portion of the parcel located at 7777 E. Hampden Ave. (the enclosed mall area), therefore a small area of the redevelopment of 7777 E. Hampden Ave. will be zoned S-MX-5. The portion of 7777 E. Hampden Ave. located within the S-MX-5 zone lot will be used to integrate the existing bank site and the proposed Chick-Fil-A into the redevelopment resulting in one cohesive development.

Hampden Ave. Corridor – The highly traveled Hampden Ave. corridor would be enhanced by the development of a Chick-Fil-A at 7785 E. Hampden Ave. The currently unused, paved parking site would be transformed into a development offering new food options for neighborhood residents and drive by traffic, and would enhance street level activity and improve and contribute to the revival of this area of Hampden Ave.

**PROPERTY DESCRIPTION  
ZONING PARCEL**

A PARCEL OF LAND LYING WITHIN THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 33;

THENCE ALONG THE SOUTHERLY LINE OF SAID SOUTHWEST QUARTER, SOUTH 89°48'40" WEST, 1336.94 FEET TO THE SOUTHERLY PROLONGATION OF THE WESTERLY RIGHT-OF-WAY OF SOUTH TAMARAC DRIVE AS DESCRIBED IN THE DEED TO CITY AND COUNTY OF DENVER, RECORDED AUGUST 15, 1969 IN BOOK 73, PAGE 7, IN THE OFFICE OF THE CLERK AND RECORDER OF SAID COUNTY;

THENCE DEPARTING SAID SOUTHERLY LINE AND ALONG SAID SOUTHERLY PROLONGATION, NORTH 00°11'20" EAST, 70.00 FEET TO THE NORTHERLY RIGHT-OF-WAY OF EAST HAMPDEN AVENUE, AS DESCRIBED IN THE DEED TO THE CITY AND COUNTY OF DENVER RECORDED NOVEMBER 14, 1974 IN BOOK 967, PAGE 231 IN SAID OFFICE OF THE CLERK AND RECORDER, SAID NORTHERLY RIGHT-OF-WAY BEING A LINE PARALLEL WITH AND DISTANT NORTHERLY 70.00 FEET, MEASURED AT RIGHT ANGLES, FROM SAID SOUTHERLY LINE OF THE SOUTHWEST QUARTER OF SECTION 33, SAID POINT ALSO BEING THE **POINT OF BEGINNING**;

THENCE ALONG SAID WESTERLY RIGHT-OF-WAY OF SOUTH TAMARAC DRIVE, NORTH 00°11'20" WEST, 359.44 FEET;

THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY, SOUTH 89°48'40" WEST, 479.47 FEET;

THENCE SOUTH 00°11'20" EAST, 359.44 FEET TO SAID NORTHERLY RIGHT-OF-WAY OF EAST HAMPDEN AVENUE;

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY, NORTH 89°48'40" EAST, 479.47 FEET TO THE **POINT OF BEGINNING**;

CONTAINS 172,339 SQ. FT. OR 3.956 ACRES, MORE OR LESS

ROBERT D. SNODGRASS, PLS 36580  
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR  
FOR AND ON BEHALF OF  
CALVADA SURVEYING, INC.  
6551 SOUTH REVERE PARKWAY, SUITE 165  
CENTENNIAL, CO 80112

BOOK 948 PAGE 518

THIS RIGHT-OF-WAY DEED, Made and entered into this 12<sup>th</sup> day of December, A.D. 1955, by and between CHARLES A. MANTZ, Grand Master of the Most worshipful Grand Lodge of Ancient, Free and Accepted Masons of Colorado, as Trustee and successor in trust, as hereinafter described, party of the first part, hereinafter called "Grantor," and THE STATE HIGHWAY COMMISSION OF COLORADO, a public corporation, for the use and benefit of the DEPARTMENT OF HIGHWAYS of the State of Colorado, party of the second part, hereinafter called "Grantee,"

WITNESSETH:

WHEREAS, under date of December 8, 1926, Robert Russell did convey by warranty deed to Frank J. Reinhard, Grand Master of the Most Worshipful Grand Lodge of Ancient, Free and Accepted Masons of Colorado, and his successors in said office, as trustees and successors in trust, certain land situated in Sec. 33, T. 4 S., R. 67 W. of the 6th P.M., Arapahoe County, Colorado, together with certain other lands commonly known as the Robert Russell Farm; and

WHEREAS, the Grantor hereof is the duly elected, qualified and acting Grand Master of the Most worshipful Grand Lodge of Ancient, Free and Accepted Masons of Colorado, and as such is the successor in office and successor in trust to the said Frank J. Reinhard above mentioned; and

WHEREAS, the said Grantee has demanded that unless the parcel of land hereinafter described is conveyed to said Grantee, it will be forced to institute proceedings in eminent domain in order to secure said land for public highway purposes.

NOW, THEREFORE, in consideration of the premises and the sum of \$10.00 this day in hand paid by the said Grantee to the said Grantor, the said Grantor does hereby quit claim and convey to the said Grantee, all of his right, title and interest, in and to that tract of land to be used as a right of way for road purposes, viz.:

A tract or parcel of land No. 15 Rev. 2 of Dept. of Highways' project No. S 0055(2), containing 3.869 acres, more or less, in the SW<sup>1</sup> of Sec. 33, T. 4 S., R. 67 W., of the Sixth P.M., in Arapahoe County, Colorado; said tract or parcel being more particularly described as follows:

- Beginning at the SW corner of Sec. 33, T. 4 S., R. 67 W.
- 1. Thence along the S. line of Sec. 33, S. 87° 21' E., a distance of 2655.2 feet to the S. quarter corner of Sec. 33;
- 2. Thence along the N&S quarter line of Sec. 33, N. 2° 38' E., a distance of 60.0 feet;
- 3. Thence on a line 60.0 feet normally distant north of and parallel to the S. line of Sec. 33, N. 87° 21' W. a distance of 2326.1 feet;
- 4. Thence N. 78° 49' W. a distance of 101.1 feet;
- 5. Thence on a line 75.0 feet normally distant north of and parallel to the S. line of Sec. 33, N. 87° 21' W. a distance of 229.1 feet to the W. line of Sec. 33;
- 6. Thence along the W. line of Sec. 33, S. 2° 37' W. a distance of 75.0 feet, more or less, to the point of beginning.

The above described tract contains 3.869 acres, more or less, of which 1.829 acres are in the right of way of the present road.

TO HAVE AND TO HOLD the same unto the Grantee, and its successors, for the purpose of constructing, operating and maintaining a road thereon; provided, however, that in the event said road shall ever be abandoned for public purposes, said right of way shall revert to the Grantor as trustee, his successors in office and successors in trust.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal the day and year first above written.



FILED TO BE A FULL, TRUE, AND CORRECT COPY OF THE RECORDED DOCUMENT IN THE COUNTY CLERK'S OFFICE BY A. DOTY, ARAPAHOE COUNTY CLERK & RECORDER APR 20 2011



*Charles A. Mantz*  
As Grand Master of the Most Worshipful Grand Lodge of Ancient, Free and Accepted Masons of Colorado, as Trustee and Successor in Trust.

STATE OF COLORADO )  
 ) ss  
City and County of Denver )

Before me, a Notary Public within and for said County and State, appeared CHARLES A. MANTZ, as Grand Master of the Most Worshipful Grand Lodge of Ancient Free and Accepted Masons of Colorado, personally known to me and to me known to be such Grand Master, and who acknowledged to me that he executed the foregoing right-of-way deed as and for his free and voluntary act and deed and as and for the free and voluntary act and deed of said Grand Lodge, for the uses and purposes therein specified.

WITNESS my hand and Notarial Seal this 12<sup>th</sup> day of December A.D. 1955.

My commission expires September 17, 1958

Lillian B. Marguerite  
Notary Public



**PROPERTY DESCRIPTION  
ZONING PARCEL**

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BOOK 948 PAGE 518

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WITNESSETH:

WHEREAS, under date of December 8, 1926, Robert Russell did convey by warranty deed to Frank J. Reinhard, Grand Master of the Most Worshipful Grand Lodge of Ancient, Free and Accepted Masons of Colorado, and his successors in said office, as trustees and successors in trust, certain land situated in Sec. 33, T. 4 S., R. 67 W. of the 6th P.M., Arapahoe County, Colorado, together with certain other lands commonly known as the Robert Russell Farm; and

WHEREAS, the Grantor hereof is the duly elected, qualified and acting Grand Master of the Most worshipful Grand Lodge of Ancient, Free and Accepted Masons of Colorado, and as such is the successor in office and successor in trust to the said Frank J. Reinhard above mentioned; and

WHEREAS, the said Grantee has demanded that unless the parcel of land hereinafter described is conveyed to said Grantee, it will be forced to institute proceedings in eminent domain in order to secure said land for public highway purposes.

NOW, THEREFORE, in consideration of the premises and the sum of \$10.00 this day in hand paid by the said Grantee to the said Grantor, the said Grantor does hereby quit claim and convey to the said Grantee, all of his right, title and interest, in and to that tract of land to be used as a right of way for road purposes, viz.:

A tract or parcel of land No. 15 Rev. 2 of Dept. of Highways' project No. S 0055(2), containing 3.869 acres, more or less, in the SW<sup>1</sup> of Sec. 33, T. 4 S., R. 67 W., of the Sixth P.M., in Arapahoe County, Colorado; said tract or parcel being more particularly described as follows:

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The above described tract contains 3.869 acres, more or less, of which 1.829 acres are in the right of way of the present road.

TO HAVE AND TO HOLD the same unto the Grantee, and its successors, for the purpose of constructing, operating and maintaining a road thereon; provided, however, that in the event said road shall ever be abandoned for public purposes, said right of way shall revert to the Grantor as trustee, his successors in office and successors in trust.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal the day and year first above written.



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*Charles A. Mantz*  
As Grand Master of the Most Worshipful Grand Lodge of Ancient, Free and Accepted Masons of Colorado, as Trustee and Successor in Trust.

STATE OF COLORADO )  
 ) ss  
City and County of Denver )

Before me, a Notary Public within and for said County and State, appeared CHARLES A. MANTZ, as Grand Master of the Most Worshipful Grand Lodge of Ancient Free and Accepted Masons of Colorado, personally known to me and to me known to be such Grand Master, and who acknowledged to me that he executed the foregoing right-of-way deed as and for his free and voluntary act and deed and as and for the free and voluntary act and deed of said Grand Lodge, for the uses and purposes therein specified.

WITNESS my hand and Notarial Seal this 12<sup>th</sup> day of December A.D. 1955.

My commission expires September 17, 1958

Lillian B. Marguerite  
Notary Public

