

Eric S. McGlone
517 East Phillips Drive North
Littleton, Colorado 80122

Bruce Stahlman
6192 S. Aberdeen Street
Littleton, Colorado 80120

Re: Oakbrook Assisted Living Center Application

Dear Councilman Stahlman,

We write this letter to express our concern for the Oakbrook Assisted Living Facility Planned Development Amendment Application by Bonaventure LLC which contemplates a 51' 4-story building to be erected along the extreme eastern boundary of the Oakbrook Shopping Center. As you are aware, you will be asked to vote on this application. Shortly, you will receive an updated Staff Report and other materials submitted at the Planning Board meeting of November 10th from both the Oakbrook Neighborhood and the applicant. In addition, we hope that you will take the time to review the video minutes of the November 10th Planning Board meeting. It will illustrate and clarify our concerns as well as show the support of the Planning Board for the Oakbrook Neighborhood's good faith negotiations with the city and the developer outlining the height covenants stated in the original 1983 Site Development Plan... very compelling.

Included in such materials will be Resolution No. 20-2014 which was approved by the Planning Board by a 6 to 1 vote. In that resolution, the Planning Board recommends approval of the amended planned development plan of the Safeway Oakbrook Shopping Center with the condition that the maximum building height be limited to 36 feet for an assisted living facility. By mandating the 36' limitation, the Planning Board has recognized the importance of height as major concern to the Oakbrook Neighborhood and supported the original Site Development Plan calling for in part, "The development of the Project adjacent to the residential use is designed to be in scale with the neighborhood." and "The height of the buildings in Parcel 1A and 1B is designed to gradually increase as you move away from the neighborhood." A partial copy of the Site Development Plan included for your reference. We greatly appreciate their support and recognition.

However, the applicant has recently informed us that they will move forward with a 41' 4-story building in spite of the height limitation endorsed by the Planning Board in Resolution No. 20-2014. As you may be aware, the planning staff has stated that the proposed building qualifies for 10' entitlement for constructing on a sloping site. Given that interpretation, although the application calls for a 41' 4-story building, make no mistake, the actual building is 51' in height. Certainly the neighborhood citizens in attendance at the November 10th Planning Board meeting interpreted the 36' height limitation to be a true limit and not include the possibility of an additional 10' entitlement.

Through various phone conversations and personal meetings, we have discussed with George Swintz (developer representative) compromise whereby his client and the residents of the Oakbrook Neighborhood might find common ground. Unfortunately, no compromise was found and the applicant has chosen to move forward with a 41' 4-story building in conflict with the recommended resolution by the Planning

Board. In fact, we are very surprised the applicant didn't take the position to remove the 2nd or 3rd floor from his existing 4-story application to reach a 40' building, and per the city's planning staff interpretation of the 10' entitlement provision, this position would have complied with the original 30' height limitation of the original Site Development Plan. The developer has already stated that the units within the Assisted Living Center could be rearranged to provide for the necessary economics. Instead they have chosen to ignore the recommendations' of your agents, both the city staff and the Planning Board, as well as the neighborhood concerns and are brashly pushing forward their original plan for a 51' 4 story building.

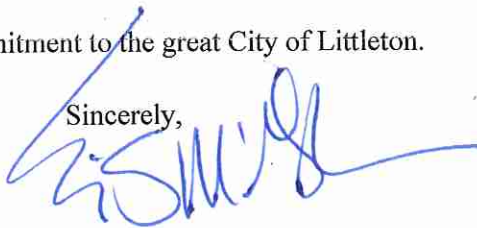
To be very clear, we are not in favor of a change to the original Site Development Plan height of 30' as has been demonstrated by the formal Protest Petition that we and 96+ neighbors have submitted to the city. We believe that the original Site Development Plan was negotiated in good faith between the developer, the city and the neighborhood recognizing the unchanging values of residence and retail use of space. We further believe that the 10' entitlement has been incorrectly applied to this site. By the applicant's own statement at the November 10th Planning Board meeting (Video time 2:13:40), this site is 85% flat. Our evaluation determines that this site is no less than 95% flat.

Additionally, a cross-section of this site does not, in any way, look like the cross-sections models shown in the applicants "City Code Section 10-2-1" graphic located on page 16 of the Council Communication and Attachments. I have attached a copy of this graphic for your reference. The cross-section models show a continuous, unbroken slope that can be described as linear in nature. Since 1984 when the Oakbrook Shopping Center was initially constructed, the actual slope of the site has been flat with a steep incline on the extreme southeastern portion of the site abutting the road right-of-way. I have attached a copy of the applicant's Grading and Utility Plan for your reference. Please note, that the area highlighted, by me, in yellow represents that portion of the building footprint that is located on ground that is 10' or greater than the lowest grade of the building footprint. Clearly, the applicant has manipulated the building design and position on the site to try to implement and invoke this city code. This city code is not to be utilized or applied to a circumstance where the site is 95% flat, and any use of this city code in this specific fact situation is arbitrary, unfair and wrong.

We trust that when this application is put before you, you will give this sincere thought and recognize the various height covenants of the 1983 Site Development Plan and address the 10' entitlement issue when voting.

We thank you for your time and your commitment to the great City of Littleton.

Sincerely,



Eric McGlone



Mary McGlone

L. STATEMENT OF DEVELOPMENT OBJECTIVES

One of the major objectives to evolve from the development of this Project is the desire to be sensitive to the adjacent neighborhood. This concern is critical to the overall success of the Project. Several objectives have been incorporated into the Project to help in blending the development with adjacent residential use. Those objectives are as follows:

1. TRAFFIC IMPACT TO NEIGHBORHOOD: By incorporating the parcel to the west into the Project and creating the MAJOR ACCESS POINT TO COUNTY LINE ROAD, a conscious effort has been made to channel over 80% of all generated traffic onto the major arterial. Only minor access points occur on Phillips and are to be used primarily for office use and some minor access to retail use. Studies involving the City of Littleton can help the neighborhood develop a plan for traffic movement through the residential streets to EAST PHILLIPS AVENUE without the use of Logan Street thru-traffic.
2. LANDSCAPE BUFFERS: A 50'-0" wide LANDSCAPE/OPEN SPACE BUFFER has been positioned at the north end of the Project adjacent to the residences. We have also indicated the use of a heavily landscaped 30' setback along EAST PHILLIPS AVENUE to help screen the development from the access into/out of the neighborhood. Landscape buffers shall be installed and maintained during initial construction phase. Portions of the site not included in Phase I (primarily Parcel 1A) construction shall be planted with temporary groundcover as an interim landscaping and temporary irrigation system as needed to control erosion, except a portion of the Phillips Avenue buffer adjacent to the office building in Parcel 1B (this shall be an interim landscaping only). The use of landscaped islands throughout the parking areas is done to soften the feeling of a large "parking lot".
3. SMALL SCALE/LOW DENSITY: The development of the Project adjacent to the residential use is designed to be in scale with the neighborhood. The two (2) office buildings at the north end of the site are one (1) story in height, and due to the grading concept, will be down in relationship to the adjacent residences. With open space in Parcel 1A approaching 50%, the development of this parcel is very sympathetic to the neighborhood in both scale and density.
4. BUILDING HEIGHTS: The height of the buildings in Parcel 1A and 1B is designed to gradually increase as you move away from the neighborhood. The highest building (approximately 50'-0") is almost 200'-0" from the north property line. In general, the majority of the buildings are one and two story in height.
5. PHASING: The development will be built in three phases over a 5 to 8 year time frame as follows:

Phase I - Retail in Parcel 1B/Landscape Buffers/Interim Landscaping
Phase II - Pad A (Office) in Parcel 1B/Final Landscape adjacent to Office Pad
Phase III - Office Buildings in Parcel 1A

Other concepts utilized in the development of this Project include building siting to maximize the natural contours on site, building materials to harmonize with the character of surrounding development, screening of parking areas with greatest intensity adjacent to the residential areas, and a quality in architectural design of building, site work and graphics to give the Project a strong landmark feeling within the community.

M. CERTIFICATION

I, Safeway Stores, Inc., Owner, or designated agent thereof, do hereby agree that the above described property will be developed as a Planned Development in accordance with the uses, restrictions, and conditions contained in this plan.

Robert J. Anderson

Assistant Vice President

Thomas J. Vlasek

Signature of Owner or Agent
Assistant Secretary

Subscribed and sworn to before me this 15th day of Dec., 1983.

Witness my hand and official seal.

My Commission expires Oct. 31, 1984

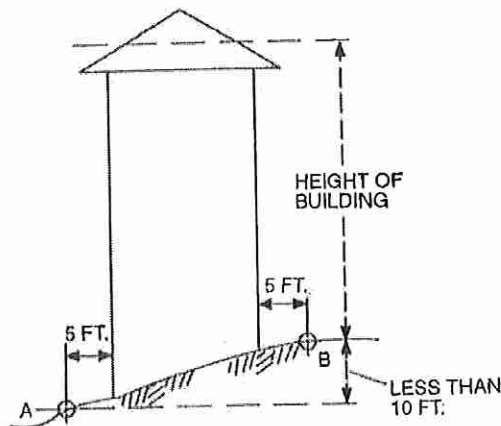
David J. Ziemke
Notary Public

City Code Section 10-2-1

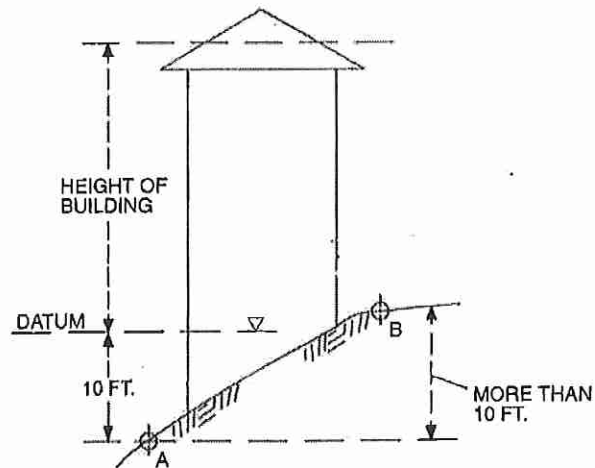
HEIGHT OF STRUCTURE: The height of structures is the vertical distance above reference datum measured to the highest point of the coping of a flat roof or the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The referenced datum shall be selected by either of the following, whichever yields a greater height of building:

- (A) The elevation of the highest adjoining sidewalk or ground surface within a five foot (5') horizontal distance of the exterior wall of the building when such sidewalk or ground is not more than ten feet (10') above the lowest grade; or
- (B) An elevation ten feet (10') higher than the lowest grade when the sidewalk or ground surface is more than ten feet (10') above lowest grade.

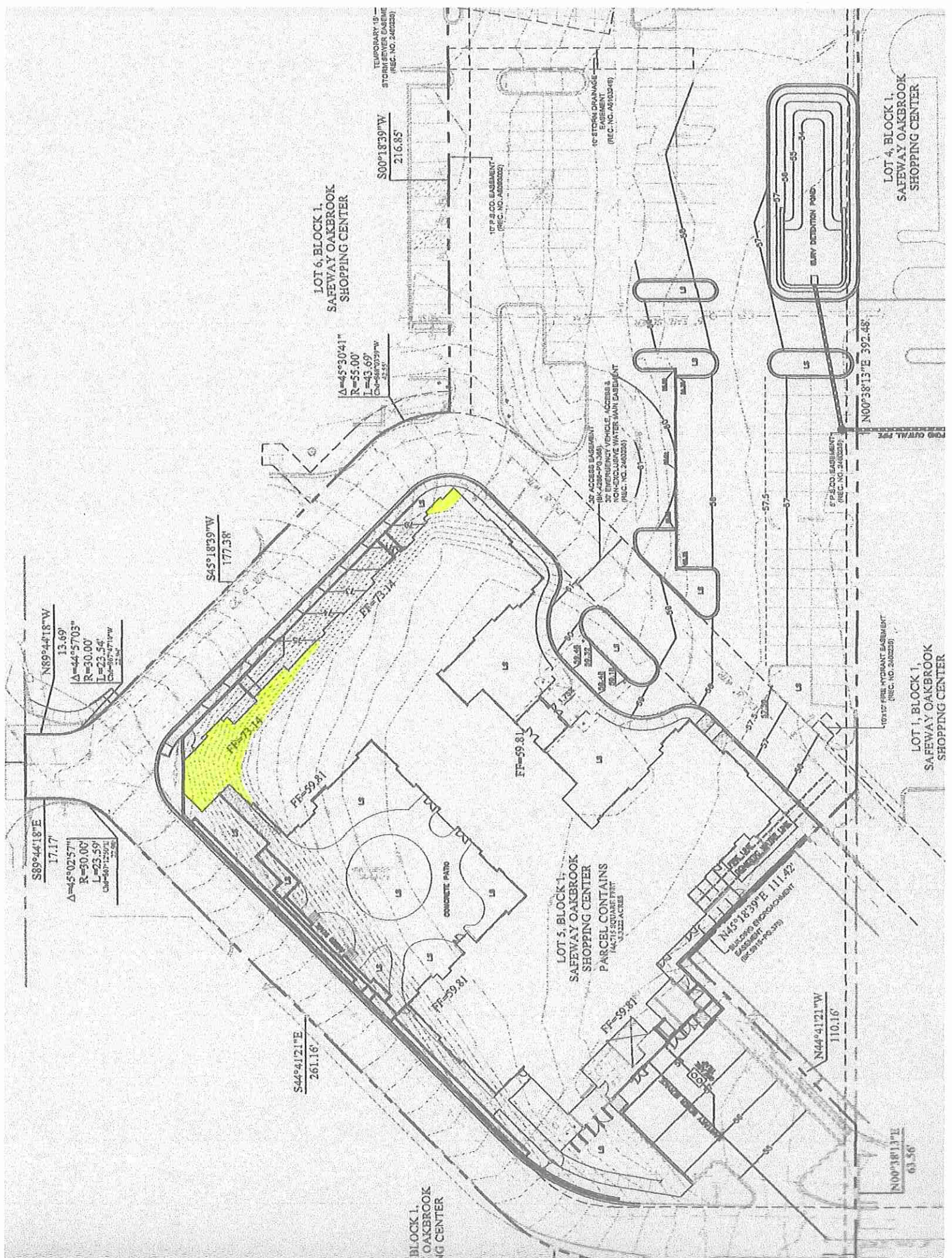
The height of a stepped or terraced building is the maximum height of any segment of the building.



Case A



Case B



LOT 6, BLOCK 1,
SAFEWAY OAKBROOK
SHOPPING CENTER

LOT 4, BLOCK 1,
SAFEWAY OAKBROOK
SHOPPING CENTER

LOT 1, BLOCK 1,
SAFEWAY OAKBROOK
SHOPPING CENTER

LOT 5, BLOCK 1,
SAFEWAY OAKBROOK
SHOPPING CENTER
PARCEL CONTAINS
14,215 SQUARE FEET
3.3222 ACRES

LOT 1, BLOCK 1,
SAFEWAY OAKBROOK
SHOPPING CENTER