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**TO:** City Council  
**FROM:** Kyle A. Dalton, AICP, Senior City Planner  
**DATE:** August 28, 2015  
**RE:** Official Zoning Map Amendment Application #2015I-00040  
6502 E. Union Avenue (formerly known as 4900 S. Monaco St.)  
Rezoning from B-4 with waivers UO-1 UO-2 to S-MX-12

## Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends that City Council approve Application #2015I-00040 for a rezoning from B-4 with waivers UO-1 UO-2 to S-MX-12.

## Request for Rezoning

Application:	#2015I-00040
Address:	6502 E. Union Avenue
Statistical Neighborhood/Council Dist.:	Southmoor Park / Council District 4
Registered Neighborhood Orgs.:	Denver Neighborhood Association, Inc.; Inter-Neighborhood Cooperation
Area of Property:	4.69 acres
Current Zoning:	B-4 with waivers UO-1 UO-2
Proposed Zoning:	S-MX-12
Property Owner(s):	Belleview Land Group, LLC
Owner Representative:	Randy Schwartz, for the owner

## Summary of Rezoning Request

- The site is located on the southwest corner of Niagara Street and Union Avenue.
- The property is mostly vacant, with some surface parking serving adjacent offices.
- The property owner is requesting rezoning to facilitate development by removing the property from cumbersome old code zoning and coming into a standard Denver Zoning Code zone district.
- The requested S-MX-12 zone district is in the Suburban neighborhood context; permits a wide mix of residential, civic, and commercial uses; and has a maximum building height of 12 stories or 150 feet. Further details of the zone district can be found in Article 3 of the Denver Zoning Code (DZC).

## Existing Context

The site is located in an area west of the Denver Tech Center and the Belleview light rail station, known as DTC West. The immediate vicinity primarily contains multi-unit residential and office uses, with auto-

oriented retail sales and services located near the interchange of I-25 and Belleview Avenue. The following table summarizes the existing context proximate to the subject site:

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	B-4 with waivers UO-1 UO-2	Vacant and surface parking	n/a	Curvilinear grid of streets. Superblocks to north and west. An improved grid network exists to the east, extending three blocks to the Belleview light rail station and Interstate 25.
North	B-4 with waivers and conditions UO-1 UO-2	Multi-unit residential	4-story apartment buildings	
South	B-4 with waivers UO-1 UO-2	Vacant	n/a	
East	T-MU-30 with waivers	Vacant	n/a; to the southeast is a 5-story multi-unit dwelling building with shallow setbacks (high build-to)	
West	B-4 with waivers UO-1 UO-2	Office	3-story office surrounded by surface vehicle parking, structured vehicle parking, and landscaping	

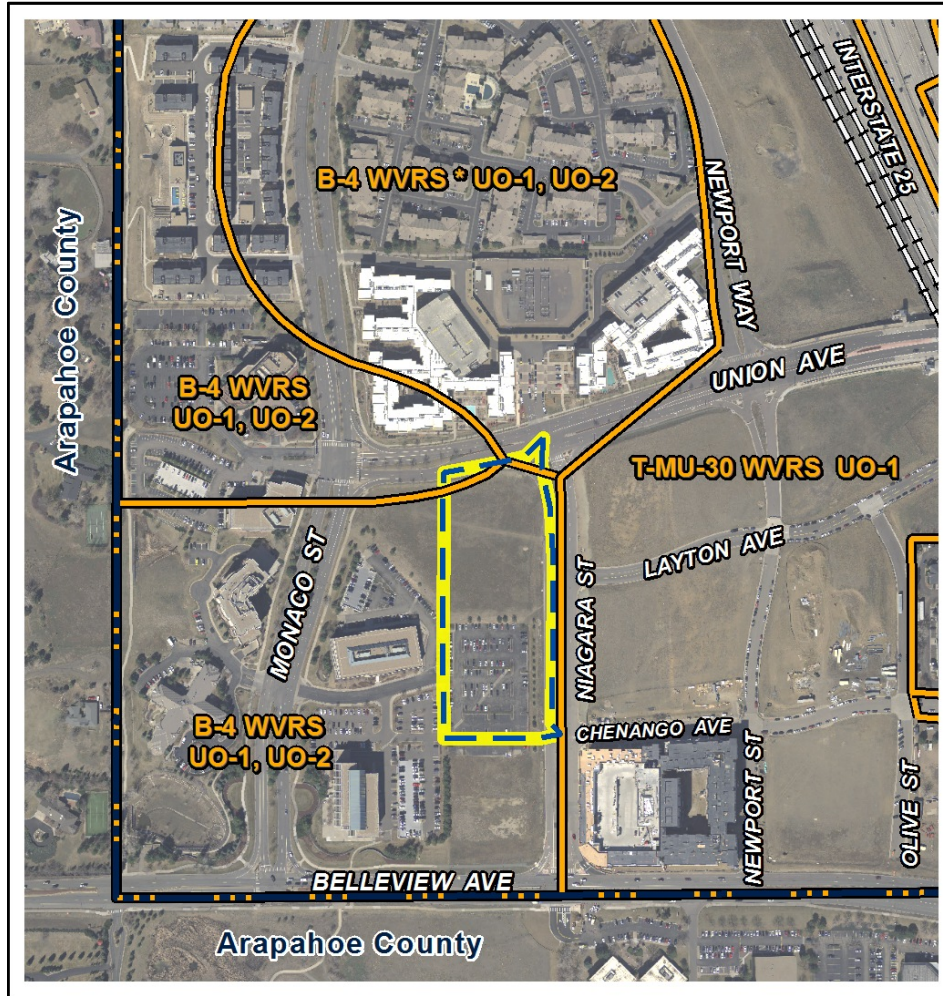
## 1. General Development Plans

The site is across Niagara Street from, but is not a part of, the Belleview Station General Development Plan. The GDP is briefly described here for context only. Approved in 2006, the GDP is intended to create a transit-oriented mixed-use development complementary to the Belleview light rail station with a mix of uses. The GDP expresses a general goal of concentrating building height and intensity near the station, tapering to “mid-rise” building heights along the west edge of the GDP, which is Niagara Street. Urban Design Standards and Guidelines also apply in the GDP area.

## 2. Existing Zoning

### Subject Site Zoning

The current B-4 zone district with waivers was adopted in 1981 following extensive public involvement in the rezoning of the then-vacant land. At the time, much of the area from Belleview to Quincy, I-25 to the county line, was rezoned and divided into four subareas. The remnants of these subareas can be seen in the zone district boundary lines on the zoning map on the following page. The subject site is located in the ordinance’s Subarea #4, which is roughly bounded by today’s Niagara Street, the Union Avenue alignment, and the Denver/Arapahoe County line on the west and south.



The zoning waivers allocate gross floor area by subarea, on a subarea-wide basis. As a result, individual projects claim gross floor area as they are built, thereby reducing gross floor area available for other land in the same subarea. Within this Subarea 4, a maximum of 1,200,000 gross floor area is permitted. The following limits on gross floor area by use also apply:

Use	Gross Floor Area (maximum, square feet)
Retail	100,000
Hotel	500,000
Residential	225,000
Office and other allowed uses	Unlimited, within the total subarea gross floor area below
<b>TOTAL</b>	<b>1,200,000</b>

Within this Subarea 4, all of the gross floor area for residential has been allocated to projects already built on the west side of Monaco Street, leaving no residential gross floor area for undeveloped properties such as the subject site. Based on the most recent zone lot amendment

which allocates square footages within the subarea, this site is currently entitled to 215,000 square feet of office uses.

The maximum allowed height is 280 feet.

The waivers also prohibit uses including adult related businesses, billboards, auto sales, mail order house, establishments selling monuments and tombstones, and other unique uses under the Former Chapter 59. Generally, most neighborhood-serving retail, sales, and services are allowed, as are office, residential, and lodging uses.

The complete current zoning waivers ordinance is attached to this staff report.

Generally speaking, the UO-1 use overlay allows adult uses with limitations. The UO-2 use overlay allows outdoor general advertising devices, or billboards, with limitations. These use overlay districts were applied in 2010 to all land with the B-4 base zoning, but they are of no effect unless land is rezoned from the Former Chapter 59 into the Denver Zoning Code. Essentially, the current use overlays are placeholders. However, the waivers of the current zoning already prohibit adult uses and billboards. Because these uses are not allowed today and there is no need to add them, the applicant did not choose to “keep” the inapplicable UO-1 UO-2 overlay zones. Therefore, if this rezoning is approved, the property will be rezoned to straight S-MX-12 without overlays.

#### Zoning to the south and west

Land south and west of the subject site is also zoned B-4 with waivers and located in the same Subarea 4 as the subject site.

#### Zoning to the north

Land to the north across Union Avenue is zoned B-4 with waivers in Subarea 2, or B-4 with waivers and conditions in Subarea 3. Each of these subareas has the same use waivers as Subarea 4, where the subject site is located. Different subarea-wide gross floor area allowances apply. In Subarea 3 to the north/northeast, the maximum height is 210 feet. In Subarea 2 to the northwest, the maximum height is 130 feet.

#### Zoning to the east

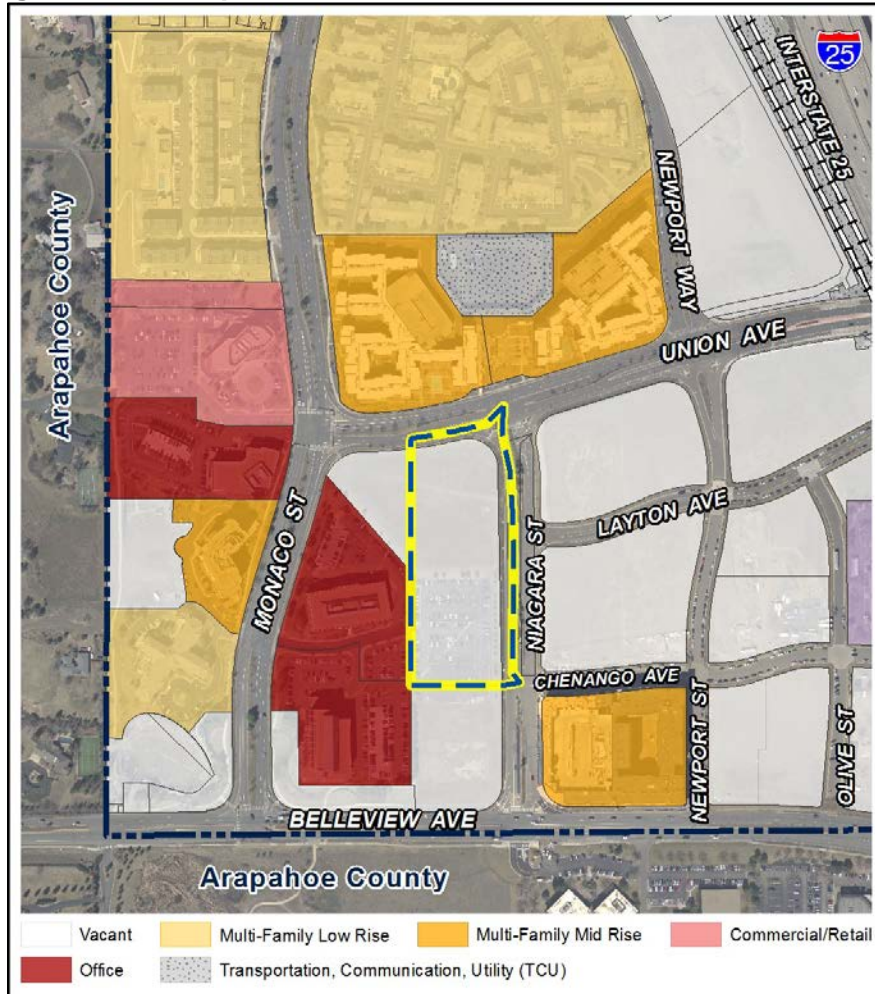
Land to the east across Niagara Street is zoned T-MU-30 with waivers. This zoning permits maximum building heights of 220 feet and an aggregated maximum floor area ratio of 5.0. The waivers adjust building form standards including setbacks and build-to requirements, and establish comprehensive sign plan requirements unique to the site.

The following map shows approximate boundaries of the maximum heights allowed by current zoning in surrounding areas, and the proposed maximum height in feet for this application.





### 3. Existing Land Use Map



### 4. Existing Building Form and Scale (Google Maps images)



The subject Site, looking south-southwest from Union Avenue.



Looking west at the parking lot on the site, from the corner of Niagara St. and Chenango Ave.



3-story office structure located directly west of the site.



4-story multi-unit dwellings located to the north across Union Avenue from the site.

## Summary of City Agency Referral Comments

As part of the DZC review process, the rezoning application is referred to potentially affected city agencies and departments for comment. A summary of agency referral responses follows:

**Asset Management:** Approved - No Comments.

**Denver Public Schools:** No Response.

**Development Services – Fire Prevention:** No Response.

**Development Services – Project Coordination:** Approve Rezoning Only – Will Require Additional Information at Site Plan Review.

**Development Services – Transportation:** No Response.

**Development Services – Wastewater:** No Response.

**Environmental Health:** Approved – No Comments.

**Parks and Recreation:** Approved – No comments.

**Public Works – Survey:** Approved.

## Public Review Process

- CPD staff provided Informational notice of receipt of the rezoning application to affected members of City Council and registered neighborhood organizations on April 27, 2015.
- The property was posted for a period of 15 days announcing the July 1, 2015, Denver Planning Board public hearing, and written notification of the hearing was sent to all affected registered neighborhood organizations and City Council members.
- CPD staff provided written notice of the July 22, 2015, City Council committee meeting to affected members of City Council and registered neighborhood organizations on July 8, 2015. The committee moved the bill to the full City Council
- CPD staff provided written notice of the August 31, 2015, City Council public hearing to affected members of City Council and registered neighborhood organizations on August 10, 2015.
- Other Public Outreach and Input
  - **Registered Neighborhood Organizations (RNOs)**
    - As of the date of this staff report, neither of the registered neighborhood organizations had submitted a position on this application.
  - **Other Public Comment**
    - As of the date of this staff report, three comments were received regarding this application. The comments are attached to this staff report.
      - An emailed letter was received from Brooke Maloy on behalf of Madre Investment Company LLC, majority land owner of property east of this



site, in opposition to the application. She expresses that a building not to exceed 5 or 8 stories would better fit the scale of surrounding buildings and conditions, and that downstream sanitary systems may be impacted by the rezoning.

- An emailed letter was received from Peter Culshaw on behalf of Shea Properties in support of the application. Mr. Culshaw notes three significant changes in the area since 1981 as justifying circumstances supporting the rezoning, and that the proposed S-MX-12 better reflects the transit-oriented mixed use nature of the area.
- An emailed letter was received from Trey Warren on behalf of Front Range Land and Development, developer of property east of this site, in opposition to the application. Mr. Warren expresses concern that an increase in density could be inconsistent with how his site is being designed and developed, with potential impacts on views and infrastructure. He suggests custom zoning approaches instead of a standard zone district.

## Criteria for Review / Staff Evaluation

The criteria for review of this rezoning application are found in DZC, Sections 12.4.10.13 and 12.4.10.14, as follows:

### **DZC Section 12.4.10.13**

1. Consistency with Adopted Plans
2. Uniformity of District Regulations and Restrictions
3. Public Health, Safety and General Welfare

### **DZC Section 12.4.10.14**

1. Justifying Circumstances
2. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements

## **1. Consistency with Adopted Plans**

The following adopted plans apply to this property:

- Denver Comprehensive Plan 2000
- Blueprint Denver (2002)

### **Denver Comprehensive Plan 2000**

The proposal is consistent with many Denver Comprehensive Plan strategies, including:

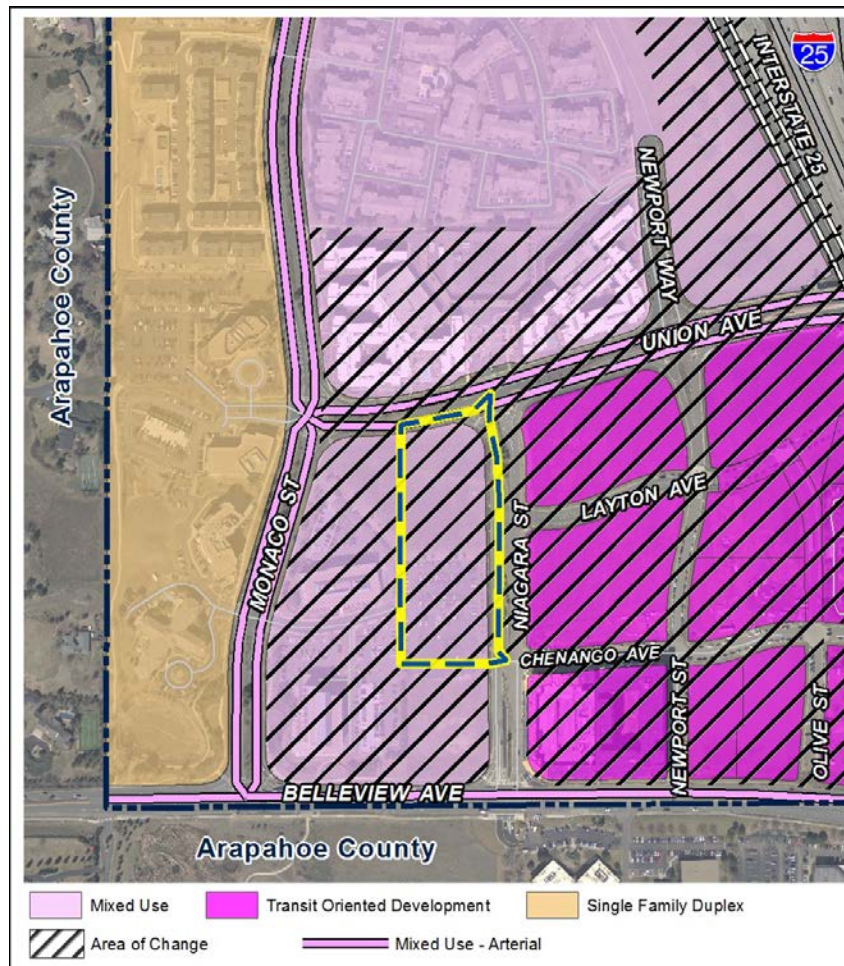
- Environmental Sustainability Strategy 2-F – *Conserve land by promoting infill development with Denver at sites where services and infrastructure are already in place; designing mixed use communities and reducing sprawl so that residents can live, work and play within their own neighborhoods.*
- Environmental Sustainability Strategy 4-A - *Promote the development of sustainable communities and centers of activity where shopping, jobs, recreation and schools are accessible by multiple forms of transportation, providing opportunities for people to live where they work.*

- Land Use Strategy 3-B – *Encourage quality infill development that is consistent with the character of the surrounding neighborhood; that offers opportunities for increased density and more amenities; and that broadens the variety of compatible uses.*
- Land Use Strategy 4-A – *Encourage mixed-use, transit-oriented development that makes effective use of existing transportation infrastructure, supports transit stations, increases transit patronage, reduces impact on the environment, and encourages vibrant urban centers and neighborhoods.*
- Mobility Strategy 4-E – *Continue to promote mixed-use development, which enables people to live near work, retail and services.*

The proposed map amendment will enable mixed-use development at an infill location where services and infrastructure are already in place, within walking distance of a rail transit station. The S-MX zone districts broaden the variety of uses as compared to the highly waived B-4 zone district. The rezoning is consistent with these plan recommendations.

### Blueprint Denver

According to the 2002 Plan Map adopted in Blueprint Denver, this site has a concept land use of Mixed Use and is located in an Area of Change (see map below).



### **Future Land Use**

According to Blueprint Denver, Mixed Use areas “have a sizable employment base as well as housing. Intensity is higher in mixed-use areas than in other residential areas. Land uses are not necessarily mixed in each building or development or even within each block. But within the neighborhood, residential and non-residential uses are within walking distance of one another. The proportion of residential to commercial uses varies considerably from one mixed-use district to another” (p. 41). The S-MX-12 zone district allows mixed uses with higher intensity, consistent with this plan recommendation.

### **Area of Change / Area of Stability**

The site is in an Area of Change. In general, “The goal for Areas of Change is to channel growth where it will be beneficial and can best improve access to jobs, housing and services with fewer and shorter auto trips” (p. 127). Further, “the base strategy for encouraging development [in Areas of Change] is to allow sufficient development intensity and appropriate mixes of uses so that planned land uses will be economically feasible” (p. 128). The existing zoning with waivers strictly limits the development potential of this site. If the site is rezoned to the more flexible standard S-MX-12 zone district, growth and development will be made more feasible on this site, consistent with the plan’s Area of Change designation.

### **Street Classifications**

Blueprint Denver classifies Union Avenue as a Mixed Use Arterial. There is no Blueprint Denver classification for Niagara Street because it did not exist at the time the plan was adopted. According to Blueprint Denver, a Mixed Use street is “located in high-intensity mixed-use commercial, retail and residential areas with substantial pedestrian activity” and is “attractive for pedestrians and bicyclists because of landscaped medians and tree lawns.” Further, “Arterials are designed to provide a high degree of mobility and generally serve longer vehicle trips to, from, and within urban areas (p. 51).” Movement of people and goods is the primary function on these streets. The S-MX-12 zone district allows the high-intensity mixed uses imagined for these streets in Blueprint Denver.

In summary, the proposed map amendment to S-MX-12 will enable growth in an area that Blueprint Denver identifies as appropriate for change and mixed uses along streets with high-intensity mixed uses.

### **Other Land Use Recommendations**

Among the specific strategies to implement Blueprint Denver, the plan calls for amending “the code to eliminate obsolete zone districts and amend the map to apply new zone districts to affected areas” (p. 162-3). Rezoning from the obsolete Former Chapter 59 to a standard zone district in the new Denver Zoning Code is directly consistent with this plan recommendation.

## **2. Uniformity of District Regulations and Restrictions**

The proposed rezoning to S-MX-12 will result in the uniform application of zone district building form, use and design regulations within the zone district.

### **3. Public Health, Safety and General Welfare**

The proposed official map amendment furthers the public health, safety, and general welfare of the City primarily through implementation of the city's adopted land use plan.

### **4. Justifying Circumstance**

The application identifies several changed or changing conditions as the Justifying Circumstance under DZC Section 12.4.10.8.A.4, "The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area." The land and its surrounding environs have changed significantly since the 1981 zoning. The opening of an RTD light rail station a quarter-mile east of the site provides a major additional transportation option, as does the development of a finer-grained street network in the years since. Extensive mixed-use transit-oriented development in the area east of the site has followed the station opening over the past several years. The availability of the new Denver Zoning Code, adopted in 2010, also is a major changed circumstance. Accordingly, Sec. 12.4.10.8.A.4 is an appropriate justifying circumstance for the proposed rezoning.

### **5. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements**

The requested S-MX-12 zone district is within the Suburban Neighborhood Context. The neighborhood context generally consists of single-unit and multi-unit residential, commercial strips and centers, and office parks. Commercial buildings are often separated from residential. The context consists of an irregular pattern of block shapes. Building height is typically low, except for some mid- and high-rise structures, particularly along arterial streets.

The neighborhood pattern surrounding this site is consistent with the code's description of the Suburban Neighborhood Context. The block shapes are irregular in pattern with some grid elements and some broken grids and curvilinear streets. Because the neighborhood building form, lot, and block pattern is suburban in character, and site is on an arterial street where mid- and high-rise structures are sometimes found in the neighborhood context, the proposed rezoning to S-MX-12 is consistent with the neighborhood context description.

The general purpose of the Mixed Use Zone Districts is to "promote safe, active, pedestrian-scaled, diverse areas and enhance the convenience and ease of walking, shopping and public gathering within and around the city's neighborhoods" (DZC 3.2.4.1.A). According to the specific zone district intent stated in the Denver Zoning Code, the S-MX-12 zone district "applies to areas or intersections served primarily by major arterial streets where a building scale of 1 to 12 stories is desired" (DZC Section 3.2.4.2.F). As this site is on an arterial street (Union Avenue), another major arterial is located just to the south (Bellevue Avenue, Colorado state highway 88), and the building scale may be desirable based on the plan direction discussed above, the rezoning is consistent with the zone district purpose and intent statements.



## Planning Board Recommendation

The Denver Planning Board held a public hearing on July 8, 2015, to consider this application. The Planning Board heard testimony from two individuals. The applicant testified in support of the application. Then-Councilwoman Peggy Lehmann testified expressing concern about views from buildings to the east of the mountains to the west and that an 8-story building would be a better fit for this site. By a vote of 7 in favor and 0 against, the Planning Board recommended approval of the application and found that the applicable review criteria had been met.

## Staff Recommendation

Based on the analysis set forth above, CPD staff finds that the application for rezoning the property located at 6502 E. Union Avenue to the S-MX-12 zone district meets the requisite review criteria. Accordingly, staff recommends that the application be approved.

## Attachments

1. Current zoning waivers
2. Application
3. Public comment letters

BY AUTHORITY

ORDINANCE NO. 655

COUNCIL BILL NO. 684

SERIES OF 1981

INTRODUCED BY:

*Silchin, Reynolds, Corpio,  
Heckward, Hentzell, Swalm*

A B I L L

FOR AN ORDINANCE RELATING TO ZONING,  
CHANGING THE ZONING CLASSIFICATION FOR  
A SPECIFICALLY DESCRIBED AREA, GENERALLY  
DESCRIBED AS THE AREA WEST OF INTERSTATE  
25 AND THE PARADISE VALLEY COUNTRY CLUB,  
BETWEEN BELLEVIEW AVENUE AND QUINCY  
AVENUE, RECITING CERTAIN WAIVERS PROPOSED  
BY THE OWNER AND APPLICANTS FOR THE ZONING  
CLASSIFICATION AND PROVIDING FOR A RECOR-  
DATION OF THIS ORDINANCE.

BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. That upon consideration for a change in  
the zoning classification of the land hereinafter described,  
council finds:

1. That the land hereinafter described is presently  
classified as part of the R-2-A District, as part of the  
R-0 District and as part of the RS-2 District;

2. That the owner and applicants propose that the  
zoning classification of the land hereinafter described be  
changed to B-4;

3. That the land hereinafter described is owned by  
Belquince Investment Company, and that the applicants for  
the change in zoning classification hereinafter set forth  
are Urban Investment and Development Company and Miller-  
Davis Company;

4. That in their application, the owner and the  
applicants have represented that if the zoning classification  
is changed pursuant to their application, the owners and the  
applicants will and hereby do:

- (a) Waive the right to use or occupy the land hereinafter described in Section 2 or to use occupy or erect thereon any structure or structures designed, erected, altered, used, or occupied for an ambulance service; for auto sales; for a blacksmithing shop; for a crafting service; for an electric contractor; for a food locker plant; for koshering of poultry; for a mail order house; for metal sharpening; for mirror silvering; for a mortuary; for a motorcycle shop; for a painting and decorating contractor; for radio and television broadcasting; for a sign contractor; for an establishment selling monuments and tombstones; for a special trades contractor; for fabrication, except for craftwork and electronic components; for an adult book store; for an eating place with adult amusement or entertainment; for an adult photo studio; for an adult theater; for any use intended to provide adult amusement or entertainment on the payment of a fee or admission charge; or for an outdoor general advertising device;
- (b) For the area referred to on Exhibit "A" as Sub Area 1, which may be hereinafter referred to as Sub Area 1 and which is more particularly described in Exhibit "B" which exhibit is herein incorporated by reference:
- (1) Waive the right to develop the maximum gross floor area as permitted in the B-4 District by agreeing not to construct, erect, and/or build in excess of 700,000 square feet of gross floor area in Sub Area 1, exclusive of publicly owned

- buildings, and agree within that 700,000 square foot limit to not construct more than 150,000 square feet of residential or more than 50,000 square feet of retail.
- (2) Waive the right to erect, construct and/or build any building having a height in excess of 80 feet.
  - (3) For the area described in this paragraph (b) of Subsection 4 of Section 1 only, waive the right to use or occupy the land or erect thereon any structure or structures designed, erected, altered, used or occupied for a hotel.
- (c) For the area shown on Exhibit "A" as Sub Area 2, which may be hereinafter referred to as Sub Area 2 and which is described in Exhibit "C", which Exhibit is herein incorporated by reference:
- (1) Waive the right to develop the maximum gross floor area as permitted in the B-4 District by agreeing not to construct, erect and/or build in excess of 650,000 square feet of gross floor area in Sub Area 2, exclusive of publicly owned buildings, and agree within that 650,000 square foot limit to not construct more than 200,000 square feet of office or more than 50,000 square feet of retail.
  - (2) Waive the right, in the area more than 500 feet east of the west line of Sub Area 2, to erect, construct and/or build any building having a height in excess of 130 feet. Within the westerly 500 feet of Sub Area 2, height limits shall be governed by a bulk regulation whereas no part of any structure (except eaves,



church spires, church towers, flag poles, antennae, chimneys, flues, vents or accessory water tanks) shall project up through the bulk limit which is defined by a plane extending up over Sub Area 2 at an angle of 6° (approximately 11 feet per 100 feet horizontal) with respect to the horizontal line which is co-directional to the western Sub Area boundary line. This horizontal line passes through a point 30 feet above existing grade at the mid point of said boundary line.

- (3) For the area described in this paragraph (c) of Subsection 4 of Section 1 only, waive the right to use or occupy the land or erect thereon any structure or structures designed, erected, altered, used or occupied for a hotel,
  - (4) Waive the right to use or occupy any of the westernmost 250 feet of Sub Area 2 to erect thereon any structure or structures designed, erected, altered, used or occupied for office uses.
  - (5) Waive the right to erect, construct and/or build any structure or structures within 100 feet of the western boundary of Sub Area 2
- (d) For the area referred to on Exhibit "A" as Sub Area 3, which may be hereinafter referred to as Sub Area 3 and which is described in Exhibit "D", which Exhibit is herein incorporated by reference:
- (1) Waive the right to develop the maximum gross floor area as permitted in the B-4 District by agreeing not to construct,

erect and/or build in excess of 2,350,000 square feet of gross floor area in Sub Area 3, exclusive of publicly owned buildings, and agree within that 2,350,000 square foot limit to not construct more than 2,000,000 square feet of office, more than 625,000 square feet of residential, more than 150,000 square feet of retail, or more than 500,000 square feet of hotel.

- (2) Waive the right to erect, construct and/or build any building having a height in excess of 210 feet

(e) For the area referred to on Exhibit "A" as Sub Area 4, which may hereinafter be referred to as Sub Area 4 and which is more particularly described in Exhibit "E" which Exhibit is herein incorporated by reference:

- (1) Waive the right to develop the maximum gross floor area as permitted in the B-4 District by agreeing not to construct, erect, and/or build in excess of 1,200,000 square feet of gross floor area in Sub Area 4, exclusive of publicly owned buildings, and agree within that 1,200,000 square foot limit to not construct more than 225,000 square feet of residential, more than 100,000 square feet of retail, or more than 500,000 square feet of hotel.
- (2) Waive the right, in the area more than 500 feet east of the West line of Sub Area 4, to erect, construct and/or build any building having a height in excess of

280 feet. Within the westerly 500 feet of Sub Area 4, height limits shall be governed by a bulk regulation whereas no part of any structure (except eaves, church spires, church towers, flag poles, antennae, chimneys, flues, vents or accessory water tanks) shall project up through the bulk limit which is defined by a plane extending up over Sub Area 4 at an angle of 12° (approximately 22 feet per 100 feet horizontal) with respect to the horizontal and which plane starts at a horizontal line which is co-directional to the western Sub Area boundary line. This horizontal line passes through a point 30 feet above existing grade at the mid point of said boundary line.

- (3) Waive the right to erect, construct and/or build any structure or structures within 100 feet of the western boundary of Sub Area 4.

Section 2. ~~That the zoning classification of the land~~

area in the City and County of Denver described as follows or included within the following boundaries shall be and hereby is changed from R-2-A, R-0 and RS-2 to B-4:

A PARCEL OF LAND SITUATED WITHIN THE EAST ½ OF SECTION 8, TOWNSHIP 5 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN CITY AND COUNTY OF DENVER, COLORADO. SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH IS THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF EAST BELLEVUE AVENUE AND THE WEST LINE OF THE EAST ½ OF SAID SECTION 8 FROM WHICH THE SOUTH ¼ CORNER OF SAID SECTION 8 BEARS SOUTH 00°39'23" WEST, 50.00 FEET; THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE OF EAST BELLEVUE AVENUE SOUTH 89°56'41" EAST, 1276.53 FEET; THENCE LEAVING SAID NORTH RIGHT-OF-WAY LINE NORTH 00°11'19" EAST, 436 FEET; TO THE SOUTHWEST CORNER OF A TRACT UNDER LEASE DATED FEBRUARY 23, 1961, RECORDED OCTOBER 26, 1961 IN THE RECORDS OF THE CLERK AND RECORDER OF ARAPAHOE COUNTY IN BOOK 1297, STARTING AT PAGE 169; THENCE

CONTINUING ALONG THE SAME BEARING NORTH 00°11'19" EAST ALONG THE WESTERLY BOUNDARY LINE OF SAID LEASED PREMISES 669.04 FEET TO AN ANGLE POINT OF SAID WESTERLY BOUNDARY; THENCE CONTINUING ALONG THE SAME BEARING NORTH 00°11'19" EAST LEAVING SAID WESTERLY BOUNDARY, BUT ALONG THE CENTERLINE OF A PUBLIC SERVICE EASEMENT RECORDED IN BOOK 692, PAGE 344, WITH THE CLERK AND RECORDER OF ARAPAHOE COUNTY, 40.00 FEET; THENCE LEAVING SAID CENTERLINE OF THE EASEMENT NORTH 50°51'49" EAST, 610.00 FEET; THENCE NORTH 04°38'56" WEST, 429.42 FEET TO THE CENTERLINE OF SAID EASEMENT; THENCE NORTH 50°45'19" EAST ALONG SAID CENTERLINE - 160.00 FEET TO A POINT ON THE SAID WESTERLY BOUNDARY OF THE LEASED PREMISES.

THENCE ALONG SAID WESTERLY BOUNDARY THE FOLLOWING TWO COURSES: NORTH 24°00'35" WEST, 959.57 FEET; THENCE NORTH 65°59'25" EAST, 325.15 FEET; TO THE INTERSECTION OF THE BOUNDARY OF SAID LEASED PREMISES WITH THE WEST RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY I-25; THENCE NORTH 24°03'07" WEST ALONG SAID RIGHT-OF-WAY LINE 981.32 FEET TO THE EAST 1/16 LINE OF SAID SECTION 8; THENCE NORTH 00°25'30" EAST ALONG SAID EAST 1/16 LINE 58.18 FEET; THENCE NORTH 24°03'07" WEST, 1207.46 FEET; ALONG SAID WEST RIGHT-OF-WAY LINE TO ITS INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF EAST QUINCY AVENUE; THENCE ALONG SAID RIGHT-OF-WAY NORTH 82°35'53" WEST, 804.30 FEET; TO A POINT ON THE WEST LINE OF SAID EAST 1/2 OF SECTION 8; THENCE ALONG SAID WEST LINE OF THE EAST 1/2 OF SECTION 8, SOUTH 00°39'23" WEST, 5227.77 FEET; TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 165.3 ACRES, MORE OR LESS.

Section 3. That the foregoing change in zoning classification is based upon the representations by the owner and the applicants that they will waive those certain rights available to them and, in lieu thereof, agree to certain limitations which limitations are set forth in Subsection 4 of Section 1, hereof, which said waivers shall be binding upon the owner and the applicants for the change in zoning classification and shall be binding upon all successors and assigns of said owner and said applicants.

Section 4. That this Ordinance shall be recorded by the Department of Zoning Administration among the records of the Clerk and Recorder of the City and County of Denver.

PASSED BY the Council, December 7, 1981  
William R. Roberts - President



APPROVED: *Ken Nichols* - Mayor *December 8* 1981

ATTEST: *G. J. Seaman* Clerk and Recorder, Ex-Officio  
Clerk of the City and County  
of Denver

PUBLISHED IN The Daily Journal *Nov. 13,* 1981 and *Dec. 11,* 1981

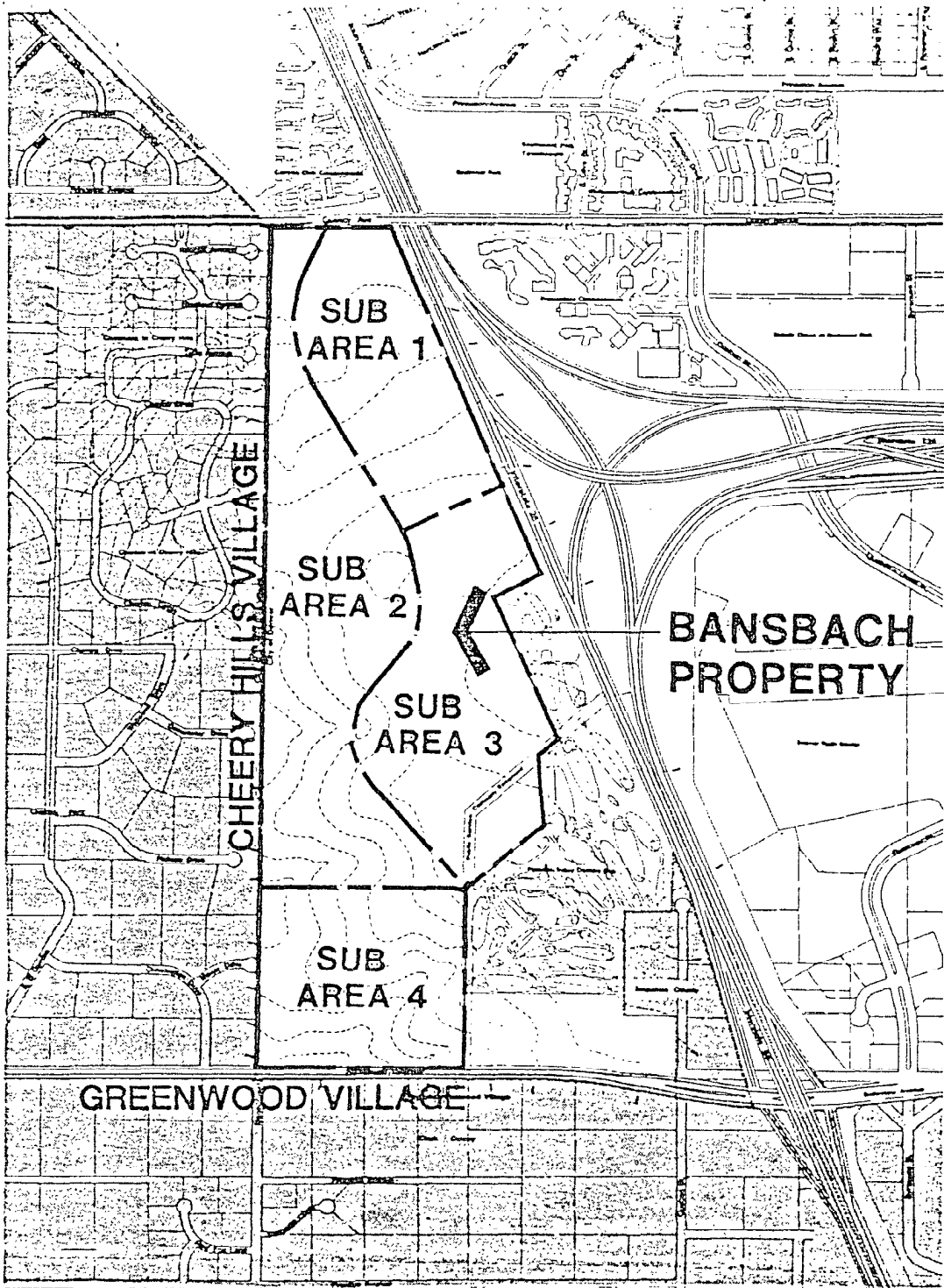
PREPARED BY: *Ma. P. Quinn* - City Attorney *10-21* 1981  
*with*









EXHIBIT "A"



-  ARAPAHOE COUNTY
-  DENVER COUNTY

**PROPOSED  
SUB AREA MAP**

**Bansbach Property Rezoning**

Urban Investment and Development Co.  
Miller-Davis Co.  
Denver, Colorado

ISI Interplan Services, Inc.

2503 229  
110 272A  
7A

## EXHIBIT "B"

## SUB AREA 1

A PARCEL OF LAND SITUATED WITHIN THE EAST ONE HALF ( $\frac{1}{2}$ ) OF SECTION 8, TOWNSHIP 5 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH ONE QUARTER ( $\frac{1}{4}$ ) CORNER OF SAID SECTION 8, THENCE NORTH 00°39'23" EAST, 50.00 FEET TO A POINT AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF EAST BELLEVIEW AVENUE WITH THE WEST LINE OF THE EAST ONE HALF ( $\frac{1}{2}$ ) OF SAID SECTION 8; THENCE CONTINUING NORTH 00°39'23" EAST ALONG SAID WEST LINE 5227.77 FEET TO A POINT AT THE INTERSECTION OF SAID WEST LINE WITH THE SOUTH RIGHT-OF-WAY LINE OF EAST QUINCY AVENUE; THENCE ALONG SAID RIGHT-OF-WAY SOUTH 82°35'53" EAST, 372.95 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY SOUTH 82°35'53" EAST, 431.35 FEET TO A POINT AT THE INTERSECTION OF SAID SOUTH RIGHT-OF-WAY LINE WITH THE WEST RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 25; THENCE LEAVING SAID SOUTH RIGHT-OF-WAY LINE AND ALONG SAID WEST RIGHT-OF-WAY LINE SOUTH 24°03'07" EAST, 1207.46 FEET TO THE EAST ONE-SIXTEENTH LINE OF SAID SECTION 8, THENCE ALONG SAID ONE-SIXTEENTH LINE SOUTH 00°25'30" WEST, 58.18 FEET; THENCE LEAVING SAID ONE-SIXTEENTH LINE AND CONTINUING ALONG SAID WEST RIGHT-OF-WAY SOUTH 24°03'07" EAST, 381.32 FEET; THENCE LEAVING SAID WEST RIGHT-OF-WAY LINE SOUTH 65°56'53" WEST, 667.02 FEET TO A POINT ON A CURVE, THENCE 276.36 FEET ALONG AN ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 561.00 FEET, CENTRAL ANGLE OF 28°13'23" AND WHOSE CHORD BEARS NORTH 20°52'18" WEST, 273.57 FEET TO A POINT OF TANGENCY, THENCE NORTH 34°59'03" WEST, 946.60 FEET TO A POINT OF CURVATURE; THENCE 925.11 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 561.40 FEET, A CENTRAL ANGLE OF 94°24'56" AND WHOSE CHORD BEARS NORTH 12°13'25" EAST, 823.93 FEET TO THE TRUE POINT OF BEGINNING; SAID PARCEL CONTAINING 31.06 ACRES, MORE OR LESS.

2503 230

110 272B

## EXHIBIT "C"

## SUB AREA 2

A PARCEL OF LAND SITUATED WITHIN THE EAST ONE HALF ( $\frac{1}{2}$ ) OF SECTION 8, TOWNSHIP 5 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH ONE QUARTER ( $\frac{1}{4}$ ) CORNER OF SAID SECTION 8; THENCE NORTH 00°39'23" EAST, 50.00 FEET TO A POINT AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF EAST BELLEVIEW AVENUE WITH THE WEST LINE OF THE EAST ONE HALF OF SAID SECTION 8; THENCE CONTINUING NORTH 00°39'23" EAST ALONG SAID WEST LINE 1088.76 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID WEST LINE NORTH 00°39'23" EAST, 4139.01 FEET TO A POINT AT THE INTERSECTION OF SAID WEST LINE WITH THE SOUTH RIGHT-OF-WAY LINE OF EAST QUINCY AVENUE; THENCE ALONG SAID RIGHT-OF-WAY SOUTH 82°35'53" EAST, 372.95 FEET TO A POINT ON A CURVE, THENCE LEAVING SAID RIGHT-OF-WAY 925.11 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 561.40 FEET, A CENTRAL ANGLE OF 94°24'56" AND WHOSE CHORD BEARS SOUTH 12°13'25" WEST, 823.93 FEET TO A POINT OF TANGENCY; THENCE SOUTH 34°59'03" EAST, 946.60 FEET TO A POINT OF CURVATURE; THENCE 724.00 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 561.00 FEET, A CENTRAL ANGLE OF 73°56'36" AND WHOSE CHORD BEARS SOUTH 01°59'15" WEST, 674.79 FEET TO A POINT OF TANGENCY; THENCE SOUTH 38°57'33" WEST, 518.25 FEET TO A POINT OF CURVATURE; THENCE 375.03 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 561.00 FEET, A CENTRAL ANGLE OF 38°18'10" AND WHOSE CHORD BEARS SOUTH 19°48'28" WEST, 368.09 FEET TO A POINT OF TANGENCY; THENCE SOUTH 00°39'23" WEST, 151.58 FEET TO A POINT OF CURVATURE; THENCE 712.85 ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 561.00 FEET, A CENTRAL ANGLE OF 72°48'16" AND WHOSE CHORD BEARS SOUTH 35°44'45" EAST, 665.85 FEET TO A POINT OF TANGENCY; THENCE SOUTH 72°03'53" EAST, 125.27 FEET TO A POINT OF CURVATURE; THENCE 404.77 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 561.00 FEET, A CENTRAL ANGLE OF 41°20'24" AND WHOSE CHORD BEARS SOUTH 51°28'41" EAST, 396.05 FEET TO A POINT ON SAID CURVE; THENCE LEAVING SAID CURVE SOUTH 59°11'31" WEST, 60.00 FEET TO A POINT OF CURVATURE; THENCE 302.19 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 561.00 FEET, A CENTRAL ANGLE OF 30°51'48" AND WHOSE CHORD BEARS SOUTH 74°37'25" WEST, 293.55 FEET, TO A POINT OF TANGENCY; THENCE NORTH 89°56'41" WEST, 788.49 FEET TO THE TRUE POINT OF BEGINNING; SAID PARCEL CONTAINING 47.57 ACRES, MORE OR LESS.

2503 231  
110 272C



## EXHIBIT "D"

## SUB AREA 3

A PARCEL OF LAND SITUATED WITHIN THE EAST ONE-HALF ( $\frac{1}{2}$ ) OF SECTION 8, TOWNSHIP 5 SOUTH, RANGE 67 WEST, OF THE 6TH PRINCIPAL MERIDIAN CITY AND COUNTY OF DENVER, COLORADO. SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT WHICH IS THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF EAST BELLEVIEW AVENUE AND THE WEST LINE OF THE EAST ONE HALF ( $\frac{1}{2}$ ) OF SAID SECTION 8 FROM WHICH THE SOUTH ONE-QUARTER ( $\frac{1}{4}$ ) CORNER OF SAID SECTION 8 BEARS SOUTH 00°39'23" WEST, 50.00 FEET; THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE OF EAST BELLEVIEW AVENUE SOUTH 89°56'41" EAST, 1276.53 FEET; THENCE LEAVING SAID NORTH RIGHT-OF-WAY LINE NORTH 00°11'19" EAST, 1145.04 FEET TO A POINT ON THE CENTERLINE OF A PUBLIC SERVICE COMPANY EASEMENT RECORDED IN BOOK 692, PAGE 344, WITH THE CLERK AND RECORDER OF ARAPAHOE COUNTY, AND THE TRUE POINT OF BEGINNING; THENCE LEAVING SAID CENTERLINE OF THE EASEMENT NORTH 50°51'49" EAST, 610.00 FEET; THENCE NORTH 04°38'56" WEST, 429.42 FEET TO THE CENTERLINE OF SAID PUBLIC SERVICE EASEMENT; THENCE NORTH 50°45'19" EAST ALONG SAID CENTERLINE 160.00 FEET; THENCE NORTH 24°00'35" WEST, 959.57 FEET; THENCE NORTH 65°59'25" EAST, 325.15 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 25; THENCE NORTH 24°03'07" WEST, ALONG SAID RIGHT-OF-WAY LINE 600.00 FEET; THENCE LEAVING SAID RIGHT-OF-WAY LINE SOUTH 65°56'53" WEST, 667.02 FEET TO A POINT ON A CURVE; THENCE 447.65 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 561.00 FEET, A CENTRAL ANGLE OF 45°43'08", AND WHOSE CHORD BEARS SOUTH 16°06'00" WEST, 435.86 FEET TO A POINT OF TANGENCY; THENCE SOUTH 38°57'33" WEST, 518.25 FEET TO A POINT OF CURVATURE; THENCE 375.03 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 561.00 FEET, A CENTRAL ANGLE OF 38°18'10", AND WHOSE CHORD BEARS SOUTH 19°48'28" WEST, 368.09 FEET TO A POINT OF TANGENCY; THENCE SOUTH 00°39'23" WEST, 151.58 FEET TO A POINT OF CURVATURE; THENCE 712.85 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 561.00 FEET, A CENTRAL ANGLE OF 72°48'16" AND WHOSE CHORD BEARS SOUTH 35°44'45" EAST, 665.85 FEET TO A POINT OF TANGENCY; THENCE SOUTH 72°08'53" EAST, 125.27 FEET TO A POINT OF CURVATURE; THENCE 404.77 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 561.00 FEET, A CENTRAL ANGLE OF 41°20'24", AND WHOSE CHORD BEARS SOUTH 51°28'41" EAST, 396.05 FEET; THENCE SOUTH 68°53'31" EAST, 150.00 FEET TO THE TRUE POINT OF BEGINNING AND CONTAINING 54.33 ACRES MORE OR LESS.

2503 232

110 272D

## EXHIBIT "E"

## SUB AREA 4

A PARCEL OF LAND SITUATED WITHIN THE EAST ONE HALF ( $\frac{1}{2}$ ) OF SECTION 8, TOWNSHIP 5 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH IS THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF EAST BELLEVIEW AVENUE AND THE WEST LINE OF THE EAST ONE HALF ( $\frac{1}{2}$ ) OF SAID SECTION 8 FROM WHICH THE SOUTH ONE-QUARTER ( $\frac{1}{4}$ ) CORNER OF SAID SECTION 8 BEARS SOUTH  $00^{\circ}39'23''$  WEST, 50.00 FEET; THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE OF EAST BELLEVIEW AVENUE SOUTH  $89^{\circ}56'41''$  EAST, 1276.53 FEET; THENCE LEAVING SAID NORTH RIGHT-OF-WAY LINE NORTH  $00^{\circ}11'19''$  EAST, 1105.04 FEET; THENCE CONTINUING NORTH  $00^{\circ}11'19''$  EAST ALONG THE CENTERLINE OF A PUBLIC SERVICE EASEMENT RECORDED IN BOOK 692 AT PAGE 344, WITH THE CLERK AND RECORDER OF ARAPAHOE COUNTY, 40.00 FEET; THENCE LEAVING SAID CENTERLINE NORTH  $68^{\circ}53'31''$  WEST, 150.00 FEET; THENCE SOUTH  $59^{\circ}11'31''$  WEST, 60.00 FEET TO A POINT OF CURVATURE; THENCE 302.19 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 561.00 FEET, A CENTRAL ANGLE OF  $30^{\circ}51'48''$ ; AND WHOSE CHORD BEARS SOUTH  $74^{\circ}37'25''$  WEST, 298.55 FEET TO A POINT OF TANGENCY; THENCE NORTH  $89^{\circ}56'41''$  WEST, 788.49 FEET TO A POINT ON THE WEST LINE OF SAID EAST ONE HALF ( $\frac{1}{2}$ ) OF SECTION 8; THENCE ALONG SAID WEST LINE SOUTH  $00^{\circ}39'23''$  WEST, 1088.76 FEET TO THE TRUE POINT OF BEGINNING; AND CONTAINING 32.34 ACRES MORE OR LESS.

2503 233

110 272E

# City & County of Denver Board of Councilmen

## ZONING AMENDMENT FINDINGS

655

C.B. NO. 684 APPLICATION NO. 3303

APPLICANT Urban Investment & Development Co. ADDRESS 717 17th Street Su 1330 INTEREST  
Miller-Davis Co Denver, CO 80202 OWNER  
410 17th Street Su 1600 XX AGENT  
Denver, CO 80202

OTHER PERSONS, FIRMS OR CORPORATIONS REPRESENTED BY APPLICANT

Belquince Investment Co 650 S Cherry St Su 1005 INTEREST  
Option Holders: 717 17th St Suite 1330 XX OWNER  
Denver Tech Center Assoc 410 17th St Suite 1600 AGENT  
Quincy Investment Co

LOCATION OF PROPOSED CHANGE Parcel S.W. of I-25 & Quincy Ave.

LEGAL DESCRIPTION OF PROPERTY The property is situated within the East 1/2 of Section 8, T-5-2, R-67-W of the 6th P.M., City and County of Denver, more particularly described in the attached Exhibit A.

AREA OF SUBJECT PROPERTY (SQUARE FEET OR ACRES) 165.4 Acres, more or less

PRESENT ZONE R-2-A, R-0, R-S-2 PROPOSED ZONE B-4(waivers)

DATE OF PUBLIC HEARING 12/7/81

FINDINGS OF FACT AND CONCLUSION This land area is abutted on the east and south by high-density office and commercial development. It is a portion of the southeast corridor that has changed in recent years from agricultural uses to a designated activity center. The proposal has been carefully designed and restricted in development to protect single-family development in Cherry Hills Village and residential development in Denver North of Quincy and east and west of I-25. The greater density will occur to southerly and easterly portions to limit the traffic impact on these residential areas.

DISPOSITION PASSED

*Dec. 16, 1981*

*William R. Robert*  
 \_\_\_\_\_  
 PRESIDENT OF CITY COUNCIL



W. H. McNICHOLS, JR.  
Mayor

# CITY AND COUNTY OF DENVER

DEPARTMENT OF LAW

MAX P. ZALL  
CITY ATTORNEY

OFFICE OF CITY ATTORNEY  
CITY AND COUNTY BUILDING  
DENVER, COLORADO 80202  
PHONE (303) 575-2665

October 22, 1981

MEMORANDUM

TO: William R. Roberts  
President  
Denver Board of Councilmen

FROM: Max P. Zall *W H Z*  
City Attorney

BY: Robert M. Kelly *Robert M Kelly*  
Assistant City Attorney

SUBJECT: ZONING APP. #3303 - Rezoning area described as  
a parcel Southwest of I-25 and Quincy Ave. from  
R-2-A, R-0, R-3-2 to B-4 (Waivers).

Attached is a Bill for an Ordinance relating to Zoning, changing the zoning classification for a specifically described area, generally described as the area west of Interstate 25 and the Paradise Valley Country Club, between Belleview Avenue and Quincy Avenue, reciting certain waivers proposed by the owner and applicants for the zoning classification and providing for a recordation of this Ordinance.

This Bill was prepared at the request of the Zoning Department and was discussed and authorized for filing at the Mayor/Council meeting on Tuesday, October 20, 1981.

RMK/jm

attachments

CITY COUNCIL  
CITY & COUNTY OF DENVER  
OCT 22 1981  
AM 7 8 9 10 11 12 1 2 3 4 5 6 PM

Backloaded 8764184

021786

1981 DEC 21 PM 3:42

Ordinance No. 655 Series 19 81

Councilman's Bill No. 684

2503 221

F. J. SERAFINI  
COUNTY CLERK  
DENVER COUNTY

Meeting Date Nov. 9, 1981

Read in full to the Board of Councilmen and referred to the Committee on

Spaving & Road Use

Committee report adopted and bill ordered published.

Meeting Date Nov. 9, 1981

Read by title and passed.

Meeting Date 12-7, 1981

4:00:00 AM

2503 234

CITY COUNCIL  
CITY & COUNTY OF DENVER

OCT 22 1981

AM  
7:51:00 PM  
12:34:55

RECEIVED  
CITY CLERK  
DENVER  
OCT 22 1981

## Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	Bellevue Land Group, LLC	Representative Name	
Address	1800 Larimer Street, Suite 1800	Address	
City, State, Zip	Denver, CO 80202	City, State, Zip	
Telephone	(303) 260-4321	Telephone	
Email	rschwartz@westfield-co.com	Email	
<p><b>*If More Than One Property Owner:</b>            All standard zone map amendment applications shall be initiated by all the owners of at least 51% of the total area of the zone lots subject to the rezoning application, or their representatives authorized in writing to do so. See page 3.</p>		<p><b>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</b></p>	
Please attach Proof of Ownership acceptable to the Manager for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed or deed of trust, or (c) Title policy or commitment dated no earlier than 60 days prior to application date.			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):	A portion of the property located at 6502 East Union Avenue (formerly 4900 South Monaco Street as reflected in the Assessor's record)		
Assessor's Parcel Numbers:	0708400203000		
Area in Acres or Square Feet:	4.689 acres		
Current Zone District(s):	B-4 with waivers and conditions, UO-1, UO-2		
PROPOSAL			
Proposed Zone District:	S-MX-12		
Does the proposal comply with the minimum area requirements specified in DZC Sec. 12.4.10.3:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	



## REVIEW CRITERIA

<p>General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.7</p>	<p><input checked="" type="checkbox"/> Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan.</p> <p>Please provide an attachment describing relevant adopted plans and how proposed map amendment is consistent with those plan recommendations; or, describe how the map amendment is necessary to provide for an unanticipated community need.</p> <p><input checked="" type="checkbox"/> Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.</p> <p><input checked="" type="checkbox"/> Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</p>
<p>Additional Review Criteria for Non-Legislative Rezoning: The proposal must comply with both of the additional review criteria DZC Sec. 12.4.10.8</p>	<p><b>Justifying Circumstances - One of the following circumstances exists:</b></p> <p><input type="checkbox"/> The existing zoning of the land was the result of an error.</p> <p><input type="checkbox"/> The existing zoning of the land was based on a mistake of fact.</p> <p><input type="checkbox"/> The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage.</p> <p><input checked="" type="checkbox"/> The land or its surroundings has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area to recognize the changed character of the area.</p> <p><input type="checkbox"/> It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (Overlay Zone Districts), of this Code.</p> <p>Please provide an attachment describing the justifying circumstance.</p> <p><input checked="" type="checkbox"/> The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.</p> <p>Please provide an attachment describing how the above criterion is met.</p>

## REQUIRED ATTACHMENTS

Please ensure the following required attachments are submitted with this application:

<input checked="" type="checkbox"/> Legal Description (required to be attached in Microsoft Word document format)
<input checked="" type="checkbox"/> Proof of Ownership Document(s)
<input checked="" type="checkbox"/> Review Criteria

## ADDITIONAL ATTACHMENTS

Please identify any additional attachments provided with this application: **None**

<input type="checkbox"/> Written Authorization to Represent Property Owner(s)
---

Please list any additional attachments:



**PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION/PETITION**

We, the undersigned represent that we are the owners of the property described opposite our names, or have the authorization to sign on behalf of the owner as evidenced by a Power of Attorney or other authorization attached, and that we do hereby request initiation of this application. I hereby certify that, to the best of my knowledge and belief, all information supplied with this application is true and accurate. I understand that without such owner consent, the requested official map amendment action cannot lawfully be accomplished.

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement (must sign in the exact same manner as title to the property is held)	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed or deed of trust, (C) title policy or commitment, or (D) other as approved	Property owner representative written authorization? (YES/NO)
<b>EXAMPLE</b> John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith Josie Q. Smith</i>	01/01/12	(A)	NO
Bellevue Land Group, LLC By Randy M. Schwartz Manager	6502 East Union Avenue Denver, CO 80237 (303) 260-4321 rschwartz@westfield-co.com	100%	<i>Randy M. Schwartz</i>	4/16/15	(C)	No

Last updated: February 4, 2015 Return completed form to rezoning@denvergov.org

Denver Property Assessment and Taxation System (3.2.2)

### 6502 E UNION AVE

Owner	Schedule Number	Legal Description	Property Type	Tax District
BELLEVUE LAND GROUP LLC 1800 LARIMER ST 1800 DENVER, CO 80202-1411	0708400197000 PIN 163859910	A PARCEL OF LAND BEING A PORTION OF THE SE/4 OF S8 T5S R67W DAF *	COMMERCIAL - MICS IMPROVEMENTS	111D

#### Summary

<b>Style:</b>	OTHER	<b>Reception No:</b>	<b>Year Built:</b>	0000	
<b>Recording Date:</b>		<b>Building Sqr. Foot:</b>	0	<b>Document Type:</b>	
<b>Bedrooms:</b>		<b>Sale Price:</b>		<b>Baths Full/Half:</b>	0/0
<b>Mill Levy:</b>	96.804	<b>Basement/Finish:</b>	0/0	<b>Zoning Used for Valuation:</b>	CMX
<b>Lot Size:</b>	363,236				

Note: Valuation zoning may be different from City's new zoning code.

#### Assessment

	Actual	Assessed	Exempt
Current Year			
Land	\$4,358,800	\$1,264,050	\$0
Improvements	\$78,300	\$22,710	
<b>Total</b>	<b>\$4,437,100</b>	<b>\$1,286,760</b>	
Prior Year			
Land	\$4,358,800	\$1,264,050	\$0
Improvements	\$78,300	\$22,710	
<b>Total</b>	<b>\$4,437,100</b>	<b>\$1,286,760</b>	



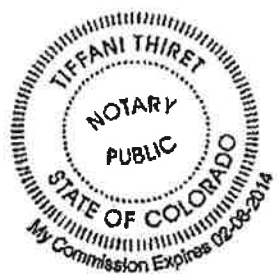
STATE OF COLORADO )  
 ) ss.  
CITY AND COUNTY OF DENVER )

The foregoing instrument was acknowledged before me this 21<sup>st</sup> day of August, 2012, by Randy M. Schwartz as Manager of Westfield Company XIV LLC, a Colorado limited liability company, as Manager of Belleview Land Group LLC, a Colorado limited liability company.

Witness my hand and official seal.

My commission expires: 2-8-2014

  
\_\_\_\_\_  
Notary Public



# OTTENJOHNSON

ROBINSON NEFF + RAGONETTI, PC

March 25, 2015

BRIAN J. CONNOLLY  
303 575 7589  
BCONNOLLY@OTTENJOHNSON.COM

Planning Services  
Community Planning and Development  
City and County of Denver  
201 West Colfax Avenue, Dept. 205  
Denver, Colorado 80202

Re: 4900 South Monaco Street—Rezoning Narrative

To Whom It May Concern:

Our Firm represents Westfield Company, Inc. and its affiliate, Belleview Land Group, LLC (“Westfield”), owner of that certain real property located at 4900 South Monaco Street (the “Property”) in the City and County of Denver (the “City”). Westfield seeks an Official Map Amendment (the “Rezoning”) with respect to the Property, which is currently zoned in the B-4 zone district with waivers and conditions (the “B-4 District”) under Former Chapter 59 of the Denver Revised Municipal Code. The waivers and conditions applicable to the Property are set forth in City Council Ordinance No. 949, Series of 2005. Westfield wishes to rezone the Property to the Suburban Mixed-Use 12-story district (the “S-MX-12 District”) provided under the current Denver Zoning Code (the “D.Z.C.”). This narrative is being provided as a supplement to the rezoning application submitted by Westfield in order to demonstrate the conformance of the Rezoning with the review criteria for rezoning actions set forth in D.Z.C. §§ 12.4.10.7 and 12.4.10.8.

## General Review Criteria

The general review criteria are set forth in D.Z.C. § 12.4.10.7. The Rezoning meets the general review criteria as set forth below.

*Consistency With Adopted Plans.* The Rezoning is consistent with the City’s adopted plans. Adopted plans which relate to the Property include Comprehensive Plan 2000 (“Comp Plan 2000”) and Blueprint Denver (“Blueprint”).

The Rezoning is consistent with Comp Plan 2000 as follows:

- As the Property is located in an existing developed neighborhood with infrastructure already in place, the Rezoning promotes infill development within the City at a site where services and infrastructure are presently in place; will permit development of a mixed-use community; will create density at a transit



node; and will minimize land disturbance through construction practices. (Sustainability Strategy 2-F, Legacies Strategy 3-A) The Property is located within the Denver Tech Center, a major employment center, and the Rezoning therefore promotes the creation of a sustainable community where jobs and other services are accessible by multiple forms of transportation. (Sustainability Strategy 4-A) Furthermore, because the S-MX-12 District will allow the development of a mix of uses on the Property which will discourage automobile travel between properties, the Rezoning promotes energy efficiency in patterns of development. (Sustainability Strategy 4-B)

- Because the Property is located in close proximity to the Belleview light rail station, the Rezoning encourages mixed-use, transit-oriented development that makes effective use of existing transportation infrastructure, supports transit stations, increases transit patronage, reduces environmental impact, encourages vibrant urban centers and neighborhoods. (Land Use Strategy 4-A, Mobility Strategy 5-D, Legacies Strategy 3-B, Housing Strategy 2-F, Housing Strategy 6-A) The Rezoning will support a variety of mobility choices, including light rail, buses, walking and bicycling. (Land Use Strategy 4-B)

The Rezoning is consistent with Blueprint as follows:

- The Property is located in a Mixed Use area as designated on the Blueprint plan map. Mixed Use areas are intended for higher-intensity development in areas with both housing and a sizable employment base. (Blueprint p. 41) The Rezoning to the S-MX-12 District, which is a mixed-use district, is consistent with the Blueprint designation for the Property.
- Mixed Use areas are intended to be proximate to light rail stops, and to have densities of 1 to 1.5 FAR or higher, and 20 to 50 dwelling units per acre or higher. (Blueprint p. 64) The Rezoning will accomplish the foregoing goals.

*Uniformity of District Regulations.* The Rezoning does not propose any deviations or modifications from the standards of the S-MX-12 District, and is therefore consistent with the uniformity requirement.

*Public Health, Safety, and General Welfare.* The Rezoning will not have any adverse impact on public health or safety, and because the Rezoning will encourage mixed-use development in an area proximate to a light rail stop with existing infrastructure, the general welfare will be improved.

### **Additional Review Criteria for Non-Legislative Rezonings**

The additional review criteria for non-legislative rezonings are set forth in D.Z.C. § 12.4.10.8. The Rezoning meets these additional criteria as set forth below.

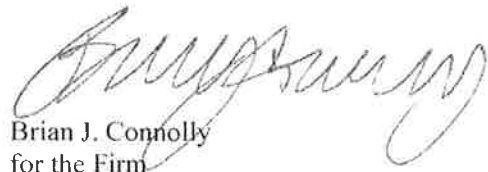
*Changed Circumstances.* The Property and its surrounding environs has changed and is changing to such a degree and it is in the public interest to recognize the changed character of the area. The construction of the RTD light rail line along the I-25 corridor, and the opening of the Belleview light rail station, along with extensive mixed-use development in the area lying to the east of the Property and surrounding the Belleview light rail station are the most significant changes to occur in the immediate vicinity of the Property, and both

dictate toward rezoning the Property to permit mixed-use office, retail, and residential development. Additionally, the City's adoption of the D.Z.C. is a changed circumstance which affords Westfield the opportunity to move away from the antiquated waivers and conditions, including floor area limits, imposed by the existing zoning designation for the Property. Finally, the changing nature of commercial office development—which is becoming increasingly oriented toward mixed-use development which incorporates office and residential uses—will prevent the Property from being developed with standalone office or other commercial development.

*Consistency With Neighborhood Context and Zone District Purpose and Intent.* The suburban mixed-use zone districts are intended to provide safe, active, pedestrian-scaled, diverse areas and to enhance the convenience and ease of walking, shopping and public gathering in the City's neighborhoods, and such districts are appropriate along corridors, for larger sites, and at major intersections. The Rezoning will meet and accomplish all of the foregoing purposes for the S-MX-12 District. The Rezoning will permit the development of a mixed-use project which will encourage walking and the use of alternative transportation options including but not limited to light rail, and the Rezoning will allow the integration of multiple uses into a single site to enhance walking, shopping and gathering in the area near Belleview station. The Property is located immediately adjacent to East Belleview Avenue, which is a major arterial and is very close to the major intersection of Belleview Avenue and I-25.

The foregoing establishes the Rezoning's compliance with the requirements of D.Z.C. §§ 12.4.10.7 and 12.4.10.8. On behalf of Westfield, we appreciate your consideration of Westfield's application and we respectfully request the City's approval of the Rezoning request.

Sincerely,



Brian J. Connolly  
for the Firm

BJC/abm

cc: Randy Schwartz, Westfield Company, Inc. (via email, [rschwartz@westfield-co.com](mailto:rschwartz@westfield-co.com))  
Sean Maley, CRL Associates (via email, [smaley@crlassociates.com](mailto:smaley@crlassociates.com))

1330034 1

**EXHIBIT A**  
**LAND DESCRIPTION**

A PARCEL OF LAND BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 5 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 8 HAVING A BEARING OF NORTH 90°00'00" EAST.

COMMENCING AT THE SOUTHEAST CORNER OF ZONE LOT 13, AS DESCRIBED IN THE DOCUMENT RECORDED UNDER RECEPTION NUMBER 2012116552 IN THE RECORDS OF THE CLERK AND RECORDER IN THE CITY AND COUNTY OF DENVER;

THENCE, ALONG THE EASTERLY BOUNDARY OF SAID ZONE LOT 13, THE FOLLOWING TWO (2) COURSES;

1. NORTH 00°02'57" WEST, A DISTANCE OF 173.25 FEET;
2. NORTH 00°16'06" WEST, A DISTANCE OF 127.90 FEET TO THE POINT OF BEGINNING;

THENCE, CONTINUING NORTH 00°16'06" WEST ALONG SAID EASTERLY BOUNDARY, A DISTANCE OF 3.29 FEET TO THE SOUTHEAST CORNER OF ZONE LOT 20 AS DESCRIBED IN THE DOCUMENT RECORDED UNDER RECEPTION NUMBER 2012116552 IN THE RECORDS OF THE CLERK AND RECORDER IN THE CITY AND COUNTY OF DENVER;

THENCE, ALONG THE EASTERLY BOUNDARY OF SAID ZONE LOT 20, NORTH 00°03'14" WEST, A DISTANCE OF 168.27 FEET;

THENCE NORTH 00°47'49" EAST, A DISTANCE OF 558.90 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF EAST UNION AVENUE, BEING THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 1,235.10 FEET, THE RADIUS POINT OF SAID CURVE BEARS NORTH 06°51'05" WEST;

THENCE, ALONG SAID SOUTHERLY RIGHT-OF-WAY, THE FOLLOWING THREE (3) COURSES;

1. EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 04°53'34", AN ARC LENGTH OF 105.47 FEET;
2. NORTH 78°15'18" EAST, A DISTANCE OF 55.61 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 90.00 FEET;
3. SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 101°09'23", AN ARC LENGTH OF 158.90 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF SOUTH NIAGARA STREET;

THENCE, ALONG SAID WESTERLY RIGHT-OF-WAY, THE FOLLOWING TWO (2) COURSES;

1. SOUTH 00°35'19" EAST, A DISTANCE OF 558.32 FEET;
2. SOUTH 00°22'18" EAST, A DISTANCE OF 113.28 FEET;

THENCE NORTH 90°00'00" WEST, A DISTANCE OF 280.88 FEET TO THE POINT OF BEGINNING.

**EXHIBIT A (CONT.)**

CONTAINING AN AREA OF 4.689 ACRES, (204,234 SQUARE FEET), MORE OR LESS.



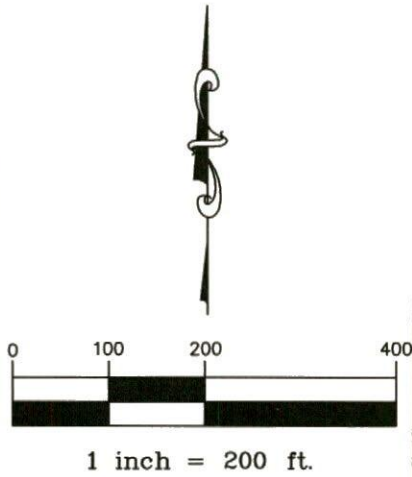
JAMES E. LYNCH, PLS  
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.  
300 E. MINERAL AVE., SUITE 1, LITTLETON, CO 80122  
303-713-1898



# EXHIBIT A

NOTE:  
THIS EXHIBIT DOES NOT REPRESENT A  
MONUMENTED SURVEY. IT IS INTENDED ONLY  
TO DEPICT THE ATTACHED DESCRIPTION.

SE 1/4 SEC. 8,  
T.5S., R.67W., 6TH P.M.



**SOUTH MONACO STREET**  
(120' R.O.W.)

**EAST UNION AVE.**  
(120' R.O.W.)

**SOUTH NIAGARA STREET**  
(R.O.W. WIDTH VARIES)

N78°15'18"E  
55.61'  
Δ=4°53'34"  
R=1235.10'  
L=105.47'

Δ=101°09'23"  
R=90.00'  
L=158.90'

N06°51'05"W(R)  
ZONE LOT 31  
SPECIAL WARRANTY DEED  
REC. NO. 2012102197

ZONE LOT 34  
CONTAINS  
204,234 (SQ.FT.)  
4.689 ACRES  
MORE OR LESS

ZONE LOT 20  
SPECIAL WARRANTY DEED  
REC. NO. 2012116552

N00°03'14"W  
168.27'

N00°16'06"W  
3.29'

ZONE LOT 13  
SPECIAL WARRANTY DEED  
REC. NO. 2012116552

N00°16'06"W  
127.90'

N00°02'57"W  
173.25'

**POINT OF  
BEGINNING**

ZONE LOT 31  
SPECIAL WARRANTY DEED  
REC. NO. 2012102197

**POINT OF  
COMMENCEMENT**

N00°47'49"E 558.90'

S00°35'19"E 558.32'

S00°22'18"E  
113.28'

N90°00'00"W 280.88'

**BASIS OF BEARINGS EAST BELLEVIEW AVENUE**  
SOUTH LINE, SE 1/4, SEC 8 (R.O.W. WIDTH VARIES)  
N 90°00'00" E

S 1/4 COR. SEC. 8  
T.5S., R.67W., 6TH P.M.

SE COR. SEC. 8  
T.5S., R.67W., 6TH P.M.

PATH: V:\23414-06\DWG  
DWG NAME: PARCEL A  
DWG: TP CHK: DSB  
DATE: 5-27-2015  
SCALE: 1" = 200'



300 East Mineral Ave,  
Suite 1  
Littleton, Colorado 80122  
Phone: (303)713-1898  
Fax: (303)713-1897  
www.aztecconsultants.com

## PARCEL EXHIBIT

SE 1/4, SEC. 8, T5S, R67W, 6TH P.M.  
CITY AND COUNTY OF DENVER, COLORADO

JOB NUMBER 23415-06

PAGE 3 OF 3

**Madre Investment Company LLC**  
650 S. Cherry Street, Suite 1005  
Glendale, CO 80246

June 29, 2015

City and County of Denver  
Community Planning and Development  
Attn: Kyle A. Dalton

**re: Re-Zoning Application 2015I00040**

To Whom It May Concern,

Please let this letter serve as our formal objection to the proposed re-zoning by Belleview Land Group LLC (application 2015I00040) from B4 with waivers to S-MX-12. The reasoning behind our objection is multi-faceted; yet I will attempt to explain it below. However, we do not object to *any* re-zoning of this land; we simply feel that S-MX-5 or S-MX-8 would be more appropriate for the area.

Madre Investment Company is the majority land owner of the large area of land currently being developed as Belleview Station. Belleview Station is zoned TMU-30 and has a set of Design Standards and Guidelines that were approved by Denver's City Planning Department. While our zoning allows for a FAR of 5.0 and 225ft height maximum, the City's planning department, at the time, did not want our land adjacent to Niagara Street, bound by Belleview to the south and Union to the north, to allow for such tall buildings as they felt that they would not mix well with the existing surrounding buildings. Therefore we agreed in our GDP and in our design standards to taper down the buildings as our property moves west toward the developed DTC property and the low density residential community of Cherry Hills Village

Prior to our re-zoning in 2006, going back to the 1980's my family owned the land currently owned by Belleview Land Group LLC along with the adjacent 160 acres. At the time, the land was not zoned for any commercial or residential development and we assisted the Denver Tech Center investors in re-zoning the 165 Subdivision to B4 with waivers. Additionally, we contributed funds in order to install various parts of infrastructure that were designed to jointly accommodate both our future needs for Belleview Station and the proposed needs of the Denver Tech Center's 165 acres of development. The B4 with waivers zoning divided the land into four quadrants and the waivers imposed certain limitations on the quantity of residential, retail and office in each quadrant. Currently, the only type of use still available in the 4<sup>th</sup> quadrant (6502 E Union Ave. is located in the 4<sup>th</sup> quadrant) is office. In order for the land owner to build anything other than office, and the amount of office square feet available is also limited by its remaining allocation, the land owner must apply for a re-zoning. As mentioned above, we



are not against any type of re-zoning, rather we only object to a re-zoning that 1) does not blend in with the existing form and density of structures in the surrounding area; and 2) does not negatively impact our allocation of offsite infrastructure. At this point in time, we are concerned that both of these issues may be a problem.

The new CCD form based zoning addresses the relationship between the form and mass of buildings, and the scale of buildings and how they relate to the surrounding streets and public realm. In this area, the majority of the land surrounding the property is currently developed. There are no buildings in that entire area that exceed 7 stories. Most buildings are 4 stories. A 12 story building, as would be approved if the land is re-zoned to S-MX-12, would greatly stand out and does not fit the scale of the surrounding buildings. Additionally, this building is bordered by two streets, Union Avenue (a short distance collector road designed to connect the east side of the DTC development with the west side) and Niagara Street (a recently built local street that spans 3 blocks). Neither of these streets is considered a major arterial road and thus the property is not directly served by a major arterial roadway. Given these conditions, we feel that the area would be better served by a building not to exceed 5 or 8 stories.

The concern about offsite infrastructure is primarily focused on sanitary sewer service. A re-zoning that switches the use from office to residential will have a significant effect on the sanitary flows coming from the building. Sanitary flows currently run to a lift station that we paid to oversize to meet our proposed needs (back when Denver originally asked us to oversize it in the 1980s). From the lift station, the sanitary pipes run north in Monaco until they nearly reach Quincy. At that point, it is my understanding that they are directed east toward I-25. Our approved General Development Plan indicates our intended flows and from what I can remember, the sanitary system further downstream is nearing capacity. It would be prudent to explore if the infrastructure can support sanitary flows from a 12 story residential building without causing adjustments further downstream. We have an intergovernmental agreement with Goldsmith Metropolitan District such that they bear certain obligations to increase capacity in certain lines; but my concern is further downstream. While this is not a major concern for us, it is one I felt worth mentioning.

In conclusion, we would ask the City and County of Denver and its Planning Board to consider alternate re-zoning options that better mix with the type and mass of buildings in the surrounding area. Our position is that a building height maximum of 5 or 8 stories is more appropriate.

Respectfully Submitted,

Brooke B. Maloy  
(303) 506-0094  
brookemaloy@columbiner.com

July 13, 2015

Kyle Dalton, Senior City Planner  
Development Services  
City and County of Denver  
201 West Colfax Avenue, Department 203  
Denver, CO 80202

**Re:** Rezoning Application 2015I00040—6502 East Union Avenue (Bellevue Land Group, LLC)

Dear Mr. Dalton,

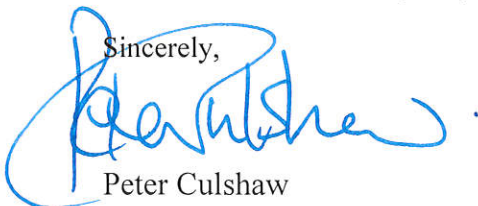
On behalf of Shea Properties, I am writing you to express Shea's support for the above-referenced rezoning. The rezoning request by Bellevue Land Group, LLC would change the zoning designation of the property from B-4 with waivers and conditions to the S-MX-12 district provided in the 2010 Denver Zoning Code.

Shea and its predecessor, DTC West Land Venture, have had long experience with the subject property and the area known as DTC West. The current B-4 zoning of the property dates from 1981. This zoning classification was established as part of a vision to develop DTC West as a suburban mixed-use development with uses and densities similar to those found in the Denver Technological Center. The DTC West zoning—which employed waivers and conditions to create an overall cap on density and to distribute that density among various land uses—placed a principal focus on office uses, however, as with the portion of DTC lying east of I-25, some additional uses were allowed. The zoning was amended in 2005 to redistribute the mix of land uses, however, most of the underlying waivers did not change.

This original B-4 zoning classification and the resulting mix of densities did not anticipate three significant developments that have occurred over the course of the past 34 years. First, the original 1981 zoning classification did not anticipate the construction of the Bellevue light rail station and the creation of an urban transit-oriented development area surrounding the station. Second, the B-4 classification did not fully anticipate the high market demand for mixed use development, and simultaneous decline in demand for single-use suburban office projects, that has materialized in the past decade. Third, neither the 1981 nor the 2005 zoning designations envisioned the drafting and enactment of the 2010 form-based Denver Zoning Code, which broadened the use classifications available under the code while placing a greater focus on building appearance and design.

It is our position that the S-MX-12 designation better reflects the transit-oriented nature of the site, and current and future anticipated market realities with respect to mixed use development. Moreover, we believe the S-MX-12 designation will ensure a continued high quality of development in the DTC West. Please feel free to call me if you have any questions. We respectfully request that this letter be included with any City Council materials regarding this matter.

Sincerely,



Peter Culshaw



## Front Range Land & Development Company

R. Warren III (Trey), AIA  
650 South Cherry St.  
Suite 1005  
Glendale, CO  
80246  
303.565.1688



Denver City Council  
RE: Belleview Land Group Rezoning Application  
6502 E. Union Ave / 4900 So. Monaco St.

Monday, August 24, 2015

To whom it may concern and City Council,

I am writing on behalf of Front Range Land and Development, the master development entity for Belleview Station, with concern about the proposed rezoning of the subject property. Belleview Station is a 55 acre transit oriented development located adjacent and to the east of the subject property. Front Range Land and Development re-zoned the Belleview Station property in 2003 to TMU-30 and filed a General Development Plan with the city in 2006 outlining the development strategy for the project. The TMU-30 zoning allows for densities of up to 5:1 across the entire site and heights of up to 220 ft. In creating the General Development plan however, a realistic look at the market including absorption capacities, competition, and infrastructure constraints drove FRLD to reduce its target densities on the site closer to a 2.4 FAR. As a part of the GDP and zoning requirements, FRLD in concert with the city planning staff, drafted Design Standards and Guidelines for the city's use in reviewing projects against the GDP and zoning requirements. In drafting those Standards and Guidelines, the city requested that the urban design and massing of the overall site respect the scale of the existing neighborhood and suggest that the shortest of the buildings be located furthest from the light rail station and the tallest be located around the station area and against I-25. The Belleview Station master plan and guidelines honor this request and, in fact, the first buildings constructed on the perimeter of the project are 5 stories in height.

The resulting master plan for Belleview Station shows an overall skyline that is lowest in the west and highest to the east which guaranties at least some views of the mountains for each successive development. This design strategy and these heights and densities were factored when sizing the wet utilities already installed throughout the site as well as off-site. In fact, much of the infrastructure capacity that has allowed Belleview Station to pursue its current plan was put in place in the mid 1980's when FRLD and affiliates paid to up-size many of the sanitary and water lines that were being installed for the DTC West development at that time. Many of these utilities were subsequently dedicated to the City of Denver.

As to the subject property that is seeking re-zoning from B-4 with waivers to S-MX-12, it is FRLD's understanding that the intent of the city's new form based zoning is to shape good urban design by reflecting and encouraging forms that mesh with and enhance existing neighborhood context. A quick look at the 165 acre triangle that encompasses the entire DTC West development will reveal that the vast majority of all the buildings within the area are three story walk up apartments. There is one seven story condominium project across Monaco, but the rest of the neighboring buildings do not exceed 5 stories. We fail to see how 12 story zoning meshes with or enhances the existing built neighborhood? If the rationale is that Belleview Station's zoning would allow for building of up to 220 ft, then the city should take a hard look at the Belleview Station GDP and Standards and Guidelines and realize that much lower buildings will most likely exist adjacent. Our experience with the Holland apartment projects is that the Mountain View units are the first to rent, and rent at a premium, and we are finding this also to be true with the Prime West office project. The premium rent modeled and achieved by view opportunities is a contributing factor to the ability to construct the dense and high quality product to which we all aspire for our city and neighborhood.

We have met directly with Westfield Development to review plans for the subject property and they have indicated that over half of the property has already been committed, or is very nearly committed to low rise residential and office projects respectively. They also have disclosed to FRLD that the NE corner portion of the site is where they would like to construct a residential condominium tower of approximately 80 units that is 12 stories in height. For the record, FRLD and Belleview Station would enthusiastically support a residential project of under 100 units that is 12 stories tall in that location. A project of this nature would necessarily have a small footprint of between 20,000 and 30,000 SF, be a welcome icon in the DTC west skyline, and capture a relatively small amount of available sanitary and storm capacity and obstruct only a small portion of the overall view.

Unfortunately, the S-MX-12 zoning allows for far more than Westfield's anticipated project. In fact, the S-MX-12 zoning would allow for complete site coverage with minor setbacks and the development of over 700 apartment units in a 12 story wall of building. This letter objects to this particular but possible outcome. We have no reason to believe that Westfield would pursue anything other than what they have shown us, but as we all know the difficulty with the for sale condo market has taken its toll on the product type and without a real legislative fix, Westfield may be forced to sell the property rather than develop the project they, and we, desire. A new buyer of the property may view the opportunity and neighborhood differently and pursue a project that would maximize the S-MX-12 zoning and negatively impact the neighborhood, views and infrastructure.

The current zoning of the subject property is the former chapter 59 B-4 with waivers that existed prior to the current form based zoning. The current zoning is the only zoning in the history of the city of Denver to have been put to a city wide vote. In 1984 the zoning appeared on the ballot after years of neighborhood negotiations to reduce the allowable heights and densities. As a part of that zoning overall square footage allowances were dedicated to four different "zones" making up the 165 acre DTC West. The subject property exists in zone four and has been subject to many zone lot amendments and "trades" of available SF within zone 4, but never with an increase in square footage allotted. The last amendment to the zone lot was done March 20<sup>th</sup> of this year where the zone lot 34 was created and is

now the subject property. The amendment shows only 215,000 SF of development rights remaining for the zone lot that can only be used for office development.

The zoning department has stated that they are in support of the new zoning category because the old B-4 waivers allowed for building heights of 280 feet and the new S-MX-12 allows for only 150' in height. However, for a 215,000 SF office building to reach 280 feet, it would have to have roughly a 10,000 SF floor plate, which is far too small to be marketed or constructed effectively or efficiently. Today's leasable office plates vary between 25k and 30k SF so the maximum likely height of an office structure on this site under the current zoning is 135' or 9 stories...15' lower than the 150' max height of the S-MX-12 zoning. It is our opinion that the S-MX-12 is an "up-zone" even in terms of height.

In terms of density, it is clear that the current site is limited to 215,000 SF by the zone lot amendment filed just 6 months ago. The S-MX-12 zoning has no limit on density, only a cap on height at 150 feet or 12 stories. If one were to simply take the square footage of the land, subtract the required setbacks and multiply by 12 stories, one would quickly see that densities of over 2 million SF are possible. Even if we assume 20% of the site will go to drive isles and circulation and another 35% to parking, the possible densities are in excess of 1 million SF for the site with an FAR of over 5:1. In our opinion, the council is considering zoning that could easily exceed the existing development rights by 5 times.

Again, we would like to support Westfield in their quest to construct a 12 story residential tower of less than 100 units, but we fear the possibility, however remote, that Westfield may not be the ultimate developer of the site. We would like to recommend that the council consider amending the previous zoning to allow for residential uses within the existing height and square footage allotments, or to consider a PUD for the site where the actual desired development can be targeted specifically. FRLD and Belleview Station have made significant investments in the immediately surrounding infrastructure and accounted for current zoning in all calculations and sizing. A dramatic increase in density on a neighboring site could have serious impacts on infrastructure capacity, view corridors, and timely build outs on property closer to the rail station; but mostly it would be contrary to the good urban design principals set forth in the Belleview Station GDP and to the scale and form of the existing neighborhood.

Thank you for your time and consideration of the matter.

Truly,



R. Warren III (Trey)  
Vice President  
Front Range Land and Development Company