



TO: Denver City Council
FROM: Scott Robinson, Senior City Planner
DATE: May 3, 2018
RE: Official Zoning Map Amendment Application #2017I-00157

Staff Report and Recommendation

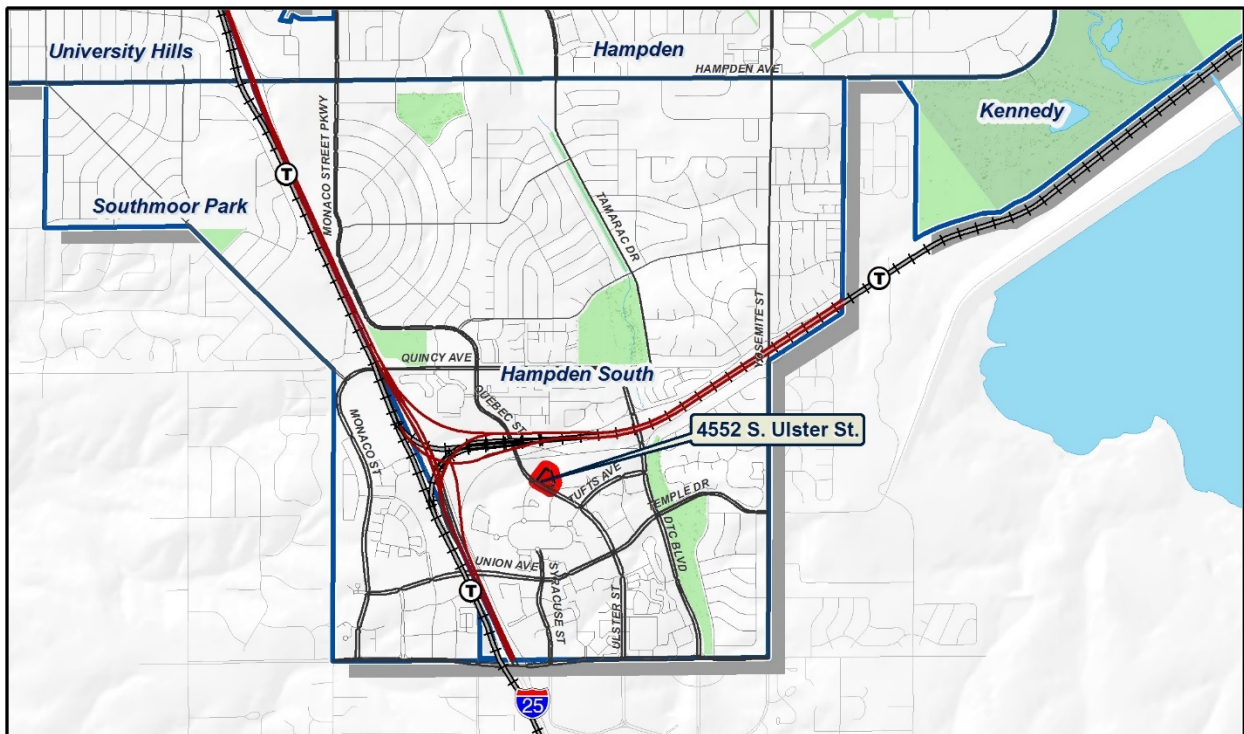
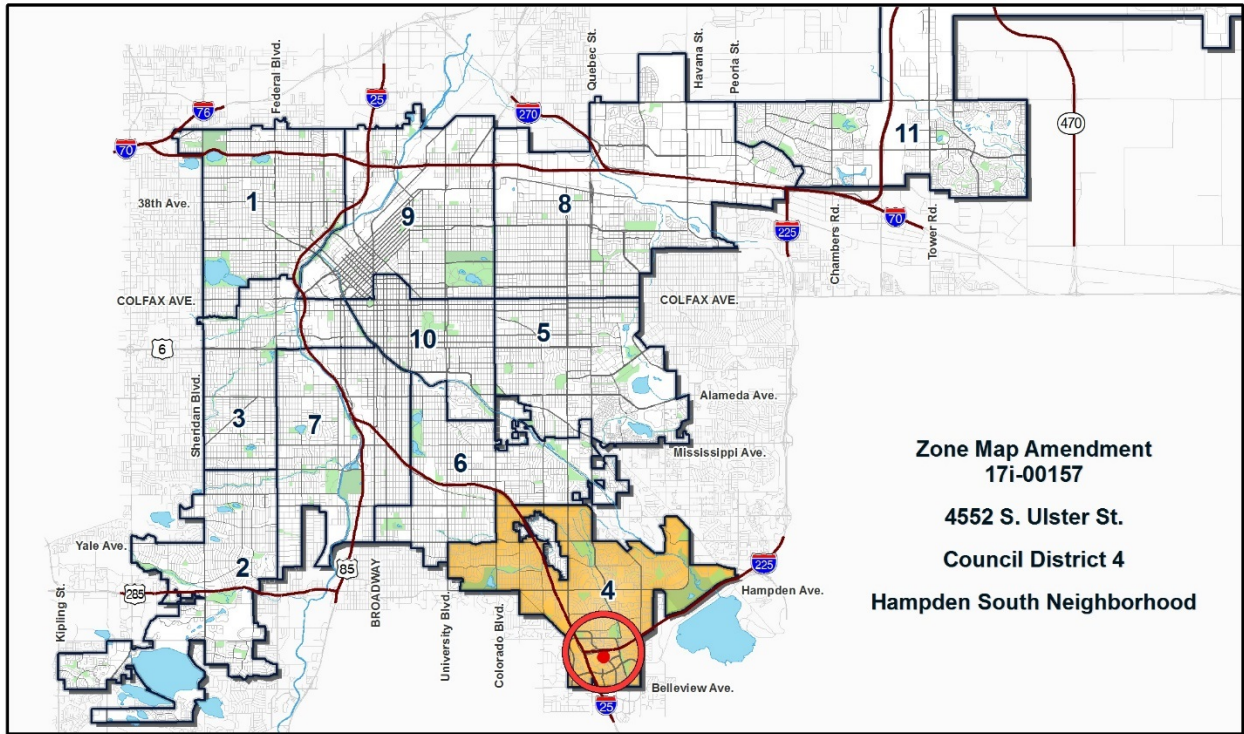
Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2017I-00157.

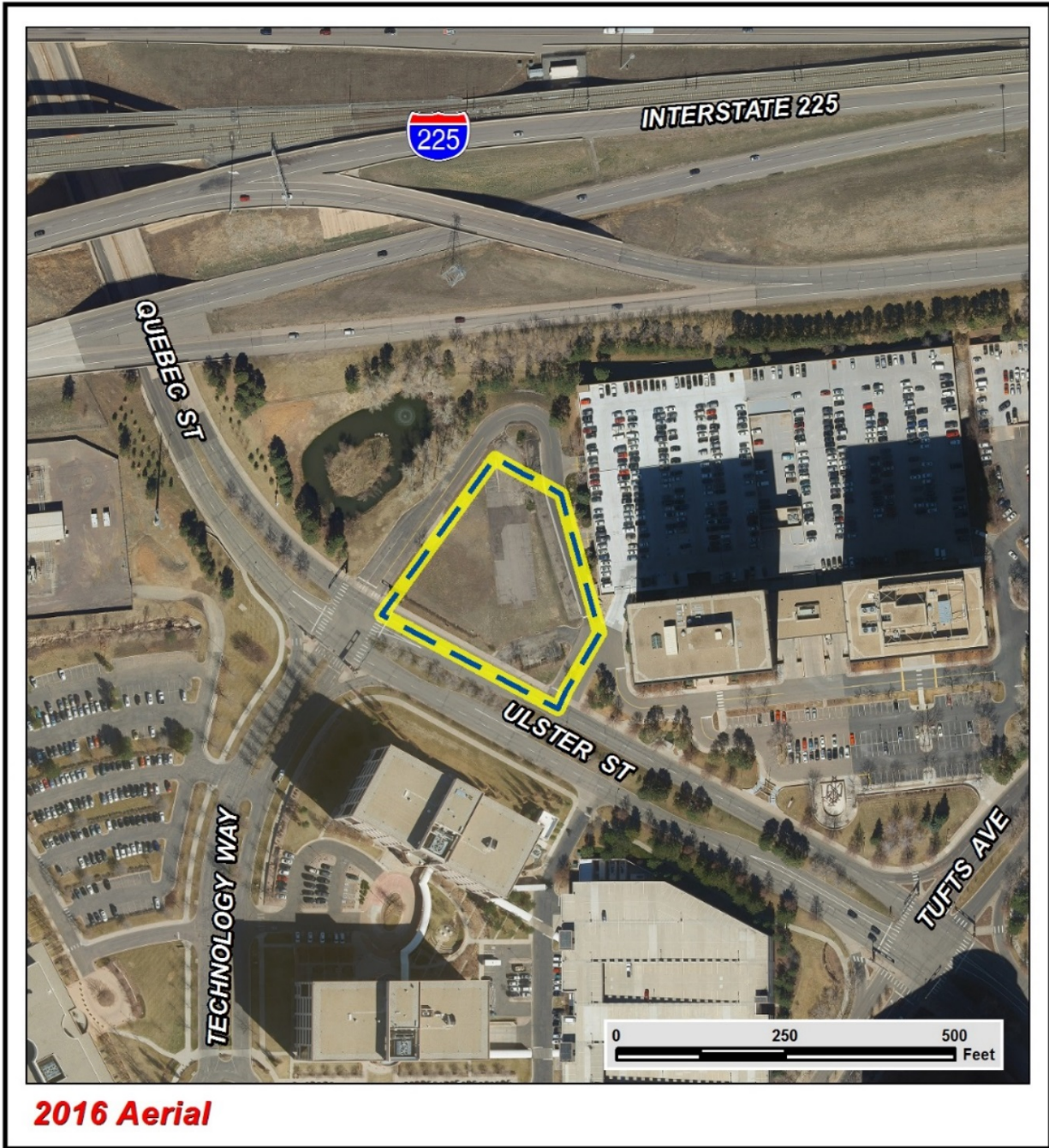
Request for Rezoning

Address:	4552 S. Ulster Street
Neighborhood/Council District:	Hampden South / Council District 4
RNOs:	Inter-Neighborhood Cooperation (INC)
Area of Property:	1.4 acres
Current Zoning:	B-8 with waivers, UO-1, UO-2
Proposed Zoning:	S-MX-12
Property Owner(s):	Oberndorf Ulster, LLC
Owner Representative:	Phil Workman

Summary of Rezoning Request

- The property is located in the Hampden South neighborhood, along S. Ulster St. just south of Interstate 225 in the Denver Tech Center.
- There is currently a parking lot on a portion of the property, and the remainder of the property is vacant.
- The applicant is requesting the map amendment to facilitate development of the property.
- The **S-MX-12** (Suburban Neighborhood, Mixed Use, 12 story) zone district is intended to promote safe, active, pedestrian-scaled diverse areas within and around the city's neighborhoods. Further details of the zone districts can be found in Article 3 of the Denver Zoning Code (DZC).





Existing Context

The property is at the north end of the Denver Tech Center, which includes a mix of office, multi-unit residential, retail, and hotels. Surrounding the subject property are mid-rise and high-rise office buildings, parking garages, an electrical substation, a small pond, and Interstate 225. Across I-225 to the north are multi-unit residential and commercial developments. There is RTD bus service on S. Ulster St.

and the Belleview Station serving the E, F, and R light rail lines is a half-mile to the southwest. Wallace Park and the Goldsmith Gulch Trail are about a quarter-mile to the east.

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-8 w/ waivers UO-1, UO-2	Surface parking and vacant	None	Irregular street grid with large blocks; Ulster Street connects under I-225 to the north. Block shapes are inconsistent. Vehicle parking around buildings in surface lots and garages. Connections within blocks provided by interior drives accessed from the street.
North	S-MX-12 UO-1, UO-2	Vacant and right- of-way	None	
South	B-8 w/ waivers UO-1, UO-2	Office and structured parking	6-story office building and 4-level parking garage	
East	B-8 w/ waivers UO-1, UO-2	Office and structured parking	16-story office building and 4-level parking garage	
West	S-MX-12 UO-1, UO-2; B-8 UO-1, UO-2	Surface parking and electrical substation	None	

1. Existing Zoning



The B-8 is zone district is part of the Former Chapter 59 (FC59) zoning code. The property was not rezoned as part of the citywide rezoning in 2010 because of the waivers included in the zoning. The B-8 zone district allows a wide range of uses, including single-unit and multi-unit residential, office, retail, industrial, and civic. Development in the B-8 zone district is governed by floor area ratio (FAR), with a base allowance of four square feet of building for each square foot of lot, with additional square footage allowed for providing plazas, arcades, moderately

priced dwelling units, and limiting light pollution. In addition, the code requires 50 square feet of open space on the lot for each dwelling unit in multi-unit residential structures. There is no specified maximum height or setback requirements, and parking requirements vary by use. After rezoning into the Denver Zoning Code, the UO-1 use overlay would allow adult uses and the UO-2 overlay would allow billboards, subject to limitations, if the overlays were retained.

The zoning waivers on the property are set forth in Ordinance No. 281 from 1984. There are five waivers in the ordinance. The first prohibits billboards and adult uses on the property. The second limits the developable floor area to 152,550 square feet, where the base FAR allowance of 4 to 1 would allow 247,420 square feet. The third waiver limits the height of structures on the property to 210 feet. The fourth allows a maximum of 70 percent of the site to have structures on it. The final waiver requires an approved Planned Building Group before development can occur on the site.

2. Existing Land Use Map



3. Existing Building Form and Scale



Site – from *Ulster St.*



North – from *Ulster St.*



South – from *Ulster St.*



East – from *Ulster St.*



West – from *Ulster St.*
Source: Google Maps

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.

Department of Public Health and Environment: Approved – Please see comments below:

- Notes. The Denver Department of Public Health and Environment (DDPHE) concurs with the rezoning request and is not aware of environmental conditions of concern on the property that would affect the rezoning request.
- General Notes: Most of Colorado is high risk for radon, a naturally occurring radioactive gas. Due to concern for potential radon gas intrusion into buildings, DEH suggests installation of a radon mitigation system in structures planned for human occupation or frequent use. It may be more cost effective to install a radon system during new construction rather than after construction is complete.
- If renovating or demolishing existing structures, there may be a concern of disturbing regulated materials that contain asbestos or lead-based paint. Materials containing asbestos or lead-based paint should be managed in accordance with applicable federal, state and local regulations.
- Denver's Noise Ordinance (Chapter 36–Noise Control, Denver Revised Municipal Code) identifies allowable levels of noise. Properties undergoing Re-Zoning may change the acoustic environment, but must maintain compliance with the Noise Ordinance. Compliance with the Noise Ordinance is based on the status of the receptor property (for example, adjacent Residential receptors), and not the status of the noise-generating property. Violations of the Noise Ordinance commonly result from, but are not limited to, the operation or improper placement of HV/AC units, generators, and loading docks. Construction noise is exempted from the Noise Ordinance during the following hours, 7am–9pm (Mon–Fri) and 8am–5pm (Sat & Sun). Variances for nighttime work are allowed, but the variance approval process requires 2 to 3 months. For variance requests or questions related to the Noise Ordinance, please contact Paul Riedesel, Denver Environmental Health (720-865-5410).
- Scope & Limitations: DDPHE performed a limited search for information known to DEH regarding environmental conditions at the subject site. This review was not intended to conform to ASTM standard practice for Phase I site assessments, nor was it designed to identify all potential environmental conditions. In addition, the review was not intended to assess environmental conditions for any potential right-of-way or easement conveyance process. The City and County of Denver provides no representations or warranties regarding the accuracy, reliability, or completeness of the information provided.

Development Services – Wastewater: Approve Rezoning Only - Will require additional information at Site Plan Review.

- It is not clear what the proposed changes are. Some narrative and exhibits would be useful to better understand just what changes are proposed. Are the parcels in these legal descriptions the same as before? Are there City easements that are proposed to be going away?

Public Works – City Surveyor: Approved - No Comments.

Public Review Process

	Date
CPD informational notice of receipt of the rezoning application to all affected members of City Council and registered neighborhood organizations:	12/1/17
Property legally posted for a period of 15 days and CPD written notice of the Planning Board public hearing sent to all affected members of City Council and registered neighborhood organizations:	2/16/18
Planning Board unanimously recommended approval of the proposed map amendment:	3/7/18
CPD written notice of the Land Use, Transportation and Infrastructure Committee meeting sent to all affected members of City Council and registered neighborhood organizations, at least ten working days before the meeting:	3/12/18
Land Use, Transportation and Infrastructure Committee of the City Council moved the application on to City Council:	3/27/18
Property legally posted for a period of 21 days and CPD written notice of the City Council public hearing sent to all affected members of City Council and registered neighborhood organizations (tentative):	4/16/18
City Council Public Hearing:	5/7/18

- **Registered Neighborhood Organizations (RNOs)**
 - As of the date of this staff report, no comments have been received from RNOs.
- **Other Public Comment**
 - As of the date of this staff report, no other comments have been received.

Criteria for Review / Staff Evaluation

The criteria for review of this rezoning application are found in DZC, Sections 12.4.10.7 and 12.4.10.8, as follows:

DZC Section 12.4.10.7

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

DZC Section 12.4.10.8

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 within 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.*
- 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.*
- Mobility Strategy 4-E – *Continue to promote mixed-use development, which enables people to live near work, retail and services.*

The proposed map amendment would enable mixed-use development at an infill location where services and infrastructure are already in place. The S-MX-12 zone district would allow increased density and a broad variety of uses consistent with the existing character of the area. The proposed rezoning is consistent with these plan recommendations.

One strategy specifically addresses the Denver Tech Center area:

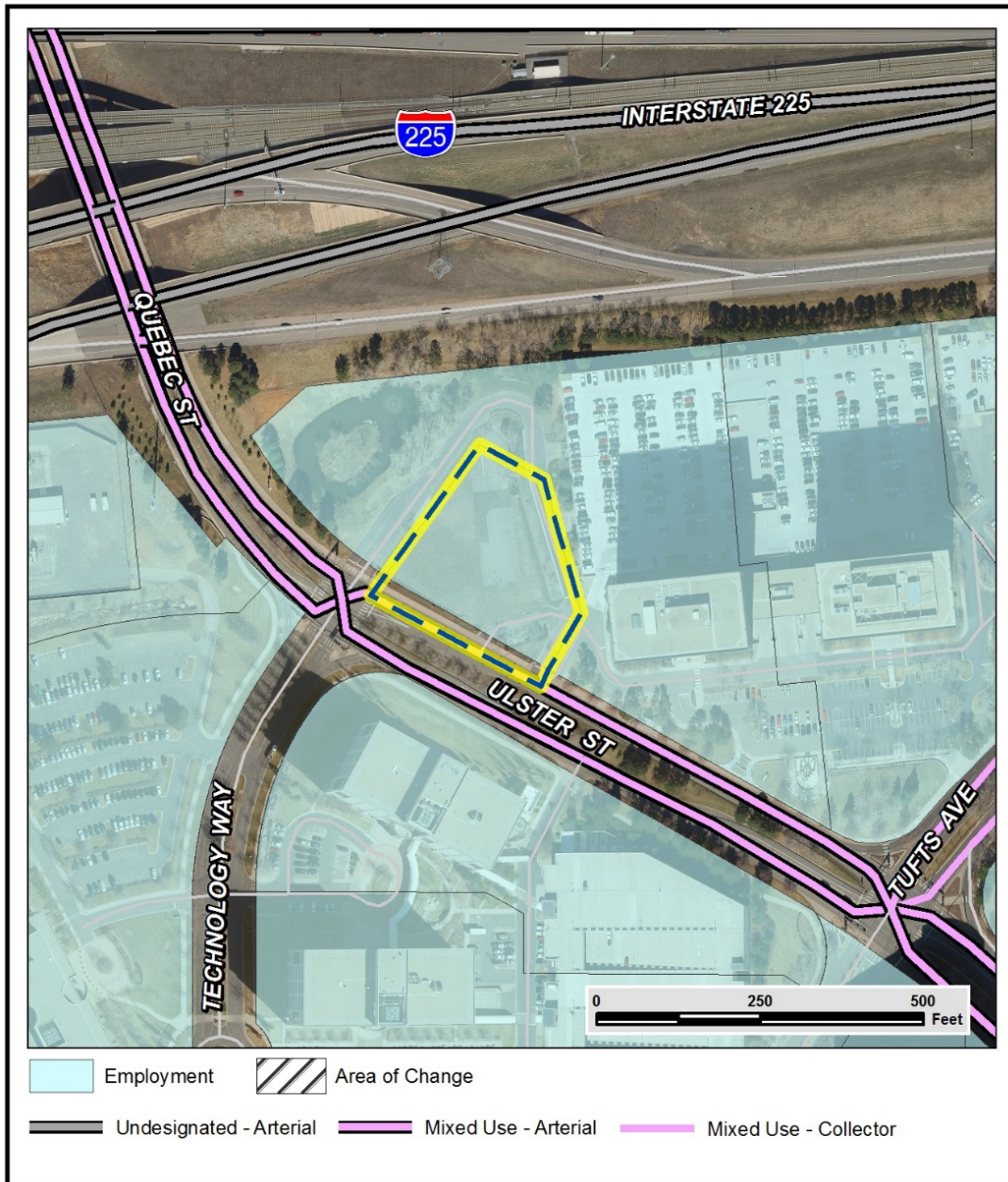
- Economic Activity 4-B – *Enhance existing business centers and establish new business centers in a manner that offers a variety of high-quality uses that support Denver’s business environment, complements neighboring residential areas, generates public revenue, and creates jobs. Consider the following key strategies as top priorities:*
 - *Continue to enhance the Denver Technological Center, Denver’s second largest employment center and home to many of the area’s high-tech businesses. Help relieve congestion along the I-25/225 corridor by working toward a balance of jobs and housing within the DTC. Support pedestrian-friendly development links to the new light rail stations and further development of shuttle service within the center and to surrounding neighborhoods. [...]*

The proposed rezoning would enable mixed-use development within the Denver Tech Center area, enhancing an existing business center. The proposed map amendment is consistent with the recommendation of Denver Comprehensive Plan 2000.

Blueprint Denver

According to the 2002 Plan Map adopted in Blueprint Denver, this site has a concept land use of Employment and is located in an Area of Stability.

Future Land Use



According to Blueprint Denver, “Employment areas contain office, warehousing, light manufacturing and high tech uses such as clean manufacturing or information technology. Sometimes big-box retail is found in these areas. These areas are distinguished from mixed-use centers in that they have few residences and typically have more extensive commercial and some industrial activity” (p. 39). The plan also indicates Employment areas should have average floor area ratios of 2.0 to 4.0 (p. 64). The proposed S-MX-12 zone district would allow a wide range of office and commercial uses, consistent with the plan recommendations.

The S-MX-12 district also allows residential uses, which can be consistent with the Employment designation in limited amounts. The surrounding area is predominantly commercial, so even if this site were to be developed with residential uses, the broader area would still have a mix of uses consistent with its Employment designation. In addition, there are no zone districts within the Denver Zoning Code that do not allow residential uses while meeting the other plan goals, so the proposed S-MX-12 zone district is generally consistent with the plan. The S-MX-12 zone district would allow development of a use and scale consistent with the intent of the Employment designation of Blueprint Denver.

Area of Change / Area of Stability

Blueprint Denver designates the subject property as in an Area of Stability. According to the plan, “the goal for Areas of Stability is to identify and maintain the character of an area while accommodating some new development and redevelopment” (p. 120). The proposed S-MX-12 zoning would facilitate development of a vacant parcel at an intensity and scale that is consistent with the character of the Denver Tech Center.

Street Classifications

Blueprint Denver classifies Ulster Street as a Mixed-Use Arterial. According to the plan, Mixed-Use streets are intended for “high-intensity mixed-use commercial, retail and residential areas with substantial pedestrian activity” (p. 57). Blueprint describes Arterial streets as “designed to provide a high degree of mobility and generally serve longer vehicle trips to, from, and within urban areas” (p. 51). The proposed S-MX-12 zone district would allow mixed-use development of up to 12 stories, consistent with the Blueprint descriptions for Mixed-Use Arterials. The proposed map amendment is consistent with the future land use, Area of Stability, and street classification recommendations of Blueprint Denver.

2. Uniformity of District Regulations and Restrictions

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

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. The proposed rezoning would

also facilitate the development of a vacant parcel, enhancing safety and improving welfare for the community.

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 existing zoning was put in place in 1984 and significant changes have occurred in the area since then. The Denver Tech Center has continued to evolve into a diverse mixed-use development. Major transportation improvements, including the T-REX improvements to I-25 and the extension of the Southeast line of the light rail, have also impacted the area. The character of the area has changed such that the requirements and restrictions of the existing B-8 zoning and its associated waivers are no longer appropriate. The proposed S-MX-12 zone district would allow development more consistent with the current character of the area. The proposed rezoning is justified to recognize the changed character of the area.

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 with an irregular block pattern and curvilinear streets (DZC, Division 3.1). The Denver Tech Center fits the description of a suburban commercial center and office park, and the proposed rezoning would allow development consistent with the description of the Suburban Neighborhood Context.

According to the zone district intent stated in the Denver Zoning Code, the S-MX-12 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.J). Ulster St., adjacent to the subject site, is designated as an arterial and the site is near both I-25 and I-225 in an area also served by transit. The proposed rezoning would allow development consistent with the intent of the S-MX-12 zone district.

Attachments

1. Application
2. Existing zoning ordinance

Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	Oberndorf Ulster LLC	Representative Name	Phil Workman
Address	4530 S Verbena #328	Address	130 Rampart Way #225
City, State, Zip	Denver, CO 80237	City, State, Zip	Denver, CO 80230
Telephone	303-525-0098	Telephone	303-825-1671
Email	Obie-2@msn.com	Email	phil@thepachnercompany.com
<p>*If More Than One Property Owner: 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>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</p>	
<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.</p> <p>If the owner is a corporate entity, proof of authorization for an individual to sign on behalf of the organization is required. This can include board resolutions authorizing the signer, bylaws, a Statement of Authority, or other legal documents as approved by the City Attorney's Office.</p>			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):	4552 South Ulster Street		
Assessor's Parcel Numbers:	0709200048000		
Area in Acres or Square Feet:	61,770 SF		
Current Zone District(s):	B8 w/waivers		
PROPOSAL			
Proposed Zone District:	S-MX-12		

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>Justifying Circumstances - One of the following circumstances exists:</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:

- Legal Description (required to be attached in Microsoft Word document format)
- Proof of Ownership Document(s)
- Review Criteria

ADDITIONAL ATTACHMENTS

Please identify any additional attachments provided with this application:

- Written Authorization to Represent Property Owner(s)
- Individual Authorization to Sign on Behalf of a Corporate Entity

Please list any additional attachments:

-Written authorization for Marcus Pachner and Phil Workman, The Pachner Company, LLC to represent Oberndorf Ulster LLC
- Denver City Ordinance #281, Series 1984, designating current zoning with waivers and conditions



REZONING GUIDE

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	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	Has the owner authorized a representative in writing? (YES/NO)
EXAMPLE John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/01/12	(A)	YES
Oberndorf Ulster LLC	4530 S Verbena #328 Denver, CO 80237	100%	<i>Ronald M Oberndorf</i>	2/15/01	(A)	Yes

Last updated February 22, 2017

Return completed form to rezoning@denvergov.org

201 W. Colfax Ave., Dept. 205
Denver, CO 80202
720-865-2974 • rezoning@denvergov.org

**Oberndorf Ulster LLC
4530 South Verbena Street, Unit #328
Denver, CO 80237**

February 15, 2018

Community Planning and Development
Scott Robinson, Senior City Planner
201 W Colfax Second Floor
Denver, CO 80202

RE: Denver rezoning application 2017I-00157

Mr. Robinson:

I am the owner of the property located at 4552 South Ulster. Until recently, this property was under contract for sale to Legacy Partners Residential LLC. It was pursuant to the Purchase Agreement between Oberndorf Ulster LLC and Legacy Partners Residential LLC that an application was made to rezone this property from B-8 w/waivers to SMX12.


This property is no longer under contract for sale to Legacy Partners Residential LLC. However, as the property owner, and having previously given permission to proceed with the rezoning application, I intend to move forward the existing application as the applicant.

Let this serve as notice that Oberndorf Ulster LLC is now the applicant for Denver rezoning application 2017I-00157.

Sincerely,

Oberndorf Ulster LLC

By:


Donald M. Oberndorf, Manager

February 15, 2018

Community Planning & Development
City and County of Denver
201 W. Colfax Avenue, 2nd floor
Denver, CO 80202

RE: Amendment to Rezoning Application 2017I-00157 -- 4552 South Ulster St.

Dear Community Planning & Development:

I am represent the owner of the property located at 4552 South Ulster Street, This application amends the previous amended application in only one particular, the applicant now is the property owner; Oberndorf Ulster, LLC. The narrative and basis for review and approval remain the same as the previous applicant, Legacy Partners Residential, LLC. Please accept this amended request for rezoning of this property. The property consists of undeveloped land, 61,770 square feet in size, surrounded by mostly developed office and hotel properties zoned B-8 and S-MX-12. The previous applicant notified INC and the Denver Neighborhood Association via email of the intent to file a rezoning application on this property.

Criteria for Rezoning

Per the Denver Zoning Code, an application for rezoning must meet all of the "General Review Criteria" of DZC 12.4.10.7, and at least one of the "justifying circumstances" of the "additional review criteria" found in DZC 12.4.10.8.A, plus the general review standard of DZC 2.4.10.8.B.

The following is a listing an analysis of these standards:

A.

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 the adoption of the City's plan. The land is designated as an "area of stability" and employment" in Blueprint Denver, but the proposed rezoning is necessary to facilitate the need for more housing. The land around the site has evolved into a mixed-use area in part due to its proximity to the Belleview Light Rail station. The growth in demand for housing near light-rail as well as the increasing desire to be located near employment was not fully anticipated at the time of adoption of Blueprint Denver. Given these circumstances, and the fact that rezoning will not establish new allowed uses, rezoning from old to new zoning will ensure stability of the area. Additional support for a finding of consistency with adopted plans can be found elsewhere in Blueprint Denver. That document states that "it may be appropriate to change the zoning in Areas of Stability to create a better match between existing land uses and the zoning."

Blueprint Denver, p. 75. This goal fits well with the purpose of the proposed rezoning, which is to redevelop an underutilized parcel to be more consistent with its surroundings. This is further Discussed below. Along these lines Blueprint Denver states that the "role of regulation in Areas of Stability is to ensure that land uses and densities are compatible with stable neighborhoods."

Blueprint Denver, p. 123. Since the land uses and densities permitted within the S-MX-12 zone district are the same as those permitted by the surrounding B-8 zoning designation, but without the associated waivers and conditions, the proposed rezoning would be compatible with the surrounding neighborhood. In addition, a significant area of S-MX-12 zoning abuts the property. Additional support for the proposed rezoning is found throughout the Denver Comprehensive Plan 2000. The Plan's land use strategy deserving particular focus is to "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."

(Comprehensive Plan, Strategy 3-B.)

Again, this rezoning is intended to facilitate the development of an apartment building without the B-8 zoning waiver and condition that limited the size of the building on the property. In addition, the property's location within a half-mile of Belleview Station is consistent with the stated goal to locate "more density at transit nodes." Comprehensive Plan. In this context, South Ulster Street's status as a mixed-use arterial must also be noted. Another land use strategy notes the desire to "encourage housing that meets the increasingly diverse needs of the City's present and future residents

Comprehensive Plan, Strategy 1-H. Permitting multi-family residential development on this current vacant lot obviously enables accommodation of diverse housing needs.

12.4.10.7. B. 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. The regulations and restrictions resulting from this proposed map amendment will provide for uniformity with regard to the buildings in the district. In part this is due to compliance with private design criteria in place for the Denver Tech Center, but it is also notable that zoning in the immediate vicinity is a mix of B-8 and S-MX-12. Uniformity in building throughout the area is apparent, and as such converting a portion of B-8 zoning to S-MX-12 will extend that uniformity.

12.4.10.7.C. Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety and general welfare of the City. The proposed rezoning would further the public health, safety and general welfare of the City on several levels and for several reasons. It would allow for development on a vacant lot constrained by an outdated waiver/condition to the zoning, in close proximity to a light rail station while exhibiting several transportation options. The redevelopment would result in a housing option needed in the vicinity, while remaining consistent with the surrounding neighborhood context. And, on larger level detailed above, the proposed rezoning is consistent with plan guidance and the City's overall goals and objectives, including but not limited to the goal of locating density near transit corridors.

12.4.10.8. A. Justifying Circumstances

One of the following circumstances exists:

1.

The existing zoning of the land was the result of an error;

2.

The existing zoning of the land was based on a mistake of fact;

3.

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;

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; or

5.

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.

The changed character of the area means that Circumstance A.4. above exists on the site. The surrounding environs have been largely developed with offices and hotels, of varying heights and square footages. This site is constrained by a zoning condition that limits square footage, which is outdated given the range of commercial building sizes and uses in the area. These existing uses lack full-time residents and the area would benefit from residential activity both close to employment and transit, outside of normal working hours. In sum, this site is one of the last undeveloped parcels in the vicinity, and as such offers an opportunity to positively supplement the changed character of the area.

12.4.10.8. B. Consistency with Neighborhood Context Description, Zone District

Purpose and Intent Statements

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. The proposed rezoning is consistent with the description of the suburban neighborhood context. Section 3.1.1 of the DZC describes the "suburban" neighborhood context as single-unit and multi-unit residential, commercial strips and centers, and office parks, with multi-unit residential uses primarily located along arterial and collector streets. This code section also states: "Multi-unit building forms are typically separated from single-unit residential and consist of Town House and occasional mid-and high-rise Apartment building forms." DZC Section 3.1.2 also states: "The Suburban Neighborhood Context consists of an irregular pattern of block shapes surrounded by curvilinear streets within a modified or non-existent grid, with cul-de-sacs and typically no alleys. Block shapes and sizes vary."

The property is already located within the suburban neighborhood context, so the proposed rezoning would not have an effect on its consistency. The Code's intent for S-MX-12 zoning is that it apply to "...areas or intersections served primarily by major arterial streets where a building scale of 1 to 12 stories is desired." Not only are 8 to 15 story buildings in immediate

proximity, but the property is located on South Ulster Street, which is designated as a mixed-use arterial. It will also be highly visible from and easily accessible to the interchange to Interstate 25/225. Moreover, and as noted above, the property is located one half-mile from a transit station (Bellevue light rail). For all of the above reasons, we would respectfully request your positive consideration of this proposed rezoning.

Please contact me with any questions or comments.

Phil Workman
The Pachner Company

LAND DESCRIPTION, 4552 S. Ulster St.

Parcel 1:

That tract of land described in Book 1672, at Pages 312-314 and located in the NW $\frac{1}{4}$ of Section 9, Township 5 South, Range 67 West of the 6th Principal Meridian, City and County of Denver, State of Colorado, more particularly described as follows:

COMMENCING at the South $\frac{1}{4}$ corner of said Section 9; Thence North along the centerline of said Section 9, a distance of 1296.94 feet to a point of curvature; Thence along a curve to the left having a radius of 1273.24 feet and a central angle of $25^{\circ}29'43''$ an arc distance of 566.56 feet to a point of tangency; Thence along the tangent to the aforesaid curve 313.16 feet to a point of curvature; Thence along a curve to the left having a radius of 1637.02 feet and a central angle of $36^{\circ}00'51''$ an arc distance of 1028.98 feet to a point of tangency; Thence along the tangent to the aforesaid curve 668.90 feet; Thence on an angle to the right of 90° a distance of 60.00 feet to the Westerly corner of said tract of land described in Book 1672, at Pages 312-314, being the TRUE POINT OF BEGINNING;

Thence continuing along the last mentioned course an additional distance of 250.00 feet; Thence on an angle to the right of 90° a distance of 240.00 feet; Thence on an angle to the right of 90° a distance of 250.00 feet; Thence on an angle to the right of 90° a distance of 240.00 feet to the TRUE POINT OF BEGINNING.

EXCEPT a tract of land in the West $\frac{1}{2}$ of Section 9, Township 5 South, Range 67 West of the 6th Principal Meridian, City and County of Denver, State of Colorado being more particularly described as follows:

COMMENCING at the West Quarter corner of said Section 9; Thence North $89^{\circ}59'06''$ East along the Southerly line of the North $\frac{1}{2}$ of said Section 9, a distance of 2656.05 feet to the center of said Section 9; Thence North $70^{\circ}38'43''$ West a distance of 776.10 feet to a point on the Northerly right-of-way line of East Stanford Avenue; Thence leaving said Northerly right-of-way line of East Stanford Avenue along a non-tangent curve to the right having a chord bearing South $80^{\circ}33'18''$ West a distance of 132.29 feet, a radius of 101.50 feet and a central angle of $81^{\circ}20'22''$, a distance of 144.09 feet to a point on the Northerly right-of-way line of South Quebec Street being a point of reverse curvature; Thence along said Northerly right-of-way line of South Quebec Street the following two (2) courses:

1. Along the arc of a curve to the left having a radius of 1697.02 feet and a central angle of $02^{\circ}26'42''$ a distance of 72.42 feet to a point of tangency;
2. Thence North $61^{\circ}13'14''$ West a distance of 429.00 feet to the Southerly corner of a tract of land as described in Book 1672, at Pages 312-314;

Thence North $28^{\circ}46'46''$ East a distance of 100.00 feet along the Easterly boundary line of said tract of land as described in Book 1672, at Pages 312-314, to the TRUE POINT OF BEGINNING;

Thence North $16^{\circ}13'14''$ West a distance of 212.13 feet to a point on the Northerly boundary line of said tract of land as described in Book 1672, at Pages 312-314; Thence along the boundary

line of said tract of land as described in Book 1672, at Pages 312-314 the following two (2) courses:

1. South 61°13'14" East a distance of 150.00 feet;
2. Thence South 28°46'46" West a distance of 150.00 feet to the TRUE POINT OF BEGINNING.

Parcel 2:

A tract of land in the West ½ of Section 9, Township 5 South, Range 67 West of the 6th Principal Meridian, City and County of Denver, State of Colorado, being more particularly described as follows:

COMMENCING at the West ¼ corner of said Section 9; Thence North 89°59'06" East along the Southerly line of the North ½ of said Section 9, a distance of 2656.05 feet to the center of said Section 9; Thence North 70°38'43" West a distance of 776.10 feet to a point on the Northerly right-of-way line of East Stanford Avenue; Thence leaving said Northerly right-of-way line of East Stanford Avenue along a non-tangent curve to the right having a chord bearing South 80°33'18" West a distance of 132.29 feet, a radius of 101.50 feet and a central angle of 81°20'22" a distance of 144.09 feet to a point on the Northerly right-of-way line of South Quebec Street, being a point of reverse curvature; Thence along said Northerly right-of-way line of South Quebec Street the following two (2) courses:

1. Along the arc of a curve to the left having a radius of 1697.02 feet and a central angle of 02°26'42" a distance of 72.42 feet to a point of tangency;
2. Thence North 61°13'14" West a distance of 669.00 feet to the Westerly corner of a tract of land as described in Book 1672, at Pages 312-314, being the TRUE POINT OF BEGINNING;

Thence continuing along said Northerly right-of-way line of South Quebec Street along the arc of a curve to the right having a radius of 698.00 feet and a central angle of 04°56'24", a distance of 60.18 feet; Thence North 35°41'49" East leaving said Northerly right-of-way line of South Quebec Street a distance of 249.22 feet; Thence South 61°13'14" East a distance of 30.09 feet to the Northerly corner of said tract of land as described in Book 1672, at Pages 312-314; Thence South 28°46'46" West a distance of 250.00 feet along the Westerly line of said tract of land as described in Book 1672, at Pages 312-314 to the TRUE POINT OF BEGINNING.

Parcel 3:

The beneficial easement for detention of storm water run-off, together with rights of ingress and egress for construction, improvement, maintenance, repair and restoration of Detention Pond Site, created by Detention Pond Easement Agreement recorded July 2, 1981, in Book 2404, at Page 432, as modified by Amendment recorded February 3, 1988, at Reception Number 00232730,

City and County of Denver
State of Colorado.

Parcel 4:

The beneficial easement for parking of motor vehicles and related activities, created by Parking Easement and Maintenance Agreement, recorded October 7, 1983, in Book 2926, at Page 383, as modified by Amendment recorded January 30, 1986, at Reception Number 022556,

City and County of Denver,
State of Colorado.

Parcel 5:

The beneficial easement for motor vehicle and pedestrian ingress and egress, created by Reciprocal Easement Agreement, recorded August 6, 1985, at Reception Number 048353,

City and County of Denver
State of Colorado.

Parcel 6:

The beneficial easement for the construction, operation, maintenance and replacement of a sanitary sewer line and related facilities, created by Sanitary Sewer Easement Agreement recorded January 30, 1986, at Reception Number 022555,

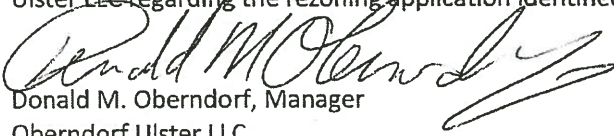
City and County of Denver
State of Colorado.

Oberndorf Ulster LLC
4530 South Verbena Street, Unit #328
Denver, CO 80237

February 6, 2018

RE: Authorization to Represent Rezoning Application, 4552 S. Ulster (2017I-000157)

I hereby authorize Marcus Pachner and Phil Workman, The Pachner Company, to represent Oberndorf Ulster LLC regarding the rezoning application identified above 2017I-000157.


Donald M. Oberndorf, Manager
Oberndorf Ulster LLC

2/6/18



[Print](#)

Real Property Records

Date last updated: Thursday, February 15, 2018

Real Property Records Search

If you have a question about the value, ownership, or characteristics of this property, or any other property in Denver, please call the Assessor at 720-913-4162.

[Link to real property information for this property](#)

[Link to property tax information for this property](#)

[Link to comparable sales information for this property](#)

[Link to property sales information for all Denver neighborhoods](#)

[Link to chain of title information for this property](#)

[Link to map/historic district listing for this](#)

[Link to property sales information for this neighborhood](#)

[Property](#)

[Back to Property List](#)

The property description shown is data from the Assessor's active, in-progress 2016 file. The "current year" values are from the 2016 tax year for real property tax due in 2017. These values are based on the property's physical status as of January 1, 2016.

PROPERTY INFORMATION

Property Type: COMMERCIAL - MISC IMPROVEMENTS

Parcel: 0709200048000

Name and Address Information

Legal Description

OBERNDORF ULSTER LLC
4530 S VERBENA ST 328
DENVER, CO 80237-2525

T5 R67 S9 NW/4 DIF BOOK 2974
PAGE 110
*

Property Address: 4552 S ULSTER ST

Tax District 125B

Assessment Information

	Actual	Assessed	Exempt	Taxable
Current Year				
Land	1443900	418730		
Improvements	1000	290		
Total	1444900	419020	0	419020
Prior Year				
Land	1235400	358270		
Improvements	1000	290		
Total	1236400	358560	0	358560

Style: Other

Reception No.:

Year Built:
Building Sqr. Foot: 0
Bedrooms:
Baths Full/Half: 0/0
Basement/Finished: 0/0

Recording Date: //
Document Type:
Sale Price:
Mill Levy: 89.134

Lot Size: 61,770

[Click here for current zoning](#)

Zoning Used for Valuation: B-8

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

 [Print](#)

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE OF FACT OF GOOD STANDING

I, Wayne W. Williams, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

OBERNDORF ULSTER LLC

is a

Limited Liability Company

formed or registered on 08/21/2000 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 20001162053 .

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 02/14/2018 that have been posted, and by documents delivered to this office electronically through 02/15/2018 @ 10:12:35 .

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, and issued this official certificate at Denver, Colorado on 02/15/2018 @ 10:12:35 in accordance with applicable law. This certificate is assigned Confirmation Number 10723115 .



A handwritten signature in cursive script that reads 'Wayne W. Williams'.

Secretary of State of the State of Colorado

*****End of Certificate*****

Notice: A certificate issued electronically from the Colorado Secretary of State's Web site is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Validate a Certificate page of the Secretary of State's Web site, <http://www.sos.state.co.us/biz/CertificateSearchCriteria.do> entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our Web site, <http://www.sos.state.co.us/> click "Businesses, trademarks, trade names" and select "Frequently Asked Questions."

**ARTICLES OF ORGANIZATION
OF
OBERNDORF ULSTER LLC**

FILED
DONETTA DAVIDSON
COLORADO SECRETARY OF STATE
20001162053 0
\$ 100.00
SECRETARY OF STATE
08-21-2000 10:49:47

I, the undersigned natural person of the age of eighteen years or more, acting as organizer of a limited liability company under the Colorado Limited Liability Company Act, adopt the following Articles of Organization for such limited liability company.

ARTICLE I

Name

The name of the limited liability company is Oberndorf Ulster LLC ("Company").

ARTICLE II

Principal Place of Business

The principal place of business of the Company is:

50 South Steele Street, Suite 510
Denver, CO 80209

ARTICLE III

Registered Agent

The name and business address of the initial registered agent for service of process are:

Barry Permut
633 17th Street, Suite 2200
Denver, CO 80202

458431.1

COMPUTER UPDATE COMPLETE
0/11

ARTICLE IV

Manager

The management of the Company is vested in the Manager. The name and business address of the initial Manager are:

Donald M. Oberndorf
50 South Steele Street, Suite 510 ✓
Denver, CO 80209

ARTICLE V

Organizer

The name and business address of the organizer are:

Barry Permut
633 17th Street, Suite 2200 /
Denver, CO 80202

Dated this 21st day of August, 2000.



Barry Permut, Organizer



Colorado Secretary of State
 Date and Time: 07/23/2017 01:56 PM
 ID Number: 20001162053

Document must be filed electronically.
 Paper documents are not accepted.
 Fees & forms are subject to change.
 For more information or to print copies
 of filed documents, visit www.sos.state.co.us.

Document number: 20171549262
 Amount Paid: \$10.00

ABOVE SPACE FOR OFFICE USE ONLY

Periodic Report

filed pursuant to §7-90-301, et seq. and §7-90-501 of the Colorado Revised Statutes (C.R.S)

ID number: 20001162053
 Entity name: OBERNDORF ULSTER LLC

Jurisdiction under the law of which the
 entity was formed or registered: Colorado

1. Principal office street address: 4530 So Verbena #328
(Street name and number)

Denver CO 80237
(City) (State) (Postal/Zip Code)

United States
(Province – if applicable) (Country – if not US)

2. Principal office mailing address:
 (if different from above)
(Street name and number or Post Office Box information)

(City) (State) (Postal/Zip Code)

(Province – if applicable) (Country – if not US)

3. Registered agent name: (if an individual) Oberndorf Donald M
(Last) (First) (Middle) (Suffix)
 or (if a business organization)

4. The person identified above as registered agent has consented to being so appointed.

5. Registered agent street address: 4530 So Verbena #328
(Street name and number)

Denver CO 80237
(City) (State) (Postal/Zip Code)

6. Registered agent mailing address:
 (if different from above) 4530 So Verbena #328
(Street name and number or Post Office Box information)

Denver Co CO 80237
(City) (State) (Postal/Zip Code)

United States
(Province – if applicable) (Country – if not US)

Notice:

Causing this document to be delivered to the secretary of state for filing shall constitute the affirmation or acknowledgment of each individual causing such delivery, under penalties of perjury, that the document is the individual's act and deed, or that the individual in good faith believes the document is the act and deed of the person on whose behalf the individual is causing the document to be delivered for filing, taken in conformity with the requirements of part 3 of article 90 of title 7, C.R.S., the constituent documents, and the organic statutes, and that the individual in good faith believes the facts stated in the document are true and the document complies with the requirements of that Part, the constituent documents, and the organic statutes.

This perjury notice applies to each individual who causes this document to be delivered to the secretary of state, whether or not such individual is named in the document as one who has caused it to be delivered.

7. Name(s) and address(es) of the individual(s) causing the document to be delivered for filing:

<u>Oberndorf</u>	<u>Don</u>	<u>M</u>	
<i>(Last)</i>	<i>(First)</i>	<i>(Middle)</i>	<i>(Suffix)</i>
<u>4530 So Verbena #328</u>			
<i>(Street name and number or Post Office Box information)</i>			
<hr/>			
<u>Denver Co</u>	<u>CO</u>	<u>80237</u>	
<i>(City)</i>	<i>(State)</i>	<i>(Postal/Zip Code)</i>	
<u>United States</u>			
<i>(Province – if applicable)</i>		<i>(Country – if not US)</i>	

(The document need not state the true name and address of more than one individual. However, if you wish to state the name and address of any additional individuals causing the document to be delivered for filing, mark this box and include an attachment stating the name and address of such individuals.)

Disclaimer:

This form, and any related instructions, are not intended to provide legal, business or tax advice, and are offered as a public service without representation or warranty. While this form is believed to satisfy minimum legal requirements as of its revision date, compliance with applicable law, as the same may be amended from time to time, remains the responsibility of the user of this form. Questions should be addressed to the user's attorney.

2000161252 2000/11/03 08:43:41 1/ 4 QCD
DENVER COUNTY CLERK AND RECORDER 20.00 .00 LLS
1.9

QUITCLAIM DEED

GRANTOR(S), Donald M. Oberndorf, whose legal address is 50 S. Steele Street, Suite 510 of the City and County of Denver and State of Colorado, for the consideration of TEN DOLLARS, in hand paid, hereby sell(s) and quitclaim(s) to Oberndorf Ulster LLC, a Colorado limited liability company whose legal address is 50 S. Steele Street, Suite 510, City and County of Denver and State of Colorado, the following real property, in the City and County of Denver and State of Colorado, to wit:

See Attached Exhibit A

also known by street and number as: 4552 S. Ulster Parkway, Denver, CO 80237

with all its appurtenances.

Actual consideration less than \$500.


Signed this 30th day of October, 2000.


Donald M. Oberndorf

STATE OF COLORADO)
CITY AND)
COUNTY OF DENVER)

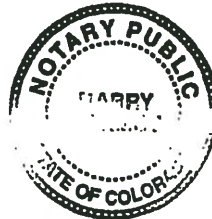
The foregoing instrument was acknowledged before me this 30th day of October, 2000, by Donald M. Oberndorf.

Witness my hand and official seal.


Notary Public

My commission expires: 4/14/2002

No. 898, Rev. 4-94. QUITCLAIM DEED (Short Form)



My Commission Expires April 14, 1999-
Zoo 2

461181.1

EXHIBIT A

LEGAL DESCRIPTION

That tract of land described in Book 1672, at Pages 312-314 and located in the NW 1/4 of Section 9, Township 5 South, Range 67 West of the 6th Principal Meridian, County of Denver, State of Colorado, more particularly described as follows:

COMMENCING at the South 1/4 corner of said Section 9; thence North along the centerline of said Section 9, a distance of 1296.94 feet to a point of curvature; thence along a curve to the left having a radius of 1273.24 feet and a central angle of 25°29'43" an arc distance of 566.56 feet to a point of tangency; thence along the tangent to the aforesaid curve 313.16 feet to a point of curvature; thence along a curve to the left having a radius of 1637.02 feet and a central angle of 36°00'51" an arc distance of 1028.98 feet to a point of tangency; thence along the tangent to the aforesaid curve 668.90 feet; thence on an angle to the right of 90° a distance of 60.00 feet to the Westerly corner of said tract of land described in Book 1672, at Pages 312-314, being the true point of beginning; thence continuing along the last mentioned curve an additional distance of 250.00 feet; thence on an angle to the right of 90° a distance of 240.00 feet; thence on an angle to the right of 90° a distance of 250.00 feet; thence on an angle to the right of 90° a distance of 240.00 feet to the true point of beginning,

EXCEPT a tract of land in the West 1/2 of Section 9, Township 5 South, Range 67 West of the 6th Principal Meridian, City and County of Denver, State of Colorado being more particularly described as follows:

COMMENCING at the West Quarter corner of said Section 9; thence North 89°59'06" East along the Southerly line of the North 1/2 of said Section 9, a distance of 2656.05 feet to the center of said Section 9; thence North 70°38'43" West a distance of 776.10 feet to a point on the Northerly right-of-way line of East Stanford Avenue; thence leaving said Northerly right-of-way line of East Stanford Avenue along a non-tangent curve to the right having a chord bearing South 80°33'18" West a distance of 132.29 feet, a radius of 101.50 feet and a central angle of 81°20'22", a distance of 144.09 feet to a point on the Northerly right-of-way line of South Quebec Street being a point of reverse curvature; thence along said Northerly right-of-way line of South Quebec Street the following two (2) courses:

- 1) Along the arc of a curve to the left having a radius of 1697.02 feet and a central angle of 02°26'42" a distance of 72.42 feet to a point of tangency;
- 2) Thence North 61°13'14" West a distance of 429.00 feet to the Southerly corner of a tract of land as described in Book 1672, at Pages 312-314;

Thence North 28°46'46" East a distance of 100.00 feet along the Easterly boundary line of said tract of land as described in Book 1672, at Pages 312-314, to the true point of beginning; thence North 16°13'14" West a distance of 212.13 feet to a point on the Northerly boundary line of said tract of land as described in Book 1672, at Pages 312-314; thence along the boundary line of

Continued on next page

said tract of land as described in Book 1672, at Pages 312-314 the following two (2) courses:

- 1) South 61°13'14" East a distance of 150.00 feet;
- 2) Thence South 28°46'46" West a distance of 150.00 feet to the true point of beginning,

City and County of Denver,
State of Colorado.

Parcel 2:

A tract of land in the West 1/2 of Section 9, Township 5 South, Range 67 West of the 6th Principal Meridian, County of Denver, State of Colorado, being more particularly described as follows:

COMMENCING at the West 1/4 corner of said Section 9; thence North 89°59'06" East along the Southerly line of the North 1/2 of said Section 9, a distance of 2656.05 feet to the center of said Section 9; thence North 70°38'43" West a distance of 776.10 feet to a point on the Northerly right-of-way line of East Stanford Avenue; thence leaving said Northerly right-of-way line of East Stanford Avenue along a non-tangent curve to the right having a chord bearing South 80°33'18" West a distance of 132.29 feet, a radius of 101.50 feet and a central angle of 81°20'22" a distance of 144.09 feet to a point on the Northerly right-of-way line of South Quebec Street, being a point of reverse curvature; thence along said Northerly right-of-way line of South Quebec Street the following two (2) courses:

- 1) Along the arc of a curve to the left having a radius of 1697.02 feet and a central angle of 02°26'42" a distance of 72.42 feet to a point of tangency;
- 2) Thence North 61°13'14" West a distance of 669.00 feet to the Westerly corner of a tract of land as described in Book 1672, at Pages 312-314, being the true point of beginning;

Thence continuing along said Northerly right-of-way line of South Quebec Street along the arc of a curve to the right having a radius of 698.00 feet and a central angle of 04°56'24", a distance of 60.18 feet; thence North 35°41'49" East leaving said Northerly right-of-way line of South Quebec Street a distance of 249.22 feet; thence South 61°13'14" East a distance of 30.09 feet to the Northerly corner of said tract of land as described in Book 1672, at Pages 312-314; thence South 28°46'46" West a distance of 250.00 feet along the Westerly line of said tract of land as described in Book 1672, at Pages 312-314 to the true point of beginning,

City and County of Denver,
State of Colorado.

Continued on next page

Parcel 3:

The right and benefits as contained in that certain Detention Pond Agreement recorded July 2, 1981, in Book 2404, at Page 432, and amendment thereto recorded February 3, 1988, at Reception Number 232730,

City and County of Denver,
State of Colorado.

Parcel 4:

The right and benefits as contained in that certain Parking Easement and Maintenance Agreement recorded October 7, 1983, in Book 2926, at Page 383, and amendment thereto recorded January 30, 1986, at Reception Number 022556,

City and County of Denver,
State of Colorado.

Parcel 5:

The rights and benefits as contained in that certain Reciprocal Easement Agreement recorded August 6, 1985, at Reception Number 048353,

City and County of Denver,
State of Colorado.

Parcel 6:

The rights and benefits as contained in that certain Sanitary Sewer Easement Agreement recorded January 30, 1986, at Reception Number 022555,

City and County of Denver,
State of Colorado.

ORDINANCE NO. 281
SERIES OF 1984

BY AUTHORITY

COUNCIL BILL NO. 271
COMMITTEE OF REFERENCE:
ZONING, PLANNING
& LAND USE

A B I L L

FOR AN ORDINANCE RELATING TO ZONING,
CHANGING THE ZONING CLASSIFICATION
FOR A SPECIFICALLY DESCRIBED AREA,
GENERALLY DESCRIBED AS 4550 SOUTH
ULSTER PARKWAY, RECITING CERTAIN
WAIVERS PROPOSED BY THE OWNER AND
THE APPLICANT FOR THE ZONING CLASSI-
FICATION 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 area hereinafter described, Council finds:

1. That the land area hereinafter described is presently classified as a part of the B-8 District and as a part of the B-8 District with certain waivers;
2. That the owner and the applicant propose that the zoning classification of the land area hereinafter described be changed to B-8 with certain waivers; and
3. That in their application the owner and the applicant have represented that if the zoning classification is changed pursuant to their application, the owner and the applicant will and hereby do:

(a) waive the right to use or occupy the land area hereinafter described or to use, occupy or erect thereon any structure or structures designed, erected, altered, used or occupied for an outdoor general advertising device; for an adult book store; for an eating place with adult amusement or entertainment; for an adult photo studio; and/or for an adult theater;

3133 243

(b) waive the right to develop the maximum gross floor area as permitted in the B-8 District by agreement not to construct, erect and/or build in excess of 152,550 square feet of gross floor area;

(c) waive the right to develop the maximum height as permitted in the B-8 District by agreement not to construct, erect and/or build in excess of 210 feet in height of which the height shall be measured from the center line of the closest land of South Ulster Parkway at the mid-point of the property;

(d) waive the right to develop permanent structures on 30 percent of the site area; and

(e) waive the right to use or occupy the land area hereinafter described or to use, occupy or erect any structure thereon without having first on file at the Office of the Clerk and Recorder of the City and County of Denver and State of Colorado an approved Special Zone Lot Plan for Planned Building Groups covering the area of such construction pursuant to Article VII. of Chapter 59 of the Revised Municipal Code of the City and County of Denver.

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 B-8 and B-8 with certain waivers to B-8 with certain waivers, which waivers are set forth in Subsection 3 of Section 1 hereof:

"AOB PARCEL"

A tract of land in the NW 1/4 of Section 9, Township 5 South, Range 67 West of the 6th P.M., more particularly described as follows:

Commencing at the South one quarter corner of said Section 9; thence North along the centerline of said Section 9, a distance of 1296.94 feet to a point of curvature; thence along a curve to the left having a radius of 1273.24 feet and a central angle of 25°29'43" an arc distance of 566.56 feet to a point of tangency; thence along the tangent to the aforesaid curve 313.16 feet to a point of curvature; thence along a curve to the left having a radius of 1637.02 feet and a central angle of 36°00'51" an arc distance of 1028.98 feet to a point of tangency; thence along the tangent of the aforesaid curve 668.90 feet; thence on an angle to the right of 90° a distance of 60.00 feet to the TRUE POINT OF BEGINNING;

-2-

3133 244

thence continuing along the last mentioned course an additional distance of 250.00 feet;
thence on an angle to the right of 90° a distance of 240.00 feet;
thence on an angle to the right of 90° a distance of 250.00 feet;
thence on an angle to the right of 90° a distance of 240.00 feet to the TRUE POINT OF BEGINNING,

TOGETHER WITH an easement for ingress and egress as granted in that certain Declaration of Easement from Goldsmith Metropolitan District, a quasi-municipal corporation, dated February 15, 1980, recorded February 25, 1980 in Book 2110 at Page 630, over the properties described in Exhibit A in said Declaration.

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State of Colorado.

TOGETHER WITH a tract of land in the W½ of Section 9, Township 5 South, Range 67 West of the 6th Principal Meridian, County of Denver, State of Colorado, being more particularly described as follows:

COMMENCING at the West quarter corner of said Section 9;

THENCE North 89°59'06" East along the Southerly line of the N½ of said Section 9, a distance of 2656.05 feet to the center of said Section 9;

THENCE North 70°38'43" West a distance of 776.10 feet to a point on the Northerly right-of-way line of East Stanford Avenue;

THENCE leaving said Northerly right-of-way line of East Stanford Avenue along a non-tangent curve to the right having a chord bearing South 20°33'18" West a distance of 132.29 feet, a radius of 101.50 feet and a central angle of 81°20'22" a distance of 144.09 feet to a point on the Northerly right-of-way line of South Quebec Street, being a point of reverse curvature;

THENCE along said Northerly right-of-way line of South Quebec Street the following two (2) courses:

- 1) along the arc of a curve to the left having a radius of 1697.02 feet and a central angle of 02°26'42" a distance of 72.42 feet to a point of tangency;
- 2) thence North 61°13'14" West a distance of 569.00 feet to the Westerly corner of a Tract of Land as described in Book 1672, Pages 312-314, being the TRUE POINT OF BEGINNING;

THENCE continuing along said Northerly right-of-way line of South Quebec Street along the arc of a curve to the right having a radius of 698.00 feet and a central angle of $04^{\circ}56'24''$, a distance of 60.18 feet;

THENCE North $35^{\circ}41'49''$ East leaving said Northerly right-of-way line of South Quebec Street a distance of 249.22 feet;

THENCE South $61^{\circ}13'14''$ East a distance of 30.09 feet to the Northerly corner of said Tract of Land as described in Book 1672, Pages 312-314;

THENCE South $28^{\circ}46'46''$ West a distance of 250.00 feet along the Westerly line of said Tract of Land as described in Book 1672, Pages 312-314 to the TRUE POINT OF BEGINNING.

EXCEPT a tract of land in the $W\frac{1}{2}$ of Section 9, Township 5 South, Range 67 West of the 6th P.M., being more particularly described as follows:

Commencing at the West Quarter corner of said Section 9;
thence North $89^{\circ}59'06''$ East along the Southerly line of the N $\frac{1}{2}$ of said Section 9, a distance of 2656.05 feet to the center of said Section 9;
thence North $70^{\circ}38'43''$ West a distance of 776.10 feet to a point on the Northerly right of way line of East Stanford Avenue;
thence leaving said Northerly right of way line of East Stanford Avenue along a non-tangent curve to the right having a chord bearing South $80^{\circ}31'18''$ West a distance of 132.29 feet, a radius of 101.50 feet and a central angle of $81^{\circ}20'22''$, a distance of 144.09 feet to a point on the Northerly right of way line of South Quebec Street, being a point of reverse curvature;
thence along said Northerly right of way line of South Quebec Street thence following two (2) courses:

1) along the arc of a curve to the left having a radius of 1697.02 feet and a central angle of $02^{\circ}26'42''$ a distance of 72.42 feet to a point of tangency;

2) thence North $61^{\circ}13'14''$ West a distance of 429.00 feet to the Southerly corner of a Tract of Land as described in Book 1672, Pages 312-314;

thence North $28^{\circ}46'46''$ East a distance of 100.00 feet along the Easterly boundary line of said Tract of Land as described in Book 1672, Pages 312-314 to the TRUE POINT OF BEGINNING;

thence North $16^{\circ}13'14''$ West a distance of 212.13 feet to a point on the Northerly boundary line of said Tract of Land as described in Book 1672, Pages 312-314;
thence along the boundary line of said Tract of Land as described in Book 1672, Pages 312-314, the following two (2) courses:

1) South $61^{\circ}13'14''$ East a distance of 150.00 feet to the Easterly corner of said Tract of Land;

2) thence South $28^{\circ}46'46''$ West along the Easterly boundary line of said Tract of Land a distance of 150.00 feet to the TRUE POINT OF BEGINNING,

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in addition thereto those portions of all abutting public rights-of-way, but only to the centerline thereof, which are immediately adjacent to the aforesaid specifically described area.

Section 3. That the foregoing change in zoning classification is based upon the representations by the owner and the applicant 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 3 of Section 1 hereof, which said waivers shall be binding upon the owner and the applicant for the change in zoning classification and shall be binding upon all successors and assigns of said owner and said applicant.

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 June 18, 1984

J. Ted Hackworth - President

APPROVED: Johnnie Davis - Mayor June 26 1984

ATTEST: [Signature] - Clerk and Recorder, Ex-Officio
Clerk of the City and County
of Denver

PUBLISHED in the Daily Journal May 25, 1984 June 26, 1984

REVIEWED by: Patricia Wills - City Attorney 5/16 1984

PREPARED by: Robert M. Kelly - May 16, 1984
City Attorney's Office

SPONSORED by Council Member(s): _____ 1984



3133 247

Ordinance No. 281 Series 19 84

Councilman's Bill No. 271

081237

3133 243

1984 JUN 28 PM 3:09
DENVER COUNTY
COMMITTEE FOR
PLANNING

Meeting Date May 21, 1984

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

zoning, planning & zoning, land use

Committee report adopted and bill ordered published.

Meeting Date 5-21, 19 84

Read by title and passed.

Meeting Date June 18, 1984

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CITY COUNCIL
CITY & COUNTY OF DENVER
REGISTRATION

MAY 17 1984 PM
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