



TO: Denver Planning Board
FROM: Ryan Winterberg-Lipp, AICP, Senior City Planner
DATE: July 14, 2016
RE: Official Zoning Map Amendment Application #2015I-00177
1145 and 1156 South Broadway
Rezoning from T-MU-30 with waivers and conditions UO-1 to C-MX-12 UO-1

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2015I-00177 for a rezoning from T-MU-30 with waivers and conditions (“W/C”) UO-1 to C-MX-12, UO-1.

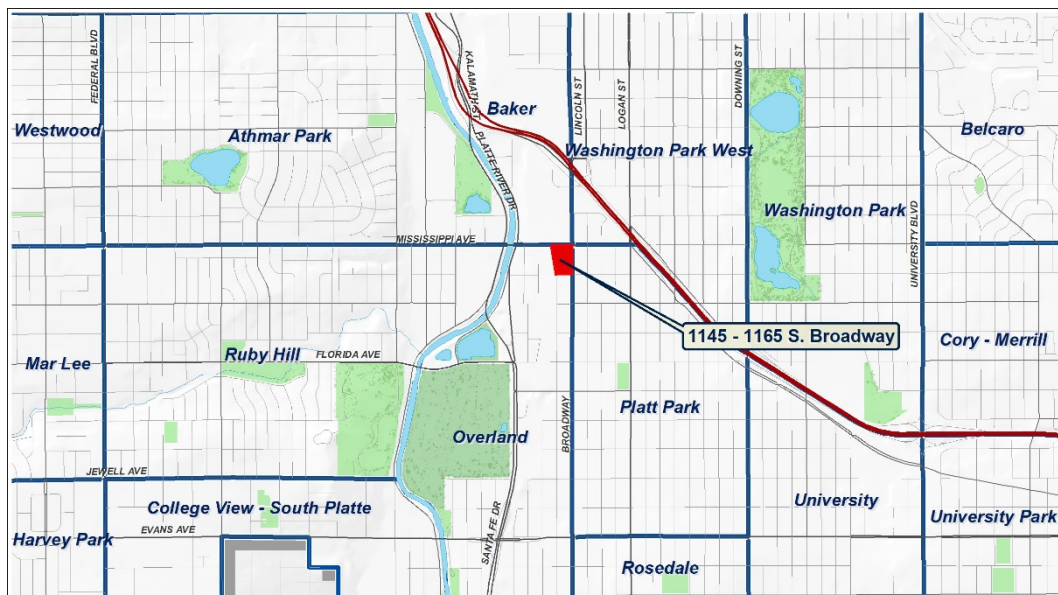
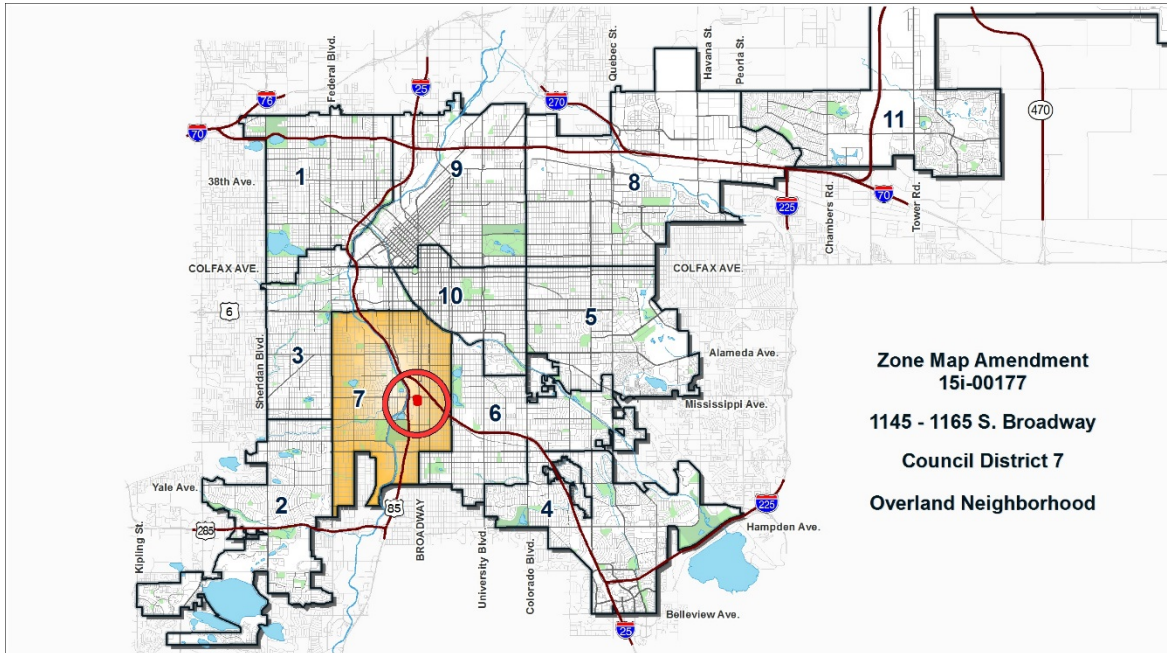
Request for Rezoning

Application:	#2015I-00177
Address:	1145 and 1165 South Broadway
Neighborhood/Council District:	Overland / Council District 7
RNOs:	Baker Historic Neighborhood Association; Denver Neighborhood Association, Inc.; Inter-Neighborhood Cooperation; Overland Park Neighborhood Association; Platt Park People’s Association;
Area of Property:	5.08 acres
Current Zoning:	T-MU-30 W/C, UO-1
Proposed Zoning:	C-MX-12, UO-1
Property Owner(s):	Windsor at Broadway Station LLC and Broadway Affordable LLLP
Owner Representative:	Brad Buchanan, FAIA, Manager of Community Planning and Development

Summary of Rezoning Request

- The subject property is located in the Overland Statistical Neighborhood at the southwest intersection of South Broadway and West Mississippi Ave. The site is an entire block and is comprised of two ownership parcels, owned by Windsor at Broadway Station LLC and Broadway Affordable LLLP, respectively.
- The two parcels were developed in conjunction in 2007 and generally function as one five-story mixed-use and multi-family residential development. Windsor at Broadway Station LLC owns one multi-family structure and both owners own a mixed-use structure with condominiumized ground floor commercial uses and covenant-restricted affordable rental units. Structured parking and access are shared across the site.
- The site was developed independently as the only phase of the Cherokee-Gates redevelopment concept to be realized. The site’s infrastructure stands alone from the remainder of the

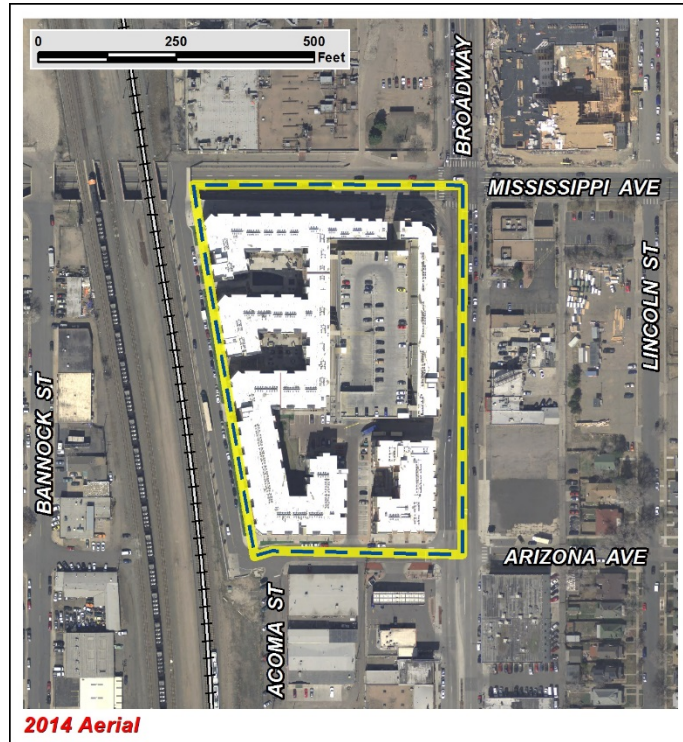
Cherokee-Gates site. The current T-MU-30 W/C UO-1 zoning was originally applied to the entirety of the Cherokee-Gates site along with multiple regulatory layers.



- The Manager of CPD is requesting a rezoning to C-MX-12, UO-1 in order to bring the property into the Denver Zoning Code and capture the existing entitlement and structures. The existing structure will fully conform with the proposed C-MX-12, UO-1 zone district. The Manager of CPD is representing the two property owners to facilitate the rezoning and reduce time and expense for the owners.
- The proposed rezoning will also allow for the simplification of the various regulatory layers that apply to the site as a result of the Former Chapter 59 zoning and requirements. The subject site

is the last site within the Cherokee-Gates redevelopment area to remain in Former Chapter 59. Roughly 64 of the 69 acres of the *Cherokee-Gates General Development Plan* area have already been rezoned into the Denver Zoning Code through two map amendment applications in 2016.

- The requested C-MX-12 zone district is in the Urban Center context, allowing Mixed uses and form, generally up to 12 stories in height. However, the Washington Park View Plane will ultimately regulate maximum building height at the site. Further details of the zone district can be found in Article 7 of the Denver Zoning Code (DZC).



Existing Context

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	T-MU-30 W/C UO-1	Mixed use and multifamily residential	Mid-rise mixed use structure with shallow setbacks	Large blocks exist in the area with limited connectivity over the CML. Block sizes and shapes are consistently oblong to the south of Mississippi Ave. Large vacant properties exist to the north of Mississippi Ave with no street grid.
North	C-MS-12; T-MU-30 W/C; UO-1, IB, UO-2	Vacant, surface parking, light rail station and infrastructure, multifamily residential	Vacant, unimproved surface parking areas, multifamily residential	
South	I-A UO-2	Auto services, industrial, commercial	Low scale industrial and commercial	
East	C-MX-12 UO-1, UO-2; R-MU-30 W/C; U-MS-3	Vacant, commercial,	Low-rise commercial oriented to South Broadway, vacant,	

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
		multifamily and residential	multifamily and residential along South Lincoln St.	The street pattern is interrupted by Interstate 25, the CML, South Platte River, and S. Santa Fe/S. Platte River Dr. couplet.
West	I-A UO-2	Consolidated Main Line, industrial	Low-scale industrial with parking between the building and the street	

The site is located at the intersection of S. Broadway and W. Mississippi Ave., and is bound by S. Acoma St/the CML on the west and W. Arizona Ave.

The immediately surrounding area is largely vacant to the east and north with some more recent mixed-use residential redevelopment and scattered office. Large vacant properties offer a substantial transit-oriented redevelopment opportunity in the area. Building heights are low to mid-scale to the south and west, and buildings orient to South Broadway moving south along the corridor. The South Platte River Trail can be accessed from W. Mississippi Ave., and the site is less than half a mile from two light rail stations—the I-25 and Broadway Station and Louisiana-Pearl Station.

1. General Development Plan

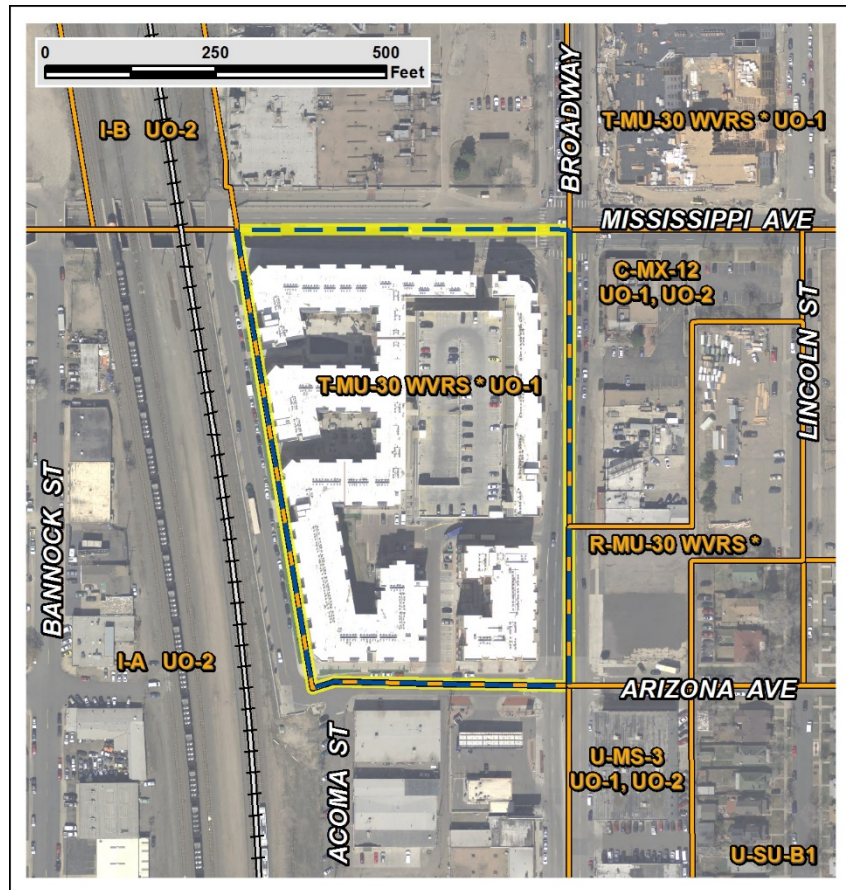
The *Cherokee Redevelopment of the Former Gates Rubber Factory General Development Plan* (GDP) currently applies to the subject site. The GDP was approved in 2005 and required by the T-MU-30 zoning along with an infrastructure masterplan. The GDP was intended to guide the redevelopment of the former Gates Rubber Factory site at the I-25 and Broadway Station into a transit-oriented development with a density and mix of uses necessary to create a thriving urban environment. The GDP area is approximately 69 acres and is generally located south of Interstate 25, west of S. Broadway, along W. Mississippi Ave., and along the South Platte River. The GDP contemplates new multimodal street connections, pedestrian and bicycle bridges and trails, open space, and a range of mixed uses create a new urban district.

However, the subject site was the only site redeveloped under the *Cherokee/Gates GDP*. The subject site is independent from the remaining majority of the GDP area and is not bound to it through infrastructure, open space requirements, or maximum density. If the rezoning of the subject site is approved, the *Cherokee/Gates GDP* will be repealed through an action of the Denver Planning Board, and it will no longer apply to the subject property. As such, the *Cherokee/Gates GDP* will not be used to guide redevelopment of the site, and it will not be used for further consistency analysis of the proposed rezoning. Streamlined implementation tools have been secured for the remaining vacant property within the *Cherokee/Gates GDP* area to ensure implementation of adopted City plans and policies.

2. Existing Zoning

The site is currently zoned T-MU-30 W/C UO-1. T-MU-30 is a Former Chapter 59 zone district intended for areas near transit stations where a mix of uses in a pedestrian-friendly environment is desired. The district controls building massing through a maximum gross floor area of 5:1. Maximum height in the T-

MU-30 zone district is 220 feet, further regulated by the maximum gross floor area. However, the T-MU-30 zoning standards do not include build-to requirements, transparency requirements, pedestrian entrance requirements, active street level use requirements, or standards regulating the location of surface parking. The waivers and conditions currently applied to the existing zoning were established for a specific redevelopment concept and are further delineated by sub-areas. The waivers do not apply to the subject site, and conditions include the requirement for an Infrastructure Master Plan along with the GDP and allow the Transportation Expansion (T-REX) project and I-25 improvements to proceed prior to the approval of the GDP.



The UO-1 Adult Use Overlay permits adult uses with distance requirements from protected uses and zone districts and spacing requirements from other adult uses. No adult uses exist on the subject site.

3. View Planes

The Washington Park View Plane applies to the subject property. It originates in Washington Park and is intended to protect and preserve panoramic views of the mountains. The View Plane specifies maximum heights for all structures. The maximum heights increase with distance from the Washington Park origin point. The Washington Park View Plane allows structures, including permitted height exceptions, with maximum heights no greater than an estimated 109-121 feet across the subject site. Accordingly, while the requested C-MX-12 zone district permits structures up to 150,' the View Plane will ultimately regulate building height.

4. Urban Design Standards and Guidelines

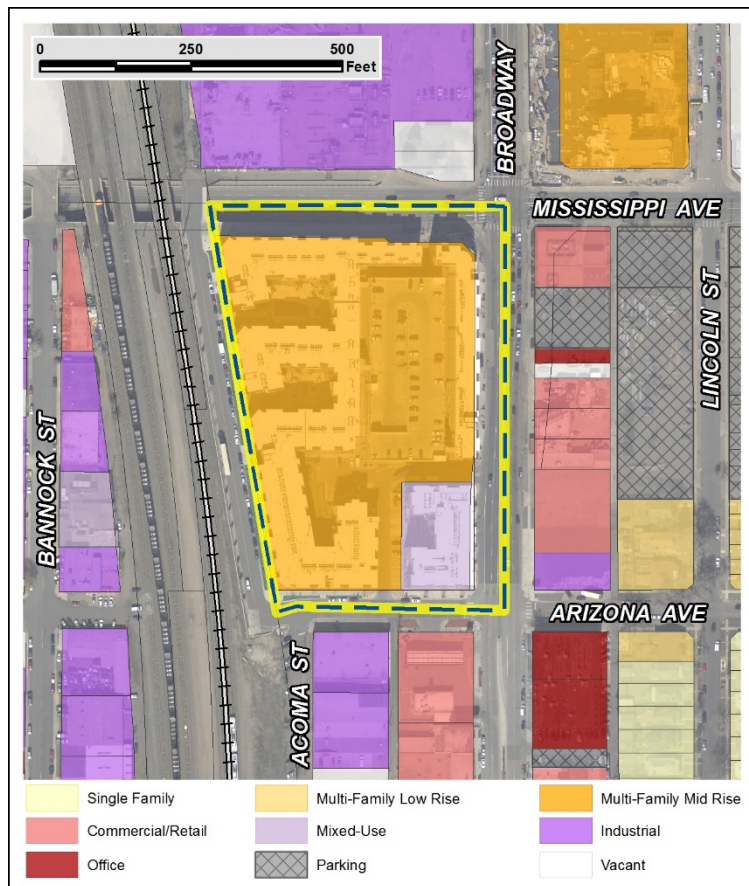
At the time of this staff report, the *Cherokee Redevelopment of the Former Gates Rubber Factory Urban Design Standards and Guidelines* (UDSG) (2005) apply to the subject site, coterminous with the

boundaries of the General Development Plan described above. The adoption of urban design standards and guidelines is required for GDPs with T-MU-30 zoning. However, at the time of this staff report, the UDSG were substantially amended and restated, and a Planning Board hearing was held to recommend approval to the Manager of CPD. Along with updated standards and guidelines to reflect the regulatory framework of the Denver Zoning Code, the area of applicability was amended to apply to the large vacant area at the former Gates Rubber Factory site, removing the subject site. As of this date, the UDSG were awaiting approval by the Manager of CPD.

The building form and urban design standards included in the proposed C-MX-12 zone district capture many of the elements prescribed by the *Cherokee Redevelopment of the Former Gates Rubber Factory Urban Design Standards and Guidelines*.

5. Existing Land Use Map

As seen in the Existing Land Use Map to the right, the subject site multifamily residential with ground floor commercial uses. The area to the north is largely vacant, former industrial property with multifamily and office oriented towards South Broadway. Industrial uses exist to the south and west, separated by the CML. Vacant properties front on South Broadway to the east, transitioning to a commercial corridor moving to the south. Residential and multifamily uses can be found to the east along South Lincoln Street.



6. Existing Building Form and Scale



Subject site at the intersection of S. Broadway and W. Mississippi Ave. looking southwest



Subject site at the intersection of S. Acoma St. and W. Arizona Ave looking east



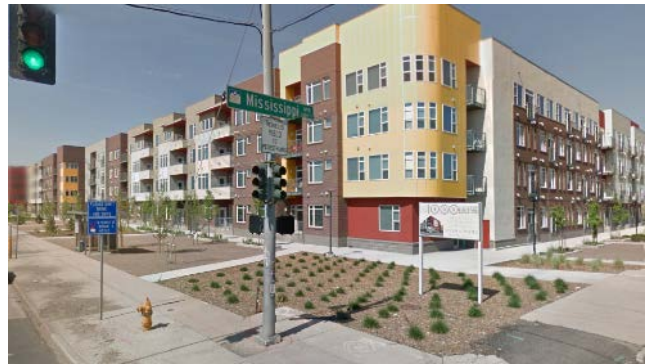
Vacant former industrial property to the north



Auto services use to the south



Industrial and warehousing properties to the west



Multifamily residential to the northeast

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

Development Services – Project Coordination: Approved – No Comments

Denver Fire Department: Approved – No Comments

Development Services – Wastewater: Approved – No Comments

Parks and Recreation: Approved – No Comments

Public Works – City Surveyor: Approved – No Comments

Environmental Health: Approved – See Comments:

Project Notes: The Denver Department of Environmental Health (DEH) is not aware of environmental concerns that would affect the proposed rezoning.

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 developers consider 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.

Noise: Denver's Noise Ordinance (Chapter 36-Noise Control, Denver Revised Municipal Code) identifies allowable levels of noise. 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. Be aware, finished projects may change the acoustic environment, but must maintain compliance with the Noise Ordinance. 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. For variance requests or questions related to the Noise Ordinance, please contact Paul Riedesel, Denver Environmental Health (720-865-5410).

Development Services – Transportation: Approved – No Comments

Denver Public Schools: Approved – No Comments

Public Review Process

- CPD staff provided Informational notice of receipt of the rezoning application to affected members of City Council and registered neighborhood organizations (RNOs) on April 26, 2016.
- The property was legally posted for a period of 15 days announcing the July 6, 2016, Denver Planning Board public hearing, and written notification of the hearing was sent to all affected registered neighborhood organizations and City Council members. **The Planning Board voted unanimously to recommend approval of the map amendment to City Council.**
- Written notification of the July 20, 2016 Neighborhoods and Planning Committee meeting (PLAN) was sent to all affected registered neighborhood organizations and City Council members on July 5, 2016.
- Following the Neighborhoods and Planning Committee review, the rezoning application is typically referred to the full City Council for final action at a public hearing.
- The RNOs identified on page 1 were notified of this application. At the time of this staff report, no public or RNO comment has 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)*
- *Overland Neighborhood Plan (1993)*
- *South Broadway Corridor Study (2001)*

Denver Comprehensive Plan 2000

Denver's *Comprehensive Plan 2000* identifies a set of broad guiding principles that unite to form a coherent and compelling vision of a livable city. The C-MX-12, UO-2 map amendment proposal is consistent with these "Vision[s] of Success" through the enabling of compact, mixed-use, pedestrian-oriented development at an appropriate location:

Compact development ■ Compact urban centers will meet the needs of 21st-century living while reinforcing the valued characteristics of Denver's neighborhoods. Development and redevelopment of urban centers presents opportunities to concentrate population and land uses within a limited geographic space. Compact development will improve neighborhood cohesion, reduce urban sprawl and connect residents more directly to services and amenities within their immediate living environment. (pg. 55)

Density and diversity ■ Exciting new mixed-use and pedestrian-oriented areas will develop, offering a higher concentration of housing, retail, services, employment and transportation, all within walking distance. (pg. 96)

The proposal is consistent with many *Denver Comprehensive Plan 2000* 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. Creating more density at transit nodes. Encouraging the redevelopment of brownfields* (pg. 39-40)
- ***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.* (pg. 41)

- **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. (pg. 60)
- **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. (pg. 60)
- **Mobility Strategy 4-E** – Continue to promote mixed-use development, which enables people to live near work, retail and services. (pg. 78)
- **Denver’s Legacies Strategy 3-A** – Identify areas in which increased density and new uses are desirable and can be accommodated. (pg. 99)

The proposed map amendment will capture existing mixed-use development at a location where services and infrastructure are already provided and where transit-oriented development investment is taking place with close proximity to two light rail stations, consistent with *Comprehensive Plan 2000*. The C-MX-12, UO-1 zone district allows an intensity and mix of uses appropriate for this transit-oriented urban center location. The rezoning is consistent with these Plan recommendations.

Blueprint Denver

According to *Blueprint Denver*, the subject site has a Transit Oriented Development concept land use designation and is located within an Area of Change.

Future Land Use

According to *Blueprint Denver*, the site is designated with the Transit-Oriented Development (TOD) concept land use designation. As stated in *Blueprint Denver*, Transit-Oriented Development offers an alternative to traditional development patterns by providing housing, services, and employment opportunities for a diverse population in a pedestrian and transit-oriented configuration. These areas include compact, mid to high-density, mixed use development with urban design treatments to improve character and create a sense of place. Multimodal access is high, and these areas have a reduced emphasis on auto parking. Lowered parking requirements, shared parking, parking structures near but not necessarily at stations, and replacement of surface lots with structured parking are strategies recommended for TOD Areas. Additionally, *Blueprint Denver* also notes that TOD areas have a high degree of connectivity between the station area and surrounding neighborhoods (pg. 44).

The proposed C-MX-12 UO-1 zone district is consistent with this Transit Oriented Development concept land use designation by allowing for a mix of uses at intensities sufficient enough to achieve the alternative development patterns envisioned by *Blueprint Denver*. The General building form within the C-MX-12, UO-1 zone districts includes design standards, including build-to, transparency, entrance, and Street Level active use standards, to implement the pedestrian-oriented recommendations described in *Blueprint Denver*, while the current T-MU-30 W/C UO-1 zoning does not implement these recommendations.

Area of Change / Area of Stability

The entirety of the subject site is within an Area of Change, and the former Gates site is specifically identified as a Transit-Oriented Development Area of Change. *Blueprint Denver* states that, “This largely out-moded industrial site holds the potential for high-density housing, employment, and publicly accessible open space. Proximity to major transportation facilities, the Platte River, adjacent residential, industrial and South Broadway commercial areas creates a perfect blend of uses and access to develop a model TOD” (pg. 137). 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.” Areas of Change provide Denver with the opportunity to focus growth in a way that benefits the City as a whole (pg. 127).

The rezoning application is consistent with the *Blueprint Denver* Area of Change recommendations by allowing for higher intensity, mixed-use, redevelopment at an appropriate, transit-oriented location, improving access to jobs, housing, and services.

Street Classifications

The subject site is bound by several *Blueprint Denver* street classifications including: Mixed Use Arterial on S. Broadway and W. Mississippi Ave. Regarding S. Broadway and W. Mississippi Ave., arterial streets are “designed to provide a high degree of mobility and generally serve longer vehicle trips to, from and within urban areas” (pg. 51). According to *Blueprint Denver*, Mixed Use Streets are “located in high-intensity mixed-use commercial, retail and residential areas with substantial pedestrian activity” and are “attractive for pedestrians and bicyclists because of landscaped medians and tree lawns” (pg. 57). The C-MX-12, UO-1 zone district proposed for the subject site along these streets is an appropriate zone district for this mixed-use, higher-capacity street classification through the allowance of higher intensity, mixed-use development coupled with the pedestrian-oriented design standards contemplated in *Blueprint Denver*.

Additionally, *Blueprint Denver* recognizes S. Broadway is an Enhanced Transit Corridor (ETC) as shown in the map to the left. ETCs are identified as priorities for increased transit ridership, improved service, and efficiency supported through the creation of more intensive, mixed-use development (pg. 26, 99). The requested C-MX-12, UO-1 zone district is consistent with the Enhanced Transit Corridor recommendation to support quality multimodal transportation through appropriate development.

Small Area Plan: Overland Neighborhood Plan

The *Overland Neighborhood Plan* was adopted in 1993, and applies to the subject site. The site is within in the Business/Industrial Sub-Area III, offering a potential for higher density residential and mixed-use development when light rail is constructed in the neighborhood. While the plan did not contemplate major redevelopment of the Gates Rubber Factory site at the time of approval in 1991, it acknowledges a potential for long-term redevelopment of the area (pg. 40). The proposed rezoning to C-MX-12 UO-1 is consistent with these Plan recommendations to allow a higher density mix of uses.

Small Area Plan: South Broadway Corridor Study

The *South Broadway Corridor Study* was adopted in 2001 and presented a vision for a cohesive urban design treatment of the corridor. The South Broadway and W. Mississippi Ave. intersection adjacent to the subject site is identified as a gateway where celebrated public realm treatments should signal the intersection's importance. While the *South Broadway Corridor Study* focuses on public realm urban design and transportation interventions, the proposed C-MX-12, UO-1 zone district is consistent with the overall vision by introducing pedestrian-oriented ground story design and use standards to support an active pedestrian environment.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to C-MX-12, UO-1 will result in the uniform application of zone district building form, use, and design regulations. Additionally, the rezoning request will result in the uniform application of Denver Zoning Code zone districts across the Cherokee-Gates redevelopment area.

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 plans including *Comprehensive Plan 2000*, *Blueprint Denver*, the *Overland Neighborhood Plan*, and the *South Broadway Corridor Study*.

4. Justifying Circumstance

The application identifies 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."

Several changed or changing conditions apply to the site and surrounding area. As discussed above, several adopted plan recommendations state that redevelopment of the area is desired and recognize that the character of the area is evolving into a transit-oriented area. Additionally, the site underwent a change in conditions when it was redeveloped after the closure of the Gates Rubber Factory into a mixed-use development. The adoption of the Denver Zoning Code in 2010 introduced new tools to implement the vision from adopted City plans not available at the time of the site's rezoning in 2003. The proposed C-MX-12, UO-1 zone district acknowledges the existing site and will capture the built condition while heightening the transit- and pedestrian-oriented vision recommended by multiple City policies and adopted plans.

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

Neighborhood Context Description

The proposed C-MX-12 zone district is within the Urban Center Neighborhood Context. The neighborhood context generally consists of multi-unit residential and mixed-use commercial strips and

commercial centers. The Urban Center Neighborhood Context consists of a regular pattern of block shapes surrounded by an orthogonal street grid, providing a pattern of pedestrian and vehicular connections and a consistent presence of alleys. Block sizes and shapes are consistent and include detached sidewalks, tree lawns, street and surface parking, and landscaping in the front setback. Buildings typically have consistent orientation and shallow setbacks with parking at the rear or side of a building. The Urban Center Neighborhood Context is characterized by moderate to high building heights to promote a dense urban character. There are also high levels of pedestrian and bicycle use with the greatest access to the multimodal transportation system (DZC, Division 7.1). It is appropriate to apply zoning within the Urban Center Neighborhood Context at this location through the adopted plan vision described earlier as well as the multimodal transportation context. The proposed rezoning to C-MX-12 will lead to development that is consistent with the neighborhood context description.

Zone District Purpose and Intent

According to DZC 7.2.2.1.A, the general purpose of the C-MX zone districts is to promote safe, active, and pedestrian-scaled, diverse areas through the use of building forms that clearly define and activate the public street edge. The Mixed Use Zone Districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city's neighborhoods. District standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods. C-MX districts are intended for broad application at the neighborhood scale. The rezoning to C-MX-12 is consistent with the zone district general purpose, and resulting development will be consistent with the general purpose statement through the application of the C-MX-12 zone district standards.

C-MX-12 applies to areas or intersections served primarily by major arterial streets where a building scale of 3 to 12 stories is desired. The portion of the subject site where C-MX-12 is proposed has the most contextual relationship to S. Broadway., classified as an arterial. Additionally, the C-MX-12 zone district is mapped along the east side of South Broadway. The street classifications and contextual building heights in this area are consistent with this intent statement.

Staff Recommendation

Based on the analysis set forth above, CPD staff finds that the application for rezoning the property located at 1145 and 1165 South Broadway (#2015I-00177) to the C-MX-12, UO-1 zone district meets the requisite review criteria. Accordingly, staff recommends approval of the rezoning.

Attachments

1. Application
2. Current T-MU-30 W/C Ordinance 468-2003

1
2
3 **BY AUTHORITY**

4 ORDINANCE NO. 468(03)
5 SERIES OF 2003
6 *Effective Date: 6/20/03*

COUNCIL BILL NO. 386(03) *S*
7 COMMITTEE OF REFERENCE:
8 *Transit Oriented Planning (TOP)*

9 **A BILL**

10 For an ordinance relating to zoning, changing the zoning classification for a
11 specifically described area, generally bounded by Interstate-25, South
12 Broadway Street, West Arizona Avenue, West Mississippi Avenue, Santa Fe
13 Drive and West Exposition Avenue, reciting certain waivers proposed by the
14 owner for the zoning classification, reciting certain reasonable conditions
15 approved by the owner for the zoning classification and providing for a
16 recordation of this ordinance.

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

18 **Section 1.** That upon consideration of a change in the zoning classification of the land area
19 hereinafter described, Council finds:

20 1. That the land area hereinafter described is presently classified as O-1, I-1 and I-2;

21 2. That the owner proposes that the land area hereinafter described be changed to T-MU-30
22 with reasonable waivers and with reasonable conditions it has approved;

23 3. That in its application the owner has represented that if the zoning classification is
24 changed pursuant to its application, the owner will and hereby does:

25 (i) Waive the right on Parcel 5 to use or occupy the subject property or to use, occupy,
26 or erect thereon any structure or structures designed, erected, altered, used or occupied for all uses
27 by right and uses by special review in the T-MU-30 Zone District as identified in Section 59-303 of
28 the Denver Revised Municipal Code [Section 59-430.03(1) (1950 Code, as amended)] except for the
29 following uses:

- 30 (a) Arts, entertainment, recreation, institutions: [Civic Uses]
31 Community or senior center or recreational facility;
32 Library;
33 Museums, or other special purpose cultural institutions ;
34 Office for park purposes [see Office: nondental, nonmedical L66];
35 Parks, public, open space, associated buildings;
36 Postal facility, neighborhood;
37 Recreation services, indoor;
Recreation services, outdoor; and
School, elementary or secondary.

1 (b) Retail, Service, Office: [Commercial Uses]
2 Animal care, kennel, cattery; and
3 Eating place.

4 (ii) Waive the reduction of parking spaces for Parcel 6 under Section 59-316(1) of the
5 Denver Revised Municipal Code [Section 59-430.14(1) (1950 Code, as amended)] for "Reduction of
6 Parking Spaces".

7 (iii) Waive Section 59-316(2) of the Denver Revised Municipal Code [Section 59-
8 430.14(2) (1950 Code)] for "Special plan for shared parking" for Parcel 6 and instead shall comply
9 with the following:

10 *Special plan for shared parking.* The Zoning Administrator may authorize a different
11 location for the required parking spaces through a special plan for shared parking. Approval of a
12 special plan for shared parking shall be subject to the following standards:

13 (1) *Location.* Shared off-street parking spaces shall be located no further than six
14 hundred (600) feet from all the buildings and uses they are intended to serve. The separation shall
15 be measured perpendicularly from the nearest point of the buildings or uses to the nearest point of
16 the zone lot containing the shared off-street parking spaces.

17 (2) *Shared parking analysis.* A parking analysis acceptable to the zoning
18 administrator shall be submitted which clearly establishes that uses will make use of the shared
19 spaces at different times of the day, week, month, or year. The study shall:

20 (a) Address the intensity and type of activities, the composition of uses; hours
21 of operation of the uses; the rate of turnover for proposed shared spaces; distances of shared
22 parking spaces from the uses they serve; availability of embedded on-street parking spaces in the
23 public rights-of-way; and the anticipated peak parking and traffic loads for the site; and

24 (b) Consider the availability of transit facilities and modes of available transit
25 serving the site including both public and private transit (e.g., car and vanpooling).

26 (3) *Disabled parking.* The number of spaces required for persons with disabilities
27 shall not be reduced.

28 ~~(4) *Applications, how made and contents.* All applications for approval of a special~~
29 ~~plan for shared parking hereunder shall be filed with the department of zoning administration by the~~
30 ~~owners of the entire land area to be included within the special plan, and the owners of all structures~~
31 ~~then existing on such land area; shall contain sufficient evidence to establish to the satisfaction of the~~
32 ~~department that the applicants are the owners of the designated land and structures; shall contain~~
33 ~~such information and representations required by this subsection or deemed necessary by the~~

1 department, and shall include plans showing the following details:

2 (a) The location of the uses by right or structures for which off-street parking
3 space is required;

4 (b) The location of off-street parking spaces; and

5 (c) A landscape plan as required by Section 59-585(11) of the Denver
6 Revised Municipal Code [Section 59-585(10) (1950 Code, as amended)] (use and maintenance of
7 off-street parking space; landscape plan).

8 (5) *Review of application.* All applications hereunder shall be reviewed by the
9 zoning administrator and either approved, approved with conditions or denied.

10 (6) *Approved plan registered and recorded.* Upon approval of a special plan
11 hereunder, a copy of such plan shall be registered among the records of the department of zoning
12 administration and a copy of such plan, or such other record thereof as deemed proper by the
13 department shall be recorded by the department of zoning administration with the Denver clerk and
14 recorder.

15 (7) *Effect of registered and recorded special plan.* All special plans registered and
16 recorded hereunder shall run with the land, be binding upon the applicants for such special plans,
17 their successors and assigns, and shall restrict and limit the use and operation of all land and
18 structures included within such special plan to all conditions and limitations specified in such plan
19 and the approval thereof. No zoning use permits shall be issued unless such uses comply with all the
20 conditions and limitations of the approved special plan.

21 (8) *Amendment of registered and recorded special plans.* All special plans
22 registered and recorded hereunder may be amended pursuant to the same procedure and subject to
23 ~~the same limitations and requirements by which such plans were approved, registered and recorded.~~

24 (9) *Withdrawal of registered and recorded special plans.* Upon application to the
25 department of zoning administration by the owners of the entire land area included within any special
26 plan registered and recorded hereunder, and the owners of any structures then existing thereon any
27 such plan may be withdrawn, either partially or completely, from registration and released from
28 ~~recording if all uses, land and structures remaining under such plan can be made to comply with all~~
29 conditions and limitations of the plan and all uses by right, land and structures withdrawn from such
30 plan can be made to comply with all regulations established by this chapter 59 and unrelated to any
31 special plan. Upon approval of the withdrawal of an application hereunder, the department of zoning
32 administration shall register among its records and record with Denver clerk and recorder an
33 appropriate certificate of such withdrawal.

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(iv) Waive Section 59-316(3) of the Denver Revised Municipal Code [Section 59-430.14(3) (1950 Code, as amended)] for "Required off-street parking spaces" for Parcel 6 and instead all uses shall provide at least the number of off-street parking spaces set forth in the "Required Off-Street Parking Amount by Use" chart of Section 59-316(3) of the Denver Revised Municipal Code. All off-street parking spaces hereinafter required shall be designed in accordance with the dimensions set out in chart no. 1, off-street parking, which chart follows section 59-595. In a T-MU-30 district with an approved GDP, parking may be provided on a GDP-area wide basis, rather than on a zone lot basis.

The "Required Off-Street Parking Amount by Use" chart of Section 59-316(3) of the Denver Revised Municipal Code shall remain in full force and effect.

4. That the owner approves and agrees, as reasonable conditions to the requested change in zoning classifications related to the development, operation and maintenance of the land area hereinafter described:

(i) That the owner shall file a General Development Plan (GDP) pursuant to Section 59-314 of the Denver Revised Municipal Code [Section 59-430.12 (1950 Code)]. In addition, the GDP shall contain a regional infrastructure plan describing generally on- and off-site facilities and improvements related to the property described in Section 2. The GDP and accompanying regional infrastructure plan shall also examine possible infrastructure needs for the entire former Gates Rubber Company site (generally bounded by I-25, Arizona Avenue, West Arizona Avenue, South Fox Street and West Exposition Avenue). The scope and contents of the regional infrastructure plan shall contain development phasing scenarios and potential financing mechanisms for the implementation of the regional infrastructure plan as well as other matters discussed as part of the GDP pre-application conference. Nothing herein shall require the participation of any individual or entity other than the owner of the property described in Section 2 and the City in the formulation of the regional infrastructure plan for the entire former Gates Rubber Company site. Approval by the City of the GDP and accompanying regional infrastructure plan shall be done in accordance with the T-MU-30 zone district requirements. The approved GDP and accompanying regional infrastructure plan shall be used in the development process as provided for in the T-MU-30 zone district and other City regulations.

(ii) Infrastructure improvements directly related to the TREX and I-25 Over Broadway Projects constructed by the Regional Transportation District, the Colorado Department of Transportation, other TREX partners or their contractors that are scheduled to be completed by

1 December 31, 2006, may proceed prior to GDP approval.

2 **Section 2.** That the zoning classification of the land area in the City and County of Denver
3 described as follows or included within the following boundaries shall be and hereby is changed from
4 O-1, I-1 and I-2 to T-MU-30 with certain waivers which waivers are set forth in Subsection 3 of
5 Section 1 hereof and with certain reasonable conditions approved by the owner which reasonable
6 conditions are set forth in Subsection 4 of Section 1 hereof:

7 **PARCEL "1"**

8
9 A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE
10 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY
11 DESCRIBED AS FOLLOWS:

12
13 COMMENCING AT THE CENTER-SOUTH ONE SIXTEENTH CORNER OF SAID SECTION 15; THENCE ALONG THE SOUTHERLY
14 LINE OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 15 N89 58'27"W A DISTANCE OF 50.00 FEET TO
15 A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SOUTH BROADWAY STREET AS RECORDED IN ORDINANCE 97, SERIES
16 OF 1898; THENCE S 00 44'36" E, ALONG SAID WESTERLY RIGHT-OF-WAY, AND ALSO ALONG THE EAST LINE EXTENDED AND
17 THE EAST LINE OF LOT 1, BLOCK 1, FIRST ADDITION TO EDGERTON PLACE, RECORDED APRIL 12, 1890 IN BOOK 9 AT PAGE
18 42 OF THE ARAPAHOE COUNTY RECORDS, THE EAST LINE AND THE EAST LINE EXTENDED OF BLOCK 1 OF EDGERTON
19 PLACE, RECORDED MAY 24, 1888 IN BOOK 5 AT PAGE 41 OF THE ARAPAHOE COUNTY RECORDS, AND THE EAST LINE OF
20 BLOCK 1, LAWRENCE'S BROADWAY ADDITION, RECORDED FEBRUARY 16, 1888 IN BOOK 5 AT PAGE 10 OF THE ARAPAHOE
21 COUNTY RECORDS, A DISTANCE OF 1283.70 FEET TO THE SOUTHEAST CORNER OF SAID BLOCK 1, LAWRENCE'S
22 BROADWAY ADDITION; THENCE N 89 55'51" W, ALONG THE SOUTH LINE OF SAID BLOCK 1, LAWRENCE'S BROADWAY
23 ADDITION, A DISTANCE OF 57.01 FEET TO THE EASTERNMOST CORNER OF A PARCEL OF LAND DESCRIBED IN BOOK 2642
24 AT PAGE 291 OF THE CITY AND COUNTY OF DENVER RECORDS; THENCE N 73 36'26" W, ALONG THE NORTHERLY LINE OF
25 SAID PARCEL, A DISTANCE OF 71.15 FEET TO THE NORTHERNMOST CORNER OF SAID PARCEL; THENCE S 80 45'15" W, A
26 DISTANCE OF 15.21 FEET TO THE NORTHEAST CORNER OF A PARCEL OF LAND DESCRIBED IN BOOK 2901 AT PAGE 267 OF
27 THE CITY AND COUNTY OF DENVER RECORDS; THENCE ALONG SAID NORTHERLY LINE THE FOLLOWING NINE (9)
28 COURSES:

- 29
- 30 1. N 89 55'51" W, A DISTANCE OF 91.10 FEET;
- 31 2. THENCE S 00 04'09" W, A DISTANCE OF 1.10 FEET;
- 32 3. THENCE N 89 55'51" W, A DISTANCE OF 27.90 FEET;
- 33 4. THENCE N 00 04'09" E, A DISTANCE OF 1.10 FEET;
- 34 5. THENCE N 89 55'51" W, A DISTANCE OF 78.30 FEET;
- 35 6. THENCE S 00 04'09" W, A DISTANCE OF 1.20 FEET;
- 36 7. THENCE N 89 55'51" W, A DISTANCE OF 2.00 FEET;
- 37 8. THENCE N 00 04'09" E, A DISTANCE OF 1.20 FEET;
- 38 9. THENCE N 89 55'51" W, A DISTANCE OF 114.61 FEET PLUS OR MINUS TO THE EASTERLY RIGHT-OF-WAY
39 LINE OF THE REGIONAL TRANSPORTATION DISTRICT SOUTHWEST LIGHTRAIL CORRIDOR;
- 40

41 THENCE ALONG SAID EASTERLY RIGHT OF WAY, THE FOLLOWING SIX (6) COURSES:

- 42
- 43 1. N 00 43'15" W, A DISTANCE OF 46.66 FEET PLUS OR MINUS;
- 44 2. THENCE N 09 23'47" W, A DISTANCE OF 353.19 FEET;
- 45 3. THENCE N 88 55'23" W, A DISTANCE OF 5.80 FEET;
- 46 4. THENCE N 08 40'40" W, A DISTANCE OF 395.70 FEET;
- 47 5. THENCE S 89 56'47" E, A DISTANCE OF 0.75 FEET;
- 48 6. THENCE N09 23'47"W, A DISTANCE OF 204.97 FEET TO THE SOUTHERLY LINE OF A PARCEL OF LAND
49 DESCRIBED IN A QUIT CLAIM DEED, EXHIBIT "C", AT RECEPTION NUMBER 9400000231;
- 50

51 THENCE ALONG SAID SOUTHERLY LINE N83 22'08"E A DISTANCE OF 8.96 FEET TO THE EASTERLY LINE OF SAID PARCEL;
52 THENCE ALONG SAID EASTERLY LINE N6 37'52"W A DISTANCE OF 278.37 FEET TO THE SOUTHERLY LINE OF THE NORTH
53 HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 15; THENCE ALONG SAID SOUTHERLY LINE S89 58'27"E A DISTANCE
54 OF 9.99 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST
55 QUARTER OF SAID SECTION 15, SAID POINT ALSO BEING A POINT ON THE EASTERLY LINE OF A PARCEL OF LAND
56 DESCRIBED IN A QUIT CLAIM DEED, EXHIBIT "A-3", RECORDED AT RECEPTION NUMBER 9300155214; THENCE ALONG SAID
57 EASTERLY LINE ALSO BEING THE WESTERLY LINE OF

1 THE EAST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 15 N00 41'16"W
2 A DISTANCE OF 240.00 FEET TO A PARCEL OF LAND DESCRIBED AT RECEPTION NUMBER 8000104795; THENCE ALONG SAID
3 PARCEL THE FOLLOWING FIVE (5) COURSES:
4

- 5 1. S89°58'27"E PARALLEL WITH THE SOUTHERLY LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF
- 6 THE SOUTHWEST QUARTER OF SAID SECTION 15 A DISTANCE OF 260.43 FEET;
- 7 2. THENCE S00°41'16"E PARALLEL WITH THE WESTERLY LINE OF THE EAST HALF OF THE NORTHEAST
- 8 QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 15 A DISTANCE OF 28.00 FEET;
- 9 3. THENCE S89°58'27"E PARALLEL WITH THE SOUTHERLY LINE OF THE EAST HALF OF THE NORTHEAST
- 10 QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 15 A DISTANCE OF 24.00 FEET;
- 11 4. THENCE S00°41'16"E PARALLEL WITH THE WESTERLY LINE OF THE EAST HALF OF THE NORTHEAST
- 12 QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 15 A DISTANCE OF 46.98 FEET;
- 13 5. THENCE S89°58'27"E PARALLEL WITH THE SOUTHERLY LINE OF THE EAST HALF OF THE NORTHEAST
- 14 QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 15 A DISTANCE OF 322.66 FEET TO THE
- 15 WESTERLY RIGHT-OF-WAY LINE OF SOUTH BROADWAY STREET AS ESTABLISHED BY ORDINANCE 97,
- 16 SERIES 1898;
- 17

18 THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE S00 44'44"E A DISTANCE OF 165.38 FEET TO THE POINT OF
19 BEGINNING.

20 SAID PARCEL CONTAINS 807,412 SQUARE FEET OR 18.536 ACRES MORE OR LESS.

21 BASIS OF BEARINGS

22 THE SOUTHERLY LINE OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 15, BEARING N89 58'27"W.

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27 AND

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30 PARCEL "2"

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32 A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE
33 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY
34 DESCRIBED AS FOLLOWS:
35

36 COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 22, FROM WHICH THE NORTHWEST CORNER OF SAID
37 SECTION 22 BEARS N 89 55'51" W, 2634.40 FEET; THENCE S 00 05'30" E, ALONG THE EAST LINE OF THE NORTHWEST QUARTER
38 OF SAID SECTION 22, A DISTANCE OF 81.62 FEET; THENCE N 89 54'30" W, A DISTANCE OF 50.00 FEET TO A POINT ON THE
39 WEST RIGHT OF WAY OF SOUTH BROADWAY STREET AS RECORDED IN ORDINANCE 97, SERIES OF 1898, AND THE EAST
40 LINE OF BLOCK 3, JEROME'S BROADWAY SUBDIVISION 2ND FILING, PLAT RECORDED MARCH 16, 1888 IN BOOK 5 AT PAGE
41 18 OF THE ARAPAHOE COUNTY RECORDS, SAID POINT BEING THE POINT OF BEGINNING; THENCE S 00 05'30" W, ALONG
42 SAID WESTERLY RIGHT OF WAY AND SAID EAST LINE, A DISTANCE OF 554.40 FEET TO THE SOUTHEAST CORNER OF SAID
43 BLOCK 3; THENCE N 89 55'51" W, ALONG THE SOUTH LINE OF SAID BLOCK 3 AND THE NORTH RIGHT OF WAY OF ARIZONA
44 AVENUE, AS DEDICATED BY THE SAID PLAT OF JEROME'S BROADWAY SUBDIVISION 2ND FILING, AND SAID LINES
45 EXTENDED, A DISTANCE OF 326.00 FEET TO THE WEST RIGHT OF WAY OF SOUTH ACOMA STREET AS DEDICATED BY SAID
46 PLAT; THENCE S 00 05'30" W, ALONG SAID WEST RIGHT OF WAY, A DISTANCE OF 37.19 FEET TO THE EASTERLY RIGHT OF
47 WAY OF THE ATCHISON, TOPEKA AND SANTA FE RAILROAD AND THE WESTERLY LINE OF BLOCK 1 OF SAID JEROME'S
48 BROADWAY SUBDIVISION 2ND FILING; THENCE N 09 25'10" W, ALONG SAID EASTERLY RIGHT OF WAY AND SAID WESTERLY
49 LINE, A DISTANCE OF 631.87 FEET TO THE SOUTHERLY LINE OF A PARCEL OF LAND RECORDED IN BOOK 2820 AT PAGE
50 106 OF THE CITY AND COUNTY OF DENVER RECORDS; THENCE S 89 05'06" E, ALONG SAID SOUTHERLY LINE AND
51 ALONG THE SOUTHERLY LINE OF A PARCEL OF LAND RECORDED IN BOOK 2901 AT PAGE 267 OF THE CITY AND COUNTY
52 OF DENVER RECORDS, A DISTANCE OF 205.83 FEET; THENCE S 89 55'51" E, CONTINUING ALONG SAID SOUTHERLY LINE, A
53 DISTANCE OF 76.60 FEET; THENCE S 44 56'02" E, CONTINUING ALONG SAID SOUTHERLY LINE, A DISTANCE OF 9.90 FEET;
54 THENCE S 89 55'51" E, CONTINUING ALONG SAID SOUTHERLY LINE, A DISTANCE OF 119.69 FEET; THENCE S 44 31'33" E,
55 CONTINUING ALONG SAID SOUTHERLY LINE, A DISTANCE OF 30.33 FEET TO THE POINT OF BEGINNING.

56 CONTAINING 221,348 SQUARE FEET OR 5.081 ACRES MORE OR LESS.

57 BASIS OF BEARINGS:

58
59 THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH
60 PRINCIPAL MERIDIAN WAS FOUND TO BEAR N 89 55'51" W, BY A REAL TIME KINEMATIC (RTK) GLOBAL POSITIONING
61 SYSTEM (GPS) SURVEY PERFORMED BY ZYLSTRA BAKER SURVEYING, INC. IN FEBRUARY, 2002.
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AND

PARCEL "3"

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 4 SOUTH, RANGE 68 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 15, FROM WHICH THE CENTER QUARTER CORNER OF SAID SECTION 15 BEARS N 89 58'59" E, 2623.74 FEET; THENCE N 89 58'59" E, ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 817.58 FEET; THENCE S 00 01'01" E, A DISTANCE OF 128.30 FEET TO THE NORTHEAST CORNER OF LOT 5, BLOCK 2, VANDERBILT PARK AS RECORDED FEBRUARY 14, 1890 IN BOOK 9 AT PAGE 24 OF THE ARAPAHOE COUNTY RECORDS AND THE SOUTHERLY LINE OF THE VALLEY HIGHWAY RIGHT OF WAY, AS RECORDED BY ORDINANCE 3, SERIES OF 1962 OF THE CITY AND COUNTY OF DENVER, SAID POINT BEING THE POINT OF BEGINNING; THENCE S 79 44'48" E, ALONG SAID SOUTHERLY RIGHT OF WAY, A DISTANCE OF 174.83 FEET TO A POINT ON THE WEST LINE OF THAT PORTION OF ELATI STREET VACATED BY ORDINANCE 17, SERIES OF 1946 OF THE CITY AND COUNTY OF DENVER; THENCE S 00 32'56" E, ALONG SAID WEST LINE AND SAID SOUTHERLY RIGHT OF WAY, A DISTANCE OF 50.00 FEET TO A POINT WHERE THE NORTH LINE EXTENDED WESTERLY OF LOT 8, BLOCK 1, SYLVESTER'S ADDITION TO VANDERBILT PARK RECORDED MAY 14, 1890 IN BOOK 10 AT PAGE 3 OF THE ARAPAHOE COUNTY RECORDS INTERSECTS SAID WEST LINE; THENCE N 89 06'51" E, ALONG SAID NORTH LINE EXTENDED, SAID NORTH LINE AND SAID NORTH LINE EXTENDED EASTERLY AND SAID SOUTHERLY RIGHT OF WAY, A DISTANCE OF 169.99 FEET TO THE NORTHWEST CORNER OF LOT 33, BLOCK 1 OF SAID SYLVESTER'S ADDITION TO VANDERBILT PARK; THENCE S 00 32'56" E, ALONG THE WEST LINE OF SAID LOT 33 AND SAID SOUTHERLY RIGHT OF WAY, A DISTANCE OF 25.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 33; THENCE N 89 06'51" E, ALONG THE SOUTH LINE OF SAID LOT 33 AND SAID SOUTHERLY RIGHT OF WAY, A DISTANCE OF 125.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 33, SAID CORNER BEING ON THE WESTERLY RIGHT OF WAY OF SOUTH CHEROKEE STREET AS DEDICATED BY THE PLAT OF SAID SYLVESTER'S ADDITION TO VANDERBILT PARK; THENCE S 00 32'56" E, ALONG THE EAST LINE OF SAID BLOCK 1 AND THE SAID WEST RIGHT OF WAY OF SOUTH CHEROKEE STREET, A DISTANCE OF 298.00 FEET TO A POINT ON THE NORTH LINE OF LOT 28, BLOCK 1 OF SAID VANDERBILT PARK; THENCE N 89 57'42" E, ALONG SAID NORTH LINE AND THE NORTHERLY RIGHT OF WAY OF SAID SOUTH CHEROKEE STREET, A DISTANCE OF 1.90 FEET TO THE NORTHEAST CORNER OF SAID LOT 28; THENCE S 00 37'46" E, ALONG THE EAST LINE OF SAID BLOCK 1, VANDERBILT PARK AND THE WEST RIGHT OF WAY OF SOUTH CHEROKEE STREET AS DEDICATED BY THE PLAT OF SAID VANDERBILT PARK, A DISTANCE OF 91.90 FEET TO THE SOUTHEAST CORNER OF SAID BLOCK 1; THENCE S 89 23'58" W, ALONG THE SOUTH LINE OF SAID BLOCK 1 AND THE NORTH RIGHT OF WAY OF WEST OHIO AVENUE AS DEDICATED BY SAID PLAT OF VANDERBILT PARK, A DISTANCE OF 265.00 FEET TO THE SOUTHWEST CORNER OF SAID BLOCK 1; THENCE N 00 37'15" W, ALONG THE WEST LINE OF SAID BLOCK 1 AND THE EAST LINE OF SOUTH ELATI STREET AS DEDICATED BY SAID PLAT OF VANDERBILT PARK, A DISTANCE OF 94.50 FEET TO THE NORTHWEST CORNER OF LOT 21, BLOCK 1, VANDERBILT PARK, SAID CORNER BEING ON THE SOUTH LINE OF LOT 20, BLOCK 1, SYLVESTER'S ADDITION TO VANDERBILT PARK; THENCE S 89 49'47" W, ALONG THE SOUTH LINE OF SAID LOT 20, SAID SOUTH LINE EXTENDED, AND THE NORTH LINE OF LOT 28, BLOCK 2, VANDERBILT PARK, A DISTANCE OF 143.63 FEET TO THE NORTHEASTERLY RIGHT OF WAY OF SAID VALLEY HIGHWAY, RECORDED IN ORDINANCE 3, SERIES OF 1962; THENCE N 32 00'29" W, DEPARTING SAID NORTH LINE AND ALONG SAID NORTHEASTERLY RIGHT OF WAY, A DISTANCE OF 118.10 FEET

AND

PARCEL "3"

TO THE SOUTHEAST CORNER OF LOT 16, BLOCK 2, VANDERBILT PARK; THENCE N 31 43'34" W, ALONG SAID NORTHEASTERLY RIGHT OF WAY, A DISTANCE OF 204.53 FEET TO A POINT ON THE NORTH LINE OF LOT 10, BLOCK 2, VANDERBILT PARK; THENCE N 06 51'15" E, ALONG SAID EASTERLY RIGHT OF WAY, A DISTANCE OF 75.63 FEET TO A POINT ON THE NORTH LINE OF LOT 7, BLOCK 2, VANDERBILT PARK; THENCE N 37 59'29" E, ALONG SAID SOUTHERLY RIGHT OF WAY, A DISTANCE OF 31.96 FEET TO A POINT ON THE NORTH LINE OF LOT 6, BLOCK 2, VANDERBILT PARK; THENCE N 71 38'51" E, ALONG SAID SOUTHERLY RIGHT OF WAY, A DISTANCE

1 OF 81.77 FEET TO THE POINT OF BEGINNING.

2
3 CONTAINING 199,734 SQUARE FEET OR 4.585 ACRES MORE OR LESS.

4
5 **BASIS OF BEARINGS:**

6
7 THE NORTH LINE OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE
8 6TH PRINCIPAL MERIDIAN WAS FOUND TO BEAR N 89 58'59" E, BY A REAL TIME KINEMATIC (RTK) GLOBAL
9 POSITIONING SYSTEM (GPS) SURVEY PERFORMED BY ZYLSTRA BAKER SURVEYING, INC. IN FEBRUARY, 2002.

10
11 **AND**

12
13 **PARCEL "4"**

14
15 A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE
16 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY
17 DESCRIBED AS FOLLOWS:

18
19 COMMENCING AT THE SOUTH 1/16 CORNER OF SECTIONS 15 AND 16, FROM WHICH THE SOUTHWEST CORNER OF SAID
20 SECTION 15 BEARS S 00 30'54" E, 1321.81 FEET; THENCE S 89 58'51" E, ALONG THE SOUTH LINE OF THE NORTH HALF OF THE
21 SOUTHWEST QUARTER OF SAID SECTION 15, A DISTANCE OF 1314.59 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY
22 OF SOUTH CHEROKEE STREET AS DEDICATED BY THE PLAT OF VANDERBILT PARK RECORDED FEBRUARY 14, 1890 IN
23 BOOK 9 AT PAGE 24 OF THE ARAPAHOE COUNTY RECORDS; THENCE N 00 37'46" W, ALONG SAID EASTERLY RIGHT OF WAY,
24 A DISTANCE OF 1095.58 FEET TO THE SOUTHWEST CORNER OF A PARCEL OF LAND DEEDED TO THE COLORADO
25 DEPARTMENT OF TRANSPORTATION IN BOOK 8032 AT PAGE 222 OF THE CITY AND COUNTY OF DENVER RECORDS;
26 THENCE S 78 08'57" E, ALONG THE SOUTH LINE OF SAID PARCEL, A DISTANCE OF 251.18 FEET TO THE SOUTHEAST CORNER
27 OF SAID PARCEL, AND A POINT ON THE WESTERLY RIGHT OF WAY OF THE DENVER AND RIO GRANDE WESTERN
28 RAILROAD; THENCE S 09 27'08" E, ALONG SAID WESTERLY RIGHT OF WAY, A DISTANCE OF 1058.43 FEET TO THE SAID
29 SOUTH LINE OF THE NORTH HALF OF THE SOUTHWEST CORNER; THENCE CONTINUING S 09 27'08" E, ALONG SAID
30 WESTERLY RIGHT OF WAY, A DISTANCE OF 1275.82 FEET TO THE NORTHERLY LINE OF A PARCEL OF LAND RECORDED IN
31 BOOK 2901 AT PAGE 267 OF THE CITY AND COUNTY OF DENVER RECORDS; THENCE N 89 55'51" W, ALONG SAID
32 NORTHERLY LINE, A DISTANCE OF 165.78 FEET; THENCE N 87 24'11" W, ALONG THE NORTHERLY LINE OF A PARCEL OF
33 LAND RECORDED UNDER RECEPTION NO. 046238 OF THE CITY AND COUNTY OF DENVER RECORDS, A DISTANCE OF 201.90
34 FEET TO A POINT OF NON-TANGENT CURVE; THENCE CONTINUING ALONG SAID NORTHERLY LINE AND THE ARC OF A
35 CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 70 12'31", A RADIUS OF 111.90 FEET, A CHORD WHICH BEARS N 52
36 25'29" W, 128.70 FEET, AN ARC DISTANCE OF 137.12 FEET TO THE EASTERLY RIGHT OF WAY OF SOUTH SANTA FE DRIVE,
37 DEDICATED BY ORDINANCE 23, SERIES OF 1911 OF THE CITY AND COUNTY OF DENVER RECORDS AND A POINT OF NON-
38 TANGENT CURVE; THENCE ALONG SAID EASTERLY RIGHT OF WAY AND ALONG THE ARC OF A CURVE TO THE LEFT
39 HAVING A CENTRAL ANGLE OF 31 28'34", A RADIUS OF 1943.49 FEET, A CHORD WHICH BEARS N 07 58'28" W, 1054.30 FEET,
40 AN ARC DISTANCE OF 1067.68 FEET TO A NON-TANGENT LINE; THENCE N 00 37'46" W, A DISTANCE OF 126.70 FEET TO THE
41 POINT OF BEGINNING.

42
43 CONTAINING 845,535 SQUARE FEET OR 19.411 ACRES MORE OR LESS.

44
45 **BASIS OF BEARINGS:**

46
47 THE WEST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 4 SOUTH,
48 RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN WAS FOUND TO BEAR S 00 30'54" E BY A REAL TIME KINEMATIC (RTK)
49 GLOBAL POSITIONING SYSTEM (GPS) SURVEY PERFORMED BY ZYLSTRA BAKER SURVEYING, INC. IN FEBRUARY, 2002.

50
51 **AND**

52
53 **PARCEL "5"**

54
55 A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 4 SOUTH, RANGE 68
56 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE
57 PARTICULARLY DESCRIBED AS FOLLOWS:

58
59 COMMENCING AT THE SOUTH 1/16 CORNER OF SECTIONS 15 AND 16, FROM WHICH THE SOUTHWEST CORNER
60 OF SAID SECTION 15 BEARS S 00 30'54" E, 1321.81 FEET; THENCE S 89 58'51" E, ALONG THE NORTH LINE OF THE
61 SOUTHWEST QUARTER OF SAID SOUTHWEST QUARTER, A DISTANCE OF 825.06 FEET TO THE POINT OF

1 BEGINNING; THENCE N 00 30'51" W, A DISTANCE OF 34.46 FEET TO THE SOUTHWESTERLY RIGHT OF WAY OF
2 SOUTH PLATTE RIVER DRIVE AS RECORDED AUGUST 7, 1958 IN BOOK 8225 AT PAGE 152 OF THE CITY AND
3 COUNTY OF DENVER RECORDS; THENCE S 32 45'00" E, ALONG SAID SOUTHWESTERLY RIGHT OF WAY, A
4 DISTANCE OF 96.13 FEET TO A POINT OF CURVE; THENCE CONTINUING ALONG SAID SOUTHWESTERLY RIGHT
5 OF WAY AND ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 22 24'08", A RADIUS
6 OF 1593.49 FEET, A CHORD WHICH BEARS S 21 32'57" E, 619.08 FEET, AN ARC DISTANCE OF 623.04 FEET TO THE
7 NORTHERLY RIGHT OF WAY OF WEST TENNESSEE AVENUE AS DEDICATED BY THE PLAT OF VANDERBILT
8 PARK RECORDED FEBRUARY 14, 1890 IN BOOK 9 AT PAGE 24 OF THE ARAPAHOE COUNTY RECORDS, SAID
9 RIGHT OF WAY BEING A NON-TANGENT LINE; THENCE N 89 55'52" W, ALONG SAID NORTHERLY RIGHT OF
10 WAY, A DISTANCE OF 273.50 FEET TO THE CENTERLINE OF THE VACATED BLOCK 10 OF VANDERBILT PARK;
11 THENCE N 00 30'51" W, DEPARTING SAID NORTHERLY RIGHT OF WAY AND ALONG SAID CENTERLINE AND
12 SAID CENTERLINE EXTENDED, A DISTANCE OF 621.89 FEET TO THE POINT OF BEGINNING.

13
14 CONTAINING 108,083 SQUARE FEET OR 2.481 ACRES MORE OR LESS.

15
16 **BASIS OF BEARINGS**

17
18 THE WEST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 4
19 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN WAS FOUND TO BEAR S 00 30'54" E BY A REAL
20 TIME KINEMATIC (RTK) GLOBAL POSITIONING SYSTEM (GPS) SURVEY PERFORMED BY ZYLSTRA BAKER
21 SURVEYING, INC. IN FEBRUARY, 2002.

22
23
24 **AND**

25
26 **PARCEL "6"**

27
28 A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 4 SOUTH, RANGE 68
29 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE
30 PARTICULARLY DESCRIBED AS FOLLOWS:

31
32 COMMENCING AT THE SOUTHWEST CORNER OF THE EAST HALF OF THE NORTHEAST QUARTER OF THE
33 SOUTHWEST QUARTER OF SAID SECTION 15, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE
34 ALONG THE SOUTHERLY LINE OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 15 N89
35 58'27"W A DISTANCE OF 9.99 FEET TO A POINT ON THE EASTERLY LINE OF A PARCEL OF LAND RECORDED AT
36 RECEPTION NUMBER 940000231, EXHIBIT "C", CITY AND COUNTY OF DENVER RECORDS; THENCE ALONG
37 SAID EASTERLY LINE S6 37'52"E A DISTANCE OF 278.37 FEET TO THE SOUTHERLY LINE OF SAID PARCEL;
38 THENCE ALONG SAID SOUTHERLY LINE S83 22'08"W A DISTANCE OF 11.57 FEET TO THE SOUTHERLY LINE OF A
39 ~~PARCEL OF LAND RECORDED AT RECEPTION NUMBER 9400069994, EXHIBIT "B", CITY AND COUNTY OF~~
40 DENVER RECORDS; THENCE ALONG SAID SOUTHERLY LINE S83 22'08"W A DISTANCE OF 38.93 FEET TO THE
41 WESTERLY LINE OF SAID PARCEL; THENCE ALONG SAID WESTERLY LINE N6 37'52"W A DISTANCE OF 284.27
42 FEET TO THE SOUTHERLY LINE OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 15;
43 THENCE ALONG SAID SOUTHERLY LINE N89 58'27"W A DISTANCE OF 6.85 FEET TO A POINT ON THE EASTERLY
44 LINE OF THE LANDS OWNED BY THE ATCHISON, TOPEKA AND SANTA FE RAILROAD COMPANY; THENCE
45 ALONG SAID EASTERLY LINE N9 25'50"W A DISTANCE OF 1341.16 FEET TO THE NORTHERLY LINE OF THE
46 SOUTHWEST QUARTER OF SAID SECTION 15; THENCE ALONG SAID NORTHERLY LINE N89 59'05"E A DISTANCE
47 OF 353.72 FEET TO A PARCEL OF LAND RECORDED AT RECEPTION NUMBER 9300155214, EXHIBIT "A-2", CITY
48 ~~AND COUNTY OF DENVER RECORDS; THENCE ALONG SAID PARCEL S29 54'48"E A DISTANCE OF 1041.75 FEET~~
49 TO A POINT ON THE WESTERLY LINE OF CDOT PARCEL 605, ESTABLISHED UNDER CDOT DESIGN PROJECT IM
50 0252-315, DESIGN SUB-ACCOUNT 12194, SAID WESTERLY LINE BEING 66.00 FEET WESTERLY OF AND PARALLEL
51 WITH THE EASTERLY LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 15; THENCE ALONG SAID CDOT
52 PARCEL S00 44'44"E A DISTANCE OF 255.48 FEET TO A PARCEL OF LAND RECORDED AT RECEPTION NUMBER
53 8000104795 CITY AND COUNTY OF DENVER RECORDS; THENCE ALONG SAID PARCEL OF LAND THE
54 FOLLOWING FIVE (5) COURSES:

- 55
56 1. N89°58'27"W PARALLEL WITH THE SOUTHERLY LINE OF THE EAST HALF OF THE NORTHEAST
57 QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 15 A DISTANCE OF 306.66 FEET;
58 2. THENCE N00°41'16"W PARALLEL WITH THE WESTERLY LINE OF THE EAST HALF OF THE

1 NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 15 A DISTANCE OF
2 46.98 FEET;
3 3. THENCE N89°58'27"W PARALLEL WITH THE SOUTHERLY LINE OF THE EAST HALF OF THE
4 NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 15 A DISTANCE OF
5 24.00 FEET;
6 4. THENCE N00°41'16"W PARALLEL WITH THE WESTERLY LINE OF THE EAST HALF OF THE
7 NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 15 A DISTANCE OF
8 28.00 FEET;
9 5. THENCE N89°58'27"W PARALLEL WITH THE SOUTHERLY LINE OF THE EAST HALF OF THE
10 NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 15 A DISTANCE OF
11 260.43 FEET TO THE EASTERLY LINE OF A PARCEL OF LAND DESCRIBED IN A QUIT CLAIM
12 DEED, EXHIBIT "A-3", AT RECEPTION NUMBER 9300155214, SAID EASTERLY LINE ALSO BEING
13 THE WESTERLY LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST
14 QUARTER OF SAID SECTION 15;

15
16 THENCE ALONG SAID EASTERLY LINE S00 41'16"E A DISTANCE OF 240.00 FEET TO THE POINT OF BEGINNING.

17
18 EXCEPT THE FOLLOWING PARCEL

19
20 **EXCEPTION PARCEL**

21
22 A PARCEL OF LAND LOCATED IN THE EAST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST
23 QUARTER OF SECTION 15, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND
24 COUNTY OF DENVER, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

25
26 COMMENCING AT THE SOUTHWEST CORNER OF THE EAST HALF OF THE NORTHEAST QUARTER OF THE
27 SOUTHWEST QUARTER OF SAID SECTION 15; THENCE N00°41'16"W ALONG THE WESTERLY LINE OF THE EAST
28 HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 15 A DISTANCE OF
29 996.43 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N00°41'16"W ALONG THE WESTERLY LINE OF
30 THE EAST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 15 N00
31 41'16"W A DISTANCE OF 97.43 FEET; THENCE S28°27'51"E A DISTANCE OF 183.05 FEET; THENCE N53°34'57"W A
32 DISTANCE OF 106.96 FEET TO THE POINT OF BEGINNING;

33
34 SAID EXCEPTION PARCEL CONTAINS 4,156 SQUARE FEET OR 0.095 ACRES MORE OR LESS.

35
36 ZONING PARCEL "6" CONTAINS A NET AREA OF 668,572 SQUARE FEET OR 15.348 ACRES MORE OR LESS.

37
38 **BASIS OF BEARINGS**

39
40 ~~THE SOUTHERLY LINE OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 15, BEARING N89~~
41 ~~58'27"W.~~

42
43
44 in addition thereto those portions of all abutting public rights-of-way, but only to the
45 centerline thereof, which are immediately adjacent to the aforesaid specifically
46 described area.

47
48 ~~**Section 3.** That the foregoing change in zoning classification is based upon the representation by~~
49 ~~the owner that it will waive those certain rights available to it, and, in lieu thereof, agrees to certain~~
50 ~~limitations which limitations are set forth in Subsections 3 of Section 1 hereof, and is also based~~
51 ~~upon reasonable conditions approved by the said owner which reasonable conditions are set forth in~~
52 ~~Subsection 4 of Section 1 hereof; and no permit shall be issued except in strict compliance with the~~
53 ~~aforesaid waivers and the aforesaid reasonable conditions. Said waivers and said reasonable~~

1 conditions shall be binding upon all successors and assigns of said owners, who along with said
2 owners shall be deemed to have waived all objections as to the constitutionality of the aforesaid
3 waivers and the aforesaid reasonable conditions.

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

6 PASSED BY THE COUNCIL _____ 2003
7 _____ - PRESIDENT

8 APPROVED: _____ - MAYOR _____ 2003

9 ATTEST: _____ - CLERK AND RECORDER,
10 EX-OFFICIO CLERK OF THE
11 CITY AND COUNTY OF DENVER

12
13 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2003 _____ 2003

14 PREPARED BY: KAREN A. AVILES, ASSISTANT CITY ATTORNEY *KA* 5/6/03

15 REVIEWED BY: *[Signature]* - CITY ATTORNEY *5/14* 2003

16 SPONSORED BY COUNCIL MEMBER(S) _____