

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	City and County of Denver	Representative Name	Brad Buchanan on behalf of Office of Economic Development
Address	201 W. Colfax Avenue	Address	201 W. Colfax Avenue
City, State, Zip	Denver, CO 80202	City, State, Zip	Denver, CO 80202
Telephone		Telephone	Contact: Megan Yonke, 720-913-1605
Email		Email	megan.yonke@denvergov.org
<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):	7900 East Colfax Avenue, Denver, CO 80220		
Assessor's Parcel Numbers:	0604202001000		
Area in Acres or Square Feet:	30,500		
Current Zone District(s):	E-MS-3		
PROPOSAL			
Proposed Zone District:	E-MS-5		

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. 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"/> Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include:</p> <p>a. Changed or changing conditions in a particular area, or in the city generally; or,</p> <p>b. A City adopted plan; or</p> <p>c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.</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. 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. 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:	
<p><input checked="" type="checkbox"/> Legal Description (required to be attached in Microsoft Word document format)</p> <p><input checked="" type="checkbox"/> Proof of Ownership Document(s)</p> <p><input checked="" type="checkbox"/> Review Criteria, as identified above</p>	
ADDITIONAL ATTACHMENTS	
Please identify any additional attachments provided with this application:	
<p><input type="checkbox"/> Written Authorization to Represent Property Owner(s)</p> <p><input type="checkbox"/> Individual Authorization to Sign on Behalf of a Corporate Entity</p>	
Please list any additional attachments:	
<p>OED request for initiation of rezoning application</p>	

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
Brad Buchanan, Executive Director, Community Planning and Development, City and County of Denver, on behalf of Office of Economic Development	201 West Colfax Avenue, Denver, CO 80202	100%	<i>Brad Buchanan</i>	7.3.18	B	

Last updated: May 24, 2018

Return completed form to rezoning@denvergov.org

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

Legal description for 7900 E Colfax Ave, Denver, Colorado 80220:

LOTS 1 THROUGH 10, INCLUSIVE, BLOCK 7, EXCEPT THE REAR OR EASTERLY 8 FEET OF SAID LOTS, KENSINGTON, CITY AND COUNTY OF DENVER, STATE OF COLORADO



04/28/2017 12:22 PM
City & County of Denver
Electronically Recorded

R \$28.00

D \$65.00

WD

After recording, return to:
Division of Real Estate
City and County of Denver
201 West Colfax Avenue, Dept. 1010
Denver, Colorado 80202

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED ("Deed"), made as of this 27th day of April, 2017, by Crosscheck, LLC a Nevada limited liability company, whose address is 1490 W. 121st Avenue, Suite 201, Westminster, CO 80234 ("Grantor") to the CITY AND COUNTY OF DENVER, a Colorado municipal corporation of the State of Colorado and home rule city, whose address is 1437 Bannock Street, Denver, Colorado 80202 ("Grantee").

WITNESSETH, that the Grantor, for and in consideration of the sum of Six Hundred Fifty Thousand and 00/100 Dollars (\$650,000.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and by these presents does hereby grant, bargain, sell, convey and confirm, unto the Grantee, and its successors and assigns forever, the real property described below, together with all improvements thereon, owned by the Grantor situate, lying and being in the City and County of Denver, State of Colorado, and being more particularly described on Exhibit A attached hereto and incorporated herein ("Property");

TOGETHER WITH all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all of the estate, right, title, interest, claim and demand whatsoever of the Grantor, either in law or equity, of, in, and to the above-bargained Property, together with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the Property above bargained and described with the appurtenances, unto the Grantee, and its successors and assigns forever. The Grantor, for itself and its successors and assigns does covenant and agree that it shall and will WARRANT AND FOREVER DEFEND the above-bargained Property in the quiet and peaceable possession of the Grantee, and its successors and assigns, against all and every person or persons claiming the whole or any part thereof, by, through, or under the Grantor.

No separate bill of sale with respect to improvements on the Property will be executed.

IN WITNESS WHEREOF, the Grantor has executed this Deed on the date set forth above.

State Documentary Fee
Date
\$ 6500



70529708

EXHIBIT A

LOTS 1 THROUGH 10, INCLUSIVE, BLOCK 7, EXCEPT THE REAR OR EASTERLY 8 FEET OF SAID LOTS, KENSINGTON, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

City and County of Denver Agency or Department Request for Rezoning

June 19, 2018

Dear CPD Executive Director:

I am writing to request the initiation of an official map amendment on behalf of the Denver Office of Economic Development to rezone 7900 East Colfax from E-MS-3 to E-MS-5. The property's current use is vacant. The parcel was recently purchased by the City and County of Denver.

This rezoning is requested to support development of affordable housing on the subject parcel. The need for affordable housing in this area reflects goals stated in the Housing an Inclusive Denver Five-Year Plan and has been documented as desired by surrounding communities per feedback in a meeting with the East Colfax Neighborhood Association in February 2018, as well as in engagement from August through November 2017 associated with development of the East Area Plan. To accommodate this objective, an RFP will be issued to dispose of the properties to a qualified developer. Greater density on the parcel would facilitate proposals from more qualified applicants. Further, the location of this property one-tenth mile away from the proposed bus rapid transit (BRT) station at Uinta and Colfax makes it an ideal location for additional density.

Please contact Megan Yonke, Housing Development Officer at megan.yonke@denvergov.org if there are any questions or additional clarification is required. If this person becomes unavailable, I will designate another individual as a point-of-contact for this application.

Sincerely,



Eric Hiraga

Executive Director

Office of Economic Development

City and County of Denver

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Application #2018I-00091

BACKGROUND

The City and County of Denver acquired the subject parcel in 2017 for the purposes of developing affordable housing, consistent with the goals of the recently adopted Housing an Inclusive Denver Plan. The need for increased affordable housing opportunities in the city is urgent, with approximately 100,000 households experiencing housing cost burden. Further, the desire for affordable housing in this area has been documented as desired by the surrounding community per feedback in a meeting with the East Colfax Neighborhood Association in February 2018, as well as in engagement from August through November 2017 associated with the ongoing development of the East Area Plan. To accommodate this objective, a Request for Proposal will be issued to dispose of the properties to a qualified developer. Greater density on the parcel would facilitate proposals from more qualified applicants and accommodate additional units to better meet the City's goals. Further, the location of this property one-tenth mile away from the proposed Bus Rapid Transit (BRT) station at Uinta and Colfax makes it an ideal location for additional density. The proposed project would offer residents access to affordable, active, transit-oriented living in an area that is likely to experience significant redevelopment in the coming years. Affordable housing is a key element of the infrastructure that supports the welfare of Denver residents.

REZONING CRITERIA

Consistency with Adopted Plans

There are four adopted plans that provide guidance for this area: **Denver Comprehensive Plan (2000)**, **Blueprint Denver (2002)**, **Housing an Inclusive Denver (2018)**, and **East Montclair/East Colfax Neighborhood Plan (1994)**.

Denver Comprehensive Plan 2000

The proposed rezoning is consistent with several objectives and strategies in Denver Comprehensive Plan 2000, including:

- 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. (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. (60)
- Mobility Strategy 4-E: Continue to promote mixed-use development, which enables people to live near work, retail, and services. (78)
- Economic Activity Strategy 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 create jobs. Consider the following key strategies as top priorities...Continue to strengthen and, where necessary, revitalize Denver's commercial corridors, such as East and West Colfax..." (135)
- 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. (39)

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This proposed zoned district supports Comprehensive Plan 2000 by encouraging mixed-use development at an infill site that would leverage both existing bus service and planned BRT. The increase in height from the existing zone district will facilitate additional density at a transit node, enabling more housing and amenities.

Blueprint Denver (2002)

Blueprint Denver identifies this area with the future land use classification of Commercial Corridor. Commercial Corridors are described as “linear business districts primarily oriented to heavily used arterial streets” (45). In addition, Blueprint Denver identifies this area as an Area of Change. An Area of Change is meant to “channel growth where it will be beneficial and can best improve access to jobs, housing and services with fewer and shorter auto trips” (127). The Blueprint Denver description of Areas of Change notes that “as steps are taken to [...] redevelop these areas, a high priority will be providing housing for existing residents,” and that “the City must be careful to encourage the retention of low-income residents” (127). Providing guidance for the area of Colfax Avenue from Colorado Boulevard to Yosemite specifically, the plan recommends the introduction of mixed-uses along the major bus corridor (140).

Blueprint Denver also identifies Colfax Avenue as an Enhanced Bus Transit Corridor (99). The plan encourages development of “more intensive, mixed-use development surrounding stations and along transit corridors,” specifying bus rapid transit (26). Finally, the plan states that “focusing development around rail stations reduces vehicle trips and creates less pollution than other types of development that strictly rely on the automobile” (46).

Colfax Avenue is identified in Blueprint Denver as a Mixed-Use Arterial, and Trenton Street is identified as an Undesignated Local. Blueprint Denver describes arterials as streets “designed to provide a high degree of mobility generally serve longer vehicle trips” (51). The mixed-use designation indicates a variety of travel choices and high-intensity mixed use areas with substantial pedestrian activity (57). Local Streets are intended for local access and short trips (50).

All this detail lends support for mixed uses and greater density on the subject site, which is located on the high-frequency 15 and 15L bus corridor and one-tenth mile away from the proposed BRT station at Uinta and Colfax. Therefore, the proposed E-MS-5 district is consistent with Blueprint Denver.

Housing and Inclusive Denver (2018)

The Housing and Inclusive Denver Plan calls for the City to “leverage publicly owned land for affordable housing development” (8). The additional height in the E-MS-5 district will offer an opportunity to deliver a larger number of housing units than could be achieved in the existing 3-story district, therefore furthering the housing plan’s goal of leveraging publicly owned land. A core goal of the Plan is also to create affordable housing in vulnerable areas and in areas of opportunity that have strong amenities such as transit (56). The proposed E-MS-5 district facilitates the development of additional housing in a neighborhood that is considered vulnerable and also has rich transit access.

East Montclair/East Colfax Neighborhood Plan (1994)

The East Montclair/East Colfax Neighborhood Plan envisions an improved Colfax Avenue with more business opportunities and reinvestment (28, 45). The plan refers to Colfax as the “main street of the Denver metropolitan region... a major transportation corridor between Aurora, Denver, and Lakewood. Commercial land uses abut the corridor along its entire length. These businesses serve

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both the metropolitan region and immediate neighborhood” (33). The plan recommends pedestrian-friendly redevelopment at Colfax Avenue intersections with buildings at the street and parking behind (18). The plan does not provide guidance for building heights along Colfax Avenue. The plan refers to Uinta as one of four “special intersections” along the studied stretch of East Colfax. Uinta Street lies just two blocks to the east of the subject parcel. The plan refers to the intersection of Uinta and East Colfax as a “more locally oriented retail area which should be built upon as it redevelops” (15). The plan anticipated growth in residential in this area as a result of development of surrounding Stapleton and Lowry neighborhoods and sought replacement customers for the lost Air Force Base and Airport (33, 46). A main goal of the plan was to encourage pedestrian travel between residences and destinations to “reduce automobile use, improve air quality, promote a sense of neighborliness and encourage physical fitness” (41). The proposed E-MS-5 district is consistent with the East Montclair/East Colfax Neighborhood Plan as the district will foster pedestrian-friendly design and a mix of commercial and residential uses as envisioned in the plan. Developing in greater height than would be allowed in the current 3-story district will provide for additional density of residential and commercial uses to meet the plan’s goals.

Uniformity of District Regulations and Restrictions

The proposed change results in regulations and restrictions that are uniform for each kind of building through each district having the same classification. This request seeks to rezone the property into the E-MS-5 Zone District with no waivers or conditions. This will result in regulations and restrictions that are uniform throughout the E-MS-5 Zone District.

Public Health, Safety, and General Welfare

The proposed rezoning furthers the public health, safety, and general welfare of the City by furthering adopted plans. The rezoning would facilitate the redevelopment of the site with additional housing and commercial uses in a pedestrian-friendly environment along a major transit corridor.

Justifying Circumstances – Changed or Changing Conditions

The rezoning is justified under DZC Section 12.4.10.8.A.4, “Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include: a. Changed or changing conditions in a particular area, or in the city generally; or, b. A City adopted plan; or c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.”

The existing zoning for this site has been in place since 2010. Several changed and changing conditions on the site, the surrounding area, and in the city generally warrant the requested change from a 3-story district to a 5-story district. The site, which was formerly occupied by a bar, is currently vacant and was acquired by the City and County of Denver in 2017 for the purposes of developing affordable housing. In recent years, the city has faced an increasing demand for housing and the need for affordable housing opportunities, in particular, is urgent with approximately 100,000 households in the city experiencing housing cost burdens. The 5-story district would provide an opportunity for more housing than would be possible in a 3-story district. Since 2010, the City has also seen additional growth in the job centers located along the 15 and 15L transit corridor, including in Downtown and at the Anschutz Medical Campus in Aurora. The 5-story district would facilitate additional housing along the transit corridor, providing more people the opportunity to live in areas with easy transit access to job centers. The East Colfax neighborhood’s population has increased and some recent investment in alterations and additions to the housing stock has been

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made. Further, a number of new residences have been built in the southern portion of Stapleton about a half mile from the subject site. The new housing and residents provide a potential customer base for additional businesses on Colfax Avenue. Less than a half mile from the site, a five-story mixed use building, Phoenix on the Fax, was completed in 2011. The building includes affordable housing and ground floor commercial, demonstrating the mixed-use character and increased housing opportunities envisioned by the adopted plans that would be facilitated through the proposed rezoning to E-MS-5. Further, additional investment is planned for this area, including a new north-south bike lane on Syracuse Street two blocks west of the subject site and the bus rapid transit project that received funding through the 2017 General Obligation Bond. Slightly denser development allowing for ground floor commercial would enhance the pedestrian and transit user experience in this area.

Lastly, the recently adopted plan Housing an Inclusive Denver recommends leveraging public land and creating affordable housing in vulnerable areas and in areas of opportunity that have strong amenities such as transit. The proposed 5-story zone district would support this plan by facilitating more housing than the current 3-story district.

Consistency with Neighborhood Context, Zone District Purpose and Intent

The proposed zone district is consistent with the neighborhood context description and with the zone district purpose and intent. The Urban Edge neighborhood context is characterized by a mix of elements from both the Urban and Suburban Neighborhood contexts and is primarily single- and two-unit residential uses, as is typical of the neighborhoods surrounding Colfax Avenue in this area. Main Street zone districts are intended to promote safe, active, and pedestrian-scaled commercial streets through the use of building forms that clearly define and activate the public street edge. A five-story mixed use district, along with an activated first floor, will provide a high degree of walkability and pedestrian activity. The parcel's current E-MS-3 zone district is intended to apply primarily to local or collector streets, while the proposed E-MS-5 zone district is intended to apply primarily to collector or arterial street corridors. Blueprint Denver identifies East Colfax Avenue as a Mixed-Use Arterial street, making E-MS-5 zoning appropriate in this location. In addition, the proposed zone district is one block west of an existing node of E-MS-5 zoning along the south side of Colfax Avenue between Tamarac Street and Valentia Street. The E-MS-5 zone district requires upper story setbacks above 27' and 51' adjacent to protected districts. This will ensure an appropriate transition to the adjacent E-TU-B district to the south and east of the site.