

Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
☐ CHECK IF POINT OF CONTACT FOR APPLICATION		☒ CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	Denver Water Board	Representative Name	Katie Ross
Address	1600 West 12th Avenue	Address	1600 West 12th Avenue
City, State, Zip	Denver, CO 80204	City, State, Zip	Denver, CO 80204
Telephone	303-628-6589	Telephone	303-628-6589
Email	katie.ross@denverwater.org	Email	katie.ross@denverwater.org
*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.		**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.	
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. 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.			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):		7698 Jewell Avenue, 1901 S Ulster Street	
Assessor's Parcel Numbers:		06282-00-001-000; 06282-00-003-000	
Area in Acres or Square Feet:		13.2 acres	
Current Zone District(s):		S-SU-D; OS-C	
PROPOSAL			
Proposed Zone District:		OS-C (Parcel B); OS-B with Waivers (Parcel A)	

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REVIEW CRITERIA

General Review Criteria: The proposal must comply with all of the general review criteria

DZC Sec. 12.4.10.7

- ☒ **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.
- ☒ **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.
- ☒ **Public Health, Safety and General Welfare:** The proposed official map amendment furthers the public health, safety, and general welfare of the City.

Additional Review Criteria for Non-Legislative Rezoning: The proposal must comply with both of the additional review criteria

DZC Sec. 12.4.10.8

- Justifying Circumstances - One of the following circumstances exists:**
- ☐ The existing zoning of the land was the result of an error.
 - ☐ The existing zoning of the land was based on a mistake of fact.
 - ☐ 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.
 - ☒ 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.
 - ☐ 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.
 - ☒ 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.

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, as identified above

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:

Attachment A: Legal Descriptions and Parcel Exhibits
 Attachment B: Proof of Ownership Documents
 Attachment C: Waiver Draft
 Attachment D: Rezoning Review Criteria
 Attachment E: Typical Facility Site Plan
 Attachment F: Co-Applicant Letter from DPR
 Attachment G: Letter of Support from UDFCD
 Attachment H: Letter of Support from Arapahoe County

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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
Robert J. Mahoney, Chief Engineering Officer	1600 West 12th Avenue, Denver CO 80204	100%	<i>Robert J. Mahoney</i>	11/14/18	B	Yes

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

November 19th, 2018

Rezoning Application
Denver Community Planning and Development
201 W. Colfax Ave. Dept. 205
Denver, CO 80202

RE: 7698 Jewell Avenue
Rezoning Application for OS-B with Waivers and OS-C

Dear Reviewer,

Denver Water currently owns 34.6-acres of property at 7698 Jewell Avenue near Cherry Creek South Drive and East Iliff Avenue. It was acquired in 1886 to be utilized for groundwater infiltration wells and currently consists of multiple wells, with one well, Well O, still operable. Well O is connected to raw water Conduit No. 5, located on the northeast corner of the property. Cherry Creek bisects a portion of the property along Cherry Creek South Drive, west of the Conduit No. 5 alignment. Since 2015, Denver Water and the City and County of Denver have been project sponsors of the Urban Drainage and Flood Control District (UDFCD) Cherry Creek Corridor Improvements project. As the UDFCD project design evolved, Denver Water staff determined that a portion of the current property is not needed from an operations perspective.

Denver Water plans to convey the part of the property following the jurisdictional boundary to the City and County of Denver (Parcel B - 18.9-acres) and Arapahoe County (Parcel C - 7.1-acres) in support of open space and a rehabilitated Cherry Creek corridor, as a part of the UDFCD project. Denver Water is retaining 8.6-acres of property (Parcel A) that is encumbered by Conduit No. 5 and the existing wells, including Well O. The property is currently zoned OS-C and S-SU-D. Please see Attachment A for Legal Descriptions and Parcel Exhibits.

As part of the overall project, Denver Water and Denver Parks & Recreation, as co-applicants, are requesting the rezoning of the 18.9-acre Parcel B, to be conveyed to the City and County of Denver, to OS-C and rezoning of the remaining 8.6-acre Parcel A to OS-B with waivers to align with the presence of Denver Water's wells, Conduit No. 5, and future operational needs.

Sincerely,



Katie Ross, P.E.
Engineer Senior
Denver Water Board of Commissioners

Attachments:

Attachment A: Legal Descriptions and Parcel Exhibits
Attachment B: Proof of Ownership Documents
Attachment C: Waiver Draft
Attachment D: Rezoning Review Criteria
Attachment E: Typical Facility Site Plan
Attachment F: Co-Applicant Letter from DPR
Attachment G: Letter of Support from UDFCD
Attachment H: Letter of Support from Arapahoe County

Attachment A:

Legal Descriptions and Parcel Exhibits

Exhibit A

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Parcel A Description

A portion of the northwest quarter of Section 28, Township 4 South, Range 67 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado, being more particularly described as follows:

Note:

1. The Basis of Bearings is the east line of the northeast quarter of the northwest quarter of Section 28, T4S, R67W 6th P.M. bears S 00°13'52" E.

Beginning at the north quarter corner of said Section 28;

Thence S 00°13'52" E, along the east line of the northeast quarter of the northwest quarter of said Section 28, a distance of 1072.71 feet;

Thence S 89°46'08" W a distance of 87.93 feet;

Thence N 31°22'12" W a distance of 147.74 feet;

Thence N 15°40'26" W a distance of 417.97 feet;

Thence N 35°15'41" W a distance of 314.15 feet;

Thence N 40°35'33" W a distance of 263.84 feet;

Thence S 89°45'33" W a distance of 171.30 feet;

Thence N 00°14'27" W a distance of 85.00 feet, more or less, to a point on the north line of said Section 28;

Thence N 89°45'33" E, along said north line, a distance of 798.12 feet to the POINT OF BEGINNING.

Containing 8.617 acres more or less.

Prepared by David C. Costner
For and on behalf of Topographic Land Surveyors
520 Stacy Ct. Ste B, Lafayette, CO 80026



Exhibit A

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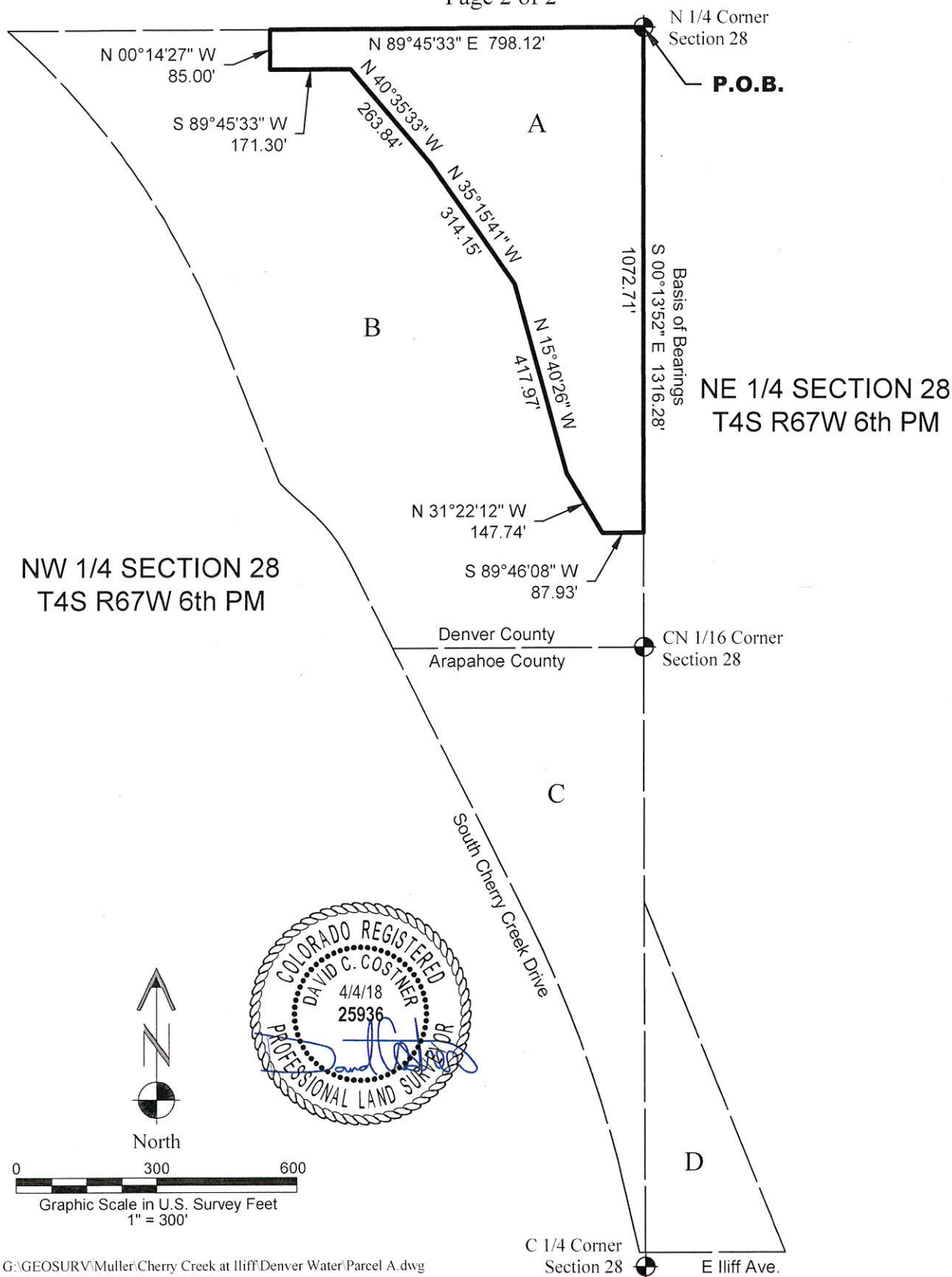


Exhibit A

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Parcel B Description

A portion of the northwest quarter of Section 28, Township 4 South, Range 67 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado, being more particularly described as follows:

Note:

1. The Basis of Bearings is the east line of the northeast quarter of the northwest quarter of Section 28, T4S, R67W 6th P.M. bears S 00°13'52" E.

Commencing at the north quarter corner of said Section 28; Thence S 00°13'52" E, along the east line of the northeast quarter of the northwest quarter of said Section a distance of 1072.71 feet to the POINT OF BEGINNING;

Thence S 00°13'52" E, continuing along said east line, a distance of 243.57 feet, more or less, to the southeast corner of the northeast quarter of the northwest quarter of said Section 28;

Thence S 89°48'09" W, along the south line of said northeast quarter of the northwest quarter, a distance of 538.05 feet, more or less, to a point on the easterly line of that parcel conveyed to the City and County of Denver filed May 23, 1984 at Reception Number 66158 in Book 3104 at Page 362;

Thence along said easterly line the following three (3) courses:

1. Thence N 26°47'11" W a distance of 203.75 feet to a point of non tangent curvature;
2. Thence along a curve to the left a distance of 151.49 feet to a point of reverse curvature, said curve having a radius of 370.20 feet, a delta angle of 23°26'47" and a chord distance of 150.44 feet which bears N 38°27'02" W;
3. Thence along a reverse curve to the right a distance of 78.76 feet, more or less, to a point on the westerly line of the 400 foot wide Cherry Creek Channel, said curve having a radius of 717.17 feet, a delta angle of 06°17'32" and a chord distance of 78.72 feet which bears N 47°09'47" W;

Thence N 21°52'59" W, along said westerly line, a distance of 338.81 feet to a point of non tangent curvature;

Thence, continuing along said westerly line, along a curve to the left a distance of 796.43 feet, more or less, to a point on the north line of said Section 28, said curve having a radius of 1710.08 feet, a delta angle of 26°41'04" and a chord distance of 789.26 feet which bears N 35°13'00" W;

Thence N 89°45'33" E, along said north line, a distance of 559.15 feet;

Thence S 00°14'27" E a distance of 85.00 feet;

Thence N 89°45'33" E a distance of 171.30 feet;

Thence S 40°35'33" E a distance of 263.84 feet;

Thence S 35°15'41" E a distance of 314.15 feet;

Thence S 15°40'26" E a distance of 417.97 feet;

Thence S 31°22'12" E a distance of 147.74 feet;

Thence N 89°46'08" E a distance of 87.93 feet to the POINT OF BEGINNING.

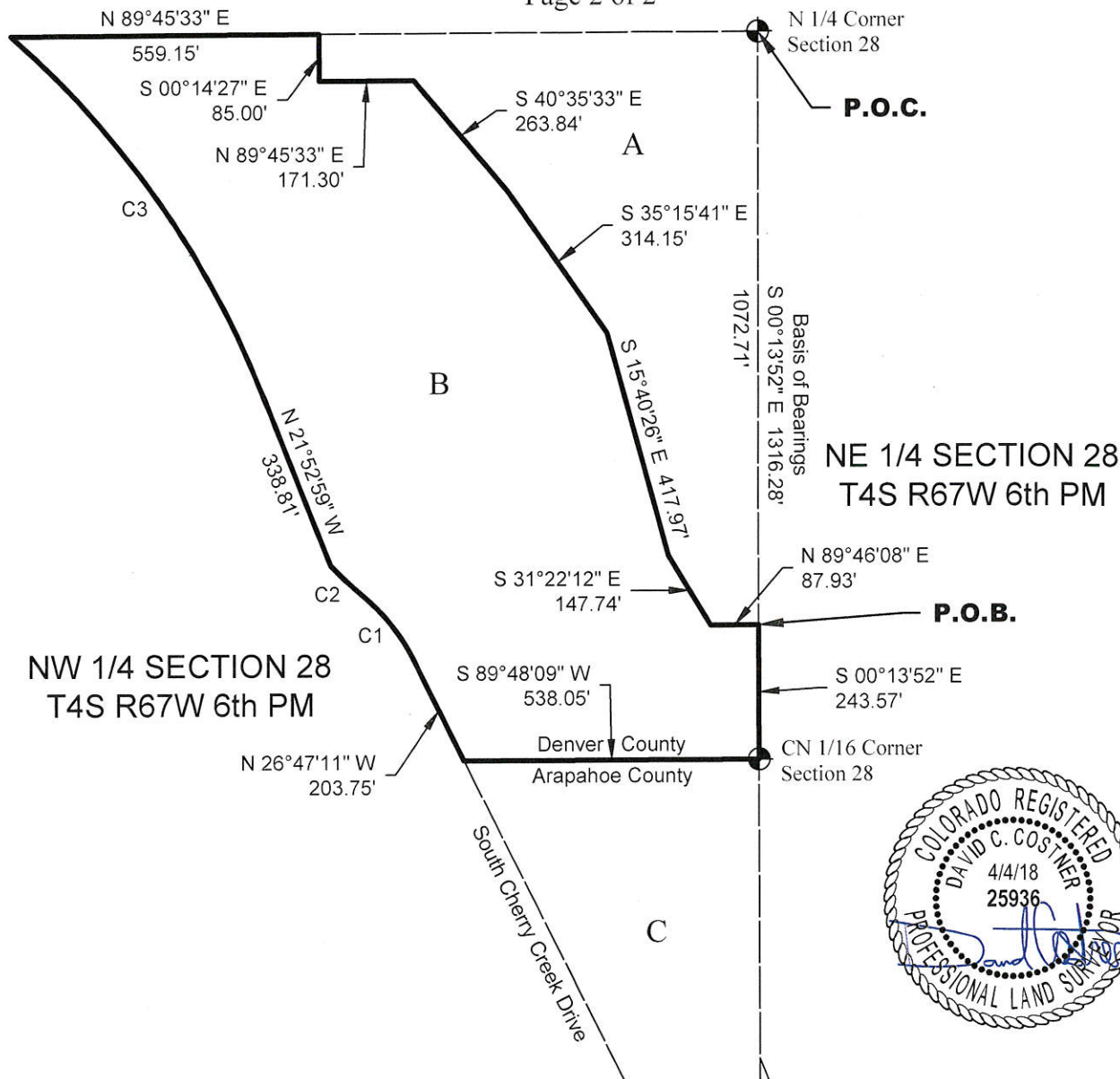
Containing 18.892 acres more or less.

Prepared by David C. Costner
For and on behalf of Topographic Land Surveyors
520 Stacy Ct. Ste B, Lafayette, CO 80026

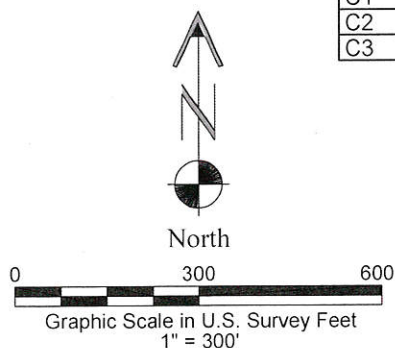


Exhibit A

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CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD LENGTH	CHORD BEARING
C1	151.49'	370.20'	23°26'47"	150.44'	N 38°27'02" W
C2	78.76'	717.17'	6°17'32"	78.72'	N 47°09'47" W
C3	796.43'	1710.08'	26°41'04"	789.26'	N 35°13'00" W



File: G:\GEOSURV\Muller\Cherry Creek at Iliff\Denver Water\Parcel B.dwg
 Printed: Apr. 4, 18 7:00 AM By: MAGallegos

Attachment B:

Proof of Ownership Documents

7698 E JEWELL AVE

Owner	BOARD OF WATER COMMISSIONERS 1600 W 12TH AVE DENVER , CO 80204-3412
Schedule Number	06282-00-001-000
Legal Description	PT NW1/4 28 4 67 BEG NW COR NE1/4 NW1/4 SD SEC TH E 900FT TH S 330FT TH W TO SW LI OFF L CHANNEL CHERRY CREEK TH NELYALG SD SW LI TO N LI NW1/4 TH
Property Type	
Tax District	DENV

Print Summary

Property Description			
Style:	OTHER	Building Sqr. Foot:	0
Bedrooms:		Baths Full/Half:	0/0
Effective Year Built:	0000	Basement/Finish:	0/0
Lot Size:	264,017	Zoned As:	S-SU-D
Note: Valuation zoning may be different from City's new zoning code.			

Current Year			
Actual	Assessed	Exempt	
Land	\$2,790,200	\$809,160	\$809,160
Improvements	\$0	\$0	
Total	\$2,790,200	\$809,160	

Prior Year			
Actual	Assessed	Exempt	
Land	\$2,790,200	\$809,160	\$809,160
Improvements	\$0	\$0	
Total	\$2,790,200	\$809,160	

Real Estates Property Taxes for current tax year

Please click on additional information below to check for any delinquencies on this property/schedule number and for tax sale information.

	Installment 1 (Feb 28 Feb 29 in Leap Years)	Installment 2 (Jun 15)	Full Payment (Due Apr 30)
Date Paid			
Original Tax Levy	\$0.00	\$0.00	\$0.00
Liens/Fees	\$0.00	\$0.00	\$0.00
Interest	\$0.00	\$0.00	\$0.00
Paid	\$0.00	\$0.00	\$0.00
Due	\$0.00	\$0.00	\$0.00

Additional Information

Note: If "Y" is shown below, there is a special situation pertaining to this parcel. For additional information about this, click on the name to take you to an explanation.

Additional Assessment ⓘ	N	Prior Year Delinquency ⓘ	N
Additional Owner(s) ⓘ	N	Scheduled to be Paid by Mortgage Company ⓘ	N
Adjustments ⓘ	N	Sewer/Storm Drainage Liens ⓘ	N
Local Improvement Assessment ⓘ	N	Tax Lien Sale ⓘ	N
Maintenance District ⓘ	N	Treasurer's Deed ⓘ	N
Pending Local Improvement ⓘ	N		

Real estate property taxes paid for prior tax year: **\$0.00**

Assessed Value for the current tax year

Assessed Land	\$809,160.00	Assessed Improvements	\$0.00
Exemption	\$809,160.00	Total Assessed Value	\$0.00

1901 S ULSTER ST

Owner	BOARD OF WATER COMMISSIONERS 1600 W 12TH AVE DENVER , CO 80204-3412
Schedule Number	06282-00-003-000
Legal Description	T4 R67 S28 NW/4 BEG NE COR NW/4 TH S 1315.95FT W 543.16FTN 26 DEG 33 MIN 23 SEC W 203. 69FT CV/L 151.5FT CV/R 78.83FTNW 696.3FT E 641.5FT N 330FT E433.62FT TO POB
Property Type	
Tax District	DENV

Print Summary

Property Description			
Style:	OTHER	Building Sqr. Foot:	0
Bedrooms:		Baths Full/Half:	0/0
Effective Year Built:	0000	Basement/Finish:	0/0
Lot Size:	965,000	Zoned As:	OS-C
Note: Valuation zoning may be different from City's new zoning code.			

Current Year			
Actual	Assessed	Exempt	
Land	\$1,085,600	\$314,820	\$314,820
Improvements	\$0	\$0	
Total	\$1,085,600	\$314,820	

Prior Year			
Actual	Assessed	Exempt	
Land	\$1,085,600	\$314,820	\$314,820
Improvements	\$0	\$0	
Total	\$1,085,600	\$314,820	

Real Estates Property Taxes for current tax year

Please click on additional information below to check for any delinquencies on this property/schedule number and for tax sale information.

	Installment 1 (Feb 28 Feb 29 in Leap Years)	Installment 2 (Jun 15)	Full Payment (Due Apr 30)
Date Paid			
Original Tax Levy	\$0.00	\$0.00	\$0.00
Liens/Fees	\$0.00	\$0.00	\$0.00
Interest	\$0.00	\$0.00	\$0.00
Paid	\$0.00	\$0.00	\$0.00
Due	\$0.00	\$0.00	\$0.00

Additional Information

Note: If "Y" is shown below, there is a special situation pertaining to this parcel. For additional information about this, click on the name to take you to an explanation.

Additional Assessment ⓘ	N	Prior Year Delinquency ⓘ	N
Additional Owner(s) ⓘ	N	Scheduled to be Paid by Mortgage Company ⓘ	N
Adjustments ⓘ	N	Sewer/Storm Drainage Liens ⓘ	N
Local Improvement Assessment ⓘ	N	Tax Lien Sale ⓘ	N
Maintenance District ⓘ	N	Treasurer's Deed ⓘ	N
Pending Local Improvement ⓘ	N		

Real estate property taxes paid for prior tax year: **\$0.00**

Assessed Value for the current tax year

Assessed Land	\$314,820.00	Assessed Improvements	\$0.00
Exemption	\$314,820.00	Total Assessed Value	\$0.00

CHIEF ENGINEERING OFFICER**Pay Structure/Grade: ESP-12****Classification: Exempt/Discretionary****JOB CODE: EXC012****Pay Range: \$131,414.40 - \$212,888.00****JOB DESCRIPTION**

Position Summary

The Chief Engineering Officer reports directly to the Chief Executive Officer (CEO). The Chief Engineering Officer is responsible for all Engineering/Construction programs including special projects. Designs, constructs, and evaluates facilities, and property management functions. Oversees scheduling and prioritization of projects for the long-term Capital Program and annual project budget. Serves as Acting CEO/Manager upon designation in the event of the absence of the CEO/Manager. This is a discretionary position, established under the Charter of the City and County of Denver outside the civil service system. The incumbent in this position serves solely at the pleasure of the Board.

Supervisory Responsibilities

This position has formal supervisory responsibilities over other employees.

Essential Duties and Responsibilities

- Directs all aspects of capital delivery from inception to completion. Provides oversight, input, and mentoring for the large project management team. Manages GIS activities, surveying activities, and property/distribution including purchase and sale of property for Denver Water.
- Plans, develops, organizes, implements, and directs strategies to support the achievement of the organization's overall strategic objectives.
- Manages personnel engaged in design engineering activities, facility evaluation, construction inspection, contract administration, geologic investigations, materials testing, and coordination of field engineering relating to land survey and right-of-way for construction projects.
- Develops management controls including periodic special financial and operating reports. Reviews and approves purchase vouchers, contracts and agreements, and facility plans of Board distributors.
- Oversees the review of qualifications and selection of outside consultants for design of major departmental facilities and selection of contractors for selected project delivery methods.
- Ensures that standards are developed for pre-qualification of contractors, and coordinates construction contracts and engineering professional services. Reviews and approves changes to Engineering standards.
- Acts as a member of the Executive team and attends all Board meetings. Participates in Board level long range strategic planning, policy development, and governance. Prepares and explains all items submitted by the Division for Board actions.
- Develops and implements long term budgets, plans, policies and procedures to achieve goals and objectives for the division in line with Denver Water's strategic plan.
- Provides defensible recommendations for inclusion, scheduling, and prioritization of projects in the long-term Capital Program and annual capital budgets.
- Develops and delivers training and instructional training modules with emphasis on capital delivery and project management.
- Performs related work as required.

The following discipline(s) fall under this job description:

None.

Minimum Qualifications

Education and Experience

- Bachelor's Degree from an accredited college or university in Engineering or a related field.
- Master's Degree in Engineering, Business or associated field preferred.
- Minimum of 12 years of related work experience with 5 years with wastewater/water or related work in consulting; including 4 years in management experience.
- Any equivalent combination of training, education, and experience that provides the required skills, knowledge and abilities.

Licenses, Registration, and Certifications

- Professional Engineer designation.
- Project Management Professional (PMP) certification from the Project Management Institute or equal.
- May require possession of a standard driver's license (ability to obtain within 1 month of hire).
- May require HIPAA Training.

Physical Demands/Work Environment ([link](#))

Skills/Competencies

- Problem solving and decision-making
- Negotiation and claim resolution.
- Organization, prioritization, and management skills
- Critical thinking.
- Clear communication of technical concepts.
- Leadership skills.

Denver Water is an Equal Opportunity Employer.

This job description has been approved by Human Resources. **Revised: July 2016**

DEED.

Know all men by these presents, that whereas, heretofore on to-wit, the twenty-first day of February, 1916, THE DENVER UNION WATER COMPANY, A CORPORATION, organized, existing and doing business under the laws of the State of Colorado, entered into a certain contract with the CITY AND COUNTY OF DENVER and the PUBLIC UTILITIES COMMISSION OF SAID CITY AND COUNTY, whereby said COMPANY agreed to sell and convey, or cause to be conveyed, to the CITY AND COUNTY OF DENVER its water works system and plant, situate in the City and County of Denver and in the Counties of Jefferson, Arapahoe and Douglas, in said state, included in the rating base adopted by the Special Master in Chancery in a certain case in the District Court of the United States for the District of Colorado, wherein The Denver Union Water Company was complainant, and the City and County of Denver, et al, were defendants, being case number 6274 in Equity; said sale and conveyance to be in accordance with the terms, provisions and conditions as set forth and recited in said contract, said contract being recorded in Book 2851, pages 266, et. seq., of the records of the Clerk and Recorder in the City and County of Denver, the same being hereby referred to and made a part hereof, and

Whereas, Subsequent to the execution of said contract, the City and County of Denver, through its proper officials, took such legal steps as were necessary for the carrying out of said contract, and at an election duly called and held in pursuance of the constitution and laws of the State of Colorado and the charter and ordinances of the City and County of Denver, the bonds of the City and County of Denver were authorized for the purchase of said water works system and plant under the terms of said contract; and

Whereas, All actions, conditions and things required by the laws and constitution of the State of Colorado and the charter and ordinances of the City and County of Denver have been done precedent to and in the execution of this deed necessary to make the same legal and valid and in regular and due form as required by law; and

Whereas, Said bonds of the City and County of Denver have been issued, executed and delivered to The Denver Union Water Company for the purpose of paying the purchase price for its said water works system and plant.

north line of Block Eleven (11) of Lake Archer Subdivision, as originally platted; south of the produced east and west center line of Block Two (2) of Richhofen's Addition to Lake Archer Subdivision; westerly from Oakley Lane as the same is now platted in said Richhofen's Addition; and easterly from the easterly line of a tract of land heretofore conveyed by Wm. M. Dailey to The Denver Water Company by deed dated February 5th, 1889, and recorded in Book 472, on page 459, of the records of the City and County of Denver, except so much of said tract as lies within the right of way of the Colorado and Southern Railway (formerly the Denver, Texas and Gulf Railway), as granted to said railway by Wm. M. Dailey in warranty deed dated July 30th, 1888, and recorded in Book 422, on page 433, of the records of the City and County of Denver, Colorado, and containing 0.13 of an acre, more or less. Also a tract of land bounded as follows: Beginning at the northwest corner of Lot One (1), in Block Numbered Eleven (11) of Lake Archer Subdivision, as originally platted; thence west along the north line of said lot produced 36.14 feet; thence north 88° 10' west, 23.9 feet more or less to a point thirty (30) feet south of the produced north line of West Ellsworth Avenue, as platted in Richhofen's Addition to Lake Archer; thence east along a line parallel with said produced line of West Ellsworth Avenue 35.78 feet; and thence south 33° 53' east, 24.1 feet more or less to the place of beginning, containing seven hundred and nineteen (719) square feet, more or less.

(38) Also beginning at the northeast corner of the northwest quarter of the northwest quarter of the southwest quarter of Section One (1), Township Four (4) South, Range Sixty-eight (68) West; thence south along the east line of said tract of land six hundred and sixty (660) feet more or less, to the southeast corner of the same; thence west on the south side of said tract of land 82.59 feet, to what would be the east line of Columbine Street, as platted and laid out in Rohlfing's Subdivision of the City and County of Denver, if extended and laid out in said tract of land; thence north six hundred and sixty (660) feet, more or less, to a point in the north line of said tract of land, which is 83.30 feet west of the place of beginning; thence east on the north line of said tract of land 83.50 feet, to the place of beginning, containing 1.26 acres, more or less. The intention of the foregoing description is to convey all that portion of the said northwest quarter of the northwest quarter of the southwest quarter of Section One (1), Township Four (4) South, Range Sixty-eight (68) West, lying east of Columbine Street, as platted and laid out in Rohlfing's Subdivision of the said City and County of Denver, whenever said street is extended through said tract of land, and whenever so extended, it shall conform to said line.

The following described land and premises situate, lying and being in the COUNTY OF ARAPAHOE, in the State of Colorado, described as follows, to-wit:

(2) All of Lot Nineteen (19), Block Seven (7), Oakesdale, being located in the southwest quarter of Section Twenty-eight (28), Township Four (4) South, Range Sixty-seven (67) West, containing one and ten one hundredths (1.10) acres.

(3) Also part of the northwest quarter of Section Twenty-eight (28), Township Four (4) South, Range Sixty-seven (67) West, described as follows, viz.: Commencing at the northeast corner of the northwest quarter of Section Twenty-eight (28), Township Four (4) South, Range Sixty-seven (67) West, and running thence south on the quarter section line of said Section Twenty-eight (28) to the center of said section; thence west on the east and west quarter line two hundred and three (203) feet; thence northwesterly on a right line to intersect the north line of Section Twenty-eight (28) at a point one thousand six hundred and fifteen (1,615) feet west of the place of beginning, thence east on the north line of Section Twenty-eight (28), one thousand six hundred and fifteen (1,615) feet to the place of beginning, containing fifty-five (55) acres.

(4) Also part of the west one-half of the southeast quarter and of the northeast quarter of the southwest quarter, Section Twenty-eight (28), Township Four (4) South, Range Sixty-seven (67) West, described as follows, viz.: Commencing at a point north thirty-six (36) degrees twenty-four (24) minutes east five hundred and seventy-eight and fifty-five one-hundredths (578.55) feet from the south quarter corner of said section (angle taken at said quarter corner with the north and south quarter line of said section); thence north thirty-six (36) degrees twenty-four (24) minutes east three hundred and fifty and forty-five one-hundredths (350.45) feet; thence north sixteen (16) degrees forty-seven (47) minutes west five hundred and ninety-nine (599) feet to a point on the north line of the southwest quarter of the southeast quarter of said section three hundred and seventy-four (374) feet from the northwest corner of said southwest quarter of the southeast quarter; thence east two hundred and two and eight-tenths (202.8) feet; thence north thirty (30) degrees thirty-seven (37) minutes west one thousand five hundred and thirty-three and seven-tenths (1,533.7) feet to a point on the east and west quarter line of said section two hundred and three (203) feet west from the center of said section; thence east on said east and west quarter line five hundred and ninety-two and one-half (592½) feet; thence south two hundred and sixty-five (265) feet parallel to the east line of said west one-half of the southeast quarter; thence east one hundred and thirty-eight (138) feet parallel to the east and west quarter line of said section; thence south three hundred and twelve (312) feet parallel to the east line of

said west one-half of the said southeast quarter; thence east one hundred and forty-five (145) feet parallel to said east and west quarter line; thence south three hundred and twenty (320) feet parallel to said east line of said west one-half of the southeast quarter; thence east one hundred and twenty (120) feet parallel to said east and west quarter line; thence south three hundred and ninety-five (395) feet parallel to said east line of said west one-half of the said southeast quarter; thence east five hundred and forty (540) feet parallel to said east and west quarter line to said east line of said west one-half of the southeast quarter; thence south one thousand three hundred and forty-eight (1,348) feet to the southeast corner of said west half of the southeast quarter; thence west one hundred and thirty-five and two-tenths (135.2) feet; thence north forty-eight (48) degrees forty-nine (49) minutes west two hundred and four and nine-tenths (204.9) feet; thence north fifty-seven degrees six (6) minutes west one hundred and sixty-six and three-tenths (166.3) feet; thence north sixty-six (66) degrees fifty (50) minutes west five hundred and ninety-seven and four-tenths (597.4) feet to the place of beginning; excepting County Road No. Sixty-six (66) as laid out through said land, thirty-four and fifty-three one-hundredths (34.53) acres; subject to reservations contained in deed from J. L. Oakes to The Denver Water Company, recorded in Book 539, at page 628, Arapahoe County records.

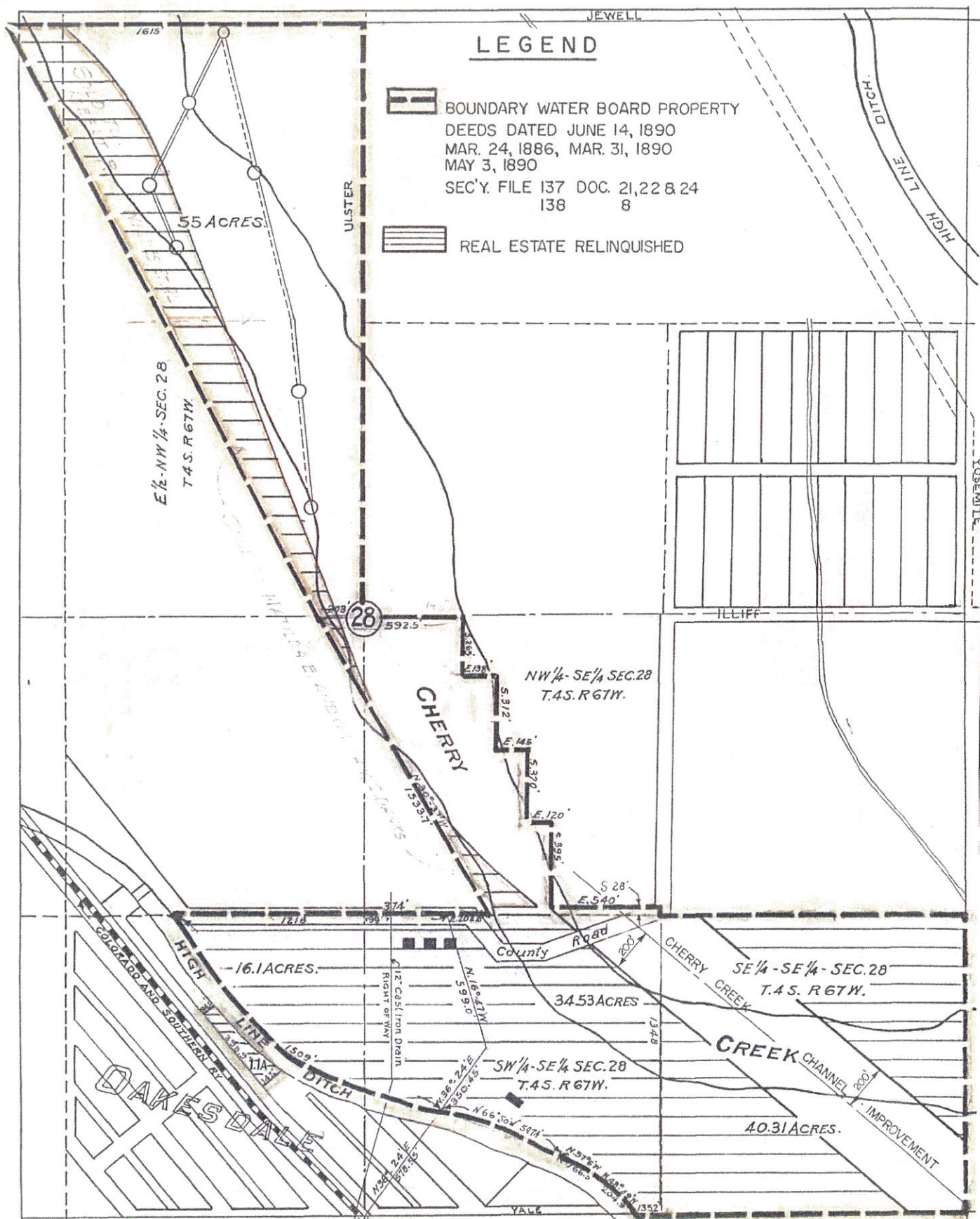
(5) Also part of the southwest quarter of the southeast quarter and of the southeast quarter of the southwest quarter of Section Twenty-eight (28), Township Four (4) South, Range Sixty-seven (67) West, described as follows, viz.: Commencing at a point north thirty-six (36) degrees twenty-four (24) minutes east five hundred and seventy-eight and fifty-five one hundredths (578.55) feet from the south quarter corner of said section (angle taken at said quarter corner with the north and south quarter line of said section); thence north thirty-six (36) degrees twenty-four (24) minutes east three hundred and fifty and forty-five one-hundredths (350.45) feet; thence north sixteen (16) degrees forty-seven (47) minutes west five hundred and ninety-nine (599) feet to a point on the north line of the southwest quarter of the southeast quarter of said section, three hundred and seventy-four (374) feet east from the northwest corner of said southwest quarter of the southeast quarter; thence west on the north line of the southwest quarter of the southeast quarter and of the southeast quarter of the southwest quarter, one thousand two hundred and eighteen (1,218) feet to the easterly boundary line of land of The Northern Colorado Irrigation Company; thence southeasterly along the eastern boundary of land of said company, one thousand five hundred and nine (1,509) feet, more or less, to the place of beginning (excepting County Road No. Sixty-six (66) as laid out through said land on the north side of the same), containing sixteen and

ten one-hundredths (16.10) acres, including all the water rights acquired by J. L. Oakes from The Northern Colorado Irrigation Company to the above described land.

(6) Also the southeast quarter of the southeast quarter of Section Twenty-eight (28), Township Four (4) South, Range Sixty-seven (67) West, excepting County Road No. Sixty-six (66) as laid out through the northwest corner thereof, containing forty and thirty-one one-hundredths (40.31) acres; subject to reservations contained in deed from J. L. Oakes to The Denver Water Company, recorded in Book 539, at page 628, Arapahoe County records.

(8) Also a strip of land one hundred (100) feet wide, described as follows: Commencing at a point in the southeast quarter of the northwest quarter of Section Thirty (30), in Township Five (5) South, Range Sixty-eight (68) West, at the intersection of the west line of County Road No. One (1), of Arapahoe County, Colorado, with a line drawn through said forty (40) acre tract parallel with the east and west center line of the northwest quarter of said Section Thirty (30), and nine hundred and sixty-two and six-tenths (962.6) feet south of said center line, and from said point or place of beginning said strip of land one hundred (100) feet in width, lying westerly of and contiguous to said County Road No. One (1), runs southwesterly along said road through the southeast quarter of the northwest quarter and the southwest quarter of said Section Thirty (30), and the northwest quarter of Section Thirty-one (31), in Township Five (5) South, Range Sixty-eight (68) West, to the line of Jefferson County, Colorado, being the west line of the west one-half of the northwest quarter of said Section Thirty-one (31). Said strip of land being four thousand eight hundred and sixty nine and eight-tenths (4,869.8) feet, more or less, in length, along the center line thereof, containing eleven and eighteen one-hundredths (11.18) acres; subject to reservations contained in deed from Caley Investment Company to The Denver Union Water Company, recorded in Book 78, at page 242, Arapahoe County records.

(9) Also a strip of land fifty (50) feet in width and nine hundred and ninety-seven and seven-tenths (997.7) feet, more or less, in length, lying westerly of and contiguous to County Road No. One (1), in Arapahoe County, Colorado, in the southeast quarter of the northwest quarter of Section Thirty (30), in Township Five (5) South, Range Sixty-eight (68) West, said strip of land running across the whole frontage on said road of the land owned by said party of the first part (Elbridge A. Herrick) in said forty-acre tract, containing one and fifteen one-hundredths (1.15) acres; subject to reservations contained in deed from Elbridge A. Herrick to The Denver Union Water Company, recorded in Book 1397, at page 600, Arapahoe County records.



LEGEND



BOUNDARY WATER BOARD PROPERTY
DEEDS DATED JUNE 14, 1890
MAR. 24, 1886, MAR. 31, 1890
MAY 3, 1890
SEC'Y. FILE 137 DOC. 21,22 & 24
138 8



REAL ESTATE RELINQUISHED

LANDS INCLUDED IN CHINN REPORT
TO BE
DEEDED TO THE CITY OF DENVER.

EXHIBIT C - ITEM 20, PAGE 113.
CHERRY CREEK GALLERIES.
147.04 ACRES.

FOR DESCRIPTION SEE PAGE 404, PARAGRAPHS
6,7,8, & 9; PAGE 405 - PARAGRAPH 2;
AND PAGE 416 - PARAGRAPH 4.

THE DENVER UNION WATERCO.
D.G. THOMAS, CHIEF ENGINEER.

CHERRY CREEK GALLERIES
REAL ESTATE ACQUIRED

DR. 68 NO. 38

STATE OF COLORADO }
COUNTY OF Arapahoe }
I, FW Herbert a Notary Public
in and for said County, in the State aforesaid, do hereby certify that James L Oakes
personally known to me as the person whose name is subscribed to the annexed Deed, appeared before me this day in
person, and acknowledged that he signed, sealed and delivered the said instrument of writing as his free and
voluntary act, for the uses and purposes therein set forth

I further certify that my commission expires January 28 1893
Given under my hand and Notarial seal this Third day of
May A. D. 1890 FW Herbert

423
E. U. W. Co.
File No. 37 Doc No. 7
WARRANTY DEED.

James L Oakes
TO
James L Oakes
STATE OF COLORADO }
County of Arapahoe }
I hereby certify that this deed was
filed for record in my office at 12
o'clock PM May 3 1890
and is duly recorded in book 613
page No. 1

Fees, \$

Office of
The Denver Water Company
638 17th St. Corner of California

Order of Association with Co. Denver Water

Denver, Colo. Nov. 9 1889

I hereby agree to sell to the Denver Water Company from twenty five to fifty acres of land in Section 28 T. R. 67 west as they may select, but it is hereby mutually agreed that the company shall take at least twenty five acres of such land, said land being the bed of Cherry Creek and owned by J. L. Oakes. The purchase price of said land to be three hundred dollars per acre, and it is mutually agreed between the parties hereto that said Oakes reserves the right to take the surface water to supply his ditch from said Cherry Creek said ditch commencing at a point about one hundred feet north of the County Bridge crossing said Creek ^(in Section 28, T. R. 67 W.) It is hereby agreed by said Oakes that in case no water is running on the surface of Cherry Creek past the head of his ditch, which may be caused by any works constructed by said Denver Water Company, said J. L. Oakes or his successors or assigns shall not claim damages therefor.

J. L. Oakes
The Denver Water Company by
Dennis Sullivan Pres.

Office of
The Denver Water Company

638 17th St. Corner of California

Water & Sewerage Co. of Denver, Colo.

Denver, Colo. Nov. 9 1889

I hereby agree to sell to the Denver Water Company from twenty five to fifty acres of land in Section 28 S. R. 67 nat. as they may elect. but it is hereby mutually agreed that the company shall take at least twenty five acres of such land, said lands being the bed of Cherry Creek and owned by J. L. Oaks. The purchase price of said land, to be three hundred dollars per acre. And it is mutually agreed between the parties hereto that said Oaks reserves the right to take the surface water to supply his ditch from said Cherry Creek, said ditch commencing at a point about one hundred feet north of the county Bridge crossing said Creek ^(in Section 28). It is hereby agreed by said Oaks that in case no water is running on the surface of Cherry Creek past the head of his ditch which may be caused by any works constructed by said Denver Water Company said J. L. Oaks or his successors or assigns shall not claim damages therefor.

J. L. Oaks

The Denver Water Company
Dennis Sullivan Cash

day of March

, between

of Colorado, of the first part, and

...and State of Colorado, of the second part:

Sum of Twenty Two Thousand

Dollars

land,

land,

being

part of the first part has hereunto set his hand and seal the day and

part of the above part has been received by the

James H. McKee

STATE OF COLORADO
County of *Apache*

I, *John Herbert A. [unclear]* Notary Public
do hereby certify that
James L. Oaks

personally known to me as the person whose name is subscribed to the above instrument, appeared before me this day in person, and acknowledged that he signed, sealed and delivered the said instrument of writing as his free and voluntary act, for the uses and purposes set forth.

I further certify that my commission

expires *June 28* 1893
Notarial seal this *thirty first* day of

Given under my hand and

March 1890

John Herbert A. [unclear]
Notary Public

No. *D.M. U. W. Co.*
File No. *137* Doc No.
WARRANTY DEED.

James L. Oaks

TO
Reuss Water Company

STATE OF COLORADO, }
County of *Apache* } ss.

I hereby certify that this deed was
filed for record in my office at
o'clock *P.M.* *March 31* 1890
and is duly recorded in book *559*
page No. *628*

John Herbert A. [unclear]
Fees, \$ *1.30*

Parcel 4. [unclear]
7 6

Attachment C:

Waiver Draft

Proposed Waivers:

Per Denver Zoning Code Section 12.4.10.6, Waivers of Rights and Obligations and Approval of Reasonable Conditions, I, the undersigned applicant for the property under application for the rezoning referenced herein, request that the OS-B zoning classification of the land described herein include the following waivers:

1. Waive the Civic, Public and Institutional Primary Use Limitations for Utility, Major Impact uses in All Open Space Context Zone Districts as required by section 11.3.1.2 of the Denver Zoning Code, as amended from time to time, and instead the following limitations shall apply to the establishment or expansion of a Major Impact Utility use:

A. Limitation on Specific Types of Major Impact Utility Uses Permitted

Major Impact Utility Uses are limited to the following:

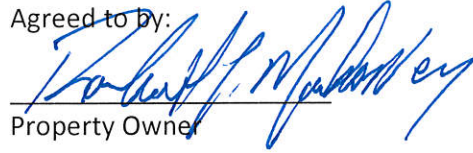
- i. Water reservoir,
- ii. Water filtration plant,
- iii. Water galleries, wells and pumping stations for water supply or recharge; and
- iv. Water utility operations, including but not limited to offices, storage of materials and waste, storage of heavy equipment and the parking/storage of commercial vehicles, including incidental minor repair and maintenance services conducted on such equipment/vehicles, where such offices, materials and waste, equipment and vehicles are commonly associated with water utility operations.

B. Spacing Required from Residential Zone Districts

- i. Enclosed uses: The following Major Impact Utilities and accessory uses that occur inside a completely enclosed structure shall be located at least 200 feet from a Residential Zone District.
 - a. Water galleries, wells and pumping stations for water supply or recharge.
 - b. Water utility operations, including but not limited to offices, storage of materials and waste, storage of heavy equipment and the parking/storage of commercial vehicles, including incidental minor repair and maintenance services conducted on such equipment/vehicles, where such offices, materials and waste, equipment and vehicles are commonly associated with water utility operations.
- ii. Unenclosed uses: The following Major Impact Utilities and accessory uses may be unenclosed if located at least 500 feet from a Residential Zone District.
 - a. Water galleries, wells and pumping stations for water supply or recharge.
 - b. Water utility operations, including but not limited to offices, storage of materials and waste, storage of heavy equipment and the parking/storage of commercial vehicles, including incidental minor repair and maintenance services conducted on such equipment/vehicles, where such offices, materials and waste, equipment and vehicles are commonly associated with water utility operations.
- iii. The above spacing requirements may be reduced or eliminated through the review required according to Section 12.4.9, Zoning Permit with Special Exception Review, if any potential adverse impacts from the proposed special

exception can and will be adequately mitigated, including but not limited to enclosure or provision of screening.

Agreed to by:


Property Owner


Date

(Include property owner name and signature)

Attachment D:

Rezoning Review Criteria

Attachment D Rezoning Review Criteria

OS-B with Waivers Background

Denver Water is requesting an OS-B with Waivers zone district, in order to allow additional uses related specifically to water utilities for this zone lot in the OS-B zone district. The proposed uses for the site will be 200 feet from Residential Zone Districts, if enclosed, and 500 feet from Residential Zone Districts, if unenclosed unless negative impacts are mitigated. Denver Water's facilities may include covered storage for materials and waste, which would minimize disruption to the nearby community and prevent any noise pollution and negative impacts to air quality. See Attachment E for a typical facility site plan shown by Denver Water's Wynetka facility located at 3811 West Bowles Avenue in Littleton.

In terms of traffic impacts, there would be no traffic impacts to the Residential Zone District, as Denver Water's main access to the site is from the Arapahoe County side via East Pacific Place. This roadway draws traffic from East Iliff Avenue, in Arapahoe County, to the south. Denver Water owns a parcel of land in fee at 7890 Jewell Avenue adjacent to the residential zone district to the north of the subject property; however, access to this area is reserved for emergencies and has been in place since 1916.

General Review Criteria (DZC Sec. 12.4.10.7):

1. Consistency with Adopted Plans

The following adopted plans apply to the map amendment for 7698 Jewell Avenue:

Comprehensive Plan 2000

The proposed official map amendment is consistent with the *Comprehensive Plan 2000*. An OS-C zone district along Cherry Creek will preserve the area for recreational uses, mobility, and safe stream stabilization. An OS-B with waivers designation for the Denver Water property will allow the preservation of the historic gallery wells for potential future water supply needs. This map amendment is a part of the larger Cherry Creek Corridor Improvements Project led by UDFCD partnering with multiple organizations. The project supports stream restoration, trails and open space, mobility, accessibility, and the improvement of public safety along the Cherry Creek corridor. Examples of strategies in the *Comprehensive Plan 2000* that support this map amendment, and therefore, the project as a whole, are as follows:

- Environmental Sustainability Strategy 2-C (pg. 38): "Conserve water and improve water quality."
- Environmental Sustainability Strategy 2-F (pg. 39): "Conserve land by protecting natural corridors, wetlands and floodplains from the encroachment of development."
- Environmental Sustainability Strategy 4-C (pg. 41): "Respect, conserve and expand wildlife habitat, watersheds, open space and other natural resources when planning, designing and building new projects."

- Environmental Sustainability Strategy 5-E (pg. 42): “Cooperate with neighboring jurisdictions to develop shared open space and outdoor recreation amenities.”
- Land Use Strategy 4-B (pg. 60): “Ensure that land-use policies and decision support a variety of mobility choices, including light rail, buses, paratransit, walking and bicycling, as well as convenient access for people with disabilities.”
- Mobility Strategy 3-C (pg. 77): “Provide safe and convenient pedestrian and bicycle facilities within urban centers and new development areas.”
- Mobility Strategy 8-A (pg. 80): “Ensure safe and convenient access and accommodation of bicycle riders, pedestrians and transit riders.”
- Legacy Strategy 4-D (pg. 100): “Accommodate multimodal transit options within major corridors while maintaining traditional scale and character.”
- Legacy Strategy 9-C (pg. 102): “Protect and expand the network of parkways and trails connecting Denver’s parks to the regional system.”
- Legacy Strategy 10-B (pg. 103): “Identify areas to be maintained in a natural state as “breathing room” for residents and habitat for urban wildlife, such as the South Platte River and Cherry Creek corridors and others.”
- Legacy Strategy 11-C (pg. 103): “Encourage metro-wide cooperation to further develop regional trail systems, bicycle and pedestrian amenities, and transit access to parks, recreation and open space.”
- Metropolitan Cooperation Strategy 1-C (pg. 215): “Seek out and be more receptive to opportunities for cooperation with other jurisdictions on issues that can only be addressed regionally, such as mobility; air quality; water conservation, quality and supply.”
- Metropolitan Cooperation Strategy 5-A (pg. 218): “Increase access to parks and open space through coordinated multijurisdictional planning and physical connections.”
- Metropolitan Cooperation Strategy 5-B (pg. 218): “Actively participate in water issues that affect the metropolitan area.”

Comprehensive Plan 2040

The proposed map amendment also aligns with the *Comprehensive Plan 2040*. Goals identified that are specifically relevant to the Parcel A map amendment from OS-C to OS-B with Waivers are Goals 2.1, 2.2, 5.3, and 5.11, which focus on public safety, preservation of our water resources, and emergency preparedness. The Parcel A map amendment will eliminate public access to this operable property and allow Denver Water to carry out operations and maintenance activities and preserve existing water sources.

The rest of the goals listed below are relevant to the Parcel B map amendment through the preservation of open space, improvement of pedestrian safety via bank stabilization, and expanded accessibility to the Cherry Creek Trail in the area. A description of goals identified in this plan that support this map amendment, and therefore, the Cherry Creek Corridor Improvements Project as a whole, are as follows:

- Strong and Authentic Neighborhoods Goal 2.1 (pg. 34): “Create a city of complete neighborhoods.”
 - o Strategy A: “Build a network of well-connected, vibrant, mixed-use centers and corridors.”
 - o Strategy C: “Ensure neighborhoods are safe, accessible and well-connected for all modes.”
- Strong and Authentic Neighborhoods Goal 2.2: “Enhance Denver’s neighborhoods through high-quality urban design.”
 - o Strategy A: “Enhance collaboration between city agencies to ensure quality design and innovation across the public and private realm.”
 - o Strategy D: “Use urban design to contribute to economic viability, public health, safety, environmental well-being, neighborhood culture, and quality of life.”
- Strong and Authentic Neighborhoods Goal 2.5: “Create and preserve parks and public spaces that reflect the identity of Denver’s neighborhoods.”
 - o Strategy A: “Design public spaces to facilitate social connections and enhance cultural identity.”
- Connected, Safe and Accessible Places Goal 3.4: “Create an equitable and connected multimodal network that improves access to opportunity and services.”
 - o Strategy A: “Ensure focused transportation investments – on streets as well as neighborhood trails – in areas with populations more dependent on walking, rolling and transit.”
- Connected, Safe and Accessible Places Goal 3.6: “Build and maintain safe bicycle and pedestrian networks.”
 - o Strategy A: “Create a citywide network for bicycling, walking and rolling that is safe and accessible to people of all ages and abilities.”
 - o Strategy B: “Implement the bicycle network including facilities easy to use, recommended in *Denver Moves: Bicycles*.”
- Environmentally Resilient Goal 5.3 (pg. XX): “Conserve water and use it more efficiently.”
 - o Strategy B: “Support Denver Water’s *Integrated Resource Plan*, including strategies to reduce water use, ensure use of metering or submetering in multi-tenant buildings, increase water recycling and efficiency and promote alternative water sources.”
- Environmentally Resilient Goal 5.11 (pg. XX): “Cultivate safe, prepared and resilient communities through emergency planning.”
 - o Strategy A: “Coordinate emergency planning with regional partners and the state to reduce the impact of emergencies on Denver’s residents, businesses and environment.”
- Healthy and Active Goal 6.1 (pg. XX): “Create and enhance environments that support physical activity and healthy living.”
 - o Strategy A: “Recognize parks, recreation and the urban forest as vital components of a complete community.”
 - o Strategy B: “Promote walking, rolling and biking through the development of a safe and interconnected multimodal network.”

- o Strategy C: “Design safe public spaces and recreational areas.”
- Healthy and Active Goal 6.2 (pg. XX): “Provide high-quality parks, recreation facilities and programs that serve all Denver residents.”
 - o Strategy A: “Ensure equitable access to parks and recreation amenities for all residents.”
 - o Strategy B: “Make Denver’s healthy outdoor lifestyle accessible to residents of all ages and backgrounds.”
 - o Strategy C: “Expand the supply of parks, recreational facilities and programs relative to Denver’s population growth.”

Blueprint Denver: A Land Use and Transportation Plan (2002)

In the Land Use and Transportation Plan identified in *Blueprint Denver (2002)*, the land to the north of the Denver Water property is identified as Single-Family Duplex zoning. The land to the west consists of Cherry Creek, with Industrial zoning further west across Cherry Creek South Drive. Unincorporated Arapahoe County borders the property to the east and south.

The area is classified by *Blueprint Denver* as an Area of Stability, with limited change expected in the next 20 years. The land is expected to maintain character while accommodating some new development and redevelopment. OS-B with waivers and OS-C will ensure the land is protected as open space and retains its character, while creating a better match between the actual land uses and the zoning designation. The proposed map amendment will also respect environmental quality (*Blueprint Denver* pg. 141) by ensuring the preservation of tree canopy and open space through an OS-C zoning.

The property itself is adjacent to an Enhanced Transit Corridor Buffer, Quebec Street to the west. The future street classifications to the north on Jewell Avenue and Spruce Street are undesignated local streets, tailored to providing local access. Cherry Creek South Drive is a residential collector street that is located to the west of the property. However, neither of these streets will be utilized for Denver Water’s site access. Site access will be from the east via East Pacific Place in unincorporated Arapahoe County.

Blueprint Denver – 2019 Update

In the *Blueprint Denver* draft, dated January 7, 2019, the neighborhood context for this site is identified as Suburban and is mostly surrounded by a Suburban neighborhood context, with one small area of land to the southwest and across Cherry Creek identified as Districts. The land to the west consists of Cherry Creek, with Industrial zoning further west across Cherry Creek South Drive. Unincorporated Arapahoe County borders the property to the east and south. *Blueprint Denver’s* Complete Neighborhoods section emphasizes that “the context-appropriate integration of utility infrastructure is also part of a complete neighborhoods”. The proposed map amendment will involve the OS-C and OS-B with Waivers designations, which promotes both parks and open space as well as utility infrastructure.

The place map designates this area as Residential Low and is surrounded by Residential Low-Medium to the north and east with Innovation/Flex to the southwest across Cherry Creek. Residential Low may include embedded uses, including parks,

bicycle infrastructure, and open space and recreation, which matches the uses proposed by the map amendment.

Cherry Creek South Drive, an Industrial Collector street, borders the property to the west. Nearby streets are identified as Residential and Arterial and Collector streets. Under the Suburban neighborhood context in the area, Industrial Collector streets are wider to accommodate freight traffic but incorporate safety considerations for all transportation modes.

Cherry Creek Greenway Master Plan (2000)

The proposed map amendment supports the *Cherry Creek Greenway Master Plan* by considering the preservation of one of the last remaining natural areas within the metropolitan area. Residents place a high value on parks and open space and want to preserve and protect existing natural resources. This proposed map amendment to OS-B with waivers and OS-C, which is occurring in conjunction with the UDFCD Cherry Creek Corridor Improvements Project and a land conveyance to the City & County of Denver, supports the aforementioned master plan by preserving existing open space along Cherry Creek.

Arapahoe County Four Square Mile Sub-Area Plan

Although not a plan adopted by the City and County of Denver, the *Four Square Mile Sub-Area Plan* is relevant to this map amendment because Arapahoe County borders the property to the east and south. The *Four Square Mile Sub-Area Plan* covers land both in Arapahoe County and the City and County of Denver, and the Denver Water property is within the limits of this plan. Denver Water's access to the property will continue to be via East Pacific Place to the east of the property, through an area of unincorporated Arapahoe County with a land use designation of Employment. The properties to the east with this land use designation are zoned Light Industrial (I-1), which is identified as a zoning that will be preserved as such, for the purposes of employment and economic growth. Denver Water's property will provide an appropriate buffer between the Cherry Creek corridor and trail and this industrial area of unincorporated Arapahoe County.

2. Uniformity of District Regulations and Restrictions

The proposed official map amendments result in regulations and restrictions that are uniform for buildings within the district.

3. Public Health, Safety, and General Welfare

The proposed official map amendment furthers the public health, safety, and general welfare of the city. It will promote a safer recreational space and healthier habitat corridor along Cherry Creek via the UDFCD Cherry Creek Corridor Improvements Project.

Additional Review Criteria for Non-legislative Rezoning (DZC Sec. 12.4.10.8):

4. Justifying Circumstances

Since the date of the approval of the existing zone district in 2010, there has been a change to such a degree that the proposed rezoning is in the public interest. This map

amendment is a part of the larger Cherry Creek Corridor Improvements Project led by UDFCD partnering with multiple organizations, including Denver Parks and Recreation and Arapahoe County. The Cherry Creek Corridor Improvements supports the Cherry Creek Greenway Master Plan, which proposes to improve the trail and surrounding corridor to preserve open space in a city that is experiencing rapid population growth since 2010. The trail is increasingly frequented by pedestrians and bicyclists for both commuting and recreation.

Parcel A, as shown in Attachment A, is currently zoned as a combination of S-SU-D and OS-C. The two current zoning designations do not consider Denver Water's needs as a water utility in an area that is experiencing population growth. With the increased popularity of the Cherry Creek Trail in recent years, trespassing has been a predominant issue at this property. This also poses a threat to public safety. A map amendment is requested to zone Parcel A as OS-B with Waivers to eliminate public access to this operable property.

Parcel B is currently zoned as a combination of S-SU-D and OS-C as well. Most of Parcel B is in a floodplain. A map amendment is requested to zone the entirety of Parcel B to OS-C, since the portion zoned to S-SU-D cannot be developed due to it residing within the floodplain limits. This will also support the locally growing population's desire for open space through the Cherry Creek Corridor Improvements project, by improving the trail experience and safety of the stream banks.

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

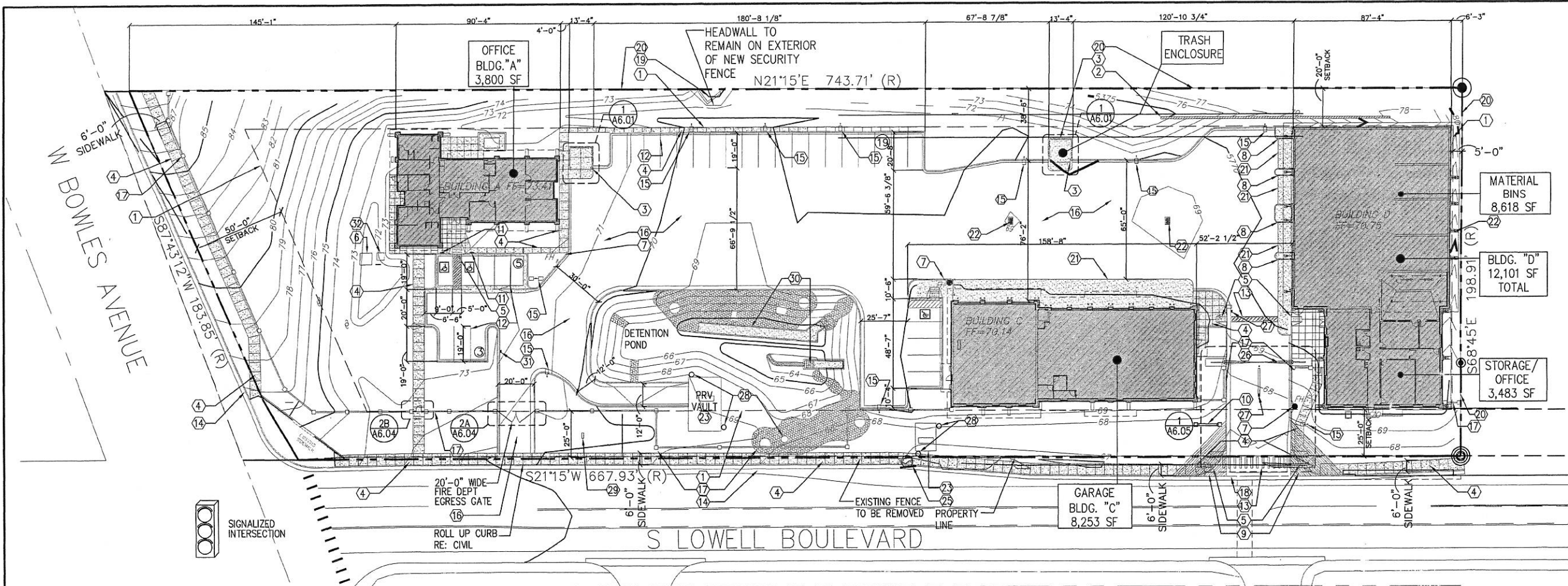
The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed zone district. Open Space consists of all forms of public and private parks and open spaces, ranging from active to completely passive.

OS-B is intended to protect and promote open space and parks not otherwise owned, operated or leased by the City and County of Denver and is generally intended for active or passive recreation use. This OS-B zone district allows more building coverage and a variety of active recreational facilities as compared to OS-C. Most other Denver Water properties within the City and County of Denver are zoned OS-B; however, these properties have not required facility upgrades or redevelopment to cause issues with the current zoning designation. OS-B with waivers will allow for Denver Water's operational needs while also preserving the existing open space along Cherry Creek.

The map amendment to OS-C in the Cherry Creek corridor itself will conserve existing open space and natural areas which are not intended for development. Limited passive recreation is allowed under this zone district, and only limited structures incidental to and supportive of the conservation purpose of the zone district are allowed. A map amendment to the OS-C zone district will protect the corridor and uphold the City's adopted plans.

Attachment E:

Typical Facility Site Plan



1 SITE PLAN
A1.01
SCALE: 1"=30'-0"

PLAN NORTH TRUE NORTH

SITE PLAN KEYNOTES NOTE: BELOW KEYNOTES ARE FOR SHEET A1.01 ONLY			
①	BUILDING SETBACK	①7	PROPOSED CONCRETE CLOCK/META'. FENCE RE: 1/A6.04
②	NEW RETAINING WALL-RE: CIVIL	①8	S PROP LINE AND VARIOUS PLACES ON THE E PROP LINE
③	TRASH ENCLOSURE	①9	CURB CUT- RE: CIVIL
④	CONCRETE SIDEWALK	②0	NEW DRAINAGE HEAD GATE- RE: CIVIL
⑤	HANDICAP RAMP (A.D.A.)	②1	NEW CHAIN LINK SECURITY FENCE-COATED-N&W PROP LINE
⑥	TRANSFORMER	②2	CONCRETE APRON
⑦	FIRE HYDRANT	②3	DRAIN-RE: CIVIL
⑧	4" HIGH CONCRETE CURB	②4	EXISTING CONCRETE VAULT TO REMAIN
⑨	SIGHT TRIANGLE (30' x 30' TYPICAL)	②5	NOT USED
⑩	MONUMENT SIGN	②6	EXISTING STORM DRAIN
⑪	HANDICAPPED PARKING SIGN (A.D.A.)	②7	SECURITY GATE
⑫	PAINTED PARKING STRIPE	②8	CARD READER - RE: E2.70
⑬	PAINTED CROSSWALK	②9	EXISTING AIR VENT TO REMAIN
⑭	EXISTING CURB & GUTTER	③0	EXISTING LOAD CENTER TO REMAIN
⑮	POLE MOUNTED LIGHT FIXTURE (RE: ELECTRICAL)	③1	NEW DRAINAGE STRUCTURES-RE: CIVIL
⑯	ASPHALT PAVING	③2	CARD READER BOLLARD W/ KNOX BOX
			4'x4' CONC PAD FOR NAB SWITCH BOARD - RE: E05.0

SITE PLAN NOTES:

- CONTRACTOR TO PROTECT ALL (E) LANDSCAPING TO REMAIN
- RE: CIVIL/LANDSCAPE PLANS FOR DETAILED SITE INFORMATION
- RE: A1.02, A1.03, AND A1.04 FOR CONCRETE CURBS AND SIDEWALKS

LEGEND			
---	PROPERTY LINE	⊙	FIRE HYDRANT
- - -	SETBACKS/EASEMENTS	⊙	PARKING LIGHT POLE
▲	SIGHT TRIANGLE	⊙	RIP RAP
■	CONCRETE SURFACES	⑫	PARKING SPACE COUNT
▶	ENTRY/SERVICE LOCATIONS		

DENVER WATER
1600 West 12th Avenue
Denver, Colorado 80204
Phone (303)828-6000
Fax (303)828-6851
www.denverwater.org

CONSULTANT
WONG STRAUCH
ARCHITECTS
820 Santa Fe Drive
Denver Colorado 80204 FAX (303) 293-9206

WYNETKA STATION
3811 WEST BOWLES AVE.
LITTLETON, COLORADO

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PT NO: 1.3049		
DRAWN BY: JDD		
CHKD BY: SHABLE		
APPD BY: [Signature]		
DATE: SEPTEMBER 2011		
CONTRACT: 12423A		
AS BUILT DATE:		
AS BUILT BY:		
DRAWING TITLE		
ARCHITECTURAL SITE PLAN		
A1.01		

3811 WEST BOWLES AVE.
LITTLETON, COLORADO

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△	11/09/11	FINAL FOR CONSTRUCTION

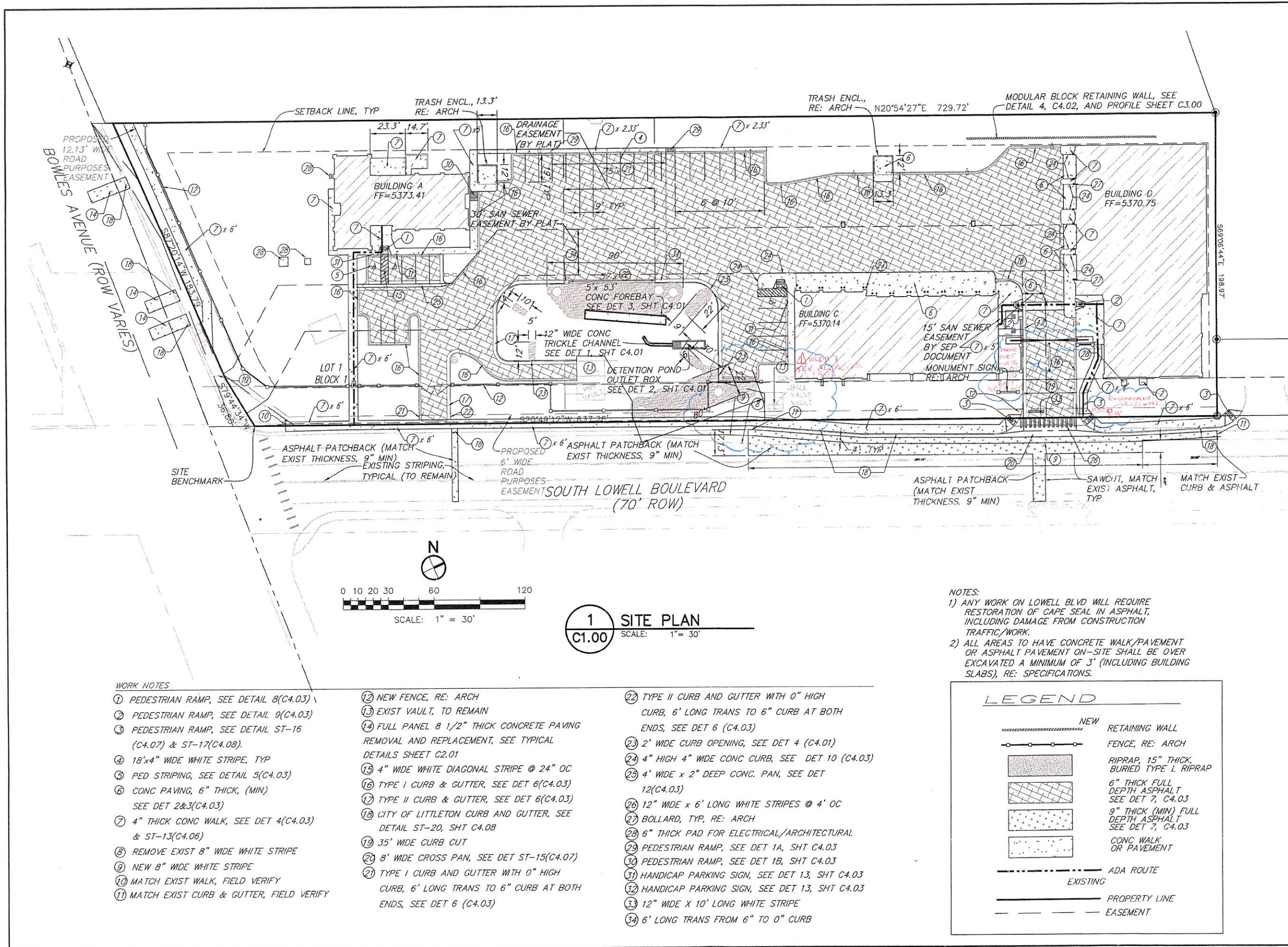
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THIS SHEET, ADJUST
SCALES ACCORDINGLY

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CHKD BY: SHABLE <i>SH</i>
APPD BY: <i>SHABLE</i>
DATE: SEPTEMBER 2011
CONTRACT: 12423A
AS BUILT DATE:
AS BUILT BY:
DRAWING TITLE

SITE PLAN

C1.00



Attachment F:

Co-Applicant Letter from DPR

City and County of Denver Agency or Department Request for Rezoning Template

October 19, 2018

Dear CPD Executive Director:

I am writing to request the initiation of an official map amendment on behalf of Denver Parks and Recreation to rezone 7698 Jewell Avenue from OS-C and S-SU-D to OS-B with Waivers and OS-C. The property is currently used to support Denver Water's utility needs. The site contains a raw water conduit and groundwater monitoring wells, otherwise the operations are minimal and many residents trespass and use this space for passive recreation such as walking and bird watching.

This rezoning is requested to partner with the Urban Drainage and Flood Control District, Southeast Metro Stormwater Authority, Arapahoe County, and Denver Water to restore Cherry Creek. Denver Water is transferring the remainder of their property to the Cherry Creek Improvements Project to allow for improved stormwater conveyance, recreational amenities, water quality and habitat enhancement.

Please contact Cincere' Eades, Natural Resources Planner at cincere.eades@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,



Scott Gilmore, Deputy Director – Parks

Denver Parks and Recreation

From: [Jennings Golich, Jill R. - CPD CA1769 Executive](#)
To: [Stueve, Ella C. - CPD CE0429 City Planner Senior](#)
Cc: [Dalton, Kyle A. - CPD Principal City Planner](#)
Subject: RE: CPD as co-applicant for Rezoning
Date: Friday, November 30, 2018 10:49:35 AM
Attachments: [image003.png](#)

I'm ok with this request and happy to have the department serve as co-applicant on behalf of DPR.
Thanks - Jill

From: Stueve, Ella C. - CPD CE0429 City Planner Senior
Sent: Wednesday, November 28, 2018 11:25 AM
To: Jennings Golich, Jill R. - CPD CA1769 Executive <Jill.JenningsGolich@denvergov.org>
Cc: Dalton, Kyle A. - CPD Principal City Planner <Kyle.Dalton@denvergov.org>
Subject: CPD as co-applicant for Rezoning

Hi Jill,

We received an application from Denver Water to rezone a segment of land along Cherry Creek S Drive near Quebec (the listed address is 7698 E Jewell Ave, and the proposed rezoning is illustrated in the image at the bottom of this email). Denver Water would like to rezone a portion of the site (in red, below) from S-SU-D and OS-C to OS-B with waivers. Kyle and I have been working with Denver Water to develop waiver language that is consistent with the intent of OS-B and also allows Denver Water to continue to use the site, which currently has several wells, to support ongoing water utility needs. The application also includes a portion of land to be rezoned from S-SU-D to OS-C (in blue, below). This portion would then be transferred to DPR as part of the Cherry Creek Improvements Project.

Because of how this rezoning fits into their larger Cherry Creek project, DPR would like to be co-applicants with Denver Water. The rezoning application included the attached letter requesting that CPD act on behalf of DPR as the co-applicant for this rezoning.

I've also attached the full application (note that Denver Water is making a few minor changes to it), and I am happy to discuss further if you have any questions or want to dive into more of the details.

If you are comfortable with this, I'm hoping to get your approval via email. Our current application form isn't set up to handle this unique situation of CPD as a co-applicant on a rezoning that includes waivers, so I can just include this email with your response as part of the application.

Thanks for your review. Again, I'm happy to set up a time to discuss further in person if that is helpful.

Cheers,
Ella

Proposed Rezoning



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2

Ella Stueve | Senior City Planner

Community Planning and Development | City and County of Denver

p: (720) 865.2958 | ella.stueve@denvergov.org

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Attachment G:

Letter of Support from UDFCD



URBAN DRAINAGE AND FLOOD CONTROL DISTRICT

Ken MacKenzie, Executive Director
2480 W. 26th Avenue, Suite 156B
Denver, CO 80211-5304

Telephone 303-455-6277
Fax 303-455-7880
www.udfcd.org

October 17, 2018

On behalf of the Urban Drainage and Flood Control District (District), I am writing in support of the City and County of Denver (Denver) and Denver Water's application to transfer and rezone land located within the Cherry Creek Corridor Improvement project between East Iliff Avenue and South Quebec Street.

The District has been working with Denver, Denver Water, Arapahoe County, and the Southeast Metro Stormwater Authority (SEMSWA) for many years to restore this highly degraded and unstable segment of Cherry Creek. The proposed corridor improvements will restore Cherry Creek to a natural stream condition and will enhance the recreational opportunities for residents. Denver Water currently owns a significant portion of the land, 34.6 acres, within the project area. This application will convey the land necessary to construct the project improvements.

The District is very excited about the Cherry Creek Corridor Improvement project. It is one of the few remaining projects to complete the Denver, Arapahoe County, and District vision established by the Cherry Creek master plan completed in 1977.

Thank you for your consideration of this application.

Sincerely,

Barbara Chongtoua, P.E. CFM
Project Manager

Attachment H:

Letter of Support from Arapahoe County



ARAPAHOE COUNTY
PROTECT. CONNECT. ENJOY

Denver Water
1600 W 12th Ave
Denver, CO 80204

November 9, 2018

Re: Support of Land Transfer and Rezoning

To Whom this May Concern:

On behalf of Arapahoe County Open Spaces, I am writing to support the City and County of Denver and Denver Water's application to transfer and rezone property that is located within the Cherry Creek Corridor Improvement Project.

Arapahoe County has been collaborating with the City and County of Denver, Denver Water, Urban Drainage and Flood Control District, and Southeast Metro Stormwater Authority to improve and restore a highly degraded portion of Cherry Creek between Iliff Avenue and Quebec Street. The proposed improvements will restore Cherry Creek to a relatively natural stream condition and enhance recreational opportunities. Denver Water currently owns 34.6 acres within the project area and is planning to convey most of the acreage to Denver and Arapahoe County to further the project.

Arapahoe County is excited to partner to help improve this portion of the Cherry Creek corridor. Thank you for your consideration of this application.

Sincerely,

Shannon Carter, Intergovernmental Relations and Open Spaces Director

Feb. 26, 2019

Re: Public outreach for rezoning of 7698 Jewell Ave. and 1901 S. Ulster St.

To Whom it May Concern:

This document provides a brief overview of the public outreach efforts for and related comments or concerns received about Denver Water's rezoning proposal (2018I-00059). In all, one concern was brought up at the June 2018 public meeting and the January 2019 Concha Townhome Association (THA) meeting. Neighbors expressed a desire at both meetings that the portion of land that Denver Water is proposing be rezoned to OS-C and then conveyed to Denver Parks would remain open space and would not be sold for other development. This is consistent with the intention of the rezoning proposal and the Cherry Creek Improvement Project. No comments or concerns related to the OS-B with waivers proposed rezoning were received.

Date: June 2018

Activity: The project partners for the Cherry Creek Improvement Project hosted a public meeting at Cook Recreation Center. Specifics regarding the rezoning proposal were not known at the time, but at one of the project boards staff had an opportunity to discuss, at a high-level, the need for rezoning and property transfers to occur as part of the project.

Date: December 2018

Activity: Denver Water staff mailed a letter to approximately 450 of the surrounding residences and businesses, which outlined the zoning request and provided contact information for questions. To date, Denver Water has not received any questions or comments. A copy of the letter is included as 'Outreach Exhibit A.'

Date: December 2018

Activity: Denver Water staff contacted the community manager for the two registered neighborhood organizations (RNO) located near the property to provide information about the rezoning request, including a copy of the letter mailed to residents. The RNOs included Concha

Townhome Association and Park at Indian Creek Homeowners Association. The community manager indicated that she would be able to provide the information in the newsletters for the respective communities, as well as on the website for Concha THA. Park at Indian Creek Homeowners Association does not have a website. To date, Denver Water has not received any questions or comments.

Date: January 2019

Activity: Denver Water staff attended the community meeting for Concha THA to provide information about the rezoning request and to answer questions. The Park at Indian Creek only meets once a year. The meeting for 2018 had already occurred, and the association has indicated they are not interested in holding a special meeting for this topic.

Date: February 2019

Activity: The project partners for the Cherry Creek Improvement Project hosted a second public meeting at Cook Recreation Center. One of the project boards was dedicated to information about Denver Water's rezoning request. Denver Water staff did not receive questions specific to the rezoning request. A copy of the rezoning project board is included as 'Outreach Exhibit B.'

Outreach Exhibit A

Dec. 20, 2018

Dear Neighbor:

We are reaching out to provide information about Denver Water's rezoning request for our property¹ located near you. Details about the request are below, and a map showing zoning and property ownership is located on the reverse side of this letter.

Q: Where is the property?

A: Denver Water's property is located along the Cherry Creek corridor between South Quebec Street and East Iliff Avenue. It is about 35 acres, with a portion of land in the City and County of Denver and the rest in Arapahoe County (see map on reverse).

Q: What is the goal of this effort?

A: Over time, the stream banks along the Cherry Creek corridor have severely eroded, increasing the risk of harm to people and property from flood hazards. Denver Water has determined that some of this land is no longer needed for water utility operations and also that there is an opportunity to provide a greater community benefit by aligning ownership, management and zoning of the land with future needs.

Q: What is the property currently used for?

A: Denver Water has owned this property since 1886 and uses a portion of it for water utility operations, including a conduit and wells. The property is not open to the public. Much of the property in the City and County of Denver's jurisdiction is zoned as "open-space conservation," which is referred to in city zoning codes as OS-C. However, a portion of the property in Denver's jurisdiction is in a floodplain and zoned as "suburban single-unit" which is referred to in city zoning codes as S-SU-D.

Q: What will the property be used for?

A: Denver Water, along with Denver Parks and Recreation, Arapahoe County Open Space and Southeast Metro Stormwater Authority, has been a partner on the Urban Drainage and Flood Control District's Cherry Creek Corridor Improvements Project. The project will enhance the stream's function, the area's safety and the corridor's ecology. Once the project is complete, the Cherry Creek corridor will have additional amenities, including more community open space for passive and active recreation, increased pedestrian connectivity, and, most importantly, a healthy and stable stream corridor that protects people and property from flood hazards.

Denver Water will retain about 8 acres of land for utility operations and is seeking to rezone this piece as "open-space recreation with waivers," referred to in city zoning codes as OS-B. The waiver Denver Water is requesting addresses the types of permissible utility use in an open space context zone district, as well as the distance buffer of any structures from the residential zone district. As in the past, the Denver Water piece of property will not be open to the public.

The remaining roughly 27 acres of land will be conveyed along jurisdictional boundaries to Arapahoe County Open Space and Denver Parks and Recreation. A portion of the land that will be conveyed to Denver

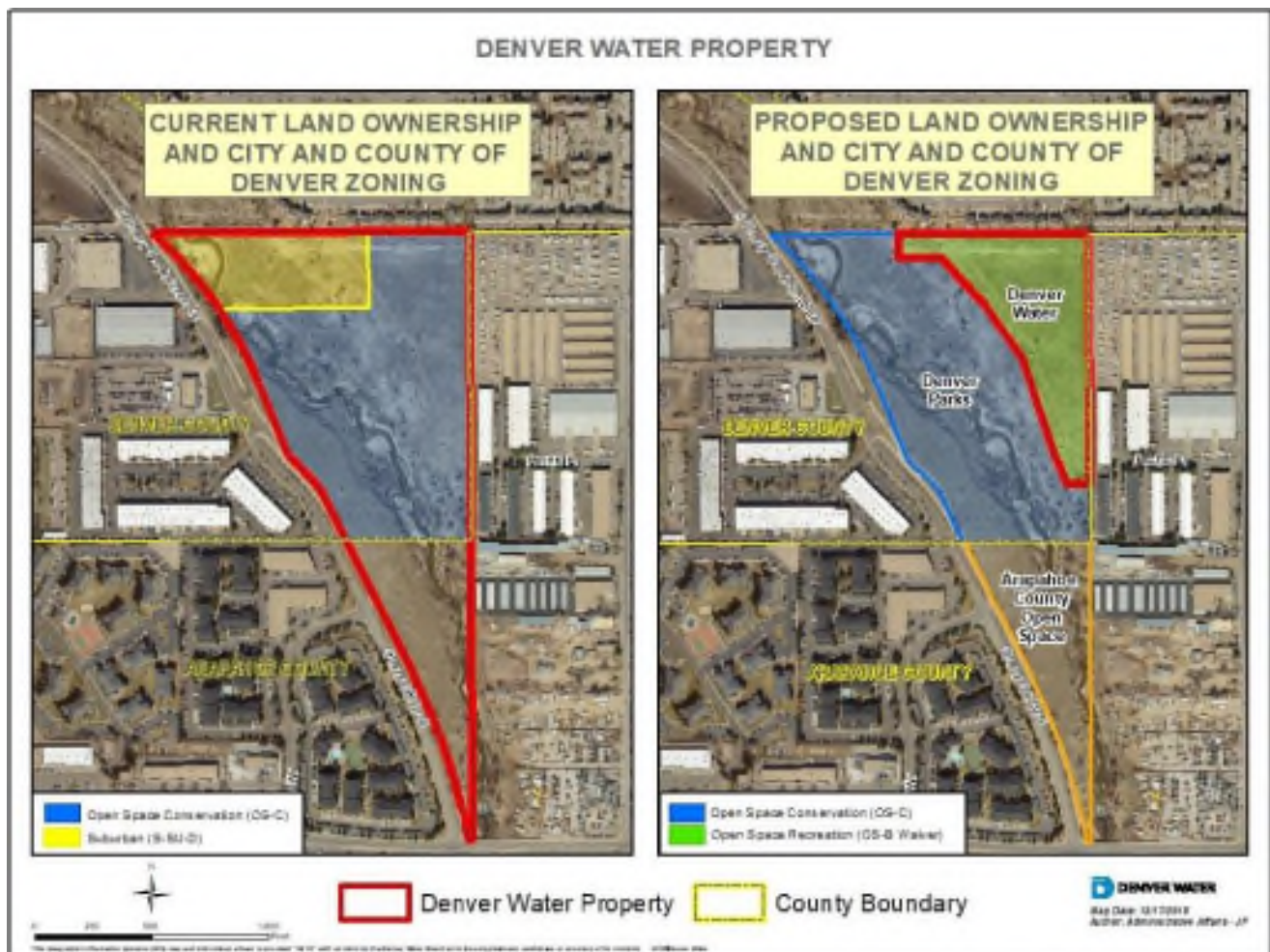
¹ Parcel addresses are 7698 East Jewell Avenue and 1901 South Ulster Street.

and currently zoned as “suburban single-family residential” will be rezoned to “open-space conservation.” The roughly 27 acres of land will be made open to the public.

Additional Information

More information on the project can be found at: <https://udfcd.org/cherry-creek-restoration-project/>. A public open house for the project was held in the summer of 2018 and a second meeting is scheduled for **Feb. 12, 2019, 5-7 p.m. at Cook Recreation Center at 7100 Cherry Creek Drive South**. The rezoning process is expected to occur over the next couple of months, with the Cherry Creek Corridor Improvements Project beginning in the spring of 2019.

Thank you,
Jeannine Shaw
Denver Water Community Relations
Jeannine.shaw@denverwater.org
303-628-7017



DENVER WATER PROPERTY — ZONING AND LAND OWNERSHIP

PROPERTY OWNERSHIP

CURRENT:
Owned entirely by Denver Water since 1886. Portions are used for water utility operations, including a water conduit and wells.

PROPOSED:
Denver Water would own roughly 8 acres and Denver Parks and Recreation and Arapahoe County Open Space would own and maintain the rest of the property following county boundaries. Deed restrictions ensuring the property remains open space have been put in place.

PUBLIC ACCESS

CURRENT:
Public access is not permitted. It is private property.

PROPOSED:
About 27 acres would be accessible to the public, with roughly eight acres remaining as private property.

ZONING

CURRENT:
A portion is open-space conservation (OS-C) and the other is suburban single-unit (S-SU-D).

PROPOSED:
City of Denver rezoning application number is 2018I-00059. No changes to Arapahoe County zoning.

- Denver Water’s private property would be zoned as open-space recreation (OS-B) with waivers.
- Waivers address the types of permissible utility uses in an open space context zone district, as well as the distance buffer from the residential zone district.
- Any development would go through applicable review and approval processes.
- The portion Denver Parks and Recreation would own and manage would be zoned as open-space conservation (OS-C).

KEY MAP



CURRENT



PROPOSED

