

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	Bellco Credit Union	Representative Name	Gary Hegener
Address	7600 E Orchard Road, Suite 400N	Address	200 E Peach Street
City, State, Zip	Greenwood Village, CO 80111	City, State, Zip	El Dorado, AR 71730
Telephone	303-689-7832	Telephone	870-677-0548
Email	ewhite@bellco.org	Email	Gary.Hegener@MurphyUSA.com
*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 (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):		10353 E Mississippi Avenue, Denver, CO 80247	
Assessor's Parcel Numbers:		06154-04-046-000	
Area in Acres or Square Feet:		80,819 SF (1.855 AC)	
Current Zone District(s):		B-1 * (Ordinance 44 (1994))	
PROPOSAL			
Proposed Zone District:		S-MX-3	

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:

A letter summarizing the neighborhood outreach completed to date has been included as part of the formal application package.

REZONING GUIDE

Rezoning Application Page 3 of 3

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, (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
Bellco Credit Union LeeAnn Downey	10353 E Mississippi Avenue Denver, CO 80249 303-689-7832 ewhite@bellco.org	100%	<i>LeeAnn Downey</i>	8/16/19	(A)	YES

Last updated: August 29, 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

10353 E Mississippi Avenue

The Land referred to herein below is situated in the County of Denver, State of Colorado, and is described as follows:

A parcel of land being a portion of Tract 9, Range View Second Filing located in the Southeast quarter of Section 15, Township 4 South, Range 67 West of the Sixth Principal Meridian, in the City and County of Denver, State of Colorado, more particularly described as follows:

Basis of Bearings: The South line of the Southeast quarter of said Section 15 assumed to bear North 89°34'45" East.

Beginning at the Northeast corner of Tract 9, Range View Second Filing, whence the Southeast quarter of said Section 15 bears South 45°28'29" East, a distance of 466.83 feet, more or less;

Thence South 00°26'02" East, along the East line of said Tract 9, a distance of 269.79 feet to the Northerly right-of-way line of East Mississippi Avenue as described in Reception No. 93-0068665;

Thence along the Northerly right-of-way line the following two courses:

1. South 89°34'45" West, a distance of 274.63 feet;
2. Northwesterly 39.26 feet along the arc of a tangent curve to the right having a radius of 25.00 feet and a central angle of 89°58'04", the chord of which bears North 45°26'13" West, a distance of 35.35 feet to the Easterly right-of-way line of South Geneva Street as shown on the plat of Range View Second Filing;

Thence North 00°27'11" West, along said Easterly right-of-way line, a distance of 244.74 feet to the Northwest corner of said Tract 9;

Thence North 89°33'58" East, along the Northerly line of said Tract 9, a distance of 299.71 feet to the Point of Beginning.

10353 E MISSISSIPPI AVE

Owner	BELCO CREDIT UNION 7600 E ORCHARD RD 400N GREENWOOD VILLA, CO 80111-2522
Schedule Number	06154-04-046-000
Legal Description	RANGE VIEW 2ND FLG PT TR-9 BEGNE COR TR-9 TH S 269.79FT W 274.63FT CV/R RAD 25FT ARC 35.35FT DELTA 89.5804 CHORD N45.2613W 35.35FT TH N 244.74 FT E 299.71FT TPOB
Property Type	COMMERCIAL - FINANCIAL BUILDIN
Tax District	DENV

Print Summary

Property Description			
Style:	OTHER	Building Sqr. Foot:	1011
Bedrooms:		Baths Full/Half:	0/0
Effective Year Built:	1994	Basement/Finish:	0/0
Lot Size:	80,819	Zoned As:	B-1
Note: Valuation zoning may be different from City's new zoning code.			

Current Year				
Actual	Assessed	Exempt		
Land			\$1,212,300	\$351,570 \$0
Improvements			\$217,800	\$63,160
Total			\$1,430,100	\$414,730

Prior Year				
Actual	Assessed	Exempt		
Land			\$969,800	\$281,240 \$0
Improvements			\$191,300	\$55,480
Total			\$1,161,100	\$336,720

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			4/29/2019
Original Tax Levy	\$13,025.18	\$13,025.17	\$26,050.35
Liens/Fees	\$0.00	\$0.00	\$0.00
Interest	\$0.00	\$0.00	\$0.00
Paid	\$13,025.18	\$13,025.17	\$26,050.35
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: **\$25,972.56**

Assessed Value for the current tax year

Assessed Land	\$281,240.00	Assessed Improvements	\$55,480.00
Exemption	\$0.00	Total Assessed Value	\$336,720.00

AFTER RECORDING MAIL TO:

Kamlet Reichert, LLP
1515 Arapahoe Street
Tower I, Suite 1600
Denver, Colorado 80202
Attn: Brian P. Jumps, Esq.

SPECIAL WARRANTY DEED

THIS DEED, dated December 16, 2009, by and between **JDM PROPERTIES NO. 2, LLC**, a New Mexico limited liability company, whose address is c/o Wells Fargo Bank, N.A. 1740 Broadway MAC C7300-07E, Denver, Colorado 80274, Attn: Real Estate & Specialty Assets ("Grantor"), and **BELLCO CREDIT UNION**, a Colorado nonprofit corporation ("Grantee"), whose address is 7600 East Orchard Road, Suite 400 N, Greenwood Village, Colorado 80111:

WITNESS, that the Grantor, for and in consideration of the sum of \$10.00, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the Grantee, its successors and assigns forever, all of its rights, title and interest which the Grantor has in and to the real property, together with improvements, if any, situate, lying and being in the City and County of Denver and State of Colorado, described in Exhibit A, attached hereto and made a part hereof for all purposes (the "Property").

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the Grantor, either in law or equity, of, in and to the Property, with the hereditaments and appurtenances, together with all of Grantor's right, title and interest, if any, in and to any strips of land, streets and alleys abutting or adjoining such real property, and together with any and all minerals and mineral rights, aggregate and aggregate rights, water and water rights (whether decreed or undecreed, tributary, nontributary or not nontributary, surface or underground, appropriated or unappropriated, permitted or unpermitted), and wells appurtenant or appertaining to or otherwise benefiting or used in connection with the real property, subject, however, to the matters set forth in Exhibit B attached hereto and made a part hereof for all purposes (the "Permitted Exceptions").

TO HAVE AND TO HOLD the said Property, with the appurtenances, subject to the Permitted Exceptions, unto the Grantee, its successors and assigns forever. The Grantor, for itself, its successors and assigns, does covenant and agree that it shall and will **WARRANT AND FOREVER DEFEND** the Property in the quiet and peaceable possession of the Grantee, its successors and assigns, against all and every person or persons lawfully claiming the whole or any part thereof, by, through or under the Grantor, but not otherwise.



IN WITNESS WHEREOF, the Grantor has caused its name to be hereunto subscribed the day and year first above written.

JDM PROPERTIES NO. 2, LLC, a New Mexico limited liability company

By: JDM Investments, LLC, a New Mexico limited liability company, its Managing Member

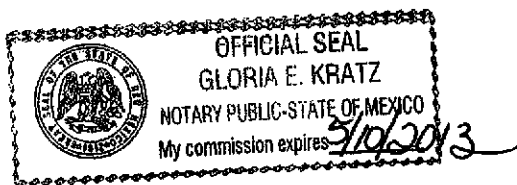
By: Wells Fargo Bank, N.A.,
its Managing Member

By: Heidi Tilton, V.P.
Heidi Tilton, Its Vice President and
Trust Officer

STATE OF NEW MEXICO)
) :ss
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 15th day of December, 2009, by Heidi Tilton, Vice President and Trust Officer, Wells Fargo Bank, N.A., its Managing Member of JDM Investments, LLC, a New Mexico limited liability company, its Managing Member of JDM Properties, No. 2, LLC, a New Mexico limited liability company.

Witness my hand and official seal.



My Commission expires: 5/10/2013

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

PARCEL A:

TRACT 9, RANGE VIEW SECOND FILING,
EXCEPT THAT PORTION CONVEYED TO THE CITY OF AURORA BY DEED
RECORDED MAY 28, 1993 AT RECEPTION NO. F-93-068665,
CITY AND COUNTY OF DENVER,
STATE OF COLORADO.

PARCEL B:

TRACT 8, RANGE VIEW, ACCORDING TO THE RECORDED PLAT THEREOF,
EXCEPT THAT PORTION CONVEYED TO THE CITY AND COUNTY OF DENVER BY
INSTRUMENT RECORDED SEPTEMBER 17, 1974 IN BOOK 945 AT PAGE 678,
ALSO EXCEPT THAT PORTION CONVEYED TO THE DEPARTMENT OF
TRANSPORTATION, STATE OF COLORADO BY INSTRUMENT RECORDED JULY 16,
2005 AT RECEPTION NO. 2005118831,
CITY AND COUNTY OF DENVER,
STATE OF COLORADO.

EXHIBIT B

PERMITTED EXCEPTIONS*

1. Real property taxes and assessments for the year 2009 and subsequent years, a lien not yet due or payable.
2. The following item as set forth on the plat of Range View Second Filing, to-wit:
 - a. An easement for utilities and incidental purposes over the Northerly and Easterly 8 feet of Parcel A.
3. An easement for sewer and incidental purposes granted to City and County of Denver by the instrument recorded June 7, 1971 in Book 332 at Page 113, over the Northerly 10 feet of said Tracts 8 and 9 and the Westerly 10 feet of said Tract 8. (Affects Parcels A and B)
4. Covenants, conditions and restrictions, which do not include a forfeiture or reverter clause, set forth in the instrument recorded July 28, 1971 in Book 358 at Page 620. Provisions regarding race, color, creed, and national origin, if any, are deleted. (Affects parcel B)
5. An easement for utilities and incidental purposes granted to Public Service Company of Colorado, by the instrument recorded April 17, 1975 in Book 1040 at Page 48 upon the terms and conditions set forth in the instrument. (Affects parcel B)
6. An easement for utilities and incidental purposes granted to Public Service Company of Colorado, by the instrument recorded December 21, 1992 in Book 6745 at Page 601 (Arapahoe County Records) upon the terms and conditions set forth in the instrument, over the Easterly 25 feet of the Northerly 10 feet of the Southerly 40 feet of said Tract 9. (Affects Parcel A)
7. An easement for utilities and incidental purposes granted to Public Service Company of Colorado, by the instrument recorded December 21, 1992 in Book 6745 at Page 602 (Arapahoe County Records) upon the terms and conditions set forth in the instrument, over the Westerly 25 feet of the Northerly 10 feet of the Southerly 40 feet of said Tract 8. (Affects Parcel B)
8. Terms, conditions, provisions, agreements and obligations contained in the Ordinance Relating to Zoning recorded February 4, 1994 at Reception No. 9400020239. (Affects Parcels A and B)
9. Terms, conditions, provisions, agreements and obligations contained in the Ordinance Relating to Zoning recorded February 14, 1994 at Reception No. 9400027300. (Affects Parcels A and B)
10. An easement for utilities and incidental purposes granted to Public Service Company of Colorado, by the instrument recorded March 24, 1994 at Reception No. 9400053851

upon the terms and conditions set forth in the instrument, over the Westerly 8 feet of said Tract 9. (Affects Parcel A)

11. An easement for drainage facilities and incidental purposes granted to the City and County of Denver by the instrument recorded June 21, 1994 at Reception No. 9400100523. (Affects Parcel A)
12. Terms, conditions, provisions, agreements and obligations contained in the Ordinance Relating to Zoning recorded August 4, 1994 at Reception No. 9400122988. (Affects Parcels A and B)
13. Terms, conditions, provisions, agreements and obligations contained in the Application to Amend the Boundaries of a Designated Zone Lot, 59-25 recorded September 8, 1995 at Reception No. 9500109923. (Affects Parcels A and B)
14. An easement for traffic Signalization and incidental purposes granted to the City and County of Denver by the instrument recorded December 1, 1995 at Reception No. 9500149919. (Affects Parcel A)
15. An easement for utilities and incidental purposes granted to Public Service Company of Colorado, by the instrument recorded October 22, 1998 at Reception No. 9800176610 upon the terms and conditions set forth in the instrument. (Affects Parcel B)
16. Survey matters as disclosed by instrument recorded December 20, 1993 at Reception No. 9300174340. (Affects Parcels A and B)

* Unless otherwise noted all recording references are to the City and County of Denver records.

STATEMENT OF AUTHORITY

(Section 38-30-172, C.R.S.)

1. This Statement of Authority relates to an entity named BELLCO CREDIT UNION.
2. The type of entity is a Colorado nonprofit corporation.
3. The entity is formed under the laws of Colorado.
4. The mailing address of the entity is 7600 East Orchard Road, Suite 400N, Greenwood Village, CO 80111.
5. The name or position of each person authorized to execute instruments conveying, encumbering, or otherwise affecting title to real property on behalf of the entity is:

LeeAnn Downey, CAO

6. The authority of the foregoing persons to bind the entity is limited as follows:
None.
7. This Statement of Authority is executed on behalf of the entity pursuant to the provisions of §38-30-172, C.R.S.
8. This Statement of Authority amends and supersedes in all respects any prior Statement of Authority executed on behalf of the entity.

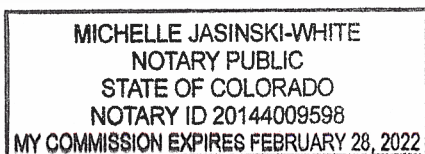
Executed this 15th day of August, 2019.

Name: LeeAnn Downey

LeeAnn Downey, CAO

STATE OF COLORADO)
) :ss
COUNTY OF Archae)

The foregoing instrument was acknowledged before me this 15th day of August, 2019, by LeeAnn Downey, as CAO of Bellco Credit Union, a Colorado nonprofit corporation.



Michelle Jasinski-White
Notary Public

My Commission expires: February 28, 2022

August 15, 2019

City and County of Denver
Community Planning and Development
201 West Colfax Avenue, Department 205
Denver, CO 80202

RE: *The property commonly known as 10353 E Mississippi Avenue, Denver, Colorado (the "Property"),
owned by Bellco Credit Union, a Colorado nonprofit corporation (the "Owner")*

To Whom it May Concern:

The purpose of this letter is to notify the City and County of Denver (the "City") that Murphy Oil USA, Inc. (Murphy), has a valid and binding agreement concerning the provision of services in connection with necessary approvals for development of the Property.

Accordingly, the Owner acknowledges and authorizes Murphy to submit a Zone Map Amendment application to the City for the Property.

Thank you and please do not hesitate to contact the undersigned with any questions.

Best Regards,

BELLCO CREDIT UNION



LeeAnn Downey
SVP/Chief Administrative Officer

Rezoning Justification Letter – Denver Zoning Code Criteria Analysis

10353 E Mississippi Avenue

August 13, 2019

Thank you for taking the time to review our Zone Map Amendment application for the property located at 10353 E Mississippi Avenue (northeast corner of S Geneva Street & E Mississippi Avenue. This request would rezone the property from the Chapter 59 B-1 with conditions, to the S-MX-3 district under the current Denver Zoning Code (DZC). Included below is the analysis of the proposed Zone Map Amendment request against the following Denver Zoning Code sections:

Section 12.4.10.7: General Review Criteria Applicable to All Zone Map Amendments,
Section 12.4.10.8: Additional Review Criteria for Non-Legislative Rezoning

Section 12.4.10.7: General Review Criteria Applicable to All Zone Map Amendments.

The City Council may approve an official map amendment if the proposed rezoning complies with all of the following criteria:

- A. Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of the adoption of the City's plan. The applicable adopted plans are the Comprehensive Plan 2040 and Blueprint Denver.

Analysis:

Comprehensive Plan 2040:

The Comprehensive Plan 2040 focuses on six vision elements forming a sustainable, comprehensive vision for the City. The proposed rezoning is in alignment with the following goals:

Equitable, Affordable and Inclusive – Goal 1.1 is to ensure that all Denver residents have safe, convenient and affordable access to basic services and a variety of amenities.

- The current zoning restricts the site to be “developed in a manner as shown on the site plan” that is on file in the Office of the Clerk and Recorder under Filing No. 93-1159, dated December 17, 1993. Based on this site plan, it appears the only redevelopment that can occur at this site is a drive-thru ATM use. Rezoning the site to S-MX-3 would provide an opportunity for residents to achieve this goal via an expanded use list. The variety of uses anticipated for the proposed site could include a fuel station, eating and drinking



establishments (with or without a drive-thru), and other retail uses typically found within a suburban, mixed-use development.

Strong and Authentic Neighborhoods – Goal 2.1 is to create a city of complete neighborhoods.

- Strategy A is to build a network of well-connected, vibrant, mixed-use centers and corridors.
 - o Rezoning the site would fit this goal by providing an opportunity for commercial development growth, and an increase in services located within close proximity to the adjacent neighborhood. Current zoning only allows for a drive-thru bank use, which is the same use as the parcel to the east.
- Strategy D is to encourage quality infill development that is consistent with the surrounding neighborhood and offers opportunities for increased amenities.
 - o The current use on the property is a vacant drive-thru ATM service. The proposed rezone would allow infill development to activate the land, and would provide an opportunity for retail/commercial services to help strengthen the surrounding neighborhood.

Environmentally Resilient – Goal 5.8 is to clean our soils, conserve land and grow responsibly.

- Strategy A is to promote infill development where infrastructure and services are already in place.
 - o This area already has infrastructure (roads, utilities, landscaping) in place. As a result, rezoning the site to expand the list of allowable uses would help achieve the goal of conserving land and growing responsibly.

Denver and the Region – Goal 2 is to embrace Denver's role as the center of regional growth.

- Strategy A is to direct significant growth to regional centers and community centers and corridors with strong transit connections.
 - o The proposed rezone site is designated as a Community Corridor within Blueprint Denver. These corridors are accessible to a larger area of surrounding neighborhood users (bus stop located directly east of the site) and provide the opportunity for a mix of uses to thrive along a strong roadway corridor (such as E Mississippi Avenue). This site is a desirable area for allowing additional commercial services to serve the surrounding community.

Rezoning the subject property to S-MX-3 is consistent with Comprehensive Plan 2040 as analyzed above.

Blueprint Denver:

The Blueprint Denver Future Neighborhood Contexts Map and Future Places Map identifies the subject site as Suburban and Community Corridor, respectively. These designations are supportive of the variety of uses that could serve the surrounding neighborhoods as the site is located along a major thoroughfare (E Mississippi Avenue).

The subject property, and surrounding area to the west and north are identified as areas that need to improve access to opportunity. In areas such as this, Blueprint Denver states that it is important to guide change in ways that increase access to basic goods, services and amenities to improve quality of life. The proposed S-MX-3 zoning district would allow for a variety of uses to develop and provide the surrounding neighborhoods access to basic goods and services.

Blueprint Denver also states that everyone in Denver deserves to live in a complete neighborhood, and that a complete neighborhood is where jobs, daily services and recreation are easily accessible.

The following Blueprint Denver policies are supportive of the proposed rezone:

Land Use & Built Form: General – Policy 01 is to promote and anticipate planned growth in major centers and corridors and key residential areas connected by rail service and transit priority streets.

- Strategy A is to use zoning and land use regulations to encourage higher-density, mixed-use development in transit rich areas including community corridors.
 - o The subject site is located along a residential arterial roadway and designated as a Community Corridor, which makes it a desirable area for the mix of uses permitted by the proposed zone map amendment.

Land Use & Built Form: General – Policy 03 is to ensure the Denver Zoning Code continues to respond to the needs of the city, while remaining modern and flexible.

- Strategy A is to rezone properties from the Former Chapter 59 zoning code so that the entire city is covered by the DZC, including continuing to incentivize owners to come out of the old code.
 - o The proposed rezone to S-MX-3 would bring the subject property out of the Former Chapter 59 zoning code, and into the current DZC.

Mobility – Policy 01 is to encourage mode-shift – more trips by walking and rolling, biking and transit – through efficient land use and infrastructure improvements.

- Strategy D is to increase the number of services and amenities that are available by walking, rolling and biking by integrating more local centers and corridors into residential areas, especially for areas that score low in Access to Opportunity.

- o The proposed site is in an area that scored low in the Access to Opportunity measurements. There is existing residential development located immediately to the north and west, and across Mississippi Avenue to the south. The proposed S-MX-3 zoning would provide an opportunity to develop the site and increase the services and amenities available to the surrounding neighborhood, thus expanding the ability for walking, rolling and biking by neighbors to the site.
- Strategy E is to promote mixed-use development in all centers and corridors.
 - o The proposed site is in an area that scored low in the Access to Opportunity measurements. There is existing residential development located immediately to the north and west, and across Mississippi Avenue to the south. The proposed S-MX-3 zoning would provide an opportunity to develop the site and increase the services and amenities available to the surrounding neighborhoods, thus expanding the ability for walking, rolling and biking by neighbors to the site.

Given the subject property's location, we find that the rezoning request is consistent with Blueprint Denver, especially since The Future Neighborhood Contexts Map for the site is Suburban, and the Future Places Map identifies the site as a Community Corridor.

- B. Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.

Analysis: The proposed official zone map amendment to S-MX-3 creates a new, uniform zone district with applicable standards for the entirety of the proposed site. The new zone district will create a high-density zoning district that will allow for a variety of uses that fit the suburban commercial corridor context, per the Adopted Plans for this area. The regulations are uniform and at the time of a site plan, will be appropriately reviewed for design criteria.

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

Analysis: Rezoning to S-MX-3 will allow the development of needed goods and services for the surrounding residents. The site plan will be carefully designed in order to provide a safe, customer friendly entrance/exit to/from the site.

Section 12.4.10.8: Additional Review Criteria for Non-Legislative Rezoning

In addition to compliance with the general review criteria stated in Section 12.4.10.7, the City Council may approve an official map amendment that the City Attorney has determined is not a legislative rezoning only if the City Council finds the application meets the following criteria:

- A. Justifying Circumstances: One of the following circumstances exists
1. The existing zoning of the land was the result of an error;
 2. The existing zoning of the land was based on a mistake of fact;
 3. The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage;
 4. 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.
 5. It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (Overlay Zone Districts), of this Code.

Analysis: Circumstance 4 exists in the case of this rezoning. The existing zone district for this site is based on the Former Chapter 59 zoning. This zone map amendment would change the zone district to be in conformance with the current Denver Zoning Code. The City has recently adopted new guiding documents in the Comprehensive Plan 2040 and updated Blueprint Denver, which designate the subject site as a Suburban Community Corridor.

- B. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements: The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.

Analysis: The Suburban Neighborhood Context is characterized by single-unit and multi-unit residential, commercial strips and centers, and office parks. The S-MX-3 district applies to areas or intersections served primarily by arterial streets where a building scale of 1 to 3 stories is desired. The Zone District Purpose for S-MX-3 is intended to promote safe, active, pedestrian-scaled, diverse areas and enhance the convenience and ease of walking, shopping and public gathering within and around the city's neighborhoods. In addition, this zone district intends to improve the transition between commercial development and adjacent residential neighborhoods. The Mixed Use districts are appropriate along corridors, for larger sites and at major intersections. The Zone District regulations allow for a wide variety of uses and building forms. As development proceeds, the permitted uses and building

forms are further defined to provide clarity and predictable development outcomes. Multiple building forms are allowed on a single zone lot. The subject property is located in an area that is consistent with the description, purpose, and intent of the S-MX-3 zone district.

Through the analysis above, we find that the proposed rezoning of the subject property to S-MX-3 is consistent with the Comprehensive Plan 2040, Blueprint Denver, and complies with the additional review criteria of DZC Sec. 12.4.10.8.

Neighborhood Outreach Summary – Rangeview Neighborhood Association

10353 E Mississippi Avenue

August 14, 2019

As a supplement to the zone map amendment application package, we have prepared a letter summarizing the Registered Neighborhood Organization (RNO) outreach completed during the beginning of this process (prior to formal application).

At the rezoning pre-application meeting with City staff, it was brought to our attention that the Rangeview Neighborhood Association felt they were blindsided by a previous applicant's attempt to rezone this property. As a result, Galloway and Murphy Oil USA, Inc. met with the neighborhood board on April 11, 2019 to introduce the team and discuss the project.

On May 13, 2019, Galloway and Murphy Oil USA, Inc. presented the project and solicited feedback at the Rangeview Neighborhood Association annual meeting. Feedback was solicited via a Q&A session, comment cards, and post-presentation discussions with members of the neighborhood. After the meeting, site plan revisions were made to incorporate their comments into the redevelopment of the site. The following features were taken into account during redesign of the site layout:

- enhanced buffers along the north and west sides
- screen wall along the north to provide barrier between adjacent residential and site
- strategically placing the trash enclosure on the east side of the site
- existing access points to remain, and no new access to Geneva Street

As mentioned in the Rezoning Justification Letter, the mixed-use zone district intends to improve the transition between commercial development and residential neighborhoods. We believe the neighborhood outreach provided very beneficial discussions and provided an opportunity to address the neighbors concerns prior to formally submitting our zone map amendment package.

