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**TO:** Denver City Council  
**FROM:** Andrew Webb, Senior City Planner  
**DATE:** November 29, 2018  
**RE:** Official Zoning Map Amendment Application #2017I-00192 to change the zoning of a parcel at 4201 E. Arkansas Ave., 4040 E. Louisiana Ave. and 1380 S. Birch Street (Collectively referred to as 4201 E. Arkansas Ave.) from CMP-EI2 and S-MX-5 UO-1 UO-2 to S-MX-8 UO-2, S-MX-8, S-MX-5, S-MX-3, and S-MU-3

### Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2017I-00192 in combination with a development agreement to address some key issues involved in redeveloping this large site.

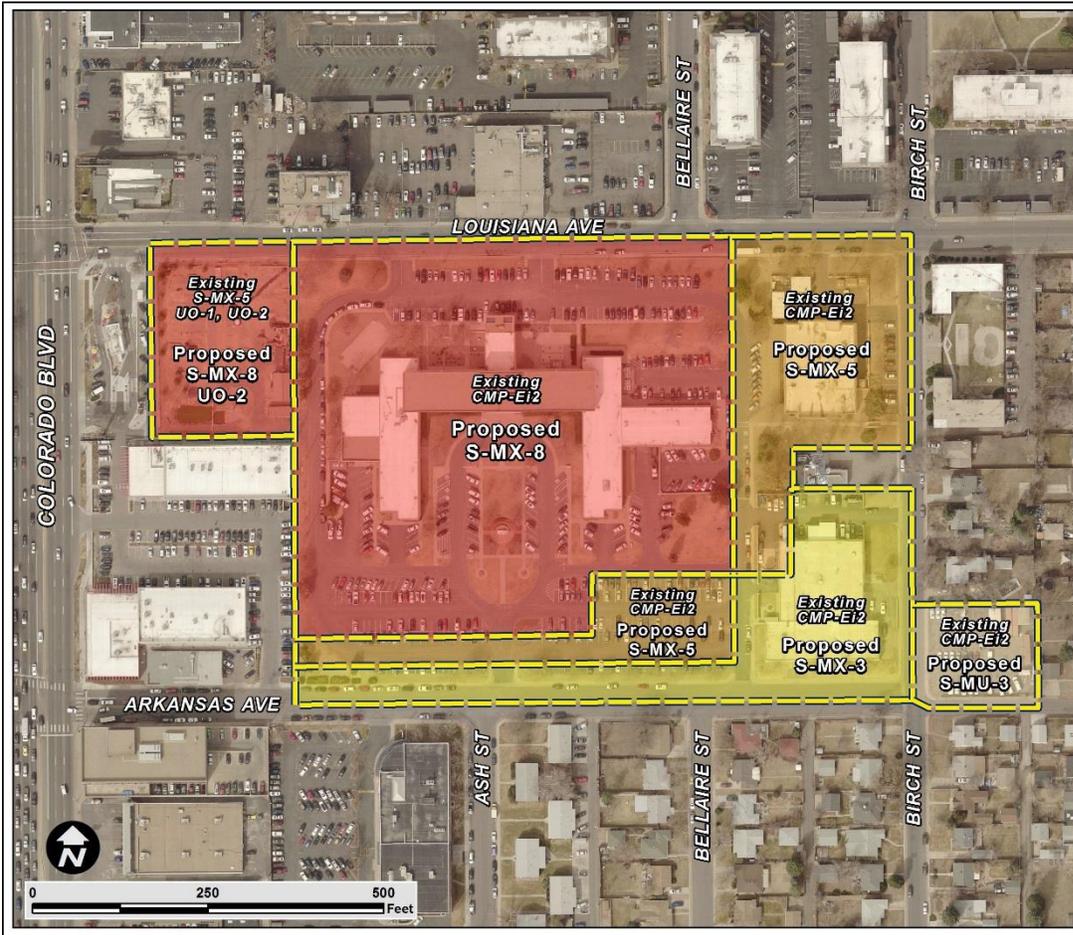
### Request for Rezoning

Address: 4040 E. Louisiana Ave., 4201 E. Arkansas Ave., and 1380 S. Birch Street (Collectively referred to as 4201 E. Arkansas Ave.)  
Neighborhood/Council District: Virginia Village, District 6  
RNOs: Inter-Neighborhood Cooperation (INC), Virginia Village/Ellis Community Association  
Area of Property: Approximately 13.4651 Acres  
Current Zoning: CMP-EI2 and S-MX-5 UO-1 UO-2  
Proposed Zoning: S-MX-8 UO-2, S-MX-8, S-MX-5, S-MX-3, and S-MU-3  
Property Owner(s): State of Colorado  
Applicant: KRF Arkansas LLC

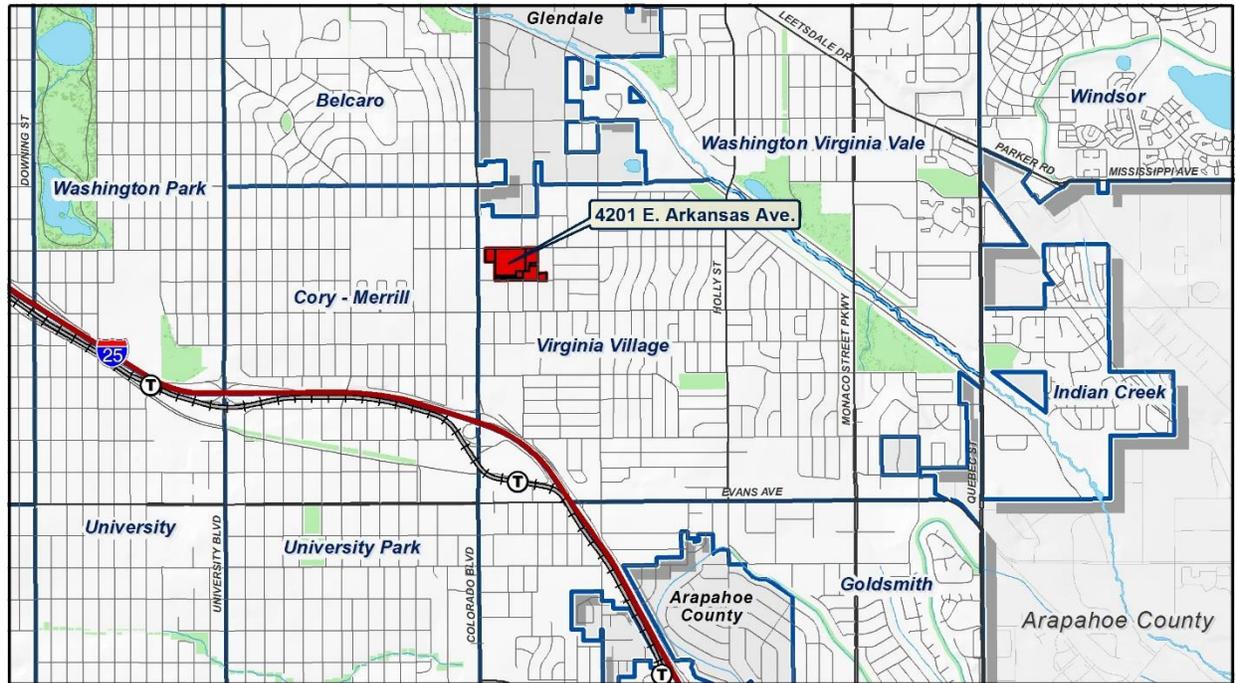
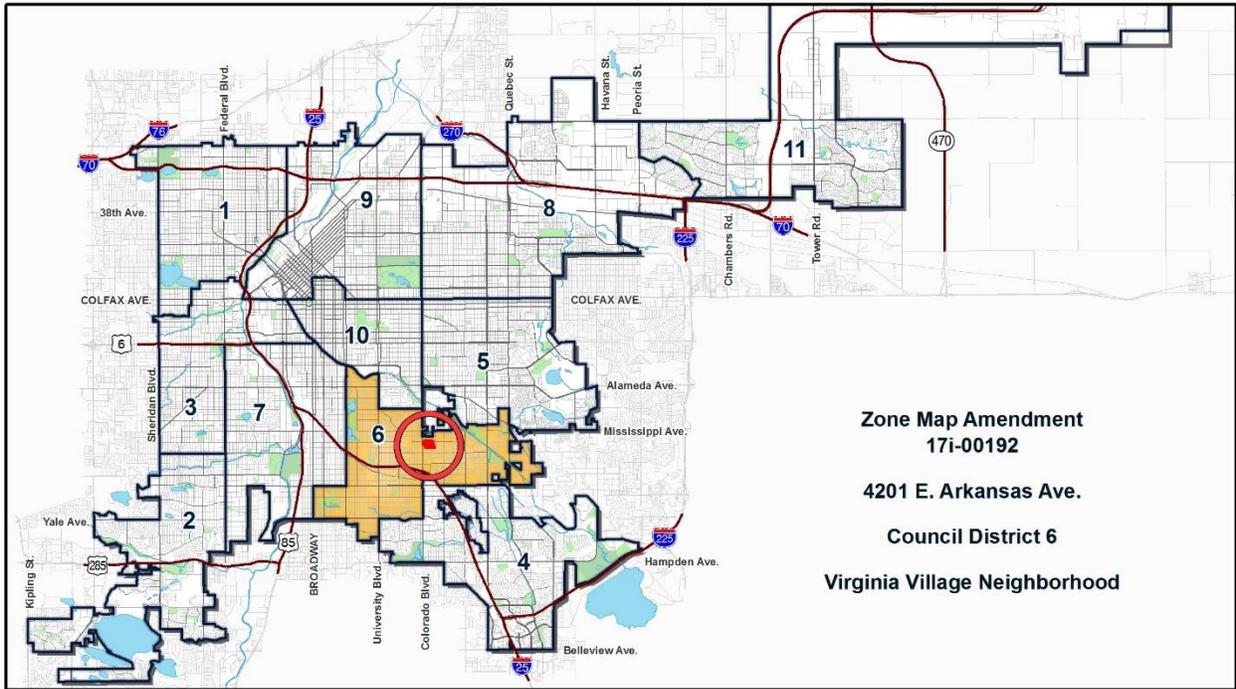
### Summary of Rezoning Request

- The subject property comprises two large parcels bounded by Louisiana Ave. to the north, Birch St. to the east, Arkansas Ave. to the south, and separated from Colorado Blvd. to the west by a row of commercial properties; and an approximately 19,760-square-foot parcel at the northeast corner of Birch St. and Arkansas Ave. The properties are owned by the Colorado Department of Transportation and have served as its headquarters since the early 1950s. CDOT recently relocated to new headquarters in Sun Valley near Colfax Ave. and Federal Blvd. and has vacated the site.

- Late last year, the City brokered an agreement with CDOT to acquire the site and then subsequently sell it to a private developer, Kentro Group, for redevelopment. As part of the deal, Kentro agreed to construct 150 units of affordable housing available to families making up to 60 percent of the area median income. According to its application, the company intends to build these units on the site as part of a mixed-use development that is also intended to include market-rate residential uses and commercial, retail and office space. Kentro's agreement with the city also requires production of 150,000 square feet of commercial space and the creation of permanent job opportunities.
- The agreement with the City required that the developer seek rezoning of the property in order to enable the desired development outcomes.
- The majority of the site is currently zoned CMP-EI2 (**C**ampus **E**ducation/**I**nstitution - **2**). The northwestern parcel is zoned S-MX-5 UO-1, UO-2 (**S**uburban Neighborhood Context, **M**ixed-Use, 5-story building heights, with the Adult and Billboard Use Overlay districts).
- This proposed rezoning would establish primarily S-MX- (**S**uburban, **M**ixed-Use) zone districts on the site, with heights ranging from 8 stories in the northwest corner and core of the site to 5 and 3 stories to the east and south, where the property is across the street from single- and multi-unit residential uses. It proposes to establish S-MU-3 (**S**uburban Neighborhood Context, **M**ulti-**U**nit, **3**-story maximum building height) at the northeast corner of Birch St. and Arkansas Ave. A map showing the proposed zone districts is shown below this summary.
- The rezoning is proposed to allow greater flexibility of uses, to establish improved street frontage design and to permit retail uses, which are not allowed in the CMP-EI2 district.

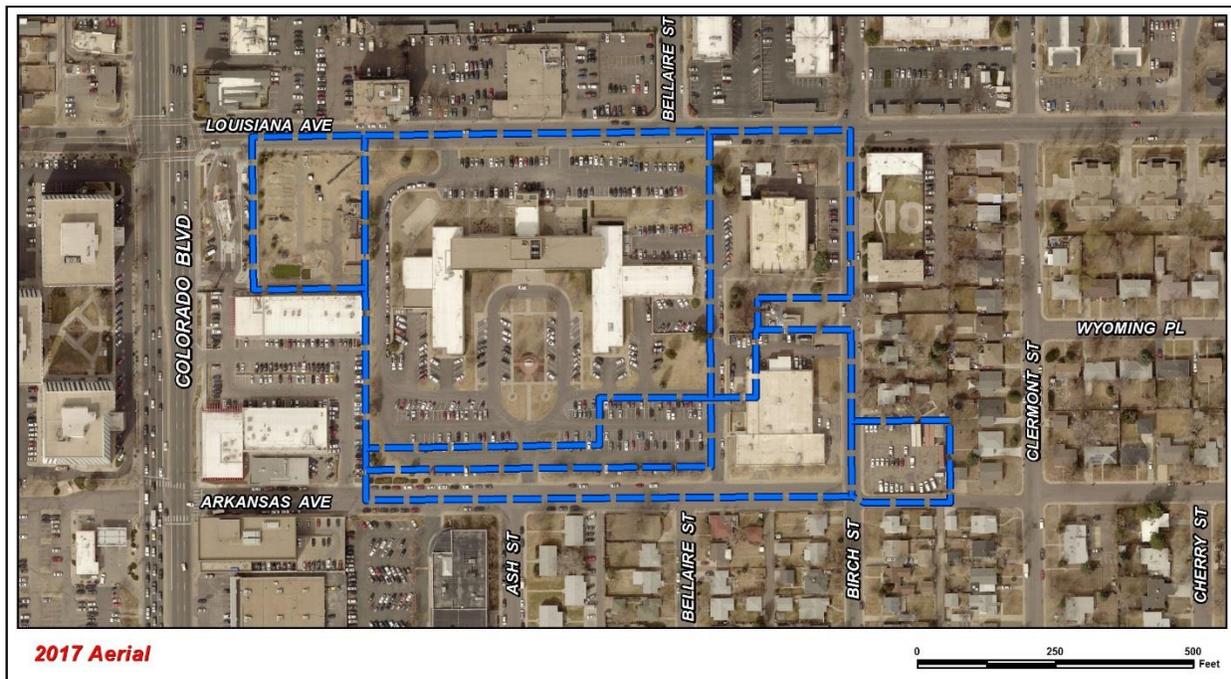


Proposed Zoning for the subject site



## Existing Context

The site is primarily a campus of 1- to 4-story office structures built between the 1950s and 1970s. Buildings cover about a quarter of the core site, with the balance used for parking and landscaping. An approximately 150-foot telecommunications tower is situated outside the eastern edge of the area to be rezoned, midway between Louisiana and Arkansas Avenues. The undeveloped northwesternmost parcel was used to train highway maintenance employees and contractors on stormwater quality systems and erosion control, while the southeasternmost lot was used for vehicle storage and parking. The property is surrounded by 5- and 6-story multi-unit residential development to the north and commercial development along Colorado Blvd. ranging from 2 to 9 stories to the west. To the south and east are multi- and single-unit residential uses along Birch St. and Arkansas Ave. that transition within a block to a primarily 1- and two-story single-unit residential neighborhood. The primary site is not currently penetrated by the area's streets, which reach dead ends north and south of the property. According to the applicant, CDOT intends to demolish existing structures on the site in coming months. The property is fenced and in the early stages of material removal.



Aerial photo of site with proposed zone district boundaries

The following table summarizes the existing context proximate to the subject site:

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	S-MX-5 UO-1, UO-2 (northwestern parcel); CMP-EI2	Vacant dirt lot (northwestern parcel); Office	3 and 4-story office buildings	Orthogonal street grid in neighborhood, primary site is a single “superblock” with surface parking and drive aisles.
North	S-MX-5 UO-1, UO-2; S-MX-5; R-3 UO-3; S-MU-5	Retail, Office, Multi-Unit residential	1 and 2-story commercial structures along Colorado Blvd., 3- to 6-story multi-unit residential.	
South	S-MX-3; S-MU-3; S-SU-D	Retail, Office, Multi-Unit residential, Single-Unit residential,	1- to 6-story commercial and office structures along Colorado Blvd., 2-story multi-unit residential, transitioning to single-unit residential to the east	
East	S-MU-5; S-SU-D	Multi-unit residential (to northeast); single-unit residential, surface parking	2-story multi-unit (across Birch at northeast); 1- and 2-story single-unit detached housing	
West	S-MX-5 UO-1; UO-2	Retail, Restaurants	1- and 2-story commercial structures oriented to Colorado Blvd. to the west.	

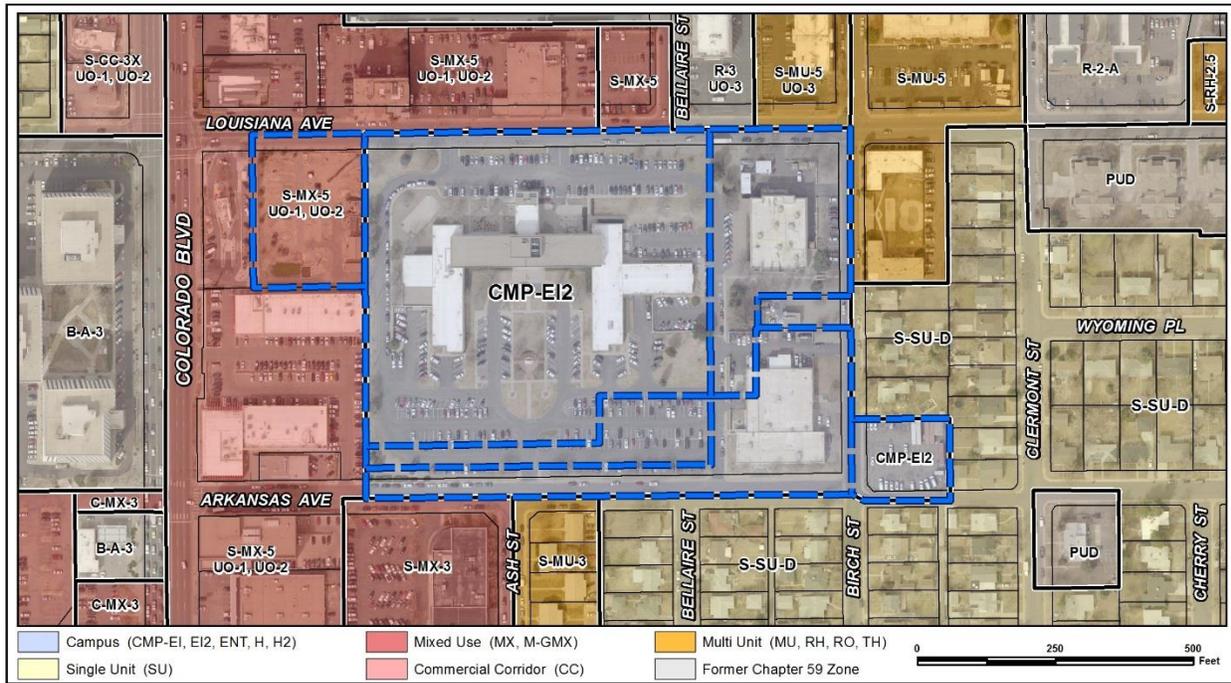
**Transit:** Colorado Boulevard is served by RTD’s Route 40, which provides service approximately every 15 minutes in this area. Birch St., which serves the eastern portion of the site, is an

undesignated local street, but is served by a circulator bus, RTD Route 46, which carries passengers between the Denver Tech Center and Cherry Creek, with a stop at the Colorado RTD Light Rail station about a mile south of the subject site.

### **Existing Zoning**

The core property's CMP-EI2 Campus Education/Institution zone district is a special district intended for educational institutions, public and institutional uses such as museums. It is "established to allow for flexible placement of buildings and unified treatment of signs, open space, landscaping and other site elements while providing compatible transitions between the campus and adjacent neighborhoods" per DZC Sec. 9.4.2.1. The CMP-EI2 zone district permits multi-unit residential, office, educational and eating and drinking uses. It does not permit retail uses, such as sales of food or other goods. The S-MX-5 UO-1, UO-2 zoning established on the 50,000 square foot lot at the northwest corner of the site is intended to promote "safe, active, pedestrian-scaled diverse areas" and permits a mix of multi-unit residential, office, retail and similar uses. The UO-1 Use Overlay permits Adult Uses, which are governed by use limitations in DZC Article 11. The UO-2 Use Overlay permits Billboards, subject to standards in DZC Article 10 .

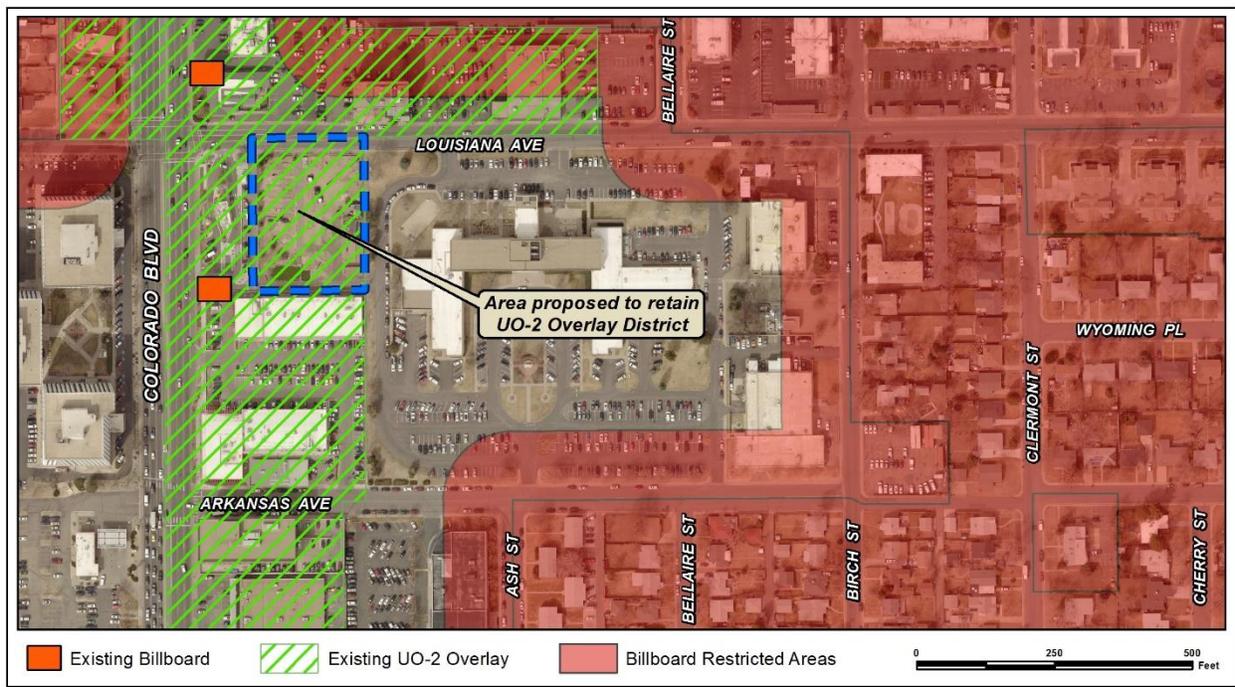
Zoning to the north of the subject site includes S-MX-5 UO-1, UO-2 for properties along Colorado, S-MX-5 (without the Adult Use and Billboard Overlays), and R-3 and S-MU-5 north of the subject site across Louisiana Ave. and to the east. The S-MX-5 zone district permits a mix of residential and commercial uses, while the R-3 (Former Chapter 59) and S-MU-5 zone districts promote multi-unit residential uses. Properties to the east across Birch St. are zoned S-MU-5 and S-SU-D. The S-MU-5 district permits 5-story multi-unit development, such as apartment buildings; while the S-SU-D zone district is a single-unit zone district with a minimum zone lot area of 6,000 square feet and a maximum height of 2.5 stories. Zoning to the south of the subject site across Arkansas is S-SU-D to the east, transitioning to S-MU-3 and S-MX-3 further west. These zone districts permit multi-unit residential and a mix of residential and commercial uses (respectively) in structures up to 3 stories in height. Parcels between the western boundary of the site and Colorado Blvd. are zoned S-MX-5 UO-1, UO-2, which is described above.



Current zoning of site and nearby properties

## UO-2

The applicant proposes to retain the UO-2 use overlay at 4040 E. Louisiana Ave. where it currently applies. Many properties along Colorado Blvd. have this overlay. The Denver Zoning Code requires that any new standard-sized billboard be separated by at least 500 feet from any other outdoor advertising signs, along with other requirements, such as the removal of an existing billboard for every new one erected. Currently, two existing billboards are within 500 feet of the subject property, which would preclude the installation of new billboards unless both existing signs were removed. Staff is not aware of adopted policies for reducing the footprint of the UO-2 overlay in this area or anywhere else in the city and does not object to the applicant's proposal to retain it for this property.

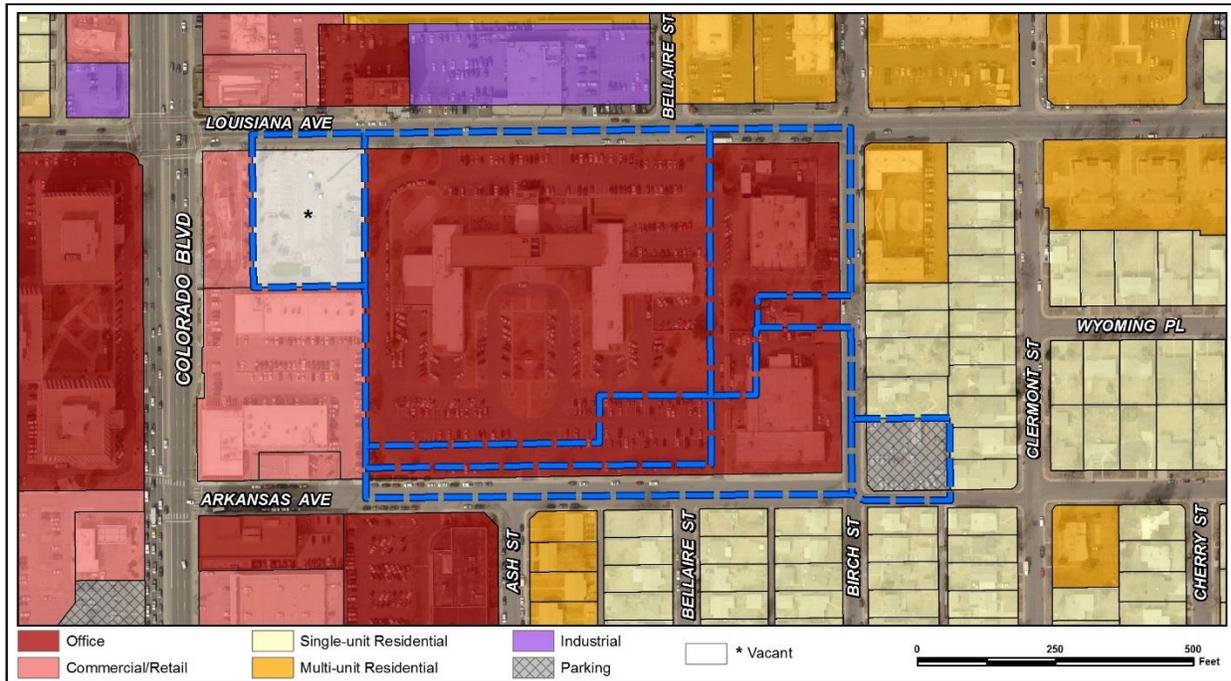


UO-2 area map

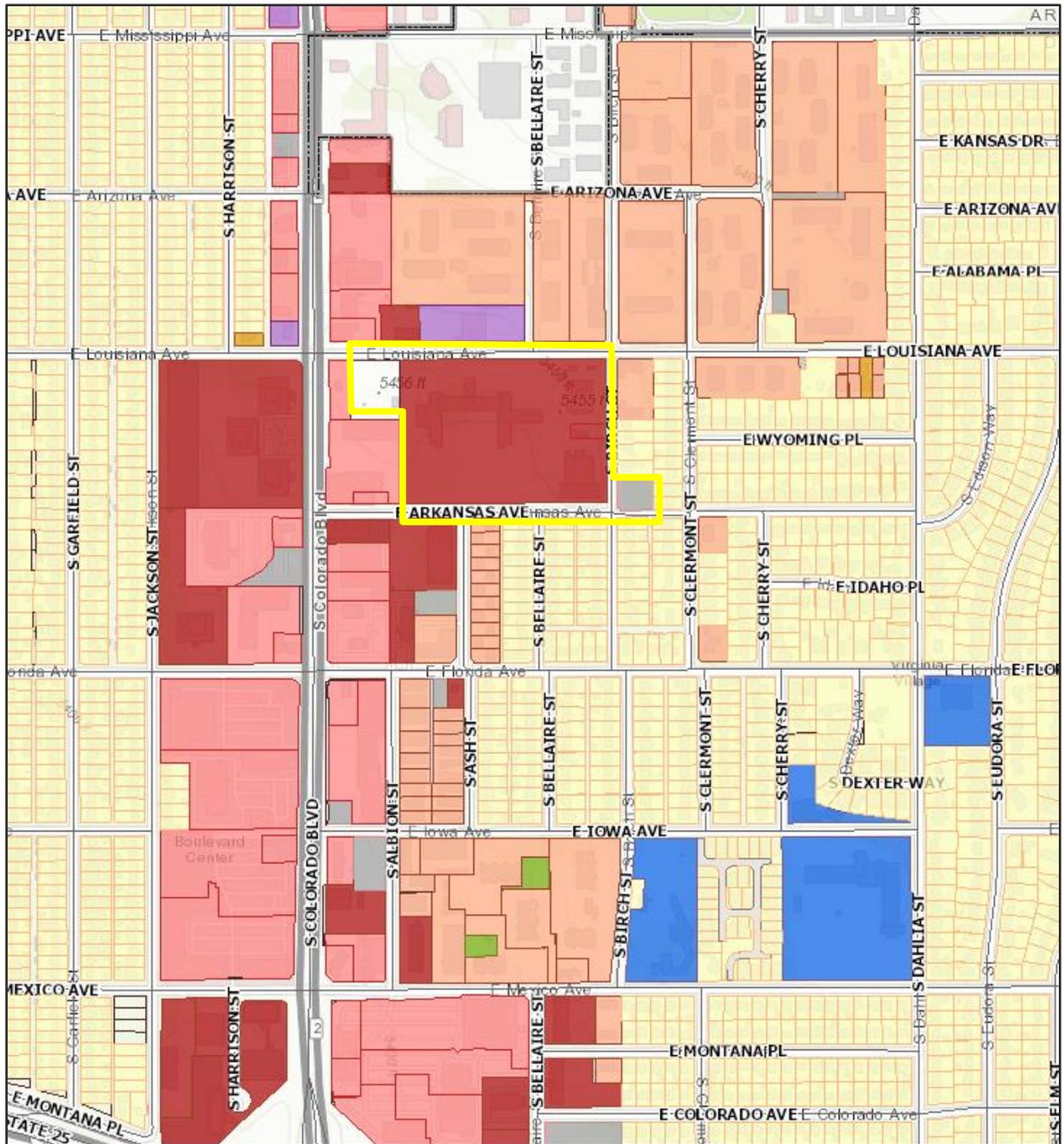
## Existing Land Uses

Assessor data shows the existing use of the site's core parcel as office, while the northwestern most parcel is vacant and the southeastern parcel is used for parking. Surrounding land uses include a mix of commercial/retail and office to the west of the site. Multi-unit residential and single-unit residential uses characterize development north and south of the site, stepping down in intensity toward the southeast, which is primarily single-unit residential. A large auto

body repair business directly north of the site is shown as industrial. A zoomed-out map (second graphic, below), shows a larger portion of Colorado Blvd. corridor between Glendale and Interstate 25 to better illustrate how more intensive commercial and residential uses that flank it transition to adjacent single-unit residential neighborhoods.



Land uses on and proximate to site



Land uses in area

## Other Considerations

### Development Agreement

In late October, Kentro Group entered into a Development Agreement with the city that sets forth commitments regarding traffic, drainage, affordable housing and other characteristics of the development. The agreement provides some predictability about development characteristics that would otherwise not be addressed by zoning alone. The full agreement is provided as an attachment to this staff report. Under the agreement, Kentro will:

- Construct 150 units of housing on site affordable to residents earning up to 60% of Area Median Income
- Provide open space on a minimum of 10% of the property (as would be required under a General Development Plan)
- Work with Public Works and the City Forester to preserve some on-site trees along Arkansas Ave. and improve pedestrian infrastructure on that street frontage.
- Complete an ongoing traffic study and make on- and off-site infrastructure improvements to address traffic congestion and other issues as future development plans are better known. This study will include examining the feasibility of limiting vehicle traffic on Arkansas east of Birch St.
- Utilize a transportation demand management (TDM) plan and other techniques to encourage use of alternative travel modes and reduce vehicle trips to and from the site.
- Hold a public meeting to present plans for drainage and open space, the conceptual site plan, and traffic study.

### General Development Plan (GDP)

The Development Agreement is proposed as an alternative to a General Development Plan, or GDP, which might otherwise be required for a site this size. The site is not currently subject to a GDP. Before or concurrent with an official map amendment application, the Department of Community Planning and Development (CPD) must determine whether a GDP is mandatory, according to DZC Section 12.4.12. Preparation is mandatory when “(1) the specific circumstances warrant a coordinated master framework plan to guide future development; and (2) land use, development, and infrastructure issues related to future development cannot be adequately resolved through other regulatory processes, such as subdivision or site development plan review.” The code identifies several “relevant factors” of a proposed project as examples that should be taken into consideration when determining whether a GDP should be mandatory. These include:

#### 1. **Adopted Plan Recommendation**

“A citywide land use, or small area plan, adopted by City Council as a supplement to the Comprehensive Plan, recommends preparation of a GDP for all or portions of the plan area.”

#### 2. **Large-Scale Development**

“The GDP area either: (a) is more than 10 acres, (b) is anticipated to be developed in phases; or (c) is owned by more than one person or entity.”

**3. Infrastructure Network or System Improvements**

“Future development in the GDP area anticipates any of the following infrastructure improvements:

- a. Establishing, extending, expanding, or otherwise changing the arterial or collector street grid; or
- b. Establishing, extending, expanding, or otherwise changing an existing regional storm water system; or
- c. Establishing, extending, expanding, or otherwise changing publicly accessible park and open space.”

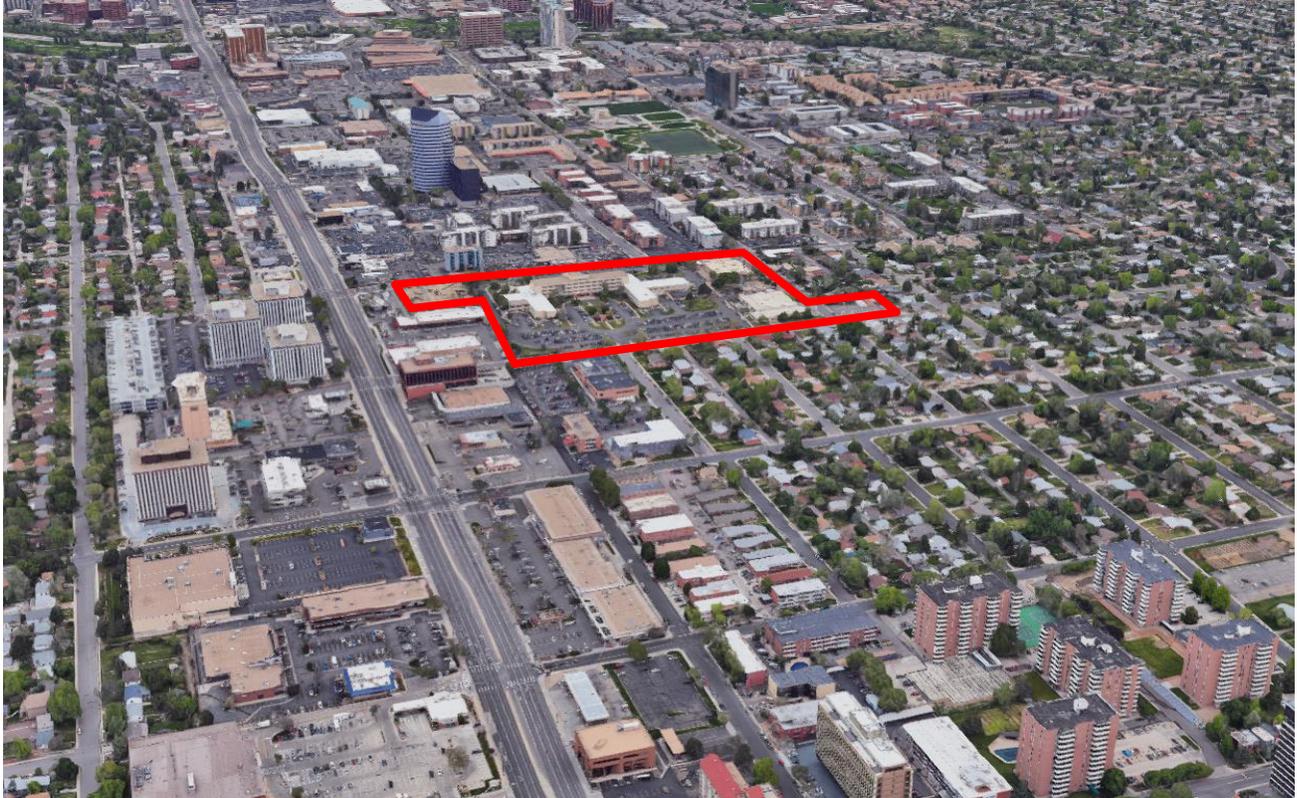
**4. Development Adjacent to Major River or Trail Corridors**

“Development within 100 feet from the Cherry Creek corridor or the South Platte River corridor, where publicly-accessible open space, pedestrian connections, or bike connections to such corridors is anticipated.”

**Commentary:** Although this is a large site, it is a comparable in size and shape to other commercial properties abutting or near the Colorado Blvd. Corridor and will be owned by a single entity. Development will not require changes to the arterial or collector street grid or regional stormwater systems, and local stormwater improvements will be made in association with Site Development Plan review. The property is not located near any major open space trails or corridors, and there are no adopted plans recommending preparation of a GDP for the site. Factors that would be addressed through a GDP including roadway infrastructure and open space are being addressed in a development agreement as described above. Considering these and other relevant factors, the specific circumstances here do not warrant an additional coordinated master framework plan and all remaining issues can be addressed with existing regulatory processes such as a development agreement and site development plan. CPD has determined that a GDP is not mandatory for this site.

## Existing Building Form and Scale

Existing building forms and scales found in the area are shown in the series of 45-degree aerials and street-view images of key sites on the following pages, sourced from Google Maps.



Aerial view of subject site and surrounding development



View of site from north, looking east along Louisiana Ave.



View of site looking southwest from Louisiana Ave. and Birch St.



View of "front" of site, looking north from Arkansas Ave. Grey tower in background is a 20-story Hyatt hotel in Glendale.



View of site looking northwest from Arkansas Ave. and Birch St., showing small parking lot property east of primary site.



Multi-unit residential development north of site, looking northwest along Louisiana Ave.



Development to north of site, looking northeast along Louisiana Ave.



Street frontage along Colorado Blvd., west of site (looking southeast along Colorado Blvd.)



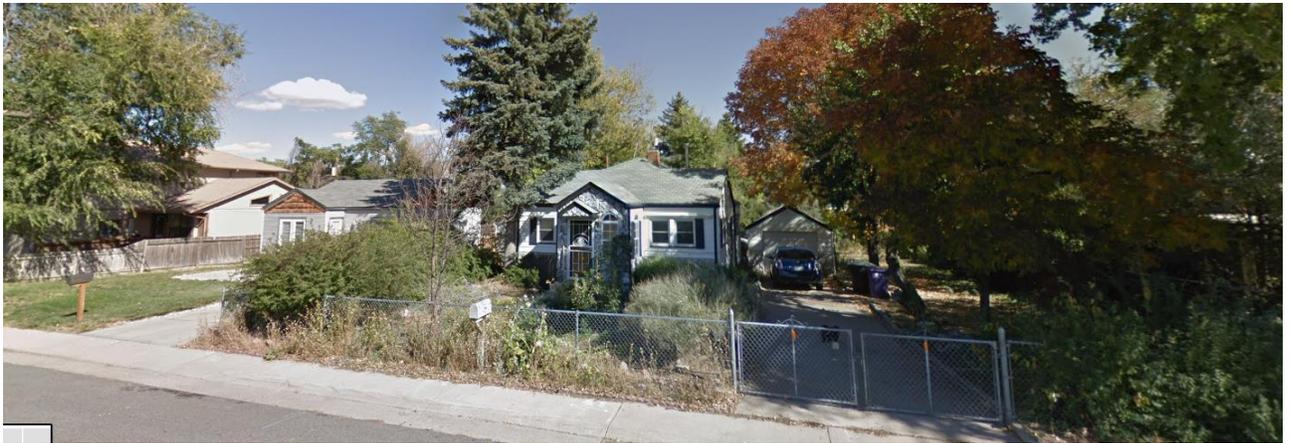
Single-unit residential development adjacent to southeast corner of site, at Arkansas Ave. and Birch St.



Office complex on west side of Colorado Blvd., west of site



Multi-unit development south of site



Single-unit development directly east of site along Birch St.

### Summary of City Agency Referral Comments

As part of the DZC review process, the rezoning application is referred to potentially affected city agencies and departments for comment. Comments received as of the writing of this report are as follows:

A summary of agency referral responses follows:

**Public Works – City Surveyor:** Approved, No Comments (revisions made after earlier review)

**Development Services – Wastewater:** Approved, with comments: DS Wastewater approves the subject zoning change. The applicant should note that redevelopment of this site may require additional engineering including preparation of drainage reports, construction documents, and erosion control plans. Redevelopment may require construction of water quality and detention basins, public and private sanitary and storm sewer mains, and other storm or sanitary sewer improvements. Redevelopment may also require other items such as conveyance of utility,

construction, and maintenance easements. The extent of the required design, improvements and easements will be determined during the redevelopment process. Please note that no commitment for any new sewer service will be given prior to issuance of an approved SUDP [Sewer Use and Drainage Permit] from Development Services.

**Denver Department of Public Health and Environment:** Approved, with comments: Denver Department of Public Health and Environment concurs with the rezoning but is aware of environmental concerns on the Property. The CDOT property at 4201 East Arkansas historically released solvents to groundwater, which resulted in groundwater contamination and the potential to affect indoor air quality. The affected area extends from the former onsite source near East Louisiana Avenue and South Birch Street northeast towards East Mississippi Avenue. The groundwater has been and continues to be remediated and as a result, the regulatory agency (Colorado Department of Public Health and Environment, CDPHE) issued a letter of No Further Action for the offsite indoor air pathway; and the former onsite source area meets commercial worker standards for indoor air. If the onsite use changes to residential for this area, then DDPHE requests that residential indoor air standards be met, or the indoor air be mitigated by systems such as ventilated subsurface parking garages or residential radon-type systems. Please note that this former source area affects a limited section of the CDOT property. Other areas of the property are being investigated as part of standard environmental due diligence, and if needed, these other areas will be addressed and remediated as coordinated with regulatory agencies to mitigate potential risk to residential use.

General Notes: Most of Colorado is high risk for radon, a naturally occurring radioactive gas. Due to concern for potential radon gas intrusion into buildings, DEH suggests installation of a radon mitigation system in structures planned for human occupation or frequent use. It may be more cost effective to install a radon system during new construction rather than after construction is complete. If renovating or demolishing existing structures, there may be a concern of disturbing regulated materials that contain asbestos or lead-based paint. Materials containing asbestos or lead-based paint should be managed in accordance with applicable federal, state and local regulations.

The Denver Air Pollution Control Ordinance (Chapter 4- Denver Revised Municipal Code) specifies that contractors shall take reasonable measures to prevent particulate matter from becoming airborne and to prevent the visible discharge of fugitive particulate emissions beyond the property on which the emissions originate. The measures taken must be effective in the control of fugitive particulate emissions at all times on the site, including periods of inactivity such as evenings, weekends, and holidays.

Denver's Noise Ordinance (Chapter 36–Noise Control, Denver Revised Municipal Code) identifies allowable levels of noise. Properties undergoing Re-Zoning may change the acoustic environment, but must maintain compliance with the Noise Ordinance. Compliance with the

Noise Ordinance is based on the status of the receptor property (for example, adjacent Residential receptors), and not the status of the noise-generating property. Violations of the Noise Ordinance commonly result from, but are not limited to, the operation or improper placement of HV/AC units, generators, and loading docks. Construction noise is exempted from the Noise Ordinance during the following hours, 7am–9pm (Mon–Fri) and 8am–5pm (Sat & Sun). Variances for nighttime work are allowed, but the variance approval process requires 2 to 3 months. For variance requests or questions related to the Noise Ordinance, please contact Paul Riedesel, Denver Environmental Health (720-865-5410).

Scope & Limitations: DEH performed a limited search for information known to DEH regarding environmental conditions at the subject site. This review was not intended to conform to ASTM standard practice for Phase I site assessments, nor was it designed to identify all potential environmental conditions. In addition, the review was not intended to assess environmental conditions for any potential right-of-way or easement conveyance process. The City and County of Denver provides no representations or warranties regarding the accuracy, reliability, or completeness of the information provided.

**Assessor; Real Estate; Denver Public Schools; Parks & Recreation; Development Services, Transportation; Development Services, Project Coordination; Development Services, Fire Prevention:** No Response, Approval Assumed.

### Public Review Process

Step	Date
CPD Informational Notice of Receipt of the rezoning application to all affected members of City Council and registered neighborhood organizations	6/1/18
Community Meetings to present project and seek feedback	1/25/18, 3/8/18, 4/5/18, 5/3/18, 6/7/18, 7/12/18, 9/27/18
CPD written notice of the April 5, 2017, Planning Board public hearing sent to all affected members of City Council and registered neighborhood organizations, mailed notice sent to property owners	8/30/18
Planning Board Public Hearing ( <b>Recommendation of Approval, 6:2 vote</b> )	9/19/18
Land Use, Transportation and Infrastructure Committee	10/9/18

City Council First Reading	<b>11/5/18</b> <b>(Postponed from</b> <b>10/22)</b>
City Council Public Hearing	<b>12/3/18</b>

### **Registered Neighborhood Organizations (RNOs)**

The RNOs identified on page 1 of this report were notified of this application. No comments have been received from RNOs as of the writing of this report.

### **Community Meetings and Public Comment**

The City Council approved the 3-way transaction between the City, Kentro Group and CDOT in December 2017. The legislation called for a community process to “ensure ensuing development is consistent with existing neighborhood, area plans, and economic and job development in Council District 6.” Beginning in January 2018, Kentro Group held 6 public meetings in various locations near the site. Early meetings sought general input about desired business and housing types, amenities, and other redevelopment outcomes. At subsequent meetings, the applicant got more specific about the rezoning proposal and general layout they envisioned for the site. Staff attended all meetings to answer zoning questions and observe the process.

Community input at the meetings ranged from excitement about the potential redevelopment of the site with new destinations for the neighborhood to deep concerns about increased traffic, development density and change in a neighborhood that has been somewhat insulated from the rapid evolution much of the city has experienced in recent years. Data collected from attendees during the early meetings indicated support for a “Main Street” development concept with businesses, cafes and restaurants lining a roadway connection through the site. In their application, Kentro Group cites the following as key aspirations they heard for the site from community members:

- a “destination”
- gathering places open to existing neighborhood residents
- quality design
- a quality public realm with vegetation
- a place to walk and bike to in the neighborhood

In their presentations to community stakeholders, the company sought to show how their proposed rezoning would reduce building heights from what is currently permitted by the existing CMP-EI2 zoning. While CMP-EI2 does permit 150-foot building heights (approximately 12 stories), it requires that heights scale down adjacent to residential neighborhoods within a 45-degree bulk plane. In response to concerns that the proposed S-MX- zoning would permit too much building height across from lower-intensity residential uses along Arkansas Ave. and Birch St., the applicants proposed a system of “striped” zoning establishing a series of maximum building heights that step down to 3 stories (40 feet) along the site’s southern and eastern edges.

**Revised heights:** The company submitted its first formal application in late May, with proposed building heights ranging from 12 stories to the northwest to 3 at the southeast. Based on community feedback, the company submitted a revised application in June that reduced maximum building heights to 8 stories. This reflects a reduction of 4 stories from what would be permitted by the site’s existing CMP-EI2 zoning.

### **Written Community Input**

Since the company’s first application, staff has received 60 letters or e-mails about this request. Of those, 18 indicated opposition to the project and 42 were in support. Some letters of opposition come from stakeholders who had already indicated opposition in previous communications but wrote again to make additional points – approximately 15 unique stakeholders have written to staff indicating opposition. All correspondence is included with this staff report, in the order received (*see exception, below*), with the most recent appearing toward the end of the packet. *Note: one longer document submitted by a community member on Nov. 26 is provided at the end of the correspondence packet.*

A summary of key points raised by opponents and supporters of the project in meetings and in writing follows, with some narrative and context provided.

**Concerns:** As of the writing of this report, staff had received 18 letters, e-mails or documents stating opposition to this proposed rezoning. Stakeholders who expressed disapproval highlighted several issues. They include:

- **Increased Traffic:** The CDOT headquarters housed approximately 650 workers. A private engineering firm hired by the applicant performed traffic counts prior to CDOT’s vacation of the site, recording approximately 1600 vehicle trips per day. Using building square footage assumptions derived from the proposed zoning to estimate impacts of future development, the same firm found that the redeveloped site would generate about 11,500 vehicle trips per day, a difference of approximately 10,000 daily trips. The

applicants have said that neighborhood impacts from this additional traffic will be mitigated by on- and off-site improvements to signalization and access points to the redevelopment that will prevent cut-through traffic on neighborhood streets. Additionally, they note that the proposed zone districts' Suburban Neighborhood Context require the highest ratio of minimum parking in the Denver Zoning Code, and that adequate parking for all uses on the site will prevent visitors from parking in nearby neighborhoods. The applicants have said they will employ transportation demand management (TDM) techniques, such as incentivizing the use of high-frequency bus services on Colorado Blvd. and a circulator that passes the east side of the property along Birch on its route to RTD's Colorado light rail station. A TDM plan will be required by the proposed development agreement. It should be noted that redevelopment under the existing CMP-EI2 zoning could result in traffic increases that are similar or exceed impacts under the proposed zoning, as the existing zoning, while not permitting retail uses, would allow considerable additional square footage of residential, office and other traffic-generating uses. Neighbors remain concerned that the area's narrow roadways and lack of direct access from the property to Colorado Blvd. will result in new traffic and increased congestion on nearby streets and intersections.

- **Development density and height:** Kentro Group proposes at least 150 units of affordable housing, as well as an unspecified number of market rate apartments and/or condominiums that could number in the hundreds. Some neighborhood residents indicated concern about high-density development in general, the addition of new households and the construction of tall buildings. An earlier proposed zoning strategy would have allowed up to 12 stories of mixed-use development on much of the site as is currently permitted by existing zoning, but this was revised to 8 stories in response to community input during the applicant's series of public meetings. It should be noted that the subject site is surrounded to the west and north by multi-story office and residential structures, including a 9-story office building across Colorado Blvd., 5- and 6-story apartment buildings to the north, and buildings up to 20 or more stories along the Colorado Blvd. corridor in both directions, built a comparable distance from the corridor itself to what is proposed at this site.
- **Gentrification:** The applicant proposes the new shops and restaurants in this redevelopment will help bring a "sense of place" to a currently vacant property. Some written comments highlight concerns that the redevelopment will attract wealthier residents and result in increased rents and property values in what they say has historically been an affordable neighborhood. Applicant representatives have said that the 150 affordable units to be provided as part of this project will help mitigate any impacts to local housing costs related to redevelopment of this site.

- **Lack of Specificity:** It is common for a developer to seek zoning approval prior to completing further site planning and determination of a tenant mix. This proposed rezoning, if adopted, would change the mix of uses permitted on the site and establish standards for site design, building placement and street frontages. However, multiple development outcomes could meet zoning criteria, making it hard to predict what development will look like until later phases when site development plan approval is sought. This has caused concern among community members who fear the zoning approval will result in new development that is redundant to retail uses already along Colorado Blvd., or otherwise undesirable.
- **Environmental Concerns:** A former CDOT Materials Testing Laboratory leaked solvents into soil at the northeast corner of the site until the spill's discovery in the 1980s. Some neighborhood stakeholders expressed concern that sale and redevelopment of the site will result in cleanup efforts being abandoned. The applicant representatives have said they eventually plans a mix of uses at this location on the site, including residential, which will require soil cleanup. Responsibility for cleanup is intended to remain CDOT's, and this is reflected in real estate documents and a proposed Development Agreement between the City and Kentro Group that is under consideration parallel to this rezoning application. (See **Proposed Development Agreement** above, and Agency Review comments from Denver Department of Public Health and Environment, above)
- **Neighborhood Transition:** Some input, most notably an analysis provided to the Council on Nov. 26, argues that the proposed zone S-MX-3 and S-MU-3 zone districts proposed across the street from or abutting (for the property at the northeast corner of Arkansas and Birch) do not provide enough of a transition into the single-unit neighborhoods to the east and south, in terms of both heights and uses. It should be noted that the 40-foot height limits of those zone districts are significantly lower than the Zoning Code's 75-foot height limitation within 175 feet of a Protected District, which impacts areas where 8-story or higher zone districts are proposed adjacent to lower density residential districts (per the DZC, Protected Districts are SU, TU and RH zone districts). There are innumerable examples of MX and MU zone districts with 8, 12 or higher height limits and the more intensive uses permitted by each that directly abut or are across the street from single-unit neighborhoods, including several instances found immediately surrounding the subject site. All uses are governed by the DZC's Use Limitations (Div. 11.1) regulating noise, lighting, visual appearance and other characteristics, specifically intended to mitigate adverse impacts on surrounding properties and residential neighborhoods.
- **Other issues** highlighted in comments received included concerns that new development will be out of character with the 1940s and 50s-era architecture of Virginia Village, and that the development won't include enough outdoor space in an area that

already has few parks. The latter is proposed to be addressed in a proposed Development Agreement under consideration parallel to this rezoning application. (See **Development Agreement** above)

**Support:** As of the writing of this report, staff had received 42 letters of support for the rezoning and redevelopment of the site, highlighting potential benefits such as:

- **Vibrancy:** Commercial activity along Colorado Boulevard is highly auto-oriented, with structures set back behind large parking lots and facing away from nearby neighborhoods. Some stakeholders have said that the redevelopment of the CDOT site presents opportunities for a vibrant, walkable neighborhood-scale commercial district that would serve and contribute to the revitalization of nearby neighborhoods.
- **Affordable Housing:** Many stakeholders who expressed support for the project highlighted its potential to provide at least 150 units of housing affordable for people earning 60% of Area Median Income (Household AMI for a family of 3 is currently \$81,000 according to City and County of Denver data; 60% of that would be \$48,600). Some supporters noted that higher residential densities assist in the production of affordable housing by offsetting the cost of below-market units. Additionally, some stakeholders said they hoped the affordable housing would help keep families in the area as housing prices rise and larger families seek opportunities outside Virginia Village. Two community members, including the principal of nearby Ellis Elementary School, specifically highlighted the need for affordable housing to stabilize enrollment at nearby schools.
- **Sustainability:** Several stakeholders suggested that redevelopment of the property is an opportunity to direct development and households to an area where it is best served by existing community and infrastructure as an alternative to continued urban sprawl at the city's edges, making it an environmentally-sustainable reuse of an underutilized property. At meetings and in writing, some neighbors expressed hope that the development will contribute to increased transit demand in the area, possibly leading to service improvements, such as Bus Rapid Transit on Colorado Blvd. (a street which is slated for this or similar high-quality transit service in adopted plans).
- **Heights and design:** Some stakeholders said they were pleased to have the potential building heights reduced from the current 12-story allowances to a maximum more in line with development in adjacent blocks. Additionally, some noted that the proposed S-MX and S-MU zone districts' building form and site design standards would result in development that better orients active uses toward the street than the current zoning.

- **Addition of retail and services:** several stakeholders said they hoped the rezoning would enable the development of new neighborhood-serving retail uses, such as a grocery store.

A community member requested a protest petition per DZC Sec. 12.4.0.5, but no petition was turned in by the Nov. 26 deadline.

## **Planning Board**

The Planning Board held a hearing on this proposed rezoning on September 19, during which they heard testimony from 16 neighbors and other stakeholders. Of those, 12 indicated some level of support for the rezoning. In their deliberation, Planning Board members grappled with whether the proposal met the Consistency with Adopted Plans criterion, specifically the Blueprint Denver Future Concept Land Use designation (see Consistency with Adopted Plans, below). Ultimately, six members voted to recommend approval, while 2 found that the proposal was inconsistent.

## **Criteria for Review / Staff Evaluation**

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

### **DZC Section 12.4.10.7**

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

### **DZC Section 12.4.10.8**

1. Justifying Circumstances
2. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements

## **1. Consistency with Adopted Plans**

The following plans apply to this property:

- Denver Comprehensive Plan 2000
- Blueprint Denver (2002)

*Note: the application also cites the 1973 Virginia Village Neighborhood Plan and the Blueprint Denver: A Blueprint for an Inclusive City Public Review Draft – 8/6/18 currently under public review. The 1973 Virginia Village Neighborhood Plan was not re-adopted by Denver*

*Comprehensive Plan 2000 and is no longer applicable. Blueprint Denver: A Blueprint for an Inclusive City Public Review Draft – 8/6/18 is not an adopted plan. Therefore, they do not apply to review of this application.*

### **Denver Comprehensive Plan 2000**

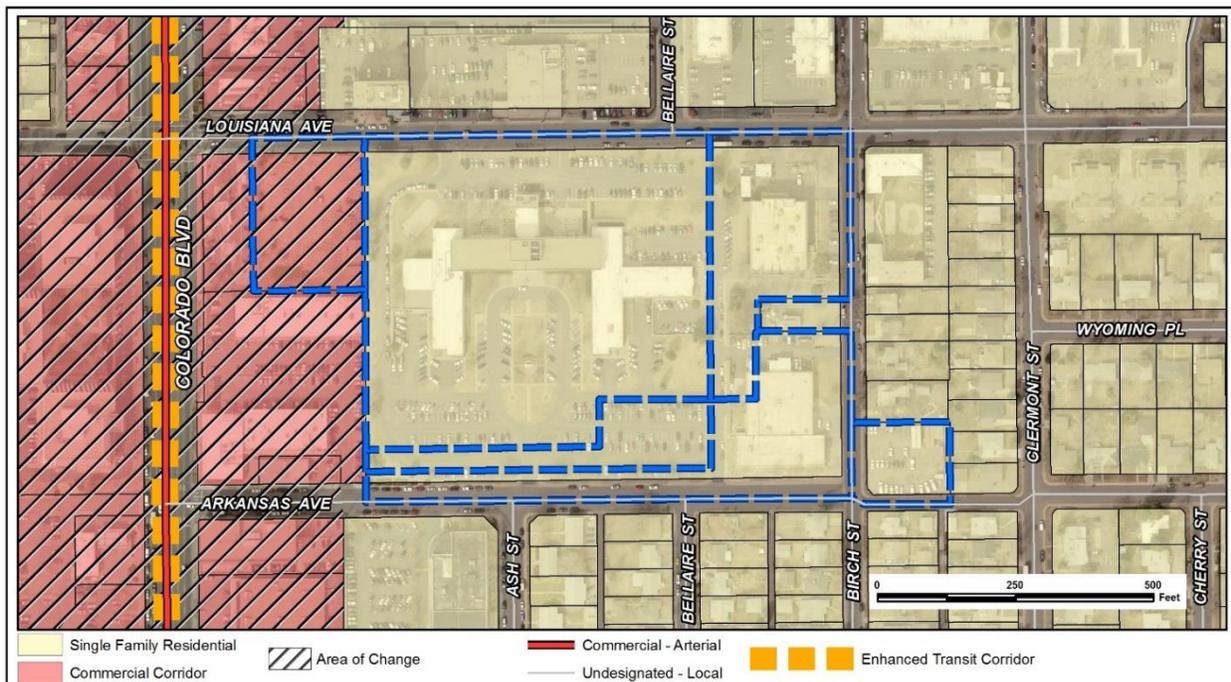
The proposal is consistent with many Denver Comprehensive Plan objectives, strategies and recommendations, including:

- Environmental Sustainability Strategy 1-A: *Encourage redevelopment of vacant, underutilized and environmentally compromised land known as brownfields.* (p. 37)
- Environmental Sustainability Strategy 2-F: *Conserve land by: promoting infill development within Denver at sites where services and infrastructure are already in place; designing mixed use communities and reducing sprawl so that residents can live, work and play within their own neighborhoods, and creating more density at transit nodes.* (p. 39)
- Environmental Sustainability Strategy 4-A: *Promote the development of sustainable communities and centers of activity where shopping, jobs, recreation and schools are accessible by multiple forms of transportation, providing opportunities for people to live where they work.* (p. 41)
- Land Use Strategy 3-B: *Encourage quality infill development that is consistent with the character of the surrounding neighborhood; that offers opportunities for increased density and more amenities; and that broadens the variety of compatible uses.* (p. 60)
- Land Use Strategy 3-D: *Identify and enhance existing focal points in neighborhoods, and encourage the development of such focal points where none exist.* (p. 60)
- Denver's Legacies Strategy 3-A: *Identify areas in which increased density and new uses are desirable and can be accommodated.* (p. 99)
- Housing Strategy 6-A: *Support Mixed-Use Development consistent with the goal of the Comprehensive Plan's land-use and mobility strategies.* (p. 117)
- Housing Strategy 6-B: *Continue to support mixed-income housing development that includes affordable rental and for-purchase housing for lower-income, entry-level and service employees, especially in Downtown and along transit lines.* (p. 117)
- Economic Activity Strategy 1-H: *Support a variety of housing opportunities for Denver's current and future workforce. Housing opportunities throughout Denver should be expanded — especially in the Downtown core and near employment centers — to accommodate people and families of all incomes.* (p. 131)

This proposed rezoning will promote infill development and broaden the variety of uses allowed to encourage redevelopment of a large, underutilized site with commercial, office and residential uses aimed at a range of incomes. It is consistent with Comprehensive Plan 2000 Environmental Sustainability objectives and strategies because it will conserve land by

encouraging infill that allows people to live near jobs and daily needs. The proposal is consistent with Comprehensive Plan 2000 Land Use objectives and strategies because the mixed-use and multi-unit zoning will improve the variety of compatible land uses and promote infill development served by existing infrastructure and services. It will enable the development of a community-desired walkable destinations like shops and food and beverage businesses in an area where commercial uses are currently highly auto-oriented and serve a more regional customer base. Finally, the proposed zoning is consistent with Comprehensive Plan Housing and Economic Activity objectives and strategies because it will encourage redevelopment of the site that will include, pursuant to the companion Development Agreement, at least 150 units of housing for residents earning 60% of Area Median Income or less, located along high-frequency bus transit in a central city location near employment centers.

### Blueprint Denver: Concept Land Use

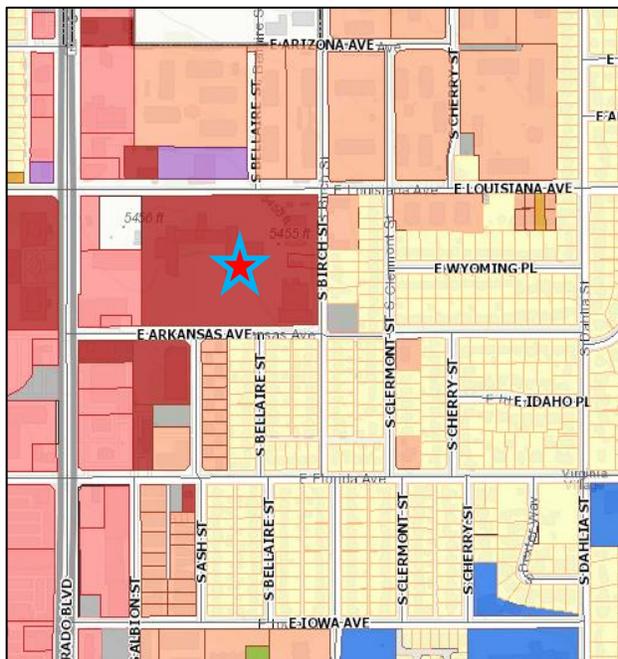


Blueprint Denver Map

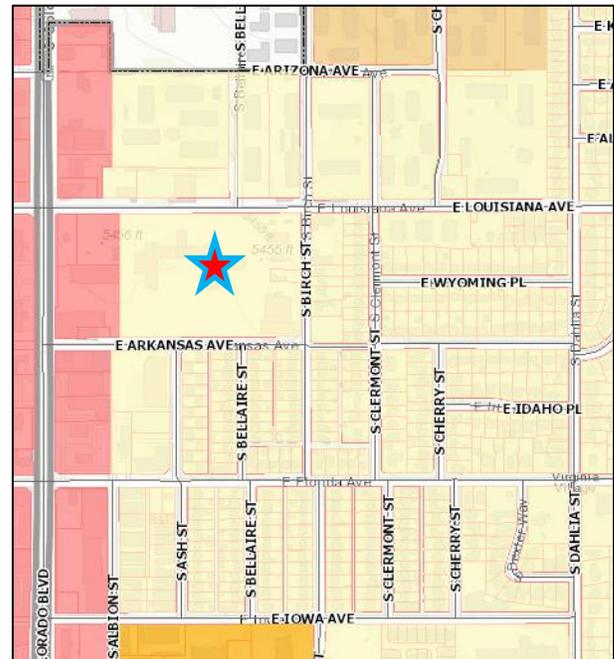
**Core and southeast parcels:** As shown in the map, the largest parcel, as well as the lot to the far southeast are designated with a Concept Land Use of **Single Family Residential**. This land use represents the majority of Denver’s residential areas with densities at fewer than 10 units per acre and “an employment base that is significantly smaller than the housing base.” (p. 42). These same properties, which represent about  $\frac{3}{4}$  of the total land affected by this proposal, are within an area designated as an **Area of Stability**. Areas of Stability comprise “the vast majority of Denver, primarily the stable residential neighborhoods and their associated commercial areas, where limited change is expected in the next 20 years.” (p. 120) The overarching goal for

Areas of Stability is to “identify and maintain the character of an area while accommodating some new development and redevelopment.” (p. 140).

It is unclear why Blueprint (adopted in 2002) identified this area with a concept land use of Single Family Residential, despite the office uses that had consistently operated there since the 1950s, resulting in a mismatch between Blueprint’s concept land use and existing land use and zoning. At the time of Blueprint’s adoption, this property was zoned R-5, an Former Chapter 59 zone district allowing institutional, group residential and office uses but did not permit single-unit residential uses. The Single Family Residential concept land use was also applied to parcels to the north, south and east of the site that had existing high-density residential, industrial and commercial uses (and zoning). The images on the next page highlight this discrepancy.



Land Uses in area



Blueprint (2002) Concept Land Uses in area

In the narrative provided with this proposal, the applicants cite language in Blueprint Denver describing two types of Areas of Stability, **Committed Areas** and **Reinvestment Areas**. Committed areas are neighborhoods that may benefit from small infill redevelopment, rather than “large-scale, major redevelopment; while Reinvestment Areas are those neighborhoods “with a character that is desirable to maintain but that would benefit from reinvestment through modest infill and redevelopment or major projects in a small area. These areas would encourage investment but in a more limited and targeted way than in Areas of Change” (p. 122). Blueprint notes that residents in Reinvestment Areas may lack “services, such as grocery

stores,” or affordable housing. Opportunities for improvement of Reinvestment Areas could include “redeveloping underutilized land to provide neighborhood services” (P. 123).

Blueprint doesn’t specifically identify Committed or Reinvestment areas. Generally speaking, however, the property, put in flux by the recent vacation of outdated office buildings, has characteristics of an area of the city that could benefit from reinvestment, reflecting a “major project in a small area” from Blueprint language that could provide services and job opportunities in nearby neighborhoods without involving redevelopment of those neighborhoods themselves. Especially as it relates to properties to the north and west, redevelopment of this property has the potential to introduce higher-density development that is more walkable and creates a “sense of place” that some nearby multi-unit and commercial development lacks. Due to this site’s size, location near a major roadway and high-density development and existing zoning that allows multi-unit residential uses, it is unlikely that it would redevelop with single-unit uses.

Given these constraints, the S-MX- zone districts with a range of permitted building heights that transition down toward the single-unit neighborhoods to the southeast are appropriate and consistent with Blueprint Denver’s acknowledgement that some associated commercial areas designated as Single Family Residential will undergo reinvestment that can benefit nearby neighborhoods. The S-MX- zone districts permit new retail uses and establish design standards that will help create a walkable, mixed-use node. While the existing zoning does permit the residential and office uses proposed, it was developed for campuses with interior flexibility and exterior transitions, and does not set adequate standards for development that addresses streets and transitions into surrounding urban fabric.

This proposed rezoning will enable application of several recommendations from Blueprint’s **Toolbox for Areas of Stability**, including:

- Development standards regulating building orientation and height, landscaping and parking that ensure new development is compatible with its surroundings. (p. 124);
- Regulations that ensure “beneficial commercial development in reinvestment areas is not impeded” but provides appropriate transitions into neighborhoods (p. 124);
- Public private partnerships to produce affordable housing units, which can “help maintain moderate income housing opportunities in the face of increasing housing prices,” redevelopment of brownfield sites, business recruitment and retention and job growth in revitalization areas. (p. 126);
- Though not directly related to rezoning, redevelopment of the site will also bring infrastructure improvements such as street cross section and pedestrian realm improvements, open space and pedestrian amenities to this site. (Public Infrastructure Tools, p. 125)

**Northwestern parcel:** The property on the northwestern corner of the subject site is designated with a Concept Future land use of **Commercial Corridor** and as an **Area of Change**. Commercial Corridors are described by Blueprint as “linear business districts primarily oriented to heavily used arterial streets.” (p. 45) The proposed zoning of S-MX-8 at the site is consistent with Blueprint Denver recommendations, especially in light of surrounding zoning. It allows more business uses than the current zoning. The S-MX-8 zone district is intended to be located in areas served “primarily by arterial streets.” This site is not directly served by arterial streets, but access to nearby Colorado Blvd., one of the arterials cited by name in Blueprint Denver, is provided via Louisiana Ave. Areas of Change are where Blueprint Denver recommends the city channel the majority of growth and development. They include “areas along corridors with frequent bus service that can accommodate development, especially where there is potential for a pedestrian-friendly shopping environment” (p. 19). It is appropriate to direct growth to this location, where higher-intensity uses closely integrated with transportation can accommodate new residents and jobs while preserving nearby established neighborhoods.

#### **Blueprint Denver: Future Street Classifications**

The site is located east of Colorado Blvd., and access is provided to and from the north and south edges of the site by Louisiana Ave. and Arkansas Ave., respectively. Blueprint Denver designates Colorado Blvd. with a future street type of Commercial Arterial and identifies it as an Enhanced Transit Corridor. According to the Denver Zoning Code, the S-MX-5 and -8 zone districts are intended to be located where served primarily by collector or arterial streets. Both streets provide access to Colorado at signalized intersections. Blueprint identifies them as undesignated local streets (Public Works considers Louisiana to be a Collector Street between Colorado and Holly; City and County Street Classification Map, available at <https://www.denvergov.org/content/dam/denvergov/Portals/706/documents/street-classification-map-2017.pdf>). Arkansas and Louisiana Avenues are comparable to other local streets immediately adjacent to Colorado Blvd. in this area in that they provide side-street access to commercial, office and higher-density residential uses along the corridor. The proximity and access to Colorado Blvd. is appropriate for the S-MX- and S-MU- zone districts proposed. Birch St., which abuts the eastern edge of the property, is also designated as a local street. The S-MX-3 and S-MU-3 zone districts proposed along this corridor are described by the Zoning Code as intended for areas or intersections served by local or collector streets, and are appropriate for access from Birch St. Providing access to the site while minimizing traffic impacts on nearby low-density residential neighborhoods will take careful planning that routes trips toward streets intended for regional use, rather than through the neighborhood. Staff recommends this request be considered in conjunction with the Development Agreement, which establishes a commitment to traffic management options, including application of

transportation demand management techniques to encourage reduced vehicle trips and increased transit use. (See **Development Agreement**, above).

**Building Heights:** in the absence of adopted policy for building heights in this area, the applicant proposes to reduce currently permitted heights (150 feet) while allowing taller development closer to existing development of similar scale in the northern and western parts of the subject site. More modest building heights of 3 stories (40 feet) along the Arkansas Ave. and Birch St. frontages are appropriate across the street from single-unit development where zoning permits 2.5 stories, or up to 35 feet in building height.

### **Additional Criteria Language**

Criterion 12.4.10.7.A. reads, in full: “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.” This proposed rezoning can be considered consistent with this language, as it would enable the development of community-desired retail uses as part of a walkable mixed-use development.

## **2. Uniformity of District Regulations and Restrictions**

Establishment of the S-MX- and S-MU- districts will result in the uniform application of zone district building form, use and design regulations within each zone district as uniformly applied in the same zone districts throughout the city.

## **3. Public Health, Safety and General Welfare**

This proposed official map amendment furthers the public health, safety and general welfare of the City, primarily through implementation of the city’s adopted land use plans, including Comprehensive Plan 2000 and Blueprint Denver. Encouraging the redevelopment of this underutilized brownfield site will enable job opportunities and affordable housing at a location that is well served by high-frequency transit. Mixed-use development here can also demonstrate alternatives to existing auto-oriented development in this example of the Suburban Neighborhood Context, providing a walkable destination for community members to shop and socialize. The general welfare is also promoted by improved building form standards that create a more pedestrian-friendly urban environment and an expanded list of allowed uses that will enable a more mixed-use community. Additionally, this rezoning proposal clearly identifies a transitioning building scale that respects the single-unit, low-scale character of neighborhoods further south and east.

#### **4. Justifying Circumstances**

The Denver Zoning Code identifies the following relevant justifying circumstance in Section 12.4.10.8.A.4., which reads:

Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include:

- a. Changed or changing conditions in a particular area, or in the city generally; or,
- b. A City adopted plan; or
- c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.

The applicant cites rapid population growth as the relevant changed condition, causing an increased demand for housing. The applicant's proposed justification is consistent with the Denver Zoning Code criteria. Current and projected population growth estimates Denver's population will increase by more than 20 percent by 2040. Additionally, the closure and vacation of the CDOT headquarters at the site constitutes a changed condition for the property to such a degree that the proposed rezoning is in the public interest. The site is no longer an institution campus because the institution has relocated and therefore the institutional campus zoning should change.

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

The proposed zone districts are in the Suburban Neighborhood Context. According to DZC Division 3.1, the Suburban Neighborhood Context is characterized by single-unit and multi-unit residential, commercial strips and centers, and office parks. This Context includes "occasional mid- and high-rise Apartment building forms, surface parking and "generous landscaping between the street and buildings" in deep setbacks. The site to be rezoned is consistent with this neighborhood context description.

Mixed-Use districts in the Suburban Neighborhood Context are intended to promote active, pedestrian-scaled places that "enhance the convenience and ease of walking, shopping and public gathering within and around the city's neighborhoods, and are appropriate "along corridors, for larger sites and at major intersections." They aim to ensure new development "contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods." (3.2.4.1.A. through D.). The zone district specific intent of S-MX-8 is, "S-MX-8 applies to areas or intersections served primarily by arterial streets where a building scale of 1 to 8 stories is desired" (3.2.4.2.H). The specific intent of S-MX-5 is, "S-MX-5 applies to areas or intersections served primarily by

collector or arterial streets where a building scale of 1 to 5 stories is desired” (3.2.4.2.F). The specific intent of S-MX-3 is, “S-MX-3 applies to areas or intersections served primarily by local or collector streets where a building scale of 1 to 3 stories is desired” (3.2.4.2.D). The Suburban Multi-Unit districts are intended to accommodate reinvestment without detracting “from the overall image and character of the residential neighborhood.” (3.2.2.1.A. and D.). The specific intent of all S-MU- zone districts is that, “S-MU- is a multi unit district and allows suburban house, duplex, row house, and apartment building forms up to 3, 5, 8, 12, 20 stories in height” (3.2.2.2.I).

The proposed rezoning is consistent with these purpose and intent statements, as it would permit redevelopment of an underutilized, currently vacant site with uses that serve neighborhood residents and provide additional housing units to support nearby businesses and transit, while providing appropriate transitions into the single-unit neighborhoods to the southeast of the subject site.

#### **Attachments**

1. Application
2. 60 letters, e-mails and other documents, in order received
3. Approved Development Agreement

## Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	KRF Arkansas, LLC	Representative Name	Stacey Weaks
Address	1509 York Street, Ste. 201	Address	1101 Bannock Street
City, State, Zip	Denver, CO 80206	City, State, Zip	Denver, CO 80204
Telephone	303-500-0944	Telephone	303-892-1166
Email	jb@kentrogroup.com	Email	sweaks@norris-design.com
<p>*If More Than One Property Owner:            All standard zone map amendment applications shall be initiated by all the owners of at least 51% of the total area of the zone lots subject to the rezoning application, or their representatives authorized in writing to do so. See page 3.</p>		<p>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</p>	
<p>Please attach Proof of Ownership acceptable to the Manager for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed or deed of trust, or (c) Title policy or commitment dated no earlier than 60 days prior to application date.</p> <p>If the owner is a corporate entity, proof of authorization for an individual to sign on behalf of the organization is required. This can include board resolutions authorizing the signer, bylaws, a Statement of Authority, or other legal documents as approved by the City Attorney's Office.</p>			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):		4380 E. Louisiana Avenue, 4040 E. Louisiana Avenue, and 1380 S. Birch Street (collectively referred to as 4201 E. Arkansas Avenue)	
Assessor's Parcel Numbers:		0619214003000, 0619215018000, 0619213025000	
Area in Acres or Square Feet:		approximately 13.26 acres	
Current Zone District(s):		CMP-EI2 and S-MX-5 UO-1, UO-2 (northwest portion)	
PROPOSAL			
Proposed Zone District:		Refer to Proposed Zone Districts Map (attachment). S-MX-8 (UO-2); S-MX-8; S-MX-5; S-MX-3; and S-MU-3	

## REVIEW CRITERIA

<p>General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.7</p>	<p><input checked="" type="checkbox"/> Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan.</p> <p>Please provide an attachment describing relevant adopted plans and how proposed map amendment is consistent with those plan recommendations; or, describe how the map amendment is necessary to provide for an unanticipated community need.</p> <p><input checked="" type="checkbox"/> Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.</p> <p><input checked="" type="checkbox"/> Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</p>
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<p>Additional Review Criteria for Non-Legislative Rezoning: The proposal must comply with both of the additional review criteria DZC Sec. 12.4.10.8</p>	<p><b>Justifying Circumstances - One of the following circumstances exists:</b></p> <p><input type="checkbox"/> The existing zoning of the land was the result of an error.</p> <p><input type="checkbox"/> The existing zoning of the land was based on a mistake of fact.</p> <p><input type="checkbox"/> The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage.</p> <p><input checked="" type="checkbox"/> The land or its surroundings has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area to recognize the changed character of the area.</p> <p><input type="checkbox"/> It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (Overlay Zone Districts), of this Code.</p> <p>Please provide an attachment describing the justifying circumstance.</p> <p><input checked="" type="checkbox"/> The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.</p> <p>Please provide an attachment describing how the above criterion is met.</p>
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## REQUIRED ATTACHMENTS

Please ensure the following required attachments are submitted with this application:

<input checked="" type="checkbox"/>	Legal Description (required to be attached in Microsoft Word document format)
<input checked="" type="checkbox"/>	Proof of Ownership Document(s)
<input checked="" type="checkbox"/>	Review Criteria

## ADDITIONAL ATTACHMENTS

Please identify any additional attachments provided with this application:

<input checked="" type="checkbox"/>	Written Authorization to Represent Property Owner(s)
<input checked="" type="checkbox"/>	Individual Authorization to Sign on Behalf of a Corporate Entity

Please list any additional attachments:

Proposed Zone Districts Map

PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION/PETITION						
<p>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.</p>						
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)
<b>EXAMPLE</b> 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
Dimitrios Balafas	1509 York Street Suite 201 Denver, CO 80206	100%	<i>Dimitrios Balafas</i>	05/14/18	(C)	YES



## COLORADO

### Department of Transportation

Office of the Chief Engineer

4201 East Arkansas Ave, Suite 262  
Denver, CO 80222

April 17, 2018

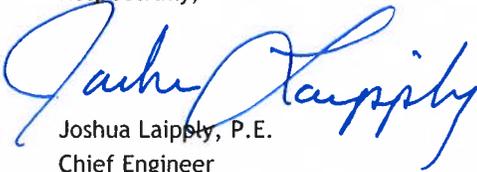
City and County of Denver  
201 W. Colfax Ave., Dept. 205  
Denver, CO 80202  
[rezoning@denvergov.org](mailto:rezoning@denvergov.org)

Re: Zone Map Amendment (Rezoning) for the property located at 4201 E. Arkansas Avenue, Denver 80222 - Application; Application Attachment - Property Owner Authorization for Kentro Group to serve as Applicant

To Whom It May Concern;

The STATE OF COLORADO, by and through its Department of Transportation as the owner of the property located at 4201 E. Arkansas Avenue, Denver, Colorado, (the "Property") authorizes Dimitrios Balafas, Co-Founder/Managing Partner of Kentro Group, to apply for a Zone Map Amendment (Rezoning) for the Property.

Respectfully,



Joshua Laipply, P.E.  
Chief Engineer



KRF Arkansas, LLC

---

May 9, 2018

City and County of Denver  
201 W. Colfax Ave., Dept. 205  
Denver, CO 80202  
[rezoning@denvergov.org](mailto:rezoning@denvergov.org)

Re: Zone Map Amendment (Rezoning) – Application; Application Attachment – Represent KRF Arkansas LLC.

I, Dimitrios Balafas, Manager of KRF Arkansas LLC, authorize Norris Design and CRL Associates as representatives to my interest in the Zone Map Amendment (Rezoning) process for the property at 4201 E. Arkansas Avenue.

Dated: 5/9/2018

By:

  
\_\_\_\_\_  
Dimitrios Balafas  
Manager of KRF Arkansas LLC





**For this Record...**

- Filing history and documents
- Trade names
- Get a certificate of good standing
- File a form
- Subscribe to email notification
- Unsubscribe from email notification

- Business Home
- Business Information
- Business Search

- FAQs, Glossary and Information

## Summary

Details			
<b>Name</b>	Kentro Real Estate Fund I, LLC		
<b>Status</b>	Good Standing	<b>Formation date</b>	02/10/2009
<b>ID number</b>	20091088997	<b>Form</b>	Limited Liability Company
<b>Periodic report month</b>	February	<b>Jurisdiction</b>	Colorado
<b>Principal office street address</b>	1509 York Street, Suite 201, Denver, CO 80206, United States		
<b>Principal office mailing address</b>	n/a		

Registered Agent	
<b>Name</b>	George J Balafas
<b>Street address</b>	1509 York Street, Suite 201, Denver, CO 80206, United States
<b>Mailing address</b>	1509 York Street, Suite 201, Denver, CO 80206, United States

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City and County of Denver  
 TREASURY DIVISION  
 PO BOX 12102 201 W COLLEAS AVE DENVER CO  
 DENVER CO 80217-0102  
 TEL: (303) 913-9500

# CERTIFICATE OF TAXES DUE

THIS IS TO CERTIFY THAT ON THIS DATE THERE WERE THE FOLLOWING TAXES DUE AGAINST THE PROPERTY DESCRIBED HEREIN

PROPERTY ADDRESS <b>4380 E LOUISIANA AVE</b>	PARCEL ID <b>06192-14-003-000</b>	DATE <b>03 01 18</b>
LEGAL DESCRIPTION <b>BLKS 1 2 &amp; 3 KIBLER ADD &amp; VAC ALLEYS ADJ &amp; ALL VAC BELLAIRE ST ADJ &amp; ALL VAC ASH ST ADJ &amp; E 1/2 VAC ALBION ST ADJ</b>	RECEIPT NUMBER <b>111422</b>	JOB # <b>AB70572924</b>
<p>NOTE: Interest on taxes is computed on a monthly basis. Please request up to date figures if you do not pay by the end of the current month. This certificate does not include special assessments which may be due, but which on the above date have not been certified to this office for collection.</p> <p>Information regarding special taxing districts and the boundaries of such districts may be on file or deposit with the County Clerk and Recorder or the County Assessor.</p>	Issued To: <b>COLORADO COUNTY RECORD SYSTEMS          PO BOX 12102          DENVER CO 80212</b>	
	For Office Use Only  <b>2017-005</b>	

TAXES DUE	CURRENT TAX DISTRIBUTION		
	MILL LEVY	TAX AMOUNT	DESCRIPTION
Current Year Tax Roll	<b>38.594</b>	<b>0.00</b>	<b>SCHOOL GENERAL FUND</b>
	<b>9.650</b>	<b>0.00</b>	<b>SCHOOL BOND FUND</b>
	<b>2.526</b>	<b>0.00</b>	<b>CAPITAL MAINTENANCE</b>
	<b>3.380</b>	<b>0.00</b>	<b>SOCIAL SERVICES *</b>
TAX.....\$.....	<b>8.433</b>	<b>0.00</b>	<b>CITY BOND FUND *</b>
FEES.....\$.....	<b>1.413</b>	<b>0.00</b>	<b>POLICE PENSION *</b>
INTEREST.....\$.....	<b>1.185</b>	<b>0.00</b>	<b>FIRE PENSION *</b>
SERVICE LIENS.....\$	<b>0.557</b>	<b>0.00</b>	<b>URBAN DRAINAGE/FLOOD CONTROL *</b>
MAINTENANCE DISTRICT.....\$	<b>0.442</b>	<b>0.00</b>	<b>AFFORDABLE HOUSING *</b>
Delinquent Years	<b>1.010</b>	<b>0.00</b>	<b>DEVELOPMENTALLY DISABLED</b>
	<b>9.944</b>	<b>0.00</b>	<b>GENERAL FUND, DENVER *</b>
TAX.....\$.....	<b>77.134</b>	<b>0.00</b>	<b>TOTAL</b>
FEES.....\$.....			
INTEREST.....\$.....			
SERVICE LIENS.....\$.....			
MAINTENANCE DISTRICT.....\$			
Unredeemed Liens \$		<b>0.00</b>	
Service Liens (SVC) \$		<b>0.00</b>	
Local Imp (LI)			
PAYOFF BALANCE.....\$.....		<b>0.00</b>	

TOTAL AMOUNT DUE ..... \$ ..... **0.00**

  
 MANAGER OF FINANCE EX OFFICIO TREASURER  
 PREPARED BY \_\_\_\_\_ CHECKED BY \_\_\_\_\_

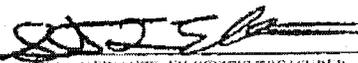
City and County of Denver  
 TREASURY DIVISION  
 PO BOX 17131, 30 W COLO FAY AVE, DENVER CO  
 DENVER CO 80217-0131  
 TEL 720-911-9940

# CERTIFICATE OF TAXES DUE

THIS IS TO CERTIFY THAT ON THIS DATE THERE WERE THE FOLLOWING TAXES DUE AGAINST THE PROPERTY DESCRIBED HEREIN.

PROPERTY ADDRESS <b>4040 E LOUISIANA AVE</b>	PARCEL ID <b>06192-15-018-000</b>	DATE <b>03 01 18</b>
LEGAL DESCRIPTION <b>L 39 TO 48 INC &amp; W/2 VAC ALBION ST ADJ &amp; E 31FT L 1 TO 10 INC &amp; ALL VAC ALLEY ADJ SD LOTS BLK 4 KIBLER ADD</b>	RECEIPT NUMBER <b>111423</b>	JOB # <b>AB70572924</b>
NOTE: Interest on taxes is computed on a monthly basis. Please request up to date figures if you do not pay by the end of the current month. This certificate does not include special assessments which may be due, but which on the above date have not been certified to this office for collection.  Information regarding special taxing districts and the boundaries of such districts may be on file or deposit with the County Clerk and Recorder or the County Assessor.	Issued To: <b>COLORADO COUNTY RECORD SYSTEMS PO BOX 12102 DENVER CO 80212</b>	
	For Office Use Only  <b>2017-006</b>	

TAXES DUE		CURRENT TAX DISTRIBUTION		
		MILL LEVY	TAX AMOUNT	DESCRIPTION
<b>Current Year Tax Roll</b>				
TAX.....\$.....	0.00	38.594	0.00	SCHOOL GENERAL FUND
FEES.....\$.....	0.00	9.650	0.00	SCHOOL BOND FUND
INTEREST.....\$.....	0.00	2.526	0.00	CAPITAL MAINTENANCE
SERVICE LIENS.....\$	0.00	3.380	0.00	SOCIAL SERVICES *
MAINTENANCE DISTRICT.....\$	0.00	8.433	0.00	CITY BOND FUND *
		1.413	0.00	POLICE PENSION *
		1.185	0.00	FIRE PENSION *
		0.557	0.00	URBAN DRAINAGE/FLOOD CONTROL *
		0.442	0.00	AFFORDABLE HOUSING *
		1.010	0.00	DEVELOPMENTALLY DISABLED
		9.944	0.00	GENERAL FUND, DENVER *
		77.134	0.00	TOTAL
<b>Delinquent Years</b>				
TAX.....\$.....	0.00			
FEES.....\$.....	0.00			
INTEREST.....\$.....	0.00			
SERVICE LIENS.....\$..	0.00			
MAINTENANCE DISTRICT..... \$	0.00			
<b>Unredeemed Liens</b> \$ 0.00				
<b>Service Liens (SVC)</b> \$ 0.00				
<b>Local Imp (LI)</b>				
PAYOFF BALANCE.....\$..	0.00			
<b>TOTAL AMOUNT DUE..... \$ 0.00</b>				

  
 MANAGER OF FINANCE, EX-OFFICIO TREASURER

PREPARED BY \_\_\_\_\_ CHECKED BY \_\_\_\_\_

City and County of Denver  
 TREASURY DIVISION  
 PO BOX 17420, 201 W. COLFAX AVE. DEPT. 800  
 DENVER CO 80217 0120  
 TEL 720 913 9500

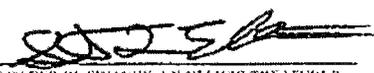
# CERTIFICATE OF TAXES DUE

THIS IS TO CERTIFY THAT ON THIS DATE THERE WERE THE FOLLOWING TAXES DUE AGAINST THE PROPERTY DESCRIBED HEREIN.

PROPERTY ADDRESS <b>1380 S BIRCH ST UNIT MISC</b>	PARCEL ID <b>06192-13-025-000</b>	DATE <b>03 01 18</b>
LEGAL DESCRIPTION <b>GARWOOD SUB L10 TO 12</b>	RECEIPT NUMBER <b>111424</b>	JOB # <b>AB70572924</b>
<p>NOTE: Interest on taxes is computed on a monthly basis. Please request up to date figures if you do not pay by the end of the current month. This certificate does not include special assessments which may be due, but which on the above date have not been certified to this office for collection.</p> <p>Information regarding special taxing districts and the boundaries of such districts may be on file or deposit with the County Clerk and Recorder or the County Assessor.</p>	Issued To: <b>COLORADO COUNTY RECORD SYSTEMS          PO BOX 12102          DENVER CO 80212</b>	
	For Office Use Only  <b>2017-005</b>	

TAXES DUE		CURRENT TAX DISTRIBUTION		
		MI L LEVY	TAX AMOUNT	DESCRIPTION
<b>Current Year Tax Roll</b>				
TAX.....\$.....	0.00	38.594	0.00	SCHOOL GENERAL FUND
FEE.....\$.....	0.00	9.650	0.00	SCHOOL BOND FUND
INTEREST.....\$.....	0.00	2.526	0.00	CAPITAL MAINTENANCE
SERVICE LIENS.....\$.....	0.00	3.380	0.00	SOCIAL SERVICES *
MAINTENANCE DISTRICT.....\$.....	0.00	8.433	0.00	CITY BOND FUND *
		1.413	0.00	POLICE PENSION *
		1.185	0.00	FIRE PENSION *
		0.557	0.00	URBAN DRAINAGE/FLOOD CONTROL *
		0.442	0.00	AFFORDABLE HOUSING *
		1.010	0.00	DEVELOPMENTALLY DISABLED
		9.944	0.00	GENERAL FUND, DENVER *
		77.134	0.00	TOTAL
<b>Delinquent Years</b>				
TAX.....\$.....	0.00			
FEE.....\$.....	0.00			
INTEREST.....\$.....	0.00			
SERVICE LIENS.....\$.....	0.00			
MAINTENANCE DISTRICT.....\$.....	0.00			
<b>Unredeemed Liens</b> \$ 0.00				
<b>Service Liens (SVC)</b> \$ 0.00				
<b>Local Imp (LI)</b>				
PAYOFF BALANCE.....\$.....	0.00			

TOTAL AMOUNT DUE..... \$ 0.00

  
 MANAGER OF FINANCE, EX OFFICIO TREASURER

PREPARED BY 0303 83 11 15



**Land Title Guarantee Company  
Customer Distribution**



**PREVENT FRAUD - Please remember to call a member of our closing team when initiating a wire transfer or providing wiring instructions.**

Order Number: **ABD70572924-1**

Date: **03/02/2018**

Property Address: **4380 LOUISIANA AVE AND 4040 LOUISIANA AVE, DENVER, CO 80246; 1380 S BIRCH ST, DENVER, CO 80222**

**PLEASE CONTACT YOUR CLOSER OR CLOSER'S ASSISTANT FOR WIRE TRANSFER INSTRUCTIONS**

**For Closing Assistance**

Tom Blake  
3033 EAST FIRST AVENUE, SUITE  
600  
DENVER, CO 80206  
(303) 331-6237 (Work)  
(303) 393-4959 (Work Fax)  
[tblake@ltgc.com](mailto:tblake@ltgc.com)  
Company License: CO44565

**Closer's Assistant**

Pete Jurgs  
3033 EAST FIRST AVENUE, SUITE  
600  
DENVER, CO 80206  
(303) 331-6238 (Work)  
(303) 393-4883 (Work Fax)  
[pjurgs@ltgc.com](mailto:pjurgs@ltgc.com)  
Company License: CO44565

**For Title Assistance**

David Knapp  
5975 GREENWOOD PLAZA BLVD  
GREENWOOD VILLAGE, CO 80111  
(303) 850-4174 (Work)  
[dknapp@ltgc.com](mailto:dknapp@ltgc.com)

KENTRO GROUP  
Attention: JIMMY BALAFAS  
1509 YORK ST #201  
DENVER, CO 80206  
(303) 500-0946 (Work)  
(720) 320-5585 (Home)  
(303) 500-0948 (Work Fax)  
[jb@kentrogroup.com](mailto:jb@kentrogroup.com)  
Delivered via: Electronic Mail

COLORADO DEPARTMENT OF TRANSPORTATION  
Attention: DAVID FOX  
15285 S GOLDEN RD, BLDG 47  
GOLDEN, CO 80401  
(303) 512-5550 (Work Fax)  
Delivered via: Electronic Mail

STATE OF COLORADO, DEPARTMENT OF  
TRANSPORTATION  
Delivered via: Delivered by Realtor

FOX ROTHSCHILD LLP  
Attention: JANET E. PERLSTEIN, ESQ.  
1225 17TH ST #2200  
DENVER, CO 80202  
(303) 383-7623 (Work)  
(303) 292-1300 (Work Fax)  
[jperlstein@foxrothschild.com](mailto:jperlstein@foxrothschild.com)  
Delivered via: Electronic Mail

MCLIN COMMERCIAL  
Attention: DENNIS MCLIN  
DENVER, CO  
(720) 480-9347 (Work)  
[dennis@mclincommercial.com](mailto:dennis@mclincommercial.com)  
Delivered via: Electronic Mail

FOSTER GRAHAM MILSTEIN & CALISHER LLP  
Attention: JERRI L. JENKINS, ESQ.  
360 S GARFIELD ST, #600  
DENVER, CO 80209  
(303) 333-9810 (Work)  
(303) 333-9786 (Work Fax)  
[jjenkins@fostergraham.com](mailto:jjenkins@fostergraham.com)  
Delivered via: Electronic Mail

A LENDER TO BE DETERMINED

LAND TITLE GUARANTEE COMPANY  
Attention: SHERRI GOLDSTEIN  
3033 EAST FIRST AVENUE, SUITE 600  
DENVER, CO 80206  
(303) 321-1880 (Work)  
(303) 322-7603 (Work Fax)  
sgoldstein@ltgc.com  
Delivered via: Electronic Mail



**Land Title Guarantee Company**  
**Estimate of Title Fees**

Order Number: **ABD70572924-1**

Date: **03/02/2018**

Property Address: **4380 LOUISIANA AVE AND 4040 LOUISIANA AVE, DENVER, CO 80246; 1380 S BIRCH ST, DENVER, CO 80222**

Parties: **KRF ARKANSAS LLC, A COLORADO LIMITED LIABILITY COMPANY**

**THE STATE HIGHWAY COMMISSION OF COLORADO FOR THE USE AND BENEFIT OF THE DEPARTMENT OF HIGHWAYS AS TO PARCEL A; AND STATE OF COLORADO FOR THE USE AND BENEFIT OF THE STATE DEPARTMENT OF HIGHWAYS AS TO PARCEL B; AND STATE DEPARTMENT OF HIGHWAYS, DIVISION OF HIGHWAYS, STATE OF COLORADO AS TO PARCEL C**

Visit Land Title's Website at [www.ltgc.com](http://www.ltgc.com) for directions to any of our offices.

<b>Estimate of Title insurance Fees</b>	
"ALTA" Owner's Policy 06-17-06 Builder/Developer Rate	\$11,092.00
"ALTA" Loan Policy 06-17-06 Concurrent Loan Rate	TBD
Tax Certificate	\$78.00
Additional Parcel X2	\$300.00
	<b>Total TBD</b>
If Land Title Guarantee Company will be closing this transaction, the fees listed above will be collected at closing.	
<b>Thank you for your order!</b>	

**Chain of Title Documents:**

[Arapahoe county recorded 05/26/1953 at book 806 page 386](#)

[Denver county recorded 05/10/1970 at book 1661 page 346](#)

[Denver county recorded 09/10/1970 at book 222 page 568](#)

[Denver county recorded 09/10/1970 at book 222 page 569](#)

[Denver county recorded 09/10/1970 at book 222 page 570](#)

**Plat Map(s):**

[Denver county recorded 08/23/1954 at book 9 page 26X](#)

[Denver county recorded 11/15/1950 at book 9 page 60X](#)

**ALTA COMMITMENT**  
**Chicago Title Insurance Company**  
**Schedule A**

Order Number: ABD70572924-1

**Property Address:**

4380 LOUISIANA AVE AND 4040 LOUISIANA AVE, DENVER, CO 80246; 1380 S BIRCH ST, DENVER, CO 80222

**1. Effective Date:**

02/23/2018 at 5:00 P.M.

**2. Policy to be Issued and Proposed Insured:**

"ALTA" Owner's Policy 06-17-06 Builder/Developer Rate \$14,000,000.00  
Proposed Insured:  
KRF ARKANSAS LLC, A COLORADO LIMITED LIABILITY  
COMPANY

"ALTA" Loan Policy 06-17-06 Concurrent Loan Rate TBD  
Proposed Insured:  
A LENDER TO BE DETERMINED

**3. The estate or interest in the land described or referred to in this Commitment and covered herein is:**

A Fee Simple

**4. Title to the estate or interest covered herein is at the effective date hereof vested in:**

THE STATE HIGHWAY COMMISSION OF COLORADO FOR THE USE AND BENEFIT OF THE DEPARTMENT OF HIGHWAYS AS TO PARCEL A; AND STATE OF COLORADO FOR THE USE AND BENEFIT OF THE STATE DEPARTMENT OF HIGHWAYS AS TO PARCEL B; AND STATE DEPARTMENT OF HIGHWAYS, DIVISION OF HIGHWAYS, STATE OF COLORADO AS TO PARCEL C

**5. The Land referred to in this Commitment is described as follows:**

PARCEL A:

ALL OF BLOCKS 1,2 AND 3, KIBLER ADDITION, INCLUDING THE VACATED ALLEYS THEREIN, BEING MORE PARTICULARLY DESCRIBED IN THE WARRANTY DEED RECORDED MAY 26, 1953 AT RECEPTION NO. [501164](#) IN BOOK 806 AT PAGE [386](#) (ARAPAHOE COUNTY RECORDS) ATTACHED HERETO AND MADE A PART HEREOF.

EXCEPTING THEREFROM:

THE NORTH 37 FEET OF LOTS 6 AND 15 AND THE SOUTH 23 FEET OF LOTS 5 AND 16 EXCEPTING THE WEST 88 FEET OF SAID LOTS 5 AND 6 INCLUDING THE VACATED ALLEY THEREIN OF SAID BLOCK 1 KIBLER ADDITION, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A TRACT OR PARCEL OF LAND NO. PROPERTY HQ-1 OF THE DEPARTMENT OF TRANSPORTATION, STATE OF COLORADO PROJECT NO. P6CO-022, IN THE NW 1/4 SECTION 19, TOWNSHIP 4S, RANGE 67W, OF THE 6TH PRINCIPAL MERIDIAN, IN THE CITY AND COUNTY OF DENVER, COLORADO, SAID TRACT OR PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND 1" BRASS DISC P.L.S#24313 AT THE NORTHEAST CORNER OF LOT 20 SAID BLOCK 1;

1. THENCE S. 00°24'46" E. COINCIDENT WITH THE EAST LINE OF SAID BLOCK 1, A DISTANCE OF 277.36

**ALTA COMMITMENT**  
**Chicago Title Insurance Company**  
**Schedule A**

Order Number: ABD70572924-1

FEET;

2. THENCE S. 89°27'17" W., A DISTANCE OF 148.00 FEET;
3. THENCE S. 00°24'46" E., A DISTANCE OF 60.00 FEET;
4. THENCE N, 89°27'17" E., A DISTANCE OF 148.00 FEET TO A POINT ON THE EAST LINE OF SAID BLOCK 1;
5. THENCE S. 00°24'46" E. COINCIDENT WITH THE EAST LINE OF SAID BLOCK 1, A DISTANCE OF 263.36 FEET TO A FOUND 1" BRASS DISC P.L.S.#37890 AT THE SOUTHEAST CORNER OF LOT 11 SAID BLOCK 1;
6. THENCE S. 89°27'17" W. COINCIDENT WITH THE SOUTH LINE OF SAID BLOCKS 1,2 AND 3, A DISTANCE OF 858.00 FEET TO A POINT ON THE WEST LINE OF THE EAST 1/2 OF VACATED SOUTH ALBION STREET;
7. THENCE N. 00°24'46" W. COINCIDENT WITH SAID WEST LINE, A DISTANCE OF 600.72 FEET;
8. THENCE N. 89°27'17" E. COINCIDENT WITH THE NORTH LINE OF SAID BLOCKS 1,2 AND 3, A DISTANCE OF 858.00 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

BASIS OF BEARINGS: ALL BEARINGS ARE BASED ON A LINE BETWEEN A FOUND BRASS DISC P.L.S.#24313 AT THE NORTHEAST CORNER OF SAID LOT 20 AND A FOUND BRASS DISC P.L.S.#37890 AT THE SOUTHEAST CORNER OF SAID LOT 11 WHICH BEARS S.0°24'46"E. A DISTANCE OF 600.72 FEET.

FOR AND ON BEHALF OF THE COLORADO DEPARTMENT OF TRANSPORTATION  
STEVEN W. HAGEMANN  
PLS REG. NUMBER 23884  
DENVER, CO. 80222

PARCEL B:

THE EAST 31.00 FEET OF LOTS 1 TO 10 AND ALL OF LOTS 39 TO 48, BLOCK 4, KIBLER ADDITION, AND THE VACATED ALLEY BETWEEN SAID LOTS 1 TO 10 AND 39 TO 48, AND THE WEST 1/2 OF VACATED SOUTH ALBION STREET ADJOINING SAID LOTS 39 TO 48, CITY AND COUNTY OF DENVER, STATE OF COLORADO. (PER BOOK 1550 PAGE 337 ), SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A TRACT OR PARCEL OF LAND NO, PROPERTY HQ-2 OF THE DEPARTMENT OF TRANSPORTATION, STATE OF COLORADO PROJECT NO. P6C0-022 IN THE NW 1/4 SECTION 19, TOWNSHIP 4S, RANGE 67W, OF THE 6TH PRINCIPAL MERIDIAN, IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, SAID TRACT OR PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND 1" BRASS DISC P.L.S.#35585 ON THE NORTH LINE OF LOT 1 SAID POINT ALSO BEING ON THE WEST LINE OF THE EAST 31 FEET OF SAID LOTS 1 TO 10 BLOCK 4;

1. THENCE N. 89°27'17" E. COINCIDENT WITH THE NORTH LINE OF SAID BLOCK 4, A DISTANCE OF 202.00 FEET TO A POINT ON THE WEST LINE OF THE EAST 1/2 OF THE VACATED S. ALBION STREET;
2. THENCE S. 00°24'46" E. COINCIDENT WITH SAID WEST LINE, A DISTANCE OF 250.22 FEET TO A FOUND #5 REBAR AND 2 1/2" ALUMINUM CAP P.L.S.#35585;

**ALTA COMMITMENT**

**Chicago Title Insurance Company**

**Schedule A**

**Order Number: ABD70572924-1**

3. THENCE S. 89°27'17" W. COINCIDENT WITH THE SOUTH LINE OF LOTS 39 AND 10 SAID BLOCK 4, A DISTANCE OF 202.00 FEET TO A POINT ON SAID WEST LINE OF THE EAST 31 FEET OF LOTS 1 TO 10 BLOCK 4;

4. THENCE N. 00°24'46" W. COINCIDENT WITH SAID WEST LINE, A DISTANCE OF 250.22 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

BASIS OF BEARINGS: ALL BEARINGS ARE BASED ON A LINE BETWEEN A FOUND 1" BRASS DISC P.L.S.#35585 ON THE NORTH LINE OF LOT 1 BLOCK 4 KIBLER ADDITION AND A FOUND L' BRASS DISC P.L.S.#24313 AT THE NORTHEAST CORNER OF LOT 20 BLOCK I SAID KIBLER ADDITION WHICH BEARS N..89°17"E. A DISTANCE OF 1060.00 FEET.

FOR AND ON BEHALF OF THE COLORADO DEPARTMENT OF TRANSPORTATION  
STEVEN W. HAGEMANN  
PLS REG. NUMBER 23884  
DENVER, CO. 80222

**PARCEL C:**

ALL OF LOTS 10, 11 AND 12 GARWOOD SUBDIVISION RECORDED AS RECEPTION #446849 IN THE RECORDS OF THE CITY AND COUNTY OF DENVER, STATE OF COLORADO. SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A TRACT OR PARCEL OF LAND NO. PROPERTY HQ-4 OF THE DEPARTMENT OF TRANSPORTATION, STATE OF COLORADO PROJECT NO. P6C0-022, IN THE NW 1/4 OF SECTION 19, TOWNSHIP 4S, RANGE 67W, OF THE 6TH PRINCIPAL MERIDIAN, IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, SAID TRACT OR PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 12 WHENCE A FOUND AXLE IN A RANGE BOX AT THE INTERSECTION OF 20 FOOT RANGE LINES AT THE INTERSECTION OF CLERMONT STREET AND ARKANSAS AVENUE BEARS S. 82°08'21"E. A DISTANCE OF 143.61 FEET;

1. THENCE S. 89°51'20" W, COINCIDENT WITH THE SOUTH LINE OF SAID LOT 12, A DISTANCE OF 137.23 FEET;

2. THENCE ON THE ARC OF A CURVE TO THE RIGHT, A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 89°59'33", A DISTANCE OF 23.56 FEET, (A CHORD BEARING N. 45°08'53" W., A DISTANCE OF 21.21 FEET) TO A POINT ON THE WEST LINE OF SAID LOT 12;

3. THENCE N. 00°10'23" W. COINCIDENT WITH THE WEST LINE OF SAID LOTS 12 AND 10, A DISTANCE OF 115.13 FEET TO THE NORTHWEST CORNER OF SAID LOT 10;

4. THENCE N. 89°51'07" E. COINCIDENT WITH THE NORTH LINE OF SAID LOTS 10 AND 11, A DISTANCE OF 152.23 FEET TO THE NORTHEAST CORNER OF SAID LOT 11;

5. THENCE S. 00°10'23" E. COINCIDENT WITH THE EAST LINE OF SAID LOTS 11 AND 12, A DISTANCE OF 130.14 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

BASIS OF BEARINGS: ALL BEARINGS ARE BASED ON A LINE BETWEEN A FOUND AXLE IN A RANGE BOX AT THE INTERSECTION OF 20 FOOT RANGE LINES OF SAID CLERMONT STREET AND ARKANSAS AVENUE AND A FOUND AXLE IN A RANGE BOX AT THE INTERSECTION OF A 20 FOOT AND A 10 FOOT RANGE LINE OF ARKANSAS AVENUE AND S. BIRCH STREET WHICH BEARS S. 89°51'20" W. A DISTANCE

**ALTA COMMITMENT**  
**Chicago Title Insurance Company**  
**Schedule A**

**Order Number: ABD70572924-1**

OF 304.43 FEET.

FOR AND ON BEHALF OF THE COLORADO DEPARTMENT OF TRANSPORTATION  
STEVEN W. HAGEMANN  
PLS REG. NUMBER 23884  
DENVER, CO. 80222

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**ALTA COMMITMENT**  
**Chicago Title Insurance Company**  
**Schedule B, Part I**  
**(Requirements)**

Order Number: ABD70572924-1

All of the following Requirements must be met:

**This proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.**

**Pay the agreed amount for the estate or interest to be insured.**

**Pay the premiums, fees, and charges for the Policy to the Company.**

**Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.**

1. A FULL COPY OF THE FULLY EXECUTED OPERATING AGREEMENT AND ANY AND ALL AMENDMENTS THERETO FOR KRF ARKANSAS LLC, A COLORADO LIMITED LIABILITY COMPANY MUST BE FURNISHED TO LAND TITLE GUARANTEE COMPANY. SAID AGREEMENT MUST DISCLOSE WHO MAY CONVEY, ACQUIRE, ENCUMBER, LEASE OR OTHERWISE DEAL WITH INTERESTS IN REAL PROPERTY FOR SAID ENTITY.

NOTE: ADDITIONAL REQUIREMENTS MAY BE NECESSARY UPON REVIEW OF THIS DOCUMENTATION.

2. DULY EXECUTED AND ACKNOWLEDGED STATEMENT OF AUTHORITY SETTING FORTH THE NAME OF KRF ARKANSAS LLC, A COLORADO LIMITED LIABILITY COMPANY AS A LIMITED LIABILITY COMPANY. THE STATEMENT OF AUTHORITY MUST STATE UNDER WHICH LAWS THE ENTITY WAS CREATED, THE MAILING ADDRESS OF THE ENTITY, AND THE NAME AND POSITION OF THE PERSON(S) AUTHORIZED TO EXECUTE INSTRUMENTS CONVEYING, ENCUMBERING, OR OTHERWISE AFFECTING TITLE TO REAL PROPERTY ON BEHALF OF THE ENTITY AND OTHERWISE COMPLYING WITH THE PROVISIONS OF SECTION 38-30-172, CRS.

NOTE: THE STATEMENT OF AUTHORITY MUST BE RECORDED WITH THE CLERK AND RECORDER.

3. WARRANTY DEED FROM THE STATE HIGHWAY COMMISSION OF COLORADO FOR THE USE AND BENEFIT OF THE DEPARTMENT OF HIGHWAYS AS TO PARCEL A; AND STATE OF COLORADO FOR THE USE AND BENEFIT OF THE STATE DEPARTMENT OF HIGHWAYS AS TO PARCEL B; AND STATE DEPARTMENT OF HIGHWAYS, DIVISION OF HIGHWAYS, STATE OF COLORADO AS TO PARCEL C TO KRF ARKANSAS LLC, A COLORADO LIMITED LIABILITY COMPANY CONVEYING SUBJECT PROPERTY.
4. DEED OF TRUST FROM KRF ARKANSAS LLC, A COLORADO LIMITED LIABILITY COMPANY TO THE PUBLIC TRUSTEE OF DENVER COUNTY FOR THE USE OF A LENDER TO BE DETERMINED TO SECURE THE SUM OF .

NOTE: ITEM 5 OF THE GENERAL EXCEPTIONS WILL BE DELETED IF LAND TITLE GUARANTEE COMPANY CONDUCTS THE CLOSING OF THE CONTEMPLATED TRANSACTION(S) AND RECORDS THE DOCUMENTS IN CONNECTION THEREWITH.

NOTE: UPON PROOF OF PAYMENT OF 2017 TAXES, ITEM 6 WILL BE AMENDED TO READ:

TAXES AND ASSESSMENTS FOR THE YEAR 2018, AND SUBSEQUENT YEARS, NOT YET DUE OR PAYABLE.

**ALTA COMMITMENT**  
**Chicago Title Insurance Company**  
**Schedule B, Part II**  
**(Exceptions)**

Order Number: ABD70572924-1

This commitment does not republish any covenants, condition, restriction, or limitation contained in any document referred to in this commitment to the extent that the specific covenant, conditions, restriction, or limitation violates state or federal law based on race, color, religion, sex, sexual orientation, gender identity, handicap, familial status, or national origin.

1. Any facts, rights, interests, or claims thereof, not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
2. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
5. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date of the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.
6. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
7. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water.
8. EXISTING LEASES AND TENANCIES, IF ANY.  
  
(AFFECTS ALL PARCELS)
9. ORDER VACATING CERTAIN STREETS AND ALLEYS RECORDED MAY 26, 1953 IN BOOK 806 AT PAGE [385](#). (ARAPAHOE COUNTY RECORDS)
10. RESERVATION OF EASEMENTS AND RIGHTS OF WAY UNDER, ON AND ALONG THE VACATED STREETS AND ALLEYS FOR CONTINUED MAINTENANCE, REPAIR, REPLACEMENT AND USE OF EXISTING UTILITIES AS SET FORTH IN ORDER RECORDED MAY 26, 1953 IN BOOK 806 AT PAGE [385](#). (ARAPAHOE COUNTY RECORDS)
11. EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF KIBLER ADDITION RECORDED AUGUST 23, 1954 IN BOOK 9 AT PAGE [26X](#).

(EXCEPTIONS 9 THROUGH 11 APPLY TO PARCEL A AND B)

**ALTA COMMITMENT**  
**Chicago Title Insurance Company**  
**Schedule B, Part II**  
**(Exceptions)**

**Order Number:** ABD70572924-1

12. ANY TAX, LIEN, FEE, OR ASSESSMENT BY REASON OF INCLUSION OF SUBJECT PROPERTY IN THE CHERRY CREEK GARDENS WATER AND SANITATION DISTRICT, AS EVIDENCED BY INSTRUMENT RECORDED JULY 23, 1954, UNDER RECEPTION NO. [532463](#) (ARAPAHOE COUNTY RECORDS).

(AFFECTS PARCEL C)

13. EASEMENT GRANTED TO PUBLIC SERVICE COMPANY OF COLORADO, FOR UTILITIES, AND INCIDENTAL PURPOSES, BY INSTRUMENT RECORDED MARCH 16, 1955, IN BOOK 7641 AT PAGE [244](#).

(AFFECTS PARCEL A)

## DISCLOSURE STATEMENT

Pursuant to Section 38-35-125 of Colorado Revised Statutes and Colorado Division of Insurance Regulation 8-1-2 (Section 5), if the parties to the subject transaction request us to provide escrow-settlement and disbursement services to facilitate the closing of the transaction, then all funds submitted for disbursement must be available for immediate withdrawal.

- Colorado Division of Insurance Regulation 8-1-2, Section 5, Paragraph H, requires that "Every title insurance company shall be responsible to the proposed insured(s) subject to the terms and conditions of the title insurance commitment, other than the effective date of the title insurance commitment, for all matters which appear of record prior to the time of recording whenever the title insurance company, or its agent, conducts the closing and settlement service that is in conjunction with its issuance of an owners policy of title insurance and is responsible for the recording and filing of legal documents resulting from the transaction which was closed". Provided that Land Title Guarantee Company conducts the closing of the insured transaction and is responsible for recording the legal documents from the transaction, exception No. 5 in Schedule B-2 will not appear in the Owner's Title Policy and Lender's Title Policy when issued.

- Colorado Division of Insurance Regulation 8-1-2, Paragraph M of Section 5, requires that prospective insured(s) of a single family residence be notified in writing that the standard exception from coverage for unfiled Mechanics or Materialmans Liens may or may not be deleted upon the satisfaction of the requirement(s) pertinent to the transaction. These requirements will be addressed upon receipt of a written request to provide said coverage, or if the Purchase and Sale Agreement/Contract is provided to the Company then the necessary requirements will be reflected on the commitment.

- Colorado Division of Insurance Regulation 8-1-3, Paragraph C. 11.f. of Section 5 - requires a title insurance company to make the following notice to the consumer: "A closing protection letter is available to be issued to lenders, buyers and sellers"

- If the sales price of the subject property exceeds \$100,000.00 the seller shall be required to comply with the Disclosure of Withholding Provisions of C.R.S. 39-22-604.5 (Nonresident Withholding).

- Section 39-14-102 of Colorado Revised Statutes requires that a Real Property Transfer Declaration accompany any conveyance document presented for recordation in the State of Colorado. Said Declaration shall be completed and signed by either the grantor or grantee.

- Recording statutes contained in Section 30-10-406(3)(a) of the Colorado Revised Statutes require that all documents received for recording or filing in the clerk and recorder's office shall contain a top margin of at least one inch and a left, right, and bottom margin of at least one-half of an inch. The clerk and recorder may refuse to record or file a document that does not conform to requirements of this paragraph.

- Section 38-35-109 (2) of the Colorado Revised Statutes, 1973, requires that a notation of the purchasers legal address, (not necessarily the same as the property address) be included on the face of the deed to be recorded.

- Regulations of County Clerk and Recorder's offices require that all documents submitted for recording must contain a return address on the front page of every document being recorded.

- Pursuant to Section 10-11-122 of the Colorado Revised Statutes, 1987 the Company is required to disclose the following information:

The subject property may be located in a special taxing district.

A Certificate of Taxes Due listing each taxing jurisdiction shall be obtained from the County Treasurer or the County Treasurer's authorized agent.

Information regarding special districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder or the County Assessor.

- Pursuant to Section 10-11-123 of the Colorado Revised Statutes, when it is determined that a mineral estate has been severed from the surface estate, the Company is required to disclose the following information: that there is recorded

evidence that a mineral estate has been severed, leased, or otherwise conveyed from the surface estate and that there is a substantial likelihood that a third party holds some or all interest in oil, gas, other minerals, or geothermal energy in the property; and that such mineral estate may include the right to enter and use the property without the surface owner's permission.

Note: Notwithstanding anything to the contrary in this Commitment, if the policy to be issued is other than an ALTA Owner's Policy (6/17/06), the policy may not contain an arbitration clause, or the terms of the arbitration clause may be different from those set forth in this Commitment. If the policy does contain an arbitration clause, and the Amount of Insurance is less than the amount, if any, set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties.



## JOINT NOTICE OF PRIVACY POLICY OF LAND TITLE GUARANTEE COMPANY

This Statement is provided to you as a customer of Land Title Guarantee Company and Meridian Land Title, LLC, as agents for Chicago Title Insurance Company.

We want you to know that we recognize and respect your privacy expectations and the requirements of federal and state privacy laws. Information security is one of our highest priorities. We recognize that maintaining your trust and confidence is the bedrock of our business. We maintain and regularly review internal and external safeguards against unauthorized access to non-public personal information ("Personal Information").

In the course of our business, we may collect Personal Information about you from:

- applications or other forms we receive from you, including communications sent through TMX, our web-based transaction management system;
- your transactions with, or from the services being performed by us, our affiliates, or others;
- a consumer reporting agency, if such information is provided to us in connection with your transaction;  
and
- The public records maintained by governmental entities that we either obtain directly from those entities, or from our affiliates and non-affiliates.

Our policies regarding the protection of the confidentiality and security of your Personal Information are as follows:

- We restrict access to all Personal Information about you to those employees who need to know that information in order to provide products and services to you.
- We maintain physical, electronic and procedural safeguards that comply with federal standards to protect your Personal Information from unauthorized access or intrusion.
- Employees who violate our strict policies and procedures regarding privacy are subject to disciplinary action.
- We regularly assess security standards and procedures to protect against unauthorized access to Personal Information.

**WE DO NOT DISCLOSE ANY PERSONAL INFORMATION ABOUT YOU WITH ANYONE FOR ANY PURPOSE THAT IS NOT PERMITTED BY LAW.**

Consistent with applicable privacy laws, there are some situations in which Personal Information may be disclosed. We may disclose your Personal Information when you direct or give us permission; when we are required by law to do so, for example, if we are served a subpoena; or when we suspect fraudulent or criminal activities. We also may disclose your Personal Information when otherwise permitted by applicable privacy laws such as, for example, when disclosure is needed to enforce our rights arising out of any agreement, transaction or relationship with you.

Our policy regarding dispute resolution is as follows: Any controversy or claim arising out of or relating to our privacy policy, or the breach thereof, shall be settled by arbitration in accordance with the rules of the American Arbitration Association, and judgment upon the award rendered by the arbitrator(s) may be entered in any court having jurisdiction

thereof.



# Commitment For Title Insurance

## Issued by Chicago Title Insurance Company

### NOTICE

IMPORTANT—READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON. .

### COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and the Commitment Conditions, Chicago Title Insurance Company, a Florida corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured. If all of the Schedule B, Part I—Requirements have not been met within 6 months after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

### COMMITMENT CONDITIONS

#### 1. DEFINITIONS

- (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
- (b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or not easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
- (d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
- (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
- (h) "Title": The estate or interest described in Schedule A.

- 2. If all of the Schedule B, Part I—Requirements have not been met within the time period specified in the Commitment to Issue Policy, Commitment terminates and the Company's liability and obligation end.

- 3. The Company's liability and obligation is limited by and this Commitment is not valid without:
  - (a) the Notice;
  - (b) the Commitment to Issue Policy;
  - (c) the Commitment Conditions;
  - (d) Schedule A;
  - (e) Schedule B, Part I—Requirements; and
  - (f) Schedule B, Part II—Exceptions; and
  - (g) a counter-signature by the Company or its issuing agent that may be in electronic form.

#### 4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

#### 5. LIMITATIONS OF LIABILITY

- (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
  - i. comply with the Schedule B, Part I—Requirements;
  - ii. eliminate, with the Company's written consent, any Schedule B, Part II—Exceptions; or
  - iii. acquire the Title or create the Mortgage covered by this Commitment.
- (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
- (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.
- (f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I—Requirements have been met to the satisfaction of the Company.
- (g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

#### 6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT

- (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.

- (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.
- (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- (d) The deletion or modification of any Schedule B, Part II—Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- (e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
- (f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

**7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT**

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

**8. PRO-FORMA POLICY**

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

**9. ARBITRATION**

The Policy contains an arbitration clause. All arbitrable matters when the Proposed Policy Amount is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at <http://www.alta.org/arbitration>.

IN WITNESS WHEREOF, Land Title Insurance Corporation has caused its corporate name and seal to be affixed by its duly authorized officers on the date shown in Schedule A to be valid when countersigned by a validating officer or other authorized signatory.

Issued through the Office of:  
 LAND TITLE GUARANTEE COMPANY  
 3033 E. 1ST AVE #600  
 DENVER, CO 80206  
 (303)321-1880

*JEFF J*

\_\_\_\_\_  
 Authorized Officer or Agent

**CHICAGO TITLE INSURANCE COMPANY**



By:

*Robert M. P. L.*

President

ATTEST  
*Tom C. J.*  
 Secretary



This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Land Title Insurance Corporation. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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**ZONE DISTRICT BOUNDARY LEGAL DESCRIPTIONS FOR 4300 LOUISIANA APPROX.**

**LEGAL DESCRIPTION S-MX-8 (UO-2) ZONE DISTRICT BOUNDARY:**

A PARCEL OF LAND LOCATED IN THE NORTHWEST  $\frac{1}{4}$  OF SECTION 19, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE EAST 31 FEET OF LOT 1, BLOCK 4, KIBLER ADDITION, BEING A POINT ON THE SOUTH LINE OF LOUISIANA AVENUE MONUMENTED BY AN ALLOY DISK STAMPED PLS 25379 AND AS DEFINED BY THE SURVEY SHOWN ON THE DOCUMENT RECORDED IN THE CITY AND COUNTY OF DENVER RECORDS UNDER RECEPTION NO. 2013045280; THENCE N89°50'49"E ALONG THE SOUTH LINE OF LOUISIANA AVENUE, 202.36 FEET TO THE NORTHEAST CORNER OF THE WEST  $\frac{1}{2}$  OF VACATED SOUTH ALBION STREET AS VACATED IN BOOK 806 AT PAGE 385 OF THE CITY AND COUNTY OF DENVER RECORDS; THENCE S00°02'20"E ALONG THE EAST LINE OF THE WEST  $\frac{1}{2}$  OF SAID VACATED SOUTH ALBION STREET, 250.37 FEET TO A POINT 30.00 FEET EAST OF THE SOUTHEAST CORNER OF LOT 39, BLOCK 4, KIBLER ADDITION; THENCE S89°50'50"W ALONG AN EXTENSION OF THE SOUTH LINE OF SAID LOT 39 AND THE SOUTH LINE OF SAID LOT 39 AND SAID LINE EXTENDED, 202.36 FEET TO THE SOUTHWEST CORNER OF THE EAST 31 FEET OF LOT 10, BLOCK 4, KIBLER ADDITION; THENCE N00°02'20"W ALONG THE WEST LINE OF THE EAST 31 FEET OF SAID LOT 10 AND SAID LINE EXTENDED, 250.37 FEET TO THE POINT OF BEGINNING, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

THE ABOVE DESCRIBED PARCEL CONTAINS 50,665 SQUARE FEET OR 1.1631 ACRES MORE OR LESS.

**LEGAL DESCRIPTION S-MX-8 ZONE DISTRICT BOUNDARY:**

A PARCEL OF LAND LOCATED IN THE NORTHWEST  $\frac{1}{4}$  OF SECTION 19, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE EAST 31 FEET OF LOT 1, BLOCK 4, KIBLER ADDITION, BEING A POINT ON THE SOUTH LINE OF LOUISIANA AVENUE MONUMENTED BY AN ALLOY DISK STAMPED PLS 25379 AND AS DEFINED BY THE SURVEY SHOWN ON THE DOCUMENT RECORDED IN THE CITY AND COUNTY OF DENVER RECORDS UNDER RECEPTION NO. 2013045280; THENCE N89°50'49"E ALONG THE SOUTH LINE OF LOUISIANA AVENUE, 202.36 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG ABOVE DESCRIBED COURSE, 622.64 FEET TO THE NORTHWEST CORNER OF LOT 1, BLOCK 1, KIBLER ADDITION, SAID POINT ALSO BEING ON THE EAST LINE OF VACATED SOUTH BELLAIRE STREET AS VACATED IN BOOK 806 AT PAGE 385 OF THE CITY AND COUNTY OF DENVER RECORDS; THENCE S00°02'20"E ALONG THE WEST LINE OF SAID LOT 1 AND SAID LINE EXTENDED (ALSO ALONG THE EAST LINE OF SAID VACATED SOUTH BELLAIRE STREET), 454.88 FEET TO A POINT ON THE WEST LINE OF LOT 8, BLOCK 1, KIBLER ADDITION; THENCE S89°50'50"W, 201.68 FEET; THENCE S00°09'10"E, 86.07 FEET; THENCE S89°50'51"W, 421.14 FEET TO A POINT ON THE WEST LINE OF THE EAST  $\frac{1}{2}$  OF VACATED SOUTH ALBION STREET AS VACATED IN BOOK 806 AT PAGE 385 OF THE CITY AND COUNTY OF DENVER RECORDS; THENCE N00°02'20"W ALONG THE WEST LINE OF THE EAST  $\frac{1}{2}$  OF SAID VACATED SOUTH ALBION STREET, 540.94 FEET TO THE POINT OF BEGINNING, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

THE ABOVE DESCRIBED PARCEL CONTAINS 319,465 SQUARE FEET OR 7.3339 ACRES MORE OR LESS.

**ZONE DISTRICT BOUNDARY LEGAL DESCRIPTIONS FOR 4300 LOUISIANA APPROX.**

**LEGAL DESCRIPTION S-MX-5 ZONE DISTRICT BOUNDARY:**

A PARCEL OF LAND LOCATED IN THE NORTHWEST  $\frac{1}{4}$  OF SECTION 19, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE EAST 31 FEET OF LOT 1, BLOCK 4, KIBLER ADDITION, BEING A POINT ON THE SOUTH LINE OF LOUISIANA AVENUE MONUMENTED BY AN ALLOY DISK STAMPED PLS 25379 AND AS DEFINED BY THE SURVEY SHOWN ON THE DOCUMENT RECORDED IN THE CITY AND COUNTY OF DENVER RECORDS UNDER RECEPTION NO. 2013045280; THENCE N89°50'49"E ALONG THE SOUTH LINE OF LOUISIANA AVENUE, 825.00 FEET TO THE POINT OF BEGINNING BEING THE NORTHWEST CORNER OF LOT 1, BLOCK 1, KIBLER ADDITION, SAID POINT ALSO BEING ON THE EAST LINE OF VACATED SOUTH BELLAIRE STREET VACATED IN BOOK 806 AT PAGE 385 OF THE CITY AND COUNTY OF DENVER RECORDS; THENCE CONTINUING ALONG ABOVE DESCRIBED COURSE, 236.32 FEET TO THE INTERSECTION OF THE SOUTH LINE OF LOUISIANA AVENUE AND THE WEST LINE OF SOUTH BIRCH STREET, SAID POINT ALSO BEING THE NORTHEAST CORNER OF LOT 20, BLOCK 1, KIBLER ADDITION; THENCE S00°02'20"E ALONG THE WEST LINE OF SOUTH BIRCH STREET, 277.44 FEET; THENCE S89°50'50"W, 148.32 FEET; THENCE S00°02'20"E, 60.00 FEET; THENCE S89°50'50"W, 4.12 FEET; THENCE S00°02'20"E, 118.44 FEET; THENCE S89°50'50"W, 83.88 FEET TO A POINT ON THE EAST LINE OF VACATED SOUTH BELLAIRE STREET AS VACATED IN BOOK 806 AT PAGE 385 OF THE CITY AND COUNTY OF DENVER RECORDS, SAID POINT BEING ON THE WEST LINE OF LOT 8, BLOCK 1, KIBLER ADDITION; THENCE S00°02'20"E ALONG THE EAST LINE OF SAID VACATED SOUTH BELLAIRE STREET, 125.07 FEET; THENCE S89°50'50"W, 622.64 FEET TO A POINT ON THE WEST LINE OF THE EAST  $\frac{1}{2}$  OF VACATED SOUTH ALBION STREET AS VACATED IN BOOK 806 AT PAGE 385 OF THE CITY AND COUNTY OF DENVER RECORDS; THENCE N00°02'20"W ALONG THE WEST LINE OF THE EAST  $\frac{1}{2}$  OF SAID VACATED SOUTH ALBION STREET, 40.00 FEET; THENCE N89°50'51"E, 421.14 FEET; THENCE N00°09'10"W, 86.07 FEET; THENCE N89°50'50"E, 201.68 FEET TO A POINT ON THE EAST LINE OF SAID VACATED SOUTH BELLAIRE STREET, SAID POINT ALSO BEING ON THE WEST LINE OF SAID LOT 8, BLOCK 1, KIBLER ADDITION; THENCE N00°02'20"W, 454.88 FEET TO THE POINT OF BEGINNING, CITY AND COUNTY OF DENVER, STATE OF COLORADO

THE ABOVE DESCRIBED PARCEL CONTAINS 123,037 SQUARE FEET OR 2.8245 ACRES MORE OR LESS.

**LEGAL DESCRIPTION S-MX-3 ZONE DISTRICT BOUNDARY:**

A PARCEL OF LAND LOCATED IN THE NORTHWEST  $\frac{1}{4}$  OF SECTION 19, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE EAST 31 FEET OF LOT 1, BLOCK 4, KIBLER ADDITION, BEING A POINT ON THE SOUTH LINE OF LOUISIANA AVENUE MONUMENTED BY AN ALLOY DISK STAMPED PLS 25379 AND AS DEFINED BY THE SURVEY SHOWN ON THE DOCUMENT RECORDED IN THE CITY AND COUNTY OF DENVER RECORDS UNDER RECEPTION NO. 2013045280; THENCE N89°50'49"E ALONG THE SOUTH LINE OF LOUISIANA AVENUE, 1061.33 FEET TO THE INTERSECTION OF THE SOUTH LINE OF LOUISIANA AVENUE AND THE WEST LINE OF SOUTH BIRCH STREET, SAID POINT ALSO BEING THE NORTHEAST CORNER OF LOT 20, BLOCK 1, KIBLER ADDITION; THENCE S00°02'20"E ALONG THE WEST LINE OF SOUTH BIRCH STREET, 337.44 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE EAST LINE OF LOT 15, BLOCK 1, KIBLER ADDITION; THENCE CONTINUING ALONG THE WEST LINE OF SOUTH BIRCH STREET S00°02'20"E, 263.44 FEET TO THE INTERSECTION OF THE WEST LINE OF SOUTH BIRCH STREET AND THE NORTH LINE OF ARKANSAS AVENUE, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF LOT 11, BLOCK 1, KIBLER ADDITION; THENCE S89°50'50"W ALONG THE NORTH LINE OF ARKANSAS AVENUE, 858.96 FEET TO A POINT ON THE WEST LINE OF THE EAST  $\frac{1}{2}$  OF VACATED SOUTH ALBION STREET AS VACATED IN BOOK 806 AT PAGE 385 OF THE CITY AND COUNTY OF DENVER RECORDS; THENCE N00°02'20"W ALONG THE WEST LINE OF THE EAST  $\frac{1}{2}$  OF SAID VACATED SOUTH ALBION STREET, 19.93 FEET; THENCE N89°50'50"E, 622.64 FEET TO A POINT ON THE EAST LINE OF VACATED SOUTH BELLAIRE STREET AS VACATED IN BOOK 806 AT PAGE 385 OF THE CITY AND COUNTY OF DENVER RECORDS, SAID POINT ALSO BEING ON THE WEST LINE OF LOT 10, BLOCK 1, KIBLER ADDITION; THENCE N00°02'20"W ALONG THE EAST LINE OF SAID VACATED SOUTH BELLAIRE STREET, 125.07 FEET; THENCE N89°50'50"E, 83.88 FEET; THENCE N00°02'20"W, 118.44 FEET; THENCE N89°50'50"E, 152.44 FEET TO THE POINT OF BEGINNING, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

THE ABOVE DESCRIBED PARCEL CONTAINS 64,729 SQUARE FEET OR 1.4860 ACRES MORE OR LESS.

**ZONE DISTRICT BOUNDARY LEGAL DESCRIPTIONS FOR 4300 LOUISIANA APPROX.**

**LEGAL DESCRIPTION S-MU-3 ZONE DISTRICT BOUNDARY:**

ALL OF LOTS 10, 11 AND 12 GARWOOD SUBDIVISION RECORDED NOVEMBER 15, 1950, AT RECEPTION NO. 446849 IN THE RECORDS OF THE CITY AND COUNTY OF DENVER, STATE OF COLORADO. SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LOCATED IN THE NORTHWEST 1/4 OF SECTION 19, TOWNSHIP 4S, RANGE 67W, OF THE 6TH PRINCIPAL MERIDIAN, IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 12; THENCE S89°51'20"W, COINCIDENT WITH THE SOUTH LINE OF SAID LOT 12, A DISTANCE OF 137.23 FEET; THENCE ON THE ARC OF A CURVE TO THE RIGHT, A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 89°58'23", A DISTANCE OF 23.55 FEET, (A CHORD BEARING N45°09'28"W, A DISTANCE OF 21.21 FEET) TO A POINT ON THE WEST LINE OF SAID LOT 12; THENCE N00°10'17"W COINCIDENT WITH THE WEST LINE OF SAID LOTS 12 AND 10, A DISTANCE OF 115.07 FEET TO THE NORTHWEST CORNER OF SAID LOT 10; THENCE N89°51'20"E COINCIDENT WITH THE NORTH LINE OF SAID LOTS 10 AND 11, A DISTANCE OF 152.22 FEET TO THE NORTHEAST CORNER OF SAID LOT 11; THENCE S00°10'17"E COINCIDENT WITH THE EAST LINE OF SAID LOTS 11 AND 12, A DISTANCE OF 130.06 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 19,750 SQUARE FEET OR 0.4533 ACRES MORE OR LESS.

**BASIS OF BEARINGS FOR ALL LEGAL DESCRIPTIONS:**

AN ASSUMED BEARING OF N00°10'17"W BEING A 10 FOOT CITY AND COUNTY OF DENVER RANGE LINE LOCATED IN SOUTH BIRCH STREET BETWEEN TWO FOUND MONUMENTS 690.88 FEET APART. BOTH MONUMENTS BEING AN AXLE IN A CITY AND COUNTY OF DENVER SURVEY RANGE POINT BOX; ONE AT THE INTERSECTION OF SOUTH BIRCH STREET AND ARKANSAS AVENUE AND THE OTHER AT THE INTERSECTION OF SOUTH BIRCH STREET AND LOUISIANA AVENUE.

PREPARED BY:

DAMIEN CAIN  
STATE OF COLORADO PLS 38284  
FOR AND ON BEHALF OF  
39 NORTH ENGINEERING AND SURVEYING LLC  
PREPARED ON MAY 14, 2018  
REVISED JULY 6, 2018



July 13, 2018

Andrew Webb, Senior City Planner  
**City and County of Denver**  
**Community Planning and Development**  
201 W Colfax Ave, Dept 205  
Denver, CO 80202

**Re: Official Map Amendment Comments – Application # 2017I-00192, 4201 E. Arkansas Ave.**

Dear Mr. Webb:

Thank you for your review and comments of our preliminary Zone Map Amendment Application, which we received on June 21, 2018. We have reviewed all comments and address them in the following letter.

The revised application includes a zone district refinement for the northwest portion of the Property. The revised application proposes the zone district S-MX-8 (UO-2) on the northwest portion of the Property adjacent to Colorado Boulevard. The original application proposed the zone district S-MX-12 (UO-2) on the northwest portion of the Property adjacent to Colorado Boulevard. Please note that the narrative and exhibits reflect this change from the original application.

We look forward to working with the City and County of Denver on the review and approval of this Zone Map Amendment Application. As always, feel free to contact me with any questions at 303.892.1166.

Sincerely,  
**Norris Design**



Stacey Weaks, PLA, LEED AP  
Principal

PRELIMINARY AGENCY COMMENTS ON THE FIRST SUBMITTAL

Agency Comments on the First Submittal

**Community Planning and Development:** The application number for this rezoning proposal is 2017I\_00192. Please consider submitting a revised application to address the following concerns:

- The antenna site (currently labeled “Not a Part”) should be rezoned in case of future redevelopment, and to prevent the retention of the existing zoning on such a small site. CPD recommends expanding the S-MX-3 that is proposed to its south to best match desired height transition in relation to the existing S-SU-D zoning on the east side of Birch across from the antenna.  
*Response: CDOT will retain the antenna property and the State requests that it not be rezoned.*

- The S-MU-3 Zone District proposed for the parking lot site at the northeast corner of Birch St. and Arkansas Ave. may be too intense for a site of this size that directly abuts SU uses, especially considering adopted plan policy for the area. The S-RH-2.5 Zone District may be a better match with existing neighboring uses.  
*Response: Information to support the appropriateness of the proposed S-MU-3 Zone District has been added to the narrative as included below. Additionally, refer to Exhibit No. 6, S-MU Zoning in the Immediate Property Area.*

*Parcel C, located at the northeast corner of S. Birch Street and E. Arkansas Avenue and currently zoned CMP-EI2, is proposed to be rezoned to Suburban Multi Unit 3 (S-MU-3). The proposed Multi Unit zone district will reduce the allowed maximum height from five stories to three stories as well as limit the allowed use to residential. The regulations and intents of Suburban Multi Unit zone district allow for multi unit development that will complement the character of the residential neighborhood. Additionally, the proposed residential development will be in context with multi unit developments in the area. As shown in Exhibit No. 6, S-MU Zoning in the Immediate Property Area, parcels adjacent to Suburban Single Unit zone districts in the immediate area of the Property are zoned S-MU-5 and S-MU-3. Although the referenced properties are not currently built to their allowed zoning heights, given their location and increasing land values, it is possible and even likely the properties will be built up to their allowed building heights in the future. Furthermore, S-MU-3 zoning will support the goal and requirement to provide affordable housing on the Property.*

- Strengthen narrative to draw out community support for changed land uses from Blueprint’s Single Unit Residential to mixed use  
*Response: Information has been added to the narrative as included below.*

*Throughout the community engagement process, existing neighborhood residents have expressed the following as the highest priority community aspirations for the redevelopment project:*

- o a “destination”*
- o gathering places open to existing neighborhood residents*
- o quality design*
- o a quality public realm with vegetation*
- o a place to walk and bike to in the neighborhood*

*The existing neighborhood residents have been decisive about wanting a “destination” and “neighborhood gateway” for the neighborhood. The majority of neighborhood residents who have expressed an opinion about the Property are very excited about the possibility of gaining neighborhood amenities they can walk and bike to from their homes. Much input has been provided*

*by meeting participants through a variety of workshop sessions and the redevelopment team has gathered lists of desired amenities, the majority of which are small/local retail establishments and active gathering areas.*

*In one meeting an excited couple shared their experience of happening upon Main Street Square in Rapid City, South Dakota. They had walked there to get ice cream and were pleasantly surprised to find families hanging-out, socializing, and casually enjoying the evening. This type of experience resonated strongly with the group as a desired and welcomed setting. A gathering place for families that is accessible to existing residents has been embraced as the primary desired amenity. To create the type of "destination" and draw desired by existing neighborhood residents, mixed-use zoning is necessary.*

- Request letters from RNO, Task Force or residents supportive of more intensive land uses than Blueprint recommendation to inform interpretation of the Blueprint Denver recommendations. Letters should be submitted prior to a Planning Board hearing (they do not need to be part of a re-submitted application).  
*Response: Noted. We are continuing to coordinate our community outreach with the RNO, Task Force and stakeholders.*
- Consider expanding bands of S-MX-3/-5 zoning along Arkansas to more meaningful depth.  
*Response: As part of the dialogue with the community, the rezoning integrates a mix of zone districts along the Arkansas Avenue frontage and a portion of Birch Street to establish building form and scale to transition from the existing residential neighborhood. The proposed zone district boundaries limit the maximum height even more than the maximum height adjacent to a protected district, 75 feet for the existing CMP-EI2 zone district.*

*Along E. Arkansas Avenue west of S. Bellaire Street, the adjacent protected district tools provided in code do not apply and are not available to the Property because it is not adjacent to a protected district. However, a neighborhood transition zone is still desired. The proposed S-MX-3 and S-MX-5 zone districts establish the maximum building heights of 45 feet / three (3) stories and 70 feet / five (5) stories and function as an upper story stepback requirement. The 40-foot depth proposed for the S-MX-5 zone district corresponds to a typical multifamily unit depth. In a double-loaded corridor configuration, the typical multifamily unit depth for one unit would be a total of 35 to 40 feet from the center of the corridor to the outside wall or outside edge of balcony. The proposed zone districts create the desired height configuration.*

*The upper story stepback guided by the proposed S-MX-3 and S-MX-5 zone districts remains within the current bulk plane envelope per the existing CMP-EI2 zone district. The requested zone districts maintain the current building envelope transition along the perimeter of the property as well as the overall height of the S-MX-8 zone district reduces the maximum height to 110' (8 stories) from the current allowance of 15' or 12 stories within the existing CMP-EI2 zone district.*

- Individual legally-described boundaries with different zone districts will be "Zone District Boundaries," rather than "Zone Lots" – zone lots are determined separately and are related to streets and platting. Please update exhibits to reference as "S-MX-3 Zone District Boundary," "S-MX-5 Zone District Boundary," etc.  
*Response: Zone Lots have been changed to Zone District Boundaries.*

Development Services: Approved – No Comments

Asset Management: Approved – No Comments

**Public Works – City Surveyor: Denied – see comments**

- All 5 descriptions are lacking secondary, controlling calls to right of way lines, vacated right of way lines, block lines/corners, lot lines/corners or "of" calls. Also, Zone Lot 4 description is missing the area.  
*Response: The legal descriptions have been revised to indicate secondary, controlling calls to right of way lines, vacated right of way lines, block lines/corners, lot lines/corners. The square footage and acreage has been added to all the zone boundary descriptions.*

Contact John Clarke with questions: 720-865-3116, [john.clarke@denvergov.org](mailto:john.clarke@denvergov.org)

**Denver Department of Public Health and Environment:** Approved, with Comments. Denver Department of Public Health and Environment concurs with the rezoning but is aware of environmental concerns on the Property. The CDOT property at 4201 East Arkansas historically released solvents to groundwater, which resulted in groundwater contamination and the potential to affect indoor air quality. The affected area extends from the former onsite source near East Louisiana Avenue and South Birch Street northeast towards East Mississippi Avenue. The groundwater has been and continues to be remediated and as a result, the regulatory agency (Colorado Department of Public Health and Environment, CDPHE) issued a letter of No Further Action for the offsite indoor air pathway; and the former onsite source area meets commercial worker standards for indoor air. If the onsite use changes to residential for this area, then DDPHE requests that residential indoor air standards be met, or the indoor air be mitigated by systems such as ventilated subsurface parking garages or residential radon-type systems. Please note that this former source area affects a limited section of the CDOT property. Other areas of the property are being investigated as part of standard environmental due diligence, and if needed, these other areas will be addressed and remediated as coordinated with regulatory agencies to mitigate potential risk to residential use.

General Notes: Most of Colorado is high risk for radon, a naturally occurring radioactive gas. Due to concern for potential radon gas intrusion into buildings, DEH suggests installation of a radon mitigation system in structures planned for human occupation or frequent use. It may be more cost effective to install a radon system during new construction rather than after construction is complete.

If renovating or demolishing existing structures, there may be a concern of disturbing regulated materials that contain asbestos or lead-based paint. Materials containing asbestos or lead-based paint should be managed in accordance with applicable federal, state and local regulations.

The Denver Air Pollution Control Ordinance (Chapter 4- Denver Revised Municipal Code) specifies that contractors shall take reasonable measures to prevent particulate matter from becoming airborne and to prevent the visible discharge of fugitive particulate emissions beyond the property on which the emissions originate. The measures taken must be effective in the control of fugitive particulate emissions at all times on the site, including periods of inactivity such as evenings, weekends, and holidays.

Denver's Noise Ordinance (Chapter 36–Noise Control, Denver Revised Municipal Code) identifies allowable levels of noise. Properties undergoing Re-Zoning may change the acoustic environment, but must maintain compliance with the Noise Ordinance. Compliance with the Noise Ordinance is based on the status of the receptor property (for example, adjacent Residential receptors), and not the status of the noise-generating property. Violations of the Noise Ordinance commonly result from, but are not limited to, the operation or improper placement of HV/AC units, generators, and loading docks. Construction noise is exempted from the Noise Ordinance during the following hours, 7am–9pm (Mon–Fri) and 8am–5pm (Sat & Sun). Variances for nighttime work are allowed, but the variance approval process requires 2 to 3 months. For variance requests or questions related to the Noise Ordinance, please contact Paul Riedesel, Denver Environmental Health (720-865-5410).

Scope & Limitations: DEH performed a limited search for information known to DEH regarding environmental conditions at the subject site. This review was not intended to conform to ASTM standard practice for Phase I site assessments, nor was it designed to identify all potential environmental conditions. In addition, the review was not



intended to assess environmental conditions for any potential right-of-way or easement conveyance process. The City and County of Denver provides no representations or warranties regarding the accuracy, reliability, or completeness of the information provided.

*Response: Noted. Thank you for the information.*

# 4201 E. Arkansas Avenue

## Rezoning Application

### Review Criteria Narrative

July 2018

Project Location: 4201 E. Arkansas Avenue  
Denver, CO 80222

Submittal to: City and County of Denver  
201 W. Colfax Ave., Dept. 205  
Denver, CO 80202  
[rezoning@denvergov.org](mailto:rezoning@denvergov.org)

Prepared for: KRF Arkansas, LLC  
1509 York St., Suite 201  
Denver, CO 80206  
[www.kentrogroup.com](http://www.kentrogroup.com)

Prepared by: Norris Design  
1101 Bannock St.  
Denver, CO 80205  
[www.norris-design.com](http://www.norris-design.com)

July 12, 2018

Andrew Webb  
City and County of Denver  
201 W. Colfax Ave., Dept. 205  
Denver, CO 80202  
rezoning@denvergov.org

## **RE: 4201 E. ARKANSAS AVENUE REZONING APPLICATION**

Dear Andrew Webb:

Norris Design, on behalf of KRF Arkansas, LLC (Kentro Group), respectfully requests the City and County of Denver (City) to consider the rezoning of three parcels: 4040 E. Louisiana Avenue (Parcel B, Assessor Number 06192-15-018-000), 4380 E. Louisiana Avenue (Parcel A, Assessor Number 06192-14-003-000), and 1380 S. Birch Street (Parcel C, Assessor Number 06192-13-025-000), collectively identified by the address 4201 E. Arkansas Avenue. The three parcels total approximately 13.26 acres or 577,606 square feet. The 4201 E. Arkansas Avenue property (collectively, the Property) is located on the east side of the S. Colorado Boulevard corridor near the intersection of S. Colorado Boulevard and E. Arkansas Avenue in the Virginia Village neighborhood. The main property area (Parcel A & B) is bound by E. Louisiana Avenue on the north, E. Arkansas Avenue on the south, and S. Birch Street on the east. A smaller parcel (Parcel C) of the Property is located east of S. Birch Street, on the corner of S. Birch Street and E. Arkansas Avenue. This Rezoning Application proposes the rezoning of the Property in its entirety with the exception of the communication tower site, as the State of Colorado will retain ownership of the parcel after the sale of remaining Property to KRF Arkansas, LLC (Kentro Group). Therefore, the communication tower site will remain as currently zoned. In summary, approximately 13.26 acres or 577,606 square feet are proposed to be rezoned and redeveloped.

## Introduction

The Property is currently zoned CMP-EI2 and S-MX-5 (UO-1, UO-2), and is currently used for the Colorado Department of Transportation (CDOT) Headquarters. This application proposes a rezoning to the zone districts as follows: S-MX-8 (UO-2) (northwest portion of the Property adjacent to Colorado Boulevard); S-MX-8 (central portion of the Property); S-MX-5 (northeast portion of the Property and a portion of the south); S-MX-3 (southeast portion of the Property); and S-MU-3 (portion of the Property east of S. Birch Street) for the purpose of redeveloping the Property following CDOT's relocation of its Headquarters to a new location. For further clarification, see the Proposed Zone Districts Map. The configuration of Suburban Mixed-Use zone districts establish a framework for a mix of development formats with an appropriate transition into the existing neighborhood. The proposed development intends to provide a walkable, inviting and desired community asset.

One way the public realm will be enhanced is through a street connection either at S. Bellaire Street north of the Property to S. Bellaire Street south of the Property or S. Ash Street. This will create a public place for gathering and community interaction and help to prohibit traffic from cutting through the community. In developing this proposed zoning configuration, the project team was guided by community improvements and connections, extensive research, thorough analysis, and numerous meetings with the community and City staff towards identifying S-MX (Suburban Mixed Use) zone districts as the most appropriate zone districts to serve as the land use framework for the majority of the Property. The parcel

east of S. Birch Street (Parcel C) is proposed as S-MU-3 (Suburban Multi Unit 3-stories). The proposed zone districts result in a general down zoning from the existing CMP-EI2 zone district.

The proposed zone districts are consistent with both future opportunity and the existing context. The existing surrounding zoning and the general character of the neighborhood weighed heavily in the decision to propose a Suburban Neighborhood Context, and the arrangement of the proposed zone districts - as they pertain to building form and scale - was crafted through the community meetings and public outreach processes. The S-MX and S-MU zone districts will allow the redevelopment to realize the City's vision for the future of Denver and align the project (and its overall character) back to the existing surrounding land uses within the community.

This application meets the applicable justifying circumstance criteria (DZC Section 12.4.10.8.A.40 of the Official Map Amendment (Rezoning) which states **“the land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area.”** Additionally, the purchase and sale agreement for the Property between the City and KRF Arkansas, LLC requires a rezoning submittal. The central location of the 13.26-acre site in Denver is supported by significant existing public infrastructure and therefore is an appropriate and responsible location for redevelopment.

The following sections establish the factors and the degree the land or its surrounding environs has changed

or is changing demonstrating it is in the public interest to encourage redevelopment of the area or to recognize the changed character of the area. The Property presents a unique opportunity to develop appropriate uses to benefit the community and the entire Denver area.

The proposed rezoning strives to leverage the redevelopment potential of the site while considering the potential impacts that may affect residents currently living in the adjacent Virginia Village neighborhood. The proposed zone districts aspire to positively contribute to the City's goals for the Virginia Village neighborhood by creating flexibility through a mixed-use development program to provide much-needed housing, access to daily goods and services, engaging spaces, and destinations for the neighborhood. Furthermore, the proposed zoning will establish the framework to provide a welcoming, accessible, and centrally located community development in southeast Denver.

## **PROPERTY BACKGROUND AND AREA CONTEXT**

The Property has served as the CDOT Headquarters for approximately 65 years. However, CDOT is consolidating its operations and relocating to a new building near Colfax Avenue and Federal Boulevard. CDOT is currently under contract to sell the Property to the City. Colorado state law requires properties owned by the State of Colorado to be offered to local government entities first, before they may be offered for sale to a private purchaser. The City competed with other agencies and was the successful bidder for both 4201 E. Arkansas Avenue and 2000 S. Holly Street (the Holly property is not included as part of this application). After being selected, the City

selected Kentro Group (KRF Arkansas, LLC) to develop the properties based on Kentro Group's experience in delivering projects beneficial to the community. The City then entered into a purchase and sale agreement with Kentro Group for both properties. Refer to Exhibit No. 1, for examples of other redevelopment projects delivered by Kentro Group.

The PSA between the City and KRF Arkansas, LLC for 4201 E. Arkansas Avenue stipulates the following:

- o Contract Timing for Due Diligence/ Governmental Approval - 150 days with three (3) Thirty-(30) day extension options for a total of 240 days from mutual execution of contract
  - Effective Date: February 21, 2018
  - Government Approval Expiration: July 23, 2018
  - Extension 1: August 22, 2018
  - Extension 2: September 21, 2018
  - Extension 3: October 22, 2018
- o Contract Timing for Closing - later of (i) thirty (30) days after expiration of the Governmental Approval Period (as may be extended hereunder); (ii) five (5) days after CDOT vacates the Property; or (iii) on a date as otherwise agreed by the Parties in writing - Currently November 19, 2018
- o Requires a public rezoning process
- o Requires construction of 150 for-rent apartment units at 60% AMI in the City and County of Denver or pay a contribution to the City and County of Denver Affordable Housing Fund
- o Requires 150,000 square feet of commercial space and 200 permanent jobs on-site or pay a contribution to the City and County of Denver
- o The communication tower on the east side of the Property is not included in the acquisition and the State of Colorado will retain ownership

# Exhibit No. 1 | Kentro Group Portfolio Projects: Colfax Collection

**BEFORE**



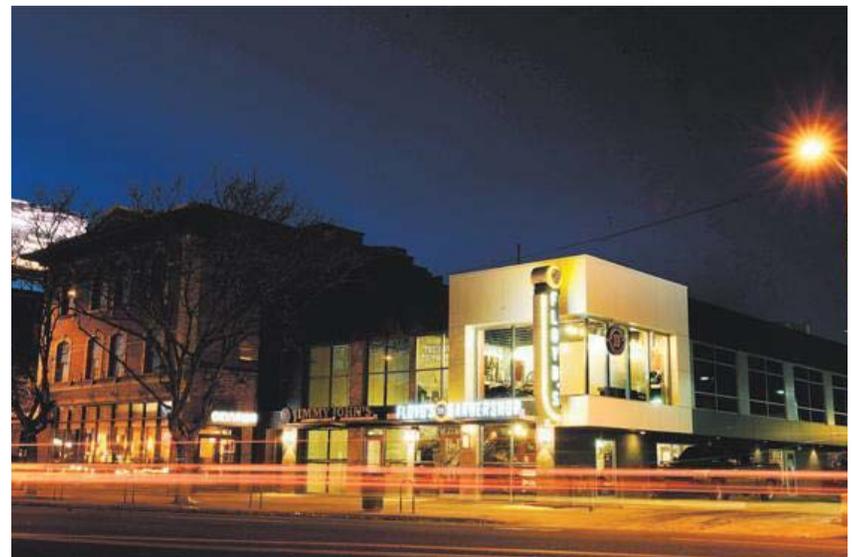
**AFTER**



**BEFORE**



**AFTER**



## Existing Uses

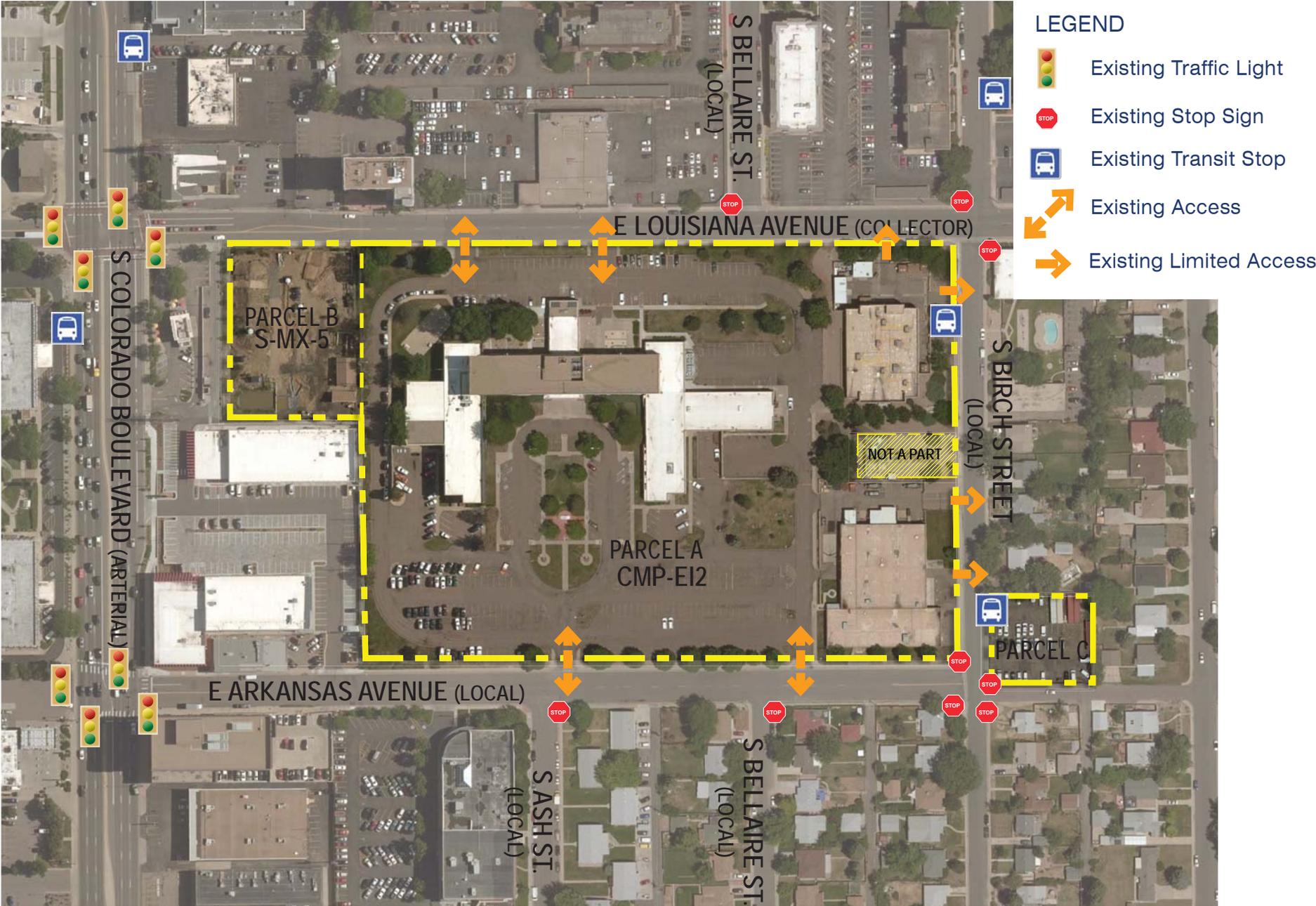
CDOT currently employs 650 people on-site, and the Property has the following uses: CDOT Headquarters office space, printing facility, vehicle maintenance facility, water quality training facility, material storage, and surface vehicle parking. Parcel A is comprised of three main buildings, ranging from one to four stories and totaling 187,971 square feet in floor area. Parcel B is used as a water quality training facility. Parcel C is used for vehicle parking. The existing site is vehicle oriented with eight points of vehicular access and a vast amount of surface parking; 505 parking stalls (459 parking stalls on Parcel A and 46 parking stalls on Parcel C).

The communication tower on the eastern edge of the site is not included in the disposition. CDOT will continue to own and maintain the tower, the building, and the land beneath it.

The northeast corner of Parcel A contains CDOT's Materials Testing Laboratory (MTL), which utilized solvents for testing of highway materials. These solvents leaked into the ground and contaminated the groundwater and soils underneath the MTL. The contaminants of concern are trichloroethene (TCE), 1,1-dichloroethene (1,1-DCE), 1,1,1-trichloroethane (1,1,1-TCA), 1,2,3-trichlorobenzene, and bromodichloromethane (BDCM). The primary groundwater COCs are TCE, 1,1,1-TCA, 1,1-DCE, benzene, methylene chloride, and 1,4 dioxane. The plume of contamination flows northeast and away from the Property.

The Colorado Department of Public Health & Environment (CDPHE) has overseen the remediation of the contamination since approximately 1994. CDOT will continue to actively remediate the contaminated parcel, and any development will ensure there is adequate access to continue testing and remediation. The ownership structure and KRF Arkansas, LLC's development rights on the area of the Property of source contamination are unknown and active discussions are ongoing between CDOT, CDPHE, and KRF Arkansas, LLC.

Exhibit No. 2 | Existing Site



## Existing Zoning

The majority of the Property is currently zoned Campus-Education/ Institution 2 (CMP-EI2). This Special District within the Denver Zoning Code is intended for education institutions and large scale civic, public, and institutional uses (Denver Zoning Code, 9.2-9).

Parcel B, located in the northwest corner of the Property, is currently zoned Suburban Mixed Use 5 (S-MX-5) with Use Overlay 1 and Use Overlay 2 (UO-1, UO-2). Suburban Mixed Use 5 allows for buildings of up to five (5) stories with a mix of uses. The mixed-use zoning districts are meant to contribute positively to established residential neighborhoods and character, and improve the transition between commercial development and adjacent residential neighborhoods.

Use Overlay 1 is the Adult Use Overlay that allows for adult oriented businesses. Use Overlay 2 is the Billboard Use Overlay District which allows for outdoor general advertising devices also known as “billboards.”

This project intends to maintain the Use Overlay 2 district on the portion of the existing site currently zoned as S-MX-5. The applicant does not intend to maintain the Use Overlay 1 Adult Use District on the site.

## Summary of the Existing Zoning

### CMP-EI2:

- o Approximately 12.1 acres of the site is zoned CMP-EI2 (Parcels A & C)
- o Allows a building height up to 12 stories
- o 150 feet maximum height allowed
- o Requires a 45-degree bulk plane slope to guide building form
- o Setbacks:
  - 20-foot setback from the primary streets
  - 7.5-foot setback from the side streets and side interiors
- o 75 feet maximum height within 175 feet of a protected district
- o Retail uses are not permitted

### S-MX-5 (UO-1, UO-2):

- o Parcel B is zoned S-MX-5 (UO-1, UO-2)
- o Allows a building height up to 5 stories
- o 70 feet maximum height allowed
- o Setbacks are 0 foot
- o Requires 50% build-to on primary streets (min.-max. range is 0'-80')
- o UO-1 overlay district allows for Adult Uses
- o UO-2 overlay district allows for Billboards



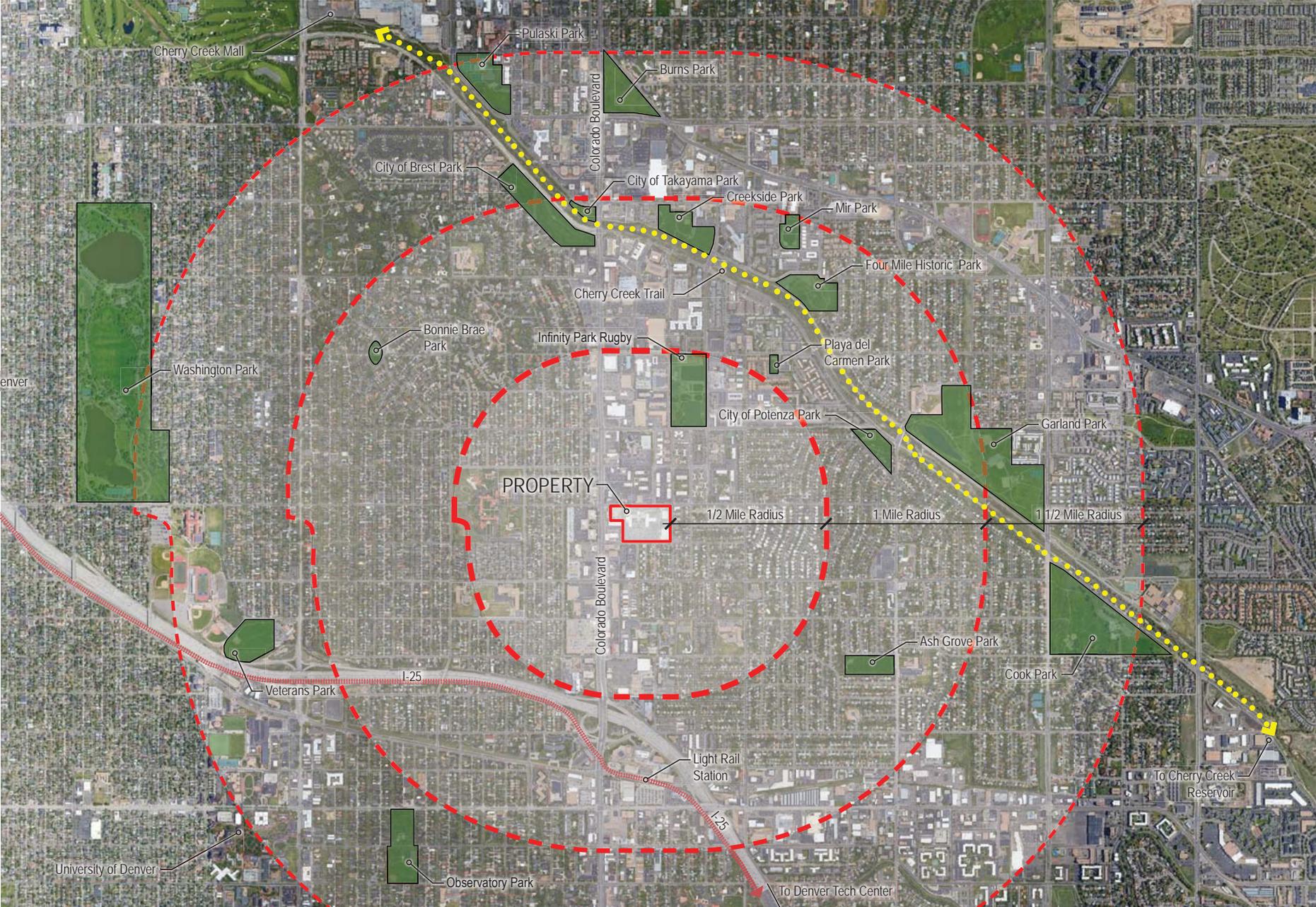
## Regional Context

This site is accessible by a variety of transportation modes and has significant existing transportation infrastructure. The Property is centrally located in Denver and offers convenient transportation access to large, regional employment areas including Downtown Denver and Denver Tech Center. More specifically, the Property is located along S. Colorado Boulevard near the intersection of S. Colorado Boulevard and E. Arkansas Avenue, about one mile south of the Cherry Creek & the Cherry Creek Trail and half of a mile north of I-25. This location and the nearby transportation infrastructure support a variety of transportation options. S. Colorado Boulevard is one of the most highly traveled roadways in Denver and has an annual average daily traffic number of 58,000 (all-day, total traffic volume data for the period of 2008-2016; Denver Regional Council of Governments). The 40 and 46 bus lines have stops on the site or across the street; the 40 bus line provides a connection to Southmoor Station (Denver) and 60th & Dahlia (Commerce City), and the 46 bus line provides connection to Ulster & Tufts (Denver) and 1st & Milwaukee (Denver). Additionally, both bus lines provide access to the Denver Light Rail at Colorado Station, about one mile to the south of the site. At Colorado Station, the E-, F-, and H- Light Rail lines provide connections to Lincoln Station (Parker), Union Station (Denver), 18th & California (Denver), and Florida Station (Aurora).

## Distance From Site To:

The Cherry Creek / Cherry Creek Trail	.5 Miles
I-25 Access	.6 Miles
Light Rail Station (Colorado & I-25 Station)	1.0 Mile
University of Denver	2.0 Miles
Cherry Creek Mall / Cherry Creek North	2.9 Miles
Denver Tech Center	6.1 Miles
Denver Union Station (Downtown)	6.4 Miles
Denver International Airport	24.4 Miles

# Exhibit No. 4 | Regional Context Map



## Surrounding Zoning

The Property is surrounded by a variety of zone districts. Adjacent zone districts include:

North:	S-MX-5 (UO-1, UO-2); S-MX-5; R-3 (UO-3); S-MU-5 (UO-3); S-MU-5
East:	S-MU-5; S-SU-D
South:	S-MX-5; S-MX-3; S-MU-3; S-SU-D
West:	S-MX-5 (UO-1, UO-2)

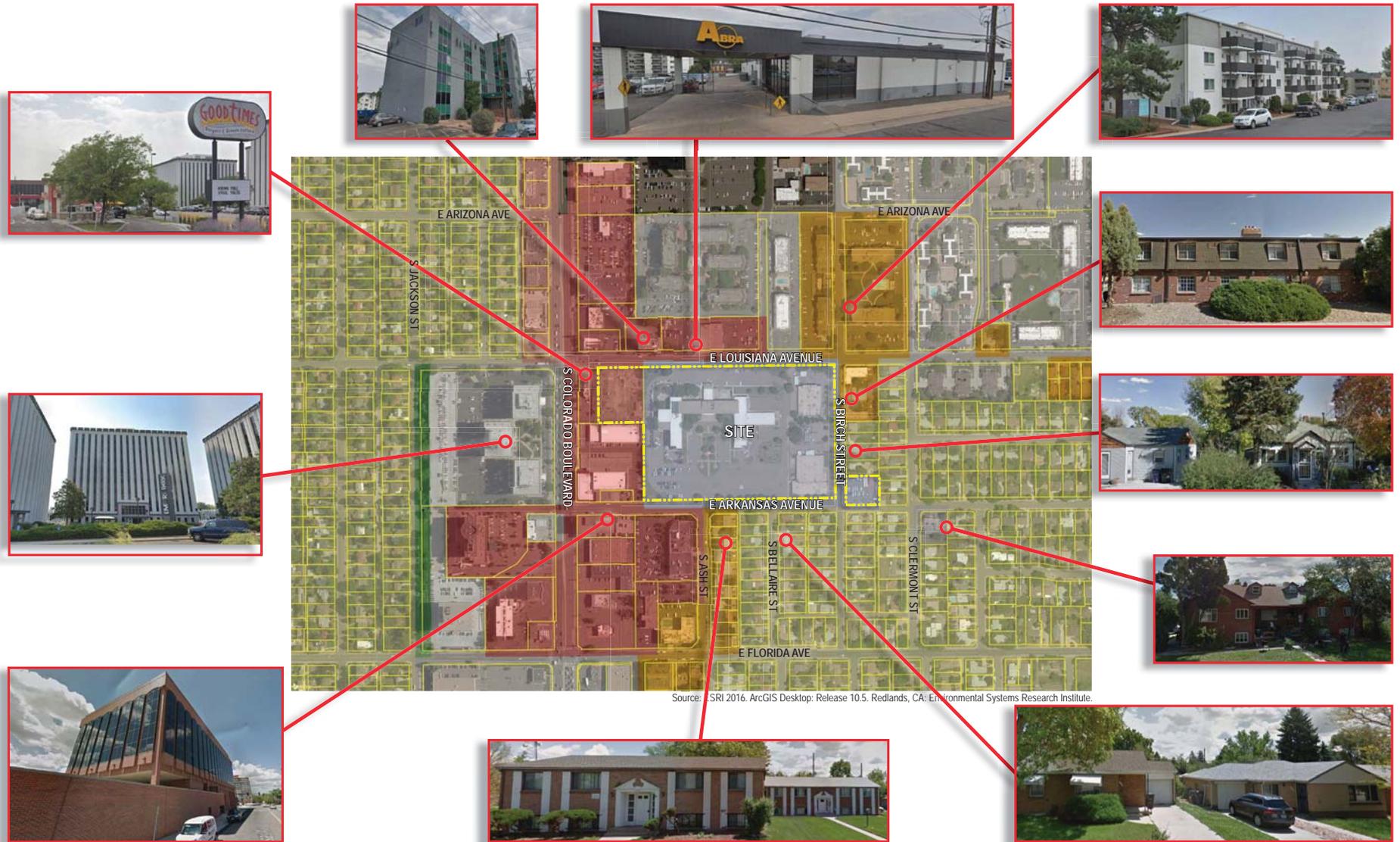
Suburban Mixed Use zone districts surround the Property on the northwest, west, and southwest. The southeast portion of the Property is surrounded by a Suburban Single Unit zone district. Suburban Multi Unit zone districts fill-in most of the areas between the Suburban Mixed Use and Suburban Single Unit zone districts.

## Surrounding Land Uses

The land uses surrounding the Property vary, but generally the land uses transition from commercial uses to the west along S. Colorado Boulevard to residential uses to the east and south. Located between the commercial and single family uses is an area of multi-family uses. These areas located to the northeast, east, and south of the Property include a variety of multi-unit and multi-family buildings ranging from two to five stories in height. Approximately 68% of the surrounding land uses around the perimeter of the Property are existing commercial, multi-unit, and multi-family uses.

The Property is in the Virginia Village neighborhood, which is in the Near Southeast planning area of Denver's Neighborhood Planning Initiative. This neighborhood is bound by E. Mississippi Avenue to the north, Evans Avenue to the south, S. Colorado Boulevard to the west, and Cherry Creek or Quebec Street to the east. Virginia Village is characterized by a Mid-Century Modern architectural design style seen throughout the community.

# Exhibit No. 5 | Surrounding Land Uses



Source: SRI 2016. ArcGIS Desktop: Release 10.5. Redlands, CA: Environmental Systems Research Institute.

Photograph Source: Google, "Streetview," digital images, Google Maps (<http://maps.google.com>). Accessed December 2017.

## Exhibit No. 6 | S-MU Zone Districts in the Immediate Property Area



**LEGEND**

- Site Boundary
- Parcel Line

Neighborhood Context:  
S = Suburban

Dominant Building Form and Character:  
MU (Mixed Unit)

  
NORTH

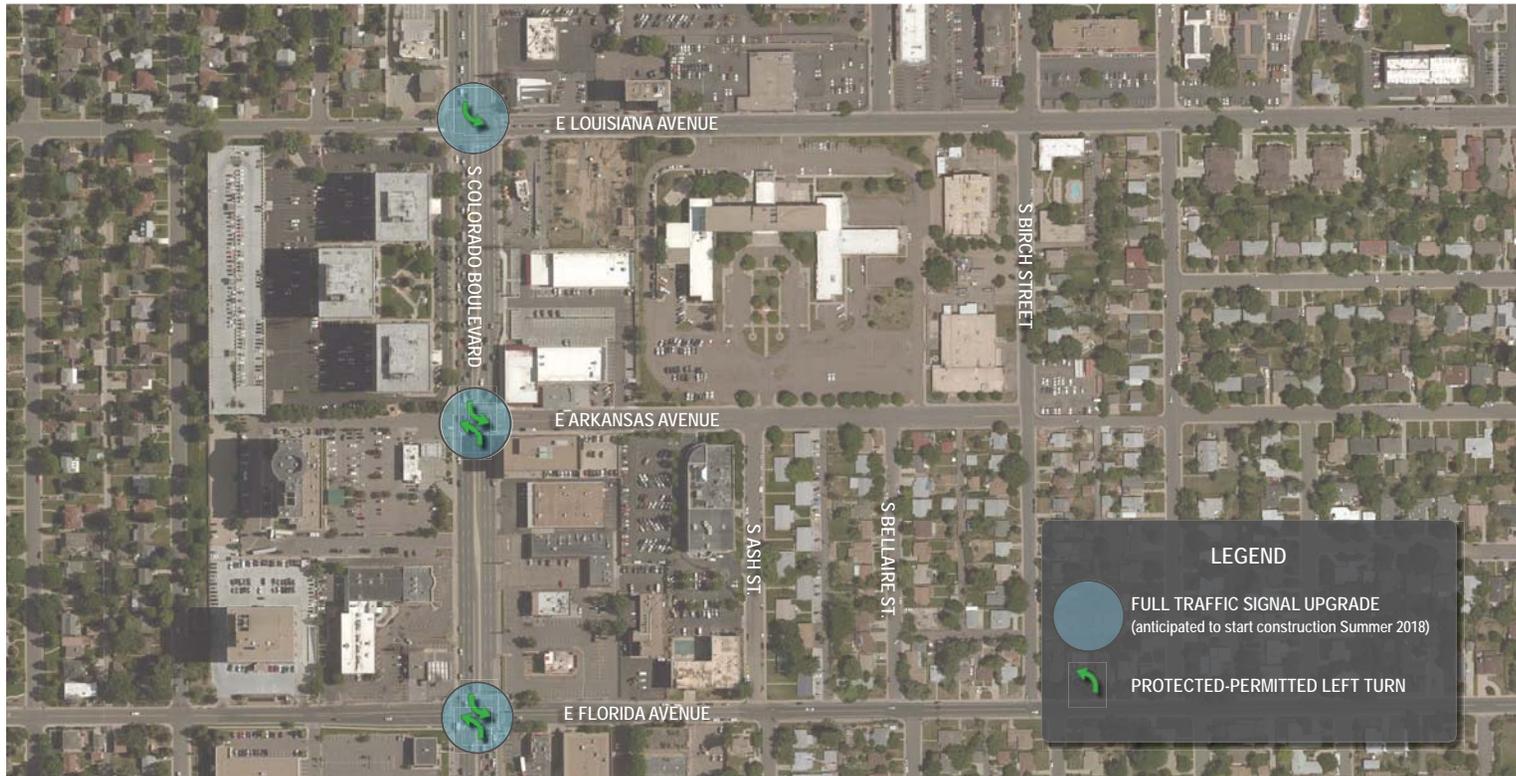
SOURCE: CITY AND COUNTY OF DENVER ZONING MAP

## Existing Transportation Infrastructure

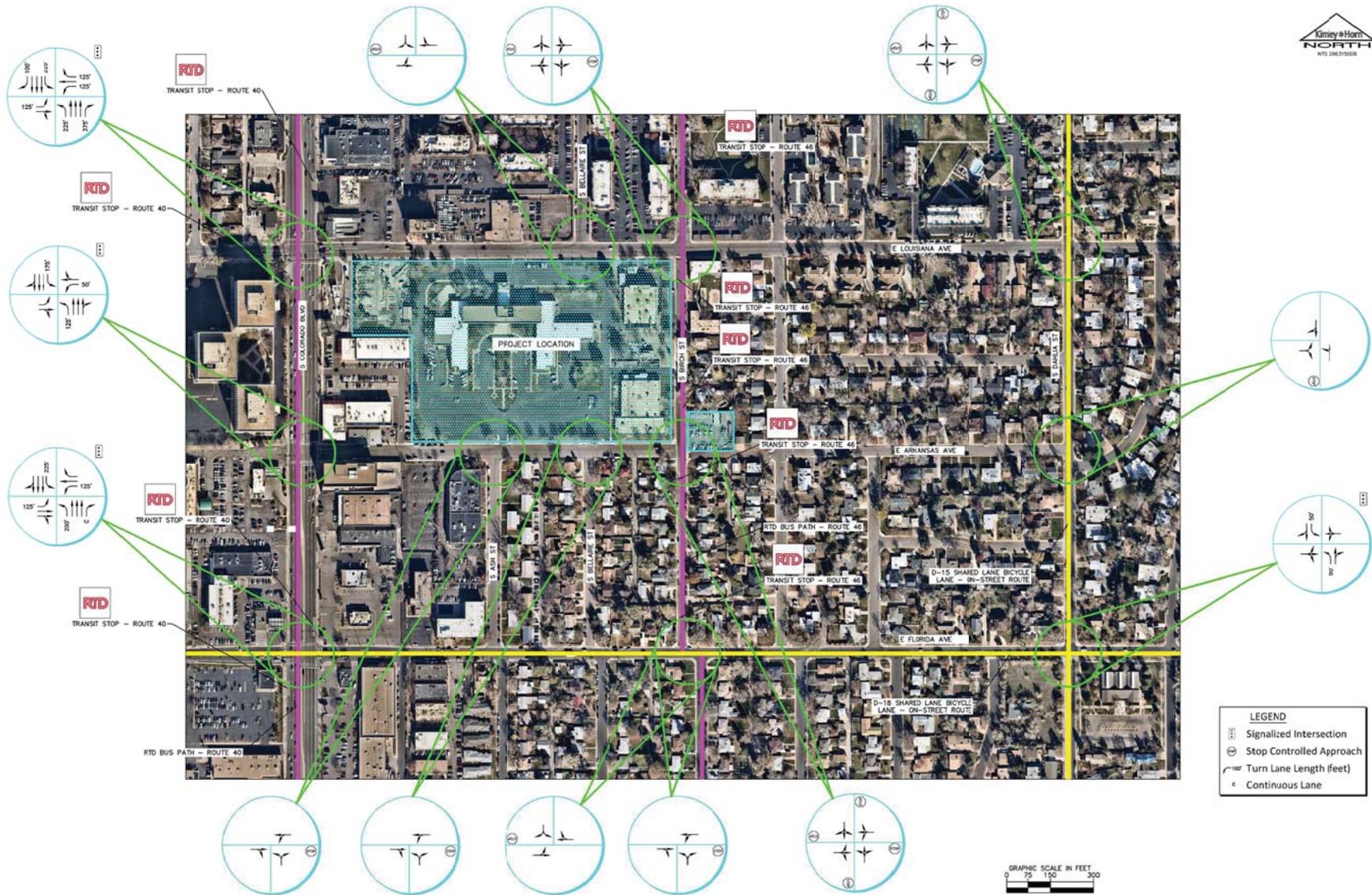
Kimley-Horn is conducting a traffic study as part of the redevelopment process, including an analysis of existing traffic conditions and capacity of the existing street network surrounding the Property. In response to issues identified through community meetings, the area of the study has been expanded to address neighborhood concerns regarding existing infrastructure. The development team is continuing to coordinate with Denver Public Works to coordinate regarding future circulation needs in the area.

Preliminary analysis indicates the existing street network can support new vehicle trips generated by the proposed development. Additionally, Public Works will be improving the traffic signals at three intersections along S. Colorado Boulevard near the Property. The traffic signal improvements will include a protected-permitted left turn from southbound S. Colorado Boulevard onto E. Louisiana Avenue, protected-permitted left turns from northbound and southbound S. Colorado Boulevard onto E. Arkansas Avenue, and protected-permitted left turns from northbound and southbound S. Colorado Boulevard onto E. Florida Avenue. Construction of the traffic signal upgrades is planned to start in Summer 2018.

## Exhibit No. 7 | Denver Public Works Traffic Signal Improvements



# Exhibit No. 8 | Existing Circulation Exhibit



## PROPOSED ZONE DISTRICTS

The proposed redevelopment recognizes the potential of the Property to positively contribute to the City while considering the impacts of redevelopment for residents in the Virginia Village neighborhood and adjacent neighborhoods. The proposed zoning provides the flexibility for a mixed-use development program to provide services, residential units, engaging spaces, and destinations for the neighborhood. Furthermore, it establishes the framework to provide a welcoming, accessible, and centrally located community development in Southeast Denver.

This application proposes a rezoning to the zone districts as follows: S-MX-8 (UO-2) (Zone District Boundary 1, northwest portion of the Property adjacent to Colorado Boulevard); S-MX-8 (Zone District Boundary 2, central portion of the Property); S-MX-5 (Zone District Boundary 3, northeast portion and southern portion of the Property); S-MX-3 (Zone District Boundary 4, southeast portion of the Property); and S-MU-3 (Zone District Boundary 5, Parcel C). For further clarification on the zone district boundaries, refer to the Proposed Zone Districts Map.

The Denver Zoning Code standards, regulations, and intents of the Suburban Mixed Use (S-MX) zone districts support this zone district proposal. The Denver Zoning Code explicitly states, “The Mixed Use districts are appropriate along corridors, for larger sites and at major intersections” (Denver Zoning Code, 3.2-4). The Property is located near S. Colorado Boulevard, a prominent commercial corridor and Commercial Arterial. Additionally, the Property is one of the larger

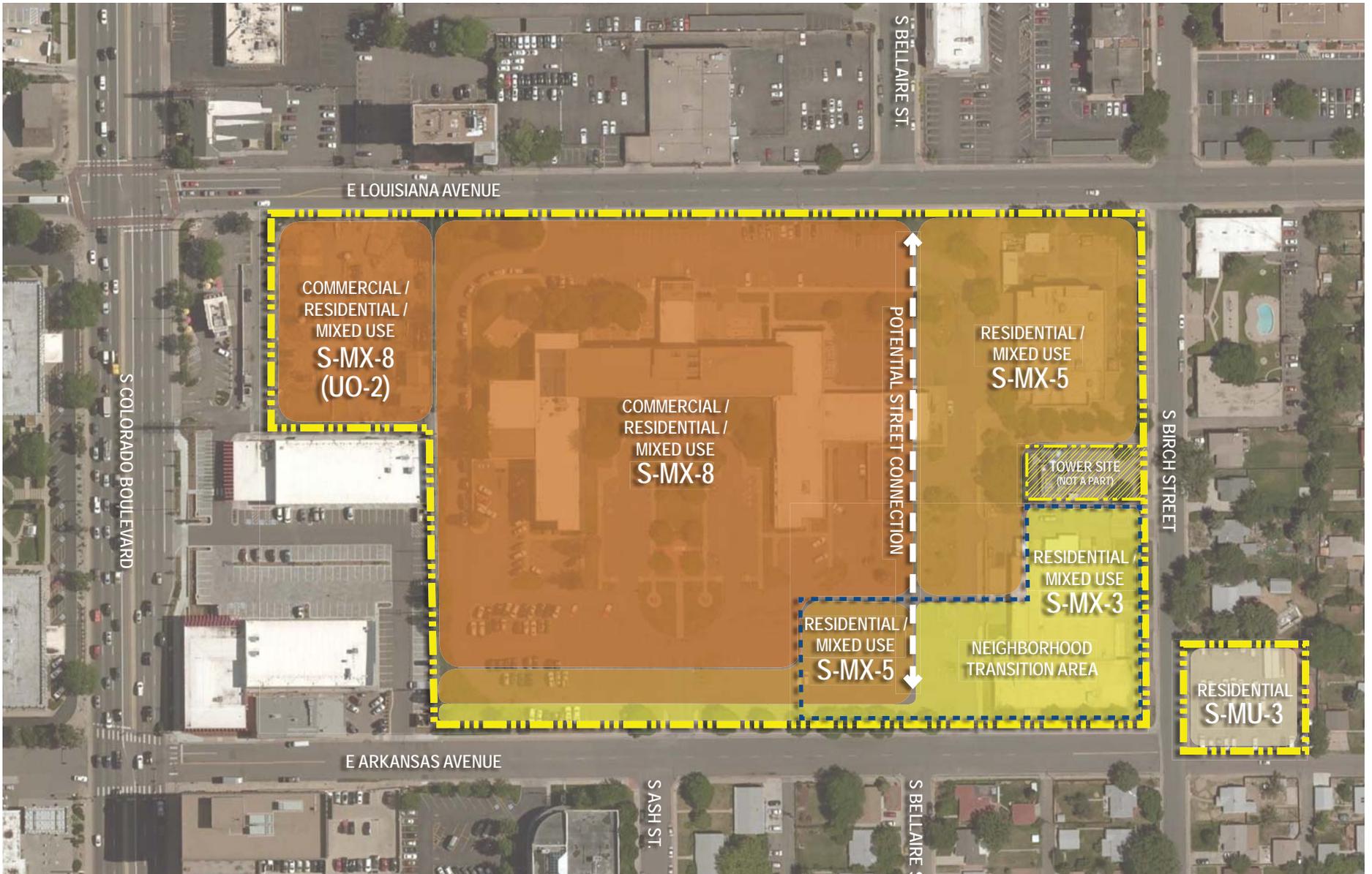
redevelopment sites in the area at 13.26 acres.

The Denver Zoning Code also states, “The building form standards of the Mixed Use zone districts balance the importance of street presence and provision of adequate parking through build-to requirements, Street Level activation and parking lot screening along the right-of-way.” The proposed development recognizes the existing context of the suburban area with a higher reliance on the automobile in comparison to an urban neighborhood context, but also provides access to pedestrian, bicycle, and bus facilities. The proposed development aims to provide walkable, inviting, and activating spaces.

The proposed zoning for the Property has evolved into the current configuration through a process that include extensive and ongoing community engagement. In particular, building form and scale in relation to the surrounding context was a primary consideration throughout the community meetings. Some existing neighborhood residents have expressed concern about building heights greater than three stories across the street from their homes located south of E. Arkansas Avenue or east of S. Birch Street, but neighborhood meeting attendees were open to the proposed eight and five story building heights. In the end, the proposal aims to meet the needs of Denver’s growing population in a context-sensitive manner.

As part of the dialogue with the community, the rezoning integrates a mix of zone districts along the Arkansas Avenue frontage and a portion of Birch Street to establish building form and scale to transition from the existing residential neighborhood. The proposed zone district

## Exhibit No. 9 | Proposed Zone Districts Map

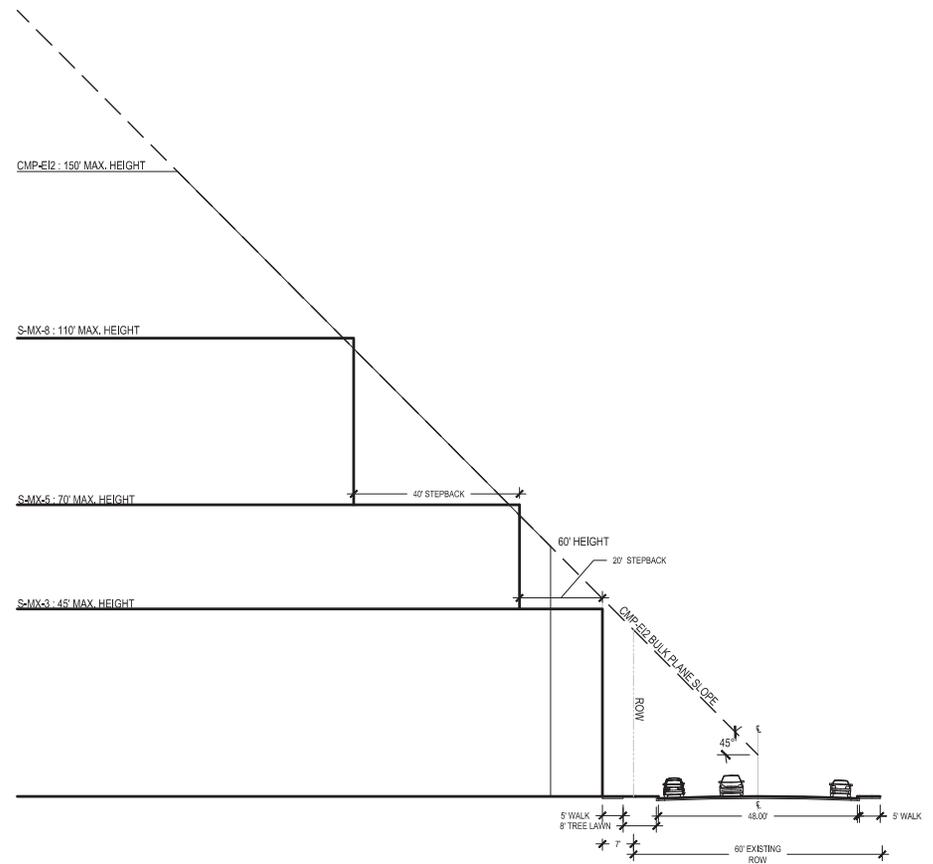


boundaries limit the maximum height even more than the maximum height adjacent to a protected district, 75 feet for the existing CMP-EI2 zone district.

Along E. Arkansas Avenue west of S. Bellaire Street, the adjacent protected district tools provided in code do not apply and are not available to the Property because it is not adjacent to a protected district. However, a neighborhood transition zone is still desired. The proposed S-MX-3 and S-MX-5 zone districts establish the maximum building heights of 45 feet / three (3) stories and 70 feet / five (5) stories and function as an upper story stepback requirement. The 40-foot depth proposed for the S-MX-5 zone district corresponds to a typical multifamily unit depth. In a double-loaded corridor configuration, the typical multifamily unit depth for one unit would be a total of 35 to 40 feet from the center of the corridor to the outside wall or outside edge of balcony. The proposed zone districts create the desired height configuration.

The upper story stepback guided by the proposed S-MX-3 and S-MX-5 zone districts remains within the current bulk plane envelope per the existing CMP-EI2 zone district. The proposed zone districts maintain the current building envelope transition along the southern perimeter of the Property as well as the overall height of the S-MX-8 zone district. The proposed S-MX-8 zone district will reduce the maximum height to 110 feet (8 stories) from the current allowance of 150 feet (12 stories) within the existing CMP-EI2 zone district.

## Exhibit No. 10 | E. Arkansas Avenue Street Section: S-MX-3, S-MX-5, and S-MX-8 Transition



The Suburban Mixed Use zone district guides general building form for the required build-to along streetscapes. The minimum standard requires fifty percent (50%) of a development to be within 0 feet to 80 feet from the property line. The design criteria suggest a diversity of options for the streetscape frontage as part of the rezoning. Ultimate development plans may have scenarios that address the street whereas other scenarios may be configured with design elements between the property line and building.

The rezoning requests heights that align with the current allowances under the CMP-EI2 zone district or are a reduction from the current maximum height of 150 feet. A majority of the Property, approximately 65%, is proposed to reduce the overall height from the allowances for the CMP-EI2 zone district. This is a benefit to the neighborhood to guide building form and scale while balancing the needs of the project to accommodate a marketable development. Building heights directly affect the redevelopment options because higher permitted building heights will accommodate more flexibility and provide a platform to deliver both market rate and affordable housing units. The proposed building heights will support affordable housing goals, while recognizing that building height has an impact on the surrounding areas and the public realm. For these reasons and after extensive community input, the proposed zoning transitions from eight stories on the west side of the Property along the Colorado Boulevard corridor to five stories in the central part of the Property to three stories on the south edge of the Property along E. Arkansas Avenue and at the southeast corner along S. Birch Street. Additionally, the proposal carefully considers

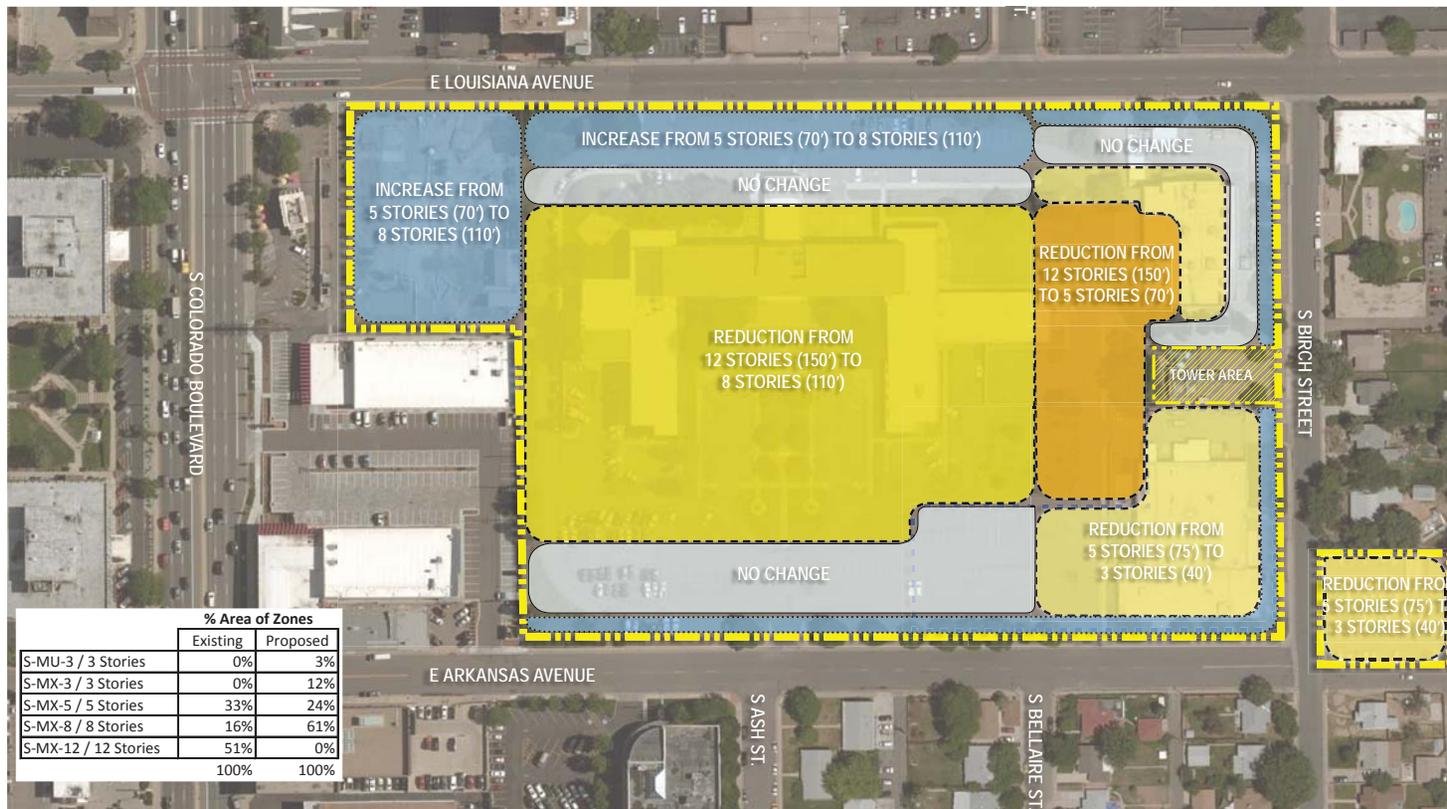
height limitations to address the concerns of some neighborhood residents regarding the height of building on the southeast portion of the site. This area referred to as the “neighborhood transition area” is proposed to address the priorities of the neighborhood residents and enhance the contextual experience of the public realm.

Parcel C, located at the northeast corner of S. Birch Street and E. Arkansas Avenue and currently zoned CMP-EI2, is proposed to be rezoned to Suburban Multi Unit 3 (S-MU-3). The proposed Multi Unit zone district will reduce the allowed maximum height from five stories to three stories as well as limit the allowed use to residential. The regulations and intents of Suburban Multi Unit zone district allow for multi unit development that will complement the character of the residential neighborhood. Additionally, the proposed residential development will be in context with multi unit developments in the area. As shown in Exhibit No. 6, S-MU Zoning in the Immediate Property Area, parcels adjacent to Suburban Single Unit zone districts in the immediate area of the Property are zoned S-MU-5 and S-MU-3. Although the referenced properties are not currently built to their allowed zoning heights, given their location and increasing land values, it is possible and even likely the properties will be built up to their allowed building heights in the future. Furthermore, S-MU-3 zoning will support the goal and requirement to provide affordable housing on the Property.

The rezoning aims to provide a high-quality development and an active neighborhood center that acts as an appropriate intermediate physical form between the high-intensity uses to the west, northwest, and southeast and the low-density land uses to the east, northeast, and southeast. As the Property is located between S. Colorado Boulevard (a Commercial Arterial and identified Commercial Corridor) lined with large commercial businesses and an established multi- and single-family residential neighborhood, the team

articulated the arrangement of zone districts and the maximum allowed heights to balance the opportunities for the redevelopment of the site with the input from the community. The proposed zone districts transition from greater building heights on the northwest portion of the site to lower building heights on the southeast portion of the site. Suburban Mixed Use (S-MX) zone districts will allow the development to realize the city’s vision for the future of Denver and relate to the existing surrounding land uses.

### Exhibit No. 11 | Zone District Height Reduction



## Exhibit No. 12 | CMP-EI2 & S-MX-5 Building Envelope Study 1

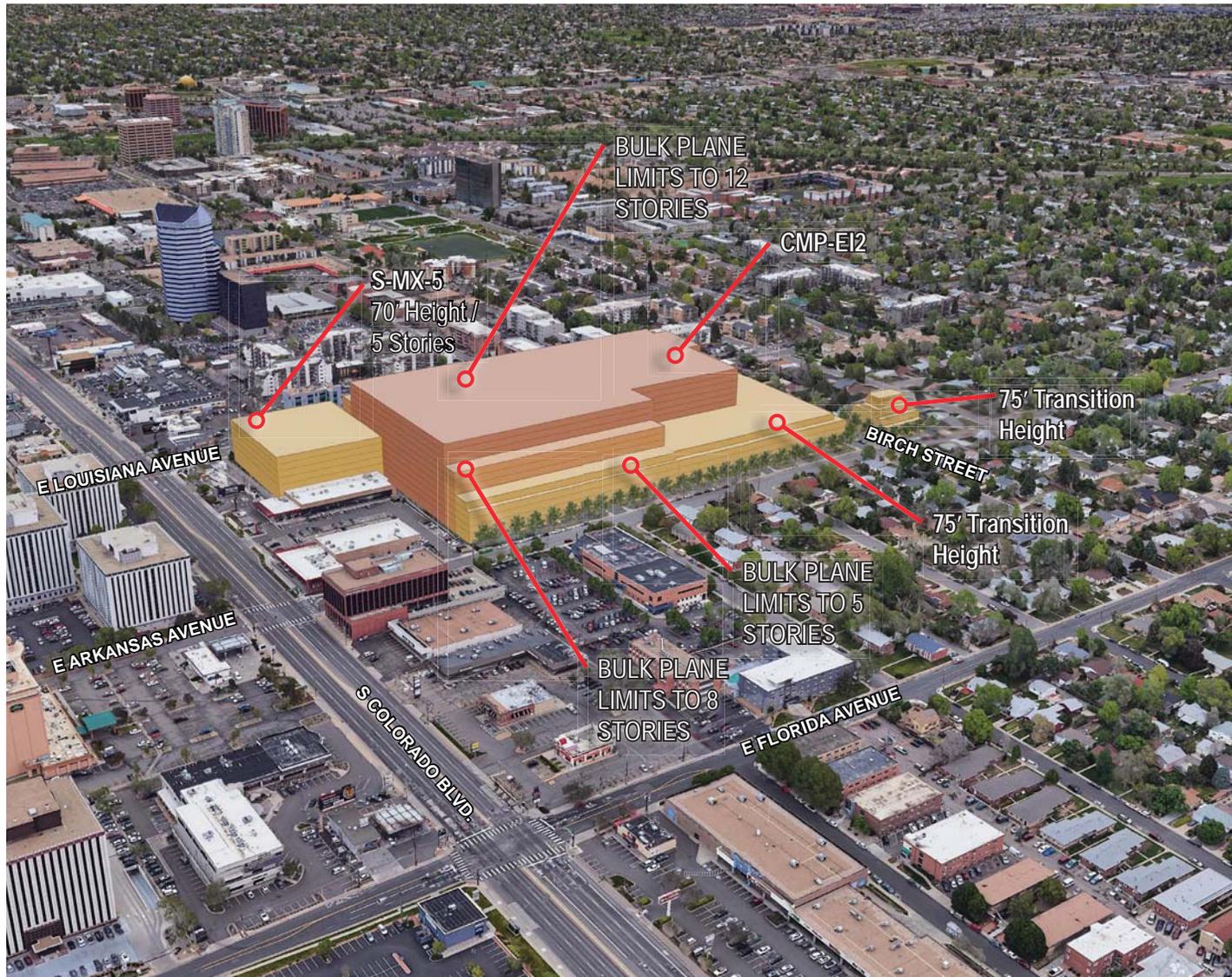


### CMP-EI2 & S-MX-5 BUILDING ENVELOPE

#### EXISTING ZONING

- CMP-EI2
- S-MX-5
  
- 12 Stories
- 150' Max Height
- 75' Transition Height
- 20' Setbacks
- 60% Building Coverage
- Bulk Plane Angle:  
45-degrees from streets

## Exhibit No. 13 | CMP-EI2 & S-MX-5 Building Envelope Study 2



### 12, 8, AND 5 STORY BUILDING ENVELOPE COMPARISON

#### EXISTING ZONING

- CMP-EI2
- S-MX-5
  
- 12 Stories
- 150' Max Height
- 75' Transition Height
- 20' Setbacks
- 60% Building Coverage
- Bulk Plane Angle:  
45-degrees from streets

## Exhibit No. 14 | S-MX & S-MU Building Envelope Study



### PROPOSED ZONE DISTRICTS BUILDING ENVELOPE STUDY

- S-MX-8
- S-MX-5
- S-MX-3
- S-MU-3

#### Per Zoning Criteria:

- 0' Setbacks at Streets
- Height Varies per Zone Districts Identified

#### Design Standards:

- Streetscape Character & Landscape
- Public Realm
- Building Form
  - Height
  - Setbacks
  - Parking Location
- Design Elements
  - Building Configuration
  - Transparency
  - Entrances

## Key Proposed Redevelopment Elements

The public engagement process has yielded constructive community input. In response to the community input, the rezoning request includes additional key redevelopment elements to enhance the overall development of the Property. In order to document the following elements, the development team will prepare a development agreement to integrate these elements into the future development of the Property.

The proposal realizes streets can be the most dominant public spaces in a neighborhood and is intentional about providing safe and accessible public spaces that emphasize the pedestrian experience. In acknowledgment of this reality, the proposed development intends to implement a north-south connection. While the precise location for this connection has not been finalized, possible locations for this connection could be 1) from S. Bellaire Street north of the Property to S. Bellaire Street south of the Property or 2) as an extension from S. Ash Street south of the Property to E. Louisiana Avenue. These options are being explored to provide a walkable, inviting, public space and desired community asset. Streetscape and sidewalk improvements will be incorporated regardless of the selected location and will enhance the public realm.

All phases of the redevelopment process will be completed in an appropriate time line and meet the City's requirements. The infrastructure improvements necessary to serve future development have been identified and will be provided with a concurrent process as approved through subsequent regulatory processes including

plans to provide drainage, sewage, and water systems. Additionally, the redevelopment process will bring the site's infrastructure including stormwater drainage and streetscape into conformance with current City standards.

The proposed development will integrate at least ten percent (10%) of the total area of the Property as open space. High-quality open space will be an amenity for the neighborhood and will enhance the pedestrian environment and the public realm. Residents in the neighborhood have expressed a strong desire for public gathering places that are comfortable for families. The redevelopment of the Property will result in streetscape improvements to the entire frontage of the Property for E. Arkansas Avenue, S. Birch Street and E. Louisiana Avenue. The improvements will include an updated curbway/tree lawn and sidewalk. The streetscape improvements will improve pedestrian connectivity and establish improved routes for the neighborhoods.

## REZONING REVIEW CRITERIA

This rezoning complies with all of the application general review criteria including: providing for an unanticipated community need (discussed in greater detail in the section, “Justifying Circumstances”); a uniformity of district regulations and restrictions; and furthering the public health safety, and general welfare of the city. (Code Sec. 12.4.10.7)

### Consistency with Adopted Plans

(Code Sec. 12.4.10.7.A.)

Blueprint Denver: A Land Use and Transportation Plan is the only adopted policy in effect that applies to the Property. This plan, adopted in 2002, recommends a land use of single-unit residential for the majority of the Property (all but the northwest portion). As the City is again carefully considering its plan to shape the future of Denver, this 16-year-old plan is in the process of being updated as the Comprehensive Plan 2040 through an ongoing process.

Blueprint Denver defines “Areas of Stability” as being either Committed Areas or Reinvestment Areas. As Blueprint states “reinvestment areas are neighborhoods with a character that is desirable to maintain but that would benefit from reinvestment through modest infill and redevelopment or major projects in a small area.” The Property may be considered a reinvestment area because of CDOT’s relocation, leaving this site vacant. This development proposes to meet the need for one of the challenges listed as an example in which reinvestment would be beneficial to the community,

maintaining affordable housing stock. This site may also be deemed a Reinvestment Area because it proposes redeveloping underutilized land to provide needed neighborhood services. Alternatively, because of the CDOT’s vacation, this area is in flux and it could be deemed that it is no longer an “Area of Stability,” but is now an “Area of Change.”

The properties to the north and south are also depicted as Single-Unit residential and an “Area of Stability”, even though they are currently zoned for mixed use and multi-unit residential; uses that match these zoning designations exist today.

### Other Plans

The Virginia Village Plan was adopted in 1973, but was not adopted as a supplement to the Comprehensive Plan 2000. The Virginia Village Plan recommended (but did not describe) that Parcels A & B should be “Intensive Multiple Uses.” Parcel C was recommended for “Medium Density Multi- Unit” uses. The proposed Suburban Mixed-Use and Suburban Multi Unit zoning is consistent with these land use designations.

The Denveright team is currently updating Blueprint Denver and associated recommendations. At this time, the Denveright team is considering a higher intensity residential recommendation for this area. Although the new plan is in development by Denveright, the plan has not yet been adopted by the City. This update more appropriately reflects the current status of the area than the binary designations in Blueprint Denver.

## **Uniformity of District Regulations and Restrictions**

(Code Sec. 12.4.10.7.B.)

The proposed rezoning will result in uniform regulations and design elements for buildings throughout each district. To accommodate a variety of planning scenarios on the Property, defined zone districts are proposed on the Property. Applicable regulations and restrictions will be respected in each zone district.

## **Public Health, Safety, and General Welfare**

(Code Sec. 12.4.10.7.C.)

The proposed development strives to meet the quality of life, economic, health, and environmental goals of the City and the surrounding communities.

The proposed mixed-use zone districts will allow for services to be located within walking distance of neighborhood residents and future residents. Neighborhood services within walking distance of residents will allow nearby residents and future residents to access these services without needing to depend on a car—thereby providing a more accessible and equitable development. The proposed development will also support walking, biking, and multi-modal transportation through design and infrastructure. The option to walk and bike for day-to-day activities whether it's a commute to work or for running errands and grocery shopping will have a positive impact on public health. Active transportation can reduce obesity rates and associated health complications. Walking and biking are also proven to reduce human stress levels. Furthermore, people

walking, biking, or riding mass transit are more likely to interact to other community members on a regular basis and regular interactions strengthen communities. Additionally, a walkable development has the potential to reduce the number of vehicular miles traveled and thereby reduce the amount of pollution and greenhouse gas emissions. Walking and biking are emission-free forms of transportation, and even modest increases in physical activity have been shown to have beneficial health impacts.

The mixed-use zone districts will allow for commercial uses, residential uses, and public spaces to be located on the Property. The variety of uses will support each other and contribute to the creation of an appealing place and destination. The commercial components of the development will provide valuable services and act as an attraction for both residents in the neighborhood and future residents. The residential components will provide much needed housing. Residents on site will also increase the size of the community with invested interest in the area and will increase the number of people present during hours outside of the standard 40-hour workday. Both of these factors will support inhabited, safe, and interactive spaces.

The community has expressed concern about a vacant site, and the time line of this proposed development considers the community's safety concerns. This redevelopment process will ensure the site is redeveloped according to an appropriate time line and will prevent the site from being vacant for an extended amount of time.

## FORMAL PUBLIC OUTREACH AND PARTICIPATION

Community involvement and input are vital components of this rezoning and redevelopment process. Extensive community input has been gathered through community meetings, task force meetings, and ongoing discussions. To date, the redevelopment team has held six interactive public community meetings: January 25, 2018; March 8, 2018; April 5, 2018; May 3, 2018; June 7, 2018, and July 12, 2018. The meetings were held near the Property at Ellis Elementary School and Salem United Church of Christ. To garner wide community attendance, the meetings were conducted in the evening at 6:00pm. Representatives from the entire team: Kentro Group; Norris Design; CRL; Kimley-Horn; and additional team members as necessary, were in attendance at each of the meetings and were available to answer questions.

The general structure of the first three meetings involved a presentation by the redevelopment team followed by breakout sessions. During the breakout sessions, community members were invited to participate at each station staffed by two to three redevelopment team members. The topics of the sessions included: land uses; existing conditions; community aspirations; community concerns; zoning; transportation; character; rezoning plan; and proposed zoning. The small group setup allowed community members to ask questions, provide input, and discuss freely. The community input was gathered and collected in a variety of ways: note taking; open discussion with note-taking on a large tablet; stickers to indicate preferences and desires on a collection of images; and a land use survey.

The fourth community meeting, on May 3, 2018, included a summary of the information presented in previous meetings, an update on the proposed zoning, and a panel discussion. For the panel discussion, six members of the redevelopment team were available to any and all questions from the audience. The panel members included: Jimmy Balafas (Kentro Group), Chris Viscardi (Kentro Group), Stacey Weaks (Norris Design), Sean Maley (CRL), Curtis Rowe (Kimley-Horn), and John Yerton (Essential Management Solutions, LLC).

In an effort to reach and involve even more community members, prior to the fourth community meeting, KRF Arkansas, LLC paid for signs and fliers with the upcoming meeting information that were posted on the Property and distributed throughout the neighborhood. These fliers presented the meeting information in English, Spanish, and Arabic. Translators were provided at the meetings as well.

The fifth community meeting, on June 7, 2018, included a summary of the highlights from the rezoning application as well as general updates related to the project status and the CDOT transition to the new campus. The team facilitated a panel discussion addressing a range of questions from the attendees. For the panel discussion, five members of the redevelopment team were available to any and all questions from the audience. The panel members included: Jimmy Balafas (Kentro Group), Chris Viscardi (Kentro Group), Stacey Weaks (Norris Design), Sean Maley (CRL) and Curtis Rowe (Kimley-Horn).

On July 12, 2018, the sixth community meeting was held at Infinity Park Event Center. The team presented updates

on the site condition and rezoning application, discussed the development process and development agreement for the project, and shared examples of Site Development Plans for other projects in Denver. A significant focus of the meeting was an update on the affordable housing component of the project and related pertinent information.

In addition to the community meetings, a group of dedicated neighborhood residents formed a Neighborhood Task Force that met regularly on Monday evenings. When invited, the redevelopment team attended and met with the task force. The Neighborhood Task Force requests and concerns were considered in great detail and to great lengths and have had a strong influence on this redevelopment process.

A zoning discussion was a critical component of each community meeting and the proposed zoning

evolved through this process. From the beginning of the redevelopment process, the redevelopment team maintained open communication channels and made themselves available to discuss the redevelopment process with community members and any interested parties.

Additionally, the Kentro Group website published a webpage specifically for this 4201 E. Arkansas Avenue project ([www.kentrogroup.com/Arkansas](http://www.kentrogroup.com/Arkansas)) and made the project information easily accessible to the public. The entire redevelopment process, including this rezoning application, has been shaped by community input.

## Community Meeting Photographs



## General Community Vision for Redevelopment of the Site and Community Support for Suburban Mixed-Use

Throughout the community engagement process, existing neighborhood residents have expressed the following as the highest priority community aspirations for the redevelopment project:

- o a “destination”
- o gathering places open to existing neighborhood residents
- o quality design
- o a quality public realm with vegetation
- o a place to walk and bike to in the neighborhood

The existing neighborhood residents have been decisive about wanting a “destination” and “neighborhood gateway” for the neighborhood. The majority of neighborhood residents who have expressed an opinion about the Property are very excited about the possibility of gaining neighborhood amenities they can walk and bike to from their homes. Much input has been provided by meeting participants through a variety of workshop sessions and the redevelopment team has gathered lists of desired amenities, the majority of which are small/local retail establishments and active gathering areas.

In one meeting an excited couple shared their experience of happening upon Main Street Square in Rapid City, South Dakota. They had walked there to get ice cream and were pleasantly surprised to find families hanging-

out, socializing, and casually enjoying the evening. This type of experience resonated strongly with the group as a desired and welcomed setting. A gathering place for families that is accessible to existing residents has been embraced as the primary desired amenity. To create the type of “destination” and draw desired by existing neighborhood residents, mixed-use zoning is necessary.

In the first community meeting, community members expressed excitement about a development reminiscent of a S. Colorado Boulevard in the 1970s and 1980s. Celebrity Sports Center and Cooper Theatre, two places that existed on S. Colorado Boulevard in the past, were mentioned repeatedly. The community has expressed a strong desire to celebrate history and the character of the neighborhood. In fact, design was the topic mentioned the most at the “Community Aspirations” breakout session. Design as defined by the community includes architectural style, and the community has expressed a strong desire for Mid-Century Modern architecture style of high-quality materials.

In the second and third community meetings, neighborhood input on preferred land uses and building/site character was gathered. Two of the methods used to gather input were land use surveys and a collection of images on which community members could place a sticker to indicate they “liked” the image. The data gathered from the land use surveys support what existing neighborhood residents have vocally and repeatedly expressed a desire for, a mixed use development. The two most desired land uses as ranked by existing neighborhood residents are a retail grocery and housing. A large number of existing neighborhood residents

support higher density with the stipulation affordable residential units are included in the development.

In the fourth community meeting, community members posed questions to the redevelopment team on the topics of: vehicle traffic; definition of affordable housing; proposed building heights; existing environmental contamination on the site and remediation efforts (performed by CDOT); difference between Mixed Use and Multi Unit zone districts; including commercial uses; if closure of E. Arkansas Avenue east of S. Birch Street is possible; open space; number of affordable housing units anticipated to be located on site; Site Development Process; Home Owners Association or Metro District; for-sale housing; and drainage improvements. Community input has dramatically shaped the proposed zoning.

In the fifth and sixth community meetings, the team facilitated a panel discussion to address questions from the meeting attendees. The following topics queried by the attendees related to the affordable housing element and perspectives on affordable housing, next steps for the CDOT building, timing of physical development, parking on-site and impacts to off-site streets, overall connectivity in the area, traffic and mix of residential units. Generally, the questions focused on details of future development plans that will be further refined following the rezoning step in the process. Several of the attendees conveyed their general support of the rezoning and the redevelopment opportunities the request presents.

## JUSTIFYING CIRCUMSTANCES

The rezoning of the Property is justified per the applicable justifying circumstance criteria (DZC Section 12.4.10.8.A.40 of the Official Map Amendment (Rezoning) which states **“the land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area.”**

Denver has experienced more rapid population growth in the past five years than the city has ever experienced, and this population growth is expected to continue (Denveright Community Profile, p. 5). “Denver is now on pace to grow by 150,000 new residents in a ten-year period” (Denveright Community Profile, p. 5).

Just as Denver has changed in the last sixteen years, the needs of Denver have changed since 2002 when Blueprint Denver was adopted.

In line with Denver’s goals to “improve connectivity, economic opportunity and quality of life for everyone,” the proposed development intends to meet residents’ daily needs by providing daily goods and services within walking distance (Denver’s Mobility Action Plan, p. 3).

The demand, prices, and rents for housing have increased dramatically, and Denver’s workforce and vulnerable communities are struggling to find and maintain housing. The proposed development intends to provide much needed affordable housing. In fact, the PSA requires 150 for-rent units of sixty percent (60%) area median income (AMI) housing to be built on this site,

another site in the City, or payment of a large fee-in-lieu. The project’s intent is to build the affordable units on site.

The contract also stipulates that 150,000 square feet of commercial needs to be built on site and provide 200 jobs. Under the current zoning CMP-EI2 zoning, it is difficult to meet this contractual requirement because retail is not allowed.

The proposed development strives to meet the quality of life, economic, health, and environmental goals of Denver and the surrounding communities. To this point, community involvement and input were and continue to be vital components of the rezoning and redevelopment process. The proposal has evolved and adapted to its current form to create an opportunity to provide a desired and valued development.

4201 E. Arkansas Avenue is an appropriate location to direct growth and will offer current and future Denver residents options in housing and community type. The proposed development aims to achieve Denver’s goals and vision for future developments and will contribute positively to the community. As Denver continues to grow, this proposed development recognizes the potential benefits of providing housing and services in the neighborhood. The rezoning of the Property is imperative because of the redevelopment opportunity this site presents to support the City’s goal to grow responsibly.

## **Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statement**

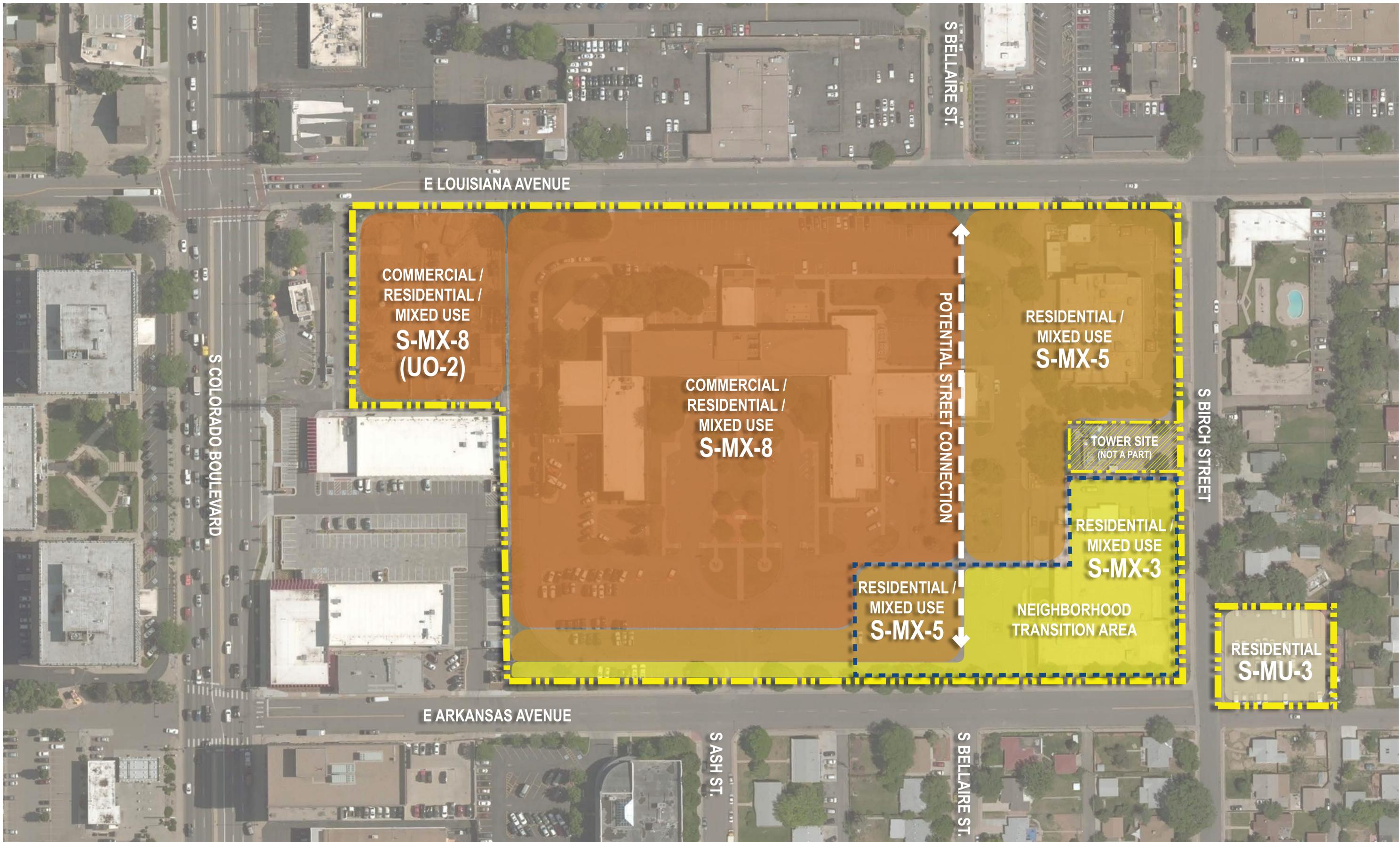
The S-MX (Suburban Mixed Use) zone districts are the most appropriate zone districts to serve as the land use framework for the majority of the Property in conjunction with the S-MU-3 (Suburban Multi Unit 3-stories) for the parcel east of S. Birch Street. The proposed zone districts consider both future opportunity and the existing context. The existing surrounding zoning and the general character of the neighborhood specifically weighed heavily in the decision to propose a Suburban Neighborhood Context, and the arrangement of the proposed zone districts - as they pertain to building form and scale - was crafted through the community meetings and public engagement processes. The proposed S-MX zone districts will allow the development to realize the City's vision for the future of Denver, and align the project (and its overall character) back to the existing surrounding land uses within the community.

The Denver Zoning Code standards, regulations, and intents of the Suburban Mixed Use (S-MX) zone districts support this zone district proposal. The Denver Zoning Code explicitly states, "The Mixed Use districts are appropriate along corridors, for larger sites and at major intersections" (Denver Zoning Code, 3.2-4). The Property is located near S. Colorado Boulevard, a prominent commercial corridor and Commercial Arterial. Additionally, the Property is one of the larger redevelopment sites in the area at 13.26 acres.

The Denver Zoning Code also states, "The building form standards of the Mixed Use zone districts balance the importance of street presence and provision of adequate parking through build-to requirements, street level activation and parking lot screening along the right of way." The proposed development recognizes the existing context of the suburban area which has a higher reliance on the automobile in comparison to an urban neighborhood context, but the proposed development also provides access to pedestrian, bicycle, and bus facilities. The proposed development aims to provide walkable, inviting, and activating spaces.

This rezoning proposes a graduated arrangement of zone districts to present viable opportunities for the redevelopment of the Property while balancing the input from the community. The proposed zone districts transition from a comparable scale of development adjacent to S. Colorado Boulevard (a Commercial Arterial and identified Commercial Corridor) lined with large commercial businesses to a compatible scale of development for the E. Arkansas Avenue and S. Birch Street frontages across the street from an established multi and single-family residential neighborhood. The Suburban Mixed Use (S-MX) zone districts will allow the development to realize the City's vision for the future of Denver and relate to the existing surrounding land uses. Ultimately, the proposed zoning provides the flexibility for a mixed-use development program to provide services, residential units, engaging spaces, and destinations for the neighborhood.





COMMERCIAL /  
RESIDENTIAL /  
MIXED USE  
**S-MX-8**  
(UO-2)

COMMERCIAL /  
RESIDENTIAL /  
MIXED USE  
**S-MX-8**

RESIDENTIAL /  
MIXED USE  
**S-MX-5**

TOWER SITE  
(NOT A PART)

RESIDENTIAL /  
MIXED USE  
**S-MX-3**

RESIDENTIAL /  
MIXED USE  
**S-MX-5**

NEIGHBORHOOD  
TRANSITION AREA

RESIDENTIAL  
**S-MU-3**

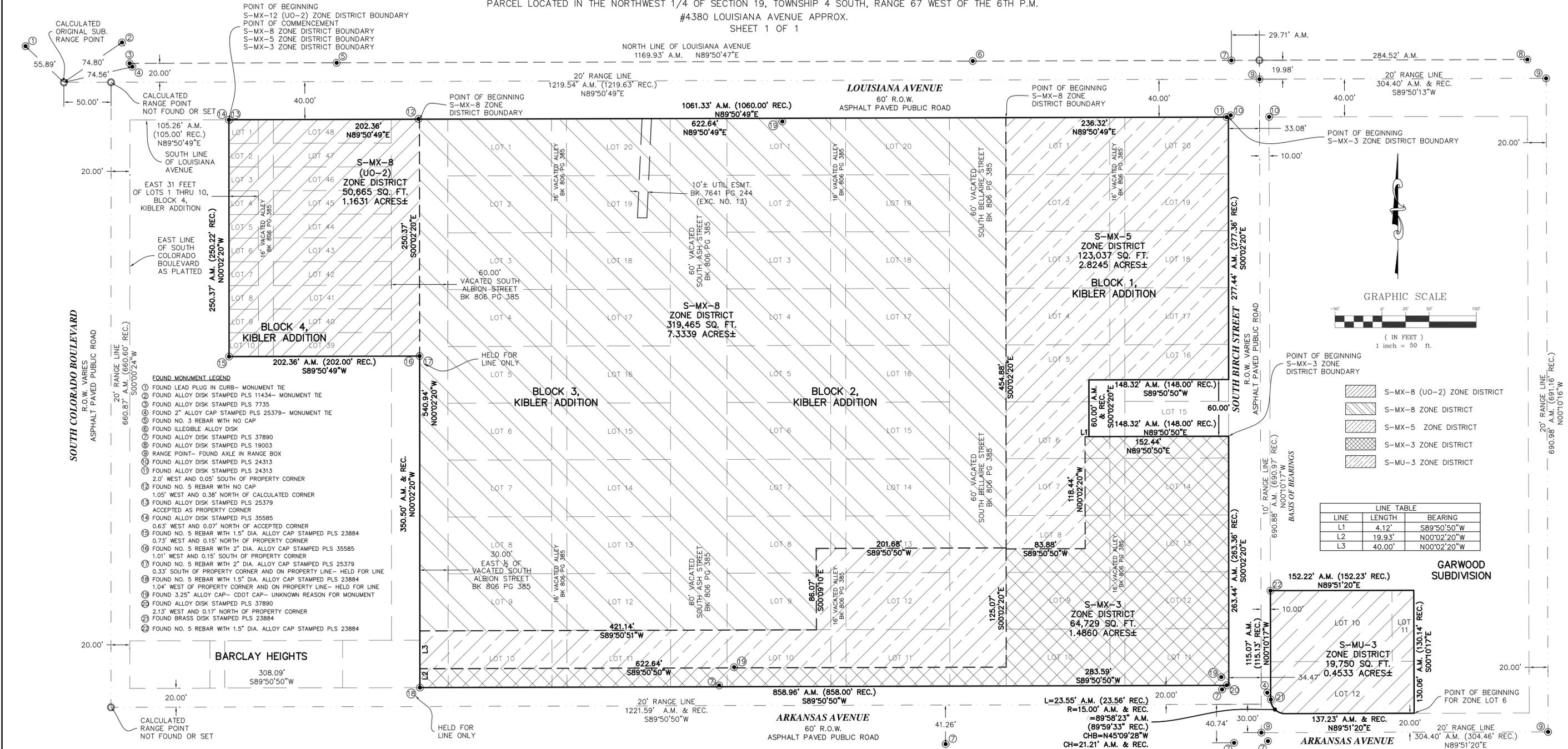
POTENTIAL STREET CONNECTION

# ZONE DISTRICT BOUNDARY EXHIBIT AND LEGAL DESCRIPTIONS

PARCEL LOCATED IN THE NORTHWEST 1/4 OF SECTION 19, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH P.M.

#4380 LOUISIANA AVENUE APPROX.

SHEET 1 OF 1



- FOUND MONUMENT LEGEND**
- 1 FOUND LEAD PLUG IN CURB- MONUMENT TIE
  - 2 FOUND ALLOY DISK STAMPED PLS 11434- MONUMENT TIE
  - 3 FOUND ALLOY DISK STAMPED PLS 7735
  - 4 FOUND 2" ALLOY CAP STAMPED PLS 25379- MONUMENT TIE
  - 5 FOUND NO. 3 REBAR WITH NO CAP
  - 6 FOUND ILLEGIBLE ALLOY DISK
  - 7 FOUND ALLOY DISK STAMPED PLS 37890
  - 8 FOUND ALLOY DISK STAMPED PLS 19003
  - 9 RANGE POINT- FOUND AXLE IN RANGE BOX
  - 10 FOUND ALLOY DISK STAMPED PLS 24313
  - 11 FOUND ALLOY DISK STAMPED PLS 24313
  - 12 2.0' WEST AND 0.05' SOUTH OF PROPERTY CORNER
  - 13 FOUND NO. 5 REBAR WITH NO CAP
  - 14 1.05' WEST AND 0.38' NORTH OF CALCULATED CORNER
  - 15 FOUND ALLOY DISK STAMPED PLS 25379 ACCEPTED AS PROPERTY CORNER
  - 16 FOUND ALLOY DISK STAMPED PLS 35585
  - 17 0.63' WEST AND 0.07' NORTH OF ACCEPTED CORNER
  - 18 FOUND NO. 5 REBAR WITH 1.5" DIA. ALLOY CAP STAMPED PLS 23884
  - 19 0.73' WEST AND 0.15' NORTH OF PROPERTY CORNER
  - 20 FOUND NO. 5 REBAR WITH 2" DIA. ALLOY CAP STAMPED PLS 35585
  - 21 0.1' WEST AND 0.15' SOUTH OF PROPERTY CORNER
  - 22 FOUND NO. 5 REBAR WITH 2" DIA. ALLOY CAP STAMPED PLS 25379
  - 23 0.33' SOUTH OF PROPERTY CORNER AND ON PROPERTY LINE- HELD FOR LINE
  - 24 FOUND NO. 5 REBAR WITH 1.5" DIA. ALLOY CAP STAMPED PLS 23884
  - 25 FOUND 3.25" ALLOY CAP- CDOT CAP- UNKNOWN REASON FOR MONUMENT
  - 26 FOUND ALLOY DISK STAMPED PLS 37890
  - 27 2.13' WEST AND 0.17' NORTH OF PROPERTY CORNER
  - 28 FOUND BRASS DISK STAMPED PLS 23884
  - 29 FOUND NO. 5 REBAR WITH 1.5" DIA. ALLOY CAP STAMPED PLS 23884

LINE	LENGTH	BEARING
L1	4.12'	S89°50'50"W
L2	19.93'	N00°02'20"W
L3	40.00'	N00°02'20"W

**LEGAL DESCRIPTION S-MX-8 (UO-2) ZONE DISTRICT BOUNDARY:**  
 A PARCEL OF LAND LOCATED IN THE NORTHWEST 1/4 OF SECTION 19, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 BEGINNING AT THE NORTHWEST CORNER OF THE EAST 31 FEET OF LOT 1, BLOCK 4, KIBLER ADDITION, BEING A POINT ON THE SOUTH LINE OF LOUISIANA AVENUE MONUMENTED BY AN ALLOY DISK STAMPED PLS 25379 AND AS DEFINED BY THE SURVEY SHOWN ON THE DOCUMENT RECORDED IN THE CITY AND COUNTY OF DENVER RECORDS UNDER RECEPTION NO. 2013045280; THENCE N89°50'49"E ALONG THE SOUTH LINE OF LOUISIANA AVENUE, 202.36 FEET TO THE NORTHEAST CORNER OF THE WEST 1/2 OF VACATED SOUTH ALBION STREET AS VACATED IN BOOK 806 AT PAGE 385 OF THE CITY AND COUNTY OF DENVER RECORDS; THENCE S00°02'20"E ALONG THE EAST LINE OF THE WEST 1/2 OF SAID VACATED SOUTH ALBION STREET, 250.37 FEET TO A POINT 30.00 FEET EAST OF THE SOUTHEAST CORNER OF LOT 39, BLOCK 4, KIBLER ADDITION; THENCE S89°50'50"W ALONG AN EXTENSION OF THE SOUTH LINE OF SAID LOT 39 AND THE SOUTH LINE OF SAID LOT 39 AND SAID LINE EXTENDED, 202.36 FEET TO THE SOUTHWEST CORNER OF THE EAST 31 FEET OF SAID LOT 10, BLOCK 4, KIBLER ADDITION; THENCE N00°02'20"W ALONG THE WEST LINE OF THE EAST 31 FEET OF SAID LOT 10 AND SAID LINE EXTENDED, 250.37 FEET TO THE POINT OF BEGINNING, CITY AND COUNTY OF DENVER, STATE OF COLORADO.  
 THE ABOVE DESCRIBED PARCEL CONTAINS 50,665 SQUARE FEET OR 1.1631 ACRES MORE OR LESS.

**LEGAL DESCRIPTION S-MX-8 ZONE DISTRICT BOUNDARY:**  
 A PARCEL OF LAND LOCATED IN THE NORTHWEST 1/4 OF SECTION 19, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 COMMENCING AT THE NORTHWEST CORNER OF THE EAST 31 FEET OF LOT 1, BLOCK 4, KIBLER ADDITION, BEING A POINT ON THE SOUTH LINE OF LOUISIANA AVENUE MONUMENTED BY AN ALLOY DISK STAMPED PLS 25379 AND AS DEFINED BY THE SURVEY SHOWN ON THE DOCUMENT RECORDED IN THE CITY AND COUNTY OF DENVER RECORDS UNDER RECEPTION NO. 2013045280; THENCE N89°50'49"E ALONG THE SOUTH LINE OF LOUISIANA AVENUE, 202.36 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG ABOVE DESCRIBED COURSE, 622.64 FEET TO THE NORTHWEST CORNER OF LOT 1, BLOCK 1, KIBLER ADDITION; SAID POINT ALSO BEING ON THE EAST LINE OF VACATED SOUTH BELLAIRE STREET AS VACATED IN BOOK 806 AT PAGE 385 OF THE CITY AND COUNTY OF DENVER RECORDS; THENCE S00°02'20"E ALONG THE WEST LINE OF VACATED SOUTH BELLAIRE STREET AS VACATED IN BOOK 806 AT PAGE 385 OF THE CITY AND COUNTY OF DENVER RECORDS; THENCE S89°50'50"W ALONG THE WEST LINE OF SAID LOT 1 AND SAID LINE EXTENDED (ALSO ALONG THE EAST LINE OF SAID VACATED SOUTH BELLAIRE STREET), 454.88 FEET TO A POINT ON THE WEST LINE OF LOT 8, BLOCK 1, KIBLER ADDITION; THENCE S89°50'50"W, 201.68 FEET; THENCE S00°09'10"E, 86.07 FEET; THENCE S89°50'51"W, 421.14 FEET TO A POINT ON THE WEST LINE OF THE EAST 1/2 OF VACATED SOUTH ALBION STREET AS VACATED IN BOOK 806 AT PAGE 385 OF THE CITY AND COUNTY OF DENVER RECORDS; THENCE N00°02'20"W ALONG THE WEST LINE OF SAID VACATED SOUTH ALBION STREET, 540.94 FEET TO THE POINT OF BEGINNING, CITY AND COUNTY OF DENVER, STATE OF COLORADO.  
 THE ABOVE DESCRIBED PARCEL CONTAINS 319,465 SQUARE FEET OR 7.3339 ACRES MORE OR LESS.

**LEGAL DESCRIPTION S-MX-5 ZONE DISTRICT BOUNDARY:**  
 A PARCEL OF LAND LOCATED IN THE NORTHWEST 1/4 OF SECTION 19, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 COMMENCING AT THE NORTHWEST CORNER OF THE EAST 31 FEET OF LOT 1, BLOCK 4, KIBLER ADDITION, BEING A POINT ON THE SOUTH LINE OF LOUISIANA AVENUE MONUMENTED BY AN ALLOY DISK STAMPED PLS 25379 AND AS DEFINED BY THE SURVEY SHOWN ON THE DOCUMENT RECORDED IN THE CITY AND COUNTY OF DENVER RECORDS UNDER RECEPTION NO. 2013045280; THENCE N89°50'49"E ALONG THE SOUTH LINE OF LOUISIANA AVENUE, 1061.33 FEET TO THE INTERSECTION OF THE SOUTH LINE OF LOUISIANA AVENUE AND THE WEST LINE OF SOUTH BIRCH STREET, SAID POINT ALSO BEING THE NORTHEAST CORNER OF LOT 20, BLOCK 1, KIBLER ADDITION; THENCE S00°02'20"E ALONG THE WEST LINE OF SOUTH BIRCH STREET, 337.44 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE EAST LINE OF LOT 15, BLOCK 1, KIBLER ADDITION; THENCE CONTINUING ALONG THE WEST LINE OF SOUTH BIRCH STREET S00°02'20"E, 263.44 FEET TO THE INTERSECTION OF THE WEST LINE OF SOUTH BIRCH STREET AND THE NORTH LINE OF ARKANSAS AVENUE, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF LOT 11, BLOCK 1, KIBLER ADDITION; THENCE S89°50'50"W ALONG THE NORTH LINE OF ARKANSAS AVENUE, 858.96 FEET TO A POINT ON THE WEST LINE OF THE EAST 1/2 OF VACATED SOUTH ALBION STREET AS VACATED IN BOOK 806 AT PAGE 385 OF THE CITY AND COUNTY OF DENVER RECORDS; THENCE N00°02'20"W ALONG THE WEST LINE OF THE EAST 1/2 OF SAID VACATED SOUTH ALBION STREET, 19.93 FEET; THENCE N89°50'50"E, 622.64 FEET TO A POINT ON THE EAST LINE OF VACATED SOUTH BELLAIRE STREET AS VACATED IN BOOK 806 AT PAGE 385 OF THE CITY AND COUNTY OF DENVER RECORDS; THENCE N00°02'20"W ALONG THE EAST LINE OF SAID VACATED SOUTH BELLAIRE STREET, 125.07 FEET; THENCE N89°50'50"E, 83.88 FEET TO A POINT ON THE WEST LINE OF SAID VACATED SOUTH BELLAIRE STREET, 125.07 FEET; THENCE N89°50'50"E, 83.88 FEET TO THE POINT OF BEGINNING, CITY AND COUNTY OF DENVER, STATE OF COLORADO.  
 THE ABOVE DESCRIBED PARCEL CONTAINS 123,037 SQUARE FEET OR 2.8245 ACRES MORE OR LESS.

**LEGAL DESCRIPTION S-MX-3 ZONE DISTRICT BOUNDARY:**  
 A PARCEL OF LAND LOCATED IN THE NORTHWEST 1/4 OF SECTION 19, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 COMMENCING AT THE NORTHWEST CORNER OF THE EAST 31 FEET OF LOT 1, BLOCK 4, KIBLER ADDITION, BEING A POINT ON THE SOUTH LINE OF LOUISIANA AVENUE MONUMENTED BY AN ALLOY DISK STAMPED PLS 25379 AND AS DEFINED BY THE SURVEY SHOWN ON THE DOCUMENT RECORDED IN THE CITY AND COUNTY OF DENVER RECORDS UNDER RECEPTION NO. 2013045280; THENCE N89°50'49"E ALONG THE SOUTH LINE OF LOUISIANA AVENUE, 1061.33 FEET TO THE INTERSECTION OF THE SOUTH LINE OF LOUISIANA AVENUE AND THE WEST LINE OF SOUTH BIRCH STREET, SAID POINT ALSO BEING THE NORTHEAST CORNER OF LOT 20, BLOCK 1, KIBLER ADDITION; THENCE S00°02'20"E ALONG THE WEST LINE OF SOUTH BIRCH STREET, 337.44 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE EAST LINE OF LOT 15, BLOCK 1, KIBLER ADDITION; THENCE CONTINUING ALONG THE WEST LINE OF SOUTH BIRCH STREET S00°02'20"E, 263.44 FEET TO THE INTERSECTION OF THE WEST LINE OF SOUTH BIRCH STREET AND THE NORTH LINE OF ARKANSAS AVENUE, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF LOT 11, BLOCK 1, KIBLER ADDITION; THENCE S89°50'50"W ALONG THE NORTH LINE OF ARKANSAS AVENUE, 858.96 FEET TO A POINT ON THE WEST LINE OF THE EAST 1/2 OF VACATED SOUTH ALBION STREET AS VACATED IN BOOK 806 AT PAGE 385 OF THE CITY AND COUNTY OF DENVER RECORDS; THENCE N00°02'20"W ALONG THE WEST LINE OF THE EAST 1/2 OF SAID VACATED SOUTH ALBION STREET, 19.93 FEET; THENCE N89°50'50"E, 622.64 FEET TO A POINT ON THE EAST LINE OF VACATED SOUTH BELLAIRE STREET AS VACATED IN BOOK 806 AT PAGE 385 OF THE CITY AND COUNTY OF DENVER RECORDS; THENCE N00°02'20"W ALONG THE EAST LINE OF SAID VACATED SOUTH BELLAIRE STREET, 125.07 FEET; THENCE N89°50'50"E, 83.88 FEET TO A POINT ON THE WEST LINE OF SAID VACATED SOUTH BELLAIRE STREET, 125.07 FEET; THENCE N89°50'50"E, 83.88 FEET TO THE POINT OF BEGINNING, CITY AND COUNTY OF DENVER, STATE OF COLORADO.  
 THE ABOVE DESCRIBED PARCEL CONTAINS 64,729 SQUARE FEET OR 1.4860 ACRES MORE OR LESS.

**LEGAL DESCRIPTION S-MU-3 ZONE DISTRICT BOUNDARY:**  
 A PARCEL OF LAND LOCATED IN THE NORTHWEST 1/4 OF SECTION 19, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 ALL OF LOTS 10, 11 AND 12 GARWOOD SUBDIVISION RECORDED NOVEMBER 15, 1950, AT RECEPTION NO. 446849 IN THE RECORDS OF THE CITY AND COUNTY OF DENVER, STATE OF COLORADO. SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 A PARCEL OF LAND LOCATED IN THE NORTHWEST 1/4 OF SECTION 19, TOWNSHIP 4S, RANGE 67W, OF THE 6TH PRINCIPAL MERIDIAN, IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 12; THENCE S89°51'20"W, COINCIDENT WITH THE SOUTH LINE OF SAID LOT 12, A DISTANCE OF 137.23 FEET; THENCE ON THE ARC OF A CURVE TO THE RIGHT, A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 89°58'23", A DISTANCE OF 23.55 FEET, (A CHORD BEARING N45°09'28"W, A DISTANCE OF 21.21 FEET) TO A POINT ON THE WEST LINE OF SAID LOT 12; THENCE N00°10'17"W COINCIDENT WITH THE WEST LINE OF SAID LOTS 12 AND 10, A DISTANCE OF 115.07 FEET TO THE NORTHWEST CORNER OF SAID LOT 10; THENCE N89°51'20"E COINCIDENT WITH THE NORTH LINE OF SAID LOTS 10 AND 11, A DISTANCE OF 152.22 FEET TO THE NORTHEAST CORNER OF SAID LOT 11; THENCE S00°10'17"E COINCIDENT WITH THE EAST LINE OF SAID LOTS 11 AND 12, A DISTANCE OF 130.06 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.  
 THE ABOVE DESCRIBED PARCEL CONTAINS 19,750 SQUARE FEET OR 0.4533 ACRES MORE OR LESS.  
**BASIS OF BEARINGS FOR ALL LEGAL DESCRIPTIONS:**  
 AN ASSUMED BEARING OF N00°10'17"W BEING A 10 FOOT CITY AND COUNTY OF DENVER RANGE LINE LOCATED IN SOUTH BIRCH STREET BETWEEN TWO FOUND MONUMENTS 690.88 FEET APART. BOTH MONUMENTS BEING AN AXLE IN A CITY AND COUNTY OF DENVER SURVEY RANGE POINT BOX, ON AT THE INTERSECTION OF SOUTH BIRCH STREET AND ARKANSAS AVENUE AND THE OTHER AT THE INTERSECTION OF SOUTH BIRCH STREET AND LOUISIANA AVENUE.

Know what's below.  
Call before you dig.

39 NORTH  
Surveying LLC

PREPARED BY: 39 NORTH ENGINEERING AND SURVEYING LLC  
 4495 HALE PARKWAY  
 SUITE 305  
 DENVER, COLORADO 80220  
 PH: 303-325-5071  
 EMAIL: damien.cain@39north.net  
 JOB#0100575

## **Input received for 17I-00192**

Received 4/19

To Whom It May Concern,

I am one of the faces of the effects of gentrification, a white, middle-aged, employed female. Four months ago I was forced out of a community I had lived in for the better of 20 years, the Virginia Village neighborhood. Raising one daughter there and currently raising another one. People living in the other 37 units were displaced from their homes starting in November due to remodeling. The first round of evictions caused one person to hang himself. Continuing evictions caused a 20 something young man living next door to me to slit his wrists causing his death.

I am not speaking for your sympathy, this is real life for me. My resume shows that I have held 2 jobs for the past 30+ years. In the late 1980s I started a career as a graphic artist, and 14 years later I was making \$25+ an hour. When my daughter was in 2nd grade I made a conscious decision to leave that job and start working with Denver Public schools for \$8 and some change. I wanted to be present in my child's life. After 12 years with the district I became maxed out at the highest level of pay for my position. I currently make \$21.46 an hour which is \$2.30 less than the current livable wage in Denver at \$23.67. It was the best decision I could have made to be able to parent a now college educated, respectful, hardworking and kind 25 year old. She attended school at Ellis from 1st grade through 5th grade, then across Colorado Blvd. to Merrill for middle school.

Unfortunately my youngest at 12, is not getting that same benefit. I work for DPS during the week and at Joy's Consigned Furnishings on the weekends. I also work with the ARC of Arapahoe and Douglas County when needed. My youngest daughter is not getting that time of me being present in her life. We were forced out of a 1,400 square foot townhome paying \$850.00 a month and in order for her to stay at her school midyear we found a 450 square foot, one bedroom paying \$895.00 a month. We don't have cable and we don't have internet. I didn't want to have to get her a cell phone, but with me working varying days and hours, it is not a luxury, it is a necessity.

All this brings me to why I am speaking up. A few weeks ago I came home to a notice of Kentro Developers being under contract for the CDOT property that I can see from my front door at Birch and Arkansas. The new developments will have more than a trickle-down effect. It will be a flood that no one seems to be thinking about. Right now it's all about the money. The people that are flocking to Denver are millennials with their high paying jobs and are renting, because they don't want to be permanent residents here. They are here to play, not to stay. I am thinking 5-7 years max and they will move back to where their parents are, to help them raise their children, after they themselves have grown up. Those not able to afford it, are leaving as fast as the millennials are moving in. Our car insurances are going up about 40% due to the fact there is no more being courteous, they are in it to win it at all costs. Selfish distracted driving, weaving in and out of traffic to get somewhere first. I live on a street, and constantly witness people racing from one stop sign to another on the next block. This development is estimated to bring 11,000 more cars to this area. I am concerned with my

daughter having to walk home from school, crossing Colorado Blvd. with these self-centered drivers who will not stay off their phones. Are they really who this neighborhood wants to be saturated more with, or are they who the developers need to line their pockets with money. Pushing families out of Denver is already having a huge impact on the enrollment numbers in DPS. The very students who rely on public education will no longer be around to be enrolled in our schools.

Six more years, I am forced to be here until my daughter turns 18. It is not fair that I am being priced out of a community I have called home for 20 years. I pray I don't have to move far out to the suburbs and spend 2-3 hours extra a day commuting. I pray I will be able to provide a roof over hers and my head and food on the table for the next 6 years. I pray the special needs students I am working so hard in helping become independent productive members of society will be able to afford living on their own. I have heard that Kentro is not interested in providing affordable housing with this project, so is Denver going to just roll over and allow this to continue happening?

I personally don't want to see another repeat in two fold from 20 years ago, where you could buy a decent house in a decent neighborhood for \$45,000. We had an influx of Californians who came and bought up all the cheap real estate, driving prices sky high only to turn around and sell leaving many people upside down in the mortgages. Banks were happy to be lending so much money and then many of them failed. This time is even worse, more crimes are being committed, development is nonstop and are these developers really liquid enough to cover astronomical losses when the bottom falls out again, or are the leftover residents going to be the ones paying for all this negligence. I am not including myself in that leftover group as while I am not one who wishes my life away, I really want the next 6 years to go by swiftly and uneventfully so I can get the hell out of here. I will not leave a forwarding address as I don't want my new beginnings to be taken over by the greed I am enduring now. When I am finally able to leave it will be sad leaving the place I have called home for more than 30 years with such a bad taste in my mouth.

Regards,

Leslie Acker

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Received 6/20

**From:** SHELLEY STUART-BULLOCK <[shelleysb@icloud.com](mailto:shelleysb@icloud.com)>  
**Sent:** Friday, July 20, 2018 8:59 AM  
**To:** Webb, Andrew - CPD PS Citywide Planning <[Andrew.Webb@denvergov.org](mailto:Andrew.Webb@denvergov.org)>  
**Subject:** CDOT Redevelopment

Dear Andrew,

Here are my comments re the proposed CDOT Redevelopment.

Shelley's concerns: Please forward these to the Planning Board.

I understand that 'BLUEPRINT DENVER' is largely aspirational.....

However its concepts are clear..... One of which is “ ***Denver Citizens are the Architects of Denver's Future***”

Toward that aim,

I am gravely concerned about the proposed development of the CDOT properties and the impact it will have on the surrounding residential neighborhood!

***Impacts:***

Explosive increase in density

Catastrophic increase in traffic

Safety

Parking

Uncertainty about the remediation of environmental contaminants

Contrast to the character of the surrounding residential neighborhood

Resultant reduction in home values

Light pollution

I can't overstate how inconsistent it is with the neighborhood look of one story mid century modern homes, tall trees, large lots, quiet streets many without streetlights and no thru streets other than Florida Ave.

It is hard to imagine what several 110 ft buildings will do to the character of the area.

Or an increase in destination traffic from current 1,758/day, to the 11,200 anticipated!

The criteria for map amendments is clearly up to interpretation. That of the Citizens and that of the City/Developers.

It is my hope that we do not succumb to bringing the Tech Center to the Virginia Village/Ellis Co

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Received 6/28

From: **Kristin Jones** <[kristinjones5000@gmail.com](mailto:kristinjones5000@gmail.com)>

Date: Thu, Jun 28, 2018 at 4:39 PM

Subject: I'm \*for\* more affordable housing at the CDOT Arkansas property

To: Andrew Webb <[Andrew.Webb@denvergov.org](mailto:Andrew.Webb@denvergov.org)>, Paul Kashmann  
<[paul.kashmann@denvergov.org](mailto:paul.kashmann@denvergov.org)>

Hi Andrew and Paul,

I live in Virginia Village. I just wanted to send a note letting you know that I'm still very much in favor of building more affordable housing everywhere we can in Denver, including and especially in my neighborhood.

Ellis Elementary is really struggling to keep up enrollment because so many of its families are being forced out of the neighborhood. In order to house more people, we have to build more housing. I understand that people are worried about traffic and lengthy commutes--I hate sitting in traffic too--but building affordable more housing is the only way to prevent our city from turning into somewhere like San Francisco or Boulder where the people who work here can't afford to live here.

I was gratified to learn that Kentro is committing to building the 150 units of affordable housing here rather than opting out at the CDOT site. I think that's hugely important. I do wonder if it's enough to offset the potential impacts of a successful development there driving up rents -- I'd like to see the city push for more affordable units there.

I'd also like to see the city push for more public transit to offset traffic impacts.

I'm concerned that some of my neighbors have been advocating for much less density at the CDOT development. I don't think that's a sustainable way for us to move forward as a city. If anything, I would have liked to see urban mixed-use zoning here, instead of the currently proposed suburban zoning. We will all be healthier if we are living in a city where people can afford to live close to where they work, where people can walk around, and where neighborhoods are set up for people, not cars.

I'm grateful for anything you can do to make sure this development is the best possible use of the space, with plenty of affordable housing and a plan to strengthen public transit and walkability here.

And I hope you are making an effort to talk to people who might eventually live in this development as well as nearby homeowners.

Thanks for your work on this!

Kristin Jones  
808-375-9927

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Received 7/2

Hello Paul and Andrew,

I'm writing to share with you my thoughts and overall support for the former CDOT property that is currently in consideration for rezoning by the Kentro Group.

There are several aspects of the proposed redevelopment that I believe represent a much-needed new asset to the SE Denver neighborhood.

**Specifically:**

- **Affordable housing units:** This project would provide much-needed additional units for members of our community most at risk for being pushed out, including our local first responders, hair stylists, teachers, grocery cashiers, single parents, among others.

- **Mixed Use Zoning for Improved retail/commercial options**

Like many of my neighbors, I find myself often leaving the neighborhood in search of great food and community "hang out" places. Wash Park, Platt Park, Lowry, Union Station, Highlands, RiNo and Stapleton all offer a much broader mix of options for food, retail, entertainment, and community "hang out" spots. The neighbors here want a focus on local retailers that provide quality goods and services. If Kentro is able to secure the right tenants, we have an opportunity to put SE Denver on the map and truly establish a sense of "place" that rivals some of the neighborhoods I mention above to benefit the neighbors and to be a draw to visitors from Denver and beyond.

- **Multi-modal transportation options**

Like most of my neighbors, I too, am concerned about the potential for increased traffic that this proposal represents. That said, this is a Denver-wide issue - which will take extensive planning as Denver adapts to a dramatic population increase. In terms of this development, I have been impressed by efforts to understand and develop solutions in advance of the development. Paul Kashmann has already initiated conversations between City Traffic engineers and Kentro's traffic partner, which I believe is an important pro-active step to understand what is feasible well before the site plan is complete (knowing the plan will influence traffic mitigation strategies as the plan evolves).

I also appreciate the fact that Kentro is exploring multi-modal transit options that will minimize net-new trips to the site while offering a range of options potentially including bike/car share. I

look forward to the day when I can leave my car behind and do my daily shopping on foot or by bike.

### **A note on density**

I am aware that some neighbors are concerned about the potential for increased density in our neighborhood. I personally do not share that view. To the contrary, I see that Denver is currently grappling with a significant influx in population. Without increased housing units, housing scarcity will only continue to drive up housing prices and make the area unaffordable to many of our citizens. Density will also enable the retail/commercial component of the development to thrive by having a built in customer base. So long as the Kentro group addresses the parking and traffic issues that come along with density, I believe greater density could bring more diversity to our community.

### **Overall**

Finally, I want to note how much I have appreciated Kentro's level of engagement with the community. They have led multiple meetings with the neighborhood (I believe 4-5 to date), as well as with our local business community (2 meetings with the EEBA). They have been responsive to our questions and have listened/responded to the requests of the community (committing to building affordable housing, reconsidering building heights, meeting local business owners who may be interested in moving into the new development, etc.). I believe their engagement has created a lot of trust within the community and demonstrated that Kentro wants to create an asset that they can be proud of and that will be enjoyed by our neighborhood for years to come.

Please let me know if you have any questions, I'm happy to talk in person and intend to be present for the hearing before the City Council in support of re-zoning this development.

Sincerely,

Pamela Walshe

Secretary, East Evans Business Association (EEBA)

Current Student, ULI Real Estate Diversity Initiative (REDI)

Member CDOT Task Force, Virginia Village

Former Delegate at Large, Virginia Village/Ellis Community Association

2017 Neighborhood Star Award, INC

**From:** stephanie strand <[st.s49@hotmail.com](mailto:st.s49@hotmail.com)>  
**Sent:** Friday, July 20, 2018 1:21 AM  
**To:** Webb, Andrew - CPD PS Citywide Planning <[Andrew.Webb@denvergov.org](mailto:Andrew.Webb@denvergov.org)>  
**Subject:** CDOT

Hello, I live on So Bellaire St I'm highly opposed to the plans for the redevelopment of the area, the amount of people who shall be moving into the neighborhood will impact the area in a very negative way! The traffic is already horrible! Colo Blvd has been voted the worst street in the city! And their building more housing!? How can this be approved!!!??

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Sent from Outlook Email App for Android

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Received 7/21

I am a resident of Krisana Park and strongly against the rezoning and massive redevelopment proposal for the former CDOT property. There is no way that multiple eight story buildings on this elevated property will minimize impact. This type of development will not only overwhelm the property, but also will overwhelm our neighborhood and other neighborhoods adjoining or near the CDOT property.

Traffic is already extremely heavy on Colorado, Florida, Dahlia, Louisiana, and Holly near the CDOT property. These streets are not safe for families with kids and bikes. We also see drivers using streets other than Holly, Dahlia, and Colorado to get between Louisiana and Florida, and driving on these residential streets at high speeds. Due to existing heavy traffic, our car commute times are 10-20 minutes longer each way during rush hours and mid-day every day. The proposed rezoning would result in overwhelming increases in density, traffic, pollution, and noise in our neighborhood and other neighborhoods adjoining or near the CDOT property.

I agree with Paul Kashman and Jolon Clark that the CDOT property should be used for additional green space. Green space that includes a dog park would be a big plus for neighborhoods adjoining or near the CDOT property, many of which have multiple apartment buildings.

If using 100% of the CDOT property for green space is not an option, then rezoning for green space plus limited development consistent with a residential neighborhood would be acceptable. Re-zoning the west side of the CDOT property between Florida and Louisiana to continue the S-MU-3 zoning that exists on the west side of Ash St. may be acceptable. But zoning of the remainder of the CDOT property (i.e., east of Ash St., if

Ash St. continued north to Louisiana) should be limited to green space, single family homes, duplexes, townhomes, and residential buildings up to 3 stories maximum. That said, any rezoning proposal must consider the impact of the resulting increased density on traffic on already gridlocked or busy streets, and be scaled back as necessary so as to not further overwhelm streets, neighborhoods, and residents.

Thank you for your consideration of this issue, and working to develop and pass a rezoning proposal that increases green space, and does not overwhelm streets and neighborhoods adjoining or near the CDOT property.

Debra Geiger

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Received 7/24

**From:** Nadine Cochran <[nadine.cochran@gmail.com](mailto:nadine.cochran@gmail.com)>

**Sent:** Tuesday, July 24, 2018 9:33 AM

**To:** Webb, Andrew - CPD PS Citywide Planning <[Andrew.Webb@denvergov.org](mailto:Andrew.Webb@denvergov.org)>

**Subject:** Kentro Group redevelopment plans for CDOT parcel on Arkansas Ave

My name is Nadine Cochran and I live at [4512 E Louisiana Ave.](#) and I'd like to convey my thoughts about the proposed CDOT redevelopment. While I believe that any new construction, no matter what it is, would probably be an aesthetic improvement over what is there now, I object strongly to the added density and traffic congestion that will no doubt ensue from what Kentro Group is proposing for the 13.2 acres located at [4201 E Arkansas Ave.](#)

Part of Kentro's proposal also includes retail. I am concerned that the retail space will be filled with inappropriate and redundant businesses. As an example, there are 7 mattress stores and 6 telecom stores currently along Colorado Blvd between I-25 and Cherry Creek Drive South. This makes no sense and I'm concerned that the same poor planning will occur in Kentro's redevelopment.

Lastly, I am deeply concerned that there will be inadequate new parking space provided for all of the people who live, work and visit this new development. There is a lovely, well established neighborhood of single family homes next to the CDOT property. If the expectation is that part of the parking needs will be met by parking along the neighborhood streets, in front of these homes, then the whole project is completely unacceptable.

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Received 7/23

Hello.

My name is Trish Donaldson and I reside at 1301 South Edison Way, corner lot on Louisiana and Edison Way. I am upset and vehemently opposed to the planned development on Colorado Blvd. and Louisiana. I purchased my home in 2012 because of my interest in living in a quiet residential area. The massive amount of traffic which is already rapidly increasing will ruin the Krisana Park neighborhood. Denver drivers already use Louisiana to bypass traffic in other areas. The noise is already substantial during the morning and evening rush hours. We do not need a development of this magnitude down the street with increased traffic, pollution, noise and all that goes along with it.

Please do not let this development swallow the quality of life in our neighborhood.

Sincerely,

Trish Donaldson  
303-681-7623

Sent from my iPad

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Received 7/20

**From:** CSantini <[corsantini@gmail.com](mailto:corsantini@gmail.com)>

**Sent:** Friday, July 20, 2018 5:04 PM

**To:** Webb, Andrew - CPD PS Citywide Planning <[Andrew.Webb@denvergov.org](mailto:Andrew.Webb@denvergov.org)>

**Subject:** Comments re. CDOT proposed change of zoning

I am a resident who lives in the Krisana Park neighborhood and wish to state my concerns regarding the proposed change of zoning and development at the CDOT property.

I am concerned firstly with the enormous increase in traffic, speeding and noise that the proposed project will bring to our neighborhood.

Traffic in the area is already increasing greatly due to the growth of Denver in general. This development would push it very far and fast onto the residential streets in the neighborhood to include Arkansas, Louisiana and Birch, etc. --clear out to Holly, which is already extremely busy and does not have enough stoplights to control current traffic at busy intersections as it is.

I hear there will be an increase of current traffic from 1,758 cars/day to 11,200 cars/day. This is obviously an enormous increase in traffic. There is no way those numbers will not affect our neighborhood negatively, making it more dangerous to walk and bike; making it more dangerous for the children who live here.

Additionally, many residential garage spaces exit onto Louisiana, including my own. I already have to be very careful backing up onto Louisiana into traffic as at least fifty percent of traffic on Louisiana greatly exceeds the current speed limit.

There are stop signs near me at Dahlia and Forest streets, yet within this five block span, I see and hear cars regularly traveling 50-60 mph. I'd say the average is around 40 mph.

The central issue here is that in order to move that many more cars through, to, from, and between this development, our residential streets will be forced to become major thoroughfares, which they were never intended to be in this established neighborhood.

The city will likely not allow any new stop signs to be put in on Louisiana (as the neighborhood already wishes) –because they'll need to use that street and others to move many more cars through that will need to pass quickly in order for the new traffic patterns to work.

This is unacceptable.

This project is out of scale and out of context in this neighborhood. Even though we've attended meetings, we are given no knowledge as to what anchor stores/restaurants will be in the space, and no idea of the traffic flow.

This is not acceptable.

As stated in 'Blueprint Denver,' goals for residential development stress the importance of managing traffic, reducing speeds and enhancing bicycle and pedestrian facilities on residential streets.

Changing the current zoning to the Suburban Neighborhood Context (as proposed) by code definition, 'will have a higher reliance on the automobile with only some access to pedestrian and bicycle facilities' (as per Denver Code).

It's easy to see that the proposed rezoning and development plan are at odds with Denver's own stated city goals.

Sincerely,  
Corinna Santini  
[1303 South Eudora](#)

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Received 7/22

CDOT rezoning is needed but NOT as planned. Denver is moving into a walkable and bikeable city. The planned rezoning is a step back and can not be acceptable to residents or the government.

Mark S Chaffin  
2989 S Birch St

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Received 8/18

Hi Andrew,

I am writing in support for the rezoning of the old CDOT headquarters at 4201 E. Arkansas. I support for the rezoning application from Campus (CMP-EI2) to S-MX-8/5/3 and S-MU-3. My husband daughter and I live in Virginia Village at 5382 E Colorado Ave. We have been in the neighborhood since 2014 and plan to stay here.

Here are some of the reasons I support the rezoning application:

I have been a part of the community and neighborhood (Ellis Elementary School and Virginia Village) since 2014. I am very excited about the development that we have discussed with Kentro for the community. Affordable housing is very important for Ellis Elementary School. 82% of the kids are on free or reduced lunch and many of the neighborhood families choose out of Ellis for "higher" rated schools in even more affluent neighborhoods. Improving the perception of the school within the community is very important to me. I believe every neighborhood deserves a great neighborhood public school. I believe one way for Denver to be a next generation city is by bringing some affordable housing, density/vibrancy to the area, and other attributes (i.e. the main street, walk/bike-ability, design, etc.).

Please let me know if I can provide any additional information.

Best regards, Brooke  
Parent Teacher Organization President -- Ellis Elementary School

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Brooke Webb  
303.918.7281  
[brookerwebb@gmail.com](mailto:brookerwebb@gmail.com)

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Received 8/27

August 27, 2018  
Andrew Webb  
Community Planning and Development, Senior City Planner  
City & County of Denver  
201 W. Colfax Ave., Dept 201  
Denver, CO 80202

Dear Mr. Webb,

The purpose of this letter is to provide my support for Kentro's rezoning application for the former CDOT headquarters site at 4201 E. Arkansas Avenue.

The former CDOT site located between Louisiana and Arkansas on South Birch Street represents a property in need of significant investment by a high quality, experienced developer to revitalize the old, isolated property. Based on the site's current Campus zoning, rezoning to a mix of Suburban mixed-use zone districts, transitioning down in height from 8-stories closer to Colorado Blvd. and 3-stories to the East makes sense and it should increase tax revenue for the community.

Kentro's outreach process to the neighborhood and community has been thorough and the City & County of Denver's role in setting forth a contract that ensures certain community benefits like affordable housing, permanent jobs and commercial space is very appropriate and beneficial. Although I don't disagree that Denver needs to put in place a plan to manage its current and extreme growth rate, this project seems to benefit the community in more ways than harm it. It certainly has come under more scrutiny than many of the development projects currently underway in the city.

I would like to compliment both the City & County of Denver and Kentro Group for developing a quality plan to redevelop this space and for their work with the community throughout this process. Please add my support for the project as it moves forward in the rezoning process with City Council.

Sincerely,  
  
Brent Kelsall  
2531 S. Saint Paul St.  
Denver, Colorado 80201

Received 8/30

**From:** Ryan Keeney <[rwk005@gmail.com](mailto:rwk005@gmail.com)>  
**Sent:** Thursday, August 30, 2018 8:26 PM  
**To:** Planningboard - CPD <[planningboard2@denvergov.org](mailto:planningboard2@denvergov.org)>  
**Subject:** Former CDOT Headquarters Redevelopment

Dear Members of the Denver Planning Board,

I am writing in support of the redevelopment of the former CDOT headquarters on East Arkansas Avenue into high intensity residential or mixed use buildings. I am opposed to reducing the allowed height at this site to anything less than 10 stories. This is compatible with the existing built environment of the Colorado Boulevard corridor. There are over a dozen buildings near Colorado Boulevard between Cherry Creek Drive and Buchtel Boulevard and which are greater than 10 stories tall. Some of them are even 20 stories tall. This is sufficient precedent in my view to justify the construction of buildings of at least 10 stories on this site.

While I understand that homeowners in the area may not like buildings towering over them, and they may be impacted by increased traffic, I believe that high density development in this area will benefit the city overall. Every new unit added to the market applies downward pressure on housing prices citywide and added height will allow developers to maximize their production of below market rate units. Building dense development on this mixed use, high frequency transit corridor is consistent with the mayor's sustainability goal to substantially reduce automobile dependency. Disallowing the highest and best use of land on this site will only encourage more traffic generating sprawl to be built on open space in the fringes of Denver's suburbs.

I believe that allowing high intensity development on this site will be a positive for housing affordability, urban vibrancy, and environmental sustainability. I think that high rise development is consistent with the existing character of the Colorado Boulevard corridor. For these reasons I encourage the Planning Board to recommend that buildings of at least 10 stories tall be allowed on this site.

Sincerely,

- Ryan Keeney

1121 N Ogden St, Apt 304,  
Denver, Colorado 80218

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Received 9/4

Dear Mr. Webb,

As a resident and neighbor in Virginia Village, I am writing you this letter in support of the rezoning application for the former CDOT site at 4201 E. Arkansas Ave. As a neighborhood, having an old campus like the CDOT site transformed into a mixed use neighborhood center with walkable retail, shops and open spaces is a good thing. Kentro Group has done a very good job of reaching out to the community and engaging the neighborhood in a collaborative dialogue. I am in support of the rezoning application going from Campus zoning, which allows for 12-stories in height, to the proposed rezoning of S-MX-8, 5, and 3. I also support of adding retail and mixed use to the site, which will lessen the amount of traffic and encourage walkability. This proposed rezoning is precisely what the City should be doing with infill sites like this, and the City's inclusion of affordable housing into the contract with Kentro Group is a wise move as well.

Sincerely,

Charles Krausz  
1450 S Dahlia St.  
Denver CO 80222

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Received 9/4

September 5, 2018  
Andrew Webb  
Community Planning and Development  
201 W. Colfax Ave., Dept. 201  
Denver, CO 80202  
Dear Mr. Webb,

I live roughly one block from the former CDOT property at 4201 E. Arkansas in Virginia Village, I would like you to know that I fully support Kentro Group's rezoning application from Campus zoning to S-MX-8, 5, 3 and S-MU-3.

The neighborhood would benefit greatly from a mix of new retail and housing. This site is a perfect location for such a development, it is near existing apartment housing and there is a lack of new exciting retail in the surrounding area causing the retail landscape to become stale.

I have attended most of the Kentro Group's community meetings. I look forward to the proposed ideas of a "main street" with mixed retail options, in particular I am excited for new restaurants and bars that have a neighborhood feel. I also support the affordable housing requirement and appreciate Kentro's commitment to building the affordable units on-site.

The community outreach process has been very thorough, and I commend Kentro and the City for the outreach they've done to the community in the area. During the meetings it was apparent that there are a small number of vocal users who would oppose any change, I want to make sure that voices like mine are heard as it is very likely another developer wouldn't have made the same effort to engage the neighborhood as Kentro has.

Sincerely,  
Aaron Varnum  
1500 S. Ash St.

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Received 9/5

September 5, 2018  
Andrew Webb  
Community Planning and Development  
201 W. Colfax Ave., Dept. 201  
Denver, CO 80202

Dear Mr. Webb,

I live approximately one block south from the former CDOT property at 4201 E. Arkansas in Virginia Village; I am writing this letter in full support of Kentro Group's rezoning application from Campus zoning to S-MX-8, 5, 3 and S-MU-3.

In my opinion this is a perfect space and opportunity to mix housing with retail and other uses. I can see the community both enjoying and benefiting from an area like this. As the area is now, there is not a lot of close by options for this kind of experience so having this property developed as mentioned above would be fantastic! I am looking forward to having a safe and walkable area with great retail shops, restaurants etc. In addition to that, I am excited to see Kentro's commitment to building affordable housing on-site. I think that Denver as whole could really benefit from more places like that.

I have been extremely impressed with the community outreach process thus far, and I applaud Kentro and the City for the outreach they've done to the community in the area. As a community we are very lucky to have the opportunity to be part of this process and I am truly excited for what is to come.

Thank you,  
Courtney Swan  
1500 South Ash St.

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Received 9/7

September 6, 2018

Andrew Webb  
Community Planning and Development  
201 W. Colfax Ave., Dept 201  
Denver, CO 80202

Dear Mr. Webb,

I am writing you this letter in support of the rezoning application for the former CDOT site at 4201 E. Arkansas Ave to S-MX-8, 5, 3 and S-MU-3.

My family and I have lived in the Cook Park area for over 13 years and have continued to see walkable destinations for dining, retail and social spaces get reduced. The CDOT redevelopment is an opportunity for the City to provide these spaces that are so desperately needed in our area.

As a neighbor of Southeast Denver in the Cook Park area, I fully support the redevelopment of the CDOT site and sites like it to support a more neighborhood centric model for future housing and retail development that is missing in our area.

Kentro's rezoning application seems very reasonable and essentially downzones the site from 12-stories to 8-stories max. and stepping down to 5 and 3-stories along the neighborhood perimeter. This provides acceptable scaling of the proposed structures on the site from the adjacent streets. Adding retail as an allowable use will transform this area into a more walkable, less vehicle dependent area which will be a welcome change from the vehicle intensive artery that is Colorado Boulevard.

I was excited to hear how Kentro is exploring multi-modal transportation options and encourage both transportation and demand management planning to continue at this site. As part of the development, I was happy to hear about Kentro's commitment to build 150 units of affordable housing on-site.

I trust that the City will approve the rezoning application as submitted by Kentro Group and I look forward to the successful redevelopment of the former CDOT site.

Should you have any questions, please call me at 303-229-1220.

Sincerely,



Russell Welch  
1964 South Pontiac Street  
Denver, CO 80224

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Received 9/7

September 7, 2018

Andrew Webb  
Community Planning and Development  
201 W. Colfax Ave., Dept 201  
Denver, CO 80202

Re: CDOT Rezoning - 4201 E. Arkansas Ave.

Dear Mr. Webb,

As a resident of southeast Denver near Colorado Blvd and I-25, I am writing this letter in support of Kentro Group's rezoning application for the former CDOT campus at 4201 E. Arkansas Ave.

I would like to see Colorado Boulevard improved as the City looks at transformative sites like this one. With the site's proximity to transit at the Colorado Station, pedestrian bridge and local RTD network, this property has the potential to be a hub for multi-modal transit options if it is thoughtfully developed. Southeast Denver needs more walkable options where residents and families can gather, shop and interact.

The rezoning, by going to mixed-use, makes this possible, and from what I can tell, Kentro is significantly downzoning the site by lowering maximum heights from 12 to 8-stories and from 5 to 3-stories along the edges of the site. I also think the inclusion of affordable housing on this site as laid out in the City's contract will help this site not become a lost opportunity for mixed-income as the City develops.

Please add my name to those in support of this project and rezoning and I appreciate all of the City's work and leadership on this property as well.

Sincerely,



Matthew Samek  
3155 E. Jewell Ave.  
Denver, CO 80210

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Received 9/9

September 4, 2018  
Andrew Webb

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

Dear Mr. Webb,

As a neighbor in the Virginia Village/Cook Park area, I am writing this letter in support of Kentro Group's redevelopment of the former CDOT properties at 4201 E. Arkansas Ave. and 2000 S. Holly St.

Transforming these now vacant and institutional sites into thoughtfully-designed and contributing assets to the neighborhood and community is a great thing for the City, for southeast Denver and the areas around each property.

For the Arkansas site, I am in support of the rezoning application from campus zoning to a mixture of 8, 5 and 3-story zone districts with a mix of uses. Considering campus zoning allows 12-stories on much of the property with 5-stories on the perimeters—and does not allow retail—the rezoning is very beneficial.

For the 2000 S. Holly site, considering all the allowable uses under current I-MX-3 zoning, the plan to build for-sale attached housing with some other potential ancillary uses (like a restaurant or neighborhood commercial) is very much welcomed.

I applaud the City & County of Denver's foresight on these properties and to Kentro Group for all their outreach in the community.

Sincerely,  
John Stafford  
1907 South Leyden Street

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Received 9/11

I do NOT support this.

The way this sale was handled had no consideration for the neighborhood residents or traffic impact. Even the district council representative said he would have handled it in a significantly different way if he had a say.

The city had the opportunity to stipulate restrictions or requirements that would benefit the residents and environment and did not.

This sets a dangerous precedent for large footprints like this to be rezoned and developed in established, off major path neighborhoods in the interest of "reactivation".

David Augustinis

Sent from my iPad

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Received 9/11

STEVE KADY <[thumpkady@msn.com](mailto:thumpkady@msn.com)>

Yesterday, 10:59 AM Webb, Andrew - CPD PS Citywide Planning  
Andrew

I do not support the proposed changes to the CDOT property on East Arkansas. Having lived a couple of blocks from the property for over 30 years, the idea of low income housing along with eight story buildings and multiple three or four story buildings is not good for our area. I am sure after it is built, there will be well over 4000 people living in that area. Add in the vehicles, and we are going to extensive traffic problem. We have enough traffic on Colorado Blvd. now. We do not need more.

From what I have seen, there is no open space. Denver needs more parks and places for people to go and enjoy the city as it fills up with apartments and more people.

Why not build some reasonable priced apartments on the West and North sides of the property? Let the rest be an open space. After all, who wants to live next to the microwave tower and whatever else they are going to have to leave there.

Kentro has the other CDOT property to put as many low income housing units, multi story apartments and whatever else they want on that property.

Please stop cramming so much into a small spaces. Let's keep the value of the neighborhood along with it's beauty and not clutter it with social problems.

Thank you

Steve Kady

[thumpkady@msn.com](mailto:thumpkady@msn.com)

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Received 9/11

Hello Andrew,

Your name was provided on a Nextdoor forum to send public comment to regarding the redevelopment of the CDOT property at Arkansas and Colorado. I guess my only comment would be I don't support this as the density seems too great for an area already suffering with bad traffic. I haven't seen any plans to mitigate traffic, only that it'll cause 1,000 more cars per day. That's a lot in an area with few other options for travel. I also question the affordability of those residences once constructed. I suppose if I saw an actual plan to mitigate traffic, parking and density concerns I might feel different.

Thank you for your time and apologies if this email was in anyway unwanted.

Rich Carollo  
1990 S. Dexter St.  
Denver, CO 80222.

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Received 9/11

Hello!

I am writing to show my support for the rezoning of the old CDOT headquarters at 4201 E. Arkansas. I am the principal at Ellis Elementary and have had the opportunity to get to know the Kentro Group over the last year. Ellis has hosted various community meetings and task force meetings over the last several months and I believe that this development will benefit our neighborhood and community for a few different reasons.

First of all, over 80% of students that attend Ellis qualify for free or reduced lunch and the need for affordable housing in the neighborhood continues to grow. We have lost several families to surrounding areas like Aurora, Commerce City and Westminster due to the fact that rent costs continue to rise and families cannot afford to stay in the Virginia Village neighborhood.

After hearing from and speaking with Sean Maley and Jimmy Balafas, it is clear that the Kentro Group is committed to seeing affordable housing be part of this development. Jimmy has been leading the community input effort, is a cofounder of the Kentro Group and is a Denver native. I see that he is invested in strengthening our community and keeping the neighborhood's best interests at heart.

I also support the rezoning application because I have seen that the Kentro Group has genuinely invested in hearing and responding to community input throughout the process so far. Below is a list of the height reduction and zoning compromises they have committed to based on community input:

1. Lowered SE corner at Birch and Arkansas to
2. 3-stories (45' height max on main lot, 40' on Birch lot) from existing campus allowance of 75' in height.
3. Added bands of 3-story (45') and 5-story (70')
4. step-backs along Arkansas to eliminate any potential wall effect along Arkansas Ave.
  
5. Eliminated 12-story zoning entirely from the
6. proposed rezoning application.

Additional collaboration and compromise as a result of multiple ongoing community meetings include verbal agreement to build 150 units of affordable housing, expanding the traffic study to double the required size to be evaluated for future improvements, as well as a commitment to open space on the property and community input of other uses and tenants.

As the principal of an incredible neighborhood school that has struggled with enrollment due to increasing living costs in the Virginia Village neighborhood, I believe that the Kentro Group can further support the richness and diversity of our neighborhood with this project. It is for this reason that I offer my full support for the rezoning of 4201 E Arkansas.

Please do not hesitate to reach out if you would like to speak further about this matter.

Kind Regards,

Nichole Whiteman  
Principal  
Ellis Elementary  
1651 S Dahlia St.  
Denver CO 80222  
720-424-7700

**Denver Public Schools Shared Core Values:**

Students First - Integrity - Equity - Collaboration - Accountability - Fun

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Received 9/11

This project is going to kill the view plane from our neighborhood, traffic is going to increase dramatically! During and after construction. And the value of homes is going to drop in those neighboring blocks. I would rather see the site turned into a park, it is OUR land, right? Business folks across the Blvd could do walks, picnic lunch, ect... Neighborhood folks could have weekend volleyball, BBQs, ect.. it would really benefit those businesses that are already there on Colorado... There are vacant apartments in Glendale, Cherry Creek, we don't need or want more. I am a renter, in Denver and have lived in the same neighborhood for 10 + years. I'm okay with change, as it has changed greatly, but I don't think this is the best use of our land. In 10 years, with big trees and grass, that site would be gorgeous!

Thank you,

Troy Buckalew

*Sent from my Verizon Motorola Smartphone*

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Received 9/11

September 11, 2018

Andrew Webb

Community Planning and Development

201 W. Colfax Ave., Dept. 205

Denver, CO 80202

Dear Mr. Webb,

As a Virginia Village resident, I support the rezoning request for 4201 E. Arkansas Ave. for the following reasons:

\* The alternative to not rezoning: The current campus rezoning would not encourage mixed use development. My concern with the current zoning is the potential for a large office building that does little to contribute to neighborhood amenities. Mixed use would provide the opportunity for more diverse uses on the property that could be of benefit to neighbors. It would be ideal if Kentro could use that opportunity for diversity to include local businesses in the mix for the property.

\* Affordable housing: My understanding is that density is helpful for building affordable housing. The heights of the buildings are acceptable to me if it enables Kentro to meet the affordable housing requirement for the property.

I understand concerns around traffic and ask the City to ensure that increased traffic in the area will be handled effectively to protect the neighborhood and particularly nearby residences. There is always a difficult balance between meeting the needs of current residents and ensuring the financial viability of a property, and I believe that Kentro has handled gathering neighborhood input as best as they could. As the leader of the CDOT Taskforce, I found that Kentro was responsive to our request for more information, discussions and neighborhood outreach. Even when the outcomes from the discussions were not what all neighbors wanted, Kentro made the time and effort to hear as many voices as they could.

Sincerely,

H. Christine Richards

1480 S. Filbert Way

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Received 9/12

To: Andrew Webb

Re: CDOT Arkansas Rezoning Application # 20171-00192

As you are aware I have been involved in this project since January as a Virginia Village resident within 5 blocks of the property. This is my personal opinion. While I have heard comments from Kentro and from some neighbors that could make this project an asset for Virginia Village, I have nothing as convincing as the Denver Zoning Code to assess WHAT will be built on the property – mostly MX8 – with a predictable and significant increase in both density and traffic. What I have to say is not new. My experience brings me to Planning Board not able to support the re-zoning application for the following reasons:

1. It feels like I'm being asked to sign a blank check. To agree to the land use density and traffic of MX zoning in a stable suburban neighborhood without anything indicating WHAT the developer wants it to look like except their word.
  - a. When I asked about the zoning reference (12.3.2.2) to mandatory Site Development Plan in "Requirements Common to All Zoning Procedures", I learned it was optional to provide plans with rezoning and the Manager had not waived any requirements.
  - b. I asked about a Site Plan early on, I learned these are expensive to produce. I was trying to find out how the blank check would be used.
  - c. It's not hard to find MX developments around town and I haven't found any that would be a model as an asset for the neighborhood. The majority of the pictures we were asked to evaluate early on had green space and many less had than 5 stories. The new development on Colorado Blvd near Evans is MX5 and looks massive.
2. The process was focused almost solely on zoning.

The original justification for MX12 was the current CMP-E12. In a small meeting with the Developer team I said I preferred the current zoning because has a 20' setback on Arkansas and recognizes a "neighborhood transition area" on the Arkansas/Birch corner. MX is what I perceive as "lot line to lot line" building. To me, the current zoning has more respect for the existing neighborhood context.
3. When do we find out what their words mean?

There is significant neighborhood support for placing the Affordable Housing on the property. Some would like to ensure there is not an "us/them" separation on the property. I understand that management of affordable housing is a business in itself and may have to be isolated. Some would like to accommodate families in the affordable housing. While Kentro has said they will accommodate the requirement on site - on the Arkansas/Birch corner - we don't know if the amount allocated is for small, individual units or larger units that could accommodate families.
4. There have not been neighborhood negotiations with Kentro on tradeoffs.

The Kentro/CRL process did not accommodate open negotiations and the community meetings were not used to communicate topics or results.

I will say that Kentro and the entire team have made themselves available to me and other individuals or small groups. It seem like that is how it should be, but I've been told that it is not always the case with Denver developers. What I had hoped for was more neighborhood participation and negotiation. The unknown is what conversations have actually influenced the current application. Was it the conversation about protecting the neighborhood with the current

zoning setback or was it the zoning code that provides some protection with step backs? Are the strips of MX3 and MX5 zoning on Arkansas what the zoning code requires or what the current zoning allows as they justified them for not being “more meaningful”? I can find out, but it takes time and that has run out.

It is hard not to feel worn down and defeated; to wonder if the time I have spent was worth it since the State and the City want this. It takes so much to get into the code to even ask a question only to find out I interpreted it incorrectly. I have given up at times and then I think the Kentro team has not been transparent enough to ensure an asset for Virginia Village.

It doesn't feel right if rules in the zoning code did not provide a “starting” point much earlier in the process rather than string out a tight timeline to get the application to “submitted” when the window for neighborhood input closed.

I still wonder if a “single base plane” will add to the allowed height on Arkansas since there is a 12' – 15' drop from Louisiana to Arkansas.

There has been a lot of talk about a Development Agreement almost from the beginning. I supported negotiating for the neighborhood during the community outreach period in the zoning application process. In my opinion, the Zoning Code provides rules that are established. A Development Agreement has a high probability of requiring an attorney if differing interpretations develop in Site Plans or build out. Maybe an agreement is better than nothing, but not as strong as the code itself.

Since I know of no more viable opportunity for the neighborhood to influence WHAT Kentro will build out on the property and how the city will handle traffic, parking, design and neighborhood “fit”, I cannot support request 20171-00192 for re zoning the CDOT Arkansas property at this time.

If Planning Board can provide the opportunity for neighborhood input in public on Kentro's plans after rezoning (similar to the GDP process?) or another option, I can consider support at the City Council hearing in November.

Thank you.

Kate Adams  
1392 S Edison Way  
Denver, CO 80222

Comments Received in Window 2

Received 9/13/18

Dear Denver Planning Board,

I am a resident of Virginia Village and I am writing you in support of Affordable Housing at the former CDOT Development site at Arkansas.

In order for our city to optimize space and house people close to where they work I believe we need to push for more urban/mixed use zoning as opposed to the current suburban zoning in our neighborhood and in other neighborhoods throughout Denver. This should include Affordable Housing, access to public transit, common spaces and more walkability. I believe the future health of Denver's residents relies upon a commitment to a new model that favors people over cars.

I am pleased that Kendro has included a plan for 150 affordable housing units at the site so that people who work here can also afford to live here. I know that traffic and congestion are on people's minds. I totally get it but feel that this model will ultimately cause less reliance on vehicles in the long run and will be more sustainable for our residents' health and our environment.

We would also like to send our kids to Ellis Elementary School. We know that Ellis is struggling with enrollment because the families who attend Ellis are struggling to stay in the neighborhood. Affordable housing at this site would help prevent the exodus of good people who simply want to live and work in our community.

I am in favor of Affordable Housing and Urban/Mixed use development at the site and am happy to discuss at any time.

Sincerely,  
Nick Troiano  
1798 South Eudora St  
(646) 209-3527

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**\*\* Received 9/13/18 (RNO Statement)**

We want to be sure that the CPD and Planning Board knows that we are engaged and offer the statement below for the record:

"The RNO remains neutral at the time of this report. The RNO does not feel that there is enough information at this time, and we plan to make our position official prior to the second reading by City Council later this year."

Thank you,  
Mike Cerbo - VVECA President

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Received 9/13/18

Dear Denver Planning Board,

I am a resident of Virginia Village and I am writing you in support of Affordable Housing at the former CDOT Development site at Arkansas.

In order for our city to optimize space and house people close to where they work I believe we need to push for more urban/mixed use zoning as opposed to the current suburban zoning in our neighborhood and in other neighborhoods throughout Denver. This should include Affordable Housing, access to public transit, common spaces and more walkability. I believe the future health of Denver's residents relies upon a commitment to a new model that favors people over cars.

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I am in favor of Affordable Housing and Urban/Mixed use development at the site and am happy to discuss at any time.

Sincerely,  
Nick Troiano  
1798 South Eudora St  
(646) 209-3527

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Received 9/14/18

September 14, 2018

Andrew Webb  
Community Planning and Development  
201 W. Colfax Ave., Dept 201  
Denver, CO 80202

Re: Re-zoning/redevelopment of the former CDOT property on Arkansas

Dear Mr. Webb,

I am writing to voice my support of the redevelopment of the former CDOT Property on Arkansas Ave. I am a neighbor that lives less than a mile from that location on Elm and Louisiana.

The primary reason for my support is that the proposed new retail/mixed zoning will allow for Kentro to create an accessible space in our neighborhood with many options for dining, entertainment, and other services that we are currently lacking.

Although we love our home and neighbors in Krisana Park, my wife and I frequently leave the neighborhood for destinations like Highlands, RiNO, and Wash Park because of the diversity of food options, great shops, and walkable areas. We would be thrilled if we could leave our cars behind, head out the front door with our dogs and eat/drink/shop right in our own neighborhood with the community that we love.

I also wanted to note how much I've appreciated having the opportunity to meet with Kentro at their neighborhood meetings to learn more about the project and to share my perspective about the issues that are important to me. For example, as an avid cyclist I've talked about the importance of creating a cycle-friendly development (safe entry/exit points, secure bike lock areas) and I was encouraged when I learned that they've engaged a multi-modal transportation firm to consult on the overall transit strategy for the development and its potential impact on our neighborhood.

Finally, I am heartened by Kentro's commitment to build affordable housing on the site, which is clearly in short supply in Denver and would ensure that our teachers, restaurant employees, hair dressers, and other important members of our community can live near where they work.

Please note my letter of support and share it with City Planning and Council Members as appropriate. Thank you for the opportunity to share my perspective.

Sincerely,

Gerry Walshe  
1316 S Elm St. Denver, CO 80222

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Received 9/14/18

Andrew, I thought I sent you my thoughts on Tower Hill, but it looks like only my mobility comments above. They still stand, and can be summarized as saying I hope the city agrees that this can be a development in a new mode which integrates a broad mobility approach that moves beyond our usual car centric approach.

Other items:

I would like to see more access off Mississippi and less off Arkansas in support of reducing impact to the residents to the South, whereas there are essentially none to the North.

Along those lines, I would hope we can keep the mature trees along Arkansas as a buffer. I know Kentro is concerned about how that impacts construction on the South, but they can adapt.

Also in deference to those residents, but in keeping with my mobility comment: I feel like one street reconnected to the grid (Bellaire) is preferable to two streets (adding Ash, for example).

I would like to see the old print shop saved and repurposed. This honors the history of the site and city.

I think RTD should move the Southbound 46 stop to the NW corner of Arkansas and Birch, so both stops are across the the street from each other, and that Kentro should construct welcoming and user friendly weather resistant shelters at each stop.

Thanks, and happy to discuss further.

Mike McDaniel

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Received 9/14/18



**COLORADO  
CROSS-DISABILITY  
COALITION**

1385 S. Colorado Blvd. Bldg. A, Ste. 610

Denver, Colorado 80222

303.839.1775

[www.ccdconline.org](http://www.ccdconline.org)

[Julie Reiskin](#)

Executive Director

[jreiskin@ccdconline.org](mailto:jreiskin@ccdconline.org)

720.961.4261 (Direct)

303.648.6262 (Fax)

September 14, 2018

TO: Andrew Webb

The Colorado Cross-Disability Coalition is the largest disability rights organization in the state. We are a membership organization with a mission of advocacy for social justice on behalf of people with all types of disabilities (which is what cross-disability means). We office at Empire Park on South Colorado between Arkansas and Louisiana. This location is very near Virginia Village and the proposed redevelopment site of the old CDOT building.

CCDC is supportive of the project because the need for more affordable, integrated housing is the number one issue facing our community. We do not want housing “just for those with disabilities”. We do not want housing ONLY for low-income people. We want housing that people with disabilities, many of whom are low or very low income, can live in and afford so that they be part of a genuine community with nondisabled neighbors. As more people with disabilities are able to engage in employment due to other policy changes making that possible, there is a need for affordable and accessible housing that is not for low-income people but for those moving out of poverty. Living in an area near public transportation is paramount for many with disabilities.

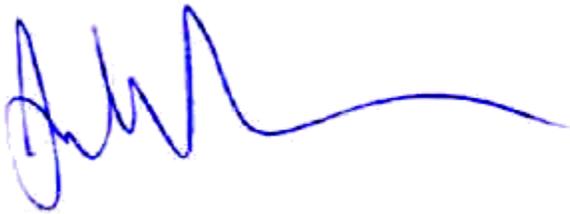
Too many people with disabilities are falling into homelessness and not able to get out of it. We recently finished a statewide listening tour and housing was raised at each stop as the primary barrier. There is a need for many different kinds of solutions, and having integrated affordable housing that is built with a universal design is an important piece of the solution.

The developers have reached out to us several times and we know they have worked with the community.

As a nonprofit "living" in the neighborhood and as a voice of and for our relatively large disability community we are supportive of the proposed project rezoning application to S-MX-8, 5, 3 and S-MU-3. .

Sincerely

Julie Reiskin

A handwritten signature in blue ink, appearing to read 'Julie Reiskin', with a long horizontal flourish extending to the right.

Executive Director

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Received 9/16/18

September 16, 2018

Andrew Webb  
Community Planning and Development  
201 W. Colfax Ave., Dept 201  
Denver, CO 80202

Re: 4201 E. Arkansas Ave. – Rezoning Application

Dear Mr. Webb,

I am writing you this letter in support of the Kentro Group's rezoning application for the former CDOT property at 4201 E. Arkansas Ave. As a resident in the Virginia Village neighborhood, I am in support of the rezoning application from campus zoning to S-MX-8/5/3 and S-MU-3.

As I understand the rezoning application, it does two main items: (1) reduces height; and (2) adds retail/mixed-use as an allowable use. Both of these outcomes benefit the community and neighborhood, while still allowing for a redevelopment plan that promotes a walkable, mixed-use neighborhood center. I am very active in my community/neighborhood and feel this project will be beneficial to our neighborhood.

I also would like to applaud Kentro Group for their commitment to building the 150-units of affordable housing on the CDOT site. We need more mixed-income communities in Denver with opportunities for people making 60% Area Median Income or less. Denver needs more affordable housing and this is a good central location with light rail access, busses etc. with easy access to the tech center and downtown.

Lastly, I want to commend the Kentro Group for their inclusive and lengthy public outreach process which has included many community meetings, back and forth dialogue with the neighborhood group and reaching out broadly to answer questions from folks in the community.

Please add this letter to those you've received in support from the community and thanks for the opportunity to provide my input.

Sincerely,

Kristi Brubaker  
5685 E Minnesota Dr  
Denver CO 80224

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Received 9/17/18

main: 303-388-1100  
fax: 303-388-8756  
[www.ires.com](http://www.ires.com)

September 17, 2018  
Council Member Paul Kashmann  
City and County of Denver  
Council, District 6  
1437 Bannock Street

Denver, Colorado 80202  
Re: Official Map Amendment  
Application #20171-00192

Dear Council Member Kashmann:

I write to support the application for rezone of the former CDOT headquarters property at 4201 East Arkansas Avenue submitted by the Kentro Group. I waited until this point in the application process to express my thoughts on the rezone, so I could fully consider the developer's proposal and reactions to the application from the city staff and residents of the surrounding area.

As you know, I live at 1145 South Glencoe Street in the Virginia Village neighborhood of the property. For the benefit of others who may read this, I was publicly elected to the Board of Directors of the Regional Transportation District from 2009-2016, elected to the Board of Housing Colorado 2011-2018 and have served on the Board of Transportation Solutions since it was started in 1997. I write as a citizen of the neighborhood and the City from the perspective of my practice as a commercial and residential real estate appraiser and consultant who specializes in transportation-oriented development and affordable housing properties.

The most dramatic change which may result if the application is approved is reduction of the maximum building height at the interior of the property by 4 stories from a maximum of 8 to 12-stories and on the perimeter of the site by 2 stories from a maximum of 3 to 5-stories. The request to replace the campus zoning with a mix of suburban mixed-uses will enable local neighborhood-oriented retail and other uses at the property to improve walkability of the area and reducing the number of destination trips to the property.

As you know, the Kentro Group has engaged Transportation Solutions, to conduct a transportation demand management study for the site. I know from my many years on the Board of Directors of Transportation Solutions that such a study produces recommendations which can significantly reduce single occupancy vehicle trips and congestion nearby a site by taking the opportunity to encourage alternative transportation modes by new residential and commercial occupants at a property. I am excited about the potential this site holds for multi-modal transportation opportunities, with its location along Colorado Boulevard near Colorado Station. Now is the perfect time for Kentro and Transportation Solutions to explore this site's opportunities, before a more defined development plan is in place. I believe the requirement in the rezone application for affordable housing will also benefit the area, particularly if a substantial senior component is included. From attending a number of the community meetings hosted by Kentro Group and reviewing comments provided by residents in the area, it is clear that many in the community agree with the developer that affordable apartments on this site will benefit the neighborhood. I applaud Kentro's commitment to this component of the development.

While I understand some neighbors are concerned by the density on the site, the existing zoning permits much greater density and confines the property to office and similar uses which tend generate more traffic at peak hours than the retail and other uses permitted with the rezone. Without the mixed uses permitted by the rezone, and the reduced density required by the rezone, redevelopment of the property could result in much more traffic congestion and a much less pleasant place to live and work.

Kentro has done a remarkable job engaging the community. I believe the public process has made the rezoning application responsive to neighborhood concerns and the resulting eventual project will be much more compatible with the existing neighborhood uses than under the current zoning.

I urge you to approve the rezoning application and thank you for all that you do for the City and District 6.

Sincerely,  
William M. James, MAI, CCIM  
[bjames@jres.com](mailto:bjames@jres.com)  
303-316-6768  
cc: Andrew Webb, Community Planning and Development

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Received 9/18/2008

Andrew Webb  
Community Planning and Development  
201 W. Colfax Ave.  
Denver, CO 80202

Dear Mr. Webb,

I am writing to show my support of rezoning request for the CDOT property at 4201 E. Arkansas Avenue. After reading the article in the Cherry Creek Chronicle I felt compelled to ensure my voice was heard. As a nearby resident for the past 13 years, I believe that the introduction of retail and a mix of uses at this site is the best for the City and nearby community.

With added restaurants and other services within bikeable/walkable distance it would have a dramatic positive impact to our neighborhood. I have heard concerns related to traffic (as well as others) and do not believe that any of these potential negative impacts would be reason enough to not support the property redevelopment of this site. Kentro is smart to engage on transportation demand management (TDM) and incorporate these recommendations into their business plan.

Kentro has done a very good job reaching out and engaging the community. They have had an open door and are a good long-term partner for the neighborhood to work with.

Please add my name to those in support of this rezoning application.

Sincerely,

Dominic LaGiglia  
1623 S. Leyden St.

Denver, CO 80224  
303-668-0488 - Mobile

Received 9-17

Dan and Caitlin Murray  
1967 South Locust Street  
Denver, CO 80224

September 17, 2018,

Andrew Webb  
Senior City Planner  
Denver Community Planning and Development  
201 W. Colfax Ave., Dept. 205  
Denver, CO 80202

Dear Mr. Webb,

RE: Rezoning of 4201 Arkansas Avenue

We live at 1967 South Locust Street in Denver, and write this letter in support of the proposed rezoning of 4201 Arkansas Avenue. The rezoning from campus to S-MX-3, S-MX-5, S-MX-8 and S-MU-3 is thoughtful, measured and will bring an appropriate mix of uses to the community.

We have owned our home in the Virginia Village neighborhood for over a decade now, and are raising our two young children here. We love the neighborhood parks and playgrounds. We ride our bikes with our kids regularly around the area. My husband helped organize the annual neighborhood Fourth of July Parade at Cook Park. We have seen the neighborhood change in the last 10 years, with a number of redevelopments and existing homes being sold. We believe that this change is for the better, bringing a greater sense of community and encouraging interactions between neighbors that didn't previously take place.

The proposed redevelopment at 4201 Arkansas Avenue is another example of this momentum. The prior CDOT site had little to no interaction with the neighborhood itself. This redevelopment has the

opportunity to enhance the neighborhood and bring a mix of uses, incomes and backgrounds to an already thriving community.

The current campus zoning restricts potential development and leaves the neighborhood with a lot of unknowns. The City of Denver and Kentro Group have worked closely with the neighborhood thru many meetings to reach a mix of zoning designations that acknowledge neighborhood concerns about overall height (down from 12 stories maximum to 8 stories maximum, with some areas limited at 3-stories on the neighborhood perimeter), and also promote the mix of uses and multi-modal neighborhood center that is appropriate at this location.

We support a walkable, mixed-use development. Being just off Colorado Blvd, there are great opportunities to promote the use of transit. We know traffic has been a concern and we don't disagree with our neighbors questions about it, but we also know that the City of Denver and Kentro Group have studied transportation demands and options closely. We understand that a Development Agreement will be entered into which includes completing a traffic study and making on and off-site improvements to address traffic congestion if they arise, utilizing a transportation demand management plan, and reconnecting the property along Bellaire Street, opening up another transportation route and improving the street grid.

We hear the outcry for more affordable housing throughout Denver, and have seen home prices explode in our neighborhood too. We believe that our neighborhood needs to be part of the solution to this crisis as well. We support the opportunity for good urban design and inclusion of affordable housing at this site.

We request that the Planning Board vote in favor of a recommendation of support on the rezoning, and that City Council vote to approve the rezoning. We believe that the redevelopment would be an asset to the neighborhood and that Kentro Group intends to be a good neighbor as they develop both this site and the Holly Street site.

Sincerely,

Dan and Caitlin Murray

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Received 9-18

August 29, 2018  
Councilman Paul Kashmann  
Denver City Council, District 6  
1437 Bannock Street  
Denver, CO 80202

Dear Councilman Kashmann,

As a neighbor in the Virginia Village, I am writing you this letter in support of Kentro Group's rezoning of the former CDOT headquarters site at 4201 E. Arkansas Ave.

Transforming this old institutional site into a thoughtfully planned and designed asset to the neighborhood is a great thing for our neighborhood and the City. I have respected the community outreach process Kentro Group has undertaken with the community since January of this year and I am confident that Kentro is the type of local developer we want to continue to work with the neighborhood as this site becomes a reality.

I am in support of the rezoning application going from campus zoning to a mixture of 8, 5 and 3-story zone districts with a mix of uses. Considering that campus zoning allows 12-stories on much of the property with 5-stories on the neighborhood perimeters, the rezoning application is very beneficial. Furthermore, adding mixed use and retail uses to the site will allow the property to become a gathering place for the neighborhood.

I applaud the City's foresight on these properties and for including items like affordable housing and permanent jobs/commercial space in the contract for this property.

I urge you to approve the rezoning and thank you for all that you do.

Sincerely,

Scott Whitfield

Proud Resident of Virginia Village

4720 E Wyoming Place

Cc: Andrew Webb, Community Planning and Development

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Received 9-18

September 18, 2018

Andrew Webb  
Community Planning and Development  
201 W. Colfax Ave., Dept 201  
Denver, CO 80202

Re: 4201 E. Arkansas Ave. Rezoning Application

Dear Mr. Webb,

I am writing this letter in support of the rezoning application for the former CDOT headquarters site at 4201 E. Arkansas Ave. Rezoning this site to a set of suburban mixed-use zone districts makes sense. The rezoning application will lower the maximum building heights on the interior and exterior of the site and add retail/mixed-use allowances—both of which are good for the community.

Having a walkable, neighborhood center with retail, residential units and pedestrian and multi-modal connectivity will transform this property into an asset for the neighborhood compared to its current and former condition.

Kentro Group has done a great job reaching out to the community and has held a number of neighborhood meetings. It is clear they have taken input from the community into their application.

Please add my name to those in support of this smart rezoning.

Sincerely,



Pareklis Kalogeropoulos  
654 S. Flamingo Ct  
Denver, Co 80246

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Received 9-18

9/18/18

Councilman Paul Kashmann  
Denver City Council, District 6

1437 Bannock Street  
Denver, CO 80202

Dear Councilman Kashmann,

I am writing you this letter as an engaged neighbor in the Virginia Village and Cook Park area in support of Kentro Group's rezoning of the former CDOT campus at 4201 E. Arkansas Ave.

I believe the public process that has taken place to engage the community has been very thorough and I appreciate all of your office's hard work and that of the Kentro Group and their team as well.

I agree that the now vacant and large site along Colorado Blvd. should be redeveloped in a mixed-use, coordinated and master-planned manner.

Compared to the property's current campus zoning, the rezoning application to S-MX-8, 5, 3 and S-MU-3 seems like a thoughtful reduction and transition from the existing zoning. I believe the upper story step-backs along Arkansas and Birch/Arkansas represent another benefit and enhancement compared to what could occur in campus zoning along the neighborhood transition.

As work force housing is a significant need in the community, I applaud the City & County of Denver and Kentro Group for continuing to prioritize this item within the longer-term development plan.

I urge you to approve this rezoning as it will truly enhance and benefit our neighborhood.

Sincerely,

Guadalupe Cantu  
1551 S Leyden St

Cc: Andrew Webb, CPD

**Comments received after the 10/9/18 Land Use, Transportation and Infrastructure Committee Meeting**

Received 10/12/18

October 11, 2018

Andrew Webb  
Community Planning and Development  
201 W. Colfax Ave., Dept 205  
Denver, CO 80202

Dear Mr. Webb,

I am writing you this letter of support for the proposed rezoning of the old CDOT headquarters at 4201 E. Arkansas Avenue. As a proud and happy property owner in the Lynwood neighborhood in SE Denver, I believe that the redevelopment of sites like the CDOT property into neighborhood and community assets is essential for Denver.

I support the idea of increasing density and activity in the district, provided the scale is reduced as it abuts the neighborhood. I love the idea of a main street along Bellaire as I feel the Virginia Village area is lacking a truly walkable retail district.

I also want to let you know that I have great respect for Kentro Group for their development standards, as evidenced by their many projects dotting the metro area.

There are not many sites in SE Denver that truly can soon become a mixed-use, walkable, neighborhood asset like this property. Please add my name to those in support of this rezoning application.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dan", written in a cursive style.

Dan Nesson  
1794 S Ivy Street  
Denver CO 80224

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Received 10/15/18

[Kateadams@comcast.net](mailto:Kateadams@comcast.net)

Hello,

I would like to make this available to the board for the 10/17 Public Comment Period.

My name is Kate Adams and I own my home at 1392 S Edison Way in the Virginia Village neighborhood. I have been involved with the CDOT Arkansas project since January (#2017I-00192). I attended and spoke at the Planning Board meeting for this project on September 19 and viewed the video of the LUTI meeting last Tuesday. It is my opinion that both bodies were led to believe by the developer the **full** community has been and will be involved in completing the Development Agreement. That does not fit with my experience of a limited segment of the community that has been involved in the Development Agreement.

About 1:37 into the hearing, there was a question of the developer about “public involvement in the Development Agreement between now and the completion of the Agreement”. Unfortunately, no requirement for such a meeting was included in the motion. I’ve been asking and no community meeting is scheduled or planned between now and November 19 (zoning public hearing) or when the agreement is executed, if prior to that. I also learned this afternoon (10/15/18) that at this time there is nothing in the Development Agreement that would initiate a public hearing.

In my opinion, this is not what was intended by the Board.

I am requesting that the motion be amended to include a meeting of the full community in completing and executing the Development Agreement for this rezoning request.

I am attaching a request I have on Next Door. The text was also sent to LUTI members today.

Thank you.

Kate

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Received 10/18/18

October 16, 2018

Andrew Webb  
Community Planning and Development  
201 W. Colfax Ave.  
Denver, CO 80202

Dear Mr. Webb,

I am writing this letter in support of the rezoning application for the old CDOT property at 4201 E. Arkansas Avenue. As a resident of South Denver on the west side of Colorado Blvd, I am in support of revitalization of Colorado Blvd and areas of the City that would benefit from this type of smart reinvestment.

By adding a walkable, mixed-use neighborhood destination, the surrounding area will benefit greatly. The rezoning application does a better job than the current Campus zoning at stepping down in height and the interface with the neighborhood. The commitment to 150 units of affordable housing in the development agreement is a huge public benefit and one that is vitally needed for the neighborhood, school district and segment of the population that needs this type of housing in Denver.

These are all great things for Denver, so I am very much in support of Kentro Group's rezoning application for the CDOT property. I also want to commend Kentro for all of the community outreach they have done since January of this year. The process has been very thorough and informative, and it is clear they have gone the extra mile to work with the community.

Please add my name to those in support of this rezoning application.

Sincerely,



Dave Browning  
933 South Milwaukee Way  
Denver, CO 80209

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Received 10/23/18

**From:** Don Gorsuch <[don@theencorepartners.com](mailto:don@theencorepartners.com)>

**Date:** Monday, October 22, 2018 at 4:26 PM

**To:** D wolta <[dwol99@gmail.com](mailto:dwol99@gmail.com)>, "Kashmann, Paul J. - CC Member Denver City Cncl" <[Paul.Kashmann@denvergov.org](mailto:Paul.Kashmann@denvergov.org)>, Sean Maley <[smaley@crlassociates.com](mailto:smaley@crlassociates.com)>, "Chris Grady ([chrisg@kephart.com](mailto:chrisg@kephart.com))" <[chrisg@kephart.com](mailto:chrisg@kephart.com)>, "Fahrberger, Brent J. - CC YA2246 City Council Aide Senior" <[Brent.Fahrberger@denvergov.org](mailto:Brent.Fahrberger@denvergov.org)>  
**Cc:** "[wteelp1@yahoo.com](mailto:wteelp1@yahoo.com)" <[wteelp1@yahoo.com](mailto:wteelp1@yahoo.com)>  
**Subject:** [EXTERNAL] CDOT Redevelopment thoughts for tonight's City Council meeting

I am unable to attend the first reading of the proposed CDOT development plan this evening. Paul, if possible, I would like you to enter my thoughts into the record.

My home contact info is: Don Gorsuch 4723 E Arkansas Ave., Denver, CO 80222. My cell is 303.960.0012.

In concept, I am in support of the proposed redevelopment/zoning application of the CDOT site at 4201 E Arkansas Avenue as presented over the past few months by The Kentro Group. I understand this is a rezoning process and specifics of most details are not yet known. People are purchasing homes in Virginia Village due to access to the relative affordability of the housing stock, quality schools, convenient access to shopping and services, and a strong sense of local neighborhood. I feel the 4201 E Arkansas redevelopment and proposed zoning changes have been thoughtfully presented and envisioned by the Kentro Group to honor the interests of the neighborhood and the greater Denver community. I look forward to the retail, services, restaurants, and enhanced access to transportation this new development is suggesting. The neighborhood is already walkable with an interesting mix of intergenerational and diverse people. Denver is growing and I support "smart" growth to meet the future needs of people that don't want to rely on automobiles and perhaps can't afford single family housing. I recommend you approve the 4201 E Arkansas rezoning application.

All the best,

Don Gorsuch



**Don M. Gorsuch, C.S.A**

**The Encore Partners, LLC**  
**690 Colorado Boulevard, #10**  
**Denver, CO 80206**  
[don@theencorepartners.com](mailto:don@theencorepartners.com)  
303-960-0012 Cell  
720.941.4021 Office

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Received 10/26/18

October 26, 2018

Andrew Webb  
Community Planning and Development  
201 W. Colfax Ave., Dept 201  
Denver, CO 80202

Re: 4201 E. Arkansas Ave. Rezoning Application

Dear Mr. Webb,

As a homeowner in the Virginia Village neighborhood, I am writing this letter in support of the rezoning application for the former CDOT headquarters site at 4201 E. Arkansas Ave.

- Rezoning this site to a set of **mixed-use zone districts** makes absolute sense.
- The **rezoning application lowers heights** from the current campus zone designation and steps down in height adjacent to the neighborhood.
- All of the **added public benefits** in the City and neighborhood agreements—including affordable housing, street connection, required open space and a structure for ongoing public meetings and neighborhood engagement are very significant benefits to the neighborhood.

As a growing City with a housing and affordability challenge, we need to ensure old rundown sites like this to transition into appropriate, vibrant and beneficial uses like those enabled by Kentro's rezoning application.

Please add my name to those in support of the rezoning and project.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Victoria Mnushkina', followed by the date '10.13.18'.

Victoria Mnushkina  
682 S Holly St.

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Received 10/28/18

Andrew Webb  
Community Planning and Development  
201 W. Colfax Ave., Dept 201  
Denver, CO 80202

October 23, 2018

Dear Mr. Webb & Denver City Council,

As a resident of the SE Denver, I am supporting the rezoning and development of the former CDOT headquarters property at 4201 E. Arkansas Ave.

Kentro Group has held an extensive process with the community and the neighborhood. The effect of the rezoning is a net reduction and down zoning of the site with the addition of retail and mixed use.

Kentro has also committed to providing the affordable housing on-site and many other public benefits in its development agreement with the City.

The vote against this rezoning application would essentially be to vote for the keeping the site zoned campus, allowing 12 stories, with no guarantee for affordable units or other beneficial outcomes in the development agreement.

As such, I strongly urge the Denver City Council to approve the rezoning request and to capitalize on controlling more of the positive outcomes on this site.

Thank you for your consideration and assistance in this manner.

Sincerely,



Yuliana Kalogeropoulos  
845 S. Leyden St.  
Denver, CO 80224

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Received 11/19/18

----- Original Message -----

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Subject: CDOT Rezone Project

From: [mkr@maureenrussell.com](mailto:mkr@maureenrussell.com)

Date: 11/19/18 3:21 pm

To: [paul.kashmann@denvergov.org](mailto:paul.kashmann@denvergov.org)

Hi Paul,

I received the flyer that was going around opposing the CDOT site project that Kentro is working on. I am not always able to attend the public meetings but have been to a few so I'm fully aware of the project and I am 100% in support of what they are doing. I was disappointed and annoyed to see the propaganda being handed out to the neighborhood that is full of lies about eminent domain. I wanted to send you a quick note in case you are tracking the community sentiment. I hope this can still move forward and the people trying to delay the process can stop the lies and scare tactics.

Maureen

Thank you,

Maureen Russell

MKR Communications

303-929-2711

[www.mkrcommunications.com](http://www.mkrcommunications.com)

Linked In: <https://www.linkedin.com/in/maureen-russell-97899a7/>

Instagram: <https://www.instagram.com/mkr11/>

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Received 11/21/18

November 21, 2018

Councilman Paul Kashmann

District 6, Denver City Council

1437 Bannock St., Room 451  
Denver, CO 80202

Dear Councilman Kashmann,

I am writing this letter in support of the rezoning application for the old CDOT property at 4201 E. Arkansas Avenue.

As a resident of southeast Denver, I am in support of revitalization of Colorado Blvd corridor and areas for smart infill projects such as the plan for this property under the rezoning and development agreement.

The rezoning application does a better job stepping down and transitioning into the neighborhood than the current campus zoning. With the addition of affordable housing, open space, a mix of uses/job and requirements like transportation demand management (TDM) and a full traffic study, it is clear the City has carefully considered this property, its impact and the important public benefits.

Lastly, I would like to commend the Kentro Group for the proactive public outreach and engagement process they've undertaken since January.

Please add my name to those in support of this rezoning application.

Sincerely,

**Loren Sylvan**

Loren Sylvan

1477 S. Garfield St.

Denver, CO 80210

Cc: Andrew Webb, Community Planning and Development

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Received 11/21/18

November 20, 2018

Andrew Webb

Community Planning and Development

201 W. Colfax Ave., Dept 201

Denver, CO 80202

Re: 4201 E. Arkansas Ave. Rezoning Application

Dear Mr. Webb,

I am a homeowner in Virginia Village and live not far from the CDOT campus on Arkansas Ave. I am writing this letter in support of the rezoning application for the property at 4201 E Arkansas Ave.

Our city badly needs affordable housing, and this need will only increase as the population grows. I believe rezoning this property is a good thing for our neighborhood and a good thing for Denver. Having a walkable, neighborhood center with retail, residential units and a thoughtfully-designed network of open spaces, plazas and an improved streetscape, this property will be a welcome asset and vast improvement to the neighborhood. And will provide what Denver desperately needs – affordable housing.

Additionally, I am happy to see that the affordable housing provision (150 units at 60% AMI) has been guaranteed as a part of the City's Development Agreement. It was this guarantee that has motivated me to write to you.

Please add my name to those in support of this rezoning application. Thanks for all that you do.

Sincerely,

Nancy B. Csuti  
1395 S Grape St.  
Denver, CO 80222

CC: Paul Kashmann, Denver City Council, District 6

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Received 11/21/18

Wed 11/21/2018 7:17 AM

Mark Scharfenaker <mark.scharfe@gmail.com>

[EXTERNAL] Rezoning for CDOT property

I live just blocks from the CDOT property at S. Colorado Blvd and Louisiana that Kentro seeks rezoning to develop. My wife and I have attended many of the public meetings Kentro has held in the neighborhood and have heard pros and cons. Our primary concern is traffic impact, but all of Denver is being impacted by increased traffic pressure.

All along the way I have heard complaints about harmful impacts on "the neighborhood." This has always baffled me given that Colorado Blvd. is a major commercial corridor with numerous "large" buildings from Hampden to Colfax, and even moreso from I-25 to Alameda. There is no Norman Rockwell "neighborhood" near the CDOT property to be adversely impacted by the Kentro project. I live in Krisana Park, recently awarded a conservation overlay by city council to protect the architectural integrity of this Mid-Century Modern neighborhood. I can only imagine that the project will increase the value of nearby residential properties as it turns an ugly old government-style building into a modern commercial property that promises to provide attractive walk-in stores and affordable housing. And I already see benefits from the improved traffic controls at Louisiana and Colorado.

Bottom line is that Kentro has done a great job listening to the neighborhood voices and have adjusted plans accordingly. The council should approve the request so Kentro can move forward to redevelop the abandoned property as proposed. I am sure the naysayers will wind up pleased with it all.

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Mark Scharfenaker  
303-406-3670

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Received 11/27/18

powersforge@gmail.com

To: Paul Kashmann

CC: Andrew Webb

I'm a resident on East Arkansas Ave a block from the former CDOT headquarters. I have been living in this neighborhood for 20 years. I am writing this in regards to the rezoning of the property that is located at 4201 East Arkansas Avenue. Kentro Group has started the process of applying for rezoning and redevelopment of the former CDOT headquarters that is located at 4201 East Arkansas Ave.

Kentro Group has been very helpful, honest and transparent in the process of redevelopment of the property at 4201 East Arkansas Ave. I have attended all meetings that Kentro Group has held, and have gotten to know several of my neighbors that I might not have otherwise met, as well as several people from the Kentro Group. I have a lot of faith that the Kentro group will build a development that on the whole will make my neighborhood more walkable, easier to access with alternative modes of transportation and give us a better sense of community. I truly believe that Kentro Group cares about my community.

Most of my neighbors are in favor of the redevelopment of the former CDOT headquarters. Please consider Kentro Group's recommendations for rezoning as you convene on this matter.

Thank you

Monty Powers

4503 E. Arkansas Ave

Denver,Co. 80222

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Received 11/27/18

Themerrick@me.com

Subject: Virginia Villiage resident against rezoning and massive redevelopment proposal for former CDOT property

I am a resident of Virginia Villiage and I am strongly against the rezoning and massive redevelopment proposal for the former CDOT property. There is no way that multiple eight story buildings on this elevated property will minimize impact on our homes and way of life. This type of development will not only overwhelm the property, but also will overwhelm our neighborhood and other neighborhoods adjoining or near the CDOT property. I will not sit idle before or after the monstrously grotesque is approved.

Traffic is already extremely heavy on Colorado, Florida, Dahlia, Louisiana, and Holly near the CDOT property. These streets are not safe for families with kids and bikes. We also see drivers using streets other than Holly, Dahlia, and Colorado to get between Louisiana and Florida, and driving on these residential streets at high speeds. Due to existing heavy traffic, our car commute times are 10-20 minutes longer each way during rush hours and mid-day every day. The proposed rezoning would result in overwhelming increases in density, crime, traffic, pollution, educational resource strain, and noise in our neighborhood and other neighborhoods adjoining or near the CDOT property. This zoning cannot be approved. We will never accept this!

I agree with Paul Kashman and Jolon Clark that the CDOT property should be used for additional green space. Green space that includes a dog park would be a big plus for neighborhoods adjoining or near the CDOT property, many of which have multiple apartment buildings.

If using 100% of the CDOT property for green space is not an option, then rezoning for green space plus limited development consistent with a residential neighborhood would be very welcomed. Re-zoning the west side of the CDOT property between Florida and Louisiana to continue the S-MU-3 zoning that exists on the west side of Ash St. will be acceptable to us. But zoning of the remainder of the CDOT property (i.e., east of Ash St., if Ash St. continued north to Louisiana) should be limited to green space, single family homes, duplexes, townhomes, and residential buildings up to 2 stories maximum. That said, any rezoning proposal must consider the impact of the resulting increased density on traffic on already gridlocked or busy streets, and be scaled back as necessary so as to not further overwhelm streets, neighborhoods, and residents.

Thank you for your consideration of this issue, and working to develop and pass a rezoning proposal that increases green space, and does not overwhelm streets and neighborhoods adjoining or near the CDOT property.

This neighborhood is our home. We are very protective of it. Please do not put us in the position to push back against the machine. I would prefer to tend to my garden and lawn.

Regards,

Loyal Merrick

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Received 11/27/18

November 27, 2018

To: Paul Kashmann

CC: Andrew Webb

I'm a Denver native, born at Denver General. My best friend in Jr High School lived on E Wyoming Place. I spent weekends at her house enjoying movies at the Century 21 and Continental movie theaters. We hung out at Celebrity Sports Center and the Virginia Vale Swim Club and we cruised Colorado Blvd with her older sister. You could say that I have some history "in the hood". She lived on East Wyoming and my family lived in Jefferson County. Her neighborhood was much more exciting!

Now, THAT neighborhood is MY neighborhood. Thirty-one years ago, I purchased my house on the corner of Clermont and Arkansas Avenue just around the corner from where my best friend lived. I raised my son in my house. He attended neighborhood schools. My neighbors are my friends. It's refreshing that young people and young families are moving into the neighborhood.

When I heard about the sale and redevelopment of the CDOT building I made the conscious decision to keep informed and learn as much as I can. It's a big change for my family and my neighborhood, no doubt about it.

I am thankful that Kentro is a local developer with close ties to our neighborhood and that they felt communication was important as we move through these changes. I have attended 7 out of 8 neighborhood meetings that Kentro has hosted to date. Over the past year I have developed a relationship with them and believe that they will step forward in good faith throughout the development process. They asked for feedback from our neighborhood. They wanted to know what was important to us. We talked, they listened. I've learned what an envelope drawing is and watched the envelope drawings change over time. I have seen the height of the building envelope drop from 12 stories to 8. They listened when we asked for a step down in height as the development got closer to our single family homes. We embraced affordable housing as part of the development.

I peruse the Kentro website. They do a good job of keeping it up-to-date. New documents at the site include the Development Agreement and the Good Neighbor Agreement.

Development is not new to this neighborhood. I have been aware of the Colorado Boulevard Development, the Virginia Village Development and Blueprint Denver. Nothing has remained the same, change is constant.

What are my concerns? My husband and I were approached by a group identifying themselves as the "Fair Development Virginia Village" group to sign a protest petition and were saddened to hear that the people talking to us were using fear, uncertainty and doubt; perhaps to get people to sign the petition? We were told by these people that we could lose our property to eminent domain. We were told that 800 cars per hour would be driving by our house every hour from 7am – 10pm daily. We were told about TIF monies. We were told the value of our property would go down as a result of this development. We were told that they want Kentro to pay us as homeowners if the value of our property

drops. We were told that Kentro has not communicated enough or with transparency. That has not been my experience. We all have access to Kentro and their support team CRL and Norris. In my book these are outrageous statements.

We were told by this group of protestors that Kentro does not have a plan. My understanding is that the next step in this process is the rezoning hearing on December 3, 2018. And then the plan and framework can be executed.

I'm a project manager by profession and it seems like we need to know what has been approved so a plan can then be presented that includes the facts. That would be the approach that I would take as it might save time and money. I understand that this is a complex project, with complex processes and multiple phases. It will take several years to develop the property. The City will require development reviews. And like any complex project, I am sure there will be change orders.

I did not sign the petition. These people do not speak for me. I question their motives. I know at least one person in this group does not live in the Virginia Village neighborhood. Just because these people say it is so, does not mean it is. It can take years to right this kind of wrong. Especially if people signed the petition because they believed this dialog. I have also heard that they are upset about parliamentary procedure and bylaws.

Let's get this right! It's a partnership with the City Council, Kentro and the people who live in this neighborhood. We can do it! Kentro understands the sense of community that we desire and voiced. I embrace the change and am excited about the possibilities. When I ask my neighbors for feedback they voice the same enthusiasm. We can define a neighborhood that considers the people who live and work here and make conscious decisions for a quality of life that will outlive all of us.

I like to think that I can walk to my favorite restaurant, ice cream shop, book store, small grocery store, meet friends for coffee, sit on benches in beautiful gardens at this new space in our neighborhood. The point is, it will be a walkable neighborhood with many great amenities.

I look forward to the discussion and the City Council input at the December 3rd re-zoning meeting.

Thank you,

Deborah Powers  
4503 East Arkansas Ave  
Denver, CO 80222

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Received 11/28/28

November 26, 2018

Paul Kashmann  
Denver City Council, District 6  
1437 Bannock Street, Room 451  
Denver, CO 80202

Re: 4201 E. Arkansas Ave. Rezoning Application

Dear Councilman Kashmann,

As a homeowner close to the former CDOT headquarters property in the Virginia Village neighborhood, I am writing this letter in support of the rezoning application for 4201 E. Arkansas Avenue.

I have attended one of the community meetings that Kentro Group hosted to provide information on the rezoning and future development of this site. I am in support of rezoning this site to a set of mixed-use zone districts to make for a neighborhood center with retail, shopping and housing.

I am also strongly in support of the commitment by Kentro in the Development Agreement to build the 150 units of affordable housing on the site. In addition to the infrastructure, required open space, etc., providing this affordable housing is a huge community benefit to the City and County of Denver.

Please add my name to those in support of this rezoning application and thanks for all that you do.

Sincerely,



Kelly Dufner  
5605 E. Nebraska Way  
Denver, CO. 80224-1971  
303-961-4308 cell

Cc: Andrew Webb, CPD

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Received 11/29/18

November 29, 2018

Councilman Paul Kashmann,

As a fellow resident within District 6, I am writing you in regards to the proposed rezoning of the former CDOT Headquarters property at 4201 E. Arkansas Avenue. We spoke briefly at the recent community meeting at Ellis Elementary, but I would like to make it formally known to you that I offer my support to the Kentro Group in their rezoning efforts.

While I am involved in the greater commercial real estate industry from a finance aspect, I have no affiliation or involvement with the Kentro Group, regarding this proposed rezoning, or any other project that the Kentro Group has done previously. I feel it is important to note that because I would like to think I'm coming from a rational state of thought.

The Kentro Group has a solid reputation as a local developer and owner of commercial real estate assets. Critical to my support is this successful track record, along with a willingness to engage in multiple community meetings alongside implementing a Good Neighbor Agreement. I think any good developer will say that the development process is iterative in nature and only with critical input and thought, will a development output truly maximize an impact on the community.

Specific components of this rezoning request that I am encouraged by are:

- Kentro Group was selected by the City & County of Denver and with this selection must adhere to certain requirements within the Development Agreement to provide affordable housing, 150,000 SF of commercial space, and 200 permanent jobs. Affordable housing is in dire need throughout our community. The commercial space will generate sales tax, and local job creation is vital towards maintaining thriving neighborhoods.

- Reduction of allowable height on both interior portion (8 stories from 12 stories) of the site and along the Arkansas Ave and southern section of Birch St (3 stories from 5 stories). This greatly minimizes the impact of what otherwise could be developed onsite.

- A desire to utilize TIF as a capital mechanism that only provides a financial benefit, should property tax revenue increase over the existing benchmark of property tax revenues for the site. I'm not 100% sure, but if CDOT is exempt from paying property taxes, then few could argue against creating this property tax base, which provides obvious public benefits.

While I do emphasize with adjacent neighbors who are concerned about increased traffic and ongoing construction, I believe a successful rezoning of the former CDOT site will provide for thoughtful redevelopment that greatly enhances the community experience of the neighborhood by providing a wonderful gathering space. In my opinion, gathering spaces are at the core of creating vibrant communities and neighborhoods. Please consider an approval vote for this rezoning requests, but let's not stop there with this critical step and continue to hold the Kentro Group accountable throughout the remaining components of the Development Agreement and Good Neighbor Agreement.

Regards,

Jeff DeHarty

303.435.4046

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Received 11/29/2018

Mr. Webb:

My email to Mr Kashmann bounced back. I was told to try you!

With kind regards,

Elizabeth Dowling

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**From:** Elizabeth Dowling  
**Sent:** Thursday, November 29, 2018 3:39 PM  
**To:** [Kashmann@denvergov.org](mailto:Kashmann@denvergov.org)  
**Subject:** CDOT development

Dear Mr. Kashmann:

I live a block away from CDOT on Colorado Blvd. I am a single mom, raising a daughter on my own. I have lived in the neighborhood for 13 years and love it. My neighbors are like my extended family. We love our location, only miles away from everything we could ever want. I am looking forward to the Kentro development adding to the diversity and opportunities for our neighborhood.

I fully agree with rezoning to a suburban mixed-use with housing, retail, offices and embrace affordable housing. I have been a teacher and grad student in my life, living pay check to pay check. I fully support supporting others. I and others want a main street feel to the development and Kentro hears that loud and clear.

What I am clear we don't want is for the development to have 12 stories and I don't want an empty parking lot or a hole in the ground!

I have been to a community meeting and I have spent time on the website. I am impressed by Kentro. Therefore, I am for the development and for Kentro Group as a developer. They have gone above and beyond to communicate.

I also want to share that I received info from the protest group. I threw it in the trash as it didn't speak to me or what I have learned about the proposed Kentro development. It made me question their motives.

I encourage you to vote for the rezoning and embrace the Kentro Group as the developers.

Thank you for your time,  
Elizabeth Dowling  
Wyoming Place resident

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Received 11/29/19

Dear Andrew,

Please see below concerning the proposed CDOT development:

I am a resident who lives in the Krisana Park neighborhood of Virginia Village and wish to state my concerns regarding the proposed change of zoning and development at the CDOT property.

I am concerned firstly with the enormous increase in traffic, speeding and noise that the proposed project will bring to our neighborhood.

Traffic in the area is already increasing greatly due to the growth of Denver in general. This development would push it very far and fast onto the residential streets in the neighborhood to include Arkansas, Louisiana and Birch, etc. --clear out to Holly, which is already extremely busy and does not have enough stoplights to control current traffic at busy intersections as it is.

Additionally, many residential garage spaces exit onto Louisiana, including my own. I already have to be very careful backing up onto Louisiana into traffic as at least fifty percent of traffic on Louisiana greatly exceeds the current speed limit.

The central issue here is that in order to move that many more cars through, to, from, and between this development, our residential streets will be forced to become major thoroughfares, which they were never intended to be in this established neighborhood which according to Blueprint Denver, is designated to be an 'Area of Stability' which should not be significantly altered.

As stated in 'Blueprint Denver,' goals for residential development stress the importance of managing traffic, reducing speeds and enhancing bicycle and pedestrian facilities on residential streets.

Changing the current zoning to the Suburban Neighborhood Context (as proposed) by code definition, 'will have a higher reliance on the automobile with only some access to pedestrian and bicycle facilities' (as per Denver Code).

Clearly, the proposed rezoning and development plan are at odds with Denver's own stated city goals.

Additionally, not only is this development out of character, but is completely out of scale with anything surrounding it, not even with any existing commercial buildings on located right on Colorado Blvd.

It is essentially a business development which is imposing itself into a long-established neighborhood solely for reasons of private profit, and not community development as purported.

It will absolutely and permanently alter the character, safety, and home values of this residential neighborhood.

Not only are we in the neighborhood being asked to ignore the size of the development, the traffic and the reduction in home values. We are in addition being asked approval to move it through, with zero transparency as to what types of businesses are actually going to be located there.

Infill development completely out of character with the existing neighborhood, where increased density cannot be accommodated is unacceptable.

Lastly, I would like to state that I tried to contact the Virginia Village Registered Neighborhood Organization several times over the past year and received no email or call back in response to questions, concerns or offers to volunteer. There was just no way to actually get in touch with the RNO and no notice of any meetings that people in the neighborhood could attend.

Additionally, the President (or ex-president at this juncture) has a conflict of interest as he is actually employed by a Kentro contractor. There was never any notice of meetings, no general meeting was held to vote on the rezoning plan as required, and the RNO was non-compliant with its own bylaws and was operating illegitimately.

This is completely unacceptable and a measure of proof that this developer has been purposefully denying the neighborhood necessary information to push its own agenda through.

Sincerely,

Corinna Santini

1303 S. Eudora St./Virginia Village

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Received 11/29/18

Comments for Council Dec 3 on CDOT redevelopment

11/29/18

My name is Kate Adams and I own my home at 1392 S Edison Way about 5 blocks from the CDOT property. I am asking each of you to vote "in favor" of the Virginia Village Community which, in my opinion, means to "oppose" the rezoning of 4201 E Arkansas. I would like to think that the community would get an asset from the development, but it seems the City has allowed or made up a process so we don't know WHAT will actually be developed except density and significant increase in traffic which seem to be a theme without a soul in Denver these days.

As the Planning Board observed, this is a process that is "turned on its head". The land mass qualifies for a GDP where the community would have input on areas of open space, streetscape, roads, access points, connection to surrounding areas, character and building design – in other words we would not only have some idea of WHAT will be developed but we would get to participate. As I have said before,

the Virginia Village community is being asked to sign a blank check. This is not only an “ask” by Kentro but by the City of Denver.

The zoning request does not follow current zoning code or current plans.

- Arkansas, Birch and Louisiana are local streets. Only MX3 is permitted on local streets. Even if the City considers Louisiana a collector, it would be MX5, not MX8. (Zoning Code 3.2.4.2.) Following your rules, this would significantly address traffic concerns.
- In the current plans, this is an “area of stability”. While the Planning Board admitted most of Denver could be considered an “area of change” these days it found an exception for unanticipated modest infill. This is not “modest”, this is an area large enough to qualify for a GDP.

The City is part of this transaction and it appears exceptions have been made to the documented rezoning process. I cannot find a process in the code that does not offer a conceptual plan, site development plan or active community involvement in a rezoning to know WHAT is planned within a community. This is not a small impact on Virginia Village. It is major. While all the words we’ve heard for 10 months might provide an asset, it could also be anything that fits within the requested zoning envelope based on the current code. The fact that there is a Development Agreement that “may, possibly, will try” to address some neighborhood concerns after they get zoning, it should not take the place of a GDP.

Along with others, I support the Affordable Housing. However, I was led to believe that 60% AMI is minimum and not maximum. In the “divide and conquer” approach some got clarification while others of us did not. When asked if the units would accommodate families, the answer “it is family oriented” was another ‘lead them to believe’ answer.

We are at the final buzzer in this “lead them to believe” game. They led Planning Board and LUTI to believe the full community participated/would participate in the Development Agreement. In fact, it was 4 people on the Zoning Committee with no community meeting for input. The community participation after zoning in the Development Agreement appears to be after the fact like the recent Open House for the Development Agreement.

The divide and conquer approach used in many of the community meetings will be continued. A public review for the conceptual site plan will be within 45 days of the submittal. Not allowing community input BEFORE submittal and “the construction manager... will address concerns and questions on a case by case basis...”. Just like they have done in the rezoning process.

I guess we’ll get the answer on Dec 3 to Planning Board’s statement “Council may say ‘This doesn’t meet plans, but do it anyway’ ”. How is a Denver neighborhood supposed to participate in major change when the City has rules but makes exceptions to benefit its desires over the well-being of a community?

“If we can keep the density downtown, hopefully we don’t have density overtaking our neighborhoods,” she said. “We’ll hear this very loud and clear in this next election cycle — neighborhoods fighting to protect their residential community.” CW Ortega, Derverite 6-12-18

Kate Adams

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Received 11/29/18

Bfinesilver8@gmail.com

Dear Concilman Kashman,

As a 3rd generation Denverite and 36 year resident of Krisana Park, I have a vested interest in my neighborhood and my community. That said, I am concerned with the redevelopment of the CDOT property.

It is a given that this large parcel of land will be redeveloped. It is my hope that the community will continue to play an active part with the city of Denver and with Kentro in the manner in which this parcel will be rezoned and redeveloped.

I have attended many of the community meetings held by Kentro in the last 11 1/2 months. I appreciate Kentro's willingness to have these meetings almost monthly and to be pro-active in getting involved with the neighborhood as this project begins to take shape. I have also met with them privately to voice my questions and concerns. In both instances, I have found the members of the Kentro team to be communicative, open to answering all questions, and willing to voice their visions on the the redevelopment of this property. I understand that it is still very early in the process and that not all questions can yet be answered. And that it will be virtually impossible to please everyone.

I have had many questions, as have many neighbors, as to the size and density of this project. What I understand about the proposed rezoning is that in addition to other elements, it will decrease the height of some of the original design of the buildings, establish set-backs, establish open space, add retail to the mixed use, and that there will potentially be a decrease in the amount of traffic overall compared to that of current campus zoning.

I am hopeful that with the development agreement and the good neighbor agreement in place (comprised in part from aforementioned meetings), the city of Denver, Kentro and involved and concerned neighbors will be able to work together in the future on the design and development of this property. Kentro has a huge opportunity to make their mark, locally and nationally, with how this land is redeveloped.

In my opinion, Kentro has gone beyond my expectations to work with our community in an ongoing and consistent manner. I trust that they will continue to do so.

Sincerely,

Beth Finesilver

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Received 11/29/18

To Denver City Council;

Hello, my name is Eric Evert and I live at 4702 E Arkansas.

I have lived in this neighborhood for 20 years and when I heard about the redevelopment of the CDOT property, I wanted to be involved as I live less than 2 blocks from the site.

I have been to almost all the community meeting presented by the Kentro group and have felt very informed from both the Kentro team and from the news letters from the office of Paul Kashmann.

I will be attending the City Council meeting on December 3<sup>rd</sup> and plan to speak in favor of the rezoning of the property. This neighborhood needs a development that can provide restaurants, goods and services that are within a walkable distance for the families to use.

I have been a member of the Virginal Village RNO zoning committee that has been working closely with this project and with the Kentro team. I believe we have put in a lot of time, work and effort in helping bring light to the needs and wants of this neighborhood community for both the Development Agreement and the Good Neighborhood Agreement.

I believe this property should be rezoned to the Suburban Mixed-Use classification.

I also want to address a couple of individuals that here in the 11<sup>th</sup> hour these two individuals have begun a high-pressure push on our neighbors and has personally attacked our board members of our RNO. I have never seen or spoken to either of these individuals. There have been numerous opportunities for these people to get involved and speak their mind with the group of the community.

They have published a 20-page packet that I believe you all received. This packet is filled with exaggerations and falsehoods. These people have also gone door to door to a few neighbors and have used nothing less than scare tactics to try and persuade people to take their side. All of this makes me very upset, this behavior is purely bullying and for any of you to acknowledge any of their information or these people and any of their group is simply a support of bullying.

I would encourage you to stand up against bullying and stand up for the for the hard work that this community has put forth in trying to create a better neighborhood and a better city.

Thank You

Eric Evert

Whole Fresh Foods

Vice President of Sales & Marketing

email: [eric@wholefreshfoods.com](mailto:eric@wholefreshfoods.com)

Cell: 303-594-8274

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Received 11/29/18

[Mlg6411@hotmail.com](mailto:Mlg6411@hotmail.com)

Hi Andrew, I understand that there is a City Council Meeting tomorrow on the CDOT Redevelopment area. I would like for the council to consider my concerns on this issue. I am strongly opposed to the development as it stands and list my opposition below.

I oppose the increased amount of traffic this development as it stands will add to my neighborhood. It won't just be an increase in volume but a significant increase that I would like to avoid not only for the safety of the pets (outdoor cats) and children of the neighborhood but also the character of my neighborhood.

As is the, proposed development will radically change the character of the neighborhood adding a large eyesore that is not consistent with the current character of the neighborhood.

Currently the neighborhood is one of low density single family residences and adding this "improvement" as is will significantly impact the neighborhood in negative ways. Not only by the increased traffic, safety, negative change in the character but also in the resources surrounding the development. The residential streets not only surrounding this area but throughout the neighborhood were not designed to support MX8 development.

The proposed zoned districts have a wide range of permitted uses that allow high density residential adjacent to low density with closer setbacks to streets and existing residences. Again, this concerns me for reasons listed above.

The size of this project is so large that it will greatly change the neighborhood. It is a massive development which will have a profound affect on our stable residential neighborhood. I wish not to have this 13 acre of 8 stories be a forever blight on my neighborhood. Please reconsider moving forward as planned.

Please consider the redevelopment as if you were a member of our quaint, quiet, lovely neighborhood.

Thank You,

Mary Gibbens

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Received 11/29/18

September 6, 2018

Andrew Webb  
Community Planning and Development  
201 W. Colfax Ave., Dept 201  
Denver, CO 80202

Re: 4201 E. Arkansas Ave. Rezoning Application

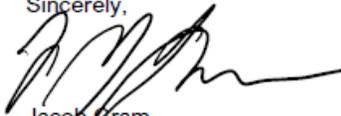
Dear Mr. Webb,

As a property owner in the Virginia Village neighborhood, I am writing this letter in support of the rezoning application for the former CDOT headquarters site at 4201 E. Arkansas Ave. Rezoning this site to a set of suburban mixed-use zone districts, in my opinion, will have a positive impact on the community. Old obsolete sites like the current CDOT site is a blight on the neighborhood. New mixed-use sites, like 9CO and Gates, revitalizes and brings new life, excitement and desires to the area. I feel that rezoning is a good thing for this neighborhood and community.

A walkable neighborhood center with retail, residential units and a thoughtfully-designed network of open spaces, plazas and an improved streetscape will make this property a welcomed asset and vast improvement to the neighborhood. With Kentro's community involvement and outreach, it would be a disservice to the residents of the area if the city did not get onboard with this plan.

I also support Kentro's commitment to building affordable housing on-site and believe the neighborhood will remain diverse yet be more vibrant.

Sincerely,



Jacob Bram  
1750 S Krameria Way  
Denver, CO 80224

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Received 11/29/18

September 13, 2018

To Whom It May Concern:

Today I am writing to express my support for the re-zoning application for the project at the former Colorado Department of Transportation sites on Arkansas Avenue, Birch and Holly Streets. I live approximately three blocks away from the main site on South Albion Street.

I believe that the Kentro Group and the City and County of Denver have a unique opportunity to correct some of the suburban mistakes in the project area with this proposal. Creating a destination project where people can live and support local businesses right in their neighborhood will actually counteract some of the induced automobile dependence east of Colorado Boulevard. I fully support the residential density proposal as well as connecting the street grid across the site.

Kentro's proposal has already made adjustments to height and density because of neighborhood concerns. Over the years I have watched several Kentro projects come to fruition and each one seems to be better as they have generally improved the architecture and landscaping at each location. Ultimately I feel that Kentro is sincerely interested in creating a project to improve the area as well as make money, after all they are a business.

It seems to me that the mix of residential and commercial usage is optimal for the location. The proximity to two bus routes (Route 40 on Colorado Boulevard and Route 46 on Birch Street) flanking the DOT main site as well as fairly close distance to the Evans Avenue bus line (Route 21) at the Holly site, helps increase the project's viability as it will help reduce resident's dependence on a car and help the City's goals of better ridership numbers for public transit.

I view this project as a rare win-win development and I strongly urge you to support and approve Kentro Group's re-zoning request.

Sincerely,

Frederick J. Mackey

1650 South Albion Street, Apartment 207

Denver, Colorado 80222-4012

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Received 11/29/18

16Nov2018

Andrew Webb

Community Planning and Development

201 West Colfax Avenue

Department 201

Denver CO 80202

RE: 4201 EAST ARKANSAS AVENUE REZONING APPLICATION

Dear Mr. Webb,

As a homeowner close to the former CDOT campus in the Cory Merrill neighborhood, I am writing this letter in support of the rezoning application for 4201 East Arkansas Avenue.

I am familiar with Kentro Group and am aware of the consistent and thorough public outreach process they have been working on over the last year. Kentro Group has taken the necessary steps

to facilitate dialogue with all key stakeholders on this project; as such, I am confident that the end result will be one that benefits the overall community.

Rezoning this site to a set of mixed-use districts reduces the project's overall height and improves the scale and transition to the neighborhood. Additionally, adding a mix of affordable housing, retail and residential development as well as walkable, shared open community space is very beneficial to our city and this particular neighborhood.

The rezoning and the Development Agreement with the city, specifically related to affordable housing and site/infrastructure planning, are signs that all parties have done a good job of incorporating public benefits to the overall project.

Please add my name to those in support of this project. I live within walking distance from this development and am excited for the positive changes that lie ahead because of the collaboration and open communication between Kentro Group, the City of Denver and the broader community.

Sincerely,

Suchit Majmudar

1200 South Garfield Street

Denver CO 80210

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# COMPREHENSIVE ASSESSMENT

Bill for Ordinance #18-1075

Zone Map Amendment Application  
#2017I-00192

## **PERSPECTIVE**

*To provide a means to fully evaluate the potential impact of a Rezoning application for the property located at 4201 E. Arkansas Avenue that adheres to Adopted Plans and policies set forth in the Denver Zoning Code.*

*Timothy Carl*

Resident, Virginia Village  
Neighborhood

**November 26, 2018**

November 26, 2018

Denver City Council  
1437 Bannock St., Rm. 451  
Denver, CO 80202

**The Honorable:**

Mr. Raphael Espinoza,  
Mr. Kevin Flynn,  
Mr. Paul Lopez,  
Ms. Kendra Black,  
Ms. Mary Beth Susman,  
Mr. Paul Kashmann,  
Mr. Jolon Clark,

Mr. Christopher Herndon,  
Mr. Albus Brooks,  
Mr. Wayne New,  
Ms. Staci Gilmore,  
Ms. Robin Kneich,  
Ms. Debbie Ortega

**RE:** Bill for Ordinance #18-1075

Dear Council Members:

The Comprehensive Assessment of the proposed Rezoning for property at 4201 E. Arkansas Avenue has been evaluated by a team of residents within Virginia Village. As City Council will likely hear this matter and invite public comments on December 3, 2018 in Council's Hearing Room, we ask that you avail yourself to read and digest this document. This document reflects a concerted effort to demonstrate the significant impacts a proposed rezoning of this size and scale will have on our community. We ask that you take into consideration the components identified in the document, as we utilized the same standards that City Planning Staff provide as the foundation of their recommendations to City Council.

Democracy works when we all have a voice. Please consider the facts presented by all sides and take into consideration the founding principles of our City, which honors the unique character and quality of our communities and the strong and authentic neighborhoods that form the foundation of what makes Denver so special. Let's not add more impacts that affect quality of life for those most likely affected by this development application.

Respectfully,



Timothy W. Carl, Member  
VVETO (Virginia Village Enforcement & Trade-offs) Committee

cc: Andrew Web, Senior City Planner

## Evaluation Criteria Overview

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### 1. Is the rezoning consistent with completed plans?

- a. The proposal falls within the following Plans:
  - i. Denver Comprehensive Plan 2000;
  - ii. Blueprint Denver;
    1. The **proposal does not comply with all plan criteria**, specifically identified as “Strategies” within the Comprehensive Plan and “key components” within Blueprint Denver;
    2. An assessment has been provided below.

### 2. Does the rezoning further public health, safety and welfare?

- a. While a portion of the property (closest) to Colorado Blvd., has demonstrated criteria to allow for appropriate transition of uses, proposed uses closest to Birch Street will **have impacts of traffic, noise, character and quality of living within the area**. No clear remediation of impacts has been identified within the proposed development. Higher density residential does not adhere to the character of the adjacent residential areas, which support low-density, single-story residential development.

### 3. Are there circumstances that justify the rezoning?

- a. This statement appears “discretionary” and difficult to determine based on one or more factors. While the property could serve as redevelopment of a closed CDOT Administration facility, the approach to the type of designated zone districts and lack of specificity on how development could occur remains a critical issue.

### 4. Does the rezoning align with the zone district’s purpose and intent?

- a. The proposed adoption of S-MX-8, S-MX-5, S-MX-3 and S-MU-3 exist within the Denver Zoning Code and would be applied to the subject site. Any subsequent development must comply with standards set forth within the code. The concern would be to the extent of “permitted uses” allowed in several zone districts which would allow for higher density development which transitionally would be inconsistent with the intent and purpose of zoning.
- b. A rezoning of this nature **should support uses that allow for adequate transition between low density residential to a high-density commercial development**. It remains unclear on how limitations (if any) can be placed on permitted uses within each zone district, once the rezoning has been approved.
- c. **Non-compliance exists between the adopted Plan’s recommendations and the proposed zone districts to be applied** to this site. This occurs in both Denver Comprehensive Plan 2000 and Blueprint Denver.

### 5. Would it result in consistent regulations for each property with the same zoning designation citywide?

- a. Under the adoption of the Denver Zoning Code, this proposal must comply with designated zone districts.
- b. However, given the nature of this property and the number of proposed uses on the site, it would be better served by a **PUD zone district** that could establish more criteria around how development and uses would occur on the subject property.

## I. Denver Comprehensive Plan 2000 Assessment

Component	Compliance	Non-Compliance	Not Applicable
Environmental Sustainability		✘	
Land Use		✘	
Mobility		✘	
Legacies			✘
Housing		✘	
Economic Activity		✘	
Neighborhoods		✘	
Education			✘
Human Services			✘
Arts & Culture			✘

### Overall Approach

Plan 2000 stresses that planning policy decisions should be considered for both the short-term and their long-term impacts on the human and physical environments (Plan 2000, Page 5). As such, Plan 2000 sets forth ten (10) components for consideration when evaluating proposed land use changes. It can be reasonably concluded that some components may not be applicable, but the Plan, rightfully acknowledges connections between and among these sections and their chapters are clearly identified to signify the importance of viewing Plan 2000 as an integrated whole (Plan 2000, Page 9).

### Assertion

- The City’s Community Planning and Development Staff (referred to as “Staff”) has erred in its recommendations to support the proposed rezoning at 4201 E. Arkansas Avenue, 4040 E. Louisiana Avenue and 1380 S. Birch Street collectively identified as Official Zoning Map Amendment Application #2017I-00192 (referred to as “the Rezoning”).
- Staff has selectively identified Plan objectives, strategies and recommendations to support justification of the Rezoning.

- Staff has ignored the basic principles and recommendations identified in Blueprint Denver (2002).
- The proposed zone districts will have adverse impacts to adjacent single-family residential development (one-story development) and will increase traffic congestion, noise and quality of living within the surrounding area, thus conflicting with the intent of a Rezoning that protects the public health, safety and general welfare of its citizens and the community as a whole.
- Current development standards under the S-MX and S-MU proposed zone districts allow for wide ranging uses. While some comply with the intent of activities to adjacent and surrounding existing uses (specific to properties zoned for commercial activities closest to Colorado Boulevard), the zone districts do not preclude multi-story development, up to three stories in height closest to single-story residential development.
- Staff's assertion of a "justified reason" for the Rezoning is subjective at best and lacks foundational facts to demonstrate either demand or need within the community. The idea that this rezoning will be a "downzoning" from current permitted uses, fails to consider the impact of large retail uses and high-density residential development on the site.
- The intent of the Suburban Neighborhood Context cannot be uniformly applied as a "one-size-fits-all" application. Clearly, no restrictive standards to enforce "generous landscaping between street and buildings" as well as within "deep setbacks" will vary depending on type of development. Further, subsequent development will be subject to an administrative Site Development Plan review. The community simply has to hope that the development standards within the Zoning Code will be met and the community will have little to no input on decisions after the Rezoning has been adopted.

### **Environmental Sustainability | Non-compliance**

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Key objectives within the Section of Plan 2000 focus on a variety of environmental qualities such as air, water, noise, pollution and natural resource conservation. Applicable strategies that conflict with this proposal include the following:

*1-A: Encourage redevelopment of vacant, underutilized and environmentally compromised land known as brownfields (Plan 2000, Page 37).*

- The current property has been vacated. It remains unclear how underutilized or environmentally compromised the subject property should be considered. This property does not meet the definition of a brownfield. No environmental studies have been presented to indicate that the property may have suspected pollution including soil contamination due to hazardous waste (Tang, Yu-Ting; Nathaniel C. Paul (2012) "Sticks and stones: the impact of the definitions of brownfield in policies on socio-economic

sustainability”). The Department of Health indicates that some environmental remediation occurred some time ago. The property essentially functions as a “grayfield.”

*1-B: Promote public-private sector involvement and cooperation with citizens to formulate plans and actions that achieve shared responsibilities and benefits (Plan 2000, Page 37).*

- Community engagement through mandatory and/or volunteered Community Meetings does not meet the intent of cooperation with citizens. Forcing a Rezoning by Map Amendment benefits private sector interests and does not achieve shared benefits.

*2-F: Promoting infill development within Denver at sites where services and infrastructure are already in place (Plan 2000, Page 39).*

- Taken wholly on its own, the proposal complies with this objective. The Rezoning will allow for infill development and reuse of existing infrastructure.

*2-F: Designing mixed-use communities and reducing sprawl, so that residents can live, work and play within their own neighborhoods; Creating more density at transit nodes; Adopting construction practices in new development that minimize disturbance of the land (Plan 2000, Page 39).*

- This proposal could support mixed use and will promote higher-density development but impacts to residents cannot be overlooked. Additional development will drive changes for live/work/play principles to the surrounding neighborhood. This type of development could further impact traffic congestion. No clearly identified means of advancing transit nodes has been fully explored. The closest light rail station exists over one (1) mile away. No coordination on additional RTD bus routes, connectivity nodes or other features can be identified at this early stage. To be clear, if the Rezoning receives approval, the site construction will have impact on the land and could span a considerable period of time.

*4-A: Promote the development of sustainable communities and centers of activity where shopping, jobs, recreation and schools are accessible by multiple forms of transportation, providing opportunities for people to live where they work (Plan 2000, Page 41)*

- Clearly, the intent of this strategy focuses on reducing traffic impacts, supporting livable wage appropriate jobs and integration to recreational and related activities. Retail and related commercial uses will likely not be the target for employment for this area. An infill development of this potential size does not promote livability as intended in the Plan. Further, additional traffic impacts will occur. Nothing has been identified as “shared” open space or recreational activity.

## **Land Use | Non-compliance**

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The key goal within this section of the Comp Plan focuses on managing growth and change through effective land-use policies to sustain Denver’s high quality of life. A mix of strategies have been identified, but the key concerns rest in the following:

1-H: Encourage development of housing that meets the increasingly diverse needs of Denver's present and future residents in the Citywide Land Use and Transportation Plan (Plan 2000, Page 59).

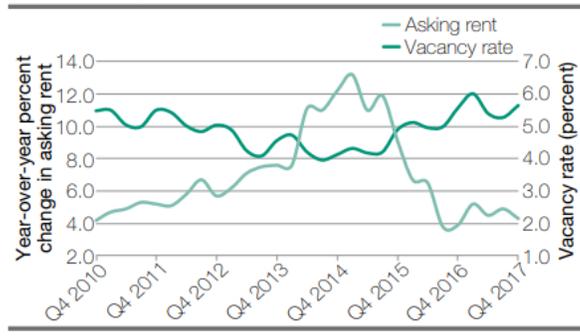
- While this proposed Rezoning will allow for multi-family development, existing property surrounded by low-density residential does not encourage consistent low-density residential development. The Housing Market Profiles for Denver, CO published on February 1, 2018 identifies a tightening market for single-family development. Current apartment market conditions appear balanced. Market demand has increased for single-family development while supply has dropped. The highly focused higher-density residential development (i.e. townhome, apartments) has led to higher vacancies and slower rent growth.

New home sales in the Denver area have increased every year since 2012, but growth in existing sales has been hindered by a low supply of listings during the past 2 years.



Note: Includes single-family homes, townhomes, and condominiums. Source: CoreLogic, Inc., with adjustments by the analyst

A surge in apartment completions in the Denver area during the past 2 years led to higher vacancies and slower rent growth.



Q4 = fourth quarter. Source: Apartment Insights

- The vacancy rate among stabilized apartment properties in the metropolitan area averaged 5.7 percent, up from 5.6 percent a year earlier and up from a recent low of 4.0 percent in the fourth quarter of 2014. If properties in lease up are included, however, the vacancy rate was 10.6 percent, up from 8.8 percent a year earlier.

- How does additional high-density residential development of this nature, proposed at this location benefit the community, when vacancy rates are steadily increasing? Simply stated: it does not!

3-A: Complete neighborhood and area plans for parts of Denver where development or redevelopment is likely or desirable (Plan 2000, Page 59).

- This simply has not occurred for this site.

3-B: Encourage quality infill development that is consistent with the character of the surrounding neighborhood; that offers opportunities for increased density and more amenities; and that broadens the variety of compatible uses (Plan 2000, Page 60).

- The community must rely on standards set forth in Zoning Code through an Administrative Site Development Plan process to ensure that this site will meet the character of the

surrounding neighborhood. Transitionally, uses closest to Colorado Blvd. DO SUPPORT the types of mixed uses identified in this Rezoning. However, the proposed zone districts closest to Arkansas Avenue and Birch Street ignore compatible uses by supporting up to three-story Row Houses inconsistent with the one-story, single-family residential development in the area.



**Point of interest:** the Comp Plan 2000 supports enhancing existing focal points in neighborhoods. A neighborhood focal point might be a park, a school, a distinctive shopping area, a transit station, a cultural or recreational facility. **None of these will be addressed or utilized as part of the development of this site.**

*4-A: Encourage mixed-use, transit-oriented development that makes effective use of existing transportation infrastructure, supports transit stations, increases transit patronage, reduces impact on the environment and encourage vibrant urban centers and neighborhoods (Plan 2000, Page 61).*

- It remains too early to determine if this can occur with this proposal. The nearest transit station (light rail) exist 1.1 miles away. Staff has indicated that current bus services includes access from Birch Street to the nearest light rail station. As the Rezoning will establish the potential uses on the property, it remains unclear, at best, what efforts will be used to increase transit patronage. We can conclude that the additional number of residential units will adversely impact the existing surrounding neighborhood.
- Plan 2000 also identifies that “decisions support a variety of mobility choices, including light rail, buses, paratransit, walking and bicycling, as well as convenient access for people with disabilities” (Plan 2000, Page 60). None of this appears abundantly clear as to how that will be accomplished. No standards in the Denver Zoning Code support these strategies.

## **Mobility | Non-compliance**

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This section of the Plan focuses on providing a range of convenient mobility choices for citizen from neighborhood pedestrian connections to crosstown transit. The ability to get from place to place through alternative transportation sources should be promoted. Applicable strategies that conflict with this proposal include the following:

*1-H: Recognize that due to the limitations of roadway size, existing streets must operate more efficiently to carry a greater volume of vehicles (Plan 2000, Page 75).*

- Louisiana Avenue to the north of the property has been identified as the sole Collector Street for this site. Arkansas Avenue and Birch Street have been categorized as Local Streets. The impacts to the existing road systems could be substantial. The proposal identifies up to 11,000 average daily trips. Efficiencies for these existing local streets will be limited and likely further impacted.

*7-B: Use traffic-calming measures, such as improved law enforcement, narrowed streets and more stop signs, to encourage changes in driving habits (Plan 2000, Page 82).*

- We have no way of ensuring that traffic calming measures will be included as part of the Rezoning, because the proposal relies on a Map Amendment to existing zone districts and requires administrative review through Site Development Plan submittal. The Development Agreement does not speak to any measures of providing narrowed streets and signs to enforce impacts from additional traffic, other than submittal of a more detailed traffic analysis. Therefore, **surrounding impacts adjacent to the subject property cannot be enforced by the City unless specifically identified as part of the Rezoning application.** No such measures have been clearly identified in the Development Agreement.

## **Housing | Non-compliance**

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While a variety of focal points exist within this Section of the Plan, the core components of the Plan focus on ensuring that City policies and procedures promote housing development and do not add unnecessary costs (Plan 2000, Page 117). Affordable Housing remains a high-priority. Applicable strategies that conflict with this proposal include the following:

*4-C: Ensure that plans for new development areas include traditional urban neighborhoods with well-designed, well-built homes affordable to middle-income households and close to work, shopping and services (Plan 2000, Page 121).*

- Set aside the needed affordable housing component of this Rezoning, which we acknowledge as viable and consistent with adopted strategies for Denver and consider that the proposed rezoning supports a large amount of high-density residential development, does not support an increase in middle-income households and, while loosely aligned to the site may encourage shopping and services, does not further advance proximity to work, as these metrics either do not exist or have not been documented as part of this proposal.
- This section of the Plan also supports opportunities for low- and middle-income households to become homeowners. Apartments for lease do not accomplish this objective.

*6.B: Continue to support mixed-income housing development that includes affordable rental and for-purchase housing for lower-income, entry-level and service employees, especially in Downtown and along transit lines. (Plan 2000, Page 117).*

- Affordable rental, by percentage of number of units has been proposed with this Rezoning. Nothing supports residential units that provide an entry point to ownership. Those details remain obscured at this point. The Development Agreement advocates for some affordable housing units.

## Economic Activity | Non-compliance

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A foundation of the Comp Plan, Economic Activity includes sustained growth through employment and good paying jobs. It should support means for businesses to continue to be a part of the community, including support for workers engaged with such businesses. Applicable strategies that conflict with this proposal include the following:

*4-B (sub-component): As significant redevelopment tracts become available, and as needs of declining neighborhoods are addressed, engage in a **master planning process** to attract the highest quality uses and the best development techniques (Plan 2000, Page 136).*

- The City has no interest in proposing a Master Plan for this site. The site can be well-served by a **PUD zone district**. This provision exists within the Denver Zoning Code (Section 2.3.3., Article 9).

- This unique zone district provides form, use, parking and other standards tailored to a particular site.
- City staff argues that the requirements for use of this type of zone district will not be necessary. Rather, the form-based zone districts proposed for the site, include extensive design criteria and standards to manage use, form, parking and so forth.
- This tool could ameliorate many of the concerns raised by the Community.
- This unique zone district allows maximum flexibility during the planning stage and maximum assurance that exactly what is proposed will be developed.
- This could avoid awkward transitional uses between the existing neighborhood and proposed future development.



## Neighborhoods | Non-compliance

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The foundation of a neighborhood for Plan 2000 focuses on the ability to “build on the assets of every neighborhood to foster a citywide sense of community.” While the Virginia Village Neighborhood Plan cannot be considered as part of the evaluation for this Rezoning and its many policies have unfortunately been outdated from the adoption of the Plan in 1973, it still has the following context that should be observed:

**Objective 3. To encourage the preservation and enhancement of the low-density residential character of the neighborhood.**



Simply stated, the proposed Rezoning fails to meet the following strategies (Plan 2000):

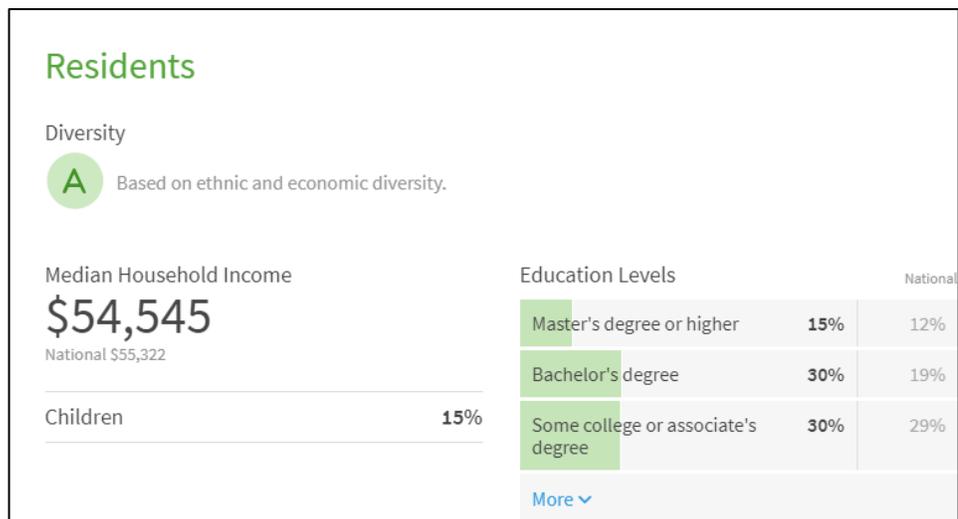
- *Respect the intrinsic character and assets of individual neighborhoods (1-A);*
- *Strengthen the sense of place in each neighborhood with adequate and well-designed, public realm facilities such as libraries, recreation centers, neighborhood businesses and retail areas (1-C).*

This proposal obfuscates the existing character of Virginia Village. This will do nothing to strengthen the sense of place in our neighborhood and does not promote any amenities that make a neighborhood vital and established.

[Niche.com](https://www.niche.com) provides a Report Card on Virginia Village as follows:



- Niche grades and rankings are calculated using dozens of public data sets and reviews. Data sets include Department of Education, U.S. Census and FBI. Our neighborhood has a low inventory of houses available for sale, a higher cost of living while promoting qualities such as health & fitness, community, diversity and nightlife.



- Median Home Value is \$329,521 and median rent is \$1,085. Median Household Income is \$54,545. It remains unclear how this new development will impact household income.

## II. Blueprint Denver

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### Overall Approach

As understood, Blueprint Denver is the primary step to implement and achieve the vision outlined in Plan 2000 (Blueprint, Page 3). The property has a predominate designation of Single Family Residential. Even City Staff recognize that ¾ of the total land affected by this proposal are within an area designated as an Area of Stability.

- Areas of Stability comprise the vast majority of Denver, primarily the stable residential neighborhoods and their associated commercial areas, where limited change is expected in the next 20 years. (Blueprint, Page 120).
- The overarching goal for Areas of Stability is to identify and maintain the character of an area while accommodating some new development redevelopment (Blueprint, Page 140).

### Assertion

- Blueprint Denver has not been applied correctly for this property. While a portion resides within a “Corridor Area” and should support higher density uses, specific to corridor areas, such as commercial activities, the bulk of the property does not fit that category.
- The Plan does not specify the type of redevelopment and it would be a grotesque assertion that this could be considered a modest redevelopment for such an area.
- Blueprint Denver does not specifically identify Committed or Reinvestment Areas and should not be applied to justify the nature of this type of development.
- No factual data supports a concept that higher-density development invites more “walkable” and “sense of place” areas.

The proposed zone districts for this site have some standards that may align with Blueprint Denver, but the S-MX zone district to the east has been wrongly applied to this proposal.

### Justifications that Support this Rationale

Key Strategies	Meets	Does not Meet
Infill and redevelop vacant and underused properties	✓	
Reuse of older buildings, including industrial buildings		✓
Compatibility between new and existing development		✓
Balanced mix of uses — no one use has a dominating impact within the mix		✓
Transit service and access		✓

Key Strategies	Meets	Does not Meet
Multi-modal streets		✓
Adequate parks and open space	✓	
Economic activity—business retention, expansion and creation		✓
Housing, including affordable housing	✓	

### Committed Area – Blueprint Denver | Non-compliance

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*Committed Areas are stable neighborhoods that may benefit from the stabilizing effects of minor infill development rather than large-scale, major redevelopment. Tools appropriate for this neighborhood seek primarily to maintain present character and to motivate modest redevelopment of selected areas, such as commercial corridors or neighborhood centers. Infrastructure, which is generally adequate, needs to be maintained. Committed Areas of Stability face many different challenges. For example, some neighborhoods are primarily concerned about the transitions or lack of transitions between commercial areas and residential areas. Some neighborhoods are focused on traffic issues. Other neighborhoods are more concerned about replacement housing that has a design incompatible with the rest of the neighborhood. The challenge in these latter neighborhoods is to preserve character without preventing residents from upgrading their homes to meet contemporary standards.*

- Large scale development of this type will be destabilizing for those areas identified as single-family, low-density residential.
- Infill development promoted along the Corridor may be appropriate, but transitional zoning through open space, buffers and setbacks will be dependent of criteria within the S-MX-zone districts at the time of development, which gives little comfort to supporting the intent of the Plan.
- Present character of the area will be changed permanently.
- Traffic issues have not been fully ameliorated.
- No effort exists to demonstrate how existing character of residential development benefits from forcing and/or encouraging residents to flee based on higher-density development proposed for the site.

### Areas of Stability – Blueprint Denver | Non-Compliance

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*Areas of Stability Respect valued development patterns*

- This proposal does not adhere to this recommendation. It would alter existing development patterns from a high degree of low-density residential to mixed use activities, without consideration of adequate transitional standards to help preserve character and quality of the area.

*Relationship of the building to the street*

- Varies depending on type of use, including closer setbacks compared to existing low-density residential homes in the area. This can be supported for development along Louisiana Avenue, given the transitional nature of activities and uses.

*Location of garage, driveway, and parking; Front yard landscaping; Building scale; Roof shape and durability of materials*

- These characteristics will likely be obliterated with the expectation that Zoning Code standards will somehow be met in support of these recommendations.

**Non-compliance based on Blueprint Denver standards include:**

Criteria	Response	Score
<b>Respect valued attributes of area</b>	Unclear. The Development Agreement seeks some preservation of existing large trees, but the transitional uses proposed do not align with the character of the area.	
<b>Diversity of housing types and prices</b>	The proposal will encourage a mix of housing types, including provisions for affordable housing. Pricing remains an unknown.	
<b>Neighborhood-serving retail and service</b>	The S-MX zone districts, especially toward Colorado Boulevard support this recommendation.	
<b>Existing buildings, especially those adding distinctive character and identity</b>	Likely all buildings on the site will be removed, the existing Communications Tower must remain. No aesthetic efforts will be made to the Tower.	
<b>Mature landscaping</b>	To some extent, trees will be preserved, where possible	
<b>Existing circulation (streets, alleys, sidewalks)</b>	Will be impacted. The developer has proposed continuation of several streets from Arkansas through to Louisiana.	
<b>Significant views from public places</b>	Views will be further reduced by the size of development.	
<b>Parks and parkways respect adjoining property</b>	Unclear	

Criteria	Response	Score
<b>Light, air and privacy</b>	Will be impacted by the higher-density development.	
<b>Fencing</b>	Will have to comply with Denver Zoning Code.	
<b>Orientation to the street</b>	Loading of structures, including bulk-plan view will have to adhere to Denver's form-based code in the Zoning Code. Loading along low-density (local streets) such as Birch Street & Arkansas <b><u>will have large negative impacts.</u></b>	
<b>Alignment of buildings along street</b>	See above.	
<b>Night lighting</b>	Unclear, but likely reduced.	
<b>Expand transportation choice</b>	Staff supports the idea that light rail (1.1 miles away) and current RTD bus routes will be enough to support this type of development. This remains unclear.	
<b>Pedestrian safety and comfort</b>	Greater impacts will naturally occur from higher-density development.	
<b>Access to transit</b>	See above.	
<b>Street system continuity</b>	Noted previously.	
<b>Minimize traffic impacts on neighborhood streets</b>	This will be further impacted and cannot be assessed adequately until Site Development Plan application.	
<b>Lower traffic speed</b>	Non-identified.	
<b>Less cut-through traffic</b>	This will be further impacted and regardless of subsequent review – has impact to this existing neighborhood.	
<b>Not solving one problem only to create another</b>	It remains unclear how much benefit will be received by this type of development.	

Criteria	Response	Score
<b>Respect environmental quality</b>	The site will likely be graded, subject to some level of environmental remediation and will not be integrated into environmental quality standards, outside of those clear requirements set at time of Subdivision or as applied by Denver Codes.	⚠
<b>Tree canopy</b>	Limited based on language in Development Agreement.	⚠
<b>Permeable open space</b>	10% has been identified by the Developer, but its full function and purpose is unclear.	⚠
<b>Parks and parkways</b>	None proposed with this application. Public/Private open space is dependent on vague criteria set forth in the Development Agreement.	❌

Score: **88% either not met or unclear** as to how it will be remediated based on Blueprint Denver criteria.

This illustration exists as part of the Kentro Property proposal for rezoning application, based on proposed zone districts (Page 22, Exhibit No. 14 in Norris Design) submitted to the City. This has been conspicuously hidden from any meetings held by Kentro with local residents. This demonstrates potential impacts.

**This proposal fails to adhere to the tenets established within Blueprint**

**Denver.** 1) The proposal would allow a significant increase in density and does not adequately support the idea of transitional activities consistent with the Stability standards set



forth in the Plan. 2) This development will adversely impact existing residential development to the east and south of the subject property.

### III. Additional Standards Not Taken into Consideration

Denver Zoning Code, Section 12.4.10.7 - General Review Criteria Applicable to All Zone Map Amendments notes that 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.*

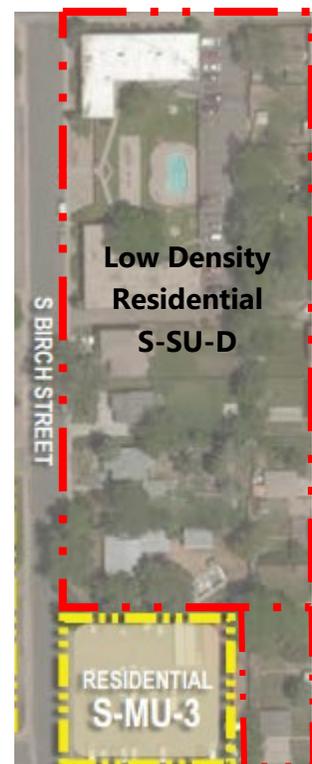
- As demonstrated in this document, the proposal has inconsistencies with both Denver's Comprehensive Plan 2000 and Blueprint Denver.

*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 12.4-32 | Article 12. Zoning Procedures & Enforcement Division 12.4 Zoning Application and Review Procedures DENVER ZONING CODE June 25, 2010 | Republished May 24, 2018 the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.*

- Utilizing Denver Zoning Code avoids criteria that could be better managed through a PUD or General Development Plan. Denver Zoning Code has design standards, but enforcement of these standards relies specifically on review by City Staff. While the Developer has promoted the idea of "open communication" with the community, there is little to no enforcement should a Site Development Plan be approved other than allowing for Community Appeal of such actions – assuming notice occurs. Essentially, we would have to monitor development without reasonable assurances that it complies strictly to established guidelines.

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

- It has been demonstrated that this proposal will have negative impacts to the surrounding neighborhood, especially adjacent to low-density residential. S-MU-3 supports up to three stories of residential development. The surrounding properties are all low density, single-story residential. The site impacts will be



noticeable to traffic, solar exposure, noise, character of the area and compatibility with surrounding uses.

- It remains unclear on how future development will impact additional traffic generation in the area. By example, Colorado Boulevard currently see average daily traffic trips of **58,610 per day**<sup>1</sup> and this proposal could add an additional 11,000 trips that will further impact traffic to local, collector and arterial roads in the area.



**AVG. DAILY TRAFFIC**

On Colorado north of Florida	<b>58,610 VPD</b>
On Colorado south of Florida	<b>68,192 VPD</b>

#### **IV. Closing Arguments**

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The CMP-E12: Campus-Education/Institution Zoning allows for up to 150' heights and includes a mix of uses that the applicant would like the City to consider as unacceptable in today's development climate. However, application for Rezoning has been made and as a Community, we have not agreed with this application, instead we have identified:

- That existing zoning is entitled on the property and can allow higher density development, subject to current review standards and application. No retail development can occur under the existing zoning;
- The site could remain vacant. However, the State has requirements that include disposition of the land to the City/County within which it resides. The City has approved an agreement with Kentro to potentially develop the site. The City has potential earnings in the millions of dollars for subsequent development that could occur from the sale of the property. However, the time-imposed period for completion of application to Rezone the property has been self-imposed. **Clearly, more time can and should be afforded for such a large-scale development of this nature.**
- Extenuating circumstances warrant use of alternative tools, such as a PUD zone district to further clarify uses, standards and transitional activities outside of those provisions found within the standard zone districts applied for with this application AND where incompatible densities, height and architecture will be impactful to the surrounding area.

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1. Crosbie Real Estate Group, [www.creginc.com](http://www.creginc.com)

THREE-STORY ROW HOUSE ALLOWED  
UNDER S-MU-3 Zoning

Proposed ●

SINGLE-FAMILY, ONE-STORY RESIDENCE  
- VIRGINIA VILLAGE

Today, under S-SU-D Zoning ●



- A General Development Plan will not be considered by Staff and has been justified as not needed, but in evaluation of this finding, Staff has concluded that an all or nothing compliance rule shall be applied. This is not the intent of the criteria.
  - The proposal would be *for large-scale development on more than 10 acres of land.*
  - The site will *likely be built in phases.*
  - The “or” component of this provision of “*owned by more than one person*” is not an “and” and does not justify ignoring the whole of these requirements.
  - *...otherwise changing the arterial or collector street grid* (identified as item 3 for a General Development Plan) means that additional traffic impacts will need to be addressed and have been relegated to an Administrative Review as part of the Site Development Plan process. The assertion that this will be managed by Development Agreement is suspect at best. While a local street will be proposed to break up the property, this does not address traffic impacts at a broader level.

**Recommendations:**

In light of all comments and evaluation presented in this document, the Community would request that City Council either **DENY** the proposal as presented, or allow the matter to be **TABLED**, so that additional standards may be included that support adequate transitional criteria in support of the existing residential development in and around the area. City Council may also choose to **CONTINUE** the matter and set specific criteria for Staff, the Developer and key Community Members to identify key areas of concern and means of mediation on those matters.