



TO: Land Use, Transportation and Infrastructure Committee
FROM: Brandon Shaver, Senior City Planner
DATE: January 27, 2022
RE: Official Zoning Map Amendment Application #2021I-00072
8101 & 8351 East Belleview Avenue
Rezoning from B-8 with waivers and condition, UO-1, UO-2 & B-8 with waivers, UO-1,
UO-2 to S-MX-8

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2021I-00072.

Request for Rezoning

Address: 8101 & 8351 East Belleview Avenue
Neighborhood/Council District: Hampden South / Council District 4
RNOs: Inter-Neighborhood Cooperation (INC), Denver For ALL, District 4 Neighborhood Coalition, Inc.
Area of Property: 603,557 square feet or 13.86 acres
Current Zoning: B-8 with waivers and condition, UO-1, UO-2 (8101 E. Belleview Ave.) & B-8 with waivers, UO-1, UO-2 (8351 E. Belleview Ave.)
Proposed Zoning: S-MX-8
Property Owner(s): MB Marina Square LLC
Owner Representative: Eric Hecox

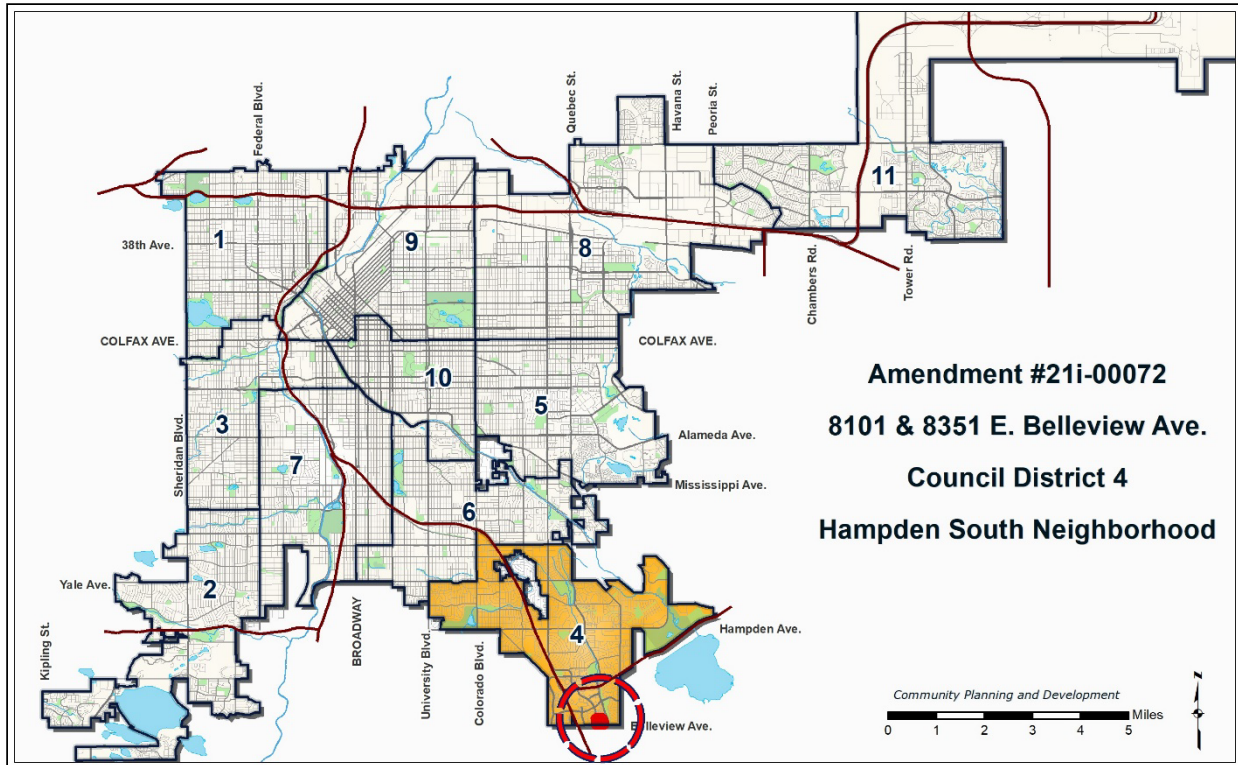
Summary of Rezoning Request

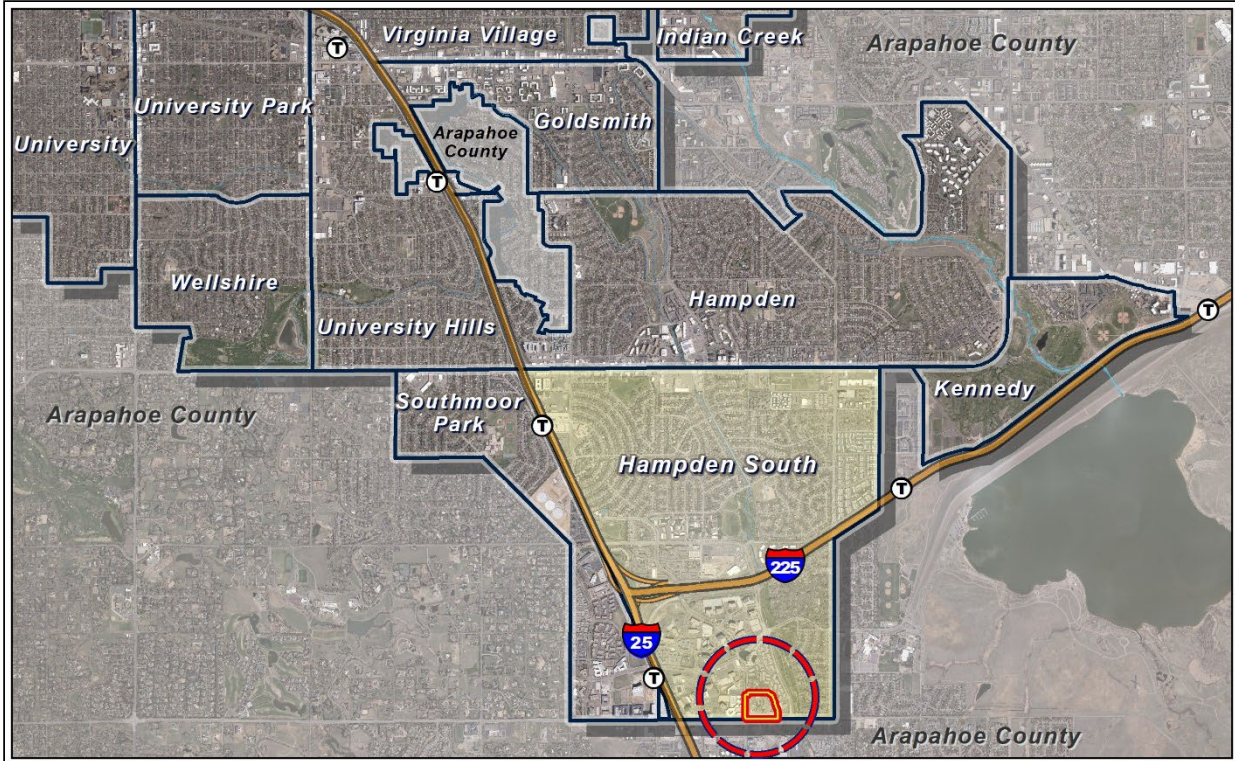
- The subject properties are located within the Hampden South statistical neighborhood at the northeast corner of South Ulster Street and East Belleview Avenue.
- The property at 8101 East Belleview Avenue consists of five single-story commercial structures built in 1978 oriented around a central plaza and surrounded by surface parking lots.
- The property at 8351 East Belleview Avenue contain one single-story commercial structure currently used as office.
- The proposed S-MX-8, **S**uburban, **M**ixed Use, **8** stories zone district allows residential and non-residential uses in a building scale of up to 8 stories, or 110 feet. The Shopfront, General, Drive Thru Services, and Drive Thru Restaurant primary building forms are allowed. Further details of the zone district can be found in the proposed zone district of this staff report (below) and in Article 3 of the Denver Zoning Code.
- The site at 8101 East Belleview Avenue is currently zoned B-8 with waivers and condition, UO-1, UO-2 while the site 8351 East Belleview is currently zoned B-8 with waivers, UO-1, UO-2. B-8 is a Former Chapter 59 Intensive General Business/High Density Residential District and the waivers and conditions prohibit wholesale and warehousing uses and certain fabrication uses, restrict gross floor area and maximum building heights and require an approved site plan. UO-1 is the

adult use overlay and UO-2 is the billboard use overlay. While these are mapped on the subject sites, the uses are prohibited from being established due to Denver Technological Center covenants.

- The subject sites underwent Large Develop Review (LDR) culminating in a Large Development Framework (LDF) which was recorded on September 30, 2020 and outlines the required regulatory steps for development. The LDF is attached to this staff report.

Existing Context



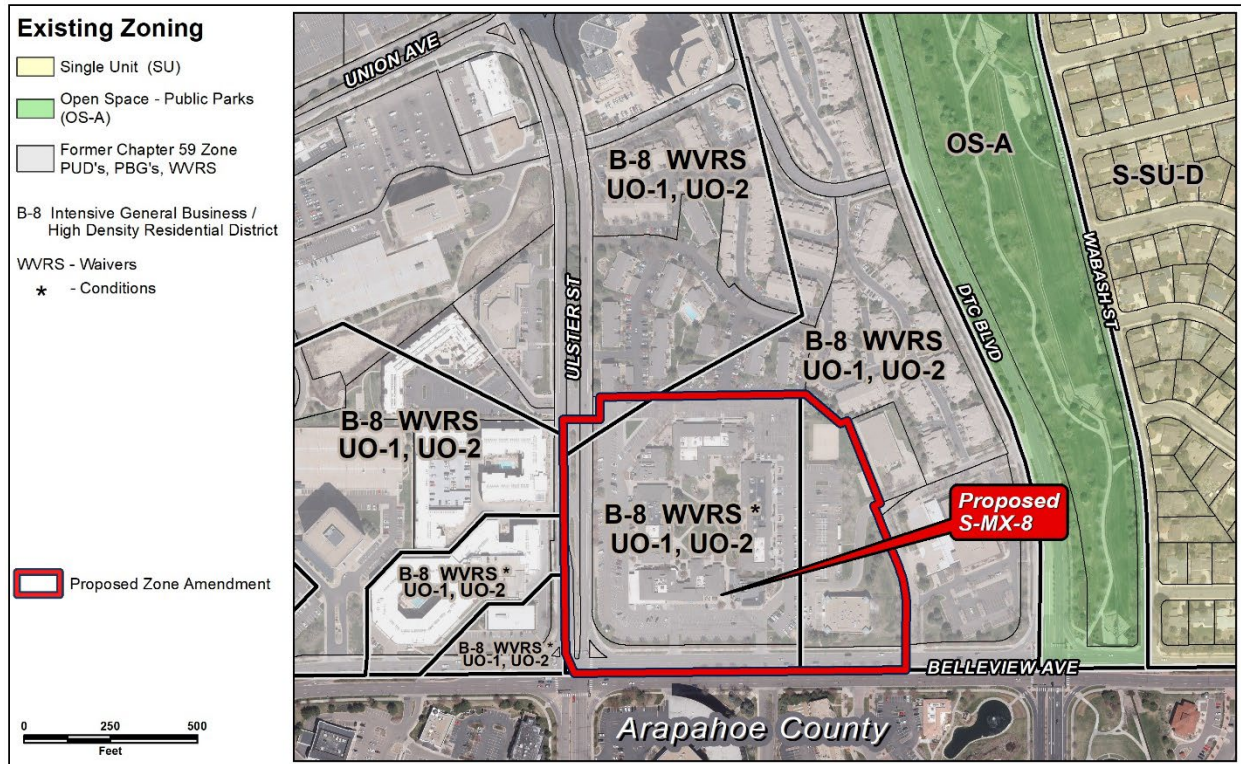


The subject properties are located within the Hampden South statistical neighborhood, at the northeast corner of South Ulster Street and East Belleview Avenue. Wallace Park and the associated Goldsmith Gulch are located two blocks east across DTC Boulevard. The City of Greenwood Village is located directly south of the subject properties across East Belleview Avenue. The subject properties combined have approximately 700 feet of frontage along South Ulster Street and 900 feet of frontage along East Belleview Avenue. The subject sites are just over one-half mile east of the Belleview Light Rail Transit (LRT) station and are also served by RTD bus route 73 along South Ulster Street turning west at East Belleview Avenue to provide a direct connection to the Belleview LRT station.

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 (8101 E. Belleview Ave.)	B-8 with waivers & condition, UO-1, UO-2	Commercial/Retail	Five 1-story buildings oriented around a central plaza and surrounded by surface parking lots	Modified grid street patterns with superblocks, no alleys, mostly attached sidewalks and some tree lawns along arterial streets.
Site (8351 E. Belleview Ave.)	B-8 with waivers, UO-1, UO-2	Commercial/Retail	Single 1-story building with surface parking on two sides	
North	B-8 with waivers, UO-1, UO-2	Multi-unit Residential	Multiple 2.5-story apartment buildings	
East	B-8 with waivers, UO-1, UO-2	Multi-unit Residential & Office	Multiple 2-story townhomes and a 2-story office building	
South	T-C (City of Greenwood Village)	Office & Mixed-use	6-story office building, 5-story hotel and 1-story restaurant with open space	
West	B-8 with waivers & conditions, UO-1, UO-2	Multi-unit Residential & Office	5-story apartment building and 2-story office building	

1. Existing Zoning



8101 East Belleview Avenue

Existing zoning on the property is B-8 with waivers and condition, UO-1, UO-2 and was approved in 1988. B-8 is an intensive general business/high density residential district in Former Chapter 59 used primarily for activity centers and is designed to permit highly concentrated, dense development at a floor area ratio not to exceed four times the site area. Additional floor area premiums in the B-8 district intended to encourage features like plazas are precluded at this site by waivers limiting total floor area to two times the site area. The waivers also prohibit fabrication of articles except art goods, custom clothing, custom costumes, custom furniture, jewelry, and needlework; wholesale and warehousing uses. There is also a condition that required an approved site plan after final approval of the proposed rezoning. Full text of the waivers and condition are attached to this staff report. The adult use overlay (UO-1) and billboard use overlay (UO-2) are mapped on the site but neither use has been established.

8351 East Belleview Avenue

Existing zoning on the property is B-8 with waivers, UO-1, UO-2 and was approved in 1978. B-8 is an intensive general business/high density residential district in Former Chapter 59 used primarily for activity centers and is designed to permit highly concentrated, dense development at a floor area ratio not to exceed four times the site area plus floor area premiums for the development of plazas, arcades, or the provision of low-level light areas. Additional floor area premiums in the B-8 district intended to encourage features like plazas are precluded at this site by waivers limiting total floor area to two times

the site area. Another waiver limits building height to 2.5 stories and removes the right to construct any structures of retail or strip retail shopping. The waivers prohibit fabrication of articles except art goods, custom clothing, custom costumes, custom furniture, jewelry and needlework; wholesale and warehousing uses. Full text of the waivers and conditions are attached to this staff report. The adult use overlay (UO-1) and billboard use overlay (UO-2) are mapped on the site but neither use has been established.

Use Overlays

The applicant is proposing the removal of both overlays as part of their rezoning request. Staff has evaluated the proposal to remove the UO-1 overlay and determined there will be sufficient remaining land in the city for first amendment-protected uses, so the city has no objection to removing the UO-1 in this instance.

2. Denver Tech Center Architectural Control Committee

The subject properties are located within the Denver Technological Center (DTC) which has protective covenants and strict architectural controls to establish a high set of standards for planning and design meant to “maintain exceptional value for each property within the DTC”. The covenants legally apply to all land that is part of DTC, regardless of ownership and are independent of the zoning and land use regulations of local governments. Protective covenants relevant to this rezoning request include the prohibition of adult uses, billboards and 40-foot minimum building setbacks along South Ulster Street and East Belleview Avenue.

3. Large Development Review (LDR)

The Development Review Committee reviewed this rezoning application to see if the proposal would be subject to the Large Development Plan process outlined in Section 12.4.12 of the Denver Zoning Code and thus require the creation of a Large Development Framework.

After review, it was determined the project would be subject to LDR review for the following reasons:

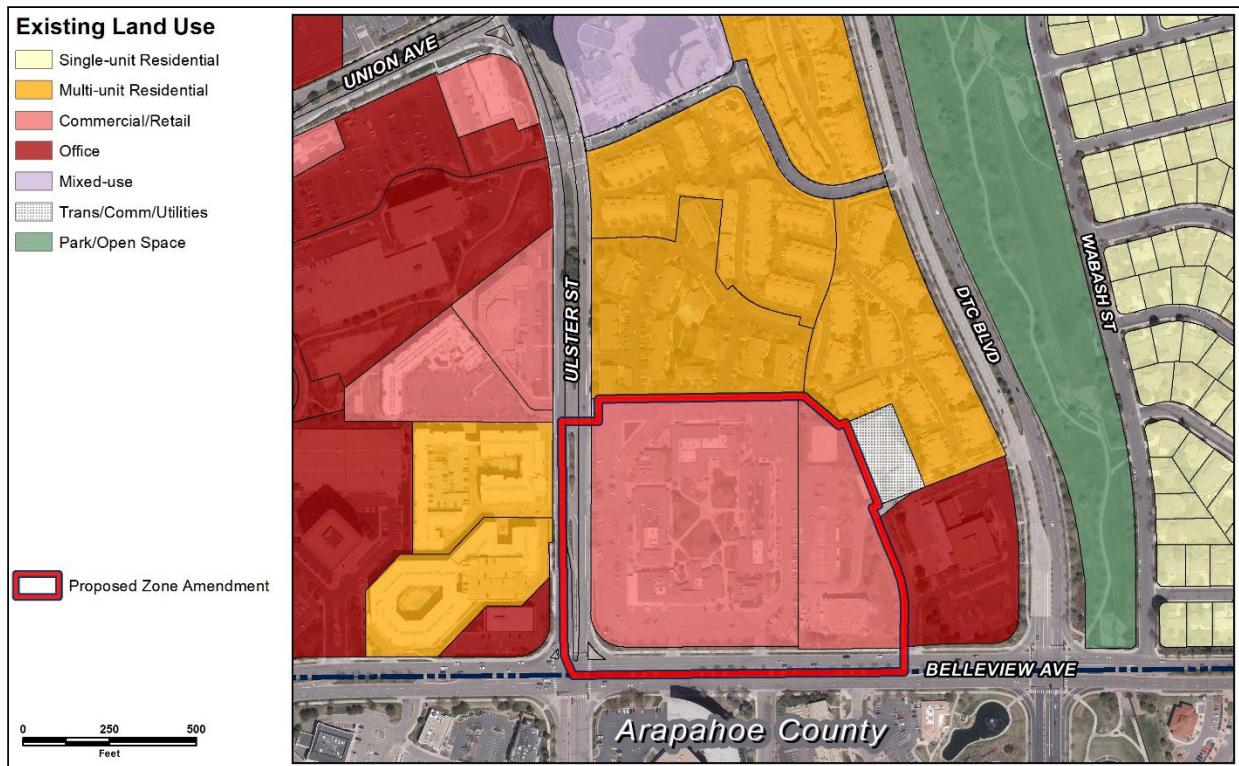
- The proposed development application is larger than five acres.
- The site has regional significance in the evolution of the Denver Technological Center.

The Marina Square Large Development Framework (LDF), recorded on September 30, 2020, outlines specific regulatory steps required for implementation of development on this site, including completion of a rezoning, an infrastructure master plan (IMP), mobility study, subdivision plan, transportation engineering plans, stormwater and sanitary sewer construction plans and site development plans for horizontal and vertical development. The LDF also anticipates a development agreement that may address a commitment to develop affordable housing (identified as a gap in the equity analysis), open space phasing, maintenance and ownership (which may be included in the IMP) and any additional off-site improvements identified through IMP studies. The LDF is attached to this staff report and details of a voluntary housing agreement are described later in this report. The applicant is working with staff on

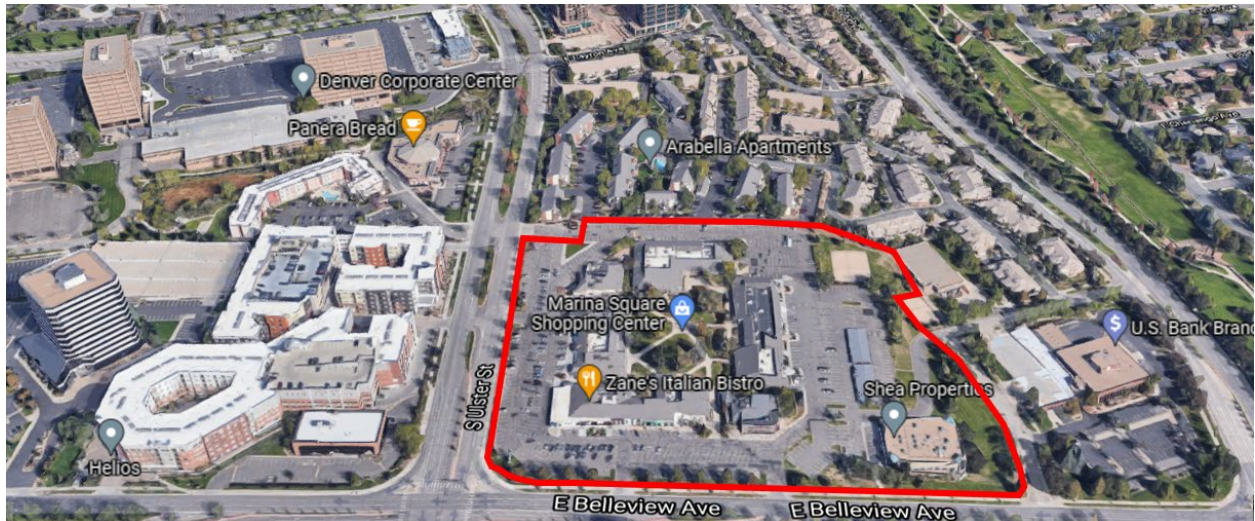
an IMP. It is anticipated that a development agreement addressing items other than affordable housing could result from the IMP process.

As required by the LDR process, the applicant team held a required Community Information Meeting virtually on July 30, 2020 and more than 70 people attended. The applicant team and CPD staff presented a preliminary development plan, applicable regulatory processes and sequencing and an equity analysis. Several public comments and discussion centered on the current retail amenities in Marina Square and questions about what retail amenities will be available in the future. Also, there were several requests for grocery stores and for retail development to be walkable and have outdoor spaces. While there were some concerns over traffic, parking, crime and affordable housing units, most comments received during and after the meeting were positive and supportive of new employment opportunities, strengthening connections to public transit, providing additional open space and creating additional housing opportunities.

4. Existing Land Use Map



5. Existing Building Form and Scale



Sites - Aerial view, looking north (Source: Google Maps)



Site (8101 E. Belleview Ave.) - from South Ulster Street & East Belleview Avenue (Source: Google Maps)



Site (8351 E. Belleview Ave.) – from East Belleview Avenue (Source: Google Maps)



North – from northern edge of 8101 East Belleview Avenue (Source: Google Maps)



East – from DTC Boulevard (Source: Google Maps)



South – from East Belleview Avenue (Source: Google Maps)



South – from East Bellevue Avenue (Source: Google Maps)



West – from South Ulster Street (Source: Google Maps)

Proposed Zoning

S-MX-8 Zone District

The requested S-MX-8 has a maximum height of 110 feet and allows the General, Shopfront, Drive Thru Services, and Drive Thru Restaurant primary building forms. A variety of residential, civic, commercial and industrial land uses are allowed.

The primary building forms allowed in the existing zone district and the proposed zone district are summarized below.

Design Standards	B-8 Waivers & Condition, UO-1, UO-2 (Existing)	B-8 Waivers, UO-1, UO-2 (Existing)	S-MX-8 (Proposed)
Primary Building Forms Allowed	N/A	N/A	General, Shopfront, Drive Thru Services, Drive Thru Restaurant
Stories/Heights (max)	N/A; maximum gross floor area is 2:1	2.5 stories; maximum gross floor area is 2:1	8 stories / 110 feet
Primary Build-to Percentages	N/A	N/A	50% for General 75% for Shopfront
Primary Street Setback (min)	0 feet	0 feet	0 feet
Surface Parking Between Building and Primary Street/Side Street	Allowed	Allowed	Allowed/Allowed for General Not Allowed/Not Allowed for Shopfront
Transparency, Primary Street	N/A	N/A	40% for General 60% for Shopfront

Proposed Affordable Housing Agreement

Concurrent with the rezoning, the applicant has negotiated a voluntary affordable housing agreement with the Department of Housing Stability (HOST) to be signed and recorded by the property owner. The affordable housing agreement contemplates three options for the developer:

- a) Integrated on-site option of 10% of units at 80% AMI, with 20% being 2 bedrooms or larger
- b) Stand-alone on-site option of 12% of units at 60% AMI with at least 30% being 2 bedrooms or larger
- c) Nearby off-site option of 20% of units at 60% AMI with at least 30% being 2 bedrooms or larger

In most instances, it is the preference of HOST to integrate affordable units into market-rate developments to create mixed-income communities. However, in this case, the alternative options b and c above proposed by the applicant would result in substantially more units at deeper affordability in a high-opportunity neighborhood in Denver without any income-restricted units.

The proposed affordable housing agreement will be executed prior to the City Council public hearing tentatively scheduled for March 14, 2022.

Summary of City Agency Referral Comments

As part of the DZC review process, the rezoning application is referred to potentially affected city agencies and departments for comment. A summary of agency referral responses follows:

Assessor: Approved – No response

Asset Management: Approved – No comments

Denver Public Schools: Approved – No response

Department of Public Health and Environment: Approved – No response

Denver Parks and Recreation: Approved – No comments

Public Works – R.O.W. - City Surveyor: Approved – No comments

Development Services - Transportation: Approved – No response

Development Services – Wastewater: Approved – No response

Development Services – Project Coordination: Approve Rezoning Only – Will require additional information at Site Plan Review

Development Services – Fire Prevention: Approved – No response

Public Review Process

	Date
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	7/7/21
Applicant worked with HOST and CPD staff on Voluntary Affordable Housing Agreement and development and submittal of Infrastructure Master Plan	July '21 to Ongoing
Property legally posted for a period of 15 days and CPD written notice of the Planning Board public hearing sent to all affected members of City Council, registered neighborhood organizations, and property owners:	1/3/22
Planning Board Public Hearing (voted 9 to 0 in favor):	1/19/22
CPD written notice of the Land Use, Transportation and Infrastructure Committee meeting sent to all affected members of City Council and registered neighborhood organizations, at least ten working days before the meeting:	1/18/22
Land Use, Transportation and Infrastructure Committee of the City Council meeting:	2/1/22
Property legally posted for a period of 21 days and CPD notice of the City Council public hearing sent to all affected members of City Council and registered neighborhood organizations (tentative):	2/21/22
City Council Public Hearing (tentative):	3/14/22

Public Outreach and Input

- **Registered Neighborhood Organizations (RNOs)**
As of the date of this report, staff has not received written comment from an RNO pertaining to this application.
- **Other Public Comment**
As of the date of this report, staff has not received written public comments pertaining to this application.

Criteria for Review / Staff Evaluation

The criteria for review of this rezoning application are found in DZC Section 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

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

1. Consistency with Adopted Plans

The following adopted plans currently apply to this property:

- *Denver Comprehensive Plan 2040*
- *Blueprint Denver* (2019)

Denver Comprehensive Plan 2040

The proposed rezoning is consistent with many of the adopted *Denver Comprehensive Plan 2040* strategies, which are organized by vision element.

The proposed rezoning will allow for more commercial amenities and employment opportunities in the Denver Technological Center. It is therefore consistent with the following strategy in the Equitable, Affordable and Inclusive vision element:

- Equitable, Affordable, and Inclusive Goal 1, Strategy C: *“Improve equitable access to resources that improve quality of life, including cultural and natural amenities, health care, education, parks, recreation, nutritious food and the arts”* (p. 28).

The proposed rezoning would enable infill development at a location where infrastructure is already in place. The requested S-MX-8 zone district broadens the mix of retail services and employment at an intensity consistent with the desire for dense and pedestrian-friendly destinations, and it is therefore consistent with the following strategies in the Strong and Authentic Neighborhoods vision element:

- Strong and Authentic Neighborhoods Goal 1, Strategy A – *“Build a network of well-connected, vibrant, mixed-use centers and corridors”* (p. 34).
- Strong and Authentic Neighborhoods Goal 1, Strategy B – *“Ensure neighborhoods offer a mix of housing types and services for a diverse population* (p. 34).
- Strong and Authentic Neighborhoods Goal 1, Strategy D – *“Encourage quality infill development that is consistent with the surrounding neighborhoods and offers opportunities for increased amenities”* (p. 34).

The proposed rezoning would allow for an additional housing within an established neighborhood, consistent with the following strategies in the Equitable, Affordable and Inclusive vision element:

- Equitable, Affordable and Inclusive Goal 2, Strategy A - *Create a greater mix of housing options in every neighborhood for all individuals and families* (p. 28).
- Equitable, Affordable and Inclusive Goal 3, Strategy B – *Use land use regulations to enable and encourage the private development of affordable, missing middle and mixed-income housing, especially where close to transit* (p. 28).

Similarly, the land use pattern detailed in the previous paragraph is also consistent with the following strategies in the Environmentally Resilient vision element:

- Environmentally Resilient Goal 8, Strategy A - *Promote infill development where infrastructure and services are already in place* (p. 54).

The proposed S-MX-8 zoning would allow for a broad variety of uses including housing, retail services, and employment at an intensity consistent with the desire for dense, walkable, mixed-use neighborhoods near transit expressed in Comprehensive Plan 2040.

Blueprint Denver (2019)

Blueprint Denver was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city’s land use and transportation decisions. *Blueprint Denver* identifies the subject property as part of a Regional Center future place within the Suburban Neighborhood Context and provides guidance from the future growth strategy for the city.

Blueprint Denver Future Neighborhood Context



The subject property is within the Suburban Neighborhood Context. “The suburban context represents the most varied development in Denver’s neighborhoods. Homes in this context are largely single-unit but can also include higher intensity residential. Commercial development is focused along main corridors and centers bordering residential areas. Although this context is more auto-oriented than others, there should still be quality multimodal connectivity” (p. 185). The proposed rezoning is consistent with the neighborhood context guidance in *Blueprint Denver*.

Blueprint Denver Future Places



The Future Places Map shows the subject property as part of a Regional Center. *Blueprint Denver* describes the aspirational characteristics of Regional Centers in the Suburban context as containing, “a high mix of uses...larger scale mixed-use buildings are common. Structures should respond in form and mass to the streets and public spaces around them. High degree of urbanism with continuous building frontages to define the public realm. Heights are generally the tallest in the context and transition gradually within the center to the surrounding residential areas” (p. 194). The proposed district of S-MX-8 provides a wide range and mix of uses. The future proposed height of up to 8 stories is appropriate for a regional center in this location, given its proximity to transit, location within the regional center, and the allowed and existing building heights in the area.

Street Types

In *Blueprint Denver*, Future Street Types work in concert with the Future Places to evaluate the appropriate intensity of adjacent development (p. 67). *Blueprint Denver* classifies South Ulster Street and East Belleview Avenue as Commercial Arterial Future Street Types, which “are designed for the highest amount of through movement and the lowest degree of property access” (p.154). The use and built form characteristics of Commercial streets is described as, “Commercial streets typically contain commercial uses including shopping centers, auto services and offices” (p.159). The proposed S-MX-8 zone district is consistent with this street type description as it is intended for more intense development with commercial uses.

Growth Strategy



Blueprint Denver’s growth strategy map is a version of the future places map, showing the aspiration for distributing future growth in Denver (p. 51). The subject property is part of a Regional Center. Regional Centers are anticipated to see around 30% of new housing growth and 50% of new employment growth by 2040 (p. 51). “Focusing growth in centers and corridors helps to provide a variety of housing, jobs and entertainment options within a comfortable distance to all Denverites and is a key element of building complete neighborhoods throughout Denver” (p. 49). The proposed map amendment to S-MX-8 will focus mixed-use growth to a Regional Center where it has been determined to be most appropriate.

Additional Applicable Strategies

The proposed rezoning is also consistent with the following strategies from *Blueprint Denver*:

- Land Use and Built Form: General Policy 1, Strategy A – *Use zoning and land use regulations to encourage higher-density, mixed-use development in transit-rich areas including: Regional centers and community centers...* (p. 72).
- Land Use and Built Form: General Policy 3, Strategy A – *Rezone properties from the Former Chapter 59 zoning code so that the entire city is covered by the DZC, including continuing to incentivize property owners to come out of the old code* (p. 73).

- Land Use and Built Form: Housing Policy 8, Strategy A – *Align high-density residential areas near regional centers to support housing growth near major job centers with access to transit priority streets* (p. 87).

The proposed S-MX-8 zoning would allow higher-density mixed-use development in a regional center served by transit and rezone the property from Former Chapter 59 into the Denver Zoning Code. The proposed rezoning to S-MX-8 is consistent with the policies, context, place, growth strategy, and street type recommendations of Blueprint Denver.

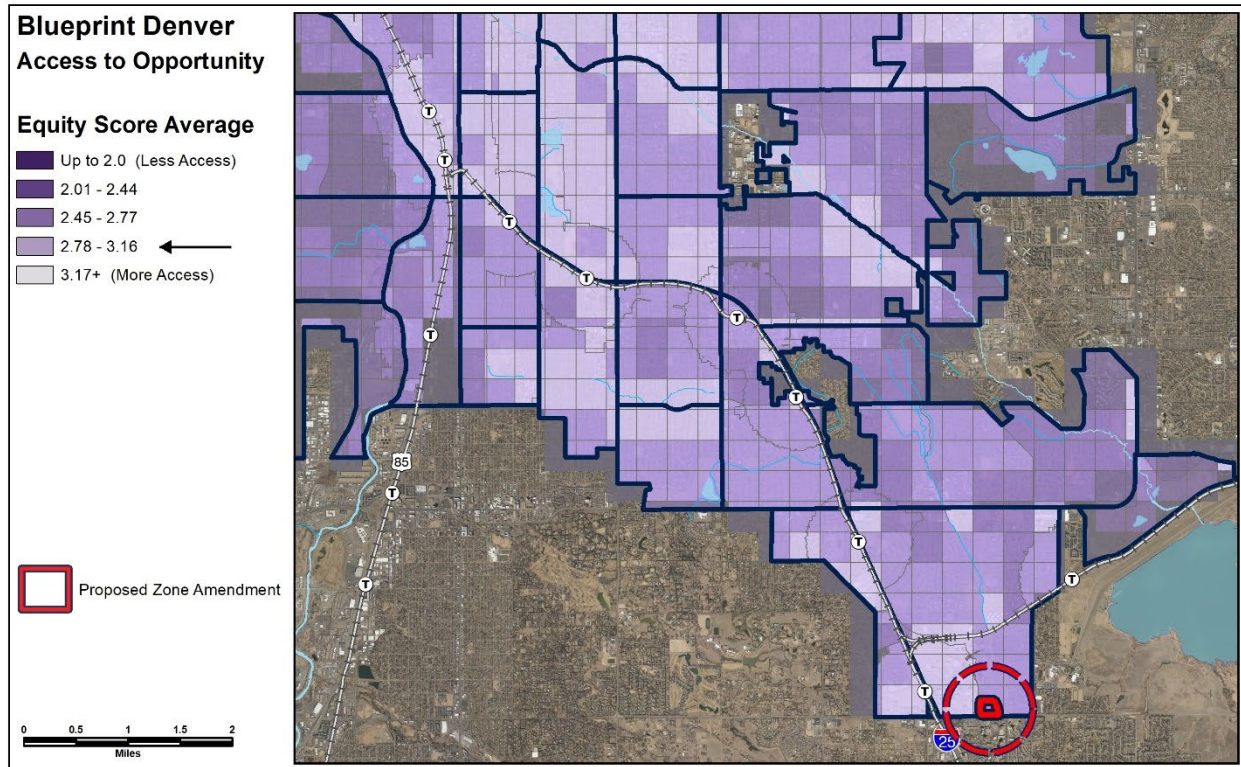
Blueprint Denver Equity Concepts & Analysis

Blueprint Denver provides three equity concepts to consider for planning and implementation: improving access to opportunity, reducing vulnerability to displacement and expanding housing and jobs diversity. These concepts and supplemental data are used to evaluate large area rezonings, such as this one at approximately 13 acres, with the goal of improving equity in the surrounding area through providing access to open space, access to and the mix of jobs and housing choices.

This evaluation, also known as an equity analysis, identifies gaps related to equity that should be considered and addressed as part of the Large Development Review and/or rezoning processes. The equity analysis is presented to the applicant at the pre-application phase after which an equity brief is provided for the applicant to respond to and incorporate into their application narrative. The equity brief is attached to the staff report.

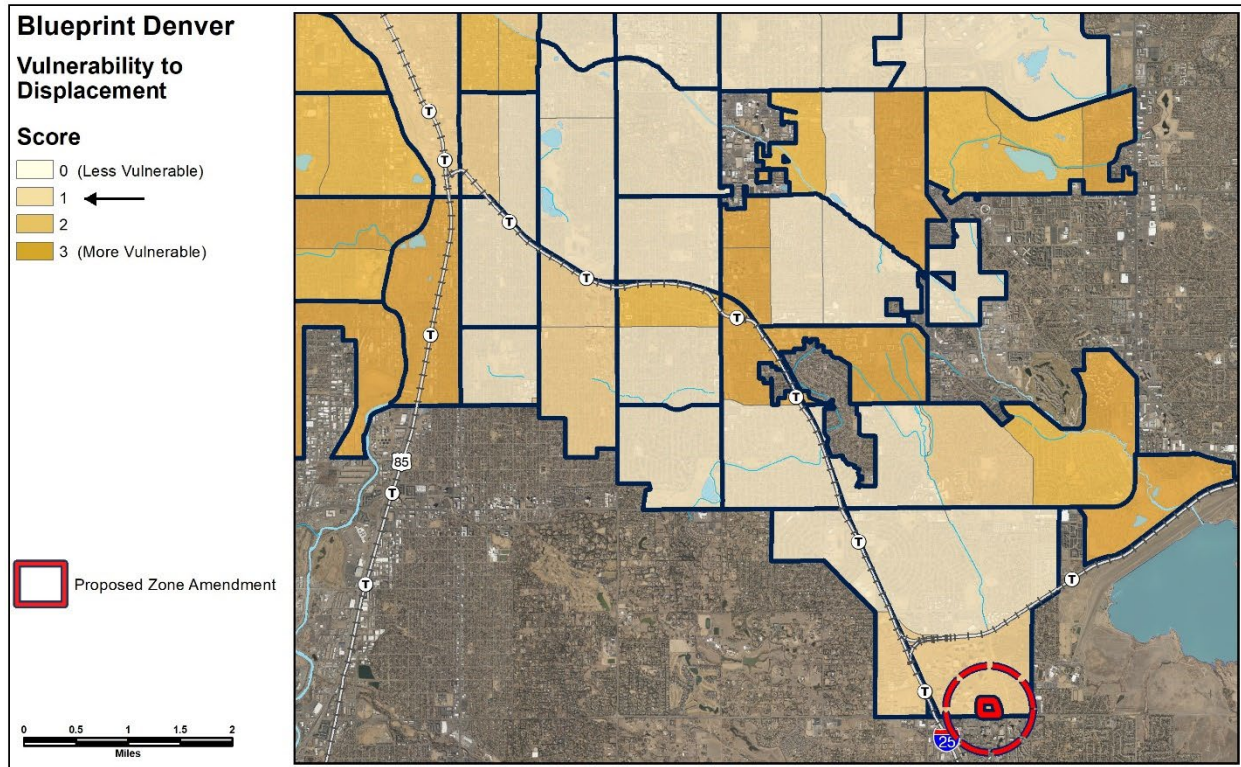
In this case, the subject sites score more equitable for access to opportunity, less vulnerable to displacement, similar to citywide averages for housing diversity and dissimilar from citywide averages for job diversity. The most pronounced equity gap identified in this area is a lack of income-restricted affordable housing units. The affordable housing agreement described above aims to directly address this. Additional items such as transit stop improvements, a better-connected street network and additional open space could be included in the IMP which is under development.

Access to Opportunity



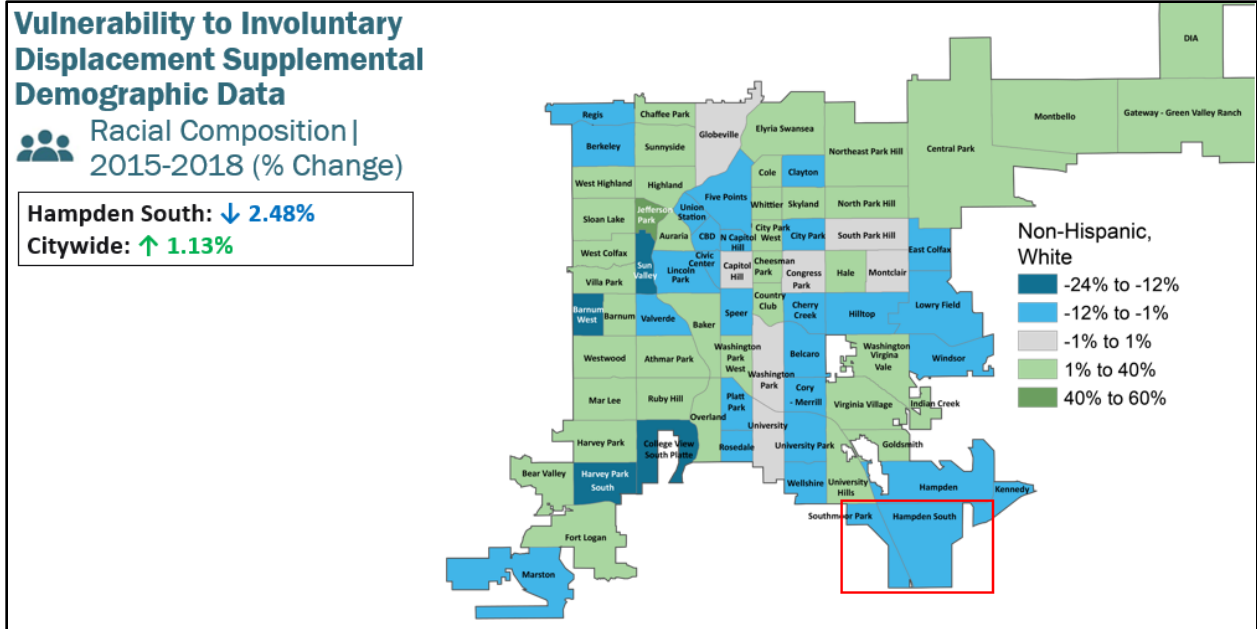
Hampden South is indicated as an area with higher than average access to opportunity, defined as access to basic goods, services and amenities to improve quality-of-life. However, the subject sites have less access to grocery stores. The proposed mixed-use zone district will allow a broad range of commercial uses, including the opportunity for grocery stores and healthy food options.

Vulnerability to Displacement

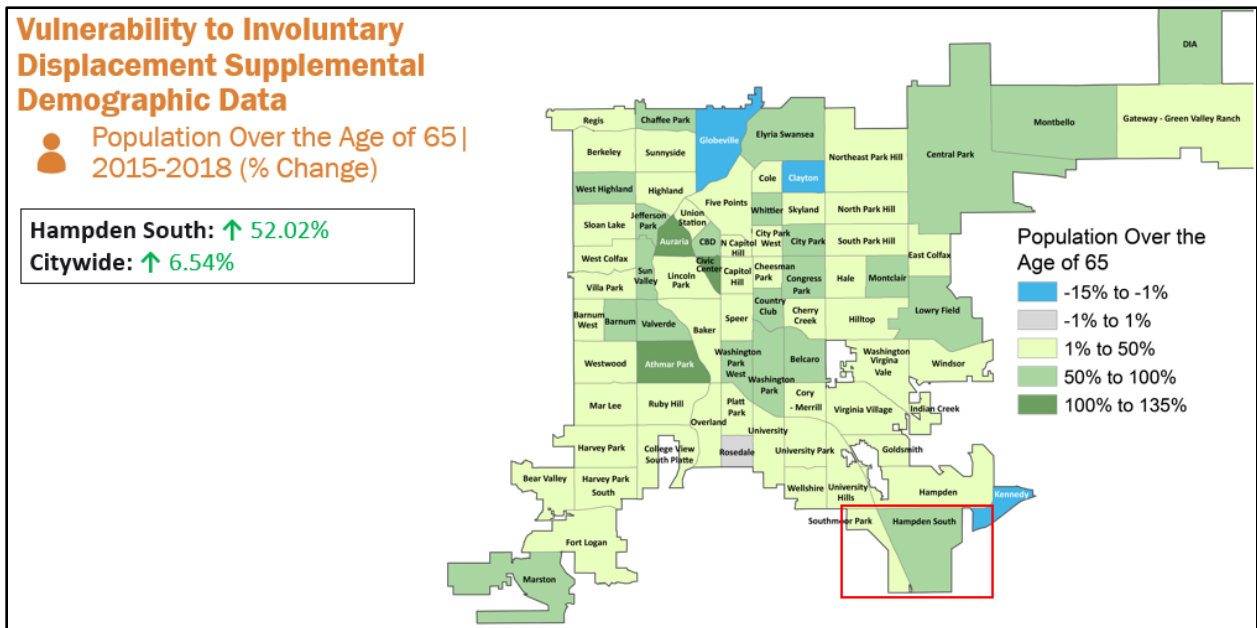


Hampden South is indicated as an area less vulnerable to displacement as it has higher than citywide averages for median household income and educational attainment. However, it does score vulnerable with regards to the percent of renter occupied units at 56.9% compared to the citywide average of 50.1%.

The equity analysis also contains supplemental data that highlights demographic changes and housing market conditions for the area. This data can be used to help better understand vulnerability to displacement, including how the demographics of the area have changed over time. As the Hampden South neighborhood is less vulnerable to displacement, key data points from the supplemental analysis that help illustrate economic and demographic changes that sharply contrast citywide trends are highlighted below.

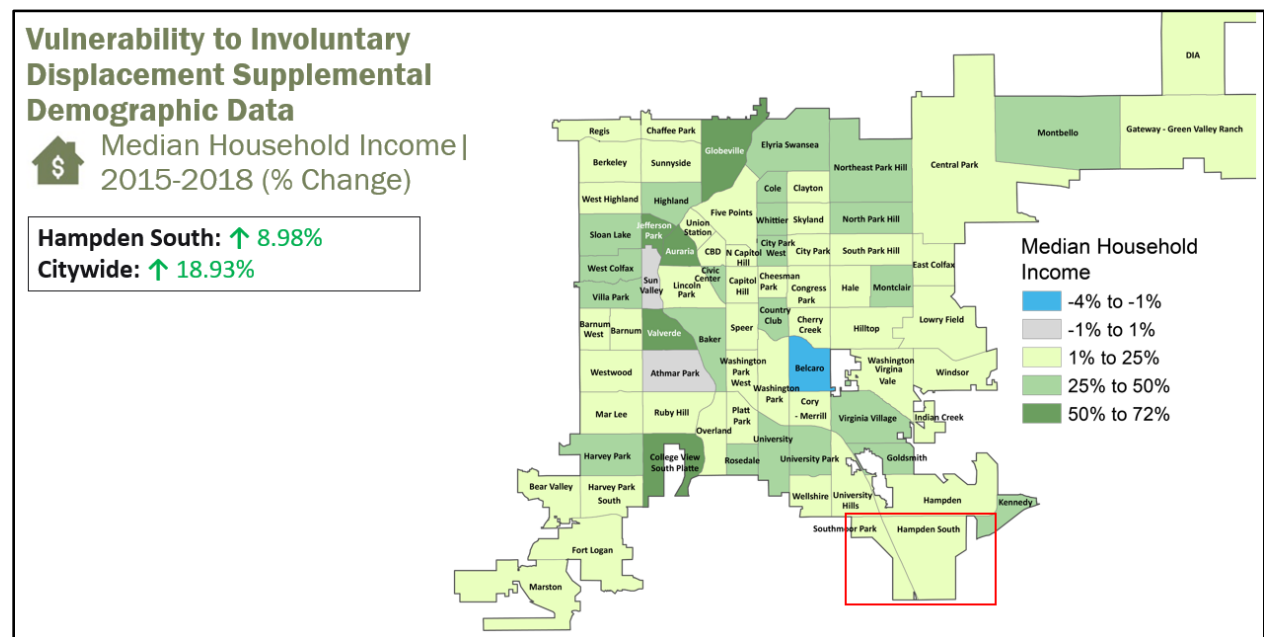
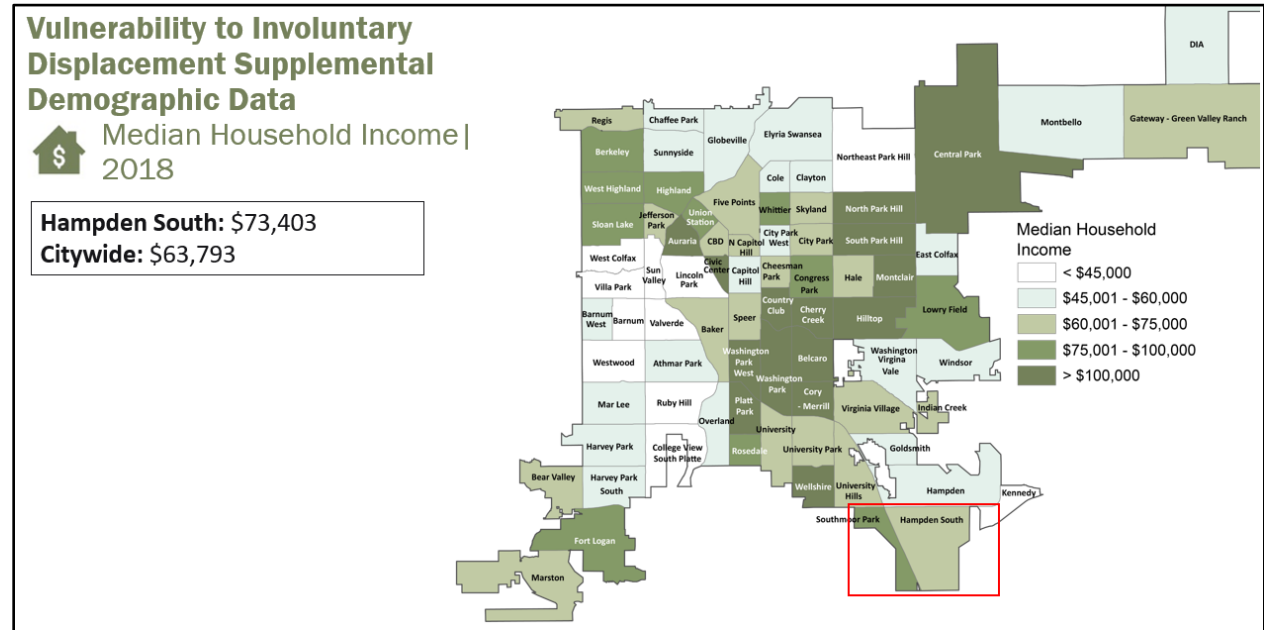


The change in racial composition (percent of non-Hispanic, White residents) increased citywide from 2015 to 2018 by 1.1% whereas Hampden South saw a decrease of White residents by 2.5%, becoming slightly more diverse.



Another stark contrast can be seen when comparing the percentage of population over the age of 65. 28.3% of the population in Hampden South is over the age of 65 while only 11.4% of the citywide population is over the age of 65. Similarly, in Hampden South the percent change of population over the

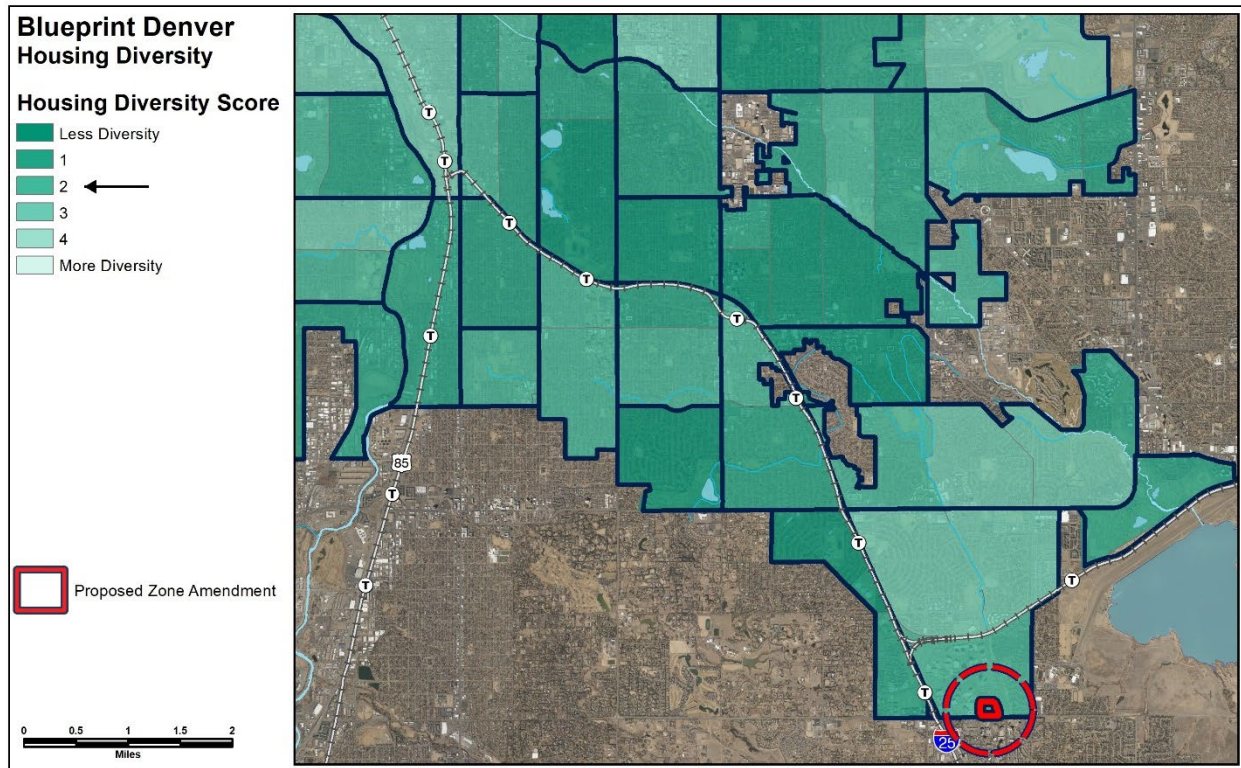
age of 65 from 2015 to 2018 increased by 52.2% while citywide population over the age of 65 increased by 6.5%.



Lastly, while median household income is higher in Hampden South than the citywide average (\$73,403 vs. \$63,793), incomes are increasing at a lower percentage than what is occurring citywide.

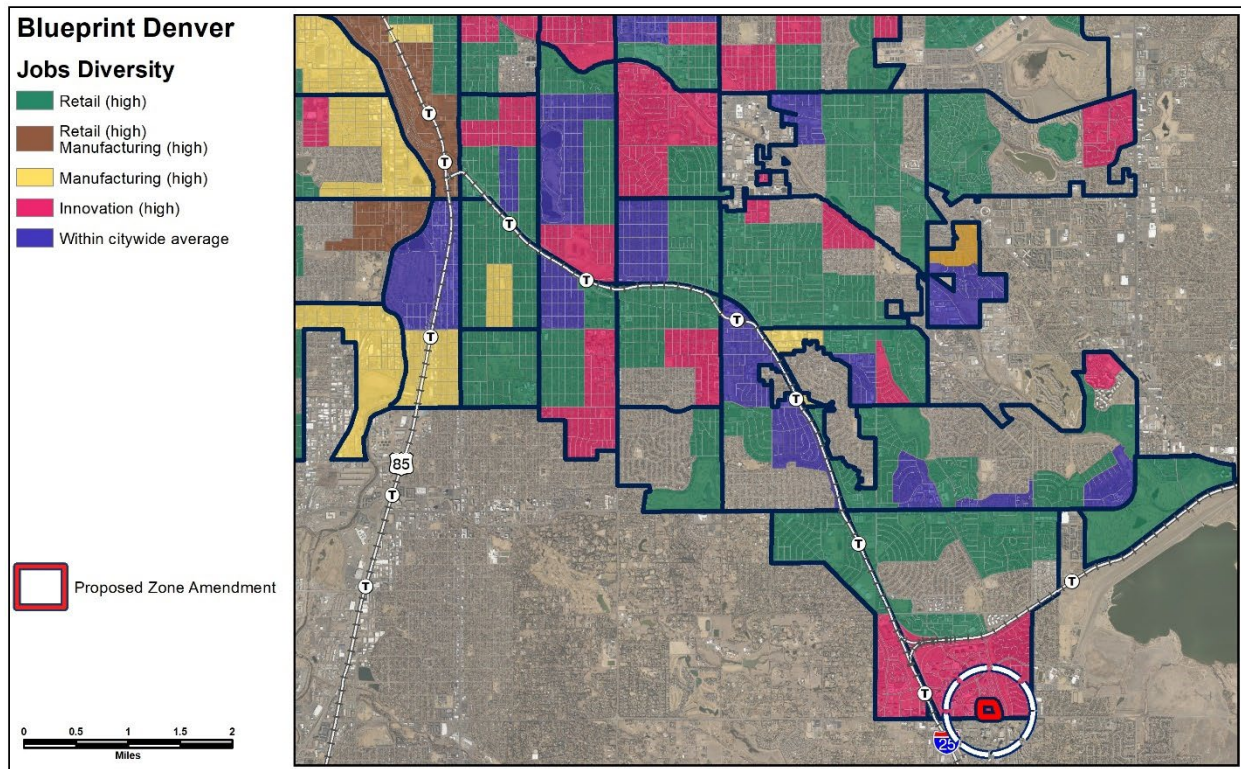
Overall, the proposed rezoning would allow for multi-unit residential development. It would not have a significant impact on the equity measures, but it could potentially provide opportunities for home ownership.

Housing Diversity



Hampden South is indicated as an area with moderate housing diversity. The neighborhood does not contain any income restricted units and is less diverse than citywide averages when analyzing bedroom counts in homes. The proposed rezoning, in conjunction with the proposed affordable housing agreement, will help diversify the bedroom counts in homes and provide income restricted units.

Jobs Diversity



Hampden South has a mix of jobs that skew higher in innovation than the city average, primarily located within the Denver Technological Center. The proposed rezoning to a mixed-use zone district could allow for additional retail jobs but would likely not have a direct impact on job diversity in the neighborhood.

Equity Analysis Outcomes

Through the equity analysis process, the city and neighborhood can expect more equitable outcomes with the development of this large site. A guaranteed outcome will be the execution of the affordable housing agreement detailed earlier in the staff report that will bring income restricted units and three-bedroom units to a part of the city where there are currently none in existence.

There are other commitments currently under discussion that would also lead to equitable outcomes. The applicant team has expressed an interest and willingness to upgrade the existing RTD bus stop on South Ulster Street to promote the use of public transportation for future users of the site. This commitment would be memorialized in the Infrastructure Master Plan which is currently in development and could contain additional elements such as a better-connected street network and increased open space. The property owner has also expressed an interest and willingness to provide fresh-food options or a grocery store on site as this was a need identified in both the equity analysis and from the neighborhood at the LDR community information meeting. While these uses would not be memorialized in a development agreement given the necessary market conditions and challenging

nature of attracting a grocery store, the property owner has been actively searching for a grocer to anchor the redevelopment since the equity analysis was presented in July 2020.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to S-MX-8 will result in the uniform application of zone district building form, use and design regulations.

3. Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety, and general welfare through implementation of the city's adopted land use plans. The proposed rezoning would also facilitate increased housing density near services and amenities and promote a walkable, urban neighborhood within walking distance to public transit.

4. Justifying Circumstances

Changed or changing conditions in the area and city adopted plans serve as the Justifying Circumstances under DZC Section 12.4.10.8.A.4, "Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such a change may include: ...That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning." As discussed above, the property was not rezoned with the adoption of the Denver Zoning Code in 2010 and retained Former Chapter 59 zoning. Rezoning the property into a Denver Zoning Code zone district is in the public interest to ensure more consistent and higher quality development outcomes, justifying the proposed rezoning. Changed or changing conditions in a particular area, or in the city generally; or, a city adopted plan...."

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

Overall, the proposed map amendment is consistent with the Suburban Neighborhood Context. The Denver Zoning Code describes the Suburban Context as characterized by single-unit, and multi-unit residential, commercial strips and centers, and office parks. Commercial buildings are typically separated from residential and consist of Shopfront and General forms. Multi-unit residential and commercial uses are primarily located along arterial and collector streets. Block patterns in the Suburban Context are irregular and shaped by curvilinear streets and modified grid streets.

The Suburban mixed-use zone districts are intended to "promote safe, active, pedestrian-scaled, diverse areas and enhance the convenience and ease of walking, shopping and public gathering within and around the city's neighborhoods." They are "appropriate along corridors, for larger sites and at major intersections." They include "building form standards that balance the importance of street presence and provision of adequate parking through build-to requirements, street level activation and parking lot screening" (DZC Section 3.2.4.1).

The S-MX-8 zone district intent is that “it applies to areas or intersections served primarily by arterial streets where a building scale of 1 to 8 stories is desired.” (DZC Section 3.2.4.2.H). The proposed zone district will provide predictable building forms, allow for reinvestment, and accommodate future development that furthers the district’s purpose and intent.

Attachments

1. Application
2. 8101 E. Belleview Ave. Waivers and Condition (1988)
3. 8351 E. Belleview Ave. Waivers (1978)
4. Large Development Framework
5. Equity Brief

Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name		Representative Name	
Address		Address	
City, State, Zip		City, State, Zip	
Telephone		Telephone	
Email		Email	
<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):			
Assessor's Parcel Numbers:			
Area in Acres or Square Feet:			
Current Zone District(s):			
PROPOSAL			
Proposed Zone District:			


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 type="checkbox"/> Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan. Please provide an attachment describing relevant adopted plans and how proposed map amendment is consistent with those plan recommendations; or, describe how the map amendment is necessary to provide for an unanticipated community need.</p> <p><input 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 type="checkbox"/> Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</p>
<p>Additional Review Criteria for Non-Legislative Rezoning: The proposal must comply with both of the additional review criteria DZC Sec. 12.4.10.8</p>	<p>Justifying Circumstances - One of the following circumstances exists:</p> <p><input type="checkbox"/> The existing zoning of the land was the result of an error.</p> <p><input type="checkbox"/> The existing zoning of the land was based on a mistake of fact.</p> <p><input type="checkbox"/> The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage.</p> <p><input type="checkbox"/> Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include:</p> <p style="margin-left: 20px;">a. Changed or changing conditions in a particular area, or in the city generally; or</p> <p style="margin-left: 20px;">b. A City adopted plan; or</p> <p style="margin-left: 20px;">c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.</p> <p><input type="checkbox"/> It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (Overlay Zone Districts), of this Code. Please provide an attachment describing the justifying circumstance.</p> <p><input type="checkbox"/> The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District. Please provide an attachment describing how the above criterion is met.</p>

REQUIRED ATTACHMENTS

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

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

ADDITIONAL ATTACHMENTS

Please identify any additional attachments provided with this application:

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

Please list any additional attachments:




PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION/PETITION

We, the undersigned represent that we are the owners of the property described opposite our names, or have the authorization to sign on behalf of the owner as evidenced by a Power of Attorney or other authorization attached, and that we do hereby request initiation of this application. I hereby certify that, to the best of my knowledge and belief, all information supplied with this application is true and accurate. I understand that without such owner consent, the requested official map amendment action cannot lawfully be accomplished.

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed or deed of trust, (C) title policy or commitment, or (D) other as approved	Has the owner authorized a representative in writing? (YES/NO)
EXAMPLE John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/01/12	(A)	YES


 Return completed form to rezoning@denvergov.org

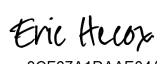

**SIGNATURE PAGE
TO REZONING APPLICATION**

8101 & 8351 E. Belleview Avenue

MB Marina Square, LLC,
a Delaware limited liability company

By: Shea Properties Management Company, Inc.,
a Delaware corporation, its Manager

DocuSigned by:

By: _____
Name: Peter Culshaw
Title: Assistant Secretary

DocuSigned by:

By: _____
Name: Eric Hecox
Title: Assistant Secretary

Legal Description of Subject Property
Rezoning Application for 8101 & 8351 E. Belleview Ave.

Parcel 1:

A tract of land in the Southeast $\frac{1}{4}$ of Section 9, Township 5 South, Range 67 West of the 6th Principal Meridian, City and County of Denver, State of Colorado, more particularly described as follows:

Commencing at the Southwest corner of said Southeast $\frac{1}{4}$;

Thence East along the South line of said Southeast $\frac{1}{4}$, 664.91 feet;

Thence on an angle to the left of $89^{\circ}33'46''$ and parallel with the West line of said Southeast $\frac{1}{4}$, 70.00 feet to the True Point of Beginning;

Thence continuing along the same course an additional distance of 726.00 feet;

Thence on an angle to the left of $90^{\circ}26'14''$ and parallel with said South line of the Southeast $\frac{1}{4}$, 584.91 feet;

Thence on an angle to the left of $89^{\circ}33'46''$ and parallel with said West line of the Southeast $\frac{1}{4}$, 65.00 feet;

Thence on an angle to the right of $89^{\circ}33'46''$ and parallel with said South line of the Southeast $\frac{1}{4}$, 20.00 feet;

Thence on an angle to the left of $89^{\circ}33'46''$ and parallel with said West line of the Southeast $\frac{1}{4}$, 558.72 feet to a point of curvature;

Thence along a curve to the left having a radius of 101.50 feet and a central angle of $90^{\circ}26'14''$, an arc distance of 160.21 feet to a point of tangency;

Thence along the tangent to the aforesaid curve, parallel with and 70.00 feet North of said South line of the Southeast $\frac{1}{4}$ of Section 9, 502.63 feet to the True Point of Beginning.

Parcel 2:

A parcel of land located in the Southeast $\frac{1}{4}$ of Section 9, Township 5 South, Range 67 West of the 6th Principal Meridian, Denver Technological Center-Superblock "F", City and County of Denver, State of Colorado, more particularly described as follows:

Commencing at the Southwest corner of said Southeast $\frac{1}{4}$;

Thence Easterly along the South line of said Southeast $\frac{1}{4}$, a distance of 664.91 feet;

Thence on an angle right of $90^{\circ}24'29''$ and parallel with the West line of said Southeast $\frac{1}{4}$, a distance of 60.00 feet to the True Point of Beginning;

Thence continuing on the previously described course, a distance of 10.00 feet to the Southeast corner of a parcel of land as described in Book 3140 at Page 647, recorded on July 5, 1994 in the records of the Clerk and Recorder of the City and County of Denver, Colorado;

Thence continuing on the previously described course and along the Easterly line of said parcel, a distance of 726.00 feet to a point on the Southerly line of a parcel of land as described at Reception No.

92-0140336, recorded on November 25, 1992 in the records of the Clerk and Recorder of the City and County of Denver;

Thence on an angle left of $89^{\circ}59'59''$ and along the Southerly line of said parcel, a distance of 15.00 feet to a point on the Southwesterly line of a parcel of land as described in Reception No. 95-00132628, recorded on November 19, 1992 in the records of the Clerk and Recorder of the City and County of Denver;

Thence on an angle left of $141^{\circ}02'03''$ and along said Southwesterly line, a distance of 130.65 feet;

Thence on an angle right of $118^{\circ}52'09''$, a distance of 20.00 feet;

Thence on an angle left of $90^{\circ}00'00''$, a distance of 260.00 feet to a point on the Northerly line of a parcel of land described in Book 2818 at Page 14, recorded May 23, 1983 in the records of the Clerk and Recorder of the City and County of Denver;

Thence continuing along the Northerly and Southwesterly lines of said parcel the following two (2) courses:

1) Thence on an angle left of $90^{\circ}00'00''$, a distance of 20.00 feet;

2) Thence on an angle right of $90^{\circ}00'00''$, a distance of 37.88 feet;

Thence continuing on the previously described course, a distance of 147.15 feet to a point of curvature;

Thence along the arc of a tangent curve to the right having a radius of 322.86 feet, a central angle of $21^{\circ}43'40''$, and an arc length of 122.44 feet;

Thence along the tangent of said curve, a distance of 120.00 feet to a point on the Northerly right of way line of East Belleview Avenue, said point also being 60.00 feet North of the South line of the Southeast $\frac{1}{4}$ of said Section 9;

Thence on an angle left of $90^{\circ}00'00''$, 60.00 feet North and parallel with said South line, a distance of 309.25 feet to the True Point of Beginning; City and County of Denver, State of Colorado.

8101 E BELLEVIEW AVE

Owner	MB MARINA SQUARE LLC 130 VANTIS DR STE 200 ALISO VIEJO, CA 92656-2691
Schedule Number	07094-00-009-000
Legal Description	T5S R67W PTN SE/4 SEC 9 DAF COM SW COR OF SD SE/4 SEC 9 TH E664.91FT A/L 70FT TO POB TH CONT 726FT A/L 584.91FT A/L 65FTA/R 20FT A/L 558.72FT CRV/L 160.21FT E 502.63FT TO
Property Type	COMMERCIAL-SHOPPING CENTER
Tax District	125B

Print Summary

Property Description			
Style:	OTHER	Building Sqr. Foot:	92193
Bedrooms:		Baths Full/Half:	0/0
Effective Year Built:	1978	Basement/Finish:	0/0
Lot Size:	435,602	Zoned As:	B-8

Note: Valuation zoning may be different from City's new zoning code.

Current Year			
Actual	Assessed	Exempt	
Land	\$20,908,900	\$6,063,580	\$0
Improvements	\$1,000	\$290	
Total	\$20,909,900	\$6,063,870	

Prior Year			
Actual	Assessed	Exempt	
Land	\$17,424,100	\$5,052,990	\$0
Improvements	\$1,000	\$290	
Total	\$17,425,100	\$5,053,280	

Real Estates Property Taxes for current tax year

System Upgrade Underway:

Due to a system upgrade, payment information is taking longer to update and may not reflect the current status of your account.

Mill Levy * **83.695** *

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

	Installment 1 (Feb 28 Feb 29 in Leap Years)	Installment 2 (Jun 15)	Full Payment (Due Apr 30)
Date Paid	4/28/2021	4/28/2021	4/28/2021
Original Tax Levy	\$211,467.13	\$211,467.13	\$422,934.26
Liens/Fees	\$0.00	\$0.00	\$0.00
Interest	\$0.00	\$0.00	\$0.00
Paid	\$211,467.13	\$211,467.13	\$422,934.26
Due	\$0.00	\$0.00	\$0.00

Additional Information

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

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

Real estate property taxes paid for prior tax year: **\$412,428.50**

Assessed Value for the current tax year

Assessed Land	\$5,052,990.00	Assessed Improvements	\$290.00
Exemption	\$0.00	Total Assessed Value	\$5,053,280.00

8351 E BELLEVIEW AVE

Owner	MB MARINA SQUARE LLC 130 VANTIS DR STE 200 ALISO VIEJO, CA 92656-2691
Schedule Number	07094-00-068-000
Legal Description	T5S R67W PTN SE/4 SEC P DAF COM SW COR OF SD SE/4 SEC 8 TH E664.91FT A/L 60FT TO POB THN 10FT N 726FT A/R 15FT A/R130.65FT A/L 20FT A/R 260FT A/R 20FT A/L 37.88FT GRV/R122.44FT S 120FT A/R 309.25FT TO TPOB
Property Type	COMMERCIAL-RETAIL
Tax District	125B

Print Summary

Property Description			
Style:	OTHER	Building Sqr. Foot:	18687
Bedrooms:		Baths Full/Half:	0/0
Effective Year Built:	1998	Basement/Finish:	0/0
Lot Size:	167,955	Zoned As:	B-8

Note: Valuation zoning may be different from City's new zoning code.

Current Year				
	Actual	Assessed	Exempt	
Land		\$8,061,800	\$2,337,920	\$0
Improvements		\$1,000	\$290	
Total		\$8,062,800	\$2,338,210	

Prior Year				
	Actual	Assessed	Exempt	
Land		\$5,878,400	\$1,704,740	\$0
Improvements		\$1,000	\$290	
Total		\$5,879,400	\$1,705,030	

Real Estates Property Taxes for current tax year

System Upgrade Underway:

Due to a system upgrade, payment information is taking longer to update and may not reflect the current status of your account.

Mill Levy * **83.695** *

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

	Installment 1 (Feb 28 Feb 29 in Leap Years)	Installment 2 (Jun 15)	Full Payment (Due Apr 30)
Date Paid	4/28/2021	4/28/2021	4/28/2021
Original Tax Levy	\$71,351.24	\$71,351.27	\$142,702.51
Liens/Fees	\$0.00	\$0.00	\$0.00
Interest	\$0.00	\$0.00	\$0.00
Paid	\$71,351.24	\$71,351.27	\$142,702.51
Due	\$0.00	\$0.00	\$0.00

Additional Information

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

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

Real estate property taxes paid for prior tax year: **\$139,157.75**

Assessed Value for the current tax year

Assessed Land	\$1,704,740.00	Assessed Improvements	\$290.00
Exemption	\$0.00	Total Assessed Value	\$1,705,030.00

MB Marina Square, LLC
c/o Shea Properties
8351 E. Belleview Avenue
Denver, Colorado 80237

June 9, 2021

Community Planning and Development
City and County of Denver
201 W. Colfax Avenue
Denver, Colorado 80202


Re: Authorization with respect to the proposed land use application for certain real property referred to as “Marina Square,” located at 8101 & 8351 E. Belleview Avenue (“**Property**”) in the City and County of Denver (“**City**”)


Ladies and Gentlemen:

The undersigned (“**Owner**”), as owner of the Property, hereby designates Peter Culshaw, as Executive Vice President of Shea Properties, and Eric Hecox, as Senior Vice President, Operations, of Shea Properties (each a “**Representative**”), each as an authorized representative of Owner to submit on behalf of Owner all applications and supporting materials required or requested by the City in connection with the large development review, rezoning and related land use applications with respect to the Property and any development approvals in connection therewith. In furtherance of the foregoing, Owner requests that any verbal or written communication regarding these applications be given to each Representative, and/or any individuals designated by such Representative, pursuant to such contact information provided by Representative to the City.

MB Marina Square, LLC,
a Delaware limited liability company

By: Shea Properties Management Company, Inc.,
a Delaware corporation, its Manager

DocuSigned by:

By: _____
Name: Peter Culshaw
Title: Assistant Secretary

DocuSigned by:

By: _____
Name: Eric Hecox
Title: Assistant Secretary

**WRITTEN CONSENT OF THE MANAGER
OF
MB MARINA SQUARE, LLC**

June 9, 2021

Shea Properties Management Company, Inc., a Delaware corporation (“SPMC”), being the sole manager of MB Marina Square, LLC, a Delaware limited liability company (the “Company”), hereby adopts, approves, and consents to the following preambles and resolutions by written consent pursuant to the Amended and Restated Operating Agreement of the Company (the “Operating Agreement”), and the Colorado Limited Liability Company Act (Colo. Rev. Stat. §§ 7-80-101, *et seq.*) (the “Law”):

WHEREAS, pursuant to the Operating Agreement, the Manager of the Company, acting individually, has the ability to direct, manage and control the business of the Company, without the consent or concurrence of any members or any other party;

WHEREAS, SPMC is the sole manager of the Company;

WHEREAS, the Company desires rezone (the “Rezoning”) certain real property owned by the Company, which is commonly referred to as “Marina Square” in Denver, Colorado;

WHEREAS, in connection with the Rezoning, the Company will execute and deliver certain documents necessary to effectuate the Rezoning (collectively, the “Rezoning Documents”); and

WHEREAS, SPMC deems that the Rezoning, and the execution and delivery of the Rezoning Documents, are each reasonably expected to benefit the Company, and are in the best interest of the Company.

NOW, THEREFORE, BE IT RESOLVED, SPMC, being a manager of the Company, hereby approves, in all respects, the Rezoning and the execution and delivery of the Rezoning Documents;

FURTHER RESOLVED, that the Company may authorize certain individuals, including without limitation Peter Culshaw, as Executive Vice President of Shea Properties, and Eric Hecox, as Senior Vice President, Operations, of Shea Properties, to execute and deliver the Rezoning Documents, each containing such terms, provisions, modifications, and changes as such person deems appropriate, and to take such other and further actions and to execute and deliver such other and further documents as may be reasonably necessary to effectuate the Rezoning, as such person(s) shall determine in their reasonable discretion;


FURTHER RESOLVED, that any and all actions taken on behalf of the Company prior to the date hereof and in connection with the Rezoning are hereby ratified, confirmed, and approved in all respects;

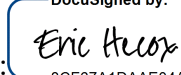
FURTHER RESOLVED, that this consent may be executed in counterparts, including facsimile or other electronic signatures, each of which shall be deemed an original for all purposes and all of which will constitute one and the same instrument; and

FURTHER RESOLVED, that the actions taken by this consent shall have the same force and effect as if taken by the undersigned at a special meeting of the managers of the Company, duly called and constituted pursuant to the Law and the Operating Agreement.

IN WITNESS WHEREOF, the undersigned, a manager of the Company, hereby consents to, approves, and adopts the foregoing preambles and resolutions effective as of the date first above written.

Shea Properties Management Company, Inc.,
a Delaware corporation, its Manager

DocuSigned by:

By: 419E5D061C3C4DA...
Name: Peter Culshaw
Title: Assistant Secretary

DocuSigned by:

By: 8CF67A1DAAE04A1...
Name: Eric Hecox
Title: Assistant Secretary

January 4, 2022

THOMAS J. RAGONETTI
303 575 7509
TJR@OTTENJOHNSON.COM

VIA E-MAIL

Community Planning & Development
City and County of Denver
201 W. Colfax Avenue
Denver, Colorado 80202
Attn: Brandon Shaver

Re: Rezoning Application for Marina Square

Dear Brandon:

As you know, this firm represents Shea Properties Management Company, Inc., together with its affiliates (the “**Applicant**”), with respect to certain real property located at 8101 E. Belleview Avenue and 8351 E. Belleview Avenue (collectively, the “**Property**”) in the City and County of Denver (the “**City**”). This letter is submitted in support of the Applicant’s application for rezoning of the Property from B-8, UO-1, UO-2, with waivers, to the Suburban Mixed Use Eight District (S-MX-8) (the “**Rezoning Application**”) under the Denver Zoning Code (“**Code**”). This Rezoning Application follows the approved Large Development Framework plan for the Property, which was recorded in the real property records of the City on October 23, 2020, at Reception No. 2020176055 (the “**LDR**”).

Property Background and Context

The Property is an approximately 13 acre area located north of East Belleview Avenue between South Ulster Street and DTC Boulevard within the Hampden South neighborhood of the City. The Property is also part of the Denver Tech Center. The Property was originally developed nearly four decades ago as a single story retail center, with six buildings on the interior of the site surrounded by parking. Initially, the Property was designed around an interior courtyard with all the shops facing inwards. The original design was turned inside out (by altering the locations of the entrances) as retail demanded more of a street presence. However, the concept, the infrastructure, and the buildings are well past their prime. The current state of the Property is not consistent with the City’s adopted plans, or the Applicant’s vision, for a more vibrant and dense mixed-use area. The area surrounding the Property comprises a broad mix of retail, office and residential uses, mostly in newer, multi-story buildings in a suburban setting. As a part of the Denver Tech Center, the Property is subject to private covenants that require, among other things, a heightened level of architectural design, a minimum of 30 percent open space, and substantial setbacks.

In connection with the LDR application, the Applicant team held a community meeting on July 30, 2020. Subsequently, and prior to submittal of this Rezoning Application, the Applicant met with HOST several times, along with members of the Denver City Council Land Use and Transportation Infrastructure Committee, to discuss this proposed Rezoning Application. The Applicant has also reached out to the adjacent properties regarding the Rezoning Application. The Applicant team will continue to put an emphasis on gathering community and neighborhood feedback throughout the redevelopment process for the Property, including scheduling a community wide meeting prior to the Denver Planning Board hearing on the Rezoning Application.

In connection with the Rezoning Application, the Applicant desires to redevelop the Property to create a mixed-use, retail, office and residential area with pedestrian connections to the neighboring uses, all of which, as discussed in the following sections, is more consistent with both the City's adopted plans for the Property and the surrounding area. To facilitate such redevelopment, the Applicant submits this Rezoning Application.

Equity Analysis and Responses

In connection with the City's approval of the LDR, an equity analysis was conducted that determined that the Property scores: (1) relatively high on Access to Opportunity due to its location within the Denver Tech Center; (2) less vulnerable in the Vulnerability to Displacement category, and (3) and mid-range in Housing Diversity. Following the LDR and in connection with the review of the Rezoning Analysis, an additional equity analysis was conducted using the City's updated standards. That analysis determined that the Property scores as follows with respect to the Access to Opportunity component:

- Most Equitable (5.0) for Social Determinants of Health
- Less Equitable (2.5) for Access to Parks
- Less Equitable (2.5) for Access to Fresh Food
- Somewhat Equitable (3.0) for Access to Healthcare
- Somewhat Equitable (3.0) for Child Obesity
- More Equitable (4.0) for Life Expectancy
- Has No Access (0.0) for Access to Transit
- 50-74% Walk, Bike, or Driveshed (3.67) for Access to Centers and Corridors

In response to the foregoing, the Applicant and City staff have considered several possible means by which the equity analysis scores may be improved in connection with Applicant's contemplated redevelopment of the Property. Most notably, the proposed development of the Property, which would be enabled by the approval of the Rezoning Application, would facilitate additional retail space used to provide fresh food options, as opposed to traditional fast food. In order to address some of the other results of the equity analysis pertaining to Access to Opportunity, the Applicant would propose various other improvements and enhancements to the Property, which may include: improving connectivity to the existing regional trail network and parks; a minimum of 30 percent publicly accessible open space (which amount exceeds the 10 percent required by the underlying zoning), including amenity areas such as a central plaza, terrace amphitheater, and community retail, which both increase

access to parks and encourage physical movement; providing bicyclist support amenities, such as secured and enclosed bicycle parking areas, repair kits, and maintenance areas; working to provide e-bikes and scooters through shared micro-mobility programs in the northern portion of the Denver Tech Center; upgrading the amenities available at the adjacent RTD bus stop; and providing information regarding existing public transit options and routes to the future residents, retail tenants, and customers of the Property. Regarding the last improvements, the Applicant intends to emphasize the Property's proximity to Belleview Station and the Ulster/Tufts regional bus facility—each less than one mile away—as well as the numerous RTD bus stops—eleven within a quarter mile and sixteen within a half mile—serving multiple routes.

With respect to the Reducing Vulnerability to Displacement component, the analysis found the following:

- Not Vulnerable (0.0) for Educational Attainment
- Vulnerable (1.0) for Rental Occupancy
- Not Vulnerable (0.00) for Median Household Income

The overall score for Reducing Vulnerability to Displacement is 1.0, meaning that the area is “generally not considered vulnerable to displacement.” While the Applicant has considered whether the proposed redevelopment of the Property could feasibly include for-sale dwellings, the current environment with respect to construction defect claims make condominium development infeasible for the Property.

With respect to the Expanding Housing Diversity component of the equity analysis, the Property scored as follows:

- Diverse (1.0) for Missing Middle Housing
- Diverse (0.0) for Diversity of Bedroom Count per Unit
- Diverse (1.0) for Owners to Renters
- Diverse (1.0) for Housing Costs
- Not Diverse (0.0) for Income Restricted Units

In response to the foregoing, the Applicant and City staff have considered several possible means by which the equity analysis score for Expanding Housing Diversity may be improved in connection with Applicant's contemplated redevelopment of the Property. Most notably, as discussed in greater detail below, the Applicant and the City developed an Affordable Housing Agreement that commits the Applicant to either construct affordable housing on the Property or develop more affordable housing nearby off-site in order to increase the overall amount of affordable housing and housing diversity in the southern part of the City. Among other things, the agreement will provide for a variety of bedroom counts within the affordable program, including some three-bedroom homes.

As an additional component, the recent equity analysis included the following scores in the Expanding Job Diversity category:

- Below Average (25.32% to City-wide 53.5%) for Retail Jobs

- Above Average (74.40% to City-wide 35.7%) for Innovation Jobs
- Below Average (0.28% to City-wide 10.7%) for Manufacturing Jobs

While the area is dissimilar to the City’s overall job mix, as noted above, neither the equity analysis nor Blueprint Denver suggests that the relative job mix should be homogenous throughout the City. For example, the Applicant would not propose to *reduce* available innovation jobs, and the Property is not particularly suitable for manufacturing jobs—whereas other areas within the City may be more suitable for a larger proportion of manufacturing jobs, such as those identified as Manufacturing Preservation Areas or Manufacturing Districts by Blueprint Denver; the Property is not one such area. However, the proposed redevelopment of the Property would facilitate and encourage the growth of retail jobs to narrow the gap between the area and the City-wide average and to help complement the existing concentration of innovation jobs.

More holistically, it’s important to note that the Denver Tech Center was originally developed as a suburban office park intended to contain almost exclusively office uses. As such, there were, and still are, few retail, housing, or other more diverse uses within the Denver Tech Center that would score more highly on the equity analysis. Indeed, many of the lower scores attributable to the Property stem from the Denver Tech Center’s single-use origins. The approval of the Rezoning Application would facilitate redevelopment of the Property and, in addition to the improvements noted in the foregoing paragraphs, add much-needed opportunities for housing and additional retail in the Denver Tech Center as a whole, fostering a more mixed-use environment.

Criteria for Rezoning

Pursuant to the Code, applications for rezoning must meet all of the “general review criteria” set forth in Section 12.4.10.7 as well as (i) at least one of the “justifying circumstances” of the first group of “additional review criteria” set forth in Section 12.4.10.8.A, and (ii) the additional review standard set forth in Section 12.4.10.8.B. The proposed rezoning to S-MX-8 meets these review criteria as follows:

General Review Criteria: 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. Code § 12.4.10.7.A.

As of the date of this letter, there are two plans applicable to this Property: the *Denver Comprehensive Plan 2040* and *Blueprint Denver 2019*. *Blueprint* designates the Property as within the “Suburban” future neighborhood context, which supports a range of uses, including multi-unit residential and commercial uses. *Blueprint*, p. 136. With respect to future land use, *Blueprint* describes the Property as a “Regional Center,” which provides “a dynamic environment of residential, dining, entertainment and shopping, while incorporating a diverse set of employment options.” In a Regional Center, “structures respond in form and mass to the streets and public spaces around them. *Blueprint*, p. 145. The Property is also within a “Regional Center Growth Area” per *Blueprint*, meaning that it, together with other Regional Center Growth Areas, is anticipated to accommodate 50 percent of the City’s new job growth and 30 percent of the City’s new households by 2040. *Blueprint*, p. 51.

The proposed rezoning is consistent with these designations in *Blueprint* in that it would allow for the growth and redevelopment of the Property consistent with the goals for Regional Center Growth Areas, while still responding

in form and mass to the surrounding area—indeed, while most of the land adjacent to the Property is located in Greenwood Village and therefore subject to its generally suburban zoning regulations, even the areas within the City are either subject to the old B-8 zone district, an open space zone district, or a larger lot (at least 6,000 square feet), single-family suburban district (S-SU-D). Of the various zone districts set forth in the Code, the proposed S-MX-8 district best allows for a smooth transition from the suburban environment to the south (which is not within the City) to the rest of the City’s more urbanized, yet still suburban, environment to the north.

More generally, each of the applicable plans stress the importance of allowing for density, and particularly residential density, in and around areas where investment in transit options has occurred. For example, residential development, which would be permitted by the S-MX-8 district, is desirable at this location due to its proximity to Belleview Station (within one-half mile), the Ulster/Tufts regional bus facility (within approximately one-quarter mile), and numerous bus stops serving multiple bus routes (eleven bus stops within one-quarter mile and sixteen bus stops within one-half mile). The Property is located in close proximity to Union Avenue, a major bicycle route, and *Blueprint* designates South Ulster Street as a “bicycle priority street” where it abuts the Property and it has been improved with protected bike lanes. *Blueprint*, p. 172. *Blueprint* specifically notes that the need for additional housing in the City’s highly dense employment areas, including the Denver Tech Center, and recommends promoting the development of additional housing options within such areas. *Blueprint*, p. 90.

More specifically, the Rezoning Application furthers the following strategies set forth in *Denver Comprehensive Plan 2040*:

- Equitable, Affordable and Inclusive, Strategy 1.A:
Increase development of housing units close to transit and mixed-use development.
As noted above, the Property is proximate to Belleview Station, regional and local bus routes, a designated “bicycle priority street” (South Ulster Street) and other streets that receive significant bicycle traffic (Union Avenue) Additionally, the Property itself is contemplated for mixed-use development, which would be consistent with and encouraged by the proposed Rezoning Application, and is also located within a larger mixed-use development—the Denver Tech Center—and the more residential neighborhoods to the east. By permitting additional density and a wider range of uses, approval of the Rezoning Application would further this strategy.
- Equitable, Affordable and Inclusive, Strategies 2.A, 2.B:
Create a greater mix of housing options in every neighborhood for all individuals and families. Ensure city policies and regulations encourage every neighborhood to provide a complete range of housing options.
Approval of the Rezoning Application would allow for higher density housing options than the majority of what is currently available in the surrounding area, which would allow for a more complete range of housing options.
- Equitable, Affordable and Inclusive, Strategy 3.B:
Use land use regulations to enable and encourage the private development of affordable, missing middle and mixed-income housing, especially where close to transit.
In connection with the Rezoning Application, the Applicant has worked with the City to ensure that

adequate affordable housing is provided. The Applicant and the City have agreed that the Applicant will either construct affordable housing on the Property, or develop more affordable housing off-site in order to increase the overall amount of affordable housing in the southern part of the City. In either instance, such affordable housing will be developed pursuant to a covenant to be recorded against the Property concurrently with the approval of the Rezoning Application.

- Strong and Authentic Neighborhoods, Strategy 1.D:
Encourage quality infill development that is consistent with the surrounding neighborhood and offers opportunities for increased amenities.
Approval of the Rezoning Application would allow for redevelopment of the dated, underutilized Property in a manner that is more consistent with the surrounding area, and allow the Applicant to introduce amenities that will be accessible to the surrounding communities. Specifically, the Property is subject to certain design covenants that ensure consistency with the property to the south (much of which lies outside of the City, in the Denver Tech Center), and the Suburban context proposed by the Rezoning Application would ensure consistency with the area to the east and, presumably, any future rezoning or redevelopment of the areas to the north.

The Rezoning Application also furthers the following policies and strategies, among others, set forth in *Blueprint*:

- General, Strategy 1.A; Housing, Strategy 8.A:
*Use zoning and land use regulations to encourage higher-density, mixed-use development in transit-rich areas including: Regional centers and community centers...
Align high-density residential areas near regional centers to support housing growth near major job centers with access to transit priority streets.*
As noted above, the Property is within a regional center, as designated by *Blueprint*. The Rezoning Application furthers this strategy by proposing additional density and a wider range of uses, including high-density residential. It also supports additional housing opportunities within a major job center with access to transit priority streets and other multi-modal transportation options.
- General, Strategy 3.A:
Rezone properties from the Former Chapter 59 zoning code so that the entire city is covered by the DZC, including continuing to incentivize owners to come out of the old code.
The Property is currently zoned under Former Chapter 59, so the Rezoning Application furthers this strategy.
- General, Strategy 9.B:
Use large development review, or similar tools, to coordinate infrastructure and open space on large infill sites while minimizing and mitigating negative impacts on surrounding communities.
As noted above, the Property recently went through the large development review process to help guide the redevelopment of this infill (which specifically includes “suburban-style shopping areas”) site in a matter that recognizes the surrounding communities. During the community meeting held in connection

with the large development review process, public feedback was overwhelmingly positive, with no real opposition raised to the proposed redevelopment of the Property.

- Land Use & Built Form, Policy 03:
Create exceptional design outcomes in key centers and corridors.
Consistent with Strategy 03.A, given the Property’s location in the Denver Tech Center, the design of any future site planning, architecture, and landscape architecture will be subject to the review and approval of the Denver Tech Center Architectural Control Committee (DTC ACC), in addition to the City’s site development review process. The DTC ACC has been in place for over 40 years and has adopted a distinct set of design guidelines and standards aimed at ensuring an elevated quality of design and placemaking and delivering exceptional value to property owners, citizens, and the City alike. The DTC ACC’s process and design guidelines and standards are, consistent with Strategy 03.C, “scalable and repeatable to enable baseline design requirements that can be applied to a range of contexts and locations and be modified with a smaller subset of locally-applicable features.” Redevelopment of the Property will also require approval of an Infrastructure Master Plan (IMP), the standards of which will work in concert with the standards of the S-MX-8 district and the DTC ACC design guidelines and standards to deliver exceptional design outcomes.
- Land Use & Built Form, Policy 04:
Ensure an active and pedestrian-friendly environment that provides a true mixed-use character in centers and corridors.
In addition to the residential components of any proposed redevelopment of the Property, the Rezoning Application would support construction of commercial uses along East Belleview Avenue and South Ulster Street to create a truly mixed-use environment. Any redevelopment of the Property would be required to meet the activation and transparency goals described in the S-MX-8 district.
- Land Use & Built Form, Policy 05:
Create design outcomes in suburban and urban edge contexts that promote active, pedestrian-friendly places.
Consistent with Strategy 05.A, the DTC ACC design guidelines and standards and the standards of the S-MX-8 district will work in concert to promote active and pedestrian- and bicycle-friendly places. For example, the 40-foot required setbacks required by the DTC ACC design guidelines and standards is essentially the average of the allowable 0’-80’ build-to zone prescribed by the S-MX-8 district along East Belleview Avenue and South Ulster Street. Both East Belleview Avenue and South Ulster Street are designated Commercial Arterial Streets under *Blueprint*, and therefor are expected to include “wide tree lawns or planted areas with trees [being] used to provide a buffer between people walking and moving vehicles....” (*Blueprint* pg. 202). The proposed redevelopment of the Property will honor this landscaped, safe separation between the pedestrian uses and vehicular traffic while maintaining the above-referenced setbacks and build-to requirements. In addition, approval of the Rezoning Application will allow redevelopment of the Property in a way that creates an internal network of pedestrian-oriented spaces and destinations safely removed from the surrounding higher speed traffic on East Belleview Avenue and South Ulster Street. The heart of the proposed redevelopment will be its internal

public amenities and vibrant open spaces that create a strong sense of community within the mixed-use environment.

While none of the foregoing lists is exhaustive, put simply, *Blueprint* and the *Comprehensive Plan* clearly intend for this Property to be developed as a more vibrant, denser, mixed-use area than the current zoning allows. As such, the proposed rezoning to the S-MX-8 district, as identified in the LDR, is consistent with the City's adopted plans.

General Review Criteria: 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. Code § 12.4.10.7.B.

Approval of the Rezoning Application will result in the uniform application of building form, use, and design regulations of the S-MX-8 district. The Applicant seeks no further variance from these regulations.

General Review Criteria: Public Health, Safety, and Welfare. The proposed official map amendment furthers the public health, safety and general welfare of the City. Code § 12.4.10.7.C.

Approval of the Rezoning Application will further the public health, safety, and welfare by implementing the City's adopted land use plans, as set forth above. Moreover, the Rezoning Application will facilitate the redevelopment of an existing retail center to include higher density housing options in an area where such housing is highly desired. It will allow for increased housing options near major employers, allowing people to live closer to where they work and thereby reducing traffic congestion. Similarly, making better use of the Property itself would allow more residents and visitors to take advantage of its proximity to existing amenities, such as the open channel of Goldsmith Gulch within Wallace Park and easy access to bicycle and pedestrian systems including the Cherry Creek Trail and Reservoir and the Highline Canal.

Additional Review Criteria: Justifying Circumstances. 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 Code and the property retained Former Chapter 59 zoning. Code § 12.4.10.8.A.

Since the date of approval of the existing B-8 zone district, all three of the events set forth in clauses (a), (b) and (c) above have occurred. Firstly, although the current development and zoning suited the initial development of Property some four decades ago, the surrounding area (*i.e.*, the Denver Tech Center) has since become one of the fastest growing areas in the metro area, growing around the Property and dramatically altering the context in which the Property relates to the surrounding area. Moreover, in order to attract quality tenants, which are increasingly seeking locations that offer a balance of "live, work and play," the Property needs to foster integrated, mixed-use development that incorporates a better mix of retail uses, residential uses, and amenities. In light of those changes to both the region and best practices for mixed-use development, the proposed rezoning is in the public interest.

Additionally, the City has adopted *Blueprint*, which changes the future land use goals for the area from an “Area of Stability” with an “Employment” conceptual land use, which was summarized as an area containing office, warehousing, light manufacturing and high tech uses with more extensive commercial and “few residences,” to “a dynamic environment of residential, dining, entertainment and shopping” with “a diverse set of employment options,” all as discussed in more detail above. As such, a rezoning to a zone district, such as the S-MX-8 district, that supports such vibrant, mixed-use development is necessary to achieve consistency with the City’s adopted plans.

Finally, the Property remains within the Former Chapter 59 zoning, some ten years after the City’s adoption of the Code. As such, the proposed rezoning, which would allow the Property to become subject to the Code, is in the public interest.

Additional Review Criteria: Consistency with Neighborhood Context Description, Zone District Purpose, and Intent Statements. The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed zone district. Code § 12.4.10.8.B.

Because *Blueprint* designates the Property as within the Suburban future neighborhood context, a rezoning to a zone district, such as the S-MX-8 district, that is within the “suburban” neighborhood context is inherently consistent. Pursuant to the Code, the suburban neighborhood context “is characterized by single-unit and multi-unit residential, commercial strips and centers, and office parks” and “multi-unit residential and commercial uses are primarily located along arterial and collector streets.” Code § 3.1.1. Specifically, the Code notes that “S-MX-8 applies to areas or intersections served primarily by arterial streets where a building scale of 1 to 8 stories is desired.” Code § 3.2.4.2.H. Although *Blueprint* does not provide specific building height guidance for the Property, it does recognize that, within the suburban context, “heights are generally the tallest” at regional centers. *Blueprint*, p. 195. Moreover, since both South Ulster Street and East Belleview Avenue are “(Commercial) Arterial” streets (as designated by *Blueprint*), the higher density designation of the S-MX-8 district is appropriate for the Property.

For the foregoing reasons, the Rezoning Application meets and complies with the applicable rezoning criteria. As such, on behalf of the Applicant, we respectfully request that the City approve the Rezoning Application.

Sincerely,



Thomas J. Ragonetti
For the Firm

cc: Cory M. Rutz (via e-mail)
Eric Hecox (via e-mail)
Ron McDaniel (via e-mail)
John Kilrow (via e-mail)
Peter Culshaw (via e-mail)

Marina Square COMMUNITY OUTREACH NARRATIVE

Outreach Philosophy:

The outreach process was built upon the premise that Marina Square is a puzzle and each piece is dependent and integral to the other in order to provide a complete and balanced mosaic. We created both an iterative and directed outreach platform purposely designed to engage the existing community on shaping the final pieces of the North Denver Tech Center puzzle.

Shea Properties partnered with community engagement specialists The Pachner Company to implement a comprehensive outreach process for Marina Square. The community engagement philosophy was created with the understanding that the outreach would have two distinct phases: iterative and directed outreach. First, we would work collaboratively with community partners to garner feedback, discuss enhancements and refine the underlying vision for the future of Marina Square. Secondly, we directed community engagement to share the vision and planning components encompassed in this rezoning application. We continue to inform, update and incorporate feedback from our community partners.

Iterative Outreach:

We were desirous of community engagement first to help shape the underlying plan and vision for the site. Shea Properties engaged in an iterative process with key community partners to garner input on necessary changes and enhancements that would need to be reflected in the rezoning and the underlying planning for the site. The rezoning reflects the vision of Shea Properties and their community partners.

Directed Outreach:

Secondly, as a team, we acknowledged and embraced the continued obligation to share the vision reflected in the rezoning with the larger community. We then dedicated our team to continued outreach to the community, making passes to organizations to provide updates on the application and plans for the future.

Marina Square Community Engagement:

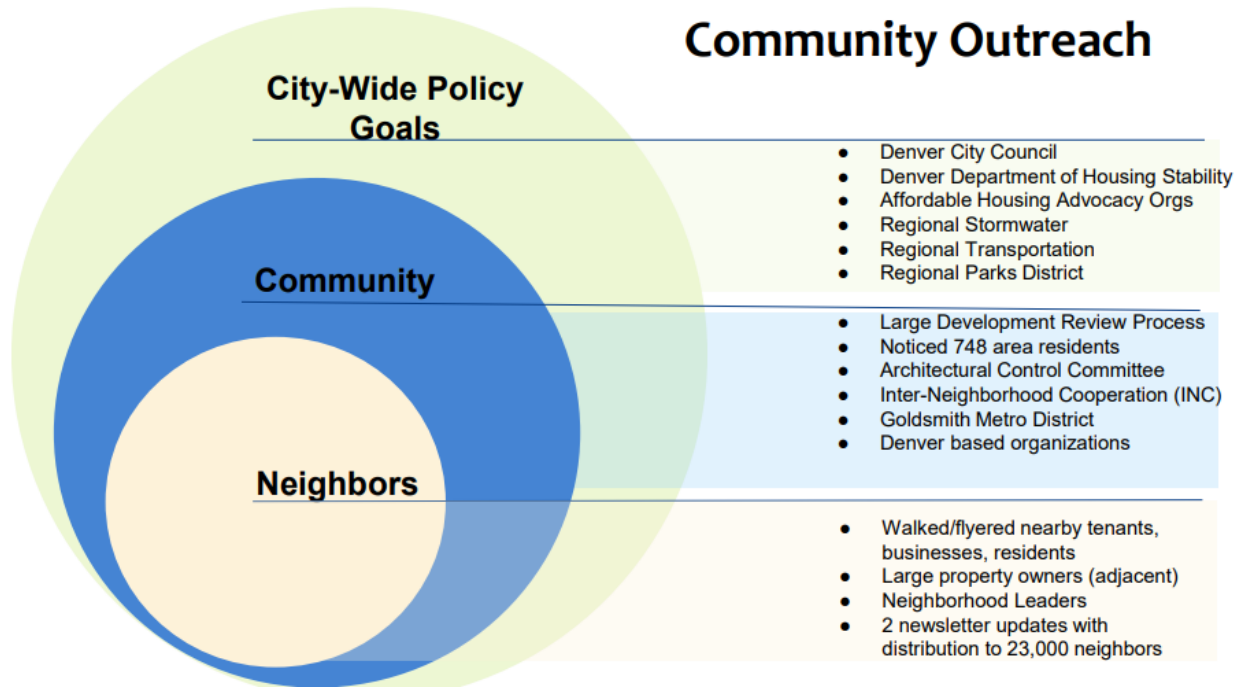
For our engagement, we initially communicated with stakeholders in a concentric pattern, with additional focus on immediate businesses, tenants and residents and then fanning out to broader stakeholder organizations and groups. Layered on this concentric approach was distinct passes and contacts with our stakeholders. This property does not sit within the designated boundaries of a local registered neighborhood organization, however it is close to several homeowners' associations. We walked the local businesses and tenants to inform them on the proposed plans and to listen to their feedback. We held required meetings as part of LDR as well as small group meetings with all entities interested in the site.

We met with civic and community organizations and thoughtfully balanced their desires for this project and incorporated their vision into ours.

Continued Outreach:

The puzzle is nearly complete. Through our commitment to community engagement and stakeholder outreach we refined our planning and are bringing forward a plan that is a true representation of the feedback we received and the missing uses in Marina Square today.

Shea Properties will continue to prioritize robust outreach at the neighborhood, community, and policy maker levels. As the picture moves from paper to build form, Shea will continue to work with and communicate to the nearby HOA's, property owner's tenants and other residents.



BY AUTHORITY

ORDINANCE NO. 160
SERIES OF 1988

COUNCIL BILL NO. 112
COMMITTEE OF REFERENCE:
ZONING, PLANNING
& LAND USE

A B I L L

FOR AN ORDINANCE RELATING TO ZONING, CHANGING THE ZONING CLASSIFICATION FOR A SPECIFICALLY DESCRIBED AREA, GENERALLY LOCATED AT 8101 EAST BELLEVIEW AVENUE, RECITING CERTAIN WAIVERS PROPOSED BY THE OWNER AND THE APPLICANT FOR THE ZONING CLASSIFICATION, RECITING A CERTAIN REASONABLE CONDITION APPROVED BY THE OWNER AND THE APPLICANT FOR THE ZONING CLASSIFICATION AND PROVIDING FOR THE RECORDATION OF THIS ORDINANCE.

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

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

1. That the land area hereinafter described is presently classified as a part of the B-A-3 District;

2. That the owner and the applicant propose that the land area hereinafter described be changed to B-8 with waivers and with a certain reasonable condition which they have approved;

3. That in their application the owner and the applicant have represented that if the zoning classification is changed pursuant to their application, the owner and the applicant will and hereby do waive the right to use, occupy or erect thereon any structure or structures designed, erected, altered, used or occupied for:

(a) The fabrication of articles enumerated in Section 59-392(1)ww. of the Revised Municipal Code except the fabrication of art goods, custom clothing, custom costumes, custom furniture, jewelry and needlework;

(b) The sale at wholesale and warehousing reserving, however the sale at retail as enumerated in Section 59-392(1)llllll. of the Revised Municipal Code; and

(c) The sale at retail of the L.P. Gas;

4. That in their application the owner and the applicant have represented that if the zoning classification is changed pursuant to their application, the owner and the applicant will and hereby do waive the right to have the amount of gross floor area in structures as provided in the B-8 District; and, in lieu thereof, the owner and the applicant agree that the gross floor area in structures shall not be greater than two (2) times the area of the zone lot on which the structures are located; and

5. That the owner and the applicant approve and agree, as a reasonable condition to the requested change in zoning classification, to submit a site plan which will be processed as a Planned Building Group site plan by the Development Review Committee, and that approval for this site plan shall occur subsequent to final approval of the proposed rezoning but prior to the application for a required building permit.

Section 2. That the zoning classification of the land area in the City and County of Denver described as follows or included within the following boundaries shall be and hereby is changed from B-A-3 to B-8 with certain waivers which waivers are set forth in Subsections 3 and 4 of Section 1 hereof, and with a certain reasonable condition approved by the owner and the applicant which reasonable condition is set forth in Subsection 5 of Section 1 hereof:

A tract of land in the SE 1/4 of Section 9, Township 5 South, Range 67 West of the 6th P.M., more particularly described as follows;

Commencing at the Southwest corner of said SE 1/4; thence East along the South line of said SE 1/4, 664.91 feet; thence on an angle to the left of 89 33'46" and parallel with the West line of said SE 1/4, 70.00 feet to the TRUE POINT OF BEGINNING; thence continuing along the same course of additional distance of 726.00 feet; thence on an angle to the left of 90 26'14" and parallel with said South line of the SE 1/4, 584.91 feet; thence on an angle to the left of 89 33'46" and parallel with said West line of the SE 1/4, 65.00 feet; thence on an angle to the right of 89 33'46" and parallel with said South line of the SE 1/4, 20.00 feet; thence on an angle to the left of 89 33'46" and parallel with said West line of the SE 1/4, 558.72 feet to a point of curvature; thence along a curve to the left having a radius of 101.50 feet and a central angle of 90 26'14" an arc distance of 160.21 feet to a point of tangency; thence along the tangent to the aforesaid curve, parallel with and 70.00 feet North of said South line of the SE 1/4 of Section 9, 502.63 feet to the TRUE POINT OF BEGINNING.

in addition thereto those portions of all abutting public rights-of-way, but only to the centerline thereof, which are

immediately adjacent to the aforesaid specifically described area.

Section 3. That the foregoing change in zoning classification is based upon the representations by the owner and the applicant that they will waive those certain rights available to them, and, in lieu thereof, agree to certain limitations which limitations are set forth in Subsections 3 and 4 of Section 1 hereof, and is also based upon the reasonable condition approved by the said owner and the said applicant which reasonable condition is set forth in Subsection 5 of Section 1 hereof; and no permit shall be issued except in strict compliance with the aforesaid waivers and the aforesaid reasonable condition. Said waivers and said reasonable condition shall be binding upon the owner and the applicant for the change in zoning classification and shall be binding upon all successors and assigns of said owner and said applicant, who along with said owner and said applicant shall be deemed to have waived all objections as to the constitutionality of the aforesaid waivers and the aforesaid reasonable condition.

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

PASSED By The Council March 21, 1988

Stephanie Foe President

APPROVED: Adriano Paiva - Mayor March 22 1988

ATTEST: [Signature] - Clerk and Recorder, Ex-Officio Clerk of the City and County of Denver

PUBLISHED IN The Daily Journal Feb. 26, 1988 Mar. 25, 1988

PREPARED By: Robert M. Kelly, Ass't. City Attorney, 2/17/88

REVIEWED By: Amicia Wells - City Attorney 2/27 1988

SPONSORED By Council Member(s): _____



The Daily Journal

No. _____

F W DODGE DIVISION
 McGraw-Hill Information Systems
 Company
 A Division of McGraw-Hill Inc
Publisher's Affidavit
 STATE OF COLORADO
 City and County of Denver } ss

I, **Bertil Ljung** of the City and County of Denver State of Colorado being duly sworn, upon oath say that I am the legal editor of The Daily Journal, that I have personal knowledge of all the facts set forth in this affidavit that said The Daily Journal is a public daily newspaper of general circulation having its principal office and place of business situated in said City and County of Denver that said The Daily Journal is printed and published daily except Saturdays, Sundays, and legal holidays that said The Daily Journal is a daily newspaper within the meaning of the act of the General Assembly of the State of Colorado approved April 7 1921 and entitled "An Act Concerning Legal Notices Advertisements and Publications and the Fees of Printers and Publishers Thereof and to Repeal All Acts and Parts of Acts in Conflict with the Provisions of This Act" and as amended by an act of said General Assembly entitled "An Act to Amend An Act Entitled 'An Act Concerning Legal Notices Advertisements and Publications and the Fees of Printers and Publishers Thereof and to Repeal All Acts and Parts of Acts in Conflict with the Provisions of This Act' approved March 30 1923 and as amended by an act of said General Assembly approved May 18 1931 entitled "An Act to Amend Section 4 of Chapter 139 Session Laws of Colorado 1923 Relating to Legal Notices and Advertisements" which said Act took effect on and after the first day of January 1932 and as amended by an act of said General Assembly entitled "An Act to Amend Chapter 139 of the Session Laws of 1923 Relating to Legal Notices and Advertisements to Define Newspapers Qualified to Publish Legal Notices and Advertisements and the Fees of Printers and Publishers Thereof and to Provide That the Costs of Such Legal Notices and Advertisements Shall Be Taxed as Fees" approved March 5 1935 and as amended by an act of said General Assembly entitled "An Act Relating to Legal Notices and Advertisements and Amending Section 1 of Chapter 113 Session Laws of 1931" approved March 25 1935 and "An Act to Amend and as Amended by the General Assembly concerning Rates for Legal Publications 109-17 C.R.S. 1963 as amended" approved May 22 1971 and effective January 1 1972 That said newspaper had prior to January 1 1936 and has ever since said date been admitted to the United States Mails as second class matter under the provisions of the Act of March 3 1879 or any amendments thereof that said newspaper is printed and published in whole in said City and County of Denver and has a general circulation therein that said newspaper has been so printed and published as a public daily newspaper of general circulation in said City and County of Denver uninterruptedly and continuously during the period of more than fifty-two consecutive weeks next prior to the first issue thereof containing the annexed legal notice and advertisement that said legal notice and advertisement was published daily except Saturdays Sundays and legal holidays in the regular edition of said newspaper for

One consecutive days that the first publication of said legal notice and advertisement appeared in the regular edition of said newspaper on the 25th day of March A D 1988 that the last publication of said legal notice and advertisement appeared in the regular edition of said newspaper on the 25th day of March A D 19 88 and that therefore said legal notice and advertisement was duly published in a newspaper duly qualified for that purpose within the meaning of said above-mentioned acts of the General Assembly of the State of Colorado

Bertil Ljung
 Subscribed and sworn to at the City and County of Denver State of Colorado before me a Notary Public this 25th day of March A D 1988
 Witness my hand and notarial seal

Roger E. Perrell
 101 University Blvd. #266
 Denver, Colorado 80206

11/82 5M FOM Commission Expires Dec. 18, 1989

BY AUTHORITY
ORDINANCE NO. 160
COUNCIL BILL NO. 112, SERIES OF 1988. COMMITTEE OF REFERENCE: ZONING, PLANNING & LAND USE.
 A BILL FOR AN ORDINANCE RELATING TO ZONING, CHANGING THE ZONING CLASSIFICATION FOR A SPECIFICALLY DESCRIBED AREA, GENERALLY LOCATED AT 8101 EAST BELLEVIEW AVENUE, RECITING CERTAIN WAIVERS PROPOSED BY THE OWNER AND THE APPLICANT FOR THE ZONING CLASSIFICATION, RECITING A CERTAIN REASONABLE CONDITION APPROVED BY THE OWNER AND THE APPLICANT FOR THE ZONING CLASSIFICATION AND PROVIDING FOR THE RECORDATION OF THIS ORDINANCE.

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

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

1. That the land area hereinafter described is presently classified as a part of the B-A-3 District;
2. That the owner and the applicant propose that the land area hereinafter described be changed to B-8 with waivers and with a certain reasonable condition which they have approved;
3. That in their application the owner and the applicant have represented that if the zoning classification is changed pursuant to their application, the owner and the applicant will and hereby do waive the right to use, occupy or erect thereon any structure or structures designed, erected, altered, used or occupied for:
 - (a) The fabrication of articles enumerated in Section 59-392(1)wv. of the Revised Municipal Code except the fabrication of art goods, custom clothing, custom costumes, custom furniture, jewelry and needlework;
 - (b) The sale at wholesale and warehousing reserving, however, the sale at retail as enumerated in Section 59-392(1)111111. of the Revised Municipal Code; and
 - (c) The sale at retail of the L.P. Gas;
4. That in their application the owner and the applicant have represented that if the zoning classification is changed pursuant to their application, the owner and the applicant will and hereby do waive the right to have the amount of gross floor area in structures as provided in the B-8 District; and, in lieu thereof, the owner and the applicant agree that the gross floor area in structures shall not be greater than two (2) times the area of the zone lot on which the structures are located; and
5. That the owner and the applicant approve and agree, as a reasonable condition to the requested change in zoning classification, to submit a site plan which will be processed as a Planned Building Group site plan by the Development Review Committee, and that approval for this site plan shall occur subsequent to final approval of the proposed rezoning but prior to the application for a required building permit.

Section 2. That the zoning classification of the land area in the City and County of Denver described as follows or included within the following boundaries shall be and hereby is changed from B-A-3 to B-8 with certain waivers which waivers are set forth in Subsections 3 and 4 of Section 1 hereof, and with a certain reasonable condition approved by the owner and the applicant which reasonable condition is set forth in Subsection 5 of Section 1 hereof:

A tract of land in the SE 1/4 of Section 9, Township 5 South, Range 67 West of the 6th P.M., more particularly described as follows:
 Commencing at the Southwest corner of said SE 1/4; thence East along the South line of said SE 1/4, 664.91 feet; thence on an angle to the left of 89°33'46" and parallel with the West line of said SE 1/4, 70.00 feet to the TRUE POINT OF BEGINNING; thence continuing along the same course an additional distance of 726.00 feet; thence on an angle to the left of 90°26'14" and parallel with said South line of the SE 1/4, 584.91 feet; thence on an angle to the left of 89°33'46" and parallel with said West line of the SE 1/4, 65.00 feet; thence on an angle to the right of 89°33'46" and parallel with said South line of the SE 1/4, 20.00 feet; thence on an angle to the left of 89°33'46" and parallel with said West line of the SE 1/4, 558.72 feet to a point of curvature; thence along a curve to the left having a radius of 101.50 feet and a central angle of 90°26'14" an arc distance of 160.21 feet to a point of tangency; thence along the tangent to the aforesaid curve, parallel with and 70.00 feet North of said South line of the SE 1/4 of Section 9, 502.63 feet to the TRUE POINT OF BEGINNING;

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

Section 3. That the foregoing change in zoning classification is based upon the representations by the owner and the applicant that they will waive those certain rights available to them, and, in lieu thereof, agree to certain limitations which limitations are set forth in Subsections 3 and 4 of Section 1 hereof, and is also based upon the reasonable condition approved by the said owner and the said applicant which reasonable condition is set forth in Subsection 5 of Section 1 hereof; and no permit shall be issued except in strict compliance with the aforesaid waivers and the aforesaid reasonable condition. Said waivers and said reasonable condition shall be binding upon the owner and the applicant for the change in zoning classification and shall be binding upon all successors and assigns of said owner and said applicant, who along with said owner and said applicant shall be deemed to have waived all objections as to the constitutionality of the aforesaid waivers and the aforesaid reasonable condition.

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

Passed by the Council March 21, 1988. **STEPHANIE FOOTE**, President.
 Approved: **FEDERICO PENA**, Mayor, March 22, 1988. Attest: **FELICIA MUFTIC**, Clerk and Recorder, Ex-Officio Clerk of the City and County of Denver (Seal)
 Published in The Daily Journal Feb. 26, 1988 and March 25, 1988 330
 REVIEWED BY: **PATRICIA WELLS**, City Attorney, 2-17-88.
 PREPARED BY: **ROBERT M. KELLY**, Ass't. City. Atty. 2-17-88.

The Daily Journal

F W DODGE DIVISION
 McGraw-Hill Information Systems
 Company
 A Division of McGraw-Hill Inc
Publisher's Affidavit
 STATE OF COLORADO
 City and County of Denver

No. _____

Bertil Ljung of the City and County of Denver State of Colorado being duly sworn upon oath say that I am the legal editor of The Daily Journal. That I have personal knowledge of all the facts set forth in this affidavit that said The Daily Journal is a public daily newspaper of general circulation having its principal office and place of business situated in said City and County of Denver that said The Daily Journal is printed and published daily except Saturdays Sundays and legal holidays that said The Daily Journal is a daily newspaper within the meaning of the act of the General Assembly of the State of Colorado approved April 7 1921 and entitled An Act Concerning Legal Notices Advertisements and Publications and the Fees of Printers and Publishers Thereof and to Repeal All Acts and Parts of Acts in Conflict with the Provisions of This Act and as amended by an act of said General Assembly entitled An Act to Amend An Act Entitled An Act Concerning Legal Notices Advertisements and Publications and the Fees of Printers and Publishers Thereof and to Repeal All Acts and Parts of Acts in Conflict with the Provisions of this Act approved March 30 1923 and as amended by an act of said General Assembly approved May 18 1931 entitled An Act to Amend Section 4 of Chapter 139 Session Laws of Colorado 1923 Relating to Legal Notices and Advertisements which said Act took effect on and after the first day of January 1932 and as amended by an act of said General Assembly entitled An Act to Amend Chapter 139 of the Session Laws of 1923 Relating to Legal Notices and Advertisements to Define Newspapers Qualified to Publish Legal Notices and Advertisements and the Fees of Printers and Publishers Thereof and to Provide That the Costs of Such Legal Notices and Advertisements Shall Be Taxed as Fees approved March 5 1935 and as amended by an act of said General Assembly entitled An Act Relating to Legal Notices and Advertisements and Amending Section 1 of Chapter 113 Session Laws of 1931 approved March 25 1935 and An Act to Amend and as Amended by the General Assembly concerning Rates for Legal Publications 109-1-7 C R S 1963 as amended approved May 22 1971 and effective January 1 1972 That said newspaper had prior in January 1 1936 and has ever since said date been admitted to the United States Mails as second class matter under the provisions of the Act of March 3 1879 or any amendments thereof that said newspaper is printed and published in whole in said City and County of Denver and has a general circulation therein that said newspaper has been so printed and published as a public daily newspaper of general circulation in said City and County of Denver uninterruptedly and continuously during the period of more than fifty-two consecutive weeks next prior to the first issue thereof containing the annexed legal notice and advertisement that said legal notice and advertisement was published daily except Saturdays Sundays and legal holidays in the regular edition of said newspaper for

One consecutive days that the first publication of said legal notice and advertisement appeared in the regular edition of said newspaper on the 26th day of February A D 19 88 that the last publication of said legal notice and advertisement appeared in the regular edition of said newspaper on the 26th day of February A D 19 88 and that therein said legal notice and advertisement was duly published in a newspaper duly qualified for that purpose within the meaning of said above mentioned acts of the General Assembly of the State of Colorado

Bertil Ljung
 Subscriber and sworn to at the City and County of Denver State of Colorado before me a Notary Public this 26th day of February A D 19 88
 Witness my hand and notarial seal

Roger E. Parcell
 101 University Blvd. #260
 Denver, Colorado 80206
 My Commission Expires Dec. 18, 1989

NOTICE OF PUBLIC HEARING RELATING TO ZONING
 Council Bill No. 112
 Series of 1988
 Notice is hereby given that on March 21, 1988, at 7:00 o'clock in the evening, or as soon thereafter as the calendar permits, in Room 450, City and County Building, Denver, Colorado, the Council of the City and County of Denver will hold a public hearing at which all interested persons and citizens will be given an opportunity to be heard concerning the following bill for an ordinance. All protests to the following bill and any withdrawals from said protests shall be filed with the City Council on or before and not later than twelve o'clock noon of the day which is seven days prior to said date set for the public hearing, on the following bill for an ordinance:

330
BY AUTHORITY
 COUNCIL BILL NO. 112, SERIES OF 1988. COMMITTEE OF REFERENCE ZONING, PLANNING & LAND USE.

A BILL
 FOR AN ORDINANCE RELATING TO ZONING, CHANGING THE ZONING CLASSIFICATION FOR A SPECIFICALLY DESCRIBED AREA, GENERALLY LOCATED AT 8101 EAST BELLEVUE AVENUE, RECITING CERTAIN WAIVERS PROPOSED BY THE OWNER AND THE APPLICANT FOR THE ZONING CLASSIFICATION, RECITING A CERTAIN REASONABLE CONDITION APPROVED BY THE OWNER AND THE APPLICANT FOR THE ZONING CLASSIFICATION AND PROVIDING FOR THE RECORDATION OF THIS ORDINANCE.

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

- Section 1 That upon consideration of a change in the zoning of the land area hereinafter described, Council finds:
1. That the land area hereinafter described is presently classified as a part of the B-A-3-District;
 2. That the owner and the applicant propose that the land area hereinafter described be changed to B-8 with waivers and with a certain reasonable condition which they have approved;
 3. That in their application the owner and the applicant have represented that if the zoning classification is changed pursuant to their application, the owner and the applicant will and hereby do waive the right to use, occupy or erect thereon any structure or structures designed, erected, altered, used or occupied for:
 - (a) The fabrication of articles enumerated in Section 59-392(1)(w) of the Revised Municipal Code except the fabrication of art goods, custom clothing, custom costumes, custom furniture, jewelry and needlework;
 - (b) The sale at wholesale and warehousing reserving, however, the sale at retail as enumerated in Section 59-392(1)(111111) of the Revised Municipal Code; and
 - (c) The sale at retail of the L.P. Gas.
 4. That in their application the owner and the applicant have represented that if the zoning classifica-

tion is changed pursuant to their application, the owner and the applicant will and hereby do waive the right to have the amount of gross floor area in structures as provided in the B-8 District; and, in lieu thereof, the owner and the applicant agree that the gross floor area in structures shall not be greater than two (2) times the area of the zone lot on which the structures are located; and

5 That the owner and the applicant approve and agree, as a reasonable condition to the requested change in zoning classification, to submit a site plan which will be processed as a Planned Building Group site plan by the Development Review Committee, and that approval for this site plan shall occur subsequent to final approval of the proposed rezoning but prior to the application for a required building permit;

Section 2 That the zoning classification of the land area in the City and County of Denver described as follows or included within the following boundaries shall be and hereby is changed from B-A-3 to B-8 with certain waivers which waivers are set forth in Subsections 3 and 4 of Section 1 hereof, and with a certain reasonable condition approved by the owner and the applicant which reasonable condition is set forth in Subsection 5 of Section 1 hereof:

A tract of land in the SE¼ of Section 9, Township 5 South, Range 67 West of the 6th P.M., more particularly described as follows:
 Commencing at the Southwest corner of said SE¼, thence East along the South line of said SE¼, 664.91 feet; thence on an angle to the left of 89°33'46" and parallel with the West line of said SE¼, 70.00 feet to the TRUE POINT OF BEGINNING; thence continuing along the same course an additional distance of 726.00 feet; thence on an angle to the left of 90°26'14" and parallel with said South line of the SE¼, 584.91 feet; thence on an angle to the left of 89°33'46" and parallel with said West line of the SE¼, 65.00 feet, thence on an angle to the right of 89°33'46" and parallel with said South line of the SE¼, 20.00 feet, thence on an angle to the left of 89°33'46" and parallel with said West line of the SE¼, 558.72 feet to a point of curvature; thence along a curve to the left having a radius of 101.50 feet and a central angle of 90°26'14" an arc distance of 160.21 feet to a point of tangency; thence along the tangent to the aforesaid curve, parallel with and 70.00 feet North of said South line of the SE¼ of Section 9 50' x 63' feet to the TRUE POINT OF BEGINNING.

In addition thereto those portions of all abutting public rights-of-way, but only to the centerline thereof, which are immediately adjacent to the aforesaid specifically described area.

Section 3 That the foregoing change in zoning classification is based upon the representations by the owner and the applicant that they will waive those certain rights available to them, and, in lieu thereof, agree to certain limitations which limitations are set forth in Subsections 3 and 4 of Section 1 hereof, and is also based upon the reasonable condition approved by the said owner and the said applicant which reasonable condition is set forth in Subsection 5 of Section 1 hereof; and no permit shall be issued except in strict compliance with the aforesaid waivers and the aforesaid reasonable condition. Said waivers and said reasonable condition shall be binding upon the owner and the applicant for the change in zoning classification and shall be binding upon all successors and assigns of said owner and said applicant, who along with said owner and said applicant shall be deemed to have waived all objections as to the constitutionality of the aforesaid waivers and the aforesaid reasonable condition.

Section 4. That this Ordinance shall be recorded by the Department of Zoning Administration among the records of the Clerk and Recorder of the City and County of Denver. . . .
 Published in The Daily Journal
 February 26, 1988. . . . 330
 REVIEWED BY PATRICIA WELLS,
 City Attorney, 2-17-88.
 PREPARED BY ROBERT M. KELLY,
 Ass't. City Atty. 2-17-88



CITY AND COUNTY OF DENVER

DEPARTMENT OF ZONING ADMINISTRATION

3840 - H YORK STREET
DENVER, COLORADO 80205
PHONE: 575-2191

BOARD OF COUNCILMEN

M A P A M E N D M E N T F I N D I N G S

C.B. NO. 112 (1988)

APPLICATION NO. 3814

APPLICANT:

Denver Technological Center
Attn: John M. Shaw

INTEREST AGENT

ADDRESS: 7887 E. Belleview Avenue, 1100
Englewood, CO 80111

**OTHER PERSONS, FIRMS OR
CORPORATIONS REPRESENTED BY APPLICANT:**

North-CW Partnership
Attn: Robert Watson

INTEREST AGENT

ADDRESS: c/o Tramwell Crow Company
7995 E. Prentice Avenue, Suite 300
Englewood, CO 80111

LOCATION OF PROPOSED CHANGE: 8101 E. Belleview Avenue

LEGAL DESCRIPTION OF PROPERTY: See attached-

AREA OF SUBJECT PROPERTY (SQUARE FEET OR ACRES): 435,599 square feet

PRESENT ZONE: B-A-3 PROPOSED ZONE: B-8 w/waivers and conditions

DATE OF PUBLIC HEARING: 3-21-88

FINDINGS OF FACT AND CONCLUSION: Subject property contains a B-A-3 zoned shopping center. Map amendment to B-8 with waivers and conditions similar to adjacent Denver and Greenwood Village Technological Center development is proposed. No speakers other than the applicant testified at the final consideration. Planning Office recommendation was for approval due to the fact that future development of the property should be more in keeping with the campus-like character of adjacent Tech Center development. City council voted to approve the rezoning by a 10-0 vote. No persons testified in opposition or questioned the statements made by the applicant or the Planning Office staff representative.

DATE OF DISPOSITION: 3-21-88

DISPOSITION: Passed

Stephanie Foose 3/28/88

 PRESIDENT OF CITY COUNCIL DATE

D.A ZA(1/86)

Legal Description
8101 East Belleview Avenue
(Marina Square)

A tract of land in the SE 1/4 of Section 9, Township 5 South, Range 67 West of the 6th P.M., more particularly described as follows;

Commencing at the Southwest corner of said SE 1/4; thence East along the South line of said SE 1/4, 664.91 feet; thence on an angle to the left of 89 33'46" and parallel with the West line of said SE 1/4, 70.00 feet to the TRUE POINT OF BEGINNING; thence continuing along the same course of additional distance of 726.00 feet; thence on an angle to the left of 90 26'14" and parallel with said South line of the SE 1/4, 584.91 feet; thence on an angle to the left of 89 33'46" and parallel with said West line of the SE 1/4, 65.00 feet; thence on an angle to the right of 89 33'46" and parallel with said South line of the SE 1/4, 20.00 feet; thence on an angle to the left of 89 33'46" and parallel with said West line of the SE 1/4, 558.72 feet to a point of curvature; thence along a curve to the left having a radius of 101.50 feet and a central angle of 90 26'14" an arc distance of 160.21 feet to a point of tangency; thence along the tangent to the aforesaid curve, parallel with and 70.00 feet North of said South line of the SE 1/4 of Section 9, 502.63 feet to the TRUE POINT OF BEGINNING. *CS*

City and County of Denver,
State of Colorado.



FEDERICO PEÑA
Mayor

CITY AND COUNTY OF DENVER

DEPARTMENT OF LAW
STEPHEN H. KAPLAN
CITY ATTORNEY

OFFICE OF CITY ATTORNEY
ROOM 353
CITY AND COUNTY BUILDING
DENVER, COLORADO 80202
PHONE (303) 575-2665

February 17, 1988

MEMORANDUM

TO: Hon. Stephanie A. Foote
President
Denver City Council

FROM: Stephen H. Kaplan *[Signature]*
City Attorney

BY: Robert M. Kelly *[Signature]*
Assistant City Attorney

SUBJECT: Zoning App. 3814 - rezone 8101 East Belleview
Avenue from B-A-3 to B-8 with waivers and
conditions.

Attached hereto is a Bill for an Ordinance relating to Zoning, changing the Zoning classification for a specifically described area, generally described as 8101 East Belleview Avenue from B-A-3 to B-8 with waivers and conditions.

Pursuant to Section 13-12. of the Revised Municipal Code, this proposed ordinance has been reviewed by the Office of the City Attorney. We find no irregularity in form, and we have no legal objection to this proposed ordinance,

This Bill was prepared by this office at the request of the Department of Zoning Administration. It was discussed and authorized for filing at the Mayor-Council meeting of Tuesday, February 16, 1988.

ej

Attachments

CITY COUNCIL
CITY & COUNTY OF DENVER
FEB 18 1988
AM 10:30
8101 E BELLEVIEW AVENUE

BY AUTHORITY

ORDINANCE NO. 187
SERIES OF 1978

COUNCIL BILL NO. 171

INTRODUCED BY

*Stutzell, Carpio, Perry,
Rosenbue and Weyman*

A B I L L

FOR AN ORDINANCE RELATING TO ZONING,
CHANGING THE ZONING CLASSIFICATION
FOR A SPECIFICALLY DESCRIBED AREA,
GENERALLY DESCRIBED AS BELLEVIEW AVE-
NUE AND TAMARAC DRIVE, RECITING CERTAIN
WAIVERS PROPOSED BY THE OWNER AND APPLI-
CANT FOR THE ZONING CLASSIFICATION AND
PROVIDING FOR A RECORDATION OF THIS ORDI-
NANCE.

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

Section 1. That upon consideration of an application for a change in the zoning classification of the land area hereinafter described, Council finds:

1. That the land area hereinafter described is presently classified as a part of the B-8 District with certain waivers.
2. That the owner and applicant proposes that the zoning classification of the land area hereinafter described be changed to B-8 with additional waivers.
3. That the land area hereinafter described is owned by Denver Technological Center, Inc., and that the aforesaid owner is also the applicant for the change in the zoning classification hereinafter set forth.
4. That in its application the owner and applicant has represented that if the zoning classification is changed pursuant to the application the owner and applicant will and hereby does:

(a) waive the right to use or occupy the land area hereinafter described or to use, occupy and erect thereon any structure or structures designed, erected, altered, used or occupied for the purpose of fabrication as enumerated in Revised Municipal Code Section 612.22-3(1)(uu)., except and reserving the fabrication of art goods; clothing, custom; costumes, custom, furniture, custom; jewelry and needle work;

(b) waive the right to use or occupy the land area hereinafter described or to use, occupy and erect thereon any structure or structures designed, erected, altered, used or occupied for the sale at wholesale and warehousing as defined in Revised Municipal Code Section 612.22-3(1)(iiii)., reserving, however, the sale at retail;

(c) waive the right to have the amount of gross floor area in structures as provided in the ordinance and in lieu thereof agrees to the gross floor area of all structures on any Zone Lot, excluding parking space within such structures, excluding any floor area where the ceiling thereof is less than four feet above grade at the nearest building line and excluding any floor area devoted to mechanical equipment serving the building, provided that the floor area of such constitutes not less than 75 per cent of the floor area of the total story on which located, shall not be greater than two times the area of the Zone Lot on which the structures are located;

(d) waive the right to erect on the land area hereinafter described any structure of any kind having a height in excess of two and one-half stories; and

(e) Waive the right to erect on the land area hereinafter described any structures and/or structures of a freestanding retail or strip retail shopping area nature.

Section 2. That the zoning classification of the land area in the City and County of Denver described as follows or included within the following boundaries shall be and hereby is changed from B-8 with certain-waivers to B-8 with additional waivers:

A parcel of land in the SE $\frac{1}{4}$ of Section 9, T5S, R67W of the 6th P. M., City and County of Denver, State of Colorado, more particularly described as follows:

Beginning at a point on the South line of said SE $\frac{1}{4}$ and 664.91 feet East of the SW corner thereof; thence East along said South line 759.71 feet; thence on an angle to the left of 90° a distance of 180.00 feet to a point of curvature; thence along a curve to the left having a radius of 1140.00 feet and a central angle of 25° 13' 40" an arc distance of 501.95 feet to a point of tangency; thence along the tangent to the aforesaid curve 429.46 feet to a point of curvature; thence along a curve to the right having a radius of 2700.00 feet and a central angle of 10° 49' 11" an arc distance of 509.87 feet to a point of tangency; thence along the tangent to the aforesaid curve 722.61 feet to a point of curvature; thence along a curve to the left having a radius of 2006.74 feet and a central angle of 4° 40' 59" an arc distance of 164.02 feet to a point of intersection with a second curve; thence along a curve to the left whose tangent makes an angle to the left of 102° 56' 52" from the tangent of the first curve and having a radius of 1665.00 feet and a central angle of 10° 28' 04" an arc distance of 304.19 feet to a point of tangency; thence along the tangent to the aforesaid curve 123.83 feet; thence on an angle to the left of 60° 16' 19" a distance of 1117.70 feet; thence on an angle to the right of 74° 08' 24" a distance of 483.48 feet; thence on an angle to the left of 150° 50' 58" a distance of 439.97 feet; thence on an angle to the right of 90° 26' 14" a distance of 796.00 feet to the point of beginning. Containing in all an area of 1,275,903 square feet or 29.2907 acres, more or less.

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

Section 3. That the foregoing change in zoning classification is based upon the representation by the owner and applicant that it will waive those certain rights available to it and in lieu thereof agrees to certain limitations which limitations are set forth in Subsection 4 of Section 1 hereof, which said waivers shall be binding upon the owner and applicant for the change in the zoning classification and shall be binding upon all successors and assigns of said owner and applicant.

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

Section 5. The Council finds this Ordinance is necessary for the immediate preservation of the public health and public safety, and determines that it shall take effect immediately upon its final passage and publication.

PASSED BY The Council April 10, 1978

Elmer Caldwell - President

APPROVED: W. H. Hume, -Mayor April 12 1978

ATTEST: F. J. Truog Clerk and Recorder, Ex-Officio Clerk
of the City and County of Denver

BY: Hazel Jefferies Deputy City Clerk

PUBLISHED IN The Daily Journal Mar 24, 1978 and Apr 14, 1978

PREPARED BY: [Signature] -City Attorney



The Daily Journal

Publisher's Affidavit

STATE OF COLORADO,
City and County of Denver, ss.

I, Bertil Ljung, of the City and County of Denver, State of Colorado, being duly sworn, upon oath say that I am the legal editor of The Daily Journal; that I have personal knowledge of all the facts set forth in this affidavit; that said The Daily Journal is a public daily newspaper of general circulation having its principal office and place of business situated in said City and County of Denver; that said The Daily Journal is printed and published daily except Saturdays, Sundays and legal holidays; that said The Daily Journal is a daily newspaper within the meaning of the act of the General Assembly of the State of Colorado, approved April 7, 1921, and entitled, "An Act Concerning Legal Notices, Advertisements and Publications, and the Fees of Printers and Publishers Thereof, and to Repeal All Acts and Parts of Acts in Conflict with the Provisions of This Act" and as amended by an act of said General Assembly, entitled, "An Act to Amend An Act Entitled 'An Act Concerning Legal Notices, Advertisements and Publications and the Fees of Printers and Publishers Thereof and to Repeal All Acts and Parts of Acts in conflict with the Provisions of this Act,'" approved March 30, 1923, and as amended by an act of said General Assembly, approved May 18, 1931, entitled, "An Act to Amend Section 4 of Chapter 139, Session Laws of Colorado, 1923, Relating to Legal Notices and Advertisements," which said Act took effect on and after the first day of January, 1932, and as amended by an act of said General Assembly, entitled, "An Act to Amend Chapter 139 of the Session Laws of 1923 Relating to Legal Notices and Advertisements; to Define Newspapers Qualified to Publish Legal Notices and Advertisements and the Fees of Printers and Publishers Thereof, and to Provide That the Costs of Such Legal Notices and Advertisements Shall Be Taxed as Fees," approved March 5, 1935; and as amended by an act of said General Assembly entitled, "An Act Relating to Legal Notices and Advertisements, and Amending Section 1, of Chapter 113, Session Laws of 1931," approved March 25, 1935; and "An Act to Amend and as Amended by the General Assembly, concerning 'Rates for Legal Publications,' 109-1-7 C.R.S. 1963 as amended, approved May 22, 1971, and effective January 1, 1972." that said newspaper had, prior to January 1, 1936, and has ever since said date, been admitted to the United States Mails as second class matter under the provisions of the Act of March 3, 1879, or any amendments thereof; that said newspaper is printed and published in whole in said City and County of Denver and has a general circulation therein; that said newspaper has been so printed and published as a public daily newspaper of general circulation in said City and County of Denver, uninterruptedly and continuously during the period of more than fifty-two consecutive weeks next prior to the first issue thereof containing the annexed legal notice and advertisement; that said legal notice and advertisement was published daily except Saturdays, Sundays and legal holidays in the regular edition of said newspaper for

One day,
that the first publication of said legal notice and advertisement appeared in the regular edition of said newspaper on the 24th day of March, A.D. 1978; that the last publication of said legal notice and advertisement appeared in the regular edition of said newspaper on the 24th day of March, A.D. 1978; and that, therefore, said legal notice and advertisement was duly published in a newspaper duly qualified for that purpose within the meaning of said above-mentioned acts of the General Assembly of the State of Colorado.

Bertil Ljung

Subscribed and sworn to, at the City and County of Denver, State of Colorado, before me, a Notary

Public, this 24th day of

March, A.D. 1978

Witness my hand and notarial seal.

Theodora M. Petrovic
Notary Public

My Commission expires June 4, 1978

No. CB 171

NOTICE OF PUBLIC HEARING RELATING TO ZONING Council Bill No. 171 Series of 1978

Notice is hereby given that on April 10, 1978, at 7:00 o'clock in the evening, or as soon thereafter as the calendar permits, in Room 450, City and County Building, Denver, Colorado, the Council of the City and County of Denver will hold a public hearing at which all interested persons and citizens will be given an opportunity to be heard concerning the following bill for an ordinance:

BY AUTHORITY
COUNCIL BILL NO. 171, SERIES OF 1978, INTRODUCED BY HENTZELL, CARPIO, PERRY, DONOHUE AND WYMAN.

A BILL
FOR AN ORDINANCE RELATING TO ZONING, CHANGING THE ZONING CLASSIFICATION FOR A SPECIFICALLY DESCRIBED AREA, GENERALLY DESCRIBED AS BELLEVIEW AVENUE AND TAMARAC DRIVE, REPEALING CERTAIN WAIVERS, PROPOSED BY THE OWNER AND APPLICANT FOR THE ZONING CLASSIFICATION AND PROVIDING FOR A RECORDATION OF THIS ORDINANCE.

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

Section 1. That upon consideration of an application for a change in the zoning classification of the land area hereinafter described, Council finds:

1. That the land area hereinafter described is presently classified as a part of the R-2-A District and a part of the B-A-3 District.

2. That the owner and applicant proposes that the zoning classification of the land area hereinafter described be changed to B-8 with additional waivers.

3. That the land area hereinafter described is owned by Denver Technological Center, Inc., and that the aforesaid owner is also the applicant for the change in the zoning classification hereinafter set forth.

4. That in its application the owner and applicant has represented that if the zoning classification is changed pursuant to the application the owner and applicant will and hereby does:

(a) waive the right to use or occupy the land area hereinafter described or to use, occupy and erect thereon any structure or structures designed, erected, altered, used or occupied for the purpose of fabrication as enumerated in Revised Municipal Code Section 612.22-3(1)(uu), except and reserving the fabrication of art goods; clothing, custom; costumes, custom; furniture, custom; jewelry and needle work;

(b) waive the right to use or occupy the land area hereinafter described or to use, occupy and erect thereon any structure or structures designed, erected, altered, used or occupied for the sale at wholesale and warehousing as defined in Revised Municipal Code Section 612.22-3(1)(iii), reserving, however, the sale at retail;

(c) waive the right to have the amount of gross floor area in structures as provided in the ordinance and in lieu thereof agrees to the gross floor area of all structures on any Zone Lot, excluding parking space within such structures, excluding any floor area where the ceiling thereof is less than four feet above grade at the nearest building line and excluding any floor area devoted to mechanical equipment serving the building, provided that the floor area of such constitutes not less than 75 per cent of the floor area of the total story on which located, shall not be greater than two times the area of the Zone Lot on which the structures are located;

(d) waive the right to erect on the land area hereinafter described any structure of any kind having a height in excess of two and one-half stories; and

(e) Waive the right to erect on the land area hereinafter described any structures and/or structures of a free standing retail or strip retail shopping area nature.

Section 2. That the zoning classification of the land area in the City and County of Denver described as follows or included within the following boundaries shall be and hereby, is changed from R-2-A and B-A-3 to B-8:

A parcel of land in the SE $\frac{1}{4}$ of Section 9, T5S, R67W of the 6th P.M., City and County of Denver, State of Colorado, more particularly described as follows:

Beginning at a point on the South line of said SE $\frac{1}{4}$ and 664.91 feet East of the SW corner thereof; thence East along said South line 759.71 feet;

thence on an angle to the left of 90° a distance of 180.00 feet to a point of curvature;

thence along a curve to the left having a radius of 1140.00 feet and a central angle of 25°13'40" an arc distance of 501.95 feet to a point of tangency;

thence along the tangent to the aforesaid curve 429.46 feet to a point of curvature;

thence along a curve to the right having a radius of 2700.00 feet and a central angle of 10°49'11" an arc distance of 509.87 feet to a point of tangency;

thence along the tangent to the aforesaid curve 722.61 feet to a point of curvature;

thence along a curve to the left having a radius of 2006.74 feet and a central angle of 4°40'59" an arc distance of 164.02 feet to a point of intersection with a second curve;

thence along a curve to the left whose tangent makes an angle to the left of 102°56'52" from the tangent of the first curve and having a radius of 1665.00 feet and a central angle of 10°28'04" an arc distance of 304.19 feet to a point of tangency;

thence along the tangent to the aforesaid curve 128.83 feet;

thence on an angle to the left of 60°16'19" a distance of 1117.70 feet;

thence on an angle to the right of 74°08'24" a distance of 483.48 feet;

thence on an angle to the left of 150°50'58" a distance of 439.97 feet;

thence on an angle to the right of 90°26'14" a distance of 796.00 feet to the point of beginning. Containing in all an area of 1,275,903 square feet or 29.2907 acres, more or less.

In addition thereto, those portions of all abutting public rights of way, but only to the centerline thereof, which are immediately adjacent to the aforesaid specifically described area.

Section 3. That the foregoing change in zoning classification is based upon the representation by the owner and applicant that it will waive those certain rights available to it and in lieu thereof agrees to certain limitations which limitations are set forth in Subsection 4 of Section 1 hereof, which said waivers shall be binding upon the owner and applicant for the change in the zoning classification and shall be binding upon all successors and assigns of said owner and applicant.

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

Section 5. The Council finds this Ordinance is necessary for the immediate preservation of the public health and public safety, and determines that it shall take effect immediately upon its final passage and publication.

Published in The Daily Journal
Mar. 24, 1978

The Daily Journal

Publisher's Affidavit

STATE OF COLORADO, }
City and County of Denver } ss.

I, Bertil Ljung, of the City and County of Denver, State of Colorado, being duly sworn, upon oath say that I am the legal editor of The Daily Journal; that I have personal knowledge of all the facts set forth in this affidavit; that said The Daily Journal is a public daily newspaper of general circulation having its principal office and place of business situated in said City and County of Denver; that said The Daily Journal is printed and published daily except Saturdays, Sundays and legal holidays; that said The Daily Journal is a daily newspaper within the meaning of the act of the General Assembly of the State of Colorado, approved April 7, 1921, and entitled, "An Act Concerning Legal Notices, Advertisements and Publications, and the Fees of Printers and Publishers Thereof, and to Repeal All Acts and Parts of Acts in Conflict with the Provisions of This Act" and as amended by an act of said General Assembly, entitled, "An Act to Amend An Act Entitled 'An Act Concerning Legal Notices, Advertisements and Publications and the Fees of Printers and Publishers Thereof and to Repeal All Acts and Parts of Acts in conflict with the Provisions of this Act,'" approved March 30, 1923, and as amended by an act of said General Assembly, approved May 18, 1931, entitled, "An Act to Amend Section 4 of Chapter 139, Session Laws of Colorado, 1923, Relating to Legal Notices and Advertisements," which said Act took effect on and after the first day of January, 1932, and as amended by an act of said General Assembly, entitled, "An Act to Amend Chapter 139 of the Session Laws of 1923 Relating to Legal Notices and Advertisements; to Define Newspapers Qualified to Publish Legal Notices and Advertisements and the Fees of Printers and Publishers Thereof, and to Provide That the Costs of Such Legal Notices and Advertisements Shall Be Taxed as Fees," approved March 5, 1935; and as amended by an act of said General Assembly entitled, "An Act Relating to Legal Notices and Advertisements, and Amending Section 1, of Chapter 113, Session Laws of 1931," approved March 25, 1935; and "An Act to Amend and as Amended by the General Assembly, concerning 'Rates for Legal Publications,' 109-1-7 C.R.S. 1963 as amended, approved May 22, 1971, and effective January 1, 1972," that said newspaper had, prior to January 1, 1936, and has ever since said date, been admitted to the United States Mails as second class matter under the provisions of the Act of March 3, 1879, or any amendments thereof; that said newspaper is printed and published in whole in said City and County of Denver and has a general circulation therein; that said newspaper has been so printed and published as a public daily newspaper of general circulation in said City and County of Denver, uninterruptedly and continuously during the period of more than fifty-two consecutive weeks next prior to the first issue thereof containing the annexed legal notice and advertisement; that said legal notice and advertisement was published daily except Saturdays, Sundays and legal holidays in the regular edition of said newspaper for

One ~~consecutive~~ days, that the first publication of said legal notice and advertisement appeared in the regular edition of said newspaper on the 14th day of April, A.D. 1978; that the last publication of said legal notice and advertisement appeared in the regular edition of said newspaper on the 14th day of April, A.D. 1978; and that, therefore, said legal notice and advertisement was duly published in a newspaper duly qualified for that purpose within the meaning of said above-mentioned acts of the General Assembly of the State of Colorado.

Bertil Ljung
Subscribed and sworn to, at the City and County of Denver, State of Colorado, before me, a Notary

Public, this 14th day of April, A.D. 1978

Witness my hand and notarial seal.

Theodora M. Peterson
Notary Public

My Commission expires June 4, 1978

1. That the land area hereinafter described is presently classified as a part of the R-2-A District and a part of the B-A-3 District.

2. That the owner and applicant proposes that the zoning classification of the land area hereinafter described be changed to B-8.

3. That the land area hereinafter described is owned by Denver Technological Center, Inc., and that the aforesaid owner is also the applicant for the change in the zoning classification hereinafter set forth.

4. That in its application the owner and applicant has represented that if the zoning classification is changed pursuant to the application the owner and applicant will and hereby does:

(a) waive the right to use or occupy the land area hereinafter described or to use, occupy and erect thereon any structure or structures designed, erected, altered, used or occupied for the purpose of fabrication as enumerated in Revised Municipal Code Section 612.22-3(1)(uu), except and reserving the fabrication of art goods; clothing, custom; costumes, custom; furniture, custom; jewelry and needle work;

(b) waive the right to use or occupy the land area hereinafter described or to use, occupy and erect thereon any structure or structures designed, erected, altered, used or occupied for the sale at wholesale and warehousing as defined in Revised Municipal Code Section 612.22-3(1)(iii), reserving, however, the sale at retail;

(c) waive the right to have the amount of gross floor area in structures as provided in the ordinance and in lieu thereof agrees to the gross floor area of all structures on any Zone Lot, excluding parking space within such structures, excluding any floor area where the ceiling thereof is less than four feet above grade at the nearest building line and excluding any floor area devoted to mechanical equipment serving the building, provided that the floor area of such constitutes not less than 75 per cent of the floor area of the total story on which located, shall not be greater than two times the area of the Zone Lot on which the structures are located;

(d) waive the right to erect on the land area hereinafter described any structure of any kind having a height in excess of two and one-half stories; and

(e) Waive the right to erect on the land area, hereinafter described any structures, and/or structures of a free standing retail or strip retail shopping area nature.

Section 2. That the zoning classification of the land area in the City and County of Denver described as follows or included within the following boundaries shall be and hereby is changed from R-2-A and B-A-3 to B-8:

A parcel of land in the SE¼ of Section 9, T5S, R67W of the 6th P.M., City and County of Denver, State of Colorado, more particularly described as follows:

Beginning at a point on the South line of said SE¼ and 664.91 feet East of the SW corner thereof; thence East along said South line 759.71 feet;

thence on an angle to the left of 90° a distance of 180.00 feet to a point of curvature;

thence along a curve to the left having a radius of 1140.00 feet and a central angle of 25°13'40" an arc distance of 501.95 feet to a point of tangency;

thence along the tangent to the aforesaid curve 429.46 feet to a point of curvature;

thence along a curve to the right having a radius of 2700.00 feet and a central angle of 10°49'11" an arc distance of 509.87 feet to a point of tangency;

thence along the tangent to the aforesaid curve 722.61 feet to a point of curvature;

thence along a curve to the left having a radius of 2006.74 feet and a central angle of 4°40'59" an arc distance of 164.02 feet to a point of intersection with a second curve;

thence along a curve to the left whose tangent makes an angle to the left of 102°56'52" from the tangent of the first curve and having a radius of 1665.00 feet and a central angle of 10°28'04" an arc distance of 304.19 feet to a point of tangency;

thence along the tangent to the aforesaid curve 128.83 feet;

thence on an angle to the left of 60°16'19" a distance of 1117.70 feet;

thence on an angle to the right of 74°08'24" a distance of 483.48 feet;

thence on an angle to the left of 150°50'58" a distance of 439.97 feet;

thence on an angle to the right of 90°26'14" a distance of 796.00 feet to the point of beginning. Containing in all an area of 1,275,903 square feet or 29,2907 acres, more or less.

In addition thereto, those portions of all abutting public rights of way, but only to the centerline thereof, which are immediately adjacent to the aforesaid specifically described area.

Section 3. That the foregoing change in zoning classification is based upon the representation by the owner and applicant that it will waive those certain rights available to it and in lieu thereof agrees to certain limitations which limitations are set forth in Subsection 4 of Section 1 hereof, which said waivers shall be binding upon the owner and applicant for the change in the zoning classification and shall be binding upon all successors and assigns of said owner and applicant.

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

Section 5. The Council finds this Ordinance is necessary for the immediate preservation of the public health and public safety, and determines that it shall take effect immediately upon its final passage and publication.

PASSED by the Council April 10, 1978. ELVIN R. CALDWELL, President. Approved, W. H. MCNICHOLS JR., Mayor April 12, 1978. Attest: F. J. SERAFINI, Clerk and Recorder, Ex-Officio Clerk of the City and County of Denver. By HAZEL JEFFERIES, Deputy City Clerk. Published in The Daily Journal Mar. 24, 1978 and Apr. 14, 1978 322

BY AUTHORITY
ORDINANCE NO. 187
COUNCIL BILL NO. 171, SERIES
OF 1978, INTRODUCED BY
HENZELL, CARPIO, PERRY,
DONOHUE AND WYMAN.

A BILL
FOR AN ORDINANCE RELATING
TO ZONING, CHANGING THE
ZONING CLASSIFICATION FOR A
SPECIFICALLY DESCRIBED
AREA, GENERALLY DESCRIBED
AS BELLEVIEW AVENUE AND
TAMARAC DRIVE, RECITING
CERTAIN WAIVERS PROPOSED
BY THE OWNER AND APPLI-
CANT FOR THE ZONING
CLASSIFICATION AND
PROVIDING FOR A RECORDA-
TION OF THIS ORDINANCE.

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

Section 1. That upon consideration
of an application for a change in
the zoning classification of the land
area hereinafter described, Council
finds:

ord 187

**CITY & COUNTY OF DENVER
BOARD OF COUNCILMEN
ZONING AMENDMENT FINDINGS**

C.B. NO. 171

APPLICATION NO. 2911

APPLICANT

Denver Tech Center

ADDRESS

5555 DTC Pkwy.
Englewood, CO. 80110

INTEREST

OWNER
 AGENT

**OTHER PERSONS, FIRMS OR
CORPORATIONS REPRESENTED
BY APPLICANT**

ADDRESS

INTEREST

OWNER
 AGENT

LOCATION OF PROPOSED CHANGE N. of Belleview and W. of Tamarac Pkwy.

LEGAL DESCRIPTION OF PROPERTY (See attached)

AREA OF SUBJECT PROPERTY, SQ. FT. OR ACRES 15.81 A

PRESENT ZONE B-A-3, R-2-A

PROPOSED ZONE B-8

DATE OF PUBLIC HEARING: 4-10-78

CONCLUSION:

This proposed change in zoning originally was submitted under C.B. #669(77). This bill replaced the original and includes certain waivers that were agreed to by residents in adjacent neighborhoods. The purpose of the change was to enable a more flexible development of the large area of land which had been zoned in several different district classifications.

DISPOSITION:

Enacted. C.B. #669 denied.

Beginning at a point on the South line of said SE $\frac{1}{4}$ and 664.91 feet East of the SW corner thereof; thence East along said South line 750.71 feet; thence on an angle to the left of 90° a distance of 160.00 feet to a point of curvature; thence along a curve to the left having a radius of 1140.00 feet and a central angle of 25° 13' 40" an arc distance of 501.95 feet to a point of tangency; thence along the tangent to the aforesaid curve 429.46 feet to a point of curvature; thence along a curve to the right having a radius of 2700.00 feet and a central angle of 10° 49' 11" an arc distance of 509.87 feet to a point of tangency; thence along the tangent to the aforesaid curve 722.61 feet to a point of curvature; thence along a curve to the left having a radius of 2006.74 feet and a central angle of 4° 40' 59" an arc distance of 164.02 feet to a point of intersection with a second curve; thence along a curve to the left whose tangent makes an angle to the left of 102° 56' 52" from the tangent of the first curve and having a radius of 1665.00 feet and a central angle of 10° 28' 04" an arc distance of 304.19 feet to a point of tangency; thence along the tangent to the aforesaid curve 123.53 feet; thence on an angle to the left of 60° 16' 19" a distance of 1117.70 feet; thence on an angle to the right of 74° 06' 24" a distance of 483.48 feet; thence on an angle to the left of 150° 50' 58" a distance of 439.97 feet; thence on an angle to the right of 90° 26' 14" a distance of 796.00 feet to the point of beginning. Containing in all an area of 1,275,903 square feet or 29.2907 acres, more or less.



W. H. McNICHOLS, JR.
Mayor

CITY AND COUNTY OF DENVER

DEPARTMENT OF LAW
MAX P. ZALL
CITY ATTORNEY

OFFICE OF CITY ATTORNEY
CITY AND COUNTY BUILDING
DENVER, COLORADO 80202
PHONE (303) 575-2665

March 16, 1978

MEMORANDUM

TO: Elvin R. Caldwell
President
Denver Board of Councilmen

FROM: Robert M. Kelly *Robert M. Kelly*
Assistant City Attorney

SUBJECT: A Bill changing the zoning classification for an area generally described as Belleview Avenue and Tamarac Drive, reciting certain waivers proposed by the owner and applicant for the zoning classification and providing for a recordation of this ordinance.

Cl 171

We are attaching a Bill for an Ordinance relating to Zoning, changing the zoning classification for a specifically described area, generally described as Belleview Avenue and Tamarac Drive, reciting certain waivers proposed by the owner and applicant for the zoning classification and providing for a recordation of this ordinance.

The Bill was prepared by this office at the request of the City Council to add additional waivers to the area being rezoned.

jm
attached

049901

1978 MAY -3 AM 10: 01

F.J. SERAFINI
COUNTY CLERK
DENVER COUNTY

1655 510

U00.00 A 00

Ordinance No. 187 Series 19 78

Councilman's Bill No. 171

Meeting Date March 20, 19 78

Read in full to the Board of Councilmen and referred to the Committee on

Bonny

Committee report adopted and bill ordered published.

Meeting Date Mar. 20, 19 78

Read by title and passed.

Meeting Date Apr. 10, 19 78

1655 514

Marina Square Equity Brief

Overview

What is equity?

Equity is when everyone, regardless of who they are or where they come from, has the opportunity to thrive. Where there is equity, a person's identity does not determine their outcome. The city's vision is for every resident to live in a complete neighborhood with access to jobs, amenities and services so that all Denverites – regardless of their race, ability, income, age, gender, etc. – can thrive.

New development projects can impact equity for an area through factors such as access to open space, access to and the mix of jobs, and housing choices. Each rezoning and/or Large Development Review (LDR) proposal provides an opportunity to understand how one project can improve, or at least not increase, existing inequities.

How do we measure equity?

Equity is measured using three concepts from Blueprint Denver: Access to Opportunity; Vulnerability to Displacement; and Housing and Jobs Diversity. Each equity concept is measured using multiple metrics. For example, Access to Opportunity measures several indicators that reflect the city's goal for all neighborhoods to have equitable access to a high quality of life, including access to transit, fresh food, and open space.

How to read equity scores

Each equity concept is given a scoring metric from most equitable to least equitable. Below is an interpretation of the scoring metrics:

Access to Opportunity - measures an area's access to opportunity through Social Determinants of Health (percent of population who are high school graduates and percent of families below the poverty line), Built Environment (access to fresh food and open space), Access to Healthcare, Child Obesity, Life Expectancy, Access to Transit, and Access to Centers and Corridors



Vulnerability to Displacement – measures and area's vulnerability to displacement through Educational Attainment, Rental Occupancy, and Median Household Income



Housing Diversity – measures the diversity of housing stock for an area compared to the city. This includes Missing Middle Housing, Diversity of Bedroom Count Per Unit, Ratio of Owners to Renters, Housing Costs, and Income Restricted Units



Job Diversity – measures two key factors related to the availability and variety of employment options: (1) Jobs density: the amount of jobs in different parts of the city, depicted by the intensity of color and measures as jobs per acre; and (2) Jobs diversity: The mix of jobs in different parts of the city. The mix of jobs is depicted by different colors:

<p>The job mix is dissimilar to the city's overall job mix, because there is more emphasis on Retail.</p>	<p>Less than 100 jobs. Data Values below are not applicable.</p>	<p>The job mix is dissimilar to the city's overall job mix, because there is more emphasis on Innovation.</p>	<p>The job mix is similar to the city's overall job mix.</p>	<p>The job mix is dissimilar to the city's overall job mix, because there is more emphasis on Manufacturing.</p>	<p>The job mix is dissimilar to the city's overall job mix, because there is more emphasis on Retail and Manufacturing.</p>

Why do we measure equity?

Identifying issues of inequity in a specific area helps identify opportunities for new development to reduce those inequities. By specifically addressing the low-scoring metrics, we can improve the equity for the community around the site and throughout the entire city. Below is an equity analysis specific to this site. It highlights lower scores. Staff has provided potential considerations for improving the identified inequities. Please note that these are suggested examples and applicant is expected to provide a broader set of solutions through the Equity Menu provided as an attachment to this document.

Marina Square Equity Analysis

The Equity Analysis below includes 1) equity considerations for the site from adopted plans; 2) scores for specific *Blueprint Denver* equity measures; and 3) initial recommendations for the applicant to consider at the time of development review. This list is not meant to be an exclusive or exhaustive list, and coordination of agreed-upon equity improvements will be an iterative process between the applicant team and the city. Staff has carefully considered and identified equity concerns specific to the site. The planning and equity context for Marina Square is summarized below, with additional maps and context attached as an appendix.

Marina Square Equity Scores and Recommended Actions

ACCESS TO OPPORTUNITY - Creating more equitable access to quality-of-life amenities, health, and education.

The site area's average score is 3.50, with low scores in Built Environment (low fresh food score) and Access to Transit. These specific metrics are defined below, along with considerations from Blueprint Denver. The applicant is expected to consider additional proposals that are identified in Equity Menu of Strategies attached to this document.

Built Environment

	Social Determinants of Health	Access to Parks	Access to Fresh Food	Access to Healthcare	Child Obesity	Life Expectancy	Access to Transit	Access to Centers and Corridors
Score	5.00	2.5	2.5	3	3	4	0	3.67
	Most Equitable	More Equitable	Less Equitable	Somewhat Equitable	Somewhat Equitable	More Equitable	Has No Access to Transit	50-74% of the area is covered by a walk, bike, and driveshed to a center or corridor

	Metric	Score	Description	Consideration for Improvement	Response from Applicant
	Social Determinants of Health	5.0 Most Equitable	Measured by a) % of high school graduates or the equivalent for those 25 years of age or older and b) percent of families below 100% of the Federal Poverty Line.		
Built Environment	Access to Parks	2.5 More Equitable	Measured by % of living units within ¼-mile walk to a park or open space.	<ul style="list-style-type: none"> Applicant commits to improving connectivity through an organized street grid, to improve access to amenities including open space 	<ul style="list-style-type: none">
	Access to Fresh Food	2.5 Less Equitable	Measured by % of residents within ¼-mile walk to a full-service grocery store.	<ul style="list-style-type: none"> Applicant commits to promoting increased access to fresh food options Applicant commits to provide fresh food outlets on-site, such as a community garden 	<ul style="list-style-type: none">
	Access to Healthcare	3 Somewhat Equitable	<p>Access to Health Services - such as clinics, prenatal services, and more.</p> <p>13.84% of women receive no prenatal care during the</p>	<p><i>This metric is not expected to be directly impacted by an applicant-driven rezoning but may be indirectly improved via other metrics</i></p>	<ul style="list-style-type: none">

			first trimester of pregnancy in this area		
	Child Obesity	3 Somewhat Equitable	Child Obesity measure % of children in the area that are overweight/obese. 12.89% of children and youth are obese	<ul style="list-style-type: none"> Applicant commits to uses on-site that promote healthy food options as opposed to compounding on the “food swamp” inequity in the FNE <ul style="list-style-type: none"> If providing auto-oriented food and beverage options applicant should prioritize fast-casual restaurants that provide healthy food choices, such as Modern Market, Panera Bread, etc. Applicant commits to providing more open space than required on-site 	•
	Life Expectancy	4 More Equitable	Life expectancy (in years): 81.80	<i>This metric is not expected to be directly impacted by the applicant but may be indirectly improved via other metrics.</i>	
	Access to Transit	0	Has no Access to Transit. Site was completely inside of a transit buffer ½ mile from high capacity transit or ¼ mile from frequent transit	<ul style="list-style-type: none"> Applicant commits to promoting the use of and access to public transit 	•
	Access to Centers and Corridors	3.67	Average Score: 3.67 Total Evaluation: 50-74% of the area is covered by a walk, bike, and driveshed to a center or corridor.		•

REDUCING VULNERABILITY TO DISPLACEMENT – Stabilizing residents and businesses who are vulnerable to involuntary displacement due to increasing property values and rents.

For Vulnerability to Involuntary Displacement, this area’s average score is 1 out of 3. This means that the area is generally not considered vulnerable to displacement. Specific metrics are defined below, along with considerations that align with the goals of Blueprint Denver. The applicant is expected to consider additional proposals that are identified in Equity Menu of Strategies attached to this document.

	Educational Attainment	Rental Occupancy	Median Household Income
Score	0	1	0
	Not Vulnerable	Vulnerable	Not Vulnerable

Metric	Score	Description	Consideration for Improvement	Response from Applicant
Educational Attainment	0 Not Vulnerable	Percent of 25-year olds and older without a college degree: 32.56% Citywide Average: 50.60% Lack of opportunities for higher education can leave residents unable to make more money and get jobs to offset increased costs		
Rental Occupancy	1 Vulnerable	Percent of Renter Occupied: 56.88% Citywide Average: 50.12%	<ul style="list-style-type: none"> Applicant commits to providing for-sale units on site 	
Median Household Income	0 Vulnerable	Median Household income: \$89,968 Denver's Median household income: \$68,952		

EXPANDING HOUSING DIVERSITY - providing a better and more inclusive range of housing in all neighborhoods.

For Housing Diversity, this area’s average score is 3 out of 5, with the area scoring low on the amount of income restricted units and diversity of bedroom count per unit. Specific metrics are defined below, along with considerations that align with the goals of Blueprint Denver. The applicant is expected to consider additional proposals that are identified in Equity Menu of Strategies attached to this document.

	Missing Middle Housing	Diversity of Bedroom Count Per Unit	Owners to Renters	Housing Costs	Income Restricted Units
Score	1	0	1	1	0
	Diverse	Diverse	Diverse	Diverse	Not Diverse

Metric	Score	Description	Consideration for Improvement	Applicant Response
Missing Middle Housing	1 Diverse	Percent Housing with 2-19 units: 24.31% Citywide: 19.00% If an area had over 20% middle density housing units, it was considered “diverse”, if it was less than 20% middle density it was considered “not diverse.”		
Diversity of Bedroom Count Per Unit	0 Not Diverse	Ratio: 2.77 Mix Type: Mixed Measured by comparing the number of housing units with 0-2 bedrooms to the number of units with 3 or more bedrooms.	<ul style="list-style-type: none"> Applicant commits to build units with a variety of bedroom counts Applicant commits to provide a certain percentage of 3 + bedroom units 	<ul style="list-style-type: none">
Owners to Renters	1 Diverse	Owners: 43.12% Renters: 56.88% Denver Owners: 49.90% Denver Renters: 50.10%		
Housing Costs	1 Diverse	Mix Type: Mixed The ratio of (a) housing units affordable to households earning up to 80% of the city’s median income to (b) housing units affordable to households earning over 120% of the city’s median income.		
Income Restricted Units	0 Not Diverse	Income Restricted Units: 0 Citywide Average Income Restricted Units: 175.4	<ul style="list-style-type: none"> Applicant commits to provide a specific amount of Income Restricted Units on-site 	<ul style="list-style-type: none">

EXPANDING JOB DIVERSITY - providing a better and more inclusive range of employment options in all neighborhoods.

Job Diversity in this area is dissimilar to the City’s overall job mix, with fewer retail options and more emphasis on innovation jobs compared to the city. Specific metrics are defined below, along with considerations that align with the goals of Blueprint Denver. The applicant is expected to consider additional proposals that are identified in Equity Menu of Strategies attached to this document.

Score	Retail 25.32%	Innovation 74.40%	Manufacturing 0.28%
	City Wide Average 53.5%	City Wide Average 35.7%	City Wide Average 10.7%

Metric	Score	Description	Consideration for Improvement	Applicant Response
Total Jobs	1,086 Jobs	Total Jobs per Acre: 6.58		
Retail	275 Jobs 25.32%.	This is less than the citywide Retail average of 53.5% Retail Jobs per Acre: 1.67	<ul style="list-style-type: none"> Commit to provide on-site retail spaces that create retail related jobs, to help balance the mix of retail jobs in the area 	
Innovation	808 Jobs 74.40%.	This is greater than the citywide Innovation average of 35.7% Innovation Jobs per Acre: 4.89		
Manufacturing	3 Jobs 0.28%.	This is greater than the citywide Innovation average of 10.7% Manufacturing Jobs per Acre: 0.02		

Next Steps

Blueprint Denver establishes a framework for equitable planning across Denver. By incorporating equity into planning, neighborhoods such as those in the Hampden South can achieve *Blueprint Denver*’s vision of creating dynamic, inclusive, and complete neighborhoods.

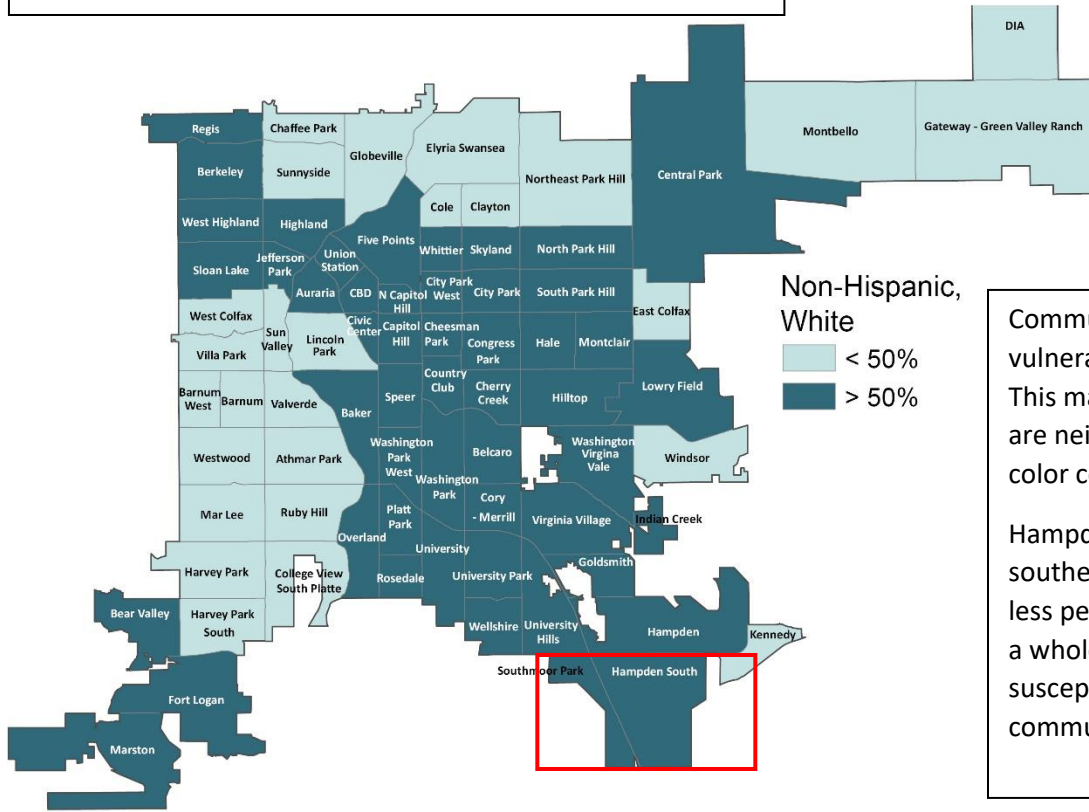
Actions

1. In response to the equity analysis provided by staff above, applicant will need to address the identified equity gaps by completing the Equity Response. The Equity Response is attached to this analysis.
2. The applicant may refer to the Equity Menu, also attached, for ideas about how to respond to equity gaps identified for this site.

CURRENT DEMOGRAPHICS AND CHANGES OVER TIME

RACIAL COMPOSITION | 2018

Hampden South: 72.85% Non-Hispanic, White
Citywide: 53.7% Non-Hispanic, White

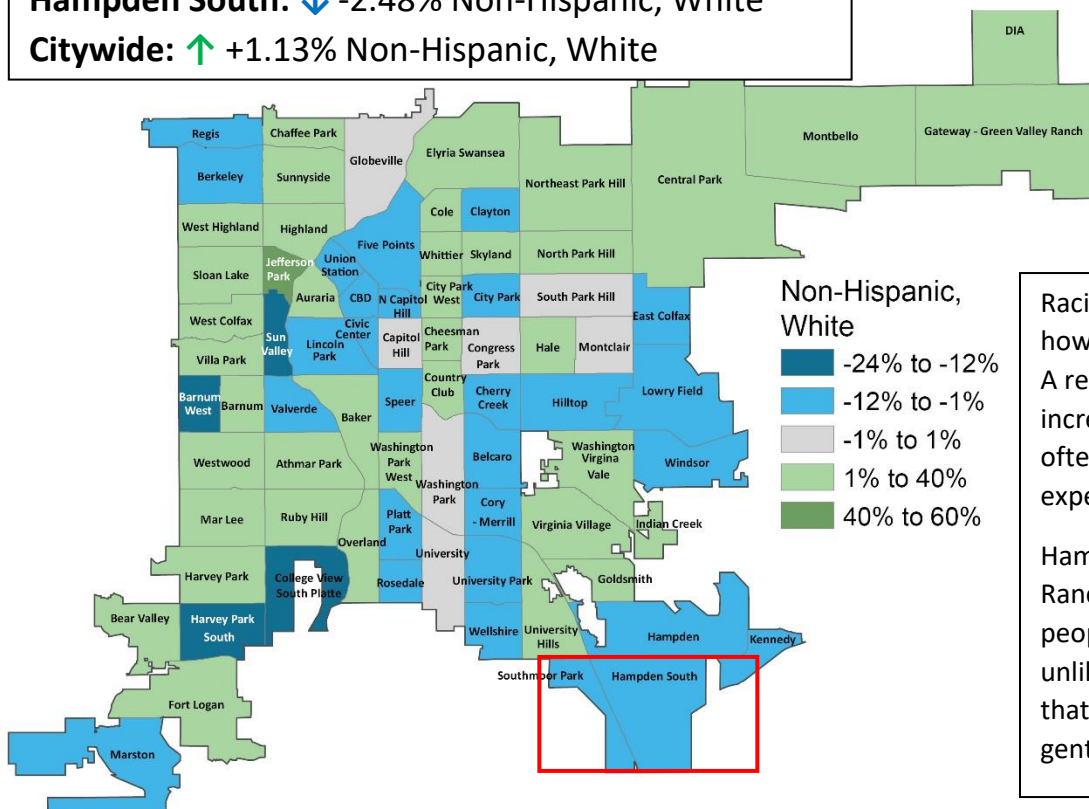


Communities of color are often more vulnerable to involuntary displacement. This map helps us understand where there are neighborhoods with more people of color compared to the rest of the city.

Hampden South is located at the southeastern most point of the city and has less people of color compared to Denver as a whole. This means the area could be less susceptible to displacement of existing communities of color.

RACIAL COMPOSITION | 2015-2018 (% CHANGE)

Hampden South: ↓ -2.48% Non-Hispanic, White
Citywide: ↑ +1.13% Non-Hispanic, White

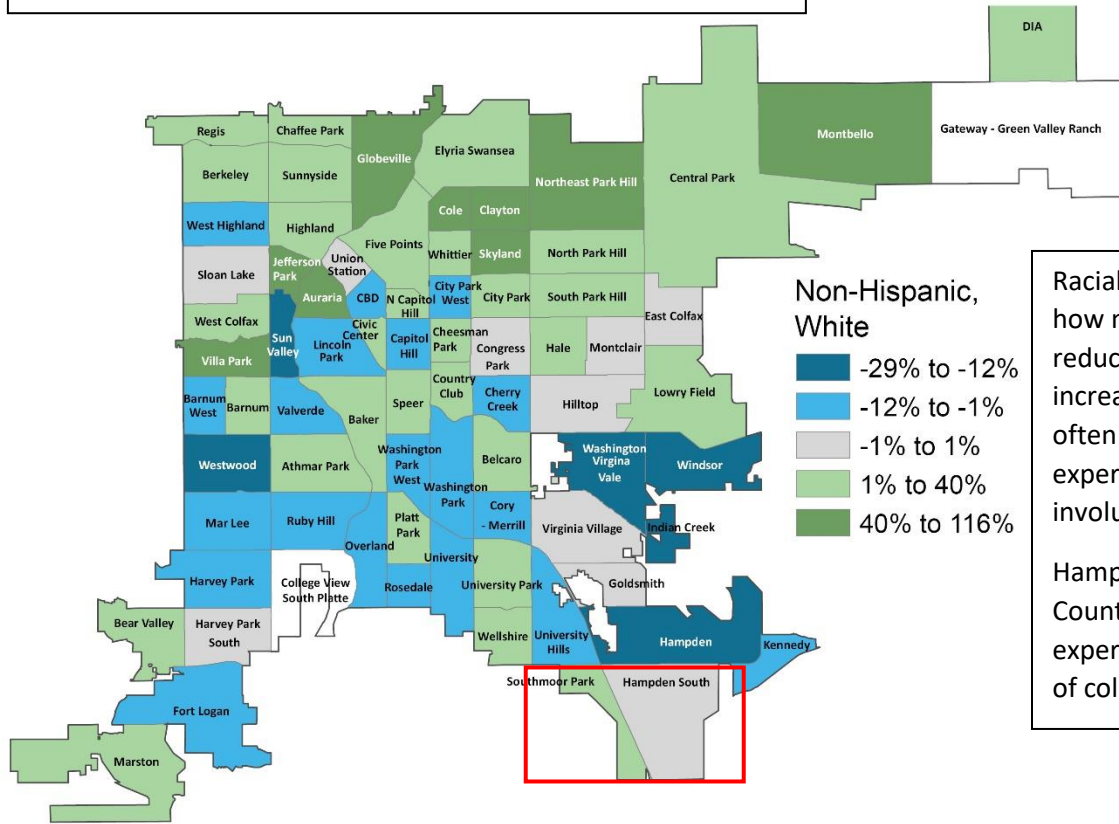


Racial composition helps us understand how neighborhoods change over time. A reduction in people of color (or an increased in non-Hispanic, White) is often an indicator that an area is experiencing involuntary displacement.

Hampden South Gateway-Green Valley Ranch experienced a small increase in people of color between 2015-2018 unlike Denver as a whole, an indicator that it may not be experiencing gentrification and displacement.

RACIAL COMPOSITION | 2010-2015 (% CHANGE)

Hampden South: ↑ +0.66% Non-Hispanic, White
Citywide: ↑ +2.5% Non-Hispanic, White



Non-Hispanic, White

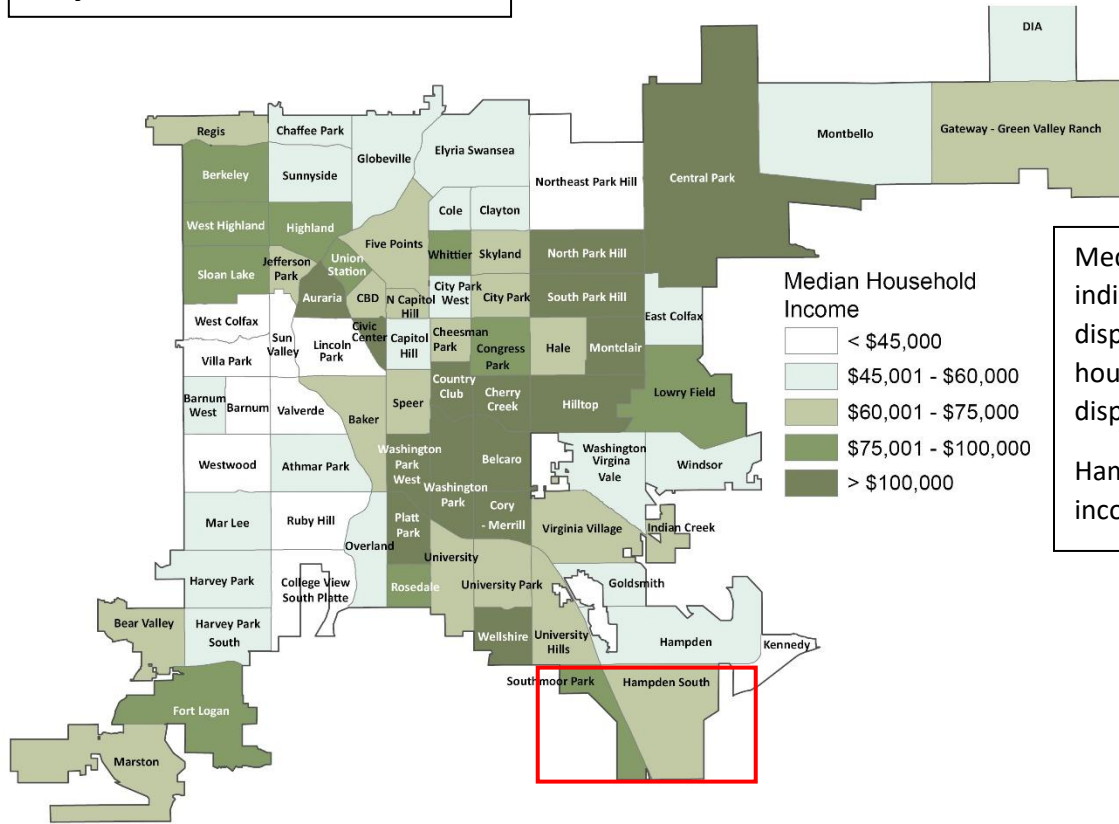
- 29% to -12%
- 12% to -1%
- 1% to 1%
- 1% to 40%
- 40% to 116%

Racial composition helps us understand how neighborhoods change over time. A reduction in people of color (or an increased in non-Hispanic, White) is often an indicator that an area is experiencing gentrification and involuntary displacement.

Hampden South, similar to the City and County of Denver as a whole did not experience as much loss of communities of color from 2010-2015.

MEDIAN HOUSEHOLD INCOME | 2018

Hampden South: \$73,403
Citywide: \$63,793



Median Household Income

- < \$45,000
- \$45,001 - \$60,000
- \$60,001 - \$75,000
- \$75,001 - \$100,000
- > \$100,000

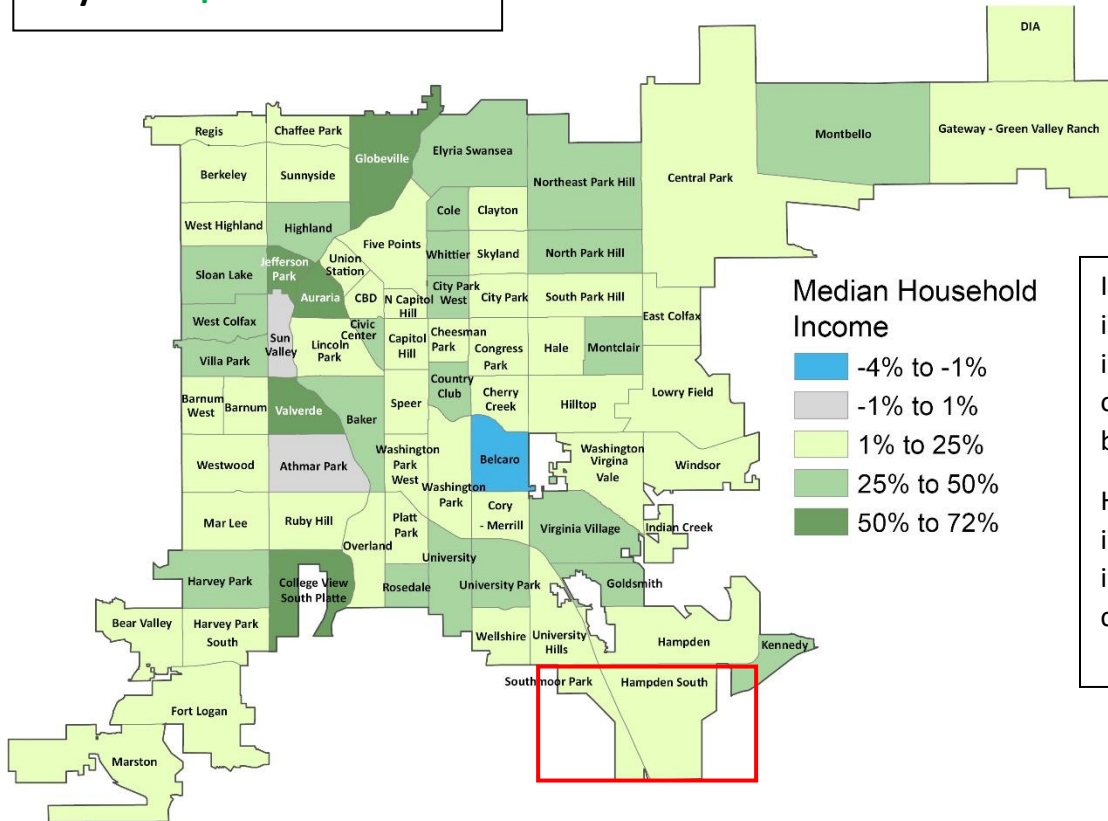
Median household income can be an indicator of vulnerability to displacement since lower income households are more susceptible to displacement.

Hampden South had a larger median income in 2018 compared to the city.

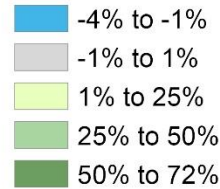
\$ MEDIAN HOUSEHOLD INCOME | 2015-2018 (% CHANGE)

Hampden South: ↑ +8.98%

Citywide: ↑ +18.93%



Median Household Income



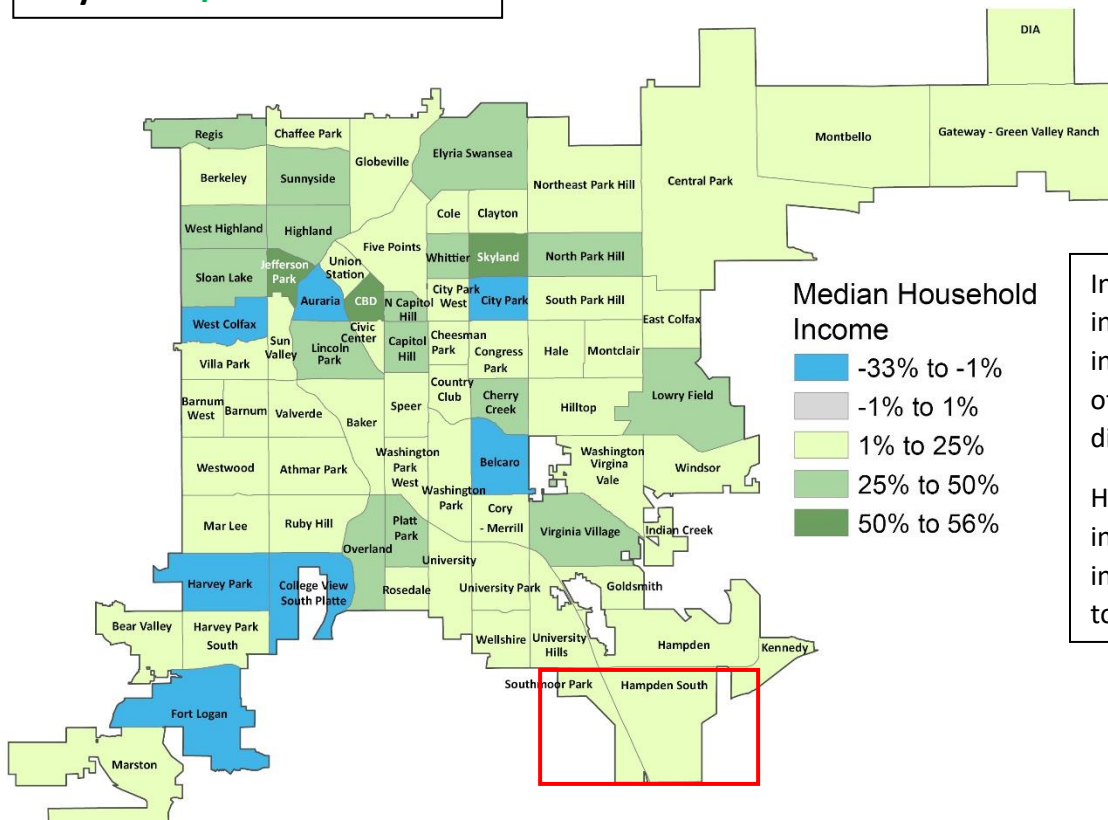
Increasing median household income could indicate higher-income families moving in, a sign of lower-income households being displaced.

Hampden South had a lower increase in median household income from 2015-2018 compared to the city.

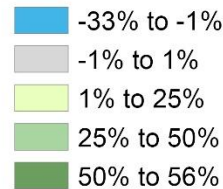
\$ MEDIAN HOUSEHOLD INCOME | 2010-2015 (% CHANGE)

Hampden South: ↑ +19.52%

Citywide: ↑ +17.9%



Median Household Income

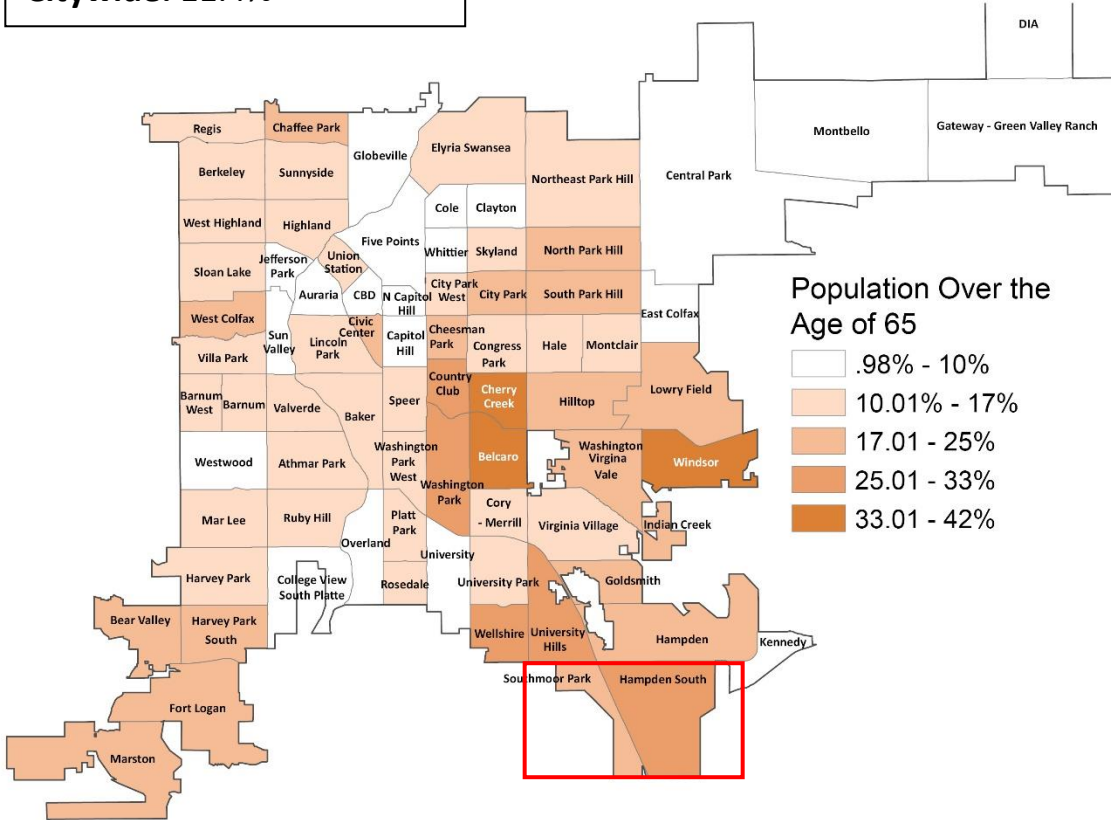


Increasing median household income could indicate higher-income families moving in, a sign of lower-income households being displaced.

Hampden South had a bit higher increase in median household income from 2010-2015 compared to the city.

POPULATION OVER THE AGE OF 65 | 2018

Hampden South: 28.29%
Citywide: 11.4%

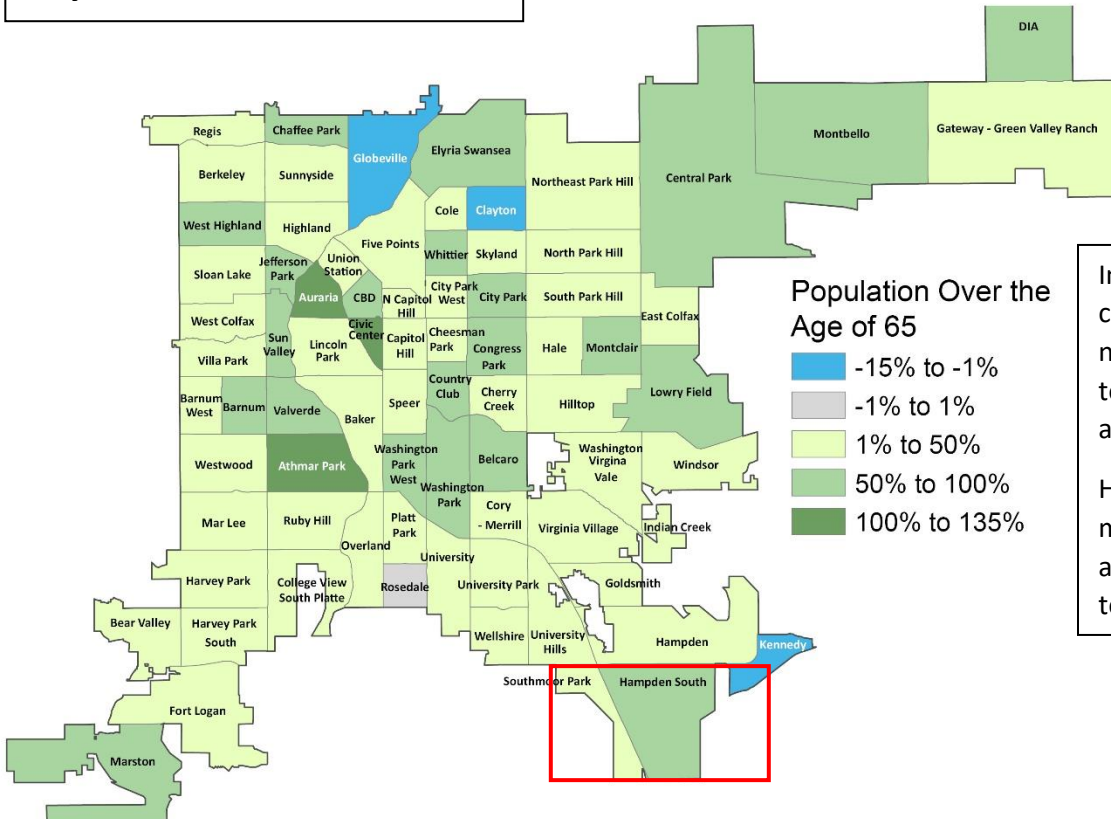


Older adults can be more vulnerable to displacement since they typically have fixed incomes.

Hampden South has more than double the number of older adults compared to the city and compared to many other neighborhoods.

POPULATION OVER THE AGE OF 65 | 2015-2018 (% CHANGE)

Hampden South: ↑ +52.02%
Citywide: ↑ +6.54%

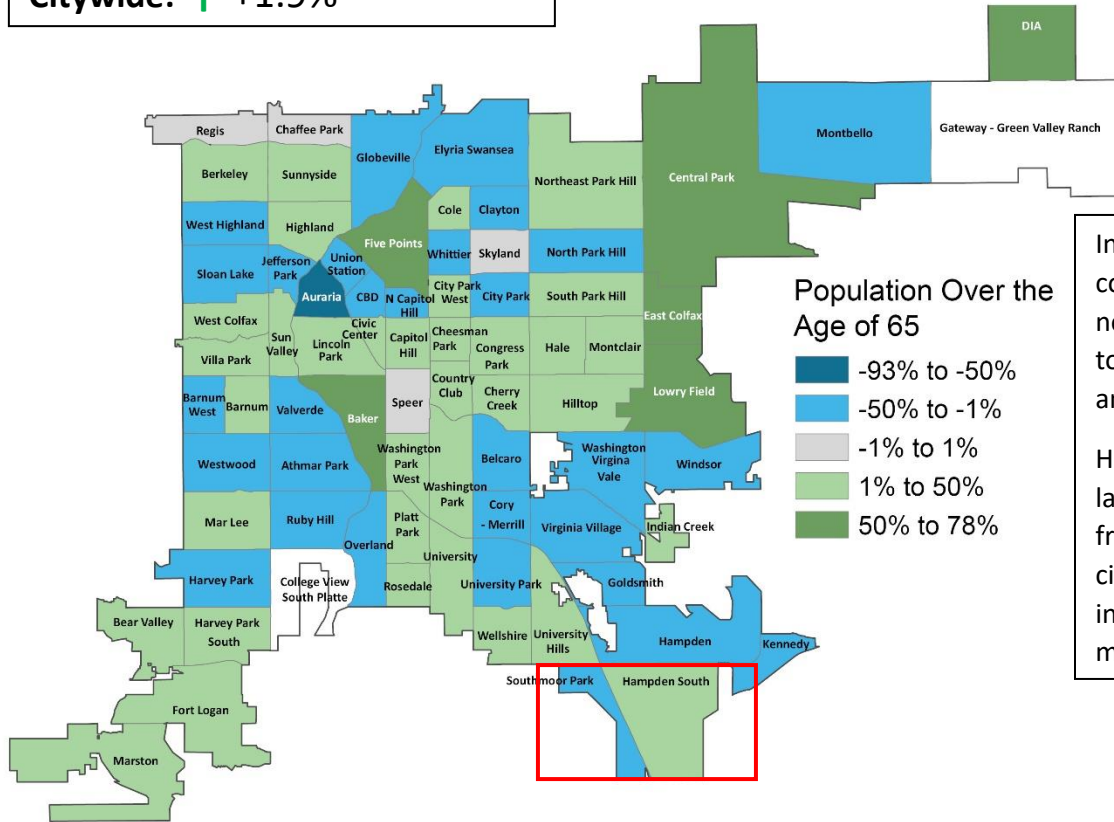


Increases in elderly population could mean more people in a neighborhood who are vulnerable to displacement if property values and property taxes increase.

Hampden South experienced a much higher increase in older adults from 2015-2018 compared to the city.

POPULATION OVER THE AGE OF 65 | 2010-2015 (% CHANGE)

Hampden South: ↑ +9.47%
 Citywide: ↑ +1.9%

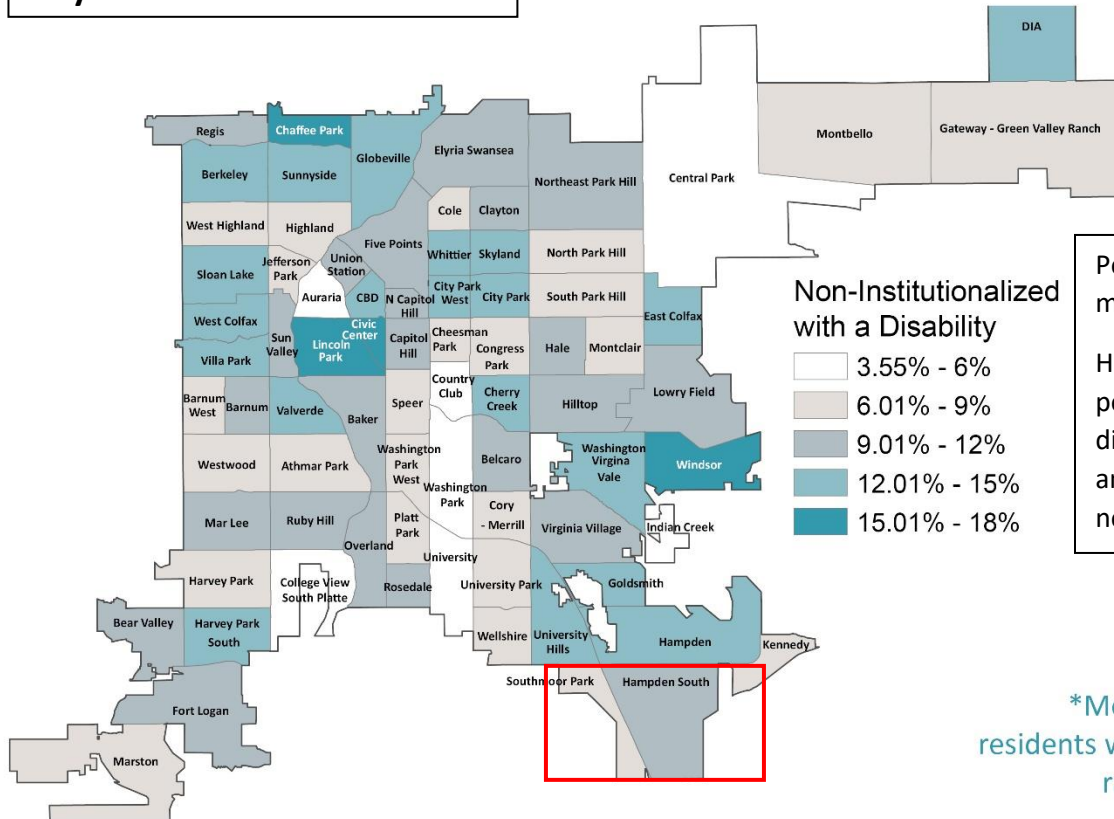


Increases in elderly population could mean more people in a neighborhood who are vulnerable to displacement if property values and property taxes increase.

Hampden South experienced a larger increase in older adults from 2010-2015 compared to the city, which amplifies the recent increase from 2015-2018 in this more vulnerable population.

RESIDENTS WITH A DISABILITY* | 2018

Hampden South: 10.09%
 Citywide: 9.67%



People with disabilities may be more vulnerable to displacement.

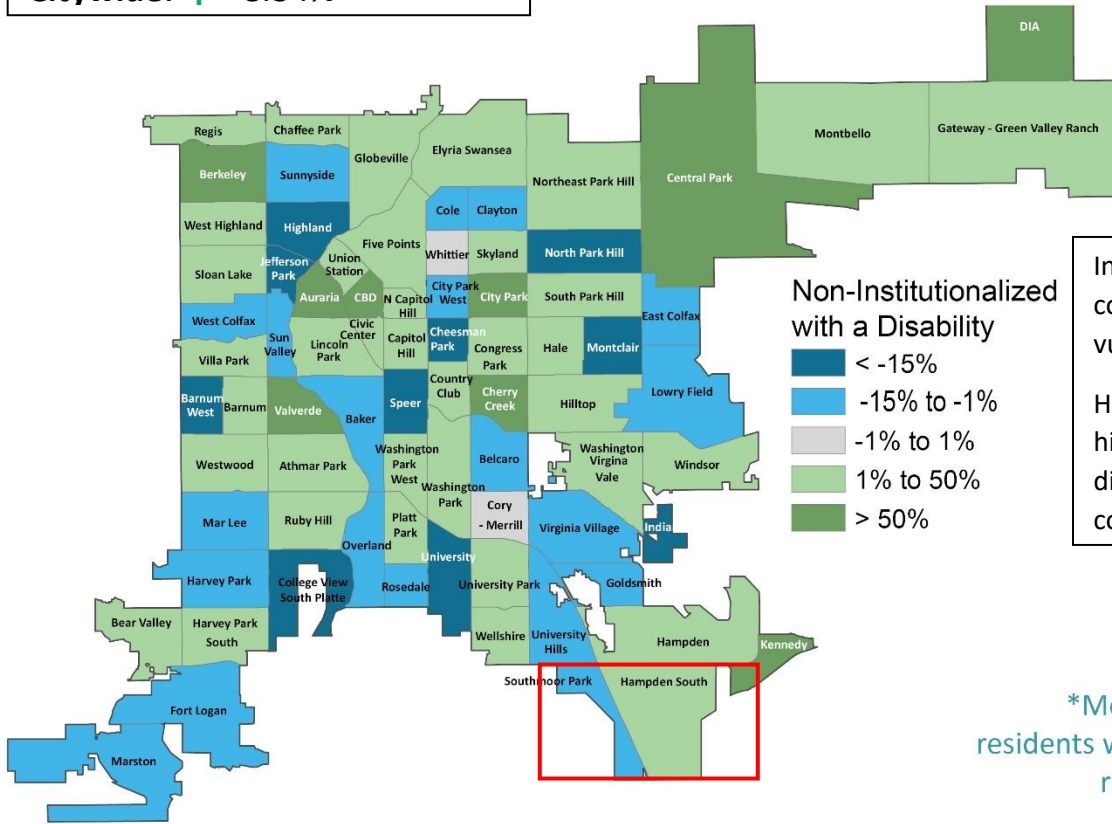
Hampden South has a similar percentage of people with disabilities compared to the city and compared to many other neighborhoods.

*Measure reflects the percentage of residents with a disability who live at home rather than in a residential facility

RESIDENTS WITH A DISABILITY* | 2015-2018 (% CHANGE)

Hampden South: ↑ +13.25%

Citywide: ↑ +8.34%



Increases in people with disabilities could mean more people who are vulnerable to displacement.

Hampden South experienced a higher increase in people with disabilities from 2015-2018 compared to the city.

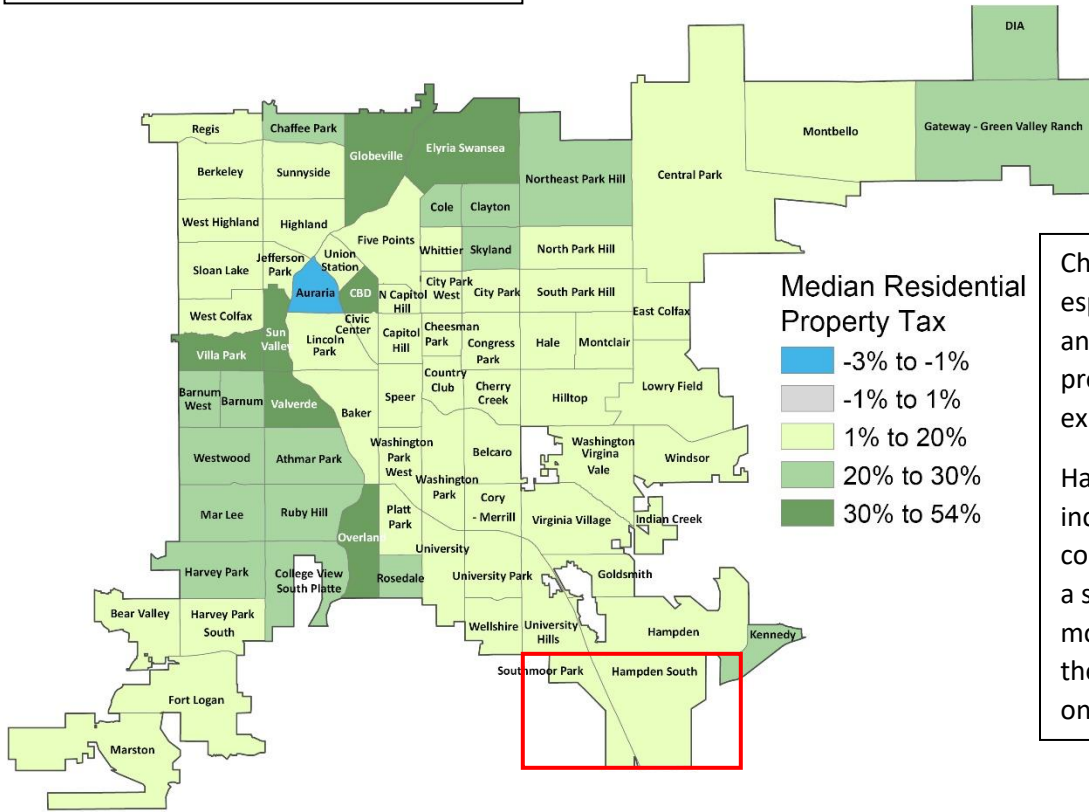
*Measure reflects the percentage of residents with a disability who live at home rather than in a residential facility

HOUSING MARKET TRENDS

🏠 MEDIAN RESIDENTIAL PROPERTY TAX | 2018-2020 (% CHANGE)

Hampden South: ↑ +6.78%

Citywide: ↑ +7.63%



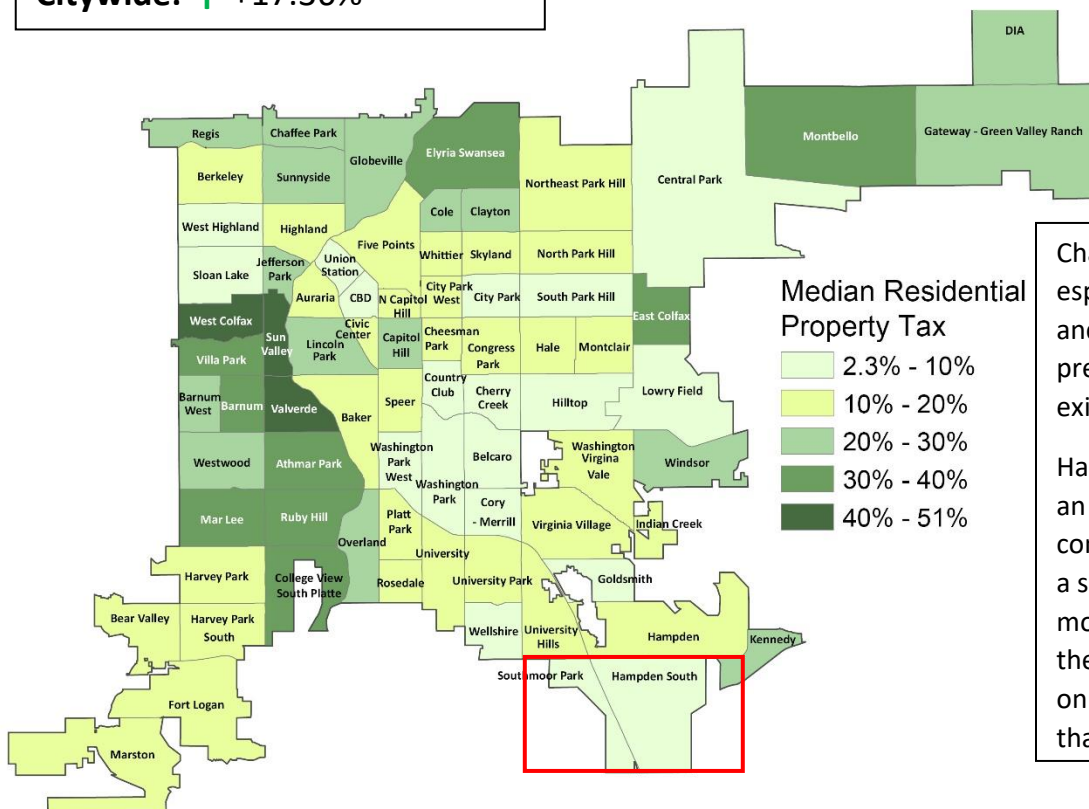
Changes in the housing market – especially increasing property values and property taxes – indicate market pressures and the possibility for existing residents to be displaced.

Hampden South experienced a similar increase in median property tax compared to Denver from 2018-2020, a sign that existing residents may be more vulnerable to displacement if they cannot afford increasing taxes on their property.

🏠 MEDIAN RESIDENTIAL PROPERTY TAX | 2015-2018 (% CHANGE)

Hampden South: ↑ +8.20%

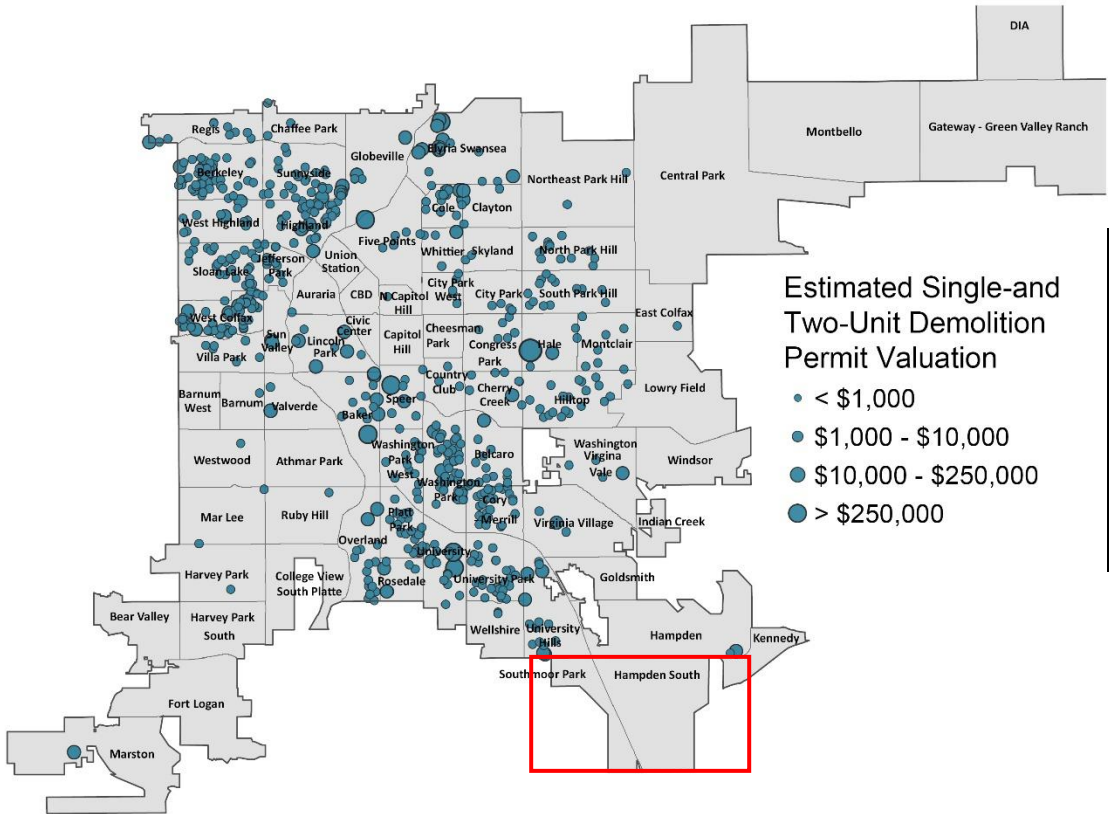
Citywide: ↑ +17.36%



Changes in the housing market – especially increasing property values and property taxes – indicate market pressures and the possibility for existing residents to be displaced.

Hampden South experienced less of an increase in median property tax compared to Denver from 2015-2018, a sign that existing residents may be more vulnerable to displacement if they cannot afford increasing taxes on their property but at rates less than Denver as a whole.

SINGLE-AND TWO-UNIT DEMOLITION PERMITS | 2018



Estimated Single-and Two-Unit Demolition Permit Valuation

- < \$1,000
- \$1,000 - \$10,000
- \$10,000 - \$250,000
- > \$250,000

Demolitions of existing homes signals market investment and the possibility for increasing property values, which could create displacement pressure.

Hampden South does not show any demolitions of existing homes in 2018.