



**TO:** Land Use, Transportation and Infrastructure Committee  
**FROM:** Fran Peñafiel, Senior City Planner  
**DATE:** May 4, 2023  
**RE:** Official Zoning Map Amendment Application #2022I-00211  
2042 & 2062 South Bannock St.  
Rezoning from I-A, UO-2 to C-RX-5

### Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2022I-00211.

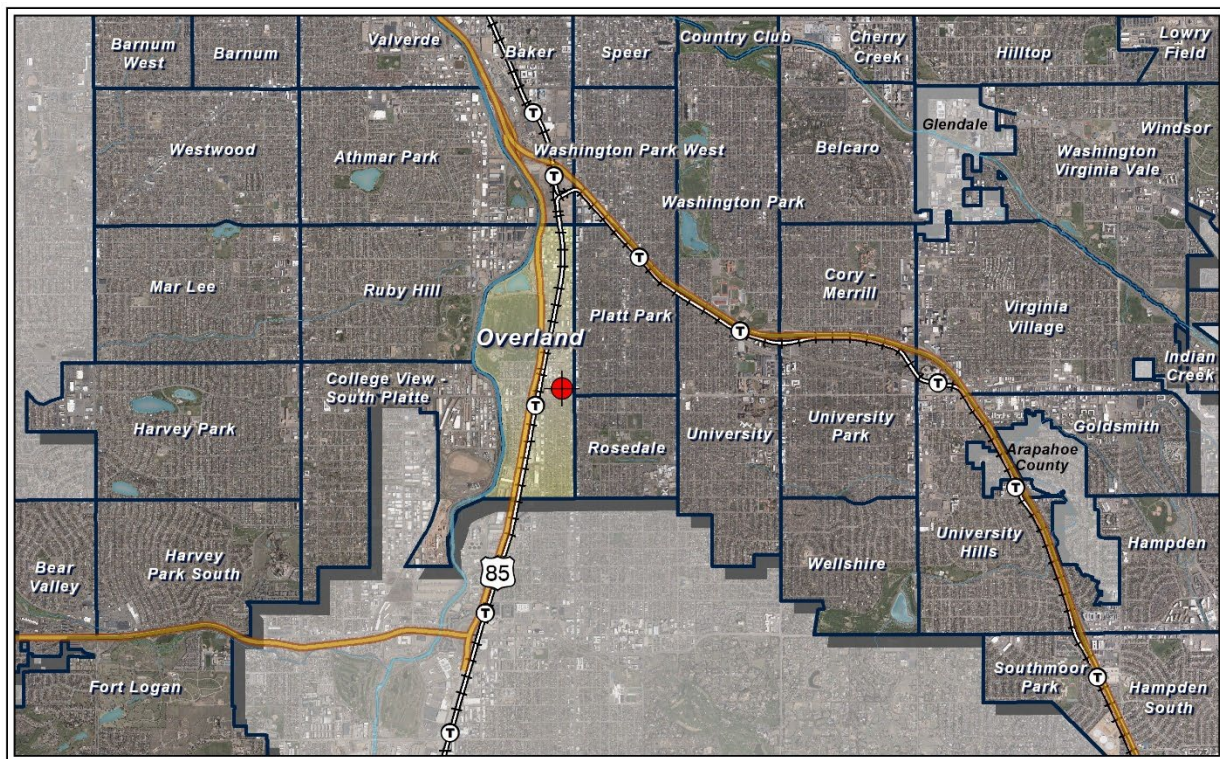
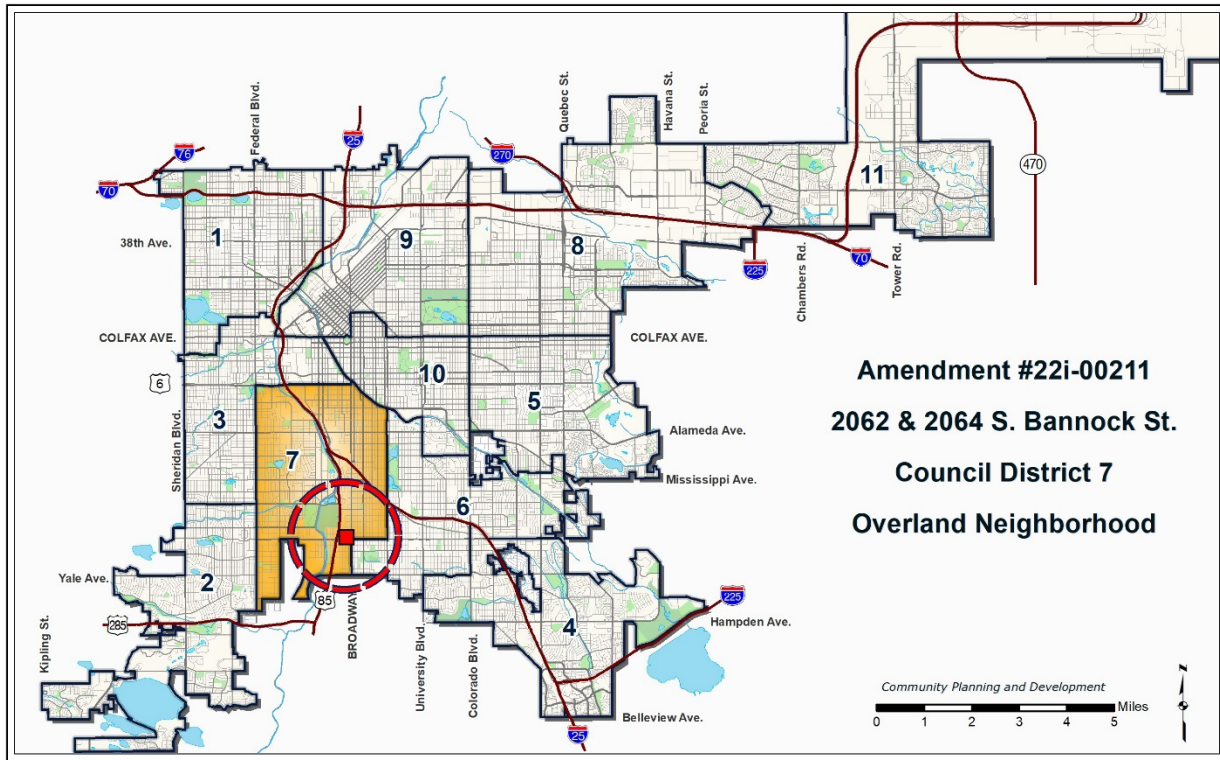
### Request for Rezoning

Address: 2042 & 2062 South Bannock Street  
Neighborhood/Council District: Overland / Council District 7  
RNOs: Inter-Neighborhood Cooperation (INC), Overland Park  
Neighborhood Association (OPNA), Strong Denver  
Area of Property: 34,375 square feet or 0.789 acres  
Current Zoning: I-A, UO-2  
Proposed Zoning: C-RX-5  
Property Owner(s): 3 MOD LLC & NORTH AMERICAN NATIONAL RE INSURANCE  
COMPANY  
Owner Representative: Bruce O'Donnell – Starboard Realty Group

### Summary of Rezoning Request

- The subject sites are located in the Overland statistical neighborhood between West Evans Avenue and West Asbury Avenue, along South Bannock Street.
- These two parcels are currently occupied by five one-story industrial and commercial/retail buildings.
- The proposed rezoning will allow for the property owners to redevelop the properties with a mix of residential and commercial uses.
- The requested C-RX-5 district stands for Urban Center Neighborhood Context – Residential Mixed Use – 5 stories maximum, which allows for a mix of uses that promote safe, active, and pedestrian-scaled, diverse areas. Buildings in a Residential Mixed Use district can have street-level retail uses, but upper stories are reserved exclusively for housing or lodging accommodation uses. Commercial uses are secondary to the primary residential use of the district and provide neighborhood-scaled shops and offices. Further details of the proposed zone district can be found in Article 7 of the Denver Zoning Code (DZC).

### Existing Context







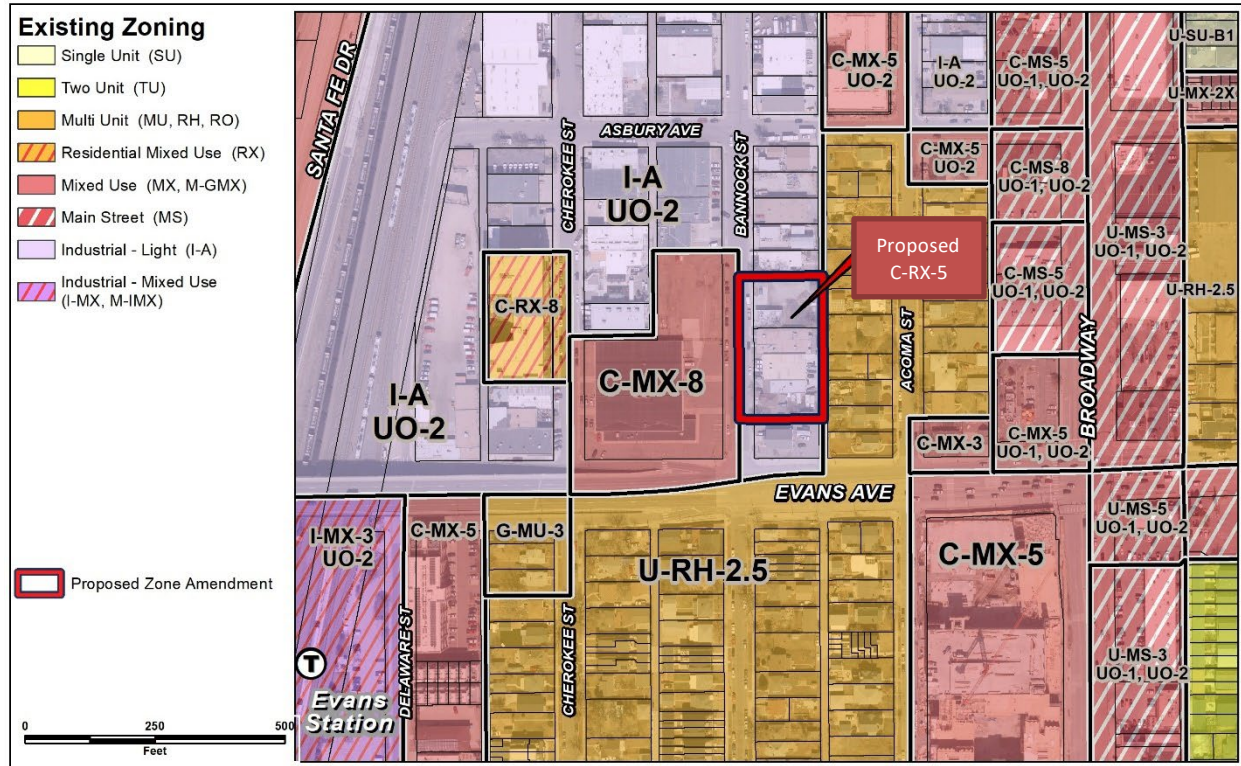
The subject properties are located within the Overland neighborhood, between West Evans Avenue and West Asbury Avenue, along South Bannock Street. The area is characterized by a mix of commercial uses along Broadway, single- and multi-unit residential and industrial uses west of Broadway, and predominantly single-unit residential uses south of Evans Avenue. Significant public and private reinvestment in the station area and along South Broadway (two blocks east of the subject property) in recent years suggest this area is continuing to transition from mostly light industrial to more mixed-use in nature. Union Pacific, Burlington Northern Santa Fe and RTD rail lines are located approximately 400 feet west of the subject site. The subject properties are served by RTD's frequent bus routes 0, 0L and 21 along South Broadway and West Evans Avenue, respectively. The Evans Light Rail Transit (LRT) station platform is located two block west and one-half block south of the subject site.

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	I-A, UO-2	Industrial	1-story brick structures used for industrial offices and one 1-story house, all without sidewalks	The area is served by the Denver cardinal street grid and block pattern is regular except for the railroad tracks to the west running southwest/northeast. Major street connections are provided to South Broadway, West Evans Avenue and South Santa Fe Drive.
North	I-A, UO-2	Industrial, Commercial/Retail	1-story building without sidewalk	
South	I-A, UO-2	Public/Quasi-public (currently used as boxing gym)	1.5-story building without sidewalk	
East	U-RH-2.5	Single-unit, two-unit, multi-unit Residential	Low-scale, 1- to 2-story houses with attached sidewalk	
West	C-MX-8	Industrial	1-story industrial building with surface parking along the south, west and east frontages	



### 1. Existing Zoning



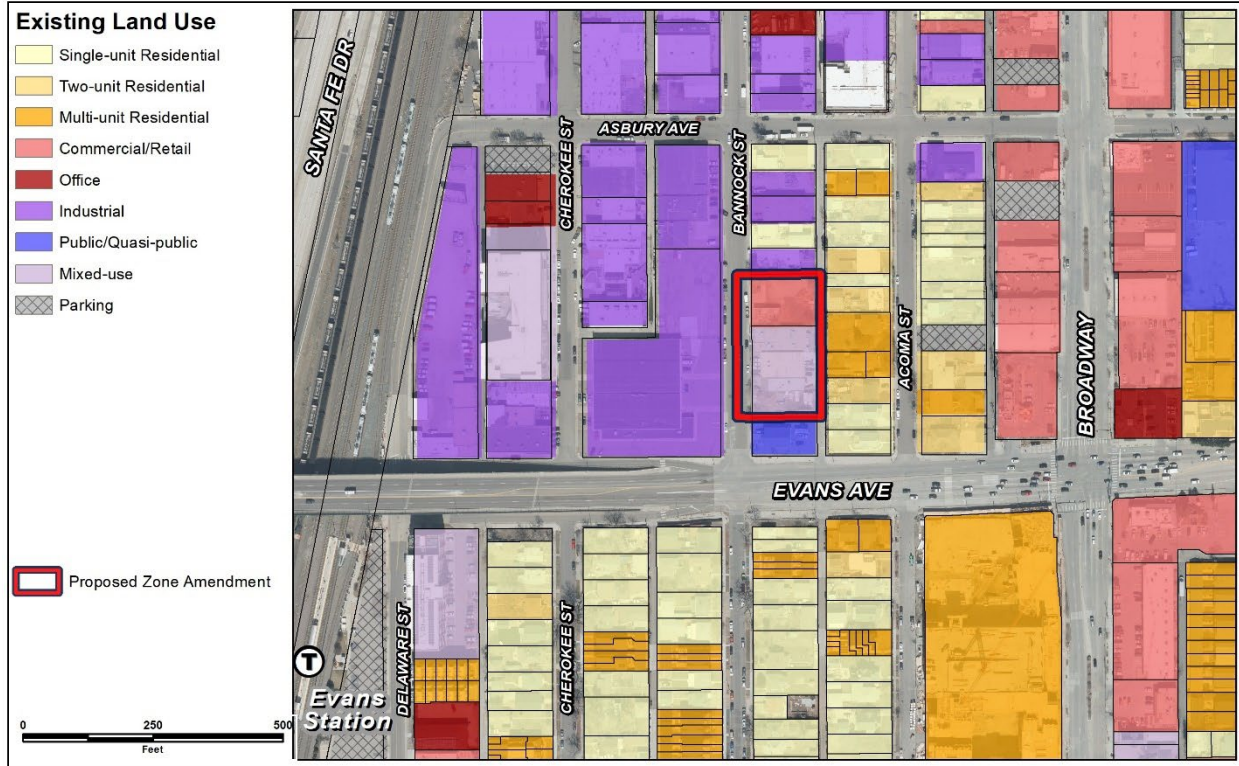
The existing zoning on the subject properties is I-A, UO-2 which is a light industrial district that allows office, business and light industrial uses with the billboard use overlay. Residential uses are only permitted in the light industrial zone where a residential structure existed prior to July 1, 2004. The I-A zone district allows the General and Industrial primary building forms and regulates building mass through a maximum floor area ratio (FAR) of 2:1. This zone district does not specify a maximum building height except for sites within 175 feet of a protected district, in which case the maximum building height is 75 feet. The subject property is within 175 feet of a protected zone district (U-RH-2.5) along South Acoma Street. Building forms in the I-A district do not include a build-to requirement, transparency requirement, or street-level activation standards and surface parking is permitted between the building, primary and side streets.

The UO-2 is the Billboard Use Overlay which allows for “outdoor general advertising device” signs (i.e. billboards) on the zone lot. Additional standards and limitations regarding minimum separation and distance requirements also apply. There are currently no billboards on the subject site, and the applicant is not proposing to retain the UO-2.

### 2. View Planes

The subject site is within the Washington Park mountain view plane, which protects views from Washington Park toward the mountains to the west. The view plane limits height on the property to approximately 130 feet, which is above the maximum building height of 70 feet allowed in the C-RX-5 zone district.

### 3. Existing Land Use Map



### 4. Existing Building Form and Scale (all images from Google Maps)



Site – Subject sites from South Bannock Street, looking east





**North** – from South Bannock Street looking northeast



**South** – from South Bannock Street, looking east



**West** – from South Bannock Street, looking west





**East** – from South Acoma Street, looking northwest

### Proposed Zoning

The applicant is requesting to rezone to C-RX-5, which stands for Urban Center Neighborhood Context – Residential Mixed Use – 5 stories maximum height. C-RX-5 applies to residentially-dominated areas served primarily by collector or arterial streets where a building scale of 2 to 5 stories is desired (see DZC 7.2.3.2.A). Commercial uses are secondary to the primary residential use of the district and provide neighborhood-scale shops and offices for residents to conveniently access goods and services within walking distance. Buildings in a Residential Mixed Use district can have street-level retail uses, but upper stories are reserved exclusively for housing or lodging accommodation uses. A building can be solely residential or commercial; however, buildings containing only commercial uses are limited in gross floor area to 10,000 square feet (DZC 7.2.3.1). Further details of the proposed zone district can be found in Article 7 of the Denver Zoning Code (DZC).

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

Design Standards	I-A UO-2	C-RX-5
Primary Building Forms Allowed	General, Industrial	Town House; General
Height in Stories / Feet (max)	No maximum, except within 175' of a Protected District where the maximum height is 75'	5 stories/70' – Town House Form 5 stories/70' – General Form*
Primary Street Build-To Percentage (min)	N/A	70%
Primary Street Build-To Ranges (min/max)	N/A	10'/15'- Town House Form 0'/10' – General Form**
Primary Street Setbacks (min)	20'	10' – Town House Form 0' – General Form
Side Street Setbacks (min)	10'	7.5' – Town House Form 0' – General Form
Billboards	Allowed by UO-2 overlay	Not allowed

\*Additional height is allowed through an incentive for affordable housing but would be limited to 75 feet given the proximity to a Protected District.

\*\*Maximum build-to range is increased to 15' for residential only buildings

## 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:** Approve Rezoning Only - Will require additional information at Site Plan Review

Denver Department of Public Health & Environment - Division of Environmental Quality (EQ) does not guarantee approval of any proposed development project at this site by providing a response to this Official Map Amendment Referral Agency Review Request. Future development is subject to existing land use controls and other environmental requirements in accordance with applicable local, state, and federal environmental regulations and statutes. EQ recommends the Property Owner conduct an environmental site assessment to determine the potential presence, nature, and extent of possible contamination on the site and to identify specific cleanup needs associated with future development. EQ may have additional information about localized potential environmental concerns at the site. However, providing such information about a specific site is beyond the scope of these zoning application comments.

**Denver Parks and Recreation:** Approved – No comments

**Department of Transportation and Infrastructure - City Surveyor:** Approved – See Comments Below Recommend adding the quarter section, township, and range to the deed descriptions. Revised .docx files are attached.

**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 Comments

## 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:	<b>2/8/2023</b>
Applicant submitted revised application requesting a different zone district:	<b>2/27/2023</b>
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:	<b>4/4/2023</b>
Planning Board Public Hearing: <b>(Recommended approval on consent agenda)</b>	<b>4/19/2023</b>
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:	<b>4/25/2023</b>
Land Use, Transportation and Infrastructure Committee of the City Council meeting:	<b>5/9/2023</b>
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 <b>(tentative)</b> :	<b>7/3/2023</b>
City Council Public Hearing <b>(tentative)</b> :	<b>7/24/2023</b>

### Public Outreach and Input

- **Registered Neighborhood Organizations (RNOs)**  
 As of the date of this report, staff has received one letter of support from the Overland Park Neighborhood (OPNA) RNO. The developer met with the RNO in their monthly meeting of March 23, where the members voted in favor of the rezoning request.
- **Other Public Comment**  
 As of the date of this report, staff has received three letters in opposition from concerned neighbors. One of the letters expresses concern with development in general in the area, and lack of services. The other letter is from a resident on South Acoma Street, concerned with the 5 stories in height.



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

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

### **DZC Section 12.4.10.7**

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

### **DZC Section 12.4.10.8**

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

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

The following adopted plans currently apply to this property:

- *Denver Comprehensive Plan 2040*
- *Blueprint Denver (2019)*
- *Evans Station Area Plan (2009)*
- *Shattuck District Plan (2003)*
- *Overland Neighborhood Plan (1993)*

### ***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 would allow for residential mixed-use development, including an increase in allowed housing density, while also enabling additional housing units close to services and amenities. It is therefore consistent with the following strategies in the Equitable, Affordable and Inclusive vision element:

- Equitable, Accessible and Inclusive Goal 1 – Ensure all Denver residents have safe, convenient and affordable access to basic services and a variety of amenities (p. 28).
- Equitable, Affordable and Inclusive Goal 1, Strategy A – Increase development of housing units close to transit and mixed-use developments (p. 28).
- 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).

The proposed rezoning would enable residential mixed-use infill development at a location where services and infrastructure are already in place. The proposed C-RX-5 zoning designation would allow for a broader variety of uses including housing, retail, and services and 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 D – Encourage quality infill development that is consistent with the surrounding neighborhoods and offers opportunities for increased amenities (p. 34).
- Strong and Authentic Neighborhoods Goal 2, Strategy D – Use urban design to contribute to economic viability, public health, safety, environmental well-being, neighborhood culture and quality of life (p. 34).

The proposed rezoning is also consistent with the following strategies in the Environmentally Resilient vision element:

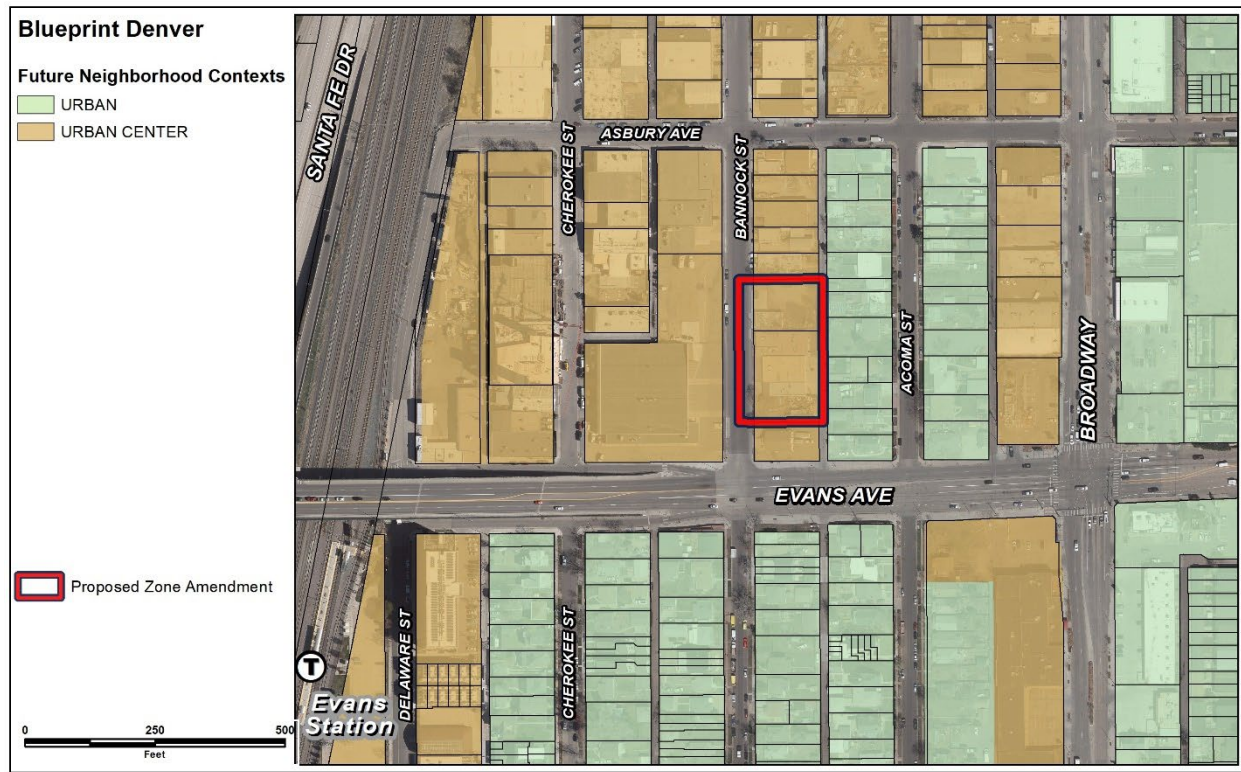
- Environmentally Resilient Goal 8, Strategy A - Promote infill development where infrastructure and services are already in place (p. 54).
- Environmentally Resilient Goal 8, Strategy B - Encourage mixed-use communities where residents can live, work and play in their own neighborhoods (p. 54).
- Environmentally Resilient Goal 8, Strategy C – Focus growth by transit stations and along high and medium-capacity transit corridors (p. 54).

The requested map amendment will enable residential mixed-use development at an infill location where infrastructure is already in place. The requested zone district broadens the variety of uses allowing residents to live, work and play in the area. Therefore, the rezoning is consistent with *Denver Comprehensive Plan 2040* recommendations.

### **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 Community Center future place within the Urban Center Context and provides guidance from the future growth strategy for the city.

### **Blueprint Denver Future Neighborhood Context**

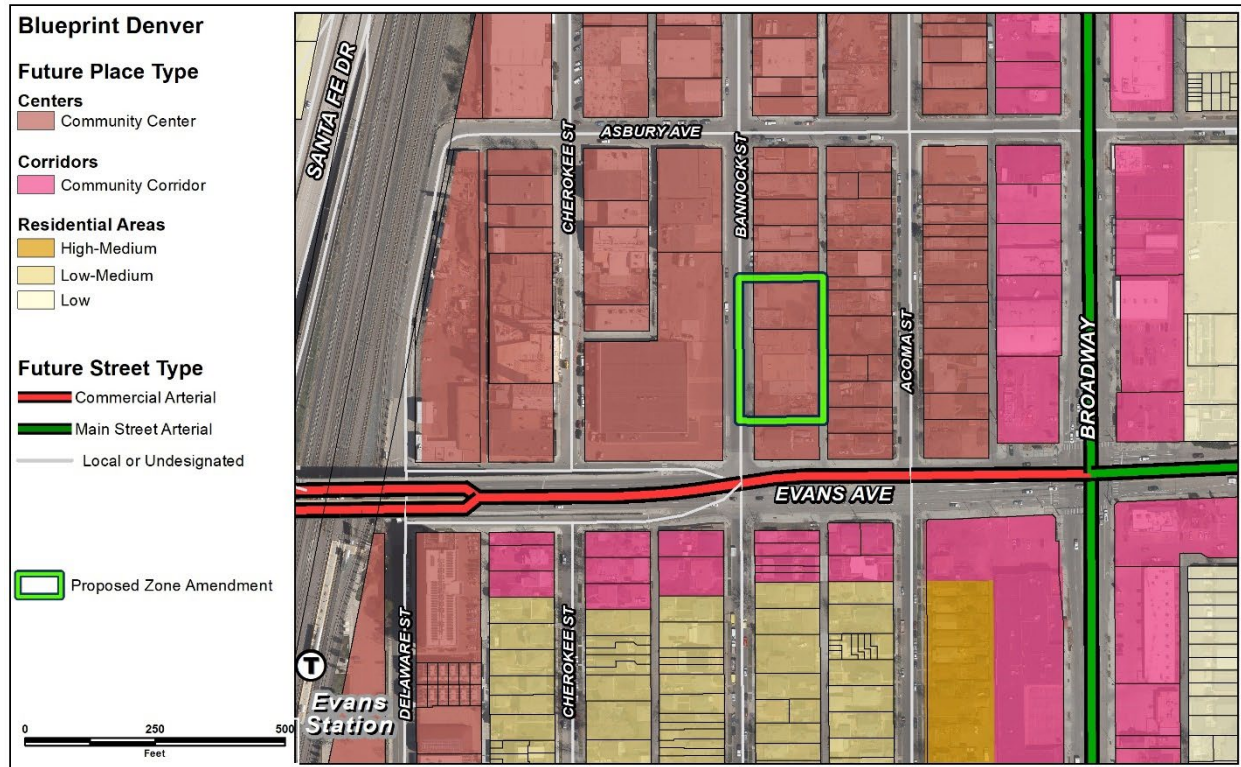


In *Blueprint Denver*, future neighborhood contexts are used to help understand differences in land use and built form and mobility options at a higher scale, between neighborhoods. The subject property is within the Urban Center Context. *Blueprint* states, “This context contains high intensity residential and significant employment areas. Development typically contains a substantial mix of uses, with good street activation and connectivity” (p. 252). The proposed C-RX-5 zone district is part of the Urban Center context and is “intended to promote safe, active, and pedestrian-scaled diverse areas through the use of building forms that clearly activate the public street edge” and “the Residential Mixed-Use districts are primarily intended to accommodate residential uses. Commercial uses are secondary to the primary residential use of the district and provide neighborhood-scaled shops and offices for residents to conveniently access goods and services within walking distance” (DZC 7.2.3.1). Since the proposed



district allows a mix of uses and building forms that contribute to street activation, the proposed rezoning to an Urban Center context is appropriate and consistent with the plan.

### **Blueprint Denver Future Places**



*Blueprint Denver* describes a Community Center in the Urban Center context as “providing a mix of office, commercial and residential uses. A wide customer draw both of local residents and from other parts of the city” (p. 256). Buildings are typically larger in scale and orient to the street with a strong degree of urbanism and continuous street frontages. Additionally, “heights can be generally up to 12 stories in the taller areas and should transition gradually within the center’s footprint to the surrounding residential areas” (p. 256).

The proposed C-RX-5 zone district allows for primarily residential uses with secondary commercial uses in a pedestrian-oriented pattern with an active street level. While most surrounding buildings are currently lower than the five-story maximum height allowed under C-RX-5, some 8-story zoning is in place to the west and the station area is envisioned to become much more dense and pedestrian oriented in the future. Therefore C-RX-5 is appropriate and consistent with the future place plan direction.

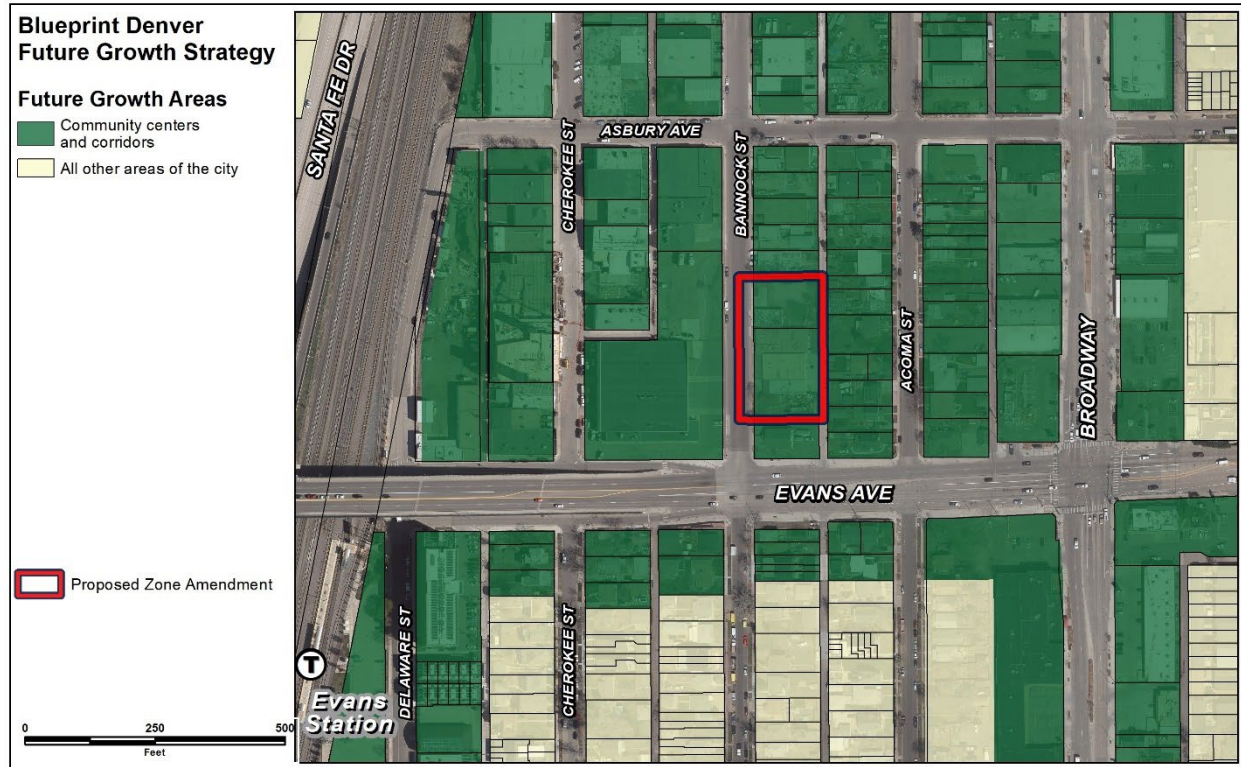
### **Blueprint Denver Street Types**

*Blueprint Denver* classifies West Evans Avenue as a commercial arterial, South Broadway as a main street arterial and South Bannock Street as local or undesignated street. Arterial streets “are designed for the highest amount of through movement and the lowest degree of property access” (p. 154). Local streets “are designed for the highest degree of property access” (p. 154) and “can vary in their land uses

and are found in all neighborhood contexts. They are most often characterized by residential uses” (p. 160).

The proposed C-RX-5 zone district is intended for areas served primarily by local or collector streets (DZC Section 7.2.3.2.A). As South Bannock Street is classified as a local or undesignated street, and, therefore the requested zone district is appropriate with the plan guidance.

### 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 properties are located within the “Community centers and corridors” growth area, these areas are anticipated to see around 25% of new housing growth and 20% of new employment growth by 2040 (p. 51). The proposed map amendment to C-RX-5 is consistent with the “Community centers and corridors” growth area in that it will allow a broad range of job opportunities and housing types and direct more intense and appropriate growth to this area than the existing zoning allows.

### Additional Applicable Strategies

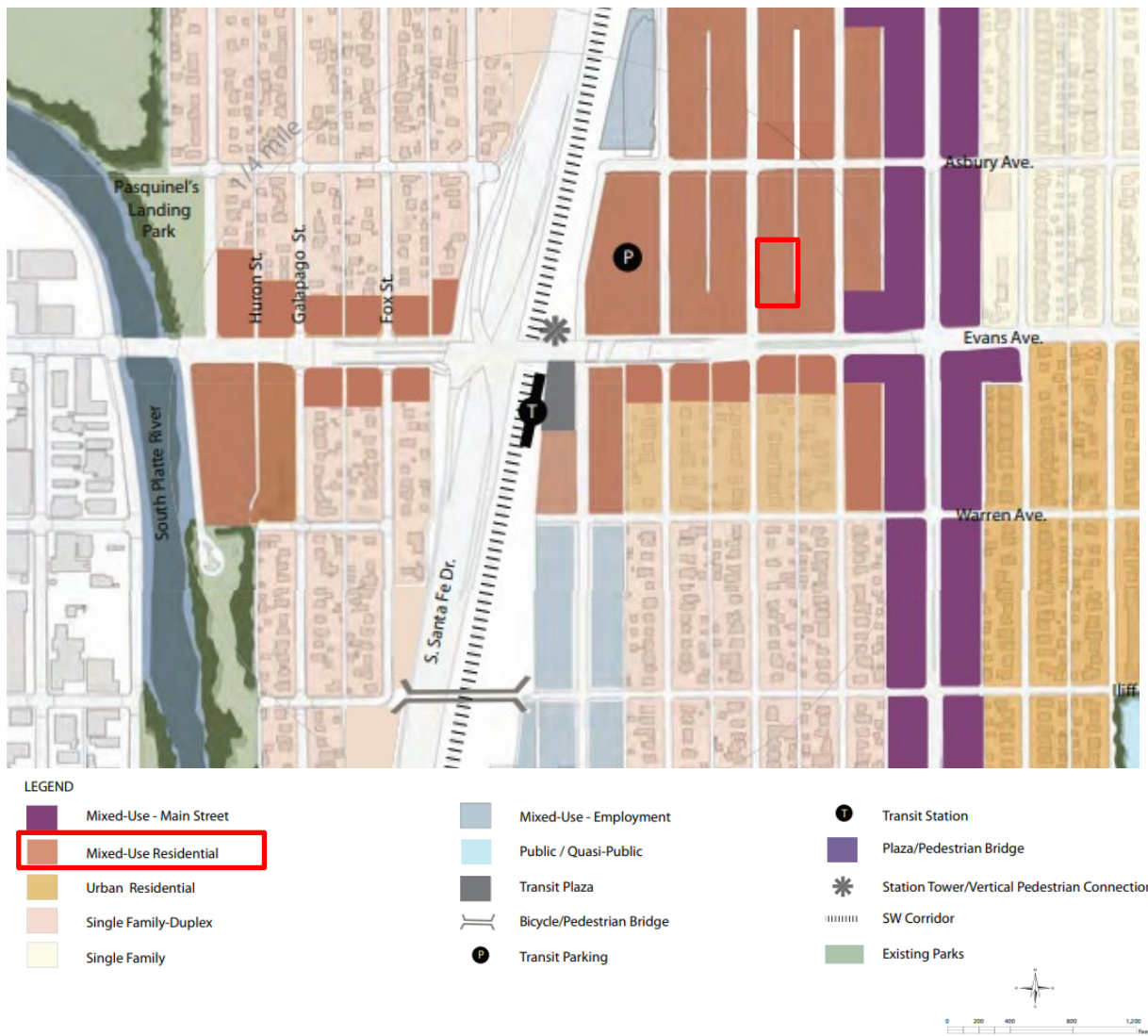
The proposed rezoning is also consistent with the following strategies from *Blueprint Denver*:

- Land Use and Built Form – General Policy 1 – Promote and anticipate planned growth in major centers and corridors and key residential areas connected by rail service and transit priority streets (p. 72).
- Land Use and Built Form – General Policy 2 – Incentivize or require efficient development of land, especially in transit-rich areas (p. 72).

- Land Use and Built Form – Housing Policy 8 – Capture 80 percent of new housing growth in regional centers, community centers and corridors, high-intensity residential areas, greenfield residential areas, innovation flex districts and university campus districts (p. 86).

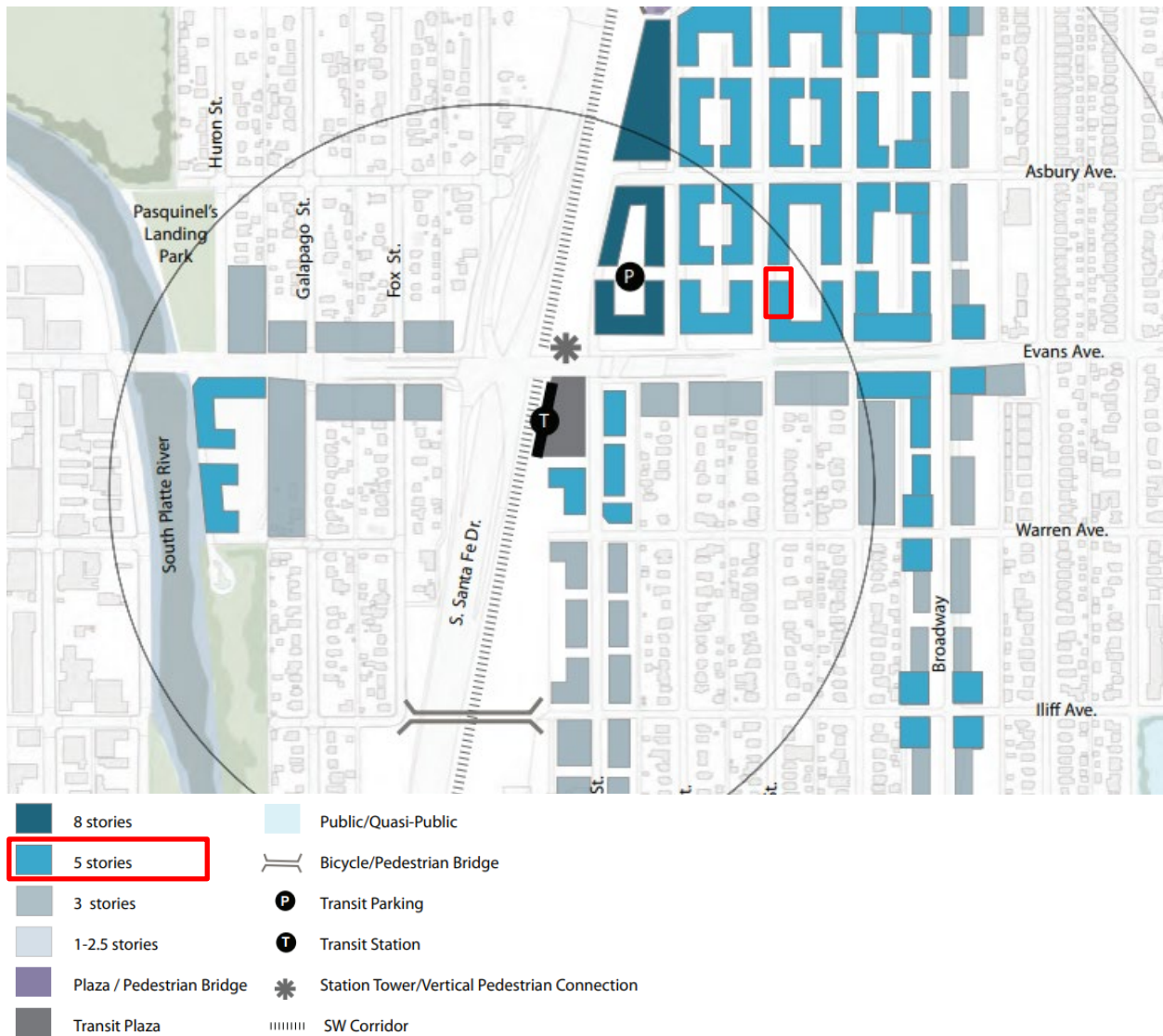
**Evans Station Area Plan (2009)**

The *Evans Station Area Plan* was adopted in 2009 and sets forth a vision to “enhance the Evans Station area’s sense of place by creating a vibrant and sustainable urban neighborhood that encourages people to live and work; invites businesses to thrive; allows people to comfortably walk, bike, or use transit to access local services and attractions; and maintains the residential character of the surrounding community” (p. 10). The plan’s recommendations promote transit-oriented development around the Evans LRT station. In the area where the subject property is located, the plan envisions the “transformation of industrial and commercial property to an active, pedestrian-oriented mixed-use community” (p. 14).





The land use recommendation for the subject site is Mixed-Use Residential. In these areas, the plan states that “the primary use is intended to be residential, but office and retail may also be supported” (p. 14). The plan further recommends that Mixed-Use Residential areas should have a mix of housing types, active ground floors, and an urban form.



The plan recommends a height of 5 stories for the area in which the subject properties are located.

The proposed C-RX-5 zone district is consistent with the vision and recommendations of the *Evans Station Area Plan* as it will support the transformation of the industrial area into an urban, pedestrian-oriented neighborhood with a mix of uses and an appropriate scale and form.

### ***Shattuck District Plan (2003)***

The vision identified in the *Shattuck District Plan* includes a “neighborhood where people live and work, where housing is affordable, where there are sufficient employment opportunities, where wages are sufficient and public revenues are being produced, where there are households in numbers sufficient to enhance the climate for businesses on Broadway, where there is a mix of businesses, goods and services available to the neighborhood, and where the quality of life is generally good” (p 22). Additional relevant guiding principles from the plan include “Put underutilized commercial /industrial parcels into more productive uses” and “Create a good mix of land use types incorporating households, employers, and consumer goods and services” (p 26).

The proposed C-RX-5 district will facilitate development of a mix of residential and commercial uses in furtherance of the goals of the *Shattuck District Plan*.

### ***Overland Neighborhood Plan (1993)***

This neighborhood plan was adopted by City Council in 1993 and applies to the subject properties. These sites are adjacent to residential uses in an area that transitions from industrial to commercial. The plan predates the Evans LRT, which was reflected in the updated plan guidance adopted in the *Evans Station Area Plan* described above. In the *Overland Neighborhood Plan*, the plan further outlines concerns around providing adequate transition from industrial uses to residential communities. The most specifically applicable recommendation in this plan is Action Recommendation LZ-2, which recommends that commercial and industrial businesses invest in their sites, including beautification and clean-up (p. 13). Reinvestment in the site with pedestrian-friendly building form standards will be enabled by this rezoning.

Based on the foregoing, the proposed rezoning is consistent with the *Overland Neighborhood Plan* as it will provide a better transition to residential uses across the alley on Acoma Street and across West Evans Avenue. The rezoning also facilitates new development with pedestrian-oriented design standards which will promote beautification and clean-up in the immediate area.

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

The proposed rezoning to C-RX-5 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 plan. The proposed rezoning would also facilitate increased housing density near services and amenities along South Broadway and foster the creation of a residential mixed-use, urban area within walking distance to a rail station. An increase in density and broadened mix of uses can also provide better health outcomes through increased physical activity and lessen the need for driving as services and amenities can occur within walkable and bikeable distances.

### **4. Justifying Circumstances**

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

Recent physical changes within proximity to the subject site include new streetscaping improvements along South Broadway that prioritize pedestrians and increase safety along the corridor. Other changes include the construction of new multi-unit residential projects at South Bannock Street and West Jewell Avenue and at South Cherokee Street and West Evans Avenue, adjacent to the railroad tracks. These changes demonstrate the transition from an industrial area to a mixed-use neighborhood where residential uses are compatible, appropriate and complementary to existing uses. Lastly, increasing investments along South Broadway in recent years justify this rezoning request to recognize the changing conditions.

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

The requested zone district is within the Urban Center Neighborhood Context which generally consists of a mix of multi-unit residential, commercial, office, civic, institutional, and entertainment uses in large buildings containing one or more uses. (DZC 7.1.1). As discussed above, and given the surrounding context, application of a zone district from the Urban Center Context is appropriate for this site.

Within this context, the Residential Mixed Use Zone Districts are intended to promote safe, active, pedestrian-scaled, diverse areas through the use of building forms that clearly define and activate the public realm (DZC Section 7.2.3.1). The proposed C-RX-5 zone district applies to residentially-dominated areas served primarily by local or collector streets where a building scale of 2 to 5 stories is desired (DZC Section 7.2.3.2.A).

The requested rezoning is consistent with the neighborhood context description and zone district purpose and intent, as the requested zoning is intended to provide for residential mixed use

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development at a maximum height of 5 stories. The subject sites are within walking distance of a commuter rail station, and they are located in an area that is recommended by an adopted station area plan for 5-story development.

### **Attachments**

1. Rezoning application





## Zone Map Amendment (Rezoning) - Application

<b>PROPERTY OWNER INFORMATION*</b>		<b>PROPERTY OWNER(S) REPRESENTATIVE**</b>	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR FEE PAYMENT***		<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR FEE PAYMENT***	
Property Owner Name		Representative Name	
Address		Address	
City, State, Zip		City, State, Zip	
Telephone		Telephone	
Email		Email	
*All standard zone map amendment applications must be initiated by owners (or authorized representatives) of at least 51% of the total area of the zone lots subject to the rezoning. See page 4.		**Property owner shall provide a written letter authorizing the representative to act on his/her behalf. ***If contact for fee payment is other than above, please provide contact name and contact information on an attachment.	
<b>SUBJECT PROPERTY INFORMATION</b>			
Location (address):			
Assessor's Parcel Numbers:			
Area in Acres or Square Feet:			
Current Zone District(s):			
<b>PROPOSAL</b>			
Proposed Zone District:			
<b>PRE-APPLICATION INFORMATION</b>			
In addition to the required pre-application meeting with Planning Services, did you have a concept or a pre-application meeting with Development Services?		<input type="checkbox"/> <b>Yes - State the contact name &amp; meeting date</b> _____ <input type="checkbox"/> <b>No - Describe why not (in outreach attachment, see bottom of p. 3)</b>	
Did you contact the City Council District Office regarding this application ?		<input type="checkbox"/> <b>Yes - if yes, state date and method</b> _____ <input type="checkbox"/> <b>No - if no, describe why not (in outreach attachment, see bottom of p. 3)</b>	

REZONING REVIEW CRITERIA (ACKNOWLEDGE EACH SECTION)	
<p>General Review Criteria DZC Sec. 12.4.10.7.A</p> <p>Check box to affirm <b>and</b> include sections in the review criteria narrative attachment</p>	<p><input type="checkbox"/> <b>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.</b></p> <p>Please provide a review criteria narrative attachment describing <b>how</b> the requested zone district is consistent with the policies and recommendations found in <b>each</b> of the adopted plans below. Each plan should have its' own subsection.</p> <p><b>1. Denver Comprehensive Plan 2040</b></p> <p>In this section of the attachment, describe <b>how</b> the proposed map amendment is consistent with <i>Denver Comprehensive Plan 2040's</i> a) equity goals, b) climate goals, and c) any other applicable goals/strategies.</p> <p><b>2. Blueprint Denver</b></p> <p>In this section of the attachment, describe <b>how</b> the proposed map amendment is consistent with: a) the neighborhood context, b) the future place type, c) the growth strategy, d) adjacent street types, e) plan policies and strategies, and f) equity concepts contained in <i>Blueprint Denver</i>.</p> <p><b>3. Neighborhood/ Small Area Plan and Other Plans (List all from pre-application meeting, if applicable):</b></p> <hr/>
<p>General Review Criteria: DZC Sec. 12.4.10.7. B &amp; C</p> <p>Check boxes to the right to affirm <b>and</b> include a section in the review criteria for Public Health, Safety and General Welfare narrative attachment.</p>	<p><input type="checkbox"/> <b>Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.</b></p> <p><input type="checkbox"/> <b>Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</b></p> <p>In the review criteria narrative attachment, please provide an additional section describing <b>how</b> the requested rezoning furthers the public health, safety and general welfare of the City.</p>
<p>Review Criteria for Non-Legislative Rezoning: DZC Sec. 12.4.10.8</p> <p>For Justifying Circumstances, check box and include a section in the review criteria narrative attachment.</p> <p>For Neighborhood Context, Purpose and Intent, check box <b>and</b> include a section in the review criteria narrative attachment.</p>	<p><b>Justifying Circumstances - One of the following circumstances exists:</b></p> <p><input type="checkbox"/> The existing zoning of the land was the result of an error;</p> <p><input type="checkbox"/> The existing zoning of the land was based on a mistake of fact;</p> <p><input type="checkbox"/> The existing zoning of the land failed to take into account the constraints of 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="padding-left: 20px;">a. Changed or changing conditions in a particular area, or in the city generally; or,</p> <p style="padding-left: 20px;">b. A City adopted plan; or</p> <p style="padding-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.</p> <p>In the review criteria narrative attachment, please provide an additional section describing the selected justifying circumstance. If the changing conditions circumstance is selected, describe changes since the site was last zoned. Contact your pre-application case manager if you have questions.</p> <p><input type="checkbox"/> <b>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.</b></p> <p>In the review criteria narrative attachment, please provide a separate section describing <b>how</b> the rezoning aligns with a) the proposed district neighborhood context description, b) the general purpose statement, and c) the specific intent statement found in the Denver Zoning Code.</p>

**REQUIRED ATTACHMENTS**

Please check boxes below to affirm the following **required** attachments are submitted with this rezoning application:

- Legal Description of subject property(s). **Submit as a separate Microsoft Word document.** View guidelines at: <https://www.denvergov.org/content/denvergov/en/transportation-infrastructure/programs-services/right-of-way-survey/guidelines-for-land-descriptions.html>
- Proof of ownership document for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed, or (c) Title policy or commitment dated no earlier than 60 days prior to application date. If the owner is a corporate entity, proof of authorization for an individual to sign on behalf of the organization is required. This can include board resolutions authorizing the signer, bylaws, a Statement of Authority, or other legal documents as approved by the City Attorney's Office.
- Review Criteria Narratives. See page 2 for details.

**ADDITIONAL ATTACHMENTS (IF APPLICABLE)**

Additional information may be needed and/or required. Please check boxes below identifying additional attachments provided with this application.

- Written narrative explaining reason for the request** (optional)
- Outreach documentation attachment(s).** Please describe any community outreach to City Council district office(s), Registered Neighborhood Organizations (RNOs) and surrounding neighbors. If outreach was via email- please include email chain. If the outreach was conducted by telephone or meeting, please include contact date(s), names and a description of feedback received. If you have not reached out to the City Council district office, please explain why not. (optional - encouraged )
- Letters of Support.** If surrounding neighbors or community members have provided letters in support of the rezoning request, please include them with the application as an attachment (optional).
- Written Authorization to Represent Property Owner(s)** (if applicable)
- Individual Authorization to Sign on Behalf of a Corporate Entity** (e.g. if the deed of the subject property lists a corporate entity such as an LLC as the owner, this document is required.)
- Other Attachments.** Please describe below.

### PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION

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

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed, (C) title policy or commitment, or (D) other as approved	Has the owner authorized a representative in writing? (YES/NO)
<b>EXAMPLE</b> John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/12/20	(A)	YES
3 MOD LLC	2042 S Bannock Denver, CO 80223-3913 (303) 520-7407	100%	<i>[Signature]</i>	4/11/23	A	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
NORTH AMERICAN NATIONAL RE INSURANCE COMPANY	2064 BANNOCK ST DENVER, CO 80223-3913 (303) 520-7407	100%	<i>[Signature]</i>	4/11/23	A	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
						YES
						YES



## List of Exhibits

- Exhibit A:** Property Legal Description
- Exhibit B:** Description of Consistency with Adopted City Plans (DRMC 12.4.10.7 (A, B, & C))
- Exhibit C:** Description of Justifying Circumstances and Neighborhood Context (DRMC 12.4.10.8 (A & B))
- Exhibit D:** Proof of Ownership
- Exhibit E:** Letter of Authorization for STARBOARD Realty Group, LLC to act as Representative
- Exhibit F:** Signature Authority Authorization for 3 MOD LLC & NORTH AMERICAN NATIONAL RE INSURANCE COMPANY

**EXHIBIT A**

**Property Legal Description**

**LEGAL DESCRIPTION**

**2042 S BANNOCK STREET**

ROSEDALE, BLOCK 7, LOTS 11 TO 14, CITY OF AND COUNTY OF DENVER, STATE OF COLORADO.



**LEGAL DESCRIPTION**

**2062 S BANNOCK STREET**

ROSEDALE, BLOCK 7, LOTS 115 THROUGH 21, CITY OF AND COUNTY OF DENVER, STATE OF COLORADO.

**EXHIBIT B**

**Description of Consistency with Adopted City Plans**

## Exhibit B

### **Statement of Compliance with General Review Criteria (DZC § 12.4.10.7)**

This application proposes to rezone the approximately 0.79-acre property (the “Property”) located at 2042 & 2062 S Bannock Street from I-A, UO-2 to C-RX-5 to facilitate use of the Property that is consistent with the recommendations in the adopted Plans.

The Property is in the Overland Neighborhood on S Bannock Street, north of Evans Avenue. Today the Property is zoned I-A, UO-2 an Industrial District with a Billboard Use Overlay. Existing zoning around the Property includes I-A, UO-2, C-MX-8, and U-RH-2.5. Adjacent to the property is Mixed Use (MX), Residential Mixed Use (RX), Main Street (MS), Multi Unit (MU), and Industrial Mixed Use zoning. The Property is located within a 1/3-mile from the RTD Evans Station that connects riders to multiple light rail lines and bus routes. It is a 1/4-mile from Broadway, a designated High Capacity Transit Corridor in Blueprint Denver and Evans Avenue, a Medium Capacity Transit Corridor. There are multiple dedicated bicycle priorities within a 1/4-mile on Bannock Street, Evans Avenue, and Asbury Avenue.

The map amendment requests to rezone the Property from I-A, UO-2 to C-RX-5 Zone District. This would allow the Property to be utilized for a variety of uses, including various neighborhood serving uses. The Property is in the Overland neighborhood, which has historically been known for its industrial uses, parks, and open space. While industrial uses have evolved over time, this area continues to be a desirable area to live, work, and play in. The successful rezoning will allow for a mix of uses which will blend in with, support, and sustain the existing character of the neighborhood. Denver has been experiencing exponential growth, especially in areas close to downtown. These changes have resulted in the need to rezone the Property to implement adopted Plan recommendations and meet community wants and needs.

#### **REVIEW CRITERION DZC § 12.4.10.7. A – Consistency with Adopted Plans: The proposed official map amendment is consistent with the City’s adopted plans.**

This proposed map amendment is consistent with the Denver Comprehensive Plan 2040, Blueprint Denver (2019), Overland Neighborhood Plan (1993), Shattuck District Plan (2003), and the Evans Station Area Plan (2009).

#### Denver Comprehensive Plan 2040

The proposed map amendment is consistent with many objectives of Denver Comprehensive Plan 2040, including:

##### Vision Elements: Strong and Authentic Neighborhoods

###### Goal 1: Create a city of complete neighborhoods.

- Ensure neighborhoods offer a mix of housing types and services for a diverse population.
- Encourage quality infill development that is consistent with the surrounding neighborhood and offers opportunities for increased amenities.
- Build a network of well connected, vibrant, mixed-use centers and corridors.

The rezoning to C-RX-5 will facilitate the above strategies for Goal 1.



Goal 4: Ensure every neighborhood is economically strong and dynamic

- Grow and support neighborhood-serving businesses.
- Embrace the international nature of our neighborhoods through support of immigrant-owned businesses.
- Make city-led catalytic investments in neighborhoods to advance community goals

The rezoning to C-RX-5 will facilitate the above strategies for Goal 4.

Vision Elements: Equitable, Affordable, and Inclusive

Goal 1: Ensure all Denver residents have safe, convenient, and affordable access to basic services and a variety of amenities.

- Increase development of housing units close to transit and mixed-use developments.

The rezoning to C-RX-5 will facilitate the above strategies for Goal 1.

Vision Elements: Environmentally Resilient

Goal 8: Clean our soils, conserve land, and grow responsibly.

- Encourage mixed-use communities, where residents can live, work, and play in their own neighborhoods.
- Focus growth by transit stations and along high- and medium-capacity transit corridors.

The rezoning to C-RX-5 will facilitate the above strategies for Goal 8.

The proposed C-RX-5 zone district would enable a mix of neighborhood serving uses that encourages mixed-use communities. This zone district offers increased opportunities for amenities and services that contribute to and enhance the vibrant neighborhood character. The Property is close to designated bike lanes/routes, multiple RTD transit routes, allowing it to be accessible by multiple modes of transportation. This rezoning will enable a range of residential and commercial uses in an appropriate location, making it consistent with Denver Comprehensive Plan 2040 Vision Elements and Goals.

### Blueprint Denver 2019

The proposed map amendment is consistent with the objectives of Blueprint Denver.

The Blueprint Denver Place designation for the subject property is Community Center in an Urban Center neighborhood context.

Blueprint Denver describes Urban Center neighborhoods as dense and vibrant areas that support residents and visitors.

“This context contains high intensity residential and significant employment areas. Development typically contains a high mix of uses, with good street activation and connectivity. Residents living in this context are well served by high-capacity transit and have access to ample amenities and entertainment options. Urban center areas are easily navigated and accessible due to predictable street grids, well-connected sidewalk networks, and strong connections to rail service and the transit priority street network. These areas offer good walkability and access to amenities. Parking is predominately managed on-street, with off-street demand met with

parking garages.” (BPD, 251)

Community Center Land use and Built Form “provides a mix of office, commercial and residential uses. A wide customer draw both of local residents from surrounding neighborhoods and from other parts of the city. Activity levels during different times of the day will vary depending on the type and mix of uses. Buildings are larger in scale than local centers and orient to the street or other public spaces. Strong degree of urbanism with mostly continuous building frontages and distinct streetscape elements that define the public realm. Heights can be generally up to 12 stories in the taller areas and should transition gradually within the center’s footprint to the surrounding residential areas.” (BPD, 256)

The C-RX-5 zoning is an appropriate district that implements these Blueprint Denver concepts and complements the characteristics of Urban Center neighborhoods and is in character with a Community Center area. The Denver Zoning Code states that RX zone districts are intended to ensure new development contributes positively to established residential neighborhoods and character and improves the transition between commercial development and adjacent residential neighborhoods. Compared to the Main Street districts, the Mixed-Use districts are focused on creating mixed, diverse neighborhoods. Located blocks away from a transit station and off commercial artery Evans Avenue and Main Street Arterial Broadway, it makes an excellent location for a mixed-use zone district which can offer amenities and services that complement the residents and visitors.

Growth Strategy for this area is designated as Community Center: 20% of new jobs and 25% of new households. (BPD, 51)

The proposed RX zoning implements and directly addresses the growth strategy of this area in both residential and commercial uses. With a mix of residential and mixed-use zoning in the surrounding area, this makes it an excellent location for a mixed-use zone district which can offer amenities and services that complement the residents and visitors. With multiple RTD trains and bus routes nearby along with bike friendly routes this makes it an ideal multi modal accessible location for both residents and those visiting for services and amenities.

Street Type for the Property is designated as Local.

“Local streets can vary in their land uses and are found in all neighborhood contexts. They are most often characterized by residential uses.” (BPD, 161)

The proposed RX zoning will support residential uses in the Local Street Type.

The proposed map amendment is consistent with the equity concepts of Blueprint’s Section 3.1: Plan in Action: Applying Blueprint Denver to Rezoning.

“Equity Concepts: Because the data available to measure the equity concepts is not available at the parcel-level scale, and they are intended to show patterns across large areas, they cannot be effectively applied to small-scale rezonings. Given the above, they are not intended to be part of the evaluation for smaller rezonings. However, they should be used to evaluate large area rezonings.” (BPD, 67)

While Blueprint Denver acknowledges that equity concepts are difficult to apply to small rezonings such as this one, we believe these are important criteria to address in our city. This rezoning may help this small property contribute to a more equitable Denver in the following ways:

Equity Concept 1: Improving Access to Opportunity: creating more equitable access to quality-of-life amenities, health, and quality education.

“The proximity of an amenity (including quality jobs, schools, parks, health care services, and healthy food), the affordability of that amenity, and the safety and ease of access to that amenity are important elements of access to opportunity. Equitable access to opportunity strengthens our collective prosperity and improves outcomes for all. In areas with high access to opportunity, it is important to increase the range of affordable housing options so that residents of all income levels can live in these neighborhoods.” (BPD, 32)

The proposed map amendment will increase affordable housing, per Expanding Housing Affordability program requirements, and ground-floor commercial uses, introducing opportunities for jobs and services to the neighborhood.

Equity Concept 2: Reducing Vulnerability to Displacement: stabilizing residents and businesses who are vulnerable to involuntary displacement due to increasing property values and rents.

“Involuntary displacement means Denver neighborhoods, and often the city as a whole, loses its long-term residents and businesses. As families and local shops and restaurants leave neighborhoods where they’ve been for years, it often decreases the diversity of the population and employment opportunities, reduces local school enrollment, weakens the longstanding social networks in the area and pulls at the threads of the rich culture that helps to make Denver neighborhoods unique and authentic.” (BPD, 36)

The Property is in an area that is designated as relatively more vulnerable to displacement. The proposed C-RX-5 zone district would enable residential and a mix of neighborhood serving uses that do not exist in the zoning today, this gives the development the ability to add housing and jobs here that could help mitigate displacement.

Equity Concept 3: Expanding Housing and Jobs Diversity: providing a better and more inclusive range of housing and employment options in all neighborhoods.

“It is the desire of many residents and stakeholders for all neighborhoods to accommodate some level of growth and to incorporate a greater variety of housing and employment options. If done right, this can enable more inclusive and diverse communities.” (BPD, 40)

The C-RX-5 zone district will open the property to a variety of uses that are not offered in the current zoning as well as add increase density which will allow for



more housing units. This zone district would allow for a variety of housing options along with commercial, office, retail and neighborhood serving uses that could create new job and housing opportunities. While it is uncertain how the Property will be utilized within its zoning in the future, it is valuable to the neighborhood and the city that a C-RX-5 zoning introduces more housing and job opportunities to the area than with the zoning today.

#### Overland Neighborhood Plan (1993)

The proposed map amendment is consistent with the objectives of the Overland Neighborhood Plan, including:

The plan designates this area as the General Industrial District I-1: "Allows many manufacturing, warehousing and wholesaling activities, along with limited retail and services uses for the benefit of area employees." (ONP, 14)

The plan designates this area as the Business/Industrial Sub-area III: "There is a lot of potential for business growth in this area without impacting the existing residential community...There is some potential for higher density residential and mixed-use development in the Sub-area III once light rail come into this section of the neighborhood." (ONP, 40)

While the Overland Neighborhood Plan is almost 30 years old and predates construction of Evans Station, it recognizes the potential for business and neighborhood serving amenities in this area. It clearly supports mixed use development in this area especially surrounding the station. By offering a mix of uses, the C-RX-5 zoning is an appropriate district that complies with the recommendations of the Overland Neighborhood Plan. The C-RX-5 zone district would promote increased housing and employment opportunities. The proposed project will reflect the mixed-use developments of the area, improve access and connectivity, and encourage environmental cleanup. This will enhance community perception and character of the area while also providing improved public infrastructure.

#### Shattuck District Plan (2003)

The proposed map amendment is consistent with the objectives of the Shattuck District Plan's Guiding Principles, including:

- Use the redevelopment of the Shattuck site to catalyze the revitalization of the surrounding neighborhood.
- Create redevelopment that is sustainable-renewable, that accommodates near-term markets and leads area development toward economically and environmentally responsible uses in the long term.
- Put underutilized commercial / industrial parcels into more productive uses.
- Create a good mix of land use types incorporating households, employers, and consumer goods and services.
- Take advantage of the neighborhood being in a stagnant life-cycle phase, with healthy market demand.
- Improve the economic conditions within the redevelopment area to support improved business mix and revitalization along Broadway.

- Capture spillover demand from retail businesses on Pearl Street.
- Provide workforce / affordable housing.
- Increase the number of jobs.
- Increase average wages.
- Increase the number of households.
- Increase home ownership.
- Improve the quality of life in the neighborhood. (SDP, 26)

The proposed C-RX-5 zoning addresses the guiding principles of the plan. It allows for the redevelopment of an under-utilized lot into more productive uses. Mixed use developments can incorporate new households, employers, and consumer goods and services. This increases access to housing, employment, and amenities that can help improve the quality of life of the neighborhood. These types of developments can aid to the revitalization of the neighborhood.

#### Evans Station Area Plan (2009)

The proposed map amendment is consistent with the objectives of the Evans Station Area Plan's goals, including:

- Bring most activities of daily living within walking distance by encouraging a mixture of land uses.
- Improve streetscape to increase mobility choice; provide walkable and bikeable connectivity throughout the area.
- Encourage reinvestment in and/or redevelopment of industrial areas while maintaining and creating diverse employment opportunities.
- Maintain residential character of surrounding communities and encourage development of a full range of housing types and housing price points. (ESAP, 10)

The plan designates this area as Mixed-Use Residential:

“Support the transformation of industrial and commercial property to an active, pedestrian-oriented mixed-use community. The primary use is intended to be residential, but office and retail may also be supported. This transformation is facilitated by the aggregation of vacant and underutilized industrial property that has already occurred in this part of the station area.

“Encourage a mixture of housing types and density including but not limited to: row houses, stacked flats, live-work, low rise apartments or multi-family condos. Active ground floors throughout the district should include residential amenities, leasing lobbies, workout facilities, parking entrances and convenience retail at strategic locations that reinforce the overall connectivity and access plans for the station. High lot coverage, zero to shallow setbacks, alley loaded parking, and an urban form is appropriate for this district. This land use is recommended for the following areas: Redevelopment area north of Evans and west of Broadway.” (ESAP, 14)

The plan recommends the following land use and urban design characteristics:

“With many acres of land north of Evans held by a single landowner and community support for higher residential densities in Areas of Change, this area represents an opportunity to develop taller buildings. Buildings will range from 2-5 stories primarily. However, buildings as tall as 8

stories are recommended in strategic locations, such as adjacent to the tracks.” (ESAP, 24)

The plan uses Transit Oriented Development principles as the foundation of the Evans Station Area Plan. This focuses on directing growth towards transit by providing a mix of uses at various densities within walking distance of a transit station. The vision is to create areas that are safe and attractive that provide a rich mix of choices for people of all ages, household incomes and lifestyles. These areas will provide housing, employment, transportation, shopping, entertainment, and amenities. The proposed C-RX-5 directly reflects the recommendations and vision of the plan.

**REVIEW CRITERION DZC § 12.4.10.7.B – Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.**

Future development of the Property will result in uniformity of C-RX-5 district regulations and restrictions.

**REVIEW CRITERION DZC § 12.4.10.7.C – Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.**

The proposed map amendment will further the public health, safety, and general welfare of the City by facilitating the improvement and development of the Property as desired by the City’s adopted plan.

**EXHIBIT C**

**Description of Justifying Circumstances and Neighborhood Context**



## Exhibit C

### **Statement of Compliance of Additional Review Criteria for Non-Legislative Rezonings (DZC § 12.10.8)**

#### **CRITERION DZC § 12.4.10.8.A - Justifying Circumstances - One of the following circumstances exists:**

“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: Changed or changing conditions in a particular area, or in the city generally.” (Denver Zoning Code 12.4.10.8.A.4)

The 0.79-acre Property is in an Urban Center neighborhood outside of downtown, this area continues to be a desirable neighborhood to work, live, and play in. In Denver, hundreds of new housing units have been delivered in recent years and more are on the way. This density is supporting a growing population that can walk, bike, or use public transit to neighborhood amenities, entertainment, retail, and services.

With the tremendous growth in Denver in recent years, this part of Denver continues to be a popular neighborhood to live in, this warrants the introduction of residential, office, and commercial uses which are not allowed in its current zoning. The desire and need for more residential and employment options in the area is growing and a C-RX-5 zone district can aid to these community wants and needs.

#### **CRITERION DZC § 12.4.10.8.B – 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.**

The Urban Neighborhood Context is primarily characterized by “multi-unit residential and mixed-use commercial strips and commercial centers. Multi-unit residential uses are typically in multi-story mixed use building forms. Commercial buildings are typically Shopfront and General forms. Multi-unit residential uses are primarily located along main and mixed-use arterial streets.” (Denver Zoning Code 7.1.1)

Mixed Use Districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city’s neighborhoods. The Mixed-Use zone district standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, encourages affordable housing, and improves the transition between commercial development and adjacent residential neighborhoods. Compared to the Main Street districts, the Mixed-Use districts are focused on creating mixed, diverse neighborhoods. (Denver Zoning Code 7.2.2.1)

Today, the neighborhood context around the Property is a mix of mixed-use, residential, and industrial zoning. The proposed C-RX-5 zone district of the Property is fitting with the existing context and character in the Overland neighborhood. It will enhance the convenience and enjoyment of walking, shopping, and public gathering through a mixed-use project in an appropriate, transit-served location. It will promote a safe, active, pedestrian-scaled residential area while improving access to jobs, housing, and services.

The proposed official map amendment C-RX-5 is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.

**EXHIBIT D**

**Proof of Ownership**

# 2042 S BANNOCK ST

<b>Owner</b>	3 MOD LLC 8656 PRESERVATION PARKER, CO 80134-3232
<b>Schedule Number</b>	05272-07-006-000
<b>Legal Description</b>	ROSEDALE B7 L11 TO 14
<b>Property Type</b>	COMMERCIAL-RETAIL
<b>Tax District</b>	DENVER

**Print Summary**

Property Description			
<b>Style:</b>	OTHER	<b>Building Sqr. Foot:</b>	1525
<b>Bedrooms:</b>		<b>Baths Full/Half:</b>	0/0
<b>Effective Year Built:</b>	1949	<b>Basement/Finish:</b>	0/0
<b>Lot Size:</b>	12,500	<b>Zoned As:</b>	I-A

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

Current Year			
	Actual	Assessed	Exempt
Land		\$437,500	\$126,880 \$0
Improvements		\$1,000	\$290
<b>Total</b>		<b>\$438,500</b>	<b>\$127,170</b>

Prior Year			
	Actual	Assessed	Exempt
Land		\$437,500	\$126,880 \$0
Improvements		\$1,000	\$290
<b>Total</b>		<b>\$438,500</b>	<b>\$127,170</b>

# 2062 S BANNOCK ST -2064

<b>Owner</b>	NORTH AMERICAN NATIONAL RE INSURANCE COMPANY 2064 BANNOCK ST DENVER, CO 80223-3913
<b>Schedule Number</b>	05272-07-042-000
<b>Legal Description</b>	ROSEDALE BLK 7 LOTS 115 THROUGH 21
<b>Property Type</b>	WAREHOUSE W/MIXED USE
<b>Tax District</b>	DENVER

**Print Summary**

Property Description			
<b>Style:</b>	13: 1 STORY	<b>Building Sqr. Foot:</b>	12005
<b>Bedrooms:</b>	2	<b>Baths Full/Half:</b>	1/0
<b>Effective Year Built:</b>	1955	<b>Basement/Finish:</b>	0/0
<b>Lot Size:</b>	21,875	<b>Zoned As:</b>	I-A

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

Current Year			
	Actual	Assessed	Exempt
Land		\$765,800	\$173,840 \$0
Improvements		\$1,302,900	\$364,540
<b>Total</b>		<b>\$2,068,700</b>	<b>\$538,380</b>

Prior Year			
	Actual	Assessed	Exempt
Land		\$765,800	\$174,270 \$0
Improvements		\$1,302,900	\$364,660
<b>Total</b>		<b>\$2,068,700</b>	<b>\$538,930</b>

**EXHIBIT E**

**Letters of Authorization for STARBOARD Realty Group, LLC to act as Representative**



**3 MOD LLC  
8656 PRESERVATION  
PARKER, CO 80134-3232**

December 22, 2022

Mr. Bruce O'Donnell  
STARBOARD Realty Group, LLC  
1115 Acoma Street, Suite 107  
Denver, CO 80204  
[bodonnell@starboardrealtygroup.com](mailto:bodonnell@starboardrealtygroup.com)  
720-441-3310

Dear Bruce,

This letter serves as authorization for STARBOARD Realty Group, LLC to act on behalf of and represent 3 Mod LLC, the property owner, for the purpose of submitting and processing the rezoning application for the property located at 2042 South Bannock Street in Denver, CO.

Sincerely,



Jeff Palmquist  
Authorized Representative of 3 MOD LLC

**NORTH AMERICAN NATIONAL RE INSURANCE COMPANY  
2064 BANNOCK ST  
DENVER, CO 80223-3913**

December 22, 2022

Mr. Bruce O'Donnell  
STARBOARD Realty Group, LLC  
1115 Acoma Street, Suite 107  
Denver, CO 80204  
[bodonnell@starboardrealtygroup.com](mailto:bodonnell@starboardrealtygroup.com)  
720-441-3310

Dear Bruce,

This letter serves as authorization for STARBOARD Realty Group, LLC to act on behalf of and represent North American National Re Insurance Company, the property owner, for the purpose of submitting and processing the rezoning application for the property located at 2062 S Bannock Street in Denver, CO.

Sincerely,



Jeff Palmquist

Authorized Representative of North American National Re Insurance Company

**EXHIBIT F**

**Signature Authority Authorization for  
3 MOD LLC  
&  
NORTH AMERICAN NATIONAL RE INSURANCE COMPANY**

# LIMITED LIABILITY COMPANY OPERATING AGREEMENT

## 3 Mod, LLC

A Multi Member Limited Liability Company

### OPERATING AGREEMENT

THIS OPERATING AGREEMENT is made and entered into effective March 10, 2021, by and among: Robert Meek, North American National Re Insurance (referred to in this agreement as the "members").

#### SECTION 1

##### THE LIMITED LIABILITY COMPANY

1.1 *Formation.* Effective March 10, 2021, the Members formed a limited liability company under the name 3 Mod, LLC (the "Company") on the terms and conditions in this Operating Agreement (the "Agreement") and pursuant to the Limited Liability Company Act of the State of Colorado (the "Act"). The Members agrees to file with the appropriate agency within the State of Colorado charged with processing and maintaining such records all documentation required for the formation of the Company. The rights and obligations of the parties are as provided in the Act except as otherwise expressly provided in this Agreement.

1.2 *Name.* The business of the Company will be conducted under the name the 3 Mod, LLC.

1.3 *Purpose.* The purpose of the Company is to engage in any lawful act or activity for which a Limited Liability Company may be formed within the State of Colorado.

1.4 *Office.* The Company will maintain its principal business office within the State of Colorado at the following address: 8656 Preservation Trail Parker, CO 80134.

1.5 *Registered Agent.* Jeffrey J Palmquist is the Company's initial registered agent in the State of Colorado, and the registered office is, 8656 Preservation Trail Parker, Co 80134.

1.6 *Term.* The term of the Company commences on March 10, 2021 and shall continue perpetually unless sooner terminated as provided in this Agreement.

1.7 *Names and Addresses of the Members.* The member's name's and addresses is attached as Schedule 1 to this Agreement.

1.8 *Admission of Additional Members.* Except as otherwise expressly provided in this Agreement, no additional members may be admitted to the Company through issuance by the company of a new interest in the Company without the prior written consent of the Member.

## **SECTION 2**

### **CAPITAL CONTRIBUTIONS**

2.1 *Initial Contributions.* The Members initially shall contribute to the Company capital as described in Schedule 2 attached to this Agreement.

2.2 *Additional Contributions.* The Members may contribute additional cash or other assets to the Company as the Member and the Company may agree. No person shall have the right to enforce any obligation of the Member to contribute capital to the Company.

2.3 *No Interest on Capital Contributions.* The Members are not entitled to interest or other compensation for or on account of their capital contributions to the Company except to the extent, if any, expressly provided in this Agreement.

## **SECTION 3**

### **ALLOCATION OF PROFITS AND LOSSES; DISTRIBUTIONS**

3.1 *Profits/Losses.* For financial accounting and tax purposes, the Company's net profits or net losses shall be determined on an annual basis and shall be allocated 100% to the sole member as amended from time to time in accordance with U.S. Department of the Treasury Regulation 1.704-1.

*Distributions.* A Manager may, from time to time, cause the Company to make distributions to the Members in amounts that the Manager determines are not needed and are not reasonably expected to be needed for normal operating expenses of the Company, for payment of Company obligations, or for establishing reasonable reserves for such expenses and obligations.



## SECTION 4

### INDEMNIFICATION

4.0 *INDEMNIFICATION*. The Company shall indemnify any person who was or is a party defendant or is threatened to be made a party defendant, pending or completed action, suit or proceeding, whether civil, criminal, administrative, or investigative (other than an action by or in the right of the Company) by reason of the fact that he is or was a Member of the Company, Manager, employee or agent of the Company, or is or was serving at the request of the Company, against expenses (including attorney's fees), judgments, fines, and amounts paid in settlement actually and reasonably incurred in connection with such action, suit or proceeding if the Members determine that he acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interest of the Company, and with respect to any criminal action proceeding, has no reasonable cause to believe his/her conduct was unlawful. The termination of any action, suit, or proceeding by judgment, order, settlement, conviction, or upon a plea of "no lo Contendere" or its equivalent, shall not in itself create a presumption that the person did or did not act in good faith and in a manner which he reasonably believed to be in the best interest of the Company, and, with respect to any criminal action or proceeding, had reasonable cause to believe that his/her conduct was lawful

## SECTION 5

### POWERS AND DUTIES OF MANAGERS

5.1 *Management of Company*. The management of the business and affairs of the Company shall be vested in one or more Managers. The initial Manager of the Company is Jeffrey J Palmquist. Any action required or permitted to be taken by the Managers may be taken by a single Manager, and all references herein to "the Manager" shall refer to any Manager. The Manager does not have to be a Member. If the Member has not appointed a Manager, the Member will be the Manager. **Jeffrey J Palmquist has unlimited authority to sign on behalf of the company including any and all documents relating to the purchase or disposal of assets.**

5.2 *Duties*. A Manager shall carry out his or her duties in good faith, in a manner he or she believes to be in the best interests of the Company, and with such

care as an ordinary prudent person in a like position would use under similar circumstances. A Manager who so performs his or her duties shall not have any liability by reason of being or having been a Manager

5.3 *Management Fees and Reimbursements.* The Managers shall not be entitled to any fee or salary for managing the operations of the Company unless approved by the Member. The Managers shall be reimbursed by the Company for any reasonable out-of-pocket expenses incurred on behalf of the Company.

5.4 *Exculpation and Indemnification.* Any act or failure to act, if done in good faith to promote the best interests of the Company, shall not subject the Manager to any liability. The Company shall indemnify the Manager for all costs, losses, liabilities and damages paid by the Manager in connection with the Company's business, to the fullest extent provided or allowed by Colorado law, but only out of and to the extent of the assets of the Company. In no event shall the Company or the Members be liable to a third party as a result of any indemnification.

5.5 *Elimination of Fiduciary Duties.* The Manager shall have no fiduciary duties to the Company or to the Member other than the contractual obligation of good faith and fair dealings. The Managers may compete with the business of the Company, is not required to refrain from dealing with the Company in the conduct or winding up of the Company's business as or on behalf of a party having an interest adverse to the Company, and is not obligated to account to the Company and hold as trustee any property, profit, or benefit

derived by the Manager in the conduct or winding up of the Company's business or derived from the use by the Manager of property of the Company, including (without limitation) an appropriation of an opportunity of the Company.

5.6 *Officers.* The Managers, or if none, the Members, may appoint such officers as are appropriate or necessary. Officers so appointed shall have the authority delegated to them by the person appointing such person as an officer.

## **SECTION 6**

### **SALARIES, REIMBURSEMENT, AND PAYMENT OF EXPENSES**

6.1 *Organization Expenses.* All expenses incurred in connection with organization of the Company will be paid by the Company.

6.2 *Salary.* No salary will be paid to the Members or the Managers for the performance of his or her duties under this Agreement.

6.3 *Legal and Accounting Services.* The Company may obtain legal and accounting services to the extent reasonably necessary for the conduct of the Company's business.

## **SECTION 7**

### **BOOKS OF ACCOUNT, ACCOUNTING REPORTS, TAX RETURNS,**

### **FISCAL YEAR, BANKING**

7.1 *Method of Accounting.* The Company will use the method of accounting previously determined by the Members for financial reporting and tax purposes.

7.2 *Fiscal Year; Taxable Year.* The fiscal year and the taxable year of the Company is the calendar year.

7.3 *Capital Accounts.* The Company will maintain a Capital Account for the Member on a cumulative basis in accordance with federal income tax accounting principles.

7.4 *Banking.* All funds of the Company will be deposited in a separate bank account or in an account or accounts of a savings and loan association in the name of the Company . Company funds will be invested or deposited with an institution, the accounts or deposits of which are insured or guaranteed by an agency of the United States government.

## **SECTION 8**

### **TRANSFER OF MEMBERSHIP INTEREST**

8.1 *Transferability of Interest.* The Member's interest in the Company is transferable either voluntarily or by operation of law, provided such transfer is accomplished in accordance with federal and applicable state securities laws. The Member may dispose of all or a portion of the Member's interest by will, the laws of descent and distribution, by a writing that the Member states is incorporated into this Agreement.

## **SECTION 9**

### **DISSOLUTION AND WINDING UP OF THE COMPANY**

9.1 *Dissolution*. The Company will be dissolved on the happening of any of the following events:

9.1.1 Sale, transfer, or other disposition of all or substantially all of the property of the Company;

9.1.2 The written consent of the Members to dissolution;

9.1.3 By operation of law; or

9.2 *Winding Up*. Upon the occurrence of an Event of Dissolution, the Company's affairs shall be wound up by the Manager, or by such other person or persons required by law to wind up the Company's affairs.

9.2.1 The assets and properties of the Company shall be disposed of, and receivables collected, all in an orderly and business like manner.

9.2.2 The assets of the Company, including the proceeds of liquidation, shall be applied and distributed in the following order of priority:

9.2.2.1 To creditors, including the Members if a creditor, in satisfaction of liabilities of the Company (whether by payment or the making of reasonable provision for payment thereof), other than liabilities for which reasonable provision for payment has been made and liabilities for distributions to the Member pursuant to this agreement; and

9.2.2.2 To the Members



## SECTION 10

### GENERAL PROVISIONS

10.1 *Notices.* Any notice which may be given in connection with the business of the Company or which is provided for in this Agreement shall be given in writing and may be delivered personally or by facsimile transmission or mail.

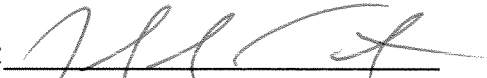
10.2 *Governing Law.* This Agreement and the rights and obligations of the parties under it are governed by and interpreted in accordance with the laws of the State of Colorado (without regard to principles of conflicts of law).

10.3 *Amendment and Waiver.* No change, modification, waiver or amendment to this Agreement shall be valid unless the same is in writing and signed by the Member and the Company.

The parties hereto have executed this Operating Agreement as of the date first set forth above.

**COMPANY:**

**3 Mod, LLC**, a Colorado limited liability company

By: 

Jeffrey J Palmquist

Manager

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**Listing of Member & Manager - Schedule 1**

LIMITED LIABILITY COMPANY OPERATING AGREEMENT

FOR 3 Mod, LLC

LISTING OF MEMBERS & MANAGERS

NAME:

ADDRESS:

Robert Meek

8656 Preservation Trail  
Parker, CO 80134

North American National Re Insurance

8656 Preservation Trail  
Parker, CO 80134

**Listing of Capital Contributions - Schedule 2**

**LIMITED LIABILITY COMPANY OPERATING AGREEMENT**

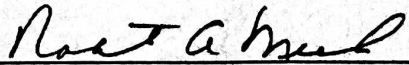
**FOR 3 Mod, LLC.**

**CAPITAL CONTRIBUTIONS**

Pursuant to ARTICLE 2, the Member's initial contribution to the Company capital is stated to be \$100.00. The description and each individual portion of this initial contribution is as follows:

NAME:	CONTRIBUTION:	% OWNERSHIP:
Robert Meek	\$50	50%
North American National re Insurance	\$50	50%

SIGNED AND AGREED this March 10, 2021.

  
\_\_\_\_\_

By: Robert Meek, Individual

North American National Re Insurance

  
\_\_\_\_\_

By: Greg Palmquist, President

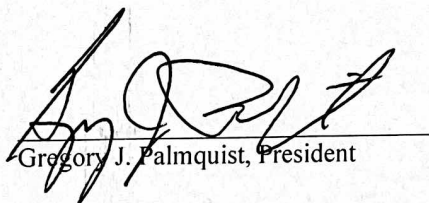
CONSENT TO RESOLUTION BY  
BOARD OF DIRECTORS OF  
NORTH AMERICAN NATIONAL RE INSURANCE COMPANY

December 28, 2022

North American National Re Insurance Company, with offices at 8656 Preservation Trail, Parker, Colorado 80134, hereby certifies that this resolution was adopted by its Board of Directors and is now in full effect according to its Articles of Incorporation:

Resolved: That each of the following individuals is authorized to conduct business on behalf of the Company, including, but not limited to sign any and all documentation relating to the rezoning of the properties located at 2062-2064 S Bannock St Denver, CO 80223:

Gregory J. Palmquist, President  
Robert A. Meek, Secretary/Treasurer  
Jeffrey J. Palmquist, Vice President

  
Gregory J. Palmquist, President



April 14, 2023

Dear Members of Planning Board and City Council:

The Overland Park Neighborhood Association (OPNA) is writing this letter of support for the rezoning of property near the corner of the intersection of Evans Avenue and South Bannock Street (2062 S Bannock St) from I-A, UO-2 to C-RX-5. This property falls within the Overland Park Registered Neighborhood Organization (RNO) boundaries as established with the City of Denver.

On Thursday, March 23, 2023, at the regular and public monthly meeting of OPNA, members of the association were able to meet with individuals regarding the proposed rezoning and the desired project that would be able to occur with the rezoning. After a thorough discussion by the present members, a motion was made to provide a letter of support for the request to rezone, contingent upon the creation of a Good Neighbor Agreement to memorialize our continued collaboration on local projects that benefit the neighborhood, including RNO membership, assistance with local cleanup initiatives, and support of the Jewell Bridge project. The vote passed unanimously.

Consequently, the neighborhood urges the developers to develop the land in alignment with the values and vision of our community, which includes more affordable housing, promotion of transit use to reduce parking issues and pollution, and compassionate interactions with those who live, work, and visit in our part of Denver.

OPNA further encourages the developers to continue their current active engagement with the neighborhood and especially with immediate neighbors as development proceeds. Please feel free to contact us with any questions.

Sincerely,

Jenn Greiving and Jack Unruh

Co-Presidents of the Overland Park Neighborhood Association

[opnainfo@gmail.com](mailto:opnainfo@gmail.com)



# Planning Board Comments



Submission date: **19 April 2023, 3:05PM**  
Receipt number: **527**  
Related form version: **3**

## Your information

Name	Terri L Franklin
Address or neighborhood	2036 South Acoma St
ZIP code	80223
Email	veryterri5@gmail.com

## Agenda item you are commenting on

Rezoning

## Rezoning

Address of rezoning	2042 and 2062 S Bannock st. Denver, CO 80223
Case number	20221-00211

## Draft plan

Plan area or neighborhood

## Proposed text amendment

Project name

## Historic district application

Name of proposed historic district

## Comprehensive Sign Plan

Address of comprehensive sign plan

Case number

## DURA Renewal Plan

Address of renewal project

Name of project

## Other

Name of project you would like to comment on

## Submit your comments

Would you like to express support or opposition to the project? **Strong opposition**

Your comment:

**I have objections to the request to rezone these addresses as they are just across the street from my West facing home and do not wish to be locked in and surrounded by tall buildings.**

If you have an additional document or image that you would like to add to your comment, you may upload it below. Files may not be larger than 5MB.

**From:** [karen.jackson](#)  
**To:** [Penafiel Vial, Maria F. - CPD CE0429 City Planner Senior](#)  
**Subject:** [EXTERNAL] Oppose re-zoning Case number: 2022I-00211  
**Date:** Monday, April 17, 2023 4:33:42 PM

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# 2042 & 2062 S Bannock St

**Zoning change:** Zoning change from I-A, UO-2 to C-RX-5

**Case number:** 2022I-00211

Hello Francisca and fellow Council members,

Hello my name is Karen and I have been a resident of Rosedale for over 30 years. I'm writing to voice my opinion regarding the application to rezone.

When I moved to Overland I thought I found a diamond in the rough, many of the homes were smaller affordable bungalows and some industrial surrounding us. I never imagined I would be looking at 7 story apartment buildings from my bedroom window. Some of us are afraid the plan is to destroy any single family homes and replace them with row homes, duplexes and apartment buildings. Many older residents do not know the process to voice their opinions, they are just watching the destruction around them in sadness.

With so many tall buildings I'm concerned about the lack of green space, and the effect it may have called Urban heat.

The section NE of Broadway and Evans appears to be going that direction. I do not believe we need to have the zoning to include 5 stories high. I understand we are heading away from an industrial area as businesses are being sold to developers, but I'm hoping the city can see that many of us still want to stay in our single family homes and do not want to have overpowering buildings that are obtrusive.

The other problem we are seeing in this neighborhood is that there are not enough large businesses like grocery stores, restaurants, to support the growth. I work retail and we literally cannot stock our shelves to keep up with demand and it will only get worse.

Thanks for listening. I hope that helps to get at least one view point and just know there are many of us even when neighborhood associations vote to sign a neighborhood agreement it may not be the majority.

--

Karen S. Jackson

**720-217-9302**

[ksjacks2@gmail.com](mailto:ksjacks2@gmail.com)

**From:** [Michael Chisholm](#)  
**To:** [Penafiel Vial, Maria F. - CPD CE0429 City Planner Senior](#)  
**Cc:** [Iain Chisholm](#)  
**Subject:** [EXTERNAL] proposed rezoning on BannockY  
**Date:** Wednesday, April 26, 2023 2:56:54 PM

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Dear Ms. Penafiel, I am writing on behalf of myself and my neighbors on Acoma Street. As property owners we are opposed to allowing a 5 story structure on these 2 Bannock Street locations. Such a structure will impose a huge wall as a backdrop to our community, drastically altering the character of our neighborhood and negatively affecting our property values.

We need to better understand our options for expressing our concerns and the process by which we can be heard. At the same time we do understand the need for increased density within Denver and neighborhoods such as ours. Our goal would be to come up with a modified approach that would be less encroaching. We feel that a lower bulk plane should be considered.

Your help would be greatly appreciated in this matter.

Michael Chisholm 720 394 1763.

Sent from [Mail](#) for Windows