



PARK HILL GOLF COURSE

20221-00158

ZONE MAP AMENDMENT APPLICATION

Park Hill Golf Course Property (155 acres)

September 27, 2022

Submitted by:

Westside Investment Partners, Inc

ACM Park Hill JV VII LLC

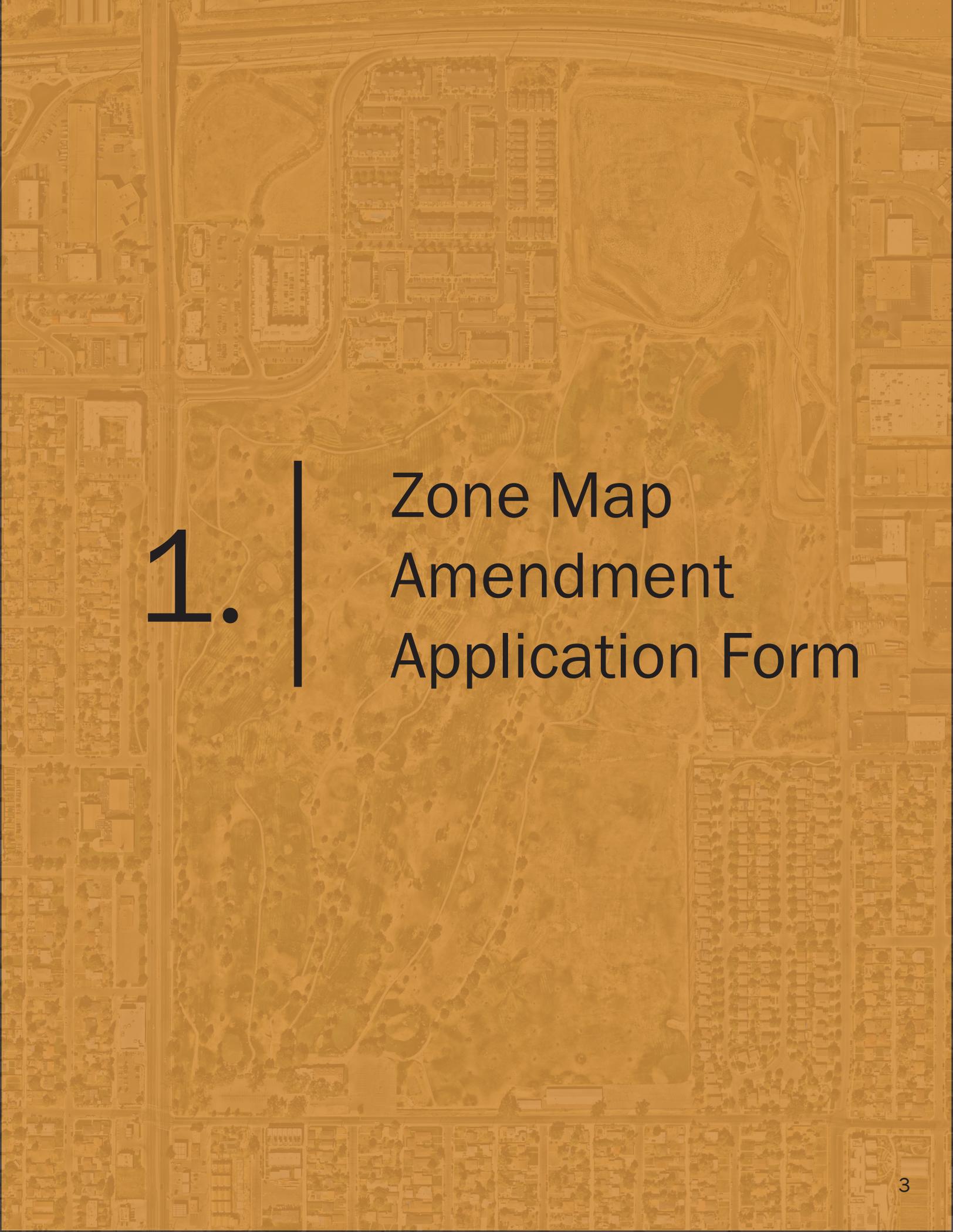
4100 East Mississippi Avenue, Suite 500

Denver, CO 80246

p (303) 984-9800

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1.

Zone Map
Amendment
Application Form

Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION <input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR FEE PAYMENT***		<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION <input type="checkbox"/> CHECK IF POINT OF CONTACT FOR FEE PAYMENT***	
Property Owner Name	ACM PARK HILL JV VII LLC	Representative Name	
Address	4100 E MISSISSIPPI AVE STE 500	Address	
City, State, Zip	GLENDALE, CO 80246-3053	City, State, Zip	
Telephone	Office: (303) 984-9800	Telephone	
Email	kho@westsideinv.com, aklein@westsideinv.com	Email	
<p>*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.</p>		<p>**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.</p>	
SUBJECT PROPERTY INFORMATION			
Location (address):	4141 E 35TH AVE		
Assessor's Parcel Numbers:	01193-00-032-000		
Area in Acres or Square Feet:	155.41		
Current Zone District(s):	OS-B		
PROPOSAL			
Proposed Zone District:	OS-A, C-MS-5 w/DO-8, C-MX-12, C-MX-8, C-MX-5, C-MX-5 w/Wvrs, G-RX-5, and G-RX-5 w/Wvr		
PRE-APPLICATION INFORMATION			
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 checked="" type="checkbox"/> Yes - State the contact name & meeting date <u>7/29/22 - Deirdre Oss</u> <input type="checkbox"/> No - Describe why not (in outreach attachment, see bottom of p. 3)		
Did you contact the City Council District Office regarding this application ?	<input checked="" type="checkbox"/> Yes - if yes, state date and method <u>8/1/2022 - via text message</u> <input type="checkbox"/> No - if no, describe why not (in outreach attachment, see bottom of p. 3)		

REZONING REVIEW CRITERIA (ACKNOWLEDGE EACH SECTION)	
<p>General Review Criteria DZC Sec. 12.4.10.7.A</p> <p>Check box to affirm and include sections in the review criteria narrative attachment</p>	<p><input checked="" type="checkbox"/> Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan.</p> <p>Please provide a review criteria narrative attachment describing how the requested zone district is consistent with the policies and recommendations found in each of the adopted plans below. Each plan should have its' own subsection.</p> <p>1. Denver Comprehensive Plan 2040</p> <p>In this section of the attachment, describe how 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>2. Blueprint Denver</p> <p>In this section of the attachment, describe how 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>3. Neighborhood/ Small Area Plan and Other Plans (List all from pre-application meeting, if applicable):</p> <p>Draft Park Hill Golf Course Area Plan</p>
<p>General Review Criteria: DZC Sec. 12.4.10.7. B & C</p> <p>Check boxes to the right to affirm and include a section in the review criteria for Public Health, Safety and General Welfare narrative attachment.</p>	<p><input checked="" type="checkbox"/> Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.</p> <p><input checked="" type="checkbox"/> Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</p> <p>In the review criteria narrative attachment, please provide an additional section describing how 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 and include a section in the review criteria narrative attachment.</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 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 checked="" 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 checked="" type="checkbox"/> The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.</p> <p>In the review criteria narrative attachment, please provide a separate section describing how 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 is document is required.)
- Other Attachments.** Please describe below.

Waivers Request Form

Proposed Waivers

Supplemental Information - LDR Parks and Open Space Concept

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)
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>	01/12/20	(A)	YES
Andrew R. Klein	4141 E 35TH AVE Denver, CO 80207 ph: (303) 984-9800 kho@westsideinv.com	100%	<i>Andrew Klein</i>	08/03/22	A	YES NO
						YES
						YES
						YES

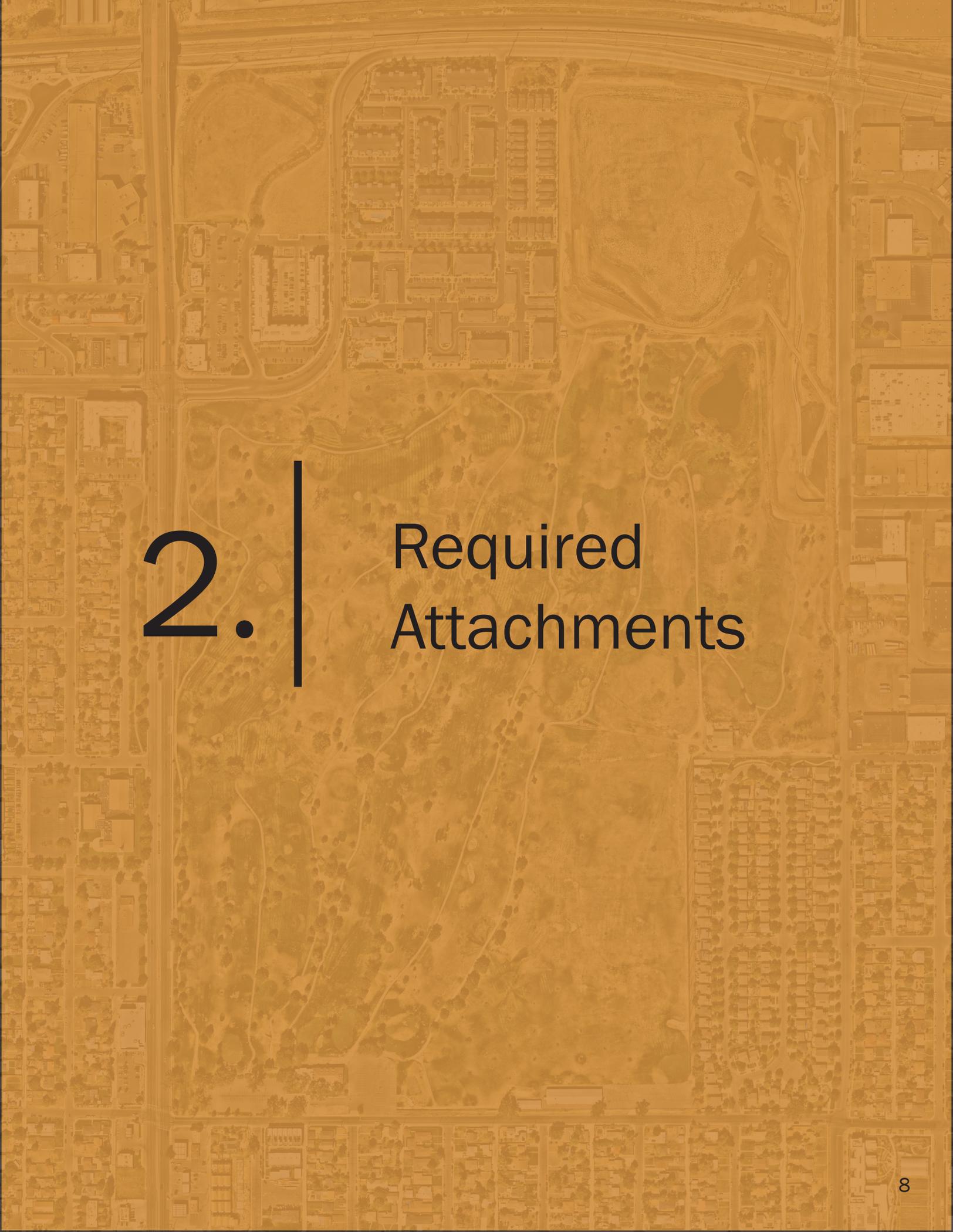
Last updated: February 16, 2021

Return completed form and attachments to rezoning@denvergov.org

201 W. Colfax Ave., Dept. 205

Denver, CO 80202

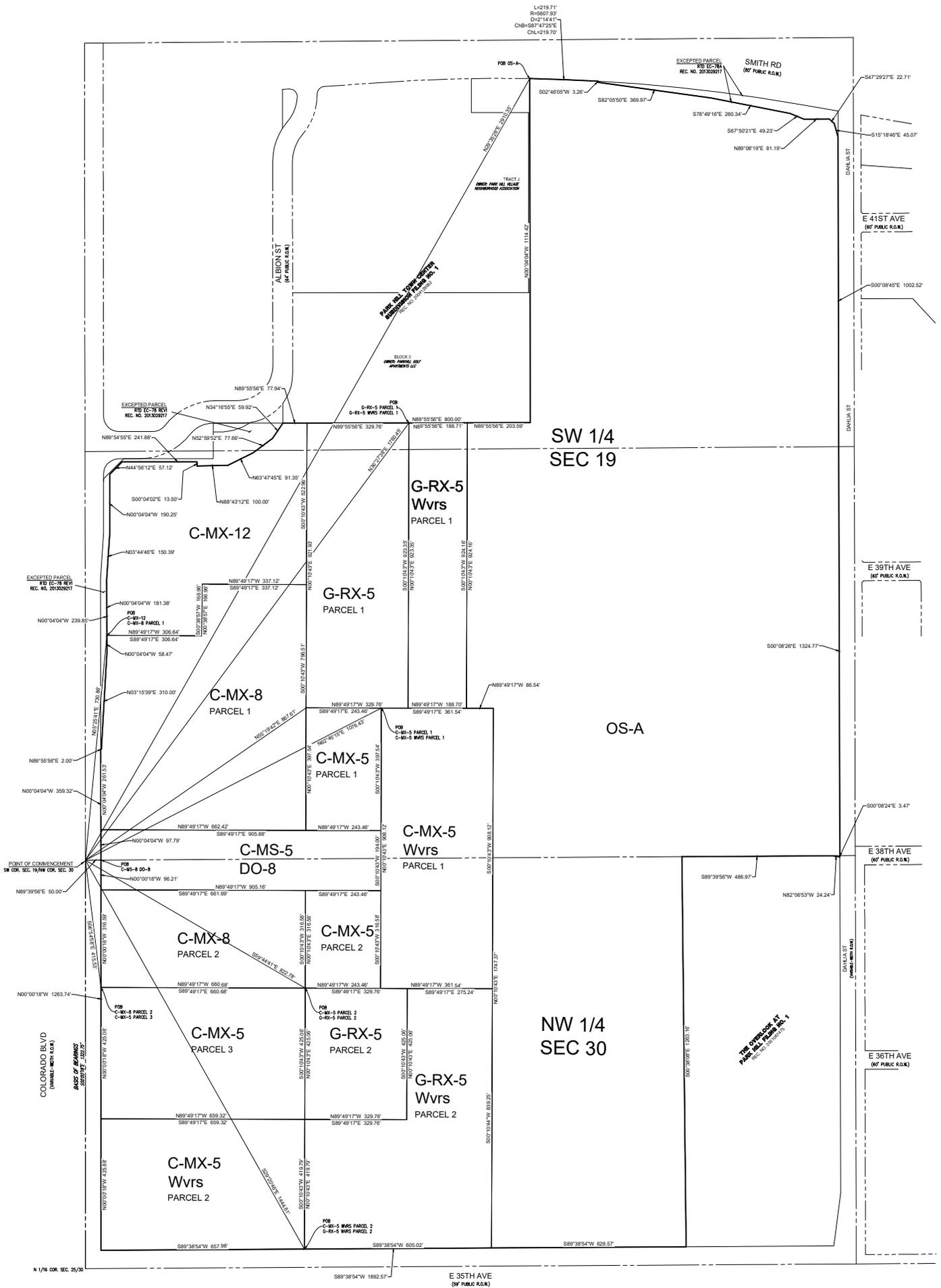
720-865-2974 • rezoning@denvergov.org



2.

Required
Attachments

Legal Descriptions



ZONE OS-A

A PARCEL OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 19 AND THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 19;
THENCE NORTH 29°35'28" EAST, A DISTANCE OF 2,910.35 FEET TO A POINT ON THE SOUTH LINE OF SMITH RD AND THE POINT OF BEGINNING;
THENCE ALONG SAID SOUTH LINE AND ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT AN ARC LENGTH OF 219.71 FEET, SAID CURVE HAVING A RADIUS OF 5,607.93 FEET, A CENTRAL ANGLE OF 02°14'41" AND A CHORD WHICH BEARS SOUTH 87°47'25" EAST A CHORD DISTANCE OF 219.70 FEET TO THE WEST LINE OF THAT PARCEL DESCRIBED AT RECEPTION NO. 2013029217;
THENCE ALONG THE PERIMETER OF SAID PARCEL THE FOLLOWING SEVEN (7) COURSES:

- 1) SOUTH 02°46'05" WEST, A DISTANCE OF 3.26 FEET;
- 2) SOUTH 82°05'50" EAST, A DISTANCE OF 369.97 FEET;
- 3) SOUTH 78°49'16" EAST, A DISTANCE OF 260.34 FEET;
- 4) SOUTH 67°50'21" EAST, A DISTANCE OF 49.23 FEET;
- 5) NORTH 89°08'19" EAST, A DISTANCE OF 81.19 FEET;
- 6) SOUTH 47°29'27" EAST, A DISTANCE OF 22.71 FEET;
- 7) SOUTH 15°18'46" EAST, A DISTANCE OF 45.07 FEET TO THE WEST LINE OF DAHLIA ST;

THENCE ALONG SAID WEST LINE THE FOLLOWING THREE (3) COURSES:

- 1) SOUTH 00°08'45" EAST, A DISTANCE OF 1,002.52 FEET;
- 2) SOUTH 00°08'26" EAST, A DISTANCE OF 1,324.77 FEET;
- 3) SOUTH 00°08'24" EAST, A DISTANCE OF 3.47 FEET TO THE NORTHEAST CORNER OF THE OVERLOOK AT PARK HILL FILING NO. 1 RECORDED AT RECEPTION NO. 2001067475;

THENCE ALONG THE PERIMETER OF SAID OVERLOOK AT PARK HILL FILING NO. 1 THE FOLLOWING THREE (3) COURSES:

- 1) NORTH 82°06'53" WEST, A DISTANCE OF 24.24 FEET;
- 2) SOUTH 89°39'56" WEST, A DISTANCE OF 486.97 FEET;
- 3) SOUTH 00°38'08" EAST, A DISTANCE OF 1,263.16 FEET TO THE NORTH LINE OF 35TH AVE;

THENCE SOUTH 89°38'54" WEST ALONG SAID NORTH LINE, A DISTANCE OF 629.57 FEET;

THENCE NORTH 00°10'43" EAST, A DISTANCE OF 1,747.37 FEET;

THENCE NORTH 89°49'17" WEST, A DISTANCE OF 86.54 FEET;

THENCE NORTH 00°10'43" EAST, A DISTANCE OF 924.16 FEET TO THE SOUTH LINE OF PARK HILL TOWN CENTER SUBDIVISION FILING NO. 1 RECORDED AT RECEPTION NO. 2004129062;

THENCE NORTH 89°55'56" EAST ALONG SAID SOUTH LINE, A DISTANCE OF 203.59 FEET TO THE SOUTHEAST CORNER THEREOF;

THENCE NORTH 00°04'04" WEST ALONG THE EAST LINE OF SAID PARK HILL TOWN CENTER SUBDIVISION FILING NO. 1, A DISTANCE OF 1,114.42 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 3,489,799 SQUARE FEET OR 80.11 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WEST LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN ASSUMED AS BEARING SOUTH 00°00'18" EAST.

PREPARED BY: AARON MURPHY
PLS 38162
ON BEHALF OF: HARRIS KOCHER SMITH
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DENVER, CO 80203
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ZONE C-MX-12

A PARCEL OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 19;
THENCE NORTH 05°25'41" EAST, A DISTANCE OF 730.86 FEET TO A POINT ON THE EAST LINE OF THAT PARCEL DESCRIBED AT RECEPTION NO. 2013029217 AND THE POINT OF BEGINNING;
THENCE ALONG SAID EAST LINE THE FOLLOWING TEN (10) COURSES:
1) NORTH 00°04'04" WEST, A DISTANCE OF 181.38 FEET;
2) NORTH 03°44'46" EAST, A DISTANCE OF 150.39 FEET;
3) NORTH 00°04'04" WEST, A DISTANCE OF 190.25 FEET;
4) NORTH 44°56'12" EAST, A DISTANCE OF 57.12 FEET;
5) NORTH 89°54'55" EAST, A DISTANCE OF 241.88 FEET;
6) SOUTH 00°04'02" EAST, A DISTANCE OF 13.50 FEET;
7) NORTH 88°43'12" EAST, A DISTANCE OF 100.00 FEET;
8) NORTH 63°47'45" EAST, A DISTANCE OF 91.35 FEET;
9) NORTH 52°59'52" EAST, A DISTANCE OF 77.66 FEET;
10) NORTH 34°16'55" EAST, A DISTANCE OF 59.92 FEET TO THE SOUTHWEST CORNER OF PARK HILL TOWN CENTER SUBDIVISION FILING NO. 1 RECORDED AT RECEPTION NO. 2004129062;
THENCE NORTH 89°55'56" EAST ALONG THE SOUTH LINE THEREOF, A DISTANCE OF 77.94 FEET;
THENCE SOUTH 00°10'43" WEST, A DISTANCE OF 522.96 FEET;
THENCE NORTH 89°49'17" WEST, A DISTANCE OF 337.12 FEET;
THENCE SOUTH 00°38'57" WEST, A DISTANCE OF 166.96 FEET;
THENCE NORTH 89°49'17" WEST, A DISTANCE OF 306.64 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 319,758 SQUARE FEET OR 7.34 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WEST LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN ASSUMED AS BEARING SOUTH 00°00'18" EAST.

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ON BEHALF OF: HARRIS KOCHER SMITH
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ZONE G-RX-5 PARCEL 1:

A PARCEL OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 19;
THENCE NORTH 36°27'38" EAST, A DISTANCE OF 1,760.45 FEET TO A POINT ON THE SOUTH LINE OF PARK HILL TOWN CENTER SUBDIVISION FILING NO. 1 RECORDED AT RECEPTION NO. 2004129062 AND THE POINT OF BEGINNING;
THENCE SOUTH 00°10'43" WEST, A DISTANCE OF 923.35 FEET;
THENCE NORTH 89°49'17" WEST, A DISTANCE OF 329.76 FEET;
THENCE NORTH 00°10'43" EAST, A DISTANCE OF 921.93 FEET TO SAID SOUTH LINE;
THENCE NORTH 89°55'56" EAST ALONG SAID SOUTH LINE, A DISTANCE OF 329.76 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 304,249 SQUARE FEET OR 6.98 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WEST LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN ASSUMED AS BEARING SOUTH 00°00'18" EAST.

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ZONE G-RX-5 WVRS PARCEL 1:

A PARCEL OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 19;
THENCE NORTH 36°27'38" EAST, A DISTANCE OF 1,760.45 FEET TO A POINT ON THE SOUTH LINE OF PARK HILL TOWN CENTER SUBDIVISION FILING NO. 1 RECORDED AT RECEPTION NO. 2004129062 AND THE POINT OF BEGINNING;
THENCE NORTH 89°55'56" EAST ALONG SAID SOUTH LINE, A DISTANCE OF 188.71 FEET;
THENCE SOUTH 00°10'43" WEST, A DISTANCE OF 924.16 FEET;
THENCE NORTH 89°49'17" WEST, A DISTANCE OF 188.70 FEET;
THENCE NORTH 00°10'43" EAST, A DISTANCE OF 923.35 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 174,313 SQUARE FEET OR 4.00 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WEST LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN ASSUMED AS BEARING SOUTH 00°00'18" EAST.

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ZONE C-MX-8 PARCEL 1:

A PARCEL OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 19;
THENCE NORTH 05°25'41" EAST, A DISTANCE OF 730.86 FEET TO A POINT ON THE EAST LINE OF THAT PARCEL DESCRIBED AT RECEPTION NO. 2013029217 AND THE POINT OF BEGINNING;
THENCE SOUTH 89°49'17" EAST, A DISTANCE OF 306.64 FEET;
THENCE NORTH 00°38'57" EAST, A DISTANCE OF 166.96 FEET;
THENCE SOUTH 89°49'17" EAST, A DISTANCE OF 337.12 FEET;
THENCE SOUTH 00°10'43" WEST, A DISTANCE OF 796.51 FEET;
THENCE NORTH 89°49'17" WEST, A DISTANCE OF 662.42 FEET TO THE EAST LINE OF COLORADO BLVD;
THENCE NORTH 00°04'04" WEST ALONG SAID EAST LINE, A DISTANCE OF 261.53 FEET TO THE SOUTH LINE OF SAID PARCEL DESCRIBED AT RECEPTION NO. 2013029217;
THENCE ALONG THE PERIMETER OF SAID PARCEL THE FOLLOWING THREE (3) COURSES:
1) NORTH 89°55'56" EAST, A DISTANCE OF 2.00 FEET;
2) NORTH 03°15'39" EAST, A DISTANCE OF 310.00 FEET;
3) NORTH 00°04'04" WEST, A DISTANCE OF 58.47 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 469,707 SQUARE FEET OR 10.78 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WEST LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN ASSUMED AS BEARING SOUTH 00°00'18" EAST.

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ZONE C-MX-5 PARCEL 1:

A PARCEL OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 19;
THENCE NORTH 62°45'15" EAST, A DISTANCE OF 1076.43 FEET TO THE POINT OF BEGINNING;
THENCE SOUTH 00°10'43" WEST, A DISTANCE OF 397.54 FEET;
THENCE NORTH 89°49'17" WEST, A DISTANCE OF 243.46 FEET;
THENCE NORTH 00°10'43" EAST, A DISTANCE OF 397.54 FEET;
THENCE SOUTH 89°49'17" EAST, A DISTANCE OF 243.46 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 96,787 SQUARE FEET OR 2.22 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WEST LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN ASSUMED AS BEARING SOUTH 00°00'18" EAST.

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ZONE C-MX-5 WVRS PARCEL 1:

A PARCEL OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 19 AND THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 19;
THENCE NORTH 62°45'15" EAST, A DISTANCE OF 1,076.43 FEET TO THE POINT OF BEGINNING;
THENCE SOUTH 89°49'17" EAST, A DISTANCE OF 361.54 FEET;
THENCE SOUTH 00°10'43" WEST, A DISTANCE OF 908.12 FEET;
THENCE NORTH 89°49'17" WEST, A DISTANCE OF 361.54 FEET;
THENCE NORTH 00°10'43" EAST, A DISTANCE OF 908.12 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 328,320 SQUARE FEET OR 7.54 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WEST LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN ASSUMED AS BEARING SOUTH 00°00'18" EAST.

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ZONE C-MS-5 DO-8:

A PARCEL OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 19 AND THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 19;
THENCE NORTH 89°39'56" EAST ALONG THE SOUTH LINE OF SAID SECTION 19, A DISTANCE OF 50.00 FEET TO THE EAST LINE OF COLORADO BLVD AND THE POINT OF BEGINNING;
THENCE NORTH 00°04'04" WEST ALONG SAID EAST LINE, A DISTANCE OF 97.79 FEET;
THENCE SOUTH 89°49'17" EAST, A DISTANCE OF 905.88 FEET;
THENCE SOUTH 00°10'43" WEST, A DISTANCE OF 194.00 FEET;
THENCE NORTH 89°49'17" WEST, A DISTANCE OF 905.16 FEET TO THE EAST LINE OF SAID COLORADO BLVD;
THENCE NORTH 00°00'18" WEST ALONG SAID EAST LINE, A DISTANCE OF 96.21 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 175,666 SQUARE FEET OR 4.03 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WEST LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN ASSUMED AS BEARING SOUTH 00°00'18" EAST.

PREPARED BY: AARON MURPHY
PLS 38162
ON BEHALF OF: HARRIS KOCHER SMITH
1120 LINCOLN STREET, SUITE 1000
DENVER, CO 80203
303.623.6300



ZONE C-MX-5 WVRS PARCEL 2:

A PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 30;
THENCE SOUTH 29°20'46" EAST, A DISTANCE OF 1,444.81 FEET TO A POINT ON THE NORTH LINE OF 35TH AVE AND THE POINT OF BEGINNING;
THENCE SOUTH 89°38'54" WEST ALONG SAID NORTH LINE, A DISTANCE OF 657.98 FEET TO THE EAST LINE OF COLORADO BLVD;
THENCE NORTH 00°00'18" WEST ALONG SAID EAST LINE, A DISTANCE OF 425.88 FEET;
THENCE SOUTH 89°49'17" EAST, A DISTANCE OF 659.32 FEET;
THENCE SOUTH 00°10'43" WEST, A DISTANCE OF 419.79 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 278,495 SQUARE FEET OR 6.39 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WEST LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN ASSUMED AS BEARING SOUTH 00°00'18" EAST.

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ZONE G-RX-5 WVRS PARCEL 2:

A PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 30;
THENCE SOUTH 29°20'46" EAST, A DISTANCE OF 1,444.81 FEET TO A POINT ON THE NORTH LINE OF 35TH AVE AND THE POINT OF BEGINNING;
THENCE NORTH 00°10'43" EAST, A DISTANCE OF 419.79 FEET;
THENCE SOUTH 89°49'17" EAST, A DISTANCE OF 329.76 FEET;
THENCE NORTH 00°10'43" EAST, A DISTANCE OF 425.06 FEET;
THENCE SOUTH 89°49'17" EAST, A DISTANCE OF 275.24 FEET;
THENCE SOUTH 00°10'43" WEST, A DISTANCE OF 839.25 FEET TO A POINT ON THE NORTH LINE OF SAID 35TH AVE;
THENCE SOUTH 89°38'54" WEST ALONG SAID NORTH LINE, A DISTANCE OF 605.02 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 369,271 SQUARE FEET OR 8.48 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WEST LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN ASSUMED AS BEARING SOUTH 00°00'18" EAST.

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ZONE C-MX-5 PARCEL 2:

A PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 30;
THENCE SOUTH 59°44'41" EAST, A DISTANCE OF 822.78 FEET TO THE POINT OF BEGINNING;
THENCE NORTH 00°10'43" EAST, A DISTANCE OF 316.58 FEET;
THENCE SOUTH 89°49'17" EAST, A DISTANCE OF 243.46 FEET;
THENCE SOUTH 00°10'43" WEST, A DISTANCE OF 316.58 FEET;
THENCE NORTH 89°49'17" WEST, A DISTANCE OF 243.46 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 77,076 SQUARE FEET OR 1.77 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WEST LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN ASSUMED AS BEARING SOUTH 00°00'18" EAST.

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ZONE G-RX-5 PARCEL 2:

A PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 30;
THENCE SOUTH 59°44'41" EAST, A DISTANCE OF 822.78 FEET TO THE POINT OF BEGINNING;
THENCE SOUTH 89°49'17" EAST, A DISTANCE OF 329.76 FEET;
THENCE SOUTH 00°10'43" WEST, A DISTANCE OF 425.06 FEET;
THENCE NORTH 89°49'17" WEST, A DISTANCE OF 329.76 FEET;
THENCE NORTH 00°10'43" EAST, A DISTANCE OF 425.06 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 140,168 SQUARE FEET OR 3.22 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WEST LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN ASSUMED AS BEARING SOUTH 00°00'18" EAST.

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ZONE C-MX-5 PARCEL 3:

A PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 30;
THENCE SOUTH 06°54'58" EAST, A DISTANCE OF 415.53 FEET TO A POINT ON THE EAST LINE OF COLORADO BLVD AND THE POINT OF BEGINNING;
THENCE SOUTH 89°49'17" EAST, A DISTANCE OF 660.68 FEET;
THENCE SOUTH 00°10'43" WEST, A DISTANCE OF 425.06 FEET;
THENCE NORTH 89°49'17" WEST, A DISTANCE OF 659.32 FEET TO A POINT ON THE EAST LINE OF SAID COLORADO BLVD;
THENCE NORTH 00°00'18" WEST ALONG SAID EAST LINE, A DISTANCE OF 425.06 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 280,537 SQUARE FEET OR 6.44 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WEST LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN ASSUMED AS BEARING SOUTH 00°00'18" EAST.

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ZONE C-MX-8 PARCEL 2:

A PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 30;
THENCE SOUTH 06°54'58" EAST, A DISTANCE OF 415.53 FEET TO A POINT ON THE EAST LINE OF COLORADO BLVD AND THE POINT OF BEGINNING;
THENCE NORTH 00°00'18" WEST ALONG SAID EAST LINE, A DISTANCE OF 316.59 FEET;
THENCE SOUTH 89°49'17" EAST, A DISTANCE OF 661.69 FEET;
THENCE SOUTH 00°10'43" WEST, A DISTANCE OF 316.58 FEET;
THENCE NORTH 89°49'17" WEST, A DISTANCE OF 660.68 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 209,320 SQUARE FEET OR 4.81 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WEST LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN ASSUMED AS BEARING SOUTH 00°00'18" EAST.

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DENVER, CO 80203
303.623.6300



Proof of Ownership

4141 E 35TH AVE

Owner	Schedule Number	Legal Description	Property Type	Tax District
ACM PARK HILL JV VII LLC 4100 E MISSISSIPPI AVE STE500 GLENDALE, CO 80246-3053	01193-00-032-000	SW/4 OF SW/4 OF SW/4 OF S19 T3 R67 PT & NE/4 OF SE/4 OF NW/4OF S30 T3 R67 BEG 50FT E OF SW/4 OF SW/4 OF SW/4 OF S19 N909.31FT NLY 150.33FT N 175FT NELY 91.95FT E 290FT N 115FT E1025.05FT N 1114.17FT CV/R 884.37FT SLY 89.72FT SLY 28.82 FTS 1086.52FT S 1324.84FT S 2.96FT WLY 28.58FT W 483.58FT1264.16FT W 1891.72FT N 1263.62FT EXC DIF RCP 2013029217	INDUSTRIAL- MISC RECREATION	DENVER

Summary	Property Map	Assessed Values	Assessment Protest	Taxes	Neighborhood Sales	Chain of Title
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[Print Summary](#)

Property Description			
Style:	OTHER	Building Sqr. Foot:	36181
Bedrooms:		Baths Full/Half:	0/0
Effective Year Built:	1976	Basement/Finish:	0/0
Lot Size:	6,729,836	Zoned As:	OS-B
Mill Levy:	74.618	Document Type:	NC
<p><small>Valuation zoning may be different from City's new zoning code.</small></p>			

Review Criteria Narrative

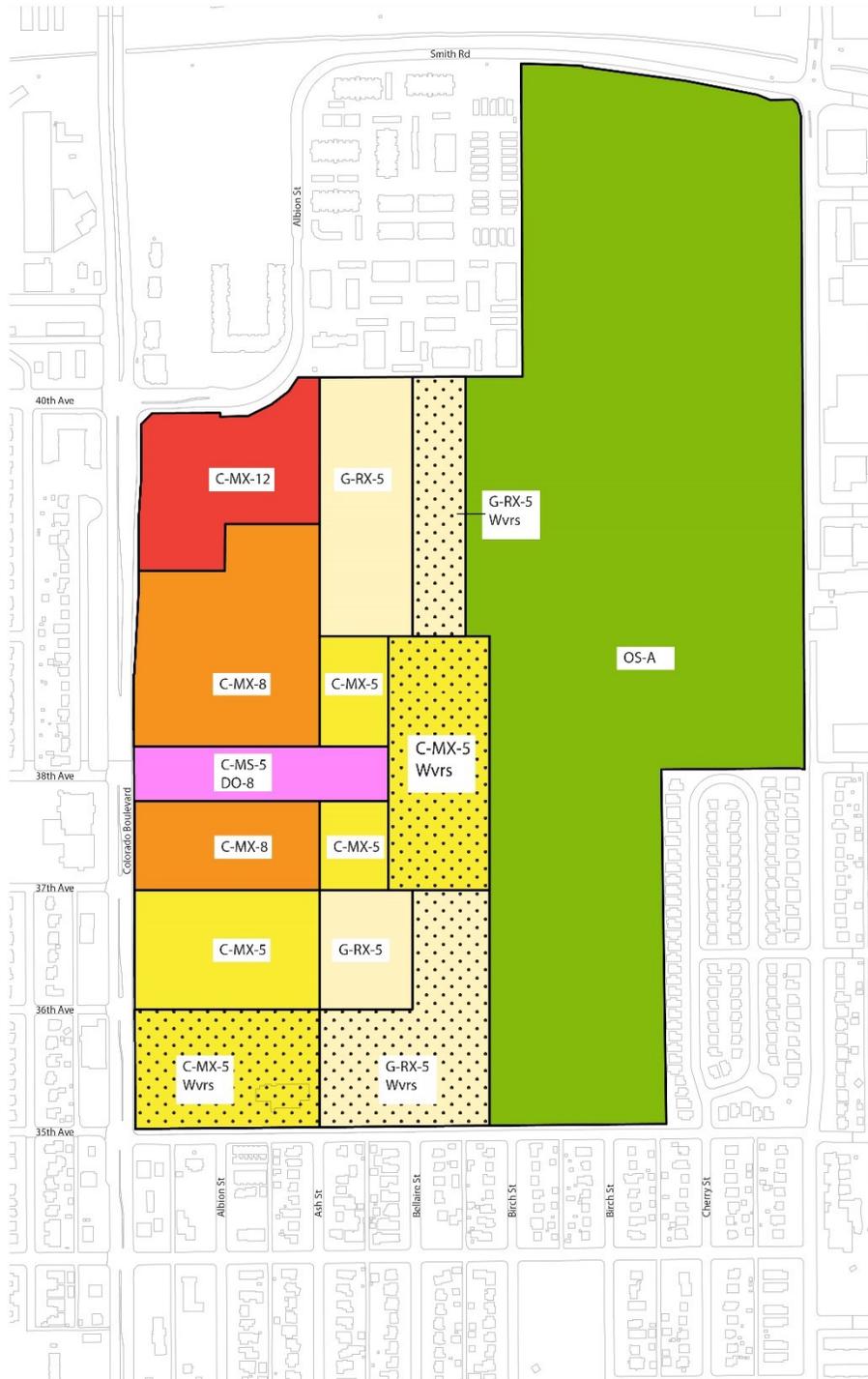
This narrative is submitted on behalf of ACM Park Hill JV VII LLC (“**Applicant**”). The Applicant owns the real property located in the City and County of Denver (the “**City**”) generally located north of East 35th Avenue, east of North Colorado Boulevard, south of Smith Road, and west of North Dahlia Street (the “**Property**”), which comprises approximately 155 acres and is commonly known as the “**Park Hill Golf Course.**” The Applicant proposes to redevelop the Property into a mix of public and private uses, including 100 acres of public parks, and an urban, mixed-use community containing housing, commercial, and community uses (the “**Project**”).

The Project has been reviewed through the City’s Large Development Review process. In order for the Project to develop, the Property must be rezoned. Currently, the entirety of the Property is zoned within the City’s Open Space B zone district (the “**OS-B District**”), which is intended to accommodate privately-owned, active recreation parks and open space. The Applicant respectfully requests that the City approve an Official Map Amendment (the “**Rezoning**”) to rezone the Property into the following zone districts:

- Open Space A zone district (“**OS-A District**”) – An approximately 80 acre area including all land within the site roughly east of the alley between Bellaire and Birch Streets.
- General Urban Residential Mixed Use Five-Story zone district (“**G-RX-5 District**”) – Areas generally between of the centerlines of Ash and Bellaire street from the south and between 36th and 37th Avenues and 39th and 40th Avenues.
- G-RX-5 District with Waivers (to 4 stories) – All areas east of the G-RX-5 districts and west of the OS-A district described above as well as areas south of 37th Avenue between Ash Street and the OS-A district.
- Urban Center Main Street Five-Story zone district (“**C-MS-5 District**”), with Active Centers and Corridors Design Overlay District (the “**DO-8 Overlay**”) – An area approximately 100 feet on either side of a future 38th Avenue centerline between Colorado Boulevard and Bellaire Street. This area will incorporate the DO-8 Overlay, which will require greater street-level activation along this main street.
- Urban Center Mixed-Use Five-Story zone district (“**C-MX-5 District**”) – Several areas including between 36th and 37th Avenues and Colorado Boulevard and Ash Street and between Ash Street and Bellaire street north of the C-MS-5 district to 39th avenue and south of the C-MS-5 district to 37th avenue.
- C-MX-5 District with Waivers (to 4 stories) – south of 36th Avenue to the southern property line from Colorado Boulevard to Ash Street and west of Bellaire Street from 37th to 39th street.
- Urban Center Mixed-Use Eight-Story zone district (“**C-MX-8 District**”) – South of the C-MS-5 district described above to 37th Street from Colorado Boulevard to Ash Street and north of the C-MS-5 district with a northern boundary that ranges in location but falls generally between 39th and 40th Avenues from Colorado Boulevard to Ash Street.

- Urban Center Mixed-Use Twelve-Story zone district (“**C-MX-12 District**”) – Areas generally north of the northern-most C-MX-8 district described above to the northern property line.

All streets used as boundaries in the above descriptions area rough extensions of those streets through the site from the south and west. Reference image below:



Concurrently with its processing of the present application, the Applicant will request the City's approval of a negotiated development agreement that will address the Applicant's legally binding commitments to construct affordable housing and public improvements, and provide for parks and open space within the Property, among other matters (the "**Development Agreement**").

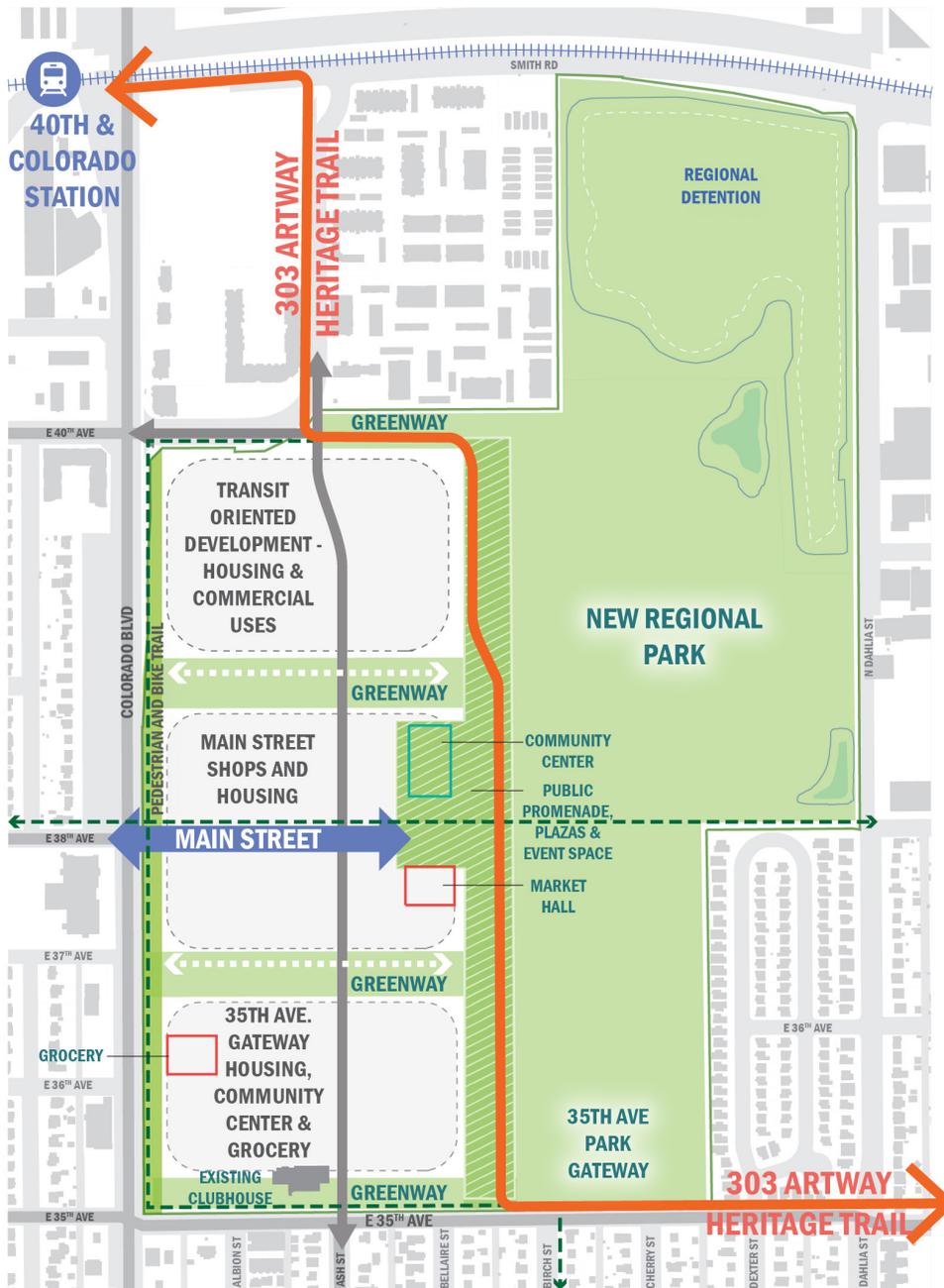
It is the Applicant's position that the Rezoning meets all of the applicable approval criteria set forth in the Denver Zoning Code (the "**DZC**" or the "**Code**"), as explained in greater detail below.

The Property and Current Entitlements

As noted above, the entire Property is presently located within the OS-B District. The Property is additionally encumbered by that certain Conservation Easement, recorded July 12, 2019 in the real property records of the City at Reception No. 2019090259 (the "**Use Restriction**"), which restricts the Property's use to a privately-owned, 18-hole daily fee public golf course and certain ancillary uses as long as they don't prevent the land from being used as a Golf Course.

The Project

The Project contemplates a balance of development and open space, responding to the voluminous input received from the visioning and small area planning processes the city has been undertaking for the past 18 months. Of the Property's 155 acres, the Applicant will devote a minimum of 100 acres for publicly-accessible parks and open space, a majority of which will be dedicated to, and designed and maintained by the City as a public park. The remaining open space will be planned and maintained by the Applicant or another entity, and will be accessible by the general public. The parks and open space land will include an 80-acre contiguous open space area comprising the eastern half of the site, along with several greenway connections from Colorado Boulevard to the main park area, providing views and multi-modal access in and through the Project. LDR Concept Plan depicting parks and open space inserted below for reference:



CONCEPT DIAGRAM

- Property Boundary
- Park Space
- Landscape Promenade + Gardens + Play
- A-Line Train
- 303 Artway Heritage Trail
- Multimodal Corridors
- Roadway Connection

The remaining 55 acres will be a mixed-use neighborhood that extends the existing community, with infrastructure and a wide array of housing types, sizes, and price points to address diverse community needs. As will be more fully set forth in the Development Agreement, the Applicant will provide more affordable housing than is required under existing City regulations—including

the recently-adopted Expanding Housing Affordability regulations. In conformance with plan guidance, building heights will range from twelve stories in the northwestern portion of the site, providing the greatest density of homes closest to the 40th and Colorado rail station, to four stories in the areas fronting the future park land and the existing communities to the north and south.

The core of the Project will be a vibrant, highly walkable main street environment along a future extension of East 38th Avenue. This corridor will have high-comfort bike facilities linking the new park area with the 39th Avenue Greenway and City bike network to the west of the site. The Project contemplates shops, restaurants, and other active uses framing the East 38th Avenue main street corridor, leading into the park without going through the park. This will create the opportunity for a plaza to activate the park and create publicly accessible, active retail and community uses to provide needed adjacent to the new regional park.

C-MX zones are used along Colorado Boulevard so other community-serving commercial uses such as a grocery store, community non-profit offices, or live-work spaces can be located throughout the Project along Colorado Boulevard.

Overall, the rezoning allows the Project to be an extension of the existing City street grid and surrounding neighborhoods at densities appropriate for its location adjacent to a major commercial corridor and rail and bus transit. The mix of uses allowed by the rezoning will provide many of the elements of a complete neighborhood that have been lost to the Northeast Park Hill community over the years, such as a regional park, healthy food options, and other commercial uses that serve residents' daily needs. Most importantly, the Project will be accessible—both physically and economically—to all people, with a diversity of housing and employment options in close proximity to new, high-quality open space, and pedestrian and bicycle connections with streets and trails.

In connection with the Rezoning, the Applicant will request the City's approval of the Development Agreement, which will contain provisions pertaining to land dedication, construction of public improvements to support the Project, affordable housing obligations, vested property rights, and other matters.

Criteria for Rezoning

Pursuant to the Code, all 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 Rezoning meets these review criteria as follows.

I. CONSISTENCY WITH ADOPTED PLANS

The proposed Rezoning is consistent with the City's adopted plans. Code § 12.4.10.7.A.

The City has adopted two major plans that guide the use and development of the Property: *Comprehensive Plan 2040* (the “**Comprehensive Plan**”) and *Blueprint Denver* (“**Blueprint**”). The Rezoning is consistent with each of these plans, as set forth in further detail below. In addition, the City is presently preparing the *Park Hill Golf Course Small Area Plan* (the “**Area Plan**”) to

guide development of the Property, a public draft (the “**Draft Area Plan**”) of which was released on August 2, 2022. This narrative describes the Rezoning’s consistency with the Draft Area Plan.

As discussed below, the Rezoning is consistent with the Comprehensive Plan and Blueprint. It is additionally consistent with the anticipated Area Plan.

A. Comprehensive Plan

The Comprehensive Plan envisions a city that (1) is equitable, affordable and inclusive; (2) has strong and authentic neighborhoods; (3) has connected, safe and accessible spaces; (4) is economically diverse and vibrant; (5) is environmentally resilient; and (6) is healthy and active. Comprehensive Plan, pp. 18-19.

As described in greater detail below, the Rezoning will advance each of the foregoing elements of the Comprehensive Plan. As a general matter, the Property’s current zoning designation and use as a privately-owned, fee-based golf course fails to advance any of the core elements of the Comprehensive Plan. Under the OS-B District, the Property is prohibited from being used for much-needed housing and commercial uses, and instead solely benefits the small fraction of the City’s population—which does not include families, people with disabilities, or other community members—that pays to use the golf course.

The Rezoning supports the following specific Comprehensive Plan goals:

Equitable, Affordable, and Inclusive.

- *Goal 1: Ensure all Denver residents have safe, convenient and affordable access to basic services and a variety of amenities.* The Rezoning will advance this goal in several respects. The Rezoning allows for the “development of housing units close to transit and mixed-use developments,” Comprehensive Plan p. 28, as the site is less than one-quarter mile from the 40th & Colorado transit station. The Rezoning will permit the development of needed commercial land uses—including a potential grocery store—in an area that presently lacks convenient access to basic commercial services. The neighborhood is presently considered a food desert and lacks access to fresh healthy food. Finally, the Rezoning will permit the creation of the City’s eleventh regional park within the Property, providing public, freely-accessible open space and recreational amenities. In contrast, if the Rezoning is not approved, a privately-owned, daily fee golf course is the sole permitted use on the Property.
- *Goal 2: Build housing as a continuum to serve residents across a range of incomes, ages and needs.* The Rezoning will permit a “greater mix of housing options in every neighborhood for all individuals and families” while also allowing for the “increase the development of senior-friendly and family friendly housing, including units with multiple bedrooms in multifamily developments.” Comprehensive Plan, p. 28. Current zoning does not allow for any new homes to be built on the site. The Rezoning will allow for the provision of a significant number of new housing types, from low-rise buildings to a higher-density, transit-oriented housing, allowing for a diversity of ages, incomes, and lifestyles. The diversity of housing types will create the opportunity for different price points, ownership structures, and accessibility. Combined with the quality of proposed

open spaces and amenities, the plan will create a complete neighborhood ecosystem for diverse residents to more easily age in place. The Development Agreement will require the Project to provide a significant proportion of for-sale affordable housing units that would serve middle-income households.

- *Goal 3: Develop housing that is affordable to residents of all income levels.* The Rezoning allows the City to use its “land use regulations to enable and encourage the private development of affordable, missing middle and mixed-income housing.” Comprehensive Plan, p. 28. The Project will incorporate significant affordable housing, the obligations related to which will be incorporated in the Development Agreement.
- *Goal 5: Reduce the involuntary displacement of residents and businesses.* The subject Property is presently undeveloped and does not contain any existing residences or businesses. As a result, no direct displacement will occur. However, to address displacement that may occur in the surrounding community, the Development Agreement will establish commitments for permanent affordable housing to be provided through a community land trust model and with non-profit partners who specialize in addressing the housing needs of Denver’s most vulnerable populations. The creation of affordable housing on site will help mitigate overall community displacement. In fact, when combined with the City’s anticipated affordable housing prioritization policy and certain other affordable housing strategies described above, the Project has the potential to bring residents and businesses that have been displaced in the past back to the neighborhood.
- *Goal 7: Make neighborhoods accessible to people of all ages and abilities.* The Rezoning permits the development of a mixed-use neighborhood with a variety of residential uses that will accommodate a diversity of ages and abilities. In contrast to this goal, the present zoning and use of the Property as a private golf course does not permit access for young children who do not play golf, people of limited means, or people with mobility impairments. By encouraging the development of a mixed-use community in a transit-accessible location which will include elevator-served multifamily for-sale and for-rent housing along with public parks and recreational opportunities, the Rezoning presents an opportunity to create a neighborhood that serves families, seniors, and people with disabilities.
- *Goal 8: Increase housing options for Denver’s most vulnerable populations.* The Area Plan recommends, and the Development Agreement will provide for, deeply affordable housing within the community. The Applicant has memoranda of understanding that establish development partnerships “with organizations to develop permanent and transitional housing affordable to very low-income populations.” Comprehensive Plan, p. 30. In addition, the Development Agreement will establish commitments for permanent affordability provided through a community land trust model and with non-profit partners who specialize in addressing the housing needs of Denver’s most vulnerable populations. The Northeast Park Hill community has a higher rate of poverty and other markers of vulnerability. The provision of affordable homes on site not only provides housing options for Denver as a whole, but will allow for many existing North Park Hill residents to remain in the neighborhood who may otherwise be displaced.

Strong and Authentic Neighborhoods.

- *Goal 1: Create a city of complete neighborhoods.* The Rezoning permits the development of a vibrant, mixed-use neighborhood along a transit corridor and major arterial street. The Project is anticipated to incorporate a variety of housing types and community-oriented uses and services for a diverse population. The contiguous space and mixed-use commercial and main street zoning along Colorado Boulevard creates the ability for different scaled retail amenities such as a grocery store as well as small, local businesses to contribute to a complete neighborhood. Similarly, infrastructure such as wide sidewalks, greenways and a design overlay (DO-8) on the main street can support small, women- and minority-owned businesses as part of a dynamic retail district. Though the Project may be considered a complete neighborhood of its own, its true potential is to make the surrounding neighborhoods more complete by providing the elements they currently lack. The choices of lower intensity zone districts adjacent to existing neighborhoods will ensure appropriate transitions between existing neighborhoods and the Project. In contrast, under current restrictions, the Property fails to “offer a mix of housing types and services for a diverse population” or “build a network of well-connected, vibrant, mixed-use centers and corridors” Comprehensive Plan, p. 34.
- *Goal 2: Enhance Denver’s neighborhoods through high-quality urban design.* The Rezoning includes several elements that promote high-quality urban design. The proposed Waivers on the areas fronting the new open space and existing neighborhoods step building heights down to provide an appropriate transition of scale. The main street area along 38th Avenue incorporates the DO-8 Overlay to ensure a highly-walkable, transparent, and active environment. The Area Plan recognizes the importance of the new development honoring the design of the surrounding neighborhood in policy D1.B and suggests that design guidelines are used as a tool to guide the buildout of the Project. The design guidelines are anticipated to address matters such as architecture, streetscape design, and the interaction between the built environment and park areas. These guidelines will “improve design quality” while also creating “people-oriented places that embrace community character with thoughtful transitions, aspirational design and an engaging public realm” and using “urban design to contribute to economic viability, public health, safety, environmental well-being, neighborhood culture, and quality of life.” Comprehensive Plan, p. 34. Additionally, the Project is designed around core tenets of good urbanism such as a dynamic mix of uses, a connected, walkable grid, multi-modal access, and allocation of open space within easy access of all residents, open to the general public.
- *Goal 3: Preserve the authenticity of Denver’s neighborhoods and celebrate our history, architecture and culture.* The Project includes the preservation or creation of several important elements that reflect the stated desires and needs of the community. The existing clubhouse building on 35th Avenue and Ash Street will be preserved and available to the community for events and other uses, as it is currently used. The 303 Artway, a multi-modal cultural trail designed the community to reflect its heritage, will be enabled by the rezoning by removing the private golf course that stood in the way of a sensible alignment of the trail through the site. Current zoning and use restrictions do not allow the site to be operated as a publicly open space. The Rezoning allows for a large portion of the Property to become open space for the general public that reflects community culture.

- *Goal 4: Ensure every neighborhood is economically strong and dynamic.* The neighborhood surrounding the Property presently lacks needed community services, such as a fresh-food grocery store and other commercial uses. The Rezoning advances the Project goals of providing a large mixed-use site and main street for local businesses that will provide needed services and products for the surrounding community. The Property’s current zoning and use restriction prohibit any use beyond a golf course, however, the proposed Rezoning permits the Property to “grow and support neighborhood-serving businesses.” Comprehensive Plan, p. 35.
- *Goal 5: Create and preserve parks and public spaces that reflect the identity of Denver’s neighborhoods.* The Rezoning designates 80 acres into the OS-A District, and at its full buildout, the Project will create a total of 100 acres of new public and publicly-accessible parks and open space. The Property’s current use as a daily-fee, privately-owned golf course and OS-B District zoning designation do not advance this goal.

Connected, Safe, and Accessible Places.

- *Goal 1: Deliver a multimodal network that encourages more trips by walking, rolling, biking and transit.* The Property’s advantageous location, adjacent to the 40th and Colorado RTD station and along Colorado Boulevard, a transit-priority corridor, will enable the Project to take advantage of existing alternative transportation options. The Project also proposes pedestrian and bikeway connections on streets and within parks, including a high-comfort bikeway along 38th Avenue and several parallel park greenways connecting to the proposed park area from the west. The 303 Artway will also create an important new multimodal path highlighting the culture and people of the community. As such, the Rezoning encourages the advancement of the Comprehensive Plan’s multimodal transportation goals and removes a private golf course that stood in the way of multimodal network connections to existing transit resources.
- *Goal 3: Maximize the public right-of-way to create great places.* The Rezoning applies the C-MX-5 district with the DO-8 overlay to a future extension of 38th Avenue east of Colorado Boulevard. The underlying main street zoning prioritizes active uses and engaging architecture along the 38th Avenue corridor – a corridor proposed to be a walkable, shop- and restaurant-lined street within the Project. To provide a more extensive ROW area dedicated to pedestrian space, the DO-8 overlay provides for a two foot setback that can be used for an extended sidewalk area, seating and amenities, and other elements aimed to improve the urban design of the corridor and provide a more comfortable, safer pedestrian environment. The DO-8 overlay will also require higher quality building façade and transparency design along this frontage, which will improve the experience along the corridor. The proposed Project is expected to have additional building setbacks beyond those required in the underlying zoning to create a more extensive public realm. All streets within the project are expected to have pedestrian-oriented streetscape design to promote walkability within the community. In addition, the Project proposes several upgrades to existing streets and intersections to improve the safety and quality of the public rights of way.

- *Goal 8: Strengthen multimodal connections in mixed-use centers and focus growth near transit.* The Rezoning allows for “transit-oriented development encourage higher density development, including affordable housing, near transit to support ridership.” Comprehensive Plan, p. 42. The Rezoning allows for the greatest intensity of housing to be located closest to the 40th and Colorado RTD station with opportunities for density along Colorado Boulevard, a transit priority corridor. Incorporating the 303 Artway, which is only possible if the site is no longer a privately-owned golf course, also creates an enhanced non-vehicular connection to the newly planned mixed-use center and the existing multi-modal rail transit station at 40th and Colorado.

Economically Diverse and Vibrant.

- *Goal 1: Ensure economic mobility and improve access to opportunity.* The Rezoning creates a diverse housing and commercial ecosystem that provides for household stability and wealth building. The wide range of building heights will allow for a wide range of housing types including forms of missing middle housing. Replacing an exclusive land use like a privately-owned golf course with housing that includes permanent affordability and commercial spaces near transit will allow for households to return to the neighborhood and stabilize in order to focus on education, career and family. In addition to the housing, the rezoning creates a main street zone along 38th Avenue that will have a variety of ground floor commercial spaces for local businesses to incubate and thrive.
- *Goal 3: Sustain and grow Denver’s local neighborhood businesses.* The Property is located in an area that is presently underserved by neighborhood-oriented commercial uses. The Rezoning presents a generational opportunity to create a neighborhood business district and allow more space for local business to expand. The Rezoning allows the development of the Property with a mix of uses, including ground-level commercial spaces that will serve community needs. Beyond the base requirement for affordable housing inherent in the rezoning and development of the project, the Development Agreement will include requirements for the creation of affordable housing that will provide local employees much-needed housing and thus assist local businesses with workforce attraction and retention.

Environmentally Resilient

- *Goal 1: Mitigate climate impact by significantly reducing greenhouse gas emissions.* This goal identifies transit-oriented development as a key to reducing greenhouse gas emissions. The Rezoning permits mixed-use development in an area adjacent to existing public transit, and will integrate conservation efforts—including the creation of 100 acres of public parks and open space—into the Project. In addition, any buildings constructed on the Property will be subject to current City requirements related to the reduction of “energy use by buildings” and “green building design” (p. 52).
- *Goal 3: Conserve water and use it more efficiently.* Allowing for uses beyond a golf course, which is currently the only permitted use, will greatly advance this Comprehensive Plan goal. The Property’s existing use is antithetical to the conservation of water. In its final year in operation, the golf course used more than 106 million gallons of water and

three tons of fertilizer. Mixed-use, compact development permitted by the Rezoning will result in less water-consumptive uses per capita. The proposed regional park and the proposed greenways will allow for creative approaches to minimizing water usage in public open spaces as well as implement green stormwater infrastructure that can more responsibly manage water onsite.

- *Goal 4: Integrate stormwater into the built environment by using green infrastructure to improve water quality and reduce runoff.* The proposed Project contemplates the use of green stormwater infrastructure integrated into the design of its greenways and open spaces. These proposed approaches will more responsibly handle water and reduce runoff. Additionally, the Applicant will, subject to the terms of the Development Agreement, transfer fee ownership of the constructed 25-acre stormwater detention area to the City. Per Draft Area Plan in section 3.2.2 Quality-of-Life Recommendations, policies Q1.D, Q3.B and Q5, the detention facility can be incorporated into future parks on the Property, to serve as an amenity for the community.
- *Goal 6: Protect and expand Denver’s green infrastructure network.* The proposed OS-A District allows for a city-owned park where only a golf course is currently allowed. The plan, which devotes nearly two-thirds of the overall Property to parks and open space, “recognize(s) parks, public space, trees and plants as vital elements of green infrastructure.” Comprehensive Plan, p. 54. Additionally, the existing golf course does not help to “expand the citywide tree canopy,” Comprehensive Plan, p. 54. The Rezoning allows for development that is more compatible with the expansion of the City’s tree canopy.
- *Goal 8: Clean our soils, conserve land and grow responsibly.* The Rezoning advances this goal by permitting infill development where infrastructure and services presently exist, encouraging mixed-use development, focusing development near transit, and allows for the remediation of land that has been put to other uses.
- *Goal 9: Protect and improve air quality.* The Rezoning supports a new “mixed-use, walkable neighborhood,” Comprehensive Plan, p. 54, and helps expand the “the use of transit” to improve the City’s air quality. The rezoning concentrates housing near transit that would otherwise be pushed further away from transit resources.

Healthy and Active

- *Goal 1: Create and enhance environments that support physical activity and healthy living.* The Rezoning of a large portion of on the eastern half of the site to the OS-A district, a public park district, will facilitate the creation of the City’s 11th regional park and helps “recognize parks, recreation and the urban forest as vital components of a complete community.” Comprehensive Plan, p. 58. The Project’s proposed walkable form, sidewalks and bicycle and pedestrian infrastructure furthers the goal by making feasible the use of active modes of transportation for a greater portion of daily trips. In addition, the

parks and open space will provide the opportunity for multiple active recreational opportunities.

- *Goal 2: Provide high-quality parks, recreation facilities and programs that serve all Denver residents.* Rezoning a large portion of the site to OS-A, a public park district, permits a high-quality regionally sized park, helping to “ensure equitable access to parks and recreation amenities for all residents” and making “Denver’s healthy outdoor lifestyle accessible to residents of all ages and backgrounds.” Comprehensive Plan, p. 58. The Rezoning will increase the number of City residents within a 10-minute walk of a park and provide diverse housing resources within that walkshed. The regional park will be a park facility that truly serves all Denver residents.

B. *Blueprint*

Neighborhood Context, Place Type, and Street Type Designation. The Rezoning is or will be consistent with the neighborhood context, the future place type, the growth strategy, adjacent street types, plan policies and strategies, and equity concepts contained in Blueprint. The Future Neighborhood Context as currently defined in Blueprint identifies the site as “Urban Edge”. Based on this designation, the growth area strategy is currently considered as “all other areas of the city”. Blueprint currently identifies the future places type as “Other Park and Open Space”. These places are privately-owned parks and/or open spaces, and "it is possible their use could change in the future. When large private open spaces are planned to change, the community should be engaged in planning for the future vision of the site" (p. 153). Through the Area Plan process and under direct consultation with the applicant, extensive engagement has been undertaken and the community has been an integral in envisioning the future uses of the site consistent with the Blueprint Denver guidance. As a result, the recommendations of the Draft Area Plan closely reflect the voice of the community and the Rezoning directly complies with the recommendations in that plan. The Future Neighborhood Context, Future Place type, and the growth area strategy will all be updated as part of the Area Plan. As Blueprint indicates, “Because NPI area plans address specific areas in more detail than is possible in citywide plans, they are also intended to update Blueprint Denver’s maps and to refine its strategies with respect to those areas.” Blueprint, p. 62. Thus, upon adoption of the Area Plan, proposed Rezoning will be consistent with updated plan designations in Blueprint. The Rezoning’s conformance to Draft Area Plan’s neighborhood context, place type, and street type designations is discussed below.

- Plan Policies and Strategies. The Rezoning meets several specific plan policies and strategies set forth in Blueprint as discussed below:*Policy 9: Promote coordinated development on large infill sites to ensure new development integrates with its surroundings and provides appropriate community benefits.* This Rezoning will follow the completion of a Large Development Framework for the Property, which guides coordination of the Project’s buildout. The Development Agreement will supplement the Rezoning to ensure the provision of public benefits such as regional parks, affordable housing, and other community amenities. Following the Rezoning, the Large Development Framework requires the Applicant to prepare an Infrastructure Master Plan to address infrastructure coordination on the Property. This Rezoning also includes a decreasing scale of proposed zone districts and the use of Waivers reducing height across the site with the

lowest, least-intensive areas fronting existing neighborhoods which helps further the goal of integrating with its surroundings.

Land Use and Built Form: Housing

- *Policy 6: Increase the development of affordable housing and mixed-income housing, particularly in areas near transit, services and amenities.* The Rezoning permits a significant amount of affordable housing in close proximity to the 40th & Colorado transit station. The Development Agreement will include the provision of a much higher proportion of affordable housing than is required by Code.

Land Use and Built Form: Design Quality & Preservation

- *Policy 3: Create exceptional design outcomes in key centers and corridors.* The Rezoning establishes building forms and design requirements that are consistent with the City's mixed-use zone districts. The Rezoning also establishes the DO-8 Overlay along the proposed "main street" environment planned for 38th Avenue east of Colorado Boulevard. The use of waivers to step down in height adjacent to existing neighborhoods and the proposed park also promotes good urban form. In addition, the Applicant anticipates establishing privately-enforced design guidelines to enhance design review and quality built form in the Project.
- *Policy 4: Ensure an active and pedestrian-friendly environment that provides a true mixed-use character in centers and corridors.* The Project will create a walkable, mixed-use neighborhood with pedestrian-scale building facades and streetscapes and a small, walkable block structure, and will build upon Colorado Boulevard as a mixed-use arterial corridor. The Property's current use and zoning restrictions prohibit the creation of this type of pedestrian-friendly environment.

Mobility

- *Policy 1: Encourage mode-shift — more trips by walking and rolling, biking and transit — through efficient land use and infrastructure improvements.* The Rezoning supports the use of transit and non-motorized transportation, as it promotes higher density development adjacent to a transit station and along a transit-priority corridor. The Project's proposed mix of uses also allow for more trips to be made locally on foot or bike within the site or to areas nearby. The rezoning also allows the creation of publicly accessible multimodal connections through the site.
- *Policy 2: Protect and expand Denver's tree canopy on both public and private property.* The creation of a new public park, which will be allowed by the Rezoning, offers an opportunity to greatly increase the tree canopy in a neighborhood that presently lacks tree canopy. The Property's current restrictions prohibit expansion of the tree canopy, as increased tree canopy is inconsistent with the operation of the golf course.
- *Policy 5: Ensure attractive streets and outdoor spaces in all centers and corridors, giving priority to pedestrian spaces and amenities.* The use of the C-MS-5 district and DO-8 overlay on the future extension of 38th Avenue east of Colorado Boulevard will ensure a

high quality public realm by adding additional space behind the property line through required setbacks and by requiring more active and engaging architecture on the ground floor of any building fronting on this corridor. The rezoning also requests MX and RX zone districts which require a high degree of engagement with the street on the ground floor of buildings. The Project proposes additional setbacks to expand the public realm across the project. The expansion of the City’s street network through the Property offers an opportunity to develop pedestrian-oriented street infrastructure, with attractive streetscaping treatments.

Equity Concepts. Blueprint Denver identifies three equity concepts: Improving Access to Opportunity, Reducing Vulnerability to Displacement and Expanding Housing and Jobs Diversity. The area surrounding the Property presently has some of the lowest indicators of access to opportunity (p. 35). The Rezoning affords increased access to jobs, basic goods and services, entertainment and shopping. The neighborhood is also among the most vulnerable in the City to involuntary displacement (p. 39). By developing this privately-owned, underutilized Property with a mix of commercial uses and housing, the risks of involuntary displacement are mitigated. Furthermore, it is anticipated that the Development Agreement will offer prioritization for existing City and area residents, to ensure that residents at the greatest risk of displacement will have access to new affordable housing opportunities in the community. What is more, the Rezoning and accompanying Development Agreement will create economic development opportunities for small business owners and community members to build wealth, in the Northeast Park Hill neighborhood. City data also indicate that the area around the Property needs more housing diversity (p. 43). The Rezoning will allow for a significant amount of both for-sale and rental housing at a mix of affordability levels, thus advancing the goal of bringing housing diversity to the neighborhood.

C. Park Hill Golf Course Area Plan

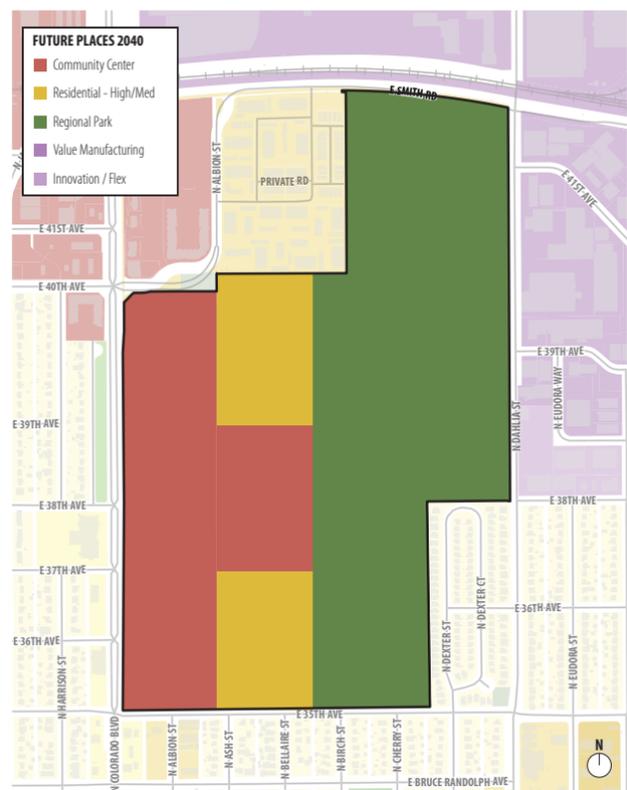
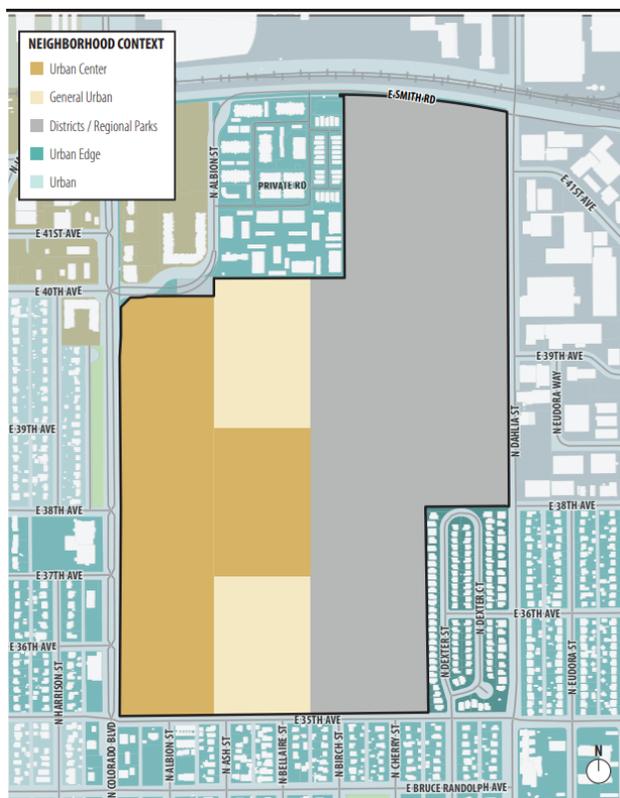
At the time of this application, the City is in the process of completing the Area Plan. The Draft Area Plan was released on August 2, 2022 for public comment. Once adopted, the Area Plan will be a supplement to the Comprehensive Plan and Blueprint. As a result, the plan guidance, Neighborhood Context, Future Place Types, and Future Street Types within the current version of Blueprint are expected to change to those that will be adopted as part of the Area Plan. As Blueprint indicates, “area plans address specific areas in more detail than is possible in citywide plans, they are also intended to update Blueprint Denver’s maps and to refine its strategies with respect to those areas.” Blueprint, p. 62.

Neighborhood Context. The Draft Area Plan designates the Property in three different context areas. The “Urban Center” context will run along the Colorado Boulevard frontage, extending the Urban Center area from north of 40th Avenue through the site, and along a future eastward extension of 38th Avenue. The “General Urban” context is proposed for the area east of Ash Street on either side of the 38th Avenue Urban Center context to the proposed park area. Finally, the large park area on the eastern portion of the Property is designated in the “Districts/Regional Park” context. The Rezoning thus conforms with the proposed neighborhood contexts in the Draft Area Plan. Blueprint currently identifies the site as within the “Urban Edge” context. Draft Area Plan, Section 3.3 Land Use and Built Form, 3.3.1 Neighborhood Context, pp. 42-43. Blueprint currently

identifies the site as within the “Urban Edge” context. Draft Area Plan, Section 3.3 Land Use and Built Form, 3.3.1 Neighborhood Context, pp. 42-43.

Future Place Type. The Draft Area Plan proposes three future place types on the site: “Community Center” in the same area as the Urban Center context described above, “Residential High-Medium” in the same area as the General Urban context described above, and “Regional Park” in the same area as the Districts/Regional Park context described above.

The Draft Area Plan designates the Property within the Community Center, High-Medium Residential and Regional Park place types. The Community Center future place type “provides some mix of office, commercial and residential” (Blueprint, p. 210) within this context, all of which are allowable uses within the C-MX-12, C-MX-8, C-MX-5 districts. The G-RX-5 districts align with the future High-Medium Residential place type. The Area Plan’s proposed Regional Park place type directly aligns with the Rezoning’s OS-A zone district. Draft Area Plan, Section 3.3.2 Quality-of-Life Recommendations, Future Places 2040, pp. 44-45. Blueprint currently identifies the site as within the “Other Park and Open Space” future place type.



Future Street Types. Blueprint shows that the Property is bordered by four future street types:

- Colorado Boulevard: Mixed-use Arterial

- East 35th Avenue: Residential Collector
- Dahlia Street: Industrial Collector
- Smith Road: Industrial Arterial

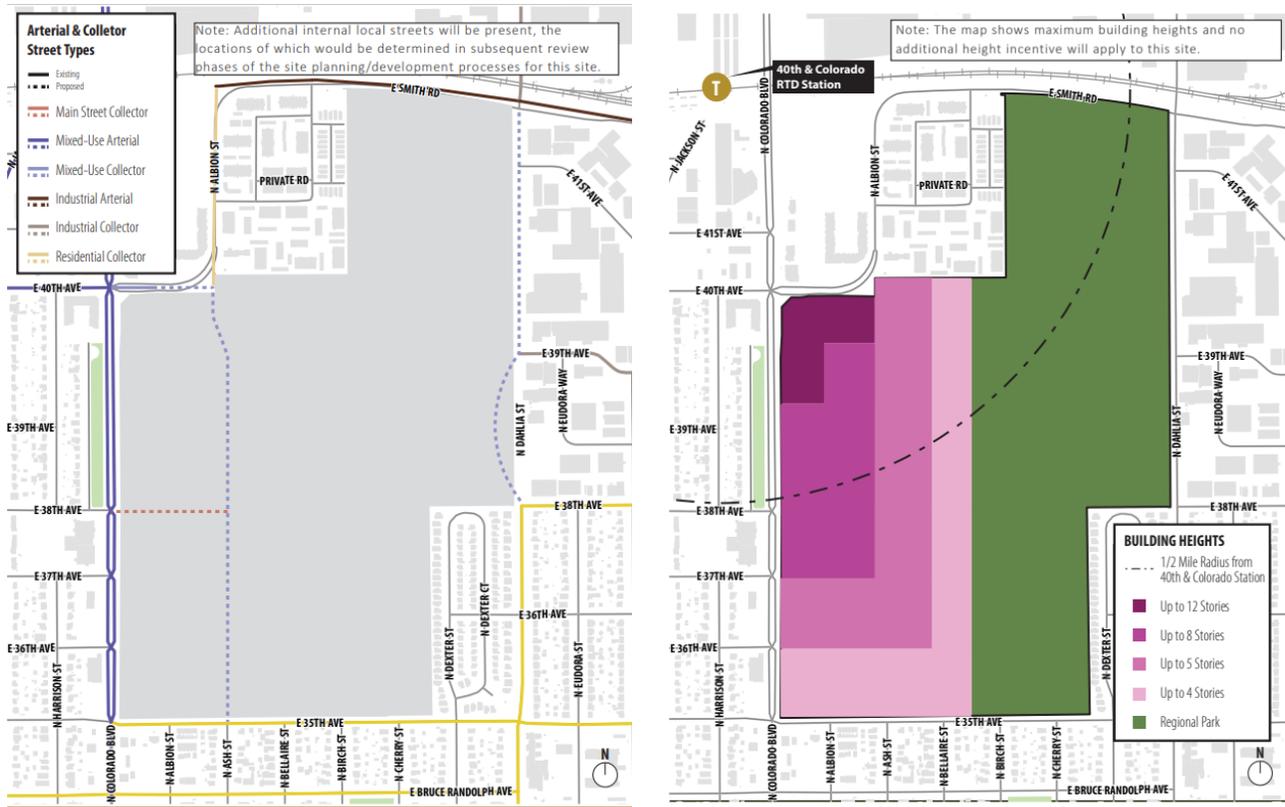
The Draft Area Plan contemplates a change only to the Dahlia Street designation, proposing it as a future “Mixed-Use Collector.” The Rezoning is consistent with both the existing designations on the other three corridors and this future designation on Dahlia Street. Draft Area Plan, 3.4 Mobility, 3.4.1 Street Types, pp. 60-61.

Additionally, the Draft Area Plan recommends a “Main Street Collector” along a future eastward extension of 38th Avenue. The Rezoning conforms with this recommendation. Blueprint explains that Main Streets are “characterized by a mix of uses including retail, services and restaurants, as well as residential. Buildings are pedestrian-oriented, with little front setback, a continuous street wall, and high transparency”. Blueprint, p. 159. The Rezoning proposes the C-MS-5 district along the future 38th Avenue in direct alignment with the Draft Area

Plan recommendation. Additionally, the Rezoning proposes the DO-8 Overlay, which allows for a corridor where “street level uses are highly activated, including cafe seating in the right-of-way.” Blueprint, p. 159.

Finally, the Draft Area Plan recommends a “Mixed-Use Collector” designation along a future extension of Ash Street from the south, connecting to Albion Street to the north. Any alignment of future roads within the Project will pass through a variety of Mixed-Use, Main Street, or Residential Mixed-Use zone districts, as proposed in the Rezoning. As a result, the Rezoning meets the intent of this recommendation.

Building Heights. The Draft Area Plan recommends building heights from twelve stories in the northwestern most corner of the Property, stepping down in concentric zones with the lowest, four-story areas fronting the proposed OS-A District and the neighborhoods to the north and south. The Rezoning directly conforms to this proposed height plan, although it proposes less acreage within 12-story zone districts in order to address community feedback received during the public engagement process. Draft Area Plan, 3.3 Land Use and Built Form, 3.3.3 Building Heights, pp.



46-47.

Open Space. The Draft Area Plan recommends a minimum of 100 acres of open space. The Rezoning includes 80 acres within the OS-A District, and the Development Agreement will commit additional publicly-accessible open space elsewhere within the Project. The Draft Area Plan recommends open space connections from Colorado Boulevard to the large park, via multiple greenway connections. The proposed Project will allow these connections to be realized, resulting in a minimum of 100 acres of parks and open space. Draft Area Plan, 3.2 Quality of Life, 3.2.2 Quality-of-Life Recommendations, pp. 34-41.

Waivers and Design Overlay. The Draft Area Plan recommends “a future main street,” a future extension of East 38th Avenue, that encourages an enjoyable experience through engaged and active uses, such as shops and restaurants at the street level adjacent to sidewalks and open spaces, and recommends that building designs have strong connections between the sidewalk, open spaces, and building activities. To achieve this, the plan recommends the “application of a custom zoning tool like a design overlay to promote an active mix of uses at street level.” Draft Area Plan, 3.3 Land Use and Built Form, 3.3.5 Design Quality Recommendations, Policies D3 and D4, pp. 52-53.

The Rezoning proposes the use of the DO-8 Overlay in conjunction and coterminous with the proposed C-MS-5 zone district along the future extension of 38th Avenue. The intent of the DO-8 “is to encourage neighborhood mixed-use areas that support nonresidential active uses at the Street Level, promote active pedestrian-oriented building frontages, and provide sufficient space for transitions between the public realm and private residential Dwellings.” DZC § 9.4.5.12.B

The Draft Area Plan recommends a height limit of four stories in areas fronting the existing neighborhoods to the north and south, as well as along the future regional park. The DZC does not provide a zone district with a height limit of four stories. As a result, the Rezoning proposes waivers on the portions of the C-MX-5 and G-RX-5 districts closest to those sensitive areas limiting the height of those areas to four stories. This use of waivers is supported by the Draft Area Plan recommendation to use “customized zoning solutions such as waivers to achieve maximum height recommendations.” Draft Area Plan p. 53, Policy D4.B. The Draft Area Plan recommends the use of use of “standard zone districts rather than a Planned Unit Development (PUD) on this site [to increase] transparency, predictability, and flexibility to respond to the community’s needs and desires.” Draft Area Plan p. 53, Policy D4. This Rezoning’s approach of using standard districts with waivers is consistent with both of these recommendations.

D. Equity Analysis

The Rezoning addresses several elements of the City-prepared Equity Analysis relating to the Property, as follows.

Access to Opportunity. The neighborhood scores 2.33-2.56 out of 4.0 on this metric. The neighborhood is less equitable *in life expectancy and childhood obesity*.

The Rezoning proposes zoning 80 acres in the OS-A District, for the creation of a public park, with additional publicly-accessible open space. The Rezoning will facilitate the creation of a large regional park accessible to the general public as opposed to the privately-owned golf course use that is permitted under existing entitlements. A large regional park will promote greater levels of activity and recreation for the entire community. Open space is known to promote public health, including reducing obesity. The Rezoning also proposes zone districts that promote walkability and a varied street level experience which is known to promote walking and biking and other active uses. Life expectancy will likely be improved for a larger portion of the community through access to quality open space and a walkable district with housing options available to all ages, abilities, and income levels.

The site has *less access to Centers and Corridors and Grocery Stores*. The Rezoning proposes a main street environment with the DO-8 Overlay along the future extension of 38th Avenue, thus promoting a mixed-use, walkable corridor that is presently unavailable in the Northeast Park Hill neighborhood. The Project also proposes a new pedestrian crossing at Colorado Boulevard and 38th Avenue, providing new connectivity to centers and corridors. The Rezoning will permit community-oriented commercial uses, including a grocery store, near the corner of 35th Avenue and Colorado Boulevard, addressing this equity metric directly.

Vulnerability to Involuntary Displacement. The neighborhood scores 3.0 out of 3.0 on this metric. The neighborhood is more vulnerable in the areas of *Median Household Income, Educational Attainment, and Percent Renter Occupied.*

The Rezoning will allow for a variety of housing types, sizes, price points, and ownership and rental options. The inclusion of affordable for-sale residential units, as will be required in the Development Agreement, will substantially benefit the site and the surrounding community in providing realistic ownership options. The Project proposes a mix of housing types that will ensure a more even balance of renter- and owner-occupied homes as well as provide housing options for those with limited means and lower household incomes.

Housing Diversity. The neighborhood scores 2.0 out of 5.0 on this metric. The neighborhood is less diverse in the areas of *Housing Cost, Mix of Rented and Owned Homes, and Bedroom Counts in Homes.*

As mentioned above, the Rezoning will allow for a variety of housing types, sizes, price points, and ownership and rental options. The Applicant's affordable housing commitments will be set forth in the Development Agreement, and will ensure that new housing options will be available to households with a variety of incomes. The wide range of housing options as contemplated by the Project will also provide the opportunity for housing options with a variety of bedroom counts. Most notably, not only does the Project contemplate a wide array of housing options, it stands in stark contrast to the prohibition of housing across the entire site due to the limitations of the existing zoning and the Use Restriction, which allows only a golf course use on the site and prohibits residential uses.

Jobs Diversity. The area currently has 5,932 jobs, totaling 5.91 jobs per acre. The site has lower than citywide averages of *retail jobs and innovation jobs.* Currently, the area has a higher than citywide average of manufacturing jobs as a result of the light industrial areas surrounding the site, primarily to the east.

The Project, facilitated by the Rezoning, contemplates a main street corridor along 38th Avenue that will provide the foundation for new jobs within the Property. The C-MS-5 District and DO-8 Overlay proposed in the Rezoning are both oriented towards promoting active non-residential commercial uses. Additionally, the Project contemplates commercial land uses, which may include a grocery store, near the corner of 35th Avenue and Colorado Boulevard, which will provide additional jobs.

II. UNIFORMITY OF DISTRICT REGULATIONS

The proposed Rezoning results in the uniform application of zone district building form use and design regulations. The Rezoning will result in the application of existing zone districts and design overlays established pursuant to the Code

III. PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE

In addition to implementing the City's adopted land use plans, the Rezoning will further the City's public health, safety and general welfare. Increasing density on a high-capacity transit corridor and in close proximity to a fixed transit station will support walking and multi-modal transit

options, which supports public health outcomes and benefits the City by mitigating climate change impacts of single-occupancy vehicles. Furthermore, the Rezoning will enable the creation of over 100 acres of parks and open space, bringing significant public health benefits by allowing for increased outdoor and recreation opportunities. Finally, the increased employment and housing opportunities in a presently-underserved neighborhood furthers the general welfare of the City.

IV. JUSTIFYING CIRCUMSTANCES

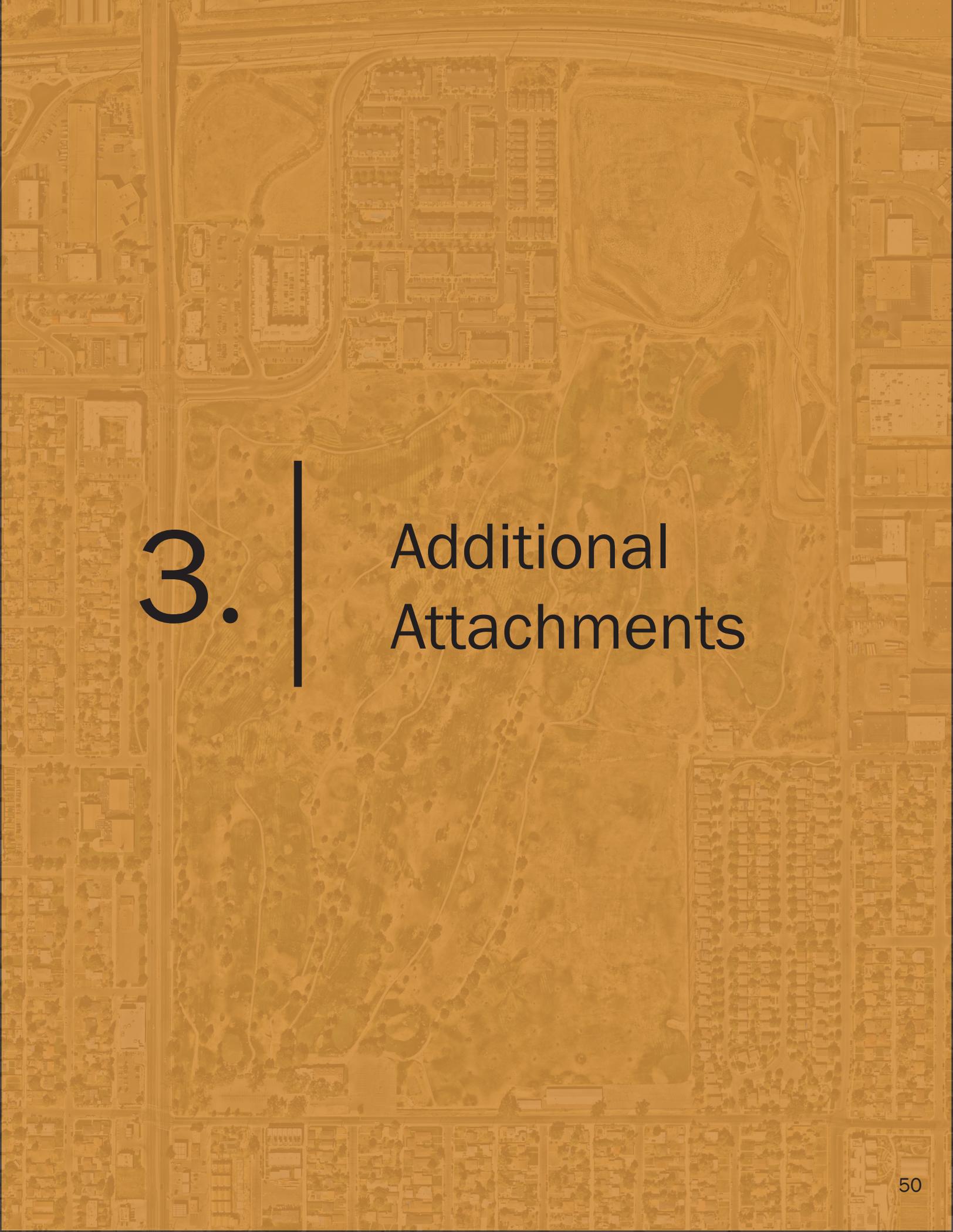
Since the approval of the OS-B District on the Property, there has been a change to such a degree that the proposed rezoning is in the public interest. Specifically, the City's adoption of the Area Plan establishes the required justifying circumstance. In addition it is worth noting that when the Use Restriction was first put in place on the Property, the A-Line and the 40th and Colorado Station were not planned or implemented. In addition, the Denver Moves plan did not contemplate Colorado Boulevard for a bus rapid transit corridor.

V. CONSISTENCY WITH NEIGHBORHOOD CONTEXT DESCRIPTION, ZONE DISTRICT PURPOSE AND INTENT STATEMENTS

The Rezoning meets the neighborhood context, zone district purpose, and intent statements for each of the proposed zone districts as follows:

- *C-MX-12, C-MX-8, and C-MX-5 District.* The Urban Center context is intended for mixed-use development, with regular block patterns, zero-lot line or otherwise shallow building placement, and a high pedestrian and bicycle orientation. DZC § 7.1. The C-MX districts in particular are intended: (a) “to promote safe, active, and pedestrian-scaled, diverse areas through the use of building forms that clearly define and activate the public street edge,” DZC § 7.2.2.1.A; (b) “to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city’s neighborhoods,” DZC § 7.2.2.1.B; and (c) “to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods,” DZC § 7.2.2.1.C. The proposed C-MX-12, C-MX-8, and C-MX-5 Districts are consistent with this intent, as they are intended to permit the development of a mixed-use, pedestrian-oriented neighborhood on the Property.
- *C-MS-5 District.* As with the Mixed-Use districts above, this Main Street zone district is intended for mixed-use development, with regular block patterns, zero-lot line or otherwise shallow building placement, and a high pedestrian and bicycle orientation. DZC § 7.1. The C-MS districts in particular are intended: (a) “to promote safe, active, and pedestrian-scaled commercial streets through the use of building forms that clearly define and activate the public street edge,” DZC § 7.2.4.1.A; (b) “to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering along the city’s commercial streets,” DZC § 7.2.4.1.B; and “applied where active Street Level retail is desired” DZC § 7.2.4.1.E. The proposed C-MS-5 District is consistent with this intent, as it is intended to permit the development of an active, walkable main street environment as is proposed along the future extension of 38th Avenue.

- *G-RX-5 District.* The General context is intended to support multi-unit residential buildings in a variety of building forms, with regular block patterns, zero lot-line or shallow building placement, and a balance of non-motorized and motorized transportation forms. DZC § 6.1. The G-RX-5 District in particular is intended: (a) “to promote safe, active, and pedestrian-scaled, diverse areas through the use of town house, row house, apartment, and shopfront building forms that clearly define and activate the public street edge,” DZC § 6.2.3.1.A; (b) “to promote safe, active, and pedestrian-scaled, diverse areas through the use of town house, row house, apartment, and shopfront building forms that clearly define and activate the public street edge,” DZC § 6.2.3.1.B; and (c) “to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods” DZC § 6.2.3.1.C. As the G-RX-5 District will be located between the proposed neighborhood center and adjacent residential areas, the purpose of the G-RX-5 District is advanced by the Rezoning.
- *OS-A District.* The proposed OS-A District zoning for the future regional park is consistent with the context, purpose, and intent statements for OS-A District zoning. The Open Space context supports public and private parks and open space. The OS-A District is specifically “intended to protect and preserve public parks owned, operated or leased by the City and managed by the City’s Department of Parks and Recreation (“**DPR**”) for park purposes.” DZC § 9.3.2.1.A. As the future regional park will be transferred to City ownership following the Rezoning, the proposed OS-A District is consistent with the context, purpose, and intent statements.



3.

Additional Attachments

Outreach Documentation

Outreach Summary

Beginning in 2016, the future use of the Park Hill Golf Course property has undergone one of the most robust community input processes in the history of Denver.

The previous owner of the site, Clayton Early Learning, originally conducted an 18-month community outreach process which engaged several hundred community members through community forums and open houses, individual meetings, a survey, and meetings of a Citizens Advisory Committee.

Following our purchase of the property, we have met with the District 8 Council Member Chris Herndon on numerous occasions. We have also communicated with the majority of the remainder of City Council given the significance of this site and its potential to address various City needs and priorities.

Along with outreach to elected officials, we have had met on multiple occasions with RNO's representing both the immediate neighborhood such as the Greater Park Hill Community, Inc., Northeast Park Hill Coalition, Overlook at Park Hill Neighborhood Association, Clayton United, East Denver Residents Council, along with other RNO's across the City.

We also conducted outreach to: NAREB, NAACP, Urban League, all of the businesses along Dahlia, Owner of Park Hill 4000 and Park Hill Station, Colorado Coalition for the Homeless (Renaissance North Colorado Station), Urban land Conservancy, Prodigy Coffee and multiple neighborhood churches and Mosques.

Additionally, we have also had dozens of individual conversations with our neighbors to ensure this rezoning proposal reflects their vision for the neighborhood.

Combined with our outreach as the applicant, we have also participated in the City's year-long community-driven planning process for the property.

This process included: 1,302 completed mail surveys (from residents within one-mile of the property), 1,388 online surveys, 300 Open House attendees, 100 Community Workshop attendees, 18 Community Talks (small groups of 8-12 people), 101 individual conversations, 8 Community Steering Committee Meetings.

Overall, our community outreach, as well as the outreach conducted by Clayton Early Learning and the City & County of Denver have all lead to shared conclusions which are directly reflected in our rezoning proposal.

The community has consistently shown strong support for development on this site which can address neighborhood needs such as affordable housing, healthy food and shopping options. The community has also demonstrated support for parks and open space on the site instead of a water-intensive, privately-owned golf course.

To best reflect the results of our own community outreach in conjunction with the over six years of cumulative outreach, we have shaped this rezoning proposal to balance the neighborhood's support for a mix of development, as well as parks and open space.

Individual Authorization to Sign

**UNANIMOUS WRITTEN CONSENT OF THE MEMBERS
OF
ACM PARK HILL JV VII LLC**

The undersigned, being all of the members (the “**Members**”) of ACM Park Hill JV VII LLC, a Delaware limited liability company (the “**Company**”), hereby adopt the following resolutions by unanimous written consent as of August 2, 2022:

WHEREAS, the Company owns the Property (as defined in the Limited Liability Company Agreement of the Company dated July 11, 2019, as amended) and the Members desire to rezone the Property (the “**Rezoning**”) substantially in conformance with that certain Park Hill Golf Course Zone Map Amendment Application dated August 3, 2022 (the “**Rezoning Application**”);

WHEREAS, the Members desire to authorize, approve and ratify the Rezoning, including the execution and delivery of the Rezoning Application and all documents required to accomplish the Rezoning, all as more fully set forth herein.

NOW, THEREFORE, BE IT RESOLVED, that the Members of the Company hereby authorize, approve and ratify in all respects the Rezoning and all acts heretofore done and all Company acts required in the future to accomplish the Rezoning;

FURTHER RESOLVED, that the Members of the Company hereby authorize and direct Andrew R. Klein (solely with respect to the matters set forth herein, the “**Authorized Signatory**”) to perform all acts and execute and deliver, on behalf of the Company from time to time as necessary, all documents required to accomplish the Rezoning, including without limitation the Rezoning Application, and such execution and delivery by the Authorized Signatory shall evidence and be the binding acts and deeds of the Company; and

FURTHER RESOLVED, that any number of counterparts hereof may be executed, each of which shall for all purposes be deemed an original and all of which shall constitute the same document.

[SIGNATURE PAGE FOLLOWS]

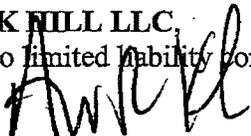
IN WITNESS WHEREOF, the undersigned, being all of the Members of the Company, have executed this unanimous written consent to be effective as of the date first written above.

MEMBERS:

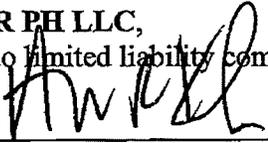
ACM PARK HILL VII-C LLC,
a Delaware limited liability company

By: _____
Name: _____
Its: _____

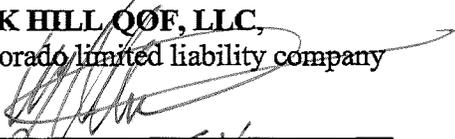
OZ PARK HILL LLC,
a Colorado limited liability company

By: 
Name: Andrew R. Klein
Its: Manager

GOPHER PH LLC,
a Colorado limited liability company

By: 
Name: Andrew R. Klein
Its: Manager

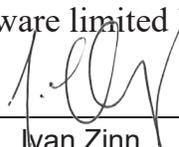
PARK HILL OOF, LLC,
a Colorado limited liability company

By: 
Name: WAYNE F. VADEN
Its: MANAGER

IN WITNESS WHEREOF, the undersigned, being all of the Members of the Company, have executed this unanimous written consent to be effective as of the date first written above.

MEMBERS:

ACM PARK HILL VII-C LLC,
a Delaware limited liability company

By: 
Name: Ivan Zinn
Its: Authorized Signatory

OZ PARK HILL LLC,
a Colorado limited liability company

By: _____
Name: Andrew R. Klein
Its: Manager

GOPHER PH LLC,
a Colorado limited liability company

By: _____
Name: Andrew R. Klein
Its: Manager

PARK HILL QOF, LLC,
a Colorado limited liability company

By: _____
Name: _____
Its: _____

Rezoning Waivers Request Form

Rezoning Waiver(s) and/or Condition(s) Request Form

PROPERTY OWNER/ APPLICANT INFORMATION			
Property Owner/ Applicant Name	ACM Park Hill JV VII LLC / Westside Investment Partners, Inc.		
SUBJECT PROPERTY INFORMATION			
Address of property to be rezoned that waiver is requested	4141 E. 35th Avenue, Denver, CO Note: the proposed waivers will not apply to the entirety of the property at this address. The waivers will apply to certain portions of the site as described in the attached legal descriptions		
Current Zone District:	OS-B		
Requested/Proposed Zone District:	C-MX-5 and G-RX-5		
BACKGROUND AND INSTRUCTIONS			
<p>Section 12.4.10.6 of the Denver Zoning Code (DZC) authorizes the City Council to adopt waivers or reasonable conditions to an Official Map Amendment at the request of the applicant, provided the applicant approves such waivers in writing.</p> <p>In the first column of the table below, list the current code section (as it is today in the DZC) that is requested to be modified in the proposed zone district. In the second column, write the proposed alternative standard. In the third column, list the difference between the existing and proposed, if applicable. In the fourth column, provide justification or reasoning on why the current standard can't be met and a waiver/condition is necessary and justified.</p> <p>If requesting more than one waiver, repeat on the second page. Once completed, submit with your rezoning application or return to your case manager via email.</p> <p>Once the rezoning request with waivers is approved by City Council and adopted, the waivers cited below shall apply to all successors and assigns of the property, who along with the present owner(s), shall be deemed to have waived all objections as to the constitutionality of these provisions.</p>			
WAIVER REQUEST			
Current Standard	Proposed Waiver	Difference between current and proposed standard	Justification
<i>Example: DZC Sec. 3.3.4.5.A Detached accessory dwelling unit - minimum lot size 8,500 sq. ft.</i>	<i>Waive minimum lot size requirement from 8,500 sq ft to 7,000 sq ft for detached accessory unit in the S-SU-D1 zone district</i>	<i>A reduction of 1,500 sq. ft. to the minimum lot size in the S-SU-D1 zone district</i>	<i>There currently is not a zone district that allows for ADU's on parcels smaller than 8,500 sq. ft. in the Suburban Context. The subject parcel is 7,000 sq. ft. in size.</i>
DZC Sec. 7.3. The tallest allowed structures (excluding height exceptions in DZC Sec. 7.3.7) within the C-MX-5 zone district are five stories and 70 feet.	Waive maximum height from five stories and 70 feet to four stories and 55 feet. Height exceptions will retain allowances permitted in the C-MX-5 zone.	A reduction in maximum height from 5 stories to 4 stories and from 70' to 55' in the identified C-MX-5 zone districts.	There currently is not a zone district with a maximum height limit of four stories within the Urban Center neighborhood context. Guidance within the draft Park Hill Golf Course Area Plan indicate a desire for a four story height limit in the areas reflected in this request. This plan guidance reflects community and steering committee feedback.

Last updated: September 21, 2021

201 W. Colfax Ave., Dept. 205

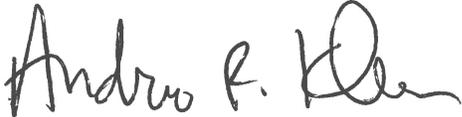
Denver, CO 80202

720-865-2974 • rezoning@denvergov.org

WAIVER REQUEST (CONTINUED, IF APPLICABLE)			
Current Standard	Proposed Waiver	Difference between current and proposed standard	Justification
DZC Sec. 6.3. The tallest allowed structures (excluding height exceptions in DZC Sec. 6.3.7) within the G-RX-5 zone district are five stories and 70 feet.	Waive maximum height (excluding height exceptions in DZC Sec. 6.3.7) from five stories and 70 feet to four stories and 55 feet .	A reduction in maximum height from 5 stories to 4 stories and from 70' to 55' in the identified G-RX-5 zone districts.	There currently is not a zone district with a maximum height limit of four stories within the General Urban neighborhood context. Guidance within the draft Park Hill Golf Course Area Plan indicate a desire for a four story height limit in the areas reflected in this request. This plan guidance reflects community and steering committee feedback.

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 provided and attached to the official map amendment application and that we do hereby request consideration of the following waivers as part of the associated 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 Email	Signature
EXAMPLE John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 sample@sample.gov	
Westside Investment Partners, Inc ACM Park Hill JV VII LLC	4141 E. 35th Avenue, Denver, CO 80207	

Proposed Waivers

Waivers for the properties located at 4141 E 35th Ave.

Per Denver Zoning Code Section 12.4.10.6, Waivers of Rights and Obligations and Approval of Reasonable Conditions, I, the undersigned applicant for the property under application for the rezoning referenced herein, request that the C-MX-5 zoning classification of the land described herein include the following waivers:

1. Waive the right to use or erect any primary structure with a maximum permitted building height of 5 stories pursuant to Sections 7.3.3.3.A (Town House building form), a maximum permitted building height of 5 stories without incentives and 7 stories with incentives pursuant to Section 7.3.3.3.D (General building form) or a maximum permitted building height of 5 stories without incentives and 7 stories with incentives pursuant to Section 7.3.3.3.I (Shopfront building form), DZC and instead comply with the following:

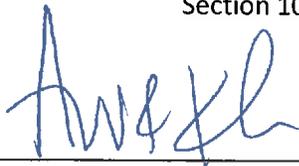
No primary structure erected on the subject property according to the Town House, General or Shopfront primary building form standards shall exceed 4 stories in building height.

Height exceptions shall be allowed in accordance with Section 7.3.7.1 (Height Exceptions) as applicable to the C-MX-5 zone district.

2. Waive the right to use or erect any primary structure with a maximum permitted building height of 70 feet pursuant to Section 7.3.3.3.A (Town House building form), a maximum permitted building height of 70 feet without incentives and 95 feet with incentives pursuant to Section 7.3.3.3.D (General building form) or a maximum permitted building height of 70 feet without incentives and 95 feet with incentives pursuant to Section 7.3.3.3.I (Shopfront building form), DZC and instead comply with the following:

No primary structure erected on the subject property according to the Town House, General or Shopfront primary building form standards shall exceed 55 feet in building height. Height exceptions shall be allowed in accordance with Section 7.3.7.1 (Height Exceptions) as applicable to the C-MX-5 zone district.

3. Waive the right to use maximum height with incentives in stories and feet pursuant to Section 10.12.1 (Height Incentives), DZC.



Andrew R. Klein, Authorized Representative

Waivers for the properties located at 4141 E 35th Ave.

Per Denver Zoning Code Section 12.4.10.6, Waivers of Rights and Obligations and Approval of Reasonable Conditions, I, the undersigned applicant for the property under application for the rezoning referenced herein, request that the G-RX-5 zoning classification of the land described herein include the following waivers:

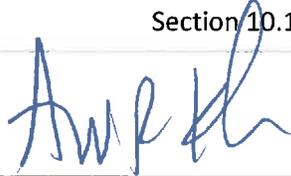
1. Waive the right to use or erect any primary structure with a maximum permitted building height of 5 stories pursuant to Sections 6.3.3.3.F (Town House building form) or a maximum permitted building height of 5 stories without incentives and 7 stories with incentives pursuant to Section 6.3.3.3.K (Shopfront building form), DZC and instead comply with the following:

No primary structure erected on the subject property according to the Town House or Shopfront primary building form standards shall exceed 4 stories in building height. Height exceptions shall be allowed in accordance with Section 6.3.7.1 (Height Exceptions) as applicable to the G-RX-5 zone district.

2. Waive the right to use or erect any primary structure with a maximum permitted building height of 70 feet pursuant to Section 6.3.3.3.F (Town House building form) or a maximum permitted building height of 70 feet without incentives and 95 feet with incentives pursuant to Section 6.3.3.3.K (Shopfront building form), DZC and instead comply with the following:

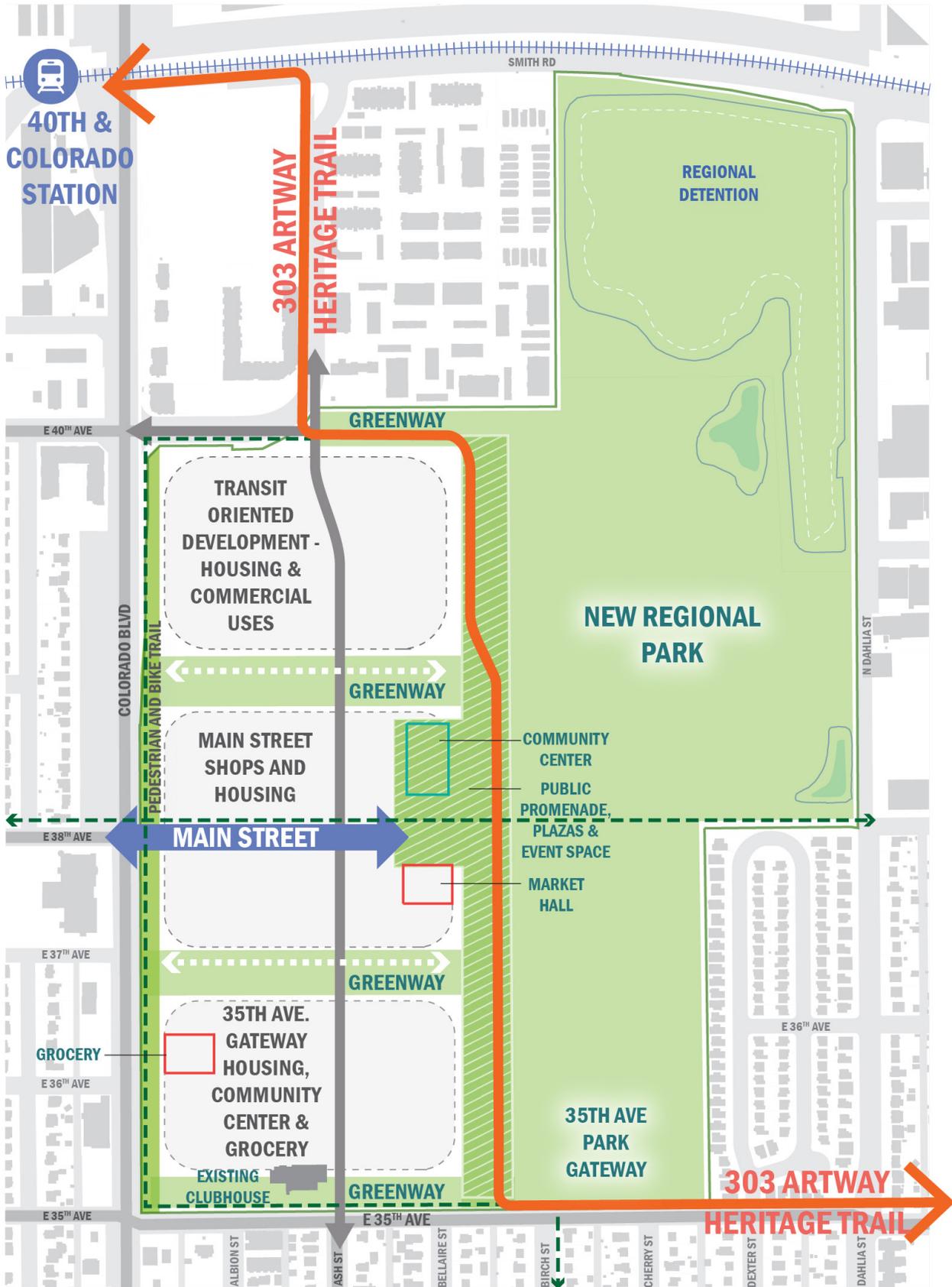
No primary structure erected on the subject property according to the Town House or Shopfront primary building form standards shall exceed 55 feet in building height. Height exceptions shall be allowed in accordance with Section 6.3.7.1 (Height Exceptions) as applicable to the G-RX-5 zone district.

3. Waive the right to use maximum height with incentives in stories and feet pursuant to Section 10.12.1 (Height Incentives), DZC.



Andrew R. Klein, Authorized Representative

Supplemental Information - LDR Parks and Open Space Concept



CONCEPT DIAGRAM

- Property Boundary
- Park Space
- Roadway Connection
- A-Line Train
- 303 Artway Heritage Trail
- Multimodal Corridors
- Landscape Promenade + Gardens + Play



CONCEPT MASTER PLAN - OPEN SPACE

- Parcel Boundaries
- Setbacks
- Property Boundary
- Privately Improved, Publicly Accessible Park & Open Space
- Day 1, 80 Acre Park Donation, Includes 19.1 acre Flood Basin
- Regional Detention 100 Year Flood Basin
- 303 Artway

