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[www.denvergov.org/CPD](http://www.denvergov.org/CPD)

**TO:** Denver City Council  
**FROM:** Scott Robinson, Senior City Planner  
**DATE:** September 14, 2017  
**RE:** Official Zoning Map Amendment Application #2017I-00054

## Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2017I-00054.

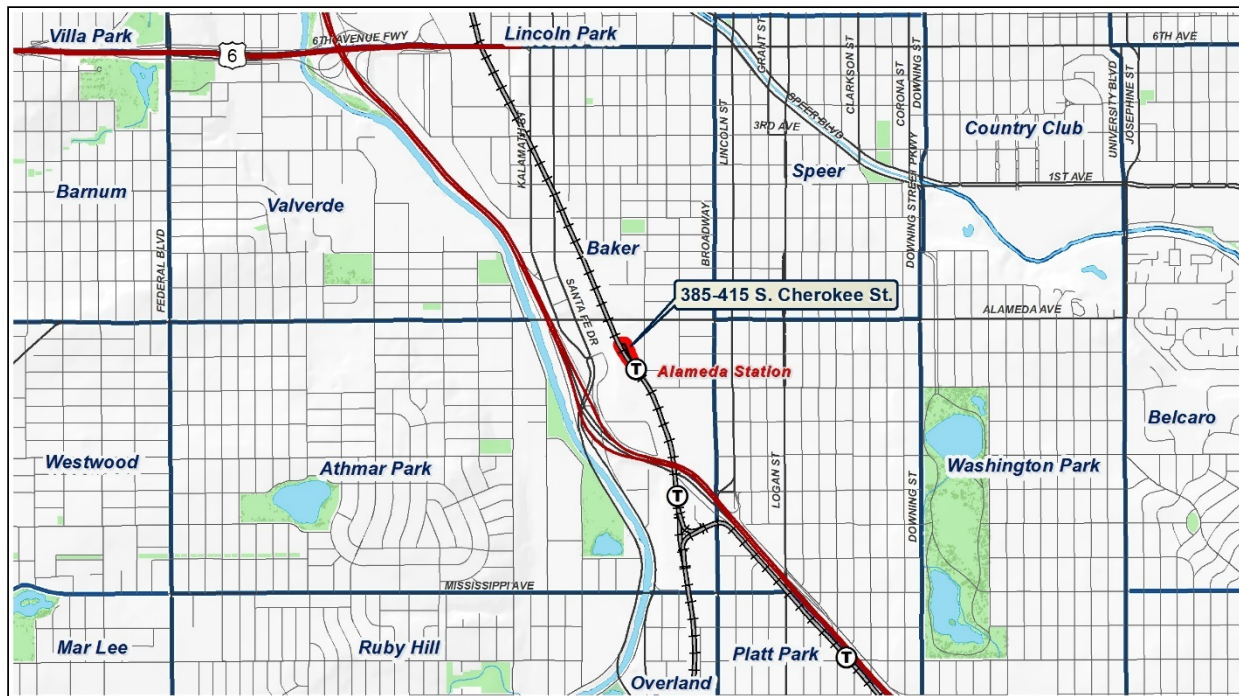
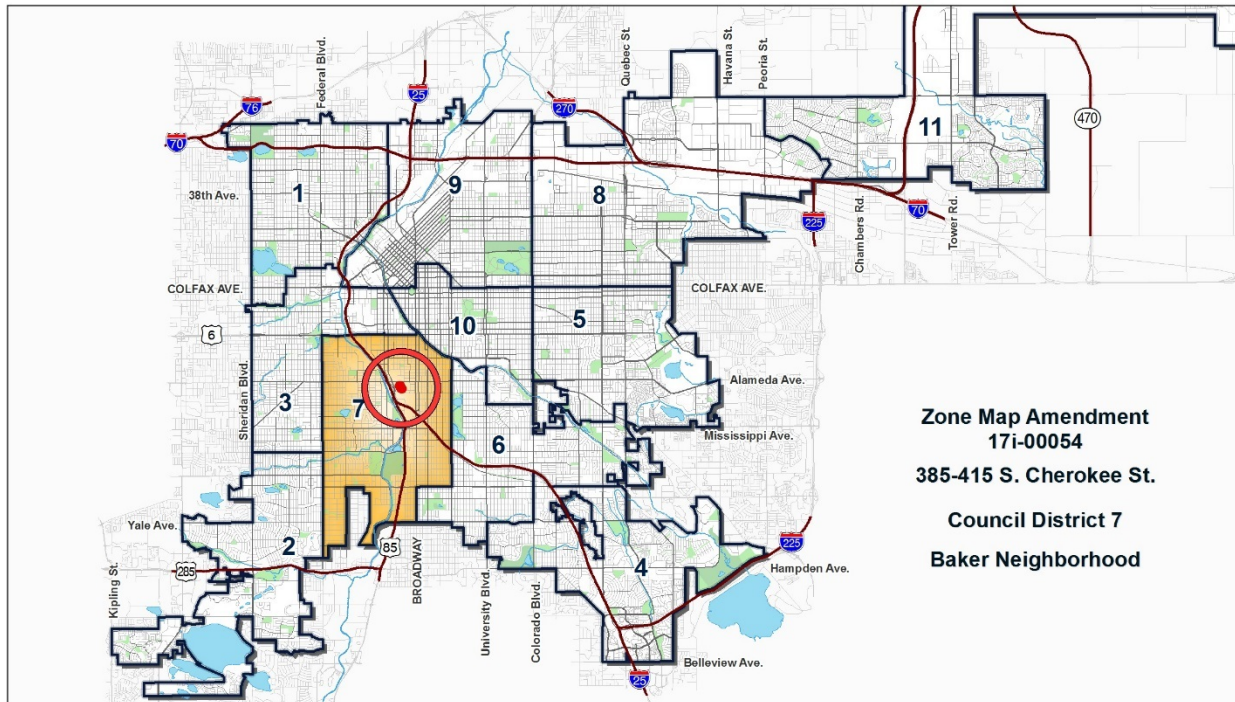
## Request for Rezoning

Address:	385, 395, 405, 415 S Cherokee St.
Neighborhood/Council District:	Baker / Council District 7
RNOs:	Baker Historic Neighborhood Association, Denver Neighborhood Association Inc., Inter-Neighborhood Cooperation
Area of Property:	0.43 acres
Current Zoning:	I-B UO-2
Proposed Zoning:	C-MX-16
Property Owner(s):	Denver Properties I, LLC
Applicant:	Brad Buchanan, Executive Director of CPD

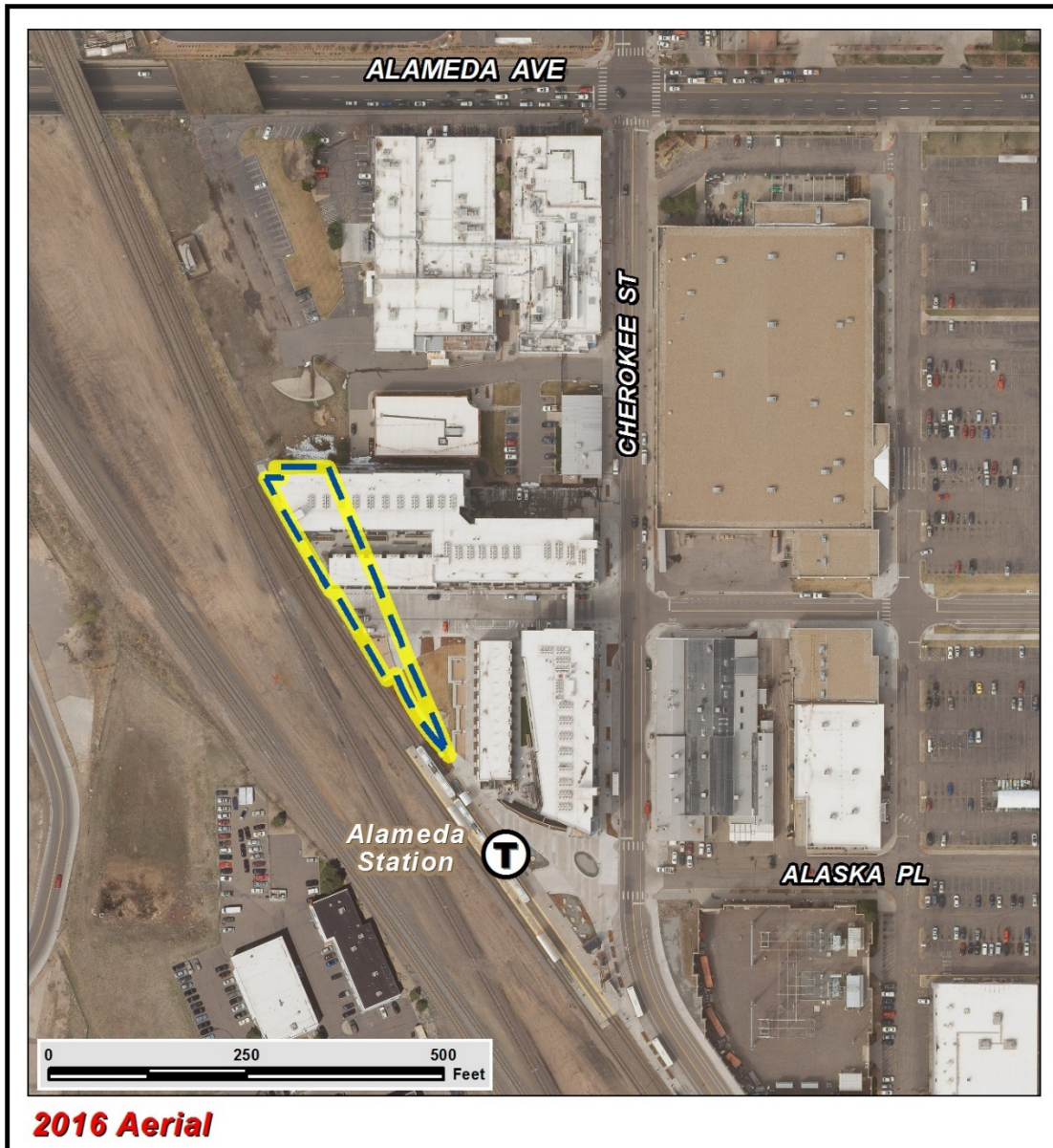
## Summary of Rezoning Request

- The subject property is located at the Alameda RTD station, at the intersection of S. Cherokee St. and W. Dakota Ave.
- The portion of the property to be rezoned is the west side of the Denizen mixed-use development. The Denizen parcel was previously two separate parcels. With the adoption of the Denver Zoning Code in 2010, the eastern parcel, which makes up the majority of the site, was zoned C-MX-16 UO-2 to facilitate redevelopment near the Alameda Station platform, consistent with adopted plans. The western portion was part of the adjacent rail right-of-way and zoned I-B UO-2. When the property was sold to the developer, both portions were included and a site development plan was approved for the combined site. However, the I-B zone district does not allow the uses that are now on the site as part of the completed development. Therefore, Community Planning and Development has initiated this application to bring the zoning into alignment with the existing permitted development.
- The **C-MX-16** (Urban **C**enter, **M**ixed Use, **16** story maximum height) zone district is intended to promote safe, active, and pedestrian-scaled, diverse areas through the use of the general building forms and a wide range of uses. Further details of the zone districts can be found in Article 7 of the Denver Zoning Code (DZC).

- The request includes removing the Billboard Use Overlay, UO-2, on the property.







## Existing Context

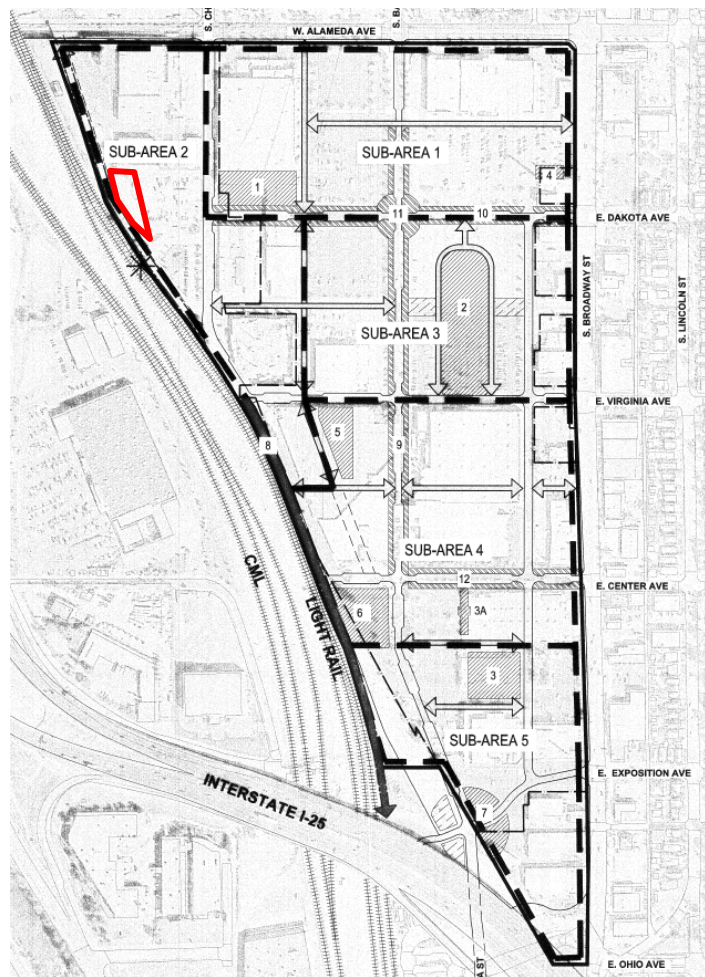
The subject property is in the Baker neighborhood, adjacent to Alameda Station and just west of the Broadway Marketplace shopping center. The area is a mix of commercial and industrial, with the Denizen apartments on the subject property the only residential south of Alameda Ave. in the immediate area. The property is served by multiple light rail and bus lines at Alameda Station. Freight rail shares the corridor with light rail lines to the west of the subject property.

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

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	I-B UO-2	Residential	5-story apartment building, plaza area	Generally regular grid of streets in the shopping center to the east, cut off by the railroad tracks to the west; access to Alameda Ave. and Broadway. Vehicle parking primarily is surface lots.
North	PUD UO-2	Industrial	1-2 story brick/CMU industrial buildings	
South	C-MX-16 UO-2	Transit station	Shelters and plazas for light rail and bus station	
East	C-MX-16 UO-2	Residential, industrial, commercial	5-story mixed-use apartment building, 1-story manufacturing and big-box retail further east	
West	I-B UO-2	Railway	Railroad tracks	

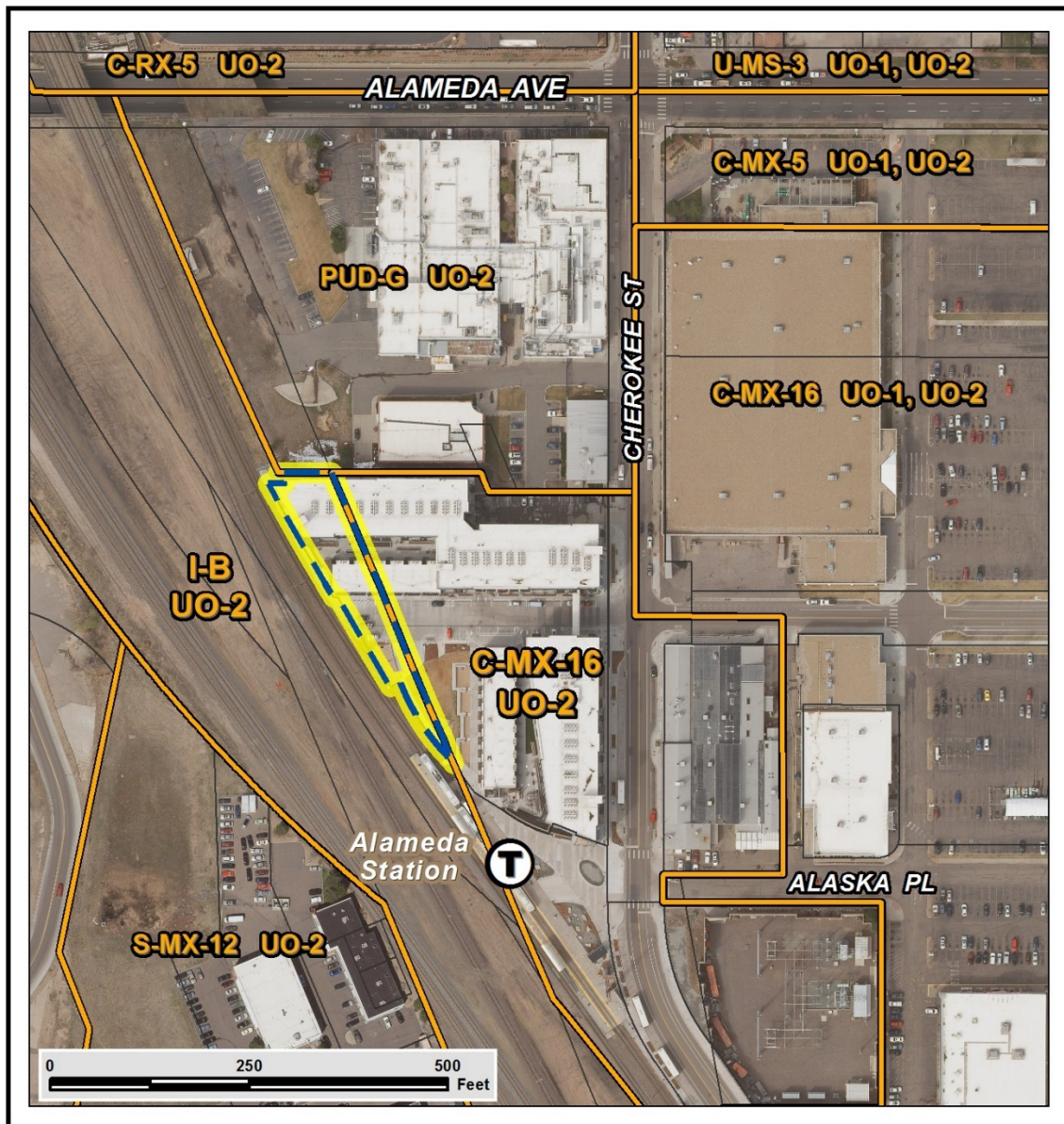
### 1. GDP

The site is located within Sub-area 2 of the Denver Design District General Development Plan (GDP), adopted in 2009. The GDP covers the area generally bounded by Alameda Ave., Broadway, I-25, and the railroad tracks. It was developed in conjunction with the Alameda Station Area Plan and is generally consistent with the land use and infrastructure recommendations of the plan described below. It lays out the locations of streets and open spaces and anticipates approximately 3 million square feet of commercial development and 3,000 residential units. Sub-area 2 calls for a mixed-use node in the station area capitalizing on proximity to the station with high-intensity office space, residential uses, and retail.





## 2. Existing Zoning



The subject property is zoned I-B UO-2. The I-B General Industrial District is defined in Denver Zoning Code (DZC) Section 9.1.2.1.C as “an employment area containing industrial uses that are generally more intensive.” The zone district allows the General and Industrial building forms, with a maximum floor area ratio of 2.0. There is no maximum height defined, and required setbacks range from zero to 20 feet. The range of allowed uses is very broad. The UO-2 use overlay allows billboards on the property, subject to limitations.

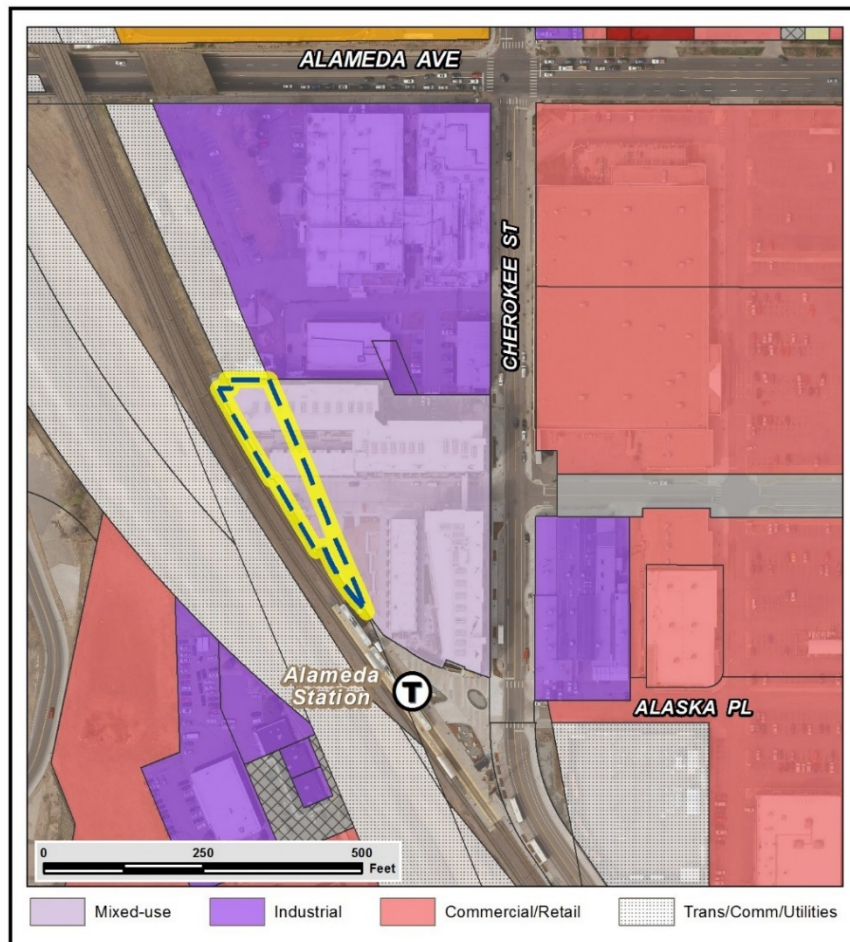
### 3. View Planes

The property is covered by the Washington Park View Plane, which allows a maximum building height of approximately 160 feet on the site.

### 4. Urban Design Standards & Guidelines

The Denver Design District Urban Design Standards and Guidelines, adopted in 2008, apply to development on this site. The document is concerned with site design, building design, signs, landscaping, and streetscape. The standards and guidelines apply to the area within the Denver Design District GDP and are intended to “create quality streetscapes and open spaces, integrating higher density in a way that respects the character of adjacent Areas of Stability, balancing automobile uses with the needs of pedestrians and other modes of transit, and combing mixed uses to create a safe, vital community.” The standards and guidelines are enforced by Community Planning and Development through the development review process. They will apply to this property regardless of whether this rezoning application is approved.

### 5. Existing Land Use Map





## 6. Existing Building Form and Scale



**Site – from Alameda Station**



**Northwest – from subject site**



**Southeast – from Alaska Place, looking west**

## Summary of City Agency Referral Comments

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

**Asset Management:** Approved – No comments.

**Public Works – City Surveyor:** Approved – The description describes the westerly portion of the property owned by Denver Properties I, LLC and is coincident with the most westerly boundary of the entire parcel.

**Development Services – Project Coordination:** Approved – No comments.

## Public Review Process

	<b>Date</b>
CPD informational notice of receipt of the rezoning application to all affected members of City Council and registered neighborhood organizations:	5/4/17
Property legally posted for a period of 15 days and CPD written notice of the Planning Board public hearing sent to all affected members of City Council and registered neighborhood organizations:	7/3/17
Planning Board voted 9-0 at the public hearing to recommend approval to City Council	7/19/17
CPD written notice of the Land Use, Transportation and Infrastructure Committee meeting sent to all affected members of City Council and registered neighborhood organizations, at least ten working days before the meeting:	7/24/17
Land Use, Transportation and Infrastructure Committee of the City Council review:	8/8/17
Property legally posted for a period of 21 days and CPD written notice of the City Council public hearing sent to all affected members of City Council and registered neighborhood organizations:	8/28/17



City Council Public Hearing:	9/18/17
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- Summary of Other Public Outreach and Input
  - **Registered Neighborhood Organizations (RNOs)**
    - To date, no comment letters have been received from Registered Neighborhood Organizations.
  - **Other Public Comment**
    - To date, no other comment letters have been received.

## Criteria for Review / Staff Evaluation

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

### **DZC Section 12.4.10.7**

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

### **DZC Section 12.4.10.8**

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

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

The following adopted plans apply to this property:

- Denver Comprehensive Plan 2000
- Blueprint Denver (2002)
- Baker Neighborhood Plan (2003)
- Alameda Station Area Plan (2009)
- Denver Design District General Development Plan (2009)

### **Denver Comprehensive Plan 2000**

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

- Environmental Sustainability Strategy 2-F – *Conserve land by promoting infill development with Denver at sites where services and infrastructure are already in place; designing mixed use communities and reducing sprawl so that residents can live, work and play within their own neighborhoods; creating more density at transit nodes.*
- Land Use Strategy 3-B – *Encourage quality infill development that is consistent with the character of the surrounding neighborhood; that offers opportunities for increased density and more amenities; and that broadens the variety of compatible uses.*
- Land Use Strategy 4-A – *Encourage mixed-use, transit-oriented development that makes effective use of existing transportation infrastructure, supports transit stations, increases transit patronage, reduces impact on the environment, and encourages vibrant urban centers and neighborhoods.*

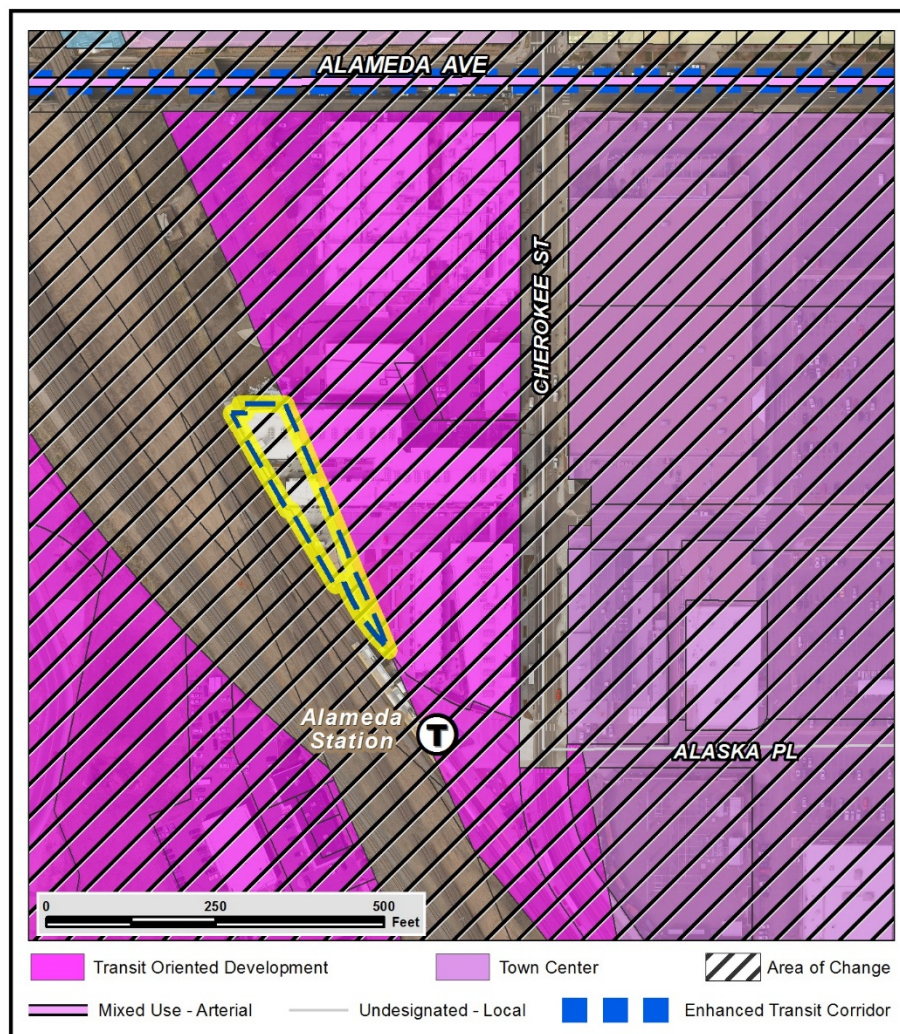
- Mobility Strategy 3-B – *Promote transit-oriented development (TOD) as an urban design framework for urban centers and development areas. Development at transit stations should provide both higher ridership to the transit system and viability and walkability in the area.*
- Mobility Strategy 4-E – *Continue to promote mixed-use development, which enables people to live near work, retail and services.*

The proposed map amendment would enable the continued operation of the mixed-use development at the Alameda transit station where services and infrastructure are already in place. The C-MX-16 zone district would allow high-intensity development immediately adjacent to a transit station served by light rail and bus. The rezoning is consistent with these plan recommendations.

### Blueprint Denver

According to the 2002 Plan Map adopted in Blueprint Denver, this site has a concept land use of Right-of-way and is located in an Area of Change.

### Future Land Use





The Right-of-way land use designation is not defined in Blueprint Denver and no plan direction is provided. However, the plan says “the boundaries of the building blocks are not fixed – some areas are in a state of transition” (p. 38). Because this area is no longer part of the rail right-of-way, staff has determined it should be included in the adjacent Transit Oriented Development future land use designation. The plan direction for the Transit Oriented Development future land use includes “a balanced mix of uses (residential, retail, office, entertainment, public facilities, and others); compact mid- to high-density development” (p. 44). The C-MX-16 zone district would allow the continued use of the existing mid-density mixed-use development, and any future redevelopment would be of a similar nature, in conformance with the plan direction.

#### **Area of Change / Area of Stability**

As noted, the site is in an Area of Change. In general, “The goal for Areas of Change is to channel growth where it will be beneficial and can best improve access to jobs, housing and services with fewer and shorter auto trips” (p. 127). The rezoning application is consistent with the Blueprint Denver Area of Change recommendations. The property has already been redeveloped from industrial to mixed-use, providing housing, jobs, and services at the transit station. The proposed rezoning would reflect this change.

#### **Street Classifications**

Blueprint Denver classifies Cherokee Street as an Undesignated Local Street, which Blueprint Denver says is “influenced less by traffic volumes and tailored more to providing local access. Mobility on local streets is typically incidental and involves relatively short trips at lower speeds to and from other streets.” The proposed zoning is justified by the proximity to the Alameda transit station instead of the street classification. In addition, Cherokee Street and Dakota Avenue serve as connections to Alameda Avenue and Broadway, both of which are Mixed-Use Arterials, emphasizing mobility and a variety of travel choices.

In summary, the proposed map amendment to C-MX-16 would enable growth in an area that Blueprint Denver identifies as appropriate for change and mixed-use around the transit station.

#### **Baker Neighborhood Plan**

The Baker Neighborhood Plan was adopted by City Council in 2003, and applies to the subject property. The plan includes framework recommendations that apply throughout the planning area and specific recommendations that apply in smaller subareas.

Among the framework goals, the Baker Neighborhood Plan recommends “encouraging a mixture of uses that assure the availability of neighborhood services and amenities that reinforce the role, identity, and needs of the neighborhood, as appropriate to the subarea” (p. 25) and continuing “Denver’s physical character, including mixed-use development, parks and parkways, tree-lined streets, detached sidewalks, interconnected street networks, and convenient access to parks, open space, and transit” (p. 26). The proposed C-MX-16 zone district would allow the existing uses on the property to continue, maintaining the neighborhood’s mix of uses in a form appropriate for a location adjacent to transit.

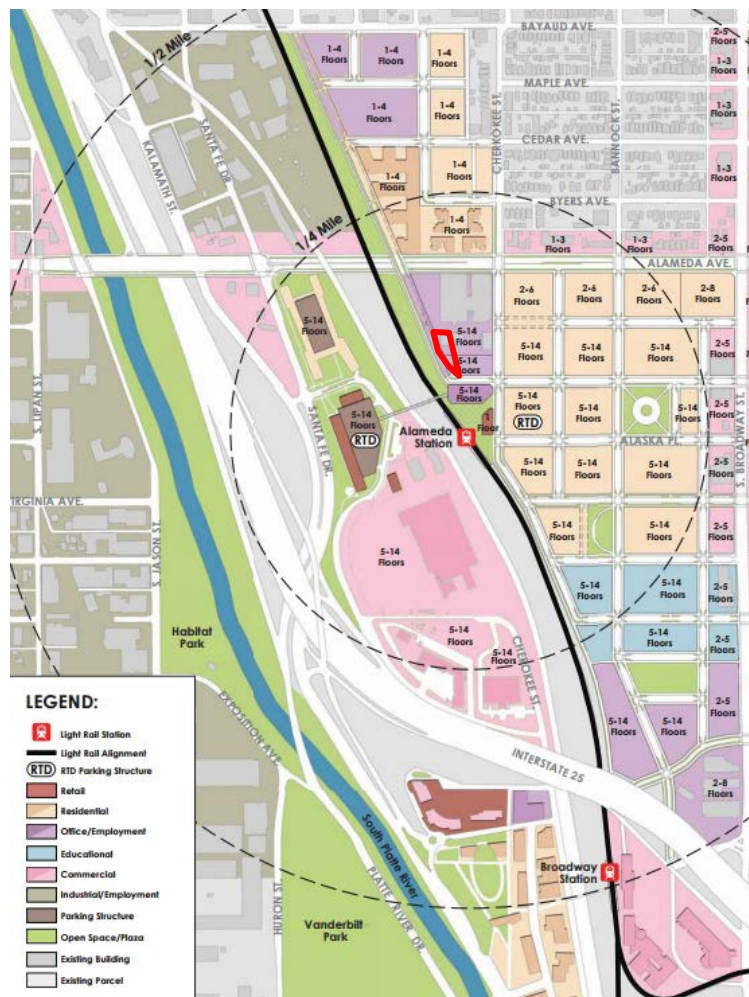
The subject property is in the Transit-Oriented Development subarea. For this subarea, the plan calls for “high-density housing, a mixture of neighborhood and destination retail, an office and employment center that is served by light rail, strong bicycle and pedestrian connections, and adequate parking” (p. 66) and “mixed uses, including a mix of housing, commercial uses, neighborhood centers, shared parking opportunities, and the integration of different land uses within the subarea and within buildings” (p. 67). The plan also recommends building heights of four to 12 stories. The proposed C-MX-16 zoning would allow a high-intensity mix of uses, consistent with the plan recommendations. While the 16 stories allowed in the zone district exceed the recommended height of 12 stories, more recently adopted plans provide better building height guidance that supersedes this recommendation (see below). Further, development on the site is limited to a maximum height of about 160 feet by the Washington Park View Plane.

### Alameda Station Area Plan

The Alameda Station Area Plan was adopted in 2009 and applies to the subject property. It states “the Alameda Station Area Plan provides specific recommendations for the planning area that, in case of conflict, supersede general recommendations from existing plans” (p. 52).

The plan includes a Land Use Concept map, which identifies the desired predominant land uses in the station area. The map does not include parcel lines, so it is difficult to determine the exact designation for the subject property, but it appears to include two land uses: Office/Employment and Open Space/Plaza. The recommendations for Office/Employment include to “increase the amount of offices in the station area to create an employment center and diversify business types” and that “directly at the Alameda Station platform is also a location for office uses” (p. 12). The plan also recommends five to 14 story buildings.

The Open Space/Plaza recommendations include “a gathering place for transit riders that provides information about the public transportation system” and that “the specific design and placement of open space is part of a detailed evaluation process” (p. 14). A plaza and open space corridor and trail have already





been constructed at the Alameda Station platform and along the western edge of this site under the Alameda Station Plaza Site Development Plan. These open spaces meet the plan goals. The proposed C-MX-16 zone district allows a mix of uses, including office and retail, as recommended by the plan. Again, the allowed height exceeds the plan recommendation of 14 stories, but as mentioned above, development on the site is limited to a height of approximately 160 feet by a view plane. The proposed C-MX-16 zone district is consistent with the recommendations of the Alameda Station Area Plan and the other relevant plans for the property.

### **Denver Design District General Development Plan**

The Denver Design District GDP was adopted in 2009 and developed in conjunction with the Alameda Station Area Plan. It is generally consistent with the land use and infrastructure recommendations of the Station Area Plan. The site is located within Sub-area 2 of the GDP, which calls for a mixed-use node in the station area capitalizing on proximity to the station with high-intensity office space, residential uses, and retail. The proposed rezoning will allow these uses and intensities, so it is consistent with the GDP.

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

The proposed rezoning to C-MX-16 will result in the uniform application of zone district building form, use and design regulations.

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

The proposed official map amendment furthers the public health, safety, and general welfare of the City primarily through implementation of the city's adopted land use plan. By aligning the zoning with the existing development, the C-MX-16 zone district would allow easier continued use of the existing structure, which would likely encourage further investment in the maintenance and upkeep of the building, advancing the health, safety, and welfare of the building's owners and occupants and the surrounding community.

## **4. Justifying Circumstance**

The rezoning is justified under DZC Section 12.4.10.8.A.4, "The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area." The property has redeveloped, from part of a rail yard to a mixed-use building. The existing zoning is no longer appropriate for the site, and it is in the public interest to match the zoning on the subject site to the zoning for the rest of the property, recognizing the changed character.

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

The requested C-MX-16 zone district is within the Urban Center Neighborhood Context. The neighborhood context generally consists of multi-unit residential and mixed-use commercial strips and commercial centers (DZC, Division 7.1). The property has already redeveloped in a form consistent with

the Urban Center context, and any future redevelopment would also be consistent. The proposed rezoning to C-MX-16 is consistent with the neighborhood context description.

According to the zone district intent stated in the Denver Zoning Code, the C-MX-16 district “applies to areas or intersections served primarily by major arterial streets where a building scale of 3 to 16 stories is desired” (DZC Section 7.2.2.2.E). The street adjacent to this site is a local street, but the property is immediately adjacent to a transit station served by light rail and bus. It is also a few blocks from two major arterial streets: Broadway and Alameda Avenue. Given the proximity to transit and major arterials, the proposed rezoning will achieve the intent of the C-MX-16 zone district.

## Attachments

1. Application



## Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name		Representative Name	
Address		Address	
City, State, Zip		City, State, Zip	
Telephone		Telephone	
Email		Email	
<p><b>*If More Than One Property Owner:</b>            All standard zone map amendment applications shall be initiated by all the owners of at least 51% of the total area of the zone lots subject to the rezoning application, or their representatives authorized in writing to do so. See page 3.</p>		<p><b>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</b></p>	
<p>Please attach Proof of Ownership acceptable to the Manager for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed or deed of trust, or (c) Title policy or commitment dated no earlier than 60 days prior to application date.</p> <p>If the owner is a corporate entity, proof of authorization for an individual to sign on behalf of the organization is required. This can include board resolutions authorizing the signer, bylaws, a Statement of Authority, or other legal documents as approved by the City Attorney's Office.</p>			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):			
Assessor's Parcel Numbers:			
Area in Acres or Square Feet:			
Current Zone District(s):			
PROPOSAL			
Proposed Zone District:			

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

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

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

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed or deed of trust, (C) title policy or commitment, or (D) other as approved	Has the owner authorized a representative in writing? (YES/NO)
<b>EXAMPLE</b> John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/01/12	(A)	YES
<b>Application initiated by the CPD Executive Director. No owner authorization required per DZC Section 12.4.10.4.A.2.a"</b>						



EXHIBIT A  
SHEET 1 OF 2

LAND DESCRIPTION

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF BLOCK 53, FIRST ADDITION TO THE BYERS SUBDIVISION; THENCE ALONG THE EASTERLY LINE OF SAID BLOCK 53 AND A PORTION OF BLOCK 54, BEING THE WESTERLY LINE OF SOUTH CHEROKEE STREET,  $S00^{\circ}09'12''W$  A DISTANCE OF 460.69 FEET;  
THENCE ALONG A LINE BEING 135.00 FEET SOUTHERLY OF AND PARALLEL WITH THE NORTHERLY LINE OF SAID BLOCK 54,  $N89^{\circ}49'51''W$  A DISTANCE OF 116.41 FEET;  
THENCE ALONG THE SOUTHERLY AND WESTERLY LINE OF A PARCEL OF LAND DESCRIBED IN RECEPTION NO. 2004137125 FILED AT DENVER COUNTY CLERK AND RECORDERS OFFICE THE FOLLOWING TWO (2) CONSECUTIVE COURSES;  
1.)  $N89^{\circ}49'51''W$  A DISTANCE OF 32.50 FEET;  
2.) THENCE  $N22^{\circ}25'56''W$  A DISTANCE OF 29.19 FEET;  
THENCE  $N89^{\circ}49'51''W$  A DISTANCE OF 190.69 FEET TO A POINT ON THE WESTERLY LINE OF SAID BLOCK 54 SAID POINT BEING THE POINT OF BEGINNING;  
THENCE ALONG THE WESTERLY LINE OF SAID FIRST ADDITION TO THE BYERS SUBDIVISION,  $S22^{\circ}49'16''E$  A DISTANCE OF 387.30 FEET;  
THENCE 112.55 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 275.00 FEET, A CENTRAL ANGLE OF  $23^{\circ}27'01''$  AND A CHORD WHICH BEARS  $N32^{\circ}07'37''W$  A DISTANCE OF 111.77 FEET;  
THENCE  $S60^{\circ}11'57''W$  A DISTANCE OF 13.91 FEET;  
THENCE  $N29^{\circ}48'03''W$  A DISTANCE OF 128.99 FEET;  
THENCE  $N89^{\circ}51'04''W$  A DISTANCE OF 4.91 FEET;  
THENCE 164.26 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 2264.06 FEET, A CENTRAL ANGLE OF  $04^{\circ}09'25''$  AND A CHORD WHICH BEARS  $N29^{\circ}17'30''W$  A DISTANCE OF 164.23 FEET;  
THENCE  $S89^{\circ}49'51''E$  A DISTANCE OF 19.56 FEET;  
THENCE  $N00^{\circ}10'09''E$  A DISTANCE OF 14.28 FEET;  
THENCE  $S89^{\circ}49'51''E$  A DISTANCE OF 51.05 FEET TO THE POINT OF BEGINNING.

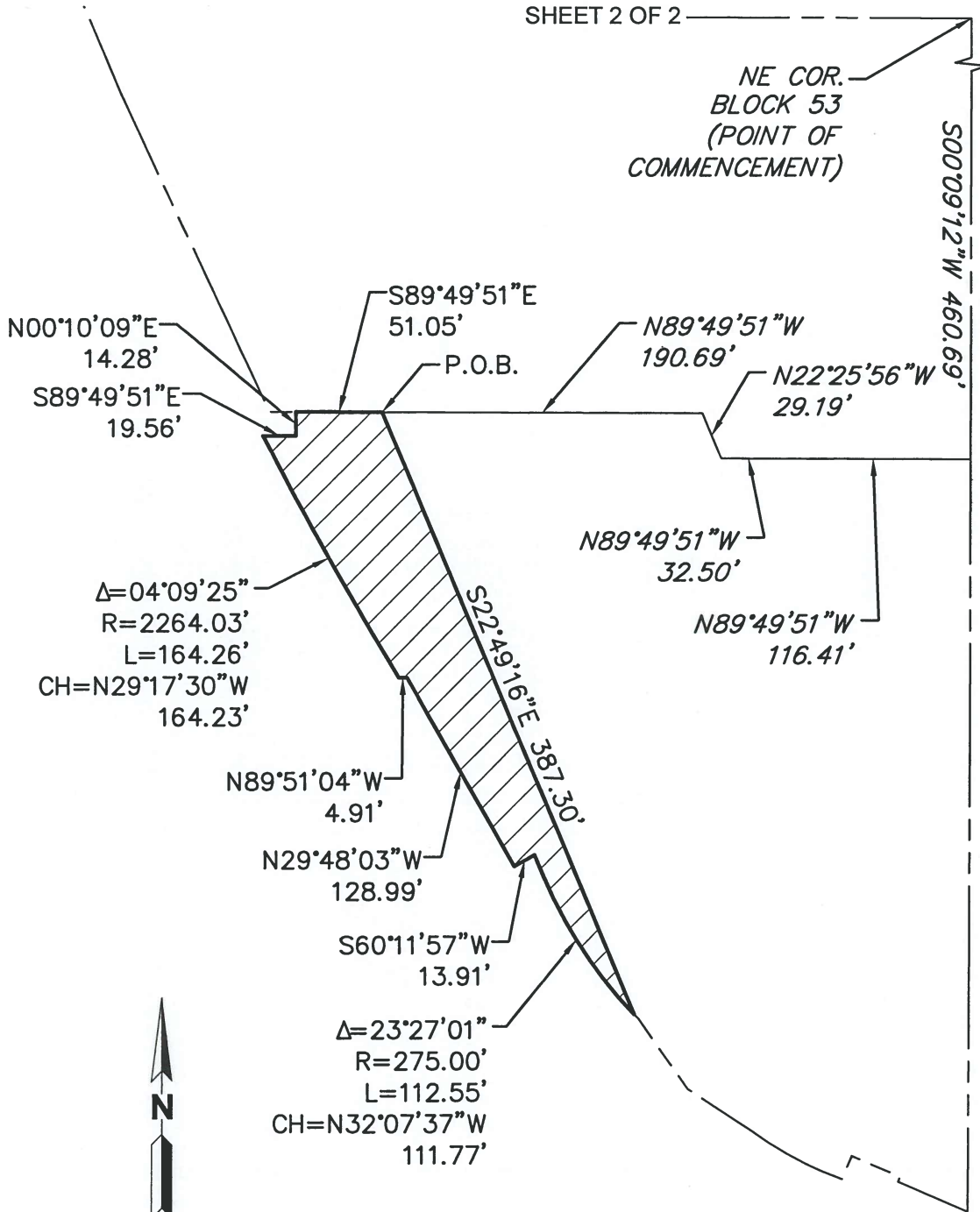
BASIS OF BEARINGS

BEARINGS ARE BASED ON AN ASSUMED BEARING OF  $N00^{\circ}45'32''W$  ALONG THE EASTERLY LINE OF THE NORTHWEST QUARTER OF SECTION 15, BEING MONUMENTED BY A FOUND STONE IN RANGE BOX AT THE NORTH QUARTER CORNER AND A FOUND STONE IN RANGE BOX AT THE CENTER QUARTER CORNER.

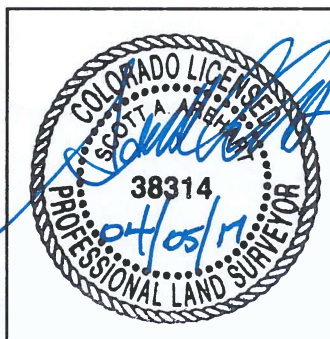
PREPARED BY SCOTT A. AREHART, PLS  
FOR AND ON BEHALF OF  
MARTIN/MARTIN, INC.  
12499 WEST COLFAX AVENUE  
LAKEWOOD, COLORADO 80215  
APRIL 05, 2017  
303-431-6100



EXHIBIT A  
 ZONE LOT  
 SHEET 2 OF 2



SCALE: 1"=100'  
 ALL DIMENSIONS ARE  
 U.S. SURVEY FEET



APRIL 05, 2017

**MARTIN/MARTIN**  
 CONSULTING ENGINEERS

12499 WEST COLFAX AVENUE, LAKEWOOD, COLORADO 80215  
 MAIN 303.431.6100 MARTINMARTIN.COM

THIS EXHIBIT DOES NOT REPRESENT A  
 MONUMENTED LAND SURVEY. IT IS ONLY  
 TO DEPICT THE ATTACHED DESCRIPTION.

## **385, 395, 405, 415 Cherokee Rezoning Request**

The request is to rezone the west portion of the Denizen development from I-B UO-2 to C-MX-16, to match the majority of the development. The present parcel was previously two separate parcels. With the adoption of the Denver Zoning Code in 2010, the eastern parcel, which makes up the majority of the site, was zoned C-MX-16 UO-2 to facilitate redevelopment near the Alameda Station platform, consistent with adopted plans. The western portion was part of the adjacent rail right-of-way and zoned I-B UO-2. When the property was sold to the developer, both portions were included and a development plan was approved for the combined site. However, the I-B zone district does not allow the uses that are now on the site as part of the completed development. Therefore, a rezoning is needed to bring the zoning into alignment with the existing permitted development.

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

### **DZC Section 12.4.10.7**

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

### **DZC Section 12.4.10.8**

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

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

The following adopted plans apply to this property:

- Denver Comprehensive Plan 2000
- Blueprint Denver (2002)
- Baker Neighborhood Plan (2003)
- Alameda Station Area Plan (2009)
- Denver Design District General Development Plan (2009)

### **Denver Comprehensive Plan 2000**

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

- Environmental Sustainability Strategy 2-F – *Conserve land by promoting infill development with Denver at sites where services and infrastructure are already in place; designing mixed use communities and reducing sprawl so that residents can live, work and play within their own neighborhoods; creating more density at transit nodes.*
- Land Use Strategy 3-B – *Encourage quality infill development that is consistent with the character of the surrounding neighborhood; that offers opportunities for increased density and more amenities; and that broadens the variety of compatible uses.*
- Land Use Strategy 4-A – *Encourage mixed-use, transit-oriented development that makes effective use of existing transportation infrastructure, supports transit stations, increases transit patronage, reduces impact on the environment, and encourages vibrant urban centers and neighborhoods.*



- Mobility Strategy 3-B – *Promote transit-oriented development (TOD) as an urban design framework for urban centers and development areas. Development at transit stations should provide both higher ridership to the transit system and viability and walkability in the area.*
- Mobility Strategy 4-E – *Continue to promote mixed-use development, which enables people to live near work, retail and services.*

The proposed map amendment will enable the continued operation of the mixed-use development at the Alameda transit station where services and infrastructure are already in place. The C-MX-16 zone district will allow high-intensity development immediately adjacent to a transit station served by light rail and bus. The rezoning is consistent with these plan recommendations.

### **Blueprint Denver**

According to the 2002 Plan Map adopted in Blueprint Denver, this site has a concept land use of Right-of-way and is located in an Area of Change.

#### **Future Land Use**

The Right-of-way land use designation is not defined in Blueprint Denver and no plan direction is provided. However, the plan says “the boundaries of the building blocks are not fixed – some areas are in a state of transition” (p. 38). Because this area is no longer part of the rail right-of-way it should be included in the adjacent Transit Oriented Development future land use designation. The plan direction for the Transit Oriented Development future land use includes “a balanced mix of uses (residential, retail, office, entertainment, public facilities, and others); compact mid- to high-density development” (p. 44). The C-MX-16 zone district will allow the continued use of the existing mid-density mixed-use development, and any future redevelopment would be of a similar nature, in conformance with the plan direction.

#### **Area of Change / Area of Stability**

As noted, the site is in an Area of Change. In general, “The goal for Areas of Change is to channel growth where it will be beneficial and can best improve access to jobs, housing and services with fewer and shorter auto trips” (p. 127). The rezoning application is consistent with the Blueprint Denver Area of Change recommendations. The property has already been redeveloped from industrial to mixed-use, providing housing, jobs, and services at the transit station. The proposed rezoning will reflect this change.

#### **Street Classifications**

Blueprint Denver classifies Cherokee Street as an Undesignated Local Street, which Blueprint Denver says is “influenced less by traffic volumes and tailored more to providing local access. Mobility on local streets is typically incidental and involves relatively short trips at lower speeds to and from other streets.” The proposed zoning is justified by the proximity to the Alameda transit station instead of the street classification. In addition, Cherokee Street and Dakota Avenue serve as connections to Alameda Avenue and Broadway, both of which are Mixed-Use Arterials, emphasizing mobility and a variety of travel choices.

In summary, the proposed map amendment to C-MX-16 will enable growth in an area that Blueprint Denver identifies as appropriate for change and mixed-use around the transit station.

### **Baker Neighborhood Plan**

The Baker Neighborhood Plan was adopted by City Council in 2003, and applies to the subject property. The plan includes framework recommendations that apply throughout the planning area and specific recommendations that apply in smaller subareas.

Among the framework goals, the Baker Neighborhood Plan recommends “encouraging a mixture of uses that assure the availability of neighborhood services and amenities that reinforce the role, identity, and needs of the neighborhood, as appropriate to the subarea” (p. 25) and continuing “Denver’s physical character, including mixed-use development, parks and parkways, tree-lined streets, detached sidewalks, interconnected street networks, and convenient access to parks, open space, and transit” (p. 26). The proposed C-MX-16 zone district would allow the existing uses on the property to continue, maintaining the neighborhood’s mix of uses in a form appropriate for a location adjacent to transit.

The subject property is in the Transit-Oriented Development subarea. For this subarea, the plan calls for “high-density housing, a mixture of neighborhood and destination retail, an office and employment center that is served by light rail, strong bicycle and pedestrian connections, and adequate parking” (p. 66) and “mixed uses, including a mix of housing, commercial uses, neighborhood centers, shared parking opportunities, and the integration of different land uses within the subarea and within buildings” (p. 67). The plan also recommends building heights of four to 12 stories. The proposed C-MX-16 zoning would allow a high-intensity mix of uses, consistent with the plan recommendations. While the 16 stories allowed in the zone district exceed the recommended height of 12 stories, more recently adopted plans provide better building height guidance that supersedes this recommendation (see below). Further, development on the site is limited to a maximum height of about 160 feet by the Washington Park View Plane.

### **Alameda Station Area Plan**

The Alameda Station Area Plan was adopted in 2009 and applies to the subject property. It states “the Alameda Station Area Plan provides specific recommendations for the planning area that, in case of conflict, supersede general recommendations from existing plans” (p. 52).

The plan includes a Land Use Concept map, which identifies the desired predominant land uses in the station area. The map does not include parcel lines, so it is difficult to determine the exact designation for the subject property, but it appears to include two land uses: Office/Employment and Open Space/Plaza. The recommendations for Office/Employment include to “increase the amount of offices in the station area to create an employment center and diversify business types” and that “directly at the Alameda Station platform is also a location for office uses” (p. 12). The plan also recommends five to 14 story buildings.

The Open Space/Plaza recommendations include “a gathering place for transit riders that provides information about the public transportation system” and that “the specific design and placement of open space is part of a detailed evaluation process” (p. 14). A plaza and open space corridor and trail have already been constructed at the Alameda Station platform and along the western edge of this site under the Alameda Station Plaza Site Development Plan. These open spaces meet the plan goals, so the subject property should be evaluated against the Office/Employment recommendations. The proposed C-MX-16 zone district allows a mix of uses, including office and retail, as recommended by the plan. Again, the allowed height exceeds the plan recommendation of 14 stories, but as mentioned above, development on the site is limited to a height of approximately 160 feet by a view plane. The proposed

C-MX-16 zone district is consistent with the recommendations of the Alameda Station Area Plan and the other relevant plans for the property.

### **Denver Design District General Development Plan (GDP)**

The site is located within Sub-area 2 of the Denver Design District GDP. The GDP was developed in conjunction with the Alameda Station Area Plan and is generally consistent with the land use and infrastructure recommendations of the plan. Sub-area 2 calls for a mixed-use node in the station area capitalizing on proximity to the station with high-intensity office space, residential uses, and retail. The proposed rezoning will allow these uses and intensities, so it is consistent with the GDP.

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

The proposed rezoning to C-MX-16 will result in the uniform application of zone district building form, use and design regulations.

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

The proposed official map amendment furthers the public health, safety, and general welfare of the City primarily through implementation of the city's adopted land use plan. By aligning the zoning with the existing development, the C-MX-16 zone district would allow easier continued use of the existing structure, which would likely encourage further investment in the maintenance and upkeep of the building, advancing the health, safety, and welfare of the building's owners and occupants and the surrounding community.

## **4. Justifying Circumstance**

The rezoning is justified under DZC Section 12.4.10.8.A.4, "The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area." The property has redeveloped, from part of a rail yard to a mixed-use building. The existing zoning is no longer appropriate for the site, and it is in the public interest to match the zoning on the subject site to the zoning for the rest of the property, recognizing the changed character.

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

The requested C-MX-16 zone district is within the Urban Center Neighborhood Context. The neighborhood context generally consists of multi-unit residential and mixed-use commercial strips and commercial centers (DZC, Division 7.1). The property has already redeveloped in a form consistent with the Urban Center context, and any future redevelopment would also be consistent. The proposed rezoning to C-MX-16 is consistent with the neighborhood context description.

According to the zone district intent stated in the Denver Zoning Code, the C-MX-16 district "applies to areas or intersections served primarily by major arterial streets where a building scale of 3 to 16 stories is desired" (DZC Section 7.2.2.2.E). The street adjacent to this site a local street, but the property is immediately adjacent to a transit station served by light rail and bus. It is also a few blocks from two major arterial streets: Broadway and Alameda Avenue. Given the proximity to transit and major arterials, the proposed rezoning will achieve the intent of the C-MX-16 zone district.





## Real Property Records

Date last updated: Wednesday, May 3, 2017

[Real Property Records Search](#)

If you have a question about the value, ownership, or characteristics of this property, or any other property in Denver, please call the Assessor at 720-913-4162.

[Link to real property information for this property](#)

[Link to comparable sales information for this property](#)

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[Link to map/historic district listing for this Property](#)

**The property description shown is data from the Assessor's active, in-progress 2016 file. The "current year" values are from the 2016 tax year for real property tax due in 2017. These values are based on the property's physical status as of January 1, 2016.**

## PROPERTY INFORMATION

Property Type: COMMERCIAL - MIX USE

Parcel: 0515304007000

Name and Address Information

Legal Description

DENVER PROPERTIES I LLC

T4S R68W PT NW/4 SEC 15 DAF

COM NW COR SEC 15 TH SE

1318.69FT TO POB TH S 445.78FT

NW 45.17FT NE 2.97FT NW

31.51FT SW 14.8FT C/R 61.16FT

\*

DENVER, CO 80209-4077

Property Address: 395 S CHEROKEE ST

Tax District 305D

## Assessment Information

	Actual	Assessed	Exempt	Taxable
Current Year				
Land	7520000	557840		
Improvements	54607800	3947960		
Total	62127800	4505800	0	4505800
Prior Year				
Land	4073300	332790		
Improvements	48924000	3912740		
Total	52997300	4245530	0	4245530

Style: Other

Reception No.: 2014046009

Year Built: 2015

Recording Date: 04/23/14

Building Sqr. Foot: 713

Document Type: BS

Bedrooms:

Sale Price:

Baths Full/Half: 0/0

Mill Levy: 96.547

Basement/Finished: 0/0

Lot Size: 125,333

[Click here for current zoning](#)

Zoning Used for Valuation: CMX

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

 [Print](#)