



## Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR FEE PAYMENT***		<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR FEE PAYMENT***	
Property Owner Name	Steele Street Holdings, LLC	Representative Name	Broe Real Estate - Marc Savela
Address	252 Clayton St. #400	Address	252 Clayton St. #400
City, State, Zip	Denver, CO 80206	City, State, Zip	Denver, CO 80206
Telephone	303.398.4575	Telephone	303.398.4575
Email	rcorsentino@broerealestate.com	Email	msavela@broerealestate.com
*All standard zone map amendment applications must be initiated by owners (or authorized representatives) of at least 51% of the total area of the zone lots subject to the rezoning. See page 4.		**Property owner shall provide a written letter authorizing the representative to act on his/her behalf. ***If contact for fee payment is other than above, please provide contact name and contact information on an attachment.	
SUBJECT PROPERTY INFORMATION			
Location (address):	50 S. Steele Street Denver, CO 80209		
Assessor's Parcel Numbers:	05125-09-009-000		
Area in Acres or Square Feet:	62,625		
Current Zone District(s):	CMX - 8		
PROPOSAL			
Proposed Zone District:	CMX - 12		
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 type="checkbox"/> Yes - State the contact name & meeting date _____ <input checked="" 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>5.11.21 - CM Hinds</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"/> <b>Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan.</b></p> <p>Please provide a review criteria narrative attachment describing <b>how</b> the requested zone district is consistent with the policies and recommendations found in <b>each</b> of the adopted plans below. Each plan should have its own subsection.</p> <p><b>1. Denver Comprehensive Plan 2040</b></p> <p>In this section of the attachment, describe <b>how</b> the proposed map amendment is consistent with <i>Denver Comprehensive Plan 2040's</i> a) equity goals, b) climate goals, and c) any other applicable goals/strategies.</p> <p><b>2. Blueprint Denver</b></p> <p>In this section of the attachment, describe <b>how</b> the proposed map amendment is consistent with: a) the neighborhood context, b) the future place type, c) the growth strategy, d) adjacent street types, e) plan policies and strategies, and f) equity concepts contained in <i>Blueprint Denver</i>.</p> <p><b>3. Neighborhood/ Small Area Plan and Other Plans (List all from pre-application meeting, if applicable):</b></p> <p><u>Cherry Creek Area Plan</u></p>
<p>General Review Criteria: DZC Sec. 12.4.10.7. B &amp; 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"/> <b>Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.</b></p> <p><input checked="" type="checkbox"/> <b>Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</b></p> <p>In the review criteria narrative attachment, please provide an additional section describing <b>how</b> the requested rezoning furthers the public health, safety and general welfare of the City.</p>
<p>Review Criteria for Non-Legislative Rezoning: DZC Sec. 12.4.10.8</p> <p>For Justifying Circumstances, check box and include a section in the review criteria narrative attachment.</p> <p>For Neighborhood Context, Purpose and Intent, check box and include a section in the review criteria narrative attachment.</p>	<p><b>Justifying Circumstances - One of the following circumstances exists:</b></p> <p><input type="checkbox"/> The existing zoning of the land was the result of an error;</p> <p><input type="checkbox"/> The existing zoning of the land was based on a mistake of fact;</p> <p><input type="checkbox"/> The existing zoning of the land failed to take into account the constraints of development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage;</p> <p><input 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"/> <b>The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.</b></p> <p>In the review criteria narrative attachment, please provide a separate section describing <b>how</b> the rezoning aligns with a) the proposed district neighborhood context description, b) the general purpose statement, and c) the specific intent statement found in the Denver Zoning Code.</p>

Last updated: February 16, 2021

Return completed form and attachments to [rezoning@denvergov.org](mailto:rezoning@denvergov.org)

201 W. Colfax Ave., Dept. 205

Denver, CO 80202

720-865-2974 • [rezoning@denvergov.org](mailto:rezoning@denvergov.org)



## 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.



**REZONING GUIDE**

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

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

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed, (C) title policy or commitment, or (D) other as approved	Has the owner authorized a representative in writing? (YES/NO)
<b>EXAMPLE</b> John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/12/20	(A)	YES
Steele Street Holdings, LTD	252 Clayton St #400 Denver, CO 80206	100%	 <small>Douglas H. Wells (May 28, 2021 10:41 AM)</small>		D	

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## BACKGROUND

Broe Real Estate Group, an affiliate of the Denver-based Broe Group, seeks to rezone 50 S. Steele Street from C-MX-8 to C-MX-12 as envisioned in the Cherry Creek Area Plan (2012) and Denver’s Comprehensive Plan and Blueprint Denver (2019). To maximize the project’s long-term value to the community, neighborhood outreach to neighborhood associations and surrounding property owners commenced in 2019-2020 and after a brief pandemic-related hiatus, work with the community started back up in early 2021 and will continue throughout the rezoning application process. The community outreach and dialogue continue to shape the project’s development concept and details. Enhancements to the surrounding streetscape and pedestrian network are just a few notable examples of stakeholder-driven feedback to strengthen the development’s impact the fabric of the neighborhood. Additionally, the project is working with the City’s Office of Housing Stability (HOST) to consider including a voluntary affordable housing agreement before the project goes before Planning Board and City Council.



## PROPOSED MAP AMENDMENT SUMMARY

The proposed Map Amendment seeks to rezone 50 S. Steele Street from C-MX-8 to C-MX-12.

As per Section 12.4.10.7 of the Denver Zoning Code, which authorizes Denver City Council to approve an official map amendment if the proposed rezoning meets certain criteria, Broe Real Estate Group is applying for this rezoning based upon consistency with those criteria as listed below:

1. Consistency with Adopted Plans

*“The proposed official map amendment is consistent with the City’s adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of the adoption of the City’s plan.”*

2. 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.”*

3. Public Health, Safety, and Welfare

*“The proposed official map amendment furthers the public health, safety and general welfare of the City.”*

Additionally, as per Section 12.4.10.8 of the Denver Zoning Code, the City Council may approve an official map amendment if the City Council finds the application meets additional review criteria. Broe Real Estate Group is applying for this rezoning based upon consistency with the additional review listed below:

A. Justifying Circumstances

1. The existing zoning of the land was the result of an error;
2. The existing zoning of the land was based on a mistake of fact;
3. The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land;
- 4. Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include:**
  - a) Changed or changing conditions in a particular area, or in the city generally; or,
  - b) A City adopted plan;** or,
  - c) That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.
5. It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations

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

*The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed zone district.*

For the reasons set forth in Exhibit A, the proposed rezoning is consistent with all the review criteria, which the remainder of the application will explain in detail.

## EXHIBIT A: REVIEW CRITERIA

### 12.4.10.7 General Review Criteria Applicable to All Zone Map Amendments

#### *Consistency with Adopted Plans and Proposed Plans*

The proposed map amendment is consistent with the City's adopted and proposed plans, which are listed and outlined below:

- 1. Denver Comprehensive Plan 2040**
- 2. Blueprint Denver (2019)**
- 3. Cherry Creek Area Plan (2012)**

#### 1. Denver Comprehensive Plan 2040

The proposed rezoning of the site from C-MX-8 to C-MX-12 is consistent with the Denver Comprehensive Plan 2040.

The *italicized text* signals an excerpt from the Plan. The language that follows is used to detail how the proposed map amendment is consistent with the goals of the Plan.

#### **Key goals and strategies of the Comprehensive Plan 2040 include:**

- *"Increase development of housing units close to transit and mixed-use developments." Denver Comprehensive Plan 2040, page 28*
- *"Create a greater mix of housing options in every neighborhood for all individuals and families." Denver Comprehensive Plan 2040, page 28*
- *"Build a network of well connected, vibrant, mixed-use centers and corridors." Denver Comprehensive Plan 2040, page 34*
- *"Encourage quality infill development that is consistent with the surrounding neighborhood and offers opportunities for increased amenities." Denver Comprehensive Plan 2040, page 34*
- *"Use urban design to contribute to economic viability, public health, safety, environmental well-being, neighborhood culture, and quality of life." Denver Comprehensive Plan 2040, page 34*
- *Urban Center: "A high mix of uses throughout the area, with multi-unit residential typically in multi-story, mixed-use building forms." Denver Comprehensive Plan 2040, page 37*
- *"Ensure a broad range of jobs to align with the skills and interests of local residents." Denver Comprehensive Plan 2040, page 46*
- *"Promote infill development where infrastructure and services are already in place." Denver Comprehensive Plan 2040, page 54*
- *"Encourage mixed-use communities where residents can live, work and play in their own neighborhoods." Denver Comprehensive Plan 2040, page 54*
- *"Demonstrate the benefits of compact, mixed-use development for the region." Denver Comprehensive Plan 2040, page 64*
- *"Direct significant growth to regional centers and community centers and corridors with strong transit connections." Denver Comprehensive Plan 2040, page 64*

Denver's Comprehensive Plan 2040 lends significant support for the proposed rezoning which would allow residents to live, work and play in their own neighborhoods through the creation of a mixed-use community. In general, the 2040 plan calls for an increase in growth and quality mixed-use development in regional centers, which the proposed rezoning would allow.



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As the Cherry Creek neighborhood already has strong infrastructure and services in place, the Plan supports quality infill development that is consistent with the surrounding neighborhood and offers opportunities for increased amenities. In all, the Denver Comprehensive Plan 2040 provides strong support for increased density and mixed-use development on this site through the C-MX-12 zoning which has been proposed.

### 2. Blueprint Denver (2019)

The proposed rezoning of the site is consistent with Blueprint Denver (2019).

The *italicized text* signals an excerpt from Blueprint. The language that follows is used to detail how the proposed map amendment is consistent with the goals of Blueprint.

#### Overarching Plan Goals

- *Focus higher intensity growth in walkable mixed-use centers and along transit priority streets.*
- *Ensure all Denver residents have safe, convenient and affordable access to basic services and a variety of amenities.*
- *Develop safe, high-quality mobility options that prioritize walking, rolling, biking and transit and connect people of all ages and abilities to their daily needs.*
- *Support a welcoming business environment and the growth of employment centers around the city to promote work and educational opportunities for all residents.*
- *Foster great urban design and the creation of authentic places that thoughtfully integrate streets, public spaces and private property.” Blueprint Denver, pages 22-23.*
- *Increase the development of affordable housing and mixed-income housing, particularly in areas near transit, services and amenities.*
- *Capture 80 percent of new housing growth in regional centers, community centers and corridors, high-intensity residential areas, greenfield residential areas, innovation flex districts and university campus districts. Blueprint Denver, pages 85-85*

The overarching plan goals laid out in Blueprint Denver are firmly in line with the proposed C-MX-12 zoning, particularly by focusing higher intensity growth in a key Urban Center - the walkable Cherry Creek neighborhood - along a transit priority street that serves a significant existing mixed-use development. The proposed rezoning would ensure Denver residents of all ages and abilities in this neighborhood have access to basic services and a variety of amenities. Overall, the proposed rezoning falls firmly within the overarching goals of Blueprint Denver.

#### Neighborhood Context

The proposed rezoning site is in the “Urban Center” neighborhood context.

- *“Urban center neighborhoods are dense and vibrant areas that support residents and visitors. This context contains high intensity residential and significant employment areas. Development typically contains a high mix of uses, with good street activation and connectivity. Residents living in this context are well served by high-capacity transit and have access to ample amenities and entertainment options.” Blueprint Denver, page 251.*
- *“Urban center areas are easily navigated and accessible due to predictable street grids, well-connected sidewalk networks, and strong connections to rail service and the transit priority street network. These areas offer good walkability and access to amenities. Parking is predominately managed on-street, with off-street demand met with parking garages.” Blueprint Denver, page 251.*

## Map Amendment: 50 S. Steele Street

- *“This context contains high intensity residential and significant employment areas. Development typically contains a substantial mix of uses, with good street activation and connectivity.” Blueprint Denver, page 252.*
- *“A high mix of uses throughout the urban center context. Even the residential areas are highly mixed use, often with high-intensity multi-unit residential in mixed-use buildings.” Blueprint Denver, page 252.*
- *“The urban center neighborhoods are the most intense areas of the city outside of downtown.” Blueprint Denver, page 255.*

As Blueprint Denver clearly states, Urban Center neighborhoods are the most intense areas of the city outside of downtown, where Denver’s tallest buildings are found. Given this context, C-MX-12 zoning is appropriate for this site to support the plan’s charge for urban center neighborhoods to contain a substantial mix of uses and high intensity residential and significant employment areas. The Plan repeatedly calls for a high mix of uses in urban centers and C-MX-12 zoning would allow for Blueprint’s recommendations to be realized. It is clear that the Urban Center context fully supports a rezoning to C-MX-12.

## Future Places/Growth Strategy

The site’s future place designation is a “Regional Center,” which is designated on the Growth Strategy map as a place designated to receive 50% of the new jobs and 30% of the new households in Denver by 2040.

- *“The core of the approach is guiding growth to vibrant, mixed-use regional centers, including downtown Denver.” Blueprint Denver, page 48*
- *“Use zoning and land use regulations to encourage higher-density, mixed-use development in transit-rich areas including: Regional centers and community centers.” Blueprint Denver, page 72.*
- *“In regional centers, urban center community centers and urban center community corridors, study and implement requirements or incentives for density. An example of a tool to implement this could include establishing minimum building heights.” Blueprint Denver, page 72.*
- *“New housing will occur throughout Denver, with a particular emphasis on regional centers, community centers and corridors, and downtown and urban center high and high-medium intensity residential areas.” Blueprint Denver, page 86.*
- *“Encourage and preserve opportunity for office development within regional centers by allowing high density employment. Study and implement requirements and/or incentives for high density development in regional centers including vacant and underutilized land in downtown.” Blueprint Denver, page 90.*
- *“The scale of a place will help to the intensity of uses. For example, regional centers are large in scale and offer the greatest intensity.” Blueprint Denver, page 133.*
- *“Contains a high mix of uses— providing a dynamic environment of living, dining, entertainment and shopping, while incorporating a diverse set of employment options. Wide customer draw with a 24/7 live, work and play environment attractive to locals and visitors. Larger scale mixed-use buildings are common. Structures should respond in form and mass to the streets and public spaces around them. High degree of urbanism with continuous building frontages to define the public realm. Heights are generally the tallest in the context and transition gradually within the center to the surrounding residential areas.” Blueprint Denver, page 256.*

The future places and growth strategy designations from Blueprint Denver strongly support the proposed rezoning to C-MX-12. As part of a designated Regional Center, the Plan repeatedly calls for higher-density, mixed-use development on this site, including both commercial and residential uses.

In fact, Blueprint even calls for incentives to entice added density in Regional Centers, something which is not needed in this situation as the proposed rezoning would provide that added density to the site.

## Regional



Contains a high mix of uses— providing a dynamic environment of living, dining, entertainment and shopping, while incorporating a diverse set of employment options. Wide customer draw with a 24/7 live, work and play environment attractive to locals and visitors. Larger scale mixed-use buildings are common. Structures should respond in form and mass to the streets and public spaces around them. High degree of urbanism with continuous building frontages to define the public realm. Heights are generally the tallest in the context and transition gradually within the center to the surrounding residential areas.

## Regional Center



From a growth strategy perspective, this area of Denver is designated to take on a portion of 50% of the new jobs and 30% of the new households in Denver by 2040. Achieving these substantial goals will require the appropriate rezoning of sites – including this site – in certain areas as designated by the Plan. C-MX-12 zoning would allow for the potential increases in the future amount of jobs and households on this site.

Additionally, the Regional Center designated is specifically noted in the Plan as being large in scale with the capability to offer the greatest intensity. While the proposed rezoning is appropriate given the existing building scale and zoning of adjacent properties, Blueprint also demonstrates that twelve story scale and the resulting intensity is generally appropriate for this site.

The future place and growth strategy designations are extremely clear in their support for both the mix of uses and the scale which a C-MX-12 zoning would provide the community and City.

### Equity and affordable housing

The project is planning to work with HOST on a voluntary affordable housing agreement, which will address numerous sections of Blueprint Denver in terms of expanding housing diversity, furthering the City's goals around equity and inclusivity.

### Street Types

The proposed rezoning site is located on a "Mixed-Use Arterial" street type.

- *"Arterial streets are designed for the highest amount of through movement and the lowest degree of property access." Blueprint Denver, page 154*
- *"The stand alone arterial, collector and local system does not acknowledge how the surrounding character might affect the street's design or operation. For example, an arterial street in a residential part of the city functions differently from an arterial street that is surrounding by pedestrian-oriented retail." Blueprint Denver, page 154*
- *"Varied mix of uses including retail, office, residential and restaurants. Buildings are pedestrian-oriented, typically multi-story, usually with high building coverage with a shallow front setback. A street wall is present, but may vary." Blueprint Denver, page 159.*

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C-MX-12 zoning is consistent with the Mixed-Use-Arterial street type which the site sits upon as it is specifically noted for its capability to support a varied mixed of uses contemplated in such rezonings. The rezoning would allow for the pedestrian-friendly, typically multi-story buildings generally found on this street type.

The proposed rezoning site is also located along a Transit Priority Street with a Future Modal Priority of “High capacity transit corridor”, as noted on page 179 of Blueprint Denver. The site’s location along a transit priority street fits with other Plan goals for locating higher intensity zoning and land uses on or located near transit priority streets.

### 3. Cherry Creek Area Plan (2012)

The proposed rezoning of the site is firmly consistent with the Plan.

- *“Continued introduction of office space, retail, and residential units will enhance the mixed-use nature of the neighborhood and reinforce the plan vision. As in most mixed-use districts throughout the country, the desire to maintain the character of Cherry Creek must be balanced with the thoughtful redevelopment of underutilized properties.” Cherry Creek Area Plan, page 27.*
- *“Acknowledge that to remain prosperous, Cherry Creek must continue to grow and change. In order for this growth to occur in a way that reinforces the quality of life for Cherry Creek residents, the bulk of this growth should occur in these areas rather than stable neighborhoods.” Cherry Creek Area Plan, page 29.*
- *“Areas of Change which are not adjacent to the higher intensity locational criteria are appropriate for mid-rise buildings to accommodate continued growth. General locations include the Shopping District and 1st Avenue (east of Steele), and some existing mixed use areas within Cherry Creek North Residential and Cherry Creek East.” Cherry Creek Area Plan, page 32.*
- *“Encourage mid-rise buildings to promote reinvestment and to help transition development intensity and buffer stable residential areas from higher intensity locations.” Cherry Creek Area Plan, page 32.*
- *“Orient taller mid-rise buildings along multi-modal corridors, existing or planned high intensity nodes, and adjacent to public open space not identified for higher intensity.” Cherry Creek Area Plan, page 32.*
- *“Continued reinvestment. The Cherry Creek Area has seen significant redevelopment over the past decade. This continued development and evolution has reinforced Cherry Creek’s unique identity in the region as a regional retail center and exciting mixed-use community. The next generation of development within Cherry Creek must enhance the established prosperity, attractiveness and desirability of the area for residents, businesses, shoppers, and visitors.” Cherry Creek Area Plan, page 44.*
- *“Importance of residential development. Cherry Creek’s continued success depends on attracting more people to the area and having more people live within walking distance of the business and retail destinations. These factors contribute greatly to sustaining the area’s economic and community vitality. Improving the design quality while expanding the diversity of housing types assures that the area will attract a range of households and families thereby enhancing the attractiveness of the area to people of all ages.” Cherry Creek Area Plan, page 44.*
- *“D.1.B MORE HOUSING. Residential uses contribute significantly to the vitality of the area. While Cherry Creek North and East continue to experience infill development, the greatest potential for new residential is as a part of mixed-use development in the Shopping District and on vacant parcels in the Cherry Creek Triangle. All of this housing will continue to reinforce the range of housing types already found in the Cherry Creek Area—single family, duplexes, row houses, and condo and apartment towers. Where appropriate, this housing will include retail, office or hotel uses to further the mixed-use character of the area. The area has proven to be very attractive to residential development, so plan recommendations focus on enhancing amenities and removing public policy impediments.” Cherry Creek Area Plan, page 46.*
- *“Steele St. between 1st and Bayaud serves as the front door to Cherry Creek East.” Cherry Creek Area Plan, page 57.*

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- *“Continue to support a mix of uses in the Regional Center (see Future Land Use Map on page 63) including office, retail, commercial, multifamily residential and hotels. Support compact development patterns and an enhanced public realm including landscaping, wayfinding signage, pedestrian lighting, public art and inviting building entries.” Cherry Creek Area Plan, page 58.*
- *“Maximum building heights in the Shopping District should range from 4 to 12 stories, per the Maximum Building Heights Map (page 63).” Cherry Creek Area Plan, page 58.*
- *“Build on success. Continue to develop vacant and underutilized parcels with mid—and high—rise mixed-use buildings that complement Cherry Creek East and the Shopping District on. Quality development is encouraged through the existing zoning and design standards and guidelines. The design quality of development at 1st and Steele is particularly important.” Cherry Creek Area Plan, page 61.*
- *“Improve pedestrian friendly character of Steele Street. As redevelopment occurs, new buildings should enhance the streetscape and promote improved pedestrian amenities.” Cherry Creek Area Plan, page 61.*
- *“Regional Center. Continue to support a mix of uses including office, retail, commercial, multifamily residential and hotels. Support compact development patterns and an enhanced public realm including landscaping, wayfinding signage, pedestrian lighting, public art and inviting building entries.” Cherry Creek Area Plan, page 72.*

As a designated Area of Change in the Cherry Creek Area Plan (2012), the site is given a specific consideration for continued growth and change per the Plan recommendations on on page 29:

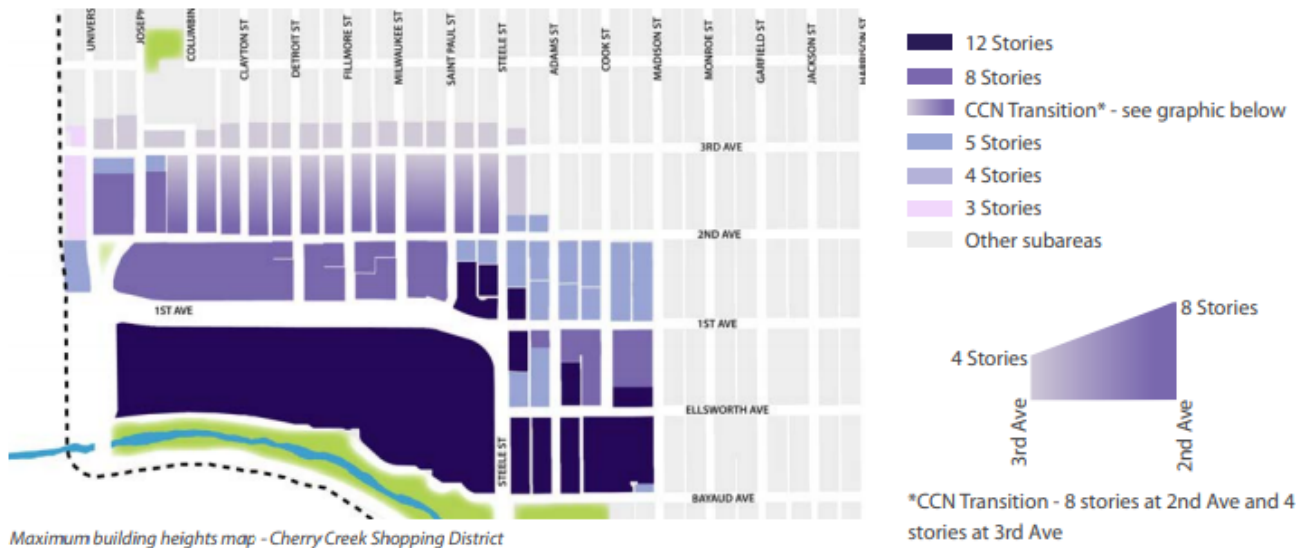
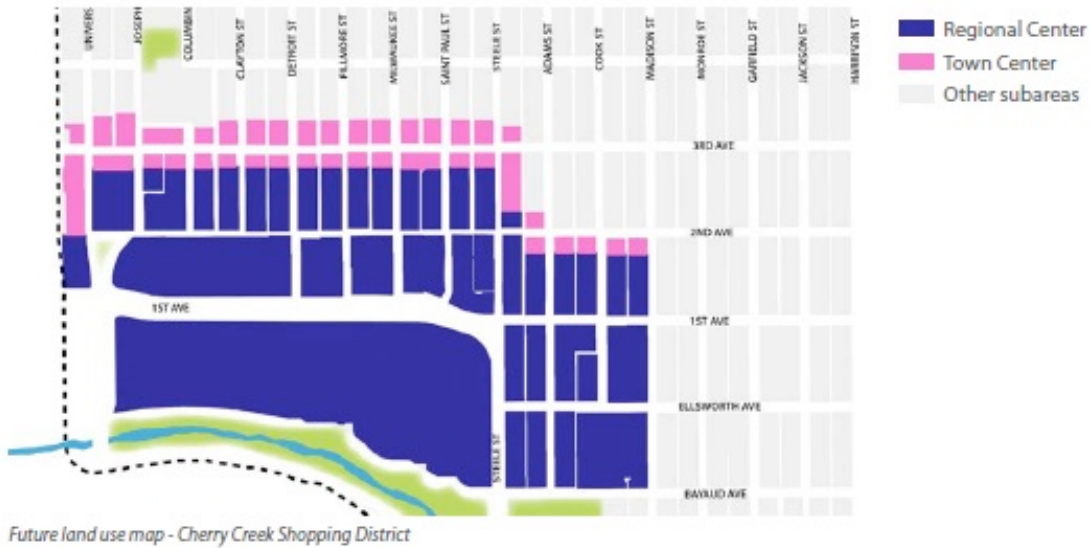


“Cherry Creek will continue to grow over the next 20 years. This growth has the potential to benefit existing businesses, property owners and residents through greater diversity of housing types, increased business revenues, higher property values, additional public and private investment and a greater diversity of shops, restaurants and cultural amenities. The Areas of Change in Cherry Creek have the greatest potential to accommodate this growth, both in terms of market demand and available land.”

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- “Acknowledge that to remain prosperous, Cherry Creek must continue to grow and change. In order for this growth to occur in a way that reinforces the quality of life for Cherry Creek residents, the bulk of this growth should occur in these areas rather than stable neighborhoods.”
- “Modify land use policy, zoning regulations and design guidelines to encourage appropriate reinvestment to assure that Areas of Change continue to mature in positive ways.”

The Height and Future Land Use Concept maps within the Cherry Creek Area Plan identify the property at 50 S. Steele as a Regional Center with building heights up to 12-stories, per page 63.



In summary, the Cherry Creek Area Plan calls for the Cherry Creek area—and this site specifically—to continue to grow and evolve, encouraging higher intensity land uses that necessitate rezoning and embracing new residential and mixed-use development in regional centers.

The site is given height guidance for up to 12-stories, which correlates with the existing zoning and planning for all other properties between Steele, Ellsworth, Madison and Bayaud. All of these other properties have zoning that allows 12-

*Map Amendment: 50 S. Steele Street*

stories. Given the Plan’s focus on higher-intensity development occurring along the perimeter and further from the lower-scale areas of Cherry Creek East, having this equitable designation for the site is consistent.

*Other*

Existing Context

The proposed rezoning is consistent with the existing built and planned context of the area.

The surrounding character of the site includes a number of 12-story structures with Steele Creek, Kavod Senior Life, High Country House, The Seasons, Mountain Shadows and more as shown below. Each of these sites have zoning (current Denver Zoning Code or Former Chapter 59) of 12 or more stories.



Community Outreach

The applicant team has conducted extensive community, registered neighborhood organization (RNO) and adjacent property owner/stakeholder outreach regarding the rezoning of 50 S. Steele for the predominance of 2019 and into May of 2020 when the applicant decided to pause the application process due to the pandemic of COVID-19. Following a pandemic-related hiatus from May of 2020 until the end of the 2020, outreach re-commenced in January 2021 regarding the 50 S. Steele rezoning application.

Following conversations in January and February 2021 about the re-activation of the rezoning effort, meetings with the Cherry Creek East Association (CCEA) and its committees/board have taken place in March, April and May leading up to the submittal of the rezoning application. Outreach to other local stakeholders, including Kavod Senior Life, adjacent property owners and others will continue throughout the process. Broe Real Estate Group is committed to working cooperatively with all stakeholders.

*Uniformity of District Regulations and Restrictions*

The proposed rezoning will result in uniformity of district regulations and restrictions in accordance with Section 12.4.10.7(B) of the Zoning Code.

## *Map Amendment: 50 S. Steele Street*

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

The proposed official map amendment is an implementation of Denver Comprehensive Plan 2040, Blueprint Denver and the Cherry Creek Area Plan and therefore furthers the public health, safety and general welfare of the City by helping to realize the type of growth and development our community planning processes have called for and envision for this site and area.

Additionally, the type of development the proposed rezoning would support is consistent with the site's designation as a Regional Center and increase the Denver resident's ability to live in close proximity to jobs, services and recreation, thus minimizing automobile trips, carbon emissions and encouraging other mobility options, providing overall health benefits to the City.

Lastly, the proposed inclusion of a voluntary affordable housing agreement with HOST, along with the rezoning application, advances the public health, safety and welfare of our City as a whole.

### *12.4.10.8 Additional Review Criteria for Non-Legislative Rezoning*

#### *A. Justifying Circumstance*

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, specifically due to the adoption of the Blueprint Denver in 2019 and the Cherry Creek Area Plan in 2012, both of which came after the last rezoning of the property in 2010.

As detailed at length above, both Blueprint Denver and the Cherry Creek Area Plan call for zoning up to twelve stories on the site. To best conform with these plans, a C-MX-12 zoning for the property would not only be appropriate, but best serve the public interest. Both Blueprint Denver and the Cherry Creek Area Plan were developed with extensive public input and the proposed rezoning would ensure those Plan's recommendations are adhered to and that the public receives the full benefit of their work.

#### *B. Consistency with Applicable Neighborhood Context and with Stated Purpose and Intent of Proposed Zone District*

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

The C-MX-12 Zone District is part of the Urban Center Neighborhood Context. Section 7.2.2 of the Denver Zoning Code describes the Urban Center Neighborhood Mixed-Use Districts as follows:

#### **General Purpose**

*A. The Mixed Use zone districts are intended to promote safe, active, and pedestrian-scaled, diverse areas through the use of building forms that clearly define and activate the public street edge.*

*B. The Mixed Use zone districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city's neighborhoods.*

*C. The Mixed Use zone district standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods.*



*Map Amendment: 50 S. Steele Street*

*D. Compared to the Main Street districts, the Mixed Use districts are focused on creating mixed, diverse neighborhoods. Where Main Street districts are applied to key corridors and retail streets within a neighborhood, the Mixed Use districts are intended for broader application at the neighborhood scale.*

*E. In the Urban Center Neighborhood Context, the Mixed Use zone districts require the same level of pedestrian enhancements as the Main Street zone districts. In the Urban Center Neighborhood Context, the primary difference between the Mixed Use zone districts and the Main Street zone districts is Main Street districts mandate shopfront buildings at the street edge.*

*F. Mixed use buildings have a shallow front setback range. The build-to requirements are high.*

The site is designated in City plans for mixed use development, which would be allowed by the proposed Zone District.

**Building Height**

*D. Mixed Use – 12 (C-MX-12) C-MX-12 applies to areas or intersections served primarily by major arterial streets where a building scale of 3 to 12 stories is desired.*

The proposed Zone District will allow for buildings of up to 12-stories on a major arterial street designated as a transit priority street.

EXHIBIT B: LEGAL DESCRIPTIONS

Lots 1 to 20 Inclusive, Block 20,  
Burlington Capitol Hill Addition,  
City and County of Denver  
State of Colorado



# ONE REPORT

To: BROE REAL ESTATE GROUP

Date Ordered: 06-04-2021

Attn: BEN LOWE

Order Number 882774

Fax:

Phone: 719-271-2871

Address: 50 S STEELE ST DENVER, CO 80209

County: DENVER

## LEGAL DESCRIPTION

LOTS 1 TO 20, BLOCK 20, BURLINGTON CAPITOL HILL ADDITION, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

## OWNERSHIP & ENCUMBRANCES

Certification Date: 06-02-2021

OWNERSHIP: STEELE STREET HOLDINGS, LTD., A COLORADO LIMITED PARTNERSHIP

<u>Doc Type</u>	<u>Doc Fee</u>	<u>Date</u>	<u>Reference#</u>
QUIT CLAIM DEED	NA	01-12-1996	5514

## ENCUMBRANCES AND OTHER DOCUMENTS

<u>Item</u>	<u>Payable To</u>	<u>Amount</u>	<u>Date</u>	<u>Reference#</u>
ASSIGNMENT OF REN	LIFE INSURANCE COMPANY SOUTHWE		09-19-14	114199
DEED OF TRUST	LIFE INSURANCE COMPANY SOUTHWE	\$12,000,000.00	09-19-14	114198
DEED OF TRUST AME	CPL 50 SOUTH STEELE STREET LLC		04-01-10	35152
DEED OF TRUST	TRT LENDING SUBSIDIARY II LLC	\$11,000,000.00	08-01-01	126519

Cust Ref#

By: SHANON BLANKENSHIP

Land Title

Property Resource Specialist

Email: sblankenship@ltgc.com

Phone: 303-850-4103

Fax:

This ONE REPORT is based on a limited search of the county real property records and is intended for informational purposes only. The ONE REPORT does not constitute any form of warranty or guarantee of title or title insurance, and should not be used by the recipient of the ONE REPORT as the basis for making any legal, investment or business decisions. The recipient of the ONE REPORT should consult legal, tax and other advisors before making any such decisions. The liability of Land Title Guarantee Company is strictly limited to (1) the recipient of the ONE REPORT, and no other person, and (2) the amount paid for the ONE REPORT.



Prepared For:  
**BROE REAL ESTATE GROUP**  
**BEN LOWE**

**Reference:** 50 S STEELE ST DENVER, CO 80209

**Attached are the additional documents you requested:**

<u>Doc Type</u>	<u>Recorded</u>	<u>Reception#/BookPage</u>
UNIFORM COMMERCIAL CODE MODIFI	04-15-19	44419
UNIFORM COMMERCIAL CODE	08-01-01	126520
UNIFORM COMMERCIAL CODE MODIFI	03-18-11	30623
UNIFORM COMMERCIAL CODE MODIFI	03-15-06	41563

SHANON BLANKENSHIP  
**Land Title**  
**Property Resource Specialist**  
**Email:** sblankenship@ltgc.com  
**Phone:** 303-850-4103  
**Fax:**

ADD .DOCS 882774

EXHIBIT D: AUTHORIZATION DOCUMENTS

See authorization documents on the following pages.

**STEELE STREET HOLDINGS, LLC,  
a Colorado limited liability company**

**Written Consent of the Sole Member  
In Lieu of Special Meeting**

December 20<sup>th</sup>, 2019

The undersigned, being the sole member (the "Member") of Steele Street Holdings, LLC, a Colorado limited liability company (the "Company"), in lieu of holding a special meeting, hereby adopts the following preambles and resolutions by written consent (this "Consent"), pursuant to the Colorado Limited Liability Company Act, as amended (the "Act"), and the Operating Agreement of the Company (the "Operating Agreement"):

WHEREAS, the Company desires to cause the rezoning of certain real property owned by the Company and located in the City and County of Denver, Colorado (the "Rezoning");

WHEREAS, in connection with the Rezoning, the Company will be required to execute and deliver certain instruments, agreements, and documents deemed necessary or advisable in connection therewith (collectively, the "Rezoning Documents"); and

WHEREAS, the undersigned has determined that it is in the best interests of the Company to complete the Rezoning and execute and deliver any Rezoning Documents.

NOW, THEREFORE, BE IT RESOLVED, that the Rezoning and the execution and delivery of the Rezoning Documents are determined to be in the best interests of the Company and are hereby confirmed, approved and ratified;

FURTHER RESOLVED, that the Company does hereby approve and adopt in all respects the form, terms, and provisions of the Rezoning Documents, in substantially the forms previously reviewed by the Company;

FURTHER RESOLVED, that Douglas N. Wells ("Wells"), acting alone in his capacity as a manager of the Company, is hereby authorized and directed to take such actions as may be necessary or appropriate to cause the Company to complete the Rezoning and execute and deliver the Rezoning Documents, together with such changes as Wells deems necessary or desirable, the execution of such documents or the taking of such actions by Wells to be conclusive evidence that such changes or actions were authorized by these resolutions; and

FURTHER RESOLVED, that all actions taken by the managers (including Wells), officers and other authorized agents of the Company prior to the date hereof in connection with the matters contemplated herein are hereby ratified, confirmed and approved in all respects.

The action taken by this Consent shall have the same force and effect as if taken by the undersigned at a special meeting of the Member, duly called and constituted pursuant to the Operating Agreement and the Act.

[Signature page follows]

*Map Amendment: 50 S. Steele Street*

The undersigned, being the sole Member of Steele Street Holdings, LLC hereby consents to, approves, and adopts the foregoing preambles and resolutions to be effective as of the day and year first above written.

**MEMBER:**

THE BROE COMPANIES, INC.,  
a Colorado corporation

By:

  
\_\_\_\_\_  
Ronald J. Corsentino, Vice President

Steele Street Holdings, LTD  
A Colorado Limited Partnership

252 Clayton Street  
Denver, Colorado 80206  
303.398.4575  
BroeRealEstate.com

December 20, 2019

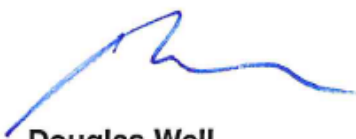
Broe Real Estate Group  
Attn: Marc Savela  
252 Clayton Street  
Denver, CO 80206

Re: 50 S. Steele Street Rezoning

Dear Marc,

This letter serves as written authorization for Broe Real Estate Group and its representatives to represent Steel Street Holding regarding the Official Map Amendment application for our property located at 50 S Steele, Denver, CO 80206. Thank you for your attention to this matter, please contact me with any questions or concerns.

Sincerely,



**Douglas Well**  
Manager

**Steele Street Holdings, LTD**

252 Clayton Street, Denver, Colorado 80206

EXHIBIT E: ASSESSOR'S PARCEL NUMBERS

05125-09-009-000