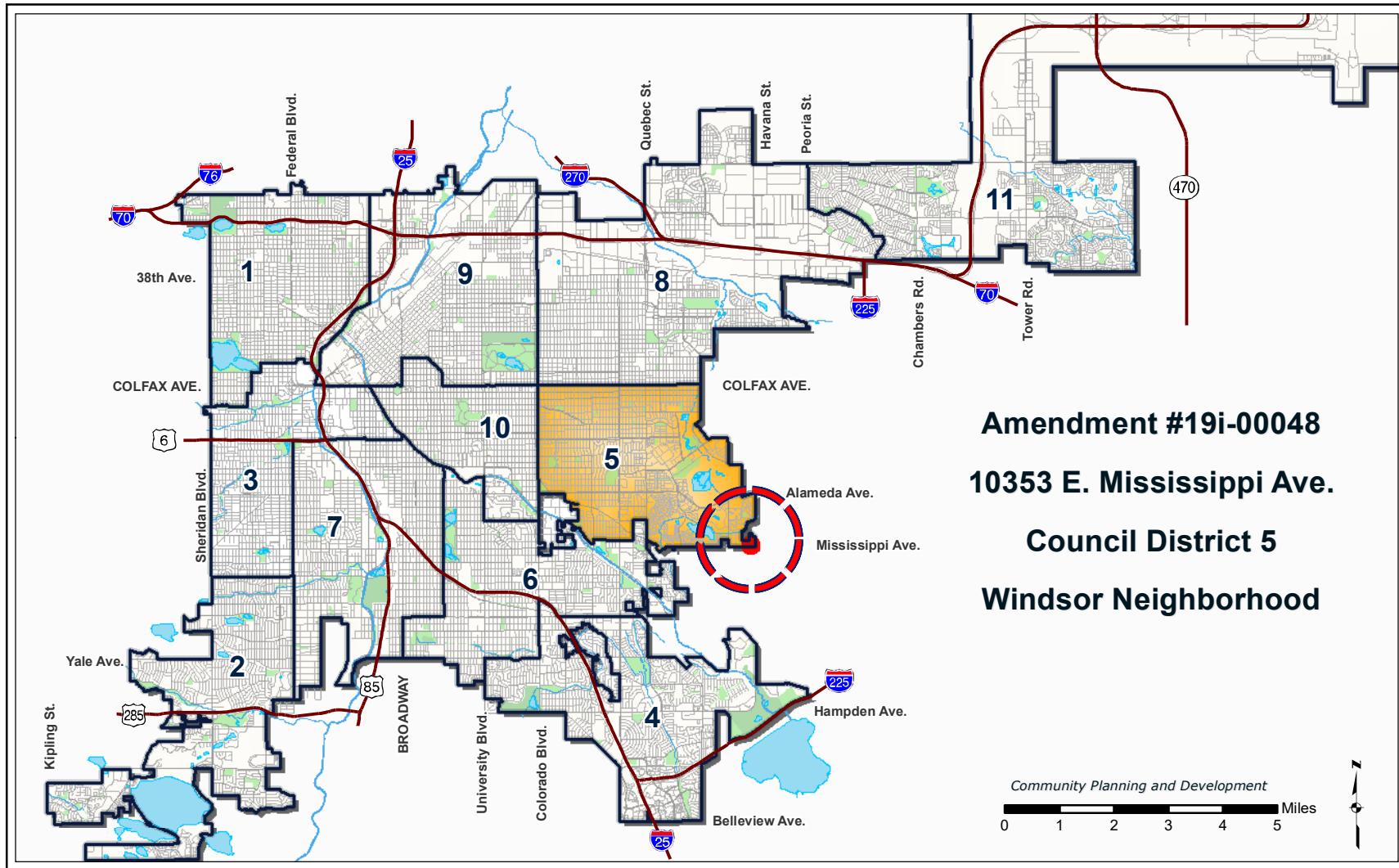


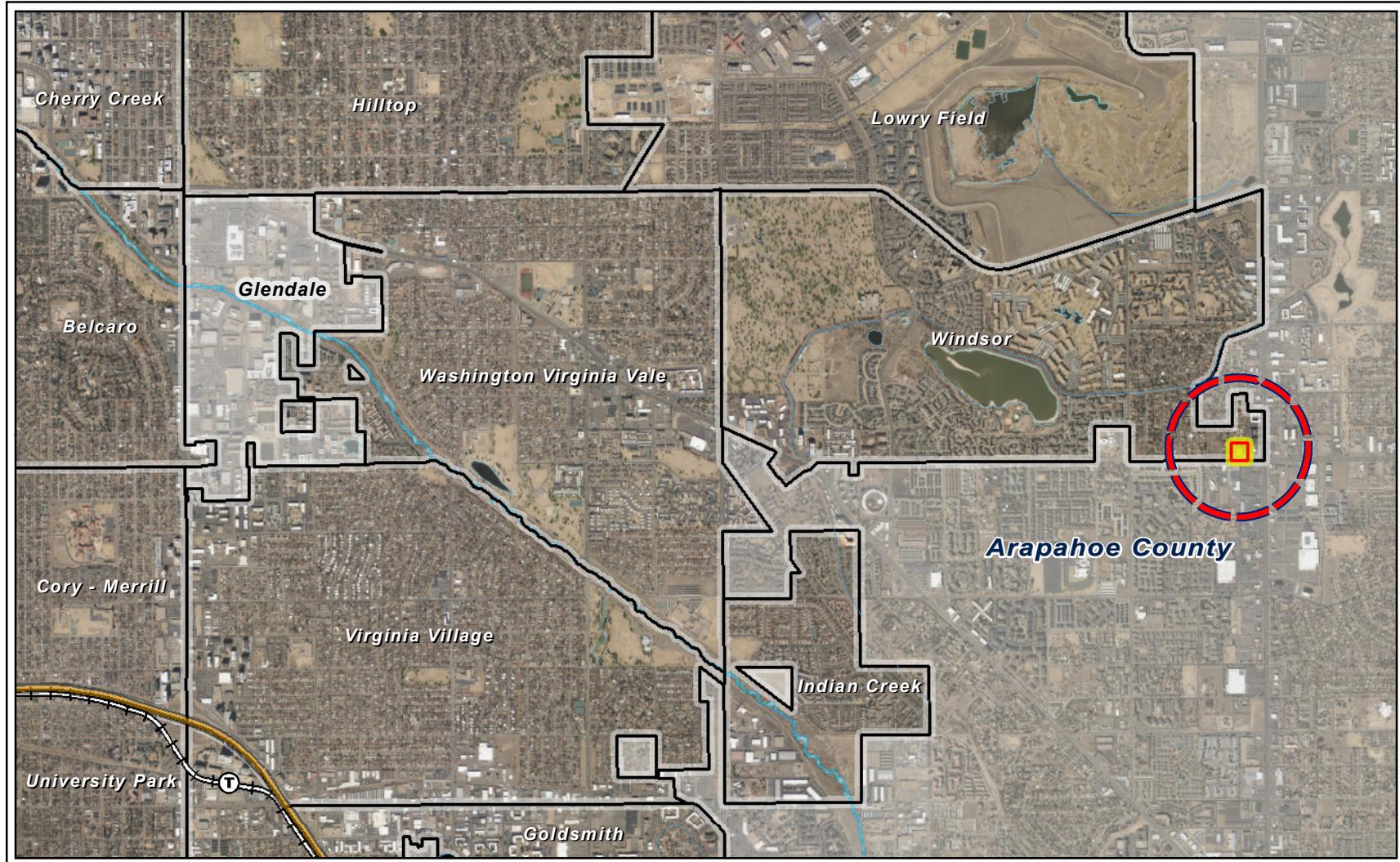
## Zone Map Amendment 19i-00048

From B-1 with Conditions to S-MX-3

### City Location



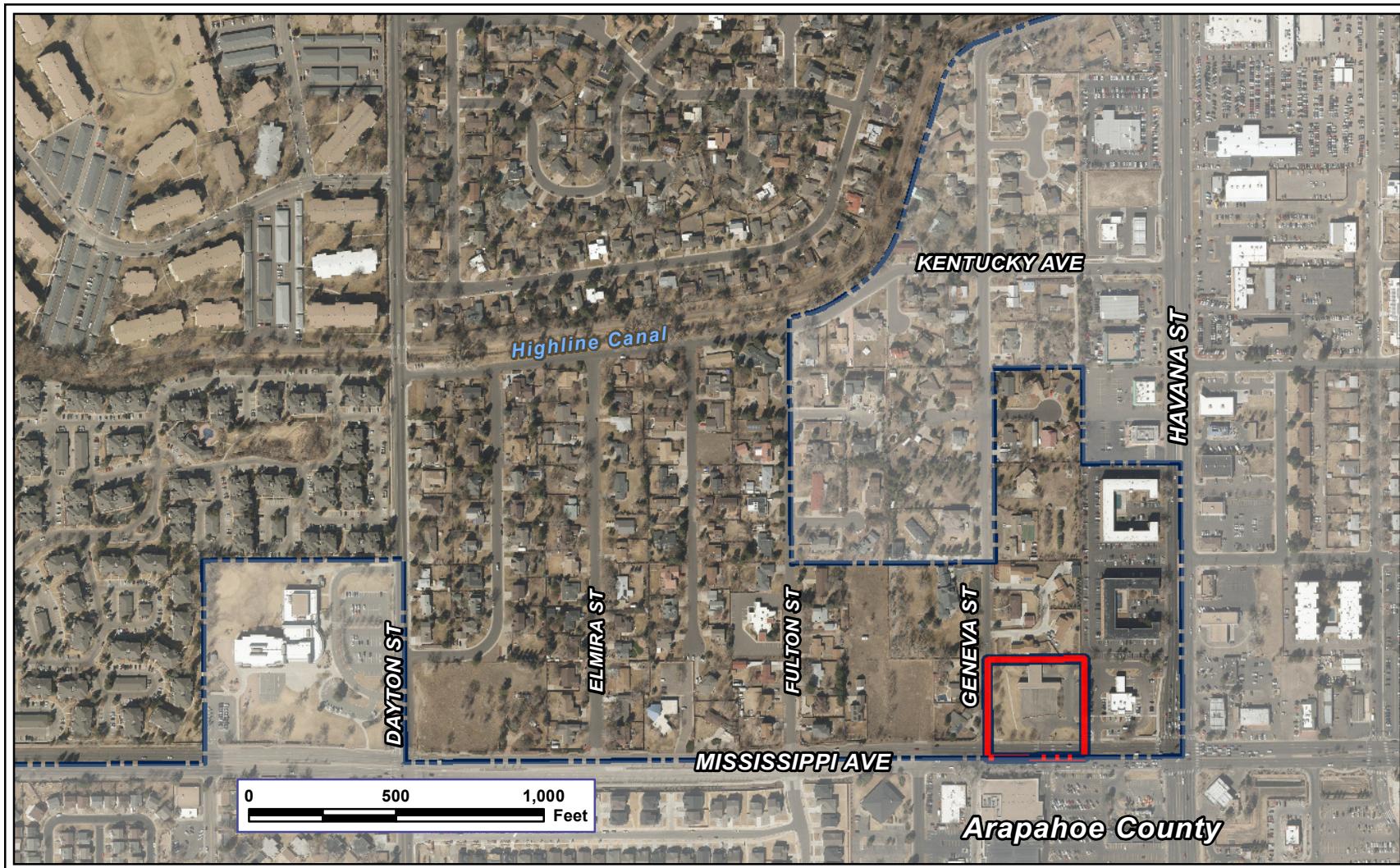
**Zone Map Amendment 19i-000648      From B-1 with Conditions to S-MX-3**  
**Neighborhood Location - Windsor**



# Zone Map Amendment 19i-00048

From B-1 with Conditions to S-MX-3

Aerial - 2018

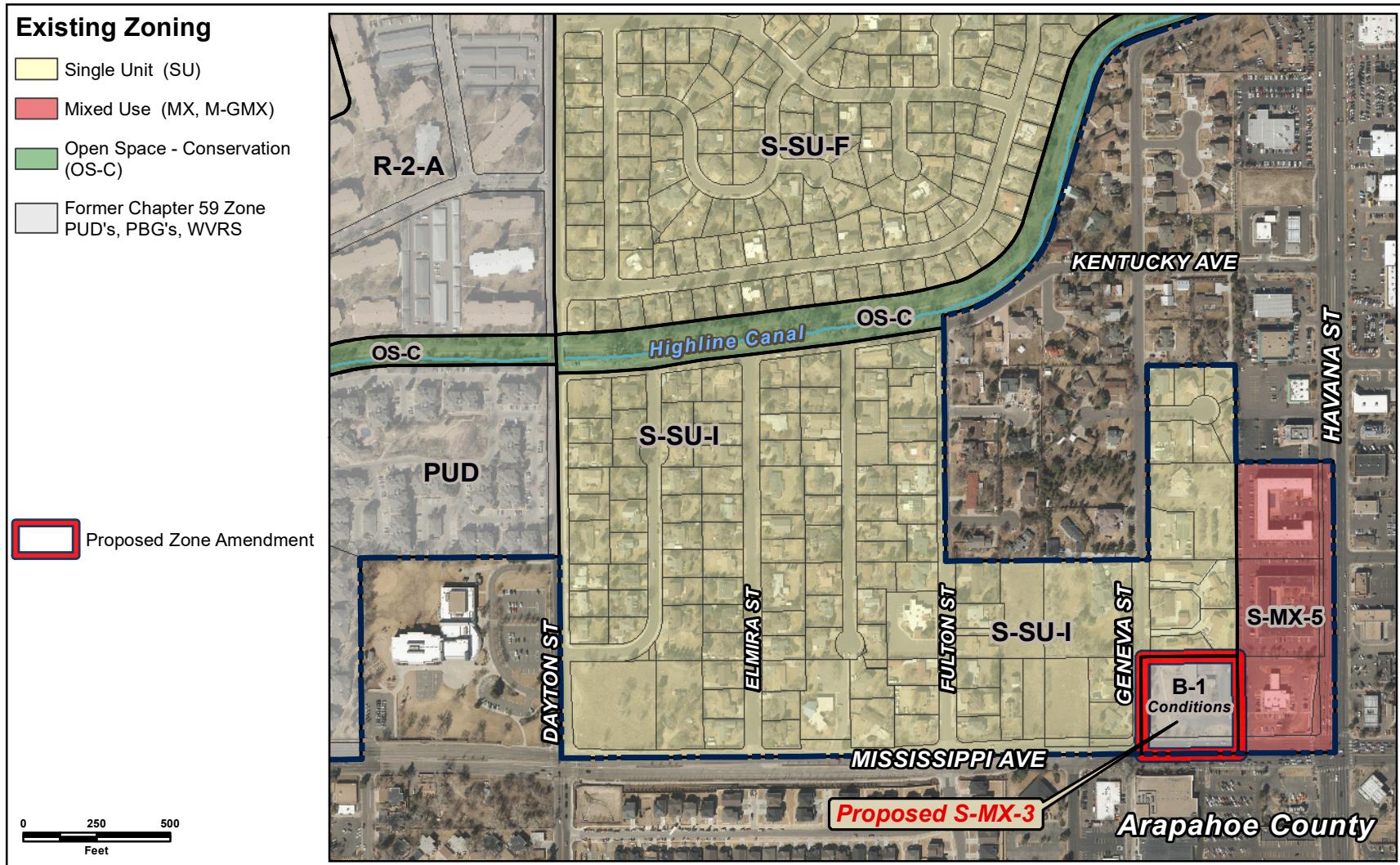


Map Date: September 23, 2019

## Zone Map Amendment 19i-00048

From B-1 with Conditions to S-MX-3

### Existing Zoning

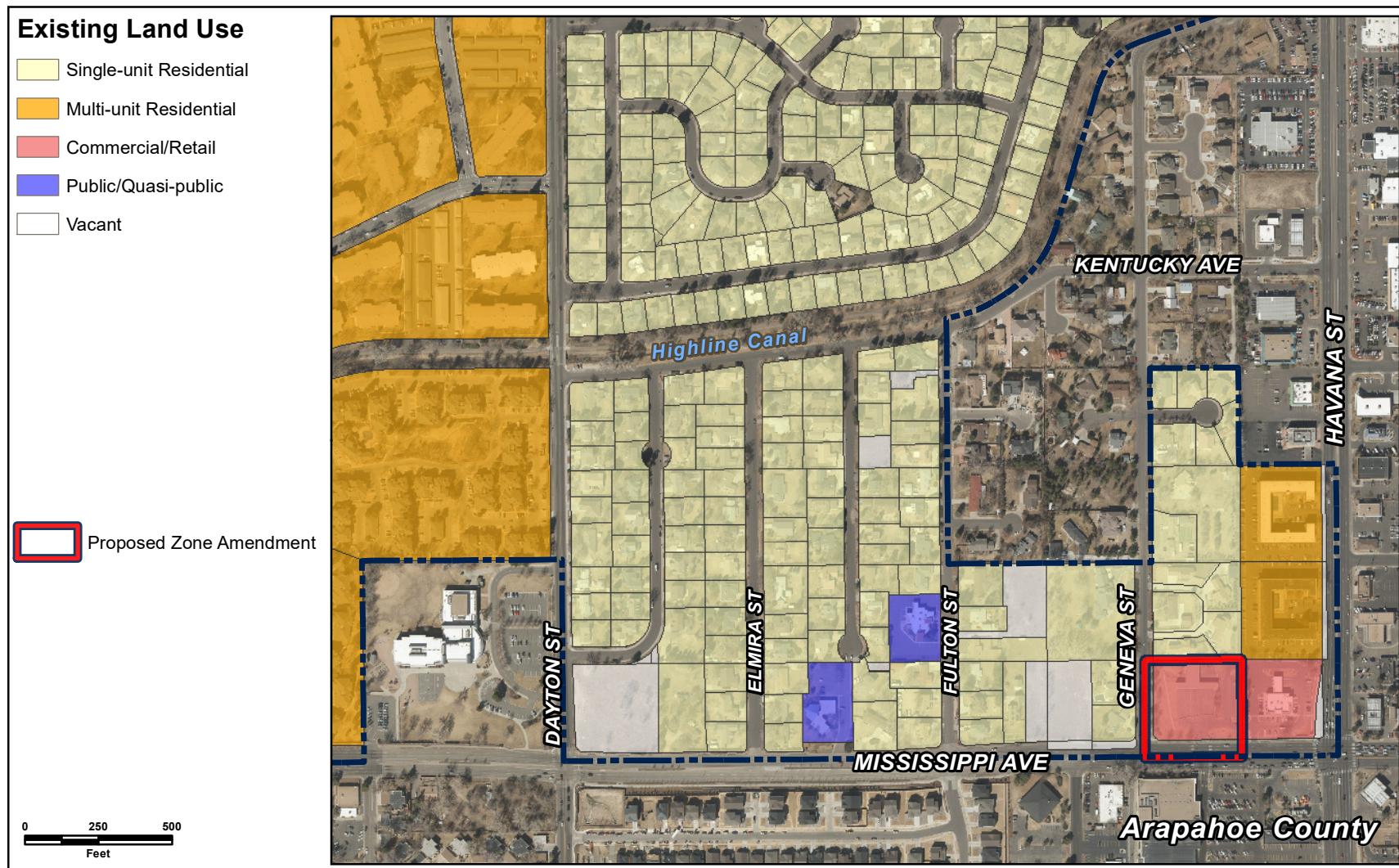


Map Date: September 23, 2019

## Zone Map Amendment 19i-00048

From B-1 with Conditions to S-MX-3

### Existing Land Use

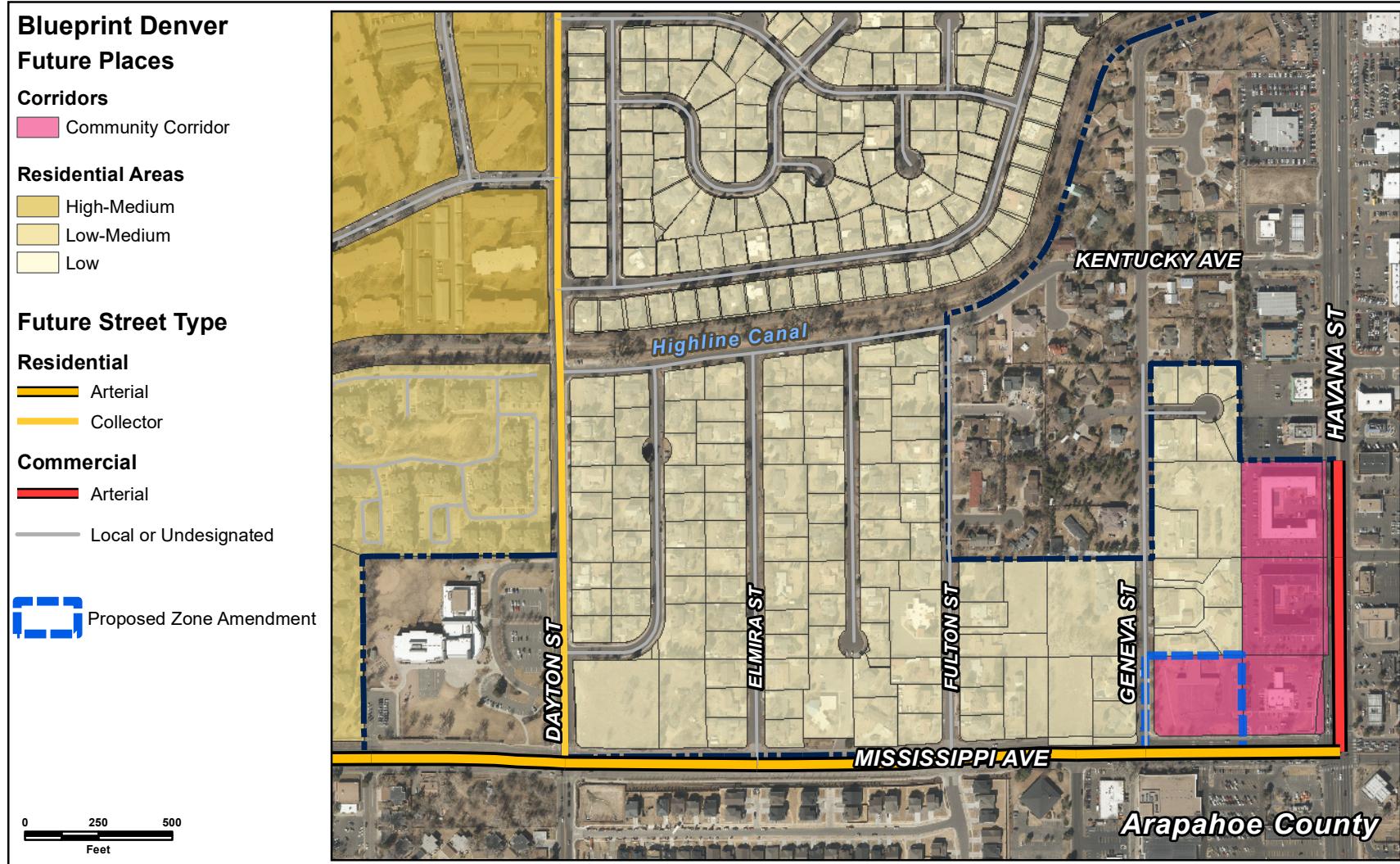


Map Date: September 23, 2019

Land Use Data Compiled 2018

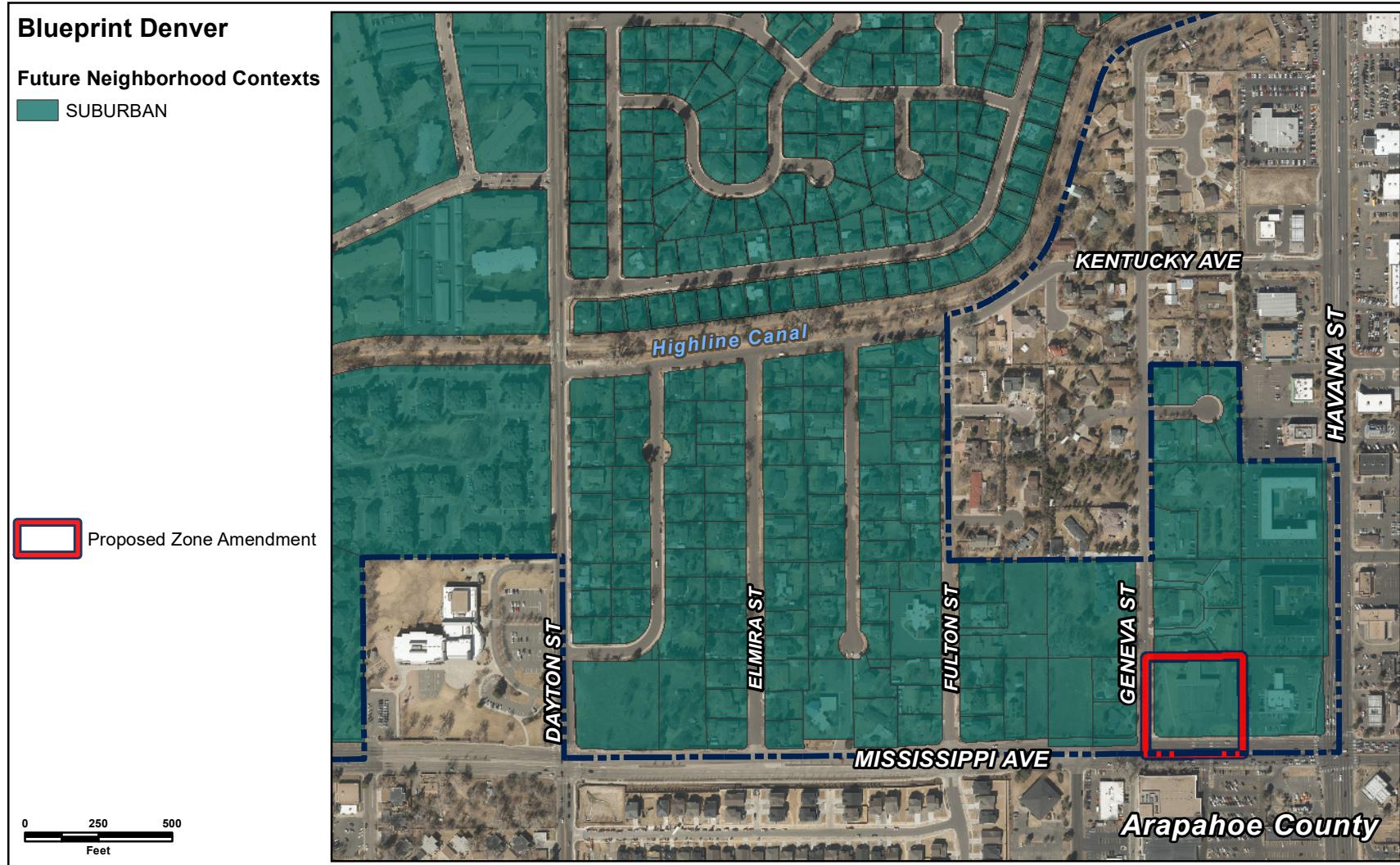
# Zone Map Amendment 19i-00048 From B-1 with Conditions to S-MX-3

## Blueprint Denver Future Places and Streets



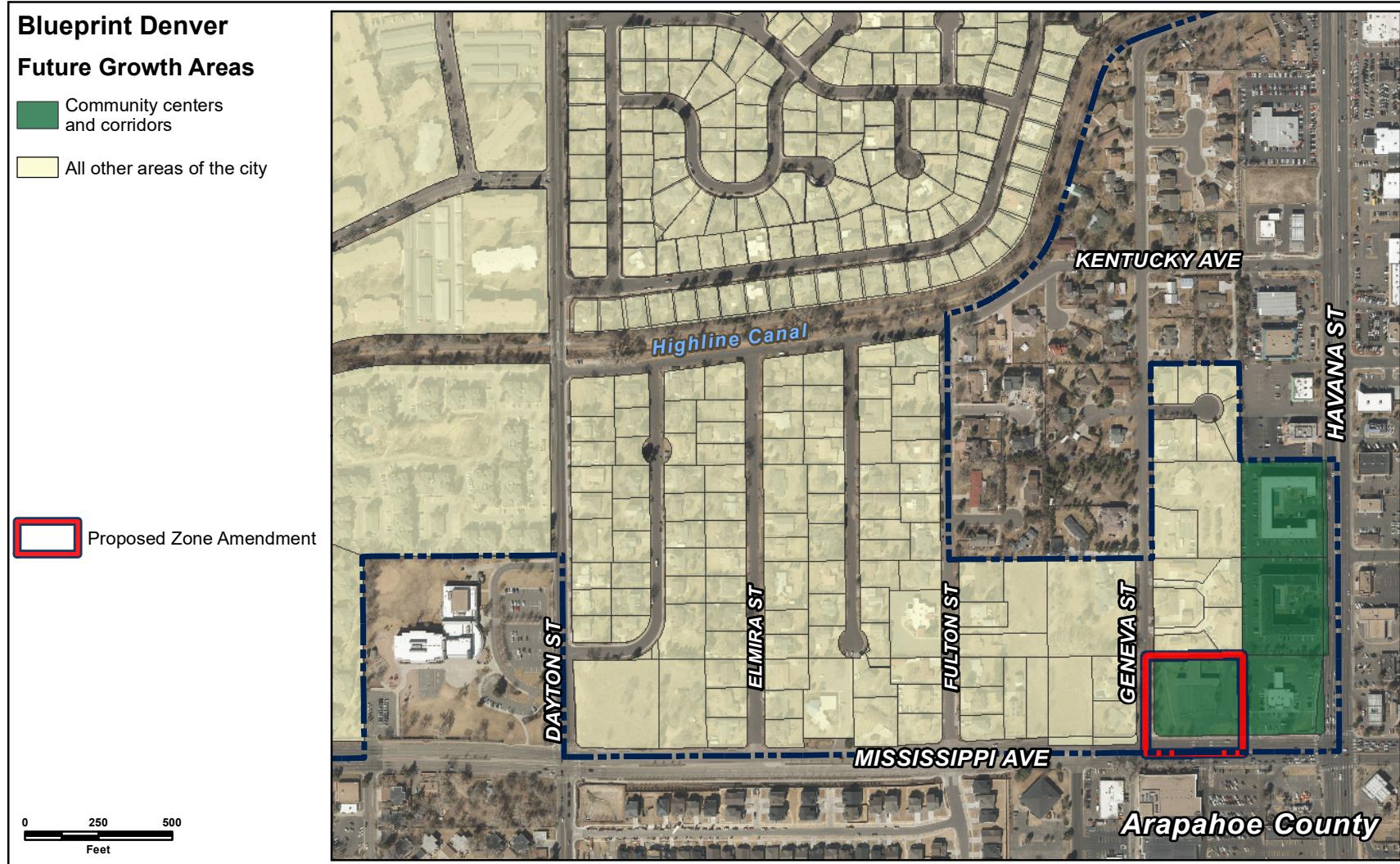
Map Date: September 23, 2019

**Zone Map Amendment 19i-00048      From B-1 with Conditions to S-MX-3**  
**Blueprint Denver Future Neighborhood Contexts**



Map Date: September 23, 2019

**Zone Map Amendment 19i-00048      From B-1 with Conditions to S-MX-3**  
**Blueprint Denver Future Growth Strategy**



Map Date: September 23, 2019



## 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	
Property Owner Name	Bellco Credit Union	Representative Name	Gary Hegener
Address	7600 E Orchard Road, Suite 400N	Address	200 E Peach Street
City, State, Zip	Greenwood Village, CO 80111	City, State, Zip	EI Dorado, AR 71730
Telephone	303-689-7832	Telephone	870-677-0548
Email	ewhite@bellco.org	Email	Gary.Hegener@MurphyUSA.com
<p>*If More Than One Property Owner: All standard zone map amendment applications shall be initiated by all the owners of at least 51% of the total area of the zone lots subject to the rezoning application, or their representatives authorized in writing to do so. See page 3.</p>			
<p>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</p>			
<p>Please attach Proof of Ownership acceptable to the Manager for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed, or (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):	10353 E Mississippi Avenue, Denver, CO 80247		
Assessor's Parcel Numbers:	06154-04-046-000		
Area in Acres or Square Feet:	80,819 SF (1.855 AC)		
Current Zone District(s):	B-1 * (Ordinance 44 (1994))		
PROPOSAL			
Proposed Zone District:	S-MX-3		



## REZONING GUIDE

Rezoning Application Page 2 of 3

## REVIEW CRITERIA

General Review Criteria: The proposal must comply with all of the general review criteria  DZC Sec. 12.4.10.7	<ul style="list-style-type: none"><li><input checked="" type="checkbox"/> Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan. 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.</li><li><input checked="" type="checkbox"/> Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.</li><li><input checked="" type="checkbox"/> Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</li></ul>
Additional Review Criteria for Non-Legislative Rezonings: The proposal must comply with both of the additional review criteria  DZC Sec. 12.4.10.8	<p>Justifying Circumstances - One of the following circumstances exists:</p> <ul style="list-style-type: none"><li><input type="checkbox"/> The existing zoning of the land was the result of an error.</li><li><input type="checkbox"/> The existing zoning of the land was based on a mistake of fact.</li><li><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.</li><li><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:<ol style="list-style-type: none"><li>a. Changed or changing conditions in a particular area, or in the city generally; or,</li><li>b. A City adopted plan; or</li><li>c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.</li></ol></li><li><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.</li><li><input checked="" type="checkbox"/> The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District. Please provide an attachment describing how the above criterion is met.</li></ul>

## REQUIRED ATTACHMENTS

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

- Legal Description (required to be attached in Microsoft Word document format)
- Proof of Ownership Document(s)
- Review Criteria, as identified above

## ADDITIONAL ATTACHMENTS

Please identify any additional attachments provided with this application:

- Written Authorization to Represent Property Owner(s)
- Individual Authorization to Sign on Behalf of a Corporate Entity

Please list any additional attachments:

A letter summarizing the neighborhood outreach completed to date has been included as part of the formal application package.



## REZONING GUIDE

Rezoning Application Page 3 of 3

## 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 Inter- est % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification state- ment	Date	Indicate the type of owner- ship documen- tation provided: (A) Assessor's record, (B) war- ranty deed, (C) title policy or commitment, or (D) other as approved	Has the owner au- thorized a represen- tative 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 Josie Q. Smith</i>	01/01/12	(A)	YES
Bellco Credit Union LeeAnn Downey	10353 E Mississippi Avenue Denver, CO 80249 303-689-7832 ewhite@bellco.org	100%	<i>LeeAnn Downey</i>	8/16/19	(A)	YES

Last updated: August 29, 2018

Return completed form 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)

### Legal Description

#### **10353 E Mississippi Avenue**

The Land referred to herein below is situated in the County of Denver, State of Colorado, and is described as follows:

A parcel of land being a portion of Tract 9, Range View Second Filing located in the Southeast quarter of Section 15, Township 4 South, Range 67 West of the Sixth Principal Meridian, in the City and County of Denver, State of Colorado, more particularly described as follows:

Basis of Bearings: The South line of the Southeast quarter of said Section 15 assumed to bear North 89°34'45" East.

Beginning at the Northeast corner of Tract 9, Range View Second Filing, whence the Southeast quarter of said Section 15 bears South 45°28'29" East, a distance of 466.83 feet, more or less;

Thence South 00°26'02" East, along the East line of said Tract 9, a distance of 269.79 feet to the Northerly right-of-way line of East Mississippi Avenue as described in Reception No. 93-0068665;

Thence along the Northerly right-of-way line the following two courses:

1. South 89°34'45" West, a distance of 274.63 feet;
2. Northwesterly 39.26 feet along the arc of a tangent curve to the right having a radius of 25.00 feet and a central angle of 89°58'04", the chord of which bears North 45°26'13" West, a distance of 35.35 feet to the Easterly right-of-way line of South Geneva Street as shown on the plat of Range View Second Filing;

Thence North 00°27'11" West, along said Easterly right-of-way line, a distance of 244.74 feet to the Northwest corner of said Tract 9;

Thence North 89°33'58" East, along the Northerly line of said Tract 9, a distance of 299.71 feet to the Point of Beginning.

# 10353 E MISSISSIPPI AVE

<b>Owner</b>	BELLCO CREDIT UNION 7600 E ORCHARD RD 400N GREENWOOD VILLA, CO 80111-2522
<b>Schedule Number</b>	06154-04-046-000
<b>Legal Description</b>	RANGE VIEW 2ND FLG PT TR-9 BEGNE COR TR-9 TH S 269.79FT W 274.63FT CV/R RAD 25FT ARC 35.35FT DELTA 89.5804 CHORD N45.2613W 35.35FT TH N 244.74 FT E 299.71FT TPOB
<b>Property Type</b>	COMMERCIAL - FINANCIAL BUILDIN
<b>Tax District</b>	DENV

## Print Summary

Property Description			
<b>Style:</b>	OTHER	<b>Building Sq. Foot:</b>	1011
<b>Bedrooms:</b>		<b>Baths Full/Half:</b>	0/0
<b>Effective Year Built:</b>	1994	<b>Basement/Finish:</b>	0/0
<b>Lot Size:</b>	80,819	<b>Zoned As:</b>	B-1

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

Current Year			
Actual	Assessed	Exempt	
Land	\$1,212,300	\$351,570	\$0
Improvements	\$217,800	\$63,160	
Total	\$1,430,100	\$414,730	

Prior Year			
Actual	Assessed	Exempt	
Land	\$969,800	\$281,240	\$0
Improvements	\$191,300	\$55,480	
Total	\$1,161,100	\$336,720	

## Real Estates Property Taxes for current tax year

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

	<b>Installment 1 (Feb 28 Feb 29 in Leap Years)</b>	<b>Installment 2 (Jun 15)</b>	<b>Full Payment (Due Apr 30)</b>
<b>Date Paid</b>			4/29/2019
<b>Original Tax Levy</b>	\$13,025.18	\$13,025.17	\$26,050.35
<b>Liens/Fees</b>	\$0.00	\$0.00	\$0.00
<b>Interest</b>	\$0.00	\$0.00	\$0.00
<b>Paid</b>	\$13,025.18	\$13,025.17	\$26,050.35
<b>Due</b>	\$0.00	\$0.00	\$0.00

#### Additional Information

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

<b>Additional Assessment</b> 	N	<b>Prior Year Delinquency</b> 	N
<b>Additional Owner(s)</b> 	N	<b>Scheduled to be Paid by Mortgage Company</b> 	N
<b>Adjustments</b> 	N	<b>Sewer/Storm Drainage Liens</b> 	N
<b>Local Improvement Assessment</b> 	N	<b>Tax Lien Sale</b> 	N
<b>Maintenance District</b> 	N	<b>Treasurer's Deed</b> 	N
<b>Pending Local Improvement</b> 	N		

Real estate property taxes paid for prior tax year: **\$25,972.56**

#### Assessed Value for the current tax year

<b>Assessed Land</b>	\$281,240.00	<b>Assessed Improvements</b>	\$55,480.00
<b>Exemption</b>	\$0.00	<b>Total Assessed Value</b>	\$336,720.00

**AFTER RECORDING MAIL TO:**

Kamlet Reichert, LLP  
 1515 Arapahoe Street  
 Tower I, Suite 1600  
 Denver, Colorado 80202  
 Attn: Brian P. Jumps, Esq.

**SPECIAL WARRANTY DEED**

**THIS DEED**, dated December 16, 2009, by and between **JDM PROPERTIES NO. 2, LLC**, a New Mexico limited liability company, whose address is c/o Wells Fargo Bank, N.A. 1740 Broadway MAC C7300-07E, Denver, Colorado 80274, Attn: Real Estate & Specialty Assets ("Grantor"), and **BELLCO CREDIT UNION**, a Colorado nonprofit corporation ("Grantee"), whose address is 7600 East Orchard Road, Suite 400 N, Greenwood Village, Colorado 80111:

**WITNESS**, that the Grantor, for and in consideration of the sum of \$10.00, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the Grantee, its successors and assigns forever, all of its rights, title and interest which the Grantor has in and to the real property, together with improvements, if any, situate, lying and being in the City and County of Denver and State of Colorado, described in Exhibit A, attached hereto and made a part hereof for all purposes (the "Property").

**TOGETHER** with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the Grantor, either in law or equity, of, in and to the Property, with the hereditaments and appurtenances, together with all of Grantor's right, title and interest, if any, in and to any strips of land, streets and alleys abutting or adjoining such real property, and together with any and all minerals and mineral rights, aggregate and aggregate rights, water and water rights (whether decreed or undecreed, tributary, nontributary or not nontributary, surface or underground, appropriated or unappropriated, permitted or unpermitted), and wells appurtenant or appertaining to or otherwise benefiting or used in connection with the real property, subject, however, to the matters set forth in Exhibit B attached hereto and made a part hereof for all purposes (the "Permitted Exceptions").

**TO HAVE AND TO HOLD** the said Property, with the appurtenances, subject to the Permitted Exceptions, unto the Grantee, its successors and assigns forever. The Grantor, for itself, its successors and assigns, does covenant and agree that it shall and will WARRANT AND FOREVER DEFEND the Property in the quiet and peaceable possession of the Grantee, its successors and assigns, against all and every person or persons lawfully claiming the whole or any part thereof, by, through or under the Grantor, but not otherwise.

SO301810  
 Security Title

**IN WITNESS WHEREOF**, the Grantor has caused its name to be hereunto subscribed the day and year first above written.

**JDM PROPERTIES NO. 2, LLC**, a New Mexico limited liability company

By: **JDM Investments, LLC**, a New Mexico limited liability company, its Managing Member

By: **Wells Fargo Bank, N.A.**, its Managing Member

By: *Heidi Tilton, V.P.*  
Heidi Tilton, Its Vice President and Trust Officer

STATE OF NEW MEXICO )  
) :ss  
COUNTY OF SANTA FE )

The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of December, 2009, by Heidi Tilton, Vice President and Trust Officer, Wells Fargo Bank, N.A., its Managing Member of JDM Investments, LLC, a New Mexico limited liability company, its Managing Member of JDM Properties, No. 2, LLC, a New Mexico limited liability company.

Witness my hand and official seal.



*Gloria E. Kratz*  
Notary Public  
My Commission expires: 5/10/2013

**EXHIBIT A****LEGAL DESCRIPTION OF PROPERTY****PARCEL A:**

TRACT 9, RANGE VIEW SECOND FILING,  
EXCEPT THAT PORTION CONVEYED TO THE CITY OF AURORA BY DEED  
RECORDED MAY 28, 1993 AT RECEPTION NO. F-93-068665,  
CITY AND COUNTY OF DENVER,  
STATE OF COLORADO.

**PARCEL B:**

TRACT 8, RANGE VIEW, ACCORDING TO THE RECORDED PLAT THEREOF,  
EXCEPT THAT PORTION CONVEYED TO THE CITY AND COUNTY OF DENVER BY  
INSTRUMENT RECORDED SEPTEMBER 17, 1974 IN BOOK 945 AT PAGE 678,  
ALSO EXCEPT THAT PORTION CONVEYED TO THE DEPARTMENT OF  
TRANSPORTATION, STATE OF COLORADO BY INSTRUMENT RECORDED JULY 16,  
2005 AT RECEPTION NO. 2005118831,  
CITY AND COUNTY OF DENVER,  
STATE OF COLORADO.

**EXHIBIT B****PERMITTED EXCEPTIONS\***

1. Real property taxes and assessments for the year 2009 and subsequent years, a lien not yet due or payable.
2. The following item as set forth on the plat of Range View Second Filing, to-wit:
  - a. An easement for utilities and incidental purposes over the Northerly and Easterly 8 feet of Parcel A.
3. An easement for sewer and incidental purposes granted to City and County of Denver by the instrument recorded June 7, 1971 in Book 332 at Page 113, over the Northerly 10 feet of said Tracts 8 and 9 and the Westerly 10 feet of said Tract 8. (Affects Parcels A and B)
4. Covenants, conditions and restrictions, which do not include a forfeiture or reverter clause, set forth in the instrument recorded July 28, 1971 in Book 358 at Page 620. Provisions regarding race, color, creed, and national origin, if any, are deleted. (Affects parcel B)
5. An easement for utilities and incidental purposes granted to Public Service Company of Colorado, by the instrument recorded April 17, 1975 in Book 1040 at Page 48 upon the terms and conditions set forth in the instrument. (Affects parcel B)
6. An easement for utilities and incidental purposes granted to Public Service Company of Colorado, by the instrument recorded December 21, 1992 in Book 6745 at Page 601 (Arapahoe County Records) upon the terms and conditions set forth in the instrument, over the Easterly 25 feet of the Northerly 10 feet of the Southerly 40 feet of said Tract 9. (Affects Parcel A)
7. An easement for utilities and incidental purposes granted to Public Service Company of Colorado, by the instrument recorded December 21, 1992 in Book 6745 at Page 602 (Arapahoe County Records) upon the terms and conditions set forth in the instrument, over the Westerly 25 feet of the Northerly 10 feet of the Southerly 40 feet of said Tract 8. (Affects Parcel B)
8. Terms, conditions, provisions, agreements and obligations contained in the Ordinance Relating to Zoning recorded February 4, 1994 at Reception No. 9400020239. (Affects Parcels A and B)
9. Terms, conditions, provisions, agreements and obligations contained in the Ordinance Relating to Zoning recorded February 14, 1994 at Reception No. 9400027300. (Affects Parcels A and B)
10. An easement for utilities and incidental purposes granted to Public Service Company of Colorado, by the instrument recorded March 24, 1994 at Reception No. 9400053851

upon the terms and conditions set forth in the instrument, over the Westerly 8 feet of said Tract 9. (Affects Parcel A)

11. An easement for drainage facilities and incidental purposes granted to the City and County of Denver by the instrument recorded June 21, 1994 at Reception No. 9400100523. (Affects Parcel A)
12. Terms, conditions, provisions, agreements and obligations contained in the Ordinance Relating to Zoning recorded August 4, 1994 at Reception No. 9400122988. (Affects Parcels A and B)
13. Terms, conditions, provisions, agreements and obligations contained in the Application to Amend the Boundaries of a Designated Zone Lot, 59-25 recorded September 8, 1995 at Reception No. 9500109923. (Affects Parcels A and B)
14. An easement for traffic Signalization and incidental purposes granted to the City and County of Denver by the instrument recorded December 1, 1995 at Reception No. 9500149919. (Affects Parcel A)
15. An easement for utilities and incidental purposes granted to Public Service Company of Colorado, by the instrument recorded October 22, 1998 at Reception No. 9800176610 upon the terms and conditions set forth in the instrument. (Affects Parcel B)
16. Survey matters as disclosed by instrument recorded December 20, 1993 at Reception No. 9300174340. (Affects Parcels A and B)

\* Unless otherwise noted all recording references are to the City and County of Denver records.

## STATEMENT OF AUTHORITY

(Section 38-30-172, C.R.S.)

1. This Statement of Authority relates to an entity named BELLCO CREDIT UNION.
2. The type of entity is a Colorado nonprofit corporation.
3. The entity is formed under the laws of Colorado.
4. The mailing address of the entity is 7600 East Orchard Road, Suite 400N, Greenwood Village, CO 80111.
5. The name or position of each person authorized to execute instruments conveying, encumbering, or otherwise affecting title to real property on behalf of the entity is:

LeeAnn Downey, CAO

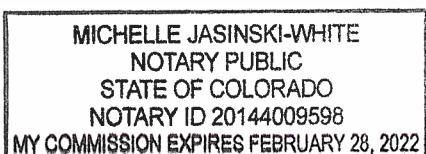
6. The authority of the foregoing persons to bind the entity is limited as follows:  
None.
7. This Statement of Authority is executed on behalf of the entity pursuant to the provisions of §38-30-172, C.R.S.
8. This Statement of Authority amends and supersedes in all respects any prior Statement of Authority executed on behalf of the entity.

Executed this 15th day of August, 2019.

Name: LeeAnn Downey  
LeeAnn Downey, CAO

STATE OF COLORADO )  
 ) :ss  
COUNTY OF Arapahoe )

The foregoing instrument was acknowledged before me this 15th day of August, 2019, by LeeAnn Downey, as CAO of Bellco Credit Union, a Colorado nonprofit corporation.



Michelle Jasinski-White  
Notary Public

My Commission expires: February 28, 2022

August 15, 2019

City and County of Denver  
Community Planning and Development  
201 West Colfax Avenue, Department 205  
Denver, CO 80202

*RE: The property commonly known as 10353 E Mississippi Avenue, Denver, Colorado (the "Property"), owned by Bellco Credit Union, a Colorado nonprofit corporation (the "Owner")*

To Whom it May Concern:

The purpose of this letter is to notify the City and County of Denver (the "City") that Murphy Oil USA, Inc. (Murphy), has a valid and binding agreement concerning the provision of services in connection with necessary approvals for development of the Property.

Accordingly, the Owner acknowledges and authorizes Murphy to submit a Zone Map Amendment application to the City for the Property.

Thank you and please do not hesitate to contact the undersigned with any questions.

Best Regards,

BELLCO CREDIT UNION



LeeAnn Downey  
SVP/Chief Administrative Officer

## Rezoning Justification Letter – Denver Zoning Code Criteria Analysis

10353 E Mississippi Avenue

August 13, 2019

Thank you for taking the time to review our Zone Map Amendment application for the property located at 10353 E Mississippi Avenue (northeast corner of S Geneva Street & E Mississippi Avenue. This request would rezone the property from the Chapter 59 B-1 with conditions, to the S-MX-3 district under the current Denver Zoning Code (DZC). Included below is the analysis of the proposed Zone Map Amendment request against the following Denver Zoning Code sections:

Section 12.4.10.7: General Review Criteria Applicable to All Zone Map Amendments,  
Section 12.4.10.8: Additional Review Criteria for Non-Legislative Rezonings

Section 12.4.10.7: General Review Criteria Applicable to All Zone Map Amendments,  
The City Council may approve an official map amendment if the proposed rezoning complies with all of the following criteria:

- A. 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. The applicable adopted plans are the Comprehensive Plan 2040 and Blueprint Denver.

Analysis:

### **Comprehensive Plan 2040:**

The Comprehensive Plan 2040 focuses on six vision elements forming a sustainable, comprehensive vision for the City. The proposed rezoning is in alignment with the following goals:

Equitable, Affordable and Inclusive – Goal 1.1 is to ensure that all Denver residents have safe, convenient and affordable access to basic services and a variety of amenities.

- The current zoning restricts the site to be “developed in a manner as shown on the site plan” that is on file in the Office of the Clerk and Recorder under Filing No. 93-1159, dated December 17, 1993. Based on this site plan, it appears the only redevelopment that can occur at this site is a drive-thru ATM use. Rezoning the site to S-MX-3 would provide an opportunity for residents to achieve this goal via an expanded use list. The variety of uses anticipated for the proposed site could include a fuel station, eating and drinking



establishments (with or without a drive-thru), and other retail uses typically found within a suburban, mixed-use development.

Strong and Authentic Neighborhoods – Goal 2.1 is to create a city of complete neighborhoods.

- Strategy A is to build a network of well-connected, vibrant, mixed-use centers and corridors.
  - Rezoning the site would fit this goal by providing an opportunity for commercial development growth, and an increase in services located within close proximity to the adjacent neighborhood. Current zoning only allows for a drive-thru bank use, which is the same use as the parcel to the east.
- Strategy D is to encourage quality infill development that is consistent with the surrounding neighborhood and offers opportunities for increased amenities.
  - The current use on the property is a vacant drive-thru ATM service. The proposed rezone would allow infill development to activate the land, and would provide an opportunity for retail/commercial services to help strengthen the surrounding neighborhood.

Environmentally Resilient – Goal 5.8 is to clean our soils, conserve land and grow responsibly.

- Strategy A is to promote infill development where infrastructure and services are already in place.
  - This area already has infrastructure (roads, utilities, landscaping) in place. As a result, rezoning the site to expand the list of allowable uses would help achieve the goal of conserving land and growing responsibly.

Denver and the Region – Goal 2 is to embrace Denver's role as the center of regional growth.

- Strategy A is to direct significant growth to regional centers and community centers and corridors with strong transit connections.
  - The proposed rezone site is designated as a Community Corridor within Blueprint Denver. These corridors are accessible to a larger area of surrounding neighborhood users (bus stop located directly east of the site) and provide the opportunity for a mix of uses to thrive along a strong roadway corridor (such as E Mississippi Avenue). This site is a desirable area for allowing additional commercial services to serve the surrounding community.

Rezoning the subject property to S-MX-3 is consistent with Comprehensive Plan 2040 as analyzed above.

#### **Blueprint Denver:**

The Blueprint Denver Future Neighborhood Contexts Map and Future Places Map identifies the subject site as Suburban and Community Corridor, respectively. These designations are supportive of the variety of uses that could serve the surrounding neighborhoods as the site is located along a major thoroughfare (E Mississippi Avenue).

The subject property, and surrounding area to the west and north are identified as areas that need to improve access to opportunity. In areas such as this, Blueprint Denver states that it is important to guide change in ways that increase access to basic goods, services and amenities to improve quality of life. The proposed S-MX-3 zoning district would allow for a variety of uses to develop and provide the surrounding neighborhoods access to basic goods and services.

Blueprint Denver also states that everyone in Denver deserves to live in a complete neighborhood, and that a complete neighborhood is where jobs, daily services and recreation are easily accessible.

The following Blueprint Denver policies are supportive of the proposed rezone:

Land Use & Built Form: General – Policy 01 is to promote and anticipate planned growth in major centers and corridors and key residential areas connected by rail service and transit priority streets.

- Strategy A is to use zoning and land use regulations to encourage higher-density, mixed-use development in transit rich areas including community corridors.
  - The subject site is located along a residential arterial roadway and designated as a Community Corridor, which makes it a desirable area for the mix of uses permitted by the proposed zone map amendment.

Land Use & Built Form: General – Policy 03 is to ensure the Denver Zoning Code continues to respond to the needs of the city, while remaining modern and flexible.

- Strategy A is to rezone properties from the Former Chapter 59 zoning code so that the entire city is covered by the DZC, including continuing to incentivize owners to come out of the old code.
  - The proposed rezone to S-MX-3 would bring the subject property out of the Former Chapter 59 zoning code, and into the current DZC.

Mobility – Policy 01 is to encourage mode-shift – more trips by walking and rolling, biking and transit – through efficient land use and infrastructure improvements.

- Strategy D is to increase the number of services and amenities that are available by walking, rolling and biking by integrating more local centers and corridors into residential areas, especially for areas that score low in Access to Opportunity.

- The proposed site is in an area that scored low in the Access to Opportunity measurements. There is existing residential development located immediately to the north and west, and across Mississippi Avenue to the south. The proposed S-MX-3 zoning would provide an opportunity to develop the site and increase the services and amenities available to the surrounding neighborhood, thus expanding the ability for walking, rolling and biking by neighbors to the site.
- Strategy E is to promote mixed-use development in all centers and corridors.
  - The proposed site is in an area that scored low in the Access to Opportunity measurements. There is existing residential development located immediately to the north and west, and across Mississippi Avenue to the south. The proposed S-MX-3 zoning would provide an opportunity to develop the site and increase the services and amenities available to the surrounding neighborhoods, thus expanding the ability for walking, rolling and biking by neighbors to the site.

Given the subject property's location, we find that the rezoning request is consistent with Blueprint Denver, especially since The Future Neighborhood Contexts Map for the site is Suburban, and the Future Places Map identifies the site as a Community Corridor.

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.

Analysis: The proposed official zone map amendment to S-MX-3 creates a new, uniform zone district with applicable standards for the entirety of the proposed site. The new zone district will create a high-density zoning district that will allow for a variety of uses that fit the suburban commercial corridor context, per the Adopted Plans for this area. The regulations are uniform and at the time of a site plan, will be appropriately reviewed for design criteria.

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

Analysis: Rezoning to S-MX-3 will allow the development of needed goods and services for the surrounding residents. The site plan will be carefully designed in order to provide a safe, customer friendly entrance/exit to/from the site.

#### Section 12.4.10.8: Additional Review Criteria for Non-Legislative Rezonings

In addition to compliance with the general review criteria stated in Section 12.4.10.7, the City Council may approve an official map amendment that the City Attorney has determined is not a legislative rezoning only if the City Council finds the application meets the following criteria:

A. Justifying Circumstances: One of the following circumstances exists

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, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage;
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 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.

Analysis: Circumstance 4 exists in the case of this rezoning. The existing zone district for this site is based on the Former Chapter 59 zoning. This zone map amendment would change the zone district to be in conformance with the current Denver Zoning Code. The City has recently adopted new guiding documents in the Comprehensive Plan 2040 and updated Blueprint Denver, which designate the subject site as a Suburban Community Corridor.

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.

Analysis: The Suburban Neighborhood Context is characterized by single-unit and multi-unit residential, commercial strips and centers, and office parks. The S-MX-3 district applies to areas or intersections served primarily by arterial streets where a building scale of 1 to 3 stories is desired. The Zone District Purpose for S-MX-3 is intended to promote safe, active, pedestrian-scaled, diverse areas and enhance the convenience and ease of walking, shopping and public gathering within and around the city's neighborhoods. In addition, this zone district intends to improve the transition between commercial development and adjacent residential neighborhoods. The Mixed Use districts are appropriate along corridors, for larger sites and at major intersections. The Zone District regulations allow for a wide variety of uses and building forms. As development proceeds, the permitted uses and building

forms are further defined to provide clarity and predictable development outcomes. Multiple building forms are allowed on a single zone lot. The subject property is located in an area that is consistent with the description, purpose, and intent of the S-MX-3 zone district.

Through the analysis above, we find that the proposed rezoning of the subject property to S-MX-3 is consistent with the Comprehensive Plan 2040, Blueprint Denver, and complies with the additional review criteria of DZC Sec. 12.4.10.8.

## Neighborhood Outreach Summary – Rangeview Neighborhood Association

10353 E Mississippi Avenue

August 14, 2019

As a supplement to the zone map amendment application package, we have prepared a letter summarizing the Registered Neighborhood Organization (RNO) outreach completed during the beginning of this process (prior to formal application).

At the rezoning pre-application meeting with City staff, it was brought to our attention that the Rangeview Neighborhood Association felt they were blindsided by a previous applicant's attempt to rezone this property. As a result, Galloway and Murphy Oil USA, Inc. met with the neighborhood board on April 11, 2019 to introduce the team and discuss the project.

On May 13, 2019, Galloway and Murphy Oil USA, Inc. presented the project and solicited feedback at the Rangeview Neighborhood Association annual meeting. Feedback was solicited via a Q&A session, comment cards, and post-presentation discussions with members of the neighborhood. After the meeting, site plan revisions were made to incorporate their comments into the redevelopment of the site. The following features were taken into account during redesign of the site layout:

- enhanced buffers along the north and west sides
- screen wall along the north to provide barrier between adjacent residential and site
- strategically placing the trash enclosure on the east side of the site
- existing access points to remain, and no new access to Geneva Street

As mentioned in the Rezoning Justification Letter, the mixed-use zone district intends to improve the transition between commercial development and residential neighborhoods. We believe the neighborhood outreach provided very beneficial discussions and provided an opportunity to address the neighbors concerns prior to formally submitting our zone map amendment package.



BY AUTHORITY

ORDINANCE NO. 44  
SERIES OF 1994

COUNCIL BILL NO. 1148  
Series 1993

COMMITTEE OF REFERENCE:

Economic Development,  
Zoning, Planning and  
Land Use

9400020239 1994/02/04 09:38:31 1/ 2 ORD  
ARIE P. TAYLOR - DENVER COUNTY .00 .00 AWE

A B I L L

FOR AN ORDINANCE RELATING TO ZONING, CHANGING THE ZONING CLASSIFICATION FOR A SPECIFICALLY DESCRIBED AREA, GENERALLY LOCATED AT 1060 SOUTH GENEVA STREET, RECITING A CERTAIN REASONABLE CONDITION APPROVED BY THE OWNER AND THE APPLICANT FOR THE ZONING CLASSIFICATION, AND PROVIDING FOR A RECORDATION OF THIS ORDINANCE.

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

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

1. That the land area hereinafter described is presently classified as a part of the R-S-4 District;

2. That the owner and the applicant propose that the land area hereinafter described be changed to B-1 with a certain reasonable condition which the owner and the applicant have approved;

3. That in their application the owner and the applicant have represented that if the zoning classification is changed pursuant to their application, the owner and the applicant approve and agree to the following reasonable condition to the requested change in zoning classification related to the development, operation and maintenance of the land area hereinafter described:

That the land area hereinafter described will be developed in a manner as shown on the site plan as filed in the Office of the Clerk and Recorder, Ex-Officio Clerk of the City and County of Denver, on the 17th day of December, 1993, Filing No. 93-1159.

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

Tract 9, Range View Second Filing, except that portion conveyed to the City of Aurora for roadway purposes by Deed recorded May 28, 1993, at Reception No. 930068665, City and County of Denver, State of Colorado; in addition thereto those portions of all abutting public rights-of-way, but only to the centerline thereof, which are immediately adjacent to the aforesaid specifically described area.

Section 3. That the foregoing change in zoning classification is based upon the reasonable condition approved by the owner and the applicant which reasonable condition is set forth in Subsection 3 of Section 1 hereof; and no permit shall be issued except in strict compliance with the aforesaid reasonable condition. Said reasonable condition shall be binding upon the owner and the applicant for the change in zoning classification and shall be binding upon all successors and assigns of said owner and said applicant, who along with said owner and said applicant shall be deemed to have waived all objections as to the constitutionality of the aforesaid reasonable condition.

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

PASSED BY THE COUNCIL *Jan 29, 1993* 1993

- PRESIDENT

APPROVED *John H. Anderson* - MAYOR *11-27* 1993

ATTEST: *Eric P. Taylor* - ACTING MAYOR  
- CLERK AND RECORDER,  
EX-OFFICIO CLERK OF THE  
CITY AND COUNTY OF DENVER

PUBLISHED IN THE DAILY JOURNAL *Dec. 30* 1993 *Jan. 28* 1994

PREPARED BY: ROBERT M. KELLY, ASSISTANT CITY ATTORNEY 11/2/93

REVIEWED BY: *Don Wilson* *asst* CITY ATTORNEY 1993

SPONSORED BY COUNCIL MEMBER(S) \_\_\_\_\_

CV1148.

12/17



December 14, 1993

Ms. Dorothy Nepa, Zoning Administrator  
Zoning Administration Department  
200 W. 14th Avenue, Suite 201  
Denver, Colorado 80204

RE: Rezoning Application NO. 4101

We, the undersigned owners of property under application for the rezoning referenced above, do hereby agree to the following commitments and conditions related to the development, operation and maintenance of the subject property:

Subject property should be developed generally in a manner as shown on the attached site plan, to be referenced as Exhibit A. Said site plan was developed for BELLCO CREDIT UNION by Lee Architects on November 29, 1993, Job NO. 93049.

As a result of continued negotiations with the surrounding neighborhood and our financial institution needs, we may decide to add or delete before consummation of the project. Already known to us since the site plan was submitted to you is that we will build 10 drive-ups rather than the 8 shown to accommodate our membership needs. Also, a property owner on the NW side of the subject property for security reasons may want a fence rather than to berm the property. We intend to develop the subject property in a manner generally shown noting the previous comments.

These conditions shall apply to all successors and assigns, who along with the present owner, shall be deemed to have waived all objections as to the constitutionality of these provisions.

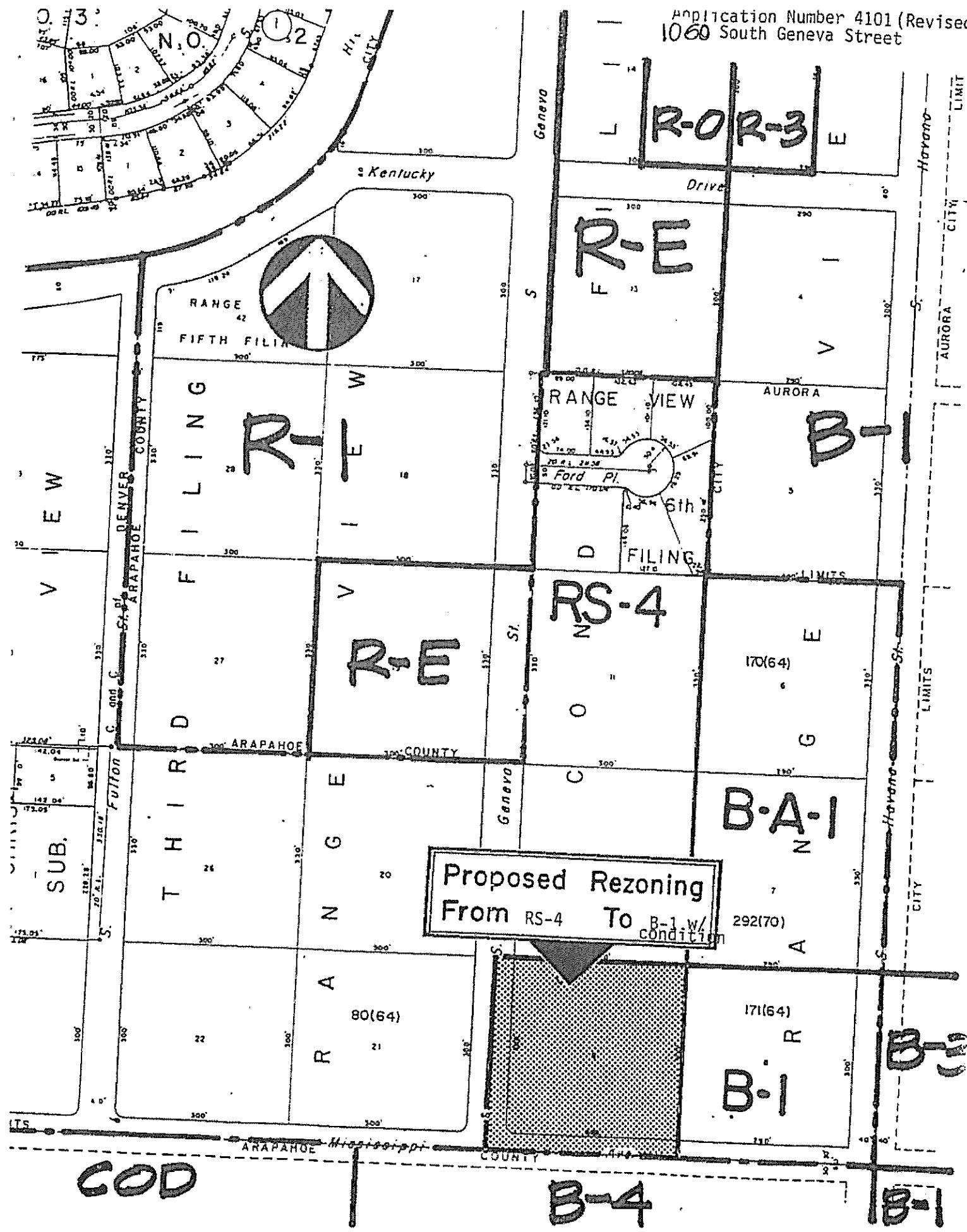
Douglas A. Ferraro  
Douglas A. Ferraro  
President

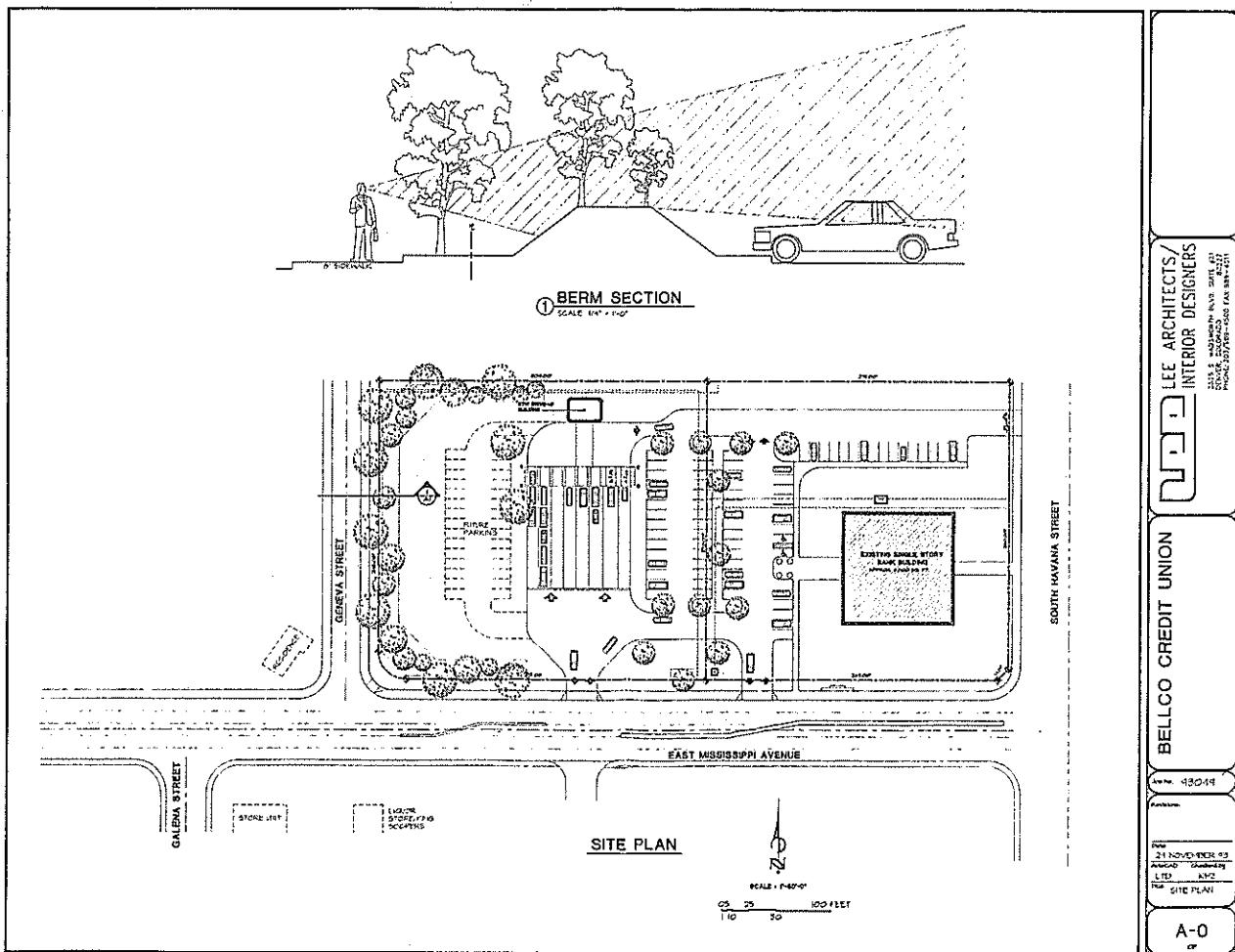
INDICATE TYPE OF OWNERSHIP:

XXX -- Holder of Deed of Trust

93-159  
Site Plan: 1100 South Geneset.  
CDH, Series 1994  
12/17/93

Application Number 4101 (Revised  
1060 South Geneva Street





October 7, 2019



**Re: Proposal from Murphy USA to construct a Murphy Express Gas Station at 10353 Mississippi Ave.**

**Request for Denial of Zone Map Amendment (Rezoning) 10353 Mississippi Ave B-1 with Condition to S-MX-3.**

On May 13, agents of Galloway and partners Murphy Oil and Root Land Group presented a site plan for this location to the Range View RNO. The plan included S-MX-3 zoning for a large gas station, C-store, and an unspecified tandem commercial building. Since then, we have met again with representatives from Murphy Oil and others of their development team and they have removed the other unspecified commercial building from their proposal. Now the site plan call for an eight pump (16 gas hoses) and the convenience store (C-store).

We request that the rezoning and site plan for a gas station and C-store be denied.

We also respectfully ask that Denver Community Planning & Development consider a rezoning context more consistent with this parcel's former B-1 zoning with limitations as to height (one-story), type of business allowed, and a character that is more compatible with suburban single-family homes abutting the land on two sides.

#### Property Not Consistent with Adopted Plans

The Bellco Credit Union at 1075 South Havana Street fronts Havana Street to the north of the proposed gas station site. The Credit Union was recently remodeled and reflects the character of the South Havana Business Improvement District in Aurora. The property that is the subject of this rezoning request fronts East Mississippi Ave rather than Havana Street. The requested S-MX-3 zoning is not consistent with the residential character and zoning context of Denver properties adjacent to the subject property, nor with other properties in the greater Rangeview neighborhood.

Prior to the Bellco's remodel this property acted as drive-through ATM lanes for the credit union. Bellco incorporated ATMs on the Havana side of its property, making access from East Mississippi to ATM lanes on the west side of its property unnecessary.

Prior to a rezoning for drive-through ATM lanes, this property was zoned residential. It was made B-1 with restrictions as to access and use and with landscape requirements attached.

#### Land and Surroundings Indicate a Return to the Original Residential Zoning

While Bellco's remodeled building is consistent with the Havana BID, the Mississippi Ave property should not be considered part of that commercial area. The properties in the Rangeview neighborhood immediately adjacent to this site are all zoned residential. The adjacent properties immediately north of 10353 Mississippi Ave are single-family residences. The properties across Geneva and properties to the west along Mississippi also are single-family residences. Significant construction and remodeling on the Geneva properties to the north has taken place and or is underway. All of that construction is residential. Properties on the Denver side of Mississippi in the Rangeview neighborhood are all residential.

Several vacant properties along Mississippi are also being developed as residential properties. Sixty-plus residential homes were constructed on the south side of Mississippi west of King Soopers. Again, the King Soopers site fronts Havana and is part of the Aurora BID district.

#### The Proposed Map Amendment is not consistent in the Neighborhood Context

Rangeview is an Area of Stability, not an Area of Change.

There is a school bus pickup on the western border of the Belco property on South Geneva Street.

There is no justifying circumstance for granting significant commercial up-zoning of this parcel:

- No error in the 2010 process or designation
- No zoning mistake-of-fact basis
- No failure to take into account the natural characteristics of the land
- No change in character or its surrounding environs
- No credible public interest reason to depart from existing zoning

#### More appropriate Zoning for this Property

If not returned to the original residential neighborhood zone context, we ask that any future rezoning be comparable to B-1 with the same restrictions as to use, height and character. For example,

- Access to site limited to current access at light installed for this property on Mississippi or on Havana across Belco Credit Union property.
- Ingress/egress prohibited to the residential neighborhood via S. Geneva Street.
- Maintenance of current berms and addition of landscaping to protect the established residences.
- Construction of a wall on the north side of lot to protect the single-family, residential homes immediately adjacent to the lot. Locate this wall south of the City of Denver water pipe access easement.
- Trash removal and loading restricted to south or east side of property.
- Limit to one story in height.
- Limit uses to those allowed in former B-1 District.

Last year, the City Planning Board moved to deny a rezoning of this land from B-1 with Condition to S-MX-3, finding that the applicable review criteria had not been met.\* Unless strict limitations are in place, commercial site plans are not compatible with the residential context (S-SU-I) of properties adjacent to the site.

However, CPD's continuing to recommend to potential buyers an S-MX-3 rezoning for this parcel serves to invite a continual slew of site plans that would maximize high-traffic commercial activities and threaten the adjoining neighborhood with significant negative impacts.

One and a half blocks east of the proposed site, on the north side of Mississippi also, is a former gas station/car wash site that now sits vacant and is properly zoned by the City of Aurora for a gas station and convenience store. It has ingress and egress from both Mississippi and the street immediately on the east side of the corner property.

At the May 13 meeting with our RNO, the realtor expressed that anyone with \$2M could buy the Bellco property and build something else, implying that Murphy was buying that property for development. At the most recent meeting held on Friday, September 13, the Murphy representative stated that Murphy was only going to lease the property from Bellco, not purchase. This zoning request could then lead to Murphy, at some point in the future, not renewing their lease and another company could come in and exercise their rights to fully occupy that site as proposed by the city. More than likely, that zoning could have a greater negative impact to our neighborhood.

***Going forward, please review and reaffirm the residential character of the adjacent Rangeview properties when considering future preliminary site plans for this parcel. And please deny the proposed Galloway/Murphy Oil site plan and rezoning to S-MX-3 for this parcel.***

Submitted by:

Anthony Hill  
Chairperson, Rangeview RNO committee for Bellco site redevelopment  
960 S Geneva St  
Denver, CO 80247  
anthonybhill@gmail.com  
303-720-4495

Roger Miller, President  
Rangeview RNO  
845 S. Geneva St.  
Aurora, CO 80247  
Rangeviewhomesda@gmail.com  
Rogermiller69@gmail.com  
303-667-8899

\* Official Map Amendment, Application #2018I-00008 rezoning 10353 E Mississippi Avenue from B-1 with condition to S-MX-3.

Public hearing to recommend to City Council approval, approval with conditions, or denial of the proposed map amendment. See Denver Zoning Code, Section 12.4.10 Chair Noble opened the public hearing. Theresa Lucero, CPD-Planning Services, presented a summary of staff recommendations. Applicant presentation. Public Comment: • Joni Larimer, 1010 S. Geneva St. • Daniel Brotzman, 601 S. Geneva St. • Lallis Jackson, 920 S. Elmira St. • Roger Miller, 845 S Geneva St. • James Jackson, 920 S. Elmira St. • Sandra Stevens, 986 S. Geneva St. Questions from board to staff, applicant and public commenters. Chair Noble closed the public hearing. Board deliberation. Motion by I. Correa-Ortiz: I move to postpone indefinitely application #2018I-00008, rezoning 10353 E Mississippi Avenue, given that applicant might benefit from more communication with the community. I. Correa-Ortiz withdrew the motion. Motion by I. Correa-Ortiz: I move to postpone to the September 19th meeting a future planning board meeting given that the applicant may benefit from more communication from Range View Registered Neighborhood Organization. No second, motion fails. Board deliberation.

Motion by I. Correa-Ortiz: I move to postpone, to October 17th 20018, application #2018I-00008, rezoning 10353 E Mississippi Avenue from B-1 with condition to S-MX-3 given that the applicant may benefit from conversations with the Range View neighborhood. Amendment to the motion by I. Correa-Ortiz: I move to amend the motion to postpone, to the September 19th 2018 meeting, rezoning 10353 E Mississippi Avenue from B-1 with condition to

SMX-3, considering that the applicant may benefit from communication with the Range View neighborhood. Second by S. Tafoya. Amendment to the motion by I. Correa-Ortiz: I move to amend the postponement date to the September 5th 2018 meeting. Amendment accepted by S. Tafoya. Board deliberation. Chair Noble reopened the public hearing. Correa-Ortiz: I move to amend the motion to a postponement of the public hearing to September 5 th , application 2018I-00008, rezoning 10353 E Mississippi Avenue from B-1 with condition to S-MX3, to allow for public comment and to continue the public hearing. Amendment accepted by S. Tafoya. Board deliberation. E. Clark left the meeting. Vote: 4 in favor (S. Tafoya, I. Correa-Ortiz, J. Bershof, A. Abrams), 5 opposed (S. Stanton, D. Elliott, J. Noble, F. Schultz, H. Aggeler). E. Clark not present for vote. Motion fails.

**Motion by S. Tafoya: I move to deny that city council approve application #2018I-00008, rezoning 10352 East Mississippi Avenue from B-1 with Condition to S-MX-3, finding that the applicable review criteria have not been met. Second by J. Bershof.** J. Noble offered a friendly amendment that the motion be a recommendation that City Council deny the application and the application number is 2018I-00008. Amendment accepted by motioner and seconder. Vote: 6 in favor (S. Tafoya, D. Elliott, A. Abrams, H. Aggeler, F. Schultz, J. Bershof) and 2 opposed (J. Noble and S. Stanton). I. Correa-Ortiz abstained. E. Clark not present for vote. **Motion passes.**

[color emphasis added]

**From:** [Kate Bakarich](#)  
**To:** [Stueve, Ella C. - CPD City Planner Senior](#); [jonathan trivisonno](#)  
**Subject:** [EXTERNAL] Fwd: Rezoning Application at 10353 E Mississippi  
**Date:** Monday, October 07, 2019 2:39:41 PM  
**Attachments:** [image001.png](#)

---

Hi Ella,

We are the homeowners at 1051 S Geneva Street directly across from the lot for the proposed gas station. We would like to request if this gas station gets passed that they build a large wall around the gas station on the Geneva Street side so that we can not see the gas station from our street. Also a large wall would prevent any pedestrians walking over to our street back and forth. We want to prevent a ton of people walking around especially at odd hours as we just had a neighbor have a break in last night at his home. We also ask that this wall block out any light of the gas station so at night it's not shining over to our property. We think a wall would block out noise as well for the residents on this street. If they chose to build a wall please consider keeping the landscape around as well. We would much rather stare at a wall and trees than the gas station.

Please consider building this wall along Geneva Street as it would help alleviate a lot of concerns the neighborhood has for this gas station.

Thank You,

Kate Bakarich and Jonathan Trivisonno  
1051 S Geneva Street

----- Forwarded message -----

From: **Stueve, Ella C. - CPD City Planner Senior** <[Ella.Stueve@denvergov.org](mailto:Ella.Stueve@denvergov.org)>  
Date: Mon, Oct 7, 2019, 12:21 PM  
Subject: Rezoning Application at [10353 E Mississippi](#)  
To: [rogermiller69@gmail.com](mailto:rogermiller69@gmail.com) <[rogermiller69@gmail.com](mailto:rogermiller69@gmail.com)>

Hi Roger,

I'm the case manager for the most recent, currently active application to rezone [10353 E Mississippi Avenue](#). I understand that the Rangeview Neighborhood Association has had comments on this property on previous cases, but we have not received any comments since this current case was initiated. You should have received two notices on this case (re: a complete application in August and re: the upcoming Planning Board hearing last week), but I just wanted to reach out to you directly to make sure you're aware that we do not have any official comments from your RNO on this current case.

Comments received by me by 5pm today will be summarized in the staff report, and

comments received by noon on Tuesday October 15<sup>th</sup> will be forwarded to the Planning Board directly.

Regards,

Ella

**Ella Stueve** | Senior City Planner

Community Planning and Development | City and County of Denver

p: (720) 865.2958 |

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**From:** [dmb823](#)  
**To:** [City Council District 5](#); [SawyerForFive@icloud.com](#)  
**Cc:** [Stueve, Ella C. - CPD City Planner Senior](#); [Baker, Evelyn T. - CPD CA2951 Deputy Manager](#); [jimerwinstvoboda@gallowayus.com](#); [rogermiller69@gmail.com](#)  
**Subject:** [EXTERNAL] Inappropriate Rezoning Request - Request for Meeting With Planning Department Director  
**Date:** Sunday, October 13, 2019 9:25:20 PM

---

Councilmember Sawyer

We would like to bring a concern of our neighborhood to your attention. This issue concerns a Denver lot that is currently owned by Bellco. The lot is at 10353 E Mississippi Ave in Denver. This lot was originally a residential lot and part of the Rangeview neighborhood. The rezoning to B-1 with Conditions was approved to allow the bank to put drive-up banking lanes on the lot but conditions stated this was the only thing that could be built here and required no access to the neighborhood, berthing and landscaping.

Last year Bellco (Mississippi and Havana) requested a zoning change for this property at 10353 E Mississippi Ave. They were requesting a change from B-1 with Condition to S-MX-3 and specifically requested a fast food drive through as part of the zoning. Bellco's request would have removed all current landscaping, berthing, and access restrictions. The Denver Planning Board found that while the remodeled Bellco building on Havana is consistent with the Havana Business Improvement District, the request for a three story building allowing a fast food drive through and removal of all current landscaping requirements on the property was incompatible with the houses immediately behind the property and across the residential street. The Planning Board found that there are other zoning classifications and conditions that would make the Mississippi property more compatible with the adjacent homes and would lessen the impact to the homes in the Rangeview neighborhood.

Bellco has again submitted a request for a zoning change to the S-MX-3 zoning code. This year the request is to accommodate a 16 pump gas station with a convenience store. The zoning change to S-MX-3 would still allow the three-story commercial building and would allow fast food restaurant with a drive-thru, mini-storage facility, auto sales car lot, lodging and many more options that are not compatible with the neighborhood. This zoning change request completely ignores the Planning Board's findings that such zoning would be incompatible with the neighboring residential areas. The gas station developer told us that it had requested a zoning classification with less intense uses or one that would allow the conditions being requested, but that request was rejected by the Planning Department.

We understand that you are not allowed to personally intervene now that the application has been submitted. What we are asking is for you to arrange for us to meet with the Interim Executive Director – Community Planning and Development. We are dismayed with the planner's recommendation to again try to rezone this property with the same zoning denied by the Planning Board last year. The planner has worked exclusively with the developer and has not made contact with the residential neighbors.

As this property also sits at the east gateway to Denver we would request your assistance with a contact in Denver Parks and Recreation department. This property could be a cornerstone in the new Denveright plans for investment in parks in your District. Park use would be a great buffer between Bellco and the residential neighborhood.

Thank you for your time and consideration. Please feel free to contact us with any questions you might have.

Daniel & Diane Brotzman  
1001 S Geneva St  
Denver, CO 80247  
(303) 696-9221

October 13, 2019

Ella Stueve  
[ella.stueve@denvergov.org](mailto:ella.stueve@denvergov.org)  
Senior City Planner

Evelyn Baker  
Interim Executive Director, Community Planning and Development  
[evelyn.baker@denvergov.org](mailto:evelyn.baker@denvergov.org)

Amanda Sawyer  
District 5 – City Council  
[DenverCouncil5@denvergov.org](mailto:DenverCouncil5@denvergov.org)  
[SawyerForFive@icloud.com](mailto:SawyerForFive@icloud.com)

CC: Jim Svoboda, Galloway & Co.  
[jimerwinsvoboda@gallowayus.com](mailto:jimerwinsvoboda@gallowayus.com)

CC: Roger Miller, Rangeview Neighnorhood Organization  
[rogermiller69@gmail.com](mailto:rogermiller69@gmail.com)

**Re: Proposal from Murphy USA to construct a Murphy Express Gas Station and Convenience Store at 10353 E Mississippi Ave.**

**Request for Denial of Zone Map Amendment Application #2019I-00048 10353 E Mississippi Ave. B-1 with Condition to S-MX-3**

**Property Not Consistent with Adopted Plans**

The Bellco Credit Union at 1075 South Havana Street fronts Havana Street. The Credit Union was recently remodeled and reflects the character of the Havana Business Improvement District. The property that is the subject of this rezoning request fronts Mississippi Ave rather than Havana Street. The requested S-MX-3 zoning would not be consistent with the residential character and zoning of the Denver properties adjacent to the subject property and other Denver properties in the Rangeview neighborhood and other nearby neighborhoods.

Prior to the Bellco remodel, this property acted as drive through or ATM lanes for the credit union. Bellco incorporated drive through lanes into the new building, making the drive through lanes on Mississippi Ave unnecessary.

Prior to the zoning for drive through lanes, this property was zoned residential. The property was rezoned to the current B-1 zoning with conditions and restrictions as to access, use and landscaping were attached.

**Land and Surroundings Indicate a Return to the Original Residential Zoning**

While Bellco's remodeled building is consistent with the Havana BID, the Mississippi Ave property should not be considered part of that commercial area. The homes in the Rangeview neighborhood immediately adjacent to this property are all zoned residential. The adjacent

properties immediately north of 10353 Mississippi Ave are single family residences. The properties across Geneva and properties to the west along Mississippi are also single family residences. Significant construction and remodeling on the Geneva properties to the north has taken place and is underway. All of that construction is residential. Properties on the Denver side of Mississippi in the Rangeview neighborhood are all residential. Several vacant properties along Mississippi are also being developed as residential properties. There are a number of residential neighborhoods currently under construction on the south side of Mississippi behind the King Soopers. The King Soopers site again fronts Havana and is part of the Aurora BID design. There are no other commercial properties in this block from Mississippi to Exposition through the Rangeview neighborhood.

#### The Proposed Map Amendment is not consistent with the Neighborhood Context

Again, the Denver properties and Rangeview neighborhood are residential. The proposed commercial use is inconsistent and would tower over adjacent homes. The requested height of three stories is inappropriate.

#### More appropriate Zoning for this Property

##### Residential

- Single Unit D (S-SU-D) S-SU-D is a single unit district allowing suburban houses with a minimum zone lot area of 6,000 square feet.
- Row House 2.5 (S-RH-2.5) S-RH-2.5 is a multi unit district and allows suburban house, duplex and Row House building forms up to two and one half stories in height.

##### Business with Conditions

The former B-1 zoning as to height of one story and restricted the type of business allowed.

##### **B-1 Limited Office District:**

This district provides office space for services related to dental and medical care and for office-type services, often for residents of nearby residential areas. The district is characterized by a low-volume of direct daily customer contact. This district is characteristically small in size and is situated near major hospitals or between large business areas and residential areas. The district regulations establish standards comparable to those of the low density residential districts, resulting in similar building bulk and retaining the low concentration of pedestrian and vehicular traffic. Building height is controlled by bulk standards and open space requirements. Building floor area cannot exceed the site area.

It is recommended that this property if not returned to residential zoning be kept in the B-1 zoning or a new zone district with the same restrictions as to use, height and character.

Current Mixed Use – 2x (S-MX-2x) S-MX-2x applies to small sites served primarily by local streets embedded within an existing or proposed neighborhood. These are typically one or two parcels and are limited to low scale building forms and low intensity uses.

S-MX-2x allows conditions. Conditions that should be required if business rather than a residential use is allowed:

- Access to site limited to current access at light installed for this property on Mississippi or on Havana across Bellco Credit Union property. Access prohibited to residential neighborhood via Geneva.
- Maintenance of current berms and landscaping to protect the established residences.
- Trash removal and loading restricted to south or east side of property.
- Limit to one story in height.
- Limit uses to those allowed in former B-1 District.

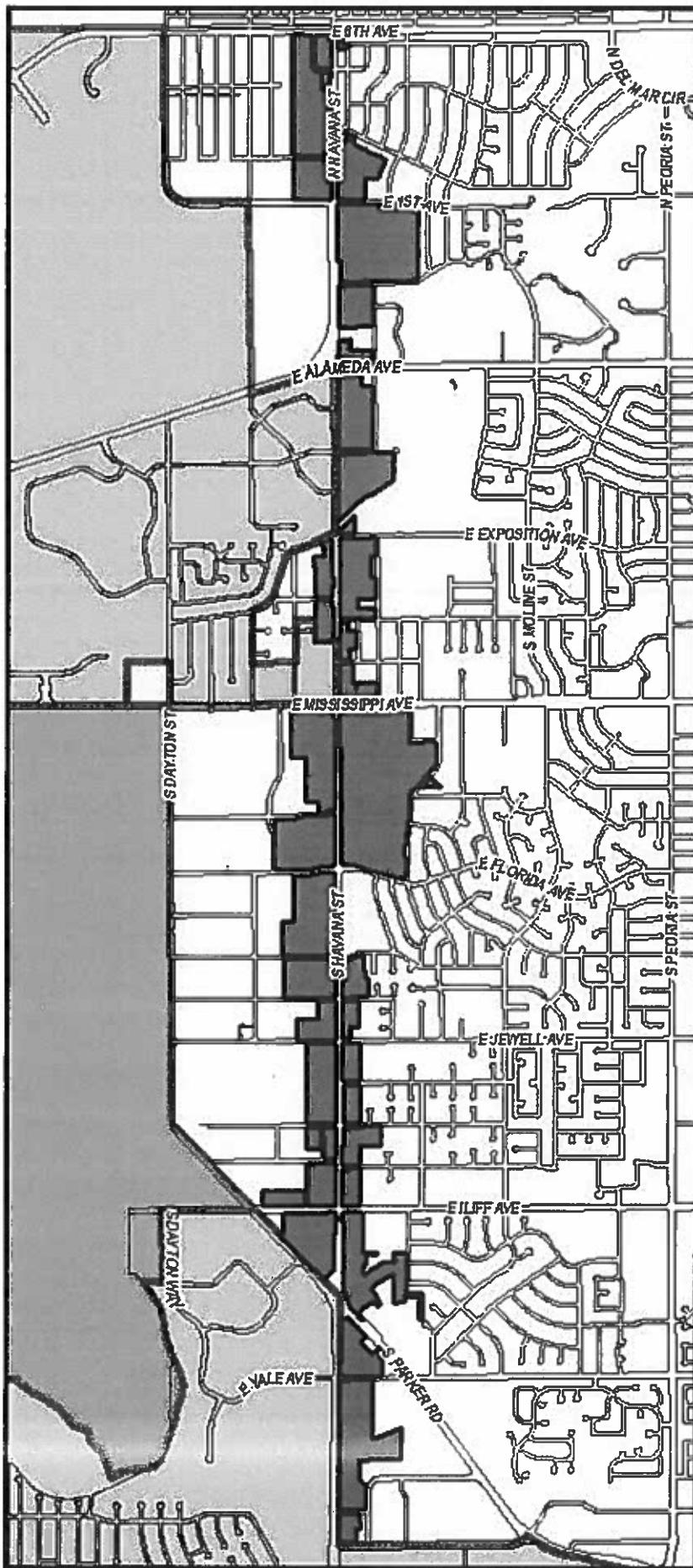
Submitted by:  
Daniel and Diane Brotzman  
1001 South Geneva Street  
Denver, CO 80247

attachments:  
Havana BID  
Google map of area

**Google Maps** 10353 E Mississippi Ave



Imagery ©2018 Google, Map data ©2018 Google 200 ft



## Havana Business Improvement District BID

### Legend

- Havana BID
- City of Aurora
- Arapahoe County
- City and County of Denver



0 1,300 2,600 5,200 Feet

**CITY AND COUNTY OF DENVER, COLORADO  
REGISTERED NEIGHBORHOOD ORGANIZATION  
POSITION STATEMENT**

Following a vote of the Registered Neighborhood Organization, please complete this form and email to [rezoning@denvergov.org](mailto:rezoning@denvergov.org). You may save the form in \*.pdf format if needed for future reference. Questions may be directed to planning staff at [rezoning@denvergov.org](mailto:rezoning@denvergov.org) or by telephone at 720-865-2974.

Application Number	<input type="text"/>
Location	<input type="text"/>
Registered Neighborhood Organization Name	<input type="text"/>
Registered Contact Name	<input type="text"/>
Contact Address	<input type="text"/>
Contact E-Mail Address	<input type="text"/>
Date Submitted	<input type="text"/>

As required by DRMC § 12-96, a meeting of the above-referenced Registered Neighborhood Organization

was held on  , with  members in attendance.

With a total of  members voting,

voted to support (or to not oppose) the application;

voted to oppose the application; and

voted to abstain on the issue.

It is therefore resolved, with a total of  members voting in aggregate:

The position of the above-referenced Registered Neighborhood Organization is that Denver City Council

Application #  .

Comments: