



**TO:** Denver Planning Board  
**FROM:** Ryan Winterberg-Lipp, AICP, Senior City Planner  
**DATE:** October 26, 2016  
**RE:** Official Zoning Map Amendment Application #2016I-00058  
1154, 1156, 1160, 1164, and 1166 South Lincoln Street  
Rezoning from R-MU-20 with waivers and conditions to U-RH.2.5 with waivers

### Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2016I-00058 for a rezoning from R-MU-20 with waivers and conditions ("W/C") to U-RH-2.5 with waivers.

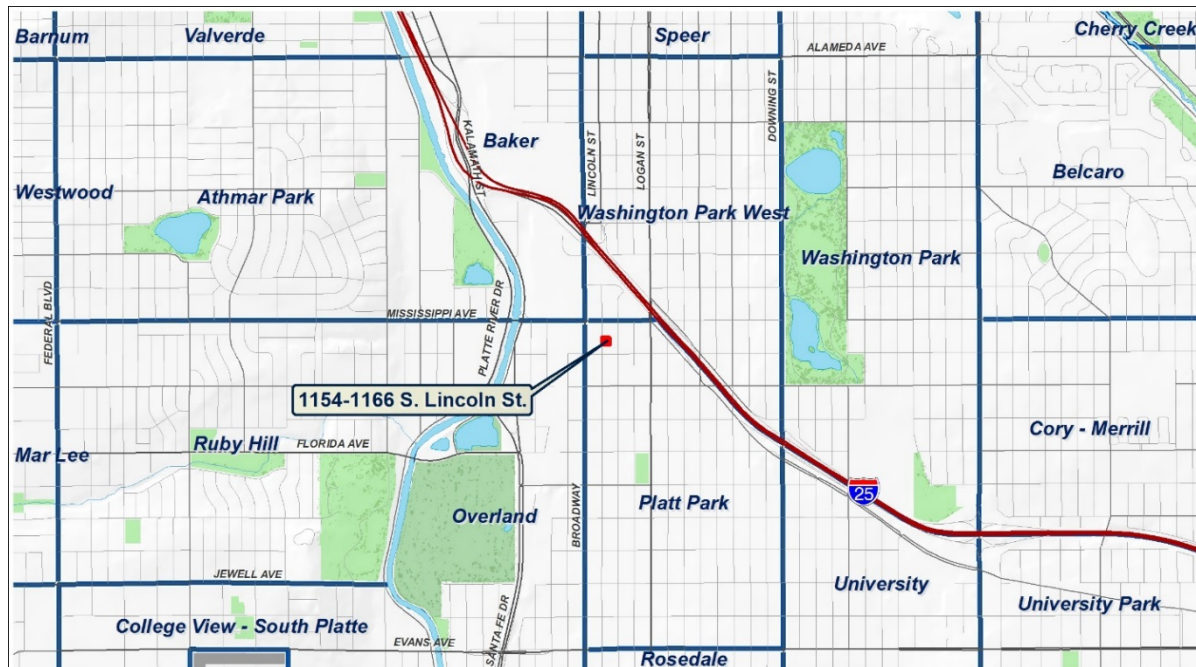
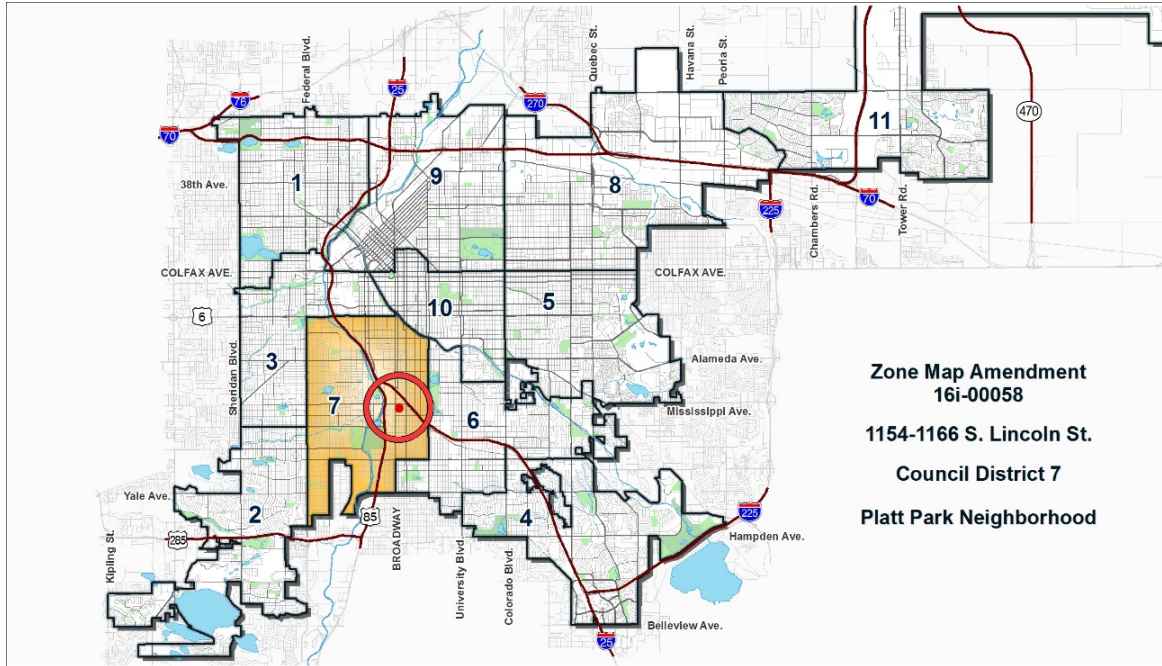
### Request for Rezoning

Application: #2016I-00058  
Address: 1154, 1156, 1160, 1164, and 1166 South Lincoln Street  
Neighborhood/Council District: Platt Park / Council District 7  
RNOs: Denver Neighborhood Association, Inc.; Inter-Neighborhood Cooperation; Platt Park People's Association  
Area of Property: 19,196 square feet (0.44 acre)  
Current Zoning: R-MU-20 W/C  
Proposed Zoning: U-RH.2.5 with waivers  
Property Owner(s): Michael E. Kern, Tanya M. Kern, Jay C. Schroyer, Ashly M. Schroyer, Joshua F. Flyr, Laura O. Flyr, Bobby R. Clark Jr., Shaun Cartwright, Scott C. Moore, Alex Karalis  
Owner Representative: Scott C. Moore

### Summary of Rezoning Request

- The subject properties are located in the Platt Park Statistical Neighborhood on S. Lincoln St. between E. Mississippi Ave. and E. Arizona Ave. The site is comprised of five ownership parcels, all currently occupied by single family homes constructed in 2015.
- The subject sites are currently zoned R-MU-20 waivers and conditions. R-MU-20 is a Former Chapter 59 (FM CH 59) residential mixed use zone district. The district is primarily residential allowing single-unit and multi-unit uses with commercial uses located along collector or arterial streets. The waivers limit permitted uses and maximum building height for a portion of the subject site to create a transition between new development and the existing adjacent residential uses, and various conditions are imposed. More details can be found in Section 59-301 of FM CH 59 and in ordinance 935 of 2004 for specific waivers and conditions.

- The subject sites were developed as part of the multi-phase *Gates East General Development Plan* (GDP) redevelopment area. The GDP was approved in January 2007.
- The property owners are requesting a rezoning to U-RH-2.5 with waivers in order to bring the property into the Denver Zoning Code to capture the existing context and provide a transition to adjacent lower scale and intensity residential uses. Additionally, the proposed rezoning will bring the existing single-unit structure at 1166 S. Lincoln St. into compliance with zoning standards. The 1166 S. Lincoln St. structure does not comply with bulk plane standards in the current R-MU-20 W/C zoning.
- The requested waiver would remove the Protected District designation along the northern boundary of the rezoning area for the purposes of applying the protected district bulk plane standard in Former Chapter 59 on adjacent zone lots to the north. The effect of the proposed waiver would be to keep the existing multiunit structure to the north of the rezoning site a conforming structure by not introducing the protected district bulk plane. The maximum height standard introduced by the protected district designation would still apply, but does not impact the existing structure, which is shorter than the new maximum height of 75'.
- The effect of the proposed rezoning, therefore, would be to change the site's zoning from a controlled zone district to a protected district, except for the customization to the northern boundary's resulting protected district bulk plane. Thus, the abutting controlled districts to the north, excluding the bulk plane, and west would have protected district standards applied to them at the time of development if this map amendment is adopted.
- The map amendment request was originally submitted for the U-RH-2.5 zone district, and Planning Board held a public hearing to consider the request on August 17, 2016. On that date, Planning Board took action to delay the hearing until September 21, 2016 to allow ongoing mediation to progress and find solutions to the various points of opposition heard at the hearing.
- Planning Board also requested additional information from staff at the August 17, 2016 hearing, including a copy of the Gates East General Development Plan and images illustrating the impact of the protected district standards resulting from the original U-RH-2.5 rezoning request on surrounding properties. This information is included in this staff report.
- At the September 21, 2016 hearing, the applicant requested an additional continuation until November 2, 2016, and Planning Board continued the hearing.
- On October 13, 2016, a revised map amendment application to include the waiver was submitted in response to the outcome of mediation. Upon submission, neighboring property owners formally withdrew their opposition.
- The requested U-RH-2.5 with waiver zone district is in the Urban Neighborhood context, allowing multi-unit uses in the Row House form, generally up to 2.5 stories in height. The Washington Park View Plane applies to the site, prohibiting structures greater than 104-105 feet in height. Further details of the zone district can be found in Article 5 of the Denver Zoning Code (DZC).





### Proposed Rezoning and Use of Waivers

The applicant is requesting to rezone to U-RH-2.5 with a waiver. Waivers are enabled by Section 12.4.10.6 of the Denver Zoning Code and allow City Council to waive certain rights or obligations under the proposed zone district, with the written consent of the applicant. The proposed waiver can be found in the attached rezoning application. The proposed waiver reads as follows:

*Along the northern boundary of the rezoning area identified as Zone Lots 2 through 6 as shown on Platt Park North – Phase II Site Development Plan, Denver County Reception Number 2013138769, waive the definition of “Protected District,” Section 13.3, Denver Zoning Code, only for the application of the Protected District bulk plane standard on Zone Lot 1 as shown on Platt Park North – Phase II Site Development Plan, Denver County Reception Number 2013138769. The maximum building height Protected District standard stated in Former Chapter 59, Sec. 59-96 shall apply.*

*This waiver shall be effective so long as Zone Lot 1 as shown on Platt Park North – Phase II Site Development Plan, Denver County Reception Number 2013138769, is a Controlled District as defined in Former Chapter 59. Any rezoning of Zone Lot 1 to a zone district that is not a Controlled District as defined in Former Chapter 59 or to a zone district in the Denver Zoning Code will void this waiver.*



The applicant has requested to waive the Protected District designation of the U-RH-2.5 zone district along the northern boundary of the rezoning area for the purposes of applying the protected district bulk plane standard in Former Chapter 59 on adjacent zone lots to the north. The effect of the proposed waiver would be to keep the existing multiunit structure to the north of the rezoning site a conforming structure by not introducing the Protected District bulk plane. While the structure to the north of the subject rezoning was constructed in compliance with applicable standards at the time of development, the bulk plane introduced by the original rezoning request to the U-RH-2.5 zone district would have rendered the structure to the north nonconforming. The 75' maximum height standard introduced by the protected district designation would still apply, but does not impact the existing structure because it is shorter than 75 feet.

CPD policy supports the use of waivers in situations where the proposed waiver helps to address an issue that CPD is committed to addressing in a future text amendment. In this case, opposition to the original U-RH-2.5 rezoning request and concern from Planning Board focused on the map amendment's detriment to the existing structure to the north of the rezoning site through the resulting nonconforming structure designation. The structure would become nonconforming because the Denver Zoning Code definition of Compliant Structure does not specifically list bulk planes as one of the height or design element standards that results in a structure being designated Compliant. This lack of inclusion of bulk planes in the definition of Compliant Structure has been identified as an item that merits reconsideration.

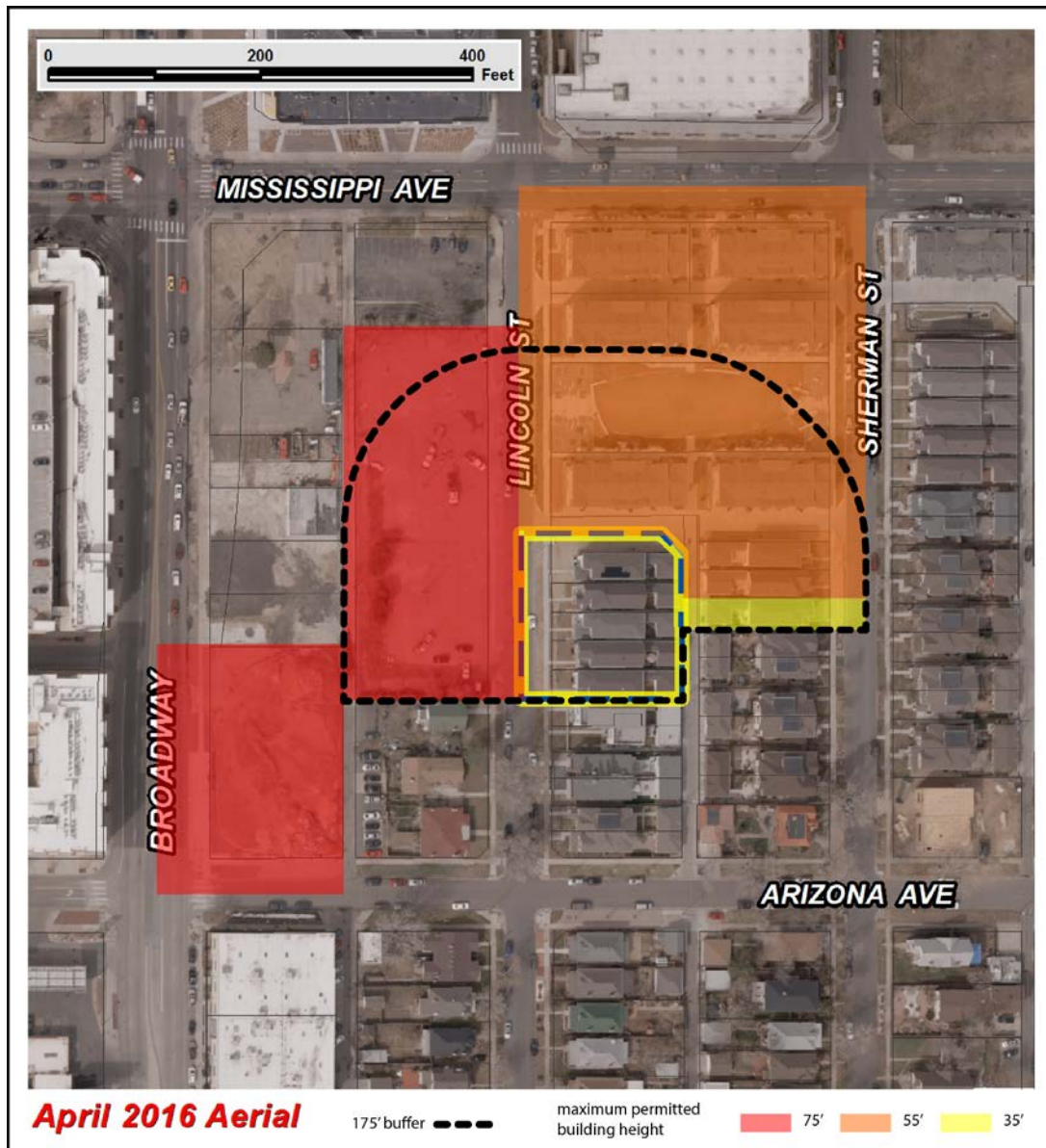
Additionally, it is anticipated that similar situations will arise in other areas of Denver that developed as lower scale residential while under higher-intensity Former Chapter 59 mixed-use or multi-unit zoning. These areas, including Stapleton, Lowry, and Gates East, may seek to rezone into the DZC as protected districts to recognize the built character and uses. The interaction of DZC protected districts and the resulting Former Chapter 59 protected district standards could create additional nonconformities from not only bulk plane standards, but additional standards that have not been studied and revealed at this time. Map amendment application 2016I-00058 has revealed one element of conflict, but others may exist.

The inclusion of the waiver in the proposed map amendment request provides the framework to address both the misalignment of policy and regulation that exist in many of these redevelopment areas. For example, the subject site is identified as an Employment, Area of Change in Blueprint Denver and was zoned for multi-unit and mixed-use. However, the area largely redeveloped as lower-scale single- and two-unit and multi-unit residential. Ambiguity exists for the treatment of such areas due to misalignment in policy and implementation. This case highlights both the need for policy conversation to guide the appropriate regulatory tools and the need to research the scope and breadth of potential conflicts and identify appropriate solutions. Text amendments to zone district standards or processes could result upon further study. The results of this analysis will be especially important with the City's long-term goal to eliminate all Former Chapter 59 zoning by rezoning all properties into the DZC.

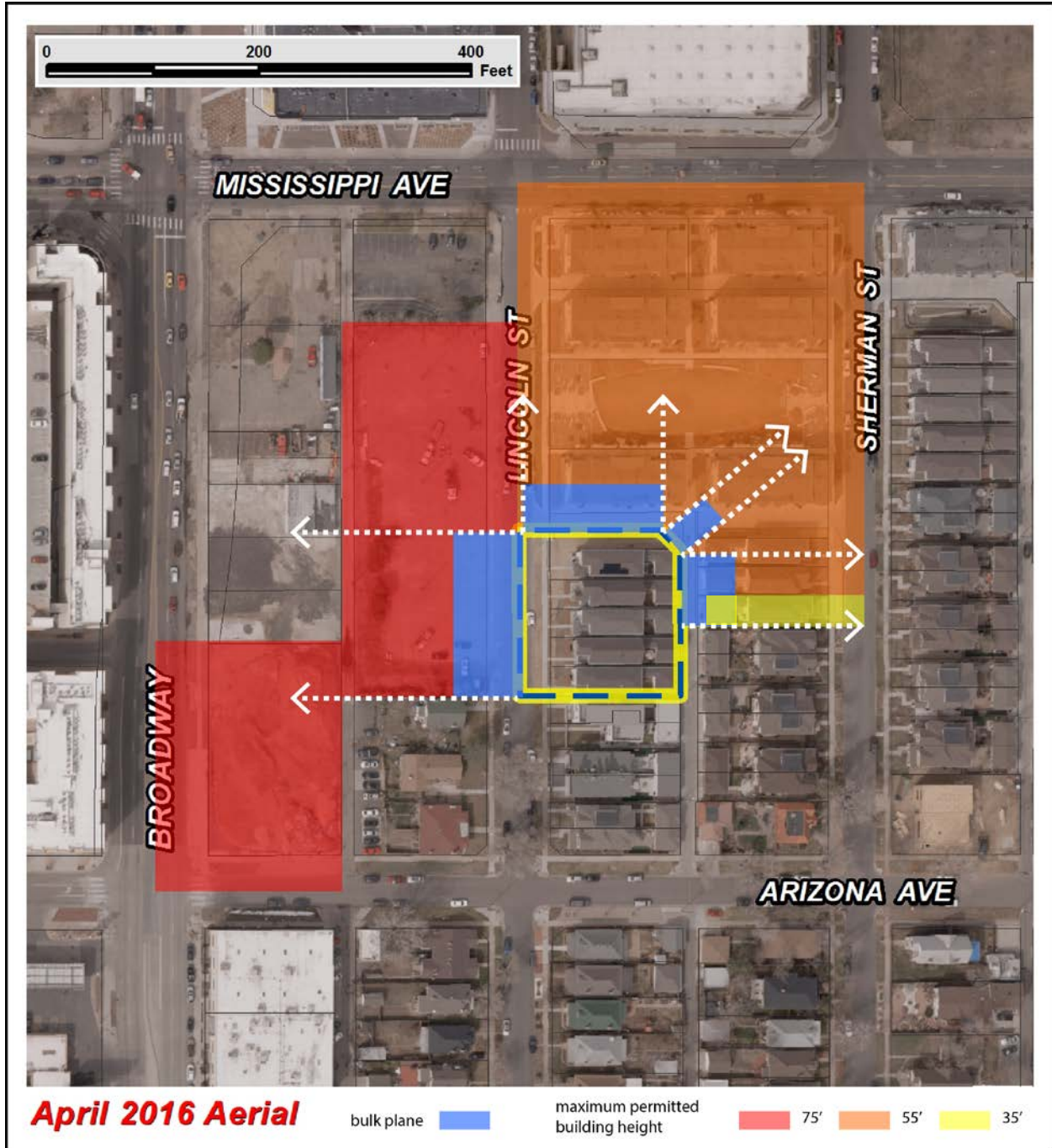
Given CPD's intent to address these circumstances with a policy conversation and regulatory analysis with amendments, staff finds the proposed rezoning with a waiver to be an appropriate interim approach until such time as the amendment is undertaken and adopted.

### Information Requested by Planning Board

At the August 17, 2016, Planning Board public hearing for the original map amendment application for U-RH-2.5, Planning Board requested additional information including, 1. The Gates East General Development Plan, and 2. Diagrams illustrating the impact of the protected district bulk plane and maximum building height on surrounding properties. The Gates East General Development Plan has been included as an attachment to this staff report, and the diagrams are included below.

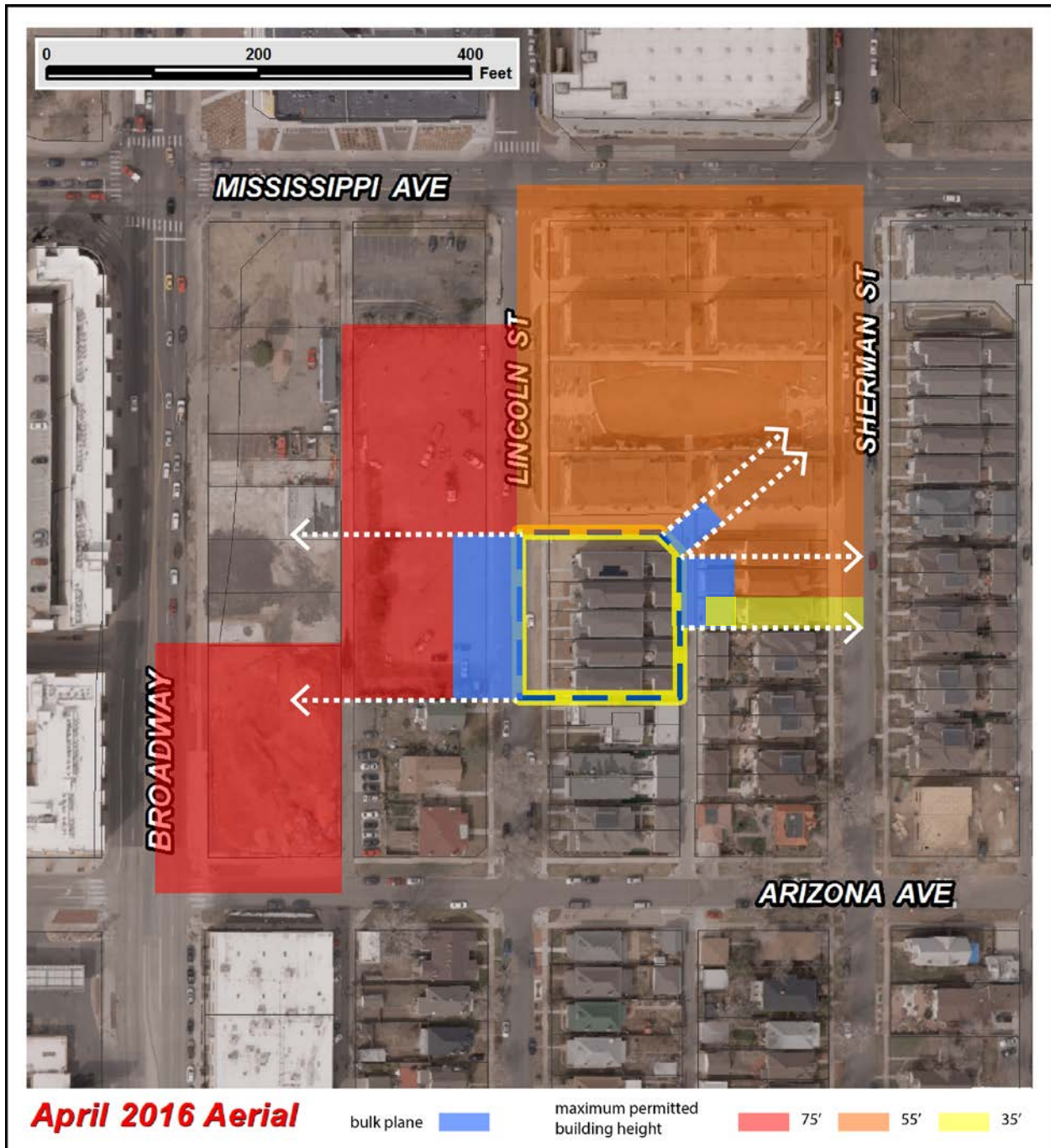


Protected district maximum building height of 75' within 175' of a protected district, if rezoned. Note: only applies to properties zoned in Former Chapter 59.



Protected district bulk plane applied upon surrounding controlled districts with building heights allowed per current zoning for context **for the original map amendment request to U-RH-2.5**. The depth of the bulk plane is illustrated in blue until the point at which it equals the maximum building height permitted by the underlying zone district. Note: only applies to properties zoned in Former Chapter 59.

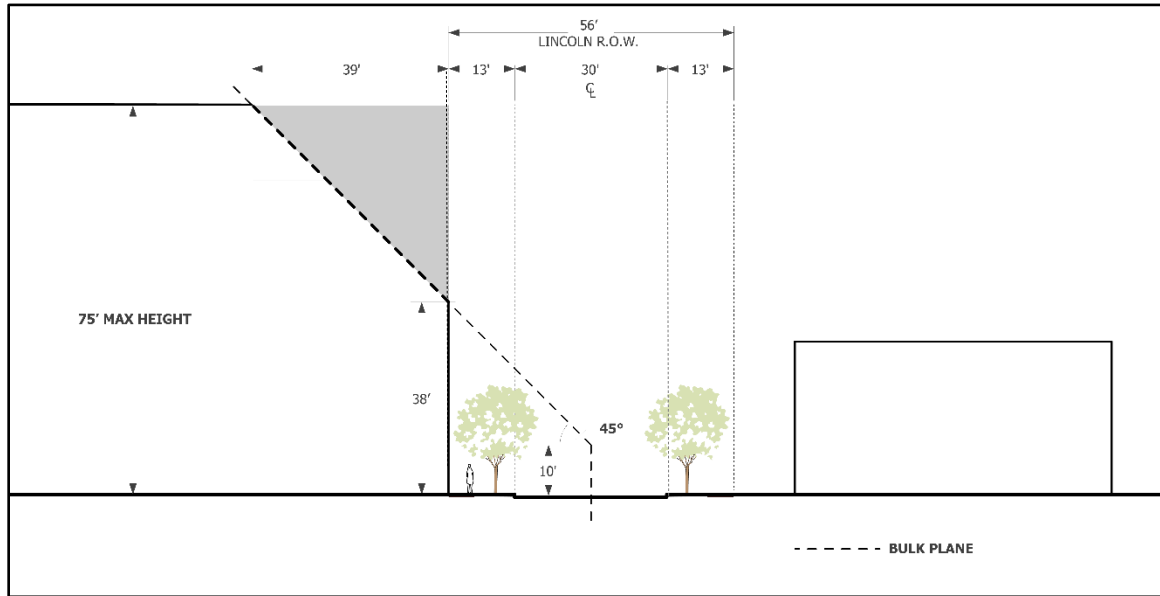




Protected district bulk plane applied upon surrounding controlled districts with building heights allowed per current zoning for context **for the revised map amendment request to U-RH-2.5 with a waiver**. The depth of the bulk plane is illustrated until the point at which it equals the maximum building height permitted by the underlying zone district. Note: only applies to properties zoned in Former Chapter 59,



and the three existing structures located to the east of the subject rezoning site are not rendered nonconforming by the introduction of the bulk plane because they are below the bulk plane.



Protected district bulk plane applied upon sites to the west of the subject rezoning area with maximum permitted building height shown.

**Existing Context**

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

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	R-MU-20 W/C	Single-unit residential	Two-story urban house structures with moderate setbacks	Block sizes and shapes are consistently oblong with a regular presence of alleys. Vehicle access is primarily taken from the alley.
North	R-MU-20 W/C; T-MU-30 W/C, UO-1	Multi-unit residential, open space, commercial, vacant	Low-scale multi-unit residential, low-scale commercial and mid-rise multifamily north of E. Mississippi Ave.	
South	U-TU-C	Two-unit and single-unit residential	Low scale residential structures with shallow to moderate setbacks	Blocks are interrupted by Interstate 25, and are often irregular and generally larger near the interstate to the north.
East	R-MU-20 W/C; U-TU-C	Two-unit and single-unit residential	Low scale residential structures with shallow to moderate setbacks	

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
West	R-MU-30 W/C; U-MX-3, UO-1, UO-2; C-MX-12, UO-1, UO-2	Two-unit residential and vacant	Low scale residential structures with shallow setbacks on a substantially vacant block	Blocks are larger and interrupted by the Consolidated Main Line corridor to the west.

The site is located on the 1100 block of S. Lincoln St. between E. Mississippi Ave. and E. Arizona Ave.

The immediately surrounding area to the south and east is consistently low-scale single-unit and two-unit residential, including both older structures and those constructed in the 2000s. The area to the north includes three-story multi-unit structures oriented to a central open space. Commercial and larger-scale multi-unit uses are located to the north of E. Mississippi Ave. along with one remaining vacant parcel near I-25. The 1100 block of S. Broadway/S. Lincoln to the west of the subject site is largely vacant with three remaining residential structures. The S. Broadway corridor to the west includes more intense land uses and building scales, and substantial vacant property exists around the I-25 and Broadway station to the northwest. The subject site is roughly 2,000 feet from the Louisiana-Pearl station and 3,100 feet from the I-25 and Broadway Station.

### 1. General Development Plan

The *Gates East General Development Plan* (GDP) currently applies to the subject site. The GDP was approved in 2007 and was required by the R-MU-20, R-MU-30, and T-MU-30 zoning along with a regional infrastructure plan. The GDP area is approximately 29 acres and is generally located south of Interstate 25, east of S. Broadway, west of S. Logan St., and north of E. Arizona Ave. The GDP contemplates new multimodal street connections, open space, and a range of mixed uses, intended to transform the previously industrial Gates Rubber Factory site into a pedestrian-friendly, transit-oriented, mixed-use development that is compatible with its neighbors.

## 2. Existing Zoning

The site is currently zoned R-MU-20 W/C. R-MU-20 is a Former Chapter 59 (FM CH 59) residential mixed use zone district. The district is primarily residential allowing single-unit and multi-unit uses with commercial uses located along collector or arterial streets. Commercial uses should be located on collector or arterial streets or in areas that already have commercial uses. Limited civic and commercial uses are allowed in the R-MU-20 zone district, often with limitations and through a special review process. These civic and commercial uses are also regulated by distance requirements from single-unit and two-unit uses. Given the subject site's proximity to existing single-unit and two-unit uses, civic and commercial uses are not permitted on the subject site.



Sec 59-301(b) states that "Mixed-use districts should be used only when there is no other zone district that is more appropriate for the desired uses, not just a single use, either in a single structure or on a single parcel; when the desired uses substantially confirm with the mixed-use zoning requirements and extensive use waivers are not required; when it is anticipated that over time there will be a need and desire for flexibility." Through the R-MU-20 zone district's standards, this intended mixed-use development pattern described above would not have been permitted on the subject site.

Structures in the R-MU districts are controlled by height and bulk limitations only, and the maximum permitted height in the R-MU-20 zone district is 55 feet. The R-MU-20 zoning standards do not include build-to requirements, transparency requirements, pedestrian entrance requirements, active street level use requirements, or standards regulating the location of surface parking.

Bulk plane restrictions apply when adjacent to residential districts with more strict bulk plane restrictions applying when adjacent to a protected district. The subject site is adjacent to a protected district, U-TU-C, but was not reviewed against these additional bulk plane standards due to an unintentional error in development review. Therefore, 1166 S. Lincoln St. was reviewed and constructed without complying with this bulk plane standard, resulting in a nonconforming structure. The proposed U-RH-2.5 with waivers zone district will reflect the built condition and result in a conforming structure designation.

The waivers currently applied to the subject site limit permitted uses both across the entirety of the site and for the southernmost lot. Rooming and/or board houses and church, religious institution with seating capacity in excess of 600 are waived for the entirety of the site. Uses for the southernmost lot, generally 1166 S. Lincoln St., are limited to multi-unit dwelling, single-unit dwelling, live/work residential, residence for older adults, and institutional/special residence. Height is additionally waived to 35 feet for the southernmost lot, intended to respond to the scale of adjacent structures and create a transition between new development and existing adjacent residential properties.

The waivers also waive out the 35 percent open space requirement found in the R-MU-20 zone district, and instead specify that open space will be set forth in the Gates East GDP. Conditions require a coordinated infrastructure masterplan, the creation of a General Development Plan and Urban Design Standards and Guidelines, and provide for consistency with the Broadway I-25 environmental review process.

### **3. View Planes**

The Washington Park View Plane applies to the subject property. It originates in Washington Park and is intended to protect and preserve panoramic views of the mountains. The View Plane specifies maximum heights for all structures. The maximum heights increase with distance from the Washington Park origin point. The Washington Park View Plane allows structures, including permitted height exceptions, with maximum heights no greater than an estimated 104-105 feet across the subject site, greatly exceeding the 35 foot maximum building height in the requested U-RH-district.

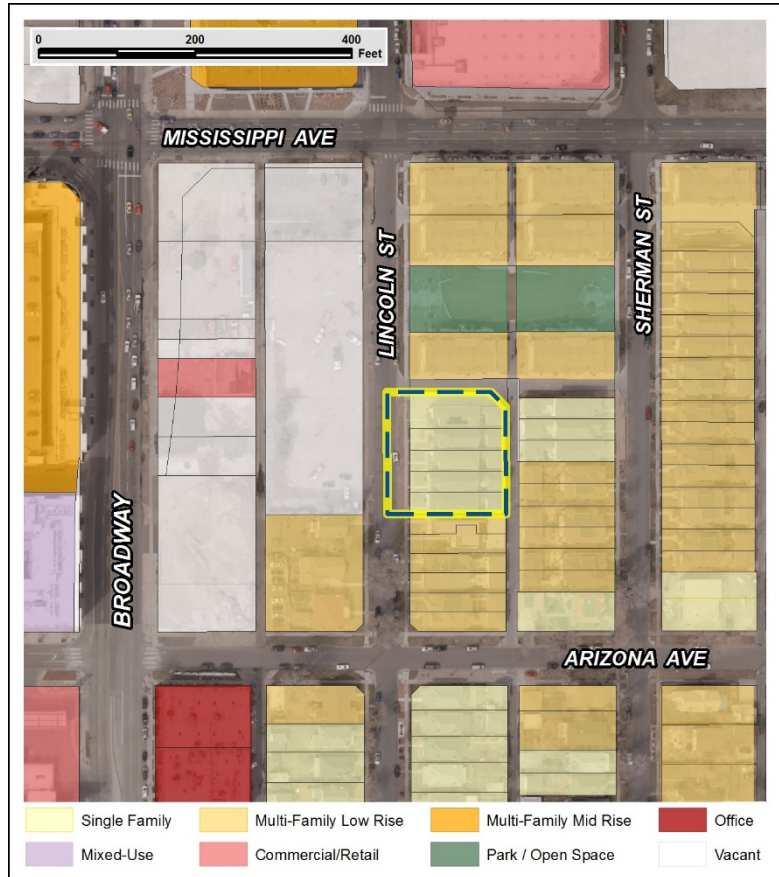
### **4. Urban Design Standards and Guidelines**

The *Gates East GDP Lionstone Redevelopment of the Former East Gates Campus Urban Design Standards and Guidelines* (UDSG) (2006) apply to the subject site, coterminous with the boundaries of the General Development Plan described above. The adoption of urban design standards and guidelines is required for GDPs with T-MU-30 zoning. The UDSG seek the creation of a high quality transit-oriented development that integrates with the surrounding community, rehabilitates existing and significant buildings, and restores the urban fabric to an area that has historically been industrial. The subject site is located in Sub-Area 2 and reinforces the goals set forth in the GDP for this area, including protecting the pedestrian environment from the adverse effects of street traffic; providing a residential presence on the street that enhances feelings of security and community through the use of terraces, balconies, entrances, and porches; creating a varied street wall through building massing that incorporates porches, stoops, terraces, entrances, and significant architectural features; creating visual interest in the street wall through the use of quality materials, pedestrian-scaled building features, enhanced detailing, and adequate glazing; encouraging housing density that has good visibility to and from the public street; providing residential-scale street amenities such as street tree lawns, landscaped building frontages, and occasional furnishings.



### 5. Existing Land Use Map

As seen in the Existing Land Use Map, the subject site is single-unit residential, and it is surrounded by consistently single-unit and two-unit uses to the east and south. The immediate area to the north is multi-unit residential with additional multi-unit residential and commercial to the north of E. Mississippi Ave. The majority of the block to the east on S. Lincoln St. and S. Broadway is vacant with several remaining residential structures.



### 6. Existing Building Form and Scale



Subject site looking east.



Two-unit use to the south of the subject site  
(Google maps)



Single-unit uses typical of the surrounding context  
(Google Maps)



Multi-unit use to the north of the subject site



Vacant property to the west of the subject site

### Summary of City Agency Referral Comments

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

**Asset Management:** Approved – No Comments

**Development Services – Project Coordination:** Approved – No Comments

**Denver Fire Department:** Approved – No Comments

**Development Services – Wastewater:** Approved – No Comments

**Parks and Recreation:** Approved – No Comments

**Public Works – City Surveyor:** Approved – No Comments

**Environmental Health:** Approved – See Comments:

Notes. DEH is not aware of environmental concerns that would impact the rezoning and does not object to the request.

General Notes: Most of Colorado is high risk for radon, a naturally occurring radioactive gas. Due to concern for potential radon gas intrusion into buildings, DEH suggests installation of a radon mitigation system in structures planned for human occupation or frequent use. It may be more cost effective to install a radon system during new construction rather than after construction is complete.

Denver's Noise Ordinance (Chapter 36–Noise Control, Denver Revised Municipal Code) identifies allowable levels of noise. Properties undergoing Re-Zoning may change the acoustic environment, but must maintain compliance with the Noise Ordinance. Compliance with the Noise Ordinance is based on the status of the receptor property (for example, adjacent Residential receptors), and not the status of the noise-generating property. Violations of the Noise Ordinance commonly result from, but are not limited to, the operation or improper placement of HV/AC units, generators, and loading docks. Construction noise is exempted from the Noise Ordinance during the following hours, 7am–9pm (Mon–Fri) and 8am–5pm (Sat & Sun). Variances for nighttime work are allowed, but the variance approval process requires 2 to 3 months. For variance requests or questions related to the Noise Ordinance, please contact Paul Riedesel, Denver Environmental Health (720-865-5410).

Scope & Limitations: DEH performed a limited search for information known to DEH regarding environmental conditions at the subject site. This review was not intended to conform to ASTM standard practice for Phase I site assessments, nor was it designed to identify all potential environmental conditions. In addition, the review was not intended to assess environmental conditions for any potential right-of-way or easement conveyance process. The City and County of Denver provides no representations or warranties regarding the accuracy, reliability, or completeness of the information provided.

**Development Services – Transportation:** Approved –See Comments

DES Transportation approves the subject zoning change. The applicant should note that redevelopment of this site may require additional engineering, ROW dedication to the City, access changes, traffic studies and/or right of way improvements. The extent of the required design and improvements will be determined once this property begins the redevelopment process. The results of any traffic studies may require the construction of off-site mitigation or may limit the proposed density of the project.

**Denver Public Schools:** Approved – No Comments

**Public Review Process**

- CPD staff provided Informational notice of receipt of the original rezoning application to affected members of City Council and registered neighborhood organizations (RNOs) on June 7, 2016.
- The property was legally posted for a period of 15 days announcing the August 17, 2016, Denver Planning Board public hearing, and written notification of the hearing has been sent to all affected registered neighborhood organizations and City Council members.
- Planning Board took action to continue the August 17, 2016 public hearing until September 21, 2016. Planning Board additionally took action to continue the September 21, 2016 public hearing until November 2, 2016.

- CPD staff provided Informational notice of receipt of the revised rezoning application to affected members of City Council and registered neighborhood organizations (RNOs) on October 14, 2016.
- The property was legally posted for a period of 15 days announcing the November 2, 2016, Denver Planning Board public hearing, and written notification of the hearing has been sent to all affected registered neighborhood organizations and City Council members.
- Following the Land Use, Transportation, and Infrastructure Committee review, the rezoning application is typically referred to the full City Council for final action at a public hearing.
- The RNOs identified on page 1 were notified of this application. One letter of support from the Platt Park People's Association was received in response to the original U-RH-2.5 request. At the time of this staff report, no additional RNO comment has been received.
- Three letters of support in response to the original U-RH-2.5 application were received from neighboring property owners.
- One letter objecting to the original rezoning request was received from Chris Kinsman of Davis Graham and Stubbs LLP on August 12, 2016 representing the property owner of the site to the north of the subject rezoning area. **This letter of opposition was withdrawn by the property owner in response to the revised map amendment application.**
- One letter objecting to the original rezoning request was received from Charles Jordy, a neighboring property owner, on August 12, 2016. **This letter of opposition was withdrawn by the property owner in response to the revised map amendment application.**
- One letter objecting to the original rezoning request was received from Thomas J. Ragonetti of Otten Johnson Robinson Neff and Ragonetti on June 30, 2016 representing the property owners of the site bound generally by S. Lincoln St., E. Arizona Ave., S. Broadway, and E. Mississippi Ave, the Hanover site. The letter asserts that the map amendment does not meet the rezoning criteria. **This letter of opposition was withdrawn by the property owner in response to the revised map amendment application.**

### Criteria for Review / Staff Evaluation

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

#### **DZC Section 12.4.10.7**

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

#### **DZC Section 12.4.10.8**

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

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

The following adopted plans apply to this property:

- *Denver Comprehensive Plan 2000*



- *Blueprint Denver* (2002)
- *Gates East General Development Plan* (2007)

### **Denver Comprehensive Plan 2000**

Denver's *Comprehensive Plan 2000* identifies a set of broad guiding principles that unite to form a coherent and compelling vision of a livable city. The U-RH-2.5 with waivers map amendment proposal is consistent with many *Denver Comprehensive Plan 2000* strategies, including:

- **Environmental Sustainability Strategy 2-F:** *Conserve land by promoting infill development with Denver at sites where services and infrastructure are already in place; designing mixed-use communities and reducing sprawl, so that residents can live, work, and play within their own neighborhoods.* (pg. 39)
- **Land Use Strategy 1-H:** *Encourage development of housing that meets the increasingly diverse needs of Denver's present and future residents in the Citywide Land Use and Transportation Plan.* (pg. 58)
- **Land Use Strategy 3-B** – *Encourage quality infill development that is consistent with the character of the surrounding neighborhood; that offers opportunities for increased density and more amenities; and that broadens the variety of compatible uses.* (pg. 60)
- **Denver's Legacies Strategy 4-A:** *Preserve, enhance and extend the pattern and character of the primary street system, including the prevailing grid, interconnected parkways, detached sidewalks and tree lawns.* (pg. 99)
- **Neighborhoods Strategy 1-E:** *Modify land-use regulations to ensure flexibility to accommodate changing demographics and lifestyles. Allow, and in some places encourage, a diverse mix of housing types and affordable units, essential services, recreation, business and employment, home-based businesses, schools, transportation and open space networks.* (pg. 150)
- **Neighborhood Strategy I-F** – *Invest in neighborhoods to help meet citywide goals and objectives for a range of housing types and prices, community facilities, human services and mobility. Continue to foster integrity and livability of neighborhoods.* (pg. 150)

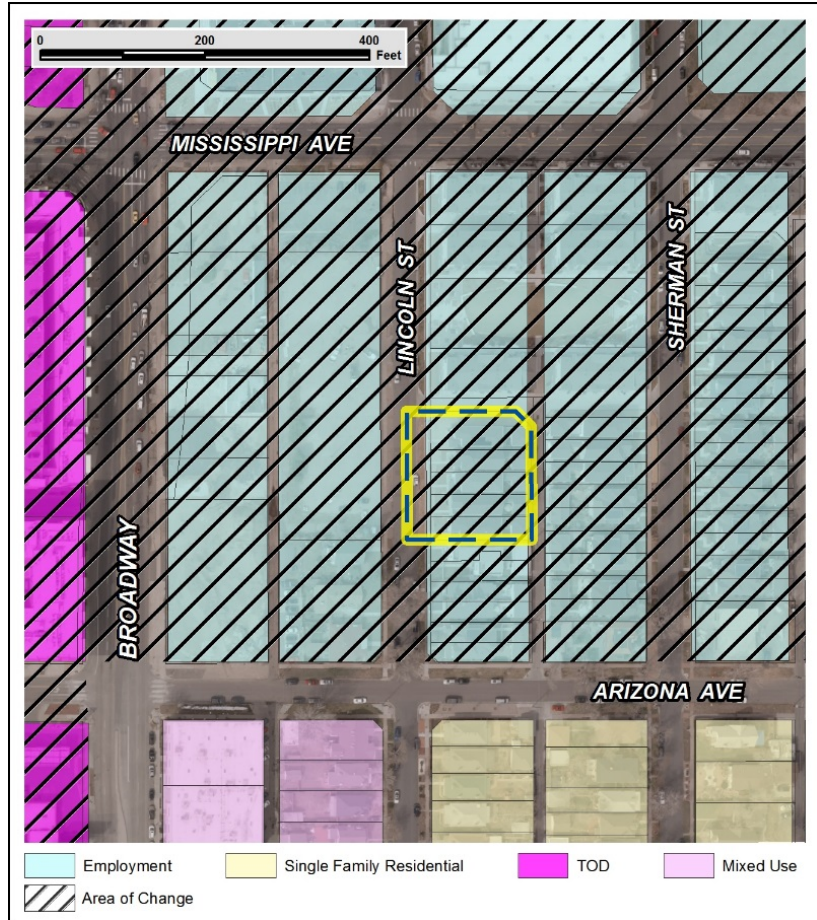
The proposed map amendment application to U-RH-2.5 with waivers will apply zoning standards to capture the existing infill development at a location where services and infrastructure are already in place. Development enabled by the U-RH-2.5 zone district is consistent with the character of the existing surrounding neighborhood and will reinforce the pattern and character of S. Lincoln St as a local street. Additionally, the proposed map amendment will encourage a diverse mix of housing types and capture the investment that has already occurred at the subject site to continue to foster the integrity and livability of the neighborhood. The rezoning is consistent with these Plan recommendations.

### **Blueprint Denver**

According to *Blueprint Denver*, the subject site has an Employment concept land use designation and is located within an Area of Change.

### Future Land Use

According to *Blueprint Denver*, the site is designated with the Employment concept land use designation. Employment areas contain office, warehousing, light manufacturing and high tech uses such as clean manufacturing or information technology (pg. 39). The Employment concept land use category was applied to the entirety of the east portion of the Gates Rubber Factory site, and is of limited applicability. The portion of the Gates Rubber Factory site located to the west of S. Broadway is called out as a Transit-Oriented Development concept land use area, recognizing it as a redevelopment area.



Looking to the surrounding area for context, the single-unit and two-unit residential areas to the south of E. Arizona Ave. that existed at the time of *Blueprint Denver's* adoption are recommended for Single Family Residential land uses. Therefore, this recommended residential context offers insight into the appropriate mix and intensity of uses for the subject sites given that the Employment designation is no longer valid. In Single Family areas, densities are fewer than 10 units per acre, often less than six units per acre neighborhood-wide, and the employment base is significantly smaller than the housing base. Single-family homes are the predominant residential type (pg. 42). The single-unit and two-unit redevelopment that has occurred on the subject site and in the larger area designated for Employment land uses is an extension of the development pattern south of E. Arizona Ave., and it is appropriate to seek guidance from this Single Family Residential concept land use designation. Additionally, *Blueprint Denver* states that pedestrian-scaled facades and prominent street-facing entries are appropriate design standards in Single Family Residential areas. The current R-MU-20 W/C zoning does not implement these design recommendations. The proposed U-RH-2.5 with waivers zone district is consistent with this land use recommendation in combination with the existing development pattern.

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

The entirety of the subject site is within an Area of Change. The former Gates site is specifically identified as a Transit-Oriented Development Area of Change on the Areas of Change map; however, this designation applies to the portion of the Gates Rubber Factory site located to the west of S. Broadway consistent with the Transit-Oriented Development concept land use and does not offer land use guidance for the subject site. In general, “the goal for Areas of Change is to channel growth where it will be beneficial and can best improve access to jobs, housing and services with fewer and shorter auto trips.” Areas of Change provide Denver with the opportunity to focus growth in a way that benefits the City as a whole (pg. 127). The infill development that has occurred within this larger area of change to the east of S. Broadway at the Gates East site will be recognized by the proposed U-RH-2.5 with waivers zone district. Specifically, the subject site’s built condition will be captured by the proposed zone district standards as the change recommended by *Blueprint Denver* has been realized.

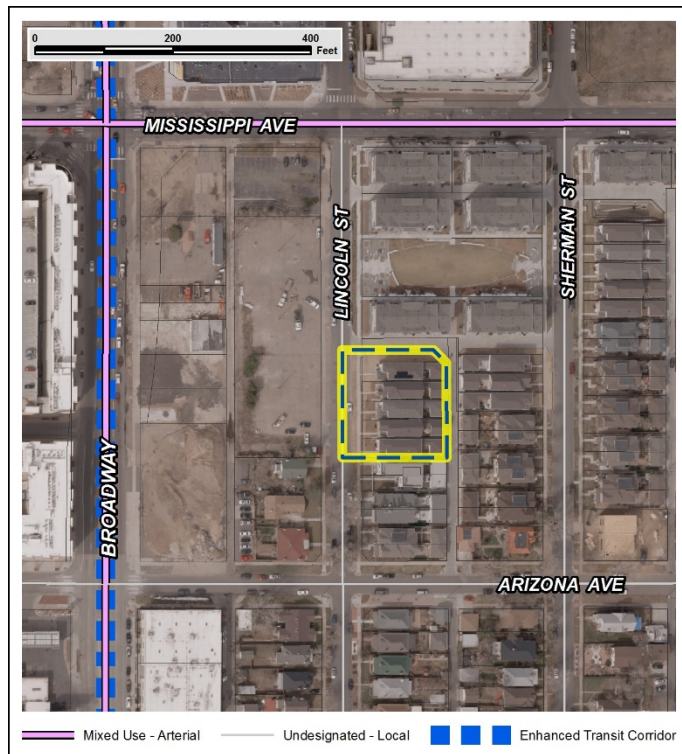
Within Areas of Change, *Blueprint Denver* also recommends “address[ing] edges between Areas of Stability and Areas of Change; Compatibility between existing and new development; [and] Diversity of housing type, size, and cost” (pg. 23). The proposed map amendment to U-RH-2.5 with waivers will address the edge between the subject site’s Area of Change and the Area of Stability located to the south of E. Arizona Ave. Additionally, the U-RH-2.5’s form and use standards ensure compatibility with the U-TU-C area located to the south and east while allowing a diversity of housing types including multi-unit, two-unit, and single-unit.

### **Street Classifications**

The subject site is located on an Undesignated Local street as defined by *Blueprint Denver*. Local streets provide primarily local access and are influenced less by traffic volumes, and it is appropriate to apply the U-RH-2.5 zone district on a local street in recognition of the residential “neighborhood” character and context (pg. 51).

### **Waivers**

*Blueprint Denver’s* analysis of the Former Chapter 59 Denver Zoning regulations states that “it may be appropriate to eliminate the practice of rezoning with conditions and waivers” with the availability of more appropriate regulatory tools (pg. 82). While the rezoning of this Former Chapter 59 waivers and conditions site into the Denver Zoning Code includes a waiver, the map amendment brings the site closer to compliance with *Blueprint Denver’s* intended regulatory reform through eliminating multiple waivers and conditions while acknowledging that waivers may be appropriate when lacking adequate regulatory tools.



### **General Development Plan: Gates East General Development Plan (2007)**

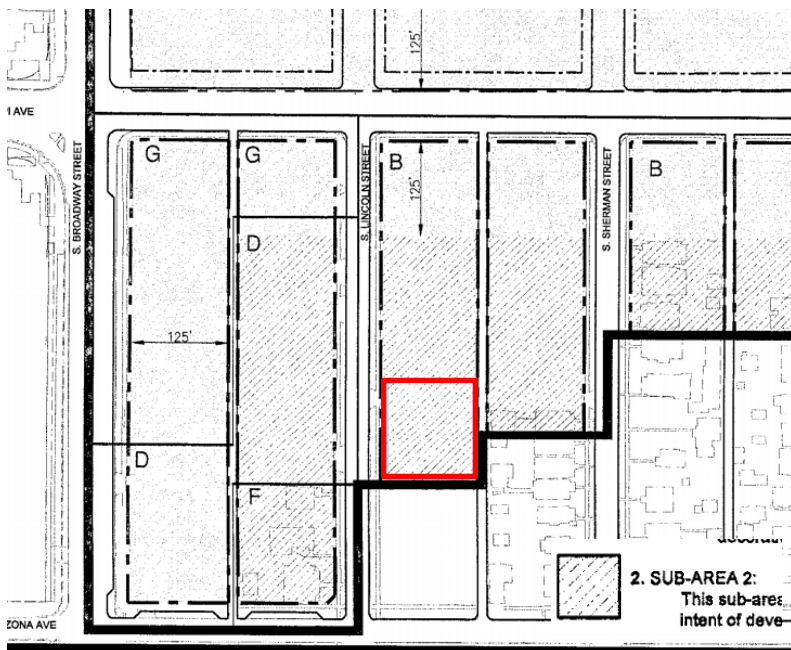
The subject property is also within the *Gates East General Development Plan* area (GDP). General Development Plans provide guidance to subsequent zoning of properties within the GDP area as stated in DZC Section 12.4.12.15, “The City Council may approve an official map amendment (rezoning) application for property located within an approved GDP area, taking into consideration the approved GDP.”

The GDP was developed for the Gates East site upon recognition that the Gates Rubber Factory would undergo a major changed condition with loss of industrial viability. The GDP was intended to transform the previously industrial Gates Rubber Factory site into a pedestrian-friendly, transit-oriented, mixed-use development that is compatible with its neighbors. This finer grain analysis offers guidance for regulatory implementation. Goals and strategies include the integration of higher density with proper controls to respect the character of adjacent Areas of Stability. Land use and site design concepts seek to realize this goal through combining residential and commercial uses to create a variety of activity patterns while responding to market conditions, establishing sub-areas and blocks that respond to the



historic block pattern of the surrounding neighborhoods, concentrating active uses along existing major streets, and locating higher density in a way that creates appropriately-located “gateways” and reinforces a sense of entry into the site. The proposed U-RH-2.5 with waivers zone district recognizes the character of the existing neighborhood context and responds to the historic block pattern of the surrounding neighborhood. Across the GDP area, zoning that permits active uses and higher densities is applied along corridors and intersections that realize the “gateway” concept contemplated in the GDP. The proposed U-RH-2.5 with waivers zone district is consistent with both these site-specific recommendations and across the GDP area within the context of other existing zoning standards.

The subject site is located in Sub-Area 2, a sub-area located predominantly along the GDP area’s existing and proposed local streets. The intent of the sub-area is to: protect the pedestrian environment from the adverse effects of street traffic; provide a residential presence on the street through the use of terraces, balconies, entrances, and porches; create a varied street wall through building massing that incorporates porches, stoops, terraces, entrances, and significant architectural features; create visual interest in the street wall through the use of pedestrian-scaled building features; and encourage housing density that has good visibility to and front the public street (“eyes on the street”). The proposed U-RH-2.5 with waivers zone district provides a residential presence through entrance requirements and multi-unit, two-unit, and single-unit uses to offer pedestrian-level activation.



Additionally, the southernmost lot of the subject site is limited to 35 feet in height in the GDP through a reference to the existing height waivers in the R-MU-20 W/C zoning. The proposed U-RH-2.5 with waivers zone district would apply a consistent 35 foot maximum building height across the entirety of the subject site in recognition of the proximity to other lower-scale residential structures.

## 2. Uniformity of District Regulations and Restrictions

The proposed rezoning to U-RH-2.5 with waivers will result in the uniform application of zone district building form, use, and design regulations. Additionally, the rezoning request will bring the 1166 S. Lincoln property into conformance with zoning standards. The proposed waiver is consistent with a planned amendment that CPD intends to apply applicable zone districts at a later date. Therefore, the

proposed rezoning to U-RH-2.5 with waivers will result in the uniform application of zone district building form, use, and design regulations.

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

The proposed official map amendment furthers the public health, safety, and general welfare of the City primarily through implementation of the City's adopted land use plans including *Comprehensive Plan 2000*, *Blueprint Denver*, and the *Gates East General Development Plan*. Additionally, the requested waiver ensures that the existing structure to the north of the subject site is not impaired through the map amendment by being rendered a nonconforming structure.

### **4. Justifying Circumstance**

The application identifies changed or changing conditions as the Justifying Circumstance under DZC Section 12.4.10.8.A.4, "the land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area."

Both the land and its surrounding environs have changed with the redevelopment of the former Gates Rubber Factory site contemplated by the GDP, and the proposed U-RH-2.5 with waivers zone district recognizes the resultant context and character of the subject sites after this change in conditions. Looking to the surrounding environs, the proposed rezoning to U-RH-2.5 with waivers acknowledges both the U-TU-C zoning applied to the south and east during the 2010 Citywide rezoning and resultant single-unit and two-unit redevelopment while providing a rational transition to the multi-unit uses to the north. Additionally, the proposed U-RH-2.5 with waivers zoning will provide a transition to the more intense development enabled by the R-MU-30 W/C zoning to the west of S. Lincoln St., an anticipated change in the environs when redevelopment occurs on the site.

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

#### Neighborhood Context Description

The proposed U-RH-2.5 with waivers zone district is within the Urban Neighborhood Context. The neighborhood context generally consists of primarily single-unit and two-unit residential uses, and small-scale multi-unit residential uses and commercial areas are typically embedded in residential areas. The Urban Neighborhood Context consists of a regular pattern of block shapes surrounded by an orthogonal street grid, providing a pattern of pedestrian and vehicular connections and a consistent presence of alleys. Block sizes and shapes are consistent and include detached sidewalks, tree lawns, street and surface parking, and landscaping in the front setback. Residential buildings typically have consistent, moderate front setbacks, shallow side setbacks and consistent orientation. The Urban Neighborhood Context is characterized by low scale buildings except for some mid-rise commercial and mixed use structures, particularly at nodes or along arterial streets. There is a balance of pedestrian, bicycle and vehicle reliance with greater access to the multi-modal transportation system (DZC, Division 5.1). It is appropriate to apply zoning within the Urban Neighborhood Context at this location through the adopted plan vision described earlier as well as the existing context. The proposed rezoning to U-

RH-2.5 with waivers will enable development that is consistent with the neighborhood context description.

#### Zone District Purpose and Intent

According to DZC 5.2.2.1.A, the general purpose of the Residential zone districts is to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context. The building form standards, design standards, and uses work together to promote desirable residential areas. Lot sizes are consistent within an area, and lot coverage is typically medium to high accommodating a consistent front and side yard. The standards of the two unit and row house districts promote existing and future patterns of lower scale multi-unit building forms that address the street in the same manner as an urban house building form. The regulations provide certainty to property owners, developers, and neighborhoods about the limits of what is allowed in a residentially-zoned area. These regulations are also intended to reinforce desired development patterns in existing neighborhoods while accommodating reinvestment. The rezoning to U-RH-2.5 with waivers is consistent with the zone district general purpose and recognizes the existing residential context.

Specifically, U-RH-2.5 is a multi-unit district that allows up to a two and a half story rowhouse building form. It also allows the urban house, detached accessory dwelling unit, duplex, and tandem house building forms. The proposed zone district recognizes both the subject site's built condition and surrounding context, fulfilling this Specific Intent statement.

#### **Staff Recommendation**

Based on the analysis set forth above, CPD staff finds that the application for rezoning the property located at 1154, 1156, 1160, 1164, and 1166 South Lincoln Street (#2016I-00058) to the U-RH-2.5 zone district with waivers meets the requisite review criteria. Accordingly, staff recommends approval of the rezoning.

#### **Attachments**

1. Revised Application
2. Current R-MU-20 W/C Ordinance 935-2004
3. Gates East General Development Plan
4. Platt Park North – Phase II Site Development Plan Sheets 1 and 7
5. Letter of opposition and accompanying letters of withdrawal of opposition to the amended application
6. Letters of support received from neighboring property owners

## 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	All owners listed on Page 3	Representative Name	Scott C. Moore
Address	1154, 56, 60, 64, and 66 S. Lincoln St.	Address	1166 S. Lincoln St.
City, State, Zip	Denver, CO 80210	City, State, Zip	Denver, CO 80210
Telephone	See Page 3	Telephone	310.210.3223
Email	See Page 3	Email	scmoore3@yahoo.com
<p><b>*If More Than One Property Owner:</b>            All standard zone map amendment applications shall be initiated by all the owners of at least 51% of the total area of the zone lots subject to the rezoning application, or their representatives authorized in writing to do so. See page 3.</p>		<p><b>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</b></p>	
<p>Please attach Proof of Ownership acceptable to the Manager for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed or deed of trust, or (c) Title policy or commitment dated no earlier than 60 days prior to application date.</p>			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):	1154, 1156, 1160, 1164, and 1166 S. Lincoln St., Denver, CO 80210		
Assessor's Parcel Numbers:	Please see "Property Legal Description" attachment (MS Word format)		
Area in Acres or Square Feet:	19,196 Sq. Ft.		
Current Zone District(s):	R-MU-20 with Waivers and Conditions		
PROPOSAL			
Proposed Zone District:	U-RH-2.5 with Waiver, waiving application of the Protected District designation along Northern boundary of proposed rezoning area only for purposes of applying Protected District bulk plane standard on adjacent lots to the North.		
Does the proposal comply with the minimum area requirements specified in DZC Sec. 12.4.10.3:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	

## REVIEW CRITERIA

<p>General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.7</p>	<p><input checked="" type="checkbox"/> Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan.</p> <p>Please provide 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.</p> <p><input checked="" type="checkbox"/> Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.</p> <p><input checked="" type="checkbox"/> Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</p>
<p>Additional Review Criteria for Non-Legislative Rezoning: The proposal must comply with both of the additional review criteria DZC Sec. 12.4.10.8</p>	<p><b>Justifying Circumstances - One of the following circumstances exists:</b></p> <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 on 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"/> The land or its surroundings has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area to recognize the changed character of the area.</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>Please provide an attachment describing the justifying circumstance.</p> <p><input checked="" type="checkbox"/> The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.</p> <p>Please provide an attachment describing how the above criterion is met.</p>

## 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

## ADDITIONAL ATTACHMENTS

Please identify any additional attachments provided with this application:

- Written Authorization to Represent Property Owner(s)

Please list any additional attachments:

Waiver and Condition Request Form



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

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

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement (must sign in the exact same manner as title to the property is held)	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed or deed of trust, (C) title policy or commitment, or (D) other as approved	Property owner representative written authorization? (YES/NO)
<b>EXAMPLE</b> John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/01/12	(A)	NO
Michael E. Kern and Tanya M. Kern	1154 S. Lincoln St. Denver CO 80210 303-810-3351 mikekern2@gmail.com tanya.kern@gmail.com	Approx. 28%	<i>Michael E. Kern</i> <i>Tanya M. Kern</i>	5/22/16 5/22/16	A	YES
Jay C. Schroyer and Ashly M. Schroyer	1156 S. Lincoln St. Denver CO 80210 303-908-7121 JCSchroyer76@yahoo.com ashly.schroyer@ucdenver.edu	Approx. 18%	<i>Jay C. Schroyer</i> <i>Ashly M. Schroyer</i>	5/22/16 5/22/16	A	YES
Joshua F. Flyr and Laura O. Flyr	1160 S. Lincoln St. Denver CO 80210 480-239-8281 lauraflyr@gmail.com joshflyr@gmail.com	Approx. 18%	(SIGNATURES ON FOLLOWING PAGE)		A	YES
Bobby R. Clark Jr. and Shaun Cartwright	1164 S. Lincoln St. Denver, CO 80210 303-905-8375 Bobbyclark@email.com shauncartwright@gmail.com	Approx. 18%	<i>Bobby R. Clark Jr.</i> <i>Shaun Cartwright</i>	5/22/16 5/22/16	A	YES
Scott C. Moore and Alex Karalis	1166 S. Lincoln St. Denver, CO 80210 310-210-3223 scmoore3@yahoo.com alexkaralis@sbcglobal.net	Approx. 18%	<i>Scott C. Moore</i> <i>Alex Karalis</i>	5/22/16 05/22/16	A	YES

Last updated: February 4, 2015

Return completed form to rezoning@denvergov.org

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

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

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement (must sign in the exact same manner as title to the property is held)	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed or deed of trust, (C) title policy or commitment, or (D) other as approved	Property owner representative written authorization? (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)	NO
Michael E. Kern and Tanya M. Kern	1154 S. Lincoln St. Denver CO 80210 303-810-3351 mikekern2@gmail.com tanya.kern@gmail.com	Approx. 28%			A	
Jay C. Schroyer and Ashly M. Schroyer	1156 S. Lincoln St. Denver CO 80210 303-908-7121 JCSchroyer76@yahoo.com ashly.schroyer@ucdenver.edu	Approx. 18%			A	
Joshua F. Flyr and Laura O. Flyr	1160 S. Lincoln St. Denver CO 80210 480-239-8281 lauraflyr@gmail.com joshflyr@gmail.com	Approx. 18%	<i>JF LoOz</i>	5/22/16 5/22/16	A	YES
Bobby R. Clark Jr. and Shaun Cartwright	1164 S. Lincoln St. Denver, CO 80210 303-905-8375 Bobbyclark@email.com shauncartwright@gmail.com	Approx. 18%			A	
Scott C. Moore and Alex Karalis	1166 S. Lincoln St. Denver, CO 80210 310-210-3223 scmoore3@yahoo.com alexkaralis@sbcglobal.net	Approx. 18%			A	

Last updated: February 4, 2015

Return completed form to rezoning@denvergov.org

# WAIVER AND CONDITION REQUEST FORM

**Rezoning Case Application No.:** 2016I-00058

**Applicant Name:** Scott C. Moore

Section 12.4.10.6, Denver Zoning Code, authorizes the City Council to adopt waivers or reasonable conditions to an Official Map Amendment at the request of the applicant, provided the applicant approves such waivers or conditions in writing.

List each requested waiver and/or condition in the following tables. Include a justification for each waiver or condition.

## Waivers

Code Reference	Code Provision	Proposed Alternative	Justification
Division 13.3	Application of Protected District	Waive application of Protected District designation along the northern boundary of the proposed rezoning area only for the purposes of applying the Protected District bulk plane standard on adjacent lots to the North.	To not result in standards that would render the existing structures to the North non-conforming.

Once adopted, the waivers and/or conditions cited above shall apply to all successors and assigns, who along with the present owner(s), shall be deemed to have waived all objections as to the constitutionality of these provisions.

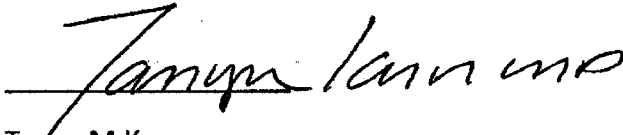
To Whom it May Concern,

This letter is notice that Michael E Kern and Tanya M Kern, the owners of 1154 S Lincoln St, Denver, CO 80210, hereby designate Scott Moore as our representative in regards to rezoning request application # 2016I-0058, for the rezoning of 1154, 1156, 1160, 1164, and 1166 S Lincoln St.

Sincerely,



Michael E Kern  
303-810-3351  
[Mikekern2@gmail.com](mailto:Mikekern2@gmail.com)



Tanya M Kern  
303-550-5482  
[Tanya.kern@gmail.com](mailto:Tanya.kern@gmail.com)

June 11, 2016

To whom it may concern,

This letter is notice that Jay Cree Schroyer and Ashly Marie Schroyer, property owners of 1156 S. Lincoln Street, Denver, CO, 80210, hereby consent to Scott Moore serving as our representative in regards to the re-zoning request application #2016I-00058 for a rezoning at 1154, 1156, 1160, 1164, and 1166 S. Lincoln Street.

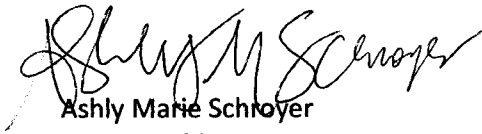
Sincerely,



Jay Cree Schroyer

303.908.7121

[jcschroyer76@yahoo.com](mailto:jcschroyer76@yahoo.com)



Ashly Marie Schroyer

720.326.7202

[Ashly.schroyer@ucdenver.edu](mailto:Ashly.schroyer@ucdenver.edu)

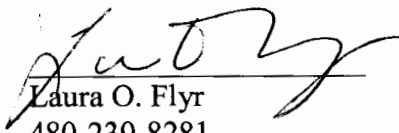


June 16, 2016

To whom it may concern,

This letter is notice that Laura O. Flyr and Joshua F. Flyr, the owners of 1160 S. Lincoln St., Denver, CO, 80210, hereby designate Scott Moore as our representative in regards to rezoning request application # 2016I-00058, for the rezoning of 1154, 1156, 1160, 1164, and 1166 S. Lincoln St. To the extent possible, please continue to include the owners in any communications regarding the rezoning request.

Sincerely,



Laura O. Flyr  
480-239-8281  
lauraflyr@gmail.com



Joshua F. Flyr  
602-451-2716  
joshflyr@gmail.com

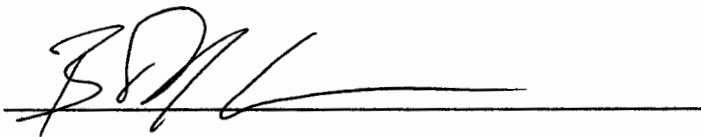
Bobby Clark and Shaun Cartwright  
1164 South Lincoln Street, Denver 80210

June 29, 2016

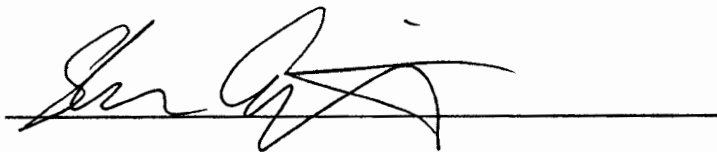
To whom it may concern,

This letter is notice that Bobby Clark and Shaun Cartwright, the owners of 1164 S. Lincoln St., Denver, CO, 80210, hereby designate Scott Moore as our representative in regards to rezoning request application # 2016I-00058, for the rezoning of 1154, 1156, 1160, 1164, and 1166 S. Lincoln St.

Sincerely,

A handwritten signature in black ink, appearing to be 'Bobby Clark', written over a horizontal line.

First owner's name: Bobby Clark  
First owner's phone number: 303-905-8375  
First owner's e-mail: [bobbyclark@email.com](mailto:bobbyclark@email.com)

A handwritten signature in black ink, appearing to be 'Shaun Cartwright', written over a horizontal line.

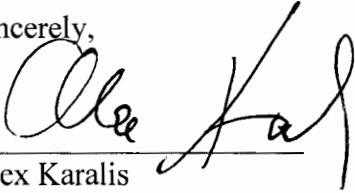
Second owner's name: Shaun Cartwright  
Second owner's phone number: 303-579-7449  
Second owner's e-mail: [shauncartwright@gmail.com](mailto:shauncartwright@gmail.com)

June 29, 2016

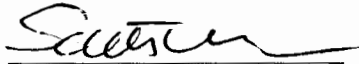
To whom it may concern,

This letter is notice that Alex Karalis and Scott C. Moore, the owners of 1166 S. Lincoln St., Denver, CO, 80210, hereby designate Scott Moore as our representative in regards to rezoning request application # 2016I-00058, for the rezoning of 1154, 1156, 1160, 1164, and 1166 S. Lincoln St.

Sincerely,



Alex Karalis  
323.656.6146  
alexkaralis@sbcglobal.net



Scott C. Moore  
323.656.6146  
Scmoore3@yahoo.com

# Proof of Ownership Documents

# 1154 S LINCOLN ST

**Owner** KERN, MICHAEL E  
 KERN, TANYA M  
 1154 S LINCOLN ST  
 DENVER, CO 80210-1534

**Schedule Number** 0522107070000

**Legal Description** SHERMAN SUB PT B 7 DAF COM NW COR B 7 TH S 292.56FT TO POB TH E 103.13FT  
 SE 28.29FT S 27.5FT W 123.14FT N 47.51FT TO TPOB

**Property Type** RESIDENTIAL

**Tax District** DENV

**Property Summary**

**Property Map**

## Assessment

**Actual Value Year:** 2016      **Actual Value:** \$648,400

## Property

**Year Built:** 2015      **Square Footage:** 2288

## Comparables

Schedule Number / Parcel Id	Address	Sale Month/Year	Sales Price
0527116041000	2070 S PENNSYLVANI ST Denver CO	11/2013	\$707,500
0527104007000	1950 S PEARL ST Denver CO	08/2013	\$680,000



<b>0522726014000</b>	1777 S PENNSYLVANI ST Denver CO	03/2014	\$895,000
<b>0522716004000</b>	1624 S PENNSYLVANI ST Denver CO	07/2013	\$703,357
<b>0522736001000</b>	1800 S PENNSYLVANI ST Denver CO	07/2013	\$659,000



pocketgov **denver**

ONLINE SERVICES

OPEN DATA

A - Z SERVICES

# 1156 S LINCOLN ST

**Owner** SCHROYER,JAY CREE  
SCHROYER,ASHLY MARIE  
1156 S LINCOLN ST  
DENVER , CO 80210-1534

**Schedule Number** 0522107071000

**Legal Description** SHERMAN SUB PT B 7 DAF COM NW COR B 7 TH S 340.07FT TO POB TH E 123.14FT S  
27.5FT W 123.14FT N 27.5FT TO TPOB

**Property Type** RESIDENTIAL

**Tax District** DENV

**Property Summary**      **Property Map**

Assessment			
<b>Actual Value Year:</b>	<b>2016</b>	<b>Actual Value:</b>	<b>\$595,000</b>

Property			
<b>Year Built:</b>	<b>2015</b>	<b>Square Footage:</b>	<b>2288</b>

Comparables				
Schedule Number / Parcel Id	Address	Sale Month/Year	Sales Price	
0527116041000	2070 S PENNSYLVANI ST Denver CO	11/2013	\$707,500	
0527104007000	1950 S PEARL ST Denver CO	08/2013	\$680,000	

**0522726014000** 1777 S PENNSYLVANI ST Denver CO 03/2014 \$895,000

**0522716004000** 1624 S PENNSYLVANI ST Denver CO 07/2013 \$703,357

**0522736001000** 1800 S PENNSYLVANI ST Denver CO 07/2013 \$659,000



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A - Z SERVICES

# 1160 S LINCOLN ST

**Owner** FLYR, JOSHUA F  
 FLYR, LAURA O  
 1160 S LINCOLN ST  
 DENVER, CO 80210-1534

**Schedule Number** 0522107072000

**Legal Description** SHERMAN SUB PT B 7 DAF COM NW COR B 7 TH S 367.56FT TO POB TH E 123.14FT S 27.5FT W 123.15FT N 27.5FT TO TPOB

**Property Type** RESIDENTIAL

**Tax District** DENV

**Property Summary**      **Property Map**

Assessment			
<b>Actual Value Year:</b>	<b>2016</b>	<b>Actual Value:</b>	<b>\$628,000</b>

Property			
<b>Year Built:</b>	<b>2015</b>	<b>Square Footage:</b>	<b>2288</b>

Comparables				
Schedule Number / Parcel Id	Address	Sale Month/Year	Sales Price	
0527116041000	2070 S PENNSYLVANI ST Denver CO	11/2013	\$707,500	
0527104007000	1950 S PEARL ST Denver CO	08/2013	\$680,000	



**0522726014000** 1777 S PENNSYLVANI ST Denver CO 03/2014 \$895,000

**0522716004000** 1624 S PENNSYLVANI ST Denver CO 07/2013 \$703,357

**0522736001000** 1800 S PENNSYLVANI ST Denver CO 07/2013 \$659,000



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A - Z SERVICES

# 1164 S LINCOLN ST

**Owner** CLARK JR, BOBBY R  
 CARTWRIGHT, SHAUN  
 1164 S LINCOLN ST  
 DENVER , CO 80210-1534

**Schedule Number** 0522107073000

**Legal Description** SHERMAN SUB PT B 7 DAF COM NW COR B 7 TH S 395.06FT TO POB TH E 123.14FT S  
 27.5FT W 123.16FT N 27.5FT TO TPOB

**Property Type** RESIDENTIAL

**Tax District** DENV

## Property Summary

## Property Map

### Assessment

**Actual Value Year:** 2016      **Actual Value:** \$654,800

### Property

**Year Built:** 2015      **Square Footage:** 2344

### Comparables

Schedule Number / Parcel Id	Address	Sale Month/Year	Sales Price
0527116041000	2070 S PENNSYLVANI ST Denver CO	11/2013	\$707,500
0527104007000	1950 S PEARL ST Denver CO	08/2013	\$680,000

<b>0522726014000</b>	1777 S PENNSYLVANI ST Denver CO	03/2014	\$895,000
<b>0522716004000</b>	1624 S PENNSYLVANI ST Denver CO	07/2013	\$703,357
<b>0522736001000</b>	1800 S PENNSYLVANI ST Denver CO	07/2013	\$659,000



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A - Z SERVICES

# 1166 S LINCOLN ST

**Owner** MOORE,SCOTT CASEY  
KARALIS,ALEX  
1166 S LINCOLN ST  
DENVER , CO 80210-1534

**Schedule Number** 0522107074000

**Legal Description** SHERMAN SUB PT B 7 DAF COM NW COR B 7 TH S 422.56FT TO POB TH E 123.14FT S  
27.5FT W 123.16FT N 27.5FT TO TPOB

**Property Type** RESIDENTIAL

**Tax District** DENV

**Property Summary**      **Property Map**

Assessment			
<b>Actual Value Year:</b>	<b>2016</b>	<b>Actual Value:</b>	<b>\$611,600</b>

Property			
<b>Year Built:</b>	<b>2015</b>	<b>Square Footage:</b>	<b>2344</b>

Comparables				
Schedule Number / Parcel Id	Address	Sale Month/Year	Sales Price	
0527116041000	2070 S PENNSYLVANI ST Denver CO	11/2013	\$707,500	
0527104007000	1950 S PEARL ST Denver CO	08/2013	\$680,000	

<b>0522726014000</b>	1777 S PENNSYLVANI ST Denver CO	03/2014	\$895,000
<b>0522716004000</b>	1624 S PENNSYLVANI ST Denver CO	07/2013	\$703,357
<b>0522736001000</b>	1800 S PENNSYLVANI ST Denver CO	07/2013	\$659,000



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ONLINE SERVICES

OPEN DATA

A - Z SERVICES



**Legal Descriptions, APNs, and Lot Sizes of Lots to Be Rezoned**

Address	Assessor Parcel No.	Lot size	Legal Description (from Assessor Website)
1154 S Lincoln St	0522107070000	5,649 sq ft	<p>A PORTION OF BLOCK 7, SHERMAN SUBDIVISION, RECORDED IN PLAT BK 3, PG. 4 WITH THE ARAPAHOE COUNTY CLERK &amp; RECORDER; AS IT EXISTS IN THE NE1/4 of SECTION 22, TOWNSHIP 4 SOUTH, RANGE 68 WEST of the 6th P.M., CITY and COUNTY OF DENVER, STATE OF COLORADO, FURTHER DESCRIBED AS:</p> <p>FOR PURPOSES OF THIS DESCRIPTION, BEARINGS ARE BASED ON THE NORTH LINE OF SAID BLOCK 7 AS MONUMENTED ON BOTH ENDS BY A REBAR WITH YELLOW PLASTIC CAP, LS24968 AND ASSUMED TO BEAR NORTH 89°54'07" EAST;</p> <p>COMMENCING AT THE NORTHWEST CORNER OF SAID BLOCK 7, THENCE SOUTH 00°05'31" EAST, ALONG THE WEST LINE OF SAID BLOCK 7, FOR 292.56 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 89°54'07" EAST, FOR 103.13 FEET; THENCE SOUTH 45°05'59" EAST, FOR 28.29 FEET; THENCE SOUTH 00°06'05" EAST, FOR 27.50 FEET; THENCE SOUTH 89°54'07" WEST, FOR 123.14 FEET TO THE WEST LINE OF BLOCK 7; THENCE NORTH 00°05'31" WEST, FOR 47.51 FEET TO THE TRUE POINT OF BEGINNING CONTAINING 5,649 SF, (0.13 ACRES MORE OR LESS)</p>
1156 S Lincoln St	0522107071000	3,386 sq ft	<p>A PORTION OF BLOCK 7, SHERMAN SUBDIVISION, RECORDED IN PLAT BK 3, PG. 4 WITH THE ARAPAHOE COUNTY CLERK &amp; RECORDER; AS IT EXISTS IN THE NE1/4 of SECTION 22, TOWNSHIP 4 SOUTH, RANGE 68 WEST of the 6th P.M., CITY and COUNTY OF DENVER, STATE OF COLORADO, FURTHER DESCRIBED AS:</p> <p>FOR PURPOSES OF THIS DESCRIPTION, BEARINGS ARE BASED ON THE NORTH LINE OF SAID BLOCK 7 AS MONUMENTED ON BOTH ENDS BY A REBAR WITH YELLOW PLASTIC CAP, LS24968 AND ASSUMED TO BEAR NORTH 89°54'07" EAST;</p> <p>COMMENCING AT THE NORTHWEST CORNER OF SAID BLOCK 7, THENCE SOUTH 00°05'31" EAST, ALONG THE WEST LINE OF SAID BLOCK 7, FOR 340.07 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 89°54'07" EAST, FOR 123.14 FEET; THENCE SOUTH 00°05'58" EAST, FOR 27.50 FEET; THENCE SOUTH 89°54'07" WEST, FOR 123.14 FEET TO THE WEST LINE OF BLOCK 7; THENCE NORTH 00°05'31" WEST, FOR 27.50 FEET TO THE TRUE POINT OF BEGINNING; CONTAINING 3,386 SF, (0.078 ACRES MORE OR LESS)</p>

Address	Assessor Parcel No.	Lot size	Legal Description (from Assessor Website)
1160 S Lincoln St	0522107072000	3,387 sq ft	<p>A PORTION OF BLOCK 7, SHERMAN SUBDIVISION, RECORDED IN PLAT BK 3, PG. 4 WITH THE ARAPAHOE COUNTY CLERK &amp; RECORDER; AS IT EXISTS IN THE NE1/4 of SECTION 22, TOWNSHIP 4 SOUTH, RANGE 68 WEST of the 6th P.M., CITY and COUNTY OF DENVER, STATE OF COLORADO, FURTHER DESCRIBED AS:</p> <p>FOR PURPOSES OF THIS DESCRIPTION, BEARINGS ARE BASED ON THE NORTH LINE OF SAID BLOCK 7 AS MONUMENTED ON BOTH ENDS BY A REBAR WITH YELLOW PLASTIC CAP, LS24968 AND ASSUMED TO BEAR NORTH 89°54'07" EAST;</p> <p>COMMENCING AT THE NORTHWEST CORNER OF SAID BLOCK 7, THENCE SOUTH 00°05'31" EAST, ALONG THE WEST LINE OF SAID BLOCK 7, FOR 367.56 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 89°54'07" EAST, FOR 123.14 FEET; THENCE SOUTH 00°06'05" EAST, FOR 27.50 FEET; THENCE SOUTH 89°54'07" WEST, FOR 123.15 FEET TO THE WEST LINE OF BLOCK 7; THENCE NORTH 00°05'31" WEST, FOR 27.50 FEET TO THE TRUE POINT OF BEGINNING; CONTAINING 3,387 SF, (0.078 ACRES MORE OR LESS)</p>
1164 S Lincoln St	0522107073000	3,387 sq ft	<p>A PORTION OF BLOCK 7, SHERMAN SUBDIVISION, RECORDED IN PLAT BK 3, PG. 4 WITH THE ARAPAHOE COUNTY CLERK &amp; RECORDER; AS IT EXISTS IN THE NE1/4 of SECTION 22, TOWNSHIP 4 SOUTH, RANGE 68 WEST of the 6th P.M., CITY and COUNTY OF DENVER, STATE OF COLORADO, FURTHER DESCRIBED AS:</p> <p>FOR PURPOSES OF THIS DESCRIPTION, BEARINGS ARE BASED ON THE NORTH LINE OF SAID BLOCK 7 AS MONUMENTED ON BOTH ENDS BY A REBAR WITH YELLOW PLASTIC CAP, LS24968 AND ASSUMED TO BEAR NORTH 89°54'07" EAST;</p> <p>COMMENCING AT THE NORTHWEST CORNER OF SAID BLOCK 7, THENCE SOUTH 00°05'31" EAST, ALONG THE WEST LINE OF SAID BLOCK 7, FOR 395.06 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 89°54'07" EAST, FOR 123.15 FEET; THENCE SOUTH 00°06'05" EAST, FOR 27.50 FEET; THENCE SOUTH 89°54'07" WEST, FOR 123.15 FEET TO THE WEST LINE OF BLOCK 7; THENCE NORTH 00°05'31" WEST, FOR 27.50 FEET TO THE TRUE POINT OF BEGINNING; CONTAINING 3,387 SF, (0.078 ACRES MORE OR LESS)</p>

Address	Assessor Parcel No.	Lot size	Legal Description (from Assessor Website)
1166 S Lincoln St	0522107074000	3,387 sq ft	<p>A PORTION OF BLOCK 7, SHERMAN SUBDIVISION, RECORDED IN PLAT BK 3, PG. 4 WITH THE ARAPAHOE COUNTY CLERK &amp; RECORDER; AS IT EXISTS IN THE NE1/4 of SECTION 22, TOWNSHIP 4 SOUTH, RANGE 68 WEST of the 6th P.M., CITY and COUNTY OF DENVER, STATE OF COLORADO, FURTHER DESCRIBED AS:</p> <p>FOR PURPOSES OF THIS DESCRIPTION, BEARINGS ARE BASED ON THE NORTH LINE OF SAID BLOCK 7 AS MONUMENTED ON BOTH ENDS BY A REBAR WITH YELLOW PLASTIC CAP, LS24968 AND ASSUMED TO BEAR NORTH 89°54'07" EAST;</p> <p>COMMENCING AT THE NORTHWEST CORNER OF SAID BLOCK 7, THENCE SOUTH 00°05'31" EAST, ALONG THE WEST LINE OF SAID BLOCK 7, FOR 422.56 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 89°54'07" EAST, FOR 123.15 FEET; THENCE SOUTH 00°06'05" EAST, FOR 27.50 FEET; THENCE SOUTH 89°54'07" WEST, FOR 123.16 FEET TO THE WEST LINE OF BLOCK 7; THENCE NORTH 00°05'31" WEST, FOR 27.50 FEET TO THE TRUE POINT OF BEGINNING CONTAINING 3,387 SF, (0.078 ACRES MORE OR LESS)</p>

### **Legal Description of Entire Area to Be Rezoned**

A PORTION OF BLOCK 7, SHERMAN SUBDIVISION, RECORDED IN PLAT BK 3, PG. 4 WITH THE ARAPAHOE COUNTY CLERK & RECORDER; AS IT EXISTS IN THE NE1/4 of SECTION 22, TOWNSHIP 4 SOUTH, RANGE 68 WEST of the 6<sup>th</sup> P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO, FURTHER DESCRIBED AS:

FOR PURPOSES OF THIS DESCRIPTION, BEARINGS ARE BASED ON THE NORTH LINE OF SAID BLOCK 7 AS MONUMENTED ON BOTH ENDS BY A REBAR WITH YELLOW PLASTIC CAP, LS24968 AND ASSUMED TO BEAR NORTH 89°54'07" EAST;

COMMENCING AT THE NORTHWEST CORNER OF SAID BLOCK 7, THENCE SOUTH 00°05'31" EAST, ALONG THE WEST LINE OF SAID BLOCK 7, FOR 292.56 FEET TO THE TRUE POINT OF BEGINNING;  
THENCE NORTH 89°54'07" EAST, FOR 103.13 FEET;  
THENCE SOUTH 45°05'59" EAST, FOR 28.29 FEET;  
THENCE SOUTH 00°06'05" EAST, FOR 27.50 FEET;  
THENCE SOUTH 00°05'58" EAST, FOR 27.50 FEET  
THENCE SOUTH 00°06'05" EAST, FOR 82.50 FEET;  
THENCE SOUTH 89°54'07" WEST, FOR 123.16 FEET TO THE WEST LINE OF BLOCK 7;  
THENCE NORTH 00°05'31" WEST, FOR 157.51 FEET TO THE TRUE POINT OF BEGINNING;

CONTAINING 19,196 SQUARE FEET OF LAND (0.44 ACRES), MORE OR LESS; 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.

# General Review Criteria 1: Consistency with Adopted Plans

## Background

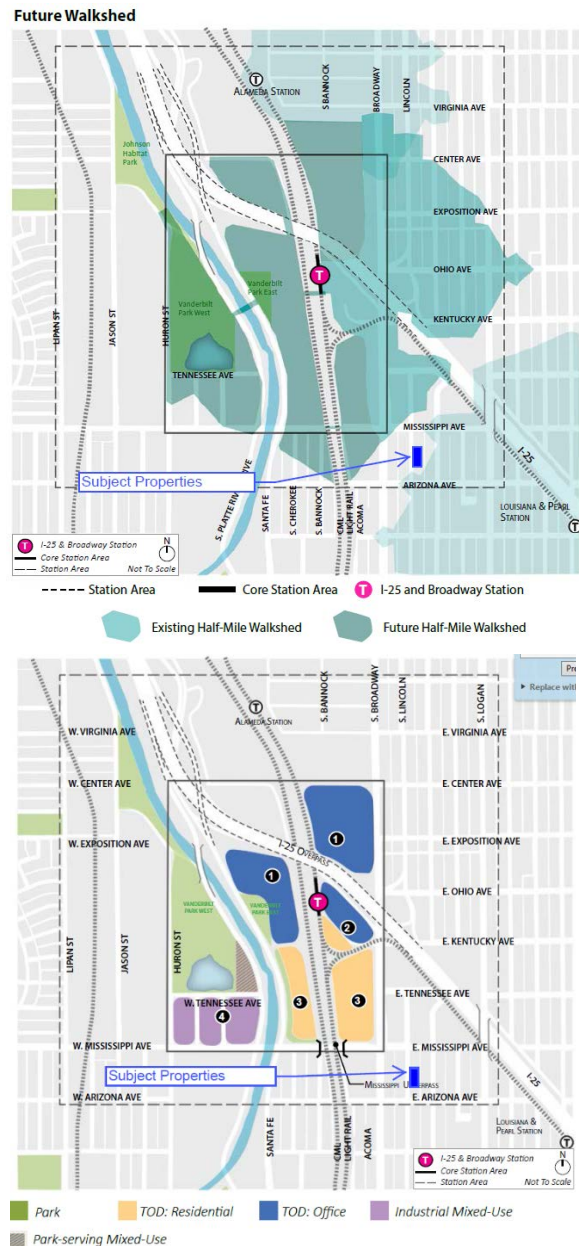
The Subject Properties are single family residences constructed in 2015 that are located along the East side of Lincoln St. between Mississippi Ave. and Arizona Ave. in the Platt Park neighborhood.

As depicted in the map to the right (from p. 39 of the April 4, 2016 Broadway Area Station Plan), the Subject Properties are located outside of the I-25 and Broadway Core Station Area, and are also located outside of both the existing and future half-mile “walksheds” of nearby light rail station.

The Subject Properties are also not within the areas of transit oriented development contemplated in the Broadway Area Station Plan. The map below (from p. 27 of the Broadway Area Station Plan) depicts the areas that are targeted for transit oriented development.

The Subject Properties, however, are within the “area of influence” identified in the Broadway Area Station Plan (labeled the “Station Area” on these maps, and denoted by a dashed line).<sup>1</sup> Thus, the Subject Properties are likely to be affected by development that occurs within the Broadway Station Area.

Given the distance between the I-25 and Broadway Station and the Subject Properties, and the location of the Subject Properties outside of the relevant “walksheds,” the Owners submit that row houses are an appropriate development form for the Subject Properties.



<sup>1</sup> The Owners note that the “Area of Influence” area of the Broadway Station Plan “was established with the understanding that mobility and connectivity issues extend beyond the Core Station Area. Within the Area of Influence, the Plan does not include exhaustive recommendations related to mobility. The Area of Influence does not include land use, building height, or urban design recommendations.” (Broadway Station Plan p. 7.)

The existing neighborhood context is depicted below.



As is apparent from this map, the Subject Properties are located at the interface of an older, existing neighborhood consisting of duplexes and single family homes, and an area that is targeted for redevelopment.

The older neighborhood to the immediate South of the Subject Properties consists of several duplexes, and single family houses. The area to the East of the Subject Properties consists of a mix of older single family residences and duplexes, as well as newer single family residences constructed in 2014 and 2015. The area to the North of the subject property consists of newer townhomes constructed in 2014 and 2015.

The Owners of the Subject Properties understand that the area highlighted in red is targeted for a mixed use or multi-family development.



## ***Denver Comprehensive Plan 2000 (“Comprehensive Plan”) and Blueprint Denver***

The Denver Comprehensive Plan lays out a vision for the future of the City and County of Denver. Blueprint Denver “serves as the first step in implementing and making concrete the vision outlined in Plan 2000.” (Blueprint Denver p. 2.) Because Blueprint Denver and the Comprehensive Plan are interrelated, they are discussed together.

The Comprehensive Plan and Blueprint Denver were developed approximately 15 years ago to guide development decisions in Denver. At that time, the Subject Properties, and the land to the North and West, were vacant land that was used as parking lots for the Gates Rubber Factory. Back then, the Subject Properties and surrounding areas to the North and West were generally zoned I-2, P-1, B-1, or B-4. The existing residential neighborhood to the South and East of the Subject Properties was zoned R-2. The Subject Properties were designated in Blueprint Denver as part of an “area of change” that was targeted for development of employment.

In 2004, several years after the Comprehensive Plan 2000 and Blueprint Denver were adopted, the Subject Properties were rezoned to R-MU-20 with Waivers and Conditions. *See Ordinance 935, Series 2004.* As a result of the Waivers and Conditions that govern the Subject Properties and surrounding areas, traditional types of employment-related uses (e.g., offices and commercial buildings) were no longer permitted. The only uses that are currently permitted for the Subject Properties are single or multiple unit dwellings, live/work residential, or an institutional/special residence or residence for older results.

In 2007, the Gates East GDP was adopted. After adoption of the Gates East GDP, the financial crisis and real-estate crash of the late 2000s delayed development plans. The Subject Properties were not developed until 2015. Responding to market conditions, the developers chose not to build typical multiple-unit mixed-use-type dwellings. Instead, they built single family houses. These single family homes were subsequently purchased by the Owners who are filing this Application. Thus, the current nature of the neighborhood is significantly different than was foreseen by the drafters of the Comprehensive Plan and Blueprint Denver.

Nevertheless, the requested rezoning is consistent with Comprehensive Plan and Blueprint 2000, and will further the goals of both documents.

The proposed zoning—U-RH-2.5 with a Waiver of the protected district bulk plane limitation that would otherwise extend over land adjacent to the Northern boundary of the area to be rezoned—is “a multi unit district that allows up to a two and a half story rowhouse building form. It also allows the urban house, detached assessor dwelling unit, duplex, and tandem house building forms.” (DZC 5.2.2.2.Q.) The Subject Properties currently are five single-family houses. The proposed rezoning would, therefore, permit increased residential density in the future. Thus, the proposed rezoning is consistent with the designation of the Subject Properties as an “area of change.”

The proposed rezoning would also ensure that any future development is consistent with the character of Lincoln St., which is designated in Blueprint Denver as an undesignated local street. Urban houses, detached accessory dwelling units, duplexes, tandem houses, and row houses are all types of developments commonly found on local streets in Denver.

As discussed above, Waivers and Conditions that presently govern the Subject Properties prevent most traditional commercial/employment uses that would usually characterize an employment area. However, the Comprehensive Plan recognizes that technology is permitting residents to “to live more self-sufficient lives within their neighborhoods due to increased use of telecommuting policies and technology, expanded home-based employment, and a greater variety of commercial and recreational activity within neighborhoods.” (Comprehensive Plan p. 36.) By permitting an increase in density, U-RH-2.5 with Waiver zoning would further Blueprint Denver’s goal of encouraging employment-related uses without violating the Waivers and Conditions that govern the Subject Properties.

The Comprehensive Plan and Blueprint Denver also emphasize “the need to balance new investment with neighborhood character” (Comprehensive Plan p. 46), the need to “[e]ncourage quality infill development that is consistent with the character of the surrounding neighborhood” (Comprehensive Plan. p. 60), and the importance of “[a]ddress[ing] edges between Areas of Stability and Areas of Change” to ensure “[c]ompatibility between existing and new development” (Blueprint Denver p. 25). Blueprint Denver identifies tools that can be used to help ensure compatibility, including “bulk limits” that control the mass of structures adjacent to residential neighborhoods. (Blueprint Denver 76.)

As depicted in the map on page 2, the Subject Properties are located at the transition from an established neighborhood of single family houses and duplexes (to the South and East), and an area of planned redevelopment (to the West). The area to the South of Arizona is designated an “area of stability” in Blueprint Denver. Rezoning the Subject Properties to U-RH-2.5 with Waiver will further the goals set forth above by creating an orderly transition between the existing, established neighborhoods to the South and East (including the “area of stability” to the South of Arizona), the planned developments to the West, and the townhomes to the North.

Currently, the area of stability to the South of Arizona along Lincoln Street is zoned U-SU-B1, and consists primarily of single family homes. To the North of Arizona, the neighborhood becomes U-TU-C and contains several duplexes. To the North of the duplexes are the Subject Properties, which are single family homes. To the North of the Subject Properties are higher-density townhomes. Thus, the transition between the area of stability to the South of Arizona, and the denser developments to the North of the Subject Properties, is uneven—density initially increases, then decreases, then increases again.

Rezoning the Subject Properties to U-RH-2.5 with Waiver would address this inconsistent transition. The U-RH-2.5 with Waiver district would permit residential development that is more dense than the duplexes and single family residences to the South and East (including the

area of stability to the South), but less dense than the townhomes to the North and the development planned to the West. Thus, the rezoning would encourage a more gradual, and consistent transition between the edge of the area of stability to the South of Arizona and the more dense developments to the North of the Subject Properties. The proposed U-RH-2.5 with Waiver would also avoid imposing a protected district bulk plane limitation adjacent to the Northern boundary of the Subject Properties that would otherwise render the existing townhomes to the North non-conforming structures. In addition, the proposed rezoning would create a more consistent transition between the older homes and duplexes to the East of the Subject Properties, and the higher-density apartment development planned to the West. Thus, the requested rezoning would further the goals of the Comprehensive Plan and Blueprint Denver by helping “balance new investment with neighborhood character” (Comprehensive Plan p. 46), encouraging “quality infill development that is consistent with the character of the surrounding neighborhood” (Comprehensive Plan p. 60), and “[a]ddressing edges between Areas of Stability and Areas of Change” to ensure “[c]ompatibility between existing and new development” (Blueprint Denver p. 25).”

The bulk plane limitations set forth in Denver Zoning Code—which would apply to the development planned to the West of the Subject Properties—would also further the goals of ensuring that development is consistent with the character of surrounding neighborhoods (Comprehensive Plan p. 60) and ensuring “[c]ompatibility between existing and new development” (Blueprint Denver p. 25). These limitations would not unfairly limit the density or height of new developments. (The area to the West of the Subject Properties, so a 75 foot height limit applies regardless of whether the Subject Properties are rezoned.) However, the bulk plane rules in the Denver Zoning Code would ensure that future developers include reasonable setbacks in order to effectuate the goals of “provid[ing] consistency among structures” and “allow[ing] sunlight to reach adjacent properties” in existing residential districts. (Blueprint Denver p. 76.) These limitations would not impose any unfair burden on the new development planned to the West of the Subject Properties. The owners of this land, and their developer, do not oppose this rezoning application, and recently sent letters to the City withdrawing their previous objections to this rezoning request.

### ***Gates East General Development Plan (“Gates East GDP”)***

The proposed rezoning is also consistent with the Gates East GDP, which was adopted in 2007. The subject properties are located within “Sub-Area 2” of the Gates GDP. The stated intent of Sub-Area 2, which governs development along “proposed local streets” including “Lincoln St.,” includes:

- “Protect the pedestrian environment from the adverse effects of street traffic,”
- “Provide a residential presence on the street that enhances feelings of security and community through the use of terraces, balconies, entrances, and porches,”
- “Create a varied street wall through building massing that incorporates porches, stoops, terraces, entrances, and significant architectural features,” and
- “Encourage housing density that has good visibility to and from the public street (‘eyes on the street’).”

The proposed rezoning would encourage precisely the types of uses envisioned in the Gates East GDP. The types of permitted developments (including the existing context of urban houses, as well as accessory dwelling units, duplexes, tandem houses, and row houses) are all types of pedestrian-scale developments that are appropriate on local streets, and which would include terraces, balconies, entrances, porches, and architectural features of the types specified as being appropriate in Sub-Area 2, and are also types of development that would encourage visibility to and from Lincoln St.

### **General Review Criteria 2: Uniformity of District Regulations and Restrictions**

The proposed rezoning will result in uniform regulations and restrictions for each type of building in the proposed zoning district. As explained above, the Subject Properties are all single family homes that adjoin one another, and which are located on the East side of Lincoln St. All such properties would be treated the same under the proposed rezoning. The Subject Properties would also be treated the same as single family units located in other areas of Denver that bear U-RH-2.5 zoning.

### **General Review Criteria 3: Public Health, Safety and General Welfare**

As discussed above, Plan 2000 and Blueprint Denver recognize the necessity of ensuring appropriate transitions between existing neighborhoods and areas of redevelopment. These goals are designed to protect the health, safety, and general welfare of residents in existing neighborhoods.

For the reasons discussed above with respect to General Review Criteria 1, rezoning the Subject Properties will promote public health, safety, and general welfare by helping ensure an orderly transition between areas of proposed development to the West of Lincoln, and the neighborhoods of single family homes and duplexes located to the South and East of the Subject Properties.

### **Additional Review Criteria: Justifying Circumstances**

The rezoning requested herein is justified by the change that has occurred to the Subject Properties and surrounding land. Due to this change, it is in the public interest to rezone the Subject Properties in order to ensure that future development is compatible with the changed character of the area.

As discussed above, the Subject Properties, and much of the surrounding area, were parking lots at the time the Comprehensive Plan and Blueprint Denver were developed. Later, these properties were rezoned to R-MU-20 with Waivers and Conditions, and were targeted for a

mixed-use-type development. Then, due to the real estate crash and the limited availability of financing during the late 2000s and early 2010s, the Subject Properties were not developed until 2015, and were then developed as single family houses. Thus, the character of the Subject Properties has changed since the Comprehensive Plan and Blueprint Denver were developed, and the character of the Subject Properties and surrounding area has also changed since those properties were rezoned. As a result of the changes discussed above, the existing context is different than was anticipated at the time the current R-MU-20 with Waivers and Conditions zoning was adopted. The proposed U-RH-2.5 with Waiver district better captures both the built condition of the Subject Properties, and the waivers and conditions that presently govern those properties.

In addition, even though the Subject Properties were permitted and constructed after the rezoning took place, one of the Subject Properties does not comply with the bulk plane limitations that apply under the current zoning. The South property line of 1166 S. Lincoln St. borders a U-TU-C district. Since 1166 S. Lincoln St. is currently zoned R-MU-20 with Waivers and Conditions, Former Chapter 59, § 59.96(a), imposes a bulk plane limit that begins 10 feet above this property line, and extends over 1166 S. Lincoln St. at a 45 degree angle with respect to the horizontal. 1166 S. Lincoln—a two-story house built in 2015—was built only three feet from the property line, and does not comply with this bulk plane limitation. The proposed U-RH-2.5 with Waiver zoning would eliminate this nonconformity, and would not create any additional nonconformities.

Former Chapter 59 provides that “[m]ixed-use districts should be used only when there is no other zone district that is more appropriate for the desired uses [and] there are or will be multiple uses, not just a single use, either in a single structure or on a single parcel . . . .” (Former Chapter 59, § 59-301(b)). Because the Subject Properties were all developed as single-family homes (i.e., there is a single use, not multiple uses), the proposed U-RH-2.5 Waiver zone district is more appropriate than the current zoning.

Moreover, the Comprehensive Plan and Blueprint Denver recognize that the zoning categories under former Chapter 59 of the Denver Zoning Code do “not wholly facilitate sustainable growth as envisioned in Plan 2000” (Comprehensive Plan p. 47), and sometimes “prescribe development patterns inconsistent with existing and desired land-use patterns” (Comprehensive Plan p. 51). Thus, the Adopted Plans encourage rezoning of properties, such as the Subject Properties, that have not yet been rezoned into the current version of the Denver Zoning Code. This is especially true here because the proposed U-RH-2.5 with Waiver district would better capture the built condition of the Subject Properties.

For the reasons discussed above, implementing the proposed U-RH-2.5 with Waiver district is justified by changes that have occurred to the Subject Properties and surrounding land, and would further the goals of the Adopted Plans by updating the out-of-date zoning, and facilitating an appropriate transition between older, established neighborhoods and planned areas of redevelopment.

**Additional Review Criteria: The Proposed Official Map Amendment is Consistent with the Description of the Applicable Neighborhood Context and the Intent of the Proposed Zone District**

A U-RH-2.5 with Waiver zone would also be consistent with the description of the Applicable Neighborhood Context, as described in Section 5.1 of the Denver Zoning Code. Section 5.1.1 of the Denver Zoning Code provides: “The Urban Neighborhood Context is primarily characterized by single-unit and two-unit residential uses. Small-scale multi-unit residential uses and commercial areas are typically embedded in residential areas. Single-unit residential structures are typically Urban House forms. Multi-unit building forms are typically Row House forms embedded with other residential building forms.” The Subject Properties contain “Urban House” forms on relatively narrow lots (several of the Subject Properties are on lots that are 27.5 feet wide) that were constructed in accordance with the same side setbacks, side bulk plane limits, and rear setbacks that apply under the U-RH-2.5 with Waiver district. The proposed rezoning would allow duplexes and row house forms that are consistent with the Urban Neighborhood Context, and which are also consistent with the surrounding neighborhood (i.e., the duplexes to the South of the Subject Properties, and row houses to the North of the Subject Properties). The Owners note that the residential areas to the South and East of the Subject Properties already carry urban-context zoning (U-TU-C).

In addition, the Subject Properties have the street, block, and access patterns that characterize the Urban Neighborhood Context, as described in Section 5.1.2. The Subject Properties are located on blocks “surrounded by an orthogonal street grid” with “a consistent presence of alleys,” and have “detached sidewalks” and “tree lawns,” as well as “landscaping in the front feedback.” (See DZC 5.1.2.) The building placement and location of the Subject Properties matches the Urban Neighborhood Context as described in Section 5.1.3 because the Subject Properties have “consistent, moderate front setbacks, shallow side setbacks and consistent orientation.” (See DZC 5.1.3.) The building heights of the Subject properties match the “low-scale buildings” that typically characterize the Urban Neighborhood Context. (See DZC 5.1.4.) Finally, the Subject Properties are located in a neighborhood where many people commute with cars, but where many amenities are within walking distance. The surrounding area includes bicycle routes, bus stops, and a light rail station. These characteristics match the “balance of pedestrian, bicycle and vehicle reliance with greater access to the multi-modal transportation system” that characterizes the Urban Neighborhood Context. (See DZC 5.1.5.)

The proposed rezoning would also be consistent with the Zone District Purpose, as described in Section 5.2.2 of the Denver Zoning Code. The stated intent of the U-RH-2.5 with Waiver zone district is to create “a multi unit district that allows up to a two and a half story rowhouse building form. It also allows the urban house, detached accessory dwelling units, duplex, and tandem house building forms.” (DZC 5.2.2.2.Q.) Rezoning the Subject Properties to U-RH-2.5 with Waiver would “promote and protect” the Subject Properties and surrounding neighborhood of single family homes, duplexes, and townhomes, while allowing “for some multi-unit districts, but not to such an extent as to detract from the overall image and character” of the surrounding neighborhood. (See DZC 5.2.2.1.A.) The proposed rezoning



would also “promote existing and future patterns of lower scale multi unit building forms that address the street in the same manner as an urban house building form” (see DZC 5.2.2.1.C) and “reinforce desired development patterns in existing neighborhoods while accommodating reinvestment” (see D.Z.C. 5.2.2.1.D) while at the same time limiting such development to densities that are consistent with the surrounding neighborhood.

The Owners are proposing U-RH-2.5 with Waiver zoning because this zoning appears to be the most appropriate zone in the Zoning Code in view of the Adopted Plans, the existing neighborhood context, and the interests of public health and welfare. This rezoning request is also justified by an appropriate justifying circumstance, and is consistent with the description of the applicable neighborhood context and the intent of the proposed zone district. Finally, this rezoning request is supported by all property owners within the proposed U-RH-2.5 with Waiver zone. Accordingly, the Owners of the Subject Property respectfully request favorable consideration of this Application.

**BY AUTHORITY**

ORDINANCE NO. 935  
SERIES OF 2004

COUNCIL BILL NO. 841  
COMMITTEE OF REFERENCE:

**A BILL**

Blueprint Denver

For an ordinance changing the zoning classification, for the east portion of the former Gates Rubber Company site including I-25, South Broadway Street and Mississippi Avenue (Parcel A) with waivers and conditions; part of the 1100 block of South Sherman Street, South Lincoln Street, South Grant Street and South Logan Street (Parcel B) with waivers and conditions; 1176, 1180 and 1194 South Lincoln Street (Parcel C); part of South Broadway Street and South Lincoln Street north of Arizona Avenue and south of Mississippi Avenue (Parcel D) with waivers and conditions; and part of the south side of the Valley Highway between Kentucky Avenue and Mississippi Avenue (Parcel E) with conditions.

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

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

**Parcel A**

**A-1.** That Parcel A, generally described as I-25, South Broadway Street and Mississippi Avenue (Application #4705), is presently classified as I-O and I-2 and the owner proposes that Parcel A hereinafter described be changed to T-MU-30 with reasonable waivers and with reasonable conditions it has approved;

**A-2.** That in the application, the owner of Parcel A has represented that if the zoning classification is changed pursuant to the application, the owner will and hereby does waive its rights and obligations on Parcel A as follows:

(i) The owner waives the right to use or occupy Parcel A, or to use, occupy, or erect thereon any structure or structures designed, erected, altered, used or occupied for the following uses by right and uses permitted by special review in the T-MU-30 zone district:

- Rooming and/or boarding house;
- Retail, service, repair, consumer, large scale;
- Manufacturing, fabrication, and assembly, light;
- Utility, major impact; and
- Church, religious institution with a seating capacity in excess of 600.

(ii) The owner waives the right to maximum building heights as set forth in Section 59-312(7) of the Denver Revised Municipal Code, and instead the maximum permitted building height shall be 110 feet. No portion of any structure shall exceed 110 feet in height. The intent of this

1 height limitation is to support and reinforce the protection of views under the existing Washington  
2 Park View Plane restriction, which limits the height on Parcel A to 110 feet.

3 (iii) For structures on Parcel A (a) adjacent to South Broadway Street and/or Mississippi  
4 Avenue to a depth of twenty (20) feet from the respective right-of-way line on either street and (b) for  
5 all structures on the subject property at the northwest corner of Mississippi Avenue and South Logan  
6 Street, and east of the centerline of the alley running between South Logan Street and South Grant  
7 Street, the owner waives the right to a maximum building height as set forth above and instead no  
8 portion of any structure within these defined areas shall exceed fifty-five (55) feet in height. The  
9 intent of this height limitation is to transition the development scale along South Broadway Street and  
10 Mississippi Avenue where the subject property abuts existing neighborhoods and the public street  
11 realm, thereby providing for a more pedestrian oriented scale development and a softer street edge  
12 similar to the existing character of South Broadway Street and South Logan Street and the  
13 anticipated scale and character of development west of South Broadway Street and along South  
14 Logan Street and I-25.

15 (iv) The owner waives the right to a maximum gross floor area in structures as set forth  
16 in Section 59-312(8) of the Denver Revised Municipal Code, and instead, the basic maximum gross  
17 floor area shall be equal to three (3) times the area of the zone lot on which the structures are  
18 located (3:1) and the maximum gross floor area provisions for an approved general development  
19 plan as set forth in Section 59-312(8) shall apply. The intent of this waiver is to limit the overall  
20 density of the site to encourage varied massing of buildings, varied character, quality form and  
21 design, to help create a pedestrian oriented scale development and encourage the stepping down of  
22 buildings throughout the site.

23 (v) The owner waives the right to required unobstructed open space as set forth in  
24 Section 59-312(2) of the Denver Revised Municipal Code and instead, the unobstructed open space  
25 requirements shall be as set forth in the Gates East GDP as defined below.

26 **A-3.** That the owner of Parcel A approves and agrees to the following reasonable conditions to  
27 the requested change in zoning classifications related to the development, operation and  
28 maintenance of Parcel A:

29 (i) The entirety of the site being rezoned to mixed use should be coordinated from land  
30 use, urban design, open space, transportation, and infrastructure perspectives. Regional  
31 infrastructure needs must be planned for and coordinated with the regional infrastructure needs for  
32 the redevelopment area west of South Broadway Street. The existing Denver street grid should be  
33 maintained and enhanced by creating connectivity and public access in areas north of Mississippi

1 Avenue where no public right-of-way currently exists. The use of public transit by employees,  
2 residents and visitors should be encouraged. Therefore:

3 (a) one General Development Plan (Gates East GDP) pursuant to Section 59-  
4 314(b) of the Denver Revised Municipal Code shall be prepared for the "Gates East GDP Area"  
5 legally described as follows:

6  
7 THREE (3) PARCELS OF LAND LOCATED IN THE SE 1/4 OF SECTION 15, AND THE NE 1/4 SECTION 22  
8 TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH P.M., BEING MORE PARTICULARLY DESCRIBED AS  
9 FOLLOWS;  
10 CITY AND COUNTY OF DENVER, STATE OF COLORADO.

11  
12 **PARCEL 1**

13 A PARCEL OF LAND LOCATED IN THE NE 1/4 OF SECTION 22, TOWNSHIP 4 SOUTH, RANGE 68 WEST  
14 OF THE 6TH P.M., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

15  
16 BLOCK 5: LOTS 1 - 10 INCLUSIVE AND LOTS 40 - 48 INCLUSIVE  
17 BLOCK 6: LOTS 1 - 10 INCLUSIVE AND LOTS 39 - 48 INCLUSIVE  
18 BLOCK 7: LOTS 1 - 18 INCLUSIVE, AND THE NORTH 8'4" OF LOT 33 AND LOTS 34 - 48 INCLUSIVE

19  
20 ALL IN SHERMAN SUBDIVISION, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

21  
22 CONTAINING 224387 SQUARE FEET OR 5.1512 ACRES OF LAND, MORE OR LESS; IN ADDITION  
23 THERETO THOSE PORTIONS OF ALL ABUTTING PUBLIC RIGHTS-OF-WAY, WHICH ARE IMMEDIATELY  
24 ADJACENT TO THE AFORESAID SPECIFICALLY DESCRIBED AREA.

25  
26 **PARCEL 2**

27 A PARCEL OF LAND LOCATED IN THE NE 1/4 OF SECTION 22, TOWNSHIP 4 SOUTH, RANGE 68 WEST  
28 OF THE 6TH P.M., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

29  
30 BLOCK 8 LOTS 17 THRU 24 INCLUSIVE, AND LOTS 31 - 44 BLOCK 8, INCLUSIVE  
31 ALL IN SHERMAN SUBDIVISION, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

32  
33 CONTAINING 69573 SQUARE FEET OR 1.5972 ACRES OF LAND, MORE OR LESS; IN ADDITION THERETO  
34 THOSE PORTIONS OF ALL ABUTTING PUBLIC RIGHTS-OF-WAY, WHICH ARE IMMEDIATELY  
35 ADJACENT TO THE AFORESAID SPECIFICALLY DESCRIBED AREA.

36  
37 **PARCEL 3**

38  
39 A PARCEL OF LAND LOCATED IN THE SE 1/4 OF SECTION 15, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF  
40 THE 6TH P.M., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;  
41 CITY AND COUNTY OF DENVER, STATE OF COLORADO.

42  
43 COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 15, AND CONSIDERING THE WEST LINE  
44 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 TO BEAR N00°44'39"W;  
45 THENCE N59°30'47"E, A DISTANCE OF 57.59 FEET TO THE POINT OF BEGINNING;

46  
47 THENCE N89°39' 43"E ALONG THE NORTH RIGHT-OF-WAY LINE OF MISSISSIPPI AVE., A DISTANCE OF  
48 1219.58 FEET TO A POINT;

1 THENCE N00°32'45"E, A DISTANCE OF 36.77 FEET TO A POINT;  
2 THENCE N41°04'31"W, A DISTANCE OF 1596.34 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY  
3 LINE OF KENTUCKY AVENUE;

4  
5 THENCE S89°12'18"W ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF KENTUCKY AVENUE, A  
6 DISTANCE OF 186.60 FEET TO THE EAST RIGHT-OF-WAY LINE OF SOUTH BROADWAY;

7  
8 THENCE S00°44'39"E ALONG THE EAST RIGHT-OF-WAY LINE OF SOUTH BROADWAY, A DISTANCE OF  
9 1244.94 FEET TO THE POINT OF BEGINNING.

10  
11 CONTAINING 895363 SQ. FEET OR 20.5547 ACRES, MORE OR LESS; IN ADDITION THERETO THOSE  
12 PORTIONS OF ALL ABUTTING PUBLIC RIGHTS-OF-WAY, WHICH ARE IMMEDIATELY ADJACENT TO  
13 THE AFORESAID SPECIFICALLY DESCRIBED AREA.

14  
15 (b) The Gates East GDP shall set forth the amount of open space required and  
16 shall allow for the aggregation of the open space requirements of all the property within the Gates  
17 East GDP Area, provided that the aggregated open space area(s): (i) enhance the connection to  
18 transit facilities, plazas or streets, (ii) enhance the pedestrian environment, or (iii) enhance or  
19 create a public space, and, in any event are publicly accessible and are a benefit to the  
20 neighborhood. In addition, the open space within the R-MU-20 zoned portion of the Gates East  
21 GDP Area shall, at a minimum, meet the open space requirements set forth in Section 59-312(2).

22 (c) The Gates East GDP shall contain a regional infrastructure plan describing  
23 generally on and off site facilities and improvements related to the Gates East GDP Area.  
24 Preparation of this regional infrastructure plan will be done in consultation with and shall, to the  
25 extent commercially reasonable, be consistent with the regional infrastructure plan being  
26 developed in conjunction with the general development plan for the property west of South  
27 Broadway Street.

28 (d) The Gates East GDP and its regional infrastructure plan shall, at a minimum,  
29 maintain the existing street grid within the Gates East GDP Area south of Mississippi Avenue and  
30 have a street grid system north of Mississippi Avenue that meets the objectives of Section 59-  
31 301(d) and, to the extent commercially reasonable, be consistent with the general development  
32 plan and street grid system being developed for the property west of South Broadway Street.

33 (e) A Transportation Demand Management Plan shall be approved by the  
34 Manager of Public Works prior to or in conjunction with the approval of each site plan within the  
35 Gates East GDP Area.

36 (ii) The property within the Gates East GDP Area shall be subject to design guidelines  
37 to be developed and approved prior to the approval of any site plan within the Gates East GDP  
38 Area.

39 (iii) Development in the Gates East GDP Area will be allowed only where it does not

1 preclude the preferred alternative(s) identified by the City's Broadway/I-25 NEPA process, which  
2 will determine the scope of the Broadway/I-25 NEPA study, identify alternatives, analyze impacts,  
3 make mitigation recommendations and select preferred alternatives(s) that are consistent with  
4 Blueprint Denver.

5 (iv) The owner shall not object to any historic designation, including designation as a  
6 Denver Landmark under Denver Revised Municipal Code Section 30-1 et. seq., of the Ford  
7 Building located at 900 South Broadway.

8 **A-4.** That the zoning classification of Parcel A in the City and County of Denver described as  
9 follows or included within the following boundaries shall be and hereby is changed from I-O and I-2  
10 to T-MU-30 with certain waivers which waivers are set forth in Subsection A-2 of Section 1 hereof  
11 and with certain reasonable conditions approved by the owner which reasonable conditions are set  
12 forth in Subsection A-3 of Section 1 hereof:

13 **Parcel A**

14 **(rezoned to T-MU-30 with waivers and conditions)**

15  
16 A PARCEL OF LAND LOCATED IN THE SE 1/4 OF SECTION 15, TOWNSHIP 4 SOUTH, RANGE 68  
17 WEST OF THE 6TH P.M., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;  
18 CITY AND COUNTY OF DENVER, STATE OF COLORADO.

19  
20 COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 15, AND CONSIDERING THE  
21 WEST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 TO BEAR N00°44'39"W;  
22 THENCE N59°30' 47"E, A DISTANCE OF 57.59 FEET TO THE POINT OF BEGINNING;

23  
24 THENCE N89°39'43"E ALONG THE NORTH RIGHT-OF-WAY OF MISSISSIPPI AVE., A DISTANCE  
25 OF 1216.09 FEET TO THE WESTERLY LINE OF PARCEL No. AC-7;

26  
27 THENCE ALONG THE WESTERLY LINE OF SAID PARCEL No. AC-7 THE FOLLOWING 6 (SIX)  
28 COURSES AND DISTANCES;

- 29 1. THENCE N00°41'30"E, A DISTANCE OF 36.52 FEET;  
30 2. THENCE N41°07'56"W, A DISTANCE OF 754.46 FEET;  
31 3. THENCE N41°20'18"W, A DISTANCE OF 253.86 FEET;  
32 4. THENCE N41°32'54"W, A DISTANCE OF 530.67 FEET TO A POINT OF CURVATURE;  
33 5. THENCE ALONG A TANGENT CURVE TO THE LEFT WITH A RADIUS OF 300.00 FEET, A  
34 CENTRAL ANGLE OF 11°50'01", AN ARC LENGTH OF 61.96 FEET;  
35 6. THENCE N76°43'13"W, A DISTANCE OF 22.90 FEET TO A POINT ON THE SOUTHERLY RIGHT-  
36 OF-WAY LINE OF KENTUCKY AVENUE;

37  
38 THENCE S89°12'18"W ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF KENTUCKY  
39 AVENUE, A DISTANCE OF 148.26 FEET TO THE EAST RIGHT-OF-WAY LINE OF SOUTH  
40 BROADWAY;

41  
42 THENCE S00°44'39"E ALONG THE EAST RIGHT-OF-WAY LINE OF SOUTH BROADWAY, A  
43 DISTANCE OF 1244.94 FEET TO THE POINT OF BEGINNING.



1  
2 CONTAINING 888112 SQ. FEET OR 20.3882 ACRES, MORE OR LESS; in addition thereto those  
3 portions of all abutting public rights-of-way, but only to the centerline thereof, which are immediately  
4 adjacent to the aforesaid specifically described area.  
5

6 **Parcel B**

7 **B-1.** That Parcel B, generally described as the 1100 blocks of South Lincoln Street, South  
8 Sherman Street, South Grant Street and South Logan Street (Application #4706), is presently  
9 classified as P-1, R-2, B-1 and B-4 and the owner proposes that Parcel B hereinafter described be  
10 changed to R-MU-20 with reasonable waivers and with reasonable conditions it has approved.

11 **B-2.** That in the application, the owner of Parcel B has represented that if the zoning  
12 classification is changed pursuant to the application, the owner will and hereby does waive its rights  
13 and obligations on Parcel B as follows:

14 (i) The owner waives the right to use or occupy Parcel B or to use, occupy or erect  
15 thereon any structures designed, erected, altered, used or occupied for uses by right and uses by  
16 special review in the R-MU-20 zone district, as follows:

- 17 • Rooming and/or boarding house; and
- 18 • Church, religious institution with a seating capacity in excess of 600.

19 (ii) For the property legally described as Block 5, Lot 10; Block 6, Lots 10 and 39; and  
20 Block 7, Lots 18, 34 and the north 8 feet 4 inches of Lot 33, all of the Sherman Subdivision, City and  
21 County of Denver, State of Colorado, the owner waives the right to use or occupy such property or to  
22 use, occupy or erect thereon any structures designed, erected, altered, used or occupied for all uses  
23 by right and all uses by special review in the R-MU-20 zone district, except for the following  
24 residential uses which shall be uses by right:

- 25 • Dwelling, multiple unit;
- 26 • Dwelling, single unit;
- 27 • Live/work residential;
- 28 • Residence for older adults; and
- 29 • Residence, institutional/special.

30 (iii) For the property legally described as Block 5, Lots 10 and 40; Block 6, Lots 10 and  
31 39; and Block 7, Lots 18, 34 and the north 8 feet 4 inches of Lot 33, all of the Sherman Subdivision,  
32 City and County of Denver, State of Colorado, the owner waives the right to maximum building  
33 heights as set forth in Section 59-312(7) and instead the maximum permitted building height shall be  
34 35 feet. No portion of any structure shall exceed 35 feet in height. The intent of this height limitation  
35 is to respond to the scale of structures in the adjacent R-2 zoned areas and to create a proper and

1 sensitive transition between new development and the existing residential properties to the south by  
2 having the building mass step down along the south edge of Parcel B.

3 (iv) The owner waives the right to required unobstructed open space as set forth in  
4 Section 59-312(2) of the Denver Revised Municipal Code and instead the unobstructed open space  
5 requirements shall be as set forth in the Gates East GDP.

6 **B-3.** That the owner of Parcel B approves and agrees to the following reasonable conditions to  
7 the requested change in zoning classifications related to the development, operation and  
8 maintenance of Parcel B:

9 (i) The entirety of the site being rezoned to mixed use should be coordinated from land  
10 use, urban design, open space, transportation, and infrastructure perspectives. Regional  
11 infrastructure needs must be planned for and coordinated with the regional infrastructure needs for  
12 the redevelopment area west of South Broadway Street. The existing Denver street grid should be  
13 maintained and enhanced by creating connectivity and public access in areas north of Mississippi  
14 Avenue where no public right-of-way currently exists. The use of public transit by employees,  
15 residents and visitors should be encouraged. Therefore:

16 (a) One General Development Plan (Gates East GDP) pursuant to Section 59-  
17 314(b) of the Denver Revised Municipal Code shall be prepared for the "Gates East GDP Area" as  
18 described in Subsection A-3 above.

19 (b) The Gates East GDP shall set forth the amount of open space required and  
20 shall allow for the aggregation of the open space requirements of all the property within the Gates  
21 East GDP Area, provided that the aggregated open space area(s): (i) enhance the connection to  
22 transit facilities, plazas or streets, (ii) enhance the pedestrian environment, or (iii) enhance or create  
23 a public space, and, in any event are publicly accessible and are a benefit to the neighborhood. In  
24 addition, the open space within the R-MU-20 zoned portion of the Gates East GDP Area shall, at a  
25 minimum, meet the open space requirements set forth in Section 59-312 (2).

26 (c) The Gates East GDP shall contain a regional infrastructure plan describing  
27 generally on and off site facilities and improvements related to the Gates East GDP Area.  
28 Preparation of this regional infrastructure plan will be done in consultation with and shall, to the  
29 extent commercially reasonable, be consistent with the regional infrastructure plan being developed  
30 in conjunction with the general development plan for the property west of South Broadway.

31 (d) The Gates East GDP and its regional infrastructure plan shall, at a minimum,  
32 maintain the existing street grid within the Gates East GDP Area south of Mississippi Avenue and  
33 have a street grid system north of Mississippi Avenue that meets the objectives of Section 59-301(d)

1 and, to the extent commercially reasonable, be consistent with the general development plan and  
2 street grid system being developed for the property west of South Broadway Street.

3 (e) A Transportation Demand Management Plan shall be approved by the  
4 Manager of Public Works prior to or in conjunction with the approval of each site plan within the  
5 Gates East GDP Area.

6 (ii) The property within the Gates East GDP Area shall be subject to Design Guidelines  
7 to be developed and approved prior to the approval of any site plan within the Gates GDP Area.

8 (iii) Development in the Gates East GDP Area will be allowed only where it does not  
9 preclude the preferred alternative(s) identified by the City's Broadway/I-25 NEPA process, which will  
10 determine the scope of the Broadway/I-25 NEPA study, identify alternatives, analyze impacts, make  
11 mitigation recommendations and select preferred alternatives(s) that are consistent with Blueprint  
12 Denver.

13 **B-4.** That the zoning classification of Parcel B in the City and County of Denver described as  
14 follows or included within the following boundaries shall be and hereby is changed from P-1, R-2, B-1  
15 and B-4 to R-MU-20 with certain waivers which waivers are set forth in Subsection B-2 of Section 1  
16 hereof and with certain reasonable conditions approved by the owner which reasonable conditions  
17 are set forth in Subsection B-3 of Section 1 hereof:

18 **Parcel B**

19 **(rezoned to R-MU-20 with waivers and conditions)**

20  
21 A PARCEL OF LAND LOCATED IN THE NE 1/4 OF SECTION 22, TOWNSHIP 4 SOUTH, RANGE 68  
22 WEST OF THE 6TH P.M., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

23  
24 BLOCK 5: LOTS 1 - 10 INCLUSIVE AND LOTS 40 - 48 INCLUSIVE

25 BLOCK 6: LOTS 1 - 10 INCLUSIVE AND LOTS 39 - 48 INCLUSIVE

26 BLOCK 7: LOTS 1 - 18, N 8' 4" LOT 33 AND LOTS 34 - 48 INCLUSIVE

27  
28 ALL IN SHERMAN SUBDIVISION, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

29  
30 CONTAINING 274826 SQUARE FEET OR 6.3091 ACRES OF LAND, MORE OR LESS; in addition  
31 thereto those portions of all abutting public rights-of-way, but only to the centerline thereof, which are  
32 immediately adjacent to the aforesaid specifically described area.

33  
34 **Parcel C**

35 **C-1.** That Parcel C, generally described as 1176, 1180 and 1194 South Lincoln Street  
36 (Application #4707) is presently classified as P-1 and the owner proposes that Parcel C hereinafter  
37 described be changed to R-2.

38 **C-2.** That the zoning classification of Parcel C in the City and County of Denver described as

1 follows or included within the following boundaries shall be and hereby is changed from P-1 to R-2:

2 **Parcel C**

3 **(rezoned to R-2)**

4 Lots 19, 20, 21, 22, 23, and 24, Block 7, Sherman Subdivision, in addition thereto those  
5 portions of all abutting public rights-of-way, but only to the centerline thereof, which are  
6 immediately adjacent to the aforesaid specifically described area.  
7

8 **Parcel D**

9 **D-1.** That Parcel D, generally described as parts of South Broadway Street and South Lincoln  
10 Street north of Arizona Avenue and south of Mississippi Avenue (Application #4708), is presently  
11 classified as B-4 and the owner proposes that Parcel D hereinafter described be changed to R-MU-  
12 30 with reasonable waivers and with reasonable conditions it has approved.

13 **D-2.** That in the application, the owner of Parcel D has represented that if the zoning  
14 classification is changed pursuant to the application, the owner will and hereby does waive its  
15 rights and obligations on Parcel D as follows:

16 (i) The owner waives the right to use or occupy Parcel D or to use, occupy or erect  
17 thereon any structures designed, erected, altered, used or occupied for uses by right and uses by  
18 special review in the R-MU-30 zone district, as follows:

- 19 • Rooming and/or boarding house;
- 20 • Automobile gasoline filling stations, emission inspection;
- 21 • Food preparation and sales, commercial;
- 22 • Hotel;
- 23 • Motel;
- 24 • Retail, service, repair, consumer, large scale;
- 25 • Terminal, public transportation, local;
- 26 • Utility, major impact;
- 27 • Church, religious institution with a seating capacity in excess of 600; and
- 28 • Sports and/or entertainment facility.

29 (ii) The owner waives the right to maximum building heights as set forth in Section 59-  
30 312(7) and instead the maximum permitted building height shall be 110 feet. No portion of any  
31 structure shall exceed 110 feet in height. The intent of this height limitation is to support and  
32 reinforce the protection of views under the existing Washington Park View Plane restriction, which  
33 limits the height on Parcel D to 110 feet.

34 (iii) The owner waives the right to required unobstructed open space as set forth in

1 Section 59-312(2) and instead the unobstructed open space requirements shall be as set forth in  
2 the Gates East GDP.

3 **D-3.** That the owner of Parcel D approves and agrees, as reasonable conditions to the  
4 requested change in zoning classifications related to the development, operation and maintenance  
5 of Parcel D:

6 (i) The entirety of the site being rezoned to mixed use should be coordinated from  
7 land use, urban design, open space, transportation, and infrastructure perspectives. Regional  
8 infrastructure needs must be planned for and coordinated with the regional infrastructure needs for  
9 the redevelopment area west of South Broadway Street. The existing Denver street grid should be  
10 maintained and enhanced by creating connectivity and public access in areas north of Mississippi  
11 Avenue where no public right-of-way currently exists. The use of public transit by employees,  
12 residents and visitors should be encouraged. Therefore:

13 (a) One General Development Plan (Gates East GDP) pursuant to Section 59-  
14 314(b) of the Denver Revised Municipal Code shall be prepared for the "Gates East GDP Area"  
15 described in Subsection A-3 above.

16 (b) The Gates East GDP shall set forth the amount of open space required and  
17 shall allow for the aggregation of the open space requirements of all the property within the Gates  
18 East GDP Area, provided that the aggregated open space area(s): (i) enhance the connection to  
19 transit facilities, plazas or streets, (ii) enhance the pedestrian environment, or (iii) enhance or create  
20 a public space, and, in any event are publicly accessible and are a benefit to the neighborhood. In  
21 addition, the open space within the R-MU-20 zoned portion of the Gates East GDP Area shall, at a  
22 minimum, meet the open space requirements set forth in Section 59-312 (2).

23 (c) The Gates East GDP shall contain a regional infrastructure plan describing  
24 generally on and off site facilities and improvements related to the Gates East GDP Area.  
25 Preparation of this regional infrastructure plan will be done in consultation with and shall, to the  
26 extent commercially reasonable, be consistent with the regional infrastructure plan being developed  
27 in conjunction with the general development plan for the property west of South Broadway Street.

28 (d) The Gates East GDP and its regional infrastructure plan shall, at a minimum,  
29 maintain the existing street grid within the Gates East GDP Area south of Mississippi Avenue and  
30 have a street grid system north of Mississippi Avenue that meets the objectives of Section 59-301(d)  
31 and, to the extent commercially reasonable, be consistent with the general development plan and  
32 street grid system being developed for the property west of South Broadway Street.

33 (e) A Transportation Demand Management Plan shall be approved by the

1 Manager of Public Works prior to or in conjunction with the approval of each site plan within the  
2 Gates East GDP Area.

3 (ii) The Property within the Gates East GDP Area shall be subject to design guidelines  
4 to be developed and approved prior to the approval of any site plan within the Gates GDP Area.

5 (iii) Development in the Gates East GDP Area will be allowed only where it does not  
6 preclude the preferred alternative(s) identified by the City's Broadway/I-25 NEPA process, which will  
7 determine the scope of the Broadway/I-25 NEPA study, identify alternatives, analyze impacts, make  
8 mitigation recommendations and select preferred alternatives(s) that are consistent with Blueprint  
9 Denver.

10 **D-4.** That the zoning classification of Parcel D in the City and County of Denver described as  
11 follows or included within the following boundaries shall be and hereby is changed from B-4 to R-  
12 MU-30 with certain waivers which waivers are set forth in Subsection D-2 of Section 1 hereof and  
13 with certain reasonable conditions approved by the owner which reasonable conditions are set  
14 forth in Subsection D-4 of Section 1 hereof:

15 **Parcel D**

16 **(rezoned to R-MU-30 with waivers and conditions)**

17  
18 A PARCEL OF LAND LOCATED IN THE NE 1/4 OF SECTION 22, TOWNSHIP 4 SOUTH, RANGE 68  
19 WEST OF THE 6TH P.M., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

20  
21 BLOCK 8, LOTS 17 THRU 24 INCLUSIVE, AND LOTS 31 – 44, BLOCK 8, INCLUSIVE  
22 ALL IN SHERMAN SUBDIVISION, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

23  
24 CONTAINING 80662 SQUARE FEET OR 1.8517 ACRES OF LAND, MORE OR LESS; in addition  
25 thereto those portions of all abutting public rights-of-way, but only to the centerline thereof, which are  
26 immediately adjacent to the aforesaid specifically described area.  
27

28 **Parcel E**

29 **E-1.** That Parcel E, generally described as part of the south side of the Valley Highway  
30 between Kentucky Avenue and Mississippi Avenue (Application #4728), is presently classified as I-O  
31 and I-2 and the owner proposes that Parcel E hereinafter described be changed to OS-1 with  
32 reasonable conditions it has approved.

33 **E-2.** That the owner of Parcel E approves and agrees to the following reasonable conditions to  
34 the requested change in zoning classifications related to the development, operation and  
35 maintenance of Parcel E:

36 (i) The entirety of the site being rezoned to mixed use (including, but not limited to, this  
37 Parcel E, zoned OS-1) should be coordinated from land use, urban design, open space,



1 transportation, and infrastructure perspectives. Regional infrastructure needs must be planned for  
2 and coordinated with the regional infrastructure needs for the redevelopment area west of South  
3 Broadway Street. The existing Denver street grid should be maintained and enhanced by creating  
4 connectivity and public access in areas north of Mississippi Avenue where no public right-of-way  
5 currently exists. The use of public transit by employees, residents and visitors should be  
6 encouraged. Therefore:

7 (a) One General Development Plan (GDP) pursuant to Section 59-314(b) of the  
8 Denver Revised Municipal Code shall be prepared for the "Gates East GDP Area" as described in  
9 Subsection A-3 above.

10 (b) The Gates East GDP shall set forth the amount of open space required and  
11 shall allow for the aggregation of the open space requirements of all the property within the Gates  
12 East GDP Area, provided that the aggregated open space area(s): (i) enhance the connection to  
13 transit facilities, plazas or streets, (ii) enhance the pedestrian environment, or (iii) enhance or  
14 create a public space, and, in any event are publicly accessible and are a benefit to the  
15 neighborhood. In addition, the open space within the R-MU-20 zoned portion of the Gates East  
16 GDP Area shall, at a minimum, meet the open space requirements set forth in Section 59-312(2).

17 (c) The Gates East GDP shall contain a regional infrastructure plan describing  
18 generally on and off site facilities and improvements related to the Gates East GDP Area.  
19 Preparation of this regional infrastructure plan will be done in consultation with and shall, to the  
20 extent commercially reasonable, be consistent with the regional infrastructure plan being  
21 developed in conjunction with the general development plan for the property west of South  
22 Broadway Street.

23 (d) The Gates East GDP and its regional infrastructure plan shall, at a minimum,  
24 maintain the existing street grid within the Gates East GDP Area south of Mississippi Avenue and  
25 have a street grid system north of Mississippi Avenue that meets the objectives of Section 59-  
26 301(d) and, to the extent commercially reasonable, be consistent with the general development  
27 plan and street grid system being developed for the property west of South Broadway Street.

28 (e) A Transportation Demand Management Plan shall be approved by the  
29 Manager of Public Works prior to or in conjunction with the approval of each site plan within the  
30 Gates East GDP Area.

31 (ii) The Property within the Gates East GDP Area shall be subject to design guidelines  
32 to be developed and approved prior to the approval of any site plan within the Gates GDP Area.

33 (iii) Development in the Gates East GDP Area will be allowed only where it does not

1 preclude the preferred alternative(s) identified by the City's Broadway/I-25 NEPA process, which  
2 will determine the scope of the Broadway/I-25 NEPA study, identify alternatives, analyze impacts,  
3 make mitigation recommendations and select preferred alternatives(s) that are consistent with  
4 Blueprint Denver.

5 **E-3.** That the zoning classification of Parcel E in the City and County of Denver described as  
6 follows or included within the following boundaries shall be and hereby is changed from I-O and I-2  
7 to OS-1 with a certain reasonable condition approved by the owner which reasonable condition is  
8 set forth in Subsection E-2 of Section 1 hereof:

9 **Parcel E**

10 **(rezoned to OS-1 with conditions)**

11  
12 A PARCEL OF LAND LOCATED IN THE SE 1/4 OF SECTION 15, TOWNSHIP 4 SOUTH, RANGE 68  
13 WEST OF THE 6TH P.M., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;  
14 CITY AND COUNTY OF DENVER, STATE OF COLORADO.

15  
16 COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 15, AND CONSIDERING THE  
17 WEST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 TO BEAR N00°44'39"W;  
18 THENCE N59°30' 47"E, A DISTANCE OF 57.59 FEET TO A POINT ON THE NORTH RIGHT-OF WAY  
19 OF LINE OF MISSISSIPPI AVE; THENCE N89°39' 43"E ALONG SAID NORTH RIGHT-OF-WAY  
20 LINE, A DISTANCE OF 1216.09 FEET TO THE POINT OF BEGINNING;

21  
22 THENCE N00°41'30"E, A DISTANCE OF 36.52 FEET;  
23 THENCE N41°07'56"W, A DISTANCE OF 754.46 FEET;  
24 THENCE N41°20'18"W, A DISTANCE OF 253.86 FEET;  
25 THENCE N41°32'54"W, A DISTANCE OF 530.67 FEET TO A POINT OF CURVATURE;  
26 THENCE ALONG A TANGENT CURVE TO THE LEFT WITH A RADIUS OF 300.00 FEET, A  
27 CENTRAL ANGLE OF 11°50'01", AN ARC LENGTH OF 61.96 FEET;  
28 THENCE N76°43'13"W, A DISTANCE OF 22.90 FEET TO A POINT ON THE SOUTHERLY RIGHT-  
29 OF-WAY LINE OF KENTUCKY AVENUE;  
30 THENCE N89 12'18"E ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF KENTUCKY  
31 AVENUE, A DISTANCE OF 38.34 FEET;  
32 THENCE S41°04'31"E, A DISTANCE OF 1596.34 FEET;  
33 THENCE S00°32'45"W, A DISTANCE OF 36.77 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-  
34 WAY LINE OF MISSISSIPPI AVENUE;  
35 THENCE S89°39'43"W, A DISTANCE OF 3.49 FEET TO THE POINT OF BEGINNING.

36  
37 CONTAINING 7883 SQ. FEET OR 0.1810 ACRES, MORE OR LESS; in addition thereto those portions of  
38 all abutting public rights-of-way, but only to the centerline thereof, which are immediately adjacent to the  
39 aforesaid specifically described area.

40  
41 **Section 2.** That the foregoing changes in zoning classifications are based upon the representation  
42 by a certain owner that it will waive those certain rights available to it, and, in lieu thereof, agrees to  
43 certain limitations which limitations are set forth in Subsections A-2, B-2, and D-2 of Section 1

1 hereof, and is also based upon reasonable conditions approved by the owner which reasonable  
2 conditions are set forth in Subsections A-3, B-3, D-3, and E-2 of Section 1 hereof; and no permit  
3 shall be issued except in strict compliance with the aforesaid waivers and conditions. Said waivers  
4 and conditions shall be binding upon all successors and assigns of said owner, who along with said  
5 owner shall be deemed to have waived all objections as to the constitutionality of the aforesaid  
6 waivers and conditions.

7 **Section 3.** That this ordinance shall be recorded by the Department of Zoning Administration  
8 among the records of the Clerk and Recorder of the City and County of Denver.

9 PASSED BY THE COUNCIL 12-20 2004

10 [Signature] - PRESIDENT

11 APPROVED: [Signature] - MAYOR 12/21 2004

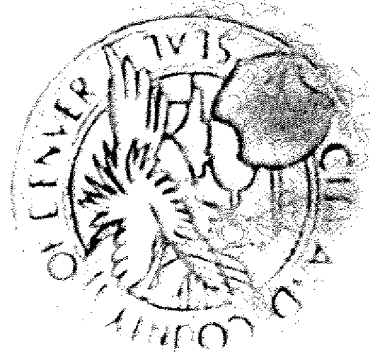
12 ATTEST: [Signature] - CLERK AND RECORDER,  
13 EX-OFFICIO CLERK OF THE  
14 CITY AND COUNTY OF DENVER

15  
16 NOTICE PUBLISHED IN THE DAILY JOURNAL NOVEMBER 19 2004 DECEMBER 23 2004

17 PREPARED BY: KAREN A. AVILES, ASSISTANT CITY ATTORNEY 11/10/04

18 REVIEWED BY: Cole Finegan - CITY ATTORNEY 11-10 2004

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





# GATES EAST GDP

LIONSTONE REDEVELOPMENT OF THE FORMER EAST GATES CAMPUS, PROJECT #2005D0003, AT BROADWAY BETWEEN KENTUCKY AND ARIZONA LOCATED IN THE SE 1/4 OF SECT 15, TOWNSHIP 4 SOUTH, RANGE 68 WEST & NE 1/4 OF SECT 22 TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO



## DESCRIPTION OF GDP AREA BOUNDARY:

Pursuant to Ordinance 935, Series 2004 the "Gates East GDP Area" is legally described as follows:

THREE (3) PARCELS OF LAND LOCATED IN THE SE 1/4 OF SECTION 15, AND THE NE 1/4 SECTION 22, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH P.M., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; CITY AND COUNTY OF DENVER, STATE OF COLORADO.

### PARCEL B (Parcel 1)

A PARCEL OF LAND LOCATED IN THE NE 1/4 OF SECTION 22, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH P.M., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; BLOCK 5: LOTS 1-10 INCLUSIVE AND LOTS 40-48 INCLUSIVE; BLOCK 6: LOTS 1-10 INCLUSIVE AND LOTS 39-48 INCLUSIVE; BLOCK 7: LOTS 1-18 INCLUSIVE, AND THE NORTH 8'4" OF LOT 33 AND LOTS 34 - 48 INCLUSIVE; ALL IN SHERMAN SUBDIVISION, CITY AND COUNTY OF DENVER, STATE OF COLORADO. CONTAINING 224387 SQUARE FEET OR 5.1512 ACRES OF LAND, MORE OR LESS; IN ADDITION THERETO THOSE PORTIONS OF ALL ABUTTING PUBLIC RIGHTS-OF-WAY, WHICH ARE IMMEDIATELY ADJACENT TO THE AFORESAID SPECIFICALLY DESCRIBED AREA.

### PARCEL D (Parcel 2)

A PARCEL OF LAND LOCATED IN THE NE 1/4 OF SECTION 22, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH P.M., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; BLOCK 8 LOTS 17 THROUGH 24 INCLUSIVE, AND LOTS 31 - 44 BLOCK 8, INCLUSIVE; ALL IN SHERMAN SUBDIVISION, CITY AND COUNTY OF DENVER, STATE OF COLORADO. CONTAINING 69573 SQUARE FEET OR 1.5972 ACRES OF LAND, MORE OR LESS; IN ADDITION THERETO THOSE PORTIONS OF ALL ABUTTING PUBLIC RIGHTS-OF-WAY, WHICH ARE IMMEDIATELY ADJACENT TO THE AFORESAID SPECIFICALLY DESCRIBED AREA.

### PARCEL A1, A2, E (Parcel 3)

A PARCEL OF LAND LOCATED IN THE SE 1/4 OF SECTION 15, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH P.M., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; CITY AND COUNTY OF DENVER, STATE OF COLORADO. COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 15, AND CONSIDERING THE WEST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 TO BEAR N00°44'39" W, THENCE N69°30'47" E, A DISTANCE OF 57.59 FEET TO THE POINT OF BEGINNING; THENCE N89°39' 43" E ALONG THE NORTH RIGHT-OF-WAY LINE OF MISSISSIPPI AVE., A DISTANCE OF 1215.68 FEET TO A POINT; THENCE N00°32'45" E, A DISTANCE OF 36.77 FEET TO A POINT; THENCE N41°04'31" W, A DISTANCE OF 1586.34 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF KENTUCKY AVENUE; THENCE S89°12'18" W ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF KENTUCKY AVENUE, A DISTANCE OF 188.60 FEET TO THE EAST RIGHT-OF-WAY LINE OF SOUTH BROADWAY; THENCE S00°44'39" E ALONG THE EAST RIGHT-OF-WAY LINE OF SOUTH BROADWAY, A DISTANCE OF 1244.94 FEET TO THE POINT OF BEGINNING. CONTAINING 895383 SQ. FEET OR 20.5547 ACRES, MORE OR LESS; IN ADDITION THERETO THOSE PORTIONS OF ALL ABUTTING PUBLIC RIGHTS-OF-WAY, WHICH ARE IMMEDIATELY ADJACENT TO THE AFORESAID SPECIFICALLY DESCRIBED AREA.

In addition, Parcels F & G are included in this Gates East GDP and are legally described as follows.

### PARCEL F

LOTS 25 THROUGH 30, BLOCK 8 INCLUSIVE, SHERMAN SUBDIVISION, CITY AND COUNTY OF DENVER, STATE OF COLORADO. CONTAINING 18,894 SQUARE FEET OR 0.4292 ACRES OF LAND, MORE OR LESS; IN ADDITION THERETO THOSE PORTIONS OF ALL ABUTTING PUBLIC RIGHTS-OF-WAY, WHICH ARE IMMEDIATELY ADJACENT TO THE AFORESAID SPECIFICALLY DESCRIBED AREA.

### PARCEL G

LOTS 1 THROUGH 16, INCLUSIVE AND LOTS 45 THROUGH 48 INCLUSIVE, BLOCK 8 SHERMAN SUBDIVISION, CITY AND COUNTY OF DENVER, STATE OF COLORADO. CONTAINING 63,134 SQUARE FEET OR 1.4494 ACRES OF LAND, MORE OR LESS; IN ADDITION THERETO THOSE PORTIONS OF ALL ABUTTING PUBLIC RIGHTS-OF-WAY, WHICH ARE IMMEDIATELY ADJACENT TO THE AFORESAID SPECIFICALLY DESCRIBED AREA.

The City is serving as applicant for those portions of Parcel G that are not owned by LUI Denver Broadway, LLC or Gates Corporation.

## PROJECT STATISTICS:

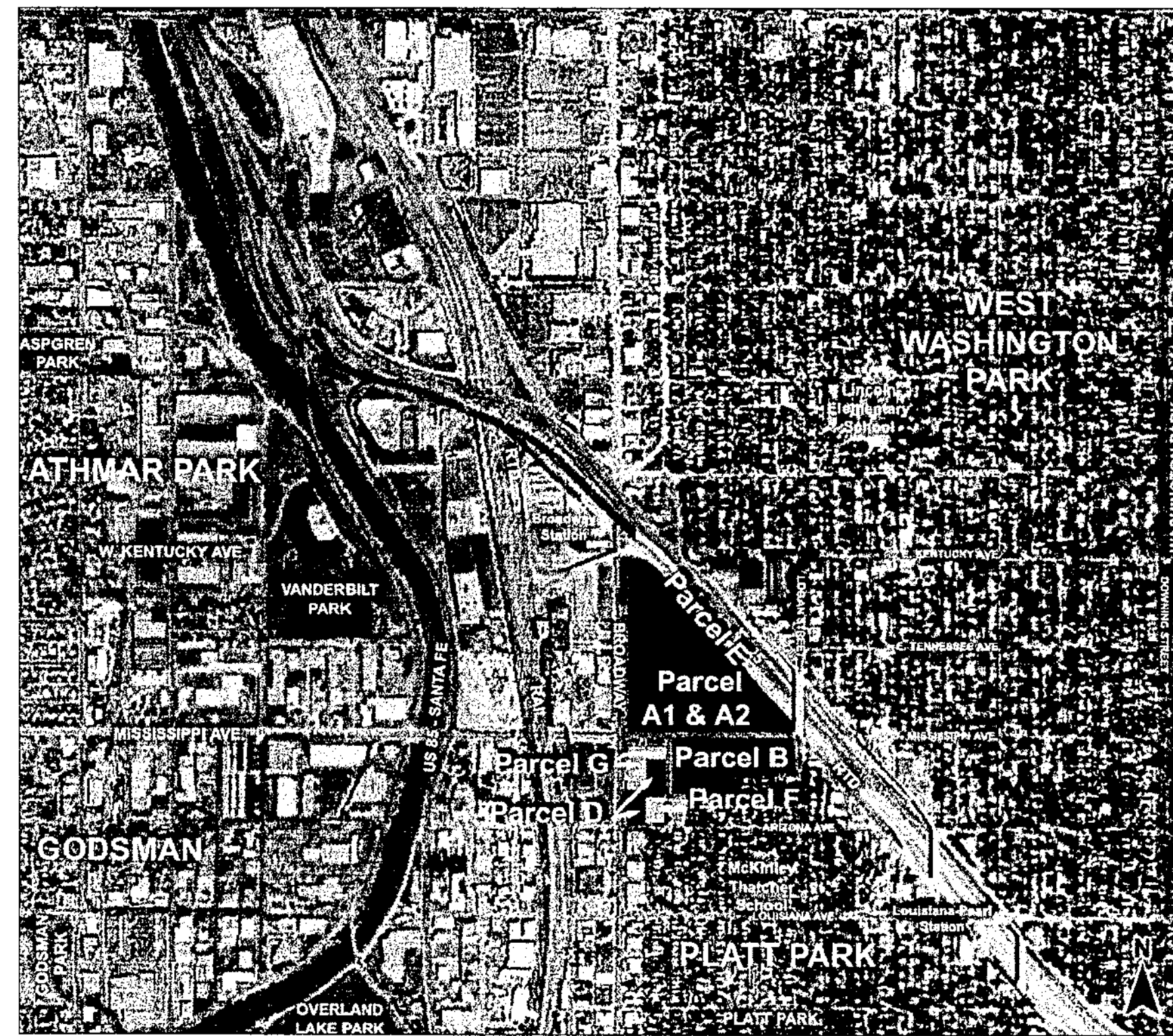
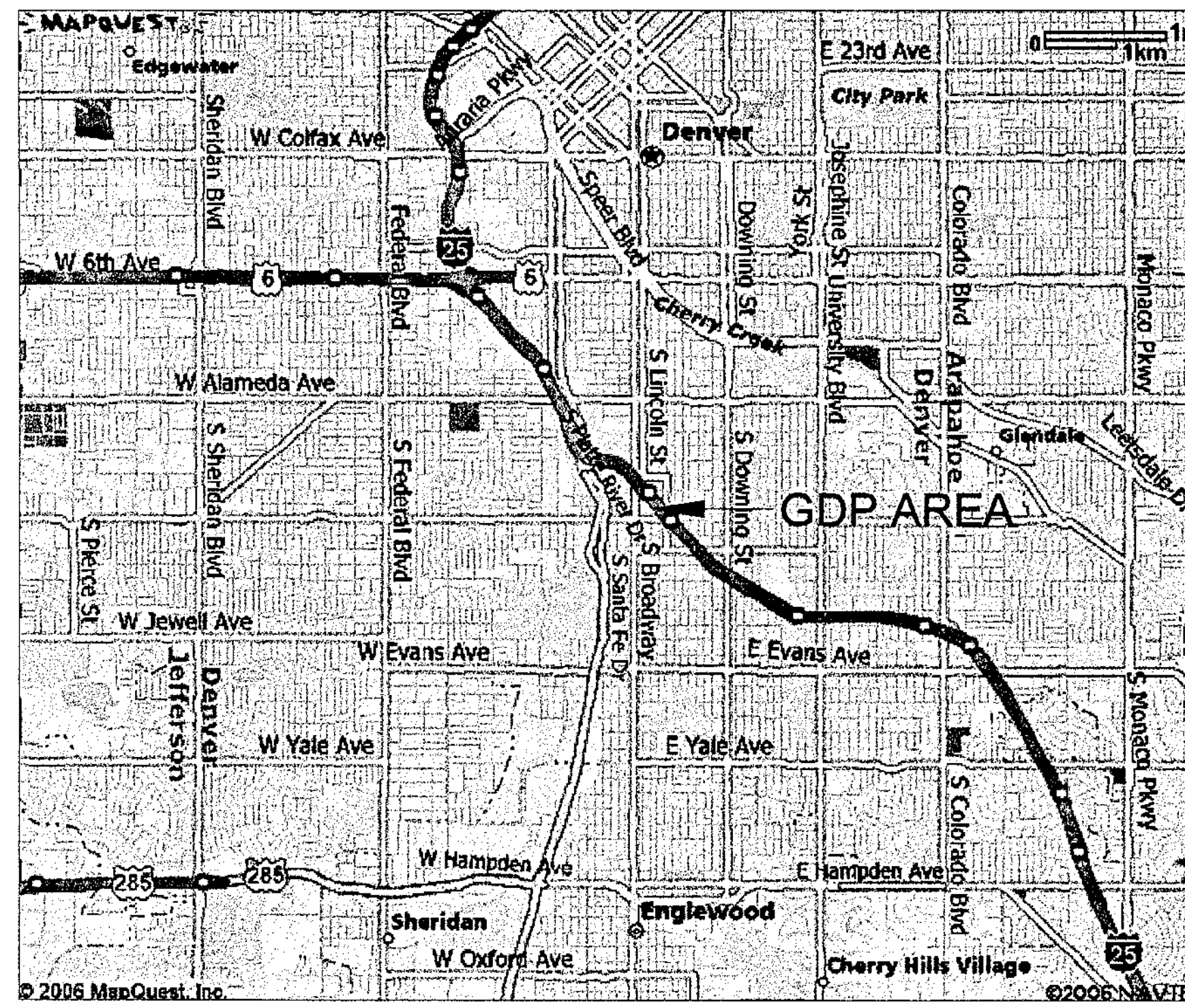
SQUARE FOOTAGES ARE BASED ON DEVELOPABLE AREAS

Parcel B (Parcel 1)*	224,174 SQFT
Parcel D (Parcel 2)*	69,573 SQFT
Parcel A1, A2, E (Parcel 3)*	896,025 SQFT
Parcel A1	230,916 SQFT
Approximate ROW in Parcel A1	26,524 SQFT
Parcel A1 project area after ROW deductions	204,392 SQFT
Parcel A2	657,226 SQFT
Approximate ROW in Parcel A2	177,127 SQFT
Parcel A2 project area after ROW deductions	480,099 SQFT
Parcel E	7,883 SQFT
Parcel F **	18,894 SQFT
Parcel G **	63,134 SQFT
<b>TOTAL AREA WITHIN GDP AREA BOUNDARY (Parcels A1, A2, B, D, E, F, &amp; G)</b>	<b>1,271,600 SQFT (29.19 AC MORE OR LESS)</b>
Approximate ROW Deductions (Parcel A1 & A2)	-203,651 SQFT
<b>APPROXIMATE TOTAL DEVELOPABLE PROJECT AREA AFTER ROW DEDUCTIONS</b>	<b>1,067,949 SQFT (24.52 AC)</b>

\* Parcel references are according to application for Gates East zoning Ordinance No. 935, Series 2004.  
\*\* Parcels not within the original zoning description of the Gates East GDP Area Boundary.

## SHEET INDEX:

SHEET 1	COVER
SHEET 2	GENERAL NOTES
SHEET 3	EXISTING ZONING
SHEET 4	EXISTING ZONING
SHEET 5	EXISTING CONDITIONS
SHEET 6	DEVELOPMENT CONCEPTS
SHEET 7	TRANSPORTATION/CIRCULATION
SHEET 8	OPEN SPACE CONCEPTS
SHEET 9	STORMWATER CONVEYANCE AND DETENTION
SHEET 10	SANITARY AND WATER
SHEET 11	PHASING PLAN



## APPLICANT OWNERS' SIGNATURES: (AS TO PARCELS A1, A2, B, D, E, F, AND A PORTION OF PARCEL G)

I (WE), the undersigned, shall comply with all regulations contained in Chapter 59, Article IV, Sections 59-314 of the Revised Municipal Code of the City and County of Denver (Denver Zoning Code). The following signatures constitute all owners of land and structures included in this plan:

LUI DENVER BROADWAY, LLC  
 BY [Signature] DATE 1/8/07

State of Colorado  
 City and County of Denver

The foregoing instrument was acknowledged before me this 8th day of Jan AD 2007 by Douglas C. McKinnon

Witness my hand and official seal  
 My commission expires: 11/04/2008  
Chowhe Powers  
 Notary Public  
730 17th St, Ste 200, Denver, CO 80202  
 Address

GATES CORPORATION  
 BY [Signature] DATE 1/22/07

State of Colorado  
 City and County of Denver

The foregoing instrument was acknowledged before me this 2nd day of Jan AD 2007 by Thomas Duwe

Witness my hand and official seal  
 My commission expires: 02/10/2009  
Leahly Horak  
 Notary Public  
1551 Alameda St Denver  
 Address

## APPLICANT CITY AND COUNTY OF DENVER'S SIGNATURE: (AS TO A PORTION OF PARCEL G)

BY [Signature] DATE 4-10-07  
 Manager of Community Planning and Development

State of Colorado  
 City and County of Denver

The foregoing instrument was acknowledged before me this 10th day of April AD 2007 by Kent Strabo

Witness my hand and official seal  
 My commission expires: 10/17/2009  
Brenda Shroog  
 Notary Public  
201 W. Colfax Ave, Denver, CO 80202  
 Address

## SURVEY CERTIFICATE:

I, Roger A. Vermasa, a Registered Land Surveyor in the State of Colorado, do hereby certify that the survey for the GDP for the Lionstone Redevelopment of the Former East Gates Campus, was made under my supervision and the accompanying plan accurately and properly shows said survey.

[Signature]  
 Roger A. Vermasa, P.L.S.#24958, A.S.P.S. Surveyor

## APPROVALS:

- APPROVED BY: [Signature] DATE: 4-10-07  
 Zoning Administrator
- APPROVED BY: [Signature] DATE: 4-10-07  
 Manager of Community Planning and Development
- APPROVED BY: [Signature] DATE: 4-19-07  
 Manager of Public Works
- APPROVED BY: [Signature] DATE: 4-17-07  
 Manager of Parks and Recreation

## CLERK & RECORDER'S CERTIFICATION:

STATE OF COLORADO, CITY AND COUNTY OF DENVER  
 I HEREBY CERTIFY THAT THIS INSTRUMENT WAS RECORDED IN MY OFFICE AT 2:26 O'CLOCK P.M. 2007  
 RECEPTION # 20070327

[Signature]  
 Stephanie Y O'Malley  
 Clerk and Recorder, Ex-Officio Clerk of the City and County of Denver  
 BY: [Signature]  
 Deputy Clerk and Recorder  
 FEE: 110



LUI DENVER BROADWAY, LLC

DAVID OWEN TRYBA ARCHITECTS  
 1600 Logan Street  
 Denver, Colorado  
 80203-1216  
 303-831-4210

DATE	3/20/06	7/25/06	8/15/06	11-13-06
REV/REMARKS	PRELIMINARY SUBMITTAL	SECOND SUBMITTAL	THIRD SUBMITTAL	FINAL SUBMITTAL
DRAWN	CHD	AP/VD		
PROJECT NO.	0526.00			
DATE:	11.13.06			
DRAWING TITLE:	1 of 11			

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# GATES EAST GDP

**LIONSTONE REDEVELOPMENT OF THE FORMER EAST GATES CAMPUS, PROJECT #2005D0003, AT BROADWAY BETWEEN KENTUCKY AND ARIZONA  
LOCATED IN THE SE 1/4 OF SECT 15, TOWNSHIP 4 SOUTH, RANGE 68 WEST & NE 1/4 OF SECT 22 TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH P.M.,  
CITY AND COUNTY OF DENVER, STATE OF COLORADO**



**GENERAL NOTES:**

1. SITE IS ZONED TMU-30, RMU-30, RMU-20, OS-1, and B-4. See sheets 3 & 4.

2. Vested Property Rights

Section 59-314(o) of the Denver Revised Municipal Code (Denver Zoning Code) states as follows:

An approved GDP shall constitute a site specific development plan which triggers a vested property right pursuant to CRS 24-69-102(4). Such property right which has been vested shall remain vested for a period of three (3) years. The applicant's vested rights are directly proportional to the level of detail approved in the general development plan. The applicant obtains vested rights only to the extent that the GDP specifically includes development program, architecture and engineering solutions and those solutions are specifically approved. The recorded GDP is binding upon the applicants, their successors and assigns and approving city review committee agencies. The implementation and phasing plan is not a self-implementing document and is to be used for strategic timing only. It neither confers nor denies any property rights or public funding.

Pursuant to Section 59-314(o) above, the sections of this GDP that shall be vested property rights shall include, but not be limited to, the following:

A. Page 6

GDP Map and all accompanying descriptive information on GDP Map

- Land Use Concepts
  - General Concepts
  - Parking Concepts
  - Public Amenity Concepts
  - On-Site Circulation Concept
  - Subareas
    - Residential Oriented Mixed-Use Subarea
    - Commercial Oriented Mixed-Use Subarea
    - Ford Building Sub-Area
  - Table on Development Parcels - Columns 3 through 7

B. Page 7

GDP Map and all descriptive information on GDP Map

- Circulation Concepts
  - Vehicular Concepts
  - Pedestrian Concepts
  - Bicycle Concepts

C. Page 8

GDP Map and all descriptive information on GDP Map

- Open Space Concepts
  - General Open Space Requirements
  - Aggregated Open Space
  - General Open Space Concepts
  - Other Open Spaces
  - Open Space Summary

D. Page 9

GDP Map and all descriptive information on GDP Map

Notes 1-6.

E. Page 10

GDP Map and all descriptive information on GDP Map

Notes 1-5.

3. City's Broadway/I-25 NEPA Process

Ordinance 935, Series of 2004, which rezoned portions of the GDP Area, contains the following requirement:

"Development in the Gates East GDP Area shall be allowed only where it does not preclude the preferred alternative(s) identified by the City's Broadway/I-25 NEPA process, which will determine the scope of the Broadway/I-25 NEPA study, identify, alternative, analyze impacts, make mitigation recommendations and select preferred alternatives(s) that are consistent with Blueprint Denver."

Nothing in this GDP precludes the following two alternatives identified by the City's Broadway/I-25 NEPA process: (1) the "no-build" alternative, and (2) the October 19, 2006 Consensus Committee alternative.

4. Regional Infrastructure Plan

Ordinance 935, Series of 2004, which rezoned portions of the GDP Area, requires that the Gates East GDP contain a regional infrastructure plan that is done in consultation with, and is, to the extent commercially reasonable, consistent with the regional infrastructure plan being developed in conjunction with the Cherokee GDP for the property west of South Broadway Street.

The required Regional Infrastructure Plan (RIP) is contained on sheet 9 and 10 of this Gates East GDP submittal, with supporting data included in a separate Master Drainage Study and Master Utility Study

The RIP with the separate Master Drainage Study & Master Utility Study supplements the General Development Plan and contains technical studies required by the City. The RIP is a flexible and workable document containing the preliminary studies for the overall infrastructure of the site. More detailed studies may be required at the time of GDP Map approval for individual parcels within the site. The RIP may be modified during the development process to include such studies and updated technical data.

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**LUI DENVER BROADWAY, LLC**

**DAVID OWEN TRYBA ARCHITECTS**  
1610 Logan Street  
Denver, Colorado  
80203-1216  
303.837.4310

DATE	REV / REVISIONS	ISSUED	CHG	APPROVED
3/03/05	PRELIMINARY SUBMITTAL			
7/25/05	SECOND SUBMITTAL			
8/15/05	THIRD SUBMITTAL			
11/13/06	FINAL SUBMITTAL			

PROJECT NO:  
0526.00

DATE:  
11.13.06

DRAWING TITLE:

**GENERAL NOTES**

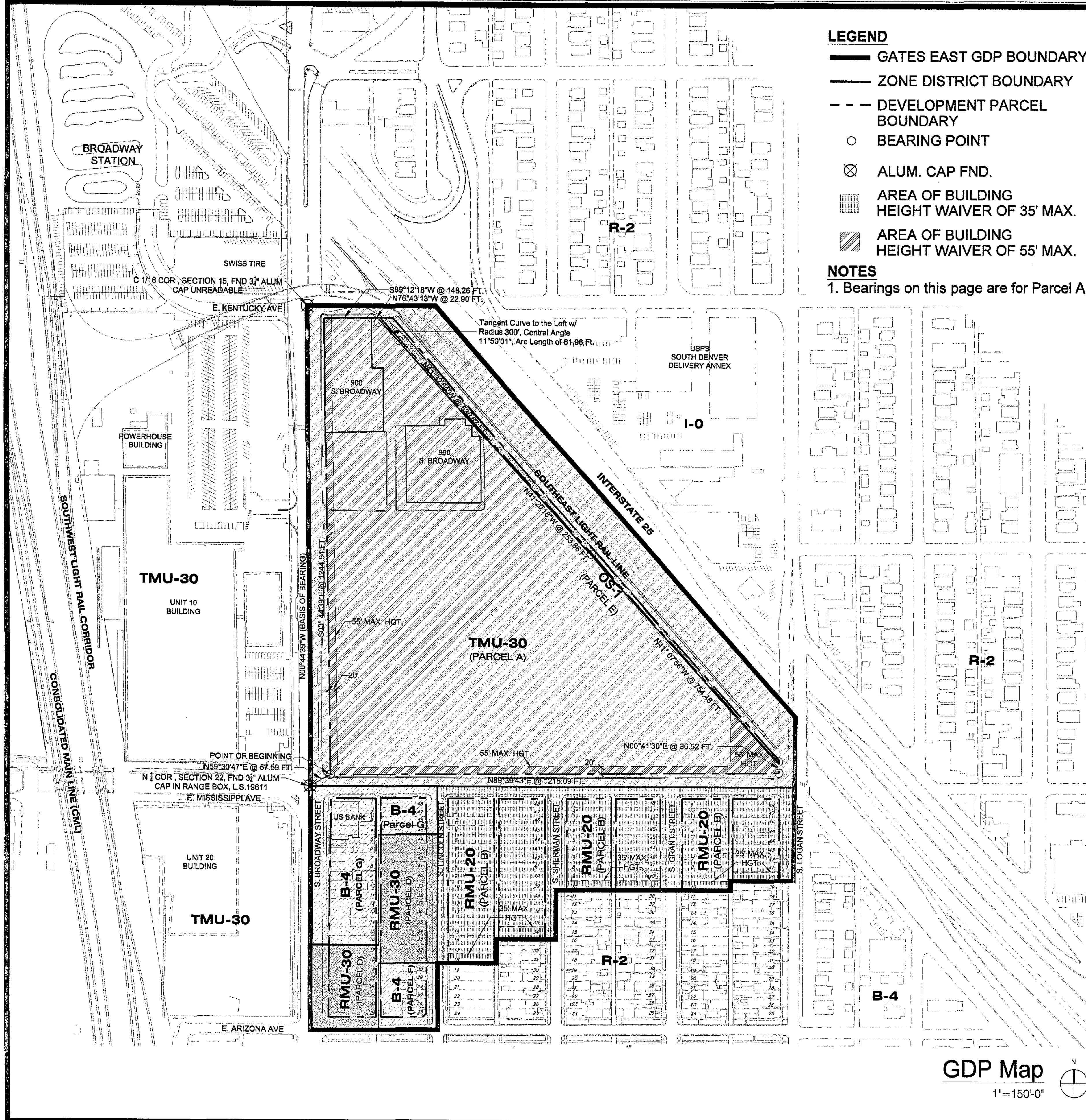
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# GATES EAST GDP

LIONSTONE REDEVELOPMENT OF THE FORMER EAST GATES CAMPUS, PROJECT #2005D0003, AT BROADWAY BETWEEN KENTUCKY AND ARIZONA  
LOCATED IN THE SE 1/4 OF SECT 15, TOWNSHIP 4 SOUTH, RANGE 68 WEST & NE 1/4 OF SECT 22 TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH P.M.,  
CITY AND COUNTY OF DENVER, STATE OF COLORADO



- LEGEND**
- GATES EAST GDP BOUNDARY
  - ZONE DISTRICT BOUNDARY
  - - - DEVELOPMENT PARCEL BOUNDARY
  - BEARING POINT
  - ⊗ ALUM. CAP FND.
  - ▨ AREA OF BUILDING HEIGHT WAIVER OF 35' MAX.
  - ▩ AREA OF BUILDING HEIGHT WAIVER OF 55' MAX.
- NOTES**
- Bearings on this page are for Parcel A.

**TMU-30 (PARCEL A)** ZONING: Per Ordinance 935, Series 2004

1. The T-MU-30 district provides for urban development proximate to a mass transit railway system station to promote a mix, arrangement, and intensity of uses that support transit ridership and use of other transportation modes, especially walking. The arrangement of uses allows residents, workers, and shoppers to walk to transit and other destinations within the district. The T-MU-30 district allows the broadest range of uses and most development intensity. The T-MU-30 district is intended for station areas with adequate land to create a viable transit oriented development (TOD) and to transition to the surrounding community. A T-MU-30 district must be proximate to a mass transit railway system station and have a direct pedestrian connection to that station. That point of a T-MU-30 district that is nearest to a mass transit railway system station shall be located no more than 1500 feet from the intersecting center lines of the tracks and adjacent passenger loading platforms.

**LEGAL DESCRIPTION:**  
A PARCEL OF LAND LOCATED IN THE SE 1/4 OF SECTION 15, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH P.M., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: CITY AND COUNTY OF DENVER, STATE OF COLORADO, COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 15, AND CONSIDERING THE WEST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 TO BEAR N00°44'39"W, THENCE N59°30'47"E, A DISTANCE OF 57.59 FEET TO THE POINT OF BEGINNING; THENCE N89°39'43"E ALONG THE NORTH RIGHT-OF-WAY OF MISSISSIPPI AVE., A DISTANCE OF 1216.09 FEET TO THE WESTERLY LINE OF PARCEL No. AC-7; THENCE ALONG THE WESTERLY LINE OF SAID PARCEL No. AC-7 THE FOLLOWING 8 (8) COURSES AND DISTANCES: 1. THENCE N00°41'30"E, A DISTANCE OF 38.52 FEET; 2. THENCE N41°07'59"W, A DISTANCE OF 754.46 FEET; 3. THENCE N41°20'18"W, A DISTANCE OF 253.86 FEET; 4. THENCE N41°32'54"W, A DISTANCE OF 330.67 FEET TO A POINT OF CURVATURE; 5. THENCE ALONG A TANGENT CURVE TO THE LEFT WITH A RADIUS OF 300.00 FEET, A CENTRAL ANGLE OF 11°50'01", AN ARC LENGTH OF 81.88 FEET; 6. THENCE N78°43'13"W, A DISTANCE OF 22.80 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF KENTUCKY AVENUE; THENCE S89°12'16"W ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF KENTUCKY AVENUE, A DISTANCE OF 148.23 FEET TO THE EAST RIGHT-OF-WAY LINE OF SOUTH BROADWAY; THENCE S00°44'39"E ALONG THE EAST RIGHT-OF-WAY LINE OF SOUTH BROADWAY, A DISTANCE OF 1244.94 FEET TO THE POINT OF BEGINNING. CONTAINING 689112 SQ. FEET OR 20.3882 ACRES, MORE OR LESS; 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.

**WAIVERS AND CONDITIONS:**  
The owner waives the right to use or occupy Parcel A, or to use, occupy, or erect thereon any structure or structures designed, erected, altered, used or occupied for the following uses by right and uses permitted by special review in the T-MU-30 zone district: Rooming and/or boarding house; Retail, service, repair, consumer, large scale; Manufacturing, fabrication, and assembly; light; Utility, major impact; and Church, religious institution with a seating capacity in excess of 600. The owner waives the right to maximum building heights as set forth in Section 59-312(7) of the Denver Revised Municipal Code, and instead the maximum permitted building height shall be 110 feet. No portion of any structure shall exceed 110 feet in height. The intent of this height limitation is to support and reinforce the protection of views under the existing Washington Park View Plane restriction, which limits the height of Parcel A to 110 feet. For structures on Parcel A (a) adjacent to South Broadway Street and/or Mississippi Avenue to a depth of twenty (20) feet from the respective right-of-way line on either street and (b) for all structures on the subject property at the northwest corner of Mississippi Avenue and South Logan Street, and east of the centerline of the alley running between South Logan Street and South Grant Street, the owner waives the right to a maximum building height as set forth above and instead no portion of any structure within these defined areas shall exceed fifty-five (55) feet in height. The intent of this height limitation is to transition the development scale along South Broadway Street and Mississippi Avenue where the subject property abuts existing neighborhoods and the public street realm, thereby providing for a more pedestrian oriented scale development and a street edge similar to the existing character of South Broadway Street and South Logan Street and the anticipated scale and character of development west of South Broadway Street and along South Logan Street and I-25. The owner waives the right to a maximum gross floor area in structures as set forth in Section 59-312(8) of the Denver Revised Municipal Code, and instead, the basic maximum gross floor area shall be equal to three (3) times the area of the zone lot on which the structures are located (3:1) and the maximum gross floor area provisions for an approved general development plan as set forth in Section 59-312(8) shall apply. The intent of this waiver is to limit the overall density of the site to encourage varied massing of buildings, varied character, quality form and design, to help create a pedestrian oriented development and encourage the stepping down of buildings throughout the site. The owner waives the right to required unobstructed open space as set forth in Section 59-312(2) of the Denver Revised Municipal Code and instead, the unobstructed open space requirements shall be as set forth in the Gates East GDP, as defined below. A-3. That the owner of Parcel A approves and agrees to the following reasonable conditions to the requested change in zoning classifications related to the development, operation and maintenance of Parcel A: The entirety of the site being rezoned to mixed use should be coordinated from land use, urban design, open space, transportation, and infrastructure perspectives. Regional infrastructure needs must be planned for and coordinated with the regional infrastructure needs for the redevelopment area west of South Broadway Street. The existing Denver street grid should be maintained and enhanced by creating connectivity and public access in areas north of Mississippi Avenue where no public right-of-way currently exists. The use of public transit by employees, residents and visitors should be encouraged. Therefore, one General Development Plan (Gates East GDP) pursuant to Section 59-314(b) of the Denver Revised Municipal Code shall be prepared for the "Gates East GDP Area" legally described on SHEET 1.0.

**RMU-20 (PARCEL B)** ZONING: Per Ordinance 935, Series 2004

1. Residential Mixed Use District. The R-MU-20 district is primarily residential, allowing either single- or multiple-unit dwellings. Along collector or arterial streets, development may be either residential or mixed-use, combining residential with neighborhood-serving retail, office, or service uses. Commercial uses should be located on collector or arterial streets or in areas that already have commercial uses. No maximum residential density is prescribed; instead, the scale of buildings is determined by bulk plans, maximum height, setbacks, open space requirements, and parking ratios. The intent is to encourage a full range of housing types, including affordable housing.

**LEGAL DESCRIPTION:**  
A PARCEL OF LAND LOCATED IN THE NE 1/4 OF SECTION 22, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH P.M., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BLOCK 5, LOTS 1-10 INCLUSIVE AND LOTS 40 - 48 INCLUSIVE; BLOCK 6, LOTS 1-10 INCLUSIVE AND LOTS 39 - 48 INCLUSIVE; BLOCK 7, LOTS 1 - 18 IN 4' LOT 33 AND LOTS 34 - 48 INCLUSIVE; ALL IN SHERMAN SUBDIVISION, CITY AND COUNTY OF DENVER, STATE OF COLORADO. CONTAINING 27828 SQUARE FEET OR 6.3091 ACRES OF LAND, MORE OR LESS; 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.

**WAIVERS AND CONDITIONS:**  
The owner waives the right to use or occupy Parcel B or to use, occupy or erect thereon any structures designed, erected, altered, used or occupied for uses by right and uses by special review in the R-MU-20 zone district, as follows: Rooming and/or boarding house, and Church, religious institution with a seating capacity in excess of 600. For the property legally described as Block 5, Lot 10; Block 6, Lots 10 and 39; and Block 7, Lots 18, 34 and the north 8 feet 4 inches of Lot 33, all of the Sherman Subdivision, City and County of Denver, State of Colorado, the owner waives the right to use or occupy such property or to use, occupy or erect thereon any structures designed, erected, altered, used or occupied for all uses by right and all uses by special review in the R-MU-20 zone district, except for the following residential uses which shall be used by right: Dwelling, multiple unit; Dwelling, single unit; Live/work residential; Residence for older adults; and Residence, institutional/apartment. For the property legally described as Block 5, Lots 10 and 40; Block 6, Lots 10 and 39; and Block 7, Lots 18, 34 and the north 8 feet 4 inches of Lot 33, all of the Sherman Subdivision, City and County of Denver, State of Colorado, the owner waives the right to maximum building heights as set forth in Section 59-312(7) and instead the maximum permitted building height shall be 35 feet. No portion of any structure shall exceed 35 feet in height. The intent of this height limitation is to respond to the scale of structures in the adjacent R-2 zoned areas and to create a proper and sensitive transition between new development and the existing residential properties to the south by having the building mass step down along the south edge of Parcel B. The owner waives the right to required unobstructed open space as set forth in Section 59-312(2) of the Denver Revised Municipal Code and instead the unobstructed open space requirements shall be as set forth in the Gates East GDP, B-3. That the owner of Parcel B approves and agrees to the following reasonable conditions to the requested change in zoning classifications related to the development, operation and maintenance of Parcel B: The entirety of the site being rezoned to mixed use should be coordinated from land use, urban design, open space, transportation, and infrastructure perspectives. Regional infrastructure needs must be planned for and coordinated with the regional infrastructure needs for the redevelopment area west of South Broadway Street. The existing Denver street grid should be maintained and enhanced by creating connectivity and public access in areas north of Mississippi Avenue where no public right-of-way currently exists. The use of public transit by employees, residents and visitors should be encouraged. Therefore, One General Development Plan (Gates East GDP) pursuant to Section 59-314(b) of the Denver Revised Municipal Code shall be prepared for the "Gates East GDP Area" as described in Subsection A-3 above. The Gates East GDP shall set forth the amount of open space required and shall allow for the aggregation of the open space requirements of all the property within the Gates East GDP Area, provided that the aggregated open space area(s): (i) enhance the connection to transit facilities, plazas or streets; (ii) enhance the pedestrian environment; or (iii) enhance or create a public space, and in any event be publicly accessible to the neighborhood. In addition, the open space within the R-MU-20 zoned portion of the Gates East GDP Area shall, at a minimum, meet the open space requirements set forth in Section 59-312 (2). The Gates East GDP shall contain a regional infrastructure plan describing generally on and off site facilities and improvements related to the Gates East GDP Area. Preparation of this regional infrastructure plan will be done in consultation with and shall, to the extent commercially reasonable, be consistent with the regional infrastructure plan being developed in conjunction with the general development plan for the property west of South Broadway. The Gates East GDP and its regional infrastructure plan shall, at a minimum, maintain the existing street grid within the Gates East GDP Area south of Mississippi Avenue and have a street grid system north of Mississippi Avenue that meets the objectives of Section 59-301 and, to the extent commercially reasonable, be consistent with the general development plan and street grid system being developed for the property west of South Broadway Street. A Transportation Demand Management Plan shall be approved by the Manager of Public Works prior to or in conjunction with the approval of each site plan within the Gates East GDP Area. The property within the Gates East GDP Area shall be subject to Design Guidelines to be developed and approved prior to the approval of any site plan within the Gates East GDP Area. Development in the Gates East GDP Area will be allowed only where it does not preclude the preferred alternative identified by the City's Broadway/1-25 NEPA process, which will determine the scope of the Broadway/1-25 NEPA study, identify alternatives, make mitigation recommendations and select preferred alternative(s) that are consistent with Blueprint Denver. B-4. That the zoning classification of Parcel B in the City and County of Denver described as follows or included within the following boundaries shall be and hereby is changed from P-1, R-2, B-1 and B-4 to R-MU-20 with certain waivers which waivers are set forth in Subsection B-2 of Section 1 hereof and with certain reasonable conditions approved by the owner which reasonable conditions are set forth in Subsection B-3 of Section 1.

**LUI DENVER BROADWAY, LLC**

**DAVID OWEN TRYBA ARCHITECTS**  
1600 Logan Street  
Denver, Colorado  
80202-1215  
303.631.4010

**GDP Map**  
1"=150'-0"

## EXISTING ZONING

DATE	REV	REVISIONS	PREPARED BY	SUBMITTED	DATE	APPROVED
05/26/00						

PROJECT NO: 0526.00  
DATE: 11.13.06  
DRAWING TITLE: 3 of 11  
GATES EAST GDP

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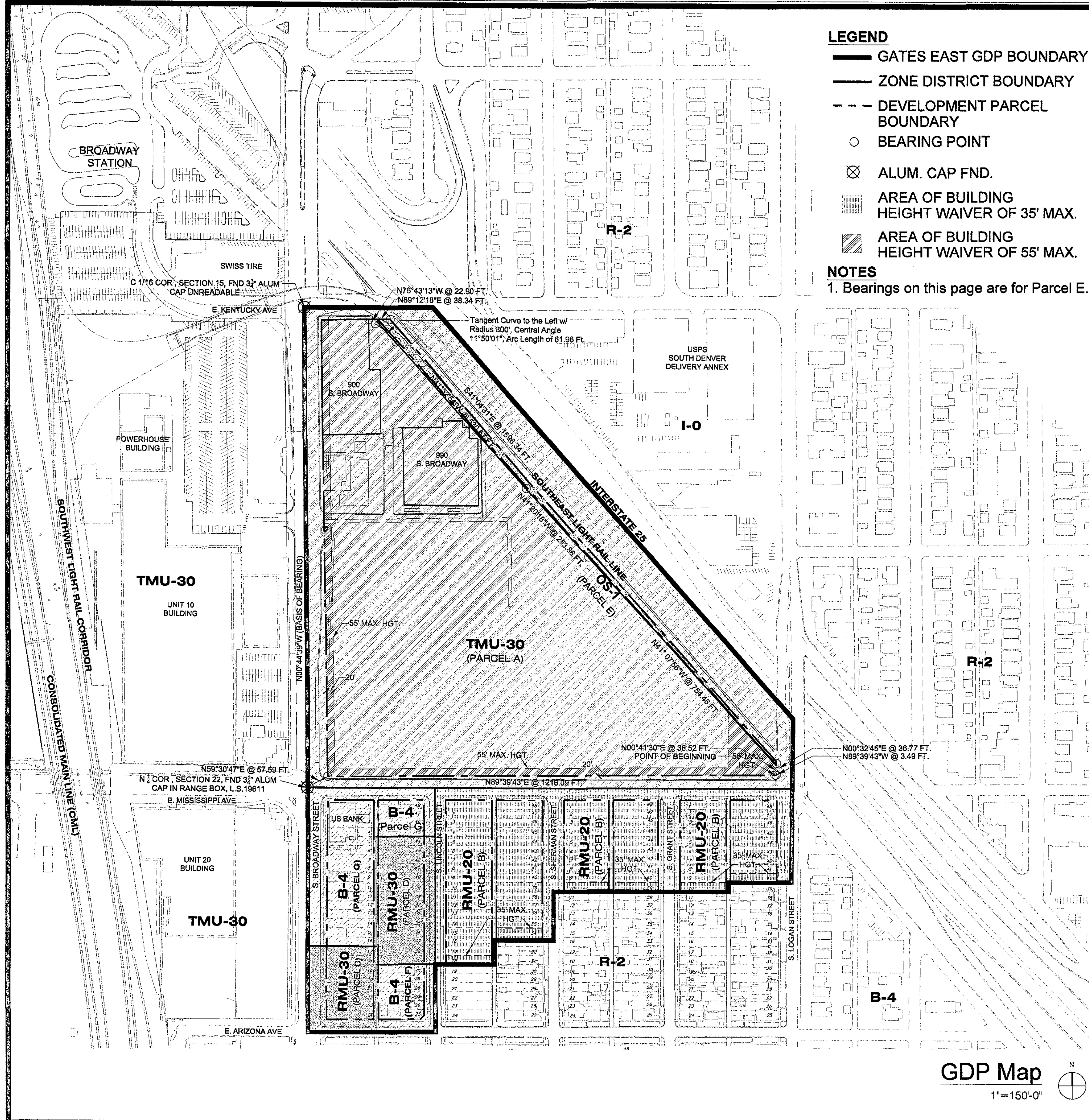
# GATES EAST GDP

LIONSTONE REDEVELOPMENT OF THE FORMER EAST GATES CAMPUS, PROJECT #2005D0003, AT BROADWAY BETWEEN KENTUCKY AND ARIZONA  
LOCATED IN THE SE 1/4 OF SECT 15, TOWNSHIP 4 SOUTH, RANGE 68 WEST & NE 1/4 OF SECT 22 TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH P.M.,  
CITY AND COUNTY OF DENVER, STATE OF COLORADO



LUI DENVER BROADWAY, LLC

DAVID OWEN TRYBA ARCHITECTS  
1500 Logan Street  
Denver, Colorado  
80203-1216  
303.831.4100



### LEGEND

- GATES EAST GDP BOUNDARY
- ZONE DISTRICT BOUNDARY
- - - DEVELOPMENT PARCEL BOUNDARY
- BEARING POINT
- ⊗ ALUM. CAP FND.
- ▨ AREA OF BUILDING HEIGHT WAIVER OF 35' MAX.
- ▩ AREA OF BUILDING HEIGHT WAIVER OF 55' MAX.

### NOTES

1. Bearings on this page are for Parcel E.

### RMU-30 (PARCEL D) ZONING: Per Ordinance 935, Series 2004

1. The R-MU-30 district is a primarily residential district allowing higher density multiple unit dwellings of a density appropriate to the center-city and other activity centers such as light rail transit stations. Supporting commercial development, such as consumer retail and service uses and small-office uses, is encouraged to create a truly mixed-use environment. No maximum residential density is prescribed. Instead, maximum height, setbacks, and open space requirements determine the scale of buildings.

#### LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE NE 1/4 OF SECTION 22, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH P.M., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BLOCK 8, LOTS 17 THRU 24 INCLUSIVE, AND LOTS 31-44, BLOCK 8, INCLUSIVE ALL IN SHERMAN SUBDIVISION, CITY AND COUNTY OF DENVER, STATE OF COLORADO. CONTAINING 80862 SQUARE FEET OR 1.8517 ACRES OF LAND, MORE OR LESS; 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.

#### WAIVERS AND CONDITIONS:

The owner waives the right to use or occupy Parcel D or to use, occupy or erect thereon any structures designed, erected, altered, used or occupied for uses by right and uses by special review in the R-MU-30 zone district, as follows: Rooming and/or boarding house, Automobile gasoline filling station, emission inspection; Food preparation and sales, commercial; Hotel, Motel, Retail, service, repair, consumer, large scale; Terminal, public transportation, local; Utility, major impact; Church, religious institution with a seating capacity in excess of 800; and Sports and/or entertainment facility. The owner waives the right to maximum building heights as set forth in Section 59-312(7) and instead the maximum permitted building height shall be 110 feet. No portion of any structure shall exceed 110 feet in height. The intent of this height limitation is to support and reinforce the protection of views under the existing Washington Park View Plane restriction, which limits the height on Parcel D to 110 feet. The owner waives the right to required unobstructed open space as set forth in Section 59-312(2) and instead the unobstructed open space requirements shall be as set forth in the Gates East GDP, D-3. That the owner of Parcel D approves and agrees, as reasonable conditions to the requested change in zoning classifications related to the development, operation and maintenance of Parcel D: The entirety of the site being rezoned to mixed use should be coordinated from land use, urban design, open space, transportation, and infrastructure perspectives. Regional infrastructure needs must be planned for and coordinated with the regional infrastructure needs for the redevelopment area west of South Broadway Street. The existing Denver street grid should be maintained and enhanced by creating connectivity and public access in areas north of Mississippi Avenue where no public right-of-way currently exists. The use of public transit by employees, residents and visitors should be encouraged. Therefore: One General Development Plan (Gates East GDP) pursuant to Section 59-314(b) of the Denver Revised Municipal Code shall be prepared for the "Gates East GDP Area" described in Subsection A-3 above. The Gates East GDP shall set forth the amount of open space required and shall allow for the aggregation of the open space requirements of all the property within the Gates East GDP Area, provided that the aggregated open space area(s): (i) enhance the connection to transit facilities, plazas or streets, (ii) enhance the pedestrian environment, or (iii) enhance or create a public space, and, in any event are publicly accessible and are a benefit to the neighborhood. In addition, the open space requirements set forth in the R-MU-20 zoned portion of the Gates East GDP Area shall, at a minimum, meet the open space requirements set forth in Section 59-312(2). The Gates East GDP shall contain a regional infrastructure plan describing generally on and off site facilities and improvements related to the Gates East GDP Area. Preparation of this regional infrastructure plan will be done in consultation with and shall, to the extent commercially reasonable, be consistent with the regional infrastructure plan being developed in conjunction with the general development plan for the property west of South Broadway Street. The Gates East GDP and its regional infrastructure plan shall, at a minimum, maintain the existing street grid within the Gates East GDP Area south of Mississippi Avenue and have a street grid system north of Mississippi Avenue that meets the objectives of Section 59-301 and, to the extent commercially reasonable, be consistent with the general development plan and street grid system developed for the property west of South Broadway Street. A Transportation Demand Management Plan shall be approved by the Manager of Public Works prior to or in conjunction with the approval of each site plan within the Gates East GDP Area. The Property within the Gates East GDP Area shall be subject to design guidelines to be developed and approved prior to the approval of any site plan within the Gates East GDP Area. Development in the Gates East GDP Area will be allowed only where it does not preclude the preferred alternative(s) identified by the City's Broadway/I-25 NEPA process, which will determine the scope of the Broadway/I-25 NEPA study, identify alternatives, analyze impacts, make mitigation recommendations and select preferred alternative(s) that are consistent with Blueprint Denver.

### OS-1 (PARCEL E) ZONING: Per Ordinance 935, Series 2004

1. The OS-1 district is intended for publicly and privately owned parks, open space, natural habitats, golf courses, and a limited range of other uses, such as public or private recreation centers and concessions, that may enhance the use and enjoyment of open space.

#### LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE SE 1/4 OF SECTION 15, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH P.M., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: CITY AND COUNTY OF DENVER, STATE OF COLORADO. COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 15, AND CONSIDERING THE WEST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 TO BEAR N00°44'39"W, THENCE N59°30'47"E, A DISTANCE OF 57.59 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF MISSISSIPPI AVE; THENCE N89°39'43"E ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 1216.09 FEET TO THE POINT OF BEGINNING; THENCE N00°41'30"E, A DISTANCE OF 36.52 FEET; THENCE N41°07'59"W, A DISTANCE OF 754.46 FEET; THENCE N41°20'18"W, A DISTANCE OF 253.86 FEET; THENCE N41°32'54"W, A DISTANCE OF 830.67 FEET TO A POINT OF CURVATURE; THENCE ALONG A TANGENT CURVE TO THE LEFT WITH A RADIUS OF 300.00 FEET, A CENTRAL ANGLE OF 11°50'01", AN ARC LENGTH OF 61.86 FEET; THENCE N78°43'13"W, A DISTANCE OF 22.90 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF KENTUCKY AVENUE; THENCE N89°12'18"E ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF KENTUCKY AVENUE, A DISTANCE OF 38.34 FEET; THENCE S41°04'31"E, A DISTANCE OF 1596.34 FEET; THENCE S00°32'45"W, A DISTANCE OF 36.77 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF MISSISSIPPI AVENUE; THENCE S89°39'43"W, A DISTANCE OF 3.49 FEET TO THE POINT OF BEGINNING. CONTAINING 7883 SQ. FEET OR 0.1810 ACRES, MORE OR LESS; 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

#### WAIVERS AND CONDITIONS:

The entirety of the site being rezoned to mixed use (including, but not limited to, this Parcel E, zoned OS-1) should be coordinated from land use, urban design, open space, transportation, and infrastructure perspectives. Regional infrastructure needs must be planned for and coordinated with the regional infrastructure needs for the redevelopment area west of South Broadway Street. The existing Denver street grid should be maintained and enhanced by creating connectivity and public access in areas north of Mississippi Avenue where no public right-of-way currently exists. The use of public transit by employees, residents and visitors should be encouraged. Therefore: One General Development Plan (GDP) pursuant to Section 59-314(b) of the Denver Revised Municipal Code shall be prepared for the "Gates East GDP Area" as described in Subsection A-3 above. The Gates East GDP shall set forth the amount of open space required and shall allow for the aggregation of the open space requirements of all the property within the Gates East GDP Area, provided that the aggregated open space area(s): enhance the connection to transit facilities, plazas or streets, enhance the pedestrian environment, or enhance or create a public space, and, in any event are publicly accessible and are a benefit to the neighborhood. In addition, the open space requirements set forth in the R-MU-20 zoned portion of the Gates East GDP Area shall, at a minimum, meet the open space requirements set forth in Section 59-312(2). The Gates East GDP shall contain a regional infrastructure plan describing generally on and off site facilities and improvements related to the Gates East GDP Area. Preparation of this regional infrastructure plan will be done in consultation with and shall, to the extent commercially reasonable, be consistent with the regional infrastructure plan being developed in conjunction with the general development plan for the property west of South Broadway Street. The Gates East GDP and its regional infrastructure plan shall, at a minimum, maintain the existing street grid within the Gates East GDP Area south of Mississippi Avenue and have a street grid system north of Mississippi Avenue that meets the objectives of Section 59-301 (d) and, to the extent commercially reasonable, be consistent with the general development plan and street grid system developed for the property west of South Broadway Street. A Transportation Demand Management Plan shall be approved by the Manager of Public Works prior to or in conjunction with the approval of each site plan within the Gates East GDP Area. The Property within the Gates East GDP Area shall be subject to design guidelines to be developed and approved prior to the approval of any site plan within the Gates East GDP Area. Development in the Gates East GDP Area will be allowed only where it does not preclude the preferred alternative(s) identified by the City's Broadway/I-25 NEPA process, which will determine the scope of the Broadway/I-25 NEPA study, identify alternatives, analyze impacts, make mitigation recommendations and select preferred alternative(s) that are consistent with Blueprint Denver.

### B-4 (PARCEL F & G) Not included in Ordinance 935, Series 2004

1. B-4 is a general business zone district. It allows a wide variety of consumer and business sales and service, for residents and businesses. It is usually located adjacent to arterial streets, which are normally transit routes. The regulations allow a moderate concentration and intensity for compatibility between the wide variety of permitted uses and the integrity and character of adjacent residential districts.

#### LEGAL DESCRIPTION:

PARCEL F  
LOTS 25 THRU 30, BLOCK 8 INCLUSIVE, SHERMAN SUBDIVISION, CITY AND COUNTY OF DENVER, STATE OF COLORADO. CONTAINING 18,894 SQUARE FEET OR 0.4292 ACRES OF LAND, MORE OR LESS; IN ADDITION THERETO THOSE PORTIONS OF ALL ABUTTING PUBLIC RIGHTS-OF-WAY, WHICH ARE IMMEDIATELY ADJACENT TO THE AFORESAID SPECIFICALLY DESCRIBED AREA.

PARCEL G  
LOTS 1 THRU 16, INCLUSIVE AND LOTS 45 THRU 48 INCLUSIVE, BLOCK 8 SHERMAN SUBDIVISION, CITY AND COUNTY OF DENVER, STATE OF COLORADO. CONTAINING 63,134 SQUARE FEET OR 1.4494 ACRES OF LAND, MORE OR LESS; IN ADDITION THERETO THOSE PORTIONS OF ALL ABUTTING PUBLIC RIGHTS-OF-WAY, WHICH ARE IMMEDIATELY ADJACENT TO THE AFORESAID SPECIFICALLY DESCRIBED AREA.

GDP Map  
1"=150'-0"

## EXISTING ZONING

DATE	REV.	REMARKS	DRAWN	CHECK	APP'D
3/23/06		PRELIMINARY SUBMITTAL			
7/25/06		SECOND SUBMITTAL			
9/15/06		THIRD SUBMITTAL			
11/13/06		FINAL SUBMITTAL			

PROJECT NO.  
0526.00  
DATE:  
11.13.06  
DRAWING TITLE:

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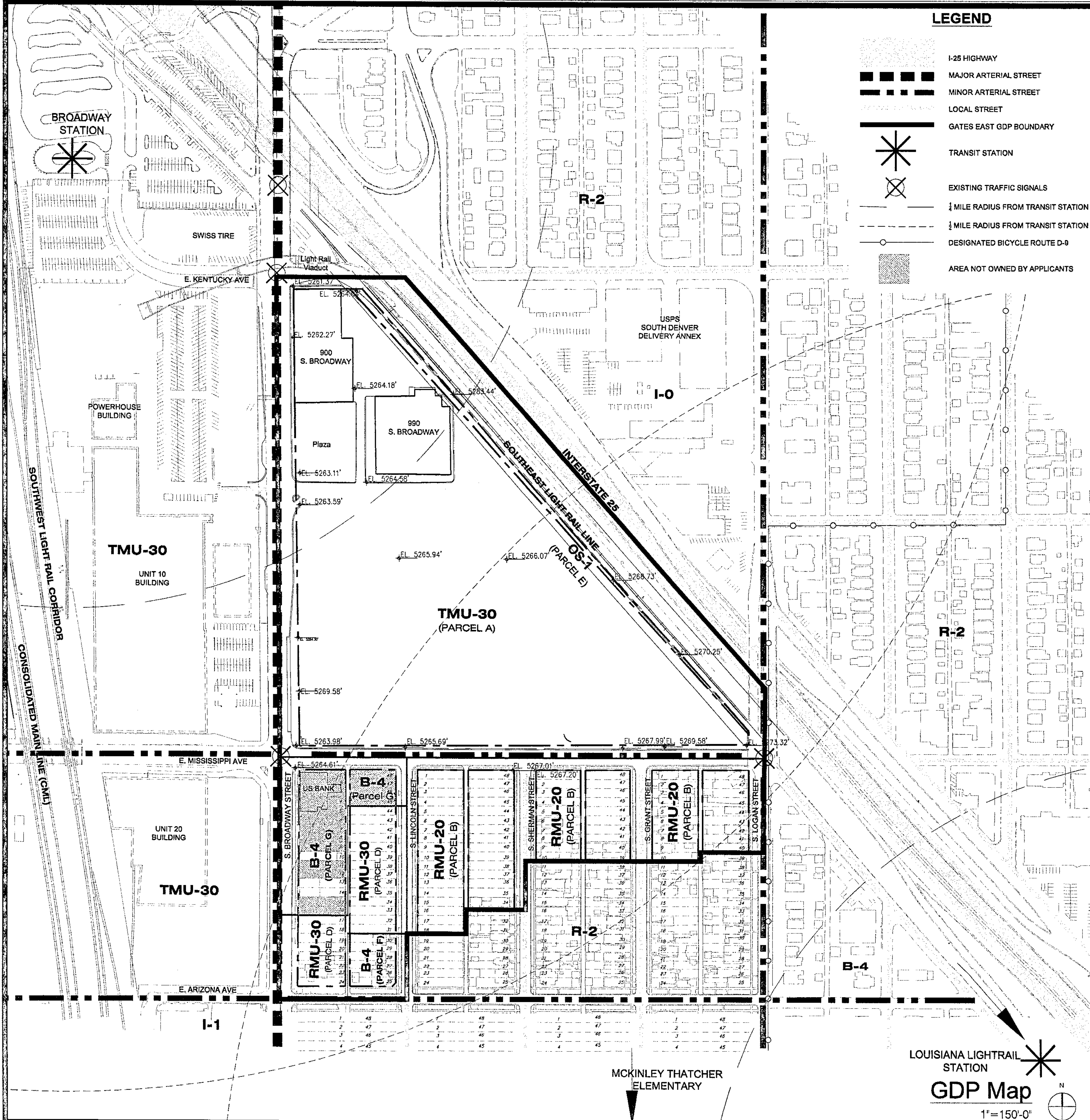
# GATES EAST GDP

LIONSTONE REDEVELOPMENT OF THE FORMER EAST GATES CAMPUS, PROJECT #2005D0003, AT BROADWAY BETWEEN KENTUCKY AND ARIZONA  
LOCATED IN THE SE 1/4 OF SECT 15, TOWNSHIP 4 SOUTH, RANGE 68 WEST & NE 1/4 OF SECT 22 TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH P.M.,  
CITY AND COUNTY OF DENVER, STATE OF COLORADO



LUI DENVER BROADWAY, LLC

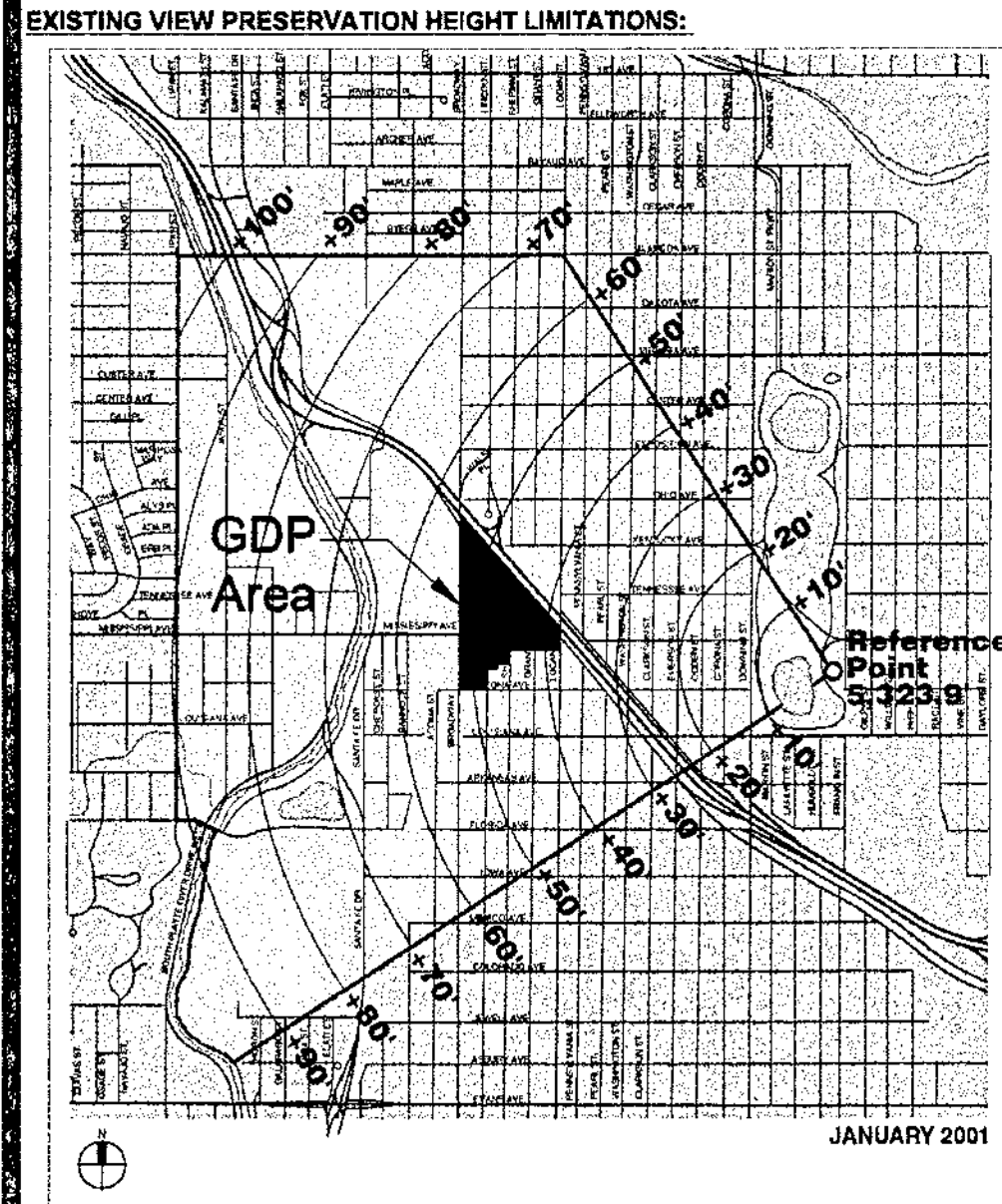
DAVID OWEN TRYBA ARCHITECTS  
1620 L. Logan Street  
Denver, Colorado  
80203-1216  
303-831-4010



### LEGEND

- I-25 HIGHWAY
- MAJOR ARTERIAL STREET
- MINOR ARTERIAL STREET
- LOCAL STREET
- GATES EAST GDP BOUNDARY
- TRANSIT STATION
- EXISTING TRAFFIC SIGNALS
- 1/2 MILE RADIUS FROM TRANSIT STATION
- 1/2 MILE RADIUS FROM TRANSIT STATION
- DESIGNATED BICYCLE ROUTE D-9
- AREA NOT OWNED BY APPLICANTS

**URBAN DESIGN STANDARDS AND GUIDELINES:**  
Urban Design Standards and Guidelines (UDSG) are required by the Rules and Regulations for General Development Plans prior to approval of site plans in a TMU-30 district. The Gates East UDSG are being developed simultaneous with this Gates East GDP, are intended to encourage consistent quality urban design for developments within the Gates East GDP Area.



Washington Park View Plane - The entirety of the site lies within a designated view plane intended to protect certain mountain views from a reference point located near the southeast corner of Washington Park. The existing zoning on the parcels within the Gates East GDP Area currently restricts the height of structures to within the height limits described in Article IV of Chapter 10, Section 10-61.5 of the Denver Municipal Code. The diagram to the left illustrates the extent of the view plane.

**EXISTING BUILDINGS:**  
The Ford Building (900 South Broadway) and its expansion (990 South Broadway) reside on the north half of the parcel zoned TMU-30 (Parcel A).

To the south of Mississippi, several existing single-family homes and one-story commercial structures reside on the parcels zoned RMU-20, RMU-30, and B-4. No structures within these zone districts are designated historic landmarks or fall within an historic district. The majority of the GDP Area south of E. Mississippi Ave. is surface parking for the former Gates Rubber Company.

**EXISTING TRANSPORTATION FACILITIES:**  
All existing transportation systems are located off site unless otherwise noted. Existing transportation systems support a variety of travel options between the Gates East GDP Area and the greater metro area.

**Public Transportation** - The site is conveniently accessed by various forms of public transportation. Within one-half mile to the northwest, the Broadway Station serves regional light rail and bus lines and provides a reservoir of bicycle and automobile parking for commuters. Within one-half mile to the southeast, the Louisiana light rail station provides access to the southeast light rail line opening in 2006.

**Street Network** - The Gates East GDP Area is well served by arterial, collector, and local streets. Broadway is a major north-south commercial corridor, a major arterial, an enhanced bus transit corridor, and significant "main street" for this part of town. Broadway also provides access to I-25 north and southbound, the region's primary interstate highway. I-25 is below the grade of the site for half of the frontage of the TMU-30 parcel, rising to become an overpass to the north. Mississippi, a minor arterial street which bisects the Gates East GDP Area, provides access to Santa Fe to the west and Logan Street and Buchtel Boulevard to the east. To the south, Lincoln, Sherman, and Grant are local residential streets that offer an opportunity for re-connecting the new development with the Platt Park neighborhood. Residential alleys exist within the Gates East GDP Areas zoned RMU-20 and RMU-30. Within the TMU-30 parcel, some service roads exist accessing the entrances to 900 & 990 S. Broadway and the surface parking and loading areas adjacent to the I-25 overpass.

**Regional Trails and Bicycle Routes** - The Gates East GDP Area is directly served by designated bicycle route D-9, which runs south along Pearl Street to E. Tennessee Ave., crosses over to S. Logan St. and continues south. The nearest recreation trail system is the South Platte River trail located approximately 1/2 mile to the west.

**DESIGNATED PARKWAYS and GREENWAYS:**  
Buchtel Boulevard is a designated parkway east of Clarkson to Colorado Blvd.

**REGIONAL STORMWATER CONVEYANCE:**  
Existing drainage easements related to I-25 cross through the east portion of the site zoned TMU-30. This drainage easement serves drainage needs of the below grade portion of I-25.

**WATER TREATMENT PLANTS AND WATER TRUNK LINES:** NONE

**SANITARY SEWER LIFT STATIONS:** NONE

**REGIONAL UTILITY PLAN:**  
No known regional utility plans exist affecting the Gates East GDP Area.

**PARKS and OPEN SPACE:**  
Existing city parks surround the Gates East GDP Area within 1/2 to 3/4 miles. Vanderbilt Park is a 40 acre park to the west bordering Santa Fe Drive. This park contains ball fields, surface parking, and minor supporting facilities. One-half mile to the south is Platt park, a 3-acre neighborhood park bordering Logan Street and containing open play areas, play structures, and the Decker Branch Library of the Denver Public Library system. Washington Park, a 160-acre park, lies 1/2 mile to the east and contains numerous recreational amenities serving the surrounding neighborhoods.

**RIVERS, CREEKS, DRAINAGE WAYS, and WETLANDS:**  
The South Platte River and associated recreational trail system lie 1/2 mile to the west between the north and southbound routes of Santa Fe Drive. Access to this system is primarily via the designated bike route along Iowa although access is also possible via westbound Mississippi Avenue.

**SENSITIVE HABITAT:** NONE

**PUBLIC FACILITIES:**  
**Schools** - McKinley Thatcher Elementary School is located 1/4 mile to the south along Grant Street.  
**Libraries** - The Decker Branch Library is located at the north end of Platt Park approximately 1/2 mile south of the Gates East GDP Area. This is an historic branch of the Denver Public Library system.  
**Recreation Centers** - Washington Park Recreation Center is located approximately 1 mile to the east.  
**Police Stations** - The nearest Police station is located 2 miles to the south east at 1625 S University Blvd  
**Other Facilities** - The U.S. Postal Service South Denver Delivery Annex resides on a site at the corner of S. Logan Street and E. Kentucky Ave.

**NEIGHBORING GENERAL DEVELOPMENT PLANS:**  
A general development plan is approved for the former Gates properties located on the west side of Broadway (the Cherokee GDP (Reception #2005048794)). It is a condition of this Gates East GDP and the zoning for the site that reasonable efforts be made to coordinate with the infrastructure and development concepts of the adjacent Cherokee GDP (Reception #2005048794).

**FLOODPLAINS:**  
The site is not located within a FEMA-identified floodplain.

LOUISIANA LIGHTRAIL STATION  
GDP Map  
1"=150'-0"

## EXISTING CONDITIONS

REV	REMARKS	DATE	CHKD	APPD
1	PRELIMINARY SUBMITTAL	8-03-06		
2	SECOND SUBMITTAL	7-25-06		
3	THIRD SUBMITTAL	8-15-06		
4	FINAL SUBMITTAL	11-13-06		

PROJECT NO. 0526.00  
DATE: 11.13.06  
DRAWING TITLE: 5 of 11  
GATES EAST GDP

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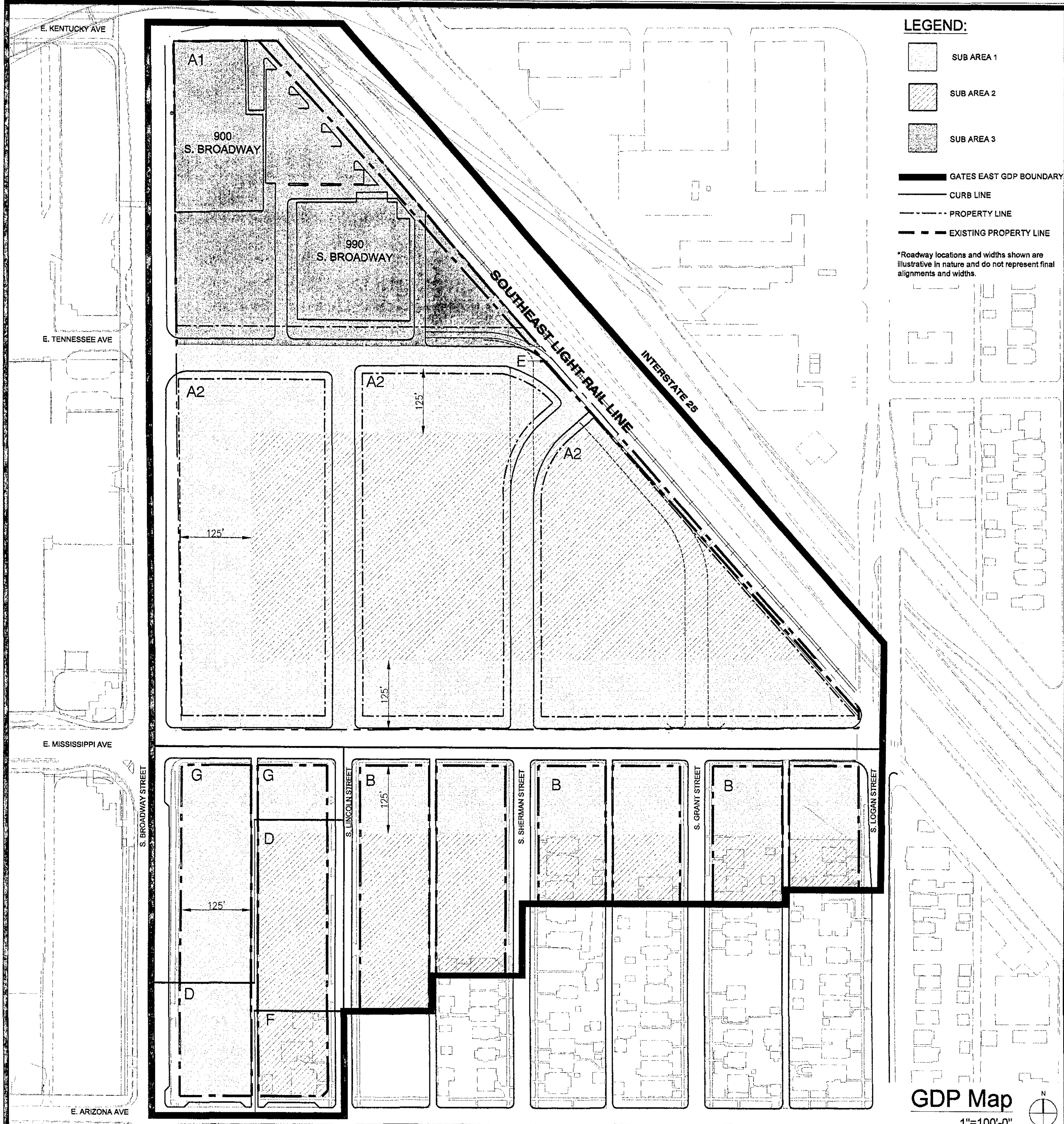
# GATES EAST GDP

LIONSTONE REDEVELOPMENT OF THE FORMER EAST GATES CAMPUS, PROJECT #2005D0003, AT BROADWAY BETWEEN KENTUCKY AND ARIZONA  
 LOCATED IN THE SE 1/4 OF SECT 15, TOWNSHIP 4 SOUTH, RANGE 68 WEST & NE 1/4 OF SECT 22 TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH P.M.,  
 CITY AND COUNTY OF DENVER, STATE OF COLORADO



**LUI DENVER BROADWAY, LLC**

**DAVID OWEN TRYBA ARCHITECTS**  
 1560 Logan Street  
 Denver, Colorado  
 80203-1216  
 303.831.4010



**LEGEND:**

- SUB AREA 1
- SUB AREA 2
- SUB AREA 3
- GATES EAST GDP BOUNDARY
- CURB LINE
- PROPERTY LINE
- EXISTING PROPERTY LINE

\*Roadway locations and widths shown are illustrative in nature and do not represent final alignments and widths.

## LAND USE CONCEPTS:

**General Concepts** - The Gates East GDP is intended to transform a previously industrial urban site (the former Gates Rubber Factory) into a pedestrian-friendly, transit-oriented, mixed-use development that is compatible with its neighbors and an asset to the City of Denver. The guiding principles of the Gates East GDP reflect goals and strategies outlined in Blueprint Denver for creating quality urban environments. These goals and strategies include:

- Creating quality streetscapes and open spaces.
- Integrating higher density with proper controls to respect the character of adjacent Areas of Stability.
- Balancing the designs of a pedestrian environment with bicycles, transit, and automobile uses.
- Combining mixed uses to create safe, vital communities with a sense of 24-hour activity.

**Land use and site design concepts** in the Gates East GDP will realize these goals in a variety of ways:

- Combine residential and commercial uses to create a variety of activity patterns while responding to market conditions.
- Establish sub-areas and blocks that respond to the historic block pattern of the surrounding neighborhoods.
- Concentrate active uses along existing major streets and provide a safe, logical, and attractive pedestrian streetscape.
- Recognize Broadway as a major commercial corridor and establish a common vision that enhances and extends its best historic character.
- Locate higher density in a way that creates appropriately-located "gateways" and reinforces a sense of entry into the site.
- Provide a system of open space that responds to historic residential streetscape patterns and provides adequate aggregated open space that serves the needs of the community.
- Orient potential structures in a way that capitalizes on transit stops and reinforces pedestrian circulation opportunities.
- Rehabilitate existing structures where feasible.

**Parking Concepts** - Structured parking is proposed to serve on-site uses and not to provide general reservoirs of parking for commuters or other transit users. On the Parcel Zoned TMU-30, parking may be either above or below grade. South of Mississippi, parking may be a combination of above-grade and below-grade structured parking directly serving allowed uses. Below grade is preferred where possible to protect the character of the existing residential neighborhoods. Above-grade parking shall be wrapped by commercial or residential uses.

**Public Amenity Concepts** - No new significant public amenities such as schools, police, or fire stations are proposed or will be required within the Gates East GDP Area.

**On-Site Circulation Concept** - On-site circulation within the GDP Area is influenced by Denver's historic grid of north-south and east-west streets. As a consequence, the multi-modal character of existing streets, where automobiles, bicycles, and pedestrians co-exist, is central to the on-site circulation concept.

**Known Issues, Regulations, and Guidelines** - Certain other guidelines may influence application of this Gates East GDP. These include:

- The Parks and Recreation Department Game Plan.
- The South Broadway Corridor Study.
- The Streetscape Design Manual.
- Review Criteria for Development along Commercial Corridors.
- The Pedestrian Master Plan.
- The City and County of Denver Water Quality Management Plan, 2004.

### SUB AREAS:

- 1. SUB-AREA 1:**  
 This sub-area is predominantly located along the GDP Area's major existing arterial streets - Broadway and Mississippi - not to exceed a depth of 125 feet. The intent of development in this sub-area is to:
  - Celebrate the multi-modal character of streets.
  - Concentrate pedestrian-active uses at ground level.
  - Maintain a defined street wall.
  - Create visual interest in the street wall through the use of quality materials, pedestrian-scaled building features, enhanced detailing, and adequate glazing.
  - Encourage second floor uses with an active street presence.
  - Encourage housing density that has good visibility to and from the public street ("eyes on the street").
  - Encourage upgraded street amenities such as durable furnishings, quality architectural lighting, landscaping architecture, and decorative paving systems.
- 2. SUB-AREA 2:**  
 This sub-area is predominantly located along the GDP Area's existing and proposed local streets - Lincoln, Sherman, and Grant. The intent of development in this sub-area is to:
  - Protect the pedestrian environment from the adverse effects of street traffic.
  - Provide a residential presence on the street that enhances feelings of security and community through the use of terraces, balconies, entrances, and porches.
  - Create a varied street wall through building massing that incorporates porches, stoops, terraces, entrances, and significant architectural features.
  - Create visual interest in the street wall through the use of quality materials, pedestrian-scaled building features, enhanced detailing, and adequate glazing.
  - Encourage housing density that has good visibility to and from the public street ("eyes on the street").
  - Provide residential-scale street amenities such as street tree lawns, landscaped building frontages, and occasional furnishings.
- 3. SUB-AREA 3:**  
 This sub-area addresses the Ford Building and its immediate surroundings north of the E. Tennessee Avenue extension. The intent of this sub-area is to:
  - Encourage the rehabilitation and redevelopment of the existing buildings in a way that respects their history and architectural qualities.
  - Protect views to and from the Ford Building's primary building facades and the south and west facades of the existing addition.
  - Redevelop the existing landscaped plaza as a quality open space integrated into the overall development.
  - Integrate redevelopment of the streets and sidewalks serving the existing buildings into the street and sidewalk concepts of the general development.
  - Provide for an enhanced pedestrian crossing of South Broadway near the historic alignment of Tennessee Avenue.

### LAND USE BY PARCELS

PARCEL	ZONING	NSF	Square Feet	RANGE OF LAND USES (SF)			RESIDENTIAL DENSITY (UNITS/ACR)
				RETAIL/SERVICE/ OFFICE ***	RESIDENTIAL ***	OPEN SPACE	
A1	TMU-30	204,392 (4.89 AC)	TBD	308,000 - 420,000	0	30,000	338,000 - 450,000 **
A2	TMU-30	480,099 (11.02 AC)	TBD	100,000 - 1,000,000	600,000 - 1,450,000	22,000	1,022,000 - 2,472,000 62 - 100
B	RMU-20	224,174 (5.15 AC)	TBD	0 - 70,000	400,000 - 705,000	22,000	422,000 - 797,000 60 - 104
D	RMU-30	69,573 (1.6 AC)	TBD	25,000 - 100,000	160,000 - 200,000	0	185,000 - 300,000 60 - 85
E	OS-1	7,883 (.18 AC)	NA	0	0	0	0
F	B-4	18,694 (.43 AC)	TBD	0 - 20,000	20,000 - 60,000	0	20,000 - 80,000 35 - 108
G	B-4	63,134 (1.45 AC)	TBD	40,000 - 105,000	120,000 - 150,000	0	160,000 - 255,000 60 - 79
<b>TOTAL</b>	<b>NA</b>	<b>1,067,848 (24.52 AC)</b>	<b>TBD</b>	<b>473,000 - 1,715,000</b>	<b>1,800,000 - 2,565,000</b>	<b>74,000</b>	<b>2,147,000* - 3,203,847*</b> 49 - 79

\* Development Square Footage within the overall Gates East GDP will not exceed 3:1 FAR (Floor Area Ratio)  
 \*\* Density calculations assume residential floor plan efficiency of 87.5% and average unit size of 1,150 SF.  
 \*\*\* As defined in the Denver Zoning Code, 59-303.

GDP Map  
 1"=100'-0"

## DEVELOPMENT CONCEPTS

DATE	REV	REMARKS	DRWN	CHKD	APPRD
3/3/06		PRELIMINARY SUBMITTAL			
7/26/06		SECOND SUBMITTAL			
8/15/06		THIRD SUBMITTAL			
11/15/06		FINAL SUBMITTAL			

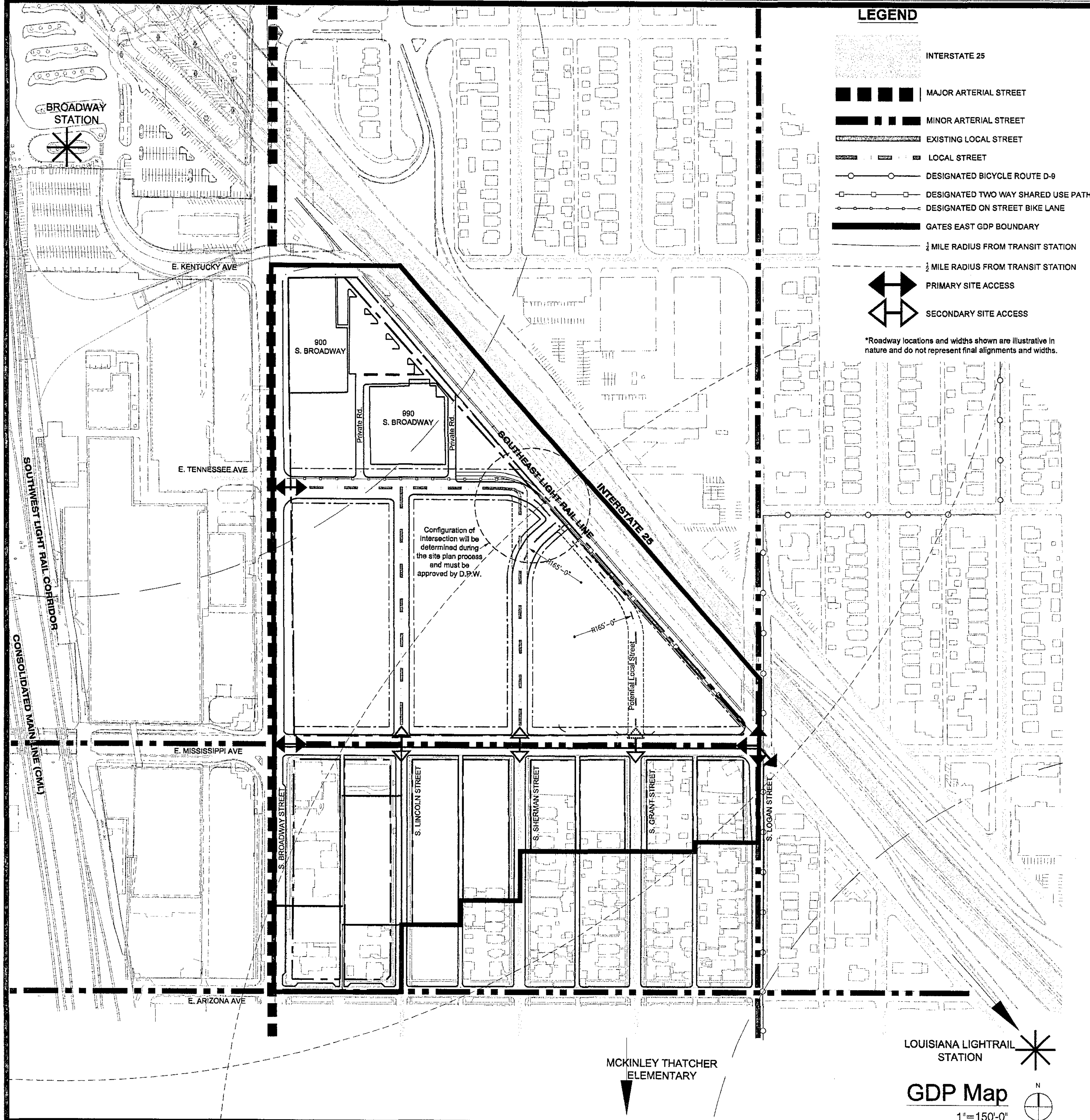
PROJECT NO: 0526.00  
 DATE: 11.13.06  
 DRAWING TITLE: 6 of 11

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# GATES EAST GDP

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LOCATED IN THE SE 1/4 OF SECT 15, TOWNSHIP 4 SOUTH, RANGE 68 WEST & NE 1/4 OF SECT 22 TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH P.M.,  
CITY AND COUNTY OF DENVER, STATE OF COLORADO



### LEGEND

- INTERSTATE 25
- MAJOR ARTERIAL STREET
- MINOR ARTERIAL STREET
- EXISTING LOCAL STREET
- LOCAL STREET
- DESIGNATED BICYCLE ROUTE D-9
- DESIGNATED TWO WAY SHARED USE PATH
- DESIGNATED ON STREET BIKE LANE
- GATES EAST GDP BOUNDARY
- 1/2 MILE RADIUS FROM TRANSIT STATION
- 1/4 MILE RADIUS FROM TRANSIT STATION
- PRIMARY SITE ACCESS
- SECONDARY SITE ACCESS

\*Roadway locations and widths shown are illustrative in nature and do not represent final alignments and widths.

### STREET CLASSIFICATION

STREET	FUNCTIONAL CLASSIFICATION	STREET TYPE	OTHER CLASSIFICATION	POTENTIAL R.O.W. WIDTH
S. BROADWAY	MAJOR ARTERIAL	MAIN STREET	ENHANCED BUS TRANSIT CORRIDOR	100' +/- or per NEPA
E. MISSISSIPPI AVE.	MINOR ARTERIAL	MIXED-USE	TYPICAL STREET	80'-100' +/-
E. KENTUCKY AVE.	LOCAL	COMMERCIAL	TYPICAL STREET	N/A
E. TENNESSEE AVE.	LOCAL	COMMERCIAL MIXED-USE	TYPICAL STREET	68' - 90' +/-
S. LINCOLN STREET	LOCAL	RESIDENTIAL	TYPICAL STREET	68' Min.
S. SHERMAN STREET	LOCAL	RESIDENTIAL	TYPICAL STREET	68' Min.
S. GRANT STREET	LOCAL	RESIDENTIAL	TYPICAL STREET	68' Min.
S. LOGAN STREET	MINOR ARTERIAL	MIXED-USE	GREEN STREET	85' +/-
E. ARIZONA AVE.	LOCAL	RESIDENTIAL	TYPICAL STREET	70' +/-

- Functional classifications and street types are derived from Blueprint Denver (2002) and the Rules and Regulations for General Development Plans (August 1, 2005).
- Other classifications are derived from the City and County of Denver Pedestrian Master Plan (August 2004) and the Department of Parks and Recreation Game Plan (April 21, 2003).
- ROW widths, flow line to flow line widths, locations of all bulb outs, and lane requirements shown on this plan are conceptual. The exact roadway location and requirements will be determined during the site plan process and must be approved by the Department of Public Works.

### CIRCULATION CONCEPTS:

**Vehicular** - The Gates East GDP will support the existing street network by suggesting an internal local street system based on the traditional Denver street grid. Extensions of Lincoln, Sherman, and Grant north of Mississippi enhance the historic pattern and orientation of vehicular streets, providing a familiar scale to the proposed new communities and important connections to established neighborhoods.

Streets are classified in the Gates East GDP depending on their ability to move traffic and the character of adjacent uses. Most streets within or adjacent to the Gates East GDP are intended to support multiple forms of transportation and be compatible with the intended mixed-use character of new development.

- South Broadway** - Considered the "main street" of south central Denver, Broadway is defined as both an arterial and enhanced bus transit corridor. With regard to vehicular traffic, Broadway allows for convenient access to and from downtown. The NEPA process will enhance the specific reconfiguration of Broadway adjacent to the Gates East GDP area. The results of this process are not precluded by this Gates East GDP.
- East Mississippi Avenue** - As a significant east-west minor arterial, Mississippi can be considered a neighborhood "main street" with a vital neighborhood mixed-use character. With regard to vehicular traffic, Mississippi offers convenient connections to Buchtel Boulevard, Logan Street, and Santa Fe. The final location and function of Mississippi will also depend on the results of the Broadway NEPA process.
- South Lincoln, Sherman, and Grant Streets south of Mississippi** - To the south, these existing local streets have a predominantly residential character and offer access from the Platt Park neighborhood to Mississippi Street.
- South Lincoln, Sherman, and Grant Streets north of Mississippi** - To the north, the potential extension of these existing local streets is intended to provide an important physical and visual connection between new and existing communities. These streets are intended to continue the residential mixed-use character from the south but at a higher density.
- East Tennessee Avenue** - The extension of Tennessee east into the site provides an internal connection between the extensions of Lincoln, Sherman, and Grant and direct access to South Broadway. With regard to vehicular traffic, this intersection is intended to be a primary connection between the Gates East GDP (Project #2005D0003), serving commuters, visitors, and residents. Buchtel Boulevard is not intended to continue as a vehicular street north and west of the intersection with Logan. E. Tennessee Ave may continue as a local street aligning with the south edge of I-25. Intended to provide an additional vehicular connection between Grant and Sherman Streets as well as provide access to private drives serving the development parcel at Mississippi and Logan and the existing buildings north of Tennessee. The final location and function of Tennessee will depend on the results of the Broadway NEPA process.

**Pedestrian** - The Gates East GDP will support an interconnected sidewalk network that extends and enhances the best characteristics of Denver's most walkable residential and commercial streets. Pedestrian walks will be detached sidewalks on each side of the street parallel to vehicular streets to support the intended multi-modal character of the new communities. Pedestrian movement will also be accommodated to and from anticipated open spaces within the Gates East GDP area. Where possible, sidewalks will align with existing sidewalks.

Blueprint Denver required the creation of a comprehensive Pedestrian Master Plan intended to survey the state of the existing sidewalk and pedestrian infrastructure and make recommendations for improvements. The plan uses the term *Pedestrian Zone* to describe the area from the curb to the property line. It also uses the terms *Green Street*, *Typical Street*, and *Enhanced Bus Transit Corridor* to categorize pedestrian streetscapes and define minimum requirements for the *Pedestrian Zone*. These requirements, identified as *Guidelines*, define a minimum Level of Quality for that street type. Finally, the document defines terms *Pedestrian Potential Modal*, *Pedestrian Focus Area*, and *Pedestrian Route Network* to further define and prioritize recommendations for improvements.

The Gates East GDP area is located just to the north of the *Pedestrian Focus Area* surrounding McKinley-Thatcher Elementary School and scores in the highest value range of 8-8. A *Pedestrian Focus Area* is an area designated in the Pedestrian Master Plan as having a high proportion of pedestrian activity. In this case, the high score is attributable to existing schools and transit stops as well as anticipated transit-oriented development. It is important to note that the Pedestrian Master Plan gives special consideration to Transportation Corridors, noting that many are deficient in the pedestrian amenities they offer. In fact, "the Ped Plan recommends that all major transportation corridors, especially if they are designated as an enhanced bus transit corridor, be required to meet the highest level of pedestrian need as defined in the Level of Quality section of the Ped Plan." It is a direct result of this goal that Broadway is considered as a multi-modal main street with vibrant mixed-use character.

The Pedestrian Master Plan designates Logan as well as that portion of Buchtel Boulevard running south along I-25 as *Green Streets*. South of I-25, Broadway is designated as an *Enhanced Bus Transit Corridor*. Louisiana is a nearby *Green Street* while Mississippi is designated as a *Typical Street*.

The Logan/I-25 intersection is designated as a medium-importance pedestrian project (project #56) with a score of 5. This score, out of a maximum of 10, includes factors such as the number of accidents at the existing intersection, the condition of existing sidewalks, surrounding demographics, and the proximity of other pedestrian routes. This project, noted as a *Special Crossing*, scored high on proximity to other pedestrian routes and quantity of pedestrian traffic but low on accidents and demographics. Another project (project #8) located at Broadway and I-25 is of lesser importance (with a score of 3) and slated for *Intersection Improvements*.

Developments within the Gates East GDP will support the concepts and identified projects of the Pedestrian Master Plan.

**Bicycles** - The Gates East GDP will accommodate local residential bicycle traffic within the potential local street system while supporting bicycle connections between the larger community and the I-25/Broadway transit station.

The Denver Bicycle Master Plan identifies connectivity to and from the Broadway/I-25 station and the community as a *major missing link* in the bicycle system and categorizes it as a *long-term implementation goal*. The Gates East GDP area will accommodate safe passage through the site from the intersection of Logan, Mississippi, and Buchtel to the intersection of Broadway and Tennessee. Logan, as designated route D-9, is the logical connection of the site with the larger designated bicycle route system.

It is anticipated that this connection will be a 2-way shared use path meeting AASHTO criteria running northwest and parallel to I-25 until the intersection with the E. Tennessee Avenue extension. At this point bicycle traffic may be accommodated in on-street bike lanes traveling east and west until merging with automobile traffic near the intersection with Broadway. Requirements for this connection between the proposed mixed-use path and Broadway will be determined at a later phase of development.

Mississippi requires extensive rework from Logan to Santa Fe in order to accommodate bicycle traffic and is not considered for dedicated bicycle lanes or paths in either the Bicycle Master Plan or the Gates East GDP.

With regard to regional recreational bicycle traffic, designated route D-9 is also the most logical connection. This route runs south along Pearl Street to E. Tennessee Avenue, crosses over to S. Logan St. and continues south past the east edge of the Gates East GDP area. Major east-west designated routes include Virginia/Alameda (D-16) 1/2 mile to the north and Florida/Iowa (D-18) 1/2 mile to the south. These routes, accessible from route D-9, provide major connections to the Platte River and its associated trail system. Located at the midpoint between these routes, the Gates East GDP does not propose additional east-west designated routes through the GDP Area.

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DATE	REV	DESCRIPTION	BY	CHKD	APP'D
	0001	PRELIMINARY SUBMITTAL			
	0002	SECOND SUBMITTAL			
	0003	THIRD SUBMITTAL			
	0004	FINAL SUBMITTAL			

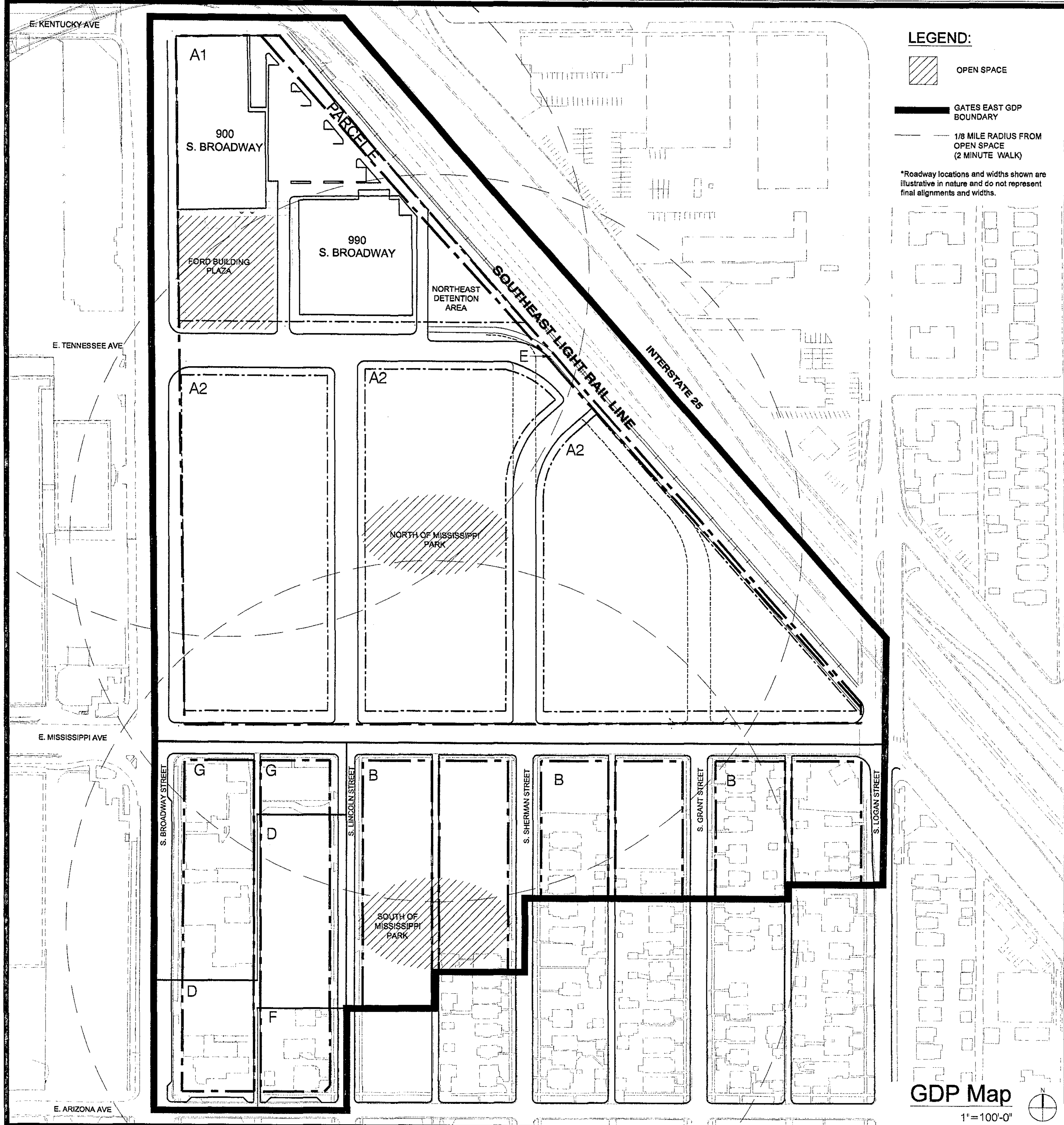
PROJECT NO. 0526.00  
DATE: 11.13.06  
DRAWING TITLE: TRANSPORTATION / CIRCULATION  
7 of 11

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# GATES EAST GDP

**LIONSTONE REDEVELOPMENT OF THE FORMER EAST GATES CAMPUS, PROJECT #2005D0003, AT BROADWAY BETWEEN KENTUCKY AND ARIZONA  
LOCATED IN THE SE 1/4 OF SECT 15, TOWNSHIP 4 SOUTH, RANGE 68 WEST & NE 1/4 OF SECT 22 TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH P.M.,  
CITY AND COUNTY OF DENVER, STATE OF COLORADO**



**LEGEND:**

- OPEN SPACE
- GATES EAST GDP BOUNDARY
- 1/8 MILE RADIUS FROM OPEN SPACE (2 MINUTE WALK)

\*Roadway locations and widths shown are illustrative in nature and do not represent final alignments and widths.

## OPEN SPACE CONCEPTS:

**General Open Space Requirements**  
By Ordinance 935, Series of 2004, the Gates East GDP shall set forth the Unobstructed Open Space requirements for development within the GDP Area. Unobstructed open space is generally defined by the Denver Revised Municipal Code to be land with no structures thereon. Unobstructed open space may be a combination of private and publicly-accessible open spaces.

**Aggregated Open Space** is a portion of unobstructed open space intended to meet the passive and active recreational needs of a larger community more effectively than can be provided by the simple accumulation of open space on a site-by-site basis. The GDP Rules and Regulations and Gates East Zoning allow for the aggregation of a portion of total unobstructed open space in one or more areas if the following conditions are met:

- That the aggregated open space enhances the connection to transit facilities, plazas, or streets,
- enhances the pedestrian environment,
- enhances and creates a public space,
- is accessible to the public,
- is a benefit to the neighborhood.

**General Open Space Concepts**  
The Gates East GDP contemplates that the open space needs of the community will be primarily served by distributing several aggregated, publicly-accessible open spaces throughout the GDP Area that meet or exceed the goal set forth by the Parks and Recreation Game Plan of providing "at least 1/2 acre of public open space within 1/2 mile of every resident's home that can be reached without crossing a major barrier."

Location and size of this aggregated open space shall maximize walking convenience, equitably serve future residents to the north and south of Mississippi, support the passive and active recreational needs of the community, provide opportunities to connect new development with the existing residential neighborhood of Plat Park to the south, and be an environmental and aesthetic asset to the community. The Gates East GDP proposes the following aggregated open spaces:

**Aggregated Open Spaces**

**Ford Building Plaza** - The existing .7 acre landscaped plaza to the north of Tennessee Avenue will be restored as a public plaza serving tenants of the 900 and 990 South Broadway buildings as well as providing a pleasing point of departure or arrival to and from the Cherokee development west of Broadway. It shall retain its previous size and north-south configuration but be redesigned so that it is more visually and physically accessible from both Broadway and the proposed extension of Tennessee Avenue into the Gates East GDP Area. Anticipated amenities include a walking path, plantings, decorative paving, small gathering spaces for passive recreational activities, and possibly a focal element.

**North of Mississippi Park** - This park will be a minimum of .5 acre located near the center of Parcel A2 (the parcel north of Mississippi Avenue and south of Tennessee Avenue). Primarily rectangular in shape, it may be oriented in either a north-south or east-west direction. The park is to have the maximum frontage mathematically possible on public streets. If block width is relevant in this calculation because the park is running east-west through the block, the block width will be taken into consideration in this calculation once block widths are set. This park will primarily serve the passive and active recreational needs of residents north of Mississippi including providing one or more areas for picnics and social functions, play areas for children, an adequate-sized green for small games, and the opportunity for walking and running. Anticipated amenities include a large green surrounded by plantings, a running or walking path, children's play equipment, a focal point, and adequate seating and drinking fountains. The design of this park shall also adhere to the relevant design criteria set forth in the Gates East Urban Design Standards and Guidelines.

**South of Mississippi Park** - This park will be a minimum of .5 acres located near the center of parcel B either between Lincoln St. and Sherman St., or between Sherman St. and Grant St. Primarily rectangular in shape, it may be oriented in either a north-south or east-west direction. The park is to have the maximum frontage mathematically possible on public streets. If block width is relevant in this calculation because the park is running east-west through the block, the block width will be taken into consideration in this calculation once block widths are set. This park will primarily serve the passive and active recreational needs of residents south of Mississippi (within the GDP Area) including providing one or more areas for picnics and social functions, play areas for children, and the opportunity for walking and running. Anticipated amenities include a large green surrounded by plantings, a running or walking path, children's play equipment, a focal point, and adequate seating and drinking fountains. The design of this park shall also adhere to the relevant design criteria set forth in the Gates East Urban Design Standards and Guidelines.

**Other Open Spaces**  
The Gates East GDP encourages the provision of other unobstructed open spaces on a site-by-site basis beyond those proposed to be aggregated. These open spaces may be a combination of front, rear, and side yard setbacks as well as unobstructed open space as allowed by the Denver Zoning Code provided on rooftops or other areas serving the needs of residents or satisfying a larger environmental or "sustainable" purpose.

The Denver Zoning Code may require front yard setbacks depending on the type of development. While this potential front yard setback is not included in the summary open space table below, the area of these setbacks is intended to be landscaped in a manner that enhances the pedestrian experience of the street and is considered an important part of the open space system.

**Detention and Water Quality Areas**  
While not precluded by the GDP Rules and Regulations, the Gates East GDP does not propose to combine above-ground detention and water quality areas with aggregated open spaces without specific review and approval of the design by Community Planning and Development, Parks and Recreation, and the Department of Public Works. Proposed detention and water quality areas may not be included in the calculations for open space until it can be demonstrated that their design allows them to function as usable, publicly-accessible open spaces and meet all requirements of the Rules & Regulations for General Development Plans and the City and County of Denver Water Quality Management Plan 2004.

Detention and water-quality facilities, where required, should be creatively accommodated within the GDP Area using strategies such as locating facilities on rooftops, locating underground, or through the use of pervious paving systems in areas such as plazas and surface parking lots.

The design of the potential Northeast Detention Area shall endeavor to provide a pleasing open space environment providing at a minimum sufficient plantings and a walking path. The design shall adhere to other design criteria established by the Gates East Urban Design Standards and Guidelines for detention areas.

**Tree Lawns and Landscaping Along Public Streets**  
Although tree lawns and other landscaped spaces within the public right-of-way are not included in the unobstructed or aggregated open space calculations, they constitute an important element of a coherent, complete open space system.

It is intended that the design of proposed local streets north of E. Mississippi Avenue respond to the historic residential streetscape pattern of landscaped tree lawns and front yard setbacks established by the existing local neighborhood streets south of E. Mississippi Avenue. The Gates East Urban Design Standards and Guidelines set requirements for the design of these areas. Note that any elements within the public right-of-way must meet the approval of the Department of Public Works.

**Open Space Summary**  
The following table summarizes required and proposed unobstructed and aggregated open space organized by development parcel. If a site plan submittal includes aggregated open space as provided under Denver Zoning Code Section 59-312 (2), the site plan submittal shall include a description of how the proposed aggregation of open space within the GDP Area meets the requirements of Section 59-312 (2). The site plan submittal shall also tally and tabulate what percentage of the overall required open space it represents for the current site plan and all prior site plans that have been aggregated within the GDP area.

Open Space				
PARCEL	ZONING	NSF after ROW deductions	Required Unobstructed Open Space per Zoning (%)	Aggregated Open Space Provided (SF)
A1	TMU-30	204,392	10% **	30,000
A2	TMU-30	480,099	10% **	22,000
B	RMU-20	224,174	0-10% *	22,000
D	RMU-30	69,673	0-10% **	0
E	OS-1	7,883	NA	NA
F	B-4	18,694	0%	0
G	B-1	63,134	0%	0
<b>TOTAL</b>	<b>NA</b>	<b>1,087,949 (24.52 AC)</b>		<b>74,000</b>

\* Open space shall be provided as required under Denver Zoning Code Section 59-312 (2)  
\*\* Per the GDP Rules and Regulations and the Denver Zoning Code, the overall unobstructed open space requirement may be met anywhere within the GDP Area by providing either aggregated or non-aggregated open space.

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DATE	REV	REMARKS	DATE	REV	REMARKS
3/20/08		PRELIMINARY SUBMITTAL	7/25/08		SECOND SUBMITTAL
			9/16/08		THIRD SUBMITTAL
			11/13/08		FINAL SUBMITTAL

PROJECT NO. 0526.00  
DATE: 11.13.08  
DRAWING TITLE: 8 of 11

## OPEN SPACE CONCEPTS



# GATES EAST GDP

LIONSTONE REDEVELOPMENT OF THE FORMER EAST GATES CAMPUS, PROJECT #2005D0003, AT BROADWAY BETWEEN KENTUCKY AND ARIZONA  
 LOCATED IN THE SE 1/4 OF SECT 15, TOWNSHIP 4 SOUTH, RANGE 68 WEST & NE 1/4 OF SECT 22 TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH P.M.,  
 CITY AND COUNTY OF DENVER, STATE OF COLORADO



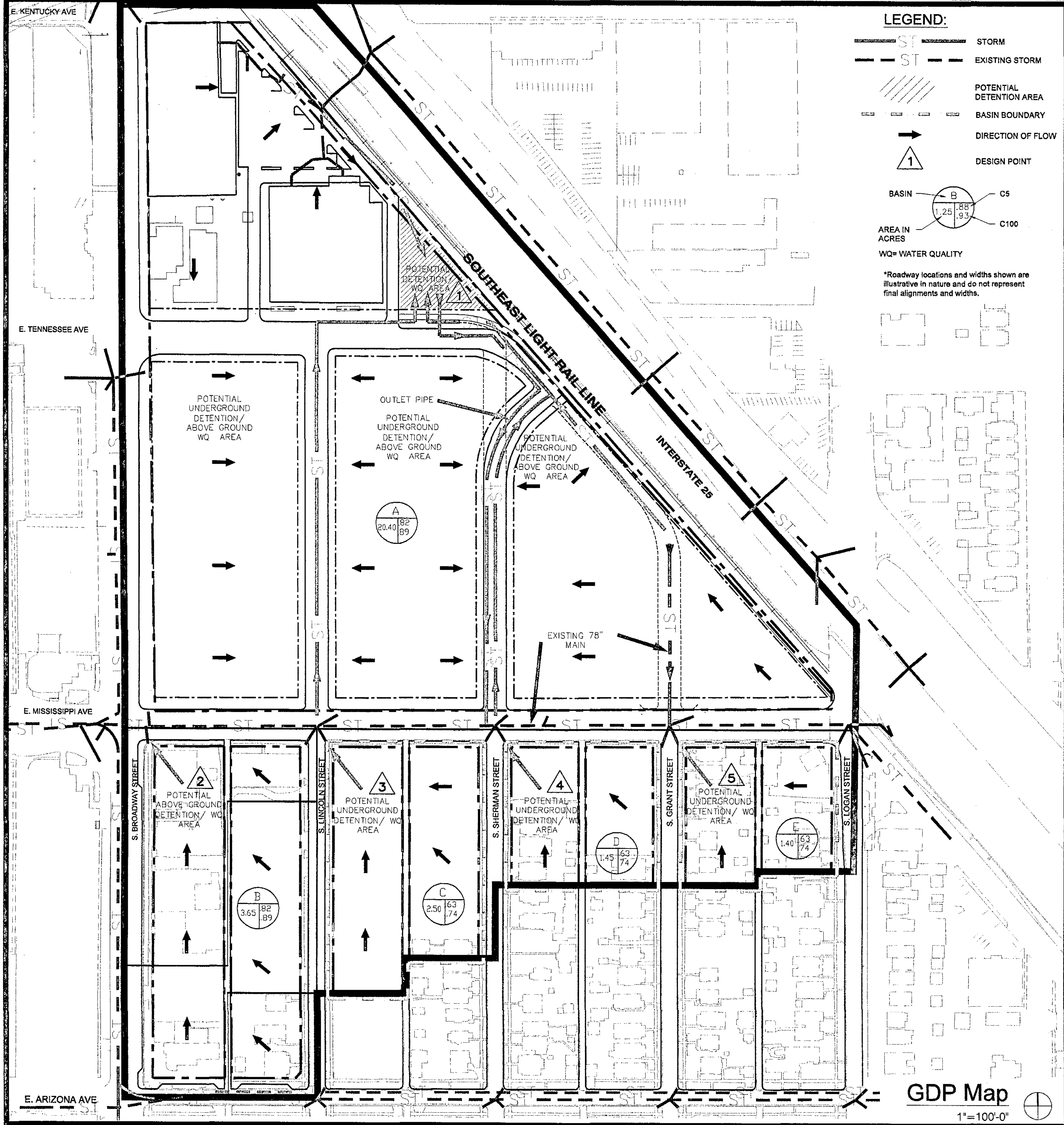
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DATE	REV / REMARKS	DRWN	CHKD	APPRO
3/3/06	PRELIMINARY SUBMITTAL			
7/25/06	SECOND SUBMITTAL			
8/15/06	THIRD SUBMITTAL			
11/12/06	FINAL SUBMITTAL			

PROJECT NO: 0526.00  
 DATE: 11.13.06  
 DRAWING TITLE:



**LEGEND:**

- ST (solid line) STORM
- ST (dashed line) EXISTING STORM
- Diagonal hatching POTENTIAL DETENTION AREA
- Dashed line BASIN BOUNDARY
- Arrow DIRECTION OF FLOW
- Triangle with number 1 DESIGN POINT
- Circle with 'B' BASIN
- Circle with 'C5' C5
- Circle with 'C100' C100
- Circle with 'A' AREA IN ACRES
- Circle with 'WQ' WATER QUALITY

\*Roadway locations and widths shown are illustrative in nature and do not represent final alignments and widths.

- NOTES:**
- THE DETENTION POND LOCATIONS SHOWN ARE SCHEMATIC AND MAY CHANGE AT THE TIME OF FINAL DEVELOPMENT.
  - THE STORM SEWER SHOWN IS A PRELIMINARY LAYOUT. SIZES AND EXACT LOCATIONS OF MAINS WILL BE DETERMINED AT THE TIME OF FINAL DEVELOPMENT.
  - FINAL DESIGN OF THE STORM SEWER SYSTEM WILL BE IN COMPLIANCE WITH THE CITY AND COUNTY OF DENVER STANDARDS AND SPECIFICATIONS AND URBAN DRAINAGE AND FLOOD CONTROL DISTRICT CRITERIA.
  - TOTAL ESTIMATED DETENTION VOLUME FOR ENTIRE SITE (29.4AC) IS 5.30AC-FT BASED ON 92% IMPERVIOUS AREA.
  - NO INDIVIDUAL SITE PLANS WITHIN THE GDP BOUNDARY WILL BE APPROVED WITHOUT ADEQUATE STORMWATER DETENTION WITH WATER QUALITY TREATMENT PROVIDED WITHIN THE SITE PLAN AREA OR BY A REGIONAL FACILITY LOCATED WITHIN THE GDP BOUNDARY.
  - IF THE POTENTIAL DETENTION AREAS SHOWN CAN NOT PROVIDE THE REQUIRED STORMWATER DETENTION WITH WATER QUALITY TREATMENT FOR THE SITE, ADDITIONAL AREAS MUST BE PROVIDED WITHIN THE GDP BOUNDARY.
  - ROADWAY LOCATIONS AND WIDTHS SHOWN ARE ILLUSTRATIVE IN NATURE AND DO NOT REPRESENT FINAL ALIGNMENTS AND WIDTHS. ADDITIONAL TRAFFIC ANALYSIS WILL BE REQUIRED DURING THE FUTURE PHASES OF THIS DEVELOPMENT THAT COULD AFFECT THE ROADWAY LAYOUT AND DESIGN.

**BASIN SUMMARY**

BASIN	AREA (ACRES)	WQ VOLUME EDB (CF)	100YR + 1/2 WQ VOLUME (CF)	WQ SAND FILTER AREA (SF)	WQ POROUS CONCRETE PAVEMENT (SF)
A	20.40	39,988	165,620	11108	422096
B	3.65	7,155	29,634	1988	75522
C	2.50	3,594	17,048	998	N/A
D	1.45	2,084	9,887	578	N/A
E	1.40	2,012	9,546	560	N/A

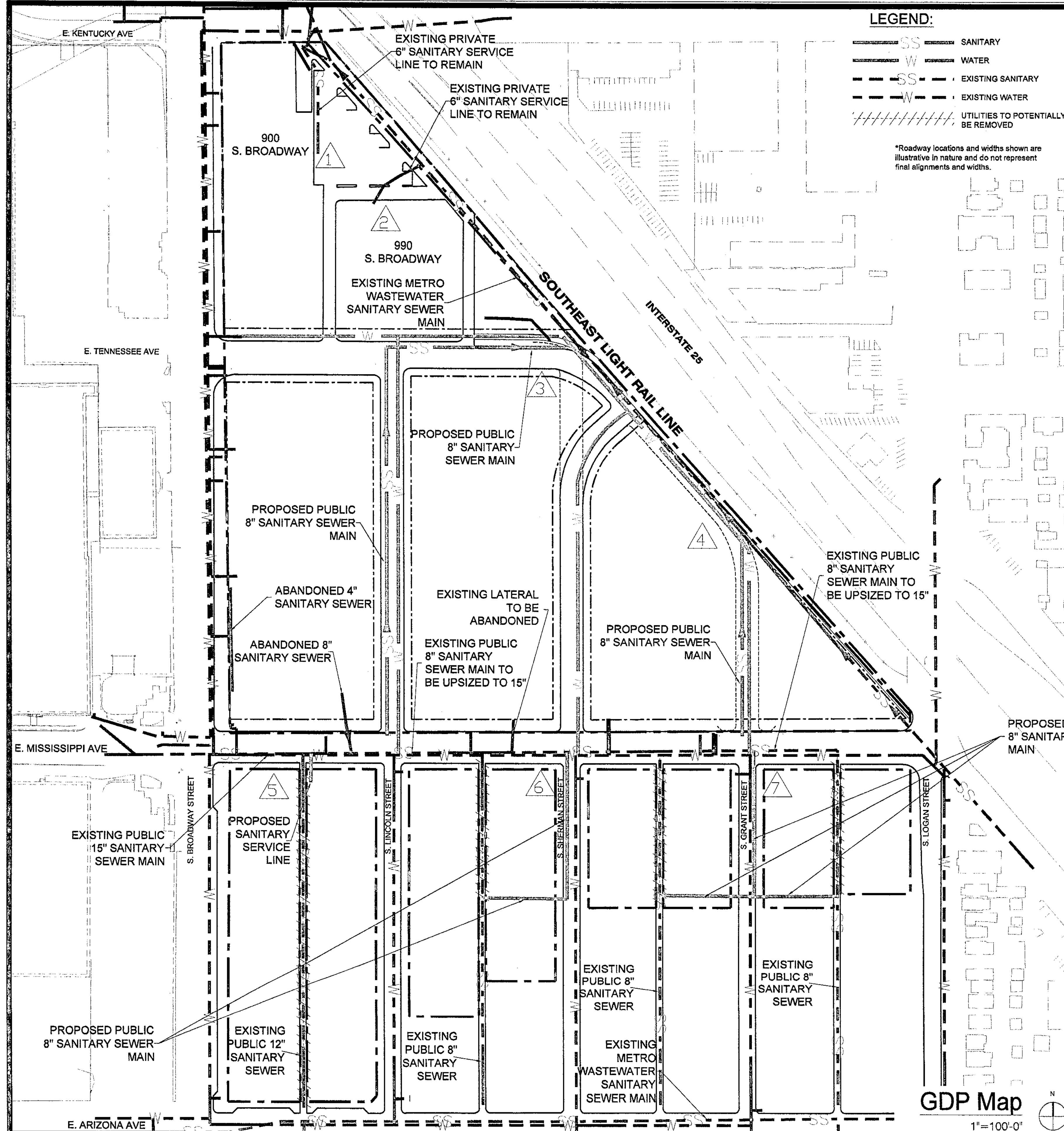
GDP Map  
 1"=100'-0"

## STORMWATER CONVEYANCE & DETENTION

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# GATES EAST GDP

LIONSTONE REDEVELOPMENT OF THE FORMER EAST GATES CAMPUS, PROJECT #2005D0003, AT BROADWAY BETWEEN KENTUCKY AND ARIZONA  
 LOCATED IN THE SE 1/4 OF SECT 15, TOWNSHIP 4 SOUTH, RANGE 68 WEST & NE 1/4 OF SECT 22 TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH P.M.,  
 CITY AND COUNTY OF DENVER, STATE OF COLORADO



**LEGEND:**

- SS SANITARY
- W WATER
- SS EXISTING SANITARY
- W EXISTING WATER
- ////// UTILITIES TO POTENTIALLY BE REMOVED

\*Roadway locations and widths shown are illustrative in nature and do not represent final alignments and widths.

**NOTES:**

1. WATER AND SANITARY SEWER MAINS SHOWN ARE PRELIMINARY.
2. LOCATIONS AND SIZES OF WATER AND SANITARY SEWER MAINS WILL BE DETERMINED AT THE TIME OF FINAL DEVELOPMENT.
3. WATER MAIN DESIGN AND LOCATION WILL BE APPROVED THROUGH THE DENVER WATER DEPARTMENT.
4. THE SANITARY SEWER MAIN WILL BE APPROVED THROUGH THE CITY AND COUNTY OF DENVER DEVELOPMENT ENGINEERING SERVICES.
5. THE EXISTING 18-INCH SANITARY MAIN THAT PARALLELS I-25 IS OWNED BY METRO WASTEWATER RECLAMATION DISTRICT. ANY CONNECTION TO THIS MAIN MUST HAVE THEIR APPROVAL. METRO WASTEWATER RECLAMATION DISTRICT WILL NOT ALLOW A CONNECTION TO THEIR SEWER IF A DENVER-OWNED SEWER CAN SERVICE THIS AREA.
6. ALL PROPOSED SANITARY SEWER TO BE PUBLIC.
7. ALL PROPOSED WATER MAINS SHOWN WILL BE PUBLIC.
8. THIS DEVELOPMENT WILL BE SERVED BY A PUBLIC WATER SYSTEM, OWNED, OPERATED AND MAINTAINED BY DENVER WATER.
9. THE WATER PLANS FOR THIS PROJECT MUST BE SUBMITTED TO DENVER WATER FOR REVIEW AND APPROVAL SEPARATE OF THE DRG PROCESS.
10. AN APPROVED DENVER WATER BACK FLOW PREVENTION DEVICE MUST BE INSTALLED ON ALL METERED CONNECTIONS AND FIRE LINES.
11. IT IS THE DEVELOPERS COST AND RESPONSIBILITY TO PERFORM THE SYSTEM MODIFICATIONS NECESSARY TO OBTAIN THE REQUIRED FIRE FLOWS.
12. WATER PLANS WILL BE APPROVED BY SEPARATE DOCUMENTS AT THE TIME OF FINAL DEVELOPMENT.
13. FIRE FLOWS FOR THE SITE WILL BE DETERMINED AT THE TIME OF FINAL DEVELOPMENT.
14. BASED ON THE PROPOSED DEVELOPMENT, THE CITY AND COUNTY OF DENVER SANITARY SEWER MAIN IN MISSISSIPPI WILL REQUIRE UPSIZING.
15. ROADWAY LOCATIONS AND WIDTHS SHOWN ARE ILLUSTRATIVE IN NATURE AND DO NOT REPRESENT FINAL ALIGNMENTS AND WIDTHS. ADDITIONAL TRAFFIC ANALYSIS WILL BE REQUIRED DURING THE FUTURE PHASES OF THIS DEVELOPMENT THAT COULD AFFECT THE ROADWAY LAYOUT AND DESIGN.

DESIGN POINT	AVERAGE FLOW (CFS)	PEAK FLOW (CFS)
1	0.065	0.329
2	0.065	0.329
3	0.837	3.803
4	0.403	1.889
5	0.139	0.697
6	0.175	0.877
7	0.203	1.014

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DATE	REV	REMARKS
3/20/06		PRELIMINARY SUBMITTAL
7/26/06		SECOND SUBMITTAL
9/15/06		THIRD SUBMITTAL
11/13/06		FINAL SUBMITTAL

PROJECT NO. 0526.00  
 DATE: 11.13.06  
 DRAWING TITLE: SANITARY AND WATER

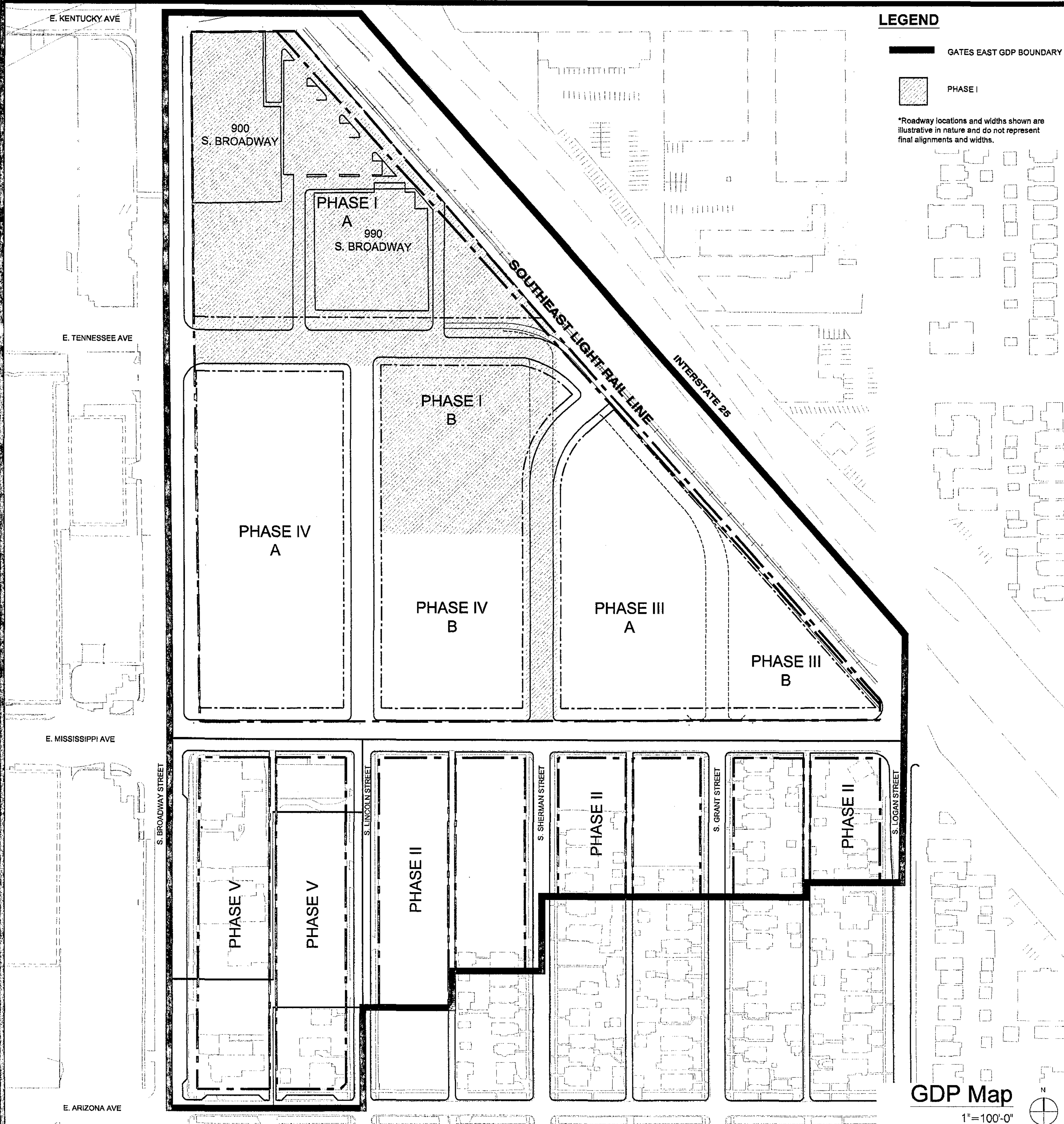
**SANITARY AND WATER**

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 CITY AND COUNTY OF DENVER, STATE OF COLORADO



**LEGEND**

— GATES EAST GDP BOUNDARY

▨ PHASE I

\*Roadway locations and widths shown are illustrative in nature and do not represent final alignments and widths.

GDP Map  
 1"=100'-0"

## Phasing and Implementation

**General** - New construction under this Gates East GDP is anticipated to begin in January of 2007, with final buildout occurring over the next 8-12 years. The infrastructure concepts contained herein anticipate the evolution of neighborhood demographics, transportation facilities, and market forces over a significant period of time. Specific phasing and implementation concepts may vary greatly depending on numerous factors beyond the control of any one master development plan. Any variation from the potential phasing described below will not require any amendment to this Gates East GDP and phasing is not vested.

A preliminary look at potential phasing and implementation is as follows:

### Phases I-A and I-B - Existing Building Rehabilitation and Infrastructure Core

This phase will return the existing 900 and 990 S. Broadway buildings to service and provide needed parking and supporting infrastructure. This phase may also see the construction of site infrastructure necessary to support development in Phases II and IV. Activities include, but are not limited to:

- Rehabilitation of existing structures and plazas.
- Construction of support parking for commercial uses.
- Reconstruction of E. Tennessee Avenue within the site and reconfiguration of the Tennessee/Broadway intersection.
- Construction of Lincoln and/or Sherman streets between Tennessee and Mississippi.
- Construction of the core water and sanitary sewer loops beneath these streets.
- Each development shall construct detention and water quality facilities for all disturbed area, as necessary.
- Each development shall construct on-site sewers and extend mains for sanitary and storm service, as necessary.
- Necessary roadway and infrastructure improvements.

### Phase II - Residential Mixed-Use South of Mississippi

This phase will complete infill mixed-use residential development along the south side of E. Mississippi Avenue and on parcels immediately adjacent to the Platt Park neighborhood. Activities include, but are not limited to:

- Construction of new multi-story residential mixed-use structures.
- Construction of the south of Mississippi Park.
- Right of Way Improvements on all local streets.
- Relocation and reconfiguration of alleys and alley utilities.
- Necessary utility and drainage capacity improvements in S. Lincoln, S. Sherman, and S. Grant streets.
- Each development shall construct detention and water quality facilities for all disturbed area, as necessary.
- Each development shall construct on-site sewers and extend mains for sanitary and storm service, as necessary.
- Necessary roadway and infrastructure improvements.

### Phases III-A and III-B - East Transit Mixed-Use Development

This phase will develop the area of the site related to the Mississippi/Logan/Buchtel intersection and supporting infrastructure in anticipation of the completion of the NEPA process for south Broadway. Activities include, but are not limited to:

- Construction of residential and commercial mixed-use structures.
- Construction of S. Grant Street north of E. Mississippi including utilities.
- Intersection improvements at S. Logan, E. Mississippi, and Buchtel.
- Some right-of-way improvements along E. Mississippi Avenue.
- Construction of private access ways along the light rail corridor and I-25 serving new buildings.
- Each development shall construct detention and water quality facilities for all disturbed area, as necessary.
- Each development shall construct on-site sewers and extend mains for sanitary and storm service, as necessary.
- Necessary roadway and infrastructure improvements.

### Phases IV-A and IV-B - West Transit Mixed-Use Development

This phase will develop the area of the site related most directly to South Broadway and continue mixed-use development and streetscape improvements along E. Mississippi Avenue. This phase will enhance project identity as viewed from an important commercial corridor and create connections to the adjacent Cherokee GDP (Reception #2005048794) development. Activities include, but are not limited to:

- Construction of residential and commercial mixed-use structures.
- Streetscape improvements along the east side of S. Broadway.
- Completion of right-of-way improvements along E. Mississippi Avenue.
- Intersection improvements at E. Mississippi and S. Broadway.
- Construction of the north of E. Mississippi Park.
- Each development shall construct detention and water quality facilities for all disturbed area, as necessary.
- Each development shall construct on-site sewers and extend mains for sanitary and storm service, as necessary.
- Necessary roadway and infrastructure improvements.
- ROW Improvements shall be coordinated with the Broadway NEPA Study.

### Phase V - South Broadway Infill Development

This phase will complete residential and commercial mixed-use infill development along South Broadway. Activities include, but are not limited to:

- Construction of residential and commercial mixed-use structures.
- Limited relocation and reconfiguration of alleys and alley utilities.
- Streetscape improvements along the east side of Broadway.
- Each development shall construct detention and water quality facilities for all disturbed area, as necessary.
- Each development shall construct on-site sewers and extend mains for sanitary and storm service, as necessary.
- Necessary roadway and infrastructure improvements.
- ROW Improvements shall be coordinated with the Broadway NEPA Study.

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DATE	REV	REMARKS	DRAWN	CHKD	APPROV
2005		PRELIMINARY SUBMITTAL			
2006		SECOND SUBMITTAL			
2006		THIRD SUBMITTAL			
2006		FINAL SUBMITTAL			

PROJECT NO.  
0526.00

DATE:  
11.13.06

## PHASING PLAN

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**LEGAL DESCRIPTION**

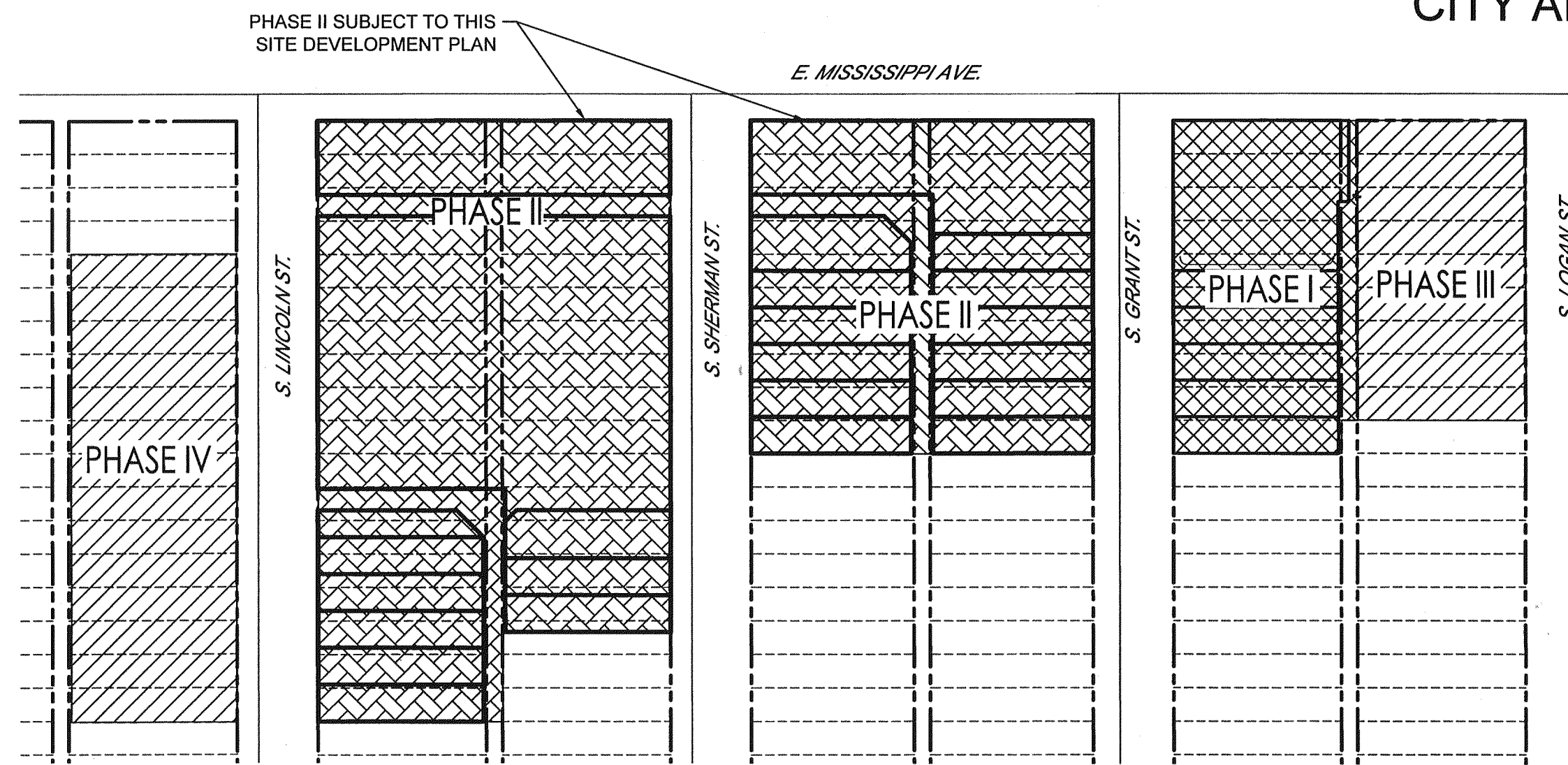
(ORIGINAL PARCEL BEFORE DEDICATIONS/ VACATIONS)  
LOTS 1 THROUGH 10 INCLUSIVE, LOTS 39 THROUGH 48 INCLUSIVE, BLOCK 6 AND LOTS 1 THROUGH 18 INCLUSIVE AND THE NORTH 8-FEET 4-INCHES OF LOT 33, AND LOTS 34 THROUGH 48, INCLUSIVE, BLOCK 7, SHERMAN SUBDIVISION, CITY AND COUNTY OF DENVER, CO. 3.78 AC., 164,788 SQUARE FEET.

(FOR EACH ZONE LOT LEGAL DESCRIPTION SEE SHEETS 2 THROUGH 5)

**SITE BENCHMARK**

CITY OF DENVER POINT #38B, WITH A PUBLISHED ELEVATION OF 5265.07 FEET (NAV88), BEING A CITY AND COUNTY OF DENVER 2.5" BRASS CAP LOCATED IN THE CONCRETE SIDEWALK OF THE SOUTHEAST CORNER OF THE INTERSECTION OF BROADWAY AND MISSISSIPPI OFF THE SOUTH PCR.

**PLATT PARK NORTH - PHASE II  
SITE DEVELOPMENT PLAN**  
A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 22, AND SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO



**PHASING MAP**  
SCALE 1" = 100'

NOTE: PHASES WILL PROGRESS AFTER PHASE I, BASED UPON MARKET CONSIDERATIONS. THE ORDER OF DEVELOPMENT IS NOT TIED TO ALPHANUMERIC ORDER.

**PHASE 2 SITE DATA**

ZONING	GATES EAST GDP / RMU-20 WITH WAIVERS ORD. 935-2004	
PROPOSED USE	RESIDENTIAL DWELLINGS: SINGLE UNITS AND MULTIPLE UNITS	
GENERAL PROJECT INFORMATION	SQ. FT.	ACRES
GROSS PROJECT AREA	164,788	3.78
AREA TO BE DEEDED FOR ADDITIONAL RIGHT OF WAY	3,489	0.08
AREA TO BE ACQUIRED FROM RIGHT OF WAY VACATION	4,048	0.09
NET PROJECT AREA	165,347	3.80
NUMBER OF DWELLING UNITS (ROW HOUSES) (ZONE LOTS 1, 10 AND 16)		48
NUMBER OF DWELLING UNITS (SINGLE UNIT) (ZONE LOS 2-9, 11-15, 17-22)		19
NET PROJECT DENSITY (D.U./ACRE)		17.65

SEE SHEETS 2-5 FOR ZONE LOT SPECIFIC SITE DATA

**GENERAL NOTES**

- THIS DEVELOPMENT IS A PART OF THE PLATT PARK NORTH DEVELOPMENT. FOR ADDITIONAL INFORMATION REFER TO THE PLATT PARK NORTH OVERALL SITE DEVELOPMENT PLAN (RECEPTION NO. 2013138767).
- A SEPARATE DETAILED SITE PLAN WILL BE REQUIRED FOR ZONE LOTS 2-9, 11-15 AND 17-22.
- FENCES, WALLS, SIGNS AND ACCESSORY STRUCTURES ARE SUBJECT TO SEPARATE REVIEWS AND PERMITS.
- ANGLES NOT SHOWN ARE EITHER 90 DEGREES OR A SUPPLEMENT OF THE ANGLE INDICATED.
- PRIVATE ROADWAYS WILL BE POSTED WITH "FIRE LANE" SIGNS AS REQUIRED BY THE DENVER FIRE DEPARTMENT.
- PARKING SPACES FOR PERSONS WITH DISABILITIES WILL BE CLEARLY DELINEATED WITH UPRIGHT SIGNS.
- APPROVAL FOR THIS PLAN DOES NOT CONSTITUTE OR IMPLY COMPLIANCE WITH ADA REQUIREMENTS.
- SITE SHALL BE LANDSCAPED PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY (CO) DURING THE GROWING SEASON OF APRIL 1ST TO OCTOBER 1ST, AT ALL OTHER TIMES THE INDIVIDUAL SITES SHALL BE LANDSCAPED WITHIN FORTY-FIVE (45) DAYS OF THE START OF THE FOLLOWING GROWING SEASON. RIGHT OF WAY PLANTINGS, MULTI UNIT ZONE LOTS AND THE FRONT YARDS OF SINGLE UNIT ZONE LOTS SHALL BE INSTALLED BY THE DEVELOPER/ BUILDER, IN ACCORDANCE WITH THE LANDSCAPE PLANS DETAILED HEREIN AND WITHIN THE TRANSPORTATION ENGINEERING PLANS.
- AN ACCESS EASEMENT FOR EMERGENCY SERVICES IS HEREBY GRANTED ON AND ACROSS ALL AREAS FOR POLICE, FIRE, MEDICAL AND OTHER EMERGENCY VEHICLES AND FOR THE PROVISION OF EMERGENCY SERVICES.
- ALL LANDSCAPE AREAS SHALL BE IRRIGATED WITH UNDERGROUND AUTOMATIC IRRIGATION SYSTEM. TREES, SHRUBS, AND DECORATIVE GRASSES WILL BE IRRIGATED BY A SEPARATE ZONE FROM SOD/GRASS. THIS INCLUDES TREES PLANTED IN SOD/GRASS AREA. THE IRRIGATION SYSTEM IS TO HAVE A RAIN SENSOR SHUTOFF INSTALLED.
- FOLLOWING IS A LIST OF THE ENTITY RESPONSIBLE FOR MAINTAINING THE OPEN SPACES ASSOCIATED WITH THIS PROJECT:

ITEM	RESPONSIBLE FOR MAINTENANCE
-STORM WATER DETENTION FACILITY AND TRIBUTARY PIPING	HOMEOWNERS ASSOCIATION
-MISSISSIPPI STREETScape AND IRRIGATION	OF INVESTMENTS 1, LLC, THEIR SUCCESSORS, HEIRS AND ASSIGNS. MAINTENANCE, REPAIR AND REPLACEMENT OF THE STREETScape IMPROVEMENTS SHALL BE IN ACCORDANCE WITH THE COVENANT REGARDING MAINTENANCE, REPAIR AND REPLACEMENT OF STREETScape IMPROVEMENTS (REC. NO. 2013109404 FILED WITH THE CITY AND COUNTY OF DENVER.

- S. GRANT ST. STREETScape AND IRRIGATION PROPERTY OWNER IN ACCORDANCE WITH DENVER MUNICIPAL CODE.
- S. SHERMAN ST. STREETScape AND IRRIGATION PROPERTY OWNER IN ACCORDANCE WITH DENVER MUNICIPAL CODE.
- S. LINCOLN STREET STREETScape AND IRRIGATION PROPERTY OWNER IN ACCORDANCE WITH DENVER MUNICIPAL CODE.
- PARK BETWEEN LINCOLN ST. AND SHERMAN ST. HOMEOWNERS ASSOCIATION, OR OTHER SIMILAR SINGLE ENTITY.

- A PUBLIC NON EXCLUSIVE EASEMENT (PNEE) RECEPTION NO. 2013078347, IS GRANTED TO INCLUDE COVERAGE OF THE STORM SYSTEM INCLUDING: POND, OUTLET PIPES, AND ALL TRIBUTARY PIPES.
- NEW AND EXISTING BUILDINGS SHALL HAVE APPROVED ADDRESS NUMBERS, BUILDING NUMBERS, OR APPROVED BUILDING IDENTIFICATION PLACED IN A POSITION THAT IS PLAINLY LEGIBLE AND VISIBLE FROM THE STREET OR ROAD FRONTING PROPERTY.

**PROJECT CONTACTS:**

**OWNER:**  
PLATT PARK NORTH, LLC  
295 CLAYTON ST., SUITE 203  
DENVER, CO 80206  
303-810-1302  
CONTACT: LANCE GUTSCH

**CIVIL ENGINEER:**  
ROTH ENGINEERING GROUP, LLC  
7853 EAST ARAPAHOE COURT, STE 2500  
CENTENNIAL, CO 80112  
PH: 303-841-9365 FX 303-648-5212  
CONTACT: KEVIN ROTH

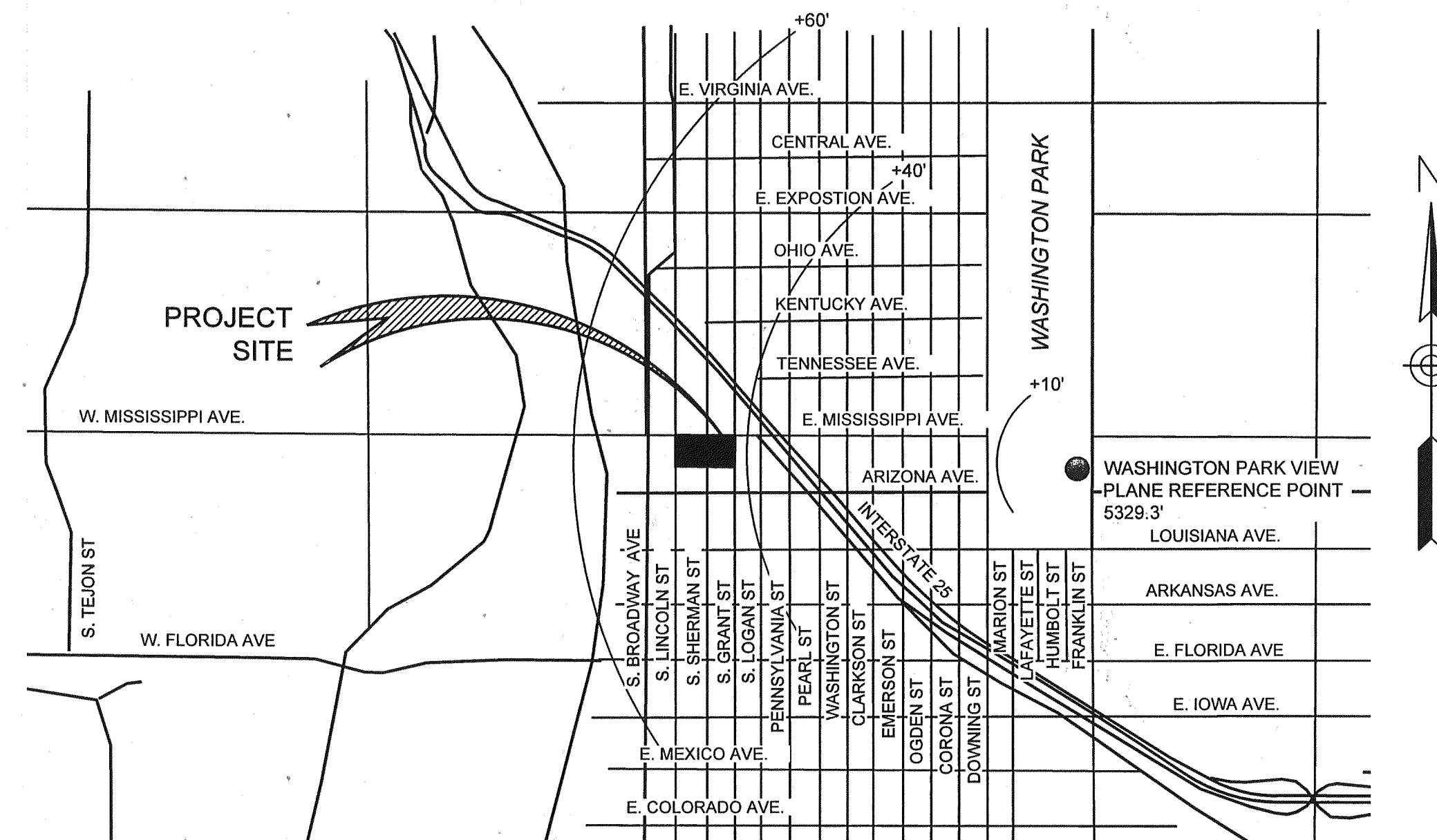
**LANDSCAPE ARCHITECT:**  
STUDIO INSITE  
3457 RINGSBY COURT, UNIT 223  
DENVER, COLORADO 80216  
303-433-7100  
CONTACT: BILL BOWEN

**ARCHITECT:**  
WOODLEY ARCHITECTS  
731 SOUTHPARK DRIVE, SUITE B  
LITTLETON, CO 80120  
303-683-7231  
CONTACT: MIKE WOODLEY

**GROUND STORY ACTIVATION (PER BUILDING)**

ZONE LOTS 1, 10, AND 16  
AS DEFINED BY THE GATES EAST DESIGN STANDARDS AND GUIDELINES  
SEE SHEETS 18 AND 21 FOR ADDITIONAL DETAIL

GROUND STORY ACTIVATION (TRANSPARENCY)	REQUIRED (MIN)	PROVIDED
PRIMARY STREET: E. MISSISSIPPI AVE.		
TOTAL TRANSPARENCY (%)		
BUILDING AREA 1075 SQ-FT		
CLEAR GLAZING 262 SQ-FT	20 %	24.3 %
PRIMARY STREET: S. GRANT ST., S. SHERMAN ST. & S. LINCOLN ST.		
TOTAL TRANSPARENCY (%)		
BUILDING AREA 442 SQ-FT		
CLEAR GLAZING 89.3 SQ-FT	20 %	20 %



**VICINITY MAP / VIEW PLANE**  
SCALE 1" = 2000'

THE WASHINGTON PARK VIEW PLANE REFERENCE IS PROVIDED IN NATIONAL GEODETIC VERTICAL DATUM WHILE THE SITE SURVEY IS PROVIDED ON NORTH AMERICAN VERTICAL DATUM SO BOTH DATUMS ARE REFERENCED HERE. THE WASHINGTON PARK VIEW PLAN ALLOWS BUILDINGS IN PHASE 2 TO BE 41.8 FEET ABOVE THE VIEW PLANE REFERENCE POINT ELEVATION NGVD 5323.9 FT/NAV 5328.9 FT. FOR A TOTAL ELEVATION OF NGVD 5365.7 FT/ NAV 5368.7 FT. THE HIGHEST EXISTING POINT OF THE SUBJECT PROPERTY IS AT NGVD 5274.3/ 5271.3 NAV. ALLOWING A BUILDING HEIGHT OF 97.4 FT. FOR ZONE LOTS 1, 10 AND 16, THE TALLEST BUILDING IS 36' 2" MEASURED FROM THE FINISH FLOOR. THE VIEW PLANE FOR ZONE LOTS 2-9, 11-15 AND 17-22, SHALL BE ANALYZED AT THE TIME OF A BUILDING PERMIT SUBMITTAL FOR EACH INDIVIDUAL UNIT.

**BUILD-TO ANALYSIS**

BUILD-TO ANALYSIS - ZONE LOT 1 (SEE SHEET 7 FOR DETAIL)	REQUIRED	PROVIDED
PRIMARY STREET - MISSISSIPPI AVENUE		
TOTAL BUILD-TO: 66% OF LENGTH OF FAÇADE LOCATED 10' MIN - 18' MAX FROM ZONE LOT LINE.	139.3'	211.0'
SIDE STREET - SOUTH SHERMAN STREET		
TOTAL BUILD-TO: 50% OF LENGTH OF FAÇADE LOCATED 10' MIN - 18' MAX FROM ZONE LOT LINE.	65.4'	130.8'
SIDE STREET - SOUTH LINCOLN STREET		
TOTAL BUILD-TO: 50% OF LENGTH OF FAÇADE LOCATED 10' MIN - 18' MAX FROM ZONE LOT LINE.	65.4'	130.8'
BUILD-TO ANALYSIS: ZONE LOT 10 (SEE SHEET 8 FOR DETAIL)	REQUIRED	PROVIDED
PRIMARY STREET - MISSISSIPPI AVENUE		
TOTAL BUILD-TO: 66% OF LENGTH OF FAÇADE LOCATED 10' MIN - 18' MAX FROM ZONE LOT LINE.	69.6'	105.5'
SIDE STREET - S. SHERMAN STREET (WITHIN 125' OF		
TOTAL BUILD-TO: 66% OF LENGTH OF FAÇADE LOCATED 10' MIN - 18' MAX FROM ZONE LOT LINE.	28.82'	43.67'
BUILD-TO ANALYSIS: ZONE LOT 16 (SEE SHEET 9 FOR DETAIL)	REQUIRED	PROVIDED
PRIMARY STREET - MISSISSIPPI AVENUE		
TOTAL BUILD-TO: 66% OF LENGTH OF FAÇADE LOCATED 10' MIN - 18' MAX FROM ZONE LOT LINE.	69.6'	105.5'
SIDE STREET - S. GRANT STREET (WITHIN 125' OF		
TOTAL BUILD-TO: 66% OF LENGTH OF FAÇADE LOCATED 10' MIN - 18' MAX FROM ZONE LOT LINE.	28.82'	43.67'

SITE PLAN SHOWING BUILD TO ANALYSIS FOR EACH INDIVIDUAL ZONE LOT (2-9, 11-15 AND 17-22) WILL BE REQUIRED AT THE TIME OF BUILDING PERMIT FOR EACH UNIT.

**SHEET INDEX**

- 1 OF 26 COVER SHEET
- 2 OF 26 ZONE LOT STATISTICAL DATA
- 3 OF 26 ZONE LOT STATISTICAL DATA
- 4 OF 26 ZONE LOT LEGAL DESCRIPTIONS
- 5 OF 26 ZONE LOT LEGAL DESCRIPTIONS
- 6 OF 26 SURVEY
- 7 OF 26 SITE PLAN
- 8 OF 26 SITE PLAN
- 9 OF 26 OVERALL UTILITY PLAN
- 10 OF 26 OVERALL UTILITY PLAN
- 11 OF 26 LANDSCAPE STREETScape PLAN
- 12 OF 26 LANDSCAPE STREETScape PLAN
- 13 OF 26 LANDSCAPE SITE PLAN ENLARGEMENT
- 14 OF 26 LANDSCAPE SITE PLAN ENLARGEMENT
- 15 OF 26 LANDSCAPE DETAILS
- 16 OF 26 LANDSCAPE DETAILS
- 17 OF 26 LANDSCAPE DETAILS
- 18 OF 26 TYPICAL FRONT ELEVATION
- 19 OF 26 TYPICAL REAR ELEVATION
- 20 OF 26 TYPICAL STREET SIDE ELEVATION
- 21 OF 26 TYPICAL NON STREET SIDE ELEVATION
- 22 OF 26 BUILDING 6 S. SHERMAN STREET ELEVATION
- 23 OF 26 BUILDING 5 S. LINCOLN STREET SIDE ELEVATION
- 24 OF 26 BUILDING 2 S. GRANT STREET SIDE ELEVATION
- 25 OF 26 PHASE II SITE PHOTOMETRIC PLAN
- 26 OF 26 PHASE II LIGHTING CUTSHEETS

**SURVEYOR'S CERTIFICATION**

I, Garry L. Rohleder, A REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE SURVEY FOR PLATT PARK NORTH - PHASE II WAS MADE UNDER MY SUPERVISION AND THE ACCOMPANYING PLAN ACCURATELY AND PROPERLY SHOWS SAID SURVEY.

GARRY L. ROHLEDER  
PLS #29052

**OWNERS SIGNATURE**

I (WE) THE UNDERSIGNED, SHALL COMPLY WITH ALL REGULATIONS CONTAINED IN FORMER CHAPTER 59 OF THE REVISED MUNICIPAL CODE OF THE CITY AND COUNTY OF DENVER. THE FOLLOWING SIGNATURES CONSTITUTE ALL OWNERS OF AND HOLDERS OF DEEDS OF TRUST FOR LAND AND STRUCTURES INCLUDED IN THIS PLAN:

OF INVESTMENTS 1, LLC  
BY Chris Firman 7/22/13  
NAME, TITLE DATE  
STATE OF COLORADO  
CITY AND COUNTY OF DENVER

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 22<sup>ND</sup> DAY OF July, 2013 A.D. BY Chris Firman AS MANAGER OF OF INVESTMENTS 1, LLC

WITNESS MY HAND AND OFFICIAL SEAL.

5-25-2016  
MY COMMISSION EXPIRES



[Signature]  
NOTARY PUBLIC

ADDRESS

**OWNERS SIGNATURE**

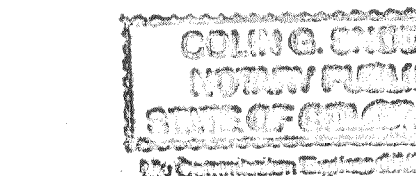
I (WE) THE UNDERSIGNED, SHALL COMPLY WITH ALL REGULATIONS CONTAINED IN FORMER CHAPTER 59 OF THE REVISED MUNICIPAL CODE OF THE CITY AND COUNTY OF DENVER. THE FOLLOWING SIGNATURES CONSTITUTE ALL OWNERS OF AND HOLDERS OF DEEDS OF TRUST FOR LAND AND STRUCTURES INCLUDED IN THIS PLAN:

PLATT PARK NORTH, LLC  
BY Lance Gutsch 7/22/13  
NAME, TITLE DATE  
STATE OF COLORADO  
CITY AND COUNTY OF DENVER

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 22<sup>ND</sup> DAY OF July, 2013 A.D. BY Lance Gutsch AS Principal of Platt Park North, LLC

WITNESS MY HAND AND OFFICIAL SEAL.

5-25-2016  
MY COMMISSION EXPIRES



[Signature]  
NOTARY PUBLIC

ADDRESS

**CLERK AND RECORDER'S CERTIFICATION**

STATE OF Colorado }SS.  
CITY AND COUNTY OF DENVER



I HEREBY, CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN MY OFFICE AT 11:30 O'CLOCK A.M., July, 2013 AND DULY RECORDED UNDER RECEPTION # 2013138769

CLERK AND RECORDER, EX OFFICIO CLERK OF THE CITY AND COUNTY OF DENVER

BY: Jana Combs DEPUTY  
FEE: \$261.00

**APPROVALS**

APPROVED BY: [Signature] 8/13/2013  
FOR THE ZONING ADMINISTRATOR DATE  
APPROVED BY: [Signature] 8/13/2013  
FOR THE MANAGER OF COMMUNITY PLANNING AND DEVELOPMENT DATE

SHEET NUMBER:  
**1 OF 26**

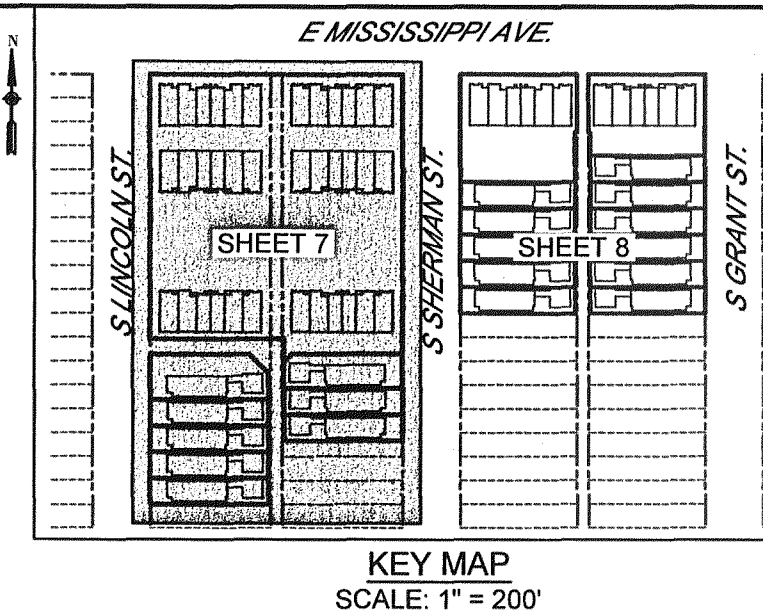


# PLATT PARK NORTH - PHASE II

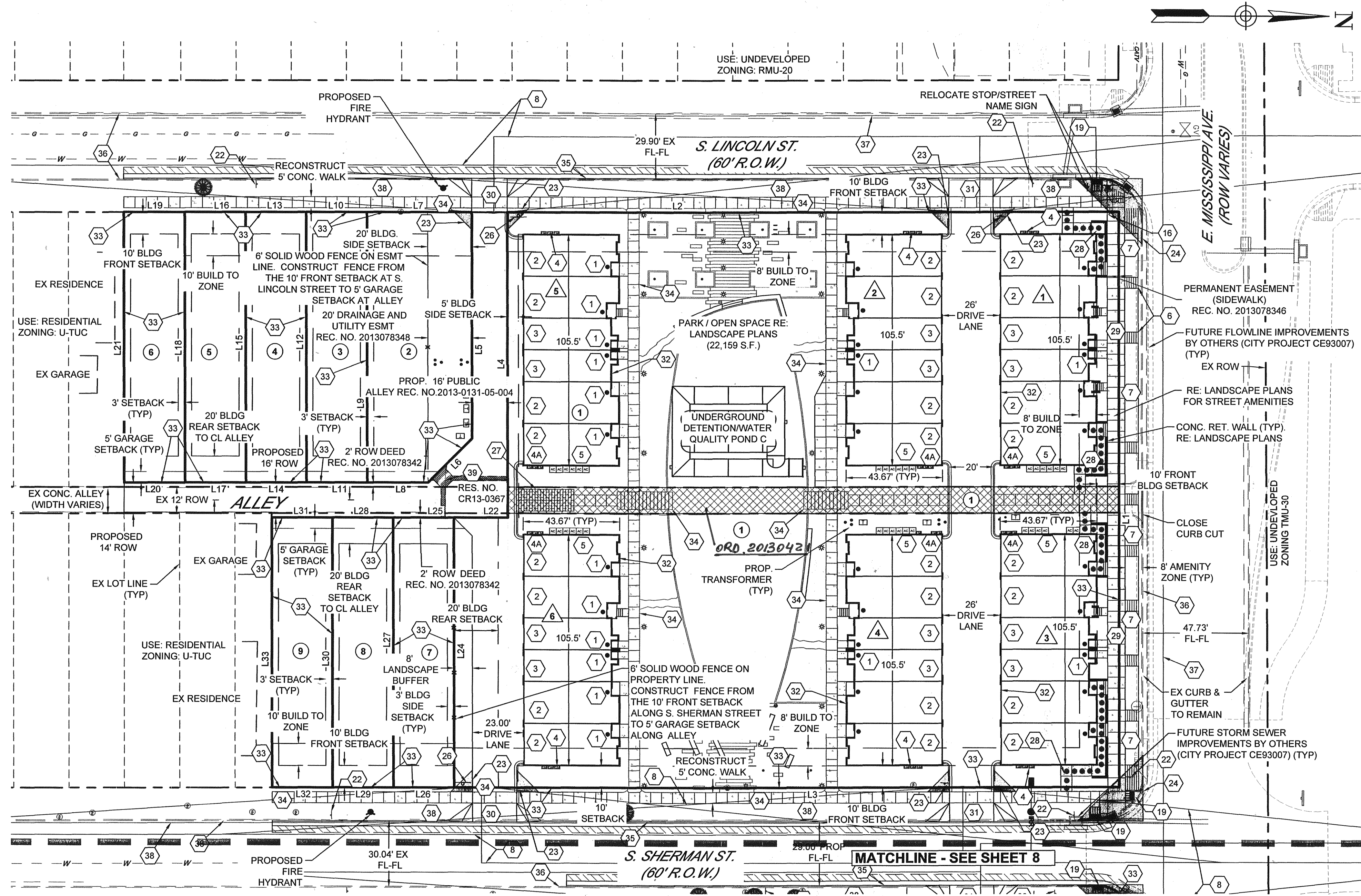
## SITE DEVELOPMENT PLAN

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 22, AND SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO

**ROTH ENGINEERING GROUP**  
 7853 E. ARAPAHOE COURT SUITE 2500  
 CENTENNIAL, CO 80112  
 PHONE: 303-841-9865  
 FAX: 303-648-5212



LINE	LENGTH	DIRECTION
L1	262.18	S89° 54' 06.59"W
L2	276.56	N0° 05' 31.00"W
L3	300.88	N0° 05' 57.35"W
L4	139.13	S89° 54' 06.59"W
L5	103.13	S89° 54' 06.59"W
L6	28.29	N45° 05' 59.21"W
L7	47.51	N0° 05' 31.00"W
L8	27.50	N0° 06' 05.11"W
L9	123.14	S89° 54' 06.69"W
L10	27.50	N0° 05' 31.00"W
L11	27.50	N0° 06' 05.11"W
L12	123.14	S89° 54' 06.69"W
L13	27.50	N0° 05' 31.00"W
L14	27.50	N0° 06' 05.11"W
L15	123.15	S89° 54' 06.69"W
L16	27.50	N0° 05' 31.00"W
L17	27.50	N0° 06' 05.11"W
L18	123.15	S89° 54' 06.69"W
L19	27.50	N0° 05' 31.00"W
L20	27.50	N0° 06' 05.11"W
L21	123.16	N89° 54' 06.69"E
L22	24.32	S0° 06' 01.43"E
L24	123.07	S89° 54' 06.59"W
L25	27.50	S0° 06' 01.43"E
L26	27.50	N0° 05' 57.35"W
L27	123.07	S89° 54' 06.59"W
L28	27.50	S0° 06' 01.43"E
L29	27.50	N0° 05' 57.35"W
L30	123.07	S89° 54' 06.59"W
L31	27.50	S0° 06' 01.43"E
L32	27.50	S0° 05' 57.35"E
L33	123.07	S89° 54' 06.59"W



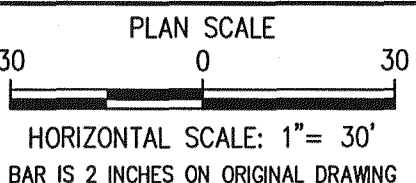
- LEGEND:**
- 1 DOOR
  - 2 2 CAR GARAGE
  - 3 2 CAR GARAGE TANDEM
  - 4 GAS METERS
  - 4A ELECTRIC METERS
  - 5 AC UNITS
  - 6 HARDSCAPE DECORATIVE SCORING (REFER TO LANDSCAPE PLANS)
  - 7 CONCRETE PLANTER CURB (REFER TO LANDSCAPE PLANS FOR INTERIM CONDITION UNTIL CONSTRUCTION OF CITY PROJECT CE93007, BY OTHERS)
  - 8 AASHTO STOPPING SIGHT DISTANCE TRIANGLE (TYP)
  - 9 RETAINING WALL (REFER TO LANDSCAPE PLANS) (TYP)
  - 19 PROPOSED TYPE 1 ACCESS RAMP (4' WIDE)
  - 20 CONCRETE SIDEWALK CHASE
  - 21 POND OUTLET WITH MICROPOOL
  - 22 EX ROAD SIGNS TO REMAIN
  - 23 10' PEDESTRIAN SITE TRIANGLE (SEE NOTE 2 THIS SHEET) (TYP)
  - 24 CORNER SIGHT DISTANCE TRIANGLE
  - 26 PROPOSED STOP SIGN
  - 27 10' X 26' LOADING ZONE (BRICK PAVERS)
  - 28 BUILDING ADA ACCESS
  - 29 8" CONCRETE SIDEWALK
  - 30 16" PUBLIC ALLEY CURB CUT CONNECTION (38" FLARE TO FLARE)
  - 31 20" PRIVATE ALLEY CURB CUT CONNECTION (42" FLARE TO FLARE)
  - 32 MULTI UNIT RESIDENTIAL BUILDING (SEE COVER FOR INFORMATION) (TYP)
  - 33 ZONE LOT LINE
  - 34 5" CONCRETE SIDEWALK (TYP)
  - 35 PROPOSED FLOWLINE
  - 36 EXISTING FLOWLINE
  - 37 RANGE LINE
  - 38 8" TREE LAWN
  - 39 MAJOR ENCUMBRANCE PERMIT ESMT.
  - 1 ZONE LOT NUMBER
  - ▲ BLDG NUMBER FOR ZONE LOTS WITH MULTIPLE UNITS
  - ⊠ RIGHT OF WAY TO BE VACATED 12' UTILITY ESMT TO REMAIN
  - ACCESSIBLE ROUTE
  - 6" SOLID WOOD FENCE RE: LANDSCAPE PLANS
  - ALUMINUM FENCE RE: LANDSCAPE PLANS

PLATT PARK NORTH - PHASE II  
 SITE DEVELOPMENT PLAN

PLATT PARK NORTH, LLC  
 285 CLAYTON ST., SUITE 203  
 DENVER, COLORADO 80206

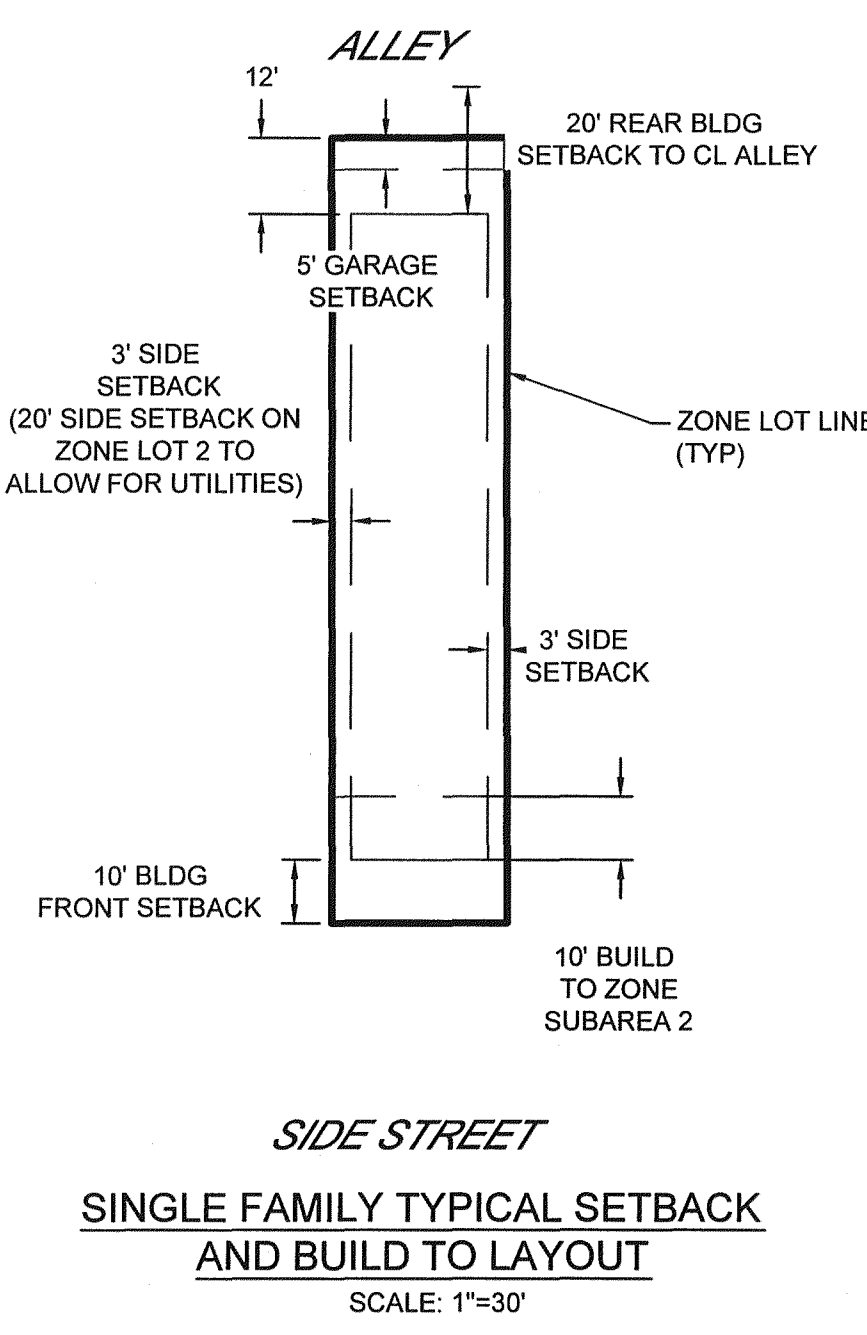
DATE	REVISIONS	BY

DESIGNED BY: KSR  
 DRAWN BY: JRF  
 JOB NUMBER: 120801



SITE PLAN

SHEET NUMBER:  
**7 OF 26**



- NOTES:**
- SEE COVER SHEET FOR PROPOSED LOT AND BUILDING INFORMATION.
  - SITE DISTANCE TRIANGLES. NO OBSTRUCTIONS OVER 30" ARE ALLOWED IN THE SIGHT DISTANCE TRIANGLES.
  - SIGNAGE PER CITY, ADA AND MUTCD STANDARDS.
  - SEE LANDSCAPE PLANS FOR FENCE LOCATIONS AND RETAINING WALL DETAILS.
  - REFER TO SHEET 10 FOR TYPICAL FAMILY SITE PLAN.
  - ALL WALKS, RAMPS, AND DRIVING SURFACES ARE CONCRETE.

### BUILD-TO ANALYSIS: ZONE LOT 1

BUILD-TO ANALYSIS: ZONE LOT 1		REQUIRED	PROVIDED
<b>PRIMARY STREET - MISSISSIPPI AVENUE</b>			
TOTAL BUILD-TO: 66% OF LENGTH OF FAÇADE LOCATED 10' MIN - 18' MAX FROM ZONE LOT LINE.			
ZONE LOT FRONTAGE LENGTH	262.2 FT	139.3'	211.0'
BUILDING LENGTH	211.0 FT		
<b>SIDE STREET - SOUTH SHERMAN STREET</b>			
TOTAL BUILD-TO: 50% OF LENGTH OF FAÇADE LOCATED 10' MIN - 18' MAX FROM ZONE LOT LINE.			
ZONE LOT STREET FRONTAGE LENGTH	300.9 FT	65.4'	130.8'
BUILDING LENGTH	130.8 FT		
<b>SIDE STREET - SOUTH LINCOLN STREET</b>			
TOTAL BUILD-TO: 50% OF LENGTH OF FAÇADE LOCATED 10' MIN - 18' MAX FROM ZONE LOT LINE.			
ZONE LOT STREET FRONTAGE LENGTH	276.6 FT	65.4'	130.8'
BUILDING LENGTH	130.8 FT		

SITE PLAN SHOWING BUILD TO ANALYSIS FOR EACH INDIVIDUAL ZONE LOT (2-9) WILL BE REQUIRED AT THE TIME OF BUILDING PERMIT FOR EACH UNIT.



# OTTENJOHNSON

ROBINSON NEFF + RAGONETTI<sup>PC</sup>

June 30, 2016

THOMAS J. RAGONETTI  
303 575 7509  
TJR@OTTENJOHNSON.COM

## BY E-MAIL AND FEDEX

Ryan Winterberg-Lipp, AICP  
Senior City Planner  
Community Planning and Development  
City and County of Denver  
201 W. Colfax Avenue  
Denver, Colorado 80202

Re: Application #2016I-00058 for Zone Map Amendment (Rezoning) (the “**Application**”)

Dear Ms. Winterberg-Lipp:

This firm represents Hanover R. S. Limited Partnership (“**Hanover**”) with respect to its development of certain real property located between Broadway Street and Lincoln Street and north of Arizona Street (the “**Hanover Property**”) in the City and County of Denver, Colorado (the “**City**”). The City is currently reviewing Hanover’s application for a site development plan for the construction of a multi-family residential building, together with related accessory uses (the “**Project**”). The Project, as described and depicted in the site plan, is a permitted use under the Denver Zoning Code and generally conforms to the applicable design standards set forth in the Denver Zoning Code.

This letter concerns the above-referenced Application proposing to rezone certain real property located at 1154, 1156, 1160, 1164, and 1166 South Lincoln Street (collectively, the “**Subject Property**”) in the City into the U-RH-2.5 zone district (the “**Proposed Zone District**”), which is a “Protected District” under the Denver Zoning Code, and would effectively apply new form standards to the Hanover Property and other adjacent properties, which would impair Hanover’s ability to develop the Project. The Application is nothing more than a thinly-veiled attempt by the owners of the Subject Property (the “**Applicants**”) to delay and disrupt Hanover’s development of the Project by imposing new bulk plan restrictions, and would likely create new nonconforming structures to the north of the Subject Property. For the reasons more particularly set forth in the following paragraphs, we respectfully request that the City deny the Application, which does not meet any of the standards or criteria for approval of a map amendment required by the Denver Zoning Code.

## Background

Both the Subject Property and the Hanover Property (collectively, the “**Properties**”) are located within, and subject to, the Gates East GDP, recorded in the real property records of the City in 2007 at Reception No. 2007076827 (the “**GDP**”). The GDP generally contemplates that both Properties will be developed as residential mixed-use structures, with some commercial development in and around the Hanover Property. The

Subject Property is also subject to the Platt Park North Overall Site Development Plan, recorded in the real property records of the City on September 20, 2013, at Reception No. 2013138767 (the “Overall SDP”), which again contemplates development of a portion of the Hanover Property pursuant to its RMU-30 zoning designation. As stated in the Application, the Subject Property was developed as single-family residential dwelling units pursuant to the GDP and the Overall SDP, and the Applicants purchased their respective portions of the Subject Property in 2015. Both the GDP and the Overall SDP provided record notice to the Applicants that development similar to the Project would be likely on the Hanover Property. The Applicants also executed disclosure agreements in connection with the acquisition of their respective portions of the Subject Property, whereby the Applicants expressly acknowledged that future development, including development of the Hanover Property, was likely. It is also important to note that the approval of the Proposed Zone District would not permit any proposed future construction or any new uses of the Subject Property—the Application has been submitted only to interfere with the Project.

### **General Review Criteria for Rezoning**

Per Section 12.4.10.7 of the Denver Zoning Code, applications for rezoning must meet *all* of the “general review criteria” in order to qualify for approval. The Application does not meet any of the general review criteria:

1. *General Review Criteria: 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.*

As noted in the Application, several adopted plans affect the Subject Property, including the 2000 Comprehensive Plan, Blueprint Denver and, most recently, the I-25 and Broadway Station Area Plan (collectively, the “Plans”). The Application incorrectly states that the Proposed Zone District is consistent with the 2000 Comprehensive Plan and Blueprint Denver. The Subject Property is clearly designated as within the “Gates Transit Oriented Development Area of Change” by Blueprint Denver, which notes that the area, including the Subject Property, “holds potential for high-density housing, employment, and publicly accessible open space,” and “creates a perfect blend of uses and access to develop a model TOD.” Blueprint Denver’s “area of change” designation thus, by its terms, means more than just “increased residential density,” as stated in the Application. It calls for a mix of uses, both commercial and residential. However, the Proposed Zone District does not generally permit commercial uses and even limits institutional and residential uses to those more consistent with a purely residential area. The limited uses permitted by the Proposed Zone District are not consistent with Blueprint Denver or the 2000 Comprehensive Plan, which provides the framework for Blueprint Denver. Moreover, even the Application’s assertion that it will permit an increase in residential density is not correct, as the approval of the Application would only reduce residential density permitted on the Hanover Property, and would have no effect whatsoever on the Subject Property. On the contrary, the current RMU-20 zoning designation generally provides for development that “may be either residential or mixed-use, combining residential with neighborhood-serving retail, office, or service uses,” and permits a wide variety of land uses, albeit many subject to distance requirements in order to secure an appropriate transition between differing uses.

The Application also brushes over the effect of the Subject Property's inclusion within the "Station Area" for the I-25 and Broadway Station Area Plan (the "TOD Plan"), meaning that the TOD Plan's overarching goals do indeed apply to the Subject Property. These goals include promoting a variety of uses within the Station Area, providing a range of housing options and increasing access to housing. As noted above, the Application, which, if approved, effectively reduces the opportunities for both housing and mixed-use development on the Hanover Property, directly conflicts with these goals. On the contrary, the Plans repeatedly emphasize the importance of a mix of uses and densities, meaning that the difference in intensity between the Subject Property, the Hanover Property and the rest of the surrounding area was indeed contemplated by the Plans.

2. General Review Criteria: 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.*

The Application states that the Proposed Zone District will not apply to the Subject Property in a different manner than it does to other, similarly situated properties. Although we do not disagree with this assertion, it fails to consider the effect on the Hanover Property. Approving the Application would create additional burdens on the Hanover Property that are not uniform throughout the RMU-30 district—indeed, it would create additional restrictions on development that do not currently apply to the Hanover Property.

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

The Application does not further public health, safety or general welfare of the City; in fact, the Application does not "further" anything. The Subject Property has already been fully developed and does not need approval of the Proposed Zone District in order to complete any on-site improvements. As discussed above, the sole purpose of the Application is to hinder, not further, the proposed development of the Hanover Property, which would provide much-needed housing stock for the City.

### **Additional Review Criteria for Rezoning**

Per Section 12.4.10.8 of the Denver Zoning Code, applications for rezoning must meet (i) one of the "justifying circumstances" of the first group of "additional review criteria" (as selected by the Applicants), and (ii) a second more general additional review standard, in order to qualify for approval. The Application does not meet either one of these additional review criteria:

1. Additional Review Criteria: Justifying Circumstances. *The land or its surroundings has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area to recognize the changed character of the area.*

This claim by the Application may be the most egregious. The Application blames the economic downturn of the late 2000s for resulting in less intense development of the Subject Property than originally contemplated by

the Plans and the current zoning, and suggests that such “change in circumstance” calls for a more intentional transition between the low density of the Subject Property and the higher density of the Project. However, the development directly adjacent to the Subject Property was completed in 2014 and consists of more dense, townhome style development that is more consistent with the Plans than the Subject Property. Furthermore, the Application certainly is not intended to *encourage a redevelopment of the area*; in fact, the intent of the Application is to do the exact opposite by impairing the ability to develop the Hanover Property consistent with the Plans. One could even make the case that the Project will help make up for the failure of the Subject Property to contribute the appropriate density to the surrounding area, and is necessary to create the transit-oriented, mixed-use and walkable community envisioned by the Plans.

2. *Additional Review Criteria.* *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.*

Although the Subject Property itself is relatively consistent with the description of the Urban (U-) Neighborhood context and with the stated purpose and intent of the Proposed Zone District, those context, purpose and intent statements are not consistent with the Plans or the TOD Plan, both of which identify the Subject Property as suitable for more mixed-use and dense development than contemplated, or even permitted, by the Proposed Zone District. The context, purpose and intent statements reflect those limitations and provide that the properties within the Proposed Zone District are appropriate only for low-density, exclusively residential uses.

In addition to the inconsistency with the Plans and the TOD Plan, the Proposed Zone District, if applied to the Subject Property, may create new nonconforming structures on adjacent properties. Approval of the Application may cause the existing development to the north of the Subject Property to be nonconforming, as those structures appear to encroach into the same bulk plane that the Applicants desire to use to halt the Project.

## **Conclusion**

The City should deny the Application because it does not meet any of the requirements of the Denver Zoning Code for a proposed rezoning. In particular, the Application does not meet *any* of the approval criteria for proposed rezonings per the Denver Zoning Code: (i) it does not meet *any* of the general review criteria set forth in Section 12.4.10.7 (all of which must be satisfied to warrant approval of any proposed rezoning); and (ii) it does not meet *either* of the “justifying circumstances” or the additional review criteria set forth in Section 12.4.10.8 (both of which must be satisfied to warrant approval of any proposed rezoning). The Proposed Zone District, if applied to the Subject Property, will not permit any new development of or additions to any portion of the Subject Property, which is already fully developed. As such, the Application is nothing more than a deliberate effort by the Applicants to halt Hanover’s development of the Project in accordance with the Denver Zoning Code. For the foregoing reasons, we respectfully request that the City deny the Application.



Ryan Winterberg-Lipp, AICP  
June 30, 2016  
Page 5

Please do not hesitate to contact me with any questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom".

Thomas J. Ragonetti  
for the Firm

TJR

cc: Ryan Hamilton (by e-mail)  
Brad Buchanan (by e-mail)  
Caryn Champine (by e-mail)

1363249 6



THE HANOVER COMPANY

October 12, 2016

By Email and Fedex

Ryan Winterberg-Lipp, AICP  
Senior City Planner  
Community Planning and Development  
City and County of Denver  
201 W. Colfax Avenue  
Denver, Colorado 80202

Re: Application #2016I-00058 for Zone Map Amendment (the "Rezone Application") to rezone the property located at 1154, 1156, 1160, 1164, and 1166 South Lincoln Street (the "Subject Property") in the City and County of Denver, Colorado to a U-RH-2.5 zone district

Dear Ms. Winterberg-Lipp:

On June 30, 2016 you received a letter from the law firm of Otten Johnson Robinson Neff + Ragonetti, representing our company, Hanover R.S. Limited Partnership ("Hanover"), in opposition of the Rezone Application (the "Opposition Letter").

After submitting the Opposition Letter, Hanover and the applicants entered into discussions regarding the impact of the Rezone Application on the Hanover Project (hereinafter defined), the applicants' existing non-conforming structure, and the impact on the adjacent structures to the north of the Subject Property. Based on these discussions, Hanover revised its site development plan (2016-PM-163) (the "Hanover Project") and resubmitted it to the City on September 30, 2016. The Hanover Project now voluntarily complies with a protected district bulk plane setback along South Lincoln Street for the portion of the Hanover Project directly across the street from the Subject Property.

It is my understanding that the Rezone Application will be revised to U-RH-2.5 with waivers, waiving the protected district bulk plane setback requirement to the north of the Subject Property that would otherwise render the existing structures to the north of the Subject Property non-conforming (the "Revised Rezone Application").

Upon submittal of the Revised Rezone Application, Hanover hereby withdraws its Opposition Letter and will not oppose the Revised Rezone Application, as long as it does not impose a protected district bulk plane setback requirement on any portion of the Hanover Project other than directly across South Lincoln Street from the Subject Property or cause the structures to the north of the Subject Property to become non-conforming structures.

Sincerely,

Ryan Hamilton  
*Development Partner*

5847 SAN FELIPE, SUITE 3600  
HOUSTON, TEXAS 77057  
MAIN 713.267.2100  
FAX 713.267.2121  
WWW.HANOVERCO.COM

Arizona Lincoln Investments LLC  
1212 S. Broadway, #100  
Denver, CO 80210

AUGUST 12, 2016

By Email and Fedex

Ryan Winterberg-Lipp, AICP  
Senior City Planner  
Community Planning and Development  
City and County of Denver  
201 W. Colfax Avenue  
Denver, Colorado 80202

Re: Application #2016I-00058 for Zone Map Amendment to rezone the property located at 1154, 1156, 1160, 1164, and 1166 South Lincoln Street ("Subject Property") in the City and County of Denver, Colorado to a U-RH-2.5 zone district

Dear Ms. Winterberg-Lipp:

I own the property located at the northwest corner of Lincoln Street and Arizona Avenue near the Subject Property. I'm writing this letter to object to the rezoning and request the City deny the applicants' request.

It is my understanding that a portion of the Subject Property is nonconforming due to a bulk plane imposed by the property south of the Subject Property, and that the applicants have used the existing nonconformity as the rationale for the rezoning. However, this nonconformity could easily be corrected by obtaining a variance for such nonconforming structure as opposed to rezoning the entire Subject Property. Given the availability of this far simpler solution, I do not support the rezoning, which seems like a drastic measure to correct such a minor nonconformity.

My property, together with property to the north and west of my property, is under contract to Hanover R.S. Limited Partnership ("Hanover"). Hanover is currently seeking approval of a site development plan to construct a multi-family residential development spanning the entire contract property (the "Hanover Project"). The proposed rezone would negatively affect the Hanover Project by reducing the permitted scope of the Hanover Project, which is currently permitted by the Denver Zoning Code and other applicable regulations. Both Hanover and the City have already expended time and resources to review, and work toward approval of the current design of the Hanover Project. Given that Hanover is currently under contract to purchase my property, I cannot support interference with the Hanover Project, and therefore oppose the proposed rezoning of the Subject Property. However, I would be willing support a variance request that would cure the nonconforming status, which would be a much better way to resolve this issue.

Please do not hesitate to contact me with any questions or comments.

Sincerely,



Charles Jordy

Arizona Lincoln Investments LLC,  
a Colorado limited liability company

Arizona Lincoln Investments LLC  
1212 S. Broadway, #100  
Denver, CO 80210

October 7, 2016

By Email and Fedex

Ryan Winterberg-Lipp, AICP  
Senior City Planner  
Community Planning and Development  
City and County of Denver  
201 W. Colfax Avenue  
Denver, Colorado 80202

Re: Application #2016I-00058 for Zone Map Amendment ("Rezone Application") to rezone the property located at 1154, 1156, 1160, 1164, and 1166 South Lincoln Street ("Subject Property") in the City and County of Denver, Colorado to a U-RH-2.5 zone district

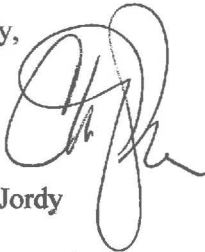
Dear Ms. Winterberg-Lipp:

I own the property located at the northwest corner of Lincoln Street and Arizona Avenue near the Subject Property. I'm writing this letter to withdraw my previous letter dated August 12, 2016 in opposition of the Rezone Application.

It is my understanding that the Rezone Application will be modified to waive the protected district bulk plane setback requirement to the north of the Subject Property that would otherwise render such property to the north of the Subject Property nonconforming.

Please do not hesitate to contact me with any questions or comments.

Sincerely,



Charles Jordy

Arizona Lincoln Investments LLC,  
a Colorado limited liability company

August 12, 2016

Via Email and FedEx

Ryan Winterberg-Lipp, AICP  
Senior City Planner  
Community Planning and Development  
City and County of Denver  
201 W. Colfax Avenue  
Denver, Colorado 80202

Re: Application #2016I-00058 for Zone Map Amendment (Rezoning) to rezone certain real property located at 1154, 1156, 1160, 1164, and 1166 South Lincoln Street (collectively, the "**Subject Property**") in the City and County of Denver, Colorado (the "**City**"), into the U-RH-2.5 zone district (the "**Rezoning**")

Dear Ms. Winterberg-Lipp:

The undersigned represents Platt Park North, LLC, a Colorado limited liability company, which, together with its affiliated entities (collectively, "**Neighbor**"), owns certain real property located adjacent to the Subject Property (the "**Neighbor Property**"). The purpose of this letter is to present Neighbor's objections to the Rezoning, and to respectfully request that the City deny the same.

The Neighbor Property comprises that certain real property located directly north of the Subject Property between S. Lincoln Street and S. Sherman Street, south of E. Mississippi Avenue (the "**Townhome Property**"), and certain real property located between S. Broadway Street and S. Lincoln Street and north of E. Arizona Street (the "**Hanover Property**"). Neighbor has constructed, and continues to own and operate, a townhome-style project on the Townhome Property (the "**Townhomes**"). Hanover R. S. Limited Partnership ("**Hanover**") is the contract purchaser for the Hanover Property, and is currently working with the City to obtain approval of a site development plan to permit construction of a multi-family residential building, together with related accessory uses on the Hanover Property (the "**Hanover Project**"). Neighbor was also involved in the horizontal development and entitlement of the Subject Property, but sold the same to a third party to perform the vertical development and



August 12, 2016

Page 2

ultimate sale to the owners of the Subject Property (the “**Applicants**”). Neighbors had no role in creating the current non-conforming condition.

**The Rezoning is not necessary to resolve the existing nonconformity.**

It is Neighbor’s understanding that a portion of the Subject Property is currently nonconforming due to a bulk plane imposed by the property south of the Subject Property, and that the Applicants have used the existing nonconformity as the rationale for the Rezoning. However, this nonconformity could easily be corrected by obtaining a variance for such nonconforming structure as opposed to rezoning the entire Subject Property. Given the availability of this far simpler solution, Neighbor does not support the decision to take as drastic a measure as the Rezoning, which will negatively impact the surrounding properties (as set forth below).

**Approval of the Rezoning would negatively impact the Neighbor Property.**

By zoning the Subject Property as a “protected district” under the Denver Zoning Code, the Rezoning would impose a new bulk plane limitation and a new height restriction on the Neighbor Property pursuant to Section 59-96 of Former Chapter 59 of the Denver Revised Municipal Code (collectively, the “**Protected District Standards**”). These new Protected District Standards would have significant negative effects on the Neighbor Property as follows:

- Townhome Property. The Protected District Standards would have a negative impact on the Townhome Property. The Protected District Standards would render the Townhomes as nonconforming structures under the Denver Zoning Code, and would additionally limit Neighbor’s flexibility in future construction, modification and additions to the Townhome Property. The Townhomes’ status as nonconforming structures would additionally make future financing or conveyance of the Townhome Property difficult, if not impossible.
- Hanover Property. The Protected District Standards would also affect the Hanover Property by significantly reducing the permitted scope of the Hanover Project, which is, in its current form, permitted by the Denver Zoning Code and other applicable regulations. Neighbor suspects such application of the Protected District Standards to the Hanover Project to be the true purpose of the Rezoning. Both Hanover and the City have already expended time and resources to review, and work toward approval of the current design of the Hanover Project. Given that Hanover is currently under contract to purchase the Hanover Property from Neighbor, Neighbor will not support interference with the current entitlement status of the Hanover Property.

In summary, the Neighbor did not create the non-conforming condition. It is unfair and inappropriate to now impose the same condition on the Neighbor. They do not support the

August 12, 2016

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Applicant's Rezoning because it is not the best solution to correct the Subject Property's nonconforming status, as it simply transfers the nonconformity to our Townhome Property. However, the Neighbor would be willing to support a variance request that would cure the nonconforming status, which we feel is a much better way to resolve this issue, so long as the variance does not negatively impact our property.

Please do not hesitate to contact me with any questions or comments.

Sincerely,



Chris Kinsman  
Partner  
for  
DAVIS GRAHAM & STUBBS LLP

JCK:mk





PANDO  
HOLDINGS

October 13, 2016

Via Email and FedEx

Ryan Winterberg-Lipp, AICP  
Senior City Planner  
Community Planning and Development  
City and County of Denver  
201 West Colfax Avenue  
Denver, Colorado 80202

Re: Application #2016I-00058 for Zone Map Amendment ("Rezoning Application") to rezone certain real property located at 1154, 1156, 1160, 1164, and 1166 South Lincoln Street (collectively, the "Subject Property") in the City and County of Denver, Colorado (the "City"), into the U-RH-2.5 zone district (the "Rezoning")

Dear Ms. Winterburg-Lipp:

On August 12, 2016 you received a letter from the law firm of Davis Graham & Stubbs representing our company Platt Park North, LLC ("PPN"), which, together with its affiliated entities, owns certain real property located adjacent to the Subject Property in opposition of the Rezoning ("Opposition Letter").

After submitting the Opposition Letter, the applicants and PPN entered into discussions regarding the impact of the Rezoning on the Townhome Property to the north of the Subject Property and on the "Hanover Project" located west of the Subject Property which is shown on the Hanover Project SDP (2016-PM-163). Based on these discussions, the Hanover Project SDP was revised and resubmitted to the City on September 30, 2016. The Hanover Project now voluntarily complies with a protected district bulk plane setback along South Lincoln Street for the portion of the Hanover Project directly across the street from the Subject Property.

We understand that the Rezoning Application will be revised to U-RH-2.5 with waivers, waiving the protected district bulk plane setback requirement to the north of the Subject Property that would otherwise render the Townhome Property to the north of the Subject Property non-conforming (the "Revised Rezoning Application").

Upon submittal of the Revised Rezoning Application, PPN hereby withdraws its Opposition Letter and will not oppose the Revised Rezone Application, as long as it does not impose a protected bulk plane setback requirement on any portion of the Hanover Project other than directly across South Lincoln Street from the Subject Property or cause any portion of the Townhome Property to the north of the Subject Property to become non-conforming structures.

Sincerely,

Kiely Wilson  
Managing Member

**Andrew W. Myers  
1174 S. Lincoln Street  
Denver, CO 80210**

August 9, 2016

Denver City Council  
Denver Planning Board  
Attn: Ms. Ryan Winterberg-Lipp  
Community Planning and Development  
201 W. Colfax Avenue  
Denver, CO 80202

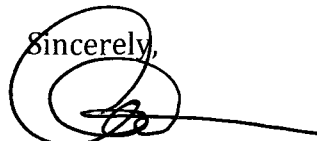
Re: Support for Official Map Amendment (Rezoning) Application No.  
20161-00058

Dear Denver City Council and Planning Board Members:

My name is Andrew W. Myers. I own the half-duplex located at 1174 S. Lincoln Street, Denver, CO. I understand that my neighbors immediately to the north, located at 1166, 1164, 1160, 1156, and 1154 S. Lincoln Street, are seeking to rezone their properties from R-MU-20 with Waivers and Conditions, to U-RH-2.5. I have read my neighbors' rezoning application and am familiar with the basis for their request.

I support my neighbors' request for rezoning. I believe that U-RH-2.5 zoning is appropriate for these single family homes, particularly given the U-TU-C-zoning of my home and the homes of my neighbors to the south and the existence of the lower-density townhomes to the north. This rezoning request would ensure that my neighbors' homes receive the same "protected district" status that applies to my home and to similar residential properties throughout Platt Park and the City of Denver. I think it is appropriate that this protected district status continue down my block for these similarly-situated residences.

For these reasons, I support Official Map Amendment (Rezoning) Application No. 20161-00058 and urge the members of the Denver City Council and Denver Planning Board to support my neighbors' application.

Sincerely,  
  
Andrew W. Myers

# Kathryn Leonard McCarthy

1176 South Lincoln Ave, Denver, Colorado 80210 | 303.442.1075

August 9, 2016

Dear City of Denver:

My name is Kathryn McCarthy, and I am the owner of 1176 S. Lincoln St., Denver, CO 80210. My home is located immediately to the South of the residences covered by Rezoning Application 2016I-00058.

I am writing to express my support of Rezoning Application 2016I-00058. I urge the Planning Board and Denver City Council to approve this rezoning request.

Respectfully,

A handwritten signature in black ink, appearing to read 'KMcCarthy', with a long horizontal flourish extending to the right.

Kathryn McCarthy

# Michael McCarthy

1176 South Lincoln Ave, Denver, Colorado 80210 303.263.5180


---

To Whom It May Concern:

My name is Michael McCarthy, and I am the owner of 1176 S. Lincoln St., Denver, CO 80210. My home is located immediately to the South of the residences covered by Rezoning Application 2016I-00058.

I am writing to express my support of Rezoning Application 2016I-00058. I urge the Planning Board and Denver City Council to approve this rezoning request.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michael McCarthy", is written over a horizontal line.

Michael McCarthy



**P L A T T P A R K**  
**P E O P L E ' S A S S O C I A T I O N**  
3 P A . O R G

August 15, 2016

Denver City Council  
Denver Planning Board  
ATTN: Ms. Ryan Winterberg-Lipp  
Ryan.Winterberg-Lipp@denver.org  
Community Planning and Development  
201 W. Colfax Avenue  
Denver, CO 80202

**RE: Support for Official Map Amendment (Rezoning) Application #2016I-00058**

Dear Denver City Council and Denver Planning Board Members,

The Platt Park People's Association ("**3PA**") is a registered neighborhood organization representing nearly 3,000 homes and the businesses in the Platt Park Neighborhood bounded by Broadway on the West, Downing on the East, Evans on the South and I-25 and Mississippi on the North.

On Monday, August 1, 2016, the 3PA Committee for Responsible Development ("**CFRD**") met and considered Official Map Amendment (Rezoning) Application #2016I-00058, which seeks to rezone single family residences located at 1954, 1956, 1960, 1964, and 1966 S. Lincoln St., from R-MU-20 with Waivers and Conditions, to U-RH-2.5. By a vote of 7-0, the CFRD voted to support this rezoning application.

CFRD believes that the proposed U-RH-2.5 zoning is appropriate in view of the residential nature of these properties (single family homes constructed in 2015), and the surrounding context (these properties are bordered by U-TU-C-zoned duplexes to the South, and townhomes to the North). CFRD also notes that single family homes, duplexes, and townhomes throughout Denver generally carry U-SU, U-TU, and U-RH type zoning, which makes them "protected districts" under the Denver Zoning Code. See DZC § 13.3. This rezoning request would appropriately ensure that these newly-constructed single family homes receive the same "protected district" treatment that applies to similar residential properties throughout Platt Park and the rest of Denver.

For the foregoing reasons, 3PA supports Official Map Amendment (Rezoning) Application #2016I-00058, and urges the members of the Denver City Council and Denver Planning Board to support this application.

*/s Nick Weidner*

Sincerely,  
Platt Park People's Association  
Nick Weidner, President