



TO: City Council Land Use, Transportation, and Infrastructure Committee
FROM: Ryan Winterberg-Lipp, AICP, Senior City Planner
DATE: January 5, 2017
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.

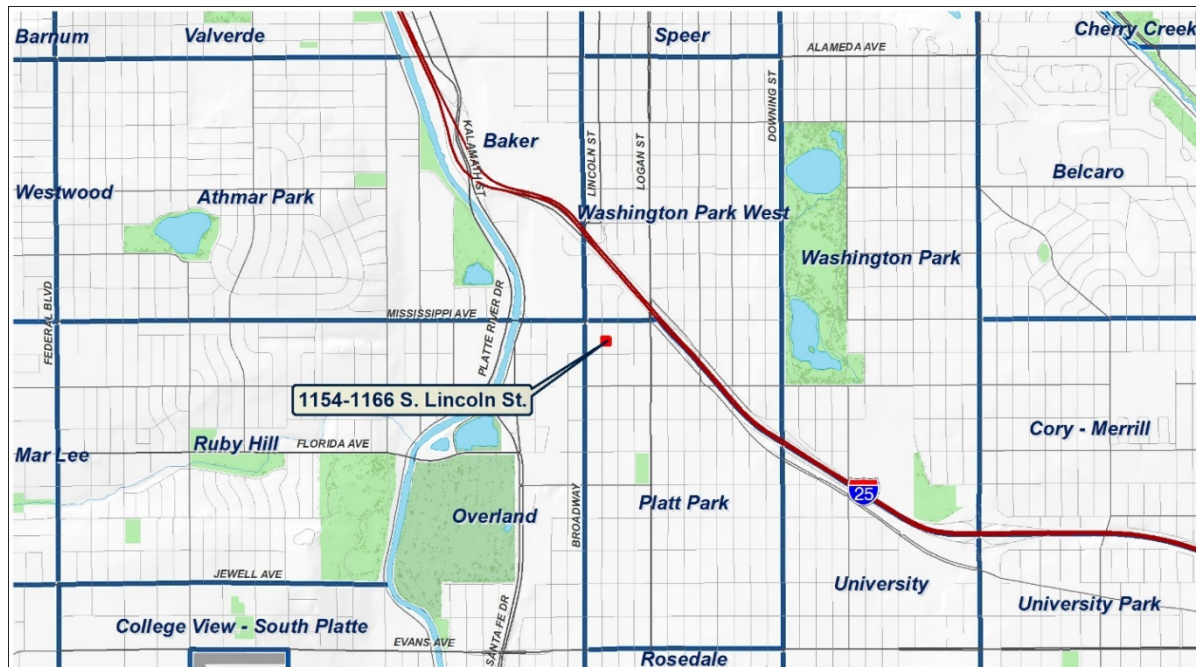
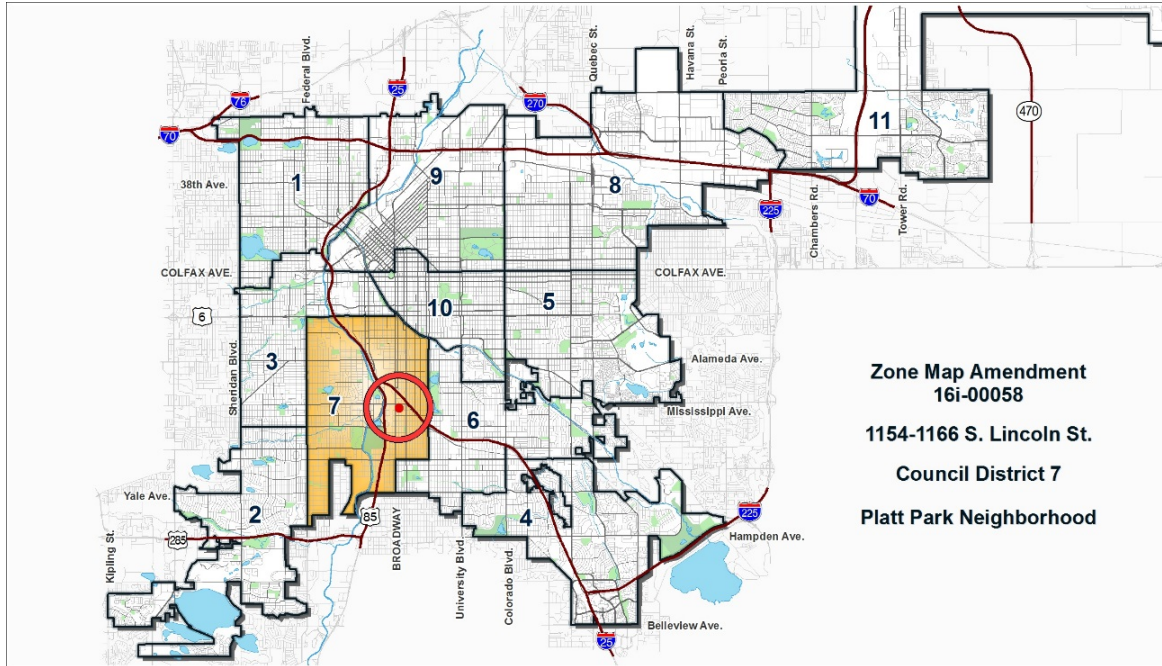
Request for Rezoning

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.
- 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.

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. Blocks are interrupted by Interstate 25, and are often irregular and generally larger near the interstate to the north. Blocks are larger and interrupted by the Consolidated Main Line corridor to the west.
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	
East	R-MU-20 W/C; U-TU-C	Two-unit and single-unit residential	Low scale residential structures with shallow to moderate setbacks	
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	

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.

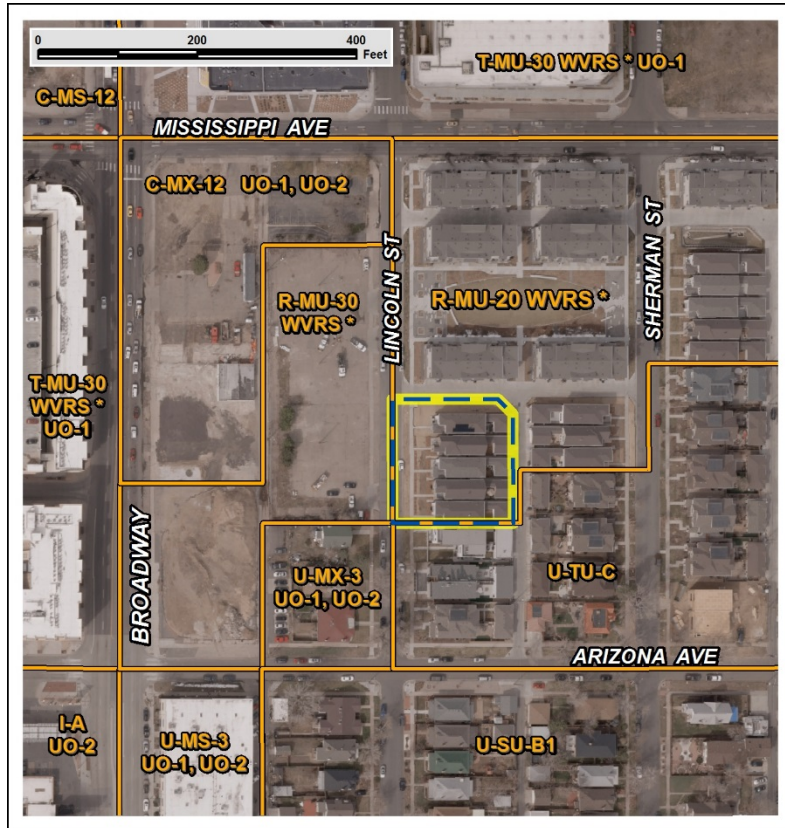
1. General Development Plan

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

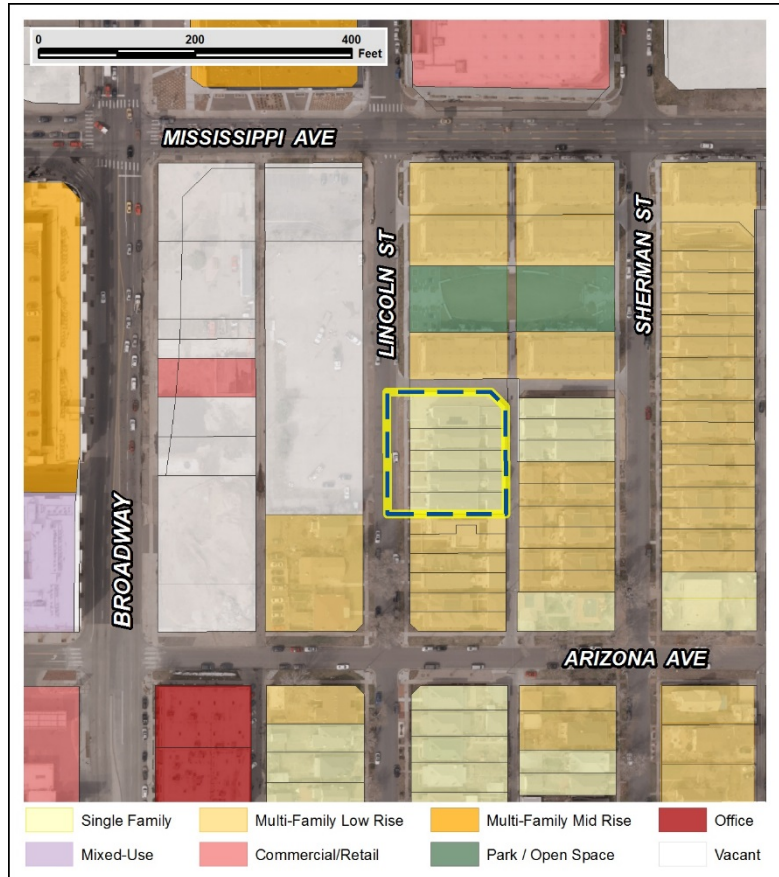
The Washington Park View Plane applies to the subject property. It originates in Washington Park and is intended to protect and preserve panoramic views of the mountains. The View Plane specifies maximum heights for all structures. The maximum heights increase with distance from the Washington Park origin 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. **Planning Board voted 8-0 to recommend approval to City Council.**
- Written notification of the November 22, 2016 Land Use, Transportation, and Infrastructure Committee (LUTI) was sent to all affected registered neighborhood organizations and City Council members on November 14, 2016. The LUTI Committee took action to move the bill forward.
- The property was legally posted for a period of 21 days announcing the January 9, 2017, Denver City Council public hearing, and written notification of the hearing has been sent to all affected registered neighborhood organizations and City Council members.
- The RNOs identified on page 1 were notified of this application. Three letters of support in response to the original U-RH-2.5 application were received from neighboring property owners, and one letter of support was received from the Platte Park People's Association. Three letters of objection received in response to the original U-RH-2.5 application were received, but they were withdrawn in response to the revised application. At the time of this staff report, no additional RNO comment has been received.

Criteria for Review / Staff Evaluation

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

DZC Section 12.4.10.7

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

DZC Section 12.4.10.8

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

1. Consistency with Adopted Plans

The following adopted plans apply to this property:

- *Denver Comprehensive Plan 2000*
- *Blueprint Denver (2002)*
- *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)

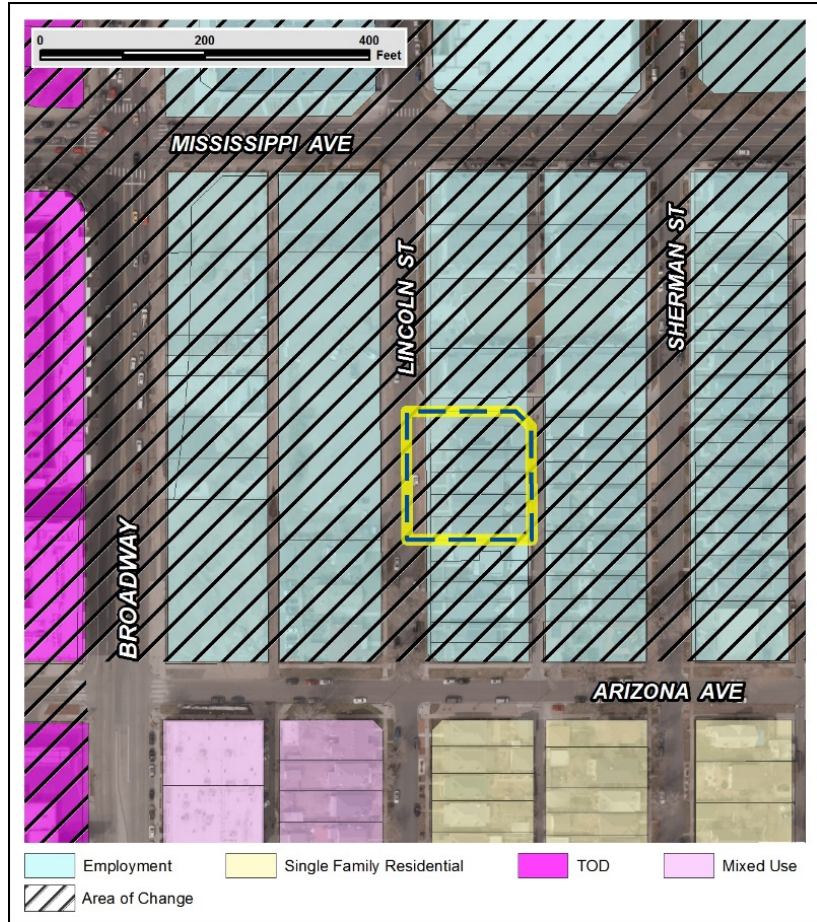
The proposed map amendment application to U-RH-2.5 with waivers will apply zoning standards to capture the existing infill development at a location where services and infrastructure are already in place. Development enabled by the U-RH-2.5 zone district is consistent with the character of the existing 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.

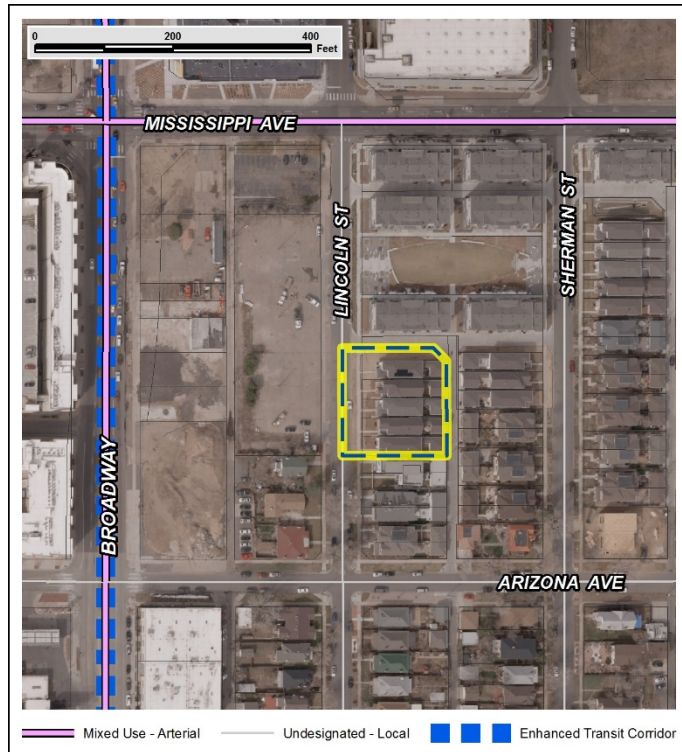
Within Areas of Change, *Blueprint Denver* also recommends “address[ing] edges between Areas of Stability and Areas of Change; Compatibility between existing and new development; [and] Diversity of housing type, size, and cost” (pg. 23). The proposed map amendment to U-RH-2.5 with waivers will address 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.



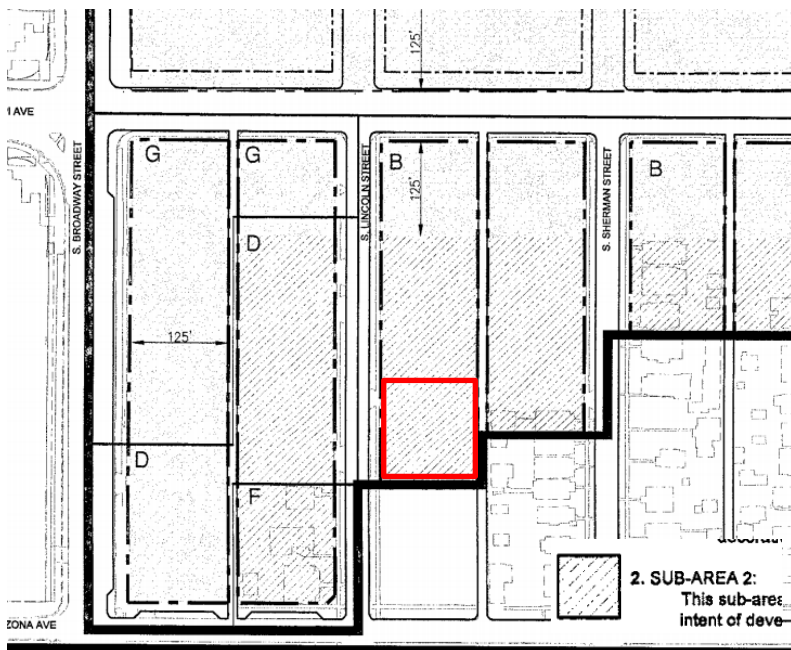
General Development Plan: Gates East General Development Plan (2007)

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. Platt Park North – Phase II Site Development Plan Sheets 1 and 7
4. 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>*If More Than One Property Owner: All standard zone map amendment applications shall be initiated by all the owners of at least 51% of the total area of the zone lots subject to the rezoning application, or their representatives authorized in writing to do so. See page 3.</p>		<p>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</p>	
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.			
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>Justifying Circumstances - One of the following circumstances exists:</p> <p><input type="checkbox"/> The existing zoning of the land was the result of an error.</p> <p><input type="checkbox"/> The existing zoning of the land was based on a mistake of fact.</p> <p><input type="checkbox"/> The existing zoning of the land failed to take into account the constraints 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>
	<p><input type="checkbox"/> The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.</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:	
<p><input checked="" type="checkbox"/> Legal Description (required to be attached in Microsoft Word document format)</p> <p><input checked="" type="checkbox"/> Proof of Ownership Document(s)</p> <p><input checked="" type="checkbox"/> Review Criteria</p>	
ADDITIONAL ATTACHMENTS	
Please identify any additional attachments provided with this application:	
<p><input checked="" type="checkbox"/> Written Authorization to Represent Property Owner(s)</p>	
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)
EXAMPLE John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/01/12	(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)
EXAMPLE John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/01/12	(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</i> <i>L O</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.

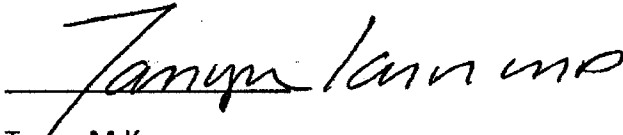
To Whom it May Concern,

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



Tanya M Kern
303-550-5482
Tanya.kern@gmail.com

June 11, 2016

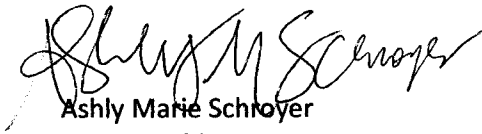
To whom it may concern,

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



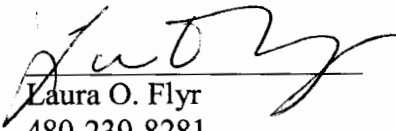
Ashly Marie Schroyer
720.326.7202
Ashly.schroyer@ucdenver.edu

June 16, 2016

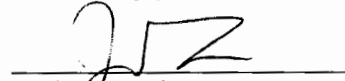
To whom it may concern,

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

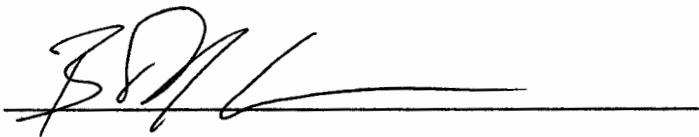
Bobby Clark and Shaun Cartwright
1164 South Lincoln Street, Denver 80210

June 29, 2016

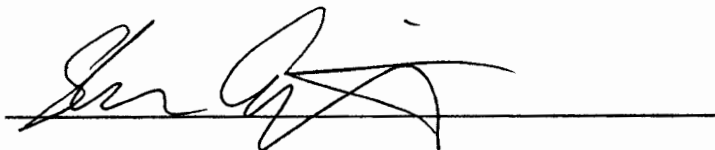
To whom it may concern,

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

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

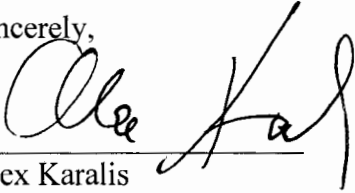
Second owner's name: Shaun Cartwright
Second owner's phone number: 303-579-7449
Second owner's e-mail: shauncartwright@gmail.com

June 29, 2016

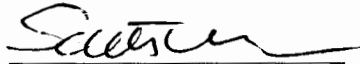
To whom it may concern,

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

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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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			
Actual Value Year:	2016	Actual Value:	\$595,000

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	

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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ONLINE SERVICES

OPEN DATA

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

Actual Value Year: 2016 **Actual Value:** \$628,000

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

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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ONLINE SERVICES

OPEN DATA

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

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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ONLINE SERVICES

OPEN DATA

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			
Actual Value Year:	2016	Actual Value:	\$611,600

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	

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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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 & 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 & 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 & 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 & 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 & 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 6th 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

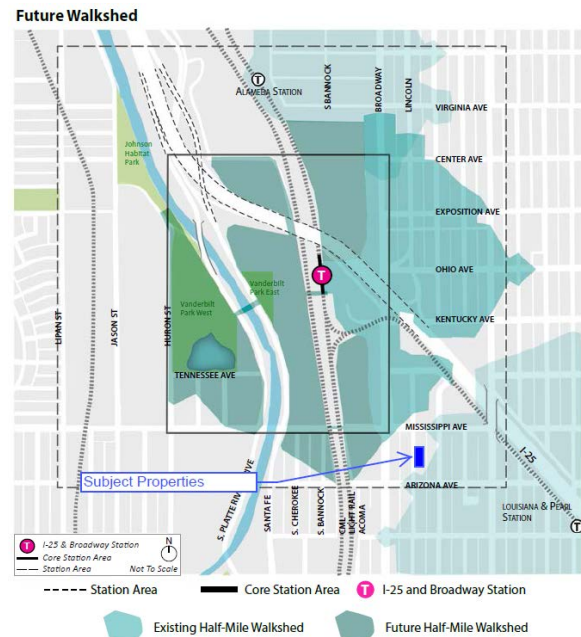
The Subject Properties are single family residences constructed in 2015 that are located along the East side of Lincoln St. between Mississippi Ave. and Arizona Ave. in the Platt Park neighborhood.

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).¹ 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.



¹ 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;
49

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

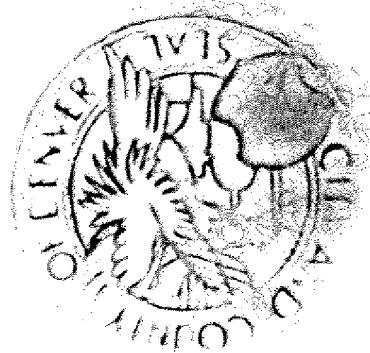
12 ATTEST: [Signature] - CLERK AND RECORDER,
13 EX-OFFICIO CLERK OF THE
14 CITY AND COUNTY OF DENVER

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) _____



LEGAL DESCRIPTION

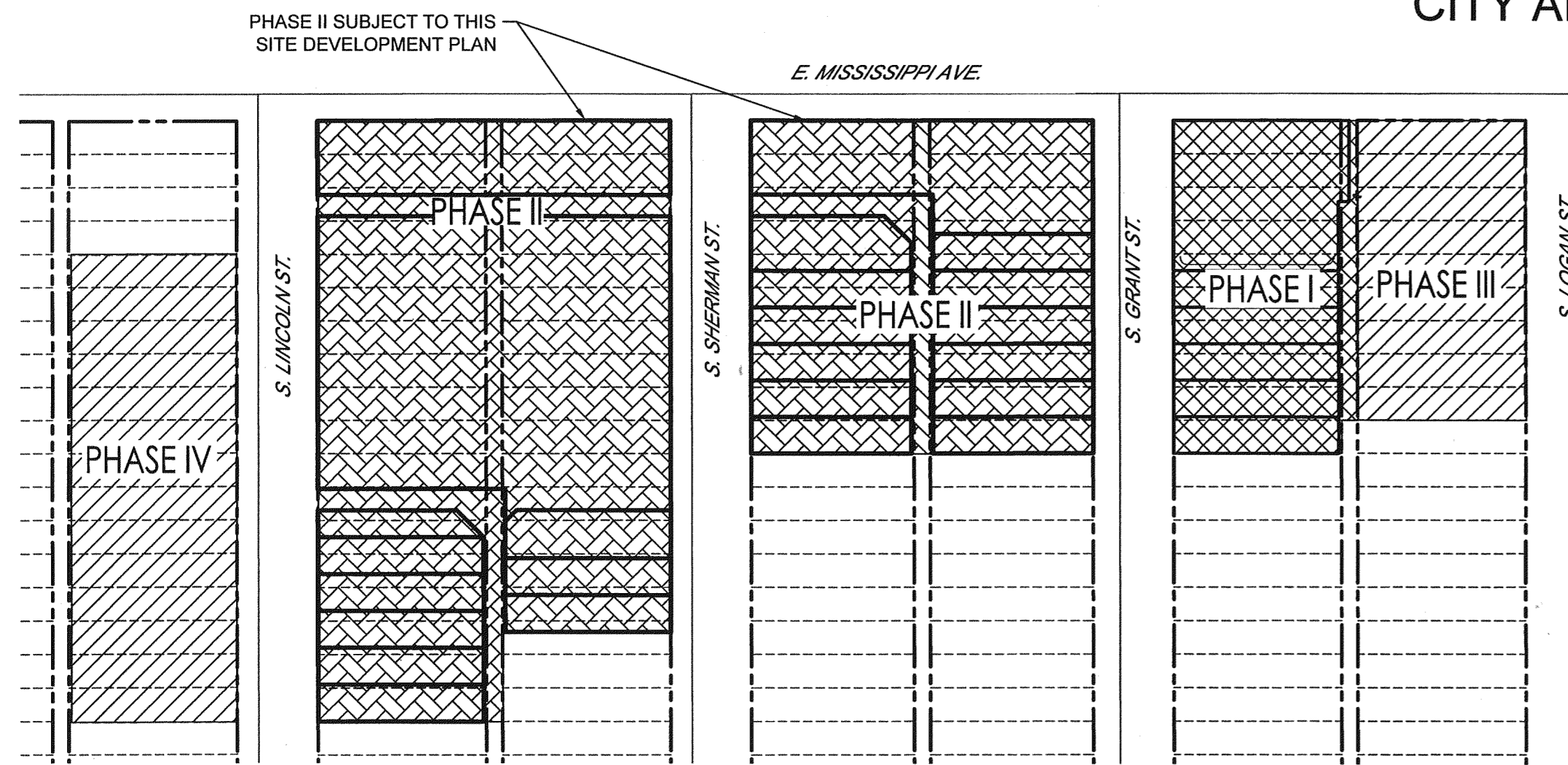
(ORIGINAL PARCEL BEFORE DEDICATIONS/ VACATIONS)
LOTS 1 THROUGH 10 INCLUSIVE, LOTS 39 THROUGH 48 INCLUSIVE, BLOCK 6 AND LOTS 1 THROUGH 18 INCLUSIVE AND THE NORTH 8-FEET 4-INCHES OF LOT 33, AND LOTS 34 THROUGH 48, INCLUSIVE, BLOCK 7, SHERMAN SUBDIVISION, CITY AND COUNTY OF DENVER, CO. 3.78 AC., 164,788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

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 22ND 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
COLIN G. SHODY
NOTARY PUBLIC
STATE OF COLORADO
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

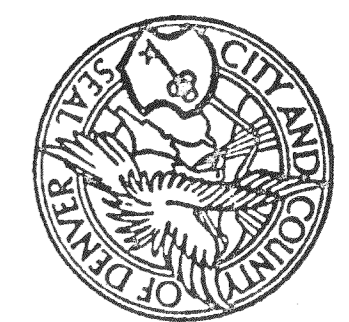
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 22ND DAY OF July, 2013 A.D. BY Lance Gutsch AS Principal of PLATT PARK NORTH, LLC

WITNESS MY HAND AND OFFICIAL SEAL.

5-25-2016
MY COMMISSION EXPIRES
COLIN G. SHODY
NOTARY PUBLIC
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: Shiva Combs DEPUTY
FEE: \$261.00

APPROVALS

APPROVED BY: Olga Mikhalova 8/13/2013
FOR THE ZONING ADMINISTRATOR DATE
APPROVED BY: Mike O'Leary 8/13/2013
FOR THE MANAGER OF COMMUNITY PLANNING AND DEVELOPMENT DATE

SHEET NUMBER:
1 OF 26

**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

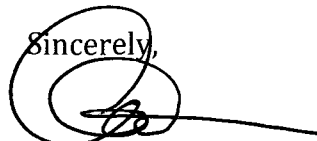
Re: Support for Official Map Amendment (Rezoning) Application No.
20161-00058

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