



201 W. Colfax Ave., Dept. 205  
Denver, CO 80202  
p: 720.865.2915  
f: 720.865.3052  
[www.denvergov.org/CPD](http://www.denvergov.org/CPD)

**TO:** Denver City Council  
**FROM:** Francisca Peñafiel, Senior City Planner  
**DATE:** July 27, 2023  
**RE:** Official Zoning Map Amendment Application #2022I-00258

### Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2022I-00258.

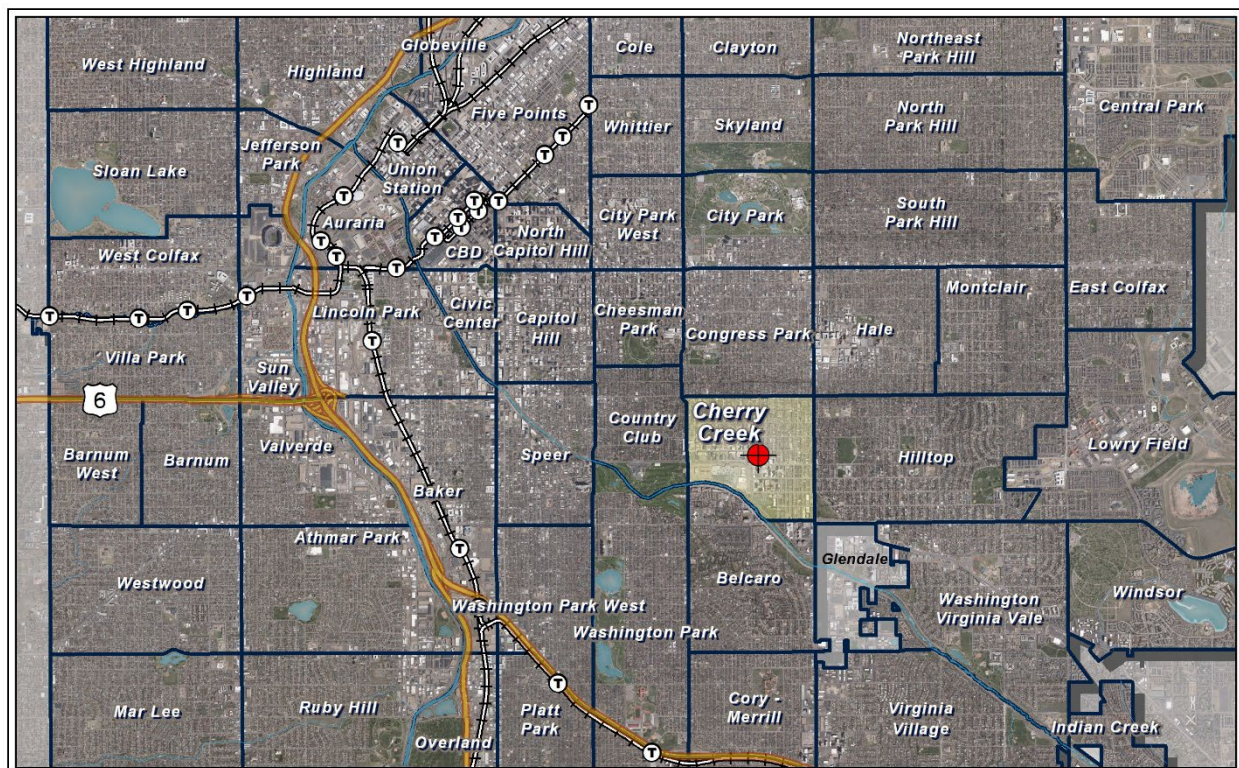
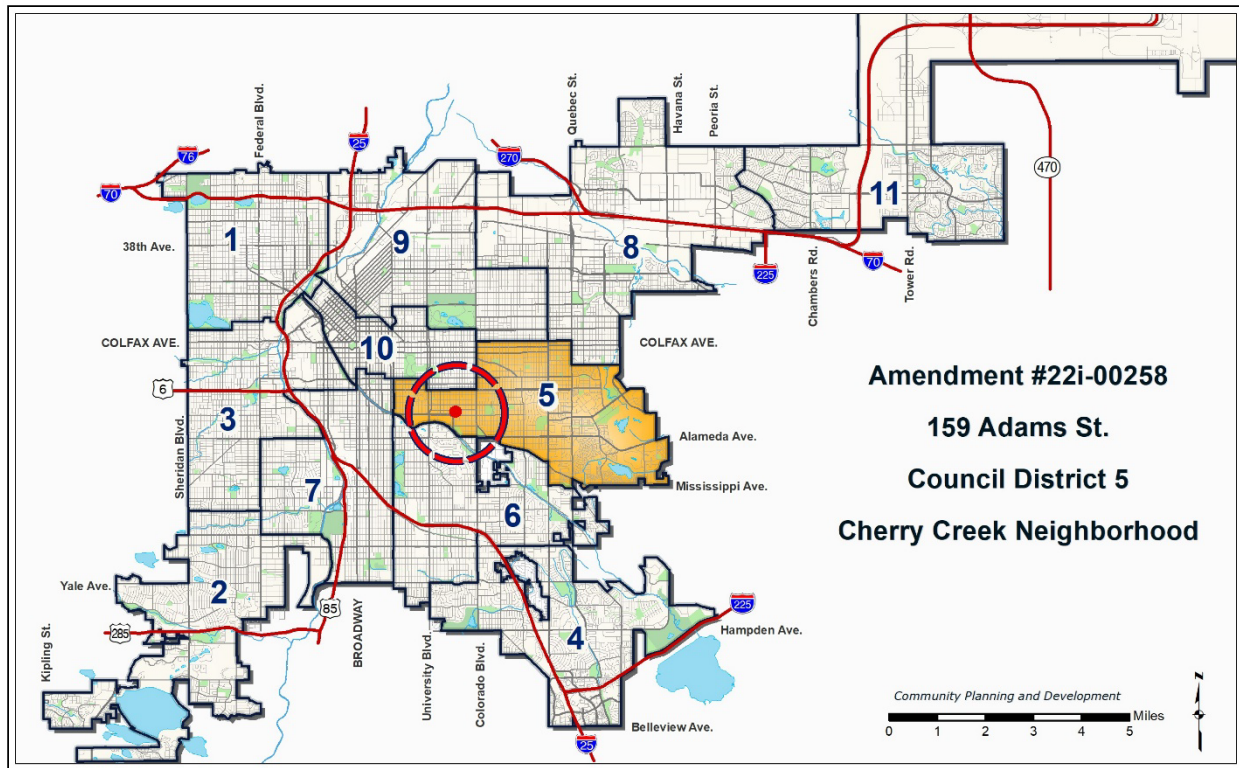
### Request for Rezoning

Address:	159 North Adams Street
Neighborhood/Council District:	Cherry Creek / Council District 5
RNOs:	Inter-Neighborhood Cooperation (INC), Capitol Hill United Neighborhoods, Cherry Creek North Neighborhood Association, Cherry Creek North Business Improvement District, Strong Denver
Area of Property:	6,250 square feet or 0.14 acres
Current Zoning:	CCN with waivers (Former Chapter 59)
Proposed Zoning:	C-MX-5
Property Owner(s):	Tamas & Edit Viski-Hanka
Owner Representative:	Daniel Huml - Magnetic Capital Acquisitions

### Summary of Rezoning Request

- The property is in the Cherry Creek statistical neighborhood between East 1<sup>st</sup> Avenue and East 2<sup>nd</sup> Avenue, along North Adams Street.
- The property is currently occupied by a 1.5-story brick house, built in 1900 as a single-unit residence and later in 1998 modified into a business use (Spa).
- The site is currently zoned CCN with waivers, which is a zone district from Former Chapter 59 with some customization, specifically tailored for the existing building and waives out a variety of commercial uses. Additional details on the waivers can be found within the attached document.
- The applicant is requesting to rezone the property to facilitate the redevelopment of the property that is consistent with the recommendations in adopted plans and to match the existing zoning directly to the north, east and south
- The proposed zone district C-MX-5, can be summarized as follows:
  - The C-MX-5 zone district stands for Urban Center, Mixed Use, with a maximum height of 5 stories. The C-MX zone districts are mixed-use zone districts that allow a wide range of residential and commercial uses with minimum build-to and increased transparency requirements intended to promote active pedestrian areas on public streets. The C-MX-5 zone district allows up to 5 stories and 70 feet in building height.
  - Further details of the requested zone district can be found in the proposed zone district section of the staff report (below), and in Article 7 of the Denver Zoning Code (DZC).

## Existing Context





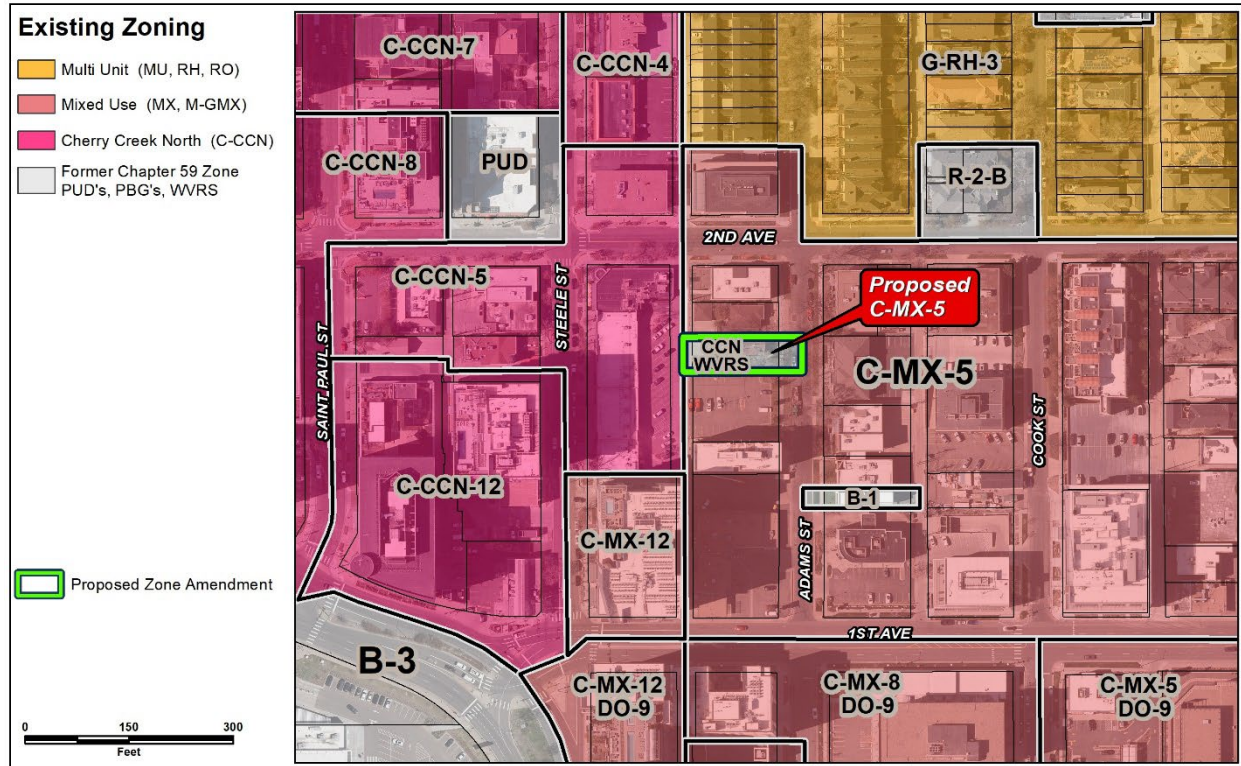


The subject property is located in the Cherry Creek neighborhood, between East 1<sup>st</sup> Avenue and East 2<sup>nd</sup> Avenue, along North Adams Street. The area is primarily composed of multi-unit residential and office buildings, with some commercial/retail along East 1<sup>st</sup> Avenue and the Cherry Creek Shopping Center located two blocks to the southwest on Steele Street. The subject site is 3 blocks north of Pulaski Park. Additionally, the popular Cherry Creek Trail is within 0.4 miles of the site. RTD Bus Route 3/3L, 83/83L run along 1<sup>st</sup> Avenue and South Steele Street onto East Alameda Avenue connecting east-west. 46 runs east-west along 1<sup>st</sup> Avenue and has a bus stop one half block south of the subject site. The subject site is also within 0.4 mile of Colorado Boulevard to the east, which provides high-capacity RTD transit service to the immediate area. RTD Bus Route 40 runs north-south on Colorado Boulevard. The applicant is requesting the C-MX-5 zone district which is an extension of the pattern of existing C-MX zone districts found throughout the surrounding blocks and is consistent with the zoning pattern of adjacent properties to the north, east and south.

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	CCN w/waivers	Commercial/Retail	2-story structure with covered surface parking lot	Generally regular grid of streets interrupted to the south by Cherry Creek Drive. Block sizes and shapes are generally consistent and rectangular. Pedestrian-oriented building frontages predominate.
North	C-MX-5	Mixed Use	Currently vacant lot	
South	C-MX-5	Parking	Surface parking lot	
East	C-MX-5	Office	2-story brick building with parking in the rear	
West	C-CCN-5	Commercial/Retail	1-story brick building with pedestrian access on Steele Street and surface parking on the rear	

## 1. Existing Zoning



The existing zoning is CCN with waivers, which is a Former Chapter 59 zone district with some customization. The basic goal of the CCN district is to promote development that is in keeping with the existing character, scale and ambience of the existing Cherry Creek North business area and to encourage interesting and attractive architectural design solutions for new developments and to promote pedestrian and shopping activities, particularly at street level. Goals of the CCN district also include: to maintain and enhance the retail ambience of the Cherry Creek North district, to encourage a mixture of uses, including residential and office, and to encourage low-scale, small lot development projects that reinforce and enhance the eclectic, urban architectural character and pedestrian scale of the district. The owner rezoned the property from B-1 to CCN with waivers in 1998. These waivers were established in the ordinance and were specifically tailored for the existing building and waived out a variety of commercial uses allowed by the CCN district. The ordinance (attached) provides the list of the uses that are currently waived for this property.

## 2. View Plane

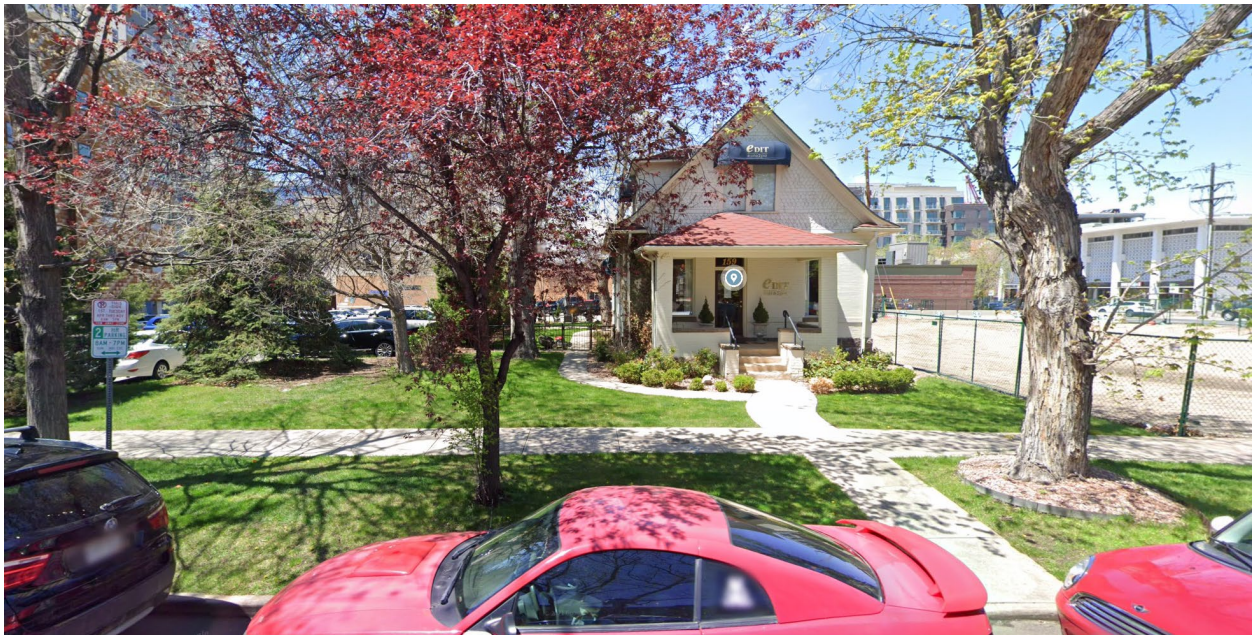
The subject site is within the *Cranmer Park View Plane*. The intent of this view plane is to preserve the view of the Rocky Mountains (west of the subject site) from Cranmer Park (east of the subject site). No part of any structure within the view plane may exceed an elevation of 5,434 feet above mean sea level. Therefore, the subject site is subject to a maximum height restriction of roughly 148 feet. However, the proposed zone district of C-MX-5 has a much lower maximum height of 70 feet for primary structures.



### 3. Existing Land Use Map



### 4. Existing Building Form and Scale (All images are from Google Street View)



Subject site – view of the subject site, looking west on North Adams Street.

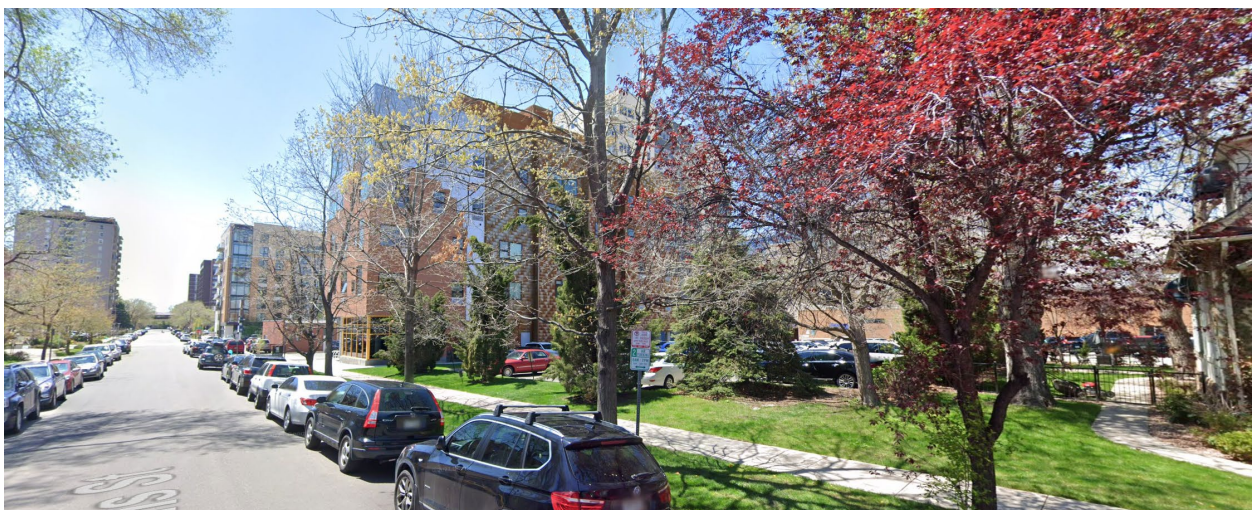




Subject site – View of the subject site from the alley, looking east.



North – View of the vacant site directly north to the subject site, looking southwest.



South – View of the surface parking lot to the south of the subject site, looking southwest.





East – View of the buildings to the east, across the street on North Adams Street, looking southeast.



West – View of the building to the west (other side of the alley), looking north.

## Proposed Zoning

The applicant is requesting to rezone to C-MX-5, which stands for Urban Center– Mixed Use – 5 stories maximum height. C-MX-5 applies to areas served primarily by collector or arterial streets where a building scale of 1 to 5 stories is desired (see DZC 7.2.2.2.B). The Mixed-Use zone districts are intended to promote safe, active, and pedestrian-scaled, diverse areas through the use of building forms that clearly define and activate the public street edge. (DZC 7.2.2.1). The district allows a variety of residential, civic, commercial, and industrial uses. The maximum height is 70 feet with allowable encroachments. The minimum Primary Street setback is 0-10'. The minimum build-to is 70% with 40% transparency on a Primary Street and 25% transparency on a Side Street. Surface parking is not allowed between the building and the Primary and Side Streets. For additional details regarding building form standards in the C-MX-5 zone district, see DZC Section 7.3.3.

### **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:

**Community Planning and Development:** Approved – No Comments

**Assessor:** Approved – No response

**Asset Management:** Approved – No comments

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

**Department of Public Health and Environment:** Approve Rezoning Only – Will require additional information at Site Plan Review.

Denver Department of Public Health & Environment - Division of Environmental Quality (EQ) does not guarantee approval of any proposed development project at this site by providing a response to this Official Map Amendment Referral Agency Review Request. Future development is subject to existing land use controls and other environmental requirements in accordance with applicable local, state, and federal environmental regulations and statutes. EQ recommends the Property Owner conduct an environmental site assessment to determine the potential presence, nature, and extent of possible contamination on the site and to identify specific cleanup needs associated with future development. EQ may have additional information about localized potential environmental concerns at the site. However, providing such information about a specific site is beyond the scope of these zoning application comments.

**Denver Parks and Recreation:** Approved – No comments

**Department of Transportation and Infrastructure – R.O.W. - City Surveyor:** Approved – See Comments Below.

Recommend adding the quarter section, township, and range to the description. Revised document provided.

**Development Services – Transportation:** Approved – No response

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

**Development Services – Project Coordination:** Approve – No response

**Development Services – Fire Prevention:** Approved – No response



## Public Review Process

	Date
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	<b>02/28/23</b>
Property legally posted for a period of 15 days and CPD written notice of the Planning Board public hearing sent to all affected members of City Council, registered neighborhood organizations, and property owners:	<b>04/18/23</b>
Planning Board Public Hearing: <b>(Recommended for approval unanimously on consent agenda)</b>	<b>05/03/23</b>
CPD written notice of the Land Use, Transportation and Infrastructure Committee meeting sent to all affected members of City Council and registered neighborhood organizations, at least ten working days before the meeting:	<b>05/30/23</b>
Land Use, Transportation and Infrastructure Committee of the City Council meeting:	<b>06/13/23</b>
Property legally posted for a period of 21 days and CPD notice of the City Council public hearing sent to all affected members of City Council and registered neighborhood organizations:	<b>07/10/23</b>
City Council Public Hearing:	<b>07/31/23</b>

## Public Outreach and Input

- **Registered Neighborhood Organizations (RNOs)**

To date, staff has received one letters of support from the Cherry Creek North Neighborhood Association.

- **Other Public Comment**

To date staff has received five letters of support and one letter in opposition from community members. The letter of opposition expresses concerns with the size of the proposed development.

## **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 currently apply to this property:

- *Denver Comprehensive Plan 2040*
- *Blueprint Denver* (2019)
- *Cherry Creek Area Plan* (2012)

### ***Denver Comprehensive Plan 2040***

The proposed rezoning is consistent with many of the adopted *Denver Comprehensive Plan 2040* strategies, which are organized by vision element.

The proposed rezoning would enable mixed-use infill development at a location where services and infrastructure are already in place. The proposed C-MX-5 zoning designation would allow for a broader variety of uses including housing, retail, and services and is therefore consistent with the following strategies in the Strong and Authentic Neighborhoods vision element:

- Strong and Authentic Neighborhoods Goal 1, Strategy A – Build a network of well connected, vibrant mixed-use centers and corridors (p. 34).
- Strong and Authentic Neighborhoods Goal 1, Strategy D – Encourage quality infill development that is consistent with the surrounding neighborhoods and offers opportunities for increased amenities (p. 34).
- Strong and Authentic Neighborhoods Goal 2, Strategy D – Use urban design to contribute to economic viability, public health, safety, environmental well-being, neighborhood culture and quality of life (p. 34).

As Denver continues to grow and becomes denser, it is imperative that we shift how we plan around our mobility system. Therefore, the proposed rezoning allowing for a mix of uses near high-capacity transit is consistent with strategies in the Connected, Safe and Accessible Places vision element:

- Connected, Safe and Accessible Places Goal 8 – Strengthen multimodal connections in mixed-use centers and focus growth near transit (p. 42).



- Connected, Safe and Accessible Places Goal 8, Strategy B – Promote transit-oriented development and encourage higher density development, including affordable housing, near transit to support ridership (p. 42).

Similarly, the land use pattern detailed in the previous paragraph is also consistent with the following strategies in the Environmentally Resilient vision element:

- Environmentally Resilient Goal 8, Strategy A - Promote infill development where infrastructure and services are already in place (p. 54).
- Environmentally Resilient Goal 8, Strategy B - Encourage mixed-use communities where residents can live, work and play in their own neighborhoods (p. 54).
- Environmentally Resilient Goal 8, Strategy C – Focus growth by transit stations and along high and medium-capacity transit corridors (p. 54).

The proposed rezoning would allow for mixed-use development, including an increase in allowed housing density, while also enabling additional housing units close to services and amenities. It is therefore consistent with the following strategies in the Equitable, Affordable and Inclusive vision element:

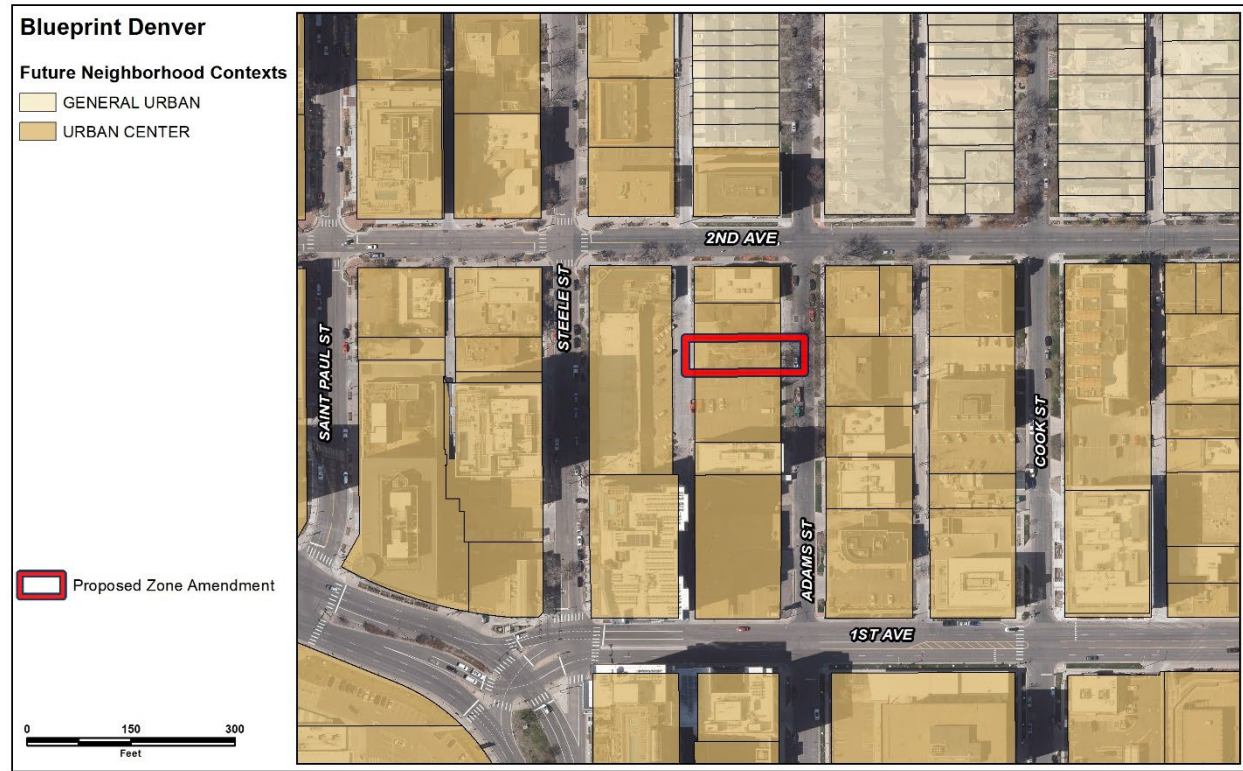
- Equitable, Accessible and Inclusive Goal 1 – Ensure all Denver residents have safe, convenient and affordable access to basic services and a variety of amenities (p. 28).
- Equitable, Affordable and Inclusive Goal 1, Strategy A – Increase development of housing units close to transit and mixed-use developments (p. 28).
- Equitable, Affordable and Inclusive Goal 2, Strategy A - Create a greater mix of housing options in every neighborhood for all individuals and families (p. 28).

The requested map amendment will enable mixed-use development at an infill location where infrastructure is already in place. The requested zone district broadens the variety of uses allowing residents to live, work and play in the area. Therefore, the rezoning is consistent with *Denver Comprehensive Plan 2040* recommendations.

### ***Blueprint Denver (2019)***

*Blueprint Denver* was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city's land use and transportation decisions. *Blueprint Denver* identifies the subject property as part of a Regional Center future place within the Urban Center Context and provides guidance from the future growth strategy for the city.

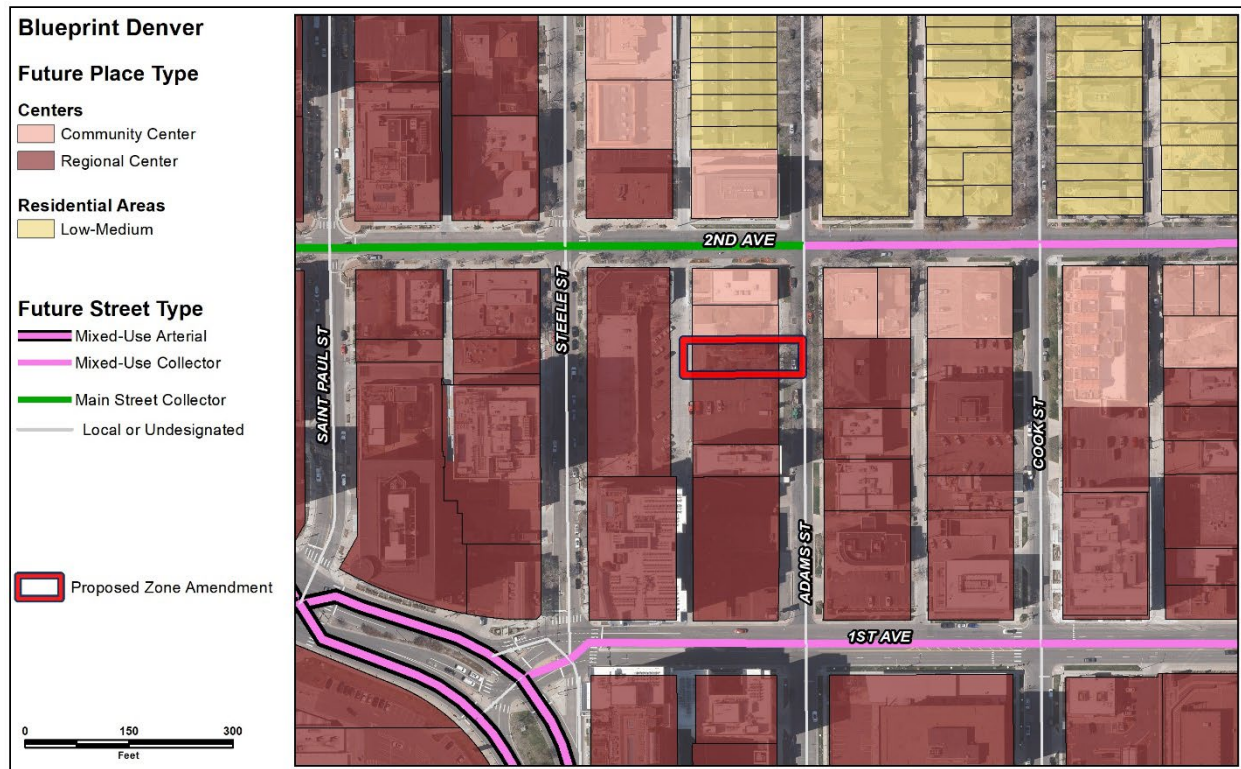
### **Blueprint Denver Future Neighborhood Context**



In *Blueprint Denver*, future neighborhood contexts are used to help understand differences in land use and built form and mobility options at a higher scale, between neighborhoods. The subject property is within the Urban Center Context. *Blueprint* states, “This context contains high intensity residential and significant employment areas. Development typically contains a substantial mix of uses, with good street activation and connectivity” (p. 252). The proposed C-MX-5 zone district is part of the Urban Center context and is “intended to promote safe, active, and pedestrian-scaled diverse areas through the use of building forms that clearly activate the public street edge” and “the Mixed-Use districts are focused on creating mixed, diverse neighborhoods” (DZC 7.2.2.1). Since the proposed district allows a mix of uses and allowable building forms that contribute to street activation, the proposed rezoning to an Urban Center context is appropriate and consistent with the plan.



### **Blueprint Denver Future Places**



*Blueprint Denver* describes a Regional Center in the Urban Center context as “providing a mix of office, commercial and residential uses. A wide customer draw both of local residents and from other parts of the city” (p. 256). Buildings are typically larger in scale and orient to the street with a strong degree of urbanism and continuous street frontages. Additionally, “heights can be generally up to 12 stories in the taller areas and should transition gradually within the center’s footprint to the surrounding residential areas” (p. 256).

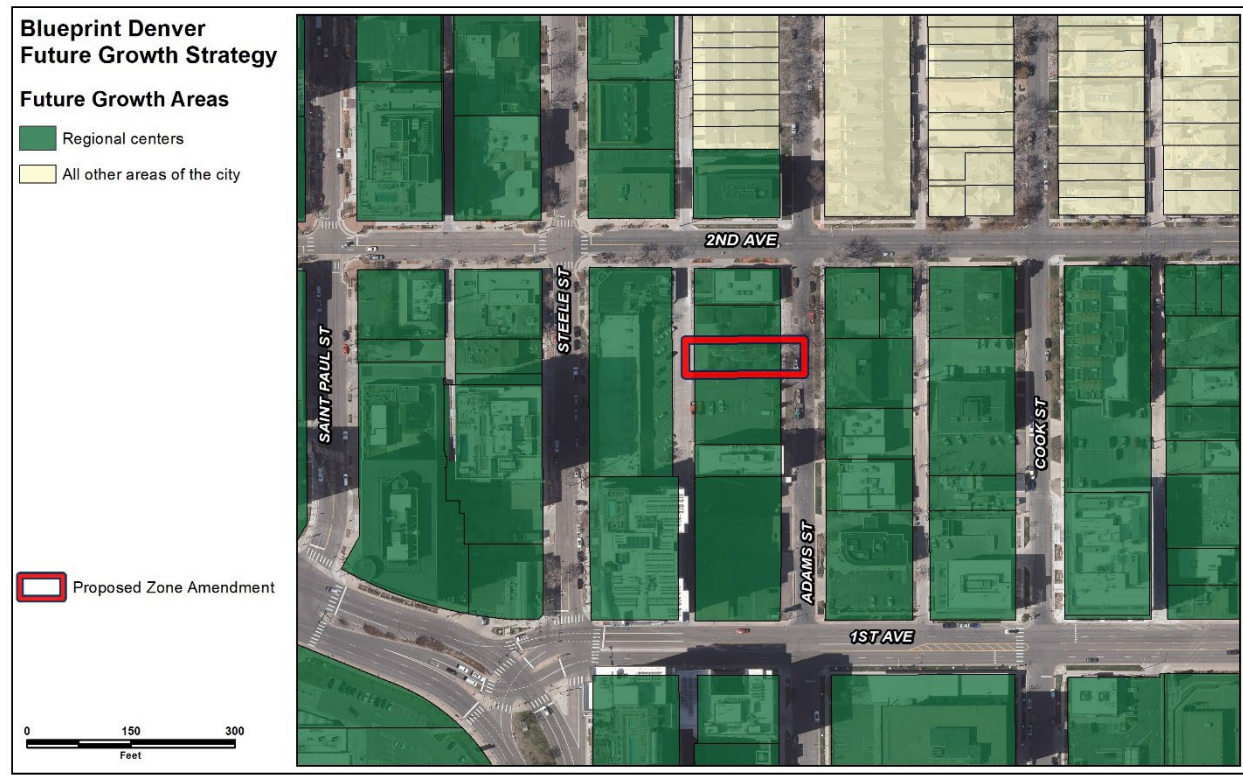
The proposed C-MX-5 zone district allows for a variety of commercial and residential uses in a pedestrian-oriented pattern with an active street level. Therefore, the requested C-MX-5 is appropriate and consistent with the future place plan direction.

### **Street Types**

*Blueprint Denver* classifies North Adams Street as a local or undesignated street. Local streets “are designed for the highest degree of property access” (p. 154) and “can vary in their land uses and are found in all neighborhood contexts. They are most often characterized by residential uses” (p. 160).

The proposed C-MX-5 zone district is intended for areas served primarily by collector or arterial streets (DZC Section 7.2.2.2.B). While North Cook Street is designated as a local or undesignated street, the subject property is located only one half block north from East 1<sup>st</sup> Avenue, a mixed-use collector, and one half block south from East 2<sup>nd</sup> Avenue, a main street collector. Staff finds the requested zone district is appropriate considering the surrounding street type designations.

## **Growth Strategy**



Blueprint Denver’s growth strategy map is a version of the future places map, showing the aspiration for distributing future growth in Denver (p. 51). The subject property is located within the “Regional centers” growth area, these areas are anticipated to see around 30% of new housing growth and 50% of new employment growth by 2040 (p. 51). The proposed map amendment to C-MX-5 is consistent with the “Community centers and corridors” growth area in that it will allow a broad range of job opportunities and housing types and direct more intense and appropriate growth to this area than the existing zoning allows.

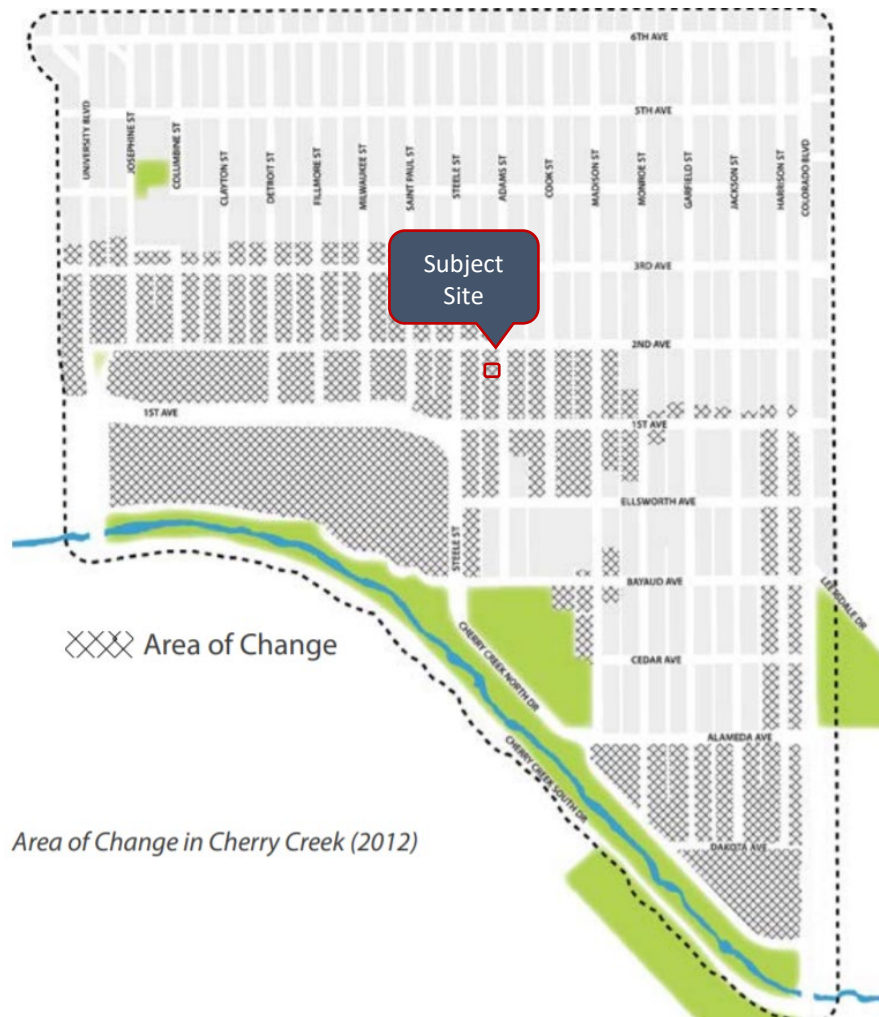
## **Additional Applicable Strategies**

The proposed rezoning is also consistent with the following strategies from *Blueprint Denver*:

- Land Use and Built Form – General Policy 2 – *Incentivize or require efficient development of land, especially in transit-rich areas* (p. 72).
- Land Use and Built Form – Housing Policy 8 – *Capture 80 percent of new housing growth in regional centers, community centers and corridors, high-intensity residential areas, greenfield residential areas, innovation flex districts and university campus districts* (p. 86).

### **Cherry Creek Area Plan (2012)**

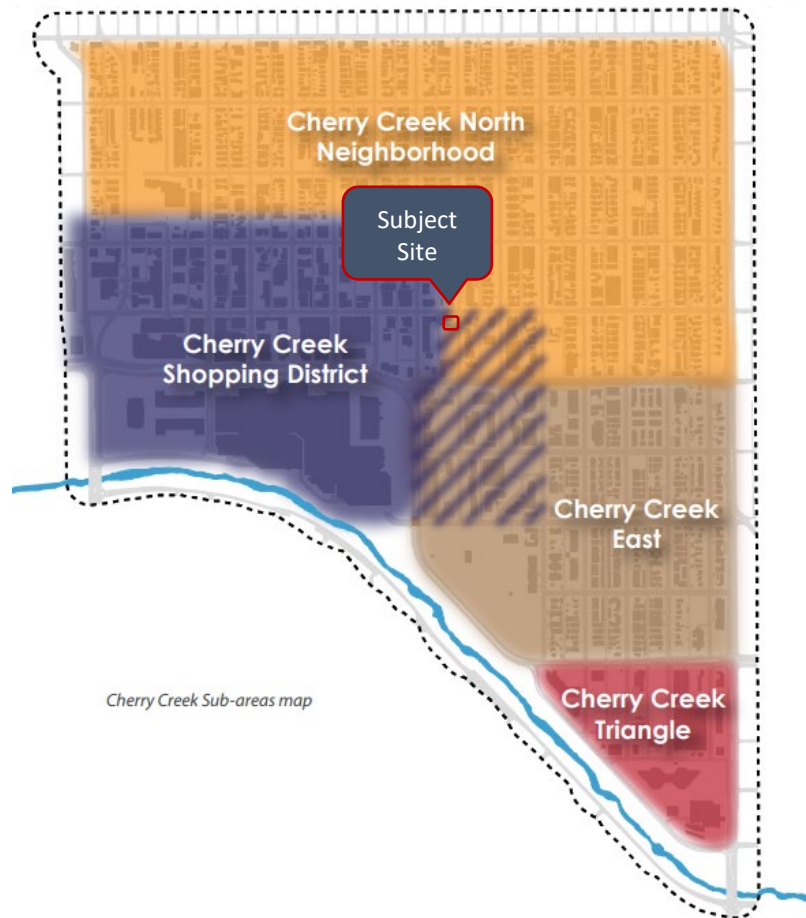
The Cherry Creek Area Plan (CCAP) was adopted by City Council in 2012 and applies to the subject property. As the plan was adopted prior to the 2019 *Blueprint Denver* update, the CCAP builds off of the previous growth management paradigm of “Areas of Change” and “Areas of Stability”, providing guidance on where growth should occur in Cherry Creek. The Plan organizes the neighborhood into sub-areas and provides recommendations for each of these smaller neighborhood areas. The subject property is located in the overlap of the Cherry Creek North Neighborhood and Cherry Creek Shopping District sub-areas.



The overarching framework recommendations guide growth to targeted areas of Cherry Creek. The subject site is located in an Area of Change. As previously mentioned, the Area of Change/Stability concepts have been replaced with a more nuanced approach in the recent Blueprint update, but the recommendations are still relevant in terms of the communities’ desire to target growth and change expressed in an adopted plan. Cherry Creek Area Plan notes that, “overall these areas [Areas of Change] benefit from new development, reinvestment and more intense use” (p. 29). Moreover, the plan recommends that the city “modify land use policy, zoning regulations and design guidelines to encourage appropriate reinvestment to assure that Areas of Change continue to mature in positive ways” (p. 29).



The requested rezoning to C-MX-5 is such a change in zoning regulations and would enable reinvestment and development in the subject property as expressed in the plan.



This property is located within two Subareas of the Cherry Creek Area Plan:

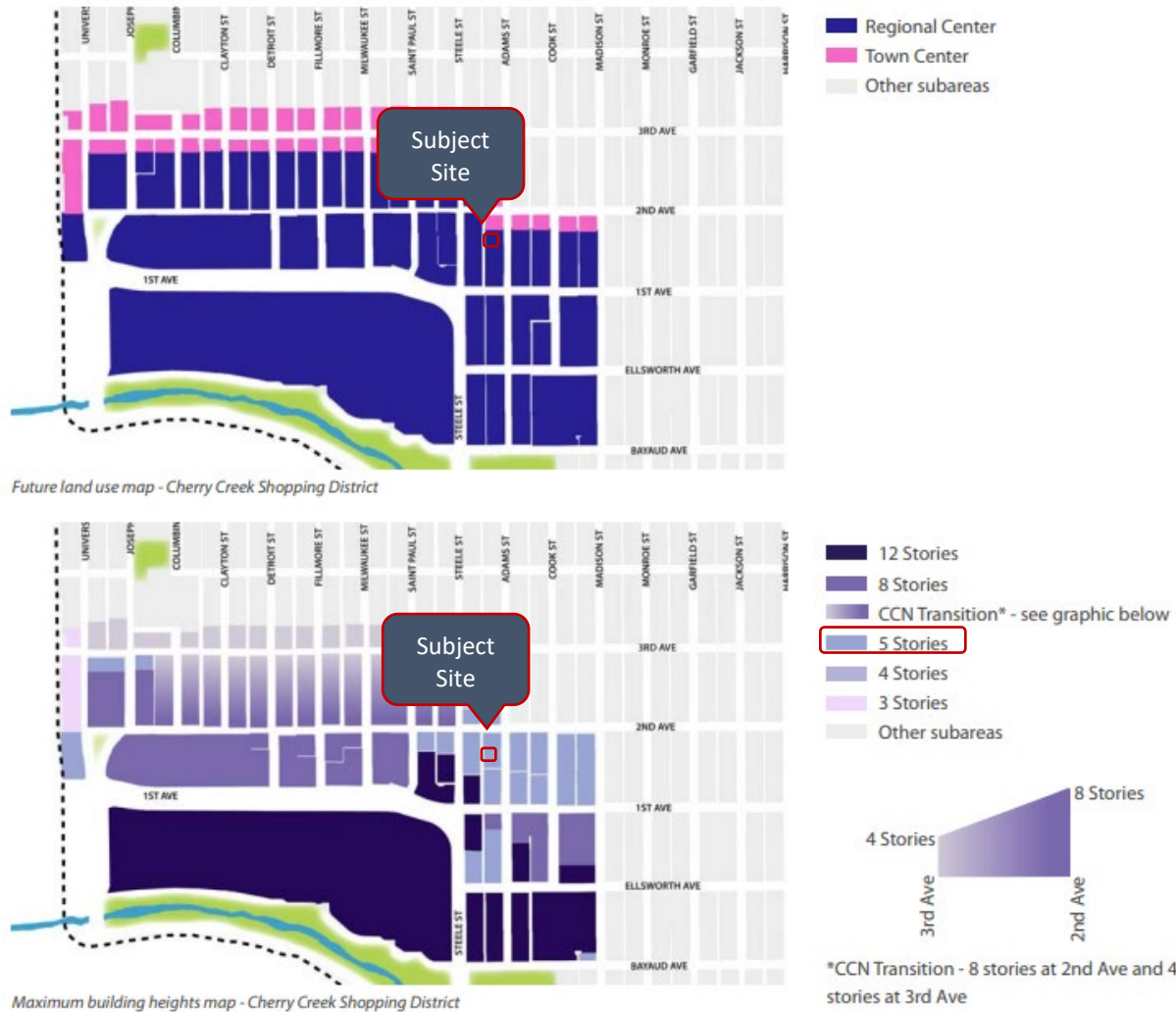
- Cherry Creek Shopping District - the region's most vibrant upscale retail and mixed-use district.
- Cherry Creek North Neighborhood - a highly desirable, moderate density residential neighborhood with some embedded neighborhood-serving commercial uses.

Some of the plan recommendations for both areas include:

- "More residential, hotel and office development in Shopping District and other nearby Areas of Change, such as Cherry Creek Triangle" (p. 59)
- "The long-term vision for the Shopping Center as stated in the 2000 Neighborhood plan and further refined in this plan includes greater density at the east and west ends, as well as a greater mix of uses that may include higher intensity mixed-use office, hotel and residential along with ground floor retail" (p. 60)
- "Continue to develop vacant and underutilized parcels with mid—and high—rise mixed-use buildings that complement Cherry Creek East and the Shopping District on. Quality development is encouraged through the existing zoning and design standards and guidelines" (p.60)
- "Continue to support a mix of uses including office, retail, commercial and multifamily residential. Support compact development patterns and an enhanced public realm including

landscaping, wayfinding signage, pedestrian lighting, public art and inviting building entries. The Town Center areas act as an important transition between Regional Center and residential areas in scale and/or use” (p. 68)

The proposed rezoning is consistent with all of these recommendations. Additionally, the future land use map for the Cherry Creek Shopping District designates the subject property as Regional Center, with a maximum building height of 5 stories. Therefore, the requested C-MX-5 is appropriate and consistent with the Cherry Creek Area Plan recommendations.



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

The proposed rezoning to C-MX-5 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 through implementation of the city's adopted land use plan. The proposed rezoning would also facilitate increased housing density near services and amenities along Adams Street and foster the creation of a mixed-use, urban area within walking distance to RTD bus line. An increase in density and broadened mix of uses can also provide better health outcomes through increased physical activity and lessen the need for driving as services and amenities can occur within walkable and bikeable distances.

## **4. Justifying Circumstances**

The application identifies several changed or changing conditions as the justifying circumstance under DZC Section 12.4.10.8.A.4, "Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include: (a.) Changed or changing conditions in a particular area, or in the city generally; or, (b.) a City adopted plan; or, (c.) that the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning".

Blueprint Denver was adopted in 2002, and updated in 2019, and the Cherry Creek Area Plan was adopted in 2012. Each of these plans were adopted following the initial zoning of the Property to the CCN zone district under the Former Chapter 59 zoning code. The Rezoning will better align with the goals and vision set forth by the City's plans, discussed in further detail above, by allowing a greater mix of uses. Also, the adoption of the Denver Zoning Code in 2010 and the retention of a Former Chapter 59 zone district on the subject property, including custom zoning, is an appropriate justifying circumstance for the proposed rezoning.

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

The requested zone district is within the Urban Center Neighborhood Context which generally consists of a mix of multi-unit residential, commercial, office, civic, institutional, and entertainment uses in large buildings containing one or more uses. (DZC 7.1.1). As discussed above, and given the surrounding context, application of a zone district from the Urban Center Context is appropriate for this site.

Within the Urban Center context, Mixed-Use Zone Districts are intended to promote safe, active, pedestrian-scaled, diverse areas through the use of building forms that clearly define and activate the public realm (DZC 7.2.3.1). The purpose of the Mixed-Use Zone Districts is appropriate for a site in an area envisioned for vibrant, mixed-use development.

The C-MX-5 district applies to areas or intersections served primarily by collector or arterial streets where a building scale of 1 to 5 stories is desired. The requested rezoning is consistent with the



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neighborhood context description, zone district purpose and intent, as the requested zoning is intended to provide for mixed-use development at a maximum height of 5 stories.

### **Attachments**

1. Rezoning application
2. 1998 Zoning Ordinance w/Waivers
3. Comment Letters

## Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/>	CHECK IF POINT OF CONTACT FOR APPLICATION	<input type="checkbox"/>	CHECK IF POINT OF CONTACT FOR APPLICATION
<input type="checkbox"/>	CHECK IF POINT OF CONTACT FOR FEE PAYMENT***	<input type="checkbox"/>	CHECK IF POINT OF CONTACT FOR FEE PAYMENT***
Property Owner Name	Tamas Viski Hanka & Edit Viska-Hanka	Representative Name	Magnetic Capital Acquisitions,
Address	501 S. Cherry Street, Suite 1040	Address	500 Eudora Street
City, State, Zip	Denver, Colorado 80246	City, State, Zip	Denver, CO 80220
Telephone	(303) 913-3091	Telephone	312-402-4029
Email	vhlaw@hotmail.com	Email	dan.huml@magneticcap.com
*All standard zone map amendment applications must be initiated by owners (or authorized representatives) of at least 51% of the total area of the zone lots subject to the rezoning. See page 4.		**Property owner shall provide a written letter authorizing the representative to act on his/her behalf. ***If contact for fee payment is other than above, please provide contact name and contact information on an attachment.	
SUBJECT PROPERTY INFORMATION			
Location (address):	159 North Adams Street, Denver, Colorado 80206		
Assessor's Parcel Numbers:	0512125012000		
Area in Acres or Square Feet:	0.143 acres / 6,250 square feet		
Current Zone District(s):	Cherry Creek North (CCN) with waivers		
PROPOSAL			
Proposed Zone District:	Urban Center Neighborhood Context Mixed Use Five (C-MX-5)		
PRE-APPLICATION INFORMATION			
In addition to the required pre-application meeting with Planning Services, did you have a concept or a pre-application meeting with Development Services?	<input type="checkbox"/> Yes - State the contact name & meeting date _____ <input type="checkbox"/> No - Describe why not (in outreach attachment, see bottom of p. 3)		
Did you contact the City Council District Office regarding this application?	<input type="checkbox"/> Yes - if yes, state date and method <u>January 4, 2023</u> <input type="checkbox"/> No - if no, describe why not (in outreach attachment, see bottom of p. 3)		



## REZONING REVIEW CRITERIA (ACKNOWLEDGE EACH SECTION)

<p>General Review Criteria DZC Sec. 12.4.10.7.A</p> <p>Check box to affirm <b>and</b> include sections in the review criteria narrative attachment</p>	<p><input type="checkbox"/> <b>Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan.</b></p> <p>Please provide a review criteria narrative attachment describing <b>how</b> the requested zone district is consistent with the policies and recommendations found in <b>each</b> of the adopted plans below. Each plan should have its' own subsection.</p> <p><b>1. Denver Comprehensive Plan 2040</b></p> <p>In this section of the attachment, describe <b>how</b> the proposed map amendment is consistent with <i>Denver Comprehensive Plan 2040's</i> a) equity goals, b) climate goals, and c) any other applicable goals/strategies.</p> <p><b>2. Blueprint Denver</b></p> <p>In this section of the attachment, describe <b>how</b> the proposed map amendment is consistent with: a) the neighborhood context, b) the future place type, c) the growth strategy, d) adjacent street types, e) plan policies and strategies, and f) equity concepts contained in <i>Blueprint Denver</i>.</p> <p><b>3. Neighborhood/ Small Area Plan and Other Plans (List all from pre-application meeting, if applicable):</b>        Cherry Creek Area Plan 2012</p>
<p>General Review Criteria: DZC Sec. 12.4.10.7. B &amp; C</p> <p>Check boxes to the right to affirm <b>and</b> include a section in the review criteria for Public Health, Safety and General Welfare narrative attachment.</p>	<p><input type="checkbox"/> <b>Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.</b></p> <p><input type="checkbox"/> <b>Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</b></p> <p>In the review criteria narrative attachment, please provide an additional section describing <b>how</b> the requested rezoning furthers the public health, safety and general welfare of the City.</p>
<p>Review Criteria for Non-Legislative Rezoning: DZC Sec. 12.4.10.8</p> <p>For Justifying Circumstances, check box and include a section in the review criteria narrative attachment.</p> <p>For Neighborhood Context, Purpose and Intent, check box <b>and</b> include a section in the review criteria narrative attachment.</p>	<p><b>Justifying Circumstances - One of the following circumstances exists:</b></p> <p><input type="checkbox"/> The existing zoning of the land was the result of an error;</p> <p><input type="checkbox"/> The existing zoning of the land was based on a mistake of fact;</p> <p><input type="checkbox"/> The existing zoning of the land failed to take into account the constraints of development created by the natural characteristics of the land, including, but not limited to , steep slopes, floodplain, unstable soils, and inadequate drainage;</p> <p><input type="checkbox"/> Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include:</p> <p style="padding-left: 20px;">a. Changed or changing conditions in a particular area, or in the city generally; or,</p> <p style="padding-left: 20px;">b. A City adopted plan; or</p> <p style="padding-left: 20px;">c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.</p> <p><input type="checkbox"/> It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (overlay Zone Districts) of this Code.</p> <p>In the review criteria narrative attachment, please provide an additional section describing the selected justifying circumstance. If the changing conditions circumstance is selected, describe changes since the site was last zoned. Contact your pre-application case manager if you have questions.</p> <p><input type="checkbox"/> <b>The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.</b></p> <p>In the review criteria narrative attachment, please provide a separate section describing <b>how</b> the rezoning aligns with a) the proposed district neighborhood context description, b) the general purpose statement, and c) the specific intent statement found in the Denver Zoning Code.</p>

## REQUIRED ATTACHMENTS

Please check boxes below to affirm the following **required** attachments are submitted with this rezoning application:

- ☐ Legal Description of subject property(s). **Submit as a separate Microsoft Word document.** View guidelines at: <https://www.denvergov.org/content/denvergov/en/transportation-infrastructure/programs-services/right-of-way-survey/guidelines-for-land-descriptions.html>
- ☐ Proof of ownership document for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed, or (c) Title policy or commitment dated no earlier than 60 days prior to application date. If the owner is a corporate entity, proof of authorization for an individual to sign on behalf of the organization is required. This can include board resolutions authorizing the signer, bylaws, a Statement of Authority, or other legal documents as approved by the City Attorney's Office.
- ☐ Review Criteria Narratives. See page 2 for details.

## ADDITIONAL ATTACHMENTS (IF APPLICABLE)

Additional information may be needed and/or required. Please check boxes below identifying additional attachments provided with this application.

- ☐ **Written narrative explaining reason for the request** (optional)
- ☐ **Outreach documentation attachment(s).** Please describe any community outreach to City Council district office(s), Registered Neighborhood Organizations (RNOs) and surrounding neighbors. If outreach was via email- please include email chain. If the outreach was conducted by telephone or meeting, please include contact date(s), names and a description of feedback received. If you have not reached out to the City Council district office, please explain why not. (optional - encouraged )
- ☐ **Letters of Support.** If surrounding neighbors or community members have provided letters in support of the rezoning request, please include them with the application as an attachment (optional).
- ☐ **Written Authorization to Represent Property Owner(s)** (if applicable)
- ☐ **Individual Authorization to Sign on Behalf of a Corporate Entity** (e.g. if the deed of the subject property lists a corporate entity such as an LLC as the owner, this document is required.)
- ☐ **Other Attachments.** Please describe below.

Signature page of property owners' representative.



# REZONING GUIDE

Rezoning Application Page 4 of 4

PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION						
We, the undersigned represent that we are the owner(s) of the property described opposite our names, or have the authorization to sign on behalf of the owner as evidenced by a Power of Attorney or other authorization attached, and that we do hereby request initiation of this application. I hereby certify that, to the best of my knowledge and belief, all information supplied with this application is true and accurate. I understand that without such owner consent, the requested official map amendment action cannot lawfully be accomplished.						
Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed, (C) title policy or commitment, or (D) other as approved	Has the owner authorized a representative in writing? (YES/NO)
<b>EXAMPLE</b> John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/12/20	(A)	YES
Magnetic Capital Acquisitions, LLC	500 Eudora Street Denver, CO 80220	100%	(See attached signature page and authorization from property owners.)		(A)	YES
						YES
						YES
						YES

**SIGNATURE PAGE  
OF PROPERTY OWNERS' REPRESENTATIVE**

**159 North Adams Street**

Magnetic Capital Acquisitions, LLC  
a Delaware limited liability company

By: 

Name: Dan Huml

Title: Managing Member

Tamas Viski-Hanka, Esq.  
Edit Viska-Hanka  
501 S. Cherry Street, Suite 1040  
Denver, Colorado 80246

January 4, 2023

Community Planning and Development  
City and County of Denver  
201 W. Colfax Avenue  
Denver, Colorado 80202

Re: Authorization with respect to the proposed land use application for certain real property located at 159 Adams Street ("**Property**") in the City and County of Denver ("**City**")

Ladies and Gentlemen:

The undersigned (collectively, "**Owners**"), as owners of the Property, hereby designate Daniel Huml and Chris Carroll, of Magnetic Capital Acquisitions, LLC (each a "**Representative**"), each as an authorized representative of Owners to submit on behalf of Owners all applications and supporting materials required or requested by the City in connection with the rezoning and related land use applications with respect to the Property and any development approvals in connection therewith. In furtherance of the foregoing, Owners request that any verbal or written communication regarding these applications be given to each Representative, and/or any individuals designated by such Representative, and to Tamas Viski-Hanka, email address: [tvhlaw@hotmail.com](mailto:tvhlaw@hotmail.com), telephone number: 303-913-3091, pursuant to such contact information provided by Representative to the City. Owners may revoke the authorization granted by this letter by delivering written notice of such revocation at any time prior to the approval of the applications contemplated by this letter or the conveyance of the Property to Representative or any affiliate thereof.

Owners:

By: 

Tamas Viski-Hanka

By: 

Edit Viski-Hanka



# PROOF OF OWNERSHIP

## Denver Property Taxation and Assessment System

[↶ New Search](#)

159 N ADAMS ST

Owner	Schedule Number	Legal Description	Property Type	Tax District
VISKI-HANKA,TAMAS & EDIT 325 N FRANKLIN ST DENVER, CO 80218-4006	05121-25-012-000	THE N 1/2 OF PLOT 5 BLK 73 HARMANS SUB	COMMERCIAL-RETAIL	DENVER

[Summary](#) [Property Map](#) [Assessed Values](#) [Assessment Protest](#) [Taxes](#) [Neighborhood Sales](#) [Chain of Title](#)

### Chain Of Title Records

Reception Number	Reception Date	Instrument	Sale Date	Sale Price	Grantor	Grantee
JT00158996	11/24/1997	WD	11/19/1997	\$300,000	CORCORAN,EVA K &	VISKI-HANKA,TAMAS & EDIT
0000093594	6/7/1994	QC	12/10/1994	\$0	WEBSTER OMA L & WILLIAM J	CORCORAN,EVA K &
0000116015	12/14/1990	QC	12/14/1990	\$0	WEBSTER,OMA L &	WEBSTER OMA L & WILLIAM J

February 10, 2023

CORY M. RUTZ  
303 575 7531  
CRUTZ@OTTENJOHNSON.COM

Via Electronic Submission

Community Planning & Development  
City and County of Denver  
201 W. Colfax Avenue  
Denver, Colorado 80202

Re: Rezoning Application for 159 North Adams Street

Dear Community Planning & Development:

This firm represents Magnetic Capital Acquisitions, LLC (the “**Applicant**”), with respect to certain real property located at 159 North Adams Street (the “**Property**”) in the City and County of Denver (the “**City**”). This letter is submitted in support of the Applicant’s application for rezoning of the Property (the “**Rezoning**”) from the Cherry Creek North (“**CCN**”) zone district, under the Former Chapter 59 zoning code to the Urban Center Neighborhood Context Mixed Use Five District (“**C-MX-5**”) under the Denver Zoning Code (“**Code**”), as discussed at the pre-application meeting for the Rezoning on January 4, 2022. This Property is also subject to waivers that limit the commercial uses permitted on the Property.

The Applicant has presented the Rezoning to the Cherry Creek North Neighborhood Association (the “**CCNNA**”). On November 9, 2022, the CCNNA voted in support of the Rezoning, with the understanding that the Applicant will enter into a good neighbor agreement to memorialize certain requests related to the Rezoning. The Applicant is diligently working to finalize the good neighborhood agreement with the CCNNA.

### **Property Background and Context**

The Property is an approximately 6,250 square foot parcel located near the southwest corner of East 2<sup>nd</sup> Avenue and Adams Street within the Cherry Creek neighborhood. The Property is currently developed with a single-family residential structure currently occupied by a spa.

The area surrounding the Property comprises a broad mix of multi-unit residential, office and commercial uses. Indeed, on the block where the Property is located, there is a sandwich shop, a five-story multi-unit residential building, and a number of professional and medical office multi-story structures. This mix of uses continues throughout the adjacent blocks to the east, south and west within the Cherry Creek neighborhood, and across East Second Avenue where there is an existing five-story office building.

## Criteria for Rezoning

Pursuant to the Code, applications for rezoning must meet all “general review criteria” set forth in Section 12.4.10.7 as well as (i) at least one of the “justifying circumstances” of the first group of “additional review criteria” set forth in Section 12.4.10.8.A, and (ii) the general additional review standard set forth in Section 12.4.10.8.B. The Rezoning to C-MX-5 meets these review criteria as follows:

General Review Criteria: Consistency with Adopted Plans. The proposed official map amendment is consistent with the City’s adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of the adoption of the City’s plan. Code § 12.4.10.7.A.

The City has adopted three plans that guide the use and development of this Property: (i) the Denver Comprehensive Plan 2040, (ii) Blueprint Denver 2019 (“**Blueprint Denver**”), and (iii) the Cherry Creek Area Plan 2012.

These plans stress the importance of a mix of uses within the City generally, and specifically within areas designated as the Urban Center Context by Blueprint Denver. Indeed, Blueprint Denver states that Regional Centers within the Urban Center Context, as the Property is designated, contain a “high mix of uses providing a dynamic environment of living, dining, entertainment and shopping, while incorporating a diverse set of employment options....with a 24/7 live, work and play environment attractive to locals and visitors” (p. 257). The Cherry Creek Area Plan emphasizes the importance of the existing mix of land uses in the Cherry Creek neighborhood, and encourages the development of additional office space, retail, and residential units to enhance the neighborhood and reinforce the plan vision. In addition, Blueprint Denver recommends rezoning properties from the Former Chapter 59 zoning code so that the entire City is covered by the Code, including measures to incentivize such rezonings (p. 73).

The current zoning of the Property under the CCN zone district, with waivers, significantly limits the ability of the Property to achieve the vision for a mix of uses under the City’s adopted plans. The waivers that are associated with the Property’s current zoning under the CCN zone district prohibit a number of commercial uses that would otherwise be compatible within the Cherry Creek neighborhood, such as clothing stores, bakeries, and art galleries, to name a few. The full list of uses that are prohibited on the Property by the zoning waiver are identified on Ordinance 89, Series of 1998 (attached hereto as **Exhibit A**), which includes more than 70 prohibited commercial uses.

Rezoning the Property as C-MX-5 under the Code will allow the Property to better align with the City plans by allowing a more diverse mix of uses to be permitted, by conforming to the recommended building heights of the City plans, and by transitioning the zoning from the Former Chapter 59 zoning code. Blueprint Denver notes that larger scale mixed-use buildings are common in a Regional Center within the Urban Center Context (p. 257). However, Blueprint Denver also acknowledges that current small area plans provide a better guide for building height recommendations, which in this case being the Cherry Creek Area Plan. The Cherry Creek Area Plan recommends a maximum building height of five stories for the Property and surrounding properties (p. 63), and the Rezoning conforms to this recommended height.



General Review Criteria: Uniformity of District Regulations and Restrictions. The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts. Code § 12.4.10.7.B.

Approval of the Rezoning will result in the uniform application of building form, use, and design regulations. The Applicant seeks no further variance from these regulations. The application of the C-MX-5 zone district on the Property will be no different from C-MX-5 zoning in other locations.

General Review Criteria: Public Health, Safety, and Welfare. The proposed official map amendment furthers the public health, safety and general welfare of the City. Code § 12.4.10.7.C.

Approval of the Rezoning will further the public health, safety, and general welfare by implementing the City's adopted land use policies, as set forth above.

Additional Review Criteria: Justifying Circumstances. Since the date of the approval of the existing zone district, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include: (a) changed or changing conditions in a particular area, or in the City generally; or (b) a City adopted plan; or (c) that the City adopted the Code and the property retained Former Chapter 59 zoning. Code § 12.4.10.8.A.

The Rezoning satisfies the criteria in clauses (b) and (c), as follows:

With respect to clause (b), Blueprint Denver was adopted in 2002, and updated in 2019, and the Cherry Creek Area Plan was adopted in 2012. Each of these plans were adopted following the initial zoning of the Property to the CCN zone district under the Former Chapter 59 zoning code. The Rezoning will better align with the goals and vision set forth by the City's plans, discussed in further detail above, by allowing a greater mix of uses.

With response to clause (c), the Property is currently zoned under the Former Chapter 59 zoning code. The proposed rezoning would allow a transition of the Property out of the Former Chapter 59 zoning code, and better align with the City's current plans for the area.

Additional Review Criteria: Consistency with Neighborhood Context Description, Zone District Purpose, and Intent Statements. The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed zone district. Code § 12.4.10.8.B.

The Urban Center Context in Blueprint Denver generally includes a high mix of uses, block patterns that are generally regular with consistent alley access, and larger scale buildings close to the street. The C-MX-5 zone district, which is within the urban center neighborhood context under the Code, is consistent with the vision for the Property set forth by Blueprint Denver. The Code's urban center neighborhood context consists of multi-unit residential and mixed-use commercial strips and commercial centers, as well as a regular pattern of block shapes, consistent building orientations, and moderate to high building heights (Code § 7.2.2.1). In addition, the Property is surrounded by properties zoned under the Code and is therefore an enclave of the Former Chapter 59 zoning code. The Property is also adjacent to properties that are zoned C-MX-5 to the north, east, and south.

The Code states that the intent of the C-MX-5 zone district is to apply to areas or intersections served primarily by collector or arterial streets, and that a building scale of one to five stories is desired in these areas (Code § 7.2.2.2.B). The Property is located between East First Avenue to the south and East Second Avenue to the north, which are designated as a mixed use collector and main street collector, respectively, in Blueprint Denver. Therefore, the Rezoning complies with the intent for the C-MX-5 zone district to be located near streets that are designated as collectors.

Section 7.2.2.1 of the Code states that the general purpose of the mixed use districts within the urban center neighborhood context of the Code is to activate the area and encourage pedestrian activity by creating mixed, diverse neighborhoods and promoting building forms that define and activate the public street edge. This is achieved through the use of shallow setbacks and high build-to requirements in these areas, and by contributing to established residential neighborhoods. (Code § 7.2.2.1.C and F). The Rezoning will provide an opportunity to activate an otherwise underdeveloped space by permitting a number of uses that are otherwise prohibited by the Property's current zoning under the Former Chapter 59 zoning code. In addition, the rezoning would ensure that any potential redevelopment of the Property would conform to the building form requirements and dimensional standards of the Code, thus ensuring the further activation of the neighborhood.

For the foregoing reasons, the Rezoning meets and complies with the applicable rezoning criteria. As such, on behalf of the Applicant, we respectfully request that the City approve the Rezoning.

Sincerely,



Cory M. Rutz  
For the Firm

Enclosures

cc: Magnetic Capital Acquisitions, LLC (by e-mail)

**EXHIBIT A**

**Council of the City and County of Denver**  
**Ordinance 89, Series of 1998**

*(See attached)*



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**BY AUTHORITY**

ORDINANCE NO. 89  
SERIES OF 1998

COUNCIL BILL NO. 18  
COMMITTEE OF REFERENCE:

9800030559 1998/03/02 15:51:47 1/ 4 ORD  
DENVER COUNTY CLERK AND RECORDER .00 .00 SMD

LAND USE

**A BILL**

FOR AN ORDINANCE RELATING TO ZONING, CHANGING THE ZONING CLASSIFICATION FOR A SPECIFICALLY DESCRIBED AREA, GENERALLY LOCATED AT APPROXIMATELY 159 ADAMS STREET, RECITING CERTAIN WAIVERS PROPOSED BY THE OWNER AND THE APPLICANT FOR THE ZONING CLASSIFICATION AND PROVIDING FOR A RECORDATION OF THIS ORDINANCE.

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

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

1. That the land area hereinafter described is presently classified as part of the B-1 District;
2. That the owner and the applicant propose that the land area hereinafter described be changed to CCN with reasonable waivers which they have approved;
3. That in its application the owner and the applicant have represented that if the zoning classification is changed pursuant to their application, the owner and the applicant will and hereby do waive the right to use or occupy the land hereinafter described or to use, occupy or erect thereon any structure or structures designed, erected, altered, used or occupied for:

- o Apparel and accessories store;
- o Art gallery;
- o Art supplies;
- o Automatic indoor archery lanes;
- o Bakery store;
- o Barber shop;
- o Bed and breakfast;
- o Bicycle and accessories store;
- o Billiard parlor;
- o Blueprinting;
- o Bookstore;
- o Bookstore, adult;

- 1 o Brewpub;
- 2 o Camera and photographic supplies store;
- 3 o Candy, nut and confectionery store;
- 4 o Caterer;
- 5 o Children's indoor play center;
- 6 o Collection and distribution station for laundry or dry cleaner;
- 7 o Dairy products store;
- 8 o Delicatessen store;
- 9 o Department store;
- 10 o Drugstore;
- 11 o Dry goods store;
- 12 o Eating place;
- 13 o Eating place with adult amusement or entertainment;
- 14 o Floral shop;
- 15 o Fruit store;
- 16 o Furniture store;
- 17 o Garden supplies store;
- 18 o Grocery store;
- 19 o Hardware store;
- 20 o Health studio;
- 21 o Health treatment on payment of a fee or admission charge;
- 22 o Hobby supply store;
- 23 o Household appliance store;
- 24 o Ice skating and/or roller skating rink;
- 25 o Indoor recreational facility not including a sports arena;
- 26 o Interior decorating shop;
- 27 o Jewelry store (including repairing of jewelry, watches and clocks);
- 28 o Linoleum and tile store;
- 29 o Liquor store (sale by package only);
- 30 o Locksmith;
- 31 o Luggage store;
- 32 o Meat, fish and seafood store;

- 1 o Miniature golf or putting course;
- 2 o Music, musical instruments;
- 3 o Music studio;
- 4 o Paint and wallpaper store;
- 5 o Pet grooming shop for household pets;
- 6 o Pet supply store;
- 7 o Photo studio, adult;
- 8 o Photostating;
- 9 o Picture frame shop;
- 10 o Pressing, altering and repairing of wearing apparel;
- 11 o Printing and duplicating shop;
- 12 o Professional studio or academy;
- 13 o Radio and television and video equipment store and repair shop;
- 14 o Repair, rental and servicing of any article, the sale of which article is
- 15 permitted in the district;
- 16 o Sale of medical and hospital equipment and supplies;
- 17 o School charging regular tuition for instruction in ballet, tap, ballroom, square,
- 18 modern and acrobatic dancing;
- 19 o Shoe store;
- 20 o Specialty store;
- 21 o Sporting good store;
- 22 o Stationery store;
- 23 o Tennis, racquet ball and/or handball club;
- 24 o Theater;
- 25 o Theater, adult;
- 26 o Tobacco store;
- 27 o Toy store;
- 28 o Typewriter, office equipment or computer store;
- 29 o Variety store;
- 30 o Vegetable store;
- 31 o Veterinarian clinic for the diagnosis and treatment of household pets;
- 32 o Video film store; and



1 o Any other similar use not listed elsewhere.

2 Drive-thru facilities shall be prohibited.

3 **Section 2.** That the zoning classification of the land area in the City and County of Denver  
4 described as follows or included within the following boundaries shall be and hereby is changed  
5 from B-1 to CCN with certain waivers which waivers are set forth in Subsection 3 of Section 1  
6 hereof:

7 The North 1/2 of Plot 5, Block 73, Harman's Subdivision, City and County of Denver,  
8 Colorado; in addition thereto those portions of all abutting public rights-of-way, but only to  
9 the centerline thereof, which are immediately adjacent to the aforesaid specifically  
10 described area.

11 **Section 3.** That the foregoing change in zoning classification is based upon the representations  
12 by the owner and the applicant that they will waive those certain rights available to them, and, in  
13 lieu thereof, agree to certain limitations which limitations are set forth in Subsection 3 of Section  
14 1 hereof, and no permit shall be issued except in strict compliance with the aforesaid waivers.  
15 Said waivers shall be binding upon all successors and assigns of said owner and said applicant,  
16 who along with said owner and said applicant shall be deemed to have waived all objections as  
17 to the constitutionality of the aforesaid waivers.

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

20 PASSED BY THE COUNCIL February 17 1998

21 Cathy Reynolds - PRESIDENT

22 APPROVED: [Signature] **ACTING MAYOR** 2/18 1998

23 ATTEST: [Signature] - CLERK AND RECORDER,  
24 EX-OFFICIO CLERK OF THE  
25 CITY AND COUNTY OF DENVER

26 PUBLISHED IN THE ROCKY MTN NEWS Jan 23 1998 Feb 20 1998

27  
28 PREPARED BY: [Signature] ROBERT M. KELLY, ASSISTANT CITY ATTORNEY 1/13/98

29 REVIEWED BY: [Signature] - CITY ATTORNEY 1/13 1998

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

Date: 4/25/23

Case number: 20221-00258

Dear Planning Board Members,

This letter is to confirm that the owners of IDOne, LLC (which owns the buildings at both 128 Adams and 180 Adams) have met with the developers, Magnetic Capital Acquisitions, and have been informed of the project at 159 N Adams Street. After learning more about their proposal, we are writing to express our support for the rezoning of the 159 Adams parcel to align with the surrounding CMX-5 zoning.

As building owners on the impacted Adams Street block, we believe that this rezoning will lead to a more cohesive and integrated neighborhood. We are pleased with the proposed development of a boutique office building on this parcel. The inclusion of ground-floor retail will provide a boost to the local economy, while the office space will meet the market needs of the area.

We are also pleased to hear that the design of the building will meet both city and neighborhood guidelines. We feel it is critical that they meet or exceed the CMX-5 parking requirements as the street parking is already over extended due to the micro apartment development that was allowed at 135 Adams that does not have parking.

Overall, we believe that the rezoning of the 159 Adams parcel and the proposed development will be a asset to our community. We encourage you to approve this project and look forward to seeing the positive impact it will have on our neighborhood.

Thank you for your consideration.

Sincerely,

Kurt Monigle  
Rick Jacobs  
(Owners of IDOne, LLC)

# PRIME MANAGEMENT LLC

---

To: *Francisca.penafiel@denvergov.org*  
Date: April 27, 2023  
Subject Line: 159 North Adams Street - #2022I-00258

1888 SHERMAN STREET, SUITE 500  
DENVER, CO 80203  
303.255.4700  
FAX: 303.255.4755  
WWW.PRIMESQFT.COM

Dear Planning Board Members,

This letter is to confirm that I, Bradley P. Brooks, as manager of Prime Management LLC, the manager of First and Adams Associates LLC, the owner of the property located at 101-129 Adams Street have met with the developers, Magnetic Capital Acquisitions, and have been informed of the project at 159 N Adams Street. After learning more about their proposal, I am writing to express my strong support for the rezoning of the 159 Adams parcel to align with the surrounding CMX-5 zoning.

As a member of the community, I believe that this rezoning will lead to a more cohesive and integrated neighborhood. I am particularly excited about the proposed development of a boutique office building on this parcel. The inclusion of ground-floor retail will provide a much-needed boost to the local economy, while the office space will meet the market needs of the area.

I am also pleased to hear that the design of the building will meet both city and neighborhood guidelines. This attention to detail is a testament to the developer's commitment to creating a project that is both functional and aesthetically pleasing.


Overall, I believe that the rezoning of the 159 Adams parcel and the proposed development will be a tremendous asset to our community. I urge you to approve this project and look forward to seeing the positive impact it will have on our neighborhood.

Thank you for your consideration.

Sincerely,

First and Adams Associates LLC  
a Colorado limited liability company

By: Prime Management LLC, its Manager

  
By: Bradley P. Brooks, Manager



May 2, 2023

RE: Rezoning Application 20221-00258 For Office Development at 159 N Adams St.

Dear Denver Department of Planning and Development and Denver Planning Board:

On behalf of Cherry Creek North Neighborhood Association (“CCNNA”), this letter is to inform you that, subject to the attached Development and Community Benefits Agreement (the “Agreement”) between CCNNA and the developer/applicant of the referenced rezoning application, CCNNA approves such application. CCNNA thanks the applicant for working with the neighborhood and CCNNA as its registered neighborhood association in addressing the concerns of the neighborhood as outlined in the Agreement. This is an example of how neighborhoods and developers can work together for their mutual benefit. Please reach out to the undersigned, as President of CCNNA, with any questions you may have.

Sincerely yours,

*M. Lou Raders, CCNNA President*  
720.232.7734



**From:** [louraders@gmail.com](mailto:louraders@gmail.com)  
**To:** [Rezoning - CPD](#)  
**Cc:** [Webb, Andrew - CPD CE2159 City Planner Principal](#); [Penafiel Vial, Maria F. - CPD CE0429 City Planner Senior](#); [Weigle, Elizabeth K. - CPD Rezoning Planning Supervisor](#); [Showalter, Sarah K. - CPD CE3125 City Planning Director](#); [Hinds, Chris - CC Member District 10 Denver City Council](#); [Sawyer, Amanda - CC Member District 5 Denver City Council](#); ["Linda Barker"](#); ["Kevin Landon"](#); ["Babs Gerber"](#); ["Rutz, Cory M."](#)  
**Subject:** [EXTERNAL] RE: Official Map Amendment City Council Hearing Notification #2022I-00258 159 N. Adams Street  
**Date:** Monday, July 10, 2023 2:59:55 PM  
**Attachments:** [image001.png](#)  
[DENVER01-#2751161-v1-RECORDED Development Agreement and Restrictive Cove....pdf](#)

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On behalf of the Cherry Creek North Neighborhood Association ("CCNNA"), we support the referenced rezoning based on agreements reached with this developer in the Development Agreement, a copy of which is attached hereto. The subject property is currently zoned under a very old zoning category that does not conform to the surrounding 2010 zoning or the 2012 Cherry Creek Area Plan (CCAP"). The CCAP shows that this property would fit well in the surrounding C-MX-5 zone district and is consistent therewith at 5 stories. Based thereon, and on the agreements in the Development Agreement, CCNNA approves the requested rezoning. We thank the owner/developer for working cooperatively with the CCNNA Registered Neighborhood Organization and we look forward to working together as this project progresses.

Thank you. Please call with any questions you may have.

*Lou Raders, President CCNNA 720.232.7734*

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**From:** Rezoning - CPD <[Rezoning@denvergov.org](mailto:Rezoning@denvergov.org)>

**Sent:** Monday, July 10, 2023 10:08 AM

**Cc:** Webb, Andrew - CPD CE2159 City Planner Principal <[Andrew.Webb@denvergov.org](mailto:Andrew.Webb@denvergov.org)>; Penafiel Vial, Maria F. - CPD CE0429 City Planner Senior <[Francisca.Penafiel@denvergov.org](mailto:Francisca.Penafiel@denvergov.org)>; Weigle, Elizabeth K. - CPD Rezoning Planning Supervisor <[Elizabeth.Weigle@denvergov.org](mailto:Elizabeth.Weigle@denvergov.org)>; Showalter, Sarah K. - CPD CE3125 City Planning Director <[Sarah.Showalter@denvergov.org](mailto:Sarah.Showalter@denvergov.org)>

**Subject:** Official Map Amendment City Council Hearing Notification #2022I-00258 159 N. Adams Street

OFFICIAL MAP AMENDMENT (REZONING) CITY COUNCIL PUBLIC HEARING NOTIFICATION			
APPLICATION #	#2022I-00258	LOCATION	159 N. Adams Street
APPLICANT	Dan Huml 500 Eudora Street Denver, CO 80220		
CURRENT ZONE DISTRICT	CNN with waivers	PROPOSED ZONE DISTRICT	C-MX-5
CASE MANAGER	Fran Peñafiel Senior City Planner	PHONE/EMAIL	(720) 865-3283 / <a href="mailto:Francisca.penafiel@denvergov.org">Francisca.penafiel@denvergov.org</a>
CITY COUNCIL PUBLIC HEARING INFORMATION			

DATE	Monday, July 31, 2023	
TIME	5:30 pm  Anyone who wishes to address the City Council must register prior to the opening of the public hearing and be prepared to make their presentation during the public hearing portion of the meeting.	
PLACE	City and County of Denver Building, 1437 Bannock St	
ROOM	City Council Chambers, Room 451	
INTERESTED REGISTERED NEIGHBORHOOD ORGANIZATIONS		
Inter-Neighborhood Cooperation (INC) PO Box 300684 Denver, CO 80206-0684Inter-Neighborhood Cooperation (INC) Attn: Drew Dutcher <a href="mailto:president@denverinc.org">president@denverinc.org</a> , <a href="mailto:excomm@denverinc.org">excomm@denverinc.org</a> PO Box 300684 Denver, CO 80206-0684		Capitol Hill United Neighborhoods Attn: John Deffenbaugh <a href="mailto:chun@chundenver.org">chun@chundenver.org</a> , <a href="mailto:john@chundenver.org">john@chundenver.org</a> PO Box 18705 Denver, CO 80218
Cherry Creek North Neighborhood Association Attn: Lou Raders <a href="mailto:lou.raders@gmail.com">lou.raders@gmail.com</a> , <a href="mailto:info@ccnneighbors.com">info@ccnneighbors.com</a> Denver, CO 80206		Strong Denver Attn: John Inzina <a href="mailto:DenverVoters@gmail.com">DenverVoters@gmail.com</a> , Denver, CO 80218
CITY COUNCIL MEMBERS AT-LARGE		
Robin Kniech <a href="mailto:Robin.kniech@denvergov.org">Robin.kniech@denvergov.org</a> City and County Bldg., Room 432 Denver, CO 80202		Deborah Ortega <a href="mailto:Deborah.ortega@denvergov.org">Deborah.ortega@denvergov.org</a> City and County Bldg., Room 492 Denver, CO 80202
CITY COUNCIL MEMBER – COUNCIL DISTRICT #10		
Chris Hinds City & County Bldg Rm #484 Denver, CO 80202		

The application for the above-referenced Official Map Amendment and the City's map amendment process may be viewed at [www.DenverGov.org/ProposedRezoning](http://www.DenverGov.org/ProposedRezoning).

Any questions regarding this amendment may be directed to the Case Manager above or to the City Council office at 720-337-2000. For more information about the map amendment process, visit [www.DenverGov.org/Rezoning](http://www.DenverGov.org/Rezoning).

**WRITTEN PROTEST PETITIONS** per Denver Zoning Code section 12.4.10.5 and Denver Charter section 3.2.9(E) must be filed with City Council before 12:00 Noon, on the 7<sup>th</sup> day prior to the public hearing date.

**WRITTEN COMMENTS WILL BE DISPERSED AS FOLLOWS:**

Written comments received by CPD staff by 12 p.m. (noon) on the Thursday prior to the City Council public hearing will be included in the CPD staff report packet that is distributed to City Council. Written comments may be emailed to [rezoning@denvergov.org](mailto:rezoning@denvergov.org). After 12 p.m. (noon) on the Thursday prior to the City Council public hearing up until 3:00 p.m. on the day of the City Council public hearing, written comments should be emailed to [dencc@denvergov.org](mailto:dencc@denvergov.org). To submit written comments after 3 p.m. on the day of the City Council public hearing, bring copies of written comments to the public hearing and ask the Council Secretary to distribute the comments to the Council. Notwithstanding the foregoing, in order to provide Council members adequate time to review written comments, members of the public are strongly encouraged to submit their comments prior to the day of the public hearing.

Please check with the City Council office at 720-337-2000, or the Case Manager above.



Date: 4/25/23

Case number: 2022I-00258

Dear Planning Board Members,

This letter is to confirm that I, Bruce Greenstein, who resides/works at Cherry Creek North Family Dentistry have met with the developers, Magnetic Capital Acquisitions, and have been informed of the project at 159 N Adams Street. After learning more about their proposal, I am writing to express my strong support for the rezoning of the 159 Adams parcel to align with the surrounding CMX-5 zoning.

As a member of the community, I believe that this rezoning will lead to a more cohesive and integrated neighborhood. I am particularly excited about the proposed development of a boutique office building on this parcel. The inclusion of ground-floor retail will provide a much-needed boost to the local economy, while the office space will meet the market needs of the area.

I am also pleased to hear that the design of the building will meet both city and neighborhood guidelines. This attention to detail is a testament to the developer's commitment to creating a project that is both functional and aesthetically pleasing.

Overall, I believe that the rezoning of the 159 Adams parcel and the proposed development will be a tremendous asset to our community. I urge you to approve this project and look forward to seeing the positive impact it will have on our neighborhood.

Thank you for your consideration.

Sincerely,

DocuSigned by:  
 4/25/2023  
921C60BA837C454...

*Please address letters on this topic as follows:*

*To: [Francisca.penafiel@denvergov.org](mailto:Francisca.penafiel@denvergov.org)*

*Subject Line: 159 North Adams Street - #2022I-00258*

Date: April 25<sup>th</sup> 2023

Case number: 2022I-00258

Dear Planning Board Members,

This letter is to confirm that I, Lance Gutsch, have met with the developers, Magnetic Capital Acquisitions, and have been informed of the project at 159 N Adams Street. After learning more about their proposal, I am writing to express my strong support for the rezoning of the 159 Adams parcel to align with the surrounding CMX-5 zoning. I am a partner in the ownership group at 135 Adams. I am also a resident at 568 Fillmore.

As a member of the community, I believe that this rezoning will lead to a more cohesive and integrated neighborhood. I am particularly excited about the proposed development of a boutique office building on this parcel. The inclusion of ground-floor retail will provide a much-needed boost to the local economy, while the office space will meet the market needs of the area.

I am also pleased to hear that the design of the building will meet both city and neighborhood guidelines. This attention to detail is a testament to the developer's commitment to creating a project that is both functional and aesthetically pleasing.

Overall, I believe that the rezoning of the 159 Adams parcel and the proposed development will be a tremendous asset to our community. I urge you to approve this project and look forward to seeing the positive impact it will have on our neighborhood.

Thank you for your consideration.

Sincerely,

Lance Gutsch



Tamas Viski-Hanka  
325 Franklin St.  
Denver, CO 80218

April 25, 2023

Community Planning and Development  
City and County of Denver  
201 W. Colfax Ave.,  
Denver, CO 80202

Re: 159 North Adams Street  
Case number: 20221-00258

Dear Planning Board Members,

This letter is to confirm that I, Tamas Viski-Hanka, who resides at 325 Franklin Street, Denver, Colorado have met with the developers, Magnetic Capital Acquisitions, and have been informed of the project at 159 N Adams Street. After learning more about their proposal, I am writing to express my strong support for the rezoning of the 159 Adams parcel to align with the surrounding CMX-5 zoning.

As a member of the community, I believe that this rezoning will lead to a more cohesive and integrated neighborhood. I am particularly excited about the proposed development of a boutique office building on this parcel. The inclusion of ground-floor retail will provide a much-needed boost to the local economy, while the office space will meet the market needs of the area.

I am also pleased to hear that the design of the building will meet both city and neighborhood guidelines. This attention to detail is a testament to the developer's commitment to creating a project that is both functional and aesthetically pleasing.

Overall, I believe that the rezoning of the 159 Adams parcel and the proposed development will be a tremendous asset to our community. I urge you to approve this project and look forward to seeing the positive impact it will have on our neighborhood.

Thank you for your consideration.

Sincerely,



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Tamas Viski-Hanka

# Planning Board Comments



Submitted on	3 May 2023, 2:53PM
Receipt number	547
Related form version	3

## Your information

Name	JR Bitzer
Address or neighborhood	230 Adams Street
ZIP code	80206-4516
Email	jrbitzer@hotmail.com

## Agenda item you are commenting on

Rezoning

## Rezoning

Address of rezoning	159 Adams
Case number	2022I-00258

## Draft plan

Plan area or neighborhood

## Proposed text amendment

Project name

## Historic district application

Name of proposed historic district

## Comprehensive Sign Plan

Address of comprehensive sign plan

---

Case number

## DURA Renewal Plan

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Address of renewal project

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Name of project

## Other

---

Name of project your would like to comment on

## Submit your comments

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Would you like to express support or opposition to the project?

Moderate opposition

Your comment:

I believe the proposed development at the SW corner of 2nd & Adams, including the addition of 159 Adams, is too large for the site. The site is on the west side of Adams, which should be a buffer zone for the residences located to the east. I believe the originally proposed development of a lesser size is more inline with the transition from commercial to residential.

If you have an additional document or image that you would like to add to your comment, you may upload it below. Files may not be larger than 5MB.