



## REZONING GUIDE

Rezoning Application Page 1 of 4

## 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 FEE PAYMENT***		<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION <input type="checkbox"/> CHECK IF POINT OF CONTACT FOR FEE PAYMENT***	
Property Owner Name	Belco Credit Union	Representative Name	Bethany Gravel
Address	7600 E Orchard Rd. Ste. 400N	Address	1650 Fillmore Street, Suite 802
City, State, Zip	Greenwood Village, CO 80111	City, State, Zip	Denver, CO 80206 +
Telephone	303-689-7947	Telephone	303-881-1345
Email	ewhite@bellco.org	Email	bethany@gravellpublicaffairs.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):		10353 E Mississippi Avenue; Denver, CO 80247	
Assessor's Parcel Numbers:		06154-04-046-000	
Area in Acres or Square Feet:		80,819 SF (1.855 AC)	
Current Zone District(s):		B-1* (Ordinance 44 1994)	
PROPOSAL			
Proposed Zone District:		S-MX-3	
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 checked="" type="checkbox"/> Yes - State the contact name & meeting date <u>2/15/24 - MS Teams</u> <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 checked="" type="checkbox"/> Yes - if yes, state date and method <u>3/21/24 - Zoom</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 checked="" type="checkbox"/> <b>Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan.</b></p> <p>Please provide a review criteria narrative attachment describing <b>how</b> the requested zone district is consistent with the policies and recommendations found in <b>each</b> of the adopted plans below. Each plan should have its own subsection.</p> <p><b>1. Denver Comprehensive Plan 2040</b></p> <p>In this section of the attachment, describe <b>how</b> the proposed map amendment is consistent with <i>Denver Comprehensive Plan 2040's</i> a) equity goals, b) climate goals, and c) any other applicable goals/strategies.</p> <p><b>2. Blueprint Denver</b></p> <p>In this section of the attachment, describe <b>how</b> the proposed map amendment is consistent with: a) the neighborhood context, b) the future place type, c) the growth strategy, d) adjacent street types, e) plan policies and strategies, and f) equity concepts contained in <i>Blueprint Denver</i>.</p> <p><b>3. Neighborhood/ Small Area Plan and Other Plans (List all from pre-application meeting, if applicable):</b></p> <p>_____</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 checked="" type="checkbox"/> <b>Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.</b></p> <p><input checked="" type="checkbox"/> <b>Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</b></p> <p>In the review criteria narrative attachment, please provide an additional section describing <b>how</b> the requested rezoning furthers the public health, safety and general welfare of the City.</p>
<p>Review Criteria for Non-Legislative Rezoning: DZC Sec. 12.4.10.8</p> <p>For Justifying Circumstances, check box <b>and</b> 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 checked="" type="checkbox"/> Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include:</p> <p style="padding-left: 20px;">a. Changed or changing conditions in a particular area, or in the city generally; or,</p> <p style="padding-left: 20px;">b. A City adopted plan; or</p> <p style="padding-left: 20px;">c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.</p> <p><input type="checkbox"/> It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (overlay Zone Districts) of this Code.</p> <p>In the review criteria narrative attachment, please provide an additional section describing the selected justifying circumstance. If the changing conditions circumstance is selected, describe changes since the site was last zoned. Contact your pre-application case manager if you have questions.</p> <p><input checked="" type="checkbox"/> <b>The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.</b></p> <p>In the review criteria narrative attachment, please provide a separate section describing <b>how</b> the rezoning aligns with a) the proposed district neighborhood context description, b) the general purpose statement, and c) the specific intent statement found in the Denver Zoning Code.</p>

## REQUIRED ATTACHMENTS

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

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

## ADDITIONAL ATTACHMENTS (IF APPLICABLE)

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

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

# 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
Bellco Credit Union	10353 E Mississippi Ave.; Denver, CO 80249 303-689-7947 ewhite@bellco.org	100%	<i>[Signature]</i>	5/7/24	(A)	YES
						YES
						YES
						YES

# 10353 E MISSISSIPPI AVE

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

Print Summary

Property Description			
Style:	OTHER	Building Sqr. Foot:	1011
Bedrooms:		Baths Full/Half:	0/0
Effective Year Built:	1994	Basement/Finish:	0/0
Lot Size:	80,819	Zoned As:	B-1
<div>Note: Valuation zoning may be different from City's new zoning code.</div>			

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

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

Real Estates Property Taxes for current tax year
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Please click on additional information below to check for any delinquencies on this property/schedule number and for tax sale information.

	Installment 1 (Feb 28 Feb 29 in Leap Years)	Installment 2 (Jun 15)	Full Payment (Due Apr 30)
Date Paid			4/28/2020
Original Tax Levy	\$14,954.34	\$14,954.33	\$29,908.67
Liens/Fees	\$0.00	\$0.00	\$0.00
Interest	\$0.00	\$0.00	\$0.00
Paid	\$14,954.34	\$14,954.33	\$29,908.67
Due	\$0.00	\$0.00	\$0.00

#### Additional Information

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

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

Real estate property taxes paid for prior tax year: **\$26,050.35**

#### Assessed Value for the current tax year

Assessed Land	\$351,570.00	Assessed Improvements	\$63,160.00
Exemption	\$0.00	Total Assessed Value	\$414,730.00

**AFTER RECORDING MAIL TO:**

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

**SPECIAL WARRANTY DEED**

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

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

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

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



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

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

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

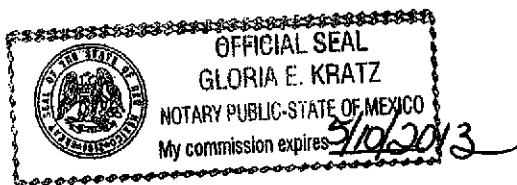
By: Wells Fargo Bank, N.A.,  
its Managing Member

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

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

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

**Witness my hand and official seal.**



My Commission expires: 5/10/2013

**EXHIBIT A**

**LEGAL DESCRIPTION OF PROPERTY**

**PARCEL A:**

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

**PARCEL B:**

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

**EXHIBIT B**

**PERMITTED EXCEPTIONS\***

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

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

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

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

## STATEMENT OF AUTHORITY

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

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

John Rivera, SVP/Chief Retail Officer.

Jack Pargeon, SVP, Finance

Becky Stembel, SVP/Chief Member Experience Officer

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

Executed this 7<sup>th</sup> day of MAY, 2024.

*[Signatures and acknowledges on the following pages]*

Name: *Jack Pargeon*  
Jack Pargeon, SVP, Finance

STATE OF COLORADO )  
 ) :ss  
COUNTY OF *Aspen* )

The foregoing instrument was acknowledged before me this *7th* day of *May*, 2024, by Jack Pargeon, as SVP, Finance of Bellco Credit Union, a Colorado nonprofit corporation.

*Michelle Jasinski-White*  
Notary Public

My Commission expires: *February 28, 2026*

MICHELLE JASINSKI-WHITE  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20144009598  
MY COMMISSION EXPIRES FEBRUARY 28, 2026

Bellco Credit Union  
7600 E Orchard Road, Suite 400N  
Greenwood Village, CO 80111

April 18, 2024

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

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

To Whom it May Concern: The purpose of this letter is to notify the City and County of Denver (the "City") that Gravell Public Affairs is the property owner's representative. Accordingly, the Owner acknowledges and authorizes Gravell Public Affairs to submit a Zone Map Amendment application to the City for the Property.

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

Best Regards,

BELLCO CREDIT UNION, a Colorado nonprofit corporation



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TO: Community Planning and Development, City and County of Denver  
FROM: Gravell Public Affairs  
DATE: April 17, 2024  
RE: 10353 E Mississippi Rezoning Review Criteria Narrative

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## **Introduction**

On behalf of Bellco Credit Union, we are pleased to submit this proposed zoning map amendment for 10353 E. Mississippi Avenue in the Windsor Neighborhood, located in City Council District 5. This rezoning is intended to facilitate redevelopment of a now vacant drive-through ATM facility into a mixed-use commercial development. Anticipated uses for the site include a small (650 SF) drive-through coffee shop, a dental office and a veterinary clinic.

This application differs from prior withdrawn and failed rezoning applications for this site because the adjacent Rangeview Neighborhood Association supports the proposed community-serving uses. No automotive uses are proposed on the site.

## **Consistency with Adopted Plans**

Denver's adopted plan guidance provides clear support for the requested zoning map amendment. The current zoning of 10353 E Mississippi Avenue is B-1 with a condition, approved in 1994. B-1 is a Former Chapter 59 zone district. The condition approved with the current zoning requires that the site only be developed according to a 1993 recorded site plan. That site plan exclusively permits an eight-aisle, drive-through automated teller machine (ATM) facility in the center of the site, flanked by parking to the east and west. Without a rezoning, this site cannot be redeveloped other than as detailed in the 1993 recorded site plan and it will remain vacant.

The proposed S-MX-3 zoning will bring the site under the current Denver Zoning Code (DZC) and will align the site zoning with adopted City plan recommendations.

The following adopted plans currently apply to 10353 E Mississippi Avenue:

- Denver Comprehensive Plan 2040
- Blueprint Denver (2019)

## **Denver Comprehensive Plan 2040**

Rezoning the site from B-1 with conditions to S-MX-3 zoning is consistent with the following strategies identified in the *Denver Comprehensive Plan 2040*:

*Equitable Affordable and Inclusive vision element:*

- Equitable Affordable and Inclusive Goal 1, Strategy C- Improve equitable access to resources that improve quality of life, including cultural and natural amenities, health care, education, parks, recreation, nutritious food and the arts. (p. 28).

Rezoning will permit development of a dental clinic, increasing access to health care for the neighborhood.

*Strong and Authentic 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).

The requested map amendment will enable mixed-use development at an infill location where the only currently permitted use is a drive-through ATM facility.

*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).

The site is an infill location where infrastructure is already in place. Rezoning will allow the provision of services in convenient proximity to residential neighborhoods.

The requested S-MX-3 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**

*Future Neighborhood Context & Future Place:*

Blueprint Denver identifies the subject property as part of a Community Corridor within the Suburban Neighborhood Context. These designations support a variety of uses that can serve the surrounding neighborhoods.

*Future Street Type:*

Blueprint Denver identifies East Mississippi as a Residential Arterial.

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

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

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

*Land Use & Built Form: General*

- Policy 1: Promote and anticipate planned growth in major centers and corridors and key residential areas connected by rail service and transit priority streets.
  - Strategy A: Use zoning and land use regulations to encourage higher density, mixed-use development in transit rich areas including community corridors. (p. 72)

The subject site is located along a Residential Arterial roadway and designated as a Community Corridor, which supports the proposed uses permitted by the S-MX-3 zone district. Per Blueprint Denver, Suburban Community Corridors should be consistent with the character of the surrounding area in scale and design. Rezoning to SMX-3 would fit into the character of the surrounding area given the site previously had commercial use, and the adjacent commercial lots are zoned S-MX-5.

Additionally, Blueprint Denver calls for building heights to be up to 5 stories (70' tall) in Suburban Community Corridors. S-MX-3 would limit building heights to 45' tall, which would be significantly below the 70' threshold. Given the proximity to nearby residential, special attention was given to the transition between the existing zone districts. S-MX-3 would be an appropriate zone district as it serves as a transition from S-MX-5 to S-SU-I, since S-SU-I allows for 35' tall single-family homes.

- Policy 3: Ensure the Denver Zoning Code continues to respond to the needs of the city, while remaining modern and flexible.
  - Strategy A: Rezone properties from the Former Chapter 59 zoning code so that the entire city is covered by the current Denver Zoning Code, including continuing to incentivize owners to come out of the old code. (p. 73)

The proposed rezone to S-MX-3 would bring the subject property out of the Former Chapter 59 zoning code, and into the current DZC.

*Mobility*

- Policy 01: Encourage mode-shift – more trips by walking and rolling, biking and transit – through efficient land use and infrastructure improvements.
  - Strategy D: Increase the number of services and amenities that are available by walking, rolling and biking by integrating more local centers and corridors into residential areas, especially for areas that score low in Access to Opportunity. (p. 108)
  - Strategy E: Promote mixed-use development in all centers and corridors. (p. 108)

The proposed site is in an area that scored low in the Access to Opportunity measurements. Residential uses are located immediately to the north and west, and across Mississippi Avenue to the south. The proposed S-MX-3 zoning would provide an opportunity to develop the site and

increase the services, amenities and jobs available to the surrounding neighborhood, thus expanding the ability for walking, rolling and biking by neighbors to the site.

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

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

The proposed official zone map amendment to S-MX-3 creates a new, uniform zone district with applicable standards for the entirety of the proposed site. The new zone district will create a high-density zoning district that will allow for a variety of uses that fit the Suburban Commercial Corridor Context, per the Comprehensive Plan and Blueprint Denver. The regulations are uniform, and the site plan will be appropriately reviewed for design criteria.

### **Public Health and General Welfare**

The proposed map amendment furthers the public health, safety and general welfare of the City through implementation of adopted plan guidance. Rezoning to S-MX-3 will permit uses and building form standards that promote public health and general welfare in comparison to the current vacant ATM facility by allowing the development of needed goods and services for the surrounding residents.

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

The justifying circumstance for the rezoning is defined in Denver Zoning Code 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: (c.) That the City adopted the Denver Zoning Code and the property retained Former Chamber 59 rezoning." The adoption of the Denver Zoning Code in 2010 and the retention of Former Chapter 59 B1 zoning, including a custom condition requiring compliance with the 1993 site plan, justifies the proposed rezoning.

### **Conclusion**

In summary, this map amendment application complies with the applicable review criteria. Modifying the zoning of the property to S-MX-3 will allow the site to be redeveloped in a manner that supports adopted plan vision for the area.

TO: Tony Lechuga, Community Planning and Development  
FROM: Bethany Gravel, Gravel Public Affairs  
DATE: April 17, 2024  
RE: 10353 E Mississippi Equity Analysis Response

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In 1994, the 10353 E. Mississippi property was rezoned to B-1 with a condition requiring that it be used only for a drive-up facility serving a neighboring bank building. In 2016, Belco Credit Union tore down the neighboring bank building and rebuilt it with relocated drive-up lanes. Since that time, use of the drive-up facility on the property has ceased, but the site remains subject to its conditional B-1 zoning. As presently zoned, the property has only one permissible use, as a drive-up facility for a bank. Consequently, the site has lain dormant and is not contributing anything to the community. It has attracted graffiti, illegal dumping and illegal encampments.

By addressing the blight conditions currently present at 10353 E. Mississippi through rezoning and redevelopment will address equity concerns by improving public safety and giving nearby residents the opportunity to live and work in a complete, connected neighborhood with access to community services and amenities.

**Response to Access to Opportunity:** This area has been deemed Less Equitable in terms of access to parks. While this is only a 1.85 acre site, the developers plan to retain a sizable landscaped retention area of 6,700 SF that will provide publicly available green space for the community and buffer the site from adjacent single family homes across Geneva Street. Through neighborhood outreach, we have learned that neighbors enjoy walking through this area.

This area scored Somewhat Equitable in access to healthcare. Through the provision of a dental office, we will expand walkable and bikeable access to medical care in this community.

This area was deemed Least Equitable in terms of access to transit. We will provide bike and pedestrian infrastructure to encourage nearby residents to walk or bike to and from the site.

**Response to Vulnerability to Displacement:** This site has been, and is proposed to remain, a commercial site. No residents will be displaced due to the proposed rezoning and redevelopment. Through our community outreach efforts to the Rangeview Neighborhood Association, we have learned that neighboring residents would object to multi-family residential projects being developed on this site, especially multi-story residential projects.

**Response to Housing Diversity:** While this area scored 1 out of 5 in terms of housing diversity, we know that there is strong community opposition to the development of any form of residential housing other than a single-family home on the 1.85 acre site.

**Response to Expanding Jobs Diversity:** With less than 100 jobs in this community, the data values in the equity matrix are not applicable, however this site will provide quality job opportunities for dentists, hygienists and other professionals working in the dental office as well

as quality opportunities for veterinarians and veterinary assistants working in the veterinary clinic.

## **10353 E Mississippi Community Outreach Report**

Red Mountain Group

### **City Council Outreach**

- Meeting with Councilmember Sawyer (via Zoom) – March 21, 2024

Councilmember Sawyer directed the Red Mountain team to work with the adjacent Rangeview Neighborhood Association to reach agreement on the rezoning application. She noted that the neighborhood had previously opposed development of a fuel station on the site and would not support development of other automobile service uses. Councilmember Sawyer also noted that the community would like to see building heights capped at 2 stories.

Councilwoman Sawyer and representatives of Red Mountain agreed to prepare covenants that will run with the land to be executed and filed with the Denver Clerk and Recorder's Office to codify use restrictions preventing future development of fuel stations on the site and capping development heights at 2-stories to address concerns expressed by Rangeview Neighborhood Association.

Red Mountain contacted At-Large Councilmembers Serena Gonzales-Gutierrez and Sarah Parady by email on May 20, 2024 with offers to meet and brief them on the project. The team has not yet received responses to these offers.

Red Mountain also contacted LUTI Committee Chair Councilwoman Amanda Sandoval on April 19, 2024. The Councilwoman declined meeting in advance of LUTI Committee.

### **Registered Neighborhood Organization Outreach**

- Meeting with Rangeview Neighborhood Association Leadership – February 26, 2024
- Rangeview Neighborhood Association Annual Meeting – April 2, 2024

Rangeview Neighborhood Association leadership conveyed enthusiasm for seeing the site rezoned and redeveloped. They also expressed strong opposition to the development of a fuel station or other automotive service uses on the site. Rangeview would prefer no entries and exists on Geneva Street if possible.

Tim Dollander and David Cole with Red Mountain Group provided an overview of the proposed uses for the site including a 650 SF drive-thru coffee shop, a dental office and a veterinary clinic. The neighborhood supported the proposed community-service uses.

Rangeview voted to support the proposed rezoning at their Annual Association meeting on April 2, 2024.