

**TO:** Denver City Council  
**FROM:** Jeff Hirt, Senior City Planner  
**DATE:** January 24, 2019  
**RE:** Official Zoning Map Amendment Application #2017I-00162  
4885 and 4889 South Quebec Street  
Rezoning from B-4 with waivers, UO-1, UO-2 to C-MX-20

### Staff Report and Recommendation

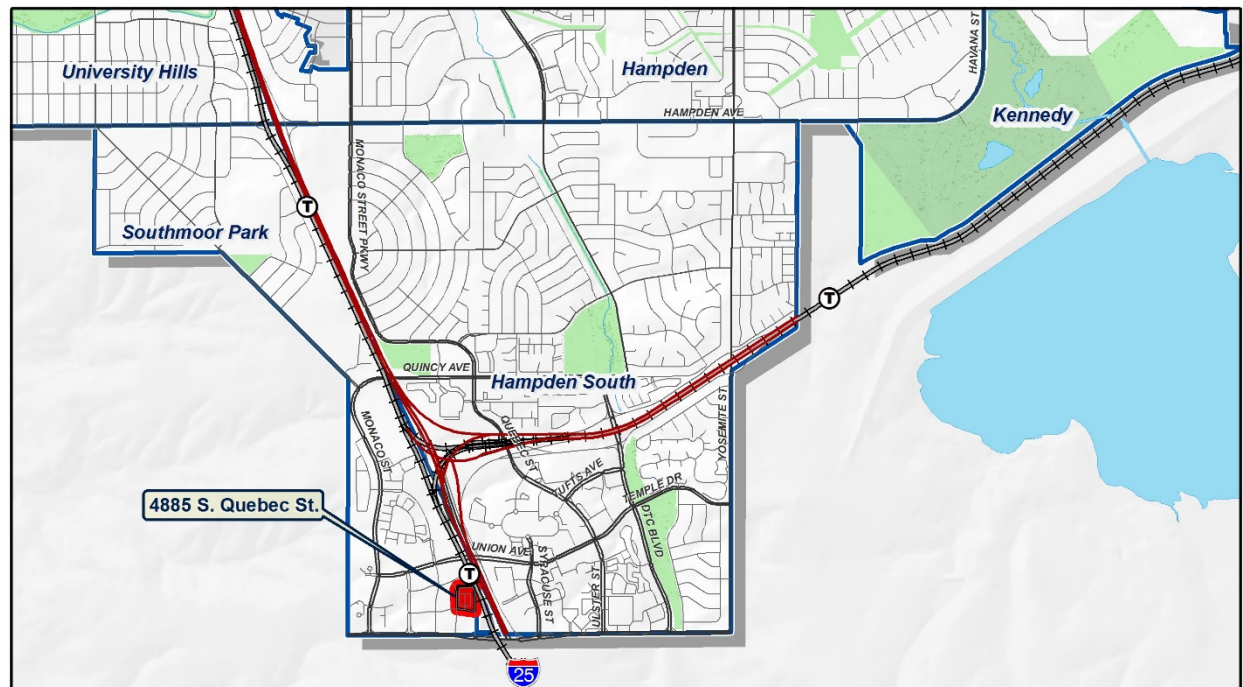
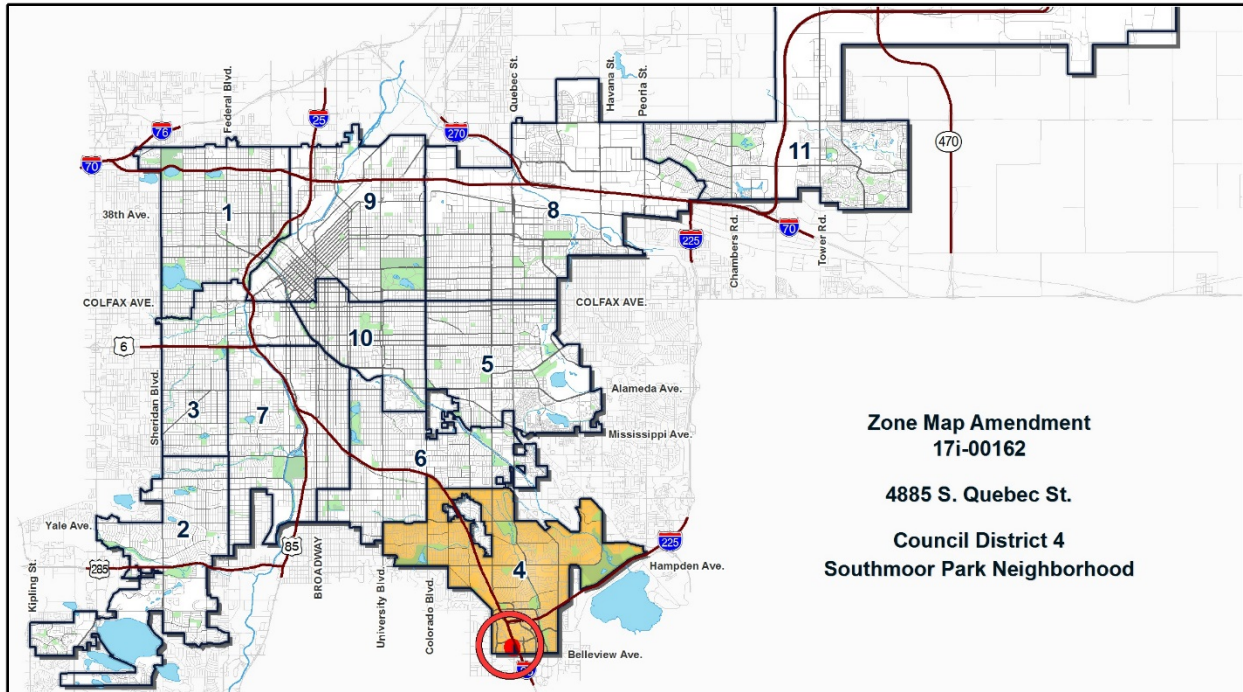
Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2017I-00162 for a rezoning from B-4 with waivers, UO-1, UO-2 to C-MX-20.

### Request for Rezoning

Application:	#2017I-00162
Address:	4885 and 4889 South Quebec Street
Neighborhood/Council District:	Southmoor Park / Council District 4
RNOs:	Inter-Neighborhood Cooperation
Area of Properties:	140,315 SF (3.2 acres)
Current Zoning:	B-4 with waivers, UO-1, UO-2
Proposed Zoning:	C-MX-20
Property Owner(s):	Glenwood Lodging, LLC and Garfield Suites, LLC

### Summary of Rezoning Request

- The property is in the Belleview Station transit-oriented development area, adjacent to a light rail station platform.
- The property contains a hotel development built in 1995 with three two-story buildings. The Belleview light rail station opened in 2006.
- The applicant is requesting the rezoning to redevelop the property for a mixed-use project.
- The current B-4 with waivers zoning restricts building heights to 50', with some additional land use limitations. Surrounding properties all have Former Chapter 59 T-MU-30 zoning, which allows building heights up to 220' on properties further from the light rail station platform than the subject property.
- The C-MX-20 zone district allows building heights of up to 250', while surrounding properties that are a block or more further from the light rail station have a maximum building height zoning entitlement of 220' under the current T-MU-30 zoning. All recently constructed or approved buildings on adjacent blocks are over 200' in height (see Building Heights Context Analysis below). The C-MX-20 building form standards require a high degree of street level activation with low minimum vehicle parking requirements. The zone district allows a wide mix of primarily civic/institutional, residential, and commercial uses. See Denver Zoning Code (DZC) Article 7 for more details about the C-MX-20 zone district.





## Existing Context

The subject property is in a rapidly changing transit-oriented development area surrounding the Belleview Station light rail platform. The street network was introduced in the mid-2000s in response to development potential with the newly completed light rail station. Since 2013, several new buildings for mixed use and office land uses have been constructed or approved in the area surrounding the subject property. The following table summarizes the existing context proximate to the subject property, followed by a building-height specific analysis.

	Existing Zoning	Existing Land Uses	Existing Building Form/Scale
Site	B-4 with waivers, UO-1, UO-2	Mixed Use (Hotel)	Three two-story buildings as part of a hotel complex built in 1995. Vehicular access is off Chenango Avenue and South Quebec Street, with several internal drive aisles accessing surface parking areas.
North	T-MU-30 with waivers, UO-1	Vacant	Vacant parcels are adjacent to the Bellevue Station light rail platform.
South	T-MU-30 with waivers, UO-1	Office, Vacant	One 15-story office building built in 2018; one remaining vacant parcel on the same block. Two other nearby blocks south of Chenango Avenue are entirely built out, both with 5-story mixed use buildings built in 2013 and 2014. Greenwood Village is one block to the south across Bellevue Avenue.
East	OS-B, Arapahoe County enclave	RTD Park-n-Ride, Interstate 25	Bellevue Station Park-n-Ride (59 spaces) that is connected by a sidewalk to the light rail station; Interstate 25 and the light rail tracks; the Park-n-Ride area is part of a 4.6-acre area that is an Arapahoe County enclave surrounded by Denver.
West	T-MU-30 with waivers, UO-1	Vacant	Currently vacant 3.8-acre block; however, a site development plan is approved for a 15-story, mixed use building as of October 2018 on the northern half of the block.

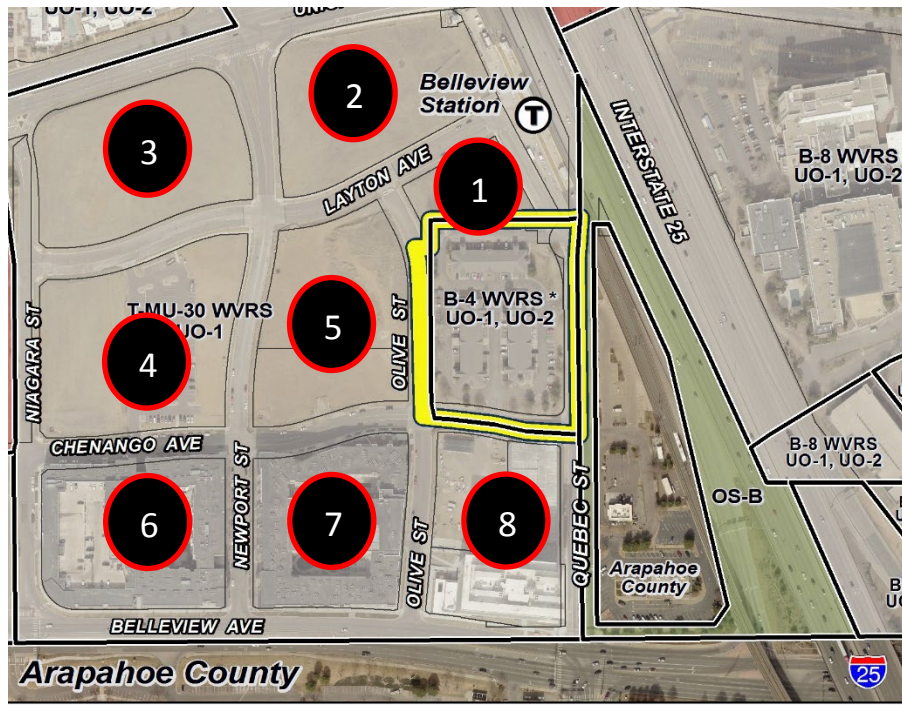
### Existing Block, Lot, and Street Pattern

An improved grid network of streets that was completed in the mid-2000's for development of the area surrounding the Bellevue Station light rail platform; Interstate 25 interrupts the street grid immediately to the east of the subject property.

### Building Heights Context Analysis

Surrounding blocks west of Interstate 25 are all zoned T-MU-30, a Former Chapter 59 zone district that allows up to 220 feet in building height. Several surrounding blocks remain vacant with this zoning, and some blocks south of the subject property have developed at heights approaching 220 feet. There are buildings either recently constructed or approved on adjacent blocks of 206 feet/15 stories and 211 feet/15 stories. The tallest building in the area that is in Denver city limits is approximately ½ mile east across I-25 at 257 feet, or 23 stories, located on the southeast corner of Union Avenue and South Ulster Street.





**Table of Surrounding Property Building Heights**

	Built or Approved Building Height	Maximum Permitted Building Height
Subject Property	50'	Current Zoning: 50' Proposed Zoning (C-MX-20): 250', 20 stories
1	n/a	T-MU-30 Zoning: 220'
2		
3		
4		
5	206', 15 stories	T-MU-30 Zoning: 220'
6	80', 5 stories	
7	80', 5 stories	
8	211', 15 stories	

### **Bellevue Station Urban Design Standards and Guidelines**

The city approved the Bellevue Station Urban Design Standards and Guidelines (UDSG) in 2007 with the purpose of creating a consistent urban design framework for a transit-oriented and pedestrian-focused urban area. The property located at 4885 South Quebec Street is part of the Bellevue Station transit-oriented development area; however, it was excluded from the UDSG boundaries. This site was excluded primarily because there was an existing hotel development on the site built in 1995 under the B-4 with waivers zoning, which remains on the property.

Given the site's proximity to the light rail station and its contiguity with the surrounding TOD area, city staff assessed the potential outcomes from the C-MX-20 zone district without any inclusion of the site in the UDSG boundaries. The main concerns were the lack of a build to requirement for a Side Street in the C-MX-20 zone district. The result on the subject property could be a range of negative outcomes related to the site's interface with the light rail station. For example, if Quebec Street were designated a Side Street on the site there could be minimally-screened surface parking and off-street loading areas directly facing the light rail station.

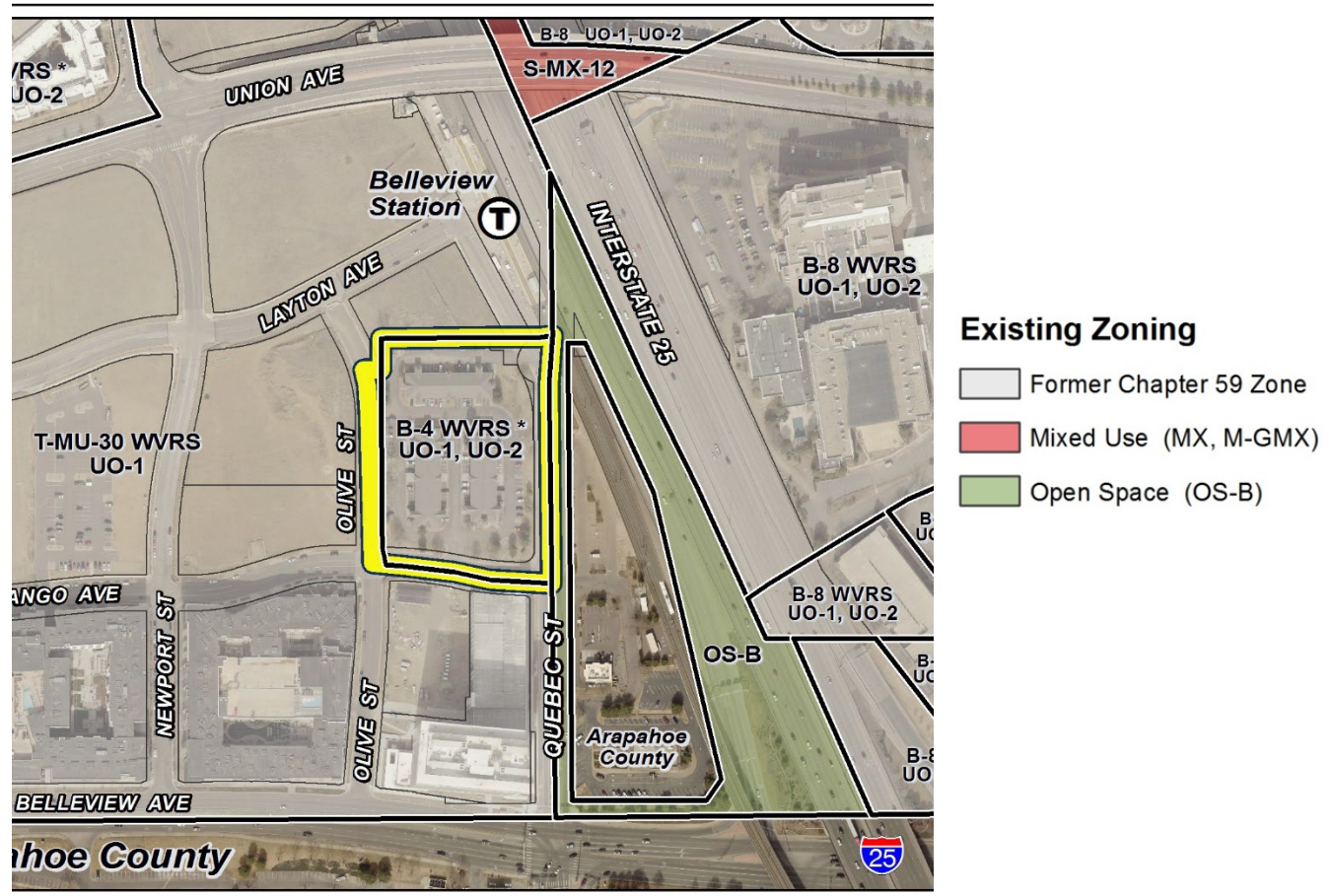
City staff is addressing this issue by amending the UDSG to bring the subject property in the Bellevue Station UDSG boundaries. The purpose of the proposed UDSG amendments is to include the subject property in the Bellevue Station urban design framework and address its proximity to the light rail station in a manner consistent with how surrounding properties are addressed in the UDSG. The December 5, 2018 Planning Board public hearing acted as the public meeting for these amendments.

### **1. Existing Zoning**

B-4 is a Former Chapter 59 business zone district that allows a wide range of nonresidential and residential uses, including multi-unit residential, retail, and office. Structures are regulated by a maximum floor area ratio of 2:1 with bulk plane standards. However, Ordinance Number 604, Series 1994 (see Attachment 2) includes waivers that address both building heights and land uses on the subject property. Specifically, the waivers:

- Limit building heights to 50 feet and a maximum of 1:1 floor area ratio;
- Restrict the mix of some allowed uses by specifying that no more than 20% of the gross floor area of a building may be used for "uses other than business and personal service uses";
- Prohibit some land uses, including light industrial, automobile sales, adult uses, and "outdoor general advertising", (aka billboards); and
- Set forth minimum open space requirements (30%), landscaping requirements including the number of trees and shrubs, and landscaped area setbacks from the street.

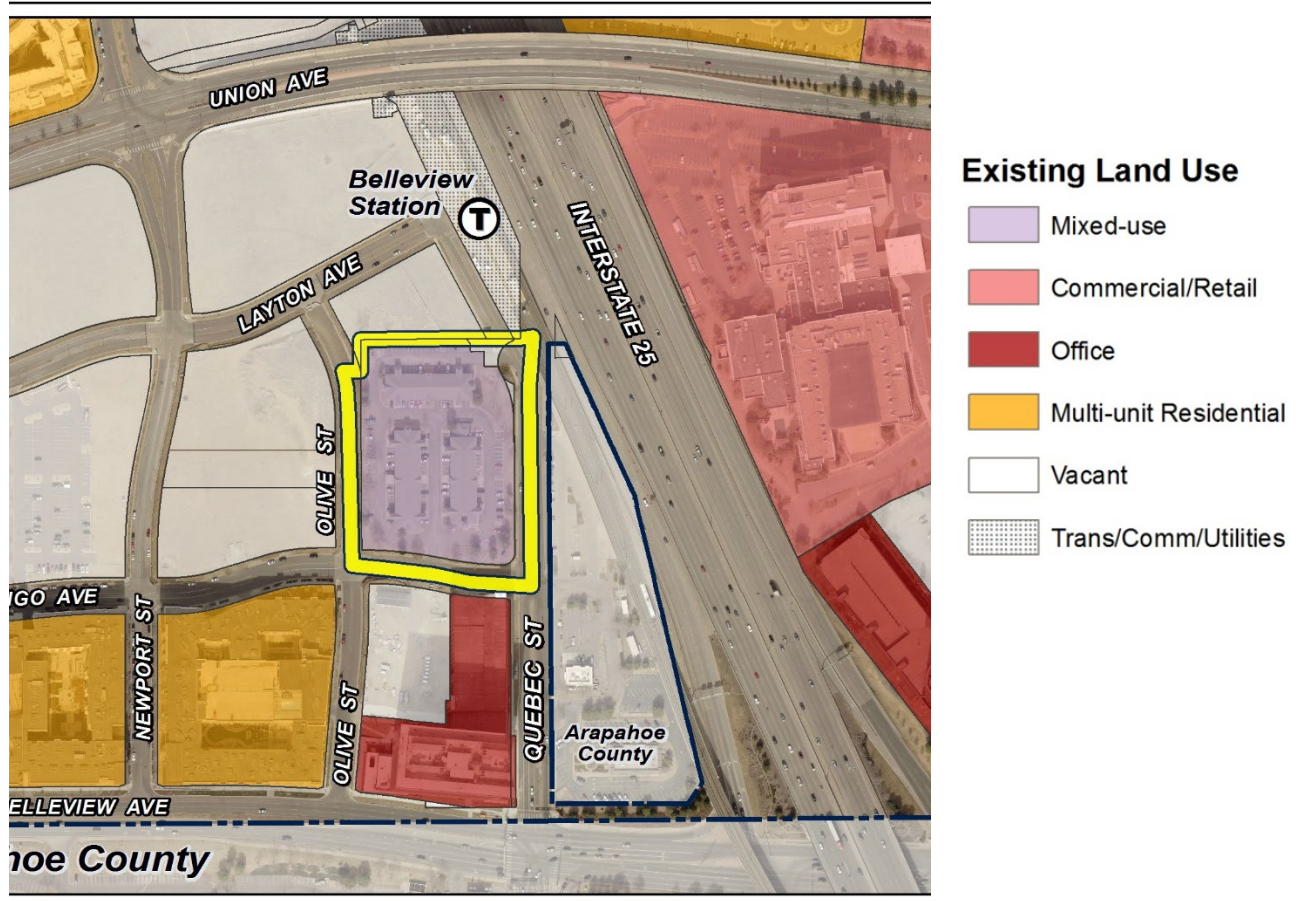
UO-1 is the Adult Use Overlay District that permits some adult business uses with limitations. However, the subject property's waivers prohibit adult businesses as defined by Former Chapter 59 zoning. UO-2 is the Billboard Use Overlay District that permits "outdoor general advertising devices" with limitations. However, the subject property's waivers prohibit outdoor general advertising devices as defined by Former Chapter 59 zoning. The applicant is not requesting to include the subject property in either the UO-1 or UO-2 zone district.



## 2. Existing Land Use Map

The subject property is in a predominantly commercial, office, and mixed use area with several vacant blocks that are rapidly developing. Within the last 5 years, three blocks south and southwest of the subject property have developed with new mixed use and office buildings. The blocks west and north of the subject property, while vacant, are expected to develop soon if the current pace of development continues. To the east is the Bellevue Station Park-n-Ride, light rail platform, and Interstate 25. One block south across Bellevue Avenue is the city limits shared with Greenwood Village.







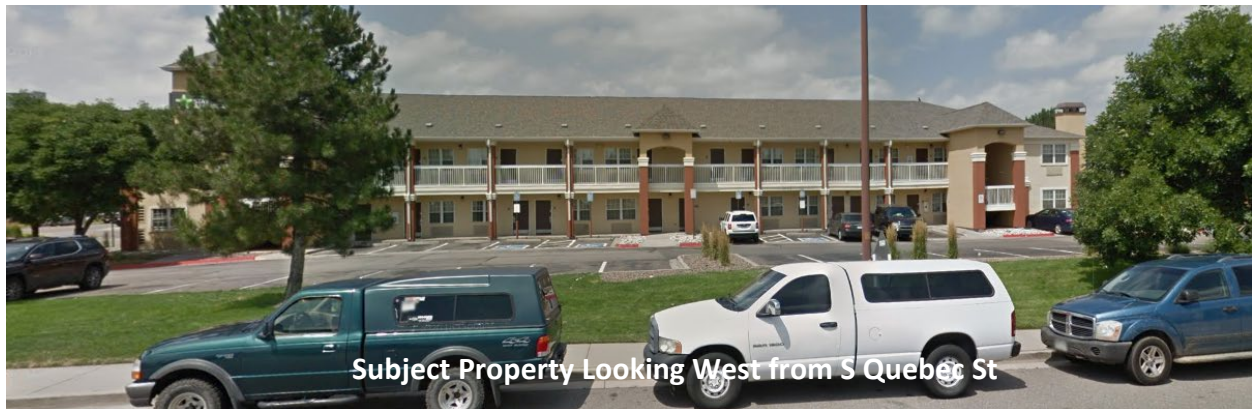
### 3. Existing Building Form and Scale Images

The existing building form and scale of the subject site and adjacent properties are shown in the images on the following pages. (Source: Google Earth)

#### Subject Property Images

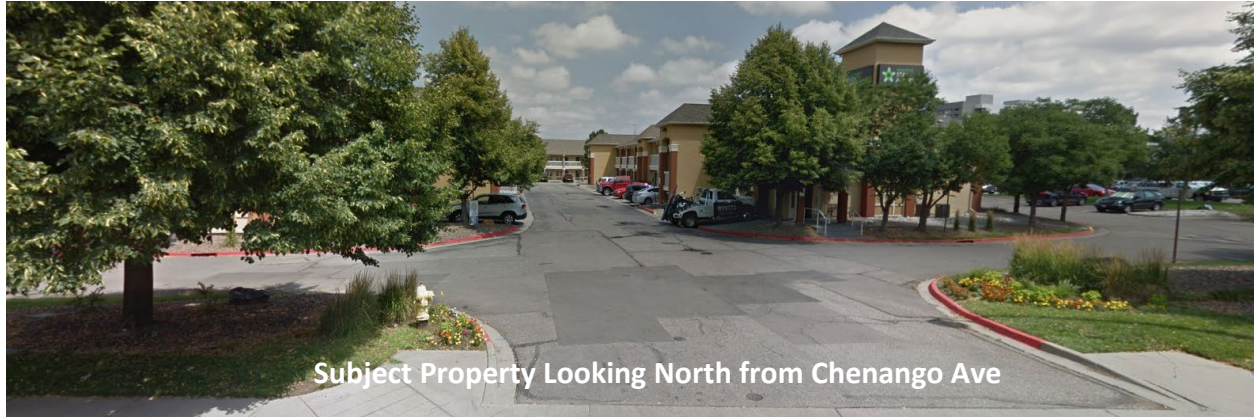


Subject Property, looking west from Intersection

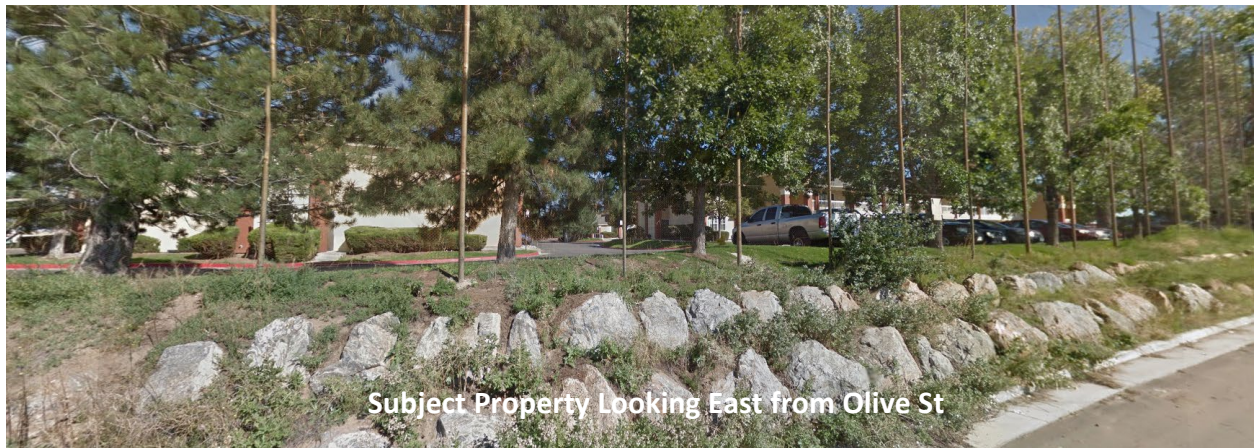


Subject Property Looking West from S Quebec St

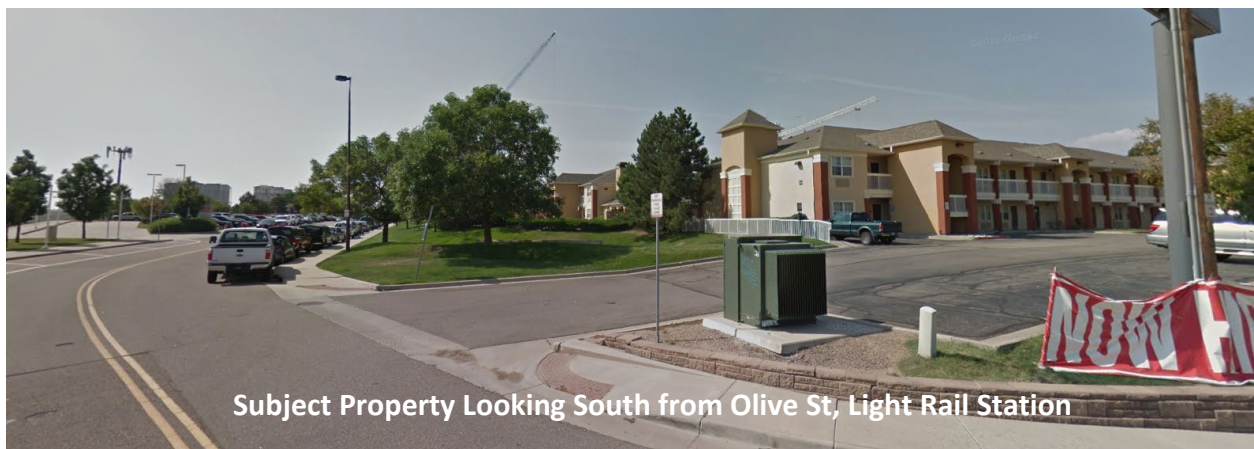




Subject Property Looking North from Chenango Ave



Subject Property Looking East from Olive St



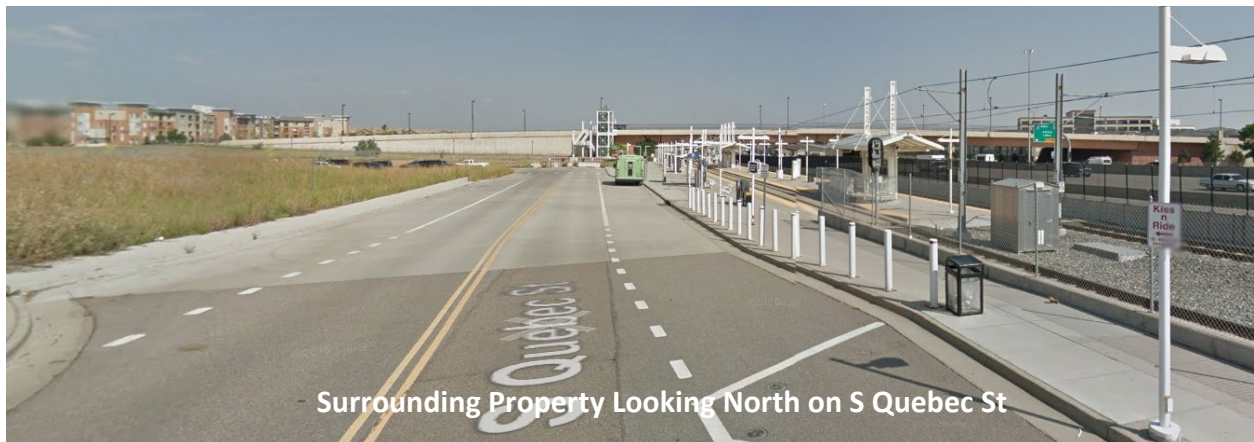
Subject Property Looking South from Olive St, Light Rail Station



### Surrounding Property Images

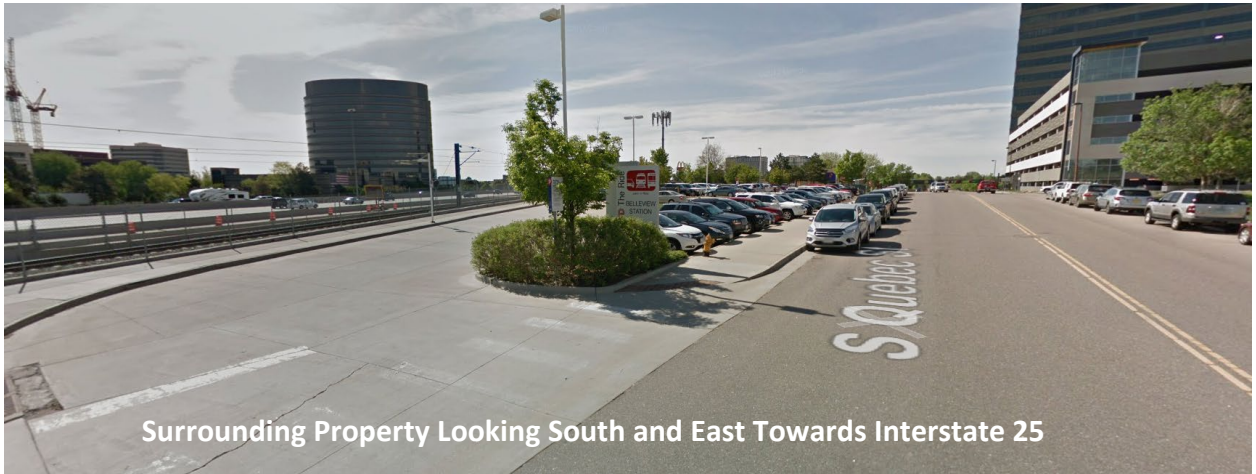


Subject Property and Surroundings, looking northeast from near Bellevue Ave. and Niagara St.

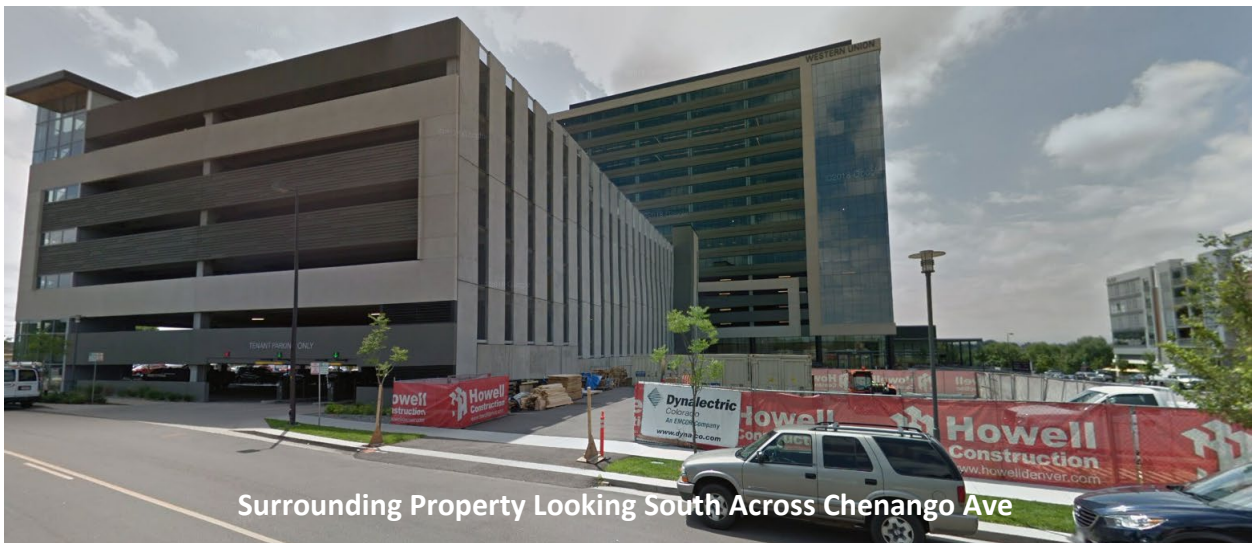


Surrounding Property Looking North on S Quebec St

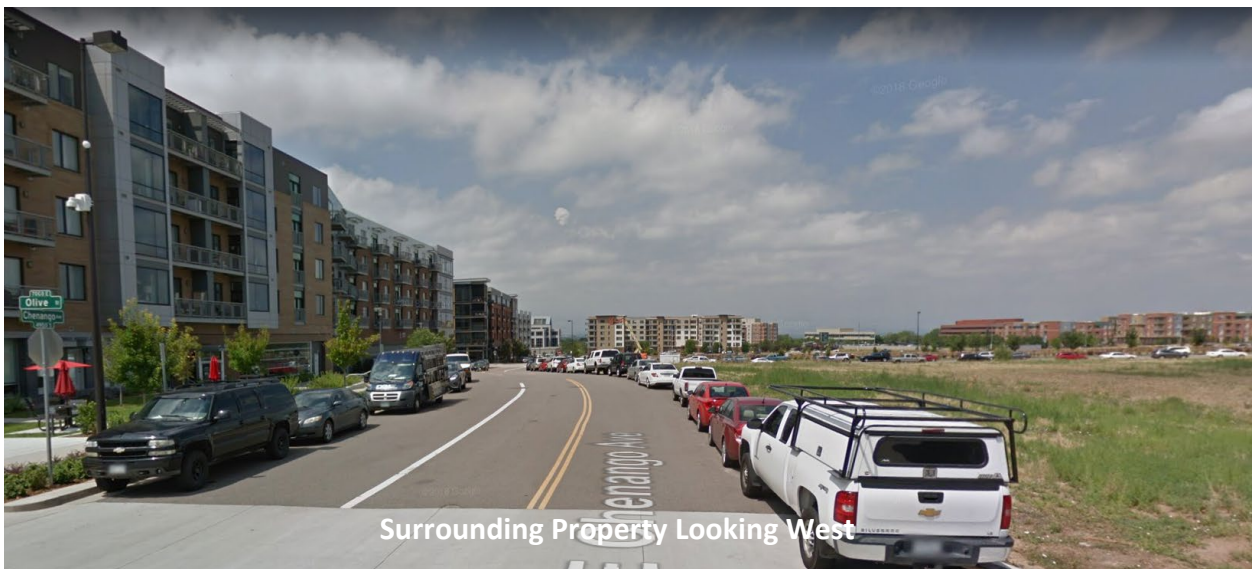




Surrounding Property Looking South and East Towards Interstate 25

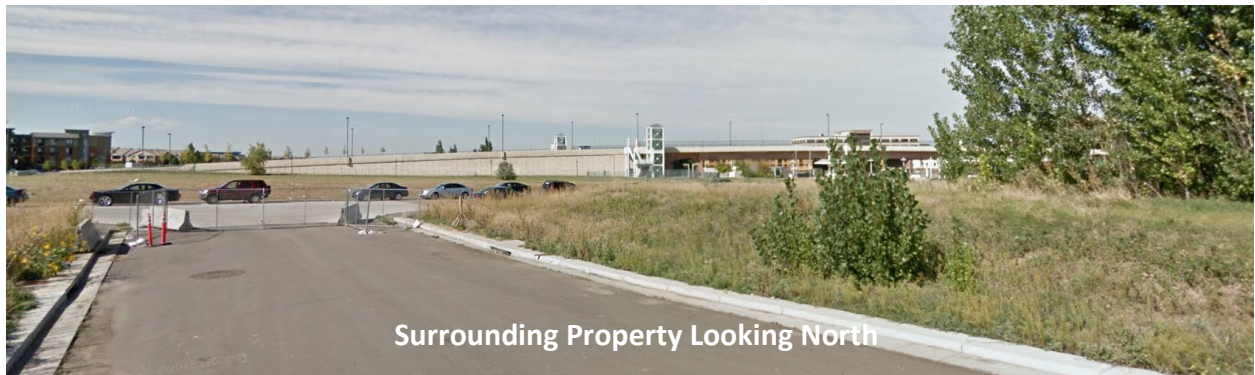


Surrounding Property Looking South Across Chenango Ave



Surrounding Property Looking West





### **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:

**Assessor:** Approved - no comment

**Real Estate:** Approved - no comment

**Denver Public Schools:** Approved - no comment

**Department of Public Health and Environment:** Approved with comments.

Denver Department of Public Health and Environment (DDPHE) concurs with the rezoning and is not aware of historical environmental concerns on the Property.

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

If renovating or demolishing existing structures, there may be a concern of disturbing regulated materials that contain asbestos or lead-based paint. Materials containing asbestos or lead-based paint should be managed in accordance with applicable federal, state and local regulations.

The Denver Air Pollution Control Ordinance (Chapter 4- Denver Revised Municipal Code) specifies that contractors shall take reasonable measures to prevent particulate matter from becoming airborne and to prevent the visible discharge of fugitive particulate emissions beyond the property on which the emissions originate. The measures taken must be effective in the control of fugitive particulate emissions at all times on the site, including periods of inactivity such as evenings, weekends, and holidays.

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

process requires 2 to 3 months. For variance requests or questions related to the Noise Ordinance, please contact Paul Riedesel, Denver Environmental Health (720-865-5410).

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

**Parks & Recreation:** Approved – no comments

**Public Works – Right-of-Way – Surveyor:** Approved – no comments

**Development Services – Transportation:** Approved - no comments

**Development Services – Wastewater:** Approved with comments. DES Wastewater approves the subject zoning change. The applicant should note that redevelopment of this site may require additional engineering including preparation of drainage reports, construction documents, and erosion control plans. Redevelopment may require construction of water quality and detention basins, public and private sanitary and storm sewer mains, and other storm or sanitary sewer improvements. Redevelopment may also require other items such as conveyance of utility, construction, and maintenance easements. The extent of the required design, improvements and easements will be determined during the redevelopment process. Please note that no commitment for any new sewer service will be given prior to issuance of an approved SUDP from Development Services.

**Development Services – Project Coordination:** Approved – no comments

**Development Services – Fire Prevention:** Approved - no comments

## Public Review Process

	Date
CPD informational notice of receipt of the rezoning application to all affected members of City Council and registered neighborhood organizations	9/6/18
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 and registered neighborhood organizations	11/19/18
Planning Board public hearing. Planning Board recommended approval of the rezoning by a vote of 8-1. The board did not issue any conditions or findings, but did discuss the infrastructure capacity issues raised by a surrounding property owner.	12/5/18
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.	12/4/18
Land Use, Transportation and Infrastructure Committee of the City Council review	12/18/18

	Date
Property legally posted for a period of 21 days and CPD written notice of the City Council public hearing sent to all affected members of City Council and registered neighborhood organizations.	1/7/19
City Council Public Hearing	1/28/19

The RNOs identified on page 1 were notified of this application. Two public comments have been received from representatives of the Belleview Station Metropolitan District. The comments express concerns that future development under C-MX-20 zoning may create infrastructure capacity issues for the surrounding sites within the metropolitan district, and that the rezoning request is not consistent with the Belleview Station General Development Plan. See Attachment 3.

### Protest Petition

Staff received a Protest Petition from surrounding property owners in accordance with DZC Section 12.4.10.5. Staff has determined that the required number of signatures have been submitted in accordance with this section. Attachment 4 summarizes the results.

### Criteria for Review / Staff Evaluation

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

#### DZC Section 12.4.10.7

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

#### DZC Section 12.4.10.8

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

### 1. Consistency with Adopted Plans

The following adopted plans apply to this property:

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

#### Denver Comprehensive Plan 2000

The request is consistent with several Denver Comprehensive Plan strategies, including:

- Environmental Sustainability Strategy 2-F:
  - *Conserve land by promoting infill development at sites where services and infrastructure are already in place (p. 39).*
  - *Conserve land by creating more density at transit nodes (p. 39).*
- Business Centers Strategy 3-B: *Encourage quality infill development that is consistent with the character of the surrounding neighborhood; that offers opportunities for increased density and more amenities; and that broadens the variety of compatible uses (p. 60).*

- Land Use and Transportation Strategy 4-A: *Encourage mixed-use, transit-oriented development that makes effective use of existing transportation infrastructure, supports transit stations, increases transit patronage, reduces impact on the environment, and encourages vibrant urban centers and neighborhoods* (p. 60).
- Land Use and Transportation Strategy 4-B: *Ensure that land-use policies and decisions support a variety of mobility choices, including light rail, buses, paratransit, walking and bicycling, as well as convenient access for people with disabilities* (p. 60).
- Diverse Mobility Options Strategy 1-B: *Promote public transit, both bus and rail, as a safe, attractive and convenient choice for people who might otherwise drive to employment, education, cultural, shopping or other destinations* (p. 75).
- Accommodating New Development Strategy 3-B: *Promote transit-oriented development (TOD) as an urban design framework for urban centers and development areas. Development at transit stations should provide both higher ridership to the transit system and viability and walkability in the area* (P. 76).
- Public Transit Strategy 5-D: *Determine the potential for transit-oriented development at public transit stations, and encourage such opportunities whenever possible* (p. 79).

The proposed map amendment would promote transit-oriented infill development at a location where services and infrastructure are in place to serve the property and with excellent mobility options. The subject property is adjacent to the Belleview Station light rail platform and is well connected to the area's street network and the nearby Belleview Avenue and I-25 interchange. The proposed map amendment would support public transit by allowing more development intensity at a transit node that is consistent with the character of the surrounding neighborhood.

### **Blueprint Denver (2002)**

According to *Blueprint Denver*, these sites have a concept land use of Transit Oriented Development and are located within an Area of Change.

#### **Future Land Use**

Blueprint Denver describes Transit-Oriented Development as areas where land uses have a direct correlation to the function of a mass transit system. These development sites are located at stations or stops along bus or rail lines within a mass transit network. Some key attributes of TOD commonly include a balanced mix of uses and compact, mid- to high-density development (p. 44). Typical development intensities are between a 0.5:1 and 4:1 Floor Area Ratio (p. 64).

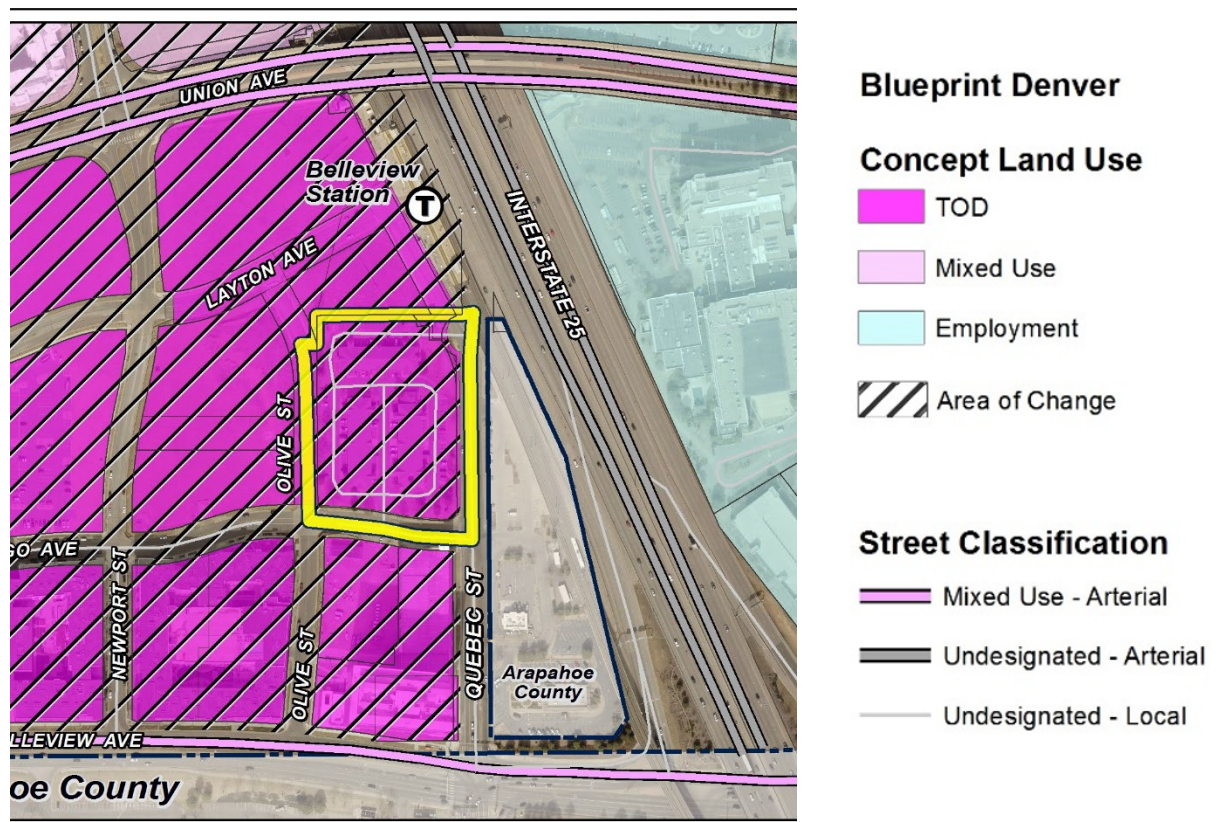
#### **Area of Change**

The site is in an Area of Change. Areas of Change are parts of the city where new growth and redevelopment can best be accommodated because there is existing infrastructure in the area and sites have not realized their full development potential. Certain features characterize an Area of Change, such as areas adjacent to and around transit stations (p. 19). According to *Blueprint Denver*, in this Southeast Light Rail Corridor – TOD Area of Change, "Along the I-25 Corridor south of Broadway, there are several TOD opportunities. The Colorado Station area and the Belleview Station area offer the greatest potential for larger-scale TOD development. Both areas have the potential to create a mixed-use urban village centered around the light-rail station" (p. 138).



### Street Classifications

The streets in the Bellevue Station area surrounding the subject property were constructed after the adoption of Blueprint Denver in 2002, so the street network is only partially mapped at this location. Quebec Street, portions of Chenango Avenue, and the internal drive aisles serving the existing development are all classified by Blueprint Denver as Undesignated Local Streets. Blueprint Denver states, “the design features of local streets are influenced less by traffic volumes and are tailored more to providing local access. Mobility on local streets is typically incidental and involves relatively short trips to and from other streets” (p. 51).



### Additional Relevant Blueprint Denver Policies:

- Denver 2020 Vision: *Appropriately located and attractive density stimulates positive change and development in areas with strong links to transit* (p. 18).
- Priority Actions for Public Transportation:
  - *Support development of transit services, including regional rapid transit, enhanced bus corridors, local circulators and transit-supportive land use* (p. 166).
  - *Support zoning changes, development incentives, and other transit-supportive strategies to achieve a Transit-Oriented Development (TOD) in rail station areas and at other key transit locations* (p. 167).

- Transit Oriented Development Definition: *Form of development that maximizes the benefits from the investment in transit infrastructure by concentrating the most intense types of development around transit stations to promote increase transit use* (p. 189).

The request is consistent with Blueprint Denver policies for the following reasons:

- Regarding the Transit Oriented Development (TOD) future land use classification, the rezoning would support mid- to high-density development at a location adjacent to a rail line that is part of a mass transit network;
- Regarding the Area of Change classification, the rezoning would accommodate development on a site with existing infrastructure that has not realized its full development potential in an area of “the greatest potential” for TOD.
- The current B-4 with Waivers zoning limits building heights to 50 feet, which is inconsistent with the site’s adjacency to the light rail station, the surrounding building height allowances of 220’, and Blueprint policies identifying this area as desirable for increased development intensities; and
- The rezoning would eliminate a custom, Former Chapter 59 Zone District and bring the site into the Denver Zoning Code, which is consistent with the Blueprint Denver policy that Former Chapter 59 zoning, and particularly custom zoning, is out of step with the Blueprint Denver vision (pp. 72, 82).

#### **Transit Oriented Development (TOD) Strategic Plan (2014)**

The TOD Strategic Plan is not an adopted plan, but it does reflect the outcome of a multi-agency, mayor-led initiative to provide a foundation to guide public and private investment at rail stations. The purpose of the plan is to act as a guide to direct growth and investment to rail stations with the best opportunity for development in the next 5 to 6 years (p. 4).

The subject property is in the Bellevue Station Typology area, which the TOD Strategic Plan identifies as an Urban Center. Urban Center stations are intended to be mixed use, high density, grid and alley block pattern, high pedestrian activity, and multimodal (p. 19). Building heights are anticipated up to a maximum of 20 stories at the core of the TOD area (p. 22).



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

The proposed rezoning to C-MX-20 would result in the uniform application of zone district building form, use, and design regulations for the subject property.

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

The proposed official map amendment would further the public health, safety, and general welfare of the City through implementation of adopted plans. Specifically, the request will eliminate custom, Former Chapter 59 zoning that precludes increased development intensity by restricting building heights. Both Blueprint Denver and the Comprehensive Plan policies support increased development intensity on the subject property.

## **4. Justifying Circumstance**

The rezoning is justified 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: Changed or changing conditions in a particular area; or That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning."

The subject property retained Former Chapter 59 zoning with the adoption of the Denver Zoning Code in 2010. The surrounding blocks have also changed to a degree that the proposed rezoning is in the public interest. The adjacent light rail station is resulting in the transformation of this area that has accelerated recently, with four site development plans for significant new development projects approved on adjacent blocks in the last five years.

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

The requested C-MX-20 zone district is in the Urban Center Neighborhood Context, which consists of multi-unit residential, mixed use, and commercial centers. All buildings typically have consistent orientation and shallow front setbacks with parking at the rear and/or side of the building. There are high levels of pedestrian and bicycle use with the greatest access to multi-modal transportation system. C-MX-20 applies to areas or intersections served primarily by major arterial streets where a building scale of 3 to 20 stories is desired.

The request is consistent with the Urban Center Neighborhood Context description because it promotes mixed use development in area where an adopted plan expresses strong desire for larger-scale TOD with exceptional access to a multi-modal transportation system, including the adjacent light rail station and Bellevue Avenue, which is one block away and classified in Blueprint Denver as a Mixed Use Arterial.

## **Attachments**

1. Rezoning application
2. Waiver (Ordinance 604 Series of 1994)
3. Public comments
4. Protest Petition Memo

## 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	
Property Owner Name		Representative Name	
Address		Address	
City, State, Zip		City, State, Zip	
Telephone		Telephone	
Email		Email	
<p><b>*If More Than One Property Owner:</b>            All standard zone map amendment applications shall be initiated by all the owners of at least 51% of the total area of the zone lots subject to the rezoning application, or their representatives authorized in writing to do so. See page 3.</p>		<p><b>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</b></p>	
<p>Please attach Proof of Ownership acceptable to the Manager for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed or deed of trust, or (c) Title policy or commitment dated no earlier than 60 days prior to application date.</p> <p>If the owner is a corporate entity, proof of authorization for an individual to sign on behalf of the organization is required. This can include board resolutions authorizing the signer, bylaws, a Statement of Authority, or other legal documents as approved by the City Attorney's Office.</p>			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):			
Assessor's Parcel Numbers:			
Area in Acres or Square Feet:			
Current Zone District(s):			
PROPOSAL			
Proposed Zone District:			



## REVIEW CRITERIA

<p>General Review Criteria: The proposal must comply with all of the general review criteria</p> <p>DZC Sec. 12.4.10.7</p>	<p><input type="checkbox"/> Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan. Please provide an attachment describing relevant adopted plans and how proposed map amendment is consistent with those plan recommendations; or, describe how the map amendment is necessary to provide for an unanticipated community need.</p> <p><input type="checkbox"/> Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.</p> <p><input type="checkbox"/> Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</p>
<p>Additional Review Criteria for Non-Legislative Rezoning: The proposal must comply with both of the additional review criteria</p> <p>DZC Sec. 12.4.10.8</p>	<p><b>Justifying Circumstances - One of the following circumstances exists:</b></p> <p><input type="checkbox"/> The existing zoning of the land was the result of an error.</p> <p><input type="checkbox"/> The existing zoning of the land was based on a mistake of fact.</p> <p><input type="checkbox"/> The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage.</p> <p><input 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="margin-left: 20px;">a. Changed or changing conditions in a particular area, or in the city generally; or</p> <p style="margin-left: 20px;">b. A City adopted plan; or</p> <p style="margin-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. Please provide an attachment describing the justifying circumstance.</p> <p><input type="checkbox"/> The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District. Please provide an attachment describing how the above criterion is met.</p>

## REQUIRED ATTACHMENTS

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

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

## ADDITIONAL ATTACHMENTS

Please identify any additional attachments provided with this application:

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

Please list any additional attachments:

# REZONING GUIDE

Rezoning Application Page 3 of 3

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

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

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner 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 or deed of trust, (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>	01/01/12	(A)	YES
Glenwood Lodging, LLC & Garfield Suites, LLC as tenants in common	4949 S. Niagara St., #300 Denver, CO, 80237	97.5%	Navin C. Dimond	8/7/18	B	Yes
City and County of Denver	201 W Colfax Ave, 401 Denver, CO 80202	2.5%	<i>Gregory Blat</i>	11/19/18		



STONEBRIDGE  
— COMPANIES —

August 7, 2018

Denver Community Planning & Development  
201 W. Colfax Ave., Dept. 205  
Denver, CO 80202

To Whom It May Concern:

As the LLC Manager of Garfield Suites, LLC and also Glenwood Lodging, LLC, I, Navin C. Dimond, am authorized, per Section 8.01 & 8.03 (d) of the Operating Agreement, to execute any and all documents pertaining to the Rezoning application provided hereto.

Thank you,

Navin C. Dimond  
Manager, Garfield Suites, LLC  
Manager, Glenwood Lodging, LLC  
4949 South Niagara Street, # 300  
Denver, CO 80237

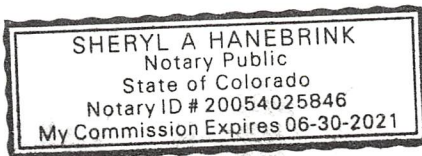
\*\*\*\*\*

STATE OF colorado )  
 ) ss.  
COUNTY OF Arapahoe

On this 7th day of AUGUST, 2018, before me, the undersigned, a Notary Public in and for the State of Colorado, duly commissioned and sworn personally appeared Navin C. Dimond, known to me as said individual and he represented to me that he is the Manager of Garfield Suites, LLC and is also the Manager of Glenwood Lodging, LLC, who executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said party, for the purposes therein mentioned, and on oath stated that s/he was authorized to execute said instrument.

I certify that I know or have satisfactory evidence that the person appearing before me and making this acknowledgment is the person whose true signature appears on this document.

WITNESS my hand and official seal hereto affixed the day and year in the certificate above written.



Sheryl A. Hanebrink  
Signature

sheryl A. Hanebrink  
Print Name

NOTARY PUBLIC in and for the State of Colorado  
My commission expires 6/30/2021

November 19, 2018

Denver Community Planning & Development  
201 W. Colfax Ave., Dept. 205  
Denver, CO 80202

Re: Request for CPD to add a city-owned parcel to Case # 2017I-00162

To Whom It May Concern:

In accordance with the authority set forth in the Denver Zoning Code Section 12.4.10.4.A.2.a., Community Planning and Development is requesting an official map amendment for the parcel currently owned by the City and County of Denver (Parcel Number 0708400122000) to rezone from B-4 with waivers UO-1, UO-2 to C-MX-20 as part of case #2017I-00162. The subject parcel is 3,689 square feet and a remnant from a previous right-of-way configuration. The purpose of adding this parcel to case #2017I-00162 is to eliminate a future scenario where a small, remnant parcel retains the current, former Chapter 59 custom zoning, including adjacent right-of-way, that would occur if the rezoning were to be approved.

Sincerely,



Jill Jennings Golich  
Interim Executive Director  
Community Planning & Development





2017163718

Page: 1 of 4

12/15/2017 04:46 PM  
City & County of Denver  
Electronically Recorded

R \$28.00

WD

D \$1,600.00

**SPECIAL WARRANTY DEED**  
[Statutory Form - C.R.S. § 38-30-115]

ESA P PORTFOLIO L.L.C., a Delaware limited liability company ("Grantor"), whose street address is c/o Extended Stay America, 11525 N. Community House Road, Suite 100, Charlotte, North Carolina 28277, for Ten and 00/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, hereby sells and conveys to GLENWOOD LODGING, LLC, a Colorado limited liability company, as to an undivided 25% interest, and GARFIELD SUITES, LLC, a Colorado limited liability company, as to an undivided 75% interest, as tenants-in-common (collectively, "Grantee"), whose street address is c/o Stonebridge Realty Advisors, Inc., 9100 E. Panorama Drive, Suite 300, Centennial, Colorado 80112, the real property in the County of Denver and State of Colorado described on Exhibit A attached hereto, with all its appurtenances, and warrants the title to the same against all persons claiming under Grantor, subject to the matters set forth on Exhibit B attached hereto and made a part hereof.

The street address for the foregoing property is: 4885 South Quebec Street, Denver, Colorado.

Signed as of this 15th day of December, 2017.

**ESA P PORTFOLIO L.L.C.,**  
a Delaware limited liability company

By: [Signature]  
Name: John Dent

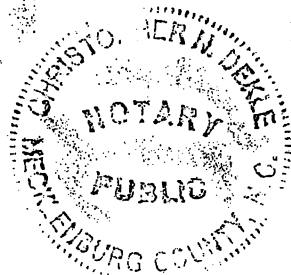
Title: Vice President and Secretary

STATE OF North Carolina )  
 ) ss.  
COUNTY OF Mecklenburg )

The foregoing instrument was acknowledged before me this 14th day of December, 2017, by John Dent, as Vice President and Secretary of ESA P PORTFOLIO L.L.C., a Delaware limited liability company.

Witness my hand and official seal.

My commission expires: 11/21/2021



[Signature]  
Notary Public

10014294

## Legal Description:

A parcel of land located in the Southeast 1/4 of Section 8, Township 5 South, Range 67 West of the 6th Principal Meridian, City and County of Denver State of Colorado. More particularly described as follows:

COMMENCING at the Southeast corner of said Section 8:

Thence North  $00^{\circ} 17' 48''$  West along the East line of the Southeast 1/4 of said Section 8, a distance of 1009.87 feet;

Thence South  $89^{\circ} 35' 29''$  West departing said East line, a distance of 40.00 feet to the POINT OF BEGINNING;

Thence South  $89^{\circ} 35' 29''$  West a distance of 319.82 feet;

Thence South  $00^{\circ} 17' 48''$  East, a distance of 440.05 feet to a point on a curve from whence the center of said curve bears South  $00^{\circ} 17' 48''$  East, a distance of 789.00 feet:

Thence along said curve to the right having a radius of 789.00 feet, a central angle of  $12^{\circ} 04' 36''$ , an arc distance of 166.30 feet to a point of reverse curvature:

Thence along a curve to the left having a radius of 711.00 feet, a central angle of  $10^{\circ} 29' 18''$ , an arc distance of 130.15 feet to a point of compound curvature:

Thence along a curve to the left having a radius of 25.00 feet, a central angle of  $91^{\circ} 36' 06''$ , an arc distance of 39.97 feet to a point on the West right-of-way line of South Quebec Street;

Thence the following three (3) courses along said right-of-way line:

(1) North  $00^{\circ} 17' 48''$  West a distance of 353.56 feet to a point of a curve from whence the center of said curve bears North  $18^{\circ} 30' 23''$  East a distance of 48.00 feet:

(2) Thence along a curve to the right having a radius of 48.00 feet, a central angle of  $142^{\circ} 24' 49''$ , an arc distance of 119.31 feet;

(3) Thence North  $00^{\circ} 17' 48''$  West. a distance of 4.24 feet to the POINT OF BEGINNING, City and County of Denver, State of Colorado.



## Zone Map Amendment - Review Criteria

Through this application, Stonebridge Companies (Owner) proposes to rezone 4885 S. Quebec Street in southeast Denver from B-4 with waivers to C-MX-20. This parcel is currently occupied by a two-story motel with surface parking lot. The site is in close proximity to the Bellevue Station transit stop and is surrounded on three sides by the Bellevue Station master planned development. With the City of Denver's long-term focus on transit oriented development and a shift to a more urban character in this area of the Denver Tech Center, the current zoning for this parcel is outdated, and a change to C-MX-20 will promote development opportunities appropriate for this part of Denver.

### Consistency with Adopted Plans

Rezoning the site from B-4 with waivers to C-MX-20 will update the site from an outdated zoning code to a zone district that supports Denver's modern vision for higher density, mixed-use and transit oriented development, consistent with Blueprint Denver as well as the Bellevue Station Design Standards and Guidelines that govern the adjacent properties.

- **Blueprint Denver**

The property is located in the Denver Tech Center between South Olive Street and South Quebec Street on the north side of East Chenango Avenue. The Blueprint Denver Concept Land Use Map designates this location as Transit Oriented Development and as an Area of Change. According to Blueprint Denver, redevelopment in Areas of Change provides opportunities for pedestrian oriented environments, access to efficient forms of transportation, improvement to the economic base and job creation. The proposed rezoning to C-MX-20 aligns with these goals by allowing for mixed-use development with diversity of use types providing employment, service and amenity opportunities. Proximity to the Bellevue Station transit stop and the master planned Bellevue Station development surrounding this site further supports the proposed rezoning as complementary development beneficial to growth and smart change.

- **Bellevue Station Design Standards and Guidelines**

The Bellevue Station site, which has a General Development Plan in place, supports transit oriented and pedestrian-focused urban development around the Bellevue Station light rail stop. The Bellevue Station Design Standards and Guidelines help maintain a clear and consistent pattern of development. The parcel proposed for rezoning is currently the only lot adjacent to Bellevue Station with radically different zoning, and the B-4 zoning in place does not allow consistency with the Bellevue Station context. By rezoning to C-MX-20 and conforming to the Bellevue Station Design Guidelines, development on the 4885 S. Quebec Street site will be consistent with the both the neighborhood context and a currently adopted zoning type.



**Uniformity of District Regulations and Restrictions**

The proposed official map amendment is consistent with the City of Denver's vision for this area as a Transit Oriented Development promoting safe, active, and pedestrian friendly areas with a diverse mix of uses, amenities, and transportation options. The proposed rezoning to C-MX-20 will result in the uniform application of the zone district building form, use, and design regulations and standards.

**Public Health, Safety and General Welfare**

The proposed official map amendment furthers the public health, safety, and general welfare of the City by promoting strategic growth and development in accordance with the City's vision for creating areas of mixed-use, transit-oriented communities and Urban Centers. Rezoning this property will allow for uses and density appropriate to its direct proximity to public transit. Future redevelopment of the site will incorporate urban design guidelines and establish a pedestrian-oriented environment that also enhances access to surrounding areas and amenities.

**Justifying Circumstances**

The proposed rezoning is in the public interest due to the extent of changes since the original approval of the existing Zone District. As noted in the application, these include changed or changing conditions in a particular area as well as the City in general. In addition, this property retained Former Chapter 59 zoning while the City adopted the Denver Zoning Code.

The parcel seeking rezoning to C-MX-20 is surrounded on the north, west, and south sides by the Belleview Station transit oriented development. The Belleview Station RTD Park and Ride and I-25 border the site to the east. With the high-density, mixed-use master planned development build out directly adjacent to this parcel on three sides, the existing B-4 Former Chapter 59 Zoning with Waivers, UO-1, UO-2 is outdated and does not support the vision for growth and thoughtful redevelopment in this area.

**Consistency With Neighborhood Context & Zone District Intent**

The proposed rezoning to C-MX-20 is the zone district in the current Denver Zoning Code that is most consistent with the surrounding development and long-term vision for this area. C-MX-20 is a Mixed-Use District in the Urban Center Neighborhood Context. This type of designation allows for multi-unit residential and mixed-use commercial development to create a dense urban character. The Urban Center also utilizes a regular pattern of pedestrian and vehicle connections and supports high mobility through multi-modal transportation options. Mixed-Use Districts promote mixed, diverse neighborhoods with an enhanced pedestrian environment.

The Belleview Station Master Plan development that surrounds this parcel consists of mid- to high-rise mixed-use buildings. The C-MX-20 designation supports development on this remaining parcel that will complement the established context and future growth.

BY AUTHORITY

ORDINANCE NO. 604

SERIES OF 1994

9400135630 1994/09/02 08:47:38 1/ 8 ORD  
ARIE P. TAYLOR - DENVER COUNTY .00 .00 DVH

COUNCIL BILL NO. 497

COMMITTEE OF REFERENCE:

ECONOMIC

DEVELOPMENT /

ZONING, PLANNING

& LAND USE

A B I L L

FOR AN ORDINANCE RELATING TO ZONING, CHANGING THE ZONING CLASSIFICATION FOR A SPECIFICALLY DESCRIBED AREA, GENERALLY LOCATED AT 5001 SOUTH QUEBEC STREET, RECITING CERTAIN WAIVERS PROPOSED BY THE OWNER/APPLICANT FOR THE ZONING CLASSIFICATION, RECITING CERTAIN REASONABLE CONDITIONS APPROVED BY THE OWNER/APPLICANT FOR THE ZONING CLASSIFICATION AND PROVIDING FOR A RECORDATION OF THIS ORDINANCE.

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

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

1. That the land area hereinafter described is presently classified as B-4 with waivers and conditions;

2. That the owner/applicant proposes that the land area hereinafter described be changed to B-4 with waivers and with certain reasonable conditions which the owner/applicant has approved;

3. That in its application the owner/applicant has represented that if the zoning classification is changed pursuant to its application, the owner/applicant will and hereby does waive the right to use or occupy the land area hereinafter described or to use, occupy or erect thereon any structure or structures designed, erected, altered, used or occupied for:

- (a) Ambulance service;
- (b) Automobile sales;
- (c) Food locker plant;
- (d) Mail order house;
- (e) Metal sharpening;

- (f) Mirror silvering;
- (g) Mortuary;
- (h) Motorcycle sales;
- (i) Monument sales;
- (j) Radio or television transmission and recording;
- (k) Any special trades contractor;
- (l) Fabrication or assembly of any article, except craftwork and electronic components;
- (m) Eating place with adult amusement;
- (n) Book store, adult;
- (o) Photo studio, adult;
- (p) Theater, adult;
- (q) Adult amusement or entertainment;
- (r) Any outdoor general advertising device as enumerated in Section 59-563.

4. That in its application the owner/applicant has represented that if the zoning classification is changed pursuant to its application, the owner/applicant will and hereby does waive the right:

- (a) To construct, erect or alter any structure in excess of fifty (50) feet in height as measured from the elevation of the centerline of South Quebec Street at the midpoint of the front property line;
- (b) To develop a maximum gross floor area in excess of the total square footage of the land area hereinafter described; and
- (c) To construct or erect more than three (3) structures, excluding parking and other ancillary structures on the land area hereinafter described.

5. That the owner/applicant approves and agrees to the following reasonable conditions to the requested change in zoning



classification related to the development, operation and maintenance of the land area hereinafter described:

- (a) No more than twenty percent (20%) of the allowable gross floor area shall be used for uses other than those enumerated in Sections 59-337(1)c. (business and personal services uses) and 59-337 (1)h. (residential uses) of the Revised Municipal Code;
- (b) If less than twenty-one (21) feet of additional right-of-way is required on the west side of South Quebec Street, the easternmost twenty (20) feet of the land area hereinafter described, after making the required right-of-way dedication, shall not be used for any purpose other than landscaping, vehicular driveways, or pedestrian walkways;
- (c) If twenty-one (21) feet or more of additional right-of-way is required on the west side of South Quebec Street, the easternmost twenty (20) feet of the land area hereinafter described, after making the required dedication, shall not be used for any purpose other than parking structures, landscaping, vehicular driveways, or pedestrian walkways, and the easternmost ten (10) feet of the land area hereinafter described shall not be used for any purpose other than landscaping, vehicular driveways, and pedestrian walkways;
- (d) The land area located within ten (10) feet of the northern, southern, and western property lines shall be used for no purpose other than landscaping, vehicular driveways, and pedestrian walkways;

- (e) No less than one (1) off-street parking space for each three hundred fifty (350) feet of gross floor area of office space shall be provided;
- (f) No less than thirty percent (30%) of the land area hereinafter described shall be open space; such open space may include landscaping and recreational facilities on top of parking structures;
- (g) No land area may be developed prior to the filing, review, and approval of a site plan in accordance with Sections 59-517, 59-518, and 59-519 of the Revised Municipal Code; and
- (h) Landscaping shall be provided in the following particulars:
  - (1) Forty (40) trees per acre of landscaped area, consisting of 2 1/2 inch caliper long-lived deciduous shade trees with uniformity in growth; 2-inch caliper flowering accent trees; and 6-foot tall coniferous trees equal to 35% of the total number of trees provided and including Austrian Pine, Blue Spruce, Ponderosa Pine and Pinon Pine;
  - (2) Shrubbery beds including a variety of deciduous and evergreen species with a variety of colors and textures;
  - (3) Landscaping along South Quebec Street, designed to provide an interesting streetscape, to enframe and enhance view to the buildings, and to soften building corners;
  - (4) Landscaping at the building entries designed to highlight the vehicular and pedestrian entry

sequences, to provide shade, and to identify entries;

- (5) Landscaping in side and rear yards designed to enhance the view to the buildings from neighboring properties, to soften building corners, and to screen utility appurtenances;
- (6) Basic planting arrangement designed for visual interest and variety, and as an expression and extension of the building architecture;
- (7) Sodding of all turf areas; and
- (8) Irrigation of all planting areas with an automatic system.

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

A parcel of land located in Southeast  $\frac{1}{4}$  of Section 8, Township 5 South, Range 67 West of the 6th Principal Meridian, City and County of Denver, State of Colorado, more particularly described as follows:

Commencing at the Southeast corner of said Section 8; thence N  $0^{\circ}17'48''$  W along the East line of the Southeast  $\frac{1}{4}$  of said Section 8 a distance of 1009.87 feet; thence S  $89^{\circ}35'29''$  W departing said East line a distance of 40.00 feet to the Point of Beginning; thence S  $89^{\circ}35'29''$  W a distance of 319.82 feet; thence S  $0^{\circ}17'48''$  E a distance of 440.05 feet to a point on a curve from whence the center of said curve bears S  $0^{\circ}17'48''$  E a distance of 789.00 feet; thence along a curve to the right having a radius of 789.00 feet, a central angle of  $12^{\circ}04'36''$  an arc distance of 166.30 feet to a point of reverse curvature; thence along a curve to the left having a radius of 711.00 feet, a central angle of  $10^{\circ}29'18''$  an arc distance of 130.15 feet to a point of compound curvature; thence along a curve to the left having a radius of 25.00 feet, a central angle of  $91^{\circ}36'06''$  an arc distance of 39.97 feet to a point on the West right-of-way line of South Quebec Street; thence the following three (3) courses along said right-of-way line: (1) N  $0^{\circ}17'48''$  W a distance of 353.56 feet to a point on a curve from whence the center of said curve bears N  $18^{\circ}30'23''$  E a distance of 48.00 feet; (2) thence along a curve to the right having a radius of 48.00 feet, a central angle of  $142^{\circ}24'49''$  an arc distance of 119.31 feet; (3) thence N  $0^{\circ}17'48''$  W a distance of 4.24 feet to the point of beginning, containing in all an area of 143,863 square feet or 3.3026 acres, more or less.



in addition thereto those portions of all abutting public rights-of-way, but only to the centerline thereof, which are immediately adjacent to the aforesaid specifically described area.

**Section 3.** That the foregoing change in zoning classification is based upon the representations by the owner/applicant that it will waive those certain rights available to it, and, in lieu thereof, agrees to certain limitations which limitations are set forth in Subsections 3 and 4 of Section 1 hereof, and is also based upon the reasonable conditions approved by the said owner/applicant which reasonable conditions are set forth in Subsection 5 of Section 1 hereof; and no permit shall be issued except in strict compliance with the aforesaid waivers and the aforesaid reasonable conditions. Said waivers and said reasonable conditions shall be binding upon the owner/applicant for the change in zoning classification and shall be binding upon all successors and assigns of said owner/applicant, who along with said owner/applicant shall be deemed to have waived all objections as to the constitutionality of the aforesaid waivers and the aforesaid reasonable conditions.

**Section 4.** That the foregoing change in zoning classification with respect to the land area hereinabove described specifically supersedes Ordinance No. 327, Series of 1985, which land area was previously rezoned by said Ordinance, and that, further, the adjacent property owned by Belquince Ltd. Liability Co. (the "Belquince Property"), which was also rezoned by Ordinance No. 327, Series of 1985 and which is described as follows:

LEGAL DESCRIPTION  
OF  
BELQUINCE PROPERTY  
SUBJECT TO  
DENVER MUNICIPAL ORDINANCE NUMBER 327, SERIES OF 1985

A parcel of land located in the Southeast Quarter of Section 8, Township 5 South, Range 67 West of the Sixth P.M., City and County of Denver, State of Colorado, more particularly described as follows:

Commencing at the Southeast corner of said Section 8;  
Thence North along the East Line of the Southeast Quarter of said Section 8 a distance of 350.00 feet;  
Thence departing said East line on an angle to the left of  $90^{\circ}07'18''$  a distance of 40.00 feet to the TRUE POINT OF BEGINNING;  
Thence continuing along the last mentioned course a distance of 320.00 feet;  
Thence north on an angle to the right of  $90^{\circ}07'18''$  a distance of 150.00 feet;  
Thence along a curve to the right whose tangent makes an angle to the right of  $90^{\circ}$  and having a radius of 719.00 feet, a central angle of  $12^{\circ}05'24''$  an arc distance of 151.72 feet to a point of reverse curvature;  
Thence along a curve to the left, having a radius of 781.00 feet, a central angle of  $10^{\circ}43'37''$  an arc distance of 146.22 feet to a point of reverse curvature;  
Thence along a curve to the right, having a radius of 25.00 feet, a central angle of  $88^{\circ}38'13''$  an arc distance of 38.68 feet to a point of tangency, said point being 40.00 feet west of the East line of said Section 8, on the west right of way line of South Quebec Street;  
Thence South along the west right of way line of South Quebec Street parallel with and 40.00 feet west of the East line of said Section 8 a distance of 91.28 feet to the TRUE POINT OF BEGINNING.

City and County of Denver,  
State of Colorado

- (a) Shall contain no more than one (1) building excluding parking and other ancillary structures;
- (b) That the gross floor area allocated to the Belquince Property will be as provided in Ordinance No. 327, Series of 1985; i.e., an amount equal to the total square footage of the Belquince Property; and
- (c) That all other limitations and restrictions specified in Ordinance No. 327, Series of 1985, will continue to be allocated to the Belquince Property proportionately, based upon the Belquince Property's share of the total square footage of the Belquince Property and the land area hereinabove described.

**Section 5.** That this ordinance shall be recorded by the Department of Zoning Administration among the records of the Clerk and Recorder of the City and County of Denver.

PASSED BY THE COUNCIL August 8 1994

Deborah L. Ortega - PRESIDENT

APPROVED: Walter E. Felt - MAYOR August 9, 1994

ATTEST: Arne Payer - CLERK AND RECORDER,  
EX-OFFICIO CLERK OF THE  
CITY AND COUNTY OF DENVER

PUBLISHED IN THE DAILY JOURNAL July 1, 1994 August 12, 1994

PREPARED BY: ROBERT M. KELLY, ASSISTANT CITY ATTORNEY 6/21/94

REVIEWED BY: Walter E. Felt - <sup>Asst.</sup> CITY ATTORNEY 6/21 1994

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





Denver Planning Board  
Jeff Hirt, Senior City Planner  
RE: Official Zoning Map Amendment Application #20171-00162  
4885 and 4891 South Quebec St.  
Rezoning from B-4 with Waivers to CMX-20

The following comments are submitted on behalf of the Bellevue Station Metropolitan Districts to be added to the record of the hearing before the Denver Planning Commission on December 5, 2018 at 3:00 p.m. regarding the application for re-zoning filed by Glenwood Lodging, LLC and Garfield Suites, LLC in connection with an existing Extended Stay Hotel site immediately adjacent to Bellevue Station (The Glenwood/Garfield site), which is required by the City to use the infrastructure constructed, paid for and reserved for use by the taxpayers within the Bellevue Station Metropolitan District.

1. The Bellevue Station Metropolitan Districts have improved approximately 12 acres of land within the original 51 acres encompassing the Bellevue Station area plan / General Development Plan or 24% of the original land area.
2. The district's infrastructure plans created pursuant to the area plan / The Bellevue Station General Development Plan (GDP), approved by the City, contemplates a dense transit-oriented development including the redevelopment of the Glenwood/Garfield site for a hotel use up to 300,000 square feet only. Any development beyond the 300,000 SF stated in the Bellevue Station utility master plans reduces the capacity for the future buildout of the already entitled sites within the Bellevue Station GDP. There appears to be no limitation on density integrated into this zoning proposal. In fact, there is no FAR limit at all in the new form-based zoning code and no assurances have been made to the districts or the taxpayers within the district that future approvals on the Glenwood / Garfield site will not impact the future capacity of the Bellevue Station Development for which the taxpayers within the district are obligated to pay and have an expectancy for availability.
3. The Bellevue Station Metropolitan districts have bonded for over \$38 million in debt to pay for the infrastructure that serves the future Bellevue Station buildout, and by extension, the Glenwood/Garfield site. This infrastructure includes roadways, traffic safety signals and devices, storm drainage network, sewer outfalls and water delivery systems; much of which has already been constructed and paid for and some of which has been dedicated to the City. In addition, the District is continuing to construct and fund additional infrastructure to serve the area. The funding is made possible by a 50 mill increment added to the property tax for those properties within the district, however the Glenwood/Garfield site has refused to join the district. There appears to be no requirement in this zoning application for the applicant to study any impacts,

## **Bellevue Station Metropolitan Districts**

including sanitary and/or traffic or to mitigate any impacts that might be revealed by any such studies.

4. The District has yet to dedicate to the City portions of the sewer lines previously constructed pursuant to the Districts Sewer Service Plan, approved by the City, so that critical portions of the Sewer System necessary for the development of the Glenwood/Garfield site remains in the ownership, possession and control of the District and is, therefore, unavailable to the Glenwood/Garfield site, especially in any capacity that would limit the availability for future sites within the Bellevue Station area plan / GDP which are currently paying the mill levy that funded the installation of that infrastructure and expect that the capacity to be available at such time the sites are developed.
5. The Sewer outfall North of Union Avenue is not sufficiently sized and sloped to accommodate the full buildout currently entitled with TMU-30 zoning, and it is certainly not sufficiently sized to accommodate anything more than the 300,000 SF contemplated in the utility master plans for the Glenwood / Garfield site. It does not appear that any restrictions or requirement for mitigation of impacts to surrounding sites is embedded in the new zoning or in this application for rezoning even though this concept is clear and spelled out in the Bellevue Station Design Standards and Guidelines that are proposed to overlay the new zoning.
6. The proposed rezoning will permit an increase in density to the Bellevue Station area of over 20%, and apparently will do so without requiring the Glenwood/Garfield site developers to perform any master sanitary, traffic or utility studies of any kind. This is in stark contrast to the endless master studies that were performed and continue to be updated by this district for the surrounding area. The district has performed its own studies for traffic and sanitary based upon the maximum possible densities allowed under this zoning proposition and finds the resulting impacts to be unfeasible.
7. This rezoning, without any restrictions on density or requirements for compensating the district that constructed the roadways and utilities that serve the site, and without any requirement for even studying, much less mitigating impacts, is not only patently unfair to the taxpayers and bondholders of the District (because the tax payers are having to pay for infrastructure for the benefit of a development outside of the District, and the bondholders, who are relying upon development within the District to pay off the indebtedness, are not receiving any benefits from the increased density of rezoned property) but essentially constitutes a taking of the assets of the District for the benefit of a competing project.
8. It is also patently unfair to require the District at its sole expense to upgrade infrastructure capacities in the future in order to accommodate the rezoned densities, or worse, to accommodate future development within its own district whose capacities have been delegated to property outside the district.

For the foregoing reasons the Bellevue Station Metropolitan Districts object to the application for rezoning. Many of the concerns raised above by this District, a quasi-governmental agency, can and probably should be resolved through a cooperative negotiation with the applicant. The applicant has refused to cooperate relying instead on the city to extract any and all concessions necessary from the district in order to facilitate its development. In response, the Bellevue Station Metropolitan Districts have requested that the City enter into an intergovernmental agreement with the district that would explicitly define starting points for studies and capacities available within each portion of the available



## Bellevue Station Metropolitan Districts

infrastructure and to allocate specific capacities for the proposed rezoning. Without such a document or clear process, the district, its property owners and tax payers cannot consent to the rezoning. Further, the Districts request that the planning board condition the rezoning upon mitigation of, or payment for, any impacts the proposed development will have upon infrastructure to be used that is not yet fully paid for.

Sincerely,  
Robert E. Warren Jr.

A handwritten signature in blue ink, appearing to read "Robert E. Warren Jr.", with a stylized, cursive script.

President  
Bellevue Station Metropolitan Districts

On behalf of its taxpayers

- Madre Investment Co. LLC
- Front Range Land and Development Co.
- Bellquince Inv. Company LLC
- BPP-Holland Den LLC
- BPP-Holland Milehouse LLC
- Alpine Bellevue LLC
- 6900 Layton Subsidiary, LLC

And its bondholders

- T Rowe Price
- Dreyfus Corp
- Invesco
- New York Life
- Goldman Sachs
- Teachers Insurance and Annuity
- Capital Group Cos
- American Century Cos
- Glenmede Trust Co
- Olive Street Investment Advisors





360 South Garfield Street  
6<sup>th</sup> Floor Denver, CO 80209  
T 303-333-9810 F 303-333-9786

**DENVER – BOULDER**  
**fostergraham.com**

January 18, 2019

**Via E-Mail**

President Jolon Clark and Honorable City Council Members  
Denver City Council  
City and County Building  
1437 Bannock St., Rm 451  
Denver, CO 80202

Re: ***Rezoning of 4885 and 4889 South Quebec Street Application #2017I-00162***

Dear Mr. President and Honorable Council Members:

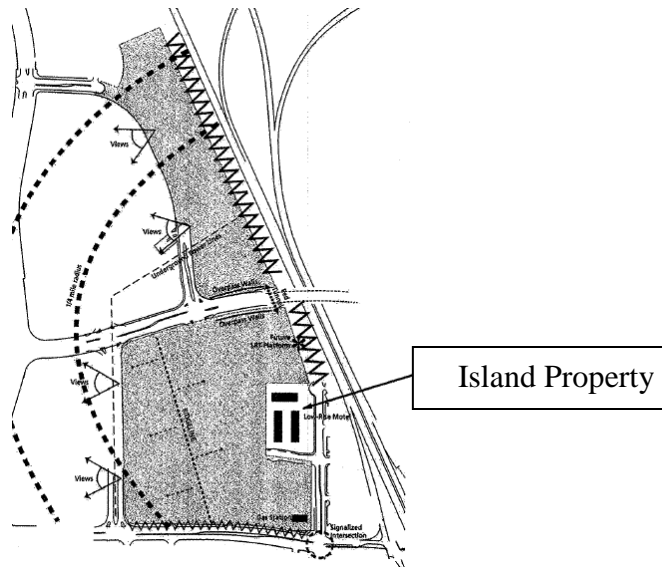
Foster, Graham, Milstein & Calisher LLP (“FGMC”) represents Bellevue Station Metropolitan District (the “District”) regarding Rezoning Application #2017I-00162 (the “Rezoning Application”) for the property located at 4885 and 4889 South Quebec Street (the “Island Property”).

The District has serious concerns with the Rezoning Application that should be considered before your public hearing on the Rezoning Application scheduled for January 28, 2019. Specifically, and as further explained below, it is the District’s position that the Rezoning Application does not meet the rezoning review criteria identified in the Denver Zoning Code (the “Code”) because: (1) the City and County of Denver (the “City”) has not considered all of the adopted plans affecting the Island Property, and the Rezoning Application is not consistent with the Bellevue Station Transit Oriented Development General Development Plan (the “GDP”); and (2) the Rezoning Application does not further the public health, safety and general welfare of the area. Additionally, and in agreement with the following analysis, 100% of the eligible surrounding property owners have filed a legal protest of the Rezoning Application.

**Background**

The Island Property is located in the Bellevue Station Transit-Oriented Development Area (“Bellevue TOD”) due to its proximity to the Regional Transportation District’s Bellevue Light Rail Transit Station (the “Bellevue LRT Station”). Adjacent property to the north, west and south of the Island Property is zoned T-MU-30 under the Former Chapter 59 Denver Zoning Code and is subject to the GDP (the “GDP Property”). Adjacent to the Island Property to the east is an RTD Park-Ride facility and Interstate Highway I-25 (“I-25”), most of which is located in unincorporated Arapahoe County.

As the map below indicates, the Island Property is surrounded by the GDP Property (dark gray shading):



The City-published Transit Oriented Development Strategic Plan (the “TOD Strategic Plan”) is a 2014 document intended to facilitate the implementation of then-existing recommendations and projects around and near transit-oriented areas.<sup>1</sup> The City staff cited the TOD Strategic Plan in its Rezoning Application Staff Report, dated November 28, 2018 (the “Staff Report”). Specifically, City stated that the TOD Strategic Plan is “not an adopted plan, but it does reflect the outcome of a multi-agency, mayor-led initiative to provide a foundation to guide public and private investment at rail stations” and concludes that the TOD Strategic Plan identifies the Island Property as within the Bellevue TOD, which, as an urban center station, is intended to be mixed use, high density, grid and alley block pattern.<sup>2</sup>

The City, however, failed to discuss in its Staff Report the fact that the TOD Strategic Plan identifies the Bellevue TOD as a development-ready area because of the City’s extensive planning of the Bellevue TOD during the creation and adoption of the GDP. Specifically, the TOD Strategic Plan states, “[the Bellevue TOD] has high development and market readiness and [is] essentially ‘TOD’ ready. These stations typically have had all the [C]ity intervention necessary to implement TOD.”<sup>3</sup> Further, the City’s website for the Bellevue TOD cites two planning documents that apply to the Bellevue TOD: (1) **Bellevue Station General Development Plan**; and (2) **Blueprint Denver 2002**.<sup>4</sup> Accordingly, it is clear that the City, when developing the TOD Strategic Plan, considered the GDP a governing document for the

<sup>1</sup> Transit Oriented Development Strategic Plan 2014, page 2.

<sup>2</sup> Rezoning Application Staff Report, page 18.

<sup>3</sup> Transit Oriented Development Strategic Plan 2014, page 60.

<sup>4</sup> See <https://www.denvergov.org/content/denvergov/en/transit-oriented-development/transit-corridors/southeast-corridor/bellevue-station.html>, last accessed January 17, 2019 (emphasis added).

Bellevue TOD and therefore, did not find it necessary to create another specific area plan for the Bellevue TOD.<sup>5</sup>

The GDP was approved by the City in February 2006, with the intent to create a transit oriented mixed-use development complementary to Bellevue LRT Station.<sup>6</sup> Specifically, the GDP states that, “[t]he land plan has been developed to create an urban environment with a mix of uses including office, residential, *hospitality*, retail, and entertainment.”<sup>7</sup> The District is responsible for the cost of building infrastructure within the GDP Property, including, but not limited to, roadways, traffic safety signals and devices, storm drainage network, sewer outfalls, water delivery systems and open space. As individual parcels of land within the GDP Property are developed, the developers and/or property owners pay the District additional property taxes to repay the District for the cost of building the infrastructure required to support each individual developments’ share of the total infrastructure costs within the GDP Property. The District has issued over \$37 million of bonds to pay for infrastructure construction in the GDP Property and thus, the District has a financial interest in the Rezoning Application and ensuring future development of the Island Property is in accordance with all applicable plans, including the GDP. The Rezoning Application applicant is currently refusing to join the District and therefore, intends on benefiting from the District’s current infrastructure without paying its share of the necessary costs attributable to its proposed development as well as benefitting from the future costs of infrastructure and open space mandated by the GDP.

### **Rezoning Application and Approval Criteria**

The Rezoning Application proposes to rezone the Island Property from its existing B-4 with waivers, which is a zone district under the Former Chapter 59 Code (the “Existing Zoning”) to the C-MX-20 zone district found in the current Code (the “Proposed Zone”).

The Code requires, as a condition of approval, that all rezoning applications are consistent with adopted plans.<sup>8</sup> All rezoning applications must also be consistent with the neighborhood context description and the zone district purpose and intent statements.<sup>9</sup> Lastly, all rezoning applications must further the public health, safety and general welfare of Denver.<sup>10</sup>

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<sup>5</sup> Other LRT stations have area specific plans, such as the Evans Station Area Plan and the Decatur-Federal Station Area Plan.

<sup>6</sup> Bellevue Station Transit Oriented Development General Development Plan, Sheet 1.

<sup>7</sup> Bellevue Station Transit Oriented Development General Development Plan, Sheet 1 (emphasis added).

<sup>8</sup> *Denver Zoning Code* § 12.4.10.7(A).

<sup>9</sup> *Denver Zoning Code* § 12.4.10.8(B).

<sup>10</sup> *Denver Zoning Code* § 12.4.10.7(C).

**A. Applicable Plans**

The intent of the Code requirement that rezoning applications are consistent with adopted plans is to ensure that rezoning applications will result in development that is consistent and compatible with existing and future development in the specific area. One way to accomplish this compatibility is by adhering to a small area plan which has been adopted for a particular region by the City.<sup>11</sup> General development plans are also considered small area plans because general development plans have the same intent: to establish a framework for large phased development and ensure that development is compatible with existing and future development in a small area.<sup>12</sup> Because the Island Property is located within the Belleview TOD, all development of the Island Property must also look to the GDP as an applicable planning document.

The Rezoning Application only identified and analyzed conformity with the Denver Comprehensive Plan 2000 and Blueprint Denver 2002 as the “adopted plans” affecting the Island Property. As the Rezoning Application correctly identified, there are no small area plans affecting the Island Property, but what the Rezoning Application failed to consider is that pursuant to the Belleview TOD, the GDP is a planning document that affects the Island Property and given its proximity to the Belleview LRT Station, informs neighborhood context. Thus, the Rezoning Application should have, at a minimum, proven its consistency with the GDP and its failure to do so, and the City’s failure to require such, shows a violation of the Code’s rezoning review criteria.

**B. The GDP’s Effect on the Island Property and Neighborhood Context**

While the Island Property is not physically located within the GDP, it is surrounded by the GDP Property and thus, the Island Property’s development will impact the GDP Property in the same manner that individual development within the GDP Property will impact other parcels within the GDP. The only other property abutting the Island Property is the RTD Park-Ride facility and I-25. Unlike the GDP Property, neither the RTD Park-Ride facility nor I-25 are land uses that are sensitive to future development of the Island Property. Thus, future development of the Island Property will, from a neighborhood or surrounding area context, only impact the GDP Property. Therefore, the City erred in not contemplating or considering the GDP as a relevant plan affecting the Island Property and thus, not requiring review of the GDP during the Rezoning Application review process. Regardless of the TOD Strategic Plan, the Island Property’s sheer proximity to the GDP Property and disconnect to any other developable property also makes the GDP a relevant plan to a rezoning of the Island Property from the perspective of neighborhood context.

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<sup>11</sup> Baker Neighborhood Plan, Alameda Station Area Plan and Cherry Creek Area Plan are all examples of Small Area Plans.

<sup>12</sup> Transit Oriented Development Strategic Plan 2014, page 46.



Moreover, when the GDP was created in 2006, the owners of the Island Property were invited to be included in the GDP Property and declined, likely because they had no infrastructure need at the time as the Island Property was fully developed. Regardless of its exclusion, because of its undisputed proximity and its inevitable impact on the GDP Property, the GDP specifically references the Island Property in several places. On sheet 4 of the GDP, under the description of “Existing Conditions” the GDP states, “[t]he existing low-rise hotel abutting the eastern boundary of the [GDP Property] is not controlled by the applicant. Current development plans ***assume that this land use will remain***.”<sup>13</sup> Again, on the Anticipated Development Map, the GDP identifies the Island Property as “Hospitality” in the same manner as it identifies other portions of the GDP Property as “Retail, Office” or “Residential, Retail, Office, Entertainment.”<sup>14</sup> The GDP labeled the land use of the Island Property in the same manner as it labeled the GDP Property, because the Island Property *functions* as though it is within the GDP Property. Additionally, of the developable property directly adjacent to the Bellevue LRT Station, the GDP Property accounts for approximately 93.5% of the total land and the Island Property accounts for the remaining 6.5%. Again, it was in error for the City to conclude that the City-adopted GDP that governs land use within 51 surrounding acres should not also govern or at a minimum inform the appropriate redevelopment of the 3.3 acres in the middle of and surrounded by the GDP Property.

Therefore, though the Island Property is not technically located within the GDP, the GDP specifically contemplated the future land use on the Island Property and in turn, the City should have, at the very least, considered the Rezoning Application’s compatibility with the existing GDP since there are no other small area plans and the development on the Island Property will inevitably affect the GDP Property.

### **C. The Rezoning Application’s Adverse Impact on Health, Safety and General Welfare**

The Rezoning Application is incompatible with the GDP Property and the neighborhood context of the surrounding area because it allows incompatible height and density and does not require any open space dedication. The Rezoning Application also fails to further the public health, safety and general welfare of Denver. The incompatibility and issues related to health safety and welfare prove that the Rezoning Application has failed to meet the Code’s criteria required of all rezoning application approvals.

#### **1. Density**

The Rezoning Application would allow incompatible density that would adversely impact the health, safety and welfare of the Bellevue TOD area. As explained above, when the GDP was created, the City went to great lengths to require master plans for each portion of infrastructure and identify where added densities could be accommodated. This thoughtful and thorough planning process ensured responsible development of the Bellevue TOD area. Density is always a concern in large phased developments because of the adverse impacts of inappropriate density related to congestion, insufficient infrastructure and

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<sup>13</sup> Bellevue Station Transit Oriented Development General Development Plan, Sheet 4 (emphasis added).

<sup>14</sup> Bellevue Station Transit Oriented Development General Development Plan, Sheet 5.

other land use impacts. The current use of the Island Property is approximately 16,270 square feet<sup>15</sup> of a hospitality use. The Rezoning Application would change the Island Property to C-MX-20, and consequently allow density more than fifty (50) times greater than currently exists,<sup>16</sup> yet the City has not considered whether this increase in density is consistent with the GDP. The GDP specifically identifies that the Island Property would remain the same land use and thus, did not plan for density 50x the current and of a different nature and thus, the burden of future impacts will shift to the surrounding property owners. Such an increase in density is not only inconsistent with the GDP but would negatively impact the health, safety and welfare of the Belleview TOD occupants by saddling them with the fallout, financial and otherwise, from unconsidered but known impacts.

## 2. Building Height

The Rezoning Application would allow inconsistent building height. The GDP Property is all zoned T-MU-30, which allows a maximum building height of 220'. The Rezoning Application, on the other hand, is requesting a C-MX-20 zone district designation, which has a maximum building height of 20 stories or 250' with no requirements or limitations on placement or density, such as the GDP contemplates. Further, the C-MX-20 zone district does not require a study of shadow impacts or the impacts of height on the usability of the aggregated open space contemplated in the GDP. The Island Property is currently developed with a two-story hotel and the Existing Zoning limits maximum building height to 50'.<sup>17</sup> Rezoning the Island Property to a district that allows a 250' building when all of the adjacent and surrounding property is limited to development according to the specific GDP standards, and with a maximum height of 220', is incompatible with the surrounding area and detrimentally impacts the general health, safety and welfare of the Belleview TOD.

## 3. Open Space

If the Island Property is rezoned to C-MX-20, the Island Property will not be required to provide any open space which is not only inconsistent with the GDP and the surrounding Belleview TOD, but which would be detrimental to the health, safety and general welfare of the Belleview TOD. The GDP Property, on the other hand, is required to provide 10% open space and all open space must be large enough to provide a clear amenity, such as a park or plaza.<sup>18</sup> In aggregate, the GDP Property is required to provide over 5 acres of open space. Open space is a very important element of all redevelopment. The importance of open space is evidenced by the GDP's requirements and the GDP maps and design plans that specifically identify

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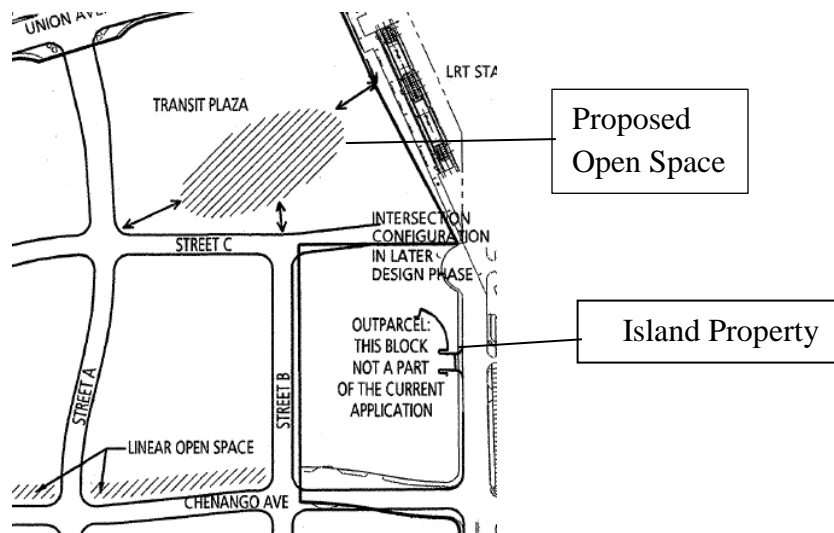
<sup>15</sup> According to the City and County of Denver Assessor Records accessed on January 18, 2019.

<sup>16</sup> In fact, the Rezoning Application applicants have represented to the District that they are proposing to build 871,000 square feet of development on the Island Property.

<sup>17</sup> Rezoning Staff Report, page 6.

<sup>18</sup> During the negotiation of the T-MU-30 zone district for the GDP Property, the City originally requested a 20% open space requirement but later agreed to a reduction to 10%, provided that the open space was aggregated into larger usable plazas and parks.

where open space should exist and how open space should be designed. Interestingly, the GDP identifies a large open space area very near the Island Property, as the following map reflects:



However, as explained above, the Island Property declined involvement in the GDP during its creation and now refuses to join the District; thus, the open space near the Island Property cannot now be considered open space that benefits the Island Property and obviates the need for the Island Property to meet its individual open space obligation. At the very least, the Island Property should be required to develop its own open space.

Preserving open space is just as important now as it was when the GDP was created, if not more so, and the Island Property should be required to provide open space in the same manner as the GDP Property on its own. The Rezoning Application contemplates *no* open space at all, not merely a reduction or decrease from the GDP Property's already negotiated reduction to a 10% requirement. The drastic difference between the GDP's open space requirements and no requirements in C-MX-20 is incompatible with the Bellevue TOD area, and the GDP, and ultimately is detrimental to the health, safety and general welfare of the area.

### **Legal Protest**

The Code provides adjacent property owners to rezoning applications the right to a legal protest. Specifically, if "a protest to an official map amendment is signed by the owners of 20 percent or more either of (1) the area of the lots included in such proposed change; or (2) the total land area from the perimeter of the area proposed for change to a distance of 200 feet outside of the perimeter of the area proposed for

Denver City Council

January 18, 2019

***Re: Rezoning of 4885 and 4889 South Quebec Street Application #2017I-00162***

Page 8

change . . . then the amendment shall not become effective except by the favorable vote of 10 members of the City Council.”<sup>19</sup>

On January 18, 2019, 100% of the eligible property owners of the total land area from the perimeter of the Island Property for a distance of 200 feet outside of the Island Property submitted a legal protest pursuant to the Code. The property owners are all members of the District and their filing of a legal protest underscores their extreme concern with the incompatibility of the Rezoning Application to the Belleview TOD and the GDP as well as the detrimental impacts the Rezoning Application will have on the health, safety and welfare of the area.

### **Conclusion**

As stated above, of the area immediately adjacent to the Belleview LRT Station, 94.5% is zoned T-MU-30 and within the GDP Property and thus, for the foregoing reasons, the District believes that a rezoning of the Island Property, which accounts for the remaining 6.5% of property immediately adjacent to the Belleview LRT Station, to C-MX-20 would be incompatible with the GDP and detrimental to the health, safety and general welfare of the area. The District therefore requests that the City Council deny the Rezoning Application.

Thank you for your attention to this matter. Please do not hesitate to contact me with questions or concerns.

Sincerely,

FOSTER, GRAHAM, MILSTEIN & CALISHER LLP

A handwritten signature in dark ink, appearing to read 'David Wm. Foster', with a stylized flourish at the end.

David Wm. Foster

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<sup>19</sup> *Denver Zoning Code* § 12.4.10.5(A).



**TO:** Denver City Council  
**FROM:** Jeff Hirt, Senior City Planner  
**DATE:** January 24, 2019  
**SUBJECT:** Petition of Protest - Council Bill #18-1497, Series 2019

## OVERVIEW OF STAFF REVIEW PROCESS TO IMPLEMENT REVIEW CONSISTENT WITH DIVISION 12.4.10.5 OF THE DENVER ZONING CODE.

- Step 1: Create 200 foot buffer map – Map created by CPD and attached.
- The Denver Zoning Code (Section 12.4.10.5.A.1) allows a protest petition of owners of 20% or more of either [1] the total gross land area inside the boundary of the area proposed for rezoning, or [2] the 200-foot buffer outside the boundary of the area proposed for rezoning. CPD created a map of the 200-foot buffer outside the boundary of the area proposed for rezoning.
- Step 2: Confirm that all addresses signed are in the buffer.
- Step 3: Confirm that all signatures are valid and accurately represent ownership.
- Step 4: Calculate valid signatures to assess percentage and calculate the percentage of owners who signed the petition.
- Results are depicted on the attached map.

## CALCULATION RESULTS

### LAND AREA OF VALID SIGNATURES

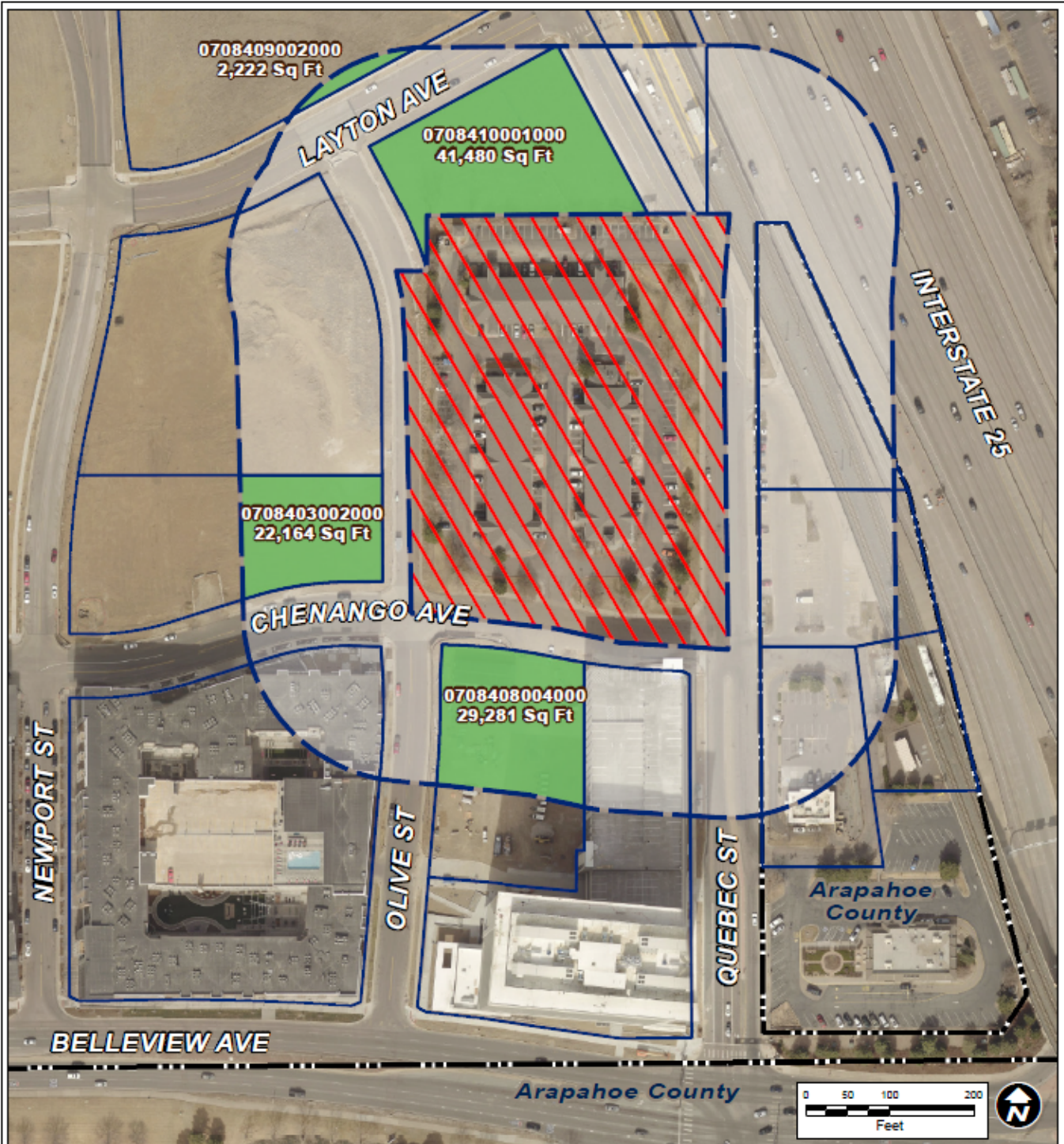
20% of area, 95,148 SF	within 200 feet of the subject area
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### RESULTS OF CALCULATION (CHECK AND HIGHLIGHT APPLICABLE BOX)

✓	In view of the twenty (20) or more percent protest, it will be necessary for City Council to cast ten (10) affirmative votes for passage.
	In view of the less than twenty (20) percent protest, this petition does not constitute a legal protest.

Planning Services  
 Community Planning and Development  
 201 W. Colfax Ave., Dept. 205 | Denver, CO 80202  
[www.denvergov.org/CPD](http://www.denvergov.org/CPD)  
 p. 720.865.2983

311 | [POCKETGOV.COM](http://POCKETGOV.COM) | [DENVERGOV.ORG](http://DENVERGOV.ORG) | DENVER 8 TV



## Protest Petition Area Map Map Amendment #17i-00162



Proposed Map Amendment  
17i-00162



200' distance from perimeter  
of proposed map amendment



Sch. Num. Parcels with credit for owner signature

**Final**  
**Credit for 95,148 Sq Ft**  
**Obtained**

Signatures of the owners of 20 percent or more of the total land area from the perimeter of the area proposed for change to a distance of 200 feet outside is required.

Total area of 200' distance from the perimeter of the amendment = 10.90 Acres / 475,025 Sq Ft

20% of area = 2.18 Acres / 95,005 Sq Ft

December 2018  
Community Planning and Development