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**TO:** City Council  
**FROM:** Kyle A. Dalton, AICP, Principal City Planner  
**DATE:** October 7, 2015  
**RE:** Official Zoning Map Amendment Application #2015I-00061  
620 W. 1<sup>st</sup> Ave. and 90 Galapago St. (portion)  
Rezoning from U-RH-2.5 to I-MX-3

## Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2015I-00061 for a rezoning from U-RH-2.5 to I-MX-3.

## Request for Rezoning

Application:	#2015I-00061
Address:	620 W. 1 <sup>st</sup> Ave. and 90 Galapago St. (portion)
Neighborhood/Council District:	Baker / Council District 7
RNOs:	Denver Neighborhood Association, Inc.; Baker Historic Neighborhood Association; Santa Fe Drive Redevelopment Corporation; Inter-Neighborhood Cooperation (INC); Denver Urban Resident Association
Area of Property:	6,340 square feet or 0.15 acre
Current Zoning:	U-RH-2.5
Proposed Zoning:	I-MX-3
Property Owner(s):	Red Lodge Development LLC (90 Galapago); Michael Lynch and John Chase (620 W. 1 <sup>st</sup> Ave.)

## Summary of Rezoning Request

- This site is located in Council District 7 in the Baker statistical neighborhood.
- The site contains a 2-story four-plex multi-unit residential building with accessory surface parking to the south.
- When this site was zoned U-RH-2.5 in 2010, it was a single parcel under one ownership and one zone lot, at 620 W. 1<sup>st</sup> Avenue. Since that time, the previous property owner amended the parcel lines so that the rear (southern) portion of the parcel was added to 90 Galapago and the resulting parcel at 620 W. 1<sup>st</sup> Avenue containing the four-plex was reduced in size. That owner then sold the two parcels to the two current owner groups. However, this remains a single zone lot. Because they are on a single zone lot right now, one owner cannot obtain a zoning permit on his own property without the other's permission. The zone lot cannot be amended to conform to the parcel amendment because this would reduce the zone lot size below the minimum allowed in the U-RH-2.5 zone district, 6,000 square feet. Thus, the two owner groups want to rezone out of the U-RH-2.5 zone district in order to be able to amend the zone lot line

to follow their current parcel line, and thus divorce the two properties for zoning purposes. They are requesting the I-MX-3 zone district because the balance of the 90 Galapago Street property is already zoned I-MX-3, as is the rest of the half-block.



A) 90 Galapago St.  
B) 620 W. 1<sup>st</sup> Ave.

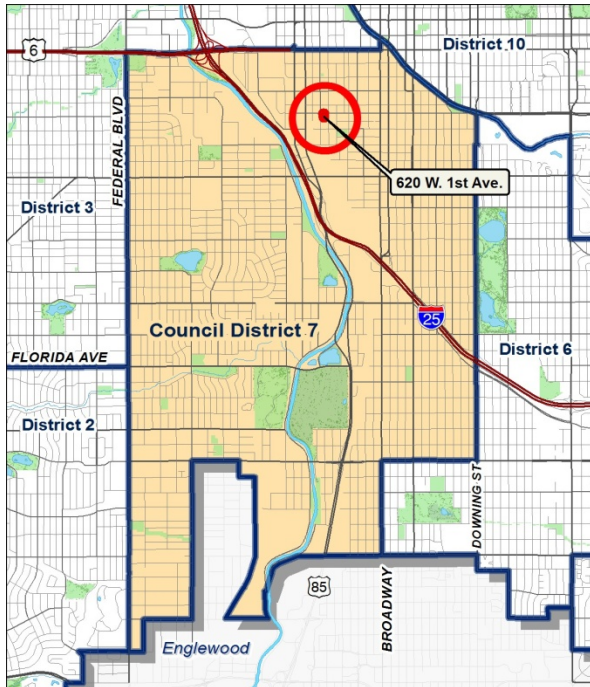
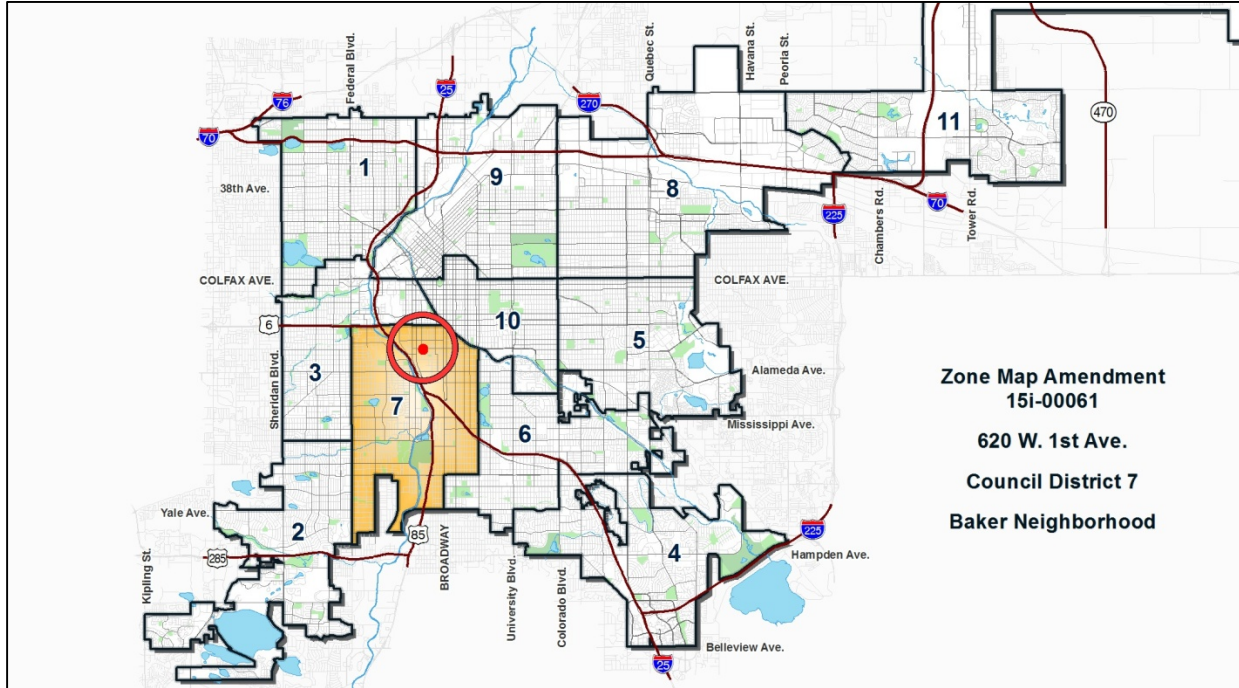
Approximate location of parcel lines (outlined in red) **before** the parcel line was amended. Area to be rezoned is shown in yellow-blue dashed line; this represents the zone lot plus one-half the abutting right-of-way.



A) 90 Galapago St.  
B) 620 W. 1<sup>st</sup> Ave.

Approximate location of parcel lines (outlined in red) **after** the parcel line was amended. Area to be rezoned is shown in yellow-blue dashed line; this represents the zone lot plus one-half the abutting right-of-way.

- The requested I-MX-3 zone district is in the Industrial context, allowing Mixed uses, generally up to **3** stories in height. Further details of the zone district can be found in Article 9 of the Denver Zoning Code (DZC).



### Existing Context

The site is located in the western part of the Baker neighborhood where the historic single- and multi-unit residential area transitions to commercial and industrial uses nearer to the railroad tracks and Santa

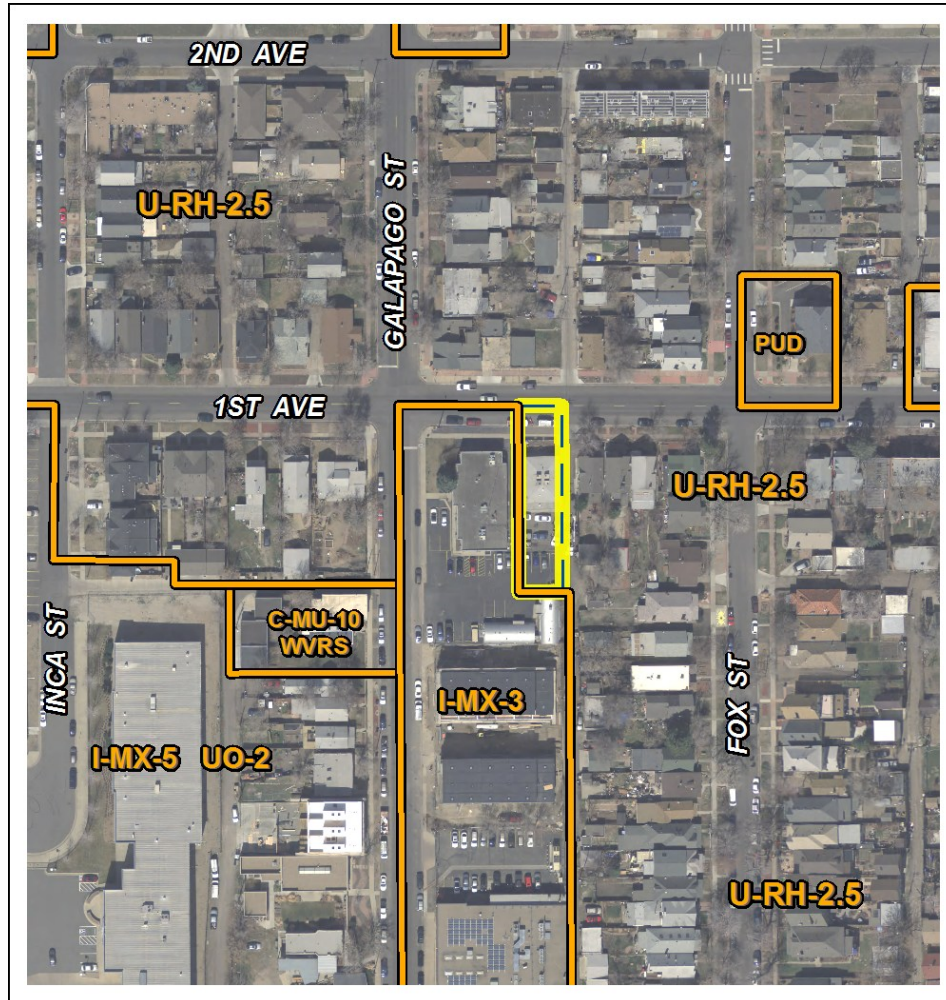
Fe Drive. The light rail line is 1 ½ blocks west but the nearest light rail station is nearly a mile to the southeast (Alameda Station).

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

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	U-RH-2.5	Multi-Unit Residential; accessory surface parking	2-story 4-unit residential building and accessory surface parking	Generally regular, grid of streets; block sizes vary but shapes are consistently rectangular. Vehicle parking typically to the side or rear of buildings. Alley access is typical for residential; street access is typical for commercial/industrial.
North	U-RH-2.5	Multi-unit residential	1- and 2-story residences (commonly duplexes) with shallow to moderate primary street setbacks and typically narrow side setbacks	
South	I-MX-3	Commercial /office and residential	Surface parking and commercial; 3-story multi-unit residential; setbacks and building coverage vary	
East	U-RH-2.5	Alley; single and multi-unit residential	1- and 2-story residences with shallow to moderate primary street setbacks and typically narrow side setbacks on small lots	
West	I-MX-3	Commercial /office and residential	1-story commercial office buildings and surface parking; west of Galapago are 1- and 2-story single- and multi-unit residences	



## 1. Existing Zoning



The current zoning of the site and areas to the east and north is U-RH-2.5. This Urban Neighborhood Context, Row House zone district generally allows up to 2.5 stories in height. Allowed uses include single-, two-, and multi-unit residential, as well as various civic/institutional uses.

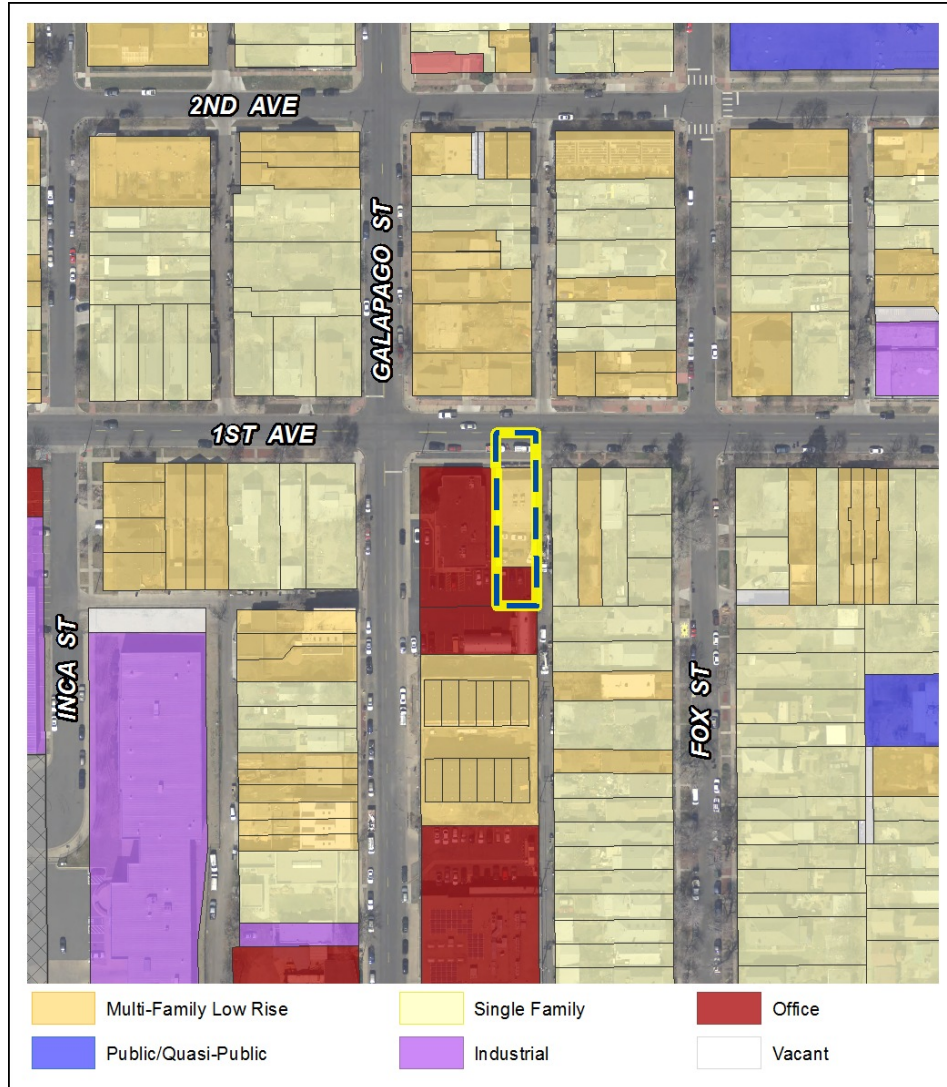
Between Ellsworth and 1<sup>st</sup> Avenues on the east side of Galapago, the whole half-block to the alley is already zoned I-MX-3, except the subject site. Rezoning to I-MX-3 will close the gap and bring the whole half-block into the same zone district. The I-MX-3 zone district allows residential, commercial, and generally lighter industrial uses. The General building form in the I-MX-3 zone district ensures a better urban building form in terms of build-to, transparency, setbacks, and surface parking location than the Industrial building form in the heavier industrial districts.

The I-MX-3 zone district serves as a transition between the lower scale U-RH-2.5 to the north/east and the higher scale I-MX-5 to the south/west.

## 2. Historic District or Structures

The Baker Neighborhood Historic Landmark District begins on the east side of the alley, across from this property. This site is not located in a historic district and is not a landmarked historic structure.

## 3. Existing Land Use Map



Current uses are generally a mix of single and multi-unit residential, with a mix of industrial, office, and other uses, particularly to the south and west.

**4. Existing Building Form and Scale (Google Maps Images)**



Subject site looking south at 620 W. 1<sup>st</sup> Avenue



Office building at 90 Galapago St. to the left, looking east.

Area subject to this rezoning is approximately located where cars are parked in the center of the photo.



2-story duplex across 1<sup>st</sup> Ave., looking north





3-story residential and 1-story industrial to the south on Galapago Street

## Summary of City Agency Referral Comments

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

**Asset Management:** Approved - No Comments.

**Denver Public Schools** – No Response.

**Development Services – Fire Prevention:** No Response.

**Development Services – Project Coordination:** No Response.

**Development Services – Transportation:** Approved – No Comments.

**Development Services – Wastewater:** No Response.

**Environmental Health:** Approved – No Comments.

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

**Public Works – City Surveyor:** APPROVED provided the attached land description is utilized and replaces the word doc submitted by the applicant (as shown as the last page of the published review packet). [note: the applicant has complied with this comment]

## Public Review Process

- CPD staff provided Informational notice of receipt of the rezoning application to affected members of City Council and registered neighborhood organizations on June 1, 2015.



- The property was posted for a period of 15 days announcing the August 19, 2015, Denver Planning Board public hearing.
- Written notification of the Planning Board hearing was sent to all affected registered neighborhood organizations and City Council members on August 3, 2015.
- Written notification of the Neighborhoods & Planning Committee meeting was sent to all affected registered neighborhood organizations and City Council members on August 18, 2015. The bill was moved out of committee.
- Written notification of the October 12, 2015, City Council public hearing was sent to all affected registered neighborhood organizations and City Council members on September 21, 2015.
- The property was posted for a period of 21 days announcing the October 12, 2015, Denver City Council public hearing.
- Other Public Outreach and Input
  - **Registered Neighborhood Organizations (RNOs)**
    - Baker Historic Neighborhood Association submitted a letter included in the application packet in support of the application.
    - At the time of this staff report, no other RNOs had submitted written comment.
  - **Other Public Comment**
    - As of the date of this staff report, no other public comments had been received.

## Criteria for Review / Staff Evaluation

The criteria for review of this rezoning application are found in DZC, Sections 12.4.10.13 and 12.4.10.14, 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)
- Baker Neighborhood Plan (2003)

Frequently, small area plans adopted in recent years have resulted in land use recommendations that have updated the Blueprint Denver Plan Map. However, the Baker Neighborhood Plan was adopted in 2003 before this practice was commonplace. As a result, there are differences between the earlier Blueprint Denver guidance and the later, more specific Baker Neighborhood Plan recommendations for this site. For more information, see the discussion below under each plan below.

### **Denver Comprehensive Plan 2000**

The proposal is consistent with many Denver Comprehensive Plan strategies, including:

- Environmental Sustainability Strategy 2-F – *Conserve land by promoting infill development with Denver at sites where services and infrastructure are already in place; designing mixed use communities and reducing sprawl so that residents can live, work and play within their own neighborhoods.*
- Land Use Strategy 3-B – *Encourage quality infill development that is consistent with the character of the surrounding neighborhood; that offers opportunities for increased density and more amenities; and that broadens the variety of compatible uses.*
- Mobility Strategy 4-E – *Continue to promote mixed-use development, which enables people to live near work, retail and services.*
- Economic Activity Strategy 4-B – *Enhance existing business centers and establish new business centers in a manner that offers a variety of high-quality uses that support Denver’s business environment, complements neighboring residential areas, generates public revenue, and creates jobs. Consider the following key strategies as top priorities: ... Reinvest in the city’s historical industrial crescent to keep it viable for a wide range of business and employment opportunities.”*

Note that this site is located within or near the “industrial crescent” identified in the plan on page 126.

The plan describes the challenge of industrial areas as follows:

“Denver’s older industrial areas are concentrated along the South Platte River and railroad tracks. This crescent-shaped area has been an important part of Denver’s economic base for over a century. Maintaining and enhancing the vitality of the industrial crescent as an important part of Denver’s economy requires attention to address the age of the buildings and infrastructure and the changing needs of industrial users.”

The Comprehensive Plan also encourages expansion of economic opportunity and the City’s economic base, with focused efforts to attract new businesses. The proposed map amendment will enable mixed-use industrial development at an infill location where services and infrastructure are already in place. By enabling a broader range of uses, the rezoning will create opportunities for investment in this area to keep it viable for new business opportunities as well as residential uses. Therefore the rezoning is consistent with the Denver Comprehensive Plan.

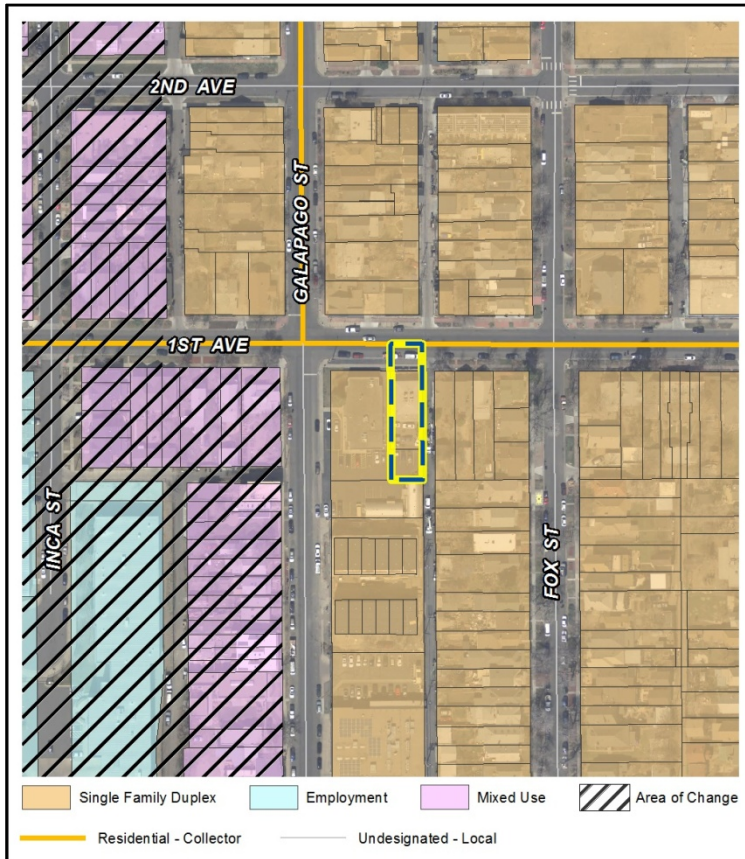
### **Blueprint Denver**

According to the 2002 Plan Map adopted in Blueprint Denver, this site has a concept land use of Single Family Duplex and is located in an Area of Stability. Notably, Blueprint Denver identifies the area on the west side of Galapago Street as a Mixed Use Area of Change. As discussed below, the Baker Neighborhood Plan adopted after Blueprint Denver extended the mixed use area of change to the east side of Galapago Street including the subject site.

### **Future Land Use**

According to Blueprint Denver, Single Family/Duplex Residential areas are moderately dense and primarily residential “but with some complementary, small-scale commercial uses” (p. 42). The employment base is minor compared to the housing base. There is a mixture of housing types. In residential areas and neighborhoods, Blueprint Denver says, “A city should contain neighborhoods

that offer a variety of housing types, as well as complementary land-use types such as stores, parks and schools that provide the basic needs of nearby residents” (p. 41). Consistent with this Blueprint Denver goal, the I-MX-3 zone district would permit a variety of housing types and complementary commercial uses.



2002 Blueprint Denver  
Plan Map

**Area of Change / Area of Stability**

The site is in an Area of Stability. In general, “The goal for Areas of Stability is to identify and maintain the character of an area while accommodating some new development and redevelopment” (p. 120). Blueprint Denver identifies several strategies in Areas of Stability, including promoting compatibility between existing and new development through development and design standards; diversity of housing type, size, and cost; and upholding the legacy of walkable neighborhoods (p. 25). Rezoning to I-MX-3 will continue to promote compatibility consistent with the character of the rest of the half-block. In the I-MX-3 zone district, design standards adjacent to protected districts such as increased setbacks and upper story setbacks, as well as use limitations that limit industrial uses near residential zone districts, will ensure that any future redevelopment occurs in a manner compatible with existing residential uses on 1<sup>st</sup> Avenue. This is consistent with the recommendations for an Area of Stability.

**Street Classifications**

Blueprint Denver classifies 1<sup>st</sup> Avenue as a Residential Collector. Residential streets are “designed to emphasize walking, bicycling and land access” and “tend to be more pedestrian-oriented than

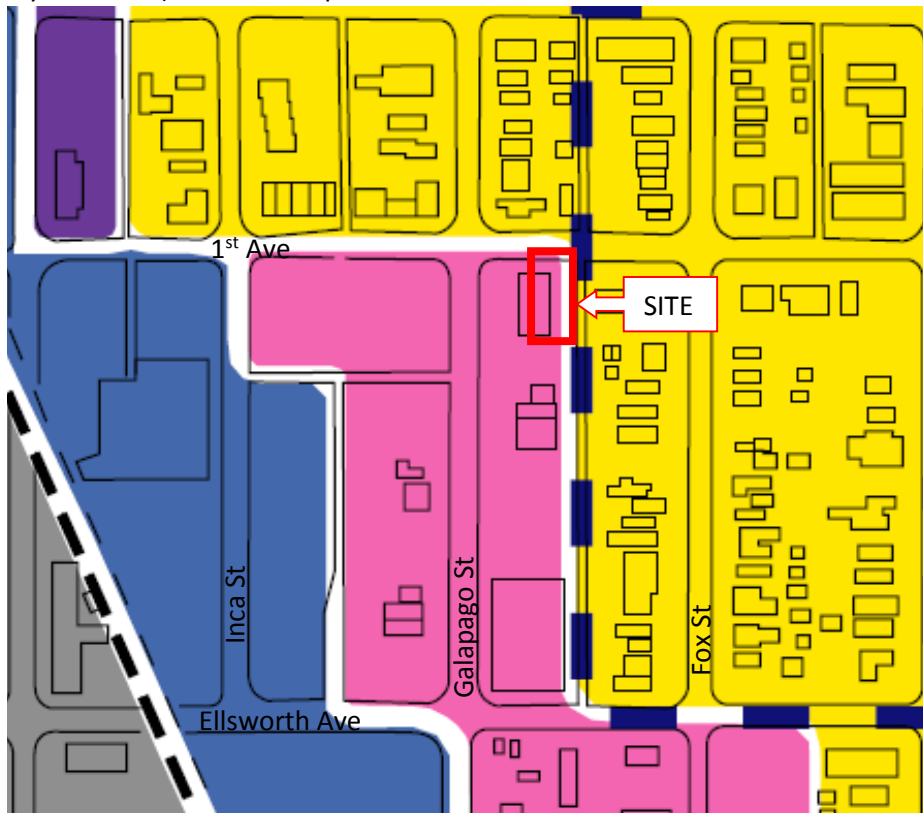


commercial streets” (p. 55). According to Blueprint Denver, “collectors are designed to provide a greater balance between mobility and land access within residential, commercial and industrial areas.” Consistent with this plan guidance, the I-MX-3 zone district will continue to allow residential uses and ensures a more pedestrian-oriented building form for commercial uses.

In summary, the proposed map amendment to I-MX-3 will promote continued stability of the area allowing residential uses as well as acknowledging existing industrial and commercial uses with better design to promote compatibility between uses.

**Small Area Plan: Baker Neighborhood Plan (2003)**

The Baker Neighborhood Plan was adopted by City Council in 2003 and applies to the subject property. The neighborhood plan’s Framework Plan divides Baker into subareas. On the south side of 1<sup>st</sup> Avenue, the “Single-Family and Rowhouse Residential” subarea is mapped east of the alley between Galapago and Fox, and the “Residential/Office Area of Change” subarea is mapped west of the alley (where this property is located). See the map below.



**Legend**

- Industrial
- Industrial/Commercial Area of Change
- Residential/Office Area of Change
- Commercial Corridors
- Mid- and High-Rise Residential
- Single-Family and Rowhouse Residential
- Baker Historic District

According to the plan, “The residential-office area of change has two purposes: to buffer the impacts of the residential, commercial and industrial subareas from each other through more sensitive site and building design, and to allow property owners the flexibility to maintain and expand existing office and light industrial uses, to build new residential uses, and to respond to the long-term evolution of development trends. It serves as a blend of land uses from the solidly residential area to the solidly industrial area” (p. 50). Goals for this Area of Change cited in the neighborhood plan include (p. 51):

- “Develop a logical change between Baker’s subareas that protects the viability of existing industrial businesses and enhances the quality of life of the residents.”
- “Provide a range of residential and office uses that allow property owners the flexibility to respond to the long-term evolution of development trends.”
- “Reinvestment in existing light industrial and non-retail commercial properties is expected.”
- “As properties redevelop, support rezoning applications that allow for a mix of residential and office uses, shared parking, and appropriate buffering, mitigation and design.”

These goals identified in the Baker Neighborhood Plan all point to a regulatory solution like the I-MX zone districts available in today’s Denver Zoning Code. The I-MX zone districts enable and protect existing businesses while allowing a mix of residential as well and design standards that are improved over the traditional industrial zone districts. Rezoning will implement these plan goals. It will also better align the U-RH-2.5/I-MX-3 zone district boundary line with the Baker Neighborhood Plan subarea boundary line.

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

The proposed rezoning to I-MX-3 will result in the uniform application of zone district building form, use and design regulations within the I-MX-3 zone district on this site and this block face.

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

The proposed official map amendment furthers the public health, safety, and general welfare of the City primarily through uniform zoning regulations and implementation of the city’s adopted plans as described above.

## **4. Justifying Circumstance**

The Justifying Circumstance for this application is found in DZC Section 12.4.10.8.A.4, “The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area.” The primary change justifying this rezoning is the change in ownership resulting in hardships on the current owners of the property, as described in the rezoning application. Another change in the area is recent three-story residential development on Galapago, which supports moving toward I-MX-3 on the block.

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

The requested I-MX-3 zone district is within the Industrial Context, a Special Context. The Industrial Context generally consists of “areas of light industrial, warehouse and heavy industrial areas, as well as areas subject to transitions from industrial to mixed-use.” (DZC, Division 9.1). The context typically has

an irregular pattern of large blocks, street access to surface parking areas, and truck access and loading are important attributes, but, “the Industrial Mixed Use Districts have a more urban context with a rectangular street grid and alley access ... Building placement in the Industrial Mixed Use districts is closer to the street with parking, loading and access in the rear of the site” (DZC, Section 9.1.1).

This site, and the surrounding area, already contains office, business, and light industrial uses, and the rest of the half-block is already zoned I-MX-3. The site is a more urban context with sidewalks, a street grid, and alley access, making it consistent with the Industrial neighborhood context description.

### Zone District Purpose and Intent Statements

According to DZC Section 9.1.2.1.A, “The Industrial Mixed Use districts are intended to develop in a pedestrian-oriented pattern, with buildings built up to the street and an active Street Level. The Industrial Mixed Use districts are also intended to provide a transition between mixed use areas and I-A or I-B Industrial Districts. The Industrial Mixed Use districts accommodate a variety of industrial, commercial, civic and residential uses.” Within the I-MX zone district family, “I-MX-3 applies to industrially-dominated areas served primarily by local or collector streets with a maximum building height of 3 stories.”

This site is located on a collector street in an area with existing building heights no greater than 3 stories, consistent with the I-MX-3 zone district purpose and intent. It site is also located in a transitional area near more intense industrial and commercial areas as intended by the I-MX-3 zone district. Further, the neighborhood plan recommendations call for a pedestrian-oriented development pattern, which the I-MX-3 zone district is intended to create. Therefore, the rezoning application would be consistent with the zone district purpose and intent statements.

### Planning Board Recommendation

The Denver Planning Board held a public hearing on this application on August 19, 2015. After hearing from the applicant and no other speakers, the Planning Board voted unanimously to recommend approval of the application.

### Staff Recommendation

Based on the analysis set forth above, CPD staff finds that the application for rezoning the property located at 620 W. 1<sup>st</sup> Avenue and a portion of 90 Galapago Street to an I-MX-3 zone district meets the requisite review criteria. Accordingly, staff recommends approval.

### Attachments

1. Application



## 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>			
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:			
Does the proposal comply with the minimum area requirements specified in DZC Sec. 12.4.10.3:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	

REVIEW CRITERIA	
<p>General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.7</p>	<p><input type="checkbox"/> Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan.</p> <p>Please provide an attachment describing relevant adopted plans and how proposed map amendment is consistent with those plan recommendations; or, describe how the map amendment is necessary to provide for an unanticipated community need.</p> <p><input 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 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"/> The land or its surroundings has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area to recognize the changed character of the area.</p> <p><input type="checkbox"/> It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (Overlay Zone Districts), of this Code.</p> <p>Please provide an attachment describing the justifying circumstance.</p> <p><input type="checkbox"/> The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.</p> <p>Please provide an attachment describing how the above criterion is met.</p>
REQUIRED ATTACHMENTS	
Please ensure the following required attachments are submitted with this application:	
<input type="checkbox"/> Legal Description (required to be attached in Microsoft Word document format) <input type="checkbox"/> Proof of Ownership Document(s) <input type="checkbox"/> Review Criteria	
ADDITIONAL ATTACHMENTS	
Please identify any additional attachments provided with this application:	
<input type="checkbox"/> Written Authorization to Represent Property Owner(s)	
Please list any additional attachments:	

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

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

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement (must sign in the exact same manner as title to the property is held)	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed or deed of trust, (C) title policy or commitment, or (D) other as approved	Property owner representative written authorization? (YES/NO)
<b>EXAMPLE</b> John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/01/12	(A)	NO
Michael Lynch and John Chase	14315 LIPAN ST WESTMINSTER 80023, CO 303 807 7838 mlynch7821@aol.com	73%	<i>Michael V. Lynch</i> <i>John D. Chase</i>	05/28/2015	(B)	NO
Red Lodge Development LLC, Enrico Cacciorni	4415 Winona Ct Denver, CO, 80212 720 412 0255 enrico.cacciorni@gmail.com	27%	<i>Enrico Cacciorni</i> <i>Manager</i>	05/28/2015	(B)	NO

Last updated: February 4, 2015

Return completed form to [rezoning@denvergov.org](mailto:rezoning@denvergov.org)



## **Land Description**

Part of the SW Quarter of Section 10, Township 4 South, Range 68 West of the 6<sup>th</sup> PM, City and County of Denver, State of Colorado, described as follows:  
Lot 6 & 7, except the East 10 feet of Lot 6, Block 4, LAKE ARCHER SUBDIVISION.

WARRANTY DEED

THIS DEED, Made this 27th day of February, 2015 between

Creek Holdings, LLC, a Colorado limited liability company

of the City and County of Denver, State of Colorado, grantor and

Red Lodge Development LLC, a Colorado limited liability company

whose legal address is: 4415 Winona Ct, Denver, CO 80212  
of the City and County of Denver, State of Colorado, grantee:

WITNESSETH, That the grantor for and in consideration of the sum of Six Hundred Thousand Dollars and No/100's (\$600,000.00) the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the grantee, his heirs and assigns forever, all the real property together with improvements, if any, situate, lying and being in the City and County of Denver, and State of COLORADO, described as follows:

Lots 8 – 10 inclusive, together with the South 41.10 feet of Lots 6 and 7, except the East 10.00 feet thereof, Block 4, Lake Archer Subdivision, City and County of Denver, State of Colorado

Doc Fee  
\$ 60.00

also known by street and number as 90 Galapago St , Denver, CO 80223-1522

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantee, his heirs and assigns forever. And the grantor, for himself, his heirs, and personal representatives, does covenant, grant, bargain and agree to and with the grantee, his heirs and assigns, that at the time of the ensembling and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except all taxes and assessments for the current year, a lien but not yet due or payable, and those specific Exceptions described by reference to recorded documents as reflected in the Title Documents accepted by Buyer in accordance with section 8.1 "Title Review", of the contract dated December 9, 2014, between the parties.

The grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantee his heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof. The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the grantor has executed this deed on the date set forth above.

SELLER:

Creek Holdings, LLC, a Colorado limited liability company

*Lou Jahde*

By: Lou Jahde, Managing Member

STATE OF COLORADO  
COUNTY OF Denver

}ss:

The foregoing instrument was acknowledged before me this 27th day of February, 2015 by Lou Jahde, Managing Member for Creek Holdings, LLC, a Colorado limited liability company.

*Ludmilla Ondo*  
Notary Public

Witness my hand and official seal.  
My Commission expires:

LUDMILLA ONDO  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20054004361  
MY COMMISSION EXPIRES FEBRUARY 1, 2017



# Bill of Sale

**KNOW ALL MEN BY THESE PRESENTS,** That Creek Holdings, LLC, a Colorado limited liability company

of the City and County of **Denver** in the State of **COLORADO**, of the first part, for and in consideration of **TEN DOLLARS** and other valuable consideration to them in hand paid at or before the ensembling or delivery of these presents by **Red Lodge Development LLC, a Colorado limited liability company,**

of the City and County of **Denver** in the State of **COLORADO**, of the second part, the receipt whereof is hereby acknowledged, have bargained and sold, and by these presents do grant and convey unto said parties of the second part, their executors, administrators, successors or assigns, the following property, goods and chattels, to wit:

**2.5. Inclusions.** The Purchase Price includes the following items (Inclusions):

**2.5.1. Fixtures.** If attached to the Property on the date of this Contract, the following items are included unless excluded under Exclusions (§ 2.6): lighting, heating, plumbing, ventilating and air conditioning fixtures, TV antennas, inside telephone, network and coaxial (cable) wiring and connecting blocks/jacks, plants, mirrors, floor coverings, intercom systems, built-in kitchen appliances, sprinkler systems and controls, built-in vacuum systems (including accessories), garage door openers including 0 remote controls.

**Other Fixtures:** n/a

If any fixtures are attached to the Property after the date of this Contract, such additional fixtures are also included in the Purchase Price.

**2.5.2. Personal Property.** If on the Property, whether attached or not, on the date of this Contract, the following items are included unless excluded under Exclusions (§ 2.6): storm windows, storm doors, window and porch shades, awnings, blinds, screens, window coverings, curtain rods, drapery rods, fireplace inserts, fireplace screens, fireplace grates, heating stoves, storage sheds and all keys. If checked, the following are included:  **Water Softeners**  **Smoke/Fire Detectors**  **Carbon Monoxide Alarms**  **Security Systems**  **Satellite Systems** (including satellite dishes).

**Other Personal Property:** n/a

The Personal Property to be conveyed at Closing must be conveyed by Seller free and clear of all taxes (except personal property taxes for the year of Closing), liens and encumbrances, except \_\_\_\_\_. Conveyance will be by bill of sale or other applicable legal instrument.

**2.5.3. Parking and Storage Facilities.**  Use Only  Ownership of the following parking facilities \_\_\_\_\_: and  Use Only  Ownership of the following storage facilities: \_\_\_\_\_.

**2.6. Exclusions.** The following items are excluded (Exclusions): **any Tenant personal or business belongings**

**2.7. Water Rights, Well Rights, Water and Sewer Taps.**

**2.7.1. Deeded Water Rights.** The following legally described water rights: \_\_\_\_\_

Any deeded water rights will be conveyed by a good and sufficient ooooooo deed at Closing.

**2.7.2. Other Rights Relating to Water.** The following rights relating to water not included in §§ 2.7.1, 2.7.3, 2.7.4 and 2.7.5, will be transferred to Buyer at Closing:

**2.7.3. Well Rights.** Seller agrees to supply required information to Buyer about the well. Buyer understands that if the well to be transferred is a "Small Capacity Well" or a "Domestic Exempt Water Well," used for ordinary household purposes, Buyer must, prior to or at Closing, complete a Change in Ownership form for the well. If an existing well has not been registered with the Colorado Division of Water Resources in the Department of Natural Resources (Division), Buyer must complete a registration of existing well form for the well and pay the cost of registration. If no person will be providing a closing service in connection with the transaction, Buyer must file the form with the Division within sixty days after Closing. The Well Permit # is ooooo.

**2.7.4. Water Stock Certificates.** The water stock certificates to be transferred at Closing are as follows:

**2.7.5. Water and Sewer Taps. Note: Buyer is advised to obtain, from the provider, written confirmation of the amount remaining to be paid, if any, time and other restrictions for transfer and use of the taps.**

**2.7.6. Conveyance.** If Buyer is to receive any rights to water pursuant to § 2.7.2 (Other Rights Relating to Water), § 2.7.3 (Well Rights), or § 2.7.4 (Water Stock Certificates), Seller agrees to convey such rights to Buyer by executing the applicable legal instrument at Closing.

located at **90 Galapago St , Denver, CO 80223-1522**

**TO HAVE AND TO HOLD** the same unto the said parties of the second part, their executors, administrators, successors or assigns, forever. And said parties of the first part, for themselves, their heirs, executors, administrators, successors or assigns, covenant and agree to and with the parties of the second part, their executors, administrators, successors or assigns to **WARRANT** and **DEFEND** the sale of said property, goods and chattels, hereby made unto said parties of the second part, their executors, administrators, successors or assigns against all and every person or persons whomsoever.

**IN WITNESS WHEREOF,** the parties of the first part have hereunto set their hands and seals this **27th** day of **February, 2015**

Signed, Sealed and Delivered in the Presence of

**SELLER:**

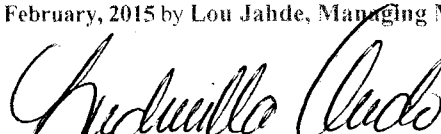
**Creek Holdings, LLC, a Colorado limited liability company**

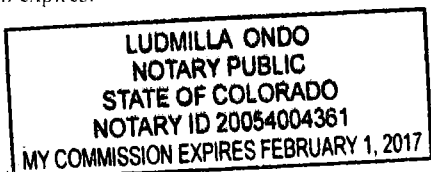
  
By: Lou Jahde, Managing Member

STATE OF COLORADO } ss:  
COUNTY OF DENVER

The foregoing instrument was acknowledged before me this **27th** day of **February, 2015** by **Lou Jahde, Managing Member for Creek Holdings, LLC, a Colorado limited liability company.**

Witness my hand and official seal.  
My Commission expires:

  
Notary Public









**STATEMENT OF AUTHORITY**

1. This Statement of Authority relates to an entity' named Red Lodge Development, LLC and is executed on behalf of the entity pursuant to the provisions of Section 38-30-172, C.R.S.

2. The type of entity is a:  
 Corporation  Registered Limited Liability Partnership  
 Nonprofit Corporation  Registered Limited Liability Limited Partnership  
 Limited Liability Company  Limited Partnership Association  
 General Partnership  Government or Governmental Subdivision or Agency  
 Limited Partnership  Trust

3. The entity is formed under the laws of State of Colorado

4. The mailing address for the entity is 1314 Red Lodge DREvergreen, CO 80439,

5. The  name  position of each person authorized to execute instruments conveying, encumbering, or otherwise affecting title to real property on behalf of the entity is By Enrico Cacciorni, Manager

6. \*The authority of the foregoing person (s) to bind the entity is  not limited  limited as follows: \_\_\_\_\_

7. Other matters concerning the manner in which the entity deals with interests in real property: \_\_\_\_\_

Executed this \_\_\_\_\_

**BUYER:**

Red Lodge Development, LLC

Enrico Cacciorni, Manager  
By Enrico Cacciorni, Manager

STATE OF Colorado

} ss.

COUNTY OF Denver

The foregoing instrument was acknowledged before me this 23 day of April, 2014 By Enrico Cacciorni, Manager for Red Lodge Development, LLC

Witness my hand and official seal.

My commission expires:

Expiration Date:

LUDMILLA ONDO  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20054004381  
MY COMMISSION EXPIRES FEBRUARY 1, 2017

Ludmilla Ondo  
Notary Public

\*This form should not be used unless the entity is capable of holding title to real property.  
\*The absence of any limitation shall be prima facie evidence that no such limitation exists.  
The statement of authority must be recorded to obtain the benefits of the statute.

## 620 W 1<sup>st</sup> Av – General Review Criteria

### Consistency with Adopted Plans

The proposed official map amendment is consistent with the following City's adopted plans

- Denver Comprehensive Plan 2000
- Blueprint Denver
- Baker Neighborhood Plan

### Denver Comprehensive Plan 2000

We refer to the following sections of the Denver Comprehensive Plan 2000

- Objective 2 – Stewardship of Resources, Strategy 2-F (pg. 39):
  - o Promoting infill development within Denver at sites where services and infrastructure are already in place
  - o Designing mixed-use communities and reducing sprawl, so that residents can live, work and play within their own neighborhoods.

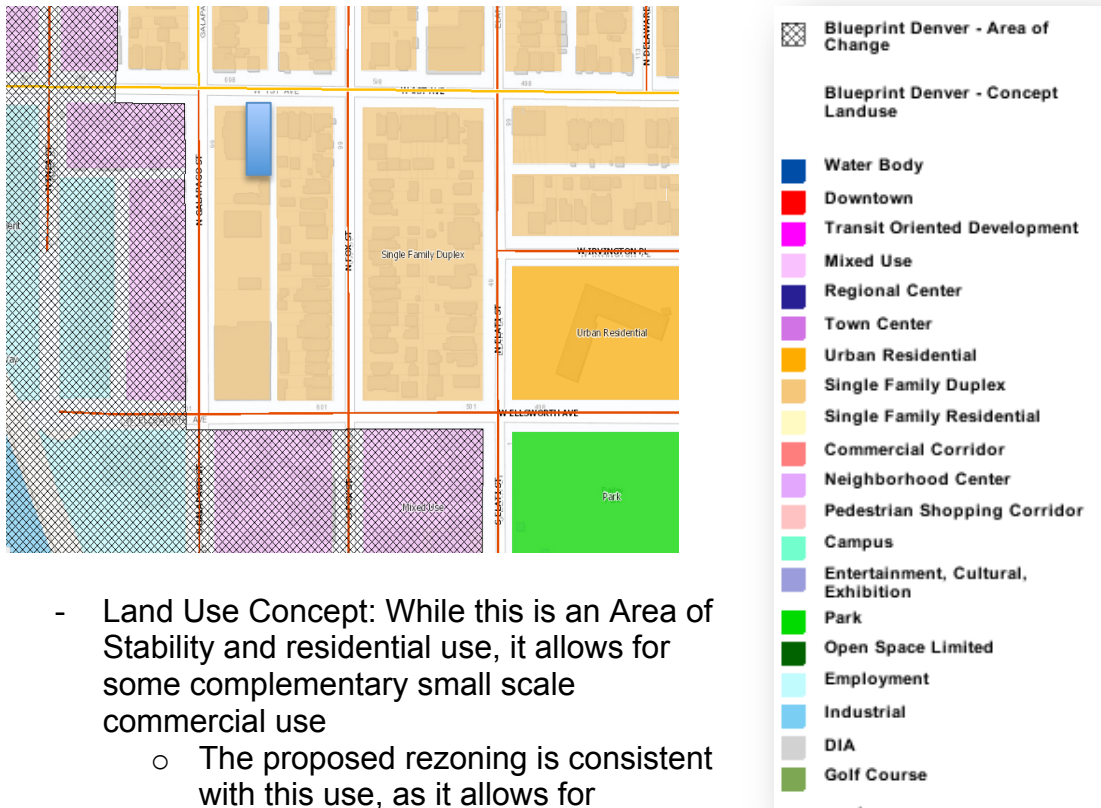
The current zoning of the lot does not allow for mixed use. The proposed rezoning to MX-3 would promote infill development and help design a mixed-use community, also facilitating the transition from the more residential North Baker to the more industrial South part of Baker.

- Objective 3 – Residential Neighborhoods and Business Centers – Strategy 3-b (pg. 60)
  - o 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.

The proposed rezoning is entirely consistent with this objective, since

- It would encourage infill development consistent with the surrounding neighborhood, which is also zoned Mixed Used
- The MX-3 zoning offers the opportunity to increase the density compared to the existing zoning
- The proposed rezoning offers additional uses, including industrial, commercial or mixed residential

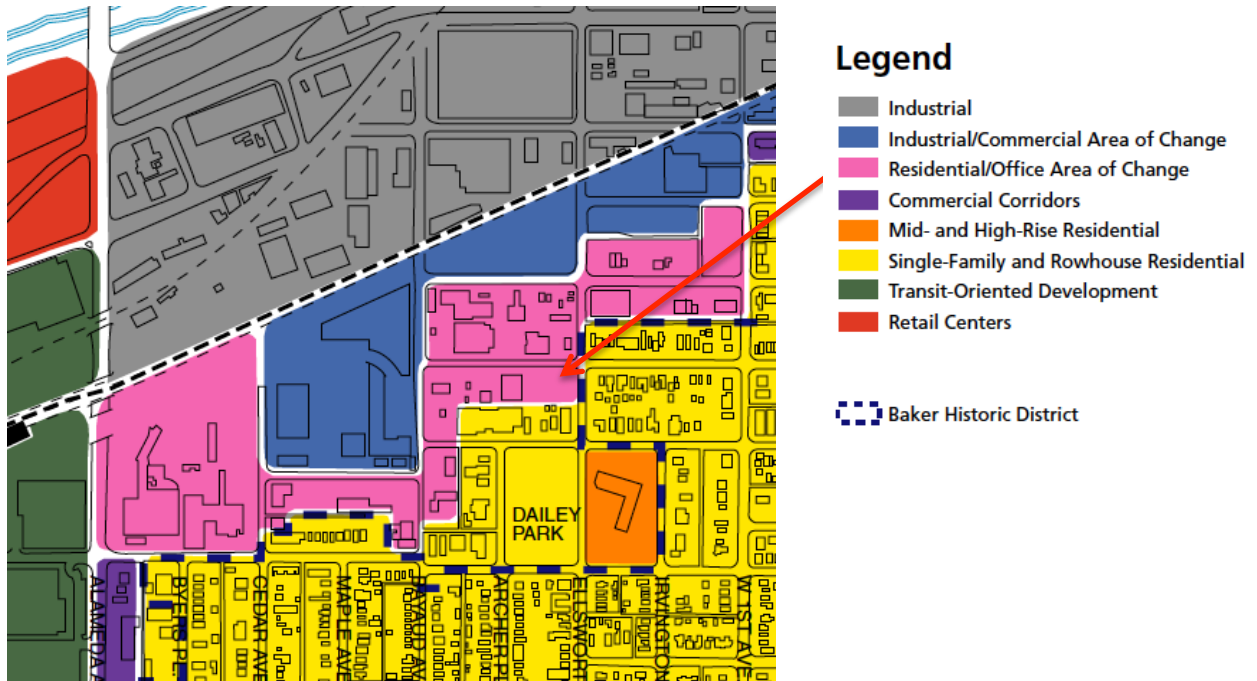
## Blueprint Denver (2002)



- Land Use Concept: While this is an Area of Stability and residential use, it allows for some complementary small scale commercial use
  - o The proposed rezoning is consistent with this use, as it allows for complementary small scale commercial use
  
- Future Street Classification: 1<sup>st</sup> Avenue is a residential Collector, aiming to create connections that emphasize walking, bicycling and vehicular connections
  - o The Proposed rezoning is consistent with this objective, as it allows for residential use



## Baker Neighborhood Plan



The Baker Neighborhood Plan identifies 620 W 1<sup>st</sup> Av as a **residential-office area of change**; this area has two purposes:

- 1) To buffer the impacts of the residential, commercial and industrial subareas from each other through more sensitive site and building design
- 2) To allow property owners the flexibility to maintain and expand existing office and light industrial uses, to build new residential uses, and to respond to the long-term evolution of development trends.

It serves as a blend of land uses from the solidly residential area to the solidly industrial area, and between the intense commercial activity on Broadway and the residential interior.

The proposed rezoning is entirely consistent with the Baker Neighborhood Plan as it would:

- Broaden the mix of uses that the current zoning allows (which is only residential)
- Allow property owners the flexibility to maintain the existing residential structure (4-plex), but expand the possibility for land use to commercial and live-work uses
- Serve as a seamless transition between the north part of Baker, traditionally more residential, and the south part, which is industrial

### **Baker Neighborhood Plan - Land Use - Goals**

- Develop a logical change between Baker's subareas that protects the viability of existing industrial businesses and enhances the quality of life of

the residents. Intense non-retail business activity and new housing at a moderate density are appropriate in the area.

- Provide a range of residential and office uses that allow property owners the flexibility to respond to the long-term evolution of development trends. Residential uses are supported, but it is expected that residential uses are responsible for buffering themselves from nonresidential uses that may be located on adjacent property. Siting and design of each new development must ensure compatibility and blending of uses.

The proposed rezoning would allow Baker to achieve the vision of the Baker plan, which today is frustrated by a lack of compatibility in different and mismatched zoning.

### **Baker Neighborhood Plan - Land Use - *Recommendations***

**As properties redevelop, support rezoning applications that allow for a mix of residential and office uses, shared parking, and appropriate buffering, mitigation and design.**

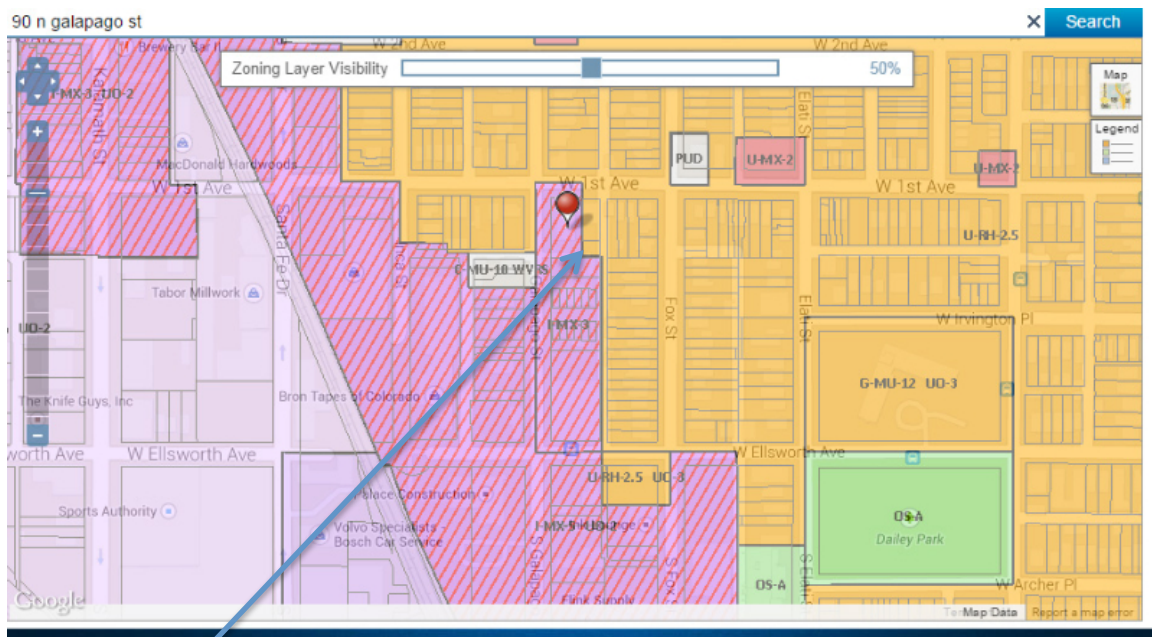
The requested rezoning is consistent with the recommendation of the Baker Plan, as it strives to achieve a better balance between residential, commercial and industrial uses.

## 620 W 1<sup>st</sup> Av – Additional Review Criteria

### Justifying Circumstances

*The land or its surroundings has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area to recognize the changed character of the area.*

620 W 1<sup>st</sup> Av. used to be a 6,250 SF parcel; in 2014 the previous owner of 90 Galapago and 620 W 1<sup>st</sup> Av did a parcel split for 620 W 1st Av and sold off a parcel (4,564 SQFT) to the current owner (Mike Lynch and John Chase). The remaining 1,600 SQFT of that zone lot remained part of 90 Galapago (as a parcel).



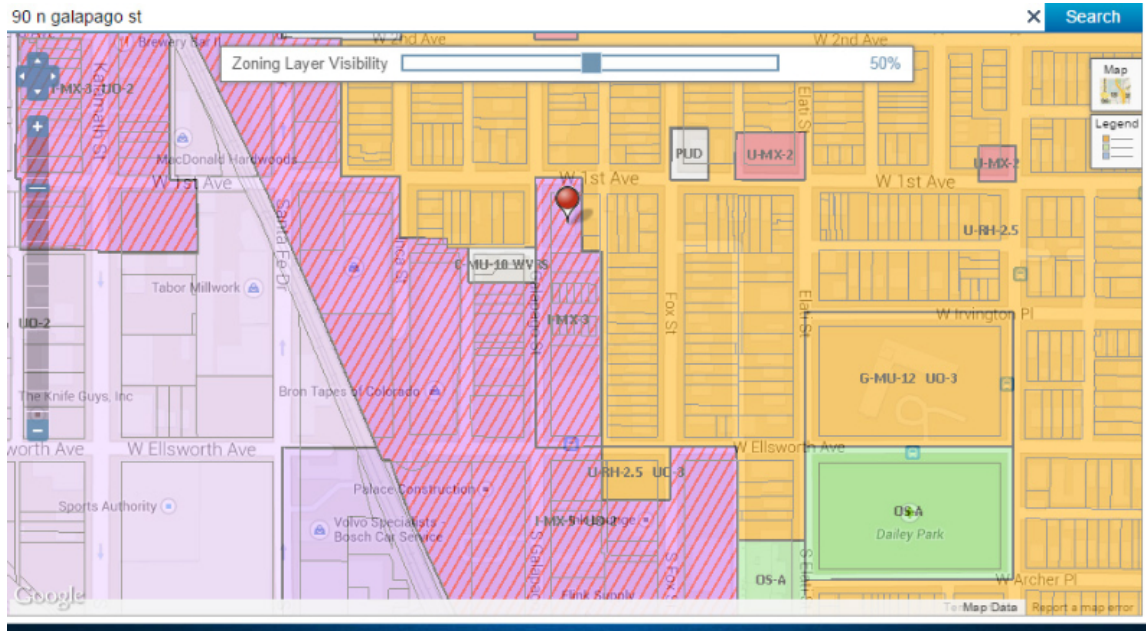
Portion of 90 Galapago still zoned U-RH-2.5

The result is that 90 Galapago (zoned I-MX-3) parcel has a square (about 41x40ft) that is zoned U-RH-2.5. This makes the owner of the square on 90 Galapago and the owners of 620 W 1<sup>st</sup> Av, co-owners of the same zone lot; because of this co-ownership, any decision regarding development on the zone lot would have to be approved by all the owners.

We have explored the possibility to rezone only the square on 90 Galapago, but this would create a hardship for 620 W 1st Av, since there is a fourplex on that parcel and that's not allowed on a zone lot smaller than 6,000 SQFT.

Because of this change in circumstances, we believe that a rezoning of the zone lot containing 620 W 1<sup>st</sup> Av. would allow to solve this issue without impacting the character of the neighborhood, since it is conforming to the rest of the half-block.

## 620 W 1<sup>st</sup> Av – Consistency with Neighborhood Context, Zone District Purpose and Intent



### *Denver Zoning Code - Section 9.1.1 INDUSTRIAL CONTEXT DESCRIPTION*

The Industrial Context consists of areas of light industrial, warehouse and heavy industrial areas, as well as areas subject to transitions from industrial to mixed-use.

#### *Denver Zoning Code – Section 9.1.2.1.A*

- a. The Industrial Mixed Use districts are intended to develop in a pedestrian-oriented pattern, with buildings built up to the street and active a ground story.
- b. The Industrial Mixed Use districts are also intended to provide a transition between mixed use areas and I-A or I-B Industrial Districts.
- c. The Industrial Mixed Use districts accommodate a variety of industrial, commercial, civic and residential uses.

The proposed rezoning is consistent with the existing neighborhood context because:

- Mixed Use zoning is adequate for an area of transition
- The general character of the area is industrial but also serves as transition to other uses; in particular, it functions as transition between the more residential part of Baker (north of 1st Av) to the more heavily industrial part to the south
- The zone lot is part of a half-block that is already zoned I-MX-3; therefore the proposed request to change the zoning is consistent with the zoning on the rest of the half-block.





Baker Historic Neighborhood  
Association  
P.O. Box 9171  
Denver, CO 80223  
board@bakerneighborhood.org

## Officers

*President*

**Luchia Brown**  
**303-733-5040**

*Vice-President*

**Michael Wilcox**

*Secretary*

**Frank Matapuile**

*Treasurer*

**Richard Parker**

*Members-at-Large*

**Aaron Greco**  
**Felix Herzog**  
**Mathew Wasserburger**

*Zoning Chair*

**Steve Harley**

May 20, 2015

To Whom It May Concern:

At its regularly scheduled general membership meeting at 6:30 pm on 12 May 2015, the Baker Historic Neighborhood Association (BHNA), a Denver Registered Neighborhood Organization, entertained a motion to support the prospective application by Enrico Cacciorni to rezone the property at 620 W. 1st Ave. from U-RH-2.5 to I-MX-3. The motion passed 24 to 0 with 4 abstentions.

Mr. Cacciorni had also detailed his request to the BHNA Zoning Committee at its regularly scheduled meeting on 22 April 2015. The committee did not make a recommendation because it ordinarily acts after official notice of such applications.

This motion was made with the following understandings:

- 1) that the zone lot at 620 W. 1st Ave. is divided into portions separately owned by Mr. Cacciorni (south portion, used for parking) and by another party (north portion, containing a residential four-plex), both of whom agree to this rezoning,
- 2) that Denver Community Planning and Development advised Mr. Cacciorni that this rezoning was the best and perhaps the only resolution to certain difficulties both owners have faced,
- 3) that the residential four-plex on the north portion will be a conforming use after it is rezoned to I-MX-3,
- 4) that a sewer easement under the south portion somewhat limits the type of development that may occur there, and
- 5) that Councilmember Judy Montero would like know the position of BHNA prior to the rezoning application.

Sincerely,

Luchia A. Brown  
BHNA President!

**A Better Community Through Cooperation**