



**TO:** **Denver City Council**  
**Neighborhoods and Planning Committee**  
Mary Beth Susman, Chair

**FROM:** Tim Watkins, Senior City Planner

**DATE:** May 19, 2016

**RE:** Official Zoning Map Amendment Application #2015I-00105 – 3800 Franklin St.  
Rezoning from U-SU-A1 to U-RH-2.5

### Staff Report and Recommendation

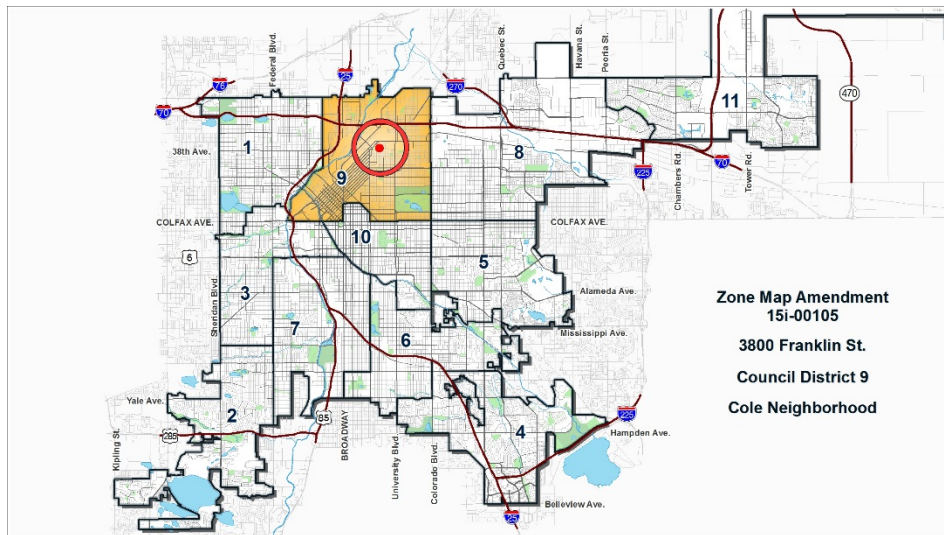
Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2015I-00105 for a rezoning from U-SU-A1 to U-RH-2.5 for the property located at 3800 Franklin St.

### Request for Rezoning

Application:	#2015I-00105
Address:	3800 Franklin St.
Neighborhood/Council District:	Cole / Council District 9
RNOs:	United Community Action Network Inc. Cole Neighborhood Association Five Points Business District Inter-Neighborhood Corporation (INC) Denver Neighborhood Association, Inc.
Area of Property:	Total: 12,500 s.f.
Current Zoning:	U-SU-A1
Proposed Zoning:	U-RH-2.5
Property Owner(s):	Leger Investments, LLC
Owner Representative:	A.J. Zabbia

### Summary of Rezoning Request

Located in north Denver in Council District 9, this property lies at the intersection of 38<sup>th</sup> Ave and Franklin Avenue within a few blocks of the 38<sup>th</sup> & Blake rail station. The rail station will open in April 2016 as the first stop from Downtown Union Station to DIA along the University of Colorado A line. North of 38<sup>th</sup> Avenue, Franklin Street marks a transitional edge from an established residential area to the east, to a mix of commercial, residential and industrial uses to the west. Existing 19<sup>th</sup> Century traditional commercial block buildings anchor this intersection as a small mixed use node that serves as a buffer between the residential uses to the east and commercial industrial uses to the west.



The property owner seeks to rezone the property with the intent of developing residential housing at this corner site. The requested zone district is U (Urban Neighborhood) – RH (Row House) – 2.5 (2.5 Story Maximum).

The Row House building form is intended to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context. Further details of the zone districts can be found in Article 5 of the Denver Zoning Code (DZC).



## Existing Context

Located in north Denver at the intersection of 38<sup>th</sup> Avenue and Franklin St., the property lies at a transition in land use from lower scale, traditional residential homes to mixed use commercial and industrial uses to northwest.

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

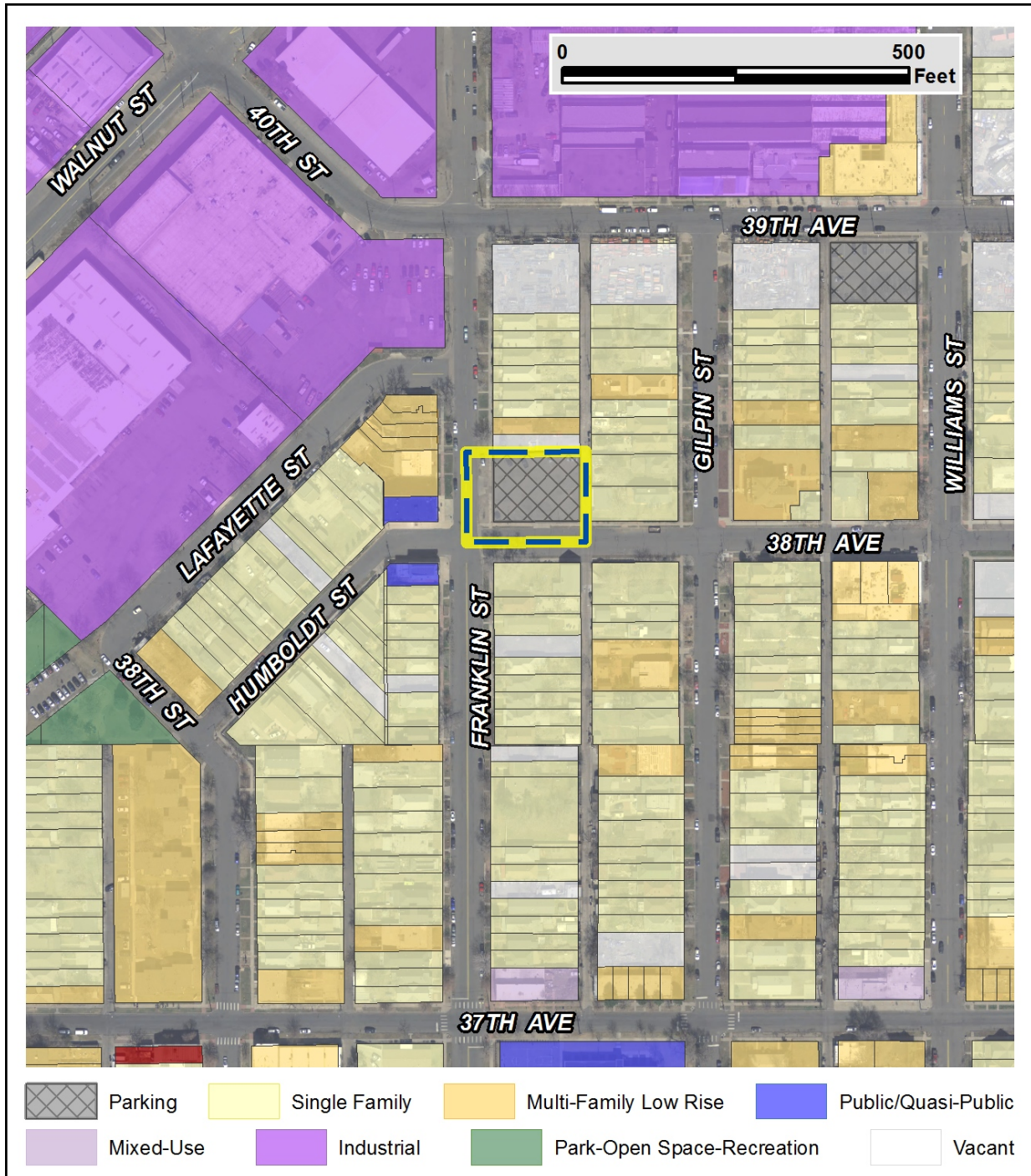
	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	U-SU-A1	Vacant	N/A	The property lies at the corner of 38 <sup>th</sup> Ave. and Franklin St. where the N/S orthogonal grid pattern with traditional residential blocks meets the downtown street grid at Humboldt and Lafayette Streets. The parcels become larger in the commercial industrial area with a discontinuous street pattern.
North	U-SU-A1	Multi-family & Single Family Residential	1 ½ Stories	
South	PUD 17	Live / Work	1 ½ Stories	
East	U-SU-A1	Single Family Residential	1 ½ Stories	
West	U-MX-2, U-RH-3A	Commercial, Multi-family Duplex	1 to 2 Stories	

## 1. Existing Zoning



The U-SU-A1 zone district is a single unit district allowing urban house and detached accessory dwelling units with a minimum zone lot area of 3,000 square feet. Blocks typically have a pattern of 25 foot wide lots. Setbacks are shallow and more coverage is allowed compared to other single unit zone districts in the Urban Neighborhood context.

## 2. Existing Land Use Map



Note: Property directly west of the site at the corner of 38<sup>th</sup> and Franklin Street is now a commercial use.

### 3. Existing Building Form and Scale



*Site at 3800 Franklin (Vacant lot / surface parking)*



*East – Single family residential (1.5 stories)*



*North – Duplex and single family residential (1.5 stories)*



*West – Mixed use commercial and multi-family residential (1 – 2 stories). Note: Renovated commercial structure with parapet wall is comparable in height to a 3 story building.*



*South – Single family residential at the corner of 38<sup>th</sup> Ave and Franklin St. (1.5 stories)*

## 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

**Parks and Recreation:** Approved – No Comments

**Public Works – City Surveyor:** Approve Rezoning Only - Will require additional information at Site Plan Review

## 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 December 29<sup>th</sup>, 2015.
- The property was legally posted for a period of 15 days announcing the April 6<sup>th</sup>, 2016 Denver Planning Board public hearing, and written notification of the hearing was sent to all affected registered neighborhood organizations and City Council members.
- A Council Planning and Neighborhood Committee review scheduled for May 25<sup>th</sup> was noticed on May 10<sup>th</sup>, 2016.
- The committee will vote to refer the rezoning application to the full City Council for final action at a public hearing. A City Council public hearing is tentatively scheduled for **June 27<sup>th</sup>, 2016**, and will be published with a 21 day notice.
  
- **Applicant Outreach to Registered Neighborhood Organizations (RNOs)**
  - The applicant has reached out to the applicable neighborhood organizations listed on the cover page of this report.
  - Staff met with the Cole RNO on March 10<sup>th</sup>, 2016 to discuss the application, in addition to other neighborhood planning efforts.
  - One opposing comment was received by CPD prior to the Planning Board hearing, raising concern about too many units on this corner lot. The resident and the applicant have since been in direct contact to further discuss the site in context of surrounding current land uses and zoning.
  - At the Planning Board Hearing, two residents from the Cole neighborhood spoke in favor of the rezoning application, citing that the scale and use were compatible at this location in the neighborhood, and that continued investment in the neighborhood would be positive. One resident who lives across the street from the site advocated for sufficient parking to be provided on the site.

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

**Environmental Sustainability Strategies:** 2-F: Promoting infill development within Denver at sites where services and infrastructure are already in place, creating more density near transit, and Designing mixed use communities and reducing sprawl, so that residents can live, work and play within their own neighborhoods.

**Land Use Strategies:** 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.

**Neighborhood Strategies:** 1-F – Invest in neighborhoods to help meet citywide goals and objectives for a range of housing types and prices, community facilities, human services and mobility.

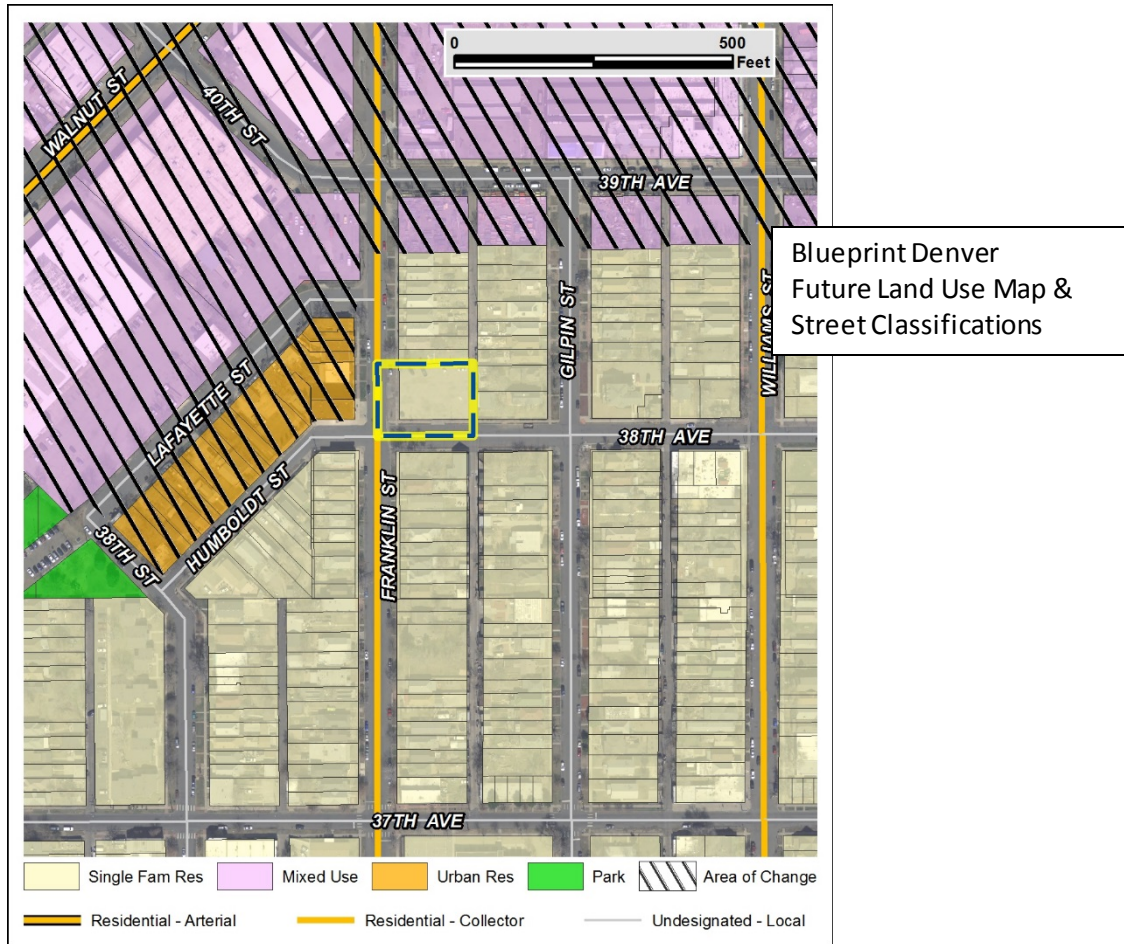
The proposed map amendment will enable residential development at an infill location where services and infrastructure are already in place and where land uses transition from predominately single family to commercial mixed use. The U-RH-2.5 zone district allows for residential development that is intended to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context. The rezoning is consistent with these plan recommendations.



### Blueprint Denver

According to the Plan Map adopted in Blueprint Denver, this site has a concept land use of Single Family Residential and is located in an Area of Stability.

### Future Land Use



The Blueprint Denver Future Land Use for the property is 'Single Family Residential' in an 'Area of Stability.' Single family homes are the predominant residential type in this Land Use Area, (pgs 41-42), with neighborhood-wide densities averaging less than 10 units per acre, and often less than six units per acre. Single family neighborhoods are defined under a broader category of Residential Areas and Neighborhoods, which Blueprint Denver states: "A neighborhood is an area that consists primarily of residential land uses. 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 . . . Neighborhoods are primarily residential but vary in density, size and adjacency of non-residential uses" (Page 41).

When paired with Blueprint Denver Street Classification of Residential Collector Street (see map above and section on pg. 10, below) the proposed U-RH-2.5 zone district is compatible with the single family

residential land use designation. The zone district is intended to ensure new development contributes positively to established residential neighborhoods and character. The zone district allows a variety of low-scale residential building forms, including urban house, duplex, and row house that enable the variety of types and density called for by Blueprint Denver. The U-RH-2.5 zone district is especially appropriate along a Residential Collector Street at an intersection where mixed commercial uses have long been established. U-RH-2.5 extends the existing row house zone district of U-RH-3A to the west, but with lower intensity and height intended to transition to the lower scale residential uses east of Franklin St.

### **Area of Change / Area of Stability**

The site lies within in an Area of Stability. Blueprint Denver's Areas of Stability are intended to maintain the character of an area while accommodating some new development and redevelopment. The rezoning application is consistent with the Blueprint Denver Areas of Stability because it will enable minor infill development that is compatible with the existing residential character of the neighborhood to the east, and transition to the mixed use node at the intersection of 38<sup>th</sup> Ave and Franklin St. to the west.

### **Street Classifications**

The property fronts Franklin Street, a Residential Collector Street, and 38<sup>th</sup> Avenue, a local undesignated street. According to Blueprint Denver, "collectors are designed to provide a greater balance between mobility and land access within residential, commercial and industrial areas (pg 51). As collectors and local streets, residential streets are designed to emphasize walking, bicycling and land access over mobility. In both cases, residential streets are intended to be pedestrian oriented, giving a higher priority to landscaped medians, tree lawns, sidewalks, on-street parking and bicycle lanes. The design features of local streets are influenced less by traffic volumes and are tailored more to providing local access.

The U-RH-2.5 zone district is within convenient walking distance to the 38<sup>th</sup> and Blake station platform, and would address Franklin Street at the intersection of 38<sup>th</sup> Ave. This proposed zone district is consistent with the Blueprint Denver future street classification of Franklin Street as a residential Collector Street and 38<sup>th</sup> Ave. a local street. The proposed map amendment will support appropriate infill development in an area that Blueprint Denver identifies as single family residential along a Residential Collector street that marks the land use transition from residential to urban residential and mixed use development in an area of change west of Franklin St.

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

The proposed rezoning to U-RH-2.5 will result in the uniform application of zone district building form, use and design regulations.

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

The proposed official map amendment furthers the public health, safety, and general welfare of the City primarily through implementation of the City's adopted land use plans.

#### **4. Justifying Circumstance**

The application identifies several changed or changing conditions as the Justifying Circumstance under DZC Section 12.4.10.8.A.4, “The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area.” This is an appropriate justifying circumstance for the proposed rezoning.

The following changed or changing conditions to the site and surrounding area apply:

- The property was previously used as surface parking for the Elk’s Lodge that once occupied the commercial block building on the opposing side of Franklin Street. The vacant property is no longer used as parking for the commercial block building.
- The commercial block building to the west was recently updated and is occupied with commercial uses, replacing its former vacant, boarded up condition.
- The commuter rail station at 38<sup>th</sup> & Blake opened in April, 2016, providing frequent transit service to rail stations between Downtown and DIA.

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

The Urban Neighborhood Context is primarily characterized by single unit and two-unit residential uses with small scale multi-unit residential uses and commercial areas that are typically embedded in residential areas. Multi-unit building forms are typically Row House forms embedded with other residential building forms.

U-RH-2.5 is an Urban Neighborhood Row House Zone District that is intended to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context. These regulations allow for some multi-unit districts, but not to such an extent as to detract from the overall image and character of the residential neighborhood. See DZC Section 5.2.2.1. Blueprint Denver recognizes the potential for a variety of housing types and complementary land-use types, and provides a street classification of Residential Collector which is intended to balance mobility with adjacent land use access. The concept land use and street classification of Blueprint Denver, and the existing context of mixed use commercial and residential uses at the intersection of 38<sup>th</sup> Ave. and Franklin St. are consistent with the purpose and intent of the U-RH-2.5 zone district as described in Article 5.1 of the Denver zoning Code.

#### **Staff Recommendation**

Following the public hearing, the Planning Board voted unanimously in favor, 10– 0 to recommend that City Council approve this rezoning application. Based on the analysis set forth above, CPD staff finds that the application for rezoning the property located at 3800 Franklin St. from U-SU-A1 to U-RH-2.5 meets the requisite review criteria. Accordingly, staff recommends that Planning Board recommend *approval of this rezoning application to City Council.*

#### **Attachments**

1. Application
2. Letter of opposition

## Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	Leger Investments, LLC and Timothy	Representative Name	A. J. Zabbia, PE, CCE
Address	1685 S. Colorado Blvd #S-290	Address	1425 Market St Suite 200
City, State, Zip	Denver, CO 80222	City, State, Zip	Denver, CO 80202
Telephone	303.512.1159	Telephone	303.295.6806
Email	sleger@uniqueprop.com	Email	zabbia@68west.com
<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>	
Please attach Proof of Ownership acceptable to the Manager for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed or deed of trust, or (c) Title policy or commitment dated no earlier than 60 days prior to application date.			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):	3800 Franklin Street Denver CO 80205		
Assessor's Parcel Numbers:	0223406011000		
Area in Acres or Square Feet:	12,500 SF		
Current Zone District(s):	U-SU-A1		
PROPOSAL			
Proposed Zone District:	U-RH-2.5		
Does the proposal comply with the minimum area requirements specified in DZC Sec. 12.4.10.3:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	

## REVIEW CRITERIA

<p>General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.7</p>	<p><input checked="" type="checkbox"/> Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan.</p> <p>Please provide an attachment describing relevant adopted plans and how proposed map amendment is consistent with those plan recommendations; or, describe how the map amendment is necessary to provide for an unanticipated community need.</p> <p><input checked="" type="checkbox"/> Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.</p> <p><input checked="" type="checkbox"/> Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</p>
<p>Additional Review Criteria for Non-Legislative Rezoning: The proposal must comply with both of the additional review criteria DZC Sec. 12.4.10.8</p>	<p>Justifying Circumstances - One of the following circumstances exists:</p> <p><input type="checkbox"/> The existing zoning of the land was the result of an error.</p> <p><input type="checkbox"/> The existing zoning of the land was based on a mistake of fact.</p> <p><input type="checkbox"/> The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage.</p> <p><input checked="" type="checkbox"/> The land or its surroundings has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area to recognize the changed character of the area.</p> <p><input type="checkbox"/> It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (Overlay Zone Districts), of this Code.</p> <p>Please provide an attachment describing the justifying circumstance.</p> <p><input checked="" type="checkbox"/> The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.</p> <p>Please provide an attachment describing how the above criterion is met.</p>

## 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

## ADDITIONAL ATTACHMENTS

Please identify any additional attachments provided with this application:

- Written Authorization to Represent Property Owner(s)

Please list any additional attachments: *Area Zoning Map*

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 Josie Q. Smith</i>	01/01/12	(A)	NO
Leger Investments, LLC Samuel A Leger, Manager	3800 Franklin St Denver CO 80205 (303) 512-1159 sleger@uniqueprop.com	50%	<i>SM Samuel A. Leger MANAGER</i>	12-16-15	B	YES
Timothy Finholm	3800 Franklin St Denver, CO 80205 (303) 512-1161 tfinholm@uniqueprop.com	50%	<i>[Signature]</i>	12/16/15	B	YES
					B	
					B	
					B	

Last updated: February 4, 2015

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

**Legal Description  
For  
3800 Franklin Street  
Denver CO 80205**

**All real property together with improvements, if any, situate, lying and being in the County of Denver, State of Colorado described as follow:**

**LOTS 13, 14, 15 AND 16,  
BLOCK 9,  
PROVIDENT PARK,  
CITY AND COUNTY OF DENVER,  
STATE OF COLORADO**

**also known by street and number as 3800 Franklin Street, Denver, CO 80205**

After Recording Return to  
Leger Investments, LLC  
Timothy M. Finholm  
1685 S. Colorado Blvd., #S290  
Denver, CO 80222

**SPECIAL WARRANTY DEED**

This Deed, made December 15, 2015

Between DupedFrank, LLC, a Colorado limited liability company, of the County of Denver, State of Colorado, grantor(s) and Leger Investments, LLC, a Colorado limited liability company as to an undivided 50% interest and Timothy M. Finholm as to an undivided 50% interest, as Tenants in Common whose legal address is 1685 S. Colorado Blvd., #S290, Denver, CO 80222 County of Denver, and State of Colorado, grantee(s)

WITNESSETH, That the grantor(s), for and in the 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(s), its heirs and assigns forever, all the real property together with improvements, if any, situate, lying and being in the County of Denver, State of COLORADO described as follows:

LOTS 13, 14, 15 AND 16,  
BLOCK 9,  
PROVIDENT PARK,  
CITY AND COUNTY OF DENVER,  
STATE OF COLORADO

also known by street and number as 3800 N Franklin St, Denver, CO 80205

TOGETHER with all and singular 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 and except taxes and assessments for the year 2015 and subsequent years, and subject to those items shown on Exhibit "A" attached hereto and by this reference incorporated herein.

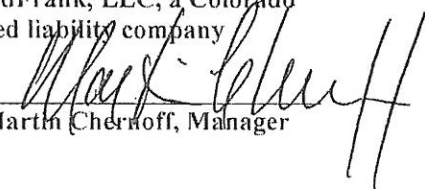
TO HAVE AND TO HOLD said premises above bargained and described, with the appurtenances, unto the grantee, their heirs and assigns forever. The grantor(s), for themselves, their heirs and personal representatives or successors, does covenant and agree that they shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantee(s), their heirs and assigns, against all and every person or persons claiming the whole or any part thereof, by, through or under the grantor(s).

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 on the date set forth above.

**SELLER:**

DupedFrank, LLC, a Colorado limited liability company

BY:   
Martin Chernoff, Manager

STATE OF COLORADO  
COUNTY OF DENVER

}ss:

The foregoing instrument was acknowledged before me December 15, 2015 by Martin Chernoff, Manager of DupedFrank, LLC, a Colorado limited liability company.

Witness my hand and official seal.

TERESA L HOTT  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20014008870  
MY COMMISSION EXPIRES MARCH 21, 2017

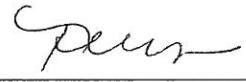
  
\_\_\_\_\_  
Notary Public  
My Commission expires: 3-21-17

EXHIBIT "A"





1. Any rights, interests, or claims which may exist or arise by reason of the following matters disclosed by the ALTA/ACSM Land Title Survey:

Job No.: 0100240

Dated: May 15, 2015

Prepared by: 39 North Engineering and Surveying, LLC

Matters shown:

- a) Fence lines on the North perimeter of the Land do not coincide with property lines as shown.
- b) Encroachment of parking spaces into the right of way of 38<sup>th</sup> Avenue as shown.
- c) Existence of Overhead Utility line without recorded easement as shown.



2016002897

Page: 1 of 1

01/08/2016 03:01 PM  
City & County of Denver  
Electronically Recorded

R \$11.00

QCD

D \$0.00

## QUIT CLAIM DEED

THIS DEED, Made this 5<sup>th</sup> day of January, 2016 betweenLeger Investments, LLC, a Colorado limited liability company as to an undivided 50% interest and  
Timothy M. Finholm as to an undivided 50% interest

of the City and County of Denver and State of Colorado, grantor(s), and

3800 Franklin, LLC, a Colorado limited liability company

whose legal address is 1685 S. Colorado Blvd., #5290, Denver, CO 80222

of the City and County of Denver, State of Colorado, grantee(s),

WITNESS, that the grantor(s), for and in consideration of the sum of Ten and No/100 DOLLARS (\$10.00), the receipt and sufficiency of which is hereby acknowledged, has remised, released, sold and QUITCLAIMED, and by these presents do remise, release, sell, and QUITCLAIM unto the grantee(s), their heirs, successors and assigns forever, all the right, title, interest, claim and demand which the said grantor(s) has in and to the real property, together with improvements, if any, situate, lying and being in the County of Denver, and State of Colorado described as follows:

Lots 13, 14, 15 and 16,  
Block 9,  
Provident Park,  
City and County of Denver,  
State of Colorado

also known by street and number as 3800 N Franklin St, Denver, CO 80205

assessor's schedule or parcel number: 0223406011000

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privileges thereto belonging, or in anywise thereto appertaining, and all the estate, right, title, interest, and claim whatsoever of the grantor(s), either in law or equity, to the only proper use, benefit and behoof of the grantee(s) heirs and assigns forever.

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(s) has executed this deed on the date set forth above.

Leger Investments, LLC, a Colorado limited liability company

BY:   
Samuel A. Leger, Manager  
Timothy M. FinholmSTATE OF COLORADO  
COUNTY OF DENVER

SS: }

The foregoing instrument was acknowledged before me this 7<sup>th</sup> day  
of JANUARY, 2016

by Samuel A. Leger, Manager of Leger Investments, LLC and Timothy M. Finholm.

Witness my hand and official seal.

  
Notary Public

My Commission expires:

JULY 10, 2019

QCD - Quit Claim Deed (Rev. 12/05/13)

KATIE JANE PURDY  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID # 20154027147  
MY COMMISSION EXPIRES JULY 10, 2019

NO CONSIDERATION

December 15<sup>th</sup>, 2015

City and County of Denver

Community Planning and Development

RE: 3800 Franklin St, Denver- Rezoning Request

To Whom it May Concern:

Timothy Finholm hereby authorizes AJ Zabbia of 68 West to represent Timothy Finholm as it pertains to the zone map amendment or the rezoning application of 3800 Franklin St, Denver, CO 80205. The rezoning application refers to the 12,500 SF parcel of land at the North East corner of 38<sup>th</sup> and Franklin St. known as 3800 Franklin St, Denver, CO (legal description is attached with the application).

Regards,



Timothy Finholm

December 15<sup>th</sup>, 2015

City and County of Denver

Community Planning and Development

RE: 3800 Franklin St, Denver- Rezoning Request

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Regards,



Sam Leger, Manager

Leger Investments, LLC



**For this Record...**

- Filing history and documents
- Get a certificate of good standing
- File a form
- Subscribe to email notification
- Unsubscribe from email notification

- Business Home
- Business Information
- Business Search

- FAQs, Glossary and Information

## Summary

Details			
<b>Name</b>	Leger Investments, LLC		
<b>Status</b>	Good Standing	<b>Formation date</b>	02/01/2007
<b>ID number</b>	20071056595	<b>Form</b>	Limited Liability Company
<b>Periodic report month</b>	February	<b>Jurisdiction</b>	Colorado
		<b>Term of duration</b>	Perpetual
<b>Principal office street address</b>	1685 S. Colorado Blvd, #S290, Denver, CO 80222, United States		
<b>Principal office mailing address</b>	n/a		

Registered Agent	
<b>Name</b>	Samuel A Leger
<b>Street address</b>	1685 S. Colorado Blvd, #S290, Denver, CO 80222, United States
<b>Mailing address</b>	n/a

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December 19, 2015

Letter of Intent to Rezone 3800 Franklin Street

To: Community Planning and Development  
210 W. Colfax Ave, Dept 205  
Denver, CO 80202  
Attn: Tim Watkins

On Behalf of: Leger Investments, LLC and Timothy Finholm

To whom it may concern:

We are requesting a Rezoning of a vacant parcel located a 3800 Franklin Street as described in the attached legal description. We are proposing to Rezone the parcel from U-SU-A1 to U-RH-2.5.

The lot is currently vacant and used as a parking lot with an area of 12,500 SF. The vacant lot is on the northeast corner of the intersection of 38<sup>th</sup> Avenue and Franklin Street and is not conducive to the single family residential nature with the development and typology across the street and to the north.

The Developer is proposing 7-8 row houses to activate the corner and provide an asset to the neighborhood, on what is now a dirt/asphalt surface lot. This portion of the neighborhood is tucked in the Cole Neighborhood's northwest corner that has existing zoning on two sides similar to the requested Row House Zoning. The corner orientation lends itself to an Urban House context more so than a single family dwelling and would be more consistent with the facing buildings across the street and the existing row houses across the street and north of the property.

We request this Rezone of 3800 Franklin on behalf Leger Investments, LLC and Timothy Finholm.

Please contact us if you have questions or need additional information.

Yours truly,

A handwritten signature in blue ink, appearing to read 'A. J. Zabbia', is written over the typed name.

A. J. Zabbia, PE, CCE  
President

December 19, 2015

## Zone Map Amendment at 3800 Franklin Street, Denver, CO

### General Review Criteria:

The proposed Zone Map Amendment complies with Blueprint Denver concepts and recommendations for Areas of Stability and Areas of Change, the small area plans for the 38<sup>th</sup> and Blake Station Area, and the Cole Neighborhood Planning Report.

In Blueprint Denver “Areas of Stability can be thought of as belonging to predominately one of the following two categories: “Committed Areas” and “Reinvestment Areas.’ The area along Franklin Street and at the corner of 38<sup>th</sup> Avenue in the Cole Neighborhood conforms to a Reinvestment Area with the development across the street and the PUD Zonings to the south and to the North.

The vacant parcel proposed for development sits within the one-half mile walking radius from the 38<sup>th</sup> and Blake Station and will provide additional residential opportunities and activate the corner and the neighborhood. As stated in the Comp Plan 2000, “Increasingly, transportation must support land-use strategies to provide a greater range of living and mobility options.” The proposed development on the corner will provide a logical transition from station to stable residential.

### Justifying Circumstances

We feel there are numerous justifying circumstances that support the Zone Map Amendment and the development of this parcel.

- The lot has lain idle for years and has not been a positive asset to the neighborhood. It is not prime single family residential sites.
- Meetings with the Cole Neighborhood Organization have shown strong positive support for development of this property to activate the corner and provide updated residential inventory for the neighborhood.
- With the 38<sup>th</sup> & Blake light rail station eminent and this property within the one-half mile walking radius to the station, there will be a strong demand for residential opportunities to fit the current population demographic.
- This site with its other attributes, sits just beyond the recommended area from transition from the station to the stable residential area.
- Would also provide a transition to single family to east Franklin with a Collector Designation.
- The property can meet the minimum area requirements in Code Section 12.4.10.3 since it is adjacent to existing U-RH-3A across the street.

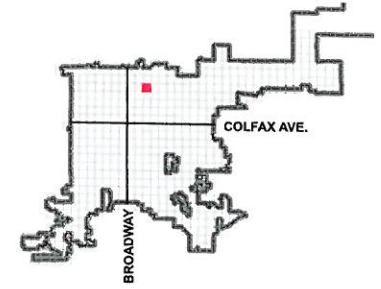
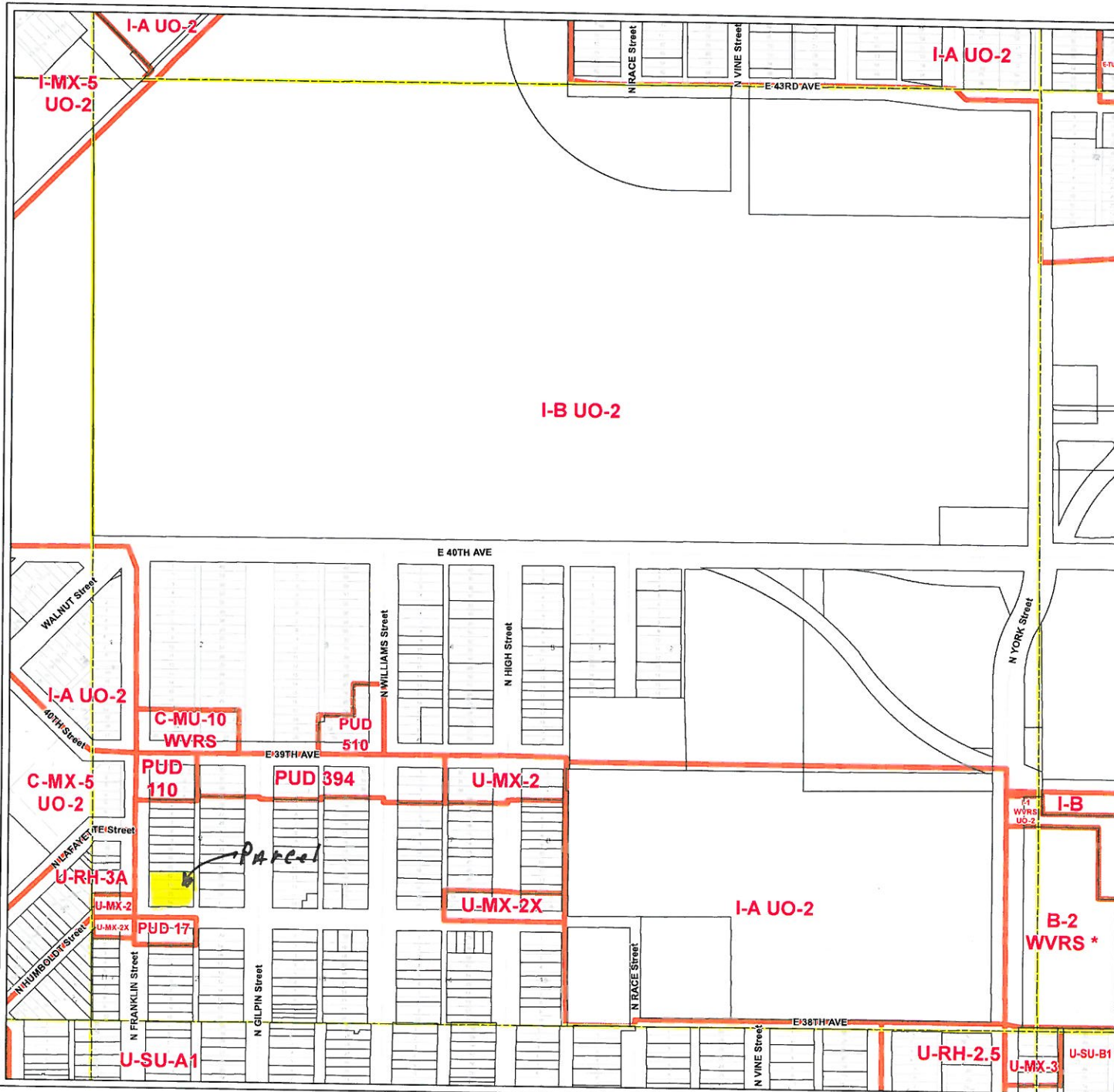
### **Consistent with Neighborhood Context and Zone District**

Currently the property at the corner of 38<sup>th</sup> and Franklin is zoned U-SU-A1 or single family residential. The Denver Zoning Code supports the U-RH-2.5 rezone with the adjacent structures and U-RH-3A across the street. In addition the project would be consistent with the surround Neighborhood Context:

- Most of the single family structures are one or two stories with high peaked roofs. This proposed project would be 30' high and be similar to the surround structures on the east side of Franklin.
- The multi-family format would keep the residential context of the neighborhood.
- The project would be consistent with the surrounding zoning of U-MX-2/2X and U-RH-3A across the street to the west and PUD Zoning south and north of the property.
- With Franklin being designated as a Residential Collector and 38<sup>th</sup> Avenue being classified as an Undesignated Local street, the U-RH-2.5 becomes more consistent with the neighborhood context than U-SU-A1.
- The building across the street at 3801 Franklin is 37', and the 30' proposed project height would provide a natural transition to the single family structures.

The goal of this rezoning and development is to eliminate a vacant dirt/asphalt lot in the neighborhood and provide the Cole Neighborhood a positive asset that will activate the corner, provide much needed and updated residential housing inventory, and provide opportunities to residents that will be in close proximity to the new 38<sup>th</sup> and Blake light rail station.





Quarter Section Index

NE_065	NE_064	NE_063
NE_046	NE_047	NE_048
NE_043	NE_042	NE_041

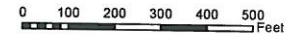
Surrounding Mapsheets

### City and County of Denver Zoning Map

QUARTER SECTION: NE\_047



Scale 1" = 200'  
When printed at 17"x22"



Jun 29, 2015

City and County of Denver  
Community Planning and Development  
Geographic Information Systems

Disclaimer: The City and County of Denver shall not be liable for damages of any kind arising out of the use of the information. The information is provided "as is" without warranty of any kind, express or implied, including, but not limited to, the fitness for a particular use. This map is a representation of the proposed official zoning map for the City and County of Denver, filed with the Denver City Clerk on May 20, 2015.

**From:** [Trena Moya](#)  
**To:** [Watkins, Tim - Community Planning and Development](#)  
**Subject:** Cole development  
**Date:** Wednesday, March 16, 2016 7:38:43 AM

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Dear Tim

I attended the Cole Neighborhood Assoc meeting last week and am writing to provide my input on the rezoning for 2 proposed lot developments.

I am opposed to both plans. The one at 35 & Downing does not provide enough parking for 2 & 3 BR units and there is no on street parking avail in front of the lot so it would further infringe on neighboring lots. I also saw the preliminary design plans and do not think they fit with the historic aesthetic of Cole.

The other lot in the north end of Cole includes too many units for one lot. This is a primarily single family home neighborhood and I do not want to start seeing a lot of high density buildings going up. I do not want Cole to start looking like Highlands!

I don't know if community input really has any weight within Denver anymore. It seems like the dollar speaks louder than any of us, but these are not the type of buildings I want to see in my neighborhood.

Thank you for taking the time to come speak to our group. I'm sorry you had to listen to some disrespectful comments but appreciate you reading my email.

Trena Moya

Sent from my iPhone

**From:** [Paul Brown](#)  
**To:** [Watkins, Tim - Community Planning and Development](#)  
**Cc:** [Sam Leger](#)  
**Subject:** Re: Rezoning at 3800 Franklin  
**Date:** Monday, April 04, 2016 1:38:45 PM

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Tim:

Thank you for the reminder of the upcoming rezoning hearing for 3800 Franklin Street and for the supporting documentation provided under separate cover. I have reviewed the application and find it altogether reasonable. The proposed project represents the kind of transitional buffer that we as residents of Cole should welcome as we anticipate accelerated redevelopment and infill in the 38th / Blake TOD area.

As you may recall, I'm at 38th / Williams and have hoped to see repurposing of the Franklin property since moving into the neighborhood 35 years ago. As long as development is respectful of the existing neighborhood, I see the inevitable change as something to be embraced and not feared. I love this great city and want to see it become a world model for thoughtful urban planning.

I have posted the public hearing to my personal calendar for the afternoon of Wednesday, April 6th. I plan to attend and speak in support of the proposed rezoning. Thanks again for keeping me apprised.

Paul Brown  
paul.brown@gmx.us

**Sent:** Tuesday, March 29, 2016 at 8:57 PM  
**From:** "Watkins, Tim - Community Planning and Development"  
<Timothy.Watkins@denvergov.org>  
**To:** "paul.brown@gmx.us" <paul.brown@gmx.us>  
**Cc:** "Sam Leger" <sleger@uniqueprop.com>  
**Subject:** Rezoning at 3800 Franklin

Hello Paul,

We spoke last week at the NDCC Town Hall meeting about a proposed rezoning in the Cole neighborhood for property located at 3800 Franklin. This is currently a vacant corner lot across from mixed commercial, multi-family duplex and single unit residential uses. The proposed rezoning is to U-RH-2.5 (Urban Neighborhood – Row House – 2.5 maximum stories), from the current zoning of U-SU-A1 (Urban Neighborhood – Single Unit – with a 3,000 s.f. minimum lot size, and allows accessory dwelling units). This property is located at the view that was on the poster we discussed, showing a feathering of building height from 3 stories on the west side of Franklin towards the station platform.

The Planning Board public hearing is at 3:00. If you wish to comment on this rezoning will you please respond by next Monday, April 4<sup>th</sup>? I have copied property representative Sam Leger in case you have any direct questions you would like to pose directly to him.

Thank you,



**Tim Watkins, AICP | Senior City Planner**  
Community Planning & Development | City and County of Denver  
720.865.2932 Phone | [tim.watkins@denvergov.org](mailto:tim.watkins@denvergov.org)

[DenverGov.org/CPD](http://DenverGov.org/CPD) | [@DenverCPD](https://twitter.com/DenverCPD) | [Take our Survey](#)



**From:** [Andrew Feinstein](#)  
**To:** [Watkins, Tim - Community Planning and Development](#)  
**Subject:** Letter of support regarding 3800 Franklin St.  
**Date:** Monday, April 04, 2016 5:07:59 PM

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Hi Tim –

I hope all is well with you. I am writing to let you know that as a nearby business owner, property owner, resident and neighborhood stakeholder I am fully supportive of Sam Leger's request to rezone 3800 Franklin St. from U-SU-A1 to U-RH-2.5. Rather than leave a non-functioning, vacant parking lot at that location, it's my understand that Sam will build a few residential units that will not only help activate that barren corner but will add additional residents who want to be part of the Cole neighborhood.

Having known Sam and his work for some time, I am confident that his project will be a credit to the neighborhood and am hopeful that both the neighborhood, the Community Planning and Development Department and the planning board will be fully supportive of his request.

Kind regards,

Andrew

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Andrew Feinstein  
Jake's Sports & Spirits / EXDO Management  
3800 Walnut Street  
Denver, CO 80205  
(303) 297-8151 o  
(303) 297-8175 f  
(310) 266-7202 m  
[afeinstein@exdomanagement.com](mailto:afeinstein@exdomanagement.com)  
@afeinst21