

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>*If More Than One Property Owner: 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>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</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>	<input type="checkbox"/> Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan. Please provide an attachment describing relevant adopted plans and how proposed map amendment is consistent with those plan recommendations; or, describe how the map amendment is necessary to provide for an unanticipated community need.
	<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.
	<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>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> <input type="checkbox"/> The existing zoning of the land was the result of an error. <input type="checkbox"/> The existing zoning of the land was based on a mistake of fact. <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. <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. <input type="checkbox"/> It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (Overlay Zone Districts), of this Code. Please provide an attachment describing the justifying circumstance.
	<input type="checkbox"/> The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District. Please provide an attachment describing how the above criterion is met.
	<p>REQUIRED ATTACHMENTS</p> <p>Please ensure the following required attachments are submitted with this application:</p> <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
<p>ADDITIONAL ATTACHMENTS</p> <p>Please identify any additional attachments provided with this application:</p> <input type="checkbox"/> Written Authorization to Represent Property Owner(s)	
<p>Please list any additional attachments:</p> 	

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

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

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed or deed of trust, (C) title policy or commitment, or (D) other as approved	Has the owner authorized a representative in writing? (YES/NO)
EXAMPLE 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)	YES
WILLIAM D MORELAND	3880 N. Holly St. Denver CO 80207 <i>303-898-4766 WDMORELAND@COMCAST.NET</i>	100%	<i>[Signature]</i>	<i>4/4/17</i>	(B)	YES
CAROL CANDACE MORELAND	3880 N. Holly St. Denver CO 80207 <i>303-475-0600 CMORELAND@COMCAST.NET</i>	100%	<i>[Signature]</i>	<i>4/4/17</i>	(B)	YES
BRANDI MORELAND BRIGGS	3880 N. Holly St. Denver CO 80207	100%			(B)	YES
BRANDON DOUGLAS MORELAND	3880 N. Holly St. Denver CO 80207 <i>603-432-8453 Moreland11@aol.com</i>	100%	<i>[Signature]</i>	<i>4/4/17</i>	(B)	YES
TAMSEN MERRITT MORELAND	3880 N. Holly St. Denver CO 80207	100%			(B)	YES

Last updated: February 22, 2017

Return completed form to rezoning@denvergov.org

201 W. Colfax Ave., Dept. 205

Denver, CO 80202

720-865-2974 • rezoning@denvergov.org

REZONING GUIDE

Rezoning Application Page 3 of 3



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

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

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed or deed of trust, (C) title policy or commitment, or (D) other as approved	Has the owner authorized a representative in writing? (YES/NO)
EXAMPLE John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/01/12	(A)	YES
WILLIAM D MORELAND	3880 N. Holly St. Denver CO 80207	100%			(B)	YES
CAROL CANDACE MORELAND	3880 N. Holly St. Denver CO 80207	100%			(B)	YES
BRANDI MORELAND BRIGGS	3880 N. Holly St. Denver CO 80207	100%	<i>Brandi Moreland Briggs</i>	4/5/17	(B)	YES
BRANDON DOUGLAS MORELAND	3880 N. Holly St. Denver CO 80207	100%			(B)	YES
TAMSEN MERRITT MORELAND	3880 N. Holly St. Denver CO 80207	100%			(B)	YES

Last updated: February 22, 2017

Return completed form to rezoning@denvergov.org

201 W. Colfax Ave., Dept. 205

Denver, CO 80202

720-865-2974 • rezoning@denvergov.org

December 26, 2017 \$2000 paid check #14256

PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION/PETITION						
We, the undersigned represent that we are the owners of the property described opposite our names, or have the authorization to sign on behalf of the owner as evidenced by a Power of Attorney or other authorization attached, and that we do hereby request initiation of this application. I hereby certify that, to the best of my knowledge and belief, all information supplied with this application is true and accurate. I understand that without such owner consent, the requested official map amendment action cannot lawfully be accomplished.						
Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed or deed of trust, (C) title policy or commitment, or (D) other as approved	Has the owner authorized a representative in writing? (YES/NO)
EXAMPLE John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/01/12	(A)	YES
WILLIAM D MORELAND	3880 N. Holly St. Denver CO 80207	100%			(B)	YES
CAROL CANDACE MORELAND	3880 N. Holly St. Denver CO 80207	100%			(B)	YES
BRANDI MORELAND BRIGGS	3880 N. Holly St. Denver CO 80207	100%			(B)	YES
BRANDON DOUGLAS MORELAND	3880 N. Holly St. Denver CO 80207	100%			(B)	YES
TAMSEN MERRITT MORELAND	3880 N. Holly St. Denver CO 80207 303-475-1277 cuddiebear78@mac.com	100%	<i>Tamsen Merritt</i>	4/5/17	(B)	YES

Last updated: February 22, 2017

Return completed form to rezoning@denvergov.org

201 W. Colfax Ave., Dept. 205

Denver, CO 80202

720-865-2974 • rezoning@denvergov.org

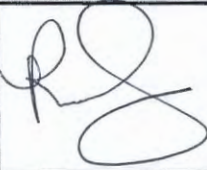


REZONING GUIDE

Rezoning Application Page 3 of 3

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

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

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed or deed of trust, (C) title policy or commitment, or (D) other as approved	Has the owner authorized a representative in writing? (YES/NO)
EXAMPLE John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/01/12	(A)	YES
ROMI P MORELAND COONEY	3880 N. Holly St. Denver CO 80207	100%			(B)	YES

Last updated: February 22, 2017

Return completed form to rezoning@denvergov.org

201 W. Colfax Ave., Dept. 205
Denver, CO 80202
720-865-2974 • rezoning@denvergov.org

Legal Description for Rezoning Application

3880 North Holly Street

[Copy attached to transmittal e-mail in Microsoft Word document format]

THE WEST 312.14 FEET OF THE NORTH 260 FEET OF TRACT 8, MILE-HI INDUSTRIAL DISTRICT, AND, THAT PART OF TRACT 8, MILE-HI INDUSTRIAL DISTRICT, ACCORDING TO THE RECORDED PLAT THEREOF, DESCRIBED AS: BEGINNING AT A POINT ON THE WEST LINE OF SAID TRACT 8 WHICH IS 260 FEET SOUTH OF THE NORTHWEST CORNER OF SAID TRACT 8; THENCE EASTERLY ALONG A LINE PARALLEL TO THE NORTH LINE OF SAID TRACT 8, A DISTANCE OF 312.14 FEET; THENCE SOUTHERLY ALONG A LINE PARALLEL TO THE WEST LINE OF SAID TRACT 8, A DISTANCE OF 80 FEET; THENCE WESTERLY ALONG A LINE PARALLEL TO THE NORTH LINE OF SAID TRACT 8, A DISTANCE OF 312.14 FEET TO THE WEST LINE OF SAID TRACT 8; THENCE NORTHERLY ALONG THE WEST LINE OF SAID TRACT 8, A DISTANCE OF 80 FEET TO THE POINT OF BEGINNING, CITY AND COUNTY OF DENVER, STATE OF COLORADO



2016040759

Page: 1 of 2

04/01/2016 10:56 AM
City & County of Denver
Electronically Recorded

R \$16.00

WD

D \$500.00



Warranty Deed
(Pursuant to 38-30-113 C.R.S.)

State Documentary Fee
Date:
\$ 500.00

THIS DEED, made on 3-31-16 by BI COMMERCIAL MANAGEMENT, LLC, A COLORADO LIMITED LIABILITY COMPANY Grantor(s), of the CITY AND County of DENVER and State of COLORADO for the consideration of (\$5,000,000.00) *** Five Million and 00/100 *** dollars in hand paid, hereby sells and conveys to WILLIAM D. MORELAND AND CAROL CANDACE MORELAND AND BRANDON DOUGLAS MORELAND AND TAMSEN MERRITT MORELAND AND ROMI P. MORELAND COONEY AND BRANDI MORELAND BRIGGS Grantee(s), whose street address is 1650 E. LAYTON DRIVE ENGLEWOOD, CO 80113, County of ARAPAHOE, and State of COLORADO, the following real property in the CITY AND County of Denver, and State of Colorado, to wit:

SEE ATTACHED "EXHIBIT A"

also known by street and number as: 3880 HOLLY ST DENVER CO 80207

with all its appurtenances and warrants the title to the same, subject to *general taxes for the year 2016 and the inclusions of the Property within any special tax district; and other matters: NONE*

BY COMMERCIAL MANAGEMENT, LLC, A COLORADO LIMITED LIABILITY COMPANY

KEVIN DALY, MANAGER

State of COLORADO)
County of Denver) ss.

The foregoing Instrument was acknowledged before me on this 31 day of March, 2016 by KEVIN DALY AS MANAGER OF BI COMMERCIAL MANAGEMENT, LLC, A COLORADO LIMITED LIABILITY COMPANY

Notary Public
My commission expires 8-29-17

THOMAS J. BLAKE
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 18874017358
MY COMMISSION EXPIRES AUG. 28, 2017

When Recorded Return to: C/O WILLIAM D. MORELAND
1650 E. LAYTON DRIVE ENGLEWOOD, CO 80113



Form 13084 01/2011 wd.odt Warranty Deed (Photographic) ABI70485639.1 {24541328}

EXHIBIT A

THE WEST 312.14 FEET OF THE NORTH 260 FEET OF TRACT 8, MILE-HI INDUSTRIAL DISTRICT, AND,

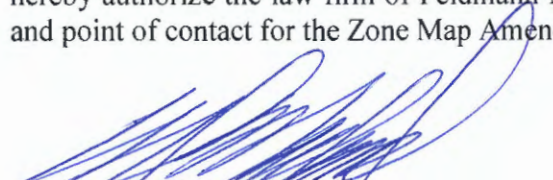
THAT PART OF TRACT 8, MILE-HI INDUSTRIAL DISTRICT, ACCORDING TO THE RECORDED PLAT THEREOF,
DESCRIBED AS:
BEGINNING AT A POINT ON THE WEST LINE OF SAID TRACT 8 WHICH IS 260 FEET SOUTH OF THE NORTHWEST
CORNER OF SAID TRACT 8;
THENCE EASTERLY ALONG A LINE PARALLEL TO THE NORTH LINE OF SAID TRACT 8, A DISTANCE OF 312.14 FEET;
THENCE SOUTHERLY ALONG A LINE PARALLEL TO THE WEST LINE OF SAID TRACT 8, A DISTANCE OF 80 FEET;
THENCE WESTERLY ALONG A LINE PARALLEL TO THE NORTH LINE OF SAID TRACT 8, A DISTANCE OF 312.14 FEET
TO THE WEST LINE OF SAID TRACT 8;
THENCE NORTHERLY ALONG THE WEST LINE OF SAID TRACT 8, A DISTANCE OF 80 FEET TO THE POINT OF
BEGINNING,
CITY AND COUNTY OF DENVER, STATE OF COLORADO.

AUTHORIZATION OF PROPERTY OWNER'S REPRESENTATIVE

The undersigned, being all of the owners of **3880 North Holly Street, Denver CO 80207** (the "Property"), which is legally described as:

THE WEST 312.14 FEET OF THE NORTH 260 FEET OF TRACT 8, MILE-HI INDUSTRIAL DISTRICT, AND, THAT PART OF TRACT 8, MILE-HI INDUSTRIAL DISTRICT, ACCORDING TO THE RECORDED PLAT THEREOF, DESCRIBED AS: BEGINNING AT A POINT ON THE WEST LINE OF SAID TRACT 8 WHICH IS 260 FEET SOUTH OF THE NORTHWEST CORNER OF SAID TRACT 8; THENCE EASTERLY ALONG A LINE PARALLEL TO THE NORTH LINE OF SAID TRACT 8, A DISTANCE OF 312.14 FEET; THENCE SOUTHERLY ALONG A LINE PARALLEL TO THE WEST LINE OF SAID TRACT 8, A DISTANCE OF 80 FEET; THENCE WESTERLY ALONG A LINE PARALLEL TO THE NORTH LINE OF SAID TRACT 8, A DISTANCE OF 312.14 FEET TO THE WEST LINE OF SAID TRACT 8; THENCE NORTHERLY ALONG THE WEST LINE OF SAID TRACT 8, A DISTANCE OF 80 FEET TO THE POINT OF BEGINNING, CITY AND COUNTY OF DENVER, STATE OF COLORADO,

hereby authorize the law firm of Feldmann Nagel, LLC, to act as property owner representative and point of contact for the Zone Map Amendment Application for the Property.



WILLIAM D MORELAND

4-4-17

Date




CAROL CANDACE MORELAND

4-4-17

Date

BRIGGS BRANDI MORELAND

Date



BRANDON DOUGLAS MORELAND

4/4/17

Date

TAMSEN MERRITT MORELAND

Date

ROMI P MORELAND COONEY

Date

AUTHORIZATION OF PROPERTY OWNER'S REPRESENTATIVE

The undersigned, being all of the owners of **3880 North Holly Street, Denver CO 80207** (the "Property"), which is legally described as:

THE WEST 312.14 FEET OF THE NORTH 260 FEET OF TRACT 8, MILE-HI INDUSTRIAL DISTRICT, AND, THAT PART OF TRACT 8, MILE-HI INDUSTRIAL DISTRICT, ACCORDING TO THE RECORDED PLAT THEREOF, DESCRIBED AS: BEGINNING AT A POINT ON THE WEST LINE OF SAID TRACT 8 WHICH IS 260 FEET SOUTH OF THE NORTHWEST CORNER OF SAID TRACT 8; THENCE EASTERLY ALONG A LINE PARALLEL TO THE NORTH LINE OF SAID TRACT 8, A DISTANCE OF 312.14 FEET; THENCE SOUTHERLY ALONG A LINE PARALLEL TO THE WEST LINE OF SAID TRACT 8, A DISTANCE OF 80 FEET; THENCE WESTERLY ALONG A LINE PARALLEL TO THE NORTH LINE OF SAID TRACT 8, A DISTANCE OF 312.14 FEET TO THE WEST LINE OF SAID TRACT 8; THENCE NORTHERLY ALONG THE WEST LINE OF SAID TRACT 8, A DISTANCE OF 80 FEET TO THE POINT OF BEGINNING, CITY AND COUNTY OF DENVER, STATE OF COLORADO,

hereby authorize the law firm of Feldmann Nagel, LLC, to act as property owner representative and point of contact for the Zone Map Amendment Application for the Property.

WILLIAM D MORELAND

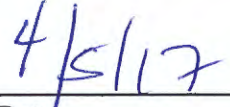
Date

CAROL CANDACE MORELAND

Date



BRIGGS BRANDI MORELAND



Date

BRANDON DOUGLAS MORELAND

Date

TAMSEN MERRITT MORELAND

Date

ROMI P MORELAND COONEY

Date

AUTHORIZATION OF PROPERTY OWNER'S REPRESENTATIVE

The undersigned, being all of the owners of **3880 North Holly Street, Denver CO 80207** (the "Property"), which is legally described as:

THE WEST 312.14 FEET OF THE NORTH 260 FEET OF TRACT 8, MILE-HI INDUSTRIAL DISTRICT, AND, THAT PART OF TRACT 8, MILE-HI INDUSTRIAL DISTRICT, ACCORDING TO THE RECORDED PLAT THEREOF, DESCRIBED AS: BEGINNING AT A POINT ON THE WEST LINE OF SAID TRACT 8 WHICH IS 260 FEET SOUTH OF THE NORTHWEST CORNER OF SAID TRACT 8; THENCE EASTERLY ALONG A LINE PARALLEL TO THE NORTH LINE OF SAID TRACT 8, A DISTANCE OF 312.14 FEET; THENCE SOUTHERLY ALONG A LINE PARALLEL TO THE WEST LINE OF SAID TRACT 8, A DISTANCE OF 80 FEET; THENCE WESTERLY ALONG A LINE PARALLEL TO THE NORTH LINE OF SAID TRACT 8, A DISTANCE OF 312.14 FEET TO THE WEST LINE OF SAID TRACT 8; THENCE NORTHERLY ALONG THE WEST LINE OF SAID TRACT 8, A DISTANCE OF 80 FEET TO THE POINT OF BEGINNING, CITY AND COUNTY OF DENVER, STATE OF COLORADO,

hereby authorize the law firm of Feldmann Nagel, LLC, to act as property owner representative and point of contact for the Zone Map Amendment Application for the Property.

WILLIAM D MORELAND

Date

CAROL CANDACE MORELAND

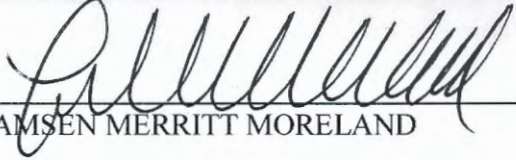
Date

BRIGGS BRANDI MORELAND

Date

BRANDON DOUGLAS MORELAND

Date



TAMSEN MERRITT MORELAND

4-5-17
Date

ROMI P MORELAND COONEY

Date

AUTHORIZATION OF PROPERTY OWNER'S REPRESENTATIVE

The undersigned, being all of the owners of **3880 North Holly Street, Denver CO 80207** (the "Property"), which is legally described as:

THE WEST 312.14 FEET OF THE NORTH 260 FEET OF TRACT 8, MILE-HI INDUSTRIAL DISTRICT, AND, THAT PART OF TRACT 8, MILE-HI INDUSTRIAL DISTRICT, ACCORDING TO THE RECORDED PLAT THEREOF, DESCRIBED AS: BEGINNING AT A POINT ON THE WEST LINE OF SAID TRACT 8 WHICH IS 260 FEET SOUTH OF THE NORTHWEST CORNER OF SAID TRACT 8; THENCE EASTERLY ALONG A LINE PARALLEL TO THE NORTH LINE OF SAID TRACT 8, A DISTANCE OF 312.14 FEET; THENCE SOUTHERLY ALONG A LINE PARALLEL TO THE WEST LINE OF SAID TRACT 8, A DISTANCE OF 80 FEET; THENCE WESTERLY ALONG A LINE PARALLEL TO THE NORTH LINE OF SAID TRACT 8, A DISTANCE OF 312.14 FEET TO THE WEST LINE OF SAID TRACT 8; THENCE NORTHERLY ALONG THE WEST LINE OF SAID TRACT 8, A DISTANCE OF 80 FEET TO THE POINT OF BEGINNING, CITY AND COUNTY OF DENVER, STATE OF COLORADO,

hereby authorize the law firm of Feldmann Nagel, LLC, to act as property owner representative and point of contact for the Zone Map Amendment Application for the Property.

WILLIAM D MORELAND

Date

CAROL CANDACE MORELAND

Date

BRIGGS BRANDI MORELAND

Date

BRANDON DOUGLAS MORELAND

Date

TAMSEN MERRITT MORELAND

Date

ROMI P MORELAND COONEY

Date

4/4/17

REVIEW CRITERIA

INTRODUCTION

Property: 3880 N. Holly Street, Denver CO, 80207 (Sch. No. 0120300073000)

- Building: 40,388 Sq. Ft.
- Land: 106,128 Sq. Ft (2.44 acre)
- Existing Zoning: I-MX-3
- Existing use: Use permit approved February 5, 2010 under former I-O zoning for Marijuana growth and extraction
- Adjacent 5, 2010 to I-MX-3 and I-A
- Northeast Park Hill Neighborhood
- Denver Police Department District 2
- Schedule No. 0120300073000
- Current tenant operating for seven (7) years
- No complaints
- All neighbors support
- No state disciplinary actions
- 94 employees
- 35 employees live in Denver

New property owner Doug Moreland:

- Purchased in March of 2016
- Longtime Denver business and property owner
- Owns 519,017 square feet of real property in Denver
- Employs approximately 100 people in Denver (not counting Tenant's employees at subject property)
- Paid approximately \$248,000 in property tax in for 2016 (from public record)

Request:

Rezone to adjacent I-A to conform zoning to existing approved use.

COMPLIANCE WITH REVIEW CRITERIA

Consistency with Adopted Plans:

The following plans apply to this property:

- Comprehensive Plan 2000
- Blueprint Denver: A Land Use and Transportation Plan (2002)
- Park Hill Neighborhood Plan (2000)

The proposed official map amendment is consistent with the adopted plans. Per plan the subject property is currently in an industrial zone context and will remain an industrial zone context. Both the

existing I-MX-3 and the proposed I-A are designated as a buffer. "I-A zoned areas serve as a land use buffer between more residential areas and more intensive industrial areas" (DZC 9.1.2.1.B)

Denver Comprehensive Plan 2000

"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." (Comp. Plan 2000, P. 126, emphasis added)

The proposal is consistent with Denver Comprehensive Plan strategies:

- Economic Activity Objective 3: "Expand Economic Opportunity. Continue to expand economic opportunity and the City's economic base with focused efforts to *retain and expand existing businesses*" (Comp. Plan 2000, P. 133, emphasis added)
- Economic Activity Strategy 3-A: Continually update Denver's target industries in terms of industry advancements and emerging clusters. ... " (Comp. Plan 2000, page 133)
- Environmental Sustainability Strategy 2-F: Conserve land by: promoting infill development within Denver at sites where services and infrastructure are already in place; ..." (Comp. Plan 2000, page 39).

Blueprint Denver (2002)

According to Blueprint Denver, this site has a concept land use of industrial and is in an *Area of Stability*. The rezoning will maintain land use of industrial. The I-A zone district will encourage continued reinvestment in the existing building.

- Property is in an Area of Stability where it can be appropriate to *rezone to match existing use*. Blueprint Denver calls for map amendments appropriate to change the zoning in an Area of Stability to create a better match between existing land use and the zoning. (Blueprint Denver, P. 75)
- In an area of stability we should "Respect valued attributes of ... [e]xisting buildings" (Blueprint Denver, P. 141)
- Property is along the I-70 corridor, noted by Blueprint Denver for industrial area (Blueprint Denver, P. 40) and close to major roads (Blueprint Denver, P. 64) and rail.
- In preserving Areas of Stability, Blueprint Denver calls for "most of the new job growth located in the business districts and industrial areas." (Blueprint Denver, P. 24)

Park Hill Neighborhood Plan (2000)

Park Hill is a traditional city neighborhood with a small-town atmosphere. Here people of diverse cultures, ages, races, and economic backgrounds share a sense of community. The community is characterized by large residential and industrial areas and smaller commercial areas. Major facilities in the neighborhood include: the Park Hill Golf Course, several neighborhood shopping areas at 35th Avenue and Dahlia Street, 33rd

Avenue and Holly Street, 23rd Avenue and Dexter Street, 22nd Avenue and Kearney Street, 23rd and Oneida *and a large industrial area that extends north from 38th Avenue to the City line. The residential areas Park Hill of the community are south of 38th Avenue and east of Colorado Blvd.* (Park Hill Neighborhood Plan, P. 4, emphasis added)

- “Identify areas with non-conforming, but desired uses, and initiate zone map or language amendments that would allow the desired uses.” (Park Hill Neighborhood Plan, P. 36)
- Recognizes that the community is characterized by large residential and industrial areas and smaller commercial areas. Major facilities in the neighborhood include: ... a large industrial area that extends north from 38th Avenue to the City line. (Park Hill Neighborhood Plan, P. 4)
- Vision for the Future includes “retain and expand existing businesses that provide quality services, employment opportunities and character to the neighborhood.” (Park Hill Neighborhood Plan, P. 7)
- Holly Street is an Industrial Collector (Park Hill Neighborhood Plan, P. 16)
- Smith Road is an Arterial Street (Park Hill Neighborhood Plan, P. 16)
- 38th Avenue is an Industrial Collector. (Park Hill Neighborhood Plan, P. 24)
- RTD bus route 34 has a stop at Holly Street and 39th Avenue, offering connector service to RTD light rail. (Park Hill Neighborhood Plan, P. 16)
- “Approximately 66% of Park Hill’s area is occupied by residential properties. The next most dominant land use combined is industrial/commercial, occupying approximately 18% of the land.” (Park Hill Neighborhood Plan, P. 30)
- The subject property is currently zoned for industrial use and within the area zoned for industrial use at the time the Plan was adopted. The plan “Oppose[s] industrial expansion *outside the areas currently zoned for industrial uses north of 38th Avenue, from Colorado Boulevard to Quebec Street.*” (Park Hill Neighborhood Plan, P. 32, emphasis added)
- The subject property is located within a recognized commercial use area north of 38th Avenue (Park Hill Neighborhood Plan, P. 32)
- The subject property is within Industrial Corridor (Sub-area 5). The goal for Sub-area 5 is to: Create a stable, safe, attractive, buffer area between the industrial and residential uses in the neighborhood. Educate and encourage stable, attractive and safe uses that serve the community through employment opportunities and business creation. Retain and expand businesses that do not detract from the residential character of the neighborhood.” (Park Hill Neighborhood Plan, P. 54)

Buffering between the industrial and residential areas is a plan objective stated several times. The subject property is not adjacent to residential area.

Uniformity of District Regulations and Restrictions:

The proposed official map amendment results in uniform application of zone district building form, use and design regulations. There is no change to any regulations or restrictions.

Public Health, Safety and General Welfare:

The proposed official map amendment furthers the public health, safety, and general welfare of the City. It reduces administrative burdens on a business. It allows anyone to know what is permitted or not at the subject property without having to undertake a deeper than average investigation of the legal

nonconforming use. A permitted use is easier to administer at all levels of City administration. The proposed official map amendment furthers implementation of the City’s adopted plans and furthers reuse and reinvestment into an existing well maintained structure that is in character with the existing neighborhood.

Justifying Circumstances:

As discussed below, when our client received its use permit under the Former Code I-0 zone in February 2010, the legal marijuana industry was in its infancy. The need for appropriately zoned properties was unknown. Marijuana zoning was not addressed in the Zoning Code. As discussed below, growth and evolution of the since 2010 justify rezoning this property.

Applying the proposed I-A zoning will conform the zoning to the existing use. Applying the proposed I-A zoning is also justified to recognize the changed character of the area.

The Zoning Code criteria for justifying circumstances is: “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. (D.R.M.C. § 12.4.10.8.A.4.) (underlining added)

The current I-MX-3 zoning was adopted and mapped to the property in the 2010 city-wide rezoning. At the time, the Zoning Code did not address cultivation of legal marijuana. It was unclear whether the primary use was "aquaculture," "urban garden," "plant nursery," or "plant husbandry.”

The use applicable to cultivating legal marijuana was defined three years later. In December 2013, Plant Husbandry was defined as the primary use for growing marijuana. (See Denver Zoning Code Text Amendment 15, effective December 13, 2013). (See also Staff Report and Recommendation of Tina Axelrad, Principal City Planner, to Land Use, Transportation & Infrastructure Committee of the Denver City Council, dated October 14, 2013, “RE: Denver Zoning Code Text Amendment 15 for Residential Growing of Marijuana under Colorado Amendment 64”)

Denver Department of Excise and Licenses (Dan Rowland, Director of Public Affairs) data on licenses for the area over the period 2013 through 2017 evidences the changing character. (The city does not have the historical data available in this format before 2013.):

Number of Licenses

	2013	2014	2015	2016	2017
80207	29	53	49	50	50
80216	150	195	226	250	269
80220	13	16	16	18	15
Total	192	264	291	318	334
Increase over 2013:		138%	152%	166%	174%

Number of Locations

	2013	2014	2015	2016	2017
80207	14	18	18	21	21
80216	76	71	87	94	97
80220	11	11	10	12	10
Total	101	100	115	127	128
Increase over 2013:		99%	114%	126%	127%

According to <http://extras.denverpost.com/maps/news/marijuana/licensed-facilities/index.html> (December 4, 2017) there are 67 legal marijuana businesses in the Northeast Park Hill statistical neighborhood. There are 10 stores, 43 cultivation facilities, 12 manufacturing facilities, and two testing facilities. Only neighboring Elyria Swansea has more, with 78.

Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements:

“The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed zone district.” (D.R.M.C. § 12.4.10.8.B.) (underlining added). The rezoning of this site to recognize the changed character of the area and to allow the existing non-conforming industrial use to be a permitted industrial use is consistent with the existing neighborhood and industrial context.

As discussed below, the applicable neighborhood context is Industrial. The property is currently zoned Industrial. The proposed official map amendment retains the industrial context.

The stated purpose and intent of the proposed I-A Light Industrial District is “... to be an employment area containing offices, business and light industrial uses that are generally compatible with adjacent Residential or Mixed Use Commercial Zone Districts. No new residential uses may be established in the I-A zone district in order to promote a stable employment base for the city. Accordingly, I-A zoned areas serve as a land use buffer between more residential areas and more intensive industrial areas, which may be zoned I-B General Industrial. All uses conducted in this zone district must be enclosed within a structure, unless specifically allowed to operate out of doors.” (D.R.M.C. § 9.1.2.1.B)

The “General Character” of the proposed I-A Light Industrial District is “areas of light industrial, heavy industrial and general industrial areas, as well as areas subject to transitions from industrial to mixed-use. The Industrial Context includes parts of the city where outdoor uses and activities are accommodated, with appropriate screening , including outdoor storage, heavy commercial services, and waste services.. ...”. (D.R.M.C. § 9.1.1)

The Park Hill Neighborhood Plan designates a “large industrial area that extends north from 38th Avenue to the City line.” (Park Hill Neighborhood Plan, P. 4 & 32). The property is north of 38th Avenue. Farther north is another designated Industrial Collector, Smith Road (Park Hill Neighborhood Plan, P. 16). The Park Hill Neighborhood Plan also designates both Holly Street and 38th Avenue as Industrial Collectors (Park Hill Neighborhood Plan, P. 16 & 24). The property fronts to Holly Street and is north of 38th Avenue.