



TO: City Council Committee – Neighborhoods and Planning
Mary Beth Susman, Chair
FROM: David Gaspers, AICP, Principal City Planner
DATE: November 12, 2015
RE: Official Zoning Map Amendment Application #2015I-00038
770 South Federal Boulevard
Rezoning from B-A-1 with waivers to E-MX-3

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2015I-00038 for a rezoning from B-A-1 with waivers to E-MX-3.

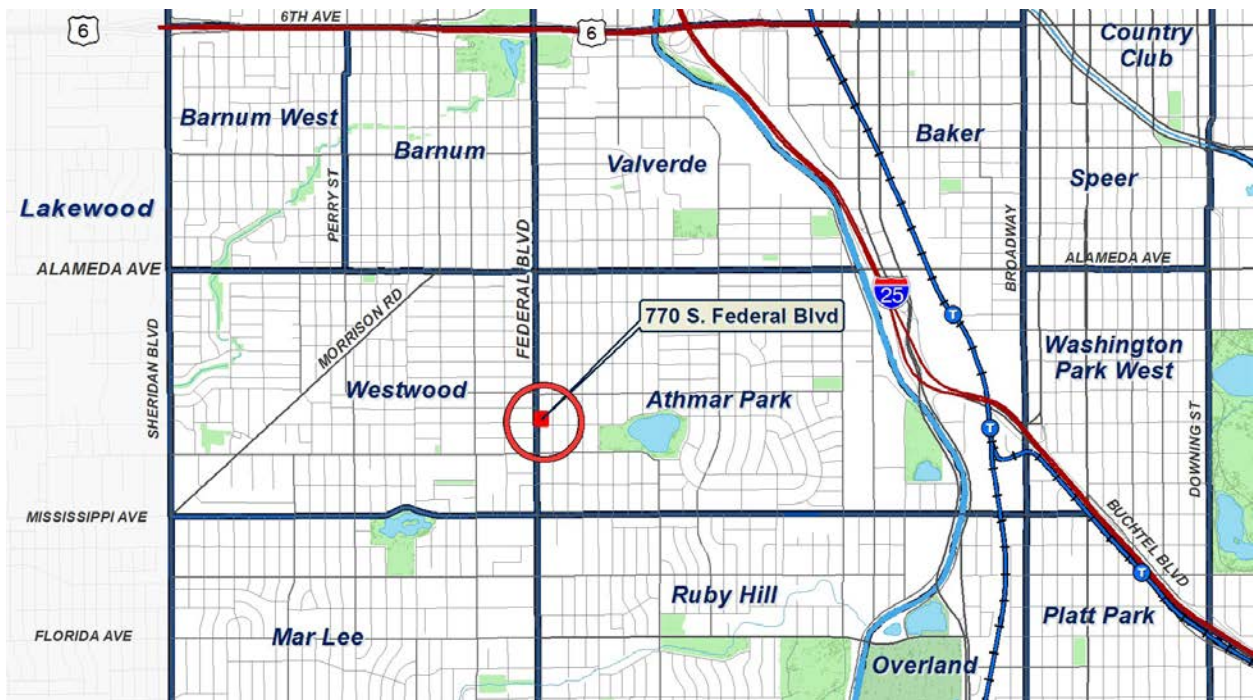
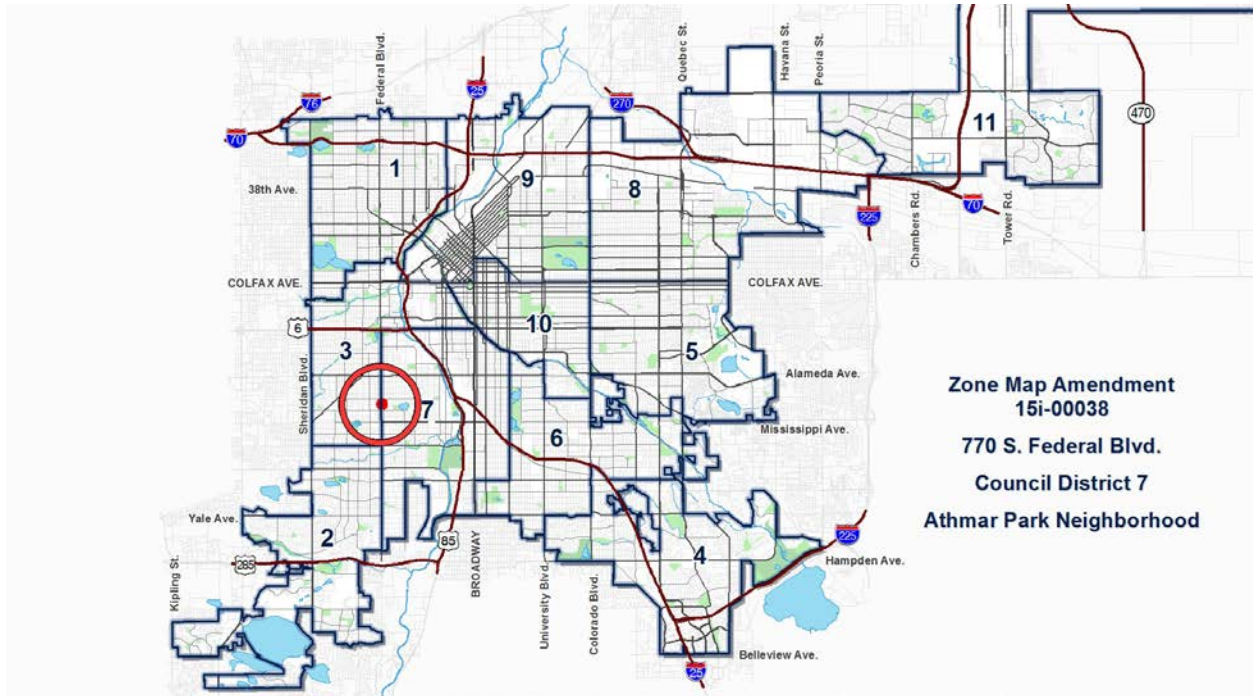
Request for Rezoning

Application: #2015I-00038
Address: 770 South Federal Boulevard
Neighborhood/Council District: Athmar Park / Council District 7
RNOs: Athmar Park Neighborhood Association,
Denver Neighborhood Association, Inc.,
Inter-Neighborhood Cooperation
Area of Property: 45,400 square feet
Current Zoning: B-A-1 with waivers that limit Floor to Area Ratio to 1:1 and limit certain uses
Proposed Zoning: E-MX-3
Property Owner(s): Central Federal Investors
Owner Representative: Dennis McLin

Summary of Rezoning Request

- The subject site of the proposed map amendment is located in the Athmar Park statistical neighborhood, at the northeast corner of the intersection of Federal Boulevard and Ohio Avenue.
- The subject site is currently a church and surface parking lot.
- The Former Chapter 59 B-A-1 zone district currently applies to the subject site, with waivers that limit the FAR to 1:1 and limits allowable uses to multiple dwelling unit residential, office, medical/dental clinics, vehicular parking, and churches.
- The rezoning is intended to allow redevelopment of a mixed use development, up to 3 stories in height, along a Commercial Corridor and Enhanced Transit Corridor with frequent bus service.
- The proposed map amendment is to the E-MX-3 (Urban Edge – Mixed Use – 3 story) district. E-MX-3 applies to areas or intersections served primarily by collector and arterial streets where a

building scale of 1 to 3 stories is desired. Design standards provide options for varied building placement while still offering an active street front.



Existing Context

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

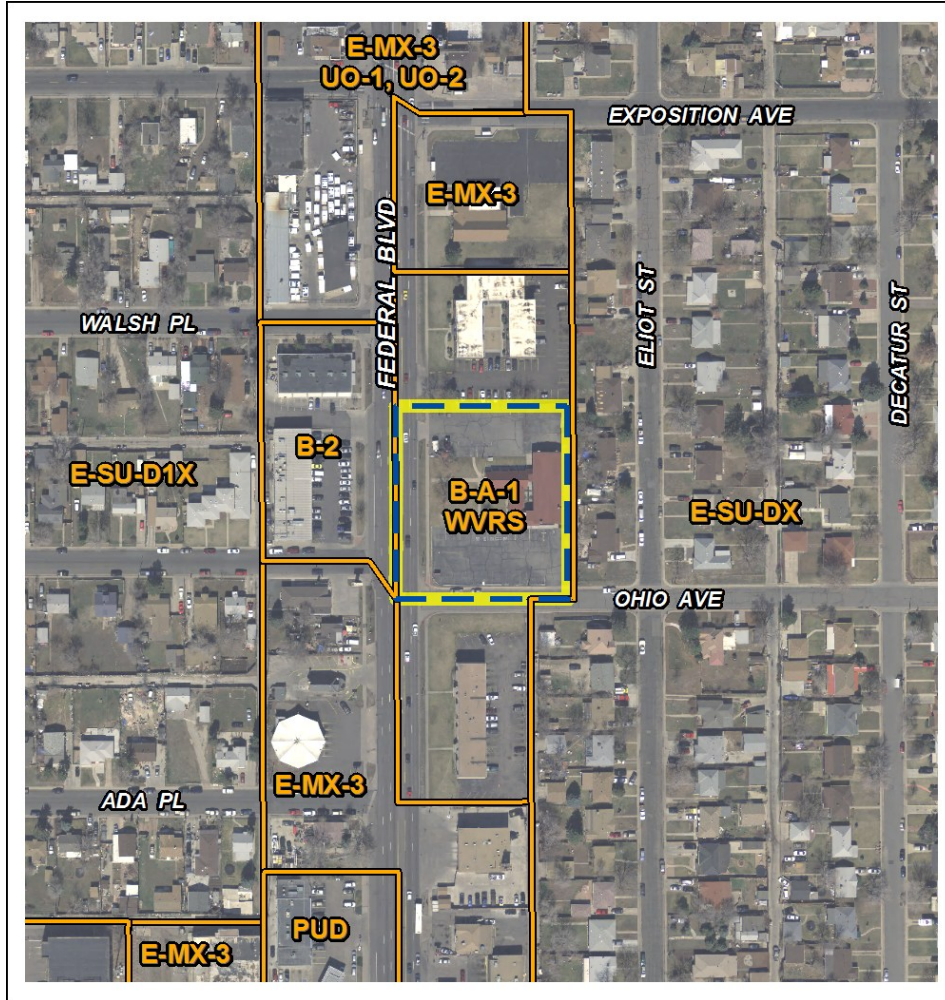
	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	B-A-1 w/waivers	Church	1-story building	Standard Denver street grid east of Federal Blvd with blocks and alleys with a north/south orientation. Most homes do not take access from the alleys. Modified Denver street grid west of Federal, with a regular block and street pattern with an east/west orientation.
North	B-A-1 w/waivers	Apartments	2-story buildings	
South	B-A-1 w/waivers	Apartments	2-story buildings	
East	E-SU-DX	Single-unit homes	1-story buildings	
West	B-2	Commercial	1-story buildings	

The subject site is located in the Athmar Park neighborhood and on South Federal Boulevard, which is an active, auto-oriented commercial corridor. Building heights typically range from 1-3 stories, with primarily multi-family residential and commercial uses on Federal, and single-family homes within the neighborhood.

Multiple RTD bus routes serve the subject site north and south along Federal Boulevard, with the 30, 30L, 31, 36L stopping at the northern end of the block (intersection of Exposition and Federal). The route 11 bus provides east and west service on Exposition Avenue, again at the northern end of the subject site’s block.

1. Existing Zoning

The subject site is B-A-1, a Former Chapter 59 zoning district, with waivers. The base B-A-1 zoning district permits a wide array of commercial and residential uses with an allowed floor-to-area ratio of 2:1. Waivers applied to the site when it was zoned in 1972 reduce the floor-to-area ratio to 1:1 and limit the allowed uses to multiple unit dwellings, office, dental or medical clinics, parking, and churches.



Existing Zoning

2. View Planes

The Ruby Hill Park mountain view plane does apply to the subject site. Allowable building height is 116 to 117 feet per the view plane. The proposed E-MX-3 zoning would allow for a maximum height of 3 stories/45 feet and would be more restrictive.

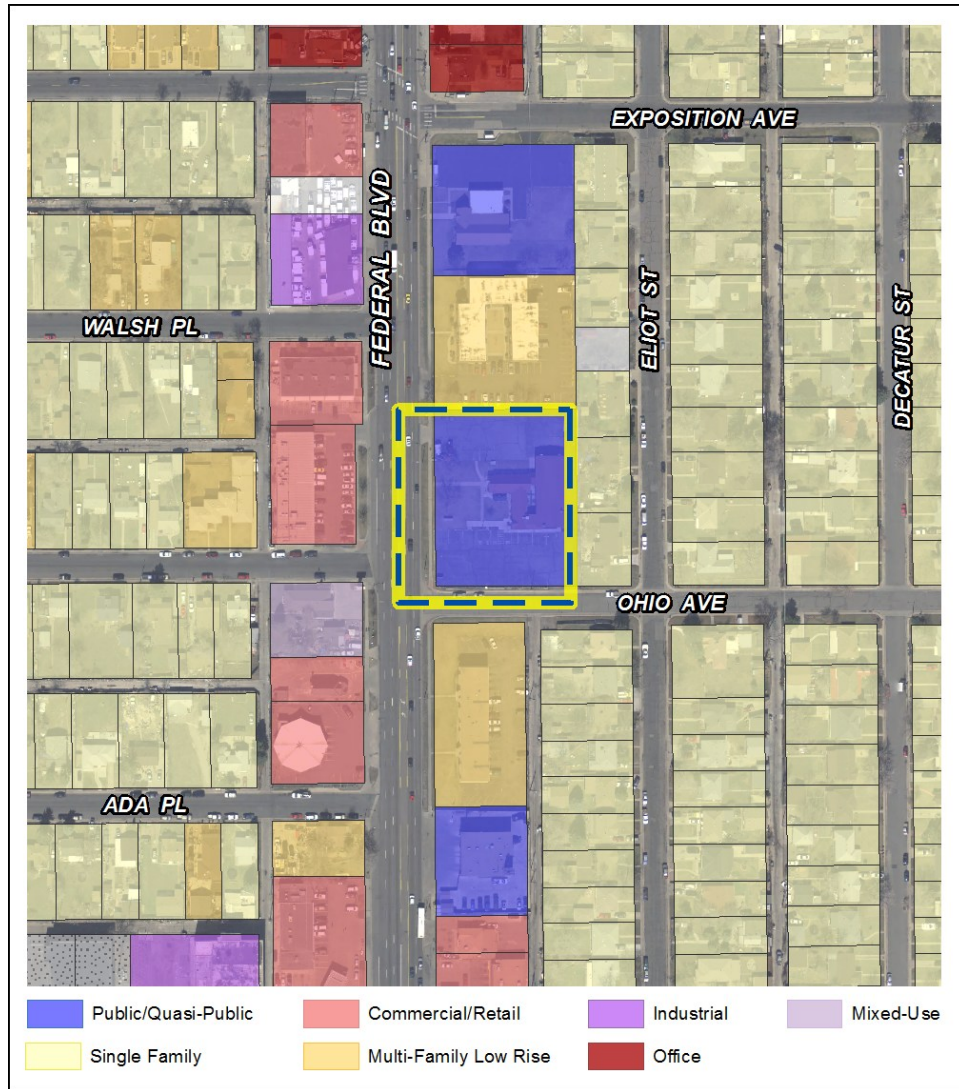
3. Urban Design Standards & Guidelines

No design standards and guidelines apply to the subject sites.

4. Existing Land Use Map

As illustrated on the Existing Land Use Map below, the subject site is a church with apartments to the north and south, commercial to the west and single-family homes to the east.

Existing Land Use Map



5. Existing Building Form and Scale



Site: 1 story Church



North: 2 story Apartments



West: 1 story Commercial across Federal Blvd



South: 2 story Apartments



East: Single family residential on Eliot Street



East: Back of subject site and adjacent single family residential

Summary of City Agency Referral Comments

As part of the Denver Zoning Code 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

Public Works – City Surveyor: Approved – May be some unresolved issues with the legal description.

Development Services – Transportation: Approved - DS Transportation approves the subject zoning change. The applicant should note that redevelopment of this site may require additional engineering, ROW dedication to the City, access changes, traffic studies and/or right of way improvements. The extent of the required design and improvements will be determined once this property begins the redevelopment process. The results of any traffic studies may require the construction of off-site mitigation or may limit the proposed density of the project.

Parks and Recreation: Approved – No Comments

Environmental Health: Approved – General Notes: Most of Colorado is high risk for radon, a naturally occurring radioactive gas. Due to concern for potential radon gas intrusion into buildings, DEH suggest developers consider installation of a radon mitigation system in structures planned for human occupation or frequent use. It can be more cost effective to install a radon system during new construction rather than after construction is complete. Scope & Limitations: DEH performed a limited search for information known to DEH regarding environmental conditions at the subject site. This review was not intended to conform to ASTM standard practice for Phase I site assessments, nor was it designed to identify all potential environmental conditions. In addition, the review was not intended to assess environmental conditions for any potential right-of-way or easement conveyance process. The City and County of Denver provides no representations or warranties regarding the accuracy, reliability, or completeness of the information provided.

Public Review Process

- CPD staff provided Informational notice of receipt of the rezoning application to affected registered neighborhood organizations and members of City Council on September 30, 2015.
- The property was legally posted for a period of 15 days announcing the November 4, 2015 Denver Planning Board public hearing, and written notification of the hearing was sent to all affected registered neighborhood organizations and City Council members.
- Following Planning Board review, the map amendment application was referred to the Neighborhoods and Planning Committee of the City Council for review at a public meeting. This

map amendment is scheduled for the November 18, 2015 Neighborhoods and Planning Committee meeting.

- Following Neighborhoods and Planning Committee review, map amendment applications are typically referred to the full City Council for final action at a public hearing.
- Registered Neighborhood Organizations (RNOs)
 - The RNOs identified on page one were notified of this application.
- At the time of this staff report, no public comment has been received.

Criteria for Review / Staff Evaluation

The criteria for review of this map amendment 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)*
- *Athmar Park Neighborhood Perimeter Plan (2000)*

Denver Comprehensive Plan 2000

Denver's *Comprehensive Plan 2000* identifies a set of broad guiding principles that unite to form a coherent and compelling vision of a livable city.

Relevant *Denver Comprehensive Plan 2000* strategies include:

- Environmental Sustainability Strategy 2-F – *Conserve land by: promoting infill development with Denver at sites where services and infrastructure are already in place.* (pg. 39)
- Environmental Sustainability Strategy 4-A – *Promote the development of sustainable communities and centers of activity where shopping, jobs, recreation and schools are accessible by multiple forms of transportation, providing opportunities for people to live where they work.* (pg. 41)
- 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.* (pg. 60)
- Land Use Strategy 4-A – *Encourage mixed-use, transit-oriented development that makes effective use of existing transportation infrastructure, supports transit stations, increases transit patronage, reduces impact on the environment, and encourages vibrant urban centers and neighborhoods.* (pg. 60)
- Mobility Strategy 4-E – *Continue to promote mixed-use development, which enables people to live near work, retail and services.* (pg. 78)

The proposed map amendment is consistent with the vision and strategies outlined in *Comprehensive Plan 2000* because it promotes the development of a sustainable community through a compatible mix of land uses at an infill location where services and infrastructure are already in place.

Blueprint Denver

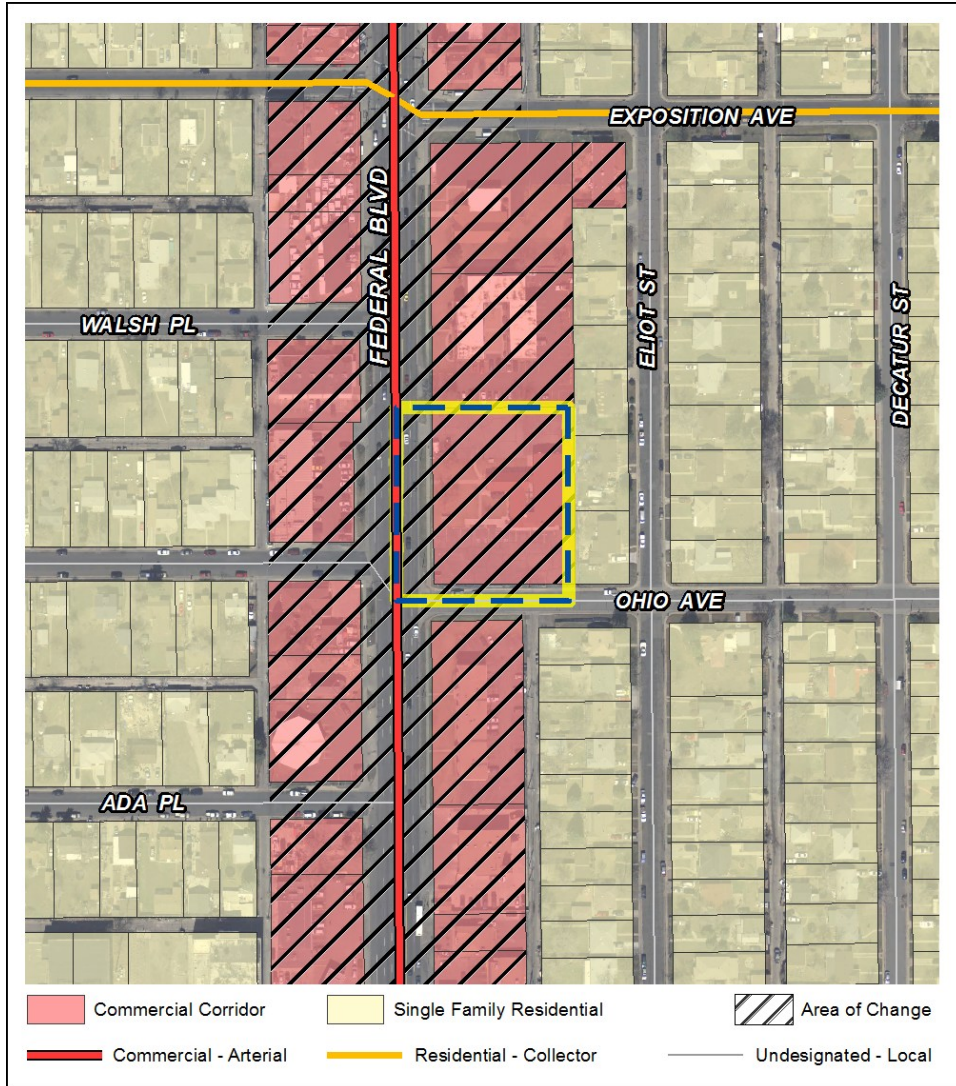
The 2002 *Blueprint Denver* plan supplements *Comprehensive Plan 2000* with a more specific vision for land use and transportation throughout Denver.

Blueprint Denver Future Land Use

According to the Future Land Use Map adopted in *Blueprint Denver*, the site has a concept land use of Commercial Corridor and is considered an Area of Change. Such areas are “linear business districts primarily oriented to heavily used arterial streets. They share similarities with pedestrian shopping corridors but are larger and accommodate more auto traffic.” “Many corridors accommodate major bus transit routes and have significant numbers of transit users. Well-designed commercial corridors include street trees, wide sidewalks, on-street parking and attractive bus stops, and, as a result, exhibit a fair amount of pedestrian activity.” (page 45)

The proposed map amendment supports the *Blueprint Denver* Commercial Corridor concept land use designation by allowing for a mixed use development along a linear business district and major bus transit route, promoting a well designed street and pedestrian activity while accommodating auto traffic.

Blueprint Denver Future Land Use and Street Classification Map



Blueprint Denver Area of Change / Area of Stability

Blueprint Denver classifies all properties throughout the city as being within an “Area of Change” or “Area of Stability.” Areas of Change identify the places where development and redevelopment would be most beneficial, while Areas of Stability identify places where limited change is expected during the next 20 years. The subject site is in an Area of Change, with Areas of Stability nearby to the southeast. In general, the goal for Areas of Change is to “channel growth where it will be beneficial and can best improve access to jobs, housing and services with fewer and shorter auto trips.” Areas of Change provide Denver with the opportunity to focus growth in a way that benefits the City as a whole. (pg. 127)

The proposed map amendment supports objectives for Areas of Change by allowing for mixed-use redevelopment at an appropriate, focused location.

Blueprint Denver Street Classifications

Blueprint Denver recognizes and retains the City’s existing classification system of arterials, collectors and local streets, and also classifies the function of the City’s streets, such as residential, commercial, or mixed-use. *Blueprint Denver* classifies Federal Boulevard as a Commercial Arterial Street and Ohio Avenue as an Undesignated Local Street. “Commercial streets are designed to balance traffic mobility with access to nearby businesses.” (pg. 58) Arterial streets “serve higher-density and higher-intensity land uses adjacent to the streets.” (pg. 194).

The proposed map amendment supports *Blueprint Denver* goals for street character and function by allowing for a higher intensity mixed use development that allows commercial uses on Federal Boulevard.

Area Plan: Athmar Park Neighborhood Perimeter Plan (2000)

The vision for Athmar Park is that it will evolve as a multi-ethnic, multi-cultural residential neighborhood surrounded by a variety of successful local and regional businesses that provide employment and service for residents and others (pg. 6). The Athmar Park Perimeter plan provides goals and strategies for the boundary streets of the Athmar Park neighborhood. Federal Boulevard is the western boundary of the neighborhood.

Plan goals and strategies include:

Goal 1: Promote neighborhood stability, support preservation of the neighborhood character, and create a sense of place. (pg. 14)

Strategies:

- *Continue to maintain integrity of the residentially zoned areas*
- *Identify areas along transit corridors that could be rezoned for mixed use, transit supporting development*
- *Identify characteristics that make Athmar Park a unique neighborhood and promote the neighborhood as a good place to live and work.*

- *Encourage collaboration between neighborhood residents and neighborhood businesses to promote the neighborhood as a location/destination.*
- *Develop identifying gateways, signage, landscaping, etc. that will promote/identify Athmar Park.*
- *Develop joint neighborhood projects with the neighborhood schools.*

Goal 2: Encourage business growth, revitalization, and development in the commercial areas along the Athmar Park neighborhood edges and in the industrial area.

Strategies:

- *Target new commercial retail to come to Athmar Park and identify businesses that will add to the "mix" of retail establishments.*
- *Encourage businesses to remain in Athmar Park or to expand operations in appropriately zoned areas.*
- *Encourage infill development and/or creative use of existing buildings including mixed-use zoning on identified transit corridors.*
- *Encourage organization of business affiliations within commercial areas.*
- *Promote the commercial and industrial areas as good investment opportunities.*

Action Items:

- *Encourage mixed-use development and identify appropriate areas along the transit corridors for mixed zoning*

The proposed map amendment is consistent with the goals and strategies of the *Athmar Neighborhood Perimeter Plan*. The E-MX-3 zone district allows for mixed use, transit supporting development along a transit corridor that encourages business growth, promotes the neighborhood as a destination and provide employment and services for residents and others.

2. Uniformity of District Regulations and Restrictions

The proposed map amendment from B-A-1 with waivers to E-MX-3 will result in the uniform application of zone district building form, use and design regulations. Other urban edge neighborhood context, mixed-use zoning districts are located near the subject site (including E-MX-3) and adjacent to Federal Boulevard.

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 including *Comprehensive Plan 2000*, *Blueprint Denver*, and the *Athmar Park Neighborhood Perimeter Plan*.

4. Justifying Circumstance

The application identifies changed or changing conditions as the Justifying Circumstance under Denver Zoning Code 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."

Changes that have occurred since the 1972 adoption of the current B-A-1 with waivers zoning include:

- The adoption of Comprehensive Plan 2000, Blueprint Denver, and the Athmar Park Perimeter Plan. Specifically, the plans call for redevelopment and investment along South Federal Boulevard with mixed use, commercial uses.
- The adoption of the Denver Zoning Code which has mixed use zoning districts that implement goals and objectives of adopted plans.
- Commercial corridors in Denver (including southwest Denver) have recently experienced redevelopment projects in alignment with the mixed use zoning development standards that were not prevalent at the time of the existing zoning's adoption.
-

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

Neighborhood Context Description

The proposed E-MX-3 zone district is within the Urban Edge Neighborhood Context. Denver Zoning Code Division 4.1 notes that multi-unit residential and commercial uses are located along local streets, arterials, and main streets. Commercial buildings are typically Shopfront and General forms that typically contain a single type of use. The Context is characterized by low scale buildings except for some mid-rise commercial and mixed use structures, particularly at nodes or along arterial streets (pg. 4.1-1).

The proposed map amendment's allowance for a mixed use structure along an arterial street is consistent with the Denver Zoning Code Urban Edge Neighborhood Context.

Zone District Purpose and Intent

Denver Zoning Code Section 4.2.4 states that the general purpose of Mixed Use Zone Districts within the Urban Edge context are intended to promote safe, active, and pedestrian-scaled, diverse areas and enhance the convenience and ease of walking, shopping and public gathering within and around the city's neighborhoods. The Mixed Use Zone District standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods. (pg. 4.2-3)

The proposed map amendment is consistent with the Denver Zoning Code purpose and intent statements for mixed use zone districts because it allows for development that will help activate the public realm and improve the scale of a major commercial street for pedestrians.

Staff Recommendation

Based on the analysis set forth above, CPD staff finds that the map amendment application for 770 South Federal Boulevard meets the requisite review criteria. Accordingly, staff recommends approval of the rezoning.

Rezoning Application #2015I-00038
770 South Federal Boulevard
November 12, 2015
Page 15

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 checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	CENTRAL FEDERAL INVESTORS	Representative Name	Dennis McLin
Address	3161 JOHNSON LN	Address	4007 Bryant St
City, State, Zip	ERIE , CO 80516	City, State, Zip	Denver, CO 80211
Telephone	303.332.2543	Telephone	720.480.9347
Email	vuong2002@gmail.com	Email	dennis@mclincommercial.com
<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>	

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):	770 S Federal Denver CO 80219
Assessor's Parcel Numbers:	0517408004000
Area in Acres or Square Feet:	45,400 Square Feet
Current Zone District(s):	B-A-1 with waivers
PROPOSAL	
Proposed Zone District:	E-MX-3
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>	<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. 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 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.
	<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>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> <ul style="list-style-type: none"> <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 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. <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>Please provide an attachment describing the justifying circumstance.</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. Please provide an attachment describing how the above criterion is met.

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:



REZONING GUIDE

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)
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)	NO
CENTRAL FEDERAL INVESTORS, LLC THAO NGUYEN	3161 Johnson Ln, Erie, CO 80516 303.332.2543 vuong2002@gmail.com	100%	<i>[Signature]</i>	4/20/2015	(A)	Yes
				4/20/2015	(A)	
				4/20/2015	(A)	
				4/20/2015	(A)	
				4/20/2015	(A)	

Last updated: February 4, 2015

Return completed form to rezoning@denvergov.org

311 FOR INFORMATION & CITY SERVICES

201 W. Colfax Ave., Dept. 205

Denver, CO 80202

726-865-2974 • rezoning@denvergov.org

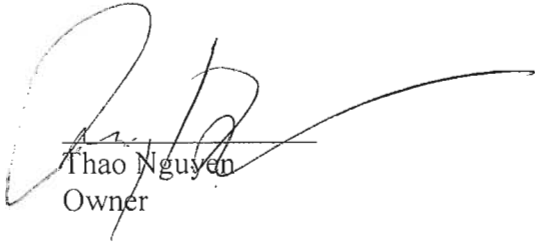
Attached Legal Description

The South 39 feet of Plot 4, and all of Plots 5 and 6, Block 47,
except the rear 8 feet thereof,
Mountain View Park, otherwise known as the First Addition to Mountain View Park,
City and County of Denver, State of Colorado

Central Federal Investors, LLC
3161 Johnson Ln, Erie
303.332.2543

April 20, 2015

I, Thao Nguyen, as owner of Central Federal Investors, LLC hereby authorize Dennis McLin and/or Diane Tran to act as the Property Owners Representative in regard to all matters pertaining to the Zoning Map Amendment (Rezoning) for parcel number 0517408004000 also known as 770 S Federal Blvd located in Denver Colorado.




Thao Nguyen
Owner

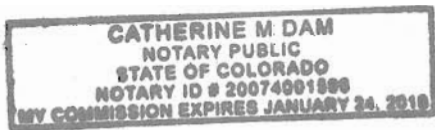
Subscribed and sworn to before me in the City and County of Denver, State of Colorado this 20th day of April, 2015

My Commission expires: 1/24/19

Witness my hand and official seal.



Notary Public



Denver Property Assessment and Taxation System (3.2.2)

770 S FEDERAL BLVD

Owner	Schedule Number	Legal Description	Property Type	Tax District
CENTRAL FEDERAL INVESTORS LLC 3161 JOHNSON LN ERIE , CO 80516-7833	0517408004000 PIN 161404657	PLOTS 5 & 6 & S 39FT OF PLOT 4BLK 47 1ST ADD TO MTN VIEW PK	INDUSTRIAL - CHURCH	308A

Summary

Style:	OTHER	Reception No:	2011093538	Year Built:	1955
Recording Date:	8/23/2011	Building Sqr. Foot:	10886	Document Type:	WD
Bedrooms:		Sale Price:	000487000	Baths Full/Half:	0/0
Mill Levy:	83.054	Basement/Finish:	0/0	Zoning Used for Valuation:	UMS
Lot Size:	45,400				

Note: Valuation zoning may be different from City's new zoning code.

Assessment

	Actual	Assessed	Exempt
Current Year			
Land	\$599,000	\$173,710	\$0
Improvements	\$61,000	\$17,690	
Total	\$660,000	\$191,400	
Prior Year			
Land	\$599,000	\$173,710	\$0
Improvements	\$61,000	\$17,690	
Total	\$660,000	\$191,400	

Denver Property Assessment and Taxation System (3.2.2)

770 S FEDERAL BLVD

Owner	Schedule Number	Legal Description	Property Type	Tax District
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Additional Property Information

[Clear results](#)

Zoning [Details](#)
 Zone District: B-A-1
 Code Version: 1956 - Former Chapter 59
[Zoning Map](#)

Neighborhood [Details](#)
 Athmar Park

Subdivision [Details](#)
 FIRST ADDITION TO MOUNTAIN VIEW PARK

Historic Landmark District [Details](#)
 No

Historic Landmark [Details](#)
 No

Enterprise Zone [Details](#)
 Yes

Floodplain Designation [Details](#)
 Zone: X

Downloadable Maps

[Parcel Map](#)
[Quarter Section Map #SW_039](#)
[Assessment Parcel Map Index](#)

770 S FEDERAL BLVD
 DENVER, CO 80219-3431
 Schedule Number: 0517408004000
Owner:
 CENTRAL FEDERAL INVESTORS LLC
 3161 JOHNSON LN
 ERIE, CO

Property Value

[Directions](#) | [Street View](#) | [Parcel Map](#)



Chicago Title

8055 E. Tufts Avenue, Suite 300, Denver, CO 80237

Phone: (303) 291-9999

Fax: (303) 633-7880

DATE: February 24, 2015

FILE NUMBER: 097-C2010237-058-TH1

PROPERTY ADDRESS: 770 S Federal Blvd, Denver, CO 80219-3431

BUYER/BORROWER: Gamut Investments, LLC, a Colorado limited liability company

OWNER(S): Central Federal Investors LLC, a Colorado limited liability company

YOUR REFERENCE NUMBER:

ASSESSOR PARCEL NUMBER: 5174-08-004

PLEASE TAKE NOTE OF THE FOLLOWING REVISED TERMS CONTAINED HEREIN:

None.

WIRED FUNDS ARE REQUIRED ON ALL CASH PURCHASE TRANSACTIONS. FOR WIRING INSTRUCTIONS, PLEASE CONTACT YOUR ESCROW OFFICE AS NOTED ON THE TRANSMITTAL PAGE OF THIS COMMITMENT.

TO: Chicago Title
8055 E. Tufts Avenue
Suite 300
Denver, CO 80237

ATTN: Teresa Hott
PHONE: (303) 291-9984
FAX: (303) 291-9997
E-MAIL: Teresa.Hott@ctt.com

TO: Chicago Title - Commercial
8055 E. Tufts
Suite 300
Denver, CO 80237

ATTN: Lauren Payne -TITLE OFFICER
CONTACT
PHONE: (303) 291-9832
FAX: (303) 291-9997
E-MAIL: lauren.payne@ctt.com

TO: Gamut Investments, LLC, a Colorado limited liability company

ATTN: Gamut Investments, LLC
PHONE:
FAX:
E-MAIL:

TO: Central Federal Investors LLC, a Colorado limited liability company
3161 Johnson Lane
Eric, CO 80516

ATTN: Central Federal Investors LLC
PHONE:
FAX:
E-MAIL: diane@forzarealtyonline.com

TO: TBD

ATTN:
PHONE:
FAX:
E-MAIL:

TO: McLin Commercial
4007 Bryant Street
Denver, CO 80211

ATTN: Dennis McLin
PHONE: (720) 480-9347
FAX: (000) 000-0000
E-MAIL: dennis@mclincommercial.com

END OF TRANSMITTAL

Chicago Title Insurance Company COMMITMENT

SCHEDULE A

Commitment No: 097-C2010237-058-TH1

1. Effective Date: February 19, 2015 at 7:00 A.M.

2. Policy or policies to be issued:

Proposed Insured	Policy Amount
(a) ALTA Owner's Policy (6-17-06) Gamut Investments, LLC, a Colorado limited liability company	\$1,700,000.00
(b) ALTA Loan Policy (6-17-06)	\$1,000,000.00
TBD	\$

3. The estate or interest in the land described or referred to in this Commitment is:

A Fee Simple

4. Title to the estate or interest in the land is at the Effective Date vested in:

Central Federal Investors LLC, a Colorado limited liability company

5. The land referred to in this Commitment is described as follows:

See Attached Legal Description

(for informational purposes only) 770 S Federal Blvd, Denver, CO 80219-3431

PREMIUMS:

Owners Policy	1,985.00
Lenders Policy	125.00
Delete 1-4	65.00
Tax Info	10.00



SCHEDULE B – Section 1
Requirements

The following requirements must be met:

- a. Pay the agreed amounts for the interest in the land and/or for the mortgage to be insured.
- b. Pay us the premiums, fees and charges for the policy.
- c. Documents satisfactory to us creating the interest in the Land and/or the mortgage to be insured must be signed, delivered and recorded.

Note: Any documents being executed in conjunction with this transaction must be signed in the presence of an authorized Company employee, an authorized employee of an agent, an authorized employee of the insured lender, or by using Bancserv or other approved third-party service. If the above requirement cannot be met, please call the Company at the number provided in this report.

- d. Please be advised that our search did not disclose any open Deeds of Trust of record. If you should have knowledge of any outstanding obligation, please contact the Title Department immediately for further review prior to closing.
- e. Copy of Operating Agreement and recordation of Statement of Authority for Name of LLC pursuant to Colorado Revised Statutes evidencing the existence of the entity and authority of the person(s) authorized to execute and deliver instruments affecting title to real property on behalf of the entity and containing other information required by Colorado Revised Statutes.
- f. Copy of Operating Agreement and recordation of Statement of Authority for Name of LLC pursuant to Colorado Revised Statutes evidencing the existence of the entity and authority of the person(s) authorized to execute and deliver instruments affecting title to real property on behalf of the entity and containing other information required by Colorado Revised Statutes.
- g. Deed sufficient to convey the fee simple estate or interest in the Land described or referred to herein, to the Proposed Insured Purchaser.
- h. Deed of Trust sufficient to encumber the estate or interest in the Land described or referred to herein for the benefit of the Proposed Insured Lender.
- i. Furnish to the Company an ALTA/ACSM Land Title Survey in form, content and certification to Chicago Title Insurance Company and Chicago Title.

Note: Exception may be made to any adverse matters disclosed by the ALTA/ACSM Land Title Survey.

- j. Execution of the Company's Lien Affidavit by the Owners and Buyers. In the event that the Lien Affidavit discloses the existence of new construction on the Land within the past six (6) months or plans for the commencement of new construction, additional requirements may be made or Standard Exception No. 4 will not be deleted from the final policy(ies) to be issued hereunder.

Note: Upon completion of the requirements to the satisfaction of the Company and payment of the premiums, Standard Exceptions 1 through 5 will not appear on the Policy(s) to be issued.

Upon verification of payment of all taxes for prior years, the exception relating to taxes under Schedule B of the policy(ies) to be issued will be amended to read as follows:

Taxes and assessments for the year 2015 and subsequent years, a lien, not yet due or payable.

END OF REQUIREMENTS

Attached Legal Description

The South 39 feet of Plot 4, and all of Plots 5 and 6, Block 47,
except the rear 8 feet thereof,
Mountain View Park, otherwise known as the First Addition to Mountain View Park,
City and County of Denver, State of Colorado

Date: April 20, 2015

David Gaspers
Senior City Planner
Community Planning and Development
201 West Colfax Avenue, Department 205
Denver, CO 80202

Re: 770 South Federal Boulevard
Zone Map Amendment (Rezoning) Application

Dear Mr. Gaspers:

The following is intended to supplement the above referenced Zone Map Amendment for the property located at 770 South Federal Boulevard. This narrative addresses in more detail the specifics of the Review Criteria contained on page 2 of the Application and speaks to how the proposed rezoning is consistent with City and County of Denver Adopted Plans, Uniformity of District Regulations and Restrictions, and application of Public Health, Safety and General Welfare.

CONSISTENCY WITH ADOPTED PLANS

Comprehensive Plan 2000

The proposed rezoning complies with many of the stated objectives of *Comprehensive Plan 2000* as follows:

1. Environmental Sustainability Objectives 2-F, 4-D, 4-E, 5-D

Each of these objectives promote development of infill sites in the interest of conservation of land, the design of mixed-use communities that reduce sprawl and encourage residents to live, work and play within their own neighborhoods and the creation of increased density along transit nodes.

2. Land Use Objectives 3-A, 3-B, 3-D, 4-A, 4-B

These *Comprehensive Plan 2000* objectives seek to encourage quality infill development that offers opportunities for increased density, focal points, more amenities, and broadens the variety of compatible uses. Additionally, mixed-use projects that encourage vibrant urban centers and neighborhoods is to be supported.

3. Legacies Objectives 3-A, 3-B

Legacies objectives seek to create regulations and incentives that encourage high quality, mixed-use development at densities that will support Denver's diverse housing needs and public transportation alternatives. Areas are to be identified in which increased density and new uses are desirable and can be accommodated.

4. Economic Activity Objectives 4-B, 5-A

Each of these objectives seeks to support the development of neighborhood business centers that serve adjacent residential areas in existing neighborhoods and new neighborhoods within development areas. The intent is to attract the highest-quality uses and the best development techniques.

Blueprint Denver more specifically identifies Land Use and Transportation strategies related to specific areas of the city. “Areas of Change” and “Areas of Stability” are identified at a macro level in the adopted plan with provisions for smaller area plans to be developed as needs arise. The site associated with 770 South Federal Boulevard is in an area of change. *Blueprint Denver* calls for improving and adding new centers to create “vibrant urban areas that serve not only Denver neighborhoods, but the region”. It stipulates that “the vast majority of new development will be funneled to areas that will benefit from and thrive on an infusion of population, economic activity and investment”. It will provide opportunities for more intensive, mixed-use development along transit corridors” (page 22 & 23).

ATHMAR PARK NEIGHBORHOOD PERIMETER PLAN

The Mission of the Athmar Park Planning Group is to develop a plan to promote stability and growth in Athmar Park. The vision for Athmar Park is that it will evolve as a multi-ethnic, multi-cultural residential neighborhood surrounded by a variety of successful local and regional businesses that provide employment and service for residents and others. Our rezoning request is consistent with that vision, specifically page (11)

Federal Boulevard Corridor Plan (1995): Concerns related to businesses include the recognition of unique characteristics along Federal Boulevard, promotion of safety and image enhancements that will improve the corridor for pedestrian use and business access, including off street parking, additional lighting, and landscaping.

Southwest Quadrant Transportation Plan (1991): One of the goals and objectives is to “Stimulate quality economic development” with related objectives influenced/obtained through transportation improvements. The related objectives include creation of jobs, expanding the tax base, insuring development compatible with adjacent uses, and decreasing non-residential redevelopment in residential areas.

Federal and Alameda Commercial Redevelopment Program (1995): The Westwood Urban Renewal Area resulted from a study of the Westwood commercial corridor and concern for existing businesses and neighborhood stabilization. It includes revitalization strategies for invigorating the business mix and attracting new businesses. It incorporates some of the concepts from the Federal Boulevard Corridor Plan.

UNIFORMITY OF DISTRICT REGULATIONS AND RESTRICTIONS

The proposed rezoning to E-MS-5 incorporates the criteria of the various adopted plans of the City and County of Denver. The surrounding area was rezoned almost exclusively to E-MX-3 which allows for mix-use however the subject property was not rezoned at that time due to the waivers attached. 770 S Federal site is one of the largest sites on South Federal from Alameda to Mississippi, it provides an opportunity to create a truly unique project in an area that has been pretty stagnant for the past few decades.

PUBLIC HEALTH, SAFETY AND GENERAL WELFARE

The proposed rezoning to E-MS-5 intended to allow development and redevelopment at this location to proceed in accordance with the criteria that have been established by the City and County of Denver through the various plans that have been created. Each plan has described in greater detail the intentions for redevelopment in the area. Each plan has set out strategies for improving the neighborhood along transportation corridors. The rezoning of this particular parcel is one of the next steps in the realization of the intentions of the various plans.

SITE REZONING AND CRITERIA OF MAIN STREET DISTRICT AND E-MS-5

1. The Main Street Zone Districts are intended to promote safe, active, and pedestrian-scaled commercial streets through the use of shop front and row house building forms that clearly define and activate the public street edge.
2. The Main Street Zone Districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering along the city's commercial streets.
3. The Main Street district standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods.
4. Main Street Zone Districts are typically applied linearly along entire block faces of commercial, industrial, main, mixed-use and residential arterial streets (as designated in Blueprint Denver) or, less frequently, on single zone lots at the intersection of local/collector streets within a residential neighborhood.
5. In all cases, the Main Street Zone Districts should be applied where a higher degree of walkability and pedestrian activity is desired than required in a Corridor, Mixed Use, or Residential Mixed Use Zone District.
6. In the Urban Edge Neighborhood Context, the Main Street Zone Districts may also be embedded within a larger commercial shopping center or mixed-use area to promote a pedestrian-active street front within a larger mixed use or commercial development.
7. The Main Street Zone Districts are intended to promote an urban, mixed-use, built-to environment regardless of neighborhood context. Main Street buildings have a shallow front setback range. The build-to requirements are high and building coverage is significant.

Summary:

The subject property is located on one of Denver's busiest arterial roads where traffic counts far exceed the norm. This would lead one to believe that national retailers would have great demand for the area, however, that is not the case. While people pass through the area there is no real reason to stop and patronize the businesses. I believe that 770 S

Federal presents us with a unique opportunity to not only create a sense of identity for the neighborhoods but also take advantage of the high traffic count to drive the local economy. The rezoning of this particular parcel is pivotal in realizing the intentions of the various plans.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dennis McLin". The signature is fluid and cursive, with the first name "Dennis" and last name "McLin" clearly distinguishable.

Dennis L McLin



10/28/2015 12:51 PM
City & County of Denver
Electronically Recorded

R \$11.00

AFF

D \$0.00

CORRECTIVE AFFIDAVIT RE: SCRIVENER'S ERROR PURSUANT TO C.R.S §38-35-109(5)

STATE OF COLORADO)
) ss.
COUNTY OF DENVER)

Peter DeCicco , being first duly sworn upon oath under penalty of perjury, states and avers as follows:

1. I am a **Senior Commercial Title Officer** I have personal knowledge of and can testify in a court of competent jurisdiction regarding the facts set forth herein.
2. The legal description of the land affected hereby is the following:

*The South 39 feet of Plot 4, and all of Plots 5 and 6, Block 47,
Mountain View Park, otherwise known as the First Addition to Mountain View Park,
City and County of Denver, State of Colorado*

Chicago
1483835



3. The record owner of the land affected hereby is:
Central Federal Investors LLC, a Colorado limited liability company
4. The instrument affecting the land which contains a Scrivener's Error:
WARRANTY DEED RECORDED AUGUST 23, 2011 AT RECEPTION NO. 2011093538.
5. The Scrivener's Error, which is to be corrected by this affidavit:

Legal Description was incorrectly listed as:

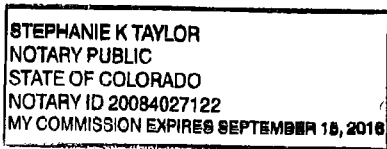
*The South 39 feet of Plot 4, and all of Plots 5 and 6, Block 47,
except the rear 8 feet thereof,
Mountain View Park, otherwise known as the First Addition to Mountain View Park,
City and County of Denver, State of Colorado*

6. Affiant herein acknowledges that he/she is, by this instrument, testifying under penalty of perjury.

Further Affiant sayeth not.

Peter DeCicco, Senior Commercial Title Officer, Chicago Title Insurance Company

Subscribed and sworn to before me this 28th day of October 2015,
By Peter DeCicco, Senior Commercial Title Officer, Chicago Title Insurance Company
My commission expires: 9-15-16



Notary Public

WARRANTY DEED

DOC Fee \$ 48.70

THIS DEED, made this 19th day of August, 2011, between THE EVANGELICAL LUTHERAN CHURCH OF THE GOOD SHEPHERD OF DENVER, COLORADO, A COLORADO NON PROFIT CORPORATION of the County of Denver and State of Colorado, grantor, and CENTRAL FEDERAL INVESTORS LLC, A COLORADO LIMITED LIABILITY COMPANY whose legal address is 3161 Johnson Lane, Erie, CO 80516, of the County of Adams, State of Colorado, grantee:

WITNESSETH, that the grantor, for and in consideration of the sum of FOUR HUNDRED EIGHTY SEVEN THOUSAND AND 00/100 DOLLARS (\$487,000.00), 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 County of Denver and State of Colorado described as follows:

The South 39 feet of Plot 4, and all of Plots 5 and 6, Block 47,
except the rear 8 feet thereof,
Mountain View Park, otherwise known as the First Addition to Mountain View Park,
City and County of Denver, State of Colorado

also known by street and number as: 770 South Federal Boulevard, Denver, CO 80219

TOGETHER with all and singular the hereditaments and appurtenances thereto 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 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 whatsoever, except:

general taxes for the current year and subsequent years and subject to those items shown on Exhibit "A" attached hereto and incorporated herein by reference.

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.

The Evangelical Lutheran Church of the Good Shepherd of
Denver, Colorado, a Colorado non profit corporation

BY: DelRose Felton
DelRose Felton, President

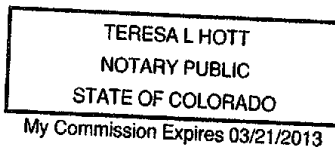
STATE OF Colorado

COUNTY OF Denver

I, Teresa L. Hott, a Notary Public of the County and State first above written, do hereby certify that the foregoing instrument was acknowledged before me this 19th day of August, 2011, by DelRose Felton, President of The Evangelical Lutheran Church of the Good Shepherd of Denver, Colorado, a Colorado non profit corporation.

Witness my hand and official seal,

Teresa L. Hott
Teresa L. Hott, Notary Public



My Commission Expires: 03/21/13

After recording return to:

Exhibit "A"

Ruby Hill Ordinance regarding building height restriction in order to preserve the mountain views as set forth below:

Recording Date: December 11, 1969
Recording No.: Book 119, page 391

Matters disclosed by the Improvement Location Certificate, by R.E.Port Land Surveying dated 8-5-2011, Job No. 11-356, to wit:

- a. Asphalt extends over property line on Northeasterly and Southeasterly portion of property.
- b. Brick building extends over property line on Northeasterly portion of property.