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TO: Denver City Council
FROM: Brandon Shaver, Senior City Planner
DATE: January 30, 2020
RE: Official Zoning Map Amendment Application #2019I-00017
4338 Lipan Street
Rezoning from U-RH-2.5 to U-RX-3

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2019I-00017.

Request for Rezoning

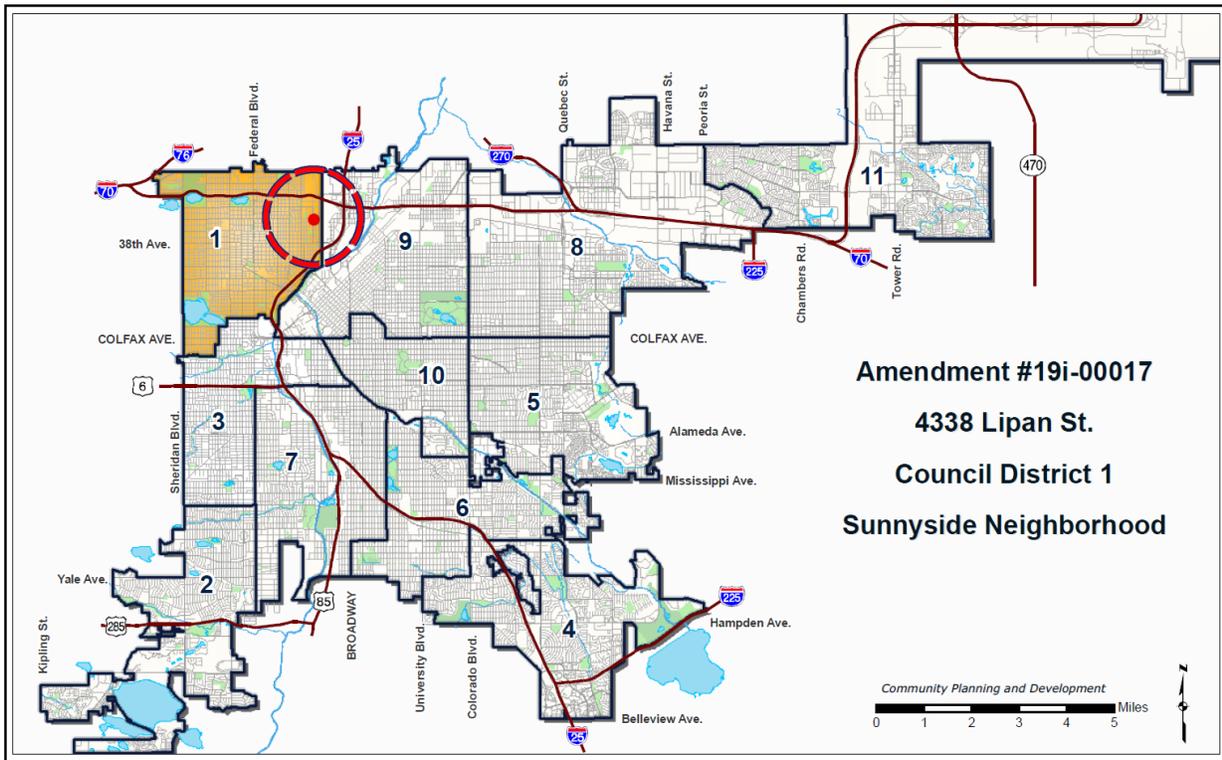
Address: 4338 Lipan Street
Neighborhood/Council District: Sunnyside / Council District 1
RNOs: Inter-Neighborhood Cooperation (INC), Sunnyside United Neighbors, Inc. (SUNI), Northeast Denver Friends and Neighbors (NEDFANS)
Area of Property: 18,959 square feet or 0.435 acres
Current Zoning: U-RH-2.5
Proposed Zoning: U-RX-3
Property Owner(s): 4338 Lipan St LLC
Owner Representative: Billy Wang

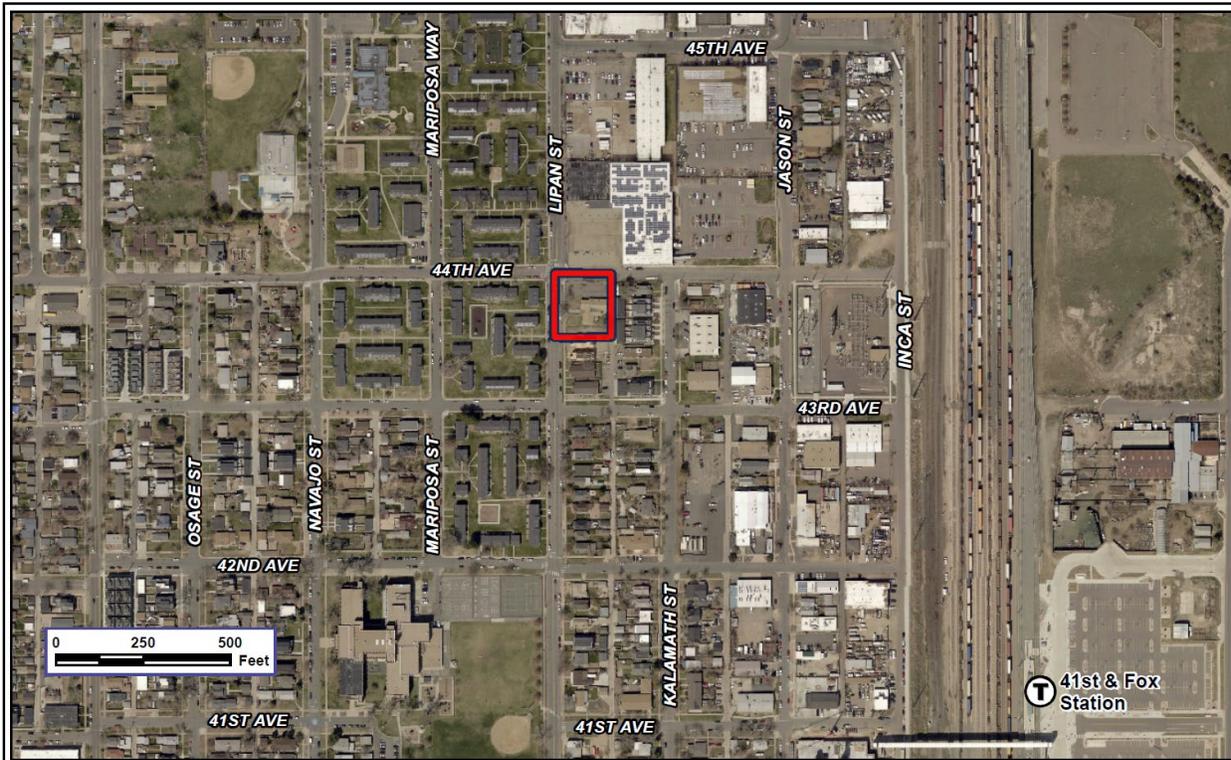
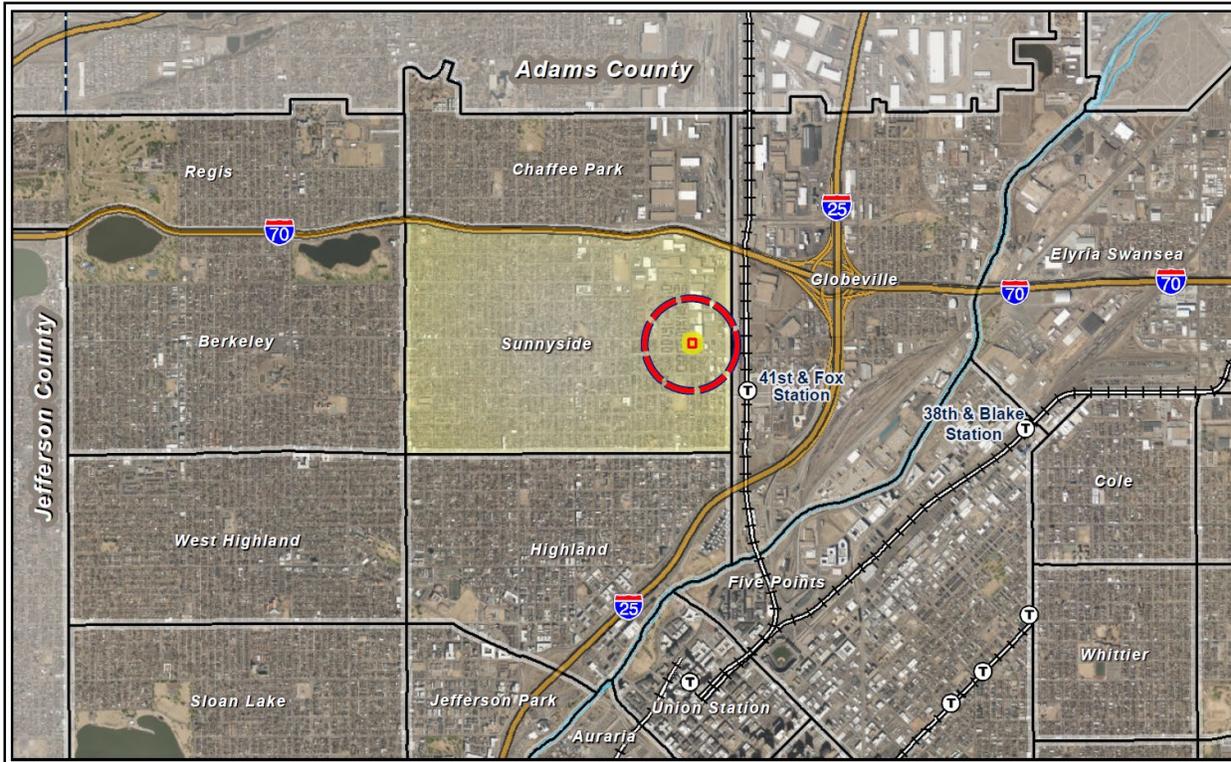
Summary of Rezoning Request

- The property is in the Sunnyside statistical neighborhood at the southeast corner of Lipan Street and West 44th Avenue.
- The property, owned by 4338 Lipan St LLC, is occupied by one building which formerly housed a church.
- The applicant is requesting this rezoning to enable redevelopment with a neighborhood-serving commercial use.
- The proposed zone district, U-RX-3, can be summarized as follows (see map below illustrating proposed zone district):
 - The U-RX-3 zone district stands for **U**rban, **R**esidential **M**ixed Use, with a maximum height of **3** stories. The U-RX zone districts are residential mixed-use zone districts that are primarily intended to accommodate residential uses. Commercial uses are secondary to the primary residential use of the district and provide neighborhood-scaled shops and offices for residents to conveniently access goods and services within walking distance. Building in a residential mixed-use district can have commercial uses, but upper stories are reserved exclusively for housing or lodging accommodation uses.

- Further details of the requested zone district(s) can be found in the proposed zone district section of the staff report (below) and in Article 5 of the Denver Zoning Code (DZC).

Existing Context



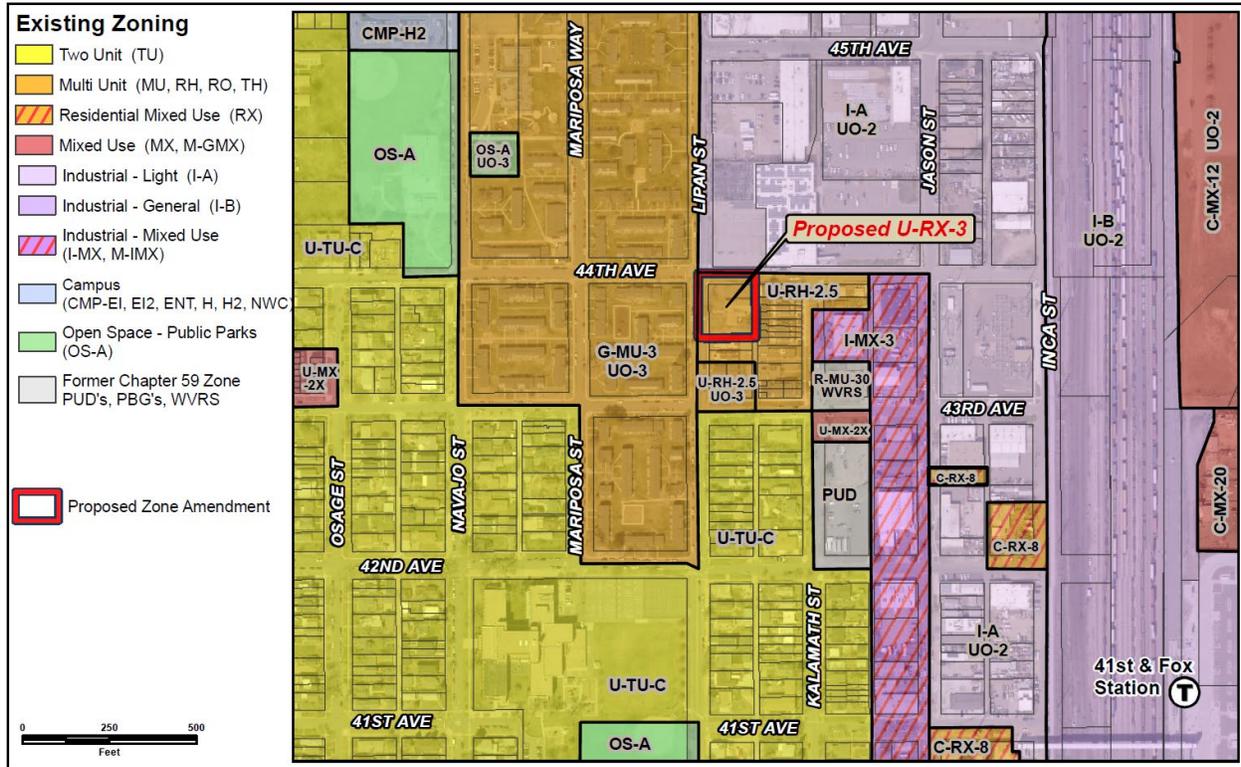


The subject property is located within the Sunnyside Neighborhood, just outside the ¼ mile walkshed of the 41st and Fox commuter rail station. Significant public investment, private reinvestment and the opening of the transit station in 2019 suggest this area is continuing to become more urban in nature. The subject site has approximately 150 feet of frontage along Lipan Street and 125 feet of frontage along West 44th Avenue. It is located four blocks west of the railroad tracks, immediately south of the industrial area and two blocks north of Ciancio Park. In addition to being within walking distance of the commuter rail station, the subject property is served by RTD bus routes 19 and 52 along Lipan Street.

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

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	U-RH-2.5	Public/Quasi-public	1-story structure built as a church in 1964	Generally regular grid of streets, cut off by the railroad tracks to the east; alleys run north-south through rectangular blocks; pedestrian access to the 41 st and Fox station is provided by a bridge at 41 st Ave and Inca St; many industrial uses have vehicular access from both the street and the alley.
North	I-A, UO-2	Industrial	1-story warehouse with garages facing subject property, 0' setbacks	
South	U-RH-2.5	Vacant	Two vacant lots totaling 9,000 square feet	
East	U-RH-2.5	Single-unit and multi-unit residential	Two single-unit homes closest to W 44 th Ave and rowhomes to the south	
West	G-MU-3, UO-3	Multi-unit residential	2-story walk-up apartment buildings arranged in a garden court layout	

1. Existing Zoning

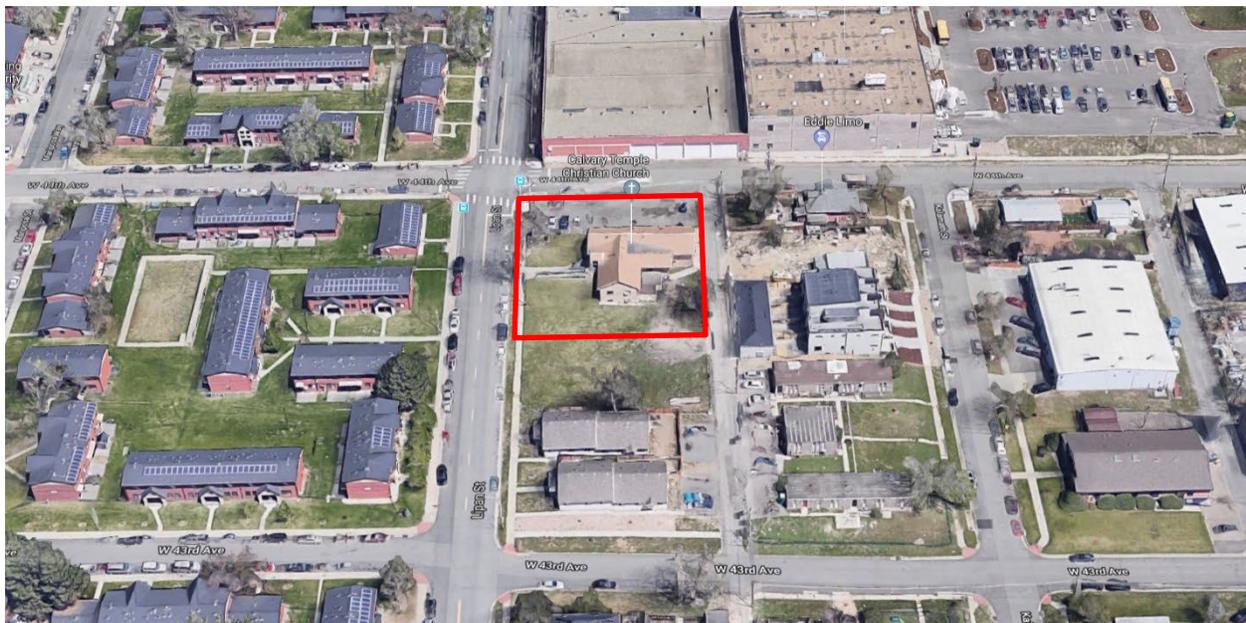


The existing zoning on the subject property is U-RH-2.5 which stands for Urban Rowhouse, up to 2.5 stories in height. The U-RH-2.5 zone district allows residential structures in a variety of building forms up to two-and a-half stories and 35 feet tall. Structures are generally required to have 20-foot primary street setbacks and five-foot side interior and side street setbacks. Allowed uses are mostly limited to civic uses and single unit, two unit, and multi-unit dwellings with one parking space required per unit. For additional details of the zone district, see DZC Article 5. The I-A, UO-2 district to the north of the subject site allows light industrial uses and limits heights to 75 feet within 175 feet of a Protected District (unlimited height is permitted in other areas). It also allows billboards via the Use Overlay-2. The G-MU-3, UO-3 district to the west allows for residential uses in the form of single, two unit, and multi-unit dwellings and group living uses, and limited nonresidential uses in historic structures, up to three stories and 35 feet in height.

2. Existing Land Use Map



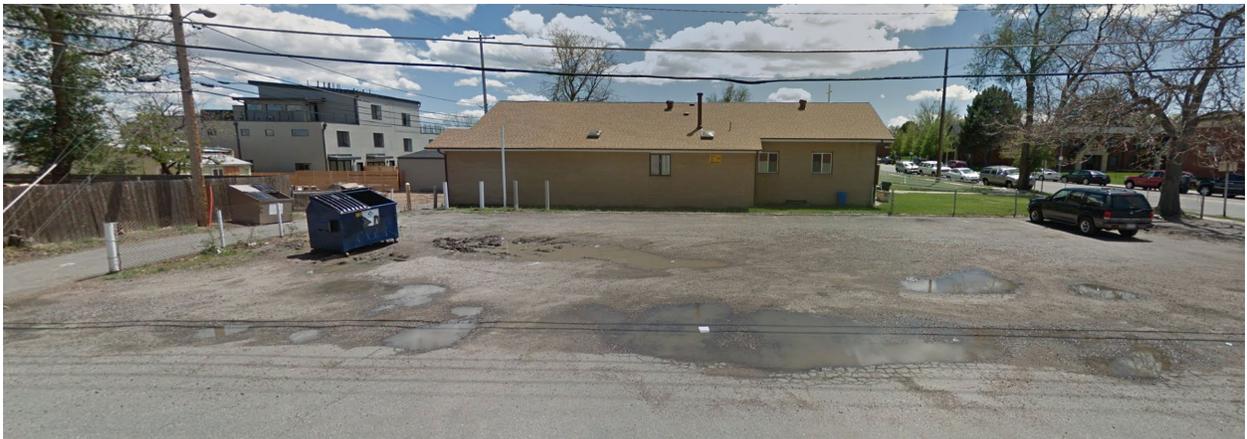
3. Existing Building Form and Scale



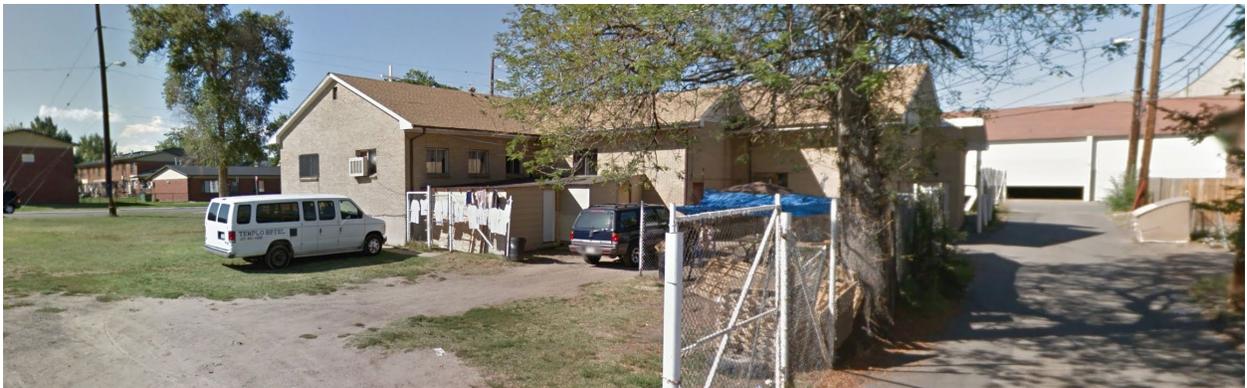
Site - Aerial view, looking north (Source: Google Maps)



Site - from Lipan Street (Source: Google Maps)



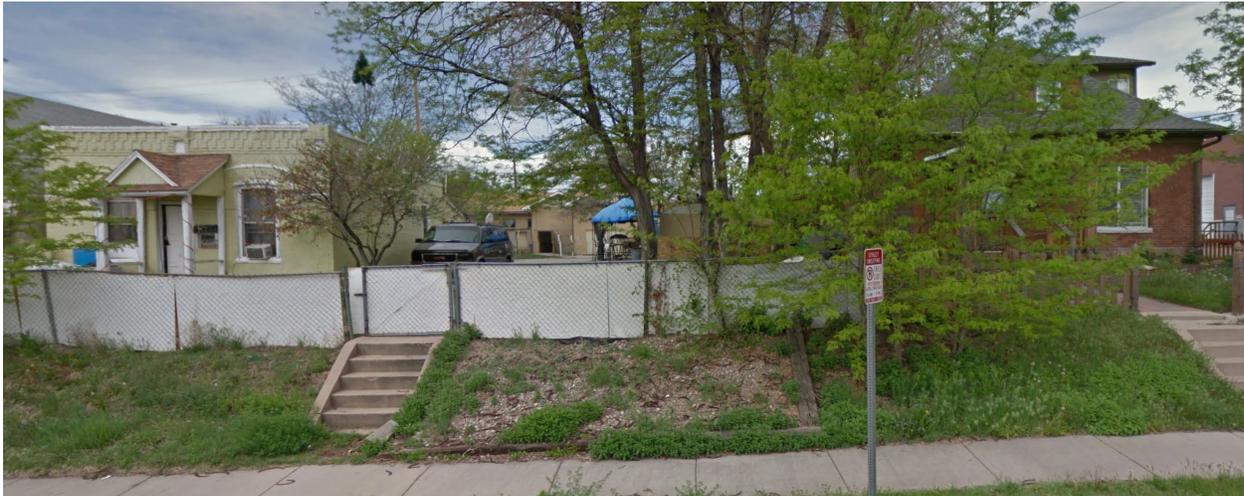
Site - from West 44th Avenue (Source: Google Maps)



Site - from alley (Source: Google Maps)



North – from Lipan Street (Source: Google Maps)



East – from Kalamath Street (Source: Google Maps)



South – from Lipan Street (Source: Google Maps)



West – from Lipan Street (Source: Google Maps)

Proposed Zoning

The requested U-RX-3 zone district has a maximum height in feet of 45'. The minimum primary street front setback is 0', except for the town house building form which has a 10' minimum primary street setback. A variety of mixed residential and neighborhood-serving commercial uses are allowed on the ground story, but commercial uses other than lodging are prohibited from being located on upper floors. For additional details of the requested zone district, see DZC Article 5.

The primary building forms allowed in the existing zone district and the proposed zone district are summarized below.

Design Standards	U-RH-2.5 (Existing)	U-RX-3 (Proposed)
Primary Building Forms Allowed	Urban House; Duplex; Tandem House; Row House	Town House; Shopfront
Stories/Heights (max)	3/35'	3/45'
Primary Build-To Percentages (min)	N/A	70%
Primary Build-To Ranges	N/A	0' to 15'***
Minimum Zone Lot Size/Width	50'***	N/A
Primary Setbacks (min)	20'	0' to 10'***
Building Coverages	N/A	N/A

***Standard varies between building forms

Summary of City Agency Referral Comments

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

Assessor: Approved – No Response

Asset Management: Approved – No comments

Denver Public Schools: Approved – No Response

Department of Public Health and Environment: Approved – See comments

DDPHE concurs with the rezoning and has no information to suggest that existing environmental conditions would impact the proposed rezoning.

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, DDPHE suggests installation of a radon mitigation system in structures planned for human occupation or frequent use. It may be more cost effective to install a radon system during new construction rather than after construction is complete. If renovating or demolishing existing structures, there may be a concern of disturbing regulated materials that contain asbestos or lead-based paint. Materials containing asbestos or lead-based paint should be managed in accordance with applicable federal, state and local regulations.

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

Denver's Noise Ordinance (Chapter 36–Noise Control, Denver Revised Municipal Code) identifies allowable levels of noise. Properties undergoing Re-Zoning may change the acoustic environment but must maintain compliance with the Noise Ordinance. Compliance with the Noise Ordinance is based on the status of the receptor property (for example, adjacent Residential receptors), and not the status of the noise-generating property. Violations of the Noise Ordinance commonly result from, but are not limited to, the operation or improper placement of HV/AC units, generators, and loading docks. Construction noise is exempted from the Noise Ordinance during the following hours, 7am–9pm (Mon–Fri) and 8am–5pm (Sat & Sun). Variances for nighttime work are allowed, but the variance approval process requires 2 to 3 months. For variance requests or questions related to the Noise Ordinance, please contact Paul Riedesel, Denver Environmental Health (720-865-5410).

Scope & Limitations: DEH performed a limited search for information known to DDPHE 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.

Denver Parks and Recreation: Approved – No comments

Public Works – R.O.W. - City Surveyor: Approved – Legal description accepted

Development Services - Transportation: Approved – No response

Development Services – Wastewater: Approved – No comments

Development Services – Project Coordination: Approved – No response

Development Services – Fire Prevention: Approved – No response

Public Review Process

	Date
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	6/20/19
Applicant submitted revised application	10/2/19
Property legally posted for a period of 15 days and CPD written notice of the Planning Board public hearing sent to all affected members of City Council, registered neighborhood organizations, and property owners:	11/19/19
Planning Board Public Hearing (voted 8-0 in favor)	12/4/19
CPD written notice of the Land Use, Transportation and Infrastructure Committee meeting sent to all affected members of City Council and registered neighborhood organizations, at least ten working days before the meeting:	12/3/19
Land Use, Transportation and Infrastructure Committee of the City Council moved the bill forward:	12/17/19
Property legally posted for a period of 21 days and CPD notice of the City Council public hearing sent to all affected members of City Council and registered neighborhood organizations:	1/13/20
City Council Public Hearing:	2/3/19

Other Public Comment

To date, staff has received one letter of opposition from the neighboring property owner to the north, across West 44th Avenue. The letter voices concern over the possibility of on-street parking along West 44th Avenue should the subject property redevelop.

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 currently apply to this property:

- *Denver Comprehensive Plan 2040*
- *Blueprint Denver (2019)*
- *41st & Fox Station Area Plan (2009)*
- *Sunnyside Neighborhood Plan (1992)*

Denver Comprehensive Plan 2040

The proposed rezoning is consistent with many of the adopted *Denver Comprehensive Plan 2040* strategies, which are organized by vision element, including:

The proposed rezoning would allow for mixed-use development, including an increase in allowed housing density, near the new 41st and Fox station for the RTD G and B Lines, which provide high-quality transit service to downtown Denver, Westminster, Arvada, and Wheat Ridge. It is therefore consistent with the following strategies in the Equitable, Affordable and Inclusive vision element:

- Equitable, Accessible and Inclusive Goal 1 – *Ensure all Denver residents have safe, convenient and affordable access to basic services and a variety of amenities (p. 28).*
- Equitable, Affordable and Inclusive Goal 2 Strategy A - *Create a greater mix of housing options in every neighborhood for all individuals and families (p. 28).*

The proposed rezoning would enable mixed-use infill development at a location where services and infrastructure, including the 41st and Fox station, are already in place. The proposed U-RX-3 zoning would allow for a broader variety of uses including housing, retail services, and employment at an

intensity consistent with the desire for urban, walkable, mixed-use neighborhoods around transit, and is therefore consistent with the following strategies in the Strong and Authentic Neighborhoods vision element:

- Strong and Authentic Neighborhoods Goal 1, Strategy D – *Encourage quality infill development that is consistent with the surrounding neighborhoods and offers opportunities for increased amenities* (p. 34).
- Strong and Authentic Neighborhoods Goal 1, Strategy A – *Build a network of well connected, vibrant, mixed-use centers and corridors* (p. 34).

Similarly, the land use pattern detailed in the previous paragraph is also consistent with the following strategies in the Environmentally Resilient vision element:

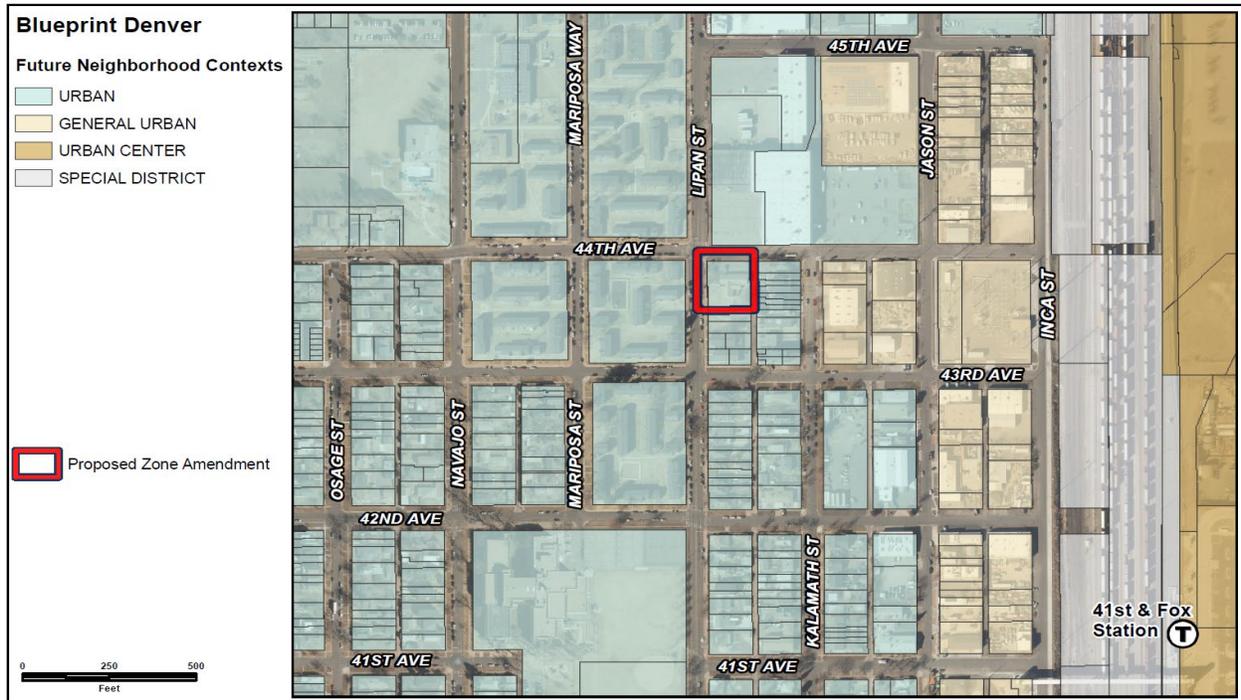
- Environmentally Resilient Goal 8, Strategy A- *Promote infill development where infrastructure and services are already in place* (p. 54).
- Environmentally Resilient Goal 8, Strategy B- *Encourage mixed-use communities where residents can live, work and play in their own neighborhoods* (p. 54).

The requested map amendment will enable mixed-use development at an infill location where infrastructure is already in place. The requested U-RX-3 zone district broadens the variety of uses allowing residents to live, work and play in the area, therefore the rezoning is consistent with *Denver Comprehensive Plan 2040* recommendations.

Blueprint Denver (2019)

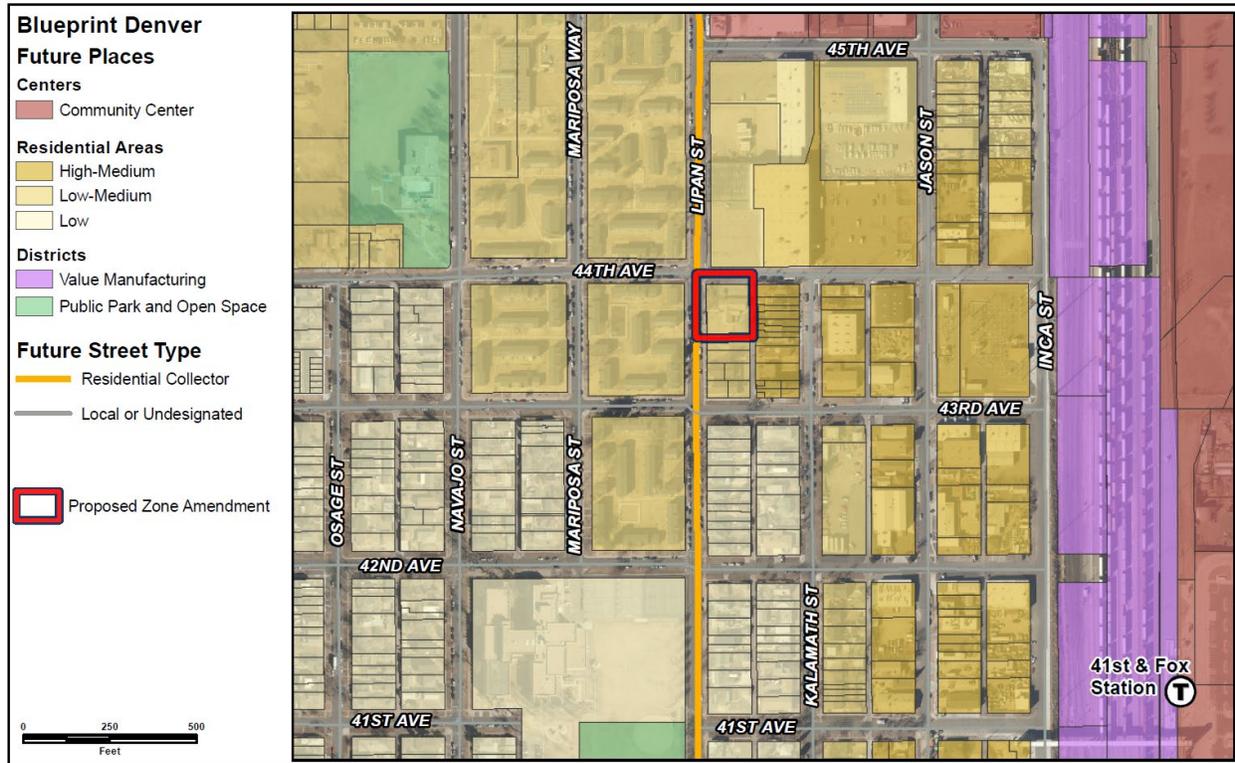
Blueprint Denver was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city's land use and transportation decisions. *Blueprint Denver* identifies the subject property as part of a Low-Medium Residential Area place within the Urban Neighborhood Context and provides guidance from the future growth strategy for the city.

Blueprint Denver Future Neighborhood Context



In Blueprint Denver, future neighborhood contexts are used to help understand differences in land use and built form and mobility options at a higher scale, between neighborhoods. The subject property is within the Urban neighborhood context. The context map and description help guide appropriate zone districts (p. 66). The Urban neighborhood context is described as containing “small multi-unit residential and low-intensity mixed-use buildings typically embedded in single-unit and two-unit residential areas” (p. 222). The proposed U-RX-3 zone district is part of the Urban context and is intended to promote safe, active and pedestrian-scaled, diverse areas through the use of building forms that clearly define and activate the public realm. Since the proposed district is primarily intended to accommodate residential uses with neighborhood-scaled shops and offices, the proposed rezoning to an Urban context is appropriate and consistent with the plan.

Blueprint Denver Future Places

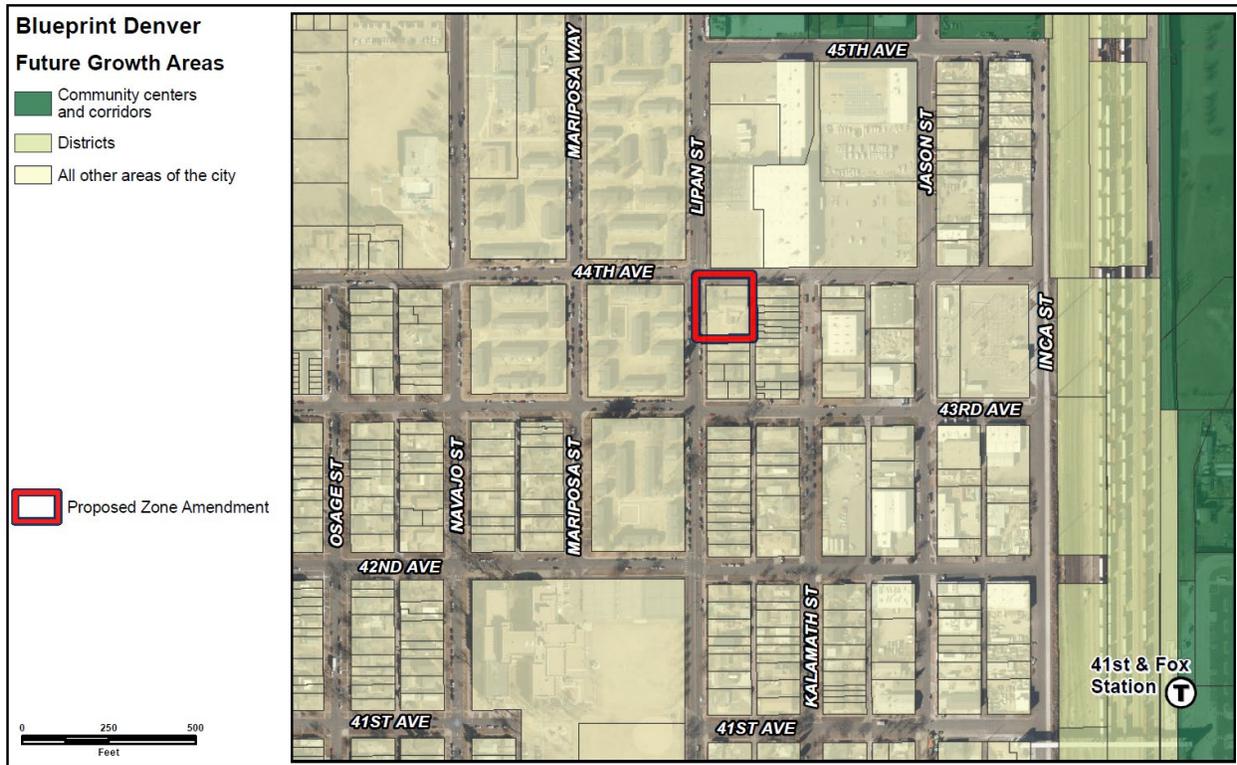


The Future Places map designates the subject property as a Low-Medium Residential Area. Blueprint Denver describes the aspirational characteristics of Low-Medium Residential Areas in the Urban context as having a “mix of low to mid-scale residential options. Limited mixed-use along some arterial and collector streets and at intersections” (p. 232). Consistent with this guidance, the proposed U-RX-3 zone district provides for a variety of residential options and allows for limited commercial uses.

Street Types

Blueprint Denver classifies West 44th Avenue as a local or undesignated street and Lipan Street as a residential collector. “Streets within the Urban context usually have high degrees of pedestrian and bike activity. Utilizing on-street parking on residential or local street to access nearby businesses on main street and mixed-use streets can be expected” (p. 234). As the proposed zone district, U-RX-3, allows for a range of residential and limited commercial uses along a residential collector, the district is consistent with the future street types at this location.

Growth Strategy

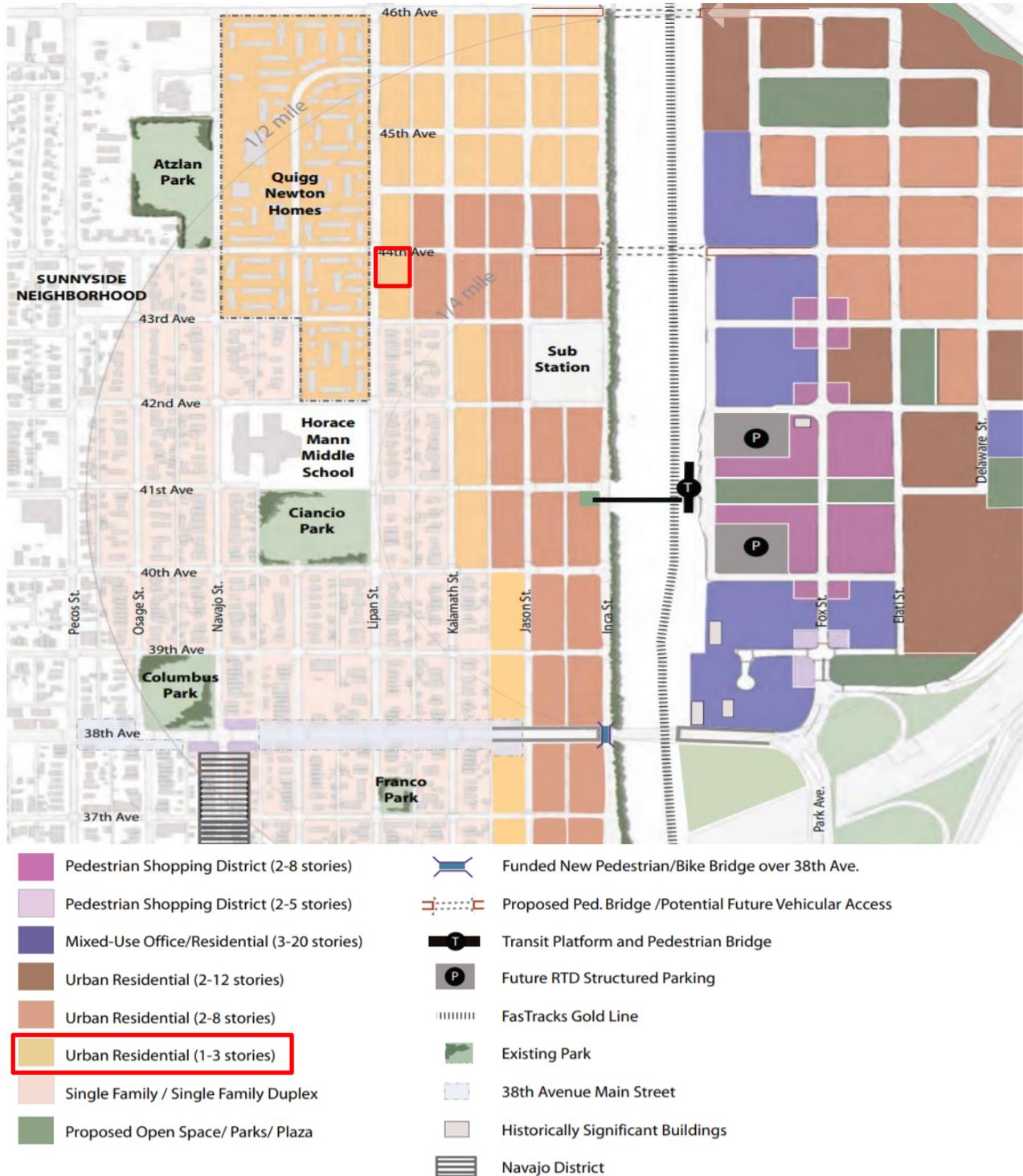


The subject property is located within a Low-Medium Residential area, which is classified as “*All other areas of the city*” in Blueprint Denver. These areas are projected to account for 10 percent of jobs and 20 percent of new households in the city by 2040. The proposed rezoning will provide additional housing units and offer the opportunity for additional jobs, which is an appropriate change given these growth goals. Access to jobs, housing, and services can improve in the residential mixed-use zone districts, and this site has access to multiple bus and rail transit lines. Therefore, this rezoning is consistent with the Blueprint Denver Future Growth Areas plan direction.

41st & Fox Station Area Plan (2009)

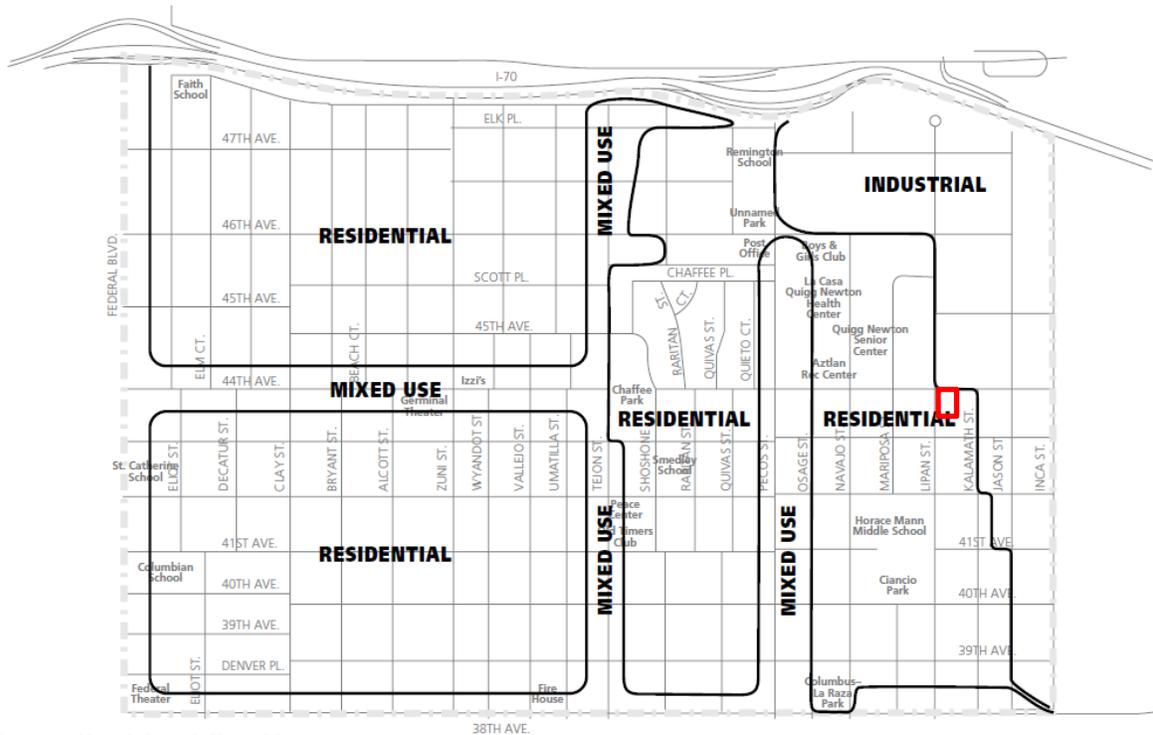
The 41st & Fox Station Area Plan was adopted by City Council in 2009 and applies to the subject property. The plan sets forth a vision for the creation of a “diverse, transit supportive and environmentally sustainable urban center” (p. 9). In the land use concept map, the subject property is mapped as Urban Residential 1-3 stories. These areas are intended to create an improved edge for adjacent residences and the Quigg Newton Homes across Lipan Street from the subject property. The Urban Residential 1-3 stories designation calls for a range of housing types including single-unit, accessory dwelling units, duplexes, townhouses and small condominium and apartment buildings. The requested zone district, U-RX-3 allows for a wide range of housing types and provides an opportunity for neighborhood-serving commercial uses within walking distance of the transit station. Therefore, this

rezoning request is consistent with both the land use and building heights recommendations in the 41st & Fox Station Area Plan.



Sunnyside Neighborhood Plan (1992)

The Sunnyside Neighborhood Plan was adopted in 1992 and applies to the subject property. The plan identifies the subject property as residential and states the need for buffers to separate industrial and residential areas. The plan further suggests that small scale shops and offices, particularly in commercial zones, would help maintain and stabilize the residential character of the neighborhood. At the time the plan was written, the subject property was zoned B-1 which allowed for limited office uses.



Generalized Land Use Map

Although the Sunnyside Neighborhood Plan is an adopted plan that continues to guide policy and development decisions within the neighborhood, the eastern portion of the plan area (including the subject site) has more recent guidance from the 41st & Fox Station Area Plan. The station area plan was adopted in 2009 in response to new opportunities presented by the commuter rail station. As a result, it provides slightly different land use recommendations than the older Sunnyside Neighborhood Plan, which pre-dates the conception of FasTracks by more than a decade. Still, the proposed zone district, U-RX-3, is consistent with this plan as it allows for a range of residential building forms and introduces the opportunity for limited neighborhood-serving commercial uses.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to U-RX-3 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 through implementation of the city's adopted land use plan. The proposed rezoning would also facilitate increased housing density near transit and foster the creation of a walkable, urban area within walking distance to a rail transit station.

4. Justifying Circumstance

The application identifies several changed or changing conditions as the Justifying Circumstance under DZC Section 12.4.10.8.A.4, *"Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include: (a.) Changed or changing conditions in a particular area, or in the city generally; or, (b.) A City adopted plan..."*

Recent physical changes within close proximity to the subject site include the opening of the 41st & Fox Station in 2019 and the addition of the multi-use path along Inca Street that connects the Sunnyside neighborhood to downtown. There are also several new, predominantly residential projects in the immediate area including townhomes across the alley from the subject property and the Zia development on Inca Street. Rezoning to a district that allows for ground-floor retail will be necessary to providing neighborhood-serving uses for new and existing residents in the area.

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

The requested U-RX-3 zone district is within the Urban Neighborhood Context, which is primarily characterized by single-unit and two-unit residential uses with embedded, small-scale, multi-unit residential uses and commercial areas. The street, block, and access patterns in this context provide a regular pattern of block shapes with a consistent presence of alleys (DZC Division 5.1). The current zone district, U-RH-2.5, is also within the Urban Neighborhood Context, as are the parcels to the south and to the east of the subject property. The proposed rezoning to U-RX-3 is consistent with the neighborhood context description.

Residential Mixed-Use Districts are "intended to promote safe, active, and pedestrian- scaled, diverse areas through the use of building forms that clearly define and activate the public realm. Residential Mixed-Use zone district standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, and to improve the transition between commercial development and adjacent residential neighborhoods. Compared to the Mixed-Use districts, the Residential Mixed-Use districts are primarily intended to accommodate residential uses. Commercial uses are secondary to the primary residential use of the district, and they provide neighborhood-scaled shops and offices for residents to conveniently access goods and services within walking distance. Buildings in a Residential Mixed-Use district may have commercial uses, but upper stories are reserved exclusively for housing or lodging accommodation uses." (DZC Section 5.2.4.1). The proposed map amendment is consistent with the general purpose of Residential Mixed-Use zone districts as it would facilitate predominantly residential uses and convenient access to small-scale commercial uses as an

appropriate transition from larger scale residential and industrial uses to the west and north, respectively, to the lower-scale residential uses to the south and east.

The proposed U-RX-3 zone district is specifically intended for residentially-dominated areas served primarily by local or collector streets (DZC Section 5.2.4.2). The request is consistent with the specific intent of U-RX-3 with the adjacent collector (Lipan Street) and local street (West 44th Avenue) and the adjacent building heights and entitlements.

Attachments

1. Application
2. Comment Letter

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	4338 Lipan ST LLC	Representative Name	Billy Wang
Address	4435 Irving ST	Address	4435 Irving ST
City, State, Zip	Denver, CO 80211	City, State, Zip	Denver, CO 80211
Telephone	303-246-0729	Telephone	303-246-0729
Email	sophiumdev@gmail.com	Email	sophiumdev@gmail.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>	
<p>Please attach Proof of Ownership acceptable to the Manager for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed or deed of trust, or (c) Title policy or commitment dated no earlier than 60 days prior to application date.</p> <p>If the owner is a corporate entity, proof of authorization for an individual to sign on behalf of the organization is required. This can include board resolutions authorizing the signer, bylaws, a Statement of Authority, or other legal documents as approved by the City Attorney's Office.</p>			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):	4338 N Lipan ST		
Assessor's Parcel Numbers:	02214-04-040-000		
Area in Acres or Square Feet:	18,959		
Current Zone District(s):	U-RH-2.5		
PROPOSAL			
Proposed Zone District:	U-RX-3		

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> <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"/> Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include: a. Changed or changing conditions in a particular area, or in the city generally; or b. A City adopted plan; or c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.
	<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 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, as identified above

ADDITIONAL ATTACHMENTS

Please identify any additional attachments provided with this application:

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

Please list any additional attachments:

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
4338 Lipan ST LLC	4338 N Lipan ST Denver, CO 80211 303-246-0729 sophiumdev@gmail.com	100%	Billy Wang		(B)	Yes
				6.20.19		
			BILLY WANG		DATE	

Zone Lot 1 4338 Lipan ST

Legal Description: 4338 Lipan ST Denver, CO 80211lo

Parcel Number: 02214-04-040-000

A parcel of land being all of Lots 3 through 8 inclusive of Block 1 of viaduct addition to Denver subdivision, lying within the Northeast Quarter (NE ¼) of the Southeast Quarter (SE ¼) of section 21, Township 3 South, Range 68 West of the Sixth principal meridian, city and county of Denver, State of Colorado more Particularly described as follows:

Basis of Bearings: A 20 foot Range Line in N Kalamath ST Between W 43rd Avenue and West 44th Avenue having an assumed bearing of South 00°3'16" West, A distance of 363.22 Feet between a drag tooth in Range box at the intersection of North Kalamath Street and West 44th Avenue and a 2 Inch aluminum cap (PLS 9329) in range box found at the intersection of North Kalamath Street and West 43rd Avenue.

Beginning at the Northeast Corner of said Lot 3; Thence along the East line of said Lot 3, South 00°04'07" West, A distance of 151.67 Feet thence North 89°54'07" West, A distance of 125.05 Feet: Thence North 00°04'58" East, A distance of 151.60 Feet to the Northwest corner of said Lot 3; Thence along the North line of said Lot 3, South 89°56'11" East, A distance of 125.01 Feet to the point of Beginning.

Containing ±18,958.92 SQ FT or ±0.435 Acres, More or Less

Lot and Block Description:

Lots 3 to 11, inclusive Block 1, Viaduct Addition to Denver, City and County of Denver, State of Colorado



2018018962

Page: 1 of 1

02/16/2018 04:14 PM
City & County of Denver
Electronically Recorded

R \$13.00

WD

D \$90.50

WARRANTY DEED

This Deed, made February 15, 2018

Between **Templo Bethel Assembly of God, a Colorado non-profit corporation** of the County Denver, State of Colorado, grantor(s) and **4338 Lipan St LLC, a Colorado limited liability company**, whose legal address is **4435 Irving Street, Denver, CO 80211**, County of Denver, and State of Colorado, grantee.

WITNESS, That the grantor, for and in the consideration of the sum of **NINE HUNDRED FIVE THOUSAND DOLLARS AND NO/100'S (\$905,000.00)** 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, their 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: **State Doc Fee: \$ 90.50**

Lots 3 to 11, inclusive, Block 1, Viaduct Addition to Denver, City and County of Denver, State of Colorado

also known by street and number as **4338 Lipan Street, Denver, CO 80211.**

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.

TO HAVE AND TO HOLD said premises above bargained and described, with the appurtenances, unto the grantee, his heirs and assigns forever. And the grantor, for himself, his heirs and personal representatives, does covenant, grant, bargain and agree to and with the grantee, his heirs and assigns, that at the time of the ensembling and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind of nature so ever, **except for taxes for the current year, a lien but not yet due and payable, and those specific Exceptions described by reference to recorded documents as reflected in the Title Documents accepted by Buyer in accordance with section 8.1 (Title Review) of the contract dated October 23, 2017, between the parties.**

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

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

SELLER:

Templo Bethel Assembly of God, a Colorado non-profit corporation

By: Robert V. Coronado
Rev. Robert V. Coronado, Senior Pastor

**STATE OF COLORADO
COUNTY OF DENVER**

) ss:

The foregoing instrument was acknowledged, subscribed and sworn to before me **February 15, 2018** by **Rev. Robert V. Coronado** as Senior Pastor on behalf of **Templo Bethel Assembly of God, a Colorado non-profit corporation.**

Witness my hand and official seal.

Jennifer A York
Notary Public
My Commission expires: 5/25/2019

JENNIFER A YORK
Notary Public
State of Colorado
My Commission Expires: May 25, 2019
LIC# 19914006389

N0014800

Warranty Deed
WD (DSI Rev. 1/30/17)

Page 1

Printed: 2/15/2018 12:24 PM by JY
Escrow No.: N0014800-020-JY

**Recording Requested by:
FNTG-NCS Colorado**



Colorado Secretary of State
 Date and Time: 02/07/2018 03:23 PM
 ID Number: 20181116553
 Document number: 20181116553
 Amount Paid: \$50.00

Document must be filed electronically.
 Paper documents are not accepted.
 Fees & forms are subject to change.
 For more information or to print copies
 of filed documents, visit www.sos.state.co.us.

ABOVE SPACE FOR OFFICE USE ONLY

Articles of Organization

filed pursuant to § 7-80-203 and § 7-80-204 of the Colorado Revised Statutes (C.R.S.)

1. The domestic entity name of the limited liability company is

4338 Lipan St LLC

(The name of a limited liability company must contain the term or abbreviation "limited liability company", "Ltd. liability company", "limited liability co.", "Ltd. liability co.", "limited", "l.l.c.", "llc", or "Ltd.". See §7-90-601, C.R.S.)

(Caution: The use of certain terms or abbreviations are restricted by law. Read instructions for more information.)

2. The principal office address of the limited liability company's initial principal office is

Street address

PO Box 12415

(Street number and name)

Denver

(City)

CO

(State)

80212

(ZIP/Postal Code)

United States

(Country)

(Province – if applicable)

Mailing address

(leave blank if same as street address)

PO Box 12415

(Street number and name or Post Office Box information)

Denver

(City)

CO

(State)

80212

(ZIP/Postal Code)

United States

(Country)

(Province – if applicable)

3. The registered agent name and registered agent address of the limited liability company's initial registered agent are

Name

(if an individual)

Wang

(Last)

Billy

(First)

(Middle)

(Suffix)

or

(if an entity)

(Caution: Do not provide both an individual and an entity name.)

Street address

PO Box 12415

(Street number and name)

Denver

(City)

CO

(State)

80212

(ZIP Code)

Mailing address

(leave blank if same as street address)

PO Box 12415

(Street number and name or Post Office Box information)

Denver CO 80212
(City) (State) (ZIP Code)

(The following statement is adopted by marking the box.)

The person appointed as registered agent has consented to being so appointed.

4. The true name and mailing address of the person forming the limited liability company are

Name
(if an individual) Wang Billy
(Last) (First) (Middle) (Suffix)

or

(if an entity)
(Caution: Do not provide both an individual and an entity name.)

Mailing address PO Box 12415
(Street number and name or Post Office Box information)

Denver CO 80212
(City) (State) (ZIP/Postal Code)
United States
(Province – if applicable) (Country)

(If the following statement applies, adopt the statement by marking the box and include an attachment.)

The limited liability company has one or more additional persons forming the limited liability company and the name and mailing address of each such person are stated in an attachment.

5. The management of the limited liability company is vested in

(Mark the applicable box.)

one or more managers.

or

the members.

6. (The following statement is adopted by marking the box.)

There is at least one member of the limited liability company.

7. (If the following statement applies, adopt the statement by marking the box and include an attachment.)

This document contains additional information as provided by law.

8. (Caution: Leave blank if the document does not have a delayed effective date. Stating a delayed effective date has significant legal consequences. Read instructions before entering a date.)

(If the following statement applies, adopt the statement by entering a date and, if applicable, time using the required format.)

The delayed effective date and, if applicable, time of this document is/are _____
(mm/dd/yyyy hour:minute am/pm)

Notice:

Causing this document to be delivered to the Secretary of State for filing shall constitute the affirmation or acknowledgment of each individual causing such delivery, under penalties of perjury, that the document is the individual's act and deed, or that the individual in good faith believes the document is the act and deed of the person on whose behalf the individual is causing the document to be delivered for filing, taken in conformity with the requirements of part 3 of article 90 of title 7, C.R.S., the constituent documents, and the organic statutes, and that the individual in good faith believes the facts stated in the document are true and the document complies with the requirements of that Part, the constituent documents, and the organic statutes.

This perjury notice applies to each individual who causes this document to be delivered to the Secretary of State, whether or not such individual is named in the document as one who has caused it to be delivered.

9. The true name and mailing address of the individual causing the document to be delivered for filing are

Wang Billy
(Last) (First) (Middle) (Suffix)
PO Box 12415
(Street number and name or Post Office Box information)
Denver CO 80212
(City) (State) (ZIP/Postal Code)
United States
(Province – if applicable) (Country)

(If the following statement applies, adopt the statement by marking the box and include an attachment.)

- This document contains the true name and mailing address of one or more additional individuals causing the document to be delivered for filing.

Disclaimer:

This form/cover sheet, and any related instructions, are not intended to provide legal, business or tax advice, and are furnished without representation or warranty. While this form/cover sheet is believed to satisfy minimum legal requirements as of its revision date, compliance with applicable law, as the same may be amended from time to time, remains the responsibility of the user of this form/cover sheet. Questions should be addressed to the user's legal, business or tax advisor(s).

June 24, 2019

4338 Lipan St LLC

PO Box 12415

Denver, CO 80212

RE: 4338 Lipan LLC

To Whom it may concern:

Billy Wang is a member manager of 4338 Lipan ST LLC and is the authorized representative for 4338 Lipan LLC, throughout the entire rezoning application process for the property located at: 4338 N Lipan ST.

Thank you for your time. Please let me know if you have any questions.

Sincerely,



Billy Wang

Manager, 4338 Lipan ST LLC

PO Box 12415

Denver, CO 80212

303-246-0729

sophiumdev@gmail.com

Review Criteria Attachment for 4338 N Lipan ST Denver, CO 80211

Zoning Application:

This zoning application encompasses one parcel of land under one owner. We have chosen to apply for **U-RX-3** for this parcel at 4338 N Lipan ST. We have done so in accordance with the **Blueprint Denver 2019, 41st and Fox Station, Sunnyside Neighborhood plan and Comprehensive 2040 Plan**. The plans, adopted by the City of Denver, call for the maximum structure height of 3 stories and we are requesting the maximum to make the best use of this underutilized land. The parcel to the North is currently zoned as I-A, UO-2. The parcel to the West is zoned GMU-3. Parcels to the South and East are currently zoned U-RH-2.5. This parcel is within ½ mile radius of the 41st and Fox Street Station. Changing the zoning of this parcel would reflect the mixed use and residential plan that has already been adopted by the city. **U-RX-3**, Urban Residential Mixed Use, would be an ideal change and create natural location for a neighborhood center. This location on the corner of 44th AVE and Lipan ST is already accessible for bus transportation and is within walking and biking distance of the 41st & Fox ST station.

Review Criteria for 4338 Lipan ST Denver, CO 80211:

1. **Consistency with Adopted Plans:** The proposed official map amendment is consistent with the City's adopted plans and the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of the adoption of the City's Plan. The property is located on Lipan and 44th ST within the Fox Station corridor. This area has been identified by the City of Denver as an area of change and a TOD (Transit Oriented Development, pg 2 Intro) . The proposed change to **U-RX-3** would provide a mix of uses that are appropriate for such and urban setting. The map amendment will permit development of commercial and residential uses. The property is currently a church, which may be will be used as a church and gathering spot for the next 2 years

1.1 Denver Comprehensive Plan 2040 - Equitable, Affordable and Inclusive.

Goal 1 -Ensure all Denver residents have safe, convenient and affordable access to basic services and a variety of amenities. (p28)

Strategy A. Increase development of housing units close to transit and mixed use developments. (p28)

The proposed rezoning of **4338 N Lipan ST to U-RX-3** would permit the use of the land to develop a multi unit building which will offer studio, 1 & 2 bedroom units that are within walking/biking distance to the light rail station at Fox & 41st. This location is currently on a RTD bus route.

Goal 2 - Build housing as a continuum to serve residents across a range of Incomes, ages and needs. (p28)

Strategy A: Create a greater mix of housing options in every neighborhood for all individuals and families. (p28)

Currently there are very few multi family options in the Sunnyside neighborhood. This zoning change would allow us to build a much needed multi family housing option. Most of the neighborhood consists of single family or 2 unit structures. There is a need of a more diverse selection of housing.

Strong Authentic Neighborhoods

Goal 1: Create a city of complete neighborhoods.

Strategy B - Ensure neighborhoods offer a mix of housing types and service for a diverse population. (p34)

Small multi-unit residential and mixed use areas are typically embedded in an Urban neighborhood as defined by the Comprehensive plan. (p36) Granting the change to U-RX-3 would offer a new housing option for a diverse neighborhood.

Strategy D - Encourage quality infill development that is consistent with the surrounding neighborhood and offers opportunities for increased amenities. (p34)

The requested rezoning to U-RX-3 will contribute to the Sunnyside neighborhood by allowing for a commercial and multi family development and would create a natural gathering spot for a community supported small business. (ie; coffee or ice cream shop). This proposed development would also offer housing options that are close to transit and encourage walking/biking.

1.2 Blueprint Denver Vision is to have “A city of complete neighborhoods and complete networks: connecting Denverites to all of their daily needs.” (p28) As part of the vision Denver is cognizant of the importance of managing growth throughout the city. Development of transit supported areas are key in managing the growth. “Regional centers and community centers and corridors should attract almost two-thirds of all new jobs and half of new households.” (p49) **4338 N Lipan ST** is within the corridor and is an area of growth. It has access to multiple forms of transportation and is a natural place for a Multi family and small commercial location.

“Consider changes to the zoning code that would allow greater land use flexibility for these types of sites that vacate, such as appropriately scaled higher-density housing or limited neighborhood services. This approach could require adaptive reuse of existing structures in exchange for greater land use flexibility or requirements for providing community improvements such as affordable housing, open space or community-serving spaces” (p75)

Neighborhood Context Designation: **4338 N Lipan ST** designation is Urban. Urban Context is described generally as “having a wide variety of homes from Multi-unit developments to compact single unit homes.” ‘Development should be compatible with the existing neighborhood character and offer residents a mix of uses with good street activation and connectivity’ (p222)

Future Places Map: **4338 N Lipan ST** is designated as Low-Medium density which is described as: “Mix of low- to mid-scale multi-unit residential options. Small-scale multi-unit buildings are interspersed between single- and two-unit residential. Limited mixed- use along some arterial and collector streets and at intersections. Vacant institutional uses on corners or at select sites may be appropriate locations to introduce additional residential intensity. Buildings are generally 3 stories or less in height.” (p232).

Growth Strategy: **4338 N Lipan ST** is designated as “all other areas of the city” (p50) but is adjacent to City corridor. As all parts of Denver will experience growth by 2040, all other areas of the city are expected to add 10% of jobs and 20% of housing. (p.51)

Street Type: **4338 N Lipan ST** is designated as a “Residential Collector” street. Primarily residential uses, but may also include schools, civic uses, parks, small retail nodes and other similar uses. (p160)

1.3 Fox Street Station - The 41st and Fox Station will develop over the coming decades into the focal point of a diverse, transit supportive and environmentally sustainable urban center. Many new residents and businesses will be drawn to the convenient location close to Downtown near some of Denver's most vibrant urban neighborhoods.(p.vii)

In the **41st & Fox ST** plan the Sunnyside neighborhood, which incorporates this property at **4338 N Lipan ST**, is located on the west side of the Union Pacific, Burlington Northern and Santa Fe railroad tracks (p4 Intro). This neighborhood is connected to the 41st and Fox Station by a new pedestrian bridge over the railroad tracks (p14 Plan Concept). Plans also indicate a new vehicle or pedestrian bridge over the railroad tracks at 44th AVE as a future project.

Also, in the **41st and Fox ST Plan** this property located at **4338 N Lipan ST** was designated as Urban Residential. (p14) The description of Urban residential is as such: 1f. Urban Residential (1-3 stories) is located at the transition to the established Sunnyside neighborhood. This will create an improved edge for adjacent residential areas and the Quigg Newton Homes. A range of housing types including single family houses, accessory dwelling units, duplexes, townhouses, and small condominium and apartment buildings will provide a variety of housing options for residents living near the transit station.(p16)

The zoning change to U-RX-3 for **4338 N Lipan ST** would foster transit oriented development, offer a transition between the Industrial & residential areas, and allow for another option for housing within the transit area.

1.4 Sunnyside Neighborhood Plan - The far eastern edge of the Sunnyside Neighborhood is Zoned for industrial uses.(p12) This property is near the old area that was developed from the smelters and railyards. The desire for the neighborhood is to keep the commercial areas concentrated along the main arterials. Generally, when a commercial or industrial zone abuts a residential zone, the zoning requires small, neighborhood-serving businesses or light industries to serve as a buffer or transition zone. This new zoning would allow for the recommended buffer or "transition" zone between the industrial and residential areas (p14) and also another option for housing.

2. Uniformity of District Regulations: Our proposed zoning changes, from **U-RH-2.5 to U-RX-3** is consistent with the zoning recommendations made by Blueprint Denver and the 41st & Fox Street Station area plan.

This property is requested to be rezoned to U-RX-3. The proposed rezoning strategy is sensitive and responsive to the character and quality of life of the neighborhood, while accommodating much needed residential development. Rezoning to U-RX-3 this will result in the uniform application of zone district building form, use and design regulations

The general purpose of the urban residential designation, and mixed-use zoning, is to promote safe, active and pedestrian-scaled, diverse areas through the allowed building forms to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within this Urban Center neighborhood. As such, the new proposed zoning will support the vision for this area.

3. Public Health, Safety & General Wellness:

The proposed rezoning would further the public health, safety and general welfare of the City on several levels and for several reasons. It would allow for development on an underutilized lot, in close proximity to a light rail station. With future residential redevelopment likely, it will improve housing options in the vicinity, while remaining consistent with the surrounding neighborhood context. Additional residences in the neighborhood would likely support neighborhood businesses. And, on larger level detailed above, the proposed rezoning is consistent with plan guidance and the City's broader goals and objectives, including but not limited to the goal of locating density near transit corridors.

4. Justifying Circumstances:

The land and its burgeoning surroundings have changed, or is changing to such a degree that the rezoning is in the public & neighborhood interest to encourage a redevelopment of the area and to recognize the changed character of the area.

The proximity of the subject property to the current bus routes and the Fox Street light rail station is a strong justification for a change of zone district. This will allow for mixed use development at an urban density. The recent mixed use developments, specifically ZIA on Inca ST, in the area

provide even further context for the zoning change as this area. With the addition of the multi use path along Inca ST and a possible walking or vehicle bridge on 44th that could connect Sunnyside to Globeville, this location is a natural spot to have a small retail and more housing.

There are a number of new residential projects in the immediate area, rezoning to a district that allows for ground floor retail will be crucial to providing neighborhood-serving uses for the new and existing residents.

The proposed official map amendment is consistent with the description of the applicable neighborhood context with the stated purpose and intent of the proposed Zone District:

5.2.4.2 Specific Intent: Residential Mixed Use-3 (U-RX-3)

U-RX-3 Refers to residentially-dominated areas served primarily by local or collector streets where a building scale of 1-3 stories is desired.

The proposed zone map amendment for this rezoning application is consistent with the plans that have already been adopted by the city, Blueprint Denver, Fox Street Station, Comprehensive Plan 2040 and the Sunnyside Neighborhood plan. All of these plans have identified this neighborhood as a future growth area. The plans for the Fox & 41st ST Station also include a walking or vehicle bridge to connect 44th Ave over the rail track to Globeville. If the bridge is built this would increase the use of 44th AVE and 4338 N Lipan St would be a positive location for a small retail spot and additional housing.

General Comments:

Most Sunnyside residents appreciate having small shops and offices nearby and don't mind industry sharing a part of their neighborhood since they add to the diversity and character that are valued elements in Sunnyside. (p14) The proposed land use would provide a small shop(s) and additional housing options. We would utilize Urban design techniques to help cultivate a unified feeling to the neighborhood. (p18) This would create an image that would strengthen the various segments of the this friendly and diverse part of Denver.

The proximity to Downtown and transit makes this location desirable and a logical location for more housing that encourages the use of transit available in the city of Denver. There is also a need for development including some retail and commercial space. (IE: Ice cream or coffee shop, small restaurant, etc.) to create a neighborhood

destination and a transition or buffer area between Industrial and residential area. This zone map amendment would allow both housing and retail/commercial space.

We have also discussed and formulated this rezoning with Rafael Espinosa, City Council Member District #1, Fall 2017. We recently, March 14th 2019, met with Sunnyside United Neighbors, INC. (SUNI) this rezoning plan to a well-received SUNI PCD audience comprised of board members and neighbors.

We have communicated with all the Registered Neighborhood Organizations (RNO's) concerned with the site. We reached out via email to Inter-Neighborhood Cooperation, (INC) and Unite North Metro Denver.

If approved, the effect of the proposed rezoning will not be immediate though it will be very positive. The current church will be leased during such a time we will continue to prepare the property for the new use.

From: [Charles R Shaw](#)
To: [Shaver, Brandon A. - CPD Senior City Planner](#)
Cc: [Cheryl Shaw](#)
Subject: Fwd: [EXTERNAL] follow up on ROW engineer contact
Date: Wednesday, December 04, 2019 11:06:12 AM
Attachments: [image001.png](#)

Good morning Brandon,

Cheryl and I were planning to attend the public hearing today for 4338 Lipan St. As you may recall, we own the commercial building at 4400-4450 Lipan St directly north of 4338 Lipan St. Unfortunately we both are sick with a virus today it looks unlikely that we will make it.

We are aware that the comment windows are closed and we wanted to add a comment to the record in person. Would you be able to help us with this?

Our concern is that if street parking is allowed on 44th Ave across from the loading docks on the south side of our building, this will impair our historical industrial use. Semi trucks need the entire width of the street to back into these docks. And these trucks often block the street when they are loading and unloading in our docks. If vehicle parking is allowed on the south side of 44th Ave adjacent to the 4338 Lipan St address across from our loading docks, the large trucks that have always been able to access these docks will not have enough room on the street to be unable to back into them. This would prove to be devastating to an industrial user.

We understand that the parking regulations that are currently in place may not be changing. However, there is a now a parking lot on the north side of the 4338 Lipan St property. Access to this parking lot runs the length of the 4338 Lipan St property and effectively negates the use of any on street parking. Our concern is that when the property is re-developed this parking lot will go away and street parking will be allowed across from our loading docks, rendering them useless. It would seem likely to us that the redevelopment of 4338 Lipan St would want to have on street parking across from our loading docks.

We understand from previous conversations with you and with the Transportation/Engineering Dept that future parking will depend on the future development. Other than this future parking concern that we would like to have entered into the record for the public hearing, we have no objection to the rezoning application.

Thank you,

Dick and Cheryl Shaw

Begin forwarded message:

From: Charles R Shaw <crshaw.shawproperties@gmail.com>
Subject: Re: [EXTERNAL] follow up on ROW engineer contact
Date: July 25, 2019 at 1:20:14 PM MDT
To: "Shaver, Brandon A. - CPD CE0429 City Planner Senior"
<Brandon.Shaver@denvergov.org>
Cc: Cheryl Shaw <cherylwielangshaw@gmail.com>