



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

FROM: Tim Watkins, Senior City Planner

DATE: August 13, 2015

RE: **Official Zoning Map Amendment Application #2015I-00041**
4245 N. Fox St & 4143-4159 N. Fox St
Rezoning From: 4245 N. Fox St: I-A UO-2, I-B UO-2
642 W. 43rd, 4211, 4205, and 4143-4159 N. Fox St N. Fox St: I-A UO-2
Requested rezoning To:
4245 Fox St: C-MX-20, C-MS-8 | 642 W 43rd: C-MX-20
4211, 4205, and 4143-4159 N. Fox St: C-MS-8

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2015I-00041 for a rezoning from I-A UO-2, I-B UO-2, and I-A to C-MX-20 and C-MS-8 (see table summary on page 2).

Request for Rezoning

Application:	#2015I-00041
Address:	4245 N Fox St & 4143-4159 Fox St
Neighborhood/Council District:	Globeville / Council District 9
RNOs:	Denver Neighborhood Association, Inc., Elyria Swansea/Globeville Business Association, Inter-Neighborhood Cooperation (INC), North Highlands Neighbors Association, Globeville Civic Association #2, United Community Action Network Inc., Globeville Civic Association #1, Denver Urban Resident Association
Area of Property:	4205, 4245 & 4211 N. Fox St., 642 W. 43 rd Ave.: 3.91 acres 4143-4159 Fox St. - 0.53 acres Total: 4.44 acres
Current Zoning:	I-A, UO-2 & I-B UO-2
Proposed Zoning:	4245 Fox St: C-MX-20, C-MS-8 642 W 43rd: C-MX-20 4211, 4205, and 4143-4159 N. Fox St: C-MS-8
Property Owner(s):	Dufficy Properties INC / Lishmehy LLC
Owner Representative:	Ben Gelt

Summary of Rezoning Request

This application applies to five zone lots on two separate property areas, including four zone lots on the block north of 42nd Avenue, and one zone lot south of 42nd Avenue.

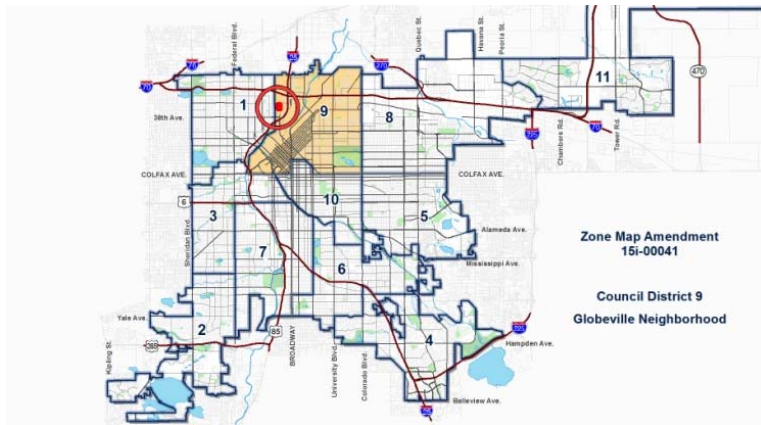
Property	Current zoning	Proposed Zoning
4245 N Fox Street:	I-B, UO-2 & I-A, UO-2	C-MX-20 & C-MS-8
642 W 43 rd Ave:	I-A, UO-2	C-MX-20
4211 N Fox Street:	I-A, UO-2	C-MS-8
4205 N Fox Street:	I-A, UO-2	C-MS-8
4143-4159 N Fox Street:	I-A, UO-2	C-MS-8

Proposed Zoning: Orange Area: C-MX-20 Red Area: C-MS-8

Located in north Denver in Council District 9, these industrial properties lie near the convergence of I-70 and I-25, and within one block from the future 41st and Fox commuter rail station along the Gold Line.

The property between 42nd Ave. and 43rd Ave. is predominantly used for industrial activities and contains a few residential homes at the corner of 42nd and Fox St. The property south of 42nd Ave is used for indoor and outdoor storage of steel material. The properties are located next to the 41st and Fox Station park-n-ride that will open with the Gold rail commuter rail line in 2016.

RTD Bus service (Route 8) along Fox St. connects from downtown and north from Globeville and Adams County. Fox Street is anticipated in Denver Moves as a potential bike route (pending further study).



Request

The property owner seeks to rezone the property for potential future redevelopment with convenient access to the 41st and Fox rail station platform.

The requested zone districts are C (Urban Center) – MX (Mixed Use) - 20 (20 Story Maximum), and C (Urban Center) – MS (Main Street) – 8 (8 Story Maximum).

Mixed Use Districts in the Denver Zoning Code are intended to promote safe, active, and pedestrian-scaled, diverse areas through the use of development forms with mixed residential and commercial uses that clearly define and activate the public street edge.

The Main Street Districts in the Denver Zoning Code are intended to provide similar benefits, while enhancing the convenience, ease and enjoyment of transit, walking, shopping and public gathering along the City's commercial streets. Further details of the zone districts can be found in Articles 7.2.2 and 7.2.4 of the Denver Zoning Code.

The applicant proposes to rezone the property out of the Billboard Use Overlay (UO-2) as part of this application (see pg 5).



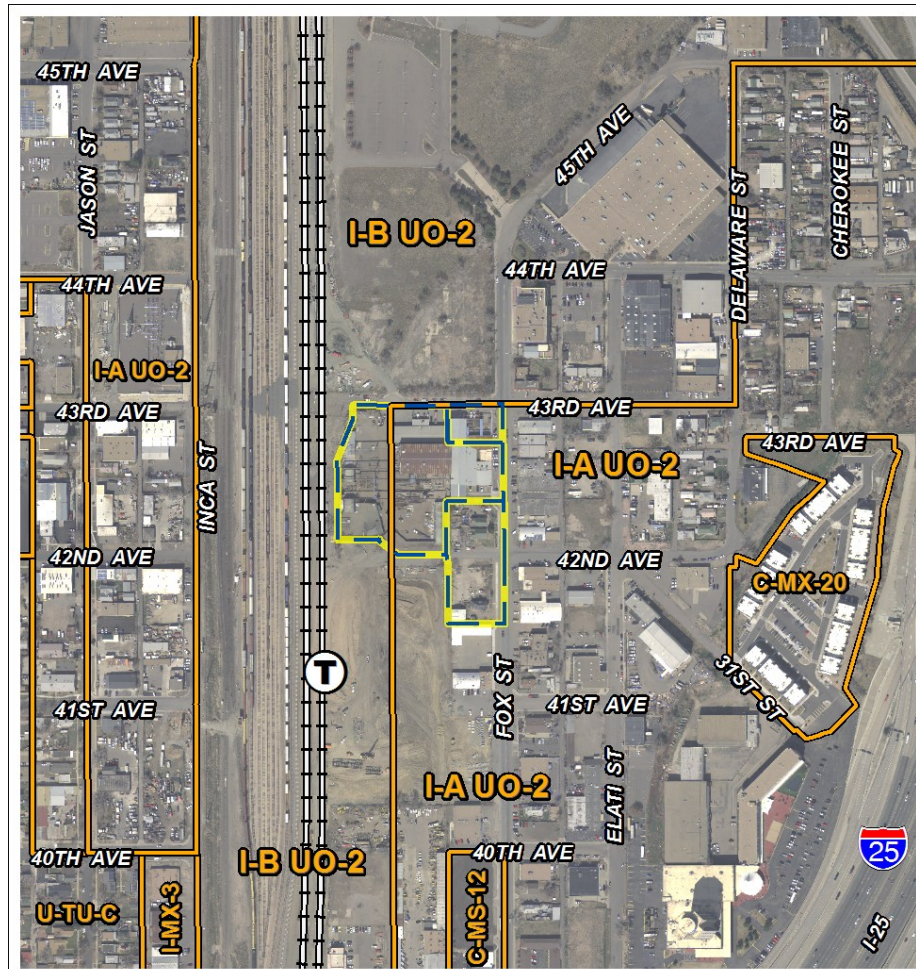
Existing Context

Located in southwest Globeville, the property lies within a predominantly industrial district that is separated from Globeville’s traditional residential area to the northeast by I-25 and I-70. Although the built environment, zoning and neighborhood context around the property is primarily industrial, recently adopted plans encourage redevelopment of the station area into an urban center along future commuter rail service.

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

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	I-B, UO-2 I-A, UO-2	Predominantly Industrial Fabrication, Warehouse & outdoor storage, Single Family Residential	1 Story	A limited orthogonal grid extends along Fox Street from 38 th Ave to 44 th Ave. The grid is limited by the rail corridor to the west, I-25 to the south and west, and by large industrial sites and I-70 to the north. The area has limited access from other neighborhoods, including 44 th Ave from the southeast portion of Globeville, 38 th Ave from the Sunnyside neighborhood (west), and Fox Street to Park Avenue that provides direct access to downtown.
North	I-B, UO-2	Vacant	former Industrial property, 0-2 stories	
South	I-B, UO-2 I-A, UO-2	Former Industrial, warehouse / outdoor storage (on 4143-4159 Fox St).	N/A - emerging park-n-ride station	
East	I-A, UO-2	Light Industrial	1 Story	
West	I-B, UO-2	Railroad right-of-way	N/A	

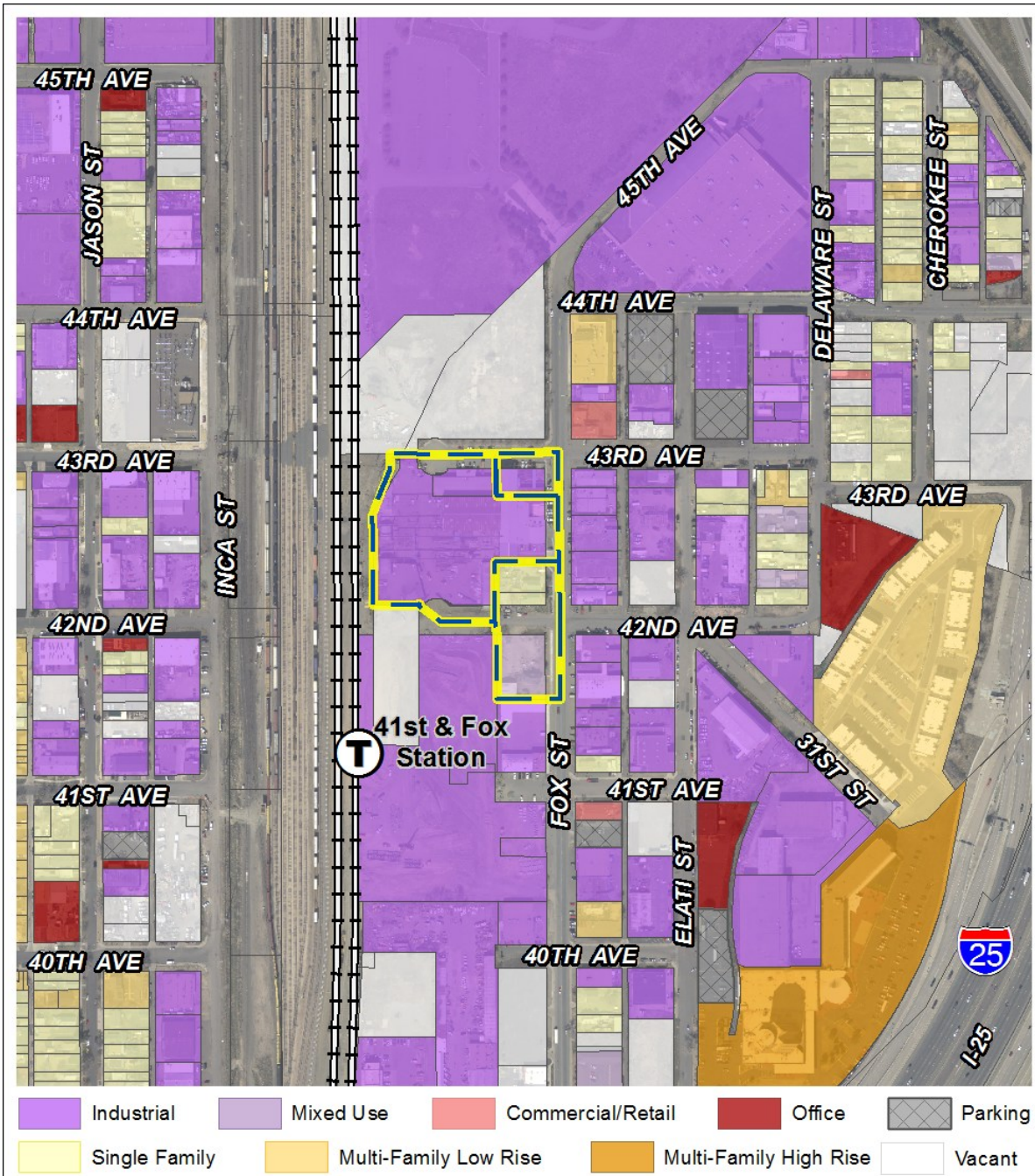
1. Existing Zoning



The current zone districts, I-B (General Industrial) and I-A (Light Industrial) are intended for employment areas containing a variety of industrial uses, with General industrial uses generally being more intensive than uses permitted in the Light Industrial Zone District. I-A is also intended for office and other business in addition to industrial uses. The overall purpose of these districts is to promote industrial development and economic activity. No new residential uses may be established in either industrial Zone District in order to promote and continue a stable employment base for the city. General and Industrial Building forms are allowed with no limit to the building height. Surface parking is allowed between a building and primary or side street, and no transparency or other pedestrian level activation is required. See DZC Section 9.1.2.1.

The UO-2 Overlay, Billboard Use Overlay District allows for the potential of a billboard as an outdoor general advertising device with the acquisition of billboard credits, subject to minimum separation and distance requirements. See DZC Section 9.4.4.7.

2. Existing Land Use Map



3. Existing Building Form and Scale



Site fronting 43rd Ave & Fox St.



Recently constructed pedestrian bridge at the 41st and Fox Station platform construction site (Source: RTD)



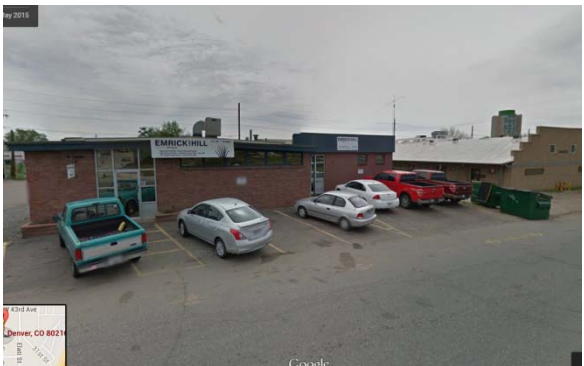
North – former Denver Post Site



West – BNSF Rail right-of-way corridor.



South - 41st & Fox Station & Park-n-Ride.



East – along Fox Street, north of 43rd Ave.

Summary of City Agency Referral Comments

As part of the DZC map amendment 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

Development Services – Project Coordination: Approved - No Comments

Denver Fire Department: No Comments to present

Development Services – Transportation: No Comments to present

Parks and Recreation: Approved - No Comments

Development Services – Wastewater: Approve Rezoning Only - Will require additional information at Site Plan Review DS Wastewater approves the subject zoning change. The applicant should note that redevelopment of this site may require additional engineering. The extent of the required design and wastewater improvements will be determined once this property begins the redevelopment process.

Public Works – City Surveyor: Approved - No Comments

Environmental Health: Approved - The Denver Department of Environmental Health (DEH) has no information regarding environmental conditions that should be considered for this rezoning request. DEH concurs with the proposed zoning change.

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 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.

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.

Denver Public Schools: Approved – with comments: Applicant will meet with DPS to discuss any possible impacts that the development would have on public schools.

Public Review Process

- CPD staff provided Informational notice of receipt of the rezoning application to affected members of City Council and registered neighborhood organizations on July 7th, 2015.
- The property was legally posted for a period of 15 days announcing the August 5th, 2015 Denver Planning Board public hearing, and written notification of the hearing has been sent to all affected registered neighborhood organizations and City Council members.
- Following Council Neighborhood and Planning Committee review on August 19th (noticed on August 4th), the committee will vote to refer the rezoning application to the full City Council for final action at a public hearing.
- **Applicant Outreach to Registered Neighborhood Organizations (RNOs)**
 - The applicant has reached out to the applicable neighborhood organizations listed on the cover page of this report.
 - No public comments have been received to date

Criteria for Review / Staff Evaluation

The criteria for review of this rezoning application are found in DZC, Sections 12.4.10.13 and 12.4.10.14, as follows:

DZC Section 12.4.10.13

1. Consistency with Adopted Plans
2. Uniformity of District Regulations and Restrictions
3. Public Health, Safety and General Welfare

DZC Section 12.4.10.14

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)
- 41st and Fox Station Area Plan (2009)
- Globeville Neighborhood Plan (2014)

Denver Comprehensive Plan 2000

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

Environmental Sustainability Strategies:

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

The Environment and Community:

- 4-A: Promote the development of sustainable communities and centers of activity where shopping, jobs, recreation and schools area accessible by multiple forms of transportation, providing opportunities for people to live where they work.

Land Use Strategies:

- 3-B: Encourage quality infill development that is consistent with the character of the surrounding neighborhood that offers opportunities for increased density and more amenities.
- 4-A: Encourage mixed-use, transit-oriented development that makes effective use of existing transportation infrastructure . . . increases transit patronage, reduces impact on the environment, and encourages vibrant urban centers and neighborhoods.
- 4-B: Ensure that land use policies and decisions support a variety of mobility choices (per Blue Print Denver land use and transportation vision, referenced below).

Our Long Term Physical Environment:

- 4-E: Continue to promote mixed-use development, which enables people to live near work, retail and services.

Legacies Strategies:

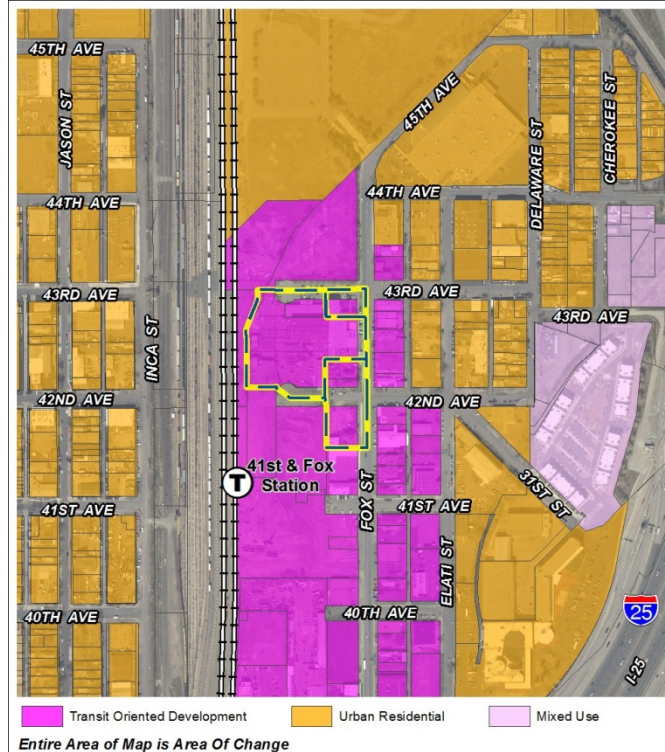
- 3-A: Identify areas in which increased density and new uses are desirable and can be accommodated.
3-B: Create regulations and incentives that encourage high-quality, mixed-use development at densities that will support Denver's diverse housing needs and public transportation alternatives.

The proposed map amendment will enable mixed-use development at an infill location where services and infrastructure are already in place and where transit oriented development investment is taking place. The C-MX-20 and C-MS-8 zone districts broaden the variety of uses and increased density appropriate for transit-oriented development infill development. The rezoning is consistent with these plan recommendations.

Blueprint Denver

According to the 2002 Plan Map adopted in Blueprint Denver, this site has a concept land use of Urban Residential and is located in an Area of Change.

Future Land Use



2002 Blueprint Denver
Future Land Use Map

Transit-oriented developments have a direct correlation to the function of a mass transit system, and may accommodate a balanced mix of land uses (residential, retail, office entertainment, public facilities, etc). Development can be compact, mid-to high-density development, within a walkable environment with features active street edges, and attractive multi-story buildings that place less emphasis on auto parking.

Area of Change / Area of Stability

The site and surrounding area is in an Area of Change. 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" (p. 127). Blueprint Denver provides additional specific guidance for the 41st and Fox station area as a Transit Oriented Development (TOD) area of change that will have a rail transit stop as a focal point surrounded by TOD (p. 137).

The rezoning application is consistent with the Blueprint Denver Area of Change recommendations. The rail station is currently under construction and will open in 2016 to provide convenient access to jobs, housing, and services along the Gold commuter rail line.

Street Classifications

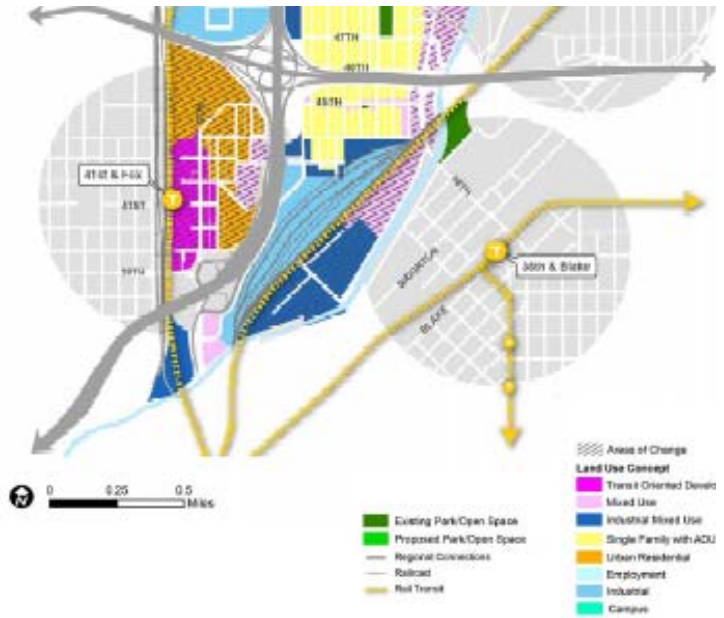
Blueprint Denver classifies 42nd and 43rd Avenue as local streets, and Fox Street as Residential Collector Street. According to Blueprint Denver, “collectors are designed to provide a greater balance between mobility and land access within residential, commercial and industrial areas (pg 51). Residential Collector streets are designed to emphasize walking, bicycling and land access over mobility. They consist of two to four travel lanes but place a higher priority on pedestrian and bicycle friendliness than on auto mobility, with initial priority given to design elements such as sidewalks, tree lawns, on-street parking, bike routes, and alleys with rear-facing garages (pg 55).”

The C-MX-20 and C-MS-8 zone districts are proposed along these streets and would allow the high-intensity mixed uses imagined for these streets in Blueprint Denver. The proposed map amendment will enable growth in an area that Blueprint Denver identifies as appropriate for change with transit-oriented-development uses along streets that promote walkable development within higher-intensity mixed use areas.

Small Area Plan: Globeville Neighborhood Plan

The Globeville Neighborhood plan was adopted by City Council in December 2014, and reinforces the land use and building height recommendations provided in the 41st and Fox Station Area plan. “The Globeville Neighborhood Plan does not update the recommendations of the 41st and Fox Station Area Plan . . .”, instead, it emphasizes the improvement of connectivity from the Globeville Residential Neighborhood Core to this area along 44th Avenue through capital investment in bike and pedestrian pathways.

Concept Land Use and Areas of Change Map (pg 33)



Maximum Recommended Building Heights (pg 36)



Small Area Plan: 41st and Fox Station Area Plan

The 41st and Fox Station Area Plan was adopted by City Council in November 2009, and applies to the subject properties. The plan concept is centered around the development of a high intensity activity node close to the station on the east side that includes a 41st Avenue plaza and a pedestrian shopping corridor along Fox Street. Applicable land use and building height recommendations in the 41st and Fox Station Area Plan include Mixed-Use Office / Residential (3-20 stories, purple color), and Pedestrian Shopping District (2-8 stories, light pink color). Fox Street is highlighted for Pedestrian Shopping District Improvements (dashed pink line), which supports and reinforces the recommended Pedestrian Shopping District land use along Fox Street.

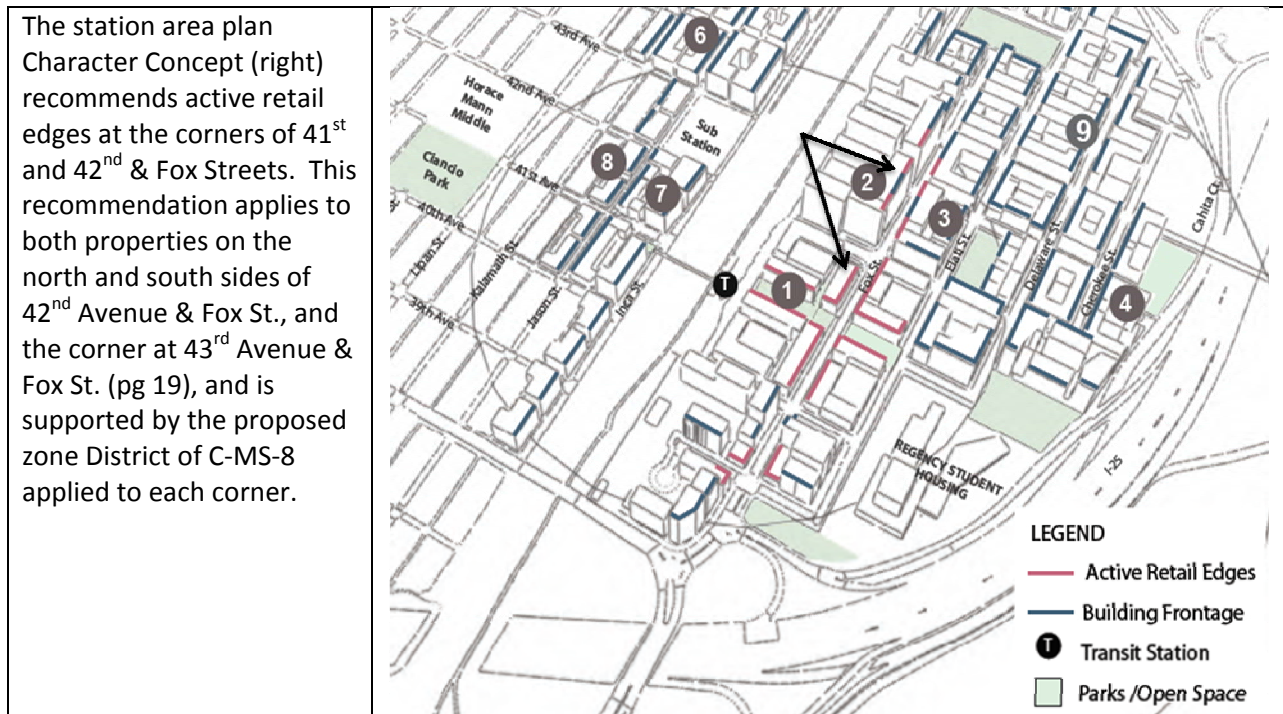


Pedestrian Shopping District (2-8 stories) is centered on the intersection of 41st Avenue and Fox Street in close proximity to the transit station. Ground floor uses include a wide variety of shopping, entertainment, and services with residential, employment or expanded commercial uses on the upper floors. Some of the ground floor uses found would include: specialty shops such as food markets, clothing boutiques and book stores; restaurants, bars and entertainment uses such as movie theaters; and stores serving the daily needs of residents such as dry cleaners, hardware stores, grocery stores, pharmacies, and similar uses. Urban design features such as continuous street frontages with sidewalk entrances, ground floor windows, awnings, pedestrian oriented signs and lighting are important to creating the necessary building forms (pg 15).

Mixed-Use Office/Residential (3-20 stories) has a sizable employment base as well as housing and may include a wide variety of uses including hotels and lodging. Intensity is higher in these areas than in the urban residential areas. Land uses are not necessarily mixed in each building but the area will include employment, services and residential uses within walking distance. The proportion of residential to commercial will vary from one development to another. Because these mixed-use developments are within the transit oriented development area, form of the buildings and pedestrian orientation are very important.

For the property located **4245 W. Fox St. and 642 W. 43rd Ave.**, the **C-MX-20** zone district adds minimum ground story activation transparency standards and build to requirements, broadens the mix of uses and allows for versatile building forms to promote safe, active, and pedestrian-scaled, diverse areas through the use of development forms that will define and activate public street edges in a transit oriented environment.

For the properties located at **4245, 4211, 4205 and 4143-4159 N. Fox St.**, the **C-MS-8** zone district is intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering along the City's commercial streets. Main Street zone districts are typically applied linearly along block faces of main street or pedestrian shopping corridor streets. In the Urban Center context, the Main Street Zone districts may also be embedded within a larger commercial shopping center or mixed-use area to promote Street Level retail activity.



2. Uniformity of District Regulations and Restrictions

The proposed rezoning to C-MX-20 & C-MS-8 to the subject properties will result in the uniform application of zone district building form, use and design regulations.

3. Public Health, Safety and General Welfare

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

4. Justifying Circumstance

The application identifies several changed or changing conditions as the Justifying Circumstance under DZC Section 12.4.10.14.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." As discussed above, many adopted plan recommendations state that redevelopment of the area is desired, and the recently adopted plan also recognized that the character of the area is changing. This is an appropriate justifying circumstance for the proposed rezoning.

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

- The commuter rail station is under construction with a projected opening date in 2016
- Other properties surrounding in the station area are pursuing rezoning for future transit oriented development.
- The 25/70 General Development Plan was approved in July 2015 by the Denver Planning Board. This GDP applies to nearby property lying north of 43rd Avenue.
- Recent Regency student housing built at 42nd Ave and Elati st., and new retail built at 39th Avenue and Fox St.

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

C-MX-20 is an Urban Center Mixed Use Zone District that is intended to promote safe, active, and pedestrian-scaled, diverse areas through the use apartment and shop-front building forms that clearly define and activate the public street edge. This district is intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city's neighborhoods. See DZC 7.2.2.1

C-MS-8, is an Urban Center Main Street Zone District that is also intended to promote safe, active and pedestrian-scaled activity, but primarily along commercial streets through the use of shopfront building forms that clearly define and activate the public street edge. The District is intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering along the city's commercial streets.

Although the neighborhood context around the 41st and Fox station today is generally industrial with current I-A, UO-2 and I-B, UO-2 zoning, the proposed zone districts of C-MX-20 and C-MS-8 will allow the station area to evolve into the intended neighborhood center as envisioned in adopted city plans, and meet the intent of this future, desired neighborhood context as a vibrant, walkable transit oriented development area.

According to the zone district intent stated in the Denver Zoning Code, the C-MX-20 district applies to areas or intersections served primarily by arterial streets where a building scale of 3 to 20 stories is desired” (DZC Section 7.2.2.2.C). C-MS-8 applies primarily to arterial street corridors where a building scale of 2 to 8 stories is desired, but may also be embedded within a larger commercial shopping center or mixedUse area.

The intersections adjacent to this site are to be served by a residential collector street, and rail service is under construction and projected to open next year. These complementary transportation facilities will support Mixed Use that is intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city’s neighborhoods, and in particular at the emerging 41st and Fox station area. The street classifications and desired building heights in this area are consistent with the zone district purpose and intent statements.

Staff Recommendation

Based on the analysis set forth above, CPD staff finds that the application for rezoning the properties located at 4245 N Fox St & 4143-4159 Fox St from I-A UO-2 & I-B UO-2 to C-MX-20 and C-MS-8 meets the requisite review criteria. Accordingly, staff recommends that Planning Board recommend *approval of this rezoning application to City Council*.

Planning Board Recommendation

Following the public hearing, the Planning Board Voted unanimously (10:0) to recommend that the Denver City Council approve the rezoning application.

Attachments

1. Application

Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name		Representative Name	
Address		Address	
City, State, Zip		City, State, Zip	
Telephone		Telephone	
Email		Email	
<p>*If More Than One Property Owner: All standard zone map amendment applications shall be initiated by all the owners of at least 51% of the total area of the zone lots subject to the rezoning application, or their representatives authorized in writing to do so. See page 3.</p>		<p>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</p>	
<p>Please attach Proof of Ownership acceptable to the Manager for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed or deed of trust, or (c) Title policy or commitment dated no earlier than 60 days prior to application date.</p>			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):			
Assessor's Parcel Numbers:			
Area in Acres or Square Feet:			
Current Zone District(s):			
PROPOSAL			
Proposed Zone District:			
Does the proposal comply with the minimum area requirements specified in DZC Sec. 12.4.10.3:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	

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

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

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

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement (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
Thomas Dufficy	4245 Fox St. Denver, CO 80216	74.8%	<i>T.D. Dufficy</i>	7/6/15	B	Yes
Thomas Dufficy	4143-4159 Fox St. Denver, CO 80216	12%	<i>T.D. Dufficy</i>	7/6/15	B	Yes

July 6, 2015

Addendum Pages to the proposed Official Zone Map Amendment Application for:
*4245 N Fox Street, 4143-4159 N Fox Street, 642 W 43rd Ave, 4211 N Fox Street &
4205 N Fox Street DENVER, CO 80216*

Property	Parcel Schedule Number	Current zoning	Proposed Zoning	Acreage	% of Total Request
4245 N Fox Street:	<i>0222311017000</i>	I-B, UO-2 & I-A	C-MX-20 & C-MS-8	3.30	74.2%
4143-4159 N Fox Street:	<i>0222321011000</i>	I-A, UO-2	C-MS-8	.53	12%
642 W 43rd Ave:	<i>0222311011000</i>	I-A, UO-2	C-MX-20	.29	6.5%
4211 N Fox Street:	<i>0222311007000</i>	I-A, UO-2	C-MS-8	.22	4.8%
4205 N Fox Street:	<i>0222311006000</i>	I-A, UO-2	C-MS-8	.11	2.4%

DUFFICY PROPERTIES INC (See Signature on Rezoning Application, page 3 of 3)

4245 Fox Street
Denver, CO 80216-2640
(4245 N Fox Street Property)

LISMEHY LLC (See Signature on Rezoning Application, page 3 of 3)

4245 Fox Street
Denver, CO 80216-2640
(4143-4159 N Fox Street Property)

DTSB PROPERTIES LLC (Outreach initiated to support application)

598 W Plump Ln
Reno, NV 89509-3630
(642 W 43rd Ave Property)

Consuelo Delatorre (Verbal support of this application)

2012 Larimer ST
Denver, CO 80205-2015
(4211 N Fox Street Property)

Salvador De La Torre Family Trust (Verbal support of this application)

2012 Larimer ST
Denver, CO 80205-2015
(4205 N Fox Street Property)

Authorized Representative for DUFFICY PROPERTIES INC & LISMEHY LLC:

Ben Gelt

861 Humboldt Street, APT C

Denver, CO 80218

720-838-8592

Ben@bengelt.com

These Addendum Pages Contain the Following Exhibits and Map Amendment Summary

Exhibit “A”: Description of Consistency with Adopted City Plans (DZC Sec. 12.4.10.7 (A, B & C))

Exhibit “B”: Description of Justifying Circumstances and Neighborhood Context (DZC 12.4.10.8)

Exhibit “C”: Legal Description of aforementioned properties

Exhibit “D”: Proof of Ownership

Exhibit “E”: Letter(s) of authorization for Ben Gelt to act as Representative.

PROPOSED MAP AMENDMENT SUMMARY:

This zoning application encompasses the following parcels of land, including:

1. 4143-4159 N Fox St., Parcel Schedule Number 0222321011000, owned by LISMEHY LLC, and
2. 4245 N Fox St., Parcel Schedule Number 0222311017000, owned by DUFFICY PROPERTIES INC, and
3. 642 W 43rd Ave, Parcel Schedule Number 0222311011000, owned by DTSB Properties LLC, and
4. 4211 N Fox Street, Parcel Schedule Number 0222311007000, owned by Consuelo Delatorre, and
5. 4205 N Fox Street, Parcel Schedule Number 0222311006000, owned by the Salvador De La Torre Family Trust.

We propose to apply the C-MX-20 zone district to the properties located at 4245 N Fox Street and 642 W 43rd Ave with the exception of lots 28-30 (see attached legal description) which we are proposing to be rezoned to C-MS-8. The zone lots located at 4143-4159 Fox Street, 4211 N Fox Street and 4205 N Fox Street are proposed to be rezoned to C-MS-8.

These proposed zone districts are in accordance with Blueprint Denver, the Globeville Neighborhood plan and the 41st and Fox station area plan. These adopted plans call for maximum structure heights of 8 to 20 stories and we are requesting zone districts within the maximum recommended building height range to give future development of the site the most options for building.

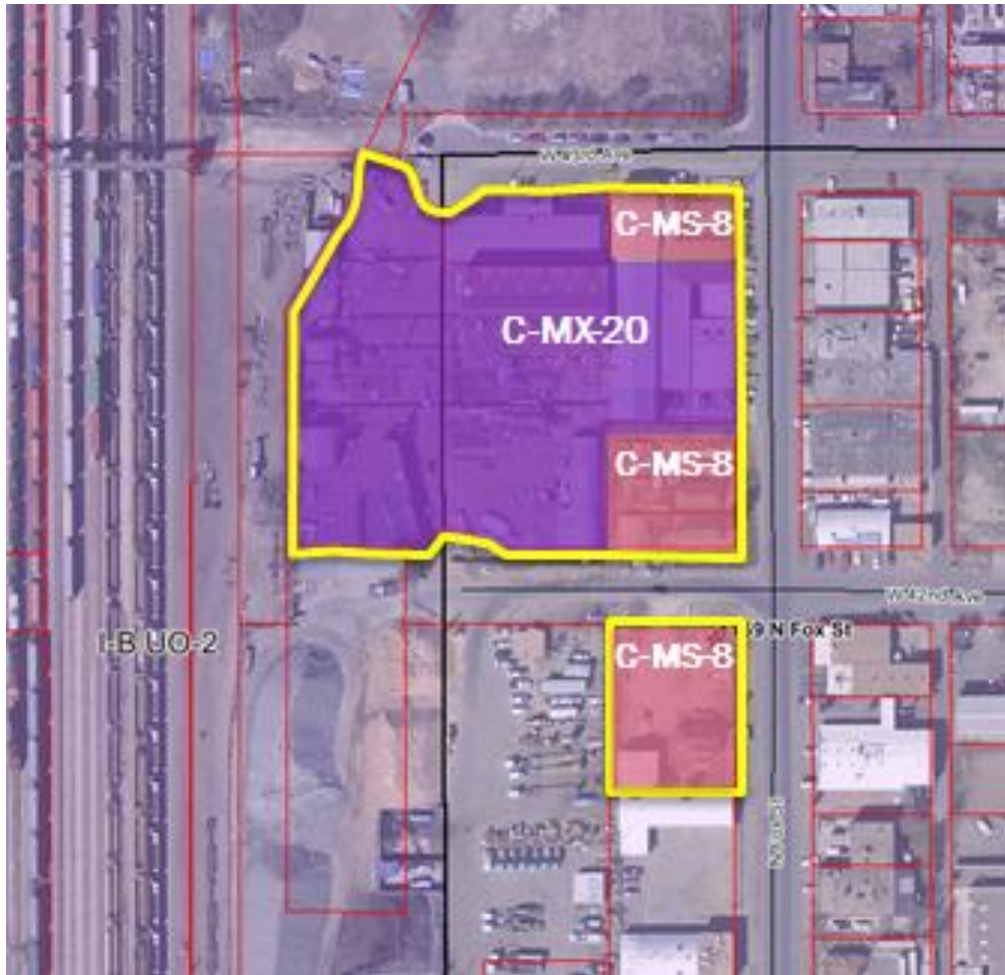


EXHIBIT A

REVIEW CRITERIA (12.4.10.7 A) – Consistency with Adopted Plans

The proposed map amendments are consistent with the following three adopted plans.

1. **Blueprint Denver**
2. **Globeville Neighborhood Plan**
3. **41st & Fox Street Station Area Plan**

4245 N Fox St, 642 W 43rd Ave and 4205 – 4211 Fox St. Denver, CO 80216:

1. Blueprint Denver

These contiguous properties are located on the Fox St. corridor within an area of change next to the developing rail station and other properties positioned for redevelopment in the Globeville neighborhood. The proposed entitlement change from I-B, UO-2, and I-A, UO-2 to C-MX-20 and C-MS-8, will provide a mix of uses that are appropriate for this urban station area setting. This zone map amendment will permit development of commercial and residential uses consistent with the Blueprint Denver map. The proposed zone change will allow for residential and commercial growth as the expansion of Gold Line commuter rail and other forms of travel increase the desire for business owners and developers to locate in the region, creating a new urban center for business and residential purposes.

2. Globeville Neighborhood Plan

The Globeville Plan was recently approved by the neighborhood and ratified by the city council. The Globeville plan calls for Main Street and Commercial Mixed Use with density surrounding the soon to be completed 41st and Fox light rail station. By creating an urban center around high use transportation depot new economic growth and activity will be pulled into an area requiring new life. The new zoning we seek will allow for quick, intelligent and reasonable growth in the area to help spur other elements of the neighborhood to grow.

3. 41st and Fox Station Area Plan

The 41st and Fox Station Area plan is the most recently approved development plan and reinforces the plans in the previously mentioned plans (Blueprint Denver and Globeville Neighborhood plan). This plan is particularly important to the property because of its proximity to the future station. By allowing for high-density commercial and residential developments the area will become a central hub for economic activity that will stretch throughout the residual areas. By increasing availability for pedestrian 8 story malls and 20 stories for residential or other office commercial uses, we are creating more room for new businesses to thrive and new generations of families to setup homestead and continue to grow the region. The plan calls for this area to be a urban mall region and allowing for this plot to maintain the main street zoning will enable future tenants to develop on that platform.

4143-4159 N Fox Street, Denver CO 80216

1. Blueprint Denver

The property is located on the Fox St. corridor within an area of change and developing properties in the Globeville neighborhood. The proposed entitlement change to C-MS-8 will provide a mix of uses that are appropriate for such an urban setting. This map amendment will permit development of commercial and residential uses consistent with the Blueprint Denver plan. The changes made in zoning from I-A, UO-2 to C-MS-8 are reflected in the Blueprint Denver plan and reinforced by subsequent plans. By changing this zoning the neighborhood surrounding the 4143-4159 N Fox Street property will allow for growth in the residential and commercial areas. The proposed zone change will increase the desire for business owners and developers to locate in the region, creating a new urban center for business and residential purposes.

2. Globeville Neighborhood Plan

The Globeville Plan was recently approved by the neighborhood and ratified by the city council. The Globeville plan calls for Main Street and Commercial Mixed Use with density surrounding the soon to be completed 41st and Fox light rail station. By creating an urban center around high use transportation depot new economic growth and activity will be pulled into an area requiring new life. The new zoning we seek will allow for quick, intelligent and reasonable growth in the area to help spur other elements of the neighborhood to grow.

The 41st and Fox Station Area plan is the most recently approved development plan and reinforces the plans in the previously mentioned plans (Blueprint Denver and Globeville Neighborhood plan). This plan is particularly important to the property because of its proximity to the future station. By allowing for high-density commercial and residential developments the area will become a central hub for economic activity that will stretch throughout the residual

areas. By increasing availability for pedestrian malls and up to 8 stories of mixed uses, we are creating more room for new businesses to thrive and new generations of families to setup homestead and continue to grow the region.

By changing the zoning from I-A, UO-2 to C-MS-8 we are opening the doors for future development around a central transit hub. The plan calls for pedestrian malls and high-density residential areas, and these changes satisfy those requests.

3. 41st and Fox Station Area Plan

The 41st and Fox Station Area plan is the most recently approved development plan and reinforces the plans in the previously mentioned plans (Blueprint Denver and Globeville Neighborhood plan). This plan is particularly important to the property because of its proximity to the future station. By allowing for high-density commercial and residential developments the area will become a central hub for economic activity that will stretch throughout the residual areas. By increasing availability for pedestrian malls and 8 stories mixed uses, we are creating more room for new businesses to thrive and new generations of families to setup homestead and continue to grow the region. The plan calls for this area to be a urban mall region and allowing for this plot to maintain the main street zoning will enable future tenants to develop on that platform.

Exhibit “B”: Description of Justifying Circumstances and Neighborhood Context (DZC 12.4.10.8)

4245 N Fox St, 642 W 43rd Ave and 4205 – 4211 Fox St. Denver, CO 80216:

“The land or its surroundings has changed or is changing to such a degree that rezoning that it is in the public interest to encourage a redevelopment of the area to recognize the changed character of the area” Of significance is the soon to be completed Fox St. Station. This station, the first to the North of Denver Union Station is directly connected to and adjacent to the subject properties. The Fox St. Station is part of the Regional Transportation District’s Gold Line commuter rail project, which will open in 2016. The proximity of the subject property to the location the station is strong justification for a change of zone district to permit appropriate mixed-use development at an urban density. Further, the city’s new zoning code and recent mixed-use developments in the area provide even further context for the zoning change as Globeville continues to transform.

Changing Conditions to the land and its surroundings include the following:

1. Adopted plans for the station area including the 41st and Fox Station Area plan (2009) and the Globeville Neighborhood Plan (2014)
2. The commuter rail station is under construction with a projected opening date in 2016
3. Other properties surrounding in the station area are pursuing rezoning for future transit oriented development.

Consistency with Applicable Neighborhood Context, and Zone District Purpose and Intent

C-MX-20 is an Urban Center Mixed Use Zone District that is intended to promote safe, active, and pedestrian-scaled, diverse areas through the use apartment and shop-front building forms that clearly define and activate the public street edge. This district is intended to enhance the

convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city's neighborhoods. **See DZC 7.2.2.1 for MX, and 7.2.4.1 for MS**, below: C-MS-8 is a Main Street Zone District intended to promote safe, active, and pedestrian-scaled commercial streets through the use of shopfront and row house building forms that clearly define and activate the public street edge. 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. Main Street Zone Districts are typically applied linearly along entire block faces of commercial, main, mixed-use and residential arterial or collector streets

Although neighborhood context today is generally industrial (current I-A and I-B zoning), these proposed zone districts will allow the station area to evolve into its intended neighborhood character as described in adopted plans. The C-MX-20 and C-MS-8 zone districts meet the intent of the future, desired neighborhood context as a vibrant, walkable and compact mixed use transit oriented development area.

4143-4159 N Fox Street, Denver CO 80216

“The land or its surroundings has changed or is changing to such a degree that rezoning that it is in the public interest to encourage a redevelopment of the area to recognize the changed character of the area” Of significance is the soon to be completed Fox St. Station. This station, the first to the North of Denver Union Station is directly connected to and adjacent to the subject properties. The Fox St. Station is part of the Regional Transportation District's Gold Line commuter rail project which will open in 2016. The proximity of the subject property to the location the station is strong justification for a change of zone district to permit appropriate mixed-use development at an urban density. Further, the city's new zoning code and recent mixed-use developments in the area provide even further context for the zoning change as Globeville continues to transform.

3.

Changing Conditions to the land and its surroundings include the following:

Adopted plans for the station area including the 41st and Fox Station Area plan (2009) and the Globeville Neighborhood Plan (2014)

The commuter rail station is under construction with a projected opening date in 2016
Other properties surrounding in the station area are pursuing rezoning for future transit oriented development.

Consistency with Applicable Neighborhood Context, and Zone District Purpose and Intent

C-MS-8 is a Main Street Zone District intended to promote safe, active, and pedestrian-scaled commercial streets through the use of shopfront and row house building forms that clearly define and activate the public street edge. 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. 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. In the Urban Center Neighborhood Context, the Main Street Zone Districts should be applied where active Street Level retail is desired, and may also be embedded within a larger commercial shopping center or mixed-use area to promote Street Level retail activity. **See DZC 7.2.4.1**

The C-MS-8 zone districts meet the intent of the future, desired neighborhood context as a vibrant, walkable and compact mixed use transit oriented development area.

LAND DESCRIPTION FOR ZONING (4245 FOX STREET & 642 W. 43RD AVENUE):

A PARCEL OF LAND LOCATED IN THE SOUTHWEST 1/4 OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEING A PART OF BLOCK 11 AND 12, VIADUCT ADDITION TO THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, TOGETHER WITH CERTAIN PORTIONS OF ADJACENT VACATED ALLEY AND VACATED GALAPAGO STREET AND VACATED WEST 43RD AVENUE, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID BLOCK 12, ALSO BEING THE SOUTHWEST CORNER OF LOT 16 SAID BLOCK 12; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID BLOCK 12, A DISTANCE OF 135.0 FEET TO A POINT 10 FEET EASTERLY OF THE SOUTHEAST CORNER OF SAID BLOCK 12, BEING ON THE VACATED GALAPAGO STREET PER ORDINANCE NO. 357, SERIES OF 1970; THENCE EASTERLY ALONG A CURVE CONVEX TO THE NORTH HAVING A RADIUS OF 50 FEET TO A POINT ON WEST LINE OF LOT 15, BLOCK 11, SAID POINT BEING 10 FEET NORTHERLY FROM THE SOUTHWEST CORNER OF SAID BLOCK 11; AS RECORDED AT RECEPTION NUMBER 1970083833; THENCE SOUTHEASTERLY TO POINT ON SOUTH LINE OF SAID LOT 15 AND 10 FEET EASTERLY OF SOUTHWEST CORNER OF SAID LOT 15; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID LOT 15, A DISTANCE OF 115.0 FEET TO THE SOUTHEAST CORNER OF SAID LOT 15; THENCE NORTHERLY ALONG THE EAST LINE OF LOT 15 THROUGH 10, INCLUSIVE OF SAID LOTS, A DISTANCE OF 132.5 FEET TO A POINT ON THE EASTERLY LINE OF SAID LOT 10, WHICH IS 17.5 FEET SOUTHERLY OF THE NORTHEAST CORNER OF SAID LOT 10; THENCE EASTERLY 16.0 FEET TO THE SOUTHWEST CORNER OF THE NORTH 17.5 FEET OF LOT 21 OF SAID BLOCK 11; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID NORTH 17.5 FEET OF LOT 21, A DISTANCE OF 125.0 FEET TO THE SOUTHEAST CORNER OF SAID NORTH 17.5 FEET OF SAID LOT 21; THENCE NORTHERLY ALONG THE EAST LINE OF SAID BLOCK 11, A DISTANCE OF 167.5 FEET TO THE SOUTHEAST CORNER OF LOT 28 OF SAID BLOCK 11; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID LOT 28, A DISTANCE OF 131.0 FEET TO THE CENTERLINE OF VACATED ALLEY PER ORDINANCE NO. 52, SERIES OF 1949; THENCE NORTHERLY ALONG SAID CENTERLINE, AND EASTERLY LINE OF LOT 3 THROUGH 1, INCLUSIVE OF SAID BLOCK 11, A DISTANCE OF 75.0 FEET TO A POINT ON THE NORTH LINE OF SAID BLOCK 11, BEING THE SOUTHERLY RIGHT-OF-WAY LINE OF W. 43RD AVE.; THENCE WESTERLY ALONG SAID NORTHERLY LINE OF SAID BLOCK 11 TO THE NORTHWEST CORNER OF SAID BLOCK 11; THENCE SOUTHERLY ALONG THE WEST LINE OF SAID BLOCK 11, TO A POINT 4.66 FEET SOUTHERLY FROM THE NORTHWEST CORNER OF SAID BLOCK 11, VIADUCT ADDITION AS VACATED GALAPAGO STREET PER ORDINANCE NO. 357, SERIES OF 1970; THENCE SOUTHWESTERLY ON THE ARC OF A CURVE CONVEX TO THE SOUTH HAVING A RADIUS OF 50 FEET TO A POINT ON EASTERLY EXTENSION OF THE NORTHERLY BOUNDARY LINE OF BLOCK 12; THENCE WESTERLY ALONG SAID EASTERLY EXTENSION, A DISTANCE OF 7.58 FEET TO THE NORTHEAST CORNER OF SAID BLOCK 12; THENCE NORTHERLY A DISTANCE OF 12.40 FEET ON THE EAST LINE OF VACATED WEST 43RD AVE. PER ORDINANCE NO. 30, SERIES OF 1943; THENCE NORTHERLY ON THE ARC OF A CIRCLE CONVEX TO NORTH HAVING A RADIUS OF 50 FEET AND CENTER LOCATED 46 FEET EAST OF AND 32 FEET NORTH OF SAID NORTHEAST CORNER OF BLOCK 12 TO POINT 3.36 FEET WEST OF NORTHERLY EXTENSION OF THE EASTERLY BOUNDARY LINE OF SAID BLOCK 12 PER A DEED RECORDED IN BOOK 219 AT PAGE 463; SAID POINT BEING THE CENTERLINE OF THE VACATED WEST 43RD AVE; THENCE WESTERLY ALONG SAID VACATED WEST 43RD AVE, A DISTANCE OF 71.6 FEET TO A POINT 40 FEET NORTHERLY AND 50 FEET WESTERLY OF THE NORTHWEST CORNER OF SAID BLOCK 12; THENCE SOUTHERLY 40 FEET TO A POINT ON THE NORTH LINE OF SAID BLOCK 12; THENCE SOUTHWESTERLY **134.63'** FEET MORE OR LESS TO THE **NORTHWEST CORNER** OF LOT 25 OF SAID BLOCK 12, VIADUCT ADDITION; THENCE SOUTHERLY ALONG THE WESTERLY LINE OF LOTS 25 THROUGH 16 INCLUSIVE, SAID BLOCK 12 TO THE **POINT OF BEGINNING**.

LAND DESCRIPTION FOR ZONING (4205 FOX STREET & 4211 FOX STREET):

A PARCEL OF LAND LOCATED IN THE SOUTHWEST 1/4 OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEING A PART OF BLOCK 11, VIADUCT ADDITION TO THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 16, 17, 18, 19 AND THE SOUTH ½ OF LOT 20, BLOCK 11, VIADUCT ADDITION TO DENVER, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

LAND DESCRIPTION FOR ZONING (SOUTHWEST CORNER OF 43RD AVE & FOX STREET):

A PARCEL OF LAND LOCATED IN THE SOUTHWEST 1/4 OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEING A PART OF BLOCK 11, VIADUCT ADDITION TO THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 28, 29 AND 30, BLOCK 11, VIADUCT ADDITION TO DENVER, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

LAND DESCRIPTION FOR ZONING (4143 FOX STREET & 4159 FOX STREET):

A PARCEL OF LAND LOCATED IN THE SOUTHWEST 1/4 OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEING A PART OF BLOCK 22, VIADUCT ADDITION TO THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 24, 25, 26, **27**, 28, 29 AND 30, BLOCK 22, VIADUCT ADDITION TO DENVER, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

SCHEDULE 1

to
 WARRANTY DEED FROM ADAM A. LAMBERTH AND DONALD C. WITHERCOT
 to DUFFICY PROPERTIES, INC.
 (Legal Description)

A PART OF BLOCKS 11 AND 12, VIADUCT ADDITION TO THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, TOGETHER WITH CERTAIN PORTIONS OF ADJACENT VACATED ALLEY AND VACATED GALAPAGO STREET AND VACATED WEST 43RD AVENUE, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID BLOCK 12, 100.0 FEET TO THE SOUTHWEST CORNER OF THE WEST LINE OF SAID BLOCK 12, 100.0 FEET TO THE SOUTHWEST CORNER OF LOT 21, BLOCK 12; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID LOT 21, 165.0 FEET TO THE CENTERLINE OF SAID VACATED GALAPAGO STREET; THENCE SOUTHERLY ALONG SAID CENTERLINE, 131.01 FEET TO THE NORTH RIGHT-OF-WAY LINE OF WEST 42ND AVENUE AND TO A POINT ON A CURVE, THE RADII POINT OF SAID CURVE BEING LOCATED 50.0 FEET EASTERLY AND 30.0 FEET SOUTHERLY OF THE SOUTHEAST CORNER OF SAID BLOCK 12; THENCE ON THE AFORESAID CURVE TO THE RIGHT HAVING A RADIUS OF 50.0 FEET, A CENTRAL ANGLE OF 64 DEGREES 40', 56.43 FEET TO A POINT ON THE SOUTH LINE OF SAID BLOCK 11, SAID POINT BEING 10.0 FEET EASTERLY OF THE SOUTHWEST CORNER OF SAID LOT 15; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID LOT 15, 119.0 FEET TO THE SOUTHWEST CORNER OF SAID LOT 15; THENCE NORTHERLY ALONG THE EAST LINE OF LOT 15 THROUGH 10, INCLUSIVE OF SAID BLOCK 11, 132.8 FEET TO A POINT ON THE EAST LINE OF SAID LOT 10, WHICH IS 17.5 FEET SOUTHERLY OF THE NORTHEAST CORNER OF SAID LOT 10; THENCE EASTERLY 16.0 FEET TO THE SOUTHWEST CORNER OF THE NORTH 17.5 FEET OF SAID BLOCK 11; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID NORTH 17.5 FEET OF LOT 21, 125.0 FEET TO THE SOUTHEAST CORNER OF SAID NORTH 17.5 FEET OF LOT 21; THENCE NORTHERLY ALONG THE EAST LINE OF SAID BLOCK 11, 282.5 FEET TO THE NORTHEAST CORNER OF SAID BLOCK 11; THENCE WESTERLY ALONG THE NORTH LINE OF SAID BLOCK 11, 133.0 FEET TO THE CENTERLINE OF SAID VACATED ALLEY IN BLOCK 12; THENCE SOUTHERLY ALONG SAID CENTERLINE, 75.0 FEET TO THE EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 3, SAID BLOCK 11; THENCE WESTERLY ALONG SAID EASTERLY EXTENSION AND ALONG THE SOUTH LINE OF SAID LOT 3 AND ALONG THE WESTERLY EXTENSION THEREOF, 173.0 FEET TO THE CENTERLINE OF SAID VACATED GALAPAGO STREET; THENCE NORTHERLY ALONG SAID CENTERLINE, 57.36 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF WEST 43RD AVENUE AND TO A POINT ON A CURVE, THE RADIUS POINT OF SAID CURVE BEING LOCATED 46.0 FEET EASTERLY AND 32.0 FEET NORTHERLY OF THE NORTHEAST CORNER OF SAID BLOCK 12; THENCE ON THE AFORESAID CURVE TO THE RIGHT HAVING A RADIUS OF 50.0 FEET, A CENTRAL ANGLE OF 92 DEGREES 19', 80.96 FEET TO A POINT ON THE CENTERLINE OF SAID VACATED WEST 43RD AVENUE; THENCE WESTERLY ALONG SAID VACATED WEST 43RD AVENUE 71.64 FEET TO A POINT 40.0 FEET NORTHERLY AND 50.0 FEET EASTERLY OF THE NORTHWEST CORNER OF SAID BLOCK 12; THENCE SOUTHERLY 40.0 FEET TO A POINT ON THE NORTH LINE OF SAID BLOCK 12; SAID POINT BEING 50.0 FEET EASTERLY FROM THE NORTHWEST CORNER OF SAID BLOCK 12; THENCE SOUTHWESTERLY 134.63 FEET, MORE OR LESS, TO THE POINT OF BEGINNING; TOGETHER WITH A PARCEL OF LAND DESCRIBED AS LOTS 16 THROUGH 21, BLOCK 12, VIADUCT ADDITION TO DENVER, CITY OF DENVER, STATE OF COLORADO, AND PARTS OF VACATED GALAPAGO STREET LYING EAST AND ADJACENT TO SAID LOTS 16 THROUGH 21 ACCORDING TO ORDINANCE NO. 357, SERIES OF 1970, MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE SOUTHWEST CORNER OF LOT 16, SAID BLOCK 12, THENCE NORTHERLY ALONG THE WEST LINE OF SAID BLOCK 12, 150.0 FEET TO THE NORTHWEST CORNER OF LOT 21, SAID BLOCK 12, THENCE EASTERLY ALONG THE NORTH LINE AND ITS EASTERLY EXTENSION OF SAID LOT 21, 165.0 FEET TO THE CENTERLINE OF VACATED GALAPAGO STREET, THENCE SOUTHERLY ALONG SAID CENTERLINE 131 FEET, MORE OR LESS, TO THE NORTH LINE OF THAT PART OF WEST 42ND AVENUE VACATED BY ORDINANCE NO. 357, SERIES OF 1970, THENCE SOUTHWESTERLY ALONG SAID NORTH LINE OF VACATED WEST 42ND AVENUE ON A CURVE TO THE LEFT HAVING A RADIUS OF 50 FEET, TO A POINT ON THE EASTERLY EXTENSION OF THE SOUTH LINE OF SAID BLOCK 12, SAID POINT BEING 10 FEET EASTERLY OF THE SOUTHEAST CORNER OF SAID BLOCK 12, THENCE WESTERLY ALONG SAID EASTERLY EXTENSION OF THE SOUTH LINE OF SAID BLOCK 12, 135.0 FEET TO THE POINT OF BEGINNING. CITY AND COUNTY OF DENVER, STATE OF COLORADO.

WARRANTY DEED

THIS DEED, Made this November 30, 2010 between
Ricky R. Dewitt and Gerald L. DeWitt
of the City and County of Denver, State of Colorado, grantor and
Lismehy, LLC, A Colorado Limited Liability Company
whose legal address is: 4143-4159 Fox Street, Denver, CO 80216
of the City and County of Denver, State of Colorado, grantee(s).

DF
43.00

WITNESSETH, That the grantor for and in consideration of the sum of FOUR HUNDRED THIRTY THOUSAND AND 00/100 DOLLARS (\$430,000.00), the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the grantee, his heirs and assigns forever, all the real property together with improvements, if any, situate, lying and being in the City and County of Denver, and State of COLORADO, described as follows:

Lots 24, 25, 26, 27, 28, 29 and 30,
Block 22,
Viaduct Addition,
City and County of Denver,
State of Colorado

Together with that portion of appurtenant adjacent alley in Block 22, Viaduct Addition vacated under Ordinance No. 400, Council Bill No. 431, Series of 1978 recorded August 07, 1978 at Reception No. 7800095664 in Book 1720 Page 367 City and County of Denver records.

also known by street and number as 4143-4159 Fox Street, Denver, CO 80216

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

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

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.


Ricky R. Dewitt

Gerald L. DeWitt

STATE OF COLORADO
COUNTY OF Denver

}SS:

The foregoing instrument was acknowledged before me this November 30, 2010, by Ricky R. Dewitt and Gerald L. DeWitt

Witness my Hand and Official Seal
My Commission expires




Notary Public

WD/PHOTO



20122
File No. 00022422
Warranty Deed (For Photographic Record)



Denver Property Assessment and Taxation System (3.2.3)

[New Search](#)

4245 FOX ST

Owner	Schedule Number	Legal Description	Property Type	Tax District
DUFFICY PROPERTIES INC 4245 FOX ST DENVER , CO 80216- 2640	0222311017000 PIN 163710428	VIADUCT ADD B11 & 12 DIF RCP#0052666 RCD 05/13/92 EXC PT COM SE COR L16 TH W 9.83FT TPOB TH N76.5921E 12.43FT CV/L 3.62FT W 9.83FT	INDUSTRIAL - FACTORY	DENV

[Summary](#)
[Assessment](#)
[Assessment Protest](#)
[Taxes](#)
[Comparables](#)
[Neighborhood Sales](#)
[Chain of Title](#)

Property Summary

Property Map

Assessment

Actual Value Year: 2015

Actual Value: \$1,774,500

[More](#)

Property

Year Built: 1961

Square Footage: 36006

[More](#)

Comparables

Schedule Number / Parcel Id	Address	Sale Month/Year	Sales Price	PIN
No comparables available for this property.				

[More](#)



Facebook



Twitter



YouTube



Flickr



Newsfeed



Open Data Catalog

Stay Informed

- ▶ Connect with Denver
- ▶ Emergency Alerts
- ▶ News & Subscriptions
- ▶ Mayor's Blog
- ▶ More

Apps & Tools

- ▶ Connect Denver App
- ▶ 311 Help App
- ▶ Recreation App
- ▶ Property App
- ▶ More

Services

- ▶ Online Services
- ▶ Neighborhood Services
- ▶ Business Services
- ▶ Government Services
- ▶ More

Get Help

311 | FOR INFORMATION & CITY SERVICES



Colorado
Secretary of State
Wayne W. Williams



About Wayne | Español

Search

For this Record...

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

Business Home
Business Information
Business Search

FAQs, Glossary and Information

Summary

Details			
Name	Lismehy LLC		
Status	Good Standing	Formation date	11/22/2010
ID number	20101637207	Form	Limited Liability Company
Periodic report month	February	Jurisdiction	Colorado
		Term of duration	Perpetual
Principal office street address	4245 Fox Street, Denver, CO 80216, Colorado, United States		
Principal office mailing address	n/a		

Registered Agent	
Name	Kevin M. Dufficy
Street address	2637 S. Depew Place, Lakewood, CO 80227, United States
Mailing address	n/a

[Filing history and documents](#)

[Get a certificate of good standing](#)

[File a form](#)

[Set up secure business filing](#)

[Subscribe to email notification](#)

[Unsubscribe from email notification](#)

Back

[Terms and Conditions](#)

EXHIBIT D

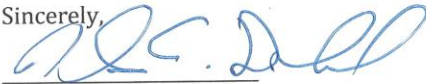
(Scanned documents)

June 25, 2015

To whom it may concern:

Ben Gelt and his associate have authorization, as our representative, to act on
ownerships behalf regarding a zoning change to the property owned by Dufficey
Properties INC (4245 N Fox Street, Denver CO 80216)

Sincerely,



Kevin Dufficey

Timothy Dufficey

June 25, 2015

To whom it may concern:

Ben Gelt and his associate have authorization, as our representative, to act on
ownerships behalf regarding a zoning change to the property owned by LISMEHY
LLC (4143-4159 N Fox Street, Denver CO 80216)

Sincerely,







