

## 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	KRF Arkansas, LLC	Representative Name	Stacey Weaks
Address	1509 York Street, Ste. 201	Address	1101 Bannock Street
City, State, Zip	Denver, CO 80206	City, State, Zip	Denver, CO 80204
Telephone	303-500-0944	Telephone	303-892-1166
Email	jb@kentrogroup.com	Email	sweaks@norris-design.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):	4380 E. Louisiana Avenue, 4040 E. Louisiana Avenue, and 1380 S. Birch Street (collectively referred to as 4201 E. Arkansas Avenue)		
Assessor's Parcel Numbers:	0619214003000, 0619215018000, 0619213025000		
Area in Acres or Square Feet:	approximately 13.26 acres		
Current Zone District(s):	CMP-EI2 and S-MX-5 UO-1, UO-2 (northwest portion)		
PROPOSAL			
Proposed Zone District:	Refer to Proposed Zone Districts Map (attachment). S-MX-8 (UO-2); S-MX-8; S-MX-5; S-MX-3; and S-MU-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>	<p><input checked="" type="checkbox"/> Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan.</p> <p>Please provide an attachment describing relevant adopted plans and how proposed map amendment is consistent with those plan recommendations; or, describe how the map amendment is necessary to provide for an unanticipated community need.</p> <p><input checked="" type="checkbox"/> Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.</p> <p><input checked="" type="checkbox"/> Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</p>
<p>Additional Review Criteria for Non-Legislative Rezoning: The proposal must comply with both of the additional review criteria DZC Sec. 12.4.10.8</p>	<p><b>Justifying Circumstances - One of the following circumstances exists:</b></p> <p><input type="checkbox"/> The existing zoning of the land was the result of an error.</p> <p><input type="checkbox"/> The existing zoning of the land was based on a mistake of fact.</p> <p><input type="checkbox"/> The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage.</p> <p><input checked="" type="checkbox"/> The land or its surroundings has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area to recognize the changed character of the area.</p> <p><input type="checkbox"/> It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (Overlay Zone Districts), of this Code.</p> <p>Please provide an attachment describing the justifying circumstance.</p> <p><input checked="" type="checkbox"/> The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.</p> <p>Please provide an attachment describing how the above criterion is met.</p>

## REQUIRED ATTACHMENTS

Please ensure the following required attachments are submitted with this application:

<input checked="" type="checkbox"/>	Legal Description (required to be attached in Microsoft Word document format)
<input checked="" type="checkbox"/>	Proof of Ownership Document(s)
<input checked="" type="checkbox"/>	Review Criteria

## ADDITIONAL ATTACHMENTS

Please identify any additional attachments provided with this application:

<input checked="" type="checkbox"/>	Written Authorization to Represent Property Owner(s)
<input checked="" type="checkbox"/>	Individual Authorization to Sign on Behalf of a Corporate Entity

Please list any additional attachments:

**Proposed Zone Districts Map**

PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION/PETITION						
<p>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.</p>						
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)
<b>EXAMPLE</b> John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/01/12	(A)	YES
Dimitrios Balafas	1509 York Street Suite 201 Denver, CO 80206	100%	<i>Dimitrios Balafas</i>	05/14/18	(C)	YES



# COLORADO

## Department of Transportation

Office of the Chief Engineer

4201 East Arkansas Ave, Suite 262  
Denver, CO 80222

April 17, 2018

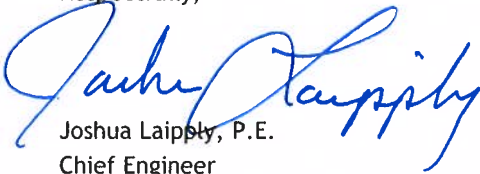
City and County of Denver  
201 W. Colfax Ave., Dept. 205  
Denver, CO 80202  
[rezoning@denvergov.org](mailto:rezoning@denvergov.org)

Re: Zone Map Amendment (Rezoning) for the property located at 4201 E. Arkansas Avenue, Denver 80222 - Application; Application Attachment - Property Owner Authorization for Kentro Group to serve as Applicant

To Whom It May Concern;

The STATE OF COLORADO, by and through its Department of Transportation as the owner of the property located at 4201 E. Arkansas Avenue, Denver, Colorado, (the "Property") authorizes Dimitrios Balafas, Co-Founder/Managing Partner of Kentro Group, to apply for a Zone Map Amendment (Rezoning) for the Property.

Respectfully,



Joshua Laipply, P.E.  
Chief Engineer



KRF Arkansas, LLC

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May 9, 2018

City and County of Denver  
201 W. Colfax Ave., Dept. 205  
Denver, CO 80202  
[rezoning@denvergov.org](mailto:rezoning@denvergov.org)

Re: Zone Map Amendment (Rezoning) – Application; Application Attachment – Represent KRF Arkansas LLC.

I, Dimitrios Balafas, Manager of KRF Arkansas LLC, authorize Norris Design and CRL Associates as representatives to my interest in the Zone Map Amendment (Rezoning) process for the property at 4201 E. Arkansas Avenue.

Dated: 5/9/2018

By:

  
\_\_\_\_\_  
Dimitrios Balafas  
Manager of KRF Arkansas LLC





**For this Record...**

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

- Business Home
- Business Information
- Business Search

- FAQs, Glossary and Information

## Summary

Details			
<b>Name</b>	Kentro Real Estate Fund I, LLC		
<b>Status</b>	Good Standing	<b>Formation date</b>	02/10/2009
<b>ID number</b>	20091088997	<b>Form</b>	Limited Liability Company
<b>Periodic report month</b>	February	<b>Jurisdiction</b>	Colorado
<b>Principal office street address</b>	1509 York Street, Suite 201, Denver, CO 80206, United States		
<b>Principal office mailing address</b>	n/a		

Registered Agent	
<b>Name</b>	George J Balafas
<b>Street address</b>	1509 York Street, Suite 201, Denver, CO 80206, United States
<b>Mailing address</b>	1509 York Street, Suite 201, Denver, CO 80206, United States

- [Filing history and documents](#)
- [Trade names](#)
- [Get a certificate of good standing](#)
- [Get certified copies of documents](#)
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City and County of Denver  
 TREASURY DIVISION  
 PO BOX 17120 201 W COLLEAS AVE DENVER CO  
 DENVER CO 80217-0120  
 TEL: (303) 913-9500


# CERTIFICATE OF TAXES DUE

THIS IS TO CERTIFY THAT ON THIS DATE THERE WERE THE FOLLOWING TAXES DUE AGAINST THE PROPERTY DESCRIBED HEREIN

PROPERTY ADDRESS <b>4380 E LOUISIANA AVE</b>	PARCEL ID <b>06192-14-003-000</b>	DATE <b>03 01 18</b>
LEGAL DESCRIPTION <b>BLKS 1 2 &amp; 3 KIBLER ADD &amp; VAC ALLEYS ADJ &amp; ALL VAC BELLAIRE ST ADJ &amp; ALL VAC ASH ST ADJ &amp; E 1/2 VAC ALBION ST ADJ</b>	RECEIPT NUMBER <b>111422</b>	JOB # <b>AB70572924</b>
<p>NOTE: Interest on taxes is computed on a monthly basis. Please request up to date figures if you do not pay by the end of the current month. This certificate does not include special assessments which may be due, but which on the above date have not been certified to this office for collection.</p> <p>Information regarding special taxing districts and the boundaries of such districts may be on file or deposit with the County Clerk and Recorder or the County Assessor.</p>	Issued To: <b>COLORADO COUNTY RECORD SYSTEMS          PO BOX 12102          DENVER CO 80212</b>	
	For Office Use Only  <b>2017-006</b>	

TAXES DUE	CURRENT TAX DISTRIBUTION		
	MILL LEVY	TAX AMOUNT	DESCRIPTION
Current Year Tax Roll	<b>38.594</b>	<b>0.00</b>	<b>SCHOOL GENERAL FUND</b>
	<b>9.650</b>	<b>0.00</b>	<b>SCHOOL BOND FUND</b>
	<b>2.526</b>	<b>0.00</b>	<b>CAPITAL MAINTENANCE</b>
	<b>3.380</b>	<b>0.00</b>	<b>SOCIAL SERVICES *</b>
TAX.....\$.....	<b>8.433</b>	<b>0.00</b>	<b>CITY BOND FUND *</b>
FEES.....\$.....	<b>1.413</b>	<b>0.00</b>	<b>POLICE PENSION *</b>
INTEREST.....\$.....	<b>1.185</b>	<b>0.00</b>	<b>FIRE PENSION *</b>
SERVICE LIENS.....\$	<b>0.557</b>	<b>0.00</b>	<b>URBAN DRAINAGE/FLOOD CONTROL *</b>
MAINTENANCE DISTRICT.....\$	<b>0.442</b>	<b>0.00</b>	<b>AFFORDABLE HOUSING *</b>
Delinquent Years	<b>1.010</b>	<b>0.00</b>	<b>DEVELOPMENTALLY DISABLED</b>
	<b>9.944</b>	<b>0.00</b>	<b>GENERAL FUND, DENVER *</b>
TAX.....\$.....	<b>77.134</b>	<b>0.00</b>	<b>TOTAL</b>
FEES.....\$.....			
INTEREST.....\$.....			
SERVICE LIENS.....\$.....			
MAINTENANCE DISTRICT.....\$			
Unredeemed Liens \$		<b>0.00</b>	
Service Liens (SVC) \$		<b>0.00</b>	
Local Imp (LI)			
PAYOFF BALANCE.....\$.....		<b>0.00</b>	

TOTAL AMOUNT DUE ..... \$ ..... **0.00**

  
 MANAGER OF FINANCE EX OFFICIO TREASURER  
 PREPARED BY \_\_\_\_\_ CHECKED BY \_\_\_\_\_



City and County of Denver  
 TREASURY DIVISION  
 PO BOX 17131, 30 W COIT FAX AVE, DENVER CO  
 DENVER CO 80217-0131  
 TEL 720-911-9940

# CERTIFICATE OF TAXES DUE

THIS IS TO CERTIFY THAT ON THIS DATE THERE WERE THE FOLLOWING TAXES DUE AGAINST THE PROPERTY DESCRIBED HEREIN.

PROPERTY ADDRESS <b>4040 E LOUISIANA AVE</b>	PARCEL ID <b>06192-15-018-000</b>	DATE <b>03 01 18</b>
LEGAL DESCRIPTION <b>L 39 TO 48 INC &amp; W/2 VAC ALBION ST ADJ &amp; E 31FT L 1 TO 10 INC &amp; ALL VAC ALLEY ADJ SD LOTS BLK 4 KIBLER ADD</b>	RECEIPT NUMBER <b>111423</b>	JOB # <b>AB70572924</b>
	Issued To: <b>COLORADO COUNTY RECORD SYSTEMS PO BOX 12102 DENVER CO 80212</b>	
NOTE: Interest on taxes is computed on a monthly basis. Please request up to date figures if you do not pay by the end of the current month. This certificate does not include special assessments which may be due, but which on the above date have not been certified to this office for collection.  Information regarding special taxing districts and the boundaries of such districts may be on file or deposit with the County Clerk and Recorder or the County Assessor.	For Office Use Only	
	<b>2017-006</b>	

TAXES DUE		CURRENT TAX DISTRIBUTION		
		MILL LEVY	TAX AMOUNT	DESCRIPTION
<b>Current Year Tax Roll</b>				
TAX.....\$.....	0.00	38.594	0.00	SCHOOL GENERAL FUND
FEES.....\$.....	0.00	9.650	0.00	SCHOOL BOND FUND
INTEREST.....\$.....	0.00	2.526	0.00	CAPITAL MAINTENANCE
SERVICE LIENS.....\$	0.00	3.380	0.00	SOCIAL SERVICES *
MAINTENANCE DISTRICT.....\$	0.00	8.433	0.00	CITY BOND FUND *
		1.413	0.00	POLICE PENSION *
		1.185	0.00	FIRE PENSION *
		0.557	0.00	URBAN DRAINAGE/FLOOD CONTROL *
		0.442	0.00	AFFORDABLE HOUSING *
		1.010	0.00	DEVELOPMENTALLY DISABLED
		9.944	0.00	GENERAL FUND, DENVER *
		77.134	0.00	TOTAL
<b>Delinquent Years</b>				
TAX.....\$.....	0.00			
FEES.....\$.....	0.00			
INTEREST.....\$.....	0.00			
SERVICE LIENS.....\$..	0.00			
MAINTENANCE DISTRICT..... \$	0.00			
<b>Unredeemed Liens</b> \$ 0.00				
<b>Service Liens (SVC)</b> \$ 0.00				
<b>Local Imp (LI)</b>				
PAYOFF BALANCE.....\$..	0.00			
<b>TOTAL AMOUNT DUE..... \$ 0.00</b>				

  
 MANAGER OF FINANCE, EX-OFFICIO TREASURER

PREPARED BY \_\_\_\_\_ CHECKED BY \_\_\_\_\_

City and County of Denver  
 TREASURY DIVISION  
 PO BOX 17420, 201 W. COLFAX AVE. DEPT. 800  
 DENVER CO 80217 0120  
 TEL (720) 913 9500

# CERTIFICATE OF TAXES DUE

THIS IS TO CERTIFY THAT ON THIS DATE THERE WERE THE FOLLOWING TAXES DUE AGAINST THE PROPERTY DESCRIBED HEREIN.

PROPERTY ADDRESS <b>1380 S BIRCH ST UNIT MISC</b>	PARCEL ID <b>06192-13-025-000</b>	DATE <b>03 01 18</b>
LEGAL DESCRIPTION <b>GARWOOD SUB L10 TO 12</b>	RECEIPT NUMBER <b>111424</b>	JOB # <b>AB70572924</b>
<p>NOTE: Interest on taxes is computed on a monthly basis. Please request up to date figures if you do not pay by the end of the current month. This certificate does not include special assessments which may be due, but which on the above date have not been certified to this office for collection.</p> <p>Information regarding special taxing districts and the boundaries of such districts may be on file or deposit with the County Clerk and Recorder or the County Assessor.</p>	Issued To: <b>COLORADO COUNTY RECORD SYSTEMS          PO BOX 12102          DENVER CO 80212</b>	
	For Office Use Only  <b>2017-005</b>	

TAXES DUE		CURRENT TAX DISTRIBUTION		
		MI L LEVY	TAX AMOUNT	DESCRIPTION
<b>Current Year Tax Roll</b>				
TAX.....\$.....	0.00	38.594	0.00	SCHOOL GENERAL FUND
FEE.....\$.....	0.00	9.650	0.00	SCHOOL BOND FUND
INTEREST.....\$.....	0.00	2.526	0.00	CAPITAL MAINTENANCE
SERVICE LIENS.....\$.....	0.00	3.380	0.00	SOCIAL SERVICES *
MAINTENANCE DISTRICT.....\$.....	0.00	8.433	0.00	CITY BOND FUND *
		1.413	0.00	POLICE PENSION *
		1.185	0.00	FIRE PENSION *
		0.557	0.00	URBAN DRAINAGE/FLOOD CONTROL *
		0.442	0.00	AFFORDABLE HOUSING *
		1.010	0.00	DEVELOPMENTALLY DISABLED
		9.944	0.00	GENERAL FUND, DENVER *
		77.134	0.00	TOTAL
<b>Delinquent Years</b>				
TAX.....\$.....	0.00			
FEE.....\$.....	0.00			
INTEREST.....\$.....	0.00			
SERVICE LIENS.....\$.....	0.00			
MAINTENANCE DISTRICT.....\$.....	0.00			
<b>Unredeemed Liens</b>				
	\$ 0.00			
<b>Service Liens (SVC)</b>				
	\$ 0.00			
<b>Local Imp (LI)</b>				
PAYOFF BALANCE.....\$.....	0.00			

TOTAL AMOUNT DUE..... \$ 0.00

  
 MANAGER OF FINANCE, EX OFFICIO TREASURER

PREPARED BY 0303 83 11 15



## Land Title Guarantee Company Customer Distribution



**PREVENT FRAUD - Please remember to call a member of our closing team when initiating a wire transfer or providing wiring instructions.**

Order Number: **ABD70572924-1**

Date: **03/02/2018**

Property Address: **4380 LOUISIANA AVE AND 4040 LOUISIANA AVE, DENVER, CO 80246; 1380 S BIRCH ST, DENVER, CO 80222**

### PLEASE CONTACT YOUR CLOSER OR CLOSER'S ASSISTANT FOR WIRE TRANSFER INSTRUCTIONS

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#### For Closing Assistance

Tom Blake  
3033 EAST FIRST AVENUE, SUITE  
600  
DENVER, CO 80206  
(303) 331-6237 (Work)  
(303) 393-4959 (Work Fax)  
[tblake@ltgc.com](mailto:tblake@ltgc.com)  
Company License: CO44565

#### Closer's Assistant

Pete Jurgs  
3033 EAST FIRST AVENUE, SUITE  
600  
DENVER, CO 80206  
(303) 331-6238 (Work)  
(303) 393-4883 (Work Fax)  
[pjurgs@ltgc.com](mailto:pjurgs@ltgc.com)  
Company License: CO44565

#### For Title Assistance

David Knapp  
5975 GREENWOOD PLAZA BLVD  
GREENWOOD VILLAGE, CO 80111  
(303) 850-4174 (Work)  
[dknapp@ltgc.com](mailto:dknapp@ltgc.com)

KENTRO GROUP  
Attention: JIMMY BALAFAS  
1509 YORK ST #201  
DENVER, CO 80206  
(303) 500-0946 (Work)  
(720) 320-5585 (Home)  
(303) 500-0948 (Work Fax)  
[jb@kentrogroup.com](mailto:jb@kentrogroup.com)  
Delivered via: Electronic Mail

COLORADO DEPARTMENT OF TRANSPORTATION  
Attention: DAVID FOX  
15285 S GOLDEN RD, BLDG 47  
GOLDEN, CO 80401  
(303) 512-5550 (Work Fax)  
Delivered via: Electronic Mail

STATE OF COLORADO, DEPARTMENT OF  
TRANSPORTATION  
Delivered via: Delivered by Realtor

FOX ROTHSCHILD LLP  
Attention: JANET E. PERLSTEIN, ESQ.  
1225 17TH ST #2200  
DENVER, CO 80202  
(303) 383-7623 (Work)  
(303) 292-1300 (Work Fax)  
[jperlstein@foxrothschild.com](mailto:jperlstein@foxrothschild.com)  
Delivered via: Electronic Mail

MCLIN COMMERCIAL  
Attention: DENNIS MCLIN  
DENVER, CO  
(720) 480-9347 (Work)  
[dennis@mclincommercial.com](mailto:dennis@mclincommercial.com)  
Delivered via: Electronic Mail

FOSTER GRAHAM MILSTEIN & CALISHER LLP  
Attention: JERRI L. JENKINS, ESQ.  
360 S GARFIELD ST, #600  
DENVER, CO 80209  
(303) 333-9810 (Work)  
(303) 333-9786 (Work Fax)  
[jjenkins@fostergraham.com](mailto:jjenkins@fostergraham.com)  
Delivered via: Electronic Mail

A LENDER TO BE DETERMINED

LAND TITLE GUARANTEE COMPANY  
Attention: SHERRI GOLDSTEIN  
3033 EAST FIRST AVENUE, SUITE 600  
DENVER, CO 80206  
(303) 321-1880 (Work)  
(303) 322-7603 (Work Fax)  
sgoldstein@ltgc.com  
Delivered via: Electronic Mail



**Land Title Guarantee Company**  
**Estimate of Title Fees**

Order Number: **ABD70572924-1**

Date: **03/02/2018**

Property Address: **4380 LOUISIANA AVE AND 4040 LOUISIANA AVE, DENVER, CO 80246; 1380 S BIRCH ST, DENVER, CO 80222**

Parties: **KRF ARKANSAS LLC, A COLORADO LIMITED LIABILITY COMPANY**

**THE STATE HIGHWAY COMMISSION OF COLORADO FOR THE USE AND BENEFIT OF THE DEPARTMENT OF HIGHWAYS AS TO PARCEL A; AND STATE OF COLORADO FOR THE USE AND BENEFIT OF THE STATE DEPARTMENT OF HIGHWAYS AS TO PARCEL B; AND STATE DEPARTMENT OF HIGHWAYS, DIVISION OF HIGHWAYS, STATE OF COLORADO AS TO PARCEL C**

Visit Land Title's Website at [www.ltgc.com](http://www.ltgc.com) for directions to any of our offices.

<b>Estimate of Title insurance Fees</b>	
"ALTA" Owner's Policy 06-17-06 Builder/Developer Rate	\$11,092.00
"ALTA" Loan Policy 06-17-06 Concurrent Loan Rate	TBD
Tax Certificate	\$78.00
Additional Parcel X2	\$300.00
	<b>Total TBD</b>
If Land Title Guarantee Company will be closing this transaction, the fees listed above will be collected at closing.	
<b>Thank you for your order!</b>	

**Chain of Title Documents:**

[Arapahoe county recorded 05/26/1953 at book 806 page 386](#)

[Denver county recorded 05/10/1970 at book 1661 page 346](#)

[Denver county recorded 09/10/1970 at book 222 page 568](#)

[Denver county recorded 09/10/1970 at book 222 page 569](#)

[Denver county recorded 09/10/1970 at book 222 page 570](#)

**Plat Map(s):**

[Denver county recorded 08/23/1954 at book 9 page 26X](#)

[Denver county recorded 11/15/1950 at book 9 page 60X](#)

**ALTA COMMITMENT**  
**Chicago Title Insurance Company**  
**Schedule A**

**Order Number: ABD70572924-1**

**Property Address:**

4380 LOUISIANA AVE AND 4040 LOUISIANA AVE, DENVER, CO 80246; 1380 S BIRCH ST, DENVER, CO 80222

**1. Effective Date:**

02/23/2018 at 5:00 P.M.

**2. Policy to be Issued and Proposed Insured:**

"ALTA" Owner's Policy 06-17-06 Builder/Developer Rate \$14,000,000.00  
Proposed Insured:  
KRF ARKANSAS LLC, A COLORADO LIMITED LIABILITY  
COMPANY

"ALTA" Loan Policy 06-17-06 Concurrent Loan Rate TBD  
Proposed Insured:  
A LENDER TO BE DETERMINED

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

A Fee Simple

**4. Title to the estate or interest covered herein is at the effective date hereof vested in:**

THE STATE HIGHWAY COMMISSION OF COLORADO FOR THE USE AND BENEFIT OF THE DEPARTMENT OF HIGHWAYS AS TO PARCEL A; AND STATE OF COLORADO FOR THE USE AND BENEFIT OF THE STATE DEPARTMENT OF HIGHWAYS AS TO PARCEL B; AND STATE DEPARTMENT OF HIGHWAYS, DIVISION OF HIGHWAYS, STATE OF COLORADO AS TO PARCEL C

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

PARCEL A:

ALL OF BLOCKS 1,2 AND 3, KIBLER ADDITION, INCLUDING THE VACATED ALLEYS THEREIN, BEING MORE PARTICULARLY DESCRIBED IN THE WARRANTY DEED RECORDED MAY 26, 1953 AT RECEPTION NO. [501164](#) IN BOOK 806 AT PAGE [386](#) (ARAPAHOE COUNTY RECORDS) ATTACHED HERETO AND MADE A PART HEREOF.

EXCEPTING THEREFROM:

THE NORTH 37 FEET OF LOTS 6 AND 15 AND THE SOUTH 23 FEET OF LOTS 5 AND 16 EXCEPTING THE WEST 88 FEET OF SAID LOTS 5 AND 6 INCLUDING THE VACATED ALLEY THEREIN OF SAID BLOCK 1 KIBLER ADDITION, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A TRACT OR PARCEL OF LAND NO. PROPERTY HQ-1 OF THE DEPARTMENT OF TRANSPORTATION, STATE OF COLORADO PROJECT NO. P6CO-022, IN THE NW 1/4 SECTION 19, TOWNSHIP 4S, RANGE 67W, OF THE 6TH PRINCIPAL MERIDIAN, IN THE CITY AND COUNTY OF DENVER, COLORADO, SAID TRACT OR PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND 1" BRASS DISC P.L.S#24313 AT THE NORTHEAST CORNER OF LOT 20 SAID BLOCK 1;

1. THENCE S. 00°24'46" E. COINCIDENT WITH THE EAST LINE OF SAID BLOCK 1, A DISTANCE OF 277.36

**ALTA COMMITMENT**  
**Chicago Title Insurance Company**  
**Schedule A**

Order Number: ABD70572924-1

FEET;

2. THENCE S. 89°27'17" W., A DISTANCE OF 148.00 FEET;
3. THENCE S. 00°24'46" E., A DISTANCE OF 60.00 FEET;
4. THENCE N, 89°27'17" E., A DISTANCE OF 148.00 FEET TO A POINT ON THE EAST LINE OF SAID BLOCK 1;
5. THENCE S. 00°24'46" E. COINCIDENT WITH THE EAST LINE OF SAID BLOCK 1, A DISTANCE OF 263.36 FEET TO A FOUND 1" BRASS DISC P.L.S.#37890 AT THE SOUTHEAST CORNER OF LOT 11 SAID BLOCK 1;
6. THENCE S. 89°27'17" W. COINCIDENT WITH THE SOUTH LINE OF SAID BLOCKS 1,2 AND 3, A DISTANCE OF 858.00 FEET TO A POINT ON THE WEST LINE OF THE EAST 1/2 OF VACATED SOUTH ALBION STREET;
7. THENCE N. 00°24'46" W. COINCIDENT WITH SAID WEST LINE, A DISTANCE OF 600.72 FEET;
8. THENCE N. 89°27'17" E. COINCIDENT WITH THE NORTH LINE OF SAID BLOCKS 1,2 AND 3, A DISTANCE OF 858.00 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

BASIS OF BEARINGS: ALL BEARINGS ARE BASED ON A LINE BETWEEN A FOUND BRASS DISC P.L.S.#24313 AT THE NORTHEAST CORNER OF SAID LOT 20 AND A FOUND BRASS DISC P.L.S.#37890 AT THE SOUTHEAST CORNER OF SAID LOT 11 WHICH BEARS S.0°24'46"E. A DISTANCE OF 600.72 FEET.

FOR AND ON BEHALF OF THE COLORADO DEPARTMENT OF TRANSPORTATION  
STEVEN W. HAGEMANN  
PLS REG. NUMBER 23884  
DENVER, CO. 80222

PARCEL B:

THE EAST 31.00 FEET OF LOTS 1 TO 10 AND ALL OF LOTS 39 TO 48, BLOCK 4, KIBLER ADDITION, AND THE VACATED ALLEY BETWEEN SAID LOTS 1 TO 10 AND 39 TO 48, AND THE WEST 1/2 OF VACATED SOUTH ALBION STREET ADJOINING SAID LOTS 39 TO 48, CITY AND COUNTY OF DENVER, STATE OF COLORADO. (PER BOOK 1550 PAGE 337 ), SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A TRACT OR PARCEL OF LAND NO, PROPERTY HQ-2 OF THE DEPARTMENT OF TRANSPORTATION, STATE OF COLORADO PROJECT NO. P6C0-022 IN THE NW 1/4 SECTION 19, TOWNSHIP 4S, RANGE 67W, OF THE 6TH PRINCIPAL MERIDIAN, IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, SAID TRACT OR PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND 1" BRASS DISC P.L.S.#35585 ON THE NORTH LINE OF LOT 1 SAID POINT ALSO BEING ON THE WEST LINE OF THE EAST 31 FEET OF SAID LOTS 1 TO 10 BLOCK 4;

1. THENCE N. 89°27'17" E. COINCIDENT WITH THE NORTH LINE OF SAID BLOCK 4, A DISTANCE OF 202.00 FEET TO A POINT ON THE WEST LINE OF THE EAST 1/2 OF THE VACATED S. ALBION STREET;
2. THENCE S. 00°24'46" E. COINCIDENT WITH SAID WEST LINE, A DISTANCE OF 250.22 FEET TO A FOUND #5 REBAR AND 2 1/2" ALUMINUM CAP P.L.S.#35585;



**ALTA COMMITMENT**

**Chicago Title Insurance Company**

**Schedule A**

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3. THENCE S. 89°27'17" W. COINCIDENT WITH THE SOUTH LINE OF LOTS 39 AND 10 SAID BLOCK 4, A DISTANCE OF 202.00 FEET TO A POINT ON SAID WEST LINE OF THE EAST 31 FEET OF LOTS 1 TO 10 BLOCK 4;

4. THENCE N. 00°24'46" W. COINCIDENT WITH SAID WEST LINE, A DISTANCE OF 250.22 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

BASIS OF BEARINGS: ALL BEARINGS ARE BASED ON A LINE BETWEEN A FOUND 1" BRASS DISC P.L.S.#35585 ON THE NORTH LINE OF LOT 1 BLOCK 4 KIBLER ADDITION AND A FOUND L' BRASS DISC P.L.S.#24313 AT THE NORTHEAST CORNER OF LOT 20 BLOCK I SAID KIBLER ADDITION WHICH BEARS N..89°17"E. A DISTANCE OF 1060.00 FEET.

FOR AND ON BEHALF OF THE COLORADO DEPARTMENT OF TRANSPORTATION  
STEVEN W. HAGEMANN  
PLS REG. NUMBER 23884  
DENVER, CO. 80222

**PARCEL C:**

ALL OF LOTS 10, 11 AND 12 GARWOOD SUBDIVISION RECORDED AS RECEPTION #446849 IN THE RECORDS OF THE CITY AND COUNTY OF DENVER, STATE OF COLORADO. SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A TRACT OR PARCEL OF LAND NO. PROPERTY HQ-4 OF THE DEPARTMENT OF TRANSPORTATION, STATE OF COLORADO PROJECT NO. P6C0-022, IN THE NW 1/4 OF SECTION 19, TOWNSHIP 4S, RANGE 67W, OF THE 6TH PRINCIPAL MERIDIAN, IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, SAID TRACT OR PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 12 WHENCE A FOUND AXLE IN A RANGE BOX AT THE INTERSECTION OF 20 FOOT RANGE LINES AT THE INTERSECTION OF CLERMONT STREET AND ARKANSAS AVENUE BEARS S. 82°08'21"E. A DISTANCE OF 143.61 FEET;

1. THENCE S. 89°51'20" W, COINCIDENT WITH THE SOUTH LINE OF SAID LOT 12, A DISTANCE OF 137.23 FEET;

2. THENCE ON THE ARC OF A CURVE TO THE RIGHT, A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 89°59'33", A DISTANCE OF 23.56 FEET, (A CHORD BEARING N. 45°08'53" W., A DISTANCE OF 21.21 FEET) TO A POINT ON THE WEST LINE OF SAID LOT 12;

3. THENCE N. 00°10'23" W. COINCIDENT WITH THE WEST LINE OF SAID LOTS 12 AND 10, A DISTANCE OF 115.13 FEET TO THE NORTHWEST CORNER OF SAID LOT 10;

4. THENCE N. 89°51'07" E. COINCIDENT WITH THE NORTH LINE OF SAID LOTS 10 AND 11, A DISTANCE OF 152.23 FEET TO THE NORTHEAST CORNER OF SAID LOT 11;

5. THENCE S. 00°10'23" E. COINCIDENT WITH THE EAST LINE OF SAID LOTS 11 AND 12, A DISTANCE OF 130.14 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

BASIS OF BEARINGS: ALL BEARINGS ARE BASED ON A LINE BETWEEN A FOUND AXLE IN A RANGE BOX AT THE INTERSECTION OF 20 FOOT RANGE LINES OF SAID CLERMONT STREET AND ARKANSAS AVENUE AND A FOUND AXLE IN A RANGE BOX AT THE INTERSECTION OF A 20 FOOT AND A 10 FOOT RANGE LINE OF ARKANSAS AVENUE AND S. BIRCH STREET WHICH BEARS S. 89°51'20" W. A DISTANCE

**ALTA COMMITMENT**  
**Chicago Title Insurance Company**  
**Schedule A**

Order Number: ABD70572924-1

OF 304.43 FEET.

FOR AND ON BEHALF OF THE COLORADO DEPARTMENT OF TRANSPORTATION  
STEVEN W. HAGEMANN  
PLS REG. NUMBER 23884  
DENVER, CO. 80222

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**ALTA COMMITMENT**  
**Chicago Title Insurance Company**  
**Schedule B, Part I**  
**(Requirements)**

Order Number: ABD70572924-1

All of the following Requirements must be met:

**This proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.**

**Pay the agreed amount for the estate or interest to be insured.**

**Pay the premiums, fees, and charges for the Policy to the Company.**

**Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.**

1. A FULL COPY OF THE FULLY EXECUTED OPERATING AGREEMENT AND ANY AND ALL AMENDMENTS THERETO FOR KRF ARKANSAS LLC, A COLORADO LIMITED LIABILITY COMPANY MUST BE FURNISHED TO LAND TITLE GUARANTEE COMPANY. SAID AGREEMENT MUST DISCLOSE WHO MAY CONVEY, ACQUIRE, ENCUMBER, LEASE OR OTHERWISE DEAL WITH INTERESTS IN REAL PROPERTY FOR SAID ENTITY.

NOTE: ADDITIONAL REQUIREMENTS MAY BE NECESSARY UPON REVIEW OF THIS DOCUMENTATION.

2. DULY EXECUTED AND ACKNOWLEDGED STATEMENT OF AUTHORITY SETTING FORTH THE NAME OF KRF ARKANSAS LLC, A COLORADO LIMITED LIABILITY COMPANY AS A LIMITED LIABILITY COMPANY. THE STATEMENT OF AUTHORITY MUST STATE UNDER WHICH LAWS THE ENTITY WAS CREATED, THE MAILING ADDRESS OF THE ENTITY, AND THE NAME AND POSITION OF THE PERSON(S) AUTHORIZED TO EXECUTE INSTRUMENTS CONVEYING, ENCUMBERING, OR OTHERWISE AFFECTING TITLE TO REAL PROPERTY ON BEHALF OF THE ENTITY AND OTHERWISE COMPLYING WITH THE PROVISIONS OF SECTION 38-30-172, CRS.

NOTE: THE STATEMENT OF AUTHORITY MUST BE RECORDED WITH THE CLERK AND RECORDER.

3. WARRANTY DEED FROM THE STATE HIGHWAY COMMISSION OF COLORADO FOR THE USE AND BENEFIT OF THE DEPARTMENT OF HIGHWAYS AS TO PARCEL A; AND STATE OF COLORADO FOR THE USE AND BENEFIT OF THE STATE DEPARTMENT OF HIGHWAYS AS TO PARCEL B; AND STATE DEPARTMENT OF HIGHWAYS, DIVISION OF HIGHWAYS, STATE OF COLORADO AS TO PARCEL C TO KRF ARKANSAS LLC, A COLORADO LIMITED LIABILITY COMPANY CONVEYING SUBJECT PROPERTY.
4. DEED OF TRUST FROM KRF ARKANSAS LLC, A COLORADO LIMITED LIABILITY COMPANY TO THE PUBLIC TRUSTEE OF DENVER COUNTY FOR THE USE OF A LENDER TO BE DETERMINED TO SECURE THE SUM OF .

NOTE: ITEM 5 OF THE GENERAL EXCEPTIONS WILL BE DELETED IF LAND TITLE GUARANTEE COMPANY CONDUCTS THE CLOSING OF THE CONTEMPLATED TRANSACTION(S) AND RECORDS THE DOCUMENTS IN CONNECTION THEREWITH.

NOTE: UPON PROOF OF PAYMENT OF 2017 TAXES, ITEM 6 WILL BE AMENDED TO READ:

TAXES AND ASSESSMENTS FOR THE YEAR 2018, AND SUBSEQUENT YEARS, NOT YET DUE OR PAYABLE.

**ALTA COMMITMENT**  
**Chicago Title Insurance Company**  
**Schedule B, Part II**  
**(Exceptions)**

Order Number: ABD70572924-1

This commitment does not republish any covenants, condition, restriction, or limitation contained in any document referred to in this commitment to the extent that the specific covenant, conditions, restriction, or limitation violates state or federal law based on race, color, religion, sex, sexual orientation, gender identity, handicap, familial status, or national origin.

1. Any facts, rights, interests, or claims thereof, not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
2. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
5. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date of the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.
6. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
7. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water.
8. EXISTING LEASES AND TENANCIES, IF ANY.  
  
(AFFECTS ALL PARCELS)
9. ORDER VACATING CERTAIN STREETS AND ALLEYS RECORDED MAY 26, 1953 IN BOOK 806 AT PAGE [385](#). (ARAPAHOE COUNTY RECORDS)
10. RESERVATION OF EASEMENTS AND RIGHTS OF WAY UNDER, ON AND ALONG THE VACATED STREETS AND ALLEYS FOR CONTINUED MAINTENANCE, REPAIR, REPLACEMENT AND USE OF EXISTING UTILITIES AS SET FORTH IN ORDER RECORDED MAY 26, 1953 IN BOOK 806 AT PAGE [385](#). (ARAPAHOE COUNTY RECORDS)
11. EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF KIBLER ADDITION RECORDED AUGUST 23, 1954 IN BOOK 9 AT PAGE [26X](#).

(EXCEPTIONS 9 THROUGH 11 APPLY TO PARCEL A AND B)

**ALTA COMMITMENT**  
**Chicago Title Insurance Company**  
**Schedule B, Part II**  
**(Exceptions)**

**Order Number:** ABD70572924-1

12. ANY TAX, LIEN, FEE, OR ASSESSMENT BY REASON OF INCLUSION OF SUBJECT PROPERTY IN THE CHERRY CREEK GARDENS WATER AND SANITATION DISTRICT, AS EVIDENCED BY INSTRUMENT RECORDED JULY 23, 1954, UNDER RECEPTION NO. [532463](#) (ARAPAHOE COUNTY RECORDS).

(AFFECTS PARCEL C)

13. EASEMENT GRANTED TO PUBLIC SERVICE COMPANY OF COLORADO, FOR UTILITIES, AND INCIDENTAL PURPOSES, BY INSTRUMENT RECORDED MARCH 16, 1955, IN BOOK 7641 AT PAGE [244](#).

(AFFECTS PARCEL A)

## DISCLOSURE STATEMENT

Pursuant to Section 38-35-125 of Colorado Revised Statutes and Colorado Division of Insurance Regulation 8-1-2 (Section 5), if the parties to the subject transaction request us to provide escrow-settlement and disbursement services to facilitate the closing of the transaction, then all funds submitted for disbursement must be available for immediate withdrawal.

- Colorado Division of Insurance Regulation 8-1-2, Section 5, Paragraph H, requires that "Every title insurance company shall be responsible to the proposed insured(s) subject to the terms and conditions of the title insurance commitment, other than the effective date of the title insurance commitment, for all matters which appear of record prior to the time of recording whenever the title insurance company, or its agent, conducts the closing and settlement service that is in conjunction with its issuance of an owners policy of title insurance and is responsible for the recording and filing of legal documents resulting from the transaction which was closed". Provided that Land Title Guarantee Company conducts the closing of the insured transaction and is responsible for recording the legal documents from the transaction, exception No. 5 in Schedule B-2 will not appear in the Owner's Title Policy and Lender's Title Policy when issued.

- Colorado Division of Insurance Regulation 8-1-2, Paragraph M of Section 5, requires that prospective insured(s) of a single family residence be notified in writing that the standard exception from coverage for unfiled Mechanics or Materialmans Liens may or may not be deleted upon the satisfaction of the requirement(s) pertinent to the transaction. These requirements will be addressed upon receipt of a written request to provide said coverage, or if the Purchase and Sale Agreement/Contract is provided to the Company then the necessary requirements will be reflected on the commitment.

- Colorado Division of Insurance Regulation 8-1-3, Paragraph C. 11.f. of Section 5 - requires a title insurance company to make the following notice to the consumer: "A closing protection letter is available to be issued to lenders, buyers and sellers"

- If the sales price of the subject property exceeds \$100,000.00 the seller shall be required to comply with the Disclosure of Withholding Provisions of C.R.S. 39-22-604.5 (Nonresident Withholding).

- Section 39-14-102 of Colorado Revised Statutes requires that a Real Property Transfer Declaration accompany any conveyance document presented for recordation in the State of Colorado. Said Declaration shall be completed and signed by either the grantor or grantee.

- Recording statutes contained in Section 30-10-406(3)(a) of the Colorado Revised Statutes require that all documents received for recording or filing in the clerk and recorder's office shall contain a top margin of at least one inch and a left, right, and bottom margin of at least one-half of an inch. The clerk and recorder may refuse to record or file a document that does not conform to requirements of this paragraph.

- Section 38-35-109 (2) of the Colorado Revised Statutes, 1973, requires that a notation of the purchasers legal address, (not necessarily the same as the property address) be included on the face of the deed to be recorded.

- Regulations of County Clerk and Recorder's offices require that all documents submitted for recording must contain a return address on the front page of every document being recorded.

- Pursuant to Section 10-11-122 of the Colorado Revised Statutes, 1987 the Company is required to disclose the following information:

The subject property may be located in a special taxing district.

A Certificate of Taxes Due listing each taxing jurisdiction shall be obtained from the County Treasurer or the County Treasurer's authorized agent.

Information regarding special districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder or the County Assessor.

- Pursuant to Section 10-11-123 of the Colorado Revised Statutes, when it is determined that a mineral estate has been severed from the surface estate, the Company is required to disclose the following information: that there is recorded

evidence that a mineral estate has been severed, leased, or otherwise conveyed from the surface estate and that there is a substantial likelihood that a third party holds some or all interest in oil, gas, other minerals, or geothermal energy in the property; and that such mineral estate may include the right to enter and use the property without the surface owner's permission.

Note: Notwithstanding anything to the contrary in this Commitment, if the policy to be issued is other than an ALTA Owner's Policy (6/17/06), the policy may not contain an arbitration clause, or the terms of the arbitration clause may be different from those set forth in this Commitment. If the policy does contain an arbitration clause, and the Amount of Insurance is less than the amount, if any, set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties.



## JOINT NOTICE OF PRIVACY POLICY OF LAND TITLE GUARANTEE COMPANY

This Statement is provided to you as a customer of Land Title Guarantee Company and Meridian Land Title, LLC, as agents for Chicago Title Insurance Company.

We want you to know that we recognize and respect your privacy expectations and the requirements of federal and state privacy laws. Information security is one of our highest priorities. We recognize that maintaining your trust and confidence is the bedrock of our business. We maintain and regularly review internal and external safeguards against unauthorized access to non-public personal information ("Personal Information").

In the course of our business, we may collect Personal Information about you from:

- applications or other forms we receive from you, including communications sent through TMX, our web-based transaction management system;
- your transactions with, or from the services being performed by us, our affiliates, or others;
- a consumer reporting agency, if such information is provided to us in connection with your transaction; and
- The public records maintained by governmental entities that we either obtain directly from those entities, or from our affiliates and non-affiliates.

Our policies regarding the protection of the confidentiality and security of your Personal Information are as follows:

- We restrict access to all Personal Information about you to those employees who need to know that information in order to provide products and services to you.
- We maintain physical, electronic and procedural safeguards that comply with federal standards to protect your Personal Information from unauthorized access or intrusion.
- Employees who violate our strict policies and procedures regarding privacy are subject to disciplinary action.
- We regularly assess security standards and procedures to protect against unauthorized access to Personal Information.

**WE DO NOT DISCLOSE ANY PERSONAL INFORMATION ABOUT YOU WITH ANYONE FOR ANY PURPOSE THAT IS NOT PERMITTED BY LAW.**

Consistent with applicable privacy laws, there are some situations in which Personal Information may be disclosed. We may disclose your Personal Information when you direct or give us permission; when we are required by law to do so, for example, if we are served a subpoena; or when we suspect fraudulent or criminal activities. We also may disclose your Personal Information when otherwise permitted by applicable privacy laws such as, for example, when disclosure is needed to enforce our rights arising out of any agreement, transaction or relationship with you.

Our policy regarding dispute resolution is as follows: Any controversy or claim arising out of or relating to our privacy policy, or the breach thereof, shall be settled by arbitration in accordance with the rules of the American Arbitration Association, and judgment upon the award rendered by the arbitrator(s) may be entered in any court having jurisdiction



thereof.



# Commitment For Title Insurance

## Issued by Chicago Title Insurance Company

### NOTICE

IMPORTANT—READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON. .

### COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and the Commitment Conditions, Chicago Title Insurance Company, a Florida corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured. If all of the Schedule B, Part I—Requirements have not been met within 6 months after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

### COMMITMENT CONDITIONS

#### 1. DEFINITIONS

- (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
- (b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or not easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
- (d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
- (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
- (h) "Title": The estate or interest described in Schedule A.

- 2. If all of the Schedule B, Part I—Requirements have not been met within the time period specified in the Commitment to Issue Policy, Commitment terminates and the Company's liability and obligation end.

- 3. The Company's liability and obligation is limited by and this Commitment is not valid without:
  - (a) the Notice;
  - (b) the Commitment to Issue Policy;
  - (c) the Commitment Conditions;
  - (d) Schedule A;
  - (e) Schedule B, Part I—Requirements; and
  - (f) Schedule B, Part II—Exceptions; and
  - (g) a counter-signature by the Company or its issuing agent that may be in electronic form.

#### 4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

#### 5. LIMITATIONS OF LIABILITY

- (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
  - i. comply with the Schedule B, Part I—Requirements;
  - ii. eliminate, with the Company's written consent, any Schedule B, Part II—Exceptions; or
  - iii. acquire the Title or create the Mortgage covered by this Commitment.
- (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
- (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.
- (f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I—Requirements have been met to the satisfaction of the Company.
- (g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

#### 6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT

- (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.

- (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.
- (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- (d) The deletion or modification of any Schedule B, Part II—Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- (e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
- (f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

**7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT**

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

**8. PRO-FORMA POLICY**

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

**9. ARBITRATION**

The Policy contains an arbitration clause. All arbitrable matters when the Proposed Policy Amount is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at <http://www.alta.org/arbitration>.

IN WITNESS WHEREOF, Land Title Insurance Corporation has caused its corporate name and seal to be affixed by its duly authorized officers on the date shown in Schedule A to be valid when countersigned by a validating officer or other authorized signatory.

Issued through the Office of:  
 LAND TITLE GUARANTEE COMPANY  
 3033 E. 1ST AVE #600  
 DENVER, CO 80206  
 (303)321-1880

\_\_\_\_\_  
 Authorized Officer or Agent

**CHICAGO TITLE INSURANCE COMPANY**



By:

President

ATTEST

Secretary



This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Land Title Insurance Corporation. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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**ZONE DISTRICT BOUNDARY LEGAL DESCRIPTIONS FOR 4300 LOUISIANA APPROX.**

**LEGAL DESCRIPTION S-MX-8 (UO-2) ZONE DISTRICT BOUNDARY:**

A PARCEL OF LAND LOCATED IN THE NORTHWEST  $\frac{1}{4}$  OF SECTION 19, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE EAST 31 FEET OF LOT 1, BLOCK 4, KIBLER ADDITION, BEING A POINT ON THE SOUTH LINE OF LOUISIANA AVENUE MONUMENTED BY AN ALLOY DISK STAMPED PLS 25379 AND AS DEFINED BY THE SURVEY SHOWN ON THE DOCUMENT RECORDED IN THE CITY AND COUNTY OF DENVER RECORDS UNDER RECEPTION NO. 2013045280; THENCE N89°50'49"E ALONG THE SOUTH LINE OF LOUISIANA AVENUE, 202.36 FEET TO THE NORTHEAST CORNER OF THE WEST  $\frac{1}{2}$  OF VACATED SOUTH ALBION STREET AS VACATED IN BOOK 806 AT PAGE 385 OF THE CITY AND COUNTY OF DENVER RECORDS; THENCE S00°02'20"E ALONG THE EAST LINE OF THE WEST  $\frac{1}{2}$  OF SAID VACATED SOUTH ALBION STREET, 250.37 FEET TO A POINT 30.00 FEET EAST OF THE SOUTHEAST CORNER OF LOT 39, BLOCK 4, KIBLER ADDITION; THENCE S89°50'50"W ALONG AN EXTENSION OF THE SOUTH LINE OF SAID LOT 39 AND THE SOUTH LINE OF SAID LOT 39 AND SAID LINE EXTENDED, 202.36 FEET TO THE SOUTHWEST CORNER OF THE EAST 31 FEET OF LOT 10, BLOCK 4, KIBLER ADDITION; THENCE N00°02'20"W ALONG THE WEST LINE OF THE EAST 31 FEET OF SAID LOT 10 AND SAID LINE EXTENDED, 250.37 FEET TO THE POINT OF BEGINNING, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

THE ABOVE DESCRIBED PARCEL CONTAINS 50,665 SQUARE FEET OR 1.1631 ACRES MORE OR LESS.

**LEGAL DESCRIPTION S-MX-8 ZONE DISTRICT BOUNDARY:**

A PARCEL OF LAND LOCATED IN THE NORTHWEST  $\frac{1}{4}$  OF SECTION 19, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE EAST 31 FEET OF LOT 1, BLOCK 4, KIBLER ADDITION, BEING A POINT ON THE SOUTH LINE OF LOUISIANA AVENUE MONUMENTED BY AN ALLOY DISK STAMPED PLS 25379 AND AS DEFINED BY THE SURVEY SHOWN ON THE DOCUMENT RECORDED IN THE CITY AND COUNTY OF DENVER RECORDS UNDER RECEPTION NO. 2013045280; THENCE N89°50'49"E ALONG THE SOUTH LINE OF LOUISIANA AVENUE, 202.36 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG ABOVE DESCRIBED COURSE, 622.64 FEET TO THE NORTHWEST CORNER OF LOT 1, BLOCK 1, KIBLER ADDITION, SAID POINT ALSO BEING ON THE EAST LINE OF VACATED SOUTH BELLAIRE STREET AS VACATED IN BOOK 806 AT PAGE 385 OF THE CITY AND COUNTY OF DENVER RECORDS; THENCE S00°02'20"E ALONG THE WEST LINE OF SAID LOT 1 AND SAID LINE EXTENDED (ALSO ALONG THE EAST LINE OF SAID VACATED SOUTH BELLAIRE STREET), 454.88 FEET TO A POINT ON THE WEST LINE OF LOT 8, BLOCK 1, KIBLER ADDITION; THENCE S89°50'50"W, 201.68 FEET; THENCE S00°09'10"E, 86.07 FEET; THENCE S89°50'51"W, 421.14 FEET TO A POINT ON THE WEST LINE OF THE EAST  $\frac{1}{2}$  OF VACATED SOUTH ALBION STREET AS VACATED IN BOOK 806 AT PAGE 385 OF THE CITY AND COUNTY OF DENVER RECORDS; THENCE N00°02'20"W ALONG THE WEST LINE OF THE EAST  $\frac{1}{2}$  OF SAID VACATED SOUTH ALBION STREET, 540.94 FEET TO THE POINT OF BEGINNING, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

THE ABOVE DESCRIBED PARCEL CONTAINS 319,465 SQUARE FEET OR 7.3339 ACRES MORE OR LESS.

**ZONE DISTRICT BOUNDARY LEGAL DESCRIPTIONS FOR 4300 LOUISIANA APPROX.**

**LEGAL DESCRIPTION S-MX-5 ZONE DISTRICT BOUNDARY:**

A PARCEL OF LAND LOCATED IN THE NORTHWEST  $\frac{1}{4}$  OF SECTION 19, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE EAST 31 FEET OF LOT 1, BLOCK 4, KIBLER ADDITION, BEING A POINT ON THE SOUTH LINE OF LOUISIANA AVENUE MONUMENTED BY AN ALLOY DISK STAMPED PLS 25379 AND AS DEFINED BY THE SURVEY SHOWN ON THE DOCUMENT RECORDED IN THE CITY AND COUNTY OF DENVER RECORDS UNDER RECEPTION NO. 2013045280; THENCE N89°50'49"E ALONG THE SOUTH LINE OF LOUISIANA AVENUE, 825.00 FEET TO THE POINT OF BEGINNING BEING THE NORTHWEST CORNER OF LOT 1, BLOCK 1, KIBLER ADDITION, SAID POINT ALSO BEING ON THE EAST LINE OF VACATED SOUTH BELLAIRE STREET VACATED IN BOOK 806 AT PAGE 385 OF THE CITY AND COUNTY OF DENVER RECORDS; THENCE CONTINUING ALONG ABOVE DESCRIBED COURSE, 236.32 FEET TO THE INTERSECTION OF THE SOUTH LINE OF LOUISIANA AVENUE AND THE WEST LINE OF SOUTH BIRCH STREET, SAID POINT ALSO BEING THE NORTHEAST CORNER OF LOT 20, BLOCK 1, KIBLER ADDITION; THENCE S00°02'20"E ALONG THE WEST LINE OF SOUTH BIRCH STREET, 277.44 FEET; THENCE S89°50'50"W, 148.32 FEET; THENCE S00°02'20"E, 60.00 FEET; THENCE S89°50'50"W, 4.12 FEET; THENCE S00°02'20"E, 118.44 FEET; THENCE S89°50'50"W, 83.88 FEET TO A POINT ON THE EAST LINE OF VACATED SOUTH BELLAIRE STREET AS VACATED IN BOOK 806 AT PAGE 385 OF THE CITY AND COUNTY OF DENVER RECORDS, SAID POINT BEING ON THE WEST LINE OF LOT 8, BLOCK 1, KIBLER ADDITION; THENCE S00°02'20"E ALONG THE EAST LINE OF SAID VACATED SOUTH BELLAIRE STREET, 125.07 FEET; THENCE S89°50'50"W, 622.64 FEET TO A POINT ON THE WEST LINE OF THE EAST  $\frac{1}{2}$  OF VACATED SOUTH ALBION STREET AS VACATED IN BOOK 806 AT PAGE 385 OF THE CITY AND COUNTY OF DENVER RECORDS; THENCE N00°02'20"W ALONG THE WEST LINE OF THE EAST  $\frac{1}{2}$  OF SAID VACATED SOUTH ALBION STREET, 40.00 FEET; THENCE N89°50'51"E, 421.14 FEET; THENCE N00°09'10"W, 86.07 FEET; THENCE N89°50'50"E, 201.68 FEET TO A POINT ON THE EAST LINE OF SAID VACATED SOUTH BELLAIRE STREET, SAID POINT ALSO BEING ON THE WEST LINE OF SAID LOT 8, BLOCK 1, KIBLER ADDITION; THENCE N00°02'20"W, 454.88 FEET TO THE POINT OF BEGINNING, CITY AND COUNTY OF DENVER, STATE OF COLORADO

THE ABOVE DESCRIBED PARCEL CONTAINS 123,037 SQUARE FEET OR 2.8245 ACRES MORE OR LESS.

**LEGAL DESCRIPTION S-MX-3 ZONE DISTRICT BOUNDARY:**

A PARCEL OF LAND LOCATED IN THE NORTHWEST  $\frac{1}{4}$  OF SECTION 19, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE EAST 31 FEET OF LOT 1, BLOCK 4, KIBLER ADDITION, BEING A POINT ON THE SOUTH LINE OF LOUISIANA AVENUE MONUMENTED BY AN ALLOY DISK STAMPED PLS 25379 AND AS DEFINED BY THE SURVEY SHOWN ON THE DOCUMENT RECORDED IN THE CITY AND COUNTY OF DENVER RECORDS UNDER RECEPTION NO. 2013045280; THENCE N89°50'49"E ALONG THE SOUTH LINE OF LOUISIANA AVENUE, 1061.33 FEET TO THE INTERSECTION OF THE SOUTH LINE OF LOUISIANA AVENUE AND THE WEST LINE OF SOUTH BIRCH STREET, SAID POINT ALSO BEING THE NORTHEAST CORNER OF LOT 20, BLOCK 1, KIBLER ADDITION; THENCE S00°02'20"E ALONG THE WEST LINE OF SOUTH BIRCH STREET, 337.44 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE EAST LINE OF LOT 15, BLOCK 1, KIBLER ADDITION; THENCE CONTINUING ALONG THE WEST LINE OF SOUTH BIRCH STREET S00°02'20"E, 263.44 FEET TO THE INTERSECTION OF THE WEST LINE OF SOUTH BIRCH STREET AND THE NORTH LINE OF ARKANSAS AVENUE, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF LOT 11, BLOCK 1, KIBLER ADDITION; THENCE S89°50'50"W ALONG THE NORTH LINE OF ARKANSAS AVENUE, 858.96 FEET TO A POINT ON THE WEST LINE OF THE EAST  $\frac{1}{2}$  OF VACATED SOUTH ALBION STREET AS VACATED IN BOOK 806 AT PAGE 385 OF THE CITY AND COUNTY OF DENVER RECORDS; THENCE N00°02'20"W ALONG THE WEST LINE OF THE EAST  $\frac{1}{2}$  OF SAID VACATED SOUTH ALBION STREET, 19.93 FEET; THENCE N89°50'50"E, 622.64 FEET TO A POINT ON THE EAST LINE OF VACATED SOUTH BELLAIRE STREET AS VACATED IN BOOK 806 AT PAGE 385 OF THE CITY AND COUNTY OF DENVER RECORDS, SAID POINT ALSO BEING ON THE WEST LINE OF LOT 10, BLOCK 1, KIBLER ADDITION; THENCE N00°02'20"W ALONG THE EAST LINE OF SAID VACATED SOUTH BELLAIRE STREET, 125.07 FEET; THENCE N89°50'50"E, 83.88 FEET; THENCE N00°02'20"W, 118.44 FEET; THENCE N89°50'50"E, 152.44 FEET TO THE POINT OF BEGINNING, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

THE ABOVE DESCRIBED PARCEL CONTAINS 64,729 SQUARE FEET OR 1.4860 ACRES MORE OR LESS.

**ZONE DISTRICT BOUNDARY LEGAL DESCRIPTIONS FOR 4300 LOUISIANA APPROX.**

**LEGAL DESCRIPTION S-MU-3 ZONE DISTRICT BOUNDARY:**

ALL OF LOTS 10, 11 AND 12 GARWOOD SUBDIVISION RECORDED NOVEMBER 15, 1950, AT RECEPTION NO. 446849 IN THE RECORDS OF THE CITY AND COUNTY OF DENVER, STATE OF COLORADO. SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LOCATED IN THE NORTHWEST 1/4 OF SECTION 19, TOWNSHIP 4S, RANGE 67W, OF THE 6TH PRINCIPAL MERIDIAN, IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 12; THENCE S89°51'20"W, COINCIDENT WITH THE SOUTH LINE OF SAID LOT 12, A DISTANCE OF 137.23 FEET; THENCE ON THE ARC OF A CURVE TO THE RIGHT, A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 89°58'23", A DISTANCE OF 23.55 FEET, (A CHORD BEARING N45°09'28"W, A DISTANCE OF 21.21 FEET) TO A POINT ON THE WEST LINE OF SAID LOT 12; THENCE N00°10'17"W COINCIDENT WITH THE WEST LINE OF SAID LOTS 12 AND 10, A DISTANCE OF 115.07 FEET TO THE NORTHWEST CORNER OF SAID LOT 10; THENCE N89°51'20"E COINCIDENT WITH THE NORTH LINE OF SAID LOTS 10 AND 11, A DISTANCE OF 152.22 FEET TO THE NORTHEAST CORNER OF SAID LOT 11; THENCE S00°10'17"E COINCIDENT WITH THE EAST LINE OF SAID LOTS 11 AND 12, A DISTANCE OF 130.06 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 19,750 SQUARE FEET OR 0.4533 ACRES MORE OR LESS.

**BASIS OF BEARINGS FOR ALL LEGAL DESCRIPTIONS:**

AN ASSUMED BEARING OF N00°10'17"W BEING A 10 FOOT CITY AND COUNTY OF DENVER RANGE LINE LOCATED IN SOUTH BIRCH STREET BETWEEN TWO FOUND MONUMENTS 690.88 FEET APART. BOTH MONUMENTS BEING AN AXLE IN A CITY AND COUNTY OF DENVER SURVEY RANGE POINT BOX; ONE AT THE INTERSECTION OF SOUTH BIRCH STREET AND ARKANSAS AVENUE AND THE OTHER AT THE INTERSECTION OF SOUTH BIRCH STREET AND LOUISIANA AVENUE.

PREPARED BY:

DAMIEN CAIN  
STATE OF COLORADO PLS 38284  
FOR AND ON BEHALF OF  
39 NORTH ENGINEERING AND SURVEYING LLC  
PREPARED ON MAY 14, 2018  
REVISED JULY 6, 2018



July 13, 2018

Andrew Webb, Senior City Planner  
**City and County of Denver**  
**Community Planning and Development**  
201 W Colfax Ave, Dept 205  
Denver, CO 80202

**Re: Official Map Amendment Comments – Application # 2017I-00192, 4201 E. Arkansas Ave.**

Dear Mr. Webb:

Thank you for your review and comments of our preliminary Zone Map Amendment Application, which we received on June 21, 2018. We have reviewed all comments and address them in the following letter.

The revised application includes a zone district refinement for the northwest portion of the Property. The revised application proposes the zone district S-MX-8 (UO-2) on the northwest portion of the Property adjacent to Colorado Boulevard. The original application proposed the zone district S-MX-12 (UO-2) on the northwest portion of the Property adjacent to Colorado Boulevard. Please note that the narrative and exhibits reflect this change from the original application.

We look forward to working with the City and County of Denver on the review and approval of this Zone Map Amendment Application. As always, feel free to contact me with any questions at 303.892.1166.

Sincerely,  
**Norris Design**



Stacey Weaks, PLA, LEED AP  
Principal

PRELIMINARY AGENCY COMMENTS ON THE FIRST SUBMITTAL

Agency Comments on the First Submittal

**Community Planning and Development:** The application number for this rezoning proposal is 2017I\_00192. Please consider submitting a revised application to address the following concerns:

- The antenna site (currently labeled “Not a Part”) should be rezoned in case of future redevelopment, and to prevent the retention of the existing zoning on such a small site. CPD recommends expanding the S-MX-3 that is proposed to its south to best match desired height transition in relation to the existing S-SU-D zoning on the east side of Birch across from the antenna.  
*Response: CDOT will retain the antenna property and the State requests that it not be rezoned.*

- The S-MU-3 Zone District proposed for the parking lot site at the northeast corner of Birch St. and Arkansas Ave. may be too intense for a site of this size that directly abuts SU uses, especially considering adopted plan policy for the area. The S-RH-2.5 Zone District may be a better match with existing neighboring uses.  
*Response: Information to support the appropriateness of the proposed S-MU-3 Zone District has been added to the narrative as included below. Additionally, refer to Exhibit No. 6, S-MU Zoning in the Immediate Property Area.*

*Parcel C, located at the northeast corner of S. Birch Street and E. Arkansas Avenue and currently zoned CMP-EI2, is proposed to be rezoned to Suburban Multi Unit 3 (S-MU-3). The proposed Multi Unit zone district will reduce the allowed maximum height from five stories to three stories as well as limit the allowed use to residential. The regulations and intents of Suburban Multi Unit zone district allow for multi unit development that will complement the character of the residential neighborhood. Additionally, the proposed residential development will be in context with multi unit developments in the area. As shown in Exhibit No. 6, S-MU Zoning in the Immediate Property Area, parcels adjacent to Suburban Single Unit zone districts in the immediate area of the Property are zoned S-MU-5 and S-MU-3. Although the referenced properties are not currently built to their allowed zoning heights, given their location and increasing land values, it is possible and even likely the properties will be built up to their allowed building heights in the future. Furthermore, S-MU-3 zoning will support the goal and requirement to provide affordable housing on the Property.*

- Strengthen narrative to draw out community support for changed land uses from Blueprint’s Single Unit Residential to mixed use  
*Response: Information has been added to the narrative as included below.*

*Throughout the community engagement process, existing neighborhood residents have expressed the following as the highest priority community aspirations for the redevelopment project:*

- o a “destination”*
- o gathering places open to existing neighborhood residents*
- o quality design*
- o a quality public realm with vegetation*
- o a place to walk and bike to in the neighborhood*

*The existing neighborhood residents have been decisive about wanting a “destination” and “neighborhood gateway” for the neighborhood. The majority of neighborhood residents who have expressed an opinion about the Property are very excited about the possibility of gaining neighborhood amenities they can walk and bike to from their homes. Much input has been provided*



*by meeting participants through a variety of workshop sessions and the redevelopment team has gathered lists of desired amenities, the majority of which are small/local retail establishments and active gathering areas.*

*In one meeting an excited couple shared their experience of happening upon Main Street Square in Rapid City, South Dakota. They had walked there to get ice cream and were pleasantly surprised to find families hanging-out, socializing, and casually enjoying the evening. This type of experience resonated strongly with the group as a desired and welcomed setting. A gathering place for families that is accessible to existing residents has been embraced as the primary desired amenity. To create the type of "destination" and draw desired by existing neighborhood residents, mixed-use zoning is necessary.*

- Request letters from RNO, Task Force or residents supportive of more intensive land uses than Blueprint recommendation to inform interpretation of the Blueprint Denver recommendations. Letters should be submitted prior to a Planning Board hearing (they do not need to be part of a re-submitted application).  
*Response: Noted. We are continuing to coordinate our community outreach with the RNO, Task Force and stakeholders.*
- Consider expanding bands of S-MX-3/-5 zoning along Arkansas to more meaningful depth.  
*Response: As part of the dialogue with the community, the rezoning integrates a mix of zone districts along the Arkansas Avenue frontage and a portion of Birch Street to establish building form and scale to transition from the existing residential neighborhood. The proposed zone district boundaries limit the maximum height even more than the maximum height adjacent to a protected district, 75 feet for the existing CMP-EI2 zone district.*

*Along E. Arkansas Avenue west of S. Bellaire Street, the adjacent protected district tools provided in code do not apply and are not available to the Property because it is not adjacent to a protected district. However, a neighborhood transition zone is still desired. The proposed S-MX-3 and S-MX-5 zone districts establish the maximum building heights of 45 feet / three (3) stories and 70 feet / five (5) stories and function as an upper story stepback requirement. The 40-foot depth proposed for the S-MX-5 zone district corresponds to a typical multifamily unit depth. In a double-loaded corridor configuration, the typical multifamily unit depth for one unit would be a total of 35 to 40 feet from the center of the corridor to the outside wall or outside edge of balcony. The proposed zone districts create the desired height configuration.*

*The upper story stepback guided by the proposed S-MX-3 and S-MX-5 zone districts remains within the current bulk plane envelope per the existing CMP-EI2 zone district. The requested zone districts maintain the current building envelope transition along the perimeter of the property as well as the overall height of the S-MX-8 zone district reduces the maximum height to 110' (8 stories) from the current allowance of 15' or 12 stories within the existing CMP-EI2 zone district.*

- Individual legally-described boundaries with different zone districts will be "Zone District Boundaries," rather than "Zone Lots" – zone lots are determined separately and are related to streets and platting. Please update exhibits to reference as "S-MX-3 Zone District Boundary," "S-MX-5 Zone District Boundary," etc.  
*Response: Zone Lots have been changed to Zone District Boundaries.*

Development Services: Approved – No Comments

Asset Management: Approved – No Comments

**Public Works – City Surveyor: Denied – see comments**

- All 5 descriptions are lacking secondary, controlling calls to right of way lines, vacated right of way lines, block lines/corners, lot lines/corners or "of" calls. Also, Zone Lot 4 description is missing the area.  
*Response: The legal descriptions have been revised to indicate secondary, controlling calls to right of way lines, vacated right of way lines, block lines/corners, lot lines/corners. The square footage and acreage has been added to all the zone boundary descriptions.*

Contact John Clarke with questions: 720-865-3116, [john.clarke@denvergov.org](mailto:john.clarke@denvergov.org)

**Denver Department of Public Health and Environment:** Approved, with Comments. Denver Department of Public Health and Environment concurs with the rezoning but is aware of environmental concerns on the Property. The CDOT property at 4201 East Arkansas historically released solvents to groundwater, which resulted in groundwater contamination and the potential to affect indoor air quality. The affected area extends from the former onsite source near East Louisiana Avenue and South Birch Street northeast towards East Mississippi Avenue. The groundwater has been and continues to be remediated and as a result, the regulatory agency (Colorado Department of Public Health and Environment, CDPHE) issued a letter of No Further Action for the offsite indoor air pathway; and the former onsite source area meets commercial worker standards for indoor air. If the onsite use changes to residential for this area, then DDPHE requests that residential indoor air standards be met, or the indoor air be mitigated by systems such as ventilated subsurface parking garages or residential radon-type systems. Please note that this former source area affects a limited section of the CDOT property. Other areas of the property are being investigated as part of standard environmental due diligence, and if needed, these other areas will be addressed and remediated as coordinated with regulatory agencies to mitigate potential risk to residential use.

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.

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 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.

*Response: Noted. Thank you for the information.*

# 4201 E. Arkansas Avenue

## Rezoning Application

### Review Criteria Narrative

July 2018

Project Location: 4201 E. Arkansas Avenue  
Denver, CO 80222

Submittal to: City and County of Denver  
201 W. Colfax Ave., Dept. 205  
Denver, CO 80202  
[rezoning@denvergov.org](mailto:rezoning@denvergov.org)

Prepared for: KRF Arkansas, LLC  
1509 York St., Suite 201  
Denver, CO 80206  
[www.kentrogroup.com](http://www.kentrogroup.com)

Prepared by: Norris Design  
1101 Bannock St.  
Denver, CO 80205  
[www.norris-design.com](http://www.norris-design.com)

July 12, 2018

Andrew Webb  
City and County of Denver  
201 W. Colfax Ave., Dept. 205  
Denver, CO 80202  
rezoning@denvergov.org

## **RE: 4201 E. ARKANSAS AVENUE REZONING APPLICATION**

Dear Andrew Webb:

Norris Design, on behalf of KRF Arkansas, LLC (Kentro Group), respectfully requests the City and County of Denver (City) to consider the rezoning of three parcels: 4040 E. Louisiana Avenue (Parcel B, Assessor Number 06192-15-018-000), 4380 E. Louisiana Avenue (Parcel A, Assessor Number 06192-14-003-000), and 1380 S. Birch Street (Parcel C, Assessor Number 06192-13-025-000), collectively identified by the address 4201 E. Arkansas Avenue. The three parcels total approximately 13.26 acres or 577,606 square feet. The 4201 E. Arkansas Avenue property (collectively, the Property) is located on the east side of the S. Colorado Boulevard corridor near the intersection of S. Colorado Boulevard and E. Arkansas Avenue in the Virginia Village neighborhood. The main property area (Parcel A & B) is bound by E. Louisiana Avenue on the north, E. Arkansas Avenue on the south, and S. Birch Street on the east. A smaller parcel (Parcel C) of the Property is located east of S. Birch Street, on the corner of S. Birch Street and E. Arkansas Avenue. This Rezoning Application proposes the rezoning of the Property in its entirety with the exception of the communication tower site, as the State of Colorado will retain ownership of the parcel after the sale of remaining Property to KRF Arkansas, LLC (Kentro Group). Therefore, the communication tower site will remain as currently zoned. In summary, approximately 13.26 acres or 577,606 square feet are proposed to be rezoned and redeveloped.

## Introduction

The Property is currently zoned CMP-EI2 and S-MX-5 (UO-1, UO-2), and is currently used for the Colorado Department of Transportation (CDOT) Headquarters. This application proposes a rezoning to the zone districts as follows: S-MX-8 (UO-2) (northwest portion of the Property adjacent to Colorado Boulevard); S-MX-8 (central portion of the Property); S-MX-5 (northeast portion of the Property and a portion of the south); S-MX-3 (southeast portion of the Property); and S-MU-3 (portion of the Property east of S. Birch Street) for the purpose of redeveloping the Property following CDOT's relocation of its Headquarters to a new location. For further clarification, see the Proposed Zone Districts Map. The configuration of Suburban Mixed-Use zone districts establish a framework for a mix of development formats with an appropriate transition into the existing neighborhood. The proposed development intends to provide a walkable, inviting and desired community asset.

One way the public realm will be enhanced is through a street connection either at S. Bellaire Street north of the Property to S. Bellaire Street south of the Property or S. Ash Street. This will create a public place for gathering and community interaction and help to prohibit traffic from cutting through the community. In developing this proposed zoning configuration, the project team was guided by community improvements and connections, extensive research, thorough analysis, and numerous meetings with the community and City staff towards identifying S-MX (Suburban Mixed Use) zone districts as the most appropriate zone districts to serve as the land use framework for the majority of the Property. The parcel

east of S. Birch Street (Parcel C) is proposed as S-MU-3 (Suburban Multi Unit 3-stories). The proposed zone districts result in a general down zoning from the existing CMP-EI2 zone district.

The proposed zone districts are consistent with both future opportunity and the existing context. The existing surrounding zoning and the general character of the neighborhood weighed heavily in the decision to propose a Suburban Neighborhood Context, and the arrangement of the proposed zone districts - as they pertain to building form and scale - was crafted through the community meetings and public outreach processes. The S-MX and S-MU zone districts will allow the redevelopment to realize the City's vision for the future of Denver and align the project (and its overall character) back to the existing surrounding land uses within the community.

This application meets the applicable justifying circumstance criteria (DZC Section 12.4.10.8.A.40 of the Official Map Amendment (Rezoning) which states **“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.”** Additionally, the purchase and sale agreement for the Property between the City and KRF Arkansas, LLC requires a rezoning submittal. The central location of the 13.26-acre site in Denver is supported by significant existing public infrastructure and therefore is an appropriate and responsible location for redevelopment.

The following sections establish the factors and the degree the land or its surrounding environs has changed

or is changing demonstrating it is in the public interest to encourage redevelopment of the area or to recognize the changed character of the area. The Property presents a unique opportunity to develop appropriate uses to benefit the community and the entire Denver area.

The proposed rezoning strives to leverage the redevelopment potential of the site while considering the potential impacts that may affect residents currently living in the adjacent Virginia Village neighborhood. The proposed zone districts aspire to positively contribute to the City's goals for the Virginia Village neighborhood by creating flexibility through a mixed-use development program to provide much-needed housing, access to daily goods and services, engaging spaces, and destinations for the neighborhood. Furthermore, the proposed zoning will establish the framework to provide a welcoming, accessible, and centrally located community development in southeast Denver.

## **PROPERTY BACKGROUND AND AREA CONTEXT**

The Property has served as the CDOT Headquarters for approximately 65 years. However, CDOT is consolidating its operations and relocating to a new building near Colfax Avenue and Federal Boulevard. CDOT is currently under contract to sell the Property to the City. Colorado state law requires properties owned by the State of Colorado to be offered to local government entities first, before they may be offered for sale to a private purchaser. The City competed with other agencies and was the successful bidder for both 4201 E. Arkansas Avenue and 2000 S. Holly Street (the Holly property is not included as part of this application). After being selected, the City

selected Kentro Group (KRF Arkansas, LLC) to develop the properties based on Kentro Group's experience in delivering projects beneficial to the community. The City then entered into a purchase and sale agreement with Kentro Group for both properties. Refer to Exhibit No. 1, for examples of other redevelopment projects delivered by Kentro Group.

The PSA between the City and KRF Arkansas, LLC for 4201 E. Arkansas Avenue stipulates the following:

- o Contract Timing for Due Diligence/ Governmental Approval - 150 days with three (3) Thirty-(30) day extension options for a total of 240 days from mutual execution of contract
  - Effective Date: February 21, 2018
  - Government Approval Expiration: July 23, 2018
  - Extension 1: August 22, 2018
  - Extension 2: September 21, 2018
  - Extension 3: October 22, 2018
- o Contract Timing for Closing - later of (i) thirty (30) days after expiration of the Governmental Approval Period (as may be extended hereunder); (ii) five (5) days after CDOT vacates the Property; or (iii) on a date as otherwise agreed by the Parties in writing - Currently November 19, 2018
- o Requires a public rezoning process
- o Requires construction of 150 for-rent apartment units at 60% AMI in the City and County of Denver or pay a contribution to the City and County of Denver Affordable Housing Fund
- o Requires 150,000 square feet of commercial space and 200 permanent jobs on-site or pay a contribution to the City and County of Denver
- o The communication tower on the east side of the Property is not included in the acquisition and the State of Colorado will retain ownership

# Exhibit No. 1 | Kentro Group Portfolio Projects: Colfax Collection

BEFORE



AFTER



BEFORE



AFTER





## Existing Uses

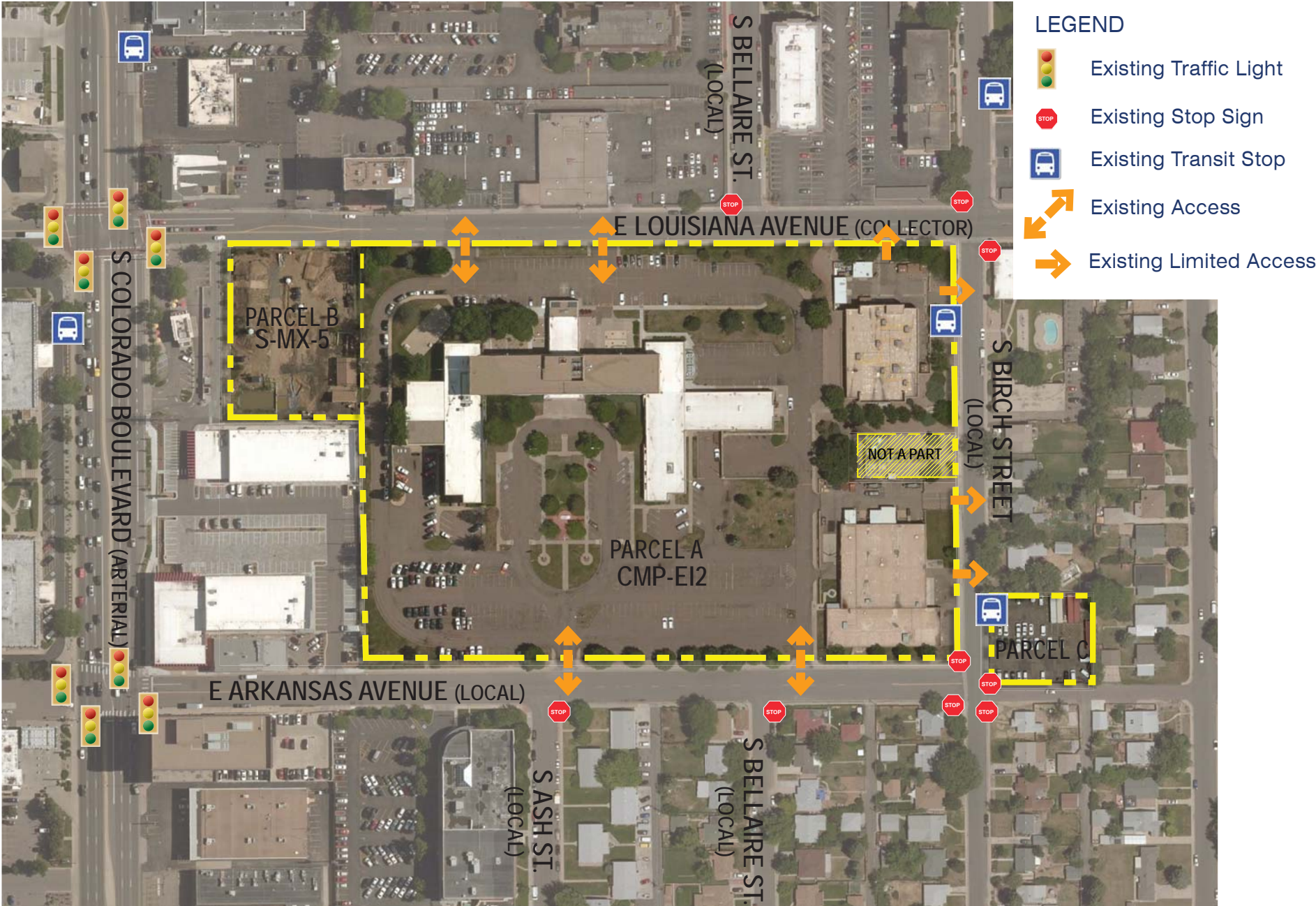
CDOT currently employs 650 people on-site, and the Property has the following uses: CDOT Headquarters office space, printing facility, vehicle maintenance facility, water quality training facility, material storage, and surface vehicle parking. Parcel A is comprised of three main buildings, ranging from one to four stories and totaling 187,971 square feet in floor area. Parcel B is used as a water quality training facility. Parcel C is used for vehicle parking. The existing site is vehicle oriented with eight points of vehicular access and a vast amount of surface parking; 505 parking stalls (459 parking stalls on Parcel A and 46 parking stalls on Parcel C).

The communication tower on the eastern edge of the site is not included in the disposition. CDOT will continue to own and maintain the tower, the building, and the land beneath it.

The northeast corner of Parcel A contains CDOT's Materials Testing Laboratory (MTL), which utilized solvents for testing of highway materials. These solvents leaked into the ground and contaminated the groundwater and soils underneath the MTL. The contaminants of concern are trichloroethene (TCE), 1,1-dichloroethene (1,1-DCE), 1,1,1-trichloroethane (1,1,1-TCA), 1,2,3-trichlorobenzene, and bromodichloromethane (BDCM). The primary groundwater COCs are TCE, 1,1,1-TCA, 1,1-DCE, benzene, methylene chloride, and 1,4 dioxane. The plume of contamination flows northeast and away from the Property.

The Colorado Department of Public Health & Environment (CDPHE) has overseen the remediation of the contamination since approximately 1994. CDOT will continue to actively remediate the contaminated parcel, and any development will ensure there is adequate access to continue testing and remediation. The ownership structure and KRF Arkansas, LLC's development rights on the area of the Property of source contamination are unknown and active discussions are ongoing between CDOT, CDPHE, and KRF Arkansas, LLC.

Exhibit No. 2 | Existing Site



## Existing Zoning

The majority of the Property is currently zoned Campus-Education/ Institution 2 (CMP-EI2). This Special District within the Denver Zoning Code is intended for education institutions and large scale civic, public, and institutional uses (Denver Zoning Code, 9.2-9).

Parcel B, located in the northwest corner of the Property, is currently zoned Suburban Mixed Use 5 (S-MX-5) with Use Overlay 1 and Use Overlay 2 (UO-1, UO-2). Suburban Mixed Use 5 allows for buildings of up to five (5) stories with a mix of uses. The mixed-use zoning districts are meant to contribute positively to established residential neighborhoods and character, and improve the transition between commercial development and adjacent residential neighborhoods.

Use Overlay 1 is the Adult Use Overlay that allows for adult oriented businesses. Use Overlay 2 is the Billboard Use Overlay District which allows for outdoor general advertising devices also known as “billboards.”

This project intends to maintain the Use Overlay 2 district on the portion of the existing site currently zoned as S-MX-5. The applicant does not intend to maintain the Use Overlay 1 Adult Use District on the site.

## Summary of the Existing Zoning

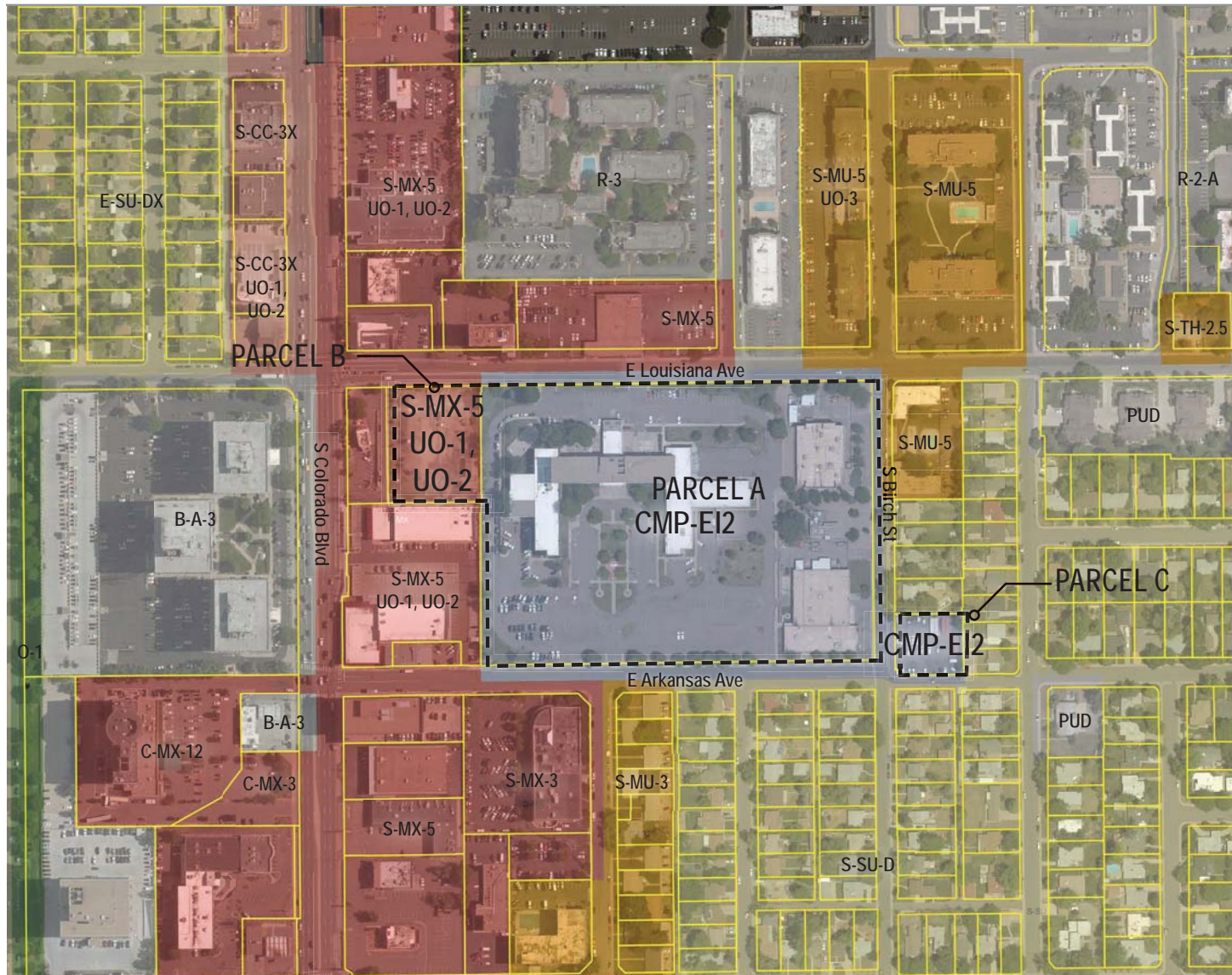
### CMP-EI2:

- o Approximately 12.1 acres of the site is zoned CMP-EI2 (Parcels A & C)
- o Allows a building height up to 12 stories
- o 150 feet maximum height allowed
- o Requires a 45-degree bulk plane slope to guide building form
- o Setbacks:
  - 20-foot setback from the primary streets
  - 7.5-foot setback from the side streets and side interiors
- o 75 feet maximum height within 175 feet of a protected district
- o Retail uses are not permitted

### S-MX-5 (UO-1, UO-2):

- o Parcel B is zoned S-MX-5 (UO-1, UO-2)
- o Allows a building height up to 5 stories
- o 70 feet maximum height allowed
- o Setbacks are 0 foot
- o Requires 50% build-to on primary streets (min.-max. range is 0'-80')
- o UO-1 overlay district allows for Adult Uses
- o UO-2 overlay district allows for Billboards

## Exhibit No. 3 | Existing Zoning



SOURCE: CITY AND COUNTY OF DENVER ZONING MAP

### LEGEND

- Site Boundary
- Parcel Line

**Neighborhood Context:**

- C = Urban Center
- E = Urban Edge
- S = Suburban

**Dominant Building Form and Character:**

- CC (Commercial Corridor)
- CMP-EI2 (Campus Education Institution 2)
- MU (Mixed Unit) and TH (Town House)
- MX (Mixed Use)
- PUD (Planned Unit Development)
- SU (Single Unit)

**Former Chapter 59 Zoning:**

- B-A-3 (Arterial General Business District)
- R-2-A (Multi-Unit Dwellings, Medium Density)
- R-3 (Multi-Unit Dwellings, High Density)
- O-1 (Allows airports, recreational uses, parks, cemeteries, reservoirs, community correctional facilities, and other public and semi-public uses housed in buildings.)

NORTH

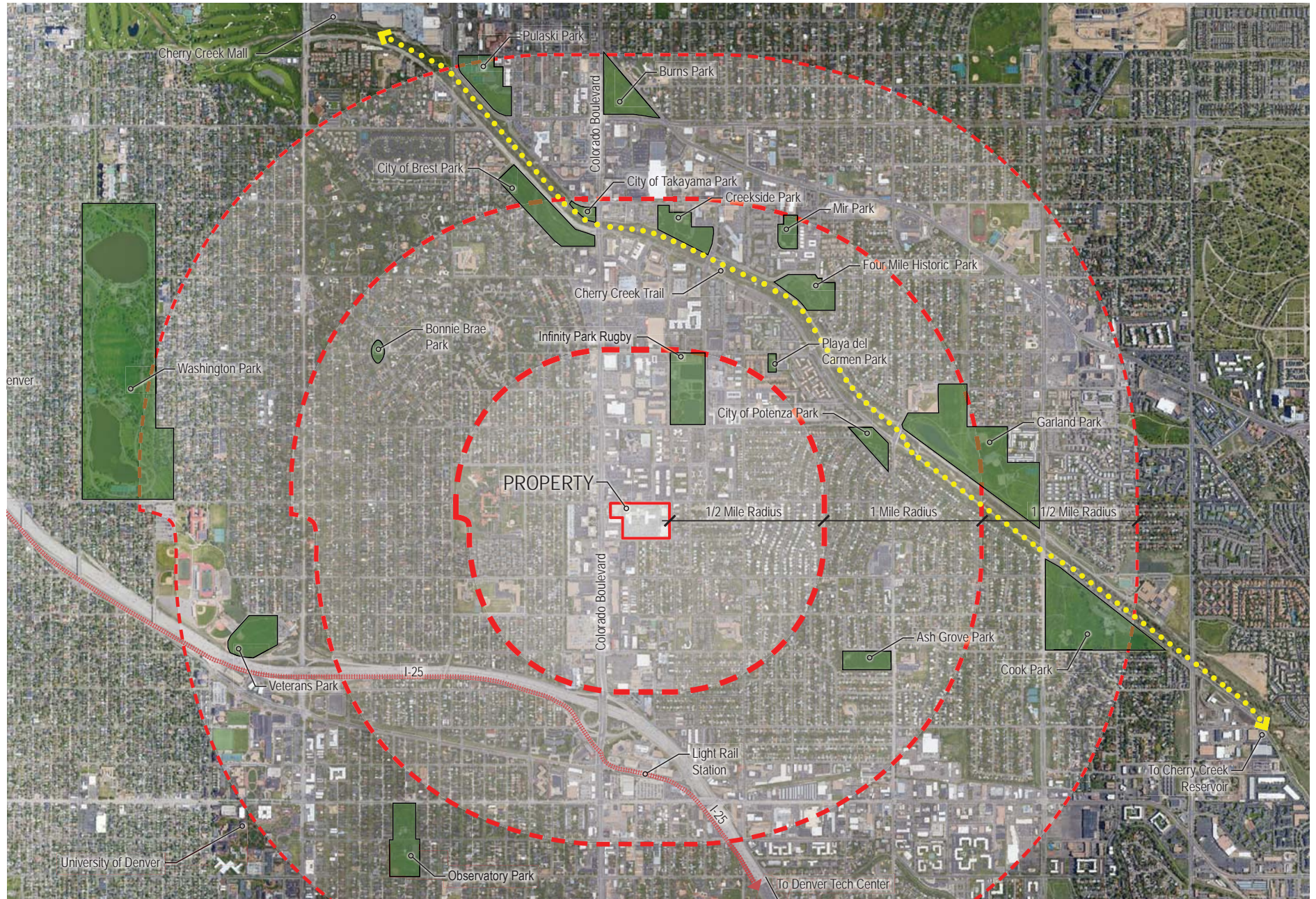
## Regional Context

This site is accessible by a variety of transportation modes and has significant existing transportation infrastructure. The Property is centrally located in Denver and offers convenient transportation access to large, regional employment areas including Downtown Denver and Denver Tech Center. More specifically, the Property is located along S. Colorado Boulevard near the intersection of S. Colorado Boulevard and E. Arkansas Avenue, about one mile south of the Cherry Creek & the Cherry Creek Trail and half of a mile north of I-25. This location and the nearby transportation infrastructure support a variety of transportation options. S. Colorado Boulevard is one of the most highly traveled roadways in Denver and has an annual average daily traffic number of 58,000 (all-day, total traffic volume data for the period of 2008-2016; Denver Regional Council of Governments). The 40 and 46 bus lines have stops on the site or across the street; the 40 bus line provides a connection to Southmoor Station (Denver) and 60th & Dahlia (Commerce City), and the 46 bus line provides connection to Ulster & Tufts (Denver) and 1st & Milwaukee (Denver). Additionally, both bus lines provide access to the Denver Light Rail at Colorado Station, about one mile to the south of the site. At Colorado Station, the E-, F-, and H- Light Rail lines provide connections to Lincoln Station (Parker), Union Station (Denver), 18th & California (Denver), and Florida Station (Aurora).

## Distance From Site To:

The Cherry Creek / Cherry Creek Trail	.5 Miles
I-25 Access	.6 Miles
Light Rail Station (Colorado & I-25 Station)	1.0 Mile
University of Denver	2.0 Miles
Cherry Creek Mall / Cherry Creek North	2.9 Miles
Denver Tech Center	6.1 Miles
Denver Union Station (Downtown)	6.4 Miles
Denver International Airport	24.4 Miles

# Exhibit No. 4 | Regional Context Map



## Surrounding Zoning

The Property is surrounded by a variety of zone districts. Adjacent zone districts include:

North:	S-MX-5 (UO-1, UO-2); S-MX-5; R-3 (UO-3); S-MU-5 (UO-3); S-MU-5
East:	S-MU-5; S-SU-D
South:	S-MX-5; S-MX-3; S-MU-3; S-SU-D
West:	S-MX-5 (UO-1, UO-2)

Suburban Mixed Use zone districts surround the Property on the northwest, west, and southwest. The southeast portion of the Property is surrounded by a Suburban Single Unit zone district. Suburban Multi Unit zone districts fill-in most of the areas between the Suburban Mixed Use and Suburban Single Unit zone districts.

## Surrounding Land Uses

The land uses surrounding the Property vary, but generally the land uses transition from commercial uses to the west along S. Colorado Boulevard to residential uses to the east and south. Located between the commercial and single family uses is an area of multi-family uses. These areas located to the northeast, east, and south of the Property include a variety of multi-unit and multi-family buildings ranging from two to five stories in height. Approximately 68% of the surrounding land uses around the perimeter of the Property are existing commercial, multi-unit, and multi-family uses.

The Property is in the Virginia Village neighborhood, which is in the Near Southeast planning area of Denver's Neighborhood Planning Initiative. This neighborhood is bound by E. Mississippi Avenue to the north, Evans Avenue to the south, S. Colorado Boulevard to the west, and Cherry Creek or Quebec Street to the east. Virginia Village is characterized by a Mid-Century Modern architectural design style seen throughout the community.

## Exhibit No. 5 | Surrounding Land Uses

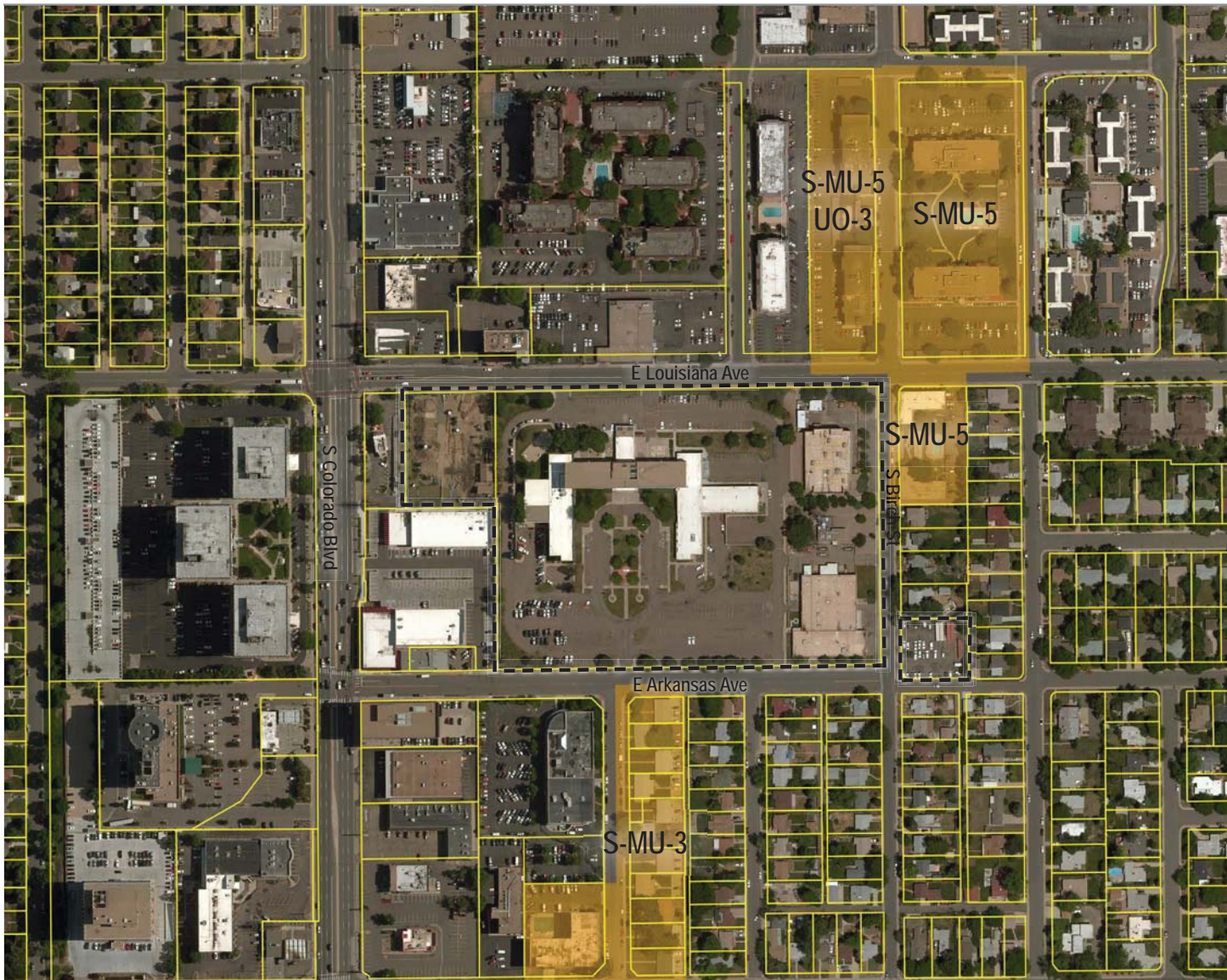


Source: SRI 2016. ArcGIS Desktop: Release 10.5. Redlands, CA: Environmental Systems Research Institute.

Photograph Source: Google, "Streetview," digital images, Google Maps (<http://maps.google.com>). Accessed December 2017.



## Exhibit No. 6 | S-MU Zone Districts in the Immediate Property Area




**LEGEND**

- Site Boundary
- Parcel Line

Neighborhood Context:  
S = Suburban

Dominant Building Form and Character:  
MU (Mixed Unit)

  
NORTH

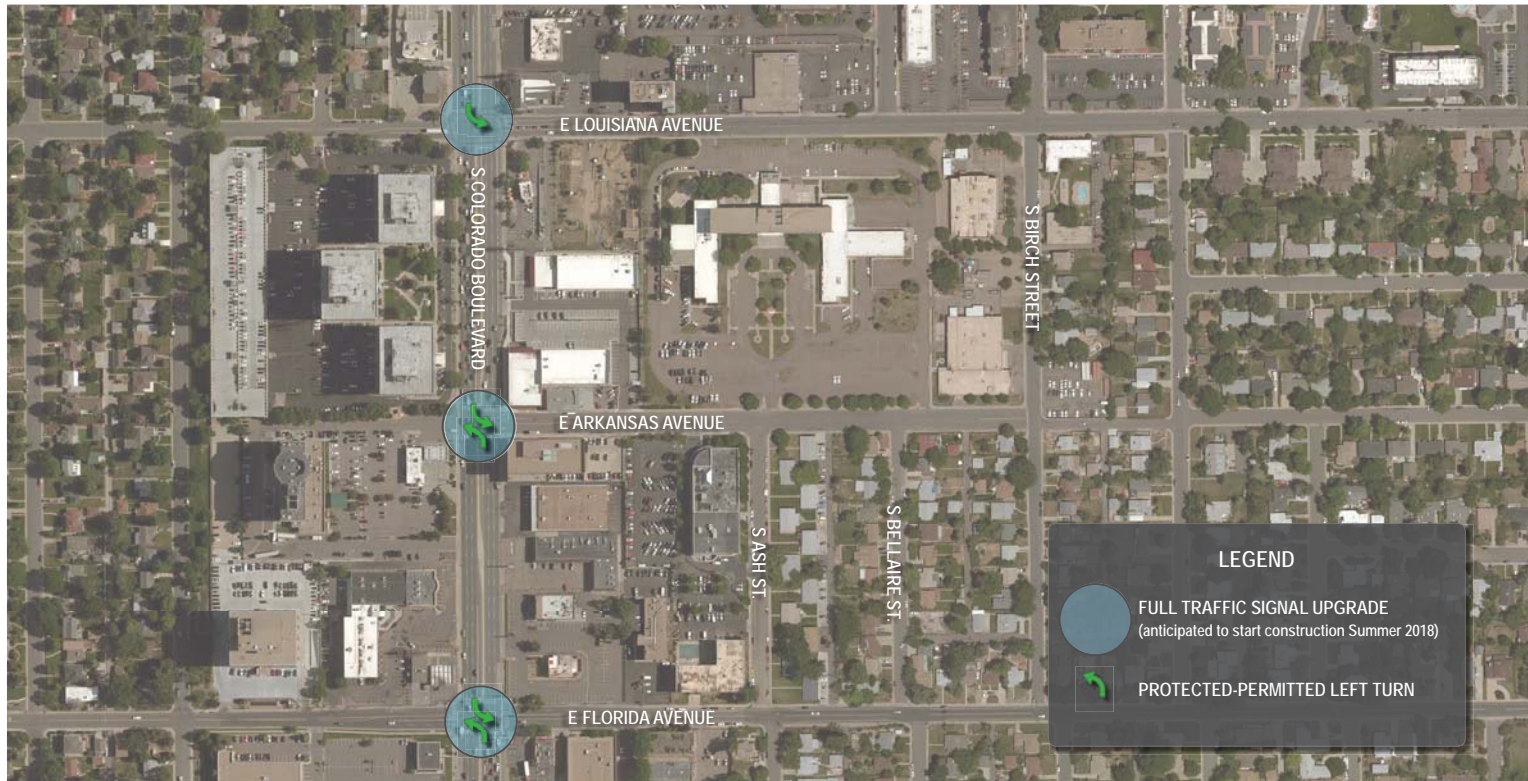
SOURCE: CITY AND COUNTY OF DENVER ZONING MAP

## Existing Transportation Infrastructure

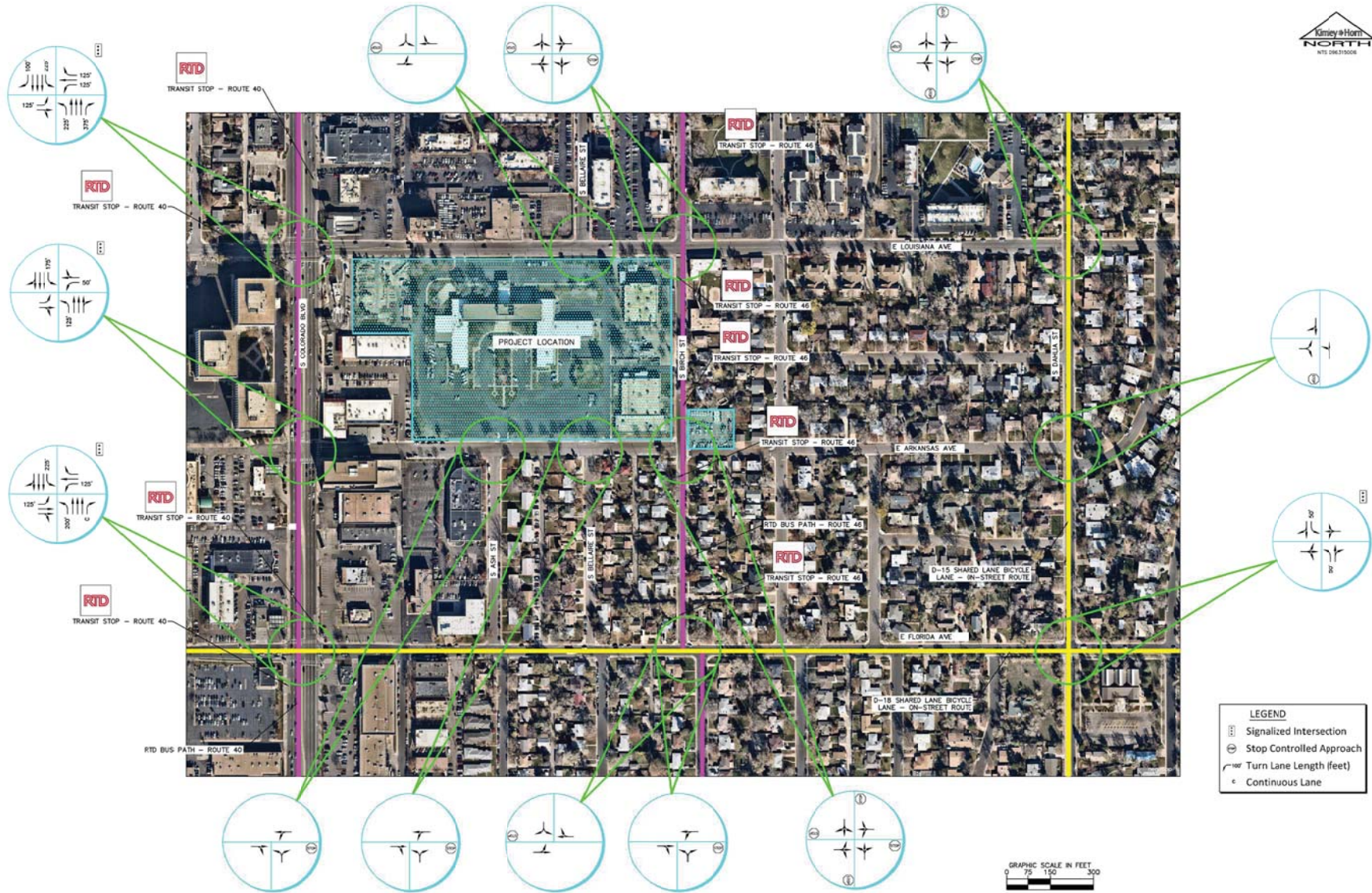
Kimley-Horn is conducting a traffic study as part of the redevelopment process, including an analysis of existing traffic conditions and capacity of the existing street network surrounding the Property. In response to issues identified through community meetings, the area of the study has been expanded to address neighborhood concerns regarding existing infrastructure. The development team is continuing to coordinate with Denver Public Works to coordinate regarding future circulation needs in the area.

Preliminary analysis indicates the existing street network can support new vehicle trips generated by the proposed development. Additionally, Public Works will be improving the traffic signals at three intersections along S. Colorado Boulevard near the Property. The traffic signal improvements will include a protected-permitted left turn from southbound S. Colorado Boulevard onto E. Louisiana Avenue, protected-permitted left turns from northbound and southbound S. Colorado Boulevard onto E. Arkansas Avenue, and protected-permitted left turns from northbound and southbound S. Colorado Boulevard onto E. Florida Avenue. Construction of the traffic signal upgrades is planned to start in Summer 2018.

## Exhibit No. 7 | Denver Public Works Traffic Signal Improvements



# Exhibit No. 8 | Existing Circulation Exhibit



## PROPOSED ZONE DISTRICTS

The proposed redevelopment recognizes the potential of the Property to positively contribute to the City while considering the impacts of redevelopment for residents in the Virginia Village neighborhood and adjacent neighborhoods. The proposed zoning provides the flexibility for a mixed-use development program to provide services, residential units, engaging spaces, and destinations for the neighborhood. Furthermore, it establishes the framework to provide a welcoming, accessible, and centrally located community development in Southeast Denver.

This application proposes a rezoning to the zone districts as follows: S-MX-8 (UO-2) (Zone District Boundary 1, northwest portion of the Property adjacent to Colorado Boulevard); S-MX-8 (Zone District Boundary 2, central portion of the Property); S-MX-5 (Zone District Boundary 3, northeast portion and southern portion of the Property); S-MX-3 (Zone District Boundary 4, southeast portion of the Property); and S-MU-3 (Zone District Boundary 5, Parcel C). For further clarification on the zone district boundaries, refer to the Proposed Zone Districts Map.

The Denver Zoning Code standards, regulations, and intents of the Suburban Mixed Use (S-MX) zone districts support this zone district proposal. The Denver Zoning Code explicitly states, “The Mixed Use districts are appropriate along corridors, for larger sites and at major intersections” (Denver Zoning Code, 3.2-4). The Property is located near S. Colorado Boulevard, a prominent commercial corridor and Commercial Arterial. Additionally, the Property is one of the larger

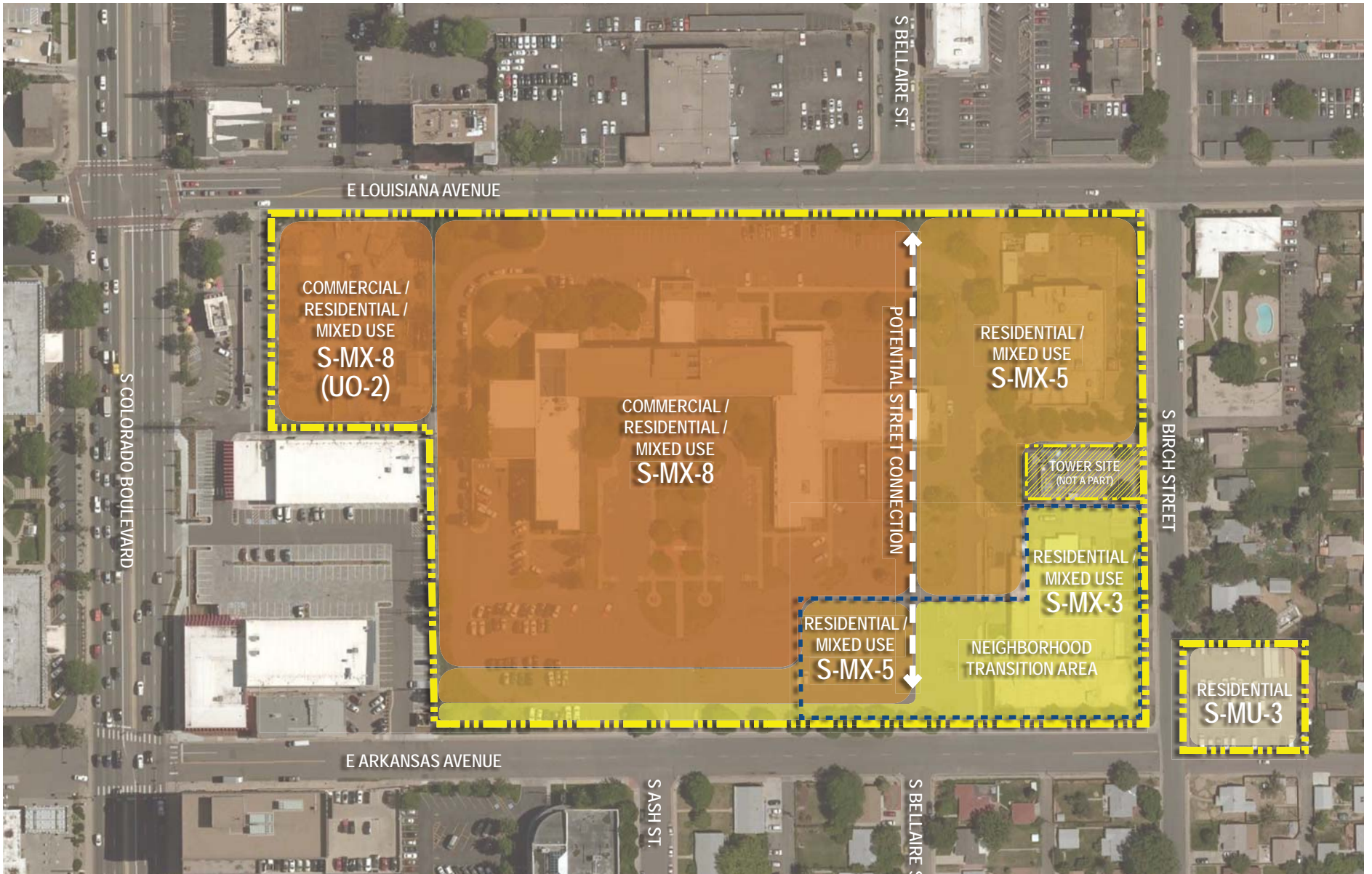
redevelopment sites in the area at 13.26 acres.

The Denver Zoning Code also states, “The building form standards of the Mixed Use zone districts balance the importance of street presence and provision of adequate parking through build-to requirements, Street Level activation and parking lot screening along the right-of-way.” The proposed development recognizes the existing context of the suburban area with a higher reliance on the automobile in comparison to an urban neighborhood context, but also provides access to pedestrian, bicycle, and bus facilities. The proposed development aims to provide walkable, inviting, and activating spaces.

The proposed zoning for the Property has evolved into the current configuration through a process that includes extensive and ongoing community engagement. In particular, building form and scale in relation to the surrounding context was a primary consideration throughout the community meetings. Some existing neighborhood residents have expressed concern about building heights greater than three stories across the street from their homes located south of E. Arkansas Avenue or east of S. Birch Street, but neighborhood meeting attendees were open to the proposed eight and five story building heights. In the end, the proposal aims to meet the needs of Denver’s growing population in a context-sensitive manner.

As part of the dialogue with the community, the rezoning integrates a mix of zone districts along the Arkansas Avenue frontage and a portion of Birch Street to establish building form and scale to transition from the existing residential neighborhood. The proposed zone district

## Exhibit No. 9 | Proposed Zone Districts Map

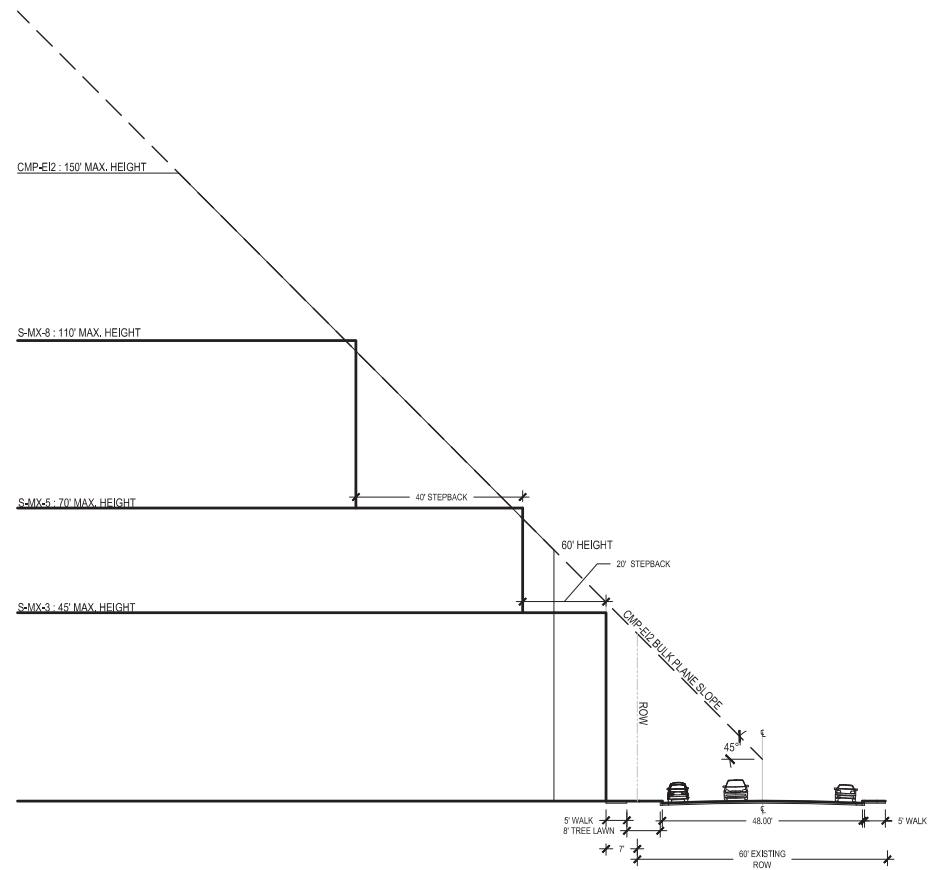


boundaries limit the maximum height even more than the maximum height adjacent to a protected district, 75 feet for the existing CMP-EI2 zone district.

Along E. Arkansas Avenue west of S. Bellaire Street, the adjacent protected district tools provided in code do not apply and are not available to the Property because it is not adjacent to a protected district. However, a neighborhood transition zone is still desired. The proposed S-MX-3 and S-MX-5 zone districts establish the maximum building heights of 45 feet / three (3) stories and 70 feet / five (5) stories and function as an upper story stepback requirement. The 40-foot depth proposed for the S-MX-5 zone district corresponds to a typical multifamily unit depth. In a double-loaded corridor configuration, the typical multifamily unit depth for one unit would be a total of 35 to 40 feet from the center of the corridor to the outside wall or outside edge of balcony. The proposed zone districts create the desired height configuration.

The upper story stepback guided by the proposed S-MX-3 and S-MX-5 zone districts remains within the current bulk plane envelope per the existing CMP-EI2 zone district. The proposed zone districts maintain the current building envelope transition along the southern perimeter of the Property as well as the overall height of the S-MX-8 zone district. The proposed S-MX-8 zone district will reduce the maximum height to 110 feet (8 stories) from the current allowance of 150 feet (12 stories) within the existing CMP-EI2 zone district.

## Exhibit No. 10 | E. Arkansas Avenue Street Section: S-MX-3, S-MX-5, and S-MX-8 Transition



The Suburban Mixed Use zone district guides general building form for the required build-to along streetscapes. The minimum standard requires fifty percent (50%) of a development to be within 0 feet to 80 feet from the property line. The design criteria suggest a diversity of options for the streetscape frontage as part of the rezoning. Ultimate development plans may have scenarios that address the street whereas other scenarios may be configured with design elements between the property line and building.

The rezoning requests heights that align with the current allowances under the CMP-EI2 zone district or are a reduction from the current maximum height of 150 feet. A majority of the Property, approximately 65%, is proposed to reduce the overall height from the allowances for the CMP-EI2 zone district. This is a benefit to the neighborhood to guide building form and scale while balancing the needs of the project to accommodate a marketable development. Building heights directly affect the redevelopment options because higher permitted building heights will accommodate more flexibility and provide a platform to deliver both market rate and affordable housing units. The proposed building heights will support affordable housing goals, while recognizing that building height has an impact on the surrounding areas and the public realm. For these reasons and after extensive community input, the proposed zoning transitions from eight stories on the west side of the Property along the Colorado Boulevard corridor to five stories in the central part of the Property to three stories on the south edge of the Property along E. Arkansas Avenue and at the southeast corner along S. Birch Street. Additionally, the proposal carefully considers

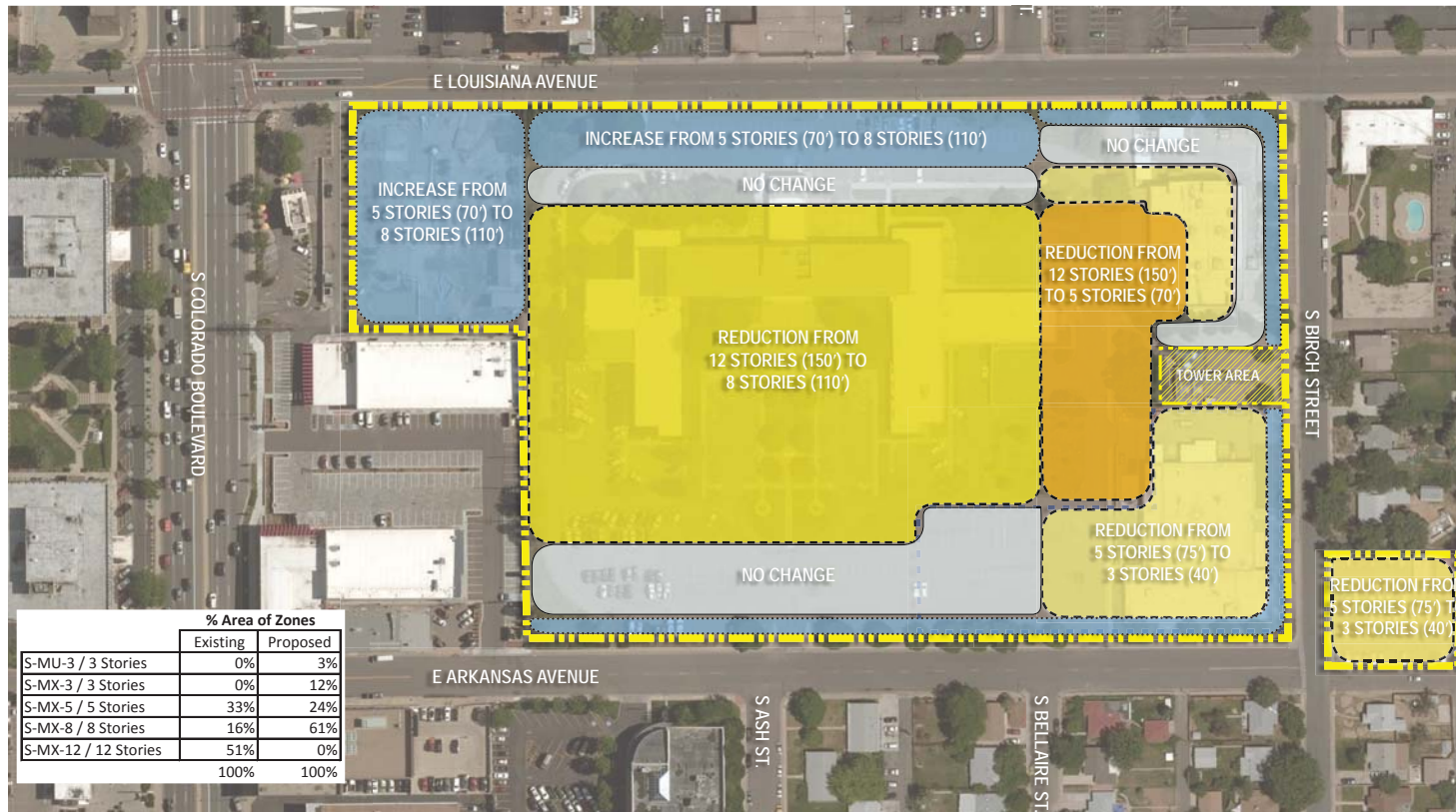
height limitations to address the concerns of some neighborhood residents regarding the height of building on the southeast portion of the site. This area referred to as the “neighborhood transition area” is proposed to address the priorities of the neighborhood residents and enhance the contextual experience of the public realm.

Parcel C, located at the northeast corner of S. Birch Street and E. Arkansas Avenue and currently zoned CMP-EI2, is proposed to be rezoned to Suburban Multi Unit 3 (S-MU-3). The proposed Multi Unit zone district will reduce the allowed maximum height from five stories to three stories as well as limit the allowed use to residential. The regulations and intents of Suburban Multi Unit zone district allow for multi unit development that will complement the character of the residential neighborhood. Additionally, the proposed residential development will be in context with multi unit developments in the area. As shown in Exhibit No. 6, S-MU Zoning in the Immediate Property Area, parcels adjacent to Suburban Single Unit zone districts in the immediate area of the Property are zoned S-MU-5 and S-MU-3. Although the referenced properties are not currently built to their allowed zoning heights, given their location and increasing land values, it is possible and even likely the properties will be built up to their allowed building heights in the future. Furthermore, S-MU-3 zoning will support the goal and requirement to provide affordable housing on the Property.

The rezoning aims to provide a high-quality development and an active neighborhood center that acts as an appropriate intermediate physical form between the high-intensity uses to the west, northwest, and southeast and the low-density land uses to the east, northeast, and southeast. As the Property is located between S. Colorado Boulevard (a Commercial Arterial and identified Commercial Corridor) lined with large commercial businesses and an established multi- and single-family residential neighborhood, the team

articulated the arrangement of zone districts and the maximum allowed heights to balance the opportunities for the redevelopment of the site with the input from the community. The proposed zone districts transition from greater building heights on the northwest portion of the site to lower building heights on the southeast portion of the site. Suburban Mixed Use (S-MX) zone districts will allow the development to realize the city’s vision for the future of Denver and relate to the existing surrounding land uses.

### Exhibit No. 11 | Zone District Height Reduction





## Exhibit No. 12 | CMP-EI2 & S-MX-5 Building Envelope Study 1

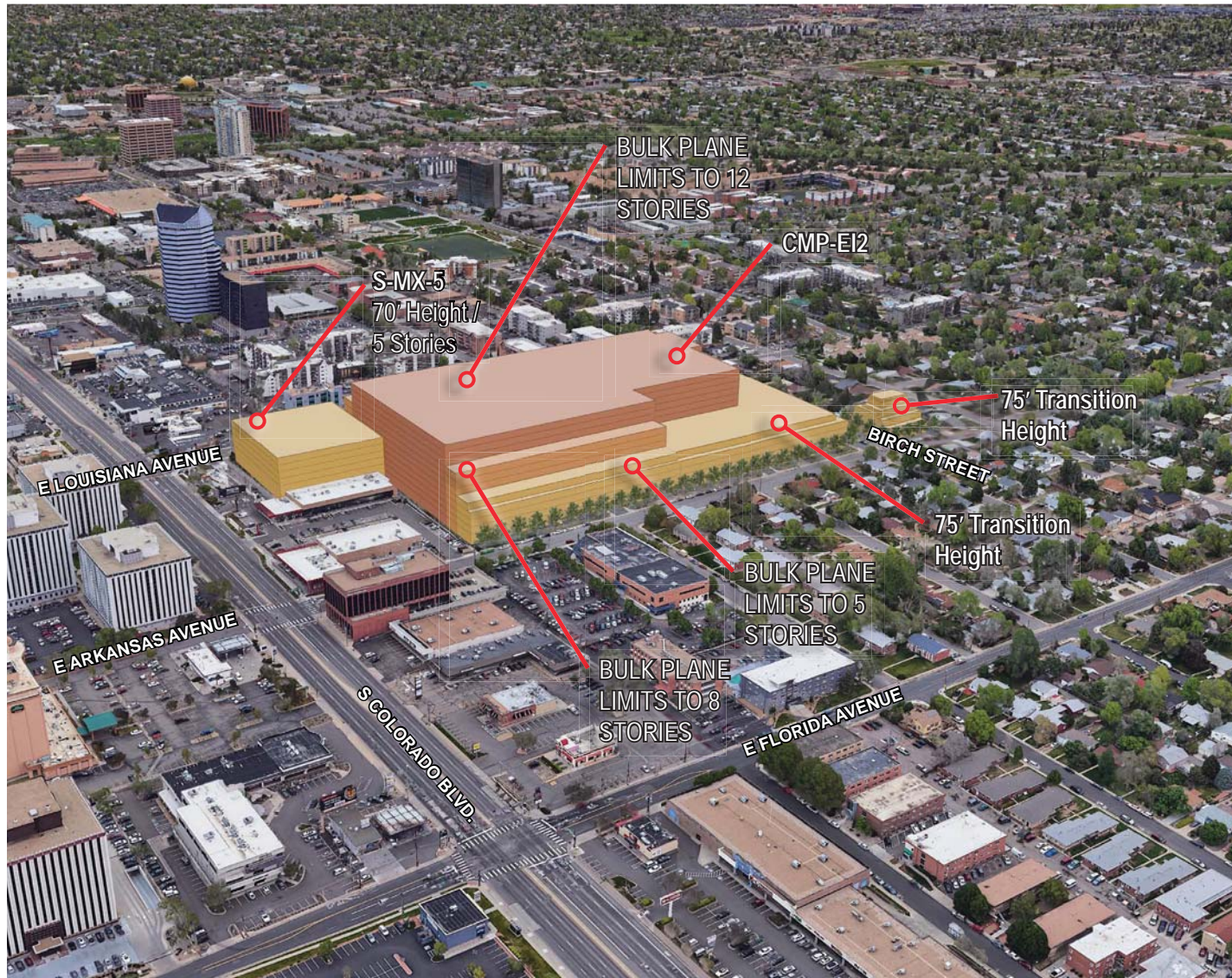


### CMP-EI2 & S-MX-5 BUILDING ENVELOPE

#### EXISTING ZONING

- CMP-EI2
- S-MX-5
- 12 Stories
- 150' Max Height
- 75' Transition Height
- 20' Setbacks
- 60% Building Coverage
- Bulk Plane Angle:  
45-degrees from streets

## Exhibit No. 13 | CMP-EI2 & S-MX-5 Building Envelope Study 2



### 12, 8, AND 5 STORY BUILDING ENVELOPE COMPARISON

#### EXISTING ZONING

- CMP-EI2
- S-MX-5
  
- 12 Stories
- 150' Max Height
- 75' Transition Height
- 20' Setbacks
- 60% Building Coverage
- Bulk Plane Angle:  
45-degrees from streets

## Exhibit No. 14 | S-MX & S-MU Building Envelope Study



### PROPOSED ZONE DISTRICTS BUILDING ENVELOPE STUDY

- S-MX-8
- S-MX-5
- S-MX-3
- S-MU-3

Per Zoning Criteria:

- 0' Setbacks at Streets
- Height Varies per Zone Districts Identified

Design Standards:

- Streetscape Character & Landscape
- Public Realm
- Building Form
  - Height
  - Setbacks
  - Parking Location
- Design Elements
  - Building Configuration
  - Transparency
  - Entrances

## Key Proposed Redevelopment Elements

The public engagement process has yielded constructive community input. In response to the community input, the rezoning request includes additional key redevelopment elements to enhance the overall development of the Property. In order to document the following elements, the development team will prepare a development agreement to integrate these elements into the future development of the Property.

The proposal realizes streets can be the most dominant public spaces in a neighborhood and is intentional about providing safe and accessible public spaces that emphasize the pedestrian experience. In acknowledgment of this reality, the proposed development intends to implement a north-south connection. While the precise location for this connection has not been finalized, possible locations for this connection could be 1) from S. Bellaire Street north of the Property to S. Bellaire Street south of the Property or 2) as an extension from S. Ash Street south of the Property to E. Louisiana Avenue. These options are being explored to provide a walkable, inviting, public space and desired community asset. Streetscape and sidewalk improvements will be incorporated regardless of the selected location and will enhance the public realm.

All phases of the redevelopment process will be completed in an appropriate time line and meet the City's requirements. The infrastructure improvements necessary to serve future development have been identified and will be provided with a concurrent process as approved through subsequent regulatory processes including

plans to provide drainage, sewage, and water systems. Additionally, the redevelopment process will bring the site's infrastructure including stormwater drainage and streetscape into conformance with current City standards.

The proposed development will integrate at least ten percent (10%) of the total area of the Property as open space. High-quality open space will be an amenity for the neighborhood and will enhance the pedestrian environment and the public realm. Residents in the neighborhood have expressed a strong desire for public gathering places that are comfortable for families. The redevelopment of the Property will result in streetscape improvements to the entire frontage of the Property for E. Arkansas Avenue, S. Birch Street and E. Louisiana Avenue. The improvements will include an updated curbway/tree lawn and sidewalk. The streetscape improvements will improve pedestrian connectivity and establish improved routes for the neighborhoods.

## REZONING REVIEW CRITERIA

This rezoning complies with all of the application general review criteria including: providing for an unanticipated community need (discussed in greater detail in the section, “Justifying Circumstances”); a uniformity of district regulations and restrictions; and furthering the public health safety, and general welfare of the city. (Code Sec. 12.4.10.7)

### Consistency with Adopted Plans

(Code Sec. 12.4.10.7.A.)

Blueprint Denver: A Land Use and Transportation Plan is the only adopted policy in effect that applies to the Property. This plan, adopted in 2002, recommends a land use of single-unit residential for the majority of the Property (all but the northwest portion). As the City is again carefully considering its plan to shape the future of Denver, this 16-year-old plan is in the process of being updated as the Comprehensive Plan 2040 through an ongoing process.

Blueprint Denver defines “Areas of Stability” as being either Committed Areas or Reinvestment Areas. As Blueprint states “reinvestment areas are neighborhoods with a character that is desirable to maintain but that would benefit from reinvestment through modest infill and redevelopment or major projects in a small area.” The Property may be considered a reinvestment area because of CDOT’s relocation, leaving this site vacant. This development proposes to meet the need for one of the challenges listed as an example in which reinvestment would be beneficial to the community,

maintaining affordable housing stock. This site may also be deemed a Reinvestment Area because it proposes redeveloping underutilized land to provide needed neighborhood services. Alternatively, because of the CDOT’s vacation, this area is in flux and it could be deemed that it is no longer an “Area of Stability,” but is now an “Area of Change.”

The properties to the north and south are also depicted as Single-Unit residential and an “Area of Stability”, even though they are currently zoned for mixed use and multi-unit residential; uses that match these zoning designations exist today.

### Other Plans

The Virginia Village Plan was adopted in 1973, but was not adopted as a supplement to the Comprehensive Plan 2000. The Virginia Village Plan recommended (but did not describe) that Parcels A & B should be “Intensive Multiple Uses.” Parcel C was recommended for “Medium Density Multi- Unit” uses. The proposed Suburban Mixed-Use and Suburban Multi Unit zoning is consistent with these land use designations.

The Denveright team is currently updating Blueprint Denver and associated recommendations. At this time, the Denveright team is considering a higher intensity residential recommendation for this area. Although the new plan is in development by Denveright, the plan has not yet been adopted by the City. This update more appropriately reflects the current status of the area than the binary designations in Blueprint Denver.

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

(Code Sec. 12.4.10.7.B.)

The proposed rezoning will result in uniform regulations and design elements for buildings throughout each district. To accommodate a variety of planning scenarios on the Property, defined zone districts are proposed on the Property. Applicable regulations and restrictions will be respected in each zone district.

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

(Code Sec. 12.4.10.7.C.)

The proposed development strives to meet the quality of life, economic, health, and environmental goals of the City and the surrounding communities.

The proposed mixed-use zone districts will allow for services to be located within walking distance of neighborhood residents and future residents. Neighborhood services within walking distance of residents will allow nearby residents and future residents to access these services without needing to depend on a car—thereby providing a more accessible and equitable development. The proposed development will also support walking, biking, and multi-modal transportation through design and infrastructure. The option to walk and bike for day-to-day activities whether it's a commute to work or for running errands and grocery shopping will have a positive impact on public health. Active transportation can reduce obesity rates and associated health complications. Walking and biking are also proven to reduce human stress levels. Furthermore, people

walking, biking, or riding mass transit are more likely to interact to other community members on a regular basis and regular interactions strengthen communities. Additionally, a walkable development has the potential to reduce the number of vehicular miles traveled and thereby reduce the amount of pollution and greenhouse gas emissions. Walking and biking are emission-free forms of transportation, and even modest increases in physical activity have been shown to have beneficial health impacts.

The mixed-use zone districts will allow for commercial uses, residential uses, and public spaces to be located on the Property. The variety of uses will support each other and contribute to the creation of an appealing place and destination. The commercial components of the development will provide valuable services and act as an attraction for both residents in the neighborhood and future residents. The residential components will provide much needed housing. Residents on site will also increase the size of the community with invested interest in the area and will increase the number of people present during hours outside of the standard 40-hour workday. Both of these factors will support inhabited, safe, and interactive spaces.

The community has expressed concern about a vacant site, and the time line of this proposed development considers the community's safety concerns. This redevelopment process will ensure the site is redeveloped according to an appropriate time line and will prevent the site from being vacant for an extended amount of time.

## FORMAL PUBLIC OUTREACH AND PARTICIPATION

Community involvement and input are vital components of this rezoning and redevelopment process. Extensive community input has been gathered through community meetings, task force meetings, and ongoing discussions. To date, the redevelopment team has held six interactive public community meetings: January 25, 2018; March 8, 2018; April 5, 2018; May 3, 2018; June 7, 2018, and July 12, 2018. The meetings were held near the Property at Ellis Elementary School and Salem United Church of Christ. To garner wide community attendance, the meetings were conducted in the evening at 6:00pm. Representatives from the entire team: Kentro Group; Norris Design; CRL; Kimley-Horn; and additional team members as necessary, were in attendance at each of the meetings and were available to answer questions.

The general structure of the first three meetings involved a presentation by the redevelopment team followed by breakout sessions. During the breakout sessions, community members were invited to participate at each station staffed by two to three redevelopment team members. The topics of the sessions included: land uses; existing conditions; community aspirations; community concerns; zoning; transportation; character; rezoning plan; and proposed zoning. The small group setup allowed community members to ask questions, provide input, and discuss freely. The community input was gathered and collected in a variety of ways: note taking; open discussion with note-taking on a large tablet; stickers to indicate preferences and desires on a collection of images; and a land use survey.

The fourth community meeting, on May 3, 2018, included a summary of the information presented in previous meetings, an update on the proposed zoning, and a panel discussion. For the panel discussion, six members of the redevelopment team were available to any and all questions from the audience. The panel members included: Jimmy Balafas (Kentro Group), Chris Viscardi (Kentro Group), Stacey Weaks (Norris Design), Sean Maley (CRL), Curtis Rowe (Kimley-Horn), and John Yerton (Essential Management Solutions, LLC).

In an effort to reach and involve even more community members, prior to the fourth community meeting, KRF Arkansas, LLC paid for signs and fliers with the upcoming meeting information that were posted on the Property and distributed throughout the neighborhood. These fliers presented the meeting information in English, Spanish, and Arabic. Translators were provided at the meetings as well.

The fifth community meeting, on June 7, 2018, included a summary of the highlights from the rezoning application as well as general updates related to the project status and the CDOT transition to the new campus. The team facilitated a panel discussion addressing a range of questions from the attendees. For the panel discussion, five members of the redevelopment team were available to any and all questions from the audience. The panel members included: Jimmy Balafas (Kentro Group), Chris Viscardi (Kentro Group), Stacey Weaks (Norris Design), Sean Maley (CRL) and Curtis Rowe (Kimley-Horn).

On July 12, 2018, the sixth community meeting was held at Infinity Park Event Center. The team presented updates

on the site condition and rezoning application, discussed the development process and development agreement for the project, and shared examples of Site Development Plans for other projects in Denver. A significant focus of the meeting was an update on the affordable housing component of the project and related pertinent information.

In addition to the community meetings, a group of dedicated neighborhood residents formed a Neighborhood Task Force that met regularly on Monday evenings. When invited, the redevelopment team attended and met with the task force. The Neighborhood Task Force requests and concerns were considered in great detail and to great lengths and have had a strong influence on this redevelopment process.

A zoning discussion was a critical component of each community meeting and the proposed zoning

evolved through this process. From the beginning of the redevelopment process, the redevelopment team maintained open communication channels and made themselves available to discuss the redevelopment process with community members and any interested parties.

Additionally, the Kentro Group website published a webpage specifically for this 4201 E. Arkansas Avenue project ([www.kentrogroup.com/Arkansas](http://www.kentrogroup.com/Arkansas)) and made the project information easily accessible to the public. The entire redevelopment process, including this rezoning application, has been shaped by community input.

## Community Meeting Photographs





## General Community Vision for Redevelopment of the Site and Community Support for Suburban Mixed-Use

Throughout the community engagement process, existing neighborhood residents have expressed the following as the highest priority community aspirations for the redevelopment project:

- o a “destination”
- o gathering places open to existing neighborhood residents
- o quality design
- o a quality public realm with vegetation
- o a place to walk and bike to in the neighborhood

The existing neighborhood residents have been decisive about wanting a “destination” and “neighborhood gateway” for the neighborhood. The majority of neighborhood residents who have expressed an opinion about the Property are very excited about the possibility of gaining neighborhood amenities they can walk and bike to from their homes. Much input has been provided by meeting participants through a variety of workshop sessions and the redevelopment team has gathered lists of desired amenities, the majority of which are small/local retail establishments and active gathering areas.

In one meeting an excited couple shared their experience of happening upon Main Street Square in Rapid City, South Dakota. They had walked there to get ice cream and were pleasantly surprised to find families hanging-

out, socializing, and casually enjoying the evening. This type of experience resonated strongly with the group as a desired and welcomed setting. A gathering place for families that is accessible to existing residents has been embraced as the primary desired amenity. To create the type of “destination” and draw desired by existing neighborhood residents, mixed-use zoning is necessary.

In the first community meeting, community members expressed excitement about a development reminiscent of a S. Colorado Boulevard in the 1970s and 1980s. Celebrity Sports Center and Cooper Theatre, two places that existed on S. Colorado Boulevard in the past, were mentioned repeatedly. The community has expressed a strong desire to celebrate history and the character of the neighborhood. In fact, design was the topic mentioned the most at the “Community Aspirations” breakout session. Design as defined by the community includes architectural style, and the community has expressed a strong desire for Mid-Century Modern architecture style of high-quality materials.

In the second and third community meetings, neighborhood input on preferred land uses and building/site character was gathered. Two of the methods used to gather input were land use surveys and a collection of images on which community members could place a sticker to indicate they “liked” the image. The data gathered from the land use surveys support what existing neighborhood residents have vocally and repeatedly expressed a desire for, a mixed use development. The two most desired land uses as ranked by existing neighborhood residents are a retail grocery and housing. A large number of existing neighborhood residents

support higher density with the stipulation affordable residential units are included in the development.

In the fourth community meeting, community members posed questions to the redevelopment team on the topics of: vehicle traffic; definition of affordable housing; proposed building heights; existing environmental contamination on the site and remediation efforts (performed by CDOT); difference between Mixed Use and Multi Unit zone districts; including commercial uses; if closure of E. Arkansas Avenue east of S. Birch Street is possible; open space; number of affordable housing units anticipated to be located on site; Site Development Process; Home Owners Association or Metro District; for-sale housing; and drainage improvements. Community input has dramatically shaped the proposed zoning.

In the fifth and sixth community meetings, the team facilitated a panel discussion to address questions from the meeting attendees. The following topics queried by the attendees related to the affordable housing element and perspectives on affordable housing, next steps for the CDOT building, timing of physical development, parking on-site and impacts to off-site streets, overall connectivity in the area, traffic and mix of residential units. Generally, the questions focused on details of future development plans that will be further refined following the rezoning step in the process. Several of the attendees conveyed their general support of the rezoning and the redevelopment opportunities the request presents.

## JUSTIFYING CIRCUMSTANCES

The rezoning of the Property is justified per the applicable justifying circumstance criteria (DZC Section 12.4.10.8.A.40 of the Official Map Amendment (Rezoning) which states **“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.”**

Denver has experienced more rapid population growth in the past five years than the city has ever experienced, and this population growth is expected to continue (Denveright Community Profile, p. 5). “Denver is now on pace to grow by 150,000 new residents in a ten-year period” (Denveright Community Profile, p. 5).

Just as Denver has changed in the last sixteen years, the needs of Denver have changed since 2002 when Blueprint Denver was adopted.

In line with Denver’s goals to “improve connectivity, economic opportunity and quality of life for everyone,” the proposed development intends to meet residents’ daily needs by providing daily goods and services within walking distance (Denver’s Mobility Action Plan, p. 3).

The demand, prices, and rents for housing have increased dramatically, and Denver’s workforce and vulnerable communities are struggling to find and maintain housing. The proposed development intends to provide much needed affordable housing. In fact, the PSA requires 150 for-rent units of sixty percent (60%) area median income (AMI) housing to be built on this site,

another site in the City, or payment of a large fee-in-lieu. The project’s intent is to build the affordable units on site.

The contract also stipulates that 150,000 square feet of commercial needs to be built on site and provide 200 jobs. Under the current zoning CMP-EI2 zoning, it is difficult to meet this contractual requirement because retail is not allowed.

The proposed development strives to meet the quality of life, economic, health, and environmental goals of Denver and the surrounding communities. To this point, community involvement and input were and continue to be vital components of the rezoning and redevelopment process. The proposal has evolved and adapted to its current form to create an opportunity to provide a desired and valued development.

4201 E. Arkansas Avenue is an appropriate location to direct growth and will offer current and future Denver residents options in housing and community type. The proposed development aims to achieve Denver’s goals and vision for future developments and will contribute positively to the community. As Denver continues to grow, this proposed development recognizes the potential benefits of providing housing and services in the neighborhood. The rezoning of the Property is imperative because of the redevelopment opportunity this site presents to support the City’s goal to grow responsibly.

## **Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statement**

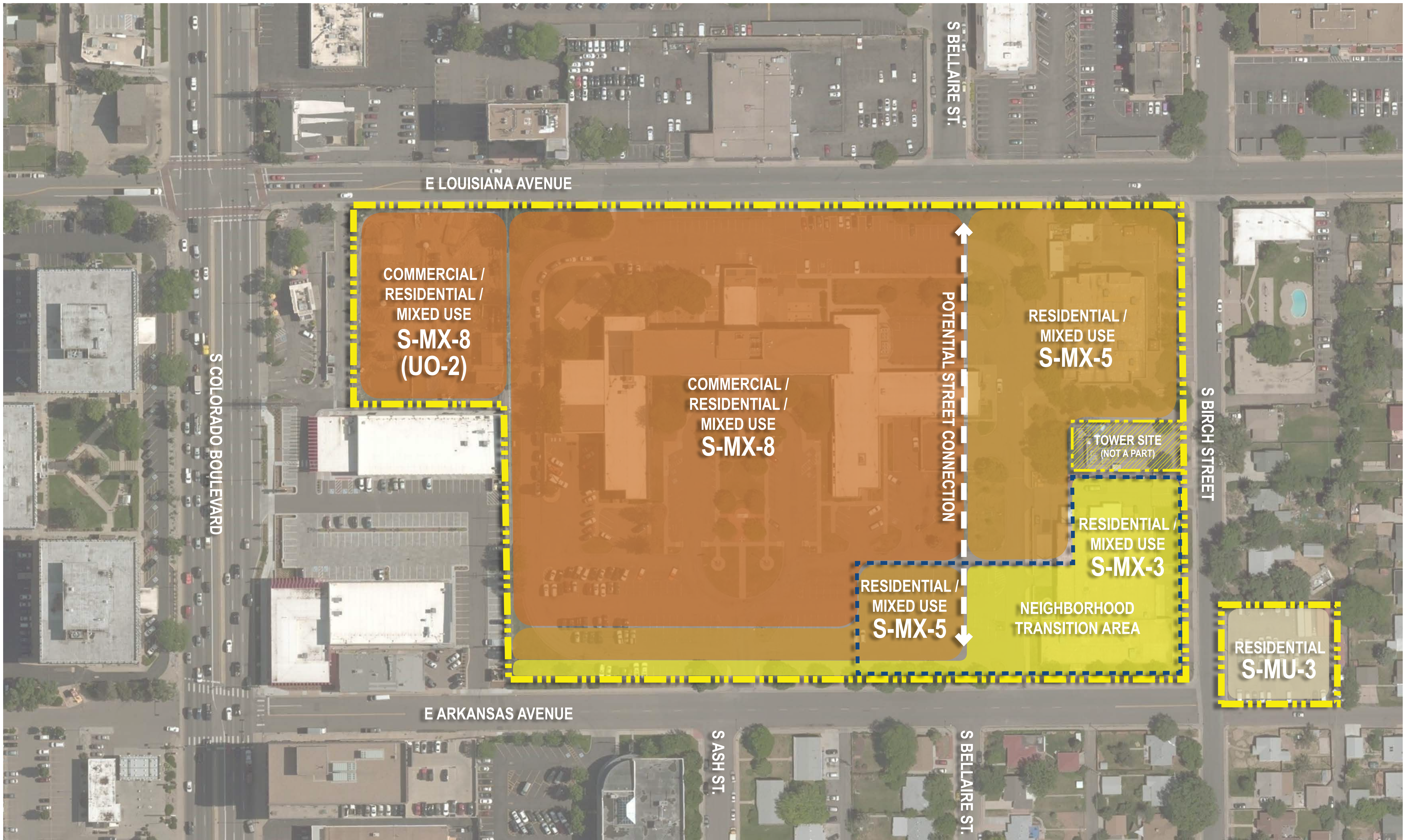
The S-MX (Suburban Mixed Use) zone districts are the most appropriate zone districts to serve as the land use framework for the majority of the Property in conjunction with the S-MU-3 (Suburban Multi Unit 3-stories) for the parcel east of S. Birch Street. The proposed zone districts consider both future opportunity and the existing context. The existing surrounding zoning and the general character of the neighborhood specifically weighed heavily in the decision to propose a Suburban Neighborhood Context, and the arrangement of the proposed zone districts - as they pertain to building form and scale - was crafted through the community meetings and public engagement processes. The proposed S-MX zone districts will allow the development to realize the City's vision for the future of Denver, and align the project (and its overall character) back to the existing surrounding land uses within the community.

The Denver Zoning Code standards, regulations, and intents of the Suburban Mixed Use (S-MX) zone districts support this zone district proposal. The Denver Zoning Code explicitly states, "The Mixed Use districts are appropriate along corridors, for larger sites and at major intersections" (Denver Zoning Code, 3.2-4). The Property is located near S. Colorado Boulevard, a prominent commercial corridor and Commercial Arterial. Additionally, the Property is one of the larger redevelopment sites in the area at 13.26 acres.

The Denver Zoning Code also states, "The building form standards of the Mixed Use zone districts balance the importance of street presence and provision of adequate parking through build-to requirements, street level activation and parking lot screening along the right of way." The proposed development recognizes the existing context of the suburban area which has a higher reliance on the automobile in comparison to an urban neighborhood context, but the proposed development also provides access to pedestrian, bicycle, and bus facilities. The proposed development aims to provide walkable, inviting, and activating spaces.

This rezoning proposes a graduated arrangement of zone districts to present viable opportunities for the redevelopment of the Property while balancing the input from the community. The proposed zone districts transition from a comparable scale of development adjacent to S. Colorado Boulevard (a Commercial Arterial and identified Commercial Corridor) lined with large commercial businesses to a compatible scale of development for the E. Arkansas Avenue and S. Birch Street frontages across the street from an established multi and single-family residential neighborhood. The Suburban Mixed Use (S-MX) zone districts will allow the development to realize the City's vision for the future of Denver and relate to the existing surrounding land uses. Ultimately, the proposed zoning provides the flexibility for a mixed-use development program to provide services, residential units, engaging spaces, and destinations for the neighborhood.





COMMERCIAL /  
RESIDENTIAL /  
MIXED USE  
**S-MX-8**  
(UO-2)

COMMERCIAL /  
RESIDENTIAL /  
MIXED USE  
**S-MX-8**

RESIDENTIAL /  
MIXED USE  
**S-MX-5**

TOWER SITE  
(NOT A PART)

RESIDENTIAL /  
MIXED USE  
**S-MX-3**

RESIDENTIAL /  
MIXED USE  
**S-MX-5**

NEIGHBORHOOD  
TRANSITION AREA

RESIDENTIAL  
**S-MU-3**

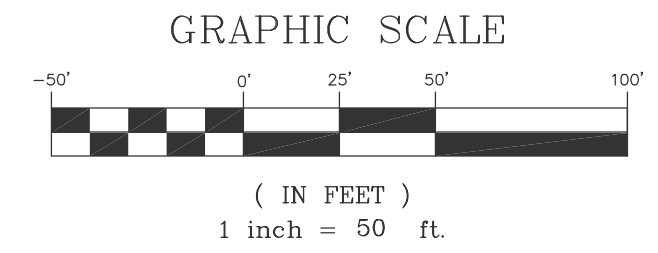
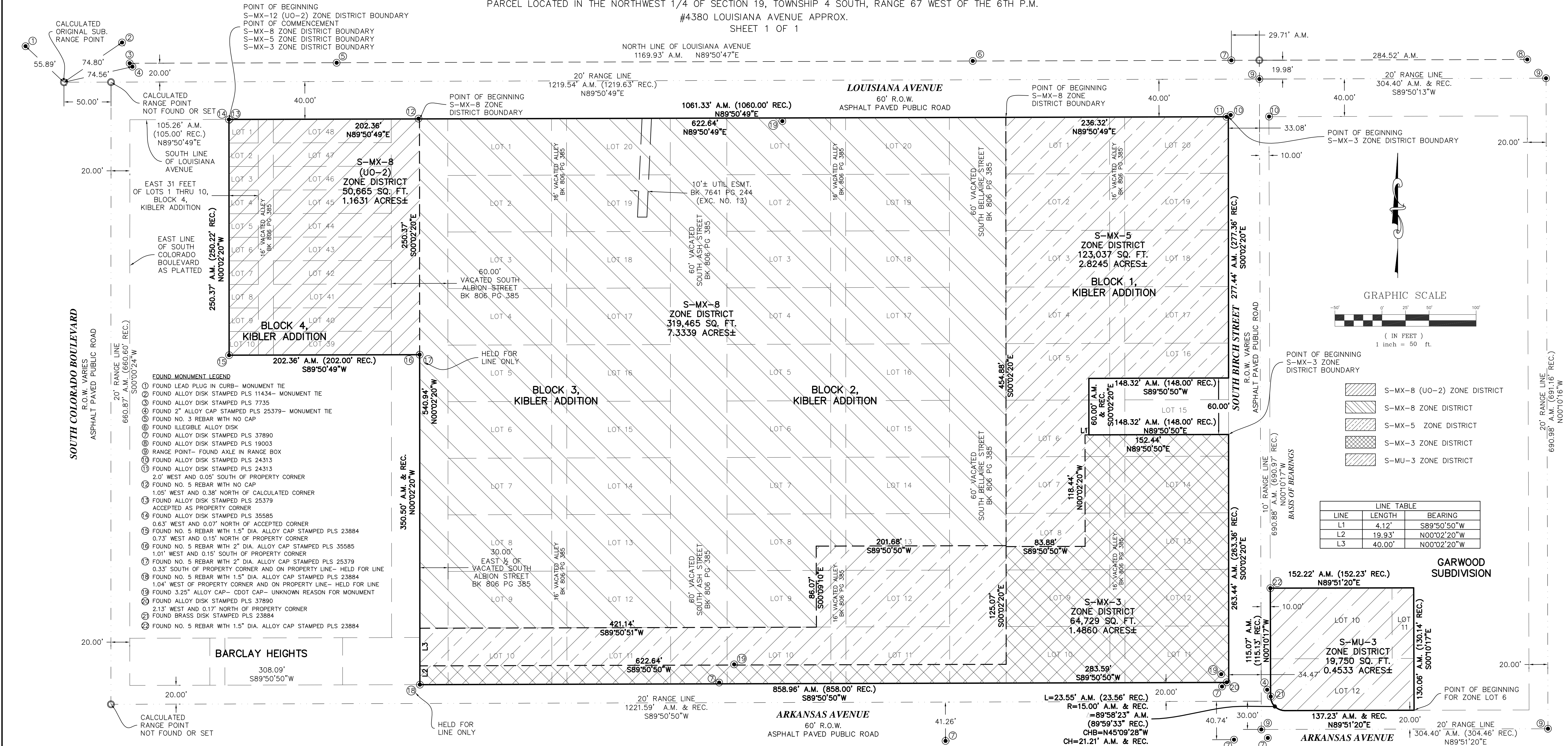
POTENTIAL STREET CONNECTION

# ZONE DISTRICT BOUNDARY EXHIBIT AND LEGAL DESCRIPTIONS

PARCEL LOCATED IN THE NORTHWEST 1/4 OF SECTION 19, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH P.M.

#4380 LOUISIANA AVENUE APPROX.

SHEET 1 OF 1



LINE	LENGTH	BEARING
L1	4.12'	S89°50'50"W
L2	19.93'	N00°02'20"W
L3	40.00'	N00°02'20"W

LINE	LENGTH	BEARING
L1	4.12'	S89°50'50"W
L2	19.93'	N00°02'20"W
L3	40.00'	N00°02'20"W

**GARWOOD SUBDIVISION**

**LEGAL DESCRIPTION S-MX-8 (UO-2) ZONE DISTRICT BOUNDARY:**  
 A PARCEL OF LAND LOCATED IN THE NORTHWEST 1/4 OF SECTION 19, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 BEGINNING AT THE NORTHWEST CORNER OF THE EAST 31 FEET OF LOT 1, BLOCK 4, KIBLER ADDITION, BEING A POINT ON THE SOUTH LINE OF LOUISIANA AVENUE MONUMENTED BY AN ALLOY DISK STAMPED PLS 25379 AND AS DEFINED BY THE SURVEY SHOWN ON THE DOCUMENT RECORDED IN THE CITY AND COUNTY OF DENVER RECORDS UNDER RECEPTION NO. 2013045280; THENCE N89°50'49"E ALONG THE SOUTH LINE OF LOUISIANA AVENUE, 202.36 FEET TO THE NORTHEAST CORNER OF THE WEST 1/2 OF VACATED SOUTH ALBION STREET AS VACATED IN BOOK 806 AT PAGE 385 OF THE CITY AND COUNTY OF DENVER RECORDS; THENCE S00°02'20"E ALONG THE EAST LINE OF THE WEST 1/2 OF SAID VACATED SOUTH ALBION STREET, 250.37 FEET TO A POINT 30.00 FEET EAST OF THE SOUTHEAST CORNER OF LOT 39, BLOCK 4, KIBLER ADDITION; THENCE S89°50'50"W ALONG AN EXTENSION OF THE SOUTH LINE OF SAID LOT 39 AND THE SOUTH LINE OF SAID LOT 39 AND SAID LINE EXTENDED, 202.36 FEET TO THE SOUTHWEST CORNER OF THE EAST 31 FEET OF SAID LOT 10, BLOCK 4, KIBLER ADDITION; THENCE N00°02'20"W ALONG THE WEST LINE OF THE EAST 31 FEET OF SAID LOT 10 AND SAID LINE EXTENDED, 250.37 FEET TO THE POINT OF BEGINNING, CITY AND COUNTY OF DENVER, STATE OF COLORADO.  
 THE ABOVE DESCRIBED PARCEL CONTAINS 50,665 SQUARE FEET OR 1.1631 ACRES MORE OR LESS.

**LEGAL DESCRIPTION S-MX-8 ZONE DISTRICT BOUNDARY:**  
 A PARCEL OF LAND LOCATED IN THE NORTHWEST 1/4 OF SECTION 19, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 COMMENCING AT THE NORTHWEST CORNER OF THE EAST 31 FEET OF LOT 1, BLOCK 4, KIBLER ADDITION, BEING A POINT ON THE SOUTH LINE OF LOUISIANA AVENUE MONUMENTED BY AN ALLOY DISK STAMPED PLS 25379 AND AS DEFINED BY THE SURVEY SHOWN ON THE DOCUMENT RECORDED IN THE CITY AND COUNTY OF DENVER RECORDS UNDER RECEPTION NO. 2013045280; THENCE N89°50'49"E ALONG THE SOUTH LINE OF LOUISIANA AVENUE, 202.36 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG ABOVE DESCRIBED COURSE, 622.64 FEET TO THE NORTHWEST CORNER OF LOT 1, BLOCK 1, KIBLER ADDITION; SAID POINT ALSO BEING ON THE EAST LINE OF VACATED SOUTH BELLAIRES STREET AS VACATED IN BOOK 806 AT PAGE 385 OF THE CITY AND COUNTY OF DENVER RECORDS; THENCE CONTINUING ALONG ABOVE DESCRIBED COURSE, 236.32 FEET TO THE INTERSECTION OF THE SOUTH LINE OF LOUISIANA AVENUE AND THE WEST LINE OF SOUTH BIRCH STREET, SAID POINT ALSO BEING THE NORTHEAST CORNER OF LOT 20, BLOCK 1, KIBLER ADDITION; THENCE S00°02'20"E ALONG THE WEST LINE OF SOUTH BIRCH STREET, 277.44 FEET; THENCE S89°50'50"W, 148.32 FEET; THENCE S00°02'20"E, 60.00 FEET; THENCE S89°50'50"W, 4.12 FEET; THENCE S00°02'20"E, 118.44 FEET; THENCE S89°50'50"W, 83.88 FEET TO A POINT ON THE EAST LINE OF VACATED SOUTH BELLAIRES STREET AS VACATED IN BOOK 806 AT PAGE 385 OF THE CITY AND COUNTY OF DENVER RECORDS, SAID POINT BEING ON THE WEST LINE OF LOT 8, BLOCK 1, KIBLER ADDITION; THENCE S00°02'20"E ALONG THE EAST LINE OF SAID VACATED SOUTH BELLAIRES STREET, 125.07 FEET; THENCE S89°50'50"W, 622.64 FEET TO A POINT ON THE WEST LINE OF THE EAST 1/2 OF VACATED SOUTH ALBION STREET AS VACATED IN BOOK 806 AT PAGE 385 OF THE CITY AND COUNTY OF DENVER RECORDS; THENCE N00°02'20"W ALONG THE WEST LINE OF THE EAST 1/2 OF SAID VACATED SOUTH ALBION STREET, 40.00 FEET; THENCE N89°50'51"E, 421.14 FEET; THENCE N00°09'10"E, 86.07 FEET; THENCE N89°50'50"E, 201.68 FEET TO A POINT ON THE EAST LINE OF SAID VACATED SOUTH BELLAIRES STREET, SAID POINT ALSO BEING ON THE WEST LINE OF SAID LOT 8, BLOCK 1, KIBLER ADDITION; THENCE N00°02'20"E, 454.88 FEET TO THE POINT OF BEGINNING, CITY AND COUNTY OF DENVER, STATE OF COLORADO.  
 THE ABOVE DESCRIBED PARCEL CONTAINS 319,465 SQUARE FEET OR 7.3339 ACRES MORE OR LESS.

**LEGAL DESCRIPTION S-MX-5 ZONE DISTRICT BOUNDARY:**  
 A PARCEL OF LAND LOCATED IN THE NORTHWEST 1/4 OF SECTION 19, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 COMMENCING AT THE NORTHWEST CORNER OF THE EAST 31 FEET OF LOT 1, BLOCK 4, KIBLER ADDITION, BEING A POINT ON THE SOUTH LINE OF LOUISIANA AVENUE MONUMENTED BY AN ALLOY DISK STAMPED PLS 25379 AND AS DEFINED BY THE SURVEY SHOWN ON THE DOCUMENT RECORDED IN THE CITY AND COUNTY OF DENVER RECORDS UNDER RECEPTION NO. 2013045280; THENCE N89°50'49"E ALONG THE SOUTH LINE OF LOUISIANA AVENUE, 1061.33 FEET TO THE INTERSECTION OF THE SOUTH LINE OF LOUISIANA AVENUE AND THE WEST LINE OF SOUTH BIRCH STREET, SAID POINT ALSO BEING THE NORTHEAST CORNER OF LOT 20, BLOCK 1, KIBLER ADDITION; THENCE S00°02'20"E ALONG THE WEST LINE OF SOUTH BIRCH STREET, 337.44 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE EAST LINE OF LOT 15, BLOCK 1, KIBLER ADDITION; THENCE CONTINUING ALONG THE WEST LINE OF SOUTH BIRCH STREET S00°02'20"E, 263.44 FEET TO THE INTERSECTION OF THE WEST LINE OF SOUTH BIRCH STREET AND THE NORTH LINE OF ARKANSAS AVENUE, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF LOT 11, BLOCK 1, KIBLER ADDITION; THENCE S89°50'50"W ALONG THE NORTH LINE OF ARKANSAS AVENUE, 858.96 FEET TO A POINT ON THE WEST LINE OF THE EAST 1/2 OF VACATED SOUTH ALBION STREET AS VACATED IN BOOK 806 AT PAGE 385 OF THE CITY AND COUNTY OF DENVER RECORDS; THENCE N00°02'20"W ALONG THE WEST LINE OF THE EAST 1/2 OF SAID VACATED SOUTH ALBION STREET, 19.93 FEET; THENCE N89°50'50"E, 622.64 FEET TO A POINT ON THE EAST LINE OF VACATED SOUTH BELLAIRES STREET AS VACATED IN BOOK 806 AT PAGE 385 OF THE CITY AND COUNTY OF DENVER RECORDS, SAID POINT ALSO BEING ON THE WEST LINE OF LOT 10, BLOCK 1, KIBLER ADDITION; THENCE N00°02'20"W ALONG THE EAST LINE OF SAID VACATED SOUTH BELLAIRES STREET, 125.07 FEET; THENCE N89°50'50"E, 83.88 FEET; THENCE N00°02'20"E, 118.44 FEET; THENCE N89°50'50"E, 152.44 FEET TO THE POINT OF BEGINNING, CITY AND COUNTY OF DENVER, STATE OF COLORADO.  
 THE ABOVE DESCRIBED PARCEL CONTAINS 123,037 SQUARE FEET OR 2.8245 ACRES MORE OR LESS.

**LEGAL DESCRIPTION S-MX-3 ZONE DISTRICT BOUNDARY:**  
 A PARCEL OF LAND LOCATED IN THE NORTHWEST 1/4 OF SECTION 19, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 COMMENCING AT THE NORTHWEST CORNER OF THE EAST 31 FEET OF LOT 1, BLOCK 4, KIBLER ADDITION, BEING A POINT ON THE SOUTH LINE OF LOUISIANA AVENUE MONUMENTED BY AN ALLOY DISK STAMPED PLS 25379 AND AS DEFINED BY THE SURVEY SHOWN ON THE DOCUMENT RECORDED IN THE CITY AND COUNTY OF DENVER RECORDS UNDER RECEPTION NO. 2013045280; THENCE N89°50'49"E ALONG THE SOUTH LINE OF LOUISIANA AVENUE, 1061.33 FEET TO THE INTERSECTION OF THE SOUTH LINE OF LOUISIANA AVENUE AND THE WEST LINE OF SOUTH BIRCH STREET, SAID POINT ALSO BEING THE NORTHEAST CORNER OF LOT 20, BLOCK 1, KIBLER ADDITION; THENCE S00°02'20"E ALONG THE WEST LINE OF SOUTH BIRCH STREET, 337.44 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE EAST LINE OF LOT 15, BLOCK 1, KIBLER ADDITION; THENCE CONTINUING ALONG THE WEST LINE OF SOUTH BIRCH STREET S00°02'20"E, 263.44 FEET TO THE INTERSECTION OF THE WEST LINE OF SOUTH BIRCH STREET AND THE NORTH LINE OF ARKANSAS AVENUE, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF LOT 11, BLOCK 1, KIBLER ADDITION; THENCE S89°50'50"W ALONG THE NORTH LINE OF ARKANSAS AVENUE, 858.96 FEET TO A POINT ON THE WEST LINE OF THE EAST 1/2 OF VACATED SOUTH ALBION STREET AS VACATED IN BOOK 806 AT PAGE 385 OF THE CITY AND COUNTY OF DENVER RECORDS; THENCE N00°02'20"W ALONG THE WEST LINE OF THE EAST 1/2 OF SAID VACATED SOUTH ALBION STREET, 19.93 FEET; THENCE N89°50'50"E, 622.64 FEET TO A POINT ON THE EAST LINE OF VACATED SOUTH BELLAIRES STREET AS VACATED IN BOOK 806 AT PAGE 385 OF THE CITY AND COUNTY OF DENVER RECORDS, SAID POINT ALSO BEING ON THE WEST LINE OF LOT 10, BLOCK 1, KIBLER ADDITION; THENCE N00°02'20"W ALONG THE EAST LINE OF SAID VACATED SOUTH BELLAIRES STREET, 125.07 FEET; THENCE N89°50'50"E, 83.88 FEET; THENCE N00°02'20"E, 118.44 FEET; THENCE N89°50'50"E, 152.44 FEET TO THE POINT OF BEGINNING, CITY AND COUNTY OF DENVER, STATE OF COLORADO.  
 THE ABOVE DESCRIBED PARCEL CONTAINS 64,729 SQUARE FEET OR 1.4860 ACRES MORE OR LESS.

**LEGAL DESCRIPTION S-MU-3 ZONE DISTRICT BOUNDARY:**  
 A PARCEL OF LAND LOCATED IN THE NORTHWEST 1/4 OF SECTION 19, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 ALL OF LOTS 10, 11 AND 12 GARWOOD SUBDIVISION RECORDED NOVEMBER 15, 1950, AT RECEPTION NO. 446849 IN THE RECORDS OF THE CITY AND COUNTY OF DENVER, STATE OF COLORADO. SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 A PARCEL OF LAND LOCATED IN THE NORTHWEST 1/4 OF SECTION 19, TOWNSHIP 4S, RANGE 67W, OF THE 6TH PRINCIPAL MERIDIAN, IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 12; THENCE S89°51'20"W, COINCIDENT WITH THE SOUTH LINE OF SAID LOT 12, A DISTANCE OF 137.23 FEET; THENCE ON THE ARC OF A CURVE TO THE RIGHT, A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 89°58'23", A DISTANCE OF 23.55 FEET, (A CHORD BEARING N45°09'28"W, A DISTANCE OF 21.21 FEET) TO A POINT ON THE WEST LINE OF SAID LOT 12; THENCE N00°10'17"W COINCIDENT WITH THE WEST LINE OF SAID LOTS 12 AND 10, A DISTANCE OF 115.07 FEET TO THE NORTHWEST CORNER OF SAID LOT 10; THENCE N89°51'20"E COINCIDENT WITH THE NORTH LINE OF SAID LOTS 10 AND 11, A DISTANCE OF 152.22 FEET TO THE NORTHEAST CORNER OF SAID LOT 11; THENCE S00°10'17"E COINCIDENT WITH THE EAST LINE OF SAID LOTS 11 AND 12, A DISTANCE OF 130.06 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.  
 THE ABOVE DESCRIBED PARCEL CONTAINS 19,750 SQUARE FEET OR 0.4533 ACRES MORE OR LESS.  
**BASIS OF BEARINGS FOR ALL LEGAL DESCRIPTIONS:**  
 AN ASSUMED BEARING OF N00°10'17"W BEING A 10 FOOT CITY AND COUNTY OF DENVER RANGE LINE LOCATED IN SOUTH BIRCH STREET BETWEEN TWO FOUND MONUMENTS 690.88 FEET APART. BOTH MONUMENTS BEING AN AXLE IN A CITY AND COUNTY OF DENVER SURVEY RANGE POINT BOX, ON AT THE INTERSECTION OF SOUTH BIRCH STREET AND ARKANSAS AVENUE AND THE OTHER AT THE INTERSECTION OF SOUTH BIRCH STREET AND LOUISIANA AVENUE.

**811**  
Know what's below.  
Call before you dig.

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 EMAIL: damien.cain@39north.net  
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