



TO: Denver City Council Land Use, Transportation, and Infrastructure Committee
FROM: Analiese Hock, Senior City Planner
DATE: December 20, 2016
RE: Official Zoning Map Amendment Application #2016I-00055
3087 S. Sheridan Boulevard
Rezoning from Former Chapter 59 B-2 with waivers to S-CC-3x

Staff Report and Recommendation

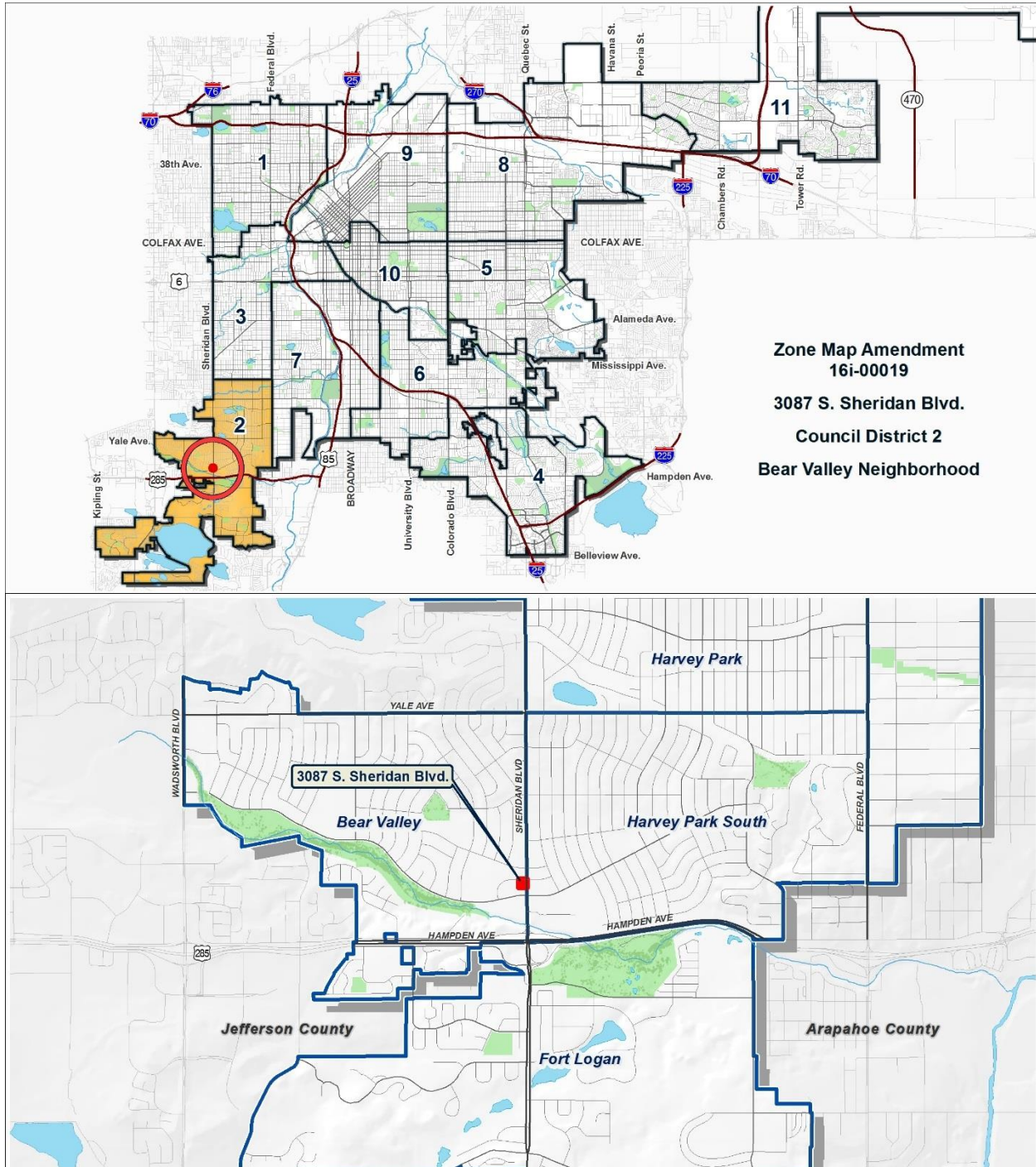
Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2016I-00055 for a rezoning from Former Chapter 59 B-2 with waivers to S-CC-3x.

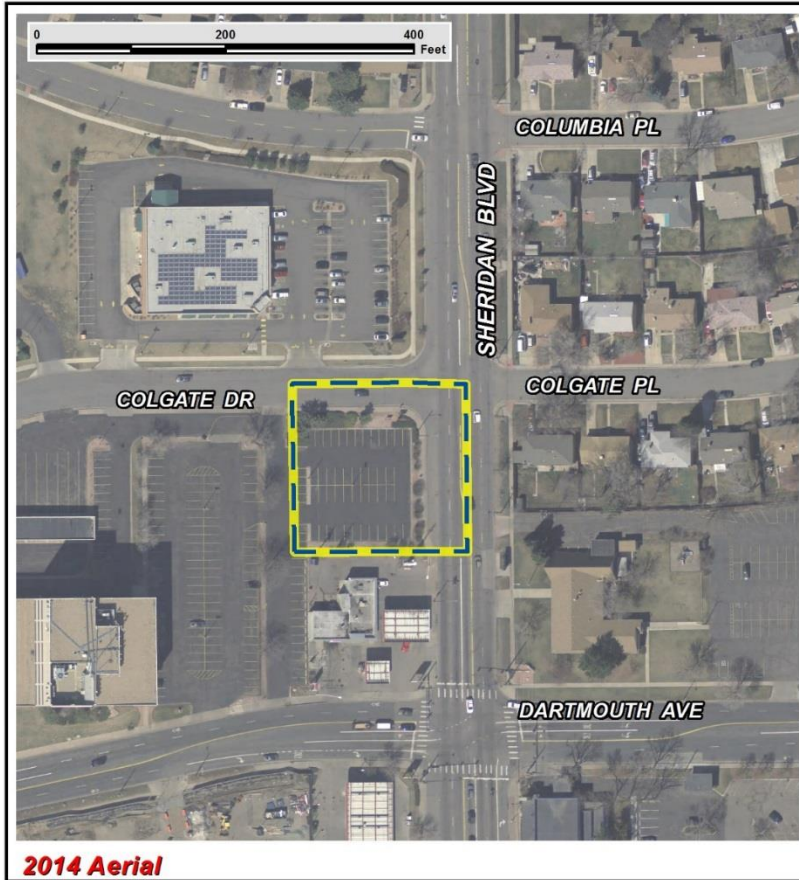
Request for Rezoning

Application:	#2016I-00055
Address:	3087 S. Sheridan Boulevard
Neighborhood/Council District:	Bear Valley Neighborhood / Council District 2
RNOs:	Harvey Park Improvement Association; Bear Valley Improvement Association; Denver Neighborhood Association, Inc.; Inter-Neighborhood Cooperation (INC)
Area of Property:	0.71 Ac (30,913 s.f.)
Current Zoning:	Former Chapter 59 B-2 with waivers
Proposed Zoning:	S-CC-3x
Property Owner(s):	Express Commercial, LLC
Owner Representative:	Troy Campbell, Coffee Engineering

Summary of Rezoning Request

- The subject property is in the Bear Valley statistical neighborhood south of Colgate Drive and South Sheridan Boulevard.
- The subject property is comprised of one assessor's parcel, 3087 S. Sheridan Blvd.
- The site is currently a surface parking lot.
- The existing Former Chapter 59 B-2 with waivers is a business district with a waiver restricting development within 100 feet of Sheridan Boulevard.
- The property owners are requesting a rezoning from Former Chapter 59 (FC59) B-2 with waivers to S-CC-3x to allow for the development of the site.
- The requested zone district, S-CC-3x, is defined as **Suburban Neighborhood Context, Commercial Corridor, 3-Story maximum height**, which accommodates a variety of commercial uses. The "x" indicates that allowed uses are more limited than in the S-CC-3 zone district.



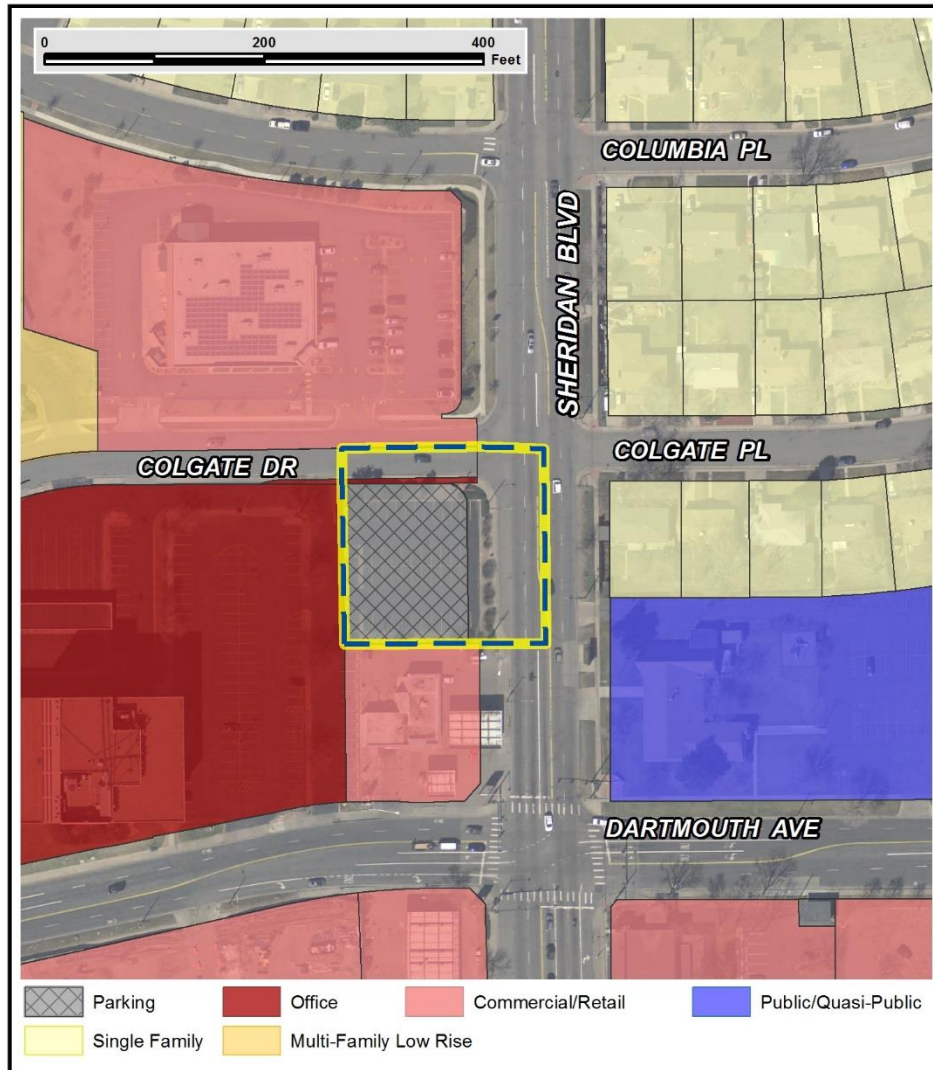


Existing Context

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

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	FC59 B-2 with waivers	Surface Parking Lot	N/A	Consists of an irregular pattern of block shapes surrounded by curvilinear streets within a modified or non-existent grid, with cul-de-sacs and no alleys. Block shapes and sizes vary with parking commonly located between the building and street.
North	PUD	Commercial/Retail	1-story suburban retail development	
South	S-CC-3x	Commercial/Retail	1- story gas station	
East	S-SU-D	Single-Family Residential	1- and 2-story single family homes & religions assembly use	
West	FC59 B-2 with waivers	Office	5-story office building	

2. Existing Land Use Map



The subject property is vacant surface parking. Properties to the north and south are commercial/retail. The property to the west is an office building. On the east side of Sheridan Boulevard are single family homes abutting a church.

3. Existing Building Form and Scale (Google Maps Images)



Subject property, southwest from S. Sheridan Blvd. and Colgate Drive



View of the property to the south looking northwest from S. Sheridan Blvd. and Dartmouth Ave



View of the residential neighborhood to the east of the property

Summary of City Agency Referral Comments

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

Public Works – City Surveyor: Approved.

Development Services: Approve Rezoning Only - Will require additional information at Site Plan Review. Concept comments were sent to applicant on September 13, 2016 and are attached as a reference if needed.

Real Estate: Approved – No comments

No other agencies responded to the request for comments.

Public Review Process

- CPD staff provided Informational notice of receipt of the rezoning application to at-large and affected members of City Council and registered neighborhood organizations (RNOs) on November 4, 2016.
- The property was legally posted for a period of 15 days announcing the December 7, 2016, Denver Planning Board public hearing, and written notification of the hearing has been sent to all affected registered neighborhood organizations and City Council members. Planning Board recommended approval of the proposed rezoning.
- CPD staff provided informational notice to affected members of City Council and registered neighborhood organizations (RNOs) on December 6, 2016 to announce the December 20, 2016 LUTI Meeting.
 - **Registered Neighborhood Organizations (RNOs)**
 - Harvey Park Improvement Association
 - Bear Valley Improvement Association
 - Denver Neighborhood Association, Inc.
 - Inter-Neighborhood Cooperation (INC)
 - **Other Public Comment**

As of the date of this staff report, no comments had been received regarding this application.

Criteria for Review / Staff Evaluation

The criteria for review of this rezoning application are found in DZC, Sections 12.4.10.7 and 12.4.10.8, as follows:

DZC Section 12.4.10.7

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

DZC Section 12.4.10.8

1. Justifying Circumstances

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

1. Consistency with Adopted Plans

The following adopted plans apply to this property:

- Denver Comprehensive Plan 2000
- Blueprint Denver (2002)

Denver Comprehensive Plan 2000

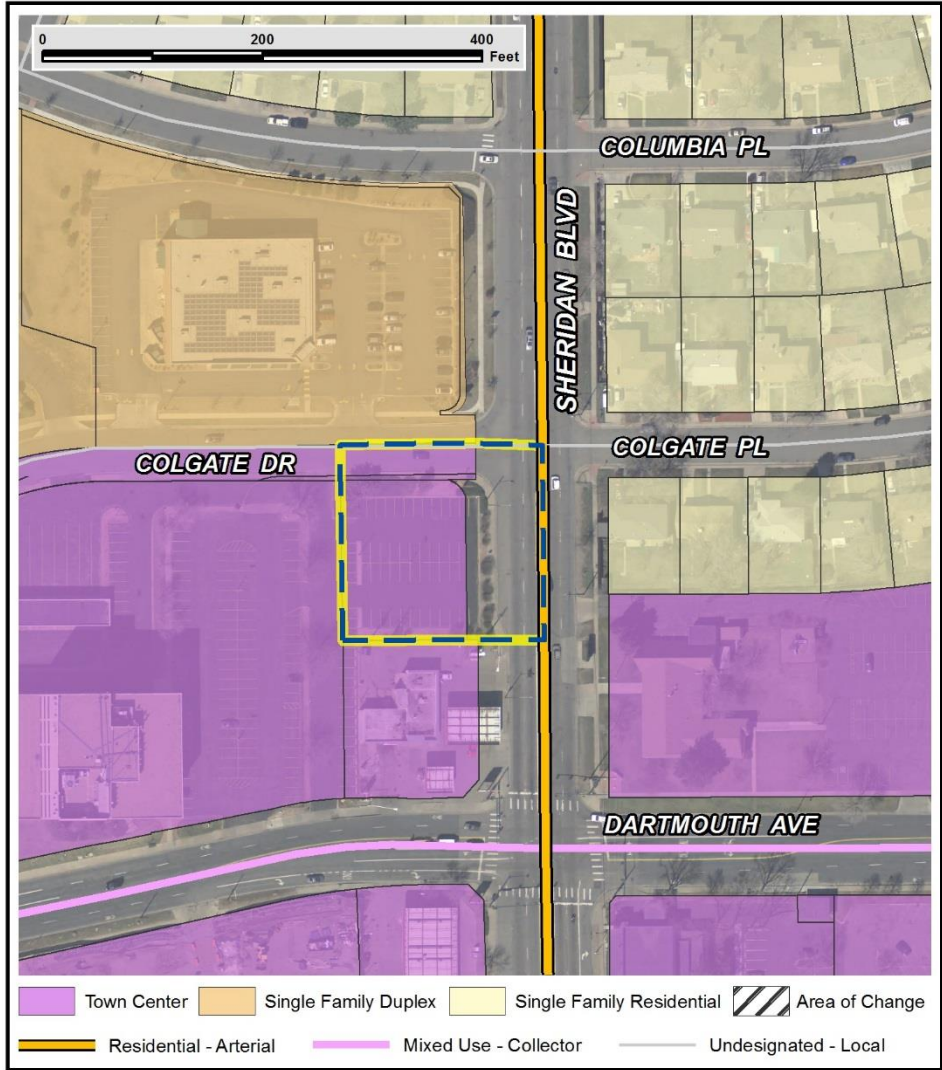
The proposal is consistent with many Denver Comprehensive Plan strategies, including:

- Environmental Sustainability Strategy 2-F – *Conserve land by: promoting infill development with Denver at sites where services and infrastructure are already in place. Designing mixed-use communities and reducing sprawl, so that residents can live, work and play within their own neighborhoods. (p 39)*
- Land use Strategy 1-D – *Recognize multiple transportation functions of arterial corridors, as well as their importance for commercial activity. (p 57)*
- Land Use Strategy 3-B – *Encourage quality infill development that is consistent with the character of the surrounding neighborhood; that offers opportunities for increased density and more amenities; and that broadens the variety of compatible uses. (p 60)*
- Mobility Strategy 4-E – *Continue to promote mixed-use development, which enables people to live near work, retail and services. (p 76)*

The proposed map amendment will enable development that serves the more auto-dominated arterial corridor of South Sheridan while ensuring that new development contributes positively to the existing character. The rezoning is consistent with these plan recommendations.

Blueprint Denver (2002)

According to the 2002 Plan Map adopted in Blueprint Denver, this site has a concept land use of Town Center, Area of Stability.



Future Land Use

Blueprint Denver describes Town Centers as “similar to neighborhood centers but meet a larger variety of shopping, entertainment, service and employment needs and are large enough to serve several neighborhoods” (p. 43). The S-CC-3x zone district is consistent with this future land use classification because it enables a wide variety of commercial and retail uses.

Area of Change/ Area of Stability

As recommended by Blueprint, this is an Area of Stability. Blueprint Denver describes “the goals for Areas of Stability

is to identify and maintain the character of an area while accommodating some new development and redevelopment” (p. 120). Further, the entire town center has been identified as an Area of Stability.

Rezoning to the S-CC-3x zone district will enable the redevelopment of the subject property from a surface parking lot to a new development that is comparable to the surrounding area in use, form, and intensity. Therefore, the rezoning application is consistent with the Blueprint Denver Area of Stability recommendations.

Street Classifications

Blueprint Denver’s Future Street Classification Map identifies South Sheridan as a Residential Arterial. Arterials are “major roadways designed to provide a high degree of mobility and serve longer vehicle trips to, from, and within major activity centers in Denver and the region” with a

focus on the “movement of people and goods, rather than access” (p 51) Additionally, arterials “serve higher-density and higher-intensity land uses adjacent to the streets” (p 194). More specifically, residential arterials “serve longer distance trips than residential local or collector streets” (p 62). It is important to note that Blueprint Denver designates South Sheridan as residential arterial starting from the City and County limit north to East Mexico Avenue. Therefore, the street classification can be seen as a general classification that does not acknowledge the existence of shopping areas such as the Bear Creek Town Center. As such, residential arterials can serve the mobility needs of the surrounding residential and the longer vehicle trips to the major activity and town centers.

West Colgate Drive is an undesignated local street which is “influenced less by traffic volumes and tailored more to providing local access. Mobility on local streets is typically incidental and involves relatively short trips at lower speeds to and from other streets.” The S-CC-3x zone district is an appropriate zone district for the street classification by allowing for redevelopment of the site that is consistent with the existing context and character.

Other Land Use Recommendations

Among the specific strategies to implement Blueprint Denver, the plan calls for amending “the code to eliminate obsolete zone districts and amend the map to apply new zone districts to affected areas” (p. 162-3). Rezoning from the obsolete Former Chapter 59 to a standard zone district in the new Denver Zoning Code is directly consistent with this plan recommendation.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to S-CC-3x will result in the uniform application of zone district building form, use and design regulations.

3. Public Health, Safety and General Welfare

City staff have evaluated the portion of the site remaining in Former Chapter 59 with waivers and found that the rezoning of the subject property would not have an adverse zoning impact to the remaining site not being rezoned. The proposed official map amendment furthers the public health, safety, and general welfare of the City primarily through implementation of the city’s adopted land use plans as described earlier in this report.

4. Justifying Circumstance

The application identifies several changed or changing conditions as the Justifying Circumstance under DZC Section 12.4.10.8.A.4, “The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area.” Since the approval of the current zoning with waivers in 1978, the City has undergone change and growth, including investment in nearby commercial sites such as Wal-Mart to the south and Walgreens to the north. Comprehensive Plan and Blueprint Denver were adopted, with Blueprint Denver recommending this site as a town center. Rezoning to the S-CC-3x zone district will enable this in-fill site to contribute to the consistent development of the town center. The availability of

the new Denver Zoning Code, adopted in 2010, also is a changed circumstance. Accordingly, Sec. 12.4.10.8.A.4 is an appropriate justifying circumstance for the proposed rezoning.

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

The requested S-CC-3x zone district is within the Suburban Neighborhood Context. The neighborhood context generally consists of single-unit and multi-unit residential, commercial strips and centers, and office parks. Commercial buildings are often separated from residential. The context consists of an irregular pattern of block shapes. Building height is typically low, except for some mid- and high-rise structures, particularly along arterial streets.

The neighborhood pattern surrounding this site is consistent with the code's description of the Suburban Neighborhood Context. The block shapes are irregular in pattern with some grid elements and some broken grids and curvilinear streets. Because the neighborhood building form, lot, and block pattern is suburban in character, and the site is on an arterial street where mid- and high-rise structures are sometimes found in the neighborhood context, the proposed rezoning to S-CC-3x is consistent with the neighborhood context description.

The general purpose of the Commercial Corridor Zone Districts is to "to balance the need for safe, active, and pedestrian-scaled, diverse areas with the need for convenient automobile access" (DZC 3.2.3.A). According to the specific zone district intent stated in the Denver Zoning Code, the S-CC-3x zone district "applies primarily to auto-oriented arterial street corridors where a building scale of 1 to 3 stories is desired with less intense uses than S-CC-3" (DZC Section 3.2.3.2.B). As this site is on an arterial street (South Sheridan), the building scale may be desirable based on the plan direction discussed above, the rezoning is consistent with the zone district purpose and intent statements.

Staff Recommendation

Based on the analysis set forth above, CPD staff finds that the application for rezoning the property located at 3087 S. Sheridan Blvd. to the S-CC-3x zone district meets the requisite review criteria. Accordingly, staff recommends approval of the rezoning.

Attachments

1. Application
2. Existing waivers

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	Express Commercial, LLC	Representative Name	Coffey Eng., attn:Troy Campbell
Address	1385 S. Willow St.	Address	4045 St. Cloud Dr., Ste 180
City, State, Zip	Denver, CO 80247	City, State, Zip	Loveland, CO 80538
Telephone	303.638.6435	Telephone	970.622.2095
Email	sandpeble@aol.com	Email	tcampbell@coffey-engineering.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>			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):	3087 S. Sheridan Blvd., Denver, CO		
Assessor's Parcel Numbers:	0436400013000		
Area in Acres or Square Feet:	0.71 acres (30,913 s.f.)		
Current Zone District(s):	B-2 (Former Chapter 59)		
PROPOSAL			
Proposed Zone District:	S-CC-3x		
Does the proposal comply with the minimum area requirements specified in DZC Sec. 12.4.10.3:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	

REVIEW CRITERIA	
<p>General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.7</p>	<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>Justifying Circumstances - One of the following circumstances exists:</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)	
Please list any additional attachments:	
Zone Map Exhibit	


REZONING GUIDE

Rezoning Application Page 3 of 3



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

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

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement (must sign in the exact same manner as title to the property is held)	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed or deed of trust, (C) title policy or commitment, or (D) other as approved	Property owner representative written authorization? (YES/NO)
EXAMPLE John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith Josie Q. Smith</i>	01/01/12	(A)	NO
Express Commercial, LLC Roy Enter	3087 S. Sheridan Denver, CO 80227 303.638.6435 sandpeble@aol.com	100%	 <i>on behalf of Express Commercial, LLC</i>	9/16/16	(C)	Yes

Last updated: September 29, 2015

Return completed form to rezoning@denvergov.org

311 | FOR INFORMATION & CITY SERVICES

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

REVIEW CRITERIA

3087 S. Sheridan Blvd, Denver, CO
Proposed Zone Map Amendment
from Former Chapter 59 B-2, to S-CC-3x

September 16, 2016
Revised November 2, 2016

Consistency with Adopted Plans

- The proposed zone map amendment is consistent with the following Comprehensive Plan 2000 objectives:
 - Environmental Sustainability Strategies: 2-F – Promoting infill development within Denver at sites where services and infrastructure are already in place. Designing mixed-use communities and reducing sprawl, so that residents can live, work and play within their own neighborhoods.
 - Land Use Strategies: 3-B – Encourage quality infill development that is consistent with the character of surrounding neighborhood; that offers opportunities for increased density and more amenities; and that broadens the variety of compatible uses.
 - Legacy Strategies: 3-A – Identify areas in which increased density and new uses are desirable and can be accommodated.
- The concept land use according to the Blueprint Denver land use map is “Town Center”, in an “Area of Stability”.
- The “Town Center” land use is intended to meet a larger variety of shopping, entertainment, service and employment needs.
- Town Centers are large enough to serve several neighborhoods.
- S. Sheridan Blvd. is classified as a Residential Arterial; W. Dartmouth Ave. is classified as a Mixed-Use Collector; W. Colgate Place is an undesignated local street.
- Areas of Stability include the vast majority of Denver, primarily the stable residential neighborhoods and their associated commercial areas, where limited change is expected during the next 20 years.
- A goal for Areas of Stability is to maintain the character of an area while accommodating some new development and redevelopment.

Uniformity of District Regulations and Restrictions

- The current zoning is Former Chapter 59 B-2 with waivers. Current zoning restrictions limit buildings along S. Sheridan frontage.
- Requested zoning is S-CC-3x.
- S-CC-3x zoning designation would create uniformity of district regulations and remove existing waivers.
- Adjacent existing zoning to the south is S-CC-3x.

Public Health, Safety and General Welfare

- The proposed map amendment will allow for repurposing the site from a parking lot to a buildable area.

- The proposed map amendment will remove development restrictions.
- The proposed zoning is compatible with existing area uses and is not expected to create impacts that would be detrimental to the area.

Justifying Circumstances

- 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. Originally, the site was developed under the zoning and land use guidelines that were in place. Over the years, the growth, development and natural evolution of the area have redefined the nature of the site in relation to the new city codes. The City of Denver has developed a very detailed and “fine-grain” zoning code to better address the needs of the community and to address the public direction defined in the ‘Comprehensive Plan 2000’ and ‘Blueprint Denver’. By rezoning this parcel, it would allow the site to develop into a more useful service and provide benefit to the area beyond what the current uses allows. At the same time, the site would evolve to be more consistent with the goals and criteria defined in the development guidelines mentioned above.
- The rezoning request will allow for the site to have a buildable area and allow for in-fill development. By developing this site, this project can provide amenities closer to home for many of the local residence as well as employment opportunities directly in the “Town Center”.
- The Former Chapter 59 B-2 zoning with waivers is in conflict with surrounding zones and no longer consistent with zoning and uses within this region.
- The Former Chapter 59 B-2 zoning with waivers does not allow for buildings to be placed along S. Sheridan frontage; therefore, a request to rezone is being made.
- S-CC-3x zoning designation applies primarily to auto-oriented arterial street corridors where a building scale of 1 to 3 stories is desired.

Consistency with the Description of the Applicable Neighborhood Context

- The Suburban Neighborhood Context is characterized by single-unit and multi-unit residential, commercial strips and centers, and office parks. Commercial buildings are typically separated from residential and consist of Shopfront and General forms.
- The redevelopment of this site would include characteristics that are consistent with the existing context regarding building form and scale.
- The Commercial Corridor zone districts address development opportunities next to the city’s most auto-dominated corridors.
- Commercial Corridor building form standards have minimum setbacks to allow flexibility in building, circulation and parking lot layout.
- This map amendment request is consistent with the neighborhood context and intent of the area.
- The proposed site is adjacent to two (2) sites that have recently been redeveloped as well as existing and established residential neighborhoods.

A PARCEL OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 4 SOUTH, RANGE 69 WEST, OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, SAID PARCEL BEING A PORTION OF BLOCK 43, BEAR VALLEY SUBDIVISION, A PLAT RECORDED MARCH 7, 1961 AT RECEPTION NUMBER 64912 IN THE RECORDS OF CITY AND COUNTY OF DENVER, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 36, AND CONSIDERING THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 36 TO HAVE AN ASSUMED BEARING OF NORTH 00°27'25" WEST, (THE SOUTH END OF SAID LINE BEING MARKED BY A NUMBER 6 REBAR OF UNKNOWN LENGTH WITH AN ATTACHED 3 1/4" ALUMINUM CAP MARKED BY PLS LICENSE NUMBER 13258 IN A MONUMENT BOX AND THE NORTH END OF SAID LINE BEING MARKED BY A NUMBER 6 REBAR OF UNKNOWN LENGTH WITH AN ILLEGIBLE 3 1/4" ALUMINUM CAP IN A MONUMENT BOX), WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE ALONG SAID EAST LINE, NORTH 00°27'25" WEST A DISTANCE OF 1,241.20 FEET TO THE POINT OF BEGINNING;

THENCE ALONG THE NORTHERLY LINE OF LOT 1, BLOCK 43, SAID BEAR VALLEY SUBDIVISION, SOUTH 89°52'00" WEST A DISTANCE OF 174.17 FEET; THENCE ALONG THE WESTERLY BOUNDARY OF PARCEL C, AS DESCRIBED IN THE DEED RECORDED OCTOBER 28, 2014 AT RECEPTION NUMBER 2014130939 IN THE RECORDS OF CITY AND COUNTY OF DENVER, NORTH 00°08'00" WEST A DISTANCE OF 178.00 FEET TO THE NORTHERLY BOUNDARY OF PARCEL B, AS DESCRIBED IN SAID DEED;

THENCE ALONG SAID NORTHERLY BOUNDARY, NORTH 89°52'00" EAST A DISTANCE OF 173.17 FEET; THENCE ALONG THE EASTERLY BOUNDARY OF THE AFOREMENTIONED BEAR VALLEY SUBDIVISION, SOUTH 00°27'25" EAST A DISTANCE OF 178.00 FEET TO THE POINT OF BEGINNING.

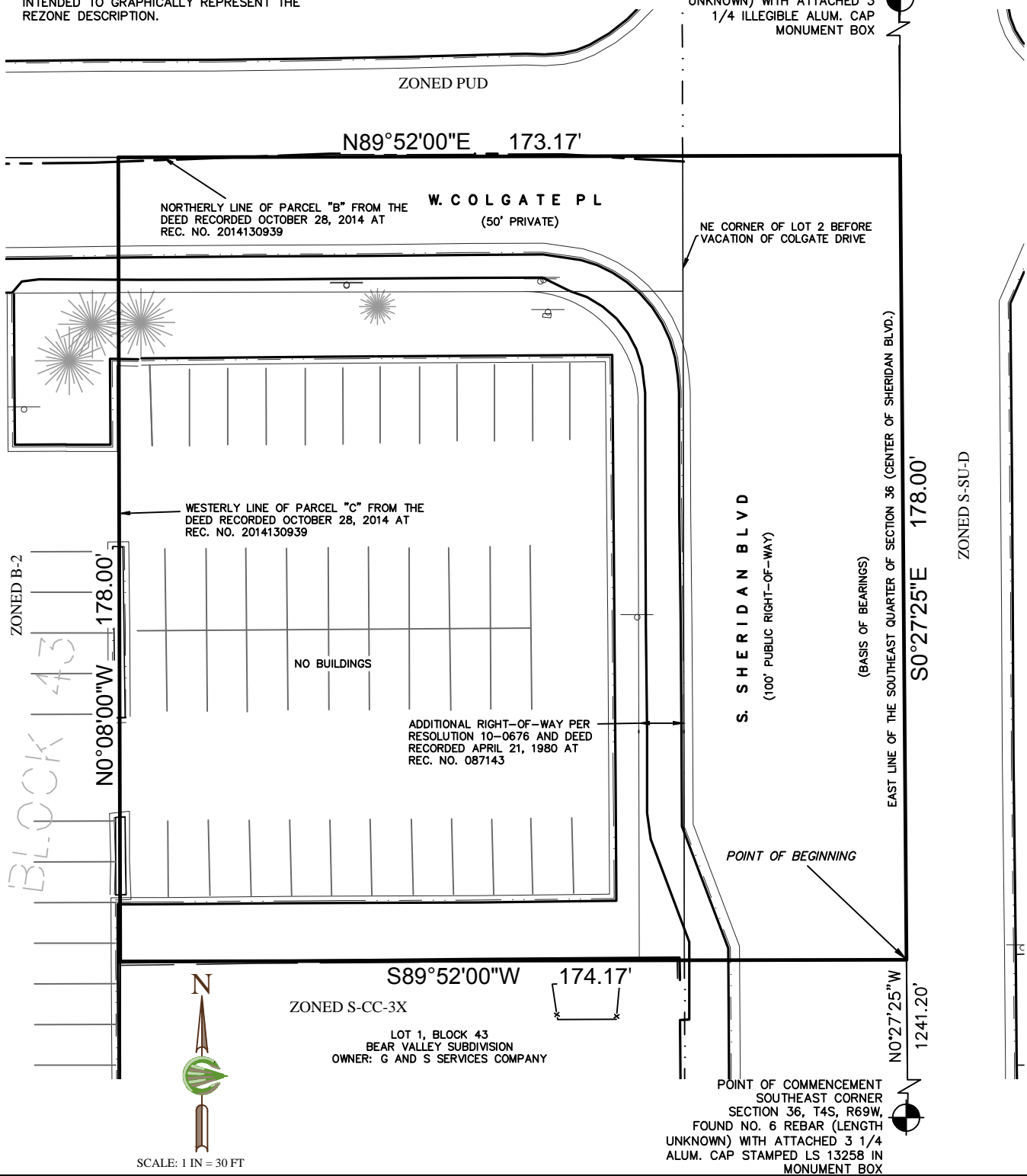
SAID PARCEL CONTAINS 30,913 SQ. FT. (0.71 ACRES), MORE OR LESS.

NOTES:

- THIS EXHIBIT IS NOT A LAND SURVEY PLAT, OR AN IMPROVEMENT SURVEY PLAT. THE DRAWING IS ONLY INTENDED TO GRAPHICALLY REPRESENT THE REZONE DESCRIPTION.

EXHIBIT

EAST QUARTER CORNER SECTION 36, T4S, R69W, FOUND NO. 6 REBAR (LENGTH UNKNOWN) WITH ATTACHED 3 1/4 ILLEGIBLE ALUM. CAP MONUMENT BOX



SCALE: 1 IN = 30 FT



COFFEY
ENGINEERING & SURVEYING
4045 ST. CLOUD Dr. St. 180
Loveland, CO 80538
[P] 970-622-2095 [F] 970-416-4469

A PORTION OF BLOCK 43, BEAR VALLEY SUBDIVISION LOCATED IN THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 4 SOUTH, RANGE 69 WEST OF THE 6TH P.M., CITY OF DENVER, COUNTY OF DENVER, STATE OF COLORADO

Project: 2173.02
Drawing: REZONE
By: RR
Date: 8/29/16
Revised:

Sheet:
1 / 1



[Print](#)

Real Property Records

Date last updated: Thursday, September 22, 2016

[\[Back\]](#) Real Property Records Search

If you have a question about the value, ownership, or characteristics of this property, or any other property in Denver, please call the Assessor at 720-913-4162.

[Link to real property information for this property](#)

[Link to property tax information for this property](#)

[Link to comparable sales information for this property](#)

[Link to property sales information for all Denver neighborhoods](#)

[Link to chain of title information for this property](#)

[Link to map/historic district listing for this Property](#)

[Link to property sales information for this neighborhood](#)

[Property](#)

[Back to Property List](#)

The property description shown is data from the Assessor's active, in-progress 2016 file. The "current year" values are from the 2016 tax year for real property tax due in 2017. These values are based on the property's physical status as of January 1, 2016.

PROPERTY INFORMATION

Property Type: VACANT LAND

Parcel: 0436400013000

Name and Address Information

Legal Description

DUKE FAMILY PARTNERSHIP LLC

PT L 2 BLK 43 BEAR VALLEY SUB

934 S JOSEPHINE ST

BEG 10FT W OF NE COR L 1 BLK

DENVER, CO 80209-4731

43 TH N 0DEG08MIN W 123FT TH

NW ON CV CONCAVE TO SW RAD

25

FT DIST 39.27FT TH S 89DEG 52

Property Address: 3087 S SHERIDAN BLVD

Tax District

DENV

Assessment Information

	Actual	Assessed	Exempt	Taxable
Current Year				
Land	236600	68610		
Improvements	0	0		
Total	236600	68610	0	68610
Prior Year				
Land	236600	68610		
Improvements	0	0		
Total	236600	68610	0	68610

Style: Other

Reception No.: 2001186598

Year Built:

Recording Date: 11/02/01

Building Sqr. Foot: 0

Document Type: Quit Claim

Bedrooms:
Baths Full/Half: 0/0
Basement/Finished: 0/0

Sale Price: 10
Mill Levy: 78.127

Lot Size: 16,900

[Click here for current zoning](#)

Zoning Used for Valuation: CMX

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

 [Print](#)



10/28/2014 09:56 AM
City & County of Denver
Electronically Recorded

R \$26.00

D

D \$142.50

RETURN TO:
JAMES E. PANSING, P.C.
600 Grant St. #201
Denver, CO 80203

SPECIAL WARRANTY DEED

THIS DEED, made this 24th day of October, 2014, between DUKE FAMILY PARTNERSHIP, LLC, of the City and County of Denver, State of Colorado, grantor(s) and EXPRESS COMMERCIAL, LLC, whose legal address is 1385 S. Willow St., Denver, CO 80247, grantee(s):

WITNESSETH, that the grantor, for and in consideration of the sum of TEN DOLLARS AND OTHER CONSIDERATION, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey, and confirm, unto the grantees, their successors, heirs and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the County of DENVER, State of Colorado, described as follows:

SEE EXHIBIT A ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE

Also known by street and number as: 5201 and 5353 W. Dartmouth Ave. and 3087 S. Sheridan Blvd., Denver, CO 80227.

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

TO HAVE AND TO HOLD the said premises above bargained and described with the appurtenances, unto the grantee(s), their successors, heirs and assigns forever. The grantor, for himself, his heirs and personal representatives or successors, does covenant and agree that he shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantees, their successors, heirs and assigns, against all and every person or persons claiming the whole or any part thereof, by, through or under the grantor, but excluding any of the items listed as specific exceptions (items 9 through 25) on Land Title Guarantec Company Title Insurance Commitment No. 70427270.

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



70427270

GRANTOR:

DUKE FAMILY PARTNERSHIP, LLC, a Colorado limited liability company

By: *[Signature]*

STATE OF COLORADO)
) ss.
COUNTY OF Denver)

Acknowledged before me this 24th day of October, 2014, by Richard Duke as manager of Duke Family Partnership, LLC.

Witness my hand and official seal.

My Commission expires: 05/21/2017

[Signature]
Notary Public

**DEREK GREENHOUSE
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20134033197
MY COMMISSION EXPIRES 05/21/2017**

Exhibit A**PARCEL A:**

A PARCEL OF LAND LOCATED IN BLOCK 42 AND BLOCK 43 OF BEAR VALLEY SUBDIVISION IN THE SE 1/4 OF SECTION 36, TOWNSHIP 4 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SW CORNER OF LOT 1, BLOCK 43 OF SAID BEAR VALLEY SUBDIVISION; THENCE N 00 DEGREES 08 MINUTES 00 SECONDS W, A DISTANCE OF 297.47 FEET; THENCE S 89 DEGREES 52 MINUTES 00 SECONDS W, A DISTANCE OF 224.09 FEET TO A POINT OF CURVE; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 101 DEGREES 20 MINUTES 00 SECONDS, A RADIUS OF 270.00 FEET, AN ARC LENGTH OF 477.52 FEET TO A POINT OF TANGENT; THENCE S 11 DEGREES 28 MINUTES 00 SECONDS E, ALONG SAID TANGENT 65.79 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF WEST DARTMOUTH AVENUE; THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES: (1) N 78 DEGREES 32 MINUTES 00 SECONDS E, A DISTANCE OF 396.00 FEET TO A POINT OF CURVE; (2) THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 06 DEGREES 42 MINUTES 21 SECONDS, A RADIUS OF 756.34 FEET, AN ARC LENGTH OF 88.52 FEET TO THE POINT OF BEGINNING.

PARCEL B:

A PARCEL OF LAND LOCATED IN BLOCK 42 AND BLOCK 43 OF BEAR VALLEY SUBDIVISION IN THE SE 1/4 OF SECTION 36, TOWNSHIP 4 SOUTH, RANGE 69 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SE CORNER OF LOT 1, BLOCK 43, BEAR VALLEY SUBDIVISION; THENCE N 00 DEGREES 08 MINUTES 00 SECONDS W ALONG THE WEST RIGHT OF WAY LINE OF SOUTH SHERIDAN BLVD., A DISTANCE OF 295.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE DEPARTING SAID WEST RIGHT OF WAY LINE, S 89 DEGREES 52 MINUTES 00 SECONDS W, 349.09 FEET TO A POINT OF CURVE; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 101 DEGREES 20 MINUTES 00 SECONDS, A RADIUS OF 270.00 FEET, AN ARC LENGTH OF 477.52 FEET TO A POINT OF TANGENT; THENCE S 11 DEGREES 28 MINUTES 00 SECONDS E, ALONG SAID TANGENT 65.79 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF WEST DARTMOUTH AVENUE; THENCE S 78 DEGREES 32 MINUTES 00 SECONDS W ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 30.00 FEET; THENCE DEPARTING SAID NORTH RIGHT OF WAY LINE, N 11 DEGREES 28 MINUTES 00 SECONDS W, 65.79 FEET TO A POINT OF CURVE; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 101 DEGREES 20 MINUTES 00 SECONDS, A RADIUS OF 300.00 FEET, AN ARC LENGTH OF 530.58 FEET TO A POINT OF TANGENT; THENCE N 89 DEGREES 52 MINUTES 00 SECONDS E, ALONG SAID TANGENT 349.09 FEET TO THE WEST RIGHT OF WAY LINE OF SOUTH SHERIDAN BLVD; THENCE S 00 DEGREES 08 MINUTES 00 SECONDS E, ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 30.00 FEET TO THE TRUE POINT OF BEGINNING, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

PARCEL C:

A PARCEL OF LAND LOCATED IN BLOCK 42 AND BLOCK 43 OF BEAR VALLEY SUBDIVISION IN THE S.E. 1/4 OF SECTION 36, TOWNSHIP 4 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE S.W. CORNER OF LOT 1, BLOCK 43 OF SAID BEAR VALLEY SUBDIVISION; THENCE N 00 DEGREES 08 MINUTES 00 SECONDS W, A DISTANCE OF 149.47 FEET, TO THE N.W. CORNER, OF SAID LOT 1, SAID CORNER BEING THE TRUE POINT OF BEGINNING; THENCE N 89 DEGREES 52 MINUTES 00 SECONDS E, ALONG THE NORTH LINE OF SAID LOT 1, 125.00 FEET, TO THE N.E. CORNER, SAID CORNER BEING ON THE WEST RIGHT OF WAY LINE OF SOUTH SHERIDAN BOULEVARD; THENCE N 00 DEGREES 08 MINUTES 00 SECONDS W, ALONG SAID WEST RIGHT OF WAY LINE 148.00 FEET; THENCE S 89 DEGREES 52 MINUTES 00 SECONDS W, A DISTANCE OF 125.00 FEET; THENCE S 00 DEGREES 08 MINUTES 00 SECONDS E, A DISTANCE OF 148.00 FEET, TO THE TRUE POINT OF BEGINNING.

PARCEL D:

A NON-EXCLUSIVE EASEMENT FOR THE PASSAGE OF VEHICLES AND PEDESTRIANS OVER AND ACROSS THE "EASEMENT PROPERTY" AS SAID "EASEMENT PROPERTY" IS DEFINED AND DESCRIBED IN RECIPROCAL PERMANENT ACCESS EASEMENT AGREEMENT RECORDED SEPTEMBER 24, 2002 UNDER RECEPTION NO. 2002170002 AND FIRST AMENDMENT THERETO RECORDED DECEMBER 23, 2005 UNDER RECEPTION NO. 2005217179, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

Form 13426 07/2008 exhibit.a.odt

ABJ70427270 {20357810}

EXPRESS COMMERCIAL, LLC.

1385 S Willow Street
Denver, CO 80247

Letter of Authorization

City of Denver
201 W Colfax Ave, Dept 205
Denver, CO 80202

**RE: Retail (Shell Building) - Rezone
SW Corner – S. Sheridan Blvd & W Colgate Dr
Denver, Colorado 80227**

To whom it may concern,

The undersigned owner hereby authorizes Coffey Engineering and Vertical Construction Management to represent the undersigned in all matters regarding rezoning and permitting of the referenced property.

Coffey Engineering and Vertical Construction Management manages permitting and entitlements processes, on behalf of Express Commercial, LLC on the subject property for purposes of approvals for rezoning, site, and building permits.

Owner: Roy Enter Roy Enter
(Owner Signature) (Printed Name)

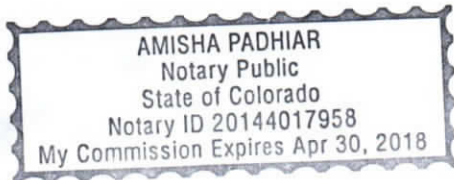
By: Managing Member - Express Commercial, LLC
(Name and Title of Person Signing for Entity)

Before me, the undersigned authority, on this day personally
Appeared Roy Enter – Managing Manager
(Name of person signing for Entity) (Title of person signing)

of Express Commercial, LLC, known to me to be the person whose name is subscribed to this
(Name of entity)

letter, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated as the act and deed of said corporation.

Given under my hand and seal of office on this 15th day of September 2016



[Signature]
Notary Public

My commission expires Apr 30th, 2018



For this Record...

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- Get a certificate of good standing
- File a form
- Subscribe to email notification
- Unsubscribe from email notification

- Business Home
- Business Information
- Business Search

- FAQs, Glossary and Information

Summary

Details			
Name	Express Commercial, LLC		
Status	Good Standing	Formation date	04/07/2011
ID number	20111208434	Form	Limited Liability Company
Periodic report month	April	Jurisdiction	Colorado
Principal office street address	1385 S. Willow St., Denver, CO 80247, United States		
Principal office mailing address	n/a		

Registered Agent	
Name	Roy N. Enter
Street address	1385 S. Willow St., Denver, CO 80247, United States
Mailing address	1385 s willow st, denver, CO 80247, United States

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BY AUTHORITY

ORDINANCE NO. 267
SERIES OF 1978

COUNCIL BILL NO. 277
INTRODUCED BY

Hentzel, Caspio, Perry
Danohue & Wyzan

A B I L L

FOR AN ORDINANCE RELATING TO ZONING,
CHANGING THE ZONING CLASSIFICATION
FOR A SPECIFICALLY DESCRIBED AREA,
GENERALLY DESCRIBED AS THE NORTHWEST
CORNER OF SOUTH SHERIDAN BOULEVARD AND
WEST DARTMOUTH AVENUE, RECITING CERTAIN
WAIVERS PROPOSED BY THE OWNERS AND APPLI-
CANT FOR THE ZONING CLASSIFICATION AND
PROVIDING FOR A RECORDATION OF THIS ORDI-
NANCE.

BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. That upon consideration of an application for a change in the zoning classification of the land area hereinafter described, Council finds:

1. That the land area hereinafter described is presently classified as part of the R-2 District, as part of the R-3 District, as part of the B-1 District and as part of the B-3 District;
2. That the owners and applicant propose that the zoning classification of the land area hereinafter described be changed to B-2;
3. That Richard H. Duke is the Attorney in Fact for the owners of the land area hereinafter described, and that the applicant for the change in the zoning classification is The First National Bank of Bear Valley;
4. That in their application the owner and applicant have represented that if the zoning classification is changed pursuant to the application, the owners and applicant will and hereby do:

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1701 507

(a) waive the right to use or occupy the land area hereinafter described or to use, occupy or erect thereon any structure or structures designed, erected, altered, used or occupied for an adult book store, for an eating place with adult amusement or entertainment and/or for an adult photo studio;

(b) waive the right to erect, construct and/or build on any part of the land area hereinafter described which fronts on South Sheridan Boulevard any structure of any kind closer than 100 feet from the property line of said land area hereinafter described which fronts on South Sheridan Boulevard.

Section 2. That the zoning classification of the land area in the City and County of Denver described as follows or included within the following boundaries shall be and hereby is changed from R-2, R-3, B-1 and B-3 to B-2:

A parcel of land located in Block 42 and Block 43 of BEAR VALLEY SUB-DIVISION in the SE 1/4 of Section 36, Township 4 South, Range 69 West of the 6th Principal Meridian, City and County of Denver, State of Colorado, more particularly described as follows:

Beginning at the SW corner of Lot 1, Block 43 of said BEAR VALLEY SUB-DIVISION; thence N 00° 08' 00" W, a distance of 149.47 feet to the NW corner of said Lot 1; thence N 89° 52' 00" E along the north line of said Lot 1, 125.00 feet to the NE corner of said Lot 1, said NE corner being on the West Right-of-Way line of South Sheridan Boulevard; thence N 00° 08' 00" W along said West Right-of-Way line 178.00 feet; thence S 89° 52' 00" W, a distance of 349.09 feet to a point of curve; thence along the arc of a curve to the left having a central angle of 101° 20' 00", a radius of 300.00 feet, an arc length of 530.58 feet to a point of tangent; thence S 11° 28' 00" E, along said tangent 65.79 feet to a point on the North Right-of-Way Line of West Dartmouth Avenue; thence along said North Right-of-Way Line the following two (2) courses; (1) N 78° 32' 00" E, a distance of 426.00 feet to a point of curve; (2) thence along the arc of a curve to the right having a central angle of 06° 42' 21", a radius of 756.34 feet, an arc length of 88.52 feet to the point of Beginning, containing 4.558 acres more or less.

in addition thereto, those portions of all abutting public rights-of-way, but only to the centerline thereof, which are immediately adjacent to the aforesaid specifically described area.

Section 3. That the foregoing change in zoning classification is based upon the representation by the owners and applicant that they will waive those certain rights available to them and, in lieu thereof, agree to certain limitations which limitations are set forth in Subsection 4 of Section 1 hereof, which said waivers shall be binding upon the owners and applicant for the change in the zoning classification and shall be binding upon all successors and assigns of said owners and applicant.

Section 4. That this Ordinance shall be recorded by the Department of Zoning Administration among the records of the Clerk and Recorder of the City and County of Denver.

Section 5. The Council finds this Ordinance is necessary for the immediate preservation of the public health and public safety and determines that it shall take effect immediately upon its final passage and publication.

PASSED BY The Council May 22, 1978

George Caldwell - President

APPROVED: W. H. Nichols - Mayor May 24, 1978

ATTEST: J. J. Seagraves Clerk and Recorder, Ex-Officio Clerk of the City and County of Denver

PUBLISHED IN The Daily Journal May 5, 1978 and May 26, 1978

PREPARED BY: Max P. Zait - City Attorney
W. H. V.



Ordinance No. 267 Series 19 78

Councilman's Bill No. 277

082188

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F. J. SERAFINI
COUNTY CLERK
DENVER COUNTY

1701 507

Meeting Date 5-1, 19 78

Read in full to the Board of Councilmen and referred to the Committee on

Jones

Committee report adopted and bill ordered published.

Meeting Date May 1, 19 78

Read by title and passed.

Meeting Date May 22, 19 78

CITY COUNCIL
CITY & COUNTY OF DENVER

APR 27 1978
PM
7:51 PM
A