



TO: City Council
FROM: Jeff Hirt, Senior City Planner
DATE: April 19, 2018
RE: Official Zoning Map Amendment Application #2017I-00076
3400 Arkins Ct., 3460 Arkins Ct., 1900 35th St, 1930 35th St., 1950 35th St
Rezoning from I-MX-5, UO-2 to OS-A

Staff Report and Recommendation

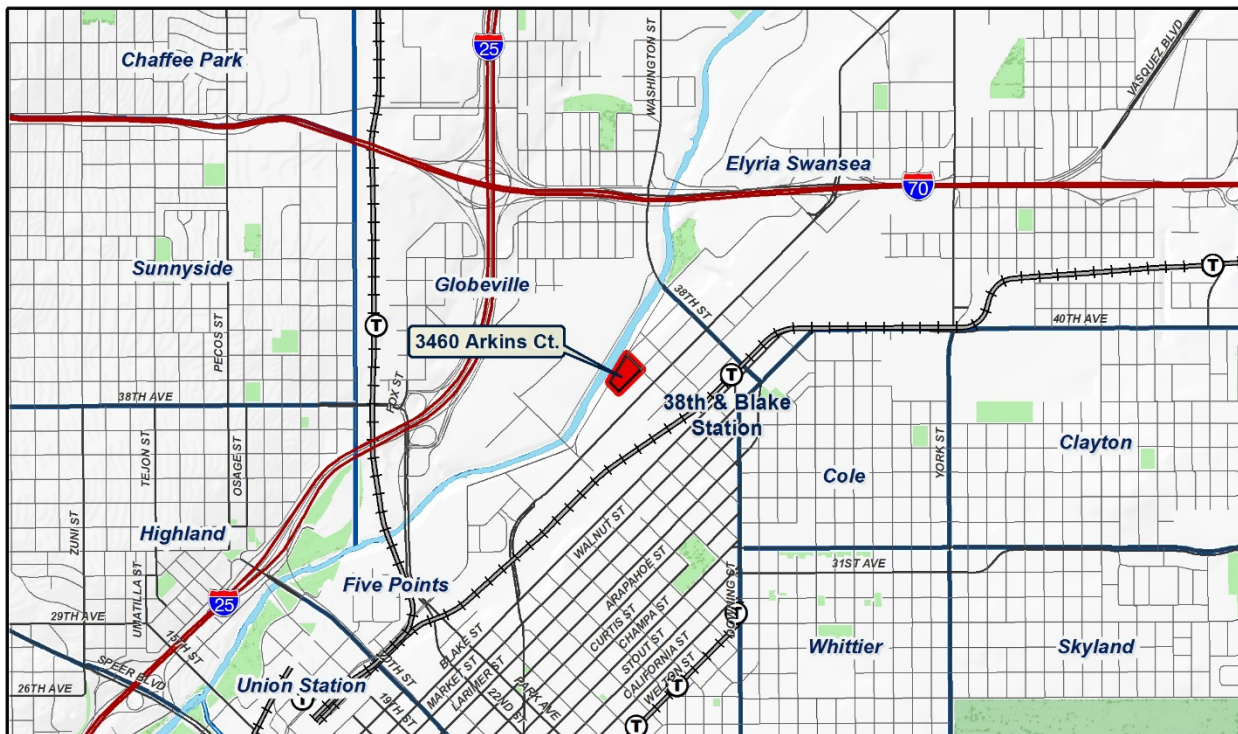
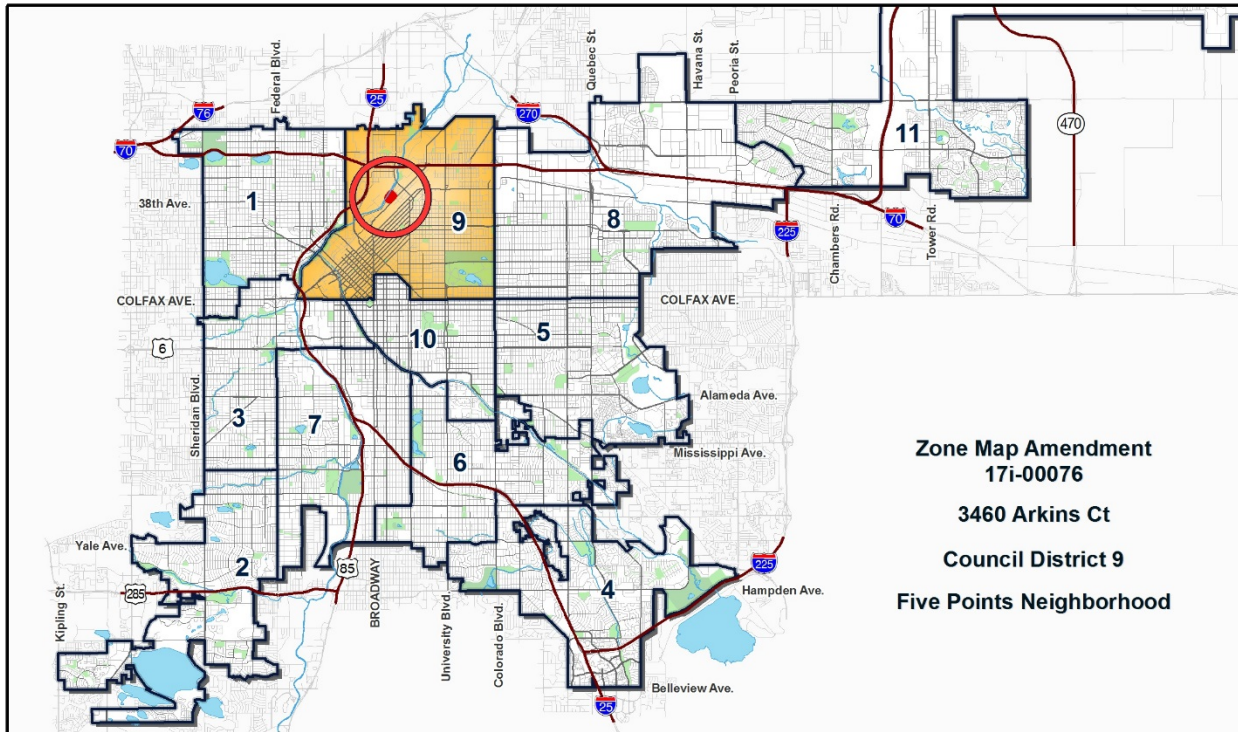
Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2017I-00076 for a rezoning from I-MX-5, UO-2 to OS-A.

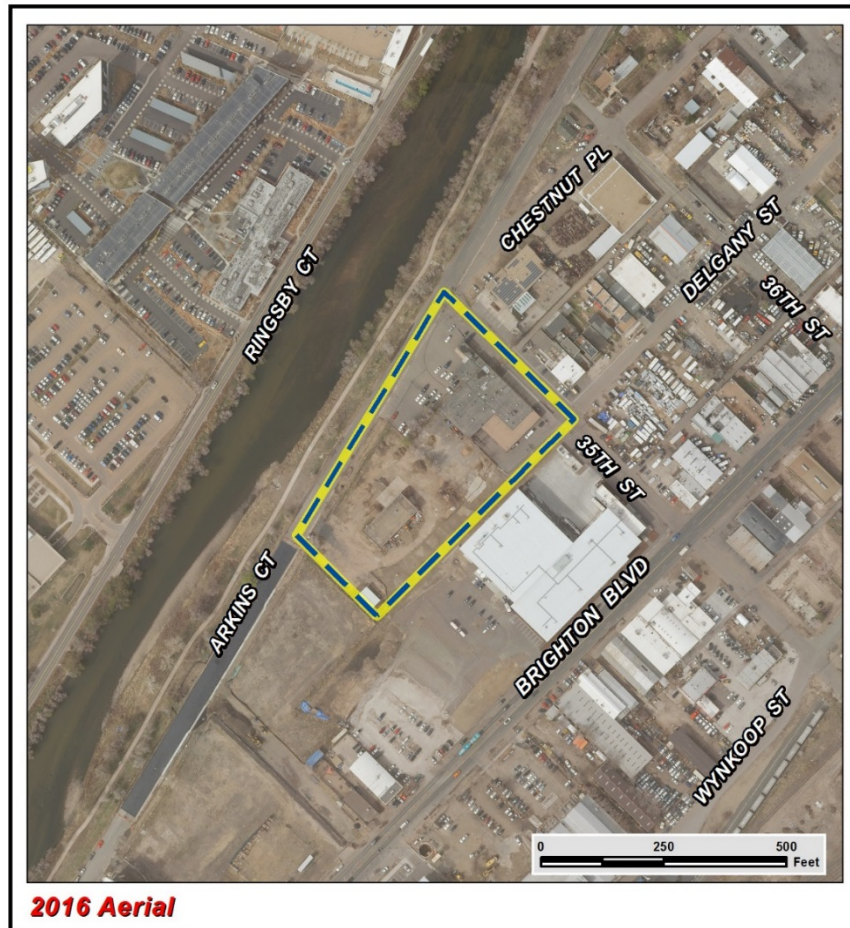
Request for Rezoning

Application: #2017I-00076
Address: 3400 Arkins Ct., 3460 Arkins Ct., 1900 35th St., 1930 35th St., 1950 35th St.
Neighborhood/Council District: Five Points / Council District 9
RNOs: Inter-Neighborhood Cooperation (INC), RiNo Art District, UCAN, Globeville Civic Association #2, Globeville Civic Partners, Elyria Swansea/Globeville Business Association, Globeville K.A.R.E.S., Rio Norte, Denver Arts and Culture Initiative, Comunidades Unidas, Globeville Elyria & Swansea, North Neighborhoods Democratic Council
Area of Properties: 138,663 SF (3.2 acres)
Current Zoning: I-MX-5, UO-2
Proposed Zoning: OS-A
Property Owner(s): City and County of Denver
Owner Representative: Brad Buchanan, Executive Director, Department of Community Planning and Development

Summary of Rezoning Request

- The city-owned properties are in the Five Points statistical neighborhood in the RiNo and Brighton Boulevard area.
- The city has owned 3400 Arkins Ct. since 2011, and 1930 35th St. since 2003. The Denver Police Department currently uses the properties for fleet maintenance.
- The OS-A zone district that the applicant is requesting is intended for public parks owned, operated, or leased by the City and managed by the City's Department of Parks and Recreation (DPR).
- The RiNo and Brighton Boulevard area is seeing a significant increase in multifamily residential units and nonresidential square footage, which is creating increasing demand for parks in an area already deficient in public parks.





Existing Context

The subject properties are in a rapidly changing area with a mix of industrial, restaurant, and residential uses that abuts the South Platte River corridor. The following table summarizes the existing context proximate to the subject site:

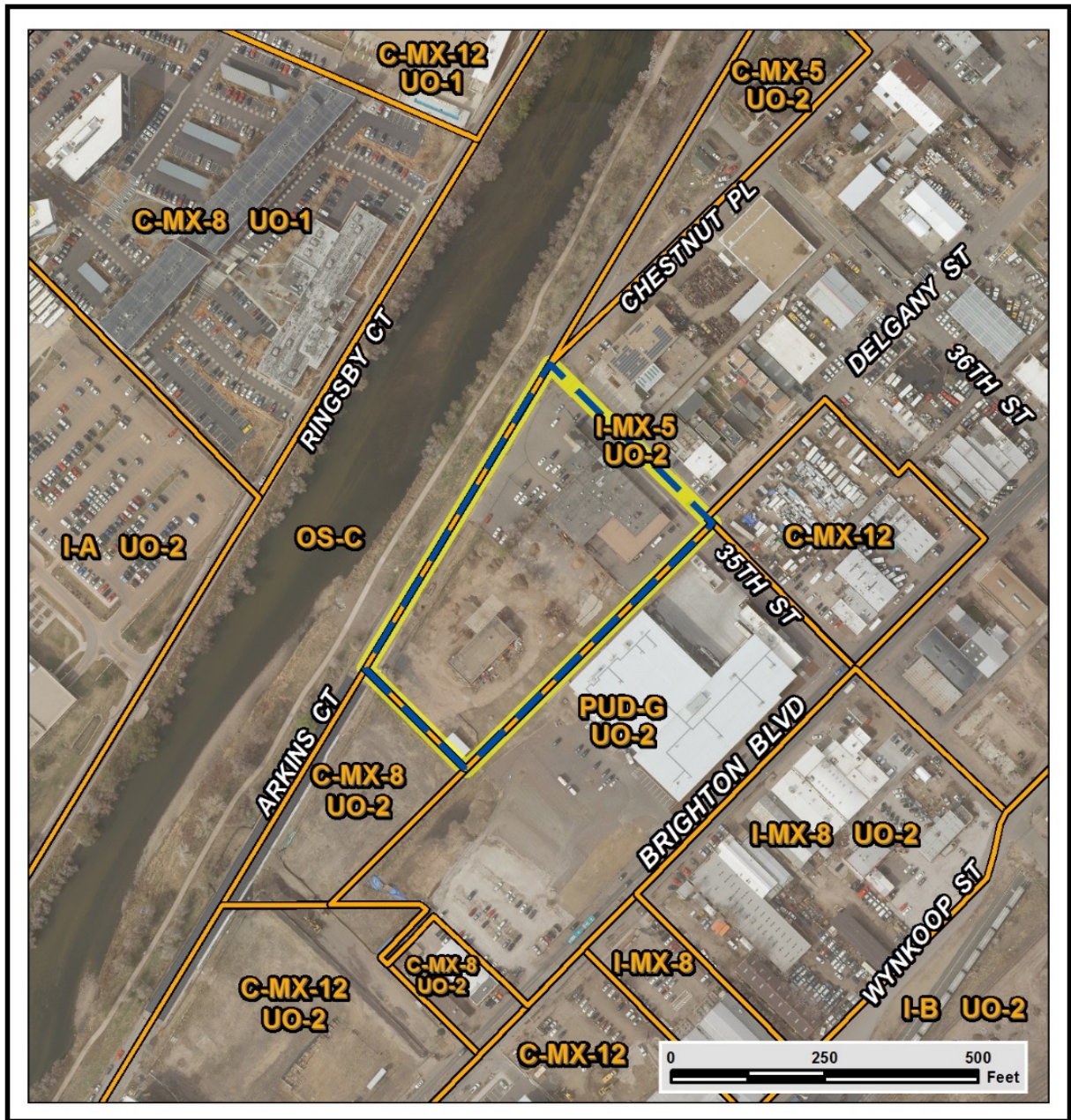
	Existing Zoning	Existing Land Uses	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	I-MX-5, UO-2	Warehouse	1930 35 th Street has a 21,000 SF, one-story warehouse building built in 1967 and currently used as a Denver Police Department Fleet Services facility. 3460 Arkins Court is a 5,368 SF parcel used for parking. 3400 Arkins Court has a 5,468 SF, two-story warehouse building built in 1955 and currently used as city operations storage.	Incomplete grid of streets; Block sizes and shapes are inconsistent, but mostly rectangular.
North	I-MX-5, UO-2	Warehouse, Restaurant	Dog boarding, brewery	

	Existing Zoning	Existing Land Uses	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
South	C-MX-8, UO-2	Vacant	n/a	
East	PUD-G 7, UO-2	Warehouse, Restaurant	Brewery	
West	OS-C	South Platte River	n/a	

1. Existing Zoning

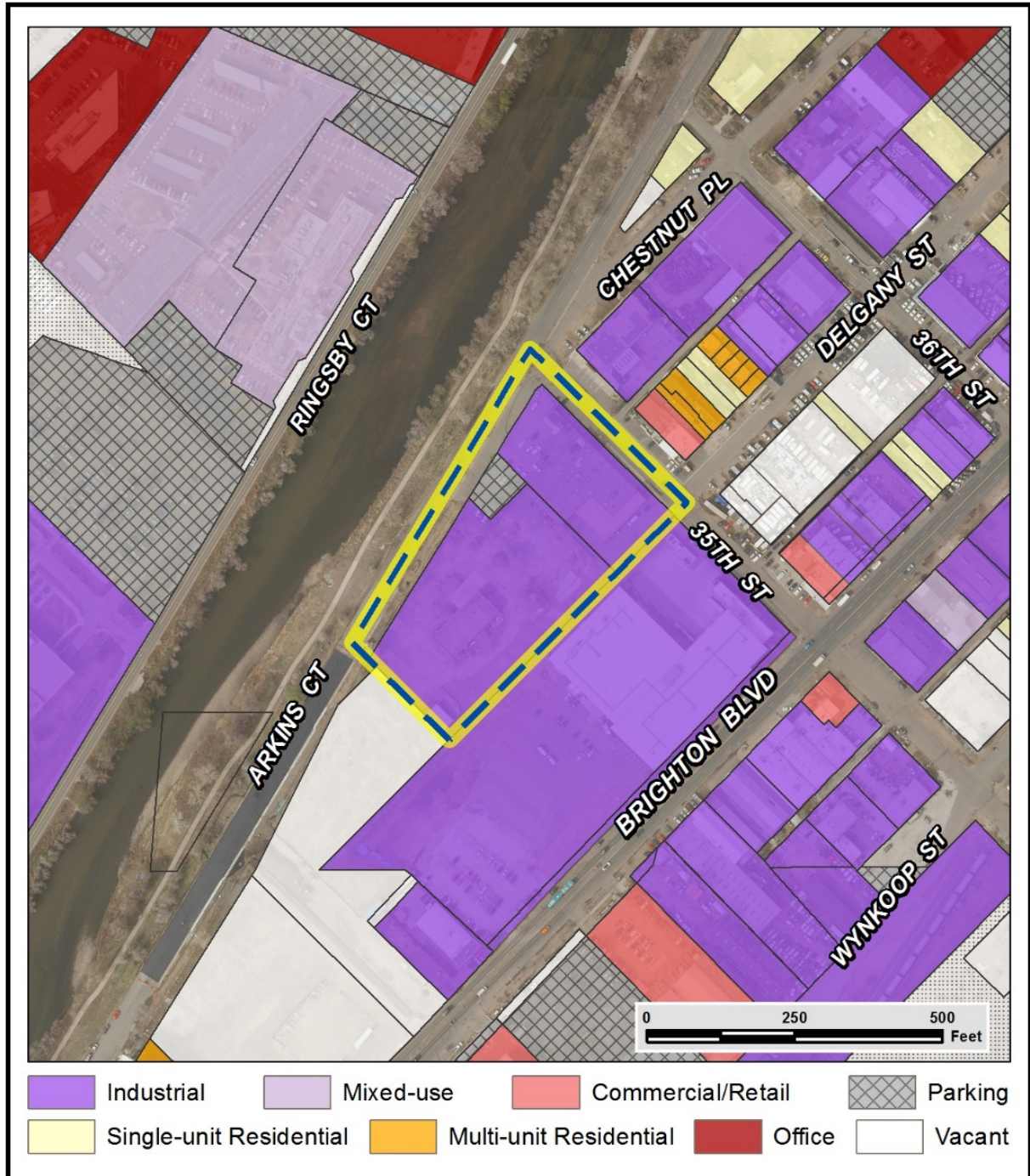
The existing zoning on the subject property is Industrial Mixed Use 5 (I-MX-5). The I-MX zone districts allow a variety of industrial, commercial, civic, and residential uses and are intended to develop in a pedestrian oriented pattern. The UO-2 portion of the zone district is a use overlay allowing billboards subject to limitations.

The I-MX-5 zone district allows the General and Industrial building forms with a maximum building height of five stories, or 70' feet. The General building form includes build-to requirements and street level activation requirements, and surface parking is not permitted between the building and the Primary Street. The Industrial building form is limited to industrial uses and does not have build-to requirements and street level activation requirements, and surface parking is permitted between the building and the street.



2. Existing Land Use Map

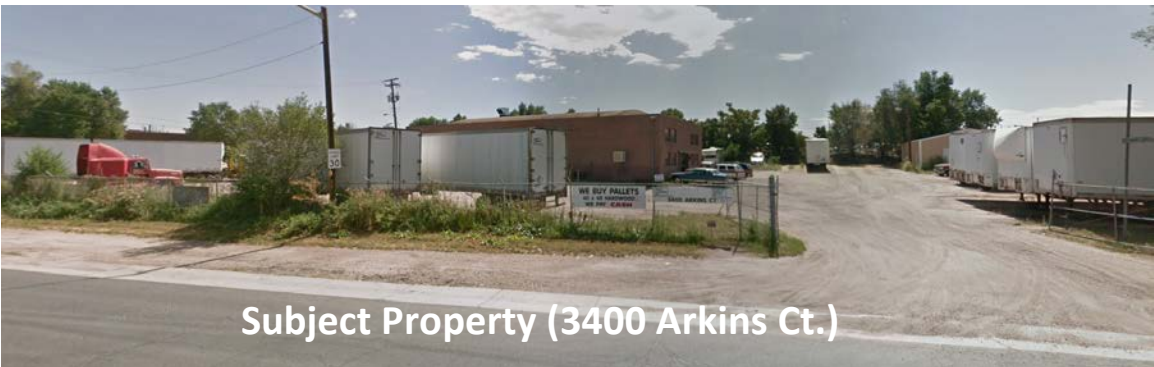
The subject properties are surrounded by a mix of industrial, restaurant, and multifamily residential uses east of Arkins Court. West of Arkins Court is the South Platte River corridor, with the multiuse path running parallel to Arkins Court on the east side of the river.

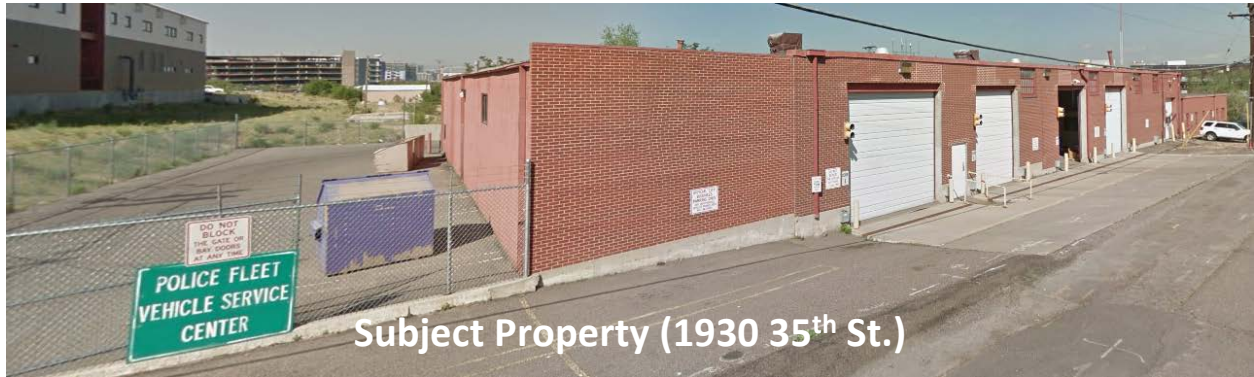


3. Existing Building Form and Scale

The existing building form and scale of the subject site and adjacent properties are shown in the images on the following pages.

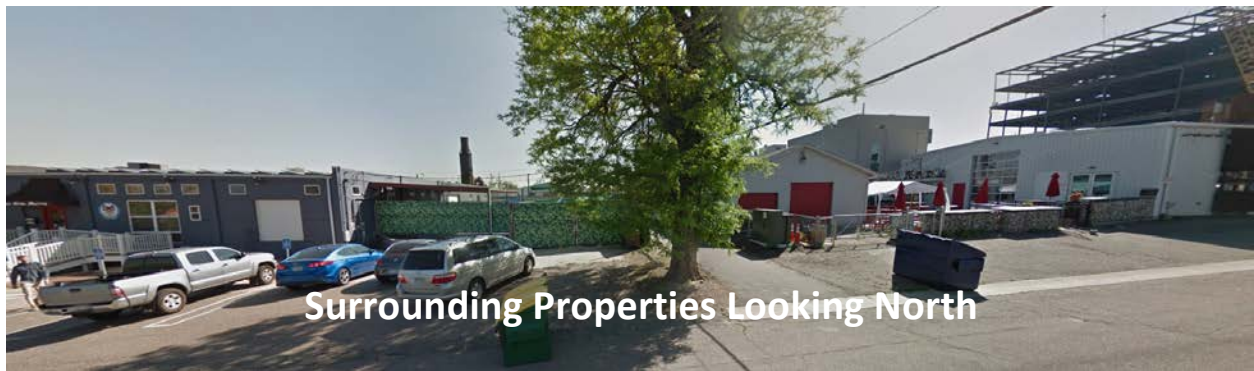
Subject Site Images (source: Google Maps)





Subject Property (1930 35th St.)

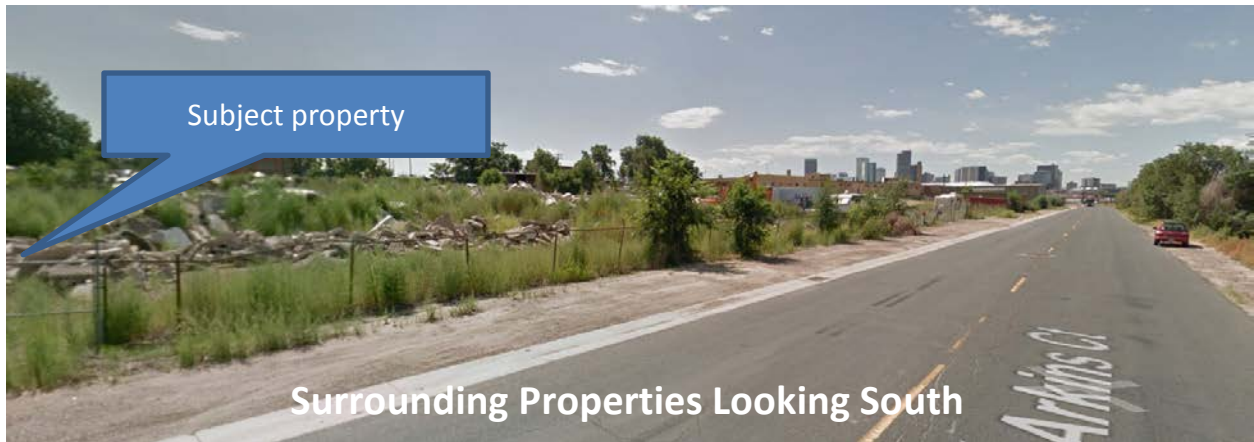
Surrounding Area Images (source: Google Maps)



Surrounding Properties Looking North



Surrounding Properties Looking East



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 – Surveyor: Approved with comments -

There is a typo in the 4th from last line of the legal description for 3460 Arkins/1930 35th St. Please see attachment. Typo has been fixed.

Asset Management: Approved

Development Services – Project Coordination: Approved

Development Services – Wastewater: Approved with comments –

DS Wastewater approves the subject zoning change. The applicant should note that redevelopment of this site may require additional engineering. The extent of the required design and wastewater improvements will be determined once this property begins the redevelopment process.

Environmental Health: Approved with comments –

Notes. DDPHE has information showing soil in the area planned for rezoning contains elevated concentrations of polynuclear aromatic hydrocarbons and metals and contains debris. Denver’s Guidance for Reuse of Soil on City Projects dated October 5, 2017 specifies that property intended for open space must meet residential standards for all contaminants except arsenic. Arsenic concentrations cannot exceed 11 mg/kg. <https://www.denvergov.org/content/denvergov/en/environmental-health/environmental-quality/land-use-and-planning.html> Accordingly, the rezoned site will require at least six inches of imported soil that meets unrestricted residential criteria. Any existing soil that is disturbed during construction will need to be removed and disposed off site at Denver Arapahoe Disposal Site.

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.

Public Review Process

	Date
CPD informational notice of receipt of the rezoning application to all affected members of City Council and registered neighborhood organizations	1/5/18
Property legally posted for a period of 15 days and CPD written notice of the Planning Board public hearing sent to all affected members of City Council and registered neighborhood organizations	2/5/18 – 2/21/18
Planning Board recommended approval by a vote of 9-0	2/21/18
Land Use, Transportation and Infrastructure Committee of the City Council recommended that the application move to City Council	3/13/18
Property legally posted for a period of 21 days and CPD written notice of the City Council public hearing sent to all affected members of City Council and registered neighborhood organizations	4/1/18
City Council Public Hearing	4/23/18

The RNOs identified on page 1 were notified of this application. As of the time of this writing, no public comments have been received.

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 Parks Game Plan (2003)*
- *River North Plan (2003)*
- *Elyria & Swansea Neighborhoods Plan (2015)*
- *38th and Blake Station Area Plan (2009) and height amendments (2016)*

Denver Comprehensive Plan 2000

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

- Land Use Vision: *Preserve and enhance Denver's livable urban environment through development and maintenance of parks.* (p. 55)
- Urban Design Vision: *To the extent possible, parks, open space and affordable recreation will be accessible to all residents in every part of the city.* (p. 97)
- Preservation of Urban Legacies: *Denver's highly livable urban environment will be preserved and enhanced through policies that support the ongoing development and maintenance of the parks and parkways system, preserve historic resources, and require quality urban design consistent with Denver's traditional character.* (p. 55)
- Neighborhood Economic Activity Strategy 5-A: *Make neighborhoods clean and safe, and provide park, recreational and cultural amenities nearby.* (p. 136)

The proposed map amendment would support development of a city park in an area with an increasing, unmet demand for parks. The rezoning is consistent with these plan recommendations.

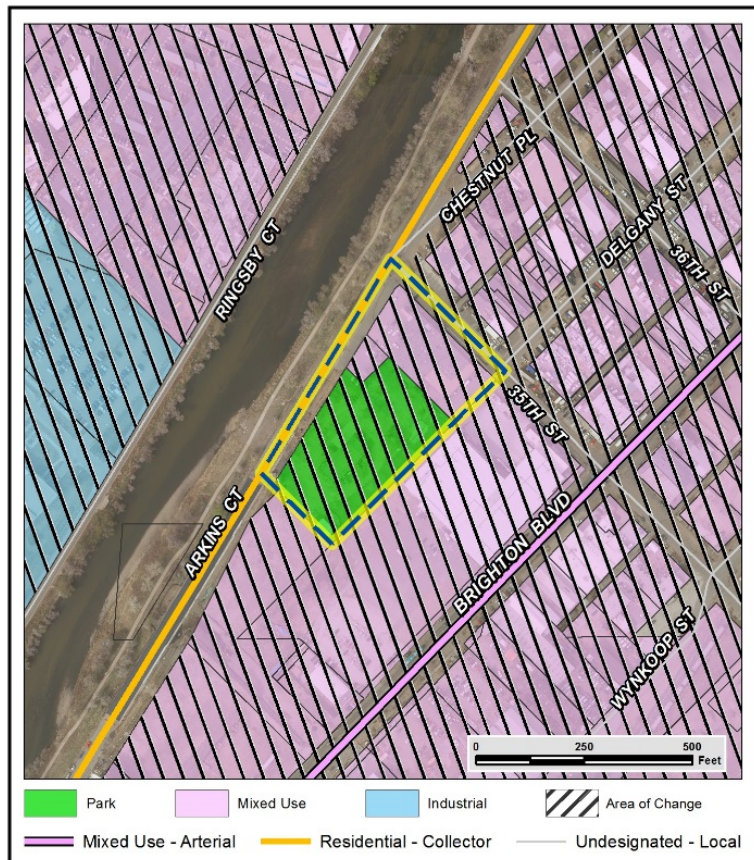
Blueprint Denver (2002)

According to *Blueprint Denver*, 3400 Arkins Court has a concept land use of Park and is located in an Area of Change. 3460 Arkins Court, 1900 35th St., 1930 35th St., and 1950 35th St. have a concept land use of Mixed Use and are located in an Area of Change.

Future Land Use

Blueprint Denver describes Parks and Open Space as public spaces ranging from historic, traditional parks to natural areas along waterways. Parks and open spaces range from active neighborhood and community parks with recreation fields and centers to larger preserves of natural open areas that provide space for wildlife habitat. (p. 40)

Blueprint Denver describes Mixed Use as areas with a wide range of residential and nonresidential uses within walking distance of each other within a neighborhood. (p. 41)



The proposed map amendment supports the Blueprint Denver future land use designation for both Parks and Mixed Use because it will support development of a park within walking distance of a mix of residential and nonresidential uses.

Area of Change

The site is in an Area of Change. The goal for Areas of Change is to channel growth where it will be beneficial and can best improve access to jobs, housing and services with fewer and shorter auto trips (p. 127). One Area of Change strategy is to provide adequate parks and open space, especially where density is increased (p. 23). The proposed map amendment is consistent with the Area of Change designation because it will support neighborhood-serving redevelopment of an underutilized site where density is increasing.

Street Classifications

Blueprint Denver classifies Arkins Court as a Residential Collector. Blueprint Denver states “collectors are designed to provide a greater balance between mobility and land access within residential, commercial and industrial areas”. (p. 51)

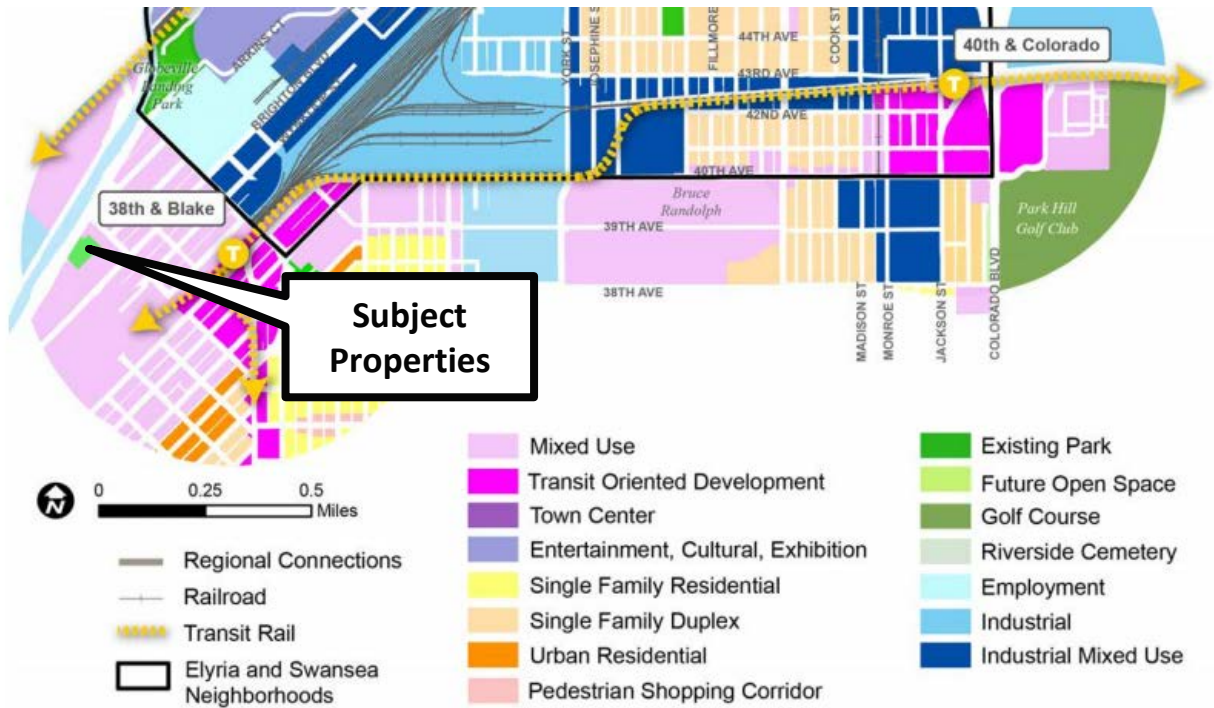
Blueprint Denver classifies 35th Street as an Undesignated Local street. Blueprint Denver states “the design features of local streets are influenced less by traffic volumes and are tailored more to providing local access. Mobility on local streets is typically incidental and involves relatively short trips at lower speeds to and from other streets” (p. 51). The city park allowed by OS-A can be suitable along such streets, so the proposed rezoning is consistent with Blueprint Denver street classifications.

Denver Parks Game Plan (2003)

The proposal is consistent with the Denver Parks Game Plan vision for safe, accessible and flexible open spaces located within ½ mile of every home (page 31). The Game Plan describes a number of amenities that could be in the city’s open spaces, which include active and passive recreation and community gardens. With a zoning of OS-A, the subject properties will have more flexibility to make improvements that support open space and parks uses and the city will better implement the goals of the Game Plan. Most city parks are zoned OS-A.

Elyria & Swansea Plan (2015)

The Elyria & Swansea Plan was adopted by City Council in 2015 and includes the subject properties. However, the plan’s focus area is the Elyria & Swansea neighborhoods that are north and east of the map amendment request. The plan’s concept land use map identifies 3400 Arkins as Future Open Space, which is consistent with the requested map amendment. (p. 45)



ELYRIA & SWANSEA PLAN LAND USE MAP

38th and Blake Station Area Plan (2009) and height amendments

The 38th and Blake Station Area Plan was adopted by City Council in 2009 and applies to the subject property. This plan provides the most recent, focused guidance for the subject properties. The station area plan's land use map identifies the all of the subject properties as New Open Space and Parks, making the OS-A zone district consistent with this designation. (p. 49)

The proposal is also consistent with several 38th and Blake Station Area Plan policies, including policies to better connect neighborhoods to the South Platte River, and to expand parks and open space to serve additional growth in the area. (p 53)

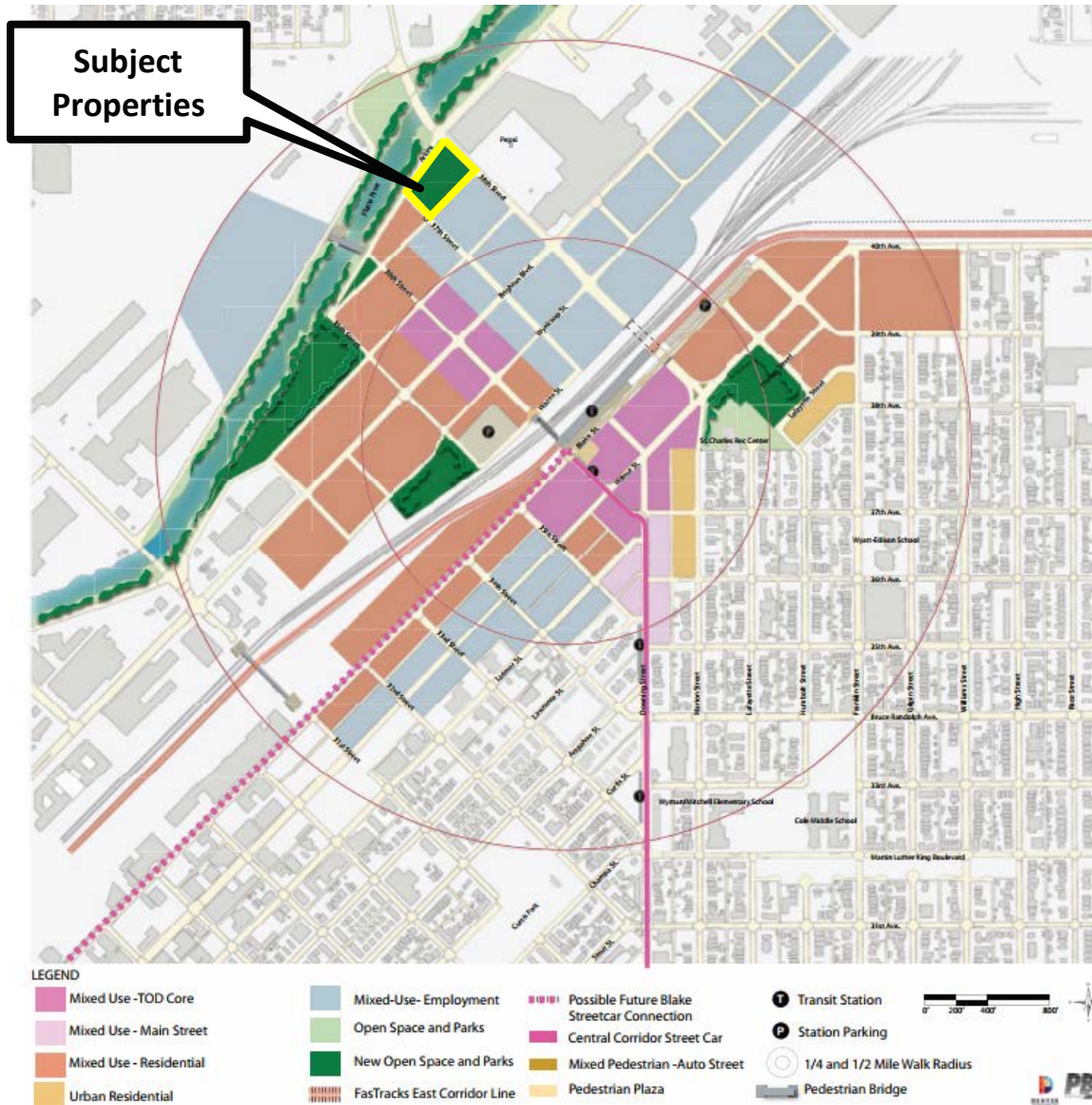


Figure 1.6 – Future Land Use

38TH AND BLAKE PLAN FUTURE LAND USE MAP

River North Plan (2003)

The River North Plan was adopted by City Council in 2003 and applies to the subject properties. The plan provides limited focused guidance for the requested map amendment, but does contain policies supporting development of parks and open space. The station area plan’s land use map identifies the subject site as River Corridor Mixed Use, which has a policy supporting replacement of industrial uses with nonindustrial uses that enhance South Platte River frontage (p. 65)

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to OS-A would result in the uniform application of zone district building form, use, and design regulations.

3. Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety, and general welfare of the City primarily through the implementation of the City's adopted plans. The proposed map amendment is closely aligned with adopted neighborhood plans and would support development of a city park in an area with an increasing, unmet demand for parks.

4. Justifying Circumstance

The rezoning is justified 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." The RiNo and Brighton Boulevard area is undergoing a transformation that includes a significant density increase. The rezoning is in the public interest to recognize the changed character of the area and the need for a corresponding increase in city parks and open space.

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

The OS-A zone district is intended to protect and preserve public parks owned, operated or leased by the City and managed by the City's Department of Parks and Recreation for park purposes (DZC 9.3.1, 9.3.2). The requested rezoning is consistent with the neighborhood context description and zone district purpose and intent because the requested zoning will make the property consistent with existing city ownership of, and future plans for, the subject properties. The OS-A zone district is specifically for city parks, and is the most common zone district for city parks including nearby St. Charles Place Park and Globeville Landing Park.

Attachments

1. Rezoning application

Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	City of Denver	Representative Name	Brad Buchanan
Address	201 W. Colfax	Address	201 W. Colfax
City, State, Zip	Denver, CO 80202	City, State, Zip	Denver, CO 80202
Telephone	(720) 865-2914	Telephone	(720) 865-2914
Email	brad.buchanan@denvergov.org	Email	brad.buchanan@denvergov.org
<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):	3400 Arkins Ct, 3460 Arkins Ct, 1930 35th St		
Assessor's Parcel Numbers:	0227125014000, 0227125015000, 0227125016000		
Area in Acres or Square Feet:	138,663 SF/3.2 acres		
Current Zone District(s):	I-MX-5/UO-2		
PROPOSAL			
Proposed Zone District:	OS-A (Open Space Public Parks District)		

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

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

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

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed or deed of trust, (C) title policy or commitment, or (D) other as approved	Has the owner authorized a representative in writing? (YES/NO)
EXAMPLE John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/01/12	(A)	YES
Brad Buchanan Executive Director Community Planning and Development	201 W. Colfax Denver, CO 80202	100%	<i>Brad Buchanan</i>	4.16.18	(B)	Yes

Last updated: February 22, 2017

Return completed form to rezoning@denvergov.org

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

3400 Arkins Court and Legal Description

Portions of Lots 6 to 27, Block 15, First Addition to Ironton, and the vacated alley adjacent to said lots and portions of the vacated Delgany Street and vacated 34th Street adjacent to said lots and portions of Lots 1, 2, 3, 30, 31 and 32, Block 14, First Addition to Ironton and the vacated alley adjacent to said lots and portions of vacated Delgany Street and vacated 34th Street adjacent to said lots and a portion of the SE ¼ of the SE ¼ of Section 22, Township 3 South, Range 68 West of the 6th P.M., City and County of Denver, State of Colorado, more particularly described as follows:

Commencing at the NW corner of Lot 1, Block 13, First Addition to Ironton, thence Westerly along the Northerly line of said Lot extended 27.50 feet, thence on a deflection angle to the left of 90°00'00", 137.50 feet to the True Point of Beginning; thence continuing along said above described course 400.00 feet; thence on a deflection angle to the right of 90°00'00", 194.22 feet to the Southeasterly right-of-way line of Arkins Court, thence on a deflection angle to the right of 76°36'35" along said right-of-way line, 411.18 feet, thence on a deflection angle to the right of 103°23'25" leaving said right-of-way line, 289.44 feet to the True Point of Beginning,

Except that portion as described in Deed recorded June 21, 1994 at Reception No. 9400100725,

City and County of Denver,
State of Colorado.

located at 3400 Arkins Court, Denver, Colorado.

3460 Arkins Court and 1930 35th Street Legal Description

Portions of Lots 1 to 10 and 27 to 32, Block 15, FIRST ADDITION TO IRONTON, and the vacated alley adjacent to said lots and a portion of vacated Delgany Street adjacent to said lots, City and County of Denver, State of Colorado, more particularly described as follows:

Commencing at the N.W. Corner of Lot 1, Block 13, FIRST ADDITION TO IRONTON; thence northwesterly along the northerly line of said lot extended, 27.50 feet to the TRUE POINT OF BEGINNING; thence southwesterly on a deflection angle to the left of 90°00'00", 137.50 feet; thence northwesterly on a deflection angle to the right of 90°00'00", 222.14 feet; thence southwesterly on a deflection angle to the left of 93°55'57", 88.06 feet; thence northwesterly on a deflection angle to the right of 92°23'21", 52.11 feet to the southeasterly right-of-way line of Arkins Court; thence northeasterly on a deflection angle to the right of 78°09'11" along said right-of-way line, 217.22 feet, thence northeasterly on a deflection angle to the right of 13°23'35" along said right-of-way line, 15.44 feet to the northerly lone line of Lot 1, Block 15, FIRST ADDITION TO IRONTON, thence southeasterly along said lot line extended on a deflection angle of 90°00'00" to the right, 318.50 feet to the TRUE POINT OF BEGINNING. The above described parcel contains 47,316 square feet (1.0862 acres) more or less.

WARRANTY DEED

THIS DEED, dated this 7th day of February 2003, between William L. Dell whose legal address is 7135 South Costilla Street, Littleton, Colorado 80120 grantor, and THE CITY AND COUNTY OF DENVER, a Colorado Municipal Corporation, whose legal address is 1437 Bannock Street, Denver, Colorado 80222 of the City and County of Denver and State of Colorado, grantee:

NO DOCUMENTARY FEE
REQUIRED

WITNESS, that the grantor, for and in consideration of the sum of ONE MILLION SIXTEEN THOUSAND AND 00/100 (\$1,016,000.00), and other good and valuable 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 grantee, his heirs and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the City and County of Denver and State of Colorado, described as follows:

FOR LEGAL DESCRIPTION, SEE EXHIBIT ATTACHED HERETO AND MADE A PART OF THIS GENERAL WARRANTY DEED.

Also known by street and number as: 3360 Arkins Ct., and 1930 35th St., Denver, CO
Assessor's schedule or parcel number: 02271-25-015-000 and 02271-25-016-000

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

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantee, his heirs and assigns forever. The grantor, for it self, it's heirs and personal representatives, does covenant, grant, bargain, and agree to and with the grantee, it's heirs and assigns, that at the time of the ensealing and delivery of these presents, it is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except

NONE

The grantor shall and will WARRANT AND FOREVER DEFEND the above bargained premises in the quiet and peaceable possession of the grantee, his heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof.

The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

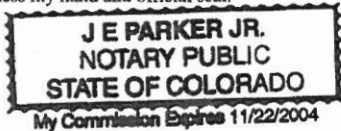
IN WITNESS WHEREOF, the grantor has executed this deed on the date set forth above.

William L. Dell
William L. Dell

STATE OF COLORADO)
)ss.
CITY AND COUNTY OF DENVER)

The foregoing instrument was acknowledged before me this 7th day of February 2003 by William L. Dell.

Witness my hand and official seal.



My commission expires:

J E Parker Jr
Notary Public

Name and Address of Person Creating Newly Created Legal Description (§38-35-106.5, C.R.S.)

No. 932A, Rev. 4-94, WARRANTY DEED (For Photographic Record)



2003021094

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City & County Of Denver WD R11.00 00.00

LEGAL DESCRIPTION:

Portions of Lots 1 to 10 and 27 to 32, Block 15, FIRST ADDITION TO IRONTON, and the vacated alley adjacent to said lots and a portion of vacated Delgany Street adjacent to said lots, City and County of Denver, State of Colorado, more particularly described as follows:

Commencing at the N.W. Corner of Lot 1, Block 15, FIRST ADDITION TO IRONTON; thence northwesterly along the northerly line of said lot extended, 27.50 feet to the TRUE POINT OF BEGINNING; thence southwesterly on a deflection angle to the left of $90^{\circ}00'00''$, 137.50 feet; thence northwesterly on a deflection angle to the right of $90^{\circ}00'00''$, 222.14 feet; thence southwesterly on a deflection angle to the left of $93^{\circ}55'57''$, 88.06 feet; thence northwesterly on a deflection angle to the right of $92^{\circ}23'21''$, 52.11 feet to the southeasterly right-of-way line of Arkins Court; thence northeasterly on a deflection angle to the right of $78^{\circ}09'11''$ along said right-of-way line, 217.22 feet; thence northeasterly on a deflection angle to the right of $13^{\circ}23'35''$ along said right-of-way line, 15.44 feet to the northerly lot line of Lot 1, Block 15, FIRST ADDITION TO IRONTON; thence southeasterly along said lot line extended on a deflection angle of $90^{\circ}00'00''$ to the right, 318.50 feet to the TRUE POINT OF BEGINNING. The above described parcel contains 47,316 square feet (1.0862 acres) more or less.

 2003021094
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02/07/2003 02:48P
City & County of Denver WD R11.00 D0.00

PROPERTY DEED
(General Warranty Deed)

INTERSTATE SHIPPERS SERVICE, INC., a Colorado corporation, whose address is 3400 Arkins Court, Denver, CO 80216 ("Grantor"), for the consideration of Two Million Four Hundred Three Thousand Dollars (\$2,403,000.00), and other good and valuable consideration in hand paid, the receipt and sufficiency of which is hereby acknowledged, sells and conveys to THE CITY AND COUNTY OF DENVER, whose address is 1437 Bannock Street, Room 350, Denver, CO 80202 ("Grantee"), the following real property in the City and County of Denver, State of Colorado, to wit:

Portions of Lots 6 to 27, Block 15, First Addition to Ironton, and the vacated alley adjacent to said lots and portions of vacated Delgany Street and vacated 34th Street adjacent to said lots and portions of Lots 1, 2, 3, 30, 31 and 32, Block 14, First Addition to Ironton and the vacated alley adjacent to said lots and portions of vacated Delgany Street and vacated 34th Street adjacent to said lots and a portion of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 22, Township 3 South, Range 68 West of the 6th P.M., City and County of Denver, State of Colorado, more particularly described as follows:

Commencing at the NW corner of Lot 1, Block 13, First Addition to Ironton, thence Westerly along the Northerly line of said Lot extended 27.50 feet, thence on a deflection angle to the left of 90°00'00", 137.50 feet to the True Point of Beginning; thence continuing along said above described course 400.00 feet; thence on a deflection angle to the right of 90°00'00", 194.22 feet to the Southeasterly right-of-way line of Arkins Court; thence on a deflection angle to the right of 76°36'35" along said right-of-way line, 411.18 feet, thence on a deflection angle to the right of 103°23'25" leaving said right-of-way line, 289.44 feet to the True Point of Beginning,

Except that portion as described in Deed recorded June 21, 1994 at Reception No. 9400100725,

City and County of Denver,
State of Colorado.

located at 3400 Arkins Court, Denver, Colorado.

TO HAVE AND TO HOLD THE SAME, together with all of Grantor's right, title and interest in and to all improvements, appurtenances, and privileges belonging or pertaining thereto, and all the estate, right, title, interest, and claim of Grantor, either in law or equity, to the use or benefit of the Grantee, its successors and assigns, subject to the easements and encumbrances listed in Exhibit 1 attached hereto and incorporated herein by this reference. Grantor shall and will warrant and forever defend the above premises in the quiet and peaceable possession of Grantee and Grantee's successors and assigns, against all and every person or person lawfully claiming the whole or any part of the above premises.

SIGNED this 30th day of March, 2011

INTERSTATE SHIPPERS SERVICE, INC.

By: Bill Raplee
Bill Raplee, President

STATE OF COLORADO)
)ss.
COUNTY OF DENVER

The foregoing instrument was acknowledged before me this 30th day of March, 2011 by Bill Raplee, as President of INTERSTATE SHIPPERS SERVICE, INC, a Colorado corporation, on behalf of said corporation.

Witness my hand and official seal.

My commission expires:

[Signature]
Notary Public



My Commission Expires
MARCH 14, 2011
22, 2015

Review Criteria Analysis

Consistency with Adopted Plans

Denver Comprehensive Plan 2000

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

- Promote the development of sustainable communities and centers of activity where shopping, jobs, recreation and schools are accessible. (p. 41)
- Preserve and enhance Denver’s livable urban environment through development and maintenance of parks (p. 55)
- To the extent possible, parks, open space and affordable recreation will be accessible to all residents in every part of the city (p. 97)
- Integrate sufficient open space and recreational amenities, including small urban parks, into large-scale development plans. (p. 102)

The city has identified the subject properties for a future park for several years, recognizing the rapidly increasing demand for parkland in the River North community. The rezoning would enable a future park to meet the comprehensive goals stated above.

Blueprint Denver (2002)

According to Blueprint Denver, 3400 Arkins Ct has a concept land use of Park and 3460 Arkins Ct & 1930 35th St have a concept land use of Mixed Use. Both properties are located within an Area of Change. The proposal is consistent with several Blueprint Denver policies, including “as the intensity of development increases in Areas of Change, so too should access to parks and recreation” (p. 132).

38th and Blake Station Area Plan (2009) and Height Amendments

The 38th and Blake Station Area Plan provides the most recent, focused plan guidance for the subject properties. This plan identifies the future land use on both properties as New Open Space and Parks. The request is also consistent with the plan policy for the expansion of parks and other open space “to serve additional growth in the station area” (p. 53).

River North Plan (2003)

The River North Plan identifies the subject properties as River Corridor Mixed Use, which states “new uses should be mixed and take advantage of river frontage” (p. 65). The subject properties adjacency to the South Platte River corridor provides an opportunity to take advantage of river frontage with a public park.

Elyria Swansea (2015)

The Elyria Swansea Plan identifies 3400 Arkins Ct as an “Existing Park” and 3460 Arkins Ct & 1930 35th St as Mixed Use. The request is also consistent with the plan policy to increase public access between development and the river (p. 42).

Denver Parks Game Plan (2003)

The request is consistent with the Denver Parks Game Plan to provide accessible and flexible open spaces located within ½ mile of every home (page 31) in a rapidly developing area.

Justifying Circumstances

The requested rezoning is justified 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.” The River North area is rapidly developing, and with it an increase in demand for parkland.

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

The OS-A zone district is intended to protect and preserve public parks owned, operated or leased by the City and managed by the City’s Department of Parks and Recreation for park purposes (DZC 9.3.1, 9.3.2). The requested rezoning is consistent with the neighborhood context description and zone district purpose and intent because it will make the property consistent with existing city ownership of the subject properties which includes future development for parks and other uses consistent with the OS-A zone district.