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**TO:** **Denver City Council**  
Christopher Herndon, President

**FROM:** Tim Watkins, Senior City Planner

**DATE:** March 24<sup>th</sup>, 2016

**RE:** Official Zoning Map Amendment Application #2015I-00041 - 725 W 39<sup>th</sup> Ave  
Rezoning from I-A UO-2 & I-B UO-2 to C-MX-20

### Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2015I-00030 for a rezoning from I-A UO-2 & I-B UO-2 to C-MX-20 for the property located at 725 W 39<sup>th</sup> Ave.

### Request for Rezoning

Application: #2015I-00030  
Address: 725 W 39<sup>th</sup> Ave  
Neighborhood/Council District: Globeville / Council District 9

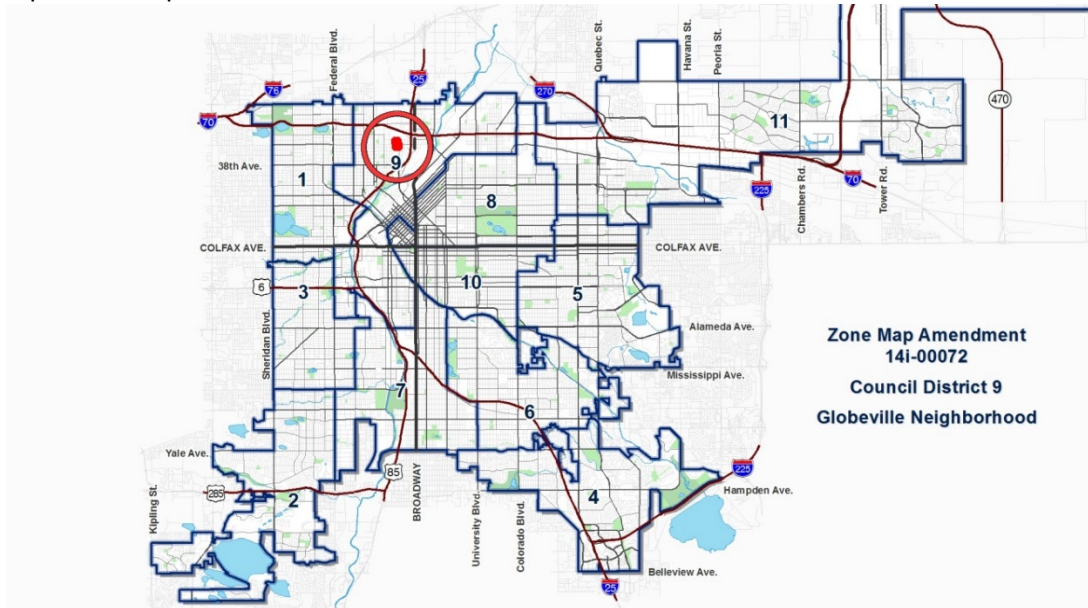
RNOs: Denver Neighborhood Association, Inc., Elyria  
Swansea/Globeville Business Association,  
Inter-Neighborhood Cooperation (INC), North Highlands  
Neighbors Association, Globeville Civic Association #2, United  
Community Action Network Inc., Globeville Civic Association #1,  
Denver Urban Resident Association

Area of Property: Total: 1.14 acres

Current Zoning: I-A UO-2 & I-B UO-2  
Proposed Zoning: C-MX-20  
Property Owner(s): Munroe Investment Company, LLC  
Owner Representative: Keith Gallegos

### Summary of Rezoning Request

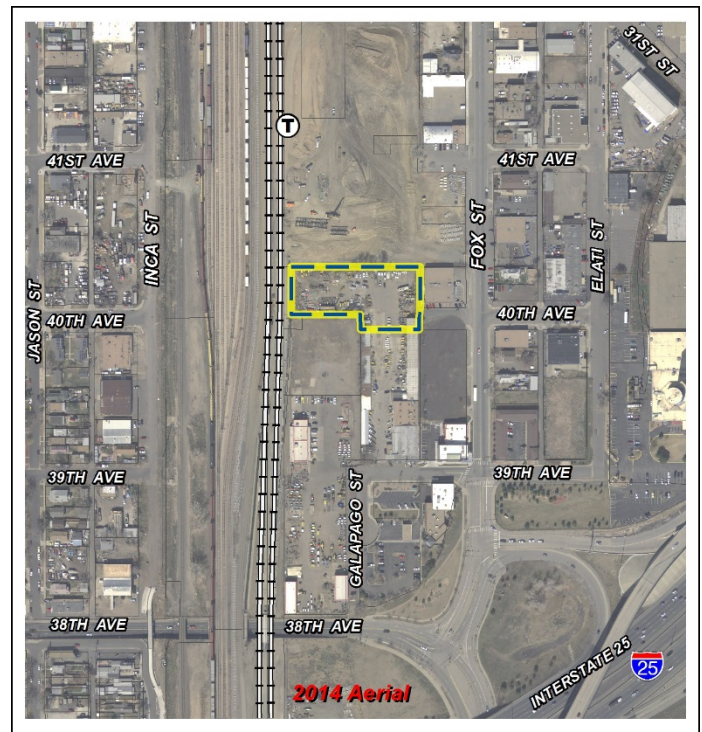
Located in north Denver in Council District 9, this former industrial property lies near the convergence of I-70 and I-25, and within one block from the future 41<sup>st</sup> and Fox commuter rail station along the Gold (G) Line and the Northwest Rail (B) Line. The property today is industrial with some manufacturing and warehouse buildings and a significant amount of space devoted to outdoor storage. It is surrounded by industrial commercial uses and rail, and is positioned for redevelopment as the G & B rail line is expected to open in 2016.



The property owner seeks to rezone the property in preparation for site improvements and vertical development within convenient walking distance of the 41<sup>st</sup> and Fox rail station platform.

The requested zone district is C (Urban Center) – MX (Mixed Use) -20 (20 Story Maximum).

Mixed uses in the Denver Zoning Code are intended to promote safe, active, and pedestrian-scaled, diverse areas through the use of development forms with uses that clearly define and activate the public street edge. Further details of the zone district can be found in Article 7 of the Denver Zoning Code (DZC).



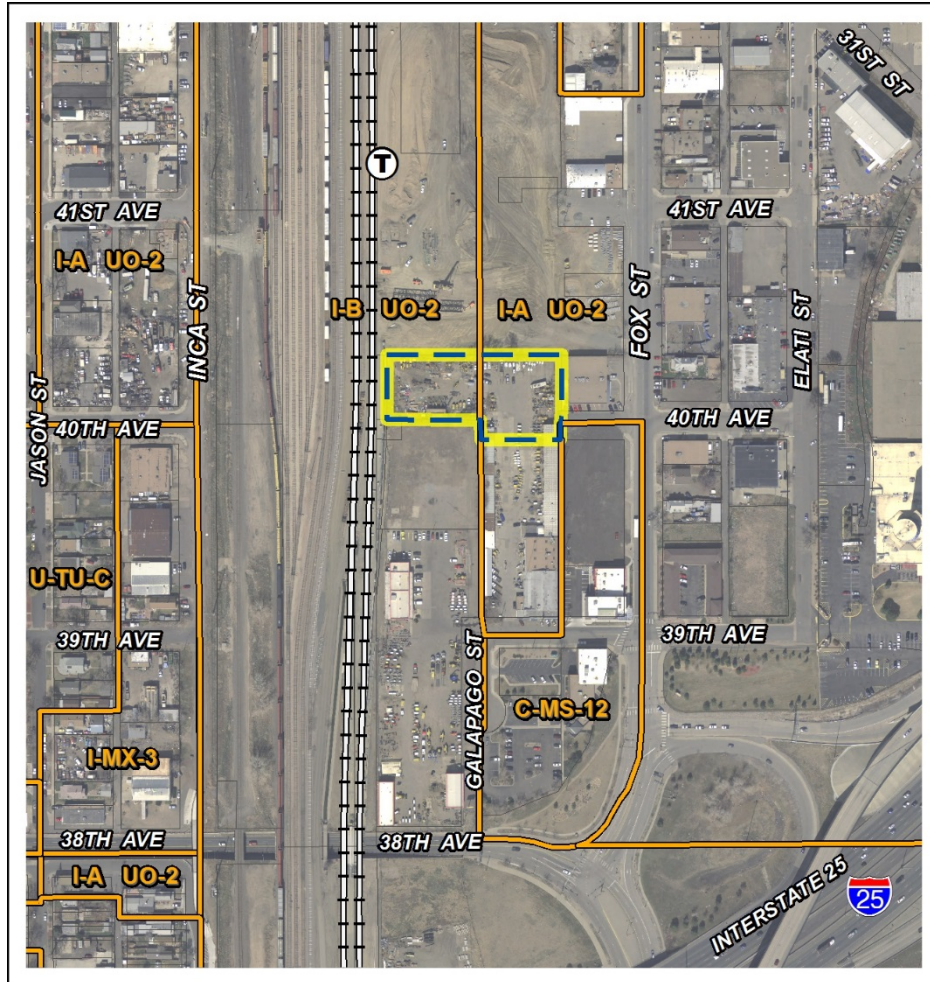
## Existing Context

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

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

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	I-B, UO-2 & I-A, UO-2	Industrial	1 Story	A limited orthogonal grid extends along Fox Street from 38 <sup>th</sup> Ave to 44 <sup>th</sup> Ave. The grid is limited by the rail corridor to the west, I-25 to the south and east, and by large industrial sites and I-70 to the north. The area has limited access from other neighborhoods, including 44 <sup>th</sup> Ave from the southeast portion of Globeville, 38 <sup>th</sup> Ave from the Sunnyside neighborhood (west), and Fox Street to Park Avenue that provides direct access to downtown.
North	I-B, UO-2 & I-A, UO-2	Park-n-Ride, rail station	N/A	
South	I-B, UO-2 & I-A, UO-2	Industrial	1 Story	
East	I-A, UO-2, C-MS-12	Commercial Retail & Office, surface parking	1-2 Story	
West	I-B, UO-2	Industrial, Railroad right-of-way	0-1 Story	

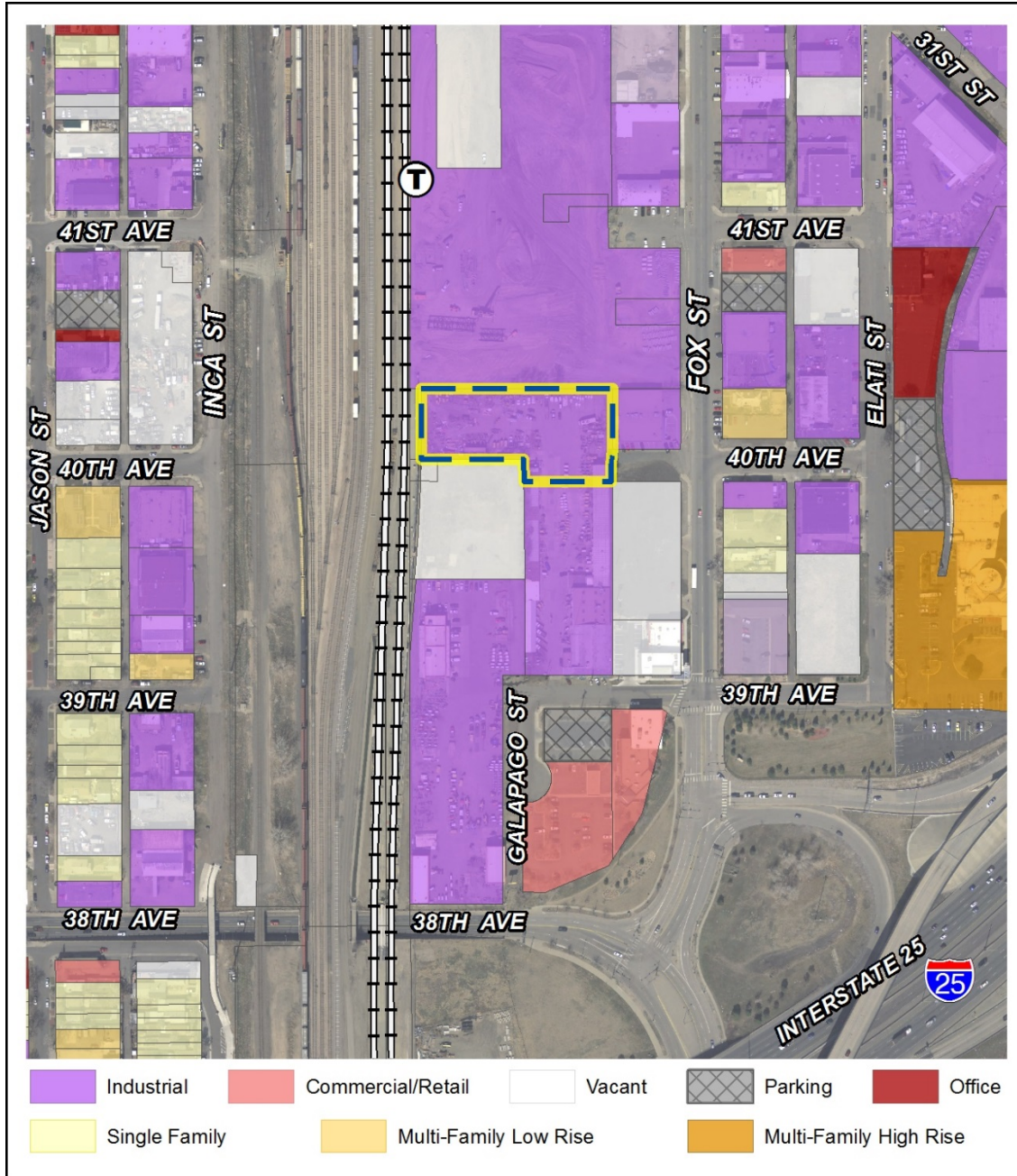
## 1. Existing Zoning



The current zone district I-B UO-2 (or General Industrial) and I-A UO-2 (Light Industrial) are intended as employment areas containing industrial uses. I-B uses are generally more intensive than uses permitted in the I-A Zone District. The overall purpose of these districts is to promote industrial development and economic activity. No new residential uses may be established in either zone district in order to promote and continue a stable employment base for the city. General and Industrial Building forms are allowed with no limit to the building height. Surface parking is allowed between a building and primary or side street, and no transparency or other pedestrian level activation is required. See DZC Section 9.1.2.1.

The UO-2 Overlay, Billboard Use Overlay District allows for the potential of a billboard as an outdoor general advertising device, subject to minimum separation and distance requirements. The applicant proposes to zone out of this use overlay, removing the billboard allowance (See DZC Section 9.4.4.7).

## 2. Existing Land Use Map



### 3. Existing Building Form and Scale



*Site with access to Fox St. via 40<sup>th</sup> Ave.*



**East** – Along Fox St. at 40<sup>th</sup> Ave.



**North** – along Fox St.



**West** – Industrial and Rail right-of-way corridor.



**South** – along 39<sup>th</sup> Ave.

## 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:

- **Asset Management:** Approved – No Comments
- **Public Works – City Surveyor:** PW-Survey comments (on first application) have been addressed.

## Public Review Process

- CPD staff provided Informational notice of receipt of the rezoning application to affected members of City Council and registered neighborhood organizations on July 9<sup>th</sup>, 2015.
- The property has been legally posted for a period of 15 days announcing the August 5<sup>th</sup>, 2015 Denver Planning Board public hearing, and written notification of the hearing has been sent to all affected registered neighborhood organizations and City Council members.
- A Council Planning and Neighborhood Committee review held on December 9<sup>th</sup> was noticed on November 23<sup>rd</sup>.
- The applicant submitted a request to modify the applicant from 2.83 acres to 1.14 acres on February 25<sup>th</sup>, 2016 (see attached modification request letter).
- On February 29<sup>th</sup>, City Council voted to approve the modification request and postponed the public hearing to March 29<sup>th</sup>.
- The March 29<sup>th</sup> City Council public hearing was published with a 21 day notice.
- **Applicant Outreach to Registered Neighborhood Organizations (RNOs)**
  - The applicant has reached out to the applicable neighborhood organizations listed on the cover page of this report.
  - A letter of support was received from a representative of the United Action Community Network (UCAN) on November 4.
  - See the attached correspondence for the full text of all of these public comments.

## 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)
- 41<sup>st</sup> and Fox Station Area Plan (2009)
- Globeville Neighborhood Plan (2014)

### Denver Comprehensive Plan 2000

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

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

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

### Land Use Strategies:

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

**Our Long Term Physical Environment:** 4-E: Continue to promote mixed-use development, which enables people to live near work, retail and services.

### Legacies Strategies:

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

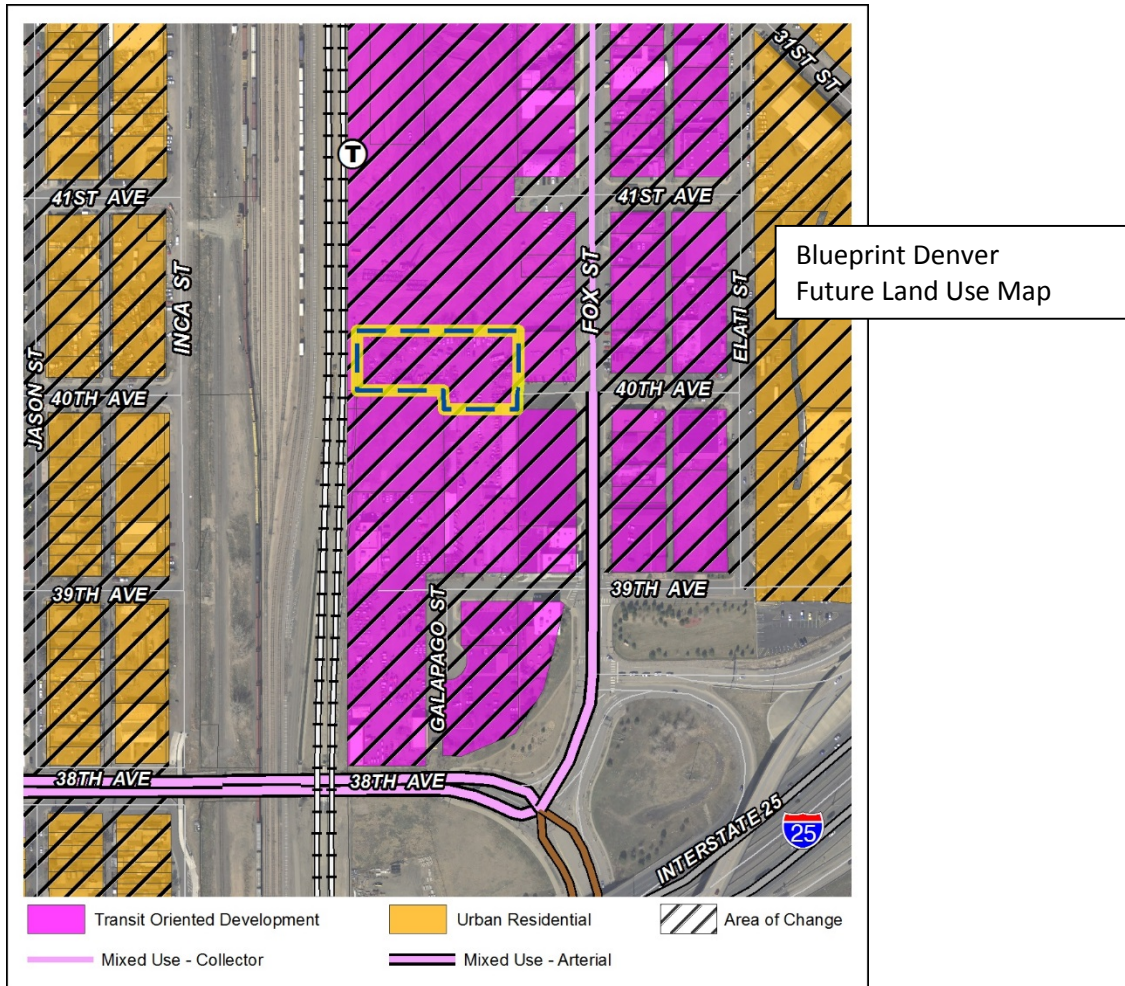
The proposed map amendment will enable mixed-use development at an infill location where services and infrastructure are already in place and where transit oriented development investment is taking place. The C-MX-20 zone district broadens the variety of uses and increased density appropriate for transit-oriented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



### Blueprint Denver

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

### Future Land Use



Transit-oriented developments have a direct correlation to the function of a mass transit system, and may accommodate a balanced mix of land uses (residential, retail, office entertainment, public facilities, etc). Development can be compact, mid-to high-density development, within a walkable environment with features active street edges, and attractive multi-story buildings that place less emphasis on auto parking. The proposed C-MX-20 zone district is intended to establish active, pedestrian-scaled, diverse areas through the use of development forms with uses that clearly define and activate the public street edge. The rezoning is consistent with this plan recommendation.

### **Area of Change / Area of Stability**

The site and surrounding area is in an Area of Change. In general, “The goal for Areas of Change is to channel growth where it will be beneficial and can best improve access to jobs, housing and services with fewer and shorter auto trips” (p. 127). Blueprint Denver provides additional specific guidance for the 41<sup>st</sup> and Fox station area as a Transit Oriented Development (TOD) area of change that will have a rail transit stop as a focal point surrounded by TOD (p. 137).

The rezoning application is consistent with the Blueprint Denver Area of Change recommendations because it will enable growth in areas where investment is desired and where the benefits of growth are expected to achieve significant public benefits. The rail station is currently under construction and will open in 2016 to provide convenient access to jobs, housing, and services which is expected to increase transit use and walking, and reduce the number and length of automobile trips.

### **Street Classifications**

The site is accessed at the west termini of 39<sup>th</sup> Avenue and 40<sup>th</sup> Avenue, just a half block from Fox Street. Blueprint Denver classifies 39<sup>th</sup> and 40<sup>th</sup> Avenue as local streets, and Fox street as a Mixed Use Arterial south of 39<sup>th</sup> Ave., and a Mixed Use Collector Street north of 39<sup>th</sup> Ave. Fox Street would provide the primary multi-modal access to and from the station area, with direct access to the site via 39<sup>th</sup> Ave.

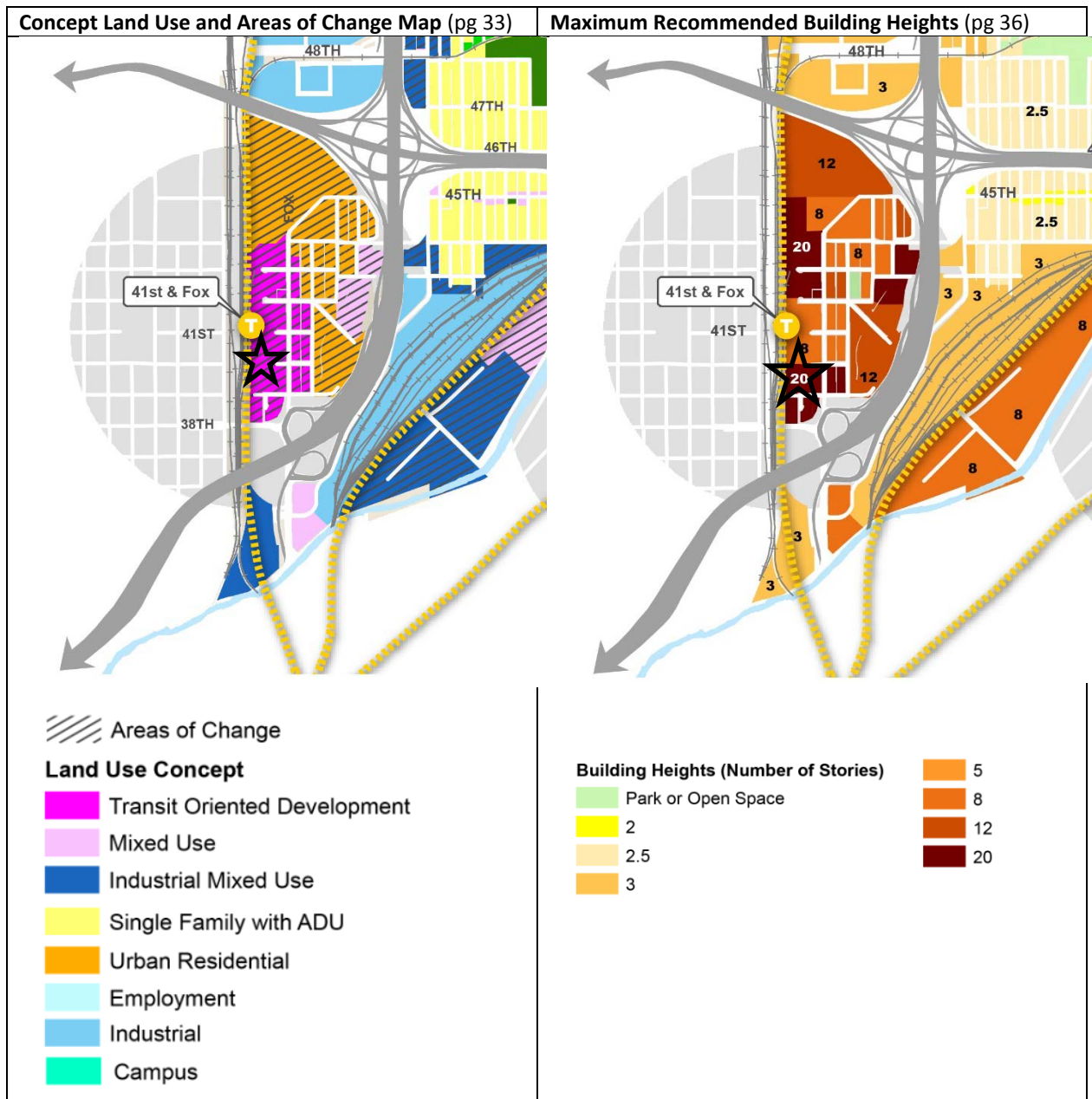
**RTD Bus service (Route 8)** along Fox St. connects through the neighborhood from downtown to the south Globeville and Adams County to the north. Denver Moves anticipates Fox Street as a potential bike route (pending further study).

According to Blueprint Denver, “arterial streets are designed to provide a high degree of mobility and generally serve longer vehicle trips to, from, and within urban areas, and collectors are designed to provide a greater balance between mobility and land access within residential, commercial and industrial areas (pg. 51).” Mixed Use streets are designed to emphasize walking, bicycling and land access over mobility. They consist of two to four travel lanes but place a higher priority on pedestrian and bicycle friendliness than on auto mobility, with initial priority given to design elements such as sidewalks, tree lawns, on-street parking, bike routes, and alleys with rear-facing garages (pg 55).”

The C-MX-20 zone district is proposed near the station and near Fox Street with access along 39<sup>th</sup> and 40<sup>th</sup> avenue. This street access and multi-modal choices would support the high-intensity mixed uses imagined for these streets in Blueprint Denver. The proposed map amendment will enable growth in an area that Blueprint Denver identifies as appropriate for change and mixed uses along streets that promote walkable development within higher-intensity mixed use areas.

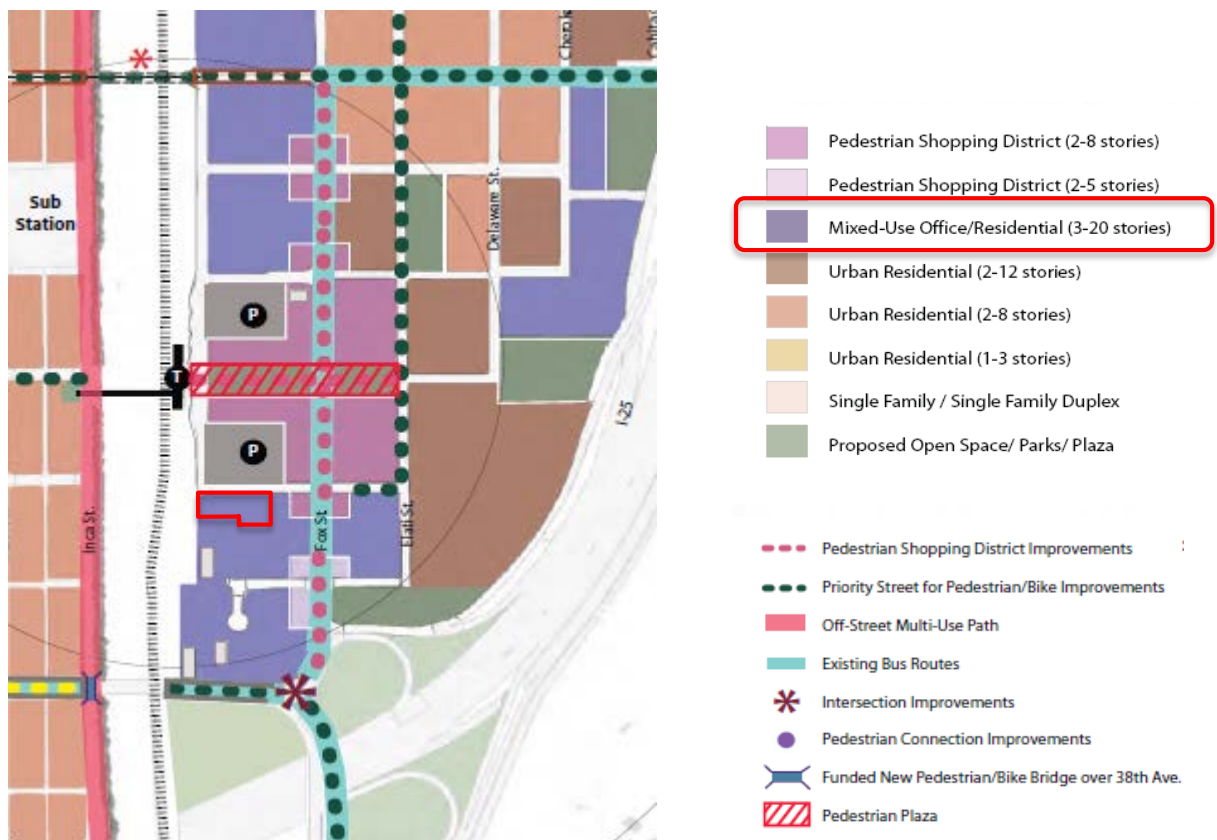
**Small Area Plan: Globeville Neighborhood Plan**

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



### Small Area Plan: 41<sup>st</sup> and Fox Station Area Plan

The 41<sup>st</sup> and Fox Station Area Plan was adopted by City Council in November 2009, and applies to the subject properties. The plan concept is centered around the development of a high intensity activity node close to the station on the east side that includes a 41st Avenue plaza and a pedestrian shopping corridor along Fox Street. The applicable land use and building height recommendation in the 41<sup>st</sup> and Fox Station Area Plan is Mixed-Use Office / Residential (3-20 stories, purple color). This property would be within close proximity to Fox Street and could generate significant pedestrian activity to support mixed uses and retail along the Pedestrian Shopping District (dashed pink line), in support of the adjacent Pedestrian Shopping District land use that directly fronts Fox Street at the corners.



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

The C-MX-20 zone district adds minimum ground story activation transparency standards and build to requirements, broadens the mix of uses and allows for versatile building forms to promote safe, active, and pedestrian-scaled, diverse areas through the use of development forms that will define and activate public street edges in a transit oriented environment that cannot be achieved under the current I-B and I-A Zoning. The allowed use list excludes heavier manufacturing and industrial uses, and better implements the plan recommendation. It allows 20 stories which is consistent with the maximum height recommended by the plan. C-MX-20 is consistent with the Mixed-Use Office / Residential plan recommendations.

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

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

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

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

## **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." As discussed above, many adopted plan recommendations state that redevelopment of the area is desired, and the recently adopted plan also recognized that the character of the area is changing. This is an appropriate justifying circumstance for the proposed rezoning.

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

- The commuter rail station is under construction with a projected opening date in 2016
- Other properties surrounding in the station were recently rezoned for future transit oriented development.
- The nearby 25/70 General Development Plan at 4400 Fox Street was approved in July 2015 by the Denver Planning Board.
- Recent Regency student housing built at 42<sup>nd</sup> Ave and Elati St., and adjacent new retail built at 39<sup>th</sup> Avenue and Fox St.

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

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

and enjoyment of transit, walking, shopping and public gathering within and around the city's neighborhoods. See DZC 7.2.2.1

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

According to the zone district intent stated in the Denver Zoning Code, "C-MX-20 applies to areas or intersections served primarily by arterial streets where a building scale of 3 to 20 stories is desired" (DZC Section 7.2.2.2.C). The site has two access points to the nearby Fox Street, a residential collector street, and commuter rail transit service is under construction and projected to open next year. These complementary transportation facilities will support Mixed Use that is intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city's neighborhoods, and in particular at the emerging 41<sup>st</sup> and Fox station area. The street classifications and desired building heights in this area are consistent with the zone district purpose and intent statements.

### Staff Recommendation

Based on the analysis set forth above, CPD staff finds that the application for rezoning the property located at 725 W 39<sup>th</sup> Ave from I-B UO-2 and I-A UO-2 to C-MX-20 meets the requisite review criteria. Accordingly, staff recommends approval.

### Planning Board Recommendation

Following the public hearing, the Planning Board voted unanimously (8-0) to recommend approval to the Denver City Council.

### Attachments

1. Application
2. UCAN Letter of Support
3. Modification Request Letter



## Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	Munroe Investment Company, LLC
Address	725 West 39th Avenue
City, State, Zip	Denver, CO 80216
Telephone	303-660-9696
Email	vmunroe96@gmail.com
<p><b>*If More Than One Property Owner:</b> 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>	

PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Representative Name	Keith Gallegos
Address	4433 Tennyson St
City, State, Zip	Denver, CO 80212
Telephone	720-404-2786
Email	keithgallegos@me.com
<p><b>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</b></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.

SUBJECT PROPERTY INFORMATION	
Location (address and/or boundary description):	725 West 39th Avenue
Assessor's Parcel Numbers:	0222327013000
Area in Acres or Square Feet:	123,233 sq.ft. or 2.824 Acres of land more or less
Current Zone District(s):	I-A (UO-2) / I-B (UO-2)
PROPOSAL	
Proposed Zone District:	CMX - 20
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:

- Legal Description (required to be attached in Microsoft Word document format)
- Proof of Ownership Document(s)
- Review Criteria

**ADDITIONAL ATTACHMENTS**

Please identify any additional attachments provided with this application:

- Written Authorization to Represent Property Owner(s)

Please list any additional attachments:

- Exhibit A - Legal Description
- Exhibit B - Proof of Ownership
- Exhibit C - Review Criteria
- Exhibit D - Letter of Authorization
- Exhibit E - Property Assessment
- Exhibit F - Additional Criteria
- Exhibit G - Zoning Map
- Exhibit H - Parcel Map
- Exhibit I - Survey





**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)
<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)	NO
Munroe Investment Company, LLC	725 West 39th Avenue Denver, CO 80216	100%	<i>John Munroe</i>	<i>4.15.15</i>	(A)	YES
<i>Denver Development Group</i>	<i>4433 Tennyson Denver CO 80236</i>		<i>Kristi Gallegos</i>	<i>4/14/15</i>	(A)	<i>yes</i>
					(A)	
					(A)	
					(A)	

Last updated: February 4, 2015

Return completed form to [rezoning@denvergov.org](mailto:rezoning@denvergov.org)

**311** FOR INFORMATION & CITY SERVICES

201 W. Colfax Ave., Dept. 205  
Denver, CO 80202

## Exhibit A - Legal Description

### LEGAL DESCRIPTIONS:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST 1/4 OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEING A PART OF BLOCKS 27, 28 AND 38, VIADUCT ADDITION TO THE CITY AND COUNTY OF DENVER, TOGETHER WITH CERTIAN PORTIONS OF ADJACENT VACATED ALLEYS AND VACATED GALAPAGO STREET AND VACATED WEST 40TH AVENUE, CITY ANDCOUNTY OF DENVER, STATE OF COLORADO.BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

### PARCEL ONE;

LOTS 1 TO 15, INCLUSIVE, BLOCK 38, VIADUCT ADDITION TO DENVER, AND THE EAST 1/2 OF VACATED GALAPAGO STREET, PER ORDINANCE NO. 116, SERIES OF 1947, ADJOINING SAID LOTS 1 TO 15;

TOGETHER WITH THE WEST ONE-HALF OF VACATED ALLEY, PER ORDINANCE NO 400, SERIES OF 1978, ADJACENT TO SAID LOTS 1 TO 15; CITY AND COUNTY OF DENVER, STATE OF COLORADO.

### PARCEL TWO;

LOTS 12 TO 15, BLOCK 27, AND LOTS 16 TO 19, BLOCK 28, VIADUCT ADDITION TO DENVER;

TOGETHER WITH VACATED GALAPAGO STREET PER ORDINANCE NO. 23, SERIES OF 1934, BETWEEN THE WESTERLY EXTENSION OF THE NORTH BOUNDARY LINE OF LOT 12, IN SAID BLOCK 27, AND THE CENTER LINE OF VACATED WEST 40TH AVENUE PER ORDINANCE NO. 116, SERIES 1947;

AND TOGETHER WITH THAT PORTION OF THE EAST 1/2 OF VACATED GALAPAGO STREET, PER ORDINANCE NO. 116, SERIES OF 1947, LYING SOUTH OF THE CENTERLINE OF SAID WEST 40TH AVENUE AND WEST OF THE NORTHERLY EXTENSION OF THE WEST BOUNDARY LINE OF BLOCK 38, IN SAID VIADUCT ADDITION TO DENVER;

AND TOGETHER WITH ALL OF VACATED WEST 40TH AVENUE, PER ORDINANCE NO. 116, SERIES 1947, LYING SOUTH OF AND ADJOINING LOT 15, IN SAID BLOCK 27AND THE NORTH 1/2 OF VACATED WEST 40TH AVENUE, PER ORDINANCE NO. 115, SERIES 1926, LYING SOUTH OF AND ADJOINING LOT 16, IN SAID BLOCK 28;

AND TOGETHER WITH THAT PART OF THE SW 1/4 OF SW 1/4 OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF 6TH P.M. BOUNDED ON THE NORTH BY THE WESTERLY EXTENSION OF THE NORTH BOUNDARY LINE OF LOT 19 IN SAID BLOCK 28; ON THE WEST BY THE EAST BOUNDARY LINE OF THE RIGHT-OF-WAY OF THE DENVER, UTAH AND PACIFIC RAILROAD COMPANY AS DESCRIBED IN DEED RECORDED IN BOOK 607 AT PAGE 230; ON THE SOUTH BY THE WESTERLY EXTENSION OF THE CENTERLINE OF VACATED WEST 40TH AVENUE, PER ORDINANCE NO. 115, SERIES 1926;AND ON THE EAST BY THE WEST BOUNDARY LINE OF SAID BLOCK 28, AND BY THE SOUTHERLY EXTENSION OF SAID WEST BOUNDARY LINE;

AND TOGETHER WITH THE WEST ONE-HALF OF VACATED ALLEY, PER ORDINANCE NO. 400, SERIES 1978, ADJACENT TO LOTS 12 TO 15, IN SAID BLOCK 27, VIADUCT ADDITION TO DENVER;

EXCEPT: THE RTD CONDEMNATION PARCEL NO. CM-13, CASE #2011 CV 6547.CITY AND COUNTY OF DENVER, STATE OF COLORADO.

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Real Property Records

Date last updated: Tuesday, August 26, 2014

**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 comparable sales information for this property](#)

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

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

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

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**The property description shown is data from the Assessor's active, in-progress 2014 file. The "current year" values are from the 2014 tax year for real property tax due in 2015. These values are based on the property's physical status as of January 1, 2014.**

**PROPERTY INFORMATION**

Property Type: INDUSTRIAL - WAREHOUSE

Parcel: 0222327013000

**Name and Address Information**

**Legal Description**

MUNROE INVESTMENT COMPANY LLC

725 W 39TH AVE

DENVER, CO 80216-4803

Property Address: 725 W 39TH AVE

VIADUCT ADD B27, 28 & 38 NE  
COR L1 B38 TH E 8FT S 375FT W  
173FT N 415FT W 218.53FT N 140  
FT E 391.53FT S 120FT W 8FT S  
60FT TO POB EXC PT DAF  
\*

Tax District DENV

**Assessment Information**

	Actual	Assessed	Exempt	Taxable
<b>Current Year</b>				
Land	660000	191400		
Improvements	354100	102690		
<b>Total</b>	<b>1014100</b>	<b>294090</b>	<b>0</b>	<b>294090</b>
<b>Prior Year</b>				
Land	660000	191400		
Improvements	354100	102690		
<b>Total</b>	<b>1014100</b>	<b>294090</b>	<b>0</b>	<b>294090</b>

Style: Other  
Year Built: 1955  
Building Sqr. Foot: 13,332  
Bedrooms:  
Baths Full/Half: 0/0  
Basement/Finished: 0/0

Reception No.:  
Recording Date: //  
Document Type:  
Sale Price:  
Mill Levy: 83.09

Lot Size: 123,233

[Click here for current zoning](#)

Zoning Used for Valuation: IA

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

 [Print](#)



Colorado  
Secretary of State  
Wayne W. Williams



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- FAQs, Glossary and Information

## Summary

Details			
<b>Name</b>	MUNROE INVESTMENT COMPANY, LLC		
<b>Status</b>	Good Standing	<b>Formation date</b>	12/04/1998
<b>ID number</b>	19981214599	<b>Form</b>	Limited Liability Company
<b>Periodic report month</b>	August	<b>Jurisdiction</b>	Colorado
		<b>Term of duration</b>	Perpetual
<b>Principal office street address</b>	11490 East Cherry Creek Road, Elbert, CO 80106, United States		
<b>Principal office mailing address</b>	n/a		

Registered Agent	
<b>Name</b>	Vicki Munroe
<b>Street address</b>	11490 East Cherry Creek Road, Elbert, CO 80106, United States
<b>Mailing address</b>	n/a

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## **Exhibit C – General Review Criteria**

The proposed map amendment is consistent with the following adopted plans:

1. City of Denver Comprehensive Plan 2000
2. Blueprint Denver: An Integrated Land Use and Transportation Plan
3. 41<sup>st</sup> Fox Station Area Plan
4. Globeville Neighborhood Plan

### **Review Criteria 1 - City of Denver Comprehensive Plan 2000**

The following is a list of areas where we think the proposed map amendment is consistent with the referenced adopted plan. Note: Italicized text following an excerpt from adopted plans is used to rationalize how the proposed map amendment meets the referenced goals and strategies.

#### **Environmental Sustainability Chapter**

**Strategy 2-F** Conserve land by:

- 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.
- Creating more density at transit nodes.
- Adopting construction practices in new developments that minimize disturbance of the land.

*Rationale: The proposed map amendment meets the intent of this strategy because it is an infill development focused on meeting housing needs. In place infrastructure will be used and enhanced if necessary. This also occurs near a future train station site.*

#### **Land Use Chapter**

**Strategy 1-H** Encourage development of housing that meets the increasingly diverse needs of Denver’s present and future residents in the Citywide Land Use and Transportation Plan.

*Rationale: The proposed map amendment meets the intent of this strategy because it is an infill development focused on meeting housing needs. The proposed map amendment to a C-MX-20 zoning will allow for future growth and expansion as demand for housing continues to grow.*

**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.

*Rationale: The proposed map amendment to C-MX-20 will offer maximum density opportunity and also opportunities for development of commercial and retail amenities within the area, which will also encourage and sustain future growth.*

## **Exhibit C – General Review Criteria (cont)**

**Strategy 4-A** Encourage mixed-use, transit-oriented development that makes effective use of existing transportation infrastructure, supports transit stations, increases transit patronage, reduces impact on the environment, and encourages vibrant urban centers and neighborhoods.

*Rationale: The proposed map amendment is intended to be supported by the existing / planned train infrastructure and train station. The proposed map amendment will also make use of the planned train station.*

### **Mobility Chapter**

**Strategy 1-B** Promote public transit, both bus and rail, as a safe, attractive and convenient choice for people who might otherwise drive to employment, education, cultural, shopping or other destinations.

*Rationale: The proposed map amendment and future development will be designed to support the future station and area growth it will generate.*

**Strategy 2-A** Continue to reinforce Downtown Denver as the main transportation hub for the region, with the proposed intermodal transit facility at Denver Union Terminal as a focal point.

*Rationale: The proposed map amendment and future development will be designed to support the future station which ultimately connects to the Denver Union terminal.*

**Strategy 2-D** Create more convenient connections between different modes of transportation, as in pedestrian to transit, bus to light rail, or bike to transit.

*Rationale: The proposed map amendment and future development will be designed to support the future station.*

**Strategy 3-B** Promote transit-oriented development (TOD) as an urban design framework for urban centers and development areas. Development at transit stations should provide both higher ridership to the transit system and viability and walkability in the area.

*Rationale: The proposed map amendment supports this strategy.*

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

*Rationale: The proposed map amendment supports this strategy.*

### **Denver's Legacies Chapter**

**Strategy 1-E** Invest in public infrastructure and amenities strategically to promote community identity and attract development.

*Rationale: The proposed map amendment supports this strategy.*

**Exhibit C – General Review Criteria (cont)**

**Strategy 6-E** Evaluate and address the impact of building codes, development review and other city permitting processes on historic preservation.

**Housing Chapter**

**Strategy 6-A** Support mixed-use development consistent with the goals of the Comprehensive Plan's land-use and mobility strategies.

*Rationale: The proposed map amendment supports this strategy.*

**Strategy 6-E** Identify and capitalize on opportunities to develop housing along transit lines.

*Rationale: The proposed map amendment supports this strategy, as it is adjacent to the future Fox Street Station.*

## Exhibit C – General Review Criteria (cont)

### **Review Criteria 2 - Blueprint Denver: An Integrated Land Use and Transportation Plan**

The following is a list of areas where we think the proposed map amendment is consistent with the referenced adopted plan. Note: Italicized text following an excerpt from adopted plans is used to rationalize how the proposed map amendment meets the referenced goals and strategies.

#### **Chapter 3 Plan Strategy: Direct Growth to Areas of Change**

- Areas adjacent to and around transit stations (both existing and planned)
  - Three Types of Areas of Change

To achieve Blueprint Denver’s growth management objective, new development will be directed to three general areas:

- Downtown
- Lowry, Stapleton and Gateway
- Areas where land use and transportation are closely linked

Areas of Change link transit to a somewhat more intensive mixed-use development, while creating pedestrian-friendly places that help reduce the number and lengths of trips made by car. By directing growth to these areas that are appropriate for new development, Blueprint Denver strives to preserve the community’s established neighborhoods. The result will be beneficial for all areas of Denver while also accommodating new residents and jobs.

*Rationale: The proposed map amendment supports this strategy.*

#### **Chapter 3 – Remaining Areas of Change Strategies**

*The following strategies support the proposed zone map amendment*

- Eliminate auto-oriented zoning standards
- Mixed land uses
- Infill and redevelop vacant and underused properties
- Transit service and transit access
- Economic activity—business retention, expansion and creation

*Rationale: The proposed map amendment supports this strategy.*

#### **Chapter 4 The Map Plan**

##### **Industrial Districts (Page 40)**

As manufacturing and shipment have become more sophisticated, the need for heavy industrial areas adjacent to rail has lessened. Some of these older areas have historic buildings that are suitable for conversion to office and residential, a notable trend in LoDo and the Ballpark District. Others have the potential to be more diverse employment areas. Warehousing remains a viable use with high demand



## Exhibit C – General Review Criteria (cont)

for trucking. Active industrial areas require access to major arterials or interstates. Heavy rail facilities also are often adjacent to industrial districts. Streets in these districts must be able to accommodate heavy trucks. Special attention to design, screening and buffering is necessary where industrial districts abut districts that include residential use. Examples of this form of development include the I-70 and South Platte River corridors.

*Rationale: The proposed map amendment supports this strategy to repurpose the underutilized industrial area for the proposed mixed use zone designation.*

### Centers (page 44)

**Transit-Oriented Development (TOD)** There are many land-use types described in this chapter — downtown, pedestrian-oriented shopping corridors and centers — where creating links between land use and transportation are critical elements. One of the explicit purposes of each of these land-use concepts is to support transit and to create areas that are pleasant places to walk and bike. Transit-oriented developments are distinctly different because these land uses have a direct correlation to the function of a mass transit system. These development sites are located at stations or stops along bus or rail lines within a mass transit network. Transit-oriented developments offer an alternative to traditional development patterns by providing housing, services, and employment opportunities for a diverse population in a configuration that facilitates pedestrian and transit access.

Some key attributes of TOD commonly include:

- A balanced mix of uses (residential, retail, office, entertainment, public facilities and others)
- Compact, mid- to high-density development
- Close proximity to transit, emphasizing a pedestrian-friendly and attractive pedestrian environment
- Multi-modal transportation connections (rail, bus, bicycle, pedestrian and others)
- Reduced emphasis on auto parking — including lowered parking requirements, shared parking, parking configurations that mitigate the visual impacts of automobiles, parking structures located near but not necessarily at stations and replacement of surface parking lots with structured parking
- Urban design guidelines to improve character and create a sense of place
- Attractive, multi-story buildings facing the station and adjacent streets
- A variety of housing types and prices, including affordable housing opportunities. Access to open space and recreational amenities
- A high degree of connectivity between station area and surrounding neighborhoods

*Rationale: The proposed map amendment supports this strategy for development at TOD areas.*

## **Exhibit C – General Review Criteria (cont)**

### **Review Criteria 3 - 41st and Fox Station Area Plan**

The following is a list of areas where we think the proposed map amendment is consistent with the referenced adopted plan. Note: Italicized text following an excerpt from adopted plans is used to rationalize how the proposed map amendment meets the referenced goals and strategies.

#### **Recommendation LU 1: Land Use Components (page 15)**

1c. Mixed-Use Office/Residential (3-20 stories) has a sizable employment base as well as housing and may include a wide variety of uses including hotels and lodging. Intensity is higher in these areas than in the urban residential areas. Land uses are not necessarily mixed in each building but the area will include employment, services and residential uses within walking distance. The proportion of residential to commercial will vary from one development to another. Because these mixed-use developments are within the transit oriented development area, form of the buildings and pedestrian orientation are very important.

*Rationale: The site resides in the area identified as Mixed Use Office / Residential (3-20 stories). Therefore, the map amendment supports this strategy for development.*

**UD 1b. Active Edges and Design Elements of Building Ground Floors** help create a feeling of activity, safety and visual interest for pedestrians. In the pedestrian shopping districts and along arterial streets, ground floor uses should consist of retail or similar active uses. The ground floors of buildings in all areas should contain the following elements:

- Prominent, street facing entries
- Extensive ground floor windows and frequent entrances
- Pedestrian scaled facades
- Awnings to protect pedestrians and mark entrances
- Building entrances that meet the sidewalk (no parking between primary structure and the street)

*Rationale: The proposed Mixed Use Office / Residential supports the above referenced goals for active ground floors.*

#### **Recommendation ED 1: Economic Development Strategies (page 27)**

**ED 1b.** Zoning incentives for transit oriented development. Implement new zone districts with TOD supportive attributes, including those for the interim period and the transit operation period. These zones typically allow for increased densities and reductions in required parking, enable mixed-use development, and prohibit uses that would not be transit supportive. Innovative parking standards include parking maximums, no requirement for parking, and unbundling of parking and development.

*Rationale: The station area plan supports high density development and zoning.*

## **Exhibit C – General Review Criteria (cont)**

### **Blueprint Denver Land Uses (page 44)**

Blueprint Denver Land Uses Blueprint Denver divides Denver into “areas of change” where growth should be directed and “areas of stability,” where only limited change should be allowed. In general, “areas of change” tend to be places where land use and transportation are closely linked with good transit service and a mix of uses that can support significant in-fill development. Station areas fit this definition of “areas of change.”

Blueprint Denver’s concept land uses for the station area were based on a station location at 38th and Inca instead of 41st and Fox. It identifies portions of the west side of the station area in Sunnyside and Highlands as “areas of change” and “transit oriented development.” This includes the area generally between 44th and 36th Avenue along Inca, Jason and portions of Lipan Street.

Blueprint Denver identifies the area east of the transit station as an industrial area and an “area of stability.” However, through the planning process, it was determined that the eastern portion of the station area is already undergoing a fundamental change in land use. This change in land use began with the development of the Regency Student Housing and has accelerated in recent years. Moreover, the area exhibits the strong link between transportation and land use that defines “areas of change” in Blueprint Denver.

Blueprint Denver identifies several goals for the areas surrounding rail transit stations. These goals include:

A balanced mix of uses

Compact mid- to high-density development

Reduced emphasis on auto parking

Attractive multi-story buildings

A variety of housing types and prices

Access to open space and recreation amenities

A high degree of connectivity between the station area and surrounding neighborhoods

The 41st and Fox Station transit oriented development will embody these objectives as the station links multi-modal transit elements with existing and developing residential and commercial elements in this “area of change”.

*Rationale: The Fox Street station area plan and Blueprint Denver both support the proposed map amendment.*

## Exhibit C – General Review Criteria (cont)

### **Review Criteria 4 – Globeville Neighborhood Plan**

The following is a list of areas where we think the proposed map amendment is consistent with the referenced adopted plan. Note: Italicized text following an excerpt from adopted plans is used to rationalize how the proposed map amendment meets the referenced goals and strategies.

**Small Area Plans:** Small area plans set specific visions, recommendations, and strategies for an area. Within the boundary of the Globeville statistical neighborhood, there are three existing small area Plans. This Globeville Neighborhood Plan (2014) relates to and affects these small area Plans as follows:

- **41st and Fox Station Area Plan (2009):** This Globeville Neighborhood Plan (2014) overlaps with the boundaries of the 41st and Fox Station Area Plan generally east of the railroad tracks, west of I-25, and south of I-70. This Globeville Neighborhood Plan (2014) reinforces the recommendations of the 41st and Fox Station Area Plan with respect to the Station Area Plan’s boundaries. As such, within the area of overlap, both Plans should be used to inform decisions that affect this area of the city.

**(page 15) VISION:** The 41st and Fox Station will develop over the coming decades into the focal point of a diverse, transit supportive, and environmentally sustainable urban center. Many new residents and businesses will be drawn to the convenient location close to downtown and near some of Denver’s most vibrant urban neighborhoods.

**(page 30) Transit-Oriented Development (TOD):** Transit-oriented developments have land uses with a direct correlation to the function of a mass transit system. These development sites are typically located within a half mile walking distance of a transit station. Transit-oriented developments provide housing, services, and employment opportunities for a diverse population in a configuration that facilitates pedestrian and transit access. Within Globeville, TOD is located in the 41st and Fox Station Area.

*Rationale: The Globeville Neighborhood plan and Fox Street Area Plan overlap. Even so, the Globeville Neighborhood plan recognizes the Fox Street Plan and the future TOD development and acknowledges / recognizes that there will be growth and an increase in density in that area. Therefore, the proposed map amendment is consistent with the Globeville Neighborhood Plan.*

Exhibit D - Letter of Authorization

Munroe Investment Company, LLC  
725 W. 39<sup>th</sup> Ave  
Denver, CO 80216-4803  
April 14, 2015

Re. Re-zoning authorization for representative

To whom it may concern

We would like to authorize Keith Gallegos and Art Vasquez of Denver Development Group to represent us on behalf of the re-zoning application and amendment to the zone map. Please direct all correspondence to them.

Sincerely,

*Jicki Munroe*  
*Family Rep. / Manager*

# Exhibit E - Property Assessment

## Real Property Records

Date last updated: Tuesday, August 26, 2014

### 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 comparable sales information for this](#)

[property](#)

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

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

**The property description shown is data from the Assessor's active, in-progress 2014 file. The "current year" values are from the 2014 tax year for real property tax due in 2015. These values are based on the property's physical status as of January 1, 2014.**

#### PROPERTY INFORMATION

Property Type: INDUSTRIAL - WAREHOUSE

Parcel: 0222327013000

#### Name and Address Information

#### Legal Description

MUNROE INVESTMENT COMPANY LLC

725 W 39TH AVE

DENVER, CO 80216-4803

Property Address: 725 W 39TH AVE

VIADUCT ADD B27, 28 & 38 NE  
COR L1 B38 TH E 8FT S 375FT W  
173FT N 415FT W 218.53FT N 140  
FT E 391.53FT S 120FT W 8FT S  
60FT TO POB EXC PT DAF  
\*

Tax District DENV

#### Assessment Information

	Actual	Assessed	Exempt	Taxable
<b>Current Year</b>				
Land	660000	191400		
Improvements	354100	102690		
Total	1014100	294090	0	294090
<b>Prior Year</b>				
Land	660000	191400		
Improvements	354100	102690		
Total	1014100	294090	0	294090

Style: Other

Year Built: 1955

Building Sqr. Foot: 13,332

Bedrooms:

Baths Full/Half: 0/0

Basement/Finished: 0/0

Reception No.:

Recording Date: //

Document Type:

Sale Price:

Mill Levy: 83.09

Lot Size: 123,233

[Click here for current zoning](#)

Zoning Used for Valuation: IA

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

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## **Exhibit F – Additional Criteria: Neighborhood Context and Effect of Rezoning**

### Neighborhood Context

The proposed map amendment at 725 W. 39<sup>th</sup> Ave to CMX-20 will not only help to address the changing character of the neighborhood, but it is also appropriate when considering the developing and planned future context of the Fox Street Station. There is evidence for density in housing across Denver, and this area is a prime candidate for meeting that need with the upcoming station.

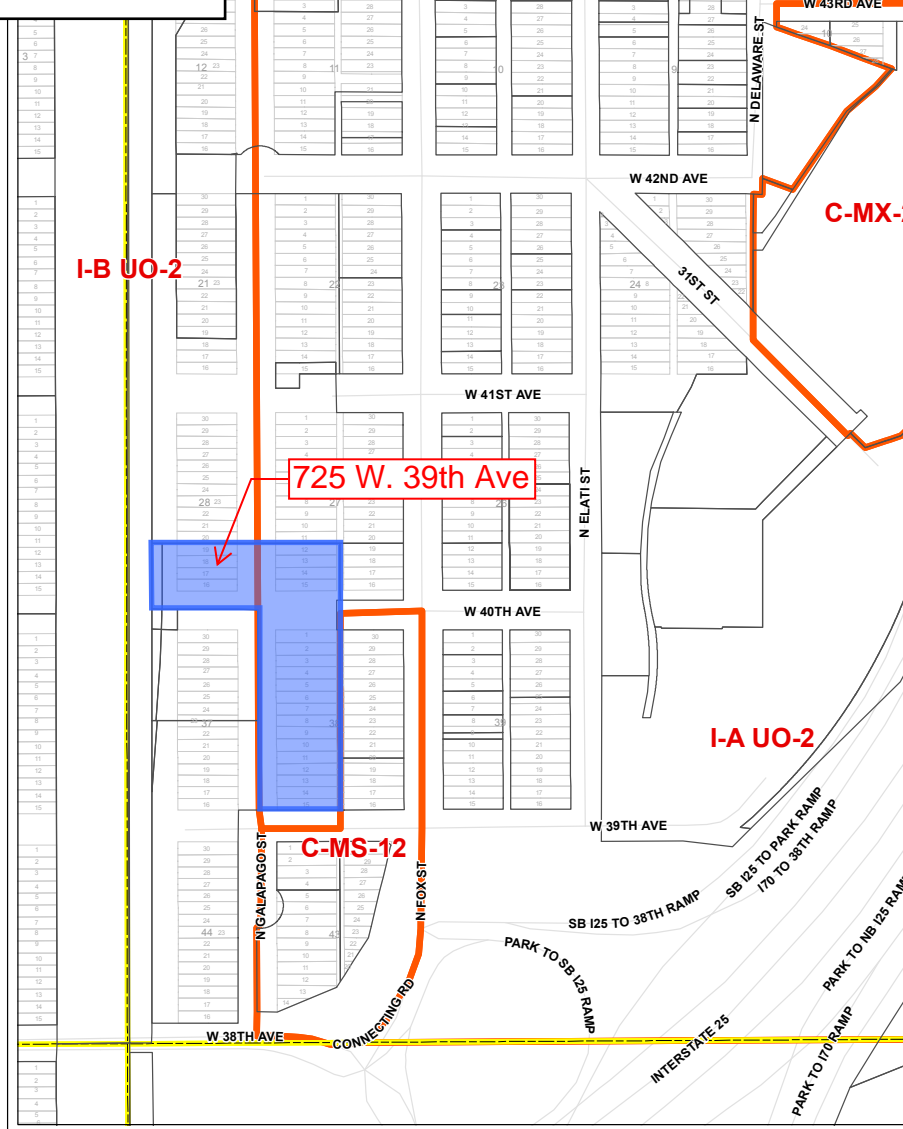
Although the property owner has not yet identified a detailed development plan, the change in zoning gives flexibility for meeting the market need for housing, and desired density outlined in adopted area plans.

### Proposed Map Amendment

This proposed map amendment requests the approval of the CMX-20 zone district. The Mixed Use Zone District is intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city's neighborhoods. With the coming Fox Street Station, this proposed map amendment will allow this goal to begin to be met.

The effect of the proposed amendment will be immediate and positive. There have already been map amendments in the area which have been approved, and this application is a continuation of a process that has been embraced by the surrounding area.

# Exhibit G - Zoning Map



July 9th, 2015 Fee paid \$2000 check #0577

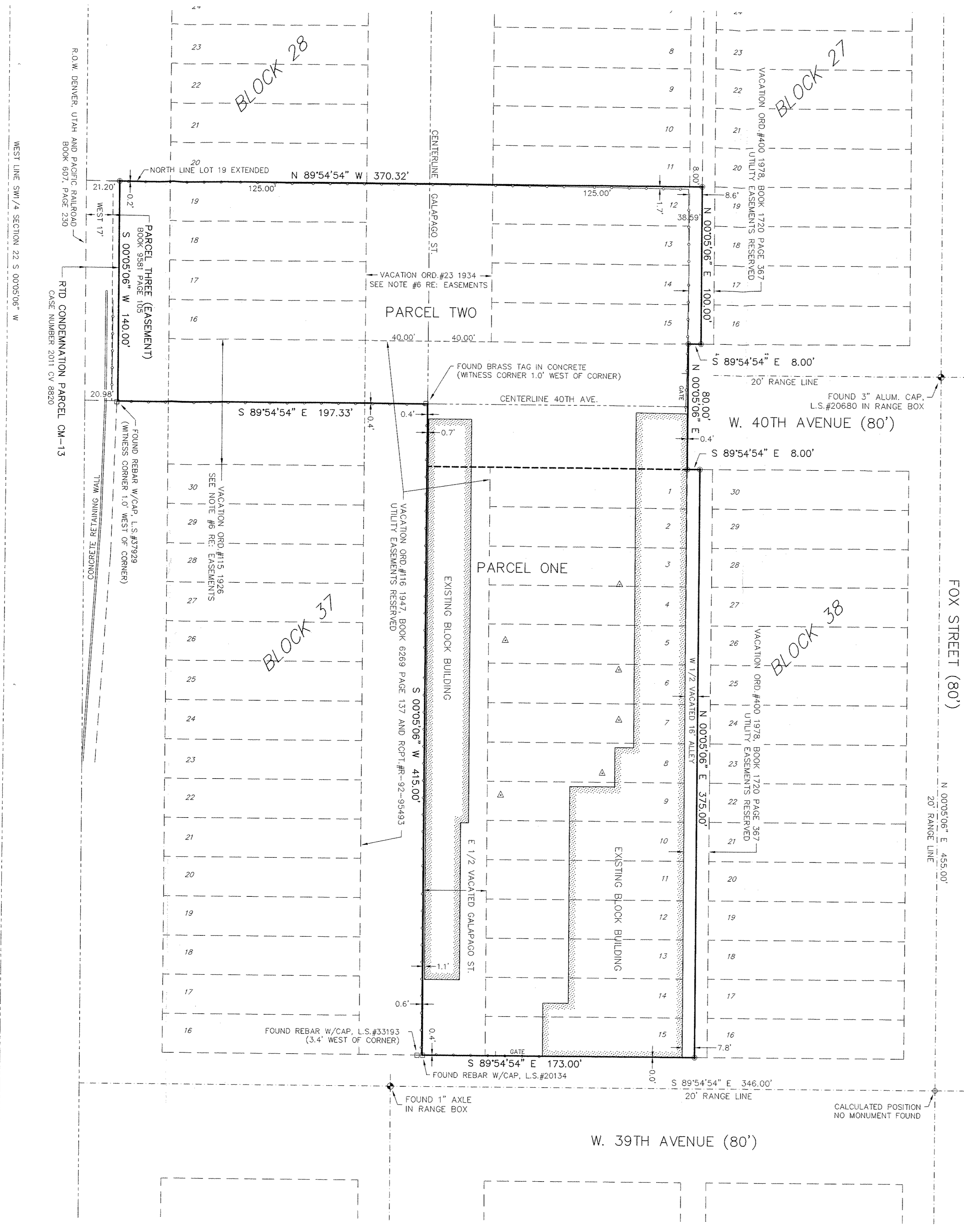
2015I-00030





# LAND SURVEY PLAT

PART OF BLOCKS 27, 28 AND 38, VIADUCT ADDITION TO DENVER  
SITUATED IN THE SW 1/4 OF SECTION 22, T3S, R68W OF THE SIXTH PRINCIPAL MERIDIAN  
CITY AND COUNTY OF DENVER, STATE OF COLORADO



**NOTES:**

**PARCEL ONE**  
Lots 1 to 15, inclusive, Block 38, VIADUCT ADDITION TO DENVER, and the East 1/2 of vacated Galapago Street adjoining said Lots 1 to 15, inclusive, Block 38, VIADUCT ADDITION TO DENVER;  
TOGETHER with the West One-Half of vacated alley adjacent to said Lots 1 to 15, inclusive, Block 38, VIADUCT ADDITION TO DENVER;  
City and County of Denver, State of Colorado.

**PARCEL TWO**  
Lots 12 to 15, Block 27, and Lots 16 to 19, Block 28, VIADUCT ADDITION TO DENVER, according to the recorded plat thereof,  
TOGETHER with all of vacated Galapago Street between the Westerly extension of the North boundary line of Lot 12, in said Block 27, and the center line of West 40th Avenue, now vacated;  
AND ALSO TOGETHER with that portion of the East 1/2 of vacated Galapago Street lying South of the centerline of said West 40th Avenue and West of the Northerly extension of the West boundary line of Block 38, in said VIADUCT ADDITION TO DENVER;  
AND ALSO TOGETHER with all of vacated West 40th Avenue lying South of and adjoining Lot 15, in said Block 27 and the North 1/2 of vacated West 40th Avenue lying South of and adjoining Lot 16, in said Block 28;  
AND ALSO TOGETHER with that part of the SW 1/4 of SW 1/4 of Section 22, Township 3 South, Range 68 West of 6th P.M. bounded on the North by the Westerly extension of the North boundary line of Lot 19 in said Block 28; on the West by the East boundary line of the Right of Way of the Denver, Utah and Pacific Railroad Company as described in Deed recorded in Book 607 at page 230, of the records in the Clerk and Recorder's Office of the City and County of Denver, State of Colorado; on the South by the Westerly extension of the centerline of vacated West 40th Avenue (formerly Greeley Avenue), as shown on the recorded plat of Viaduct Addition to Denver; and on the East by the West boundary line of said Block 28, and by the Southerly extension of said West boundary line;  
AND ALSO TOGETHER with the West One-Half of vacated alley adjacent to Lots 12 to 15, in said Block 27, VIADUCT ADDITION TO DENVER;  
City and County of Denver, State of Colorado.

**PARCEL THREE**  
An easement for use and operation of a railroad spur track as described in Warranty Deed dated March 15, 1966 and recorded on April 1, 1966 in the records of the Clerk and Recorder of the City and County of Denver, State of Colorado in Book 9581 at Page 105, to-wit:  
An easement for use and operation of a railroad spur track as now located over and across the West seventeen (17) feet of a parcel of land described as:  
That portion of the SW 1/4 of SW 1/4 of Section 22, Township 3 South, Range 68 West of the 6th P.M. bounded on the North by the Westerly Extension of the North boundary line of the South 1/2 of said Lot 25, in Block 28; on the West by the East boundary line of the Right of Way of the Denver, Utah and Pacific Railroad Company as described in Deed recorded in Book 607 at page 230, of the records in the Clerk and Recorder's Office of the City and County of Denver, State of Colorado; on the South by the Westerly extension of the South boundary line of Lot 20 in said Block 28; and on the East by the West boundary line of said Block 28;

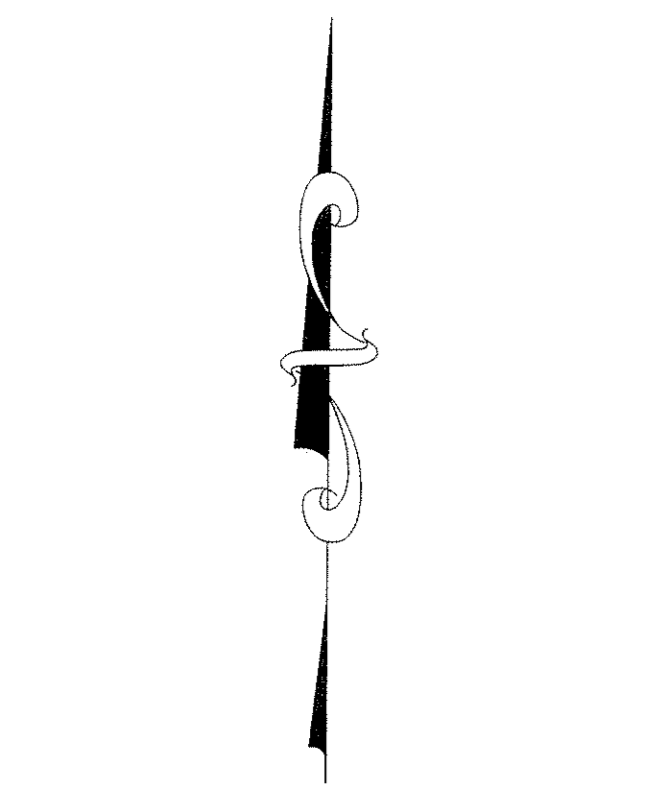
**NOTES:**

1. ASPEN SURVEYING, INC. RELIED UPON AN INFORMATION BINDER PREPARED BY LAND TITLE GUARANTEE COMPANY, NUMBER PIB70425931.531110, DATED SEPTEMBER 23, 2014, FOR LEGAL DESCRIPTION AND EASEMENTS OF RECORD. NO FURTHER TITLE SEARCH WAS PERFORMED BY ASPEN SURVEYING, INC.
2. NOTICE: ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
3. BEARINGS FOR THIS SURVEY ARE BASED ON THE CENTERLINE OF THE VACATED ALLEY IN BLOCK 38, VIADUCT ADDITION TO DENVER. SAID LINE IS ASSUMED TO BEAR N 00'05'06" E, BETWEEN THE MONUMENTS SHOWN HEREON.
4. THIS PROPERTY CONTAINS 123,000 SQUARE FEET OR 2.824 ACRES OF LAND, MORE OR LESS.
5. LINEAR UNITS ARE IN U.S. FEET.
6. ASPEN SURVEYING, INC. DID NOT REVIEW THESE VACATION ORDINANCES. THERE MAY BE RESERVATION OF EASEMENTS NOT SHOWN.

**SURVEYOR'S CERTIFICATE:**

I, ROGER A. VERMAAS, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, HEREBY CERTIFY TO POWER RENTAL EQUIPMENT COMPANY, THAT ON OCTOBER 29, 2014, A FIELD SURVEY WAS PERFORMED OF THE PROPERTY SHOWN HEREON, AND THAT THIS MAP AND THE SURVEY IT REPRESENTS WERE PERFORMED UNDER MY DIRECT SUPERVISION AND CHECKING, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IT IS AN ACCURATE DESCRIPTION OF THE BOUNDARIES KNOWN TO ME OF THE PARCEL OF LAND SHOWN HEREON.

ROGER A. VERMAAS, PLS #24968



- GRAPHIC SCALE  
1 INCH = 40 FEET
- SET #5 REBAR W/CAP, L.S.#24968
  - FOUND MONUMENT AS NOTED
  - RANGE POINT
  - ▲ MONITORING WELL
  - 6' CHAIN LINK FENCE

COUNTY SURVEYOR CERTIFICATE  
DEPOSITED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_ AT \_\_\_\_\_ M.,  
IN BOOK \_\_\_\_\_ OF THE DENVER COUNTY SURVEYOR'S LAND  
SURVEY PLATS / RIGHT-OF-WAY SURVEYS, AT PAGE NO. \_\_\_\_\_  
UNDER RECEPTION NO. \_\_\_\_\_  
DENVER COUNTY SURVEYOR \_\_\_\_\_

<b>ASPEN Surveying, Inc.</b> 2993 So. Peoria Street Suite 6-5 Aurora, CO 80014 Phone (303) 750-4590 Fax (303) 750-0646	DATE: 11/05/14 DRAWN: lpf CHECKED: rav PREP BY: _____ PROJ. NO. 2014-0149
	LAND SURVEY PLAT <b>725 W. 39TH AVENUE</b> DENVER, COLORADO Prepared For: <b>POWER RENTAL EQUIPMENT</b>

## Watkins, Tim - Community Planning and Development

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**From:** ARTHUR VASQUEZ <[arthur1vasquez@msn.com](mailto:arthur1vasquez@msn.com)>  
**Sent:** Wednesday, November 04, 2015 2:59 PM  
**To:** Watkins, Tim - Community Planning and Development  
**Subject:** Fwd: Letter of Support

Thanks a^

----- Forwarded message -----

**From:** "armando payan" <[armandopayan@yahoo.com](mailto:armandopayan@yahoo.com)>  
**Date:** Wed, Nov 4, 2015 at 12:54 PM -0800  
**Subject:** Letter of Support  
**To:** "Art Vasquez" <[arthur1vasquez@msn.com](mailto:arthur1vasquez@msn.com)>

## City and County of Denver Planning Office

It is truly in deed to write this letter of support on behalf of application number 20151-00030. There request for a rezoning change will definitely help the community in all aspects. One of the key component for any community is the Elementary School and the applicant has demonstrated a willingness to go beyond there development and help out the neighborhood especially the school.

The property is located in an area of change and coincides with Blue Print Denver, the Globeville Neighborhood, and the 41street Fox Street Light Rail Plan. All of these plans are key component for the this rezoning change request and the zoning change will improve the community especially with the investment in the school that will end the poverty cycle for many of the students

that attend Garden Place Elementary School. To me this project is part of a larger project which I refer to as Smart Town where the development works with the community to improve all aspects of life i.e. Transportation Development, Multi-Model Transportation, The Green concept, etc.

Please feel free to contact me regarding the content of this letter or if you would like me to expand on any of the topics

Sincerely

Armando Payan  
President  
United Community Network Action  
Neighborhood

**From:** [ARTHUR VASQUEZ](#)  
**To:** [Watkins, Tim - Community Planning and Development](#)  
**Subject:** 725 W. 39th Ave  
**Date:** Thursday, February 25, 2016 12:10:52 PM

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Hello Tim,

We would like to request modification of application 2015I-00030 for the property located at [725 West 39th Avenue](#). The request is to reduce the area proposed as C-MX-20 from 123,233 s.f. to about 49,510 s.f. as described in the attached legal description. This request is made in light of a new buyer that intends to develop on the north parcel area, while keeping the remaining area to the south under the current industrial zoning to allow for flexibility in leasing the property under current use entitlements. The property owner intends to rezone the southern portion of this property when the market can support a phase II development on the property.

**LEGAL DESCRIPTIONS:**

A PARCEL OF LAND LOCATED IN THE SOUTHWEST 1/4 OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE [68 WEST OF THE 6TH PRINCIPAL MERIDIAN](#), BEING A PART OF BLOCKS 27 AND 28, VIADUCT ADDITION TO THE CITY AND COUNTY OF DENVER, TOGETHER WITH CERTIAN PORTIONS OF ADJACENT VACATED ALLEYS AND VACATED GALAPAGO STREET AND VACATED WEST 40TH AVENUE, CITY AND COUNTY OF DENVER, STATE OF COLORADO.BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOTS 12 TO 15, BLOCK 27, AND LOTS 16 TO 19, BLOCK 28, VIADUCT ADDITION TO DENVER;

TOGETHER WITH VACATED GALAPAGO STREET PER ORDINANCE NO. 23, SERIES OF 1934, BETWEEN THE WESTERLY EXTENSION OF THE NORTH BOUNDARY LINE OF LOT 12, IN SAID [BLOCK 27, AND THE CENTER](#) LINE OF VACATED WEST 40TH AVENUE PER ORDINANCE NO. 116, SERIES 1947; AND TOGETHER WITH THAT PORTION OF THE EAST 1/2 OF VACATED GALAPAGO STREET, PER ORDINANCE NO. 116, SERIES OF 1947, LYING SOUTH OF THE CENTERLINE OF SAID WEST 40TH AVENUE AND WEST OF THE NORTHERLY EXTENSION OF THE WEST BOUNDARY LINE OF BLOCK 38, IN SAID VIADUCT ADDITION TO DENVER;

AND TOGETHER WITH ALL OF VACATED WEST 40TH AVENUE, PER ORDINANCE NO. 116, SERIES 1947, LYING SOUTH OF AND ADJOINING LOT 15, IN SAID BLOCK 27 AND THE NORTH 1/2 OF VACATED WEST 40TH AVENUE, PER ORDINANCE NO. 115, SERIES 1926, LYING SOUTH OF AND ADJOINING LOT 16, IN SAID BLOCK 28; AND TOGETHER WITH THAT PART OF THE SW 1/4 OF SW 1/4 OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF 6TH P.M. BOUNDED ON THE NORTH BY THE WESTERLY EXTENSION OF THE NORTH BOUNDARY LINE OF LOT 19 IN SAID BLOCK 28; ON THE WEST BY THE EAST BOUNDARY LINE OF THE RIGHT-OF-WAY OF THE DENVER, UTAH AND PACIFIC RAILROAD COMPANY AS DESCRIBED IN DEED RECORDED IN BOOK 607 AT PAGE 230; ON THE SOUTH BY THE WESTERLY EXTENSION OF THE CENTERLINE OF VACATED WEST 40TH AVENUE, PER ORDINANCE NO. 115, SERIES 1926; AND ON THE EAST BY THE WEST BOUNDARY LINE OF SAID BLOCK 28, AND BY THE SOUTHERLY

EXTENSION OF SAID WEST BOUNDARY LINE;  
AND TOGETHER WITH THE WEST ONE-HALF OF VACATED ALLEY, PER  
ORDINANCE NO. 400, SERIES 1978, ADJACENT TO LOTS 12 TO 15, IN SAID BLOCK  
27, VIADUCT ADDITION TO DENVER;  
EXCEPT: THE RTD CONDEMNATION PARCEL NO. CM-13, CASE #2011 CV  
6547. CITY AND COUNTY OF DENVER, STATE OF COLORADO.

Sincerely,

Art Vasquez  
Consultant for Munroe Investments  
303-523-7700