



TO: Land Use, Transportation and Infrastructure Committee
FROM: Elizabeth Weigle, AICP, Senior City Planner
DATE: April 19, 2018
RE: Official Zoning Map Amendment Application #2017I-00170

Staff Report and Recommendation

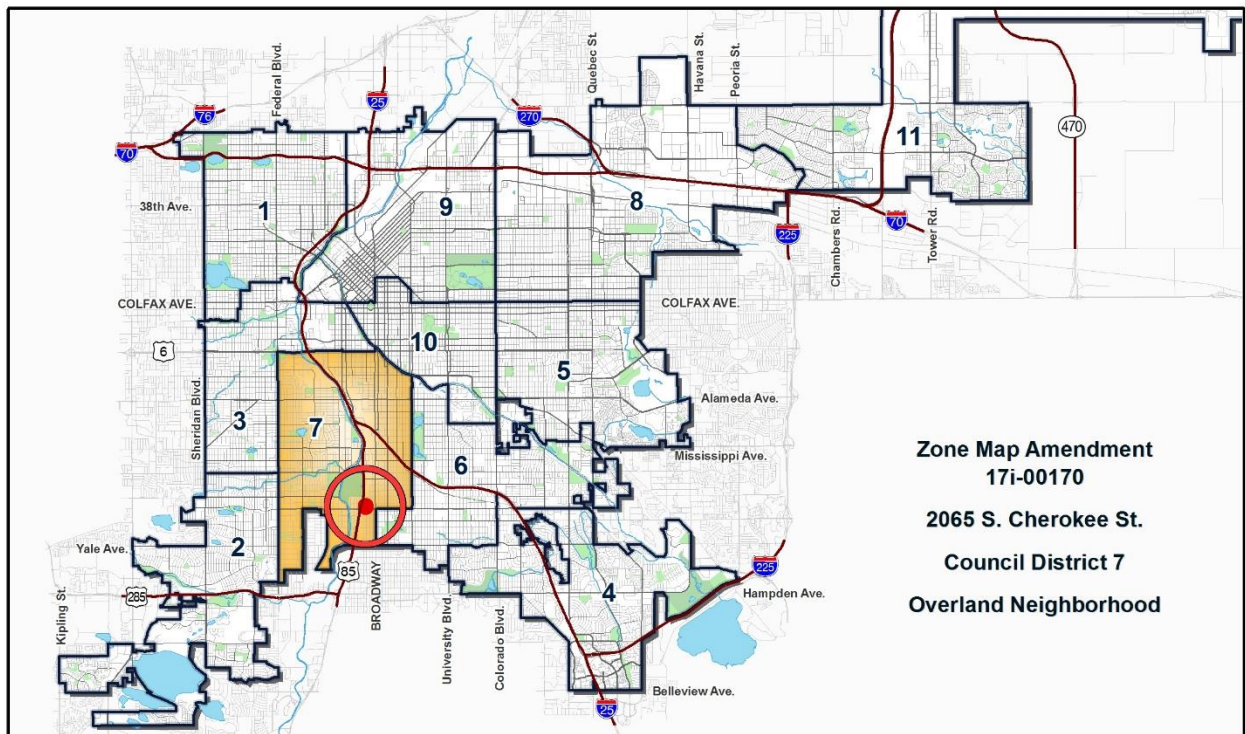
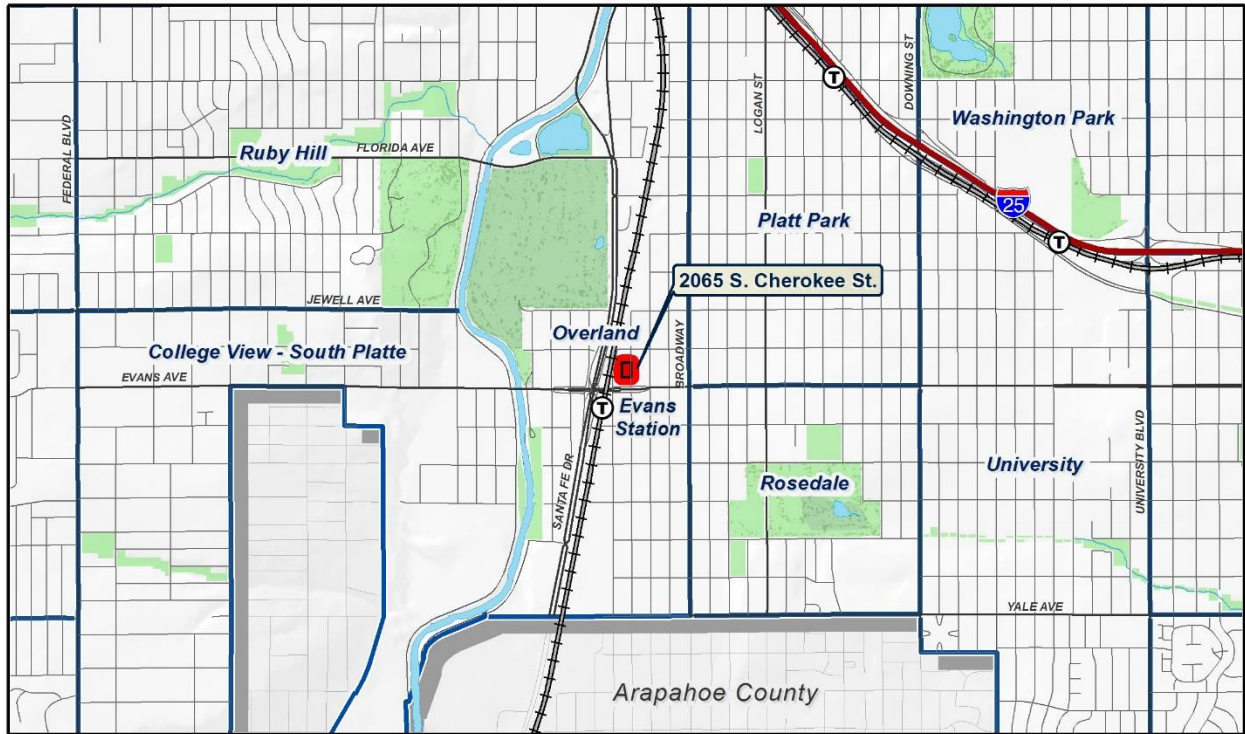
Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2017I-00170.

Request for Rezoning

Address:	2065 S. Cherokee Street
Neighborhood/Council District:	Overland Neighborhood / Council District 7
RNOs:	Inter-Neighborhood Cooperation (INC); Overland Park Neighborhood Association (OPNA); Southwest Denver Unidos
Area of Property:	31,250 square feet or .72 acres
Current Zoning:	I-A UO-2
Proposed Zoning:	C-RX-8
Property Owner(s):	Uhrig Holdings LLC
Owner Representative:	Beau Breck

Summary of Rezoning Request

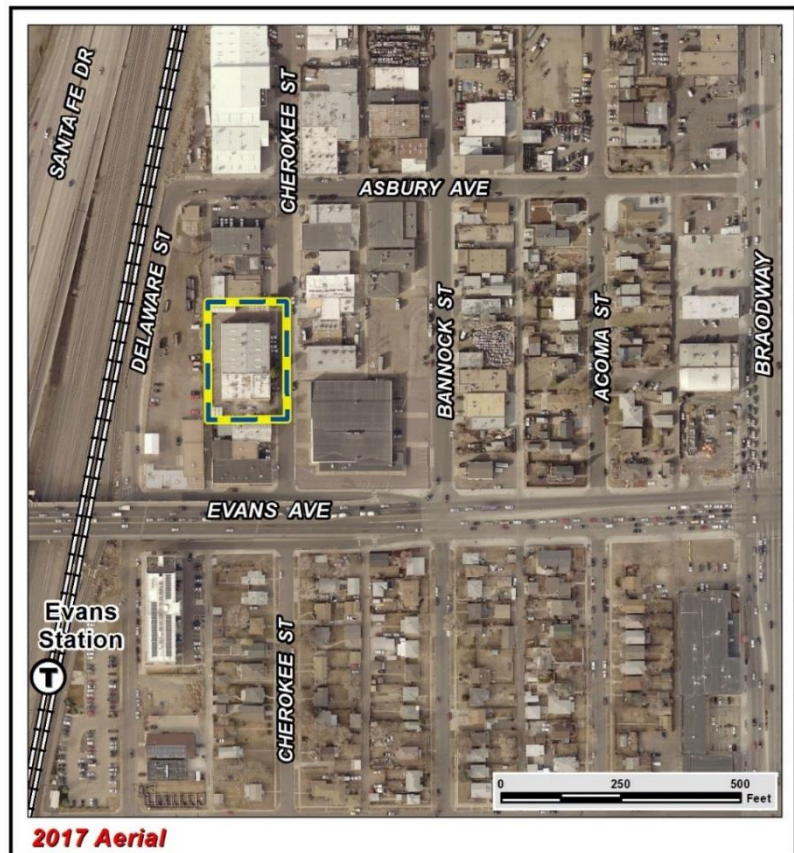
- The subject property is located in the Overland neighborhood on S. Cherokee Street between Evans Avenue and Asbury Avenue.
- The subject property is currently occupied by a 2-story industrial building.
- The proposed rezoning will allow for the property owner to redevelop the property with a mix of residential and commercial uses.
- The requested C-RX-8 district stands for Urban Center Neighborhood Context – Residential Mixed Use – 8 stories maximum, which allows for a mix of uses that promote safe, active, and pedestrian-scaled, diverse areas. Buildings in a Residential Mixed Use district can have street-level retail uses, but upper stories are reserved exclusively for housing or lodging accommodation uses. Commercial uses are secondary to the primary residential use of the district, and provide neighborhood-scaled shops and offices. Further details of the proposed zone district can be found in Article 7 of the Denver Zoning Code (DZC).



Existing Context

The site is located in the Overland neighborhood just north of Evans Avenue on S. Cherokee Street, three blocks west of Broadway. The area is characterized by a mix of commercial uses along Broadway, single- and multi-unit residential and industrial uses west of Broadway, and predominantly single-unit residential uses south of Evans Avenue. Transit access includes the Evans light rail station across Evans Avenue to the south of the site, and bus routes on Broadway and Evans Avenue.

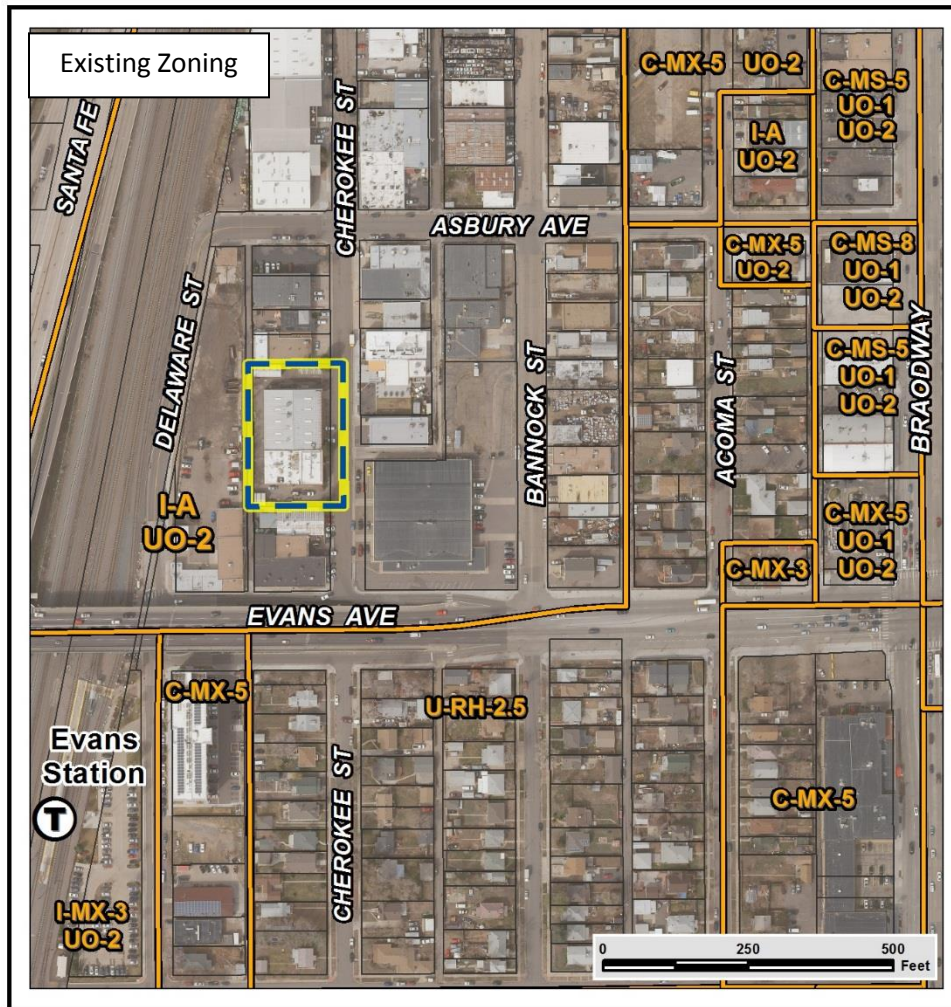
The following table summarizes the existing context proximate to the subject site:



	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	I-A UO-2	Vacant	1-2 story industrial structures	Consists of a regular pattern of rectangular block shapes in an orthogonal grid, except where broken by the rail line at a diagonal. Alley access is available for most sites, except along the rail line and in some instances where industrial uses occupy the full block. The Evans Avenue overpass interrupts the street grid as well. Vehicle parking generally occurs in the front and side of
North	I-A UO-2	Industrial/plumbing repair, small office, and parking	1 and 2-story industrial structures	
South	I-A UO-2; U-RH-2.5; C-MX-5	Industrial/manufacturing; mixed use and single-, two-, and multi-unit residences south of Evans Avenue	1-story industrial structure; 5-story mixed use building south of Evans Avenue; 1- to 2-story residences south of Evans Avenue	
East	I-A UO-2; U-RH-2.5	Brewery; communications services; industrial; single-, two- and multi-unit residences further east on Bannock and Acoma Streets	1-story industrial structures; 1- to 2-story residences	

West	I-A UO-2	Industrial/ plumbing repair; rail line	1-story industrial structures; open parking	industrial buildings and from the alley for residential uses.
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1. Existing Zoning



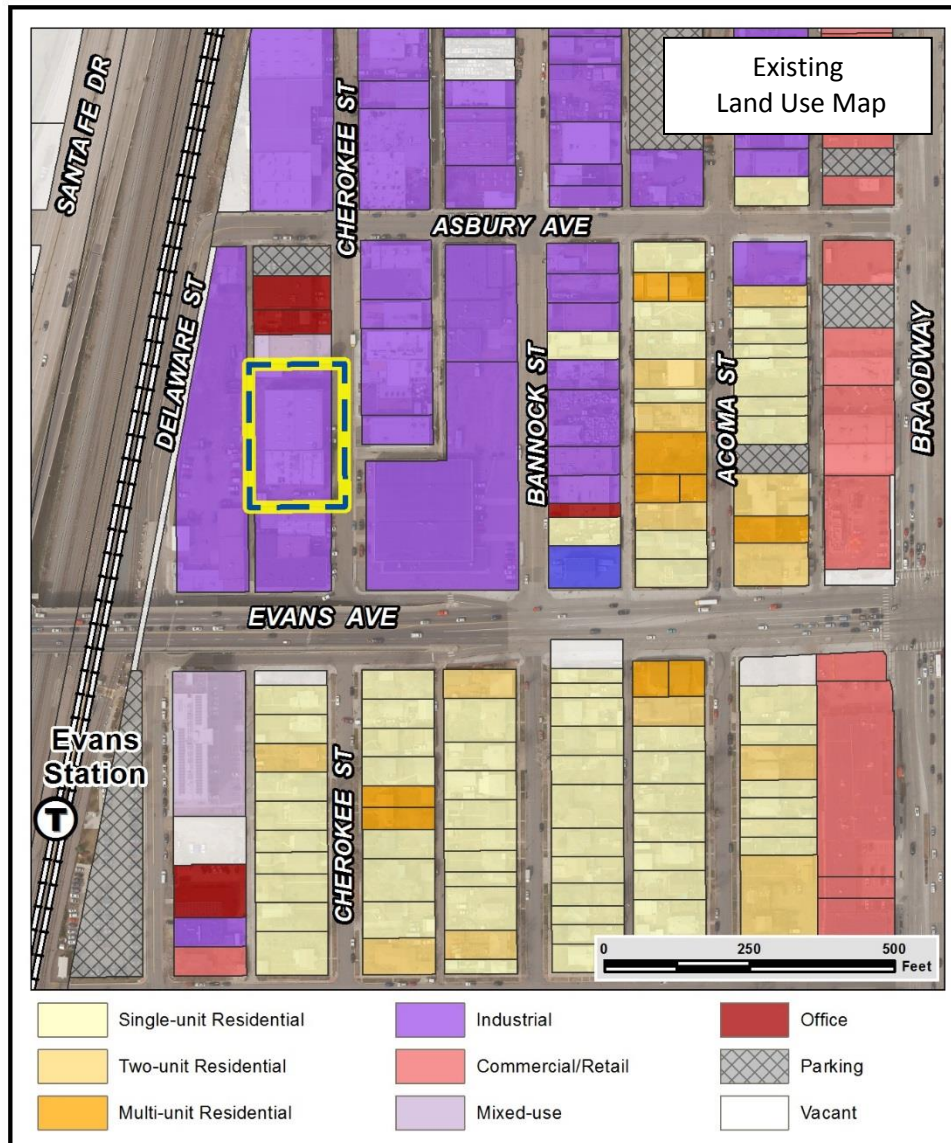
The subject site is currently zoned I-A UO-2. The I-A zone district is an industrial district intended for light industrial uses. It allows office, business, and light industrial uses. No new residential uses may be established in the district. The I-A zone district allows the General and Industrial building forms and regulates building mass through a maximum Floor Area Ratio of 2.0. The I-A zone district does not specify a maximum building height except for when a site is within 175' of a Protected District, in which case the maximum permitted building height is 75'. Building forms within the I-A zone district do not include a build-to requirement, transparency requirement, or street level activation standards, and surface parking is permitted between the building and primary and side streets.

The UO-2 is the Billboard Use Overlay allows for “outdoor general advertising device” signs (i.e. billboards) within the applicable area. Additional standards and limitations regarding minimum separation and distance requirements also apply. There are currently no billboards on the subject site, and the applicant is not proposing to retain the UO-2.

2. View Planes

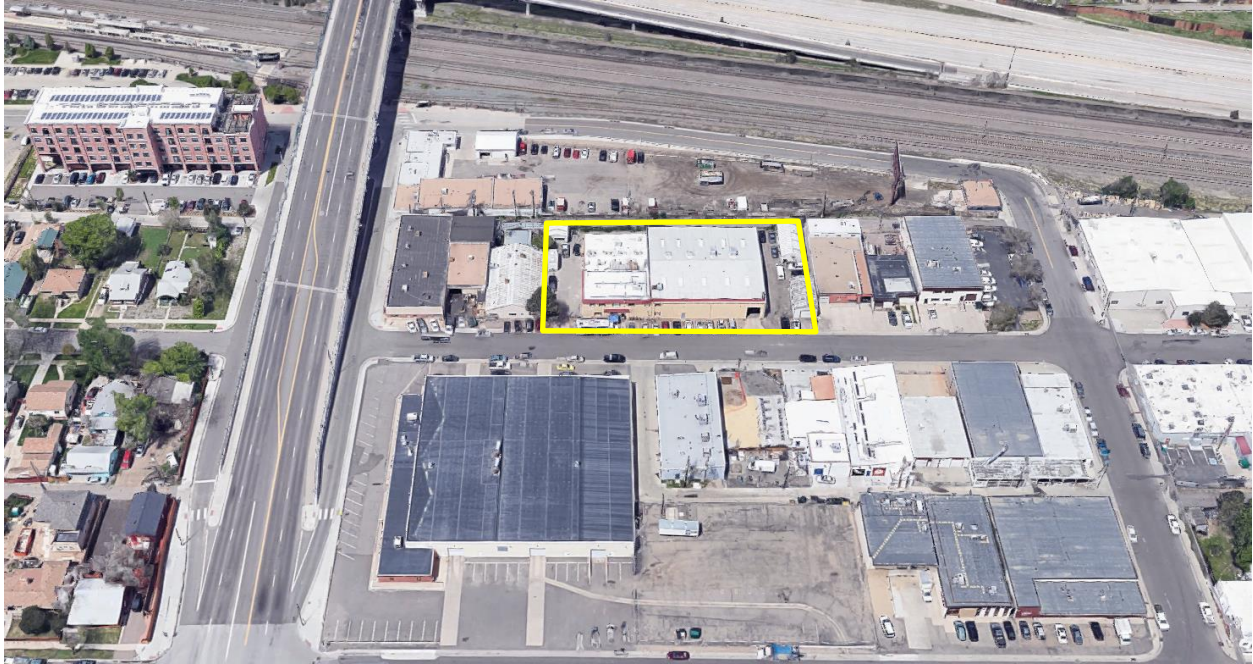
The subject site is within the Washington Park mountain view plane, which protects views from Washington Park toward the mountains to the west. The view plane limits height on the property to approximately 138 feet, which is above the maximum building height of 110 feet allowed in the C-RX-8 zone district.

3. Existing Land Use Map



4. Existing Building Form and Scale

The existing building form and scale of the subject site and adjacent properties are shown in the following images. (Source: Google Maps)



Aerial view of subject property, looking west. The Evans light rail station can be seen in the top left corner of the photo.

View of subject site on S. Cherokee Street, looking southwest



Properties to the south of the subject site on S. Cherokee Street, looking west



Properties to the north of the subject site on S. Cherokee Street, looking northwest



Properties across S. Cherokee Street from the subject site, looking southeast



Properties across S. Cherokee Street from the subject site, looking northeast



Properties to rear of the site on S. Delaware Street, looking northeast



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.

Development Services – Project Coordinator: Approve Rezoning Only - will require additional information at Site Plan Review. A Concept Meeting was held on December 28, 2017 where Staff provided written comments to the applicant indicating that the concept plans were not approved. The applicant will need to address comments identified from the Project Coordinator, Transportation, and Wastewater prior to formal SDP submittal.

Development Services – Transportation: Approved – No comments.

Public Works – City Surveyor: Approved – No comments.

Public Health and Environment (DDPHE): Approved with comments.

- Notes. DDPHE concurs with the rezoning; however, DDPHE is aware the property was the location of industrial uses including a tin shop. The developer should confirm that the environmental conditions on the property are compatible with future land uses. For residential use, soil conditions should meet the screening levels for unrestricted reuse available from the Colorado Department of Public Health and Environment.
- 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

CPD informational notice of receipt of the rezoning application to all affected members of City Council and registered neighborhood organizations:	1/18/18
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:	3/19/18
Planning Board public hearing, voted unanimously to recommend approval:	4/4/18
CPD written notice of the Land Use, Transportation and Infrastructure Committee meeting sent to all affected members of City Council and registered neighborhood organizations, at least ten working days before the meeting:	4/9/18
Land Use, Transportation and Infrastructure Committee of the City Council:	4/24/18
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:	TBD
City Council Public Hearing (tentative):	6/4/18

- **Registered Neighborhood Organizations**
 - Overland Park Neighborhood Association, a registered neighborhood organization, submitted a letter in support of the application. The letter is attached to this report.
- **Planning Board**
 - Planning Board voted unanimously to recommend approval of the proposed rezoning.
 - There was no public comment at the Planning Board public hearing.
- **Other Public Comment**
 - To date, no other written 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)
- Overland Neighborhood Plan (1993)
- Shattuck District Plan (2003)
- Evans Station Area Plan (2009)

Denver Comprehensive Plan 2000

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

- Land Use Strategy 3-B: *Encourage quality infill development that is consistent with the character of the surrounding neighborhood; that offers opportunities for increased density and more amenities; and that broadens the variety of compatible uses. (p 60)*
- Land Use 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. (p 60)*
- Mobility 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. (p 77)

- *Mobility Strategy 4-E: Continue to promote mixed-use development, which enables people to live near work, retail and services. (p 78)*
- *Legacies Strategy 3-A: Identify areas in which increased density and new uses are desirable and can be accommodated. (p 99)*
- *Environmental Sustainability Strategy 2-F: Conserve land by promoting infill development with Denver at sites where services and infrastructure are already in place; designing mixed use communities and reducing sprawl so that residents can live, work and play within their own neighborhoods; creating more density at transit nodes. (p 39)*

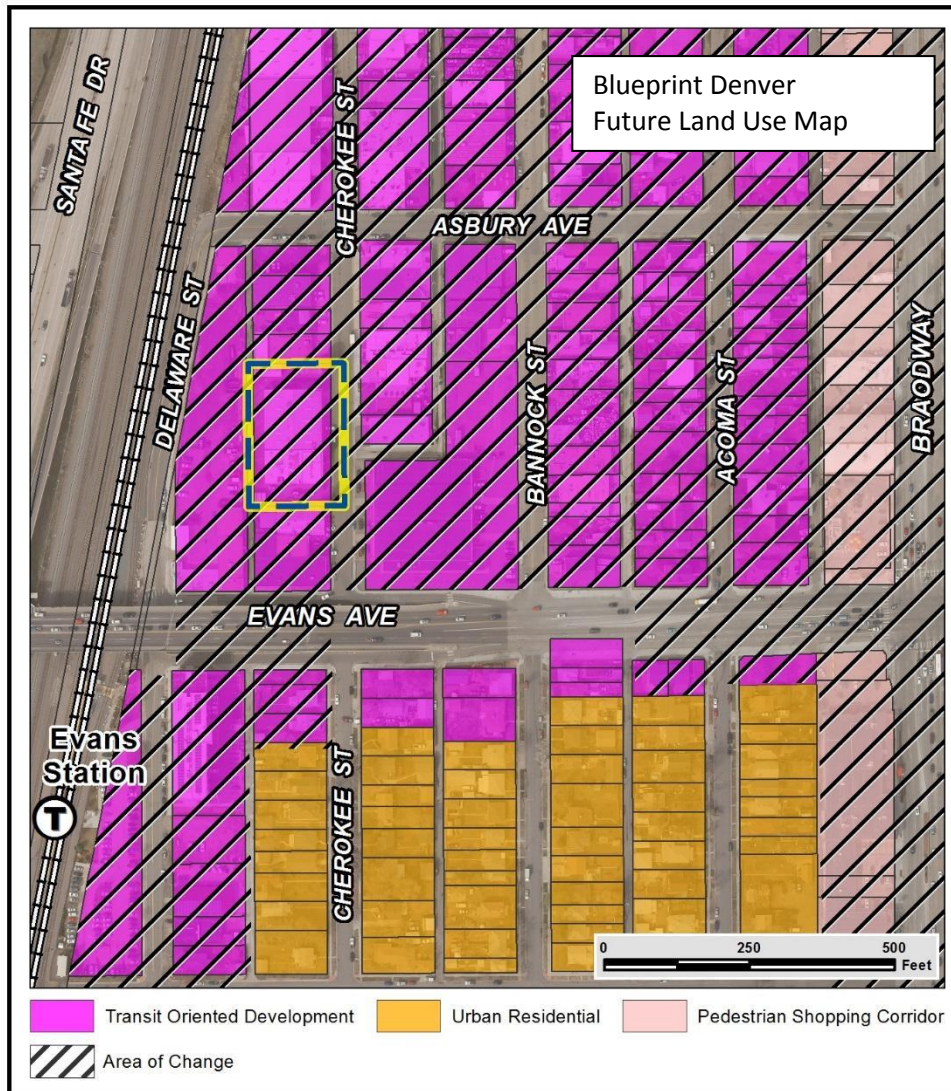
The proposed map amendment will enable mixed-use development at an infill location where services and transit infrastructure are already in place. The C-RX-8 zone district will broaden the variety of uses and enable people to live near retail and services and within walking distance to transit. The rezoning 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 Development is described in Blueprint Denver as a type of center that provides “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” (p 44). Transit Oriented Development includes a balanced mix of uses, compact, mid- to high-density development, close proximity to transit, a variety of housing types, and a pedestrian-friendly environment. The C-RX-8 zone district is consistent with the Transit Oriented Development land use recommendation as it will facilitate compact, mixed uses near transit and building forms that contribute to a pedestrian-friendly environment.



Area of Change / Area of Stability

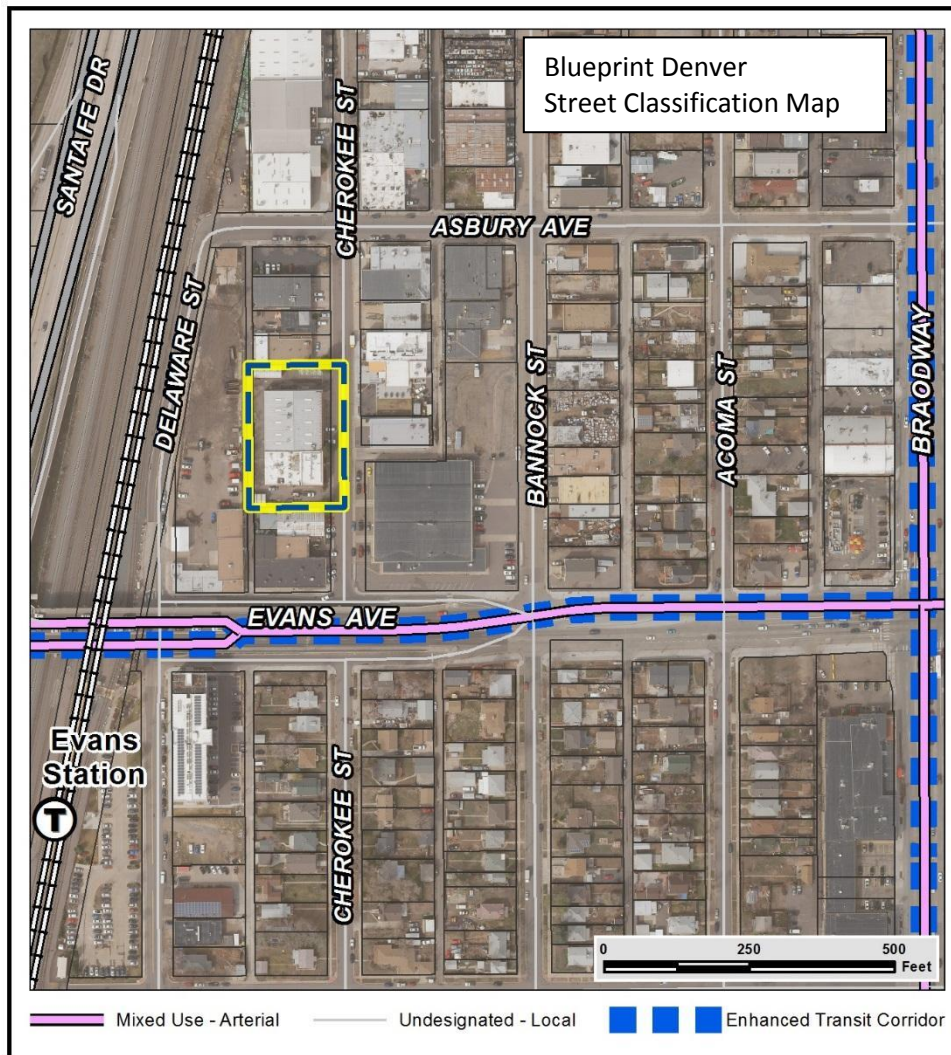
The subject site is located in an Area of Change. In general, “The goal for Areas of Change is to channel growth where it will be beneficial and can best improve access to jobs, housing and services with fewer and shorter auto trips” (p 127).

The rezoning application is consistent with the Blueprint Denver Area of Change recommendations. The C-RX-8 zone district will facilitate additional housing, jobs and services in close proximity to the Evans light rail station, which will encourage fewer auto trips.

Street Classifications

S. Cherokee Street is identified as an Undesignated Local Street in Blueprint Denver. Evans Avenue to the south is identified as a Mixed Use Arterial, though S. Cherokee Street only intersects the frontage road of Evans Avenue and does not directly intersect the through lanes of Evans Avenue

due to the overpass. Blueprint Denver states that local streets are “influenced less by traffic volumes and tailored more to providing local access. Mobility on local streets is typically incidental and involves relatively short trips at lower speeds to and from other streets” (p 51). Arterials provide a high degree of mobility and generally serve longer trips (p 51). The Mixed-Use classification is used to identify streets that “emphasize a variety of travel choices” and are typically located in “high-intensity mixed-use commercial, retail and residential areas with substantial pedestrian activity” (p 57). The proposed C-RX-8 zone district is intended for areas served primarily by collector or arterial streets. Given the close proximity to the Evans Avenue Mixed Use Arterial, the proposed residential mixed use zone district is consistent with the street classifications surrounding the property.



Small Area Plan: Overland Neighborhood Plan (1993)

The Overland Neighborhood Plan envisions a stable residential neighborhood, a bustling business corridor on South Broadway, and a revitalized industrial area (p 3). The plan identifies the subject property as within the industrial area. Action Recommendation LZ-2 recommends that commercial and

industrial businesses invest in their sites, including beautification and clean-up (p 13). The plan also recommends supporting light rail and neighborhood access to it (p 18). The proposed rezoning will enable reinvestment and transit-oriented development at this currently industrial site. Based on the foregoing, the proposed rezoning is consistent with the Overland Neighborhood Plan.

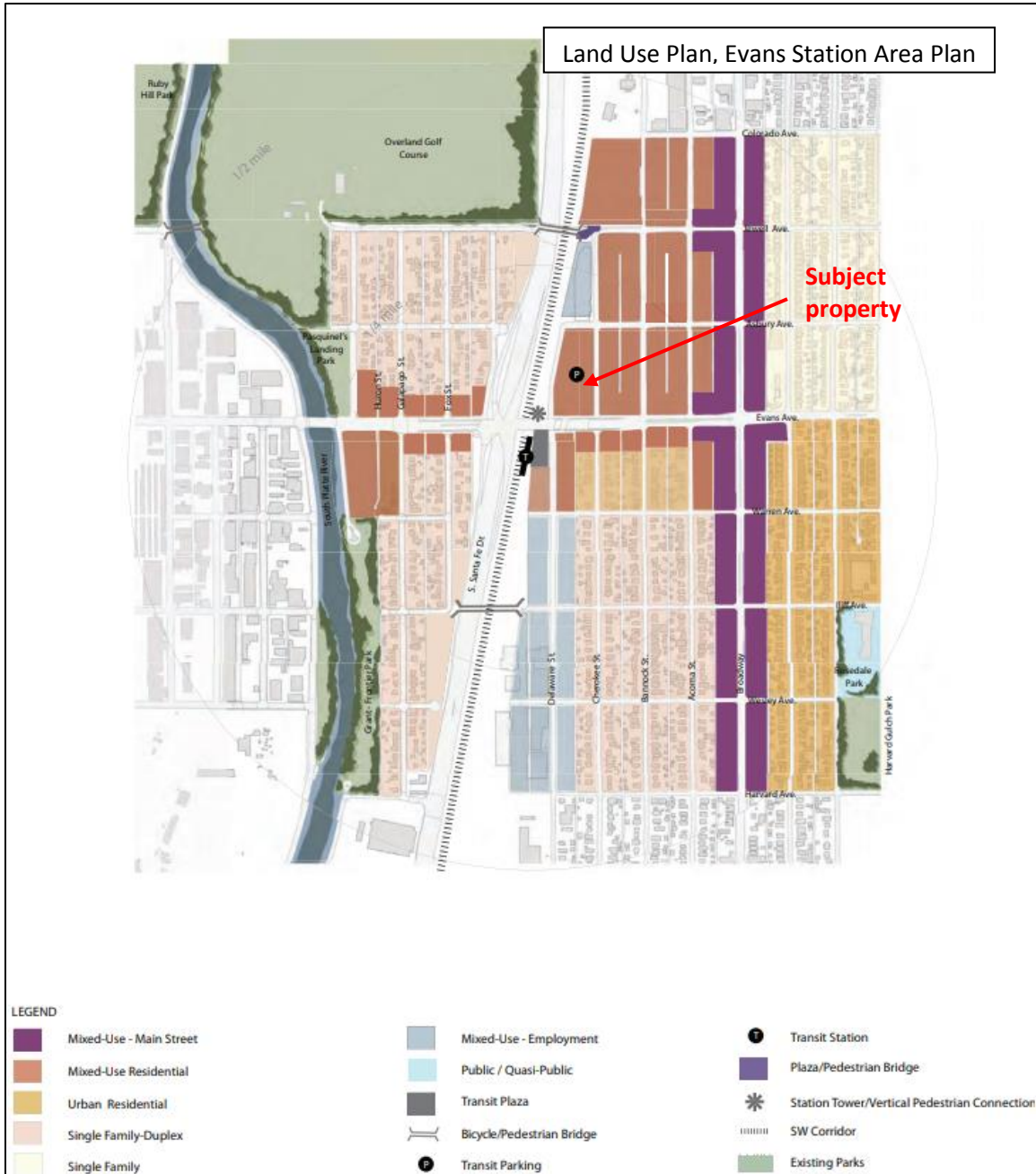
Small Area Plan: Shattuck District Plan (2003)

The vision identified in the Shattuck District Plan includes a “neighborhood where people live and work, where housing is affordable, where there are sufficient employment opportunities, where wages are sufficient and public revenues are being produced, where there are households in numbers sufficient to enhance the climate for businesses on Broadway, where there is a mix of businesses, goods and services available to the neighborhood, and where the quality of life is generally good” (p 22). Additional relevant guiding principles from the plan include “Put underutilized commercial / industrial parcels into more productive uses” and “Create a good mix of land use types incorporating households, employers, and consumer goods and services” (p 26).

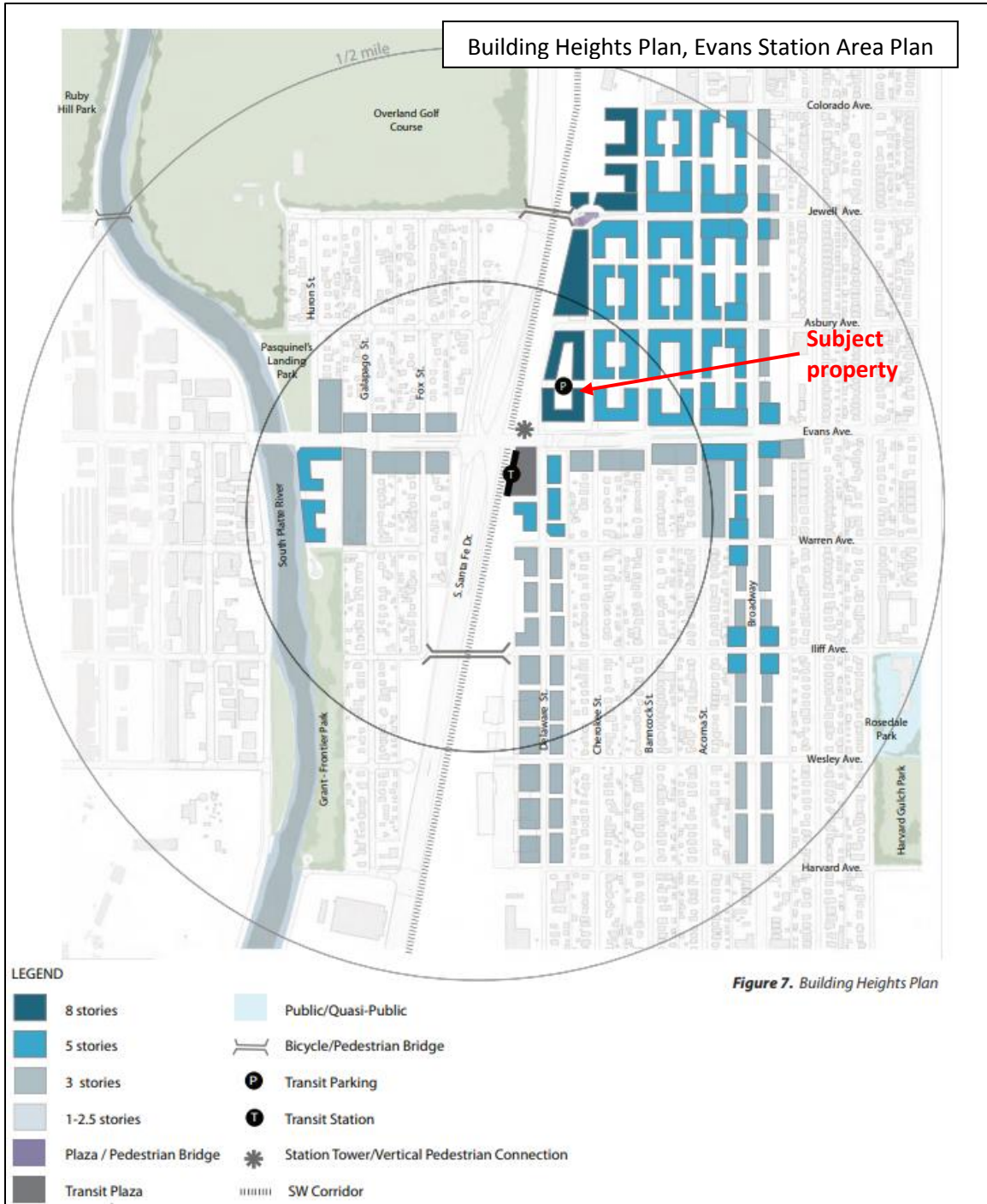
The proposed C-RX-8 district will facilitate development of a mix of residential and commercial uses in furtherance of the goals of the Shattuck District Plan.

Small Area Plan: Evans Station Area Plan (2009)

The Evans Station Area Plan’s vision is to “Enhance the Evans Station area’s sense of place by creating a vibrant and sustainable urban neighborhood that encourages people to live and work; invites businesses to thrive; allows people to comfortably walk, bike, or use transit to access local services and attractions; and maintains the residential character of the surrounding community” (p 10). The plan’s recommendations promote transit-oriented development around the Evans light rail station. In the area where the subject property is located, the plan envisions the “transformation of industrial and commercial property to an active, pedestrian-oriented mixed-use community” (p 14).



The land use recommendation for the subject site is Mixed-Use Residential. In these areas, the plan states that “the primary use is intended to be residential, but office and retail may also be supported” (p 14). The plan further recommends that Mixed-Use Residential areas should have a mix of housing types, active ground floors, and an urban form.



The plan recommends a height of 8 stories for the area in which the subject property is located. The plan states that the Mixed-Use Residential area north of Evans, and in particular at strategic locations adjacent to the rail tracks, is appropriate to develop taller buildings and higher residential intensities (p 24).

The proposed C-RX-8 zone district is consistent with the vision and recommendations of the Evans Station Area Plan. The zone district will support the transformation of this industrial area into an urban, pedestrian-oriented, mixed use neighborhood. The eight-story district is consistent with the height recommendations of the plan, and the standards of the district will enable an urban, pedestrian-friendly building form. Further, the proposed residential mixed use district, which only permits residential or lodging uses above the ground floor, is consistent with the plan's vision for the primary use in this area to be residential.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to C-RX-8 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 by implementing the residential mixed use concept land use recommendations of the City's adopted plans as described above. Additionally, it establishes building form and site design requirements that will enhance the walkability of future development.

4. Justifying Circumstances

This 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." The application identifies new development of residential units and commercial revitalization as changes in the area that demonstrate the emerging mixed use character that was envisioned by the multiple adopted plans described above. This is an appropriate justifying circumstance for the proposed rezoning.

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

The requested zone district is within the Urban Center Neighborhood Context which generally consists of multi-unit residential and mixed-use commercial strips and commercial centers (DZC Section 7.1.1). Within this context, the Residential Mixed Use Zone Districts are intended to promote safe, active, pedestrian-scaled, diverse areas through the use of building forms that clearly define and activate the public realm (DZC Section 7.2.3.1). The C-RX-8 zone district applies to residentially-dominated areas served primarily by collector or arterial streets where a building scale of 2 to 8 stories is desired (DZC Section 7.2.3.2.B).

The requested rezoning is consistent with the neighborhood context description and zone district purpose and intent, as the requested zoning is intended to provide for residential mixed use development at a maximum height of 8 stories. Although the subject site is not adjacent to collector or arterial streets, the broader area is served by arterial streets, it is within walking distance of a commuter

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rail station, and it is located in an area that is recommended by an adopted station area plan for 8-story development.

Attachments

1. Application, including RNO comment letter



REZONING GUIDE

Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
CHECK IF POINT OF CONTACT FOR APPLICATION		CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	Uhrig Holdings LLC	Representative Name	Beau Breck
Address	1600 W. Harvard Ave.	Address	2150 W. 29th Ave., Suite 410
City, State, Zip	Englewood, CO 80110	City, State, Zip	Denver, CO 80211
Telephone		Telephone	303-797-9119
Email		Email	bbreck@lcpdevelopment.net
<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):	2065 S. Cherokee Street, Denver, CO 80223		
Assessor's Parcel Numbers:	0527205014000		
Area in Acres or Square Feet:	31,250 square feet		
Current Zone District(s):	I-A, UO-2		
PROPOSAL			
Proposed Zone District:	C-RX-8		

CITY AND COUNTY OF DENVER
 COMMUNITY PLANNING & DEVELOPMENT
 2017 JAN -5 PM 4: 27

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:	
<p><input checked="" type="checkbox"/> Legal Description (required to be attached in Microsoft Word document format)</p> <p><input checked="" type="checkbox"/> Proof of Ownership Document(s)</p> <p><input checked="" type="checkbox"/> Review Criteria</p>	
ADDITIONAL ATTACHMENTS	
Please identify any additional attachments provided with this application:	
<p><input checked="" type="checkbox"/> Written Authorization to Represent Property Owner(s)</p> <p><input checked="" type="checkbox"/> Individual Authorization to Sign on Behalf of a Corporate Entity</p>	
Please list any additional attachments:	
Documentation regarding correspondence to date with Registered Neighborhood Organizations (RNO's), including the Overland Park Neighborhood Association	



REZONING GUIDE

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
Uhrig Holdings, LLC	2065 S. Cherokee Street, Denver, CO 80223	100%	<i>Bruce</i> Bruce Lip Development	01/16/18	C	Yes

Legal Description

Lots 31 through 40, inclusive, Block 5, Rosedale, City and County of Denver, State of Colorado

Also known by the street name and number of: 2065 S. Cherokee Street, Denver, Colorado 80223

Assessor's schedule or parcel number: 0527205014000



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

Land Title Guarantee Company
Customer Distribution

Our Order Number: ABJ70562243-2

Date: 01-04-2018

Property Address: 2065 S CHEROKEE ST, DENVER, CO 80223

For Closing Assistance
Derek Greenhouse
3033 E 1ST AVE #600
DENVER, CO 80206
303-331-6239 (phone)
303-393-4783 (fax)
dgreenhouse@ltgc.com
Company License: CO44565

Closer's Assistant
VALERIE FERTIG
3033 E 1ST AVE #600
DENVER, CO 80206
303-331-6217 (phone)
303-393-4739 (fax)
vfertig@ltgc.com

For Title Assistance
SANDY JOHNSON
5975 GREENWOOD PLAZA BLVD
GREENWOOD VILLAGE, CO 80111
303-850-4126 (phone)
303-393-4842 (fax)
sandyjohnson@ltgc.com

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

LCP DEVELOPMENT
2150 W 29TH AVE #410
DENVER, CO 80211
303-324-4002 (phone)
303-797-9119 (work)
303-797-0662 (work fax)
gquan@lcpdevelopment.net
Delivered via: Electronic Mail

LCP DEVELOPMENT
Attention: TIM SCHLICHTING
2150 W 29TH AVE #410
DENVER, CO 80211
303-775-5073 (phone)
303-797-9119 (work)
303-797-0662 (work fax)
tschlichting@lcpdevelopment.net
Delivered via: Electronic Mail

UHRIG HOLDINGS LLC
1600 W HARVARD AVE
ENGLEWOOD, CO 80110
Delivered via: Delivered by Realtor

LCP DEVELOPMENT
Attention: JONATHAN BUSH
2150 W 29TH AVE #410
DENVER, CO 80211
303-797-9119 (work)
303-797-0662 (work fax)
jbush@lcpdevelopment.net
Delivered via: Electronic Mail

UNIQUE PROPERTIES
Attention: BRAD GILPIN
400 S BROADWAY
DENVER, CO 80209
303-668-3733 (phone)
303-321-5888 (work)
303-321-5889 (work fax)
bgilpin@uniqueprop.com
Delivered via: Electronic Mail

LCP DEVELOPMENT
Attention: STEVE KURTZ
2150 W 29TH AVE #410
DENVER, CO 80211
303-797-9119 (work)
866-813-6990 (work fax)
skurtz@lcpdevelopment.net
Delivered via: Electronic Mail

SHARI BAKER LLC
Attention: SHARI BAKER
1630A 30TH STREET
BOULDER, CO 80301
303-442-3751 (work)
303-957-2643 (work fax)
shari@sbakerlaw.com

LAND TITLE GUARANTEE COMPANY
Attention: SHERRI GOLDSTEIN
3033 E 1ST AVE #600
DENVER, CO 80206
303-321-1880 (work)
303-322-7603 (work fax)
sgoldstein@ltgc.com

Delivered via: Electronic Mail

Delivered via: Electronic Mail



Land Title Guarantee Company

Estimate of Title Fees

Order Number: ABJ70562243-2

Date: 01-04-2018

Property Address: 2065 S CHEROKEE ST, DENVER, CO 80223

Buyer/Borrower: LITTLETON CAPITAL PARTNERS, LLC, A COLORADO LIMITED LIABILITY COMPANY D/B/A
LCP DEVELOPMENT

Seller: UHRIG HOLDINGS, LLC, A COLORADO LIMITED LIABILITY COMPANY

Visit Land Title's website at www.ltgc.com for directions to any of our offices.

Estimate of Title Insurance Fees	
ALTA Owners Policy 06-17-06 (Reissue Rate)	\$2,769.00
Deletion of Standard Exception(s)	\$100.00
Tax Certificate	\$26.00
If Land Title Guarantee Company will be closing this transaction, the fees listed above will be collected at closing.	
Total	\$2,895.00
THANK YOU FOR YOUR ORDER!	

ALTA COMMITMENT
Old Republic National Title Insurance Company
Schedule A

Order Number: ABJ70562243-2

Customer Ref-Loan No.:

Property Address:

2065 S CHEROKEE ST, DENVER, CO 80223

1. Effective Date:

12-29-2017 At 05:00:00

2. Policy to be Issued and Proposed Insured:

"ALTA" Owner's Policy 06-17-06 \$2,600,000.00
Proposed Insured:
LITTLETON CAPITAL PARTNERS, LLC, A
COLORADO LIMITED LIABILITY COMPANY D/B/A
LCP DEVELOPMENT

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

A FEE SIMPLE

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

UHRIG HOLDINGS, LLC, A COLORADO LIMITED LIABILITY COMPANY

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

LOTS 31 THROUGH 40, INCLUSIVE, BLOCK 5, ROSEDALE, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

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ALTA COMMITMENT
Old Republic National Title Insurance Company
Schedule B, Part I
(Requirements)

Order Number: ABJ70562243-2

The following are the requirements must be met:

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

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

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

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

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

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

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

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

3. LAND TITLE GUARANTEE COMPANY IS IN RECEIPT OF A CURRENT SURVEY OF SUBJECT PROPERTY ACCEPTABLE TO THE COMPANY PREPARED BY CWC CONSULTING GROUP, DATED DECEMBER 1, 2017, JOB NO. 120-00192.
4. WARRANTY DEED FROM UHRIG HOLDINGS, LLC, A COLORADO LIMITED LIABILITY COMPANY TO LITTLETON CAPITAL PARTNERS, LLC, A COLORADO LIMITED LIABILITY COMPANY D/B/A LCP DEVELOPMENT CONVEYING SUBJECT PROPERTY.

NOTE: THE OPERATING AGREEMENT DATED APRIL 02, 2009 FOR UHRIG HOLDINGS, LLC, A COLORADO LIMITED LIABILITY COMPANY DISCLOSES CRAIG UHRIG AND SCOT UHRIG AS THE MANAGER(S) THAT BOTH MUST EXECUTE LEGAL INSTRUMENTS ON BEHALF OF SAID ENTITY.

NOTE: THE JOINT WRITTEN CONSENT OF THE MANAGERS AND SOLE MEMBER DATED OCTOBER 24, 2010 FOR UHRIG HOLDINGS, LLC, A COLORADO LIMITED LIABILITY COMPANY DISCLOSES SCOT UHRIG HAS RESIGNED HIS POSITION AS MANAGER AND MEMBER AND CRAIG UHRIG IS THE SOLE MEMBER / MANAGER THAT MUST EXECUTE LEGAL INSTRUMENTS ON BEHALF OF SAID ENTITY.

NOTE: STATEMENT OF AUTHORITY FOR UHRIG HOLDINGS, LLC, A COLORADO LIMITED LIABILITY

ALTA COMMITMENT
Old Republic National Title Insurance Company
Schedule B, Part I
(Requirements)

Order Number: ABJ70562243-2

The following are the requirements must be met:

COMPANY RECORDED JUNE 22, 2017 UNDER RECEPTION NO. 2017082086 DISCLOSES CRAIG UHRIG AS THE MEMBER/MANAGER WHO MAY ACQUIRE, CONVEY, ENCUMBER, LEASE OR OTHERWISE DEAL WITH INTERESTS IN REAL PROPERTY FOR SAID ENTITY.

NOTE: THE STATEMENT OF AUTHORITY IS LIMITED BY THE TERMS OF THE OPERATING AGREEMENT.

NOTE: AS TO THE OWNER'S POLICY ITEMS 1-3 OF THE STANDARD EXCEPTIONS WILL BE DELETED.

UPON THE APPROVAL OF THE COMPANY AND THE RECEIPT OF A NOTARIZED FINAL LIEN AFFIDAVIT, ITEM NO. 4 OF THE STANDARD EXCEPTIONS ON THE OWNER'S POLICY, WILL BE AMENDED AS FOLLOWS:

ITEM NO. 4 OF THE STANDARD EXCEPTIONS IS DELETED AS TO ANY LIENS OR FUTURE LIENS RESULTING FROM WORK OR MATERIAL FURNISHED AT THE SPECIFIC, DIRECT REQUEST, AND WITH THE ACTUAL KNOWLEDGE OF UHRIG HOLDINGS, LLC, A COLORADO LIMITED LIABILITY COMPANY. OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY SHALL HAVE NO LIABILITY FOR ANY LIENS ARISING FROM WORK OR MATERIAL FURNISHED AT THE SPECIFIC, DIRECT REQUEST, AND WITH THE ACTUAL KNOWLEDGE OF LITTLETON CAPITAL PARTNERS, LLC, A COLORADO LIMITED LIABILITY COMPANY D/B/A LCP DEVELOPMENT.

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

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

TAXES AND ASSESSMENTS FOR THE YEAR 2018 AND SUBSEQUENT YEARS.

NOTE: ITEM NO. 7 (A) AND 7(B) ARE HEREBY DELETED AND WILL NOT APPEAR ON THE FINAL OWNERS'S POLICY.

Old Republic National Title Insurance Company
Schedule B, Part II

(Exceptions)

Order Number: ABJ70562243-2

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

1. Any facts, rights, interests, or claims thereof, not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
2. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
5. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date of the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.
6. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
7. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water.
8. EXISTING LEASES AND TENANCIES, IF ANY.
NOTE: THIS EXCEPTION WILL BE DELETED OR LIMITED PURSUANT ANY LEASES AND TENANCIES DISCLOSED BY THE CLOSING AFFIDAVITS.
9. ANY TAX, LIEN, FEE, OR ASSESSMENT BY REASON OF INCLUSION OF SUBJECT PROPERTY IN THE STREET AND SIDEWALK IMPROVEMENT DISTRICT NO. 1112, AS EVIDENCED BY INSTRUMENT RECORDED JANUARY 09, 1989, UNDER RECEPTION NO. R-89-0002884 AND INSTRUMENT RECORDED JANUARY 24, 1989 UNDER RECEPTION NO. R-89-0008220.
10. ANY FACTS, RIGHTS, INTERESTS OR CLAIMS WHICH MAY EXIST OR ARISE BY REASON OF THE FOLLOWING FACTS SHOWN ON ALTA/NSPS LAND TITLE SURVEY CERTIFIED DECEMBER 01, 2017 PREPARED BY CWC CONSULTING GROUP, JOB #120-00192 SAID DOCUMENT STORED AS OUR ESI 34941114

A). FENCE IS NOT COINCIDENT WITH PROPERTY LINE;
B). ABANDONED MONITORING WELL.



**JOINT NOTICE OF PRIVACY POLICY OF
LAND TITLE GUARANTEE COMPANY
LAND TITLE GUARANTEE COMPANY OF SUMMIT COUNTY
LAND TITLE INSURANCE CORPORATION AND
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY**

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

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

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

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

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

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

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

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

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



LAND TITLE GUARANTEE COMPANY

DISCLOSURE STATEMENTS

Note: Pursuant to CRS 10-11-122, notice is hereby given that:

- A) The Subject real property may be located in a special taxing district.
- B) A certificate of taxes due listing each taxing jurisdiction will be obtained from the county treasurer of the county in which the real property is located or that county treasurer's authorized agent unless the proposed insured provides written instructions to the contrary. (for an Owner's Policy of Title Insurance pertaining to a sale of residential real property)
- C) The information regarding special districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder, or the County Assessor.

Note: Effective September 1, 1997, CRS 30-10-406 requires that all documents received for recording or filing in the clerk and recorder's office shall contain a top margin of at least one inch and a left, right and bottom margin of at least one half of an inch. The clerk and recorder may refuse to record or file any document that does not conform, except that, the requirement for the top margin shall not apply to documents using forms on which space is provided for recording or filing information at the top margin of the document.

Note: Colorado Division of Insurance Regulations 8-1-2 requires that "Every title entity shall be responsible for all matters which appear of record prior to the time of recording whenever the title entity conducts the closing and is responsible for recording or filing of legal documents resulting from the transaction which was closed". Provided that Land Title Guarantee Company conducts the closing of the insured transaction and is responsible for recording the legal documents from the transaction, exception number 5 will not appear on the Owner's Title Policy and the Lenders Policy when issued.

Note: Affirmative mechanic's lien protection for the Owner may be available (typically by deletion of Exception no. 4 of Schedule B-2 of the Commitment from the Owner's Policy to be issued) upon compliance with the following conditions:

- A) The land described in Schedule A of this commitment must be a single family residence which includes a condominium or townhouse unit.
- B) No labor or materials have been furnished by mechanics or material-men for purposes of construction on the land described in Schedule A of this Commitment within the past 6 months.
- C) The Company must receive an appropriate affidavit indemnifying the Company against un-filed mechanic's and material-men's liens.
- D) The Company must receive payment of the appropriate premium.
- E) If there has been construction, improvements or major repairs undertaken on the property to be purchased within six months prior to the Date of the Commitment, the requirements to obtain coverage for unrecorded liens will include: disclosure of certain construction information; financial information as to the seller, the builder and or the contractor; payment of the appropriate premium fully executed Indemnity Agreements satisfactory to the company, and, any additional requirements as may be necessary after an examination of the aforesaid information by the Company.

No coverage will be given under any circumstances for labor or material for which the insured has contracted for or agreed to pay.

Note: Pursuant to CRS 10-11-123, notice is hereby given:

This notice applies to owner's policy commitments disclosing that a mineral estate has been severed from the surface estate, in Schedule B-2.

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

Note: Pursuant to CRS 10-1-128(6)(a), it is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance, and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete, or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado Division of Insurance within the Department of Regulatory Agencies.

Note: Pursuant to Colorado Division of Insurance Regulations 8-1-3, notice is hereby given of the availability of a closing protection letter for the lender, purchaser, lessee or seller in connection with this transaction.



Commitment For Title Insurance

Issued by OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

NOTICE

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

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

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

COMMITMENT TO ISSUE POLICY

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

COMMITMENT CONDITIONS

1. DEFINITIONS

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

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

3. The Company's liability and obligation is limited by and this Commitment is not valid without:

- (a) the Notice;
- (b) the Commitment to Issue Policy;
- (c) the Commitment Conditions;
- (d) Schedule A;
- (e) Schedule B, Part I—Requirements; [and]
- (f) Schedule B, Part II—Exceptions; and
- (g) a counter-signature by the Company or its issuing agent that may be in electronic form.

4. COMPANY'S RIGHT TO AMEND

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

5. LIMITATIONS OF LIABILITY

(a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:

- (i) comply with the Schedule B, Part I—Requirements;
- (ii) eliminate, with the Company's written consent, any Schedule B, Part II—Exceptions; or
- (iii) acquire the Title or create the Mortgage covered by this Commitment.

(b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.

(c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.

(d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.

(e) The Company shall not be liable for the content of the Transaction Identification Data, if any.

(f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I—Requirements have been met to the satisfaction of the Company.

(g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

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

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

(b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.

(c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.

(d) The deletion or modification of any Schedule B, Part II—Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.

(e) Any amendment or endorsement to this Commitment must be in writing [and authenticated by a person authorized by the Company].

(f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

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

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

8. PRO-FORMA POLICY

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

9. ARBITRATION

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

Issued by:
Land Title Guarantee Company
3033 East First Avenue Suite 600
Denver, Colorado 80206
303-321-1880



Authorized Officer or Agent



Old Republic National Title Insurance Company
a Stock Company
400 Second Avenue South
Minneapolis, Minnesota 55401
(612)371-1111


Mark Blibrey
President
Rande Yeager
Secretary

AMERICAN
LAND TITLE
ASSOCIATION



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

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Rezoning Application 2065 S. Cherokee Street

General Review Criteria: Consistency with Adopted Plans

Criteria for Rezoning: There are five City adopted plans that guide the use and development of this Property:

1. Denver Comprehensive Plan (2000)
2. Blueprint Denver (2002)
3. Evans Station Area Plan (2009)
4. Shattuck District Plan (2003)
5. Overland Neighborhood Plan (1993)

Denver Comprehensive Plan (2000)

Approval of the Rezoning Application and redevelopment of this Property will progress objectives and recommendations outlined in Denver Comprehensive Plan 2000, including:

- *Land Use and Transportation 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.

Denver Comprehensive Plan 2000 calls for dense, mixed-use development along major transportation corridors. Approval of the Rezoning Application and redevelopment of the Property will enable commercial and retail uses at the street level, with residential uses above, thereby providing a mix of residential and commercial uses. The Property's proximity to multi-modal transportation, make it an ideal location for transit-oriented redevelopment considered by Denver Comprehensive Plan 2000. The addition of new residents, businesses, and customers should increase transit patronage, supporting the goals outlined in the Land Use and Transportation Strategy.

- *Land Use Strategy 3-B.* Encourage quality infill development that is consistent with the character of the surrounding neighborhood; that offers opportunities for increased density and more amenities that broadens the variety of compatible uses.

Rezoning the Property from the current Industrial Zone District to a Residential Mixed-Use Zone District will support increased density that is consistent with other neighborhood planning documents, most notably the Evans Station Area Plan (2009). Furthermore, approval of the rezoning application will afford the opportunity to provide additional amenities and a variety of new, compatible uses through commercial/retail space at the street-level. In the spirit of honoring the character of the neighborhood and historical uses at the Property, some materials and design elements from the existing structures will be reused and incorporated into the new development.

- *Land Use Strategy 3-D.* Identify and enhance existing focal points in neighborhoods, and encourage the development of such focal points where none exist.

The Property is two and half blocks northeast of Evans Station, which is the primary existing focal point in the neighborhood. Approval of the Rezoning Application and redevelopment of the Property will further enhance Evans

Station by increasing density within the immediate area, in turn increasing both transit patronage and pedestrian activity around the station. Likewise, Declaration Brewery can be considered a secondary focal point in the neighborhood. Located directly across S. Cherokee Street from Declaration Brewery, redevelopment of the Property with higher density and a mix of uses will further establish the 2000 block of S. Cherokee as another focal point in the neighborhood.

- *Mobility Strategy 3-B, Accommodating New Development.* 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 neighborhood.

As discussed above, the property is located only 0.2 walking miles from RTD's Evans Station. This location provides multimodal transportation options (bus & light rail) for future residents and businesses located at Property. Residents and employees at the Property will have access to areas of economic opportunity via Lines C and D to downtown Denver, Englewood, and Littleton. Redevelopment of the Property to a mixed-use residential building will promote walkability in the area and should increase transit patronage. To that end, ownership will take action to educate residents, businesses, and customers regarding the multimodal transit options available at this location.

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

Approval of the Rezoning Application and redevelopment of the Property into a residential mixed-use building is consistent with the Comprehensive Plan's land-use and mobility strategies discussed above. The transit-oriented-development will support Evans Station as the primary focal point in the neighborhood, making effective use of the existing transportation infrastructure to increase transit patronage and pedestrian activity.

- Preferred Housing Development, Strategy 6-E. Identify and capitalize on opportunities to develop housing along transit lines.

The property is located three blocks west of the Route 0 bus stops at the intersection of South Broadway and Evans Ave., and 0.2 walking miles from the Evans Station, which includes access to the C and D light rail lines and the Route 21 bus line. Redevelopment of the property will allow for the addition of a significant amount of new housing in this transit area.

Blueprint Denver (2002)

The proposed redevelopment of the Property also complies with the letter and spirit of Blueprint Denver, which designates the Property as a transit-oriented development “Area of Change.” Blueprint Denver describes transit-oriented development as a “key concept” to successfully implement the City’s vision of integrated land use and transportation policies. To achieve the City’s Goals, Blueprint Denver suggest strategies that focus on “proactive planning with property owners and communities adjacent to the stations and addresses how the station can be integrated effectively into the community,” including concentrating on issues of land use. Blue Print Denver defines mixed-use development as “urban centers where residential, retail and commercial areas are intertwined.” Approval of the Rezoning Application and redevelopment of the Property with a mix of housing and commercial services better reflects the City’s vision as articulated in Blueprint Denver.

Land Use Concept - Transit Oriented Development:

- 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



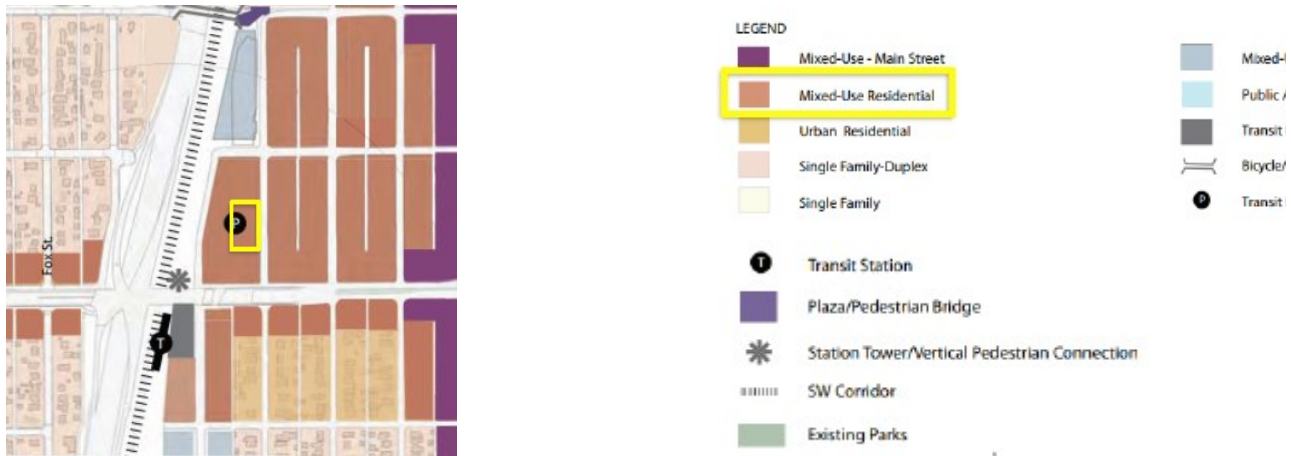
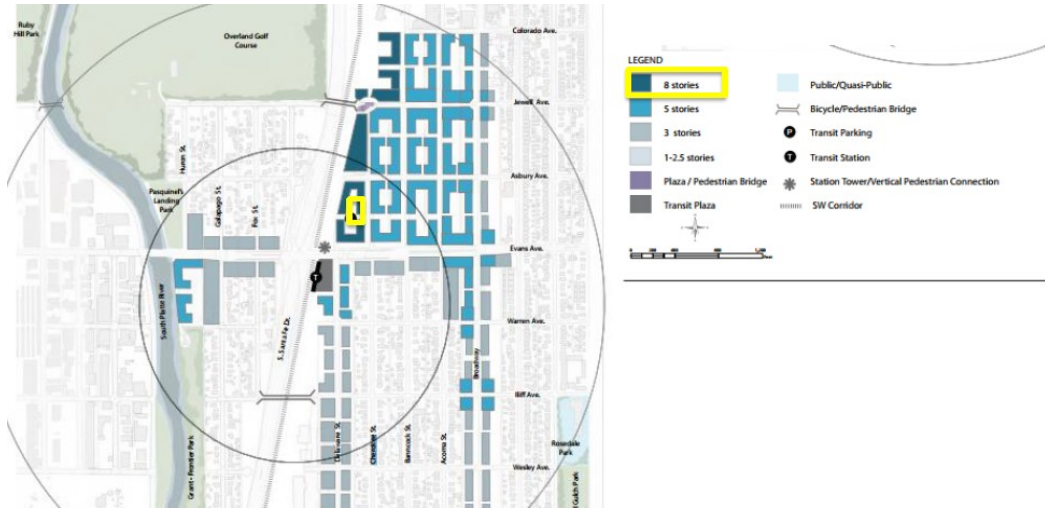
Blueprint Denver

- Area of Change
- Enhanced Transit Corridors
- ETC Quarter Mile Buffers

Concept Land Use

- Downtown
- Transit Oriented Development
- Mixed Use
- Regional Center
- Town Center
- Urban Residential
- Single Family Duplex
- Single Family Residential
- Commercial Corridor
- Neighborhood Center
- Pedestrian Shopping Corridor
- Campus
- Park
- Entertainment, Cultural, Exhibition

Evans Station Area Plan (2009)



The Property is located in an area where increased density is desirable. Density is desirable at this location because of the Property’s proximity to Evans Station. The Evans Station Area Plan (2009) envisions dense, mixed-use residential development in the location of this Property. The Evans Station Area Plan calls for eight-story buildings directly north of Evans Station along the light rail line where the Property is located, and recommends a mixed-use residential Zone District, which is consistent with the proposed rezoning. Approval of the Rezoning Application and redevelopment of the Property will advance the land use recommendations called for in the Evans Station Area Plan.

7b. Mixed Use Residential area north of Evans (2-5 stories; 8 in strategic locations) - With many acres of land north of Evans held by a single landowner and community support for higher residential densities in Areas of Change, this area represents an opportunity to develop taller buildings. Buildings will range from 2-5 stories primarily. However, buildings as tall as 8 stories are recommended in strategic locations, such as adjacent to the tracks. This higher level of intensity may also be considered for prominent buildings or intersections within a redevelopment project that exceeds the expectations of our TOD principles, listed on page 8.

**Land Use and Urban Design
Recommendation 7. Building Heights and Transition to Neighborhoods**

Building heights for the Evans Station area include a range of heights for each land use. The tallest building heights (up to 8 stories) are permitted in the redevelopment area north of Evans and west of Broadway. Existing residential areas have a maximum of 2.5 stories to help maintain the character of the neighborhood. The range of heights ensures compliance with the Washington Park and Harvard Gulch view plane ordinances, incorporates transitions to adjacent neighborhoods and encourages reinvestment in the station area by allowing for variations in building type and market conditions. Figure 7 shows the maximum number of stories recommended.

Shattuck District Plan (2003)

The Shattuck District plan addresses issues and provides guidance specific to the Shattuck site (two blocks north of the subject site) as well as surrounding properties. The plan includes a list of goals and objectives the neighborhood and City use to judge any proposed redevelopment of sites in the Shattuck District context area. Guiding Principles discussed in the Shattuck District Plan include the following:

- *Create redevelopment that is sustainable-renewable, that accommodates near-term markets and leads area development toward economically and environmentally responsible uses in the long term.*
- *Put underutilized commercial / industrial parcels into more productive uses.*
- *Create a good mix of land use types incorporating households, employers, and consumer goods and services.*
- *Improve the quality of life in the neighborhood.*

Approval of the Rezoning Application and redevelopment of the Property is consistent with the Guiding Principles listed above as put forward in the Shattuck District plan. The proposed redevelopment of the property to a residential mixed-use building will help accomplish the following:

- Meet current market demand with a mix of uses that are viable in the long-term and are likely to have less of an environmental impact than historical industrial uses at the property.
- Redevelopment of the property is likely to spur further investment in the neighborhood.
- Currently an unoccupied and functionally obsolete industrial building, the Property is underutilized given the proximity to Evans Station, and the current industrial zoning is not consistent with the productive uses envisioned by the Shattuck District Plan.
- Approval of the Rezoning Application and redevelopment of the Property will create a mix of uses that incorporates residential housing, as well as commercial/retail goods services that will serve as an amenity to the neighborhood and increase the employment base.
- Redevelopment of the Property will bring new housing and businesses to the neighborhood, providing additional amenities and thus improving the quality of life in the area. Likewise, as a transit-oriented-development, future residents will find improved quality of life by living within short walking distance to multimodal transportation options.

Overland Neighborhood Plan (1993)

The Overland Neighborhood Plan serves as a guide to the physical development and improvement of the neighborhood. The plan is intended to promote patterns of desired neighborhood improvements, urban design, housing, business types, traffic and public services which encourage and contribute to the economic, social, and physical health, safety, and welfare of the people who live and work in Overland. The plan identifies the land use for this area as industrial, however Blueprint Denver, Evans Station Area Plan, and Shattuck District Plan provide more recent land use guidance for mixed uses as discussed above.

One of the subjects addressed by the Overland Neighborhood Plan is Regional Transportation District Issues. The following action recommendation, specific to regional transportation, is put forward in the Overland Neighborhood plan:

- *T-10: Support light rail in the southwest corridor and promote neighborhood access to it.*

Approval of the Rezoning Application and redevelopment of the Property is consistent with the action recommendation above. Given the site's location, redeveloping the property to a residential mixed-use building will promote access to the southwest corridor light rail for new residents, businesses, and customers. Overall, the redevelopment promotes neighborhood access and utilization of the light rail.

**Rezoning Application
2065 S. Cherokee Street
Review Criteria**

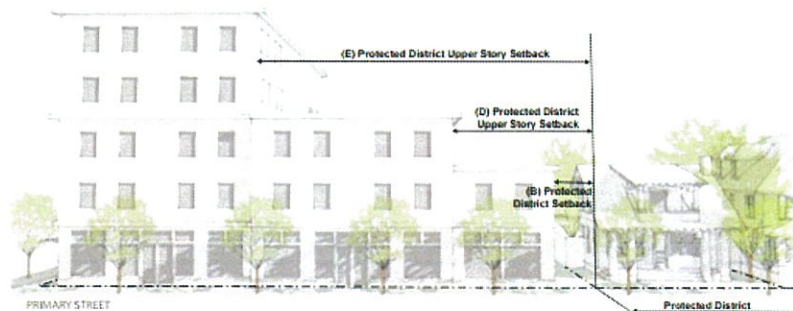
Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements

C-RX-8 is an Urban Center Residential Mixed-Use Zone District that is intended to promote safe, active, and pedestrian-scaled, diverse areas through the use of building forms that clearly define and activate the public realm. See DZC 7.2.3.1.A Residential Mixed-Use zone districts enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city’s residential neighborhoods. See DZC 7.2.3.1.B. The Residential Mixed-Use zone districts standards are also intended to ensure new development contributes positively to established residential neighborhoods and a character, and improves the transition between commercial development and adjacent residential neighborhoods. See DZC 7.2.3.1.C

The neighborhood context around the Evans Station today is a mix of legacy industrial zoning along with recently rezoned mixed-use zoning in the on-going transformation of higher-density mixed-use development and greater street activation proximate to the light rail station. The proposed zone district of C-RX-8 for the subject property will allow the station area to continue 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-RX-8 applies to residentially-dominated areas served primarily by collector or arterial streets where a building scale of 2 to 8 stories is desired” (DZC Section 7.2.3.2.B). The site provides easy access to Evans Avenue, an arterial street, and light rail transit service is already in services. These complementary transportation facilities will support Residential 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 residential neighborhoods, and in particular at the Evans light rail station area. The street classifications and desired building heights in this area are consistent with the zone district purpose and intent statements.

Example of General Building Form allowed in C-RX-8 zone district per DZC 7.3.3.4.C:



General Review Criteria: Uniformity of District Regulations and Restrictions

Approval of the Rezoning Application will cause the consistent application of building form, use, and design regulations. Once redeveloped, the property will adhere to all applicable rules on building height, siting, design elements, and pedestrian access. LCP Development does not anticipate seeking any further variance from these regulations.

General Review Criteria: Public Health, Safety, and Welfare

Approval of the Rezoning Application will promote the public health, safety, and general welfare by implementing the City's adopted land use policies. Redevelopment of this Property will bring new residents as well as businesses to the neighborhood and Evans Station area, increasing the population both day and night, further supporting safety and security in the area. Likewise, redevelopment of the Property will trigger development of pedestrian right-of-way in front of the Property along S. Cherokee Street, where there is currently no sidewalk, thus increasing pedestrian safety in the area. Furthermore, redevelopment of the Property is expected to increase light rail and bus ridership at Evans Station, promoting public health and general welfare put forward by transportation initiatives adopted by the City.

General Review Criteria: Justifying Circumstance

Approval of the Rezoning Application is also warranted by changes to the surrounding area that justify redevelopment of the property. Of the Justifying Circumstances identified in the Denver Zoning Code, the following is the most applicable: "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" (DZC Section 12.4.10.8.A.4). The following changed or changing conditions apply:

- New residential development is currently underway two blocks north of the property, at the Encore Evans Station project. Zoned C-MX-5, Encore Evans station will add a significant number of new housing units thus increasing the neighborhood population and contributing to the change of the neighborhood from a historically industrial area to a mix of compatible uses.
- Declaration Brewery, located directly across S. Cherokee Street from the property, opened in 2015 and has contributed to the changing character of the neighborhood. A popular afternoon and evening hangout, the successful brewery is currently looking to expand their canned production in order to grow their market share in the region.
- A bike/pedestrian bridge connecting Jewel Street to Overland is planned, which will improve pedestrian access to Evans Station and the neighborhood. Funding for the bridge is included in the City and County of Denver \$937 million General Obligation Bond, which was approved by voters in November 2017.
- Bear Creek Distillery, located approximately three blocks from the Property, opened in 2014 and a new winery located two blocks from the property is expected to open this year.

The character of the Overland Park Neighborhood is changing based on recent redevelopment and future development projects in the area as described above. Current conditions provide justification for mixed-use residential zoning in the Property's location that will further enhance and promote the changing character of the neighborhood. Approval of the Rezoning Application and redevelopment of the Property will likely stimulate additional investment and development in the neighborhood, helping

to achieve a dynamic mix of uses that increases the resident population, area employment, goods and services offered, as well as increasing the use of public transportation options.

General Review Criteria: Consistency with Neighborhood Context

Approval of the Rezoning Application will be consistent with the neighborhood context and with the stated purpose and intent of the proposed Zone District. Consistency with the neighborhood context is evidenced by other properties that are currently zoned C-MX-5 located within two blocks of the subject Property.

Public Health and Environment (DDPHE) – Comment Responses

- LCP Development has confirmed the environmental conditions on the property through a Phase I Environmental Site Assessment completed by Eagle Environmental in December 2017. The Phase I recommended no further action, stating that soil and groundwater conditions are within acceptable screening levels.
- LCP Development will develop the property in a manner that mitigates the risk of radon gas intrusion into the building, creating a safe environment for human occupation.
- LCP Development contracted Boulder Environmental to complete testing in the building and during the demolition process will abate all materials containing asbestos or lead-based paint in accordance with applicable federal, state and local regulations.
- LCP Development will take action to ensure that all contractors working at the property take reasonable measure 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.
- LCP Development will take action to ensure redevelopment of the property is in compliance with Denver's Noise Ordinance (Chapter 36 – Noise Control, Denver Revised Municipal Code)



February 26, 2018

Community Planning and Development
City and County of Denver
201 W. Colfax Avenue, Dept 205
Denver, CO 80202

To whom it may concern,

The Overland Park Neighborhood Association (OPNA) is writing this letter of support for the proposed Cherokee Mixed Use Project at 2065 South Cherokee and the land being rezoned to C-RX-8.

OPNA heard presentations regarding this proposed project at both our January and February public meetings on January 25, 2018 and February 22, 2018. At the first meeting in January, we were able to hear about the project in depth from LCP Development and give our feedback. At the February meeting, a second presentation on the project was made which incorporated feedback from the neighborhood into the concept plan.

At this second public monthly meeting on February 22, 2018 the membership voted overwhelmingly to support the Cherokee Mixed Use Project.

We were pleased to see that the developers listened at the first meeting and incorporated community feedback into the concept plan. In addition, OPNA appreciated the quality of design and adherence to the Evans Station Area Plan. The Overland Park Neighborhood Association is in support of this rezoning and we encourage you to support it as well.

Please contact us with any questions.

Sincerely,

Overland Park Neighborhood Association

Uhrig Holdings, LLC
1600 W. Harvard Avenue
Englewood, CO 80110

December 20, 2017

TO: City of Denver, Community Planning & Development
201 W. Colfax Avenue, Dpt. 205
Denver, CO 80202

RE: Application for Zone Map Amendment – 2065 S. Cherokee Street

The undersigned (“Owner”), which owns the property located at 2065 S. Cherokee Street in Denver, Colorado (the “Property”), hereby authorize LCP Development (“Representative”) to submit on behalf of Owner all applications and supporting materials required or requested in connection with the proposed C-RX-8 rezoning of the Property and any related development approvals in connection therewith.

Please address all communications to Representative pursuant to the contact information provided by Representative to the City.

Uhrig Holdings, LLC a Colorado
limited liability company

By: Uhrig Holdings, LLC

By: 
Craig Uhrig
Managing Member

Notice:

Causing this document to be delivered to the secretary of state for filing shall constitute the affirmation or acknowledgment of each individual causing such delivery, under penalties of perjury, that the document is the individual's act and deed, or that the individual in good faith believes the document is the act and deed of the person on whose behalf the individual is causing the document to be delivered for filing, taken in conformity with the requirements of part 3 of article 90 of title 7, C.R.S., the constituent documents, and the organic statutes, and that the individual in good faith believes the facts stated in the document are true and the document complies with the requirements of that Part, the constituent documents, and the organic statutes.

This perjury notice applies to each individual who causes this document to be delivered to the secretary of state, whether or not such individual is named in the document as one who has caused it to be delivered.

7. Name(s) and address(es) of the individual(s) causing the document to be delivered for filing:

FREEMAN	JO	ANNE	
<i>(Last)</i>	<i>(First)</i>	<i>(Middle)</i>	<i>(Suffix)</i>
1600 W HARVARD			
<i>(Street name and number or Post Office Box information)</i>			
ENGLEWOOD	CO	80110	
<i>(City)</i>	<i>(State)</i>	<i>(Postal/Zip Code)</i>	
	United States		
<i>(Province – if applicable)</i>	<i>(Country – if not US)</i>		

(The document need not state the true name and address of more than one individual. However, if you wish to state the name and address of any additional individuals causing the document to be delivered for filing, mark this box and include an attachment stating the name and address of such individuals.)

Disclaimer:

This form, and any related instructions, are not intended to provide legal, business or tax advice, and are offered as a public service without representation or warranty. While this form is believed to satisfy minimum legal requirements as of its revision date, compliance with applicable law, as the same may be amended from time to time, remains the responsibility of the user of this form. Questions should be addressed to the user's attorney.



DEVELOPMENT

January 5, 2018

LCP Development
2150 W. 29th Ave., Suite 410
Denver, CO 80209

To: Community Planning and Development

Re: Rezoning Application 2017I-00170 – RNO Outreach

To Whom It May Concern,

The following email correspondence includes information regarding our company's outreach to the Registered Neighborhood Organizations (RNOs) regarding our rezoning application for the property located at 2065 S. Cherokee Street. Our company met with Mara Owen of the Overland Park Neighborhood Association on Friday, December 8th to discuss the proposed rezoning. As you'll see in the attached correspondence, we have followed up since that meeting and are scheduled to meet with the other members of the RNO on Thursday January 25th at 6:30 pm. We will be formally requesting the RNO's support at that time. If and when we receive a letter of support from the Overland Park Neighborhood Association, we will forward to your department to be included with our rezoning application.

Please do not hesitate with any questions regarding our company's outreach to the RNOs for the property.

Thanks,

A handwritten signature in blue ink, appearing to read 'Beau Breck'.

Beau Breck
LCP Development, Associate

Beau Breck

From: Steve Kurtz
Sent: Friday, January 5, 2018 3:08 PM
To: Beau Breck
Subject: FW: Cherokee project neighborhood

From: Steve Kurtz
Sent: Wednesday, January 03, 2018 5:30 PM
To: Mara Owen <mkowen18@gmail.com>
Subject: Re: Cherokee project neighborhood

Mara. I wouldn't think we would need any more than 10 minutes.

Steve Kurtz

On Dec 29, 2017, at 2:50 PM, Mara Owen <mkowen18@gmail.com> wrote:

Hi Steve,

Our next meeting is on January 25th at 6:30pm and I can definitely put you on the schedule. Around how much time do you think you want?

-Mara

Mara Owen
303-889-9294
mkowen18@gmail.com

On Thu, Dec 28, 2017 at 4:08 PM, Steve Kurtz <skurtz@lcpdevelopment.net> wrote:

Mara, I wanted to catch up with you and ask when your next community meeting was scheduled for, and if we could be placed on the agenda for a presentation to the Overland Park homeowners group?

Thanks Mara

<image002.jpg>

Steve Kurtz

LCP Development

2150 W. 29th Avenue, Suite 410

Denver, Co. 80211

skurtz@lcpdevelopment.net

o-[303-797-9119](tel:303-797-9119) c-[303-319-2689](tel:303-319-2689)

Beau Breck

From: Beau Breck
Sent: Wednesday, December 20, 2017 12:37 PM
To: 'bradleyzieg@msn.com'
Subject: RE: Proposed Rezoning - 2065 S. Cherokee St.

Hi Bradley,

Quick amendment here to my previous email below. We will be pursuing rezoning to C-RX-8 rather than C-MX-8. All other information, including the references to the Evans Station Area Plan, are still applicable. Let me know if you have any questions or wish to discuss.

Thanks,
Beau



Beau Breck, Associate
LCP Development
2150 W 29th Ave. | Suite 410 | Denver, CO 80211
bbreck@lcpdevelopment.net
D: 720-749-2228 | O: 303-797-9119 | C: 303-815-0965
www.lcpdevelopment.net

From: Beau Breck
Sent: Monday, December 11, 2017 7:38 AM
To: 'bradleyzieg@msn.com' <bradleyzieg@msn.com>
Subject: Proposed Rezoning - 2065 S. Cherokee St.

Dear Bradley,

By way of introduction, my name is Beau Breck and I'm an Associate with LCP Development. Our company is under contract to purchase the property at 2065 S. Cherokee Street, which is just across Evans Avenue from the Evans Light Rail Station. A 31,000 square foot site with 16,000 square feet of buildings, the property historically has been used for industrial businesses. The property is currently zoned today as I-A, which is an industrial zone district. We are intending to pursue rezoning of the property to C-MX-8 to make it consistent with the 2009 Evans Station Area Plan, which calls for mixed-use property within ¼ mile of Evans Station at a density of up to eight stories. This will then allow us to pursue redevelopment of the site with greater density and permitted uses that are more appropriate for adjacency to a rail transit station and consistent with the Evans Station Area Plan, as well as other planning documents. We have not yet formally submitted our rezoning application, so we are contacting you and other registered neighborhood organizations to gain your input. Please let me know if you, or anyone else from the Denver Neighborhood Association would be interested in meeting to discuss future development scenarios for the property.

Please know that any plans we have are very preliminary and that nothing is set in stone at this time. The rezoning to C-MX-8 would allow for a variety of uses and building densities/heights within the development standards of the zone district, so our plans are very conceptual and simply illustrative of one possible redevelopment scenario. We look forward to your reply and working with you as we move forward with the rezoning.

Sincerely,

Beau Breck

From: george mayl <comayl@aol.com>
Sent: Wednesday, December 20, 2017 10:04 AM
To: Beau Breck
Subject: Re: Proposed Rezoning - 2065 S. Cherokee St.

Mr. Breck,

At this time, I have not heard of any formal opposition, on the contrary, people have told me you are very open and informative. We'll see going forward. So at present, INC has taken no formal position.

Regards,

George Mayl

-----Original Message-----

From: Beau Breck <bbreck@lcpdevelopment.net>
To: george mayl <comayl@aol.com>
Sent: Wed, Dec 20, 2017 9:49 am
Subject: RE: Proposed Rezoning - 2065 S. Cherokee St.

Hi George,

Thank you for your reply and for the update regarding JJ Niemann's resignation and your role as acting president. I assume the RNO you referenced in your email is the Overland Park Neighborhood Association. I want to make you aware that we have met with their representative, Mara Owen, and requested their support. Do you anticipate that the INC will take a formal position on our proposed rezoning? As mentioned, we'd welcome the opportunity to meet with you and other members of INC to discuss our proposed rezoning and future development plans for the site. We would like to gain the support of your organization as well.

Thanks again for your response and we look forward to the opportunity to connect with you and other members of INC. Please do not hesitate with any questions.

Happy Holidays,
Beau



Beau Breck, Associate
LCP Development
2150 W 29th Ave. | Suite 410 | Denver, CO 80211
bbreck@lcpdevelopment.net
D: 720-749-2228 | O: 303-797-9119 | C: 303-815-0965
www.lcpdevelopment.net

From: george mayl [<mailto:comayl@aol.com>]
Sent: Monday, December 18, 2017 7:09 PM
To: Beau Breck <bbreck@lcpdevelopment.net>
Subject: Re: Proposed Rezoning - 2065 S. Cherokee St.

Mr. Breck,

JJ Niemann has resigned from INC and I am the acting president. I have contacted the representative of the RNO that the property in question lies within. I will be discussing the re-zoning and request of an 8 story building on the site with surrounding neighbors. Thank you for the advanced notice.

Regards,
George E Mayl
President, INC

-----Original Message-----

From: Beau Breck <bbreck@lcpdevelopment.net>
To: president <president@denverinc.org>
Sent: Mon, Dec 18, 2017 6:20 pm
Subject: Proposed Rezoning - 2065 S. Cherokee St.

Dear JJ,

By way of introduction, my name is Beau Breck and I'm an Associate with LCP Development. Our company is under contract to purchase the property at 2065 S. Cherokee Street, which is just across Evans Avenue from the Evans Light Rail Station. A 31,000 square foot site with 16,000 square feet of buildings, the property historically has been used for industrial businesses. The property is currently zoned today as I-A, which is an industrial zone district. We are intending to pursue rezoning of the property to C-RX-8 to make it consistent with the 2009 Evans Station Area Plan, which calls for residential mixed-use property within ¼ mile of Evans Station at a density of up to eight stories. This will then allow us to pursue redevelopment of the site with greater density and permitted uses that are more appropriate for adjacency to a rail transit station and consistent with the Evans Station Area Plan, as well as other planning documents. We have not yet formally submitted our rezoning application, so we are contacting you and other registered neighborhood organizations to gain your input. Please let me know if you, or anyone else from the Inter-Neighborhood Cooperation (INC) would be interested in meeting to discuss future development scenarios for the property.

Please know that any plans we have are very preliminary and that nothing is set in stone at this time. The rezoning to C-RX-8 would allow for a variety of uses and building densities/heights within the development standards of the zone district, so our plans are very conceptual and simply illustrative of one possible redevelopment scenario. We look forward to your reply and working with you as we move forward with the rezoning.

Sincerely,
Beau Breck