STARBOARD REALTY GROUP, LLC
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**Denver, Colorado 80218**
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www.denverzoning.com

DATE: April 30, 2024

TO: Neighbors of 401 N Delaware St. in Baker

SUBJECT: Proposed Rezoning

Dear Baker Neighbors,

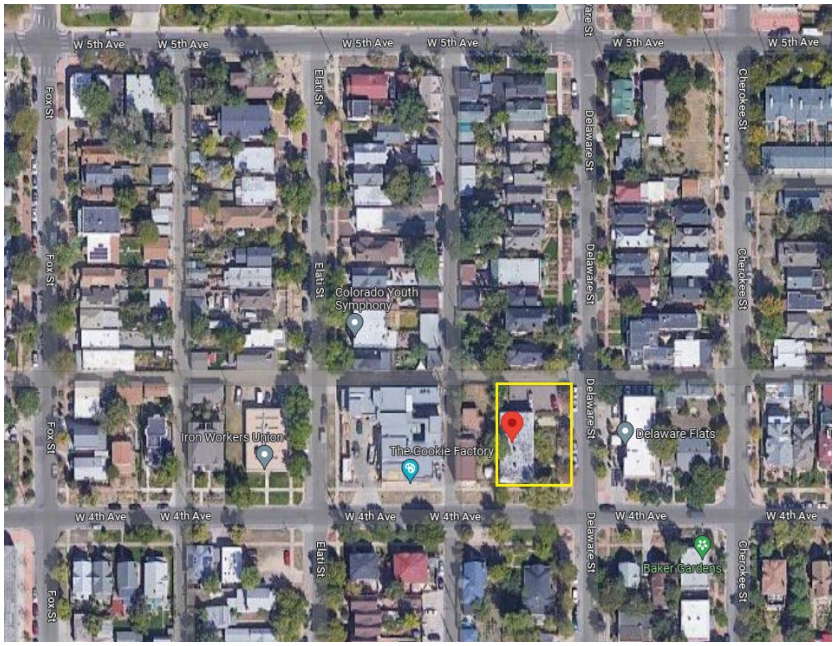
I am contacting you to share information with you about a proposed rezoning of the old photo processing commercial building at the northwest corner of Delaware St and W. 4th Ave. The address is 401 N. Delaware St. in Baker. This building currently houses three residential units and is zoned U-RH-2.5, a residential zone district. I represent the property owner who wishes to rezone the property to U-MX-2x. The purpose of the rezoning is to allow for the existing building, which will remain, to accommodate limited neighborhood scale commercial uses.

401 N. Delaware is under common ownership with the neighboring Fortune Cookie Factory Building at 421 W. 4th Ave. The Fortune Cookie Building plans to open an art gallery on the first floor.

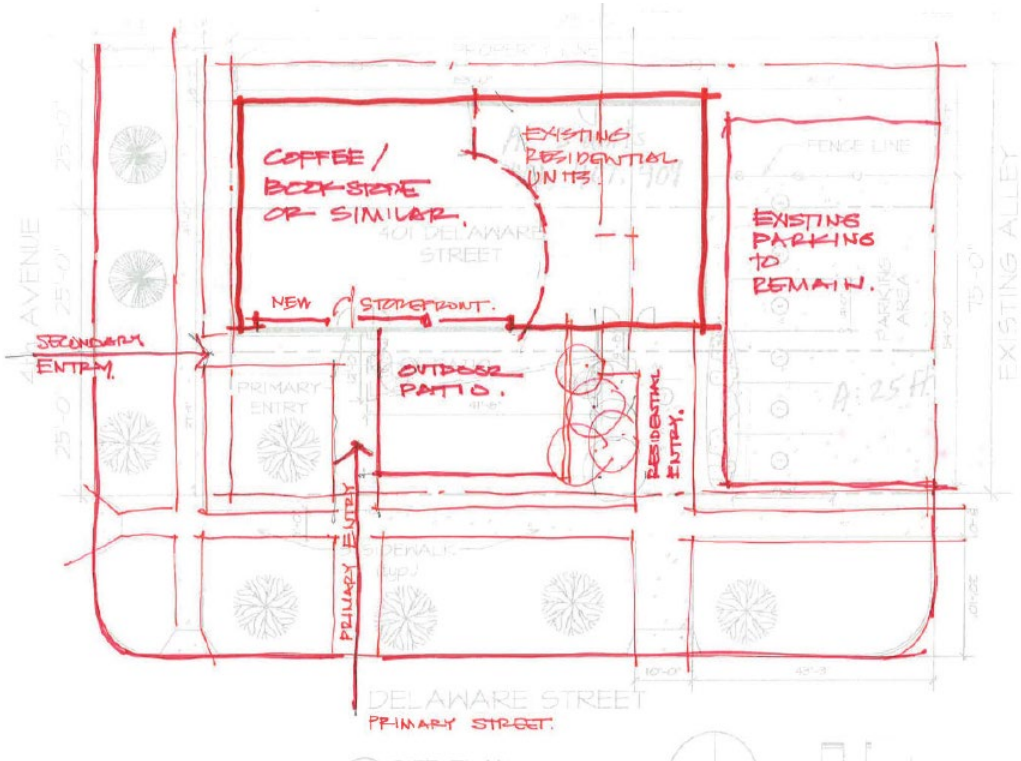
The purpose of the rezoning of 401 N. Delaware is to open a coffee shop and bookstore affiliated with, owned and operated by the Fortune Cookie Art Gallery. The 401 N Delaware building will remain. The planned new use of the building will be mixed – use, to include keeping residential units and introduce the new Fortune Cookie Art Gallery Bookstore and Coffee Shop.

The development plan keeps the building height to two stories and retains the existing onsite parking served by the alley.

## Location




## Conceptual Site Plan




Preliminary concept for discussion purposes only, subject to change.

## Conceptual Building Rendering

Preliminary concept for discussion purposes only, subject to change.

We are hosting an open house for the immediate neighbors of 401 N. Delaware St. to inform you about, and to obtain your thoughts and input on this rezoning.

**PLAN TO ATTEND REZONING OPEN HOUSE:**

DATE: Tuesday May 21, 2024

TIME: 6:00 to 7:00 PM

LOCATION: Fortune Cookie Art Gallery 421 W. 4th Ave.
(Use Elati Street Entrance)

RSVP: bodonnell@starboardrealtygroup.com

Thank you and please feel free to contact me should you have any questions.

Sincerely,

Bruce O'Donnell

MEMORANDUM OF UNDERSTANDING
CONCERNING AN APPLICATION FOR A
ZONE MAP AMENDMENT FOR
401 N. DELAWARE STREET, DENVER CO 80203

THIS AGREEMENT is entered into by and between the Baker Historic Neighborhood Association, a registered neighborhood association in the City and County of Denver, ("BHNA") and 401 N Delaware Street LLC (the "Applicant").

A. BHNA is a registered neighborhood association in Denver, Colorado whose neighborhood contains the premises at 401 N. Delaware Street, Denver, Colorado (the "Premises").

B. The Applicant has applied for Zone Map Amendment to change the zoning of the Premises from U-RH-2.5 to U-MX-2x (hereinafter the "Application") for the Premises.

C. Applicant wants BHNA to provide a letter of support of its Application.

D. The Applicant plans to develop the Premises and desires to establish certain use restrictions on future development of the Premises.

E. BHNA agrees to support Applicant's Application and will inform Denver Community Planning and Development in writing that it supports the Application subject to the agreements herein.

NOW, THEREFORE, for good and valuable consideration, the parties hereby agree as follows:

1. BHNA agrees it will support the Application and will provide a written letter of support for the Applicant to submit with the Application (the "Letter").

2. If BHNA provides the Letter as set forth herein, Applicant will record the protective covenant (the "Covenant") attached hereto as Exhibit A in the real property records of the City and County of Denver, Colorado promptly upon Denver City Counsel's approval of the Application. Such Covenant shall limit development upon the Premises and prohibit future development of certain uses identified therein.

This Agreement is the entire agreement between the parties. No provision of this Agreement may be modified without the written consent of the parties. Nor shall any waiver of any of the provisions be valid or enforceable unless in writing and signed by all parties.

Each person signing below represents that he/she has the authority to execute and deliver this Agreement.

Executed and effective on the latest date set forth below:

**BAKER HISTORIC NEIGHBOROOD ASSOCIATION**

Signed: _____

Date: _____

Printed Name: _____
President, BHNA
PO Box 9171, Denver, CO 80209

**401 N DELAWARE STREET LLC**

Signed: _____

Date: _____

By: Amanda Precourt, Manager
Address: 4950 S. YOSEMITE STREET F2-327
GREENWOOD VILLAGE, CO 80111

**EXHIBIT A**

DEED RESTRICTION AND PROTECTIVE COVENANT

SEE ATTACHED

**DEED RESTRICTION AND PROTECTIVE COVENANT**

THIS DECLARATION OF DEED RESTRICTION is made by 401 N Delaware Street LLC (hereinafter referred to as "Declarant") whose address is 4950 S. YOSEMITE STREET F2-327 GREENWOOD VILLAGE, CO 80111

**WITNESSETH**

WHEREAS, Declarant owns in fee simple, certain real property situated in the County of Denver, State of Colorado, hereinafter referred to as the "Property" and described as follows:

LOTS 13 THROUGH 15 ICNLUSIVE, BLOCK 2, M. SUMNER'S ADDITION TO THE CITY OF DENVER, CITY AND COUNTY OF DENVER, STATE OF COLORADO

This Property is also known as 401 N. Delaware Street Denver, Colorado with a Denver Assessor Parcel Number of 05102-12-028-000.

WHEREAS, Declarant or his successors in interest plan to develop and improve the Property and desire to establish certain use restrictions on future development of the Property;

NOW, THEREFORE, Declarant, as owner of the Property, for itself; and its heirs, executors, administrators, successors and assigns, declares that the Property is held and hereafter shall be conveyed, subject to the following covenants, rights, reservations, limitations, and restrictions:

1. The following list of Uses identified in the Denver Zoning Code as Permitted Uses in the U-MX-2x Zone District shall not be permitted on the Property:

   **RESIDENTIAL PRIMARY USE CLASSIFICATION**

   Residential Care, Types 1 and 2

   Congregate Living

   **CIVIC, PUBLIC &INSTITUTIONAL USE CLASSIFICATION**

   Utility, Major Impact

   Utility, Minor Impact

   Day Care Center

   Postal Facility, Neighborhood

   Public Safety Facility

   Elementary or Secondary School

   Vocational or Professional School

   Public and Religious Assembly

**COMMERCIAL SALES, SERVICES, & REPAIR PRIMARY USE CLASSIFICATION**

Dental / Medical Office or Clinic

Office, All Others

Animal Sales and Services, Household Pets Only

Food Sales or Market

Retail Sales Service & Repair – Outdoor

Retail Sales Service & Repair, All Others

Antennas Not Attached to a Tower

Telecommunications Towers

Telecommunications Towers – Alternative Structure

Telecommunications Facilities – All Others

Food Preparation and Sales

Manufacturing, Fabrication & Assembly – Custom

Wind Energy Conversion Systems

Helipad, Helistop, Heliport

Railway Right of Way

Terminal Station or Service Facility for Passenger Transit System

Plant Nursery

**ACCESSORY TO PRIMARY RESIDENTIAL USES USE CLASSIFICATION**

Keeping and Off-Street Parking of Vehicles, Motorcycles, Trailers & Recreation Vehicles

Kennel or Exercise Run

Outdoor Storage, Residential

Vehicle Storage, Repair and Maintenance

Yard and / or Garage Sales

**HOME OCCUPATIONS ACCESSORY TO PRIMARY USES USE CLASSIFCATION**

Child Care Home, Large

All Other Types

Unlisted Home Occupations

**ACCESSORY TO PRIMARY NONRESIDENTIAL USES USE CLASSIFICATION**

Amusement Devices Accessory to Eating/Drinking Establishments, College/University and Theater Uses

College Accessory to a Place for Religious Assembly

Keeping of Animals

Occasional Sales, Services Accessory to Places of Religious Assembly*

Outdoor Storage, Limited

Rental or Sales of Adult Material Accessory to a Permitted Bookstore Retail Sales Use

**TEMORARY USE CLASSIFICATION**

Bazaar, Carnival, Circus or Special Event

Building or yard for construction materials

Concrete, Asphalt and Rock Crushing Facility

Health Care Center

Noncommercial Concrete Batch Plant

Temporary Office – Real Estate Sales

Temporary Tiny Home Villages

2. The Covenant shall take effect subject to and only in the event that Denver City Council approves the rezoning of the Property to U-MX-2x and the ordinance documenting such rezoning is published in the City of Denver Zoning Map showing the Property zoned as U-MX-2x. The rezoning of the Property to U-MX-2x shall be a condition precedent to the enforceability of this Covenant. If the Property is not zoned U-MX-2x, this Covenant is invalid and has no further force or effect.

3. This Covenant shall run with the land and be binding upon the heirs and successors in interest to the Property for a period of 20 years commencing on the date the Covenant is recorded in the Denver Clerk and Recorder's Office.

4. Any changes or amendments to this Covenant shall be in writing and require the agreement of the BHNA or its successor or replacement as a Registered Neighborhood Organization in the City of Denver;

5. This Covenant and any amendments hereto shall be recorded against the Property in the Denver Clerk and Recorder's Office.

IN WITNESS WHEREOF, Declarant has duly executed this Declaration the day and year stated below.

**DECLARANT:**

**401 N DELAWARE STREET LLC**

BY: _____ DATE: _____
Name: Amanda Precourt
Title: Member

subscribed and affirmed before me in the county of Denver, State of Colorado,

this _____ day of _____, 2024.

_____

(Notary's official signature)

_____

(Commission Expiration) Notary

Seal