

## Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	Edward (Todd) D. Herrick, Jr	Representative Name	Megan Jones
Address	117 N. Aspen Street	Address	451 East 58th Ave, Suite 2490
City, State, Zip	Telluride, CO 81435	City, State, Zip	Denver, CO 80216
Telephone	970.728.5830	Telephone	619.850.2324, 303.292.6278 x5333
Email	todd@herrickco.net	Email	mjones@denvermart.com
<p><b>*If More Than One Property Owner:</b>            All standard zone map amendment applications shall be initiated by all the owners of at least 51% of the total area of the zone lots subject to the rezoning application, or their representatives authorized in writing to do so. See page 3.</p>		<p><b>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</b></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 (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):		4230 N. Elati Street, Denver, CO 80216	
Assessor's Parcel Numbers:		02223-13-015-000	
Area in Acres or Square Feet:		0.82 acres - 35,875 sq ft	
Current Zone District(s):		I-A, UO-2	
PROPOSAL			
Proposed Zone District:		C-RX-8	

## REVIEW CRITERIA

<p>General Review Criteria: The proposal must comply with all of the general review criteria</p> <p>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. 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</p> <p>DZC Sec. 12.4.10.8</p>	<p><b>Justifying Circumstances - One of the following circumstances exists:</b></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"/> Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include:</p> <p>a. Changed or changing conditions in a particular area, or in the city generally; or,</p> <p>b. A City adopted plan; or</p> <p>c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.</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. 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. Please provide an attachment describing how the above criterion is met.</p>

## REQUIRED ATTACHMENTS

Please ensure the following required attachments are submitted with this application:

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

## ADDITIONAL ATTACHMENTS

Please identify any additional attachments provided with this application:

- ☒ Written Authorization to Represent Property Owner(s)
- ☒ Individual Authorization to Sign on Behalf of a Corporate Entity

Please list any additional attachments:


Colorado Secretary of State Summary for Herrick Durango Land Company Operations LLC

# REZONING GUIDE

Rezoning Application Page 3 of 3

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

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

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed, (C) title policy or commitment, or (D) other as approved	Has the owner authorized a representative in writing? (YES/NO)
<b>EXAMPLE</b> John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/01/12	(A)	YES
Edward D. Herrick Jr on behalf of Herrick Durango Land Company Operations LLC	4230 N. Elati Street Denver, CO 80216 970.728.5830	100%		10.18.18	A	YES

Last updated: August 29, 2018

Return completed form to rezoning@denvergov.org

201 W. Colfax Ave., Dept. 205

Denver, CO 80202

720-865-2974 • rezoning@denvergov.org

**4230 N. Elati Street  
Rezone Request from I-A, UO-2 to C-RX-8  
Application Attachments**

- I. Legal Description (as part of PDF package and as word document)
- II. Proof of Ownership –Assessor Document
- III. Review Criteria
- IV. Written Authorization to Represent Property Owner
- V. Individual Authorization to Sign on Behalf of Corporate Entity
- VI. Colorado Secretary of State Summary for Herrick Durango Land Company Operations LLC

## **LEGAL DESCRIPTION**

4230 N. Elati, Denver, CO 80216

LOTS 6 TO 15 INCLUSIVE, BLOCK 9 VIADUCT ADDITION TO DENVER, CITY AND  
COUNTY OF DENVER, STATE OF COLORADO.

# 4230 ELATI ST

Owner	HERRICK DURANGO LAND COMPANY PO BOX 2675 TELLURIDE , CO 81435-2675
Schedule Number	02223-13-015-000
Legal Description	VIADUCT B9 L6 TO 15
Property Type	INDUSTRIAL - WAREHOUSE
Tax District	DENV

Print Summary

Property Description			
Style:	OTHER	Building Sqr. Foot:	16460
Bedrooms:		Baths Full/Half:	0/0
Effective Year Built:	1973	Basement/Finish:	0/0
Lot Size:	35,875	Zoned As:	I-A
<div>Note: Valuation zoning may be different from City's new zoning code.</div>			

Current Year			
Actual	Assessed	Exempt	
Land	\$358,800	\$104,050	\$0
Improvements	\$842,900	\$244,440	
Total	\$1,201,700	\$348,490	

Prior Year			
Actual	Assessed	Exempt	
Land	\$358,800	\$104,050	\$0
Improvements	\$842,900	\$244,440	
Total	\$1,201,700	\$348,490	

Real Estates Property Taxes for current tax year
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Please click on additional information below to check for any delinquencies on this property/schedule number and for tax sale information.

	<b>Installment 1 (Feb 28 Feb 29 in Leap Years)</b>	<b>Installment 2 (Jun 15)</b>	<b>Full Payment (Due Apr 30)</b>
<b>Date Paid</b>			4/30/2018
<b>Original Tax Levy</b>	\$13,440.21	\$13,440.21	\$26,880.42
<b>Liens/Fees</b>	\$0.00	\$0.00	\$0.00
<b>Interest</b>	\$0.00	\$0.00	\$0.00
<b>Paid</b>	\$13,440.21	\$13,440.21	\$26,880.42
<b>Due</b>	\$0.00	\$0.00	\$0.00

### Additional Information

Note: If "Y" is shown below, there is a special situation pertaining to this parcel. For additional information about this, click on the name to take you to an explanation.

<b>Additional Assessment ⓘ</b>	N	<b>Prior Year Delinquency ⓘ</b>	N
<b>Additional Owner(s) ⓘ</b>	N	<b>Scheduled to be Paid by Mortgage Company ⓘ</b>	N
<b>Adjustments ⓘ</b>	N	<b>Sewer/Storm Drainage Liens ⓘ</b>	N
<b>Local Improvement Assessment ⓘ</b>	N	<b>Tax Lien Sale ⓘ</b>	N
<b>Maintenance District ⓘ</b>	N	<b>Treasurer's Deed ⓘ</b>	N
<b>Pending Local Improvement ⓘ</b>	N		

Real estate property taxes paid for prior tax year: **\$23,577.68**

### Assessed Value for the current tax year

<b>Assessed Land</b>	\$104,050.00	<b>Assessed Improvements</b>	\$244,440.00
<b>Exemption</b>	\$0.00	<b>Total Assessed Value</b>	\$348,490.00

**4230 N. Elati Street**  
**Rezone Request from I-A, UO-2 to C-RX-8**  
**Review Criteria**

- I. Rezone Request – the property owner of 4230 Elati requests a rezone of the property from I-A, UO-2 to C-RX-8.
- II. Property Description – 4230 Elati is located at the northeast corner of the intersection of Elati Street and W. 42<sup>nd</sup> Ave in Upper Globeville. The property is approximately 0.82 acre (35,875 sq ft) in size and has frontage along both Elati and W. 42<sup>nd</sup> Ave. A 16,460 sq ft building built in approximately 1973 is located on site and houses a variety of tenants who utilize the site for office space, finishing and storage.
- III. Review Criteria
  - a. General Review Criteria (DZC Section 12.4.10.7): The proposed rezone of 4230 Elati from I-A, UO-2 to C-RX-8 complies with all General Review Criteria.
    - i. Consistency with Adopted Plans – this proposed official map amendment is consistent with the follow adopted plans:

**1. Denver Comprehensive Plan 2000**

- a. The Denver Comprehensive Plan 2000 seeks to *manage growth and change through effective land-use policies to sustain Denver's high quality of life*. The land use policies emphasize sustainability, housing, connectivity, employment, mobility, preservation and more. The adopted plans discussed below (III.a.i.2-4) were developed in line with this plan.
- b. This proposed rezone is consistent with the following Denver Comprehensive Plan strategies –
  - Environmental Sustainability Strategy (Stewardship of Resources) 2-F (Page 39) - *Conserve land by: promoting infill development within Denver at sites where services and infrastructure are already in place; designing mixed-use communities and reducing sprawl, so that residents can live, work and play within their own neighborhoods; creating more density at transit nodes.*
  - Environmental Sustainability Strategy (Environmental Policy) 4-A (Page 41) - *Promote the development of sustainable communities and centers of activity where shopping, jobs, recreation and schools are accessible by multiple forms of transportation, providing opportunities for people to live where they work.*
  - Land Use Strategy (Residential Neighborhoods and Business Centers) 3-B (Page 60) - *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.*
  - Land Use Strategy (Land Use and Transportation) 4-A (Page 60) - *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.*



**4230 N. Elati Street**  
**Rezone Request from I-A, UO-2 to C-RX-8**  
**Review Criteria**

- Mobility Strategy (Changing Travel Behavior) 4-E (Page 78) - *Continue to promote mixed-use development, which enables people to live near work, retail and services.*
- Denver's Legacies Strategy (Compact Urban Development) 3-A (Page 99) - *Identify areas in which increased density and new uses are desirable and can be accommodated.*

**2. Blueprint Denver: A Blueprint for an Inclusive City (Public Review Draft 2 1/7/2019) –**

a. This plan *calls for*

- *An equitable city: planning for social equity and guiding change to benefit everyone*
- *A city of complete neighborhoods and complete networks: connecting Denverites to all of their daily needs*
- *An evolving city: a measured, commonsense approach to where growth should go and how it should fit in*

The plan establishes ten goals that support all Denver residents related to housing diversity & quality employment opportunities, access to basic services, safe & high quality mobility options, business environment & educational opportunities, identification of where to focus higher intensity growth, enhancement of neighborhoods' sense of place, urban design, recognition of historical assets and cultural heritage, natural environment and health.

b. Denver's Growth Strategy proposes to strengthen the *existing neighborhoods through carefully planned infill development that enhances the city's unique character.* (Page 51)

- The area surrounding 4230 Elati is designated as Centers and Corridors and High and Medium-High Residential for growth. 4230 Elati is within the High and Med-High Residential area. Within this area across the city, new households are projected to increase by 15% by 2040 and new jobs are projected to increase in these areas by 5% by 2040. A rezone of 4230 Elati to C-RX-8 will be a first step in enabling the ability for multi-family residential development at this infill site in this designated growth area.

c. 4230 Elati is mapped as an Urban Center (Neighborhood Context – 5.5). Urban Center neighborhood contexts are characterized by the following (4.2 page 137):

- Land Use and Built Form – *A high mix of uses throughout the area, with multi-unit residential typically in multi-story, mixed-use building forms. Block patterns are generally regular with consistent alley access.*
- Mobility – *High levels of pedestrian and bicycle use and good access to high-capacity transit with minimal reliance on cars.*
- Quality of Life/Infrastructure – *Smaller public parks and privately owned, publicly accessible outdoor spaces and plazas. Trees are within planters and expanded streetscape planting areas.*

**4230 N. Elati Street**  
**Rezone Request from I-A, UO-2 to C-RX-8**  
**Review Criteria**

Additionally, Urban Centers are neighborhoods that are dense and vibrant and serve residents and visitors. Urban Centers are also defined as containing *high intensity residential and significant employment areas. Development typically contains a high mix of uses, with good street activation and connectivity. Residents living in this context are well served by high capacity transit and have access to ample amenities and entertainment options. Urban center areas are easily navigated and accessible due to predictable street grids, well-connected sidewalk networks, and strong connections to medium- and high-capacity transit. These areas offer good walkability and access to amenities. Parking is predominately managed on-street, with off-street demand met with parking garages.*

- The proposed rezoning (C-RX-8) is in the center of an area designated Urban Center and would achieve this neighborhood context and allow for the development of multi-family residential uses, with the commercial uses as a possibility on the first floor (secondary to the residential). The future development could range in height from 2 to 8 stories. The lot is large (0.82-acre) and is a corner lot on an existing alley. Additionally, the site is two blocks from the completed 41<sup>st</sup> and Fox Light Rail Station and one block away from connectivity to Bicycle priority streets.
- d. Urban Center Places are made up of Centers, Corridors and Residential Areas (High-Medium and High). Residential Areas are made up of predominately residential uses. *Although they are primarily residential, they are supported by a variety of embedded uses needed for a complete neighborhood such as schools, parks, and commercial/retail uses* (Page 261). 4230 Elati is designated a High-Medium Residential area which is characterized by (Page 261):
  - *A mix of uses, including multi-unit residential, but at a slightly lower intensity compared to the high residential areas. Heights are generally up to 8 stories. There is high lot coverage and shallow setbacks.* A rezone of 4230 Elati convert existing industrial zone land and will allow for multi-family residential uses on a 0.82-acre corner lot with alley access, directly north and east of property that has been designated High Residential.
  - *A high degree of walkability and a continuous pedestrian network. Bicycle facilities are often protected and there is good access to transit. Vehicular access is consolidated, and parking is managed on-street as well as in parking garages.* 4230 Elati is one block from Bicycle priority streets and is located two blocks from the completed 41<sup>st</sup> and Fox Light Rail Station.
  - *Good access to parks and other open spaces. Social spaces are provided in setbacks and key areas. Green infrastructure*

**4230 N. Elati Street**  
**Rezone Request from I-A, UO-2 to C-RX-8**  
**Review Criteria**

*is often integrated into the streetscape or provided on-site. Regularly spaced street trees in planters or tree lawns. Trees and other plantings should be included on-site where space allows. Future development at 4230 Elati will meet street frontage, landscaping and infrastructure standards and requirements for this area.*

- e. Urban Center Street Types – the Urban Center Context contains the following street types: main street, mixed use and residential. These types of streets generally have higher pedestrian activity and are designed to encourage slower vehicular speeds. While 4230 Elati is located on Undesignated Local Streets, it is one block east of a Main Street Arterial (Fox Street) and two blocks south of a Residential Collector (44<sup>th</sup> Ave). Please note that the exhibit provided in the initial comment letter incorrectly shows the location of 4230 Elati on the Street Types Exhibit.
3. **41<sup>st</sup> and Fox Station Area Plan (2009)** – *The plan is intended to guide future land use and infrastructure decisions to foster transit oriented development. (Page vii) The vision of the plan is that the area will develop over the coming decades into the focal point of a diverse, transit supportive and environmentally sustainable urban center. The vision includes the following goals (Page vii):*
- a. *Improve pedestrian connections to the station, between neighborhoods, and along major corridors*
  - b. *Create opportunities to add more housing, jobs and services to the station area*
  - c. *Incorporate plazas, parks and open space into redevelopment areas*
  - d. *Capitalize on the station area's proximity to Downtown and location on the Gold Line and Northwest Rail corridors*
  - e. *Balance the needs of new development and existing uses*
    - While 4230 Elati is shown as Proposed Open Space/Parks/Plaza, the definition of this designation is as follows:
      - *1i. Proposed Open Space/Parks/Plazas on the northeast portion of the station area will be needed in response to the conversion of industrial uses to higher density residential. Although parks are conceptually shown on the land use plan, the actual size and locations are not determined. Future park space in the station area will require working with private property owners, additional study by the Parks Department, and developing funding partnerships to pay for park land, improvements, and maintenance. (Page 17 – emphasis added)*
      - As the parks are shown conceptually on the Land Use Plan, we are pursuing a rezone of the property consistent with the Urban Residential, Area of Change designation in Blueprint Denver and the Globeville Neighborhood Plan. Our proposal is consistent with the designation of

**4230 N. Elati Street**  
**Rezone Request from I-A, UO-2 to C-RX-8**  
**Review Criteria**

properties directly to the east, on the same block, and with the block to the north of the property (across 43<sup>rd</sup>).

- The properties immediately to the east (across an alley, and on the same block) show a designation of Urban Residential (2-8 stories). The properties to the west and south (across the street) show a designation of Urban Residential (2-12 stories). The property diagonal to the southwest (across the intersection) show a designation of Pedestrian Shopping District (2-8 stories). The properties to the north (across the street) show a designation of Urban Residential (2-8 stories). We are proposing a rezone that is consistent with the Urban Residential designation shown on portions of our block – Urban Residential (2-8 stories). Per the plan, *these areas are intended as new, moderate density neighborhoods... On the east side of the tracks, this moderate-density residential will provide a range of housing types that help support the pedestrian shopping district and employment base.* (Page 16)
- The proposed C-RX-8 zoning would allow residential development with a maximum height of eight stories, and commercial uses on the first floor.
- The property directly to the east across the alley (4201 N. Delaware Street) is currently processing a rezone to the same zone (C-RX-8).

4. **Globeville Neighborhood Plan (2014)** – 4230 Elati is located within the 41<sup>st</sup> and Fox Station Area as defined in the Globeville Neighborhood Plan.
  - a. Page 15 - *VISION: The 41st and Fox Station will develop over the coming decades into the focal point of a diverse, transit-supportive, and environmentally sustainable urban center. Many new residents and businesses will be drawn to the convenient location close to downtown and near some of Denver's most vibrant urban neighborhoods.*
  - b. Page 24 – *An Integrated Strategy for Improving Residential and Industrial Compatibility – This Plan's land use strategies (see Strong Chapter) strive to buffer the residential core of the neighborhood from industrial impacts, while also introducing mixed-use development at key locations within Globeville. The urban design recommendations presented in the Unique Chapter are intended to compliment this land use strategy and further enhance industrial and residential compatibility.*
  - c. Page 33 - Concept Land Use and Areas of Change – 4230 Elati is identified as an Area of Change, with the designation of Urban Residential.
    - *Urban Residential: Urban residential areas are higher density and primarily residential but may include complementary commercial uses. A mixture of housing types is present, including single family houses, townhouses, small multifamily apartments, and sometimes mid to high-rise residential structures.*

**4230 N. Elati Street**  
**Rezone Request from I-A, UO-2 to C-RX-8**  
**Review Criteria**

- d. Page 35 – B5. Establish Recommended Maximum Building Heights – *Establish maximum building heights consistent with the Maximum Recommended Building Heights map to accomplish the following objectives:*
  - *Accommodate mid-to-high rise redevelopment in the 41st and Fox Station Area consistent with the recommendations of the 41st and Fox Station Area Plan.*

4230 Elati is surrounded by 8-story designations to the north and east and 12-story designations to the west and south. The property is shown as Open Space/Parks/Plaza, however per the 41<sup>st</sup> and Fox Station Area Plan (2009), “although parks are conceptually shown on the land use plan, the actual size and locations are not determined. Future park space in this station area will require working with private property owners, additional study by the Parks Department, and developing funding partnerships to pay for park land, improvements and maintenance” (41<sup>st</sup> and Fox Station Area Plan page 17 LU 1i). As the park designation is conceptual, we look to the surrounding properties’ designations and maximum building heights and are pursuing a rezone Residential Mixed Use up to 8 stories.

- b. Additional Review Criteria for Non-Legislative Rezoning (DZC Sec. 12.4.10.8): The proposed rezone of 4230 Elati from I-A, UO-2 to C-RX-8 complies with all Additional Review Criteria for Non Legislative Rezoning.

- i. Justifying Circumstances

- 1. *Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest.* (DZC Sec. 12.4.10.8.A.4) Specifically, the city adopted the Globeville Neighborhood Plan in 2014, subsequent to the Citywide zoning effort in 2010. Additionally, while not open yet, a new light rail station is on the verge of opening and providing incredible transit opportunities to the area. Multiple rezones have occurred or are pending in the surrounding neighborhood, many changing industrial lands to mixed use and mixed residential – towards the goals of the plans for this neighborhood. Some redevelopment has occurred, in close proximity to the light rail station. Because of these reasons (recently adopted neighborhood plan and changing conditions), we believe a rezone of this property from I-A, UO-2 to C-RX-8 would serve the public interest.

- ii. Consistency with the description of applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.

- 1. For many years, this area has been designated as an area of change and growth. With this designation, construction and soon-to-be operational light rail line and the 41<sup>st</sup> and Fox Station, the opportunities for this area are incredible. To live in an up and coming area that is walking distance to a light rail station that

**4230 N. Elati Street**  
**Rezone Request from I-A, UO-2 to C-RX-8**  
**Review Criteria**

is only one stop away from Union Station is very desirable. The planned pedestrian-friendly growth for residential and commercial uses in this distinct area truly set the state for a vibrant, walkable, transit-oriented neighborhood.

A rezone of this property to C-RX-8 is consistent with the stated purpose and intent of the Urban Center Neighborhood Context. Per Denver Community and Development website, “the Urban Center Neighborhood Context consists primarily of mixed-use areas, containing both multi-family residential and commercial uses, often within the same building or on the same block. Urban Centers are found along major corridors, at transit station areas, or near and around downtown.” The proposed zone district (C-RX-8) will allow for multi-unit residential possibly commercial uses on the first floor. Future residents and shoppers will have convenient access to the nearby 41<sup>st</sup> and Fox Station.

The general purpose of the Residential Mixed Use Districts (C-RX-5, -8, -12) is “to promote safe, active, and pedestrian-scaled, diverse areas through building forms that clearly define and activate the public realm”, ‘to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering’, ‘to ensure new development contributes positively to established residential neighborhood and character’, and accommodates residential uses primarily, with commercial uses being secondary (Denver Zoning Code 7.2.3.1). This proposed rezone of land currently zoned I-A to C-RX-8 is consistent with the purpose of the Zone District as it will allow for residential uses with possibly commercial uses on the first floor, near a transit stop, in a walkable, pedestrian-focused community.

The Specific Intent for Residential Mixed Use 8 (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’ (Denver Zoning Code 7.2.3.2.B). The property proposed for rezoning is served by local streets that are in close proximity (one block away from) a mixed-use collector (Fox Street) and approximately two blocks away from the 41<sup>st</sup> and Fox Station. The desired building heights (2-8 stories) and access to transit are consistent with the zone district intent statement.

# Herrick Durango Land Company Operations LLC

P.O. Box 2675  
117 North Aspen Street  
Telluride, CO 81435

PHONE 970-728-5830

FAX 970-728-0995

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October 18, 2018

Community Planning & Development  
City/County of Denver  
201 W. Colfax Ave, Dept. 205  
Denver, CO 80202

RE: Authorization of Representation – 4230 N. Elati Street

To Whom It May Concern,

This letter serves as authorization for Megan Jones to act on behalf of and represent Edward D. Herrick, Jr. for the purpose of submitting and processing the rezoning application for the property owned by Herrick Durango Land Company Operations LLC, A Colorado Limited Liability Company at 4230 N. Elati Street (APN 02223-13-015-000) in Denver, Colorado.

Sincerely,

A handwritten signature in blue ink, appearing to read 'E. D. Herrick, Jr.', with a stylized flourish at the end.

Edward D. Herrick, Jr.  
Manager

## STATEMENT OF AUTHORITY

(§38-30-172, C.R.S.)

1. This Statement of Authority relates to an entity<sup>1</sup> named  
**HERRICK DURANGO LAND COMPANY OPERATIONS LLC, A COLORADO LIMITED LIABILITY COMPANY**
2. The type of entity is a:

<input type="checkbox"/> Corporation	<input type="checkbox"/> Registered Limited Liability Partnership
<input type="checkbox"/> Nonprofit Corporation	<input type="checkbox"/> Registered Limited Liability Limited Partnership
<input checked="" type="checkbox"/> Limited Liability Company	<input type="checkbox"/> Limited Partnership Association
<input type="checkbox"/> General Partnership	<input type="checkbox"/> Government or Governmental Subdivision or Agency
<input type="checkbox"/> Limited Partnership	<input type="checkbox"/> Trust
3. The entity is formed under the laws of **Colorado**
4. The mailing address for the entity is **117 N. ASPEN STREET, P.O. BOX 2675, TELLURIDE, CO 81435**
5. The ☒ name ☒ position of each person authorized to execute instruments conveying, encumbering or otherwise affecting title to real property on behalf of the entity is **EDWARD D. HERRICK, JR., MANAGER**
6. The authority of the foregoing person(s) to bind the entity: ☐ is<sup>2</sup> not limited ☒ is limited as follows: **BY THE TERMS OF THE OPERATING AGREEMENT**
7. Other matters concerning the manner in which the entity deals with interests in real property:
8. This Statement of Authority is executed on behalf of the entity pursuant to the provisions of §38-30-172, C.R.S.<sup>3</sup>
9. This Statement of Authority amends and supersedes in all respects any and all prior dated Statements of Authority executed on behalf of the entity.

Executed this **this** day of

8/9/18

(SEE ATTACHED "SIGNATURE PAGE")

WHEN RECORDED RETURN TO:

Attn:

<sup>1</sup>This form should not be used unless the entity is capable of holding title to real property.

<sup>2</sup>The absence of any limitation shall be prima facie evidence that no such limitation exists.

<sup>3</sup>The statement of authority must be recorded to obtain the benefits of the statute.





Statement of Authority - Buyer/Borrower

SIGNATURE PAGE

HERRICK DURANGO LAND COMPANY OPERATIONS  
LLC, A COLORADO LIMITED LIABILITY COMPANY

By: 

EDWARD D. HERRICK, JR., MANAGER

State of Colorado )

County of San Miguel )

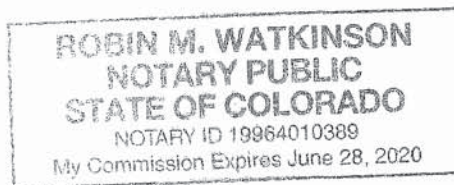
)ss.

The foregoing instrument was acknowledged before me on this day of 8/9/18 by EDWARD D. HERRICK, JR. AS  
MANAGER OF HERRICK DURANGO LAND COMPANY OPERATIONS, LLC, A COLORADO LIMITED LIABILITY COMPANY

Witness my hand and official seal

My Commission expires: 06/28/20

  
Notary Public





Colorado  
Secretary of State  
Wayne W. Williams

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## Summary

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Details			
<b>Name</b>	Herrick Durango Land Company Operations LLC		
<b>Status</b>	Good Standing	<b>Formation date</b>	05/05/2008
<b>ID number</b>	20081247960	<b>Form</b>	Limited Liability Company
<b>Periodic report month</b>	May	<b>Jurisdiction</b>	Colorado
<b>Principal office street address</b>	117 N. Aspen Street, Telluride, CO 81435, United States		
<b>Principal office mailing address</b>	PO Box 2675, Telluride, CO 81435, United States		

Registered Agent	
<b>Name</b>	James Mahoney
<b>Street address</b>	1047 S. First Street, Montrose, CO 81401, United States
<b>Mailing address</b>	PO Box 196, Montrose, CO 81402, United States

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Steve Ferris, Principal  
[sferris@realestategarage.net](mailto:sferris@realestategarage.net)  
April 12, 2019

Community Planning & Development  
City and County of Denver  
Attention: Sara White, Case Manager  
201 W. Colfax Avenue, 2<sup>nd</sup> floor  
Denver, CO 80202  
Sent via email to [sara.white@denvergov.org](mailto:sara.white@denvergov.org)

RE: Request to Rezone 4230 N. Elati St.

Denver Planning Board, City Council, Community Planning & Development, and Other Interested Parties:

I represent 4225 Elati LLC, the owner of 4225 North Elati Street, which consists of 25,000 SF of land across from 4230 N. Elati. We are aware of the proposed rezoning of 4230 North Elati, and support this rezoning change from I-A to C-RX-8 (case #2018i-00133).

We understand that the "Upper Fox" neighborhood will be evolving towards higher density residential and commercial development in the future, and believe it offers advantages for the immediate area and broader City of Denver. Please feel free to contact me should you have any questions.

Sincerely,



Steve Ferris  
Real Estate Garage

Cc: Andy Blanding, Owner of 4225 N. Elati  
Megan Jones, Representative, 4230 N. Elati

3001 Brighton Boulevard  
Suite 341  
Denver, Colorado 80216

720 490 1442 T  
720 747 4161 F

[russell@grubercommercial.com](mailto:russell@grubercommercial.com)

April 19<sup>th</sup>, 2019

Herrick and Co  
Herrick Durango Land Company Operations  
PO Box 2675  
Telluride, CO 81435

**RE: Up zone of 4230 Elati Street, Denver, CO**

To whom it may concern,

I wanted to express my support in re- zoning 4230 Elati Street from I-A (light industrial) up to C-RX-8 which is in the area dubbed Fox Island. I have been a longtime broker, and investor in the area and think density around the 41<sup>st</sup> and Fox Light Rail will be beneficial for the City of Denver as well as the surrounding neighborhood residents.

Please feel free to call my cell 720.490.1442 with any questions.

Sincerely,



Russell T. Gruber  
Industrial Specialist/Owner  
3001 Brighton Blvd, #341  
Denver, CO 80216  
[russell@grubercommercial.com](mailto:russell@grubercommercial.com)  
720.490.1442

April 30, 2019

Planning Board  
City/County Building  
1437 Bannock Street  
Denver, Colorado

Roger Willis  
4328 Delaware Street  
Denver, Colorado 80216  
303 250-6203

Reference:

Project Number: #20181-00133  
Address: 4230 Elati Street  
Denver, Colorado 80216

Proposed Rezone: From 1-A, OU-2 to C-RX-8 (Residential Mixed Use 8)

To whom it may concern:

I am a property owner at 4320-4328 Delaware Street, which is one block away from the proposed rezoning site, project Number: #20181-00133.

After a discussion with family members about this matter we support the rezoning request and would like to see it approved.

Best Regards,



Roger Willis