

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	3939 Williams Building Corp	Representative Name	Bruce O'Donnell / STARBOARD Realty
Address	1717 E. 39th Avenue	Address	770 Sherman Street, Suite 108
City, State, Zip	Denver, CO	City, State, Zip	Denver, CO 80206
Telephone	303-292-5161	Telephone	720-441-3310
Email	byron@portapowerinc.com	Email	bodonnell@starboardrealtygroup.com
<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>	
Please attach Proof of Ownership acceptable to the Manager for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed or deed of trust, or (c) Title policy or commitment dated no earlier than 60 days prior to application date.			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):	Located on North High Street & East 39th Avenue 3965, 3955 & 3995 North High Street		
Assessor's Parcel Numbers:	0223403023000 & 0223403034000		
Area in Acres or Square Feet:	34,375 square feet		
Current Zone District(s):	I-B, UO-2		
PROPOSAL			
Proposed Zone District:	I-MX-3 with UO-2 in place and remaining in effect		
Does the proposal comply with the minimum area requirements specified in DZC Sec. 12.4.10.3:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	

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

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

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

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement (must sign in the exact same manner as title to the property is held)	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed or deed of trust, (C) title policy or commitment, or (D) other as approved	Property owner representative written authorization? (YES/NO)
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 Josie Q. Smith</i>	01/01/12	(A)	NO
3939 Williams Building Corporation	3955, 3965 & 3995 N. High St. Denver, CO 80205 303-292-5161 byron@portapowerinc.com	100%	<i>By us</i>		A	
					A	
					A	
					A	
					A	

Last updated: February 4, 2015

 Return completed form to rezoning@denvergov.org
311 | FOR INFORMATION & CITY SERVICES

201 W. Colfax Ave., Dept. 205

Denver, CO 80202

 720-865-2974 • rezoning@denvergov.org

List of Exhibits

- Exhibit A:** Property Legal Descriptions
- Exhibit B:** Description of Consistency with Adopted City Plans (DRMC 12.4.10.13 (A, B & C))
- Exhibit C:** Description of Justifying Circumstances and Neighborhood Context (DRMC 12.4.10.14 (A&B))
- Exhibit D:** Letter of Authorization for STARBOARD Realty Group, LLC to act as Representative
- Exhibit E:** Verification of Signature Authority by Property Owner
- Exhibit F:** Proof of Ownership, Assessors Record

EXHIBIT A
LEGAL DESCRIPTION

A PARCEL OF LAND BEING LOTS 30 THROUGH 40, BLOCK 4, PROVIDENT PARK, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

EXHIBIT B
Description of Consistency with Adopted City Plans

REVIEW CRITERIA - The proposed map amendment is consistent with the following three adopted plans:

1. Denver Comprehensive Plan (2000)
2. Blueprint Denver (2002)
3. River North Plan (2003)
4. 38th & Blake Station Area Plan (2009)
5. Elyria & Swansea Neighborhoods Plan (2015)

Statement of Consistency with Adopted City Plans:

1. The proposed map amendment is consistent with many objectives of ***Denver Comprehensive Plan 2000*** including:

Form and Use Strategy 1-B: “Ensure that the *Citywide Land Use and Transportation Plan* reinforces the city’s character by building on a legacy of high-quality urban design and stable, attractive neighborhoods; encouraging preservation of historic buildings, districts and landscapes; and maintaining the integrity of the street grid, parks, parkways and open space system.”

Form and 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.” As well as: “Support retention and expansion of businesses in industries historically important to Denver, including small business, health care, manufacturing, and federal and state government.”

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

Legacies Strategy 3-A: “Identify areas in which increased density and new uses are desirable and can be accommodated.”

The proposed map amendment will also contribute to preserving and enhance the individuality, diversity and livability of Denver’s neighborhoods by fostering the following Plan objectives:

Congruency of land use and zoning: “...a built environment with greater overall urban design integrity, stronger connections among urban centers, and a richer and more diverse mix of uses within geographically proximate areas.”

Compact development: “...improved neighborhood cohesion, reduced urban sprawl and residents more directly connected to services and amenities within their immediate living environment.”

2. The proposed map amendment is consistent with many objectives of **Blueprint Denver** including:

The **Blueprint Denver** future land use designation for the subject property is Mixed Use. The Property is also located in an Area of Change.

Blueprint Denver describes Mix User neighborhoods as “These areas have a sizable employment base as well as housing. Intensity is higher in mixed-use areas than in other residential areas. Land uses are not necessarily mixed in each building or development or even within each block. But within the neighborhood, residential and non-residential uses are within walking distance of one another.”

Blueprint Denver also states that “Areas of Change are areas where growth will be beneficial and can best improve access to jobs, housing and services with fewer auto trips.”

The **Blueprint Denver** Plan Strategy: Direct Growth to Areas of Change – the Property is in a **Blueprint Denver** identified Area of Change and also meets the following **Blueprint Denver** Areas of Change criteria, goals and objectives:

- Certain features of the Property characterize an Area of Change, such as:
 - The Property is largely underutilized land
 - The Property is in an area undergoing positive change that is expected to continue
- The Property also provides opportunities for the following **Blueprint Denver** Strategies including:
 - Housing, including affordable housing
 - Infill and redevelop vacant and underused properties
 - Compatibility between new and existing development
 - Balanced mix of uses
 - Economic activity—business retention, expansion and creation

New I-MX-3 zoning for the Property will allow these **Blueprint Denver** goals to be implemented.

Blueprint Denver also is relevant to the Property and positively informs the rezoning request at follows:

“Mixed-Use Zoning: Mixed-use zoning provides a mixture of uses to enable residents to shop and work in the same area. Mixed-use zoning allows or encourages residential use with commercial use, such as moderate sized offices or retail. The uses can be either mixed in the same building or in separate buildings near each other.”

New I-MX-3 zoning for the Property will allow this **Blueprint Denver** goal to be implemented.

The rezoning of the subject property will enable redevelopment of a formerly heavy industrial area into a vibrant new industrial mixed-use neighborhood proximate to jobs, services and multimodal transportation corridors.

3. The proposed map amendment is consistent with many objectives of the **River North Plan**.

One of the applicable neighborhood plans for the property is the **River North Plan**, which was adopted in 2003. The **River North** future land use designation for the subject property is TOD Mixed Use. One of the stated goals for this plan is: "Create opportunities for employees of current and future employers to live within the study boundaries and seek to connect residents of adjacent neighborhoods with jobs within the Plan's boundaries."

Another stated goal of the plan is to: "Build upon the unique land uses that exist and identify redevelopment sites and opportunities that foster the creation of a compatible mix of uses." As well as by "adding new development to the current uses and structures, create a unique environment both in terms of an eclectic mix of uses and exciting, innovative architecture."

The proposed I-MX-3 zone district is consistent with this Plan vision and will help to provide the regulatory framework for implementation of these Plan goals and objectives. The existing site is a unique redevelopment opportunity that will foster the creation of a mix of uses.

4. The proposed map amendment is consistent with and helps to implement the approved **38th & Blake Station Area Plan**. Specifically, one of the goals of the Plan is to "Utilize the station investment to strengthen existing diverse neighborhoods and create a new center for the community" while two of the plan objectives include: "Promote a unique sense of place by requiring development to respect the context of the area's diverse existing urban form characteristics" and "Promote infill within the station area to create development that supports transit ridership, residential, and neighborhood-serving retail and services."

In the Station Area Plan the future land use for the Denver Rock Drill property is designated as TOD Mixed Use. Rezoning the Property to I-MX-3 will allow the first implementation steps of this TOD vision to occur. In addition, the Station Area Plan calls for 3 story building heights at this location.

The Station Area Plan's Implementation Strategy Recommendation LU-5 states:

"Increase the population of residents living near transit through the adaptive reuse of existing buildings or construction of new residential buildings along Blake Street, around the Rock Drill Lofts, and on Brighton Boulevard southwest of 36th Street..."

The proposed I-MX-3 zoning meets both the goal and objectives stated above by developing the area to respect the context of the area's diverse urban form characteristics. The proposed parking garage will serve the new development in order to support the neighborhood-serving retail and services.

5. The proposed map amendment is consistent with many objectives of the ***Elyria & Swansea Neighborhood Plans***. The ***Elyria & Swansea Neighborhood Plan*** concept land use designation for the subject property is Mixed Use. One of the stated goals for this plan is to establish a strong compilation of land uses that balances the needs of residents, commerce and industry. In order to facilitate that goal, industrial mixed uses in this neighborhood "... can be, but are not necessarily, mixed in each building, development, or block. Pedestrian access is important within the areas, with residential and non-residential uses always within short walking distance of one another." The proposed redevelopment will include mixed uses in the development with an emphasis on pedestrian access, thereby meeting one of the stated goals of the neighborhood plan.

EXHIBIT C

Description of Justifying Circumstances and Neighborhood Context

Justifying Circumstances - One of the following circumstances exists:

1. 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.

2. 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.

Statement of Justifying Circumstances:

The approximately 34,375 square foot property owned by 3939 Williams Building Corp to be rezoned to I-MX-3 is located in a part of Denver undergoing tremendous and positive transformation. The RiNo / Upper Larimer and River North communities are developing rapidly. The proposed map amendment is in response to these changing conditions and the need for mixed use development.

The opening of the RTD "A Line" rail service connecting Denver Union Station to Denver International Airport is an important and positive change for the area. The A line has the 38th & Blake Transit stop two blocks from the Denver Rock Drill property, a recent and catalytic change for the Property.

The Property consists of under developed land that is efficiently served by existing infrastructure. Rezoning will further the policy goals and multiple City plan directions of converting the Property to a vibrant mixed-use community. Conditions in the neighborhood and prices are changing rapidly thereby providing the legal basis for this map amendment application and rezoning request.

This rezoning will be an implementation step of the policy, land use and transportation goals identified in the aforementioned Plans. Once rezoned, the Property can accommodate the urban densities and mix of uses prescribed in the plans. This rezoning is necessary for the following reasons:

1. Conformance with the River North, the 38th and Blake Station Area Plan and the Elyria & Swansea Neighborhood Plans.
2. Implementation of Blueprint Denver.
3. Furtherance of the public health, safety & welfare

Development throughout the River North Neighborhood over the last 10 years has transformed the area into a premier mixed-use urban infill community. The proposed Zone District provides the form-based context to enable what the City policy documents prescribe, the market wants, the community and Denver's elected officials desire for the furtherance of the neighborhood and this region of the City. Design elements imbedded in the zoning such as building height and orientation will help create a quality community the City and its residents will be proud of.

Statement of Consistency with Neighborhood Context and General Purpose of Zone Districts:

This map amendment application requests approval of the I-MX-3 Zone District for the Property.

The Denver Zoning Code states that the General Purpose of the “I-MX” Zone Districts is intended to develop the subject area in a pedestrian-oriented pattern, with buildings built up to the street as well as accommodating a variety of industrial, commercial, civic and residential uses.

The Mixed Use Zone Districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city’s neighborhoods. The Mixed Use Zone District standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods.

I-MX-3 is an industrial mixed-use district intended to promote development and redevelopment of transitioning industrial neighborhoods with building up to 3 stories high. Mixed Use districts are focused on creating mixed, diverse neighborhoods. The proposed use contemplated by the applicant will create and enhance a mixed, diverse and affordable neighborhood.

The **General Intent** for this rezoning to I-MX-3 is as follows:

1. To Implement the Denver Comprehensive Plan and its supplements.
2. To implement both Blueprint Denver as well as the River North Neighborhood Plan, the 38th and Blake Station Area Plan and the Elyria Swansea Neighborhood Plan.
3. The Mixed Use Zone Districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city’s neighborhoods.
4. The Mixed Use Zone District standards are also intended to ensure new development contributes positively to established neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods.

REVIEW CRITERION DZC § 12.4.10.7.C - 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.

Future development of the Property will result in uniformity of I-MX-3 district regulations and restrictions.

REVIEW CRITERION-The proposed official map amendment furthers the public health, safety, and general welfare of the City.

The proposed map amendment will further the public health, safety, and general welfare of the City by facilitating the improvement and development of the Property as desired by the City’s adopted plans.

EXHIBIT D

Letter of Authorization for STARBOARD Realty Group, LLC to act as Representative

3939 Williams Building Corporation
1717 E. 39th Avenue
Denver, CO 80205

March 15, 2017

Mr. Bruce O'Donnell
STARBOARD Realty Group, LLC
770 Sherman Street, Suite 108
Denver, CO 80203
bodonnell@starboardrealtygroup.com
720-441-3310

Dear Bruce,

This letter serves as authorization for STARBOARD Realty Group, LLC to act on behalf of and represent 3939 Williams Building Corporation, the property owner, for the purpose of submitting and processing the rezoning application for the property located at 3955, 3965 and 3995 N. High Street in Denver, CO.

Sincerely,



Byron Weiss
President & Authorized Representative

EXHIBIT E

Verification of Signature Authority by Property Owner

BOARD RESOLUTION
OF
3939 WILLIAMS BUILDING CORPORATION

We, the undersigned, being all the Directors and Shareholders of 3939 Williams Building Corporation, organized and existing under the laws of Colorado, and having its principal place of business at 1717 E 39th Ave, Denver, Colorado 80205 (the "Corporation"), hereby certify that the following is a true and correct copy of a resolution duly adopted at a meeting of the Directors and Shareholders of the Corporation duly held and convened on March 14, 2017, at which a quorum of the Board of Directors was present and voting throughout, and that such resolution has not been modified, rescinded or revoked, and is at present in full force and effect:

Therefore, it is resolved:

Byron Weiss is hereby identified as authorized signer for 3939 Williams Building Corporation.

DIRECTORS

Byron Weiss
Byron Weiss
President

03/14/17
Date

SHAREHOLDERS

Brett Weiss
Brett Weiss
Vice President

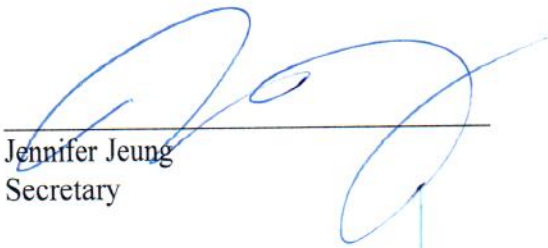
03/14/17
Date

Circle this L.S. as there is no corporate seal.

CERTIFICATE OF SECRETARY

The Secretary of the Corporation hereby certifies that he/she is the duly elected and qualified Secretary of 3939 Williams Building Corporation and certifies that the above is a true and correct

record of the resolution that was duly adopted by the Directors and Shareholders of the Corporation on March 14, 2017.

A handwritten signature in blue ink, consisting of several large, overlapping loops and curves, positioned above a horizontal line.

Jennifer Jeung
Secretary

EXHIBIT F
Proof of Ownership, Assessors Record

3955 HIGH ST

Owner	Schedule Number	Legal Description	Property Type	Tax District
3939 WILLIAMS BUILDING 1717 E 39TH AVE DENVER , CO 80205-3401	0223403034000	PROVIDENT PARK B4 L30 THRU L36	INDUSTRIAL - WAREHOUSE	DENV

Property Description

Style:	OTHER	Building Sqr. Foot:	14063
Bedrooms:		Baths Full/Half:	0/0
Mill Levy:	81.547	Basement/Finish:	0/0
Lot Size:	21,875	Zoned As:	IB
Effective Year Built:	1974	Document Type:	

Note: Valuation zoning may be different from City's new zoning code.

3995 HIGH ST

Owner	Schedule Number	Legal Description	Property Type	Tax District
3939 WILLIAMS BUILDING CORP 1717 E 39TH AVE DENVER , CO 80205-3401	0223403023000	L 37 TO 40 BLK 4 PROVIDENT PARK	INDUSTRIAL - MEAT PACKING	DENV

Property Description

Style:	OTHER	Building Sqr. Foot:	4050
Bedrooms:		Baths Full/Half:	0/0
Mill Levy:	81.547	Basement/Finish:	0/0
Lot Size:	12,500	Zoned As:	IB
Effective Year Built:	1973	Document Type:	QC

Note: Valuation zoning may be different from City's new zoning code.