



Zone Map Amendment (Rezoning) - Application

1/26/12

PROPERTY OWNER INFORMATION*	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	SRI Real Estate Properties LLC
Address	300 Johnny Bench Drive
City, State, Zip	Oklahoma City OK 73104
Telephone	405-380-4012
Email	scot.treadwell@sonicdrivein.com
*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.	

PROPERTY OWNER(S) REPRESENTATIVE**	
<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Representative Name	Scot Treadwell
Address	300 Johnny Bench Drive
City, State, Zip	Oklahoma City, OK 73104
Telephone	405-380-4012
Email	scot.treadwell@sonicdrivein.com
**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.	

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):	1300 South Sheridan
Assessor's Parcel Numbers:	05192-20-007-000
Legal Description: (Can be submitted as an attachment. If metes & bounds, a map is required.)	Sheridan Sunset Sub B1 L1 TO 4 INC EXC WLY AND EXC 5 4FT OF L4 THEREOF
Area in Acres or Square Feet:	31960
Current Zone District(s):	PUD 511

PROPOSAL	
Proposed Zone District:	E-MX-3



REVIEW CRITERIA

General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.13

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.

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.

Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.

Additional Review Criteria for Non-Legislative Rezoning: The proposal must comply with both of the additional review criteria DZC Sec. 12.4.10.14

Justifying Circumstances - One of the following circumstances exists:

- The existing zoning of the land was the result of an error.
The existing zoning of the land was based on a mistake of fact.
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.
The land or its surroundings has changed or is changing to such a degree that rezoning that it is in the public interest to encourage a redevelopment of the area to recognize the changed character of the area
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.

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.

ATTACHMENTS

Please check any attachments provided with this application:

- Authorization for Representative
Proof of Ownership Document(s)
Legal Description
Review Criteria

Please list any additional attachments:



DENVER
THE MILE HIGH CITY

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</i> <i>Josie Q. Smith</i>	01/01/12	(A)	NO
SRI Real Estate Properties LLC	300 Johnny Bench Drive Oklahoma City OK 73104 405-380-4012 scot.treadwell@sonicdrivein.com	100%	Dino Medina VP SRI Real Estate LLC <i>Dino Medina</i>	2-11-13	B	YES

AUTHORIZATION TO ACT AS APPLICANT

SRI Real Estate Properties LLC, a Delaware limited liability company ("SRI RE"), as owner of the property located at 1300 South Sheridan, Denver, Colorado (the "Property"), and Sonic Restaurants, Inc., an Oklahoma corporation ("SRI"), as owner/operator of the Sonic Drive-In restaurant located on the Property, do each hereby authorize Scot Treadwell, as Director of Construction, to act for and on behalf of: (a) SRI RE in connection with SRI RE's rezoning application for the Property; and (b) SRI in connection with SRI's corresponding application for a building permit for a remodeling project at the Property (including the addition of a drive-through), all in accordance with the remodel plans submitted to the City of Denver in connection therewith.

Dated effective the 28 day of March, 2013.

SRI REAL ESTATE PROPERTIES LLC,
a Delaware limited liability company

By: *Dino Medina*
Dino Medina, Vice President

SONIC RESTAURANTS, INC., an
Oklahoma corporation

By: *Dino Medina*
Dino Medina, Vice President

Prepared by:

Joe C. Lewallen, Jr., Esq.
Fellers, Snider, Blankenship,
Bailey & Tippens
100 N. Broadway, Suite 1700
Oklahoma City, OK 73102-8820

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GENERAL WARRANTY DEED
(No Documentary Fee Per C.R.S. §39-13-102(2)(a))

Sonic Restaurants, Inc., an Oklahoma corporation ("Grantor"), whose mailing address is 300 Johnny Bench Drive, Oklahoma City, OK 73104, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by SRI Real Estate Properties LLC, a Delaware limited liability company ("Grantee"), whose mailing address is 300 Johnny Bench Drive, Oklahoma City, OK 73104, the receipt and sufficiency of which consideration are hereby acknowledged, has GRANTED, BARGAINED, SOLD, and CONVEYED and by these presents does hereby GRANT, BARGAIN, SELL and CONVEY unto Grantee all of that certain real property located in Denver County, Colorado, and being more particularly described in Exhibit "A" which is attached hereto and by this reference made a part hereof for all purposes (the "Land"), LESS AND EXCEPT all oil, gas and other minerals, not limited solely to hydrocarbons, previously reserved or conveyed of record, and all rights pertaining thereto, but together with all improvements thereon and all and singular the rights, benefits, privileges, easements, tenements, hereditaments, and appurtenances thereon or in anywise appertaining thereto (said real property, together with such improvements and such rights, benefits, privileges, easements, tenements, hereditaments and appurtenances are hereinafter collectively referred to as the "Property").

TO HAVE AND TO HOLD the Property, subject to any and all easements, rights-of-way, encumbrances, conditions, covenants, restrictions, reservations and other matters of record, all applicable building and zoning ordinances, laws, regulations and restrictions by governmental authorities and all matters as would be disclosed by an accurate on-the-ground survey of the Property (the "Permitted Exceptions") as aforesaid, unto Grantee, its successors and assigns, forever, and Grantor does hereby bind itself, its successors and assigns, to WARRANT AND FOREVER DEFEND all and singular the Land, unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof.

IN WITNESS WHEREOF, this General Warranty Deed has been executed and delivered by Ronald L. Matlock, its Sr. Vice-President, who is authorized to execute this conveyance, to be effective for all purposes as of the 20th day of December, 2006.

GRANTOR:

Sonic Restaurants, Inc.,
an Oklahoma corporation

By: *Ronald L. Matlock*
Name: Ronald L. Matlock
Title: Sr. Vice-President

STATE OF OKLAHOMA)
)
COUNTY OF OKLAHOMA)

SS:

This instrument was acknowledged before me on the 12 day of December, 2006, by Ronald L. Matlock, Sr. Vice-President of Sonic Restaurants, Inc., an Oklahoma corporation.

Tracy L Robertson
Notary Public, State of Oklahoma

My Commission Expires:

(Seal)



EXHIBIT "A"
Legal Description

4127-010401. Denver, CO (S. Sheridan Blvd.)

LOTS 1 TO 4, INCLUSIVE,
BLOCK 1,
SHERIDAN SUNSET SUBDIVISION,
CITY AND COUNTY OF DENVER,
STATE OF COLORADO.

LESS AND EXCEPT:

A PARCEL OF LAND BEING A PART OF LOTS 1 THROUGH LOT 4, BLOCK 1, SHERIDAN SUNSET SUBDIVISION AS RECORDED IN PLAT BOOK 20 AT PAGE 29 OF THE CITY AND COUNTY OF DENVER CLERK AND RECORDERS OFFICE, BEING A PART OF THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE WESTERLY 10.00 FEET OF SAID LOTS 1, 2, 3 AND 4, AND THE SOUTHERLY 4.00 FEET OF SAID LOT 4. SAID PARCEL CONTAINS 2,609 SQUARE FEET (0.0599 ACRES), MORE OR LESS.

**Attachment to SRI Real Estate Properties LLC
Zone Map Amendment (Rezoning) Application
March 28, 2013**

SRI Real Estate Properties LLC is requesting an official map amendment to revise zoning at their Sonic Restaurant site located at 1300 South Sheridan Boulevard from PUD511 to E-MX-3. Among other things, this change will allow for a drive thru lane and window to be added to the existing Sonic Restaurant at that site. The Drive Thru will modernize the property to the needs of today's "drive thru-oriented" customer base. Although the function of the property will not change, the planned drive thru does not conform to the development standards contained in PUD511, and will require either an amendment to PUD511 or an amendment to the Denver zone map placing this site within the E-MX-3 zone district. After consultation with City staff and a consideration of all factors, Sonic has determined that a zone map amendment would be the best approach as it will provide for development of the site in accordance with Sonic's current plans, and will also allow the site to be zoned under the classification in the current Denver Zoning Code that best meets the existing character of the site and the surrounding area.

Consistency with Neighborhood Context and Proposed Zone District:

The justification for the rezoning is to recognize that the limitations under the current PUD zoning no longer meet the current and future needs of the property owner to provide the types of services and facilities that are appropriate for a major mixed use corridor such as Sheridan Boulevard. The rezoning will also provide for consistent development along this corridor, as the properties immediately to the North of the site are also zoned E-MX-3. The E-MX-3 zoning is particularly appropriate for this site, as it will allow for a mix of uses that are desired in the Urban Edge Neighborhood Context and provides a number of design options that allow for varied building placement, including drive thru service, while still providing for active street fronts.

Consistency with Adopted City Plans:

In addition to facilitating Sonic's immediate improvement plans for this site, the map amendment will achieve numerous goals outlined in the City's Comprehensive Plan 2000 and the Blueprint Denver Plan. The site and the surrounding neighborhood are properly classified as "Urban Edge" under the Denver Zoning Code, being characterized by a mix of elements from both the Urban and Suburban Neighborhood Contexts. Sheridan Boulevard in this area is classified as a mixed use arterial under the Blueprint Denver land use map, and rezoning this property as E-MX-3 will advance the goals of Denver's mixed use zone districts. The rezoning will also facilitate the City's goal of rezoning outdated PUD districts and conforming those areas to the current Denver Zoning Code. Specifically, this rezoning will allow this site to develop in a manner which conforms to the neighborhood character by: (1) enhancing the convenience and ease of walking, shopping and public gathering within the neighborhood; (2) allowing for mixed use development along the Sheridan corridor; (3) developing in a manner that is consistent with existing varied development patterns of this Urban Edge Neighborhood; and (4) improving the transition between the properties fronting on Sheridan Boulevard and adjacent residential neighborhoods.