

## Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	4201 Delaware Street, LLC	Representative Name	Lorraine Stuart
Address	2500 17th Street, Suite 201	Address	2500 17th Street, Suite 201
City, State, Zip	Denver, CO 80211	City, State, Zip	Denver, CO 80211
Telephone	303.989.3900	Telephone	303.989.3900
Email	isalazar@centralstreetcap.com	Email	lstuart@centralstreetcap.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 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. 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.			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):	4201 N. Delaware Street		
Assessor's Parcel Numbers:	0222313014000		
Area in Acres or Square Feet:	7,170 sq ft lot size		
Current Zone District(s):	I-A, UO-2		
PROPOSAL			
Proposed Zone District:	C-RX-8		

**REVIEW CRITERIA**

General Review Criteria: The proposal must comply with all of the general review criteria  
DZC Sec. 12.4.10.7

- 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. 12.4.10.8

- 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.
  - 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:
    - a. Changed or changing conditions in a particular area, or in the city generally; or,
    - b. A City adopted plan; or
    - c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.
  - 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.

**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:

## 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)
<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
Lorraine Stuart on behalf of 4201 Delaware Street, LLC	4201 N. Delaware Street Denver, CO 80216 303.989.3900	100%	<i>L. Stuart</i>	6/26/18	<b>B</b>	Yes

Last updated: May 24, 2018

 Return completed form to [rezoning@denvergov.org](mailto:rezoning@denvergov.org)

201 W. Colfax Ave., Dept. 205

Denver, CO 80202

 720-865-2974 • [rezoning@denvergov.org](mailto:rezoning@denvergov.org)

After Recording Return to:  
4201 Delaware Street, LLC, a Colorado Limited Liability Company

**WARRANTY DEED**

This Deed, made December 3, 2007

Between **Marc Lefkovics** of the County Denver, State of COLORADO, grantor(s) and **4201 Delaware Street, LLC, a Colorado Limited Liability Company**, whose legal address is 2500 18<sup>th</sup> Street, Suite 200 Denver, CO 80211 County of Denver, and State of COLORADO, grantee.

25.60

WITNESS, That the grantor, for and in the consideration of the sum of **TWO HUNDRED FIFTY-SIX THOUSAND AND 00/100 DOLLARS (\$256,000.00)** the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the grantee, their heirs and assigns forever, all the real property together with improvements, if any, situate, lying and being in the County of Denver, State of COLORADO described as follows:

Lots 16 and 17, Block 9,  
Viaduct Addition,  
City and County of Denver,  
State of Colorado

also known by street and number as **4201 Delaware Street, Denver, CO 80216**

**TOGETHER** with all and singular hereditaments and appurtenances, thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

**TO HAVE AND TO HOLD** said premises above bargained and described, with the appurtenances, unto the grantee, his heirs and assigns forever. And the grantor, for himself, his heirs and personal representatives, does covenant, grant, bargain and agree to and with the grantee, his heirs and assigns, that at the time of the ensealing and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind of nature so ever, **except for taxes for the current year, a lien but not yet due and payable, and those specific Exceptions described by reference to recorded documents as reflected in the Title Documents accepted by Buyer in accordance with section 8a (Title Review) of the contract dated November 7, 2007, between the parties.**

The grantor shall and will **WARRANT AND FOREVER DEFEND** the above-bargained premises in the quiet and peaceable possession of the grantee, his heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof. The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

**IN WITNESS WHEREOF**, the grantor has executed this on the date set forth above.

**SELLER:**

  
\_\_\_\_\_  
Marc Lefkovics

STATE OF COLORADO  
COUNTY OF JEFFERSON

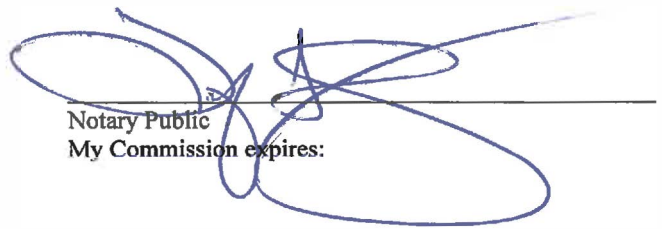
}ss:

The foregoing instrument was acknowledged, subscribed and sworn to before me **December 3, 2007** by **Marc Lefkovics**.

Witness my hand and official seal.

Jennifer Furrey  
NOTARY PUBLIC  
STATE OF COLORADO

My commission expires 01/08/2009

  
\_\_\_\_\_  
Notary Public  
My Commission expires:

LEGAL DESCRIPTION

4201 N. Delaware Street, Denver, CO 80216

LOTS 16 AND 17, BLOCK 9, OF VIADUCT ADDITION  
REC NO. 2007187560 DATED: 13/3/2007  
CITY OF DENVER, STATE OF COLORADO





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## Summary

Details			
<b>Name</b>	4201 Delaware Street, LLC		
<b>Status</b>	Good Standing	<b>Formation date</b>	11/20/2007
<b>ID number</b>	20071530862	<b>Form</b>	Limited Liability Company
<b>Periodic report month</b>	November	<b>Jurisdiction</b>	Colorado
<b>Principal office street address</b>	2500 17th Street, Suite 201, Denver, CO 80211, United States		
<b>Principal office mailing address</b>	n/a		

Registered Agent	
<b>Name</b>	V. Robert Salazar
<b>Street address</b>	2500 17th Street,, Suite 201, Denver, CO 80211, United States
<b>Mailing address</b>	3900 Elati St., Denver, CO 80216, United States

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4201 DELAWARE STREET, LLC  
2500 17<sup>TH</sup> STREET, SUITE 201  
DENVER, CO 80211  
PHONE: 303.989.3900 FAX: 303.785.5984

July 11<sup>th</sup>, 2018

**Re: 4201 N Delaware Street  
Notice to Request to Rezone**

To whom it may concern:

4201 Delaware Street, LLC (owner) is in the process of requesting to rezone 4201 N Delaware Street from I-A to C-RX-8. The parcel on the corner of N Delaware Street and W 42<sup>nd</sup> Avenue in the Globeville Neighborhood is currently a single family home and detached garage. With the new Light Rail Station on Fox Street and the new TOD typology for the area being more of an 'urban' character the current zoning is limited to its future uses for any typical Residential Mixed Use developments.

The new proposed zoning will match the general neighborhood development and is consistent with the following General Review Criteria:

Consistency with Adopted Plans

The parcel is consistent with the adopted plans of Blueprint Denver and the Denver Comprehensive Plan. It is also compliant with the Globeville Neighborhood Plan (2014) and the 41<sup>st</sup> and Fox Station Area Plan (2009). The area is designated as Area of Change / TOD allowing for residential mixed-use developments up to 12 stories in height. The proposed map amendment will enable growth and allow for residential mixed-use developments to serve the everyday needs of the neighborhood. The proposed C-RX-8 zone district is consistent with the recommendations of the referenced adopted plans.

Uniformity of District Regulations

This parcel is consistent with and similar to adjacent properties in the Fox Street Station neighborhood recently zoned to C-RX. The proposed rezoning will result in the uniform application of building form, use and design regulations.

Public Health, Safety and General Welfare

The development of this parcel will likely encourage more substantial investment to rehabilitate the property with a useful life for the community. The development of this parcel will serve the well being of the general public by allowing for more local businesses to continue the existing surrounding development structures.



### Justifying Circumstances

‘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.’

The above referenced section of the DZC applies to this parcel as properties of the surrounding area have been rezoned in recent years with the existing zoning no longer being appropriate for this site. It is in the public interest to match the surrounding zoning recognizing the changed character of the area.

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

- The requested C-RX-8 zone district is within the Urban Neighborhood Context. The Mixed Use districts are intended to promote active, pedestrian-scaled and diverse areas and activate the public street edge. The district standards are also intended to enhance the neighborhood and ensure new development that contributes positively to the established character. The proposed rezoning is consistent with the Urban Center context. Given the proximity to transit and the mixed-use arterial Fox Street the proposed rezoning will achieve the intent of the zone district.

Please see enclosed supporting documentation of the surrounding area.

With this letter we are reaching out to all associated Registered Neighborhood Organizations hoping to get your support for the proposed map amendment for 4201 N Delaware St. If you have any questions or comments please don't hesitate to contact the City's Denver Planning Board at:

Planning Services  
Community Planning and Development  
201 W. Colfax Avenue, Dept. 205  
Denver, CO 80202  
[Rezoning@denvergov.org](mailto:Rezoning@denvergov.org)

Or us directly at:  
4201 Delaware Street, LLC  
2500 17<sup>th</sup> Street, Suite 201  
Denver, CO 80211  
303.989.3900  
Attn: Isiah Salazar  
[isalazar@centralstreetcap.com](mailto:isalazar@centralstreetcap.com)

Kind Regards,



Isiah R. Salazar

## REVIEW CRITERIA

4201 Delaware Street, LLC (Applicant) is applying to rezone 4201 N Delaware St from I-A to C-RX-8. The existing UO-2 Billboard Use Overlay will **NOT** be maintained.

The parcel on the corner of Delaware St and W 43rd Ave in the Globeville Neighborhood is currently a single-family home with detached garage. With the new Light Rail Station on 41<sup>st</sup> and Fox Street and the new TOD typology for the area being more of an 'urban' character, the current I-A zoning is limited in its future uses for any typical Mixed-Use developments. The current adjacencies in this neighborhood include Industrial, Mixed-Use, Multi-Unit and Single Family Residential.

The new proposed zoning will match the general neighborhood development and is consistent with the following General Review Criteria:

### Consistency with Adopted Plans

The proposed zoning of C-RX-8 is consistent with the City's vision for the neighborhood and supported by all City and County of Denver adopted plans. These following Plans apply to the subject property:

- Denver Comprehensive Plan 2000
- Blueprint Denver
- Globeville Neighborhood Plan (2014)
- 41<sup>st</sup> and Fox Station Area Plan (2009)

Also addressed are the new Denver City Council adopted changes to the Denver Zoning Code, including modifications to the Justifying Circumstances language in section 12.4.10.8.A.

- **Denver City Council adopted changes**

On May 21, 2018 the Denver City Council adopted changes to the Denver Zoning Code, including modifications to the Justifying Circumstances language in section 12.4.10.8.A. After review of the adopted language, the Applicant believes the rezoning is justified under sections 12.4.10.8.A.4a and 12.4.10.8.A.4B for the following reasons:

4a) states "a changing condition" to such a degree that the proposed rezoning is in the public interest. The opening of the Gold Line light rail station at 41<sup>st</sup> in conjunction with recent developments at Elati and Fox street warrants rezoning to the subject property.

4b) states "A City adopted plan". In 2014, the Globeville Neighborhood Plan was adopted in which the subject property is suggested and shown as Urban Residential 8 zoning for the optimum zoning for the public interest. For this reason and as stated below, the subject project is being submitted for rezoning to C-RX-8 in alignment with the City of Denver Globeville Neighborhood Plan (2014).

Further explanation and description is listed below in Justifying Circumstances.

- **Comprehensive Plan 2000**

The proposed new zoning of the subject property is consistent with intent of the Denver Comprehensive Plan strategies. A number of specific alignments with the Comprehensive Plan Objectives and Strategies that would provide value to the public interest include the following:

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

Land User Strategy 4A – 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.

Mobility Strategy 3-B – Promote transit-oriented development (TOD) as an urban design framework for urban centers and development area. Development as transit stations should provide both higher ridership to the transit system and viability and walkability in the area.

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

The proposed rezoning will enable the continued development opportunity of residential mixed-use development around the 41<sup>st</sup> Street Station where services and infrastructure are already under development. The C-RX-8 will allow high-intensity development immediately adjacent to the transit station as well as alignment with existing 18 story student housing facility. The rezoning is consistent with the Denver Comprehensive Plan.

- **Blueprint Denver:**

The property is located on North Delaware Street in an Area of Change with the Concept Land Use being designated as Transit Oriented Development (TOD). Areas of Change promote development, growth and change. With the new 41<sup>st</sup> and Fox light-rail stop being within a quarter mile from the property the proposed new zoning will allow alternative ways to providing housing, services, and employment opportunities for a diverse population in a configuration that facilitates pedestrian and transit access. The new proposed zoning supports Transit Oriented Development with Residential Mixed-Use and thus will help create the envisioned change in the adjacency to the transit station served by light rail and bus.

- **Globeville Neighborhood Plan:**

The Globeville Neighborhood Plan is the most recently adopted plan and confirms the vision for the neighborhood as laid out in Blueprint Denver – Transit Oriented Development (TOD) within an Area of Change. The plan's recommendation #4 calls to

improve access to Housing and to improve Neighborhood Services. The new proposed zoning would support and accommodate low-to-mid rise redevelopment with a maximum building height of 8 stories. Transit Oriented Development with Commercial Mixed-Use, and Multifamily Residential Uses will help create the envisioned change in the 41<sup>st</sup> and Fox Station Area balancing the needs of Residents, Commerce and Industry.

- **41<sup>st</sup> and Fox Station Area Plan:**

This plan is focused on the long-term redevelopment of the area East of the railroad tracks to create a complete, transit-friendly neighborhood. The property is designated as Mixed-Use Office/Residential with a building height of 2-8 stories. The proposed new zoning would allow for the promoted higher density with a variety of uses including Commercial and Residential. The plan's focal point of a diverse, transit supportive and environmentally sustainable Urban Center will be supported and create opportunities to add more housing, jobs and services to the station area.

The new proposed C-RX-8 zone district is consistent with the recommendations of the above referenced adopted plans, and would enable growth and allow for residential mixed-use developments to serve the everyday needs of the neighborhood in adjacency to the new transit station.

#### **Uniformity of District Regulations**

The general purpose of the Residential Mixed-Use zone district is to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city's residential neighborhoods. This new proposed zoning will support the vision for this area. The proposed new zoning for this property will result in the uniform application of the Zone District's building form, use and design regulations.

#### **Public Health, Safety and General Welfare**

The proposed official map amendment furthers the public health, safety and general welfare of the City. This amendment will improve an industrial site into a new Residential Mixed-Use development incorporating a variety of uses including new mixed-income housing and commercial spaces. The rezoning and future development of this site will contribute to the creation of a safer improved road and pedestrian sidewalk network for existing and future area residents. The new light rail station will provide easy access to downtown and reduce the need for automotive transportation.

The development of this parcel will likely encourage more substantial investment to rehabilitate the property with a useful life for the community by allowing for more local businesses to continue the existing surrounding development structures.

#### **Justifying Circumstances**

'The land or its surrounding 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.'

Changes include newer adopted neighborhood plans, recent rezoning and development of other properties in the areas and the new light rail station.

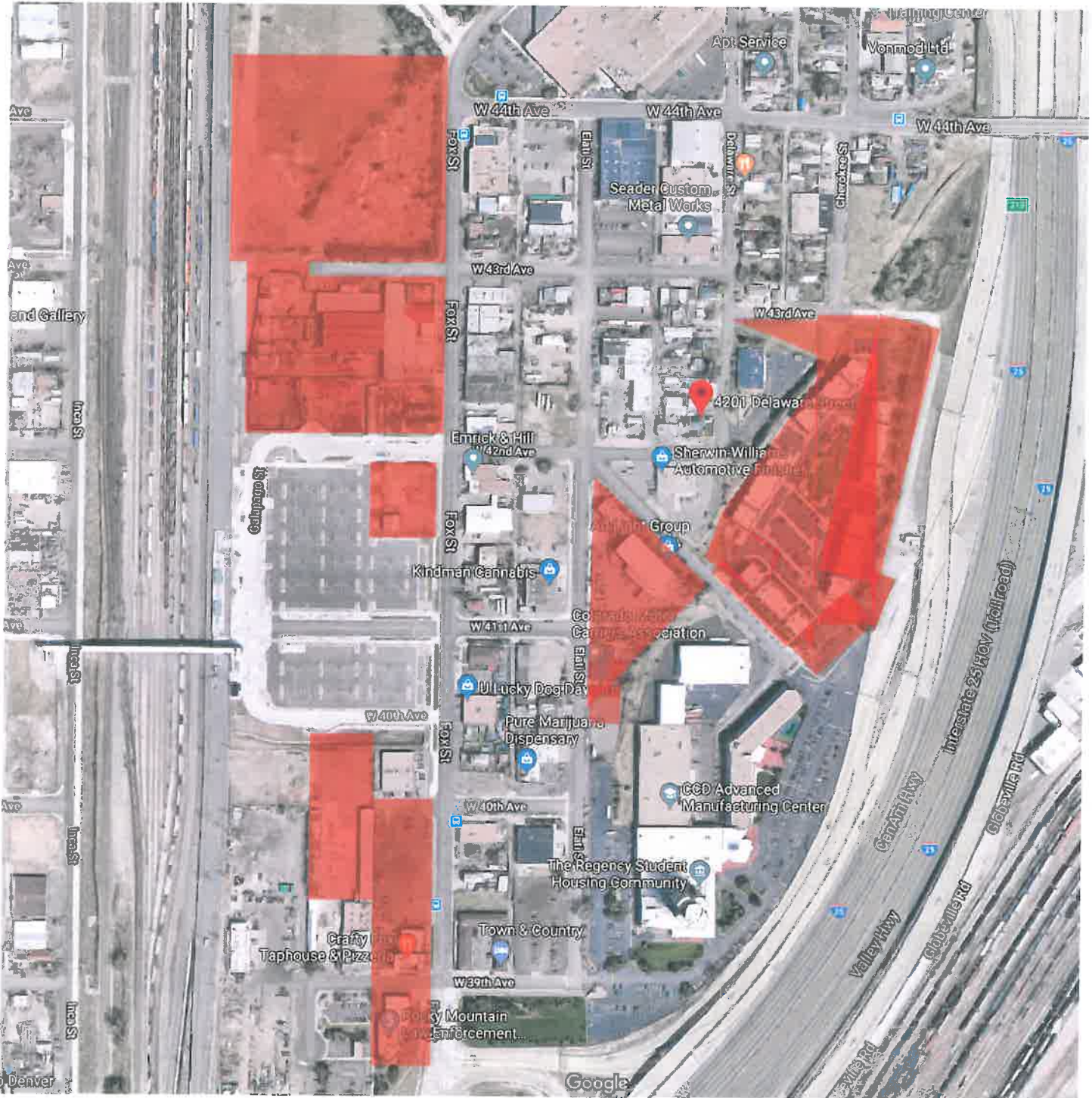
The above referenced section of the DZC applies to this parcel with the existing zoning no longer being appropriate for this site. It is in the public interest to match the surrounding zoning recognizing the changed character of the area.

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

The requested C-RX-8 zone district is within the Urban Center Neighborhood Context. The Residential Mixed-Use districts are intended to promote active, pedestrian-scaled and diverse areas and activate the public street edge. The district standards also intend to enhance the neighborhood and ensure new development that contributes positively to the established character. The proposed rezoning is consistent with the Urban Center Neighborhood Context. Given the proximity to transit and the mixed-use arterial Fox Street the proposed rezoning will achieve the intent of the zone district.

Please see enclosed supporting documentation of the surrounding area.

# Recently Re-zoned in the Surrounding Area:



# Current Zoning in the Surrounding Area:

**DENVER** THE MILE HIGH CITY

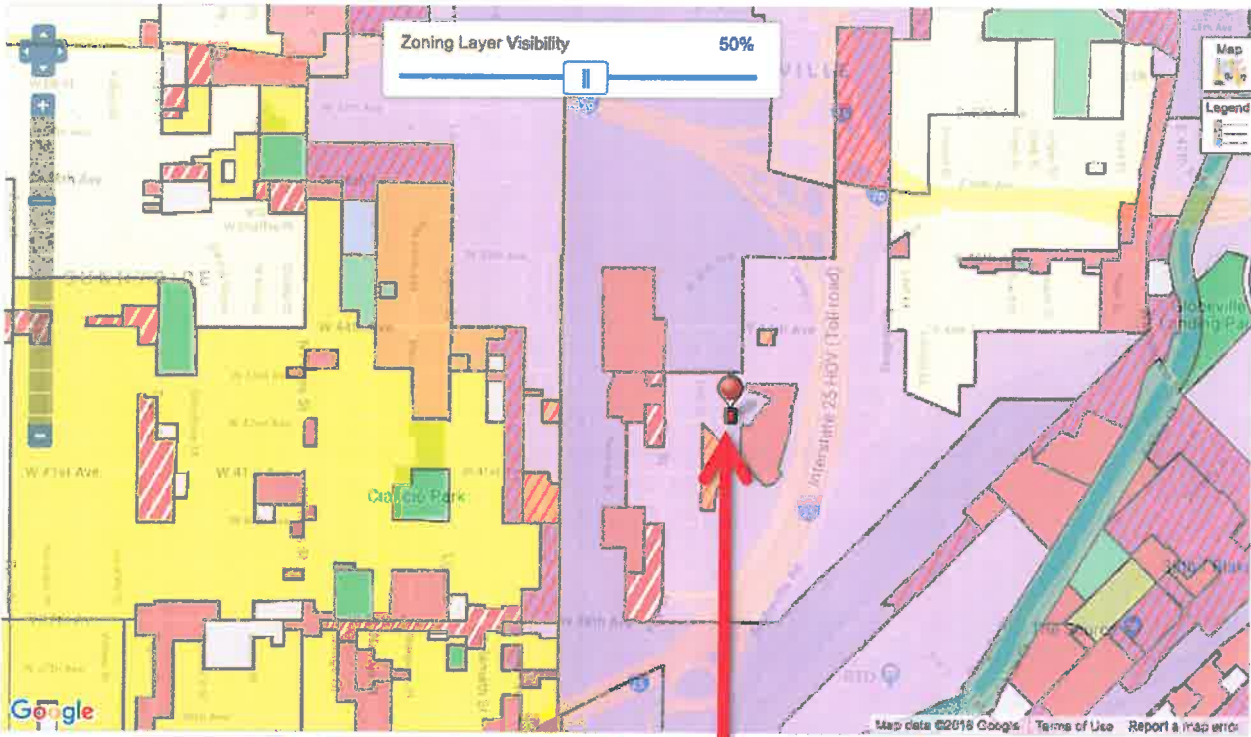
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**Denver Maps**

4201 n delaware st

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Tags

property

	<b>3901 N Elati St</b>		<b>recently re-zoned: C-MX-20</b>		<b>recently re-zoned: C-RX-12</b>
	<b>current zoning: I-A, UO-2</b>		<b>current zoning: I-B, UO-2</b>		<b>recently re-zoned: C-MS-12</b>

**RECENTLY RE-ZONED DEVELOPMENTS IN THE SURROUNDING AREA:**



**FOX STREET STATION**



**FOX STREET SHOPS**





**RECENTLY RE-ZONED DEVELOPMENTS IN THE SURROUNDING AREA:**



**THE VILLAS AT THE REGENCY - STUDENT HOUSING**



# Rezoning Applications in the Surrounding Area:

## Community Planning and Development

Planning and Design   **Zoning**   Landmark Preservation   Registered Neighborhoods   Contractor Licenses   Ab

down to browse. Details of amendments are subject to change. Until an amendment is adopted as an ordinance by Denver City Council, applications and staff reports are for informational purposes only and may be updated without notice. Amended versions will replace older versions on the website as they become available.

### Proposed Zone Map Amendments (Rezoning)

Proposed Zone Maps Amendments in the City and County of Denver.

