

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	NAPS Const. Associates, LLC	Representative Name	Paul J Stann
Address	1444 Wazee St. #100	Address	1444 Wazee St. Suite #100
City, State, Zip	Denver, CO 80202	City, State, Zip	Denver, CO 80202
Telephone	303.575.9130	Telephone	303.888.0196
Email	s2stann@aol.com	Email	s2stann@aol.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>	
<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.</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):	1400, 1404 and 1408 W 37th Ave		
Assessor's Parcel Numbers:	2281-11-034 Alt. PIN 162871695		
Area in Acres or Square Feet:	6,090 Sq. Ft.		
Current Zone District(s):	U-TU-B2 DO-4 L-ZPIN		
PROPOSAL			
Proposed Zone District:	U-MX-2X		

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 Rezonings: 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 ATTACHMENTS	
Please ensure the following required attachments are submitted with this application:	
<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	
Please identify any additional attachments provided with this application:	
<p><input checked="" type="checkbox"/> Written Authorization to Represent Property Owner(s)</p> <p><input type="checkbox"/> Individual Authorization to Sign on Behalf of a Corporate Entity</p>	
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)
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)	YES
NAPS Construction Associates, LLC	1400, 1404, 1408 W 37TH AVE. DENVER, CO 80211 s2stann@aol.com 303.888.0196	100%	 PAUL J. STANN	11/22/16	(A)	YES

Legal Description

LOTS 29 & 30, BLOCK 68, VIADUCT ADDITION, SITUATE IN THE NE ¼ OF SECTION 28, T.3.S., R.68.W. OF THE SIXTH P.M., CITY & COUNTY OF DENVER, STATE OF COLORADO, CONTAINING AN AREA OF 6,095 SQ. T., +/-.

20161-00117

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Note: Enter parcel/schedule numbers without dashes

0228111034000

Search 

1 result is available, use up and down arrow keys to navigate.

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Results

Address	Schedule/Parcel#	Owner	Co-Owner	Year	Assessed Value	Actual Value	Property Type
1400 W 37TH AVE	0228111034000	NAPS CONSTRUCTION ASSOCIATES		2016	\$104,570	\$632,800	COMMERCIAL - MISC IMPROVEMENTS

Revised April 17, 2017

PNM PARTNERS HOLDING COMPANY, LLC
1444 Wazee Street, Suite 100
Denver, Colorado
Phone: 303.888.0196
S2stann@aol.com

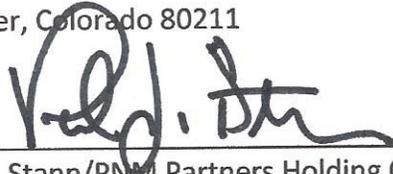
February 1, 2017

SUBJECT: PROPERTY OWNER REPRESENTATIVE WRITTEN AUTHORIZATION

To Whom It May Concern:

PNM Partners Holding Company, LLC, the managing member of NAPS Construction Associates, LLC, the Owner of 1400 W 37th Avenue hereby gives Paul J Stann written authorization to act on their behalf in regards to the Zone Map Amendment (Rezoning) process for:

1400 W 37th Avenue
Denver, Colorado 80211

A handwritten signature in black ink, appearing to read "Paul J. Stann", is written over a horizontal line.

Paul J Stann/PNM Partners Holding Company, LLC
Managing Member –
Property Owner

OPERATING AGREEMENT

OF

NAPS Construction Associates, LLC

a Colorado Limited Liability Company

INTERESTS IN THE COMPANY HAVE NOT BEEN REGISTERED OR QUALIFIED UNDER ANY FEDERAL OR STATE SECURITIES LAWS. THE INTERESTS ARE SUBJECT TO RESTRICTIONS ON TRANSFER AND MAY NOT BE TRANSFERRED EXCEPT AS PERMITTED BY THIS OPERATING AGREEMENT AND FEDERAL AND STATE SECURITIES LAWS PURSUANT TO REGISTRATION OR EXEMPTION THEREFROM. INTEREST HOLDERS SHOULD BE AWARE THAT THEY MAY BE REQUIRED TO BEAR THE FINANCIAL RISKS OF THIS INVESTMENT FOR AN INDEFINITE PERIOD OF TIME.

accordance with the Code, the Regulations and applicable law; provided, however, that such modifications and adjustments shall not materially alter the economic agreement between or among the Interest Holders.

(16) Tax Matters. The Manager may (a) prepare and file in the name and on behalf of the Company returns for all Federal, state, or local income, property, sales, use, withholding, and other taxes, (b) pay the amount of assessments, dues, fees, and taxes due from the Company with respect to the conduct of its business activities, (c) appeal from any adverse determinations made by a Government Agency with respect to such taxes, and (d) make all elections for Federal and state income tax purposes, including, but not limited to, in the case of any transfer of all or any part of Interests or upon the admission of Interest Holders, elections under Code Sections 734, 743, and 754 to adjust the basis of the assets of the Company.

(C) No Interest Holder Authority to Bind. Unless authorized to do so by this Agreement or by the Manager, no Interest Holder, employee, or agent of the Company shall have any power or authority to bind the Company in any way, to pledge its credit or to render it liable for any purpose.

(D) Manner of Acting. In the event that more than two Managers are acting, the concurrence and joinder of at least a majority of Persons acting as Managers shall be required. At any time at which only two Managers are acting, the unanimous consent of both Managers shall be required.

(1) Notwithstanding the foregoing, the Managers may adopt resolutions to govern their activities and the manner in which the Managers perform their duties to the Company, and nothing contained herein shall prohibit the Managers (if more than one) from unanimously agreeing, in writing, to allocate decision-making authority between themselves and agreeing that one of them, acting alone, may make certain decisions and execute certain documents on behalf of the Company as specified in such writing.

(2) Subject to the consent requirements and other limitations and restrictions set forth in this Agreement, any document or instrument may be executed and delivered on behalf of the Company by any Manager, and no other signature shall be required for any such instrument to bind the Company; provided, however, all checks, drafts, notes and other negotiable instruments, mortgages or deeds of trust, security agreements, and financing statements will require the signatures of any two Managers.

7.2 Number, Tenure, Election and Qualifications of Managers.

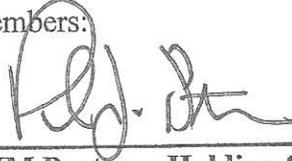
(A) Number. The Company shall have three Managers. The initial Manager shall be PNM Partners Holding Company, LLC. The other managers are Nick Stann and Miriam Mascarenaz.

(B) Tenure. The initial Manager shall hold office until such Manager's death, resignation, or removal. Thereafter, a Manager elected by the Members shall hold office until such Manager's dissolution, death, resignation, or removal.

CERTIFICATE

The undersigned members hereby agree, acknowledge and certify that the foregoing Agreement constitutes the Operating Agreement of NAPS Construction Associates, LLC adopted by the Members effective as of the Effective Date.

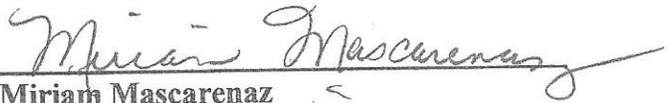
Members:



**PNM Partners Holding Company, LLC
Paul J Stann/Managing Member**



Nick C Stann



Miriam Mascarenaz



Catherine Marottoli

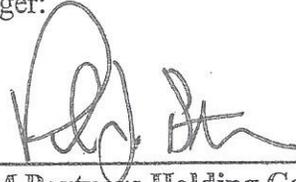


Nick DeBlasio

ACCEPTANCE

The undersigned hereby acknowledges and certifies that he has read and understands the foregoing Operating Agreement of NAPS Construction Associates, LLC and agrees without exception to be bound by its terms.

Manager:

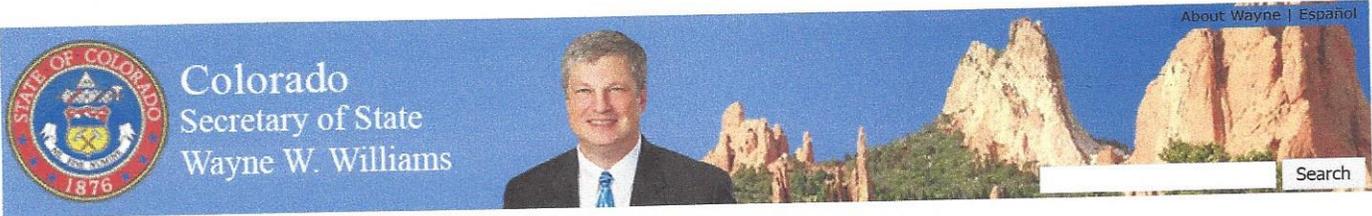


PNM Partners Holding Company, LLC
Paul J Stann/Managing Member

EXHIBIT A

Schedule of Interest Holders

<u>MEMBER</u>	<u>INITIAL CAPITAL CONTRIBUTION</u>	<u>PERCENTAGE INTEREST</u>
PNM Partners Holding Company, LLC 1444 Wazee Street, #100 Denver, CO 80202	\$51.00	51%
Nick Stann 15611 Richmond Street Southgate, Michigan 48195	\$46.00	46%
Miriam Mascarenaz 1070 Zinnia Street Golden, CO 80401	\$2.00	2%
Nick DeBlasio 15601 15441 Richmond Street Southgate, Michigan <i>* Nick DeBlasio</i>	\$0.50	.50%
Catherine Marottoli 1401 Wewatta Street, 608 Denver, CO 80202	\$0.50	.50%
TOTAL	\$100.00	100%



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Summary

Details			
Name	NAPS Construction Associates, LLC		
Status	Good Standing	Formation date	06/28/2011
ID number	20111367243	Form	Limited Liability Company
Periodic report month	June	Jurisdiction	Colorado
Principal office street address	1444 Wazee Street, #100, Denver, CO 80202, United States		
Principal office mailing address	n/a		

Registered Agent	
Name	PNM Partners Holding Company, LLC
Street address	1444 Wazee Street, Suite #100, Denver, CO 80202, United States
Mailing address	n/a

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OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE OF FACT OF GOOD STANDING

I, Wayne W. Williams, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

NAPS Construction Associates, LLC

is a

Limited Liability Company

formed or registered on 06/28/2011 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 20111367243 .

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 02/14/2017 that have been posted, and by documents delivered to this office electronically through 02/15/2017 @ 11:41:54 .

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, and issued this official certificate at Denver, Colorado on 02/15/2017 @ 11:41:54 in accordance with applicable law. This certificate is assigned Confirmation Number 10078824 .



A handwritten signature in blue ink that reads "Wayne W. Williams". The signature is written in a cursive style and is positioned above a horizontal line.

Secretary of State of the State of Colorado

*****End of Certificate*****
Notice: A certificate issued electronically from the Colorado Secretary of State's Web site is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Validate a Certificate page of the Secretary of State's Web site, <http://www.sos.state.co.us/biz/CertificateSearchCriteria.do> entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our Web site, <http://www.sos.state.co.us/> click "Businesses, trademarks, trade names" and select "Frequently Asked Questions."

TO: Scott Robinson, Senior City Planner
720-865-2833
Scott.robinson@denvergov.org

FROM: Buddy Poppitt
Hangar 41, LLC
825 Santa Fe Drive
Denver, CO 80238

DATE: April 3, 2017

RE: Official Map Amendment Comments – Application # 2016|-00117
Address: 1400, 1404, 1408 W 37th Ave.

Overview: The existing building at 1400, 1404, and 1408 has collapsed and must be demolished. The property type's last use was mixed use / commercial / restaurant. The current zoning for the property is U-TU-B2 (4,500 sq ft minimum zone lot size, 2 = Row House building form allowed on certain corner lots). This zoning allows for 2.5 stories and with a max height of 30'.

I Consistency with adopted plans:

1.1 The proposed map amendment will support the vision of Blueprint Denver:

- Blueprint Denver designates the site as being within an 'Area of Change'. This designation implies a widespread agreement that development or redevelopment would prove beneficial. The existing zoning, U-TU-B2, only allows for 'Urban House', 'Detached Acc. Dwelling Unit', 'Duplex', 'Tandem House' and 'Row House' building forms, the last being subject to limitations. Therefore, the current zoning does not offer opportunity for increasing the density of the site and thus does not incentivize development. Conversely the proposed zoning, U-MX-2x, will permit measured densification by allowing the 'General' building form and accordingly will incentivize development. That said, the proposed zoning will not breach any present height restrictions. Summarily, U-MX-2x zoning is far more likely to fulfill Blueprint Denver's stated aim to "increase economic activity in the area" and "provide the stimulus to redevelop" without dramatically altering the form of the neighborhood. It ought also to be acknowledged that incentivizing development on this site is particularly pressing due to the existence of a blighted structure which persistently detracts from the neighborhood's appeal and safety.
- Blueprint Denver goes on to state that within an 'Area of Change' a "high priority will be providing housing opportunities for existing residents." Due to the same respective building form allowances detailed above, the proposed zoning is far more likely to result in an affordable, diversified neighborhood housing stock. Whereas the current zoning only allows for new and thus more expensive versions of the same types of housing already plentiful in the neighborhood, the potential for introducing different types of housing associated with the 'General' building form would better align with Blueprint Denver's intention to "be careful to encourage the retention of low-income residents" and foster "aggressive housing programs...to ensure that these become wonderful neighborhoods for all, not just for the fortunate few."
- Blueprint Denver additionally regards the site as being within a 'Neighborhood Center'. By definition, such centers comprise a mix of land uses including those for "convenience shopping, personal services and restaurants" along with "offices that serve nearby residents." The current zoning permits none of these uses, only housing. The proposed zoning will enable any of these uses as well as housing.

1.2 The proposed map amendment will support the vision of the Denver Comprehensive Plan 2000:

- The adjustability of the 'General' building form under U-MX-2x will best enable "housing opportunities in a range of types and prices [to] address the needs of people of diverse incomes, household sizes, ages and lifestyles."
- The build-to requirements of U-MX-2x zoning will mitigate curb cuts, safeguarding the sidewalk as an uninterrupted pedestrian path in the

neighborhood center, where the Denver Comprehensive Plan 2000 asserts “pedestrian access is particularly important.”

- Unlike U-TU-2B, U-MX-2x zoning will license certain commercial uses, reflecting the Denver Comprehensive 2000 Plan’s conclusion that “families find advantage in neighborhoods with retail and services close to home.”

1.3 The proposed map amendment will support the vision of the 41st and Fox Station Area Plan:

- In the same manner described prior with respect to Blueprint Denver, the proposed map amendment will contribute to the 41st and Fox Station Area Plan’s stated goal of adding more housing to the neighborhood and diversifying the available types of housing by opening the possibility of developing sensibly dense residential structures via the ‘General’ building form rather than proliferate exclusively the sparse and overabundant types of residences demanded under current zoning.
- Likewise, the admittance of the ‘General’ building form will further the 41st and Fox Station Area Plan’s adherence to ‘Transit Oriented Development Principals’ of “creating a dense mix of uses within walking distance of transit stations” by facilitating reasonable increases in density.
- Nonetheless, the proposed zoning maintains extant height limitations thereby protecting the neighborhood’s moderate massing and preserving its “distinct identity” in the spirit of place-making.
- Contrary to the present zoning, the proposed zoning requires a build-to ratio of 70%, effectively reducing curb cuts and securing the “continuity of sidewalk” per the 41st and Fox Station Area Plan’s expressed preference for cohesive pedestrian networks.

1.4 The proposed map amendment will support the vision of the Highland Neighborhood Plan:

- The height restrictions of U-MX-2x zoning are nearly identical to those of U-TU-2B zoning and respect the suggestion made by the Highland Neighborhood Plan for the structures in the region to remain approximately two stories.
- The ‘General’ building form granted under U-MX-2x zoning will incentive developers to construct new housing, alleviating the problem of disproportionately deteriorating housing in the Highlands, called out by the Highland Neighborhood Plan as being “most severe on the eastern edge near I-25”, in other words precisely where the site in question is located.
- U-MX-2x zoning accepts some commercial uses as well, making feasible the satisfaction of the Highland Neighborhood Plan’s recommendation to “landscape and improve commercial facades along both sides of the street between Quivas and Lipan Street.”

II Uniformity of District Regulations and Restrictions:

2.1 The proposed map amendment will result in the uniform application of zone district building form, use and design regulations:

- The existing building use is Mixed Use / Commercial / Restaurant. Instead of perpetuating a discrepancy between zoning and the built reality, the uniformity of district regulations and restrictions will be improved by amending the site's zoning to U-MX-2x.
- Immediately across 38th Ave to the north, small lots of U-MX-2x zoning are sporadically distributed within the surrounding U-TU-C zoning to provide residents with accessible goods and services and ease the "transition between commercial development and adjacent residential neighborhoods." For the sake of uniformity within the district, similar small lots of U-MX-2x should also be used to ease the transition between the commercial development along 38th Ave and the adjacent residential neighborhoods to the south.
- The zoning of the blocks immediately northwest steps in a diagonal pattern from U-MS-3 to U-MX-3. Rather than jump from U-MX-3 directly to U-TU-B2, uniformity of regulation will be enhanced by continuing the gradient with an intermediary lot of the proposed U-MX-2x zoning.

III Public Health, Safety and General Welfare:

3.1 The proposed map amendment will further the public health, safety, and general welfare of the City primarily through implementation of the City's adopted land use plans:

- In contrast to the building forms allowed by current zoning, none of which have build-to requirements, the proposed map amendment will advance the public health, safety and general welfare of the city by requiring a build-to ratio of 70% thereby preventing curb cuts. As a result, the zone region's sidewalks will remain uninterrupted, minimizing any risk of vehicle and pedestrian collisions while promoting the fitness and mental health attained by walking.
- By cultivating modestly increased density via the 'General' building form, the proposed map amendment will raise the number of eyes on the street, giving the community the necessary means to police itself efficiently.
- As the proposed map amendment will not alter present height limitations, it will continue to protect resident's access to natural sunlight and freely circulating air.

IV Justifying Circumstances:

Of the Justifying Circumstances identified in section 12.4.10.8.A of the Denver Zoning Code, the most applicable is clause 4, which reads: "The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area."

4.1 The proposed map amendment will recognize the changed character of the area:

- Blueprint Denver identifies the site and contiguous blocks as an 'Area of Change'.
- 38th Avenue, only one block to the north of the site under consideration, has become a hub of rapidly proceeding redevelopment. For instance, two new retail structures were completed in 2016 on the single block between Kalamath and Lipan.
- Only a few blocks south at the intersection of 32nd and Pecos the Avanti development opened in 2015 has proven a major attractor for young and relatively affluent patrons.
- Both the Edge Gallery and Next Gallery, long established in the Navajo Arts District merely one block westward, have been forced to depart their premises in recent months due to steadily increasing rents.

4.2 The proposed map amendment will act in the public interest to encourage a redevelopment of the area:

- Such pressures from all directions lend newfound urgency to the need for a diversified and densified housing stock in the area, ideally to be made available before rising rents force the "existing residents" explicitly prioritized by Blueprint Denver to vacate the neighborhood entirely. The 'General' building form under U-MX-2x zoning will empower the development of diverse and densified housing types.
- The flexibility of the 'General' building form under U-MX-2x zoning will equip the community with the ability to adapt to the changed and changing circumstances more dynamically than the current, restrictive zoning.

V Consistency with the Neighborhood Context:

The requested zone district is within the 'Urban Neighborhood Context' (section 5.1.1 of the Denver Zoning Code) which is "primarily characterized by single-unit and two-unit residential uses. Multi-unit residential uses are located along local streets, residential and mixed use arterials, and main streets. Commercial uses are primarily located along mixed use arterial or main streets but may be located at or between intersections of local streets."

- 5.1 The proposed map amendment will be consistent with the circulation patterns of the 'Urban Neighborhood Context':
 - The requested zoning, U-MX-2x, applies to small sites served primarily by local streets embedded within an existing or proposed neighborhood.

- 3.2 The proposed map amendment will be consistent with the definition of 'mobility' within the 'Urban Neighborhood Context':
 - U-Mx-2x zone districts create pedestrian-oriented streetscapes by leveraging setbacks which require buildings to be pulled up to the street with parking at the side or rear of the building and build-to ratios that preclude curb-cuts, leading to "a balance of pedestrian, bicycle and vehicle reliance with greater access to the multi-modal transportation system."

- 3.3 The proposed map amendment will be consistent with the massing of the 'Urban Neighborhood Context':
 - Sites zoned U-MX-2x are typically one or two parcels and are limited to low scale building forms and low intensity uses.
 - U-MX-2x height restrictions will be less than the adjoining property to the west across the alley, zoned U-MX-3, and equivalent to the properties across Mariposa to the east.

Thank you for considering this revised submittal. If you have any queries or concerns, please feel free to contact me at (303) 877-5621.

Respectfully,

Buddy Poppitt, Principal
Hangar 41