

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	GRAND SPECTRUM LLC	Representative Name	DAN O'BRIEN
Address	5135 E.38TH AVE.	Address	1101 BANNOCK ST.
City, State, Zip	DENVER, CO. 80207	City, State, Zip	DENVER, CO.80204
Telephone		Telephone	720 560 3352
Email		Email	dobrien@presencedesigngroup.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):	3649 EAST 40TH AVE. & 3600 EAST 41ST AVE. DENVER, CO.		
Assessor's Parcel Numbers:	0224420015000 & 0224420016000		
Area in Acres or Square Feet:	25,653 sf & 47,138 sf = 72,791 sf (1.67 acres)		
Current Zone District(s):	I-A UO-2, and C-MU-10 with Waivers		
PROPOSAL			
Proposed Zone District:	C-MX-5		

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 ATTACHMENTS	
Please ensure the following required attachments are submitted with this application:	
<input checked="" type="checkbox"/> Legal Description (required to be attached in Microsoft Word document format) <input checked="" type="checkbox"/> Proof of Ownership Document(s) <input checked="" type="checkbox"/> Review Criteria	
ADDITIONAL ATTACHMENTS	
Please identify any additional attachments provided with this application:	
<input checked="" type="checkbox"/> Written Authorization to Represent Property Owner(s) <input checked="" type="checkbox"/> Individual Authorization to Sign on Behalf of a Corporate Entity	
Please list any additional attachments:	
<p>NARRATIVE ADDRESSING - 1. CONSISTENCY WITH ADOPTED PLANS, 2. JUSTIFYING CIRCUMSTANCES, 3. NEIGHBORHOOD CONTEXT</p>	

REZONING GUIDE



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
Grand Spectrum LLC	3649 E.40th Ave and 3600 E.41st Ave. Denver, Co.80205	100%	Christopher Cella - see attached signature	11/30/17	Board resolution letter of authorization	YES

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
X <i>Grand Spectrum LLC</i>	<i>3600 E 41st AVE and 3649 E 40th AVE DENVER, Colo 80205</i>	100%	<i>Christy M. Cella</i>	11-30-17	<i>Board Resolution Letter of Authorization</i>	<i>YES</i>

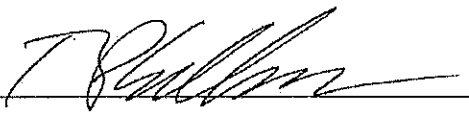
Last updated: February 22, 2017


Return completed form to rezoning@denvergov.org

201 W. Colfax Ave., Dept. 205
Denver, CO 80202
720-865-2974 • rezoning@denvergov.org

Board Resolution On behalf of Grand Spectrum LLC. Dated 11.30.17

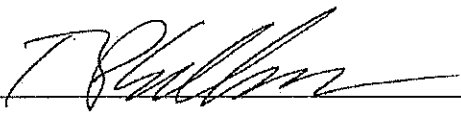
As the managers of Grand Spectrum LLC, we do hereby authorize Christopher Cella (Grand Spectrum LLC member) to sign on our behalf with regards to the rezoning application for the properties at 3600 E. 41st Ave., and 3600 E. 40th Ave. Denver Colorado 80205.


Bruce Phillips  Manager of Grand Spectrum LLC.

Thomas Cella  Manager of Grand Spectrum LLC

Board Resolution On behalf of Grand Spectrum LLC. Dated 11.30.17

As the managers of Grand Spectrum LLC, we do hereby authorize Christopher Cella (Grand Spectrum LLC member) to sign on our behalf with regards to the rezoning application for the properties at 3600 E. 41st Ave., and 3600 E. 40th Ave. Denver Colorado 80205.

Bruce Phillips  Manager of Grand Spectrum LLC.

Thomas Cella  Manager of Grand Spectrum LLC

Chris Cella

From: Chris Cella
Sent: Thursday, November 30, 2017 10:02 AM
To: dobrien@presencedesigngroup.com
Cc: Bruce Phillips - Grand American Inc. (bphillips@grandamericaninc.com); Tom Cella
Subject: Authorization Letter from Grand Spectrum LLC to act on our behalf for the rezoning of 3649 E 40th Ave. and 3600 E 41st Ave. - sent 11.30.17

Dan – Please find this email/letter to authorize you to be our Property Owners representative for the rezoning of our properties at 3649 E 40th Ave. and 3600 E. 41st Ave. in Denver 80205. Thanks

Christopher Cella
Grand Spectrum Member

 11-30-17

c. 303-981-6924 | p. 303-329-8003 | f. 303-329-8032
5135 E. 38th Avenue, Denver, Colorado 80207-1104
chrisc@spectrumgc.com

3649 E.40th AVENUE, DENVER, CO. 80205

LEGAL DESCRIPTION

The North 5 feet of Lot 17, all of Lots 18, 19, 20, 21, 22, and 23, Block 9 Swansea Heights, together with the west ½ of vacated Garfield Street adjacent to said Lots, and together with the east ½ of vacated alley adjacent to said Lots, City and County of Denver, State of Colorado

3600 E.41st AVENUE, DENVER, CO. 80205

LEGAL DESCRIPTION

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 and the North 5 feet of Lot 12, Block 9, Swansea Heights, and Monroe Street between 40th Avenue and 41st Avenue as stated in Ordinance Number 408, Series of 1990 of the City and County of Denver vacating said land, being the East 35.45 (35.35 per Assessor) feet of vacated Monroe Street adjacent to said Lots, Block 9, Swansea Heights, City and County of Denver, State of Colorado per City and County of Denver Assessor

SPECIAL WARRANTY DEED

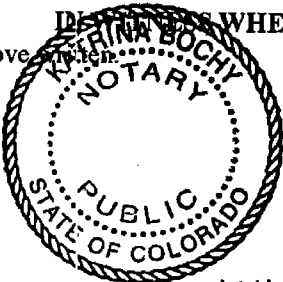
THIS DEED is made this 23rd day of March, 2006, between Question of Balance, LLC, a Colorado limited liability company, whose street address is 5135 East 38th Avenue, Denver, Colorado, 80207 ("Grantor") and Grand Spectrum, LLC, whose street address is 5135 East 38th Avenue, Denver, Colorado, 80207 ("Grantee").

\$0.00 Doc Fee
TRANSFER FOR TITLE PURPOSES ONLY

WITNESSETH, that the Grantor, for and in consideration of the sum of \$10.00 and other valuable consideration, 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 and its successors and assigns forever all of the real property, together with improvements, if any, described on Exhibit A hereto and appurtenances belonging or appertaining thereto, and all the easements, benefits, attached fixtures, interests in vacated streets and alleys adjacent to the real property except as herein excluded, estates, rights, titles, interests, claims, and demands whatsoever of the Grantor, either in law or in equity, of, in, and to such described real property (collectively, the "Property");

TO HAVE AND TO HOLD the Property unto the Grantee, its successors, and assigns forever. The Grantor, for itself, and its successors and assigns, covenants and agrees that it will warrant and forever defend its interest in the Property in the quiet and peaceable possession of the Grantee, its successors and assigns, against each and every person claiming the whole or any part thereof by, through or under the Grantor, subject to exceptions contained in Exhibit B attached and incorporated herein by reference and taxes and assessments for the current year and subsequent years.

WHEREOF, this Deed is executed and delivered by the Grantor as of the date first above written.



Question of Balance, LLC,
a Colorado limited liability company

By: [Signature]
Thomas Cella, Manager

My Commission Expires 6/24/06

STATE OF COLORADO)
) ss.
CITY AND COUNTY OF DENVER)

SUBSCRIBED, SWORN TO and ACKNOWLEDGED before me this 23rd day of March, 2006, by Thomas Cella, Manager, Question of Balance, LLC.

Witness my hand and seal.

My commission expires: June 24, 2006

[Signature]
Notary Public

EXHIBIT A
To Special Warranty Deed

The following parcels of land located in the City and County of Denver, Colorado:

PARCEL 1:

LOTS 1 THROUGH 11, AND THE NORTH 5 FEET OF LOT 12, BLOCK 9, SWANSEA HEIGHTS, AND THAT PORTION OF THE EAST HALF OF VACATED MONROE STREET ADJACENT TO LOTS 5 THROUGH 11 AND THE NORTH 5 FEET OF LOT 12, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

PARCEL 2:

THAT PORTION OF THE EAST HALF OF VACATED MONROE STREET ADJACENT TO LOTS 1 THROUGH 4, BLOCK 9, SWANSEA HEIGHTS, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

GRAND SPECTRUM, LLC

c/o John J. Coates · DILL DILL CARR STONBRAKER & HUTCHINGS, PC · 455 Sherman St, Ste 300 · Denver, CO 80203 · 303-777-3737

**EXHIBIT B
To Special Warranty Deed**

Exceptions

1. Taxes for the year 2006 not yet due and payable.
2. Existing leases and tenancies, if any.
3. Easements as reserved and retained in Ordinance #408, Series of 1990 (vacation portion of Monroe Street) recorded July 1, 1990 under Reception No. R-90-0063107.
4. Terms, conditions, provisions, burdens, obligations and easements as set forth and granted in Easement Agreement recorded July 26, 1990 under Reception No. R-90-0066010.
5. Terms, conditions, provisions, burdens, obligations and easements as set forth and granted in Easement Agreement recorded July 26, 1990 under Reception No. R-90-0066011.
6. Terms, conditions, and provisions of Zoning Ordinance recorded June 14, 2004 under Reception No. 2004125852.
7. Reservations, terms, conditions and provisions of Ordinance #589, Series of 2005 (alley vacation) recorded August 19, 2005 under Reception No. 2005140746.
8. Any boundary discrepancy due to the location of fence lines and the effect of any right, title or interest that may be claimed due to any said discrepancy as shown on survey dated March 8, 2006 by Western States Surveying, Inc., Job #20603-001.

3

Return to: Grantee

2

SPECIAL WARRANTY DEED

THIS DEED, Made this 28th day of March, 2006 between
Ackard North, LLC, A Colorado Limited Liability Company
a corporation duly organized and existing under and by virtue of the laws of the state of COLORADO, grantor(s)
and

Grand Spectrum, LLC

whose legal address is 3649 E. 40th Ave. Denver, CO 80205
of the County of Denver, State of COLORADO, grantee(s):

STATE DOC FEE
\$ 51.50

WITNESSETH, That the grantor(s), for and in consideration of the sum of FIVE HUNDRED FIFTEEN THOUSAND AND 00/100 DOLLARS (\$515,000.00), 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(s), its heirs, successors 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:

The North 5 feet of Lot 17, all of Lots 18, 19, 20, 21, 22 and 23, Block 9, Swansea Heights, together with the West 1/2 of vacated Garfield Street adjacent to said Lots, and together with the East 1/2 of vacated alley adjacent to said Lots, City and County of Denver, State of Colorado.

also known by street and number as 3649 East 40th Avenue, Denver, CO 80205

TOGETHER with all and singular the 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(s), either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantee(s), its heirs, successors and assigns forever. The grantor(s), for itself, its successors and assigns, does covenant and agree that he shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantee(s), its heirs, successors and assigns, against all and every person or persons claiming the whole or any part thereof, by, through or under the grantor(s)

Except See Exhibit B:

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(s) has caused its corporate name to be hereunto subscribed by its Manager and its corporate seal to be hereunto affixed, attested by its Manager the day and year first above written.

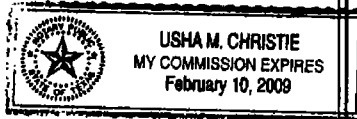
SELLER:

Ackard North, LLC

By: Peggy Ackard, Manager

STATE OF Texas
COUNTY OF Harris

} SS:



The foregoing instrument was acknowledged before me this 28th day of March, 2006,
by Peggy Ackard, Manager Ackard North, LLC, A Colorado Limited Liability Company

Witness my hand and official seal.

February 10, 2009
My Commission expires:

Usha M. Christie
Notary Public

SPWDCTC
Special Warranty Deed - Corporation to Tenants in Common



File No. T0039744

2006057364
Page: 1 of 2
04/13/2006 12:08P
R11.00 DS1.50
City & County Of Denver
MD

Exhibit B

1. Any and all unpaid taxes, assessments and unredeemed tax sales.
2. Any existing leases or tenancies.
3. The effect of Ordinance No. 71, Series 1981 recorded March 03, 1981 in Book 2332 at Page 205.
4. The effect of Ordinance No. 709, Series 1981 recorded January 08, 1982 in Book 2512 at Page 437.
5. Reservation set forth in Ordinance 589, Series 2005 vacating a portion of alley recorded August 19, 2005 at Reception No. 2005140746 as follows:

A hard surface easement is hereby reserved by the City and County of Denver over, under, across, and through the vacated area for the purposes of operating, maintaining, repairing and replacing existing public or private utilities including any storm drainage and sanitary sewer facilities. The City reserves the right to authorize the use of the reserved easement by all existing utilities. No trees, fences, retaining walls, landscaping or structures shall be approved over, upon or under the vacated area. The owner shall not re-grade or alter the ground cover in the easement area without permission from the City and County of Denver.

6. The following as shown on Improvement Survey Plat prepared by Metropolitan Surveyors on March 6, 2006 as Job No. 40-3649:

**3649 E. 40th Avenue & 3600 E. 41st Avenue
DENVER, COLORADO**

November 29, 2017

**REZONING PROPOSAL –
CURRENT ZONE DISTRICTS – 3649 E.40th Ave.- I-A, UO-2; 3600 E.40th Ave.- C-MU-10
PROPOSED NEW ZONE DISTRICTS, (for both properties) – C-MX-5**

Consistency with adopted plans:

The current Blueprint Denver plan has identified this area as an area of change. Since this property is in close proximity to the light rail line, it has also identified this area as part of a Transit Oriented Development area. Rezoning this property to a C-MX-5 district would be consistent with the goals for a Transit Oriented Development area. Goals for land uses and building heights identified in Blueprint Denver would be achieved with the change in zoning classification to C-MX-5.

Justifying Circumstances:

The land and surrounding area are part of the city that is undergoing significant change. The ongoing growth of Denver and the completion of the nearby light rail line creates a context for different types of land uses for this property and neighborhood compared to the historic land uses in this area. Rezoning the subject properties to the C-MX-5 district would allow for this shift in character to the appropriate land uses.

Consistency with neighborhood context:

This area is identified as an area of change in the Blueprint Denver plan. Properties located east of the subject property have begun to change in use – with new multi-family and retail developments in the area at 40th Avenue and Colorado Blvd. A nearby existing building on 40th Avenue has been converted for new use as a coffee shop.

The properties immediately adjacent to the subject property are still currently being used for “warehouse/industrial” uses. The adjacent properties surrounding the subject property are currently zoned I-A, UO-2. The property south of 40th Avenue is zoned T-MX-3, and the neighborhood located west of the subject property is zoned E-SU-B.

Blueprint Denver identifies the adjacent properties as part of the Transit Oriented Development area in the plan. If this property is rezoned, it would start the process of accomplishing the Blueprint Denver goals for this neighborhood.