

## 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	Colorado Motor Carriers Assn	Representative Name	Patricia Gillette
Address	4060 Elati Street	Address	4060 Elati Street
City, State, Zip	Denver, CO 80216	City, State, Zip	Denver, CO 80216
Telephone	303.433.3375	Telephone	303-433-3375, ext. 104
Email	patti@cmca.com	Email	patti@cmca.com
<p><b>*If More Than One Property Owner:</b>            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><b>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</b></p>	
Please attach Proof of Ownership acceptable to the Manager for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed or deed of trust, or (c) Title policy or commitment dated no earlier than 60 days prior to application date.			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):	4060 Elati Street, Denver, CO 80216		
Assessor's Parcel Numbers:	0222300027000		
Area in Acres or Square Feet:	30,852		
Current Zone District(s):	I-A, UO-2		
PROPOSAL			
Proposed Zone District:	C-RX-12		
Does the proposal comply with the minimum area requirements specified in DZC Sec. 12.4.10.3:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	

Last updated: September 29, 2015

 Return completed form to [rezoning@denvergov.org](mailto:rezoning@denvergov.org)
**311** | FOR INFORMATION & CITY SERVICES

For Office Use Only:

Date \_\_\_\_\_ Fee \_\_\_\_\_

201 W. Colfax Ave., Dept. 205

Denver, CO 80202

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

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><b>Justifying Circumstances - One of the following circumstances exists:</b></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)	
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 (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)
<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)	NO
Gregory D. Fulton	4060 Elati Street Denver, CO 80216 303-433-3375 patti@cmca.com	100%	<i>Gregory D. Fulton</i>	<i>2/20/17</i>	<i>warranty deed</i>	No

Last updated: September 29, 2015

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FAQs, Glossary and Information

## Summary

Details			
<b>Name</b>	COLORADO MOTOR CARRIERS' ASSOCIATION		
<b>Status</b>	Good Standing	<b>Formation date</b>	12/14/1939
<b>ID number</b>	19871104783	<b>Form</b>	Nonprofit Corporation
<b>Periodic report month</b>	December	<b>Jurisdiction</b>	Colorado
<b>Principal office street address</b>	4060 ELATI ST, DENVER, CO 80216 , United States		
<b>Principal office mailing address</b>	n/a		

Registered Agent	
<b>Name</b>	GREGORY D FULTON
<b>Street address</b>	4060 ELATI ST, DENVER, CO 80216, United States
<b>Mailing address</b>	n/a

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**COLORADO MOTOR CARRIERS ASSOCIATION**

**An Affiliate of the American Trucking Associations, Inc.**

4060 Elati Street ▲ Denver, Colorado 80216 ▲ Phone: 303-433-3375 ▲ Fax: 303-477-6977 ▲ Web Site: [www.cmca.com](http://www.cmca.com)

March 13, 2017

Morgan Gardner  
Operations Assistant  
City & County of Denver  
Community Planning and Development – Planning Services

Re: Zoning Map Amendment – 4060 Elati Street, Denver, CO 80216

To Whom It May Concern:

I hereby make Patricia Gillette, Vice President of the Colorado Motor Carriers Association, the authorized representative to act on behalf of the Colorado Motor Carriers Association for all matters concerning the rezoning of 4060 Elati Street, Denver, Colorado, 80216.

Her contact information is below.

Patricia (Patti) Gillette  
Vice President  
Colorado Motor Carriers Association  
4060 Elati Street  
Denver, CO 80216  
303-433-3375, ext. 104  
[patti@cmca.com](mailto:patti@cmca.com)

Sincerely,

  
Gregory D. Fulton  
President

# 4060 ELATI ST

Owner	Schedule Number	Legal Description	Property Type	Tax District
COLORADO MOTOR CARRIERS 4060 ELATI ST DENVER, CO 80216-4814	0222300027000	T3 R68 S22 SW/4 DIF BOOK 7802-375	COMMERCIAL - OFFICE BUILDING	DENV

[Property Summary](#)   [Property Map](#)

## Assessment

## Property

**Actual Value Year 2016**   **Actual Value:**   **\$741,600**   **Year Built:**   **1956**   **Square Footage:** **6696**

## Comparables

Schedule Number / Parcel Id	Address	Sale Month/Year	Sales Price
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No comparables available for this property.

68047

Recorded at JAN -9 1959 M.  
Reception No.

7802 375  
68047

Recorder  
OFFICE OF THE RECORDER  
OFFICE OF THE CLERK

**THIS DEED,** Made this 6th day of January

in the year of our Lord one thousand nine hundred and fifty-six  
between ANGELINA VINNOLA

of the City and  
County of Denver and State of Colorado, of the first part, and  
COLORADO MOTOR CARRIERS' ASSOCIATION, a Colorado  
Corporation, not for pecuniary profit  
of the City and County of Denver and

State of Colorado, of the second part:

WITNESSETH, That the said party of the first part, for and in consideration of the sum of Ten and no/100 (\$10.00) and other good and valuable consideration - DOLLARS, to the said party of the first part in hand paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the said party of the second part, its heirs and assigns forever, all the following described lot s or parcel s of land, situate, lying and being in the City and County of Denver and State of Colorado, to-wit:

Part of the Southwest 1/4 of the Southwest 1/4 of Section 22, Township 3 South, Range 68 West, 6th P.M. described as follows:  
BEGINNING at the point of intersection of the South line of West 41st Avenue and the East line of Elati Street as platted in Viaduct Addition to Denver; thence South 00° 02' West along the East line of Elati Street a distance of 295.0 feet; thence South 89° 56' East, a distance of 77.5 feet to a point on the West right-of-way line of the Farmers and Gardeners Hitch; thence North 03° 26' 30" West, along said West right-of-way line, a distance of 82.89 feet; thence North 21° 39' 30" East along said West right-of-way line, a distance of 101.52 feet; thence North 10° 51' East, along said West right-of-way line, a distance of 74.4 feet; thence North 31° 21' East, along said West right-of-way line, a distance of 51.28 feet to a point on the East line of West 41st Avenue; thence North 89° 56' West, along the South line of West 41st Avenue, a distance of 151.1 feet more or less to the point of beginning.

TOGETHER with all and singular the hereditaments and appurtenances thereto 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 said party of the first part, 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 said party of the second part, its heirs and assigns forever. And the said party of the first part, for her self, her heirs, executors, and administrators, does covenant, grant, bargain, and agree to and with the said party of the second part, its heirs and assigns, that at the time of the encasing and delivery of these presents, she is well seized of the premises above conveyed, as of 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 and encumbrances of whatever kind or nature soever, except 1956 General and Moffat Tunnel taxes and subsequent Moffat Tunnel Taxes.

and the above bargained premises in the quiet and peaceable possession of the said party of the second part, its heirs and assigns against all and every person or persons lawfully claiming or to claim the whole or any part thereof, the said party of the first part shall and will WARRANT AND FOREVER DEFEND.  
IN WITNESS WHEREOF, the said party of the first part has hereunto set hand and seal the day and year first above written.

*Angelina Vinnola* (SEAL)  
Angelina Vinnola (SEAL)  
(SEAL)

STATE OF COLORADO  
City and County of Denver } ss.  
The foregoing instrument was acknowledged before me this 6th day of January 1959 by Angelina Vinnola  
My commission expires November 14, 1959. Witness my hand and official seal.  
*Tom Galois*  
Notary Public.

No. 932. WARRANTY DEED.—For Photographic Record.  
—Bradford-Robinson Ptg. Co., Mfr. Robinson's Legal Blanks, 1824-46 Stout St., Denver, Colo.

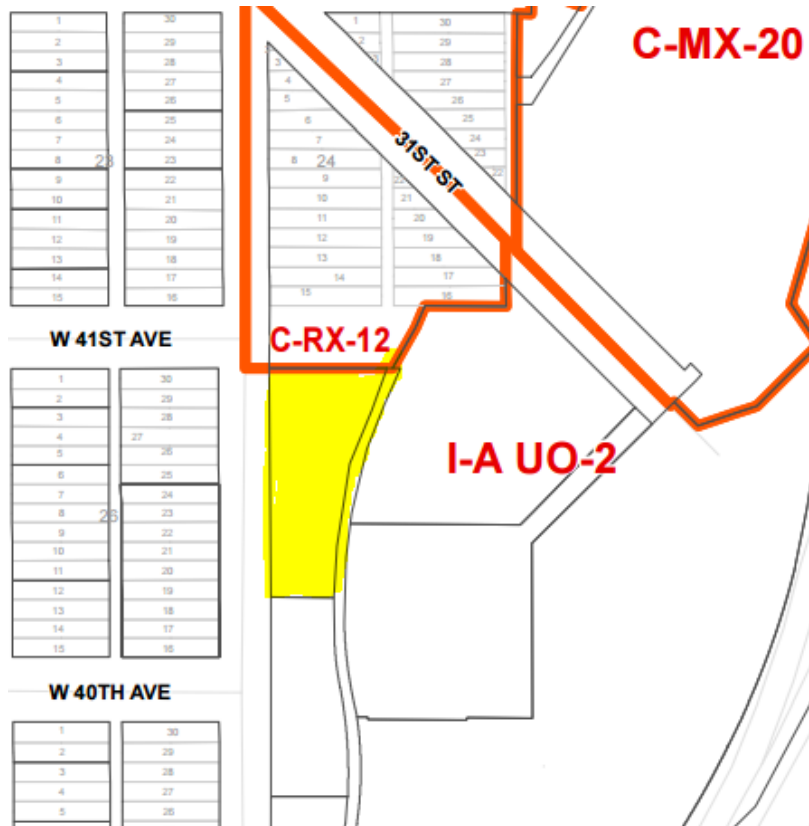
**Rezoning Application**  
**4060 Elati Street, Denver, CO 80216**  
**Review Criteria**

**Legal Description**

A Parcel recorded in Book 7802 at Page 375 in the Clerk and Recorder's Office of the City and County of Denver, located in a part of the southwest  $\frac{1}{4}$  of Section 22, Township 3 South, Range 68 West, of the 6th Principal Meridian, City and County of Denver, State of Colorado, more particularly described as follows:

Beginning at the point of intersection of the South line of West 41<sup>st</sup> Avenue and the East line of Elati Street as platted in Viaduct Addition to Denver; thence South 0° 02' 00" West along the East line of Elati Street a distance of 295.0 feet; thence South 89° 56' 00" East, a distance of 77.5 feet to a point on the West right-of-way line of the Farmers and Gardeners Ditch; thence North 03° 26' 30" West, along said West right-of-way line, a distance of 82.89 feet; thence North 21° 39' 30" East along said West right-of-way line, a distance of 101.52 feet; thence North 10° 51' East along said West right-of-way line a distance of 74.4 feet; thence North 31° 21' 00" East along said West right-of-way line, a distance of 52.28 feet to a point on the East line of West 41<sup>st</sup> Avenue; thence North 89° 56' 00" West, along the South line of West 41<sup>st</sup> Avenue, a distance of 151.1 feet more or less to the point of beginning.





City and County of Denver Zoning Map / Quarter Section Northwest 029





Colorado Motor Carriers Association

Elati St

Elati St

Elati St

Elati St

Auto Body Inc

**Rezoning Application**  
**4060 Elati Street, Denver, CO 80216**  
**Review Criteria**

**Consistency with Adopted Plans**

1. Blueprint Denver (2002)
  - a. This property is located on Elati Street, one block east of the Fox Street corridor within an area of change next to the developing rail station and other properties positioned for redevelopment in the Globeville neighborhood. The proposed map amendment from I-A, UO-2 to C-RX-12 will provide a mix of uses that are appropriate for this urban station area setting. This zone map amendment will permit development of primarily residential and minor commercial uses consistent with the Blueprint Denver map. The proposed zone change will allow for residential and commercial growth as the expansion of the Gold Line commuter rail and other forms of travel increase the desire for business owners and developers to locate in the region, creating a new urban center for business and residential purposes.
  - b. The Blueprint Denver Plan identifies this area as an “Area of Change”, and highlights the changing neighborhood from industrial to urban residential. The proposed map amendment is aligned with this portion of the Plan as well. The proposed map amendment also fits the 12 story maximum height represented in the Plan.
2. Globeville Neighborhood Plan (2014)
  - a. The Globeville Plan was recently approved by the neighborhood and ratified by the City Council. The Globeville Plan calls for Main Street and Commercial Mixed Use with density surrounding the 41<sup>st</sup> and Fox Street light rail station. By creating an urban center around high use transportation depot, new economic growth and activity will be pulled into an area requiring new life. The new zoning we seek will allow for quick, intelligent and reasonable growth in the area to help spur other elements of the neighborhood to also grow.
  - b. The Globeville Neighborhood Plan identifies this area as an “Area of Change” as well, and highlights the changing neighborhood from industrial to urban residential. The proposed map amendment is aligned with this portion of the Plan as well. The proposed map amendment also fits the 12 story maximum height represented in the Plan.
3. 41<sup>st</sup> and Fox Station Area Plan (2009)
  - a. The 41<sup>st</sup> and Fox Station Area plan is the most recently approved development plan and reinforces the plans previously mentioned. This plan is particularly important to the property because of its proximity to the Light Rail Station. By allowing for high-density residential developments, the area will become a central hub for economic activity that will stretch throughout the residual areas. By increasing availability for 12 stories for

residential or other commercial uses, we are creating more room for new generations of families to setup and continue to grow the region. The plan calls for the Fox Street corridor to be an urban mall region, and residential development near Fox Street and the light rail station.

- b. The Fox Station Plan identifies this area as an “Area of Change” as well, and highlights the changing neighborhood from industrial to urban residential. The proposed map amendment is aligned with this portion of the Plan as well. The proposed map amendment also fits the 12 story maximum height represented in the Plan.

**Rezoning Application  
4060 Elati Street, Denver, CO 80216  
Review Criteria**

**Uniformity of District Regulations and Restrictions  
and  
Public Health, Safety and General Welfare**

Uniformity of District Regulations and Restrictions

The proposed rezoning to C-RX-12 will result in the uniform application of zone district 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 primarily through the implementation of the City's adopted land use plans.

**Rezoning Application**  
**4060 Elati Street, Denver, CO 80216**  
**Review Criteria**

**Justifying Circumstances**

The most applicable Justifying Circumstance for this proposed map amendment is the following: *“The land or its surrounding have changed or are changing to such a degree that rezoning the site is in the Public Interest to encourage a redevelopment of the area to recognize the changed character of the area”*.

As identified previously, several adopted plan recommendations state that redevelopment of the area is desired and that the character of the area is changing. Specifically, the Concept Land Use and Areas of Change map from the recently-adopted Globeville Neighborhood Plan (2014) identifies the 41<sup>st</sup> and Fox Station area as an Area of Change. This is an appropriate Justifying Circumstance for the proposed rezoning.

Of significance is the soon-to-be-operational Fox Street Station. This station, the first to the North of Denver Union Station, is directly connected to and adjacent to the subject properties. The Fox Street Station is part of the Regional Transportation District’s Gold Line commuter rail project, which will open in 2017. The proximity of the subject property to the location is strong justification for a change of zone district to permit appropriate mixed-use development at an urban density. Further, the city’s new zoning code and recent mixed-use developments in the area provide even further context for the zoning change as Globeville continues to transform.

Changing Conditions to the land and its surroundings include the following:

- a. Adopted plans for the station area including the 41<sup>st</sup> Avenue and Fox Street (Fox Street Station) plan in 2009, and the Globeville Neighborhood Plan in 2014.
- b. The commuter rail station construction has been completed, with a projected opening date in 2017.
- c. Other properties surrounding the station have successfully completed and / or continue to pursue rezoning for future transit oriented development, including properties to the north and east of this proposed map amendment parcel.
- d. Recent Regency Student Housing built at 42<sup>nd</sup> Avenue and Elati Street, and adjacent new retail built at 39<sup>th</sup> Avenue and Fox Street.

Although neighborhood context today is generally industrial (current I-A and I-B zoning), these proposed zone districts will allow the station area to evolve into its intended neighborhood character as described in adopted plans. The C-RX-12 zone district meets the intent of the future desired neighborhood context as a vibrant, walkable and compact mixed-use transit-oriented development area.

## **Rezoning Application**

**4060 Elati Street, Denver, CO 80216**

### **Review Criteria**

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

C-RX-12 is an Urban Center, Residential Mixed Use Zone District that is intended to promote safe, active and pedestrian-scaled diverse areas through the use of building forms that clearly define and activate the public realm. This District is intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city's residential neighborhoods, and are also intended to ensure new development contributes positively to established residential neighborhoods and character, and improve the transition between commercial development and adjacent residential neighborhoods.

The neighborhood context around the 41<sup>st</sup> and Fox Street Station today is a mix of legacy industrial zoning along with recently rezoned mixed use and mainstreet zoning in anticipation of higher-density mixed-use development and greater street activation proximate to the light rail station. The proposed zone district of C-RX-12 for the subject property will allow the station area to continue to evolve into the intended Urban Center as envisioned in adopted city plans, and meet the intent of this future, desired neighborhood context as a vibrant, walkable transit-oriented development area.

According to the zone district intent stated in the Denver Zoning Code, C-RX-12 applies to residentially-dominated areas served primarily arterial streets where a building scale of 2 to 12 stories is desired. The site has access on Elati Street, a residential collector street, and just one block from the Fox Street Station.