



**DENVER**  
THE MILE HIGH CITY

## Zone Map Amendment (Rezoning) - Application

1/26/12

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	McStain Constructors, LLC	Representative Name	
Address	7100 N. Broadway, Suite 5H	Address	
City, State, Zip	Denver, CO 80221	City, State, Zip	
Telephone	303-591-2937	Telephone	
Email	dbw@mcstain.com	Email	
<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>			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):	3099 Arapahoe Street		
Assessor's Parcel Numbers:	0227606008000		
Legal Description: (Can be submitted as an attachment. If metes & bounds, a map is required.)	Lots 29 to 32, Inclusive, Block 43, Case & Eberts Addition to the City of Denver, City and County of Denver, State of Colorado		
Area in Acres or Square Feet:	12,492 sq ft		
Current Zone District(s):	R-MU-30 with waivers		
PROPOSAL			
Proposed Zone District:	G-MU-3		



REVIEW CRITERIA

<p>General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.13</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. 12.4.10.14</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 type="checkbox"/> The land or its surroundings has changed or is changing to such a degree that rezoning that it is in the public interest to encourage a redevelopment of the area to recognize the changed character of the area</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>

ATTACHMENTS

Please check any attachments provided with this application:

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

Please list any additional attachments:



**DENVER**  
THE MILE HIGH CITY

**PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION/PETITION**

We, the undersigned represent that we are the owners of the property described opposite our names, or have the authorization to sign on behalf of the owner as evidenced by a Power of Attorney or other authorization attached, and that we do hereby request initiation of this application. I hereby certify that, to the best of my knowledge and belief, all information supplied with this application is true and accurate. I understand that without such owner consent, the requested official map amendment action cannot lawfully be accomplished.

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement (must sign in the exact same manner as title to the property is held)	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed or deed of trust, (C) title policy or commitment, or (D) other as approved	Property owner representative written authorization? (YES/NO)
<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
McStain Constructors, LLC	7100 N. Broadway, Suite 5H Denver, CO 80221 303-591-2937	100%	<i>Dan O'Leary</i> CEO	9/24/13	(B)	NO

[www.denvergov.org/rezoning](http://www.denvergov.org/rezoning)



McStain Constructors, LLC  
August 26, 2103  
3099 Arapahoe  
Zone Map Amendment (Rezoning)

## **Review Criteria – Appendix Page 2**

### General Map Amendment Overview –

McStain Constructors, LLC (“McStain”) is requesting to rezone the NE corner of 31<sup>st</sup> Street and Arapahoe (“3099 Arapahoe”) from RMU-30 with waivers to G-MU-3 to facilitate the construction of four single family homes with detached garages and/or accessory dwelling units. These homes will be developed from McStain’s successful, narrow lot home program and will front onto Arapahoe. The individual detached garages/ADUs will be served off the alley behind the existing Epworth Church.

This parcel is 12,492 sqft. The current RMU-30 zoning does allow for the construction of single family residential; however, the minimum zone lot size must be 4,000 sqft. McStain is requesting the G-MU-3 zone district to establish a minimum zone lot size of 3,000 sqft in order to construct the four contemplated, urban house forms.

During our due diligence, McStain became aware that the width of 3099 Arapahoe parcel is less than one-hundred (100) feet wide or twenty-five (25) feet per lot (assuming the rezoning approval to G-MU-3). McStain is requesting an Administrative Adjustment under DZC 12.4.7.6 A(2) and C(1) to modify the minimum zone lot width by up to 5% to allow for DZC Section 6.3.3.4 standards to apply.

It is also McStain’s desire to submit the zone lot amendment documentation and building permit applications during the rezoning process, as agreed upon with City Planning staff. The goal of these submittals is to allow for a concurrent/parallel review of all required documents. McStain also understands that any and all approvals of such are subject to both Planning Board and City Council decisions.

#### DZC Section 12.4.10.13:

1. Consistency with Adopted Plans – The proposed map amendment is consistent with Blueprint Denver and the Northeast Downtown Neighborhoods Plan. Blueprint Denver land use classifies this parcel location as an area of stability and as urban residential. It also complies with building form and land use regulations as outlined The Northeast Downtown Neighborhoods Plan continuing the tradition of urban house forms and the predominant use of single family residential within Curtis Park.
2. Uniformity of District Regulation – The G-MU-3 map amendment provides for a uniform zone district exhibited throughout this portion of Curtis Park (Arapahoe and Lawrence streets) and creates and allows for a clean transition from the U-RH-2.5 to the east of this parcel.
3. Public Health, Safety and General Welfare – The current use of the parcel is a vacant, abandoned parking lot directly across from Curtis Park. It's is overgrown and has not been well maintained. Revitalization of this parcel will eliminate unwanted uses and will rejuvenate and improve this last remaining, underdevelopment corner fronting onto Curtis Park.

#### DZC Section 12.4.10.14:

1. Justifying Circumstances – The G-MU-3 zone district provides for a smaller, more compatible lot width (25' wide) versus the existing R-MU-3 with waivers and reduces the maximum building height from 55' to three stories or a maximum of 30' in height.
2. Map Amendment Consistency – The proposed map amendment is consistent with the zone districts surrounding this parcel, the three (3) homes to the south, Blueprint Denver and the Northeast Downtown Neighborhoods Plan and will complement the existing housing types within the immediate area.

McStain Constructors, LLC  
September 24, 2013  
3099 Arapahoe  
Zone Map Amendment (Rezoning)

**LEGAL DESCRIPTION**

Lots 29 to 32 Inclusive, Block 43, Case & Eberts Addition to the City of Denver, City and County of Denver, State of Colorado



**Special Warranty Deed**  
(Pursuant to 38-30-115 C.R.S.)

State Documentary Fee  
Date: \_\_\_\_\_  
\$ 40.00

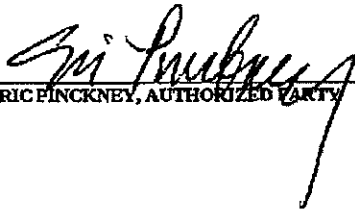
THIS DEED, made on 7-30-13 by 1155 30TH STREET, LLC A GEORGIA LIMITED LIABILITY COMPANY Grantor(s), of the County of FULTON and State of GEORGIA for the consideration of (\$400,000.00) \*\*\* Four Hundred Thousand and 00/100 \*\*\* dollars in hand paid, hereby sells and conveys to MCSTAIN CONSTRUCTORS, LLC, A COLORADO LIMITED LIABILITY COMPANY Grantee(s), whose street address is 7100 BROADWAY, SUITE 5H DENVER, CO 80221, CITY AND County of DENVER, and State of COLORADO, the following real property in the CITY AND County of Denver, and State of Colorado, to wit:

LOTS 29 TO 32, INCLUSIVE, BLOCK 43, CASE & EBERTS ADDITION TO THE CITY OF DENVER, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

also known by street and number as: 3099 ARAPAHOE STREET DENVER CO 80205

with all its appurtenances and warrants the title against all persons claiming under the Grantor(s) EXCEPT FOR MATTERS SHOWN ON EXHIBIT A ATTACHED HERETO

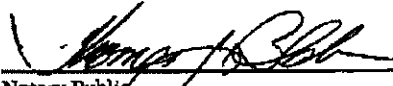
1155 30TH STREET, LLC, A GEORGIA LIMITED LIABILITY COMPANY

  
ERIC PINCKNEY, AUTHORIZED PARTY

State of Colorado )  
County of Saracen ) ss.

The foregoing instrument was acknowledged before me on this day of 7-30-13 by ERIC PINCKNEY AS AUTHORIZED PARTY FOR 1155 30TH STREET, LLC A LIMITED LIABILITY COMPANY

Witness my hand and official seal. 8-29-13  
My commission expires \_\_\_\_\_

  
Notary Public

THOMAS J. BLAKE  
NOTARY PUBLIC  
STATE OF COLORADO  
My Commission Expires Aug. 29, 2013

When Recorded Return to: MCSTAIN CONSTRUCTORS, LLC, A COLORADO LIMITED LIABILITY COMPANY  
7100 BROADWAY, SUITE 5H DENVER, CO 80221



STATEMENT OF AUTHORITY

- 1. This Statement of Authority relates to an entity named McStain Constructors, LLC, a Colorado limited liability company...
2. The type of entity is a: [ ] trust, [ ] nonprofit corporation, [x] limited liability company, [ ] general partnership, [ ] limited partnership, [ ] registered limited liability partnership, [ ] registered limited liability limited partnership, [ ] limited partnership association, [ ] government or governmental subdivision or agency, [ ] corporation
3. The entity is formed under the laws of the State of Colorado
4. The mailing address for the entity is 7100 N Broadway, Suite 5H, Denver, CO 80221
5. The name and position of each person authorized to execute instruments conveying, encumbering, or otherwise affecting title to real property on behalf of the entity is David B. Ware as Chief Executive Officer or Robert L. Edmonds as Chief Financial Officer
6. The authority of the foregoing person (s) to bind the entity is [x] not limited [ ] limited
7. Other matters concerning the manner in which the entity deals with interests in real property:

Executed this 1st day of February, 2011

David B. Ware
Robert L. Edmonds

STATE OF COLORADO
COUNTY OF Adams

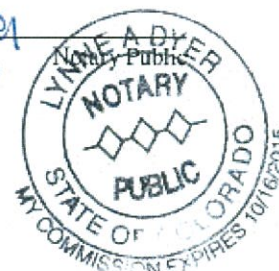
} SS:

The foregoing instrument was acknowledged before me this 1st day of February, 2011, by David B. Ware as Chief Executive Officer of McStain Constructors, LLC, a Colorado limited liability company and Robert L. Edmonds as Chief Financial Officer of McStain Constructors, LLC, a Colorado limited liability company

Witness my hand and official seal.

[Signature]

My commission expires: 10-16-2015



1This form should not be used unless the entity is capable of holding title to real property.
2The absence of any limitation shall be prima facie evidence that no such limitation exists.