

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 | | Representative Name | |
| Address | | Address | |
| City, State, Zip | | City, State, Zip | |
| Telephone | | Telephone | |
| Email | | 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> <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): | | | |
| Assessor's Parcel Numbers: | | | |
| Area in Acres or Square Feet: | | | |
| Current Zone District(s): | | | |
| PROPOSAL | | | |
| Proposed Zone District: | | | |

| 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 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 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 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 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 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 type="checkbox"/> Legal Description (required to be attached in Microsoft Word document format) <input type="checkbox"/> Proof of Ownership Document(s) <input type="checkbox"/> Review Criteria | |
| ADDITIONAL ATTACHMENTS | |
| Please identify any additional attachments provided with this application: | |
| <input type="checkbox"/> Written Authorization to Represent Property Owner(s) <input type="checkbox"/> 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) |
|--|--|--|---|----------|--|--|
| 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 |
| Katharina Jenista on behalf of Fox Street Investments LLC | 3901 Elati Street Denver CO 80211 | 100% | <i>K. Jenista</i> on behalf of Fox Street Investments LLC | 3/19/18 | (B) | YES |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

LEGAL DESCRIPTION

3901 Elati Street, Denver, CO 80216

LOTS 16 TO 24, INCLUSIVE, AND THE SOUTH ½ OF LOT 25, BLOCK 39, VIADUCT
ADDITION TO DENVER, CITY AND COUNTY OF DENVER, STATE OF COLORADO.



2007089435

Page: 1 of 2

06/09/2007 05:44P

City & County Of Denver WD R11.00 D150.00

Filed for record the _____ day of _____, A.D. _____, at _____ o'clock _____ M. _____ By _____ RECORDER. Reception No. _____ DEPUTY.

SPECIAL WARRANTY DEED

df
150-

THIS DEED, Made on this day of May 30, 2007, between
HJJ, LLC, A COLORADO LIMITED LIABILITY COMPANY

whose legal address is: 3901 ELATI STREET, DENVER, CO 80216

Grantor(s),
and

FOX STREET INVESTMENTS, LLC, A COLORADO LIMITED LIABILITY COMPANY

whose legal address is: 2500 18TH STREET, SUITE 200, DENVER, CO 80211
of the Grantee(s):

WITNESS, That the Grantor, for and in consideration of the sum of (\$1,500,000.00)

*** One Million Five Hundred Thousand and 00/100 ***

DOLLARS

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), their heirs and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the CITY AND DENVER County of DENVER and State of Colorado, described as follows:

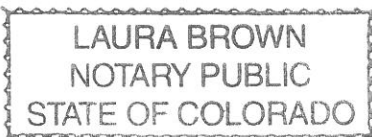
LOTS 16 TO 24, INCLUSIVE, AND THE SOUTH 1/2 OF LOT 25, BLOCK 39, VIADUCT ADDITION TO DENVER, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

also known as street number 3901 ELATI STREET

TOGETHER with all and singular and 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 appurtenances, unto the Grantee(s), their heirs, successors and assigns forever. The Grantor, for itself, its successors and assigns, does covenant, and agree that it shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the Grantee(s), their 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 GENERAL TAXES AND ASSESSMENTS FOR THE YEAR 2007 AND SUBSEQUENT YEARS AND SUBJECT TO THOSE ITEMS AS SET FORTH ON EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN.

IN WITNESS WHEREOF the Grantor(s) have executed this deed on the date set forth above.



My Commission Expires Aug. 18, 2007

HJJ, LLC, A COLORADO LIMITED LIABILITY COMPANY

BY: SANG HOON HAN, MANAGER

STATE OF Colorado)
County of Denver)ss.

The foregoing instrument was acknowledged before me on this day of 5-30-07,
by SANG HOON HAN AS MANAGER FOR HJJ, LLC, A COLORADO LIMITED LIABILITY COMPANY

My commission expires 8-18-07
Witness my hand and official seal.

Notary Public

Escrow# AC10001482
Title# ABH70180800
Form No. COMM.SWD

When Recorded Return to: FOX STREET INVESTMENTS, LLC, A COLORADO LIMITED LIABILITY COMPANY
2500 18TH STREET, SUITE 200, DENVER, CO 80211

EXHIBIT A

Our Order No. 70180800-5

ANY RIGHTS OR INTERESTS WHICH MAY EXIST OR ARISE BY REASON OF THE FOLLOWING FACTS SHOWN ON IMPROVEMENT LOCATION CERTIFICATE DATED MAY 16, 2007 PREPARED BY COLORADO ENGINEERING & SURVEYING, INC., JOB # 2007-1598.

A) CLAIMS OF RIGHT, TITLE AND/OR INTERESTS IN THE PROPERTY BETWEEN THE BOUNDARY LINES AND THE FENCES AND WALLS, WHETHER SAID CLAIM ARISES BY ABANDONMENT, ADVERSE POSSESSION OR OTHER MEANS.

STATEMENT OF AUTHORITY

1. This Statement of Authority relates to an entity named:

FOX STREET INVESTMENTS, LLC

2. The type of entity is a

- Corporation, General Partnership, Limited Partnership Association, Registered Limited Liability Limited Partnership, Government, Governmental Subdivision Agency, Trust, Non-Profit Corporation, Limited Partnership, Registered Limited Liability Partnership, Unincorporated Non-Profit Association, Limited Liability Company, Business Trust

3. The entity is formed under the laws of Colorado.

4. The mailing address for the entity is 2500 17th Street, Suite 201, Denver, Co 80211.

5. The name position of each person authorized to execute instruments affecting title to real property on behalf of the entity is Katharina Jenista, Senior Associate, Architectural Workshop

6. The authority of the foregoing persons(s) to bind the entity: is not limited is limited as follows: Zone Map Amendment (Rezoning).

7. Other matters concerning the manner in which the entity deals with interests in real property: N/A

8. This Statement of Authority is executed on behalf of the entity.

Executed this 25th day of January 2018.

V. ROBERT SALAZAR, Managing Member

State of Colorado)
County of Denver)ss

The foregoing instrument was acknowledged before me this 25th day of January 2018 by V. Robert Salazar, Managing Member for Fox Street Investments, LLC.

Witness my hand and official seal.



Jessica Macias
Notary Public

My commission expires: 4/9/19

WHEN RECORDED RETURN TO:
FOX STREET INVESTMENTS, LLC: 2500 17th Street, Suite 201, Denver, CO 80211

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[Business Information](#)
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[FAQs, Glossary and Information](#)

Summary

| Details | | |
|---|--|---------------------------------------|
| Name | Fox Street Investments, LLC | |
| Status | Noncompliant | Formation date 12/11/2006 |
| ID number | 20061504904 | Form Limited Liability Company |
| Periodic report month | December | Jurisdiction Colorado |
| Principal office street address | 2500 17th Street, Suite 201, Denver, CO 80211, United States | |
| Principal office mailing address | n/a | |

| Registered Agent | |
|------------------------|--|
| Name | V. Robert Salazar |
| Street address | 2500 17th Street, Suite 201, Denver, CO 80211, United States |
| Mailing address | n/a |

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REVIEW CRITERIA

Fox Street Investments LLC (Applicant) is applying to rezone 3901 N Elati St from I-A to C-MX-20. The existing UO-2 Billboard Use Overlay will be removed from the property with this rezoning.

The parcel on the corner of Elati St and W 39th Ave in the Globeville Neighborhood is currently vacant/used for parking. With the new Light Rail Station on 41st 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-MX-20 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)
- 41st and Fox Station Area Plan (2009)

- **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 mixed-use development at the 41st street station where services and infrastructure are already under development. The C-MX-20 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 Elati 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 41st 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 Mixed-Use Office and Residential uses 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 mid-to-high rise redevelopment with a maximum building height of 20 stories. Transit Oriented Development with Commercial Mixed-Use, and Multifamily Residential Uses will help create the envisioned change in the 41st and Fox Station Area balancing the needs of Residents, Commerce and Industry.

- **41st 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 3-20 stories. The proposed new zoning would allow for the promoted higher intensity 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-MX-20 zone district is consistent with the recommendations of the above referenced adopted plans, would enable growth and allow for 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 Mixed-Use zone district is to promote safe, active and pedestrian-scaled, diverse areas through the allowed building forms to enhance the convenience, ease and

enjoyment of transit, walking, shopping and public gathering within this Urban Center neighborhood. 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 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.

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 41st in conjunction with recent developments at 3900 Elati Regency Student Housing as well as at the 38th and Fox street commercial developments 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 as mixed use development with a maximum height of 20 stories which is consistent with the C-MX-20 zoning that is requested and believed to be optimum zoning for the public interest.

For this reason and as stated above, the subject project is being submitted for rezoning to C-MX-20 in alignment with the City of Denver Globeville Neighborhood Plan (2014).

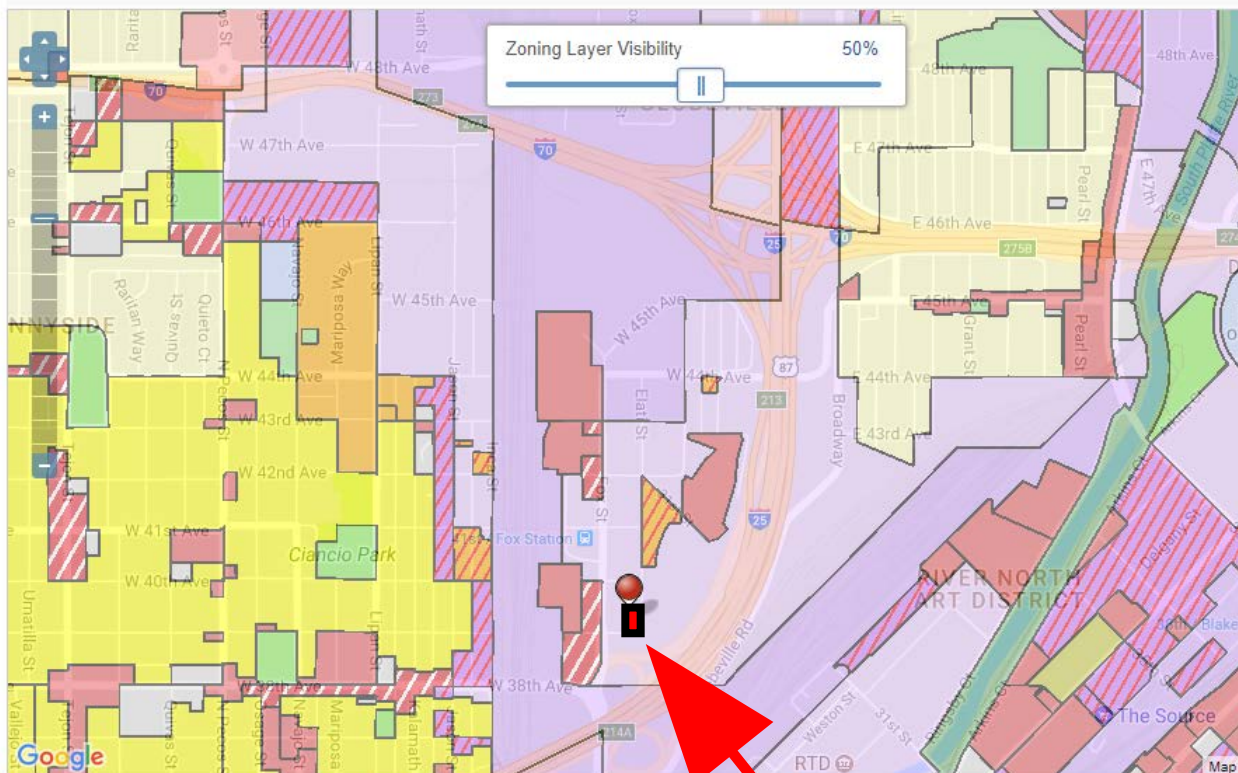
**Consistency with Neighborhood Context Description,
Zone District Purpose and Intent Statements**

The requested C-MX-20 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 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 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.

CURRENT ZONING IN THE SURROUNDING AREA:

3901 n elati st



Related Links


- [Denver Zoning Code](#)


Downloads


- [Download Zoning data](#)

Tags


- [property](#)


 **3901 N Elati St**

 **recently re-zoned:
C-MX-20**

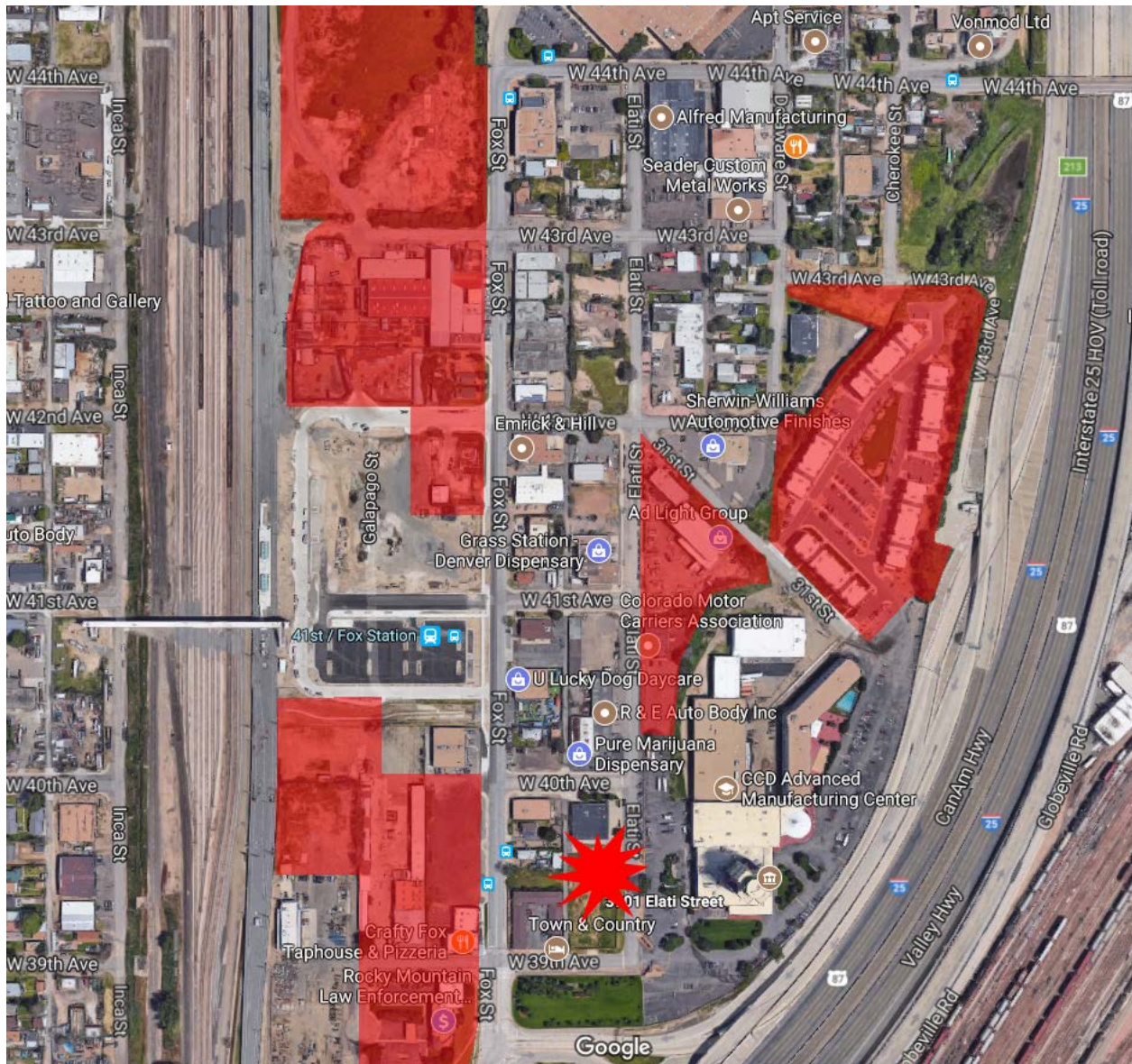
 **recently re-zoned:
C-RX-12**

 **current zoning:
I-A, UO-2**

 **current zoning:
I-B, UO-2**

 **recently re-zoned:
C-MS-12**

RECENTLY RE-ZONED IN THE SURROUNDING AREA:



RECENTLY RE-ZONED DEVELOPMENTS IN THE SURROUNDING AREA:



FOX STREET STATION



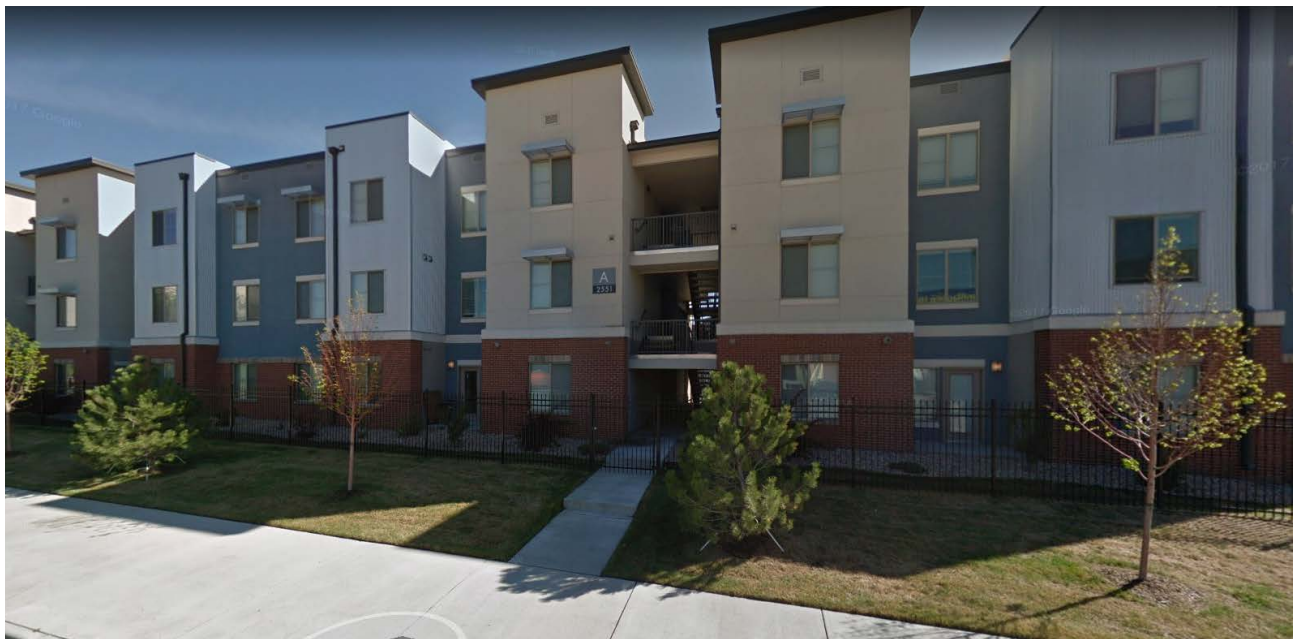
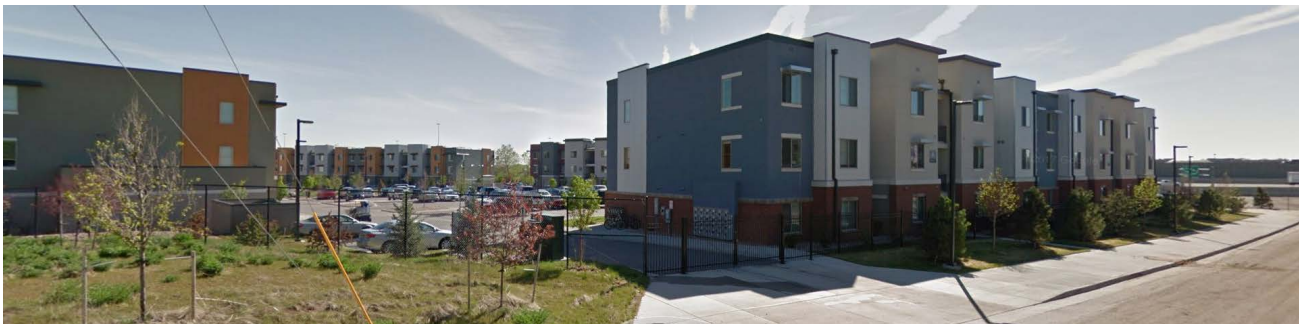
FOX STREET SHOPS



RECENTLY RE-ZONED DEVELOPMENTS IN THE SURROUNDING AREA:



THE VILLAS AT THE REGENCY - STUDENT HOUSING



REZONING APPLICATIONS IN THE SURROUNDING AREA:

 **DENVER**
THE MILE HIGH CITY

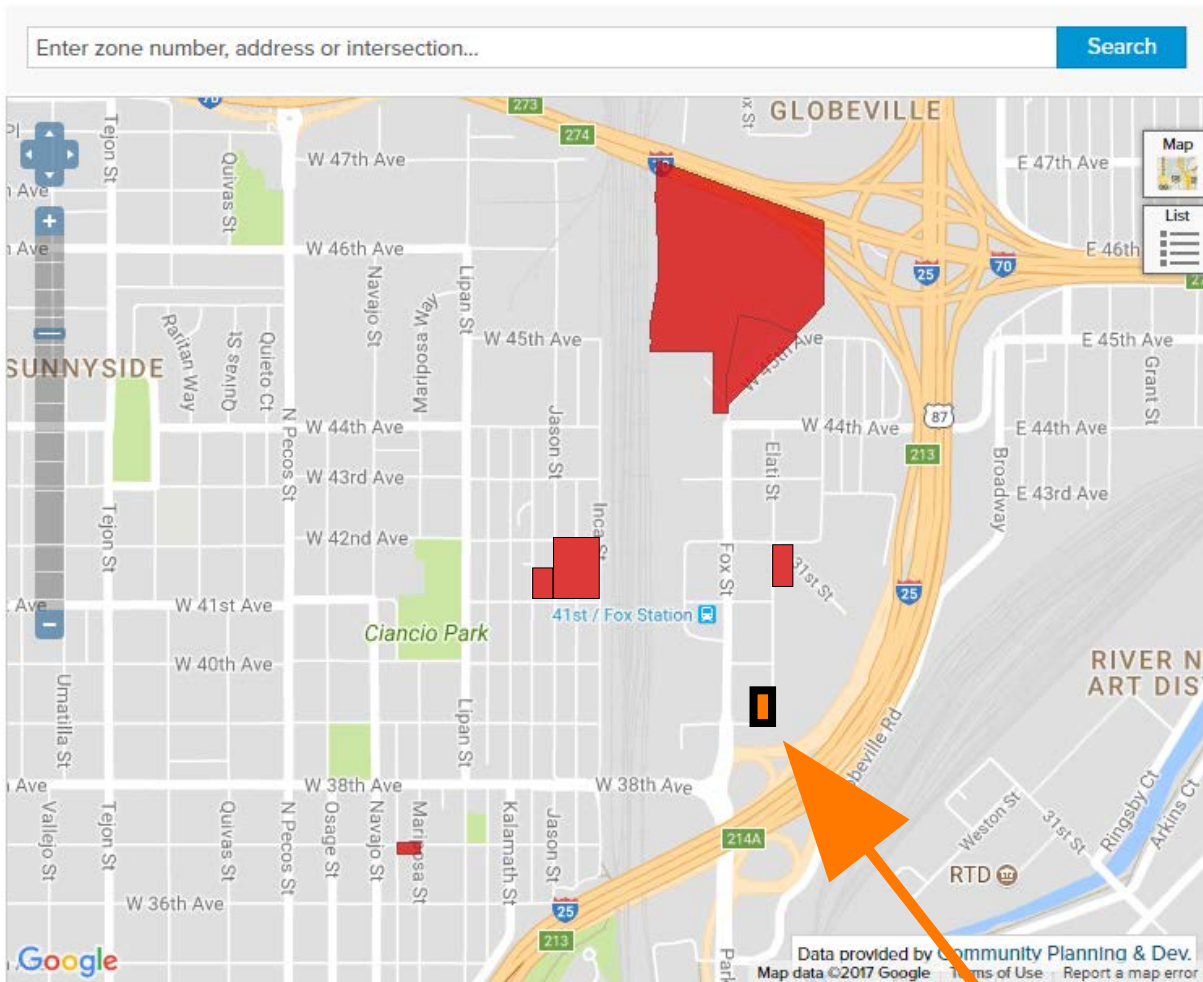
Neighborhood Business Visiting Government Online Services A t

Community Planning and Development

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

Proposed Zone Map Amendments (Rezoning)

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



Current Rezoning Applications