

Zone Map Amendment (Rezoning) - Application

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	JDI Investments, W. Garrett Jones	Representative Name	
Address	2698 S. Federal Blvd.,	Address	
City, State, Zip	Denver, CO 80219	City, State, Zip	
Telephone	303-437-7292	Telephone	
Email	garrett@jdipro.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>	
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):	2698 S. Federal Blvd., Denver, CO 80219		
Assessor's Parcel Numbers:	05321-02-024-000		
Area in Acres or Square Feet:	9058		
Current Zone District(s):	S-MU-3		
PROPOSAL			
Proposed Zone District:	S-MX-3		
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	

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>
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<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>
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REQUIRED ATTACHMENTS

Please ensure the following required attachments are submitted with this application:

- Legal Description (required to be attached in Microsoft Word document format)
- Proof of Ownership Document(s)
- Review Criteria

ADDITIONAL ATTACHMENTS

Please identify any additional attachments provided with this application:

- Written Authorization to Represent Property Owner(s)

Please list any additional attachments:

Quit Claim Deed-Proof of Ownership
Legal Description-Word Document
Letter describing proposal and review criteria requirements.

Last updated: February 4, 2015

Return completed form to rezoning@denvergov.org

REZONING GUIDE

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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)
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)	NO
W. Garrett Jones JOE Investments	2698 S. Federal Blvd. Denver, CO 80219 303-437-7292	100%	JOE Investments by, <i>[Signature]</i>	03/04/15	(A)	NO

March 4, 2015

To Whom it May Concern:

I, W. Garrett Jones owner of JDI Investments Inc. purchased 2698 S. Federal Blvd., Denver, CO 80219 on 2/10/2009 from Benjamin Armas. The building was a duplex that I was going to convert to a real estate office. At the time I went under contract to purchase 2698 S. Federal Blvd. Denver, CO 80219, the zoning was R-4 and allowed for small business use. The purchase price reflected this type of zoning and I went and applied at the building department to have the building upgraded to allow for commercial use. I restructured this building, to comply with the requirements for S-MX-3 zoning as the property was to be used for a commercial office building. I paid the fees, permits, and countless hours with the building department and was given a certificate of occupancy to move during the fall of 2009. Somehow all of the communication and letters about the changes that were made or that were being made during this time period to re-zone the city were sent to the previous owner, Benjamin Armas and I was never given the information to contest or illustrate that my building is a commercial spot and was approved to use for my office. There is no kitchen or shower/bath and it would be impossible to live here.

Last year I put this office up for sale. There was a buyer that was submitting a contract and during this process we discovered that the property now reflected a SM-U-3 zoning. It was impossible to go through the real estate purchase of this property without getting this reversed. The city has confirmed with me this error and showed me how the new overlay for zoning has me as SM-U-3 zoning. They have suggested I submit for re-zoning at this time to try and get this fixed.

Thank you for your consideration,



W. Garrett Jones
JDI, Investments, Inc.
303-437-7292
garrett@jdipro.com

LEGAL DESCRIPTION FOR :

2698 SOUTH FEDERAL BLVD.

PARCEL A:

A PART OF LOT 4, BLOCK 2, BOULEVARD GARDENS, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 10 FEET EAST OF THE NORTHWEST CORNER OF SAID LOT ALONG THE NORTH LINE OF SAID LOT; THENCE CONTINUING ALONG THE NORTH LINE OF SAID LOT N89°56'26"E. 138.08 FEET; THENCE S00°00'06"E, 66.75 FEET TO THE SOUTH LINE OF SAID LOT; THENCE S89°54'31"W ALONG THE SOUTH LINE OF SAID LOT, 138.40 FEET; THENCE N00°16'23"E. 66.83 FEET TO THE POINT OF BEGINNING,
CITY AND COUNTY OF DENVER
STATE OF COLORADO

Proposal

Does the proposal comply with the minimum area requirements specified in DZC Sec. 12.4.10.3:

12.4.10.3 Minimum Area Requirements A. Applicability This section's minimum area requirements shall apply to all applications for Official Map Amendments to this Code adopted after June 25, 2010, unless specifically exempted in Paragraph B. below. B. Exemptions from Minimum Area Requirements In addition to any exemptions specified in Section 12.4.10.3.D's summary table, the following applications for an official map amendment are exempt from this section's minimum area requirements: 1. An official map amendment determined by the City Attorney to be a legislative zone map amendment. 2. The subject property abuts the same Zone District designation sought for the subject property (for example, the subject property seeks a rezoning to G-MU-5 and abuts property already zoned G-MU-5). For the purposes of this provision, abutment shall not be destroyed by the existence of a dedicated public right-of-way. 3. The subject property abuts property with the same zone classification except for the permitted maximum height, and the Official Map Amendment seeks a lower building height maximum than such abutting property (for example, the subject property seeks a rezoning to G-MU-5 and abuts property zoned G-MU-12). 4. An official map amendment applying zoning to lands newly included within the city's corporate boundaries after City Council approval of a minor boundary adjustment. C. Calculation of Minimum Area 1. For the purpose of computing the size of an area for compliance herewith, there shall be added to the minimum area calculations the following: a. All land area, including public rights-of-way, within and extending to the centerline of the abutting right-of-way. b. The area of any land within the corporate limits of the city that abuts the area being changed and which land already bears the zoning classification sought for the area.

The building seems conforming based on the Minimum area requirements. All of these requirements were reviewed and approved when the original conversion to office building transpired in 2009.

Review Criteria

1) Consistency with Adopted Plans: S-MX-S Zoning for 2698 S. Federal Blvd is consistent with Adopted Plans:
Federal is a commercial corridor, that's why a business district would comply.
See below:

Blue Print Denver-South Federal Boulevard – commercial corridor South Federal south of Colfax is an area of change because of its vibrancy as an ethnic corridor. It is a high-traffic corridor that serves as the primary non-freeway, north-south route on the west side of Denver. It is scheduled to be widened to six lanes. Because of the width of the travelway and the traffic volumes, the parcels fronting Federal are not appropriate for pedestrian shopping uses. The emphasis is to promote corridor redevelopment that supports transit so that pedestrians and consumers are protected from the negative impacts of a high traffic volume.

2) Uniformity of District Regulation and Restrictions:
2698 S. Federal is one story, at the intersection of Yale and South Federal Blvd.
SUBURBAN (S-) NEIGHBORHOOD CONTEXT-
Mixed Use – 3 (S-MX-3)
S-MX-3 applies to areas or intersections served primarily by local or collector streets where a building scale of 1 to 3 stories is desired.

3) Public Health, Safety and General Welfare: By conforming to the city plans we are furthering the public's health safety and general welfare of the City.
We have complied with the requirements which are:
The Mixed Use Zone Districts are intended to promote safe, active, pedestrian-scaled, diverse areas and enhance the convenience and ease of walking, shopping and public gathering within and around the city's neighborhoods.

4) 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.
Section 3.1.1 GENERAL CHARACTER The Suburban Neighborhood Context is characterized by single-unit and multi-unit residential, commercial strips and centers, and office parks. Single-unit residential consists typically of Suburban House forms with street-facing garages. Multi-unit building forms are typically separated from single-unit residential and consist of clustered Garden Court, Town House, and occasional mid- and high-rise Apartment forms. Commercial buildings are typically separated from residential and consist of Shopfront and General forms. Single-unit residential uses are primarily located away from residential and commercial arterial streets. Multi-unit residential and commercial uses are primarily located along arterial and collector streets.

2698 South Federal is a single story office building, facing S. Federal Blvd, which is a commercial corridor. It is located away from residential streets. It has commercial buildings all around it running up and down Federal. Directly north of the building is a 3 story apartment complex followed by a limo zine dealership and a gas station. Running south is another 3 story apartment complex a small home and a commercial shopping center including the dollar store.

After Recording Return to
JDI Investments Inc.
2150 W. 29th Avenue #310
Denver, CO 80211

2009089672
Page 1 of 2
07/15/2009 10:10
City & County of Denver GCD R41.00 00 00

QUIT CLAIM DEED

This Deed Made this 2nd day of July, 2009 between
CARDINAL VALLEY LLC, a Colorado Limited Liability Company
of the County of **DENVER** and State of **COLORADO**
grantor(s), and
JDI INVESTMENTS INC. a Colorado Corporation
whose legal address is **2150 W. 29th Avenue #310, Denver, CO 80231**
of the County of **DENVER** and State of **COLORADO**,
grantee(s),

WITNESSTH, that the grantor(s), for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00),
The receipt and sufficiency of which is hereby confessed, acknowledged, has remised, released, sold and
QUIT CLAIMED, and by these present does remise, release, sell and QUIT CLAIM unto the grantee(s),
their heirs, successors and assigns, forever, all the right, title, interest, claim and demand which the
grantor(s) has in and to the real property, together with improvements, if any, situate, lying and being in the
said City and County of Denver, and State of Colorado described as follows:

See Exhibit A attached hereto and made a part hereof.

also known as street and number: 2698 S. Federal & 2995 W. Yale, Denver, CO 80219

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and
privileges thereunto belonging, or in anywise thereunto appertaining, and all the estate, right, title, interest
and claim whatsoever, of the grantor(s), either in law or equity, to the only proper use, benefit and behalf of
the grantee(s), their heirs and assigns forever.

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 executed this deed on the date set forth above.

Signed this 2nd day of July, 2009.

Cardinal Valley LLC, a Colorado Limited Liability Company

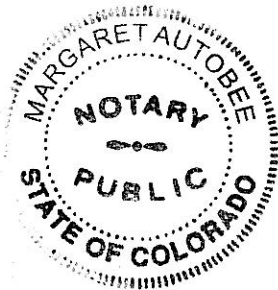

By: W. Garrett Jones as Manager

STATE OF COLORADO
COUNTY OF DENVER

} SS:

The foregoing instrument was acknowledged before me this 2nd day of July, 2009
by W. Garrett Jones as Manager of Cardinal Valley LLC, a Colorado Limited Liability Company.

Witness my hand and official seal.





Notary Public:
My commission expires: 06/15/2012

Exhibit A

Parcel A:

A part of Lot 4, Block 2, Boulevard Gardens, City and County of Denver, State of Colorado, more particularly described as follows:

Beginning at a point 10 feet East of the Northwest corner of said lot along the North line of said lot; thence continuing along the North line of said lot N89°56'26"E, 138.08 feet; thence S00°00'06"E, 66.75 feet to the South line of said lot; thence S89°54'31"W along the South line of said lot, 138.40 feet; thence N00°16'23"E, 66.83 feet to the point of beginning, City and County of Denver, State of Colorado

Parcel B:

A part of Lot 4, Block 2, Boulevard Gardens, City and County of Denver, State of Colorado, more particularly described as follows:

Beginning at a point 10 feet East of the Northwest corner of said lot along the North line of said lot; thence continuing along the North line of said lot N89°56'26"E, 138.08 feet to the True Point of Beginning; thence continuing along the North line of said lot N89°56'26"E, 6.94 feet to a No. 5 rebar with red cap stamped L.S. No. 27601; thence continuing along the North line of said lot N89°54'13"E, 147.04 feet to the Northeast corner of said lot; thence S00°16'10"W along the East line of said lot, 67.22 feet to the Southeast corner of said lot; thence N89°54'35"W along the South line of said lot, 147.00 feet to a No. 5 rebar with red cap stamped L.S. No. 27601; thence continuing along the South line of said lot S89°54'31"W, 6.65 feet; thence N00°00'06"E, 66.75 feet to the true point of beginning, City and County of Denver, State of Colorado

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