



Zone Map Amendment (Rezoning) - Application

| | |
|--|--|
| PROPERTY OWNER INFORMATION* | |
| <input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION | |
| Property Owner Name | 4040 Fox Street, LLC |
| Address | 2500 17th Street, Suite 201 |
| City, State, Zip | Denver, CO 80211 |
| Telephone | 303-989-3900 |
| Email | isalazar@centralstreetcap.com |
| <p>*All standard zone map amendment applications must be initiated by owners (or authorized representatives) of at least 51% of the total area of the zone lots subject to the rezoning. See page 4.</p> | |
| PROPERTY OWNER(S) REPRESENTATIVE** | |
| <input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION | |
| Representative Name | Mike Francone |
| Address | 2500 17th Street, Suite 201 |
| City, State, Zip | Denver, CO 80211 |
| Telephone | 303-989-3900 |
| Email | mfrancone@centralstreetcap.com |
| <p>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</p> | |
| SUBJECT PROPERTY INFORMATION | |
| Location (address): | 4012 Fox Street, 4040 Fox Street, 4046 Fox Street, 4058 Fox Street |
| Assessor's Parcel Numbers: | 0222325011000, 0222325003000, 0222325002000, 0222325001000 |
| Area in Acres or Square Feet: | 1.076 Acres/46,859 Square Feet |
| Current Zone District(s): | I-A with UO-2 Overlay |
| PROPOSAL | |
| Proposed Zone District: | C-MS-8 |
| PRE-APPLICATION INFORMATION | |
| In addition to the required pre-application meeting with Planning Services, did you have a concept or a pre-application meeting with Development Services? | <input checked="" type="checkbox"/> Yes - State the contact name & meeting date <u>Leah Dawson February 6, 2020</u> <input type="checkbox"/> No - Describe why not (in outreach attachment, see bottom of p. 3) |
| Did you contact the City Council District Office regarding this application ? | <input checked="" type="checkbox"/> Yes - if yes, state date and method <u>11/11/2020-Email</u> <input type="checkbox"/> No - if no, describe why not (in outreach attachment, see bottom of p. 3) |



REZONING GUIDE

Rezoning Application Page 2 of 4

REZONING REVIEW CRITERIA (ACKNOWLEDGE EACH SECTION)

| | |
|--|---|
| <p>General Review Criteria DZC Sec. 12.4.10.7.A</p> <p>Check box to affirm and include sections in the review criteria narrative attachment</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 a review criteria narrative attachment describing how the requested zone district is consistent with the policies and recommendations found in each of the adopted plans below. Each plan should have its' own subsection.</p> <p>1. Denver Comprehensive Plan 2040</p> <p>In this section of the attachment, describe how the proposed map amendment is consistent with <i>Denver Comprehensive Plan 2040</i>'s a) equity goals, b) climate goals, and c) any other applicable goals/strategies.</p> <p>2. Blueprint Denver</p> <p>In this section of the attachment, describe how the proposed map amendment is consistent with: a) the neighborhood context, b) the future place type, c) the growth strategy, d) adjacent street types, e) plan policies and strategies, and f) equity concepts contained in <i>Blueprint Denver</i>.</p> <p>3. Neighborhood/ Small Area Plan and Other Plans (List all from pre-application meeting, if applicable): Globeville Neighborhood Plan 2014 & 41st & Fox Station Area Plan 2009</p> |
| <p>General Review Criteria: DZC Sec. 12.4.10.7. B & C</p> <p>Check boxes to the right to affirm and include a section in the review criteria for Public Health, Safety and General Welfare narrative attachment.</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>In the review criteria narrative attachment, please provide an additional section describing how the requested rezoning furthers the public health, safety and general welfare of the City.</p> |
| <p>Review Criteria for Non-Legislative Rezonings: DZC Sec. 12.4.10.8</p> <p>For Justifying Circumstances, check box and include a section in the review criteria narrative attachment.</p> <p>For Neighborhood Context, Purpose and Intent, check box and include a section in the review criteria narrative attachment.</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 of 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"/> Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include:</p> <ul style="list-style-type: none">a. Changed or changing conditions in a particular area, or in the city generally; orb. A City adopted plan; orc. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning. <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>In the review criteria narrative attachment, please provide an additional section describing the selected justifying circumstance. If the changing conditions circumstance is selected, describe changes since the site was last zoned. Contact your pre-application case manager if you have questions.</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>In the review criteria narrative attachment, please provide a separate section describing how the rezoning aligns with a) the proposed district neighborhood context description, b) the general purpose statement, and c) the specific intent statement found in the Denver Zoning Code.</p> |



REZONING GUIDE

Rezoning Application Page 3 of 4

REQUIRED ATTACHMENTS

Please check boxes below to affirm the following **required** attachments are submitted with this rezoning application:

- Legal Description of subject property(s). Submit as a separate Microsoft Word document. View guidelines at: <https://www.denvergov.org/content/denvergov/en/transportation-infrastructure/programs-services/right-of-way-survey/guidelines-for-land-descriptions.html>
- Proof of ownership document for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed, or (c) Title policy or commitment dated no earlier than 60 days prior to application date. 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.
- Review Criteria Narratives. See page 2 for details.

ADDITIONAL ATTACHMENTS (IF APPLICABLE)

Additional information may be needed and/or required. Please check boxes below identifying additional attachments provided with this application.

- Written narrative explaining reason for the request** (optional)
- Outreach documentation attachment(s)**. Please describe any community outreach to City Council district office(s), Registered Neighborhood Organizations (RNOs) and surrounding neighbors. If outreach was via email- please include email chain. If the outreach was conducted by telephone or meeting, please include contact date(s), names and a description of feedback received. If you have not reached out to the City Council district office, please explain why not. (optional - encouraged)
- Letters of Support**. If surrounding neighbors or community members have provided letters in support of the rezoning request, please include them with the application as an attachment (optional).
- Written Authorization to Represent Property Owner(s)** (if applicable)
- Individual Authorization to Sign on Behalf of a Corporate Entity** (e.g. if the deed of the subject property lists a corporate entity such as an LLC as the owner, this document is required.)
- Other Attachments**. Please describe below.



REZONING GUIDE

Rezoning Application Page 4 of 4

PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION

We, the undersigned represent that we are the owner(s) 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 Inter- est % of the Area of the Zone Lots to Be Rezoned | Please sign below as an indication of your consent to the above certification state- ment | Date | Indicate the type of owner- ship documen- tation provided: (A) Assessor's record, (B) war- ranty deed, (C) title policy or commitment, or (D) other as approved | Has the owner auth- orized a represen- tative 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 Josie Q. Smith</i> | 01/12/20 | (A) | YES | |
| Michael Francone | 4012 Fox Street Denver, CO 80216 303-989-3900 mfrancone@centralstreetcap.c om | 100 | Michael Francone | Digitally signed by Michael Francone Date: 2020.11.23 11:59:28 -07'00' | 11/23/20 | (A) | YES |
| Michael Francone | 4040 Fox Street Denver, CO 80216 303-989-3900 mfrancone@centralstreetcap.c om | 100 | Michael Francone | Digitally signed by Michael Francone Date: 2020.11.23 11:59:41 -07'00' | 11/23/20 | (A) | YES |
| Michael Francone | 4046 Fox Street Denver, CO 80216 303-989-3900 mfrancone@centralstreetcap.co m | 100 | Michael Francone | Digitally signed by Michael Francone Date: 2020.11.23 11:59:57 -07'00' | 11/23/20 | (A) | YES |
| Michael Francone | 4058 Fox Street Denver, CO 80216 303-989-3900 mfrancone@centralstreetcap.co m | 100 | Michael Francone | Digitally signed by Michael Francone Date: 2020.11.23 12:00:11 -07'00' | 11/23/20 | (A) | YES |

4012 N FOX ST

Owner SFF REAL ESTATE INVESTMENTS
2500 17TH ST 201
DENVER , CO 80211-3951

Schedule Number 02223-25-011-000

Legal Description VIADUCT ADD B26 L12 TO 15

Property Type RESIDENTIAL

Tax District DENV

Current Year

| Actual | Assessed | Exempt |
|--------|----------|--------|
|--------|----------|--------|

| | | | |
|--------------|-----------|----------|-----|
| Land | \$375,000 | \$26,810 | \$0 |
| Improvements | \$3,900 | \$280 | |
| Total | \$378,900 | \$27,090 | |

Prior Year

| Actual | Assessed | Exempt |
|--------|----------|--------|
|--------|----------|--------|

| | | | |
|--------------|-----------|----------|-----|
| Land | \$375,000 | \$26,810 | \$0 |
| Improvements | \$3,900 | \$280 | |
| Total | \$378,900 | \$27,090 | |

Recording requested by:



12/03/2020 08:05 AM
City & County of Denver
Electronically Recorded

R \$13.00
QCD

2020201591

Page: 1 of 1

D \$0.00

and when recorded, please return this deed and tax
statements to:

Escrow No.:

Title Order No.:

For recorder's use only

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS THAT:

THIS QUITCLAIM DEED, made and entered into on November 30, 2020 between SFF Real Estate Investments, LLC ("Grantor") whose address is 2500 17th Street Suite 201, Denver, CO 80211 and 4040 Fox Street, LLC ("Grantee") whose address is 2500 17th Street Suite 201, Denver, CO 80211.

FOR A VALUABLE CONSIDERATION, in the amount of one DOLLAR (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor hereby REMISES, RELEASES, AND FOREVER QUITCLAIMS to Grantee, all right, title, interest and claim to the plot, piece or parcel of land, with all the buildings, appurtenances and improvements thereon, if any, in the City of Denver, County of Denver, State of Colorado described as follows:

VIADUCT ADD B26 L12 TO 15

SUBJECT TO all, if any, valid easements, rights of way, covenants, conditions, reservations and restrictions of record.

TO HAVE AND TO HOLD all of Grantor's right, title and interest in and to the above described property unto Grantee, Grantee's heirs, successors and/or assigns forever; so that neither Grantor nor Grantor's heirs, successors and/or assigns shall have claim or demand any right or title to the property described above, or any of the buildings, appurtenances and improvements thereon.

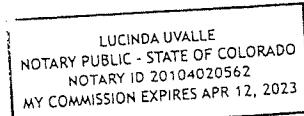
IN WITNESS WHEREOF, Grantor has executed this Quitclaim Deed on November 30, 2020.

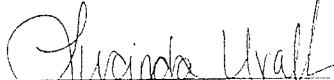

SFF Real Estate Investments, LLC

State of Colorado
County of Denver } ss.

The foregoing instrument was acknowledged before me this 30th day of November, 2020, by V. Robert Salazar, President of SFF Real Estate Investments, LLC. If acknowledgment is taken by a notary public, the date of expiration of his commission shall also appear on the certificate.

Witness my hand and official seal.




Lucinda Uvalle
Notary Public

My commission expires: 4/12/23

Quitclaim Deed - 1

Recording requested by:

and when recorded, please return this deed and tax statements to:

Escrow No.:

Title Order No.:

For recorder's use only

QUITCLAIM DEED

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FOR A VALUABLE CONSIDERATION, in the amount of one DOLLAR (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor hereby REMISES, RELEASES, AND FOREVER QUITCLAIMS to Grantee, all right, title, interest and claim to the plot, piece or parcel of land, with all the buildings, appurtenances and improvements thereon, if any, in the City of Denver, County of Denver, State of Colorado described as follows:

VIADUCT ADD B26 L12 TO 15

SUBJECT TO all, if any, valid easements, rights of way, covenants, conditions, reservations and restrictions of record.

TO HAVE AND TO HOLD all of Grantor's right, title and interest in and to the above described property unto Grantee, Grantee's heirs, successors and/or assigns forever; so that neither Grantor nor Grantor's heirs, successors and/or assigns shall have claim or demand any right or title to the property described above, or any of the buildings, appurtenances and improvements thereon.

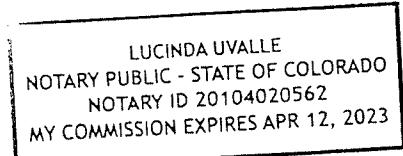
IN WITNESS WHEREOF, Grantor has executed this Quitclaim Deed on November 30, 2020.

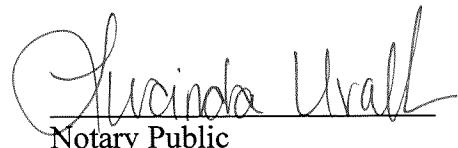

SFF Real Estate Investments, LLC

State of Colorado
County of Denver } ss.

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Witness my hand and official seal.




Lucinda Uvalle
Notary Public

My commission expires: 4/12/23

REAL PROPERTY TRANSFER DECLARATION - (TD-1000)

GENERAL INFORMATION

Purpose: The Real Property Transfer Declaration provides essential information to the county assessor to help ensure fair and uniform assessments for all property for property tax purposes. Refer to 39-14-102(4), Colorado Revised Statutes (C.R.S.).

Requirements: All conveyance documents (deeds) subject to the documentary fee submitted to the county clerk and recorder for recordation must be accompanied by a Real Property Transfer Declaration. This declaration must be completed and signed by the grantor (seller) or grantee (buyer). Refer to 39-14-102(1)(a), C.R.S.

Penalty for Noncompliance: Whenever a Real Property Transfer Declaration does not accompany the deed, the clerk and recorder notifies the county assessor who will send a notice to the buyer requesting that the declaration be returned within thirty days after the notice is mailed.

If the completed Real Property Transfer Declaration is not returned to the county assessor within the 30 days of notice, the assessor may impose a penalty of \$25.00 or .025% (.00025) of the sale price, whichever is greater. This penalty may be imposed for any subsequent year that the buyer fails to submit the declaration until the property is sold. Refer to 39-14-102(1)(b), C.R.S.

Confidentiality: The assessor is required to make the Real Property Transfer Declaration available for inspection to the buyer. However, it is only available to the seller if the seller filed the declaration. Information derived from the Real Property Transfer Declaration is available to any taxpayer or any agent of such taxpayer subject to confidentiality requirements as provided by law. Refer to 39-5-121.5, C.R.S and 39-13-102(5)(c), C.R.S.

1. Address and/or legal description of the real property sold: Please do not use P.O. box numbers.
4012 Fox Street, Denver, CO 80216; VIADUCT ADD B26 L12 TO 15

2. Type of property purchased: Single Family Residential Townhome Condominium
 Multi-Unit Res Commercial Industrial Agricultural Mixed Use Vacant Land
 Other _____

3. Date of closing:

N/A
Month Day Year

Date of contract if different than date of closing:

N/A
Month Day Year

4. Total sale price: Including all real and personal property.

\$1.00

5. Was any personal property included in the transaction? Personal property would include, but is not limited to, carpeting, draperies, free standing appliances, equipment, inventory, furniture. If the personal property is not listed, the entire purchase price will be assumed to be for the real property as per 39-13-102, C.R.S.

Yes No If yes, approximate value \$ _____ Describe _____

6. Did the total sale price include a trade or exchange of additional real or personal property? If yes, give the approximate value of the goods or services as of the date of closing.

Yes No If yes, value \$ _____

If yes, does this transaction involve a trade under IRS Code Section 1031? Yes No

7. Was 100% interest in the real property purchased? Mark "no" if only a partial interest is being purchased.

Yes No If no, interest purchased _____ %

Quitclaim Deed - 2

8. Is this a transaction among related parties? Indicate whether the buyer or seller are related. Related parties include persons within the same family, business affiliates, or affiliated corporations.
 Yes No

9. Check any of the following that apply to the condition of the improvements at the time of purchase.
 New Excellent Good Average Fair Poor Salvage.

If the property is financed, please complete the following.

10. Total amount financed. \$N/A

11. Type of financing: (Check all that apply)

- New
- Assumed
- Seller
- Third Party
- Combination; Explain

12. Terms:

- Variable; Starting interest rate %
- Fixed; Interest rate %
- Length of time years
- Balloon payment Yes No. If yes, amount Due date

13. Please explain any special terms, seller concessions, or financing and any other information that would help the assessor understand the terms of sale.

No other

For properties other than residential (Residential is defined as: single family detached, townhomes, apartments and condominiums) please complete questions 14-16 if applicable. Otherwise, skip to #17 to complete.

14. Did the purchase price include a franchise or license fee? Yes No
If yes, franchise or license fee value \$ _____

15. Did the purchase price involve an installment land contract? Yes No
If yes, date of contract _____

16. If this was a vacant land sale, was an on-site inspection of the property conducted by the buyer prior to the closing?

Yes No

Remarks: Please include any additional information concerning the sale you may feel is important.

17. Signed this 30th day of November , 2020.

Enter the day, month, and year, have at least one of the parties to the transaction sign the document, and include an address and a daytime phone number. Please designate buyer or seller.

Signature of Grantee (Buyer) or Grantor (Seller)

18. All future correspondence (tax bills, property valuations, etc.) regarding this property should be mailed to:
2500 17th Street, Suite 201 _____ (303)989-3900
Address (mailing) _____ Daytime Phone _____
Denver, CO 80211

City, State and Zip Code

Quitclaim Deed - 3

4040 N FOX ST

Owner 4040 FOX STREET LLC
2500 17TH ST 201
DENVER , CO 80211-3951

Schedule Number 02223-25-003-000

Legal Description VIADUCT ADD B26 L6 TO 11

Property Type INDUSTRIAL - WAREHOUSE

Tax District DENV

Current Year

| Actual | Assessed | Exempt | |
|--------------|-------------|-----------|-----|
| Land | \$562,500 | \$163,130 | \$0 |
| Improvements | \$507,700 | \$147,230 | |
| Total | \$1,070,200 | \$310,360 | |

Prior Year

| Actual | Assessed | Exempt | |
|--------------|-------------|-----------|-----|
| Land | \$562,500 | \$163,130 | \$0 |
| Improvements | \$507,700 | \$147,230 | |
| Total | \$1,070,200 | \$310,360 | |

4046 N FOX ST

Owner 4040 FOX ST LLC
2500 17TH ST 201
DENVER , CO 80211-3951

Schedule Number 02223-25-002-000

Legal Description VIADUCT ADD B26 L3 TO 5

Property Type COMMERCIAL - MISC IMPROVEMENTS

Tax District DENV

Current Year

| Actual | Assessed | Exempt | |
|--------------|-----------|----------|-----|
| Land | \$281,300 | \$81,580 | \$0 |
| Improvements | \$6,400 | \$1,860 | |
| Total | \$287,700 | \$83,440 | |

Prior Year

| Actual | Assessed | Exempt | |
|--------------|-----------|----------|-----|
| Land | \$281,300 | \$81,580 | \$0 |
| Improvements | \$6,400 | \$1,860 | |
| Total | \$287,700 | \$83,440 | |

4058 N FOX ST

Owner 4040 FOX ST LLC
2500 17TH ST 201
DENVER , CO 80211-3951

Schedule Number 02223-25-001-000

Legal Description VIADUCT ADD B26 L1 & 2

Property Type INDUSTRIAL - WAREHOUSE

Tax District DENV

Current Year

| Actual | Assessed | Exempt | |
|--------------|-----------|-----------|-----|
| Land | \$187,500 | \$54,380 | \$0 |
| Improvements | \$422,000 | \$122,380 | |
| Total | \$609,500 | \$176,760 | |

Prior Year

| Actual | Assessed | Exempt | |
|--------------|-----------|-----------|-----|
| Land | \$187,500 | \$54,380 | \$0 |
| Improvements | \$422,000 | \$122,380 | |
| Total | \$609,500 | \$176,760 | |

REVIEW CRITERIA

4040 Fox Street LLC (owner) is applying to rezone 4012 Fox Street, 4040 Fox Street, 4046 Fox Street, and 4058 Fox Street from IA-UO2 to C-MS-8. The parcels on Fox St and W 40th Ave in the Globeville Neighborhood are currently being operated as a dog day care. 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 zoning is limited in its future uses. 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-MS-8 is consistent with the City’s vision for the neighborhood and supported by all adopted plans including Blueprint Denver 2019, Denver Comprehensive Plan 2040, the Globeville Neighborhood Plan and the 41st and Fox Station Area Plan.

- **Blueprint Denver 2019:**

The property is located on North Fox Street in an area that the city has marked as part of its Growth Strategy. According to Blueprint Denver 2019 Growth Strategy is described in the following manner:

“Denver’s next evolution will strengthen our existing neighborhoods through carefully planned infill development that enhances the city’s unique character.”

The property is within the Urban Center neighborhood in a Community Center. The Community Center provides a mix of office, commercial and residential uses with buildings that are larger scale and orient to the street. This area also calls for accessibility to high-capacity transportation, with the new 41st and Fox light-rail stop being across the street 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.

- **Denver Comprehensive Plan 2040**

The proposed rezoning is consistent with many of the adopted Denver Comprehensive Plan 2040 strategies, including:

- Strong and Authentic Neighborhoods, Goal 1, Strategy B – Ensure neighborhoods offer a mix of housing types and services for a diverse population (p. 34).
- Equitable, Affordable and Inclusive, Goal 1, Strategy A – Increase development of units close to transit and mixed-use developments (p. 28).
- Strong and Authentic Neighborhoods, Goal 4, Strategy A – Grow and support neighborhood-serving businesses (p. 34).
- Environmentally Resilient, Goal 8, Strategy B – Encourage mixed-use

communities where residents can live, work and play in their own neighborhoods (p. 54).

- Environmentally Resilient, Goal 8, Strategy C – Focus growth by transit stations and along high- and medium-capacity transit corridors (p. 54).

The proposed zone district will enable mixed-use development at a location where infrastructure, including light rail transit service, is already in place. Therefore, the rezoning is consistent with the Denver Comprehensive Plan 2040 recommendations.

- **Globeville Neighborhood Plan:**

The Globeville Neighborhood Plan is the most recently adopted plan and confirms the vision for the neighborhood as laid out in the 2002 version of Blueprint Denver – Transit-Oriented Development within an Area of Change. The plan's recommendation #4 calls to improve access to Housing and to improve Neighborhood Services. Transit Oriented Developments call for a transit station within a half mile walking distance, in this case the station is across the street. The new proposed zoning would support and accommodate housing, services and employment opportunities, for a diverse population, with a maximum building height of 8 stories while working to reinforce and revitalize existing businesses.

- **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 Pedestrian Shopping District with a building height up to 8 stories. The proposed new zoning would allow for the promoted higher intensity with a variety of uses including shopping, entertainment, residential and commercial uses. The plan's focal point of a Pedestrian Shopping District calls for Urban design features such as continuous street frontages with sidewalk entrances. Below are recently rezoned properties and redevelopment in the 41st and Fox Station area:

- Fox Street light rail station – 41st and Fox Street (opened April 2019) – The old Brannon Sand and Gravel property was transitioned into a light rail station and parking lot to support both light rail and bus services.
- Fox Street Shops – 3900 Fox Street (opened 2013) – An urban retail center with parking in the rear.
- Villas at the Regency (student housing) – 2551-2559 31st Street (opened 2013) – Parking lot redeveloped into 120 multifamily/student housing units.

The new proposed C-MS-8 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 Urban Center zone, and mixed-use zoning 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 the site into a new residential and Mixed-Use development incorporating a variety of uses. 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.

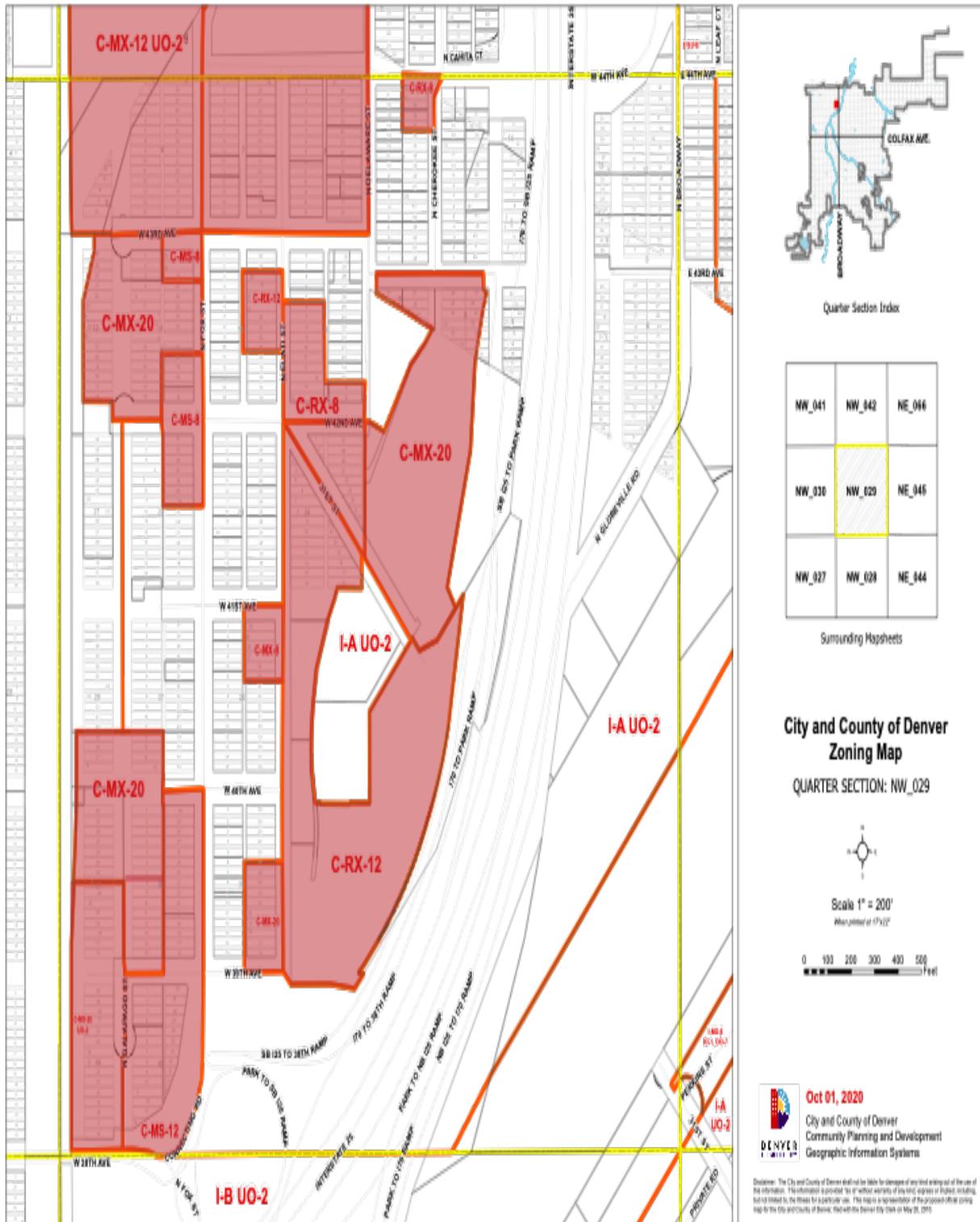
The development of this parcel will likely encourage more substantial investment to rehabilitate the property with a useful life for the community by allowing for more local businesses to continue the existing surrounding development structures.

Justifying Circumstances

Changes include adopting to recommended neighborhood plans, recent rezoning and development of other properties in the areas and the new light rail station. It is in the public interest to match the surrounding zoning recognizing the changed character of the area. See the section above, 41st and Fox Station Area, for the justifying criteria and see enclosed supporting documentation of the surrounding area below.

RECENTLY RE-ZONED DEVELOPMENTS IN THE SURROUNDING AREA:

RECENTLY RE-ZONED IN THE SURROUNDING AREA:



RECENTLY RE-ZONED DEVELOPMENTS IN THE SURROUNDING AREA:



FOX STREET STATION



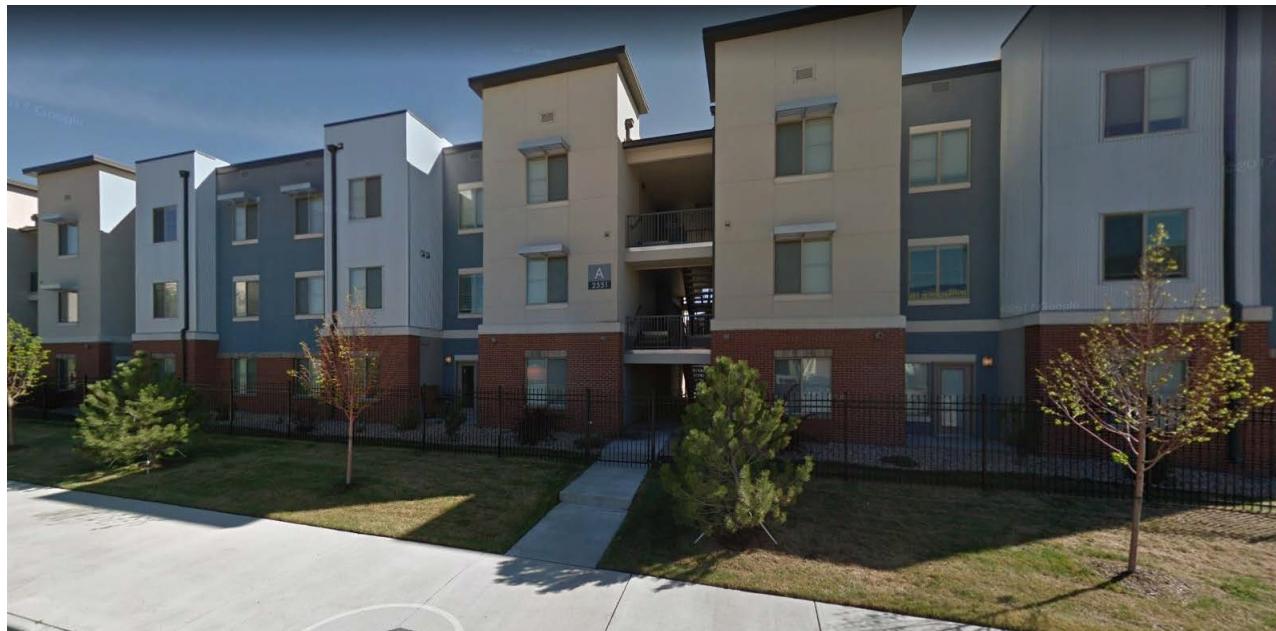
FOX STREET SHOPS



RECENTLY RE-ZONED DEVELOPMENTS IN THE SURROUNDING AREA:



THE VILLAS - STUDENT HOUSING





Assembly Student Housing

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

The requested C-MS-8 zone district is within the Urban Neighborhood Context. The urban, residential and main-street 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 residential and mixed-use arterial Fox Street, the proposed rezoning will achieve the intent of the zone district.

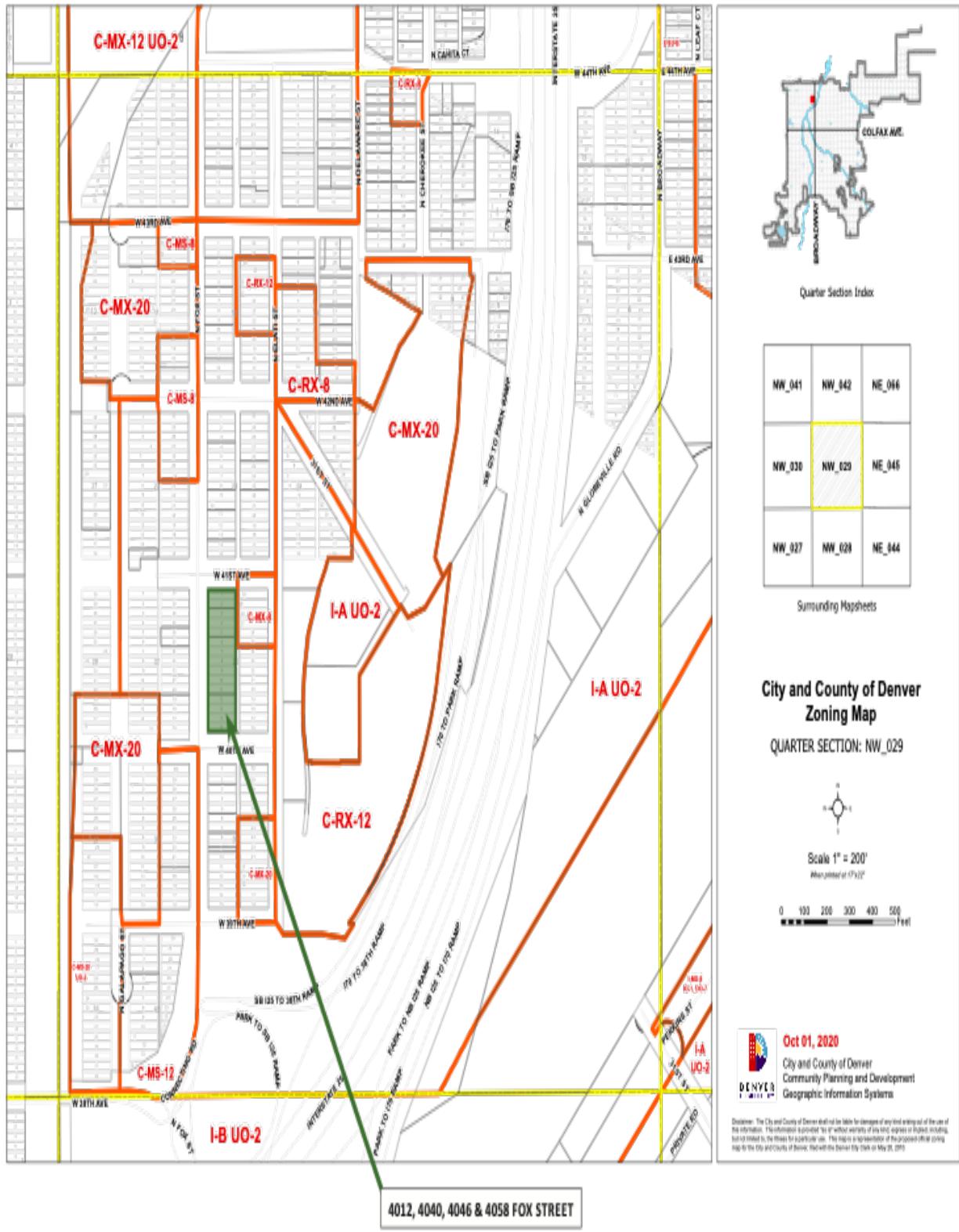
Community Outreach

The owners have reached out to the following organizations to inform them of the upcoming rezoning application:

- Denver Arts and Culture Initiative-No response
- Elyria Swansea/Globeville Business Association-Requested more information, I responded on January 26th to try to set up a call and have not received a response.
- Globeville Civic Partners-No response
- Globeville First-No response
- Inter-Neighborhood Cooperation (INC)-No response
- Northeast Denver Friends and Neighbors-No Response
- Reclaim the East Side-No response
- RiNo Art District-No Response
- Rio Norte-No response
- UCAN-Requested more information
- Council District 9-Had a phone meeting with Lisa Calderon
- Both Council District at Large offices-No response

We assume from the overwhelming lack of response that the neighborhood groups are not in opposition to the rezoning we are proposing.

CURRENT ZONING IN THE SURROUNDING AREA:



mfran
4012, 4040, 4046, & 4058 Fox Street-Rezone
November 12, 2020 at 1:47 PM
Francone Michael

M

To whom it may concern:

I wanted to reach out to inform you of our intent to rezone four parcels of land we own in the Fox Street Neighborhood. These parcels are across from the 41st and Fox rail station and are currently being used as U Lucky Dog Daycare.

Our concept for the land is a mixed use building with ground floor retail/commercial space and a mix of affordable and market rate apartments. We have already begun talks with the Denver HOST department and a local consultant familiar with affordable housing projects to make sure we are designing a project that will work within the restraints of the affordable programs.

We are reaching out to Registered Neighborhood Organizations and other groups for any comments or concerns you might have. I have attached a letter that better explains how the rezoning fits into the concept plans created by the city and local neighborhoods.

We are confident that the proposed project will enhance the neighborhood in a positive manner and would love to answer any questions you might have. I can be reached at 303-989-3900 or mfrancone@centralstreetcap.com.

Best,
Mike



4040 Fox RNO
Letter.pdf

Michael Francone
Michael Francone
Central Street Capital, Inc.
2500 17th Street, Suite 201
Denver, CO 80211
Phone: 303.989.3900
Fax: 303.785.5984

STATEMENT OF AUTHORITY

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

4040 Fox Street LLC

2. The type of entity is a

- Corporation
- General Partnership
- Limited Partnership Association
- Registered Limited Liability 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: Angelique M. Moyer-Managing Member

6. The authority of the foregoing person(s) is to bind the entity: is not limited is limited as follows: _____

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 20th day of November 2020.



Angelique M. Moyer-Managing Member

State of Colorado)

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)ss

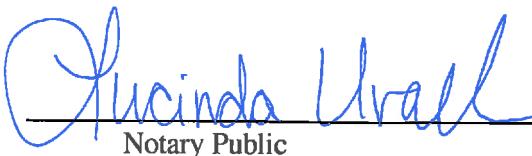
County of Denver)

)

LUCINDA UVALLE
NOTARY PUBLIC - STATE OF COLORADO
NOTARY ID 20104020562
MY COMMISSION EXPIRES APR 12, 2023

The foregoing instrument was acknowledged before me this 23 day of November 2020 by Angelique M. Moyer.

Witness my hand and official seal.



Lucinda Uvalle
Notary Public

My Commission expires: 4/12/23

WHEN RECORDED RETURN TO:

STATEMENT OF AUTHORITY

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- Corporation
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- Non-Profit Corporation
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- 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: Michael Francone-Owner Representative

6. The authority of the foregoing person(s) is 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 20th day of November 2020.


Angelique M. Moyer-Managing Member

State of Colorado)

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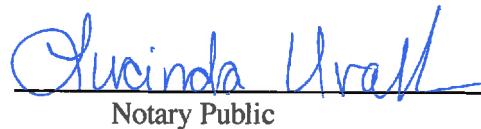
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