



TO: Denver City Council
FROM: Kyle A. Dalton, AICP, Senior City Planner
DATE: October 16, 2014
RE: Official Zoning Map Amendment Application #2013I-00050
1520 Grape Street
Rezoning from U-TU-C to U-MS-2

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2013I-00050 for a rezoning from U-TU-C to U-MS-2.

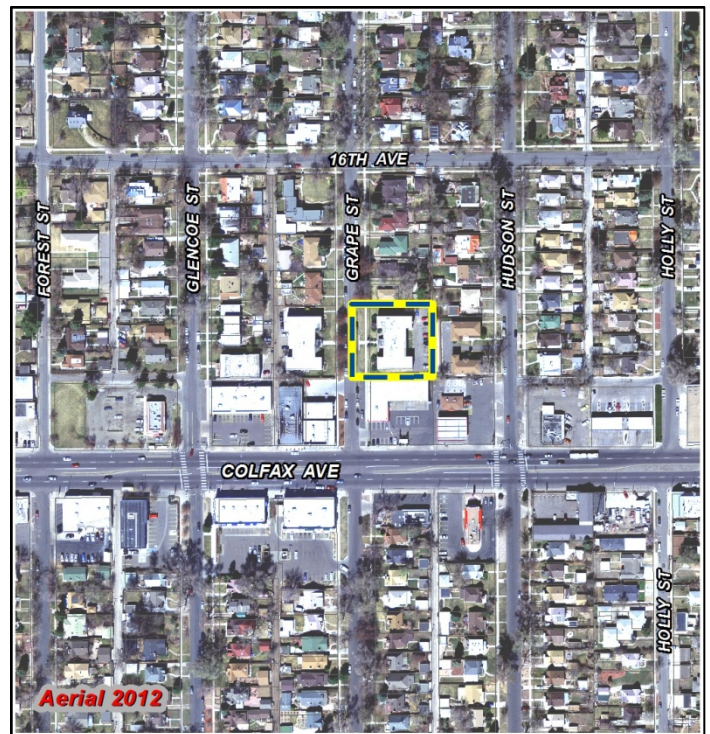
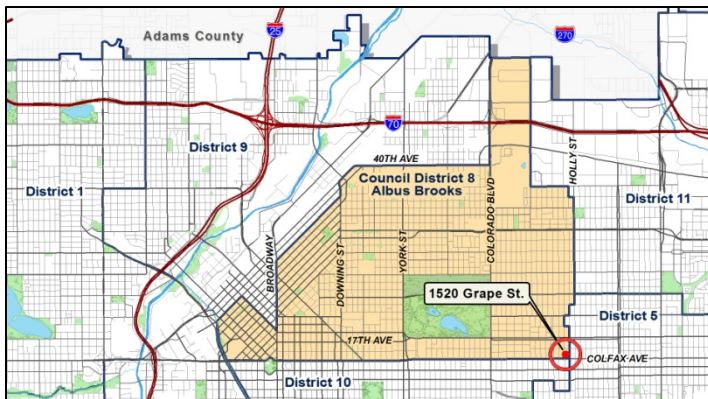
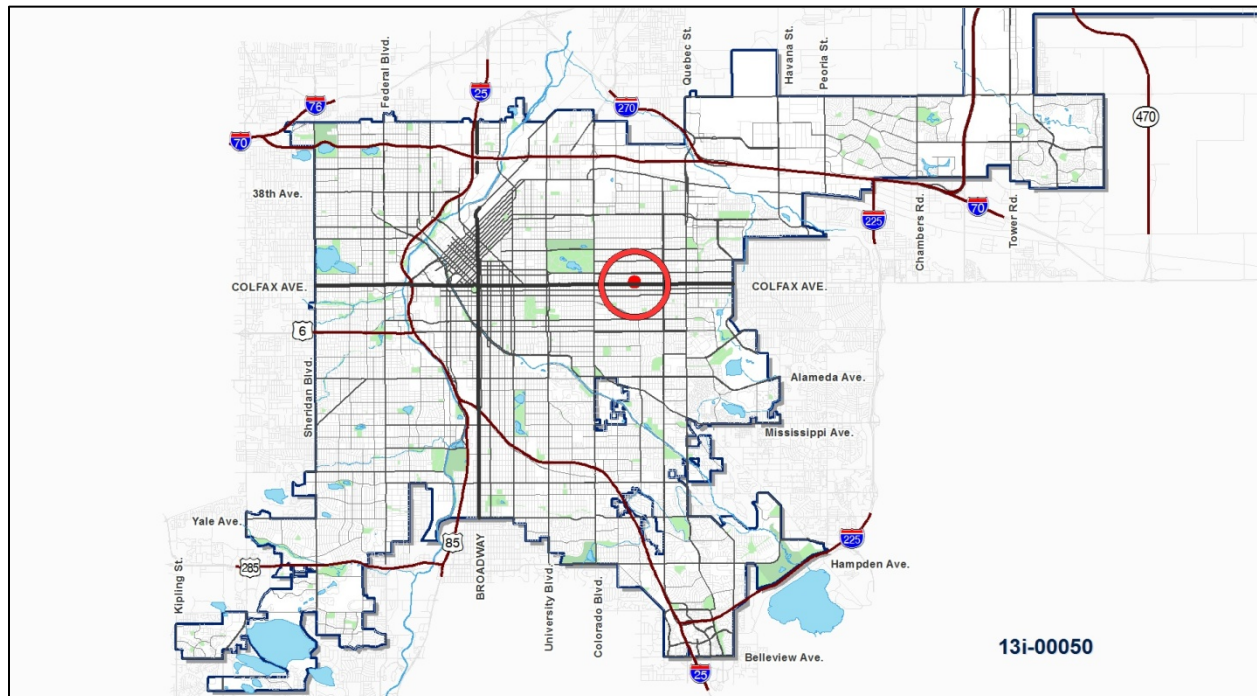
Request for Rezoning

Application:	#2013I-00050
Address:	1520 Grape Street
Neighborhood/Council District:	South Park Hill / Council District 8
RNOs:	Fax Partnership; Greater Park Hill Community, Inc.; South Park Hill Neighborhood Organization; Denver Neighborhood Association, Inc.; Mayfair Neighbors, Inc.; City Park Friends and Neighbors; Inter-Neighborhood Cooperation
Area of Property:	19,500 square feet
Current Zoning:	U-TU-C
Proposed Zoning:	U-MS-2
Property Owner(s):	1520 Grape LLC
Owner Representative:	Bob Gollick, Robert J. Gollick, Inc.

Summary of Rezoning Request

- The site is located in east Denver, in Council District 8, within the South Park Hill Statistical Neighborhood, just north of Colfax Avenue on Grape Street.
- The rezoning is comprised of a single parcel with an existing multi-unit residential building and surface parking behind the structure.
- The property owner, through his representative, is requesting rezoning in order to enable the addition of additional dwelling units in the building.
- The U-MS-2 zone district stands for Urban Neighborhood Context – Main Street – 2 story maximum height. A range of mixed commercial uses are allowed, as well as residential uses. Main Street zone districts have the highest building form requirements for build-to, transparency, and pedestrian entrances. Further details of the zone district can be found in Article 5 of the Denver Zoning Code (DZC).
- The original rezoning application requested U-MS-3. Councilman Albus Brooks organized a community mediation session which was attended by staff, the property owners, a neighboring property owner, and representatives from Greater Park Hill Community, Inc., on July 2, 2014.

Following an agreement reached at the mediation, the property owner revised the application to U-MS-2.



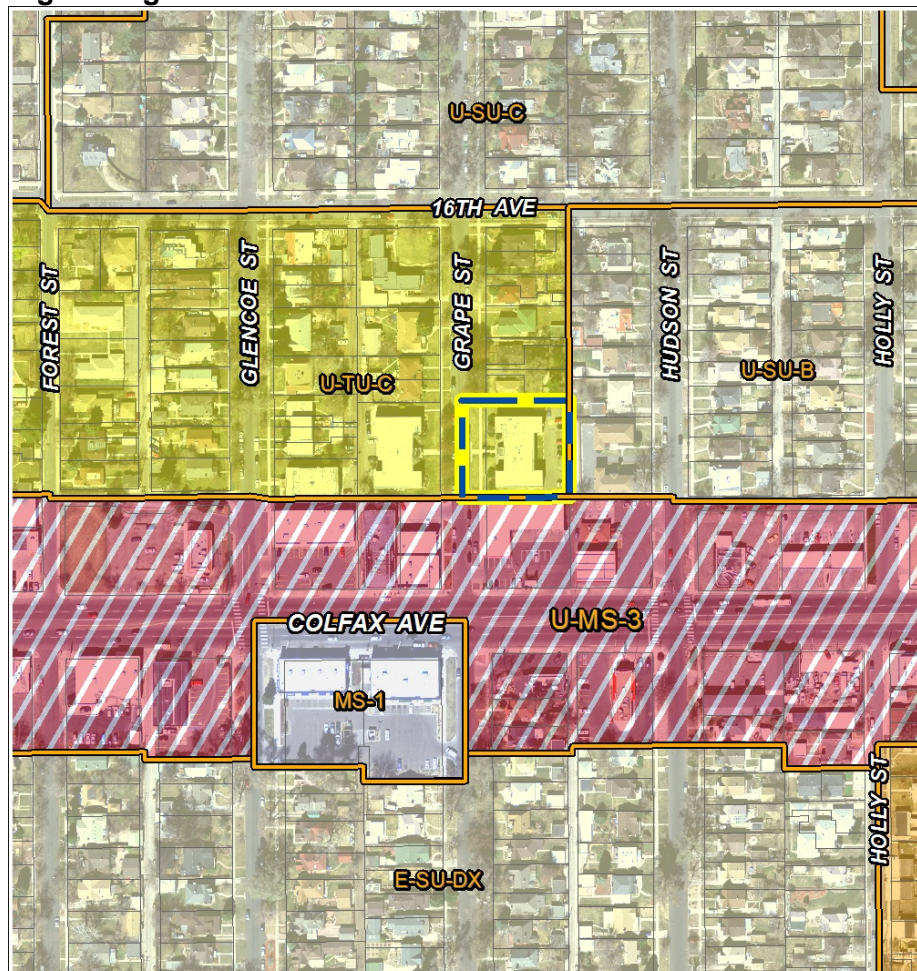
Existing Context

The site is located immediately north of the Colfax mixed use/commercial corridor, on a block of predominately two-unit and multi-unit residential buildings. Various regional and neighborhood-serving commercial uses are found along Colfax. Between Eudora and Grape, from Colfax to 16th Avenue, two-unit dwelling uses predominate, with some multi-unit residential and single-unit residential mixed in. Elsewhere in this area, properties north and south of Colfax Avenue are generally single-unit residential, except for the mixed uses found along or very near Colfax. The nearest RTD bus stops are on Colfax on within one block in either direction from Grape. The route 15 stops at every stop, and the route 15L stops at Glencoe Street one block west.

The following table summarizes the existing context proximate to the subject site:

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	U-TU-C	Multi-unit dwelling	2-story apartment building. Primary street setback is approximately 20', consistent with other residential buildings on the block	Generally regular grid of streets. Block sizes and shapes are consistent and rectangular. Vehicle parking is typically to the rear or sometimes to the side of buildings. There is no alley on this block. Some nearby blocks have alleys while others do not.
North	U-TU-C	Two-unit dwellings	1- to 1 ½-story duplexes with typical 20' primary street setbacks	
South	U-MS-3	Auto services (tire store)	1-story auto-oriented commercial building with surface parking in front	
East	U-TU-C	Multi-unit and single-unit dwellings	2 ½- to 3-story multi-family buildings; typically 1-story single family houses to the northeast	
West	U-TU-C	Multi-unit dwelling; commercial to the southwest and two-unit dwellings to the northwest	2-story apartment building similar in form and scale to the subject site. Structure to southwest is one-story commercial building along Colfax. Structures to northwest are typically 1- to 1 ½ story duplexes, with one 4-plex at the end of the block.	

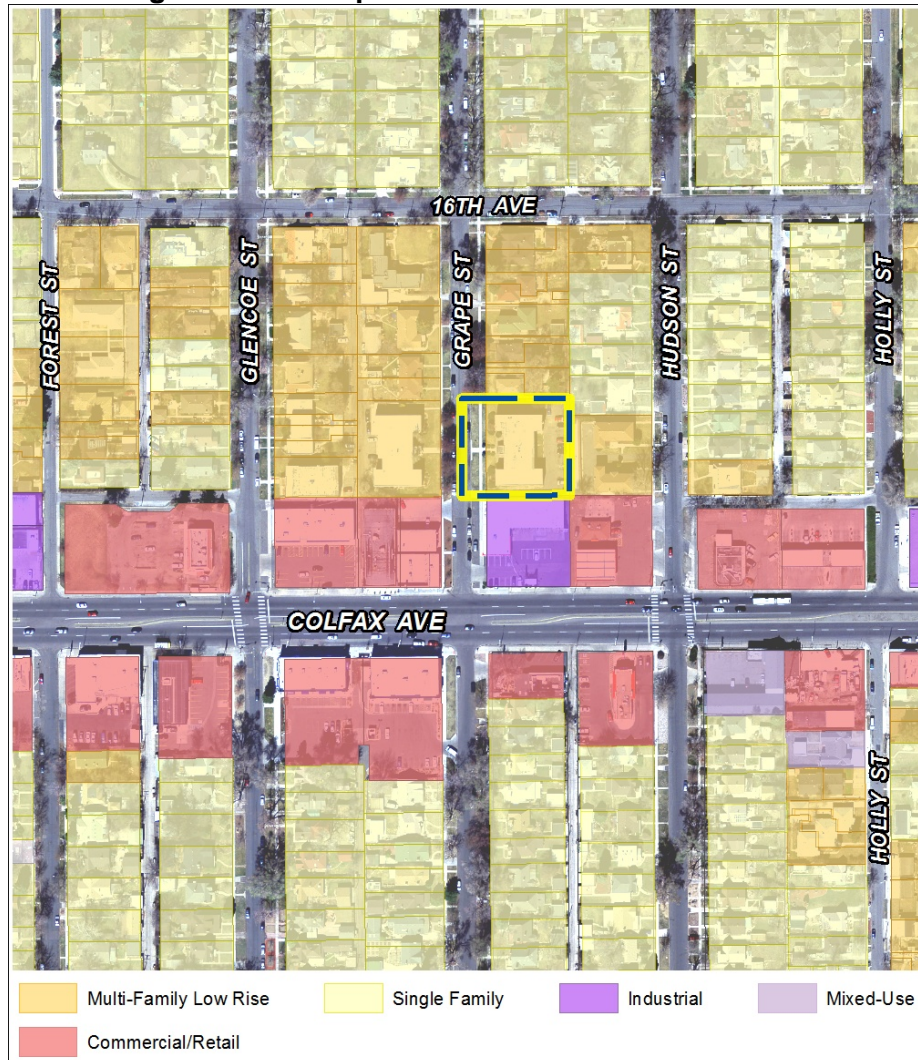
1. Existing Zoning



The existing U-TU-C zone district generally allows single unit and two-unit dwellings on zone lots of at least 5,500 square feet. The zone district also allows multi-unit dwellings as a conforming use where legally established and maintained, and an existing structure may be modified or demolished and rebuilt in accordance with the building form standards; however, the number of dwelling units cannot be increased, and the zone lot cannot be reduced or expanded. Other compatible civic, institutional, and accessory uses are also allowed. Urban House and Duplex primary building form standards are allowed, and provide for a maximum height up to 2.5 stories. For additional details of the current zone district, see DZC Article 5.

This application was precipitated by the property owner's desire to increase the number of dwelling units in the existing structure, which is not allowed under the current zoning.

2. Existing Land Use Map



Except for the corners at Colfax, the entire 1500 block of Grape Street is comprised of low-rise multi-family buildings, including duplexes, a 4-plex, and two apartment buildings. Colfax is lined with commercial/retail buildings, a couple of which directly face Grape Street just north of Colfax. On the map above, the building shown as “industrial” just south of the subject site is actually an auto service / tire store.

3. Existing Building Form and Scale (Google Maps images)



Subject Site (prior to recent renovations), looking east from Grape Street.



Apartment building and duplex, across the street from the subject site, looking west.



Typical duplexes found north of the subject site.



Adjacent commercial site on Colfax, looking north. The subject site is directly behind the store.



Apartments east of the subject site, looking west.

If rezoned, the existing structure may be compliant (instead of *conforming*) as to building form standards of the U-MS-2 zone district, such as required build-to.

Summary of City Agency Referral Comments

As part of the DZC review process, the rezoning application is referred to potentially affected city agencies and departments for comment. A summary of agency referral responses follows:

Asset Management: "Approved – No Comments."

Development Services – Project Coordination: “Approved”

Development Services – Transportation: “Approve Rezoning Only - Will require additional information at Site Plan Review”

Development Services – Wastewater: “The rezoning is approved. However, the applicant should be aware that Development Services will not approve any development of this property without assurance that there is sufficient sanitary and storm sewer capacity available. A sanitary study and/or drainage study may be necessary. The results of these studies may require the developer to install major infrastructure improvements or to limit the size of the development. Any proposed development or improvements will be reviewed for compliance to specific wastewater criteria at the time of site plan and/or building permit submittal.”

Public Works – City Surveyor: “Approved - No Comments”

Public Review Process

- CPD staff provided informational notice of receipt of the original (U-MS-3) rezoning application to affected members of City Council and registered neighborhood organizations on May 16, 2014.
- The property was posted for a period of 15 days announcing the June 4, 2014, Denver Planning Board public hearing, and written notification of the hearing was sent to all affected registered neighborhood organizations and City Council members on May 20, 2014.
- At the applicant’s request, Planning Board postponed the public hearing to July 16, 2014. The property was re-posted and written notification of the postponed hearing was sent.
- CPD staff provided informational notice of receipt of the revised (U-MS-2) rezoning application to affected members of City Council and registered neighborhood organizations on July 18, 2014.
- At the applicant’s request, Planning Board again postponed the public hearing to August 20, 2014. The property was re-posted and written notification of the postponed hearing was sent to all affected registered neighborhood organizations and City Council members on August 5, 2014.
- Written notification of the September 17, 2014, meeting of the Neighborhoods and Planning Committee was sent to all affected registered neighborhood organizations and City Council members on September 3, 2014.
- The Neighborhoods and Planning Committee moved this case to the full City Council on September 17, 2014.
- **Registered Neighborhood Organizations (RNOs)**
 - The executive director of the Fax Partnership, a Registered Neighborhood Organization, wrote a letter expressing support, which was included with the application. The letter states that the rezoning will contribute to Colfax revitalization efforts and serve a residential market need. The full text is attached to this staff report.
 - The president of Mayfair Neighbors, Inc., a Registered Neighborhood Organization, wrote a letter expressing support which was included with the application. The letter states that investment in this property through rezoning will broaden the economic and

cultural base of the surrounding neighborhoods and the Colfax corridor. The full text is attached to this staff report.

- Bradley L. Zieg of the Denver Neighborhood Association, Inc., a Registered Neighborhood Organization, sent an email expressing no objection.
- Greater Park Hill Community (GPHC), Inc., a Registered Neighborhood Organization, submitted a letter, position statement, and attachments on August 12, 2014. According to this submittal, the GPHC Board voted to support the rezoning request based on concessions from the developer following the mediation sponsored by Councilman Brooks. These documents are attached to this staff report.
- The other RNOs identified on page 1 were notified of this application. At the time of this staff report, no further RNO correspondence had been received.
- **Other Public Comment**
 - A petition indicating support for the application was signed by ten property owners and/or residents, nine of whom reside and/or own property on the 1500 block of Grape Street, where the subject property is located. The petition was submitted with the application, and is attached to this staff report.
 - As of the date of this staff report, six emails were received in opposition to the rezoning from Linda Chase, Maggie Gourd-Barrett, Ron Heywood, Tracey MacDermott, Heather Shockey, and Patricia Taylor. The emails express concerns including the potential to set a precedent for “spot zoning,” commercial zoning along a residential street, increased residential density, and impacts on traffic, parking, and noise. See the attached correspondence for the full text of these emails. All of the emails were received prior to the revision of the application from U-MS-3 to U-MS-2 and before the community mediation organized by Councilman Brooks.
 - At the time of this staff report, no further correspondence regarding this application had been received.

Criteria for Review / Staff Evaluation

The criteria for review of this rezoning application are found in DZC, Sections 12.4.10.13 and 12.4.10.14, as follows:

DZC Section 12.4.10.13

1. Consistency with Adopted Plans
2. Uniformity of District Regulations and Restrictions
3. Public Health, Safety and General Welfare

DZC Section 12.4.10.14

1. Justifying Circumstances
2. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements

1. Consistency with Adopted Plans

The following adopted plans apply to this property:

- Denver Comprehensive Plan 2000

- Blueprint Denver (2002)
- Park Hill Neighborhood Plan (2000)

Denver Comprehensive Plan 2000

The proposal is consistent with many Denver Comprehensive Plan strategies, including:

- Environmental Sustainability Strategy 2-F – *Conserve land by promoting infill development within Denver at sites where services and infrastructure are already in place; designing mixed use communities and reducing sprawl so that residents can live, work and play within their own neighborhoods.*
- Land Use Strategy 3-B – *Encourage quality infill development that is consistent with the character of the surrounding neighborhood; that offers opportunities for increased density and more amenities; and that broadens the variety of compatible uses.*
- Mobility Strategy 4-E – *Continue to promote mixed-use development, which enables people to live near work, retail and services.*

The proposed map amendment will enable reuse of an existing multi-family structure at an infill neighborhood location near transit, where services and infrastructure are already in place, in a manner compatible with the existing context. The U-MS-2 zone district will broaden the variety of uses. The rezoning is consistent with these plan recommendations.

Blueprint Denver

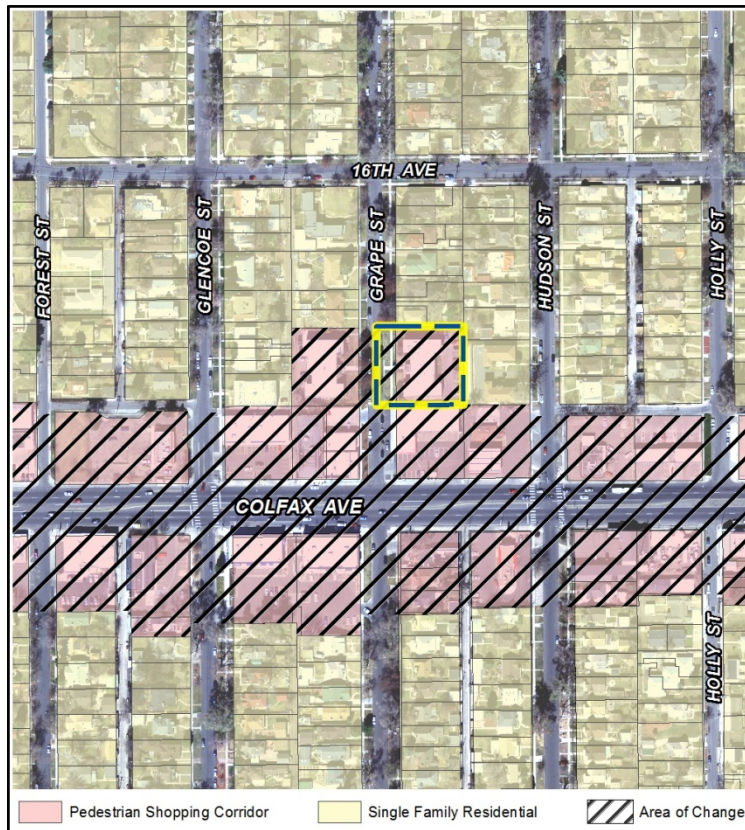
According to the 2002 Plan Map adopted in Blueprint Denver, this site has a concept land use of Pedestrian Shopping Corridor and is located in an Area of Change.

Future Land Use

A Pedestrian Shopping Corridor “exhibits the same land uses as a town center or neighborhood center, but it orients those uses in a linear rather than circular pattern. Many of the existing pedestrian shopping corridors in Denver grew from streetcar business districts. These corridors are scaled to be compatible with surrounding residential neighborhoods. Pedestrian shopping corridors have a continuous street frontage of buildings, wide sidewalks, on-street parking, and shared parking among businesses. These corridors provide pedestrian amenities and good transit service” (p. 45). The mix of uses should be “primarily small-scale, street-fronting commercial uses; residential uses also may be present” (p. 65). The U-MS-2 zone district allows a mix of uses consistent with this plan designation, along the linear Colfax corridor. Building form standards in this zone district are designed to be pedestrian-oriented, small-scale, up to three stories, consistent with the plan designation.

It is of interest that the Pedestrian Shopping Corridor designation extends north to include this property, and its apparent “twin” apartment building on the opposite side of Grape Street, even though neither has frontage on Colfax Avenue and neither is historically commercial in use. While it is typical for the Pedestrian Shopping Corridor to be applied to properties along Colfax, it is not unique to find it also applied to adjacent properties without Colfax frontage. For example, on the same east side of Grape Street, just *south* of Colfax Avenue, two residential properties facing Grape Street are included in the Pedestrian Shopping Corridor. Reviewing the Pedestrian Shopping Corridor all along East Colfax, a few other locations can be found where the land use designation

extends north or south of the avenue, two or more properties deep (sometimes for a half-block or more), facing the perpendicular named streets. The overall pedestrian shopping corridor remains linear in nature, even though the corridor is shallower in some areas and deeper in others, accommodating a variety of site depths and possible redevelopment opportunities.



2002 Blueprint Denver
Future Land Use Map

Area of Change / Area of Stability

The site is in an Area of Change. In general, “The goal for Areas of Change is to channel growth where it will be beneficial and can best improve access to jobs, housing and services with fewer and shorter auto trips. Areas of Change are parts of the city where most people agree that development or redevelopment would be beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, a high priority will be providing housing opportunities for existing residents. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop” (p. 127). Blueprint Denver provides additional specific guidance for the East Colfax (East of Colorado Boulevard) commercial corridor Area of Change: “Redevelopment possibilities for this East Colfax sub-area include introducing mixed-uses along this major bus corridor” (p. 140). The rezoning application is consistent with the Blueprint Denver Area of Change recommendations. Access to jobs, housing, and services can improve in the main street zone districts, mixed uses will be introduced in the U-MS-2 zone district, and this site has access to bus transit stops within a few hundred feet on Colfax Avenue.

Street Classifications

Blueprint Denver classifies Grape Street as an Undesignated Local street. Specific guidance is not provided in Blueprint Denver for undesignated streets. Blueprint Denver says local streets are “influenced less by traffic volumes and tailored more to providing local access. Mobility on local streets is typically incidental and involves relatively short trips at lower speeds to and from other streets.”

Just south of the subject site, Blueprint Denver classifies Colfax Avenue as a Mixed Use Arterial. According to the plan, “Mixed-use streets emphasize a variety of travel choices such as pedestrian, bicycle and transit use. Mixed-use streets are located in high-intensity mixed-use commercial, retail and residential areas with substantial pedestrian activity” (p. 57). Further, “Arterials are designed to provide a high degree of mobility and generally serve longer vehicle trips to, from, and within urban areas (p. 51).” Movement of people and goods is the primary function on these streets. By permitting additional uses in pedestrian-appropriate building forms, a Main Street zone district can add to the mixed-use nature of Colfax Avenue consistent with the plan’s street designations.

Small Area Plan: Park Hill Neighborhood Plan (adopted in 2000)

The Park Hill Neighborhood Plan was adopted by City Council in 2000, and applies to the subject property. Goals applicable to the review of this application include the following:

- “Maintain the existing integrity of the residential character of Park Hill. Assure that continued growth and development in Park Hill results in a balanced and compatible mix of housing types and densities.”
- “Minimize the visual impacts and create an improved buffer area between the industrial, commercial and residential areas.”
- “Maintain and enhance the small-scale neighborhood character of the business areas and foster the development of ‘Main Street’ type imagery.”
- “Provide for an attractive and harmonious transition between different land uses and developments.”

In the U-MS-2 zone district, protected district setbacks apply to enhance compatibility in building form with adjacent residential zone districts. Some of the permitted uses in U-MS-2 are limited or subject to additional review procedure when abutting or near to a protected district, as this site is. The permitted uses in the U-MS-2 zone district are also more limited than in the adjacent U-MS-3 zone district, creating a transition in use intensity from Colfax to the neighborhood. The U-MS-2 zone district also implements the desire for Main Street-type character for business areas. Therefore, the rezoning is consistent with plan goals in the Park Hill Neighborhood Plan.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to U-MS-2 will result in the uniform application of zone district building form, use and design regulations. The proposed zoning is a standard zone district, and the zoning rules that apply to all sites zoned U-MS-2 will likewise apply to the subject site, if the rezoning is approved.

3. Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety, and general welfare of the City primarily through implementation of the city's adopted comprehensive plan and land use and transportation plan, as detailed above.

4. Justifying Circumstance

The application identifies several changed or changing conditions as the Justifying Circumstance under DZC Section 12.4.10.14.A.4, "The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area." As discussed above, the adopted plan recommendations state that redevelopment of the area is desired, as the site is located in an Area of Change. The rezoning application also identifies other redevelopment that has occurred in the area and is positively changing the character of the area. Several notable redevelopment projects have recently occurred along this stretch of Colfax Avenue. This is an appropriate justifying circumstance for the proposed rezoning.

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

Neighborhood Context Description

The requested U-MS-2 zone district is within the Urban Neighborhood Context. The Urban Neighborhood Context is primarily characterized by single-unit and two-unit residential uses, with some mixed uses (DZC, Division 6.1). There is typically a regular pattern of blocks surrounded by an orthogonal street grid. Buildings typically have consistent, moderate front setbacks, with parking at the rear and/or side of the building. Building height is typically low-scale. This rezoning site is consistent with this neighborhood context description. The current zone district, U-TU-C, is also within the Urban Neighborhood Context. All adjacent properties are also in zone districts in the Urban Neighborhood Context.

Zone District Purpose and Intent

According to DZC 5.2.5.1, the general purpose of the Main Street zone districts includes enhancing the convenience, ease and enjoyment of transit, walking, shopping and public gathering along the city's commercial streets where a higher degree of walkability and pedestrian activity is desired. They are intended to provide an urban, mixed-use, built-to environment regardless of neighborhood context. They also are intended to ensure new development contributes positively to established residential neighborhoods and character, and improve the transition between commercial development and residential neighborhoods. The specific U-MS-2 zone district intent in DZC 5.2.5.2.A states that "U-MS-2 applies to areas or intersections served primarily by local streets embedded within an existing or proposed neighborhood where a building scale of 1 to 2 stories is desired."

Analysis

The building scale permitted in U-MS-2 is consistent with surrounding properties and is respectful of existing character on a local street. It should be noted that the U-MS-2 zone district would require a high degree of build-to, which is not currently present on this site or adjoining sites, though it is found

immediately southwest of the subject site and on other nearby Colfax sites. Plan recommendations discussed above indicate that walkability is desired. Transit is nearby. Buildings in the surrounding area are low-scale from 1 to 3 stories. A Mixed Use zone district may also be appropriate, which has a similar purpose as the Main Street zone districts without requiring as high of a degree of an urban, walkable environment particularly in terms of building form standards. Nonetheless, based on the plan recommendations for this area and existing and desired character, rezoning to the U-MS-2 zone district would be consistent with the purpose and intent of the neighborhood context and the district.

Planning Board Recommendation

At a properly noticed public hearing on August 20, 2014, the Denver Planning Board heard testimony from the applicant and from one representative of a registered neighborhood organization in support of the application. After considering the written record and oral testimony, the Planning Board voted 9-0 (with two members not present) to recommend approval.

Staff Recommendation

Based on the review and analysis set forth above, CPD staff finds that the application for rezoning the property located at 1520 Grape Street to the U-MS-2 zone district meets the requisite review criteria. Accordingly, staff recommends approval.

Attachments

1. Application, including RNO comment letter from Fax Partnership, RNO comment letter from Mayfair Neighbors, and petition of support
2. Denver Neighborhood Association comment email
3. Greater Park Hill Community, Inc., comment letter, position statement, and attachments
4. Six public comment emails



DENVER
THE MILE HIGH CITY

Zone Map Amendment (Rezoning) - Application

1/26/12

PROPERTY OWNER INFORMATION*	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	
Address	
City, State, Zip	
Telephone	
Email	
*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.	

PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Representative Name	
Address	
City, State, Zip	
Telephone	
Email	
**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.	

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):	
Assessor's Parcel Numbers:	
Legal Description: (Can be submitted as an attachment. If metes & bounds, a map is required.)	
Area in Acres or Square Feet:	
Current Zone District(s):	

PROPOSAL	
Proposed Zone District:	



DZC Sec. 12.4.10.13

- ☐ 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

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.

- ☐ **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.

- ☐ Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.

DZC Sec. 12.4.10.14

Justifying Circumstances - One of the following circumstances exists:

- ☐ The existing zoning of the land was the result of an error.
- ☐ The existing zoning of the land was based on a mistake of fact.
- ☐ 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.
- ☐ 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
- ☐ 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.

Please provide an attachment describing the justifying circumstance.

- ☐ 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.

Please provide an attachment describing how the above criterion is met.

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:

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
1520 Grape, LLC	2120 Bluebell Avenue Boulder, Colorado 80302-8028 720 333-0110 jim@hartmanelyinvestments.com	100%	<i>James Hartman</i>	7/7/14	A	Yes

www.denvergov.org/rezoning

March 20, 2014

Rev: May 6, 2014

Rev: July 7, 2014

Addendum Pages to the proposed Official Zone Map Amendment Application for:

1520 Grape Street

Application No. 2013I-00050

Current Zoning: U-TU-C

Proposed Zoning: U-MS-2

Property Owner Information

Schedule Numbers: 0131429005000

1520 Grape, LLC

Jim Hartman, Manager

2120 Bluebell Avenue

Boulder, Colorado 80302

Authorized Representative:

Robert J. Gollick, Inc. (Bob Gollick)

609 South Gaylord Street

Denver, Colorado 80209

303 722-8771

bgollick@comcast.net

Exhibit "A": Description of Consistency with Adopted City Plans

REVIEW CRITERIA

The proposed map amendment is consistent with the following three adopted plans.

- 1. Denver Comprehensive Plan 2000,**
- 2. Blueprint Denver, and**
- 3. 2000 Park Hill Neighborhood Plan.**

Review Criteria 1. Denver Comprehensive Plan 2000

LAND USE CHAPTER

Objective 1: Citywide Land Use and Transportation Plan

Strategy 1-B:

Ensure that the *Citywide Land Use and Transportation Plan* reinforces the cities character by building on a legacy of **high-quality urban design and stable,**

attractive neighborhoods; encouraging preservation of historic buildings, districts and landscapes; and maintaining the integrity of the street grid, parks, parkways, and open space system.

Objective 3: Residential Neighborhoods and Business Centers

Accommodating New Development

Objective 4 Land Use and Transportation

Strategy 1-C: Incorporate relevant recommendations from neighborhood, corridor and area plans that are supplements to Plan 2000. Examples are the plans for Stapleton, Lowry, Gateway, Federal Boulevard, Central Platte Valley and the Golden Triangle. *(Park Hill Neighborhood Plan adopted by City Council in May of 2000)*

Strategy 3-B:

Encourage quality **infill development that is consistent with the character of the surrounding neighborhood;** that offers opportunities for increased density and more amenities; and that broadens the variety of compatible uses.

Strategy 4-A: 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.

Strategy 4-B: Ensure that land use policies and decisions support a variety of mobility choices, including light rail, buses, paratransit, walking and bicycling, as well as convenient access for people with disabilities.

Mobility Chapter

Objective 4: Changing Travel Behavior

Strategy 4-E

Continue to promote mixed-use development, which enables people to live near work, retail and services.

Legacies Chapter

Objective 2 New Development, Traditional Character

Strategy 2-E

Ensure that the Zoning Code reinforces quality urban design.

Objective 3 Compact Urban Development

Strategy 3-A

3-A Identify areas in which increased density and new uses are desirable and can be accommodated.

Economic Activity Chapter

1-H Support a variety of housing opportunities for Denver's current and future workforce. Housing opportunities throughout Denver should be expanded.

Environmental Sustainability Chapter

Strategy 2-F Conserve land by:

- Promoting infill development within Denver at sites where services and infrastructure are already in place.
- Designing mixed-use communities and reducing sprawl, so that residents can live, work and play within their own neighborhoods.

Strategy 4-A Promote the development of sustainable communities and centers of activity where shopping, jobs, recreation and schools are accessible by multiple forms of transportation, **providing opportunities for people to live where they work.**

Review Criteria 2. Blueprint Denver

Blueprint Denver has designated the subject property as an **Area of Change** with a land use designation of **Pedestrian Shopping District**, which is defined as:

Pedestrian Shopping Corridor *Page 45*

A pedestrian shopping corridor exhibits the same land uses as a town center (which may include high density residential) or neighborhood center, but it orients those uses in a linear rather than circular pattern. Many of the existing pedestrian shopping corridors in Denver grew from streetcar business districts. These corridors are scaled to be compatible with surrounding residential neighborhoods. Pedestrian shopping corridors have a continuous street frontage of buildings, wide sidewalks on-street parking, and shared parking among businesses. These corridors provide pedestrian amenities and good transit service.

Pedestrian Corridors encourage land use(s) with higher densities when the corridor is near downtown, **such as the Colfax Corridor**. Densities may be up to 40 units per acre in individual buildings. *(Blueprint page 64)*

Criteria for Selecting Areas of Change and Adding New Areas of Change

The following criteria were used to select the Areas of Change....

- Areas already undergoing **positive change** that is expected to continue
- Areas **adjacent to transit** and around transit stations, both existing and planned
- Areas along corridors with frequent bus service that can accommodate development, especially areas with potential as **pedestrian shopping corridors**.
- Areas with special opportunities, such as where major public or **private investments** are planned. *(Page 128)*

■ Descriptions of Areas of Change — Corridors

Linear Areas of Change are called corridors. They have different scales and intensities and generally fall into three categories: **pedestrian shopping corridor** (the subject property), river corridor, and commercial corridor. The first is oriented to pedestrians and provides smaller shops serving a neighborhood market area. *(Blueprint page 139)*

As stated in Blueprint Denver, much of Denver's growth will be accommodated by infill development on vacant land or through **redevelopment of existing sites**. The proposed map amendment will meet that statement by providing the entitlement ability to add additional residential units to an existing structure.

East Colfax (East of Colorado Boulevard) – commercial corridor

The focus of this sub-area centers on Colfax Avenue from Colorado Boulevard to Yosemite. Redevelopment possibilities for this East Colfax sub-area include introducing mixed-uses along this major bus corridor. (Page 140) *To accomplish this goal, additional residential units will be necessary.*

There are several reasons why the location of the property along the Colfax corridor is significant.

(1) Colfax is the premier cross-town arterial that joins three metropolitan jurisdictions (Denver, Lakewood and Aurora) and connects downtown to many regional destinations.

(2) Designated as an "Enhanced Transportation Corridor" under Blueprint Denver and "Bus Redevelopment Corridor" under the Regional Transportation District (RTD) plan.

Colfax contains many **underutilized** and vacant parcels that could benefit from redevelopment as mixed use projects that capture a greater percent of the trade area's market share and contribute more to the city's economy, **provide more housing options for residents** (including affordable housing), activate the street environment and capitalize on the convenient access to transit. The future development climate of the corridor should attract investment and uses that support transit users and residents, and reinforce neighborhood character.

Colfax Avenue is already a multi-modal, commercial and residential "Main Street" that complements and sustains the nearby neighborhoods and encourages walking, biking and transit use. The corridor teems with activity on the street and is becoming one of the City's desirable areas to live.

*We all realize that residential development is what drives successful retail. For Colfax to survive as a commercial corridor **more residential units are needed**. Housing density along the Colfax corridor supports transit and sustainable urban growth. Note: Since the site is already development with a residential apartment building, the potential for commercial encroachment is eliminated*

Review Criteria 3. Adopted 2000 Park Hill Neighborhood Plan (Plan)

The subject property is located just off Colfax Avenue, which is the southern edge of the Plan boundaries. The proposed map amendment is supported by several recommendations and goals stated in the Plan. Some of those are listed below.

Note A: *The following portion of this application contains excerpts and paraphrasing from the Plan. Page numbers are included to reference of the entire section of the Plan cited.*

Land Use and Zoning Chapter

- Goals
- Maintain the existing integrity of the residential character of Park Hill. Assure that continued growth and development in Park Hill results in a balanced and **compatible mix of housing types and densities.**
- Action Recommendations

LZ-3 Create and **maintain a mix of housing types and sizes** that are attractive and affordable to a diversity of ages, incomes, household types, sizes, cultural and ethnic backgrounds. (Page 33)

- Public Safety Chapter

Improve security in retail areas by encouraging pedestrian traffic. (Page 45)

Business and Economic Development Chapter

- Issues/Goals

The major goal of economic development is to sustain the Park Hill Neighborhood by attracting, stimulating and preserving businesses that serve and employ neighborhood residents. The purpose of business and economic development is to ensure the stability of the businesses in the Neighborhood Shopping Nodes and to promote the health of those enterprises along the Colfax Avenue and Colorado Boulevard Corridors. (Page 53)
(Again, Residential Drives Retail. The best retailers will fail if there are not sufficient nearby residents to support the business)

Exhibit "B":

Section "A" Description of Justifying Circumstances

1. The subject parcel was zoned in 2010. The site is already developed with a 2-story, 17-unit multi-family structure, which was built in 1946 and has for the most part remained unchanged. However, during the zoning code update in 2010, the property was zoned to the U-TU-C (Two-Unit with a minimum Zone Lot area of 5,500 sq. ft.) zone district. This is a zone district typically used for development of duplex units. The zoning code is clear that "multi-unit dwelling uses that were legally established and maintained on a zone lot shall be considered conforming uses in these districts." However, this condition of having a 17-unit apartment structure in a "duplex" zone district makes financing the property extremely difficult and creates issues with insuring the building.

2. The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area.

Numerous changes have occurred in the area that justifies the proposed map amendment. A few are listed as follows:

1. Of most importance is the City's adoption of the **2000 Park Hill Neighborhood Plan** that is supportive of this zoning request and described in the section above,
2. While the Park Hill neighborhood has remained and will continue to remain stable, the Colfax corridor has experienced significant change. New businesses, eating-places and dwelling units have created an urban corridor that will benefit from additional residents.
3. Approval of the site as an **"Area of Change"** with a land use category of **Pedestrian Shopping Corridor** within "Blueprint Denver",
4. The numerous developments in the area such as an urban grocer on Colorado Boulevard. The approval of a grocery store (Sprouts Farmer's Market formerly Sunflower) on East Colfax several blocks west from the subject. These uses will rely on additional residential units to survive,
5. The recent desire for individuals to live near the Downtown where they work and play. This site, which is on an RTD urban transit line conveniently, connects to downtown Denver as well as Aurora, Lakewood, DIA and Boulder. The Colfax RTD line truly is a regional transit connection.

The area conditions have changed significantly, providing the legal basis for this zone change request and make the proposed amendment reasonable and necessary to the promotion of the public health, safety and general welfare. The public interest for the citizens of Denver is best served by adoption of this map amendment, which will provide support for the services, amenities, employment opportunities and provide residential development necessary for positive planned growth to occur.

Section "B" Neighborhood Context

This proposed map amendment request approval of the U-MS-2 zone district. All of the MS designated zone districts are Main Street districts allowing mixed-use development. More specifically, the U-MS-2 is also a multi unit district allowing row house, apartment and shopfront primary building forms. The tallest building form has a **maximum height of three stories**.

The Urban Neighborhood Context is primarily characterized by single-unit and two-unit residential uses. **Small-scale multi-unit residential uses and commercial areas are typically**

embedded in residential areas. Single-unit residential structures are typically Urban House forms. Multi-unit building forms are typically Row House forms embedded with other residential building forms. Commercial buildings are typically Shop Front and General forms that may contain a mixture of uses within the same building. Single- and two-unit residential uses are primarily located along local and residential arterial streets. **Multi-unit residential uses are located along local streets,** residential and mixed use arterials, and main streets. Commercial uses are primarily located along mixed-use arterial or main streets but may be located at or between intersections of local streets. There is a balance of pedestrian, bicycle and vehicle reliance with greater access to the multi-modal transportation system. (Such as that which is available along Colfax Avenue)

As stated in the Zoning Code, the **General Purpose** of the U-MS-2 district is as follows:

A. The intent is to promote safe, active, and pedestrian-scaled commercial streets through the use of Shop Front and Row House building forms that clearly define and activate the public street edge.

B. The Main Street Zone Districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering along the city's commercial streets.

C. The Main Street district standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods.

D. Main Street Zone Districts are typically applied linearly along entire block faces of commercial, industrial, main, mixed-use and residential arterial streets (as designated in Blueprint Denver) or, less frequently, on **single zone lots at the intersection of local/collector streets within a residential neighborhood.**

E. **In all cases, the Main Street Zone Districts should be applied where a higher degree of walk ability and pedestrian activity is desired than required in a Corridor, Mixed Use, or Residential Mixed Use Zone District.**

F. In the Urban Neighborhood Context, the Main Street Zone Districts may also be embedded within a larger commercial shopping center or mixed-use area to promote a pedestrian-active street front within a larger mixed use or commercial development.

G. The Main Street Zone Districts are intended to promote an urban, mixed-use, built-to environment regardless of neighborhood context. Main Street buildings have a shallow front setback range. The build-to requirements are high and the maximum building coverage is significant.

If during the City overall zoning code update in 2010 it was known that the existing structure was a 17-unit apartment building, it probably would have been zoned U-MS-2. This is due in part to the adjacent zoning which is already U-MS-3 and that the MS zone districts were designed to be compatible with urban neighborhoods like Park Hill.

Improvement Survey
Exhibit "C"

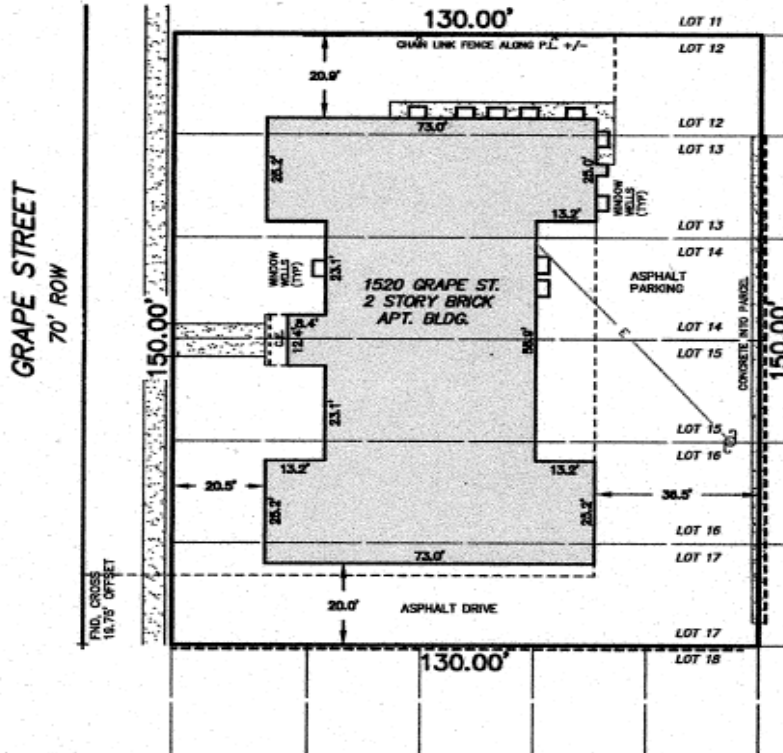


5750 West Colfax Avenue, Unit 20, Greenwood Village 80215
 PH: 303-233-1171, FAX 303-237-1863

JOB NO: 1307-12
 Prepared For:
 PINNACLE REAL ESTATE ADVISORS
 ALEX TALLE
 HARTMAN ELY INVESTMENTS LLC
 LAND TITLE GUARANTEE COMPANY



THIS IMPROVEMENT CERTIFICATE IS ONLY TO BE
 USED WITH THE LAND TITLE GUARANTEE COMPANY
 FILE NO. ABJ70397042 AND WILL EXPIRE WITHIN 90
 DAYS OF THE DATE AS SHOWN ON THE CERTIFICATE
 BELOW.



LEGAL DESCRIPTION

LOTS 12 THROUGH 17 INCLUSIVE, BLOCK 30, DOWNINGTON,
 CITY AND COUNTY OF DENVER,
 STATE OF COLORADO

STREET ADDRESS
 1520 GRAPE STREET
 DENVER, CO

IMPROVEMENT LOCATION CERTIFICATE

I HEREBY CERTIFY THAT THIS IMPROVEMENT LOCATION CERTIFICATE WAS PREPARED FOR PINNACLE REAL ESTATE ADVISORS, PINNACLE REAL ESTATE ADVISORS, ALEX TALLE, HARTMAN ELY INVESTMENTS LLC AND LAND TITLE GUARANTEE COMPANY, THAT IT IS NOT A LAND SURVEY PLAT OR IMPROVEMENT SURVEY PLAT, AND THAT IT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OF FENCE, BUILDING OR OTHER FUTURE IMPROVEMENT LINES. I FURTHER CERTIFY THAT THE IMPROVEMENTS ON THE ABOVE DESCRIBED PARCEL ON THIS DATE, NOVEMBER 19, 2013, EXCEPT UTILITY CONNECTIONS, ARE ENTIRELY WITHIN THE BOUNDARIES OF THE PARCEL, EXCEPT AS SHOWN, THAT THERE ARE NO ENCROACHMENTS UPON THE DESCRIBED PREMISES BY IMPROVEMENTS ON ANY ADJOINING PREMISES, EXCEPT AS INDICATED, AND THAT THERE IS NO APPARENT EVIDENCE OF ANY EASEMENT CROSSING OR BURDENING ANY PART OF SAID PARCEL, EXCEPT AS NOTED.

DATE: _____

GORDON S. PAGE, COLORADO
 P.L.S. No. 29048



NOTICE: This Improvement Location Certificate is not a Land Survey Plat as set forth in CRS 38-61-102(12) or an Improvement Survey Plat as set forth in CRS 38-61-102(10), nor does it establish property boundaries or the true relationship of improvements to them. Improvements are generally situated as shown and only apparent improvements and encroachments are noted. It is prepared for the sole purpose of the parties stated herein. Kurt Linn & Associates, and I Gordon S. Page II, will not be liable for more than the cost of this Improvement Location Certificate and then only to the client specifically shown herein. The certification of this survey shall not and does not extend to third parties. Acceptance and/or use of this instrument for any purpose constitutes agreement by all parties to all terms stated herein.

Exhibit "D": Proof of Ownership (Assessors records)

1520 Grape Street

The property description shown is data from the Assessor's active, in-progress 2013 file. The "current year" values are from the 2013 tax year for real property tax due in 2014. These values are based on the property's physical status as of January 1, 2013.

PROPERTY INFORMATION

Property Type: RESIDENTIAL APARTMENT
UNITS Parcel: 0131429005000

Name and Address Information	Legal Description
HARTMAN ELY INVESTMENTS LLC	
2120 BLUEBELL AVE	DOWNINGTON B39 L12 TO 17 INC
BOULDER, CO 80302-8028	
Property Address: 1520 GRAPE ST	Tax District DENV

Assessment Information

	Actual	Assessed	Exempt	Taxable
Current Year				
Land	349700	27840		
Improvements	1064700	84750		
Total	1414400	112590	0	112590
Prior Year				
Land	373000	29690		
Improvements	720900	57380		
Total	1093900	87070	0	87070

Style: Other

Reception No.: 2014007058

Year Built: 1946
Building Sqr. Foot: 10,662
Bedrooms:
Baths Full/Half: 0/0
Basement/Finished: 0/0

Recording Date: 01/22/14
Document Type: Warranty
Sale Price: 1505000
Mill Levy: 83.09

Lot Size: 19,500

[Click here for current zoning](#)

Zoning Used for Valuation: UTU

Exhibit "E": Letter of Authorization for Robert J. Gollick, Inc. to act as Representative



Hartman Ely Investments LLC
2120 Bluebell Avenue
Boulder CO 80302
720-333-0110

March 12, 2014

Mr. Kyle Dalton
City and County of Denver
Community Planning and Development
201 West Colfax Ave, Second Floor
Denver, CO 80206

Re: 1520 Grape St, Denver, CO

Dear Kyle,

This letter serves as authorization for Robert J. Gollick, doing business as Robert J. Gollick, Inc. to act on behalf of 1520 Grape LLC which owns and operates the 1520 Grape Street building, for the purpose of rezoning the property described in this U-MS-3 application.

1520 Grape LLC is a subsidiary entity of Hartman Ely Investments LLC.

Sincerely,

HARTMAN ELY INVESTMENTS LLC

A handwritten signature in blue ink that reads "James Hartman".

James Hartman
Manager

1520 GRAPE LLC

A handwritten signature in blue ink that reads "James Hartman".

James Hartman
Manager

Exhibit "F": Neighborhood Correspondence



P.O. Box 200052
Denver, CO 80220
www.thefaxdenver.com
info@thefaxdenver.com

March 9, 2014

Jim Hartman, Manager
Hartman Ely Investments LLC
2120 Bluebell Avenue
Boulder CO 80302

Dear Jim:

Thank you for meeting with me at your property at 1520 Grape Street near Colfax Avenue last week. Please accept this letter of support for your zoning application to allow additional 10-12 garden level apartments in this location.

The Fax Partnership is a nonprofit organization dedicated to revitalizing East Colfax Avenue, from Colorado Boulevard to Yosemite Street. Our board of directors is comprised of business owners and residents from the Park Hill, Mayfair, East Montclair, Historic Montclair and Bellevue Hale neighborhoods. We market the district, support small businesses, recruit new business, facilitate redevelopment of older properties and implement clean and safe initiatives.

Park Hill Place will contribute to Colfax revitalization efforts by providing well-designed and managed market rate housing within walking or biking distance of transit, restaurants, groceries and neighborhood services on Colfax. The apartment building and grounds will be improved, helping to stabilize property values and safety in the area. Park Hill Place will also serve a residential market need for single professionals and seniors.

As you know, we are implementing a business improvement district initiative on East Colfax Avenue. One key goal is to better align Colfax retail offerings to serve area neighbors. We look forward to working with you and other property owners to make this happen.

Sincerely,

Hilarie Portell, Executive Director
The Fax Partnership



March 17, 2014

City and County of Denver
Denver Community Planning and Development
201 W. Colfax Ave., Dept. 201
Denver, CO 80202

RE: 1520 Grape Street Redevelopment

Dear Planning and Development Board,

Please accept this letter supporting the petition submitted by Hartman Ely Investments, LLC, to rezone 1520 Grape Street, Denver, Colorado.

The existing property is a 2-story apartment building with 17 units. Currently the property is incorrectly zoned as a U-TU-C, and we support correcting the zoning to reflect the existing use and be rezoned under the U-MS-3 code to bring the property into conformance.

The Board of Directors for Mayfair Neighbors, Inc., (the RNO to the south of the property representing 3200 households), is also pleased with the plans to renovate the building and add more units that will provide quality housing options near the Colfax corridor. Questions were raised about parking, and the plans as presented are in compliance with the current requirements.

There is no question that the applicant has proven to be a quality developer with sensitivity to the architecture, context, and needs of the surrounding neighborhoods. We believe this investment will further broaden the economic and cultural base of the neighborhoods and the Colfax corridor.

The proposed plan for this property seems to mesh well with Mayfair Neighbors Inc.'s, mission to advance the physical, economic, civic and cultural improvement of our neighborhoods.

If you have any questions, please feel free to contact me at 303.956.0965 or wsirmons@gmail.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Wayne A. Sirmons".

Wayne A. Sirmons
President, Mayfair Neighbors, Inc.
303-956-0965

Denver Registered Neighborhood Organization

Mayfair Neighbors, Inc.
PO Box 200306 Denver, CO 80220

WWW.MAYFAIRDENVER.ORG

PETITION OF SUPPORT FOR REZONING: 1520 GRAPE STREET

As a property owner and/or resident of the neighborhood, I want to express my support for the proposed rezoning of 1520 Grape Street from the U-TU-C (Two-Unit) zone district to the U-MS-3 (main Street) zone district. I understand and support that this will permit the addition of 10 or 12 residential units to the existing building. The developer will meet the parking requirements imposed by the City of Denver.

As a result, I recommend that both the Planning Board and the Denver City Council vote in favor of this zoning request.

Thank you.

<u>Name</u>	<u>Address</u>	<u>Date</u>
<u>Hilario Portell</u>	<u>2385 Glenview St</u>	<u>4/15/14</u>
<u>Super Joe</u>	<u>1544 Grape St.</u>	<u>4/27/14</u>
<u>Sh B</u>	<u>1593 Grape St</u>	<u>4/27/14</u>
<u>Maria Baumann</u>	<u>1565 Grape</u>	<u>4-27-14</u>
<u>William Baumann</u>	<u>1563 Grape</u>	<u>4-27-14</u>
<u>Erin</u>	<u>1555 grape</u>	<u>4/27/14</u>
<u>Sandra Mick</u>	<u>1545 grape</u>	<u>4/27/14</u>
<u>Zinah Khalaf</u>	<u>1566 Grape</u>	<u>4/27/14</u>
<u>Kathy Muckechny</u>	<u>1579 Grape</u>	<u>4/27/14</u>
<u>Paul M. M. M. M.</u>	<u>1585 Grape St.</u>	<u>4/27/14</u>



ROBERT J. GOLLICK, INC.
REAL ESTATE CONSULTING

February 19, 2014,

City Park Friends and Neighbors:	John Vansciver
FAX Partnership:	Hillary Portell
Greater Park Hill Community, Inc.:	Director
South Park Hill Neighborhood Organization:	Paul Burton
Mayfair Neighbors, Inc.:	Wayne Simons
Denver Neighborhood Association, Inc.:	Brad Zieg
Inter-Neighborhood Cooperation:	Larry Ambrose

Re: Proposed Rezoning of 1520 Grape Street

Greetings to all,

Hartman Ely Investments, LLC., (HEI) a developer of unique and high-quality residential units in Denver, has purchased property addressed as 1520 Grape Street. This property is currently developed with a 2-story apartment building containing 17 units. The issue is that the zoning for the property is U-TU-C, which is the Urban Two-Unit zone district. Thus the Developer needs to correct that zoning to reflect the existing multi-unit condition.

Additionally, HEI would like to renovate the existing structure and include an additional 10 - 12 units to support the City's goal to create good quality workforce housing that is located near convenient public transit areas like Colfax Avenue. It is the intent to develop most, if not all, of these units at garden level by better utilizing the existing crawl space. The renovated structure and additional units will be designed and operated to the highest quality standards for the residents and the area neighbors. All resident and visitor parking will meet City parking requirements. The project will be designed by the HEI team to provide innovative and energy efficient housing. For an overview of HEI, please visit their website at: hartmanelyinvestments.com

As mentioned, the current zoning of the property is U-TU-C, thus a rezoning will be required in order to renovate this property as described above.

HEI has retained the consulting firm of Robert J. Gollick, Inc., to assist in rezoning the property. Our team has met with Denver Community Planning and Development (CPD) to discuss zoning options. CPD has suggested that we consider the U-MS-3 zone district because it will bring the property into conformance, allow the proposed renovation and is the same zoning that is adjacent to the property along the south property line. However, I want to be clear that CPD has not taken a position on the potential rezoning and our team has not yet submitted a zoning application.



The purpose of this letter is to inform you in advance of the upcoming rezoning application and invite you to ask any questions or meet to discuss the proposed rezoning. HEI would like the opportunity to meet with you to present our plans and listen to any questions or concerns you may have, please contact me at the contact numbers below to schedule a convenient time to meet. Also, please note that we will contact the adjacent neighbors along Grape Street to provide them with an opportunity to meet and discuss our plans.

When the zoning application is filed, the zoning timeframe requires approximately six months of review and meeting time as well as posting signs on the property twice prior to the City Council public hearing. However, we feel strongly that the best way to proceed with any zoning request is by early and ongoing contact with all neighborhood organizations. Your input is necessary for the public process to work.

If you feel we have missed anyone on the list for this letter please let me know so that we can contact them.

Thank you for your interest in this rezoning application. .

Sincerely,

Robert J. Gollick, President

Robert J. Gollick, Inc.

SENT VIA EMAIL

cc: Councilman Albus Brooks, District 8
Kyle Dalton, Community Planning & Development
Jim Hartman, Hartman Ely Investments, LLC



ROBERT J. GOLLICK, INC.

REAL ESTATE CONSULTING

REDI V
4251 Kipling Street, 405
Wheat Ridge, CO 80033-6833

NDIRA, INC. Theresa Heaton
1070 West Century Drive , 101
Louisville, CO 80027-1657

Sandra S Mick
1545 Grape Street
Denver, Colorado 80220-1346

Nissa Rost-Rothman
1546 Grape Street
Denver, Colorado 80220-1347

Snapper Investments, LLC
1423 Dahlia Street
Denver 80220-2452

Elizabeth Cava
1556 Grape Street
Denver, Colorado 80220-1346

Patricia Taylor
1558 Grape Street
Denver, Colorado 80220-1347

March 5, 2014,

Re: Proposed Rezoning of 1520 Grape Street

Greetings,

I hope this correspondence finds you well. Hartman Ely Investments, LLC., (HEI) a developer of unique and high-quality residential units in Denver, has purchased property addressed as 1520 Grape Street. This property is currently developed with a 2-story apartment building containing 17 units. The issue is that the zoning for the property is U-TU-C, which is the Urban Two-Unit zone district. Thus the Developer needs to correct that zoning to reflect the existing multi-unit condition.

Additionally, HEI would like to renovate the existing structure and include an additional 10 - 12 units to support the City's goal to create good quality workforce housing that is located near convenient public transit areas like Colfax Avenue. It is the intent to develop most, if not all, of these units at garden level by better utilizing the existing crawl space. The renovated structure and additional units will be designed and operated to the highest quality standards for the residents and the area neighbors. All resident and visitor parking will meet City parking requirements. The project will be designed by the HEI team to provide innovative and energy efficient housing. For an overview of HEI, please visit their website at: hartmanelyinvestments.com

As mentioned, the current zoning of the property is U-TU-C, thus a rezoning will be required in order to renovate this property as described above.

HEI has retained the consulting firm of Robert J. Gollick, Inc., to assist in rezoning the property. Our team has met with Denver Community Planning and Development (CPD) to discuss zoning options.



CPD has suggested that we consider the U-MS-3 zone district because it will bring the property into conformance, allow the proposed renovation and is the same zoning that is adjacent to the property along the south property line. However, I want to be clear that CPD has not taken a position on the potential rezoning and our team has not yet submitted a zoning application.

The purpose of this letter is to inform you, as a nearby property owner, in advance of the upcoming rezoning application and invite you to ask any questions or meet to discuss the proposed rezoning. We have also notified the area Registered Neighborhood Organizations of our proposed plans. HEI would like the opportunity to meet with you to present our plans and listen to any questions or

concerns you may have. Please feel free to contact me at the numbers below to schedule a convenient time to meet.

When the zoning application is filed, the zoning timeframe requires approximately six months of review and meeting time as well as posting signs on the property twice prior to the City Council public hearing. However, we feel strongly that the best way to proceed with any zoning request is by early and ongoing contact with all neighborhood organizations. Your input is necessary for the public process to work.

Thank you for your interest in this rezoning application. .

Sincerely,

Robert J. Gollick, President
Robert J. Gollick, Inc.

cc: Councilman Albus Brooks, District 8
Kyle Dalton, Community Planning & Development
Jim Hartman, Hartman Ely Investments, LLC

From: [Rezoning - CPD](#)
To: [Dalton, Kyle A. - Community Planning and Development](#)
Subject: FW: OFFICIAL MAP AMENDMENT PLANNING BOARD NOTIFICATION #2013I-00050: 1520 Grape Street
Date: Wednesday, June 04, 2014 10:42:45 AM



Venus Boatner | Plans Review Technician
Community Planning and Development | Planning Services
City & County of Denver
720*865*2993 Phone | Venus.Boatner@DenverGov.org

From: Bradley Zieg [mailto:bradleyzieg@msn.com]
Sent: Monday, June 02, 2014 3:31 PM
To: Rezoning - CPD
Cc: Brooks, Albus - City Council District 8; Kniech, Robin L. - City Council; Ortega, Deborah L. - City Council
Subject: RE: OFFICIAL MAP AMENDMENT PLANNING BOARD NOTIFICATION #2013I-00050: 1520 Grape Street

CPD This request is to add 2 more apartments to a 16 unit existing apartment building. The building is not now, nor ever was, a TU zoned property. The Zone District "TU" does not reflect the existing conditions at all.

The Denver Neighborhood Association, Inc. has no objection to this appeal to the BOA.

Regards,

Bradley L. Zieg

Denver Neighborhood Association, Inc.
1285 Dexter Street
Denver, CO 80220
Phone: 303.994.1395
email: bradleyzieg@msn.com

From: Rezoning@denvergov.org
Subject: OFFICIAL MAP AMENDMENT PLANNING BOARD NOTIFICATION #2013I-00050: 1520 Grape Street
Date: Tue, 20 May 2014 20:17:34 +0000

OFFICIAL MAP AMENDMENT PLANNING BOARD NOTIFICATION			
APPLICATION #	#2013I-00050	LOCATION	1520 Grape Street
APPLICANT	Robert J. Gollick, Inc 609 S. Gaylord St.	COUNCILPERSON	Albus Brooks

Greater Park Hill Community, Inc.
2823 Fairfax Street
Denver, CO 80207

Phone: (303) 388-0918

Fax: (303) 388-0910

June 1, 2014

Julie Underdahl, Chair, et al.
Planning Board
City and County of Denver
201 West Colfax Avenue, Dept. 205
Denver, Colorado 80202

RE: Application No. 2013I-00050
Address: 1520 Grape Street, Denver, Colorado 80220

Dear Ms. Underdahl:

On July 2, 2014, members of Greater Park Hill Community, Inc. (GPHC) participated in mediation with the developer/owner, Jim Hartman of Hartman Ely Investments, of 1520 Grape Street at the request of Councilperson Albus Brooks' office. The concessions offered to GPHC for the rezoning of 1520 Grape Street are outlined below and in the attached meeting notes and documents. These meeting notes are provided by the mediator, Steve Charbonneau, after review of all attendees. The documents are provided by the developer, Jim Hartman.

On August 7, 2014, during its regularly scheduled monthly Board meeting, GPHC voted to reconsider support for the rezoning. There were enough members present to form a quorum. The support of the rezoning request with concessions passed by a vote of 9 (nine) support to 4 (four) opposed. There were two abstentions.

Vote: Approval of rezoning of 1520 Grape Street from U-TU-C to U-MS-2 based on the following concessions from the developer, Jim Hartman:

1. Deed restrictions for the property use and allowable building height to remain multi-unit residential only and two story (existing two story) in perpetuity.
2. Adding on-site parking. The site plan provided by Jim Hartman shows 21 on-site spaces. There are 17 existing units total on 1st and 2nd floors. The attached garden level plan shows 9 units. This is a total of 26 units. Zoning requires 1 parking space per unit, however, there is an exception for U-MS-2 zoning that allows only parking 75% of the units. So, by code, that would be 19.5 (20) parking spaces. He is showing 5 street parking spaces in front of the building, but those are in the ROW and cannot be assigned to the building or count towards the zoning required parking.
3. Landscaping between the north property line and new one way drive to buffer against the adjacent duplexes.
4. Developing a construction plan with adjacent neighbors to minimize impact during construction.
5. Rezone to U-MS-2, not U-MS-3 as previously proposed.

Those who remain opposed do so in opposition to allowing spot zoning; impacts to adjacent neighbors/businesses; and a continued concern regarding parking capacity.

Submitted Most Respectfully,

A handwritten signature in black ink, appearing to read "Bernadette Kelly", with a stylized flourish at the end.

Bernadette Kelly
Property Use Committee Chair
Greater Park Hill Community, Inc.
2823 Fairfax Street
Denver, Colorado 80207
Telephone: 303-388-0918
Email: chair@greaterparkhill.org

**CITY AND COUNTY OF DENVER, COLORADO
REGISTERED NEIGHBORHOOD ORGANIZATION
POSITION STATEMENT**

Following a vote of the Registered Neighborhood Organization, please complete this form and email to rezoning@denvergov.org. You may save the form in *.pdf format if needed for future reference. Questions may be directed to planning staff at rezoning@denvergov.org or by telephone at 720-865-2974.

Application Number	2013I-00050
Location	1520 Grape Street
Registered Neighborhood Organization Name	Greater Park Hill Community, Inc.
Registered Contact Name	Rebecca Born
Contact Address	2823 Fairfax Street Denver, Colorado 80207
Contact E-Mail Address	director@greaterparkhill.org
Date Submitted	August 12, 2014

As required by DRMC § 12-96, a meeting of the above-referenced Registered Neighborhood Organization

was held on , with members in attendance.

With a total of members voting,

voted to support (or to not oppose) the application;

voted to oppose the application; and

voted to abstain on the issue.

It is therefore resolved, with a total of members voting in aggregate:

The position of the above-referenced Registered Neighborhood Organization is that Denver City Council

Application #

Comments: We support the request to rezone 1520 Grape Street from U-TU-C to U-MS-2 per the concessions noted in our attached letter, mediation meeting minutes dated July 2, 2014, and documents from Hartman Ely Investments as submitted via email on August 12, 2014.

1520 Grape Street

July 5, 2014 (v2)

At the request of Councilman Brooks and Brande' Micheau, Steve Charbonneau and Suzanne Chambers-Yates from Community Mediation Concepts met with Jim Hartman and representatives from the Greater Park Hill Community to discuss rezoning for 1520 Grape Street.

Jim Hartman is an architect, developer, and owner of the 1520 Grape property. This property was purchased in January of this year. Mr. Hartman has rehabbed the existing seventeen apartments and is hoping to excavate the existing basement and build up to an additional eight garden level apartments. To do this he must rezone the property. Kyle Dalton, Senior City Planner, explained in our meeting that there is no other way to add any units.

Issues and concerns for the Greater Park Hill Community include;

1. The establishing of a precedence for rezoning . They explained that so much work had gone into developing Denver's new zoning plan that to begin dismantling it by rezoning specific properties is not acceptable.
2. Parking is an issue within the neighborhood and especially the 1500 block of Grape Street, with overflow parking from the restaurants and commercial properties on Colfax, and adding up to an additional eight units creates more parking challenges.
3. The requested zoning amendment (U-MS-3) allows uses, building forms and height that exceeds the proposed scope of adding garden level apartments.

In our mediation, these concerns were expressed from a number of different perspectives. Hartman explained that when purchasing the property he was aware that it was one of two properties, 1520 Grape and 1521 Grape, adjacent to the Colfax Main Street zoning that may be reasonably considered for rezoning, since the Blueprint Denver plan recommended that these properties be considered for inclusion in the Colfax zone. Kyle Dalton discussed with the group how this specific property is included in the area of change designation by the City, albeit that this parcel is currently a TU zone district.

After an engaging and constructive discussion we agreed to the following points, with those present from the community saying they will represent the mediation discussion and revised proposal back to the Greater Park Hill Community (GPHC) board meeting on August 7, 2014.

1. Hartman will amend his zoning request to U-MS-2.
2. Hartman will deed restrict the property to residential use only.
3. Hartman will deed restrict the property to two stories and its current height.
4. Hartman will ensure that there is more parking spaces on site for the units, close to a 1:1 parking ratio. Refer to the enclosed site plan dated July 6, 2014 for the conceptual layout of these spaces.
5. Hartman will create a one-way drive-around the building to lessen congestion. This also creates a drive on the north side of the building. In an effort to minimize the impact on the neighbors directly to the north, he will over-landscape the green space area. Hartman will work with the adjacent neighbors to reach agreement upon landscaping.
6. Hartman will work with Charbonneau and the neighbors to agree upon a construction plan prior to the start of construction that will minimize impact to the adjacent neighborhood.
7. Hartman will consider one or two larger apartments in the garden level to reduce the total number of apartments. However, a maximum total of nine garden level units (25 units in the

total building) is possible in this proposal. Refer to the attached garden level plan dated June 24, 2014 for the conceptual layout of those units.

8. In response to the agreements and accommodations Hartman has made to address GPHC's concerns, the GPHC representatives to mediation will ask the GPHC Board to reconsider their position on the requested zoning amendment, contingent upon all the above conditions being met by Mr. Hartman and the City.

Attending the meeting were; Bernadette Kelly, Brande' Micheau, Dave Felice, James Hartman, Kyle Dalton, LeAnn Anderson, Patricia Taylor, Rebecca Born, Steve Charbonneau, Suzanne Chambers-Yates, and Tracey MacDermott.

AGREEMENT AND DEED RESTRICTION

Date: July 8, 2014

Between: 1520 Grape LLC (“Grape”) and Greater Park Hill Community (“GPHC”)

Regarding: Use and height restrictions for the existing apartment building at 1520 Grape Street, Denver, Colorado, Lots 12 Through 17 Inclusive, Block 39, Downingtown (the “Property”)

The parties named herein agree as follows:

1. USE AND HEIGHT RESTRICTION:

Grape is the owner of the Property and is in the process of an application to the City and County of Denver (the “City”) for the re-zoning of the Property to a U-MS-2 Zone District. As part of that re-zoning, Grape hereby agrees to waive certain rights as allowed under Article 5 of the City’s Revised Municipal Code and instead shall comply with the following;

The only uses allowed at the Property are:

1. All uses allowed by the Property’s current U-TU-C zoning and,
2. Dwelling, Multiple Unit.

All other provisions of the U-MS-2 Zone District of the City’s Revised Municipal Code shall apply within the boundaries of the subject property contained in Grape’s application to the City for a map amendment.

The Property will remain a two-story building, no additional habitable space will be added above the existing second floor.

This Agreement shall be recorded at the City before the proposed re-zoning noted herein takes effect, shall be a perpetual deed restriction on the Property and shall apply to Grape’s successors and assigns.

2. DISPUTE RESOLUTION:

Any disputes related to this Agreement will be resolved by mediation, or, if not so resolved, by binding arbitration. Each party in such mediation shall be responsible for its own internal mediation costs. Any third party mediation costs to assist the parties to reach agreement shall be split equally between the parties.

In witness whereof, the parties hereto have executed this Agreement to be effective as of the day and year first stated above.

1520 Grape LLC:

GPHC:

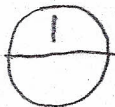
By:

By:

James Hartman, Manager

7.6.14

HARTMAN ELY ARCHITECTURE LLC



From: [Linda Chase](#)
To: [Dalton, Kyle A. - Community Planning and Development](#)
Subject: Park Hill property
Date: Wednesday, July 09, 2014 8:30:29 PM

Dear Mr. Dalton:

I am writing to express my opposition to the rezoning of the property at [1520 Grape Street in Park Hill](#).

Once again, developers who are not invested in or living within the area have influenced city officials. It seems very clear that Park Hill residents' opinions or views were not solicited.

We are surrounded by high traffic streets and increased traffic flow from Stapleton. We do NOT need increased housing density in an otherwise busy residential area.

Redevelopment and gentrification are fine, with consideration to the tax paying residents already living in the neighborhood. Furthermore, redevelopment should be within the character and capacity of the neighborhood.

Thank you for your time,

Linda Chase
Park Hill

Sent from my iPhone

From: mgb@warp8.com
To: [Dalton, Kyle A. - Community Planning and Development](#)
Subject: Re-zone 1520 Grape St
Date: Wednesday, July 02, 2014 9:55:48 AM

Mr. Dalton,

As a long time resident of Grape St. and 17th I am against the re-zoning to accomodate unlimited retail and living spaces with no parking provided. This will greatly impact Grape street and neighborhood with increased Grape ST. traffic, loud noise, litter, and crowd out parking for residents who already reside on Grape St. I live on the SW corner of Grape and 17th and **do not want under any circumstances, want this kind of development that puts the established residents last when determining long term impact on their residential property values and quality of life. Let's see the city of Denver do the right thing.** Please feel free to contact me regarding this issue.

Regards,

Maggie Gourd-Barrett

303-393-1261

mgb@warp8.com

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"The intuitive mind is a sacred gift and the rational mind is a faithful servant." Albert Einstein

From: [Ron](#)
To: [Dalton, Kyle A. - Community Planning and Development](#)
Cc: stop1520@yahoo.com
Subject: 1520 Grape st rezone
Date: Wednesday, July 02, 2014 8:53:33 AM

Mr. Dalton,

I am emailing you on behalf of my wife and myself who live at 16th and Grape.

Unfortunately we will not be able to attend the meeting tonight but hope that our email will bring to your attention some of our concerns regarding 1520 Grape St. We are not at all against development in the city of Denver, actually we are very happy when we see a new restaurant or shop going in within the neighborhood's existing commercial structures. The issues we have with 1520 Grape is that this is a residential street and commercial property only exist on the adjacent street of Colfax. If this is for more residential housing that fits within the neighborhood, then we have no issue. But from the information that we have gathered this will bring commercial business to an area where there isn't commercial and has never been commercial business. Commercial business will bring an increase in traffic, lack of parking in an area where parking is scarce already, and a change to the feel of a neighborhood. The change to the neighborhood feel is something that cannot be restored once it is altered.

We chose to live in this neighborhood because it is a residential neighborhood, if we wanted to live in a commercial district we would have made that choice but we did not and we would prefer if this stayed a residential neighborhood.

Thank you for your time and we hope that this email sheds some light on our concerns regarding 1520 Grape St.

Sincerely,

Ron Heywood

From: rgh3rgh@hotmail.com
Subject: Fwd: 1520 Grape st rezone
Date: Wed, 2 Jul 2014 08:01:31 -0600
To: rheywood3@outlook.com

From: [MacDermott, Tracey](#)
To: [Planningboard - CPD](#); [Shepherd, Susan K. - City Council District 1](#); [Faatz, Jeanne R. - City Council Dist #2](#); [Lopez, Paul D. - City Council Dist #3](#); [Lehmann, Peggy A. - City Council Dist #4](#); [Susman, Mary Beth - City Council](#); [Brown, Charlie - City Council District #6](#); [Nevitt, Chris - City Council Dist #7](#); [Brooks, Albus - City Council District 8](#); [Montero, Judy H. - City Council District #9](#); [Robb, Jeanne - City Council Dist. #10](#); [Herndon, Christopher J. - City Council District 11](#); [Kniech, Robin L. - City Council](#); [Ortega, Deborah L. - City Council](#); tina.alexrod@denvergov.org; [Gleissner, Chris R. - Community Planning and Development](#)
Subject: 1520 Grape St.
Date: Thursday, May 08, 2014 1:02:52 PM

Dear All:

I understand that the property at 1520 Grape is asking for a re-zoning of a property. The south Park Hill area has had to fight long and hard to protect our neighborhood from overdevelopment and inappropriate zoning. We spent countless hours working with the city when the new zoning code was taking place. My understanding was that the new code would stop the "spot zoning" approach to properties. The proposal to advance this property to MS Zoning at 1520 Grape Street is exactly what the new zoning code was to stop and is out of line with the street and an extremely dangerous precedent to set for the city. If you allow this, then essentially anyone can come in and "spot zone" a property for their singular needs and desires. The new property owner was aware of the TU zoning when he bought the property, as he admitted in a community meeting at Greater Park Hill Community. It should not be acceptable to the city that developers can buy up properties and then begin upzoning efforts in order to progress their wants and expand this into our residential neighborhoods. This property should remain a TU Zone. Myself and others walked this entire area and mapped it during the new zoning for the city. In fact, a few of the areas in this south park hill section could have been single family but we were told that since there were "lots" of duplexes that it had to be a TU zone and that single family homes could not be singled out to be zoned to a single unit. Well, certainly in the case with 1520 Grape, this property owner should not be allowed to carve out a zoning that he wants either. This is also an already highly dense area with minimal parking.

I understand that the property owner has submitted a petition of support. This is not the same as a neighbor asking for a variance on a home addition and asking for their surrounding neighbors approval. This is changing a zoning code and setting a very dangerous precedent.

Please do not support a re-zoning of this property. It is out of line with the area. It is also very dangerous to start expanding MS Zoning into the residential areas.

Tracey MacDermott
South Park Hill

From: [Planningboard - CPD](#)
To: [Dalton, Kyle A. - Community Planning and Development](#)
Subject: FW: 1520 Grape Street
Date: Tuesday, June 03, 2014 11:40:13 AM
Attachments: [image001.jpg](#)



Venus Boatner | Plans Review Technician
Community Planning and Development | Planning Services
City & County of Denver
720*865*2993 Phone | Venus.Boatner@DenverGov.org

From: Heather Shockey [mailto:denverparkhill20@gmail.com]
Sent: Tuesday, June 03, 2014 10:48 AM
To: Planningboard - CPD; Shepherd, Susan K. - City Council District 1; Faatz, Jeanne R. - City Council Dist #2; Lopez, Paul D. - City Council Dist #3; Lehmann, Peggy A. - City Council Dist #4; Susman, Mary Beth - City Council; Brown, Charlie - City Council District #6; Nevitt, Chris - City Council Dist #7; Brooks, Albus - City Council District 8; Montero, Judy H. - City Council District #9; Robb, Jeanne - City Council Dist. #10; Herndon, Christopher J. - City Council District 11; Kniech, Robin L. - City Council; Ortega, Deborah L. - City Council; tina.alexrod@denvergov.org; Gleissner, Christopher R. - CPD Development Svcs (CPDDS)
Subject: 1520 Grape Street

Dear All:

I understand that the property at 1520 Grape is asking for a rezoning. The South Park Hill area has had to fight long and hard to protect our neighborhood from overdevelopment and inappropriate zoning.

Please do not support the rezoning of 1520 Grape. Allowing this property to be rezoned to something other than its current designation potentially sets a very dangerous precedent, leading to spot zoning. , which is not in alignment with the zoning codes. A rezoning to MS Zoning should not be an option either because it goes against the Main Street concept and would allow MS Zoning to expand into the residential areas.

Many developers will tell other property owners to know the zoning code of their property. In this case, the property owner if 1520 Grape was aware of the TU Zoning when he bought the property, as he admitted in a community meeting at Greater Park Hill Community. This property should remain a TU Zone. When working on the new zoning codes with the city, we were told that this area could have been single family but since there were so many duplexes it had to be adjusted to a higher density zone, TU Zone, and that single family homes could not be singled out to be zoned to a single unit. Park Hill worked with the City to have this area zoned as TU, which is more than appropriate for this section.

Please do not support the rezoning of 1520 Grape – it is and should remain TU Zoned.

Heather Shockey

South Park Hill

From: [patricia taylor](#)
To: [Dalton, Kyle A. - Community Planning and Development](#)
Subject: 1520 grape street rezone
Date: Tuesday, July 01, 2014 9:56:59 PM

Kyle Dalton,

I Live in the second home north of the above mentioned property. I oppose the requested rezoning to a U-MS-3. I do not believe that the neighborhood has been fully informed about what this zone change will allow.

This is a residential area that is currently struggling with parking issues. Grape street is being used for overflow parking from Big O Tires and GB Fish and Chips. The homes in this area are older one story homes, allowing a MS-3 structure would not only be out of character compared to the existing homes but would also eliminate the current open space and privacy of our yards and homes. I bought my home due to the current zone as I wanted to escape the large condo developments that have been popping up over the last 10 years.

Grape is not a main street and commercial properties do not belong in residential areas.

Patricia Taylor
1558 Grape St.
80220