



**TO:** Neighborhoods and Planning Committee  
**FROM:** Deirdre M. Oss, AICP, Senior City Planner  
**DATE:** December 29, 2014  
**RE:** Official Zoning Map Amendment Application #2013I-00039  
7200 E. 36<sup>th</sup> Avenue  
Rezoning from S-MX-3 to S-MX-5

## Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2013I-00039 for a rezoning from S-MX-3 to S-MX-5.

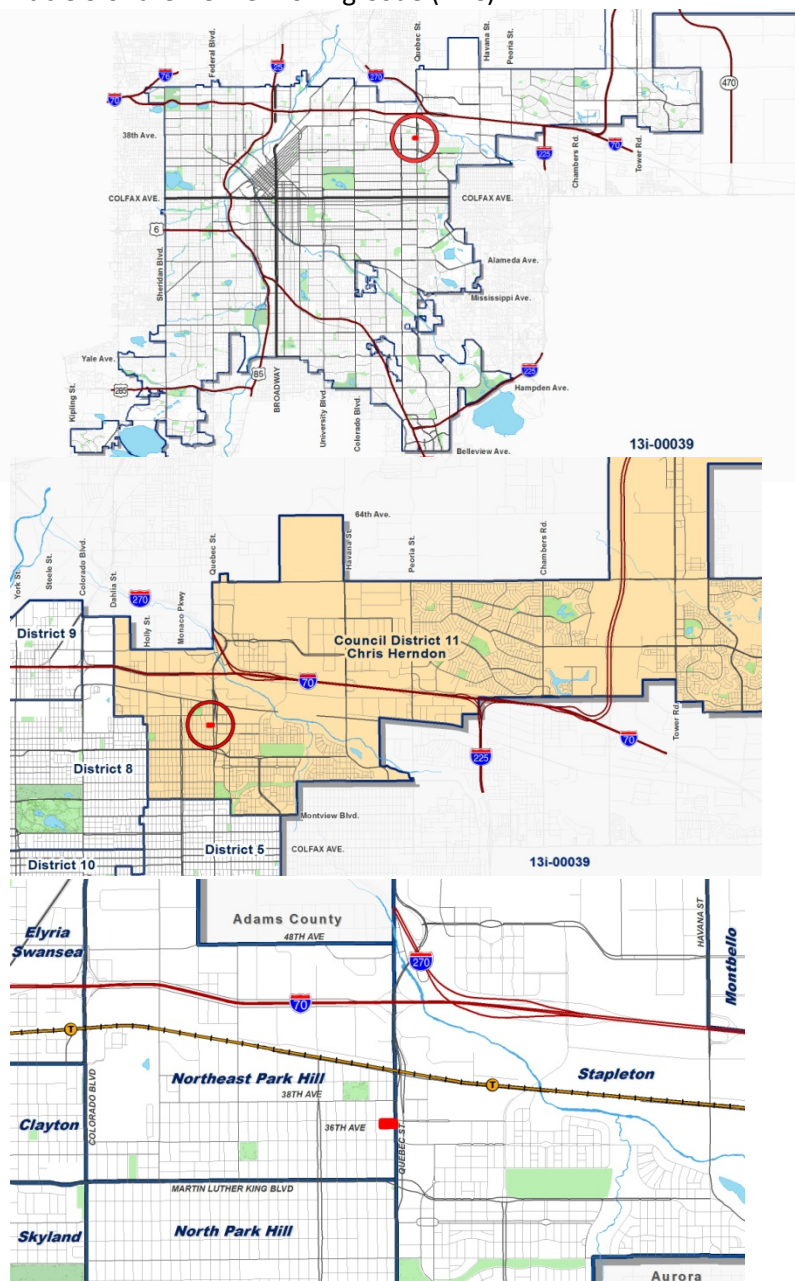
## Request for Rezoning

Application:	#2013I-00039
Address:	7200 E. 36 <sup>th</sup> Avenue
Neighborhood/Council District:	Northeast Park Hill/Council District 11
RNOs:	Greater Park Hill Community, Inc.; Stapleton United Neighbors (SUN); Denver Neighborhood Association, Inc.; Stapleton Master Community Association Inter-Neighborhood Cooperation (INC); Northeast Park Hill Coalition
Area of Property:	92,260 SF/2.1 ac
Current Zoning:	S-MX-3
Proposed Zoning:	S-MX-5
Property Owner(s):	Quebec property 1 & 2 LLP
Owner Representative:	Jeff Grazi

## Summary of Rezoning Request

- The subject property is located in the Northeast Park Hill neighborhood in Council District 11, less than one mile from the Central Park commuter rail station.
- The Quebec corridor on which the subject property is located has historically been developed as part of the former Stapleton Airport's hotel and services corridor - an auto-oriented suburban context designated an Area of Stability within Blueprint Denver.
- The corridor abuts an Urban Edge context, 1950's-era single family neighborhood to the west with one-story ranch homes, and is directly across Quebec from the Quebec Square shopping district developed as part of the Stapleton redevelopment.
- The property owner, Quebec property 1 & 2 LLP, represented by Jeff Grazi, is requesting a rezoning from S-(Suburban)-MX (Mixed Use)-3 (three story) to S-MX-5 to allow for construction of a multi-unit mixed-use residential community.

- The S-MX-5 zone district has a maximum height of 70' with required upper story setback transitions to protected residential districts of 20' for buildings greater than 27' high and at 35' for buildings above 51'. The minimum front setback is 0'. This district allows drive through and general building forms. For additional details regarding building form standards in the S-MX-5 zone district, see DZC Section 3.3.3.
- The Suburban neighborhood context is characterized by single-unit and multi-unit residential, commercial strips and centers, and office parks. Single-unit residential consists typically of Suburban House forms with street-facing garages. Multi-unit building forms are typically separated from single-unit residential and consist of clustered Garden Court, Town House, and occasional mid- and high-rise Apartment forms. Further details of the zone districts can be found in Article 3 of the Denver Zoning Code (DZC).



## Existing Context

As noted previously, the subject property is located less than one mile from the Central Park commuter rail station that will be accessed from the site along 36<sup>th</sup> Avenue, though the site is outside the plan boundaries. 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	S-MX-3	Vacant	NA	Generally regular orthogonal street grid with lots served by alleys between local streets. The pattern of development is typical of most single-unit neighborhoods with roughly 20' front setbacks at the primary street.
North	S-CC-3x/S-MX-3	Restaurant, hotel	One-two story structures with parking in front	
South	B-A-3	Retail	Smaller retail pads and a bank on one zone lot, parking and drive-up restaurant in center	
East	C-MU-20/wvrs	Retail/Shopping district	Primarily auto oriented big box built on "extended street/drive" grid	
West	E-SU-Dx	Single-unit dwellings	One-story ranch dwellings on 6,000+ SF lots -pockets of two-unit zoning within neighborhood	

### 1. Existing Zoning

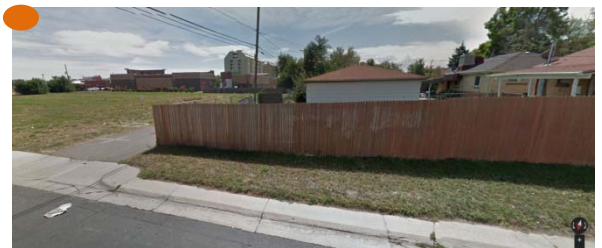
The S-MX-3 zone district has a maximum height of 45' with required upper story setback transitions of 20' for buildings greater than 27' high. The S-MX districts also require a build-to of 50%. The minimum front setback is 0'. In comparison, the S-CC-3x district north of the site has no build-to requirement, providing for less opportunity to improve the street edge. For additional details regarding building form standards in the S-MX-3 zone district, see DZC Section 3.3.3.

Existing zoning south and east of the site – B-A-3 (retained due to an existing PBG) and C-MU-20 (retained for existing



waivers) are from Former Chapter 59 and focused on mixed use commercial development. B-A-3 does not permit residential development, but allows the greatest amount of uses in the B-A zoning series (designed for auto-oriented corridors), while C-MU-20 does allow both residential and other uses.

## 2. Existing Land Use Map and 3. Existing Building Form and Scale



The subject property is located on a corridor that within two blocks incorporates structures built between 1965 and 2007. This indicates the rapid change that has occurred on Quebec since the time Stapleton was opened in the 1970's and the redevelopment of the former airport starting 15 years ago.

The proposed rezoning is an indication that continued improvements along the corridor are desired to provide renewal for the Quebec Street corridor bounding the west side of Stapleton.

## 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:** Approve – No comments.

**Denver Fire Department:** Approve – No Comments.

**Development Services – Wastewater:** Approve – No Comments.

**Public Works – City Surveyor:** Legal is approved.

## Public Review Process

- CPD staff provided Informational notice of receipt of the rezoning application to affected members of City Council and registered neighborhood organizations on October 24, 2014.
- Planning Board notification: The property was legally posted for a period of 15 days announcing the December 3, 2014, Denver Planning Board public hearing, and written notification of the hearing was sent to all affected registered neighborhood organizations and City Council members. The Denver Planning Board offered support in their 8-0 recommendation for approval of the proposed map amendment.
- N&P Committee: Notice was provided to all affected registered neighborhood organizations and City Council members on December 22, 2014 for the January 7, 2014 meeting. Following NAP committee review, the rezoning application is typically referred to the full City Council for final action at a public hearing.
- Registered Neighborhood Organizations (RNOs): No letters have been received by CPD from applicable RNOs, but three letters of opposition from individuals were submitted and attached to this report. Letters questioned support for the proposal. The applicant has provided a community meeting summary indicating positive feedback from the community.

## Criteria for Review / Staff Evaluation

The criteria for review of this rezoning application are found in DZC, Sections 12.4.10.7 and 12.4.10.8, as follows:

### **DZC Section 12.4.10.7**

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

### **DZC Section 12.4.10.8**

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

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:

- Land Use Strategy 1-A – *Encourage redevelopment of vacant, underutilized and environmentally compromised land known as brownfields;*
- 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; and*
- Land Use Strategy 2-F - *Conserve land by promoting infill development within Denver at sites where services and infrastructure are already in place; design mixed-use communities and reducing sprawl so that residents can live, work, and play within their own neighborhoods.*
- Legacies Strategy 3-A - *Identify areas in which increased density and new uses are desirable and can be accommodated.*



The proposed map amendment request to rezone from S-MX-3 to S-MX-5 will enable redevelopment of a vacant underutilized parcel and is located along a commercial arterial street where more intense development is expected to take place.

### Blueprint Denver

#### Future Land Use

According to the 2002 Plan Map adopted in Blueprint Denver, this site has a concept land use of Single Family Residential and is located in an Area of Stability.

A Single Family Residential Area Neighborhoods of single family houses represent the majority of Denver's residential areas, particularly those developed after 1900 and especially those built after 1940. Densities are fewer than 10 units per acre, often less than six units per acre neighborhood-wide, and the employment base is significantly smaller than the housing base. Single-family homes are the predominant residential type. Some of the many areas in Denver with this attribute include Rosedale,

University, Park Hill, Washington Park, Sloan Lake, Regis, Montbello, Green Valley Ranch, Hampden and Bear Valley. Note that this designation clearly represents a broad brush across the neighborhood, as the Quebec corridor is diverse and at this location as well as several blocks north and two blocks south has historically not developed as a single-family corridor. Directly across Quebec Street is an area designated Area of Change. The designation, more importantly, is assigned to represent careful attention to thoughtful changes in the future that will allow for reinvestment along the corridor while preserving the nature of the existing single-family residential neighborhood.



**Area of Change / Area of Stability**

As noted, the site is in an Area of Stability. The Areas of Stability can be thought of as belonging to one of the following two categories: “Committed Areas” and “Reinvestment Areas.” The subject property is a site at the edge of the Northeast Park Hill neighborhood and can be considered a “Reinvestment Area” - Reinvestment areas are neighborhoods with a character that is desirable to maintain but that would benefit from reinvestment through modest infill and redevelopment or major projects in a small area. These areas would encourage investment but in a more limited and targeted way than in Areas of Change. The proposed rezoning to S-MX-5 is primarily a change in allowable height, as the site is already zoned for mixed-use development.

### **Street Classifications**

Quebec Street is designated a Commercial Arterial in Blueprint Denver. Arterials are designed to provide a high degree of mobility and generally serve longer vehicle trips to, from, and within urban areas. Quebec falls within the most widespread commercial street type is the strip commercial arterial. These arterials typically serve commercial areas that contain many small retail strip centers with buildings set back behind front parking lots; As a result, strip commercial arterials have many intersections and driveways that provide access to adjacent businesses. Historically, this type of street often is highly auto-oriented and tends to discourage walking and bicycling. On-street parking is infrequent along these corridors. Despite the auto-oriented nature of this corridor, street improvements along Quebec incorporate detached sidewalks for a more pedestrian-friendly access to sites and transit. Routes 43, 38, and the Central Park Station bus transfer area and future commuter rail stop are all either adjacent to the site or within one mile of the site. The S-MX-5 district within the Suburban neighborhood context is designed to incorporate higher intensity multiunit or commercial units are better served along arterial and collector streets.

**Small Area Plan: Park Hill Neighborhood Plan (2000):** The Park Hill Neighborhood Plan acknowledges the need to develop vacant land with compatible context-sensitive land uses, and designates the subject property within the Quebec Street Corridor (Sub-area 4) (Pages 53-54). The goal for this subarea is to maintain the viability of this important corridor that will link Park Hill and the future Stapleton development, and create a safe, attractive buffer area between the uses. This goal statement reflects sensitivity to transitions between commercial or industrial uses and residential areas. Technically, future redevelopment with a proposed S-MX-5 zone district will be required to adhere to rear upper story setbacks for development adjacent to protected residential districts - 20' upper story setback for a building constructed above 27' and 35' upper story setback for a building constructed above 51'.

Business and Economic Development recommendations seek to improve corridors and other shopping center nodes as positive shopping environment to residents and adjacent neighborhoods (p.55), and to fill identified market gaps...to attract desired businesses. Page 87 also contains a set of voluntary urban design guidelines for commercial nodes that reinforce the need to encourage pedestrian-oriented ground floor uses as redevelopment occurs. This same intent could be extended to the corridors, and the proposed zoning compels improvement to the urban design pattern that has occurred since the 1960s along Quebec as the corridor has evolved.

### **3. Uniformity of District Regulations and Restrictions**

The proposed rezoning to S-MX-5 will result in the uniform application of zone district building form, use and design regulations.

### **4. 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 land use plans.



## **5. Justifying Circumstance**

The application identifies the changes that occurred across Quebec Street as a result of the Stapleton redevelopment as well as the proximity to the Central Park Station 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." Indeed change to the east has elicited desire to improve the corridor, with new retail developments constructed since Stapleton redevelopment started 15 years ago. This proposed rezoning advocates for a zone district that will continue the evolution of the Quebec corridor.

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

The requested S-MX-5 zone district is within the Suburban Neighborhood Context which is characterized by single-unit and multi-unit residential, commercial strips and centers, and office parks. The proposed rezoning from S-MX-3 to S-MX-5 allows for additional height to be constructed on the site with required transitions to the protected district residential neighborhood to the west.

### **Staff Recommendation**

Based on the analysis set forth above, CPD staff finds that the application for rezoning the property located at 7200 E. 36<sup>th</sup> Avenue meets the requisite review criteria. Accordingly, staff recommends *Approval*.

### **Attachments**

1. Application
2. Public and RNO comment letters – None received.



# Zone Map Amendment (Rezoning) - Application

1/26/12

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	Quebec Property 1&2 LLLP	Representative Name	Jeff Grazi
Address	6445 East Ohio Ave, Ste 100	Address	6445 East Ohio Ave, Ste 100
City, State, Zip	Denver, Colorado 80224	City, State, Zip	Denver, Colorado 80224
Telephone	303-321-1776	Telephone	303-321-1776
Email	jeff@grazicomm.com	Email	jeff@grazicomm.com
<p>*If More Than One Property Owner: All standard zone map amendment applications shall be initiated by all the owners of at least 51% of the total area of the zone lots subject to the rezoning application, or their representatives authorized in writing to do so. See page 3.</p>		<p>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</p>	
Please attach Proof of Ownership acceptable to the Manager for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed or deed of trust, or (c) Title policy or commitment dated no earlier than 60 days prior to application date.			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):	Please see attached		
Assessor's Parcel Numbers:	0129100011000, 12000 and 23000		
Legal Description: (Can be submitted as an attachment. If metes & bounds, a map is required.)	Please see attached		
Area in Acres or Square Feet:	92,260 Sq Ft.		
Current Zone District(s):	S-MX-3		
PROPOSAL			
Proposed Zone District:	S-MX-5		



REVIEW CRITERIA

<p>General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.13</p>	<p><input checked="" type="checkbox"/> Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan</p> <p>Please provide an attachment describing relevant adopted plans and how proposed map amendment is consistent with those plan recommendations; or, describe how the map amendment is necessary to provide for an unanticipated community need.</p> <p><input type="checkbox"/> Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.</p> <p><input type="checkbox"/> Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</p>
--	--

<p>Additional Review Criteria for Non-Legislative Rezoning: The proposal must comply with both of the additional review criteria DZC Sec. 12.4.10.14</p>	<p>Justifying Circumstances - One of the following circumstances exists:</p> <p><input type="checkbox"/> The existing zoning of the land was the result of an error.</p> <p><input type="checkbox"/> The existing zoning of the land was based on a mistake of fact.</p> <p><input type="checkbox"/> The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage.</p> <p><input checked="" type="checkbox"/> The land or its surroundings has changed or is changing to such a degree that rezoning that it is in the public interest to encourage a redevelopment of the area to recognize the changed character of the area</p> <p><input type="checkbox"/> It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (Overlay Zone Districts), of this Code.</p> <p>Please provide an attachment describing the justifying circumstance.</p> <p><input checked="" type="checkbox"/> The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.</p> <p>Please provide an attachment describing how the above criterion is met.</p>
--	--

ATTACHMENTS

Please check any attachments provided with this application:

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

Please list any additional attachments:

Relevant adopted plans

Justifying Circumstances

Ownership Clarification



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

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

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement (must sign in the exact same manner as title to the property is held)	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed or deed of trust, (C) title policy or commitment, or (D) other as approved	Property owner representative written authorization? (YES/NO)
<b>EXAMPLE</b> John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/01/12	(A)	NO
Quebec Property 1&2 LLLP	6445 East Ohio Ave, Ste 100 Denver, Colorado 80224 303-321-1776 jeff@grazicomm.com	100%				
Sol Jeffrey Grazi Co-General Partner	See Above	N/A	<i>Sol Jeffrey Grazi</i>	10-16-14	D	Yes
Elizabeth Tuohy Co-General Partner	See Above	N/A	<i>Elizabeth Tuohy</i>	10-16-14	D	Yes

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

## **LEGAL DESCRIPTION**

(Legal Description of Real Property Contributed to Partnership)

The following described parcel of real property situated in the City and County of Denver, State of Colorado, to wit:

East 500.3 feet of the Southeast Quarter of the Northeast Quarter of the Northeast Quarter (SE/4NE/4NE/4) of Section Twenty-Nine (29), Township Three (3) South, Range Sixty-Seven (67) West of the 6th P.M., except those portions heretofore deeded to the City and County of Denver, and except the following described Portion B:

Portion B

The South 400 feet of the following described property: The East 500.3 feet of the SE/4NE/4NE/4 of Section 29, Township 3 South, Range 67 West, except the East 40 feet of the South 665.45 feet of the NE/4 NE/4 of Section 29 and except the South 35 feet of the West 460.3 feet of the East 500.3 feet of the NE/4 NE/4 of Section 29, Township 3 South, Range 67 West and except the North 30 feet of the West 460.3 feet of the East 500.3 feet of the South 665.45 feet of the NE4/NE4 of Section 29, Township 3 South, Range 67 West.

ACTION: R SCREEN: PUBL USERID: RARW 04/04/14 02:11:24 PM

----- PUBLIC INFORMATION -----

JURISDICTION= DC YR= 2014 RL= RE PARCEL= 01291-00-011-000 PIN=

----- NAME AND ADDRESS INFORMATION -----+----- LEGAL DESCRIPTION -----

QUEBEC PROPERTY NO 2 LLLP T3 R67 S29 NE/4 DIF BOOK  
1566-434

6445 OHIO AVE E  
DENVER CO 80224

SITUS ADDRESS

3593 QUEBEC ST

DENVER STAT/COMP: A COMPLETE

PC: SPECIAL PURPOSE

-----ASSESSMENT INFORMATION-----+-----PRIOR YEAR ASSESSMENT-----

TOTAL	LAND	IMPS		TOTAL	LAND	IMPS
140,100	140,100	0	ACTUAL	140,100	140,100	0
40,630	40,630	0	ASSESSED	40,630	40,630	0
0			EXEMPT	0		
40,630			TAXABLE	40,630		

RECEPTION: 20031 62809 RECP DATE: 20030807 INSTRUMENT: QC PIN: 160528064  
TAX DIST: DENVER PROP CLASS: 2130 ZONING: SMX SREX: N  
RES SQ FT: YEAR BUILT: COMM SQ FT: MODEL:  
RES BSMT: BEDROOMS: COMM BSMT: 0  
FIN BSMT: BATHS F/H: LAND SQ FT: 16,478

The committee requested ownership clarification for 3590 Quebec St that was previously shown as Midwest Construction Company. We have since had the records updated to show ownership in the name of Quebec Property II LLLP.

ASSIGNMENT OF PARTNERSHIP INTEREST PURSUANT TO SALE

KNOW ALL MEN BY THESE PRESENTS, that pursuant to both the Partnership Agreement of *Quebec Property No. 2, LLLP* (the "LLLP"), as well as to an Agreement entered into between SOL JEFFREY GRAZI, as Personal Representative of the *Estate of Sidney Grazi*, "Seller," and SOL JEFFREY GRAZI and ELIZABETH TUOHY, "Buyers," and in consideration of both (i) the Buyers' agreement to accept and adopt all of the terms and conditions of the Partnership Agreement of *Quebec Property No. 2, LLLP* and (ii) the payment by each Buyer to the Seller of one thousand four hundred ninety dollars (\$1,490), Seller hereby assigns to each Buyer a .0825% General Partner interest in *Quebec Property No. 2, LLLP*.

The Buyers shall be substituted for SIDNEY GRAZI as General Partner of the LLLP.

This Assignment is effective as of February 14, 2009.

THE ESTATE OF SIDNEY GRAZI

By: Sol Jeffrey Grazi  
SOL JEFFREY GRAZI, Personal Representative

ACCEPTANCE BY ASSIGNEE

The undersigned Assignees hereby accept and adopt all the terms and conditions of the Partnership Agreement of *Quebec Property No. 2, LLLP*, and agree to become substituted General Partners.

Sol Jeffrey Grazi  
SOL JEFFREY GRAZI

Elizabeth Tuohy  
ELIZABETH TUOHY

AGREEMENT TO BUY AND SELL GENERAL PARTNERSHIP INTEREST

THIS AGREEMENT is made on MARCH 5, 2010, by and between SOL JEFFREY GRAZI, as Personal Representative of the ESTATE OF SIDNEY GRAZI ("Seller"), and SOL JEFFREY GRAZI aka JEFF GRAZI ("Jeff") and ELIZABETH TUOHY ("Liz") ("Buyers"). Seller and Buyers may be referred to individually as a "Party" and collectively as the "Parties."

The Parties agree as follows:

Section 1. The "Property" which is the subject of this Agreement is Seller's .5197% General Partner interest in *Quebec Property No. 1, LLLP* (the "LLLP"), and it is being purchased pursuant to the provisions of Section 3.11 of the Agreement of Limited Partnership for the LLLP (the "Partnership Agreement").

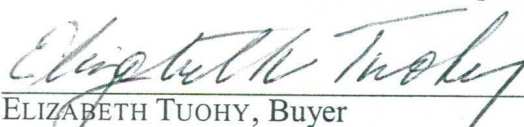
Section 2. SIDNEY GRAZI died February 13, 2009. Section 3.9 of the Partnership Agreement provides that the consideration for the purchase of the General Partner's interest shall be as mutually agreed upon by the "withdrawing" General Partner and the substitute General Partner.

Section 3. Seller agrees to sell, and the Buyers agree to purchase, all of the Property, with each Buyer purchasing one-half of the Property. In consideration for the purchase of one-half of the Property, each Buyer shall pay to Seller one thousand one hundred fifty dollars (\$1,150). The purchase price shall be paid, in full, by March 10, 2010, but shall be effective as of February 14, 2009.

Section 4. Upon receipt of the purchase price, Seller shall assign to each Buyer one-half of the general partner interest of SIDNEY GRAZI.

THE ESTATE OF SIDNEY GRAZI, Seller

By:   
SOL JEFFREY GRAZI, Personal Representative

  
ELIZABETH TUOHY, Buyer

  
SOL JEFFREY GRAZI (aka JEFF GRAZI), Buyer



ASSIGNMENT OF PARTNERSHIP INTEREST PURSUANT TO SALE

KNOW ALL MEN BY THESE PRESENTS, that pursuant to both the Partnership Agreement of *Quebec Property No. 1, LLLP* (the "LLLP"), as well as to an Agreement entered into between SOL JEFFREY GRAZI, as Personal Representative of the *Estate of Sidney Grazi*, "Seller," and SOL JEFFREY GRAZI and ELIZABETH TUOHY, "Buyers," and in consideration of both (i) the Buyers' agreement to accept and adopt all of the terms and conditions of the Partnership Agreement of *Quebec Property No. 1, LLLP* and (ii) the payment by each Buyer to the Seller of one thousand one hundred fifty dollars (\$1,150), Seller hereby assigns to each Buyer a .25985% General Partner interest in *Quebec Property No. 1, LLLP*.

The Buyers shall be substituted for SIDNEY GRAZI as General Partner of the LLLP.

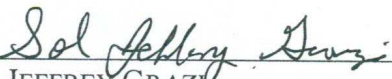
This Assignment is effective as of February 14, 2009.

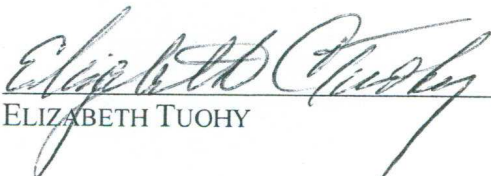
THE ESTATE OF SIDNEY GRAZI

By:   
SOL JEFFREY GRAZI, Personal Representative

ACCEPTANCE BY ASSIGNEE

The undersigned Assignees hereby accept and adopt all the terms and conditions of the Partnership Agreement of *Quebec Property No. 1, LLLP*, and agree to become substituted General Partners.

  
SOL JEFFREY GRAZI

  
ELIZABETH TUOHY

AGREEMENT TO BUY AND SELL GENERAL PARTNERSHIP INTEREST

THIS AGREEMENT is made on MARCH 5, 2010, by and between SOL JEFFREY GRAZI, as Personal Representative of the ESTATE OF SIDNEY GRAZI ("Seller"), and SOL JEFFREY GRAZI aka JEFF GRAZI ("Jeff") and ELIZABETH TUOHY ("Liz") ("Buyers"). Seller and Buyers may be referred to individually as a "Party" and collectively as the "Parties."

The Parties agree as follows:

Section 1. The "Property" which is the subject of this Agreement is Seller's .1650% General Partner interest in *Quebec Property No. 2, LLLP* (the "LLLP"), and it is being purchased pursuant to the provisions of Section 3.11 of the Agreement of Limited Partnership for the LLLP (the "Partnership Agreement").

Section 2. SIDNEY GRAZI died February 13, 2009. Section 3.9 of the Partnership Agreement provides that the consideration for the purchase of the General Partner's interest shall be as mutually agreed upon by the "withdrawing" General Partner and the substitute General Partner.

Section 3. Seller agrees to sell, and Buyers agree to purchase, all of the Property, with each Buyer purchasing one-half of the Property. In consideration for the purchase of one-half of the Property, each Buyer shall pay to Seller one thousand four hundred ninety dollars (\$1,490). The purchase price shall be paid, in full, by March 10, 2010, but shall be effective as of February 14, 2009.

Section 4. Upon receipt of the purchase price, Seller shall assign to each Buyer one-half of the general partner interest of SIDNEY GRAZI.

THE ESTATE OF SIDNEY GRAZI, Seller

By: Sol Jeffrey Grazi  
SOL JEFFREY GRAZI, Personal Representative

Elizabeth Tuohy  
ELIZABETH TUOHY, Buyer

Sol Jeffrey Grazi  
SOL JEFFREY GRAZI (aka JEFF GRAZI), Buyer

**Plan Consistency:**

This application is consistent within the context of the Denver Comprehensive Plan (2000), Blueprint Denver (2002) and the Park Hill Neighborhood Plan.

- i. Blueprint Denver identifies this site within an Area of Stability and Single family Residential neighborhood. These neighborhoods represent the majority of Denver’s residential areas, particularly those developed after 1900 and especially those built after 1940. Densities are fewer than 10 units per acre, often less than six units per acre neighborhood-wide, and the employment base is significantly smaller than the housing base. Single-family homes are the predominant residential type. Some of the many areas in Denver with this attribute include Rosedale, University, Park Hill, Washington Park, Sloan Lake, Regis, Montbello, Green Valley Ranch, Hampden and Bear Valley (p. 42).
  - 1 Given historical and existing conditions on the property and to the east of the alley abutting the property, the Quebec Corridor does not incorporate any single family land use at this location. Single family land uses do occur on Quebec further south of 30th Avenue. The S-MX-3 zone district allows a mix of uses at a density and scale appropriate as a transition from the busy commercial arterial Quebec Corridor to the single family residential that does exist west of the alley that abuts the subject property. The proposed SMX- 5 zone district on a property of this size along the corridor may also meet this intent, but does incorporate additional height restrictions for the rear-abutting portion of redevelopment to ensure this transition to lower density residential to the west.
  - 2 Area of Change / Area of Stability: The subject site is designated an Area of Stability. The goal is to maintain the character of these areas yet accommodate some new development and redevelopment to prevent stagnation. The proposed zone change to S-MX-5 introduces new height but incorporates all the same land uses available in the current S-MX-3 zone district.
  - 3 Street Classifications: Blueprint Denver classifies 36th Avenue as an undesignated and Quebec Street as a Commercial Arterial. According to Blueprint Denver, “collectors are designed to provide a greater balance between mobility and land access within residential, commercial and industrial areas.” The S-MX-5 district within the Suburban neighborhood context acknowledges that higher density multiunit or commercial units are better served along arterial and collector streets.
- ii. Park Hill Neighborhood Plan:
  - 1 Pages 53-54 - The Park Hill Neighborhood Plan acknowledges the need to develop vacant land with compatible context-sensitive land uses, and designates the subject property within the Quebec Street Corridor (Sub-area 4).
  - 2 The goal for this subarea is to *maintain the viability of this important corridor that will link Park Hill and the future Stapleton development, and create a safe, attractive buffer*

*area between the uses.* This goal statement reflects the neighborhood's concern regarding treatment of commercial or industrial uses adjacent to residential areas. Technically, future redevelopment will acknowledge of rear upper story setbacks (20' setback at 27' and 35' setback at 51 feet to respect the E-SU-Dx protected residential district to the west).

- 3 Business and Economic Development recommendations seek to improve corridors and other shopping center nodes as *positive shopping environment to residents and adjacent neighborhoods* (p.55), and to *fill identified market gaps...to attract desired businesses*. Page 87 also contains a set of voluntary urban design guidelines for commercial nodes that reinforce the need to encourage pedestrian-oriented ground floor uses as redevelopment occurs. This same intent could be extended to the corridors, and the proposed zoning compels good urban design.

**Justifying Circumstance:**

The proposed zone district of S-MX-5 will allow up to 70 feet in height and five stories (two stories and 15' higher than current zoning of S-MX-3). Our application is justified due to the recent developments along the Quebec Corridor and the proximity to the Central Park TOD.

**Neighborhood Context:**

The proposed zone district is similar in uses and addresses compatibility in the same manner as the current zone district with the exception of the request for greater height. This request is addressed through rear upper story setbacks mentioned previously to maintain the integrity of the relationship between higher density uses and lower-density residential neighborhood to the west.

**Quebec Property I, LLP  
Quebec Property II, LLP  
6445 E. Ohio Ave.  
Suite 300  
Denver, CO 80224  
303-321-1776**

---

Date: October 16, 2014

RE: Rezoning Project #20131-00039

To Whom It May Concern:

This is to inform the City Planning Committee of the status of rezoning project #20131-00039.

It was recommended by Denver's City Planning Committee in a document dated January 17, 2014, that the leadership of the rezoning project reach out to the community and other entities to positively promote the project. Since then the following has taken place:

1. A July 10, 2014 meeting with Rebecca Born, Executive Director of the Greater Park Hill Community providing information regarding the project was positive. A meeting to discuss the rezoning project with residents has been scheduled for November 6<sup>th</sup> 2014
2. A July 31, 2014 meeting with Alan Pettis, executive aide to Councilman Christopher Herndon, regarding the project was positive.
3. A meeting with Michele Wheeler, President of the Northeast Park Hill Coalition and residents of the community on September 11, 2014 to discuss and answer questions regarding the rezoning project was positive.

## Oss, Deirdre M. - Community Planning and Development

---

**From:** Tracey MacDermott [macdermottt@yahoo.com]  
**Sent:** Tuesday, December 02, 2014 1:22 PM  
**To:** Zoning – Development Services; Oss, Deirdre M. - Community Planning and Development; Planningboard - CPD  
**Subject:** Fw: #2013I-00039 7200 E 36th Ave

Dear All:

I am writing to let you know that I am opposed to the re-zoning of the property at 7200 E. 36th Ave. A representative for this project came to a Greater Park Hill meeting. They were unable to answer questions and certainly did not disclose that their purpose of re-zoning was to increase the market value in order to sell the property. In fact the responses were vague. In addition this is another "Spot" zoning proposal. A development that would allow S-MX-5 would draw the homes directly to the West and the adjacent business. Why did the city spend its time and money to rezone the city if we are going to allow anyone to rezone a property for their personal purpose? Keep the zoning consistent. It is the only way to achieve smartly built streets and neighborhoods. Right now it seems to me, with all of the re-zoning requests, that the city is up for sale and unfortunately the private citizen will pay the consequence.

Tracey MacDermott  
Park Hill

## Oss, Deirdre M. - Community Planning and Development

---

**From:** Heather Shockey [denverparkhill20@gmail.com]  
**Sent:** Monday, December 01, 2014 2:05 PM  
**To:** Oss, Deirdre M. - Community Planning and Development; Herndon, Christopher J. - City Council District 11; Kniech, Robin L. - City Council; Ortega, Deborah L. - City Council  
**Subject:** #2013I-00039 7200 E 36th Ave

I am submitting a letter opposing the re-zoning of the property at 7200 E. 36<sup>th</sup> Ave. The current zoning code of S-MX-3 is correct and should remain as such. This request has the appearance of spot zoning. Asking for a zoning adjustment should not be granted just because someone is asking. The zoning codes were established and re-written for a reason. Greater Park Hill Community (GPHC) and the city went through the excruciating task a couple of years ago to help define the zoning codes and designated this property with the correct zoning code of S-MX-3.

On a separate note, it was very disappointing to learn that this property owner was not forthcoming during the Greater Park Hill Community (GPHC) presentation and did not present as a seller of this land. In fact, a nice story was told about how this parcel had been in the family for years – this has nothing to do with the zoning code, but everything to do with community relations. I think you can see how omissions will not gain the community/neighborhood support.

So, to the facts, the property is and has been zoned correctly for years by the city as S-MX-3.

Thank you,

Heather Shockey  
Park Hill Resident

Bernadette Kelly  
2565 Fairfax Street  
Denver, CO 80207  
December 2, 2014

Deirdre M. Oss, AICP  
Senior City Planner  
Community Planning and Development  
The City and County of Denver  
201 W. Colfax Avenue, Dept. 205  
Denver, CO 80202

Dear Ms. Oss:

I am writing to declare my personal opposition to the rezoning application for 7200 E. 36<sup>th</sup> Avenue.

Jeff Grazie and his representative, Millie Wilson, approached Greater Park Hill Community, Inc. in September to present their rezoning plans for the property located at 7200 E. 36<sup>th</sup> Avenue. Millie Wilson attended our November 3<sup>rd</sup> regularly scheduled monthly Board Meeting. Jeff Grazi did not attend. Ms. Wilson was not able to answer many of the Board members' questions and due to lack of information, we did not vote to take a position on the rezoning.

I have driven past the property at 7200 E. 36<sup>th</sup> Avenue and there is a 'FOR SALE' sign posted on the corner of 36<sup>th</sup> Avenue and Quebec Street. The contact person is listed as Jeff Grazi.

This rezoning is not consistent with completed plans. Blueprint Denver 2002 Plan Map has this land use of Single Family Residential and is located in an Area of Stability. There is no precedent for 5 story development for this property or the adjacent zone lots. North, south and east is zoned for 3 stories. West is zoned for single family residential and the predominant building form is small single story homes from the 1950s.

This rezoning does not promote the health, safety and welfare of Park Hill or the Quebec Street corridor; it merely increases the property value benefitting Mr. Grazi's efforts of selling the property. There are no multi-family residential/mixed use/affordable housing plans in the works for this property at this time.



Deirdre M. Oss, AICP

December 2, 2014

Page 2

The 2010 Denver Zoning Code is the result of enormous efforts from Community Planning and Development and active Denver Registered Neighborhood Organizations. It was a revamp to make the zoning code more user friendly and applicable to what is on the ground. It is not meant to be a kneaded eraser for developers to mold and shape to serve their own needs.



Sincerely,

A handwritten signature in blue ink that reads "Bernadette Kelly".

Bernadette Kelly  
Property Use/Zoning Chair  
Greater Park Hill Community, Inc.