



## Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name		Representative Name	
Address		Address	
City, State, Zip		City, State, Zip	
Telephone		Telephone	
Email		Email	
*All standard zone map amendment applications must be initiated by owners (or authorized representatives) of at least 51% of the total area of the zone lots subject to the rezoning. See page 4.		**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.	
SUBJECT PROPERTY INFORMATION			
Location (address):			
Assessor's Parcel Numbers:			
Area in Acres or Square Feet:			
Current Zone District(s):			
PROPOSAL			
Proposed Zone District:			
PRE-APPLICATION INFORMATION			
In addition to the required pre-application meeting with Planning Services, did you have a concept or a pre-application meeting with Development Services?	<input type="checkbox"/> Yes - State the contact name & meeting date _____	<input type="checkbox"/> No - Describe why not (in outreach attachment, see bottom of p. 3)	
Did you contact the City Council District Office regarding this application ?	<input type="checkbox"/> Yes - if yes, state date and method _____	<input type="checkbox"/> No - if no, describe why not (in outreach attachment, see bottom of p. 3)	

**REZONING REVIEW CRITERIA (ACKNOWLEDGE EACH SECTION)**

<p>General Review Criteria DZC Sec. 12.4.10.7.A</p> <p>Check box to affirm <b>and</b> include sections in the review criteria narrative attachment</p>	<p><input type="checkbox"/> <b>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.</b></p> <p>Please provide a review criteria narrative attachment describing <b>how</b> the requested zone district is consistent with the policies and recommendations found in <b>each</b> of the adopted plans below. Each plan should have its' own subsection.</p> <p><b>1. Denver Comprehensive Plan 2040</b></p> <p>In this section of the attachment, describe <b>how</b> the proposed map amendment is consistent with <i>Denver Comprehensive Plan 2040's</i> a) equity goals, b) climate goals, and c) any other applicable goals/strategies.</p> <p><b>2. Blueprint Denver</b></p> <p>In this section of the attachment, describe <b>how</b> the proposed map amendment is consistent with: a) the neighborhood context, b) the future place type, c) the growth strategy, d) adjacent street types, e) plan policies and strategies, and f) equity concepts contained in <i>Blueprint Denver</i>.</p> <p>3. Neighborhood/ Small Area Plan and Other Plans (List all from pre-application meeting, if applicable):</p>
<p>General Review Criteria: DZC Sec. 12.4.10.7. B &amp; C</p> <p>Check boxes to the right to affirm <b>and</b> include a section in the review criteria for Public Health, Safety and General Welfare narrative attachment.</p>	<p><input type="checkbox"/> <b>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.</b></p> <p><input type="checkbox"/> <b>Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</b></p> <p>In the review criteria narrative attachment, please provide an additional section describing <b>how</b> the requested rezoning furthers the public health, safety and general welfare of the City.</p>
<p>Review Criteria for Non-Legislative Rezoning: DZC Sec. 12.4.10.8</p> <p>For Justifying Circumstances, check box and include a section in the review criteria narrative attachment.</p> <p>For Neighborhood Context, Purpose and Intent, check box <b>and</b> include a section in the review criteria narrative attachment.</p>	<p><b>Justifying Circumstances - One of the following circumstances exists:</b></p> <p><input type="checkbox"/> The existing zoning of the land was the result of an error;</p> <p><input type="checkbox"/> The existing zoning of the land was based on a mistake of fact;</p> <p><input type="checkbox"/> The existing zoning of the land failed to take into account the constraints of development created by the natural characteristics of the land, including, but not limited to , steep slopes, floodplain, unstable soils, and inadequate drainage;</p> <p><input type="checkbox"/> Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include:</p> <p style="padding-left: 20px;">a. Changed or changing conditions in a particular area, or in the city generally; or,</p> <p style="padding-left: 20px;">b. A City adopted plan; or</p> <p style="padding-left: 20px;">c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.</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>In the review criteria narrative attachment, please provide an additional section describing the selected justifying circumstance. If the changing conditions circumstance is selected, describe changes since the site was last zoned. Contact your pre-application case manager if you have questions.</p> <p><input type="checkbox"/> <b>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.</b></p> <p>In the review criteria narrative attachment, please provide a separate section describing <b>how</b> the rezoning aligns with a) the proposed district neighborhood context description, b) the general purpose statement, and c) the specific intent statement found in the Denver Zoning Code.</p>

**REQUIRED ATTACHMENTS**

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

- Legal Description of subject property(s). **Submit as a separate Microsoft Word document.** View guidelines at: <https://www.denvergov.org/content/denvergov/en/transportation-infrastructure/programs-services/right-of-way-survey/guidelines-for-land-descriptions.html>
- Proof of ownership document for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed, or (c) Title policy or commitment dated no earlier than 60 days prior to application date. If the owner is a corporate entity, proof of authorization for an individual to sign on behalf of the organization is required. This can include board resolutions authorizing the signer, bylaws, a Statement of Authority, or other legal documents as approved by the City Attorney's Office.
- Review Criteria Narratives. See page 2 for details.

**ADDITIONAL ATTACHMENTS (IF APPLICABLE)**

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

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

# REZONING GUIDE



### PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION

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

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed, (C) title policy or commitment, or (D) other as approved	Has the owner authorized a representative in writing? (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>	01/12/20	(A)	YES



Steve Ferris, Principal  
[sferris@realestategarage.net](mailto:sferris@realestategarage.net)

December 18, 2020, as amended February 12, 2020

Community Planning & Development  
City and County of Denver  
201 W. Colfax Avenue, 2<sup>nd</sup> floor  
Denver, CO 80202  
As emailed to [rezoning@denvergov.org](mailto:rezoning@denvergov.org)

**RE: Application, Request to Rezone 2105 N. Humboldt St. from PUD to U-MS-2,  
Application # 2020I-00163**

Dear Community Planning & Development:

This firm represents CWJ Properties, LLC, the owner of 2105 North Humboldt Street, with regard to this request for rezoning. The property consists of developed land, 28,400 square feet in size, containing a 20,421 square foot building currently used for industrial food processing, and surrounded by residential land zoned U-TU-B. In addition to the completed application form, please find the following exhibits attached or referenced to this application.

**Exhibit A:** Property Legal Description (amended 2/12/21)

**Exhibit B:** Description of Consistency with Adopted City Plans/General Review Criteria (DZC 12.4.10.7., amended 2/12/21)

**Exhibit C:** Additional Criteria/Description of Justifying Circumstances and Neighborhood Context (DZC 12.4.10.8.))

**Exhibit D:** Community Support and Outreach (amended 2/12/21)

**Exhibit E:** Letter of Authorization for Steve Ferris and the Real Estate Garage, LLC to act as Representative, previously submitted on 12/18/20

**Exhibit F:** Proof of Ownership and Agency, Assessors Record and LLC documentation, previously submitted on 12/18/20

## Exhibit A Legal Description

Parcel A:

Lots 16 to 22, Block 46

SCHINNERS ADD

Parcel B:

Lots 23 & 24, Block 46

SCHINNERS ADD

## **Exhibit B**

### **Description of Consistency with Adopted City Plans/General Review Criteria (DZC 12.4.10.7.)**

#### **Denver Comprehensive Plan 2040**

The Denver Comprehensive Plan 2040 identifies vision elements, goals, and strategies to achieve these goals. The vision elements and goals emphasize economic mobility and diversification, growth in neighborhood businesses, a strong workforce, a globally competitive city, and economic vitality. Because this proposed rezone is intended to facilitate neighborhood retail and services on the property (consisting of an Ace Hardware store<sup>0</sup>, and reduce the current scale of the fruit and nut packaging operations, it is consistent with the following Denver Comprehensive Plan goals and strategies:

#### Equitable, Affordable, and Inclusive

**GOAL 1:** Ensure all Denver residents have safe, convenient and affordable access to basic services and a variety of amenities.

**GOAL 5:** Reduce the involuntary displacement of residents and businesses.

**Strategy 5.B.** Stabilize residents and businesses at risk of displacement through programs and policies that help them stay in their existing community.

#### Strong and Authentic Neighborhoods

**GOAL 1:** Create a city of complete neighborhoods.

**1.A.** Build a network of well-connected, vibrant, mixed-use centers and corridors.

**1.B.** Ensure neighborhoods offer a mix of housing types and services for a diverse population.

**1.C.** Ensure neighborhoods are safe, accessible and well-connected for all modes.

**1.D.** Encourage quality infill development that is consistent with the surrounding neighborhood and offers opportunities for increased amenities.

**GOAL 2:** Ensure every neighborhood is economically strong and dynamic

**2.A.** Grow and support neighborhood-serving businesses.

**GOAL 3:** Preserve the authenticity of Denver's neighborhoods and celebrate our history, architecture and culture.

**3.E.** Support the stewardship and reuse of existing buildings, including city properties.

### Economically Diverse and Vibrant

**GOAL 3:** Sustain and grow Denver’s local neighborhood businesses.

**3.A:** Promote small, locally owned businesses and restaurants that reflect the unique character of Denver.

### Clean our Soils, Conserve land and Grow responsibly

**GOAL 8:** Clean our soils, conserve land and grow responsibly.

**8B:** Encourage mixed-use communities where residents can live, work and play in their own neighborhoods.

The proposed U-MS-2 zone district would enable a mix of neighborhood serving uses that is prohibited under the current PUD zoning. The Property is in a historically rich and diverse neighborhood that continues to be a desirable area to live, work, and play in. This zone district offers increased opportunities for amenities and services that contribute to and enhance the vibrant neighborhood character. If approved, rezoning will enable the owner to implement their immediate plans for provide neighborhood serving retail (an Ace Hardware store) in the southern half of building. The bottom line is that rezoning will enable a range of residential and commercial uses within the existing structure in an appropriate location, making it consistent with Denver Comprehensive Plan 2040 Vision Elements and Goals.

## **Blueprint Denver (2019)**

Blueprint offers explicit advice on how to consider its contents with regard to rezonings, citing the applicability of the Neighborhood Context, Places map, Places description, Growth strategy, and Street Type. It notes that Plan Policies and Strategies and Equity Concepts are only applicable in some cases.

### Neighborhood Context

The **Blueprint Denver** *Place* designation for the subject property is *Low Residential* in an *Urban* neighborhood context.

**Urban** neighborhoods are described as:

*“The urban neighborhood context is widely distributed throughout the city. Homes vary from multi-unit developments to compact single-unit homes. Development in this context should be sensitive to the existing neighborhood character and offer residents a mix of uses, with good street activation and connectivity. Residents living in this context have access to varied transit options and amenities. The urban context is walkable due to a predictable street grid in residential areas and the availability of*



*transit and dedicated bike lanes. These areas offer access to neighboring areas and commercial nodes, with some small mixed-use nodes within the neighborhood. Parking is predominately off-street complemented by managed on-street options.* (BPD pg. 221)

The proposed U-MS-2 zoning offers consistency with this context because any new contemplated retail use would be accessed by and serve neighboring areas. Any use would park on street with managed options, consistent with existing on-street parking managed as part of the hospitals in the immediate vicinity. In addition, off-street parking is contemplated on site (about 10 spaces) and via potential leasing of spaces from nearby Campbell Chapel AME Church.

**Residential** areas are described as:

*“Areas where the predominate use is residential. Although they are primarily residential in nature, they are supported by a variety of embedded uses needed for a complete neighborhood including schools, parks and commercial/retail uses.”* (BPD pg. 232)

**Urban Low Residential** Land use and Built Form:

*“Predominately single- and two-unit uses on smaller lots. Accessory dwelling units and duplexes are appropriate and can be thoughtfully integrated where compatible. Some civic and institutional uses are compatibly integrated throughout and limited mixed-use can occur along arterial and collector streets, as well as where commercial uses have been already established. Vacant institutional uses on corners or select sites may be appropriate locations to introduce additional residential intensity. Medium building coverage. Buildings are generally up to 2.5 stories in height.”* (BPD pg. 230)

The proposed U-MS-2 zoning offers consistency with this land use and built form because any new retail use on the property would be within the existing, established commercial use. The existing building is 2 stories in height, is highly functional, and is planned to be preserved and adapted for any new use.

**Place/Growth Strategy** for this area is designated as “All other areas of the city”, with 10% of new jobs and 20% of new households. The MS zoning appeals to the City’s growth strategy for this area by allowing residential uses but facilitating neighborhood serving retail. The zoning equally allows retail and commercial uses which could increase the potential of new jobs. The property abuts a significant District area across 21<sup>st</sup> Street to the south.

**Street Type** for the Property is designated as “Local”. “Local streets can vary in their land uses and are found in all neighborhood contexts. They are most often characterized by residential uses. (BPD pg. 161) The Property is located on the northwest corner of

21<sup>st</sup> and Humboldt with the hospital district dominating the neighborhood on all blocks to the south.

### **Blueprint Equity Concepts, Applying Equity Concepts for Small Rezonings:**

In Blueprint Denver Section 3.1; Plan In Action: Applying Blueprint Denver to Rezoning, Blueprint states:

“Equity Concepts: Because the data available to measure the equity concepts is not available at the parcel-level scale, and they are intended to show patterns across large areas, they cannot be effectively applied to small-scale rezonings. Given the above, they are not intended to be part of the evaluation for smaller rezonings. However, they should be used to evaluate large area rezonings”.

While Blueprint Denver acknowledges that Equity Concepts are difficult to apply to small single-parcel rezonings such as this one we believe these are important criteria to address in our city. This rezoning may help this small property contribute to a more equitable Denver in the following ways:

**Equity Concept 1: Expanding Housing and Jobs Diversity** - *providing a better and more inclusive range of housing and employment options in all neighborhoods.*

#### **The Importance of Housing and Jobs Diversity**

*It is the desire of many residents and stakeholders for all neighborhoods to accommodate some level of growth and to incorporate a greater variety of housing and employment options. If done right, this can enable more inclusive and diverse communities.”* (BPD pg. 40)

The U-MS-2 zone district will open the property to different uses that are not offered in the current PUD. This zone district would allow for a variety of housing options along with commercial, office, retail and neighborhood serving uses that will create new job and housing opportunities. As such, there is little doubt that rezoning would overcome the constraints and poor fit for the current PUD zoning, as it will allow the introduction of housing and employment opportunities that do not exist today.

**Equity Concept 2: Improving Access to Opportunity** - creating more equitable access to quality-of-life amenities, health, and quality education.

*The proximity of an amenity (including quality jobs, schools, parks, health care services and healthy food), the affordability of that amenity, and the safety and ease of access to that amenity are important elements of access to opportunity. Equitable access to opportunity strengthens our collective prosperity and improves outcomes for all. In areas with high access to opportunity, it is important to increase the range of*

*affordable housing options so that residents of all income levels can live in these neighborhoods.” (BPD pg. 32-35)*

## **East Central Area Plan (2020)**

This plan notes that “...requests for one-off applicant-driven rezonings should be evaluated to determine if they are better suited for a legislative rezoning or should be delayed until after additional infrastructure is in place before being found to be consistent with this plan.” Any evaluation pursuant to this standard must recognize the goal of the rezone to improve compatibility of the existing site with the surrounding zoning, given its current PUD zoning allowing light industrial use. In addition, this rezoning and resulting allowed uses will *reduce* current infrastructure demands due to reduced truck loading associated with the current use. In this context, Policy L10 and its background and strategies notes:

### **L10: Continue Improving out of date zoning regulations**

*Background:* Properties that have retained Former Chapter 59 zoning (Denver’s old zoning, prior to the 2010 code update) or the Billboard Use Overlay allow development that is no longer consistent with the vision for East Central.

*Strategy:* A. Rezone Former Chapter 59 properties into the Denver Zoning Code (DZC).

1. Ensure that fees are structured as to promote rezoning out of Former Chapter 59 zone districts and into the DZC and reflect the true cost of administration.

Given the landowner’s intent to create an Ace Hardware store on the property, we must consider that the East Central Area plan also identifies the below measurable goal, and notes that the City Park West Neighborhood does NOT meet the below goal. So reaching this goal will be facilitated by the rezoning:

*Increase the amount of households within walking or rolling distance of jobs, retail, and quality transit to at least 50% in each neighborhood.*

In the context of broad plan support for community serving retail, Policies E4 & E7 notes the following policy and several strategies that are consistent with rezoning the site from strictly light industrial to allow retail uses:

**Policy E4: Improve the regulatory process to provide additional support for existing and new small businesses in the area.**

Through the proposed Ace Hardware COOP store ownership model, Policy E7 will also be supported and implemented:

**Policy E7: Support and develop new community-minded ownership models that have a goal of maintaining East Central’s variety of small, local businesses.**

Subsequently, the City Park West Plan portion notes some key aspects that this rezoning is consistent with, including:

**Policy CPW-L4: Promote and protect the existing small commercial areas north of 21st Avenue.**

*Background: There are several small multi-tenant retail buildings in City Park West north of 21st Avenue (22nd Ave. and Lafayette St., 22nd Ave. and Humboldt St., 21st Ave. and York St.). These buildings provide space for community-serving retail uses but are too small to be designated as Local Centers on the place map. The continued success of these areas and businesses is important for providing access to services, preserving neighborhood character, and achieving the community’s vision for the area.*

Strategies:

- A. Maintain appropriate, small-scale, compatible mixed use zoning on these sites. Consider requirements for maintaining retail uses on the ground floors of buildings.
- B. Ensure allowed building forms, uses, and other regulations promote compatibility with the surrounding residential areas, while providing for desired uses to locate and be successful in these locations. (See Policy L2).
- D. Provide support for community-serving businesses at these locations (See Policies ED 4, 5, 6, & 7).

In sum, the CPW-L4 makes a direct reference to the success of local businesses in the immediate vicinity of 2105 N. Humboldt, and this rezoning is consistent with the policy. Finally, and also within the City Park West Plan on a Page (p. 197), ideas such as making 22<sup>nd</sup> Avenue a contemporary parkway will be supported by this rezone. Page 200’s community feed back noted that a top improvement is to “Keep existing and support new businesses”.

### **Uniformity of District Regulations and Restrictions (DZC 12.4.10.7.B.)**

Code language states that: *“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.”*

Future development of the Property will result in uniformity of U-MS-2 district regulations and restrictions. Uniformity is further supported by proximity of two, very

similar U-MX-2 districts (one on the same block), and the fact that existing 2-story building heights will remain.

### **Public Health, Safety and General Welfare (DZC 12.4.10.7.C.)**

This code language states: *“The proposed official map amendment furthers the public health, safety, and general welfare of the City.”*

The proposed map amendment will further the public health, safety, and general welfare of the City by facilitating the improvement and redevelopment of the Property as desired by the City’s adopted plans. In addition, simply by removing the zoning requirement to maintain the light industrial uses on the property, the resulting land use will further the public welfare.

## **Exhibit C:** Additional Criteria/Description of Justifying Circumstances and Neighborhood Context (DZC 12.4.10.8.)

*DZC 12.4.10.8.A.4.: Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest.*

- The Property is currently under a former Chapter 59 Zoning PUD #74, which was adopted in 1982. This zoning limits the site to its current light industrial use “Jerry’s Nut House”. In the subsequent 39 years, city wide plans including Blueprint Denver 2019, Comprehensive Plan 2040, and the East Central Area Plan 2020 have been adopted. This fact alone suggests a rezone of this property from its highly limiting PUD to U-MS-2 would serve the public interest.
- Successful rezoning will allow for zoning conformity and support the initiatives directed under the new city adopted plans.
- The City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.

*DZC 12.4.10.8.B: 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.*

- The 28,400 square foot property is in an Urban neighborhood just outside of downtown, in a desirable neighborhood to work, live, and play. The light industrial zoning granted to this location in 1982 can be considered heresy 39 years later. As tastes and expectations have changed, City Park West’s current character is now supported by residents who look to convenience with their employment, amenities, and services. For these reasons, the current light industrial use can also be considered antiquated. As such, the introduction of low intensity commercial uses which are not allowed in its current PUD is warranted. The desire and need for more residential and employment options in the area is growing and a U-MS-2 zone district will facilitate these community wants and needs.
- 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. 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. Denver Zoning

Code's intent for U-MS-2 states that it: *"..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. The U-MS-2 district is intended to provide for appropriate locations for traditional corner commercial establishments located within a residential neighborhood."* (DZC 5.2.5.2.A.)

- Main Street Districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering. They 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. Compared to the Mixed Use districts, the Main Street districts are intended to promote an urban, mixed-use, built-to environment regardless of neighborhood context (DZC 5.2.5.1.G.). Today, the neighborhood context around the Property is a mix of low scale residential, mixed-use, and open space zoning. The proposed U-MS-2 zone district of the Property is fitting with the existing context and character. It will appeal to the characteristics of an Urban Neighborhood that states that commercial uses that are not located on mixed use arterials or main street may be on intersections of local streets. It is the direct intent of the U-MS-2 zone district to embedded within an existing neighborhood served by local streets (DZC 5.2.5.2.). By replacing a light industrial use with community serving retail, rezoning will promote a safe, active, pedestrian-scaled residential area while improving access to jobs, housing and services.

In sum, the proposed official map amendment U-MS-2 is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.

## Exhibit D Community Support and Outreach

This request was discussed in a pre-application meeting with Israel Cruz of Community Planning and Development on October 7, 2020. Since the meeting, we have discussed this pending application with the local councilmember's representative, Dr. Lisa Calderón. We have also communicated with the Capitol Hill United Neighbors, Inc.(CHUN), City Park Friends & Neighbors (CPFAN), City Park West Neighborhood Association, Denver Arts & Cultural Initiative, INC, Neighbors for Greater Capitol Hill, Northeast Denver Friends & Neighbors (NEDFANS), Opportunity Corridor Coalition of United Residents, Reclaim the East Site, The Points Historical Redevelopment Corp., and Uptown on the Hill. We also reached out to At-Large councilpersons without formal responses as of this writing.

As of February 12, 2021, we have received the following support:

1. Formal support from CHUN, dated 12/19/20, by a board vote of 22-0 (copy separately provided)
2. Pending meeting with the Design Forum group for City Park West Neighborhood Association, to be scheduled upon completion of renderings of the Ace Hardware store placement in the building.
3. Meetings and conditional verbal support from local condo boards representing Uptown Lofts and the Audrey Point buildings, both within 1 block of the site. Formal support is expected with the provision of additional information including renderings and potential off-street parking arrangements.

Neighbors for Greater Capitol Hill and Opportunity Corridor Coalition of United Residents sought more info, and we otherwise continue to reach out to them. Given that surrounding property owners interest in the proposed use of neighborhood serving retail, ALL general feedback has been very positive.

Formal documentation will be provided and attached when available.





**Exhibit E**  
Letter of Authorization for Steve Ferris and the Real Estate  
Garage, LLC to act as Representative

**CWJ Properties, LLC**

2101 Humboldt St.  
Denver, CO 80205

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November 30, 2020

As Submitted Within Rezoning Application

**RE: Authorization to Represent Rezoning Application, 2105 N. Humboldt St.**

Interested Parties with the City of Denver:

We hereby authorize Steve Ferris and his firm, the Real Estate Garage, to represent CWJ Properties, LLC within the rezoning application for our 2105 N. Humboldt Street property.

Thank you for your consideration,

Stephen Julia  
Representing CWJ



12/7/20



## Exhibit F

### Proof of Ownership and Agency



03/26/2014 04:51 PM  
City & County of Denver  
Electronically Recorded

R \$11.00

D \$0.00

BSD

**BARGAIN AND SALE DEED**

THIS DEED, made March 24, 2014, between CLAUDE JULIA and WENDY S. JULIA, grantors, County of Denver, State of Colorado, and CLAUDE JULIA and WENDY S. JULIA, managers, CWJ PROPERTIES, LLC, whose legal address is 2101 Humbolt St., Denver Colorado 80205, grantee.

For and in consideration of the sum of TEN DOLLARS (\$10.00), the receipt and sufficiency of which is acknowledged, grantors sell and convey unto the grantee, its successors and assigns, forever, all the right, title, interest, claim and demand which the grantors have in and to the real property, together with improvements, if any, in the County of Denver and State of Colorado, described as follows:

**PARCEL A:**  
Lots 16 to 22,  
Block 46,  
SCHINNER'S ADDITION TO THE CITY OF DENVER

**PARCEL B:**  
Lots 23 and 24,  
Block 46,  
SCHINNER'S ADDITION TO THE CITY OF DENVER

Parcel ID Number: 0235302027000

also known as street and number: 2101-2135 Humbolt Street, Denver Colorado 80205

**(CONVENIENCE DEED ONLY - NO DOCUMENTARY FEE REQUIRED)**

TO HAVE AND TO HOLD together with any and all appurtenances and privileges, and all the estate, right, title, interest and claim whatsoever, of the grantors, either in law or equity, to the only proper use and benefit of the grantee, its successors and assigns forever.

The grantors have executed this deed on the date set forth above.

By: *[Signature]*  
CLAUDE JULIA

By: *[Signature]*  
WENDY S. JULIA

STATE OF COLORADO )  
                                  ) ss.  
COUNTY OF *Denver* )

The foregoing instrument was acknowledged before me on 3/26, 2014 by CLAUDE JULIA and WENDY S. JULIA.

Witness my hand and official seal.

My commission expires: 4/23/16.



*[Signature]*  
Notary Public

Address: 4420 Lincoln Street, Suite 1100  
Denver, Colorado 80203

**CWJ Properties, LLC**

2101 Humboldt St.  
Denver, CO 80205

---

November 30, 2020

**RE: Authorization to Represent CWJ Properties, 2105 N. Humboldt St.**

Interested Parties with the City of Denver:

We hereby authorize Stephen Julia to represent CWJ Properties, LLC within the rezoning application for our 2105 N. Humboldt Street property.

Thank you for your consideration,

Claude Julia  
Representing CWJ

A handwritten signature in black ink, appearing to read 'Julia', with a large, sweeping flourish underneath.

12/7/20



1290 Williams St, Ste 102  
Denver, CO 80218  
303.830.1651  
chun@chundenver.org  
www.chundenver.org



December 19, 2020

Stephen Julia  
Jerry's Nut House  
2101 Humboldt Street  
Denver, CO 80205

**RE: Rezoning of 2101 Humboldt Street**

Dear Mr. Julia,

Capitol Hill United Neighborhoods, Inc. ("CHUN"), a Colorado nonprofit corporation and Denver's largest, oldest registered neighborhood organization (RNO), **is pleased to announce its support for the rezoning of 2101- 2105 N. Humboldt St. from Planned Unit Development (PUD) to U-MS-2/2x.**

On Thursday, December 17, 2020, the Capitol Hill United Neighborhoods Board of Directors held a regularly scheduled board meeting. At that meeting, Dmitrii Zavorotny, in his capacity as co-chair of the CHUN Urban Planning Committee, shared the committee's report pertaining to your request. Subsequently, Mr. Zavorotny moved to support this rezoning. The motion was seconded.

- Votes favoring the motion: 22
- Votes opposing the motion: 0
- Votes abstaining from taking a position: 0
- No Votes: 9 (due to absenteeism)

As with any rezoning, we acknowledge some may have concerns about your request. However, we feel it is important to examine this in a comprehensive way. In doing so, the proposed rezoning will (1) advance small business development; (2) improve the overall streetscape through climate appropriate landscaping and much needed beautification, including windows and vintage signage; (3) is a creative use for an existing structure; and (4) supports CHUN's neighborhood walkability and livability goals.

CHUN's mission is *Preserving the Past, Improving the Present, and Planning for the Future* of Greater Capitol Hill through historic preservation, by addressing homelessness, promoting smart land use and zoning, advancing safety, etc. **We encourage City leaders, including members of the Denver Planning Board and City Council, to support this rezoning.**

Sincerely

Travis Leiker, MPA  
President | Board of Directors  
Capitol Hill United Neighborhoods, Inc.



**Notice of Proposed Zoning  
Change:**

**2101-2105 Humboldt**

**From PUD 74 to U-MS-2**

**Creation of ACE Hardware**

**Open Meeting: All interested neighbors, come meet the owners, hear about proposed changes, ask any questions.**

**Meeting Date: March 24, 2021**

**Meeting Time: 6:00 pm**

**Location: Zoom 806-189-6818**

**On March 31, 2021 at 3:00 pm, this will be presented to Denver Planning Board. More information and may be obtained by contacting owners:**

**Steve Ferris**  
**The Real Estate Garage**  
**ph: 303-435-5393**  
**<http://realestategarage.net/>**  
**email: [steve@realestategarage.net](mailto:steve@realestategarage.net)**

**Or**

**Scott Robinson, Senior Planner City of Denver, 720-865-2833**

**[Scott.robinson@denvergov.org](mailto:Scott.robinson@denvergov.org)**



City Park West meeting regarding rezone of 2101-2105 Humboldt held via Zoom 3/24/21, 6:00 pm

In Attendance:

Jo Untiedt, 1915 E 22<sup>nd</sup> Avenue

Chuck Gilmore owner of Hair Craft Beauty and Barber 2153 Humboldt

Dothea Jones 2112 Lafayette Street

Scott Holder, 2315 Williams

Stephen Julia – owner

Steve Ferris – owner representative

***Vote – All were in favor providing parking would be addressed.***

### **Discussions**

Steve Ferris described that current zoning only allows for a Jerry's Nut House- no other commercial would be allowed, thus the request. They will keep the nut house where the loading dock is currently located, and the ACE would go at the corner of 21<sup>st</sup> and Humboldt. Stephen Julia explained that for years there was an agreement with Campbells Church to share parking. Jerrys has been in family since 1948 and it has become harder to keep the business due to costs (property taxes, etc.). Stephen's wife has hardware stores, so they started to investigate and liked the ACE model as it is coop.

Scott Holder explained the proposed Neighborhood Friendly bikeway proposed at 20<sup>th</sup>. There will be no change on Humboldt to current parking situation. At corner of Humboldt and 20<sup>th</sup>, there will likely be a loss of two parking spaces between on north side of 21<sup>st</sup> near the ACE

Doretha (an immediate neighbor) – her concern is parking due to the medical people going to Kaiser already drastically impacts parking on Lafayette.

### **Recommendations**

Parking is the biggest concern. Some possibilities for parking:

- There is no parking between Lafayette and Humboldt on south side of 21<sup>st</sup>. Perhaps allow parking on south side of 20<sup>th</sup> and create more parking spaces.
- At least two 30-minute parking in front of store
- Campbells Church lot formal agreement

Worst case if ACE failed – this could be a two-story commercial.





*Creating a Neighborhood  
Masterpiece with  
residents & businesses*

March 28, 2021

To: Scott Robinson, Denver Dept. of Community Planning and Development

Re: 2101-2105 N. Humboldt St. , Application # 2020I-00163

Uptown on the Hill RNO supports the rezoning request by the owner of Jerry's Nut House.

The space in the building is being underutilized at present. Their proposal would close Jerry's retail shop and continue wholesale operations out of the north half of the building, while making the south half into an Ace Hardware, to be owned and operated by the family.

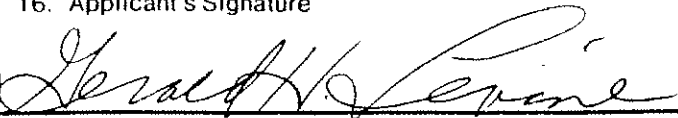
The structure would undergo some redesign, primarily making the south- and east-facing windows much larger. Parking is not expected to be a problem, as studies show most hardware store customers are focused and get in and out quickly. Additionally, they expect to have less truck and delivery traffic than currently. They are prioritizing hiring people from the neighborhood.

For these reasons, we endorse this proposal.

Sincerely yours,

Judy Trompeter, President

Cc: Steve Feris, Stephen Julia, other neighborhood organizations

Area Map indicating property to be rezoned will be prepared by the Department of Zoning Administration	City and County of Denver DEPARTMENT OF ZONING ADMINISTRATION <b>APPLICATION FOR ZONE MAP AMENDMENT</b>		Application Number <b>3388</b> <i>w/ stipulation</i> Date Submitted: 5/27/82 Fee: \$100.00	
1. Applicant  Jerry Levine, C.E.O. Jerry's Nut House	2. Address  2101 Humboldt St.	3. Phone No.  303-861-2262	4. Interest <input checked="" type="checkbox"/> Owner(s) <input type="checkbox"/> Agent <input type="checkbox"/> Other	
5. Owners of Property or Properties <i>(If not the Applicant)</i>  Same as above	6. Address  Same as above	7. Phone No.  Same as above		
8. Location of Proposed Change  2101 Humboldt St.				
9. Legal Description of Property: <i>(If Legal Description is lengthy, please attach additional sheet.)</i> Lots: 16 through 24 inclusive Block: 46 of Schinner's addition to the City and County of Denver Addition:				
10. Area of Subject Property, Sq. Ft. or Acres  29,739 sq. ft.	11. Present Zone  R-3	12. Proposed Zone  PUD <i># 74</i>		
13. Describe briefly the nature and expected effect of the proposed amendment. Be sure to include an explanation of the legal basis for the proposal: either (a) the error in the map as approved by city council, or (b) the changed or changing conditions making the proposed amendment necessary.  This rezoning is being sought because of the desire of a long time business to expand due to a greater market for its products. Jerry's Nut House has operated at this location for 34 years and wishes to continue to operate in the present location. However, expansion is necessary for the business to function adequately. The business will be forced to vacate and relocate if expansion is not to be allowed.				
14. Use and development proposed for the property to be rezoned.  This property is to be used for the expanded operation of a candy and nut manufacturer. Construction would begin immediately after approval of this PUD.				
15. Exhibits Submitted, Number and Kind  One Map of existing conditions, one District Plan Map and supporting information for PUD.	16. Applicant's Signature  			

2101 Humboldt Street

2 A. Areas

Maximum gross floor area for the business structure will be 20,210 square feet. The use of the building will be for the purposes of retailing and wholesaling food products and related items such as gifts, etc., and the processing and packaging of food products and related items, and storage of the raw materials and finished goods. The area designated for parking will total at least 5,732 square feet. The remainder of the rezoned area will be open space.

B. Maximum Height of Structures

The height of the structure will not exceed 30 feet, including mechanical equipment.

C. Provision for Parking and Loading

Off street parking spaces will be provided in accordance with Section 614 and off street unloading space will be provided in accordance with Section 615.

D. Setbacks

There will be one structure only in this PUD.

1. Front setback. Not less than 5 feet from the lot line at 21st Avenue and not less than 16 feet from the lot line at Humboldt Street.
2. West property line setback. This structure will be on the west lot line, a setback of -0- feet.
3. North property line setback. This structure will be set in no less than 17 feet from the north lot line.

E. Land Coverage

The site will be building and paving for approximately 98% of the private area. Public areas will be landscaped as described in Item I below. Land coverage by use is as follows:

20,210 sq. ft. for Building, or 68.0% (maximum)  
5,732 sq. ft. for Parking, or 19.3%  
3,360 sq. ft. for Drive and Walks, or 11.3%  
437 sq. ft. for Landscape, or 1.4%

F. Surface Drainage

Applicant shall abide by rules and regulations of the Wastewater Management Division.

G. Circulation

Off street parking is to be provided with direct pedestrian access to the front entry of the building. A private drive from Humboldt through the site to the alley west of Humboldt will provide access for emergency vehicles, etc. at all four sides of the structure.

H. Easements

There are no easements through the property.

I. Buffer Areas

As indicated on the District Plan Map, areas fronting 21st Avenue and Humboldt Street will be suitably landscaped and landscaping will be maintained. The north boundary will be screened with 6 foot high redwood slatted chain link fence to serve as a buffer from the residential area. The applicant will install and maintain landscaping per city agency rules for rights of way plantings.

J. Outdoor Storage of Boats, Campers and RVs

Storage of boats, campers and recreational type vehicles will not be permitted, except when used for transportation to and from this place of business by customers or employees or when used for promotional purposes.

K. Dedications and Improvements

No further dedications are contemplated. All improvements will be made according to applicable city ordinances and agency rules and regulations.

L. School Sites

There are no residential units in this PUD.

M. Open Space and Recreation

Open space will consist of a small landscaped area to the south, a drive to the north and a parking area to the east. All open space areas are private. Areas are listed in Item 2 E of this application. This development will be done as soon as possible after approval.

N. External Effects

The business has existed harmoniously in the neighborhood for decades. The applicant will abide with 612.13-2(2) - 612.13-2(4) of the zoning code (I-0 District Regulations for Limitations on External Effects).

## O. Restoration of Natural Terrain

Not applicable.

## P. Utilities

Existing water and sewer are adequate for this PUD, no further taps are expected nor larger service than existing planned.

## Q. Sign Treatment

This applicant is willing to abide by the requirements of Section 613.3-4; signs permitted in the I-0 District; and of Section 613.2; signs permitted in any district.

## R. Outdoor Trash Storage

A dumpster will be located within the recessed area of the building on the west side (see District Plan Map) or at the northwest corner of the property adjacent to the screened fence in the drive.

## S. Potential Traffic Impacts

A traffic count conducted on May 26, 1982 between the hours of 7:00 and 9:00 A.M. indicates that the average daily traffic (ADT) for Humboldt Street at 21st Avenue is 540. For 21st Avenue at Humboldt Street the ADT is 1,415. The projected ADT for Humboldt Street, as a result of this PUD, is 560; for 21st Avenue, 1,450.

Traffic will arrive at the site from both 21st Avenue and Humboldt Street. As the business is primarily a wholesale operation, traffic to and from the site has been historically low.

Parking is allowed on both sides of both 21st Avenue and Humboldt Street, however, it should not be necessary. The off-street parking will be expanded to provide additional parking. Adjacent sites have pay parking available.

## T. Public Transportation

Currently, Route No. 23 of the RTD serves the corner of 20th Avenue and Humboldt Street, one block away.

## U. Location of Public Facilities

## Schools -

Elementary School (K+ 4 - 6)	Whittier School 2480 Downing St.
Elementary School (1 - 3)	Asbury School 1320 East Asbury
Middle School ( 7+ 8)	Morey School 840 East 14th St.
Senior High School (9 - 12)	East High School 1545 Detroit St.

U. Location of Public Facilities (continued)

Fire Station -	25th Avenue and Washington St.
Police Station -	District 2 - 3555 Colorado Blvd.
Hospitals -	East Side Health Center 28th Avenue & Pennsylvania St. Denver General Hospital 8th Avenue and Cherokee St.
Recreation Center -	Park Avenue 1849 Emerson St.
Library -	Five Points Branch 2855 Tremont Place

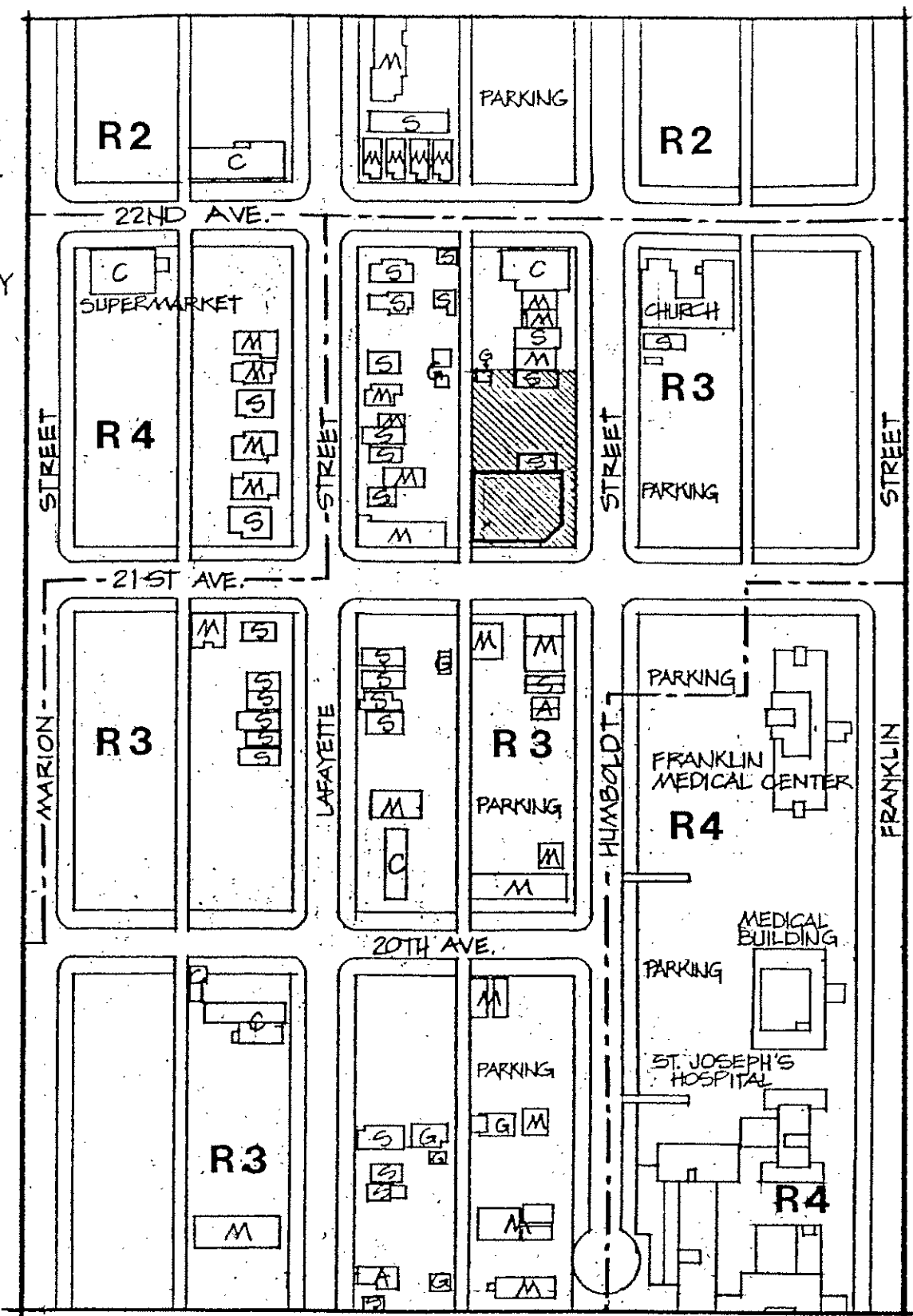
3. Existing Conditions Map (attached).

4. District Plan Map (attached).

REFERENCE

- C - COMMERCIAL
- G - GARAGE
- M - MULTI-FAMILY
- S - SINGLE FAMILY
- A - ABANDONED

PROJECT AREA  
= 29,739<sup>sq</sup>



ADT. COUNT

- NORTH OF 20TH ON FRANKLIN 5600/DAY
- NORTH OF 18TH ON DOWNING (1BLK. WEST OF MARION) 6300/DAY
- NORTH OF 23TH ON DOWNING 5700/DAY
- CORNER OF 21ST & HUMBOLDT 1960/DAY

**EXISTING CONDITIONS MAP**

SCALE: 1" = 200'

MAY 1982



## 5. Statements

- A. The proposed PUD is being sought to allow Jerry's Nut House to expand into additional facilities at its present location. The market served is primarily wholesale customers within the Denver metropolitan area, however, there is currently walk-in trade from the neighborhood and surrounding areas.
- B. It is intended that the objectives of this application are consistent with the Comprehensive Plan. Specifically, two residential structures will be affected. One structure is attached to and is a part of Jerry's Nut House. This house will require demolition. The other home is on the north end of the property. It is fairly run down, however, the applicant will offer the home for the taking if a mover or investor is interested, provided the house can be moved within an appropriate period of time prior to construction.

In accordance with the Policies Section of "Planning Toward the Future" for R-4 neighborhoods on Page 12, Jerry's Nut House is a steady and stable business and fits nicely with the neighborhood, having been a part of it for so many years.

In an effort to buffer the expanded area from the adjacent residential area, a slatted fence will be installed as a barrier. A drive will separate the building from the fence. In accordance with the Policies Section of "Planning Toward the Future" for B-2 and I-8 on Pages 30 and 41, care will be taken to provide proper vehicular access. In addition, landscaping and fencing previously described will provide an architectural buffer for this PUD area.

Off-street parking will be provided in accordance with the Denver Zoning Ordinance. Landscaping of the city owned and private areas adjacent to the streets will be provided and maintained. (See District Plan Map.)

The building addition will be constructed of masonry materials as are many new buildings of this type. The exterior will be painted in a color complimentary to the original structure and for a clean appearance.

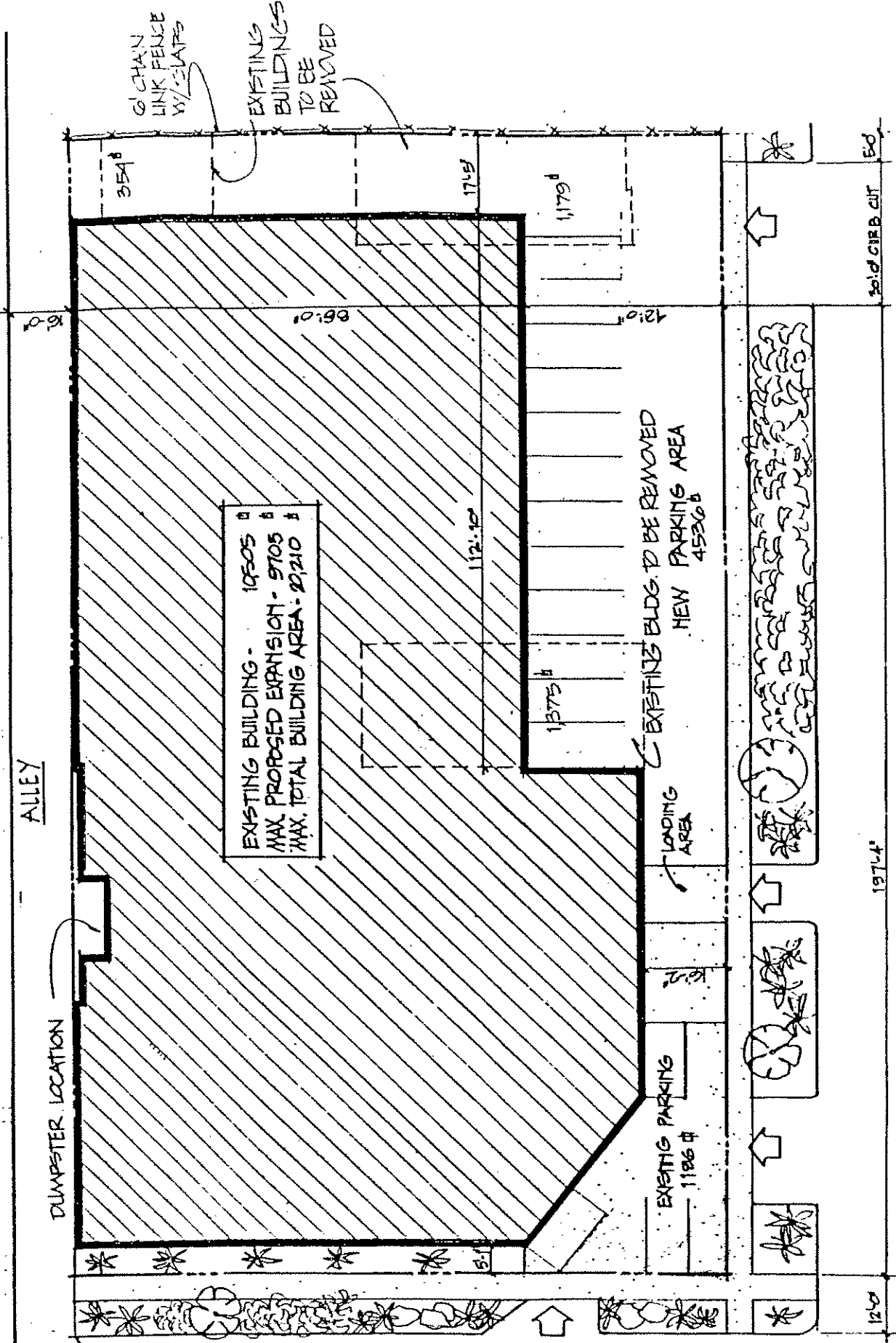
- C. Jerry's Nut House was operating at its present location prior to the zoning of the area in the early fifties. Surrounded at that time by both residences and businesses, Jerry's Nut House was and is a neighborhood institution and has functioned compatibly with its neighbors all along. Adjacent to this PUD are other uses similar to the type proposed for this PUD.

This application contains the stipulation approved at the Planning Board Hearing of July 7, 1982.

  
Applicant's Signature

7/20/82  
DATE





21ST AVE.

PROJECTED A.D.T.

PROJECTED A.D.T. 15,500. HUMBOLDT STREET

DISTRICT PLAN MAP

1" = 30'-0"

MAY 1982

