From: Watkins, Tim - Community Planning and Development
To: Daniel Markofsky; Velez, Kelly - City Council
Cc: Dan Pabon; "Sundari Kraft"; David Hagan; Bushdiecker, Keith R.; Lucero, Nathan J - City Attorney Office; Dalton, Kyle A. - Community Planning and Development; Espinoza, Rafael G. - City Council; Flynn, Kevin J. - City Council; Lopez, Paul D. - City Council Dist #3; Black, Kendra A. - City Council; Susman, Mary Beth - City Council; Kashmann, Paul J. - City Council; Clark, Jolon M. - City Council; Herndon, Christopher J. - City Council District 8; Brooks, Albus - City Council District 9; New, Wayne C. - City Council; Gilmore, Stacie M. - City Council; Ortega, Deborah L. - City Council; kniechatlarge
Subject: RE: 2014I-00033 Protest Petition CB0625 - Notice of Objection to Certification of Protest Petition
Date: Monday, January 25, 2016 3:54:29 PM

Dear Mr. Markofsky,

Thank you for your email. Staff reports close for comments at noon the Thursday before City Council. After noon on that Thursday, comments may be emailed to dencc@denvergov.org until 3 p.m. the day of the City Council public hearing. All comments emailed to this address will be forwarded to all City Council members. After 3 p.m. on the day of the hearing, written comments may be submitted at the public hearing to the Council Secretary, who will distribute them to the Council. In order to provide Council members adequate time to review written comments, members of the public are strongly encouraged to submit their comments prior to the day of the public hearing.

Tim Watkins, AICP | Senior City Planner
Community Planning & Development | City and County of Denver
720.865.2932 Phone | tim.watkins@denvergov.org
DenverGov.org/CPD | @DenverCPD | Take our Survey

From: Daniel Markofsky [mailto:DMarkofsky@feldmann-nagel.com]
Sent: Monday, January 25, 2016 2:57 PM
To: Watkins, Tim - Community Planning and Development <Timothy.Watkins@denvergov.org>; Velez, Kelly - City Council <Kelly.Velez@denvergov.org>
Cc: Dan Pabon <DPabon@feldmann-nagel.com>; 'Sundari Kraft' <skraft@copublicaffairs.com>; David Hagan <dhagan@dghinv.com>; Bushdiecker, Keith R. <Keith.Bushdiecker@hdrinc.com>; Lucero, Nathan J - City Attorney Office <Nathan.Lucero@denvergov.org>; Dalton, Kyle A. - Community Planning and Development <Kyle.Dalton@denvergov.org>; Espinoza, Rafael G. - City Council <Rafael.Espinoza@denvergov.org>; Flynn, Kevin J. - City Council <Kevin.Flynn@denvergov.org>; Lopez, Paul D. - City Council Dist #3 <Paul.Lopez@denvergov.org>; Black, Kendra A. - City Council <Kendra.Black@denvergov.org>; Susman, Mary Beth - City Council <MaryBeth.Susman@denvergov.org>; Kashmann, Paul J. - City Council <Paul.Kashmann@denvergov.org>; Clark, Jolon M. - City Council <Jolon.Clark@denvergov.org>; Herndon, Christopher J. - City Council District 8 <Christopher.Herndon@denvergov.org>; Brooks, Albus - City Council District 9 <Albus.Brooks@denvergov.org>; New, Wayne C. - City Council <Wayne.New@denvergov.org>; Gilmore, Stacie M. - City Council <Stacie.Gilmore@denvergov.org>; Ortega, Deborah L. - City Council <Deborah.Ortega@denvergov.org>; kniechatlarge <kniechatlarge@denvergov.org>
Subject: RE: 2014I-00033 Protest Petition CB0625 - Notice of Objection to Certification of Protest Petition

January 25, 2016

Mr. Tim Watkins
Case Manager
Denver Community Planning and Development
timothy.watkins@denvergov.org

Ms. Kelly Velez
Council Secretary
kelly.velez@denvergov.org

Re: Petition of Protest of Council Bill # CB15-0625
Map Amendment #2014I-00033 – 3268 W 32nd Ave (as modified Nov 2nd 2015)

Dear Mr. Watkins and Ms. Velez,

Thank you for your e-mail of January 21, 2016, transmitting the Results of Calculation to Zone Map Amendment 14i-33 Protest submitted by Mr. Randy Mast, Mr. Connor Farley, and Ms. Cindy Eby under cover of correspondence dated January 15, 2016 (the "Petition").

On behalf of, the applicant in Council Bill # CB15-0625, we object to the review process, standards applied, calculations, and certification of the Petition.

As noted in correspondence dated January 20, 2016, which we incorporate herein and restate in its entirety, we carefully reviewed the Petition. The petition failed to meet the requirements of Denver Zoning Code (DZC) Section 12.4.10.5, including but not limited to the instructions for Protest Petition for Zone Map Amendment from the Department of Community Planning and Development rev. 11/2014, and standards.

Standards that the Manager applied to determine the adequacy of all protest petition signatures have been arbitrarily inconsistent with standards previously applied by the Department of Community Planning.

Prior petition reviews have disqualified name variations of different or missing middle initials. Prior petition reviews have disqualified and lack of proof of capacity to bind a corporate entity or trust. Failure to do so here is arbitrary and capricious.

In the current case the Department invalidated the petition alleged submitted by Ms. Gloria Enger "on behalf of" Enger Properties LLLP, but certified Robert L. Grisenti signing "on behalf of" R.L.D. Grisenti, LLC. The Department accepted "Victoria Isherwood" for "Victoria L. Isherwood." Neither of these should have been certified.

Without the Grisenti and Isherwood petitions the 20% threshold is not met. And there are more.

The 20% threshold is not met. We respectfully request you rescind the certification issued January 21, 2016 prior to this evenings City Council hearing on this matter.

Thank you.

Very truly yours,
Feldmann Nagel, LLC

/s/
Daniel Markofsky, Esq.

cc: Emmaus Lutheran Church
Denver City Council

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(303) 725-9393 (cell)
www.feldmann-nagel.com

From: Watkins, Tim - Community Planning and Development [mailto:Timothy.Watkins@denvergov..org]
Sent: Thursday, January 21, 2016 12:02 PM
To: Daniel Markofsky
Cc: Dan Pabon; David Feeder; 'Sundari Kraft'; David Hagan; Bushdiecker, Keith R.; Velez, Kelly - City Council; Lucero, Nathan J - City Attorney Office; Dalton, Kyle A. - Community Planning and Development
Subject: RE: 2014I-00033 Protest Petition CB0625 Review (Second e-mail)

Dear Mr. Markofsky,

CPD reviewed the notice and documents that you submitted to us yesterday. Attached is CPD's staff report summarizing our determination of the adequacy of the protest petition signatures.

Best Regards,

Tim Watkins, AICP | Senior City Planner
Community Planning & Development | City and County of Denver
720.865.2932 Phone | tim.watkins@denvergov.org
DenverGov.org/CPD | @DenverCPD | Take our Survey

From: Daniel Markofsky [mailto:DMarkofsky@feldmann-nagel.com]

Sent: Wednesday, January 20, 2016 1:58 PM
To: Watkins, Tim - Community Planning and Development <Timothy.Watkins@denvergov.org>; Velez, Kelly - City Council <Kelly.Velez@denvergov.org>
Cc: Dan Pabon <DPabon@feldmann-nagel.com>; David Feeder <DFeeder@feldmann-nagel.com>; 'Sundari Kraft' <skraft@copublicaffairs.com>; David Hagan <dhagan@dghinv.com>; Bushdiecker, Keith R. <Keith.Bushdiecker@hdrinc.com>
Subject: 2014I-00033 Protest Petition CB0625 Review (Second e-mail)
Importance: High

January 20, 2016

Mr. Tim Watkins
Case Manager
Denver Community Planning and Development
timothy.watkins@denvergov.org

Ms. Kelly Velez
Council Secretary
kelly.velez@denvergov.org

Re: Council Bill No. 0625, Series of 2015, Zone Map Amendment 2014 I-00033 (32nd and Irving)

Dear Mr. Watkins and Ms. Velez,

Please see attached. Cited documents of record to follow separately.

Very truly yours,
Feldmann Nagel, LLC

/s/
Daniel Markofsky, Esq.

Emmaus Lutheran Church

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