

Memorandum of Understanding
Regarding the Rezoning of the Property at
1709 North Williams Street, Denver, CO

THIS AGREEMENT Is entered into by and between Michael McAtee (McAtee), owner of the property at 1709 North Williams Street (Property), Lindsay Dalton (Dalton), owner of the adjacent property at 1725 East 17th Avenue and the Weathervane Café, and City Park West Neighborhood Association (CPWNA).

RECITALS

- A. Whereas, Michael McAtee has applied to rezone 1709 North Williams Street from former Chapter 59 B-2 WVRS zoning to G-MS-3 zoning.
- B. Whereas, Lindsay Dalton, neighbors and the City Park West Neighborhood Association value the space for small businesses to thrive and grow in their community.
- C. Whereas, Michael McAtee, Lindsay Dalton, Neighbors, and City Park West Neighborhood Association all value their quality of life and are committed to finding a mutually agreeable outcome to the rezoning request.
- D. They enter into the following agreement.

AGREEMENT

NOW, THEREFORE, for good and valuable consideration, the parties hereby agree as follows:

- 1. Demolition Timing.
 - a. It is important to both Dalton and the neighborhood that the current building is not demolished and the site left vacant. McAtee agrees not to demo the current building until all the proper requirements are in place and is reasonably certain he can begin rebuilding soon. Both parties are aware that the City approval process can impact timing.
 - b. McAtee will ensure adequate lighting for the site during demo and rebuilding, as allowed by the City. Proposed lighting will be placed at the alley and southeast corners of the site.
 - c. McAtee anticipates demolition of the building will begin in 2026.
- 2. Open for Business.
 - a. When the demolition and rebuilding process begins and a fence is erected, McAtee agrees to put signage on the fence indicating that the Weathervane is still open for business. Both McAtee and Dalton will assist and cooperate in maintaining the signage through the duration of the project. If the signage is damaged in ways other than construction activity, Dalton will be responsible for replacement.
 - b. Dalton will design the sign and prior to printing, share the proposed design with McAtee for his review and approval. McAtee will pay up to \$500 for his portion of the sign, payable to Dalton after demolition and the beginning of site erection.

3. Dust Control.
 - a. McAtee will explore options to control the dust and dirt during demolition and construction that may negatively impact the Weathervane. Both parties acknowledge that dust can be caused by factors other than construction. If Dalton feels that dust is hindering the business of the Weathervane, these concerns will be documented by photos and result in communication between Dalton and McAtee.
 - b. McAtee will make a good faith effort to minimize the dust and dirt impact on the Weathervane.
4. Construction Losses.
 - a. If the construction at 1709 causes the Weathervane to be closed for business, McAtee and Dalton will negotiate compensation for the closure. Reasons for closure caused specifically by the construction may include loss of water or sewer, loss of power, significant dust or debris, or access issues.
5. Construction Parking.
 - a. McAtee will inform construction workers that there is to be no construction parking along the block of 17th Avenue immediately adjacent to the Weathervane. If parking by construction works becomes a problem, McAtee will place a sign in a prominent place on his property notifying constructions workers not to park on 17th.
6. We Are Open Cards.
 - a. McAtee will pay the cost to send postcards to the immediate neighbors during or immediately after demolition letting them know that the Weathervane is and will remain open for business during construction. McAtee will provide an allowance for these postcards, not to exceed \$3,000. Receipts will be provided.
 - b. Dalton will design the cards and coordinate with CPWNA in distribution. Dalton will provide a draft to review prior to proceeding to print and mailing.
7. Survey and Easements.
 - a. There are two different surveys, both indicating slightly different boundary lines. McAtee will have his surveyor clarify the boundary line between 1709 North Williams Street and 1725 East 17th Avenue.
 - b. Dalton and McAtee will coordinate the need for easements or other legal instruments appropriate to specific conditions that will accommodate property line encroachments, foot traffic, and dumpsters access/storage that may cross McAtee's property. They will share the expense equally of creating these easements. These easements will be filed with the deed.
 - c. There will be no fee or rent charged to Weathervane Café for access
 - d. Dalton will provide a certificate of insurance to McAtee demonstrating liability coverage and keep current throughout the duration of access needed
8. Water.
 - a. During construction, Dalton will allow McAtee the use of water from their exterior spigot. McAtee will reimburse Dalton for the use of the water.
9. Restricted Business Uses.
 - a. For as long as Dalton owns the Weathervane Café and McAtee owns 1709 North Williams, McAtee will ensure that a similar type of coffee shop or American fast casual café serving breakfast and lunch will not be a tenant in the southeast corner

commercial unit, should the current SDP be developed as designed.

- b. If the southeast corner unit is sold, the seller will inform the potential buyer of this agreement and provide them with a copy.

10. Zoning Request.

- a. Based on this agreement, Dalton will support McAtee's rezoning request.
- b. Dalton will explain the agreement and encourage neighbors and her email list to at a minimum not oppose McAtee's rezoning request.
- c. CPWNA will use their email list and social media accounts to explain the agreement process and point out that the main neighbor's involvement in the original opposition to the rezoning request entered into mediation, subsequently found a compromise, and are no longer pursuing opposition to McAtee's rezoning request.

Signed:

Michael McAtee

Michael McAtee, Property Owner of 1709 North Williams Street

2024-11-25

Date

Lindsay Dalton

Lindsay Dalton, Owner of the Weathervane Café

2024-11-21

Date

Scott Holder

Scott Holder, City Park West Neighborhood Association

2024-11-21

Date

Signature Certificate

Reference number: GPXSG-YCBA9-5RYPH-HYSCV

Signer

Timestamp

Signature

Lindsay Dalton

Email: flocksocial@gmail.com

Sent: 19 Nov 2024 15:27:53 UTC
Viewed: 21 Nov 2024 15:44:21 UTC
Signed: 21 Nov 2024 15:48:15 UTC



Recipient Verification:

✓ Email verified 21 Nov 2024 15:44:21 UTC

IP address: 8.35.97.157
Location: Evergreen, United States

Scott Holder

Email: scott@dauphinehotel.com

Sent: 19 Nov 2024 15:27:53 UTC
Viewed: 21 Nov 2024 19:01:12 UTC
Signed: 21 Nov 2024 19:01:34 UTC



Recipient Verification:

✓ Email verified 21 Nov 2024 19:01:12 UTC

IP address: 71.218.167.88
Location: Denver, United States

Michael McAtee

Email: mm@lhdenver.com

Sent: 19 Nov 2024 15:27:53 UTC
Viewed: 22 Nov 2024 15:16:32 UTC
Signed: 25 Nov 2024 18:29:30 UTC



Recipient Verification:

✓ Email verified 22 Nov 2024 15:16:32 UTC

IP address: 71.237.14.93
Location: Englewood, United States

Document completed by all parties on:
25 Nov 2024 18:29:30 UTC

Page 1 of 1



Signed with PandaDoc

PandaDoc is a document workflow and certified eSignature solution trusted by 50,000+ companies worldwide.



From: [Michael Mcatee](mailto:Michael.Mcatee)
To: scott@dauphinehotel.com
Cc: jo@affordablehousingconsultants.org
Subject: RE: 1709 Williams
Date: Wednesday, September 25, 2024 3:43:00 PM
Attachments: [Undeliverable 1709 Williams .msg](#)

I was wrong, it was Ann's email that bounces back. This is the email listed online.

From: Michael Mcatee
Sent: Wednesday, September 25, 2024 3:41 PM
To: scott@dauphinehotel.com
Cc: Ann.i.kingston@gmail.com; jo@affordablehousingconsultants.org
Subject: 1709 Williams

Hello Mr Holder –

As you are aware, I am under contract to buy the property at 1709 N Williams. I wanted to reach out, to clear a few things. The information that Westword just published and quoted you on is not true. I have attempted to contact City Park West RNO two times. I have not had a response to either attempt. In addition, the planning department did not have CPW as a registered RNO when I submitted. Therefore, I did not have knowledge of your RNO, and found it on my own. Below and attached is the detail of the facts and timeline. I emailed this information to Westword after I read the article. If they would have asked, it would have cleared that issue. Unfortunately, they did not do their homework. With that said, I would be happy to discuss this further if you are interested, which sounds like you are.

1. CPW RNO was not on the registered RNOs when the application was submitted. You can see the date is 7/29/24 which is well after when I submitted my application and reached out to ALL registered RNOs.
2. The preapplication meeting I had with the planning department did not list them as a registered RNO as they were not registered. See attached **pre**application which is part of the application. Therefore, I did not have their information as they were not officially registered.
3. Even **without** that information, I filled out their online contact form with the same info I wrote to all neighbors. I submitted that form around 7/22+/- when I first heard they were an organization. They do not have a contact number or email on their website, so this was the only way to contact them. At that time, they were still not registered on the city's website. I didn't receive a response ever.
4. After I heard from you (**Catie w/ Westword**), it jogged my memory I had not heard from the CPW RNO and emailed Jo (president) and Ann (communications) on sept 16. They are the two registered on the city's website. Jo's email bounced back so must be wrong. However, I assumed it got to Ann. Attached email. I didn't get a response from that email either.

Thanks

Michael McAtee
ph 303-704-5321

From: [Michael McAtee](#)
To: Ann.i.kingston@gmail.com; jo@affordablehousingconsultants.org
Subject: 1709 Williams Rezoning Outreach
Date: Monday, September 16, 2024 3:43:00 PM
Attachments: [2024i-00074- 1709 Williams St Rezoning Pre-App.pdf](#)

Hello Ann and Jo –

My name is Mike McAtee. I am a small local developer / architect / contractor. I have lived and worked in and around City Park for much of my career. I am purchasing the property at 1709 Williams Street with the intent to improve that location and add to the neighborhood. I love the neighborhood and want to improve it for the better. The property is currently zoned under the Former Chapter 59 code. The current zoning code is B-2 WVRS. The Former code does not align well with the current zoning, neighborhood context, nor the city adopted plans. The proposed zoning code allows for a more compatible redevelopment. I have submitted a rezoning application to change the zoning to G-MS-3. The application has been reviewed by the City agencies and approved to move forward to the next phase. If you are interested, I would be happy to discuss this rezoning process and progress so far. I also attached the preapplication presentation that gives more detail on the zoning and adopted plans.

Respectfully,

Michael McAtee
ph 303-704-5321

From: [Michael Mcatee](mailto:Michael.Mcatee@dauphinehotel.com)
To: scott@dauphinehotel.com
Cc: Ann.i.kingston@gmail.com; jo@affordablehousingconsultants.org
Subject: 1709 Williams
Date: Wednesday, September 25, 2024 3:41:00 PM
Attachments: [processed-E03A08D5-B4C8-490F-94C6-D8DBB8B4E19C.jpeg](#)
[processed-1E047AD9-B8C1-472C-BCF8-716796B77042.jpeg](#)
[2024i-00074- 1709 Williams St Rezoning Pre-App.pdf](#)

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Thanks

Michael McAtee
ph 303-704-5321

From: [Michael Mcatee](mailto:Michael.Mcatee@chundenver.org)
To: ["chun@chundenver.org"](mailto:chun@chundenver.org); ["director@chundenver.org"](mailto:director@chundenver.org)
Subject: 1709 Williams St Rezoning Request from B-2 WVRS to G-MS-3
Date: Wednesday, June 12, 2024 3:30:00 PM
Attachments: [2024i-00074- 1709 Williams St Rezoning Pre-App.pdf](#)

Hello Mr. Mansour,

My name is Mike McAtee. I am a local real estate developer. I am purchasing a property located at 1709 Williams Street in your Organizations area. My intent is to rezone the property from the old zoning code to the new zoning code. The current zoning code is B-2 WVRS. I am proposing to change to G-MS-3 to align with the newer code and adopted plans. I have completed the preapplication review with the planning staff. The presentation document from that meeting is attached. That meeting was positive, and there appears to be support for the change to fit better in the neighborhood context. If you have time and would like to discuss, I would be happy to share my goals for the property and gain your support for the rezoning.

Respectfully,

Michael McAtee
ph 303-704-5321

From: [Michael Mcatee](#)
To: ["ggarnsey@ecentral.com"](mailto:ggarnsey@ecentral.com); ["ggarnsey@ecentral.com"](mailto:ggarnsey@ecentral.com)
Subject: 1709 Williams St Rezoning Request from B-2 WVRS to G-MS-3
Date: Wednesday, June 12, 2024 3:36:00 PM
Attachments: [2024i-00074- 1709 Williams St Rezoning Pre-App.pdf](#)

Hello Ms. Garnsey,

My name is Mike McAtee. I am a local real estate developer. I am purchasing a property located at 1709 Williams Street in your Organizations area. My intent is to rezone the property from the old zoning code to the new zoning code. The current zoning code is B-2 WVRS. I am proposing to change to G-MS-3 to align with the newer code and adopted plans. I have completed the preapplication review with the planning staff. The presentation document from that meeting is attached. That meeting was positive, and there appears to be support for the change to fit better in the neighborhood context. If you have time and would like to discuss, I would be happy to share my goals for the property and gain your support for the rezoning.

Respectfully,

Michael McAtee
ph 303-704-5321

From: [Michael McAtee](mailto:Michael.McAtee@denvergov.org)
To: district10@denvergov.org
Subject: 1709 Williams Rezoning Request from B-2 WVRS to G-MS-3
Date: Wednesday, June 12, 2024 3:15:00 PM
Attachments: [2024i-00074- 1709 Williams St Rezoning Pre-App.pdf](#)

Hello Councilman Hinds,

My name is Mike McAtee. I am a local real estate developer. I am purchasing the property located at 1709 Williams Street in your District. My intent is to rezone the property from the old zoning code to the new zoning code. The current zoning code is B-2 WVRS. I am proposing to change to G-MS-3 to align with the newer code and adopted plans. I have completed the preapplication review with the planning staff. The presentation document from that meeting is attached. That meeting was positive, and there appears to be support for the change to fit better in the neighborhood context. I am still studying the best use and redevelopment for the property once rezoned. If you have time, I would be happy to discuss this property and gain your support for the rezoning.

Respectfully,

Michael McAtee
ph 303-704-5321

From: [Michael Mcatee](#)
To: ["aurelio@insideboxing.com"](mailto:aurelio@insideboxing.com); ["aurelio@aurelioinc.com"](mailto:aurelio@aurelioinc.com)
Subject: 1709 Williams St Rezoning Request from B-2 WVRS to G-MS-3
Date: Wednesday, June 12, 2024 3:40:00 PM
Attachments: [2024i-00074- 1709 Williams St Rezoning Pre-App.pdf](#)

Hello Mr. Martinez,

My name is Mike McAtee. I am a local real estate developer. I am purchasing a property located at 1709 Williams Street in your Organizations area. My intent is to rezone the property from the old zoning code to the new zoning code. The current zoning code is B-2 WVRS. I am proposing to change to G-MS-3 to align with the newer code and adopted plans. I have completed the preapplication review with the planning staff. The presentation document from that meeting is attached. That meeting was positive, and there appears to be support for the change to fit better in the neighborhood context. If you have time and would like to discuss, I would be happy to share my goals for the property and gain your support for the rezoning.

Respectfully,

Michael McAtee
ph 303-704-5321

From: [Michael Mcatee](#)
To: president@denverinc.org; excomm@denverinc.org
Subject: 1709 Williams St Rezoning Request from B-2 WVRS to G-MS-3
Date: Wednesday, June 12, 2024 3:28:00 PM
Attachments: [2024i-00074- 1709 Williams St Rezoning Pre-App.pdf](#)

Hello Mr. Meyer,

My name is Mike McAtee. I am a local real estate developer. I am purchasing a property located at 1709 Williams Street in your Organizations area. My intent is to rezone the property from the old zoning code to the new zoning code. The current zoning code is B-2 WVRS. I am proposing to change to G-MS-3 to align with the newer code and adopted plans. I have completed the preapplication review with the planning staff. The presentation document from that meeting is attached. That meeting was positive, and there appears to be support for the change to fit better in the neighborhood context. If you have time and would like to discuss, I would be happy to share my goals for the property and gain your support for the rezoning.

Respectfully,

Michael McAtee
ph 303-704-5321

From: [Michael Mcatee](#)
To: bwillcameron@comcast.net; ccschomp@yahoo.com
Subject: 1709 Williams St Rezoning Request from B-2 WVRS to G-MS-3
Date: Wednesday, June 12, 2024 3:34:00 PM
Attachments: [2024i-00074- 1709 Williams St Rezoning Pre-App.pdf](#)

Hello Mr. Cameron,

My name is Mike McAtee. I am a local real estate developer. I am purchasing a property located at 1709 Williams Street in your Organizations area. My intent is to rezone the property from the old zoning code to the new zoning code. The current zoning code is B-2 WVRS. I am proposing to change to G-MS-3 to align with the newer code and adopted plans. I have completed the preapplication review with the planning staff. The presentation document from that meeting is attached. That meeting was positive, and there appears to be support for the change to fit better in the neighborhood context. If you have time and would like to discuss, I would be happy to share my goals for the property and gain your support for the rezoning.

Respectfully,

Michael McAtee
ph 303-704-5321

From: [Michael Mcatee](#)
To: donnagarnett50@gmail.com; kkhdowntown@gmail.com
Subject: 1709 Williams St Rezoning Request from B-2 WVRS to G-MS-3
Date: Wednesday, June 12, 2024 3:32:00 PM
Attachments: [2024i-00074- 1709 Williams St Rezoning Pre-App.pdf](#)

Hello Ms. Garnett,

My name is Mike McAtee. I am a local real estate developer. I am purchasing a property located at 1709 Williams Street in your Organizations area. My intent is to rezone the property from the old zoning code to the new zoning code. The current zoning code is B-2 WVRS. I am proposing to change to G-MS-3 to align with the newer code and adopted plans. I have completed the preapplication review with the planning staff. The presentation document from that meeting is attached. That meeting was positive, and there appears to be support for the change to fit better in the neighborhood context. If you have time and would like to discuss, I would be happy to share my goals for the property and gain your support for the rezoning.

Respectfully,

Michael McAtee
ph 303-704-5321

From: [Michael Mcatee](#)
To: DenverVoters@gmail.com
Subject: 1709 Williams St Rezoning Request from B-2 WVRS to G-MS-3
Date: Wednesday, June 12, 2024 3:37:00 PM
Attachments: [2024i-00074- 1709 Williams St Rezoning Pre-App.pdf](#)

Hello Mr. Inzina,

My name is Mike McAtee. I am a local real estate developer. I am purchasing a property located at 1709 Williams Street in your Organizations area. My intent is to rezone the property from the old zoning code to the new zoning code. The current zoning code is B-2 WVRS. I am proposing to change to G-MS-3 to align with the newer code and adopted plans. I have completed the preapplication review with the planning staff. The presentation document from that meeting is attached. That meeting was positive, and there appears to be support for the change to fit better in the neighborhood context. If you have time and would like to discuss, I would be happy to share my goals for the property and gain your support for the rezoning.

Respectfully,

Michael McAtee
ph 303-704-5321

Michael McAtee
5233 S. Ironton Way
Englewood CO 80111

Re: 1709 N Williams St Rezoning

Dear Gabriel Gehrig,

My name is Michael McAtee. I am a local real estate developer and architect. I am under contract to purchase 1709 N Williams Street, contingent on rezoning the property. As you are a neighbor to this property, I am reaching out to let you know of my intent to rezone the property.

The property is currently zoned under the Former Chapter 59 Zoning code. The current zoning is B-2 WVRS, which does not exist in most of the city. I am requesting to change to G-MS-3 to align with the newer code, city adopted plans, and fit into the neighborhood. I have completed the preapplication review with the planning staff and they are supportive of the request to change.

If you would like to discuss, I would be happy to share my goals for the property and gain your support for the rezoning. I am also happy to share the preapplication review presentation document.

Respectfully,

Michael McAtee
mm@lhdenver.com
303.704.5321

Michael McAtee
5233 S. Ironton Way
Englewood CO 80111

Re: 1709 N Williams St Rezoning

Dear Gilpin Ridge LLC,

My name is Michael McAtee. I am a local real estate developer and architect. I am under contract to purchase 1709 N Williams Street, contingent on rezoning the property. As you are a neighbor to this property, I am reaching out to let you know of my intent to rezone the property.

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If you would like to discuss, I would be happy to share my goals for the property and gain your support for the rezoning. I am also happy to share the preapplication review presentation document.

Respectfully,

Michael McAtee
mm@lhdenver.com
303.704.5321

Michael McAtee
5233 S. Ironton Way
Englewood CO 80111

Re: 1709 N Williams St Rezoning

Dear Housing Authority,

My name is Michael McAtee. I am a local real estate developer and architect. I am under contract to purchase 1709 N Williams Street, contingent on rezoning the property. As you are a neighbor to this property, I am reaching out to let you know of my intent to rezone the property.

The property is currently zoned under the Former Chapter 59 Zoning code. The current zoning is B-2 WVRS, which does not exist in most of the city. I am requesting to change to G-MS-3 to align with the newer code, city adopted plans, and fit into the neighborhood. I have completed the preapplication review with the planning staff and they are supportive of the request to change.

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Respectfully,

Michael McAtee
mm@lhdenver.com
303.704.5321

Michael McAtee
5233 S. Ironton Way
Englewood CO 80111

Re: 1709 N Williams St Rezoning

Dear Jose Quintana,

My name is Michael McAtee. I am a local real estate developer and architect. I am under contract to purchase 1709 N Williams Street, contingent on rezoning the property. As you are a neighbor to this property, I am reaching out to let you know of my intent to rezone the property.

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Respectfully,

Michael McAtee
mm@lhdenver.com
303.704.5321

Michael McAtee
5233 S. Ironton Way
Englewood CO 80111

Re: 1709 N Williams St Rezoning

Dear Judith Kozlowski,

My name is Michael McAtee. I am a local real estate developer and architect. I am under contract to purchase 1709 N Williams Street, contingent on rezoning the property. As you are a neighbor to this property, I am reaching out to let you know of my intent to rezone the property.

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Respectfully,

Michael McAtee
mm@lhdenver.com
303.704.5321

Michael McAtee
5233 S. Ironton Way
Englewood CO 80111

Re: 1709 N Williams St Rezoning

Dear Lindsay Dalton,

My name is Michael McAtee. I am a local real estate developer and architect. I am under contract to purchase 1709 N Williams Street, contingent on rezoning the property. As you are a neighbor to this property, I am reaching out to let you know of my intent to rezone the property.

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Michael McAtee
mm@lhdenver.com
303.704.5321

Michael McAtee
5233 S. Ironton Way
Englewood CO 80111

Re: 1709 N Williams St Rezoning

Dear Masayuki Tsukada,

My name is Michael McAtee. I am a local real estate developer and architect. I am under contract to purchase 1709 N Williams Street, contingent on rezoning the property. As you are a neighbor to this property, I am reaching out to let you know of my intent to rezone the property.

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Michael McAtee
mm@lhdenver.com
303.704.5321

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5233 S. Ironton Way
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Re: 1709 N Williams St Rezoning

Dear MRFR II LLP,

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If you would like to discuss, I would be happy to share my goals for the property and gain your support for the rezoning. I am also happy to share the preapplication review presentation document.

Respectfully,

Michael McAtee
mm@lhdenver.com
303.704.5321

Michael McAtee
5233 S. Ironton Way
Englewood CO 80111

Re: 1709 N Williams St Rezoning

Dear Pamela Shapiro,

My name is Michael McAtee. I am a local real estate developer and architect. I am under contract to purchase 1709 N Williams Street, contingent on rezoning the property. As you are a neighbor to this property, I am reaching out to let you know of my intent to rezone the property.

The property is currently zoned under the Former Chapter 59 Zoning code. The current zoning is B-2 WVRS, which does not exist in most of the city. I am requesting to change to G-MS-3 to align with the newer code, city adopted plans, and fit into the neighborhood. I have completed the preapplication review with the planning staff and they are supportive of the request to change.

If you would like to discuss, I would be happy to share my goals for the property and gain your support for the rezoning. I am also happy to share the preapplication review presentation document.

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Michael McAtee
mm@lhdenver.com
303.704.5321

Michael McAtee
5233 S. Ironton Way
Englewood CO 80111

Re: 1709 N Williams St Rezoning

Dear Patricia Votava,

My name is Michael McAtee. I am a local real estate developer and architect. I am under contract to purchase 1709 N Williams Street, contingent on rezoning the property. As you are a neighbor to this property, I am reaching out to let you know of my intent to rezone the property.

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Respectfully,

Michael McAtee
mm@lhdenver.com
303.704.5321

Michael McAtee
5233 S. Ironton Way
Englewood CO 80111

Re: 1709 N Williams St Rezoning

Dear Susan Abbott,

My name is Michael McAtee. I am a local real estate developer and architect. I am under contract to purchase 1709 N Williams Street, contingent on rezoning the property. As you are a neighbor to this property, I am reaching out to let you know of my intent to rezone the property.

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Michael McAtee
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