



### Zone Map Amendment (Rezoning) - Application

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	Rose Cottage LLC	Representative Name	Allison Altaras, Esq.
Address	c/o Heidi Martin, 302 Elati Street	Address	c/o Otten Johnson, 950 17th Street, Suite 1600
City, State, Zip	Denver, CO 80223	City, State, Zip	Denver, CO 80202
Telephone	303.668.3546	Telephone	303.575.7516
Email	heidimartin@i3mortgage.com	Email	aaltaras@ottenjohnson.com
*If More Than One Property Owner: All standard zone map amendment applications shall be initiated by all the owners of at least 51% of the total area of the zone lots subject to the rezoning application, or their representatives authorized in writing to do so. See page 3.		**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.	
Please attach Proof of Ownership acceptable to the Manager for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed or deed of trust, or (c) Title policy or commitment dated no earlier than 60 days prior to application date.			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):	300-306 Elati Street		
Assessor's Parcel Numbers:	05102-21-028-000		
Area in Acres or Square Feet:	3,652 sq. feet		
Current Zone District(s):	U-RH-2.5		
PROPOSAL			
Proposed Zone District:	U-MX-2		
Does the proposal comply with the minimum area requirements specified in DZC Sec. 12.4.10.3:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	

Last updated: November 4, 2016

Return completed form to rezoning@denvergov.org

For Office Use Only:

Date \_\_\_\_\_ Fee \_\_\_\_\_

201 W. Colfax Ave., Dept. 205

Denver, CO 80202

720-865-2974 • rezoning@denvergov.org

REVIEW CRITERIA	
<p>General Review Criteria: The proposal must comply with all of the general review criteria</p> <p>DZC Sec. 12.4.10.7</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 checked="" 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 checked="" 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</p> <p>DZC Sec. 12.4.10.8</p>	<p><b>Justifying Circumstances - One of the following circumstances exists:</b></p> <p><input checked="" 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 type="checkbox"/> The land or its surroundings has changed or is changing to such a degree 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>
REQUIRED ATTACHMENTS	
Please ensure the following required attachments are submitted with this application:	
<p><input checked="" type="checkbox"/> Legal Description (required to be attached in Microsoft Word document format)</p> <p><input checked="" type="checkbox"/> Proof of Ownership Document(s)</p> <p><input checked="" type="checkbox"/> Review Criteria</p>	
ADDITIONAL ATTACHMENTS	
Please identify any additional attachments provided with this application:	
<p><input checked="" type="checkbox"/> Written Authorization to Represent Property Owner(s)</p>	
Please list any additional attachments:	
<p><b>Letter of Support from Baker Historic Neighborhood Association</b></p>	

**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 Josie Q. Smith</i>	01/01/12	(A)	NO
Rose Cottage LLC  Heidi Martin	302 Elati Street Denver, CO 80223	100%	<i>Heidi Martin</i>	1/11/17	(A)	No

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### **300-306 Elati Street Legal Description**

THAT PART OF LOTS 14, 15 AND THE SOUTH 4 INCHES OF LOT 13, BLOCK 2, FAIRMONT, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 15 AND RUNNING NORTHERLY ALONG THE WEST LINE OF SAID LOTS 13, 14 AND 15 A DISTANCE OF 50.33 FEET TO A POINT WHICH IS 0.33 FEET NORTH OF THE SOUTHWEST CORNER OF LOT 13; THENCE EASTERLY PARALLEL WITH THE SAID SOUTH LINE OF LOT 13 A DISTANCE OF 72.56 FEET; THENCE SOUTHERLY PARALLEL WITH THE SAID WEST LINE OF LOTS 13, 14 AND 15 A DISTANCE OF 50.33 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 15; THENCE WESTERLY ALONG SAID SOUTH LINE A DISTANCE OF 72.56 FEET TO THE POINT OF BEGINNING, CITY AND COUNTY OF DENVER, STATE OF COLORADO.



Real Property Records

Date last updated: Friday, February 3, 2017

◀ Real Property Records Search

If you have a question about the value, ownership, or characteristics of this property, or any other property in Denver, please call the Assessor at 720-913-4162.

[Link to real property information for this](#)

[property](#)

[Link to comparable sales information for this](#)

[property](#)

[Link to chain of title information for this property](#)

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[Link to property sales information for all Denver neighborhoods](#)

[Link to map/historic district listing for this](#)

[Property](#)

**The property description shown is data from the Assessor's active, in-progress 2016 file. The "current year" values are from the 2016 tax year for real property tax due in 2017. These values are based on the property's physical status as of January 1, 2016.**

PROPERTY INFORMATION

Property Type: COMMERCIAL - OFFICE BUILDING

Parcel: 0510221028000

Name and Address Information

Legal Description

ROSE COTTAGE LLC

302 ELATI ST

DENVER, CO 80223-1110

Property Address: 300 ELATI ST -306

FAIRMONT B2 L13 TO 15 DIF RCP #0043248 RCD 11-16-84

Tax District DENV

Assessment Information

	Actual	Assessed	Exempt	Taxable
Current Year				
Land	117800	34160		
Improvements	408800	118550		
Total	526600	152710	0	152710
Prior Year				
Land	117800	34160		
Improvements	408800	118550		
Total	526600	152710	0	152710

Style: Other

Year Built: 1936

Building Sqr. Foot: 5,531

Bedrooms:

Reception No.: 0000101061

Recording Date: 05/06/04

Document Type: Warranty

Sale Price: 258000

Baths Full/Half: 0/0  
Basement/Finished: 0/0

Mill Levy: 81.547

Lot Size: 3,650

[Click here for current zoning](#)

Zoning Used for Valuation: URH

*Note: Valuation zoning maybe different from City's new zoning code.*

 [Print](#)

City and County of Denver  
 TREASURY DIVISION  
 PO BOX 17420  
 DENVER CO 80217-0420

# PROPERTY TAX STATEMENT

IMPORTANT: SEE REVERSE SIDE

TEL 720-913-9300 WWW.DENVERGOV.ORG/TREASURY  
 THIS STATEMENT IS FOR PROPERTY TAX ON THE PROPERTY SHOWN BELOW TO BE COLLECTED ON BEHALF OF THE DENVER PUBLIC SCHOOLS AND THE CITY AND COUNTY OF DENVER.

SITE ADDRESS <b>300 ELATI ST UNIT -306</b>		PARCEL ID <b>05102-21-028-000</b>	
LEGAL DESCRIPTION or PERSONAL PROPERTY LOCATION <b>FAIRMONT B2 L13 TO 15 DIF RCP #0043248 RCD 11-16-84</b>		CODE <b>2016007</b>	TYPE <b>DC</b>
		SEQUENCE NUMBER <b>44,593</b>	
		MORT CODE	LOAN NUMBER
05102-21-028-000 ROSE COTTAGE LLC C/O HEIDI MARTIN PRESIDENT 302 ELATI ST DENVER CO 80223-1110		NOTE 2015 REAL ESTATE TAX DUE IN 2016. FIGURES GOOD UNTIL: 02/29/2016	
TAXING ENTITY	MILL LEVY (\$ PER THOUSAND OF ASSESSED VALUE)	TAX AMOUNT	
SCHOOL GENERAL FUND	37.147000	5,672.72	
SCHOOL BOND FUND	10.250000	1,565.28	
CAPITAL MAINTENANCE	2.534000	386.97	
SOCIAL SERVICES *	3.849000	587.78	
CITY BOND FUND *	8.433000	1,287.80	
POLICE PENSION *	1.610000	245.86	
FIRE PENSION *	1.350000	206.16	
URBAN DRAINAGE/FLOOD CONTROL *	0.611000	93.31	
DEVELOPMENTALLY DISABLED	1.012000	154.54	
GENERAL FUND, DENVER *	11.331000	1,730.36	
TOTAL LEVY	78.127000		
* NOTE: INCLUDES TEMPORARY MILL LEVY RATE REDUCTION.		NOTE: 61% OF THESE TAXES ARE DETERMINED BY AND COLLECTED FOR THE DENVER PUBLIC SCHOOLS.	
Your School District No. 1 General Fund Mill Levy would have been without State aid.		54.420 mills	
ACTUAL VALUATION		526,600	
ASSESSED VALUATION		152,710	
EXEMPTIONS		0	
NET VALUATION		152,710	
DUE FEB 29 FIRST HALF TAX AND FEES		DUE JUNE 15 SECOND HALF TAX AND FEES	
Make Check Payable to: Manager of Finance		DUE APRIL 30 TOTAL TAX \$	
		11,930.78	
		\$ 5,965.39	
		\$ 5,965.39	

DETACH HERE AND RETURN BOTTOM PORTION WITH YOUR PAYMENT -- RETAIN TOP PORTION FOR YOUR RECORDS

# PROPERTY TAX STATEMENT

2015 REAL ESTATE TAX DUE IN 2016.

RETURN TO:  
 TREASURY DIVISION  
 PO BOX 17420  
 DENVER CO 80217-0420

Make payment for only one of the exact amounts. No partial payments may be made.  
 Please include PARCEL ID Number on face of check and/or any correspondence.

2

PAYABLE ONLINE AT: WWW.DENVERGOV.ORG/TREASURY BY CHECK TO: MANAGER OF FINANCE	PARCEL ID <b>05102-21-028-000</b>	ALT KEY <b>1239079</b>
	If paid after due date contact us for correct amounts due	Due June 15 SECOND HALF TAX AND FEES \$ <b>5,965.39</b>

Check here if receipt other than the cancelled check is desired.

ROSE COTTAGE LLC

RE 2015 DC 00 1239079 00 0000000000 00000000 02 0000596539 20160624 4

January 11, 2017

RE: Rezoning Application for 300-306 Elati Street


I, Heidi Martin, owner of the property located at 300-306 Elati Street, Denver, Colorado 80223 and applicant for a rezoning of said property, authorize Allison Altaras, Esq. of Otten Johnson Robinson Neff & Ragonetti P.C. to represent me and act on my behalf with respect to such rezoning.

Please address all communications to both Allison and me as follows:

Heidi Martin  
c/o Rose Cottage LLC  
302 Elati Street  
Denver, Colorado 80223  
(303) 668-3546  
heidimartin@i3mortgage.com

Allison Altaras  
c/o Otten Johnson Robinson Neff & Ragonetti, P.C.  
950 17<sup>th</sup> Street, Suite 1600  
Denver, Colorado 80202  
(303) 575-7516  
aaltaras@ottenjohnson.com

Sincerely,



Heidi Martin





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FAQs, Glossary and Information

## Summary

Details			
<b>Name</b>	ROSE COTTAGE, LLC		
<b>Status</b>	Good Standing	<b>Formation date</b>	02/12/2004
<b>ID number</b>	20041052209	<b>Form</b>	Limited Liability Company
<b>Periodic report month</b>	February	<b>Jurisdiction</b>	Colorado
<b>Principal office street address</b>	302 Elati St, Denver, CO 80223, United States		
<b>Principal office mailing address</b>	302 Elati St, Denver, CO 80223, United States		

Registered Agent	
<b>Name</b>	Heidi Martin
<b>Street address</b>	302 Elati Street, Denver, CO 80223, United States
<b>Mailing address</b>	302 Elati Street, Denver, CO 80223, United States

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Baker Historic Neighborhood  
Association  
P.O. Box 9171  
Denver, CO 80223  
board@bakerneighborhood.org

## Officers

### *President*

**Mathew Wasserburger**

### *Vice-President*

**Maggie Sellars**

### *Secretary*

**Frank Matapuile**

### *Treasurer*

**Richard Parker**

### *Members-at-Large*

**David Ford**

**Felix Herzog**

**Noah Wallis**

### *Zoning Chair*

**Steve Harley**

October 31, 2016

To Whom it May Concern:

The Baker Historic Neighborhood Association (BHNA) supports the rezoning of 300-306 Elati St. to the U-MX-2 zone district.

BHNA is a Registered Neighborhood Organization in the City of Denver with boundaries 6th Ave., Lincoln St., Mississippi Ave. and the South Platte River. Membership in BHNA is open to all residents and property owners within these boundaries. The following summarizes the process by which BHNA arrived at its position of support:

1) BHNA, as well as Baker residents individually, participated in the lead-up to New Code Denver during 2009-2010, and requested that, as a general principle, established and historical commercial corners within the residential core of Baker should be zoned to support their active commercial use. These uses had persisted as grandfathered/non-conforming despite the current R-2A zoning.

The city planners guiding community input on New Code Denver suggested that MX zoning would be appropriate at these locations and eventually produced maps with U-MX-2 zoning on four such corners in Baker: 2nd & Galapago (NE Corner), 1st & Elati (NW Corner), 1st & Cherokee (NW Corner), and 3rd & Galapago (SE Corner). There was never any explanation about which corners were included or excluded. BHNA was also grappling with other New Code Denver issues and did not pick up on the omission of 300-306 Elati until after the adoption of New Code Denver.

2) Several times since the passage of New Code Denver, Heidi Martin, the owner of 300-306 Elati, has appeared at BHNA meetings requesting support for the use permits required when new tenants occupied portions of the building. BHNA has supported these use permits, and in the process has also become familiar with the procedural burdens associated with non-compliant uses.

3) At the regularly scheduled BHNA General Membership meeting on 10 November 2015, Ms. Martin announced her intent to pursue a rezoning of the property and asked for BHNA Support.

4) Ms. Martin provided to the BHNA Zoning Committee a prospectus listing options for U-MX-2 and U-MX-2X zone districts. On 28 September 2016, at its regularly scheduled meeting, the committee held a detailed discussion with Ms. Martin of the prospective rezoning, including reviewing the zoning code procedures for different uses under the two zoning types. It was noted that U-MX-2X requires ZPIN and ZPSE procedures for two current uses at the location — Art Gallery and Eating/Drinking — while U-MX-2 requires the much less burdensome ZP review. In effect, only U-MX-2 zoning would substantially reduce the use permit burden compared to the current U-RH-2.5 zoning.

A committee motion to "recommend that BHNA should support rezoning to U-MX-2, which it should have been all along" passed two in favor, none opposed, one abstaining.

5) The committee's recommendation was reported to the BHNA general membership at its regularly scheduled 11 October 2016 meeting with approximately 18 members attending. During discussion the membership heard explanations of the distinction between U-MX-2 and U-MX-2X zoning, particularly with regard to the use permitting process, as well as a review of how U-MX-2 had been applied to some corners by New Code Denver, and how 300-306 Elati had been overlooked. The membership voted 17 in favor, 1 opposed, and 0 abstaining to support the rezoning of 300-306 Elati to U-MX-2, which it should have been all along.

Sincerely,

Mathew Wasserburger  
BHNA President