



DENVER
THE MILE HIGH CITY

Community Planning and Development
Planning Services

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TO: Land Use, Transportation and Infrastructure Committee
FROM: Chris Gleissner, Senior City Planner
DATE: March 12, 2013
RE: Official Zoning Map Amendment Application #2012I-00042
16th and Milwaukee Street
Rezoning from H-1-A and H-2 to G-MU-5

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2012I-00042 for a rezoning from H-1-A and H-2 to G-MU-5.

Request for Rezoning

Application: #2012I-00042
Address: 16th and Milwaukee Street
Neighborhood/Council District: City Park Neighborhood/ Council District 8
RNOs: South City Park Neighborhood Association; Colfax on the Hill, Inc.; Neighborhood Advisory Committee to the Botanic Gardens; Northeast Community Congress for Education; Points Historical Redevelopment Corp; Capitol Hill United Neighborhoods, Inc.; Inter-Neighborhood Cooperation

Area of Property: 69,120 square feet or 1.6 acres
Current Zoning: H-1-A and H-2
Proposed Zoning: G-MU-5
Property Owner(s): Wonderland at City Park South, LLC
Owner Representative: Bob Gollick

Summary of Rezoning Request

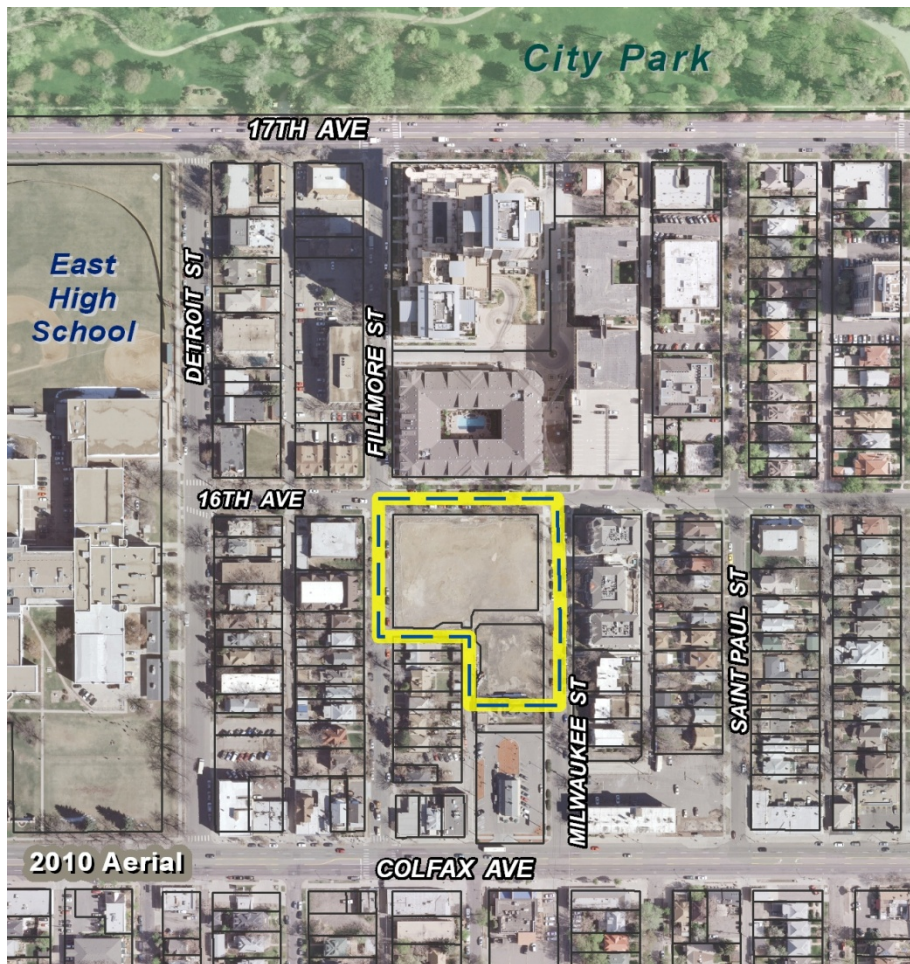
The proposed rezoning will allow for the redevelopment of the former Mercy Hospital site at 16th and Milwaukee Street. The site is surrounded by a variety of building forms ranging from single family homes to high rise residential structures as well as commercial building forms along Colfax Avenue.



The proposed zone district is G-MU-5, representing **General Urban Neighborhood Context, Multi-Unit** residential district with a **5** story height maximum. Further details of the zone districts can be found in Article 6 of the Denver Zoning Code (DZC).

Existing Context

City Park includes a variety of land uses including residential, commercial and educational uses. East High School is one block west, City Park one block north and E Colfax Avenue one block south. The block pattern provides great continuity and access to the nearby commercial amenities while providing a desirable residential context close to the school and park.



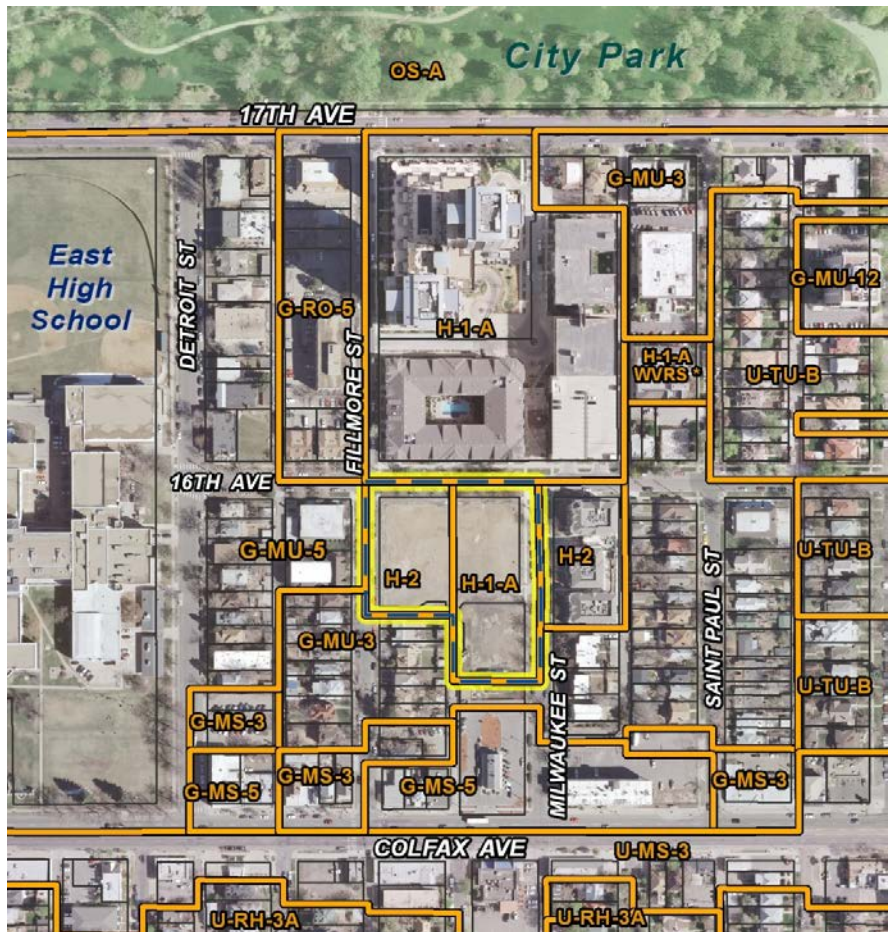
The following table summarizes the existing context proximate to the subject site:

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	H-1-A, H-2	Vacant	Vacant	Generally regular grid of streets built between E Colfax Avenue and City Park
North	H-1-A	Mid and High Rise residential	Between 4 and 28 story residential buildings	
South	G-MU-3	Residential and Commercial	1 and 2 story residential and commercial building forms	
East	H-2 and G-MU-3	Residentail	3 and 4 story residential building forms	
West	G-MU-5 and G-MU-3	Residential	2 and 3 story residential building forms	

1. Existing Zoning

The existing zoning includes both the H-1-A and H-2 zone districts. These districts are part of Former Chapter 59 and are intended for use on hospital campuses such as the former Mercy Hospital. This rezoning will remove the former hospital zoning and replace it with a residential zone district consistent with the surrounding neighborhood context.

The site is also a part of an existing Planned Building Group (PBG). Rezoning this site will remove this property from the existing PBG, leaving three existing



structures on the east side of Milwaukee Street remaining in the PBG. CPD has asked the applicant to inform the adjacent property owners of the rezoning and to explain the effect of removing this property from the PBG. Additionally, CPD has asked the applicant to provide calculations of the remaining properties to ensure that none will be deficient in meeting any of their zoning standards. (Notification is attached)

2. Private Agreements

The site is currently part of a Declaration of Restrictive Covenants of City Park South, including provisions for both restrictive covenants and design guidelines. These covenants are intended to ensure the appropriate use, improvement and maintenance of City Park South and are administered and enforced by a Board of Representatives. Rezoning this site does not modify or remove the private agreements as recorded.

3. View Planes

The City Park – Natural History Museum View Plane is nearby, but does not affect this site.

4. Existing Land Use Map



The site is surrounded by residential uses, with commercial uses located along the Colfax Avenue corridor.

5. Existing Building Form and Scale



Summary of City Agency Referral Comments

As part of the DZC review process, the rezoning application is referred to potentially affected city agencies and departments for comment. A summary of agency referral responses follows:

Asset Management: Approve – No comments.

Denver Fire Department: Approve Rezoning Only – will require additional information at site plan review.

Development Services – Wastewater: Approve Rezoning Only – will require additional information at site plan review

Public Works – City Surveyor: Approved – No Comments.

Public Review Process

- Notice of Receipt of Complete Application
 - CPD staff provided Informational notice of receipt of the rezoning application to affected members of City Council and registered neighborhood organizations on December 26, 2012.
- Planning Board
 - Planning Board was held on February 20, 2013. Planning Board recommended approval of the rezoning application, 9-0.

Criteria for Review / Staff Evaluation

The criteria for review of this rezoning application are found in DZC, Sections 12.4.10.13 and 12.4.10.14, as follows:

DZC Section 12.4.10.13

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

DZC Section 12.4.10.14

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

1. Consistency with Adopted Plans

The following adopted plans apply to this property:

- Denver Comprehensive Plan 2000
- Blueprint Denver (2002)
- East Colfax Plan (2004)

Denver Comprehensive Plan 2000

The proposal is consistent with many Denver Comprehensive Plan strategies, including:

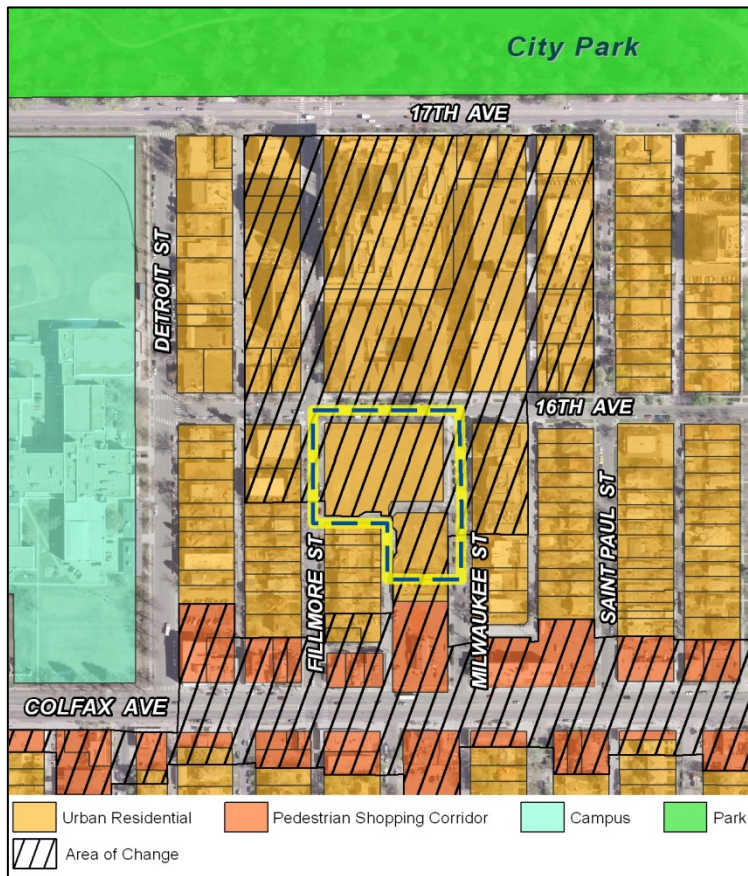
- Environmental Sustainability Strategy 2-F – *Conserve land by promoting infill development with Denver at sites where services and infrastructure are already in place; designing mixed use communities and reducing sprawl so that residents can live, work and play within their own neighborhoods.*
- Land Use Strategy 3-B – *Encourage quality infill development that is consistent with the character of the surrounding neighborhood; that offers opportunities for increased density and more amenities; and that broadens the variety of compatible uses.*
- Legacies Strategy 3-A – Identify areas in which increased density and new uses are desirable and can be accommodated.

The proposed map amendment will result in infill development consistent with the residential character of the neighborhood, taking advantage of local amenities and existing transportation infrastructure.

Blueprint Denver

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

Future Land Use



2002 Blueprint Denver
Future Land Use Map

The Urban Residential Land Use Building Block indicates “urban residential neighborhoods are higher density and primarily residential but may include a noteworthy number of complementary commercial uses. New housing tends to be in mid- to high-rise structures, and there is a greater housing base than employment base. A mixture of housing types is present, including historic single-family houses, townhouses, small multi-family apartments and sometimes high-rise residential structures” (p. 42)

The rezoning application is consistent with the Urban Residential designation, providing for mid-rise residential structures.

Area of Change / Area of Stability

As noted, the site is in an Area of Change. In general, “The goal for Areas of Change is to channel growth where it will be beneficial and can best improve access to jobs, housing and services with fewer and shorter auto trips” (p. 127).

The rezoning application is consistent with the Blueprint Denver Area of Change recommendations. Access to jobs, housing, and services can improve due to the locational benefits of being proximate to the Colfax Corridor.

Street Classifications

Blueprint Denver classifies Fillmore, Milwaukee and 16th Avenues as Local Streets. According to Blueprint Denver, “local streets are influenced less by traffic volumes and are tailored more to providing local access. Mobility on local streets is typically incidental and involves relatively short trips at lower speeds to and from other streets” (p. 51).

The rezoning application is consistent with the local street designation as the reinvestment at this site will further reinforce the local nature of the streets by serving current and future residents.

Small Area Plan: *East Colfax Plan (2004)*

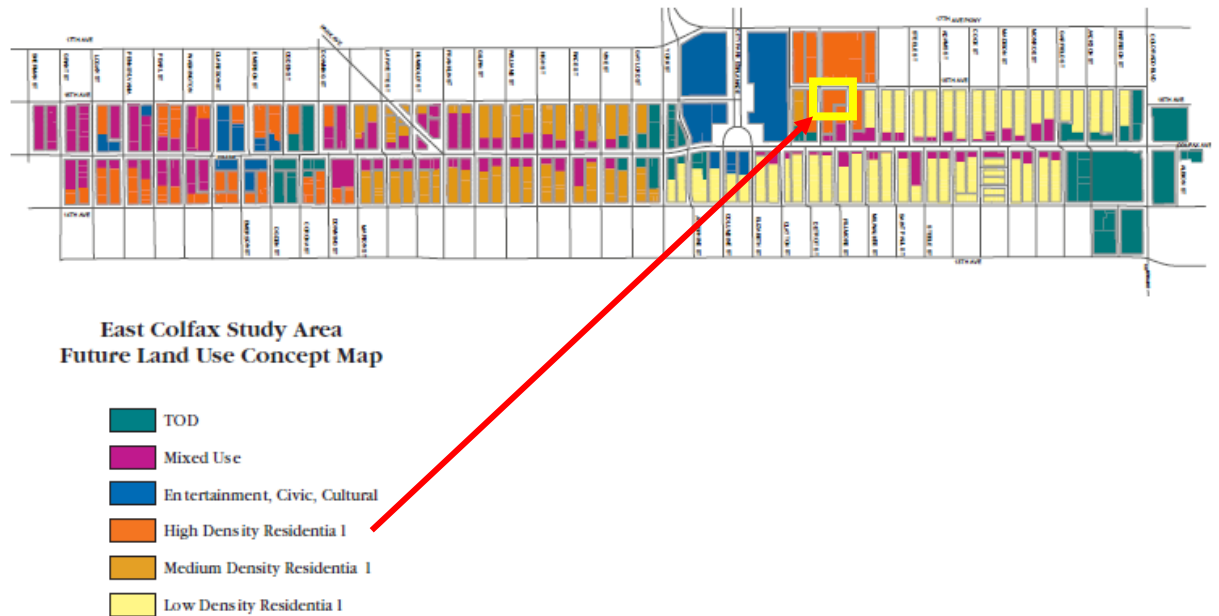
The 2004 East Colfax Plan was adopted by City Council in 2004, and applies to the subject property. “The Plan is intended to promote patterns of land use, urban form, circulation and services that contribute to the economic, social and physical health, safety and welfare of the people who live and work in the area. Corridor plans address issues and opportunities at a scale that is more refined and more responsive to specific needs than the City’s Comprehensive Plan 2000 (Plan 2000) and Blueprint Denver. This East Colfax Corridor Plan provides more specific guidance for the allocation of city resources, as well as for the location and design of private development” (p. 16).

Framework Plan Recommendations

- “Support infill development of retail, office and residential uses. Consider the complementary nature of a project in the context of surrounding or nearby uses.” (p. 81)
- “Discourage low density, single use development with excessive parking.” (p. 81)
- “Develop context sensitive zoning that incorporates design standards that encourage pedestrian oriented development.” (p. 84)
- As indicated in the plan text and the following plan map (p. 75), this site remains an area where high density residential growth is desirable.

Based on this analysis, the G-MU-5 zone district addresses these recommendations and implements the plan.

Future Land Use Concept Map



2. Uniformity of District Regulations and Restrictions

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

3. Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety, and general welfare of the City.

4. Justifying Circumstance

The application identifies several changed or changing conditions as the Justifying Circumstance under DZC Section 12.4.10.14.A.4, "The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area." As discussed above, many adopted plan recommendations state that redevelopment of the area is desired, and the recently

adopted plan also recognized that the character of the area is changing. This is an appropriate justifying circumstance for the proposed rezoning.

5. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements

The requested G-MU-5 zone district is within the General Urban Neighborhood Context. The neighborhood context is characterized by multi-unit residential uses in a variety of building forms. (DZC, Division 6.1). The current zone districts, H-1-A and H-2, are former Chapter 59 districts related to the previous Mercy Hospital. The proposed rezoning to G-MU-5 is consistent with the neighborhood context description.

According to the zone district intent stated in the Denver Zoning Code, the G-MU-5 district “is a multi unit district allowing urban house, duplex, tandem house, row house, garden court, courtyard apartment and apartment building forms. The tallest building form has a maximum height of five stories.” (DZC Section 6.2.2.C) The street classifications and desired building heights in this area are consistent with the zone district purpose and intent statements.

Planning Board Recommendation

The Denver Planning Board held a public hearing on this application at their regularly scheduled meeting on February 20, 2013. Planning Board recommended approval of this application by a vote of 9 in favor and 0 opposed.

Staff Recommendation

Based on the analysis set forth above, CPD staff finds that the application for rezoning the property located at 16th and Milwaukee Street to a G-MU-5 zone district meets the requisite review criteria. Accordingly, staff recommends ***approval***.

Attachments

1. Application
2. Public and RNO comment letters, as applicable
3. Notice remaining property owners within the PBG



DENVER
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Zone Map Amendment (Rezoning) - Application

1/26/12

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	Wonderland at City Park South, LLC	Representative Name	Robert J. Gollick, Inc.
Address	8601 Turnpike Drive, Suite 106	Address	609 South Gaylord Street
City, State, Zip	Westminster, Colorado 80031	City, State, Zip	Denver, Colorado 80209
Telephone	303 604-0004	Telephone	303 722-8771
Email	bgollick@comcast.net	Email	bgollick@comcast.net
*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):	North: 16th Avenue, West: Fillmore Street, East: Milwaukee Street
Assessor's Parcel Numbers:	Portions of: 0236311051000 and 0236311050000
Legal Description: (Can be submitted as an attachment. If metes & bounds, a map is required.)	See Exhibit "C":Legal Description and ALTA/ACSM Title Survey
Area in Acres or Square Feet:	1.587± acres or 69,120± square feet
Current Zone District(s):	H1A and H2 (Hospital Zone Districts)
PROPOSAL	
Proposed Zone District:	G-MU-5 (General Multiple Unit)



REVIEW CRITERIA

<p>General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.13</p>	<p><input checked="" type="checkbox"/> Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan</p> <p>Please provide an attachment describing relevant adopted plans and how proposed map amendment is consistent with those plan recommendations; or, describe how the map amendment is necessary to provide for an unanticipated community need.</p> <p><input 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 DZC Sec. 12.4.10.14</p>	<p>Justifying Circumstances - One of the following circumstances exists:</p> <p><input type="checkbox"/> The existing zoning of the land was the result of an error.</p> <p><input type="checkbox"/> The existing zoning of the land was based on a mistake of fact.</p> <p><input type="checkbox"/> The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage.</p> <p><input checked="" type="checkbox"/> The land or its surroundings has changed or is changing to such a degree that rezoning that it is in the public interest to encourage a redevelopment of the area to recognize the changed character of the area</p> <p><input type="checkbox"/> It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (Overlay Zone Districts), of this Code.</p> <p>Please provide an attachment describing the justifying circumstance.</p> <p><input checked="" type="checkbox"/> The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.</p> <p>Please provide an attachment describing how the above criterion is met.</p>

ATTACHMENTS

Please check any attachments provided with this application:

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

Please list any additional attachments:

Please Refer to the Addendum Pages for all Exhibits

Exhibit "A": Description of Consistency with Adopted City Plans (DRMC 12.4.10.13(A, B & C))

Exhibit "B": Description of Justifying Circumstances and Neighborhood Context (DRMC 12.4.10.14(A & B))

Exhibit "C": Legal Description and ALTA Survey

Exhibit "D": Proof of Ownership (Assessors records, two parcels)

Exhibit "E": Letter of Authorization for Robert J. Gollick, Inc. to act as Representative



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)
EXAMPLE 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
Wonderland at City Park South, LLC	8601 Turnpike Drive, Suite 106 Westminster, Colorado 80031 303 604-0004 bgollick@comcast.net		<i>WONDERLAND AT CITY PARK SOUTH LLC BY: <i>Michael D. ...</i> MANAGER</i>			
Subject Property	1555 Milwaukee Street and 2920-2926 East 16th Avenue Denver 80206	100%			A	Yes

September 26, 2012

Addendum Pages to the proposed Official Zone Map Amendment Application for:

1555 Milwaukee Street and 2920-2926 East 16th Avenue

Proposed Zoning: G-MU-5

Property Owner:

Wonderland at City Park South, LLC

8601 Turnpike Drive, Suite 106

Westminster, Colorado 80031

Authorized Representative:

Robert J. Gollick, Inc. (Bob Gollick)

609 South Gaylord Street

Denver, Colorado 80209

303 722-8771

bgollick@comcast.net

Exhibit "A": Description of Consistency with Adopted City Plans

REVIEW CRITERIA

The proposed map amendment is consistent with the following three adopted plans.

- 1. Denver Comprehensive Plan 2000,**
- 2. Blueprint Denver, and**
- 3. 2004 East Colfax Corridor Plan.**

Review Criteria 1. Denver Comprehensive Plan 2000

LAND USE CHAPTER

Objective 1: Citywide Land Use and Transportation Plan

Strategy 1-B:

Ensure that the *Citywide Land Use and Transportation Plan* reinforces the cities character by building on a legacy of **high-quality urban design and stable, attractive neighborhoods**; encouraging preservation of historic buildings, districts and landscapes; and maintaining the integrity of the street grid, parks, parkways, and open space system.

Objective 3: Residential Neighborhoods and Business Centers

Accommodating New Development

Objective 4 Land Use and Transportation

Strategy 1-C: Incorporate relevant recommendations from neighborhood, corridor and area plans that are supplements to Plan 2000. Examples are the plans for

Stapleton, Lowry, Gateway, Federal Boulevard, Central Platte Valley and the Golden Triangle. (**East Colfax Corridor Plan adopted by City Council in May of 2004**)

Strategy 3-B:

Encourage quality **infill development that is consistent with the character of the surrounding neighborhood**; that offers opportunities for increased density and more amenities; and that broadens the variety of compatible uses.

Strategy 4-A: Encourage mixed-use, transit-oriented development that makes effective use of existing transportation infrastructure, supports transit stations, increases transit patronage, reduces impact on the environment, and encourages vibrant urban centers and neighborhoods.

Strategy 4-B: Ensure that land use policies and decisions support a variety of mobility choices, including light rail, buses, paratransit, walking and bicycling, as well as convenient access for people with disabilities.

Mobility Chapter

Objective 4: Changing Travel Behavior

Strategy 4-E

Continue to promote mixed-use development, which enables people to live near work, retail and services.

Legacies Chapter

Objective 2 New Development, Traditional Character

Strategy 2-E

Ensure that the Zoning Code reinforces quality urban design.

Objective 3 Compact Urban Development

Strategy 3-A

3-A Identify areas in which increased density and new uses are desirable and can be accommodated.

Economic Activity Chapter

Environmental Sustainability Chapter

Strategy 2-F Conserve land by:

- Promoting infill development within Denver at sites where services and infrastructure are already in place.

- Designing mixed-use communities and reducing sprawl, so that residents can live, work and play within their own neighborhoods.

Strategy 4-A Promote the development of sustainable communities and centers of activity where shopping, jobs, recreation and schools are accessible by multiple forms of transportation, **providing opportunities for people to live where they work.**

Review Criteria 2. Blueprint Denver

Blueprint Denver has designated the subject property as an Area of Change with a land use designation of **Urban Residential**, which is defined as:

Urban Residential neighborhoods are **higher density and primarily residential** but may include a noteworthy number of complementary commercial uses.

New housing tends to be in mid- to high-rise structures, and there is a greater housing base than employment base. A mixture of housing types is present, including historic single-family houses, townhouses, small **multi-family apartments** and sometimes high-rise residential structures.

Urban Residential area are usually by Downtown, transit corridors (the subject is one block off the Colfax Avenue corridor) or regional centers. A 0.75 FAR for neighborhood average, some buildings have an FAR of 4 or more above 20 DUA, sometimes more than 100 DUA. The area is usually primarily residential with good access to all forms of transportation including pedestrian, bicycle and automobile.

Blueprint Denver details the characteristics of East Colfax (Lincoln to Colorado) – pedestrian shopping corridor

The focus of this sub-area centers on Colfax Avenue from Lincoln Street to Colorado Boulevard. The texture of this district as a historic streetcar line has faded over time. The redevelopment proposal for the East Colfax (Lincoln to Colorado) sub-area concentrates on recapturing that sense of history by bolstering the area's role as a pedestrian shopping corridor. It also focuses on **redevelopment with high-density residential**, an entertainment area with additional parking and restaurants in the vicinity of the Ogden and Fillmore theaters, and mixed-use development throughout.

As stated in Blueprint Denver, much of Denver's growth will be accommodated by infill **development on vacant land** or through redevelopment of existing sites. The proposed map amendment will meet that statement by providing the entitlement ability to develop a residential project on a vacant 1.6± acre parcel.

“An ideal place to direct development is vacant land near downtown”. This

statement is taken from Blueprint Denver, page 23, and is even truer today than it was when Blueprint was adopted. There is a need for housing near the Central Business District; this need will continue to grow. People need a place to live near where they work, play and can take advantage of transit. The subject site, one block north of Colfax and within walking distance of the CBD, is ideal for residential development.

Review Criteria 3. Adopted 2004 East Colfax Corridor Plan (Plan)

The proposed map amendment is supported by numerous recommendations, strategies and goals stated in the Plan. Some of which are listed below.

Note A: The following portion of this application contains excerpts and paraphrasing from the Plan. Page numbers are included to reference of the entire section of the Plan cited.

Note B: Whenever the phrase “corridor plan” or “Colfax area/plan are stated they reference the subject Plan area.

The Plan summarizes the key issues identified in the planning process that need to be addressed in the area.

There are several reasons why the Corridor Plan should be developed at this time.

(1) Colfax is the premier cross-town arterial that joins three metropolitan jurisdictions (Denver, Lakewood and Aurora) and connects downtown to many regional destinations.

(2) Designated as an “Enhanced Transportation Corridor” under Blueprint Denver and “Bus Redeployment Corridor” under the Regional Transportation District (RTD) plan for the build out of the transportation system.
(Page 15)

Colfax contains many underutilized and vacant parcels that could benefit from redevelopment as mixed use projects that capture a greater percent of the trade area’s market share and contribute more to the city’s economy, **provide more housing options for residents** (including affordable and low-income housing), activate the street environment and capitalize on the convenient access to transit. The future development climate of the corridor should attract investment and uses that support transit users and residents, and reinforce neighborhood character.
(Page 15)

It is important to remember when reviewing this criteria that the subject parcel is vacant and thus underutilized. Development will be in complete conformance with the above statements from the Plan.

Urban Residential Under Blueprint Denver **the vacant Mercy Hospital site** and a portion of the Northeast Downtown Area of Change in the study area were **designated Urban Residential**. Attributes of the urban residential designation areas include proximity to downtown, transit corridors or regional centers with FAR ranging from .75 to over 4 depending on the neighborhood context. Housing densities range between 20 to over **100 dwelling units per acre** in a range of housing types including historic single-family houses, townhouses, small multi-family apartments and sometimes high-rise residential structures. The use mix is geared primarily to residential with some accessory commercial. These districts generally comprise 200-400 acres. These areas have good transit access and significant levels of bicycling and pedestrian activity along with automobiles. (Page 20)

The current zoning on the subject property is H-1-A and H-2, which are the former Hospital districts. In addition to institutional uses, high-rise residential buildings are also permitted. The H-1-A district permits 3:1 FAR. Density in the H-2 district is limited by a maximum lot coverage and bulk plane, which is intended to produce an appropriate transition to residential areas. (Page 60)

The proposed G-MU-5 zone district requires far less height than the existing zoning allows and demands a building form that is more sensitive to the neighborhood and the building's relationship to the adjacent streets.

Plan Vision Statement

Colfax Avenue in 2020 will be a multi-modal, commercial and residential “Main Street” that complements and sustains the nearby neighborhoods and encourages walking, biking and transit use. The corridor teems with activity on the street and captures the attention of commuters and visitors.

- **Housing density on the corridor supports transit and sustainable urban growth.**
- Urban design integrates an eclectic **mix of architectural forms** and sustainable building materials which respect the surrounding historic architecture.
- Lighting and landscaping **reinforce the street building line, enhance building facades as architectural features**, and promote a pedestrian oriented environment.

Transformation Goals Additional Infill & Building Remodel

- ▶ Preservation & infill promotes strong architecture

- ▶ Efficient land use pattern provides **more housing options**
- ▶ **More residents** promote a viable business climate (page 70)

We all realize that residential development is what drives successful retail. For Colfax to survive as a commercial corridor more residential units are needed.

- The subject site is designated as an “Area of Change” for Urban Residential with a future Land Use Concept designation of “High Density Residential” (pages 70 & 72)

LAND USE: Primary Issues and Opportunities

The Plan identifies Issues and Opportunities associate with the subject. A few are listed below.

- ▶ **Vacant land, underutilized properties**, inconsistent building edge, low density commercial uses (with excessive curb cuts) and alleys (which lead to Colfax) interrupt the cohesive business environment. (The subject is vacant and may remain that way without a rezoning)
- ▶ The residential to commercial edge is abrupt, there is little room to create smooth transitions or provide significant buffers between differing and/or incompatible uses. The development of this site under the guidelines of G-MU-5 will create the type of transition described above.

Potential Solutions

- ▶ **Zoning boundary changes** bring land uses into compliance and **encourage redevelopment**
- ▶ Improved regulatory tools **encourage infill development** & structured parking (Pages 76 &77)

Plan Goals

- ▶ Organize corridor growth to be dense, compact and transit supportive.
- ▶ Encourage the location of commercial, **housing**, employment, open space and civic uses within walking distance of transit stops.
- ▶ Provide a mix of housing types (townhouse, rowhouse, duplex, **multi-family**, live work and artist studio), occupancy status (**rental** and ownership units), densities and costs (low-income, affordable and market rate).
- ▶ Encourage infill and redevelopment along East Colfax that complements historic resources along and near the corridor.
- ▶ Enhance and maintain the viability of **high-density residential** and commercial uses, especially where assemblages are contiguous to the corridor or where opportunities exist to restore a cohesive urban, mixed-use area on **vacant or underutilized parcels**. (Page 80)

Plan Recommendations

- ▶ Support **infill development** of retail, office and **residential uses**. Consider the complementary nature of a project in the context of surrounding or nearby uses. **Discourage low density**, single use development with excessive parking.
- ▶ Develop **new zoning tools** that provide appropriate design and development standards consistent with a pedestrian friendly, mixed-use transit corridor. (Page 81)

TRANSPORTATION AND INFRASTRUCTURE

Primary Issues and Opportunities

- A number of elements interrupt the continuity of the pedestrian realm and create an inhospitable pedestrian environment including: **Vacant land, underutilized properties** that create **gaps in the urban fabric** (PAGE 93)

Opportunity:

The Plan further identifies the site as an underutilized property (page 113). This underutilization (vacant site) creates an opportunity to concentrating **housing density near or on the corridor**, which will provide additional demand for convenience and/or service retail space. (Page 114)

The Plan area is divided into six sub-areas. The subject property is located within the **Colfax Promenade District**. (Page 129)

Opportunities exist within the Colfax Promenade District include:

- The redevelopment of Mercy Hospital as the planned City Park South residential project will introduce a **significant population base** to the area that could **support neighborhood serving walkup businesses along the corridor**.
- **Reinforce the residential nature** of this section of East Colfax. (Page 130)
- **Support residential development** along this stretch of Colfax.
- **Encourage shared and structured parking** for the area to accommodate uses with intense parking needs. (Page 131)

The Plan further states that redevelopment potential (sites) are scattered throughout the East Colfax study area with a total of 60 acres of infill land available. This is describe in the Plan as a development Opportunity.

Exhibit "B":

Section "A" Description of Justifying Circumstances

The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area.

The subject 1.56± acre vacant parcel was zoned for hospital use in the mid 1980's to accommodate the institutional uses that were expanding in the area. The H-1-A and H-2 zone districts were implemented by the City to accommodate the unique development requirements that institutional uses, primarily hospitals, required. This includes greater height, a maximum ground area coverage as well as hospital related uses.

The area has significantly changed as most of the hospitals have relocated and the current hospital zoning is out of date and cannot respond to the current development needs.

Numerous changes have occurred in the area that justify the proposed map amendment. A few are listed as follows:

1. Of most importance is the City's adoption of the **East Colfax Corridor Plan** that is supportive of this zoning request and described in the section above,
2. Approval of the site as an **"Area of Change"** with a land use category of **Urban residential** within "Blueprint Denver",
3. The numerous developments in the area such as The Pinnacle and The Retreat adjacent to the subject,
4. The approval of a grocery store (Sprouts Farmer's Market formerly Sunflower) on East Colfax a few blocks from the subject. This use will rely on additional residential units to survive,
5. The adoption of the 2010 Zoning Code, which provides "form-based", zoning tools to address the development goals of the City and the neighbors for infill sites,
6. The desire for individuals to live near the Downtown where they work and play.

The area conditions have changed significantly, providing the legal basis for this zone change request and make the proposed amendment reasonable and necessary to the promotion of the public health, safety and general welfare. The public interest for the citizens of Denver is best served by adoption of this map amendment, which will provide support for the services, amenities, employment opportunities and provide residential development necessary for positive planned growth to occur.

Section “B” Neighborhood Context

This proposed map amendment request approval of the G-MU-5 zone district. All of the MU designated zone districts are residential based. More specifically, the G-MU-5 is a multi unit district allowing urban house, duplex, tandem house, row house, garden court, courtyard apartment and apartment building forms. The tallest building form has a **maximum height of five stories**. Within the context of the City Park South neighborhood, the building heights vary from typical single-family of approximately 30 feet to the Pinnacle, which is over 20 stories and one block north. The addition of a five-story development will fit well within the context of the area.

As stated in the Zoning Code, the **General Purpose** of the G-MU-5 district is as follows:

- A. The intent of the Residential districts is to promote and protect higher density residential neighborhoods within the character of the General Urban Neighborhood Context. These regulations allow for multi-unit districts with a variety of residential building forms.
- B. The building form standards, design standards, and uses work together to promote safe, active, pedestrian-scaled residential areas. The standards accommodate the pattern of urban house, duplex, tandem house, row house, mansion apartment, garden court, courtyard apartment and apartment. Buildings orient to the street and access is from the alley. Lot coverage is typically high accommodating a consistent, shallow front yard.
- C. These standards recognize the variation within the General Urban Neighborhood Context and provide eight Residential Zone Districts. The lowest-scale districts with a maximum height of three stories provide a transition to Urban and Urban Edge Neighborhood Contexts. The highest-scale districts with a maximum height of 12 and 20 stories promote a dense, urban residential character where appropriate. The Residential Office (RO) districts provide opportunities for residential and offices uses in low to moderate scale residential building forms.

D. The regulations provide certainty to property owners, developers, and neighborhoods about the limits of what is allowed in a residentially zoned area. These regulations reinforce desired patterns in existing neighborhoods and create standards for new neighborhoods.

If the subject site were not a part of a PBG during the City overall zoning update, it probably would have been zoned to G-MU-5. This is due in part to the adjacent zoning which is already G-MU-5 and that the G-MU zone districts were designed to be compatible with urban neighborhoods like City Park South.

Exhibit "C": Legal Description and ALTA Survey

LEGAL DESCRIPTION

PARCEL A:

ALL OF LOTS 1 THROUGH 9 OF BLOCK 14 AND THE WEST ONE HALF OF THE VACATED ALLEY LYING NORTH OF A LINE CROSSING THE ALLEY AT 11.478 FEET SOUTH OF THE NORTHWEST CORNER OF LOT 40 IN BLOCK 14 OF COLFAX AVENUE PARK SUBDIVISION; EXCEPT THOSE PORTIONS OF LOTS 8 AND 9 CONVEYED TO THE CITY AND COUNTY OF DENVER BY SPECIAL WARRANTY DEED RECORDED MARCH 7, 2005, AT RECEPTION NO. 2005039416.

PARCEL B:

ALL OF LOTS 40 THROUGH 46, BLOCK 14 OF COLFAX AVENUE PARK SUBDIVISION AND THE EASTERLY ONE HALF OF THE VACATED ALLEY LYING NORTH OF A LINE CROSSING THE ALLEY AT 11.478 FEET SOUTH OF THE NORTHWEST CORNER OF LOT 40.

PARCEL C:

ALL OF LOTS 34 THROUGH 39, BLOCK 14, COLFAX AVENUE PARK SUBDIVISION; EXCEPT THOSE PORTIONS OF LOTS 35, 36, 37 AND 38 CONVEYED TO THE CITY AND COUNTY OF DENVER BY SPECIAL WARRANTY DEED RECORDED MARCH 7, 2005, AT RECEPTION NO. 2005039416.

TOGETHER WITH:

ALL OF THE ALLEY VACATED BY ORDINANCE NO. 117, SERIES 2005, RECORDED ON FEBRUARY 28, 2005, AT RECEPTION NO. 2005033045, LOCATED IN BLOCK 14, COLFAX AVENUE PARK SUBDIVISION;
EXCEPT THAT PORTION OF SAID VACATED ALLEY CONVEYED TO THE CITY AND COUNTY OF DENVER BY SPECIAL WARRANTY DEED RECORDED MARCH 7, 2005, AT RECEPTION NO. 200539416.
CITY AND COUNTY OF DENVER, STATE OF COLORADO.

Exhibit "D": Proof of Ownership (Assessors records)

1555 Milwaukee Street

The property description shown is data from the Assessor's active, in-progress 2012 file. The "current year" values are from the 2012 tax year for real property tax due in 2013. These values are based on the property's physical status as of January 1, 2012.

PROPERTY INFORMATION

Property Type: VACANT LAND	Parcel: 0236311050000
Name and Address Information	Legal Description
WONDERLAND AT CITY PARK SOUTH	COLFAX AVE PARK SUB B14 L34 TO 38 & PT L39 BEG SE COR L39 N
8601 TURNPIKE DR 106	22.478FT W 115FT SW 14.142FT
WESTMINSTER, CO 80031-7044	S 12.47FT E TO POB EXC PT DIF
Property Address: 1555 MILWAUKEE ST	RCP #2005039416 RCD 3/7/2005
	Tax District 431A

Assessment Information

	Actual	Assessed	Exempt	Taxable
Current Year				
Land	804900	233420		
Improvements	0	0		
Total	804900	233420	0	233420
Prior Year				
Land	804900	233420		
Improvements	0	0		
Total	804900	233420	0	233420

Style: Other	Reception No.: 2005203602
Year Built:	Recording Date: 11/29/05
Building Sq. Foot: 0	Document Type: Special Warranty
Bedrooms:	Sale Price: 2814000
Baths Full/Half: 0/0	Mill Levy: 71.307
Basement/Finished: 0/0	

2920-2926 East 16th Avenue

The property description shown is data from the Assessor's active, in-progress 2012 file. The "current year" values are from the 2012 tax year for real property tax due in 2013. These values are based on the property's physical status as of January 1, 2012.

PROPERTY INFORMATION

Property Type: VACANT LAND	Parcel: 0236311051000
Name and Address Information	Legal Description
WONDERLAND AT CITY PARK SOUTH	COLFAX AVENUE PARK SUB B14 L1 TO 9 & L41 TO 46 & N 11.478FT
8601 TURNPIKE DR 106	L40 & VAC ALY ADJ FROM N LI TO S LI OF N 11.478FT L40 EXTD W
WESTMINSTER, CO 80031-7044	EXC PT OF L8 &9 REC#2005039416 & VACALY ADJ PER ORD 2005-0117
Property Address: 2920 E 16TH AVE -2926	Tax District 431A

Assessment Information

	Actual	Assessed	Exempt	Taxable
Current Year				
Land	2304900	668420		
Improvements	0	0		
Total	2304900	668420	0	668420
Prior Year				
Land	2304900	668420		
Improvements	0	0		
Total	2304900	668420	0	668420

Style: Other
 Year Built:
 Building Sqr. Foot: 0
 Bedrooms:
 Baths Full/Half: 0/0
 Basement/Finished: 0/0

Reception No.:
 Recording Date: //
 Document Type:
 Sale Price:
 Mill Levy: 71.307

Lot Size: 51,220

[Click here for current zoning](#)

Zoning Used for Valuation: H1A

Exhibit "E": Letter of Authorization for Robert J. Gollick, Inc. to act as Representative



WonderlandHomes.com
8601 Turnpike Drive, Suite 106
Westminster, CO 80031
303-604-0004
fax 303-604-9803

September 25, 2012

Robert J. Gollick
President
Robert J. Gollick, Inc.
E-mail: rgollick@comcast.net

Re: 16th & Milwaukee – Zoning Submittal
City Park South

Dear Bob,

This letter serves as authorization for Robert J. Gollick, dba Robert J. Gollick, Inc., to act on behalf of Wonderland at City Park South, LLC, a Colorado Limited Liability Company, for purposes of the rezoning application for the parcel of approximately 1.6 acres south of 16th Avenue between Milwaukee and Fillmore Streets in Denver.

Respectfully,

WONDERLAND at CITY PARK SOUTH, LLC

MICHAEL R. HART
Vice President

Cc: Christopher Davis, The Picerne Group

LEGAL DESCRIPTION

PARCEL A:

ALL OF LOTS 1 THROUGH 9 OF BLOCK 14 AND THE WEST ONE HALF OF THE VACATED ALLEY LYING NORTH OF A LINE CROSSING THE ALLEY AT 11.478 FEET SOUTH OF THE NORTHWEST CORNER OF LOT 40 IN BLOCK 14 OF COLFAX AVENUE PARK SUBDIVISION; EXCEPT THOSE PORTIONS OF LOTS 8 AND 9 CONVEYED TO THE CITY AND COUNTY OF DENVER BY SPECIAL WARRANTY DEED RECORDED MARCH 7, 2005, AT RECEPTION NO. 2005039416.

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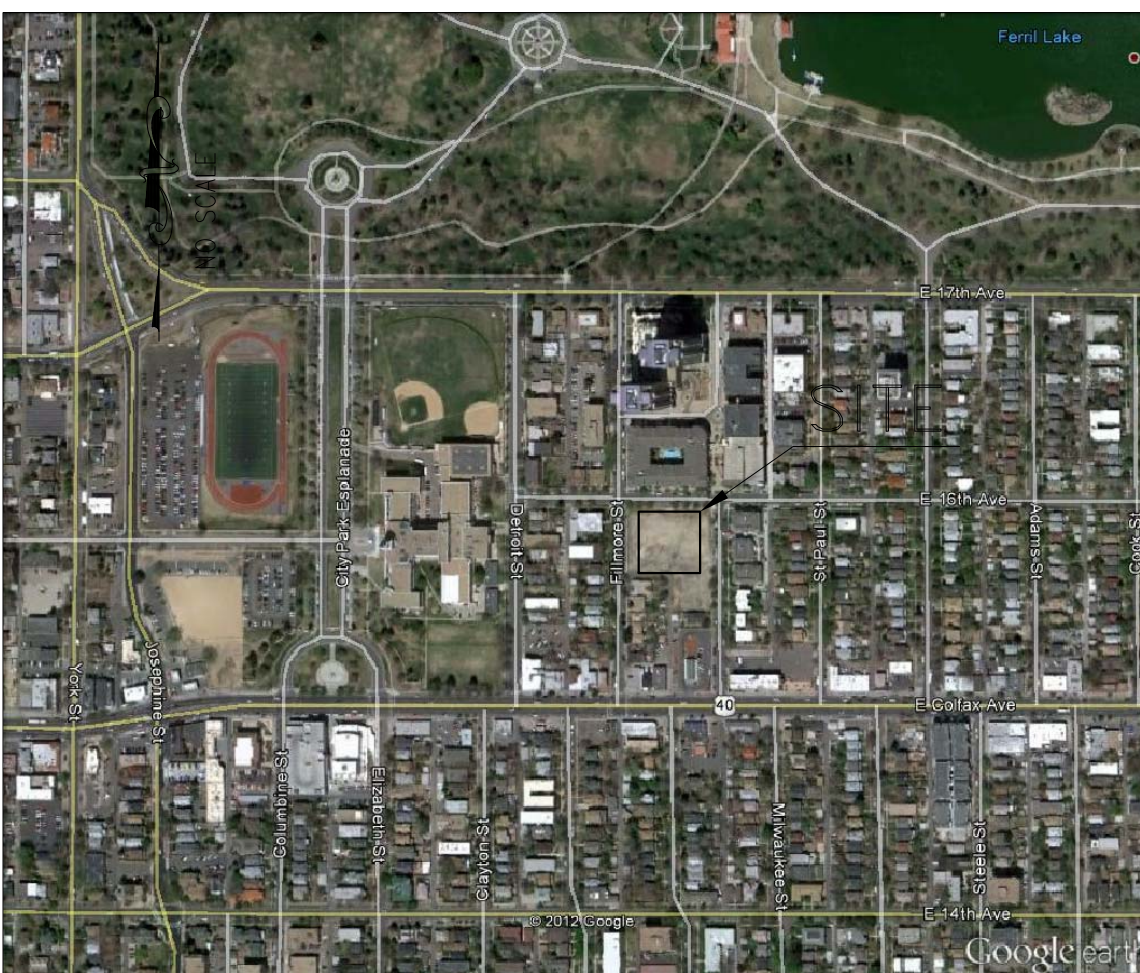
TOGETHER WITH:

ALL OF THE ALLEY VACATED BY ORDINANCE NO. 117, SERIES 2005, RECORDED ON FEBRUARY 28, 2005, AT RECEPTION NO. 2005033045, LOCATED IN BLOCK 14, COLFAX AVENUE PARK SUBDIVISION; EXCEPT THAT PORTION OF SAID VACATED ALLEY CONVEYED TO THE CITY AND COUNTY OF DENVER BY SPECIAL WARRANTY DEED RECORDED MARCH 7, 2005, AT RECEPTION NO. 2005039416.
CITY AND COUNTY OF DENVER, STATE OF COLORADO.

NOTES CORRESPONDING TO SCHEDULE B-2 ITEMS

- 7 TERMS, CONDITIONS AND PROVISION, OF A SPECIAL ZONE LOT PLAN FOR A PLANNED BUILDING GROUP RECORDED AUGUST 11, 1982 IN BOOK 2635 AT PAGE 395 AND LETTER RECORDED JULY 21, 1987 AT RECEPTION NO. 00161702. **(AFFECTS SUBJECT PROPERTY BUT IS NOT A PLOTTABLE ITEM).**
- 8 TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN MEMORANDUM OF REDEVELOPMENT AGREEMENT RECORDED AUGUST 6, 2004 UNDER RECEPTION NO. 2004161927 AND AS SET FORTH IN AMENDMENT RECORDED MARCH 7, 2005 UNDER RECEPTION NO. 2005039419.
NOTE: CONSENT AGREEMENT RECORDED AUGUST 6, 2004 UNDER RECEPTION NO. 2004161928 ASSIGNMENT AND ASSUMPTION AGREEMENT RECORDED AUGUST 6, 2004 UNDER RECEPTION NO. 2004161934. **(AFFECTS SUBJECT PROPERTY AND IS PLOTTED HEREON).**
- 9 TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN USE COVENANTS RECORDED AUGUST 6, 2004 UNDER RECEPTION NO. 2004161929 AND AS SET FORTH IN FIRST AMENDMENT TO USE COVENANTS RECORDED MARCH 7, 2005 UNDER RECEPTION NO. 2005039420. **(AFFECTS SUBJECT PROPERTY AND IS PLOTTED HEREON).**
- 10 RESTRICTIVE COVENANTS WHICH DO NOT CONTAIN A FORFEITURE OR REVERTER CLAUSE, BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILY STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS CONTAINED IN INSTRUMENT RECORDED AUGUST 6, 2004 UNDER RECEPTION NO. 2004161930 AND IN AMENDMENT THERETO RECORDED MARCH 7, 2005 UNDER RECEPTION NO. 2005039421. **(AFFECTS SUBJECT PROPERTY BUT IS NOT A PLOTTABLE ITEM).**
- 11 TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN MEMORANDUM OF DESIGN GUIDELINES RECORDED AUGUST 6, 2004 UNDER RECEPTION NO. 2004161931 AND AS SET FORTH IN FIRST AMENDMENT TO MEMORANDUM OF DESIGN GUIDELINES RECORDED MARCH 7, 2005 UNDER RECEPTION NO. 2005039422. **(AFFECTS SUBJECT PROPERTY BUT IS NOT A PLOTTABLE ITEM).**
- 12 TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN PLAZA EASEMENT AGREEMENT RECORDED AUGUST 6, 2004 UNDER RECEPTION NO. 2004161937 AND AS SET FORTH IN AMENDMENT TO PLAZA EASEMENT AGREEMENT RECORDED MARCH 7, 2005 UNDER RECEPTION NO. 2005039423 AND AS SET FORTH IN SECOND AMENDMENT TO PLAZA EASEMENT AGREEMENT RECORDED JANUARY 19, 2007 UNDER RECEPTION NO. 2007008502. **(AFFECTS SUBJECT PROPERTY AND IS PLOTTED HEREON).**
- 13 TERMS, CONDITIONS AND PROVISIONS OF AFFORDABLE HOUSING PLAN RECORDED OCTOBER 22, 2004 UNDER RECEPTION NO. 2004222128. **(AFFECTS SUBJECT PROPERTY BUT IS NOT A PLOTTABLE ITEM).**
- 14 TERMS, CONDITIONS AND PROVISIONS OF WONDERLAND AT CITY PARK SOUTH PLANNED BUILDING GROUP RECORDED MARCH 3, 2005 UNDER RECEPTION NO. 2005036324. **(AFFECTS SUBJECT PROPERTY AND IS PLOTTED HEREON).**
- 15 TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN EASEMENT FOR RIGHT-OF-WAY AREA (CITY PARK SOUTH ALLEY) RECORDED MARCH 7, 2005 UNDER RECEPTION NO. 2005039417. **(AFFECTS SUBJECT PROPERTY AND IS PLOTTED HEREON).**
- 16 SUBJECT TO THE GRANTEE COVENANTS AND RIGHTS RESERVED TO THE GRANTOR INCLUDING, BUT NOT LIMITED TO THE APPROVAL OF THE SALE OF ANY PHASE II UNITS WITHIN THE PROJECT, AS SET FORTH IN THE DEED RECORDED NOVEMBER 29, 2005 AT RECEPTION NO. 2005203602. **(AFFECTS SUBJECT PROPERTY BUT IS NOT A PLOTTABLE ITEM).**
- 17 ANY EXISTING LEASES OR TENANCIES, AND ANY AND ALL PARTIES CLAIMING BY, THROUGH OR UNDER SAID LESSEES.

VICINITY MAP



GENERAL NOTES

- 1) THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY CALVADA SURVEYING, INC. TO DETERMINE RECORD TITLE, EASEMENTS OR RIGHTS-OF WAY, TITLE COMMITMENT NO. F232774, WITH AN EFFECTIVE DATE OF JULY 11, 2012, PREPARED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY WAS RELIED UPON FOR ALL INFORMATION REGARDING TITLE OF RECORD, EASEMENTS OF RECORD AND RIGHTS-OF-WAY.
- 2) THE WORD "CERTIFY" AS SHOWN AND USED HEREON MEANS AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THE FACTS OF THIS SURVEY AND DOES NOT CONSTITUTE A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED.
- 3) THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE ENTITIES NAMED IN THE SURVEYOR'S CERTIFICATE HEREON. SAID CERTIFICATE DOES NOT EXTEND TO ANY UNNAMED PERSON OR ENTITY WITHOUT AN EXPRESS WRITTEN RECERTIFICATE BY THE SURVEYOR OF RECORD NAMING SAID PERSON OR ENTITY.
- 4) THIS SURVEY DOES NOT SHOW THE LOCATION OF, OR ENCROACHMENTS BY, SUBSURFACE FOOTINGS AND/OR FOUNDATIONS OF ANY BUILDINGS SHOWN HEREON. IF FLOOD ZONE DATA, ZONING AND SETBACK DATA, OR BUILDING RESTRICTION LINES ARE SHOWN HEREON, IT IS FOR INFORMATIONAL PURPOSES ONLY, HAVING BEEN OBTAINED FROM RELIABLE AND RESPONSIBLE SOURCES NOT CONNECTED WITH CALVADA SURVEYING, INC. NO GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED, IS MADE AS TO THE ACCURACY OR THOROUGHNESS OF SUCH INFORMATION.
- 5) BURIED UTILITIES AND/OR PIPELINES SHOWN HEREON ARE PER VISIBLE AND APPARENT SURFACE EVIDENCE, RECORD DRAWINGS OF THE CONSTRUCTED UTILITY LINES OBTAINED FROM RELIABLE AND RESPONSIBLE SOURCES NOT CONNECTED WITH CALVADA SURVEYING, INC. OR MARKINGS PROVIDED BY AN INDEPENDENT LOCATING CONTRACTOR. NO GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED, IS MADE AS TO THE ACCURACY OR THOROUGHNESS OF SUCH INFORMATION. IF MORE ACCURATE LOCATIONS OF UNDERGROUND UTILITIES OR PIPE LINES ARE REQUIRED, THE UTILITY OR PIPELINE WILL HAVE TO BE VERIFIED BY FIELD POT-HOLING. CALVADA SURVEYING, INC. AND THE SURVEYOR OF RECORD SHALL NOT BE HELD LIABLE FOR THE LOCATION OF OR THE FAILURE TO NOTE THE LOCATION OF NON-VISIBLE UTILITIES OR PIPELINES.
- 6) FIELD WORK FOR THIS SURVEY WAS PERFORMED ON AUGUST 24 & 30, 2012.
- 7) ALL STREETS AND/OR ALLEYS SHOWN HEREON ARE DULY DEDICATED AND MAINTAINED PUBLIC ROADWAYS UNLESS NOTED OTHERWISE.
- 8) THERE ARE NO BUILDINGS EXISTING ON THE SURVEYED PROPERTY.

BENCH MARK

CITY & COUNTY OF DENVER BM NO. 54A

CITY & COUNTY OF DENVER BRASS CAP, SOUTHEAST CORNER, TOP OF INLET STEELE STREET AND COLFAX AVENUE.

ELEV.= 5301.33 (NAVD 1988 DATUM)

LAND AREA

THE SUBJECT PARCEL OF LAND SHOWN HEREON CONTAINS 69,120 SQ. FT. OR 1.587 ACRES MORE OR LESS.

BASIS OF BEARINGS

THE BEARINGS SHOWN HEREON ARE, ASSUMED AND ARE BASED UPON THE 20.5 FOOT RANGE LINE IN E. 16TH AVENUE WHICH BEARS N89°55'21"E BETWEEN THE FOUND MONUMENTS SHOWN HEREON.

SURVEYOR'S STATEMENT

TO: THE PICERNE GROUP, INC., A DELAWARE CORPORATION
WONDERLAND AT CITY PARK SOUTH, LLC, A COLORADO LIMITED LIABILITY COMPANY
FIDELITY NATIONAL TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 4, 5, 8 AND 11(b) OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON AUGUST 30, 2012

ROBERT D. SNODGRASS, PLS 36580
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR
FOR AND ON THE BEHALF OF CALVADA SURVEYING, INC.

NOTICE:

ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.

PREPARED FOR:

THE PICERNE GROUP
210 ST. PAUL ST., #203
DENVER, CO. 80206

BY: PREPARED BY:

CAL VADA
SURVEYING, INC.
Los Angeles Denver
6551 S. Revere Pkwy., Suite 105
Centennial, CO 80111
Phone: (303) 888-1303
Fax: (727) 888-1306

REVISION DESCRIPTION:

DATE:

NO.

PROJECT INFORMATION:
ALTA/ACSM TITLE SURVEY
LOTS 1-8, PORTION LOT 9 AND LOTS 34-46
BLOCK 14 - COLFAX AVENUE PARK SUBDIVISION
A PORTION OF THE SW 1/4 OF SEC. 36
T3S, R68W, OF THE 6TH P.M.
CITY OF DENVER, COUNTY OF DENVER
STATE OF COLORADO

SCALE:

DATE: SEPTEMBER 6, 2012

BY: JT

JOB NO. 12139

SHEET 1 OF 2



December 3, 2012

Chris Gleissner, Senior City Planner
Community Planning & Development Planning Services
201 W. Colfax Avenue, Dept. 205
Denver, CO 80202

RE: Rezoning Application #2012I-0042

Dear Chris:

In your recent comments regarding Rezoning Application #2012I-0042, dated 10/19/12, you requested the team provide confirmation that the existing development on the east side of Milwaukee meets all H-2 zoning and PBG requirements.

The remaining parcel east of Milwaukee (Block15) is zoned H-2 and meets the criteria for the H-2 zone district:

-Per 59-168(a) & 59-166(a) – Each structure on the site is 4 stories; therefore, 30% of the area of the zone lot shall be unobstructed open space. *11,116 SF or 35.6% of the zone lot has been dedicated to unobstructed open space. Refer to page 1 of the attached PDF for documentation.*

-Per 59-168(b) – Not applicable as these structures are adjacent to residential buildings.

-Per 59-168(c) & 59-167(b) – A front setback of not less than 20' shall be provided. *A 20' front setback has been provided. A rear setback of 20' from the centerline of the abutting alley shall be provided. A 20' rear setback has been provided. A side setback of not less than 7'-6" shall be provided. A 7'-6" side setback has been provided. Refer to page 3 of the attached PDF for documentation; the dimensions above have been highlighted for easy reference.*

-Per 59-168(d) & 59-166(c) – Not applicable as these structures are adjacent to residential buildings.

-Per 59-168(e) & 59-167(c) – The bulk of structures shall be limited by bulk planes at front, rear & side lots as defined in section 59-167(c). *The structures meet the bulk plane requirements. Refer to pages 9 & 10 of the attached PDF for documentation; the bulk planes & structures in question have been highlighted for easy reference.*

-Per 59-168(f) & 59-166(d) – The maximum gross floor area of the structures shall not be greater than (3) times the area of the zone lot on which the structures are located therefore the allowable floor area ratio is 3.0.

Calculations for remaining parcel (Block 15):

Gross project area: 31,256 sf

Allowable gross area per FAR: 31,256 sf x 3 = 93,768 sf

Proposed gross area: 64,719 sf

Refer to page 1 of the attached PDF for documentation.

-Per 59-168(g) – The maximum zone lot coverage shall not exceed 60% of the zone lot.

Calculations for remaining parcel (Block 15):

Zone lot size: 31,256 sf
Allowable zone lot coverage: 31,256 x .6 = 18,754 sf (60%)
Proposed zone lot coverage: 18,689 sf (59%)
Refer to page 1 of the attached PDF for documentation.

The remaining parcel east of Milwaukee (Block 15) meets the guidelines for the Planned Building Group development:

-The net project density of the remaining parcel is 53.0 DU/acre. The parcel that is to be removed from the PBG has a net project density of 53.6 DU/acre, thus resulting in no change to net project density. Refer to page 1 of the attached PDF for documentation.

-Per 59-619(b)(2)[a through p] – The remaining parcel meets all the criteria outlined in this section.

-Per 59-619(b)(3) – The minimum space between any two buildings is 10'. The spacing between the buildings on the zone lot exceed the 10' minimum.

-Per 59-619(b)(4) – A building group may not be so arranged that any permanently or temporarily inhabited building is inaccessible by emergency vehicles. The buildings are currently arranged to allow adequate building access by emergency vehicles. Refer to attached site plans.

-Per 59-621(1-12) – once a PBG has been approved by the Zoning Department, changes to the PBG may not cause a change to the following items:

- (1) the character of the development;*
- (2) an increase in gross floor area;*
- (3) increase in the intensity of use;*
- (4) reduction in the separation of buildings;*
- (5) increase in circulation problems;*
- (6) increase in external effects on adjacent property;*
- (7) reduction of more than 10% in setbacks;*
- (8) increase of more than 10% in ground coverage;*
- (9) reduction in off-street parking to gross floor area;*
- (10) change in signage;*
- (11) change in location of private streets;*
- (12) a change that would cause undue adverse impacts on adjacent properties.*

The removal of Block 14 from the Wonderland at City Park South PBG would not cause any of the adverse conditions outlined above.

If you have any additional questions or concerns, please feel free to contact me.

Sincerely,



Elizabeth McDonald, RA
Associate
JG Johnson Architects



WonderlandHomes.com
8601 Turnpike Drive, Suite 106
Westminster, CO 80031
303-604-0004
fax 303-604-9803

November 15, 2012

Wonderland at City Park South Condominium Association
c/o K3 Management
Attention: Ken Howard
6732 W Coal Mine Avenue #123
Littleton CO 80123

Re: City Park South

Dear Mr. Howard:

Wonderland at City Park South Condominium Association represents the owners of a parcel of land in City Park in Denver, Colorado known as Wonderland at City Park South. When the City Park South area was redeveloped in 2004 to convert Mercy Hospital to residential condominiums and apartments, the developer imposed a Declaration of Restrictive Covenants of City Park South (the "Declaration") and Design and Use Standards and Guidelines (the "Design Guidelines") on the seven parcels included within the redevelopment area.

Six of the seven parcels were developed as condominiums and apartments between 2004 and 2007. The last parcel, located on 16th Avenue between Milwaukee Street and Fillmore Street, is owned by an affiliate of Wonderland Homes. We initially intended to develop this parcel at the same time as the other six parcels; however, due to the poor economy, we were unable to complete our planned project, and the parcel remains vacant. And frankly, market conditions, coupled with lending restrictions for both construction loans and permanent mortgages, are such that it would be impossible for us at any time in the foreseeable future to build out and sell the product that we originally intended.

Given the passage of time and change in conditions, we would like to remove the existing Design Guidelines and allow our proposed buyer for the parcel to establish new design and construction standards with the neighborhood association.

The Board of Representatives created by the Declaration has authority to add and subtract parcels from the area covered by the Declaration and the Design Guidelines. As the homeowner's association of one of the seven parcels created by the Declaration, Wonderland at City Park South Condominium Association is entitled to appoint one member of the Board of Representatives. In order to approve the proposed action, we ask that the appointed member to the Board of Representatives execute the enclosed amendment to the Declaration. If there is no currently appointed member, Wonderland at City Park South Condominium Association can designate a representative that will sign on its behalf.

Please have the appointed representative execute and notarize two (2) originals of the enclosed document and return them to:

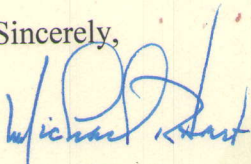
Brownstein Hyatt Farber Schreck, LLP
Attention: Noelle Riccardella
410 Seventeenth Street, 22nd Floor
Denver, Colorado, 80202

We have enclosed a copy of the Declaration and the Design Guidelines for your review in connection with our request. If you have any questions regarding these documents or our request, please contact me at 303.567.7642.

In addition, our property is currently part of the Wonderland at City Park South Planned Building Group (the "Wonderland PBG"). A Planned Building Group is a site plan and review process which governs development of property. The Wonderland PBG covers both our parcel and the Wonderland at City Park South Condominiums. As part of the development efforts, we intend to remove our property from the Wonderland at City Park South Planned Building Group and create a new site plan and review process specific to this parcel. This will not impact Wonderland at City Park Condominiums because that development is already complete. You do not need to take any actions in connection with the proposed changes to the Wonderland PBG; we just wanted to inform you of our plans in this regard.

Thank you in advance for your assistance with our efforts.

Sincerely,



Michael R. Hart
Vice President, Sales and Marketing
Wonderland Homes

Enclosures



February 19, 2013

Chris Gleissner
CPD-Planning Services
Community Planning and Development
201 W. Colfax Avenue, Dept. 205
Denver, CO 80202

Re: Colfax on the Hill (RNO) support of Official Map Amendment Application #20121-00042
16th and Milwaukee, from H-1-A and H-2 to G-MU-5

Dear Mr. Gleissner:

The zoning map amendment is in keeping with the mission of Colfax on the Hill to revitalize and redevelop our East Colfax corridor with its boundaries of 16th to 14th from Broadway to Colorado Blvd. The Board of Directors of Colfax on the Hill, Inc. voted on this date to support the proposed zoning amendment: 12 in favor; 1 opposed; with 3 abstentions. The board voted its support after having followed this proposed 175 unit apartment project for over a year and especially appreciates the time and effort Picerne Group Managing Director Christopher Davis and his associates have taken to reach out to the neighbors and neighborhood organizations, including Colfax on the Hill, which is comprised of property and business owners, non-profits and area residents in the East Colfax Corridor.

The COTH board supports the Picerne rezoning and apartment project due for these main reasons:

- Its proposed in-fill residential stock, projected for 175 "luxury" apartment units added to the housing mix on lots that have been vacant going on 10 years
- The Addition of walk able housing to and from Colfax businesses
- The increase in adjacent neighborhood buying power for the COTH district
- The project will include site parking

Thank you for conveying this letter of support to the Planning Board and Denver City Council.

Sincerely,

A handwritten signature in black ink, appearing to be "DN" or similar initials, written in a cursive style.

Don Novak, President
Colfax on the Hill, Inc.

To Whom it May Concern:

As a member of the Colfax community, I would like to express my support for Residences On 16th. I believe that the building of a luxury rental community in this area represents the exciting growth, and provides a much needed housing option in the area.

I understand the pros and cons of consolidating the zoning for this project, and believe the benefits of this projects far outweigh any negative points brought up during the discussion. I hope the South City Park Neighborhood Association and Denver City Council will share in my support of this project, allowing this vibrant neighborhood to grow and flourish.

Sincerely,

amy clanton
1663 Adams Street
80206
clantonamy@hotmail.com

To Whom it May Concern:

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Sincerely,

Amy Morawa-Murphy
1638 Steele St
80206
amy@alm-design.com

To Whom it May Concern:

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Sincerely,

Bill Shaheen
1650 Fillmore St
80206
billshaheen2000@yahoo.com

To Whom it May Concern:

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Sincerely,

Bob Nogueira
1457 Adams St
80206
Rmnogueira@mac.com

To Whom it May Concern:

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Sincerely,

Brenda Wright
1600 Fillmore St., 301
80206
brenwright18@hotmail.com

To Whom it May Concern:

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Sincerely,

Brian Toerber
2801 E Colfax Ave
80206
Brian@inspireinvestmentgroup.com

To Whom it May Concern:

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Sincerely,

Brian Turk
1550 Detroit St Apt 103
80206
turk2669@hotmail.com

To Whom it May Concern:

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Sincerely,

Christian Butler
3005 E 14th Ave
80206
butlerc22@yahoo.com

To Whom it May Concern:

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Sincerely,

Christy Jeziorski
1379 Saint Paul St.
80206
mestiza_cj@hotmail.com

To Whom it May Concern:

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Sincerely,

Dan
1650 Fillmore Street
80206
dmg4mu@yahoo.com

To Whom it May Concern:

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Sincerely,

Danette Montoya
1000 Cook st
80206
danette.montoya@gmail.com

To Whom it May Concern:

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Sincerely,

daniel sprick
1650 fillmore st #1606
80206
sprickdaniel@gmail.com

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Sincerely,

Dave Walstrom
1265 Race St. #304
80206
dcwalstrom@gmail.com

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Sincerely,

David Mulligan
1590 Harrison St.
80206
dmulligan@haroldimport.com

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Sincerely,

David Scarbeary
1555 Madison St.
80206
david@scarbeary.com

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Sincerely,

Dea Webb
3109 E Colfax Ave
80206
dea@plasticchapel.com

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Sincerely,

Dedric Friedly
1459 Monroe St
80206
dedric.friedly@gmail.com

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Sincerely,

Don Childears
2990 E 17th Ave., #2701
80206
don@childears.com

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Sincerely,

Don Novak
1663 Adams Street
80206
don@mycolfax.org

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Sincerely,

Doug Olson
1542 Cook Street
80206
doug@propagandalabs.com

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Sincerely,

Drew Shader
3237 e Colfax ave
80206
Drew@atomiccowboy.net

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Sincerely,

Emma Skala
3101 E Colfax Ave
80206
emmarosecakes@gmail.com

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Sincerely,

Eric Clayman
1601 Steele St.
80206
eric2869@gmail.com

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Sincerely,

Frank Locantore
2145 E 16th Ave
80206
franksiloc@gmail.com

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Sincerely,

Greg pfiefer
2180 e 40th
80205
Pfieferco@aol.com

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Sincerely,

Holly Turner
3105 E Colfax Ave
80206
starrville66@aol.com

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Sincerely,

J.J. Folsom
1581 Madison St
80206
folsomjj@gmail.com

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Sincerely,

Jacky Niederstadt
2990 E 17th Ave, Unit 2003
80206
jniederstadt@gmail.com

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Sincerely,

Jacob fleck
2990 e 17th ave #1802
80206
Jakefleck303@gmail.com

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Sincerely,

Jacob Oaks
1620 Fillmore St.
80206
moo.bob@hotmail.com

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Sincerely,

Jake Riederer
1273 Cook St #6
80206
Jake@atomiccowboy.net

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Sincerely,

Jeanine Matney
2990 E. 17th Ave., #2303
80206
matneyj@comcast.net

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Sincerely,

Jen Garner
1410 Saint Paul Street
80206
jgarner@bbcresearch.com

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Sincerely,

Jill Locantore
2145 E 16th Ave
80206
jlocantore@gmail.com

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Sincerely,

Jon Duncan
1677 Garfield Street
80206
JWilliamDuncan@gmail.com

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Sincerely,

Joseph Berg
925 Garfield St
80206
joe.k.berg@gmail.com

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Sincerely,

Kevin Bauman
1598 Cook St
80206
kevinbauman@gmail.com

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Sincerely,

Kimberly Burdorf
2990 E 17th Ave Unit 2503
80206
kburdorf@gmail.com

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Sincerely,

linda parker
2990 e 17th av #2204
80206
ljp80203@hotmail.com

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Sincerely,

Linda Rogers
1560 Milwaukee Street #120
80206
lindacrogers@hotmail.com

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Sincerely,

Lora Powers
2909 E Colfax Ave
80206
Lora@thebadkittiesalon.com

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Sincerely,

Lyall & Patricia Ryden
1654 Fillmore St.; Denver, CO
80206
lyallpatricia@q.com

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Sincerely,

Malissa Spero
1666 Detroit St
80206
mspero@gmail.com

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Sincerely,

Mark Prather
1326 Milwaukee Street
80206
doctorp@earthlink.net

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Sincerely,

Mary Oakes
1620 Fillmore St.
80206
moo.bob@hotmail.com

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Sincerely,

Ms Kathy Jane Holt
1650 Fillmore Street
80206
kathyjholt@gmail.com

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Sincerely,

Noah Sodano
1542 Cook St.
80206
mosesgoat@mac.com

To Whom it May Concern:

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I understand the pros and cons of consolidating the zoning for this project, and believe the benefits of this projects far outweigh any negative points brought up during the discussion. I hope the South City Park Neighborhood Association and Denver City Council will share in my support of this project, allowing this vibrant neighborhood to grow and flourish.

Sincerely,

Patricia Novak
1663 Adams St.
80206
pat@propagandalabs.com

To Whom it May Concern:

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Sincerely,

Patrick Picard
2208 E 17th Ave #4
80206
pkpicard@gmail.com

To Whom it May Concern:

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Sincerely,

Peggy Anderson
3100 E Colfax Ave
80206
anniescafeandbar@yahoo.com

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Sincerely,

Porche Lovely
1489 Steele St. Unit C
80206
thechurchlady@churchofcupcakes.com

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Sincerely,

Rebecca Peebles
3005 E 14th Ave
80206
flybeckyfly@gmail.com

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Sincerely,

Rick Wells
2990 East 17th Ave, Denver, CO
80206
rwells@regenllc.com

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Sincerely,

Rob Hunsley
2990 East 17th Ave #2401
80206
hunsleyrob@yahoo.com

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Sincerely,

roberta greengard
1650 Fillmore St. #1707
80206
robertagreengard@mac.com

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Sincerely,

Rodney Coquia
3121 E Colfax Ave
80206
Rocketdenver@gmail.com

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Sincerely,

Ryan Oestreich
2510 East Colfax Ave
80206
Ryano@denverfilm.org

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Sincerely,

Ryan Sarin
1685 Steele St #1
80206
Ryan@serenepropertymgmt.com

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Sincerely,

Sacha Millstone
1652 Fillmore St
80206
sacha.millstone@raymondjames.com

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Sincerely,

Scott Hiller
1546 Cook Street
80206
denvermedia@hotmail.com

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Sincerely,

Sean Mandel
1341 St. Paul St
80206
seanmandel@gmail.com

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Sincerely,

Stan Wagner
1325 East 16th Ave
80218
swagner@group14eng.com

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Sincerely,

Stephen and Lisa Bingham
1040 Clayton
80206
SandLBingham@gmail.com

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Sincerely,

Suzann Lupton
2990 E 17th Ave. Unit 2603
80206
Slupton@comcast.net

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Sincerely,

Timothy Taylor
2990 E 17th Ave APT 2405
80206
Tmt@pobox.com

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Sincerely,

TOBY WATERS
2130 Marion St
80205
toby@visiondenver.com

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Sincerely,

Tony fiords no
1596 s spruce st
80231
Gio2114@gmail.com

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Sincerely,

Valentino Bujkic
3201 E Colfax Ave
80206
bujkic@gmail.com

To Whom it May Concern:

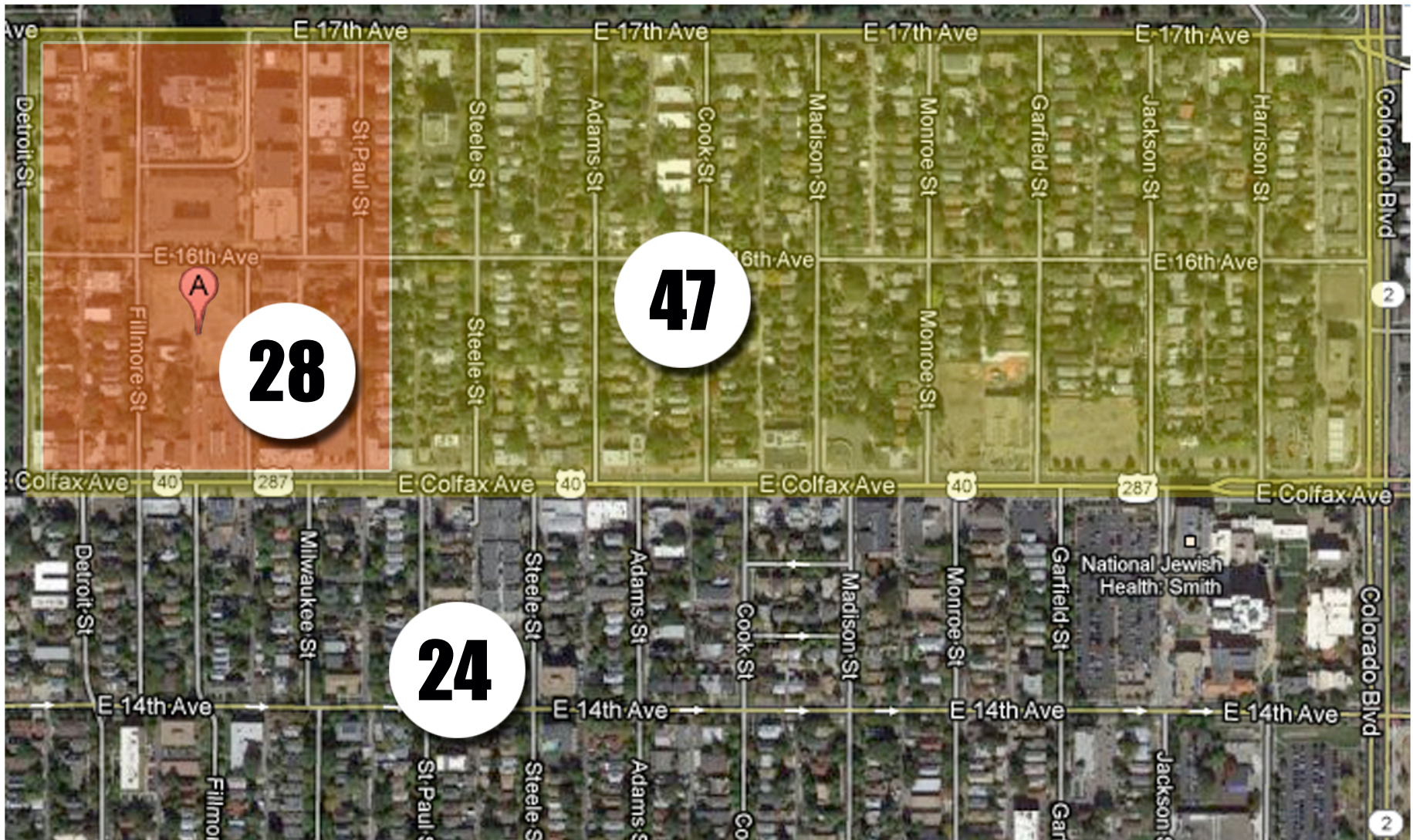
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Sincerely,

Wonderland Home Owner
3000 E. 16th Ave.
80206
zdsloven@gmail.com

16th and Fillmore Support Letter Breakdown



 **South City Park Neighborhood**

 **One City Block Surrounding the Property East / West / South**

 **Proposed Development Site**

Meetings with South City Park RNOs:

- 3/27/12 – Meeting at Colfax on the Hill, Starbucks at 10am
- 3/29/12 – Meeting with SCPNA, Montview Manor at 7pm
- 8/21/12 – Meeting with SCPNA, JGJA's office at 6:30 pm
- 9/11/12 – Meeting w/ small group of SCPNA, Starbucks Colfax & Milwaukee at 9:30
- 9/19/12 – Meeting with SCPNA, Montview Manor at 7pm
- 10/3/12 – Meeting with COTH, Starbucks Colfax & Milwaukee at 3:30
- 10/17/12 – Meeting with SCPNA, Montview Manor at 7pm
- 10/29/12 – Meeting with COTH, Rbar at 5pm
- 11/7/12 – Meeting with CHUN, 1201 Williams Street at 7pm
- 11/14/12 – Meeting with SCPNA, Montview Manor at 7pm
- 12/12/12 – Meeting with SCPNA, Montview Manor at 7pm
- 1/9/13 - Meeting with SCPNA Adhoc Committee, Montview Manor at 7pm
- 1/16/13 – Meeting with SCPNA, Montview Manor at 7pm
- 1/31/13 – Site walk with SCPNA Ad Hoc committee at 10am
- 2/11/13 – Meeting with Wonderland Homes HOA, Starbucks at 6pm
- 2/13/13 – Happy on the Hill Gathering with COTH, Beetle Bar at 5:30p

February 12, 2013

Dear Mr Gleissner,

RE: case # 2012I-00042: 16th Ave. from Fillmore to Milwaukee St.


We are neighbors in the South City Park neighborhood who live along Fillmore St and are writing regarding the proposed development at 16th St, Fillmore and Milwaukee.

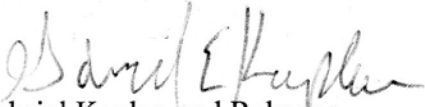
We are concerned with the proposal that the entire parcel be rezoned as G-MU-5. While we understand the financial realities the prospective buyers may face, we do not believe that fully designating the entire parcel G-MU-5 is consistent with the city's zoning strategy nor is it consistent with the Design Guidelines and the Memorandum of Understanding filed on this property along with restrictive covenants. If the property is to be rezoned, we believe that, at a minimum, a mix of G-MU-3 and G-MU-5 would be more appropriate in the context of the neighborhood. The homes along Fillmore on the east side of the street are primarily proportioned as single-family homes and have been zoned as G-MU-3. The buildings opposite the parcel along the eastern side Milwaukee are not larger than two stories from the mid-point south to Colfax and are a mix of low-rise apartments and townhomes along this street. For this reason it seems more appropriate for the southern portion of the parcel to be designated as G-MU-3 while the more northerly section might be appropriate at the G-MU-5 level.


The current zoning map shows three sections that are zoned H-1 (2 parcels) and H-2 (1 parcel). We believe that if this section had been included in the rezoning process that was completed by the city several years ago, without the request of the current potential development before it, all parties would have concluded that a mixed designation of this parcel along the lines we are proposing was more appropriate and consistent with the neighborhood context.

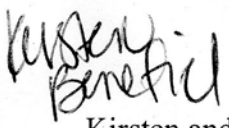
While our neighborhood association is currently negotiating with the potential developer of this property and it is not clear what our RNO will decide at this time, we have concluded that fully zoning this property as G-MU-5 is wrong for this parcel and for the neighborhood and are strongly opposed to this move. It is not clear how our neighborhood may decide on this matter but, in advance of their decision in March, we wanted to convey our concerns to you because of the proposed hearing on February 20th.


Signed,



Jon Bourne & Allison Heyne
1523 Fillmore St.


Gabriel Kaplan and Rebecca
Matthys
1535 Fillmore St

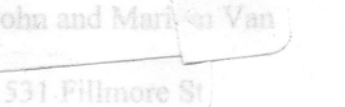

Matt Eisenhuth
1524 Fillmore St

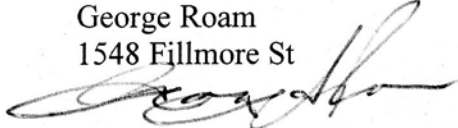

Kirsten and Bradley Benefiel
1557 Fillmore


John and Marike Van
1531 Fillmore St


George Roam
1548 Fillmore St

David Benson
1545 Fillmore St


Courtney Burrows
1530 Fillmore St


Edwin Barton
1552 Fillmore St





Dear Mr Gleissner,

We are writing to you as the Homeowners Association of the Cloisters on Fillmore, located at 1575 Fillmore St in Denver's South City Park Neighborhood to voice our concerns and opposition to the planned rezoning of the vacant parcel across from our building at the corner of 16th St and Fillmore.

We oppose rezoning the entire parcel as G-MU-5. We do not believe that zoning the entire parcel G-MU-5 is consistent with the city's zoning strategy. Furthermore, we believe that the plans to erect a 5 story building on this property contravenes the Memorandum of Understanding, Restrictive Covenants, and Design Review Guidelines which are effective over this property. These documents clearly state:

Parcel 5 on the south side of 16th Avenue from Fillmore Street to Milwaukee Street, shall have setbacks 10' for the entire length. On the west side of 1500 block of Milwaukee Street, the Project setback will be at 16' or more for no less than 30% of the length; 10' for no more than 30%; and the remaining setback lines will change in steps that are no less than 2' deep.

The property line of Parcel 5 along Fillmore, 16th Avenue and Milwaukee shall be determined by a datum elevation point located at the Southeast corner of Parcel 5. This will be an elevation of approximately 5,303.00 feet. The 4th and top story floor level of a building shall be no more than 35 feet above this point or an elevation of 5,338.00 feet. This elevation shall not be exceeded for the top story floor level of any building or portion of any building built on Parcel 5 within 30 feet of any property lines along Fillmore, 16th Avenue and Milwaukee. No portion of any building south of 16th Avenue shall exceed 5 stories in height within 30 feet of any property line along Fillmore, 16th Avenue or Milwaukee.

If the property is to be rezoned, we believe that, at a minimum, a mix of G-MU-3 and G-MU-5 would be more appropriate both for the context of the neighborhood and to ensure that whatever is built remains consistent with these restrictive covenants filed on this property. The homes in our neighborhood are primarily single-family homes with 2 story condominiums distributed amongst them. The homes opposite the parcel along Milwaukee are not larger than two stories and are a mix of low-rise apartments and townhomes. For this reason it seems more appropriate for the southern portion of the parcel to be designated as G-MU-3 while the more northerly section might be appropriate at the G-MU-5 level.

We believe that if this parcel had been included in the rezoning process that was completed by the city several years ago, without the request of the current potential development before it, all parties would have concluded that a mixed designation of this parcel along the lines we are proposing was more appropriate and consistent with the neighborhood context.

While our neighborhood association is currently negotiating with the potential developer of this property and it is not clear what our RNO will decide at this time, we have concluded that fully zoning this property as G-MU-5 is wrong for this parcel and for the neighborhood and are strongly opposed to this move. It is not clear how our neighborhood may decide on this matter but, in advance of their decision in March, we wanted to convey our concerns to you because of the proposed hearing on February 20th.

Signed,

Jose (Joey) Arriaga
1575 Fillmore # 8
Denver Co 80206

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Signed,

Paula Burnak
1575 Fillmore St. unit 12
Denver CO 80206

Gleissner, Chris R. - Community Planning and Development

From: TomRutter2006@aol.com
Sent: Wednesday, February 20, 2013 12:02 PM
To: Gleissner, Chris R. - Community Planning and Development
Subject: Rezoning Application #2012I-00042 please include in the case record

To: Chris Gleissner
From: Tom Rutter 1550 Milwaukee St.
Re: Rezoning Application #2012I-00042 16th and Fillmore St

Chris,

I am writing to suggest that new information has come to light which calls into question CPD's Staff recommendation to approve this Rezoning application, that will be made to the Planning Board later today.

It relates to the development restrictions contained within the 2003 MOU Agreement between City Park South (CPS) and the South City Park Neighborhood Association (SCPNA), which you and I discussed in the past. It appears that these restrictions may be currently binding and enforceable and in conflict with a GMU5 rezoning, unless limiting conditions are agreed to.

The first email exchange you and I had regarding this rezoning application occurred almost a year ago. *[see email below]* I informed you that a 2003 Memorandum of Understanding between the CPS developers and SCPNA had been negotiated over several years during the PBG process. and asked you how specific development restrictions contained within this Agreement would affect your departments consideration of the Rezoning application if it had been recorded. You responded as follows: "[no one is sure the MOU was ever recorded, which, fortunately or unfortunately, means that it was never binding or enforceable.](#)"

Recently, we have learned that in fact the 2003 MOU Agreement was recorded within a Declaration of Restrictive Covenants and Design Guidelines document (to which you refer in the Staff Recommendation (on page 3, paragraph 2) which you have forwarded to the Planning Board and posted online.)

The Agreements contained within the SCPNA/CPS 2003 MOU are found within the [City Park South Design and Use Standards and Guidelines](#) document beginning on pg 11. paragraph 8 and continuing through pg 15. Of particular note is *section I. Parcels 5 and 6 Requirements: Setbacks and Building Heights* The Setback requirements specified here are significantly more restrictive than those allowed under GMU5 and the applicant has indicated that he cannot build if the Setback requirements on Milwaukee Street are enforced. (An explanation of why a 10' to 16' Milwaukee St. setback was called for in the 2003 Agreement is compelling and should be discussed in another venue)

Initial opinions by attorneys who have seen this document suggest that the CPS/SCPNA Agreements appear to be binding and may be difficult if not impossible to remove. This was the intent of both SCPNA and the City Park South developers when SCPNA gave it's support before City Council on July 14th 2003. The Public Hearing wasn't about a zoning change nor the approval of a PBG. Rather, it represented SCPNA's/community support necessary for CPS to receive the \$7 million plus in DURA TIF funding that was essential for the project to move forward. It was the lengthy DURA process that gave SCPNA a seat at the bargaining table, and resulted in a multi-year negotiation process.. Since the vacant parcel is now to be developed, the restrictions with respect to height and setback remain relevant and important to the community. The original CPS developers, of whom Rick Wells was a principal, acted in good faith to *make the Agreements binding and enforceable...to insure that both sides receive the benefits bargained for in the current Agreement". quote from the Design Guidelines doc.*

Apologies for the last minute nature of this information. But I think the Planning Board should today be made aware of this potentially serious conflict. They, after all, reviewed and approved the initial City Park South plans back in late 2002 I believe.

Tom Rutter 1550 Milwaukee street property owner

Disclaimer: I am writing this email solely as a neighboring property owner of 1550 Milwaukee Street. I am in no way speaking for the ad hoc SCPNA committee who has been considering this application nor in any other capacity other than being a neighbor of the property.

EMAIL exchange from March 2012

Chris.Gleissner@denvergov.org responded via email to TomRutter2006@aol.com and cc'd: john.vansciver@earthlink.net on 3/27/2012 2:26:51 PM Mountain Standard Time in response to an emailed question, printed below

Tom,

My question was whether the property owner would be interested in utilizing two zone district categories on their site. The owner may submit whatever rezoning application they like, and then I will begin my review based on the criteria in the Denver Zoning Code. Until then, it is hard to guess what the application will say or what the recommendation will be. As with any rezoning, we suggest the applicant work with the neighborhoods to create a solution that is acceptable to both parties. **As you mentioned, no one is sure the MOU was ever recorded, which, fortunately or unfortunately, means that it was never binding or enforceable.**

Thanks,

Chris

Christopher Gleissner | Senior City Planner
CPD-Plan Implementation | City & County of Denver
720.865-2938 Phone | 720.865-3056 Fax
chris.gleissner@denvergov.org

From: TomRutter2006@aol.com [mailto:TomRutter2006@aol.com]
Sent: Wednesday, March 21, 2012 12:49 PM
To: Gleissner, Chris R. - Community Planning and Development
Cc: john.vansciver@earthlink.net
Subject: 16th and Fillmore Rezoning: application (pending)

Hello Chris, (*note: a portion of this email was excised as irrelevant to the MOU discussion*)

As you will remember if either Ellen Ittleson or Greg Savage forwarded any of my emails to you, I'm a neighbor who owns property across the street from the probable 16th and Fillmore Wonderland/CPS rezoning site.

SCPNA neighbors worked for over 2 years...with the original City Park South developers (maybe 40 meetings) to come up with the MOU(2003) and finally, the Wonderland/CPS PBG (2005), which generally kept heights close to 40 ft and limits the number of units to less than 100, plus and required 1.5 pkng. spaces per unit. While we recognize that this is no longer economically viable, this PBG represents a well that out integration into the entire 8 acre redevelopment and the surrounding neighborhood. It seems to us it should not be completely discarded. (And the construction mitigation measures in our MOU are as important today as then...though I suspect this has little to do with your Department.)

One final question. We recognize the MOU was not recorded. However, if it had been, or could in another way be substantiated, would that have had any greater influence on CPD's consideration of the applicatoin?

Anything u can share with respect to these questions would be greatly appreciated.

Thank you.

Tom Rutter
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720-366-6106.