Community Planning and Development
Planning Services

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www.denvergov.org/CPD

TO: Denver City Council
FROM: Kyle A. Dalton, AICP, Senior City Planner
DATE: December 10, 2014
RE: Official Zoning Map Amendment Application #2013I-00056 (revised)
6200 Leetsdale Drive
Rezoning from PUD 584 to S-CC-3x

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2013I-00056 for a rezoning from PUD 584 to S-CC-3x.

Request for Rezoning

Application:	#2013I-00056
Address:	6200 Leetsdale Drive
Neighborhood/Council District:	Washington Virginia Vale / Council District 6
RNOs:	South Hilltop Neighborhood Association; Virginia Vale Community Association; Denver Neighborhood Association, Inc.; Inter-Neighborhood Cooperation
Area of Property:	+/- 40,201 square feet
Current Zoning:	PUD 584
Proposed Zoning:	S-CC-3x
Property Owner(s):	Paul Naftel, Leetsdale Commons LLC
Owner Representative:	Bob Gollick, Robert J. Gollick, Inc.

Summary of Rezoning Request

- The site is located in east Denver, in Council District 6, within the Washington Virginia Vale Statistical Neighborhood, on the south side of Leetsdale Drive at the northwest corner of Exposition Avenue.
- The rezoning is comprised of a single vacant parcel.
- The property owner, through his representative, is requesting rezoning in order to change the mix of uses allowed on the property. Though a rezoning request does not approve a specific development or permit a specific use, the property owners' intent through this rezoning request is to allow retail, sales, and services primary uses, including drive-through uses accessory to such primary uses. Such uses are not permitted under the current PUD zoning.
- The Former Chapter 59 Planned Unit Development (PUD) 584 currently in effect applies to both the subject parcel and the adjacent parcel at 6150 Leetsdale Drive, owned by CubeSmart LP. Under the PUD, both property owners must consent to rezoning. If this rezoning is approved, the CubeSmart property will remain in PUD 584 while the subject property at 6200 Leetsdale will be rezoned to S-CC-3x in the Denver Zoning Code, thus separating the two parcels for zoning purposes.

- The proposed S-CC-3x would newly allow retail sales, service, and repair uses, as well as accessory drive-through uses. The "x" indicates that less intense uses are allowed than would be allowed in the standard S-CC-3 zone district. Uses prohibited in the S-CC-3x zone district, as compared to the S-CC-3 zone district, include *outdoor* retail sales, service, and repair; body art establishments; firearms sales; heavy automobile services; heavy vehicle/equipment sales, rental, and service; contractors – special trade/general; laboratory, research, development, and technological services; service/repair commercial; manufacturing, fabrication, and assembly – general; commercial vehicle storage; and wholesale trade of storage, general.

Revision to Original Rezoning Request

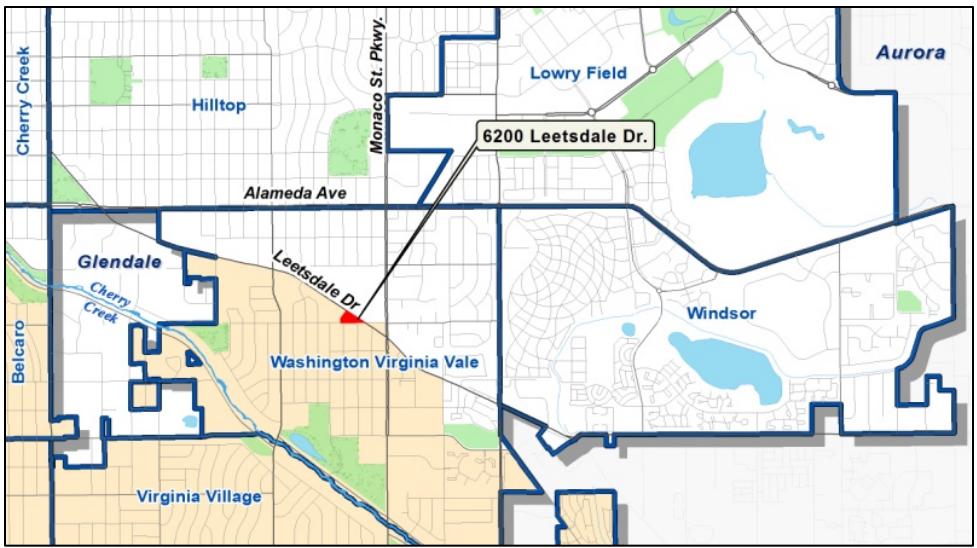
This application was originally submitted as a request for a Denver Zoning Code PUD (planned unit development) zone district. The proposed PUD was based on the S-CC-3x zone district, with deviations to reduce height, limit some uses, and prohibit some uses. CPD staff provided informational notice of receipt of the PUD rezoning application to affected members of City Council and registered neighborhood organizations on July 3, 2014.

A Denver Planning Board public hearing was held on the PUD request on September 3, 2014, following proper 15-day posted notification and written notification sent to all affected registered neighborhood organizations and City Council members (on August 19, 2014). The Planning Board heard testimony from staff, the applicant, and six members of the public. The Planning Board voted 8-0 in favor of recommending approval of the application.

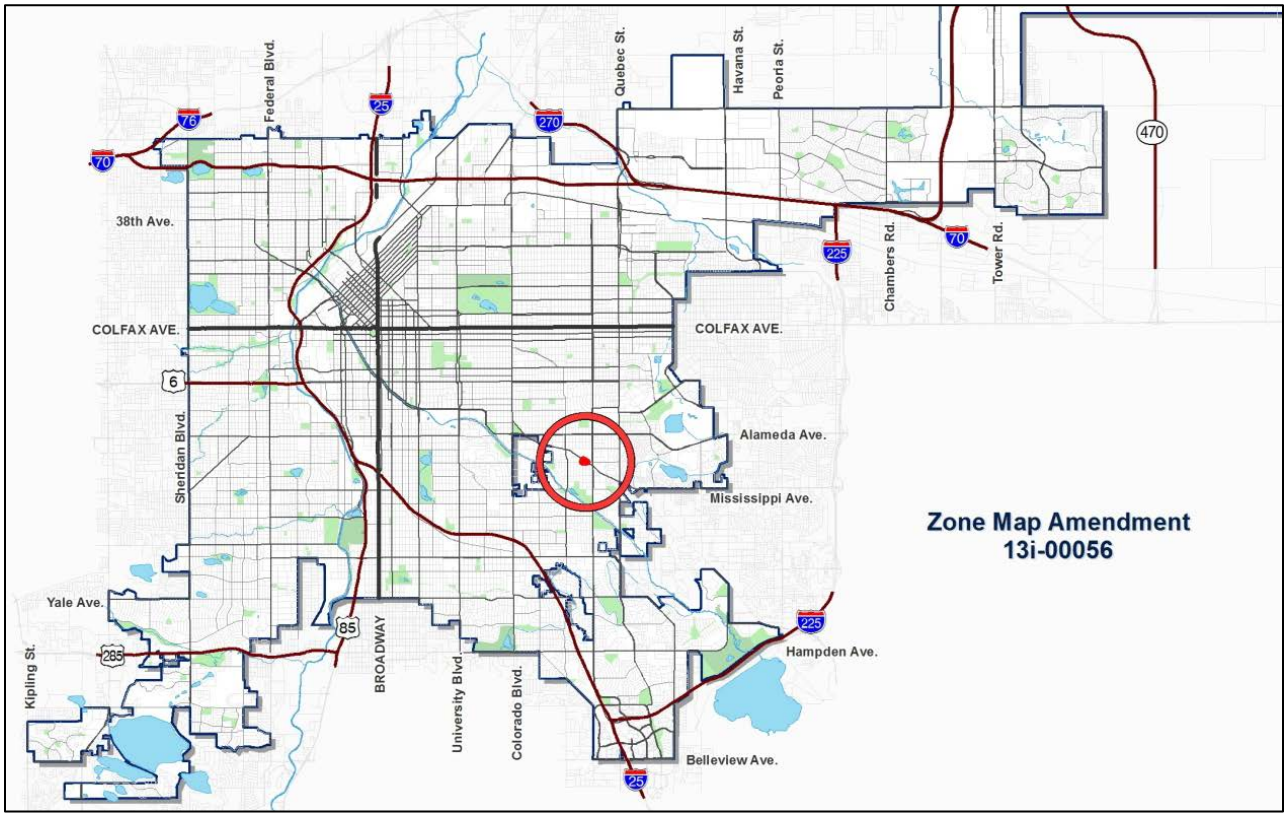
The application proceeded to a meeting of the Neighborhoods and Planning Committee of City Council on October 15, 2014, following proper written notification sent to all affected registered neighborhood organizations and City Council members (on October 1, 2014). Members of the Neighborhoods and Planning Committee expressed concern over the use of a PUD instead of a standard Denver Zoning Code zone district. They suggested, and the applicant agreed, to change the rezoning request to S-CC-3x (instead of a PUD based on S-CC-3x with deviations). The committee voted 6-1 to hold the rezoning bill in committee in order to allow the applicant to change their rezoning request to the S-CC-3x zone district.

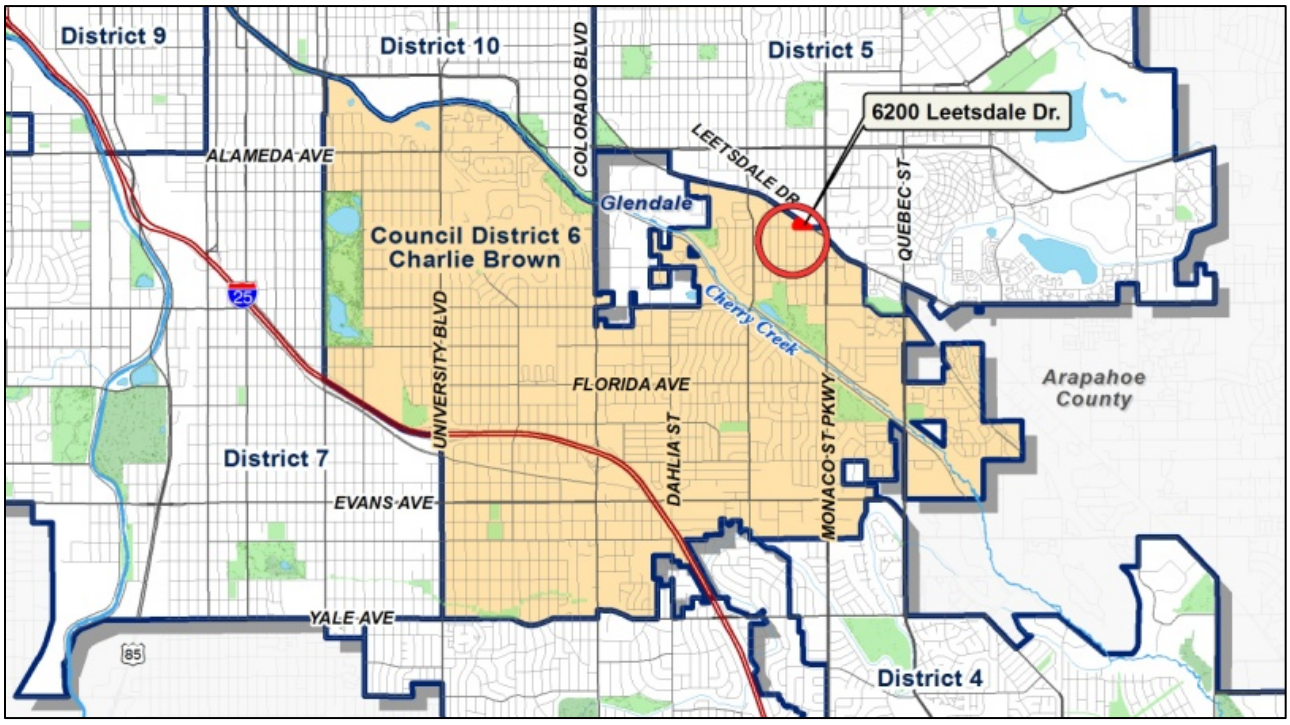
Written informational notice of receipt of a revised application for S-CC-3x, instead of a PUD, was sent to all affected registered neighborhood organizations and city councilmembers on October 21, 2014. The application was also re-referred to agencies for comment.

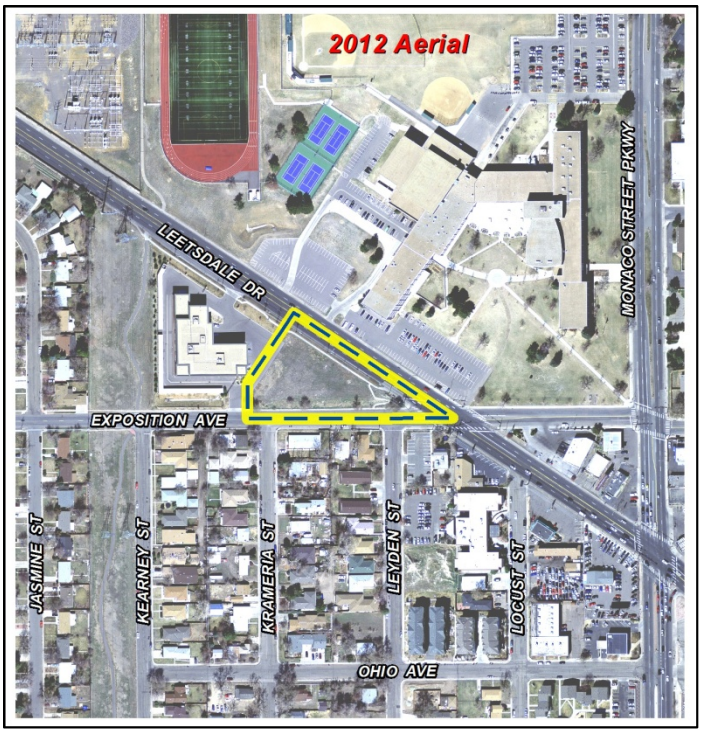
Because the Planning Board did not make a



recommendation regarding S-CC-3x zoning, this case was re-referred to the Planning Board for a public hearing and recommendation on November 5, 2014. Following the Planning Board public hearing and vote, the rezoning returned to the Neighborhoods and Planning Committee, and then continued through the usual rezoning process.







Existing Context

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	PUD 584	Mini-storage and vacant	3- story building surrounded by drive and storage units; vacant	Generally regular grid of streets to the south; grid is broken by GW High School and Leetsdale Drive to the north. In the neighborhood to the south, on-site vehicle parking is either not present, or typically to front of buildings, but occasionally from an alley. Most areas do not have alleys.
North and East	E-SU-DX	High school	4-story with deep setbacks and surface parking	
South	S-CC-3; S-TH-2.5	1- to 4-unit residential	To the southeast: 1-story commercial buildings. To the south: Mostly 1-story and some 2-story residential buildings, typically with 20' front setbacks.	
West	OS-A	Utility/open space corridor	No buildings in the utility/open space corridor. Buildings farther west are typically one-story single-family structures.	

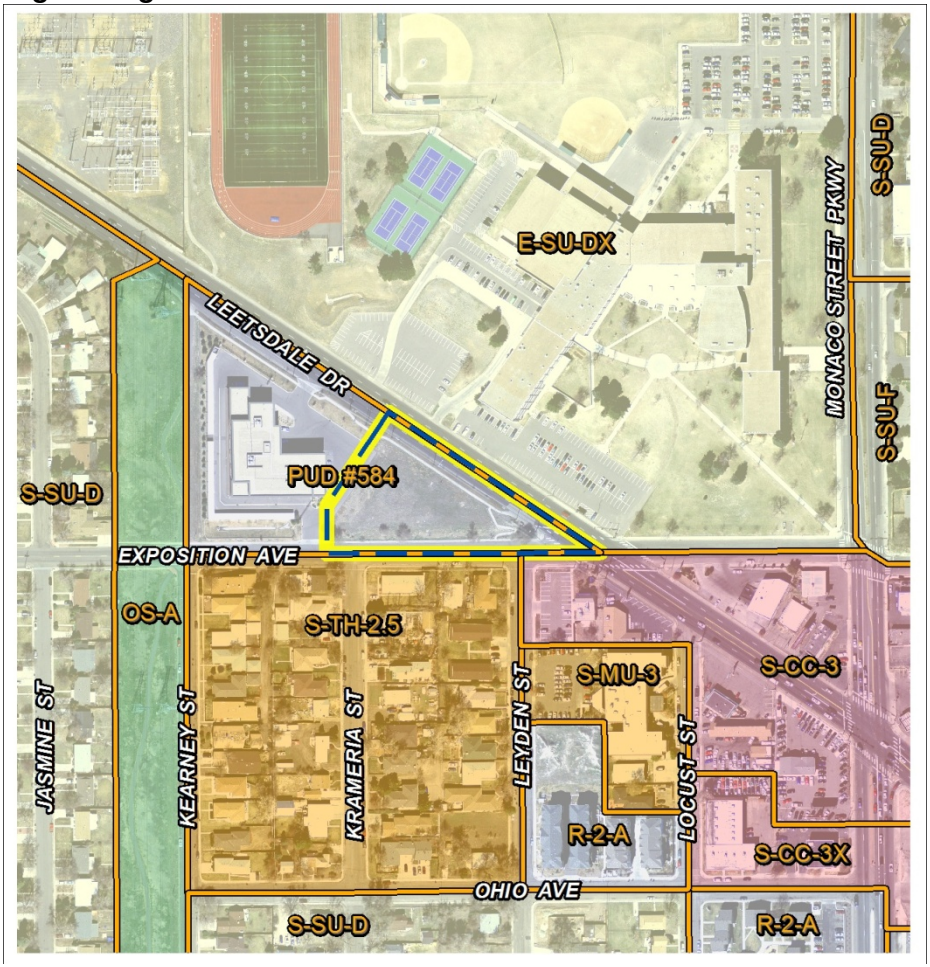
The site is located at the northwest corner of Leetsdale and Exposition, across Leetsdale Drive from George Washington High School to the northeast. Immediately west is a 3-story mini-storage facility, and to the west of that is a utility line and open space corridor. The two blocks immediately south of Leetsdale, between Kearney and Leyden, are characterized by mixed lower scale residential including single family, duplexes, and multi-unit buildings. On blocks farther south and west, the neighborhood becomes predominately single-family residential. Retail and commercial uses predominate along the Leetsdale corridor to the southeast and farther northwest, though other uses are mixed in some locations. RTD buses serve Leetsdale Drive as well as Monaco Street Parkway, one block east.

As seen in the map below, sites along Leetsdale Drive to the southeast of this site are zoned S-CC-3 or S-CC-3x. Further northwest and southeast along Leetsdale Drive within one-half mile in either direction, Commercial Corridor zone districts predominate (S-CC-3, S-CC-3x, and E-CC-3x). Exceptions include:

- Sites that remain zoned in the Former Chapter 59 (most of which allow a similar menu of mixed commercial uses as the CC zone districts, such as B-2, B-3 and B-4),
- The high school and substation (zoned E-SU-Dx), and
- A short stretch of S-SU-D along the back side of five single unit dwellings.

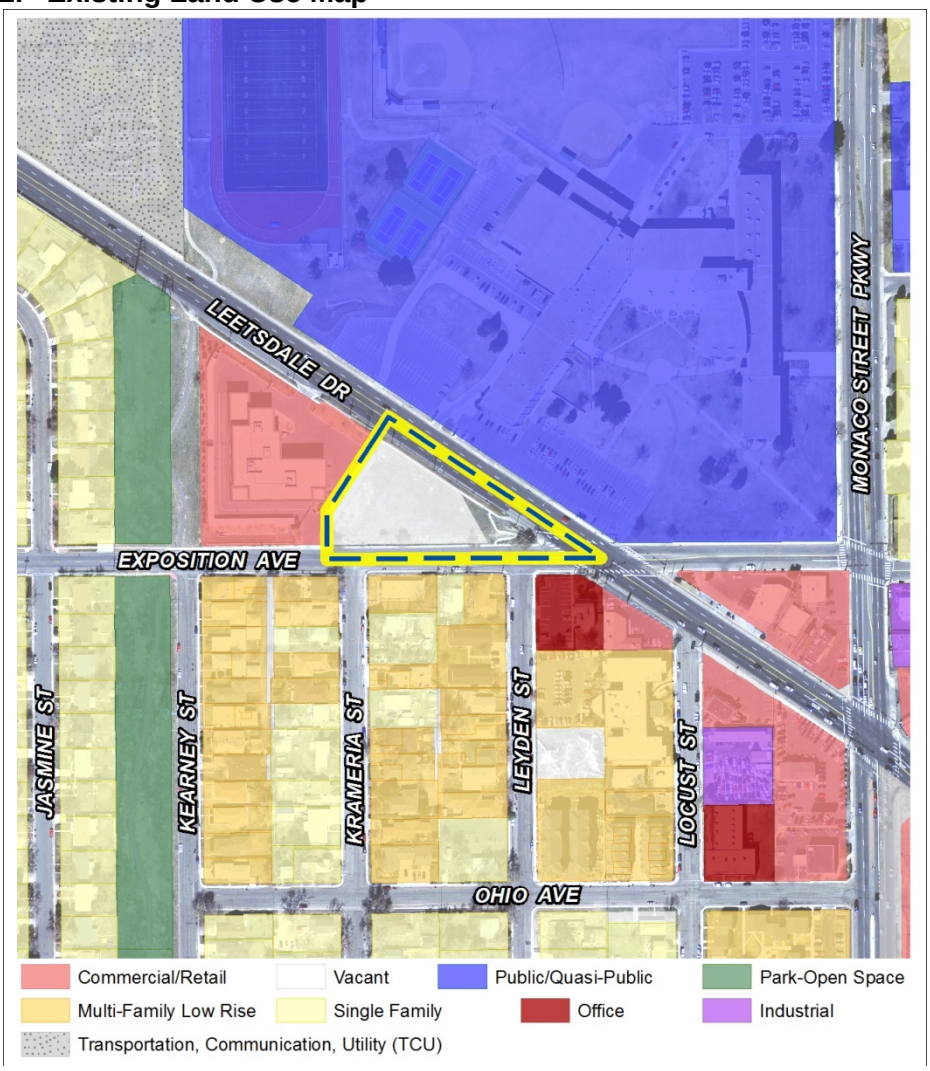
Properties across Exposition Avenue to the south are zoned S-TH-2.5, which permits multi-unit dwelling townhomes, in addition to other residential and civic/public/institutional related uses. The OS-A zoning to the west is a designation for parks owned or operated by the city. For the full details of each district, see the Denver Zoning Code or the Former Chapter 59 zoning code, as applicable.

1. Existing Zoning



The existing PUD 584 zone district generally allows a mini-storage facility on the larger west parcel, which has been built. On the smaller east parcel, the subject of this rezoning, PUD 584 allows only B-1 zone district uses, which generally include residential, office, various institutional and utility uses and very limited specific small scale retail uses including banking, art gallery, apothecary, hearing aid store, optician, limited fabrication of orthopedic and prosthetic devices, and photographic studio. Building height on the subject site is limited to 2 stories and 32 feet. A maximum of 19,500 square feet of B-1 uses is allowed. The PUD also sets out parking, landscaping, and other zoning requirements. The official copy of the PUD is on file with the Denver City Clerk.

2. Existing Land Use Map



Uses along Leetsdale Drive are typically retail or other commercial including some office, though utility and school uses are located along this stretch of Leetsdale as well. Two of the other three corners of the intersection of Leetsdale and Exposition include commercial/retail and office uses. Uses across Exposition Avenue to the south are mixed single family and multi-family residential. To the west, the use is a city park / open space corridor.

3. Existing Building Form and Scale (Google Maps images)

Subject site, looking west from Leetsdale Drive. Mini-storage is at center-right. Residential is at left across Exposition.

George Washington High School, across the street from the subject site, looking northeast.

Mini-storage facility immediately west of the subject site.

Residential buildings to the south, looking south from Exposition Avenue

Commercial/retail and office located on southwest corner of Exposition and Leetsdale.

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: "Approved – No Comments."

Development Services – Project Coordination: "Approve Rezoning Only - Will require additional information at Site Plan Review"

Development Services – Transportation: "Approve Rezoning Only - Will require additional information at Site Plan Review"

Development Services – Wastewater: "Approved - Comments are provided independent of any concept plans provided to the City. There is no objection to the rezone, however applicant should be under notice that the Public Works will not approve any development of this property without assurance that there is sufficient sanitary and storm sewer capacity. A sanitary study and drainage study may be necessary. These studies may results in a requirement for the developer to install major infrastructure improvements or a limit to development if current infrastructure is insufficient."

Parks and Recreation: "Approved – No comments."

Public Works – City Surveyor: "Approved – No comments." The legal description dated September 2, 2014, was approved.

Public Review Process

- Please see the section "Revision to Original Rezoning Request" on page 2 for details of the review process prior to the application being revised.
- The property was posted for a period of 15 days announcing the November 5, 2014, Denver Planning Board public hearing, and written notification of the hearing was sent to all affected registered neighborhood organizations and City Council members on October 21, 2014.
- The Neighborhoods and Planning Committee of City Council met to consider this request and moved the bill out of committee on November 12, 2014. Written notification of this meeting was sent to all affected registered neighborhood organizations and City Council members on October 28, 2014.
- The property was posted for a period of 21 days announcing the December 15, 2014, Denver City Council public hearing, and written notification of the hearing was sent to all affected registered neighborhood organizations and City Council members on November 24, 2014.
- **Registered Neighborhood Organizations (RNOs)**
    - Virginia Vale Community Association correspondence
        - An email in support of the earlier PUD request from Paul Aceto, representing the RNO, was submitted with the application.
        - A subsequent email identifying the concerns of residents in proximity to the site was sent by Paul Aceto, representing the RNO. Concerns included the topics of

noise, litter, pedestrian and vehicle traffic, and intersection congestion. This email was also sent prior to the rezoning request changing to S-CC-3x.
        - An email in opposition to the rezoning request dated October 30, 2014, accompanied by petitions signed by 42 people, was submitted by Paul Aceto.
    - South Hilltop Neighborhood Association
        - An email from Re'uben Drebenstedt, representing the RNO, stated that the association was not contacted by the applicant but did not express a position on the earlier PUD request. The applicant affirms that he did speak with Mr. Drebenstedt and submitted a copy of a letter sent to Mr. Drebenstedt on February 21, 2013 to advise him of the proposal. Mr. Drebenstedt followed up with a phone call to express that he could not recall previously speaking with the applicant.
        - A later email from Re'uben Drebenstedt, representing the RNO, expressed concerns about the rezoning request, including the topics of vehicle and pedestrian traffic, noise, lighting, on-street parking, loitering, intersection congestion, and the number of businesses that could be located on the site. This email was also sent prior to the rezoning request changing to S-CC-3x.
    - The other RNOs identified on page 1 were also notified of this application. At the time of this staff report, no further RNO correspondence had been received.
- **Other Public Comment**
    - Two emails were received from nearby resident Frank Petrine expressing concern regarding the addition of a fast food restaurant, which would be allowed under the proposed rezoning. Mr. Petrine also expressed concern about vehicle traffic.
    - One email was received from Amanda Pinsker expressing concern about the safety of children playing outside if a restaurant is opened and more vehicle traffic results.
    - Multiple emails were received from nearby resident John Sturtz expressing opposition to the proposed rezoning. Many of the concerns, which were also expressed by Mr. Sturtz and others at the Planning Board hearing, are opposition to the introduction of retail and eating and drinking establishments as allowed uses. Mr. Sturtz and others at the Planning Board hearing expressed concerns about the change in allowed uses potentially increasing vehicle traffic in their neighborhood to the south and on Leetsdale Drive, and congestion at the intersection of Leetsdale and Exposition. Concerns were expressed about pedestrian traffic crossing Leetsdale Drive from George Washington High School. Mr. Sturtz also expressed concern regarding the existing off-site driveway on the property immediately west of the site to be rezoned, which is a matter addressed by fire department and public works standards (which require the access). Mr. Sturtz also submitted a petition signed by others which expresses opposition to the rezoning, retail development, a fast food drive-thru restaurant, and traffic, and expresses concerns about safety, traffic, litter, noise, littering, students crossing Leetsdale Drive, vehicle traffic, and hours of operation.
    - An email was received from Holly Winter Huppert expressing opposition to the rezoning and concerns regarding increased traffic.
    - An email was received from Philip Mortensen opposing development near Washington High School, implying that traffic on Leetsdale would be made worse.

  - An email was received from Debby Kaller and Michael McGuire opposed to a development project with at the site, due to concerns that a "fast food restaurant" would make a "horrible situation far worse" for local residents, pedestrians, and speeding vehicles.
  - An email was received from Jo Ann Van Gilder and Richard Collier opposed specifically to the use of an accessory drive-through facility, due to concerns that such a use would result in a congested intersection, noise, and an unsafe environment for pedestrians.
  - For further detail, all correspondence is attached to this staff report.
  - Having reviewed these comments, staff still finds the application consistent with the rezoning review criteria, as described below.
- **Legal Protest Petitions**
  - On Sunday, November 23, 2014, John Sturtz requested the forms to prepare and circulate a legal protest petition. A legal protest petition must be signed by the owners of 20% of the total land area within 200 feet of the perimeter of the proposed rezoning in order to require a favorable vote of ten City Council members for approval of a rezoning application. On Monday, November 24, 2014, staff produced the petition forms, map, and instructions, and provided them to Mr. Sturtz. Mr. Sturtz expressed concerns about his ability to secure signatures from the owners of 20% of the land area because he did not think he could obtain the signatures of owners of nonresidential land, which comprises the vast majority of the land within 200 feet of this rezoning request. Completed petitions were due to the City Council office by 12:00 noon on Monday, December 7, 2014. No petitions were submitted, so the 10-vote requirement does not apply to this rezoning request.

Criteria for Review / Staff Evaluation

The criteria for review of this rezoning application are found in DZC, Sections 12.4.10.7 and 12.4.10.8, as follows:

DZC Section 12.4.10.7

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

DZC Section 12.4.10.8

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)

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 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.*
- 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.*
- Mobility Strategy 4-E – *Continue to promote mixed-use development, which enables people to live near work, retail and services.*
- Economic Activity 4-B – *Continue to strengthen and, where necessary, revitalize Denver's commercial corridors.*

The proposed map amendment will promote infill development and broaden the variety of uses allowed, while maintaining compatibility with the surrounding neighborhood (further detailed below). The proposal is consistent with Comprehensive Plan 2000.

Blueprint Denver

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

Future Land Use

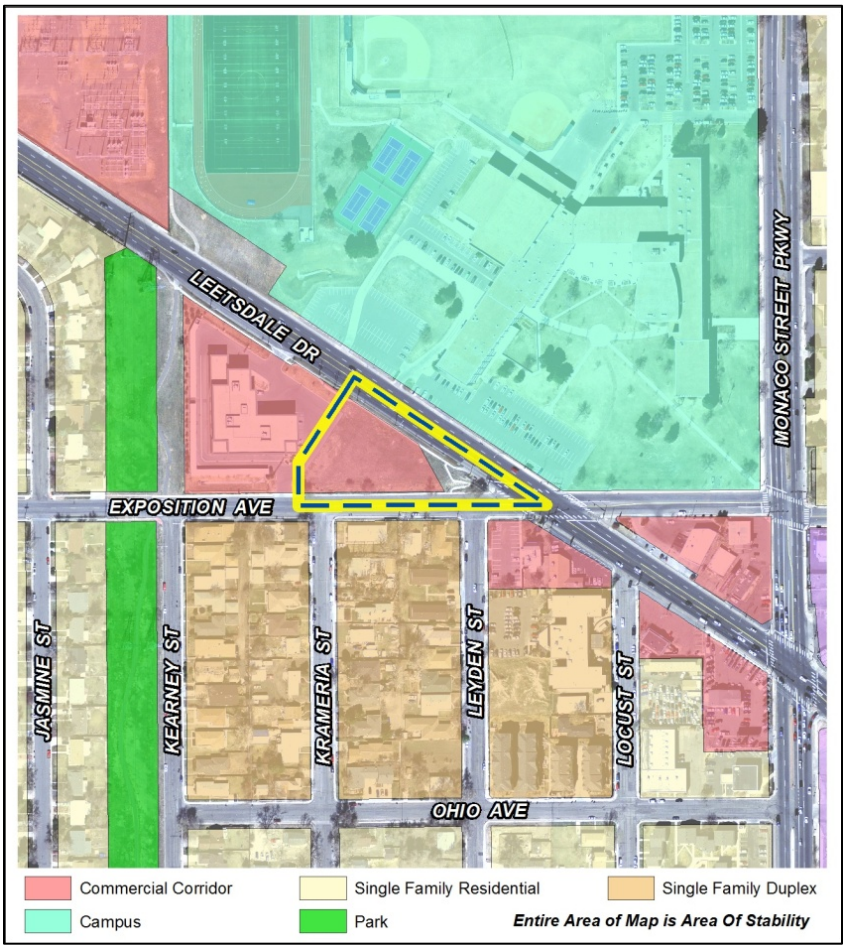
According to Blueprint Denver, Commercial Corridors "are linear business districts primarily oriented to heavily used arterial streets. They share similarities with pedestrian shopping corridors but are larger and accommodate more auto traffic." The mix of uses is primarily commercial, with periodic residential nodes. They are generally at least five blocks long. In the case of Leetsdale Drive, the Commercial Corridor and Mixed Use concept land use designations can be found for half a mile on either side of this site, and commercial corridor-type zoning is typical.

The S-CC-3x zone district stands for Suburban Neighborhood Context, Commercial Corridor, 3 story height maximum, with less intense uses. This "CC" zone district is perfectly matched to the Blueprint Denver classification of commercial corridor. The expansion of primarily commercial uses implements the plan designation. Denver Zoning Code building form standards are better tuned to the needs of pedestrians than the Former Chapter 59 (for example, through build-to and entrance requirements), while still respecting the suburban nature of the commercial corridor area.

Area of Change / Area of Stability

The site is in an Area of Stability. In general, "The goal for Areas of Stability is to identify and maintain the character of an area while accommodating some new development and redevelopment" (p. 120). Blueprint Denver identifies several strategies in Areas of Stability, including revitalizing neighborhood centers and providing basic services, and compatibility between existing and new development (p. 25).

The proposed S-CC-3x zone district would improve the potential for development of a vacant parcel to provide neighborhood-serving retail and services, while being compatible in terms of building form with existing development. As an undeveloped site, this is an appropriate location for new development consistent with the character of the area.



2002 Blueprint Denver Plan Map

Street Classifications

Blueprint Denver classifies Leetsdale Drive as a Commercial Arterial street. These are the most widespread commercial street types. "These arterials typically serve commercial areas that contain many small retail strip centers with buildings set back behind front parking lots" (p. 58). They have many accesses to adjacent businesses, and are challenged to accommodate walkers and bicyclists. Further, "Arterials are designed to provide a high degree of mobility and generally serve longer vehicle trips to, from, and within urban areas (p. 51)." Movement of people and goods is the primary function on these streets. Rezoning to a Commercial Corridor "CC" zone district is appropriate along a Commercial Arterial street.

In Blueprint Denver, Exposition Avenue is an undesignated Local street. Specific guidance is not provided in Blueprint Denver for these streets. Blueprint Denver says local streets are "influenced

less by traffic volumes and 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."

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to S-CC-3x will result in the uniform application of zone district building form, use and design regulations within the entire zone district.

3. Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety, and general welfare of the City primarily through implementation of the city's adopted comprehensive plan and land use and transportation plan, as detailed above. Issues of safety raised by some members of the public are addressed through the development standards that apply at the time a specific site development plan is proposed (for example, public works transportation standards regarding traffic impacts), or by other city code sections (for example, littering, loitering, noise control, jaywalking, and speeding of vehicles). Further, in the event the site is developed with a drive through accessory use, there are use limitations in the zoning code (Section 11.10.8.1) that include site design standards that also address screening, access, and queuing to prevent backups onto public streets and not unreasonably interfere with traffic. The public health, safety, and welfare are also promoted by rezoning out of the Former Chapter 59 zoning code and into the Denver Zoning Code, the purpose of which is to "implement Denver's Comprehensive Plan and guide orderly development of the City that preserves and promotes the public health, safety, prosperity, and welfare of its inhabitants" (Sec. 1.1.1).

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." The application identifies changes in the surrounding area, including the redevelopment of Lowry, as creating an increased demand for neighborhood commercial service uses, such as retail and restaurant. Since the time of the PUD adoption, the mini-storage facility has been built, development trends have changed, and the new zoning code has been adopted. Changing the zoning will respond to these changing conditions.

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

Neighborhood Context Description

The S-CC-3x zone district is in the Suburban Neighborhood Context. Commercial development in the Suburban Neighborhood Context is characterized by commercial strips and centers, and office parks. Commercial buildings are typically separated from residential. The context consists of an irregular pattern of block shapes. Building height is typically low, except for some mid- and high-rise structures, particularly along arterial streets.

The neighborhood context surrounding this site consistent with the code's description of the Suburban Neighborhood Context. The block shapes are irregular in pattern with some grid elements and some

broken grids and curvilinear streets. Building heights are generally low. The proposed S-CC-3x is consistent with this neighborhood context description.

Zone District Purpose and Intent

According to DZC 3.2.3.2.A, the general purpose of the suburban commercial corridor zone districts is to address development opportunities adjacent the city's most auto-dominated corridors, balancing the need for safe, active, pedestrian-scaled, diverse areas with the need for convenient automobile access. They allow flexibility in building form standards. They "are intended to ensure new development contributes positively to established residential neighborhoods and character, and improve the transition between commercial development and adjacent residential neighborhoods."
According to DZC 3.2.3.2.B, the specific intent of the S-CC-3x zone district is as follows: "S-CC-3x applies primarily to auto-oriented arterial street corridors where a building scale of 1 to 3 stories is desired with less intense uses than S-CC-3."

Leetsdale Drive is one of the city's most auto-dominated corridors, both in terms of vehicular traffic and in terms of the orientation of buildings and uses along the corridor. The S-CC-3x zone district is the lowest scale and lowest intensity of the standard Suburban Commercial Corridor zone districts in terms of both building form standards and allowed uses, providing a good transition between the commercial corridor and nearby residential neighborhoods. The proposed S-CC-3x zone district is consistent with the zone district purpose and intent.

Planning Board Recommendation

The Planning Board held a public hearing on November 5, 2014, regarding the revised application for the S-CC-3x zone district. Following a staff report and presentation by the applicant, the Planning Board heard testimony from nine individuals, all opposed to the application. Many of the concerns echoed those expressed in written comments, as described above. There were also concerns expressed that the current PUD had been negotiated by agreement between the owner and neighbors, and that therefore the zoning should not be changed. After questions and deliberation, the Planning Board voted 9-0, with one abstention, to recommend approval of the application.

Staff Recommendation

Based on the review and analysis set forth above, CPD staff finds that the application for rezoning the property located at 6200 Leetsdale Drive to the S-CC-3x zone district meets the requisite review criteria. Accordingly, staff recommends the rezoning application be **approved**.

Attachments

1. Application, including RNO letter from Paul Aceto, Virginia Vale Community Association
2. RNO emails from Re'uben Drebenstedt (South Hilltop Neighborhood Association) and Paul Aceto (Virginia Vale Community Association)
3. Public comment emails
    a. Frank Petrine (2)
    b. Amanda Pinsker (1)
    c. John Sturtz (9, plus petitions)
    d. Holly Winter (1)

e. Philip Mortensen (1)
f. Debby Kaller and Michael McGuire (1)
g. Jo Ann Van Gilder and Richard Collier (1)

Zone Map Amendment (Rezoning) - Application

1/26/12

PROPERTY OWNER INFORMATION* ☐ CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	Leetsdale Commons LLC
Address	PO Box 621983
City, State, Zip	Littleton, CO 80162
Telephone	303 948-1717
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(S) REPRESENTATIVE** ☑ CHECK IF POINT OF CONTACT FOR APPLICATION	
Representative Name	Robert J. Gollick, Inc.
Address	609 South Gaylord Street
City, State, Zip	Denver, Colorado 80209
Telephone	303 722-8771
Email	bgollick@comcast.net

**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):	6200 Leetsdale Drive
Assessor's Parcel Numbers:	0617200032000
Legal Description: (Can be submitted as an attachment. If metes & bounds, a map is required.)	Refer to Legal Description attachment
Area in Acres or Square Feet:	0.923 ACRES OR 40,201 SQUARE FEET, MORE OR LESS
Current Zone District(s):	PUD 584
PROPOSAL	
Proposed Zone District:	S-CC-3X 2013I-00056 10.20.14

201 W. Colfax Ave., Dept. 205
Denver, CO 80202
(720) 865-2983 • rezoning@denvergov.org

REVIEW CRITERIA

General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.13	☑ 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 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.
	☑ 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.
	☑ Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.
Additional Review Criteria for Non-Legislative Rezonings: The proposal must comply with both of the additional review criteria DZC Sec. 12.4.10.14	Justifying Circumstances - One of the following circumstances exists: ☐ The existing zoning of the land was the result of an error. ☐ The existing zoning of the land was based on a mistake of fact. ☐ 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. ☑ 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 ☐ 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. Please provide an attachment describing the justifying circumstance.
	☑ 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. Please provide an attachment describing how the above criterion is met.

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": ALTA Survey Submitted Separately
Exhibit "D": Proof of Ownership (Assessors records)
Exhibit "E": Neighborhood Correspondence

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%	John Alan Smith Josie Q. Smith	01/01/12	(A)	NO
Leetsdale Commc	PO Box 621983 Littleton, CO 80162 303 948-1717 bgollick@comcast.ne	100%	Paul Nafstis	10-19-014	A	Yes
CubeSmart, LP*	6150 Leetsdale Drive Denver, CO 80224	100%		10/31/14	A	YES

*CubeSmart is joining this Application solely to consent to Applicant's rezoning of Applicant's property because CubeSmart is an owner in the existing PUD 584. Nothing in this Application changes CubeSmart's property or the zoning thereof.

October 20, 2014

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

6200 Leetsdale Drive

Assessor's Number: 0617200032000

Property Owner: Leetsdale Commons LLC

PO Box 629183

Littleton, Colorado 80162

Application No. 20013I-00056

Current Zoning: PUD 584

Proposed Zoning: S-CC-3X

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 PLANS

(DRMC 12.4.10.13(A, B & C))

REVIEW CRITERIA

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

1. Denver Comprehensive Plan 2000,

2. Blueprint Denver,

PROPOSED MAP AMENDMENT SUMMARY

• The subject property is located at the northwest intersection of Leetsdale Drive and Exposition Avenue, across Leetsdale Drive from George Washington High School to the northeast. Adjacent to and along the west property line is a 3-story mini-storage facility, and to the west of that is a utility line and open space corridor. Retail and commercial uses exist along the Leetsdale corridor, a commercial corridor..

• The intent of the proposed S-CC-3X zoning map amendment is to provide the appropriate entitlement mechanism for development of a 0.92± acre parcel along the Leetsdale Drive commercial corridor. The current PUD limits the allowable uses to "old zoning" Chapter 59 B-1 uses. The proposed S-CC-3X allows uses more compatible with a commercial corridor such as Leetsdale.

• The property enjoys over 230 lineal feet of frontage, as well as access, along Leetsdale Drive, an established commercial corridor, and is directly across Leetsdale from George Washington High School.

• The proposed S-CC-3X is in consistent with Denver Comprehensive Plan 2000 and Blueprint Denver and will be the catalyst for appropriate, mixed-use development to occur.

• The current PUD allows only Chapter 59 B-1 uses which are for the most part limited to residential, office, institutional and very limited retail. The PUD is too restrictive for development along the Leetsdale commercial corridor.

• Leetsdale Drive in this area is an Enhanced Transit Corridor as established in Blueprint Denver.

REVIEW CRITERIA 1. Denver Comprehensive Plan 2000

CHANGES, CHALLENGES and OPPORTUNITIES

Environmental Sustainability Chapter

Objective 2: Stewardship of resources

Strategy 2-F Conserve land by:

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

• Create more density at transit nodes.

• Designing mixed-use communities and reducing sprawl, so that residents can live, work and play within their own neighborhoods. (page 39)

Objective 4: The Environment and the Community

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. (page 41)

LAND USE CHAPTER

Objective 1: Citywide Land Use and Transportation Plan

Objective 3: Residential Neighborhoods and Business Centers

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. (Page 60)

Mobility Chapter

Objective 4: Changing Travel Behavior

Explore and then use a wide variety of mechanisms to reduce the number of vehicle miles traveled, especially at peak times. (page 78)

Objective 4 Changing Travel Behavior

Explore and then use a wide variety of mechanisms to reduce the number of vehicle miles traveled, especially at peak times.

Strategy 4-E: Continue to **promote mixed-use development**, which enables people to live near work, retail and services. (page 78)

Legacies Chapter
Challenges
Neighborhood Character
Strategy 2-E
Ensure that the Zoning Code reinforces quality urban design. (page 99)

Objective 3 Compact Urban Development
Strategy 3-A: Identify areas in which **increased density and new uses are desirable** and can be accommodated. (page 99)

Objective 4 Strong Connections
Strategy 4-B Focus incentives and design controls on private development fronting major new, existing and historic roadway corridors, including parkways, **boulevards** and avenues citywide. Specifically recognize and address significant intersections and gateways to the city. (Page 99)

ECONOMIC ACTIVITY CHAPTER
Objective 3: Expand Economic Opportunity

Strategy 3-B. Support retention and expansion of businesses in industries historically important to Denver, including small business, health care, manufacturing, and federal and state government.

Business Centers
Strategy 4-B. Enhance existing business centers and establish new business centers in a manner that offers a variety of high-quality uses that support Denver's business environment, complements neighboring residential areas, generates public revenue, and creates jobs. Consider the following key strategies as top priorities:

• Continue to strengthen and, where necessary, revitalize Denver's commercial corridors, such as East and West Colfax, Broadway, Colorado Boulevard, East Evans and South Federal.

Strategy 5-A. Support small-scale economic development in neighborhoods using the following key strategies:

• Support development of neighborhood business centers that serve adjacent residential areas in existing neighborhoods and new neighborhoods within development areas.
SUMMARY: *As listed above there are several Objectives and Strategies contained in Denver Comprehensive Plan 2000 that are supportive of the proposed map amendment. In particular, the Land Use Chapter in it's detailed description of infill development.*

REVIEW CRITERIA 2: Blueprint Denver

Blueprint Denver has designated the subject property as an **Area of Stability** with a concept land use designation of **Commercial Corridor**, both of which are defined (in Blueprint Denver) as follows:

U

According to Blueprint Denver, Commercial Corridors "are linear business districts primarily oriented to heavily used arterial streets. They share similarities with pedestrian shopping corridors but are larger and accommodate more auto traffic." The mix of uses is primarily commercial, with periodic residential nodes. They are generally at least five blocks long. The S-CC-3X zone district, which standards for Suburban Neighborhood Context, Commercial Corridor, 3 story height maximum, with less intense uses. This suburban zone district is **perfectly matched to the Blueprint Denver classification of commercial corridor**. The expansion of primarily commercial uses implements the plan designation. Denver Zoning Code building form standards are better tuned to the needs of pedestrians than the Former Chapter 59 (for example, through build-to and entrance requirements), while still respecting the suburban nature of the commercial corridor area.

Areas of Stability

The goal for the Areas of
Stability is to identify and maintain the character of an area while accommodating some new development and redevelopment. (page 25)

Within Areas of Stability there may be places such as **stagnant commercial centers** where **reinvestment would be desirable** to make the area an asset to and supportive of the surrounding neighborhood. ***Page 23*** *(The existing property is stagnant with no potential foe development due to the limited allowed uses)*

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. ***Page 118*** (*The proposed map amendment will meet that statement by providing the entitlement ability to develop a potential mixed-use project on a vacant parcel located along a Blueprint Denver designated Enhanced Transit Corridor.)*

Compact development: "…improve neighborhood cohesion, reduce urban sprawl and residents more directly connect to services and amenities within their immediate living environment." ***Note:*** *Development of the subject property may "connect" residents with the services and amenities the proposed Commercial Corridor zoning provides without the necessity of driving.* ***Page 16***

The (Blueprint Denver) Plan Map types (land use and transportation) do not simply describe the typical existing characteristics of each land use or street in the city today; instead, they define the

ideal **future land use**, rapid transit corridors, and multi-modal street characteristics. Thus the description of types is **intended as a guide for future development** to demonstrate patterns that build upon the best existing characteristics of the neighborhoods and city. ***Page 34***

Blueprint Denver expects an additional 30,000 jobs and 15,000 new housing units in the remaining Areas of Change by 2020. If growth is redirected from the Areas of Stability to the Areas of Change, the model results are positive — **less development intrusion and traffic in the neighborhoods and more redevelopment along corridors** *(Note: the subject site is along the Leetsdale Drive Commercial Corridor.)* and near transit stations with little or no increase in traffic. Slight reductions in traffic may even result where land uses are mixed and highly coordinated with transit access. ***Page 22*** (Development of the subject property, which is along a transit corridor may meet this objective without intrusion into the adjacent neighborhood)

SUMMARY: *The subject property has a land use designation of Commercial Corridor. This is precisely the intent of the proposed S-CC-3X zoning and the effect approval will have on the neighborhood by providing more neighborhood serving commercial services.*

Exhibit "B":

Section "A" Description of Justifying Circumstances
(DRMC 12.4.10.14(A & B))

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 property proposed for rezoning within this application consists of a 0.923 ± acre parcel of vacant land along Leetsdale Drive at Exposition Avenue. Phase I of the PUD #584 consists of approximately 95,897 sf of land), and has been previously developed as a storage facility (currently Cube Smart). As far as this portion of the PUD is concerned, there will be no changes whatsoever to the Phase I project portion of the PUD.

The subject property is Phase II of PUD 584 is vacant and proposed to be amended to allow for appropriate commercial corridor uses.

Conditions have changed greatly and are continuing to change in this area, which provides the legal basis for this proposed map amendment. The development of the former Lowry Air Force Base along with development of the former Stapleton International Airport has provided several thousand residential units along with numerous small businesses within proximity of the subject site. This has created demand for a variety for neighborhood commercial service uses, such as retail and restaurant. The existing use of the property is limited to B-1 uses, for which there is little demand, given the overall office vacancy rate in Denver being 25—30% ±.

The proposed zoning will permit a needed use that will be more responsive to the needs of the area and provide a necessary service to Denver residents and in the public interest make the map amendment necessary.

• Designation of the site in Blueprint Denver with a concept land use of **Commercial Corridor,**

• 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 as stated in the West Colfax Plan, and

In summary, the subject parcel is currently zoned as a PUD. The allowed uses cannot meet the development needs for this site or provide the City and area residents the quality and assurances that are necessary for such an important site. The proposed S-CC3X zone district which is also "form based" provides the assurance that the structure(s) and allowed uses will meet the expectations of the area residents and the City. Design elements such as how the

building relates to the street, the maximum height, build to lines as well as parking controls provide assurances for a structure that will be an asset to the neighborhood.

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 and commercial development necessary for positive planned growth to occur and the Leetsdale Drive corridor area to thrive.

Section "B" Neighborhood Context

The proposed S-CC-3X zone district, which is in the Suburban Neighborhood Context. Commercial development in the Suburban Neighborhood Context is characterized by commercial strips and centers, and office parks (this is identicial to the subject parcel). Commercial buildings are typically separated from residential. The context consists of an irregular pattern of **block shapes**. Building height is typically low, except for some mid- and high-rise structures, particularly along arterial streets. The neighborhood context surrounding this site consistent with this description of the Suburban Neighborhood Context. The block shapes are irregular in pattern with some grid elements and some broken grids and curvilinear streets. Building heights are generally low. The proposed zoning is consistent with this neighborhood context description.

The effect of the proposed amendment will be immediate and positive. To sustain and thrive, the Leetsdale corridor needs development with increased density and more activity. Zoning proposals such as this one can be the catalyst for smart growth with density where it should be located. Development of the subject property under the guidelines of the form-based zoning will provide employment opportunities and retail at a highly visible location that is in need of development and street activation.

General Purpose A. The Commercial Corridor Zone Districts are intended to balance the need for safe, active, and pedestrian-scaled, diverse areas with the need for convenient automobile access. The Commercial Corridor Zone Districts address development opportunities adjacent to the city's most auto-dominated corridors. (Leetsdale Drive corridor) Commercial Corridor building form standards have minimum setbacks to allow flexibility in building, circulation and parking lot layout. The Commercial Corridor district standards are also intended to ensure new development **contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods**.
S-CC-3X applies primarily to **auto-oriented arterial street corridors** where a building scale of 1 to 3 stories is desired with less intense uses than S-CC-3.

Exhibit "C": ALTA Survey

Submitted Separately

6200 Leetsdale Drive

Legal Description

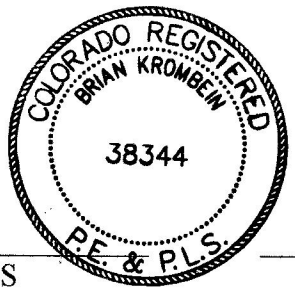
A parcel of land located in the Southeast Quarter of the Northwest Quarter of Section 17, Township 4 South, Range 67 West of the Sixth Principal Meridian and being a part of that parcel recorded August 9, 2002, under Ordinance No. 620, Series of 2002, at Reception No. 2002139479 in the City and County of Denver, described as follows:

Beginning at southeast corner of that parcel of land described in Ordinance No. 620;
Thence south 89 degrees 34 minutes 49 seconds west along the southerly line of said parcel and the northerly right of way line of Exposition Avenue as defined in said ordinance, a distance of 308.42 feet;
Thence north 00 degrees 25 minutes 11 seconds west, a distance of 63.74 feet;
Thence north 33 degrees 24 minutes 15 seconds east, a distance of 168.38 feet to the southerly right of way line of Leetsdale Drive, as defined in the document recorded at Reception No. 2006069049;
Thence south 56 degrees 35 minutes 45 seconds east along said southerly right of way line of Leetsdale Drive, a distance of 234.18 feet to an angle point in the Leetsdale Drive right of way;
Thence south 15 degrees 47 minutes 50 seconds east, continuing along the easterly line of said parcel described in Ordinance No. 620 and the southerly right of way line of said Leetsdale Drive, a distance of 75.99 feet to the Point of Beginning;

Basis of Bearings

The south line, NW 1/4, Section 17 is assumed to bear S89°34'45"W. It is monumented at both the center of Section 17 and at the SE corner, SW 1/4, NW 1/4, Section 17 by a 3-1/4" aluminum cap in range box, PLS illegible.

Certification



9/2/14

Brian Krombein, PE, PLS — Date
For and on behalf of
Vermilion Peak Engineering LLC
1745 Shea Center Drive, 4th Floor
Highlands Ranch, CO 80129

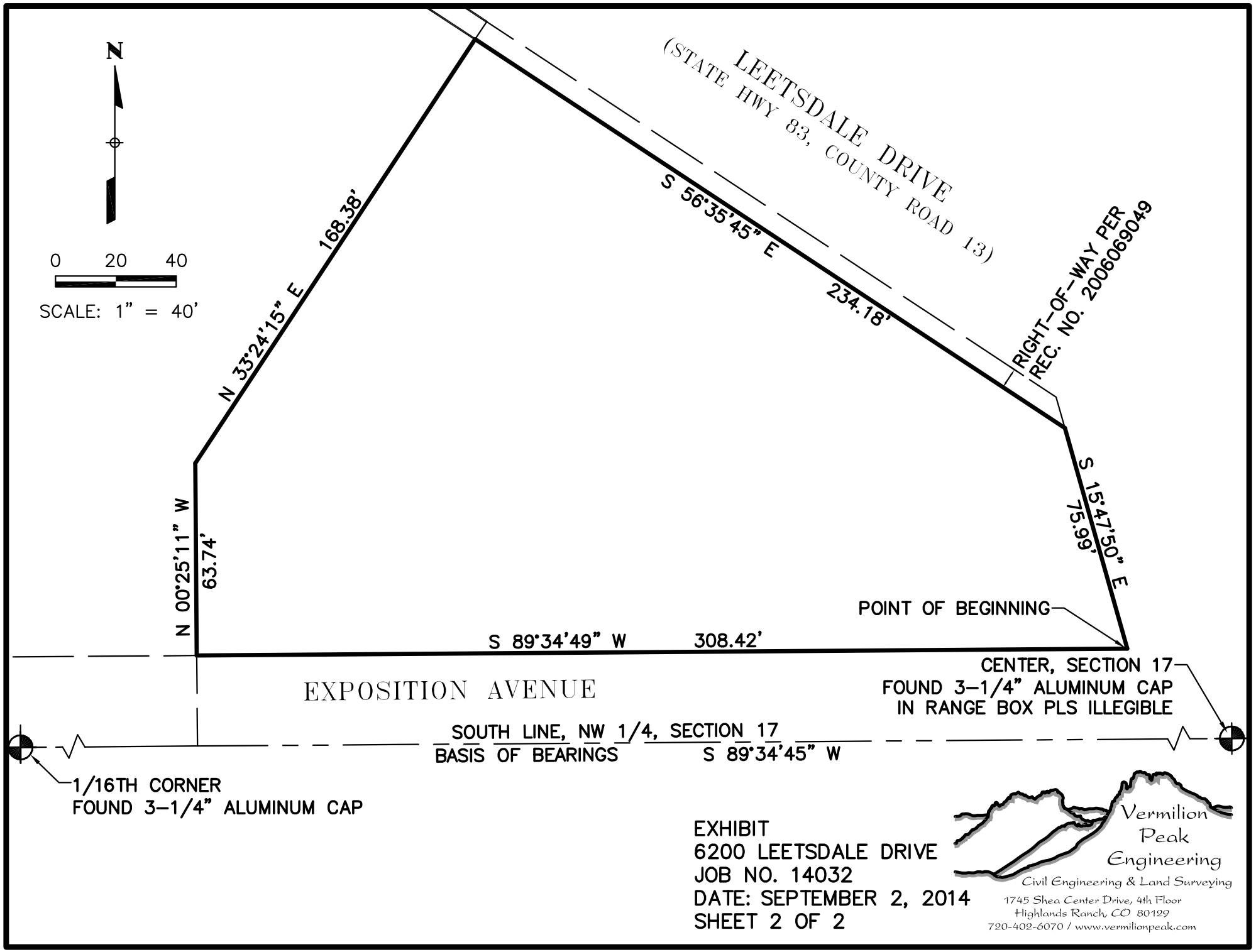


EXHIBIT
6200 LEETSDALE DRIVE
JOB NO. 14032
DATE: SEPTEMBER 2, 2014
SHEET 2 OF 2

Vermilion Peak Engineering
Civil Engineering & Land Surveying
1745 Shea Center Drive, 4th Floor
Highlands Ranch, CO 80129
720-402-6070 / www.vermilionpeak.com

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

The property description shown is data from the Assessor's active, in-progress 2013 file. The *"current year"* values are from the 2013 tax year for real property tax due in 2014. These values are based on the property's physical status as of January 1, 2013.

PROPERTY INFORMATION

Property Type: COMMERCIAL - MICS IMPROVEMENTS

Parcel: 0617200032000

Name and Address Information

LEETSDALE COMMONS LLC

PO BOX 621983

LITTLETON, CO 80162-1983

Legal Description

T4S R67W S17 NW/4 IN THE SE/4
& BEING OF OF PARCEL DIF
RCD 08-09-2002 RCP #2002139479
EXC DIF RCP #2006069049
+

Property Address: 6200 LEETSDALE DR

Tax District DENV

Assessment Information

	Actual	Assessed	Exempt	Taxable
Current Year				
Land	242600	70350		
Improvements	1000	290		
Total	243600	70640	0	70640
Prior Year				
Land	242600	70350		
Improvements	1000	290		
Total	243600	70640	0	70640

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: 83.09

Exhibit "E": Neighborhood Outreach

ROBERT J. GOLLICK, INC.
REAL ESTATE CONSULTING

Virginia vale Community Association
Tim Dugan
P.O. Box 22707
Denver, Colorado 80222

Denver Neighborhood Association, Inc.
Bradley Zieg
1285 Dexter Street
Denver, CO 80202

South Hilltop Neighborhood Association
Rueben Drebenstedt
393 South Ivy Street
Denver, Colorado 80224

Inter-Neighborhood Cooperation
Larry Ambrose
P.O. Box 300684
Denver, CO 80218

Re: Proposed rezoning of 6500 Leetsdale Drive

February 21, 2013

I hope this correspondence finds all of you well.

The owner of the property located at 6500 Leetsdale drive, which is within your registered neighborhood association boundaries, and has retained my firm, Robert J. Gollick, Inc. to file and coordinate a zone map amendment or rezoning for that property. This is the triangular site that is on the north side of Exposition Avenue and south of Leetsdale Drive and is the location for Cube Smart Self-Storage. (See Graphic Below)

609 SOUTH GAYLORD STREET, DENVER, COLORADO 80209 303-722-8771 FAX 303-744-3243 BGOLLICK@COMCAST.NET

The site is currently zoned as PUD No. 584. The reason for the proposed rezoning is that PUD 584 limits the allowed uses to the existing storage facility and B-1 uses that are from the "old" zoning code. As you may be aware, Denver adopted a new zoning code in 2010 thus eliminating the former Code. The owner would like to rezone the site to include uses more appropriate to a major arterial street such as Leetsdale drive. The intent is to develop the remaining easterly portion of the site. Community Planning And Development (City Planning) has suggested that we utilize the SCC3X zone district to stay compatible with the area uses. The SCC3 X is a **S**uburban **C**ommercial **3**-story zone district. The X means that the more intense uses, such as automotive, manufacturing, contractors, wholesale, ect, are not permitted. SCC3 already exists directly east of the property.

Before I get too far into the City zoning process, our team would like to meet with your Association to discuss this zoning request and listen to any suggestions you may have. However, if you do not wish to meet I understand and am available to discuss the proposal with you over a phone call. I have not yet submitted the zoning application to the City but would like to do so in the next few weeks for the City initial format review.

The zoning process requires approximately six months of review and meeting time prior to the City Council public hearing. However, I strongly feel that the best way to proceed with any zoning request is by early and ongoing contact with all neighborhood organizations. Your input is necessary for the public process to work.

If you have any questions please contact me via email or directly at 303 722-8771. I will meet with you individually or with your respective Association. If you feel I have missed anyone on the contact list for this letter let me know and I will call him or her.

I thank you for your interest and understanding of this zoning request.

Sincerely,

SENT VIA EMAIL

Robert J. Gollick, President
Robert J. Gollick, Inc.

cc:
Councilman Charlie Brown, District 6
Michelle Pyle, Community Planning & Development,
Courtland Hyser, Community Planning & Development,

From:	Paul Naftel
To:	Dalton, Kyle A. - Community Planning and Development
Cc:	Bob Gollick
Subject:	Fwd: No Meeting
Date:	Wednesday, September 03, 2014 1:10:09 PM

Kyle,

I met with John Sturtz Thursday the Aug 28 to show him the plan and discuss any questions.
He mentionned that there were others (a few) who might have questions and I offered to meet with them on Monday or Tues (Sept 1 or 2) to address any questions or concerns .
What came back was the following email.
Just for your file. I will bring hard copy to meeting today..
Thank you again for your hard work on this proposal.

Paul Naftel, Manager

Emerald Properties, LLC
P O Box 621983
Littleton, CO 80162-1983
303.948.1717 Office
303.948.1616 Fax
720.331.3611 Cell

paulnaftel@gmail.com

Begin forwarded message:

> **From:** sturtz@reagan.com
> **Subject: No Meeting**
> **Date:** August 29, 2014 3:04:52 AM MDT
> **To:** paulnaftel@gmail.com
>
> No one wants to meet with you Paul.

From:	Reuben
To:	Dalton, Kyle A. - Community Planning and Development
Cc:	sturtz@reagan.com
Subject:	6200-6500 E Leetsdale Dr
Date:	Sunday, September 28, 2014 1:14:54 PM

South Hilltop

c/o 331 S. Krameria St.
Denver, CO 80224-1239
303-399-0089

Alameda
Holly
Monaco
Leetsdale Dr.

Mission:
To Support Neighborhood
Communication

Neighborhood Association SHNA

September 28, 2014

Kyle A. Dalton, AICP | Senior City Planner
Community Planning & Development | City and County of Denver

Dear Mr. Dalton,

In regards to the rezoning for the above referenced property, I want to state, to the best of my knowledge,
that I nor our association was contacted by the applicant to review and be advised what they wanted to do with the property.
I regret our not having such opportunity.

It would have been most appropriate to have done so as the rezoning and any development most certainly
will impact our neighborhood. We would have contributed our thoughts, desires and concerns.

Thank you for your consideration,

Re'uben Drebenstedt, President
South Hilltop Neighborhood Association

From:	Reuben
To:	Dalton, Kyle A. - Community Planning and Development
Cc:	Susman, Mary Beth - City Council; Brown, Charlie - City Council District #6
Subject:	6500 Leetsdale drive...interest and concerns of neighbors regarding the proposed zoning and development plans for this property
Date:	Monday, October 13, 2014 4:49:50 PM
Attachments:	image002.png

South Hilltop Neighborhood Association SHNA

C/O 331 S. KRAMERIA ST.
DENVER, CO 80224-1239
303-399-0089

ALAMEDA
HOLLY
MONACO
LEETSDALE DR.

MISSION:
TO SUPPORT NEIGHBORHOOD
COMMUNICATION

October 13, 2014

Kyle A. Dalton, AICP | Senior City Planner
Community Planning & Development | City and County of Denver

Dear Mr. Dalton,

Our association along with Virginia Vale Community Association share the below 7 points of high concern regarding the development of the land, especially if the zoning would be changed to "permit" a high density PUD as proposed by the developer. Our meeting today with the developer and his architect lasted about 2.5 hours with a general consensus of the citizens against the project moving on as presented. Some people present were residents living in South Hilltop and Virginia Vale. There was also representation from the citizens living immediately South of this property up for possible zoning and development changes.

The major area of concern is the **sharp increase** to be generated in auto and people walking traffic. There would be increased access into and out of the property (largely to be caused by a planned fast food drive-up business) with major changes in the volume o cars on Exposition Ave. that borders the properties South border and into the immediate residential neighborhood. Plus causing increased traffic problems on Leetsdale. Which already is a nightmare in this part of Denver! Also there will be dangerously complicated student traffic from Washington High School disrespecting traffic and the areas of crossing Leetsdale, etc. as they go to the fast food outlet.

Thank you for your thoughtfulness and we hope you will share our concerns,

Re'uben Drebenstedt, President
South Hilltop Neighborhood Association

Reference: 6500 Leetsdale drive

Hi neighbors,

Because of interest and concerns of neighbors regarding the proposed zoning and development plans for this property above I scheduled (negotiated) a time where the matter can be discussed with the owner/developer and his architect. Since there is a city council planning review for the property at 10:30 am on the 15th the time was short for a review for us to possibly provide input. I regret that there is no other choice at this time.

Please do come if at all possible.

The meeting will be at 393 S. Ivy Street, October 13 at 1 pm.

Thank you for your understanding and input regarding this matter.

It seems that these may be the main concerns:

1 High traffic on and off of Exposition and into the immediate neighborhood

2 Increased noise and bright lighting into adjacent neighborhood

3 Traffic back onto Leetsdale turning left (even if a sign says no); a real danger

4 Increased congestion into an already difficult intersection especially during peak traffic time of the day

5 School kids crossing Leetsdale through traffic, not using crosswalks. Danger to them and autos

6 Too many businesses located on a small plot

7 Sharp increase of parked cars on Exposition and loitering

Re'uben Drebenstedt, President

South Hilltop Neighborhood Association

From:	VVCA
To:	Dalton, Kyle A. - Community Planning and Development
Subject:	6500 Leetsdale Dr._Leetsdale Commons_Resident Objections
Date:	Tuesday, October 14, 2014 5:22:45 PM

Kyle A. Dalton, AICP | Senior City Planner
Community Planning & Development | City and County of Denver

Mr. Dalton,

As you know The Virginia Vale Community Association had previously approved of the rezoning application for the 6500 Leetsdale Dr. location owned by Leetsdale Commons.

Recently, there have been an outpouring of concern and objection by residents who live in the closest proximity to this project.

Unfortunately, these residents were not aware of the discussions that took place during 2013 about this topic and consequential approval letter by VVCA.

The primary concern by our residents is the increase in both pedestrian and vehicle traffic that a high volume eatery with a drive thru will cause. Residents throughout the East side of the community are concerned about the likelihood of noise, litter, high traffic, congestion problems along the light at E. Exposition Ave. and Leetsdale Dr. along with pedestrian traffic across Leetsdale by students of George Washington High School.

We appreciate your consideration of these concerns by the residents of Virginia Vale.

Thank you. The Virginia Vale Community Association.

Paul Aceto
303.579.4611

Virginia Vale Community Association
"Your Neighborhood Association"

PO Box 22707
Denver, CO 80222
virginiavaleca@gmail.com
Discussion Group: http://groups.google.com/group/virginiavaleca

From:	VVCA
To:	Dalton, Kyle A. - Community Planning and Development
Subject:	New Formal Position of Virginia Vale Community Association
Date:	Thursday, October 30, 2014 12:54:08 PM
Attachments:	petition 6200 Leetsdale rezoning.pdf

Mr. Dalton.

As you know, VVCA had previously provided a letter in support of the rezoning application for 6200 – 6500 Leetsdale Dr.
Since that time, VVCA has received many objections from residents of The Virginia Vale Community expressing opposition of the rezoning due to likely increase to vehicle traffic, pedestrian traffic, noise, litter, loitering.

A petition has been received by VVCA from its residents expressing their strong opposition, signed by 42 residents.
That petition with signatures is attached.

The petition and a majority of the participating residents support the following position:

**"We, the undersigned, are strongly opposed to the rezoning and retail development proposed by the developer, which would include a fast food drive-thru restaurant and a potentially high
traffic business. We are concerned about issues of safety, traffic on our residential streets, an entry/exit onto E Exposition Ave, litter, noise, loitering, George Washington High School
students crossing Leetsdale Dr, increase in traffic on Leetsdale Dr, lighting, and late night hours of operation. We are in favor of sensible, low traffic development and believe the existing PUD is appropriate. The property is currently an eyesore. We are opposed to a zoning change."**

The Virginia Vale Community Association would like to request that the letter dated March 2, 2014 be rescinded and this new position be entered.

Please feel free to contact me with any questions or concerns.

Thank you.

Paul Aceto
303.579.4611

Virginia Vale Community Association
"Your Neighborhood Association"

PO Box 22707
Denver, CO 80222
virginiavaleca@gmail.com
Discussion Group: http://groups.google.com/group/virginiavaleca

Rezoning and development 6200 E Leetsdale Dr.

We, the undersigned, are strongly opposed to the rezoning and retail development proposed by the developer, which would include a fast food drive-thru restaurant and a potentially high traffic business. We are concerned about issues of safety, traffic on our residential streets, an entry/exit onto E Exposition Av, litter, noise, loitering, George Washington High School students crossing Leetsdale Dr, increase in traffic on Leetsdale Dr, lighting, and late night hours of operation.

We are in favor of sensible, low traffic development. The property is an eyesore.

SIGNATURE & DATE	PRINT NAME	ADDRESS
(#) I am highly opposed to rezoning our block. Please support we-the homeowners. Thankyou. Hom Huppert 10/23	Holly Huppert	726 S Kramena street

Rezoning and development 6200 E Leetsdale Dr.

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We are in favor of sensible, low traffic development. The property is an eyesore.

SIGNATURE & DATE	PRINT NAME	ADDRESS	WERE YOU NOTIFIED BEFORE NOW OF THIS PROPOSED CHANGE? Y/N
Shania Collins 10-22-2014	Shania Collins	735 S. Krameria St.	
Nyal Smith	Nyal Smith	739-741 S. Krameria St	Y
John A Collins II 10-23-14	John Collins II	~~720~~ 735 S. Krameria ST.	Y
Pat Baird	PAT BAIRD	698 S. JASMINE	
	AMANDA ~~[illegible]~~ Parker	773 S leyden st.	
Dana Hurlock 10-23-14	Dana Hurlock	747 S. Krameria St	
10/23/14	Sarah Brewer	745 S Krameria St	
Laura Hunter 10/23/14	Laura Hunter	730 S. Krameria St.	
Deborah Ward 10/23/14	Deborah C Ward	688 S Jasmine Way	
Sharon Gaebl	Sharon Gaebl	687 S. Jasmine Way	
Daniel Gaebl	(Husband) Gaebl	687 S. Jasmine Way	
Marsha Emerson	MARSHA EMERSON	677 S. JASMINE WAY	
ROBERT ANDREWS	(PARTNER ANDREWS)	677 S. JASMINE WAY	
Garry G Webb	Garry G Webb	753 So. Krameria ST.	
Celia Bjork	CELIA BJORK	753 S. Krameria St	

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We are in favor of sensible, low traffic development. The property is an eyesore.

SIGNATURE & DATE	PRINT NAME	ADDRESS
10-23-14	DEBORAH A. MAREK	704 S Ivy ST Den Co 80224
	Ariel Engel	765 S Krameria St Denver Co
	Chad Piltingsrud	795 S. Krameria St Denver
	Chelsea Preiss	739 S. Krameria St. Denver.
	Rebecca Hunter	6860 E Exposition Ave Denver
Nancy Medina	Nancy Medina	821 S KRAMERIA DENVER
Tiauna Rivers	Tiauna Rivers	725 S. Krameria St Denver, Co
	Chris Althoff	850 S Krameria Denver
	Hani Al-Khoraila	774-S-Krameria Denver
Nadia ARES	Nadia ARES	778-S Krameria Denver

Rezoning and development 6200 E Leetsdale Dr.
We, the undersigned, are strongly opposed to the rezoning and retail development proposed by the developer, which would include a fast food drive-thru restaurant and a potentially high traffic business. We are concerned about issues of safety, traffic on our residential streets, an entry/exit onto E Exposition Av, litter, noise, loitering, George Washington High School students crossing Leetsdale Dr, increase in traffic on Leetsdale Dr, lighting, and late night hours of operation.
We are in favor of sensible, low traffic development. The property is an eyesore.

SIGNATURE & DATE	PRINT NAME	ADDRESS	WERE YOU NOTIFIED BEFORE NOW OF THIS PROPOSED CHANGE? Y/N
Frank C. Petrine	FRANK PETRINE	902 S. LEYDEN ST	X
Michael B Hunter	MICHAEL "BRIAN" HUNTER	730 S. KRAMERIA ST	Y
David Brahinsky 10-21-14	DAVID BRAHINSKY owner	735 So. KRAMERIA	No
Joan Beldock	JOAN BELDOCK	"	No
Holly Brooks	HOLLY BROOKS	710 S. Krameria	Y
James Cowherd 10/21/14	[illegible]	722 S. KRAMERIA ST	Y
Rick Sanders	RICK SANDERS	722 S. KRAMERIA ST	Y
Tim Keenan	Tim Keenan	937 S Leyden st	Y
John Sturtz	JOHN STURTZ	710 S Krameria St	Y
Kelly Schexnaildre	KELLY SCHEXNAILDRE	739 S Krameria St	Y
Carrie Rodwin	Carrie Rodwin	758 S Krameria St	N
Phyllis J. Garcia 10-21-14	PHYLLIS J. GARCIA	709 S. LEYDEN ST	NO
Jesse L Garcia	JESSE GARCIA	709 S. LEYDEN ST	NO
Jo Ann Van Gilder	JO ANN VAN GILDER	752 S. KRAMERIA ST	NO
Richard Collier	Richard Collier	752 S Krameria St	No
Cindy Parker	CINDY PARKER	741 S. KRAMERIA ST	Y

From:	Frank petrine
To:	Ortega, Deborah L. - City Council; Kniech, Robin L. - City Council; Dalton, Kyle A. - Community Planning and Development
Subject:	6500 rezoning
Date:	Monday, September 01, 2014 11:32:54 AM

Dear Deborah,

I live at the corner of Leyden and Kentucky and am deeply concerned about the rezoning request at 6500 leetsdale. The traffic at my house is already pretty brisk and I feel the addition of a fast food restaurant at Leyden and Exposition would be devastating for the neighborhood. PLease consider the effect this would have on the residents living here and turn this rezoning down.

Respectfully, yours,

Frank C.Petrine
902 S LEYDEN ST
DENVER, CO 80224
7209416150

From:	Frank petrine
To:	Dalton, Kyle A. - Community Planning and Development
Date:	Friday, October 24, 2014 9:33:21 AM

Kyle,--
I would like to offer my strong objection to the change in zoning proposed for the 6500 E Leetsdale property. The building of a fast food store at this location would cause severe traffic problems for homeowners in the vicinity. Not only will the traffic leaving this location spill out on the residential streets feeding onto Exposition Avenue, there will be severe difficulty leaving the property onto Leetsdale especially during rush hours. This will encourage drivers to head for the residential streets. With the resulting congestion on residential streets, What will this do to property values?
Finally, the present zoning for office occcupancy is proper for this location as the original planners thought. The change proposed would not constitute an improvement in use.

Frank Petrine
902 S LEYDEN ST
720-941-6150
-

From:	Amanda Pinsker
To:	Dalton, Kyle A. - Community Planning and Development
Subject:	opposition to rezoning
Date:	Tuesday, October 21, 2014 2:18:52 PM

Dear Kyle

I am resident of the Virginia Vale neighborhood I live right near this cross street on S Leyden Street, I have a few concerns on this development going up right in front of our neighborhood, however most of my concern is about the safety of my children and other's.

This neighborhood has a lot of young children and their are at least 20 on my street alone, I have two young children as well and they all like to play outside even with them being safe and taking caution I feel it would be more dangerous for them to be able to ride bikes and play.
This area already gets a ton of traffic and if they add a restaurant I'm sure their will be a lot more, Please Re Consider this action.

Sincerely, Amanda Pinsker

From:	sturtz@reagan.com
To:	Dalton, Kyle A. - Community Planning and Development
Subject:	FW: Questions regarding Rezoning
Date:	Sunday, August 31, 2014 1:36:38 PM

-----Original Message-----
From: sturtz@reagan.com
Sent: Sunday, August 31, 2014 7:54am
To: "Brown, Charlie - City Council District #6" <charlie.brown@denvergov.org>
Subject: Questions regarding Rezoning

Councilman Brown:

Did Paul Naftel call me and arrange a meeting with me on your urging or was his call to me prompted by Paul Aceto with the VVCA? I assumed that Paul Aceto gave him my phone number because Aceto had sent me an email suggesting a meeting.

I'm not certain if you've seen Naftel's plans. It's not just retail. It's retail with fast food drive-thru and fast food delivery service - which essentially bolsters my argument that this does not fit with the neighborhood context. It also emphasizes my view that it would equate to an increase in neighborhood traffic. If you've seen the plans, you may have noticed it's big on diagrams but short on essential details. He has one street mislabeled and 2 streets missing entirely. It suggests to me that CDOT has not done any studies of this plan. Perhaps they have? He didn't share them with me. All of his answers about traffic were "imaginary" - he had nothing to indicate that traffic would be able to exit from the retail location both east and west onto Leetsdale Dr. He has nothing specific on projected traffic patterns. He spoke in general terms about lighting and some "nice trees and landscaping" - fantasy planning without any written or detailed plan. Development for Dummies. There was also something disingenuous about his answer regarding a fast food franchise. "Not McDonald's" was his terse reply. When I asked him about a rumor I had heard that it would be a Jimmy Johns Sandwich Shop, he said, "Oh yes, they have expressed an interest."

I think there's a huge difference between retail and retail with outdoor dining and fast food drive-thru and delivery service. Maybe the zoning code doesn't make any distinction. Bottom line - does he have any solid traffic analysis to back up his claim that customers will not be exiting onto our residential streets? Is there any guarantee that an exit onto Leetsdale won't be RIGHT TURN ONLY? Has anyone with zoning or CDOT or City Council seen what traffic is like on East Leetsdale from 3 PM to 6 PM on weekdays? Has anyone looked at the foot traffic that a fast food restaurant will generate from George Washington High School from 11 AM til afternoon? Has anyone in this vast network of connected entities (Zoning, Planning, CDOT, VVCA, etc) gone near the King Soopers at Leetsdale at Monaco at 11 AM during the school year? Police officers are needed to control the students. I worked at $2 Buck Books in the same shopping center for a number of years. Problems with marijuana use in our restroom and shoplifting were not uncommon. I'm thinking that this whole rezoning idea is permeated by a lack of simple observation. Common Sense Planning is a concept that should be in place before any talk of rezoning with a destination attractive to high school students. Has anyone noticed the number of students in our neighborhood at lunch hour gathering in "pockets" of 5-10 students to share some inhalant? Do we need to encourage this further? Has Paul Naftel made plans for on site security?

Perhaps the GW High School campus is closed during the lunch hour this year. Perhaps I'm unaware of a policy change.

At any rate, I'm told that Mr. Robert Gollick who represents Paul Naftel is a "detail man" and he usually has everything in order before business goes forward. If all these questions and

concerns have already been addressed, then those in attendance at Wednesday's meeting should be more than satisfied.

Sincerely,
John Sturtz Eastern Virginia Vale Resident

From: sturtz@reagan.com
To: Dalton, Kyle A. - Community Planning and Development
Subject: FW: Thank you for your continued concern...
Date: Tuesday, September 02, 2014 5:01:04 PM

I'm not certain that Councilman Brown is forwarding all the emails being sent to him from our neighborhood. In fairness to the people who live on the adjacent streets I'm hopeful he has forwarded them. I will forward the copies I have. I am also forwarding a letter I've written to Paul Acedo who is purportedly the president of the VVCA who allowed this re-zoning request to go forward. Since he hasn't responded to my email regarding the legitimacy of the VVCA, as an RNO, I assume that the planning board will consider the process that was followed as possibly improper.

-----Original Message-----
From: "Holly" <coldwinter@sprintmail.com>
Sent: Monday, September 1, 2014 8:20pm
To: charlie.brown@denvergov.org
Subject: Thank you for your continued concern...

Mr. Brown,

Thank you for giving your full attention to the matter of rezoning the area north of Exposition street at Krameria in Denver.

Please understand: I am opposed to the high volume retail rezoning that has been proposed for our street, and I expect you'll feel the same way once you understand the facts.

First: I am a homeowner. I bought my house a year and a half ago at 726 S Krameria feeling that I'd found a small neighborhood on a quiet street. There are children here. And elderly people. There are young families, and people living solo. We neighbors know each other, socialize together, and all watch out for the children riding their bicycles, playing jump rope, and crossing the street to report on a funny school event.

Second: I vote. We all vote. And we need you to support our concerns. Please take this issue seriously; we are.

Third: The rezoning meeting happening this coming Tuesday will be held at 3:00pm. This must be a mistake: we homeowners who work can not be expected to attend a 3:00 PM meeting.

Fourth: I would like to invite you to visit me here, at 726 S Krameria. We'll sit on the sidewalk in front of my house in lawn chairs. You'll have the chance to note how quiet our neighborhood is, how free our children are to roam this safe haven, and how our low volume traffic patters are a source of pride.

Kindly email me here at coldwinter@sprintmail.com to set up a time to come and visit. I

know you well enough to understand that you do value our concerns.

Come and visit. I'll make lemonade.

Thanks for your time and attention and for making our concerns your own,

Holly Winter
coldwinter@sprintmail.com

From:	sturtz@reagan.com
To:	Dalton, Kyle A. - Community Planning and Development
Subject:	FW: Worse Than a Pledge Drive | Westword
Date:	Wednesday, September 03, 2014 6:37:20 AM

Mr. Dalton: I'm certain that you have more than just a short history of the parcel in question. You're probably aware that John Leets was the original landholder and Leetsdale Drive was named after him. South Krameria was originally named Otis Street, Otis being the name of John Leet's son.

I am sharing this article from Westword that was written in February 1998.

Mr. Dalton - we are truly tired of this ongoing dispute and repeated attempts by a developer to build structures that will effect the public safety of our neighborhood. We are not against private property rights. While we are trying to protect our own, we still respect the rights of those who own 6500 E Leetsdale Dr.
Finally, all we want is something that fits or doesn't interfere with the neighborhood context. We don't want to revisit this issue every 5-7 years.

This should not be political or be tainted by money. This should be about the people who own and reside in the homes on South Kearney, South Krameria, and South Leyden - South of Exposition Av.

South Krameria is not Mayberry RFD 1955. South Krameria is a modern day sociologist's vision and dream. The neighborhood is unbelievably diverse. We have homeowners and renters, children and elderly, gays and lesbians and heterosexuals, single moms, 2 parent families, single men, single women, African Americans, Whites, Hispanics and Africans, retired people, white collar professionals, blue collar workers, schoolteachers, bookstore owners, a postal worker, a seasoned airline attendant who goes to Europe every week...we have those on public assistance and those who earn over one hundred grand a year. We have had some differences but the overwhelming
theme in our neighborhood is a community that cares for one another. We talk, we socialize, we have dinner together, we share stories and we laugh and enjoy life together. We don't want our little world invaded with traffic. We don't want strangers who disregard speed limits and litter our streets. We want Mayberry RFD: 2014, 2015
2016 and beyond. It's not a perfect street, but it's not homogenized. It includes all the people who make America great. We even have a registered Republican.

Thank You,
John Sturtz 710 S Krameria Street

-----Original Message-----
From: sturtz@reagan.com
Sent: Tuesday, September 2, 2014 5:11pm
To: "Brown, Charlie - City Council District #6" <charlie.brown@denvergov.org>
Subject: FW: Worse Than a Pledge Drive | Westword

-----Original Message-----
From: c4309st@yahoo.com
Sent: Monday, September 1, 2014 12:01pm
To: sturtz@reagan.com
Subject: Worse Than a Pledge Drive | Westword

http://www.westword.com/1998-02-26/news/worse-than-a-pledge-drive/full/

Dalton, Kyle A. - Community Planning and Development

From: sturtz@reagan.com
Sent: Thursday, September 11, 2014 5:37 AM
To: Dalton, Kyle A. - Community Planning and Development
Subject: FW: Letter to Paul Naftel, Developer 6200-6500 E Leetsdale

Kyle: I was told that you are the only one who can review these matters and forward them to City Council for consideration. Thank You, John Sturtz
-----Original Message-----
From: sturtz@reagan.com
Sent: Sunday, September 7, 2014 7:35am
To: paulnaftel@gmail.com
Subject: Letter to Paul Naftel, Developer 6200-6500 E Leetsdale

Mr Paul Naftel, Developer 6200-6500 E Leetsdale, Highway 83:

Why did you tell Zoning that the driveway exiting the CubeSmart facility into our neighborhood was for FIRE EMERGENCY ONLY and the only reason that driveway exists is because the city required it as part of the fire code? Is that true?

Why is the exit lane down that driveway not clearly marked, "FIRE LANE"?

Are you saying, in all honesty, that the driveway would NOT be used for thru traffic into our neighborhood? Would you be willing to put that in writing? Most of our opposition to your project is based on that entry/exit. The lane needs to be clearly marked, "FIRE LANE". Would you be willing to take the steps necessary to close off that exit to the dozens of cars that already use that driveway to cut through into our neighborhood? Will you stencil the words, "FIRE LANE" in yellow on the asphalt? The fire department and the city have a way of blocking access through certain pathways with removable poles in the event of an emergency.

That's the key factor Paul. If you were telling the truth to the Zoning Board about that entry/exit from Exposition and onto Exposition, then I think we have a solution. If you can guarantee and back up the claim that the driveway will not be used for traffic into our neighborhood, then we can come a long way toward resolving the neighborhood opposition. If you could provide a plan that sensibly addresses the GW High School migration across Leetsdale - other than saying, "they're going to jaywalk anyway" - GIVE US YOUR PLAN.

Why is the realtor telling callers that there are plans for a Jimmy Johns but you avoid speaking plainly about your plans? You told me. "Not a McDonalds" You told the Zoning and Planning board, "Not a McDonalds, Not a Burger King"

You went so far as to say, it might be a Starbucks, a Chipotle, a Panera Bread. But you avoided telling the zoning board maybe a Jimmy Johns. WHY?

When I asked you on Thursday, August 28, 2014 when we met at $2 Buck Books, after you said, "Not a McDonalds" I immediately stated that I had heard a rumor from neighbors, who called the realtor, that the restaurant was going to be a Jimmy Johns, you answered, "...yes, they have expressed an interest". Those were your exact words. It's all on videotape.

So possibly this is all just a misunderstanding. Possibly I have perceived evasiveness and dishonesty where none existed? If that's the case, I apologize. Perhaps what you thought were straightforward, direct and honest answers were not as accurate as you wanted them to be?

We are not against development. We are not against growth, or private property, construction, or progress. We want to have a voice in this matter. We want your reassurance in writing that the exit will not be used by customers and delivery cars to travel through our neighborhood.

When I spoke with Mr. Gideon Geisel, the Vice Principal at GW High, he was aghast at the idea of a fast food restaurant directly across the street. The same was true when I spoke with Officer Tucker who is assigned to police duty at the school. Have you met with GW officials and have your plans been met with their approval? Are they looking forward to your retail project?

Regardless of all the City of Denver hoops you have to jump through, I would think you would want to get the GW High School Administration as an advocate of your plans.

I haven't spoken with the School Board, or City Councilman Brown or the Mayor yet. Councilman Brown has only answered one of my emails... and it was a question not an answer. I think he's confused that there are 2 women named "Holly" on our block, one at 710 South Krameria, Holly Brooks; another at 726 S Krameria, Holly Winter.

At the Zoning Hearing you made a point of saying, "John Sturtz sent me an email saying - "nobody wants to meet with you Paul" I never got a chance nor did you mention it was Labor Day weekend and I had already told you some of the neighbors were out of town, and all of them had plans. I was meeting with you on Thursday because I was the only person available to meet you in the middle of the day. Like one of my neighbors asked, "What would a meeting with Paul Naftel accomplish?" I already had your plans. Did you think a meeting with an additional 5 people would convince us your plan is good for our neighborhood?

Wouldn't it be nice for all this to go smoothly? Wouldn't it be great if everyone was in agreement? I think a little transparency on your part or on Mr. Gollick's part would be an enormous help.

As for Paul Aceto and the VVCA. It's an issue that allowed you to advance to the Zoning Hearing. It's being addressed by another party. Paul Aceto a realtor himself, probably shouldn't have been involved in something that could be seen as a conflict of interest. A role in a neighborhood association is small peanuts compared to a career in real estate.

Peter Meer, owner of the property at 704 S Krameria - a triplex - seems to be in favor of your plan. He's either unaware of the fact that the drive thru window would be approximately 150 feet from his son's apartment, or he's too busy, or he has other plans.

How many more steps in this process? How many more times do we need to express our opposition? Should we get the media involved? Or ask for mediation? Developers are normally willing to seriously address neighborhood concerns. Seems as though some projects advance smoothly. It's very professional to focus on a multiplicity of factors before advancing a proposal.

Finally, I can say that we won't give up. There's a core group of homeowners that will not resign or withdraw. Some people will sign a petition, express opposition and then pretty much fade from the conflict. I can say with utmost certainty that the core opposition is solid and steadfast. I might be their voice, but their resolve is intense and vehement - elevations above my own - they won't quit.

Sincerely,
John Sturtz

I will forward this email to others.

Dalton, Kyle A. - Community Planning and Development

From: sturtz@reagan.com
Sent: Thursday, September 11, 2014 6:25 AM
To: Dalton, Kyle A. - Community Planning and Development
Subject: Re: 6200-6500 E Leetsdale Dr

Kyle Dalton: This is a letter I sent to Councilman Brown. I've been told that this is now a quasi-judicial matter and that he cannot take this into consideration personally and all issues related to this matter must be sent to Planning and Development. I respect the integrity of Councilman Brown.

I'm amazed at the convoluted process that must be followed to simply put issues on the table - but that's because this is all new to me. I'm simply a concerned resident in the immediate vicinity of this rezoning. If we'd had proper representation at the Virginia Vale Community Association none of this would have been necessary.

It should not have reached your offices to begin with. At this point we are addressing this matter with all the vigor we can muster - The Denver School Board, GW High School Administration and Policing, nearby businesses, more neighbors, the media, and other neighborhood associations. The developer will not respond to my emails. The neighborhood association president is having
trouble producing any documents that validate the meetings, the attendance, the voting records, and the minutes from each meeting. One meeting took place in his private office - purportedly neighborhood association members along with the
developer and his wife, and the developer's attorney. We're still asking for transparency. Probably none of this concerns Zoning but I'm trying to shed some light on the details and complexity of this planned development.

In addition to the increased traffic into our neighborhood there <u>should</u> be a major concern about the high school students. A fast food restaurant or any establishment that serves food will be an attractive nuisance to students at lunch time. If this rezoning and planned development goes through - mark my words -
students jay walking will be hit by cars traveling on Leetsdale. We already have a tremendous problem during the week with high school students at lunch hour.
Illegal drug use, shoplifting, disruption of neighborhoods nearby, noise and litter.

It was stated at the rezoning hearing that traffic was not a consideration of the Zoning Board. My feeling is that the impact of rezoning will change the context
of the <u>residential</u> neighborhood and effect the safety and welfare of those near
the planned project. For the record, if this goes forward, High School students
will be involved in serious traffic injuries and possible fatalities.

I am hopeful that you will pass this on for consideration.

Thank You,
John Sturtz

Also: Mr Naftel claimed at the Zoning Hearing that the back driveway onto East Exposition was put in place for emergency use - Fire Code - access necessary.
The entry/exit is not marked as a "Fire Lane" - shouldn't signage indicate that the driveway is not a general public egress?

-----Original Message-----
From: sturtz@reagan.com
Sent: Friday, September 5, 2014 9:18am
To: "Brown, Charlie - City Council District #6" <charlie.brown@denvergov.org>
Subject: Your Legacy

Dear Councilman Brown:

I recall the time I asked you to run for Mayor. Do you recall that I volunteered my time and energy to help you get elected as the Mayor of Denver? You laughed heartily and told me you had a while left in City Council but you appreciated my support.

I have always boasted to neighbors and friends that we had the best Councilman, Mr. Charlie Brown, in all of Denver. I have told them how you shoveled your own sidewalks in front of your offices to save the city money. A true fiscal conservative. Perhaps the only Councilperson in Denver who actually returned money to the city because you didn't believe in wasteful spending. A man who walked the talk.

You have nurtured the image of a western, self reliant, adventurous hero. A man who ignores conventional risks. An ICON in the history of Denver City Council. A man of integrity who deserved our trust. In my heart I want to believe that's true.

Someone suggested that you don't read your emails. I told them it's not true. I told them how efficiently and quickly and professionally you answered all my faxes on graph paper 9 years ago.

This rezoning issue has torn our neighborhood apart. Were you at the rezoning hearing on Wednesday, September 3rd? There was a gentleman at the front dais who I thought might be you. It's been awhile since I've seen you in person. I think the last time we shook hands I still had hair and there wasn't a hint of gray near my temples. Regardless, if you were there or not, you know the details of this rezoning issue. There were lies told by the developer. We were not allowed to challenge them. I don't use the word "lies" loosely - there was blatant dishonesty in more than one of his statements. The whole meeting is on videotape if you weren't there.

And then, the final outcome, what seemed like a rubber-stamped "vote", the Zoning Board all voted "YES" to the proposal for rezoning. We were told that traffic had nothing to do with rezoning! ??? It felt like Twilight Zoning. How can traffic NOT be a consideration if on the Zoning Website it states that neighborhood context and the health and welfare and safety of the area were of particular concern? If zoning is just about buildings then why bother with people attending the meeting?

There are some real world concerns here. People sitting in a fancy conference room need to pay attention. Those buildings that sit near George Washington High School were littered, bombarded with noise and obscenities, jay-walked and had their sidewalks occupied by pot smoking students behind the UPS store, Optical Masters, and Chipotle yesterday. Those buildings were attacked. Traffic at the intersection of Leetsdale and Monaco was snarled by kids who still hadn't learned the difference between "WALK" and "DON'T WALK" - excuse me - we don't use words anymore... We have lighted red hands that mean "DON'T WALK" and lighted white hands that depict a stick figure walking which means "WALK" to the functionally illiterate.

And the Zoning and Planning Board want another fast food restaurant across the street from GW High School? The developer had the audacity to say it could be a Starbucks.

Really? Does strong coffee attract more kids than illegal marijuana?

I know of 5 calls that were made yesterday from businesses to GW High School and to Police Officer Tucker. I made another. Officer Tucker now polices the building and the kids. I was told by the vice principal that the new policy is that the businesses now have to pay for private security. Do we need to do that in our neighborhoods to protect our buildings/homes? Hire private security?

1,491 One Thousand Four Hundred and Ninety One. That's how many students currently attend GW High School. I'm so pleased the Zoning Commission is concerned about the buildings not the people. Not the residential neighborhood, not the kids, not the businesses and the people who work there, not the traffic. The Buildings.

Sincerely,
John Sturtz

From: sturtz@reagan.com
To: Dalton, Kyle A. - Community Planning and Development
Subject: 6200-6500 E Leetsdale
Date: Friday, October 10, 2014 6:09:17 AM

Regarding Development at 6200-6500 E Leetsdale Drive

For the Record: We believe the approval for rezoning as stated by the Virginia Vale Community Association in a letter to Paul Naftel and attorney, Robert Gollick is tainted and cannot be validated as reputable. Unless documents
can be produced (The minutes from the meetings that took place and those in attendance) we have every reason to believe the letter is a misrepresentation of neighborhood consensus. Numerous efforts have been made to obtain the records from the meetings but VVCA and the current president, Paul Aceto, have failed to remit the transcripts and attendance log. We've been given the dates of the meetings but none of the details that any elementary record should include.

Therefore we believe the developers presented their proposal to Rezoning and Planning and those in attendance on September 3, 2014 in a duplicitous way. Also, two letters with dates from 2005 were included in the rezoning packet, intended to be perceived as approval from neighborhood groups - they were deceptive - they were not related in any way to the current rezoning effort. (see 2005 letter from VVCA regarding Bush Development and letter from George Washington HOA regarding 2005 Storage Warehouse Project)

The rezoning hearing has gone forward. Denver Planning has given its approval.

This letter of protest will not negate the outcome of the September 3, 2014 rezoning meeting - but it should serve as a reminder that integrity should be the
foundation that's established before one ounce of concrete is poured.

Denver City Council is undoubtedly overwhelmed with zoning considerations on a large number of projects. We understand the volume of work involved. We urge you to not "rubber-stamp" rezonings without careful judgment.

Thank You,
John Sturtz 710 S Krameria
Representing Neighbors South of Exposition Avenue on S Kearney St, S Krameria St, and S Leyden St

From: sturtz@reagan.com
To: Dalton, Kyle A. - Community Planning and Development
Subject: FW: 6200- 6500 Leetsdale drive rezoning
Date: Tuesday, October 28, 2014 7:07:21 AM
Attachments: petition 6200 Leetsdale rezoning.pdf

Mr Dalton: FYI on 42 Signatures AGAINST the Naftel/Gollick Project This is by no means a complete vote on the proposed rezoning. The signatures are from those living within a quarter mile of 6200 E Leetsdale Drive. It was also not a formal, officially sanctioned petition - simply a general survey of those living adjacent to the proposed rezoning. A few weeks back a neighbor suggested the term, "Common Sense Development" I believe that a developer with just a hint of common sense would have taken the time to at least contact the neighborhood residents nearby - including the George Washington High School Administration. Granted, Mr. Robert Gollick sent out a general email to surrounding neighborhood associations and called it, "reaching out". Not what I'd call a real effort to work together with the nearby residents. It might be the norm or the traditional way that developers propose rezoning - just email the neighborhood associations - but Paul Naftel has worked in this neighborhood before and so has Mr. Gollick. Professional Developers. I think when planners and architects and attorneys and developers huddle together in the foyers of meeting rooms, they should remember the people, tax paying citizens of Denver who live in homes within 200 feet of their proposed rezoning. Some of the signatures were gathered at a formal emergency meeting held at 850 S Monaco Parkway on 10-21-14 Duplicate addresses reflect the fact that property owners as well as their tenants have signed the petition.

John Sturtz
ad hoc Board Member Virginia Vale Community Association

See attached pdf petition file.

This email may be forwarded to others.

-----Original Message-----
From: "Reuben" <reuben@menorah.org>
Sent: Saturday, October 25, 2014 2:25pm
To: sturtz@reagan.com
Subject: 6200- 6500 Leetsdale drive rezoning

From: sturtz@reagan.com
To: Dalton, Kyle A. - Community Planning and Development
Subject: FW: Rezoning at 6200 E Leetsdale Dr
Date: Tuesday, November 11, 2014 6:14:42 PM

For the record.
-----Original Message-----
From: sturtz@reagan.com
Sent: Thursday, October 30, 2014 9:56am
To: deborah.ortega@denvergov.org
Subject: FW: Rezoning at 6200 E Leetsdale Dr

-----Original Message-----
From: sturtz@reagan.com
Sent: Thursday, October 30, 2014 9:55am
To: robin.kniech@denvergov.org
Cc: deborah.ortega@denvergov.org
Subject: Rezoning at 6200 E Leetsdale Dr

Dear Council Persons Robin Kniech and Deborah Ortega,
I hope this correspondence finds you well...
Allow me to introduce myself. My name is John Sturtz and I live at 710 S Krameria St. in the Virginia Vale Neighborhood. My wife, Holly Brooks and I have lived at this address for almost 20 years - we bought our home in 1995. We also own a rental property at 765 S Krameria St which we purchased in 2008.

I apologize if some of this is a repeat of previous emails - since this Rezoning Resistance Saga began on August 18, 2014 I have sent well over 400 emails to anyone who might listen and you may have received some forwarded copies of earlier emails.

Here's the situation: The proposed rezoning at 6200 E Leetsdale Dr, and the proposed development thereafter would be to the detriment of our neighborhood. We are members of the Virginia Vale Community Association but we were not on the contact list when the developer first contacted the Neighborhood Association in 2013 - so we were unaware and surprised to find a request for rezoning posted on a small sign at the subject site on August 18th of this year.

It's been almost 75 days of the most intense and confusing confrontation with a developer and the city that I have ever encountered personally...or ever want to experience again.

The VVCA sent a letter of approval to the developer sometime around March of this year.
In that letter we were not represented nor were any of our neighbors. Our adamant disapproval of the plans have been communicated since August, to the developer, the VVCA, the architect, our City Councilman, and to the surrounding Neighborhood Associations as well as Kyle Dalton, Mindy Decker and others in City Zoning, Planning and Transportation. I'll admit this is all relatively new to me and I am slowly learning what doors to knock on, who to ask for help, and where to turn. Frustrating and discouraging work.

Over a month ago I was blessed to discover an advocate for our cause. The president of The South Hilltop Neighborhood Association. He has clarified our position and the concerns we have in our neighborhood that overlap into his area to the north of Virginia Vale. Reuben Drebenstedt is the president of The South Hilltop Neighborhood Association. He hosted a meeting in his own home on October 13th - two days before I attended the City Council Meeting on Wednesday, October 15.

A lot of this background is covered in a succinct format that was published recently in The Glendale Cherry Creek Chronicle. I will forward the article to you from a c4309st address. It would be better yet if you could obtain a paper copy of the article.

I don't know if we should talk, if Reuben and I could meet with you, or how to proceed?

One observation I've made during this ordeal: Everyone involved in this rezoning issue should take the time to visit the site. Not just drive past. Park in the lot near Cube Smart, get out of the car and look around. A picture might be worth a thousand words; a site visit is worth 10,000 words. Members of Zoning and Planning should be required to visit each and every requested rezoning site in Denver. Words don't tell the story, and pictures and maps don't come anywhere near an actual visit to the site. I'd especially like for you to come by around 11:30 AM, on a school day when George Washington High School opens its doors and a large proportion of the 1500 students converge on the neighborhoods. Lunchtime. Then imagine the same scenario with one additional factor: Include a fast food, drive-thru restaurant right across Leetsdale from the High School. Also be sure to look at the exit on the south side of the lot. The exit onto Exposition Av and the surrounding residential streets. Where would traffic from a drive-thru restaurant be likely to travel? Back onto Leetsdale? Not very likely if you know what traffic is already like at that location.

We need your help and support.

Please feel free to contact me at any time: sturtz@reagan.com Cell 720-255-8351
If there's anything I can clarify, please don't hesitate to call. I'm aware there are packets being prepared for the Council Meeting on November 12th. I urge you to please be as informed as possible before you meet on the 12th. For the good of our neighborhood.

Thank You,
John Sturtz

From:	sturtz@reagan.com
To:	Dalton, Kyle A. - Community Planning and Development
Subject:	FW: Response to Mr. Paul Naftel
Date:	Friday, December 05, 2014 7:44:53 AM

Mr Dalton: Please include this in your packets for City Council. Thank You

-----Original Message-----
From: sturtz@reagan.com
Sent: Tuesday, December 2, 2014 7:06am
To: "John Sturtz" <c4309st@yahoo.com>
Subject: Response to Mr. Paul Naftel

Paul Naftel:

I'm responding to the letter you wrote to the Neighborhood Associations.

The 'tone' of your letter: I think it would best be described as disingenuous.
You're forgetting that we've had interaction and business dealings with you for 6-7 years.
You're ignoring the fact that there are archived records and fully valid reasons our neighborhood doesn't trust you. It's been suggested you have no credibility.

You have shown our Neighborhood Associations little consideration. You've arrived uninvited at meetings we've held. You carry around a tattered rendition of your project and continually try to 'sell' us your plan. You don't listen to our input. You have taken no steps whatsoever to ameliorate our concerns. You appear at meetings as if we've never met - as if we've never heard your spiel. You display your plan with false earnestness. It's difficult to work amicably with you when we know your idea of 'amicable' is agreeing with everything you say.

When someone asks, "Is Paul Naftel a man of his word, a man who can be trusted, a man of integrity and character?" We all have the same answer. Your reputation precedes you. You'd like to shake hands after you've lied at a Public Hearing; You stated that the exit onto Exposition was only for fire emergency and the city required you to put a driveway there for emergencies. That was a lie.

We question your statement that you've "...been trying to sell or improve this property since 2005". You certainly can't be referring to the way you've maintained the property - public sidewalks have been blocked by diseased elm trees for years, litter is everywhere, the weeds grow four feet tall. You share an easement with CubeSmart but you're totally unaware of the volume of traffic currently cutting through from Leetsdale to Exposition. CubeSmart signed your rezoning request without knowing you intend to build a fast food drive-thru.

You stated that you're "excited to provide an attractive asset to your community". An asset to you is a detriment to us.

Unclear and indefinite terms are everywhere in your letter. We've come to know that you promote your projects with vague and ambiguous promises.

You said in your letter that fast food drive-thru, "...should not create any new destination traffic..." **Why would you build retail space in a location that doesn't expect an increase in vehicular traffic? Fast Food Drive-Thru means more cars.**

You said in your letter, "We expect that most of the traffic will enter from Leetsdale, and then

exit back onto Leetsdale..." **You have absolutely no facts to back this up - it's a convenient speculation. Should we agree to rezoning based on <u>your</u> expectations?**

You said in your letter, "We will discuss ways to discourage exiting from the back of the property onto Exposition..." **We have discussed this many times at many meetings and you haven't listened. Please come stand on Exposition and <u>discourage</u> the 75-100 cars that cut through from Leetsdale at rush hour everyday. <u>Discourage</u> an already existing problem.**
Your letter failed to mention high school students crossing Colorado State Highway 83. We pointed out that students jay walk the shortest distance to their destination. Your response was that they're going to do it anyway.
The subject property is at a major traffic congestion point. You want to add to the problem.

PUD 584 is the agreement we made with you. You want to go back on your word. We are opposed to a rezoning that will degrade our neighborhood. A PUD 584 was granted and agreed upon in order to build CubeSmart. We believe you should do the honorable thing, withdraw your application, and keep the promise you made to our neighborhood in 2007.

John Sturtz

From: Holly Winter
To: Dalton, Kyle A. - Community Planning and Development
Subject: Letter of opposition: Please read.
Date: Monday, October 20, 2014 7:59:37 PM

Hello Mr. Dalton,

My name is Holly Winter Huppert and I own the house at 726 S Krameria Street, Denver CO, 80224. **I am completely opposed to the rezoning and development** that includes a fast food restaurant at 6500 Leetsdale Drive.

Again, please understand that **I oppose this zoning change**. This is NOT my first letter of opposition. This is my third.

***There are children living on this block who play outside, in their front yards. They ride their bikes on the street. This is a quiet, safe neighborhood. **Increased traffic is a danger to our children**.
***I bought this house last year only after I checked on the zoning. I was told that a bank could end up on that corner lot. Zoning laws are to protect homeowners.

This letter is being forwarded to the Denver Post, as asked by the Post. I give my full permission for any part of this letter to be reprinted.

Thanks for your time. Please understand: **I oppose the rezoning of 6500 Leetsdale Drive**. Please help us keep our neighborhood safe.

Thanks,

Holly Winter Huppert

From:	JoAnn Van Gilder
To:	Dalton, Kyle A. - Community Planning and Development
Cc:	JoAnn Van Gilder
Subject:	Project 1600 Fast Food (Jimmy John?) Drive Through
Date:	Tuesday, December 09, 2014 12:52:54 PM

To Senior City Planner

We (Jo Ann Van Gilder and Richard Collier) reside at 752 S Krameriea - a distance of one half block from the proposed drive through from Leetsdale Road to Exposition.

We are disabled senior citizens and sending this email in lieu of attending the 5:30 - Dec 15 hearing on this matter

At the present time this area is relatively safe and quiet in spite of the close proximity of Leetsdale road.

The proposed drive through will change all of this making the intersection of Krameria and Exposition very congested, noisy and unsafe for pedestrian (many High School students) and new high frequency automoble traffic. Exposition will become a major auto traffic area which is not designed to accommodate all of this extra activity. and reduce the present value and benefits of this residential area.

Therefore we highly object to this use of the land.

Please consider other options for this business property.

Respectfully
Jo Ann Van Gilder and Richard Collier
752 S Krameria Denver CO 80224
t
e

From:	Philip Mortensen
To:	Dalton, Kyle A. - Community Planning and Development
Subject:	Jimmy Johns drive-through
Date:	Sunday, November 30, 2014 10:37:14 AM

This development near Washington High School should be stopped! Those of us who drive on Leetsdale know the traffic mess that already exists there. Don't make it worse!

Philip Mortensen

From:	deb.mike@comcast.net
To:	Dalton, Kyle A. - Community Planning and Development
Subject:	Strongly Oppose 6200 Development Project
Date:	Sunday, November 30, 2014 11:29:50 PM
Attachments:	Debby.vcf
Importance:	High

Dear Mr. Dalton,

My husband and I live at Alameda Ave & Monaco Parkway, and we are **totally opposed to the proposed 6200 Development Project**.

The area right around George Washington High School is already extremely noisy, overly congested with high speed traffic, and so much litter.

Adding a Jimmy Johns fast food restaurant will make a horrible situation far worse for all concerned -- local residents, people who attempt to walk through the area (there has been at least one death due to a speeding motorist), and cars that speed through, or are barely able to move during rush hour traffic).

We certainly hope that our neighborhood's opposition to the proposed 6200 Development Project will be given great consideration. Thank you.

Debby Kaller & Michael McGuire
deb.mike@comcast.net
(303) 321-0724 Home
(303) 475-7895 Debby