

Reference #
15274355

Public Hearings

I am speaking/writing on (select one): / Hablo/Escribo sobre (seleccione uno):
24-1209: An ordinance changing the zoning classification for 10353 East Mississippi Avenue in Windsor. / Una ordenanza para cambiar la clasificación de zonificación de la propiedad ubicada en 10353 East Mississippi Avenue en el vecindario de Windsor.

First Name / Nombre
Michelle

Last Name / Apellido
Palmquist

I am a resident of: / Soy residente del:
District 5 / Distrito 5

I am... / Estoy...
Neutral / Neutral

My testimony: / Mi testimonio:

Dear Denver City Council,

My name is Michelle Palmquist. I am Rangeview Neighborhood Association's Vice President Denver.

Yesterday 11/2/2024 Rangeview Neighborhood Association President Roger Miller forwarded an email to me at Palmquist.RangeviewRNO@outlook.com re: a City Council Meeting tomorrow 11/4/2024 at 3pm to vote on Council Bill 24-1209 and finalize the rezoning of the Bellco Property located at 10353 E Mississippi Avenue in Denver, Colorado. Roger's email is the only communication I've received from the Rangeview Neighborhood Association Board regarding a Denver City Council Vote on this rezoning.

At the Rangeview Neighborhood Association Annual Meeting on 04/02/2024 property developer Red Mountain Group gave a presentation re: the Bellco Property at 10353 E Mississippi Avenue and the developer's desire to rezone the property from B1 to SMX3. At this meeting, the Rangeview Neighborhood Association Members discussed the property and determined that it was too soon to vote on a rezoning. (See Rangeview RNO Meeting Minutes attached.)

At the Council public meeting on 09/24/2024 regarding the rezoning, Tony Lechuga testified that

he received a letter in support of the rezoning from the Rangeview Neighborhood Association. In the Denver Council meeting record is a letter from Rangeview Neighborhood Association Vice President Aurora Keith Singer, stating: "I am writing on behalf of the Rangeview Neighborhood Association to express our support for the proposed rezoning of the vacant Bellco Credit Union drive-thru ATM facility located at 10353 E. Mississippi Avenue from B-1 with conditions to S-MX-3. This proposal was thoroughly presented and unanimously supported by our members during our annual meeting held in April of this year." (See Denver City Council meeting link: <https://denver.legistar.com/LegislationDetail.aspx?ID=6866685&GUID=68AF8349-D5B3-46C6-AC24-4E789363E8F4>) and Meeting Attachment 8. 2024I-00023_Public Comments, and attached.) At this meeting Red Mountain Group testified and provided written documentation that Rangeview RNO voted to support the proposed rezoning. (See Denver Council Meeting Attachment

7. <https://denver.legistar.com/View.ashx?M=F&ID=13318163&GUID=9A808B5D-F3B8-4090-86DC-64F18CCE50F3> and attached).

While the discussion by the Rangeview RNO Members in attendance at the meeting was generally positive, we did not cast a vote in support or in opposition to the rezoning. Mr. Singer sent the letter of his own volition without the consent or authority of the Rangeview Board Members or the Rangeview Association Members and without holding a Vote of the Rangeview Registered Neighborhood Association Members in violation of Denver Municipal Code, Article III: Registered Neighborhood Associations, Chapter 12: Community Planning, Section 97 Public Hearings: https://library.municode.com/co/denver/codes/code_of_ordinances?nodeId=TITIIREMUCO_CH12COPLDE_ARTIIIRENEOR_S12-97PUHE. It is also in violation of the Rangeview Registered Neighborhood Association's Bylaws Article IV Meetings and Members Section 1: Regular Meetings, Section 2: Special Meetings, and Section 5: Quorum of Twelve (12) active members to constitute a quorum; as well as Article V Board of Directors Section 1: Powers, Section 2: Duties, Section 3: Meetings, and Section 4: Quorum of 3/5 of the members of the Board of Directors to constitute a Quorum. (See Rangeview Bylaws attached.)

When I asked Mr. Singer why he represented that the Rangeview Neighborhood Association had voted unanimously in this matter, he send me the attached email admitting to such, and he resigned his position on the Rangeview Neighborhood Association Board. When I asked Mr. Miller why he did inform the Rangeview Board or the Range Members of the 09/24/2024 City Council notice of the meeting, Mr. Miller emailed me the attached response and resigned his position on the Rangeview Neighborhood Association. (See attached.)

As Rangeview Vice President Denver, I request that the letter from Mr. Singer and any statements made at the Denver City Council Meeting on 09/24/2024 stating that the Rangeview Registered Neighborhood Association supports the rezoning be withdrawn and stricken from the record.

I further request that the Denver City Council delay its final vote on Council Bill 24-1209 for

approximately 30 days to give the Rangeview Registered Neighborhood Association time to hold a Special Meeting to vote on the proposed rezoning.

Sincerely,

Michelle Palmquist

Rangeview Neighborhood Association Vice President Denver

Finish Time

2024-11-03 22:03:57

Subject: [EXTERNAL] Re: RANGEVIEW VOTE BY 5PM TODAY: Rezoning for Bellco Property 10353 E. Mississippi

Diane and Dan Brotzman vote yes with the conditions that Roger and Keith negotiated to restrict the use of the property which shall run with the title of the property for the benefit of the Rangeview Neighborhood Association.

1. No gas station or other automotive use shall be permitted.
2. One story height limit on all buildings.
3. Access to Geneva Street shall only be as required by the Denver Fire Department and shall be limited to fire access with physical barriers being constructed to protect children at the school bus stop.

Dear Rangeview Neighborhood Association Members/Residents,

Please see the below email and attachments from Bethany Gravel regarding the Bellco property located at 10350 E Mississippi. The Denver City Council Public Meeting to vote on rezoning this property is today 11/4/2024 at 5:30pm. In lieu of a Special Meeting due to the time constraints, I am requesting your vote on whether you support, oppose or abstain the bill ordinance to change the zoning. I will report the results of the vote at the City Council meeting as a representative of Rangeview Neighborhood Association.

Please use this link to submit your vote

<https://forms.gle/C7Ch8aaNwhchsWzZ8>. Votes must be submitted by 5:00pm MT today 11/4/2024.

PUBLIC HEARINGS - BILLS FOR FINAL CONSIDERATION

Land Use, Transportation & Infrastructure Committee

24-1209 A bill for an ordinance changing the zoning classification for

10353 East Mississippi Avenue in Windsor.

Approves a map amendment to rezone property from B-1 to S-MX-3, located at

10353 East Mississippi Avenue in the Windsor statistical neighborhood, in Council District 5. The Committee approved filing this item at its meeting on 9-24-2024.

<https://denver.legistar.com/gateway.aspx?m=l&id=/matter.aspx?key=25985>

Please contact me if you have any questions or concerns.

Sincerely,

Michelle Palmquist

Rangeview Neighborhood Association Vice President Denver

720-291-3840

Hello Michelle, Thank you so much for your time on the phone this morning.

Below and attached are the use restrictions that Red Mountain Group negotiated with Bellco, Roger and Keith. These restrictions will be included in the Covenants, Conditions, and Restrictions (CC&Rs) for the 10353 E. Mississippi site. I've highlighted use restrictions that were specific requests from the Rangeview neighborhood, Should tonight's rezoning move forward, and Red Mountain Group take ownership of the site, these restrictions will be legally recorded with the Denver Clerk and Recorder and shall run with the land in perpetuity - ensuring the community is protected. Further protecting the community, the CCRs include reciprocal drainage and access agreements between Bellco and Red Mountain Group that must be in effect for any development on the site to move forward. In addition, Red Mountain Group has 10-year or 15-year contracts with the site tenants - Aspen Dental, A-Z Pet Vet and Black Rock Coffee - so there is no uncertainty regarding what will be built on site.

However, I have confirmed with Tim Dollander with Red Mountain that delaying tonight's rezoning vote will significantly stress Red Mountain's ability to meet contractual deadlines with Bellco and the commercial tenants. I also reached out to City Council staff and there would not be an opportunity to delay this vote a month. This item would not be put back on City Council's agenda until 2025 at the earliest.

Considering that this project has strong support from the neighborhood, we hope you can speak in favor of tonight's rezoning moving forward. We will be happy to arrange a follow-up meeting on the site planning process with the full neighborhood following tonight's rezoning and provide periodic project updates to Rangeview. Please let me

know what would be most helpful for the community.

Negotiated Use Restrictions for 10353 E. Mississippi

Use Restrictions. The following uses or operations shall not be permitted on all or any part of the RMRG Property, except as otherwise noted:

a bank, credit union, financial institution or financial services business. Notwithstanding the foregoing, this restriction shall not apply to insurance companies or title agencies and the foregoing restrictions do not prohibit businesses from accepting payments from their customers by electronic funds transfers, checks, or other forms of payment that are currently used by retail businesses or may, in the future, become used by retail businesses. From and after the date that is five years after the date of this Agreement, if the Bellco Property ceases to be used for any of a bank, credit union, financial institution or financial services business for more than two consecutive years (excluding closures for casualty, condemnation, redevelopment and remodeling), the foregoing use restrictions will terminate;

an adult book, adult novelty, adult video or adult entertainment store, car wash, tattoo parlor, pawnshop, massage parlor (meaning for purposes hereof, an establishment of a prurient nature, as opposed to spas, salons, and other retail establishments providing massage in accordance with laws), hookah bar or lounge, dance hall, discotheque, nightclub, bar (other than a bar that is part of a restaurant business), billiard or pool hall (which shall be defined as any establishment with more than four pool or billiard tables), bingo parlor, game parlor or video arcade (which shall be defined as any store containing more than two electronic games);

a store which has the sale of firearms or weapons as its principal business, or a store (sometimes referred to as a "head shop"), which has the sale of drug paraphernalia or marijuana paraphernalia as its principal business;

a bookstore which is engaged in selling, exhibiting or delivering pornographic or obscene materials as its principal business;

the selling or renting of, or displaying for the purpose of selling or leasing, any motor vehicle or trailer;

the sale of marijuana (whether for medicinal or recreational purposes) or providing consulting or advice primarily regarding medical marijuana;

any auction house, fire sale or bankruptcy sale (except pursuant to court order), provided that any occupant that in fact goes out of business may hold one going out of business sale not to exceed four weeks in duration;

any drilling for and/or removal of subsurface substances or agriculture or industrial uses;

any living quarters or sleeping apartments;

any unusual fire, explosive or other damaging or dangerous hazards (including the storage, display or sale of explosives or fireworks);

automobile, truck, trailer or recreational or other vehicle body and fender shop, repair shop (mechanical or otherwise, including, by way of example, body or paint shop, tune-up), or storage facility. For clarification, a national retailer such as Discount Tires, Brakes Plus, Jiffy Lube, Car Toys and similar car-related businesses are expressly not permitted;

bail bonds business;

blood bank;

boat sales office, showroom or storage facility;

bowling alley;

carnival;

check cashing facility;

commercial laundry, laundromat or dry cleaning plant (but a retail dry cleaner or laundry is not so prohibited);

dumping, disposal, incineration or reduction of garbage or refuse other than in enclosed receptacles intended for such purposes and other than handling or reducing such waste if produced on the premises from authorized uses and, in such latter event, only if handled in a reasonably clean and sanitary manner;

flea market, swap meet, flea circus, surplus store;

funeral parlor, mortuary or similar service, including the sale of coffins or caskets;

gambling, off-track betting parlor or operation;

gun sales or rental shop;

hotel or motor inn;

junk yard;

leather tannery or stockyard;

live music, other than inside as part of a restaurant business;

recruiting center or employment center;

shooting gallery or gun range;

so-called telephone "call-center" or similar use;

storage facility other than with respect to storage for retail uses not otherwise prohibited herein;

strip tease facility or a facility offering nude or topless dancing and similar activities, exotic or erotic dance clubs;

surplus, salvage or liquidation store (such as a Goodwill, Salvation Army or government surplus store), other than a drop off donation box;

trailer court, mobile home park, labor camp, stock yard or animal raising (other than pet stores or pet supply stores);

unemployment office; or

exercise or fitness facility in excess of 3,500 square feet.

Service station, gas or otherwise

Automotive service or repair

Convenience Store, or other retail business operating 24 hours a day.

Improvements. All improvements on the RMRG Property shall be constructed, operated and maintained

so that the same is in material compliance with all applicable governmental requirements, but in **no event taller than two (2) stories in height**. All improvements on the Properties shall be constructed, operated and maintained in good order and repair and in a manner commensurate with similarly situated projects in the vicinity of the Properties.

Trash. Each of the parties shall comply with first class, retail center standards in connection with sanitation, handling of trash and debris, loading and unloading of trucks and other vehicles, safety and security against fire and theft, vandalism, personal injury and other hazards, including a prohibition against unsightly or unsanitary accumulation of trash or other similar misuse of walkways, landscaping or loading areas on such parties' respective Properties. The trash enclosure on each of the Properties shall be maintained by the owner or Permittee of such Property in a neat and clean condition and so not to be visible to members of the public.

Subject: Rangeview RNO: Roger & Keith Resigned, 11/4/24 City Council Vote on Bellco Rezoning
Importance: High

Dear Rangeview Neighborhood Association Members,

Tomorrow (Monday 11/4/24) Denver City Council will vote on the rezoning of the Bellco Property at 10353 E Mississippi Avenue. I was made aware of tomorrow's meeting when Roger Miller forwarded the below email to me yesterday.

At our annual meeting on 04/02/2024 there was a presentation and discussion re: the Bellco Property at 10353 E Mississippi Avenue and the developer's desire to rezone the property from B1 to SMX3. It was determined that we did not have enough information and that it was too soon to vote on a rezoning. (See meeting Agenda attached or via the link: https://drive.google.com/file/d/1IQkbVtVWvC9MtWXCedPHiMXeKfZID_GF/view?usp=drive_link)

At the Denver City Council public meeting on 09/24/2024 City Council testified that they received a letter in support of the rezoning from the Rangeview Neighborhood Association. In the Denver Council meeting record is a letter from Rangeview RNO VP Aurora Keith Singer, stating: "I am writing on behalf of the Rangeview Neighborhood Association to express our support for the proposed rezoning of the vacant Bellco Credit Union drive-thru ATM facility located at 10353 E. Mississippi Avenue from B-1 with conditions to S-MX-3. This proposal was thoroughly presented and unanimously supported by our members during our annual meeting held in April of this year." (See Denver City Council meeting link: <https://denver.legistar.com/LegislationDetail.aspx?ID=6866685&GUID=68AF8349-D5B3-46C6-AC24-4E789363E8F4>) and Meeting Attachment 8. [2024I-00023_Public Comments](#), and attached.) At this meeting Red Mountain Group testified and provided written documentation that Rangeview RNO voted to support the proposed rezoning. (See Denver Council Meeting Attachment 7. <https://denver.legistar.com/View.ashx?M=F&ID=13318163&GUID=9A808B5D-F3B8-4090-86DC-64F18CCE50F3> and attached).

When I asked Roger and Keith why they didn't inform the other Rangeview RNO Board Members of the Denver City Council meeting in September or hold a Special Meeting of the Rangeview Residents, in violation of

Rangeview Bylaws and Denver Municipal Code, they both resigned from the Rangeview RNO Board.

I volunteered to be on the Rangeview RNO Board in April 2023 at the request of Linda Rea, who is an original resident and was previously on the Board with Roger and Keith. Linda and many of the residents of Emporia Street felt disenfranchised when the Rangeview RNO Board wrote a letter to the Denver City Council in support of the Dayton & Mississippi rezoning without taking a formal vote, over the objections of these residents. All of this happened before I moved into the Rangeview neighborhood.

I told Linda that I did not have the band-width to be President, but said she would be VP Denver and help me. Then Linda resigned after learning that Roger and Keith would continue to serve on the Board. I tried to resign but was encouraged to stay on.

Some residents say that the Board needs fresh representation because Roger and Keith have been involved for over 20 years and they do not work as a team with other board members, but these folks don't participate, don't attend the meetings or parties, and don't volunteer to take over the board. Other residents are grateful that Roger and Keith have stepped up when no one else will and appreciate all that they've done for the neighborhood. And some residents warned me against getting involved.

It is my belief that the Rangeview RNO and its Board Members should at least try to follow the rules it has established in its Bylaws and by the City Municipal Code re: RNOs and to represent the residents. My three years as a Rangeview resident and 1.5 years of trying to serve on the Board is clearly no match to the 20 years of resentment, pettiness, drama and self-interest.

I'm not sure where we/you go from here... if 12 or more residents request a Special Meeting, you can schedule one.

Sincerely,

Michelle Palmquist

Rangeview Neighborhood Association Vice President Denver ???

Subject: Fwd: City Council Agenda for 10353 E. Mississippi (Bellco) Public Hearing

Denver city council hearing regarding Bellco this Monday. Attendance in person or computer but we are 2nd to last on agenda as I read it.

----- Forwarded message -----

Good news! The Bellco rezoning (10353 E. Mississippi Avenue) is the item up for a public hearing at Monday's City Council meeting - see Page 21 of the attached agenda. Here is the link to provide testimony either in person or virtually: <https://fs12.formsite.com/qD2eXl/hearings/index>. You must sign up to speak before 3:00 PM on Monday.

Please let me know if you have any questions. Thank you both for your time and engagement!

Bethany