Proposed Zoning Change to 1995 North Yosemite Street, Denver, CO 80220

Request by property owner to have the property located at 1995 North Yosemite Street, Denver, CO 80220 changed from residential zoning E-SU-DX (Urban Edge Neighborhood) to commercial zoning E-CC-3 (Commercial Corridor) in order to construct a one to two story office building with parking.

The property in question is located in the City and County of Denver, State of Colorado at an address listed as 1995 North Yosemite Street, Denver, CO 80220. The property is located in the Schermerhorn & Worrells Subdivision of Montclair, Block 1, Lots 44 to 46. The lot size is 9,460 sq. ft. and is located on the southwest corner of the intersection of North Yosemite Street and East Montview Boulevard within the East Colfax statistical Neighborhood and the boundaries of The East Montclair Neighborhood Association. The lot is currently occupied by a one-story 890 sq. ft. single-family detached home that was constructed in 1926. The current property is zoned as E-SU-DX (Urban Edge Neighborhood). The property is currently owned by Great Investments LLC whose registered agent is Boris Klein of 7670 East Arizona Drive, Denver, CO 80231. Great Investments is a Limited Liability Corporation listed as in good standing with the State of Colorado Secretary of State’s office. Boris Klein has owned the property since November 4, 2002 and transferred ownership to Great Investments LLC which he is the agent for on December, 29, 2006. The property is currently being rented out as a residential property.

James McPartlan, Commercial Real Estate Advisor for KW Commercial Real Estate contacted Thomas W. Fesing, President of The East Montclair Neighborhood Association on behalf of the owner and potential buyer by phone on December 19th, 2014. Mr. McPartlan was referred to The East Montclair Neighborhood Association by Councilwoman Mary Beth Susman of Denver City Council District 5 in which the property is located. Mr. McPartlan stated that he was in talks with a client that was interested in applying for a zoning change from residential to commercial for the property located at 1995 North Yosemite Street, Denver, CO 80220. State Farm Insurance Agent Jessika Aerni doing business currently in a leased space at 7505 East 35th Avenue, #305, Denver, CO 80238 is interested in potentially purchasing the property at 1995 North Yosemite if a change in zoning is approved and will potentially have a 1 to 2 story office building constructed that would include parking. The office building would contain 2 office sites, one for the agent’s insurance business and the other to be leased out to another yet to be determined business.
Thomas W. Fesing, President of The East Montclair Neighborhood Association presented the request to residents and property owners via social media (Nextdoor & Facebook) and solicited input from all interested parties within the East Montclair Neighborhood boundaries and the statistical neighborhood boundaries of the East Colfax Neighborhood via door-to-door soliciting in the immediate vicinity of the said property located at 1995 North Yosemite. All residences within the City of Denver in the immediate block were visited from East 19th Avenue to East Montview along North Yosemite as well as all residents on North Xenia Street between East 19th Avenue and East Montview Boulevard.

The feedback from respondents within the East Montclair/East Colfax Neighborhood regarding the proposed zoning change at 1995 North Yosemite Street, Denver, CO 80220 has the majority of residents OPPOSED to any change in the current Residential E-SU-DX (Urban Edge Neighborhood) zoning for the property. The immediate property owners and residents within the Schermerhorn & Worrells Subdivision of Montclair, Block 1 on both North Xenia Street and North Yosemite Street are also OPPOSED to a change in zoning for the property.

The respondents reasoning that OPPOSE the proposed zoning change at 1995 North Yosemite Street, Denver, CO 80220 include:

✓ The area is currently a zoned residential neighborhood and residents would like to keep the neighborhood intact.
✓ Potential for later rezoning other properties along North Yosemite Street to Commercial in what has always been a residential corridor.
✓ Increased traffic on immediate streets and alleyways which create an unsafe environment for the public within the immediate area.
✓ Potential negative effect on home values of properties that immediately border the property at 1995 North Yosemite Street.

The respondents reasoning that APPROVE the zoning change at 1995 North Yosemite Street, Denver, CO 80220 include:

✓ Potential for job creation within the neighborhood by two new businesses relocating in the East Montclair/East Colfax Neighborhood.
✓ Positive development within the neighborhood of a quality business which will attract other businesses to the East Montclair/East Colfax Neighborhood.
✓ The office building may create a sound buffer for residents due to the heavy traffic in the immediate area.
The individual responses of residents that both OPPOSE and APPROVE the requested zoning change for 1955 North Yosemite Street, Denver, CO 80220 are listed below:

✓ I have been very interested in the properties along Montview. We fought with Forest City for over 12 years to have the property along Stapleton and Montview be residential zoning. We were not too successful in our efforts, despite diligent attendance at all meetings. A few years back the Doggie Day Care was approved without the knowledge of East Montclair Neighborhood Association (EMNA) till it was pretty much a done deal. That opened the door to Forest City changing the zoning with no notice that anyone can remember seeing for the parcel that is south of the Hangar Church. We were most upset when the 24 hour car wash was approved and then to top that, the 7-11 was pushed through despite strong neighborhood opposition not just from walking the East Montclair/East Colfax neighborhood door to door, but most of the affected area in Stapleton. We collected over 450 signatures in opposition in 10 days. The 7-11 withdrew their liquor license, but can re-apply at any point pretty much. They sit right between 2 schools and a church. The City re-vamped how Registered Neighborhood Organizations (RNO)’s are notified of zoning changes to go through the neighborhood president. I have not received any zoning changes although I have tried to serve the community well in alerting neighbors of changes I used to be made aware of. There is great concern amongst the neighbors who live close to the 7-11 that it not have the crime element that has plagued Colfax for years. We worked with the Stapleton United Neighborhood (SUN) board to do surveys to see what businesses the neighbors wanted to see in the commercial property next to 7-11 and the now almost complete Veterinary Hospital. We met with little success with Forest City. There were many requests to have the neighborhood plan followed that was developed in the 1990’s to have the residential component of Stapleton have seamless connection to EMNA. This has been somewhat successful, but somewhat not. Some felt the 7-11 was a positive and did not help us in trying to stop this from being built. It is not in character with our neighborhood being a 24 hour business. The car wash is also a 24 hour business. We have little traffic after 10pm and value this. Our voices seem to not be heard over the needs of different businesses and the need to create a commercial corner that was never in the 1994 Comprehensive East Montclair Neighborhood Plan. I recommend walking the neighborhood and learning how this will impact the neighbors who live close to this proposed development. There is one more parcel for sale on the property across the street from my home that will be next to the Veterinary Clinic and 7-11. We have asked for a coffee shop for years and years. We asked for the library to locate here, but it did not. We asked for houses to be built which were not. We asked for neighborhood friendly businesses like beauty salons, or a bank or office space, but were not heard. Different neighborhood restaurants were proposed, but not sure what happened to these concepts.
Why not in a spot that already is zoned for business? Such as East Colfax? Why does he want to be in our neighborhood? Why here? Why now? Cheap land? How will this contribute in a beneficial way to our neighborhood, how will it promote well being? Who are their target clients? Folks from our neighborhood or folks in Stapleton? Those are some of my questions and I'm sure those who would live next door to this probably never imagined it would be possibly rezoned and they'd be living next to a business! I hope they are contacted.

I live on Xenia north of 19th. My husband and I have discussed this and we foresee Yosemite being rezoned to commercial lots as Colfax redevelops. Yosemite is a strategic connection between Stapleton and Colfax. However, we do not want to see this process happening before Colfax has a chance to redevelop, and certainly not for a business that we do not see will serve our neighborhood. We do not support this lot being rezoned now for this business. If they are serious about neighborhood input, our input is to consider reaching out to The Fax Partnership and consider East Colfax.

Here are my thoughts. The insurance agency could potentially create one or two additional jobs to their workforce by being in their own building plus there will be an additional office space leased to another business which could potentially create jobs as well. Both the insurance agency as well as the leased office retail space will provide services to anyone who wishes to purchase those services from them whether in our neighborhood or Stapleton. The current owner of the property is selling the property and the insurance agency is the potential buyer at this time. The home which resides there is quite run down and not well-kept.

We live down from this property in the same block on Yosemite. I am not happy about it for the same reason of what others have said. It will open our block up to more commercial zoning changes and little by little eat away the residential part. It will also very likely mean that customers are probably going to drive through our alley, which on our street is for me the only place my kids can ride their tricycle and bikes! The properties on the other side in Stapleton are much more expensive, so they are just looking into benefiting from Stapleton without paying the price. I really would urge the city to consider how commercial zoning will change this block. There should be enough properties on Colfax and in Stapleton that should work. As I said before among a few things I am worried about cars utilizing the alley to get to the proposed business/business. I live on this busy street, which has gotten a lot busier since I 70 was connected to Central Park blvd. So besides our yard the alley is where my kids can play like they would otherwise in a side street. I do also feel like it opens up the door for this part of the road to turn into more properties with business. I am all for free market, but listen to who
lives here! I don't have something against an insurance business, but once it is commercially owned there are other businesses that could follow! There are many empty lots in Stapleton that are commercially zoned (and yes, they would cost more) and on Colfax. I don't see why we need to move commercial zones into residential areas when those areas are available! The property as it is now is not great and needs work. I would rather see an investor turn it into a nice flip to buy or rent for residential use. There are a lot of properties that need work, throughout our entire neighborhood. While this particular spot is definitively better for commercial use than others on more residential streets I agree Quebec would probably be a better option. On the Denver side of this block are currently 2 houses for sale. One of which is our neighbors, and it has not sold because of what they are asking for it. They haven't improved the property and put it on the market with a price comparable to other flipped houses in this hood. You can see on Zillow what they approximately paid for and they are asking almost twice as much for it. As for the other property for sale, I know some work was done to it, not sure if it was enough for the asking price. All of the properties on this block besides one of the ones for sale are occupied. Some may not look the best but most neighbors do what is within their means! I know there are other alley ways that don't go through but I assume trash pickup would be in the front of the property, not back. The intersection is pretty busy already so I would think it would be more difficult to make the access from Montview/ Yosemite direct. I would like to add that I doubt that any jobs in the proposed 2 businesses will come directly from people living in East Montclair. I assume the insurance business already exists and has a staff of employees. If another business goes in there it would very likely be a similar scenario or they will be looking for specific qualifications that may or may not be found within our neighborhood. Bottom line is they should be able to hire whoever is best for the job and will, which may or may not affect us.

✓ We should not allow this property to be rezoned. It is my opinion that this should be kept residential so that in the coming years, as we have been told in the past, Stapleton & Lowry will connect. Some current property owners will be bought out by someone looking to improve the property to fit in with the neighborhood design. I know some residents, including myself, have added on their original home or gutted the home to redesign it. I am hoping that East Montclair Neighborhood will develop into an area like off Yale & East of Colorado Boulevard. (sorry I can't think of the name of the area) There are some beautiful homes. If the business wants to come in, the perfect area would be on East Colfax. Let's attempt to get it developed & not take away our residential area. We need to stand FIRM on this-allow one then before you know it other businesses will join in & we as homeowners won't have much say-so on rezoning another "cheap" parcel of land in our neighborhood! What effect will it have on our property values?
✓ However, it really seems like a sneaky attempt to purchase some cheap commercial real estate. Often posts links to all the commercial real estate available on Colfax (e.g., Compton Mart), but they're substantially more expensive than just buying a house and scraping it. I would agree with others that Colfax should be more seriously considered before we start chopping up the neighborhood.

✓ I drive south down Yosemite each day on my way home from work. The traffic at 5:30 6:00pm down that street has got to be really hard on the people living along there. An office building on the corner could possibly provide the homes on the south side of the building some shelter from the road noise and lights as cars flood out of Stapleton on Park Central Blvd.

If we were talking about yet another convenience store or liquor store I may be more concerned. But if it is to be an office building that generally keeps office hours I'm hard pressed to see a problem. If this was a Dentist's office or Doctor's office would you still be against the idea? And for those who seem to believe that they are just doing it to get cheap land well that could be true but as long as the developer follows the proper channels why is that wrong? There are lots of people here that bought homes in the East Colfax Neighborhood because they were affordable and they could take advantage of Stapleton & Lowry parks & shopping. It stands to reason that businesses would like to do the same thing. But hay, I'm a free market kind of guy so I'm pro rezoning. But the people that really should have a say in this are the ones that live next to and behind the property, they will be affected by this so I would talk with them directly. I just don't see anything wrong with that. It has the potential of being a plus for my section of the hood. I will take an insurance office over another rundown rental property owned by some investor living in Highlands Ranch any day of the week. I already have two of those on either side of my property! Heck if this property falls through maybe the developer can come over and buy up one of those. It would only be an improvement.

✓ I will support the nearby residents. I hate, hate, hate vacant properties that just sit and rot. That said, a rezoning is major change that should be approached carefully.

✓ A few things I wanted to contribute. Yes, renters are important, but the land owners are also...they might not live there, but it is their investment, whereas renters don't risk losing financially. Personally, I agree with the sentiment about Colfax. There are significant number of open properties that could be done up nicely at a reasonable price esp. as it will increase in value as the city starts investing, new businesses come in...it will begin to look more and more like Fax closer to downtown. If we do not encourage already zoned and challenged areas...why should anyone else? If there were no opportunities on Colfax maybe I would see it differently. Now my 3rd point is that
Yosemite is a nice straight shot to Stapleton from my house (verbenia park) it's not gummed up with silly people needing to stop and wait to turn cross traffic to pull into a tight business, who (if smart and financially frugal) will waste as little space for parking as possible. Why not develop Quebec more...or again Colfax. No, now I'm writing about it... see this significantly impacting street congestion on a currently nice local's thoroughfare (I use this route exclusively to go to doctor and food) unlike the nightmare that is Quebec.

✓ Vacant properties that rot are about the worst thing for a neighborhood trying to turn around. That corner there seems to have a bit of trouble and could use another business to save it. My wife and I looked at that house two or three to the south over the summer. It's still for sale, in one of the hottest markets in the nation. Something needs to change about that corner; and re-zoning it could be exactly what's needed.

✓ I posted on FB about the traffic concerns but I also see the need to alleviate the blight. I think the type of business that would be in the development would be a major sticking point. No liquor store, fast food, convenience stores or other high traffic, low value business. But most importantly, the opinion of the directly affected neighbors should carry the most weight.

✓ I'm all for it! It sounds like a very positive commercial proposal.
After thoughtful and careful review of all the responses by residents within the East Montclair/East Colfax Neighborhood it is the decision of The East Montclair Neighborhood Association to respectively OPPOSE the proposed change to zoning for the property at 1995 North Yosemite Street, Denver, CO 80220 located in the City and County of Denver, State of Colorado in the Schermerhorn & Worrells Subdivision of Montclair, Block 1, Lots 44 to 46.

We respectfully request to be given ADEQUATE NOTICE of ANY PUBLIC HEARING regarding this matter that may take place in order for residents of the East Montclair/East Colfax neighborhood to give public comment and be present for such hearings that take place.

With Regards,

[Signature]

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December 29, 2014

- A copy of this letter was emailed and sent via certified mail on December 29, 2014 to James McPartlan, Commercial Real Estate Advisor for KW Commercial Real Estate located at 200 W. Plaza Dr. Suite 200, Highlands Ranch, CO 80129 and to Denver City Councilwoman Mary Beth Susman at 1437 Bannock Street #451, Denver, CO 80202.