



DENVER
THE MILE HIGH CITY

Community Planning and Development
Planning Services
Plan Implementation

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TO: Denver City Council; Land Use, Transportation & Infrastructure Committee
FROM: Courtland Hyser, Senior City Planner
DATE: August 15, 2013
RE: Zoning Map Amendment #2013I-00027
2137 Glenarm Place
Rezoning from R-3, UO-3 to C-MX-5

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, including legal basis evaluation and compliance with adopted City plans, Staff recommends **approval** for proposed map amendment #2013I-00027 for a rezoning from R-3, UO-3 to C-MX-5.

I. Scope of Rezoning

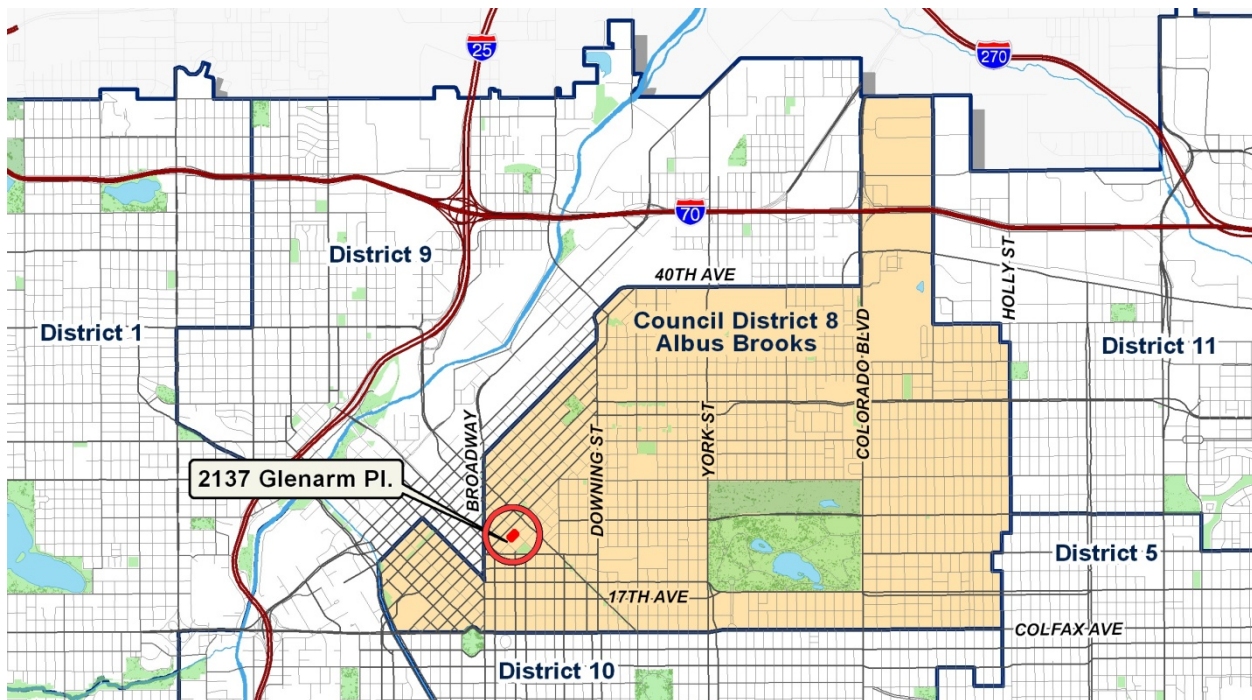
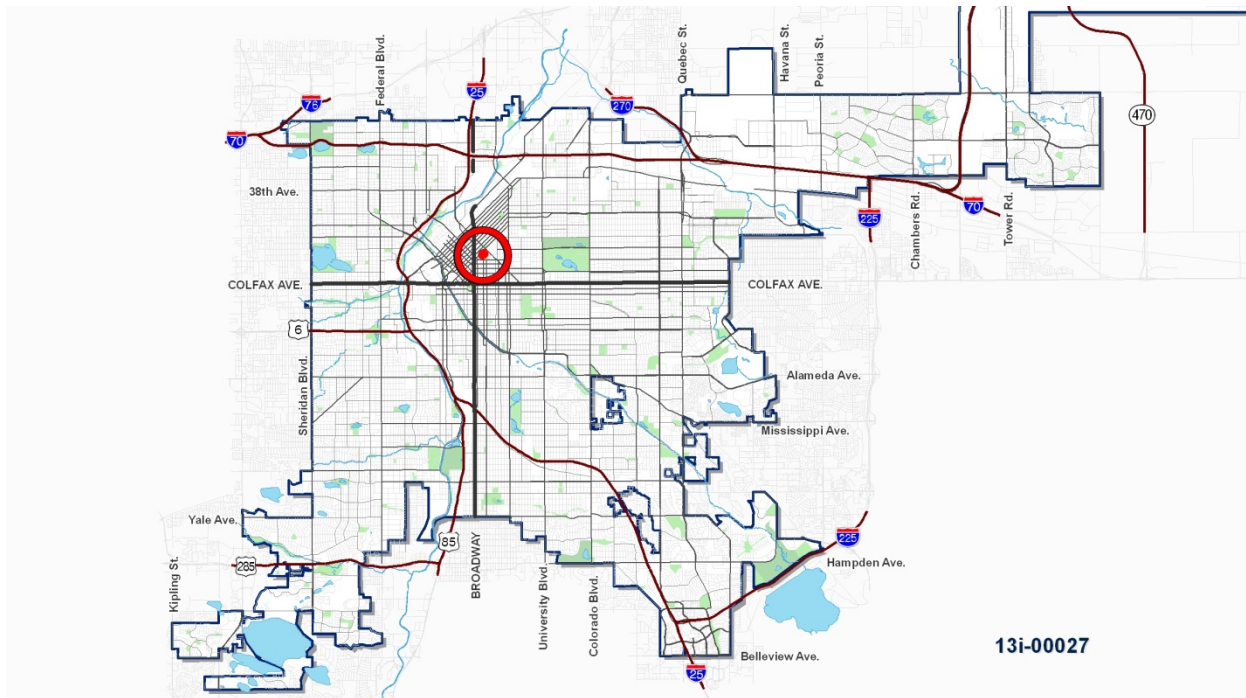
| | |
|--------------------------------|---|
| Proposed Map Amendment: | #2013I-00027 |
| Address: | 2137 Glenarm Place |
| Neighborhood/Council District: | Five Points Neighborhood / City Council District #8 |
| RNOs: | Downtown Denver Residents Organization; Arapahoe Square Neighborhood Association; Curtis Park Preservation Council; Ballpark Neighborhood Association; Points Historical Redevelopment Corp; Welton Corridor Property Owners; Denver Neighborhood Association; Curtis Park Neighbors; Capitol Hill United Neighbors; Enterprise Hill Homeowners Association; Northeast Community Congress for Education; Five Points Business District; Denver Downtown Capitol Hill Alliance; Inter-Neighborhood Cooperation |
| Area of Property: | 0.79 Acres / 34,500 SF |
| Current Zoning: | R-3, UO-3 |
| Proposed Zoning: | C-MX-5 |
| Property Owner: | 2137 Glenarm, LLC |
| Contact Person: | Ben Gelt |

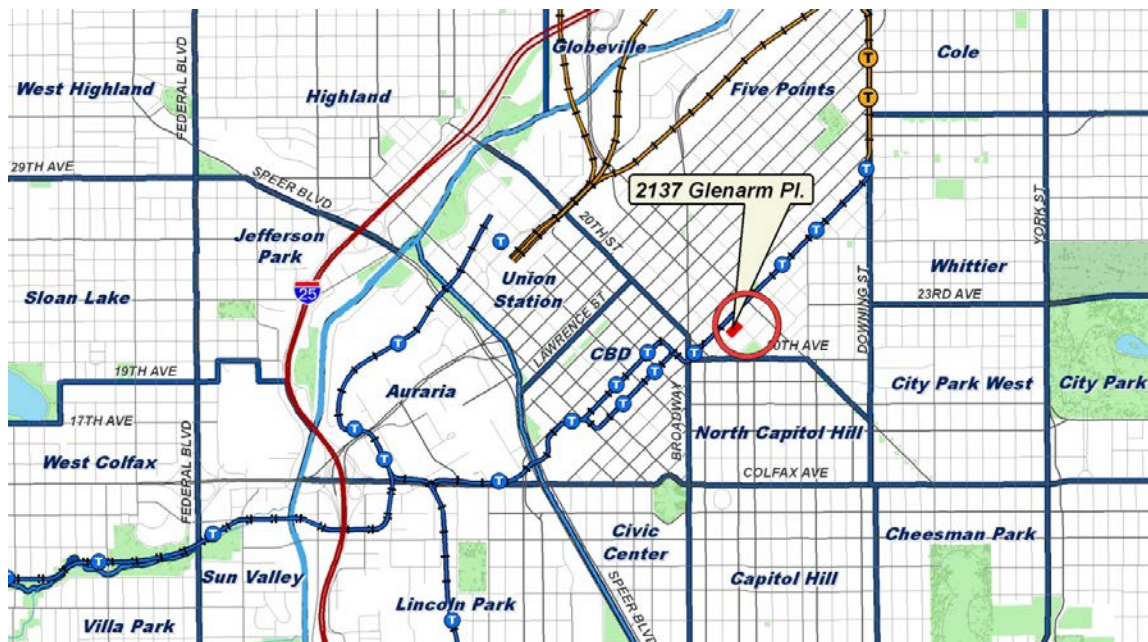
Rezoning Proposal #2013I-00027

2137 Glenarm Place

08/15/13

Page 2

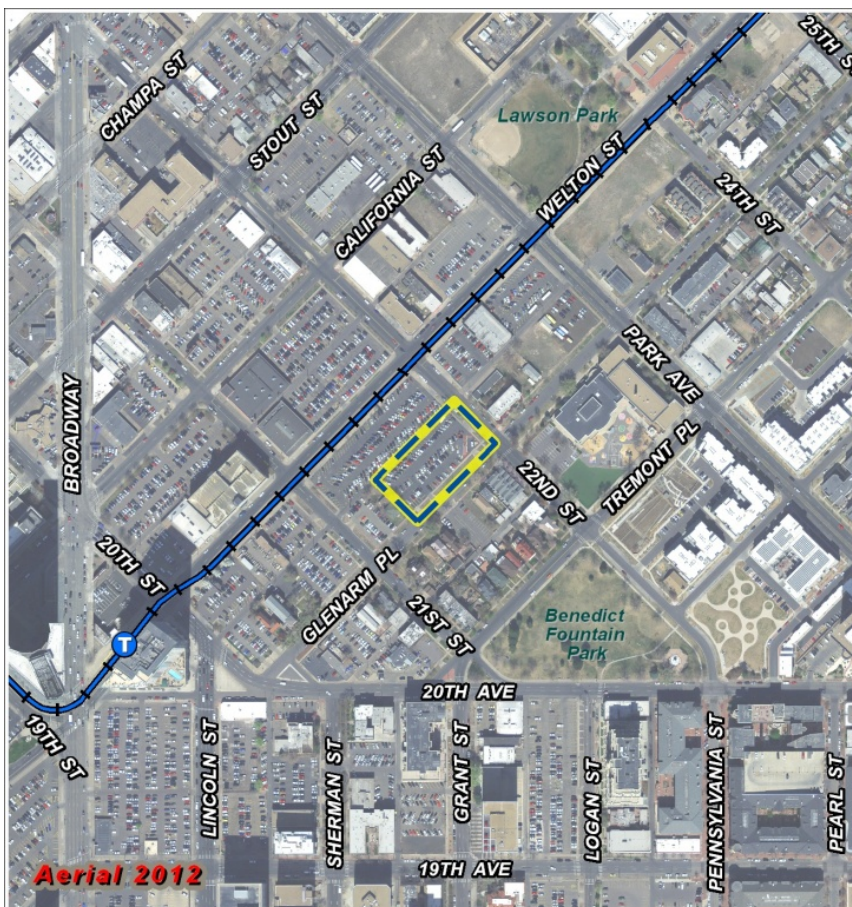




II. Summary of Proposal

The property proposed for rezoning is located on the west side of Glenarm Place between 21st Street and 22nd street. The site comprises a majority of the western half of the block. The property currently contains a surface parking lot as a principal use. There is no permanent structure on the site. There is an alley that runs along the entirety of the rear of the property.

The existing zoning for the site is R-3, UO-3. The requested zoning for the site is C-MX-5 in the Urban Center Neighborhood Context. This zone district allows for a wide mix of residential and commercial uses. Building forms in this zone district have urban character and the maximum building height is 5 stories. Details of the zone district can be found in Article 7 of the Denver Zoning Code (DZC).



Location Map

III. Existing Context

The subject property is located in the Five Points Neighborhood Statistical Area. The site is located in the southeastern extent of Arapahoe Square, a half block east of the Welton Street corridor, and proximate to the Clements Historic District. The Clements Historic District is adjacent to the subject site on three sides, but the property itself is not located in any historic district. Residential is located to the southeast, directly across Glenarm from the subject property. The parcel to the southwest contains a boarded up industrial/warehouse building. While the warehouse building remains unused, the remainder of the lot is being used as a surface parking lot. Across the alley to the northwest is another surface parking lot. To the northeast, across 22nd Street, residential and offices are located in historic rowhouses. Ebert Elementary is caddy-corner from the subject site across 22nd & Glenarm.

RTD's Central Rail Line runs a half block away on Welton Street, with the closest stop being approximately two blocks away at 20th and Welton.



Location of the subject site relative to the Clements Historic District (shaded area)

| | Existing Zoning | Existing Land Use | Existing Form and Scale | Existing Block, Lot, and Street Patterns |
|------------------|-----------------|----------------------|---|--|
| Site | R-3, UO-3 | Surface Parking | n/a | The neighborhood context consists of a regular pattern of rectangular block shapes with a highly regular grid of streets and alleys. Properties in the Clements Historic District retain the area's original small lot development pattern, but lots on most other blocks, including the subject site, have been assembled and consolidated. |
| Northeast | G-MU-3, UO-3 | Residential & Office | Three story rowhouse | |
| Southeast | G-MU-3, UO-3 | Residential | One to three story residential | |
| Southwest | C-MX-5 | Surface Parking | Two story Industrial/warehouse structure (boarded up) | |
| Northwest | D-AS | Surface Parking | n/a | |

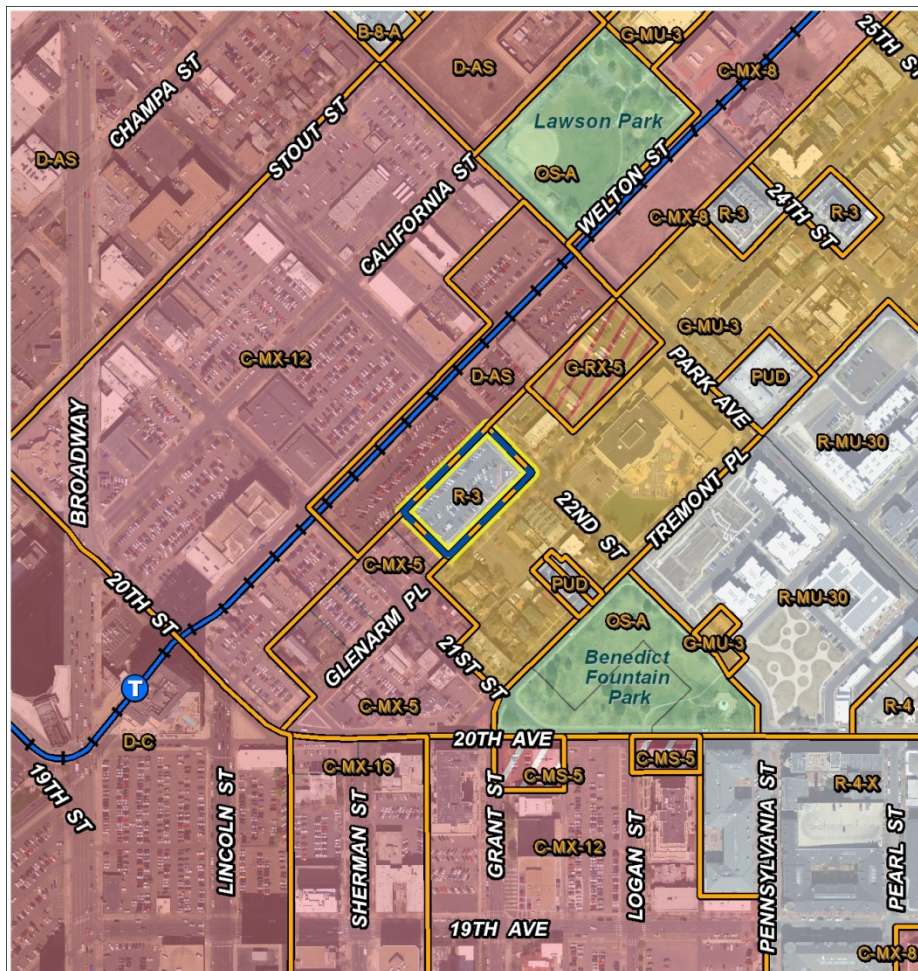
Existing Zoning

The existing zoning for the site is R-3, UO-3, which is a holdover district from Former Chapter 59. Unlike surrounding properties, the site was not rezoned in 2010 as part of the city-wide code update because of the presence of a Planned Building Group (PBG) on the site that was approved in 2009. The PBG is specific to the existing R-3, UO-3 zoning, and would cease to be in place if this rezoning request is approved.

The existing R-3 zoning allows a wide variety of residential and civic uses, but no commercial uses. R-3 has an FAR of 3:1 with no maximum building height.

The UO-3 district is a Historic Structure Use Overlay. It adds a limited number of commercial uses to an underlying residential zone district. If rezoned to C-MX-5, the UO-3 overlay will not be carried forward and will no longer be needed because the list of commercial uses that are allowed in C-MX-5 greatly exceeds that of the UO-3.

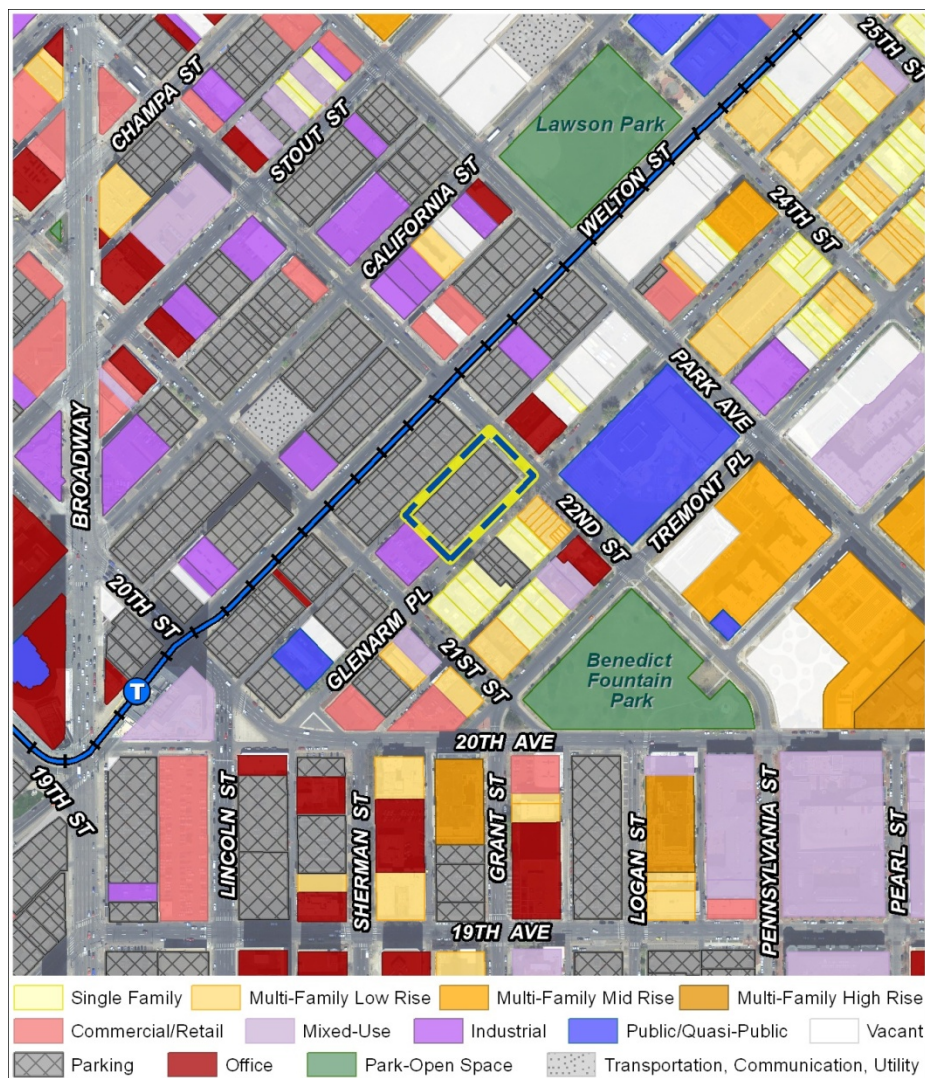
One adjacent property, the boarded up industrial/warehouse building to the southwest, already has C-MX-5 zoning. The surface parking lot to the northwest is zoned D-AS, which has a base FAR of 4:1 and premiums which allow for a maximum FAR of 7:1. Properties to the northeast and southeast are zoned G-MU-3, UO-3.



Existing Zoning Map

Existing Land Use

The existing land use of the subject site is a surface parking lot. The property to the northwest across the alley is another surface parking lot. Residential/office condos are located across 22nd to the northeast. Residential is to the southeast, across Glenarm. A boarded up industrial/warehouse building is located on the adjacent property to the southwest, with a surface parking lot on the southern end of that site.



Existing Land Use Map

Existing Building Form and Scale

In the immediate vicinity of the subject property, historic building forms characteristic of the Clement's Historic District predominate. These consist of 1-3 story structures, most of which were originally constructed for residential use, although the UO-3 overlay has or would allow some of the structures to have commercial uses. The surface parking lot to the northwest is one of many such lots that are located in Arapahoe Square, and along this section of Welton Street in particular.



View of subject site looking west from the corner of Glenarm Pl. and 22nd St.



View of residential/office uses to the north of the subject site across 22nd St.



Residential east of the subject site, across Glenarm Pl.



Boarded up industrial/warehouse building and surface parking lot adjacent and south of the subject site.



Surface parking lot across the alley from the subject site, viewed from 22nd St.

IV. Summary of Agency Referral Responses

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 Coordinator: “Approved - No comments at this time; comments will be provided at time of site plan review. If a concept is available, I highly encourage the applicant to begin the development review process via a concept meeting.”

Development Services – Transportation: “Approved - DS Transportation approves the subject zoning change. The applicant should note that redevelopment of this site may require additional engineering, ROW dedication to the City, access changes, traffic studies and/or right of way improvements. The extent of the required design and improvements will be determined once this property begins the redevelopment process. The results of any traffic studies may require the construction of off-site mitigation or may limit the proposed density of the project. Please be aware that development of this site may create a necessity from Denver Fire Department to widen Glenarm Street to provide the minimum fire lane width.”

Development Services- Waste Water – “Approved - 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.”

Public Works – City Surveyor: “Approve Rezoning Only – Will require additional information at Site Plan Review.”

V. Public Review Process

CPD Staff provided informational notice of receipt of the rezoning application to affected members of City Council and registered neighborhood organizations on July 3, 2013.

The property was legally posted for a period of 15 days announcing the Denver Planning Board public hearing date on August 7, 2013, and written notification of the hearing was sent to all affected registered neighborhood organizations.

Prior to the Planning Board public hearing, CPD received five letters of opposition to this rezoning application. Copies of these letters are included as an attachment to this staff report.

At the Planning Board public hearing, three individuals spoke against the proposed rezoning, and one individual spoke in favor of it.

CPD Staff provided informational notice of the LUTI agenda item to affected members of City Council and registered neighborhood organizations on August 9, 2013.

VI. Criteria for Review / Staff Evaluation

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

DZC 12.4.10.13

- A. Consistency with Adopted Plans
- B. Uniformity of District Regulations and Restrictions
- C. Public Health, Safety and General Welfare

DZC 12.4.10.14

- A. Justifying Circumstances
- B. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements.

A. Consistency with Adopted Plans

The following adopted plans apply to this property:

- *Denver Comprehensive Plan 2000*
- *Blueprint Denver*
- *Downtown Area Plan*
- *Northeast Downtown Neighborhoods Plan*

1. 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.*

The proposed map amendment would enable the option for mixed-use development on an infill location where services and infrastructure are already in place. The proposed C-MX-5 zone district broadens the variety of allowed uses. The site is only a few blocks away from the Central Business District and an existing transit line, increasing access to jobs and services, and reducing auto dependency.

2. Blueprint Denver

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

Future Land Use

Blueprint Denver classifies the subject site as Mixed Use. This mixed use designation is also applied to other properties for several blocks on the west side of Glenarm. Properties across the street from the subject site on the east side of Glenarm are mapped Urban Residential. Across the alley, properties fronting Welton Street are mapped Pedestrian Shopping Corridor.



Blueprint Denver Land Use Map

Areas of Change/Stability

The site is within an Area of Stability. Areas of Stability include the majority of Denver; primarily the stable residential neighborhoods and their associated commercial areas. According to Blueprint Denver, 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 120). In the case of the subject site, which is located in a prime redevelopment area

(Arapahoe Square) but is also adjacent to a historic district, the proposed rezoning is consistent with the goal to maintain the character of the area while also accommodating appropriate new development. The proposed C-MX-5 zone district would allow new commercial, residential, or mixed-use development that is appropriate in form and scale for the transition area between the mid-high densities of Arapahoe Square, and the lower scale development patterns found in Clements and other neighborhoods to the east.

3. *Downtown Area Plan*

As mentioned previously, the subject site is located in Arapahoe Square. The Downtown Area Plan (2007) identifies the redevelopment of Arapahoe Square as one of seven transformative projects that are “the most critical steps to advance Downtown development - and enhance livability and economic health – over the next 20 years” (page 12).

Specifically, the plan sets forth a goal to “redevelop Arapahoe Square as a cutting edge, densely populated, mixed-use area that provides a range of housing types and a center for innovative businesses (page 35)”. To accomplish this goal, the plan also provides several “Key Recommendations” for revitalizing Arapahoe Square (page 57). Specific strategies that are directly supported by this rezoning include:

- Encourage appropriate redevelopment of surface parking lots and other underutilized properties.
- Identify redevelopment opportunities adjacent to the Welton Street Light Rail Transit line.

4. *Northeast Downtown Neighborhoods Plan*

The Northeast Downtown Neighborhoods Plan (2011) built upon the policy foundation of the Downtown Area Plan and established specific land use, building form, and density recommendations for Arapahoe Square and the greater Five Points area. The plan emphasizes the importance of effectively transitioning from higher density areas, such as Arapahoe Square and Downtown, to lower density areas, such as the Clements and Curtis Park historic districts. Recommendation A.2 (page 18) provides detail on this concept:

“A.2 Moderate Intensity Development Transitioning to Residential Neighborhoods

Where higher intensity development transitions to residential neighborhoods, and along main street corridors (Welton, Downing, and Larimer):

- Allow a moderate and mixed scale of general, shopfront, apartment and rowhouse building forms.
- Site building forms in a context sensitive manner with emphasis on orienting to the street with parking and access in the rear/off the alley.
- Promote the use of design elements that link the building directly to the street environment, such as ground story activation, transparent window openings and doorways at the street.
- Make use of design elements, such as upper story setbacks, as necessary, to minimize massing adjacent to residential areas.
- Allow a mix of uses within the area and within buildings.
- Encourage TOD along transit corridors with sensible transitions to adjacent residential neighborhoods.

- Make use of streetscape elements that support and promote pedestrian and bicycle use, such as wide sidewalks, bike racks, public trash cans, pedestrian scale lighting, and tree wells or tree lawns.”

The plan’s Future Land Use and Height maps identify the subject site as TOD (Transit Oriented Development) with a maximum building height of 5 stories. The plan defines the Transit Oriented Development Land Use as follows (page 16): “Transit-oriented developments have land uses with a direct correlation to the function of a mass transit system. These development sites are located at stations or stops along mass transit lines, especially rail lines. Transit-oriented developments provide housing, services, and employment opportunities for a diverse population in a configuration that facilitates pedestrian and transit access. Within Northeast Downtown, TOD occurs at several different scales, reacting to the amount and type of transit service and the context of the existing adjacent neighborhoods.”

The proposed C-MX-5 zone district is consistent with the Northeast Downtown Neighborhoods Plan recommendations.



B. Uniformity of District Regulations and Restrictions

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

C. 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 land use plan.

D. Justifying circumstance

The application identifies 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 changes and new investment occurring in Five Points, and Arapahoe Square in particular, justify updated zoning that will encourage redevelopment. In addition, the proposed zoning recognizes the vision established in Blueprint Denver and the Northeast Downtown Neighborhoods Plan. Finally, the current R-3, UO-3 zoning was left in place during the 2010 Denver Zoning Code update while adjacent sites were mapped into the new code. Updated zoning will encourage uniform application of the new zoning code along in this area.

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

1. Neighborhood Context

The requested C-MX-5 zone district is within the Urban Center Neighborhood Context. Characteristics of this context include (DZC Division 7.1):

- Multi-unit residential and mixed-use commercial strips and commercial centers.
- A regular pattern of block shapes surrounded by an orthogonal street grid. Orthogonal streets provide a regular pattern of pedestrian and vehicular connections through this context and there is a consistent presence of alleys.
- Moderate to high building heights to promote a dense urban character. Lower scale structures are typically found in areas transitioning to a less dense urban neighborhood.

The proposed rezoning to C-MX-5 for this site would lead to development that is consistent with the neighborhood context description.

2. Zone District Purpose

According to the zone district purpose statements for the mixed use districts, which includes the C-MX-5 zone district (DZC Section 7.2.2.1):

- The Mixed Use Zone Districts are intended to promote safe, active, and pedestrian-scaled, diverse areas through the use of town house, row house, courtyard apartment, apartment, and shopfront building forms that clearly define and activate the public street edge.
- The Mixed Use Zone Districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city's neighborhoods.
- The Mixed Use Zone 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.

The proposed rezoning to C-MX-5 for this site would lead to development that is consistent with the zone district purpose description.

3. Zone District Intent

“C-MX-5 applies to areas or intersections served primarily by collector or arterial streets where a building scale of 1 to 5 stories is desired” (DZC Section 7.2.2.2). The immediate area is served by several arterial streets, including Welton Street, Park Ave, 20th Street, and 20th Ave. Furthermore, a building scale of 1 to 5 stories is desired at this location as a transition from higher density development in Arapahoe Square to lower density development in Clements and neighborhoods to the east, as articulated in the Northeast Downtown Neighborhoods Plan.

The proposed rezoning to C-MX-5 for this site would lead to development that is consistent with the zone district intent description.

VII. Planning Board Recommendation

At its meeting held August 7, 2013, the Denver Planning Board recommended **approval** of this map amendment by a vote of 7 in favor and 1 opposed.

VIII. Staff Recommendation

Based on the analysis set forth above, CPD staff finds that the application for rezoning for the property at 2137 Glenarm Place to a C-MX-5 zone district meets the requisite review criteria. Accordingly, staff recommends **approval**.

Attachments:

1. Public Comment Letters to Planning Board from August 7, 2013 Public Hearing
2. Application

**Enterprise Hill
Neighborhood
Association**
Denver, Co

August 5, 2013

Denver Planning Board
Community Planning and Development Agency
201 West Colfax Avenue
Denver CO 80202

RE: 2137 Glenarm Place Zoning Change

Dear Members of the Planning Board:

On behalf of Enterprise Hill Neighborhood Association, I am writing to express our opposition to the Zoning Change of 2137 Glenarm Place from R-3, UO-3 to C-MX-5. We held a meeting on May 15 where 2137 Glenarm, LLC presented the Zoning Change and 100% of the residents voted against the change, citing the potential reduction in property value and quality of life. Also all agreed that if there was a project attached, we would look at the option, but all this does is line the pockets of the current owner.

Enterprise Hill has been cooperative in the past with this owner to look at workable alternatives to develop the property and we would continue that if there was a plan.

This parcel of land is surrounded on 3 sides by the Clements Historic District which along with the surrounding block is the core of the Enterprise Hill Neighborhood Association. Two sides are zoned G-MU-3 and one small Historic parcel is C-MX-5, but would be difficult to develop as C-MX-5 because of its parcel size.

We understand that the NE Downtown Neighborhood Plan has labeled this land as up to 5 stories. Enterprise Hill did not oppose this distinction because we assumed the current zoning was not going to be changed without our approval. A Neighborhood fitting 5-story development could be supported by Enterprise Hill, but this zoning change would take out that neighborhood approval process. Many types of buildings could be built that would significantly reduce the quality of life and property value of the Historic District and the Enterprise Hill Neighborhood.

We also understand that the owner has not stepped forward for any of the presentations; only the hired agent has presented. Enterprise Hill has owners across the street from

this parcel that have taken the personal time to meet with this agent to discuss this parcel and plan to attend the Zoning meeting. The agent did not have any compromise ideas, just presented that the old plan (3 story row homes) was not going to be completed and they had chosen to ask for this zoning change, then they might sell the property. Thus the owner stands to increase their property value while potentially reducing the value of the owners of the Historic District and Enterprise Hill Neighborhood.

I believe, traditionally, zoning has not been changed with out Neighborhood approval and without a project to be approved.

Enterprise Hill would be fine with a Zoning Change that would bring the parcel into the new zoning code, this should be G-MU-3 like across the street.

We urge the Planning Board to oppose this request as submitted by 2137 Glenarm, LLC and are happy to answer any questions or concerns you may have.

Sincerely,

A handwritten signature in cursive script, appearing to read "Craig Supplee".

Craig Supplee
President
Enterprise Hill
Neighborhood Association

Charles O. Brantigan, MD, FCCP, FACS



Certified by The American Board of Surgery
Certified by The American Board of Thoracic Surgery
Certified in General Vascular Surgery
Certified in Surgical Critical Care

Vascular Surgery

HISTORIC GEBHARD MANSION 2253 DOWNING STREET DENVER, COLORADO 80205 303-830-8822 1-800-992-4676

30 July 2013

Denver Planning Board

Re rezoning of 2137 Glenarm

Ladies and Gentlemen

I am writing on behalf of the Uptown Hospital District Urban design Forum, a group made up of representatives of the Uptown medical institutions, neighborhood groups and the city to make recommendations on land use planning. Our group was created when City Council approved the urban design plan for Uptown. The proposal to rezone 2137 Glenarm to CMX-5 was discussed at our meeting on 25 June and 30 July 2013. If this property is to be rezoned we share the belief of the Enterprise Hill Neighborhood Group that G-MU-3 would be more appropriate.

It is our understanding that a PBG was approved in 2006 or 2007 to build town homes. With the new zoning code the R3 with overlay zoning was maintained. The new owner's representative tells us that he has no interest in building town homes and would like to rezone it so that its resale value would be higher. The property is bordered on 3 sides by a landmark district. This is a sensitive area and significant thought went into the current zoning. We believe that the current zoning most corresponds to G-MU-3 and recommend that if it's zoning is to be adjusted to the new code that G-MU-3 is more appropriate.

Thank you for your consideration.

Sincerely yours

Charles O Brantigan MD FACS FCCP
Chairman, Uptown Hospital District Urban design Forum

Tuesday, August 06, 2013

Denver Planning Board
Community Planning and Development Agency
201 W. Colfax Avenue
Denver, CO 80202

RE: 2137 Glenarm Place Zoning Change

Dear Planning Board ,

I am writing to you to ask you to oppose the zoning change requested on this parcel.

As a resident in the area I am very concerned about the negative impact any commercial activity will have on this quiet, residential and historic neighborhood. Glenarm Place is not a through street, but is used by local residents only. This parcel is surrounded by residential single family or townhomes, and by Landmarked property. Even though it adjoins a C-MX-5 lot on the south, this is not a street that deserves to be destroyed by potential commercial uses. It certainly is not a "collector or arterial" street as described in the Specific Intent for the C-MX-5 zoning.

As a real estate agent, representing a buyer who just reserved one of the new Glenarm Grove townhouses, I am just frustrated that in this current housing market, we would even consider turning prime residential lots into mixed use, as there is such a need for single family and townhomes in this area. All of the townhomes currently under construction or in planning on Glenarm Place (including the one on Park Ave) sold out well before they even hit the market! There are already a plethora of options for people to buy or rent mixed use buildings in this area, however, there is a severe shortage for quality residential living close to the city, which would attract more families and help stabilize this area. In addition, not only would this zoning change affect the quality of life for future potential home owners, it would certainly negatively affect the home values of the current owners who have fought so hard to protect the residences along Glenarm Place.

I understand that this zoning change might follow the recommendations of the NE Downtown Neighborhood Plan, but it certainly does not fit the context of the **actual** neighborhood as it exists today. This zoning change would completely ignore the existing conditions and would undoubtedly change the context and character of this street and historic neighborhood.

I don't believe that the Board's intention is to devalue existing properties and degrade established neighborhoods, and so I ask that you please oppose this zoning change.

Sincerely,



Karina Christensen, Owner/ Realtor®
Keller Williams Realty Downtown - Cell: 720-440-2640

Carol A. Tarter Petersen
Executive Vice President
Enterprise Hill Homeowners Association
2104 Glenarm Place
Denver, Colorado 80205

August 6, 2013

Denver Planning Board
Community Planning and Development Agency
201 West Colfax Avenue
Denver CO 80202

RE: 2137 Glenarm Place Zoning Change

Dear Members of the Planning Board:

I have lived in my home at 2104 Glenarm Place and been an active member of the Enterprise Hill Homeowners Association (HOA) for the past 24 years. As the owner of a Federal-, State-, and local-designated Historic Landmark home (the H.H. Thomas/Louis C. McClure house, designed by prominent early Denver architect, William Quayle), I have been actively involved over the past 24 years—as you can well imagine—with numerous organizations pro-actively supporting development planning and implementation to maintain the historic legacy of our Clements Historic District, while still promoting neighborhood changes in the best interests of the City's development plans for future growth and improvement.

In keeping with the goals of the original pioneers of this, then in the 1800s, “upper-middle-class suburban Denver neighborhood,” as well as the previous “new pioneer/champions” for historic designation coupled with new development and diversity planning in the 1970s-1980s—*this neighborhood/HOA has worked tirelessly with City and State offices, planners, developers, legislators, non-profit and for-profit organizations, service providers, and private citizens to effect significant, positive changes in our neighborhood, our City, and our State.* A cursory look at local, City, and State records (from Zoning to Traffic to Street Maintenance to Parks to Planning to HUD to Law Enforcement to Historic Denver and Landmark Preservation) will attest to the uncompromising active and cooperative participation of this neighborhood and its long-time residents—all here by choice. Well-known, trusted names appear in those records over many years:

- Will and Kay James, previous owners and restorers for 17 years of the H.H. Thomas/Louis C. McClure house, responsible for the neighborhood historic designation and major contributors to the local/State legal/gas and oil and realty industry booms.
- Charles Hillestad, resident, original owner, and restorer of the nationally acclaimed, luxury Queen Anne Inn Bed & Breakfast, which was originally owned by Edwin W. Pierce and the site of repose for the body of his sister, Augusta Tabor.
- Mary Strandburg, resident for 35+ years and key individual in Denver Public Schools and the local, State, and Federal Hispanic community.
- Ted Freedman, highly-respected attorney with the City, resident for 32 years, and HOA President for 25 years.
- Hal and Beverly Haddon, residents for 30+ years and significant contributors to the economic growth and global visibility of Denver and Colorado.

There have been considerable changes in our neighborhood during the past 200 years, and much of that change has been as the direct result of neighborhood efforts. *No zoning change in our immediate area has occurred without significant neighborhood involvement and approval on a variety of fronts.* The re-zoning request before you now is an anomaly in our neighborhood's history, and one that is neither consistent with past planning efforts, nor supported by the neighborhood.

It is no accident that the subject property is zoned for residential development. When originally proposed by the developer as Brownstone residences, the neighborhood actively endorsed the entire development effort. Not able to succeed with that particular development, the neighborhood also supported (with very few suggestions) the developer's subsequent proposal for high-rise residential development. It is somewhat ironic that the current owner is seeking a down-zoning to permit commercial uses during a time when the residential market in Denver is flourishing, and for the first time in over 100 years, more people in the U.S. say that they would rather live in the urban core than in the suburbs. Times have changed, but the need for residential housing in our immediate area has not—just drive through the area and take a look at the overwhelming recent and in-progress residential construction.

While, we in the Enterprise Hill Homeowners Association are well aware that the current owner was not successful in its previous efforts to develop the property a few years ago on the immediate heels of the Lehman collapse and the impending Great Recession, that does not serve as a reasonable basis to now change the zoning to encourage commercial, rather than residential development. We have been informed by Ben Gelt that the owner has no current development plans for the parcel and no present intent to sell it. *In keeping with this, our HOA has not been provided with any specific development plans at all in our several previous requests.* If those representations are true (and we assume that they are), there is certainly no need to change the zoning at the present time. As the property owner will attest, our neighborhood has been extremely cooperative in and supportive of all of the owner's development plans and efforts in the past. Further, we are committed to continue working with the owner and will support a future modification of the zoning, *if a change is necessary, when coupled with a specific development plan that the neighborhood supports.*

We respectfully request that you continue in the vein of your Board's previous decisions based on complementary short- and long-term planning, and please do not support a "blind re-zoning" of the subject property, until such time as a re-zoning may become necessary to implement a *specific development plan that you, the City, and the State also are able to review and support.*

Respectfully,

A handwritten signature in cursive script, reading "Carol A. Tarter Petersen". The signature is written in dark ink and is positioned above the printed name.

Carol A. Tarter Petersen

*Ted Freedman
2121 Tremont Place
Denver, Colorado 80205*

August 5, 2013

Denver Planning Board
Community Planning and Development Agency
201 West Colfax Avenue
Denver CO 80202

RE: 2137 Glenarm Zoning Change

Dear Members of the Planning Board:

My family and I have lived in our home located at 2121 Tremont Place for the past 32 years. As you can well imagine, we have seen considerable changes in our neighborhood during that period, but much of that change has been as the direct result of neighborhood efforts, and no zoning change in our immediate area has occurred without significant neighborhood involvement on a variety of fronts. Having previously served as the President of Enterprise Hill Homeowners Association for 25 years, I have personally participated with my neighbors in seemingly endless discussions, meetings and community charrettes involving City leaders, planners, developers, service providers and others regarding the future of our neighborhood and in making decisions and plans as to how it should be developed. The rezoning request before you now is an anomaly from my experience, and one that is neither consistent with past planning efforts nor supported by the neighborhood.

It is no accident that the subject property is zoned for residential development, and it is somewhat ironic that the current owner is seeking a down-zoning to permit commercial uses during a time when the residential market in Denver is flourishing, and for the first time in over 100 years, more people in the United States say that they would rather live in the urban core than in the suburbs. Although times have changed, the need for residential housing in our immediate area has not.

While we are well aware that the current owner was not successful in its previous efforts to develop the property a few years ago on the immediate heels of the Lehman collapse and the impending Great Recession, that does not serve as a reasonable basis to change the zoning to encourage commercial rather than residential development.

We have been informed by Ben Gelt that the owner has no current development plans for the parcel and no present intent to sell it. If those representations are true (and we assume that they are), there is certainly no need to change the zoning at the present time. As the owner will attest, our neighborhood has been extremely cooperative in and

supportive of all of the owner's development plans and efforts in the past. Further, we are committed to continue working with the owner and will support a future modification of the zoning if a change is necessary when coupled with a specific development plan that the neighborhood supports. Please do not support a rezoning of the subject property until such time as a rezoning is necessary to implement a specific development plan that you also support.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ted Freedman', with a long horizontal flourish extending to the right.

Ted Freedman

Zone Map Amendment (Rezoning) - Application

1/26/12

| PROPERTY OWNER INFORMATION* | | PROPERTY OWNER(S) REPRESENTATIVE** | |
|--|--|--|---------------------|
| <input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION | | <input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION | |
| Property Owner Name | 2137 Glenarm, LLC | Representative Name | Ben Gelt |
| Address | 2507 Larimer St. | Address | 861 Humboldt |
| City, State, Zip | Denver, CO 80205 | City, State, Zip | Denver, CO 80218 |
| Telephone | 720.838.8592 | Telephone | 720.838.8592 |
| Email | ben@logocomedia.com | Email | ben@logocomedia.com |
| <p>*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.</p> | | <p>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</p> | |
| <p>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.</p> | | | |
| SUBJECT PROPERTY INFORMATION | | | |
| Location (address and/or boundary description): | 2137 Glenarm Place | | |
| Assessor's Parcel Numbers: | 0234125024000 | | |
| Legal Description: (Can be submitted as an attachment. If metes & bounds, a map is required.) | <p>Lots 22 through 32, inclusive, Block 179, Clements Addition, City and County of Denver, State of Colorado also known by the street address as 2137 Glenarm</p> <p>See attachment for approved legal description</p> | | |
| Area in Acres or Square Feet: | 34,500 square feet or .79 acres | | |
| Current Zone District(s): | R-3, UO-3 | | |
| PROPOSAL | | | |
| Proposed Zone District: | C-MX-5 | | |

www.denvergov.org/rezoning

201 W. Colfax Ave., Dept. 205

Denver, CO 80202

(720) 865-2983 • rezoning@denvergov.org

| REVIEW CRITERIA | |
|--|---|
| <p>General Review Criteria: The proposal must comply with all of the general review criteria</p> <p>DZC Sec. 12.4.10.13</p> | <p><input checked="" type="checkbox"/> Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan</p> <p>Please provide an attachment describing relevant adopted plans and how proposed map amendment is consistent with those plan recommendations; or, describe how the map amendment is necessary to provide for an unanticipated community need.</p> <p><input checked="" type="checkbox"/> Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.</p> <p><input checked="" type="checkbox"/> Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</p> |
| <p>Additional Review Criteria for Non-Legislative Rezoning: The proposal must comply with both of the additional review criteria</p> <p>DZC Sec. 12.4.10.14</p> | <p>Justifying Circumstances - One of the following circumstances exists:</p> <p><input type="checkbox"/> The existing zoning of the land was the result of an error.</p> <p><input type="checkbox"/> The existing zoning of the land was based on a mistake of fact.</p> <p><input type="checkbox"/> The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage.</p> <p><input checked="" type="checkbox"/> The land or its surroundings has changed or is changing to such a degree that rezoning that it is in the public interest to encourage a redevelopment of the area to recognize the changed character of the area</p> <p><input type="checkbox"/> It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (Overlay Zone Districts), of this Code.</p> <p>Please provide an attachment describing the justifying circumstance.</p> <p><input checked="" type="checkbox"/> The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.</p> <p>Please provide an attachment describing how the above criterion is met.</p> |
| ATTACHMENTS | |
| <p>Please check any attachments provided with this application:</p> <p><input checked="" type="checkbox"/> Authorization for Representative</p> <p><input checked="" type="checkbox"/> Proof of Ownership Document(s)</p> <p><input type="checkbox"/> Legal Description</p> <p><input checked="" type="checkbox"/> Review Criteria</p> | |
| <p>Please list any additional attachments:</p> <p>Image of height recommendations from the 2011 Northeast Downtown Denver Neighborhoods Plan</p> <p>Image of adjacent zoning to show that the amendment is consistent with adjacent zoning and usage</p> <p>Most recent vesting deed attached to confirm Legal Description of the property</p> | |

CUSTOMER GUIDE

Appendix Page 3

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 |
| 2137 Glenarm, LLC | 2507 Larimer St. Denver, CO 80205 720.838.8592 ben@logocomedia.com | 100% | <i>Michael Staheli</i> Michael Staheli Cordes CO KA | 5/17/13 | A | Yes |
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Review Criteria Attachment for 2137 Glenarm Zone Map Amendment Application

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.

The property is located on Glenarm Place within an area of developed and developing properties in the Five Points area. The proposed map amendment will provide a mix of uses that are appropriate for such an urban setting. This map amendment will permit development of commercial and residential uses. The property is currently a parking lot.

If approved, the effect of the proposed zoning will be immediate and very positive. All of the permitted uses will add to the vitality and life of the neighborhood. The proposed C-MX-5 zoning will attract new residents to the area, create employment opportunities, and provide needed commercial services along with live/work residential units. This will all help reduce area traffic and result in an attractive and interesting new development on an underutilized site.

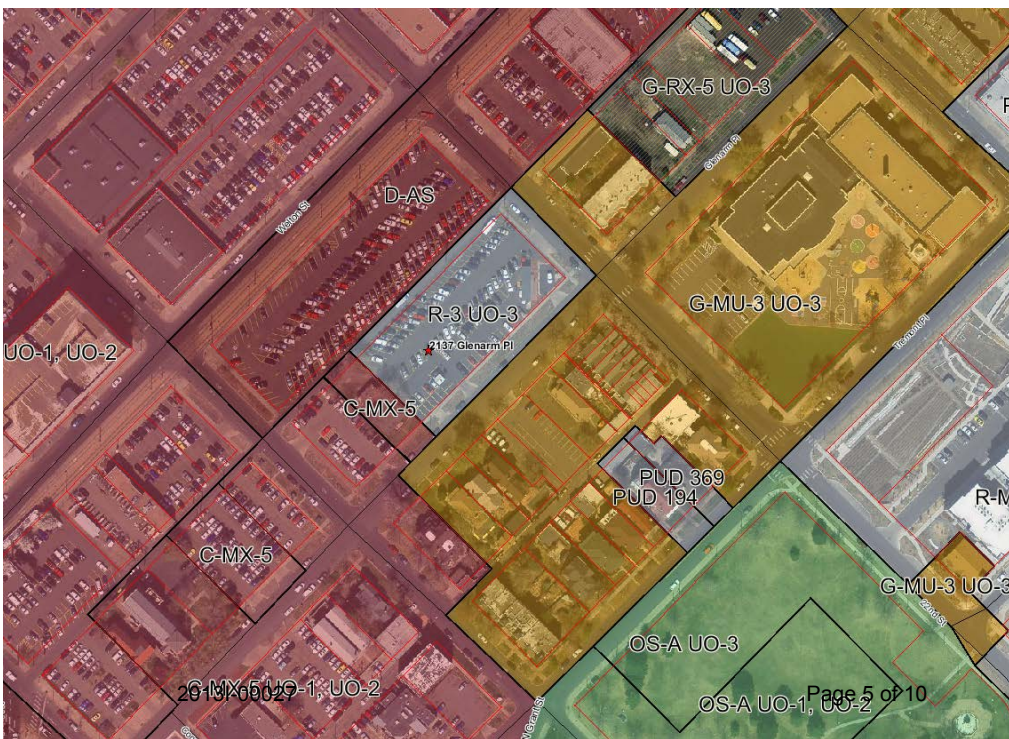
Justifying Circumstances - One of the following circumstances exists:

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

Though the property is an area of stability the zoning dates back to before the Northeast Downtown Neighborhoods Plan from 2011 and is also covered by the Downtown Area Plan both of which call for mixed-use zoning and five stories on the site.

The proximity of the subject property to existing and proposed transit is strong justification for a change of zone district to permit appropriate mixed-use development at an urban density.

Further, the city's new zoning code and recent mixed use developments in the area provide even further context for the zoning change as the entire corridor continues to experience urban infill.



□ Adjacent properties are zoned:

□ C-MX-5

□ D-AS

□ G-MU-3

- Land Use: Transit Oriented Development
- Building Height: 5 stories max

2013I-00027

2.5 Stories
3 Stories
5 Stories
8 Stories
12* Stories
20* Stories
Coors Field Context Area

June 27, 2013

FIRST AMENDMENT TO MANAGEMENT AGREEMENT

Dated October 3, 2012

This First Amendment to Management Agreement dated as of May 16th, 2013, is entered into by and between 2137 Glenarm LLC, a Colorado limited liability company ("Owner") and Cordes & Company Realty Associates, a Colorado corporation ("Manager").

Recitals:

A. Owner and Manager entered into that certain Management Agreement dated as of October 3, 2012 ("Agreement") for the purposes of delineating Manager's responsibilities and authority for managing the affairs of the Owner.

B. Owner and Manager desire to amend the Agreement in the manner and form hereinafter set forth.

NOW, THEREFORE, for good and valuable consideration, Owner and Manager hereby agree as follows:

1. The original Schedule C of the Agreement shall be replaced with the Revised Schedule C, attached herewith.
2. All other terms of the Agreement shall be unchanged.

IN WITNESS WHEREOF the parties hereto have executed this First Amendment the date and year first above written.

"OWNER"

2137 GLENARM LLC, a Colorado limited
Liability company

By: Alan Mitchell
Name: Alan Mitchell
Title: Authorized Signatory

"MANAGER"

CORDES & COMPANY REALTY
ASSOCIATES, a Colorado corporation

By: E. B. Cordes
Name: Edward B Cordes
Title: President

REVISED SCHEDULE C

Company Specific Duties and Powers of Manager

2137 Glenarm, LLC **Short-Term Management Plan**

1. Ensure satisfaction of landlord and lessee obligations under the existing lease between the company and Western Parking Management, LLC dated August 24, 2011.
2. Obtain reasonable estimates of value for the real estate of the company from qualified commercial brokers who specialize in multi-family land sales. Analyze hold versus sell options and provide recommendations to Owner.
3. Undertake on behalf of Owner all steps deemed appropriate by Manager to Rezone the Property to the C-MX-5 zone district designation, including without limitation execution of all documentation and applications required for the same.



Cordes & Company Realty Associates

April 8, 2013

RE: Rezone of Property

To whom it may concern:

Ben Gelt is authorized, as our representative, to act on ownerships behalf regarding a zoning change at 2137 Glenarm, Denver, CO 80205.

Please call me at (303) 796-1130 if you have any questions.

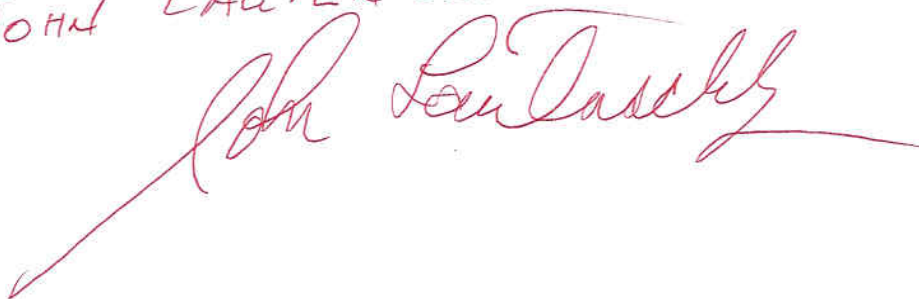
Sincerely,
2137 Glenarm, LLC

Michael Staheli,
Cordes & Company Realty Associates, Manager

Legal description for: 2137 Glenarm Pl., Denver, CO 80205

Lots 22 through 32, inclusive, Block 179, Clement's Addition to the City of Denver,
State of Colorado also known by the street address as 2137 Glenarm

LEGAL DESCRIPTION APPROVED 6/19/13
FOR ZONING ONLY
JOHN LAUTENSCHLAGER

A handwritten signature in red ink, appearing to read "John Lautenschlager", with a long, sweeping underline that extends towards the bottom left of the page.