

OBJECTION TO ZONING CHANGE INTENT AND NOTIFICATION ISSUE -

Please see my letter dated 4/6/16 to Councilman Garcia and City Council -

my inquiries to city zoning phone number, yielded a response that no zoning infringements were requested with this application.

It is therefore unknown how many businesses and residents surrounding the property were misinformed.

The misinformation lead to the recent discovery that the developer is requesting to extend MX-5 onto Larimer lots, contrary to existing zoning and multiple neighborhood plans (see attached document).

Additional lack of clarity: we believe the developer is requesting MX-3 on 55- ft and MX-5 on 70-ft of the Larimer lots and as far as we have been able to discern - that is what this application 20151-00141 is set for City Council hearing tonight on. Due to the misinformation provided by the Zoning Dept. we are not certain.

No public documents available documenting developer requested change to Larimer zoning and the extent of variation requested.

This parcel, since it is situate on an entire City block with a vacated alley situate between Larimer and Walnut lots has additional lacking definition where Larimer and Walnut Zoning ends - is it the middle of the former alley? -

WHAT IS KNOWN ABOUT ALLOWABLE ZONING

Larimer 125-ft lot zoned MX-3 (3 story)

- Walnut 125-ft lot zoned MX-5 (5 story)

WHAT WE SUPPORT -

Allowed zoning only - with no height and distance variances - with no postponement.

OR: A postponement would ensure other landowners, businesses and residents were not misinformed.

WHAT WE DON'T SUPPORT

Zoning applications where the Zoning Dept. misinforms its landowners surrounding applications for zoning change upon timely inquiry.

The effects of the variance applications not meeting reasonable visual standards, visual standards compatible with neighborhood goals, the historic use and significance of the area.



ZONED



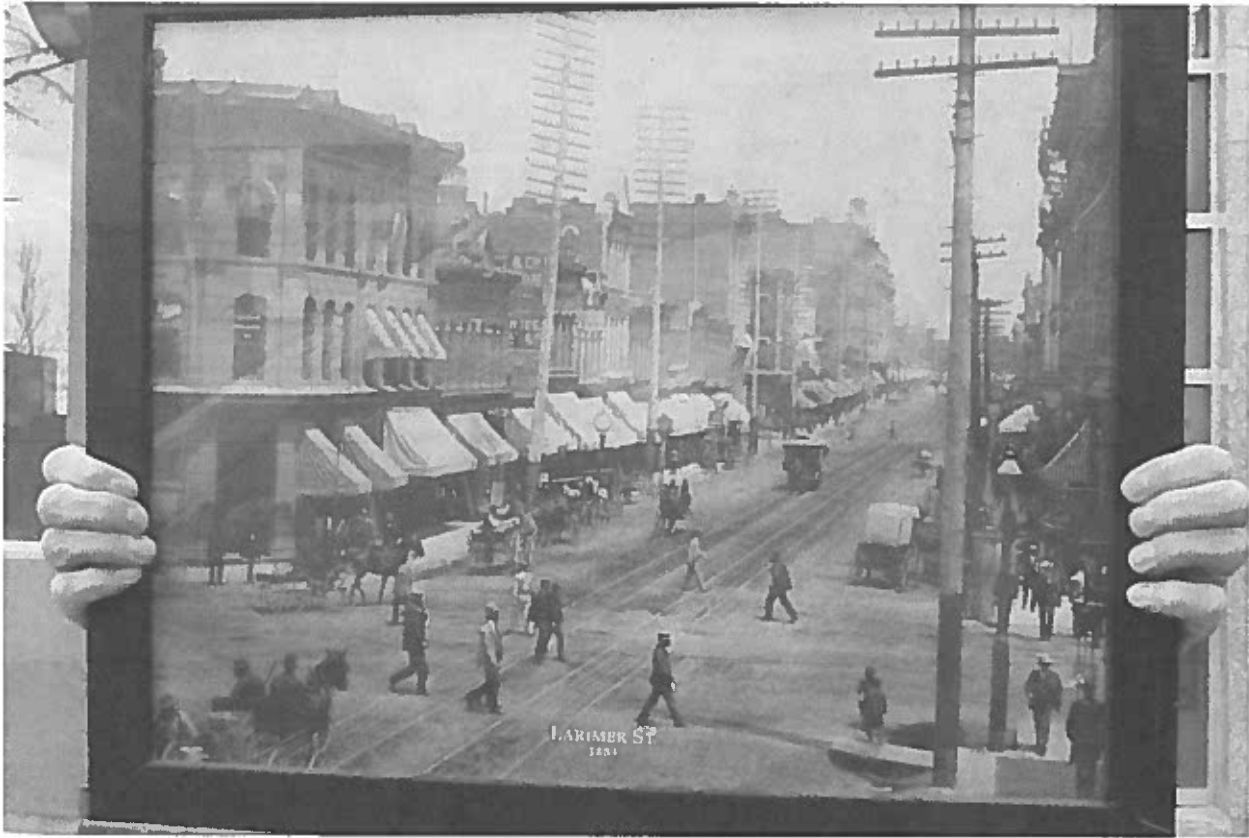
REQUESTED



Denver Hardware looking North on Larimer



Sample 6 story stacks from our property looking towards denver hardware



Historic Larimer – Denver Public Library image



Close up looking north on Larimer at Denver Hardware site



Looking south on Larimer in Applicant Block – no 3 or 5 story structures



Our property



View of - Top of Denver Hardware Building from across the street at our building



31st & Larimer - Sample RIND Architecture



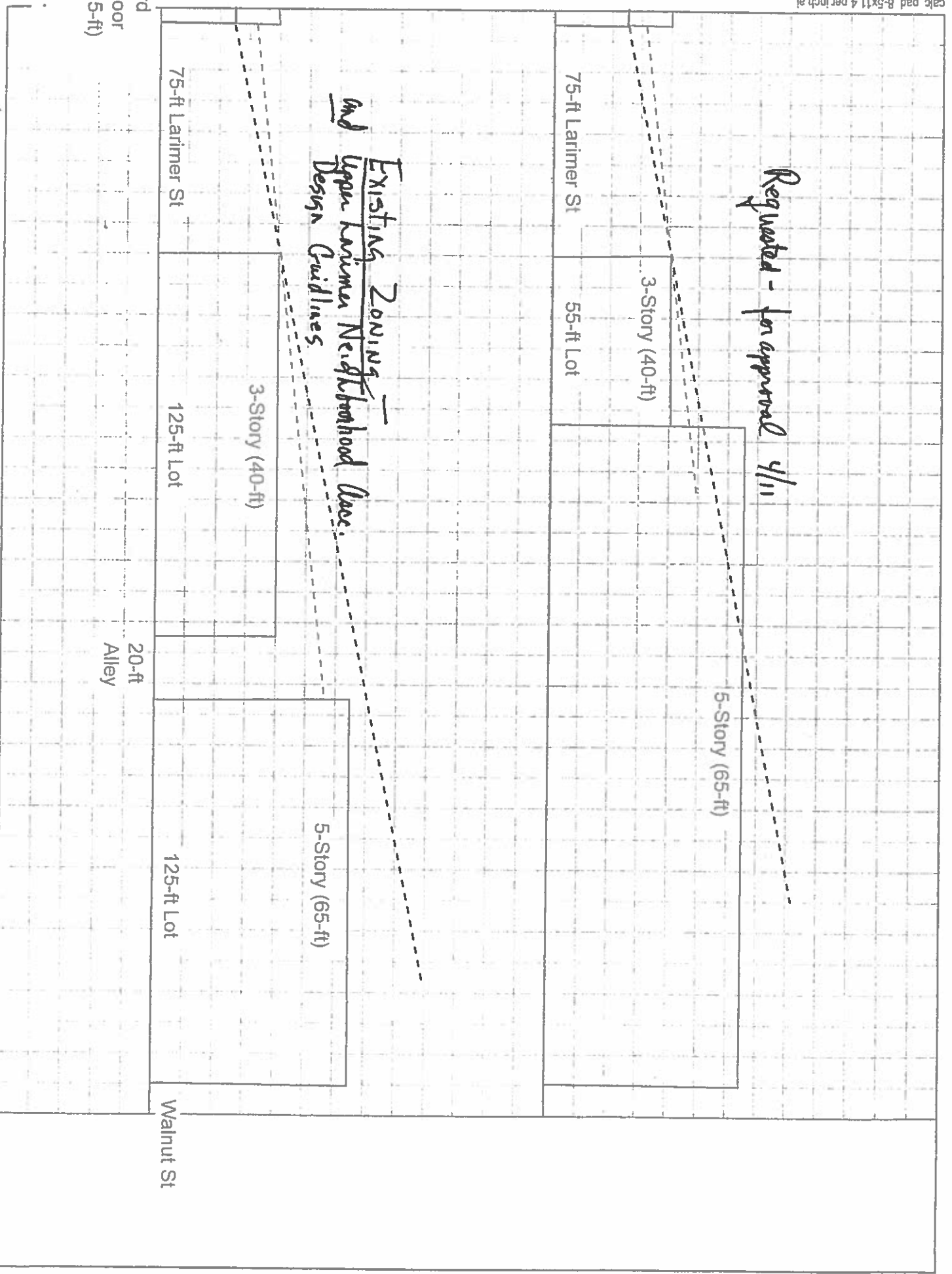
Example of setback Applicant is requesting



Example of sight line from 2 story to 5 story that meets existing Zoning on Larimer – 5 story at alley

Requested - for approval 4/11

EXISTING ZONING  
and Upper Larimer Neighborhood Assoc.  
Design Guidelines



3rd Floor (25-ft)

Walnut St

75-ft Larimer St

55-ft Lot

3-Story (40-ft)

5-Story (65-ft)

75-ft Larimer St

125-ft Lot

3-Story (40-ft)

20-ft Alley

125-ft Lot

5-Story (65-ft)

April 6<sup>th</sup>, 2016

Denver City Council  
Denver, Colorado

RE: zoning Application and Public Hearing(s) 20151-00141

Dear City Council and Council Person Rafael Espinoza,

We are writing to inform you that even though we made timely inquiries to ensure zoning height requirements were met concerning this application, that we encountered some misinformation delivered by the zoning representative assigned to this matter. I personally reached out to the zoning representative in response to the first zoning application hearing posted and was assured that the zoning height limitations were being met by the applicant – three stories on Larimer and 5 stories on Walnut. On April 3<sup>rd</sup> while visiting with a neighbor we were informed that the Zoning Dept. had considered allowing the applicant to infringe on the zoned height requirements – allowing and in fact endorsing a compromise that is contrary to the zoning height requirement of 3 stories on the Larimer side to the alley division as currently set by the zoning master plan. I phoned on Sunday leaving a message for the Zoning representative, asking for an update on this news. I stated in the message that he had informed he would inform me of any changes to the contrary. I received no call back on Monday April 4<sup>th</sup> or Tuesday April 5<sup>th</sup> and therefore appeared in person on Tuesday so to meet the legal challenge requirements; only to be advised that in fact this Zoning representative had endorsed a zoning height infringement from the beginning of this application. He stated it was a compromise to the developer's request for 5 stories on Larimer. This was not mentioned to me in my original inquiry.

These events that included incomplete information, that were requested in timely matter have led to this letter directed towards City Council for the upcoming hearing on April 11<sup>th</sup> in this matter.

The height restrictions for Larimer were set and considered in the rezoning configuration master plan that is current and embodies an intent of and to preserve and develop areas with current and historic considerations as well as wishes of neighborhood associations. The zoning representative stated in the above in person conversation, on April 5<sup>th</sup> 2016, he was not employed by the City at the time of these conversations of the Upper Larimer Neighborhood Association and that he was not aware of them in conjunction with his recommendations to City Council. Larimer Street and the Upper Larimer area are and have been historically significant and historically have been home to small retail and businesses under 7000 square feet. This current application is for an entire city block. The developer has not provided input on how it intends to maintain the historic significance or use relating to Larimer Street. The current trend on Larimer embodies that historic past with entrepreneurial young investors opening hip and chick businesses in small footprint occupancies. Infringing upon the zoning plan is contrary to fostering that main street small business vibe compatible with walking traffic and small businesses retail/food and beverage establishments. Walnut is compatible with 5 story developments as it is a one way through street that was serviced by trucks and dock high access.



We ask that the City Council delay their decision in this matter do to the misinformation provided. This will allow the zoning representative time to investigate the neighborhood associations desires and intent. It will also allow the Zoning Dept. to revisit the historical significance and historic use of Larimer Street and the Upper Larimer area to fully understand the three story limitations importance in preserving and fostering a renewed walkability of the street and to foster the small retail and entrepreneurial approach being applied along Larimer. Infringing upon the set height limitation now, is an endorsement for further applications contrary to intent of the neighborhood and the zoning guidelines.

We ask that City Council please provide Zoning the time to consider the original discussions, intent, historic use of the street and historical significance of maintaining a street sympathetic to small retail, creative uses and generating sales tax revenue.

Sincerely,

Laura and Carl Rogers  
Zihuatanejo LLC  
3240 Larimer St.  
Denver, CO

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