

Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name		Representative Name	
Address		Address	
City, State, Zip		City, State, Zip	
Telephone		Telephone	
Email		Email	
<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> <p>If the owner is a corporate entity, proof of authorization for an individual to sign on behalf of the organization is required. This can include board resolutions authorizing the signer, bylaws, a Statement of Authority, or other legal documents as approved by the City Attorney's Office.</p>			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):			
Assessor's Parcel Numbers:			
Area in Acres or Square Feet:			
Current Zone District(s):			
PROPOSAL			
Proposed Zone District:			

REZONING GUIDE



REVIEW CRITERIA

<p>General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.7</p>	<input 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. 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.
	<input 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.
	<input 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>Additional Review Criteria for Non-Legislative Rezoning: The proposal must comply with both of the additional review criteria DZC Sec. 12.4.10.8</p>	<p>Justifying Circumstances - One of the following circumstances exists:</p> <input type="checkbox"/> The existing zoning of the land was the result of an error. <input type="checkbox"/> The existing zoning of the land was based on a mistake of fact. <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. <input type="checkbox"/> Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include: a. Changed or changing conditions in a particular area, or in the city generally; or b. A City adopted plan; or c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning. <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. Please provide an attachment describing the justifying circumstance.
	<input 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. Please provide an attachment describing how the above criterion is met.

REQUIRED ATTACHMENTS

Please ensure the following required attachments are submitted with this application:
<input type="checkbox"/> Legal Description (required to be attached in Microsoft Word document format) <input type="checkbox"/> Proof of Ownership Document(s) <input type="checkbox"/> Review Criteria, as identified above

ADDITIONAL ATTACHMENTS

Please identify any additional attachments provided with this application:
<input type="checkbox"/> Written Authorization to Represent Property Owner(s) <input type="checkbox"/> Individual Authorization to Sign on Behalf of a Corporate Entity

Please list any additional attachments:

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	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	Has the owner authorized a representative in writing? (YES/NO)
EXAMPLE John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/01/12	(A)	YES
PARK HILL ORTHODOX PRESBYTERIAN CHURCH	3411 ALBION ST DENVER, CO 80207	100%	<i>Arthur W. King</i> Pastor	7/2/18	(A)	YES STARBOARD REALTY BRUCE O'DONNELL

List of Exhibits

- Exhibit A:** Property Legal Description
- Exhibit B:** Description of Consistency with Adopted City Plans (DRMC 12.4.10.13 (A, B & C))
- Exhibit C:** Description of Justifying Circumstances and Neighborhood Context (DRMC 12.4.10.14 (A&B))
- Exhibit D:** Letter of Authorization for STARBOARD Realty Group, LLC to act as Representative
- Exhibit E:** Proof of Ownership, Assessors Record
- Exhibit F:** Signature Authority Authorization for Park Hill Orthodox Presbyterian Church

EXHIBIT A

Property Legal Description

3411 ALBION STREET

LEGAL DESCRIPTION

LOTS SIXTEEN TO TWENTY-FIVE, INCLUSIVE, (16 TO 25), BLOCK THIRTY-NINE (39), J. COOK JR'S. NORTH DIVISION OF CAPITOL HILL, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

CONTAINING $\pm 31,200$ SQUARE FEET OR ± 0.72 ACRES MORE OR LESS

EXHIBIT B

Description of Consistency with Adopted City Plans

Exhibit B

Statement of Compliance with General Review Criteria (DZC § 12.4.10.7)

This application proposes to rezone the approximately .72-acre property located at 3411 Albion Street from E-SU-DX to E-MX-2x (the "Property") to facilitate the redevelopment of the Property consistent with the recommendations in the adopted plans.

The site is located in the Northeast Park Hill neighborhood, ½ block east of Colorado Blvd., a **Blueprint Denver** identified Enhanced Transit Corridor. The property is located at the northwest corner of Albion Street and Bruce Randolph Avenue.

The map amendment request is to rezone the Property to the E-MX-2x Zone District. The proposed amendment will allow for redevelopment of an underutilized and largely vacant property. The Property would be limited to low scale building form and limited uses. The successful rezoning will allow for a quality project which will blend in with and promote growth of the established character of the neighborhood.

REVIEW CRITERION DZC § 12.4.10.7.A- The proposed official map amendment is consistent with the City's adopted plans.

The proposed map amendment is consistent with the following three adopted plans:

1. Denver Comprehensive Plan (2000)
2. Blueprint Denver (2002)
3. Park Hill Neighborhood Plan (2000)

Statement of Consistency with Adopted City Plans:

1. The proposed map amendment is consistent with many objectives of **Denver Comprehensive Plan 2000** including:

Form and 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."

- Rezoning to E-MX-2x will encourage infill development that is consistent with the character of the surrounding neighborhood and provides for increased density, introducing attached housing to the mix of uses and adding increased residents and walkability to the existing mixed use neighborhood services and amenities.

Mobility Strategy 4-E: "Continue to promote mixed-use development, which enables people to live near work, retail and services."

- Rezoning to E-MX-2x will allow more people to live closer to nearby retail and services.

Housing Objective 6-E: “Identify and capitalize on opportunities to develop housing along transit lines.”

- E-MX-2x will allow housing to be developed along RTD route 40 on Colorado Blvd. and Route 34 on Bruce Randolph Blvd. There is a bus stops on both routes only ½ Block away.

Legacies Strategy 3-A: “Identify areas in which increased density and new uses are desirable and can be accommodated.”

- 3411 Albion is an area where, by rezoning to E-MX-2x, increased density is desirable due to proximity to transit, retail, services and amenities and can be accommodated.

The proposed map amendment rezoning to E-MX-2x will also contribute to preserving and enhance the individuality, diversity and livability of Denver’s neighborhoods by fostering the following Plan objectives:

Congruency of land use and zoning: “...a built environment with greater overall urban design integrity, stronger connections among urban centers, and a richer and more diverse mix of uses within geographically proximate areas.” (pg 55)

Compact development: “...improved neighborhood cohesion, reduced urban sprawl and residents more directly connected to services and amenities within their immediate living environment.” (pg 55)

2. The proposed map amendment is consistent with many objectives of **Blueprint Denver** including:

The **Blueprint Denver** future land use designation for the Property is located in an Area of Stability.

Blueprint Denver also states that “Areas of Stability represent the majority of Denver’s residential areas where there is a prevailing character that should be preserved or enhanced through reinvestment.”

The **Blueprint Denver** Plan Strategy: Preserve Stable Neighborhoods – the Property is in a **Blueprint Denver** identified Area of Stability and also meets the following **Blueprint Denver** Areas of Stability criteria, goals and objectives:

- The goal for the Areas of Stability is to identify and maintain the character of an area while accommodating some new development and redevelopment.
- Second, in stable residential neighborhoods there often are areas that would benefit from change, such as stagnant commercial development that would benefit from revitalization and possibly provide some neighborhood services. These areas, due to their lack of reinvestment, have a negative visual impact on the surrounding area.

- The Property also provides opportunities for the following **Blueprint Denver** Strategies including:
 - Housing, including affordable housing
 - Infill and redevelop vacant and underused properties
 - Compatibility between new and existing development
 - Balanced mix of uses
 - Economic activity—business retention, expansion and creation

The Areas of Stability can be thought of as belonging predominantly to one of the following two categories: “Committed Areas” and “Reinvestment Areas.”

Reinvestment Areas:

Reinvestment areas are neighborhoods with a character that is desirable to maintain but that would benefit from reinvestment through modest infill and redevelopment or major projects in a small area. These areas would encourage investment but in a more limited and targeted way than in Areas of Change. The Property is clearly in a reinvestment area.

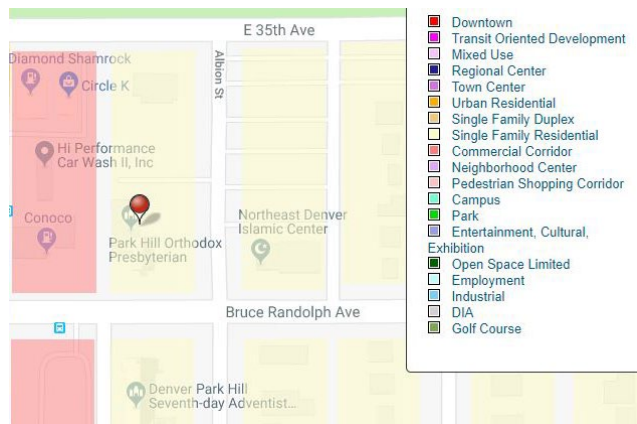
Areas of Stability

These areas represent the bulk of the residential portions of the city and employment areas not designated as Areas of Change. Preserving and revitalizing neighborhood character has been a prevailing concern throughout the planning process. The need to direct and manage the location, type and intensity of future development is balanced by an equally strong desire to preserve those areas of the city with an established character. Within Areas of Stability there may be places such as stagnant commercial centers where reinvestment would be desirable to make the area an asset to and supportive of the surrounding neighborhood. Generally, Areas of Stability face two types of concerns: character preservation and reinvestment:

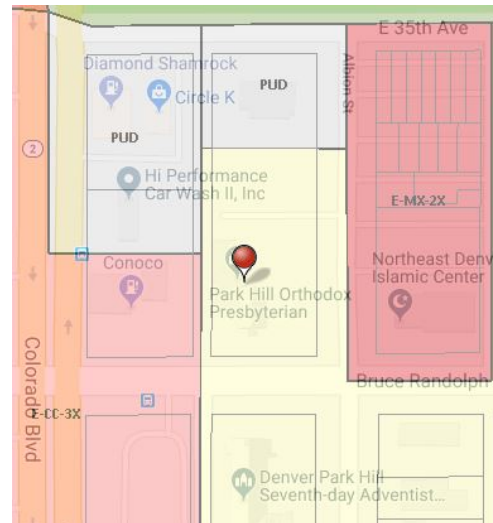
Strategies: Address incompatible zoning and land use issues; ensure that new buildings in the Areas of Stability are compatible with current conditions and character.

Map amendments: In some instances it may be appropriate to change the zoning in Areas of Stability to create a better match between existing land uses and the zoning. New E-MX-2x zoning for the Property will allow this **Blueprint Denver** goal to be implemented.

The **Blueprint Denver** future land use designation for the Property is Single Family Residential which is described as: “Neighborhoods of single family houses represent the majority of Denver’s residential areas, particularly those developed after 1900 and especially those built after 1940. Densities are fewer than 10 units per acre, often less than six units per acre neighborhood-wide, and the employment base is significantly smaller than the housing base. Single-family homes are the predominant residential type (Pg 42).”



(Blueprint Denver Land Use Map)



(Today's Zoning)

While the property is designated Single Family Residential in **Blueprint**, in reality the Property and surrounding area reflects different characteristics. The entire block the Property is located on does not contain a single-family home. The block and surrounding area consists of parking lots, intense auto-oriented commercial, fast food chains, churches, commercial buildings and low-density townhomes to the northeast. In fact, the surrounding zoning includes PUD in lots north and north-west of the Property, E-CC-3X to the west, the entire block east of the property is zoned E-MX-2X – a limited mixed use district designed to be embedded in stable neighborhoods, and the closest E-SU-DX property is a large church south of the Property.

Blueprint, in addressing the Single Family Residential land use also states on page 120: “... in stable residential neighborhoods there often are areas that would benefit from change, such as stagnant commercial development that would benefit from revitalization...”

The **Blueprint Denver** Plan Strategy: Innovative Transit Options– the Property is within **Blueprint Denver** identified Enhanced Transit Corridor Buffer (Colorado Blvd). The property is located within a block of Colorado Blvd and within a mile of the 40th & Colorado Light Rail Station and encourages a development that meets the following goals and objectives:

- “Higher density always reduces land consumption, but it only has transportation benefits when paired with a land-use mix that provides destinations within a convenient walking distance, in areas that have access to transit and transportation corridors” (pg 26)
- “It also will provide opportunities for more intensive, mixed-use development surrounding stations and along transit corridors.” (pg 26)
- “Strategies to improve mass transit circulation options within the city as well as to outlying suburbs is a planning reality if the city intends to preserve quality of life and ensure a sustainable future for residents.” (pg 26)

Relevance of *Blueprint Denver Street Classifications*:

3411 N Albion St. is on the northwest corner of Albion and Bruce Randolph Ave. Bruce Randolph is a ***Blueprint*** identified Residential Collector, making this location ideal from an access standpoint to increase density proximate to a collector, for which *Blueprint* emphasizes access and multi-modal opportunities. Bruce Randolph is home to RTD route 34 and is also well suited for bicycles. Access is also enhanced by the alley between Colorado Blvd. and Albion.

Albion is a ***Blueprint*** identified local street, tailored for providing local access. This is a typical condition throughout the City. Redevelopment of the Property under E-MX-2x can be easily accommodated by Albion which as a local benefits from being part of a porous regional multi-modal street network to include the alley, 35th Ave, Bruce Randolph, Martin Luther King Blvd., and Colorado Blvd., ensuring short trips in reliance on local streets.

In addition, 35th Avenue at the north end of this block is an City of Denver signed bike route, providing additional easy bicycle access to the Property.

3. The applicable neighborhood plan for the property is the ***Park Hill Neighborhood Plan***, which was adopted in 2000.

The Park Hill Vision for the Future: Park Hill vision for the future is to preserve and enhance the positive qualities that make the neighborhood a unique place to live, work, learn, and play. (pg 7)

Land use and Zoning:

The Property is located in ***Park Hill Neighborhood Plan*** designated R-2 zone district. The Property is located in a Medium density residential area.

R-2: Multi-Unit Dwellings, Low Density: Typically duplexes and triplexes. Home occupations are allowed by permit. Minimum of 6,000 square feet of land required for each duplex structure with an additional 3,000 square feet required for every unit over 2. Density = 14.5 dwelling units/acre. (pg 90)

Goals (pg 32):

- Maintain the existing integrity of the residential character of Park Hill.
- Assure that continued growth and development in Park Hill results in a balanced and compatible mix of housing types and densities.
- Explore opportunities for live/work.
- Maintain and enhance the viability of residential and commercial land uses on Colorado Boulevard.

Actions (pg 33-36):

- **LZ-3:** Create and maintain a mix of housing types and sizes that are attractive and affordable to a diversity of ages, incomes, household types, sizes, cultural and ethnic backgrounds.
- **LZ-17:** Review existing business uses and zoning along Colorado Blvd. and East Colfax Avenue as well as within the neighborhood for compatibility of the allowed business uses with the adjoining and nearby residential uses. Propose zoning and other regulatory changes that would address the issues of compatibility

New E-MX-2x zoning for the Property will allow these ***Park Hill Neighborhood Plan*** goals to be implemented.

From Section 4.2.4.2 of the Denver zoning Code, the Specific Intent of E-MX-2X is:

E-MX-2x applies to small sites served primarily by local streets embedded within an existing or proposed neighborhood. These are typically one or two parcels and are limited to low scale building forms and low intensity uses.

In addition, the General Purpose of E-MX districts includes:

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.

These attributes of E-MX-2X make it the ideal new zone district for the Property.

REVIEW CRITERION DZC § 12.4.10.7.C - 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.

Future development of the Property will result in uniformity of E-MX-2x district regulations and restrictions.

REVIEW CRITERION-The proposed official map amendment furthers the public health, safety, and general welfare of the City.

The proposed map amendment will further the public health, safety, and general welfare of the City by facilitating the improvement and development of the Property as desired by the City's adopted plans.

EXHIBIT C

Description of Justifying Circumstances and Neighborhood Context

Exhibit C

Statement of Compliance of Additional Review Criteria for Non-Legislative Rezoning (DZC § 12.10.8)

CRITERION DZC § 12.4.10.8.A - Justifying Circumstances - One of the following circumstances exists:

Statement of Justifying Circumstances:

“Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include: Changed or changing conditions in a particular area, or in the city generally.”

The 3411 Albion Street Property, located in the North East Park Hill neighborhood is being rezoned to E-MX-2x.

The Property consists of underutilized buildings and vacant land that is efficiently served by existing infrastructure and public transit.

Changing Conditions as Justifying Circumstances:

Despite the neighborhood being designated as Single Family Residential, changes in this particular area and in the city in general have called for strategic development and redevelopment. Subsequent to the implementation of *Blueprint Denver*, the E-MX-2x zone district was created in 2010 to address the growing needs of stable residential neighborhoods without imposing on the residential character. This zone district is limited to low scale building forms and low intensity uses. This E-MX-2x Zone District was applied to the entire east side of this same 3400 block of Albion St. in the 2010 city-wide rezoning.

An example of non-residential uses nearby is on the adjacent property at the north end of this same block and directly north of the subject Property is zoned PUD 539, a Mixed Use PUD allowing restaurant uses this PUD was approved after *Blueprint Denver* was adopted in 2002. However, it replaced and provided minor modifications to a previous PUD; PUD 68 which is older.

There have been additional developments in the vicinity that are justifying examples of changing conditions in the area. On this same 3400 block of Albion Street, 14 townhomes were developed in 2014 utilizing the same E-MX-2X zoning. This changing condition is identified in the photo below:



The 3411 Property rezoning to E-MX-2X is shown in upper right of 3400 Albion block. The new 14 unit townhome community developed in 2014 using E-MX-2x zoning on the same block is shown in the lower left. Colorado Blvd is to the right.

In 2016, less than a mile north of the Property at 40th and Colorado Blvd., RTD opened a new light rail station serving it's FasTracks A Line which brings users from various areas of metro Denver to both downtown and to Denver International Airport. An increase of retail, commercial, and services have occurred in the Park Hill area to accommodate needs of its growing residents.

Examples of a variety of recent developments in the vicinity include:

Project	Date	Location	Details	Distance from 3411 Albion*
Park Hill Village	2012	4300 Smith Road	390 Dwelling Units	9 blocks
Park Hill Village West	2010	4055, 4125, 4175, 4185 N. Albion Street	Commercial and 345 Affordable Housing Dwelling Units	8 blocks
Dahlia Square	2015	3401 Eudora Street	Mental Health Center of Denver	6 blocks
Skyland Village	2016	3454 E. 31 st Ave	68 dwelling units	7 blocks
Walgreens	2012	3555 Colorado Blvd	Grocery/pharmacy	3 blocks

*Actual distances to walk, ride or drive using the existing street grid.

In addition, numerous examples of positive change nearby include new restaurants, retail stores and coffee shops along Colorado Blvd. These are all examples of positive change trending in the immediate vicinity where reinvestment is occurring.

According to the Census Bureau, Colorado was the second-fastest growing state in 2015. The Census Bureau ranks Denver 11th on the list of cities in the country with the greatest addition of residents. Denver alone has grown by 100,000 people in just 7 years. Last year the Census Bureau estimated a 1.42% population growth for Denver. This statistical data are clear examples of changing circumstances in Denver and warrant for developments that will accommodate the growth of Denver's population as well as the amenities and services the residents will need and desire.

For these reasons it is in the public interest to encourage redevelopment of and reinvestment in the area.

This rezoning will be an implementation step of the policy, land use and transportation goals identified in the aforementioned Plans. Once rezoned, the Property can accommodate the neighborhood reinvestment at a scale anticipated by and prescribed in the plans. This rezoning is necessary for the following reasons:

1. Conformance with ***The Park Hill Neighborhood Plan***.
2. Redevelopment and utilization of underused property.
3. Improves the transition from residential to mixed use development in the North East Park Hill neighborhood.
4. Further implementation of ***Blueprint Denver***.

The proposed rezoning of the Property to E-MX-2x will allow for redevelopment of an underused property to a low-scaled building with limited uses. The property is in an excellent reinvestment area, right by an Enhanced Transit Corridor Buffer (Colorado Blvd) a location that would benefit from reinvestment through modest infill and redevelopment. Design elements imbedded in the E-MX-2x Zone District as building height and orientation will help create a quality community the City and its residents will be proud of. Located in an Area of Stability, the proposed rezoning to E-MX-2x and the development program offered by the applicant provide the form-based context to enable what the market, the community, and Denver's elected officials desire for the furtherance of the neighborhoods goals.

Statement of Consistency with Neighborhood Context and General Purpose of Zone Districts DZC Sec. 12.4.10.8:

This map amendment application requests approval of the E-MX-2X Zone District for the Property.

The Denver Zoning Code states that the **General Purpose** of the "E" Zone - Mixed Use Zone Districts is intended to promote safe, active, and pedestrian-scaled, diverse areas and enhance the convenience and ease of walking, shopping and public gathering within and

around the city's neighborhoods while promoting and protecting residential neighborhoods within the character of the Urban Edge Neighborhood Context. These regulations allow for some multi-unit districts, but not to such an extent as to detract from the overall image and character of the residential neighborhood. By promoting existing and future patterns of lower scale multi-unit building forms that typically address the street in the same manner as an urban house building form as well as reinforce desired development patterns in existing neighborhoods while accommodating reinvestment.

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.

E-MX-2x applies to small sites served primarily by local streets embedded within an existing or proposed neighborhood. These are typically one or two parcels and are limited to low scale building forms and low intensity uses. E-MX-2x is an Urban Edge mixed-use district intended to promote modest development and redevelopment with building up to 2 stories high. Mixed Use districts are focused on creating mixed, diverse neighborhoods. The proposed use contemplated by the applicant will create and enhance a mixed, diverse neighborhood with improved connectivity between the residential and commercial.

The **General Intent** for this rezoning to E-MX-2x is as follows:

1. To Implement the Denver Comprehensive Plan and its supplements.
2. To implement ***Blueprint Denver***.
3. Arrange building density, uses, heights, and scaling devices to reinforce the public transit centers and corridors, and to transition to adjoining areas
4. Arrange residential, employment, retail, service, and open space uses to be convenient to and compatible with each other and with transit.
5. Maximize pedestrian amenities near transit facilities and along the primary pedestrian connections to transit facilities.
6. To facilitate implementation of appropriate neighborhood scale reinvestment and provision of services in Areas of Stability.
7. To implement the ***Park Hill Neighborhood Plan*** stated goals of
 - a. Maintain the existing integrity of the residential character of Park Hill.
 - b. Assure that continued growth and development in Park Hill results in a balanced and compatible mix of housing types and densities.
 - c. Explore opportunities for live/work.
 - d. Maintain and enhance the viability of residential and commercial land uses on Colorado Boulevard.
8. The zoning standards are also intended to ensure new development contributes positively to established neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods.

The proposed rezoning and redevelopment of this .72 acre site to E-MX-2x is entirely consistent with the neighborhood context and general purpose of the zone district. This site is an excellent application of E-MX-2x, allowing for only 2 story low intensity development imbedded in the established neighborhood and also proximate to and easily accessible to Colorado Blvd. transit opportunities. It will also help to buffer the neighborhood from Colorado Blvd.

EXHIBIT D

Letter of Authorization for STARBOARD Realty Group, LLC to act as Representative

**PARK HILL ORTHODOX PRESBYTERIAN CHURCH
3411 ALBION ST
DENVER, CO 80207**

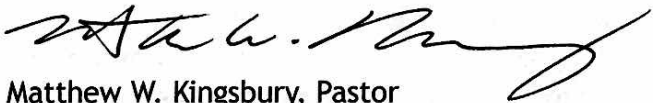
June 28, 2018

Mr. Bruce O'Donnell
STARBOARD Realty Group, LLC
770 Sherman Street, Suite 108
Denver, CO 80203
bodonnell@starboardrealtygroup.com
720-441-3310

Dear Bruce,

This letter serves as authorization for STARBOARD Realty Group, LLC to act on behalf of and represent Park Hill Orthodox Presbyterian Church for the purpose of submitting and processing the rezoning application for the property owned by Park Hill Orthodox Presbyterian Church at 3411 N. Albion St. in Denver, CO.

Sincerely,



Matthew W. Kingsbury, Pastor

EXHIBIT E

Proof of Ownership, Assessors Record

3411 ALBION ST

Owner	PARK HILL ORTHODOX 4095 BRUCE RANDOLPH AVE DENVER , CO 80207
Schedule Number	01302-07-005-000
Legal Description	J COOKS JRS NORTH DIVISION OF CAPITOL HILL 01302 B39 L16 TO 25 INC
Property Type	INDUSTRIAL - CHURCH
Tax District	DENV

Print Summary

Property Description			
Style:	OTHER	Building Sqr. Foot:	7133
Bedrooms:		Baths Full/Half:	0/0
Effective Year Built:	1956	Basement/Finish:	0/0
Lot Size:	31,200	Zoned As:	E-SU-DX

Note: Valuation zoning may be different from City's new zoning code.

Current Year			
Actual	Assessed	Exempt	
Land	\$356,000	\$103,240	\$246,530
Improvements	\$494,100	\$143,290	
Total	\$850,100	\$246,530	

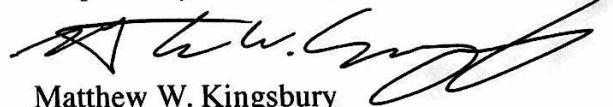
Prior Year			
Actual	Assessed	Exempt	
Land	\$356,000	\$103,240	\$252,160
Improvements	\$513,500	\$148,920	
Total	\$869,500	\$252,160	

Exhibit F
Signature Authority Authorization

Session met at the building of Park Hill Presbyterian Church (OPC) at 3411 Albion Street, Denver, Colorado, on Sunday, July 22, 2018 at 6:22 p.m. The moderator, Kevin Reed, opened the meeting by reading Psalm 33:10-12 and praying.

1. **ROLL PRESENT:** Pastor Matthew Kingsbury, Elder Kevin Reed
ABSENT: Elder Lewis Reynolds
2. **AGENDA** This meeting was called by the moderator for the purpose of clarifying Pastor Kingsbury's authority when representing the session in matters related to the sale of our congregation's property.
3. **AUTHORIZATION** On motion, the session recognized Mr. Kingsbury's authority, as clerk of session, to represent the session and sign documents on its behalf in matters related to the sale of the congregation's property (see October 28, 2017 congregational meeting minutes).
4. **ADJOURNMENT** There being no further business, the moderator declared the meeting adjourned by Pastor Kingsbury's prayer at 6:26 p.m.

Respectfully submitted,



Matthew W. Kingsbury
Clerk of session

strangers on behalf of the Church (see FG §XI: 1). As supervised by the Session, they shall minister to the temporal needs of members and friends, manage the Church finances, and see to the care and maintenance of Church property.

- d. Any voting member may propose to the Session nominations for the offices of elders and deacons. The Session shall certify those nominees whom, upon examination, it judges to possess the necessary qualifications for office. An elder or deacon who had been previously certified but who resigned from or was divested of the office must be re-certified. At least one Lord's Day preceding the date appointed for the election the Session shall announce to the Church the names of those it has certified. Election shall be from those certified (see FG §XXV: 4). Voting on the election of elders and deacons shall be done by secret ballot, and each vote shall be cast either in favor of or against the election of each candidate, and those candidates receiving the vote of a majority in favor of their election shall be deemed elected. Elders and deacons shall be elected to lifetime service. However, they shall be allowed to take sabbaticals, at their own request, for definite or indefinite periods, as approved by the session. There shall be no upward limit on the number of members of the session or diaconate.
- e. An elder or deacon may be divested of his office by Church discipline for an offense in doctrine or life (see FG §XXVI: 1). He may also be divested if his services are not edifying to the congregation; such divestiture may occur only upon a two-thirds (2/3) vote of the congregation and with the permission of the presbytery (see FG §XXVI: 4-a). An elder or deacon also may resign from his office (see FG §XXVI: 4-b).

8. Pastor

- a. It is the charge of the pastor to feed and tend the flock as Christ's minister and with the other elders to lead them in all the service of Christ. It is his task to conduct the public worship of God; to pray for and with Christ's flock as the mouth of the people unto God; to feed the flock by the public reading and preaching of the Word of God, according to which he is to teach, convince, reprove, exhort, comfort, and evangelize, expounding and applying the truth of Scripture with ministerial authority, as a diligent workman approved by God; to administer the sacraments; to bless the people from God; to shepherd the flock and minister the Word according to the particular needs of groups, families, and individuals in the congregation, catechizing by teaching plainly the first principles of the oracles of God to the baptized youth and to adults who are yet babes in Christ, visiting in the homes of the people, instructing and counseling individuals, and training them to be faithful servants of Christ; to minister to the poor, the sick, the afflicted, and the dying; and to make known the gospel to the lost (see FG §VIII).
- b. If the Church desires to be relieved of its pastor, it may, through a duly called congregational meeting, ask him to resign. If the pastor agrees to do so, the presbytery shall be requested to dissolve the pastoral relationship as of a mutually agreeable date. If the pastor is not willing to resign, the Church may petition the presbytery to dissolve the pastoral relationship and may send representatives to the meeting to support the request. The presbytery may grant the request, but only after giving the pastor opportunity to present his reasons for not concurring, or it may urge the congregation to reconsider its action (see FG §XXIV: 2). The decision of the presbytery shall be final and binding, except when that decision is appealed to the General Assembly (see FG §XIV: 5).
- c. For tax purposes, the pastor shall be considered an employee of the Church.

9. Session

- a. The Session is the governing Body of the Church and consists of its pastor, its ruling elders, and its duly called and teaching elders (or "ministers"). The Session shall manage the business affairs of the corporation, oversee all matters concerning the conduct of public worship, and concert the best measures for promoting the spiritual growth and evangelistic witness of the congregation. It shall receive, dismiss, and exercise discipline over the members of the Church, supervise the activities of the Board of Deacons and all other organizations of the congregation, and have final authority over the use of the Church property (see FG §§X & XIII).
- b. The Session shall choose its own moderator (chairman) and clerk (secretary) annually from among its members

(see FG §XIII: 4). The Session may also choose a vice-moderator from among its members, and shall appoint a treasurer, who must be a communicant member in good standing.

- c. The Session shall have final authority for affairs pertaining to property and other temporal matters as required by civil law for nonprofit corporations. In particular, the Session shall oversee the acquisition and disposition of Church property, which includes the management of its financial resources. Neither the Session nor its delegates shall have the power to buy, sell, mortgage, pledge or in any manner encumber any Church property worth more than \$1,500, nor to incur any indebtedness, unless first authorized to do so at a congregational meeting, either through the adoption of the annual budget or by special action of the congregation. The Session may delegate to the Board of Trustees or to other communicant members such of these responsibilities as it deems appropriate.
- d. The Session shall meet at least quarterly and shall convene at the call of the moderator, the presbytery, any two members of the Session, or upon its own adjournment (see FG §XIII: 5). Either oral or written notice, including the date, time, and place of a meeting, shall be given at least two days before a meeting. If mailed, notice shall be deemed to be effective the day after the letter is postmarked. Notice may be waived either orally or in writing. An elder's or pastor's attendance at a meeting waives his right to object to lack of notice or defective notice of the meeting, unless at the beginning of the meeting (or promptly upon arrival), he objects to holding the meeting or transacting business at the meeting, and does not vote for or assent to action taken at the meeting.
- e. A quorum is two ruling elders, if there are three or more, or one ruling elder if there are fewer than three, together with the pastor. In no case may the Session conduct its business with fewer than two present who are entitled to vote (see FG §XIII: 5). When the Church is without a pastor, the Session shall request the presbytery to appoint a minister, normally of the same presbytery, to meet with them, or shall itself invite such a minister; he shall have the right to vote, and to be elected to moderate the meeting. When it is impractical without great inconvenience for a minister to attend, those present may conduct business, but the grounds for the call of such a meeting shall be reviewed at the next meeting at which a minister is present (see FG §XIII: 6).
- f. The act of a majority present at a Session meeting at which a quorum is present (when the vote is taken) shall be the act of the Session. A pastor or elder shall be deemed to have approved of an action taken if he is present at a meeting of the Session unless: (1) he objects at the beginning of the meeting (or promptly upon arrival) to holding it or transacting business at the meeting; or (2) his dissent or abstention from the action taken is entered in the minutes of the meeting; or (3) he did not approve the action and he delivers written notice of dissent or abstention to the presiding officer of the meeting before its adjournment or immediately after adjournment of the meeting.
- g. If the Session shall cease to exist or become so small as to prevent it from working effectively, presbytery shall provide for the election and ordination of elders from within the congregation, or, with the consent of the congregation, may appoint ruling elders or ministers, or both, normally from within the same presbytery, to be an acting Session or to augment the existing Session temporarily (see FG §XIII: 10).
- h. The Session may meet by means of a conference telephone call or similar communications equipment, provided all persons entitled to participate in the meeting received proper notice of the telephone meeting, and provided all persons participating in the meeting can hear each other at the same time. A member participating in a conference telephone meeting is deemed present in person at the meeting. The moderator of the meeting may establish reasonable rules as to conducting business at any meeting by phone.
- i. The moderator shall be subject to the control of the Session. The moderator shall, when present, preside at all meetings of the members and of the Session, and shall conduct such meetings so as to facilitate free and respectful debate and decision-making.
- j. If the Session appoints a vice-moderator (vice-chairman), he shall perform, in good faith, the moderator's duties if the moderator is absent, dies, is unable or refuses to act. If the vice-moderator acts in the absence of the moderator, the vice-moderator shall have all of the powers of and be subject to all the restrictions upon the moderator. If there is no vice-moderator or the vice moderator is unable or refuses to act, then the secretary shall perform the moderatorial duties.

- k. The clerk shall be the secretary of the Church and shall in good faith: (1) create and maintain one or more books for the minutes of the proceedings of the members and of the Session; (2) provide that all notices are served in accordance with these bylaws or as required by law; (3) be custodian of the Church and corporate records; (4) subscribe the minutes of all meetings of the members and of the Session; (5) when requested or required, authenticate any records of the Church; (6) keep a current register of the post office address of each member; and (7) in general perform all duties incident to the office of secretary and any other duties that the moderator or the Session may assign to the secretary.
- l. The treasurer shall: (1) have charge and custody of and be responsible for all funds and securities of the Church; (2) give receipts for monies paid to the Church from any source; (3) submit the books and records to a Certified Public Accountant or other accountant as directed by the Session; (4) reimburse expenses incurred by employees and members according to the Accountable Reimbursement Plan developed by the session; and (5) in general perform all of the duties incident to the office of treasurer and any other duties that the moderator or Session may assign to the treasurer. If required by the Session, the treasurer shall give a bond for the faithful performance of the treasurer's duties and as insurance against the misappropriation of funds. If a bond is required, it shall be in a sum and with the surety or sureties that the Session shall determine.
- m. The Session may establish such committees as it deems necessary for the work of the Church.

10. Board of Deacons

The Board of Deacons shall oversee the ministry of mercy in the Church and shall collect and disperse funds for the relief of the needy. Other forms of service for the Church may also be committed to the deacons. The Board of Deacons shall choose its own officers from its membership. The Board of Deacons shall keep a record of its proceedings and of all funds and their distribution, and shall submit its records to the Session once every three months, and at other times upon request of the Session (see FG §XI).

11. Board of Trustees

- a. The Board of Trustees shall consist of all ruling elders and deacons, along with two communicant members in good standing from the congregation at large. At-large members shall serve the board for two-year terms. One at-large trustee shall be elected at each annual congregational meeting to succeed the at-large trustee whose term is expiring. At-large members of the Board of Trustees may be reelected. The pastor shall be and ex officio member of the Board of Trustees. The Board of Trustees shall elect a moderator and secretary from amongst its members. The moderator shall be subject to the control of the Session, and shall in general supervise and control, in good faith, all of the business and affairs of the Church. The moderator shall be the chairman of the Board of Trustees and the principal executive officer (president) of the corporation. The moderator may sign, with the secretary or any other proper officer of the Church the Board of Trustees has authorized, corporation deeds, mortgages, bonds, contracts, or other Board-authorized instruments. The Clerk of the Session shall be custodian of corporate records.
- b. The Board of Trustees shall have the power and authority to make rules and regulations not inconsistent with the laws of the State of Colorado. The Board of Trustees shall appoint at least two persons from its membership to receive monies due and payable to the Church from any source, and deposit all monies in the Church's name in banks, trust companies, or other depositories that the Session shall select. Records of all such receipts and deposits shall be promptly forwarded to the Treasurer. The Board of Trustees shall be responsible for the acquisition and disposition of Church property, which includes the management of its financial resources. Neither the Board of Trustees nor its delegates shall have the power to buy, sell, mortgage, pledge or in any manner encumber any Church property worth more than \$600, nor to incur any indebtedness unless first authorized to do so at a congregational meeting, either through the adoption of the annual budget or by special congregational action.
- c. The Board of Trustees shall meet at least annually and shall convene at the call of its moderator, the Session, or upon its own adjournment. A trustee's attendance at a meeting waives his right to object to lack of notice or defective notice of the meeting, unless at the beginning of the meeting (or promptly upon arrival), he objects to holding the meeting or transacting business at the meeting, and does not vote for or assent to action taken at the meeting. Two-thirds of the trustees shall constitute a quorum.

- d. The Board of Trustees shall report on each of its meetings to the Session, which shall supervise all its activities and have final authority over the use of Church property (FG XIII:5). The Board of Trustees shall prepare an annual budget and submit it for the Session's approval prior to its presentation at the annual congregational meeting (FG XXXI:4).

12. Congregational Meetings

- a. An annual meeting of the Church shall be held each year at a date, time, and place to be determined by the Session (see FG §XVI:1). At the annual meeting, the voting members may elect ruling elders and deacons as certified by the Session, shall elect trustees, adopt an annual budget, review reports and financial statements of all organizations and representatives of the Church, and transact any other business as may come before the meeting.
- b. Special meetings of the Church shall be called at a date and location to be determined by the Session whenever the Session deems it to be in the best interests of the Church or when requested in writing to do so by one-fourth (1/4) of the voting members of the Church in good standing (see FG §XVI:1).
- c. The date, time, and location of all congregational meetings must be announced orally or in the Church bulletin at least two (2) Sundays prior to the time set for the meeting, or by letter mailed at least ten days prior to the meeting (see FG §XVI:3). If the voting members adjourn any congregational meeting to a different date, time, or place, notice of a new date, time, and place need not be given if the new date, time, and place is announced before adjournment. A member entitled to a notice may waive notice of the meeting (or any notice required by the laws of the State of Colorado or these bylaws), by a letter in writing signed by the member. The member must send the notice of waiver to the Church (either before or after the date and time stated in the notice) for inclusion in the minutes or filing with the Church records.
- d. The purpose of a meeting shall be announced in advance if it involves: a proposed amendment to the bylaws or articles of incorporation; the election or removal of officers; the calling or removal of the pastor; the acquisition or disposition of property worth more than \$1500; the dissolution of the Church; or a question regarding the Church's denominational affiliation. When a meeting is called for the transaction of specific matters of business, no business shall be conducted except that which is stated in the notice (see FG §XVI:3).
- e. A member's attendance at a meeting: waives the member's right to object to lack of notice or defective notice of the meeting, unless the member at the beginning of the meeting objects to holding the meeting or transacting business at the meeting; and, waives the member's right to object to consideration of a particular matter at the meeting that is not within the purpose or purposes described in the meeting notice, unless the member objects to considering the matter when it is presented.
- f. One-fourth (1/4) of the voting members shall constitute a quorum at congregational meetings. Unless provided otherwise in these Bylaws, a majority vote of those in attendance, a quorum being present, is sufficient to decide any matter.
- g. The moderator and the clerk of the Session shall serve as moderator and clerk respectively in congregational meetings (see FG §XVI:4).

13. Church Records

- a. The Session shall keep the following records: (1) minutes of its meetings, including a record of the administration of the sacraments and changes in the membership of the congregation; (2) minutes of the meetings of the congregation; (3) rolls of the members in the congregation (communicant, non-communicant, and voting), with the dates of their reception (see FG §XIII:8); (4) resolutions adopted by the Session; (5) appropriate accounting records; (6) its articles or restated articles of incorporation and all amendments to them currently in effect; and (7) its bylaws or restated bylaws and all amendments to them currently in effect.
- b. A member shall be entitled to inspect and copy, at a reasonable time and location specified by the Session, any of the Church records described above. The Session may limit access to any records that contain

The congregation met at the building of Park Hill Presbyterian Church (OPC) at 3411 Albion Street, Denver, Colorado, on Saturday, October 28, 2017 at 9:05 a.m. The moderator, Kevin Reed, opened the meeting by reading 1 Corinthians 1:18-31 and praying.

1. **ROLL VOTING MEMBERS** (PHPC Bylaw §6.c): Pastor Matthew Kingsbury, Elders Merlin Moore (emeritus), Kevin Reed & Lewis Reynolds; Deacons Richard Travis, Michigan Hill, Randall Cuerden & David Pastoor; Aaron & Emma Dalbey, Rachel McCarthy, John Knox, Shane & John Kuspiel, Charlene Freeman, Christine Alanis, Ruby Gray, Kathy Nightengale, LeRoy & Irene Petrie, Joanna Kingsbury, Joanne Cuerden, Laura Hill, Cara Reynolds, Shannon Clawson, Janet Moore, Cathleen Saffa, Darrah & Jeff Wallace, James Giles, Patricia Castillo, Lawrence Mobley, Natalie Hummell
NONVOTING COMMUNICANT MEMBERS: Anastasia Cuerden, Kuyper & Rigel Reynolds, Samuel Kingsbury
GUESTS: Yee Ming Lee

A quorum was present.

2. **AGENDA** This congregational meeting was called by virtue of an (undated) petition signed by over one-third of the congregation's communicant members:

We, the undersigned, communicant members in good and regular standing, do hereby call for a congregational meeting, in accordance with FOG XVI.1, to reconsider the future plans of Park Hill Presbyterian Church for the following reasons:

- 1) With the annual budget coming up for approval soon, it is imperative that we have an intentional plan in place that reflects the wishes of the congregation so that we will be in a better position to make fiscally responsible and wise financial decisions and not be fettered by a default action; and
- 2) No actual decision was made at the last congregational meeting, and this indecision will irrevocably harm the church body if further action is not taken soon, both in trusting our leadership and maintaining unity of the body; and lastly,
- 3) Members have expressed to one another that inadequate time was allowed for a thorough understanding of the two plans, that they felt rushed and ill-prepared to make a decision with only two weeks to consider the material, that some were intimidated by the judicious use of Robert's Rules of Order (thereby stifling participation), and that inadequate time was allowed for discussion and debate with the vote being called before questions and debate were exhausted.

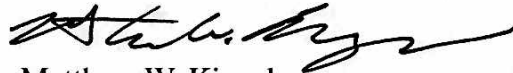
At its meeting on September 18, 2017, the session set this agenda: the congregation will be asked to choose between Mr. Kingsbury's proposal to move to Aurora or to remain at our current location for the indefinite future while other plans are explored.

3. **MOTION** It was moved and seconded that we refer the motion to a committee of seven made up of side a and side b chosen by the session to research a viable option and educate the congregation with that information and henceforth unite the congregation in an option to

further God's kingdom post haste to a time and date certain. After debate, a vote on the motion was held by ballot. The motion failed.

4. **DEBATE** After debate on the choice set before the congregation by the session, a vote was held by ballot. By a vote of 24 to 11, the election was for Mr. Kingsbury's proposal to move to Aurora.
5. **LISTING** It was moved that the congregation of Park Hill Presbyterian Church (OPC) authorize its session, per PHPC Bylaw §12.d, to act as its agent in listing its real property at 3411 Albion Street, Denver, Colorado and in negotiating its final selling price. The congregation hereby instructs that the property be listed initially at \$1.5 million, and that any subsequent reduction below \$1.25 million would require further authorization by the congregation. On motion, the congregation called the question. The motion carried.
6. **MINUTES** The clerk read the concept minutes.
7. **ADJOURNMENT** The end of the agenda having been reached, the moderator adjourned the meeting with his prayer at 11:13 a.m.

Respectfully submitted,



Matthew W. Kingsbury
Clerk of session