

## 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><b>*If More Than One Property Owner:</b><br/>           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><b>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</b></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

Rezoning Application Page 2 of 3

| REVIEW CRITERIA   |  |
|---|--|
| <p>General Review Criteria: The proposal must comply with all of the general review criteria<br/>DZC Sec. 12.4.10.7</p>   | <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.<br/>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 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 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 Rezonings: The proposal must comply with both of the additional review criteria<br/>DZC Sec. 12.4.10.8</p>  | <p><b>Justifying Circumstances - One of the following circumstances exists:</b></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 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:</p> <p style="margin-left: 20px;">a. Changed or changing conditions in a particular area, or in the city generally; or</p> <p style="margin-left: 20px;">b. A City adopted plan; or</p> <p style="margin-left: 20px;">c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.</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.<br/>Please provide an attachment describing the justifying circumstance.</p> <p><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.<br/>Please provide an attachment describing how the above criterion is met.</p> |
| REQUIRED ATTACHMENTS  |  |
| Please ensure the following required attachments are submitted with this application:   |  |
| <p><input type="checkbox"/> Legal Description (required to be attached in Microsoft Word document format)</p> <p><input type="checkbox"/> Proof of Ownership Document(s)</p> <p><input type="checkbox"/> Review Criteria, as identified above</p> |  |
| ADDITIONAL ATTACHMENTS  |  |
| Please identify any additional attachments provided with this application:  |  |
| <p><input type="checkbox"/> Written Authorization to Represent Property Owner(s)</p> <p><input type="checkbox"/> Individual Authorization to Sign on Behalf of a Corporate Entity</p>   |  |
| 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)<br>(please type or print legibly) | Property Address<br>City, State, Zip<br>Phone<br>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) |
|--|--|--|---|-----------|--|--|
| <b>EXAMPLE</b><br>John Alan Smith and<br>Josie Q. Smith  | 123 Sesame Street<br>Denver, CO 80202<br>(303) 555-5555<br>sample@sample.gov | 100%   | <i>John Alan Smith</i><br><i>Josie Q. Smith</i>   | 01/01/12  | (A)  | YES  |
| HAROLD V<br>NOTHHAFT II<br>NICHOLAS J<br>NOTHHAFT        | 4055 Elati St.<br>Denver, Co 80221<br>303-433-3329<br>hnothhaft@nothhaft.com | 100%   | <i>Harold V Nothhaft II</i><br><i>Nicholas J Nothhaft</i>                               | 8/23/2018 | A  | YES  |
|  |  |  |   |           |  |  |
|  |  |  |   |           |  |  |
|  |  |  |   |           |  |  |
|  |  |  |   |           |  |  |
|  |  |  |   |           |  |  |

## **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 A**

**Legal Description**

**4055 ELATI STREET**

LEGAL DESCRIPTION

VIADUCT ADDITION BLOCK 26 LOTS 25 TO 30 INCLUSIVE,  
CITY AND COUNTY OF DENVER,  
STATE OF COLORADO,  
CONTAINING  $\pm 18,750$  FEET OR  $\pm 0.430$  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 .43-acre property located at 4055 Elati Street from I-A OU-2 to C-MX-8 (the "Property") to facilitate the redevelopment of the Property consistent with the recommendations in the adopted plans.

The property is located in the Globeville Statistical Neighborhood at the southwest corner of North Elati Street and 41<sup>st</sup> Avenue. Multimodal access to other parts of Globeville, east of I-25 is provided by 44<sup>th</sup> Avenue, and to the south of I-25 by Park Avenue. Along with 38<sup>th</sup> Street, a recently-constructed pedestrian bridge over the railroad yard provides access to the Sunnyside and Highland neighborhoods to the west. The property is also located within ¼ mile of the 41<sup>st</sup> and Fox Light Rail Station anticipated to open this year. Recent rezonings suggest this area is transitioning from an industrial to a Transit Oriented Development (TOD) context. These changes have resulted in the need to rezone to meet market and community wants and needs.

The map amendment request is to rezone the Property to the C-MX-8 Zone District. This would allow the development of a combination of commercial and or residential units up to 8 stories. As described in the Denver Zoning Code: "The Mixed-Use zone district standards are intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods." (DZC 7-2.1) This rezoning would enable the development of compact, mixed-use, pedestrian-oriented development in an appropriate location. It will also allow for redevelopment of an underutilized property. The successful rezoning will allow for a quality project which will blend in with and promote growth of the existing 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.**

This proposed map amendment is consistent with the Denver Comprehensive Plan 2000, Blueprint Denver (2002), The 41<sup>st</sup> & Fox Station Area Plan (2009), the TOD Strategic Plan (2014) and the Globeville Neighborhood Plan (2014).

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



### **Environmental Sustainability Strategies:**

"2-F: Promoting infill development within Denver at sites where services and infrastructure are already in place, creating more density near transit, and designing mixed use communities and reducing sprawl, so that residents can live, work and play within their own neighborhoods." (DCP pg 39)

"4-A: Promote the development of sustainable communities and centers of activity where shopping, jobs, recreation and schools are accessible by multiple forms of transportation, providing opportunities for people to live where they work." (DCP pg 41)

### **Land Use Strategies:**

"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." (DCP pg 60)

"4-A: Encourage mixed-use, transit-oriented development that makes effective use of existing transportation infrastructure, supports transit stations, increases transit patronage, reduces impact on the environment, and encourages vibrant urban centers and neighborhoods." (DCP pg 60)

### **Mobility Strategies:**

"4-E: Continue to promote mixed-use development, which enables people to live near work, retail and services." (DCP pg 78)

### **Our Long Term Physical Environment:**

"2-B: Protect and improve air quality by: Reducing vehicular pollution by expanding the use of transit and other travel alternatives, supporting telecommuting and home-based employment, increasing the mix of uses within neighborhoods, and expanding the use of alternative fuels."

### **Legacies Strategies:**

"3-A: Identify areas in which increased density and new uses are desirable and can be accommodated." (DCP pg 99)

### **Neighborhood Strategies:**

"1-F: Modify land-use regulations to ensure flexibility to accommodate changing demographics and lifestyles. Allow, and in some places encourage, a diverse mix of housing types and affordable units, essential services, recreation, business and employment, home-based businesses, schools, transportation and open space networks." (DCP pg 150)

The proposed C-MX-8 zone district would enable residential mixed-use development at an infill location in an area that is showing signs of redevelopment centered around a new RTD Light Rail station, and in which services and infrastructure are already present. This rezoning would enable the development of compact, mixed-use, pedestrian-oriented development in an appropriate location, making it consistent with Denver Comprehensive Plan 2000 "Vision of Success" principles of Compact Development, Density and Diversity, Transit-Oriented Development, among others.

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

The Property is in a Blueprint Denver Area of Change and classified as Transit Oriented Development as described below:

### **Area of Change:**

"Areas of Change are parts of the City where new growth or redevelopment can best be accommodated because of transportation choices and opportunities for mixed-use development. Channeling growth to older industrial areas, districts close to downtown, major arterial corridors, historical trolley routes or existing and planned light rail stops will benefit the City as a whole." (BPD, pg. 19)

### **Transit Oriented Development:**

"Transit-oriented developments are distinctly different because these land uses have a direct correlation to the function of a mass transit system. These development sites are located at stations or stops along bus or rail lines within a mass transit network. Transit-oriented developments offer an alternative to traditional development patterns by providing housing, services, and employment opportunities for a diverse population in a configuration that facilitates pedestrian and transit access.

Some key attributes of TOD commonly include:

- A balanced mix of uses (residential, retail, office, entertainment, public facilities and others)
- Compact, mid- to high-density development
- Close proximity to transit, emphasizing a pedestrian-friendly and attractive pedestrian environment
- Multi-modal transportation connections (rail, bus, bicycle, pedestrian and others)
- Reduced emphasis on auto parking — including lowered parking requirements, shared parking, parking configurations that mitigate the visual impacts of automobiles, parking structures located near but not necessarily at stations and replacement of surface parking lots with structured parking

- Urban design guidelines to improve character and create a sense of place
- Attractive, multi-story buildings facing the station and adjacent streets
- A variety of housing types and prices, including affordable housing opportunities
- Access to open space and recreational amenities
- A high degree of connectivity between station area and surrounding neighborhoods” (BPD pg. 44)

Blueprint Denver designates the property and the immediately surrounding neighborhood as an Area of Change. The overarching goal of the Blueprint Plan is to direct growth toward Areas of Change, “where it will be beneficial and can best improve access to jobs, housing and services with fewer and shorter auto trips” (BPD pg. 127). The property is designated as a transit-oriented development, which calls for compact, mid to high density mixed-use developments. These developments will have reduced parking requirements to encourage transit use and emphasize a pedestrian-friendly environment.

This proposed C-MX-8 rezoning is consistent with these goals, as it will allow for residential-focused mixed-use in an appropriate, transit-served location, improving access to jobs, housing, and services.

**3. The proposed map amendment is consistent with the Transit Oriented Development Strategic Plan (2014) including:**

In response to Denver’s growth and anticipated expansion of RTD’s FasTracks, the City expanded Blueprint’s TOD concept and created its own strategic plan, “the plan is intended to guide the critical City-led actions needed for successful TOD in Denver (TODSP pg 4). The Transit Oriented Development Strategic Plan (2014) elaborates on transit oriented development and details the attributes of station areas and the strategies to develop them.

TOD principles include:

- Access to All – connect to new and existing neighborhoods
- Sustainable – economic, social, environmental
  - Transit communities have proven to be more environmentally, socially, and economically sustainable than areas dependent on one mode of transportation.
- Location – one place to live, work, and play decreases need for regional trips
- Balance – jobs and homes nearby reduce travel times and long commutes
  - By consciously placing homes, jobs, civic uses, shopping, entertainment, parks and other daily necessities close to transit stations, cities make possible short, walkable trips and reduce long, inefficient travel.
- Vibrant – bring together people and activities

- An activated public place becomes a destination, strengthening the livability of the community.
- Choice – housing, jobs, shopping, transit options
  - Provide a balanced mix of complementary uses and activities within close proximity, increasing the chances that people can reach a majority of their daily needs by foot, bicycle, or transit.
  - Transit communities’ balanced mix of uses and activities provides residents a true choice of lifestyles, leading to a more resilient place to live, work, and play. (TODSP pg.10-1)

At the time of the first TOD plan in 2006, many stations lacked a plan to provide guidance, “this update builds upon the existing typology, with revisions to mesh with the neighborhood context established in the Denver zoning code, reflect the vision established in the various station area plans, and acknowledge other neighborhood interests or development activity around the stations. (TODSP pg 18). The Transit Oriented Development Strategic Plan (2014) envisions this station area typography as General Urban.

**General Urban Station typography:**

“General Urban rail stations are characterized by their significant amount of mid to high-density multifamily residential areas. These areas have a variety of building forms, such as urban houses, rowhouses, and mid to high-rise apartment and/or condominium buildings, as well as some limited single family and two family residential uses. Commercial areas, generally consisting of low to mid rise structures, are both embedded in the neighborhood and located along busier, mixed-use arterials (TODSP pg 24).”

The proposed C-MX-8 Zone District is consistent with the plan’s recommended building height and allows for developments that supports the plan’s principles.

**4. The proposed map amendment is consistent with the objectives 41<sup>st</sup> and Fox Station Area Plan (2009) including:**

The 41<sup>st</sup> and Fox Station Area Plan was adopted by City Council in 2009 and applies to the subject property. The plan envisions to “create opportunities to add more housing, jobs, and services to the station area,” as well as “balance the needs of new development and existing uses” (41<sup>st</sup> and Fox Station Area Plan vii). The plan focuses on the long-term redevelopment of the area west of the railroad tracks to “create a complete, transit-friendly neighborhood” that would include pedestrian shopping corridors and high-intensity mixed used development, especially in the area close to the RTD station. Located on the corner of 41<sup>st</sup> and Elati Street, the Property is in the plan’s Pedestrian Shopping District (2-8 stories) which is described in the Land Use Components as “centered on the intersection of 41st Avenue and Fox Street in close

proximity to the transit station. Ground floor uses include a wide variety of shopping, entertainment, and services with residential, employment or expanded commercial uses on the upper floors” (pg 15).

The City and County of Denver recognizes the opportunity and has taken a proactive approach toward refocusing growth into neighborhoods and districts near existing and future transit stations. In the coming years the 41<sup>st</sup> and Fox Station will develop into a “diverse, transit supportive and environmentally sustainable urban center” that capitalizes on the proximity to and views of Downtown (pg. 9). “When fully developed, this area should contain shopping and commercial uses totaling 150,000 square feet or more... Because of the high level of service provided by the transit station, both local and regional customers can easily visit the unique shops and restaurants of this area” (pg 15). The plan recommends building heights up to 8 stories, with high-intensity mixed use developments, including residential uses.

The proposed C-MX-8 Zone District is consistent with these building height and land-use recommendations of this plan.

**5. The proposed map amendment is consistent with the objectives Globeville Neighborhood Plan (2014) including:**

The Globeville Neighborhood Plan was adopted by City Council in 2014 and overlaps with the boundary of the 41<sup>st</sup> and Fox Station Area Plan on the subject site. The Globeville Neighborhood Plan reinforces the land use and building height recommendations established in the 41<sup>st</sup> and Fox Station Area Plan. It reinstates the goal for this area of Globeville: “The 41<sup>st</sup> and Fox Station will develop over the coming decades into the focal point of a diverse, transit supportive, and environmentally sustainable urban center” (Globeville Neighborhood Plan pg. 15). The Globeville Plan states that it adopts the 41<sup>st</sup> and Fox Station Area Plan in their vision, including the goals of the plan’s Pedestrian Shopping District. It goes on to state that the plan “does not update the recommendations of the 41<sup>st</sup> and Fox Station Area Plan” (pg. 110).

The Globeville Neighborhood Plan identifies this area as an “Area of Change”, the plan emphasizes that the neighborhood is changing from industrial to Transit Oriented Development. The plan calls for Commercial Mixed Use with density surrounding the 41<sup>st</sup> and Fox Station which will help establish an urban center around the high use transit station and promote economic activity and growth. The proposed rezoning to a C-MX-8 Zone District is consistent with the Globeville Neighborhood Plan’s vision for a Pedestrian Shopping District with buildings up to 8 stories of high intensity mixed-used developments.

Rezoning to C-MX-8 is City of Denver Plan and policy an implementation step informed exactly by these adopted plans which call for dense mixed-use zoning at this TOD location and specify buildings up to 8 stories in height.

**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 C-MX-8 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.4.a - Justifying Circumstances - One of the following circumstances exists:**

“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 .43-acre Property is in an area of Denver that has experienced and is continuing to experience substantial change. Immediately west of the Property, RTD developed the 41<sup>st</sup> and Fox Station that will be supporting the new G line, connecting Union Station to Wheat Ridge. Since the adoption of Blueprint Denver in 2002, the City has implemented three new plans; the 41<sup>st</sup> and Fox Station Area Plan (2009), Globeville Neighborhood Plan (2014), and The Transit Oriented Development Strategic Plan (2014) directly address the immediate area in which the Property is located. These plans were created to guide the developments of this growing area surrounding the new transit station. Related to these changes are the pedestrian bridge linking the Property and Station Area to the Sunnyside neighborhood to the west. Numerous other rezonings and development proposals nearby also herald changing conditions, including the former Denver Post site.

The C-MX-8 Zone District is intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city’s residential neighborhoods. It ensures new development that contributes positively to established character of the neighborhood and improve the transition between commercial development and adjacent residential neighborhoods. Today, the neighborhood context around the 41<sup>st</sup> and Fox Station is a mix of industrial zoning along with recently rezoned mixed use and main street zoning. This is in anticipation of high-density mixed-use development and greater street activation close to the light rail station. The proposed C-MX-8 Zone District of the Property will allow the 41<sup>st</sup> and Fox Station area to continue to grow into the Urban Center the city plans are envisioning. It will promote the desired intent of a vibrant, walkable transit-oriented neighborhood context.

**CRITERION DZC § 12.4.10.8.A.4.b - Justifying Circumstances - One of the following circumstances exists:**

“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 City adopted plan...*”

This site was zoned I-A OU-2 in 2010 during the City-wide rezoning. Subsequent to the 2010 establishment of the I-A zoning the City, in 2014, adopted the Globeville Neighborhood Plan. The Globeville Neighborhood Plan identifies this area as an “Area of Change”, the plan emphasizes that the neighborhood is changing from industrial to Transit



Oriented Development. The plan calls for Commercial Mixed Use with density surrounding the 41<sup>st</sup> and Fox Station which will help establish an urban center around the high use transit station and promote economic activity and growth. The proposed rezoning to a C-MX-8 Zone District is consistent with the Globeville Neighborhood Plan's vision for a Pedestrian Shopping District with buildings up to 8 stories of high intensity mixed-used developments.

**CRITERION DZC § 12.4.10.8.B – 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.**

C-MX-8 is in the Urban Center Neighborhood context and is characterized by the Denver Zoning Code as consisting of multi-unit residential and mixed-use commercial strips and commercial centers. Multi-unit residential uses are typically in multi-story mixed use building forms. Commercial buildings are typically Shopfront and General forms. The Denver Zoning Code's intent for this district applies primarily to collector or arterial street corridors, or may be embedded within a larger commercial shopping center or mixed-use area, where a building scale of 2 to 8 stories is desired (Denver Zoning Code 7.1 – 7.2.4).

This stated purpose of this district is intended to enhance the convenience, ease and enjoyment of walking, shopping and public gathering within and around the city's residential neighborhoods. It ensures new development that contributes positively to established character of the neighborhood and improve the transition between commercial development and adjacent residential neighborhoods. The Denver Zoning Code describes the general purpose of Mixed Use zone districts are "intended to promote safe, active, and pedestrian-scaled commercial streets through the use of building forms that clearly define and activate the public street edge" (Denver Zoning Code 7.2.4).

Today, the neighborhood context around the Property is a mix of outdated I-A and I-B zoning along with recently rezoned Mixed-Use and Main-Street zoning. The proposed C-MS-8 Zone District of the Property will allow Globeville neighborhood area to continue to grow into the Urban Center the city plans are envisioning as it will allow for residential-focused mixed-use in an appropriate, transit-served location. It will promote the desired intent of a vibrant, accessible, neighborhood context by improving access to jobs, housing and services. Rezoning to C-MS-8 on the Property meets the intended purpose of the zone district.

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.

**EXHIBIT D**

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

**Harold V Nothhaft II & Nicholas J Nothhaft**  
**2520 W 62<sup>nd</sup> Court**  
**Denver, Co 80221**

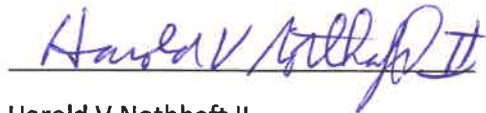
August 16, 2018

Mr. Bruce O'Donnell  
STARBOARD Realty Group, LLC  
770 Sherman Street, Suite 108  
Denver, CO 80203  
[bodonnell@starboardrealtygroup.com](mailto: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 Harold V Nothhaft II and Nicholas J Nothhaft for the purpose of submitting and processing the rezoning application for the property owned by Harold V Nothhaft II and Nicholas J Nothhaft at 4055 Elati Street in Denver, CO.

Sincerely,

A handwritten signature in blue ink, appearing to read "Harold V Nothhaft II", written over a horizontal line.

Harold V Nothhaft II

A handwritten signature in blue ink, appearing to read "Nicholas J Nothhaft", written over a horizontal line.

Nicholas J Nothhaft

**EXHIBIT E**

**Proof of Ownership, Assessors Record**

# 4055 ELATI ST

|                          |   |
|--------------------------|---|
| <b>Owner</b>             | NOTHHAFT,HAROLD V II<br>NOTHHAFT,NICHOLAS J<br>2520 W 62ND CT<br>DENVER , CO 80221-2030 |
| <b>Schedule Number</b>   | 02223-25-008-000  |
| <b>Legal Description</b> | VIADUCT ADD B26 L25 TO 30   |
| <b>Property Type</b>     | COMMERCIAL - MISC IMPROVEMENTS  |
| <b>Tax District</b>      | DENV  |

**Print Summary**

| Property Description         |        |                            |     |
|------------------------------|--------|----------------------------|-----|
| <b>Style:</b>                | OTHER  | <b>Building Sqr. Foot:</b> | 0   |
| <b>Bedrooms:</b>             |        | <b>Baths Full/Half:</b>    | 0/0 |
| <b>Effective Year Built:</b> | 0000   | <b>Basement/Finish:</b>    | 0/0 |
| <b>Lot Size:</b>             | 18,750 | <b>Zoned As:</b>           | I-A |

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

| Current Year |        |                  |                 |     |
|--------------|--------|------------------|-----------------|-----|
|              | Actual | Assessed         | Exempt          |     |
| Land         |        | \$187,500        | \$54,380        | \$0 |
| Improvements |        | \$1,000          | \$290           |     |
| <b>Total</b> |        | <b>\$188,500</b> | <b>\$54,670</b> |     |

| Prior Year   |        |                  |                 |     |
|--------------|--------|------------------|-----------------|-----|
|              | Actual | Assessed         | Exempt          |     |
| Land         |        | \$187,500        | \$54,380        | \$0 |
| Improvements |        | \$1,000          | \$290           |     |
| <b>Total</b> |        | <b>\$188,500</b> | <b>\$54,670</b> |     |

## Globeville Civic Partners

September 25<sup>th</sup>, 2018

Scott Robinson  
Senior City Planner  
Community Planning and Development  
City and County of Denver  
201 W. Colfax Ave. Dept. 205  
Denver, CO 80202

RE: 4055 N Elati Street Map Amendment Application

Dear Mr. Robinson,

Globeville Civic Partners (“GCP”), a duly Registered Neighborhood Organization with the City of Denver is pleased to write this letter of support for the aforementioned rezoning application located at 4055 N Elati Street on .43 acres.

GCP exists for the purpose of representing Globeville to ensure good land use decisions in and around Globeville and the National Western Stock Show Complex. As such, GCP and its members were instrumental in the creation and approval of the recently adopted Globeville Neighborhood Plan (the “Plan”), and we endorse the land use principles in the Plan.

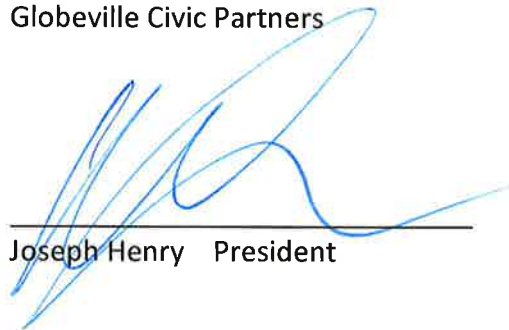
Highland Development proposes to rezone the property from I-A, UO-2 to C-MX-8. GCP is in support of this rezoning for the following reasons:

1. Blueprint Denver has identified this site as an Area of Change and a Transit Oriented Development opportunity for the purpose of encouraging dense infill mixed use redevelopment.
2. The proposed C-MX-8 Zone District is consistent with the building height and land-use recommendations of the 41<sup>st</sup> and Fox Station Area Plan (2009). The plan focuses on the long-term redevelopment of the area west of the railroad tracks to create a “diverse, transit supportive and environmentally sustainable urban center” that would include pedestrian shopping corridors and high-intensity mixed used development.
3. I-A zoning is inconsistent with the future vision for Globeville as articulated in the Globeville Neighborhood Plan (2014).

4. The proposed new C-MX-8 zone district in the application exactly meets the intent and objectives of both the Globeville Neighborhood Plan and the 41<sup>st</sup> & Fox Station Area Plan which, at this specific location calls for mixed use land use and 8 story buildings.
5. Globeville lacks many basic amenities and services that can be enabled by future development allowed under C-MX-8 and prohibited in I-A. Examples include basic retail and food services and multifamily residential development.

Sincerely,

Globeville Civic Partners

A handwritten signature in blue ink, appearing to be 'Joseph Henry', is written over a horizontal line. The signature is fluid and cursive, with a large loop at the end.

Joseph Henry President

Cc: