



**TO:** Land Use Transportation and Infrastructure Committee  
**FROM:** Francisca Penafiel, Senior City Planner  
**DATE:** December 29, 2022  
**RE:** Official Zoning Map Amendment Application #2022I-00066

### Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code (DZC), Staff recommends approval for Application #2022I-00066.

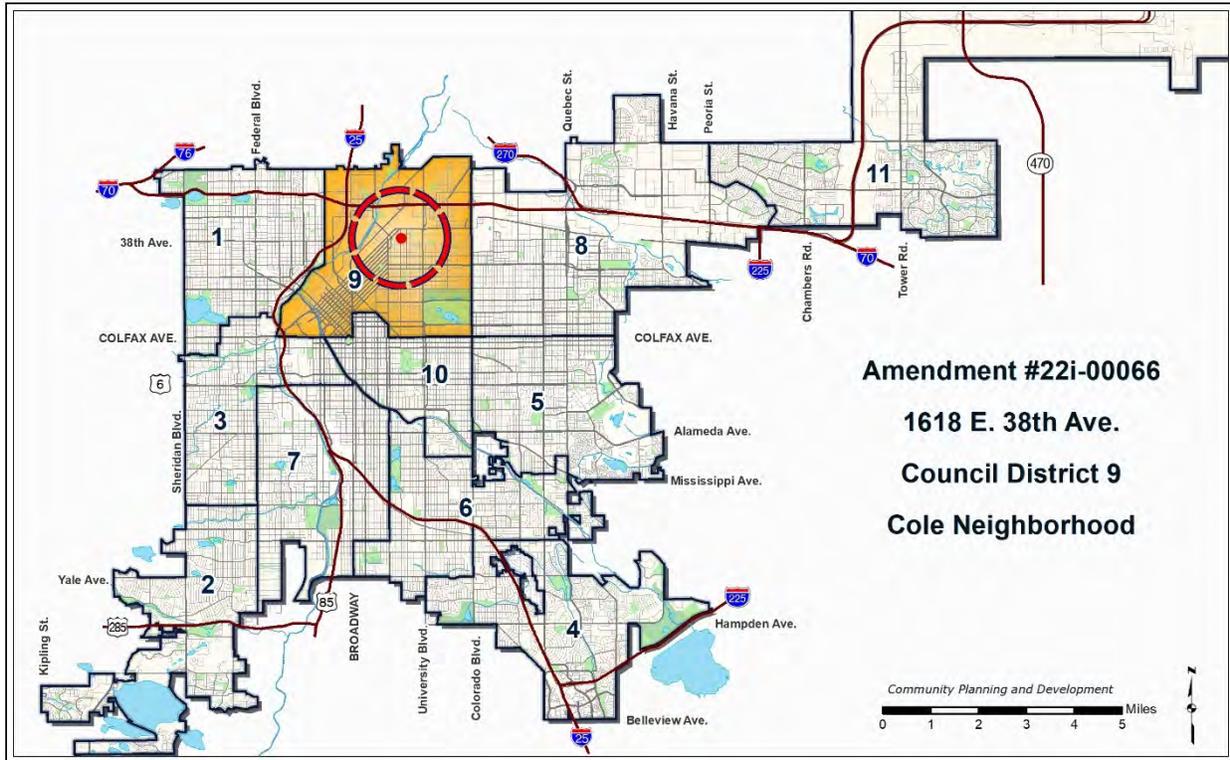
### Request for Rezoning

Address:	1618 East 38 <sup>th</sup> Avenue
Neighborhood/Council District:	Cole / Council District 9
RNOs:	Cole Neighborhood Association, United Community Action Network (UCAN), Inter-Neighborhood Cooperation (INC), Opportunity Corridor Coalition of United Residents, Reclaim the Eastside, United Northeast Denver Residents, Unite North Metro Denver, East Denver Residents Council, Strong Denver.
Area of Property:	6,063 square feet or 0.14 acres
Current Zoning:	PUD 17 (Former Chapter 59)
Proposed Zoning:	U-MX-2x
Property Owner(s):	1618 E 38 <sup>th</sup> Ave LLC
Owner Representative:	Ryan Goold

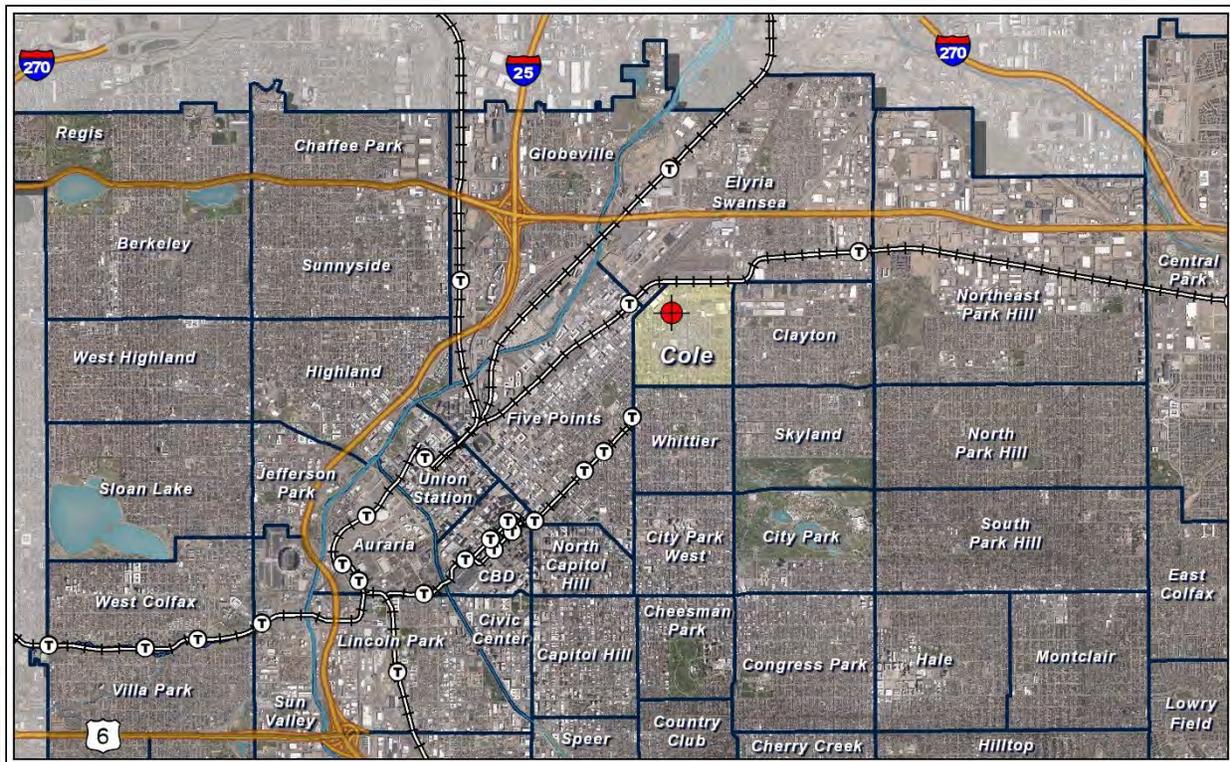
### Summary of Rezoning Request

- The subject property is in the Cole neighborhood, at the southeast intersection of East 38<sup>th</sup> Avenue and North Franklin Street.
- The property is occupied by a one-story building, built in 1888 as a church. In 1979, the property was rezoned from R-2 to PUD 17 to allow for a pottery studio with limited retail sale of work crafted on the premises, fine drafts gallery and limited pottery instruction. PUD 17 was specifically tailored for the existing building and use.
- Concurrent with the rezoning, the applicant is pursuing historic landmark structure designation for the existing structure, which means there will be significant protections in place to preserve the existing structure.
- The applicant is requesting the rezoning to facilitate the redevelopment of the property that is consistent with the recommendations in the adopted plans.
- The U-MX-2x (**U**rban, **M**ixed Use, **2** story maximum height) zone district is designed for small sites embedded within neighborhoods and is limited to low intensity uses. It is intended to provide safe, active, and pedestrian-scaled, diverse areas in established residential neighborhoods. The “x” indicates that allowed uses and building forms are more limited than in the U-MX-2 zone district. Further details of the zone districts can be found in Article 5 of the Denver Zoning Code (DZC).

### City Location



### Neighborhood Location





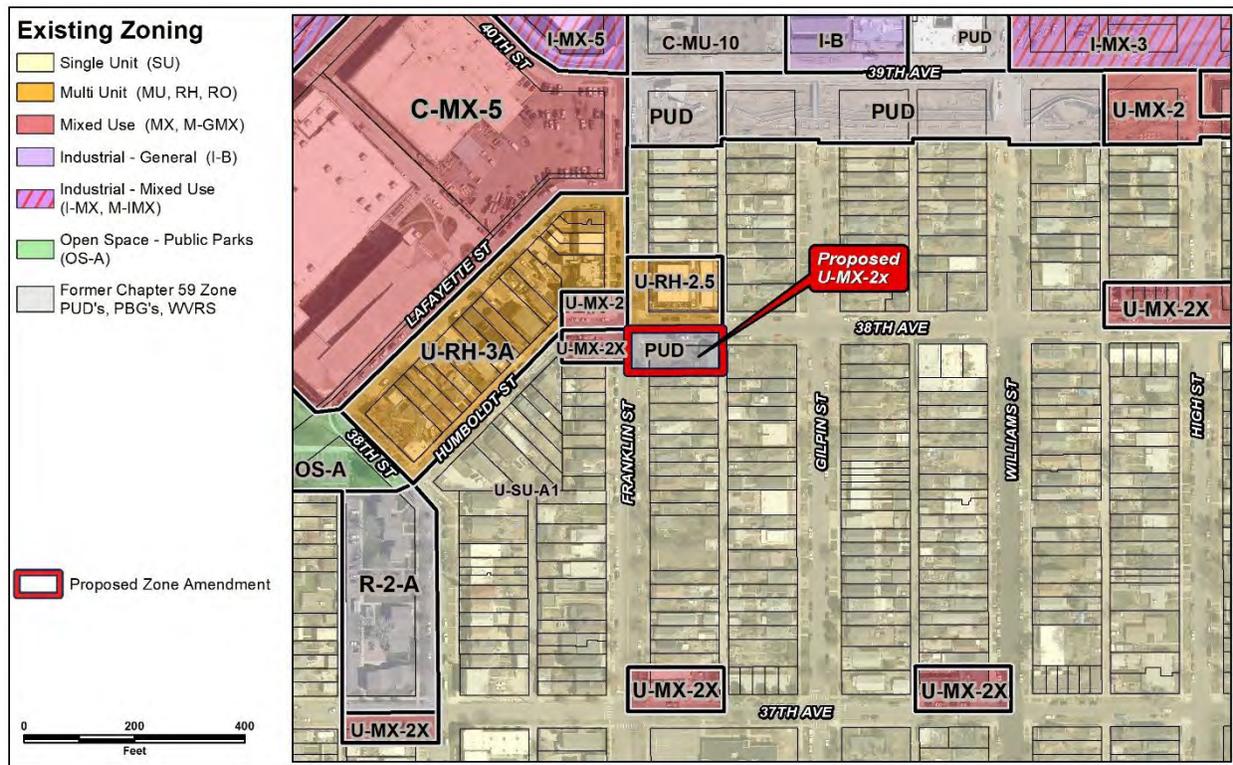
### 1. Existing Context

The property is in the Cole neighborhood at the southeast corner of East 38th Avenue and North Franklin Street. This area has a mix of single and multi-unit residential uses with mixed use and industrial uses to the north and northwest of the site. Wyatt Academy is one block south from the subject site and is one of the elementary schools that serves the neighborhood. St. Charles Recreation Center is two block west, and the Cole-Clayton Greenway is one block north of the subject site. Transit access includes the Regional Transportation District (RTD) 34 bus route along Bruce Randolph Avenue, RTD 44 bus route on Walnut and Marion Streets, RTD 12 bus route on Downing Street, and the RTD 24 bus route along North York Street. Additionally, the 38<sup>th</sup> and Blake Commuter Rail Station is located approximately 0.3 mile to the west of the subject site.

The following table summarizes the existing context proximate to the subject site:

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	PUD 17	Single unit residential	1.5 story church	Generally regular grid of streets. Block sizes and shapes are consistent and rectangular with alleys. Garages are rear, side and front loaded with On-Street vehicle parking. One block west of the subject site on North Humboldt Street the grid transitions to the original angular street grid.
North	U-RH-2.5	Multi-unit residential	2.5 story row houses	
South	U-SU-A1	Single unit residential	1 story brick house with surface parking on the alley, behind the church	
East	U-SU-A1	Single unit residential	1 story brick house in double lot with detached garage in the alley	
West	U-MX-2x	Industrial/Vacant church	2 story brick structure	

## 1. Existing Zoning

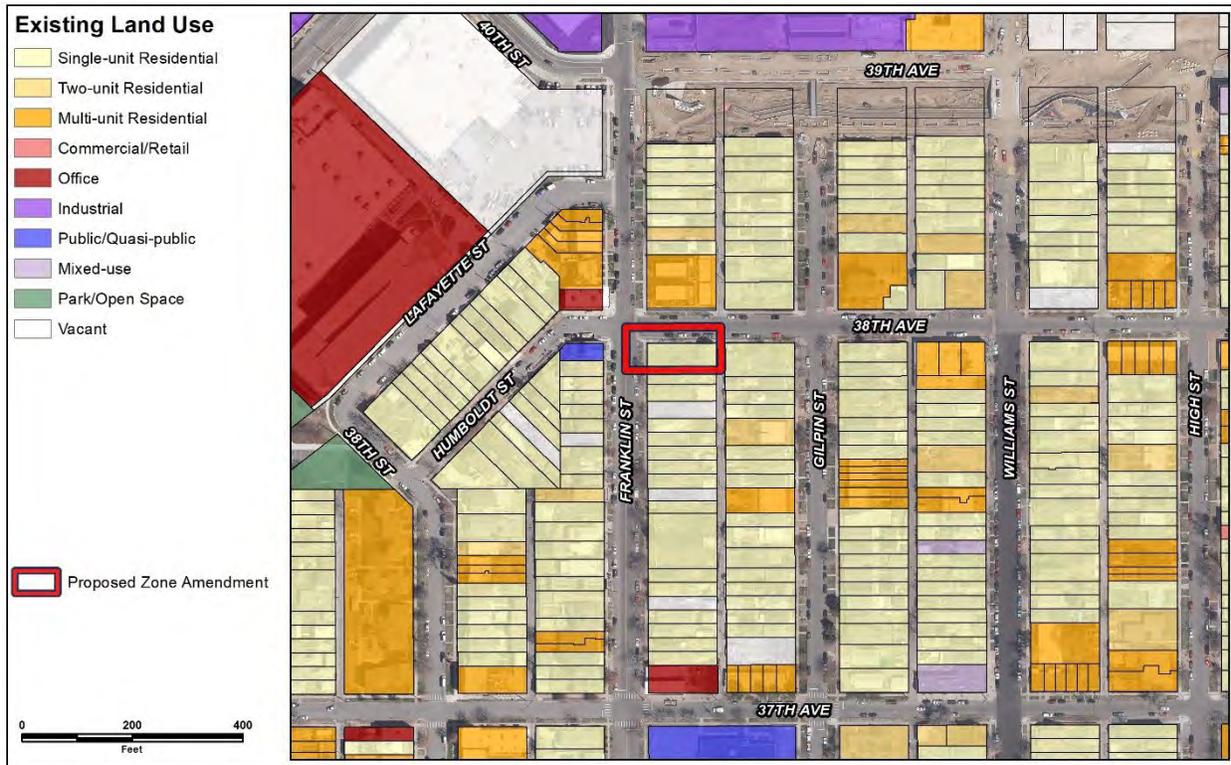


The subject site is zoned PUD 17, which is a Former Chapter 59 PUD zone district. The PUD is highly customized for the existing building and current user that has been in place since the PUD approval in 1979. Specifically, PUD 17 sets forth:

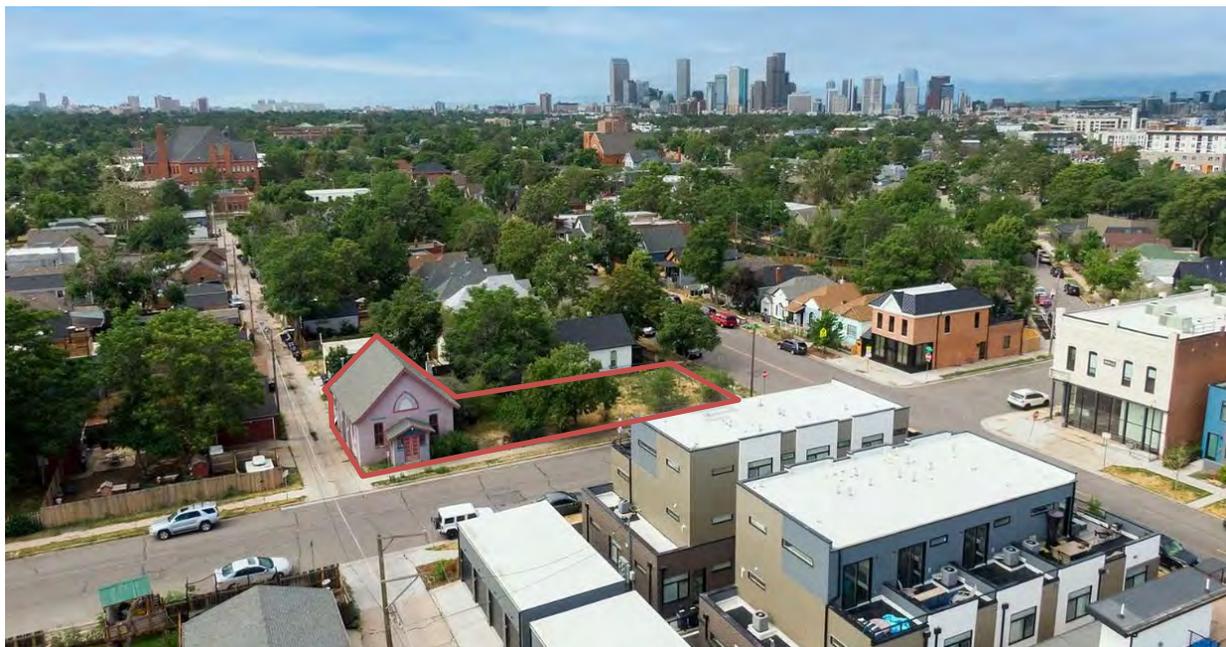
- Allowed uses: Artisan’s studio, limited retail sale of work crafted on the premises, fine crafts gallery, and limited instruction. Plus uses by right in the R-2 zone district.
- Size of the proposed district: 6,060 square feet.
  - Open Space: 4,610 square feet.
  - Building: 1,450 square feet.
- Two off-street parking spaces.
- Height of main building: 30 feet.  
 Height of kiln room: 12 feet.  
 Height of kiln chimney: 20 feet.
- The existing structure abuts the front line of the zone lot, the rear line of the zone lot and the east side (alley) of the zone lot. The addition will be set back no less than 80 feet from the west side of the zone lot.
- Building covers approximately 1450 square feet, or 24% of land area.
- The PUD describes in detail the existing landscape and existing structure.

Except for the U-MX-2x to the west and northwest, the surrounding properties are zoned U-RH-2.5, or U-SU-A1 which are protected districts. If the subject property is rezoned to U-MX-2x, it will be subject to all protected district standards including additional setbacks and use limitations. For protected district standards see DZC page 5.3-23 for setbacks in the General building form and see applicable use limitations (Sections 11.4.8, 11.5.8.3, 11.10.12.1, etc.).

## 2. Existing Land Use Map



## 3. Existing Building Form and Scale



Subject property highlighted looking south-southwest (image from Zillow.com)

*All images from Google Maps Street View.*



Subject property looking southeast from the intersection of East 38<sup>th</sup> Avenue and North Franklin Street



North – Properties directly north to the subject site, across from East 38<sup>th</sup> Avenue.



Northwest – Property at the northwest intersection of East 38<sup>th</sup> Avenue and North Franklin Street.



West – Properties to the west of the subject site, across North Franklin Street.



South – Properties to the south of the subject site, on North Franklin Street.



East – Property to the east of the subject site, on East 38<sup>th</sup> Avenue (across the alley)

#### 4. Landmark Status

Under a separate Landmark Designation application, the applicant is proposing to locally designate the existing 134-year-old structure on the subject site as a Landmark Structure. This will ensure the historical, architectural, geographical, and cultural importance of this structure will be protected through City review of building modifications.

#### Proposed Zoning

The **U-MX-2x**, **U**rban, **M**ixed-use, **2**-story district is a mixed-use zone district in the urban context. It 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 the U-MX-2x zone district the Town House, General and Shopfront building forms are allowed primary building forms. Maximum height allowed is two stories or 30 feet. Further details of the zone district can be found in Article 5 of the Denver Zoning Code.

The building forms allowed in the existing zone district and the proposed zone district are summarized below.

Design Standards	Existing PUD 17	Proposed U-MX-2x
Primary Building Forms Allowed	N/A	Town House, General and Shopfront
Height in Stories / Feet (max.)	30'	All forms: 2 stories / 30'
Primary Street Build-To Percentages (min.)	N/A	Town House, General:70% Shopfront: 75%
Primary Street Build-To Ranges (min./max.)	N/A	Town House: 10'/15' General: 0'/15' Shopfront: 0'/5' Residential Only Buildings: 0'/10'
Primary Street Setbacks (min.)	N/A	Town House: 10' General: 0' Shopfront: 0'
Building Coverages (max)	24%	N/A
Primary Street Transparency (min.)	N/A	Town House: 40% General: 40% Shopfront: 60%, residential only buildings: 40%

## Summary of City Agency Referral Comments

As part of the DZC review process, the rezoning application is referred to potentially affected city agencies and departments for comment. A summary of agency referral responses follows:

**Assessor:** Approved – No response.

**Asset Management:** Approved – No comments.

**Denver Public Schools:** Approved – No response.

**Denver Fire Department:** Approved – No comments.

**Development Services - Transportation:** Approved – No response.

**Denver Parks and Recreation:** Approved – No comments.

**Development Services – Project Coordination:** Approved – Approve Rezoning Only - Will require additional information at Site Plan Review.

Project Coordinator does not take exception with rezoning Application.

However, Concept Plan re-submittal is required to address Concept Plan review comments re: 2021PM0000700.

U-MX-2x Zone District, Town House Building Form: Should a proposed rezoning be approved, any new development will be required to demonstrate compliance with all applicable Building Form siting requirements. As illustrated with Zoning Review Comments, this site is abutting and adjacent to Protected Zone Districts. Development Plan will be required to demonstrate compliance with all applicable siting setbacks outlined re: Building Form Table. Additionally, Applicant Team is encouraged to review DZC Section 5.3.5.2 as Rooftop and/or Second Story Decks are limited in the rear 35% of the zone lot when adjacent to a Protected District. Applicant Team is also encouraged to review Compliant Structure requirements re: DZC Section 12.6 pertaining to if / how existing Church is to be adaptively re-used on site.

Please review Concept Plan Consolidated Comments (including Zoning Review Comments) for additional development review information and next steps.

**Development Services – Wastewater:** Approved – See comments below.

DES Wastewater approves the subject zoning change. The applicant should note that redevelopment of this site may require additional engineering including preparation of drainage reports, construction documents, and erosion control plans. Redevelopment may require construction of water quality and detention basins, public and private sanitary and storm sewer mains, and other storm or sanitary sewer improvements. Redevelopment may also require other items such as conveyance of utility, construction, and maintenance easements. Please be aware that this property is in an area of known localized flooding, based on City stormwater modeling. The proposed project may require an analysis of its effect on this flooding and demonstrate to cause no more harm than previous to other properties as a result of development of the project. The extent of the required design, improvements and easements will be determined during the redevelopment process. Please note that no commitment for any new sewer service will be given prior to issuance of an approved SUDP from Development Services.

**Department of Public Health and Environment:** Approved – See comments below.

The Site is located within the boundaries of the delisted Operable Unit 1 (OU 1) of the Vasquez Boulevard/I-70 Superfund site which is associated with elevated levels of metals in soil. Under oversight by the U.S. Environmental Protection Agency (EPA), contaminated soils in residential yards were excavated and disposed off-site where necessary, and institutional controls were implemented for the remaining few residential properties where access was not granted. EQ records indicate the parcel addressed as 1618 E 38th Avenue was sampled by the EPA and it was determined no remediation was required because levels of arsenic and lead were below levels of health concern. Please contact a representative of EPA Region 8 if you wish more information on the sampling or cleanup activities (e.g., 303 312-6601).

**Department of Transportation & Infrastructure – City Surveyor:** Approved – See comments below.

Revised legal description matches legal contained in most recent vesting instrument. Preference would be to remove Parcel # as this is an Assessor's descriptor and not included in the legal description.

## Public Review Process

	<b>Date</b>
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	05/16/2022
Applicant was allowed additional time to proceed while pursuing landmark designation concurrent with rezoning	05/16/2022-11/22/2022
Property legally posted for a period of 15 days and CPD written notice of the Planning Board public hearing sent to all affected members of City Council, registered neighborhood organizations, and property owners:	11/22/2022
Planning Board Hearing: (Unanimous recommendation of approval)	12/07/2022
CPD written notice of the Land Use, Transportation and Infrastructure Committee meeting sent to all affected members of City Council and registered neighborhood organizations, at least ten working days before the meeting:	12/20/2022
Land Use, Transportation and Infrastructure Committee of the City Council:	01/03/2023
Property legally posted for a period of 21 days and CPD notice of the City Council public hearing sent to all affected members of City Council and registered neighborhood organizations:	01/23/2022
City Council Public Hearing:	02/13/2023 (tentative)

- **Registered Neighborhood Organizations (RNOs)**
  - Staff received one letter of support from the Cole Neighborhood Association.
- **Other Public Comment**
  - No other comment letters have been received.

## Criteria for Review / Staff Evaluation

The criteria for review of this rezoning application are found in DZC, Sections 12.4.10.7 and 12.4.10.8, as follows:

### **DZC Section 12.4.10.7**

1. Consistency with Adopted Plans
2. Uniformity of District Regulations and Restrictions
3. Public Health, Safety and General Welfare

### **DZC Section 12.4.10.8**

1. Justifying Circumstances
2. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements

#### **1. Consistency with Adopted Plans**

The following adopted plans currently apply to this property:

- *Denver Comprehensive Plan 2040*
- *Blueprint Denver (2019)*
- *Elyria and Swansea Neighborhoods Plan 2015*

#### ***Denver Comprehensive Plan 2040***

The proposed rezoning is consistent with many of the adopted Denver Comprehensive Plan 2040 strategies, which are organized by vision element.

##### *Strong and Authentic Neighborhoods Vision Element*

The proposed rezoning would enable adaptive reuse of the existing structure at a location where services and infrastructure are already in place. The site is within 0.3 mile of the 38<sup>th</sup> and Blake commuter rail station, and within ¼ mile of transit routes along East Bruce Randolph Avenue, East 40<sup>th</sup> Avenue, Downing Street and North York Street. The proposed U-MX-2x zoning would allow for a broad variety of neighborhood-appropriate uses including housing, services, some limited retail, and employment near transit, and it is therefore consistent with the following strategies in the Strong and Authentic Neighborhoods vision element:

- Strong and Authentic Neighborhoods Goal 1, Strategy A – Build a network of well-connected, vibrant, mixed-use centers and corridors (p. 34).
- Strong and Authentic Neighborhoods Goal 1, Strategy D – Encourage quality infill development that is consistent with the surrounding neighborhoods and offers opportunities for increased amenities (p. 34).

##### *Environmentally Resilient Vision Element*

Similarly, the land use pattern detailed in the previous paragraph is also consistent with the following strategies in the Environmentally Resilient vision element:

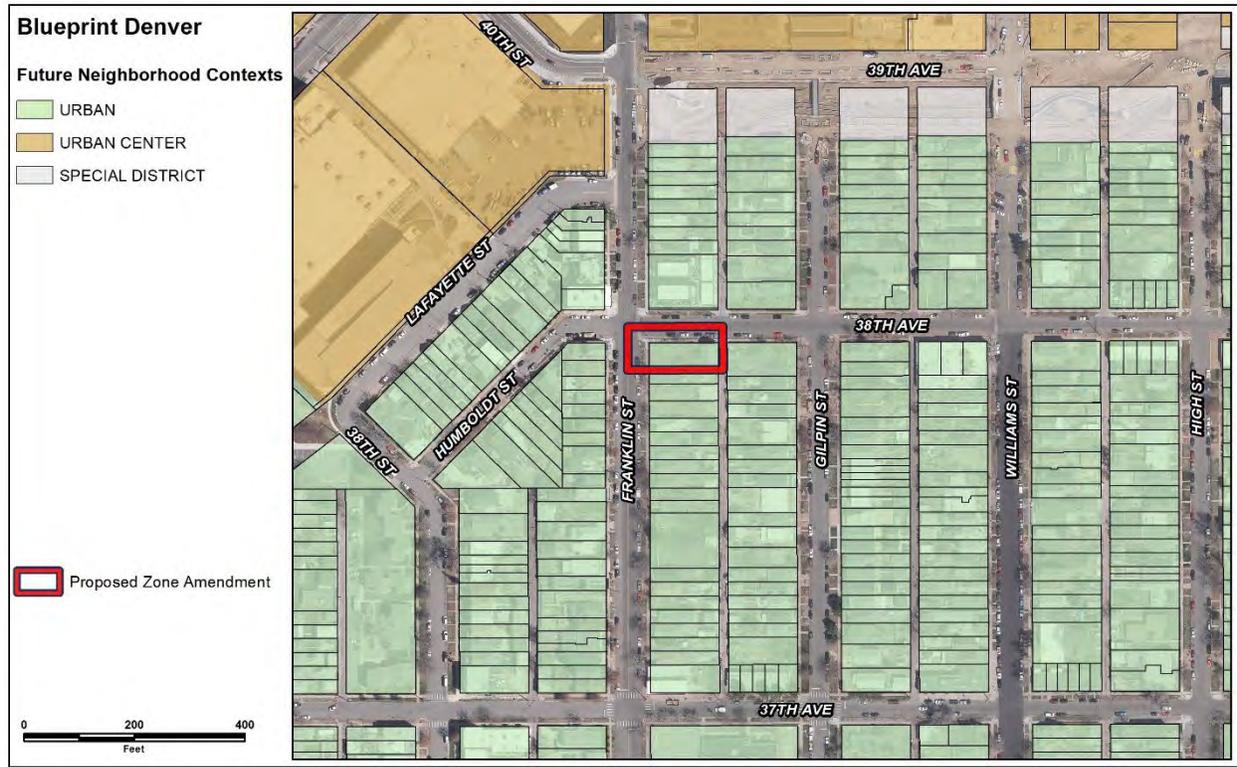
- Environmentally Resilient Goal 8, Strategy A – Promote infill development where infrastructure and services are already in place (p. 54).
- Environmentally Resilient Goal 8, Strategy B – Encourage mixed-use communities where residents can live, work and play in their own neighborhoods (p. 54).
- Environmentally Resilient Goal 8, Strategy C – Focus growth by transit stations and along high- and medium-capacity transit corridors (p. 54).

The requested map amendment will enable adaptive reuse of a structure at an infill location where services and infrastructure are already in place. The requested U-MX-2x zone district broadens the variety of uses allowing residents to live, work and play in an area well served by transportation mobility options. Therefore, the rezoning is consistent with *Denver Comprehensive Plan 2040* recommendations.

### **Blueprint Denver**

*Blueprint Denver* was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city's land use and transportation decisions. *Blueprint Denver* identifies the subject property as part of the Residential Low future place within the Urban Context and provides guidance from the future growth strategy for the city.

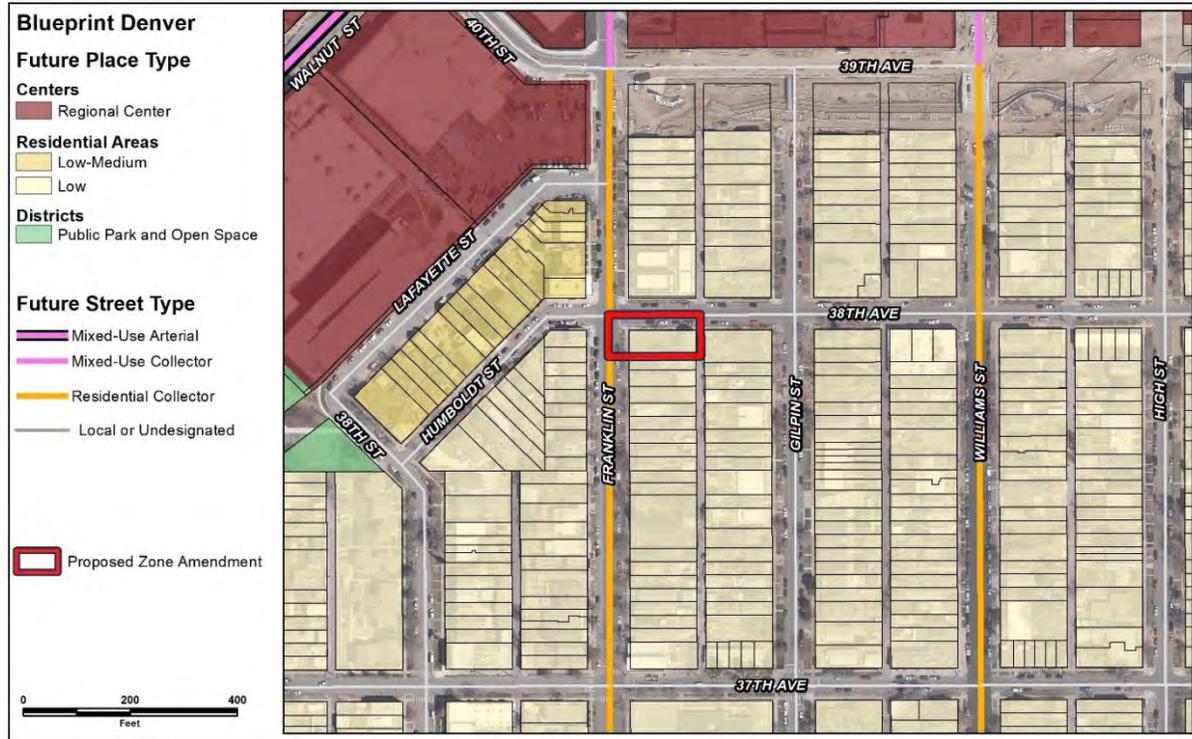
### **Blueprint Denver Future Neighborhood Context**



In *Blueprint Denver*, future neighborhood contexts are used to help understand differences in things like land use and built form and mobility options at a higher scale, between neighborhoods. Small area plans provide more certain guidance on topics including building heights (p. 66). The subject property is within the Urban neighborhood context. The land use and built form in the Urban neighborhood context is described as “Small multi-unit residential and mixed-use areas typically embedded in 1-unit and 2-unit residential areas” (p. 136).

The proposed U-MX-2x zone district is part of the Denver Zoning Code Urban Neighborhood Context that is intended to “promote safe, active, and pedestrian-scaled, diverse areas through the use of building forms that clearly define and activate the public street edge,” and “to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city’s neighborhoods.” (DZC Section 5.2.3.1)

### **Blueprint Denver Future Places**



The future places map shows which place description(s) should be used to evaluate the appropriateness of the proposed zone district (p. 66). The subject property is mapped as Residential Low in the Future Places Map. The Residential Low classification includes land uses and built forms that are “Predominantly one-and two-unit, though many areas are mostly one-unit. Includes Accessory Dwelling Units. In some contexts, some higher-intensity residential uses may be mixed throughout. Neighborhood-serving retail may be found in some key locations” (p. 148) and where “limited mixed-use can occur along arterial and collector streets, as well as where commercial uses have been already established. Vacant institutional uses on corners or select sites may be appropriate locations to introduce additional residential intensity...Buildings are generally up to 2.5 stories in height” (p. 230).

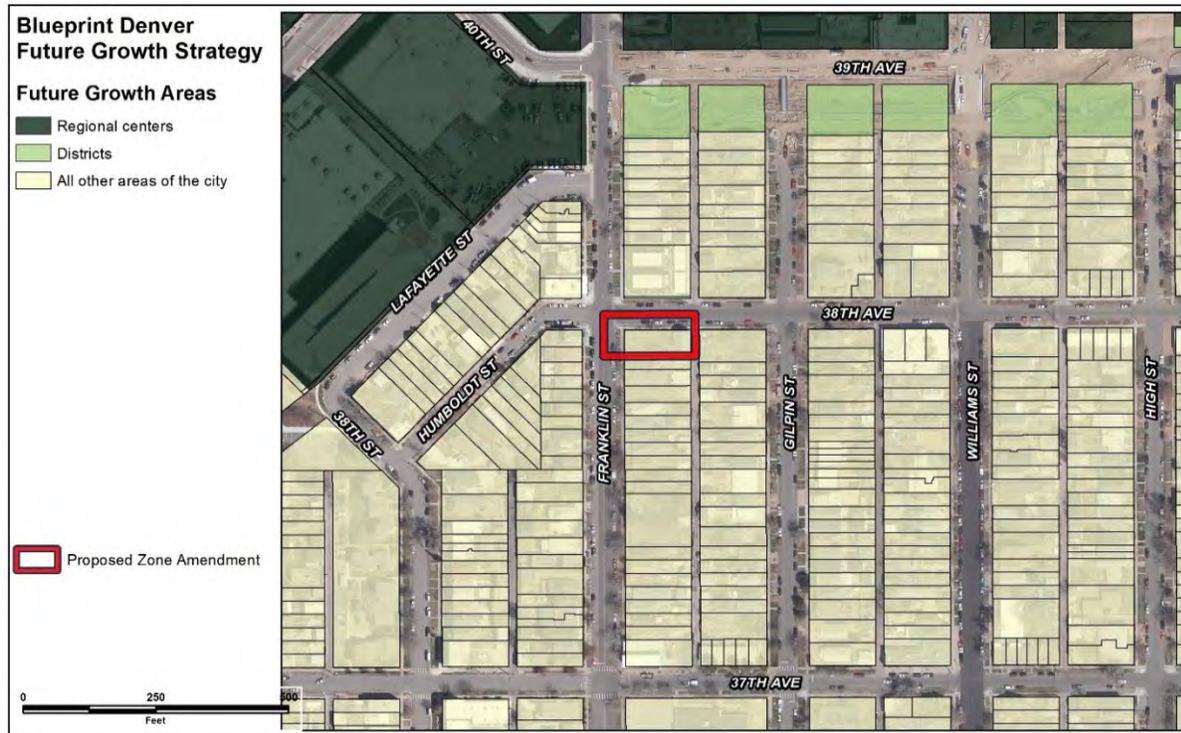
The proposed rezoning is consistent with the future places map because the subject site has historically been nonresidential and mixed use, is embedded in a 1-unit and 2-unit residential area, and is located along a collector street. The proposed U-MX-2x zone district is a mixed-use zone district that is calibrated for neighborhood-serving retail; and the proposed U-MX-2x zone district has a maximum 2-story building height.

### **Street Types**

In *Blueprint Denver*, street types work in concert with the future place to evaluate the appropriateness of the intensity of the adjacent development (p. 67). *Blueprint Denver* classifies 38<sup>th</sup> Avenue as an Undesignated Local Street. Local streets “are designed for the highest degree of property access and the lowest amount of through movement” (p. 154). North Franklin Street is a Residential Collector. Collectors “Collector streets are in between a local street and an arterial street; they collect movement from local streets and convey it to arterial street” (p. 154).

The proposed rezoning to U-MX-2x is consistent with the Blueprint Denver Undesignated Local and Residential Collector street classifications because U-MX-2x is intended for embedded commercial areas primarily served by local streets. 38<sup>th</sup> Avenue is an Undesignated Local, and Franklin Street is a Residential Collector, supporting a zone district that allows low-scale commercial uses.

### Growth Strategy



*Blueprint Denver's* growth strategy map is a version of the future places map, showing the aspiration for distributing future growth in Denver (p. 51). The subject property is located within "All other areas of the city, which are anticipated to see around 20% of new housing growth and 10% of new employment growth by 2040" (p. 51). The proposed map amendment to U-MX-2x is consistent with this map because will enable compatible adaptive reuse of the existing structure for this location to support continued viability of the existing building.

### Blueprint Denver Strategies

The following additional *Blueprint Denver* policies are applicable to the rezoning request:

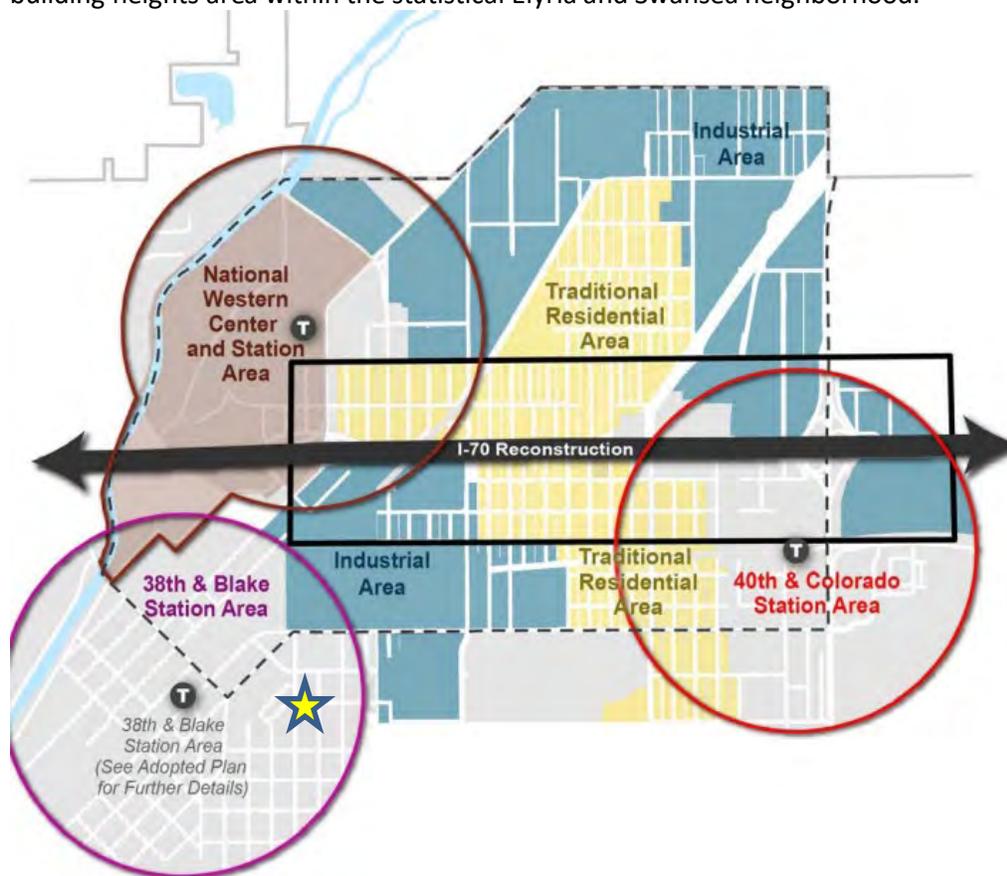
- Land Use and Built Form: General Policy 3, Strategy A - "Rezone properties from the Former Chapter 59 zoning code so that the entire city is covered by the DZC, including continuing to incentivize owners to come out of the old code" (p. 73).
- Land Use and Built Form: Design Quality & Preservation Policy 3, Strategy K - "Identify important mixed-use historic structures and encourage their continued use or adaptive reuse" (p. 102).

The proposed rezoning is also consistent with *Blueprint Denver* policies because it would eliminate a Former Chapter 59 zone district and bring the site into the Denver Zoning Code.

The proposed rezoning is also consistent with *Blueprint Denver* policies because it would facilitate adaptive reuse of an important historic mixed-use structure by allowing additional compatible uses.

### ***Elyria and Swansea Neighborhoods Plan***

The Elyria and Swansea Neighborhoods Plan was adopted by City Council in June 2015 and while the subject site is technically outside of the neighborhood plan boundary, the study area for the plan includes additional acreage lying beyond the statistical boundaries of the Elyria and Swansea within a half a mile radius of the 38<sup>th</sup> and Blake station. The plan reinforces recommendations from the adopted 38<sup>th</sup> and Blake Station Area plan (2009) while updating recommendations related to land use and building heights area within the statistical Elyria and Swansea neighborhood.



Although the site is located within ½ mile of the 38<sup>th</sup> and Blake Station, the site is located outside of the planning boundary of the 2009 38<sup>th</sup> and Blake Station Area Plan, which does not cover the entire ½-mile radius.

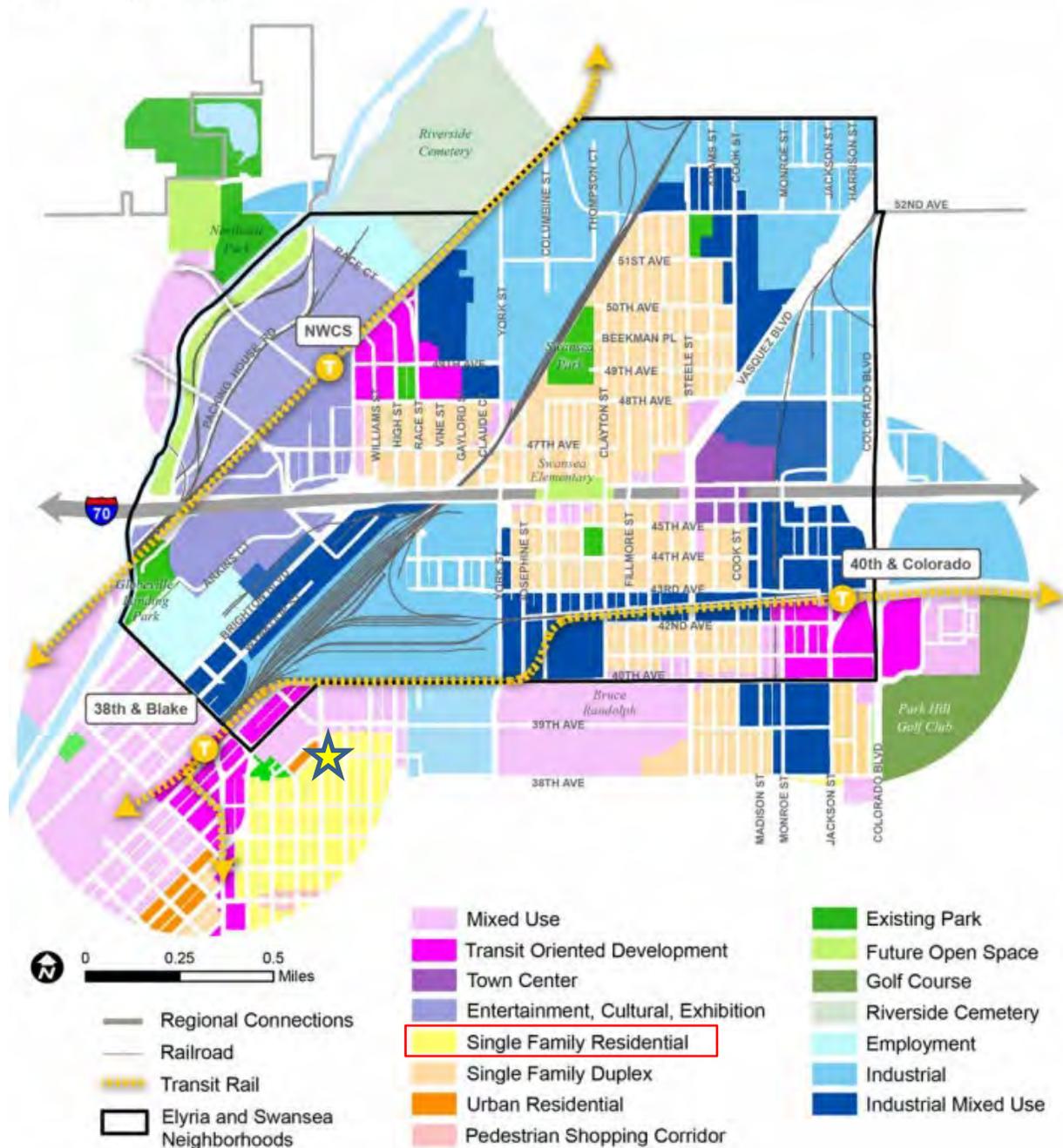
The proposed rezoning is consistent with many concepts and strategies found in the Elyria and Swansea Neighborhoods Plan. Key relevant components of the Plan are described below.

#### **A. Unique Issues and Opportunities**

Key Issues and Opportunities:

- “Historical Assets. Many structures and sites from the early days of Elyria and Swansea still exist today. Original homes and commercial structures contribute to the unique character of the neighborhoods. Elyria School is the only officially landmarked structure in Elyria and Swansea and Riverside Cemetery is the only district listed on the National Register. There is an opportunity to explore additional historic designations throughout the neighborhoods, especially with respect to the National Western Center.”

CONCEPT LAND USE MAP



The Concept Land Use Map identifies the subject site as Single Family Residential.

The following strategies apply under Recommendation 1: Establish a Balanced Land Use Strategy.

**B.3 Increase Housing Choices:** “Encourage investment in new housing to expand the total number of residences and to provide for a diversity of housing types to bring more people of all ages and income levels into the neighborhood.”

**B.6 Build Transit Oriented Development:** “Encourage investment in higher density housing, services, and employment opportunities near rail stations to provide for a diverse population with safe and convenient pedestrian access to rail transit.”

The following strategy applies under Recommendation 5, Improve Access to Housing, Jobs, Services & Education:

**B.23 Increase access to housing.**

“- Work with property owners near transit stations to explore development options, and to identify funding sources to support income restricted residential development and, if necessary, environmental assessment and remediation.”

“- Identify vacant and distressed parcels, blocks and potential redevelopment sites with a priority to develop those sites for new residential housing.”

The proposed rezoning to U-MX-2x will facilitate mixed-use infill development in an underutilized site in close proximity to a commuter rail transit station. The proposed zone district would facilitate adaptive reuse of an important historic mixed-use structure by allowing additional compatible uses and allowing for the construction of new housing, which furthers goals for increasing access to housing and provide a diversity of housing types in the area. Given these factors, the proposed rezoning is consistent with the Elyria and Swansea Neighborhoods Plan.

## **2. Uniformity of District Regulations and Restrictions**

The proposed rezoning to U-MX-2x will result in the uniform application of zone district building form, use, and design regulations on this site as they are applied to any other sites zoned U-MX-2x.

## **3. Public Health, Safety and General Welfare**

The proposed official map amendment furthers the public health, safety, and general welfare of the City primarily through the implementation of the City’s adopted plans and by allowing for redevelopment in a manner that will provide for the construction of additional neighborhood-serving residential and amenities, thereby providing residents more opportunities to live, work, and play within their neighborhood. The proposed rezoning would also facilitate housing density near a mix of uses and transit amenities.

## **4. Justifying Circumstance**

The application identifies changed or changing conditions as the justifying circumstance under DZC Section 12.4.10.8.A.4., “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: ... c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.” The zoning on the subject site is a Former Chapter 59 PUD. Rezoning from Former Chapter 59 zoning into the Denver Zoning Code is an appropriate justifying circumstance. Additionally, rezoning out of the existing PUD 17 will provide more flexibility to modify the site to accommodate changing conditions in the neighborhood as evidenced by recent redevelopment east and south of the subject site.

## **5. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements**

The requested U-MX-2x zone district is within the Urban Neighborhood Context. The neighborhood context generally consists of single-unit and two-unit residential uses with embedded small-scale multi-unit residential and commercial areas (DZC, Division 5.1).

The proposed rezoning is also consistent with the general purpose of mixed-use districts 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. The Mixed-Use districts are appropriate along corridors, embedded in neighborhoods and on large sites (DZC Section 5.2.3.1). The rezoning is consistent with the general purpose of the urban mixed use districts as this is an existing neighborhood site and will promote a pedestrian scaled area along 38<sup>th</sup> Avenue.

According to the zone district intent stated in the Denver Zoning Code, the U-MX-2x district "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" (DZC Section 5.2.3.2.B). The subject property is one parcel embedded in an existing neighborhood at the intersection of one local and one residential collector street. The proposed U-MX-2x zoning would allow low-scale buildings and uses consistent with the purpose and intent of the zone district.

### **Attachments**

1. Application
2. Current PUD 17
3. Public Comments



## Zone Map Amendment (Rezoning) - Application

<b>PROPERTY OWNER INFORMATION*</b>		<b>PROPERTY OWNER(S) REPRESENTATIVE**</b>	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR FEE PAYMENT***		<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR FEE PAYMENT***	
Property Owner Name		Representative Name	
Address		Address	
City, State, Zip		City, State, Zip	
Telephone		Telephone	
Email		Email	
*All standard zone map amendment applications must be initiated by owners (or authorized representatives) of at least 51% of the total area of the zone lots subject to the rezoning. See page 4.		**Property owner shall provide a written letter authorizing the representative to act on his/her behalf. ***If contact for fee payment is other than above, please provide contact name and contact information on an attachment.	
<b>SUBJECT PROPERTY INFORMATION</b>			
Location (address):			
Assessor's Parcel Numbers:			
Area in Acres or Square Feet:			
Current Zone District(s):			
<b>PROPOSAL</b>			
Proposed Zone District:			
<b>PRE-APPLICATION INFORMATION</b>			
In addition to the required pre-application meeting with Planning Services, did you have a concept or a pre-application meeting with Development Services?	<input type="checkbox"/> Yes - State the contact name & meeting date _____	<input type="checkbox"/> No - Describe why not (in outreach attachment, see bottom of p. 3)	
Did you contact the City Council District Office regarding this application?	<input type="checkbox"/> Yes - if yes, state date and method _____	<input type="checkbox"/> No - if no, describe why not (in outreach attachment, see bottom of p. 3)	

REZONING REVIEW CRITERIA (ACKNOWLEDGE EACH SECTION)	
<p>General Review Criteria DZC Sec. 12.4.10.7.A</p> <p>Check box to a) <b>rm</b> and include sections in the review criteria narrative attachment</p>	<p><input type="checkbox"/> <b>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.</b></p> <p>Please provide a review criteria narrative attachment describing <b>how</b> the requested zone district is consistent with the policies and recommendations found in <b>each</b> of the adopted plans below. Each plan should have its' own subsection.</p> <p><b>1. Denver Comprehensive Plan 2040</b></p> <p>In this section of the attachment, describe <b>how</b> the proposed map amendment is consistent with <i>Denver Comprehensive Plan 2040's</i> a) equity goals, b) climate goals, and c) any other applicable goals/strategies.</p> <p><b>2. Blueprint Denver</b></p> <p>In this section of the attachment, describe <b>how</b> the proposed map amendment is consistent with: a) the neighborhood context, b) the future place type, c) the growth strategy, d) adjacent street types, e) plan policies and strategies, and f) equity concepts contained in <i>Blueprint Denver</i>.</p> <p><b>3. Neighborhood/ Small Area Plan and Other Plans (List all from pre-application meeting, if applicable):</b></p> <hr/>
<p>General Review Criteria: DZC Sec. 12.4.10.7. B &amp; C</p> <p>Check boxes to the right to a) <b>rm</b> and include a section in the review criteria for Public Health, Safety and General Welfare narrative attachment.</p>	<p><input type="checkbox"/> <b>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.</b></p> <p><input type="checkbox"/> <b>Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</b></p> <p>In the review criteria narrative attachment, please provide an additional section describing <b>how</b> the requested rezoning furthers the public health, safety and general welfare of the City.</p>
<p>Review Criteria for Non-Legislative Rezoning: DZC Sec. 12.4.10.8</p> <p>For Justifying Circumstances, check box and include a section in the review criteria narrative attachment.</p> <p>For Neighborhood Context, Purpose and Intent, check box <b>and</b> include a section in the review criteria narrative attachment.</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 of development created by the natural characteristics of the land, including, but not limited to , steep slopes, "oodplain, 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="padding-left: 20px;">a. Changed or changing conditions in a particular area, or in the city generally; or,</p> <p style="padding-left: 20px;">b. A City adopted plan; or</p> <p style="padding-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 speci#c criteria stated in, Article 9, Division 9.4 (overlay Zone Districts) of this Code.</p> <p>In the review criteria narrative attachment, please provide an additional section describing the selected justifying circumstance. If the changing conditions circumstance is selected, describe changes since the site was last zoned. Contact your pre-application case manager if you have questions.</p> <p><input type="checkbox"/> <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.</b></p> <p>In the review criteria narrative attachment, please provide a separate section describing <b>how</b> the rezoning aligns with a) the proposed district neighborhood context description, b) the general purpose statement, and c) the specific intent statement found in the Denver Zoning Code.</p>

**REQUIRED ATTACHMENTS**

Please check boxes below to affirm the following **required** attachments are submitted with this rezoning application:

- Legal Description of subject property(s). **Submit as a separate Microsoft Word document.** View guidelines at: <https://www.denvergov.org/content/denvergov/en/transportation-infrastructure/programs-services/right-of-way-survey/guidelines-for-land-descriptions.html>
- Proof of ownership document for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed, or (c) Title policy or commitment dated no earlier than 60 days prior to application date. 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.
- Review Criteria Narratives. See page 2 for details.

**ADDITIONAL ATTACHMENTS (IF APPLICABLE)**

Additional information may be needed and/or required. Please check boxes below identifying additional attachments provided with this application.

- Written narrative explaining reason for the request** (optional)
- Outreach documentation attachment(s).** Please describe any community outreach to City Council district office(s), Registered Neighborhood Organizations (RNOs) and surrounding neighbors. If outreach was via email- please include email chain. If the outreach was conducted by telephone or meeting, please include contact date(s), names and a description of feedback received. If you have not reached out to the City Council district office, please explain why not. (optional - encouraged)
- Letters of Support.** If surrounding neighbors or community members have provided letters in support of the rezoning request, please include them with the application as an attachment (optional).
- Written Authorization to Represent Property Owner(s)** (if applicable)
- Individual Authorization to Sign on Behalf of a Corporate Entity** (e.g. if the deed of the subject property lists a corporate entity such as an LLC as the owner, this document is required.)
- Other Attachments.** Please describe below.



# REZONING GUIDE

Rezoning Application Page 4 of 4

## PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION

We, the undersigned represent that we are the owner(s) 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, (C) title policy or commitment, or (D) other as approved	Has the owner authorized a representative in writing? (YES/NO)
<b>EXAMPLE</b> 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>	01/12/20	(A)	YES
						



10/13/2021 12:08 PM  
City & County of Denver  
Electronically Recorded

R \$13.00

WD

D \$67.50

### SPECIAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS THAT:

FOR VALUABLE CONSIDERATION OF SIX HUNDRED SEVENTY FIVE THOUSAND AND 00/100 (675,000.00) and other good and valuable consideration, cash in hand paid, the receipt and sufficiency of which is hereby acknowledged, Nissim J. Levy, hereinafter referred to as "Grantor", do hereby grant, bargain, sell, convey and confirm unto 1618 E. 38th Ave LLC, A Colorado Limited Liability Company hereinafter "Grantee", whos address is: the following lands and property, together with all improvements located thereon, lying in the City of Denver, State of Colorado, to-wit:

LOT 1 AND THE NORTH 1/2 OF LOT 2,  
BLOCK 12,  
PROVIDENT PARK,  
CITY AND COUNTY OF DENVER,  
STATE OF COLORADO.

APN # 02234-13-001-000

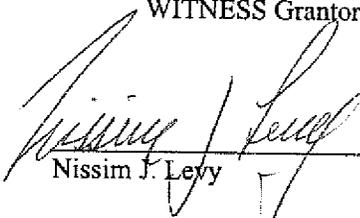
<sup>E.</sup>  
also known by street and number: 1618 38th Avenue, Denver, CO 80205

SUBJECT to all easements, rights-of-way, protective covenants and mineral reservations of record, if any.

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the Grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

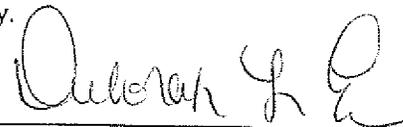
TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the Grantee, its heirs and assigns forever. And the Grantor, for itself, its successors, do covenant, and agree that they shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the Grantee, its heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof, by, through or under the Grantor. The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

WITNESS Grantor's hand this 12th day of October, 2021.

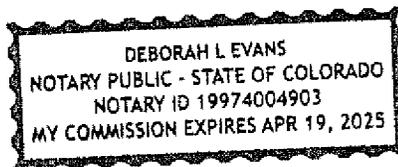
  
Nissim J. Levy

STATE OF COLORADO  
COUNTY OF JEFFERSON

The foregoing instrument was acknowledged before me this 12th day of October, 2021, by Nissim J. Levy.

  
Notary's Official Signature

My Commission Expires:





10/13/2021 12:08 PM  
City & County of Denver  
Electronically Recorded

R \$13.00

MIS

D \$0.00

**STATEMENT OF AUTHORITY**

1. This Statement of Authority relates to an entity named **1618 E. 38th Ave LLC, A Colorado Limited Liability Company** and is executed on behalf of the entity pursuant to the provisions of Section 38-30-172, C.R.S.

2. The type of entity is a:

- |   |   |
|---|---|
| <input type="checkbox"/> Corporation                          | <input type="checkbox"/> Registered Limited Liability Partnership         |
| <input type="checkbox"/> Nonprofit Corporation                | <input type="checkbox"/> Registered Limited Liability Limited Partnership |
| <input checked="" type="checkbox"/> Limited Liability Company | <input type="checkbox"/> Limited Partnership Association                  |
| <input type="checkbox"/> General Partnership                  | <input type="checkbox"/> Governmental Subdivision of Agency               |
| <input type="checkbox"/> Limited Partnership                  | <input type="checkbox"/> Trust  |
- Other (If so, please describe) \_\_\_\_\_

3. The entity is formed under the laws of **Colorado**.

4. The mailing address for the entity is: **PO Box 6512, Denver, CO 80206**

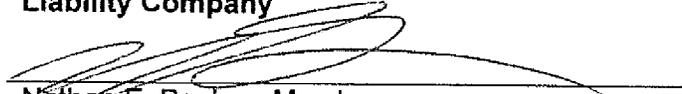
5. The name and position of each person authorized to execute instruments conveying, encumbering, or otherwise affecting title to real property on behalf of the entity is:  
**Nathan E. Beal, as Member**

6. The authority of the foregoing person(s) to bind the entity is [ ]Not Limited [ ]Limited

7. Other matters concerning the way the entity deals with interests in real property:  
\_\_\_\_\_

**IN WITNESS WHEREOF**, the Seller executed this document on the date set forth below.

**1618 E. 38th Ave LLC, A Colorado Limited Liability Company**

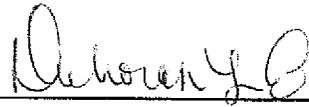
  
\_\_\_\_\_  
Nathan E. Beal, as Member

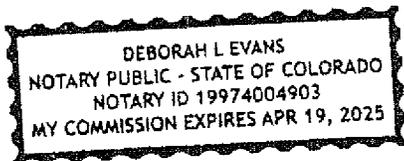
STATE OF Colorado )  
COUNTY OF Jefferson ) SS.

The foregoing instrument was acknowledged before me this 13th day of Oct, 2021, by: **Nathan E. Beal, as Member** of 1618 E. 38<sup>th</sup> Ave LLC, A Colorado Limited Liability Company

Witness my hand and official seal.

My commission expires: 4/19/25

  
\_\_\_\_\_  
Notary Public



*To:* Fran Peñafiel, Associate City Planner / Urban Design - CITY & COUNTY OF DENVER  
*From:* Nathan Beal – 1618 E 38<sup>TH</sup> AVE, LLC  
Ryan Goold - SOPHER SPARN ARCHITECTS LLC  
*Project:* 1618 E. 38<sup>th</sup> Avenue Denver, CO 80205 - Zone Map Amendment (Rezoning) Application  
*Date:* April 13, 2022

**AUTHORIZATION LETTER**

---

Dear Ms. Peñafiel,

I, Nathan Beal, as sole trustee for the 1618 E 38<sup>TH</sup> AVE LLC, hereby authorize my agent, **Ryan Goold** and **Sopher Sparn Architects LLC**, to conduct all activities regarding my rezoning application for **1618 E 38<sup>th</sup> Ave Denver CO 80205** and fill the forms on my behalf. I grant them permission to receive all documents related to the land from your office on my behalf. The scope of this authorization letter includes identity proofs for identification purposes.

This letter of authorization will be in effect from 13 April 2022 until further notice.

Sincerely,



---

Nathan Beal, 1618 E 38<sup>TH</sup> AVE LLC

&



---

Ryan Goold, Sopher Sparn Architects LLC



The surrounding context at this corner feels more connected to the Transit-Oriented Development nearby and the proximity of the not only the 38<sup>th</sup> & Blake Station, but also the walkable urban center of the RiNo Arts District. Infill development on this site with a U-MX-2X zoning would encourage a mix of uses in the neighborhood and a transition from the larger developments seen in the figure below to the Low, Single-family neighborhood south and east of the site.



The following narrative outlines all applicable review criteria with the City and County of Denver’s Zone Map Amendment (Rezoning) Application requirements and how the application meets these criteria for the overall rezoning application at 1618 E. 38<sup>th</sup> Ave. The applicant’s response to each criterion below is the last bullet point for each section in **BOLD**.

**GENERAL REVIEW CRITERIA: CONSISTENCY WITH ADOPTED PLANS**

**DENVER COMPREHENSIVE PLAN**

- Environmentally Resilient Goal 8, Strategy A - Promote infill development where infrastructure and services are already in place (p.54).
- Environmentally Resilient Goal 8, Strategy B - Encourage mixed-use communities where residents can live, work, and play in their own neighborhoods (p. 54).
- Strong and Authentic Neighborhoods Goal 1, Strategy D – Encourage quality infill development that are consistent with the surrounding neighborhoods and offers opportunities for increased amenities (p. 34).
- Strong and Authentic Neighborhoods Goal 1, Strategy A – Build a network of well connected, vibrant, mixed-use centers and corridors (p. 34).
- **The proposed rezoning meets these criteria by developing an underused parcel with mixed-use, infill development that is consistent with the neighborhood and provides a missing link along the Franklin St corridor.**

**BLUEPRINT DENVER**

Future Neighborhood Contexts: *Urban*

- The urban neighborhood context is widely distributed throughout the city. Homes vary from multi-unit developments to compact single-unit homes.

- Development in this context should be sensitive to the existing neighborhood character and offer residents a mix of uses, with good street activation and connectivity.
- Residents living in this context have access to varied transit options and amenities.
- The urban context is walkable due to a predictable street grid in residential areas and the availability of transit and dedicated bike lanes. These areas offer access to neighboring areas and commercial nodes, with some small mixed-use nodes within the neighborhood.
- **The proposed rezoning meets these criteria by proposing a mix of unit sizes within the residential building form that is sensitive to the adjacent single-family detached buildings, the existing structure on site, and the 2.5-story multi-unit development across the street. It also contributes to the mixed-use node at the corner of 38<sup>th</sup> Ave and Franklin St. and promotes transit options with proximity to the commuter rail station.**

Future Place Type: *Residential Low*

- Predominately single- and two-unit uses on smaller lots.
- Accessory dwelling units and duplexes are appropriate and can be thoughtfully integrated where compatible.
- Some civic and institutional uses are compatibly integrated throughout and limited mixed-use can occur along arterial and collector streets, as well as where commercial uses have been already established.
- Vacant institutional uses on corners or select sites may be appropriate locations to introduce additional residential intensity.
- Medium building coverage. Buildings are generally up to 2.5 stories in height.
- **The proposed rezoning meets these criteria by developing an underused parcel with residential units and limited mixed-use, consistent with this corner of an arterial and collector street.**

Future Street Type: *Local St. – Residential Collector*

- Local streets can vary in their land uses and are found in all neighborhood contexts. They are most often characterized by residential uses.
- Primarily residential uses, but may also include schools, civic uses, parks, small retail nodes and other similar uses. Buildings on residential streets usually have a modest setback. The depth of the setback varies by neighborhood context.
- **The proposed rezoning meets these criteria by respecting the adjacent setbacks and neighborhood context with a development of a similar scale and building types.**

Denver in 2040 - Total 2017-2040 growth Projections: *All Other Areas of the City*

- Most growth is guided to regional centers, community centers and corridors, select districts and high and medium-high intensity residential areas.
- Other areas of the city are still expected to see some growth, however more limited.
- **The proposed rezoning meets the criteria of Denver 2040 with infill development in the neighborhood context near a growing center for larger mixed-use developments around the 38<sup>th</sup> and Blake St Station.**

**ELYRIA & SWANSEA NEIGHBORHOOD PLAN**

- Within the Elyria & Swansea Neighborhood Plan, the North Denver Cornerstone Collaborative highlights reference to the 38<sup>th</sup> & Blake Station Area Plan and other surrounding neighborhoods in this area.
- The 38th & Blake Station Area Height Amendments, as adopted under Ordinance 2016-0760, refines, and updates the building height recommendations of this plan as applied to the area near the 38th and Blake commuter rail station; recommends a new regulatory approach to achieve greater building design standards; and recommends the integration of affordable housing and mixed-income development within the 38th and Blake station area. Where there is conflict between the plan amendments and this plan, the plan amendments supersede this plan.
- **The proposed rezoning meets these criteria by renovating existing building stock, integrating affordable housing with market-rate units, and focusing on high-quality design the fits within the neighborhood context. The proximity to the commuter rail station promotes mixed-income and transit-oriented development at a higher density than the adjacent single-family neighborhood.**

#### A.11 Promote Cultural Relevance in Design and Architecture

- Engage the neighborhood and document desired architectural forms, design elements, art motifs and landscaping features.
- Share preferred neighborhood design elements and cultural identity with developers for consideration and voluntary application into private development projects.
- **The proposed rezoning meets these criteria by renovating a character building in the neighborhood and completing the corner at Franklin St and 38<sup>th</sup> Ave with infill development that contributes to the cultural identity of the place with thoughtful design.**

#### B.24 Increase Access to Housing

- Work with property owners near transit stations to explore development options, and to identify funding sources to support income restricted residential development and, if necessary, environmental assessment and remediation.
- Identify vacant and distressed parcels, blocks, and potential redevelopment sites with a priority to develop those sites for new residential housing. Regularly check the status of government or quasi-government owned properties, such as the City and County of Denver, the Denver Housing Authority, the Colorado State Land Board, Colorado Department of Transportation, and the Regional Transportation District, to see if suitable parcels become available for development.
- **The proposed rezoning meets these criteria by developing an underused parcel in the neighborhood with infill development that incorporates affordable housing and access to transit.**

### **DZ Sec.12.4.10.7: GENERAL REVIEW CRITERIA APPLICABLE TO ALL ZONE MAP AMENDMENTS**

#### **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.

#### **PUBLIC HEALTH, SAFETY AND GENERAL WELFARE**

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

### **DZC Sec. 12.4.10.8: JUSTIFYING CIRCUMSTANCES**

#### **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:
  - C. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.
- **The proposed rezoning will update the parcel from Former Chapter 59 zoning as a PUD to the current Denver Zoning Code – Urban, mixed-use U-MX-2X – consistent with the criteria below.**

#### **CONSISTENCY WITH NEIGHBORHOOD CONTEXT, PURPOSE, AND INTENT**

##### Division 5.1: NEIGHBORHOOD CONTEXT DESCRIPTION

- Section 5.1.1 GENERAL CHARACTER
  - The Urban Neighborhood Context is primarily characterized by single-unit and two-unit residential uses. Small-scale multi-unit residential uses and commercial areas are typically embedded in residential areas. Single-unit residential structures are typically the Urban House building form. Multi-unit building forms typically include the Row House building form embedded

with other residential form types. Commercial buildings are typically the Shopfront and General building forms that may contain a mixture of uses within the same building. Single- and two-unit residential uses are primarily located along local and residential arterial streets. Multi-unit residential uses are located along local streets, residential and mixed-use arterials, and main streets. Commercial uses are primarily located along mixed-use arterial or main streets but may be located at or between intersections of local streets.

- Section 5.1.2 STREET, BLOCK AND ACCESS PATTERNS
  - The Urban Neighborhood Context consists of a regular pattern of block shapes surrounded by an orthogonal street grid. Orthogonal streets provide a regular pattern of pedestrian and vehicular connections through this context and there is a consistent presence of alleys. Block sizes and shapes are consistent and primarily include detached sidewalks (though attached sidewalks are also found), tree lawns where provided for by detached sidewalks, street and surface parking, and landscaping in the front setback.
- Section 5.1.3 BUILDING PLACEMENT AND LOCATION
  - Residential buildings typically have consistent, moderate front setbacks, shallow side setbacks and consistent orientation. Commercial buildings typically have consistent orientation and shallow front setbacks with parking at the rear and/or side of the building.
- Section 5.1.4 BUILDING HEIGHT
  - The Urban Neighborhood Context is characterized by low scale buildings except for some mid-rise commercial and mixed-use structures, particularly at nodes or along arterial streets.
- Section 5.1.5 MOBILITY
  - There is a balance of pedestrian, bicycle, and vehicle reliance with greater access to the multi-modal transportation system.

### Section 5.2.3: MIXED USE DISTRICTS (U-MX-2, -2X, -3)

#### 5.2.3.1 General Purpose

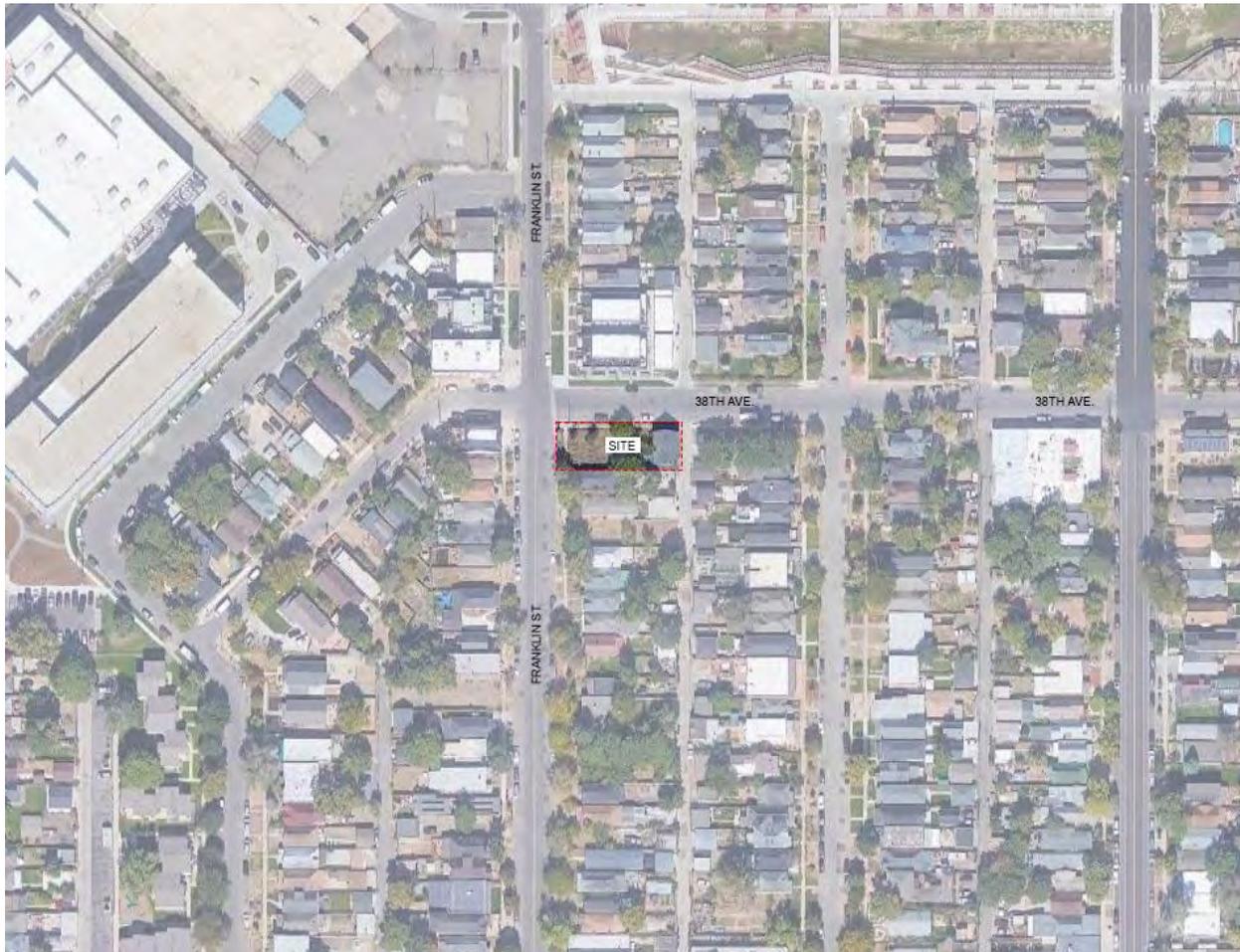
- A. The Mixed-Use zone districts are intended to promote safe, active, and pedestrian-scaled, diverse areas through the use of building forms that clearly define and activate the public street edge.
- B. The Mixed-Use zone districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping, and public gathering within and around the city's neighborhoods.
- C. 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.
- D. Compared to the Main Street districts, the Mixed-Use districts are focused on creating mixed, diverse neighborhoods. The Mixed-Use districts are intended for corridors, embedded neighborhood business areas and larger sites.
- E. In the Urban Neighborhood Context, the Mixed-Use zone districts promote a pedestrian-active street front. Buildings are pulled up to the street with parking at the side or rear of the building; however, the front setback range is deeper than the front setback range for the Main Street districts. The required percentage of building facade that must be located in the front setback is less than the percentage for the Main Street districts.

#### 5.2.3.2 Specific Intent

- B.) Mixed Use - 2x (U-MX-2x) U-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.

**COLE TOWNHOMES  
ZONE MAP AMENDMENT (REZONING) APPLICATION  
VICINITY MAP**

at  
1618 E. 38TH AVENUE DENVER, CO 80205



*VICINITY MAP NOT TO SCALE*

Area Map indicating property to be rezoned must be attached to each application form.	City and County of Denver DEPARTMENT OF ZONING ADMINISTRATION APPLICATION FOR ZONE MAP AMENDMENT	1. Date Submitted	Fee
		10-18-79	100 <sup>00</sup>
		2. Application Number 3137 w/ annexed maps	

3. Applicant Kathleen and Stephen Roper	4. Address 1257 Hillmore St. Denver, Co. 80202	5. Phone No. 322-0293	6. Interest <input checked="" type="checkbox"/> Owner(s) <input type="checkbox"/> Agent
7. Other Persons, Firms or Corporations represented by Applicant Rising Star Baptist Church *	8. Address 1618 E. 38th Ave.	9. Phone No. 534-3335	10. Interest <input checked="" type="checkbox"/> Owner(s) <input type="checkbox"/> Agent

11. Location of Proposed Change  
1618 E. 38th Avenue, Denver, Co. 80205

12. Legal Description of Property: Lots Block Addition  
Lot 1 and North 1/2 of Lot 2, Block 12, Provident Park  
*or 1/2 of 12th block, 12th block, 12th block*

13. Area of Subject Property, Sq. Ft. or Acres 6,060 Square Feet	14. Present Zone R-2	15. Proposed Zone R-2
---	-------------------------	--------------------------

16. Describe briefly the nature and expected effect of the proposed amendment. Be sure to include an explanation of the legal basis for the proposal: either (a) the error in the map as approved by city council, or (b) the changed or changing conditions making the proposed amendment necessary.

Planned Unit Development Rezoning Application includes the following:

- Existing Conditions Map
- District Plan Map
- Site Plan Map
- Description of the Proposed Development (Part 4: a-w)  
-R-2 District Regulations, Section 3
- Written Statement in support of Rezoning Application  
-zoning map for the area

17. Use and development proposed for the property to be rezoned, including time schedule for such development.  
Artisan's studio, limited retail sale of work crafted on the premises, fine crafts gallery, and limited instruction; all uses to commence upon occupancy.

18. Exhibits Submitted, Number and Kind 4 maps, 6 typewritten pages	19. Applicant's Signature Stephen Roper Kathleen Roper
--	---

AMENDED  
OCTOBER 30, 1979

P.U.D. Rezoning Application for 1618 E. 38th Ave.

Part 4: A description of the Proposed Development

- a. Size of proposed district: 6,060 sq. ft.
  - open space: 4,610 sq. ft.
  - building: 1,450 sq. ft.
- b. Two off-street parking spaces will meet the requirements of Section 614. A curb cut will be made to provide access to this driveway. Loading will be done through a garage door in the kiln room, to be constructed.
- c. Height of main building: 30 feet  
Height of kiln room: 12 feet  
Height of kiln chimney: 20 feet
- d. Utilities are adequate for habitation of the church. An application was made on August 15, 1979, for additional production gas to fire the kiln. A 240-volt line will be brought in to service the two electric kilns.
- e. The difference between historical and increased flow will be detained on site.
- f. Pedestrian circulation will be available.
- g. 1: The existing structure abuts the front line of the zone lot.  
2: The existing structure abuts the rear line of the zone lot.  
3: The existing structure abuts the east side (alley) of the zone lot. The addition will be set back no less than 80 feet from the west side of the zone lot.
- h. Existing utility easements will be honored.
- i. The greater part of the property is private open space. There are five elm trees spaced along the 38th Avenue boundary, another elm in the center of the property, and several lilac bushes. A foliage buffer will be planted along the neighboring residential property.
- j. There will be no need for boat, camper, trailer, or recreational vehicle storage.
- k. Dedications and improvements will conform with City Ordinances and agency rules and regulations.
- l. Not applicable.

*- plus uses by right in the R-2 zone district Kathleen A. Popper*

- m. The 4,610 sq. ft. of private open space will be planted with some seasonal plants in addition to existing trees and shrubs. A large planter next to the front door on 38th Avenue will be filled with flowers.
- n. External effects of sound, vibration, and emission of heat, glare, radiation, and fumes will comply with restrictions as stated in R-2 District Regulations (See attached sheet).
- o. Not applicable.
- p. Building covers approximately 1450 sq. feet, or 24% of land area.
- q. Not applicable.
- r. Any sign will not exceed the restrictions for Zone R-2, as provided in Section 613 (Sign Code).
- s. There will be no outdoor storage other than solid waste, which will be stored on the west side of the building and screened from view.
- t. The main room of the building, 835 sq. feet, will be used as a studio for up to 5 artisans, with some of the space devoted to a small gallery or display area. It is possible that eventually the gallery will take more area, and fewer artisans would use the studio. This area will also be used for retail sales of the work produced on the premises, and occasionally the work of other artists. Some classes, including classes for children, will also be offered, and will take place in both the studio and the fenced outdoor area. The back room of the building (175 sq. feet) includes a bathroom and storage area. A 300 sq. foot room (to be added) will house a gas-fired kiln and related equipment. This will access directly from the back door of the church, and will have a door leading into the yard, as well as a garage door opening to the driveway, for delivery and pick-up of materials and art work.
- u. The City Traffic Engineer does not have figures for the existing traffic flow at this intersection, but it has been observed to be light. It is not expected that any aspect of the proposed use of the zone lot will significantly affect traffic flow.
- v. Public transportation is plentiful in the area, with a North-South bus route on Downing Street, and an East-West route on 31st and 32nd Avenues. The nearest bus stops are at 31st and Franklin (#32 Westbound), 32nd and Franklin (#32 Eastbound), and 38th and Downing (#12 Northbound and Southbound).

w. Location of public facilities:

Schools: Wyatt Elementary, 3620 Franklin St.  
Mitchell Elementary, 1350 E. 33rd Ave.  
Cole Junior High, 3240 Humbolt St.

Fire Station: #10, 32nd Avenue and Curtis Street

Police: District #2, 35th Avenue and Colorado Blvd.

Recreation Center: St. Charles Park and Recreation Center,  
3777 Lafayette St.

Library: Ford-Warren Branch, 2825 High St.

P.U.D. Rezoning Application for 1618 E. 38th Ave.

Part 5.

1618 East Thirty Eighth Avenue. A white stucco church, simple in its architecture, graced by a window high in front and stark buttresses at the sides, standing alone on a large lot. Built in 1890, it has been a landmark in the neighborhood for decades. Next to it is a large open yard facing west, a yard full of trees where recent congregations have held festive picnics.

THE PROPOSED PLANNED UNIT DEVELOPMENT

This building had been on the market for over six months when we discovered it and decided that it would meet our needs for a small, two-person pottery studio. We will use it primarily as a workspace and gallery, much as we now use the basements of our own homes. Its advantages to us are its charm - suitable both for occasional studio sales and gallery space, and its simplicity - there is one large room to accommodate our work patterns. The large yard lends a sense of openness and freedom unavailable in a commercial location, and will be a safe place for our children to play while we work.

The location is excellent for our intended use. We feel comfortable and safe working in the surrounding residential neighborhood, and it is close enough to our homes that we can bicycle to work. We feel that we can develop with the neighborhood, particularly after having met with both groups representing the area, the Concerned Citizens Congress and the Northeast Citizens for a Better Community, and are enthusiastic about working with them for the mutual benefit of homeowners and businesses in the area.

We will leave the building relatively unchanged, with the following exceptions. We will renew the exterior through painting and other minor repairs, and will bring the electrical wiring up to code. We will repair and finish the fence, installing a gate, and will landscape the grounds, planting flowers, shrubs, and maintaining the trees and grass, much as we would for our own homes.

Because our gas-fired kiln needs to be outside the main studio for safety reasons, we will construct a kiln room on the west side of the building. This will be about the size of a one-car garage, and will conform to the general architecture of the structure. Since the church abuts the alley line on the east, this addition will not significantly diminish the size or appearance of the large yard.

RELATIONSHIP OF THIS P.U.D. TO THE COMPREHENSIVE PLAN

We feel that our objectives for this piece of property conform to the intentions of the city planners as described in the Comprehensive Plan for Denver. Statements in support of our proposed P.U.D. appear throughout the Comprehensive Plan, including the land-use, business, industrial, and particularly the environmental sections.

The business section of the Plan stresses the need for proper landscaping and provision of open space (B3), and also states (B2) that: "Expansion of business uses into or within residential areas should be permitted only if such expansion maintains or improves the residential desirability of the affected neighborhoods." When I spoke with the people from the neighborhood at a block meeting, they were excited in anticipation of what we would be doing in the church, and relieved, I believe, that the property would remain open and would be well-maintained. Certainly the new use we offer for the old church complies with the recommendations in B13 that "deteriorated and declining businesses...should be revitalized by rehabilitation or replacement with appropriate uses" and also in I4, that:

Several of Denver's inner-city industrial areas have either deteriorated or are declining. These areas represent a significant resource and have good potential for rehabilitation or redevelopment. A comprehensive program...could include encouragement of industrial planned unit developments.

While our proposal is not necessarily for rehabilitation of an industrial area, it does border a large industrial zone, (see zone map attached), and the use seems beneficial to both the industrial and residential areas, a kind of buffer use. Sections I8 and I10 also seem to apply, as I see our endeavor as offering a significant cultural outlet. I10 states: "Industrial areas should have a pleasing environment, and the city's residential areas should be of high quality with opportunities for educational achievement, cultural fulfillment, and recreational activity."

Finally, I would like to quote most of Section E18 on the environment, because it seems so relevant to the essence of our plan for this property, and to our own ideals of what a city should be.

The City should continue to encourage and support the preservation of structures and districts having unique historic, architectural or geographic significance. Preservation, as a way of conserving Denver's historic

and architectural heritage, has taken on a new meaning and scope. No longer limited to restoration or renovation of individual structures, the concept of preservation has expanded to include adaptive reuse and neighborhood conservation. In addition to serving aesthetic, cultural, environmental, and educational functions, preservation now serves an economic function; older buildings are increasingly being recognized as attractive alternatives to new construction. As many preservation projects demonstrate, the city can retain its past and use it, too: to enhance the sense of culture and community.

THE P.U.D. AND ITS RELATIONSHIP TO THE CHARACTER OF THE SURROUNDING NEIGHBORHOOD

While our primary use is to be private, as a workspace, we see advantages of this P.U.D. for the city in general and this neighborhood in particular. The property values of surrounding houses will be increased by the restoration of the structure. Furthermore, the cultural milieu of the neighborhood will be benefited by our presence; we will offer classes in pottery, especially for children and also for extended adult education, similar to those we already offer as members of Castle Clay, a well-established Denver pottery guild. In addition, the mere presence of an artisan's studio will be a source of neighborhood pride, such as is the case with the Grupo Folklorico Dance Company and School at 37th and Franklin.

In summary, with our P.U.D. the neighborhood loses neither its historic church nor the open space at 38th and Franklin Streets. We will preserve a unique structure and restore the yard and garden on the property. Our changes will prevent this building from becoming a derelict abandoned structure, and may encourage further restoration in the neighborhood. For example, the property next door on 38th, a duplex which is an apparent victim of arson and is presently an eyesore and a hazard to children, may simply decay further unless the owner sees evidence of development in the area. Thus, our P.U.D. enhances the economic, cultural, and aesthetic values of this area, and will be of mutual benefit to the neighborhood as well as to Denver as a whole.

Walnut Street

PROVIDENT 1-2

39th Avenue

P-1

PARK

P-1

St. Charles  
Park  
Hayette St.

H-O

Elks Lodge

Elks Parking

R-2

Duplex

38th Avenue  
Vacant Duplex

\* Church

Res  
Res  
Res  
Res

Coca Cola Bottling Co.

B-1

Avenue

Wabash St.  
Church

Franklin St.

Gilpin St.

Williams St.

High St.

Grupo Folklórico  
Stronglight

Wyatt Elementary School

Project Area: 6,060 sq.'

EXISTING CONDITIONS

1618 E. 38th Avenue  
Denver, Co. 80205



SCALE 1"=200'

1-1

PROVIDENT 1-2

39th Avenue

P-1 PARK

P-1

t. Charles  
ink  
Pacette St.

1-0

Elks Lodge

Elks  
Parking  
P.U.D.

Duplex  
38th  
Vacant  
Duplex

R-2

38th Avenue

B-1

Coca  
Cola  
Bottling  
Co.

Robert St  
Church

Franklin St.

Gilpin St.

Williams St.

High St.

Grupo  
Politico  
Store/Cafe

Wyatt  
Elementary  
School

- A. Buildings
- E. Landscaping
- C. Access

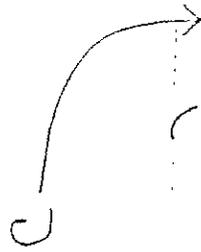
# DISTRICT PLAN MAP

1618 E. 38th Avenue  
Denver, Co. 80205

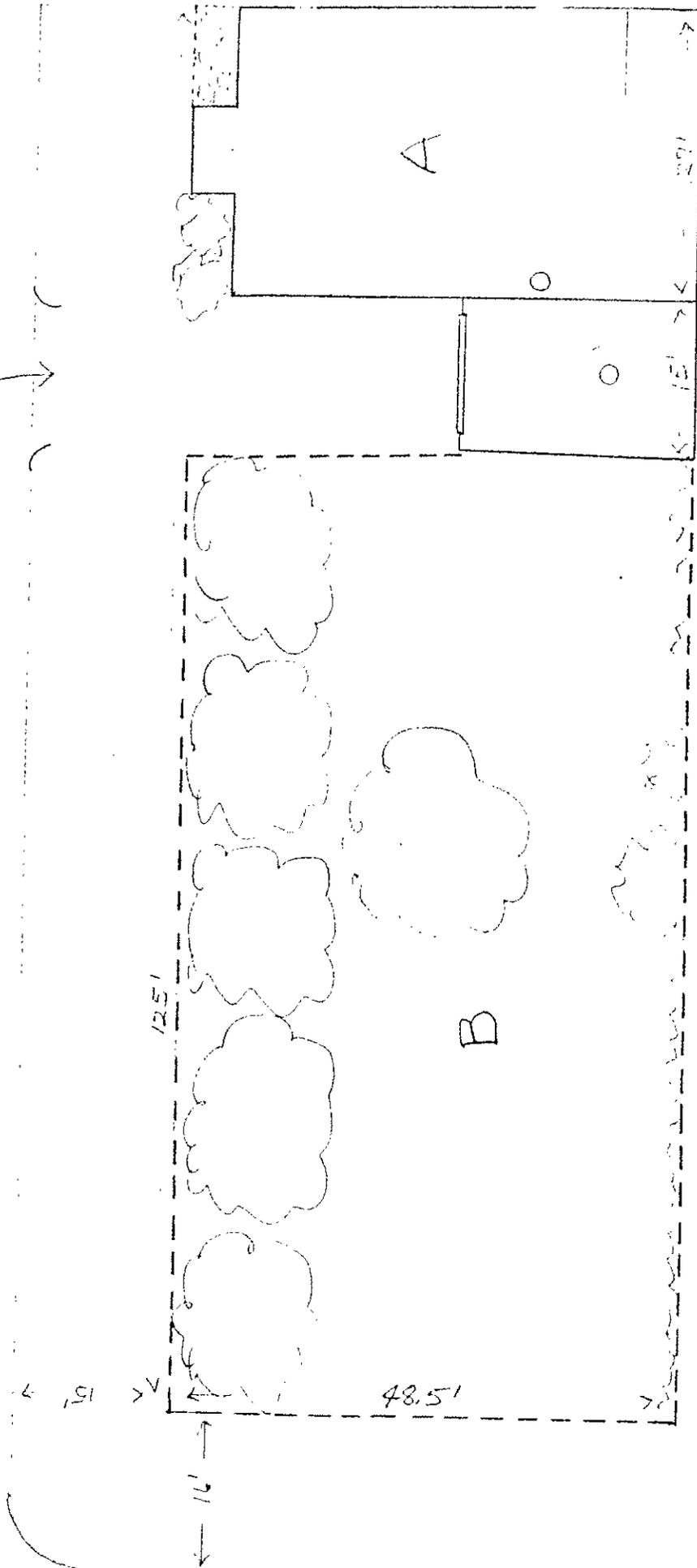


SCALE 1"=200'

AMENDED  
October 20, 1979



38th Avenue



1618 E. 38th  
1618 E. 38th  
SITE PLAN

- A. Buildings
- B. Landscaping plus Visual Barrier - Type I  
*Kenneth A. Payer*
- C. Access

SCHEDULE 1

Franklin Street

1-2

1-1

Part of SE 1/4 of SE 1/4 Sec 23

C B B Q R R

HOGGSON'S ADDITION

TO SWANSEA

5

SI

SI

PROVIDE N.T 1-2

SI

SI

SI

SI

P-1

ORD 58 (ST)

PARK 208'

P-1

ORD 327 (64)

ORD 114 (64)

ORD 9919

NOW R-2 PROPOSED B.U.D

R-2

ORD 36 (61)

B-1

P-1

ORD 58 (ST)

P-1

ORD 327 (64)

ORD 114 (64)

ORD 9919

ROCE

38th

High

Williams

Gilpin

Franklin

Humboldt St

N.E. 42

N

4014

4014

4014

4014

4014

**CITY AND COUNTY OF DENVER, COLORADO  
REGISTERED NEIGHBORHOOD ORGANIZATION  
POSITION STATEMENT**

Following a vote of the Registered Neighborhood Organization, please complete this form and email to [rezoning@denvergov.org](mailto:rezoning@denvergov.org). You may save the form in \*.pdf format if needed for future reference. Questions may be directed to planning staff at [rezoning@denvergov.org](mailto:rezoning@denvergov.org) or by telephone at 720-865-2974.

Application Number	2021i-00186
Location	1618 E 38th Avenue 80205
Registered Neighborhood Organization Name	Cole Neighborhood Association
Registered Contact Name	Mark Ajluni
Contact Address	3810 n williams 80205
Contact E-Mail Address	markinship@gmail.com
Date Submitted	Sept 29th, 2022

As required by DRMC § 12-96, a meeting of the above-referenced Registered Neighborhood Organization

was held on  , with  members in attendance.

With a total of  members voting,

voted to support (or to not oppose) the application;

voted to oppose the application; and

voted to abstain on the issue.

It is therefore resolved, with a total of  members voting in aggregate:

The position of the above-referenced Registered Neighborhood Organization is that Denver City Council

.

Comments:

Re: 1618 E 38th Ave rezone request

Dear City Council Members:

This letter is to express our support for the proposed rezone of the parcel located at 1618 E 38th Avenue. We are confident that the proposed U-MX-2x zoning is appropriate for the Cole neighborhood and in particular this specific corner location, and is consistent with other intersections within the neighborhood. There is also a church building located on the parcel dating from the late 19th century that this zoning would more easily allow renovation and adaptive reuse. The new zoning would enhance walkability of the neighborhood, add density and affordable units, and also will allow the preservation and restoration of a historic piece of Cole neighborhood history.

In summary, the Cole CNA is in full support of this application with the only caveat being that unless there is significant neighbor opposition to such a project.

Sincerely,

The Cole Neighborhood Association