



**DENVER**  
THE MILE HIGH CITY

**Community Planning and Development**  
**Planning Services**  
Plan Implementation

201 W Colfax Ave, Dept 205  
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**TO:** Land Use, Transportation, & Infrastructure Committee  
**FROM:** Chris Gleissner, Senior City Planner  
**DATE:** August 3, 2010  
**RE:** Zoning Map Amendment Application #2010I-00015  
Rezoning to Correct a Map Error from I-O w/waivers to S-CC-3

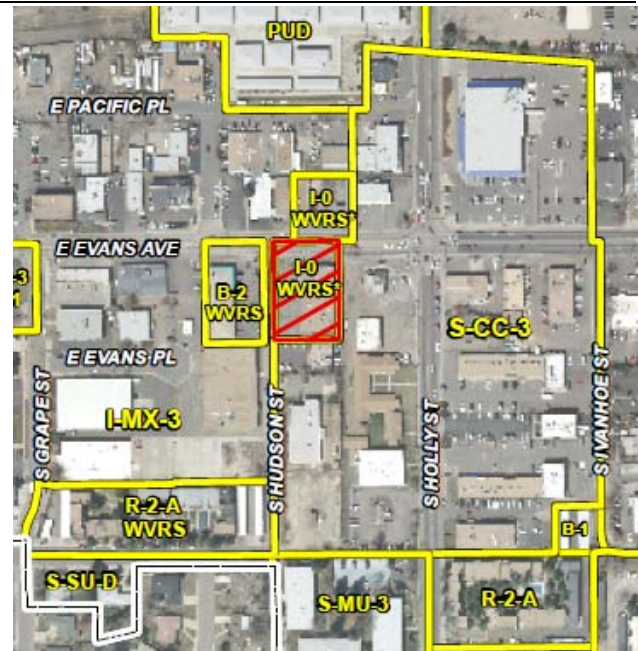
**I. Scope of Rezoning**

Application:	<b>#2010I-00015</b>
Address:	5550 E Evans Avenue
Neighborhood/Council Dist.:	Goldsmith; Council District #6
RNO's:	East Evans Avenue Neighborhood Association; Virginia Village/Ellis Community Association; Inter-Neighborhood Cooperation
Area of Property:	0.57 acres/24,820 SF
Current Zoning:	I-0 w/waivers
Proposed Zoning:	<b>S-CC-3</b>
Sponsor:	Councilman Brown

**II. Summary of Proposal**

**Vicinity Description**

The site is located on the SE corner of Evans Avenue and Hudson Street. Properties to the south and east of the site are zoned S-CC-3, replacing the previous B-2 districts. North and west of the site, I-MX-3 zoning replaces the previous I-0 zoning.



### III. Legal Justification for Rezoning

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#### Map Error

The legal basis for the rezoning is a map error. Direction received from Councilman Brown's office on April 30, 2010 indicated that this site was intended to be rezoned to S-CC-3 as part of the legislative effort. Rezoning the site will correct this error in the map.

### IV. Context

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	Zoning	Existing Land Use	Blueprint Denver
Site	I-0 w/waivers	Commercial	Industrial
North	I-MX-3	Commercial	Industrial
South	S-CC-3	Commercial	Industrial
East	S-CC-3	Commercial	Industrial
West	I-MX-3	Commercial	Industrial

The existing zoning, with waivers and conditions (attached), limits the use of the property to wholesale and retail of upholstery fabric, carpets, drapes and related items, general office use, and clinical, dental or medical use. Additionally, the existing zoning limits the right to construct more than 11,135 square feet of gross floor area and limits the buildable height to 16 feet. Rezoning this site to S-CC-3 will allow this site to be utilized in a manner consistent with the surrounding properties, improve the allowable uses for this site and allow for improvements to be made to the site.

### V. Summary of Agency Referral Responses

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These rezonings have been reviewed concurrently within the context the Denver Zoning Code and other applicable City Codes as utilized by the referral agencies listed below.

Asset Management: No Comment.  
Fire Department: No Comment.  
Denver Parks: No Comment.  
DES-Transportation: No Comment.  
DES-Wastewater: No Comment.  
DES-Surveyor No Comment.

### VI. Community Response

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No responses have been submitted for this rezoning.

### VII. General Review Criteria

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The criteria for review of this rezoning application include Consistency with Adopted Plans, Uniformity of District Regulations and Restrictions, and Public Health, Safety and General Welfare. Applicable plans are as follows:

- Denver Zoning Code

- Denver Comprehensive Plan 2000
- Blueprint Denver

**A. Denver Zoning Code**

The application meets minimum requirements for rezoning. Denver Zoning Code Section 12.4.10.6.B provides the rezoning procedure for map amendments submitted by City Council.

**B. Denver Comprehensive Plan 2000**

The proposal is consistent with and positively addresses many Denver Comprehensive Plan strategies, including: Examples:

Land Use Objective: Denver Zoning Ordinance:

- 2-A: Initiate comprehensive review and detailed revision of the Denver Zoning Ordinance and related components of the land-use regulatory system..

Land Use Objective: Residential Neighborhoods and Business Centers:

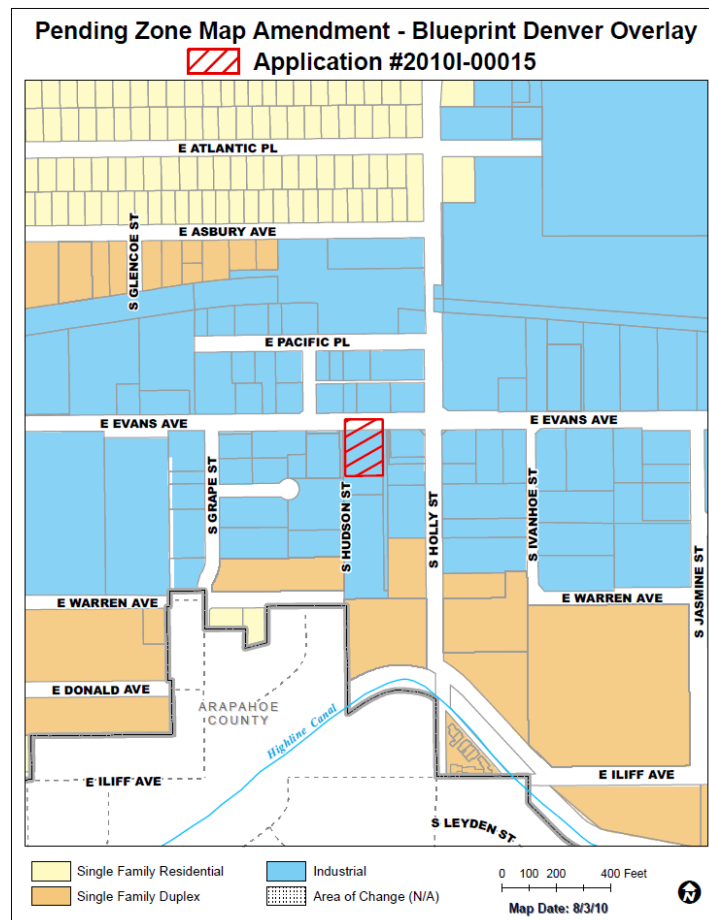
- 3-B: Encourage quality infill development that is consistent with the character of the surrounding neighborhood; that offers opportunities for increased density and more amenities; and that broadens the variety of compatible uses.

**C. Blueprint Denver**

This site is identified in Blueprint Denver as Industrial. Blueprint indicates that as manufacturing and shipment have become more sophisticated, some districts may have the potential to become more diverse employment areas. Rezoning this site to S-CC-3 will improve the ability of the site to evolve as an employment area.

**Areas of Stability**

Areas of Stability are intended, through Blueprint Denver, to direct and manage the location, type and intensity of future development. Within Areas of Stability, there are commercial centers where reinvestment would be desirable to make the area an asset to surrounding neighborhoods.



**D. Uniformity of District Regulations and Restrictions**

Rezoning this site to S-CC-3 will allow this site to be utilized in a manner consistent with the surrounding properties.

**E. Public Health, Safety and General Welfare**

Rezoning this site to S-CC-3 will continue to support the Public Health, Safety and General Welfare of the City of Denver.

**VIII. STAFF RECOMMENDATION**

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Based on the analysis provided, CPD recommends **APPROVAL** of rezoning application #2010I-00015 to correct an error in the Official Zoning Map.



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**APPLICATION FOR ZONE MAP AMENDMENT**

<b>Application #</b>	2010I-00015	<b>Date Submitted</b>	08/03/10	<b>Fee Required</b>	N/A	<b>Fee Paid</b>	N/A	
<b>APPLICANT INFORMATION</b>				<b>CONTACT INFORMATION (Same as Applicant)</b>				
<b>Applicant Name</b>	Councilman Brown			<b>Contact Name</b>				
<b>Address</b>	2324 E Exposition Avenue			<b>Address</b>				
<b>City, State, Zip</b>	Denver, CO 80209			<b>City, State, Zip</b>				
<b>Telephone / Fax</b>	303.871.4908			<b>Telephone / Fax</b>				
<b>Email</b>	Charlie.brown@denvergov.org			<b>Email</b>				
<b>Subject Property Location [Please Include Assessor's Parcel Number(s)]</b>								
5550 E Evans Avenue Schedule Number: 0630100022000								
<b>Legal Description of Subject Property</b>								
The South 170 feet of the North 200 feet of the West 146 feet of E 1/2, NE 1/4, SE 1/4, NE 1/4, Section 30 Township 4 South, Range 67 West of the 6 <sup>th</sup> P.M., City and County of Denver, State of Colorado								
<b>Area of Subject Property (Acres/Sq Ft)</b>		<b>Present Zone District</b>		<b>Proposed Zone District (Waivers and Conditions Require Separate form)</b>				
0.57 acres/24,820 SF		I-0 w/waivers		S-CC-3				
<b>See (See Sec.12.4.10.14)</b> <b>Indicate justifying circumstances for the Zone Map Amendment and describe in detail</b>			<b>Error in the map as approved by City Council</b>					<input checked="" type="checkbox"/>
			<b>(Add new legal bases page 12-55)</b>					<input type="checkbox"/>
			<b>(Use same language as DZC)</b>					<input type="checkbox"/>
			<b>Changed or Changing Conditions that make a Zone Map Amendment Necessary</b>					<input type="checkbox"/>
Subject property was not included within the Citywide legislative rezoning effort. Correspondence received from Councilman Brown's office indicates that this site was intended to be part of the legislative effort. This rezoning will correct an error in the map.								
<b>Describe proposed land use, building forms, and development phasing, if known</b>								
N/A								
<b>Required Exhibits</b>				<b>Additional Exhibits</b>				
<b>Maps – Required for Final Submissions</b>				X				
<b>Case Manager</b>	Chris Gleissner, Senior City Planner							
<b>Applicant Signature</b>							<b>Date</b>	

BY AUTHORITY

ORDINANCE NO. 698

COUNCIL BILL NO. 693

SERIES OF 1989

COMMITTEE OF REFERENCE:

*I-0 Waivers and conditions  
Effective November 28, 1989*

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A B I L L

FOR AN ORDINANCE RELATING TO ZONING, CHANGING THE ZONING CLASSIFICATION FOR A SPECIFICALLY DESCRIBED AREA, GENERALLY DESCRIBED AS 5550 EAST EVANS AVENUE, RECITING CERTAIN WAIVERS PROPOSED BY THE OWNERS/APPLICANTS FOR THE ZONING CLASSIFICATION, RECITING CERTAIN REASONABLE CONDITIONS APPROVED BY THE OWNERS/APPLICANTS FOR THE ZONING CLASSIFICATION AND PROVIDING FOR A RECORDATION OF THIS ORDINANCE.

BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. That upon consideration of a change in the zoning classification of the land area hereinafter described, Council finds:

1. That the land area hereinafter described is presently classified as a part of the I-0 with certain waivers and conditions;

2. That the owners/applicants propose that the land area hereinafter described be changed to I-0 with different waivers and with different reasonable conditions which they have approved;

3. That in their application, the owners/applicants have represented that if the zoning classification is changed pursuant to their application, the owners/applicants will and hereby do waive the following rights:

(a) Waive the right to construct structures closer than twenty (20) feet to the property line on East Evans Avenue (signs shall not be considered structures for purposes of these waivers);

(b) Waive the right to construct structures closer than twenty (20) feet to the property line on Hudson Street (signs shall not be considered structures for purposes of these waivers);

(c) Waive the right to any curb cut on East Evans Avenue, (thereby requiring ingress and egress from South Hudson);

(d) Waive the right to construct any structure in excess of 11,135 square feet gross floor area;

(e) Waive the right to construct any structures in excess of 16 feet in height (signs shall not be considered structures for purposes of these waivers); and

(f) Waive the right to use the building for any function other than wholesale and retail of upholstery fabric, carpets, drapes, and related items, general office use, clinical, dental or medical use;

4. That the owners/applicants approve and agree to the following reasonable conditions to the requested change in zoning classification:

(a) Agree to construct a sidewalk in conformance with City requirements along the north property line as relates to East Evans Avenue; and

(b) Agree to landscape between sidewalk and the proposed building from alley to South Hudson.

Section 2. That the zoning classification of the land area in the City and County of Denver described as follows or included within the following boundaries shall be and hereby is changed from I-0 with certain waivers and certain conditions to I-0 with different waivers which waivers are set forth in Subsection 3 of Section 1 hereof and with different reasonable conditions approved by the owners/applicants which reasonable conditions are set forth in Subsection 4 of Section 1 hereof:

The South 170 feet of the North 200 feet of the West 146 feet of E 1/2, NE 1/4, SE 1/4, NE 1/4, Section 30 Township 4 South, Range 67 West of the 6th P.M., City and County of Denver, State of Colorado; in addition thereto those portions of all abutting public rights-of-way, but only to the centerline thereof, which are immediately adjacent to the aforesaid specifically described area.

Section 3. That the foregoing change in zoning classification is based upon the representations by the owners/applicants that they will waive those certain rights available to them, and in lieu thereof, agree to certain limitations which limitations are set forth in Subsection 3 of Section 1 hereof, and is also based upon the

reasonable conditions approved by the said owners/applicants which reasonable conditions are set forth in Subsection 4 of Section 1 hereof; and no permit shall be issued except in strict compliance with the aforesaid waivers and the aforesaid reasonable conditions. Said waivers and said reasonable conditions shall be binding upon all successors and assigns of said owners/applicants, who along with said owners/applicants shall be deemed to have waived all objections as to the constitutionality of the aforesaid waivers and the aforesaid reasonable conditions.

Section 4. That this Ordinance shall be recorded by the Department of Zoning Administration among the records of the Clerk and Recorder of the City and County of Denver.

PASSED BY THE COUNCIL \_\_\_\_\_ 1989

\_\_\_\_\_ - PRESIDENT

APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_ 1989

ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
EX-OFFICIO CLERK OF THE  
CITY AND COUNTY OF DENVER

PUBLISHED IN THE ROCKY MOUNTAIN NEWS \_\_\_\_\_ 1989 \_\_\_\_\_ 1989

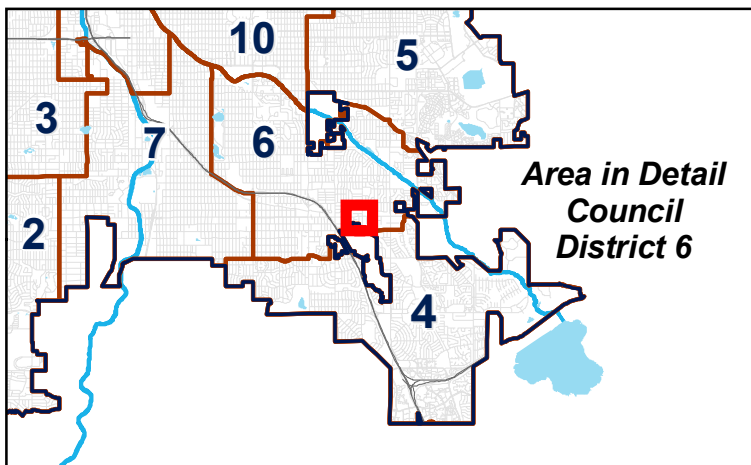
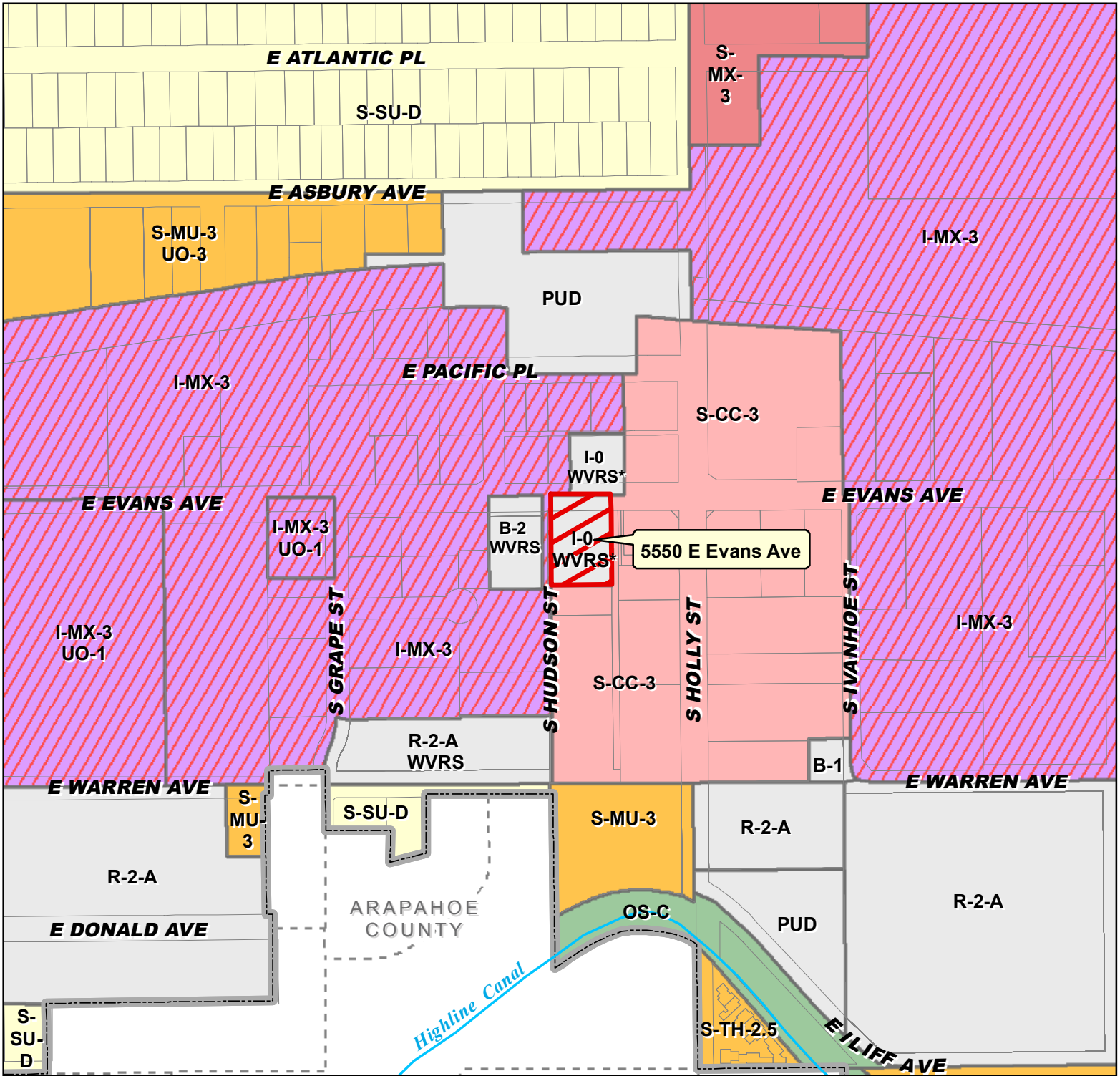
PREPARED BY: ROBERT M. KELLY, ASSISTANT CITY ATTORNEY 10/18/89

REVIEWED BY: *Patricia Wells* \_\_\_\_\_ - CITY ATTORNEY *10/19* \_\_\_\_\_ 1989


SPONSORED BY COUNCIL MEMBER(S) \_\_\_\_\_




# Pending Zone Map Amendment #2010I-00015



**Application #2010I-00015**  
**Location: 5550 E Evans Ave.**

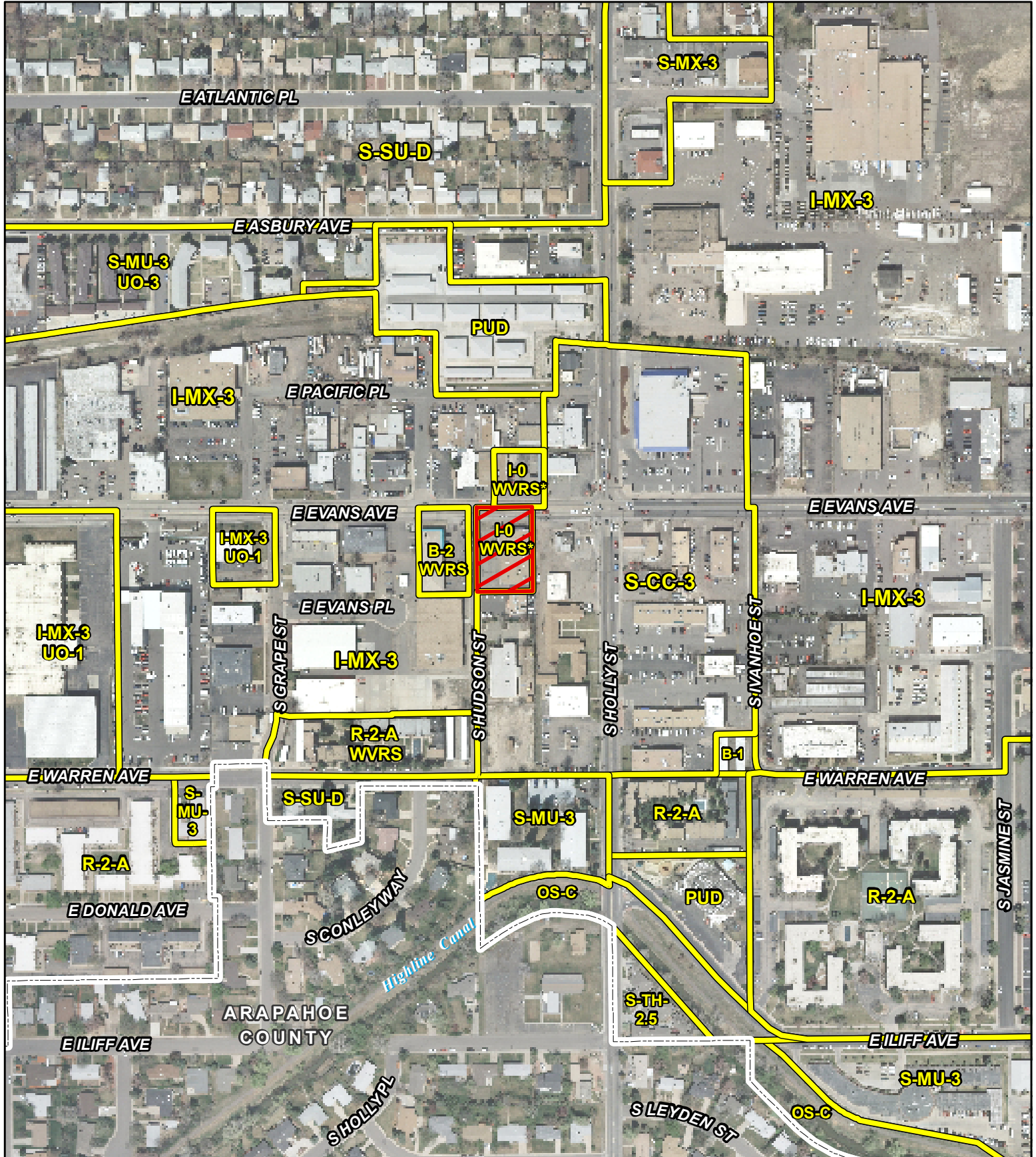
 **Proposed Rezoning**  
**From: I-0 WVRs\***  
**To: S-CC-3**

 0 100 200 400  
 Feet

**Map Date: 8/3/10**

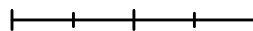
# Pending Zone Map Amendment - Aerial & Zoning Overlay

 Application #2010I-00015



Aerial Photo: April 2008  
Community Planning and Development

0 100 200 400 Feet



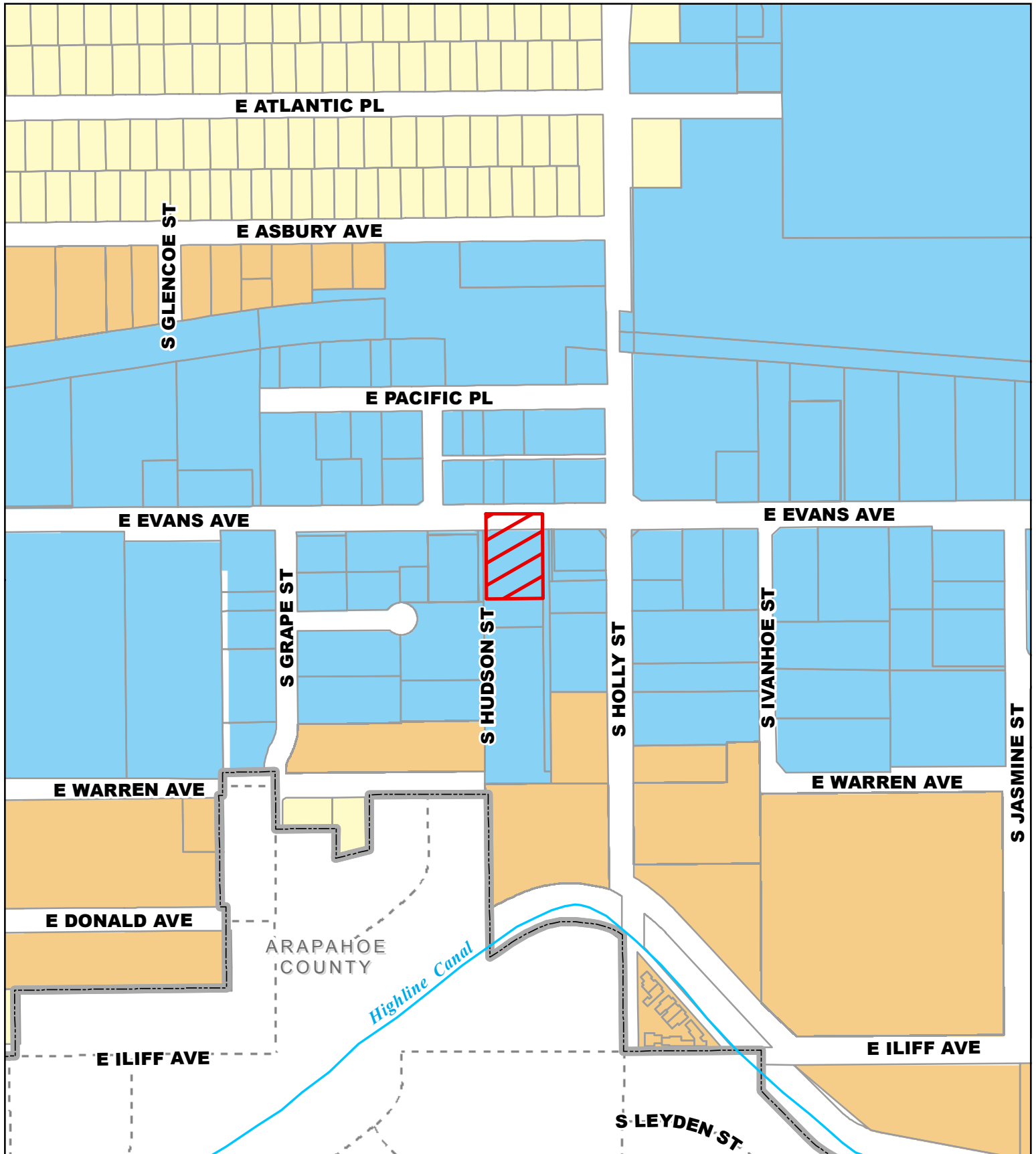
Map Date: 8/3/10



# Pending Zone Map Amendment - Blueprint Denver Overlay



Application #2010I-00015



- Single Family Residential
- Single Family Duplex

- Industrial
- Area of Change (N/A)

0 100 200 400 Feet

Map Date: 8/3/10

