



**TO:** Denver City Council  
**FROM:** Theresa Lucero, Senior City Planner  
**DATE:** November 10, 2016  
**RE:** Official Zoning Map Amendment Application #2015I-00102  
3990 East Cornell Avenue, 3015, 3029, 3043 and 3071 South Colorado  
Boulevard  
Rezoning from PUD #601 to S-TH-2.5

### Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2015I-00102 for a rezoning from PUD #601 to S-TH-2.5.

### Request for Rezoning

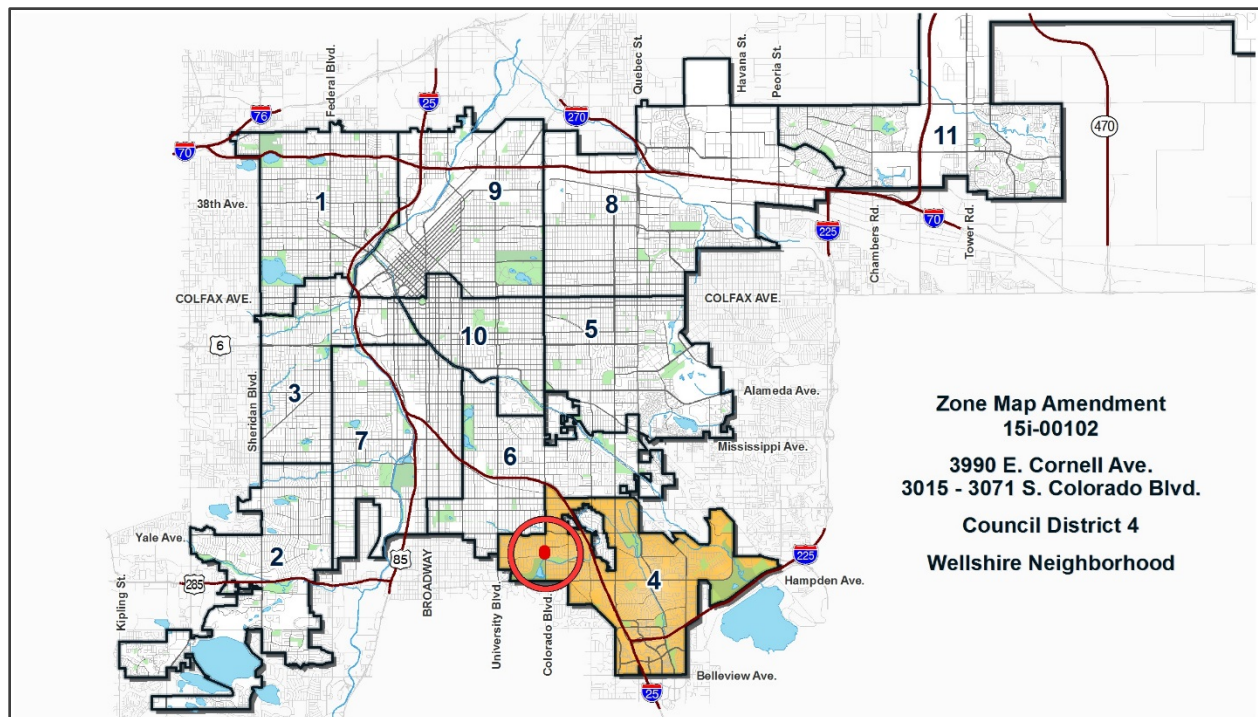
Application:	2015I-00102
Address:	3990 East Cornell Avenue, 3015, 3029, 3043 and 3071 South Colorado Boulevard
Neighborhood/Council District:	Wellshire Neighborhood / City Council District 4
RNOs:	Wellshire Homeowners Association; University Hills Neighborhood Association; Denver Neighborhood Association, Inc.; Inter-Neighborhood Cooperation
Area of Property:	60,400 square feet, 1.39 acres
Current Zoning:	PUD #601
Proposed Zoning:	S-TH-2.5
Property Owner(s):	Five Property Owners
Applicant:	City Councilwoman Kendra Black

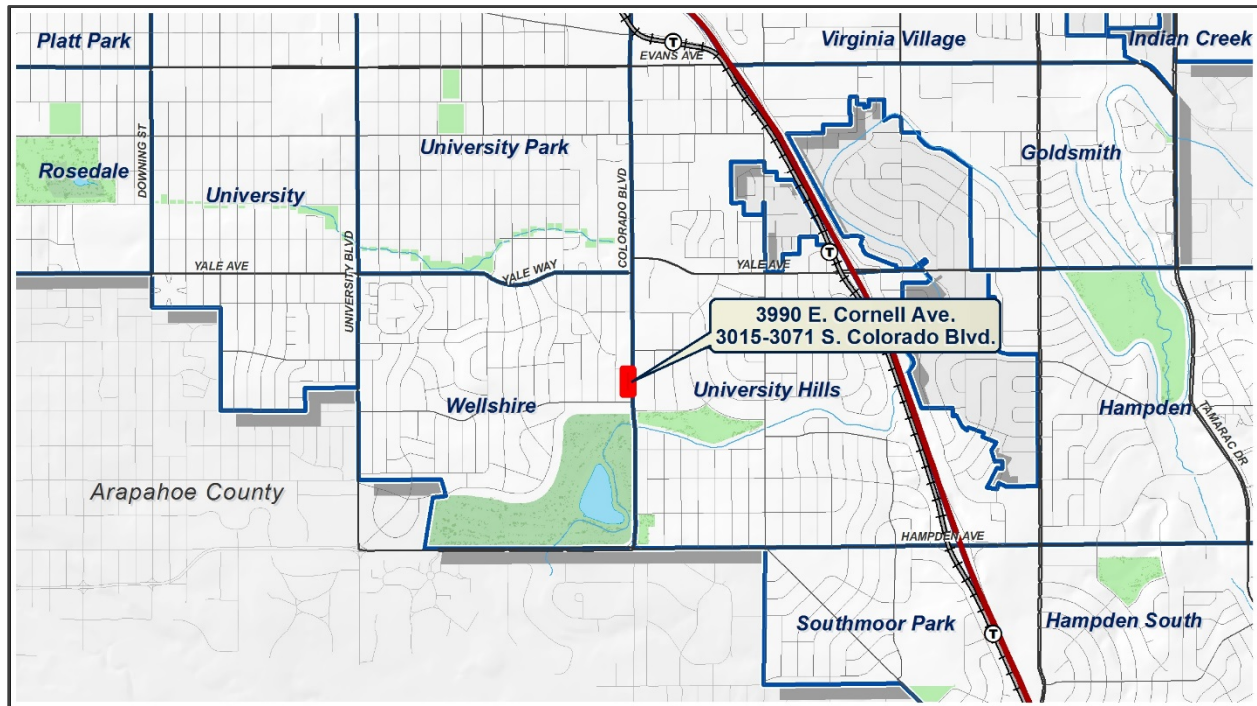
### Summary of Rezoning Request

- The subject property is located at the southwest corner of Colorado Boulevard and Cornell Avenue and on the eastern edge of the Wellshire Neighborhood.
- The property is comprised of five individually owned single family houses.
- When the Former Chapter 59 PUD was approved in 2007, the applicant was assembling all five houses for redevelopment as a single project that was never built.
- Since the 2007, each property within the PUD has sold a minimum of two times, and the new property owners do not agree on the development of the approved PUD. A key feature of the PUD is a shared driveway extending south from Cornell Avenue at the rear of all five properties. With new property owners, there is no longer agreement on this key access for the development of the PUD, and so development of the PUD is not possible. The Councilwoman proposes to rezone the property to invalidate the Former Chapter 59 PUD, and to unbind the individual properties from being interdependent for redevelopment purposes.

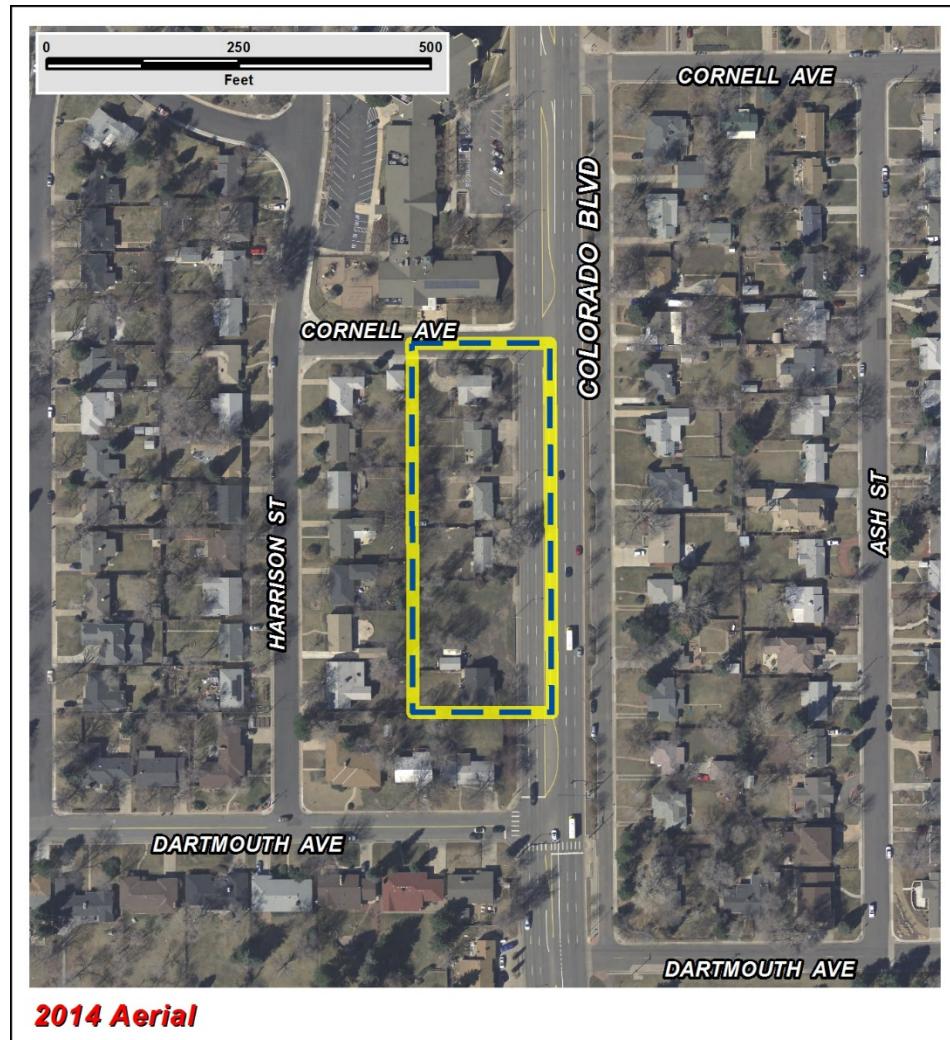
The **S-TH-2.5** (**S**uburban, **T**own **H**ouse, **2.5**-story, (30 to 35 feet maximum building height)) zone district is intended for use in the Suburban Neighborhood Context which is characterized by single and multi-unit residential, commercial strips and centers, and office

parks. The S-TH-2.5 zone district has the same building height as the Suburban Single Unit zone districts and will provide a transition from South Colorado Boulevard to the Single Unit zone districts that surround the property. The primary building forms allowed in S-TH-2.5 are Suburban House, Duplex, and Town House. The Garden Court building form is not an allowed building form in the Suburban Neighborhood Context. Further details of the zone district can be found in Article 3 of the Denver Zoning Code (DZC).









## Existing Context

The subject property is located on the eastern edge of Wellshire Neighborhood at the southwest corner of Colorado Boulevard and Cornell Avenue, across Colorado Boulevard from the University Hills Neighborhood. The Wellshire Neighborhood is generally characterized by single family development, except for office and commercial land uses in the northeast corner of the neighborhood along Colorado Boulevard, the Cherry Hills III Condominiums in the northwest corner of the neighborhood and the Wellshire Golf Course located in the southeast corner of the neighborhood. In the general area of the subject property are commercial and civic/institutional land uses including:

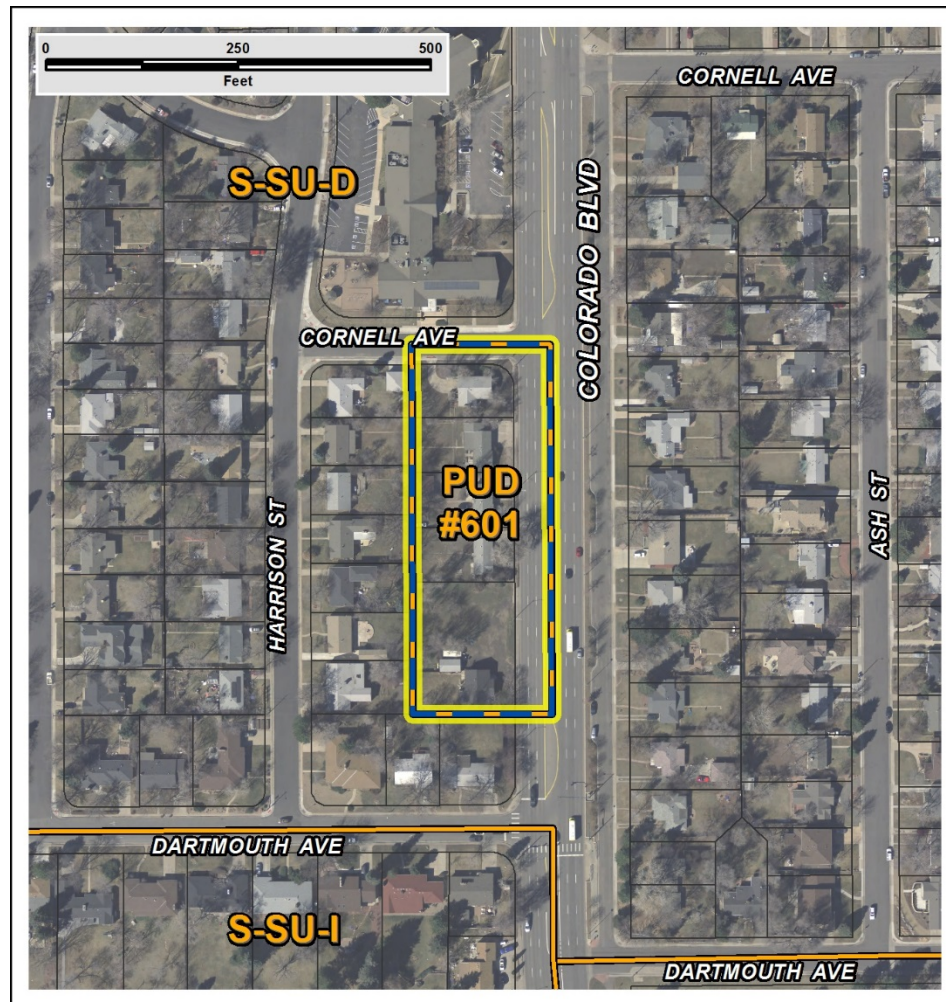
- the University Hills Shopping Center 1 ½ block north;
- University Hills Plaza 3 blocks north;
- Wellshire Presbyterian Church, directly across Cornell Avenue to the north;
- Ross-University Hills Branch Library, 3 blocks to the northeast;
- Eisenhower Park and Recreation Center, 1 block to the southeast; and
- Bradley International Elementary School, 7 blocks to the east.



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

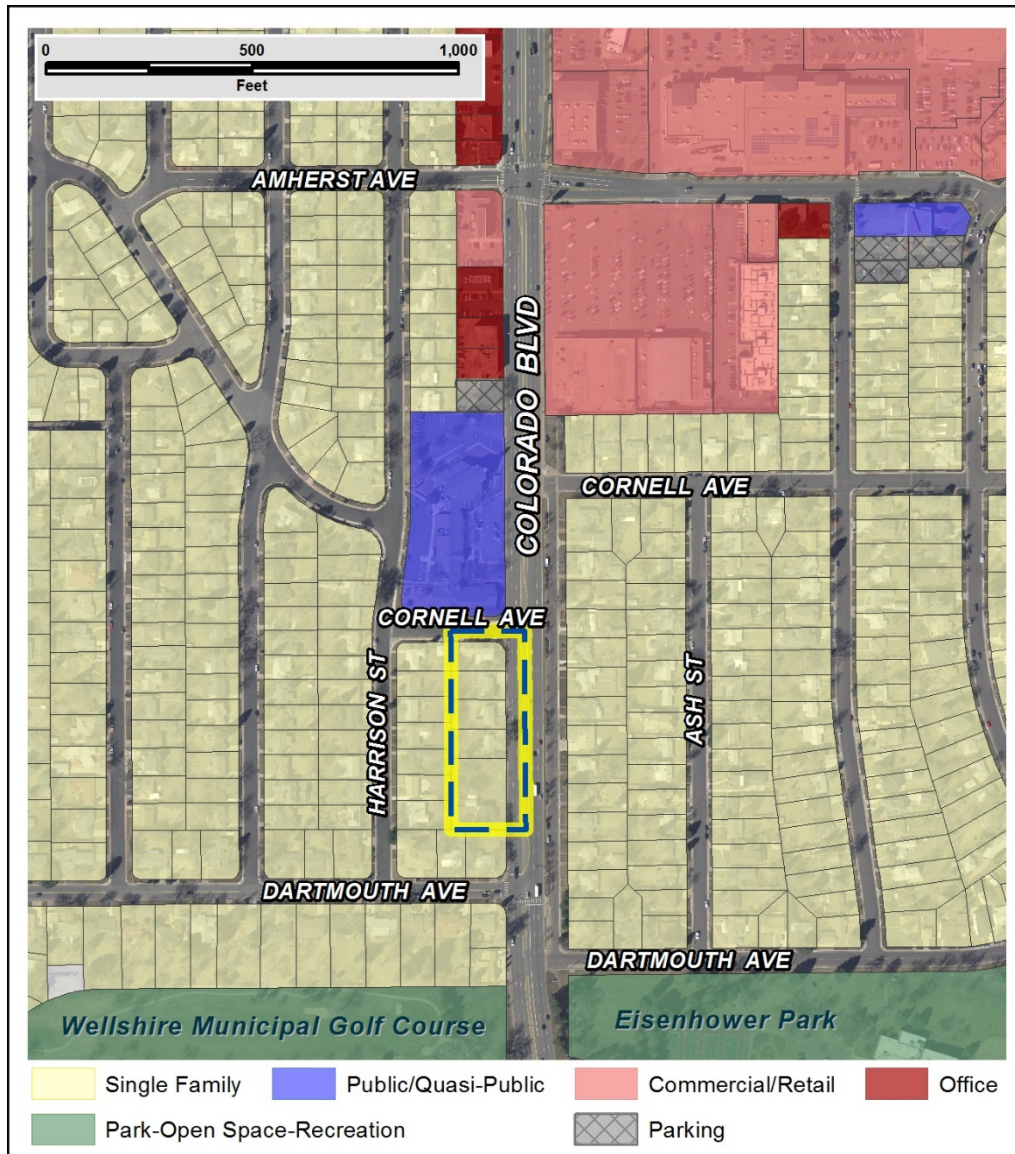
	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	PUD #601	SF Residential	1-2 story structures	Modified grid street pattern with an irregular pattern of block shapes; no alleys and sidewalks are generally attached. Vehicle parking in front-loaded garages.
North	S-SU-D	Church	1-2 story structure	
South	S-SU-D	SF Residential	1-2 story structures	
East	S-SU-D	SF Residential	1-2 story structures	
West	S-SU-D	SF Residential	1-2 story structures	

## 1. Existing Zoning



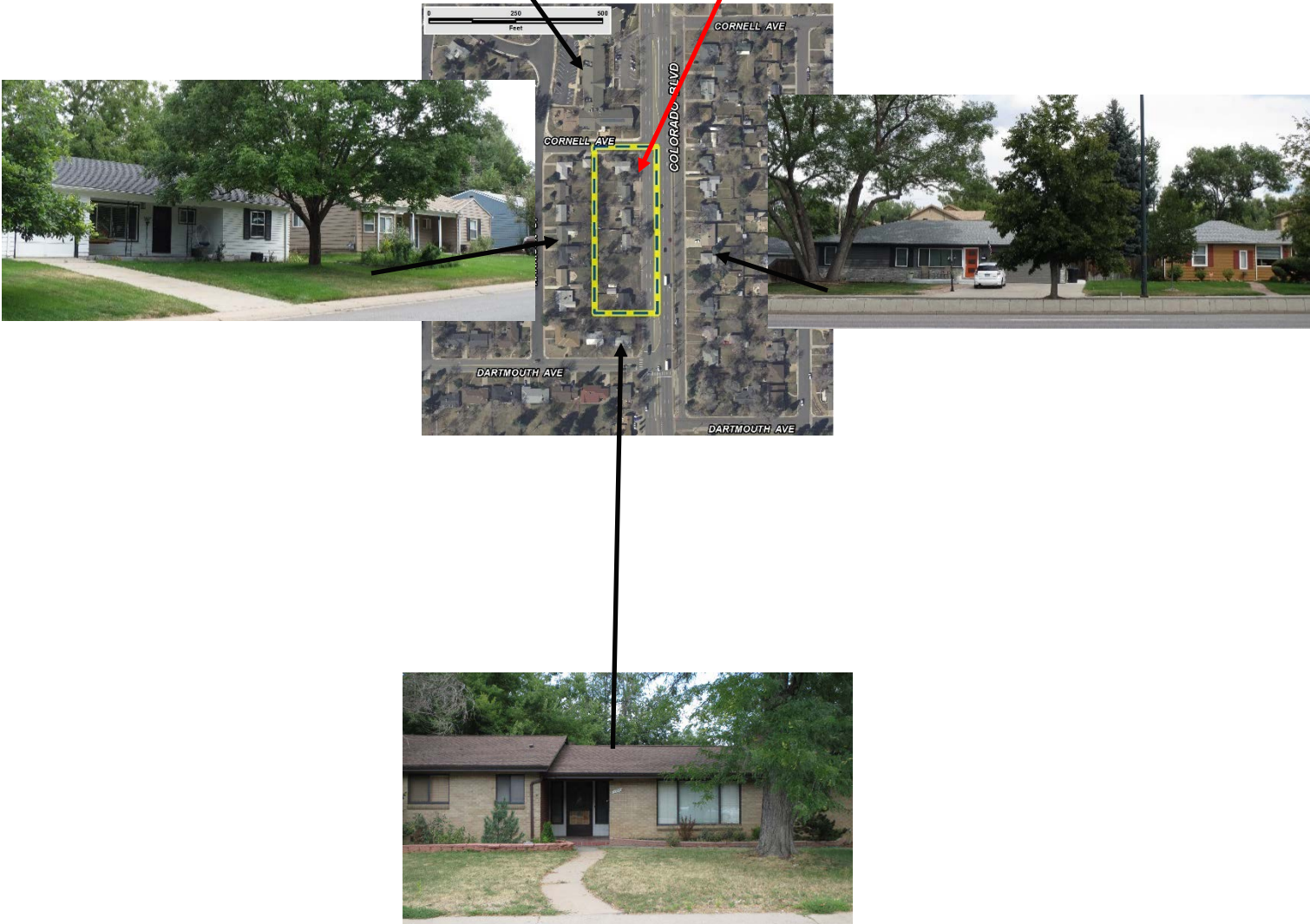
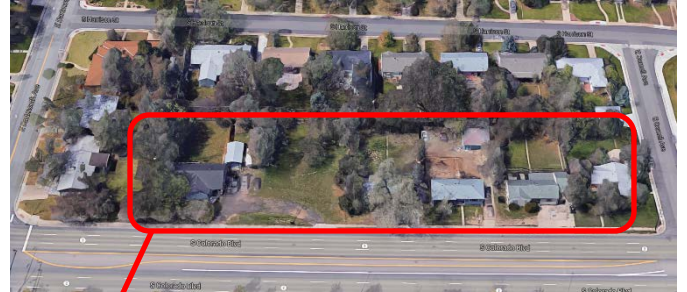
PUD #601 is a Former Chapter 59 PUD approved in 2007. The property was rezoned from the R-1 zone district to the PUD which allows a maximum of 22 Town Home dwellings, in 4 buildings, with 44 parking spaces. Maximum building heights allowed by the PUD are 3 stories, or 38 feet. The only land use proposed in the PUD was multiple unit dwelling, though the existing single family dwellings are allowed as an “interim use.” See the attached PUD document for further details.

## 2. Existing Land Use Map





### 3. Existing Building Form and Scale



## 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:

**Department of Environmental Health** – Approved with the following comments: Notes. The Denver Department of Environmental Health (DEH) is not aware of environmental concerns that would affect the proposed rezoning at 3001-3071 S Colorado Boulevard.

General Notes: Most of Colorado is high risk for radon, a naturally occurring radioactive gas. Due to concern for potential radon gas intrusion into buildings, DEH suggests installation of a radon mitigation system in structures planned for human occupation or frequent use. It may be more cost effective to install a radon system during new construction rather than after construction is complete.

Denver's Noise Ordinance (Chapter 36–Noise Control, Denver Revised Municipal Code) identifies allowable levels of noise. Properties undergoing Re-Zoning may change the acoustic environment, but must maintain compliance with the Noise Ordinance. Compliance with the Noise Ordinance is based on the status of the receptor property (for example, adjacent Residential receptors), and not the status of the noise-generating property. Violations of the Noise Ordinance commonly result from, but are not limited to, the operation or improper placement of HV/AC units, generators, and loading docks. Construction noise is exempted from the Noise Ordinance during the following hours, 7am–9pm (Mon–Fri) and 8am–5pm (Sat & Sun). Variances for nighttime work are allowed, but the variance approval process requires 2 to 3 months. For variance requests or questions related to the Noise Ordinance, please contact Paul Riedesel, Denver Environmental Health (720-865-5410).

Scope & Limitations: DEH performed a limited search for information known to DEH regarding environmental conditions at the subject site. This review was not intended to conform to ASTM standard practice for Phase I site assessments, nor was it designed to identify all potential environmental conditions. In addition, the review was not intended to assess environmental conditions for any potential right-of-way or easement conveyance process. The City and County of Denver provides no representations or warranties regarding the accuracy, reliability, or completeness of the information provided.

**Development Services – Transportation:** Approved with the following comments: DES Transportation approves the subject zoning change. The applicant should note that redevelopment of this site may require additional engineering, ROW dedication to the City, access changes, traffic studies and/or right of way improvements. The extent of the required design and improvements will be determined once this property begins the redevelopment process.

**Public Works – City Surveyor:** Approved with the following comments: 1) Revise address list to include all addresses: 3001, 3015, 3029, 3043 and 3071 S. Colorado Blvd. Do not include address list in legal description.

2) Revise legal description to: Lots 10 through 14, Block 13, WELLSHIRE HEIGHTS, City and County of Denver, State of Colorado.

**Development Services – Wastewater:** Approved with the following comments: If approved, any subsequent development will need to comply with current Wastewater development criteria, including stormwater detention and water quality treatment if the development area is 0.5 acres or more.

## **Public Review Process**

### **Informational Notice**

On June 15, 2016, CPD staff provided informational notice of receipt of the rezoning application requesting S-TH-2.5 to affected members of City Council and registered neighborhood organizations.

### **Planning Board**

The property was legally posted for a period of 15 days with a sign publicizing the September 7, 2016, Denver Planning Board public hearing, and electronic notification of the hearing was sent to all affected Registered Neighborhood Organizations and City Council members. At the hearing, the Planning Board voted unanimously (9-0) to recommend approval of the proposed rezoning.

### **Land Use, Transportation and Infrastructure Committee**

Following Planning Board review, the rezoning application was referred to the Land Use, Transportation and Infrastructure (LUTI) Committee of the City Council for review at a public meeting. The LUTI Committee meeting was scheduled for October 4, 2016. Electronic notice of the meeting was sent to all affected Registered Neighborhood Organizations 10 days in advance of the meeting. At the meeting Committee members voted to move the application forward to a public hearing before the full City Council for final action.

### **City Council**

The City Council public hearing is scheduled for November 14, 2016. Electronic notice of the public hearing was sent to all affected Registered Neighborhood Organizations and notification signs publicizing the hearing were posted on the property 21 days in advance of the hearing.

### **Registered Neighborhood Organizations (RNOs) / Public Comment**

To date, CPD has received two letters of support on the application, a letter from the Wellshire Homeowners Association, and an e-mail from one of the property-owners within the re-zoning area. The letters are attached to this staff report.

## **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 apply to this property:

- Denver Comprehensive Plan 2000
- Blueprint Denver (2002)

#### Comprehensive Plan 2000

The proposal is consistent with many Denver Comprehensive Plan strategies, including:

- Environmental Sustainability Strategy 2-F – ***“Conserve land by promoting infill development within Denver at sites where services and infrastructure are already in place”*** (p. 37).
- Land Use Strategy 3-B – ***“Encourage quality infill development that is consistent with the character of the surrounding neighborhood; that offers opportunities for increased density and more amenities; and that broadens the variety of compatible uses”*** (p. 60).
- Housing Strategy 2-F – ***“Explore opportunities for housing in all proposed development and redevelopment projects, including commercial and retail projects”*** (p. 114).
- Housing Strategy 6-E – ***“Identify and capitalize on opportunities to develop housing along transit lines”*** (p. 118).

The proposed map amendment will enable the addition of low-scale residential development on the Colorado Boulevard edge of the Wellshire neighborhood. The location of the subject property at the eastern edge of the neighborhood, and at the southern edge of the more intense commercial and civic land uses located to the north of the property, offer the opportunity for a modest increase in density. The allowed primary building forms in the S-TH-2.5 zone district are Suburban House, Duplex, and Town House, and the allowed building height is the same 30 to 35 feet building height allowed in the surrounding S-SU-D zone district. The location of the property at the edge of the neighborhood serves as a transition from Colorado Boulevard to the predominately single-family Wellshire Neighborhood. The rezoning is consistent with the Comprehensive Plan policies that encourage infill development where services and infrastructure are already in place, where the infill development is in character with the existing neighborhood, where a modest increase in density can be accommodated, and where additional housing is supported by the adjacency to a major arterial corridor.

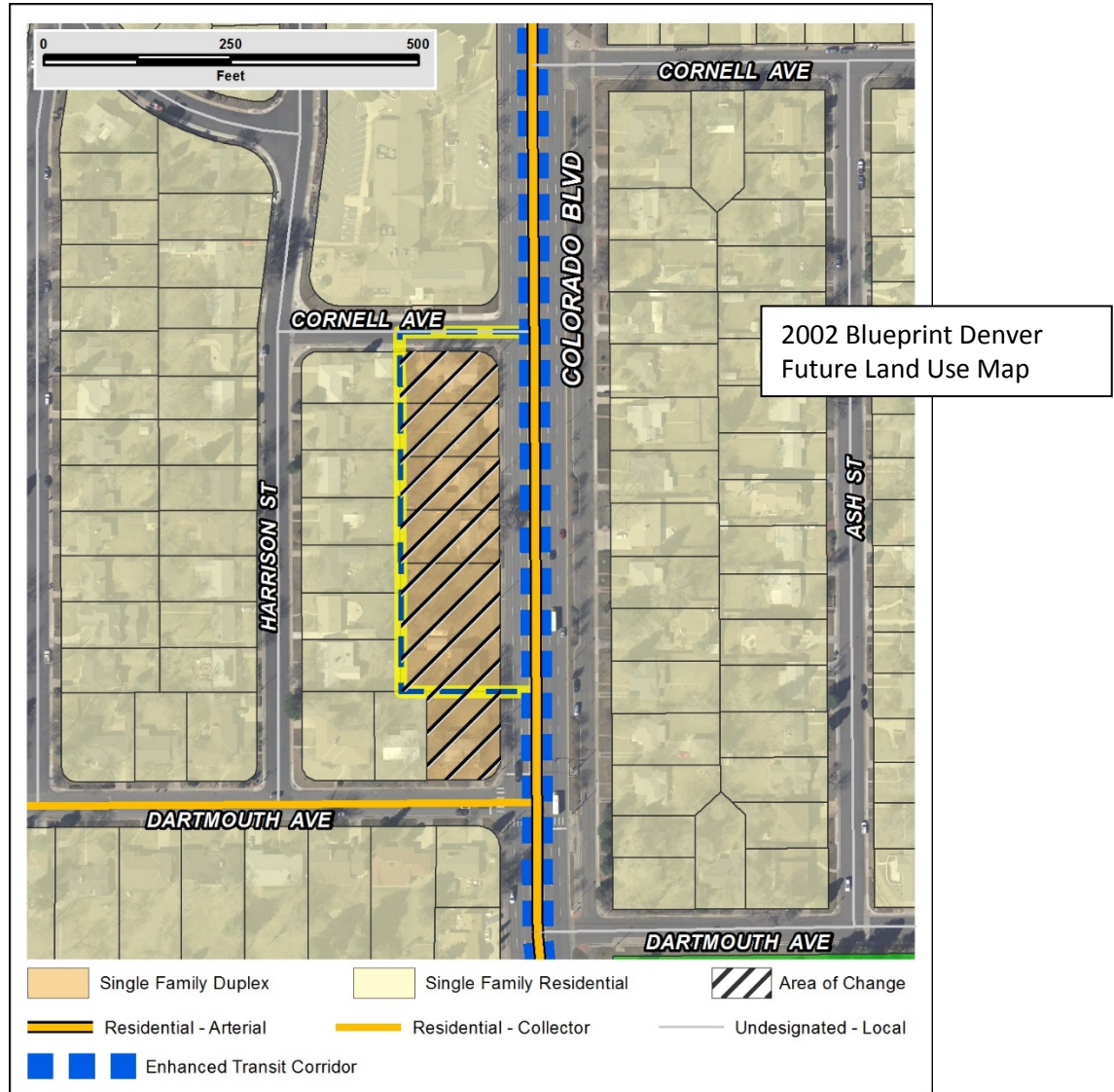
#### Blueprint Denver

According to the 2002 Plan Map adopted in Blueprint Denver, this site has a concept land use of *Single Family/Duplex Residential* and is in an *Area of Change*.

#### Future Land Use

*Blueprint Denver's description is “Single Family/Duplex Residential areas are moderately dense areas that are primarily residential but with some complementary small-scale commercial uses...There is a mixture of housing types including single family houses, duplexes, townhouses and small apartment buildings. Typical densities are between 10 and 20 housing units per acre area-wide, and single family detached structures often predominate”* (p. 42). The S-TH-2.5 zone district allows moderate density on the subject property by allowing the addition of Duplex or Town House building forms named in the

description of the Single Family/Duplex Residential land use type, and the district has the same allowed height as the adjacent neighborhood.



### **Area of Change / Area of Stability**

As noted, the subject property is in an Area of Change. A key strategy of Blueprint Denver is to direct growth to Areas of Change. Blueprint Denver cites one type of Area of change as “*areas where land use and transportation are closely linked*” (p. 20). Colorado Boulevard is an arterial street served by the number 40 bus. In this portion of Colorado Boulevard daytime buses arrive every 30 minutes. The subject property, because it’s on an arterial corridor with consistent bus service, is in an area where land use and transportation are linked. “*The goal for Areas of Change is to channel growth where it will be beneficial and*

*can best improve access to jobs, housing and services with fewer and shorter auto trips” (p. 127).*

Blueprint Denver provides additional specific strategies for Areas of Change. Strategies applicable to these types of Areas of Change include:

- *“Address edges between Areas of Stability and Areas of Change*
- *Compatibility between existing and new development*
- *Pedestrian and transit supportive design and development standards*
- *Infill and redevelop vacant and underused properties*
- *Transit service and transit access*
- *Diversity of housing type, size and cost*
- *Retain low and moderate income residents” (p. 23)*

The rezoning application is consistent with these Blueprint Denver Area of Change strategies. The S-TH-2.5 zoning standards will provide a low-scale transition between Colorado Boulevard and the Wellshire Neighborhood. The zone district will also compel that the allowed building scale will be the same as the adjacent Area of Stability. The zone district also creates the opportunity for a more diverse menu of moderately dense building types.

### **Street Classifications**

Blueprint Denver classifies this section of Colorado Boulevard as a *Residential Arterial* and an *Enhanced Transit Corridor*. Cornell Avenue is classified as an *Undesignated Local Street*. Residential Arterials provide “*a high degree of mobility*” (p. 51) and “*balance transportation choices with land access, without sacrificing mobility*” (p. 55). Blueprint Denver encourages “*evaluating and implementing enhanced bus transit service*” (p. 98) on Enhanced Transit Corridors like Colorado Boulevard, and “*developing transit-supportive incentives like shared or reduced parking, and a mix of transit-supportive land uses*” (p. 100). The proposed map amendment to the S-TH-2.5 zone district will enable a modest increase in density in an area that Blueprint Denver identifies as appropriate for change. Future residential development will add to the diversity of housing types in the area at the same scale as existing adjacent residential uses, and will serve as a transition from Colorado Boulevard to the predominately single-family Wellshire Neighborhood.

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

The proposed rezoning to S-TH-2.5 will remove the subject property from an obsolete customized zone district into a standard zone district and will result in the uniform application of zone district building form, use and design regulations.

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

Because the proposed map amendment implements the City’s plan, the proposed official map amendment furthers the public health, safety and general welfare of the City.

## **4. Justifying Circumstances**

The application identifies changed or changing conditions as the Justifying Circumstance under DZC Section 12.4.10.8.A.4, “*The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area.*”



For changed circumstances the application identifies the obsolescence of PUD because of property ownership changes since the PUD was approved, and the lack of agreement among the new property owners about developing the townhomes approved in the PUD. As discussed above, many adopted Plan recommendations state that redevelopment of the property is desirable. With the Single Family/Duplex Residential land use category Blueprint Denver recognized the changes that the PUD envisioned. These are appropriate changed circumstances justifying the proposed rezoning.

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

The proposed S-TH-2.5 zone district is within the Suburban Neighborhood context. This context is "characterized by single-unit and multi-unit residential, commercial strips and centers, and office parks. Single-unit residential consists typically of Suburban House forms with street-facing garages. Multi-unit building forms are typically separated from single-unit residential and consist of clustered Garden Court, Town House, and occasional mid- and high-rise Apartment forms. Commercial buildings are typically separated from residential and consist of Shopfront and General building forms. Single-unit residential uses are primarily located away from residential and commercial arterial streets. Multi-unit residential and commercial uses are primarily located along arterial and collector streets" (DZC p. 3.1-1).

The Suburban Residential zone districts are intended "to promote and protect residential neighborhoods within the character of the Suburban Neighborhood Context. These regulations allow for some multi-unit districts, but not to such an extent as to detract from the overall image and character of the residential neighborhood. The standards of the townhouse and multi-unit districts promote existing and future patterns of multiple building forms on a single lot. The regulations are also intended to reinforce desired development patterns in existing neighborhoods while accommodating reinvestment" (DZC p. 3.2-2). The 2.5 story maximum height allowed by the S-TH-2.5 zone district is consistent with adjacent suburban neighborhood and provides an acceptable transition between Colorado Boulevard and the Wellshire Neighborhood. The map amendment proposal is consistent with the Suburban Neighborhood Context and the purpose and intent of the S-TH-2.5 zone district.

### **Staff Recommendation**

Based upon the analysis set forth above, CPD staff finds that the application for rezoning the subject property to the S-TH-2.5 zone district meets the requisite review criteria. Accordingly, staff recommends approval.

### **Attachments**

1. Application
2. Approved Legal Description
3. PUD #601
4. 2 letters of support

## Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	Multiple Property Owners	Representative Name	Councilwoman Kendra Black
Address	3990 E. Cornell Ave., 3015, 3029, 3043	Address	3540 South Poplar Street, #102
City, State, Zip	Denver, Colorado 80222	City, State, Zip	Denver, Colorado 80237
Telephone	N/A	Telephone	720-337-4444
Email	N/A	Email	kendra.black@denvergov.org
<b>*If More Than One Property Owner:</b> All standard zone map amendment applications shall be initiated by all the owners of at least 51% of the total area of the zone lots subject to the rezoning application, or their representatives authorized in writing to do so. See page 3.		<b>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</b>	
Please attach Proof of Ownership acceptable to the Manager for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed or deed of trust, or (c) Title policy or commitment dated no earlier than 60 days prior to application date.			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):	3990 East Cornell Avenue and 3015, 3029, 3043 and 3071 South Colorado Boulevard		
Assessor's Parcel Numbers:	161699401, 161699410, 161699321, 161699428, 161699339		
Area in Acres or Square Feet:	60,400 SF; 3.19 acres		
Current Zone District(s):	PUD #601		
PROPOSAL			
Proposed Zone District:	S-TH-2.5		
Does the proposal comply with the minimum area requirements specified in DZC Sec. 12.4.10.3:	<input checked="" type="checkbox"/> Yes		<input type="checkbox"/> No

## REVIEW CRITERIA

<p>General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.7</p>	<div> <input type="checkbox"/> Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan.         </div> <p>Please provide an attachment describing relevant adopted plans and how proposed map amendment is consistent with those plan recommendations; or, describe how the map amendment is necessary to provide for an unanticipated community need.</p> <div> <input type="checkbox"/> Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.         </div> <div> <input type="checkbox"/> Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.         </div>
<p>Additional Review Criteria for Non-Legislative Rezoning: The proposal must comply with both of the additional review criteria DZC Sec. 12.4.10.8</p>	<p><b>Justifying Circumstances - One of the following circumstances exists:</b></p> <div> <input type="checkbox"/> The existing zoning of the land was the result of an error.           <input type="checkbox"/> The existing zoning of the land was based on a mistake of fact.           <input type="checkbox"/> The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage.           <input type="checkbox"/> The land or its surroundings has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area to recognize the changed character of the area.           <input type="checkbox"/> It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (Overlay Zone Districts), of this Code.         </div> <p>Please provide an attachment describing the justifying circumstance.</p> <div> <input type="checkbox"/> The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.         </div> <p>Please provide an attachment describing how the above criterion is met.</p>

## REQUIRED ATTACHMENTS

Please ensure the following required attachments are submitted with this application:

- ☐ Legal Description (required to be attached in Microsoft Word document format)
- ☐ Proof of Ownership Document(s)
- ☐ Review Criteria

## ADDITIONAL ATTACHMENTS

Please identify any additional attachments provided with this application:

- ☐ Written Authorization to Represent Property Owner(s)

Please list any additional attachments:



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

We, the undersigned represent that we are the owners of the property described opposite our names, or have the authorization to sign on behalf of the owner as evidenced by a Power of Attorney or other authorization attached, and that we do hereby request initiation of this application. I hereby certify that, to the best of my knowledge and belief, all information supplied with this application is true and accurate. I understand that without such owner consent, the requested official map amendment action cannot lawfully be accomplished.

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement (must sign in the exact same manner as title to the property is held)	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed or deed of trust, (C) title policy or commitment, or (D) other as approved	Property owner representative written authorization? (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>	01/01/12	(A)	NO
Application initiated by a member of City Council. No owner authorization required per DZC Section 12.4.10.4.A.1.a						

### Consistency with Adopted Plans

#### **Comprehensive Plan 2000**

The proposal is consistent with many Denver Comprehensive Plan strategies, including:

- Environmental Sustainability Strategy 2-F – *“Conserve land by promoting infill development within Denver at sites where services and infrastructure are already in place”* (p. 37).
- Land Use Strategy 3-B – *“Encourage quality infill development that is consistent with the character of the surrounding neighborhood; that offers opportunities for increased density and more amenities; and that broadens the variety of compatible uses”* (p. 60).
- Legacies Strategy 3-A – *“Identify areas in which increased density and new uses are desirable and can be accommodated”* (p. 99).

Housing Objective 2 – *“Encourage preservation and modernization of Denver’s existing housing stock and established neighborhoods. Support addition of housing in expansion and infill development”* (p. 114).

The map amendment application to S-TH-2.5 will apply a zone district that is consistent with the density allowed in the current zoning of the property, PUD #601 and will allow the redevelopment of the property.

#### **Blueprint Denver**

According to the Blueprint Denver Plan Map the property has a land use concept designation of Single Family Duplex Residential and the property is located within an Area of Change.

*“Single Family/Duplex Residential areas are moderately dense areas that are primarily residential but with some complimentary small-scale commercial uses...There is a mixture of housing types including single family houses, duplexes, townhouses and small apartment buildings. Typical densities are between 10 and 20 housing units per acre area-wide, and single family detached structures often predominate”* (p. 42). The S-TH-2.5 zone district allows a similar mix of building forms named in the description of the Single Family/Duplex Residential land use type, Suburban House, Detached Accessory Dwelling Unit, Duplex, and Town House, and the district allows the structures with the same allowed number of stories as the adjacent neighborhood.

Areas of Change are places in the City where growth should be directed.

### Uniformity of District Regulations

The rezoning of the property will remove the property from a customized zone district and place it in a standard zone district with uniform zoning standards throughout the City.

### Public Health, Safety, and Welfare

The rezoning furthers the public health, safety and welfare of the City by implementing the City’s Plan and by facilitating the development to improve the condition of the properties.

### Justifying Circumstances

Since the approval of the PUD zoning property ownership on some of the properties has changed and the multiple property owners do not agree on the development of the approved PUD. The PUD was predicated on the cooperation of all of the property owners. With a lack of agreement among the property, owners the development of the property is uncertain. The change in circumstance is a justifiable reason for rezoning the property out of the PUD zoning.

Consistency with Neighborhood Context, Stated Purpose and Intent

The requested S-TH-2.5 is in the Suburban Neighborhood Context. This Context is characterized by single-unit and multi-unit residential, commercial strips and centers, and office parks. Multi-unit building forms are typically separated from single-unit residential and consist of Garden Court, Town House, and occasional mid- and high-rise Apartment forms. Multi-unit residential and commercial uses are primarily located along arterial and collector streets. The intent of the S-TH-2.5 zone district is to promote and protect residential neighborhoods with building form standards, design standards and uses that work together to promote desirable residential neighborhoods. The regulations are intended to reinforce desired development patterns in existing neighborhoods while accommodating reinvestment. The S-TH-2.5 zone district is a multi-unit district and allows suburban house, duplex and townhouse building forms up to two and a half stories in height. The rezoning request for the subject property is consistent with the Suburban Context description and the S-TH-2.5 zone district intent.

## Legal Description

Lots 10 through 14, Block 13, WELLSHIRE HEIGHTS, City and County of Denver, State of Colorado.





# Application For Zone Map Amendment

City and County of Denver

Zoning Administration

201 W. Colfax Avenue, Dept. 205

Phone: 720-865-3000 Fax: 720-865-3057

1. Application Number  
4874

2006I-00007

2. Date Submitted

3/16/07

3. Fee

\$2,100

4. Applicant (attach completed ownership information sheet)  
Wellshire Development Partnership,  
RLLLP

5. Address  
609 E Speer Blvd  
#300  
Denver, CO 80203

6. Phone Number  
(303) 346-4850

7. Interest  
Property Owner

8. Contact Person

Andy Baldyga  
The Mulhern Group, Ltd.

9. Contact Person's Address

1730 Blake Street #435  
Denver, CO 80202

10. Contact's Phone Number

303-297-3334

11. Location of proposed change

Southwest corner of South Colorado Boulevard and East Cornell Avenue

12. Legal Description of property: (If Legal Description is lengthy, Please attach additional Sheet. If your text does not fit in the lot, block and addition form fields use the form field under the asterisk)

Lots:

Block:

Addition:

10 through 14 inclusive

13

Wellshire Heights

13. Area of subject property.

59,532 sq. ft. 1.36 acres

14. Present Zone.

R-1

15. Proposed Zone.

P.U.D. (PUD 601)

16. Describe the nature and effect of the proposed amendment.

Refer to item 3a attached.

17. Explain in detail 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 that make the map amendment necessary.

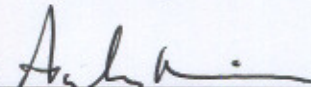
Refer to item 3b attached.

18. State the land use and development proposed for the property to be rezoned. Include the time schedule (if any) for development.

Refer to item 3c attached.

19. List all the attached exhibits  
Ownership Information  
Written Statements, 3a, 3b, 3c.  
Existing Conditions Map  
District Plan  
Architectural Design Guidelines

20. Applicant's signature.

By: 

Mr. Andy Klein

Wellshire Development Partnership, RLLLP

## 1. SCHEDULE

- a. Date of pre-application conference  
City representative(s) present 8/30/06.
- b. Submittal date of preliminary application 11/28/06.
- c. Submittal date of completed application 3/16/07.
- d. Application is scheduled for a:
- |                          |                                  |                 |
|--------------------------|----------------------------------|-----------------|
| <input type="checkbox"/> | Planning Board Public Hearing on | <u>4/4/07.</u>  |
| <input type="checkbox"/> | Blueprint Denver Committee       | <u>4/25/07.</u> |
| <input type="checkbox"/> | Mayor-Council                    | <u>5/1/07.</u>  |
| <input type="checkbox"/> | First Reading                    | <u>5/7/07.</u>  |
| <input type="checkbox"/> | Second Public Hearing Posting    | <u>5/13/07.</u> |
| <input type="checkbox"/> | Second Reading/Public Hearing    | <u>6/4/07.</u>  |

## 2. DESCRIPTION OF PLANNED UNIT DEVELOPMENT (PUD)

The use of terms “Article” or “Section” refer to portions of the Revised Municipal Code of the City and County of Denver. It is required that the current terms and uses already defined in Section 59-2 of the Zoning Ordinance be used in describing this proposal. Terms like “retail” or “light industrial” require further definition. Gross floor area shall include interior balconies and mezzanines, but shall not include parking garages, any story of a building where at least seventy-five percent (75%) of that floor is occupied by mechanical equipment or any story where the ceiling is less than four (4) feet above grade. Attach additional sheets if necessary.

### a. MAXIMUM GROSS FLOOR AREA FOR EACH PROPOSED USE

	Use	Maximum Square Feet
A.	Multiple Unit Dwellings	41,500
B.		
C.		
D.		
	Total Square Feet	41,500

MAXIMUM FLOOR AREA RATIO (F.A.R) 0.69 : 1.

The floor area ratio is the ratio between the gross floor area of a building to the area of the zone lot on which the building is constructed. NOTE: Land area dedicated for public streets is not included in the area of the zone lot.

MAXIMUM NUMBER OF DWELLING UNITS: 22.

MAXIMUM NUMBER OF DWELLING UNITS PER ACRE 16.1 D.U./AC.

\*

**b. LAND COVERAGE BY BUILDINGS AND IMPERVIOUS SURFACES**

	<b>SQUARE FT</b>	<b>% OF SITE AREA</b>
Maximum area of building coverage (including garage(s) and all other accessory structures):	22,000	37%
Maximum area of drives and parking:	15,600	26%
Maximum area of other impervious surfaces:	11,800	20%
<b>MAXIMUM TOTAL OF BUILDING AND IMPERVIOUS SURFACES</b>	<b>49,400</b>	<b>83%</b>

\*

**c. LANDSCAPED AND/OR PERMEABLE AREAS**

	<b>SQUARE FEET</b>	<b>% OF SITE AREA.</b>
Minimum area of live or organic landscaped lot coverage:	7,882	13%
Approximate area of non-live material coverage (graveled or other areas with permeable surfaces):	2,250	4%
<b>MINIMUM TOTAL OF LANDSCAPED AND/OR PERMEABLE AREAS:</b>	<b>10,132</b>	<b>17%</b>

\*

**d. PROJECT AREA TOTALS (totals of “b” and “c” above)**

	<b>SQUARE FEET</b>
Building and impervious surfaces:	49,400
Landscaped and/or permeable areas:	10,132
<b>TOTAL SITE AREA: (This area must equal the site area listed on page 1)</b>	<b>59,532</b>

\*

**e. SETBACKS**

The minimum setbacks for buildings are shown on the District Plan.

North:	<u>5</u> feet		Front:	_____ feet
South:	<u>8</u> feet	OR	Rear:	_____ feet
East:	<u>5</u> feet		Side:	_____ feet
West:	<u>35</u> feet			

The minimum spacing between buildings shall be determined during the site plan review phase.

Permitted encroachments into the minimum setbacks for buildings shall conform to Section 59 – 120.b.(4) of the R-2 zone district.

***Section 59-120.b.(4): Permitted encroachment on setback space :***

- a. Belt courses, sills, lintels and pilasters may project eighteen (18) inches into front, rear and side setback spaces.*
- b. Cornices, eaves and gutters may project three (3) feet into front setback space, five (5) feet into rear setback space and thirty-six (36) inches into side setback space; provided, however, that if the side setback space is less than five (5) feet in width then such projection shall not exceed one-half the width of the side setback space.*
- c. Outside stairways may project five (5) feet into front setback space, ten (10) feet into rear setback space and three (3) feet into side setback space; access ramps for the handicapped may encroach into any required building setback space, providing no alternative location is available and providing the ramp construction is compatible with the character of the structure.*
- d. Unwalled porches, terraces and balconies may extend five (5) feet into front and rear setback spaces.*
- e. Chimneys not to exceed six (6) feet in width may project eighteen (18) inches into front, rear and side setback space.*
- f. Building accessories designed and intended to control light entering a building and being a permanent part of such building may project five (5) feet into front setback space, ten (10) feet into rear setback space and three (3) feet into side setback space. In the R-0, R-1, R-2 and R-2-B districts, projecting windows may not project into the setback spaces.*
- g. In the R-2-A district, building accessories designed and intended to control light entering a building and not being a permanent part of such building by being removable therefrom and by not being attached to a load-bearing member thereof, may project any distance into any setback space.*
- h. Any structure or part thereof which is below the grade of any setback space may project any distance into such setback space.*
- i. Gas and electric meters may project eighteen (18) inches into any setback space. Utility pedestals, transformers or other similar equipment excluding mechanical equipment may be installed in any setback area providing they do not exceed a height of three (3) feet.*
- j. Basketball goals on a fixed post may encroach any distance into the setback spaces.*
- k. Except in the R-2-A district, ground mounted air conditioning units or other similar mechanical equipment may be permitted in a required side or rear setback subject to administrative review and approval by the zoning administrator as provided in subsection 59-38(14).*

Official Parkway Setback requirements for this P.U.D. are: N/A feet for buildings and N/A feet for signs.

\*

**f. MAXIMUM HEIGHTS OF STRUCTURES**



The maximum height of structures shall be 3 stories which shall not exceed a total of, 38 feet at the peak of the roof and 28 feet along the eave of the main roof, 32 feet to the eave of the dormers.

NOTE: The height of a building shall be determined by the vertical distance from the highest point of a pitched roof or the top of parapet around a flat roof to the average elevation of the corners of the proposed building at the finished grade.

Rooftop features (such as turrets, solar collectors, antennas, chimneys, flues, vents and air conditioning equipment) may exceed the maximum height of structures by 6 feet.

Bulk plane restrictions ☒ shall ☐ shall not be required. If required, bulk plane restrictions shall conform to Section 59 - 312 of the RMU-20 zone district.

NOTE: Solar collectors and mechanical equipment are not exempted from bulk plane regulations!!

### **Section 59-312**

#### **(6) Bulk planes.**

1. *Ground-level point. The starting point for locating the bulk plane shall be the midpoint of the specific lot line adjoining the zone lot containing the single-or two-unit dwelling. The elevation of the ground at the midpoint shall be used as the first measuring point for the bulk plane. In case a retaining wall is located on the lot line, the midpoint elevation shall be taken from the base of the wall. The midpoint elevation shall be established prior to any grading or construction.*
2. *Above-ground horizontal line. The starting line for bulk planes shall be a horizontal line which is located directly above the lot line adjoining the zone lot containing the single-or two-unit dwelling and passes through a point twenty (20) feet above the midpoint elevation of such lot line.*
3. *Sloping plane. The bulk planes start at the horizontal lines described above and extend upwards over the zone lot at an angle of forty-five (45) degrees with respect to the horizontal (a pitch of one (1) foot additional rise for each foot additional setback).*

#### **g. OFF-STREET PARKING**

This project shall contain off-street parking spaces at the ratios shown in the following chart. If completed to the maximum floor area, the project shall contain a minimum of 44 off-street parking spaces. Parking for residential uses should be expressed in number of spaces per dwelling unit. NOTE: Any floor area utilized by a permitted use listed under 2.a. in a story where the ceiling is less than four (4) feet above grade shall be calculated into the off-street parking requirement.

NUMBER OF OFF-STREET PARKING SPACES PER  
DWELLING UNIT:

2

MINIMUM NUMBER OF OFF-STREET PARKING SPACES FOR PERSONS  
WITH DISABILITIES: 2.

\* The minimum size of a parking space for persons with disabilities shall be 8' wide x 18' long, or 16' long where curb a overhang exists, and be located adjacent to a minimum 5' wide accessible route.

\*\* Total number of parking spaces contained on the entire site will meet the above stated ratios. However, the distribution of parking spaces among dwelling units will be at the sole discretion of the property developer.

Does this P.U.D. comply with the use and maintenance requirements of Section 59-585(2)-(9)? Yes ☒ No ☐

Do the parking spaces and/or aisles in this P.U.D. comply with the requirements of Section 59-588, Chart No. 1? ☒ Yes ☐ No.

Parallel parking spaces are 8' x 22'-0"

### Section 59-588:

#### Off-Street Parking

#### Part A: Parking Lot Dimensions--Universal Sized Stall (8.5 feet × 17.5 feet)

TABLE INSET:

Parking Angle	Stall Length	Stall Width	Projection	Aisle	Module	Interlock Reduction	Overhang Allowance
	(A)	(B)	(C)	(D)	(E)	(F)	(G)
90°	17.5'	8.5'	17.5'	23.0'	58.0'	--	2.5'

*The dimensions from this chart shall be used only in controlled situations as approved by the zoning administrator. Such approval shall only be given where the owner/manager is able to: limit parking to employees or residents; determine which employee or resident, and what type of vehicle shall be allowed to park in specific parking spaces, and can enforce such restrictions. Small car stalls shall not exceed forty (40) percent of the total stalls provided.*

TABLE INSET:

Parking Angle	Stall Type	Stall Length	Stall Width	Vehicle Projection	Aisle	Typical Module	Interlock Reduction	Overhang
		(A)	(B)	(C)	(D)	(E)	(F)	(G)
0°	SC	18.0	7.5'	7.0'	10.0'	24.0'	--	2.0'

*(Ord. No. 361-03, § 5, 5-23-03)  
Secs. 59-589--59-595. Reserved.*

Will this project contain parking for bicycles? Yes ☒ No ☐ If yes, bicycle parking requirements shall be 3 bicycle spaces. Will these bicycle parking area(s) comply with the rules and regulations for dimensional and equipment standards of Section 59-582(e)? Yes ☒ No ☐. If not, bicycle parking fixtures and locations shall be approved by the City Bicycle Planner (720-865-2453).

**h. OFF-STREET LOADING**

This project contains 0 off-street loading space(s). Will this (these) space(s) conform with dimensions required in Section 59-599? Yes ☐ No ☐ If not, off-street loading space dimension requirements shall be: \_\_\_\_\_.

**i. SURFACE DRAINAGE**

The rules and regulations of the Wastewater Management Division will require certain design and construction considerations to control surface water runoff. Does the site contain a flood hazard area as identified by the Federal Emergency Management Agency? ☐ Yes ☒ No Does the site contain wetland areas? ☐ Yes ☒ No For assistance in answering these questions, contact the Wastewater Management Division at 303-446-3400.

**j. INTERIOR STREETS, DRIVES, PARKING AREAS AND PEDESTRIAN WALKWAYS**

Interior streets, drives, parking areas and pedestrian walkways within the P.U.D. district, if any, are shown on the District Plan for conceptual purposes and will be finalized at time of site plan review.

\*

**k. EASEMENTS**

Existing and/or proposed utility and/or access easements will be determined during site plan review phase.

\*

**l. LANDSCAPING AND BUFFERING**

All foliage shall be maintained in a healthy, growing and safe condition. NOTE: A detailed landscaped plan is required as a part of the site plan review phase after the rezoning is approved.

NUMBER OF EXISTING TREES: 8.

**MINIMUM NUMBER OF TREES TO BE PLANTED:**

A mix of trees and shrubs will be provided along the property lines to provide screening of this development from the adjacent residential structures, final locations to be determined during the site plan review phase. A minimum of 1 deciduous tree or evergreen tree and 6 shrubs for every 30 linear feet of shared property line with R-1 to be planted within a minimum 5' wide greenbelt.

13 street trees to be provided within the Colorado Boulevard public right of way at a spacing of 35' on center.

#### MINIMUM SIZE OF TREES AT TIME OF PLANTING:

Evergreens/Coniferous (height):. 6'.

Deciduous (caliper): 2 1/2".

Ornamental (caliper): 2".

MINIMUM SIZE OF CONTAINER AND HEIGHT AND/OR SPREAD REQUIREMENTS FOR PLANTED SHRUBS. 5 gallon

If street trees are proposed or required in the public right-of-way, such trees shall be installed in accordance with the requirements of the City Forester (303-964-2480). If street tree plantings are required within the right-of-way of a state highway, contact the Colorado Department of Transportation for approval (303-757-9930).

All foliage shall be maintained in a healthy, growing and safe condition.

Does the proposed P.U.D. comply with parking lot landscaping requirements of Section 59-585(11) Yes ☐ No ☒ N/A

#### FENCES AND/OR WALLS

A 6' high fence will be provided along the western and southern property lines screening the existing residential from the new development. Final material and specific location will be determined at time of site plan review.

The height of fences and/or walls which may be built within the P.U.D. district front setback space shall be a maximum of 3 feet.

Size and types of materials permitted for such fences and/or walls are shown on the District Plan. Fences and/or walls shall be either solid and view obscuring or open and view permitting. NOTE: Any fence heights exceeding the preceding requirements shall be subject to Section 59-38(11), Overheight Fences and Walls.

Will earthen berms or mounds be installed? Yes ☒ No ☐ Such earthen berms or mounds shall be landscaped and shown on the District Plan. The height of earthen berms or mounds shall be a maximum of 4 feet.

\*



**m. BOAT, CAMPER, TRAILER AND RECREATIONAL VEHICLE STORAGE**

Boat, camper, trailer and recreation vehicle storage ☒ is ☐ is not permitted on the property. All such storage facilities shall be shown on the District Plan.

\*shall be allowed only in private garages

**n. DEDICATIONS AND IMPROVEMENTS**

The owner understands that City ordinances and agency rules and regulations may require the dedication of additional street right-of-way and the construction of certain public improvements. The extent of any R.O.W. dedications and / or required public improvements will be determined at the time of site plan review.

**o. EXTERNAL EFFECTS**

Vibration, heat, glare, radiation and fumes shall be regulated by Section 59-135 of the R-2 zone district.

Reflective glass **may** be used.

\* Low 'E' type glass only, no "mirror" reflective glass.

Every use, unless expressly exempted, shall be operated within a completely enclosed structure. ☒ Yes ☐ No

\*

**p. NATURAL TERRAIN**

The existing grade of the site **will** be altered.

\*

**q. UTILITIES**

Describe where the utilities (public and private) serving the property are located.

Water: Colorado Boulevard

Wastewater: Colorado Boulevard

Natural Gas: Colorado Boulevard

Phone & Cable: runs north south along west property line

Electrical: runs north south along west property line

**r. SIGNS**

Location shall be determined during site plan review phase.

The project is regulated by the following:

Section 59-537, Signs permitted in all districts

Section 59-538, Sign area measurement

**s. OUTDOOR STORAGE OF PRODUCTS, MATERIALS OR SOLID WASTE**

Outdoor storage of products and/or materials ☐ is ☒ is not permitted. If permitted, what products and/or materials are allowed? \_\_\_\_\_.

Outdoor storage of solid waste **is** permitted. If permitted, fences for such outdoor storage areas shall be provided. Said fences shall be solid and shall be a minimum of 6 feet and a maximum of 8 feet in height.

NOTE: All outdoor storage areas must be shown on the District Plan.

\*Location of outdoor storage areas for solid waste will be finalized during site plan review.

**t. TRANSPORTATION**

The proposed development is anticipated to add approximately 135 trips per day average to the surrounding roadways. Refer to attached district plan for actual traffic counts.

**PUBLIC TRANSPORTATION**

The nearest bus stop is located: One half block north of the site adjacent to Colorado Boulevard.

**u. SCHOOLS**

Future school sites **will not** be dedicated as a part of this project.

\*

**v. HOME OCCUPATIONS**

Home occupations **are** permitted. If so permitted, home occupations shall conform to Section 59-89 of the R-2 zone district.

\*

**w. USES BY TEMPORARY PERMIT**

Uses by temporary permit are regulated by Section 59-86 of the R-2 zone district.

\*

**x. ACCESSORY USES**

Accessory uses are regulated by Section 59-87 of the R-2 zone district.

\*

**y. INTERIM USES**

Prior to the development of this project, the property will be used on an interim basis for the following uses within the existing buildings: Single Unit Dwelling. Such interim use shall not be considered a nonconforming use.

**z. PHASING**

This project may be developed in phases.

Will the project be developed in phases? ☒ Yes ☐ No If yes, specify the phasing and the improvements to be constructed in each phase. \_\_\_\_\_.

Anticipated starting date 9/2007.

Anticipated completion dates Phase I – 6/2008.

Phase II – 10/2008.

Phase III – 4/2009.

NOTE: A separate site plan review is required for all P.U.D.'s prior to obtaining zoning or building permits for construction. Contact the Zoning Administration (720-865-3000) for more details. This process may be started after the Planning Board hearing has been completed.

\*

**3. WRITTEN STATEMENT**

On an attached page a written statement is given generally describing:

- a. The proposed P.U.D. and the market which it is intended to serve.
- b. The proposed P.U.D. and its relationship to the Denver Comprehensive Plan.
- c. How, the proposed P.U.D. District is to relate to the character of the surrounding neighborhood.

**4. EXISTING CONDITIONS MAP**

The Existing Conditions Map is attached following the written statement described above.

**5. DISTRICT PLAN**

The District Plan is attached following the Existing Conditions Map.

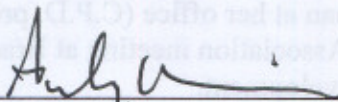
This application includes the attached architectural guidelines.

P.U.D at 3001, 3015, 3029, 3043 & 3071 South Colorado Boulevard  
(Address)

## 6. ACKNOWLEDGMENT

The applicant for this P.U.D. is the owner or owners of all the property contained within the proposed P.U.D. District or is the agent for the owner or owners of all the property contained within the proposed P.U.D. District. NOTE: Agents must supply proof of agency from the owner or owners of the property at the time of application.

The applicant understands that vested property rights shall be created ninety (90) days after the approval of this District Plan by the Denver City Council. These vested property rights shall remain vested for a period of three (3) years in accordance with Section 59-29.

  
Mr. Andy Klein  
Wellshire Development Partners, RLLLP



**City and Neighborhood Outreach**

1/27/05	Meeting with Councilwoman Peggy Lehman at her office.
1/25/06	Meeting with Councilwoman Peggy Lehman at her office.
2/15/06	Meeting with Zhixu Yuan (traffic coordinator) at his office.
6/20/06	Meeting with Doug Hendrixson at his office. (C.P.D. present)
6/30/06	Meeting with John Wacjtmer (President of Univ. Hills Assn.) at Core Compaines.
7/07/06	Meeting with Zoning Department
7/13/06	Meeting with Jules Armstrong and Dick Whitting (Southern Hills Assn.) at Wellshire Golf Course.
8/14/06	Presentation to neighbors at Wellshire Presbyterian Church (C.P.D. present).
9/12/06	Meeting with Councilwoman Peggy Lehman at her office (C.P.D. present).
10/12/06	Attended University Hills Neighborhood Association meeting at Bradley Elementary School to discuss proposed development.
10/23/06	Presentation to neighbors at Wellshire Presbyterian Church (C.P.D. present).
3/7/07	Meeting with Dick Davies and Charlie Pardons (Wellshire Neighborhood Organization)
3/20/07	Attended Wellshire Neighborhood Organization meeting at Ross – University Hills Library to discuss proposed development

**PUD SUMMARY SHEET**

**Application #** 4874  
**Address/Location** 3001, 3015, 3029, 3043 & 3071 S. Colorado Boulevard  
**Total Land Area** 1.36 Acres (59,532 square feet)

Permitted Uses	
Use A	Multiple Unit Dwellings
Use B	
Use C	

	Proposed Uses			
	Use A	Use B	Use C	Total
Maximum Gross Floor Area (sq. ft.)	41,500			
Floor Area Ratio (nonresidential uses)	0.69 : 1			
Maximum Number of Dwelling Units	22			
Density (dwelling units per acre)	16.1 DU/AC.			
Land Coverage				
Buildings:	22,000			
Drives and Parking:	15,600			
Other	11,800			
Parking				
Number of Spaces	44			
Ratios (spaces: gross floor area):	1 per 943 s.f.			
Landscaping				
Area of Live Landscaping (sq. ft.):	7,882			
Area of Non-Live Landscaping (sq.ft.):	2,250			

Building Setbacks					
North	5	Feet	Front		feet
South	8	Feet	Rear		feet
East	5	Feet	Side		feet
West	35	Feet			

Parkway Setbacks					
Buildings	N/A	Feet	Signs	N/A	feet
<b>Required Separation Between Buildings:</b>					feet
To be determined during site plan review.					
<b>Maximum Building Height</b>					
Stories	3	Feet	38 (roof peak) 28 (Townhouse eave) 32 (eave at roof dormer)		

NOTE: FOR COMPLETE PUD REQUIREMENTS, REFER TO APPLICATION # **4874**

### **3a. The proposed P.U.D. and the market which it is intended to serve.**

The proposed P.U.D. allows for the development of 22 residential units, situated on the corner of Cornell and Colorado Boulevard in the form of townhouses and flats. The flats will maintain the exterior appearance of townhomes but internally the living spaces will all be located on a single level. The buildings are grouped into clusters separated by landscaped passages, which create 4 distinct structures: this individuality allows the development to blend into the existing single family fabric of the neighborhood. The units will vary in size from 1000 square feet to 2400 square feet providing a variety of housing types not currently available in this neighborhood. All of the units are planned to be offered as for-sale product.

The market for this development will include:

- Neighbors who no longer desire single family detached homes but wish to remain in the area.
- Singles and couples who have other ties to the neighborhood but, prefer housing other than single family detached homes.
- Located near a bus stop providing connections to two light rail stations, this development will attract individuals working adjacent to the light rail corridor.

### **3b. The proposed P.U.D. and its relationship to the Denver Comprehensive Plan.**

The current site contains 5 single family residences, constructed in the 1940's, a time when Colorado Boulevard was a smaller, less traveled residential road, and the front yard provided residents with a pleasant outdoor space. Over time, Colorado Boulevard evolved into a 6 lane arterial road with increased traffic volume and higher vehicle speeds. This converted the front yard into an unpleasant landscape and changed the overall environment to one that is not conducive to single family residences. Blueprint Denver reinforces this conclusion by identifying the lots referenced in this application as an area of change which should contain "urban residential". The current R-1 zoning does not accommodate "urban residential", and other zoning classifications do not offer the adjacent areas of stability adequate protection or are not feasible for a site of this size. Thus, the proposed P.U.D. is the most appropriate zoning classification available for this site today.

The proposed P.U.D. would allow for a development containing a housing type more suitable to the close proximity of Colorado Boulevard, while retaining the residential character of the neighborhood. This is consistent with the objectives of the Denver Comprehensive Plan to "encourage development of housing that meets the increasingly diverse needs of Denver's present and future residents"

**3c. How the proposed P.U.D. District is to relate to the character of the surrounding neighborhood.**

The proposed P.U.D. is designed to allow for development that will accommodate the existing conditions of Colorado Boulevard while strengthening the adjacent residential neighborhood. The new development will create a first class front door to the neighborhood. The integration of traditional design elements and materials from the surrounding residential area allow the buildings to become part of the architectural fabric of the neighborhood. Front yards and active front doors are provided to offer an inviting atmosphere that is characteristic of the neighborhood, detached sidewalks along Colorado Boulevard and landscaping with street trees and shrubs, make the space pedestrian friendly. Private outdoor spaces for the townhouse units occur as interior courtyards offering residents privacy from Colorado Boulevard, while preserving the privacy of the existing residences. An area of open space is provided for larger gatherings and a community space.

The majority of the building height of the proposed development will be concentrated towards Colorado Boulevard to preserve the visual privacy of the existing adjacent neighbors while buffering sound from Colorado Boulevard. To ensure the new units are livable, the buildings will incorporate sound mitigation measures in the construction. These features are carried over to the flats building which is situated on the corner of Colorado Boulevard and Cornell Avenue. The incorporation of single level floor plans in the flats buildings allows for variety in unit pricing and floor plan configurations, while the individuality of the units is reinforced to integrate with the existing character of the neighborhood.

Each of the single family residences currently located on the site contain their own vehicular access points directly to Colorado Boulevard or Cornell Avenue. The proposed development allows for the introduction of a private, joint access drive off of Cornell, eliminating the need for multiple curb cuts off Colorado Boulevard which would improve the safety and traffic flow on this major street.



## **Architectural Design Guidelines**

### ***Context and Intent***

*The architectural styles and characteristics found in the immediately adjacent neighborhood as well as those found in the historical buildings and neighborhoods such as the Wellshire and Observatory Park should be studied when developing the architectural style of this development.*

*The introduction of higher density residential uses to the neighborhood poses a unique opportunity to provide the neighborhood with additional variety in their housing stock, and an attractive development more in keeping with the standards of the neighborhood.*

*The incorporation of design elements from the surrounding architectural fabric will ensure that the new development is compatible with the existing neighborhood while addressing the negative impacts of the existing conditions along Colorado Boulevard.*

*The following guidelines shall be followed to ensure the intent is incorporated in a fashion which will result in a new development that will strengthen the adjacent residential neighborhood.*

### **Massing and Site Planning**

The majority of the building height of the proposed development shall be concentrated towards Colorado Boulevard to assist in buffering traffic sounds. While accomplishing this, the visual privacy of the existing adjacent residential single family homes should be reasonably preserved through careful window placement, the use of courtyards, enclosed balconies, landscaping and reduced building height closer to the R-1 residential property lines. The buildings entries should be oriented towards Colorado Boulevard. Curb cuts shall be minimized. Care shall be taken to address the vehicular traffic and garage doors along the western property line to minimize the possible negative impact of noise and headlights on the neighboring residential.

The massing of structures near the intersection of Colorado Boulevard and Cornell Avenue may be larger than those in the remainder of the development. This will serve as a transition from the larger existing Wellshire Presbyterian Church to the town house structures along Colorado Boulevard.

The development shall be broken down into at least 3 buildings in order to reduce the overall mass of the project while strengthening the residential character of the neighborhood. Differentiation of exterior materials and colors between the individual buildings is acceptable as long as they complement the entire development. To further accentuate the individuality of the town homes, the façade should employ projections or recesses in building walls, variations in color, texture, materials, or patterning of surfaces, and changes in parapet heights, or roof elements. Similar methods shall be employed to break the mass down to a scale which is compatible with the neighborhood in terms of bay dimensions, eave heights, window patterns, entry features and similar elements. The primary entries to the buildings should face Colorado Boulevard or Cornell Avenue and contain clear pedestrian walkways to create a welcoming atmosphere.

### Pedestrian Environment

Attention shall be given to the pedestrian environment on the development site as well as immediately adjacent to it. The incorporation of landscaped outdoor areas for use by the residents will provide the development with amenities similar to the adjacent single family neighbors but in a form more suited to higher density housing. Pedestrian travel should be separated from vehicular traffic where feasible, allowing for pleasant pedestrian circulation throughout the development. Equally important is the separation between the residential entries and the public sidewalk along Colorado Boulevard or Cornell Avenue. Raising the entries to an elevation higher than the adjacent public sidewalk is required to create a transition from the public to private spaces. The project shall incorporate elements which allow for “eyes on the street” and neighbor interaction, such as porches, patios and balconies, is encouraged.

### Materials and Finishes

Building materials may vary and include multiple colors of brick, horizontally aligned siding, wood shingles, and pre-cast concrete. While the Cornell and Colorado Boulevard facades shall be the primary elevations, the materials selected for use on the remaining elevations shall relate appropriately to the adjacent buildings in terms of size and quality. The wall material used in the elevation must complement the architectural style, and at least 35% of the non-glazed area of the facades facing Colorado Boulevard and East Cornell Avenue shall contain brick. Where used the brick shall terminate at an inside corner to avoid the appearance of it being an applied material. The overall composition of the building shall provide a sense of a base, middle, and top. Windows shall follow a residential style of composition and proportion typical of the surrounding neighborhood. Residential scaled detailing is encouraged throughout, such as lintels, cornices, dormers, chimneys, and other architectural devices that enrich the vocabulary and add interest to the overall composition.

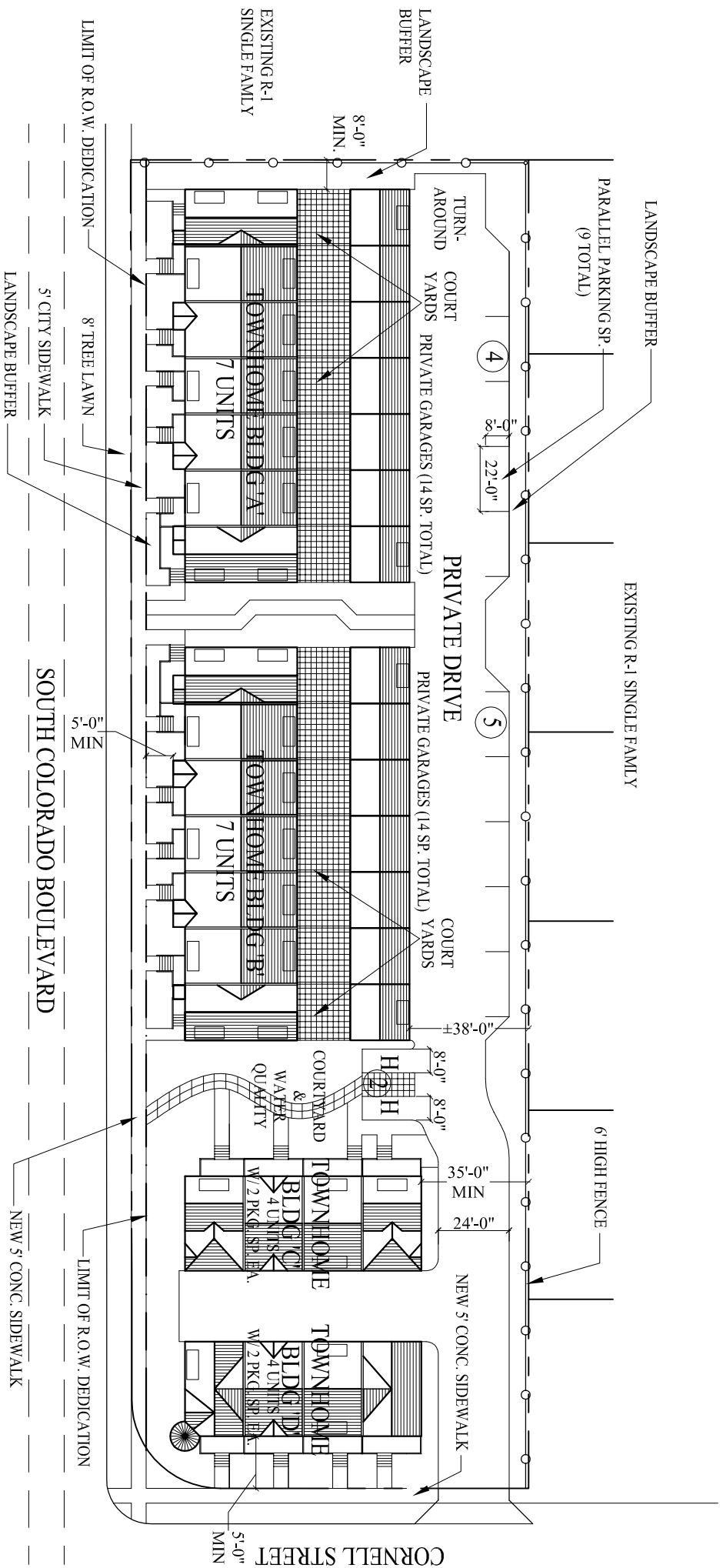
### Roof Elements

The predominant use of sloped roofs is encouraged as a response to the adjacent architectural context. The incorporation of dormers and secondary roof forms will further break up the mass and scale of the primary roof element. Materials selected for roofing shall relate to the adjacent residential context and be appropriate in scale to the town homes.

### Windows and Doors

To ensure well defined entries to each unit, entries shall be either recessed, projected, framed by architectural embellishments, or coupled with additional windows or sidelights to enhance the scale of the entryway and the sense of invitation. Colorado Boulevard elevations shall include placement of windows and doors to present a formal pedestrian oriented frontage to the Boulevard. Windows should follow a residential style of composition and proportion typical of the surrounding neighborhood.





CORE COMPANIES

THE MULHERN GROUP, LTD.

CORNELL & COLORADO BOULEVARD

DENVER, COLORADO

PROJECT NORTH

SCALE 1:50

DISTRICT PLAN





## OWNERSHIP INFORMATION SHEET

City and County of Denver  
Community Planning & Development - Zoning Administration  
201 W. Colfax Avenue, Dept. 205  
Phone: 720-865-3000 Fax: 720-865-3057

The Zoning Ordinance requires that applicants for rezoning provide current and complete ownership information to fulfill consent and notification requirements. If the property has multiple owners, a separate sheet must be completed for each individual owner or entity. Documentation of ownership interest, including but not limited to: copies of deeds, powers of attorney, and or corporate and partnership registrations with the Secretary of State may be required to verify ownership.

Application Number 4874 Property Address **3001, 3015, and 3009 South Colorado Blvd., Denver, CO 80222**

Owner's Name **Wellshire Development Partnership, RLLLP.**

Owner's Address **609 E. Speer Blvd., Suite 300, Denver, CO 80203**

**Note:** If the application is for rezoning to B-2, B-3, R-X or PUD and the applicant is not the property owner, this form must be accompanied by a power of attorney statement from the property owner.

Indicate as accurately as possible the form of interest in the property, and the amount held by the individual or entity listed as "owner" above.

☐ Fee title owner (has a deed of ownership)

☐ all

☒ Contract holder

☒ all

☐ a portion \_\_\_\_\_%

☐ Holder of a security interest

☐ all

☐ a portion \_\_\_\_\_%

List the names and addresses of all holders of deeds of trusts for the property, if any, and indicate which holders of deeds of trust are represented by the applicant in the space below.

**3001, 3015, and 3009 South Colorado Blvd, Denver, CO 80222**

**Held By Anthony Vergatos whose address is 2098 South Kenton Ct. Aurora CO 80014**

This is to certify that the owner or owners shown above in fact own all or a portion of the land and/or structures affected by this application.

Andy Klein 3/28/07

Andy Klein, Attorney-in-fact

Date





## OWNERSHIP INFORMATION SHEET

City and County of Denver  
Community Planning & Development - Zoning Administration  
201 W. Colfax Avenue, Dept. 205  
Phone: 720-865-3000 Fax: 720-865-3057

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Application Number 4874 Property Address **3043, and 3071 South Colorado Blvd., Denver, CO 80222**

Owner's Name **Wellshire Development Partnership, RLLLP.**

Owner's Address **609 E. Speer Blvd., Suite 300, Denver, CO 80203**

**Note:** If the application is for rezoning to B-2, B-3, R-X or PUD and the applicant is not the property owner, this form must be accompanied by a power of attorney statement from the property owner.

Indicate as accurately as possible the form of interest in the property, and the amount held by the individual or entity listed as "owner" above.

☒ Fee title owner (has a deed of ownership)

☒ all

☐ Contract holder

☐ all

☐ a portion \_\_\_\_\_%

☐ Holder of a security interest

☐ all

☐ a portion \_\_\_\_\_%

List the names and addresses of all holders of deeds of trusts for the property, if any, and indicate which holders of deeds of trust are represented by the applicant in the space below.

This is to certify that the owner or owners shown above in fact own all or a portion of the land and/or structures affected by this application.

Andy Klein

3/28/07

Andy Klein

Date

## LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

THAT Anthony S. Vergatos and Family, Inc., a Colorado corporation (the "Principal"), having an address of c/o Kathy Papadimitropoulos, 2098 S. Kenton Court, Aurora, Colorado 80014, as record owner of the real property described on **Exhibit A** hereto (the "Property"), do make, constitute and appoint Wellshire Development Partnership, RLLLP, a Colorado registered limited liability limited partnership ("Attorney") as its authorized agent and attorney with full power and authority (except the power of substitution) to do and perform every lawful act and thing the said agent and attorney may deem requisite and necessary to be done for and on behalf of Principal in connection with: (a) the rezoning and replatting only of the real property located in the City and County of Denver, as more particularly described on **Exhibit A** attached hereto and incorporated herein by this reference; and (b) the execution and delivery of any and all documents, applications, forms, plans, agreements, consents and/or other writings as may be necessary or incidental to the exercise of the powers granted in subparagraph (a) above.

Said attorney-in-fact is hereby authorized and empowered, in the name of and on behalf of Principal, to execute and deliver any and all documents and to take or cause to be taken any and all such other actions as it shall deem necessary or appropriate in connection with the above purposes and transactions.

1. Durability. This Power of Attorney shall not be affected by any disability, death, incompetence, or incapacity which Principal may suffer at any future time or times, whether or not the same shall be adjudicated by any court, it being Principal's intent that the authorizations and powers granted herein shall remain exercisable notwithstanding any such subsequent occurrence.

2. Governing Law. This Power of Attorney shall be governed by the laws of the State of Colorado in all respects, including its validity, construction, interpretation and termination.

3. Limited or Special Power. This Power of Attorney is limited and special in nature and shall not, in any way, be construed as a General Power of Attorney granted by Principal. Attorney shall not have the authority: (a) to execute or alter any deed, lease, conveyance or encumbrance with respect to the Property; (b) to alter the zoning, platting or permitted uses of the Property with any governmental entity which would cause single family homes, including but not only the existing three (3) single family homes, to be a nonconforming use; (c) to make any changes to the title to the Property; (d) to make any physical alterations or changes to the Property or the improvements thereon, except for the posting of necessary sign for Attorney's proposed zoning changes; or (e) to incur any cost, expense, obligation or liability for or on behalf of the Principal.

4. Termination. This Power of Attorney shall not be affected by the death or disability of Principal, but shall be terminated on the earliest to occur of (a) written revocation or (b) July 31, 2007.



5. Recording. This Power of Attorney may be recorded in the real property records of the City and County of Denver.

6. Copies. Attorney will provide Principal with copies of all applications and filings to be made with the City and County of Denver at least three (3) days before filing.

The following is the specimen signature of Attorney, who is authorized to act on my behalf pursuant to this Power of Attorney.

Wellshire Development Partnership, RLLLP

By: Core Development Group, Inc.

By: [Signature]  
Name: Andy Klein  
Title: President  
SPECIMEN SIGNATURE

IN WITNESS WHEREOF, I have made this Power of Attorney as of the 23<sup>rd</sup> day of March, 2007.

PRINCIPAL

Anthony S. Vergatos and Family, Inc., a Colorado corporation

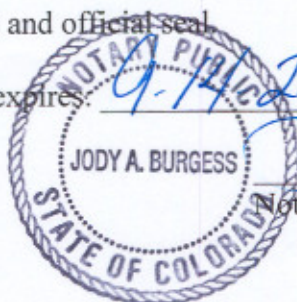
By: Kathy Papadimitropoulos  
Name: Kathy Papadimitropoulos  
Title: president

STATE OF COLORADO )  
) ss:  
CITY AND COUNTY OF DENVER)

The foregoing Power of Attorney was acknowledged before me this 23<sup>rd</sup> day of March, 2007 by Kathy Papadimitropoulos as president of Anthony S. Vergatos and Family, Inc., a Colorado corporation.

Witness my hand and official seal

My commission expires: 9-14-2009



Jody A. Burgess  
Notary Public

## **EXHIBIT A**

### **Legal Description of the Property**

Lots 12, 13 and 14,  
Block 13,  
Wellshire Heights,  
City and County of Denver  
State of Colorado

**From:** Lucero, Theresa L. - Community Planning and Development  
**To:** [Black, Kendra A. - City Council](#)  
**Subject:** FW: 3015 S Colorado Bl rezoning  
**Date:** Tuesday, June 21, 2016 8:20:00 AM

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-----Original Message-----

From: Boris Klein [<mailto:boklein@gmail.com>]  
Sent: Friday, June 17, 2016 8:36 AM  
To: Lucero, Theresa L. - Community Planning and Development <[Theresa.Lucero@denvergov.org](mailto:Theresa.Lucero@denvergov.org)>  
Subject: RE: 3015 S Colorado Bl rezoning

Hi, Theresa

I have received your letter regarding rezoning 3015 S Colorado Bl. It does make sense to rezone. It does not make sense to be dependent on the other adjacent houses.

Thank you



September 5, 2016

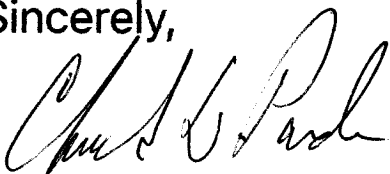
Theresa Lucero  
Senior Planner  
Denver Planning Department

Subject: Case #2015I-00102

To: Theresa Lucero & Denver Planning Board

As President of the Wellshire Home Owners Association, I wish to express our support of the proposed zoning change detailed in the subject Case #2015I-00102. We are in favor of changing the current PUD #601 zoning to S-TH-2.5. We feel this is an appropriate zoning designation for this section of Colorado Blvd bordering our neighborhood.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles Parden", written in a cursive style.

Charles Parden  
President, Wellshire Home Owners Association  
720-979-4437  
Charles.parden@yahoo.com

**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	20151-00102
Location	3990 E. CORNELL AVE, <sup>3015, 3029, 3043</sup> + 3071 S. COLORADO BLVD
Registered Neighborhood Organization Name	WELLSHIRE HOME OWNERS ASSOC.
Registered Contact Name	CHARLES PARDEN
Contact Address	2830 S. MONROE ST
Contact E-Mail Address	CHARLES.PARDEN@YAHOO.COM
Date Submitted	9-5-2016

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

was held on MAY 19, 2016, with 17 members in attendance.

With a total of            members voting,

17 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 17 members voting in aggregate:

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

SHOULD APPROVE Application # 20151-00102.

Comments:

WE BELIEVE THIS APPLICATION FOR S-TH-2.5  
IS A SUITABLE ZONING FOR THIS SECTION  
OF S. COLORADO BLVD.