

TO: Denver City Council
FROM: Theresa Lucero, Senior City Planner
DATE: April 19, 2018
RE: Official Zoning Map Amendment Application #2017I-00066

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for application #2017I-00066.

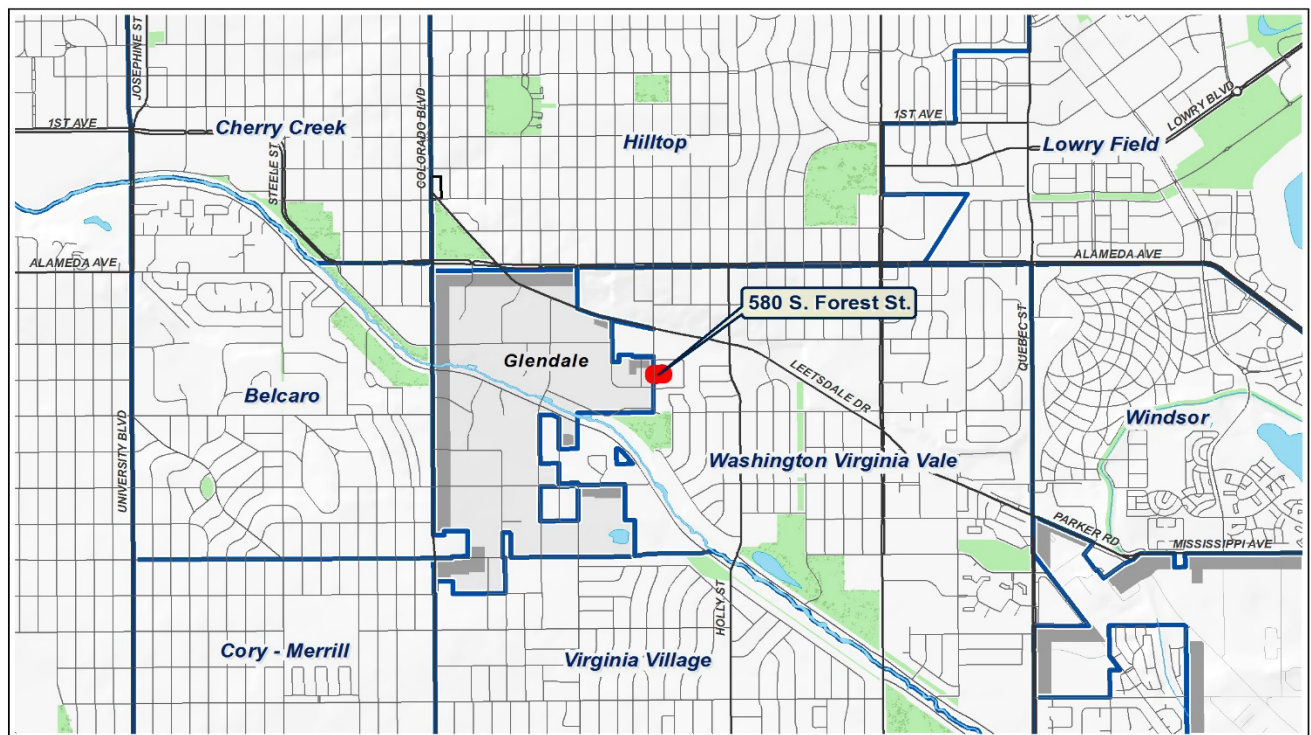
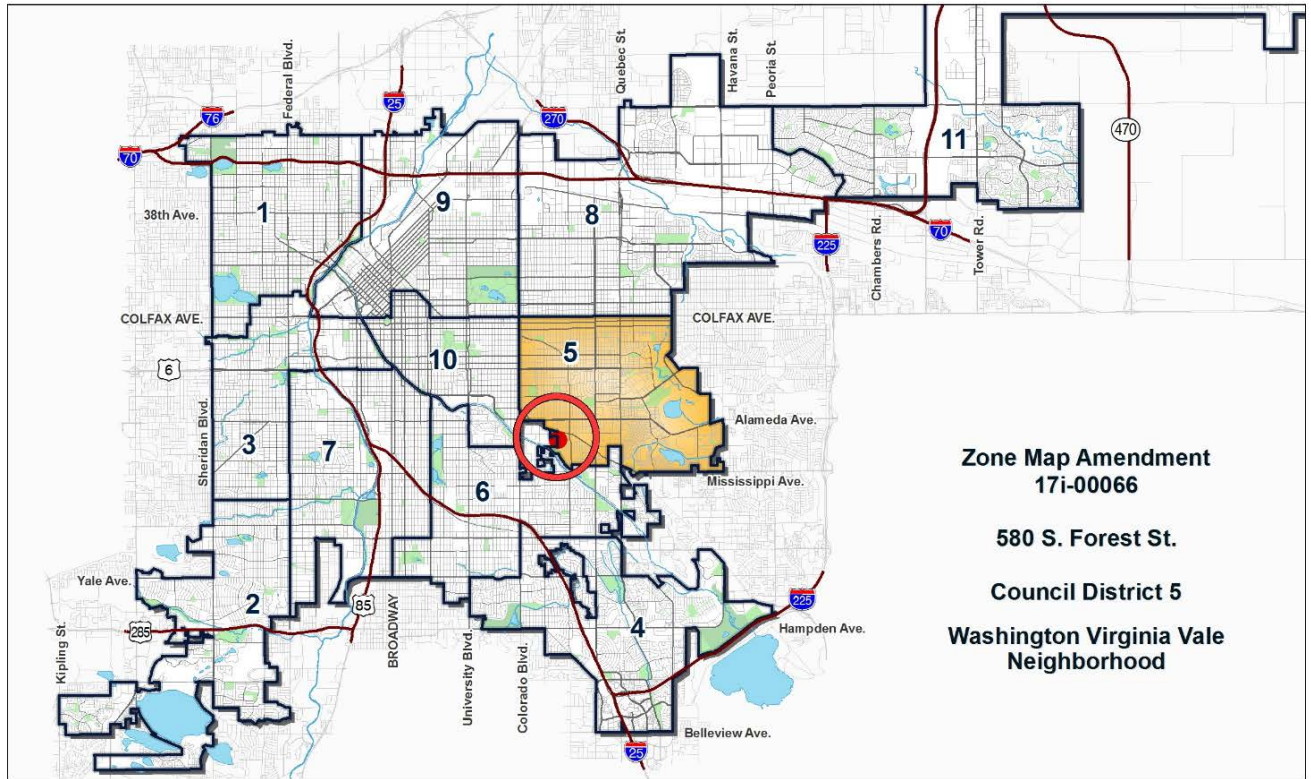
Request for Rezoning

Application:	#2017I-00066
Address:	580 South Forest Street
Neighborhood/Council District:	Washington Virginia Vale / City Council District 5
RNOs:	Virginia Vale Community Association; Denver Neighborhood Association, Inc.; Inter-Neighborhood Cooperation
Area of Property:	6,833 SF, 0.16 Acres
Current Zoning:	S-SU-D
Proposed Zoning:	S-MU-3
Applicant/Owner:	Carl Jenkins

Summary of Rezoning Request

- The subject property contains a one-story single-family structure built in 1935. The property is located on the City boundary with the City of Glendale and is one block north of Four Mile Historic Park. The requested map amendment is being sought to allow the property owner to demolish the existing structure and develop a multi-unit structure.
- The **S-MU-3**, **S**uburban, **M**ulti-unit, **3**-story (40 feet maximum building height), zone district is intended for use in the Suburban Neighborhood Context which 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 Duplex or Town House and occasional mid- and high-rise Apartment building forms. The block patterns in the Suburban Neighborhood Context are irregular and shaped by curvilinear streets and modified grid streets. The S-MU-3 zone district is a multi-unit zone district intended to promote desirable residential areas with multiple building forms on a single lot. In the S-MU-3 zone district the Suburban House, Duplex, Town House and Apartment building forms are allowed primary building forms. Further details of the zone district can be found in Article 3 of the Denver Zoning Code.

General Location





1. Existing Context

The subject property is on the boundary between Denver and Glendale. In the general vicinity are:

- Leetsdale Drive, 1 1/2 block north,
- East Alameda Avenue, 3 blocks north,
- Four Mile Historic Park and Cherry Creek, 1 block south,
- Holly Street, 2 blocks east,
- George Washington High School, 8 blocks east,
- Glendale's Mir Park, 1 block west and
- Colorado Boulevard, about 10 blocks west.

The subject property is surrounded on all sides by 3-story multi-unit residential uses, as well as office, commercial and mixed-use land uses on Leetsdale Drive to the north. Area building heights range from 14 feet for single-family residences to 45 feet for multi-unit residential buildings.

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	S-SU-D	Single-family Residence	1-story Structure	Modified grid street patterns with some alleys and attached sidewalks. Mixed pattern of rectilinear and irregular shaped blocks.
North	PUD 24	Multi-unit Residential	3-story Structures	
South	PUD 24	Multi-unit Residential	3-story Structures	
West	Urban Neighborhood PUD (Glendale)	Multi-unit Residential	3-story Structures	
East	PUD 24	Multi-unit Residential	3-story Structures	

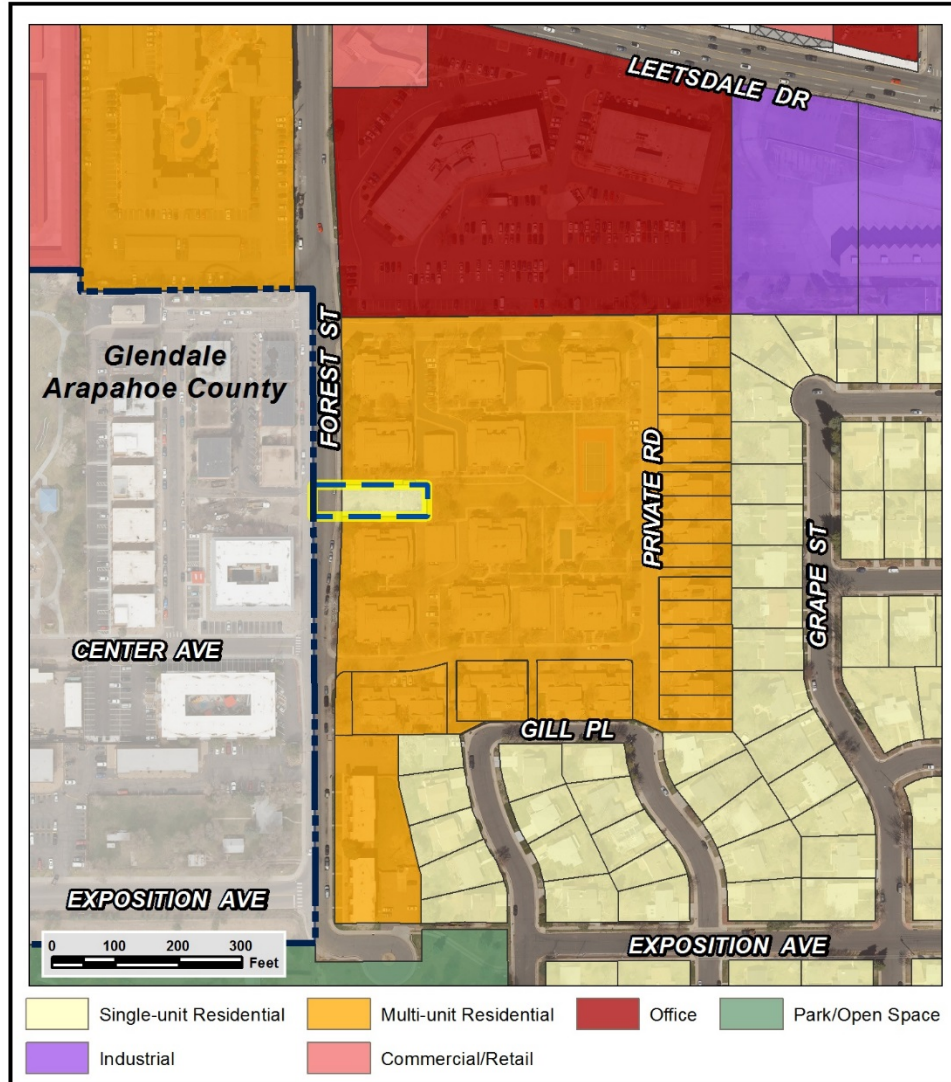
2. Existing Zoning



The current zoning of the subject property S-SU-D, in which the Suburban House is the only allowed building form. The maximum allowed height is 30 to 35 feet based on zone lot width and the minimum zone lot size is 6,000 square feet.

Surrounding the subject property on three sides, PUD 24 allows 120 condominium units and 27 townhome units with maximum allowed heights of 35 feet and 30 feet, respectively.

3. Existing Land Use



4. Existing Building Form and Scale



Summary of City Agency Referral Comments

This rezoning has been reviewed concurrently within the context of the Denver Zoning Code and other applicable City Codes as utilized by the referral agencies listed below.

Asset Management: Approved – No Comments.

Environmental Health: Approved with the following comments: Notes. The Denver Department of Environmental Health (DEH) is not aware of potential environmental concerns in the project area that should be considered and concurs with the rezoning request.

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.

Public Works – City Surveyor: Approved.

Public Review Process

	Date
CPD informational notice of receipt of the rezoning application to all affected members of City Council and Registered Neighborhood Organizations:	10/20/17
Property legally posted for a period of 15 days and CPD written notice of the Planning Board public hearing sent to all affected members of City Council and Registered Neighborhood Organizations:	02/05/18
Planning Board recommended approval by a unanimous vote (10-0) at the public hearing:	02/21/18
CPD written notice of the Land Use, Transportation and Infrastructure Committee meeting sent to all affected members of City Council and Registered Neighborhood Organizations, at least ten working days before the meeting:	02/27/18
Land Use, Transportation and Infrastructure Committee of the City Council:	03/13/18
Property legally posted for a period of 21 days and CPD written notice of the City Council public hearing sent to all affected members of City Council and Registered Neighborhood Organizations:	04/01/18 (tentative)
City Council Public Hearing:	04/23/18 (tentative)

To date, staff has received four comment letters. The first letter was from the Virginia Vale Community Association. Association members took no formal position but expressed that after sharing the rezoning request and project concept with its members, 50 members supported, and 2 members opposed the project. A second letter from the Board of Directors of Four Mile Historic Park, Inc. expressed that its members voted a position of “no objection” to the rezoning. The third letter is a letter of opposition from a couple who own two condominiums in the development surrounding the property, and oppose the proposed three-story height, but would not oppose a two-story structure. The final letter is a letter of support from the Four Mile Village Condominium Association. The Association and the applicant entered mediation at the request of CPD staff. The letter from the Association expresses support for an agreement reached through mediation. In the agreement, the total number of units on the property is limited to four at a height of about

30 feet, each unit will have a 2-car garage and the new units will have generous setbacks and landscaping. The letters are attached to this 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 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 criteria for review of this rezoning application include conformance with adopted regulations, and with the Comprehensive Plan and applicable supplements. Applicable documents are:

- *Denver Comprehensive Plan 2000*
- *Blueprint Denver (2002)*

Denver Comprehensive Plan 2000

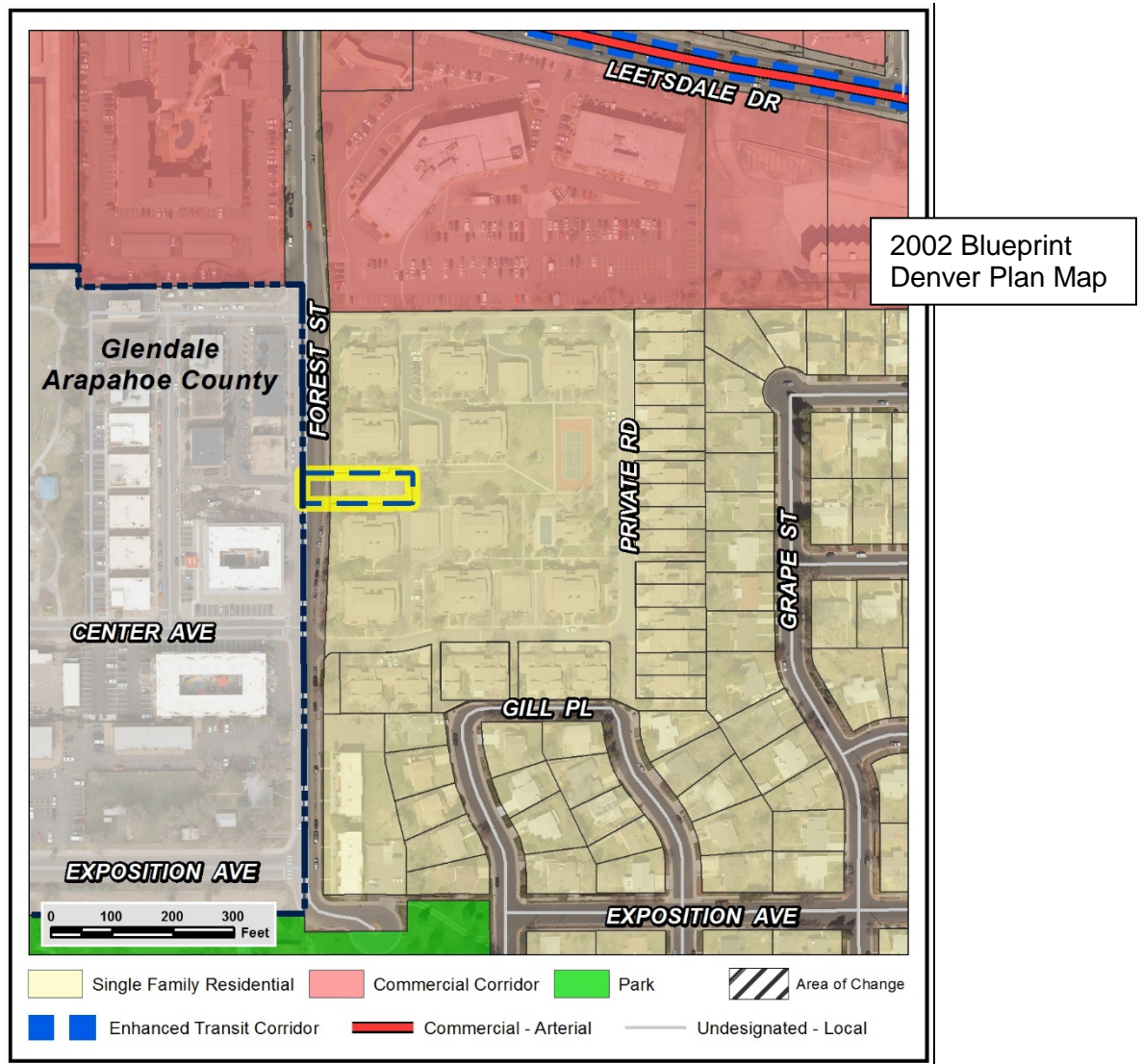
The proposal is consistent with and positively addresses many Denver Comprehensive Plan strategies, including:

- Land Use Strategy 1-H to “*Encourage development of housing that meets the increasingly diverse needs of Denver’s present and future residents in the Citywide Land Use and Transportation Plan*” (p. 58).
- Land Use Strategy 3-B to “*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 2-A “*Establish development standards to encourage positive change and diversity while protecting Denver’s traditional character*” (p. 98).
- Legacies Strategy 3-A to “*Identify areas in which increased density and new uses are desirable and can be accommodated*” (p. 99).
- Housing Objective 1 “*Support Housing Development. Ensure that City policies and procedures promote housing development and do not add unnecessary costs*” (p. 113).

The proposed map amendment will enable the development of multi-unit residential development that is in character with the surrounding multi-unit properties. With the redevelopment, the new structure will be limited to the same building heights allowed in the surrounding PUD, keeping the redevelopment at the same scale as the surrounding properties. The rezoning is consistent with the Comprehensive Plan policies that encourage development that is consistent with the character of the neighborhood, but offers increased density. The S-MU-3 zone district will allow multi-unit residential development that is in character with the surrounding development.

Blueprint Denver

Blueprint Denver, the City's Land Use and Transportation Plan, identifies the subject property as being within an Area of Stability with a land use recommendation of Single Family Residential.



Future Land Use

The Single Family Residential land use concept is described in Blueprint Denver as areas where “single-family homes are the predominate residential type... and the employment base is significantly smaller than the housing base” (p. 42). “There is a mixture of housing types, including single-family houses, duplexes, townhouses and small apartment buildings” (p. 42). “A city should contain neighborhoods that offer a variety of housing types, as well as complementary land-use types such as stores, parks and schools that provide the basic

needs of nearby residents...Neighborhoods are primarily residential but vary in density, size and adjacency of non-residential uses” (p. 41).

The existing land uses immediately surrounding the subject property are uniformly multi-family residential land uses. Although the proposed zone district allows more than just single-unit residential uses, its limited application in an enclave of a surrounding area already zoned for multi-unit residential uses will not affect the overall character of the Single Family Residential designated area of Virginia Village. Rather, the proposal will add additional multi-unit development to an area of the neighborhood already containing multi-unit development. This is consistent with the Blueprint concept of single-family areas containing a variety of housing types. Additionally, the boundaries of the land use building blocks provided in the plan are not fixed; some areas are in a state of transition. Given that Blueprint Denver is a citywide plan, the request is generally consistent with Blueprint Denver’s land use building block recommendations. The S-MU-3 zone district will ensure that the scale of the redevelopment and the allowed land uses are compatible with the existing neighborhood.

Area of Change / Area of Stability

As noted, the subject site is in an Area of Stability. These are areas where “*preserving and revitalizing neighborhood character is the prevailing concern...Limiting overall development in the Areas of Stability helps achieve many growth management goals, while preserving the valued quality of life that is characteristic of Denver’s neighborhoods*” (p. 23-25). The zoning standards within the S-MU-3 zone district will allow reinvestment in the property, they will limit new development to a compatible scale with the surrounding properties, and they will allow land uses like those existing uses in the neighborhood.

Street Classifications

The subject property is on South Forest Street, an Undesignated Local Street. These street types “*are tailored more to providing local access*” (p. 51). The S-MU-3 zone district standards are geared toward lower-scaled, less intense multi-unit residential land uses within neighborhoods. This is consistent with the street types surrounding the subject property.

- 2. Uniformity of District Regulations and Restrictions:** Rezoning the site to S-MU-3 will further the uniform application of district regulations in the City. The same regulations will apply to the subject site as to all other areas zoned S-MU-3 in the city.
- 3. Public Health, Safety and General Welfare:** The proposed official map amendment furthers the public health, safety, and general welfare of the City primarily by allowing the redevelopment of the property that is in character with the neighborhood in scale and intensity, and by supporting reinvestment in the existing neighborhood.
- 4. Justifying Circumstances**

The applicable justifying circumstance is that the land or its surrounding environs has changed 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. The applicant cites the changed character of the immediate area surrounding the subject property as the changed conditions for the proposed map amendment. While the subject property remained a single-family structure, on all sides of the subject property, multi-unit development was built. In addition

to recognizing these changed conditions, recent new commercial and mixed-use development along Leetsdale Drive, in the City of Glendale and in Lowry also has changed the character of the area with new civic, residential and commercial land uses. Recognizing the changed character of the area is an appropriate changed circumstance.

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

The fifth review criterion in the Denver Zoning Code is that the proposed official map amendment must be consistent with the descriptions of the applicable neighborhood context, and with the stated purpose and intent of the proposed zone district. Overall, the proposed map amendment is consistent with the Suburban Neighborhood Context. The Denver Zoning Code describes the Suburban Context which 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 Duplex or Town House and occasional mid- and high-rise Apartment building forms. The block patterns in the Suburban Context are irregular and shaped by curvilinear streets and modified grid streets.

The Suburban residential zone districts are intended to “*promote and protect residential neighborhoods within the character of the Suburban Neighborhood Context. The standards of the townhouse and multi-unit districts promote existing and future patterns of multiple building forms on a single lot. These building forms include duplex, townhouse and apartments and are typically organized around common open space and parking areas with in internal circulation system...These regulations are also intended to reinforce desired development patterns in existing neighborhoods while accommodating reinvestments.*” The S-MU-3 zone district is a multi-unit zone district intended to promote desirable residential areas with multiple building forms on a single lot. In the S-MU-3 zone district the Suburban House, Duplex, Town House, Garden Court and Apartment building forms are allowed primary building forms.

The proposed map amendment is consistent with the multi-unit residential described in the Suburban Neighborhood Context. The proposed development will be limited to a moderate scale, will contain multiple structures on the zone lot and will be separated from single-unit residential. The proposed multi-unit development will have the same character as existing surrounding development. The S-MU-3 zone district is consistent with both the general and specific purpose and intent of the Suburban Context and the S-MU-3 zone district description.

Attachments:

1. Application
2. Legal Description
3. Comment letters (4)



Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	Carl Jenkins	Representative Name	
Address	172 S. Forest Street	Address	
City, State, Zip	Denver, Colorado 80246	City, State, Zip	
Telephone	303.524.0435	Telephone	
Email	carl.jenkins@fticonsulting.com	Email	
<p>*If More Than One Property Owner: All standard zone map amendment applications shall be initiated by all the owners of at least 51% of the total area of the zone lots subject to the rezoning application, or their representatives authorized in writing to do so. See page 3.</p>		<p>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</p>	
<p>Please attach Proof of Ownership acceptable to the Manager for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed or deed of trust, or (c) Title policy or commitment dated no earlier than 60 days prior to application date.</p> <p>If the owner is a corporate entity, proof of authorization for an individual to sign on behalf of the organization is required. This can include board resolutions authorizing the signer, bylaws, a Statement of Authority, or other legal documents as approved by the City Attorney's Office.</p>			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):	580 S. Forest Street		
Assessor's Parcel Numbers:	0618100026000		
Area in Acres or Square Feet:	6,833 SF		
Current Zone District(s):	S-SU-D		
PROPOSAL			
Proposed Zone District:	S-MU-3		

REVIEW CRITERIA

<p>General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.7</p>	<p><input checked="" 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.</p> <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> <p><input checked="" type="checkbox"/> Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.</p> <p><input checked="" type="checkbox"/> Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</p>
<p>Additional Review Criteria for Non-Legislative Rezoning: The proposal must comply with both of the additional review criteria DZC Sec. 12.4.10.8</p>	<p>Justifying Circumstances - One of the following circumstances exists:</p> <p><input type="checkbox"/> The existing zoning of the land was the result of an error.</p> <p><input type="checkbox"/> The existing zoning of the land was based on a mistake of fact.</p> <p><input type="checkbox"/> The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage.</p> <p><input checked="" 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.</p> <p><input type="checkbox"/> It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (Overlay Zone Districts), of this Code.</p> <p>Please provide an attachment describing the justifying circumstance.</p> <p><input checked="" 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.</p> <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)
- Individual Authorization to Sign on Behalf of a Corporate Entity

Please list any additional attachments:

Letters from the Virginia Vale Community Association and Four Mile Historic Park



REZONING GUIDE

Rezoning Application Page 3 of 3

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

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

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed or deed of trust, (C) title policy or commitment, or (D) other as approved	Has the owner authorized a representative in writing? (YES/NO)
EXAMPLE John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/01/12	(A)	YES
Carl Jenkins	580 S. Forest St. Denver, Colorado 80246 303.524.0435 carl.jenkins@fticonsulting.com	100%	<i>Carl Jenkins</i>	09/29/17	(B)	NO

Last updated: February 22, 2017

Return completed form to rezoning@denvergov.org

201 W. Colfax Ave., Dept. 205
Denver, CO 80202
720-865-2974 • rezoning@denvergov.org

LEGAL DESCRIPTION FOR 580 S. FOREST STREET FOR REZONING PURPOSES

THAT PART OF PLOT 3, BOOTH'S SUBDIVISION, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT 15 FEET NORTH OF THE SOUTHWEST CORNER OF SAID PLOT 3; THENCE NORTH
50 FEET; THENCE EAST 150 FEET; THENCE SOUTH 50 FEET; THENCE WEST 150 FEET TO THE POINT OF
BEGINNING; EXCEPT THAT PORTION CONVEYED TO THE CITY IN DEED RECORDED MARCH 12, 1982 IN
BOOK 2548 AT PAGE 697, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

Exhibit "A"

THAT PART OF PLOT 3, BOOTH'S SUBDIVISION, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 15 FEET NORTH OF THE SOUTHWEST CORNER OF SAID PLOT 3; THENCE NORTH 50 FEET; THENCE EAST 150 FEET; THENCE SOUTH 50 FEET; THENCE WEST 150 FEET TO THE POINT OF BEGINNING; EXCEPT THAT PORTION CONVEYED TO THE CITY IN DEED RECORDED MARCH 12, 1982 IN BOOK 2548 AT PAGE 697, CITY AND COUNTY OF DENVER, STATE OF COLORADO,

TOGETHER WITH THAT PART OF PLOT 3, BOOTH'S SUBDIVISION, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 65 FEET NORTH AND THEN 95 FEET EAST OF THE SOUTHWEST CORNER OF SAID PLOT 3; THENCE NORTH 7 FEET; THENCE EAST 19 FEET 1 INCH; THENCE SOUTH 7 FEET; THENCE WEST 19 FEET 1 INCH TO THE POINT OF BEGINNING; EXCEPT THAT PORTION CONVEYED TO THE CITY OF DENVER IN DEED RECORDED MARCH 12, 1982 IN BOOK 2548 AT PAGE 697, ACCORDING TO THE DECREE RECORDED SEPTEMBER 23, 1988 AT RECEPTION NO. 8800313640, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

EXHIBIT "B"

6. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to the water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.

7. Taxes for the current year, including all taxes now or heretofore assessed, not yet due or payable.

8. Encroachment of a fence unto the property to the south of the subject property according to the Improvement Location Certificate by Colorado Engineering & Surveying, Inc., dated March 16, 2017, Job No. 2017-1175.

9. Terms, conditions, provisions, and obligations, if any, as contained in the Decree recorded September 23, 1988 at Reception No. 8800313640.

OTTENJOHNSON
ROBINSON NEFF + RAGONETTI_{PC}

September 29, 2017

CORY M. RUTZ
303 575 7531
CRUTZ@OTTENJOHNSON.COM

Community Planning & Development (CPD)
City and County of Denver
201 W. Colfax Ave., 2nd Floor
Denver, Colorado 80202

Re: Application Potential Rezoning of 580 S. Forest Street

Dear Community Planning & Development:

This firm represents Carl Jenkins, who resides at 172 S. Forest Street, with respect to his real property located at 580 S. Forest Street (the “**Property**”) in the City and County of Denver, Colorado (the “**City**”). Mr. Jenkins recently purchased the Property, and, as discussed during our pre-application meeting with the City on May 17, 2017 (the “**Pre-Application Meeting**”), desires to rezone the Property from its current S-SU-D zoning designation to the Suburban Mixed-Use 3 zone district (“**S-MU-3**”) under the Denver Zoning Code (the “**Code**”).

Following the Pre-Application Meeting, Mr. Jenkins has met with various registered neighborhood organizations and other community groups to discuss the proposed rezoning. Letters of support (or no opposition) from the Four Mile Historic Park and the Virginia Vale Community Association are submitted with this application.

Criteria for Rezoning

Pursuant to the Denver Zoning Code, applications for rezoning must meet all of the “general review criteria” set forth in Section 12.4.10.7 as well as (i) at least one of the “justifying circumstances” of the first group of “additional review criteria” set forth in Section 12.4.10.8.A, and (ii) the general additional review standard set forth in Section 12.4.10.8.B. The proposed rezoning to S-MU-3 meets these required review criteria as follows:

General Review Criteria: 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.

The Property is designated as “Single Family Residential” and an “Area of Stability” under Blueprint Denver. *Blueprint Denver*, The Plan Map. The same designation applies to several of the other properties in the vicinity of the Property, including the entirety of the block bounded by South Forest Street, East Custer Place, South Glencoe Street and East Center Avenue (with the exception of the Property), which was redeveloped in the early 1980s and now contains a multi-family residential community consisting of nine, three-story, multi-unit

buildings, several independent parking structures, and a community clubhouse with a swimming pool and tennis court (collectively, the “**Condominium Complex**”). The approximately 13 townhome dwelling units located along the east side of South Glencoe Street and the south side of East Center Avenue (the “**Townhomes**”), as well as the three-story apartment complex consisting of two buildings located directly south of the Townhomes on South Forest Street (the “**Denver Apartments**”), are both similarly designated Single Family Residential under Blueprint Denver.

Each of these neighboring properties consists of multi-family residential buildings established prior to the adoption of Blueprint Denver in 2002, suggesting that the existing improvements are consistent with the “Single Family Residential” and “Area of Stability” designations under Blueprint Denver. The zoning designations for these neighboring properties are similarly consistent with the adopted plans. The Denver Apartments are zoned S-MU-3. Both the Condominium Complex and the Townhomes are subject to a Planned Unit Development (“**PUD**”) zone district adopted pursuant to Former Chapter 59 of the Denver Revised Municipal Code, which expressly permits condominiums and townhomes of up to 35 feet and 30 feet in height, respectively. Because the Condominium Complex and Townhomes were zoned PUD, they were not subject to the City-wide rezoning in 2010. However, it seems likely that, but for its PUD designation, the S-MU-3 zone district would have been the appropriate zone district for the Condominium Complex and Townhomes, in which event the Property would have been surrounded by the S-MU-3 district on three sides. It follows that the S-MU-3 zone district, as well as the types of uses and structures permitted under the S-MU-3 zone district (which are substantially similar to those permitted under the PUD applicable to the Condominium Complex and the Duplex, in any event), is consistent with the Single Family Residential and Area of Stability designations under adopted plans.

Additional support for this finding of consistency with adopted plans comes from Blueprint Denver itself, which expressly provides that “it may be appropriate to change the zoning in Areas of Stability to create a better match between existing land uses and the zoning.” *Blueprint Denver*, p. 75. This goal fits well with the purpose of the proposed rezoning, which is to redevelop an underutilized parcel to be more consistent with its surroundings (as discussed in more detail under the justifying circumstances section below). Similarly, Blueprint Denver provides that the “role of regulation in Areas of Stability is to ensure that land uses and densities are compatible with stable neighborhoods.” *Blueprint Denver*, p. 123. Since the land uses and densities permitted within the S-MU-3 zone district are the same as those permitted by the surrounding zoning designations, the proposed rezoning would be compatible with the surrounding neighborhood.

Additional support for the proposed rezoning is found throughout the Denver Comprehensive Plan 2000. Most strikingly, one land use strategy is to “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.” *Comprehensive Plan*, Strategy 3-B. This strategy perfectly sums up the goal of the proposed rezoning. In addition, the Property’s location near a designated enhanced transit corridor (as discussed below), is consistent with the stated goal to locate “more density at transit nodes.” *Comprehensive Plan*. The proposed rezoning is also consistent with a concept that is repeated throughout Blueprint Denver—that housing for low and middle income households is increasingly difficult to find. For example, another land use strategy stresses the importance of encouraging housing that meets the increasingly diverse needs of the City’s present and future residents. *Comprehensive Plan*, Strategy 1-H. Permitting multi-family residential redevelopment of an existing, but underutilized single-family home, contributes to these goals.

Although not strictly within the scope of the criteria set forth in the Code, the Land Use Master Plan for the City of Glendale, which was adopted in 1996, designates the area across South Forest Street from the Property (from East Center Avenue to East Custer Place), as multi-family residential. This designation is consistent with both the existing land uses within the area—three-story apartment buildings—as well as the proposed S-MU-3 zoning for the Property.

General Review Criteria: 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.

As noted above, several properties in the vicinity of the Property were improved with approximately three story, multi-family residential buildings similar to those permitted within the S-MU-3 district. As such, approval of the proposed rezoning would ensure that the development of the Property is consistent with the surrounding neighborhood. As the proposed rezoning does not include any waivers, conditions or other variances from the provisions of the S-MU-3 district, the proposed rezoning ensures uniform treatment under the Code.

General Review Criteria: Public Health, Safety and General Welfare. The proposed official map amendment furthers the public health, safety and general welfare of the City.

The proposed rezoning would further the public health, safety and general welfare of the City for several reasons. It would allow for rehabilitation and redevelopment of a currently underutilized single family structure in an area that is proximate to bus, bicycle and pedestrian transportation options. The redevelopment would result in housing options that are more attainable for a variety of households, while remaining consistent with the surrounding neighborhood context. As noted above, the proposed rezoning is consistent with plan guidance and the City's overall goals and objectives, such as locating density near transit corridors.

Additional Review Criteria: Justifying Circumstances. 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.

The only structures currently located on the Property are a single-family home constructed in 1935, as well as a detached shed. While it is likely that the improvements on the Property were consistent with the surrounding properties when they were originally built, it is now the only single-family structure in the area. In fact, the closest single-family residence to the Property appears to be approximately 400 feet from the Property, but, due to the orientation of the existing street grid, requires a street path of almost a full mile to reach. On the contrary, the Condominium Complex and the Townhomes were redeveloped in the early 1980s, and now consist of improvements much denser than those located on the Property. Across South Forest Street from the Property are several three-story apartment buildings (as noted above, located in the City of Glendale) that appear to have been constructed at about the same time as the Condominium Complex. Put simply, the single family home located on the Property is an outdated relic of an earlier, pre-1980 time, and the proposed S-MU-3 District is substantially more consistent with the current condition of the surrounding properties. The current S-SU-D zoning designation does not permit any type of development that would be consistent with these more intense surrounding properties.

In addition to the redevelopment activities of the surrounding areas, there are and have been significant improvements contemplated for the street grid and trail systems around the Property. In addition to being an enhanced transit corridor, Blueprint Denver selected Leetsdale Drive (from Alameda to Havana Street) as appropriate for “targeted capacity improvements and multi-modal enhancements with an inclusive, comprehensive and detailed planning process.” *Blueprint Denver*, p. 115. The Property is similarly proximate to several designated bicycle routes, such as the Cherry Creek Trail and shared bicycle lanes on East Exposition Avenue and South Cherry Street. *Denver Bike Map*. Notwithstanding the existing bicycle accessibility, Blueprint Denver designates Leetsdale Drive as a missing bicycle link where improvement of bicycle routes should be targeted. *Blueprint Denver*, p. 105.

Additional Review Criteria. *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.*

According to Section 3.1.1 of the Denver Zoning Code, the “suburban” neighborhood context is characterized by single-unit and multi-unit residential, commercial strips and centers, and office parks, with multi-unit residential uses primarily located along arterial and collector streets. The Property is already located within the suburban neighborhood context, so the proposed rezoning would not have an effect on its consistency with this statement except as discussed in the following paragraph. Similarly, the Property is already located within a “residential district” of the suburban context, so it can be presumed to be consistent with the general purpose statements applicable to such residential districts as well. The only change would be to move the Property into a “multi-unit” district, which is intended to accommodate “suburban house, duplex, town house, garden court and apartment building forms” up to three stories in height. As discussed in more detail above, the S-MU-3 zoning is consistent with the surrounding neighborhood, and also with the existing suburban house located on the Property.

With respect to the Code’s guidance that multi-unit residential uses are “primarily located along arterial and collector streets,” the Property is located upon South Forest Street, which is designated as a “local” street. However, the Property is located only about 0.2 miles from Leetsdale Drive, which is the primary means by which residents access the Property. Leetsdale Drive is designated as an “arterial” street as well as an “enhanced transit corridor.” As such, although the Property is not directly located along an arterial or collector street, its proximity to Leetsdale Drive makes it appropriate for higher density residential uses. As noted in *Blueprint Denver*, an overarching goal is to help direct new development toward transit and transportation corridors in order to increase transit ridership and reduce traffic congestion caused by new development. The Code itself acknowledges this relationship by providing reductions in the required minimum number of parking spaces for properties within a quarter mile of an enhanced transit corridor, which furthers the association between increased residential density and enhanced transit corridors. *Code*, § 10.4.5.3.B. As such, given that the Code’s guidance does not expressly require that multi-unit residential uses are *always* located upon arterial and collector streets (only *primarily*), the Property’s location within an approximately five-minute walk from an arterial specifically designated as appropriate for increased density, the proposed rezoning is consistent with the description of the neighborhood context as well.

Community Planning & Development (CPD)
September 29, 2017
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For the foregoing reasons, we respectfully request that the City approve the proposed rezoning. Please feel free to contact me with any questions or comments.

Sincerely,



Cory M. Rutz
for the Firm

cc: Carl Jenkins

LEGAL DESCRIPTION FOR 580 S. FOREST STREET FOR REZONING PURPOSES

THAT PART OF PLOT 3, BOOTH'S SUBDIVISION, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT 15 FEET NORTH OF THE SOUTHWEST CORNER OF SAID PLOT 3; THENCE NORTH
50 FEET; THENCE EAST 150 FEET; THENCE SOUTH 50 FEET; THENCE WEST 150 FEET TO THE POINT OF
BEGINNING; EXCEPT THAT PORTION CONVEYED TO THE CITY IN DEED RECORDED MARCH 12, 1982 IN
BOOK 2548 AT PAGE 697, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

July 11, 2017

Carl Jenkins
1001 17th St. Suite 1100
Denver, CO 80202

RE: Rezoning and Variance for 580 S. Forest St.
Dear Mr. Jenkins,

Thank you for bringing to our attention, your interest in having your property at 580 S. Forest St. Denver, CO rezoned from S-sU-D to S-MU-3 and a variance obtained for the purpose of developing a multi-unit residential improvement. VVCA has carefully reviewed the information provided regarding your desired project. We have shared the conceptual design and rezoning request and need for a variance with our constituents as follows: 209 members via VVCA's facebook page, 507 neighbors via Nextdoor.org, 231 email recipients. Approximately, 20 members of the community have responded positively. One resident/member responded with concerns about potential parking issues, Nancy Sharpe. We directed this member to speak with you and/or meet with you to discuss those concerns and your contact information was provided. There were no other objections or disapprovals received.

Since a formal voting process was not conducted within our RNO, VVCA is not providing a formal position on your project and request for variance. However, all board members and approximately 50 residents are in support personally while two residents have formally objected.

Thank you,

A handwritten signature in black ink, appearing to read 'Paul Aceto', with a long horizontal stroke extending to the right.

Paul Aceto, VVCA President

Officers:

Chris Lozing, Chairman
Jim Wilkins, Secretary/Treasurer
Susan Bell Trickett, Vice President
David Sheldon, Vice President
Brett Tucker, Vice President
Craig Walsh, Vice President
Katie Wilkins, Vice President



Scott Brock
Tyler Coombe
Ned Grant
Karen Hone
Happy Haynes
Robert Kapelke
Robert Lowdermilk
Katie Mills
Laura Paciorek
Scott Wasserman

Trustees:

Paul Aceto
Jim Banman
Barbara Bown Wyatt

Where the Frontier Comes to Life!

Executive Director: Laura Hiniker

September 22, 2017

Carl Jenkins
FTI Consulting
1001 17th St., Suite 1100
Denver, CO 80202

RE: Rezoning Proposal for 580 S. Forest St., Denver, CO 80246

Dear Mr. Jenkins,

Thank you for presenting the organization with the development plan for 580 S. Forest St., Denver, CO, which proposes rezoning the property from S-SU-D to S-MU-3 as well as a variance for the purpose of constructing a multi-unit residential structure. At their September 21, 2017, meeting, the Four Mile Historic Park, Inc., Board of Directors carefully reviewed the information and design provided. After discussion, members voted to approve a position of "no objection" to the rezoning proposal and request for variance (as submitted) and identified no significant advantages or disadvantages of the project in relation to Four Mile Historic Park and its operations.

Regards,

Laura Hiniker
Executive Director

Chris Lozing
Board Chairman

Please remember Four Mile Historic Park in your will and estate plans.

Four Mile Historic Park, 715 South Forest Street, Denver, Colorado 80246
Telephone: (720) 865-0800 • Fax: (720) 865-0801 • E-mail: info@fourmilepark.org • Website: www.FourMilePark.org

The mission of the Four Mile Historic Park is to educate a diverse community through experiences which promote preservation, interpretation and enjoyment of Denver's western heritage.

Four Mile Historic Park is operated in cooperation with the City & County of Denver. Support provided by the City of Glendale and Scientific and Cultural Facilities District (SCFD), a unique funding source serving the metro community and hundreds of arts, culture, and scientific organizations.

From: [Rezoning - CPD](#)
To: [Lucero, Theresa - CPD PS Citywide Planning](#)
Subject: FW: Objection to proposed rezoning of 580 S. Forest St., Parcel # 0618100026000
Date: Monday, December 04, 2017 8:24:42 AM

From: Willow & Antonio [mailto:willowantonio@gmail.com]
Sent: Sunday, December 03, 2017 6:43 PM
To: Rezoning - CPD <Rezoning@denvergov.org>; Antonio Monterrosa <willowantonio@gmail.com>
Subject: Objection to proposed rezoning of 580 S. Forest St., Parcel # 0618100026000

Hello, I'm Antonio Monterrosa. My wife Willow and I are owners of 540 South Forest St. #9-203 and #4-103. These two-story condominium units form a "horseshoe" around 580 S. Forest St.

We'd like to voice our objections to the proposed three story building at 580 S. Forest St. A two story building, however, would be just fine. Please keep everything on these two collective properties the same height.

Thank you,

Antonio Monterrosa
303.889.9506 cell/text

580 South Forest Street, Denver, Colorado

Rezoning Mediation

At the request of Theresa Lucero, Community Planning and Development for Denver, Steve Charbonneau met with the owner of 580 South Forest, Carl Jenkins, and representatives of Four Mile Village, Beverly Chalmers, Russ Wehner and their attorney, Chris Carr.

Carl Jenkins has applied to rezone 580 South Forest Street from its current zoning of S-SU-D to S-MU-3. Mr Jenkins' property is surround on three sides by Four Mile Village and South Forest Street on the remaining side. Prior to going to Planning Board, our intent was to determine if we could reach an agreement that addresses the issues and concerns of setback, parking and height, the Village expressed.

Through mediation we were able to agree upon the following points with respect to what is being proposed to be built by Mr Jenkins at 580 South Forest under the S-MU-3 zoning:

1. Initially, five units were planned. In response to the neighbor's requests for more openness, solar access and additional parking, only four units will be built on the lot. Two sets of two units with approximately 18-20 feet between. This in-between space will be used for two additional visitor parking spaces, a picnic table and grass.
2. Each unit will have a garage with two parking spaces at ground level. There will be two living floors above the garage and a private roof-top deck.
3. Building height will be approximately thirty (30) feet; there will be an approximate three-foot safety wall for the rooftop deck and a "dog-house" allowing access. Mr Jenkins has agreed to reduce the size of the dog-houses to provide more solar access. The approximate width of the doghouse is seven (7) feet.
4. In order to achieve the space between the two buildings, Mr Jenkins will be asking Four Mile Village to support a ten (10) foot set-back variance for the east most side of his property. The new buildings eastern most edge will be rebuilt approximately where the current buildings eastern most edge is currently.
5. The distance between Mr Jenkins proposed buildings and the adjacent building to the north and to the south is over thirty (30) feet.
6. Mr Jenkins will work with the Village to provide appropriate and generous landscaping.
7. Four Mile Village's board agrees to support Mr. Jenkins request for a rezoning to S-MU-3, and a variance for the back of the property.

Signed:

Beverly Chalmers

Four Mile Village Condominium Association
President