



TO: Land Use, Transportation and Infrastructure Committee
FROM: Sara White, AICP, Senior City Planner
DATE: March 1, 2018
RE: Official Zoning Map Amendment Application #2017I-00111

Staff Report and Recommendation

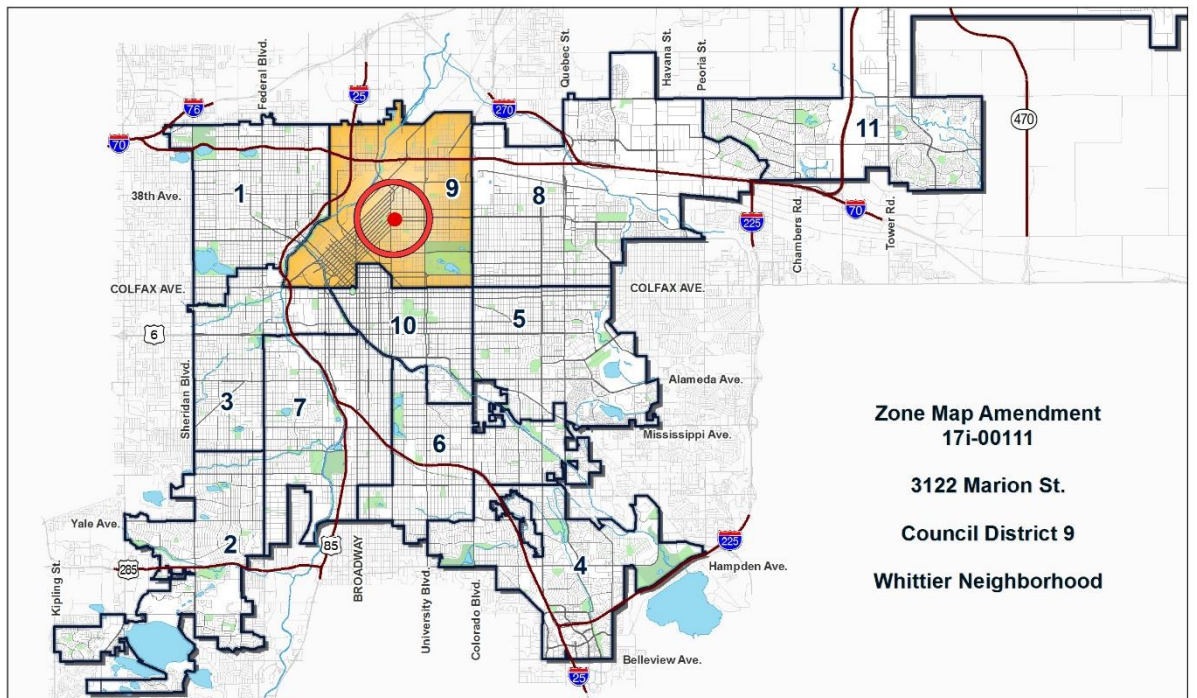
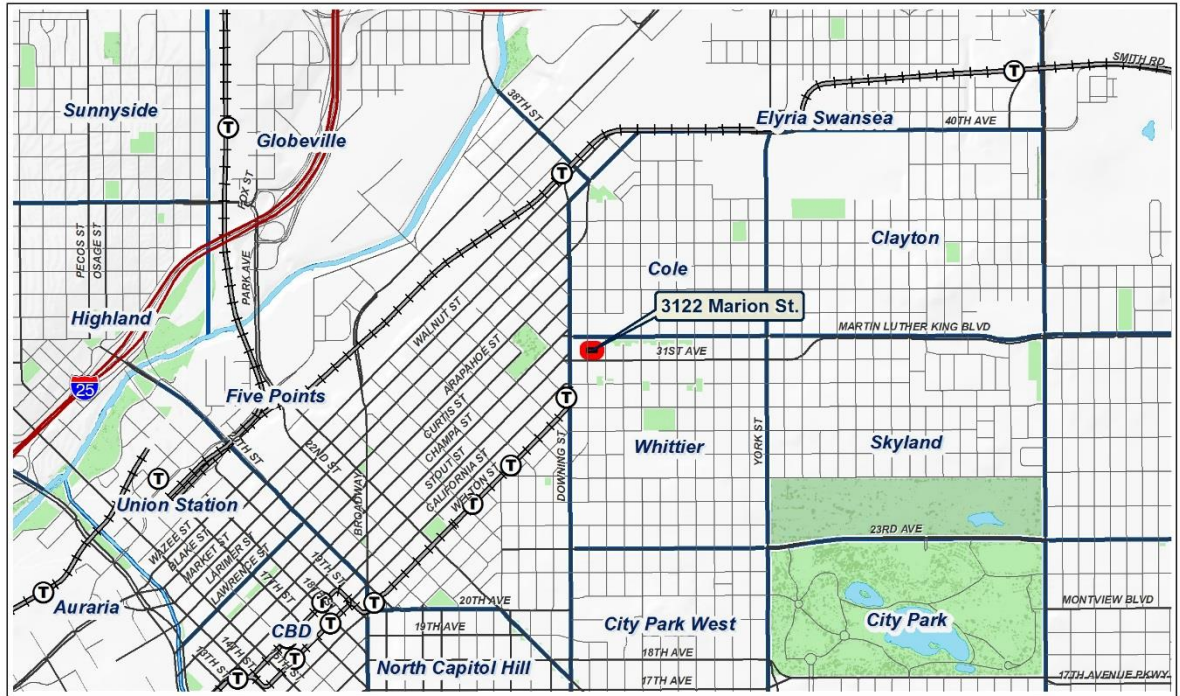
Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2017I-00111.

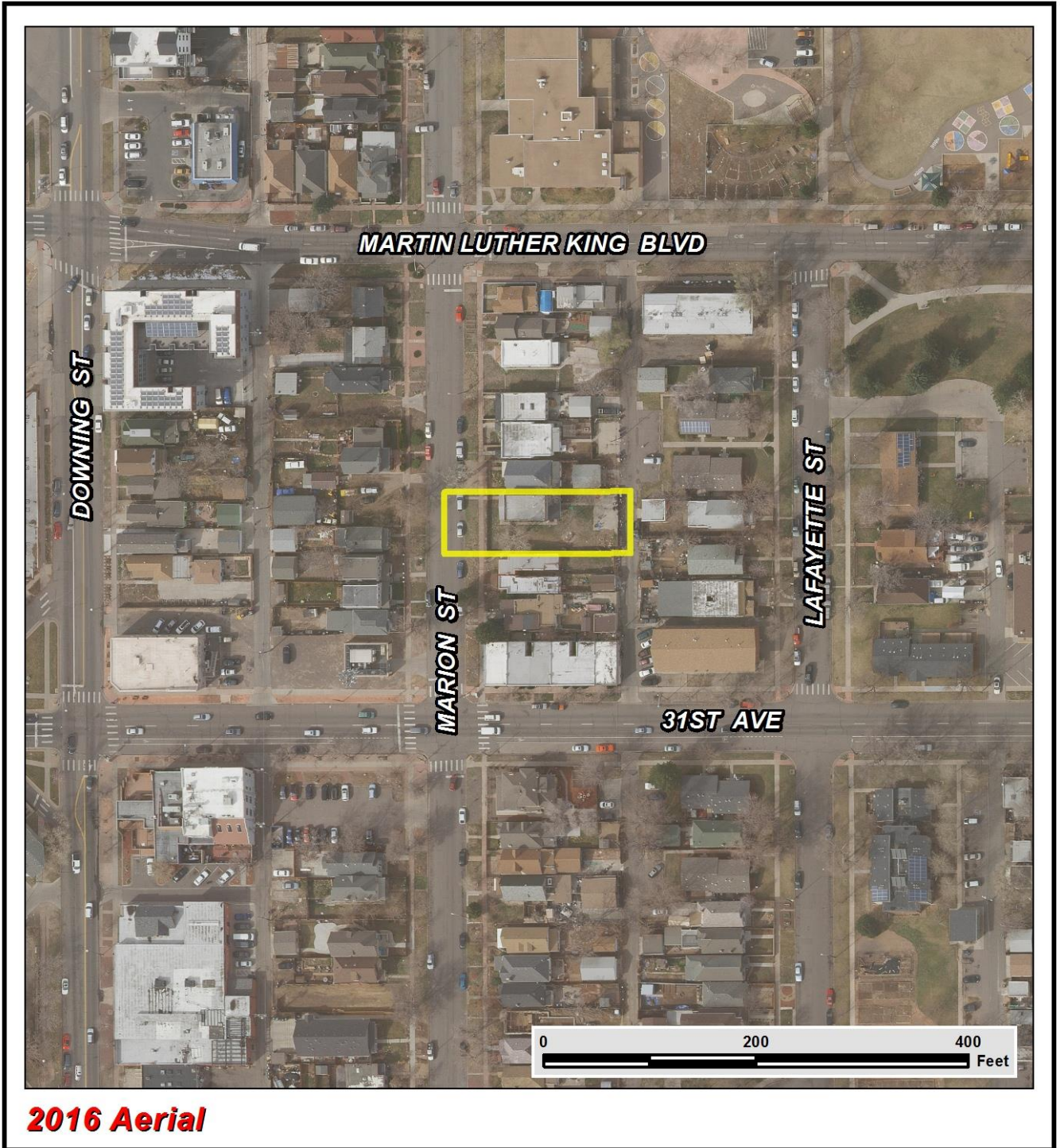
Request for Rezoning

Addresses:	3122 Marion St.
Neighborhood/Council District:	Whittier / Council District 9
RNOs:	The Points Historical Redevelopment Corp, Five Points Business District, City Park Friends and Neighbors, Opportunity Corridor Coalition of United Residents, Denver Arts and Culture Initiative, Whittier Neighborhood Association, Denver Neighborhood Association Inc, Inter-Neighborhood Cooperation (INC)
Area of Property:	7,375 square feet
Current Zoning:	U-SU-B1
Proposed Zoning:	U-SU-A1
Property Owner(s):	Matthew & Sharon Morginsky
Application Representative:	Seth Donnell

Summary of Rezoning Request

- The subject property is located Marion Street, just south of M.L.K. Boulevard in the Whittier neighborhood.
- The property to be rezoned currently consists of one single family home.
- The proposed rezoning will allow for the property owners to potentially split into 2 zone lots for the development of an additional single-family home with an Accessory Dwelling Unit.
- The proposed **U-SU-A1** (Urban, Single Unit, **3,000** sf minimum zone lot size) zone district is intended for use in the Urban Neighborhood Context is characterized by single-unit houses and detached accessory dwelling units (ADUs) with a minimum zone lot area of 3,000 square feet. Further details of the zone district can be found in Article 5 of the Denver Zoning Code (DZC).





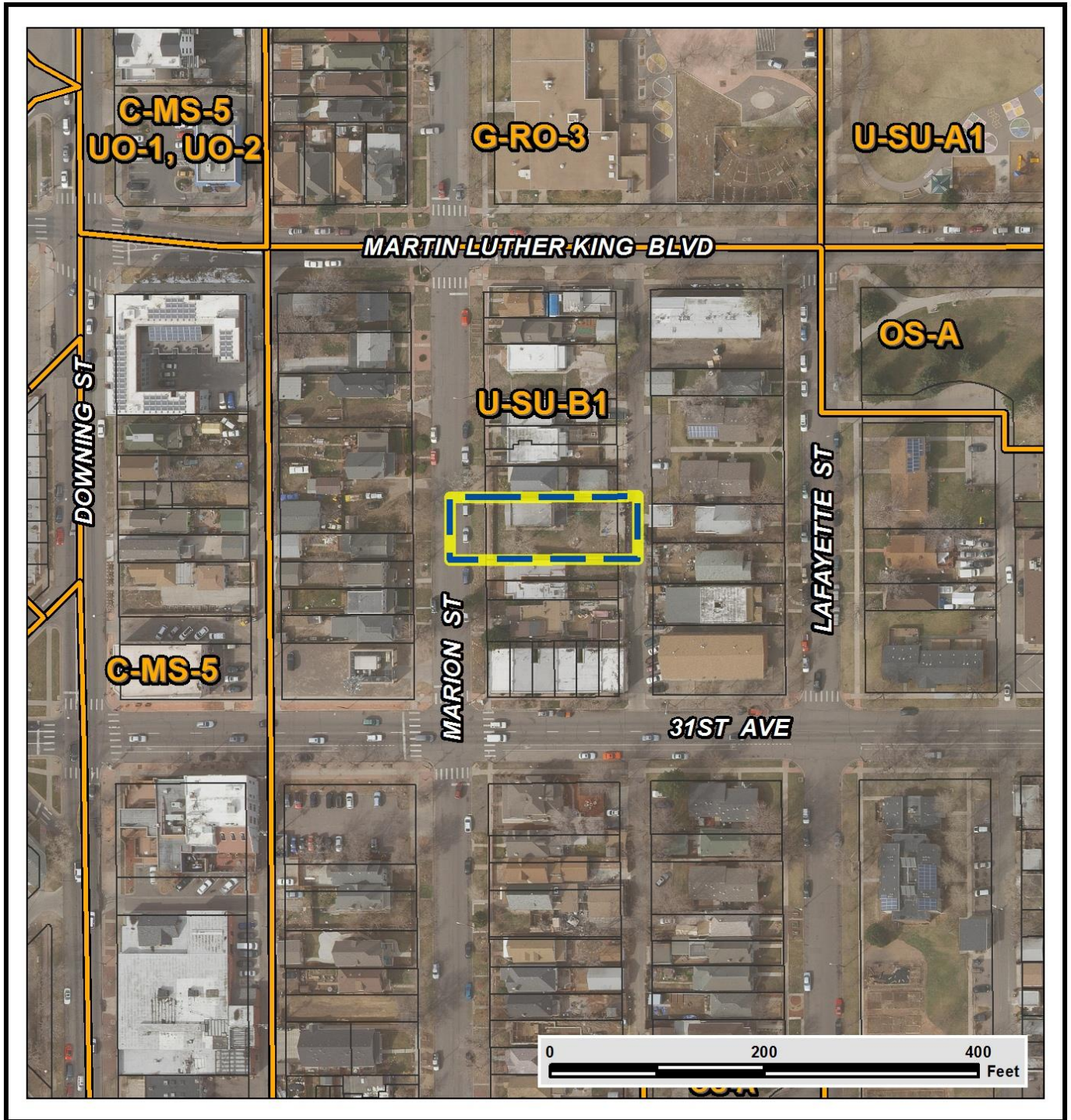
Existing Context

The Whittier neighborhood primarily consists of residential areas, bounded by Downing Street to the west, M.L.K. Boulevard to the north, York Street to the east and 23rd Ave. to the south, with several larger institutional uses throughout. It is generally consistent with the Urban Neighborhood Context with a mix of single-unit, two-unit and small-scale multi-unit residential structures. The parcel sizes vary from block to block. Located in north-western Whittier, the property is one block east of several mixed commercial uses that front Downing St.

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

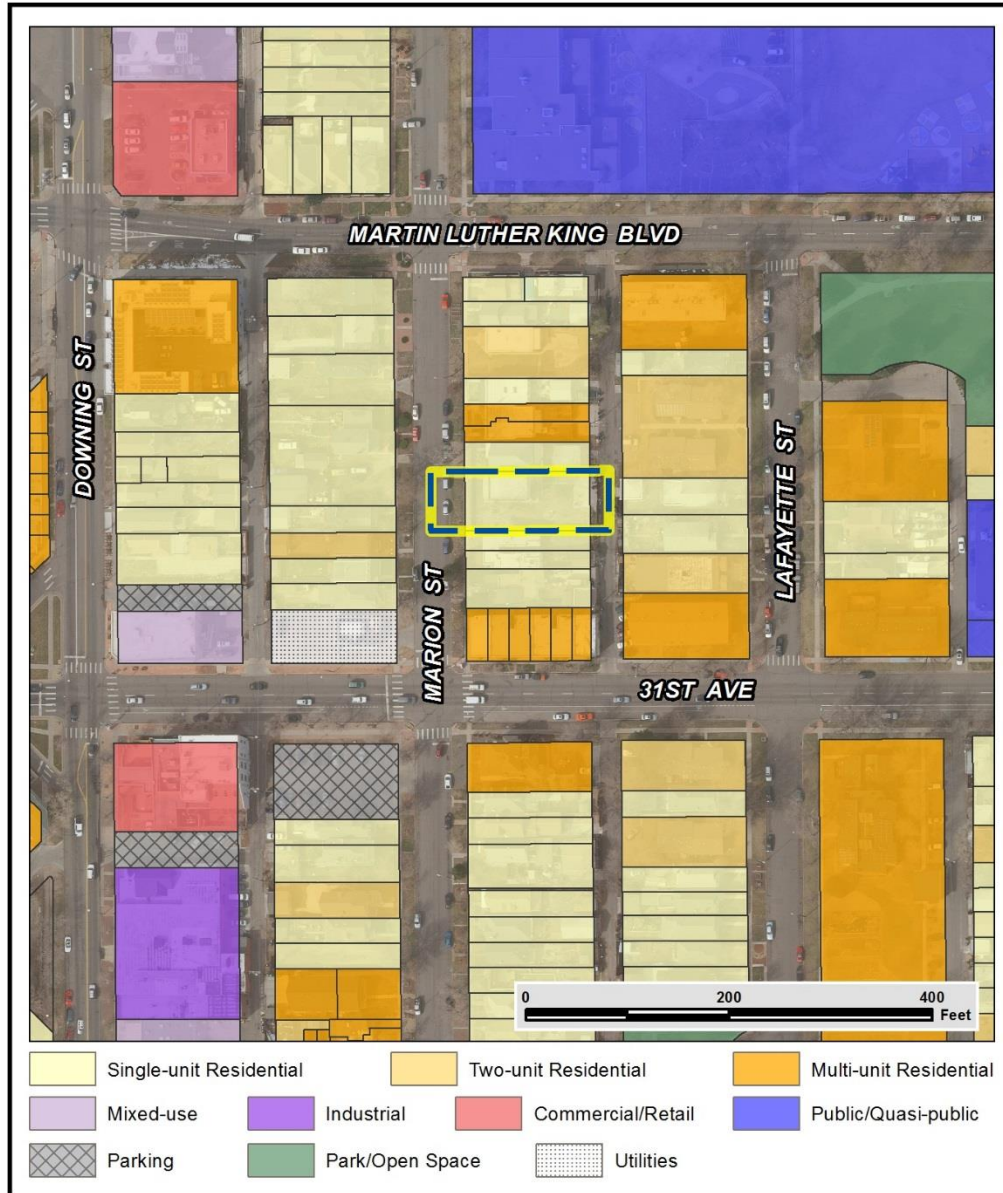
	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	U-SU-B1	Single family residential	Single and two family houses with detached garages. 1-2 stories	Generally regular grid of streets; Block sizes and shapes are consistent and rectangular. Vehicle parking to the rear of buildings (alley access) or on-street.
North, South, East and West	U-SU-B1	Single family residential with some two family and multi-family residential mixed.	Single and two family houses with detached garages, 1-2 stories. Some small-scale multi-family buildings, 3 stories	

1. Existing Zoning

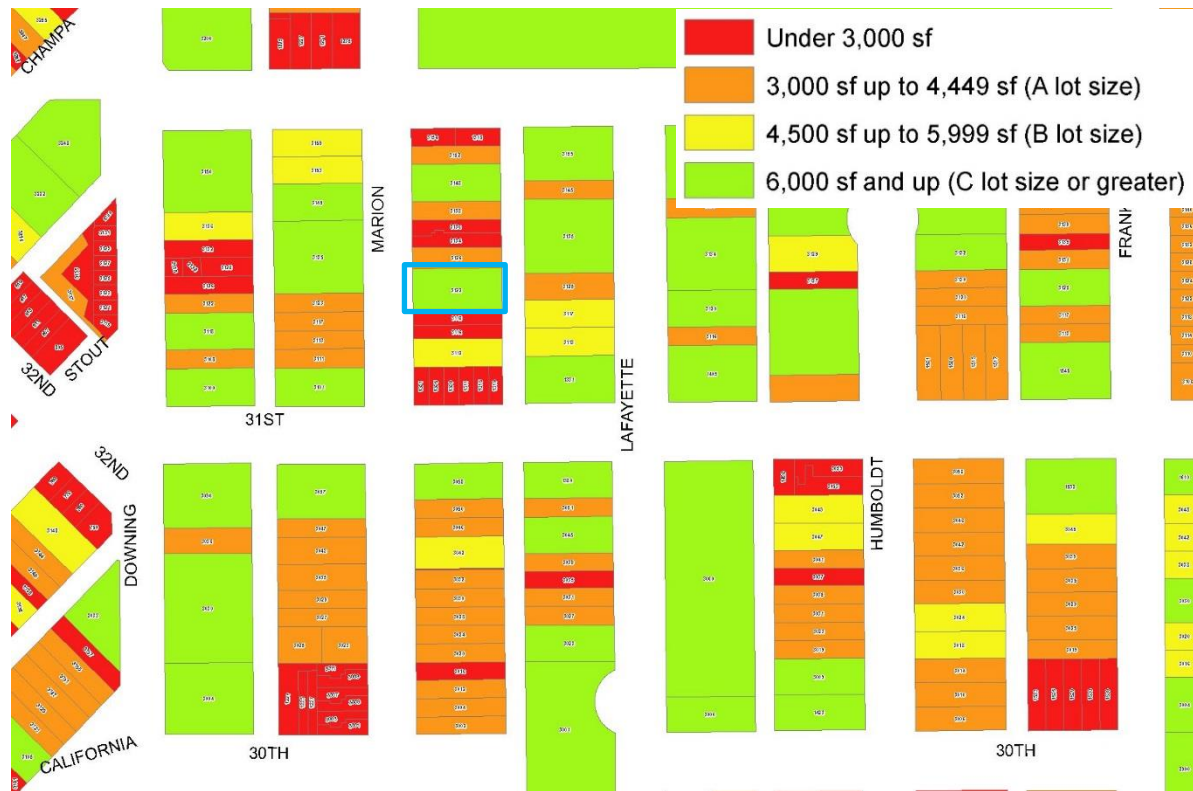


The current U-SU-B1 is a single-unit zone district allowing the urban house building form and accessory dwelling unit (ADU) uses and the detached ADU form. It has a maximum building height of 2.5 stories and 30 feet. The minimum zone lot size is 4,500 square feet. The zone district is a residential district, not allowing for new commercial uses to be established.

2. Existing Land Use Map



3. Existing Lot Sizes

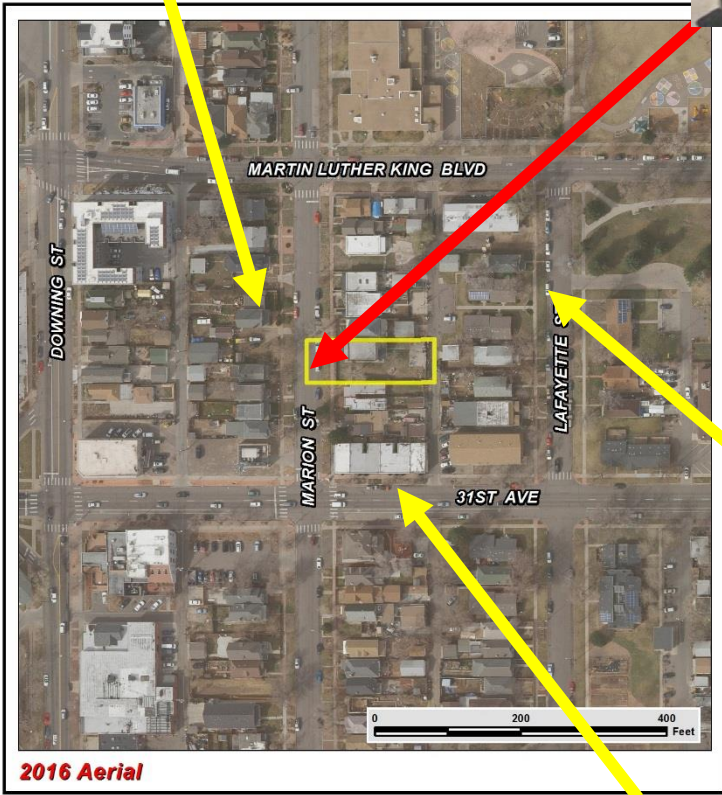


The current U-SU-B1 zone district requires a minimum zone lot size of 4,500 square feet. Although zone lots are not currently digitally mapped, many times the zone lot matches the underlying ownership parcels, which are mapped in GIS. Because of this, digital mapping analysis of the ownership parcel sizes can give a general estimate of the zone lot sizes in an area. Because developments such as duplexes and rowhouses include ownership of the parcel, not the whole building, those typically have multiple ownership parcels within one zone lot. For an estimation exercise, it can be generally assumed that those multiple ownership parcels make up one zone lot.

The above graphic can be used as a general estimate of the zone lot sizes in the blocks surrounding the subject parcel, which is outlined in blue. On the assumption that the parcels generally align with the zone lots, the parcels that are shown in yellow or green are properties that would meet the minimum zone lot size for the current U-SU-B1 zoning. Many of these larger parcels contain multiple dwelling units with small apartment buildings. The parcels that are shown in orange are lots that would not meet the minimum zone lot size for the current U-SU-B1 zoning, but would meet the minimum for a U-SU-A1 zone district. The parcels shown in red would not meet the zone lot minimum for any Single-Unit zone district, though many of these are due to the ownership parcels for multiple units and the abutting red parcels are actually combined into a single zone lot.

The above mapping does not take into consideration zone lot width, which also has a minimum standard associated with each zone district, 25' for U-SU-A1, 35' for U-SU-B1, and 50' for U-SU-C1.

4. Existing Building Form and Scale
Photos from Google street view



2016 Aerial

Summary of City Agency Referral Comments

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

Assessor: Approved – No Comments

Asset Management: Approved – No Comments

Denver Public Schools: Approved – No Comments

GIS: Approved – No Comments

Environmental Health (Dave Erickson): Approved - See Comments

Notes. The Denver Department of Environmental Health (DEH) is not aware of potential environmental concerns in the project area 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.

Parks and Recreation: Approved – No Comments

Public Works – ROW – Surveyor: Approved – No Comments

Public Works – Wastewater: Approved – No Comments

Development Services: Approved – No Comments

Office of Economic Development: Approved – No Comments

City Attorney’s Office: Approved – No Comments

Public Review Process

CPD informational notice of receipt of the rezoning application to all affected members of City Council and registered neighborhood organizations:	10/11/2017
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:	1/22/2018
Planning Board public hearing	2/7/2018
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:	2/18/2018
Land Use, Transportation and Infrastructure Committee of the City Council (tentative):	3/6/2018
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:	TBD
City Council Public Hearing (tentative):	4/16/2018

- Other Public Outreach and Input
 - **Registered Neighborhood Organizations (RNOs)**
 - As of the date of this staff report, no comments from RNOs have been received.
 - **Other Public Comment**
 - One letter was received in opposition to the request on the basis that it is not consistent with the character of the neighborhood or the adopted plans. That is attached with 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 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)
- Northeast Downtown Neighborhood Plan (2011)
- Whittier Neighborhood Plan (2000)

Denver Comprehensive Plan 2000

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

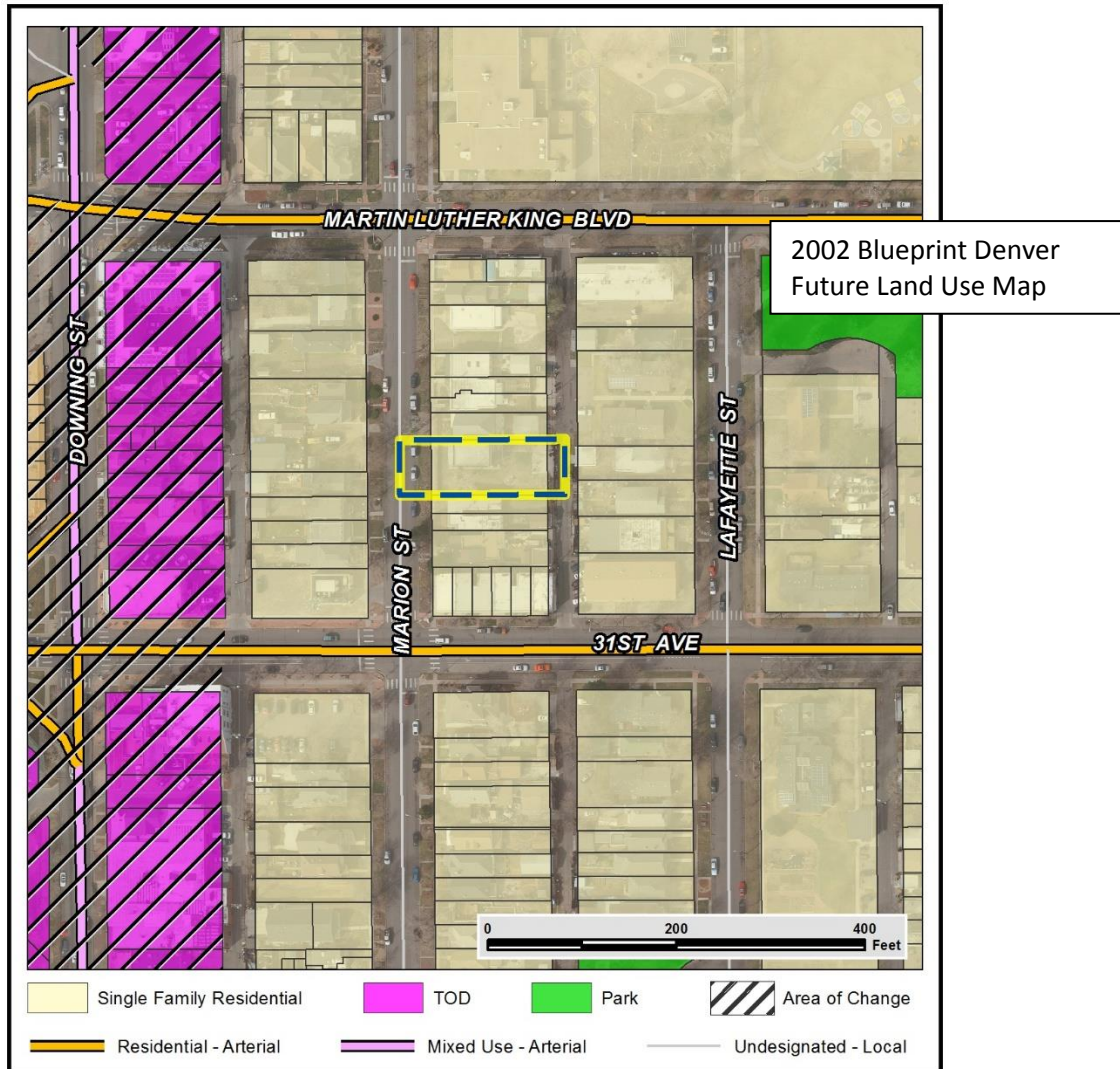
- Environmental Sustainability Strategy 2-F – *Conserve land by promoting infill development with Denver at sites where services and infrastructure are already in place; designing mixed use communities and reducing sprawl so that residents can live, work and play within their own neighborhoods.*
- Land 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.*
- Legacies 3-A – *Identify areas in which increased density and new uses are desirable and can be accommodated.*

The proposed map amendment will enable some additional residential development at an infill location where services and infrastructure are already in place. It would allow infill development in a manner that is generally consistent with the small lot single-unit character that generally exists in the neighborhood currently. The rezoning is consistent with these plan recommendations.

Blueprint Denver

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

Future Land Use



Single Family Residential areas have single-family as the predominant residential type. They typically have densities fewer than 10 units per acre neighborhood-wide and the employment base is significantly smaller than the housing base. The requested zone district would allow single-unit dwelling development with detached accessory dwelling units. This is generally consistent with the description of the Single Family Residential land use concept in Blueprint Denver.

Area of Change / Area of Stability

As noted, the site is in an Area of Stability. In general, “The goal for Areas of Stability is to identify and maintain the character of an area while accommodating some new development and redevelopment” (p. 127).

The rezoning application is consistent with the Blueprint Denver Area of Stability recommendations. The U-SU-A1 zone district would allow for limited opportunities for infill development that is consistent in character with the existing low-density residential neighborhood.

Street Classifications

Blueprint Denver classifies Marion Street as an Undesignated Local street. According to Blueprint Denver, “local streets are influenced less by traffic volumes and are tailored more to providing local access.” The low-intensity U-SU-A1 zone district proposed is appropriate for the residential neighborhood development intended along local streets.

In summary, the proposed map amendment to U-SU-A1 will enable low-scale development in an area that Blueprint Denver identifies as appropriate for neighborhood access.

Small Area Plan: *Northeast Downtown Neighborhoods Plan*

The Northeast Downtown Neighborhoods Plan was adopted by City Council in 2011, and applies to the subject property. Although the subject property is on the edge of the plan area, the plan has several recommendations about neighborhood connections and character.

The subject site is within a concept land use area of Single Family residential. “Neighborhoods of single family houses in Northeast Downtown represent older, residential neighborhoods that do not have a significant mix of housing types. Commercial uses are limited to small buildings providing neighborhood services.” (p. 16).

Additionally, within the framework strategy of Neighborhood Connections and Character, the following recommendations are made for Low Intensity Development in Residential Neighborhoods (p. 20):

“In areas with established residential neighborhood character, including Curtis Park, San Rafael, and the neighborhood edge east of Downing Street (Cole and Whittier):

- Maintain the current mix of low scale building forms such as urban house, duplex and rowhouse.
- Allow new development to replicate existing development patterns, including small lots, shallow setbacks and high building coverage with parking and access in the rear/off the alley...”

The proposed U-SU-A1 zone district will allow development that replicates the existing pattern of lots and buildings within the established neighborhood. The proposed rezoning is request with the recommendations of the Northeast Downtown Neighborhood Plan.

Small Area Plan: *Whittier Neighborhood Plan*

The Whittier Neighborhood Plan was adopted by City Council in 2000, and applies to the subject property. It was specifically updated by the recommendations in the Northeast Downtown Neighborhood plan in areas that the two overlap.

The plan identifies that “maintenance of a strong, diverse, low-density residential neighborhood is the central goal raised by residents.” (p. 26) It also acknowledges that the neighborhood is almost fully developed and that as changes occur, additions to the neighborhood should complement the existing character.

The proposed U-SU-A1 zoning maintains the residential character of Whittier, while allowing for context-sensitive incremental development. The proposed request is consistent with the goals of the Whittier neighborhood plan.

2. Uniformity of District Regulations and Restrictions

The proposed map amendment will result in the uniform application of the U-SU-A1 zone district building form, use and design regulations.

3. Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety, and general welfare of the City through implementation of the City's adopted land use plans. Additionally, the proposed rezoning will allow the development of additional housing near downtown, which places people in close proximity to employment and services.

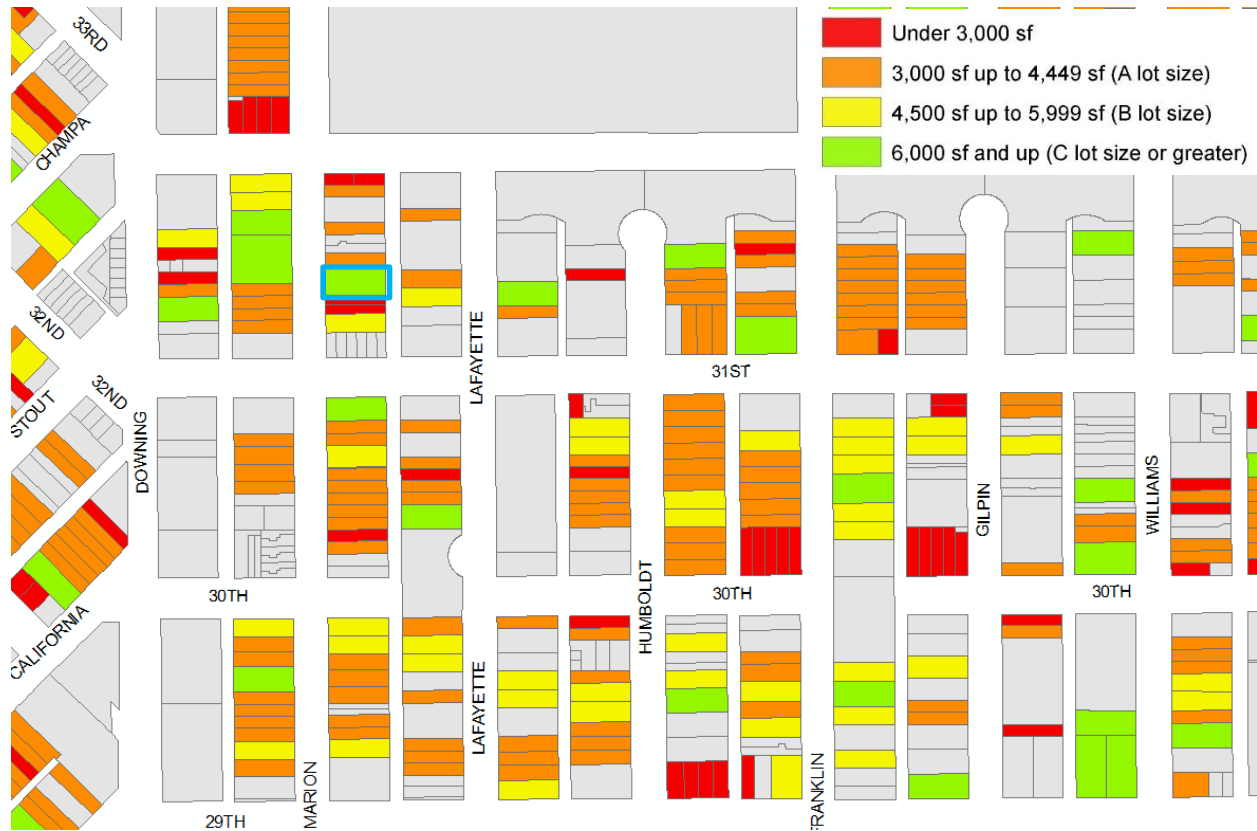
4. Justifying Circumstance

The application identifies several 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." The light rail station at 30th and Downing, as well as the increased development in downtown, to which Whittier is adjacent, are identified as catalysts to recent multi-family development. As such, the proposed rezoning will allow the development of small single-family houses, which will help to maintain housing choice diversity near downtown.

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

The requested U-SU-A1 zone district is within the Urban Neighborhood Context. The neighborhood context generally consists of single-unit residential as well as accessory dwelling units. The current zone district, U-SU-B1, is also within the Urban Neighborhood Context. The proposed rezoning is consistent with the neighborhood context description.

According to the zone district intent stated in the Denver Zoning Code, the U-SU-A1 is "a single unit district allowing urban houses and detached accessory dwelling units with a minimum zone lot area of 3,000 square feet. Blocks typically have a pattern of 25 foot wide lots. This district requires the shallowest setbacks and allows the highest lot coverage in the Urban Neighborhood Context. Setbacks and lot coverage standards accommodate front and side yards similar to U-SU-A but allowing a detached accessory dwelling unit building form in the rear yard." (DZC Section 5.2.2.2.B).



As described in the Existing Conditions section above, there is a mix of parcel sizes on the subject block and in the surrounding neighborhood area. Many of the lots that meet the minimum size requirements for the current zoning actually contain multi-unit uses. A large number of the zone lots containing single family houses on the surrounding blocks would not meet the minimum zone lot size for the current zoning of U-SU-B1, but would be consistent with the lot size required for the proposed U-SU-A1 zone district.

The image above shows the lot sizes of those parcels that contain a single-family use; all other uses are greyed out. On the block face of the subject property, only the subject property and one other parcel would meet the size and use requirements of the current zoning. All other single-family uses are on smaller lots. This pattern is reflected even further in the surrounding blocks. Given the pattern of small single-family lots in the area, the requested rezoning is consistent with the zone district purpose and intent.

Attachments

1. Application
2. Letter of Opposition

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	MATTHEW + SHARON MORGINSKY	Representative Name	SETH DONNELL
Address	3122 MARION ST 80205	Address	2658 WALNUT ST.
City, State, Zip	DENVER, CO 80205	City, State, Zip	DENVER, CO 80205
Telephone	(615) 473-8018	Telephone	(303) 552-9567
Email	SMORGINSKY@GMAIL.COM	Email	SDONNELL@ROST-AD.COM
<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):	3122 MARION ST. DENVER, CO 80205		
Assessor's Parcel Numbers:	0226507009000		
Area in Acres or Square Feet:	7,375 SQ. FT.		
Current Zone District(s):	U-SU-B1		
PROPOSAL			
Proposed Zone District:	U-SU-A1		

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 Rezonings: 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:

<input checked="" type="checkbox"/>	Legal Description (required to be attached in Microsoft Word document format)
<input checked="" type="checkbox"/>	Proof of Ownership Document(s)
<input checked="" type="checkbox"/>	Review Criteria

ADDITIONAL ATTACHMENTS

Please identify any additional attachments provided with this application:

<input checked="" type="checkbox"/>	Written Authorization to Represent Property Owner(s)
<input type="checkbox"/>	Individual Authorization to Sign on Behalf of a Corporate Entity

Please list any additional attachments:

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

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 Josie Q. Smith</i>	01/01/12	(A)	YES
MATTHEW AND SHARON MORGINSKY	3122 MARTIN ST. DENVER, CO 80265 (615) 473-8018 SMORGINSKY@GMAIL.COM	100%	<i>[Signature]</i> <i>Smorginsky</i>	8/17/17	(A)	YES

Return completed form to rezoning@denvergov.org

Last updated: February 22, 2017

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

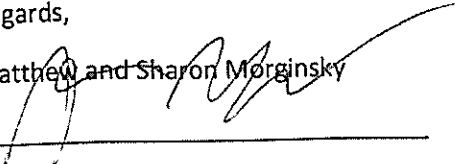
To Whom It May Concern,

We, Matthew and Sharon Morginsky, authorize Root Architecture & Development (and thereby Seth Donnell and Zeke Freeman) to represent us in matters of rezoning on 3122 Marion St.

Regards,

Matthew and Sharon Morginsky

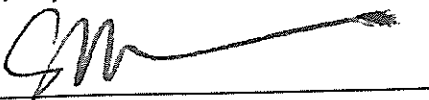
X



Date:

9/29/17

X



Date:

9/29/17

3122 MARION LEGAL DESCRIPTION

THE SOUTH 9 FEET OF LOT 8 AND ALL OF LOTS 9 AND 10, BLOCK 2, DOWNING'S ADDITION TO THE CITY AND COUNTY OF DENVER, STATE OF COLORADO

3122 MARION ST

Owner MORGINSKY,MATTHEW E
MORGINSKY,SHARON R
3122 MARION ST 2
DENVER , CO 80205-3922

Schedule Number 0226507009000

Legal Description DOWNINGS ADD B2 L9 & 10 & S 9FT OF L8

Property Type RESIDENTIAL

Tax District DENV

Property Description

Style:	TWO-STORY	Building Sqr. Foot:	2088
Bedrooms:	4	Baths Full/Half:	2/0
Effective Year Built:	1896	Basement/Finish:	241/0
Lot Size:	7,375	Zoned As:	U-SU-B1

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

Current Year

Actual	Assessed	Exempt	
Land	\$381,800	\$27,490	\$0
Improvements	\$73,500	\$5,290	
Total	\$455,300	\$32,780	

Prior Year

Actual	Assessed	Exempt	
Land	\$127,300	\$10,130	\$0
Improvements	\$275,600	\$21,940	
Total	\$402,900	\$32,070	

Real Estates Property Taxes for current tax year

Please click on additional information below to check for any delinquencies on this property/schedule number and for tax sale information.

Installment 1
(Feb 28)

Installment 2
(Jun 15)

Full Payment
(Due Apr 30)

Feb 29 in Leap Years)

Date Paid	2/17/2017	6/8/2017	
Original Tax Levy	\$1,307.61	\$1,307.60	\$2,615.21
Liens/Fees	\$0.00	\$0.00	\$0.00
Interest	\$0.00	\$0.00	\$0.00
Paid	\$1,307.61	\$1,307.60	\$2,615.21
Due	\$0.00	\$0.00	\$0.00

Additional Information

Note: If "Y" is shown below, there is a special situation pertaining to this parcel. For additional information about this, click on the name to take you to an explanation.

Additional Assessment ⓘ	N	Prior Year Delinquency ⓘ	N
Additional Owner(s) ⓘ	Y	Scheduled to be Paid by Mortgage Company ⓘ	N
Adjustments ⓘ	N	Sewer/Storm Drainage Liens ⓘ	N
Local Improvement Assessment ⓘ	N	Tax Lien Sale ⓘ	N
Maintenance District ⓘ	N	Treasurer's Deed ⓘ	N
Pending Local Improvement ⓘ	N		

Real estate property taxes paid for prior tax year: **\$2,505.54**

Assessed Value for the current tax year

Assessed Land	\$10,130.00	Assessed Improvements	\$21,940.00
Exemption	\$0.00	Total Assessed Value	\$32,070.00

3122 Marion St – Rezoning Summary

November 16, 2017

Rezone From U-SU-B1 to U-SU-A1

Project Address: 3122 Marion St

Acreage: 7,375 sq. ft. (Approx. 0.17 acres)

1) Consistency with Adopted Plans

This rezoning request aligns with many of the goals of the Whittier Neighborhood Plan, especially when those goals include, “to maintain the existing residential integrity of the Whittier neighborhood, building an inviting, safe, comfortable low density environment for all residents” and “to emphasize the potential of Whittier to provide a residential environment for a wide variety of people”. Just like U-SU-B1, U-SU-A1 only allows for the Urban House building form, which would maintain the current residential integrity at low density and provide more options for a variety of people. It also fits in with the Northeast Downtown Neighborhoods Plan. This plan states that, the goal in Whittier and Cole is to “maintain the current mix of low scale building forms such as urban house, duplex and rowhouse” and to “allow new development to replicate existing development patterns, including small lots, shallow setbacks and high building coverage with parking and access in the rear/off the alley”. As stated before, the new zoning of U-SU-A1 only allows for the Urban House form, which aligns with ‘low scale’. It also allows for the replication of existing development patterns, as the zoning calls for small lots, shallow setbacks, and higher building coverage. All of these goals fit in to the overarching concept of Blueprint Denver’s Areas of Stability (which this section of Whittier is in). That concept states, “The ideal for Areas of Stability is to identify and maintain the character of an area while accommodating some new development and redevelopment in appropriate locations.” The Comprehensive 2000 Plan also advocates for this type of rezoning by stating that the goal of the plan should be to “preserve and enhance the individuality, diversity and livability of Denver’s neighborhoods” and that it should “encourage quality infill development that is consistent with the character of the surrounding neighborhood”. This rezoning would allow for quality redevelopment while still maintaining the low density, residential character and livability of the Whittier neighborhood.

2) Uniformity of District Regulations. The neighborhood (Whittier) that this lot sits in is almost strictly residential. The change of zoning will still fit into that context of residential regulations.

3) Public Health, Safety and General Welfare. The conversion of this existing zoning classification will further improve the consistency of the context for this neighborhood by promoting a continuation of residential properties. As a result, the residents may live within an environment that fosters the responsible development of the home and family unit.

4) Description of Justifying Circumstances. The Whittier neighborhood is closely tied to the historic roots of residential Denver. This rezoning helps ensure, along with the

other projects that have been constructed in this area, that this vital piece of the city is invested in and maintained. The change of the zone district to U-SU-A1 will allow for the eventual development of two smaller single-family residences. Two smaller residences, as opposed to one large and imposing structure, ensure that the character, scale and quality of the neighborhood is maintained. Many citizens in Denver have become increasingly concerned with how new development has affected the neighborhoods of the city. This proposed rezone helps quell those concerns with small scale, contextually appropriate planning. This development is in close proximity to infrastructure improvements (the light rail station at 39th & Downing). The light rail station will spur higher density development: the D-Line apartment buildings (planned) and various new townhome projects in the area. Due to this, the addition of single-family housing options is necessary to guarantee a diversity of housing remains. Overall, as the city has focused on revitalizing certain areas close to downtown, Whittier has taken a much larger role in keeping intact the assortment of dwelling options available. This rezone proposal not only aligns with that role, it furthers it.

5) Consistency with Neighborhood Context. A majority of parcels in this neighborhood, especially on this street, actually adhere to the U-SU-A1 zoning instead of the U-SU-B1. We believe this change will help make this lot conform more closely with the surrounding residences and context.

December 21, 2017

Bridget E. Brophy
2331 N. Gilpin Street
Denver, CO 80205

Re: Proposed Rezoning for 3122 N. Marion Street, Denver

Dear Members of the Planning Board:

As a resident of Whittier for 22 years, I have maintained an interest in this area and worked towards retaining the historical character and density of the neighborhood. There are certainly many things changing in Denver. Some of those changes are welcomed, some are not (traffic), and some have had unforeseen consequences.

I drove by the dwelling at 3122 N. Marion Street. It is a very nice, large, two-story structure on an ample lot. It seems that rather than proposing to change the zoning ad hoc, the owners should look at building an ADU since there is more than enough space on the lot and would fit with current zoning. I don't believe that changing the zoning for this property in the Whittier neighborhood, which has been in place since 2010's adopted plan is a fitting solution to the review criteria' stated objectives.

1. It is not consistent with adopted plans. It seems the community need for more dwellings is being met by the current apartment building boom. The density of the block, parking, and impact on neighbors are all things that need to be considered for the long-term, not the short-term. The benefit may be more individual than community oriented. Whittier's zoning reflects that neighborhood's plan to retain its density and historical character.
2. The zoning in Whittier, West City Park, etc. is U-SU-B1. While the subject property may be adjacent to Cole, which is U-SU-A1 it doesn't justify changing the zoning to suit an individual owner's need to change the zoning to fit their desired goals. Other options should be explored before changing zoning in haste.
3. While some owners in the neighborhood may operate under the notion that their goals are worthy endeavors serving the public interest in regard to land use changing for redevelopment purposes, Whittier isn't a blank slate to restate a purpose to fit needs outside of the realm of its current zoning.

There are many examples throughout the city that are now coming to light with benefit of hindsight that seemed like a great idea at inception. However, implementation showed that there were problems that weren't foreseen as a potential issue. The lack of an off-street parking requirement for apartment buildings of a certain size is one example. Separately, if one looks at

the Highlands neighborhood, there are many blocks whose character have been permanently decimated with some very nice Victorian homes razed in the name of progress, redevelopment, and density. And going back much further in time, the razing of old mansions in Capitol Hill to build apartment buildings meant that those architectural gems were lost forever. I believe that this proposed rezoning is unnecessary to meet their objectives and believe an alternative outside of a rezoning should be explored. As such, I am opposed to the proposed rezoning for 3122 N. Marion Street.

Sincerely,

Bridget E. Brophy