



DENVER
THE MILE HIGH CITY

Community Planning and Development
Planning Services
Plan Implementation

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TO: Land Use, Transportation and Infrastructure Committee
FROM: Chris Gleissner, Senior City Planner
DATE: April 17, 2012
RE: Zoning Map Amendment Application #2011I-00036
1804 S Pearl, from U-TU-C to U-MS-2X

Staff Report and Recommendation

Based on the criteria for review including legal basis evaluation and compliance with adopted City plans, Staff recommends approval for application #2011I-00036 for a rezoning from **from U-TU-C to U-MS-2X**.

I. Scope of Rezoning

Application:	#2011I-00036
Address:	1804 S Pearl Street
Neighborhood/Council District:	Council District #7
RNOs:	Old South Pearl Street Merchants Association, Platt Park People's Association, Inter-Neighborhood Cooperation
Area of Property:	0.29 acres
Current Zoning:	U-TU-C and U-MS-2X
Proposed Zoning:	U-MS-2X
Applicant/Owner:	Stephen Koloskus
Contact Person:	Joe Simmons

II. Summary of Proposal

The applicant proposes changing the zoning to **U-MS-2X** in order to eliminate the split zoning across the zone lot and facilitate redevelopment and reinvestment on the site.

III. Justifying Circumstances

Pursuant to Section 12.4.10.14, requiring justification for the amendment request, the land and the environs has changed or are changing to the degree that it is in the public interest to encourage redevelopment. Adoption of the Denver Zoning Code resulted in mapping the zone lot with multiple zone districts and created a complicated zone lot.

IV. Existing Context



	Existing Zoning	Existing Land Use	Blueprint Denver
Site	U-TU-C and U-MS-2X	Commercial/Office	Single Family Residential-Area of Stability
North	U-SU-B1	Grant Middle School	Single Family Residential-Area of Stability
South	U-TU-C	Residential	Single Family Residential-Area of Stability
West	U-MS-2X	Commercial	Single Family Residential-Area of Stability
East	U-SU-B1	Residential	Single Family Residential-Area of Stability

V. Summary of Agency Referral Responses

This rezoning has been reviewed for concurrence with the Denver Zoning Code and other applicable City Codes as utilized by the referral agencies listed below.

Development Services-Survey: Approved
Development Services-Transportation: Approved
Denver Fire: Approved
Denver Parks: Approved
Asset Management: Approved.

VI. Notice, Public Process & Public Comment

The property has been posted for a period of 15 days announcing the Denver Planning Board public meeting, and written notification of the public meeting has been sent to all affected registered neighborhood organizations.

The Old South Pearl Street Merchants Association has submitted letter of support (attached) for rezoning application #2011I-00036.

Additionally, we have received one letter of support (attached) to the rezoning application from the adjacent number to the south.

VII. Criteria for Review / Staff Evaluation

Pursuant to the Denver Zoning Code, Section 12.4.10.13 and 12.4.10.14, there are three criteria for review of all map amendments and two additional review criteria applied to non-legislative map amendments. The first three include:

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

These are explained in the following sections. The remaining two criteria include (*Justifying Circumstances* (explained in Section III above) and *Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements* (elements of the Denver Zoning Code)).

- **Neighborhood Contexts**

The requested U-MS-2X zone districts is an Urban Neighborhood Context, consistent with the surrounding context designation. The context generally consists of single-unit and two-unit residential areas with commercial areas typically embedded within the residential areas. Commercial uses are primarily located along mixed-use arterial or main streets but may be located at or between intersections of local streets. (Denver Zoning Code Section 5.1)

- **Zone District Purpose**

According to the intent stated in the Denver Zoning Code, the U-MS-2X district applies to small sites served primarily by local streets embedded within an existing or proposed neighborhood and limited to low scale building forms and low intensity uses. (Denver Zoning Code Section 5.2.5)

VIII. Consistency with Adopted Plans / Staff Evaluation

The proposal is consistent with adopted plans. Applicable plans for this site include:

- Denver Comprehensive Plan 2000
- Blueprint Denver

A. Consistency with the Denver Comprehensive Plan 2000

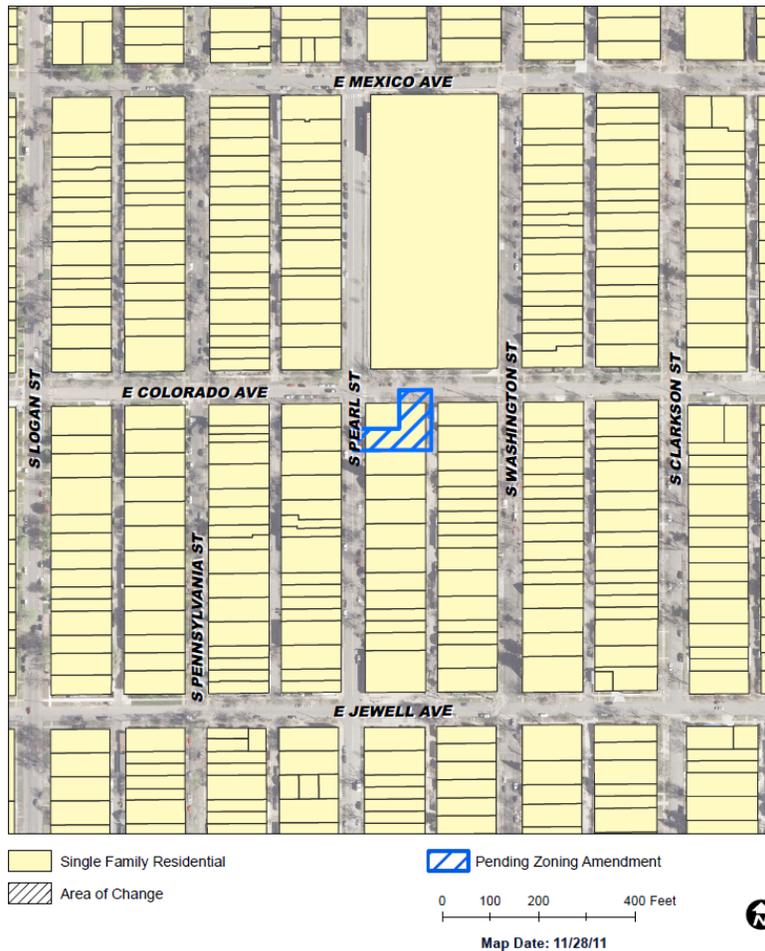
The proposal is consistent with and positively addresses many Denver Comprehensive Plan strategies, including:

- a. Environmental Sustainability 2-F,
- b. Land Use 3-B;
- c. Mobility 4-E;
- d. Legacies 2-E, 3-A, 3-B;

B. Consistency with Blueprint Denver

According to Blueprint Denver, this site has a concept land use of Single Family Residential and is located in an Area of Stability. Single Family Residential neighborhoods represent the majority of Denver's residential areas. These neighborhoods are typically low density neighborhoods with a significantly smaller employment base than housing base. While residential areas consist primarily of residential land uses, Blueprint Denver intends the inclusion of complementary land use types, including commercial uses to provide for the needs of nearby residents, within these neighborhoods. (p. 41-42). "The goal for Areas of Stability is to identify and maintain the character of an area while accommodating some new development and redevelopment" (p.120).

Blueprint Denver classifies Pearl Street and Colorado Avenue as Undesignated Local Streets. The U-MS-2X zone district is intended to be located within embedded locations in residential neighborhoods at the intersection of local streets.



IX. Uniformity of District Regulations and Restrictions

The proposed rezoning to U-MS-2X will result in the uniform application of zone district building form, use and design regulations for the subject area.

X. Public Health, Safety and General Welfare

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

XI. Planning Board Recommendation

Planning Board reviewed rezoning application #2011I-00036 at their regularly scheduled meeting on March 21, 2012. Planning Board recommended approval of this item on consent.

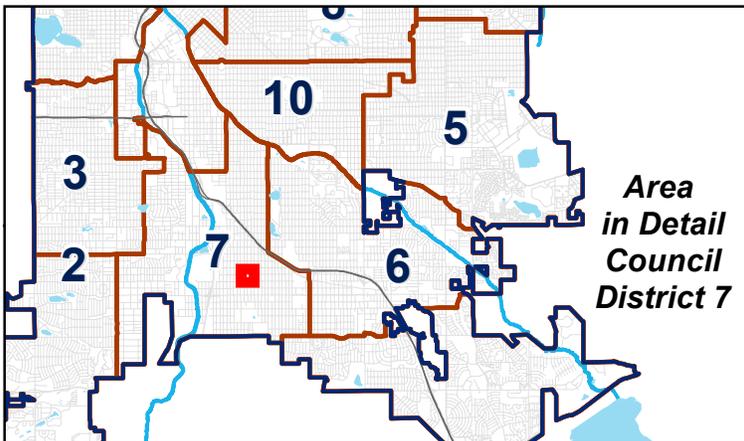
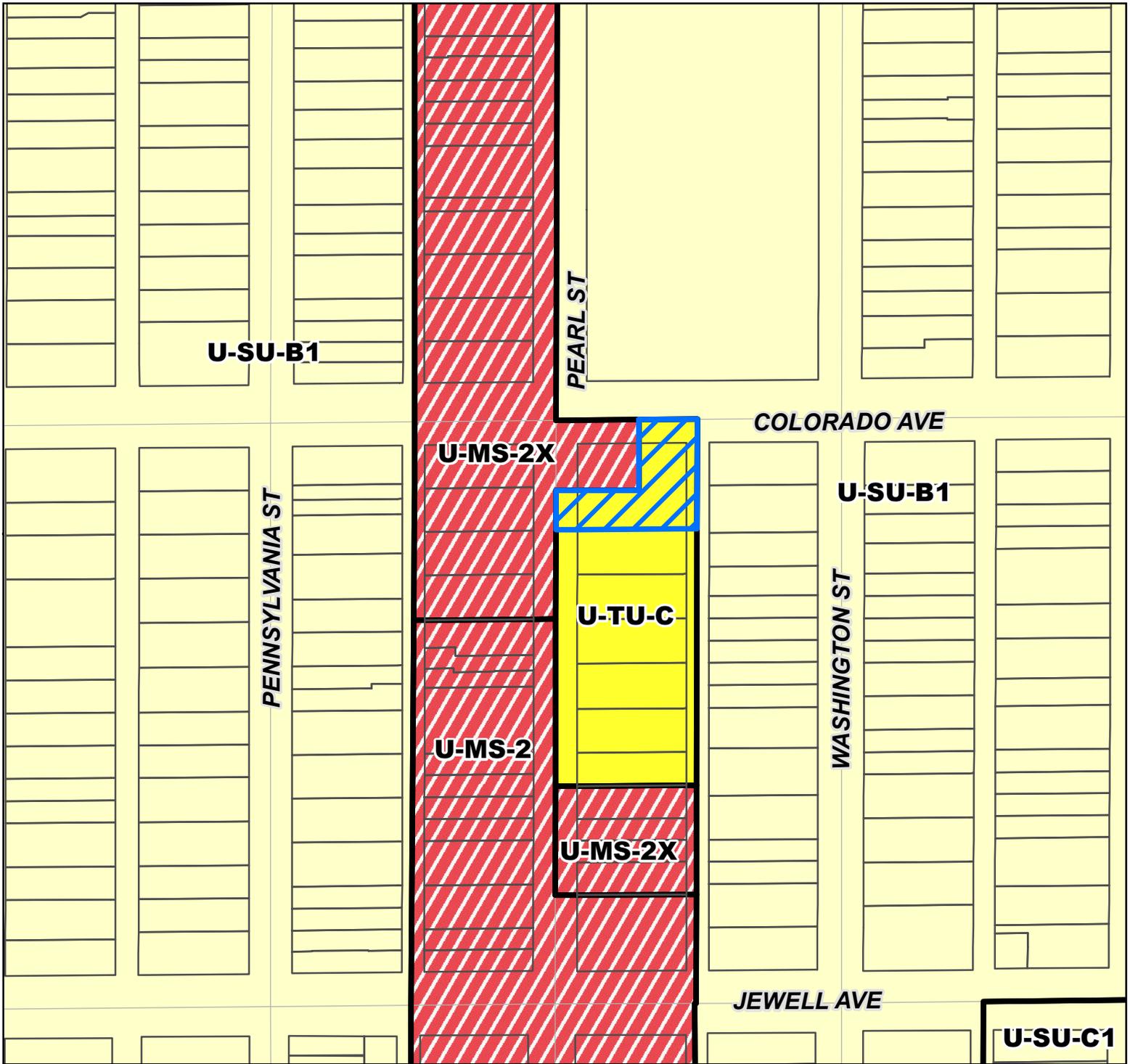
XII. Staff Recommendation

Based on the criteria for review as defined above, CPD recommends approval for rezoning the property located at 1804 S Pearl Street, Application #2011I-00036, from U-TU-C to U-MS-2X, as defined on the attached application map.

Attachments:

- 1. Official Zone Map Amendment Application**
- 2. Map Series - Aerial, Zoning, Blueprint Map**

Pending Zone Map Amendment #2011I-00036



Application #2011I-00036
Location: 1804 S. Pearl St.

 From: U-TU-C To: U-MS-2X

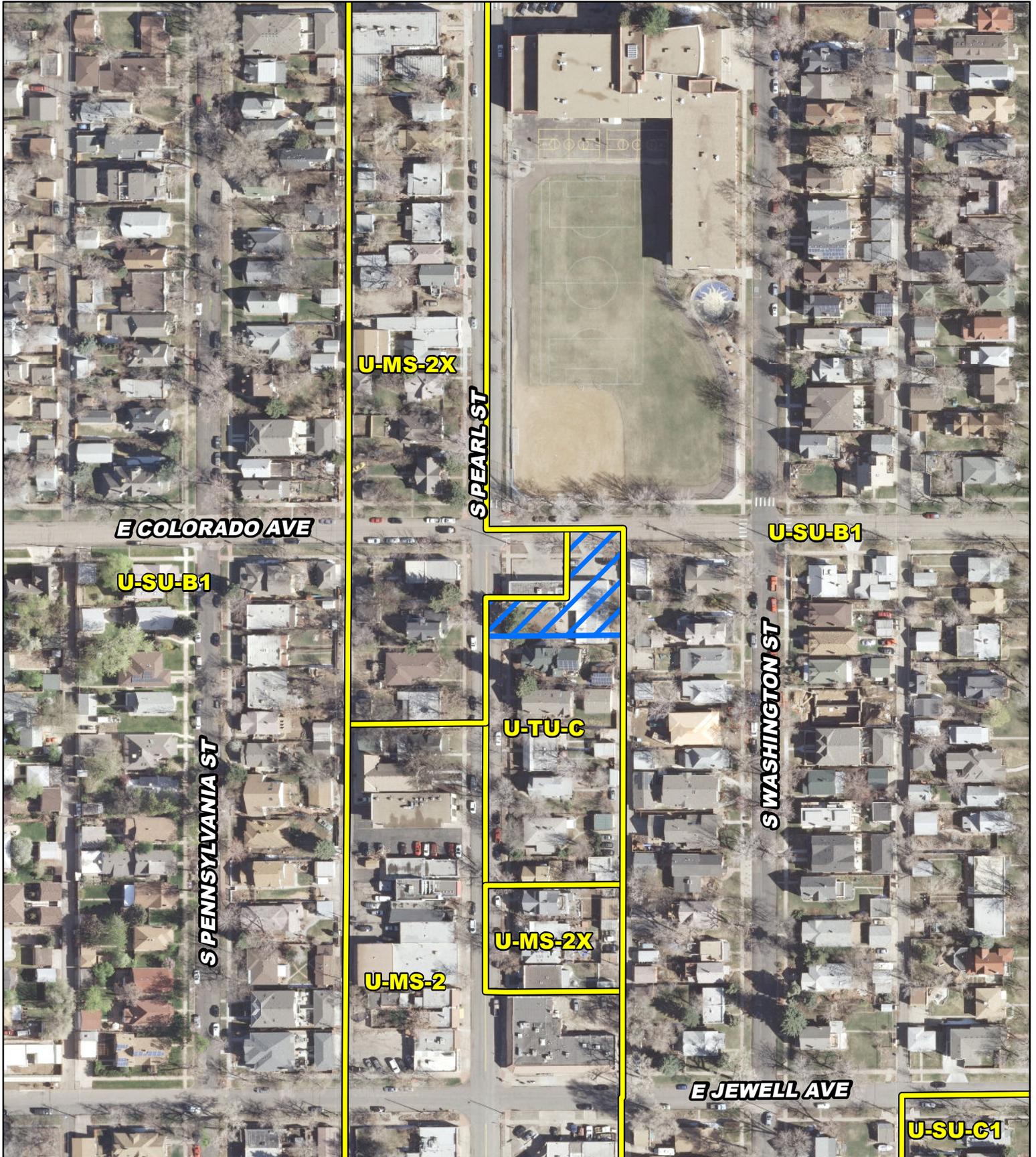
 0 100 200 400
Feet

Map Date: 11/28/11

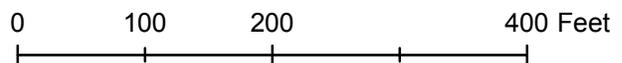
Pending Zone Map Amendment - Aerial & Zoning Overlay



Application #2011-00036



Aerial Photo: April 2010
Community Planning and Development

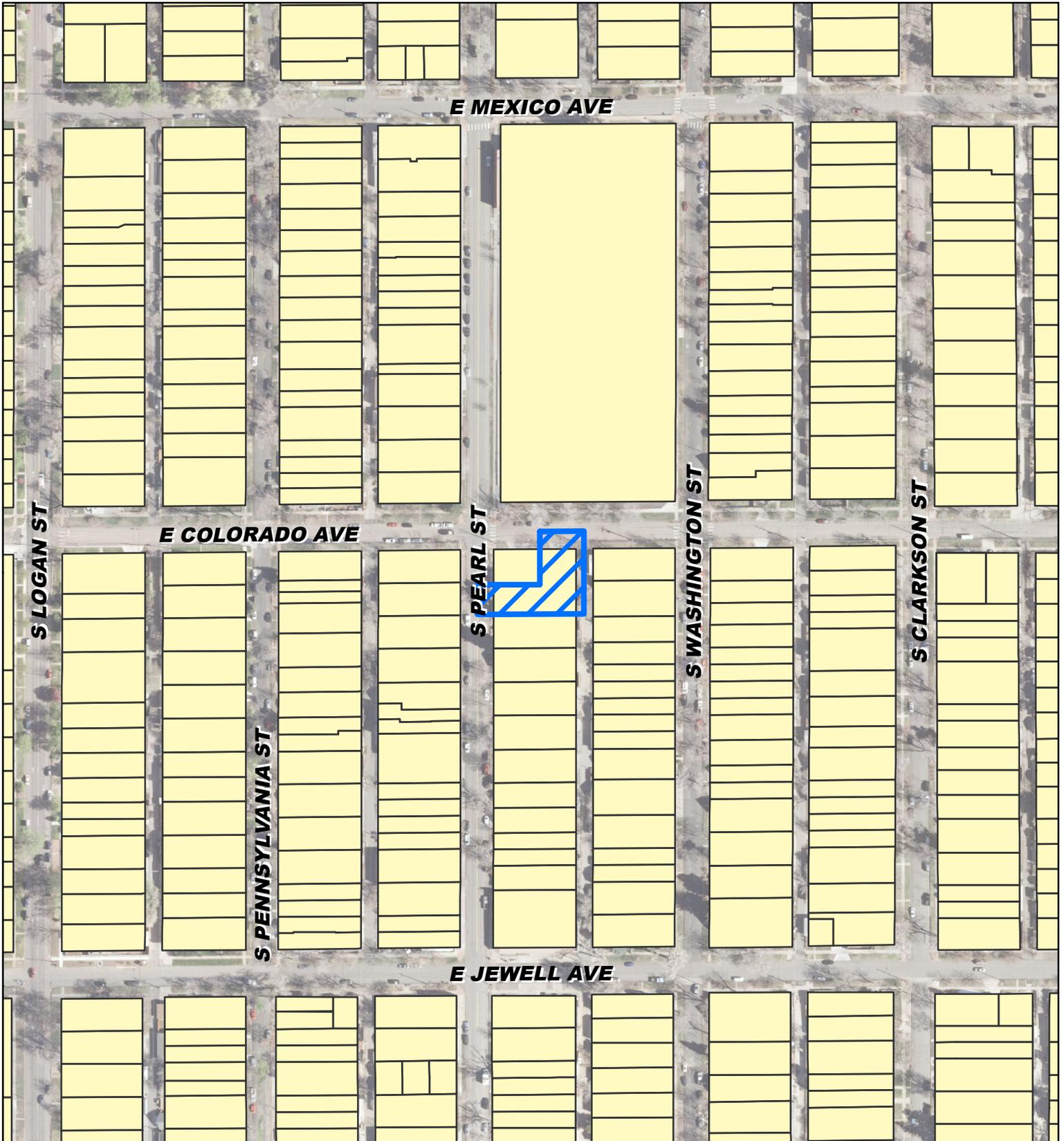


Map Date: 11/28/11

Pending Zone Map Amendment - Blueprint Denver Overlay



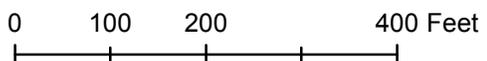
Application #2011I-00036



 Single Family Residential

 Pending Zoning Amendment

 Area of Change



Map Date: 11/28/11





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APPLICATION FOR ZONE MAP AMENDMENT

Application #	2011I-00036	Date Submitted	11.15.11	Fee Required	\$1000.00	Fee Paid	\$1000
APPLICANT INFORMATION				CONTACT INFORMATION (Same as Applicant? <input type="checkbox"/>)			
Applicant Name	Stephen Koloskus			Contact Name	Joe Simmons, Architect		
Address	1804-A South Pearl Street			Address	99 South Logan Street		
City, State, Zip	Denver, CO 80210			City, State, Zip	Denver, CO 80209		
Telephone / Fax	303-744-8089			Telephone / Fax	303-433-2255		
Email	steve@extrastrength.net			Email	jsimmons@blueskystudio.com		
Subject Property Location [Please Include Assessor's Parcel Number(s)]							
1804 South Pearl St. Parcel No: 0522737030000							
Legal Description of Subject Property							
Lots 1-4 incl. Block 10 Grant Subdivision							
Area of Subject Property (Acres/Sq Ft)			Present Zone District		Proposed Zone District (Waivers and Conditions Require Separate form)		
.29			U-MS-2X AND U-TU-C		U-MS-2X		
Describe the nature and effect of the proposed Zone Map Amendment							
To simplify the zoning for the parcel and to consolidate to one zone classification							
Select Legal Basis for the Zone Map Amendment and explain in detail				Error in the map as approved by City Council			<input type="checkbox"/>
				Changed or Changing Conditions that make a Zone Map Amendment Necessary			<input checked="" type="checkbox"/>
This parcel was requested to be configured as two separate zones, U-MS-2x and U-TU-C when the zone maps were being updated. Subsequent to passage of the new zoning ordinance, the market for duplex-type housing has diminished significantly. Additionally, we have discovered that having two separate zone classifications complicates the development of this site from both a jurisdictional perspective and poses concerns to potential lenders.							
State the land use and the development proposed for the subject property. Include the time schedule (if any) for development							
Commercial and residential							
Required Exhibits				Additional Exhibits			
Applicant & Owner Information Sheet				Letters of support			
Maps – Required for Final Submissions							
<input checked="" type="checkbox"/>							
Case Manager	Chris Gleissner						
Signature						Date	
						November 17, 2011	

APPLICANT & OWNER INFORMATION SHEET

[1] Section 59-648(c) of the Denver Revised Municipal Code requires that an applicant for rezoning provide the applicant's name, address, and respective ownership interest, if any, on the application. In addition, unless subject to paragraph [2] below, the applicant must provide, in the space provided on this form, a list of all the owners of the property and the holders of deeds of trust, identifying which owners and holders of deeds of trust are represented by the applicant.

[2] If the application is for designation of an area as B-2, B-3, R-X or PUD zone district, the applicant must submit the concurrence of the owners and holders of deeds of trust of the entire land area to be included in the proposed district (and any structures thereon). In such cases, this form must be completed for each individual owner, together with sufficient evidence of ownership for each owner and holder of a deed of trust. Documentation verifying ownership interest may include (but is not limited to): Copies of deeds, powers of attorney, and corporate/partnership registrations filed with the Secretary of State.

Application Number	Applicant's Name
2011I-00036	Stephen A. Koloskus, property owner

Property Address(es)

1804 South Pearl Street, Denver, CO 80210

Applicant's Address

1804-A South Pearl Street Denver, CO 80210

NOTE: If 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 "applicant" above.

Fee Title Owner (Has Deed of Ownership)	All	X
	A Portion	<input type="checkbox"/>
Contract Owner NA	All	<input type="checkbox"/>
	A Portion	<input type="checkbox"/>
Holder of a Security Interest	All	<input type="checkbox"/>
	A Portion	X

List the names and addresses of all owners and holders of Deeds of Trust for the property, if any, and indicate which owners or holders of deeds of trust are represented by the applicant in the space below (please add additional pages, if needed).

Steele Street Bank, 55 Adams Street, Denver, CO 80206 • 303-376-3800
Loan #80005954

Signature of Applicant	Date Signed
 2011I-00036	11/17/11 November 17, 2011

To: 3PA

October 10, 2011

Re: Steve Koloskus/Rezoning of 1804 S. Pearl St.

As the immediate neighbors to the south of the property on the southeast corner of the intersection of South Pearl Street and East Colorado Avenue (presently 1804 South Pearl) we recently met with the owner of the property, Steve Koloskus.

Mr. Koloskus spoke with us about his desire to rezone the entire 12,000 square-foot property to MS-2 (eliminating the unusual split designation currently applied to the property) and his desire to develop the property to include a modest commercial building as well as a residential component on the property.

We have been neighbors with Mr. Koloskus' business for more than 10 years now and support his desire to rezone and improve the property so long as standard process and policies are followed.

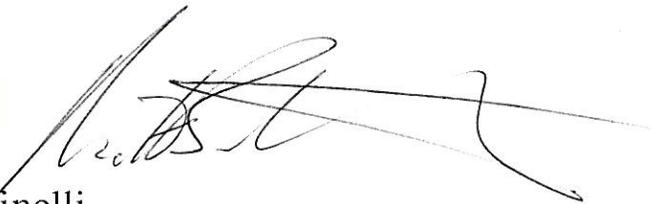
He is a good neighbor and cares very much about the Platt Park neighborhood. He is conscientious about keeping up his property and we can't think of anything better than to have him stay next door.

If any further information is needed please contact us at 303-698-1647.

Sincerely,



Stasi and Nick Bottinelli





South Pearl Street Merchants
Association

P.O. Box 8888 Denver, Colorado 80208

On Wednesday, October 19th, Steve Koloskus, the owner of the property located at the southeast corner of the intersection of South Pearl Street and East Colorado Avenue, made a presentation to the South Pearl Street Merchants Association at our regularly scheduled monthly meeting.

Mr. Koloskus spoke to the members of the association present (approximately 20+) about his desire to rezone the entire 12,000 square-foot property to MS-2 and eliminate the unusual dual designation currently applied to the property. At present, the property features a split designation: MS-2 on approximately 3,000 square feet immediately at the street corners, and U-TU-C zoning in an L-shape configuration on the remaining 9,000 square feet.

A 'straw vote' was taken after Mr. Koloskus' presentation and all members voted 'in favor' of allowing the rezoning so long as the standard process is followed.

Mark Gill

President
South Pearl Street Merchants Association