



TO: City Council Neighborhoods and Planning Committee
FROM: Ryan Winterberg-Lipp, AICP, Associate City Planner
DATE: June 17, 2015
RE: Official Zoning Map Amendment Application #2015I-00033
270 South Madison Street
Rezoning from PUD 624 to G-RH-3

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2015I-00033 for a rezoning from PUD 624 to G-RH-3.

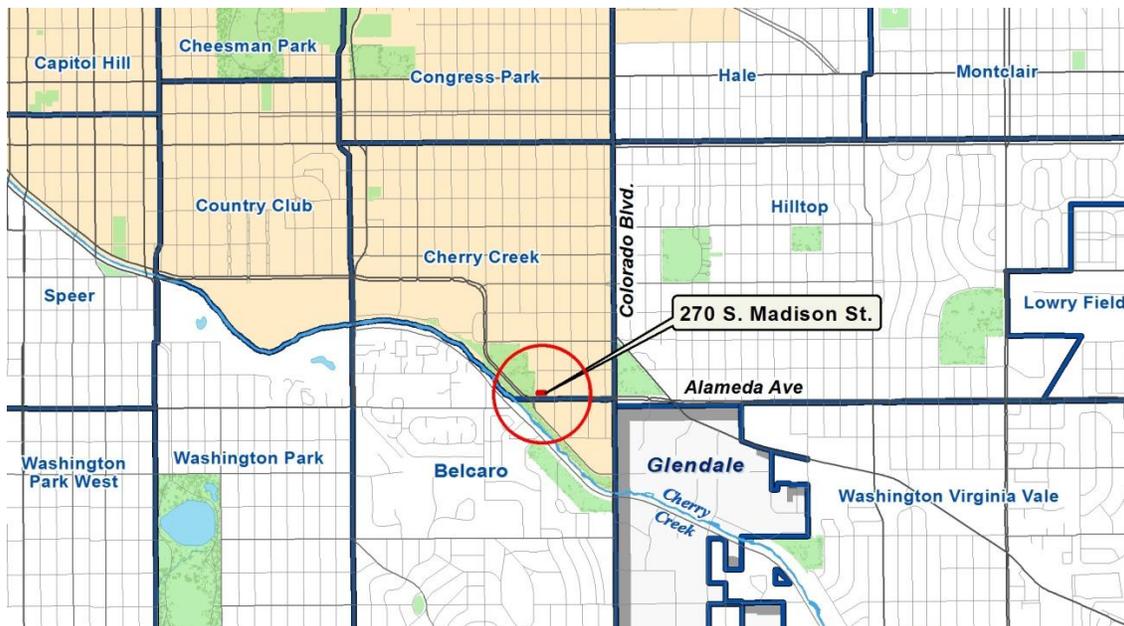
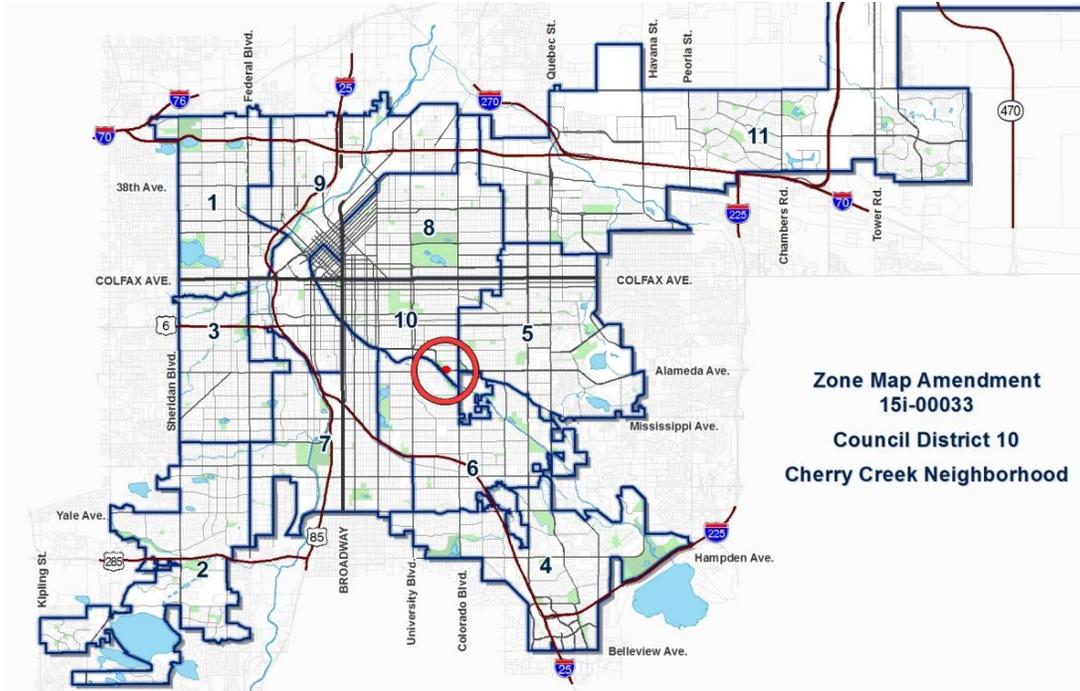
Request for Rezoning

Application:	#2015I-00033
Address:	270 South Madison Street
Neighborhood/Council District:	Cherry Creek / Council District 10
RNOs:	Cherry Creek East Association, Denver Neighborhood Association, Inc., Harman Neighborhood Association, Inc., Inter-Neighborhood Cooperation
Area of Property:	6,250 square feet
Current Zoning:	PUD 624
Proposed Zoning:	G-RH-3
Property Owner(s):	Slawomir and Beata Pietraszek
Owner Representative:	Howard Kent, CDFM Architectural

Summary of Rezoning Request

- The subject property is located in the Cherry Creek Statistical Neighborhood, near the intersection of East Alameda Avenue and South Madison Street.
- The subject property is comprised of one assessor's parcel and is currently occupied by a single family residential structure. A small office structure is located to the south, and the subject block is comprised of rowhouse, duplex, multifamily residential, and single family residential structures.
- The Former Chapter 59 Planned Unit Development (PUD) 624 currently in effect permits the construction of a duplex and specifies a district plan and detailed elevations.
- The property owners are requesting a rezoning from PUD 624 to G-RH-3 in order to redevelop the site consistent with the G-RH-3 standards. The G-RH-3 zone district indicates the General Context – Row House – 3-Story maximum building height.
- Specifically, the property owner does not desire to redevelop the site per the specific district plan and façade elevations allowed by PUD 624. Though a rezoning request does not approve a

specific development or permit a specific use, the property owners' intent through this rezoning is to construct a duplex.



Existing Context

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

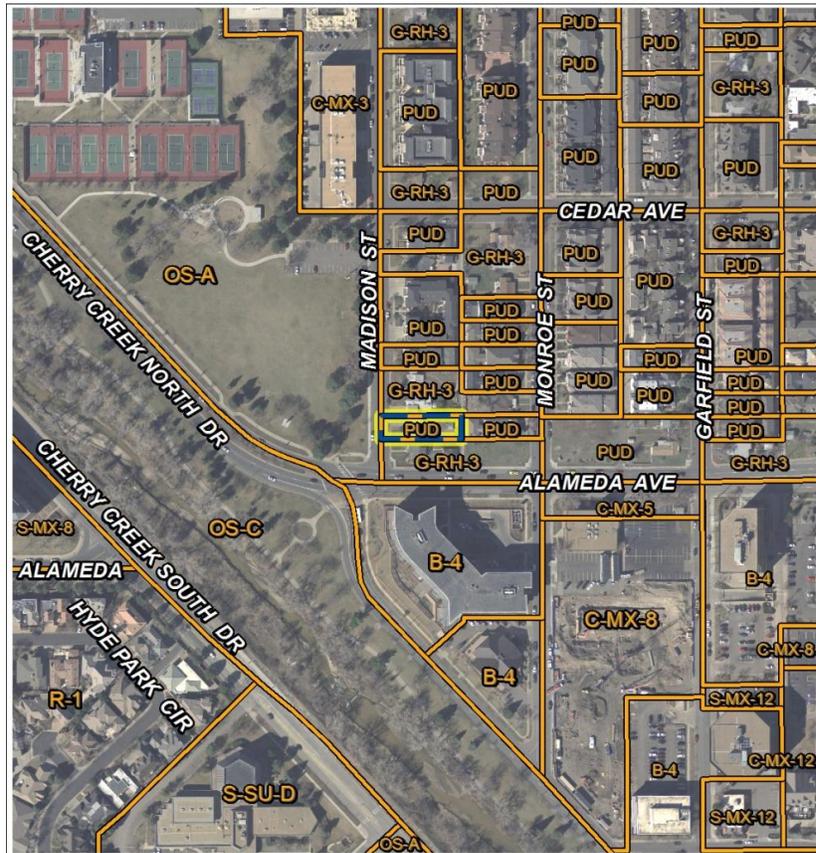
	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	PUD 624	Single family residential	One-story single family residential structure with driveway access at the primary street.	Generally, block sizes and shapes are consistent and rectangular; however, Cherry Creek North Drive runs at a diagonal along Cherry Creek, forming triangular blocks at intersections with the street grid. Cherry Creek also interrupts the regular block patterns. Alleys are generally present. Lot sizes are varied from small, individual properties to some moderate assemblages. Assemblages are larger to the south of Alameda Avenue.
North	G-RH-3 and various PUDs	Mix of rowhouse, multifamily residential, single family residential	Variety of one-three story attached and detached residential structures; generally consistent and shallow setbacks; some vehicle access at the primary street.	
South	G-RH-3, B-4 with Waivers, C-MX-5, and C-MX-8	Multifamily, office, and surface parking	Office and multifamily structures with some surface parking between the building and the street. Heights range from 2-8 stories.	
East	G-RH-3 and various PUDs	Mix of rowhouse, multifamily residential, single family residential	Variety of one-three story attached and detached residential structures; generally consistent and shallow setbacks; some vehicle access at the primary street.	
West	OS-A and OS-C	Park and multiuse trail	Pulaski Park and the Cherry Creek Trail	

The site is near the intersection of South Madison Street and East Alameda Avenue. East Alameda Avenue ranges from four to five lanes near the site and merges to the west of the subject site with Cherry Creek North Drive. South Madison Street is a two-lane, residential street. Building heights range from one to three stories north of East Alameda Avenue, and uses are primarily single and multifamily residential. A small residential structure has been converted to office use directly to the south of the subject site. Building heights range from two to eight stories south of East Alameda Avenue, and uses include higher intensity multifamily residential to office. Detached sidewalks and tree lawns are present as properties redevelop. Pulaski Park is across South Madison Street from the subject site, and direct access to the Cherry Creek Trail is located across Cherry Creek North Drive.

East Alameda Avenue is served by four different RTD bus routes and Cherry Creek North Drive is served by five RTD bus routes.

1. Existing Zoning

The existing PUD 624 was approved in 2009 and allows for two dwelling units. The PUD allows for a maximum of 5,482 square feet of multiunit use and allows for a maximum building height of two stories and 35 feet in height. Setbacks are specified at 4 feet on the north, 4 feet on the south, 8 feet on the east, and 14.25 feet on the west. The PUD also sets out parking, landscaping, and other zoning requirements along with a District Plan and façade elevations. The official copy of the PUD is on file with the Denver City Clerk.

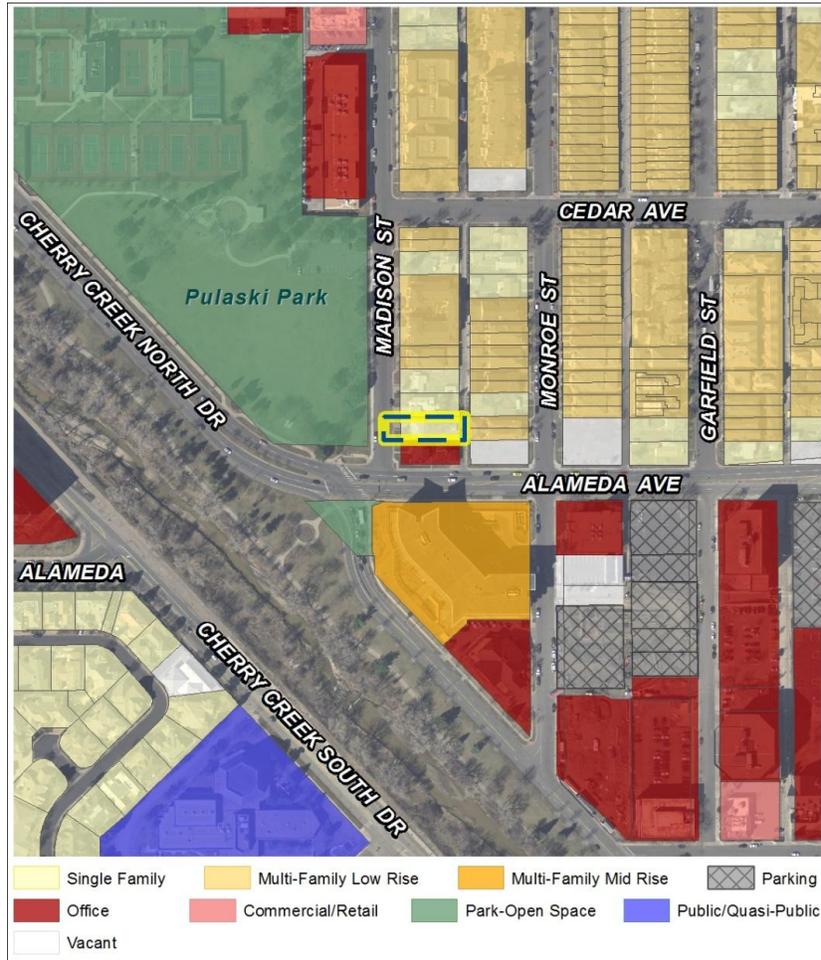


2. View Planes

The Cranmer Park View Plane applies to the subject property. The Cranmer Park View Plane originates in Cranmer Park and is intended to protect and preserve panoramic views of the mountains. The View Plane specifies maximum heights for all structures with maximum heights increasing with distance from the Cranmer Park origin point. The Cranmer Park View Plane will allow structures, including permitted height exceptions, with maximum heights no greater than an estimated 146-148 feet across the subject site.

3. Existing Land Use Map

As seen in the Existing Land Use Map on the next page, the surrounding area to the north of East Alameda Avenue largely comprised of rowhouses, duplexes, and multifamily residential with scattered single family residential structures. One small office building is located directly to the south of the subject site. Land uses to the south of East Alameda Avenue are multifamily residential and office. Pulaski Park is indicated as open space directly to the west of the subject site, and a node of office and retail uses are located to the north between East Bayaud Avenue and East Cedar Avenue on South Madison Street.



4. Existing Building Form and Scale



Subject site, looking east from South Madison Street



Multifamily uses to the north on South Madison



Multifamily uses to the south on East Alameda



Rowhouse and single family uses to the east on South Monroe



Pulaski Park to the west on South Madison

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:

Asset Management: Approved – No Comments

Development Services – Project Coordination: Approved – No Comments

Denver Fire Department: Approved – No Comments

Development Services – Wastewater: Approved - On behalf of Wastewater there is no objection to the rezone. That said, no commitment for service will be made until applicant obtains a Sewer Use and Drainage Permit (SUDP).

Public Works – City Surveyor: Approved – No Comments.

Parks and Recreations: Approved – We may have comments at the permitting stage as it relates to adjacency to Pulaski Park.

Environmental Health: Approved – The Department of Environmental Health (DEH) is aware of a large area of urban fill just west of the property under Pulaski Park. Methane in soil can be an issue in locations near fill areas and can be mitigated using a radon system –see general notes.

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.

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

Development Services – Transportation: Approved – No Comments

Public Review Process

- CPD staff provided Informational notice of receipt of the rezoning application to affected members of City Council and registered neighborhood organizations on April 7th, 2015.
- The property was legally posted for a period of 15 days announcing the June 3, 2015, Denver Planning Board public hearing, and written notification of the hearing has been sent to all affected registered neighborhood organizations and City Council members. **The Denver Planning Board voted unanimously in favor (9-0) to recommend approval of the map amendment to City Council.**
- Written notification of the June 24, 2015 Neighborhoods and Planning Committee meeting was sent to all affected registered neighborhood organizations and City Council members on June 10, 2015.
- Following the Neighborhoods and Planning Committee review, the rezoning application is typically referred to the full City Council for final action at a public hearing.
- Registered Neighborhood Organizations (RNOs)
 - Denver Neighborhood Association, Inc.
 - A RNO Position Statement Form was submitted by Bradley L. Zieg stating that DNA does not vote on site-specific rezonings, but generally supports rezoning Former Chapter 59 PUDs and believes G-RH-3 is the appropriate zone district for the subject site.
 - Cherry Creek East Association
 - A letter in support of the rezoning application was submitted by Susan Smernoff, President of the Cherry Creek East Association Board of Directors.
- The other RNOs identified on page 1 were also notified of this application. At the time of this staff report, no further RNO correspondence had been received.
- At the time of this staff report, no other public comment had been received.

Criteria for Review / Staff Evaluation

The criteria for review of this rezoning application are found in DZC, Sections 12.4.10.13 and 12.4.10.14, as follows:

DZC Section 12.4.10.13

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

DZC Section 12.4.10.14

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)
- *Cherry Creek Area Plan* (2012)

Denver Comprehensive Plan 2000

Denver's *Comprehensive Plan 2000* identifies a set of broad guiding principles that unite to form a coherent and compelling vision of a livable city. The rezoning request is consistent with several specific *Denver Comprehensive Plan 2000* 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. Creating more density at transit nodes.* (pg 39)
- Environmental Sustainability Strategy 4-A – *Promote the development of sustainable communities and centers of activity where shopping, jobs, recreation and schools are accessible by multiple forms of transportation, providing opportunities for people to live where they work.* (pg 41)
- 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.* (pg 60)
- Neighborhood Strategy 1-F – *Invest in neighborhoods to help meet citywide goals and objectives for a range of housing types and prices, community facilities, human services and mobility. Continue to foster integrity and livability of neighborhoods.* (pg 150)

The proposed G-RH-3 map amendment will enable appropriate residential development at an infill location where services and infrastructure are already in place, further allowing residents to live, work, and play in the Cherry Creek area. With four RTD bus routes serving East Alameda Avenue adjacent to

the subject site, the rezoning request is also consistent with *Comprehensive Plan 2000* by supporting opportunities for people to live near jobs and services with access to public transportation.

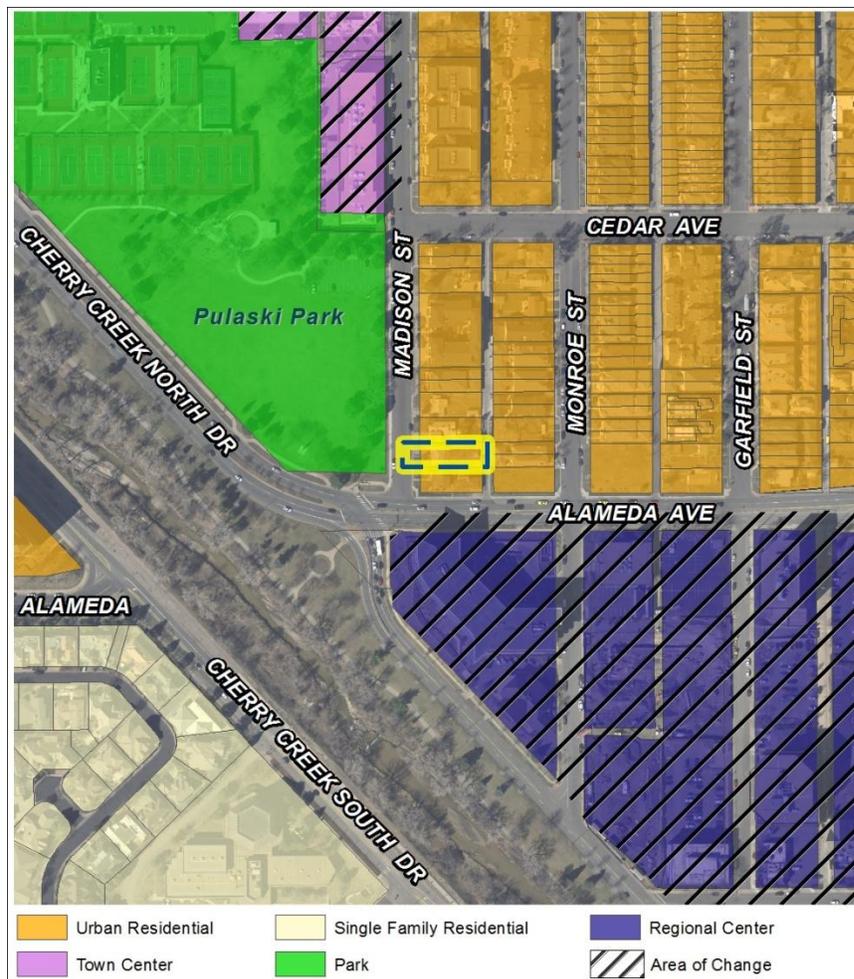
Blueprint Denver

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

Future Land Use

According to *Blueprint Denver*, Urban Residential neighborhoods are higher density and primarily residential but may include a noteworthy number of complementary commercial uses. A variety of housing types is present in Urban Residential neighborhoods including single family homes, townhouses, small multifamily apartments, and sometimes high-rise structures (pg 40). *Blueprint Denver* states that Cherry Creek East is specifically an example of an Urban Residential neighborhood. The proposed G-RH-3 zone district is consistent with the Urban Residential concept land use designation through the allowed variety of lower intensity residential uses and forms.

Blueprint Denver Future Land Use Map



Area of Change / Area of Stability

The subject site is in an Area of Stability. *Blueprint Denver* further defines Areas of Stability into two types: Committed Areas and Areas of Reinvestment. *Blueprint Denver* states that:

Reinvestment areas are neighborhoods with a character that is desirable to maintain but that would benefit from reinvestment through modest infill and redevelopment or major projects in a small area. These areas would encourage investment but in a more limited and targeted way than in Areas of Change. Residents in these areas face a variety of challenges and opportunities. Examples of challenges include concern about deteriorated and poorly maintained housing stock, inappropriate land uses or inadequate buffering between uses, lack of services such as grocery stores, lack of curbs and gutters and other infrastructure, and maintaining affordable housing (pg 122-123).

The rezoning application is consistent with the *Blueprint Denver* Area of Stability recommendations through the opportunity for modest redevelopment in a targeted fashion. The proposed G-RH-3 zone district would promote reinvestment at a deteriorated property compatible with the existing character, mix of land uses, and building forms.

Street Classifications

Blueprint Denver classifies South Madison Street as an undesignated Local and East Alameda Avenue as a Mixed-Use Arterial. Local Streets are influenced less by traffic volumes and are tailored more to providing local access. Mobility on local streets is typically incidental and involves relatively short trips at lower speeds to and from other streets. Because of their “neighborhood” nature, travel speeds are usually lower than collectors and arterials (pg 51). Conversely, Arterial Streets are “designed to provide a high degree of mobility and generally serve longer vehicle trips to, from and within urban areas” (pg 51). Mixed Use Streets are “located in high-intensity mixed-use commercial, retail and residential areas with substantial pedestrian activity” and are “attractive for pedestrians and bicyclists because of landscaped medians and tree lawns” (pg 57).

The G-RH-3 zone district is an appropriate zone district for this Undesignated Local street classification by allowing residential uses that are consistent with the existing context and character. With close proximity to the East Alameda Avenue Mixed-Use Arterial Corridor, the residential development enabled by the G-RH-3 zoning will also be served by regional connections to jobs and services.

Additionally, *Blueprint Denver* recognizes that the East Alameda Avenue and Cherry Creek North Drive corridor is an Enhanced Transit Corridor (ETC). ETCs are identified as priorities for increased transit ridership, improved service, and efficiency supported through the creation of more intensive, mixed-use development (pg 26, 99). The G-RH-3 zone district is consistent with the Enhanced Transit Corridor recommendation to support quality multimodal transportation through appropriate residential development.

Small Area Plan: Cherry Creek Area Plan

The 2012 *Cherry Creek Area Plan (CCAP)* was adopted by City Council in June 2012 and applies to the subject property. The format of the *CCAP* includes framework plan recommendations that apply throughout the planning area and subarea recommendations that apply to smaller geographies.

CCAP Framework Plan Recommendations

- **B.1.B AREAS OF STABILITY** – *Maintain a mix of low scale residential building forms such as single family, duplex, row house and accessory dwelling units; low scale multi-unit buildings are also appropriate in Cherry Creek East east of Madison (pg 28).*

Infill development should reinforce pedestrian friendly qualities of existing development patterns including entry features facing the street, moderate setbacks, vehicle parking and access located off the alley, and detached sidewalks with tree lawns (pg 28).



As indicated in the *Plan* text and the Area of Change in Cherry Creek map, this site is located within an Area of Stability where the low-scale residential forms permitted by the proposed G-RH-3 zoning are appropriate. Standards in the G-RH-3 zone district also reinforce the characteristics desired in infill projects.

- **B.2.C LAND USE** – *Reinforce residential character in neighborhoods (pg 31).*

The proposed G-RH-3 zone district accomplishes this recommendation through the allowance of residential uses in a variety of low-scale forms, consistent with existing neighborhood character.

- **B.4.A RESPECT THE EXISTING CHARACTER OF STABLE RESIDENTIAL NEIGHBORHOODS** – *Cherry Creek North Neighborhood and Cherry Creek East include variety of architectural styles and housing types that contribute to the character, quality of life, and diversity of housing choices within the area. [...] Continued reinvestment in these areas should reinforce the quality and scale of development that currently exists. Regardless of use, new development should enhance the residential character of these neighborhoods including contributing to the mix of housing types, improving the embedded commercial uses, landscaped block-sensitive setbacks, detached sidewalks, tree lawns, alley access to structures, limited curb cuts and street-facing entries (pg 34).*

The proposed G-RH-3 zone district contributes to the diversity of housing options while enhancing residential character, quality, and scale through block-sensitive setbacks, street-facing entrances, and alley access.

CCAP Subarea Recommendations: Cherry Creek East

The subject site is located within the boundaries of the “Cherry Creek East Subarea,” a “highly desirable moderate density residential neighborhood that also includes a high density office and residential district on its western edge” (pg 55). The area is guided by the following recommendations:

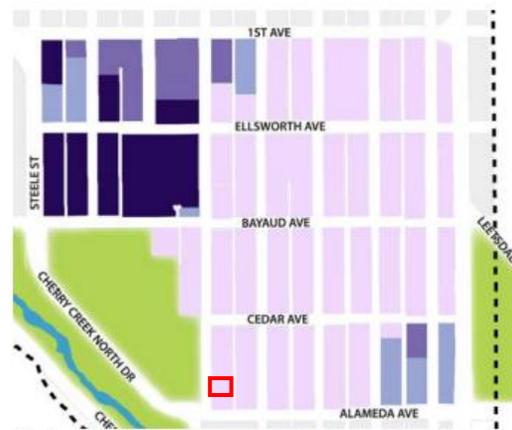
- **Reinforce the residential character.** *Maintain and enhance the existing character and walkable environment of Cherry Creek East. [... The recommended land use category for the subject site is] Urban Residential. Continue supporting a variety of housing types including low and mid-rise multifamily, row houses, duplex, single family and accessory dwelling units (pg 72).*

The proposed G-RH-3 zone district is consistent with the Urban Residential concept land use category through the permitted variety of housing uses—Single Unit, Two Unit, and Multi-Unit— and allowed building forms—Urban House, Detached Accessory Dwelling Unit, Duplex, Garden Court, and Row House.



Future land use map - Cherry Creek East neighborhood

- Regional Center
- Town Center
- Urban Residential
- Other subareas



Maximum building heights map - Cherry Creek East neighborhood

- 12 Stories
- 8 Stories
- 5 Stories
- 3 Stories
- Other subareas

- **Respect the Existing Scale.** *Enhance the existing pattern of development intensity with low scale buildings in the residential areas (pg 72).*

The CCAP Maximum Building Heights Map designates the site with a 3-story maximum building height. The proposed G-RH-3 zone district allows this recommended height.

- **Rezone PUDs.** *As opportunities arise with new development or property owner interest, property owners and neighborhood representatives will work together with the City to determine an appropriate Denver Zoning Code district that serves to implement this plan (pg 72).*

Aging, undeveloped PUDs are identified as a key issue in Cherry Creek East because of their inability to adapt to a changing real estate market and preferences (pg 71). Without any redevelopment activity realized since PUD 624's adoption in 2009, PUD 624 is no longer a viable development option, and the proposed G-RH-3 implements the recommendations of the *Cherry Creek Area Plan*.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to G-RH-3 will result in the uniform application of 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 primarily through implementation of the City's adopted land use plans including *Comprehensive Plan 2000*, *Blueprint Denver*, and the *Cherry Creek Area Plan*.

4. Justifying Circumstance

The application identifies changed or changing conditions as the Justifying Circumstance under DZC Section 12.4.10.14.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 application identifies changes in the surrounding immediate area including recent infill and redevelopment on Madison Street consistent with the G-RH-3 zone district standards and Urban Residential concept land use. Additionally, the application states that the site and façade design specified in PUD 624 is more "suburban" in character and no longer reflects the evolving character in Cherry Creek East.

Additional changed or changing conditions at the subject site since PUD 624's approval in 2009 include the adoption of the *Cherry Creek Area Plan* in 2012, specifying an updated vision for the evolution of Cherry Creek and the subject property. As the application also states, the adoption of the Denver Zoning Code in 2010 introduced the G-RH-3 zone district as an appropriate zone districts for Urban Residential concept land use areas. At the time of PUD 624's adoption, the G-RH-3 zone district was not available.

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

Neighborhood Context Description

The requested G-RH-3 zone district is within the General Urban Neighborhood Context, characterized by multi-unit residential uses in a variety of building forms. Single-unit and two-unit residential uses are also found in a mix of residential forms. Low-scale commercial areas are embedded within residential areas (DZC, Division 6.1). The General Urban Neighborhood Context consists of a regular pattern of block shapes surrounded by an orthogonal street grid, providing a regular pattern of pedestrian and vehicular connections through this context. Block sizes and shapes are consistent and include detached sidewalks, tree lawns, street and surface parking, and landscaping in the front setback (DZC, Division 6.2). The context narrative describes the Cherry Creek East neighborhood, and the proposed rezoning to G-RH-3 is consistent with the existing context and desired conditions expressed in adopted plans. Therefore, the proposed rezoning to G-RH-3 is consistent with the neighborhood context description.

Zone District Purpose and Intent

According to DZC 6.2.2.1, the general purpose of the General Residential zone districts is to promote and protect higher density residential neighborhoods within the character of the General Urban Neighborhood Context. The rezoning to G-RH-3 is consistent with the zone district general purpose through its application in a General Urban character neighborhood. Resulting development will also be consistent with the general purpose statement through the application of G-RH-3 zone district standards.

According to the zone district intent stated in the Denver Zoning Code, the G-RH-3 zone district “is a multi unit district allowing urban house, duplex, and row house building forms. Row houses are not taller than three stories.” (DZC Section 6.2.2.2.A). The intent statement for the proposed G-RH-3 zone district is consistent with plan recommendations stated earlier regarding concept land use and desired building scale. Accordingly, the specific request is an appropriate application of the G-RH-3 zone district.

Staff Recommendation

Based on the analysis set forth above, CPD staff finds that the application for rezoning the property located at 270 South Madison Street (#2015I-00033) to the G-RH-3 zone district meets the requisite review criteria. Accordingly, staff recommends approval of the rezoning.

Attachments

1. Application
2. RNO comment letters

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	Slawomir & Beata Pietraszek	Representative Name	Howard Kent - CDFM Archiotectural
Address	2635 White Rock Lane	Address	1110 East 17th Avenue
City, State, Zip	Colorado Springs, CO 80904	City, State, Zip	Denver, CO 80218
Telephone	719 459 7928	Telephone	303 355 2302
Email	slawek@newvisionhotels.com	Email	Howard@CDFMArch.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>	
Please attach Proof of Ownership acceptable to the Manager for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed or deed of trust, or (c) Title policy or commitment dated no earlier than 60 days prior to application date.			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):	270 South Madison Street, Denver, CO 80209 Lot 17 & 18 Block 41 Burlington Capitol Hill Addition, City & County of Denver, State of Colorado +		
Assessor's Parcel Numbers:	0512527009000		
Area in Acres or Square Feet:	6,250		
Current Zone District(s):	PUD 624 in G-RH-3 District		
PROPOSAL			
Proposed Zone District:	G-RH-3		
Does the proposal comply with the minimum area requirements specified in DZC Sec. 12.4.10.3:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	

REVIEW CRITERIA	
<p>General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.7</p>	<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>
	<p>Please provide an attachment describing how the above criterion is met.</p>

REQUIRED ATTACHMENTS

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

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

ADDITIONAL ATTACHMENTS

Please identify any additional attachments provided with this application:

- Written Authorization to Represent Property Owner(s)

Please list any additional attachments:

270 S Madison Legal Description.doc 270 S Madison Warranty Deed.pdf 270 S Madison Prop Transfer Declaration.pdf
 270 S Madison Review Criteria.pdf 270 S Madison Owner Authorization to Represent.pdf
 Rezoning_(270 S Madison) Application-3.pdf 270 S Madison Review Fee Waiver.pdf

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 (must sign in the exact same manner as title to the property is held)	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed or deed of trust, (C) title policy or commitment, or (D) other as approved	Property owner representative written authorization? (YES/NO)
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)	NO
<i>Slawomir P. Przaszek</i> <i>Beata Przaszek</i>	<i>270 S. Madison</i> <i>Denver, CO</i> <i>80209</i>	<i>100%</i>	<i>[Signature]</i> <i>Beata Przaszek</i>	<i>03/09/15</i>	<i>Warranty Deed</i>	<i>Yes</i>

Last updated: February 4, 2015

Return completed form to rezoning@denvergov.org

311 FOR INFORMATION & CITY SERVICES

201 W. Colfax Ave., Dept. 205

Denver, CO 80202

720-865-2974 • rezoning@denvergov.org

May 4th, 2015

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b. 270 South Madison Property Transfer Declaration	21
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Subject Property Current Conditions: 270 South Madison Street – West View

PROPOSED REZONING SUMMARY

The request for rezoning of the property is made with careful consideration of the neighborhood in which the property resides, Cherry Creek East. The existing PUD 624 was established in 2008 for a new Duplex on the site and was designed in 2006 & 7, but not constructed. The single family residence built in the 1950's is still on the site and vacant. The appearance and configuration of the design does not meet today's marketing requirements and the new Owner also wishes to live in one half of the proposed Duplex.

Since the 2008 zoning change, residential projects on nearby sites have pursued individual zone changes and have subsequently commenced construction. In 2010, City Council approved and establishing a revised Zoning Code. This application is prepared on behalf of the property owner who wishes to "opt-in" to the adopted zoning for the area zoning in order to bring these parcels in line with current city zoning principles. Blueprint Denver (2002) identified this site and area as an Area of Change.

The new form-based zoning code (2010), which introduced a series of context and form-based zone districts, including G-RH-3, which is most appropriate to this area and site. The requested zone classification, G-RH-3, is a multi-unit district allowing Urban House, Detached Acc. Dwelling Unit., Duplex, Garden Court and Row House building forms. The tallest building form has a maximum height of three stories. The amendment is being requested in response to the changed and changing market conditions in the Cherry Creek East neighborhood since the property was last reviewed. Recently, the City updated the Cherry Creek Area Plan (2012) and included recommended building heights/maximums, which identified this site as appropriate for 3 story zoning.

The proposed official map amendment of the project per the G-RH-3 zoning is consistent with the City's adopted plans including the Denver Comprehensive Plan 2000, Blueprint Denver, and the Cherry Creek Area Plan. The proposed Townhouse style Duplex is consistent other uses in the area and with the Neighborhood Context. The G-RH-3 zoning would be a minor down-zone from the density currently allowed in PUD 624 and would be identical to neighboring properties currently zoned G-RH-3.

Additionally, the City encourages owners of old PUDs to consider rezoning into standard zone districts, when appropriate and supported by adopted plans, in order to help unify district regulations. The request to rezone the property to G-RH-3 is in line with these policy goals. Therefore, the G-RH-3 zone map amendment accomplishes the owner's goal of undertaking an improvement to the property and the map amendment also better implements the City's adopted plans and policies. Abandoning the design as required in the PUD allows the opportunity for a new design that is reflective of today's design standards

GENERAL REVIEW CRITERIA

The proposed map amendment is consistent with the City's five review criteria and all adopted plans. The attachments that follow addresses each of the 5 review criteria in further detail

- 1) Consistency with Adopted Plans
 - a. Denver Comprehensive Plan 2000
 - b. Blueprint Denver
 - c. Cherry Creek Area Plan
- 2) Uniformity of District Regulations
- 3) Public Health, Safety and General Welfare
- 4) Description of Justifying Circumstances
- 5) Consistency with Neighborhood Context

CRITERIA 1: Consistency with Adopted Plans

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.

CRITERIA 1a: Denver Comprehensive Plan 2000

The Denver Comprehensive Plan 2000 provides many supporting elements to this rezoning application. The text following are excerpts from the Plan used to detail how the proposed map amendment is consistent with the goals of the Denver Comprehensive Plan 2000.

Variety in housing ■ A strong economy and a rebirth of interest in Denver urban life have created an upward spiral in housing costs, for both home buyers and renters. Some Denver neighborhoods that have long prized the economic diversity within their communities are now threatened with market conditions that could force lower- and middle-income residents and growing families to leave. To encourage a healthy mix of diversity in Denver, the City must try to ensure housing opportunities in a range of types and prices throughout the city. Housing policies must address the needs of people of diverse incomes, household sizes, ages and lifestyles. Adequacy and variety of housing close to work also protect the environment by reducing driving.

Source: Denver Comprehensive Plan 2000 page 13

Emergence of Cherry Creek ■ A new Cherry Creek Shopping Center opened in 1990 and expanded in 1998, replacing its 1956 predecessor. The areas in and around Cherry Creek have blossomed with reinvestment in retail, office and many types of housing.

Source: Denver Comprehensive Plan 2000 page 49

Objective 1 ■ **Citywide Land Use and Transportation Plan Strategies 1-H** 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.

Source: Denver Comprehensive Plan 2000 page 58

Neighborhood character ■ The increasing need for a broader array of

housing options requires a more diverse mix of residential types that are both affordable and complementary to neighborhood character.

Source: Denver Comprehensive Plan 2000 page 92

Neighborhoods ■ Throughout the city, residents are very protective of the quality of life in their neighborhoods, which accounts both for the pride that is everywhere evident and for the occasional tensions when change occurs. But change and population growth are inevitable. The life of a city is cyclical. Downtown living seems a novel idea today, but before World War II, Downtown was a neighborhood for tens of thousands of people. The east Cherry Creek neighborhood, formerly solidly modest, middle-income frame homes, is rapidly transforming to upper-income townhouse and condominium residences.

Source: Denver Comprehensive Plan 2000 page 141

CRITERIA 1b: Blueprint Denver

Blueprint Denver provides supporting elements to this rezoning application. The text following are excerpts from the Blueprint used to detail how the proposed map amendment is consistent with the goals of Blueprint Denver. The proposed official map amendment is consistent with the City's adopted plans as follows: In the Blueprint Denver (2002) the East Cherry Creek area was originally designated as an Area of Change but was reevaluated in a Small Area Plan and designated as an Area of Stability with Urban Residential in 2012.

Urban Residential

Urban residential neighborhoods are higher density and primarily residential but may include a noteworthy number of complementary commercial uses. New housing tends to be in mid- to high-rise structures, and there is a greater housing base than employment base. A mixture of housing types is present, including historic single-family houses, townhouses, small multi-family apartments and sometimes high-rise residential structures. Capitol Hill, Cheesman Park, Riverfront Park in the Central Platte Valley and Cherry Creek East are good examples of urban residential areas.

Source: Blueprint Denver page 41

Single Family/Duplex Residential

Single family duplex residential areas are moderately dense areas that are primarily residential but with some complementary, small-scale commercial uses. However, the employment-base is minor compared to the housing base. There is a mixture of housing types, including single-family houses, duplexes, townhouses and small apartment buildings. Typically densities are between 10 and 20 housing units per acre area-wide, and single family detached structures often predominate. Many historic neighborhoods contain this combination of housing types including City Park West, Alamo Placita and portions of West Washington Park. Newer neighborhoods such as Cherry Creek typically have townhouses and duplexes.

Source: Blueprint Denver page 42

Areas of Stability

Rezoning Application 2015I-00033 – 270 South Madison Street: Addendum & Exhibits

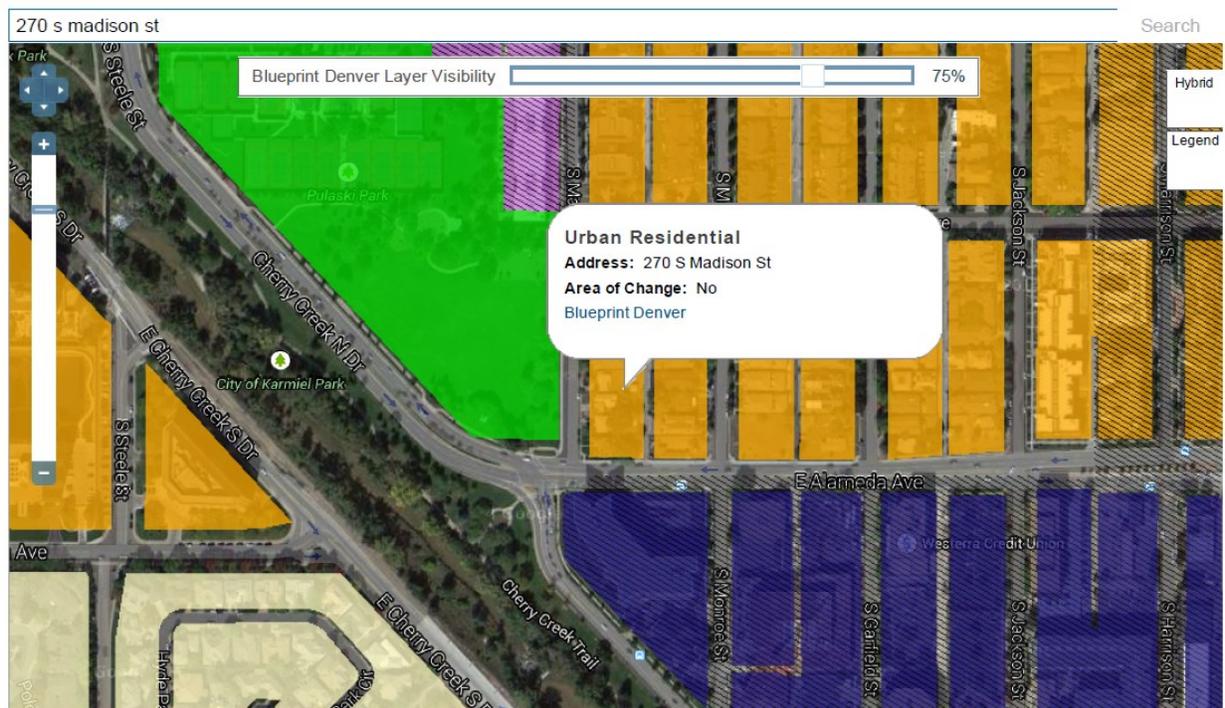
Areas of stability include the stable residential neighborhoods where no significant changes in land use are expected over the next twenty years. The goal is to maintain the character of these areas and accommodate some new development and redevelopment that maintains the vitality of the area.

Areas of Stability include the vast majority of Denver, primarily the stable residential neighborhoods and their associated commercial areas, where limited change is expected during the next 20 years. The goal for the Areas of Stability is to identify and maintain the character of an area while accommodating some new development and redevelopment.

Source: Blueprint Denver page 120

Blueprint Denver

Blueprint Denver Concept Land Use and Area of Change.



Source: Blueprint Denver

CRITERIA 1c: Cherry Creek Area Plan

The Cherry Creek Area Plan (2012) provides numerous supporting elements to this rezoning application. The text following are excerpts from the Cherry Creek Area Plan used to detail how the proposed map amendment is consistent with the goals of the Plan.

B.1.A AREAS OF STABILITY

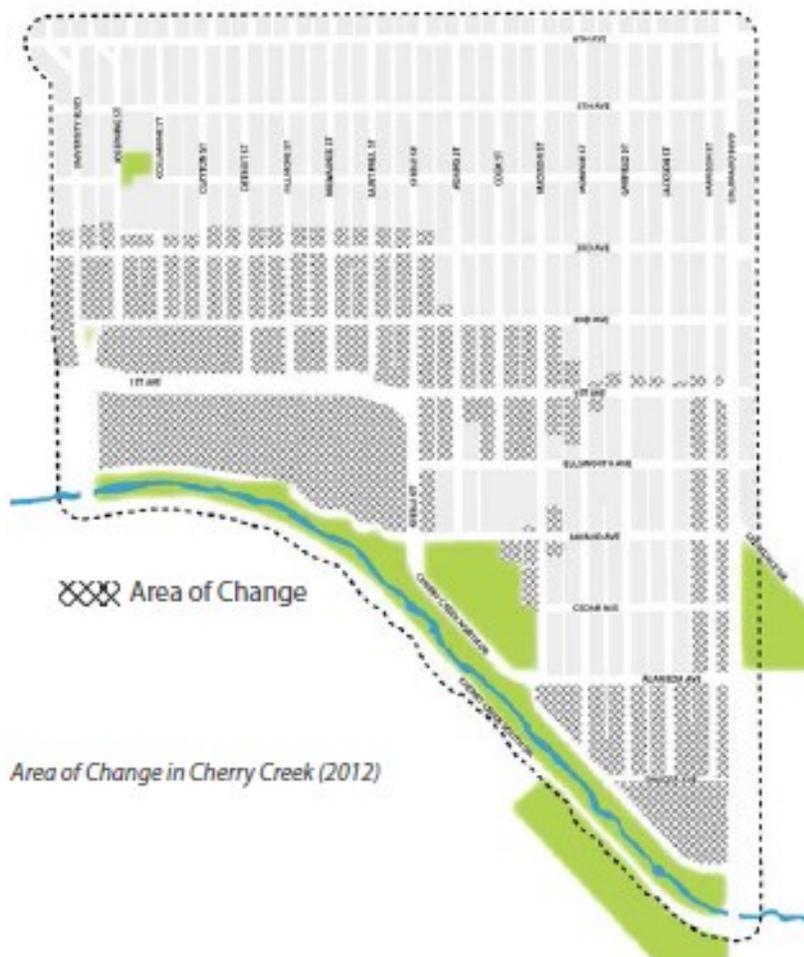
Most of Denver's neighborhoods were identified as Areas of Stability with a primary goal to maintain the cherished characteristics of these neighborhoods. In 2002 Blueprint Denver designated the entire Cherry Creek Area as an Area of Change. Since then, CCN and CCE have transformed from primarily single family neighborhoods with post-World War II era cottage style houses to upscale neighborhoods with a greater mix of housing types including duplexes,

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row houses and apartment and condominium buildings, as well as single family houses. These neighborhoods have stabilized with this new identity over the last decade. They are now characterized by a high quality and diverse housing stock and an enhanced pedestrian environment that equates to a high quality of life for Cherry Creek residents. Overarching recommendations for Areas of Stability include:

- Adjust the Blueprint Denver Areas of Change map to reflect that much of Cherry Creek North and Cherry Creek East neighborhoods are now Areas of Stability.
- Maintain a mix of low scale residential building forms such as single family, duplex, row house and accessory dwelling units; low scale multi-unit buildings are also appropriate in Cherry Creek East, east of Madison.
- Infill development should reinforce pedestrian friendly qualities of existing development patterns including entry features facing the street, moderate setbacks, vehicle parking and access located off the alley, and detached sidewalks with tree lawns.

Source: Cherry Creek East Plan page 28



Updated Area of Change from 2012 BPD to Ar2a of Stability CC Area Plan

Source: Cherry Creek East Plan page 29

B.4.A RESPECT THE EXISTING CHARACTER OF STABLE RESIDENTIAL NEIGHBORHOODS.

Cherry Creek is known for the series of great neighborhoods within and surrounding its boundaries. Cherry Creek North Neighborhood and Cherry Creek East include variety of architectural styles and housing types that contribute to the character, quality of life, and diversity of housing choices within the area. These neighborhoods also include shopping choices outside of the Shopping District which are embedded into the neighborhood fabric and provide a prime location for neighborhood gatherings. The choices and varieties of residential, commercial and social opportunities within these residential areas are exactly what define them as great neighborhoods. Continued reinvestment in these areas should reinforce the quality and scale of development that currently exists. Regardless of use, new development should enhance the residential character of these neighborhoods including contributing to the mix of housing types, improving the embedded commercial uses, landscaped block-sensitive setbacks, detached sidewalks, tree lawns, alley access to structures, limited curb cuts and street-facing entries.

Source: Cherry Creek East Plan page 34

D.1.B MORE HOUSING

Residential uses contribute significantly to the vitality of the area. While Cherry Creek North and East continue to experience infill development, the greatest potential for new residential is as a part of mixed-use development in the Shopping District and on vacant parcels in the Cherry Creek Triangle. All of this housing will continue to reinforce the range of housing types already found in the Cherry Creek Area—single family, duplexes, row houses, and condo and apartment towers. Where appropriate, this housing will include retail, office or hotel uses to further the mixed-use character of the area. The area has proven to be very attractive to residential development, so plan recommendations focus on enhancing amenities and removing public policy impediments.

Source: Cherry Creek East Plan page 46

Subarea Strategies

The success of the Cherry Creek Area depends on the health of its individual subareas and surrounding neighborhoods. Maintaining the distinct identity of each district while balancing transitions and improving connections between them in a manner that enhances character, quality, prosperity and livability has always been a key goal in Cherry Creek. This Plan acknowledges four distinct subareas within Cherry Creek.

- **Cherry Creek East** - a highly desirable moderate density residential neighborhood that also includes a high density office and residential district on its western edge

Source: Cherry Creek East Plan page 55

Cherry Creek East

Madison Street serves to define two character areas: east of Madison Street is low-to medium scale residential and west is a mid- to high-rise mixed-use area. Similar to the Cherry Creek North neighborhood, the eastern part of Cherry Creek East has seen much redevelopment over the last two decades. As a result, small cottage style houses have been replaced with duplexes, row houses, large single family homes, accessory dwelling units and multi-family structures.

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Building heights typically range from 1-3 stories, with some 4-5 story buildings along 1st Avenue and Alameda Avenue.

The urban form in Cherry Creek East creates a walkable environment. Detached sidewalks, tree lawns and on-street parking as well as block-sensitive setbacks, alley access to structures, limited curb cuts and street-facing building entry features create a comfortable pedestrian realm. The majority of the area has PUD or Denver Zoning Code G-RH-3 zoning. Recent development has resulted in a mix of housing types and an urban form that enhances the character of the neighborhood.

Source: Cherry Creek East Plan page 70

CHERRY CREEK EAST SUBAREA RECOMMENDATIONS

Rezone PUDs. As opportunities arise with new development or property owner interest, property owners and neighborhood representatives will work together with the City to determine an appropriate Denver Zoning Code district that serves to implement this plan.

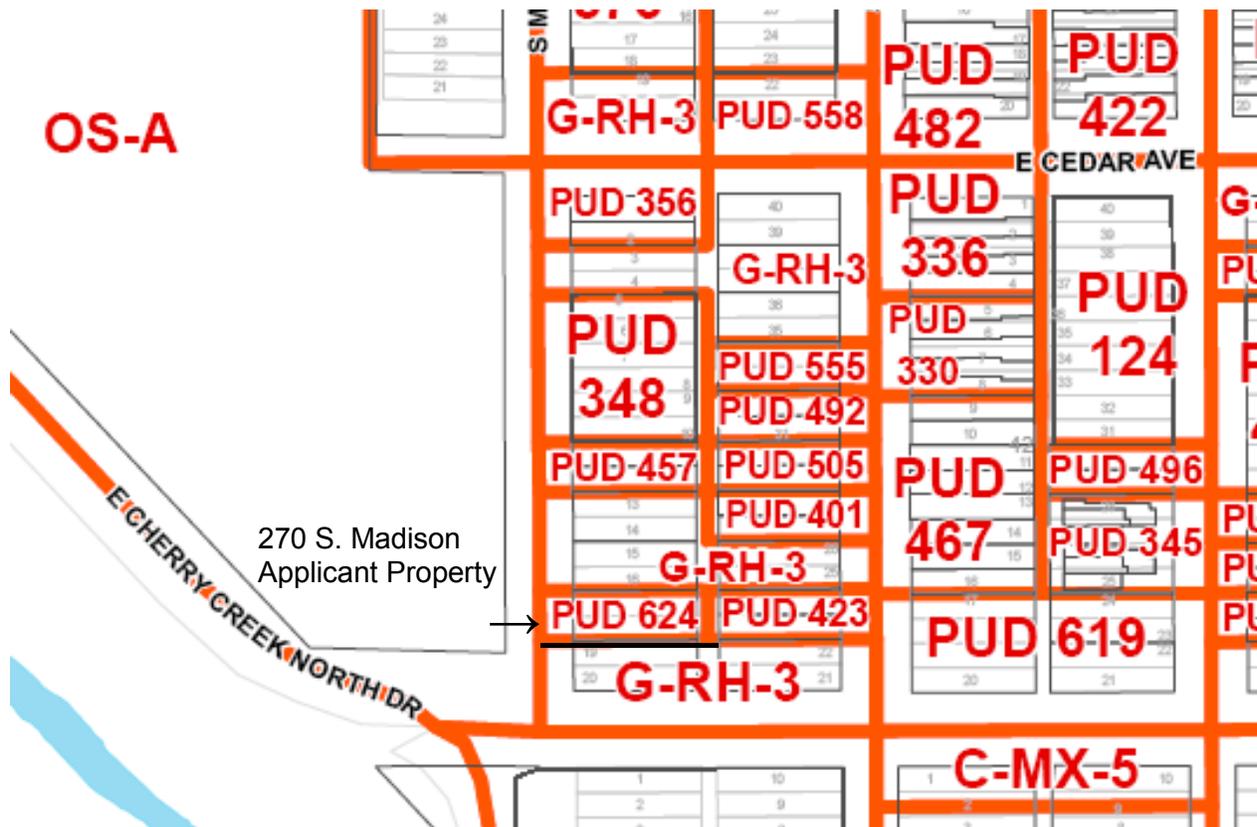
Source: Cherry Creek East Plan page 72

CRITERIA 2: Uniformity of District Regulations and Restrictions

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.

The proposed official map amendment would result in regulations and restrictions that are consistent with surrounding G-RH-3 designations. In fact, the properties to the North and South are zoned G-RH-3. The properties to the East is zoned PUD 423 and is a newly constructed duplex residence. The property across the street to the west, is Pulaski Park zoned OS-A. The map amendment of G-RH-3 will promote uniformity of district regulations in the area/neighborhood.

The proposed official map amendment would result in regulations and restrictions that are consistent with surrounding designations. See Zoning Map of the Surrounding Area below.



Denver Zoning Map Source: City of Denver

CRITERIA 3: Public Health, Safety and General Welfare

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

The proposed official map amendment would allow the redevelopment of buildings that have reached their service life and no longer meet the needs of ownership and the community. The proposed zone map amendment facilitates a much-needed improvement to the condition and quality of the structures on the property.

The 2008 PUD (PUD 624) map amendment does not require detached sidewalks and tree lawns. Rezoning to the G-RH-3 zone district would then require the addition detached sidewalks and tree lawns of for areas such as this. Given the need for a diversity of housing options and desire for properties to continue to reinvest in themselves, the proposed map amendment is reasonable for the promotion of the health, safety, and general welfare of neighborhood and city residents.

The proper use of residential zoning for properties like the applicant property encourage the variety of uses within Cherry Creek that continue to make it a safe, walkable, and sought-after community to live in.



Former character - Cherry Creek North and Cherry Creek East neighborhoods were characterized by small one tory cottage style houses with deep setbacks. Sidewalks were narrow and attached to the street.

Rezoning Application 2015I-00033 – 270 South Madison Street:
Addendum & Exhibits



New character - Cherry Creek's residential neighborhoods consist of variety of housing types, with large units and 2-3 story buildings. Setbacks are shallow and landscaped. New sidewalks are wider and detached from the street to form an attractive tree lawn.

Source: Cherry Creek Area Plan | Framework Plan

Aging undeveloped PUDs. There are nearly 100 individually adopted PUDs in Cherry Creek East and some of these properties have not been developed. Because PUD zoning typically does not provide the flexibility needed to react to the changing real estate market and updating a PUD entails a lengthy rezoning process, these unbuilt PUD projects create uncertainty for the owner and community.

Source: Cherry Creek Area Plan | Subarea Strategies



CRITERIA 4: DESCRIPTION OF JUSTIFYING CIRCUMSTANCES

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.

- The Cherry Creek Area has changed since the 2008 PUD (PUD 624) map amendment. The City also adopted a new, context-based zoning code in 2010, which introduced G-RH-3 as an appropriate zone district for areas such as this. Given the need for a diversity of housing options and desire for properties to continue to reinvest in themselves, the proposed map amendment is reasonable for the promotion of the health, safety, and general welfare of neighborhood and city residents.
- Recent infill / redevelopment of residences on Madison and nearby streets are three story, residential duplex and multi-family buildings.
- The existing PUD zoning on the subject property designates a home connected to the Garage with a minimal rear/side courtyard and shallow setbacks for the sides and front. While these were an acceptable coverage in the past, they are not in keeping with current Owner’s design desires today. The existing PUD design initiated in 2006/7 is somewhat “Suburban” and a new design that is reflective of today’s design standards is requested.

Rezoning of the site to G-RH-3 zoning area reduces the built form of the end project as follows:

	Existing PUD	Proposed G-RH-3
Reduces site coverage	3,651 SF (58.44%)	3,125 SF (50%)
Reduces building area above grade	House 5,799 SF Garage 924 SF	House 5,400 SF max. Garage 960 SF max.
Reduces building height	35’0”	30’0” max.
Increases building setbacks - Front	14’3”	20’0”
Side	House 4’0” Garage 4’0”	House 5’0” Garage 5’0”
Rear	House 19’0” Garage 8’0” min .	House 43’9” min. Garage 8’0” min.

We believe that this actually crates a better living environment. In particular having a detached garage with a back yard versus the PUD’s attached garage with rear court plus a larger front yard facing the park; address Colorado’s great outdoor living opportunities.



Denver Zoning Map Source: City of Denver

CRITERIA 5: CONSISTENCY WITH NEIGHBORHOOD CONTEXT

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.

The proposed official map amendment is consistent with the applicable neighborhood context. The character of the Cherry Creek neighborhood is diverse and includes a wide variety of commercial, hotel, office, single-family residential, and multi-family residential uses. Specifically, the subarea of Cherry Creek East (CCE) supports a mix of residential and office uses and some of the highest residential and employment densities in all of Cherry Creek, as well as the greatest diversity of housing. Cherry Creek East is defined as the area directly east of Cherry Creek Mall, and is bordered by Steele Street, Cherry Creek North Drive, Alameda Avenue, Colorado Boulevard and 1st Avenue.

The properties directly south of First Avenue and West of Madison have almost all been updated in the new code as Urban Neighborhood Residential, predominately G-RH-3. This map amendment would bring 270 South Madison in line with that zoning. Directly to the west of the property is Pulaski Park. The proposed official map amendment is also consistent with the intent of the proposed Zone District. The intent of the General Urban Neighborhood Residential districts is as follows:

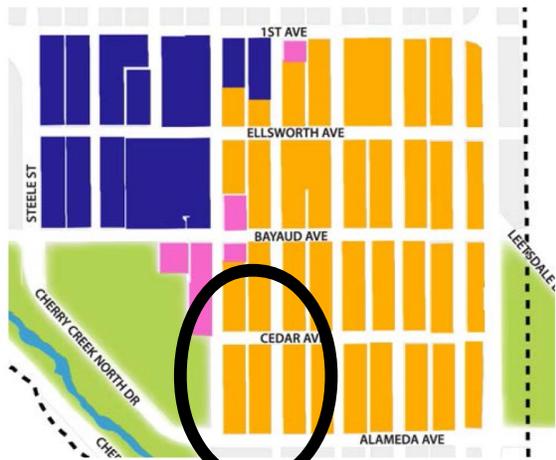
Section 6.2.2 RESIDENTIAL DISTRICTS (G-RH-3, G-MU-3 TO -20, G-RO-3, G-RO-5)

6.2.2.1 General Purpose

- A. The intent of the Residential districts is to promote and protect higher density residential neighborhoods within the character of the General Urban Neighborhood Context. These regulations allow for multi-unit districts with a variety of residential building forms.
- B. The building form standards, design standards, and uses work together to promote safe, active, pedestrian scaled residential areas. The standards accommodate the pattern of urban house, duplex, row house, garden court, courtyard apartment and apartment. Buildings orient to the street and access is from the alley. Lot coverage is typically high accommodating a consistent, shallow front yard.
- C. These standards recognize the variation within the General Urban Neighborhood Context and provide eight Residential Zone Districts. The lowest-scale districts with a maximum height of three stories provide a transition to Urban and Urban Edge Neighborhood Contexts. The highest-scale districts with a maximum height of 12 and 20 stories promote a dense, urban residential character where appropriate. The Residential Office (RO) districts provide opportunities for residential and offices uses in low to moderate scale residential building forms.
- D. The regulations provide certainty to property owners, developers, and neighborhoods about the limits of what is allowed in a residentially-zoned area. These regulations reinforce desired patterns in existing neighborhoods and create standards for new neighborhoods.

Specifically, under Denver Zoning Code, G-RH-3, is a multi-unit district allowing Urban House, Detached Acc. Dwelling Unit., Duplex, Garden Court and Row House building forms. The tallest building form has a maximum height of three stories. The proposed official map amendment is consistent with the intent of the proposed Zone District.

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Future land use map - Cherry Creek East neighborhood

- Regional Center
- Town Center
- Urban Residential
- Other subareas



Maximum building height map - Cherry Creek East neighborhood

- 12 Stories
- 8 Stories
- 5 Stories
- 3 Stories
- Other subareas

Future land use map - Cherry Creek East neighborhood
 Source: Cherry Creek Area Plan | Subarea Strategies

END GENERAL REVIEW CRITERIA

■ CDFM Architectural ■ 1110 East 17th Avenue ■ Denver, Colorado 80218 ■ 303 355-2302

Re: Rezoning Application Required Attachment - Legal Description:

270 (& 272) South Madison Street, Denver, CO 80209

Lot 17 & 18 Block 41 Burlington Capitol Hill Addition,
City & County of Denver,
State of Colorado

Howard M. Kent Architect

■■■■■■■ *Appropriate Technology for Building Design Construction and Facility Management* ■■■■■■■■
Fax: 303 355-9023 E-mail: admin@CDFMArch.com

May 4th, 2015



State Documentary Fee
 Date: March 05, 2015
 \$ 60.00

Warranty Deed
 (Pursuant to 38-30-113 C.R.S.)

THIS DEED, made on **March 05, 2015** by **DEFNET PROPERTIES LLC, A COLORADO LIMITED LIABILITY COMPANY** Grantor(s), of the County of **SANTA BARBARA** and State of **CALIFORNIA** for the consideration of **(\$600,000.00) *** Six Hundred Thousand and 00/100 ***** dollars in hand paid, hereby sells and conveys to **SLAWOMIR PIETRASZEK AND BEATA PIETRASZEK** Grantee(s), as Joint Tenants, whose street address is **2635 WHITE ROCK LANE COLORADO SPRINGS, CO 80904**, County of **EL PASO**, and State of **COLORADO**, the following real property in the **CITY AND** County of **Denver**, and State of Colorado, to wit:

LOTS 17 AND 18, BLOCK 41, BURLINGTON CAPITOL HILL ADDITION, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

also known by street and number as: **270 SOUTH MADISON STREET DENVER CO 80209**

with all its appurtenances and warrants the title to the same, subject to *general taxes for the year 2015 and those specific Exceptions described by reference to recorded documents as reflected in the Title Documents accepted by Grantee(s) in accordance with Record Title Matters (Section 8.1) of the Contract to Buy and Sell Real Estate relating to the above described real property; distribution utility easements, (including cable TV); those specifically described rights of third parties not shown by the public records of which Grantee(s) has actual knowledge and which were accepted by Grantee(s) in accordance with Off-Record Title Matters (Section 8.2) and Current Survey Review (Section 9) of the Contract to Buy and Sell Real Estate relating to the above described real property; inclusions of the Property within any special tax district; and other NONE*

Bruce K. Defnet

 DEFNET PROPERTIES LLC, A COLORADO LIMITED LIABILITY COMPANY BY BRUCE K. DEFNET, MANAGER

KELLEY HANLON-THORPE
NOTARY PUBLIC
STATE OF COLORADO
 NOTARY ID 19994002425
 My Commission Expires February 9, 2019

State of *Colorado*)
) ss.
 County of *Denver*)

The foregoing instrument was acknowledged before me on this day of **March 05, 2015** by **BRUCE K. DEFNET AS MANAGER FOR DEFNET PROPERTIES LLC, A COLORADO LIMITED LIABILITY COMPANY**

[Signature]

 Notary Public
 My commission expires 2.9.19

When Recorded Return to: **SLAWOMIR PIETRASZEK AND BEATA PIETRASZEK**
2635 WHITE ROCK LANE COLORADO SPRINGS, CO 80904





REAL PROPERTY TRANSFER DECLARATION - (TD-1000)

GENERAL INFORMATION

Purpose: The Real Property Transfer Declaration provides essential information to the county assessor to help ensure fair and uniform assessments for all property for property tax purposes. Refer to 39-14-102(4), Colorado Revised Statutes (C.R.S.).

Requirements: All conveyance documents (deeds) subject to the documentary fee submitted to the county clerk and recorder for recordation must be accompanied by a Real Property Transfer Declaration. This declaration must be completed and signed by the grantor (seller) or grantee (buyer). Refer to 39-14-102(1)(a), C.R.S.

Penalty for Noncompliance: Whenever a Real Property Transfer Declaration does not accompany the deed, the clerk and recorder notifies the county assessor who will send a notice to the buyer requesting that the declaration be returned within thirty days after the notice is mailed.

If the completed Real Property Transfer Declaration is not returned to the county assessor within the 30 days of notice, the assessor may impose a penalty of \$25.00 or .025% (.00025) of the sales price, whichever is greater. This penalty may be imposed for any subsequent year that the buyer fails to submit the declaration until the property is sold. Refer to 39-14-102(1)(b), C.R.S.

Confidentiality: The assessor is required to make the Real Property Transfer Declaration available for inspection to the buyer. However, it is only available to the seller if the seller filed the declaration. Information derived from the Real Property Transfer Declaration is available to any taxpayer or any agent of such taxpayer subject to confidentiality requirements as provided by law. 39-5-121.5, C.R.S. and 39-13-102(5)(c), C.R.S.

1. Address and/or legal description of the real property sold: Please do not use P.O. Box numbers
270 SOUTH MADISON STREET DENVER CO 80209

2. Type of Property purchased: Single Family Residential Townhome Condominium Multi-Unit Res
 Commercial Industrial Agricultural Mixed Use Vacant Land Other

3. Date of Closing: March 05, 2015
Date of Contract if different than date of closing: January 27, 2015

4. Total sale price: Including all real and personal property. \$600,000.00

5. Was any personal property included in the transaction? Personal property would include, but not limited to, carpeting, draperies, free standing appliances, equipment, inventory, furniture. If the personal property is not listed, the entire purchase price will be assumed to be for the real property as per 39-13-102, C.R.S.
 Yes No If yes, approximate value \$ _____ Describe: _____

6. Did the total sales price include a trade or exchange of additional real or personal property? If yes, give the approximate value of the goods or services as of the date of closing.
 Yes No If yes, value \$ _____
If yes, does this transaction involve a trade under IRS Code Section 1031? Yes No

7. Was 100% interest in the real property purchased? Mark "no" if only a partial interest is being purchased.
 Yes No If no, interest purchased: _____ %

8. Is this a transaction among related parties? Indicate whether the buyer or seller are related. Related parties include persons within the same family, business affiliates, or affiliated corporations.
 Yes No

9. Check any of the following that apply to the condition of the improvements at the time of purchase:
 New Excellent Good Average Fair Poor Salvage

If the property is financed, please complete the following:

10. Total amount financed: \$450,000.00

11. Type of financing: (Check all that apply)
 New Assumed Seller Third Party Combination; Explain _____

12. Terms:

<input type="checkbox"/>	Variable; Starting interest rate	%	_____
<input type="checkbox"/>	Fixed; Interest rate	%	_____
	Length of time	years	_____
	Balloon Payment	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, amount _____ Due Date _____

13. Please explain any special terms, seller concessions, or financing and any other information that would help the assessor understand the terms of sale.

For properties other than residential (Residential is defined as: single family detached, townhomes, apartments, and condominiums) please complete questions 14-16 if applicable. Otherwise, skip to #17 to complete.

14. Did the purchase price include a franchise or license fee? Yes No
If yes, franchise or license fee value? _____

15. Did the purchase price involve an installment land contract? Yes No
If yes, date of contract: _____

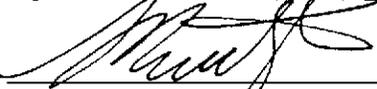
16. If this was a vacant land sale, was an on-site inspection of the property conducted by the buyer prior to the closing?
 Yes No

Remarks: Please include any additional information concerning the sale you may feel is important.

17. Signed on this day of **March 05, 2015**

Have at least one of the parties to the transaction sign the document, and include an address and a daytime phone number.

Signature of Grantee (Buyer) or Grantor (Seller)



SLAWOMIR PIETRASZEK



BEATA PIETRASZEK

18. All future correspondence (tax bills, property valuations, etc.) regarding this property should be mailed to:

SLAWOMIR PIETRASZEK AND BEATA PIETRASZEK

2635 WHITE ROCK LANE COLORADO SPRINGS, CO 80904

Phone: _____

Slawomir and Beata Pietraszek

2635 White Rock Ln

Colorado Springs, Co 80904

To: Denver Community Planning and Development

201 W. Colfax Ave Dept. 205

Denver, Co 80202

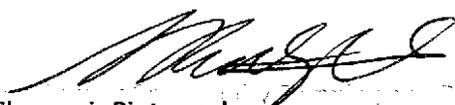
RE: Rezoning of Property located at

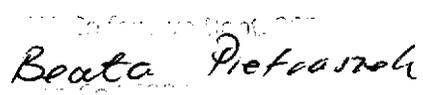
270 South Madison Street

Denver, Co 80209

We as the legal owners of property located at 270 s. Madison St Denver CO 80209 authorize

Howard Kent of CDFM Architectural to initiate this application and act as owner representative.

 05-09-15
Slawomir Pietraszek

 03-09-15
Beata Pietraszek

**CITY AND COUNTY OF DENVER, COLORADO
REGISTERED NEIGHBORHOOD ORGANIZATION
POSITION STATEMENT**

Following a vote of the Registered Neighborhood Organization, please complete this form and email to rezoning@denvergov.org. You may save the form in *.pdf format if needed for future reference. Questions may be directed to planning staff at rezoning@denvergov.org or by telephone at 720-865-2974.

Application Number	20151-00033
Location	270 S. Madison St
Registered Neighborhood Organization Name	Denver Neighborhood Association, Inc.
Registered Contact Name	Bradley L. Zieg
Contact Address	1285 Dexter St, Denver CO 80220
Contact E-Mail Address	bradleyzieg@msn.com
Date Submitted	May 21, 2015

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

was held on , with members in attendance.

With a total of members voting,

voted to support (or to not oppose) the application;

voted to oppose the application; and

voted to abstain on the issue.

It is therefore resolved, with a total of members voting in aggregate:

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

approve with comments noted Application # 20151-00033

Comments: Denver Neighborhood Association, Inc. (hereinafter "DNA") does not take nor record votes on issues like this, as they are of much greater consequence to the local NA. DNA is generally in favor of replacing site-specific zone lot designations such as PUD's with zone districts from the Zoning Code. In this case, G-RH-3 is the appropriate zone designation according to the zoning on nearby parcels, and in accordance with the form and context of the block on S. Madison. DNA has no objection to this application.



June 1, 2015

City and County of Denver
City Council, District 10
Denver Planning Board
Denver, CO 80202

Dear Councilwoman Robb and Denver Planning Board Members,

**Subject: Cherry Creek East Association Position Statement
Request for Rezoning – 270 South Madison Street**

Application Number	#20151-00033
Location	270 South Madison Street
Current Zoning	PUD 624 (6,250 square feet)
Proposed Zoning	G-RH-3
RNO	Cherry Creek East Association (CCEA)
RNO Contact Name	Susan Smernoff
Contact Address	240 South Madison Street
Contact E-mail Address	ssmernoff@gmail.com
Date Submitted	June 1, 2015

As required by DRMC Section 12-96, a meeting of the above reference RNO was held on May 26, 2015. The CCEA Board of Directors unanimously voted to support the application with the following comments.

The Board met with the property owner's representative, Howard Kent and discussed the current status of the property and proposed uses. This property is located across from Pulaski Park and on a block that includes residential and office uses. Presently on the property is an older single-family home. Using the G-RH-3 zoning, the property owner intends to raze the existing structure and construct one duplex. Mr. Kent indicated that rezoning of the project, per the G-RH-3 zoning, would reduce the built form (site coverage, building area above grade, building height and building setbacks) of the end project, compared to the currently approved PUD.

The Board felt the G-RH-3 zoning would result in a more desirable development than PUD 624. The new G-RH-3 zoning is in conformance with the Cherry Creek Area Plan and other adopted local and regional plans. G-RH-3 zoning would result in new housing that is a good form and context fit with newer development on nearby parcels.

During the development review process, CCEA requests that five-foot detached sidewalks and tree lawns be required per policy statements in the Cherry Creek Area Plan.

Best regards,

Susan Smernoff, President
Board of Directors, CCEA