



DENVER
THE MILE HIGH CITY

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TO: Denver City Council
FROM: Theresa Lucero, Senior City Planner
DATE: February 7, 2012
RE: **Zoning Map Amendment Application #2011I-00033**
4787 South Wadsworth Way
Rezoning from PUD 321 to S-CC-3x

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-00033 for a rezoning from PUD 321 to S-CC-3x.

I. Scope of Rezoning

Application:	#2011I-00033
Address:	4787 South Wadsworth Way
Neighborhood/Council District:	Marston / Council District #2
RNOs:	Provincetown Landing VI HOA Inter-neighborhood Cooperation
Area of Property:	1.96 Acres / 85,311 SF
Current Zoning:	PUD 321
Proposed Zoning:	S-CC-3x
Applicant/Owner:	Halle Properties, LLC
Contact Person:	Alberto Castillo, Castillo Wyatt Architects

II. Summary of Proposal and Existing Conditions

This proposal will rezone the property from Planned Unit Development 321 (PUD 321) to Suburban Neighborhood Context, Commercial Corridor, three stories (S-CC-3x). The PUD 321 zoning standards are customized to the current structure. The land uses allowed in the PUD are those allowed in the B-4 zone district in Former Chapter 59 excluding some of the more intense land uses like wholesale and warehousing. The zoning standards in the S-CC-3x zone district were developed for auto-oriented commercial corridors in the Suburban Context Neighborhoods. The zoning standards allow multiple buildings on the zone lot and Town House, Apartment, Drive-through and General building forms with maximum heights of up to 3 stories. The land uses allowed in the S-CC-3x zone district are generally less intense than the S-CC-3 zone district because they exclude uses such as Outdoor Retail Sales, Heavy Vehicle Equipment Sales, Manufacturing and Wholesale.

The current land use of the property is a Discount Tire retail store. The property owner is proposing a 1,723 square feet (SF) addition to the existing commercial building to be used for storage. The maximum building square feet allowed in the current PUD zoning allows only the square feet of the existing building (7,210 SF). The proposed addition to the building is the only proposed change. No change is proposed to the existing land use or to the zone lot.

The site is located on the west side of South Wadsworth Way, southwest of the intersection of South Wadsworth Boulevard and West Quincy Avenue. In the vicinity are Marston Lake, ½ mile to the east, and the Southwest Auto Park north of the site. East of the site is the Provincetown Landing Condominium project, and west of the site is a Sam’s Club warehouse store. The existing structure was built in 2008. The local block pattern consists primarily of large blocks of irregular shape formed by a curvilinear street pattern.

III. Legal Justification for Rezoning

Changed Conditions

The business is successful and the owner wants to add more square feet to the existing building for storage. Rezoning to S-CC-3x will remove the PUD square feet maximum and allow the construction of a proposed 1,732 SF addition to the building.



IV. Existing Context

	Existing Zoning	Existing Land Use	Blueprint Denver
Site	PUD 321	Commercial	Area of Stability Commercial Corridor
North	S-CC-3; B-4 w/waivers; PUD	Commercial	Area of Stability Commercial Corridor
South	PUD; B-4 w/waivers	Commercial	Area of Stability Commercial Corridor
West	B-4 w/waivers	Commercial	Area of Stability Commercial Corridor
East	R-2; R-2-A	Multi-family Residential	Area of Stability Single Family Residential



Wadsworth Way Business North of the Subject Property



Wadsworth Way Business South of the Subject Property



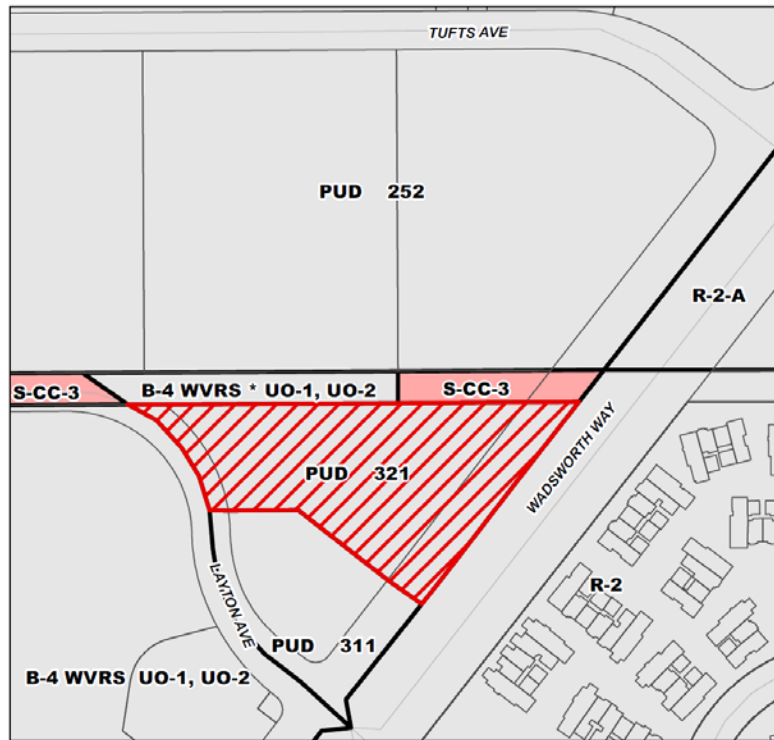
Subject Property



Wadsworth Way Property East of Subject Property



Layton Street Property West of Subject Property



V. Summary of Legal Notice and Public Process

Planning Board

Written notification of the December 7, 2011, Planning Board Meeting was sent to all affected Registered Neighborhood Associations and notification signs were posted on the property fifteen days prior to the meeting. This application was on the Planning Board consent agenda and the Board unanimously recommended approval of the proposed rezoning.

Land Use, Transportation and Infrastructure Committee

Electronic notification of the meeting was sent to all affected Registered Neighborhood Associations ten days prior to the December 20, 2011 meeting.

City Council Public Hearing

Electronic notification of the public hearing was sent to all affected Registered Neighborhood Associations and notification signs were posted on the property 21 days prior to the hearing.

VI. Summary of Agency Referral Responses

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

Asset Management: Approve – No Comments.

Denver Fire Department: Approve.

Denver Parks and Recreation: No Comments Received.

Development Services – Project Coordination: No Comments Received.

Development Services – Transportation: No Comments Received.

Development Services – Wastewater: No Comments Received.

Public Works – City Surveyor: Approve Rezoning Only – Land Survey Plat will be required at Site Plan Review Stage.

VII. Community Response

The applicant contacted all affected Registered Neighborhood Associations. To date, no comment has been received from the community.

VIII. Criteria for Review

The criteria for review of this rezoning application include conformance with adopted regulations, and with the Comprehensive Plan and applicable supplements. Applicable documents are:

- *Denver Comprehensive Plan 2000*
- *Blueprint Denver*
- *Denver Zoning Code*

A. Denver Comprehensive Plan 2000

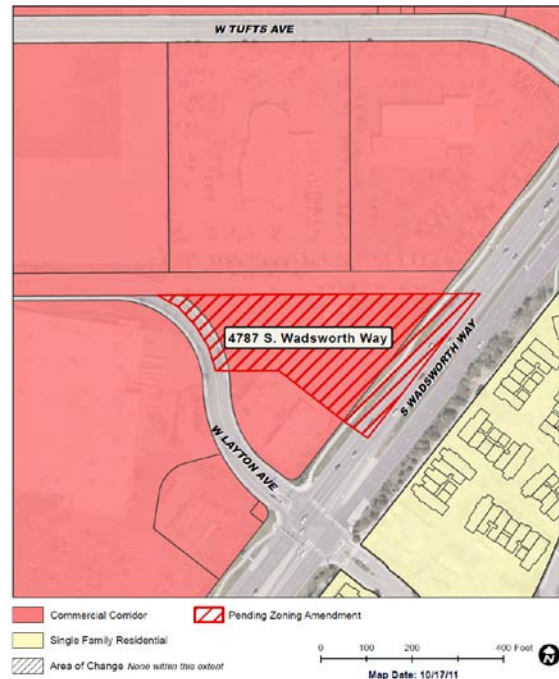
The proposal is consistent with and positively addresses many Denver Comprehensive Plan strategies, including:

- Economic Activity Chapter, Strategy 3-B is to “**Support retention and expansion of businesses in industries historically important to Denver, including small business, health care, manufacturing, and federal and state government**” (p. 133).
- Environmental Sustainability Chapter, Strategy 2-F is to “**Conserve land by:…Promoting infill development within Denver at sites where services and infrastructure are already in place**” (p. 39).
- Land Use Chapter, Strategy 3-B which is to “**Encourage quality infill development that is consistent with the character of the surrounding neighborhood; that offers opportunities for increased density and more amenities; and that broadens the variety of compatible uses**” (p. 60).

B. Blueprint Denver

Blueprint Denver, the City's Land Use and Transportation Plan, identifies the property as being within an Area of Stability with a land use recommendation of Commercial Corridor. The Blueprint Denver street type for South Wadsworth Way is Commercial Arterial and for West Layton Avenue is Undesignated Local.

Commercial corridors are linear business districts typically oriented to heavily-used arterial streets. The zoning standards in the S-CC-3x zone district were developed for these types of business corridors where commercial buildings have varying orientations and deep front and side setbacks to accommodate parking and landscaping. The S-CC-3x zone district will allow the expansion of the existing structure. The use of the property will not change. The current PUD zoning does not allow the expansion of the existing structure.



C. Denver Zoning Code

The Denver Zoning Code (Section 12.4.10) requires all Official Map Amendments to comply with the following criteria.

1. General Review Criteria Applicable to All Zone Map Amendments (Section 12.4.10.13)

As proposed, rezoning #20111-00033 is consistent with the general review criteria outlined in this section of the Denver Zoning Code including:

- A. Consistency with Adopted Plans:** Rezoning #20111-00033 implements and is consistent with recommendations in adopted plans.
- B. Uniformity of District Regulations and Restrictions:** Rezoning the site to S-CC-3x will have no effect on the uniformity of district regulations.
- C. Public Health, Safety and General Welfare:** The proposed map amendment furthers the public health, safety and general welfare of the City.

2. Additional Review Criteria for Non-legislative Rezoning (Section 12.4.10.14)

A. Justifying Circumstances

Denver Zoning Code criteria are that the land or its surrounding environs has changed to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area. The proposed map amendment is in response to the changed circumstance of a needed addition to a successful business. The addition cannot be accommodated in the existing PUD zoning of the property. The proposed S-CC-3x zone district will allow the property owner to make the building addition.

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

Denver Zoning Code Criteria is that the proposed official map amendment should be consistent with the descriptions of the applicable neighborhood context, and with the stated purpose and intent of the proposed zone district. Overall, the proposed map amendment is consistent with the Suburban Neighborhood Context which is primarily single-unit and multi-unit residential uses and commercial strips and centers. Commercial buildings typically have varying orientation and typically have deep front and side setbacks. In addition, the proposal is consistent with the purpose of commercial corridor zone district which is:

- to balance the need for safe, active, and pedestrian-scaled, diverse areas with the need for convenient automobile access;
- to address development opportunities adjacent to the city's most auto-dominated corridors;
- to allow flexibility in building, circulation and parking lot layout and
- to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods.

In addition, the proposal is consistent with the intent of the S-CC-3x zone district which applies to areas primarily served by auto-oriented arterial streets where a building scale of 1-3 stories is desired.

IX. Staff Recommendation

Based on the criteria for review as defined above, Staff recommends **approval** for rezoning the property located at 4787 South Wadsworth Way (Application #2011-00033) to S-CC-3x.

Attachments:

- 1. Application**
- 2. Map Series – (Aerial, Zoning, Blueprint Map)**




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Community Planning and Development
Planning Services
Plan Implementation

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APPLICATION FOR ZONE MAP AMENDMENT

Application #	2011 I-00033	Date Submitted	7 NOV 11	Fee Required	\$1500	Fee Paid	\$1500
APPLICANT INFORMATION				CONTACT INFORMATION (Same as Applicant? <input type="checkbox"/>)			
Applicant Name	Halle Properties, LLC			Contact Name	Castillo Wyatt Architects- Alberto Castillo		
Address	20225 N. Scottsdale Rd.			Address	981 Southpark Dr.		
City, State, Zip	Scottsdale, AZ 85054			City, State, Zip	Denver, CO 80210		
Telephone / Fax	303-721-993 /			Telephone / Fax	303-698-1717 / 303-778-6004		
Email				Email	ac@cw-architecture.com		
Subject Property Location [Please Include Assessor's Parcel Number(s)]							
4787 S. Wadsworth Way S. Wadsworth Wy. And W. Layton Ave.							
Legal Description of Subject Property							
Lot 2, Block 2, Wadsworth Boulevard Marketplace Subdivision City and County of Denver, State of Colorado							
Area of Subject Property (Acres/Sq Ft)		Present Zone District		Proposed Zone District (Waivers and Conditions Require Separate form)			
85,311 Square Feet / 1.958ac		P.U.D. #321		S-CC-3X			
Describe the nature and effect of the proposed Zone Map Amendment							
This amendment will effectively void the existing P.U.D. and re-establish the property to be within the current standard zoning classifications (S-CC-3X).							
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"/>			
We are requesting this rezone under DZC 12.4.10.14.a item 4 "The land or its surroundings 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."							
State the land use and the development proposed for the subject property. Include the time schedule (if any) for development							
The land use will be as existing, which is a Discount Tire store, considered Auto Service- Light.							
Required Exhibits				Additional Exhibits			
Applicant & Owner Information Sheet				<input checked="" type="checkbox"/>			
Maps - Required for Final Submissions				<input type="checkbox"/>			
Case Manager				Theresa Lucero			
Signature						Date	
						11-18-11	



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
2011 I-00033	Halle Properties, LLC

Property Address(es)

4787 S. Wadsworth Way

Applicant's Address

20225 N. Scottsdale Rd.
Scottsdale, AZ 85054

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.

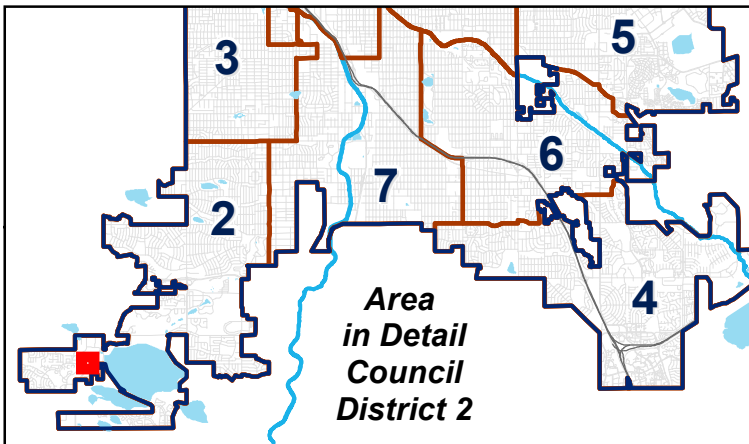
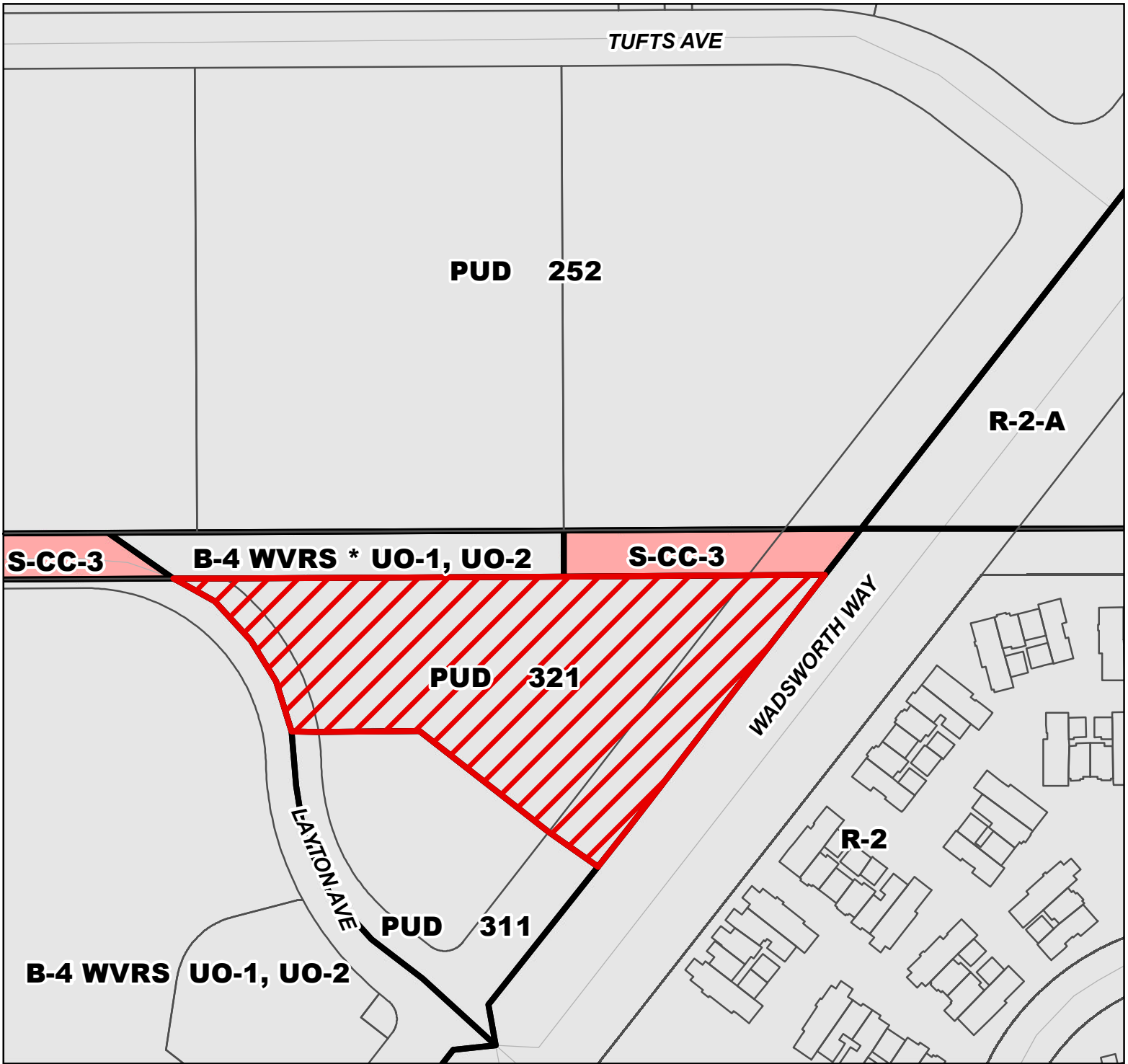
Indicate as accurately as possible the form of interest in the property, and the amount held by the individual or entity listed as "applicant" above.

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

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).

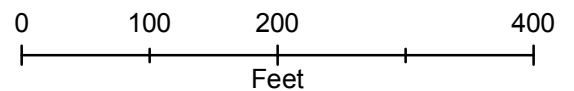
Signature of Applicant	Date Signed
X	11-18-11

Pending Zone Map Amendment #2011I-00033



Application #2011I-00033
Location: 4787 S. Wadsworth Way

 Proposed Rezoning
From: PUD #321
To: S-CC-3X



Map Date: 10/17/11

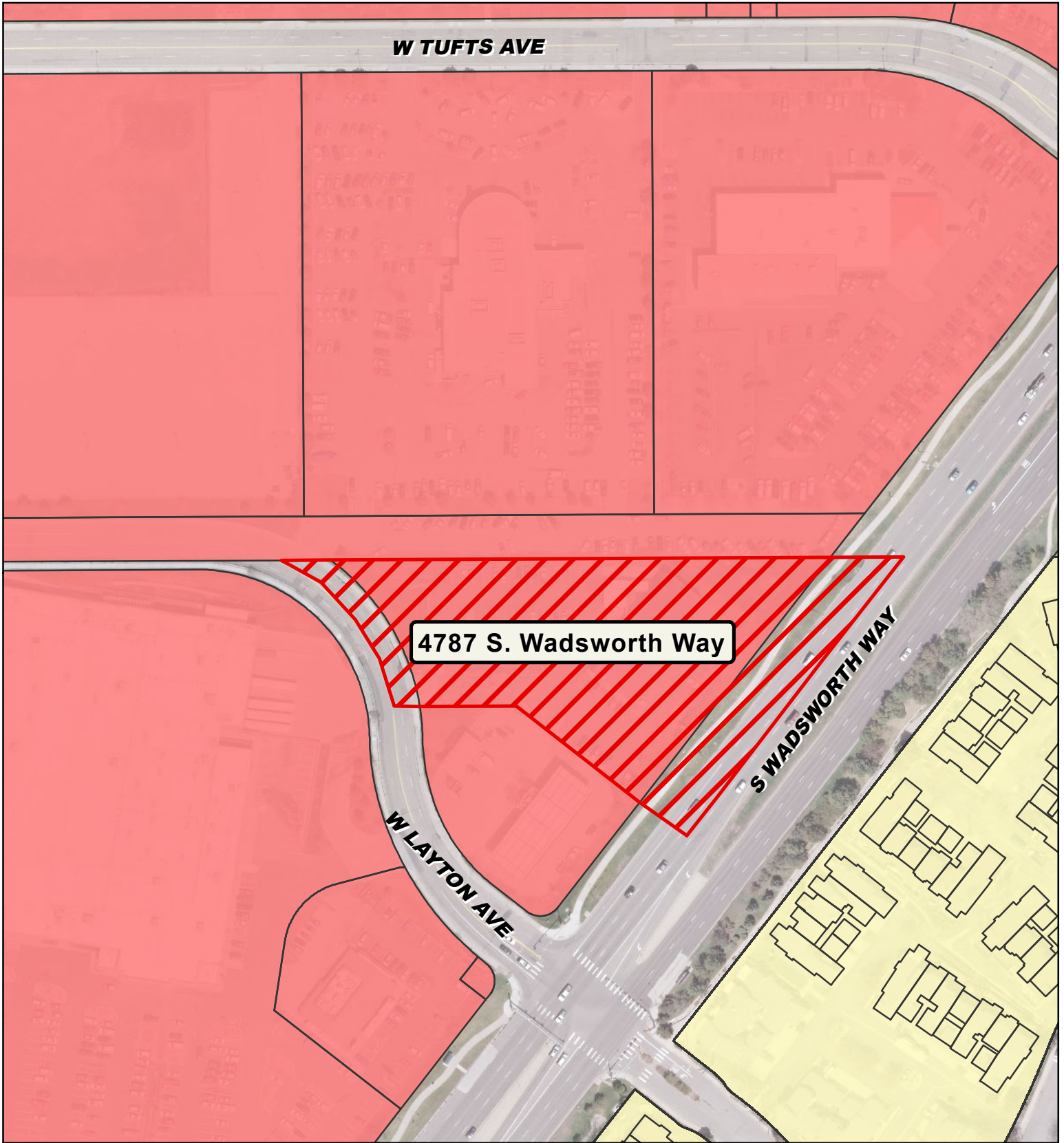
Pending Zone Map Amendment - Aerial & Zoning Overlay

 Application #2011-00033




Pending Zone Map Amendment - Blueprint Denver Overlay

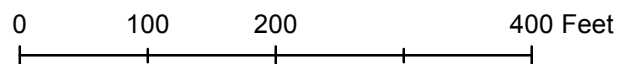
 Application #2011I-00033



 Commercial Corridor  Pending Zoning Amendment

 Single Family Residential

 Area of Change *None within this extent*



Map Date: 10/17/11