



DENVER
THE MILE HIGH CITY

201 W Colfax Ave, Dept 205
Denver, CO 80202
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www.denvergov.org/planning

TO: Denver City Council
FROM: Theresa Lucero, Senior City Planner
DATE: November 28, 2012
RE: Zoning Map Amendment #2012I-00036
3740, 3750, 3754 and 3758 York Street
Rezoning from I-1 with waivers, UO-2 to U-MX-3

Staff Report and Recommendation

Based on the criteria for review including legal basis evaluation and compliance with adopted City plans, Staff recommends **approval** for proposed map amendment #2012I-00036 for a rezoning from I-1 with waivers, UO-2 to U-MX-3.

I. Scope of Rezoning

Proposed Map Amendment: **#2012I-00036**
Address: 3740, 3750, 3754 and 3758 York Street
Neighborhood/Council District: Clayton / Council District #8
RNOs: Civic Association of Clayton; Clayton Neighborhood Association; Cole Neighborhood Association; Five Points Business District; Northeast Community Congress for Education; Points Historical Redevelopment Corporation; United Community Action Network Incorporated; Inter-neighborhood Cooperation

Area of Property: 0.42 Acres / 18,136 SF
Current Zoning: I-1 with waivers, UO-2
Proposed Zoning: **U-MX-3**
Applicant/Owner: Jason Hilliard / Roger & Linda Rodine
Contact Person: Jason Hilliard

II. Summary of Proposal and Existing Conditions

This proposed rezoning will allow the applicants to add an additional commercial land use to an existing commercial structure. The structure currently houses an auto repair garage and a fitness center is also proposed to occupy the structure. The current zoning of the subject three properties contains waivers which limit the allowed land uses to only three land uses: Grocery Store, Motor Vehicle Service or Gasoline Filling Station and Repair, Rental and Servicing. The I-1 General Industrial zone district is a Former Chapter 59 district intended for employment areas containing moderately intense commercial and industrial land uses. The proposed U-MX-3 zone district, or Urbane context, Mixed Use with a maximum height of three stories is intended to create mixed, diverse neighborhoods with land uses ranging from residential to commercial and industrial.

The properties are located at the southeast corner of 38th Avenue and York Street in the Clayton Neighborhood. The site is adjacent to the Inner City Health Center on the north, the Coca-cola bottling plant on the northeast, single family homes on the south, boarded up low-rise multi-unit structures on the west and Harrington Elementary School on the east. In the vicinity are Schafer Park, east of Harrington Elementary School, and Russell Square Park, one block south and west. The local block pattern south of 38th Avenue consists primarily of traditional rectilinear blocks shaped by a grid street pattern with alleys and detached sidewalks. The block patterns north of 38th Avenue are larger industrial lots of varying size, typically with no sidewalks and alleys.

III. Legal Justification for Rezoning

Changing Conditions

The property was zoned I-1 with waivers in 1990 to accommodate the property owner's auto repair business. The owner is now scaling back the auto repair business and leasing the majority of the space in the existing commercial structure to a fitness center. Both the new fitness center and the existing auto repair uses are allowed in the U-MX-3 zone district.

IV. Existing Context

	Existing Zoning	Existing Land Use	Blueprint Denver
Site	I-1 w / waivers, UO-2	1 Non-residential structure, 1 vacant residential structure and 1 vacant lot	Area of Stability Single Family Residential
North	I-A / UO-2 and B-2 w / waivers	Coca-Cola Bottling Plant and Inner City Health Center	Area of Change Industrial / Mixed Use
South	U-SU-B1	Single Family Residences	Area of Stability Single Family Residential
West	U-SU-B1	Elementary School	Area of Stability Single Family Residential
East	U-RH-2.5	Vacant Low-rise Multi-unit Residential	Area of Stability Single Family Duplex



Coca-Cola Bottling Plant NE of Subject Property



Inner City Health Center north of subject property



Subject Property



Single Family Residential south of subject property



Multi-unit residential west of subject property.



Elementary School east of subject property

V. Summary of Legal Notice and Public Process

Planning Board

At their October 17, 2012, meeting, the Planning Board voted unanimously to recommend approval of the rezoning proposal. The property was posted with notification signs and written notification of the meeting was sent to all affected Registered Neighborhood Associations 15 days prior to the meeting.

Land Use, Transportation and Infrastructure Committee

For the October 23, 2012, meeting electronic notification was sent to all affected Registered Neighborhood Associations.

City Council Public Hearing

The property was legally posted with signs 21 days prior to the meeting and written notification of the City Council public hearing was sent to all affected Registered Neighborhood Associations.

VI. Community Response

To date no comment has been received from the Registered Neighborhood Associations in the area.

VII. 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)
- Economic Activity chapter, Strategy 5-A is to “**Support small-scale economic development in neighborhoods...**” (p. 136)
- Land Use chapter, Strategy 3-B is to “**Encourage quality infill development that is consistent with the character of the surrounding neighborhood...**” (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 Single Family Residential. The Blueprint Denver street type for York Street south of 38th Avenue is Residential Arterial. York Street north of 38th Avenue has a Blueprint Denver street type of Mixed Use Arterial.

The goal of Areas of Stability is to maintain the character of an area while accommodating some new development and redevelopment. The re-use of the existing structure will allow reinvestment in the area that is in scale with the existing neighborhood context. This conforms to the Blueprint Denver strategy of reinvestment in Areas of Stability and compatibility between zoning and existing development (p. 24-25). The U-MX-3 zone district will allow the new fitness center and the scaled back existing auto repair garage to coexist within the same 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 #2012I-00036 is consistent with the general review criteria outlined in this section of the Denver Zoning Code including:

- A. Consistency with Adopted Plans:** Rezoning #2012I-00036 implements and is consistent with recommendations in adopted plans.
- B. Uniformity of District Regulations and Restrictions:** Rezoning the site to U-MX-3 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 is that 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 existing zoning of the property, I-1 with waivers, was put in place to allow an auto repair business and only 2 other land uses. The proposed U-MX-3 will allow a new land use, fitness center, to also occupy the existing commercial structure and allows for the

transition between the business and industrial zoning to the north and the residential zoning to the south.

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. The Urban Context is characterized by small-scale single-unit and two-unit residential uses. Multi-unit residential uses and commercial areas are typically embedded in residential areas. Commercial uses are located along mixed-use arterial or main streets. The street and block patterns are rectilinear shaped blocks shaped by a grid street system with a consistent presence of alleys. The context is described in Section 5.1 of the Denver Zoning Code.

The U-MX-3 zone district is intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods. The Mixed Use districts are intended for corridors, embedded neighborhood business areas and larger sites. Both the existing auto repair garage and the fitness center are allowed land uses in the U-MX-3 zone district (Denver Zoning Code Section 5.2.3).

VIII. Staff Recommendation

Based on the criteria for review as defined above, Staff recommends **approval** for rezoning the properties located at 3740, 3750, 3754 and 3758 York Street (Proposal #2012I-00036) to U-MX-3.

Attachments:

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

Zone Map Amendment (Rezoning) - Application

1/26/12

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	Roger & Linda Rodine	Representative Name	Jason C. Hilliard
Address	390 S. Poplar Way	Address	2736 Vine St.
City, State, Zip	Denver, CO 80224	City, State, Zip	Denver, CO 80205
Telephone	303.359.0747	Telephone	312.363.7451
Email	rodines@msn.com	Email	jason@yorkstreetcrossfit.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):	3740, 3750, 3754, 3758 York St. Denver, CO 80205
Assessor's Parcel Numbers:	0225208001000; 0225208003000; 0225208002000
Legal Description: (Can be submitted as an attachment. If metes & bounds, a map is required.)	Please see attachment
Area in Acres or Square Feet:	18,136.4 Square Feet
Current Zone District(s):	I-1 with waivers, UO-2
PROPOSAL	
Proposed Zone District:	U-MX-3

www.denvergov.org/rezoning



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Denver, CO 80202

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REVIEW CRITERIA	
<p>General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.13</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. 12.4.10.14</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 rezoning 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>
ATTACHMENTS	
Please check any attachments provided with this application:	
<p><input checked="" type="checkbox"/> Authorization for Representative</p> <p><input checked="" type="checkbox"/> Proof of Ownership Document(s)</p> <p><input checked="" type="checkbox"/> Legal Description</p> <p><input checked="" type="checkbox"/> Review Criteria</p>	
Please list any additional attachments:	
<p>Attachment describing justifying circumstance</p> <p>Attachment describing how the above criterion is met.</p>	

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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
Roger & Linda Rodine	390 S. Poplar Way Denver, CO 80224 303.359.0747 rodines@msn.com	100%	<i>Roger Rodine</i> <i>Linda Rodine</i>	9.12.12	B	YES

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Denver, CO 80202
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Jason C. Hilliard, Esq.
Attorney At Law
2736 Vine St.
Denver, CO 80205

August 16, 2012

Denver Community Planning and Development
201 W. Colfax Ave., Dept. 205
Denver, CO 80202

RE: Letter of Authorization for Rezoning Application of 3700, 3750, 3754, 3758 York St. Denver 80205

To Whom It May Concern:

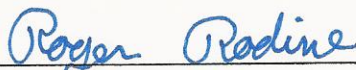
Please take this letter as giving our full consent and authorization for Jason C. Hilliard to act on our behalf in going through the Zone Map Amendment (Rezoning) Application process for the properties located at 3700, 3750, 3754, and 3758 York St. Denver, CO 80205. Mr. Hilliard will be attempting to rezone the subject properties from their current Zone District Code of I-1 with waivers, UO-2 to **U-MX-3**, in order to comply with current Denver zoning code.



Linda Rodine, Owner of:
3700 3750 3754 3758 York St. Denver, CO 80205



Date



Roger Rodine, Owner of:
3700 3750 3754 3758 York St. Denver, CO 80205



Date

WARRANTY DEED

THIS DEED, Made this 15th day of November, 2000, between BRUCE L. RODINE AND ROGER A. RODINE AND LAVERNE K.M. RODINE

of the County of DENVER and State of COLORADO, grantor, and ROGER A. RODINE AND LINDA J. RODINE

whose legal address is 390 S. POPLAR ST. DENVER, CO 80224

of the County of DENVER and State of COLORADO, grantee:

WITNESS, that the grantor, for and in consideration of the sum of (\$ 180,000.00) ONE HUNDRED EIGHTY THOUSAND & 00/100

DOLLARS, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the grantees, their heirs and assigns forever, not in tenancy in common but in joint tenancy, all the real property, together with improvements, if any, situate, lying and being in the County of DENVER and State of Colorado described as follows:

LOTS 1 THROUGH 6, INCLUSIVE, AND THE NORTH ONE-HALF OF LOT 7, BLOCK 1, CHEESMAN AND MOFFAT'S ADDITION TO THE CITY OF DENVER AND LOTS 1 THROUGH 6, INCLUSIVE, AND THE NORTH ONE-HALF OF LOT 7, BLOCK 1, LESSIG-ADDITION, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

also known by street and number as: 3700-3758 YORK STREET, DENVER, CO 80205

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantee, his heirs and assigns forever. And the grantor, for himself, his heirs, and personal representatives, does covenant, grant, bargain, and agree to and with the grantee, his heirs and assigns, that at the time of the ensembling and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except FOR THE GENERAL TAXES FOR THE YEAR 2000 AND SUBSEQUENT YEARS; ALSO SUBJECT TO RESTRICTIONS, RESERVATIONS, EASEMENTS COVENANTS AND RIGHTS-OF-WAY OF RECORD OR IN PLACE, IF ANY.

The grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantee, his heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof. The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the grantor has executed this deed on the date set forth above.

Bruce L. Rodine signature line BRUCE L. RODINE

Roger A. Rodine signature line ROGER A. RODINE

Laverne K.M. Rodine signature line LAVERNE K.M. RODINE

State of COLORADO)) ss. County of DENVER)

The foregoing instrument was acknowledged before me this 15th day of November, 2000, by BRUCE L. RODINE AND ROGER A. RODINE AND LAVERNE K.M. RODINE

My commission expires May 12, 2001

10124103

Witness my hand and official seal.

Notary Public signature

60115459 5.00/18.00

LEGAL DESCRIPTION

LOTS 1 THROUGH 6, INCLUSIVE, AND THE NORTH ONE-HALF OF LOT 7, BLOCK 1, CHEESMAN AND MOFFAT'S ADDITION TO THE CITY OF DENVER AND LOTS 1 THROUGH 6, INCLUSIVE, AND THE NORTH ONE-HALF OF LOT 7, BLOCK 1, LESSIG-ADDITION, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

REVIEW CRITERIA

Relevant Adopted Plans -

Comprehensive Plan 2000

- *Environmental Sustainability Chapter, Strategy 2-E, “Conserve raw materials by:…Promoting efforts to adapt existing buildings for new uses, rather than destroying them.”*
- *Environmental Sustainability Chapter, Strategy 2-F, “Conserve land by:… Promoting infill development within Denver at sites where services and infrastructure are already in place. Also by “Designing mixed-use communities and reducing sprawl, so that residents can live, work and play within their own neighborhoods.”*
- *Land Use Chapter, Objective 3, Preserve and enhance the individuality, diversity and livability of Denver’s neighborhoods and expand the vitality of Denver’s business centers.*
- *Land Use Chapter, 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.”*
- *Land Use Chapter, Strategy 3-D, “Identify and enhance focal points in neighborhoods, and encourage the development of such focal points where none exist.”*
- *Economic Activity Chapter, Strategy 5-A, “Support small-scale economic development in neighborhoods using the following key strategies:… Support development of neighborhood business centers that serve adjacent residential areas in existing neighborhoods and new neighborhoods within development areas.”*
- *Neighborhoods Chapter, Objective 1, “Strengthen the positive attributes and distinctive character of each neighborhood to help sustain Denver as a healthy, vital city.*

Blueprint Denver

- *Areas of Stability – “The ideal for Areas of Stability is to identify and maintain the character of an area while accommodating some new development and redevelopment in appropriate locations.”*
- *Single-family Residential Concept Land Use – “Single family homes are the predominant residential type… and the employment base is significantly smaller than the housing base.”*

How proposed map amendment is consistent with these plan recommendations:

3758 York St. is a preexisting building that has been used as a commercial building for the past 60 years. We are looking to use the existing building for a new use rather than destroying a building that has been part of that neighborhood for years. Additionally, we are attempting to promote infill development within Denver at this specific site where infrastructure is already in place. By rezoning this parcel of land U-MX-3 and designing this community as a mixed use community we would be reducing sprawl, and residents of this neighborhood (WE are residents of this neighborhood) have a place where they can live, work, and play within their own neighborhood. Traditionally, Denver neighborhoods have had a mixture of commercial buildings within residential neighborhoods. As such, allowing this property to be rezoned as U-MX-3 will preserve and enhance the individuality, diversity, and livability of Denver’s neighborhoods and expand the vitality of Denver’s business centers. Providing a much needed amenity within this neighborhood will encourage quality infill development. Additionally, this neighborhood is a very unique, mixed use neighborhood (commercial, residential, and industrial). Rezoning this parcel of land to U-MX-3 would be consistent with the character of the surrounding neighborhood. If this parcel were to be rezoned to U-MX-3 it would provide a great transition between residential and industrial zones. Providing the neighborhood with a community oriented CrossFit Fitness gym would provide opportunities for increased density in the area and more amenities. Also, rezoning this parcel as U-MX-3 will provide a broader variety of compatible uses going forward, this would be consistent with Denver’s overall plan for this neighborhood. This parcel of land is in an area that is in desperate need of economic revitalization, as such, rezoning this parcel and using the existing building to run a successful, community oriented business will enhance the focal points in the neighborhood and encourage the development of these focal points, where currently nothing exists. The rezoning of this parcel of land would allow the commercial building at 3758 York St. to house a successful fitness gym, which would support the development of the neighborhood business centers that serve the adjacent residential areas in this existing neighborhood. For all these reasons, rezoning this parcel of land to U-MX-3 will strengthen the positive attributes and distinctive character of this neighborhood to sustain Denver as a HEALTHY, vital city.

JUSTIFYING CIRCUMSTANCE

**The land or its surrounds has changed or is changing to such a degree that rezoning that it is in the public interest to encourage a redevelopment of the area to recognize the changed character of the area.*

North York Street is a very diverse area with uses ranging from Industrial to Residential. This area is going through a positive change and revitalization. Currently, the subject parcel is zoned I-1 with waivers. The building located at 3758 York St., on this subject parcel currently sits between a Residential area to the south and Industrial area to the north. As such, it would be more conducive to rezone this property from I-1 with waivers to U-MX-3 in order to provide a broader variety of compatible uses going forward, which would be consistent with Denver's overall plan for this neighborhood and would be in the public's interest to encourage a redevelopment of the area.

HOW CRITERION IS MET.

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 Urban Neighborhood Context is primarily characterized by single-unit and two-unit residential uses. Small Scale multi-unit residential uses and commercial areas are typically embedded in residential areas. Single-unit residential structures are typically Urban House forms. Multi-unit building forms are typically Row House forms embedded with other residential building forms. Commercial buildings are typically Shop front and General forms that may contain a mixture of uses within the same building. Single- and two-unit residential uses are primarily located along local and residential arterial streets. Multi-unit residential uses are located along local streets, residential and mixed use arterials, and main streets. Commercial uses are primarily located along mixed use arterial or main streets but may be located at or between intersections of local streets.

- A. *The Mixed Use Zone Districts are **intended** to promote safe, active, and pedestrian-scaled, diverse areas through the use of town house, row house, courtyard apartment, apartment, and general building forms that clearly define and activate the public street edge.*
- B. *The Mixed Use Zone Districts are **intended** to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city's neighborhoods.*
- C. *The Mixed Use Zone District standards are also **intended** to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods.*
- D. *Compared to the Main Street districts, the Mixed Use districts are focused on creating mixed, diverse neighborhoods. The Mixed Use districts are intended for corridors, embedded neighborhood business areas and larger sites.*
- E. *In the Urban Neighborhood Context, the Mixed Use Zone Districts promote a pedestrian-active street front. Buildings are pulled up to the street with parking at the side or rear of the building; however, the front setback range is deeper than the front setback range for the Main Street districts. The required percentage of building facade that must be located in the front setback area is less than the percentage for the Main Street districts.*

Mixed Use – 3 (U-MX-3)

U-MX-3 applies to areas or intersections served primarily by local or collector streets where a building scale of 1 to 3 stories is desired.

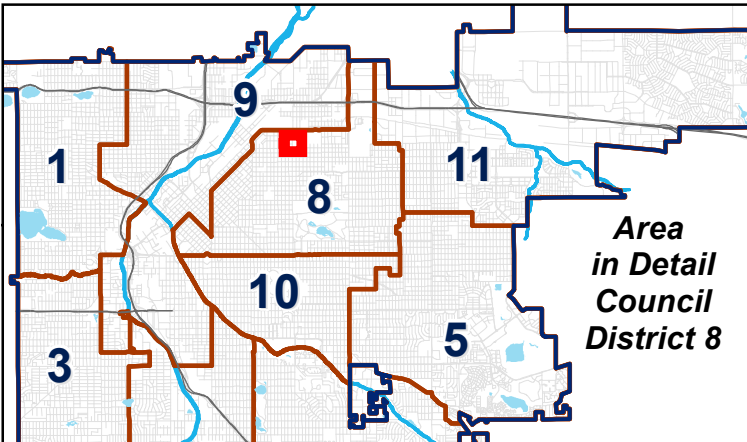
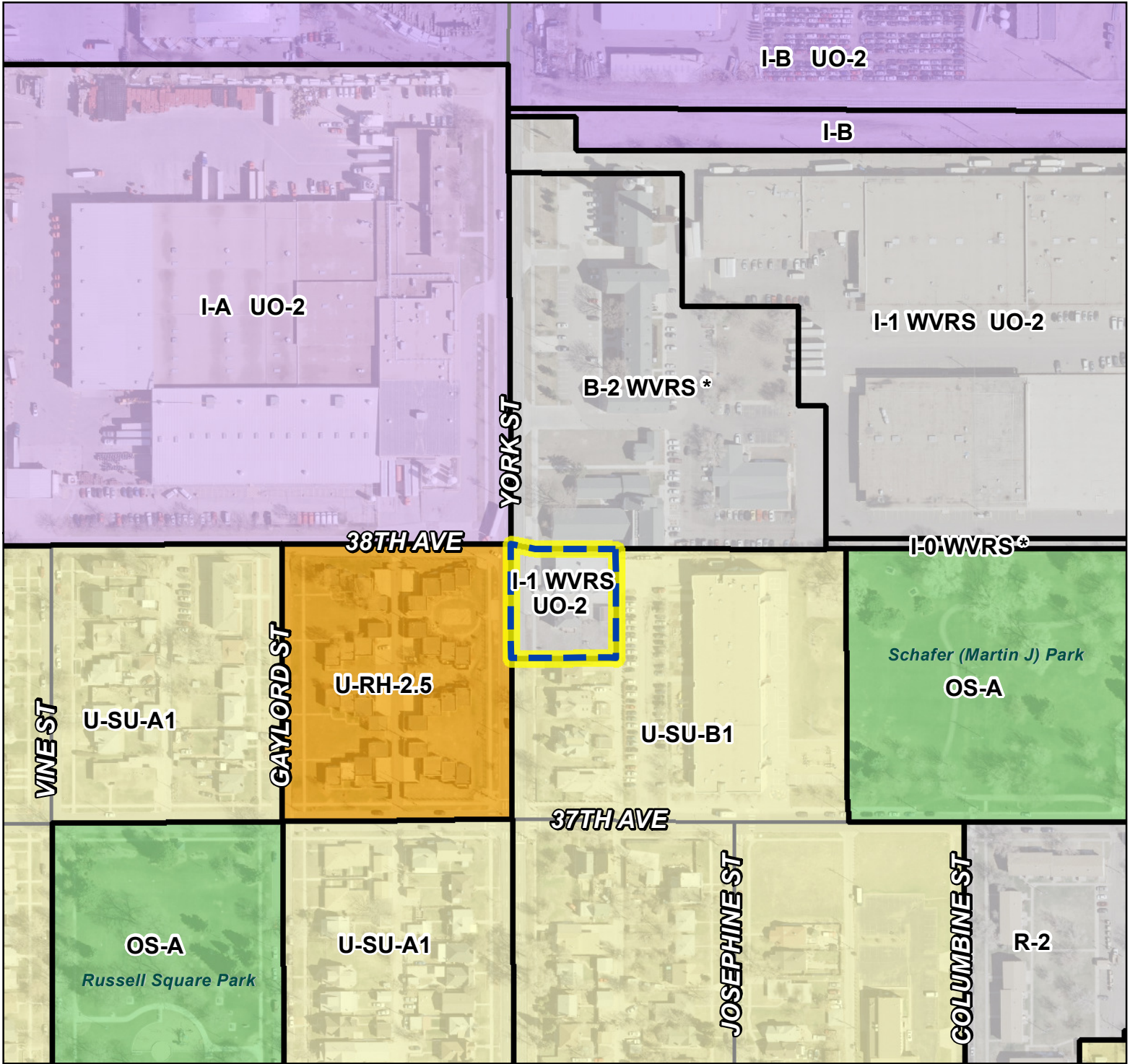
How the above criterion is met:

As stated above, Urban Neighborhood Context (U-MX-3 specifically) has commercial areas that are typically embedded in residential areas. To the south of the subject parcel are all residential buildings. To the north of the subject parcel are all industrial buildings. Rezoning the subject parcel would allow the preexisting building located at 3758 York St. to function as a commercial building and be a part of the surrounding residential area, which is a typical characteristic of Denver neighborhoods. Additionally, according to the Urban Neighborhood Context, commercial uses are primarily located along mixed use arterial or main streets, which is where this parcel and building sit. As such, rezoning the subject parcel to U-MX-3 would be conducive to the Urban Neighborhood context.

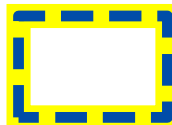
Rezoning this parcel would promote a safe, active, and pedestrian-scaled, diverse area. Making this change would allow the preexisting building located at 3758 York Street to clearly define and activate the public street edge and promote a safe, active and pedestrian-scaled, diverse area. Also, this change would enhance the convenience, ease and enjoyment of transit, walking, shopping, and public gathering due to the building located at 3758 York Street functioning as a community oriented fitness gym. As stated previously, the subject parcel and the building located at 3758 York Street will improve the transition between commercial development and adjacent residential neighborhoods because it is the only building standing between residential and industrial zoning. Using the preexisting building located at 3758 York Street as commercial would ensure new development contributes positively to the established residential neighborhoods and character by providing a source of economic revitalization to the area and continue with the Denver tradition of embedding a commercial use into a residential neighborhood. This commercial use would promote pedestrian-active street front with parking at the side of the building.

This preexisting building at 3758 York Street is one story.

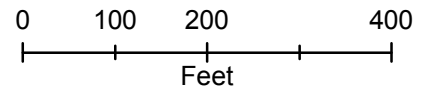
Zone Map Amendment #2012I-00036



Application #2012I-00036
 Location: 3750-3758 York St.
 and Vacant Parcel between 3730 and 3750 York St.

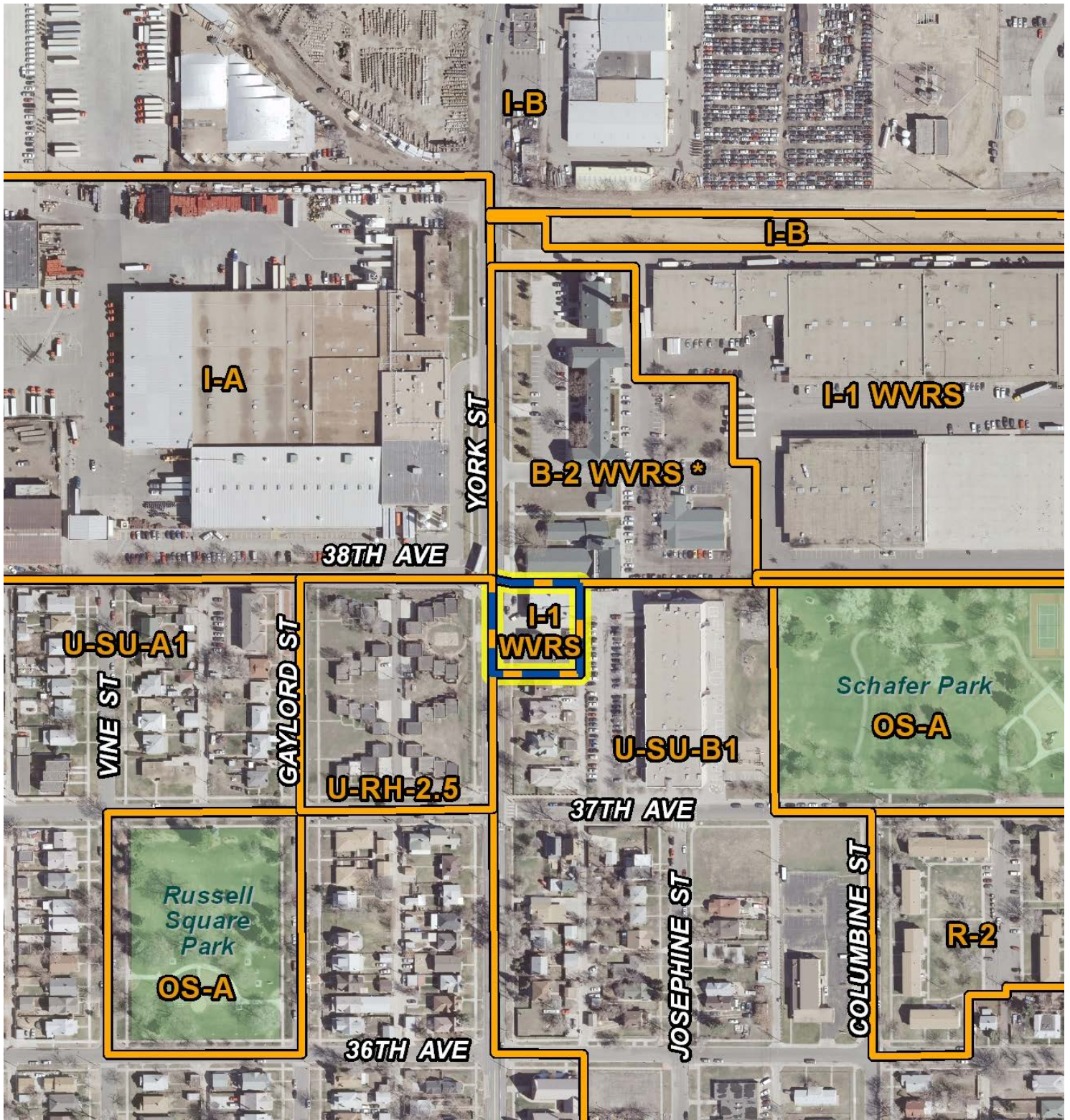


Proposed Rezoning
 From: I-1 WWRs UO-2
 To: U-MX-3

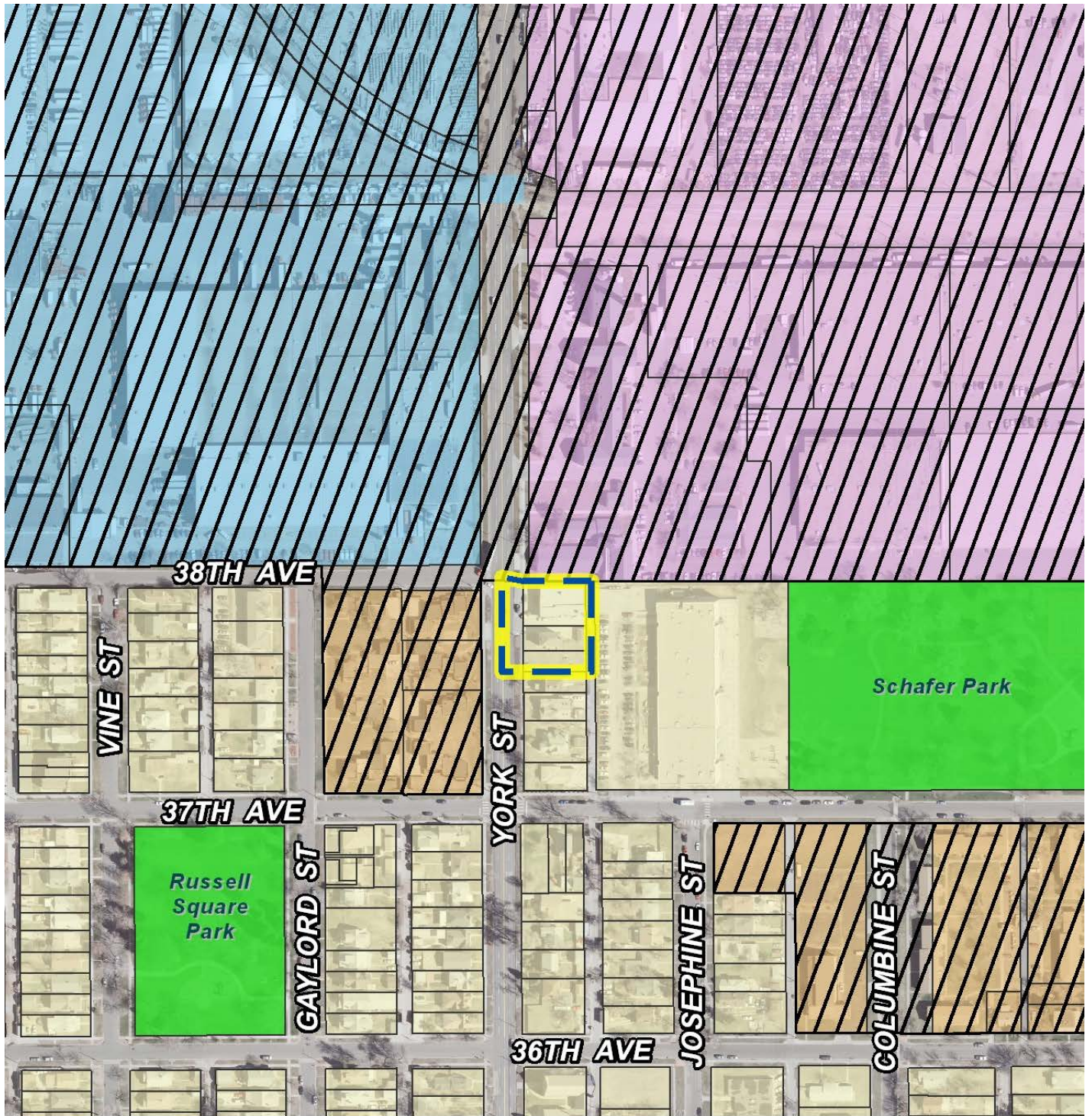


Map Date: 9/5/12

Pending Zone Map Amendment – Aerial & Zoning Overlay



Pending Zone Map Amendment – Blueprint Denver



-  Industrial
-  Mixed Use
-  Park
-  Single Family Duplex
-  Single Family Residential
-  Area of Change