



TO: Denver City Council
FROM: Jeff Hirt, Senior City Planner
DATE: March 30, 2017

RE: Official Zoning Map Amendment
Application #2015I-00163 – 3325 & 3327 Tejon Street
Rezoning from U-TU-B/DO-4 to PUD-G 16

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2015I-00163 for a rezoning from U-TU-B and DO-4 to PUD-G 16 for the property located at 3325 & 3327 Tejon Street.

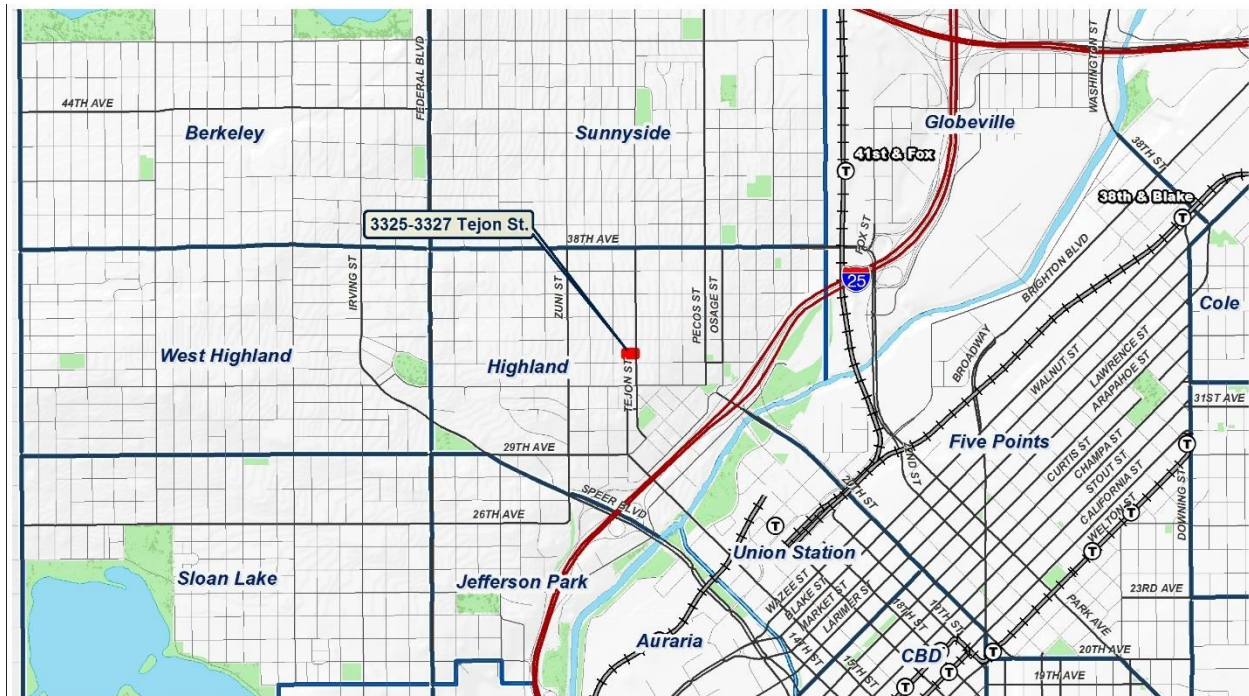
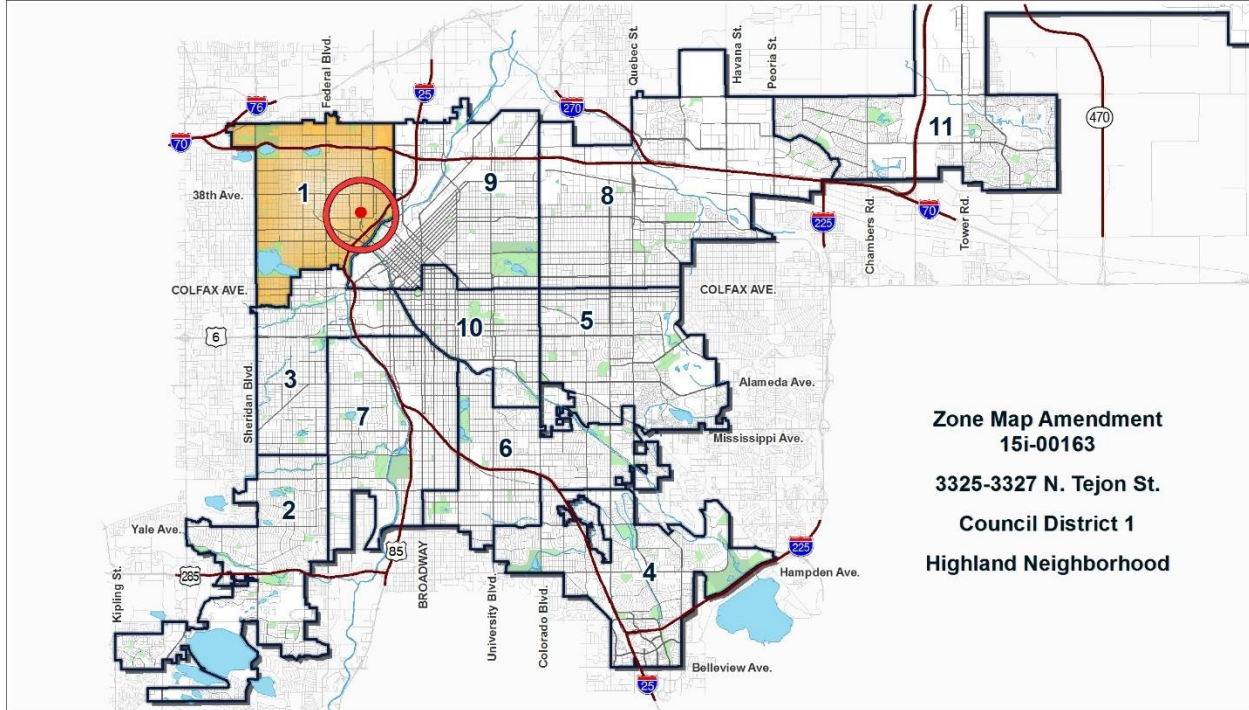
Request for Rezoning

Application:	#2015I-00163
Address:	3325 & 3327 Tejon Street
Neighborhood/Council District:	Highland / Council District 1
RNOs:	Denver Neighborhood Association, Inc. Inter-Neighborhood Cooperation (INC) Denver Urban Resident Association United North Side Neighborhood Highland United Neighbors
Area of Property:	Total: 14,242 SF (0.33 Acres)
Current Zoning:	U-TU-B, DO-4
Proposed Zoning:	PUD-G 16
Property Owner(s):	Westside Homes LLC
Owner Representative:	Alexis Steinhauer

Summary of Rezoning Request

- The subject property is located in the Highland neighborhood and has one 2.5-story residential structure constructed in 1895 (“Remaining Building”) fronting Tejon Street, and a one-story nonresidential structure behind the Remaining Building that was built in 1962 and most recently had been used by the Polidori Sausage company.
- The Polidori Sausage Company sold the property in 2015 to Westside Homes LLC, and vacated the property in May 2016.
- The requested PUD establishes two subareas. Subarea A, in the east two-fifths of the lot along Tejon Street, surrounds the Remaining Building. Subarea B, in the west three-fifths of the lot abutting the alley, surrounds the existing former manufacturing facility which is not required to be preserved.

- The requested PUD mandates conservation of the Remaining Building. The design standards are based on the U-MX-2x zone district for the entire zone lot, with use allowances based on the U-RH-2.5 zone district for Subarea B.



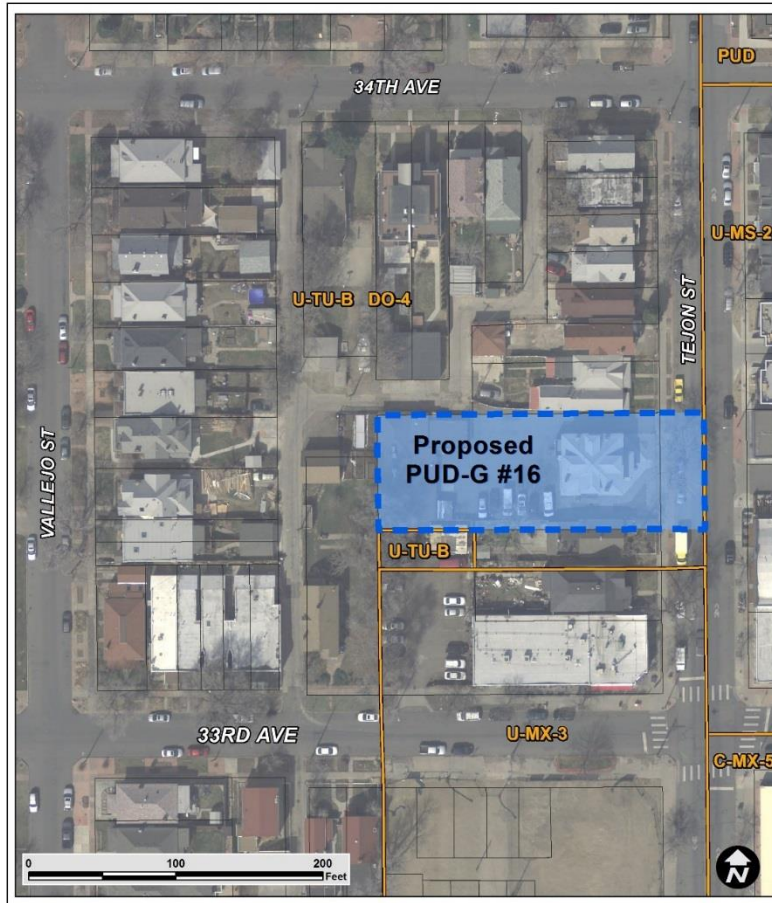
Proposed Rezoning

The applicant is requesting to rezone to PUD-G 16 per DZC Section 9.6.1. The general purpose of a PUD district is to provide an alternative to conventional land use regulations, combining use, density, site plan and building form considerations into a single process, and substituting procedural protections for the more prescriptive requirements in this Code. The PUD District is intended to respond to unique and extraordinary circumstances, where more flexible zoning than what is achievable through a standard zone district is desirable and multiple variances, waivers, and conditions can be avoided. Without significant waivers, variances, or conditions, the Denver Zoning Code does not:

- Provide any tool to conserve the Remaining Building, which has been evaluated and deemed not eligible for landmark status;
- Accommodate a continuation of the existing nonresidential uses; or
- Provide the flexibility needed to accommodate an appropriately scaled redevelopment of the site.

PUD-G 16 comprises one zone lot with two subareas to reflect the site’s unique conditions. The stated purposes of PUD-G 16 are to 1) promote the traditional 1-2.5 story, residential mixed-use context on the 3300-3400 block of Tejon, 2) accommodate the conservation and reuse of the Remaining Building; and 3) accommodate residential infill development in Subarea B, which is the rear of the subject property. All design standards and allowable uses for PUD-G 16 are based on the U-MX-2x zone district, with the exception of allowable uses in Subarea B. Subarea B’s allowable uses are based on the U-RH-2.5 zone district to reflect residential uses. Key differences between PUD-G 16 related to the U-MX-2x zone district Design Standards are primarily due to the characteristics of the Remaining Building in Subarea A and are highlighted in the table below. Other differences include reducing the minimum driveway width to accommodate an existing driveway and streamlining the process for adding an outdoor eating and serving area for the Remaining Building.

Select Differences Between U-MX-2x and PUD-G 16		
	PUD-G 16	U-MX-2x (General Building Form)
Maximum Building Height	38'	35'/2 stories
Front Setback (Primary Street)	24'	0'
Side Interior Setback, Subarea A (North)	19'	5'
Side Interior Setback, Subarea B (North)	5'	5'
Side Interior Setback, Subarea A (South)	19'	0'
Side Interior Setback, Subarea A (South)	5'	5'
Rear Setback (west)	10'	0'



Existing Context

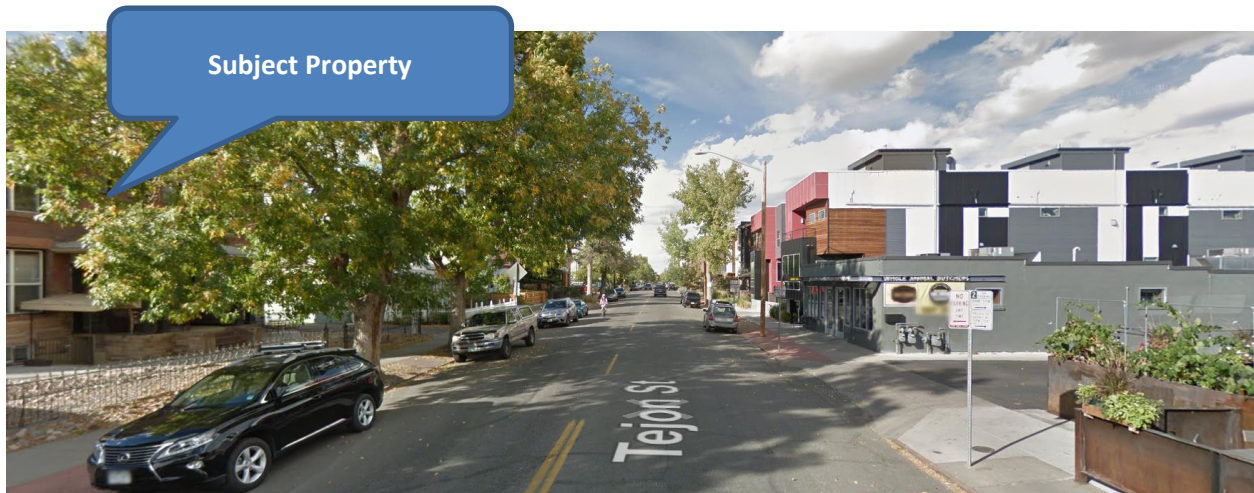
The property lies within a mixed use area with the majority of nonresidential uses fronting Tejon Street, which is a Residential Collector street. Nonresidential uses fronting the east side of the 3300-3400 block of Tejon include a church, bicycle shop, restaurants, and a butcher shop. The mostly residential buildings on the west side of the block have largely remained intact from their original character. However, on the east side of this block of Tejon, at least three structures built in the early 1900s (or earlier) have been demolished in the last few months and replaced with multi-unit and townhome developments that encompass a significant portion of that side of the block.



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

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	U-TU-B, DO-4	Mixed Use (Office, Warehouse)	Subarea A: 2.5 story residential structure Subarea B: 1 story warehouse structure	The property lies mid-block in the 3300-3400 block of Tejon, a former streetcar route that includes a variety of residential and nonresidential structures and uses. The block lies within a street grid pattern typical of central Denver.
North	U-TU-B, DO-4	Two unit residential	1 stories	
South	U-TU-B, DO-4	Single unit residential	1 stories	

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
East (across Tejon St)	U-MS-2	Commercial/Retail	1 stories	
West (across alley)	U-TU-B, DO-4	Single unit residential	2.5 stories	



View of Tejon Street looking north



View of Tejon Street looking south



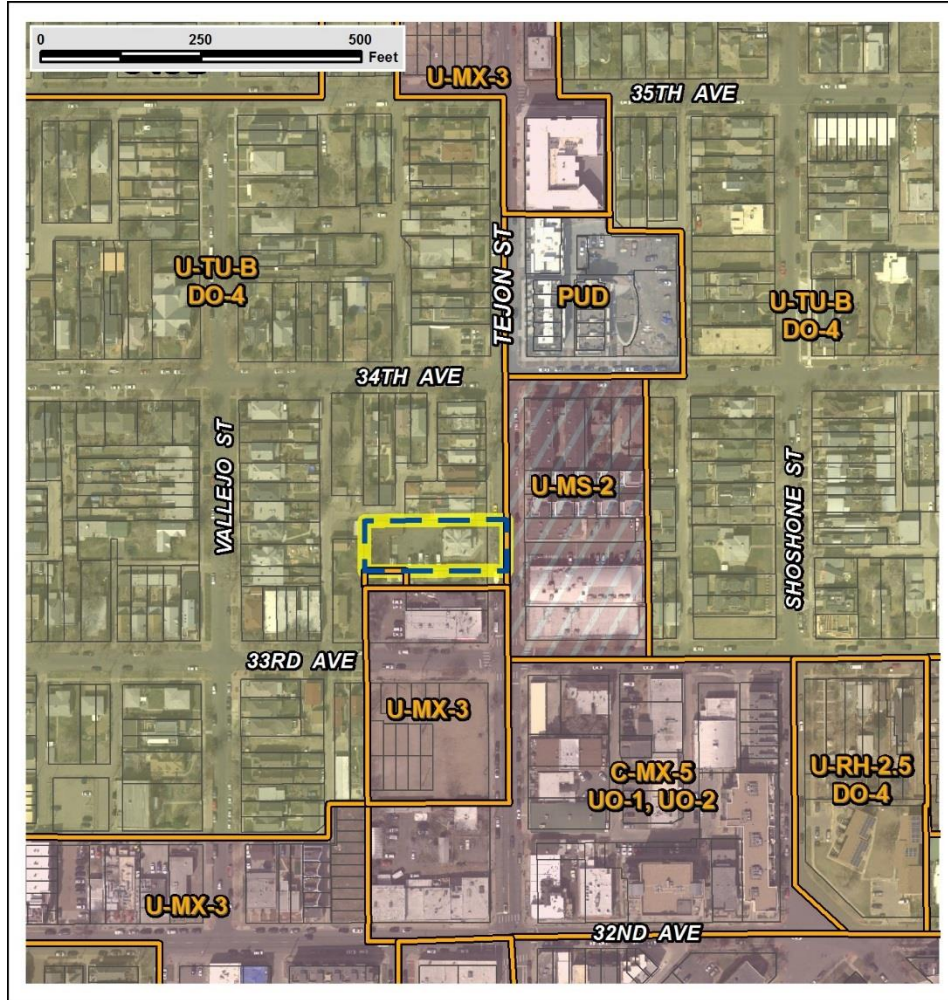
Looking west from Tejon Street, with a view of the adjacent property to north.



Looking west from Tejon Street, with a view of the adjacent property to south.

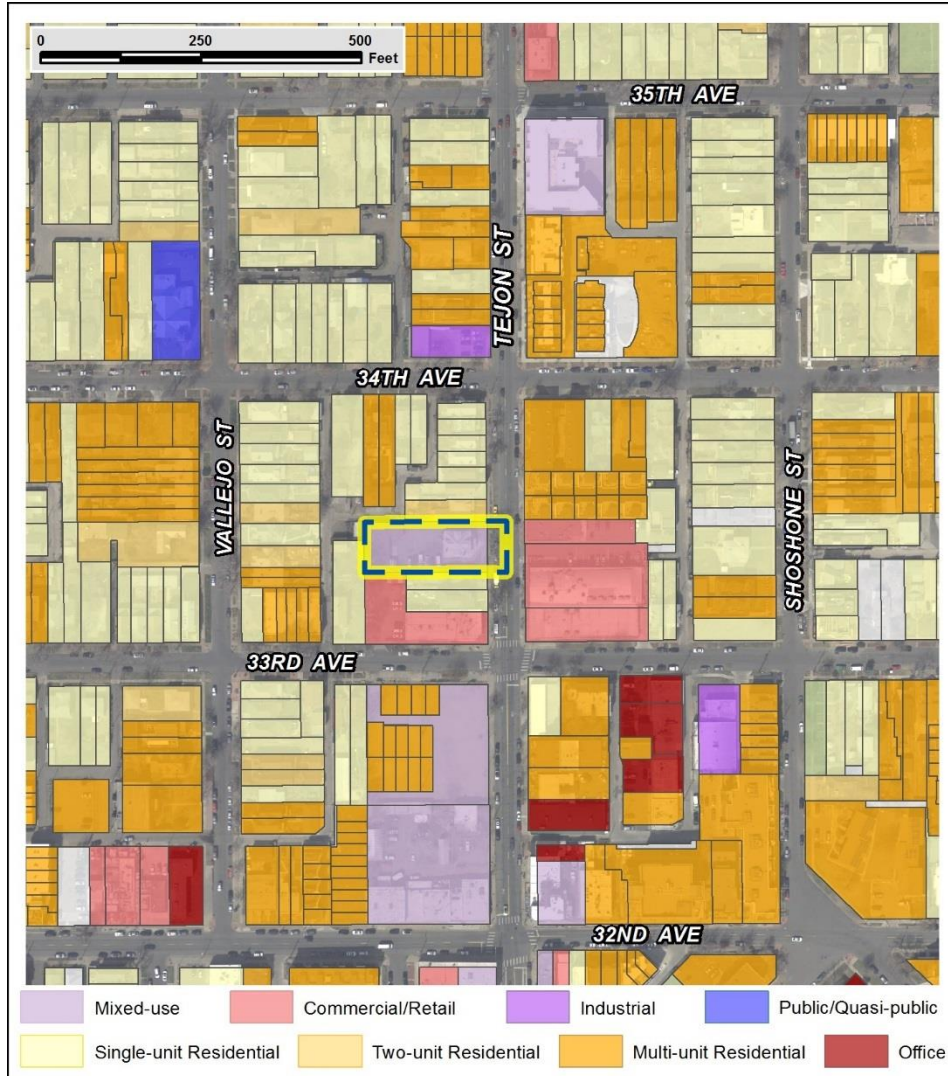
Existing Zoning

The current zoning on the site is Two Unit B (U-TU-B) DO-4, which allows for Single and Two Unit Dwellings, and some limited allowance for other types of residential uses. Commercial and retail uses are generally prohibited, as is any type of Industrial Services or Manufacturing and Production. The maximum building height is 2.5 stories or 35'. The area to the north and west is also zoned U-TU-B, DO-4. DO-4 stands for Side Interior Setback Design Overlay, which requires a minimum of a 3' Side Interior setback on select lots within the design overlay area. The area to the east across Tejon Street is zoned Main Street Two (U-MS-2), which reflects the mix of commercial, retail, and multi-unit uses on that side of the street on the 3300-3400 block of Tejon. The parcel to the south of the subject property is also zoned U-TU-B; however, it is an approximately 25'-wide property that is adjacent to U-MX-3 zoning that reflects the commercial and retail use at the northwest corner of 33rd and Tejon street.

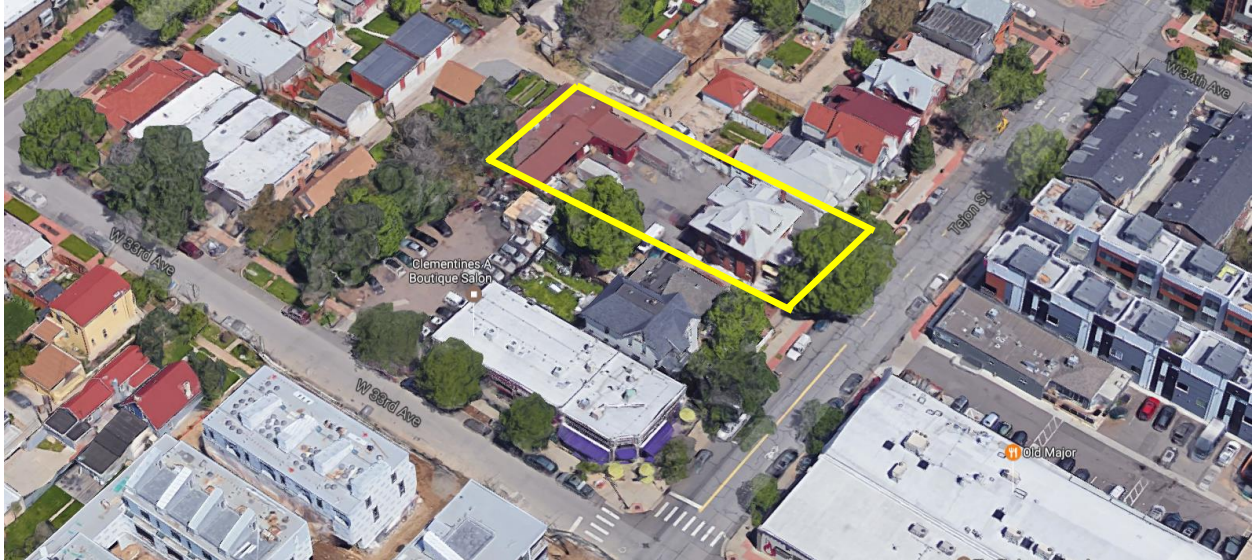


Existing Land Use Map

Land uses on the site and surrounding area are mixed, with most of the commercial/retail uses fronting Tejon Street. The east side of the 3300-3400 block of Tejon is entirely commercial/retail or multifamily. The west side of the block is mostly single family residential, with the exception of the mixed uses on the subject property and commercial/retail on the northwest corner of 33rd and Tejon.



Existing Building Form and Scale



View of the subject property, looking northwest with the intersection of Tejon and 33rd in the foreground (zone lot lines approximate).



View of the Remaining Building defined in PUD-G 16 from Tejon Street looking west/southwest.



View of the Remaining Building defined in PUD-G 16 from Tejon Street looking west showing existing drive aisle on north side of subject property.



View of the interior parking area between the Remaining Building and the existing nonresidential building from the north drive aisle, looking west.



View of the rear of the existing nonresidential building from alley looking east.

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:

Development Services – Wastewater: Approved with comments - There is no objection to the rezone, however applicant should be under notice that the Public Works will not approve any development of this property without assurance that there is sufficient sanitary and storm sewer capacity. A sanitary study and drainage study may be necessary. These studies may result in a requirement for the developer to install major infrastructure improvements or a limit to development if current infrastructure is insufficient.

Public Works – City Surveyor: 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 September 28, 2016.
- The property was posted for a period of 15 days announcing the February 1, 2017 Denver Planning Board public hearing, and written notification of the hearing has been sent to all affected registered neighborhood organizations and City Council members. **Planning Board recommended approval of the proposed rezoning by a vote of 8-0.**
- Following Planning Board review, the rezoning application was referred to the Land Use, Transportation, and Infrastructure Committee of the City Council for review at a public meeting on February 21, 2017. Following LUTI review, the rezoning application was referred to the full City Council for final action at a public hearing.
- The applicant conducted outreach and communications with the Highland United Neighbors (HUNI) and City Council district one's office. Attachment 1 (application) includes a letter from HUNI that indicates support to work an applicant interested in preserving the Remaining Building, and general support for the concept in PUD-G 16 of uses delineated by subareas.
- One comment was received from a nearby resident during the Planning Board notification period. The comments are 1) to support retention of the Remaining Building, 2) to oppose any zone district that increases the allowed height above three stories, and 3) concerns about traffic for any future residential development.
- One comment was received from the property owner directly adjacent to the north after the Planning Board public comment period. Attachment 3 includes the comment that expresses concerns about continued development on the block contributing to parking and traffic impacts.
- The Highland United Neighbors (HUNI) submitted an additional letter dated March 11, 2017 to reiterate their support for the application (see Attachment 3).
- See the attached correspondence for the full text of all of these public comments.

Criteria for Review / Staff Evaluation

The criteria for review of this rezoning application are found in DZC, Sections 12.4.10.7, 12.4.10.8, and 12.4.10.9 as follows:

DZC Section 12.4.10.7

- A. Consistency with Adopted Plans
- B. Uniformity of District Regulations and Restrictions
- C. Public Health, Safety and General Welfare

DZC Section 12.4.10.8

- A. Justifying Circumstances
- B. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements

DZC Section 12.4.10.9 Additional Review Criteria for Rezoning to PUD District

- A. The PUD District is consistent with the intent and purpose of such districts stated in Article 9, Division 9.6 (Planned Unit Development) of this Code;
- B. The PUD District and the PUD District Plan comply with all applicable standards and criteria stated in Division 9.6;

- C. The development proposed on the subject property is not feasible under any other zone districts, and would require an unreasonable number of variances or waivers and conditions;
- D. The PUD District and the PUD District Plan establish permitted uses that are compatible with existing land uses adjacent to the subject property; and
- E. The PUD District and the PUD District Plan establish permitted building forms that are compatible with adjacent existing building forms, or which are made compatible through appropriate transitions at the boundaries of the PUD District Plan (e.g., through decreases in building height; through significant distance or separation by rights-of-way, landscaping or similar features; or through innovative building design.

Consistency with Adopted Plans (12.4.10.7.A)

The following adopted plans apply to this property:

- *Denver Comprehensive Plan 2000*
- *Blueprint Denver (2002)*
- *Highland Neighborhood Plan (1986)*

Denver Comprehensive Plan 2000

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

- **Environmental Sustainability Strategy 2-F:** Promoting infill development within Denver at sites where services and infrastructure are already in place.
- **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.
- **Legacies Strategy 1-B:** Promote standards and incentives for design that enhance the quality and character of the city, including the preservation of significant historic structures and features.
- **Legacies Strategy 2-A:** Establish development standards to encourage positive change and diversity while protecting Denver's traditional character.

The proposed map amendment promotes infill development where services and infrastructure already exists. Without significant waivers, variances, and/or conditions, infill development on the subject property that allows residential and nonresidential uses while conserving the Remaining Building is very challenging under current zoning or any standard zone district.

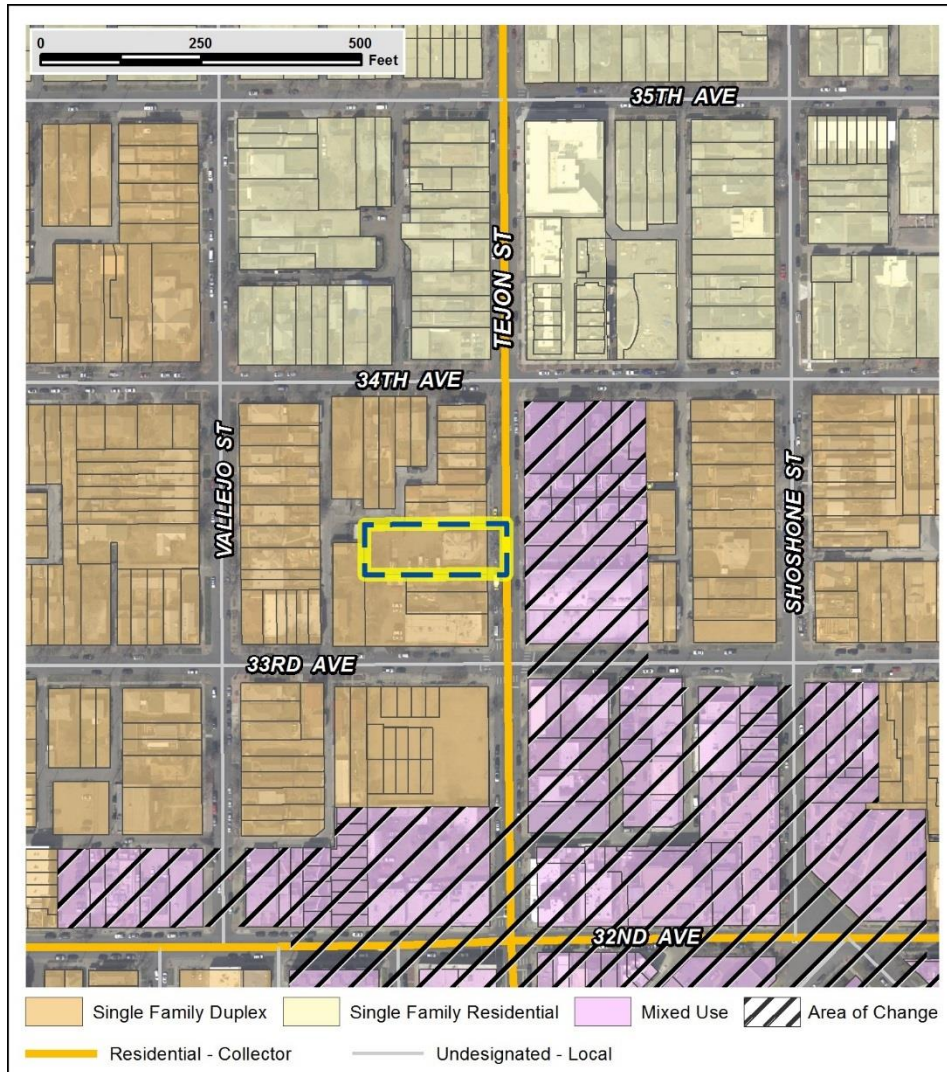
Blueprint Denver

According to Blueprint Denver, the subject properties have a concept land use of Single Family Duplex and are located within an Area of Stability.

Future Land Use

Blueprint Denver describes Single Family/Duplex Residential as moderately dense areas that are primarily residential but with some complementary, small-scale commercial uses. There is a mixture of housing types, including single-family houses, duplexes, townhouses and small apartment buildings (page 42). The proposed map amendment supports the Blueprint Denver Single

Family/Duplex Residential land use designation because it will enable residential development in Subarea B where there currently is a nonresidential use, and small scale commercial uses in the Remaining Building in Subarea A. The U-MX-2x district that the uses in Subarea A are based on has a specific intent to limit development to low scale building forms and low intensity uses (see DZC Sec. 5.2.3.2).



Area of Stability

The subject properties are in an Area of Stability. The goal for Areas of Stability is to identify and maintain the character of an area while accommodating some new development and redevelopment. The Remaining Building was built in 1895 and reflects the character of the Highlands Area that is referenced in the Highland Neighborhood Plan. PUD-G 16 explicitly conserves the Remaining Building. The PUD will also accommodate redevelopment of the site by allowing more flexibility in the use of the Remaining Building and the existing nonresidential building in Subarea B than the current U-TU-B zoning allows.

Street Classifications

Blueprint Denver classifies Tejon Street as a Residential Collector. Residential Collectors are designed to emphasize walking, bicycling and land access over auto mobility. PUD-G 16 defines development types that will be supported by the surrounding streets and requires the conservation of the Remaining Building.

Highland Neighborhood Plan (1986)

The proposal is consistent with several Highland Neighborhood Plan goals and recommendations relating to the preservation of existing buildings and neighborhood character, including:

- **Residential Character Goal:** Maintain and stabilize the residential character of the neighborhood by preserving and improving the conditions of existing housing.
- **Tejon Street – West 33rd to West 37th Avenue Recommendations:** Encourage unified façade improvements on Tejon Street.
- **Subarea 12 Goal:** Improve and preserve the residential character of the area.

The map amendment application is consistent with the Highland Neighborhood Plan because the PUD will explicitly mandate conservation of the Remaining Building, which is an 1890s era residential structure that is similar to other structures of that era on the 3300-3400 block of Tejon that have recently been razed for redevelopment. The city's Landmark Preservation staff evaluated the Remaining Building for its eligibility for a landmark designation, and concluded that it did not meet the criteria for preservation.

Historically, Subarea A has been a residential use and Subarea B a nonresidential use. PUD-G 16 effectively "switches" this scenario and brings the allowance for nonresidential uses up to the Tejon Street frontage, with residential behind in Subarea B. This is more consistent with the current development pattern along Tejon Street.

Uniformity of District Regulations and Restrictions (12.4.10.7.B)

The proposed map amendment will result in the uniform application of zone district building form, use and design regulations across the site. The PUD is based on the U-MX-2x and U-RH-2.5 zone districts and General Building Form, with appropriate customized elements in support of the unique conservation and development opportunities on the site.

Public Health, Safety and General Welfare (12.4.10.7.C)

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.

Justifying Circumstances (12.4.10.8.A)

The application identifies a number of changed conditions on the property as a Justifying Circumstance under DZC Section 12.4.10.8.A.4: "The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area."

The changed conditions are that in May 2016, the historic, prominent tenant (Polidori Sausage production and distribution) of the existing nonresidential building in Subarea B vacated the building. Additionally, the rapidly changing character of the 3300-3400 block of Tejon also represents a changed condition. Approximately ½ of the properties fronting the east side of this block have been entirely razed for redevelopment, removing several early 1900s structures that were part of the original Highlands Neighborhood character. PUD-G 16 explicitly conserves the Remaining Building that was not deemed eligible for landmark preservation.

Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements (12.4.10.9)

The requested zone district is PUD-G 16, which is based on the U-MX-2x zone district. Subarea B of PUD-G 16 only allows the uses set forth in the U-RH-2.5 zone district. The requested zone district is within the Urban Neighborhood Context, which is primarily characterized by single-unit and two-unit residential uses. 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.

In the Urban Neighborhood Context, Mixed Use zone districts promote a pedestrian active street front. U-MX-2x applies to small sites served primarily by local streets embedded within an existing or proposed neighborhood. These are typically one or two parcels and are limited to low scale building forms and low intensity uses. The purpose of the U-RH-2.5 zone district is to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context.

The proposed map amendment is consistent with the U-MX-2x and U-RH-2.5 zone districts because it is limited to low scale building forms and uses and promotes a residential use that is within the character of the neighborhood.

Additional Review Criteria for Rezoning to PUD District (12.4.10.9)

A. The PUD District is consistent with the intent and purpose of such districts stated in Article 9, Division 9.6 (Planned Unit Development) of this Code

The existing conditions on the site present a number of relevant unique and extraordinary circumstances. The subject property is one zone lot with U-TU-B zoning and two distinct subareas – the 2.5-story residential Remaining Building that fronts Tejon Street, and the separate, existing one-story nonresidential structure in the rear that was historically used for food production (Polidori Sausage). Without waivers and conditions, there are no standard zone districts that are accommodating to these existing conditions and/or future redevelopment.

PUD-G 16 provides a public benefit not achievable through a standard zone district by explicitly requiring conservation of the Remaining Building, which is an 1890s era residential structure that is similar to other structures of that era nearby that have recently been razed for redevelopment. A variety of citywide and Highland Neighborhood Plan policies support preservation of existing neighborhood character.

B. The PUD District and the PUD District Plan comply with all applicable standards and criteria stated in Division 9.6

The PUD District complies with all standards and criteria stated in Division 9.6.

C. The development proposed on the subject property is not feasible under any other zone districts, and would require an unreasonable number of variances or waivers and conditions

The PUD District is necessary because there is no standard zone district available that accommodates reuse and/or redevelopment of the site by allowing more flexibility in the use of the residential Remaining Building and the existing nonresidential building in Subarea B.

D. The PUD District and the PUD District Plan establish permitted uses that are compatible with existing land uses adjacent to the subject property

The nonresidential structure that was previously used for industrial/warehouse is directly adjacent to existing residential uses to the north and south that are in a Protected District per Division 13.3 (definitions). This nonresidential use of the building since its construction in 1962 and recent closure of the Polidori Sausage facility represents an opportunity to enable a more compatible land use in Subarea B. The proposed uses in Subarea B based on the U-RH-2.5 zone district will improve compatibility with existing single and two-unit land uses adjacent to the subject property. In Subarea A, the allowed uses based on the U-MX-2x zone district are limited to be compatible where nonresidential uses are embedded within a neighborhood. Therefore, the PUD establishes permitted uses compatible with adjacent land uses.

E. The PUD District and the PUD District Plan establish permitted building forms that are compatible with adjacent existing building forms, or which are made compatible through appropriate transitions at the boundaries of the PUD District Plan (e.g., through decreases in building height; through significant distance or separation by rights-of-way, landscaping or similar features; or through innovative building design.)

PUD-G 16 establishes permitted building forms that are compatible with the adjacent existing building forms including compatible setbacks and building heights. The standards reflect historic site conditions. There are some allowances for modest building expansions that are consistent with the U-MX-2x zone district's purpose of limiting scale and intensity.

Attachments

1. Application
2. PUD-G 16
3. Public Comments

Zone Map Amendment (Rezoning) for PUD - Application

PROPERTY OWNER INFORMATION*	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	Owner: Westside Homes LLC Manager: Stephen Wayne Latham
Address	1550 Larimer St. Suite. 249
City, State, Zip	Denver, CO 80202
Telephone	303-521-7441
Email	stephen@gallupdevelopment.com
*If More Than One Property Owner: All official map amendment applications for a PUD District shall be initiated by all the owners of the entire land area subject to the rezoning application, or their representatives authorized in writing to do so.	

PROPERTY OWNER(S) REPRESENTATIVE**	
<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Representative Name	Alexis Steinhauer
Address	3222 Tejon St. Studio A
City, State, Zip	Denver, CO 80211
Telephone	781-724-2224
Email	lexi@thinkgenerator.com
**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.	

Please attach Proof of Ownership acceptable to the Manager for all property owners, 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):	3325 and 3327 Tejon Street, Denver CO 80211 H WITTERS NORTH DENVER ADD B9 N 75FT OF L1
Assessor's Parcel Numbers:	0228228036000 PIN 162872055
Area in Acres or Square Feet:	14,242 sq ft.
Current Zone District(s):	U-TU-B, DO-4

PROPOSAL

Proposed Zone District:	<input checked="" type="checkbox"/> General PUD	<input type="checkbox"/> Detailed PUD
Proposing SubAreas:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Intent of PUD:	Accommodate reuse and redevelopment by allowing a mix of residential and commercial uses (to replace existing higher impact industrial use) while preserving the existing 2.5 story brick building & maintaining neighborhood character.	
Standard Zone District: Please list the zone district(s) on which the PUD will be based:	U-MX-2x	
Deviations from Standard Zone District: Please provide a list of proposed deviations and an explanation of why the deviation is needed. Please provide as an attachment if necessary:	Deviation	Why deviation is necessary
	Deviations from Standard Zone District U-MX-2x are provided in proposed PUD-G16	

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 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>
<p>Additional Review Criteria for Rezoning to PUD District: The proposal must comply with all of the additional review criteria DZC Sec. 12.4.10.9</p>	<p><input checked="" type="checkbox"/> The PUD District is consistent with the intent and purpose of such districts stated in Article 9, Division 9.6 (Planned Unit Development).</p> <p><input checked="" type="checkbox"/> The PUD District and the PUD District Plan comply with all applicable standards and criteria station in Division 9.6.</p> <p><input checked="" type="checkbox"/> The development proposed on the subject property is not feasible under any other Zone Districts, and would require an unreasonable number of variances or waivers and conditions.</p> <p><input checked="" type="checkbox"/> The PUD District, the PUD District Plan establish permitted uses that are compatible with existing land uses adjacent to the subject property.</p> <p><input checked="" type="checkbox"/> The PUD District, the PUD District Plan establish permitted building forms that are compatible with adjacent existing building forms, or which are made compatible through appropriate transitions at the boundaries of the PUD District Plan (e.g., through decreases in building height; through significant distance or separation by rights-of-way, landscaping or similar features; or through innovative building design).</p> <p>Please provide an attachment describing how the above criteria are met.</p>



REZONING GUIDE

Rezoning Application for PUD Page 3 of 3

REQUIRED ATTACHMENTS

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

- Legal Description (required to be attached as a Microsoft Word document)
- 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)
- Deviations from Standard Zone District

Please list any additional attachments:

(1) Proposed PUD-G16 dated 9/7/16, (2) Appendix A—Improvement Survey Plat, (3) Appendix B—As-Built Drawings, (4) Letter of support from HUNI PCD (neighborhood RNO) dated 12/9/15

PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION

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 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
Owner: Westside Homes LLC Manager: Stephen Wayne Latham	1550 Larimer St. Ste. 249 Denver, CO 80202 (303) 521-7441 swlatham1@gmail.com	100%	<i>[Handwritten Signature]</i> <i>[Handwritten Signature]</i>	8/24/15	(B)	YES

Last updated: September 29, 2015

Return completed form to rezoning@denvergov.org



201 W. Colfax Ave., Dept. 205

Denver, CO 80202

720-865-2974 • rezoning@denvergov.org

**3325 & 3327 Tejon Street
Legal Description**

The North 75 feet of Lot 1, Block 9,
H. Witter's North Denver Addition,
City and County of Denver, State of Colorado

Known as:

3325 & 3327 Tejon Street
Denver, CO 80211

**Written Authorization to Represent Property Owner
3325 & 3327 Tejon Street**

August 24, 2016

To: City and County of Denver, Community Planning & Development

From: Stephen Wayne Latham, Manager of Westside Homes LLC

RE: Property Owner Representative Authorization for Rezoning Application for
3325 & 3327 Tejon Street, Denver CO 80211

To Whom It May Concern:

As the Manager of Westside Homes LLC and owner of 3325 & 3327 Tejon Street, Denver CO 80211, I authorize Alexis Steinhauer of Generator Real Estate LLC to act on my behalf as the Property Owner's Representative and submit a rezoning application to Community Planning & Development.

Sincerely,



Stephen Wayne Latham
Manager, Westside Homes LLC



11/13/2015 07:58 AM
City & County of Denver
Electronically Recorded

R \$11.00

WD

D \$120.00

SPECIAL WARRANTY DEED

THIS DEED, Made this 29 day of October, 2015 between

Louis Polidori Trust B

of the City and County of Denver and State of COLORADO, grantor(s), and

Westside Homes Limited Liability Company, a Colorado Limited Liability Company

whose legal address is 1550 Larimer St Suite 249 Denver Co 80202

of the City and County of Denver, State of Colorado, grantee(s):

WITNESS, That the grantor(s), for and in consideration of the sum of **One Million Two Hundred Thousand Dollars and No/100's (\$1,200,000.00)**, 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 grantee(s), his heirs and assigns forever, all the real property together with improvements, if any, situate, lying and being in the City and County of Denver, State of COLORADO, described as follows:

The North 75 feet of Lot 1, Block 9,
H. Witter's North Denver Addition,
City and County of Denver, State of Colorado.

Doc Fee
\$120.00

also known by street and number as 3325 and 3327 Tejon Street , Denver, CO 80211-3451

TOGETHER with all and singular the hereditaments and appurtenances thereunto 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(s), 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(s), his heirs, and assigns forever. The grantor(s), for himself, his heirs and personal representatives or successors, does covenant and agree that he shall and will **WARRANT AND FOREVER DEFEND** the above-bargained premises in the quiet and peaceable possession of the grantee(s), his heirs and assigns, against all and every person or persons claiming the whole or any part thereof, by, through or under the grantor(s).

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(s) has executed this deed on the date set forth above.

SELLER:

Louis Polidori Trust B

[Signature]
By Gary L. Polidori, Trustee

STATE OF COLORADO
COUNTY OF Denver

),ss:

The foregoing instrument was acknowledged before me this 29 day of October, 2015 By Gary L. Polidori, Trustee for the Louis Polidori Trust B

Witness my hand and official seal.
My Commission expires: June 4, 2017

[Signature]
Notary Public

JOANN G DOWLER
NOTARY PUBLIC
STATE OF COLORADO
Notary ID 19874052393
My Commission Expires 06/04/2017





Colorado Secretary of State
 Date and Time: 07/15/2014 04:06 PM
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 Document number: 20141426105
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Articles of Incorporation for a Profit Corporation

filed pursuant to § 7-102-101 and § 7-102-102 of the Colorado Revised Statutes (C.R.S.)

1. The domestic entity name for the corporation is

Westside Homes Limited Liability Company

(Caution: The use of certain terms or abbreviations are restricted by law. Read instructions for more information.)

2. The principal office address of the corporation's initial principal office is

Street address 4792 Federal Blvd
(Street number and name)

Denver CO 80211
(City) (State) (ZIP/Postal Code)
United States
(Province – if applicable) (Country)

Mailing address 1550 Larimer St
 (leave blank if same as street address) *(Street number and name or Post Office Box information)*

Suite 249
Denver CO 80202
(City) (State) (ZIP/Postal Code)
United States
(Province – if applicable) (Country)

3. The registered agent name and registered agent address of the corporation's initial registered agent are

Name
 (if an individual) Latham Stephen Wayne
(Last) (First) (Middle) (Suffix)

or

(if an entity) _____
(Caution: Do not provide both an individual and an entity name.)

Street address 2823 Vallejo St
(Street number and name)

Denver CO 80211
(City) (State) (ZIP/Postal Code)

Mailing address _____
 (leave blank if same as street address) *(Street number and name or Post Office Box information)*

CO
(City) (State) (ZIP/Postal Code)

(The following statement is adopted by marking the box.)

The person appointed as registered agent above has consented to being so appointed.

4. The true name and mailing address of the incorporator are

Name
(if an individual) Latham Stephen Wayne
(Last) (First) (Middle) (Suffix)

or

(if an entity)
(Caution: Do not provide both an individual and an entity name.)

Mailing address 2823 Vallejo St
(Street number and name or Post Office Box information)

Denver CO 80211
(City) (State) (ZIP/Postal Code)
United States
(Province – if applicable) (Country)

(If the following statement applies, adopt the statement by marking the box and include an attachment.)

The corporation has one or more additional incorporators and the name and mailing address of each additional incorporator are stated in an attachment.

5. The classes of shares and number of shares of each class that the corporation is authorized to issue are as follows.

The corporation is authorized to issue 1,000 common shares that shall have unlimited voting rights and are entitled to receive the net assets of the corporation upon dissolution.

Information regarding shares as required by section 7-106-101, C.R.S., is included in an attachment.

6. (If the following statement applies, adopt the statement by marking the box and include an attachment.)

This document contains additional information as provided by law.

7. (Caution: Leave blank if the document does not have a delayed effective date. Stating a delayed effective date has significant legal consequences. Read instructions before entering a date.)

(If the following statement applies, adopt the statement by entering a date and, if applicable, time using the required format.)

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Statement of Conversion

filed pursuant to § 7-90-201.7 (3) of the Colorado Revised Statutes (C.R.S.)

1. For the converting entity, its ID number (if applicable), entity name or true name, form of entity, jurisdiction under the law of which it is formed, and principal address are

ID number	<u>20141426105</u> <i>(Colorado Secretary of State ID number)</i>
Entity name or true name	<u>Westside Homes Limited Liability Company</u>
Form of entity	<u>Corporation</u>
Jurisdiction	<u>Colorado</u>
Street address	<u>4792 Federal Blvd</u> <i>(Street number and name)</i>
	<u>Denver</u> <u>CO</u> <u>80211</u> <i>(City) (State) (ZIP/Postal Code)</i>
	<u>United States</u> <i>(Province – if applicable) (Country)</i>
Mailing address (leave blank if same as street address)	<u>1550 Larimer St</u> <i>(Street number and name or Post Office Box information)</i>
	<u>Suite 249</u>
	<u>Denver</u> <u>CO</u> <u>80202</u> <i>(City) (State) (ZIP/Postal Code)</i>
	<u>United States</u> <i>(Province – if applicable) (Country)</i>

2. The entity name of the resulting entity is Westside Homes Limited Liability Company.
(Caution: The use of certain terms or abbreviations are restricted by law. Read instructions for more information.)
3. The converting entity has been converted into the resulting entity pursuant to section 7-90-201.7, C.R.S.
4. *(If applicable, adopt the following statement by marking the box and include an attachment.)*
 This document contains additional information as provided by law.
5. *(Caution: Leave blank if the document does not have a delayed effective date. Stating a delayed effective date has significant legal consequences. Read instructions before entering a date.)*
(If the following statement applies, adopt the statement by entering a date and, if applicable, time using the required format.)
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This perjury notice applies to each individual who causes this document to be delivered to the Secretary of State, whether or not such individual is identified in this document as one who has caused it to be delivered.

6. The true name and mailing address of the individual causing this document to be delivered for filing are

<u>Latham</u>	<u>Stephen</u>	<u>Wayne</u>	
<i>(Last)</i>	<i>(First)</i>	<i>(Middle)</i>	<i>(Suffix)</i>
<u>2823 Vallejo St</u>			
<i>(Street number and name or Post Office Box information)</i>			
<hr/>			
<u>Denver</u>	<u>CO</u>	<u>80211</u>	
<i>(City)</i>	<i>(State)</i>	<i>(ZIP/Postal Code)</i>	
<u></u>	<u>United States</u>		
<i>(Province – if applicable)</i>	<i>(Country)</i>		

(If applicable, adopt the following statement by marking the box and include an attachment.)

- This document contains the true name and mailing address of one or more additional individuals causing the document to be delivered for filing.

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Articles of Organization

filed pursuant to § 7-80-203 and § 7-80-204 of the Colorado Revised Statutes (C.R.S.)

1. The domestic entity name of the limited liability company is

Westside Homes Limited Liability Company

(The name of a limited liability company must contain the term or abbreviation "limited liability company", "Ltd. liability company", "limited liability co.", "Ltd. liability co.", "limited", "l.l.c.", "llc", or "Ltd.". See §7-90-601, C.R.S.)

(Caution: The use of certain terms or abbreviations are restricted by law. Read instructions for more information.)

2. The principal office address of the limited liability company's initial principal office is

Street address

4792 Federal Blvd

(Street number and name)

Denver

(City)

CO

(State)

80211

(ZIP/Postal Code)

United States

(Country)

(Province – if applicable)

Mailing address

(leave blank if same as street address)

1550 Larimer St

(Street number and name or Post Office Box information)

Suite 249

Denver

(City)

CO

(State)

80202

(ZIP/Postal Code)

United States

(Country)

(Province – if applicable)

3. The registered agent name and registered agent address of the limited liability company's initial registered agent are

Name

(if an individual)

Latham

(Last)

Stephen

(First)

Wayne

(Middle)

(Suffix)

or

(if an entity)

(Caution: Do not provide both an individual and an entity name.)

Street address

2823 Vallejo St

(Street number and name)

Denver

(City)

CO

(State)

80211

(ZIP Code)

Mailing address

(leave blank if same as street address)

(Street number and name or Post Office Box information)

(City) CO _____
(State) (ZIP Code)

(The following statement is adopted by marking the box.)

The person appointed as registered agent has consented to being so appointed.

4. The true name and mailing address of the person forming the limited liability company are

Name
(if an individual) Latham Stephen Wayne
(Last) (First) (Middle) (Suffix)

or

(if an entity)
(Caution: Do not provide both an individual and an entity name.)

Mailing address 2823 Vallejo St
(Street number and name or Post Office Box information)

Denver CO 80211
(City) (State) (ZIP/Postal Code)
United States
(Province – if applicable) (Country)

(If the following statement applies, adopt the statement by marking the box and include an attachment.)

The limited liability company has one or more additional persons forming the limited liability company and the name and mailing address of each such person are stated in an attachment.

5. The management of the limited liability company is vested in

(Mark the applicable box.)

one or more managers.

or

the members.

6. (The following statement is adopted by marking the box.)

There is at least one member of the limited liability company.

7. (If the following statement applies, adopt the statement by marking the box and include an attachment.)

This document contains additional information as provided by law.

8. (Caution: Leave blank if the document does not have a delayed effective date. Stating a delayed effective date has significant legal consequences. Read instructions before entering a date.)

(If the following statement applies, adopt the statement by entering a date and, if applicable, time using the required format.)

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(mm/dd/yyyy hour:minute am/pm)

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9. The true name and mailing address of the individual causing the document to be delivered for filing are

<u>Latham</u>	<u>Stephen</u>	<u>Wayne</u>	
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<u>2823 Vallejo St</u>			
<i>(Street number and name or Post Office Box information)</i>			
<hr/>			
<u>Denver</u>	<u>CO</u>	<u>80211</u>	
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<u></u>	<u>United States</u>	<u></u>	
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- This document contains the true name and mailing address of one or more additional individuals causing the document to be delivered for filing.

Disclaimer:

This form/cover sheet, and any related instructions, are not intended to provide legal, business or tax advice, and are furnished without representation or warranty. While this form/cover sheet is believed to satisfy minimum legal requirements as of its revision date, compliance with applicable law, as the same may be amended from time to time, remains the responsibility of the user of this form/cover sheet. Questions should be addressed to the user's legal, business or tax advisor(s).

Rezoning Application Review Criteria 3325 & 3327 Tejon Street

As part of our proposed rezoning of the old Polidori sausage factory (3325 & 3327 Tejon Street), we have met with Councilman Espinoza, Denver Community Planning & Development, and HUNI PCD (RNO Planning & Community Development Committee) on numerous occasions since the fall of 2015. Both Councilman Espinoza and the neighborhood RNO are supportive of a rezoning that would (1) ensure the preservation of the existing structure fronting Tejon Street by allowing for low impact mixed uses and (2) accommodate residential infill development in the rear of the lot to replace the existing industrial/manufacturing building and use.

1. Consistency with Adopted Plans

The following aspects of Blueprint Denver and the Highland Neighborhood Plan support the proposed PUD rezoning request based on the U-MX-2X zone district.

Blueprint Denver

The Blueprint Denver Future Land Use for this property is *Single Family/Duplex Residential* in an *Area of Stability*.

- *Single Family/Duplex Residential* areas are moderately dense areas that are primarily residential but with some complementary, small-scale commercial uses. [p. 42]
- *Areas of Stability* are intended to maintain the character of an area while accommodating some new development and redevelopment. [p. 120]

Blueprint Denver includes “measures specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve neighborhood character and quality of life.” [p. 120] One of the stated plan strategies is to *Preserve Stable Neighborhoods*.

- *Areas of Stability* “represent the bulk of the residential portions of the city and employment areas not designated as Areas of Change. Preserving and revitalizing neighborhood character has been a prevailing concern throughout the planning process. The need to direct and manage the location, type and intensity of future development is balanced by an equally strong desire to preserve those areas of the city with an established character. Within Areas of Stability there may be places such as stagnant commercial centers where reinvestment would be desirable to make the area an asset to and supportive of the surrounding neighborhood.” [p. 23]

The Blueprint Denver Land Use and Transportation Map shows this segment of Tejon Street to be a *Residential Collector*. Blueprint Denver describes collector streets as providing “a greater balance between mobility and land access within residential, commercial and industrial areas.” [p. 51] As collectors and local streets, “residential streets are designed to emphasize walking, bicycling and land access over mobility.” [p. 55]

- The underlying zone district of the proposed PUD is U-MX-2x. Mixed Use Zone District standards are intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods. Mixed Use districts are focused on creating mixed, diverse neighborhoods and are intended for corridors, embedded neighborhood business areas and larger sites.

Highland Neighborhood Plan

This property is located in *Sub-Area 12* in the Highland Neighborhood Plan.

- The character of *Sub-Area 12* is described as predominately single family and low-moderate density residential with a mix of low-moderate density residential and retail on the periphery of the sub-area boundaries (Tejon Street is a sub-area boundary). [p. 45]

The plan identifies a neighborhood vision, which states “to support the needs of Highland residents, it is envisioned that there be strong commercial areas that provide neighborhood shopping and services and create employment for local residents.” [p. 5]

- The proposed rezoning would replace the existing industrial/manufacturing use to the rear of the lot with lower scale multi-family residential. It would also allow for low impact mixed uses to apply to the existing structure fronting Tejon Street. The owner’s intent is to find local tenants with businesses that would fill a need in the neighborhood instead of only finding tenants who will pay the highest lease rate.

The plan identifies *Zoning and Land Use Conflicts* as an issue to be resolved, stating “non-compatible land uses that are industrial... have had negative impacts on adjacent residential areas.” [p. 7]

- The proposed rezoning is designed to accommodate residential infill development to replace the existing industrial/manufacturing use, which would have a lesser impact on the adjacent properties and is supported by the neighborhood.

The plan identifies *Housing Maintenance and Development* as an issue to be resolved, specifically “preservation of historic structures is a critical factor for the neighborhood in that it helps maintain the area’s image and pride.” [p. 7]

- The proposed rezoning is designed to accommodate the preservation and reuse of the existing structure fronting Tejon Street, which has been neglected for decades and needs significant interior renovations. Additionally, under the current zone district, the existing building could be scraped and developed into multiple residential duplexes without approval. The owner plans to build new micro-apartments in the rear of the lot to replace the residential units that were in the existing apartment building.

2. Justifying Circumstances

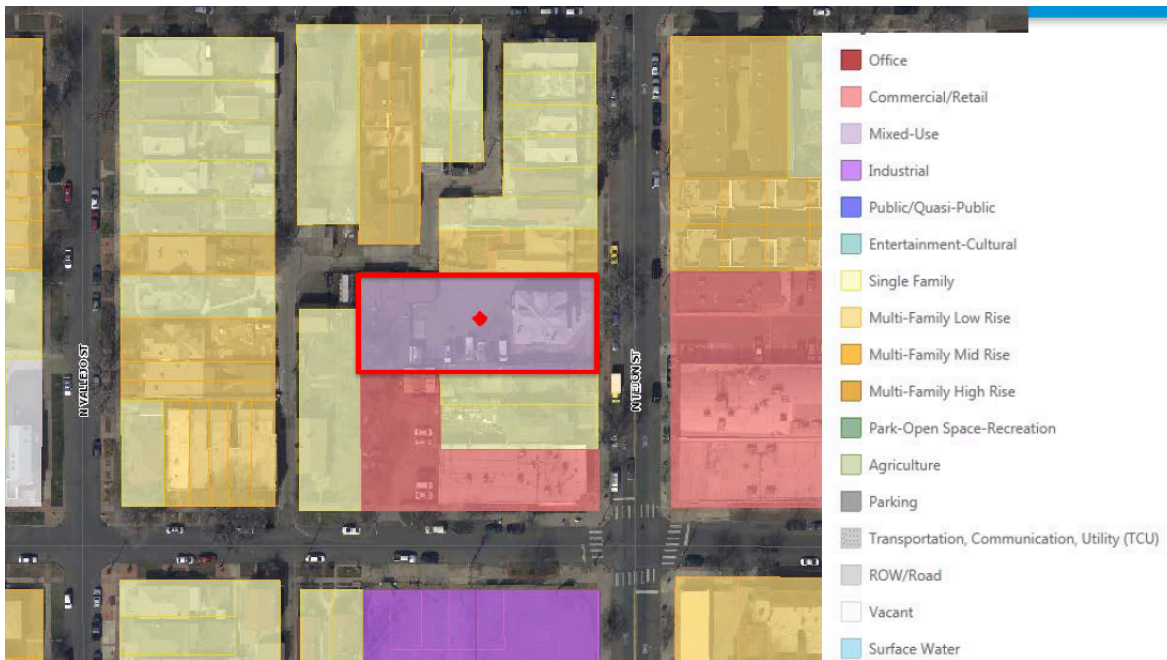
The land or its surroundings has changed or is changing to such a degree that rezoning that it is in the public interest to encourage a redevelopment of the area to recognize the changed character of the area.

- Recent infill and development on Tejon Street between 32nd Avenue & 38th Avenue is dramatically transforming the area and slowly destroying the history & character of the neighborhood. The proposed rezoning would ensure preservation of existing structure and help to maintain some of the character that has been lost on Tejon Street.
- The neighborhood recently lost Dickenson Plaza at the corner of Tejon Street & 32nd Avenue. This commercial corner was home to several long-time local businesses, including local coffee shop and retail shops. The new five-story apartment building will have commercial space on the ground floor but market lease rates will most likely price out these local businesses. The neighborhood would benefit from these amenities, which would be the targeted businesses for the existing structure fronting Tejon Street under the proposed rezoning.
- Polidori Sausage has occupied the commercial building to the west/rear of the lot since the 1970s. This industrial/manufacturing building and use was added when the neighborhood was predominantly residential with complimentary neighborhood commercial uses and services fronting Tejon Street (see aerial image from 1933 and existing context/land use map below). The PUD proposes to replace the existing industrial/manufacturing use with residential in the rear, and to introduce lighter mixed uses fronting Tejon Street as a more complimentary land use configuration with the existing neighborhood character.

Aerial Image from 1933



Existing Context/Land Use Map



3. Consistency with the Applicable Neighborhood Context and Stated Purpose and Intent of the Proposed Zone District (U-MX-2X)

The Urban Neighborhood (U) Context is primarily characterized by single-unit and two-unit residential uses, with small-scale multi-unit residential uses and commercial areas typically embedded in residential areas. Commercial buildings are typically shop front and general forms that may contain a mixture of uses within the same building. Commercial uses are primarily located along mixed-use arterial or main streets but may be located at or between intersections of local streets. Commercial buildings are typically low-scale buildings, with consistent orientation and shallow front setbacks, and with parking at the rear and/or side of the building. Multi-unit residential uses are located along local

streets, residential and mixed use arterials, and main streets. Residential buildings typically have consistent, moderate front setbacks, shallow side setbacks and consistent orientation.

Mixed Use Zone Districts are intended to promote safe, active, and pedestrian-scaled, diverse areas through the use of town house, row house, apartment, and general building forms that clearly define and activate the public street edge. 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. 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. Mixed Use districts are focused on creating mixed, diverse neighborhoods. Mixed Use districts are intended for corridors, embedded neighborhood business areas and larger sites.

U-MX-2x applies to small sites served primarily by local streets embedded within an existing or proposed neighborhood. These are typically one or two parcels and are limited to low scale building forms and low intensity uses.

4. Additional Review Criteria for Rezoning to a PUD

The PUD District is "intended to respond to unique and extraordinary circumstances, where more flexible zoning than what is achievable through a standard Zone District is desirable and multiple variances, waivers, and conditions can be avoided." In this situation, a customized zoning approach would be necessary to replace the existing industrial/manufacturing use with residential, and to repurpose and preserve the existing structure fronting Tejon Street.

PUD-G 16



3325 - 3327 Tejon Street

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PUD-G 16

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- APPENDICES 8**

CHAPTER 1. ESTABLISHMENT AND INTENT

SECTION 1.1 PUD-G 16 ESTABLISHED

The provisions of this PUD-G 16 zone district apply to the subject area depicted on the Official Zoning Map with the label PUD-G 16, and legally described as the North 75 feet of Lot 1, Block 9, H. Witter’s North Denver Addition, City and County of Denver, State of Colorado and containing 14241.8 square feet more or less.

1.1.1 Subareas Established

The following subareas are hereby established within PUD-G 16 for the purpose of applying the zoning standards contained herein. All subareas established are shown generally on Figure 1-1 below and described legally as follows:

A. Subarea A Legal Description

The East 78.22 feet of the North 75 feet of Lot 1, Block 9, H. Witter’s North Denver Addition, City and County of Denver, State of Colorado and containing 5870.5 square feet more or less.

B. Subarea B Legal Description

The West 111.54 Feet of the North 75 feet of Lot 1, Block 9, H. Witter’s North Denver Addition, City and County of Denver, State of Colorado and containing 8371.3 square feet more or less.

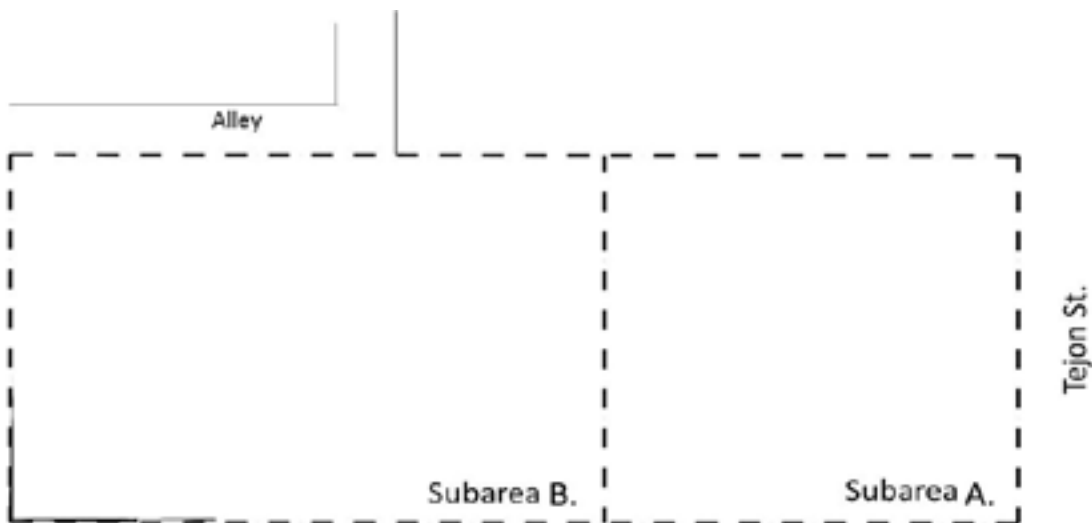


Figure 1-1. Subareas Established within PUD-G 16

1.1.2 Remaining Building Established

The 2.5-story structure abutting Tejon Street in Subarea A, as of April 3, 2017, is hereby defined as the Remaining Building within PUD-G 16. The Remaining Building is shown specifically in the Survey in Appendix A and generally on Figure 1.2 below.

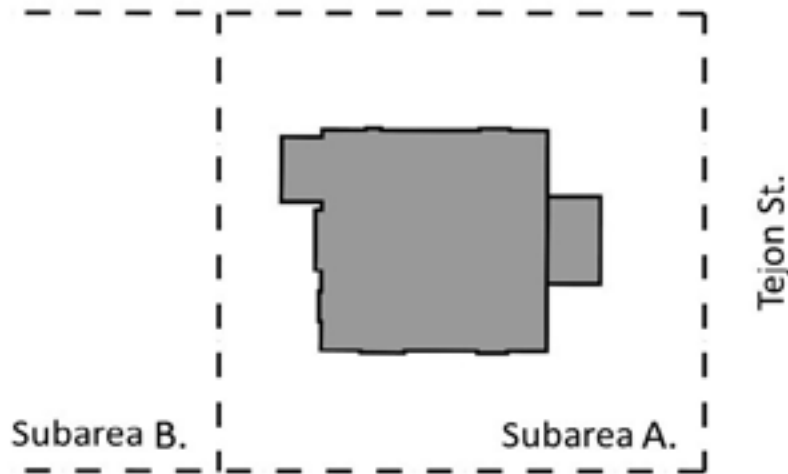


Figure 1-2. The Remaining Building Defined within PUD-G 16

SECTION 1.2 PUD-G 16 GENERAL PURPOSE

The general purpose of PUD-G 16 is to:

- 1.2.1 Promote maintenance of the traditional 1-2.5 story, residential mixed-use context along the 3300-3400 block of Tejon Street;
- 1.2.2 Accommodate the conservation and reuse of the Remaining Building; and
- 1.2.3 Accommodate residential infill development in Subarea B.

SECTION 1.3 PUD-G 16 SPECIFIC INTENT

The specific intent of PUD-G 16 is to:

- 1.3.1 Conserve key features of the Remaining Building, while accommodating potential building additions to the rear (west) of the Remaining Building;
- 1.3.2 Define the appropriate height and bulk for the surrounding context;
- 1.3.3 Facilitate residential infill development within Subarea B; and
- 1.3.4 Allow continued use of the existing 2-way Internal Drive from Tejon Street to provide access to the rear of the Remaining Building and to Subarea B.

CHAPTER 2. URBAN NEIGHBORHOOD CONTEXT DESCRIPTION

All development within PUD-G 16 shall conform to the Denver Zoning Code, Division 5.1, Urban Neighborhood Context Description, as amended from time to time, except as modified in this PUD-G 16.

CHAPTER 3. DISTRICTS

All development in this PUD-G 16 shall conform to the Denver Zoning Code, Division 5.2, Districts, as specifically applicable to the U-MX-2x Zone District, as amended from time to time, and except as modified in this PUD-G 16.

CHAPTER 4. DESIGN STANDARDS

Development in this PUD-G 16 shall comply with the design standards in the Denver Zoning Code (“DZC”), Division 5.3 as specifically applicable to the U-MX-2x Zone District, as amended from time to time, with the following modifications and exceptions.

SECTION 4.1 PRIMARY BUILDING FORM STANDARDS

Development in this PUD-G 16 shall comply with the General Building form standards in Section 5.3.3 of Denver Zoning Code, as amended from time to time, with the exceptions and modifications set forth below.

4.1.1 Specific Building Form Intent

- A. Allow for an appropriate building addition to the rear (west) of the Remaining Building as a compliant structure under the General building form in Subarea A; and
- B. To retain the architectural form and visibility of the Remaining Building elevations visible from Tejon Street.

4.1.2 Maximum Height

- A. Maximum heights and height exceptions for each subarea shall not exceed the heights applicable to the U-MX-2x Zone District, except as set forth in Table 4-1.
- B. A single base plane shall be established at an elevation of 5,288 feet above sea level for the purpose of measuring maximum height in all subareas, as shown in Figure 4-1.

4.1.3 Siting

Required build-to and setbacks shall conform to the standards in the U-MX-2x Zone District, except as set forth in Table 4-1.

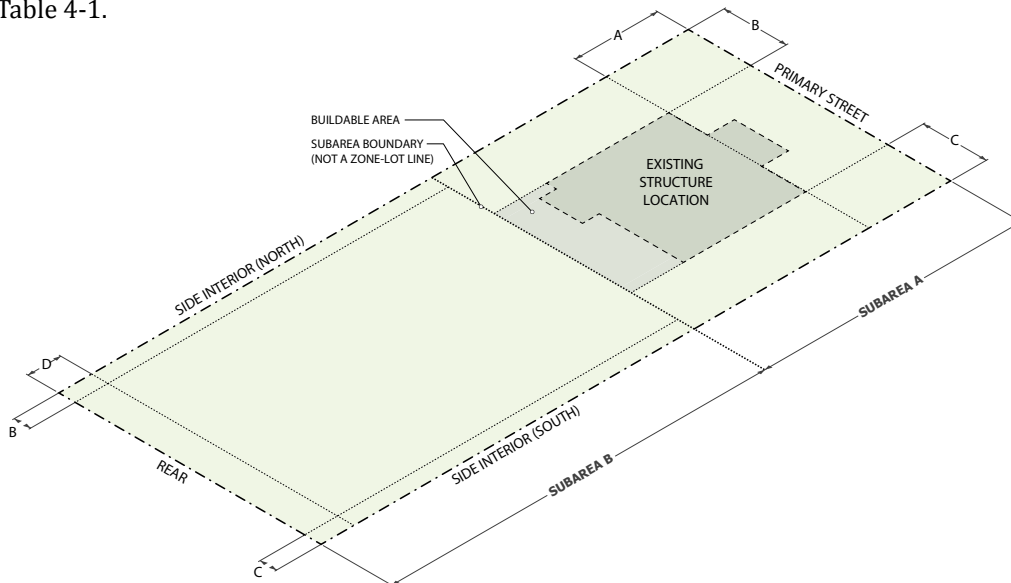


TABLE 4-1	SUBAREA A	SUBAREA B
MAXIMUM HEIGHT (FEET)	38'	In accordance with U-MX-2x zone district
SETBACKS		
A. PRIMARY STREET (FRONT)	24'	N/A
B. SIDE INTERIOR (NORTH)	19'	5'
C. SIDE INTERIOR (SOUTH)	19'	5'
D. REAR	N/A	10'

SECTION 4.2 DESIGN STANDARD EXCEPTIONS

4.2.1 Limitations on Height Exceptions

A. Intent

To retain the architectural form and quality of the visible hipped roof area from Tejon Street, including hipped dormers and chimneys of the Remaining Building in Subarea A.

B. Applicability and Standards

Height exceptions shall not be allowed within the hipped roof area above the masonry facades on the east, south and north elevations, as depicted in the as-built drawings in Appendix B.

4.2.2 Setback Encroachments

A. Intent

1. To provide vehicle and pedestrian access from Tejon Street while retaining the Remaining Building.
2. To allow an outdoor patio seating use that is attached to the Remaining Building on the Tejon Street Primary Street frontage.

B. Off-Street Parking Area for General Building Form

An Internal Drive may encroach any width into the side interior setback on the north boundary of Subarea A and Subarea B.

C. Setback Permitted Encroachments

The Setback Permitted Encroachments in Section 5.3.7.4 shall apply to this PUD-G 16, except as follows.

1. Porches (1 story), Decks, Patios, Exterior Balconies, Stoops, and above-grade stairways at the ground story connected to a porch:
 - a. May encroach any distance into the Primary Street (front) setback
 - b. May encroach into the Side Interior (south) setback up to 5' from the Side Interior (south) zone lot line only in Subarea A.

SECTION 4.3 CONSERVATION OF REMAINING BUILDING

4.3.1 Intent

To maintain and conserve the Key Features of the Remaining Building defined within PUD-G 16, Subarea A, and Appendix B: Remaining as Built Elevations.

4.3.2 Key Features of Remaining Building

The following features shall be either conserved or matched with any façade modifications on the north, east, and south elevations of the Remaining Building (see Appendix B).

- A. Existing hipped roof above the masonry facade, including hipped dormers and chimneys.
- B. Existing brick masonry facade (no new door or window openings shall be added).
- C. Existing front porch hipped roof, four square wood posts and two pilasters.
- D. Where required to accommodate public accessibility, additions or new detached accessory structures (e.g., ramps), are allowed, but shall be the minimum square footage required to provide reasonable accessibility.

4.3.3 Building Addition Area

Building additions are only allowed in the area defined in Figure 4-2 extending west from the Remaining Building's west façade from a line 2' inward from the roof line and corners of the brick walls to the boundary between Subareas A and B.

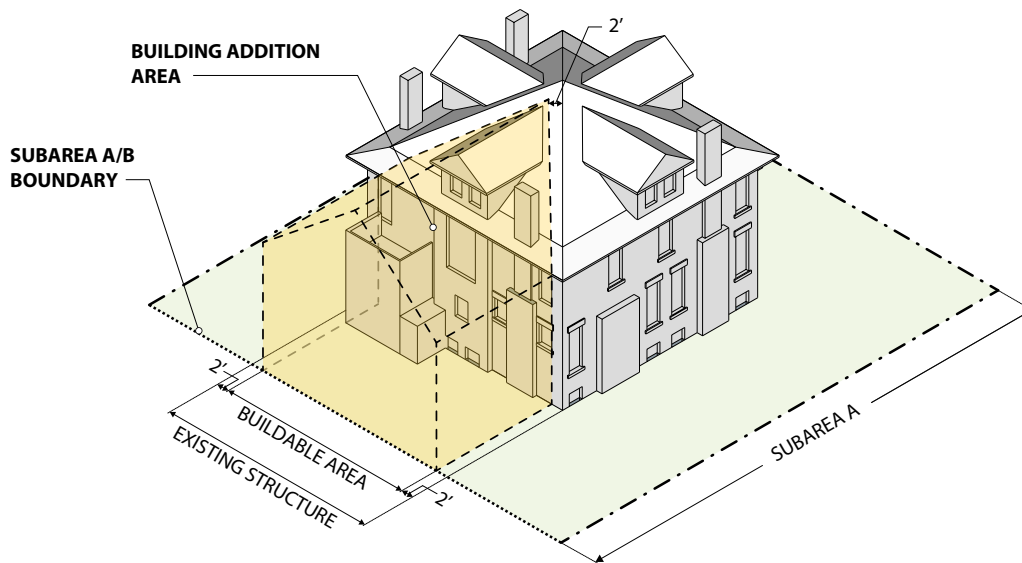


Figure 4-2: Building Addition Area

CHAPTER 5. USES AND REQUIRED MINIMUM PARKING

SECTION 5.1 INTENT

To support reuse and conservation of the Remaining Building in Subarea A by allowing for mixed uses in the structure, and to ensure compatibility with the surrounding residential context by limiting the uses in Subarea B consistent with a residential context.

SECTION 5.2 SUBAREA A USES AND REQUIRED MINIMUM PARKING

Primary, accessory, and temporary uses allowed and required minimum parking in Subarea A of this PUD-G 16 shall be those same uses allowed and required minimum parking in the U-MX-2x zone district, as stated in the Denver Zoning Code, Division 5.4, Uses and Required Minimum Parking, as amended from time to time, with the following exceptions:

- A. In Subarea A, Outdoor Eating and Serving Areas Accessory to Eating/Drinking Establishment Use shall be a use permitted by zoning permit with limitations (L-ZP), subject to limitations in Section 11.10.12.1. However, Section 11.10.12.1.C, Specific Limitations When Located Less than 50 feet from a Protected District, shall not apply. Section 11.10.12.1.D, Specific Limitations When Located Between 50 feet and less than 100 feet from Protected District, shall apply to the entirety of this PUD-G 16

SECTION 5.3 SUBAREA B USES

Primary, accessory, and temporary uses allowed and required minimum parking in Subarea B PUD-G 16 shall be those same uses allowed and required minimum parking in the U-RH-2.5 zone district, as stated in the Denver Zoning Code, Division 5.4, Uses and Required Minimum Parking, as amended from time to time, with the following exceptions:

- A. The Specific Use Type of Nonresidential Uses in Existing Business Structures In Residential Zones shall not be permitted in Subarea B.

CHAPTER 6. ADDITIONAL STANDARDS

SECTION 6.1 ARTICLE 1 OF THE DENVER ZONING CODE

6.1.1 Applicability

Development in this PUD-G 16 shall conform to Article 1, General Provisions of the Denver Zoning Code, as amended from time to time, except as follows.

- A. The land area described in this PUD-G 16, exclusive of the area of any adjacent right-of-way, shall be deemed the Zone Lot, and the boundaries shall not be amended under Section 12.4.4, Zone Lot Amendments.

SECTION 6.2 ARTICLE 10 OF THE DENVER ZONING CODE

6.2.1 Applicability

Development in this PUD-G 16 shall conform to Article 10, General Design Standards, of the Denver Zoning Code, as amended from time to time, except as follows.

- A. The existing Off Street Parking Areas depicted in Appendix A on the south property line shall not be required to provide a planting strip or planting in accordance with Denver Zoning Code Section 10.5.4.4.C, Perimeter Surface Parking Lot Landscaping Standards Adjacent to Residential Use or Zone District.
- B. The Internal Drive along the north boundary of Subareas A and B from Tejon Street shall be a minimum width of 19 feet (see Appendix A, Survey).

SECTION 6.3 ARTICLE 11 OF THE DENVER ZONING CODE

6.3.1 Applicability

Development in this PUD-G 16 shall conform to Article 11, Use Limitations and Definitions, of the Denver Zoning Code, as amended from time to time.

SECTION 6.4 ARTICLE 12 OF THE DENVER ZONING CODE

6.4.1 Applicability

Development in this PUD-G 16 shall conform to Article 12, Zoning Procedures and Enforcement, of the Denver Zoning Code, as amended from time to time.

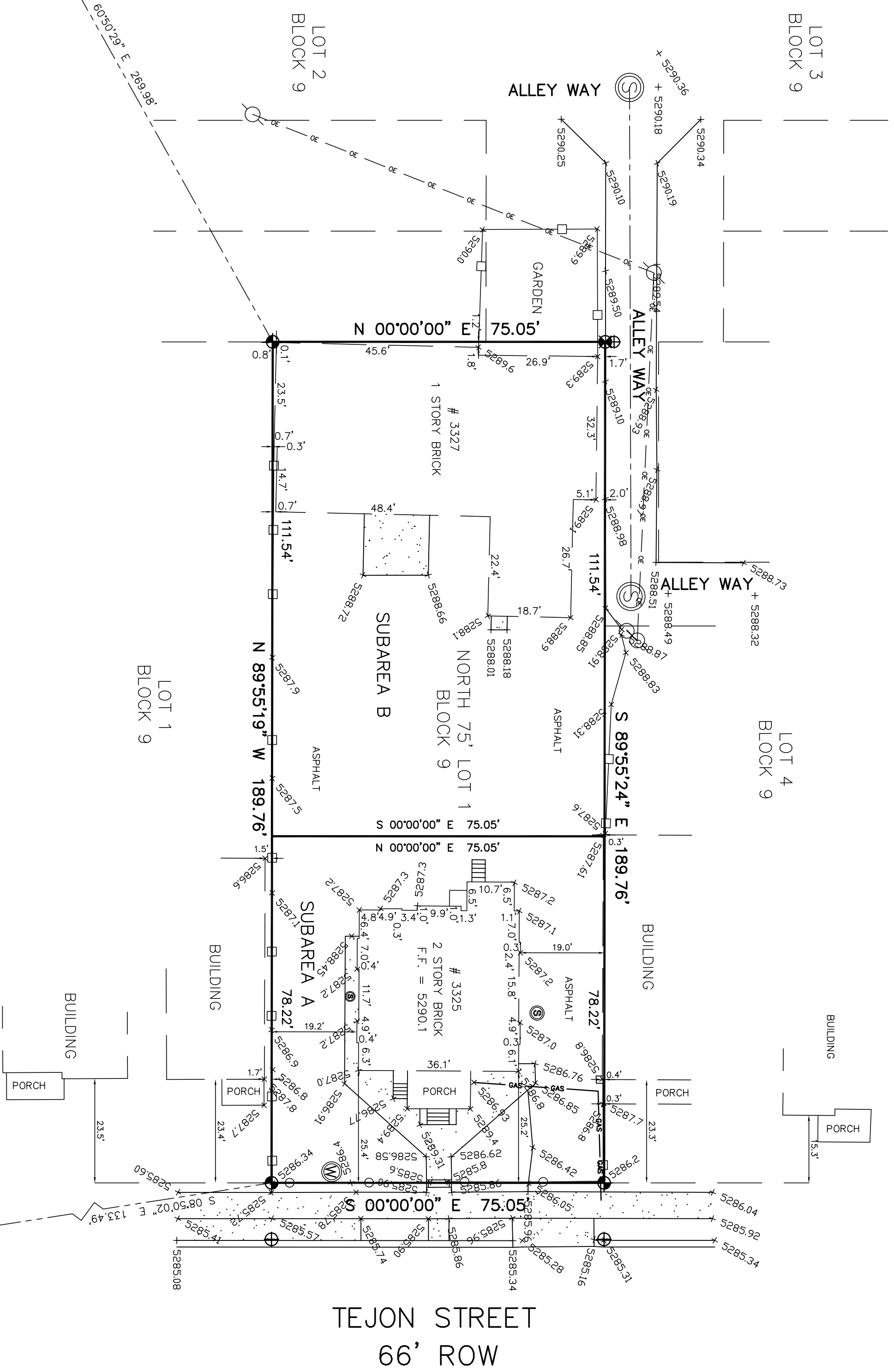
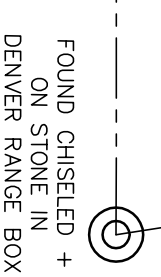
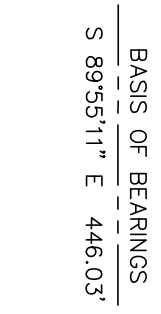
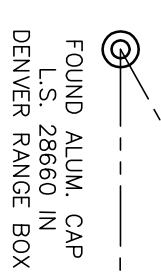
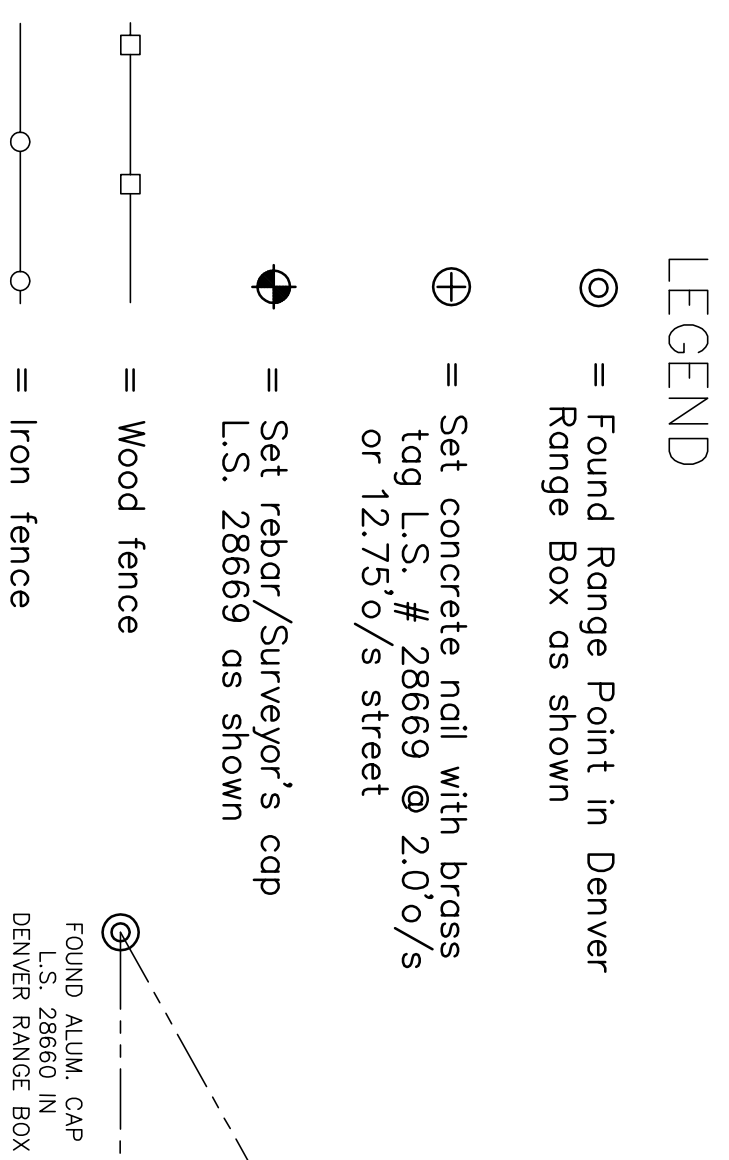
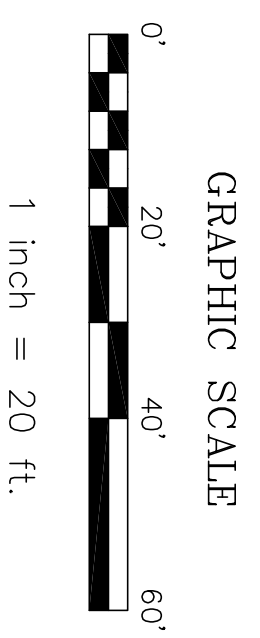
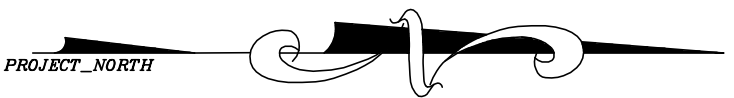
SECTION 6.5 ARTICLE 13 OF THE DENVER ZONING CODE

6.5.1 Applicability

Development in this PUD-G 16 shall conform to Article 13, Rules of Measurement and Definitions, of the Denver Zoning Code, as amended from time to time.

IMPROVEMENT SURVEY PLAT

THE NORTH 75' OF LOT 1, BLOCK 9, H. WITTER'S NORTH DENVER ADDITION,
A PORTION OF THE NW 1/4 SECTION 28, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH P.M.,
CITY OF DENVER, COUNTY OF DENVER, STATE OF COLORADO
(AKA 3325 & 3327 TEJON STREET)



TEJON STREET
66' ROW

PROPERTY DESCRIPTION:

THE NORTH 75 FEET OF LOT 1, BLOCK 9, H. WITTER'S NORTH DENVER ADDITION, ORIGINALLY RECORDED IN BOOK 1 AT PAGE 32 OF THE ARAPAHOE COUNTY CLERK AND RECORDER'S OFFICE, NOW CITY OF DENVER, COUNTY OF DENVER, STATE OF COLORADO AND CONTAINING 14241.8 SQUARE FEET MORE OR LESS.

SUBAREA A DESCRIPTION:

THE EAST 78.22 FEET OF THE NORTH 75 FEET OF LOT 1, BLOCK 9, H. WITTER'S NORTH DENVER ADDITION, ORIGINALLY RECORDED IN BOOK 1 AT PAGE 32 OF THE ARAPAHOE COUNTY CLERK AND RECORDER'S OFFICE, NOW CITY AND COUNTY OF DENVER, STATE OF COLORADO AND CONTAINING 5870.5 SQUARE FEET MORE OR LESS.

SUBAREA B DESCRIPTION:

THE WEST 111.54 FEET OF THE NORTH 75 FEET OF LOT 1, BLOCK 9, H. WITTER'S NORTH DENVER ADDITION, ORIGINALLY RECORDED IN BOOK 1 AT PAGE 32 OF THE ARAPAHOE COUNTY CLERK AND RECORDER'S OFFICE, NOW CITY AND COUNTY OF DENVER, STATE OF COLORADO AND CONTAINING 8371.3 SQUARE FEET MORE OR LESS.

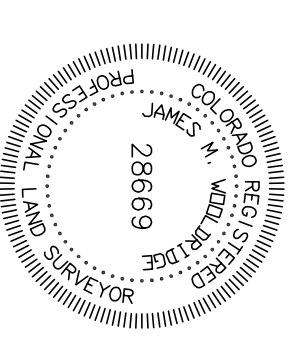
NOTES:

1. Notice: According to Colorado Law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event, shall any legal action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.
2. All underground utilities shown hereon are approximated as located by a field survey from existing surface evidence. Other underground utility lines and service lines may exist for which there is no evidence and this survey should not be relied upon for construction without first contacting the appropriate agencies or authorities.
3. This survey does not constitute a title search by Crossroads Surveying, Inc. or any of its agents, to determine ownership or easements of record and was prepared without the benefit of a Title Commitment or Title Policy.
4. Basis of bearings is assumed between the found rebar with L.S. 28660 Aluminum cap in Denver Range Box at the intersection of Valjele Street and W. 33rd Avenue and the found chiseled + on stone in Denver Range Box at the intersection of Tejon Street and W. 33rd Avenue as shown. Assumed Bearing = S89°35'11"E.
5. BENCHMARK: City and County of Denver Brass disc at the Southeast corner of the intersection of Zuni Street and W. 32nd Avenue in top of curb 10' south of curb return and 3' east of east flowline. Stamped 706 Elevation = 5310.77 (1988 Vertical Datum)

CERTIFICATION:

I, James M. Wooldridge, a Professional Land Surveyor registered in the State of Colorado hereby certify to Charles Moore that on September 14, 2015 a survey was performed under my direct supervision and checking of the above described property, and to the best of my knowledge and belief this drawing is a true representation of said survey.

James M. Wooldridge, P.L.S. No. 28669
For and on the behalf of Crossroads Surveying, Inc.



FILING CERTIFICATE:

Deposited this _____ Day of _____, 2016 at _____ M., in Book _____ of the County Surveyor's Land Survey Plat/Right-of-Way Surveys at Page _____, Reception No. _____

County Surveyor _____



CROSSROADS SURVEYING, INC.

10250 W. MISSISSIPPI AVE. #1106
LAKEWOOD, COLORADO 80226
PHONE: 720-974-6088
FAX: 720-974-6089

A PORTION OF THE NW 1/4 OF SEC. 28, T. 3 S., R. 68 W. OF THE 6TH P.M.

Highland United Neighbors, Inc.

P.O. Box 11235, Denver, Colorado 80211

PLANNING AND COMMUNITY DEVELOPMENT COMMITTEE

Authorized by the Board of Directors to represent HUNI in all zoning and planning matters.

December 9, 2015

Mr. Brad Buchanan
Executive Director
Community Planning and Development
City and County of Denver
201 West Colfax Avenue
Denver, CO 80202

Re: 3325-27 Tejon Street

Dear Mr. Buchanan:

The Planning and Community Development (PCD) Committee of Highland United Neighbors, Inc. (HUNI), met on December 8, 2015, to review options for the reuse of the Polidori Sausage property on Tejon Street. The PCD Committee is authorized by the HUNI Board of Directors to represent HUNI in all zoning and planning matters. Membership in HUNI is open to all residents and businesses in the Highland Neighborhood, which is bounded by West 38th Avenue, Federal Boulevard, Speer Boulevard, and Interstate 25. There are approximately 300 paying members of HUNI, and the bi-monthly newsletter has a mailing list of over 3000 households and businesses. Notices of meetings with detailed agendas reach an email list of nearly 1000 members.

The Planning and Community Development Committee has had the opportunity to review the proposal for reuse of this property over the past three months and is concerned that sensible proposals to save this important part of Highland's history are being rejected by City of Denver agencies who are "following the rules". As you know, HUNI's PCD Committee has worked for well over 30 years to improve the Highland Neighborhood, working with the tools provided by the City to improve our neighborhood and setting precedents for the City that have been replicated elsewhere. Members of the committee were involved in developing one of the first Neighborhood Plans back in the 1980s, were involved in wide-ranging planning efforts for the Central Platte Valley in the 1980s and 1990s, worked diligently on the New Zoning Code, and earlier this year saw adoption of three new Overlays that set the path forward for neighborhoods throughout the City to fine-tune the new zoning code to specific needs in unique areas.

We in Highland are experiencing a dramatic transformation of our historic neighborhood, losing much of our history to redevelopment. When we find developers who are interested in saving bits and pieces of our neighborhood's history, we are excited to see the creative ideas that breathe new life into our neighborhood without destroying the fabric of our neighborhood.

The Polidori Sausage property is one of the more unusual properties in a neighborhood full of unusual properties. At the Tejon frontage, we see an old Denver Square house with 8 or 9 apartments. At the back of the property, we see a one-story building that has been a sausage factory for the past 40 or 50 years!

The redevelopment proposal swaps the residential and commercial aspects of the property to respond to the current reality in Highland. Office and retail/restaurant uses would move to the old house, and the apartments would reappear as small, affordable apartments based in the old factory and expanded to a second level.

HUNI is supportive of rezoning to allow the swapping of the existing uses that would save the old house up front and reuse the old factory at the back for more residential-friendly development. The two options that have been discussed in the neighborhood are U-MX-3 with waivers or a P.U.D. CPD staff members don't like either option, apparently because they don't fit cleanly into the New Zoning Code. While we understand the desire to use the standard zoning contexts and forms, we are finding (repeatedly) that important properties in Highland do not fit into the neat boxes.

So, our request is this: please work with your staff to really understand how customized zoning can save important landmarks (even when not eligible for Landmark Designation) that give our neighborhoods the character and uniqueness that make Denver special. The choice here is clear: do we want an historic house converted to office and café uses, with funky affordable apartments in a concrete block former sausage factory? Or do we want two more huge, expensive duplexes in a neighborhood being transformed into a world of expensive modern duplexes?

HUNI's PCD Committee is ready to partner with CPD staff to come up with custom zoning that will enhance our unique neighborhood and that will save the unofficial landmarks that make Highland so very interesting.

Thanks in advance for your consideration,

Best regards,



Timothy C. Boers, AIA
Chair, Planning and Community Development Committee
Highland United Neighbors, Inc.

Cc:

HUNI Board President
Committee Members
Councilman Rafael Espinoza
Steve Latham
Lexi Steinhauer

Highland United Neighbors, Inc.

P.O. Box 11235, Denver, Colorado 80211

PLANNING AND COMMUNITY DEVELOPMENT COMMITTEE

Authorized by the Board of Directors to represent HUNI in all zoning and planning matters.

March 11, 2017

Denver City Council
City and County of Denver
City and County Building
1437 Bannock Street, Room 451
Denver, CO 80202

Re: 3325-3327 Tejon St
Case No. 2015I-00163

Dear Council Members:

The Planning and Community Development (PCD) Committee of Highland United Neighbors, Inc. (HUNI), met with the Applicant multiple times over the past 18 months. This committee voted 5-0 on February 14, 2017, to reconfirm our recommendation to approve the above noted application for rezoning from U-TU-B to PUD G16.

The PCD Committee is authorized by the HUNI Board of Directors to represent HUNI in all zoning, land use, and planning matters, including Landmark issues. Membership in HUNI is open to all residents and businesses in the Highland Neighborhood, which is bounded by West 38th Avenue, Federal Boulevard, Speer Boulevard, and Interstate 25. There are approximately 7000 households within the HUNI boundaries and roughly 300 paying members of HUNI. 3-6 mailings go out per year to these households and email newsletters are sent out twice a month to those who have opted in. These emails and many of the mailings contain information regarding notices of meetings with detailed agendas.

Our committee worked with the applicants to find a rezoning solution that allows the previous mixed uses on the site to be rearranged to the benefit of the neighborhood, and are thrilled that a Planned Unit Development zoning proposal was arranged that:

- Preserves the original house fronting Tejon Street,
- Moves the commercial uses to the house fronting Tejon Street,
- And converts the sausage factory into housing at the rear of the property.

This arrangement preserves a recognized iconic house, provides limited commercial uses at the street, and develops reasonable housing adjacent to other residential uses. To us, this project is a win, win, win for the neighborhood, and avoids demolishing important buildings.

We hope City Council will approve this rezoning that benefits our neighborhood. Thank you for this opportunity to express our opinion and for your consideration of our position.

Sincerely,

HIGHLAND UNITED NEIGHBORS, INC.

A handwritten signature in black ink that reads "Timothy C. Boers". The signature is written in a cursive style with a large, prominent 'T' and 'B'.

Timothy C. Boers, AIA
Chair, Planning and Community Development Committee

Cc: HUNI Board President
Applicant
Committee Members

From: Ann Morgan <annjmorgan@gmail.com>
Sent: Tuesday, January 17, 2017 6:55 PM
To: Hirt, Jeffrey J. - CPD Planning Services; Ann Morgan; Tejon Ten
Subject: 3325-3327 Tejon Street 20151-00163

Follow Up Flag: Follow up
Flag Status: Flagged

Mr. Hirt,

I will be out of town for the public meeting on February 1st regarding the rezoning of 3325-3327 Tejon Street (20151-00163) and I am unable to understand the full proposal and its impact to the neighborhood based on online information (and my limited ability to understand the complexities of city zoning laws). However, I would like to provide public input as a neighbor who lives across the street.

- I support any effort to maintain the historic Coors summer home that is the beautiful brick street front structure that adds so much to this area of Tejon Street.
- I would oppose any effort to change zoning to increase the height of allowed structures on this block, which is currently limited to three stories.
- I am concerned about the traffic ingress and egress onto Tejon Street that might come with a build-out of residential units and would want the city to look at options including access via the alley.
- I would support efforts by the developer and the city to maintain the historic visual image of any development to match and blend in with the historic Coors summer home.

I would appreciate being added to contact/communication/outreach lists regarding this project.

Thanks,

Ann J. Morgan
3334 Tejon Street, Unit 1
Denver, CO 80211
annjmorgan@gmail.com

(303) 907-2436