



**TO:** Denver City Council  
**FROM:** Theresa Lucero, Senior City Planner  
**DATE:** April 25, 2019  
**RE:** Official Zoning Map Amendment Application #2017I-00149

**Staff Report and Recommendation**

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2017I-00149.

**Request for Rezoning**

Address: 10 South Colorado Boulevard  
 Neighborhood/Council District: Hilltop Neighborhood / Council District 5  
 RNOs: Cranmer Park – Hilltop Civic Association; Hilltop Heritage Association; Cherry Creek East Association, Inter-Neighborhood Cooperation (INC)  
 Area of Property: 12,500 square feet or 3.48 acres  
 Current Zoning: E-SU-D  
 Proposed Zoning: E-TU-C  
 Property Owner(s): 10 Colorado LLC  
 Owner Representative: Mike Kortendick

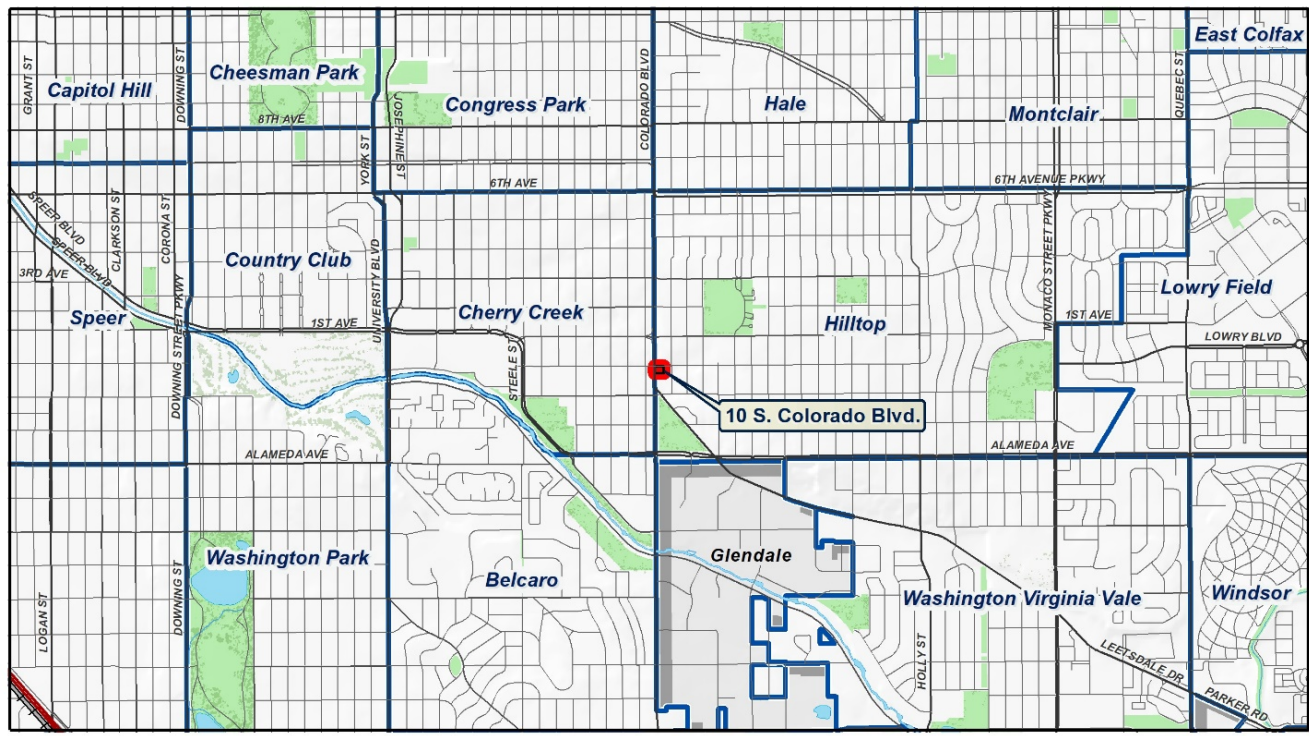
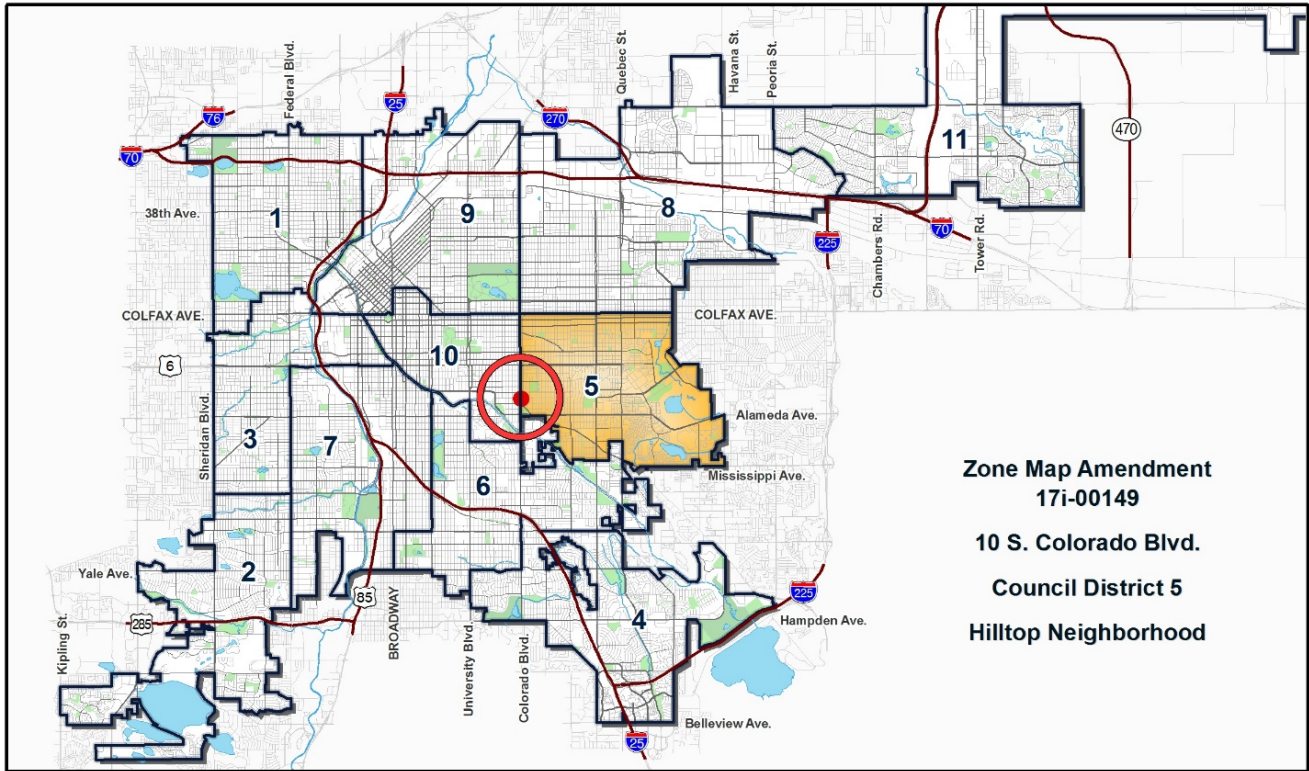
**Summary of Rezoning Request**

- The subject property is vacant and located at the southeast corner of South Colorado Boulevard and East Ellsworth Avenue.
- The property owner is proposing to rezone the property to develop two duplex structures on the property with a total of 4 dwelling units.
- The **E-TU-C**, Urban Edge, **Two-unit, C** (5,500 square feet minimum zone lot size for Duplex), zone district is intended for use in the Urban Edge Neighborhood Context which is characterized by a mix of urban and suburban characteristics with primarily single and two-unit residential land uses, and small-scale multi-unit residential and commercial areas embedded in residential areas. Single-unit structures in the zone district are the Urban House form with allowed Tandem House forms, and the allowed two-unit building form is the Duplex form on minimum zone lots of 5,500 square feet (See the table below). Further details of the zone district can be found in Article 4 of the Denver Zoning Code.

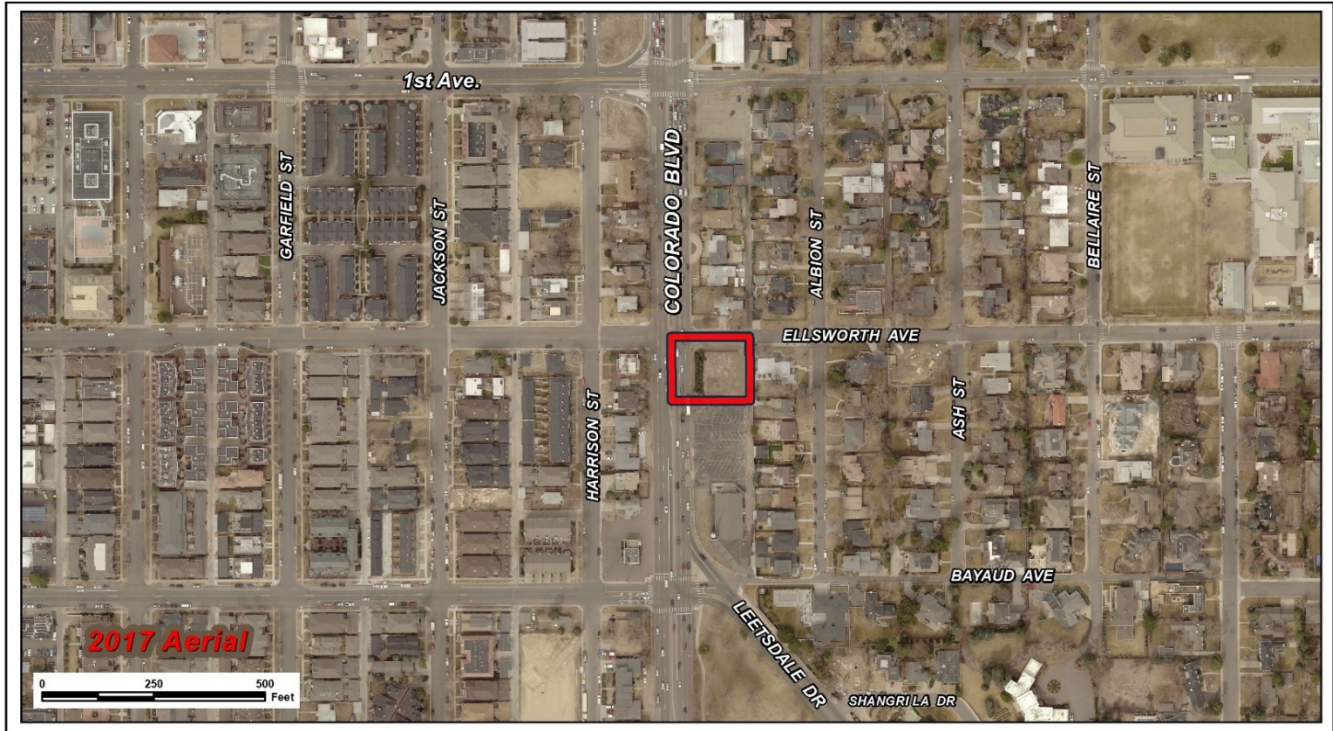
Urban Edge (E) Neighborhood Context Zone District	Building Forms											
	Suburban House	Urban House	Duplex	Tandem House	Row House	Garden Court	Town House	Apartment	Drive Thru Services	Drive Thru Restaurant	General	Shopfront
Max Number of Primary Structures Per Zone Lot	1*	1*	1*	2	No Maximum							
Two Unit (TU)		■	■	■								
E-TU-B, C												

\*See Section 1.2.3.5 for exceptions

Planning Services  
 Community Planning and Development  
 201 W. Colfax Ave., Dept. 205 | Denver, CO 80202  
[www.denvergov.org/CPD](http://www.denvergov.org/CPD)  
 p. 720.865.2983



## 1. Existing Context



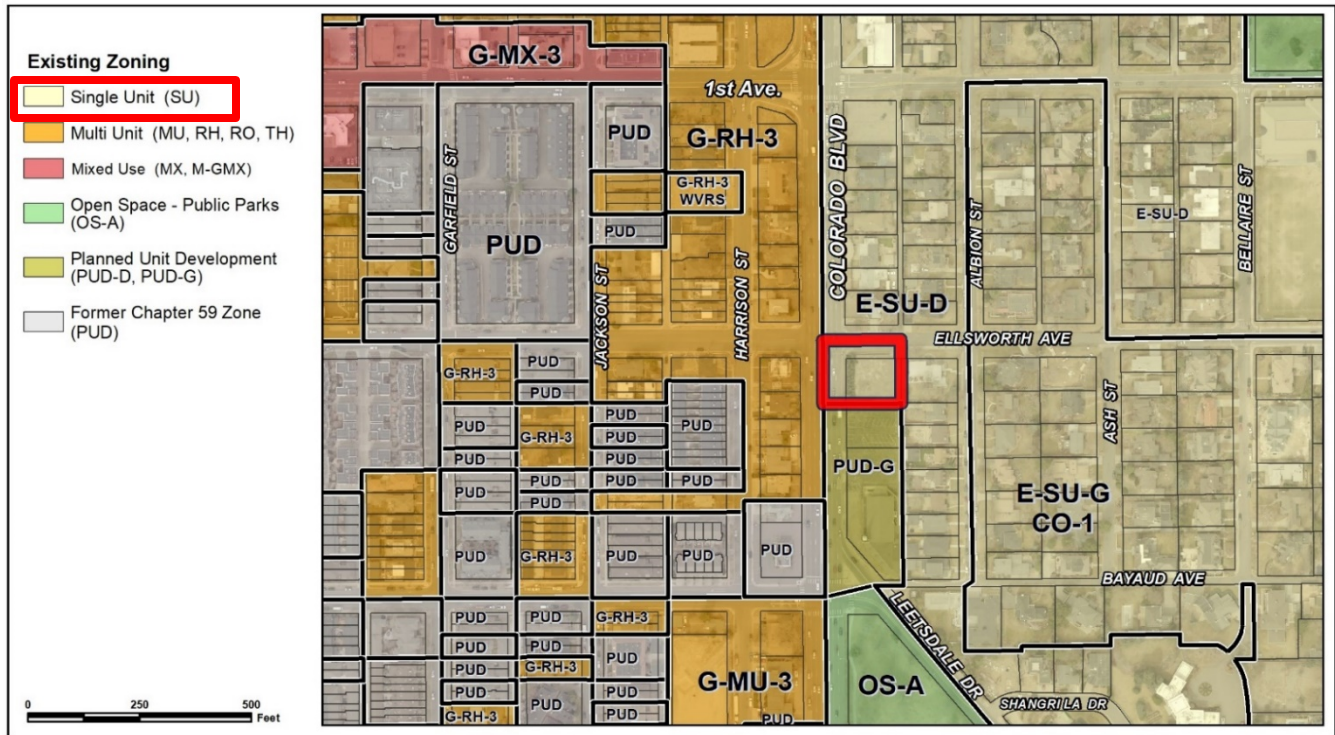
The subject property is on the southeast corner of East Ellsworth Avenue and South Colorado Boulevard. In the general vicinity are:

- East 1<sup>st</sup> Avenue – one block north;
- South Leetsdale Drive – ½ block south;
- East Alameda Avenue – 2 ½ blocks south;
- Cranmer Park – 3 blocks northeast;
- Burns Park – ½ block south;
- Cherry Creek – 5 blocks south;
- Gates Tennis Center and Pulaski Park – 6 blocks west; and
- Cherry Creek Shopping Center – 8 blocks west.

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

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	E-SU-D	Vacant	Vacant	Block sizes and shapes are consistent and rectangular and shaped by a grid street pattern. Leetsdale Drive angles into Colorado Boulevard from the east at the southern end of the block. Lack of sidewalks and alleys to the east, regular attached and detached sidewalks and alleys to the west. Garage and on-street vehicle parking.
North	E-SU-D	Single-unit Residential	2-story Residences	
South	PUD-G #17	Vacant	Vacant	
East	E-SU-D	Single-unit Residential	1-2 story Residences	
West	G-RH-3	Single- and Multi-unit Residential	1-2 story Residences	

### 2. Existing Zoning

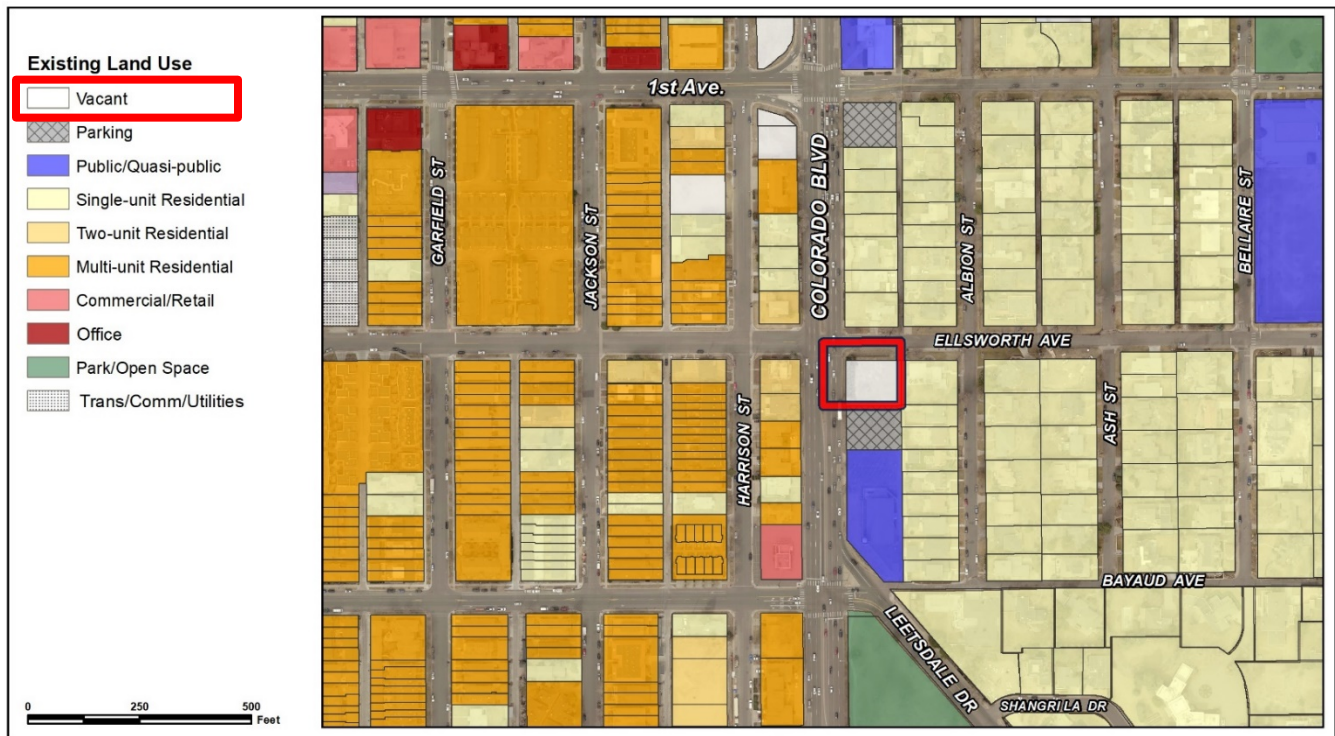


Urban Edge (E) Neighborhood Context Zone District		Building Forms												
		Suburban House	Urban House	Duplex	Tandem House	Row House	Garden Court	Town House	Apartment	Drive Thru Services	Drive Thru Restaurant	General	Shopfront	
Max Number of Primary Structures Per Zone Lot		1*	1*	1*	2	No Maximum								
Single Unit (SU)	E-SU-D		■											

\*See Section 1.2.3.5 for exceptions

The E-SU-D zone district is a single-unit district allowing only the Urban House building form on a minimum 6,000 square feet zone lot. The intent of the district is *to promote and protect residential neighborhoods within the character of the Urban Edge Neighborhood Context. The standards of the single unit districts accommodate the varied pattern of suburban and urban house forms. While lot sizes vary, lot coverage is typically low creating generous setbacks and yard space.*

### 3. Existing Land Use Map



Existing Land Use

#### 4. Existing Building Form and Scale



### **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:

**Assessor:** Approved – No Response.

**Asset Management:** Approved – No Response.

**Denver Public Schools:** Approved – No Response.

**Department of Public Health and Environment:** Approved - See Comments Below. Notes. DDPHE is not aware of environmental concerns on the property and concurs with the rezoning request. General Notes: Most of Colorado is high risk for radon, a naturally occurring radioactive gas. Due to concern for potential radon gas intrusion into buildings, DEH suggests installation of a radon mitigation system in structures planned for human occupation or frequent use. It may be more cost effective to install a radon system during new construction rather than after construction is complete. If renovating or demolishing existing structures, there may be a concern of disturbing regulated materials that contain asbestos or lead-based paint. Materials containing asbestos or lead-based paint should be managed in accordance with applicable federal, state and local regulations.

The Denver Air Pollution Control Ordinance (Chapter 4- Denver Revised Municipal Code) specifies that contractors shall take reasonable measures to prevent particulate matter from becoming airborne and to prevent the visible discharge of fugitive particulate emissions beyond the property on which the emissions originate. The measures taken must be effective in the control of fugitive particulate emissions at all times on the site, including periods of inactivity such as evenings, weekends, and holidays.

Denver's Noise Ordinance (Chapter 36–Noise Control, Denver Revised Municipal Code) identifies allowable levels of noise. Properties undergoing Re-Zoning may change the acoustic environment, but must maintain compliance with the Noise Ordinance. Compliance with the Noise Ordinance is based on the status of the receptor property (for example, adjacent Residential receptors), and not the status of the noise-generating property. Violations of the Noise Ordinance commonly result from, but are not limited to, the operation or improper placement of HV/AC units, generators, and loading docks. Construction noise is exempted from the Noise Ordinance during the following hours, 7am–9pm (Mon–Fri) and 8am–5pm (Sat & Sun). Variances for nighttime work are allowed, but the variance approval process requires 2 to 3 months. For variance requests or questions related to the Noise Ordinance, please contact Paul Riedesel, Denver Environmental Health (720-865-5410). Scope & Limitations: DEH performed a limited search for information known to DEH regarding environmental conditions at the subject site. This review was not intended to conform to ASTM standard practice for Phase I site assessments, nor was it designed to identify all potential environmental conditions. In addition, the review was not intended to assess environmental conditions for any potential right-of-way or easement conveyance process. The City and County of Denver provides no representations or warranties regarding the accuracy, reliability, or completeness of the information provided.

**Development Services – Fire Prevention:** Approved – No Response.

**Development Services – Project Coordination:** Approved - See Comments Below. This project will be reviewed by the one and two family group; however it should be noted, there is no public alley abutting this property as shown on their plan.

**Development Services - Transportation:** Approved – No comments.

**Development Services – Wastewater:** Approved – No Response.

**Parks and Recreation:** Approved – No Response.

**Public Works – ROW - City Surveyor:** Approved – No comments.

**Public Review Process**

	<b>Date</b>
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	<b>01/25/18</b>
CPD informational notice of receipt of a REVISED rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	<b>12/28/18</b>
Property legally posted for a period of 15 days and CPD written notice of the Planning Board public hearing sent to all affected members of City Council, registered neighborhood organizations, and property owners:	<b>02/18/19</b>
Planning Board public hearing with a unanimous vote (8-0) to recommend approval:	<b>03/06/19</b>
CPD written notice of the Land Use, Transportation and Infrastructure Committee meeting sent to all affected members of City Council and registered neighborhood organizations, at least ten working days before the meeting:	<b>03/05/19</b>
Land Use, Transportation and Infrastructure Committee of the City Council meeting:	<b>03/19/19</b>
Property legally posted for a period of 21 days and CPD notice of the City Council public hearing sent to all affected members of City Council and registered neighborhood organizations:	<b>04/07/19</b>
City Council Public Hearing:	<b>04/29/19</b>



- The applicant has met with representatives of the Cranmer Park – Hilltop Civic Association.
- **Registered Neighborhood Organizations (RNOs)**
  - To date, staff has received one letter of support from the Cranmer Park – Hilltop Civic Association, a Registered Neighborhood Association (See the attached letter).
- **Other Public Comment**
  - To date, staff has received no other public comment letters.

### Criteria for Review / Staff Evaluation

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

#### **DZC Section 12.4.10.7**

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

#### **DZC Section 12.4.10.8**

1. Justifying Circumstances
2. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements

### **1. Consistency with Adopted Plans**

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

- *Denver Comprehensive Plan 2040*
- *Blueprint Denver (2019)*
- *The Boulevard Plan (1991)*

#### **Denver Comprehensive Plan 2040**

The proposal is consistent with and positively addresses many *Denver Comprehensive Plan 2040* strategies, including:

- Equitable, Affordable and Inclusive, Goal 1, Strategy A – “*Increase development of housing units close to transit and mixed use development*” (p. 28).
- Equitable, Affordable and Inclusive, Goal 2, Strategy A – “*Create a greater mix of housing options in every neighborhood for all individuals and families*” (p.28).
- Strong and Authentic Neighborhoods Goal 1, Strategy B – “*Ensure neighborhoods offer a mix of housing types and services for a diverse population*” (p.34).
- Strong and Authentic Neighborhoods Goal 1, Strategy D – “*Encourage quality infill development that is consistent with the surrounding neighborhoods and offers opportunities for increased amenities*” (p. 34).
- Environmentally Resilient Goal 8, Strategy A - “*Promote infill development where infrastructure and services are already in place*” (p.54).

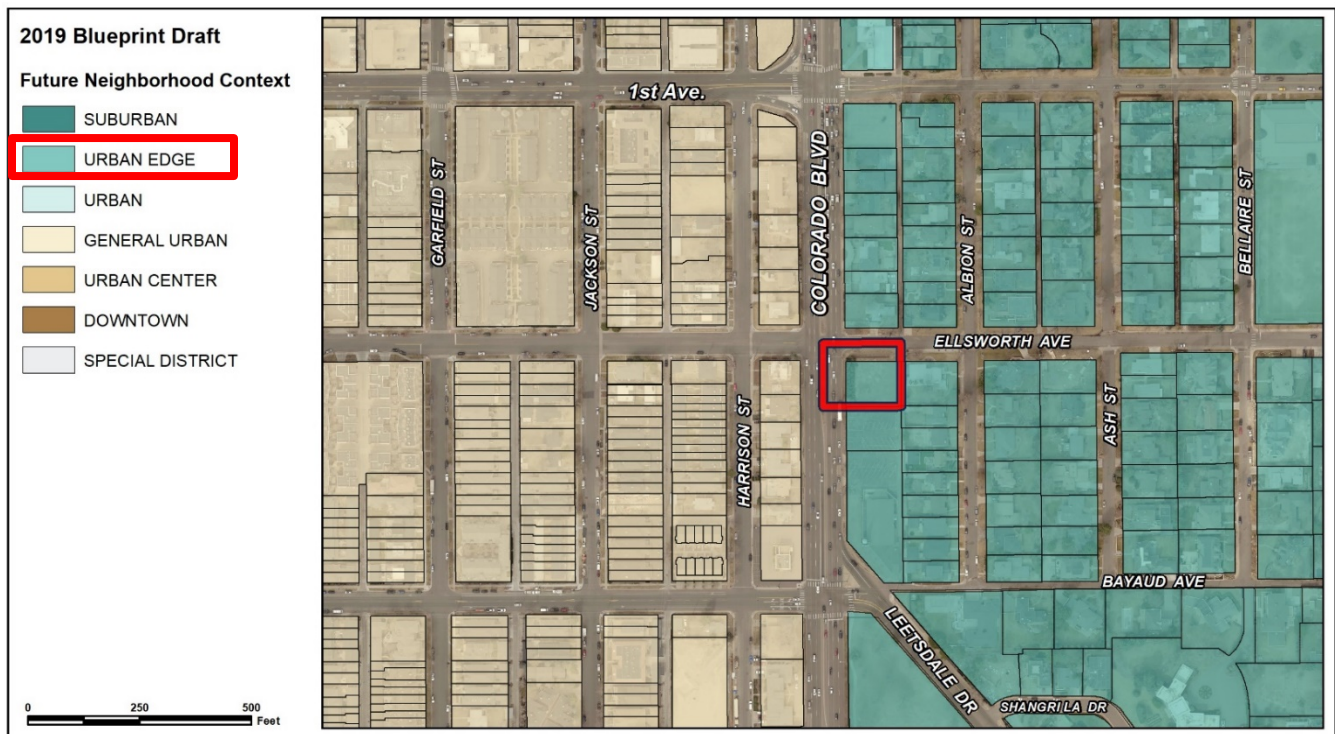
The proposed map amendment will enable the addition of low-scale two-unit residential development on the edge of the Hilltop neighborhood at an infill location. The proposed zone district matches the 30 to 35 feet maximum allowed building height in the adjacent neighborhood. The proposal offers an opportunity to add moderate density in a location that serves as a transition from a single-unit residential area to an arterial street and high-capacity transit corridor, Colorado Boulevard, and to the Cherry Creek neighborhood west of the Boulevard. The rezoning is consistent with the Comprehensive Plan policies that encourages the development of housing close to transit, that encourages a greater mix of housing options, and infill development where services and infrastructure are already in place, and where the infill development is consistent with the existing neighborhood. The requested E-TU-C zone district broadens the variety of housing options close to a high-capacity transit corridor allowing residents a new diversity of housing choice that is in character with the existing neighborhood. Therefore the rezoning is consistent with Denver *Comprehensive Plan 2040* recommendations.

**Blueprint Denver (2019)**

*Blueprint Denver 2019* identifies the subject property as within the Urban Edge Neighborhood Context, in a Low-Medium residential future place with a growth strategy of “All other areas of the city.”

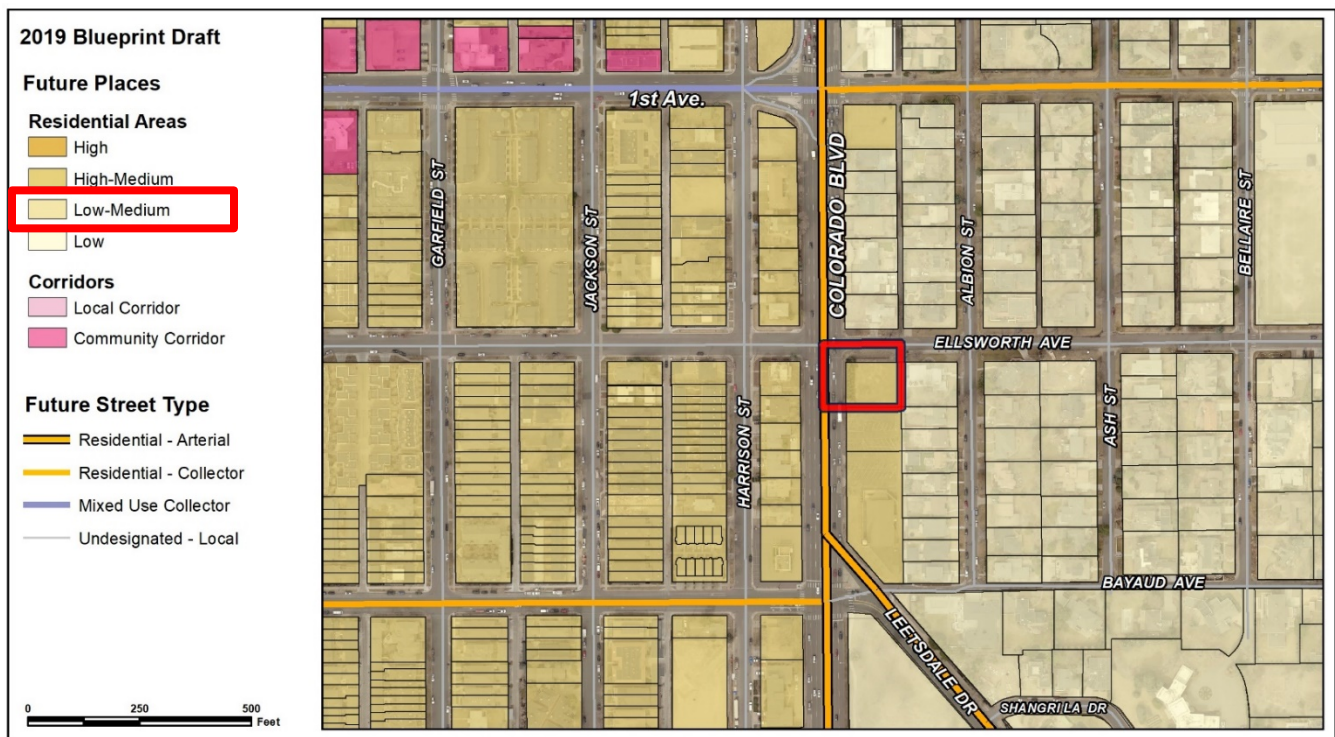
**Future Neighborhood Context**

*Blueprint Denver 2019* is organized by neighborhood contexts because a context-based approach sets guidelines for character-compatible development. On the Blueprint Denver context map the subject property is within an Urban Edge Neighborhood Context. These areas contain elements of both the suburban and urban contexts. They generally contain low-scale multi-unit and commercial areas embedded in 1 to 2-unit residential areas, with regular block patterns (p. 136). The Urban Edge context tends to act as a transition between urban and suburban areas (p. 205).



The proposed E-TU-C zone district is an Urban Edge zone district and is “intended to promote and protect residential neighborhoods within the character of the Urban Edge Neighborhood Context. The building form standards, design standards and uses work together to promote desirable residential areas. While lot sizes vary, lot coverage is typically low creating generous setbacks and yard space. The standards of the two unit and row house districts promote existing and future patterns of lower scale multi-unit building forms that typically address the street in the same manner as an urban house building form. These regulations are also intended to reinforce desired development patterns in existing neighborhoods while accommodating reinvestment” (p. 4.2-1 & 2). The zoning standards within the E-TU-C zone district that allow low-scale multi-unit structures will be compatible with the existing residential area, and consistent with the Blueprint Denver context.

### **Future Places**



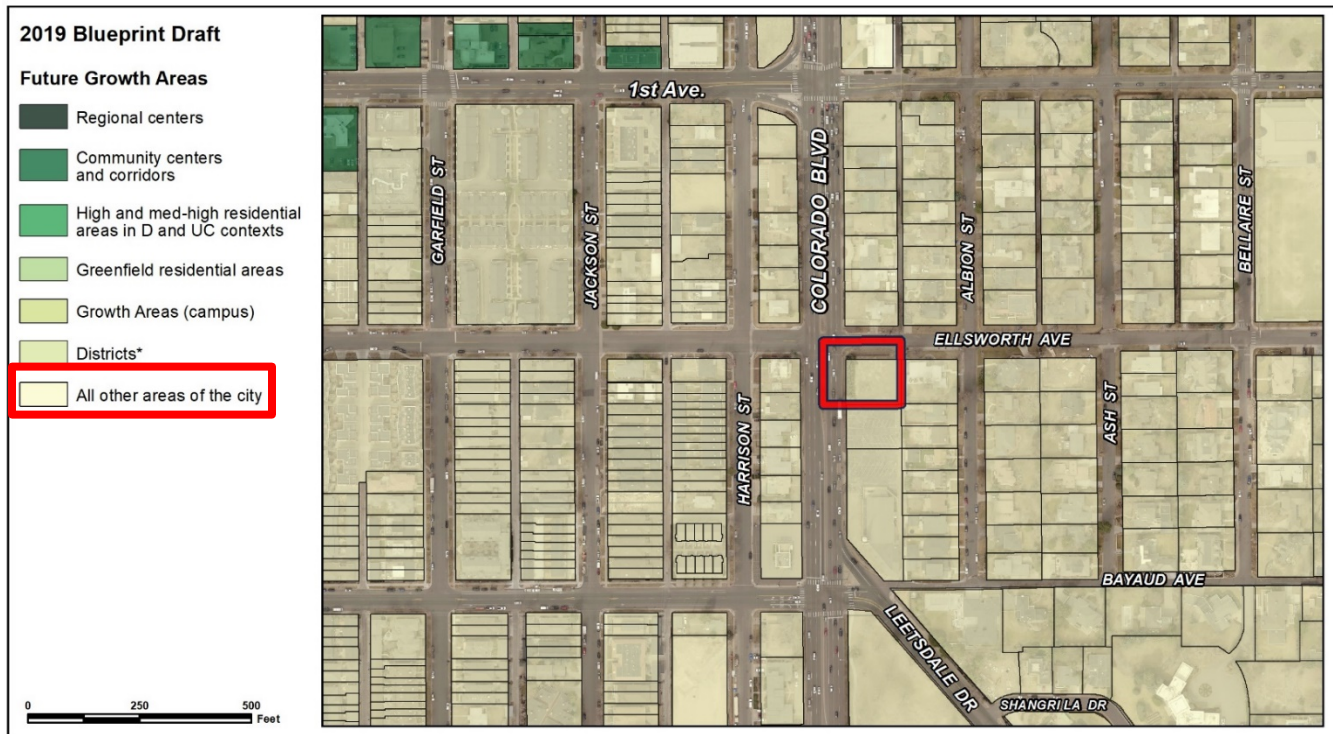
The subject property is within a Low-Medium residential future place. Per Blueprint Denver “Future places are an organizational system that describes the desired character of an area. Future places work together to promote complete neighborhoods for the residents living within or near each of them. Each place expresses itself differently depending on which neighborhood context it is located within.” Residential areas have a predominantly residential land use but “are supported by a variety of embedded uses needed for a complete neighborhood including schools, recreation and nodes of commercial/retail uses” (p. 141). Per Blueprint Denver low-medium residential areas in the Urban Edge Context are a “Mix of low- to mid-scale multi-unit residential options. Small-scale multi-unit buildings are interspersed between single- and two-unit residential. Limited mixed-use along residential arterial and collector streets and at some intersections. Vacant institutional uses on corners or select sites may be appropriate locations to introduce additional residential intensity. Buildings are generally 3 stories or less in height. When occurring, single- and two-unit residential uses are typically in the urban house form” (p. 216). The E-TU-C zone district allows low-scale residential uses with a maximum

height of 2.5 stories, or up to 35 feet, in conformance with the low-medium residential Urban Edge place type.

### **Street Types**

*Blueprint Denver 2019* classifies Colorado Boulevard as a Residential Arterial street, a high-capacity transit corridor and a designated parkway. Ellsworth Avenue is classified as a Local or Undesignated street. Residential streets have “Primarily residential uses, but may include schools, civic uses, parks, small retail nodes and other similar uses. Buildings on residential streets usually have a modest setback” (p. 160). Arterial streets are designed for the highest degree of through movement and high-capacity transit corridors are streets where future higher-capacity modes of transit will be prioritized. *Blueprint Denver* also notes the unique quality of streets that are designated parkways as Colorado Boulevard is adjacent to the subject property. Regarding Ellsworth Avenue, *Blueprint Denver* states, “Local streets are designed for the highest degree of property access and the lowest amount of through movement” (p. 154). Within the Urban Edge Context the predominate street types are mixed use, commercial and residential. The proposed E-TU-C district allows primarily residential and civic uses and includes modest primary street setbacks. Therefore, it is consistent with the Urban Edge residential arterial and local street types at this site.

### **Growth Strategy**



The subject property is within a low-medium residential place type, and “All other areas of the city” on the Growth Strategy map. These types of places are anticipated to see around 20% of new housing growth and 10% of new employment growth by 2040 (p. 51). “The remaining growth areas are smaller but still play a key role in meeting the diversity of new job and housing needed for our dynamic city. Higher intensity residential areas near downtown, mid-scale housing in innovation/flex districts and low-

scale greenfield residential all contribute to Denver’s future housing stock. The remaining parts of Denver, mostly residential areas with embedded local centers and corridors, take a smaller amount of growth intended to strengthen the existing character of our neighborhoods” (p. 49). The proposed map amendment to E-TU-C will allow low-intensity growth in a low-medium place where it is in character with the exiting area.

**The Boulevard Plan (1991)**

The Boulevard Plan outlines visions, goals and objectives mainly for the commercially zoned property along Colorado Boulevard between 1<sup>st</sup> Avenue on the north and Iliiff Avenue on the south. The overall vision of the Plan is that *“this portion of Colorado Boulevard is and should continue to be, a regionally distinct transportation, business and residential corridor accommodating a wide range of development types and sizes which serve the shopping, business and entertainment needs of nearby residents, as well as providing destination opportunities for a wider community”* (p. 3). Plan goals to achieve this vision include:

- Improving traffic flow and safety
- Retain a broad mix of land uses
- Define and reinforce the unique image of the corridor and ensure that new development has no adverse impacts on adjacent uses

Three areas of concern identified in the Plan Goals are transportation, land use and urban design. The transportation recommendations in the Plan are mainly oriented to physical improvements within the corridor, improvements to support corridor transit and attempts to manage trip generation. Urban design recommendations in the Plan center mainly on physical improvements in the corridor to improve the public right-of-way, signage, landscaping and the quality of private development on the corridor.

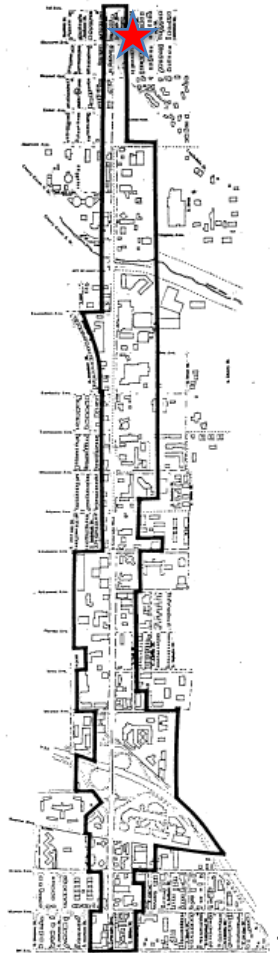
The general land use goals in the Plan include *“Continue an appropriate mix of land uses along the Boulevard”* and *“New development should be compatible with existing development”* (p. 29). Plan land use recommendations include:

- Overall Development Cap – *“While no wholesale increases in overall allowable development seem appropriate, some increase in development intensity may be appropriate for individual projects because of specific site or development proposal issues”* (p. 35).
- Land Use Mix – *“Seek to retain a diversity of land uses in the corridor”* (p. 36).
- On-Site Parking – *“All new development should provide sufficient parking to meet 100% of the project’s needs on-site or in shared facilities adjacent to the site”* (p. 36).

The proposed rezoning of the subject property complies with these recommendations because the proposed duplex development will add to the mix of residential development types on the corridor, will add a moderate level of development that is in character with the adjacent neighborhoods and will provide 100% of the project’s parking needs on-site.

**2. Uniformity of District Regulations and Restrictions**

The proposed rezoning to E-TU-C will result in the uniform application of zone district building form, use and design regulations.



### **3. Public Health, Safety and General Welfare**

The proposed official map amendment furthers the public health, safety, and general welfare of the City by allowing a moderate level of reinvestment in the area consistent with the desired character and by implementing the city's adopted land use plans.

### **4. Justifying Circumstance**

The application identifies changed or changing conditions as the Justifying Circumstance under DZC Section 12.4.10.8.A.4, "*Since the date of the approval of the existing zone district, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include: Changed or changing conditions in a particular area, or in the city generally; or a city adopted plan; or that the city adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.*"

The application identifies changes to the overall city and cites the subject property's location as a transition site between Colorado Boulevard and the existing neighborhood to the east. On the opposite side of Colorado Boulevard the Cherry Creek neighborhood has experienced robust redevelopment with multi-unit residential uses on the Boulevard. In recognizing the citywide changes and changes in the immediate area the application is in conformance with this criterion. Changed conditions in the area is an appropriate justifying circumstance for the proposed rezoning.

### **5. Consistency with Neighborhoods Context Description, Zone District Purpose and Intent Statements**

The zoning standards in the proposed zone district are based upon the Urban Edge Neighborhood context. This context is characterized by a mix of urban and suburban characteristics with primarily single and two-unit residential land uses, and small-scale multi-unit residential and commercial areas embedded in residential areas. Single-unit structures in the zone district are the Urban House form with allowed Tandem House forms, and the allowed multi-unit building form is the Duplex form on minimum zone lots of 5,500 square feet. The surrounding area and the recommended neighborhood context both make the proposed rezoning to E-TU-C consistent with the neighborhood context description.

The Urban Edge residential zone districts are "*intended to promote and protect residential neighborhoods within the character of the Urban Edge Neighborhood Context. The building form standards, design standards and uses work together to promote desirable residential areas. The standards of the two unit and row house districts promote existing and future patterns of lower scale multi-unit building forms that typically address the street in the same manner as an urban house building form. These regulations are also intended to reinforce desired development patterns in existing neighborhoods while accommodating reinvestment.*" The application to rezone to E-TU-C in this location is consistent with the above purpose and intent statement because the rezoning allows lower scale single- and two-uses and building forms consistent with the desired development pattern of the area.

Rezoning Application #2017I-00149  
10 South Colorado Boulevard  
April 25, 2019  
Page 15

**Attachments**

1. Application
2. Legal Description
3. RNO Comment Letter

## Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	10 Colorado, LLC	Representative Name	Mike Kortendick, AICP
Address	7701 S. Wellington St.	Address	PO Box 9
City, State, Zip	Centennial, CO 80122	City, State, Zip	Evergreen, CO 80437
Telephone	303.641.7594	Telephone	303.670.5100
Email	lmoreacpa@gmail.com	Email	mjkort@landform.us
<p><b>*If More Than One Property Owner:</b> 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><b>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</b></p>	
<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.</p> <p>If the owner is a corporate entity, proof of authorization for an individual to sign on behalf of the organization is required. This can include board resolutions authorizing the signer, bylaws, a Statement of Authority, or other legal documents as approved by the City Attorney's Office.</p>			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):		10 S. Colorado Blvd.	
Assessor's Parcel Numbers:		0607309001000	
Area in Acres or Square Feet:		12,500 s.f.	
Current Zone District(s):		E-SU-D	
PROPOSAL			
Proposed Zone District:		E-TU-C	



## 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"/> <b>Consistency with Adopted Plans:</b> 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. 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"/> <b>Uniformity of District Regulations and Restrictions:</b> 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"/> <b>Public Health, Safety and General Welfare:</b> 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><b>Justifying Circumstances - One of the following circumstances exists:</b></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 type="checkbox"/> Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include:</p> <p>a. Changed or changing conditions in a particular area, or in the city generally; or</p> <p>b. A City adopted plan; or</p> <p>c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.</p> <p><input checked="" 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. 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. Please provide an attachment describing how the above criterion is met.</p>

## REQUIRED ATTACHMENTS

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

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

## ADDITIONAL ATTACHMENTS

Please identify any additional attachments provided with this application:

- Written Authorization to Represent Property Owner(s)
- Individual Authorization to Sign on Behalf of a Corporate Entity


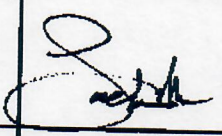
Please list any additional attachments:

**REZONING GUIDE**

Rezoning Application Page 3 of 3

**PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION/PETITION**

We, the undersigned represent that we are the owners of the property described opposite our names, or have the authorization to sign on behalf of the owner as evidenced by a Power of Attorney or other authorization attached, and that we do hereby request initiation of this application. I hereby certify that, to the best of my knowledge and belief, all information supplied with this application is true and accurate. I understand that without such owner consent, the requested official map amendment action cannot lawfully be accomplished.

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement	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	Has the owner authorized a representative in writing? (YES/NO)
<b>EXAMPLE</b> 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)	YES
Adrian Parashiv	7701 S Wellington Street. Centennial, CO 80122	50		1/1/18	B	Yes
Loretta Morea	7701 S Wellington Street Centennial, CO 80122	50		1/1/18	B	Yes

Last updated: February 22, 2017

Return completed form to [rezoning@denvergov.org](mailto:rezoning@denvergov.org)

PAGE 3

201 W. Colfax Ave., Dept. 205  
Denver, CO 80202  
720-865-2974 • [rezoning.denvergov.org](http://rezoning.denvergov.org)

**10 COLORADO LLC**  
7374 S Pennsylvania St  
Littleton CO 80122  
Tel: 303-641-7594/720-217-7680  
Fax: 720-222-2001



January 25, 2019

To Whom It May Concern,

We are writing this letter to give Mike Kortendick, AICP , with Landform Inc., full authorization to apply for a zone changing permit on behalf of our company, 10 Colorado LLC, for the land located at 10 S Colorado Blvd, Denver, CO 80246

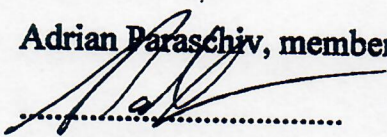
10 Colorado LLC is the full owner of the land located at 10 S Colorado Blvd, Denver, CO 80246.

We thank you for your attention for this matter and we are looking forward to a positive outcome.

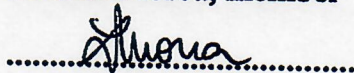
Please do not hesitate to contact us if you have any additional questions or concerns.

Sincerely yours,

Adrian Paraschiv, member

A handwritten signature in black ink, appearing to read 'Adrian Paraschiv', written over a dotted line.

Loretta Morea, member

A handwritten signature in black ink, appearing to read 'Loretta Morea', written over a dotted line.

10 Colorado LLC

**10 Colorado LLC.**  
7701 S Wellington Street  
Centennial, CO 80122  
Tel: 303-641-7594 / 720-217-7680  
Fax: 303-795-7044  
Email: paraschiva@me.com

November 22, 2017

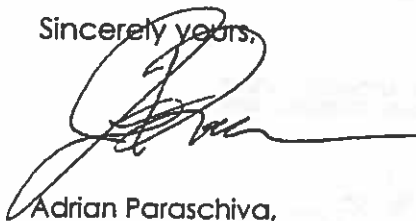
To Whom It May Concern,

This Letter is to Certify that Loretta Morea is a 50% Member of the Corporation: 10 S Colorado Blvd. LLC. As such Loretta has full authorization to sign on behalf of the Corporation.

10 Colorado LLC is the full owner of the land located at 10 S Colorado Blvd, Denver, CO 80246.

We thank you for your attention to this matter and we are looking forward to a positive outcome. Please do not hesitate to contact us if you have any additional questions.

Sincerely yours,



Adrian Paraschiva,  
Managing Member 10 Colorado LLC.

WARRANTY DEED

THIS DEED, made this 13th day of November, 2017, between

ROELANT KAREL ANTON VAN DER HELDE AND MARY KINDELVAN DER HELDE

of County of Denver, State of Colorado, grantor, and

10 COLORADO LLC

whose legal address is 6 Ravenswood Road, Cherry Hills, CO 80113, grantee:

WITNESSETH, That the grantors for and in consideration of the sum of Four Hundred Fifteen Thousand and 00/100 (\$415,000.00), the receipt and sufficiency of which is hereby acknowledged, have granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell, convey and confirm, unto the grantee, its heirs and assigns forever, 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:

PLOT 1, BLOCK 23, EASTERN CAPITOL HILL SUBDIVISION, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

as known by street and number as: 10 SOUTH COLORADO BOULEVARD, DENVER, CO 80246

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 grantors, 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 grantors, for themselves/him/herself, their his heirs, and personal representatives, do covenant, grant, bargain, and agree to and with the grantee, its heirs and assigns, that at the time of the executing 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 naturesoever, except:

- (i) General taxes for the current year, a lien not yet due and payable, (ii) Easements, restrictions, reservations and rights of way of record,
- (iii) Distribution utility easements (including cable TV),
- (iv) The following specifically described rights of third parties: none,
- (v) Inclusion of the property within any special taxing district,
- (vi) The benefits and burdens of any declaration and party wall agreement, if any and (vii) none

The grantors shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantee, its 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.

*Roelant Karel Anton van der Helde*  
*by Mary Kindelvan der Helde as*  
*attorney in fact*

ROELANT KAREL ANTON VAN DER HELDE  
MARY KINDELVAN DER HELDE AS ATTORNEY  
IN FACT

*Mary Kindelvan der Helde*  
MARY KINDELVAN DER HELDE

STATE OF COLORADO  
COUNTY OF *Arapahoe*

The foregoing instrument was acknowledged before me this 13th day of November, 2017 by ROELANT KAREL ANTON VAN DER HELDE MARY KINDELVAN DER HELDE AS ATTORNEY IN FACT and MARY KINDELVAN DER HELDE

My Commission expires:

ELIZABETH K. LOPEZ  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20134022308  
My Commission Expires April 8, 2021

*[Signature]*  
Notary Public

[SEAL]

MERIDIAN TITLE & ESCROW, LLC

**Landform, Inc.  
P.O. Box 9  
Evergreen, Colorado  
80437-0009**

February 13, 2019

City and County of Denver  
Community Planning and Development  
ATTN.: Planning Services  
201 West Colfax  
Denver, CO 80202

**RE: 10 South Colorado Boulevard  
Plan Conformance Rationale**

Dear Planning Services Professional:

The purpose of this correspondence is to provide you and other recipients with a concise summary of the subject proposal as it relates to the following Plans:

- Denver Comprehensive Plan 2000
- Comprehensive Plan 2040 (Proposed)
- Blueprint Denver
- Blueprint Denver (Proposed)

Introduction:

The purpose of this application is to respectfully request a Rezoning/Zone Map Amendment for the vacant lot located at 10 South Colorado Blvd. The subject property is immediately adjacent to existing S. Colorado Blvd. being approximately ten feet from the easterly right-of-way line.

Denver Comprehensive Plan 2000

Denver's Comprehensive Plan 2000 identifies a set of broad range principles to support a vision of a city that is livable for all of its people. The following Plan strategies align with the subject Rezoning proposal:

- Stewardship of Resources Objective 2 / Strategy 2-F: Promoting infill development within Denver at sites where services and infrastructure are already in place (p. 39).
- Environment and the Community Objective 4 / Strategy 4-A: Promote the development of sustainable (in-fill) communities and centers of activity where shopping, jobs, recreation and schools are accessible by multiple forms of transportation, providing opportunities for people to live where they work (p.41).

- Environment and the Community Objective 4 / Strategy 4-D: Promote convenient public transit for the community, including buses, light rail and other alternatives to single-occupancy vehicles (p. 41).
- Citywide Land Use and Transportation Plan Objective 1 / Strategy 1-H: Encourage development of housing that meets the increasingly diverse needs of Denver's present and future residents in the Citywide Land Use and Transportation Plan (p. 58).
- Residential Neighborhoods and Business Centers Strategy Objective 3 / 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 (p. 60).
- Denver's Legacies Objective 3 / Strategy 3-A: Identify areas in which increased density and new users are desirable and can be accommodated (p. 99)

The proposed Zone Map Amendment to enable the subsequent construction of two residential duplex units aligns with all the above listed Denver Comprehensive Plan 2000 criteria and will ensure the projects compatibility with the exiting built environment.

Denver Comprehensive Plan 2040 (Public Review Draft #2, January 7, 2019)

The Goals of the *Equitable, Affordable and Inclusive* recommendations in the Denver Comprehensive Plan 2040 (Public Review Draft dated January 7, 2019) state:

- 1) To insure all Denver residents have safe, convenient and affordable access to basic services and a variety of amenities;
- 2) Build housing as a continuum to serve residents across a range of incomes, areas and needs;
- 3) Develop housing that is affordable to residents of all income levels.

This Rezoning proposal to enable the construction of two side-by-side duplex units aligns with the Plans Strategies by providing housing units close to transit and other mixed use developments (Goal 1, Strategy A.); Create a greater mix of housing options for all individuals and families (Goal 2., Strategy A.); increase the provision development of family-friendly housing, including units with multiple bedrooms in multifamily developments (Goal 2, Strategy D.).

[Source: Goals 1, 2 & 3 Page 28]

Blueprint Denver (2002)

The vision for Blueprint Denver was laid out in the Denver Comprehensive Plan 2000, (Plan 2000) and it furthers the principals of Metro Vision 2020, the Plan for the Denver region that the City has adopted. Plan 2000 created its vision for the community through a series of general goals, visions of success and specific objectives and strategies.

Residential Areas and Neighborhoods—Blueprint Denver (p. 41) states that a neighborhood is an area that consists primarily of residential land uses. A city should

contain neighborhoods that offer a variety of housing types, as well as compliment land-use types such as stores, parks and schools that provides the basic needs of nearby residents. The document further defines four basic types of residential areas:

- Mixed-use
- Urban residential
- *Single-Family / duplex residential*
- Single-family residential

Typical densities associated with Single Family / duplex residential ae between 10 and 20 housing units per acre area-wide, and single family detached structures often predominate (p. 42).

Areas of Stability—Blueprint Denver identifies “Committed Areas” being stable neighborhoods that may benefit from the stabilizing effects of minor infill development rather than large scale, major development (p. 122).

The subject property falls within the Committed Areas sub-category of the Areas of Stability. The goal for Areas of Stability are to maintain the character of an area while accommodating some new development and redevelopment at appropriate locations (p. 129).

Street Classification—S. Colorado Boulevard and W. Colfax Avenue (the latter being situated 5 blocks north of the subject property) are both classified as arterial streets. “Arterials are designed to provide a high degree of mobility and generally serve longer vehicle trips to, from, and within urban areas. Denver’s arterial system interconnects major urban elements such as the central business district, employment centers, large urban and suburban commercial centers and residential neighborhoods (p. 51).”

The RTD Route 40 bus on this section of S. Colorado Blvd. runs (north & south) at approximate 15 minute intervals during peak periods and approximate 30 minute intervals during non-peak timeframes. W. Colfax Avenue is situated 5 blocks to the north, where east & west bound buses also run with similar frequency. As such, the subject proposal is situated in an area where the dwellings future inhabitants will have transportation alternatives.

This Rezoning application for two side-by-side duplexes aligns with the general goals, visions, specific objectives and strategies of Blueprint Denver.

#### Blueprint Denver (Public Review Draft, January 7, 2019

According to the Land Use and Built Form Housing Recommendations in the Blueprint Denver Public Review Draft dated, January 7, 2019 “Diversify housing options by exploring opportunities to integrate missing middle housing into low and low medium residential areas. The “Missing Middle refers to housing types that fall between high-density and single-family houses, such as *duplexes*, fourplexes, row homes and townhomes. Missing middle is not just the type of housing-- it captures units that are



attainable to middle-income households who still struggle to afford housing in Denver (Policy 2, p.82). This Rezoning/Zone Map Amendment will provide missing middle housing in an infill location, following Blueprint Denver's recommendation.

Blueprint Denver's Policy (#2) stipulates that residential neighborhoods should retain their unique character as infill development occurs (p.99). The scale/massing and size of the proposed duplex units will ensure that they remain compatible with the existing single-family residences situated near the subject.

Predicated on the foregoing, the subject proposal will provide an underserved housing type that will help transition between the adjacent arterial roadway and the single-family residential units situated to the east.

Closing:

In consideration of all the facts presented herein and speaking for the Owners and Technical & Design Team, we collectively believe that this requested Zone Map Amendment proposal conforms to the goals and objectives memorialized within the previously cited Community Plans and Blueprint Denver, including the updated draft versions.

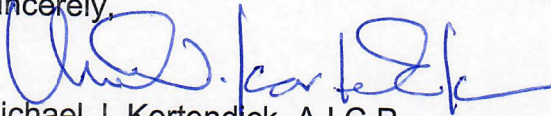
Additionally, the proposal is compatible with the existing built environment and should harmoniously integrate with those existing land uses in the adjacent and surrounding area and will be a welcome addition to this existing neighborhood.

Again, also speaking for the group, we thank you for your consideration and evaluation of this proposal and look forward to advancing to the next step in your Rezoning process.

Should I have forgotten anything, or if you would like to discuss any aspect of this proposal in further detail, simply contact me using any of the information that is contained on this letterhead.

Thank you.

Sincerely,



Michael J. Kortendick, A.I.C.P.

**Landform, Inc.**  
**P.O. Box 9**  
**Evergreen, Colorado**  
**80437-0009**

February 19, 2019

City and County of Denver  
Community Planning and Development  
**ATTN.:** Planning Services  
201 West Colfax  
Denver, CO 80202

**RE: 10 South Colorado Boulevard**  
**Supplemental Statement of Uniformity of District Regulations, Statement of**  
**Furthering the Public Health, Safety and Welfare, Justifying Circumstances**  
**and Statement of Consistency within Neighborhood Context, Zone District**  
**Purpose and Intent**

Dear Planning Services Professional:

The purpose of this correspondence is to provide you and other recipients with a concise summary of the subject proposal as it relates to the following zoning criteria:

- Statement of Uniformity of District Regulations
- Statement of Furthering the Public Health, Safety and Welfare
- Justifying Circumstances
- Statement of Consistency within Neighborhood Context, Zone District Purpose and Intent

Introduction

The purpose of this application is to respectfully request a Rezoning/Zone Map Amendment for the vacant lot located at 10 South Colorado Blvd. to allow two side-by-side residential duplex units, each also having an accessory 2-car garage. The subject property is immediately adjacent and east of existing S. Colorado Blvd. being approximately ten feet from the easterly right-of-way line and south of existing Ellsworth Avenue.

Statement of Uniformity with District Regulations

It is being requested that the subject property be Rezoned from E-SU-D to E-TU-C to allow for a maximum of (2) duplex units. The proposed land use is similar in character to the existing single-family residential uses that exist to the east and northern compass points, the latter being situated across the existing Ellsworth Avenue right-of-way.

Additionally, the subject Rezoning will serve as a graduated density buffer and transition between the existing right-of-way associated with the S. Colorado Blvd. arterial roadway situated to the west and the existing parking lot located to the south of the subject.

The sought Rezoning enhances the existing described residential as-built environment and other surrounding land uses since the design is similar in character, thusly being sensitive to the existing neighborhood and quality of life, while providing much needed diversity in the housing product type.

#### Statement of Furthering the Public Health, Safety and Welfare

While high prices and low housing inventory have dominated the news about Denver's housing market for the past several years, many new immigrants, being drawn to the region by record unemployment and the quality of life, are unable to find an alternative to rental housing. As new (and typically younger) residents enter the workforce, few entry-level housing options exist.

While Rezoning the subject property to accommodate 2 side-by-side duplex units will have a negligible impact with addressing Denver's housing issue, the proposal does represent an incremental step in the right direction. Or put another way, this subject Rezoning to allow duplexes on this infill lot will help provide a spectrum of housing options that can support a vibrant and diverse community.

The proposed Zone Map Amendment advances the City's Public Health, Safety and general Welfare primarily through meeting the recommendations, goals and objectives of the adopted and draft Comprehensive Plans, including Blueprint Denver.

#### Justifying Circumstances

The Denver Zoning Code stipulates that: "Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include: a) Changed or changing conditions in the City generally; and b) A City adopted Plan" [SOURCE: Section 12.4.10.8].

This currently vacant infill site, situated next to an existing arterial roadway, serves to both buffer the existing single-family detached housing product situated to the east and north, the latter located across Ellsworth Avenue. Again, while the proposal will serve as a transitional land use to the existing built environment, it serves the public interest by providing a housing product other than the typically higher priced single-family detached home which is currently out of the reach for many single buyers or households.

I don't believe that many native or long-term Denverites would argue the fact that things have certainly changed in Denver and when combined with the City's Comprehensive Plans and Blueprint Denver (both adopted and current Draft versions) the subject proposal aligns with the cited regulation (as above). [Please also refer to the

companion *Plan Conformance Rationale*, dated February 13, 2019, as previously submitted.]

Statement of Consistency within Neighborhood Context, Zone District Purpose and Intent

According to the Denver Zoning Code both the existing E-SU-D and proposed E-TU-C zoning designations *General Purpose* is to:

- A. Promote and protect residential neighborhoods within the character of the *Urban Edge Neighborhood Context*—also allowing for some multi-unit districts, but not to such an extent to detract from the overall image and character of the residential neighborhood. [SOURCE: DZC 4.2.2.1.A., Page 4.2-1]
- B. Ensure that building form standards, design standards, and uses work together to promote desirable residential areas. [SOURCE: DZC 4.2.2.1.B., Page 4.2-1]
- C. That the standards recognize common residential characteristics within the Urban Edge Neighborhood Context but accommodate variation by providing eight Residential Zone Districts. [SOURCE: DZC 4.2.2.1.C, Page 4.2-2]
- D. The regulations provide certainty to property owners, developers, and neighborhoods about the limits of what is allowed in a residentially-zoned area. The regulations also intending to reinforce desired development patterns in existing neighborhoods while accommodating reinvestment. [SOURCE: DZC 4.2.2.1.D, Page 4.2-2]

The subject proposal for 2-duplex units does provide higher density residential development (than single-family detached units) while preserving the overall image and character of the residential neighborhood by replicating commonality of design; ensures that building form standards, design standards and uses work together to promote desirable residential areas through the similarity of design; that the standards recognize common residential characteristics but accommodate variation by providing eight Residential Zone Districts; the regulations providing certainty to property owners, developers, and neighborhoods about the limits of what is allowed in a residentially-zoned area. The regulations also intending to reinforce desired development patterns in existing neighborhoods while accommodating reinvestment.

Again, while the proposed duplex units vary from the design of traditional single-family detached units, the overall image, character and appearance deviate only slightly. Further, the sought Rezoning regulations provide sanctuary to property owners, developers, and the neighborhoods about the limits of what may be constructed and the proposal serves to reinforce desired development patterns in an existing neighborhood, while accommodating reinvestment.

While the forgoing information and facts support the sought Rezoning and Zone Map Amendment, the previously submitted *Plan Conformance Rationale* (dated February 13, 2109 also as prepared by this author) dovetails with this analysis to underscore the compatibility and transitional benefit of the proposed duplexes at this specific location, while providing more diverse housing options.

Again, also speaking for the group, we thank you for your consideration and evaluation of this proposal and look forward to advancing to the next step in your Rezoning process.

Should I have forgotten anything, or if you would like to discuss any aspect of this proposal in further detail, simply contact me using any of the information that is contained on this letterhead.

Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read 'MJ Kortendick', written over a faint, illegible typed name.

Michael J. Kortendick, A.I.C.P.

Legal Description for 10 South Colorado Blvd.

Plot 1, Block 53, Eastern Capitol Hill Subdivision, City and County of  
Denver, State of Colorado

*The*  
*Cranmer Park / Hilltop*  
CIVIC ASSOCIATION

Thomas A. Hart, A.I.A.  
Zoning Committee Chair  
Cranmer Park/Hilltop Civic Association

6 March 2019

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

Re: Rezoning Application – Case No: 20171-00149  
10 South Colorado Blvd, Denver, CO 80246

Summary: The Cranmer Park/Hilltop Civic Association **supports the rezoning** from E-SU-D to E-TU-C.

To Whom It May Concern;

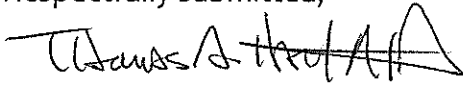
The Cranmer Park/Hilltop Civic Association has been working with the owner/developer and our neighborhood regarding the rezoning of 10 South Colorado Blvd.

We have held meetings with the adjacent neighbors where the developer presented his proposal to rezone the property so he can build two-duplex units. Given the changing nature of this block with the recent rezoning of 30-50 South Colorado Blvd., and the acknowledgement that the current zoning, which would allow only single-family houses, is not very practical in the current market, the adjacent neighbors support the rezoning.

Our Zoning Committee, based on this support from the adjacent neighbors, voted to **support the rezoning** unanimously.

The Cranmer Park/Hilltop Civic Association is a non-profit, volunteer neighborhood association made up of residents within the area bounded by Colorado Blvd on the West, Alameda on the South, Holly Street on the East and 8th Avenue on the North. The mission of the association is to preserve, protect, and enhance the quality of life and existing character of the Cranmer Park/Hilltop neighborhood. There are approx. 2,500 households within our boundaries, all residents are members. There are approx. 300 dues paying households.

Respectfully submitted,

A handwritten signature in black ink that reads "Thomas A. Hart, A.I.A." with a stylized flourish at the end.

Thomas A. Hart, A.I.A.  
Zoning Committee Chair  
Cranmer Park/Hilltop Civic Association  
[tomh@hartstudio.net](mailto:tomh@hartstudio.net)  
303-388-9498

Cc:

Mary Beth Susman  
Denver City Councilwoman – District 5

Wende Reoch  
Acting President  
Cranmer Park/Hilltop Civic Association