



DENVER
THE MILE HIGH CITY

201 W Colfax Ave, Dept 205
Denver, CO 80202
p: 720-865-2972
f: 720-865-3056
www.denvergov.org/planning

TO: Denver City Council
FROM: Steven Chester, Senior City Planner
DATE: December 30, 2014
RE: Official Zoning Map Amendment Application #2014I-00062
2600 S University Blvd
Rezoning from OS-A to G-MU-5

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2014I-00062 for a rezoning from **OS-A to G-MU-5**.

Request for Rezoning

| | |
|--------------------------------|--|
| Application: | #2014I-0062 |
| Address: | 2600 S University Blvd |
| Neighborhood/Council District: | University Park / District 6 |
| RNOs: | University Neighbors, University Park Community Council, Denver Neighborhood Association, Inc., Inter-Neighborhood Cooperation |
| Area of Property: | 3,879 square feet |
| Current Zoning: | OS-A |
| Proposed Zoning: | G-MU-5 |
| Property Owner(s): | V.U.D.U., LLC |
| Applicant: | Brad Buchanan, Executive Director, CPD |

Summary of Rezoning Request

- The subject property was sold by the City and County of Denver to V.U.D.U. LLC in 2005.
- The property was incorrectly rezoned to OS-A during the city-wide rezoning effort in 2010, as it was no longer city owned and maintained open space, yet was incorrectly listed in the City’s open space GIS data, which was used to inform 2010 rezoning process.
- The most applicable zoning is G-MU-5, the same as the neighboring parcel.

The requested zone district title, G-MU-5, is defined as the **General Urban** Neighborhood Context – **Mixed Use** that allows buildings up to **five (5) stories**. The General Urban Neighborhood Context is characterized by multi-unit residential uses in a variety of building forms. Single-unit and two-unit residential uses are also found in a mix of residential forms. Low-scale commercial areas are embedded within residential areas. Commercial uses occur in a variety of building forms that may contain a mixture of uses within the same structure. Residential uses are primarily located along local and residential arterial streets. Commercial uses are primarily located along mixed-use arterial and main streets but may be located at or between intersections of local streets. Further details of the zone districts can be found in Article 5 of the Denver Zoning Code (DZC 5.1).

Existing Context

The property is currently vacant and used for surface parking at the corner S University and E Vassar Ave in the University Park neighborhood. The property has single family houses to the east, open space to the south, open space to the west, and multifamily high and low rise to the north.

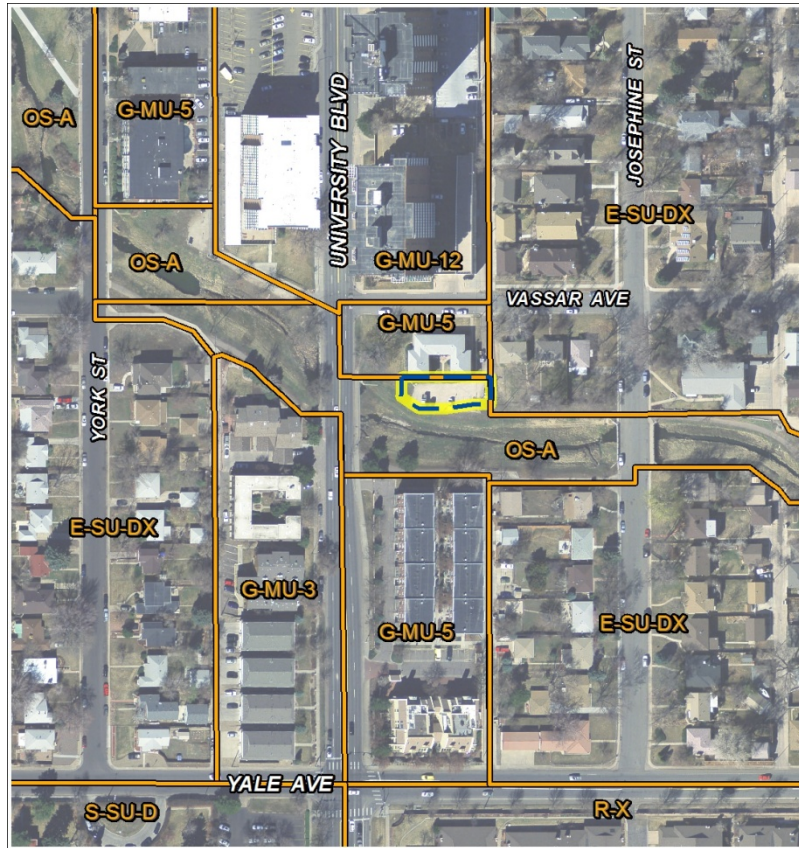
The following table summarizes the existing context proximate to the subject site:

| | Existing Zoning | Existing Land Use | Existing Building Form/Scale | Existing Block, Lot, Street Pattern |
|-------|-----------------|--------------------------|------------------------------|--|
| Site | OS-A | Vacant | Vacant | Typical Denver City street grid with alley access for this parcel. |
| North | G-MU-5 | Multi-family residential | 3 story buildings | |
| South | OS-A | Open Space | Open space | |
| East | E-SU-DX | SF residential | 1-2 story buildings | |
| West | OS-A | Open space | Open space | |

1. Existing Land Use Map



2. Existing Zoning



The existing OS-A zoning was adopted by City Council in 2010 as part of the citywide new code effort. The OS-A district is intended to protect and preserve public parks owned, operated or leased by the City and managed by the City's Department of Parks and Recreation ("DPR") for park purposes. This zone district is inappropriate for this parcel since it was not owned by the City at the time of the 2010 rezoning.

Summary of City Agency Referral Comments

As part of the DZC review process, the rezoning application is referred to potentially affected city agencies and departments for comment. A summary of agency referral responses follows:

Asset Management: Approve – No comments

Denver Fire Department: Approve – No comments

Development Services – Wastewater Approve – No comments

Public Works – City Surveyor Approve – No comments

Public Works – Transportation: Approve – No comments

Public Works – Floodplain: Approve Rezoning Only - Will require additional information at Site Plan Review

Revised response per email correspondence with Steve Chester.

This approval is for the rezoning only. It should be noted that due to potential floodplain impacts this property may not be able to be developed in a manner consistent with the proposed zoning designation.

Based on City GIS data, it appears that the FEMA floodplain line is inaccurate and should extend into the property. Since the floodplain equals floodway here, if the property is located in the "actual" floodplain the use of this property would be severely limited as no new buildings, fill or obstructions are allowed in the floodway.

Any proposed development will require a floodplain permit. The applicant will need to provide detailed topographic information to determine whether the property is outside of the floodplain/floodway of Harvard Gulch. Show the FEMA floodplain and floodway boundaries on the survey and project the "actual" floodplain line onto the site, based on Base Flood Elevations (BFEs) at the upstream and downstream end of the property. This survey must have a NAVD 1988 benchmark and be certified by a Colorado PLS or P.E. BFE/floodplain data must be certified by a Colorado P.E.

The applicant should also be aware that there is a new hydrology and hydraulics study underway for Harvard Gulch. Even if the property is located outside of the current "actual" floodplain, if the study indicates higher flood elevations than currently published, the ability to develop this property may be impaired.

The applicant should educate himself on the City's floodplain ordinance, located in Sec 56-200 through 56-206 of the D.R.M.C. Any questions regarding the floodplain and allowable uses can be directed to the City's Floodplain Administrator, Jeremy Hamer (jeremy.hamer@denvergov.org, 720.913.0720).

Parks and Recreation: Approved – Parcel No. 0525322048000 was previously part of a larger parcel owned by the City and conveyed to V.U.D.U., LLC in 2005, the deed is recorded No. 2005059082. Due to a mistake in facts this parcel was zoned OS-A. Since the City no longer owns this parcel and it is not a park, the re-zoning request is approved.

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 December 2, 2014.
- Planning Board notification process
 - The property was been legally posted for a period of 15 days announcing the December 17, 2014, Denver Planning Board public hearing, and written notification of the hearing has been sent to all affected registered neighborhood organizations and City Council members.
- NAP
 - Written notification of the January 7, 2015 meeting of the Neighborhoods and Planning Committee was sent to all affected registered neighborhood organizations and City Council members on December 23, 2014.

- City Council
 - Following NAP committee review, the rezoning application will be referred to the full City Council for final action at a public hearing.
- Other Public Outreach and Input
 - **Registered Neighborhood Organizations (RNOs)** University Neighbors, University Park Community Council, Denver Neighborhood Association, Inc., Inter-Neighborhood Cooperation

Criteria for Review / Staff Evaluation

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

DZC Section 12.4.10.13

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

DZC Section 12.4.10.14

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

1. Consistency with Adopted Plans

The following adopted plans apply to this property:

- Denver Comprehensive Plan (2000)
- Blueprint Denver (2002)
- University Park Plan (2008)

Denver Comprehensive Plan 2000

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

- Environmental Sustainability Strategy 2-F – *Conserve land by promoting infill development with Denver at sites where services and infrastructure are already in place; designing mixed use communities and reducing sprawl so that residents can live, work and play within their own neighborhoods.*
- Land Use Strategy 1-B – *Ensure that the Citywide Land Use and Transportation Plan reinforces the cities character by building on a legacy of high-quality urban design and stable, attractive neighborhoods; encouraging preservation of historic buildings, districts and landscapes; and maintaining the integrity of the street grid, parks, parkways, and open space system.*
- Land Use Objective 2 - *Clarify and update Denver’s Zoning Ordinance and related ordinances, regulations and procedures to be consistent with the goals and objectives of Denver’s Citywide Land Use and Transportation Plan.*

The proposed map amendment will enable residential development at an infill location where services and infrastructure are already in place. The G-MU-5 zone district fits the character of the neighborhood. The rezoning is consistent with these plan recommendations.

Blueprint Denver

According to the 2002 Blueprint Denver Plan Map, this site had a concept land use of Open Space. At the time Blueprint Denver was completed, this parcel was still owned and maintained by the City. Conditions have changed (the sale of the property) and the OS designation is no longer appropriate. The site is located in an Area of Stability, and S University Blvd has a future street classification of residential arterial, while Vassar Ave is an undesigned local street.



Blueprint Denver
Future Land Use Map

Future Land Use

The Blueprint Denver Future Land Use concept for the site is “Open Space”. According to Blueprint Denver, “Parks and natural open space are public spaces, ranging from our historic traditional parks to natural areas along the waterways...that provide a welcome respite from the intensity of urban living”. The current zoning is consistent with this land use classification, however since the site is no longer and maintained by the City, this land use classification is no longer applicable.

Neighboring residential areas are classified as Single Family Residential, including the parcel directly adjacent to the subject site. While single family homes are the predominant housing type, the plan does not preclude higher density housing being present in these areas, especially along Residential Arterial streets.

Area of Change / Area of Stability

The subject site is designated an Area of Stability. The goal is to maintain the character of these areas yet accommodate some new development and redevelopment to prevent stagnation. The proposed zone change to G-MU-5 does not introduce uses that have not already been in place in the corridor, and does not increase intensity beyond what is already entitled on the owner’s site adjacent to this property. This change affords the owner the opportunity to incorporate the site in any future site improvements for the larger property to the north.

Future Street Classifications

The site is located at the intersection of Vassar Ave and S University Blvd. S University Blvd has a future street classification of residential arterial, while Vassar Ave is an undesignated local street. Residential arterial streets serve longer distance trips than residential local or collector streets. As such, maintaining the through capacity should be a higher priority on a residential arterial than on a residential local or collector street. Mobility on local residential streets strikes a balance between various transportation choices and land access, without sacrificing auto mobility. As collectors and local streets, residential streets are designed to emphasize walking, bicycling and land access over mobility.

G-MU-5 is a zone district that allows medium density residential uses and is consistent with the Blueprint Denver future street classification of S University Ave and Vassar St

Small Area Plan: *University Park Neighborhood Plan (2008)*

The University Park Neighborhood Plan was adopted by City Council in 2008, and applies to the subject property. The Plan has individual sections for the various parts of the neighborhood, including the Park Face Sub Area, where this property is located. The Plan identifies the S University Corridor as a Main St, with a mix of uses and a scale of between 2-5 stories.

Univeristy Park Neighborhood Plan Recommendations

The following Plan goals are in agreement with the proposed rezoning:

Urban Design & Land Use Goals (p. 60)

- Goal 1: Development Patterns – Urban Design Districts
 - Establish distinct urban design districts that prescribe the pattern of existing and future development, as well as contribute to an evolving sense of place within the University Park study area.
 - Goal 1.3 Main Street
 - Typical scale: 2-5 stories (up to 8-10 stories in transit rich activity centers or nodes)
 - Create healthy neighborhood edges and encourage dense, compact and transit supportive growth

G-MU-5 implements the Small Area Plan in two main areas:

- Land use – The plan recommends land uses that will enhance the S University Corridor within the existing character of the neighborhood.
- Building Heights – The plan recommends that buildings be between 2-5 stories along this Corridor.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning from to G-MU-5 will result in the uniform application of zone district building form, use and design regulations. The General Urban neighborhood context is found throughout this

part of the University Park neighborhood and is found directly adjacent to the north of the subject property.

3. Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety, and general welfare of the City. G-MU-5 is a zone district containing residential uses consistent with the character of the corridor.

4. Justifying Circumstance

The application identifies a mistake of fact as the Justifying Circumstance under DZC Section 12.4.10.8.A.2, "The existing zoning of the land was based on a mistake of fact;" As discussed above, data used during the 2010 city-wide rezoning incorrectly identified this parcel as city owned and maintained open space, thus the OS-A zoning, however the site was sold by the City in 2005 to the current property owner. This is an appropriate justifying circumstance for the proposed rezoning.

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

The requested G-MU-5 zone district is within the General Urban Neighborhood Context. The neighborhood context is primarily characterized by multi-unit residential uses in a variety of building forms. (DZC, Division 6.1). The proposed rezoning to G-MU-5 brings the incorrectly zoned parcel into alignment with the surrounding neighborhood context.

Staff Recommendation

Based on the analysis set forth above, CPD staff finds that the application for rezoning the property located at 2600 S University Ave to the G-MU-5 zone district meets the requisite review criteria. Accordingly, staff recommends **approval**.

Attachments

1. Application



Zone Map Amendment (Rezoning) - Application

| PROPERTY OWNER INFORMATION* | | PROPERTY OWNER(S) REPRESENTATIVE** | |
|--|---|--|---------------------------------------|
| <input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION | | <input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION | |
| Property Owner Name | V U D U LLC | Representative Name | Brad Buchanan, Executive Director CPD |
| Address | 2220 Downing St | Address | 201 W. Colfax |
| City, State, Zip | Denver, CO 80205 | City, State, Zip | Denver, CO 80202 |
| Telephone | 303-861-8008 | Telephone | 7208652926 |
| Email | N/A | Email | steven.chester@denvergov.org |
| <p>*If More Than One Property Owner: All standard zone map amendment applications shall be initiated by all the owners of at least 51% of the total area of the zone lots subject to the rezoning application, or their representatives authorized in writing to do so. See page 3.</p> | | <p>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</p> | |
| <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> | | | |
| SUBJECT PROPERTY INFORMATION | | | |
| Location (address and/or boundary description): | 2600 S. Unversity Blvd | | |
| Assessor's Parcel Numbers: | 0525322048000 | | |
| Area in Acres or Square Feet: | 3879.9 sq ft | | |
| Current Zone District(s): | OS-A | | |
| PROPOSAL | | | |
| Proposed Zone District: | G-MU-5 | | |
| Does the proposal comply with the minimum area requirements specified in DZC Sec. 12.4.10.3: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | |

No fee required

| REVIEW CRITERIA | |
|---|---|
| <p>General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.13</p> | <p><input checked="" type="checkbox"/> Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan</p> <p>Please provide an attachment describing relevant adopted plans and how proposed map amendment is consistent with those plan recommendations; or, describe how the map amendment is necessary to provide for an unanticipated community need.</p> <p><input checked="" type="checkbox"/> Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.</p> <p><input checked="" type="checkbox"/> Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</p> |
| <p>Additional Review Criteria for Non-Legislative Rezoning: The proposal must comply with both of the additional review criteria DZC Sec. 12.4.10.14</p> | <p>Justifying Circumstances - One of the following circumstances exists:</p> <p><input type="checkbox"/> The existing zoning of the land was the result of an error.</p> <p><input checked="" 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"/> 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> |
| REQUIRED ATTACHMENTS | |
| Please ensure the following required attachments are submitted with this application: | |
| <p><input checked="" type="checkbox"/> Legal Description (required to be attached in Microsoft Word document format)</p> <p><input checked="" type="checkbox"/> Proof of Ownership Document(s)</p> <p><input checked="" type="checkbox"/> Review Criteria</p> | |
| ADDITIONAL ATTACHMENTS | |
| Please identify any additional attachments provided with this application: | |
| <input checked="" type="checkbox"/> Written Authorization to Represent Property Owner(s) | |
| 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 (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 |
| John E. Collison V.U.D.U., LLC | 2220 Downing St Denver, CO 80205 | 100% | <i>John E. Collison</i> <i>V.U.D.U., LLC</i> | | B | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

V.U.D.U., LLC
2220 DOWNING ST
DENVER CO 80205
303-861-8008
Cowellsales@aol.com

September 22, 2014

Mr. Steven Chester, Associate City Planner
City & County of Denver
Community Planning and Development
201 W. Colfax Ave.
Department 205
Denver, CO. 80202

REF: 2600 S. University Blvd. Rezoning

Dear Mr. Chester,

This letter shall serve as authorization for the Manager of Community Planning and Development to act as representative for V.U.D.U., LCL for the purpose of rezoning the property located at 2600 S. University Blvd. from OS-A to G-MU-5. Per 12.4.10.4 of the Denver Zoning Code, The Manager of CPD is the initiator of this application for an official map amendment.

Thank you,
V.U.D.U., LLC


John E. Collison

Jec/d
Cc:file
Charlie Brown
Manuel Martinez

Per section 12.4.10.8 of the Denver Zoning Code, this rezoning application meets the following criteria:

2. The existing zoning of the land was based on a mistake of fact;

The subject property was sold by the City and County of Denver to V.U.D.U. LLC in 2005. The property was incorrectly rezoned to OS-A in the city-wide rezoning in 2010, as it was no longer open space, yet was incorrectly listed in the City's open space GIS data, which was used in the 2010 rezoning process.

The Executive Director of CPD will be acting as the Property Owner representative for this rezoning. The property will be rezoned to G-MU-5, the same zone district as the adjacent parcel owned by V.U.D.U. LLC.

05-012
Asset Mgmt. #:

After recording:
2220 Downing Street,
Denver, CO 80205
11/10
Order 1/5

DEED

KNOW ALL MEN BY THESE PRESENTS, that the City and County of Denver, a Municipal Corporation, duly existing under and by virtue of Article XX of the Constitution of the State of Colorado, whose address is 1437 Bannock Street, Denver, Colorado 80202, upon the authorization of its Board of Equalization, as evidenced by the Board's Resolution No. 1 adopted on the 10th day of February, 2005, and acting in accordance with and pursuant to Revised Municipal Code Section 53-6, and for the consideration of Eleven Thousand Four Hundred and Ninety Nine Dollars (\$11,499.00) in hand paid, has sold and does hereby convey, WITHOUT WARRANTY to:

Name: V.U.D.U., LLC a Colorado limited liability company

Who resides at: 2220 Downing Street, Denver, CO 80205

The following real property situate in the City and County of Denver, State of Colorado, to-wit:

Legal description: See Exhibit "A" attached hereto and made a part of this Deed.

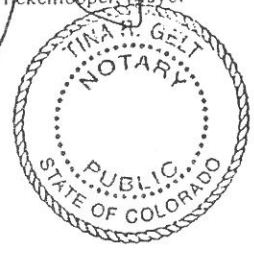
Also known by street and numbered as: Vacant Land with all its appurtenances.

Executed in the City and County of Denver, State of Colorado, this 9th day of March, 2005.

Approved: [Signature]
Asset Management: [Signature]
Date: 3-9-05
Project Description: Surplus Land
& VASSAR (APR)
Dunnery

CITY AND COUNTY OF DENVER

By: [Signature]
John W. Hickenlooper, Mayor



ATTEST:

Wayne E. Vaden, Clerk and Recorder,
Ex-Officio Clerk of the City and
County of Denver.

By: [Signature]
DEPUTY COUNTY CLERK
Clerk and Recorder

The foregoing instrument was acknowledged before me by, John W. Hickenlooper, Mayor of the City and County of Denver, Colorado, this 8th day of March, 2005.

Witness my hand and official seal.

My Commission Expires: 5-11-08 [Signature]
9065 E. Oxford Dr.
Denver, CO 80237
Notary Public

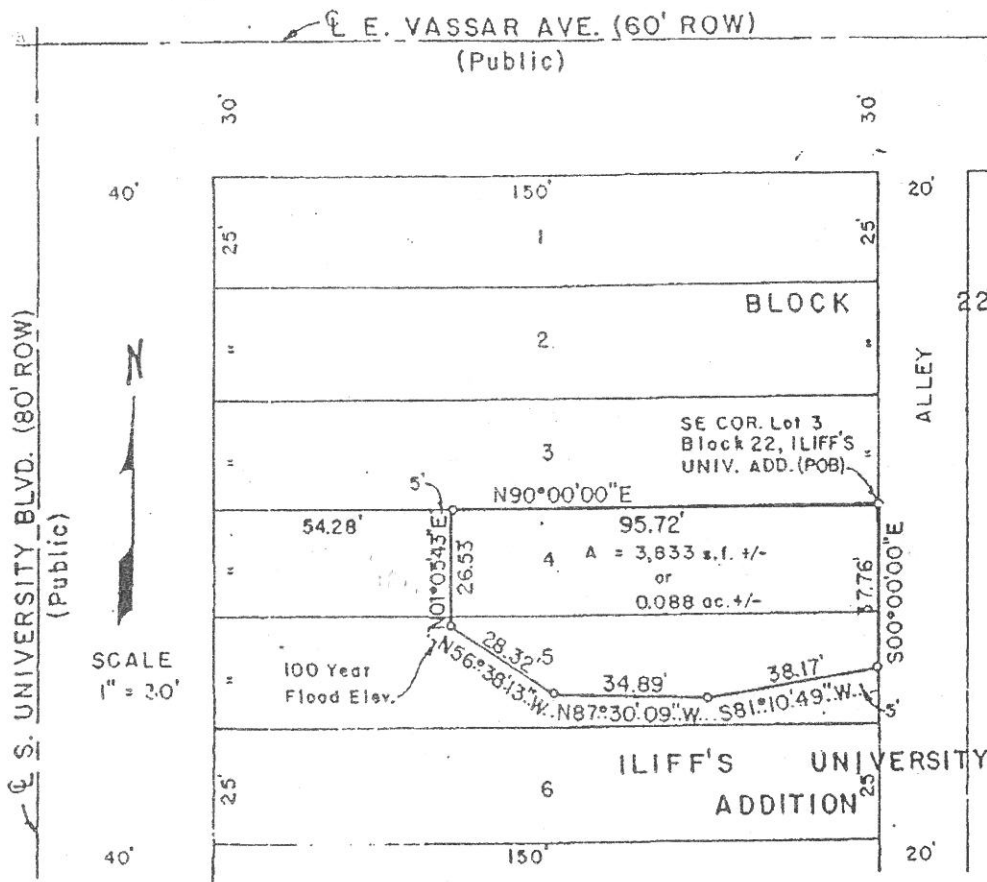
Confirmed to be a true and
correct copy of the original
document.
SECURITY TITLE GUARANTEE COMPANY
BY [Signature]

APPROVED AS TO FORM:

City Attorney's Office

By: [Signature]
Assistant City Attorney

Barcode
2005059082
Page: 1 of 3
04/08/2005 01:47P
City & County Of Denver D R15.00 D1.15



o = Set No. 5 Bar B Cap No. 9010
SURVEYOR'S CERTIFICATION

I, Eugene A. Burdick, a Licensed Professional Engineer and Professional Land Surveyor, licensed in the State of Colorado, hereby certify that the accompanying Certificate of Survey is a true and accurate delineation of the boundaries of the following described property:

LEGAL DESCRIPTION:

A parcel of land located in the Southwest One-quarter of Section 25, Township 4 South, Range 68 West of the 6th Principal Meridian and being a part of Lots 4 and 5, Block 22, ILIFF'S UNIVERSITY ADDITION, City and County of Denver, State of Colorado, being more particularly described as follows:

Beginning at the southeast corner of Lot 3, Block 22, said ILIFF'S UNIVERSITY ADDITION thence S00°00'00"E along the east line of Lots 4 and 5, said Block 22, a distance of 37.76 feet; thence departing said east line S81°10'49"W, a distance of 38.17 feet; thence N87°30'09"W, a distance of 34.89 feet; thence N56°38'13"W, a distance of 28.32 feet; thence N01°05'43"E, a distance of 26.53 feet to a point on the south line of Lot 3, said Block 22; thence N90°00'00"E along said south line, a distance of 95.72 feet, more or less, to the Point of Beginning. Containing 3,833 square feet or 0.088 acres, more or less.



For and on behalf of
 BURDICK ENGINEERING
 CONSULTANTS INCORPORATED
 By *Eugene A. Burdick*
 Eugene A. Burdick, PE-PLS
 Colorado Reg. No. 9010