

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		Representative Name	
Address		Address	
City, State, Zip		City, State, Zip	
Telephone		Telephone	
Email		Email	
<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> <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):			
Assessor's Parcel Numbers:			
Area in Acres or Square Feet:			
Current Zone District(s):			
PROPOSAL			
Proposed Zone District:			

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 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 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 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 type="checkbox"/> The land or its surroundings has changed or is changing to such a degree 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 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:

- Legal Description (required to be attached in Microsoft Word document format)
- 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)
- 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)
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)	YES
Zuni 49 LLC Jerrold Glick, Manager	4890 Zuni St., Denver CO 80221	100%		12/18/17	(A)	YES

Last updated: February 22, 2017

Return completed form to rezoning@denvergov.org

201 W. Colfax Ave., Dept. 205

Denver, CO 80202

720-865-2974 • rezoning@denvergov.org

April 12, 2018 \$1500 fee pd CC

LEGAL DESCRIPTION:

LOTS 1 THROUGH 5, INCLUSIVE, BLOCK 9, NORTH DENVER HEIGHTS, CITY AND COUNTY OF DENVER,
STATE OF COLORADO.

Attachment B: Proof of Ownership

4890 ZUNI ST

Owner	ZUNI 49 LLC 1600 WYNKOOP ST 200 DENVER , CO 80202-1157
Schedule Number	0216319001000
Legal Description	NORTH DENVER HEIGHTS B9 L1 TO 5
Property Type	INDUSTRIAL - CHURCH
Tax District	DENV

Property Description			
Style:	OTHER	Building Sqr. Foot:	4661
Bedrooms:		Baths Full/Half:	0/0
Effective Year Built:	1952	Basement/Finish:	0/0
Lot Size:	15,600	Zoned As:	E-SU-DX

Note: Valuation zoning may be different from City's new zoning code.

Current Year			
Actual	Assessed	Exempt	
Land			\$192,200 \$55,740 \$322
Improvements			\$259,300 \$75,200
Total			\$451,500 \$130,940

Prior Year			
Actual	Assessed	Exempt	
Land			\$76,900 \$22,300 \$96,510
Improvements			\$255,900 \$74,210
Total			\$332,800 \$96,510

Real Estates Property Taxes for current tax year			
Please click on additional information below to check for any delinquencies on this property/schedule number and for tax sale information.			
	Installment 1 (Feb 28 Feb 29 in Leap Years)	Installment 2 (Jun 15)	Full Payment (Due Apr 30)
Date Paid			
Original Tax Levy	\$0.00	\$0.00	\$0.00

Liens/Fees	\$0.00	\$0.00	\$0.00
Interest	\$0.00	\$0.00	\$0.00
Paid	\$0.00	\$0.00	\$0.00
Due	\$0.00	\$0.00	\$0.00

Additional Information

Note: If "Y" is shown below, there is a special situation pertaining to this parcel. For additional information about this, click on the name to take you to an explanation.

Additional Assessment ⓘ	N	Prior Year Delinquency ⓘ	N
Additional Owner(s) ⓘ	N	Scheduled to be Paid by Mortgage Company ⓘ	N
Adjustments ⓘ	N	Sewer/Storm Drainage Liens ⓘ	N
Local Improvement Assessment ⓘ	N	Tax Lien Sale ⓘ	N
Maintenance District ⓘ	N	Treasurer's Deed ⓘ	N
Pending Local Improvement ⓘ	N		

Real estate property taxes paid for prior tax year: **\$0.00**

Assessed Value for the current tax year

Assessed Land	\$22,300.00	Assessed Improvements	\$74,210.00
Exemption	\$96,510.00	Total Assessed Value	\$0.00



For this Record...

- Filing history and documents
- Get a certificate of good standing
- File a form
- Subscribe to email notification
- Unsubscribe from email notification

- Business Home
- Business Information
- Business Search

- FAQs, Glossary and Information

Summary

Details			
Name	Zuni 49 LLC		
Status	Good Standing	Formation date	12/21/2016
ID number	20161855151	Form	Limited Liability Company
Periodic report month	December	Jurisdiction	Colorado
Principal office street address	1600 Wynkoop St Ste 200, Denver, CO 80202, United States		
Principal office mailing address	n/a		

Registered Agent	
Name	Jerrold Glick
Street address	1600 Wynkoop St Ste 200, Denver, CO 80202, United States
Mailing address	n/a

- [Filing history and documents](#)
- [Get a certificate of good standing](#)
- [Get certified copies of documents](#)
- [File a form](#)
- [Set up secure business filing](#)
- [Subscribe to email notification](#)
- [Unsubscribe from email notification](#)

ATTACHMENT C: Written Authorization to Represent Property Owner

December 18, 2017

Denver Community Planning and Development
201 West Colfax
Denver, CO 80202

To Whom It May Concern:

Fredrick D. Glick is authorized to represent the property owner in the rezoning application process for the property at 4890 N. Zuni St.



Jerrold L. Glick
Manager
Zuni 49 LLC
1600 Wynkoop St., Suite 200
Denver, CO 80202

Attachment D: Review Criteria

CONSISTANCY WITH ADOPTED PLANS

The proposed map amendment is consistent with the stated objectives and strategies of the two applicable plans, *Denver Comprehensive Plan 2000* and *Blueprint Denver*.

Denver Comprehensive Plan 2000

The proposed map amendment is consistent with many specific Denver Comprehensive Plan Visions of Success and Strategies.

Environmental Sustainability

- *Vision of Success: Living patterns: Residents will be able to live more self-sufficient lives within their neighborhoods due to increased use of telecommuting policies and technology, expanded home-based employment, and a greater variety of commercial and recreational activity within neighborhoods.*

4890 Zuni represents one of the few opportunities within Chaffee Park to develop small-scale, neighborhood-serving commercial and retail space.

- *Strategy 2-B Protect and improve air quality by: Reducing vehicular pollution by...increasing the mix of uses within neighborhoods...*

Chaffee Park is homogeneously zoned for single-family residential use. 4890 Zuni represents one of the few opportunities to foster a mix of uses within the neighborhood. The developers plan to implement some Traffic Demand Management strategies (discussed below) to further reduce vehicular pollution.

- *Strategy 2-E Conserve raw materials by: Promoting efforts to adapt existing buildings for new uses, rather than destroying them.*

The re-use of the existing church building as a single-family residence in Chaffee Park in conformity with the existing zoning is unlikely and probably not economically viable. As discussed below, the proposed map amendment includes a waiver of certain parking requirements, without which the existing church building would likely be demolished.

- *Strategy 2-F Conserve land by: Promoting infill development within 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.*

This is an infill project and the use as a result of the proposed map amendment would use the services and infrastructure already in place at and adjacent to the site.

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; and that broadens the variety of compatible uses.*

The proposed map amendment would allow the redevelopment of 4890 Zuni into a small-scale commercial/retail node and would provide opportunities for more amenities and a variety of new, compatible uses.

- *Strategy 3-D Identify and enhance existing focal points in neighborhoods, and encourage the development of such focal points where none exist.*

While churches once were common focal points in neighborhoods, many smaller, neighborhood churches are no longer sustainable, or serve congregations who live outside the neighborhood. The proposed map amendment would permit the redevelopment of 4890 Zuni into a small retail and commercial center fostering the development of a neighborhood focal point where one once existed, but no longer does.

- *Strategy 4-B Ensure that land-use policies and decisions support a variety of mobility choices, including light rail, buses, paratransit, walking and bicycling, as well as convenient access for people with disabilities.*

The proposed map amendment would permit the development of a small retail and commercial node imbedded within the Chaffee Park neighborhood would contribute to the enhancement of walkability and bikeability in the neighborhood. Currently, retail and commercial development in the neighborhood is limited to auto-centric developments on Pecos Street and Federal Boulevard. Zuni Street is approximately one-half mile from either of these arterial roads and the proposed map amendment would put the majority of Chaffee Park within a walkable distance of ¼ mile from potential commercial or retail development.

The implementation of Traffic Demand Management strategies in conjunction with the waiver of certain parking requirements will further support a variety of mobility choices.

Mobility

- *Strategy 4-E Continue to promote mixed-use development, which enables people to live near work, retail and services.*

The proposed map amendment would allow an imbedded, mixed-use development, providing retail and employment opportunities near where residents live.

Legacy

- *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.*
- *Strategy 2-A Establish development standards to encourage positive change and diversity while protecting Denver's traditional character.*

While the existing church building is not designated “historic”, it does date to the development of the Chaffee Park neighborhood and is one of the few non-residential structures in the neighborhood. While no longer used as a church, its construction and design are typical of the neighborhood and its preservation and adaptive reuse would contribute to the preservation of the character of the neighborhood. The proposed map amendment would enable the economically-viable preservation of the church building.

- *Strategy 14-B Encourage developing communities to create shared community spaces that will serve the needs of and be accessible to a variety of organizations and groups.*

The proposed map amendment was developed through extensive consultation with the community, including discussions with individual community members, the Chaffee Park Registered Neighborhood Organization and their elected City Councilmember. The development proposes a large publicly-accessible courtyard space which would be made available to community organizations and groups. This open space would not be possible or economically viable without the proposed parking exemptions waiver.

Economic Activity

- *Vision of Success: Thriving neighborhood business centers: Denver's neighborhoods will be enlivened by successful retail, service and hospitality businesses that enable residents to enjoy a high quality of life close to home.*

As noted above, few other opportunities exist within Chaffee Park to create retail and commercial centers. Retail development on the perimeter (along Federal and Pecos) are mostly auto-centric, including fast food and convenience stores. The development of a high-quality commercial node within the neighborhood will contribute to the quality of life in Chaffee Park.

- *Strategy 5-A Support small-scale economic development in neighborhoods...Support development of neighborhood business centers that serve adjacent residential areas in existing neighborhoods...*

The proposed map amendment would support a use which includes small, neighborhood-serving retail and commercial spaces, providing opportunities for small businesses to establish and thrive within the neighborhood. The waiver of the ZPSE requirement for food and beverage use, as further discussed below, would reduce barriers to entry for small, local businesses.

Neighborhoods

- *Vision of Success: Community-building: Schools, libraries, recreation centers, game fields and places of worship are lively activity centers, bringing residents together for sociability, education and recreation. Small neighborhood retailers, such as coffee shops and bakeries, offer informal, impromptu gathering places.*

The proposed map amendment, on the site of a defunct place of worship (which in its most recent incarnation as a church served primarily congregants traveling from outside the neighborhood) would provide a venue for small neighborhood retailers to serve as informal gathering places. In addition, the waiver to include certain parking exemptions would enable development of a courtyard open space which would serve as both an impromptu gathering space and as a more intentional location for neighborhood activity.

- *Strategy 1-A Respect the intrinsic character and assets of individual neighborhoods. Use the City's neighborhood planning process to identify the assets, clarify residents' goals and integrate all neighborhoods into the fabric of the city. Neighborhood planning will accommodate appropriate infill and redevelopment.*

An area plan is not expected to be in process for Chaffee Park until the second phase of Denver's Neighborhood Planning Initiative. Community members have already voiced, through their RNO, their desire to see the infill development of a commercial/retail node to contribute to livability in the neighborhood.

- *Strategy 1-C Strengthen the sense of place in each neighborhood with adequate and well-designed, public-realm facilities such as branch libraries, recreation centers, fire stations, neighborhood businesses and retail areas. Continue to help activate neighborhood-based facilities such as places of worship and schools. Continue City support for public art and historic preservation as a focus for neighborhood identity and pride.*

The proposed map amendment would strengthen the sense of place in Chaffee Park by providing an opportunity for an imbedded neighborhood business and retail area and helping to activate the site of a defunct place of worship.

- *Strategy 1-E Modify land-use regulations to ensure flexibility to accommodate changing demographics and lifestyles. Allow, and in some places encourage, a diverse mix of housing types and affordable units, essential services, recreation, business and employment, home-based businesses, schools, transportation and open space networks.*

The proposed map amendment would provide flexibility to accommodate the changing demographics and lifestyles of the Chaffee Park neighborhood by encouraging the development of walkable, neighborhood-serving businesses and employment.

Human Services

- *Strategy 3-A Promote opportunities that bring people together to build connections to each other, family members, their peers, their neighbors, and the greater community.*

Such endeavors could range from coffeehouses to community centers to cultural celebrations.

The redevelopment of 4890 Zuni would, as discussed above, provide a venue for both informal and intentional opportunities for community members to come together and build connections to each other.

Blueprint Denver

According to Blueprint Denver, the Chaffe Park neighborhood has a concept land use of single-family residential and is located within an Area of Stability.

The goal for the Areas of Stability is to identify and maintain the character of the area **while accommodating some new development and redevelopment.**

Blueprint Denver states “*in stable residential neighborhoods there often are areas that would benefit from change, such as stagnant commercial development that would benefit from revitalization and possibly provide some neighborhood services.*” While 4890 Zuni is zoned residential currently, its use was non-residential, as a place of worship. This use has become less viable in this neighborhood and the neighborhood would benefit from the redevelopment of the property.

While Blueprint Denver does not identify Reinvestment Areas, we believe Chaffee Park would be classified as a Reinvestment Area, rather than a Committed Area, and the redevelopment of this site would be consistent with Blueprint Denver’s statement that these areas “*would benefit from reinvestment through **modest infill and redevelopment,***” such as, “***redeveloping underutilized land to provide needed neighborhood services.***”

Blueprint Denver explicitly states that one of the roles of regulation in Areas of Stability “*is to make sure that beneficial commercial development in reinvestment areas is not impeded and that any redevelopment that occurs is attractive and supportive of transit, walking and bicycling.*”

The proposed map amendment would support these objectives. 4890 Zuni is currently underutilized and, in its previous use as a church, a majority of the site was dedicated to surface parking and used only occasionally. The proposed map amendment would enable and support a modest infill redevelopment which provides needed neighborhood services. Such a project would further support transit, walking and bicycling by providing these services within the neighborhood and adjacent to a transit route and future bike lane route. The vast majority of Chaffee Park residents would, for the first time, be able to walk or bike to a commercial development without traveling on an arterial street.

The proposed map amendment to facilitate the creation of a Neighborhood Center would be consistent with Blueprint Denver. Blueprint Denver explicitly recognizes the benefits to other Denver neighborhoods of the historic streetcar retail nodes. Chaffee Park, because it was

developed as Denver's streetcar network was being dismantled, was deprived of that benefit, something this map amendment would help to rectify.

UNIFORMITY OF DISTRICT REGULATIONS AND RESTRICTIONS

The proposed rezoning to E-MX-2x would result in the uniform application of zone district building form, use, and design regulations for the Urban Edge Neighborhood Context.

PUBLIC HEALTH, SAFETY AND GENERAL WELFARE

The proposed rezoning furthers the public health, safety, and general welfare of the City through the implementation of the City's adopted land use plans, including Comprehensive Plan 2000 and Blueprint Denver. The proposed zoning would permit the creation of a community-serving neighborhood commercial/retail node which contributes to neighborhood walkability and bikeability. The proposed parking exemption could allow the creation of community-serving amenity space.

JUSTIFYING CIRCUMSTANCES

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

When Chaffee Park was platted and built, churches often served as community focal points and thus land imbedded with the neighborhood was set aside for church use. The church at 4890 Zuni closed in 2016 when its congregation moved to Thornton and it no longer serves as a neighborhood focal point. It should be noted that the previous church user served a congregation from outside the neighborhood.

Throughout the City of Denver, small, neighborhood churches have become economically unviable and their role as centers of community has lapsed. This represents a significant change of circumstances and it is in the public interest to encourage the redevelopment of the property through the proposed map amendment which would enable the site to serve its originally intended role as a community focal point, the importance of which is explicitly recognized in Blueprint Denver. Small neighborhood commercial nodes and the small business they house (such as coffeeshops and bakeries) have frequently assumed this role throughout the city. Chaffee Park residents, individually and through the Chaffee Park Neighborhood Association have expressed to the applicant and elected representatives their strong desire for the development of appropriately-sized, walkable commercial and retail development within the neighborhood and specifically at this site.

Chaffee Park was platted and built in the middle of the Twentieth Century, an era when automobiles were prioritized, and existing public transit networks were being dismantled. The importance of walkability to Denver's neighborhoods and residents has increased substantially in recent years, as evidenced in the emphasis Denver's current comprehensive planning effort,

Denver, has placed on pedestrians and walkability, as well as in the rising prominence of pedestrian and bike advocacy groups, such as WalkDenver and BikeDenver and public support for walkability initiatives, such as those included in the recent Denver GO Bond. The contribution to walkability that small, imbedded commercial nodes makes is being increasingly recognized in Denver's planning efforts and documented through academic research. This evolving understanding and prioritization of walkability and its importance to building strong, livable neighborhoods is a changing circumstance both in Chaffee Park and throughout Denver and it is in the public interest to encourage development which enables and promotes walkability through the proposed map amendment.

Nearby redevelopment within one half-mile, or approximately a fifteen-minute walk, includes the Aria development along 52nd Avenue and multiple multi-family projects along West 46th Avenue, between Pecos and Zuni Streets. This re-development has created increased residential density within a walkable radius and is a change of circumstance and it is in the public interest to promote walkable commercial redevelopment to serve these residents through the proposed map amendment.

CONSISTENCY WITH NEIGHBORHOOD CONTEXT AND PURPOSE AND INTENT OF PROPOSED ZONE DISTRICT

The proposed map amendment is consistent with the description of the Urban Edge Neighborhood Context, and with the stated purpose and intent of the proposed MX-2x Zone District.

The proposed map amendment would:

- enable development of a small-scale commercial area embedded in a residential area using the Shopfront or General forms (DZC Section 4.1.1).
- maintain the consistent street, block and access patterns (DZC Section 4.1.2).
- provide for consistent building orientation with some landscaping (DZC Section 4.1.3).
- allow development of low scale, mixed use structures (DZC Section 4.1.4).
- provide access to the multimodal transportation system, with direct access to the transit system on Zuni Street, and encourage pedestrian and bicycle activity (DZC 4.1.5).

The proposed map amendment is consistent with the stated purpose of the mixed-use districts by promoting safe, active, and pedestrian-scaled development which would enhance the convenience and ease of walking, shopping and public gathering within the Chaffee Park neighborhood. The development the map amendment would enable would contribute positively to the established residential neighborhood surrounding it and contribute to the character of the neighborhood by encouraging both quality new construction and the retention of the existing church structure.

The site is an intersection served by local and collector streets, embedded within an existing neighborhood where a scale of 1 to 2 stories is desired. The proposed map amendment would support a consistent pattern of buildings placed at the street to offer an active street front.

Attachment E: Requested Waivers Description and Justification

The request for waivers on this project is supported by on-going discussions at Community Planning and Development (CPD) and City Council about future text amendments to the Denver Zoning Code concerning the re-use of churches, including distinct regulations concerning the adaptive re-use of church properties.

In addition, there are on-going conversations between CPD and City Council concerning future text amendments to parking minimums and exemptions.

The request for waivers is further supported by on-going discussions related to the update of Blueprint Denver concerning the re-use of church and other institutional properties, as well as concerning the integration of commercial amenities into Urban Edge residential areas.

We understand that there have been discussions at Blueprint Denver Task Force meetings concerning the ZPSE requirement for Eating and Drinking Uses in MX-2x districts. While this may not have yet translated in an articulated, proposed text amendment, we believe the active dialogue about this subject within the comprehensive planning process meets the stated CPD policy of considering waivers and conditions only as a ‘path’ to a future text amendment.

Applicant requests three waivers:

- 1) Waive the “ZPSE” (Subject to Zoning Permit with Special Exception Review) zoning review procedure for the Eating & Drinking Establishments Use Category in Denver Zoning Code Section 4.4.4, and instead shall be “ZP” (Zoning Permit Review). The intent of the waiver is to allow Eating and Drinking Establishments to be permitted without Special Exception Review by the Board of Adjustment, subject to applicable use limitations.**

The requirement for a Zoning Permit with Special Exception Review creates an economic burden which reduces the viability of the project and creates a barrier to entry for small businesses. As a disincentive to small businesses and an additional cost which is ultimately borne by tenants, the ZPSE process may also reduce the economic inclusivity of local centers to which it is applied and make locally-owned small businesses less viable as tenants in these centers.

The ZPSE process requires preparation of drawings and other materials for submission to the Zoning Board of Adjustment. The costs of these materials can be significant, particularly for a small business. In addition, the time required for the ZPSE process, beginning with scheduling a pre-submittal conferences, followed by preparation and revision of materials and the delay between submittal and hearing (sometimes two-months or more) creates significant uncertainty and risk for a small business.

Commercial areas already serving Chaffee Park along Federal Boulevard and Pecos Street often have difficulty attracting tenants *without* the requirement to obtain a ZPSE.

The ZPSE requirement would put development at 4890 Zuni at a significant competitive disadvantage.

The ZPSE requirement, as stated in DZC Section 4.4.3.3, is intended to protect neighborhoods from “potential impacts” of non-residential development. Chaffee Park residents, both individually and through their Registered Neighborhood Association, have had significant opportunity to review the applicant’s plans for the property and have endorsed and actively requested eating and drinking establishments be part of the proposed development.

The map amendment process provides substantial opportunity for community members to review and publicly comment before Planning Board and City Council on this use. The ZPSE requirement simply requires an application to one more public body, adding cost for both tenant and developer.

In addition, future liquor license applications will provide opportunity for the residents to review proposed tenant operations at a more detailed level and negotiate appropriate limitations and restrictions which can readily be enforced against the establishment’s liquor license through a Good Neighbor Agreement, **giving community members direct voice in the decision-making and negotiation process**, as opposed to these restrictions being negotiated on their behalf.

We believe this waiver is consistent with Blueprint Denver’s concept of engaging residents in the planning process and requiring the action of citizens for successful implementation. Our team has been meeting regularly with the Chaffee Park RNO, individual residents and their elected representatives since November 2016 to develop this proposal and the broad community support it has received reflects that resident engagement. It is worth noting that there is no small area plan for Chaffee Park and residents expressed frustration that they would not have an opportunity to engage on that level of localized planning until 2019 or 2020.

It has been suggested that the ZPSE could be obtained during the initial entitlements process, prior to construction and leasing, but while this may be technically allowed, Zoning Board of Adjustment staff have indicated this has not happened in the last six years and they felt that without a tenant engaged in the process the Board would be unlikely to grant a ZPSE.

It is worth noting that other neighborhoods have supported re-zonings specifically to remove the ZPSE requirement. For example, recognizing the burden the ZPSE process placed on the owner of 300 Elati St., the Baker Historic Neighborhood Association specifically supported the rezoning of that property to MX-2, rather than MX-2x.

The Blueprint Denver 2002 Diagnostic, published as part of the Denveright process, highlighted the imbalance of new mixed-use development in Denver towards housing. The ZPSE requirement for the Eating & Drinking Establishments is a disincentive to

commercial development in the MX-2x zone districts and developers may have difficulty financing a commercial project when a use critical to the proforma is uncertain.

The requested waiver is consistent with a number of strategies approved in the Denver Comprehensive Plan 2000, including:

- *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; and that broadens the variety of compatible uses.*

The proposed waiver supports the development of additional neighborhood amenities by removing a substantial barrier to entry for desired amenities such as restaurants and coffee shops.

- *Land Use Strategy 3-D Identify and enhance existing focal points in neighborhoods, and encourage the development of such focal points where none exist.*

The viability of the proposed development as a neighborhood focal point is closely tied to its ability to attract and retain eating and drinking establishments. The proposed waiver will help the development to attract such establishments.

- *Mobility Strategy 4-E Continue to promote mixed-use development, which enables people to live near work, retail and services.*

The requested waiver removes a barrier to true mixed-use development on the site.

- *Economic Activity Strategy 5-A Support small-scale economic development in neighborhoods...Support development of neighborhood business centers that serve adjacent residential areas in existing neighborhoods...*

The requested waiver removed a barrier to entry for small, local businesses, supporting small-scale economic development.

- *Neighborhoods Vision of Success: Community-building: Schools, libraries, recreation centers, game fields and places of worship are lively activity centers, bringing residents together for sociability, education and recreation. Small neighborhood retailers, such as coffee shops and bakeries, offer informal, impromptu gathering places.*

The proposed waiver contributes to this vision by reducing barriers to entry for “small neighborhood retailers, such as coffee shops and bakeries.”

Blueprint Denver explicitly states that one of the roles of regulation in Areas of Stability “*is to make sure that beneficial commercial development in reinvestment areas is not impeded.*”

The proposed waiver is consistent with this intent by removing an impediment to beneficial commercial development in the area.

- 2) **Waive the required minimum vehicle parking for all primary use classifications, except Residential Primary Use Classification, in District Specific Standards in Denver Zoning Code Section 4.4.4, and instead shall be “Vehicle: No Parking Requirements.” The intent of the waiver is to require no minimum vehicle parking for non-residential primary uses.**

The project seeks to preserve the existing church building, provide community amenity space (a plaza), and contribute to neighborhood walkability.

Development Services has indicated that “all vehicle access must occur from the alleyway,” which would require the complete or partial demolition of the existing building. In addition, without this parking exemption the applicant will likely have to eliminate the proposed plaza.

Such an outcome would be contrary to a number of the envisioned outcomes of Denver’s approved land use plans, including Comprehensive Plan 2000 and Blueprint Denver, as detailed in Attachment D above. In particular, this waiver is consistent with Denver Comprehensive Plan 2000 Environmental Sustainability Strategies 2-E and 2-F, Land Use Strategy 4-B and Legacy Strategies 1-B, 2-A and 14-B.

Almost all residences in the neighborhood have off-street parking, including garages and driveways. There is currently no competition for on-street parking and as an area of stability with high home ownership there is no expectation of significantly increased residential densification.

Chaffee Park residents, both individually and through their Registered Neighborhood Association, have expressed their desire that development on this site include little or no off-street parking to promote a walkable development with significant neighborhood amenities.

Residential uses have been excluded from this waiver to reflect stated opposition by Chaffee Park residents to having multi-family residential at this specific location and provide protection in the event of future redevelopment.

- 3) **Waive the required minimum bicycle parking for all primary use classifications, except Residential Primary Use Classification, in District Specific Standards in Denver Zoning Code Section 4.4.4. Required minimum bicycle parking spaces shall be as required in Bicycle Parking Categories in Denver Zoning Code Section 10.4.9.2, except that minimum bicycle parking spaces required for Commercial**

High, Commercial Medium, Public Use High and Public Use Medium parking categories shall be as indicated in Table 1.1 below:

Parking Category	Minimum Bicycle Parking Spaces Required
Commercial High	1/2,500 sq. ft. GFA
Commercial Medium	1/10,000 sq. ft. GFA
Public Use High	1/10,000 sq. ft. GFA
Public Use Medium	1/5,000 sq. ft. GFA

Parking categories, as used to determine required minimum bicycle parking for specific use types, shall be as defined in Denver Zoning Code Section 10.4.9, Parking Categories. The intent of this waiver is to increase the amount of minimum required bicycle parking spaces for primary uses classified as Commercial High, Commercial Medium, Public Use High and Public Use Medium parking categories.

In order to encourage the use of bicycles for both customers and tenants and as a Transportation Demand Management strategy, we propose to provide bicycle parking at twice the required minimum for non-residential uses. This will complement the planned bike lane on Zuni Street. (DS Transportation informed us that it would not be possible for us to install a pedestrian bulb-out at the corner because it would interfere with the planned bike lane.)

In addition, we would implement additional Transportation Demand Strategies as feasible. This might include measures such as emphasizing alternate modes of access in promotional materials (including on tenant websites), encouraging tenant employee use of alternative modes, and further improvements to encourage pedestrian access to the site, such as art crosswalks and designated stroller parking.

This waiver is consistent with Blueprint Denver’s mandate to enhance bicycle infrastructure, as well as Denver Comprehensive Plan 2000 Land Use Strategy 4-B, *“Ensure that land-use policies and decisions support a variety of mobility choices, including light rail, buses, paratransit, walking and bicycling, as well as convenient access for people with disabilities.”*

Proposed Waivers:

Per Denver Zoning Code Section 12.4.10.6, Waivers of Rights and Obligations and Approval of Reasonable Conditions, I, the undersigned applicant for the property under application for the rezoning referenced herein, request that the E-MX-2x zoning classification of the land described herein include the following waivers:

1. Waive the "ZPSE" (Subject to Zoning Permit with Special Exception Review) zoning review procedure for the Eating & Drinking Establishments Use Category in Denver Zoning Code Section 4.4.4, and instead shall be "ZP" (Zoning Permit Review). The intent of the waiver is to allow Eating and Drinking Establishments to be permitted without Special Exception Review by the Board of Adjustment, subject to applicable use limitations.
2. Waive the required minimum vehicle parking for all primary use classifications, except Residential Primary Use Classification, in District Specific Standards in Denver Zoning Code Section 4.4.4, and instead shall be "Vehicle: No Parking Requirements." The intent of the waiver is to require no minimum vehicle parking for non-residential primary uses.
3. Waive the required minimum bicycle parking for all primary use classifications, except Residential Primary Use Classification, in District Specific Standards in Denver Zoning Code Section 4.4.4. Required minimum bicycle parking spaces shall be as required in Bicycle Parking Categories in Denver Zoning Code Section 10.4.9.2, except that minimum bicycle parking spaces required for Commercial High, Commercial Medium, Public Use High and Public Use Medium parking categories shall be as indicated in Table 1.1 below:

Parking Category	Minimum Bicycle Parking Spaces Required
Commercial High	1/2,500 sq. ft. GFA
Commercial Medium	1/10,000 sq. ft. GFA
Public Use High	1/10,000 sq. ft. GFA
Public Use Medium	1/5,000 sq. ft. GFA

Parking categories, as used to determine required minimum bicycle parking for specific use types, shall be as defined in Denver Zoning Code Section 10.4.9, Parking Categories. The intent of this waiver is to increase the amount of minimum required bicycle parking spaces for primary uses classified as Commercial High, Commercial Medium, Public Use High and Public Use Medium parking categories.

Agreed to by:

Zuni 49 LLC


Jerrold L. Glick, Manager

4/12/18
Date