



201 W. Colfax Ave., Dept. 205
Denver, CO 80202
p: 720.865.2915
f: 720.865.3052
www.denvergov.org/CPD

TO: City Council Neighborhoods and Planning Committee
FROM: Steven Chester, Associate City Planner
DATE: October 9, 2014
RE: Official Zoning Map Amendment Application #2014I-00017
2298 Clay St.
Rezoning from G-MU-3 UO-3 to U-MX-2x

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2014I-00017 for a rezoning from **G-MU-3 UO-3 to U-MX-2x**.

Request for Rezoning

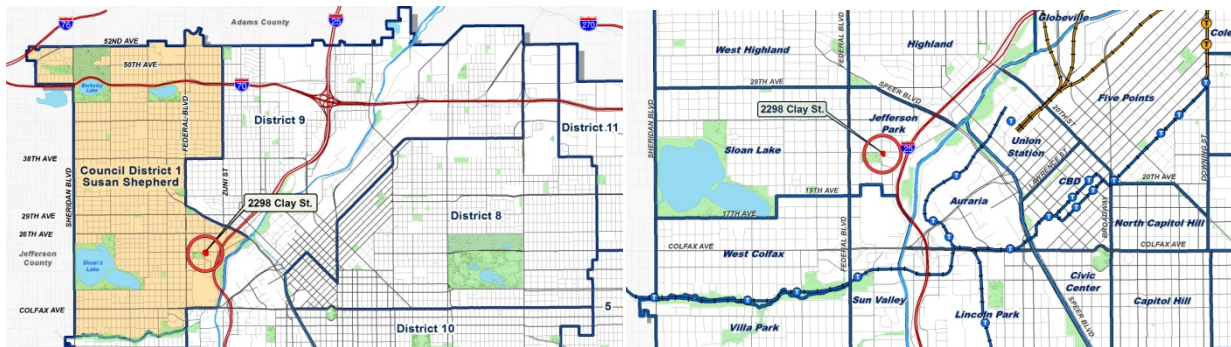
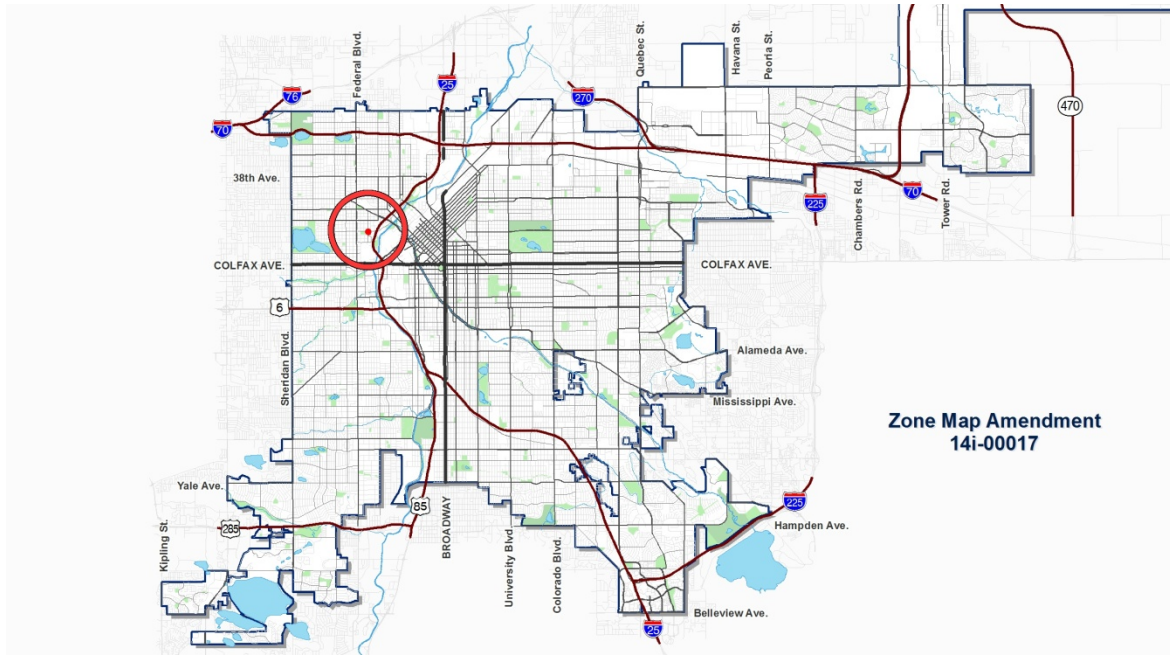
Application: #2014I-0017
Address: 2298 Clay St.
Neighborhood/Council District: Jefferson Park / District 1
RNOs: Jefferson Park United Neighbors, Federal Boulevard Corridor Improvement Partnership, Northwest Quadrant Association, Denver Neighborhood Association, Inc., Inter-Neighborhood Cooperation, Denver Urban Resident Association
Area of Property: 3,020 square feet
Current Zoning: G-MU-3 UO-3
Proposed Zoning: U-MX-2x
Property Owner(s): River Commercial, LLC
Owner Representative: Robert J. Gollick, Robert J. Gollick, Inc.

Summary of Rezoning Request

- The site is located in Northwest Denver, in Council District 1, within the Jefferson Park Statistical Neighborhood.
- The property currently contains both a non-residential and residential structure bounded by W 23rd Ave to the north, Clay St to the west, and River Dr to the south. Single family houses found to the east, multi-family to the south, open space to the west, and single family and two-unit residential to the north.
- The property is currently zoned G-MU-3, allowing for nonresidential uses (those allowed in MS-2x) in existing business structures in a residential zone (11.4.3), allowing for nonresidential uses to be operated in existing business structures
- The desire to expand non-residential uses for the entire parcel initiated the rezoning process

The requested zone district title, U-MX-2x, is defined as the **Urban** Neighborhood Context – **Mixed Use** that allows buildings up to **two (2) stories**. The Urban Neighborhood Context is characterized by single-unit and two-unit residential uses. Small-scale multi-unit residential uses and commercial areas are typically embedded in residential areas. Commercial buildings are typically Shop front and

General forms that may contain a mixture of uses within the same building. Further details of the zone districts can be found in Article 5 of the Denver Zoning Code (DZC 5.1).



Existing Context

The property currently contains a commercial and residential structure at the corner of W 23rd Avenue, Clay St, and River Dr in the Jefferson Park neighborhood. The property has single family houses to the east, multi-family to the south, open space to the west, and single family and two-unit residential to the north.

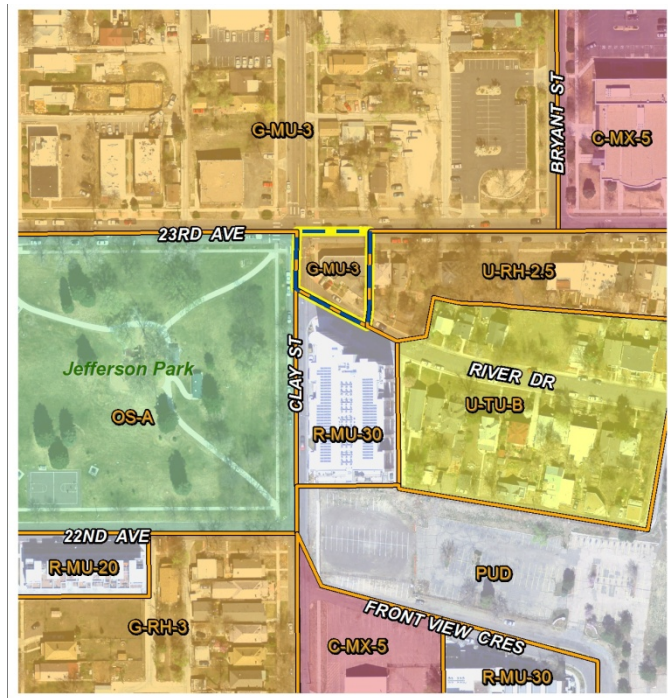
The following table summarizes the existing context proximate to the subject site:

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	G-MU-3 UO-3	Retail	1-2 story buildings	Typical Denver City street grid; however here is no alley access for this parcel.
North	G-MU-3 UO-3	SF residential	1-2 story buildings	
South	R-MU-30	Multi-family residential	6- story buildings	
East	U-RH-2.5 UO-3	SF residential	1-2 story buildings	
West	OS-A UO-3	Open space	Open space	

1. Existing Land Use Map



2. Existing Zoning



The existing G-MU-3 UO-3 zoning was adopted by City Council in 2010 as part of the citywide new code effort. G-MU-3 allows multi-unit residential with a maximum of 3 stories. UO-3, the Historic Structure Use Overlay District allows for a small list of commercial uses in residential districts (office, art studio, bed and breakfast). Since the proposed U-MX-2x will allow all of those uses, UO-3 is no longer necessary. The site was allowed all uses under U-MS-2 as a historic commercial building in a residential zone district. The 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 – There is no objection to the rezone, however applicant should be under notice that the Public Works will not approve any development of this property without assurance that there is sufficient sanitary and storm sewer capacity. A sanitary study and drainage study may be necessary. These studies may result in a requirement for the developer to install major infrastructure improvements or a limit to development if current infrastructure is insufficient.

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

Public Works – Transportation: Approve – DS Transportation approves the subject zoning change. The applicant should note that redevelopment of this site may require additional engineering, ROW dedication to the City, access changes, traffic studies and/or right of way improvements. The extent of the required design and improvements will be determined once this property begins the redevelopment process. The results of any traffic studies may require the construction of off-site mitigation or may limit the proposed density of the project.

Parks and Recreation: Approve – While the existing zoning may better support the 2005 Jefferson Park Neighborhood Plan, the proposed zoning does not appear to be detrimental to the park.

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 July 3, 2014.
- Planning Board notification process
 - The property was legally posted for a period of 15 days announcing the September 17, 2014, Denver Planning Board public hearing, and written notification of the hearing was sent to all affected registered neighborhood organizations and City Council members.
- NAP
 - Written notification of the October 15, 2014 meeting of the Neighborhoods and Planning Committee was sent to all affected registered neighborhood organizations and City Council members on October 1, 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.
- Registered Neighborhood Organizations (RNOs): Jefferson Park United Neighbors; Federal Boulevard Corridor Improvement Partnership; Northwest Quadrant Association; Inter-Neighborhood Cooperation; Denver Neighborhood Association
 - Jefferson Park United Neighbors along with the River Clay HOA submitted a letter of support with the stipulation that a good neighbor agreement or some other form of binding agreement be reached with the developer to address their concerns of parking, hours of operation, odors associated with brewing, and deliveries and trash removal.
- Other Public Input
 - A list of ~100 signatures of support of the rezoning was submitted to Planning Board
 - At the time of this staff report, no further correspondence regarding this application had been received.

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)
- Jefferson Park Neighborhood Plan (2005)

Denver Comprehensive Plan 2000

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

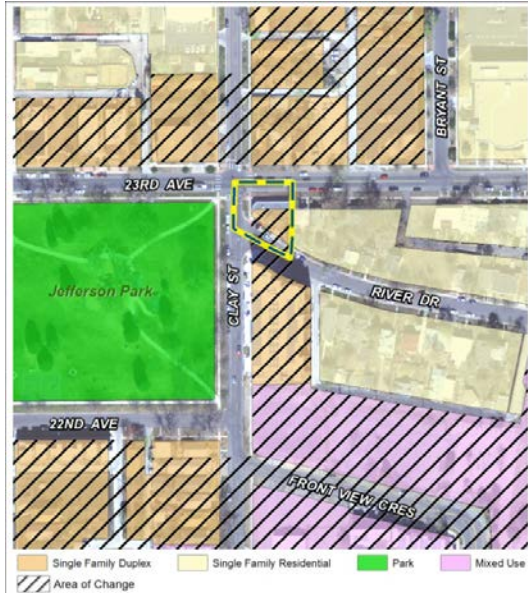
- Environmental Sustainability Strategy 2-F – *Conserve land by promoting infill development with Denver at sites where services and infrastructure are already in place; designing mixed use communities and reducing sprawl so that residents can live, work and play within their own neighborhoods.*
- Land 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 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.*
- Neighborhood Strategy 1-F – *Invest in neighborhoods to help meet citywide goals and objectives for a range of housing types and prices, community facilities, human services and mobility.*
- Strategy 4-E - *Continue to promote mixed-use development, which enables people to live near work, retail and services.*

The proposed map amendment will ensure quality adaptive re-use and infill development consistent with city goals and strategies can occur on this property. 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 Single-Family Duplex. The site is located in an Area of Change, and 23rd Ave and Clay St have a future street

classification of residential collector, while River Dr is an undesignated local street.



Blueprint Denver
Future Land Use Map

Future Land Use

The Blueprint Denver Future Land Use concept for the site is “Single Family Duplex”. According to Blueprint Denver, “Single family duplex residential areas are moderately dense areas that are primarily residential but with some complementary, small-scale commercial uses”.

The proposed rezoning will allow land uses and building forms consistent with the single family duplex land use designation.

Area of Change / Area of Stability

“The purpose of Areas of Change is to channel growth where it will be beneficial and can best improve access to jobs, housing and services with fewer and shorter auto trips. Areas of Change are parts of the city where most people agree that development or redevelopment would be beneficial.” (P. 127)

The proposed U-MX-2x rezoning will support reinvestment into the neighborhood, growth and access to jobs within a designated Area of Change, and ensure a compatible development with adjacent existing land uses and building forms. The rezoning application is consistent with the Blueprint Denver Area of Change.

Future Street Classifications

The property fronts 23rd Ave, a residential collector street, and Clay St, also residential collector street. Collectors are designed to provide a greater balance between mobility and land access within residential, commercial, and industrial areas. 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.

U-MX-2x is a zone district that allows residential and neighborhood focused commercial uses and is consistent with the Blueprint Denver future street classification of Clay St and 23rd Ave as a Residential Collector street.

The proposed rezoning is consistent with the referenced Blueprint Denver recommendations.

Small Area Plan: *Jefferson Park Neighborhood Plan (2005)*

The Jefferson Park Neighborhood Plan was adopted by City Council in 2005, 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 sub area identified goals for this area of the neighborhood including that this area have higher density than the core Residential area of Jefferson Park to provide more “eyes on the park” for safety and increased pedestrian activity. Additionally, the plan recommends bringing zoning into closer conformance with the existing land use and the land use vision. The plan also recommends the accommodation of new development in currently underutilized areas of the neighborhood.

Jefferson Park Neighborhood Plan Recommendations

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

Land Use / Urban Form / Zoning (p. 22)

- Maintain and enhance the character and identity of the historic Jefferson Park neighborhood
- Bring zoning into closer conformance with the existing land use and the land use vision
- Enhance residents’ ability to work, shop and recreate within the neighborhood
- Facilitate a sense of community through quality design
- Preserve views to Downtown, emphasizing the topography of the neighborhood

Park Face Sub Area (p. 45)

- Preserve the view of Downtown Denver from the west side of Jefferson Park.
- Increase safety and reduce illegal activity in the Park.
- Increase activity in the Park

U-MX-2x implements the Small Area Plan in three main areas:

- Landuse – The plan recommends land uses that will enhance resident’s ability to work and shop in the neighborhood which the proposed zoning will allow.
- Building Heights – The plan specifically calls for the preservation of views of downtown from the park, which the 2 story maximum height will achieve
- The neighborhood plan also recommends CPD work towards bring zoning into close conformance with existing land uses, which the proposed accomplished by bring in this legal non-conforming use into a more applicable zone district

2. Uniformity of District Regulations and Restrictions

The proposed rezoning from G-MU-3 UO-3 to U-MX-2x will result in the uniform application of zone district building form, use and design regulations. The Urban neighborhood context is found throughout this part of the Jefferson Park neighborhood and is found directly adjacent to the south 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. U-MX-2x is a zone district that allows embedded small scale commercial uses, thus improving the neighborhood character, and strengthening the walkable nature of the area.

4. Justifying Circumstance

The application identifies several changed or changing conditions as the Justifying Circumstance under DZC Section 12.4.10.8.A.4, "The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area." As discussed above, adopted plan recommendations state that this area should contain primarily residential uses with the inclusion of embedded commercial uses. This is an appropriate justifying circumstance for the proposed rezoning.

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

The requested U-MX-2x zone district is within the Urban Neighborhood Context. The neighborhood context is primarily characterized by single-unit and two-unit residential uses. Small-scale multi-unit residential uses and commercial areas are typically embedded in residential areas. (DZC, Division 5.1). The proposed rezoning to U-MX-2x brings a legal non-conforming use into its most applicable zone district and is consistent with the neighborhood context description.

According to the zone district intent stated in the Denver Zoning Code, the U-MX-2x district "applies to small sites served primarily by local streets embedded within an existing or proposed neighborhood. These are typically one or two parcels and are limited to low scale building forms and low intensity uses" (DZC Section 5.2.3.2.).

Planning Board Recommendation

At a properly noticed public hearing on September 17, 2014, the Denver Planning Board heard testimony from the applicant and from 6 residents in support of the application. After considering the written record and oral testimony, the Planning Board voted 9-0 to recommend approval.

Staff Recommendation

Based on the analysis set forth above, CPD staff finds that the application for rezoning the property located at 2298 Clay St to U-MX-2x zone district meets the requisite review criteria. Accordingly, staff recommends approval.

Attachments

1. Application

Rezoning Application #2014I-0014
2298 Clay St
October 9, 2014
Page 10

2. JPUN letter

Zone Map Amendment (Rezoning) - Application

1/26/12

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	River Commercial, LLC	Representative Name	Robert J. Gollick, Inc.
Address	2899 Speer Boulevard, Suite 102	Address	609 South Gaylord Street
City, State, Zip	Denver, Colorado 80211	City, State, Zip	Denver, Colorado 80209
Telephone	303 477-5550	Telephone	303 722-8771
Email	david@realarchitecture.com	Email	bgollick@comcast.net
<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):	2298 Clay Street		
Assessor's Parcel Numbers:	0232122044000		
Legal Description: (Can be submitted as an attachment. If metes & bounds, a map is required.)	Please Refer to Exhibit "C" Contained in the Addendum		
Area in Acres or Square Feet:	0.069± acres or 3,020± square feet		
Current Zone District(s):	G-MU-3 UO-3 (3-story Multiple-Unit)		
PROPOSAL			
Proposed Zone District:	U-MX-2x (2-Story Mixed-Use)	20014I-00017: 8.3.14	



REVIEW CRITERIA	
<p>General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.13</p>	<p><input checked="" type="checkbox"/> Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan</p> <p>Please provide an attachment describing relevant adopted plans and how proposed map amendment is consistent with those plan recommendations; or, describe how the map amendment is necessary to provide for an unanticipated community need.</p> <p><input checked="" type="checkbox"/> Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.</p> <p><input checked="" type="checkbox"/> Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</p>
<p>Additional Review Criteria for Non-Legislative Rezoning: The proposal must comply with both of the additional review criteria DZC Sec. 12.4.10.14</p>	<p>Justifying Circumstances - One of the following circumstances exists:</p> <p><input type="checkbox"/> The existing zoning of the land was the result of an error.</p> <p><input type="checkbox"/> The existing zoning of the land was based on a mistake of fact.</p> <p><input type="checkbox"/> The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage.</p> <p><input checked="" type="checkbox"/> The land or its surroundings has changed or is changing to such a degree that rezoning that it is in the public interest to encourage a redevelopment of the area to recognize the changed character of the area</p> <p><input type="checkbox"/> It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (Overlay Zone Districts), of this Code.</p> <p>Please provide an attachment describing the justifying circumstance.</p> <p><input checked="" type="checkbox"/> The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.</p> <p>Please provide an attachment describing how the above criterion is met.</p>
ATTACHMENTS	
Please check any attachments provided with this application:	
<input checked="" type="checkbox"/> Authorization for Representative <input checked="" type="checkbox"/> Proof of Ownership Document(s) <input type="checkbox"/> Legal Description <input checked="" type="checkbox"/> Review Criteria	
Please list any additional attachments:	
<p>Please Refer to the Addendum Pages for all Exhibits</p> <p>Exhibit "A": Description of Consistency with Adopted City Plans (DRMC 12.4.10.13(A, B & C))</p> <p>Exhibit "B": Description of Justifying Circumstances and Neighborhood Context (DRMC 12.4.10.14(A & B))</p> <p>Exhibit "C": Legal Description and Graphic Exhibit</p> <p>Exhibit "D": Proof of Ownership</p> <p>Exhibit "E": Letter of Authorization for Robert J. Gollick, Inc. to act as Representative</p> <p>Exhibit "F": RNO Correspondence</p>	



DENVER
THE MILE HIGH CITY

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
River Commercial, LLC	2899 Speer Boulevard, Suite 102 Denver, Colorado 80211 303 477-5550 david@realarchitecture.com	100%	<i>David L. Berton</i> DAVID L. BERTON	8/4/14	A	Yes

www.denvergov.org/rezoning



201 W. Colfax Ave., Dept. 205

Denver, CO 80202

(720) 865-2983 • rezoning@denvergov.org

June 24, 2014

Rev: August 3, 2014

Addendum Pages to the proposed Official Zone Map Amendment Application for:

2298 Clay Street (Also addresses as 2641 West River Drive and 2642 West 23rd)

Application No. 2014I-00017

Current Zoning: G-MU-3

Proposed Zoning: U-MX-2x

Property Owner Information

Schedule Numbers: 0131429005000

River Commercial, LLC,

David Berton Managing Member

2898 Speer Boulevard, Suite 102

Denver, Colorado 80211

Authorized Representative:

Robert J. Gollick, Inc. (Bob Gollick)

609 South Gaylord Street

Denver, Colorado 80209

303 722-8771

bgollick@comcast.net

Project Intent Statement

The building on the subject property was constructed in the early 1900's approximately 100 years ago. Since that time, the structure has been used for a variety of commercial uses such as a restaurant, bar, print shop, grocery store, and most recently a retail clothing shop for sale of wedding dresses.

During the 2010 zoning code update, the property was zoned G-MU-3 (General Multiple Unit up to 3-stories). Per the zoning permit staff, the 2010 zone change resulted in the structure becoming a compliant structure with a nonconforming use(s). Thus the structure can continue to have commercial uses operate on the premise. However, each time a use or tenant changes, the owner must apply for a Board of Adjustment ruling on the use.

This has become a hardship on the owner as well as the Board of Adjustment and thus the intent of the proposed map amendment is to allow commercial uses (in this case a neighborhood serving brewpub) thus correcting this situation.

Exhibit "A": Description of Consistency with Adopted City Plans

REVIEW CRITERIA

The proposed map amendment is consistent with the following three adopted plans.

- 1. Denver Comprehensive Plan 2000,**
- 2. Blueprint Denver, and**
- 3. Jefferson Park Neighborhood Plan.**

Review Criteria 1. Denver Comprehensive Plan 2000

LAND USE CHAPTER

Objective 1: Citywide Land Use and Transportation Plan

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.

Objective 3: Residential Neighborhoods and Business Centers

Accommodating New Development

Objective 4 Land Use and Transportation

Strategy 1-C: Incorporate relevant recommendations from neighborhood, corridor and area plans that are supplements to Plan 2000. Examples are the plans for Stapleton, Lowry, Gateway, Federal Boulevard, Central Platte Valley and the Golden Triangle. ***(Jefferson Park Neighborhood Plan adopted by City Council in 2005)***

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.

Strategy 4-A: Encourage mixed-use, transit-oriented development that makes effective use of existing transportation infrastructure, supports transit stations, increases transit patronage, reduces impact on the environment, and encourages vibrant urban centers and neighborhoods.

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.

Chapter

Objective 4: Changing Travel Behavior

Strategy 4-E

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

Chapter

Objective 2 New Development, Traditional Character

Strategy 2-E

Ensure that the Zoning Code reinforces quality urban design.

Objective 3 Compact Urban Development

Strategy 3-A

3-A Identify areas in which increased density and **new uses are desirable** and can be accommodated.

ENVIRONMENTAL SUSTAINABILITY CHAPTER

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.

Strategy 4-A Promote the development of sustainable 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.

Review Criteria 2. Blueprint Denver

Blueprint Denver has designated the subject property as an **Area of Change** with a land use designation of Single-Family/Duplex Residential. Blueprint Denver describes Single Family/Duplex residential areas as moderately dense areas that are primarily residential but with some complementary, small-scale commercial uses. However, the employment-base is minor compared to the housing base. Given the size of the subject the allowance for commercial use(s) will easily meet that definition. The proposed U-MX-2x zone district has a limited palette of permitted commercial uses, many requiring L-ZPSE or L-ZPIN (Special Exception Review and Informational Notice) as notification for the approval process. This process provides the neighborhood with the appropriate safeguards for review of non-residential uses making the U-MX-2x consistent with the Blueprint Denver land use designation.

Additionally, the property has been used as a retail/commercial structure for nearly 100 years and qualifies for a business use exception.

The proposed U-MX-2x

The Strategy of the Blueprint Denver Plan is to **Direct Growth to Areas of Change**

There are 26 Areas of Change that serve as the basis of the Blueprint Denver concept. Certain features which characterize an Area of Change are applicable to the subject property include the following:

- **Underutilized land near downtown** and along the South Platte River
- Areas undergoing **positive change that is expected to continue**
- Areas along corridors with frequent bus service that can accommodate development, especially where there is potential for a **pedestrian-friendly shopping environment**
- Areas with special opportunities such as where major public or **private investments are planned**

As Blueprint Denver explains, some Areas of Change already are developed to varying degrees. In most cases such as the subject, there is enough capacity of public facilities — such as streets, sewers and schools — so that additional development will be able to take advantage of existing infrastructure in the area. However, these areas **have not realized their full development potential**. Some, such as this property, are zoned incorrectly for accommodating future development.

Blueprint Denver identifies strategies for new and emerging neighborhoods (such as Jefferson Park) in and around downtown that compliment the Plans objectives. Some of the strategies are applicable to the proposed map amendment.

Strategies | Infill and redevelop vacant and underused properties

- Reuse of older buildings, including industrial buildings
- Compatibility between new and existing development
- Balanced mix of uses — no one use has a dominating impact within the mix
- Multi-modal streets
- Adequate parks and open space
- Economic activity—business retention, expansion

While Blueprint Denver’s land use for the site is Single-Family Duplex, the land use in the area is mixed-use with a variety of neighborhood serving uses. The proposed zoning is Urban Mixed-Use, which meets the following description contained in Blueprint Denver.

Mixed-Use

These areas have a sizable employment base as well as housing. Intensity is higher in mixed-use areas than in other residential areas. Land uses are not necessarily mixed in each building or development or even within each block. But within the neighborhood, **residential and non-residential uses are within walking distance of one another**. The proportion of residential to commercial uses varies considerably from one mixed-use district to another. The Golden Triangle, Uptown and the **Jefferson Park–Highland Area of Change** are examples of mixed-use districts.

Review Criteria 3. Adopted 2005 Jefferson Park Neighborhood Plan (Plan)

The subject property is located just west of 23rd Avenue and I-25, which is in the southeast portion of the Jefferson Park Plan boundaries. The proposed map amendment is supported by several recommendations and goals stated in the Plan. Some of those are listed below.

PARK FACE SUB AREA PER PLAN

The site is located across Clay Street from the northeast corner of Jefferson Park. This proximity to the “Park” provides an opportunity to provide neighborhood commercial services in a unique location on a block that is dire need of renovation. Jefferson Park currently is used primarily for passive recreation. However, it has also been utilized as a gathering place for illegal activities. The proposed map amendment will add to the ongoing effort to increase activity along the and in turn reduce illegal activities.

The proposed map amendment will permit development that will bring the site into conformance with the goals and recommendations contained in the Jefferson Park Neighborhood Plan, which was adopted in July of 2005. The property is identified in the “Plan” as being in the **Park Face Blocks Subarea**. It is recommended that this area have

higher density than the Core Residential area of Jefferson Park to provide more “eyes on the park” for safety and increased pedestrian activity.

A few of the stated Goals of the Neighborhood Plan are as follows:

PLAN GOALS AND RECOMMENDATIONS:

- Bring zoning into closer conformance with the existing land use and the land use vision.
- Preserve views to downtown, emphasizing the topography of the neighborhood.
- Facilitate a sense of community through quality design.
- Accommodate new development in currently underutilized areas of the neighborhood.

As with most small area plans, the Jefferson Park Plan is consistent with and supplemental to the City’s Comprehensive Plan and Blueprint Denver. The Denver Comprehensive Plan 2000 (Plan 2000) presents a citywide perspective, while each small area plan provides more specific guidance both for the allocation of City resources and for the location and design of private development. The Jefferson Park Neighborhood Plan implements the following policies from these and other applicable plans:

Communication and Partnerships

- Neighborhood residents and organizations should be engaged in collaborative efforts to share information, solve problems and plan for the future. *(All RNOs were notified of the proposed rezoning and meeting were conducted with the property owner)*

Land Use and Transportation

- Land use patterns and zoning should support effective public rapid transit, an efficient roadway system and alternative transportation modes. *(The site is located on a major bikeway, which is anticipated to be used by the patrons)*
- Applicants proposing zone change to more intense uses should substantially mitigate negative impacts on existing uses. *(The proposed zoning is actually to a lower intensity zone district, 2-stories vs. 3-stories).*
- A mixture of uses that assure the availability of neighborhood services and amenities that reinforce the role, identity and needs of the neighborhood should be encouraged. *(The anticipated use is for a neighborhood serving brewpub that will bring residents together and provide a close, walkable, convenient gathering spot)*

Urban Design

- A well-designed urban environment, promoting the use of designs and materials that reflect the community’s culture and materials should be developed and maintained.
- All projects should be built to the highest urban design standards. New facilities should make a positive design contribution to the neighborhood and include facilities for bicycles, sidewalks, trees, medians, lighting, and other high-quality physical design features. *(The developer/owner is a local architect with over 25-years of experience in*

this neighborhood and intends to renovate, not demolish, the existing structure. Emphasis will be placed on bicycles, lighting, and quality design)

Commerce and Industry

- Both large and small businesses that meet economic and community criteria should be sought, retained and supported. *(As noted, this structure has been a commercial center for over 100 years. Commercial uses will be maintained).*
- The revitalization of **older neighborhood commercial centers** that provide shopping within **walking distance** to residences should be encouraged to assist the stabilization of older neighborhoods.
- Commercial development should be compatible in operation and design with the residential fabric and character of the neighborhood. *(Again, the existing structure will be renovated and maintained rather than demolished).*
- Deteriorated and declining business and shopping areas should be revitalized by rehabilitation or replacement with appropriate uses. *(The proposed business will give new life to a run down block).*
- Linear business areas in **older neighborhoods** should be compatible with other buildings in the area, and should incorporate pedestrian orientation and buffering from adjacent residential uses. Operations should avoid negative impacts on surrounding residential areas of lights, hours of operation, noise, drive-in speakers, trash removal, deliveries, etc. *(Attention to trash removal, hours of operation and general noise are being mitigated by the owner).*
- Streetscaping and street amenities should be installed in revitalizing and new commercial areas. *(Additional bike facilities will be incorporated into the design).*

Of significance, is that the developer intends to renovate an existing deteriorated structure that has housed a variety of commercial use(s) for over 100 years. This will add to the quality of the neighborhood by providing a small, unique gathering place that residents will enjoy walking and biking to. And as noted in the Plan, the neighborhood commercial area at West 25th Avenue and Eliot Street is identified as a neighborhood center anchoring the western edge Area of Change from just south of West 24th Avenue to West 26th Avenue, between Federal Boulevard and Eliot Street.

Exhibit "B":**Section "A" Description of Justifying Circumstances**

1. The subject parcel was zoned in 2010 to the G-MU-3 zone district. The site is already developed with a partial 2-story commercial structure that over the past several years has deteriorated and is in need of renovation.

This proposed map amendment is in response to the changed and changing conditions in this area. Recently this area has begun to experience a change from the smaller single family and duplex residential units to a true mixed-use neighborhood with a primarily residential character. The past few years have seen development of residential units along with commercial uses. The proposed zoning will add to this mix and meet the growing need and demand for residents. The development of River Clay along with the "Zocalo" and the Jefferson Park Townhomes are just a few examples of the nearby changes. The proposed zoning for mixed-use will provide the neighborhood amenities the residents will enjoy and be able to walk a short distance to.

Blueprint Denver categorizes this property as an area of change. Additionally, the subject site is shown as an area of change in the *Jefferson Park Neighborhood Plan*. Listing the property as an area of change in both City adopted documents is substantial support for the existence of changed conditions in the area.

The proposed zoning relates to the "**Denver Comprehensive Plan**" as well as "**Blueprint Denver: An Integrated Land Use and Transportation Plan**" in several significant ways which are described as follows:

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

Numerous changes have occurred in the area that justifies the proposed map amendment. A few are listed as follows:

1. Of most importance is the City's adoption of the **2005 Jefferson Park Neighborhood Plan** that is supportive of this zoning request and described in the section above,

2. While the overall neighborhood has remained and will continue to remain stable, the immediate area along Jefferson Park has experienced significant change. New renovated businesses, eating-places and dwelling units have created an urban environment that will benefit from additional commercial amenities.

3. Approval of the site as an **“Area of Change”** with a land use category of **Single Family Duplex** within “Blueprint Denver”,
4. The development of several nearby residential projects, especially adjacent to Jefferson Park, that provides a need for the commercial services proposed.

The area conditions have changed significantly, providing the legal basis for this zone change request and make the proposed amendment reasonable and necessary to the promotion of the public health, safety and general welfare. The public interest for the citizens of Denver is best served by adoption of this map amendment, which will provide support for the services, amenities, and employment opportunities necessary for positive planned growth to occur.

Section “B” Neighborhood Context

This proposed map amendment request approval of the U-MX-2x zone district. All of the MX designated zone districts are Mixed-Use districts allowing mixed-use development. More specifically, the U-MX-2x being proposed is also a mixed-use district only allowing the General primary building form. The tallest building form has a **maximum height of two stories**.

As the Code states, the U-MX-2x applies to small sites (*note the subject is 3,000± sq. ft.*) served primarily by local streets embedded within an existing or proposed neighborhood. These are typically one or two parcels and are limited to low scale building forms and low intensity uses. Thus the proposed zoning is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.

The Urban Neighborhood Context is primarily characterized by single-unit and two-unit residential uses. Small-scale multi-unit residential uses and **commercial areas are typically embedded in residential areas**. Single-unit residential structures are typically Urban House forms. Multi-unit building forms are typically Row House forms embedded with other residential building forms. Commercial buildings are typically General forms that may contain a mixture of uses within the same building. Single- and two-unit residential uses are primarily located along local and residential arterial streets. Multi-unit residential uses are located along local streets, residential and mixed-use arterials, and main streets. **Commercial uses are primarily located along mixed-use arterial or main streets but may be located at or between intersections of local streets**. There is a balance of pedestrian, bicycle and vehicle reliance with greater access to the multi-modal transportation system.

As stated in the Zoning Code, the **General Purpose** of the U-MX-2x district is as follows:

- A. The intent is to promote safe, active, and pedestrian-scaled commercial streets through the

use of Shop Front and Row House building forms that clearly define and activate the public street edge.

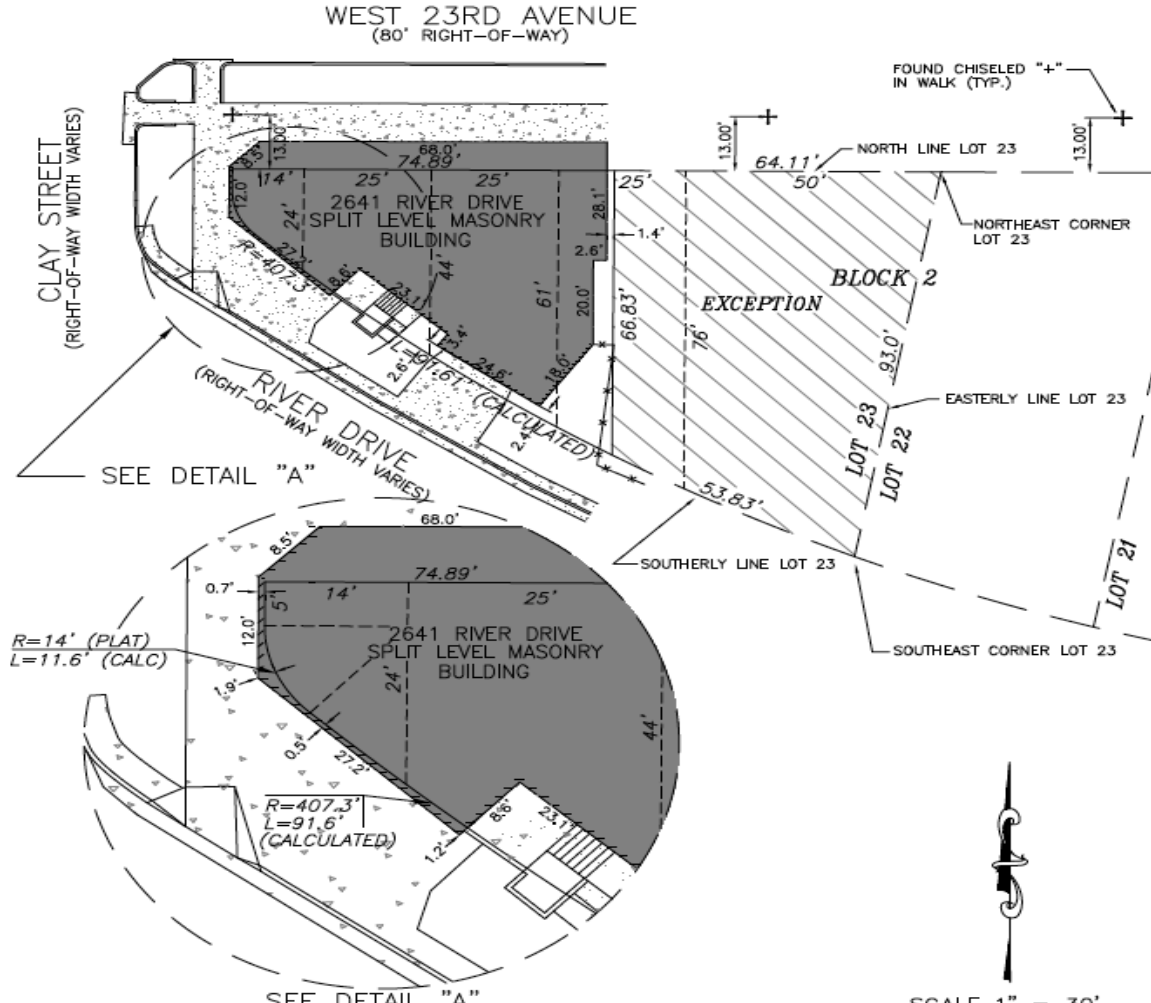
B. The Mixed-Use Zone Districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering along the city's commercial streets.

C. The Mixed-Use district standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods.

D. The Mixed Use districts are focused on creating mixed, diverse neighborhoods and are intended for corridors, **embedded neighborhood business areas** and larger sites.

E. In the Urban Neighborhood Context, the Mixed Use Zone Districts promote a pedestrian-active street front. Buildings are pulled up to the street with parking at the side or rear of the building; however, the front setback range is deeper than the front setback range for the Main Street districts. The required percentage of building facade that must be located in the front setback area is less than the percentage for the Main Street districts.

Improvement Survey
Exhibit "C"
IMPROVEMENT LOCATION CERTIFICATE



PROPERTY DESCRIPTION:

ALL OF LOT 23, BLOCK 2, RIVER FRONT, TOWN OF HIGHLANDS, CITY AND COUNTY OF DENVER, STATE OF COLORADO, EXCEPT A PARCEL MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 23; THENCE WESTERLY ALONG THE NORTH LINE OF SAID LOT 23, A DISTANCE OF 64.11 FEET; THENCE SOUTHERLY A DISTANCE OF 66.83 FEET TO A POINT OF INTERSECTION WITH THE SOUTHERLY LINE OF SAID LOT 23, SAID POINT BEING 53.83 FEET NORTHWESTERLY FROM THE SOUTHWESTERLY CORNER OF SAID LOT 23 AS MEASURED ALONG SAID SOUTHERLY LINE; THENCE SOUTHEASTERLY ALONG SAID SOUTHERLY LINE OF LOT 23, A DISTANCE OF 53.83 FEET TO THE SOUTHEAST CORNER OF SAID LOT 23; THENCE NORTHERLY ALONG THE EASTERLY LINE OF SAID LOT 23, A DISTANCE OF 93.0 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING. CITY AND COUNTY OF DENVER, STATE OF COLORADO.

IMPROVEMENT LOCATION CERTIFICATE:

I HEREBY CERTIFY THAT THIS IMPROVEMENT LOCATION CERTIFICATE WAS PREPARED BY ME, OR UNDER MY DIRECT SUPERVISION, AND THAT THIS IS NOT A LAND SURVEY PLAT OR AN IMPROVEMENT SURVEY PLAT, AND THAT IT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OF FENCE LINES OR FUTURE IMPROVEMENT LINES.




RICHARD P. PALMER P.L.S. # 25375

PWSI LAND SURVEYORS 3545 S. PLATTE RIVE DR. UNIT M-3, SHERIDAN, CO 80110
(303) 904-1345

Exhibit "D": Proof of Ownership (Assessors records)

 [Print](#)

Real Property Records
 Date last updated: Tuesday, June 24, 2014

 **Real Property Records Search**

If you have a question about the value, ownership, or characteristics of this property, or any other property in Denver, please call the Assessor at 720-913-4162.

[Link to real property information for this property](#)
[Link to comparable sales information for this property](#)
[Link to chain of title information for this property](#)
[Link to property sales information for this neighborhood](#)

[Link to property tax information for this property](#)
[Link to property sales information for all Denver neighborhoods](#)
[Link to map/historic district listing for this Property](#)

[Back to Property List](#)

The property description shown is data from the Assessor's active, in-progress 2014 file. The "current year" values are from the 2014 tax year for real property tax due in 2015. These values are based on the property's physical status as of January 1, 2014.

PROPERTY INFORMATION

Property Type: INDUSTRIAL - PRINTING PLANT	Parcel: 0232122044000
Name and Address Information	Legal Description
RIVER COMMERCIAL LLC	RIVER FRONT TOWN OF HIGHLANDS
2899 N SPEER BLVD 102	B2 L23 EXC BEG NE COR L23 W
DENVER, CO 80211-4217	64.11FT S 66.83FT SE ALG S
Property Address: 2641 W RIVER DR	LINE L23 53.83FT N 93FT TO POB
	Tax District DENV

Assessment Information

	Actual	Assessed	Exempt	Taxable
Current Year				
Land	105700	30650		
Improvements	74600	21630		
Total	180300	52280	0	52280
Prior Year				
Land	105700	30650		
Improvements	74600	21630		
Total	180300	52280	0	52280

Style: Other
 Year Built: 1940
 Building Sqr. Foot: 3,240
 Bedrooms:
 Baths Full/Half: 0/0
 Basement/Finished: 0/0

Reception No.: 2013167250
 Recording Date: 11/19/13
 Document Type: Warranty
 Sale Price: 333500
 Mill Levy: 83.09

Lot Size: 3,020

[Click here for current zoning](#)

Zoning Used for Valuation: GMU

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

 [Print](#)

Exhibit "E": Letter of Authorization for Robert J. Gollick, Inc. to act as Representative

RIVER COMMERCIAL LLC.

2899 North Speer Blvd Suite 102
Denver, Colorado 80211

Phone: (303) 477-5550
Fax : (303) 477-5505

6-24-14

Mr Kyle Dalton
City and County of Denver
201 W Colfax Ave. Second floor
Denver, CO. 80206

Dear Kyle,

This letter shall serve as authorization for Robert Gollick, to act as agent for River Commercial LLC. for the purpose of rezoning the property to U-MX-2X.

River Commercial LLC is the owner of a single building that is currently addressed as 2298 Clay Street, 2641 West River Drive and 2638-2642 West 23rd Avenue, Denver Co 80211.

If you have any questions regarding this matter please feel free to contact me directly.

Sincerely,



River Commercial LLC,

David L. Berton, Manager

Exhibit "F": Neighborhood Correspondence



ROBERT J. GOLLICK, INC.
REAL ESTATE CONSULTING

June 18, 2014

Federal Boulevard Corridor Improvement Partnership:
Jefferson Park United Neighbors:
Northwest Quadrant Association
Denver Neighborhood Association, Inc.:
Inter-Neighborhood Cooperation:

Marshall Vanderburg
Jeff Archambeau
Larry Ambrose
Brad Zieg
Larry Ambrose

Re: Proposed Rezoning of 2298 Clay Street

Greetings to all,

River Commercial, LLC a longtime Denver development group managed by architect David Berton purchase property addressed as 2298 Clay Street. This approximately 3,100± square foot parcel is currently zoned G-MU-3 and developed with a structure that is in major disrepair and in need of renovation. It is important to note, that the existing building was constructed as a business structure and has been used for business with the *Business Structure Exemption* for the zoning for the past 100 years.

River Commercial would like to develop the property with a small brewpub. The concept is for a neighborhood serving, "walk to" or "bike-to" type of establishment. To develop this property in an appropriate manner as described above a rezoning will be necessary.

River Commercial has retained my consulting firm, **Robert J. Gollick, Inc.**, to assist in rezoning the property. Our team has met with Denver Community Planning and Development (CPD) to discuss the development concept. CPD has suggested that the U-MX-2x zone district may be the appropriate entitlement mechanism. The allowable height of 2-stories is lower than the height currently permitted on the property as well as the area and the allowed uses are complimentary to the City's vision for the area.

The purpose of this letter is to inform you in advance of the upcoming rezoning application and invite you to ask any questions or meet to discuss the proposed rezoning. If so, please feel free to contact me at the email address below with questions or to schedule a convenient time to meet.

The zoning application will be filed next week. However the zoning timeframe requires approximately six months of review and meeting time as well as posting signs on the property twice prior to the City Council public hearing. Our team feels strongly that the best way to proceed with any zoning request is by early and ongoing contact with all neighborhood organizations. Your input is necessary for the public process to work.

609 SOUTH GAYLORD STREET, DENVER, COLORADO 80209 303-722-8771 FAX 303-744-3243 BGOLLICK@COMCAST.NET



If you have any questions please contact me. Our team will meet with you individually or with your respective Association. If you feel I have missed anyone on the list for this letter let me know and I will contact them as well.

Thank you for your interest in this rezoning application. .

Sincerely,



Robert J. Gollick, President
Robert J. Gollick, Inc.

SENT VIA EMAIL

cc: Councilwoman Susan Shepherd, District 1
Kyle Dalton, Community Planning & Development
David Berton, River Commercial, LLC

September 15, 2014

Julie Underdahl, Chair
Denver Planning Board
Community Planning and Development
201 W. Colfax Ave., Dept. 205
Denver, CO 80202
planning.board@denvergov.org



Ms. Underdahl,

This letter concerns the requested rezoning of the property at 2298 Clay Street from G-MU-3 UO-3 to U-MX-2x, application #2014I-0017 and on the agenda for hearing before the Planning Board on Wednesday September 17. This letter represents the position of Jefferson Park United Neighbors (JPUN), the RNO where the property is located, and the River Clay Homeowners Association ("the HOA"), the multi-family dwelling immediately across from 2298 Clay.

The developer had given notice to JPUN and other local organizations as required by the code. There has been ongoing discussion of the developer's proposed project at this location amongst several groups within Jefferson Park. Those discussions culminated in a meeting on Tuesday September 9. The developer had requested a meeting with River Clay residents on that date and the HOA requested that this meeting be combined with JPUN's regular monthly meeting that same night. There were over 40 community members at that meeting, which was heavily represented by residents of both River Clay and River Drive, also adjacent to 2298 Clay. Also in attendance were representatives of Councilwoman Shepherd's office and the mayor's office (Michael Sapp).

The location of the property is perhaps the most dense area of Jefferson Park – where 23rd, Clay and River Drive comes together – that JPUN receives the greatest number of complaints regarding the pressure of that density, primarily traffic volume, parking and noise. The River Drive/River Clay location is due west of the new Element 47 development, which has increased these area problems significantly. Traffic on 23rd Avenue has increased significantly in the last year due to the growth in Jefferson Park and to the west, since 23rd is a major route into downtown from the west side. Clay Street is a heavily travelled street due to its location on the east side of the park and direct access to the football stadium.

On the 9th, after an hour presentation from the developer and discussion with those in attendance, the developer and their representatives were invited to leave, and a spirited discussion amongst area residents continued for another hour. There were some residents who opposed the zoning change completely. Most, however, supported the proposed development BUI only if there were a binding agreement between the developer and JPUN (and/or the HOA) that would specify the terms and stipulations regarding the operation of a brewpub at this very dense location. **It should be noted that there was NOT support for the development without such a binding agreement in place.** While the developer agreed to execute a Good Neighbor Agreement with JPUN stipulating to these conditions, the strong sentiment of the group was that GNAs are not binding agreements and have little enforceability

other than a plea to a hearing officer at an annual liquor license renewal. When asked, the representative from the mayor's office conceded that no liquor license has been revoked due to GNA violations. The group felt strongly that a GNA would not be sufficient to secure support of the residents.

The need for a stronger agreement in place reflects the critical location for this project and the fact that the rated capacity of around 100 for the brewpub could add significant pressure to this area of Jefferson Park. The requirement of a more binding agreement brought significant consensus to the group regarding the path forward for this project. Such an agreement would have to include the following topics with enforceable provisions:

- Limitations to hours of operation
- Provisions for parking other than street parking in the area, which is already a significant problem in the neighborhood and significant source of friction
- Provisions for mitigating the odors associated with kitchen and brewing operations so close to a dense residential area
- Provisions for deliveries and trash removal to the brewpub that would not unduly impact resident traffic exiting or entering the neighborhood. It should be noted the area behind the restaurant likely used for deliveries and trash removal is on River Drive and could have major impacts. There is no alley access to this property, so these arrangements are all the more critical.

While these topics are typical of GNAs, the residents around the proposed project felt a GNA did not provide sufficient leverage to immediate neighbors given the critical impact of each of these issues in this already very crowded location.

JPUN and the HOA would also take issue with some of the staff conclusions in the report to Planning Board dated September 10, 2014 from Steven Chester. We do not believe this rezone request is consistent with the intent of the current zoning for the property, the Jefferson Park Area Plan, or Blueprint Denver according to the language in the report UNLESS the impacts of this project are mitigated by a binding agreement with the neighborhood. We would cite the following provisions in the staff report:

1. Under the current zoning, G-MU-3 UO-3, anticipate "Commercial buildings are typically Shop front and General forms that may contain a mixture of uses within the same building." The UO-3 designation "allowed for a small list of commercial uses in residential districts (office, art studio, bed and breakfast)". The statement that UO-3 allows for a small "list" of uses suggests that list is exclusive, or at least that any use must be of similar type.
2. The approval of Public Works – Transportation notes "The applicant should note that redevelopment of this site may require additional engineering, ROW dedication to the City, access changes, traffic studies and/or right of way improvements. The extent of the required design and improvements will be determined once this property begins the redevelopment process. The results of any traffic studies may require the construction of off-site mitigation or may limit the proposed density of the project." This is a tacit acknowledgement that the impact of this project is significantly different than prior uses.

3. Parks and Recreation states "the existing zoning may better support the 2005 Jefferson Park Neighborhood Plan".
4. The staff report states "The Blueprint Denver Future Land Use concept for the site is "Single Family Duplex". According to Blueprint Denver, "Single family duplex residential areas are moderately dense areas that are primarily residential but with some complementary, small-scale commercial uses". The rated capacity of the brewpub at 100 challenges the definition of small-scale commercial uses in terms of impact on the immediate neighborhood.
5. Development Services – Wastewater states – "There is no objection to the rezone, however applicant should be under notice that the Public Works will not approve any development of this property without assurance that there is sufficient sanitary and storm sewer capacity. A sanitary study and drainage study may be necessary. These studies may results in a requirement for the developer to install major infrastructure improvements or a limit to development if current infrastructure is insufficient." Given the proposed operation of a brewpub at this location, the environmental impact may warrant closer examination.

These citations from the staff report emphasize that this project is not merely a technical or incremental increase over current uses, but in fact is a sufficiently and qualitatively different use that the mitigation required by the residents for approval is a completely reasonable stipulation, and both organizations respectfully request that the Planning Board require the developer to execute such an instrument as a condition of rezoning approval.

Thank you for your consideration.

Sincerely,



Jeff Archambeau
President, JPUN



Paul Krucke
President, River Clay HOA