



DENVER
THE MILE HIGH CITY

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Denver, CO 80202
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www.denvergov.org/planning

TO: Denver City Council
FROM: Chris Gleissner, Senior City Planner
DATE: May 2, 2011
RE: Zoning Map Amendment #2010I-00024
14th Avenue and Pennsylvania Street
Rezoning from G-MU-5 to G-RO-5

Staff Report and Recommendation

Based on the criteria for review including legal basis evaluation and compliance with adopted City plans, Staff recommends approval for Legislative Rezoning #2010I-00024 for a rezoning from G-MU-5 to G-RO-5.

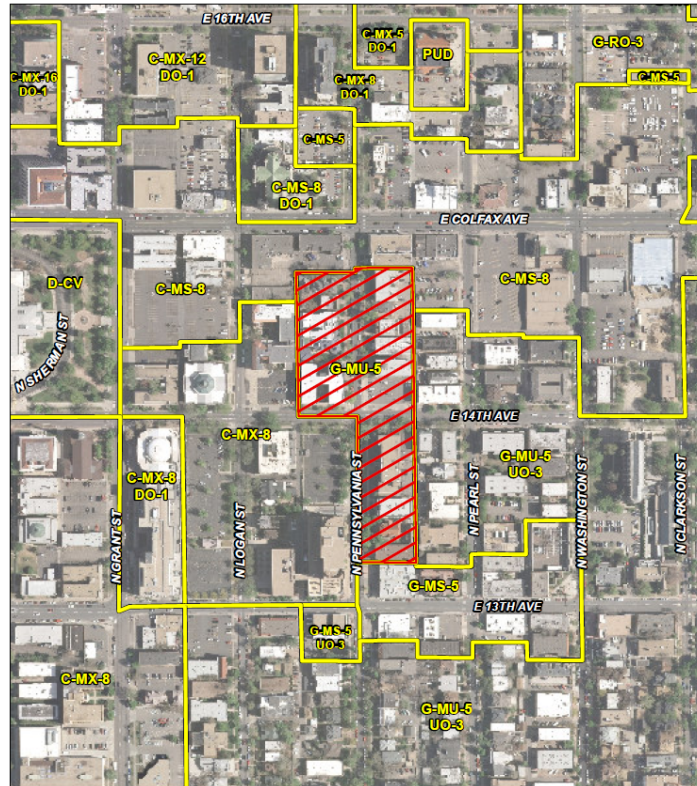
I. Scope of Rezoning

Application:	#2010I-00024
Address:	14 th Avenue and Pennsylvania Street
Neighborhood/Council District:	Capitol Hill / Council District #10
RNOs:	Colfax Business Improvement District, Northeast Community Congress for Education, Points Historical Redevelopment Corp, Uptown Alliance, Unsinkables, Inc, Colfax on the Hill, Inc., Cultural Arts Residential Organization (CARO), Capitol Hill United Neighbors, Inc, ; Inter-Neighborhood Cooperation
Area of Property:	148,845 SF/3.42 Acres
Current Zoning:	G-MU-5
Proposed Zoning:	G-RO-5
Sponsor:	Councilwoman Robb

II. Summary of Proposal

The subject site is located near the intersection of 14th Avenue and Pennsylvania Street (see attached map). The location is within the Capitol Hill Neighborhood and is surrounded by, and includes, a mix of residential and commercial structures. Colfax Avenue is along the north of the site including Retail, Residential and Commercial uses. Included within the boundaries of this proposed rezoning are the Salvation Army at 1370 Pennsylvania and the Molly Brown House Museum at 1340 Pennsylvania.

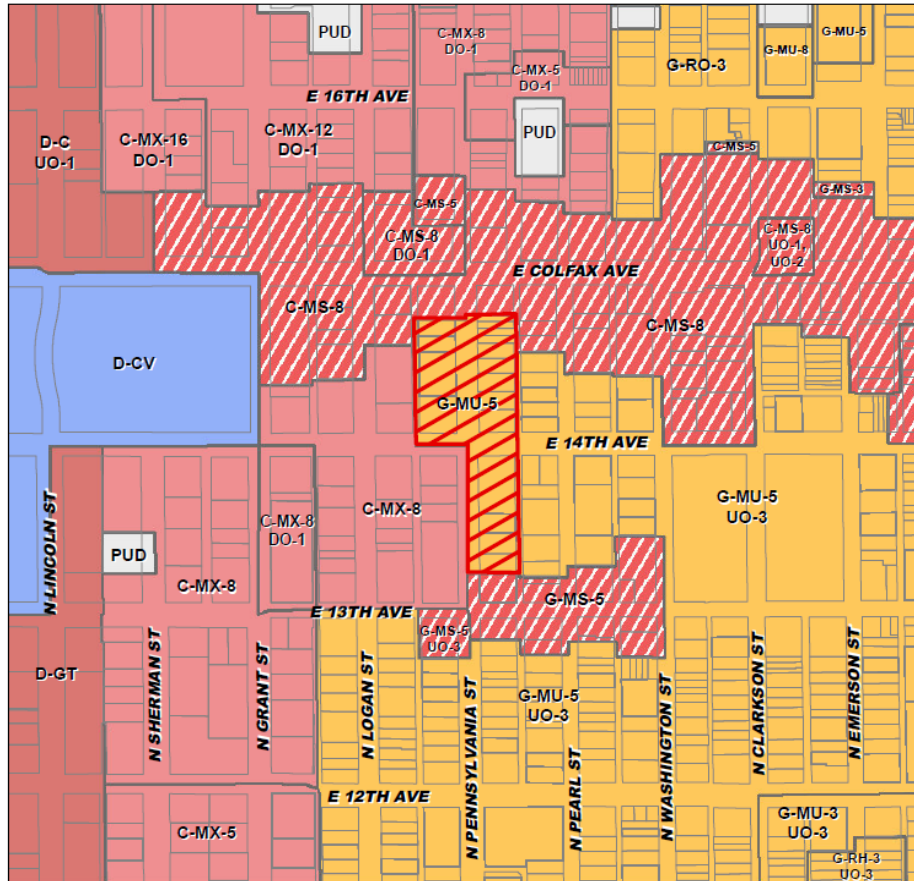
This proposed rezoning will replace the existing G-MU-5 with the G-RO-5 zone district, better reflecting the mixture of uses as well as the previous R-4 zone district. The G-RO-5 district was created to reflect the distinct mix of uses within the R-4 zone district and will better suit the existing uses.



The site is located near the intersection of 14th Avenue and Pennsylvania.

III. Existing Context

	Existing Zoning	Existing Land Use	Blueprint Denver
Site	G-MU-5	Mix of Commercial and Residential Uses	Area of Stability Urban Residential
North	C-MS-8	Mix of Commercial and Residential Uses	Area of Change Pedestrian Shopping Corridor
South	C-MX-8 and G-MS-5	Mix of Commercial and Residential Uses	Area of Stability Pedestrian Shopping Corridor
West	C-MX-8	Mix of Commercial and Residential Uses	Area of Stability Urban Residential and Pedestrian Shopping Corridor
East	G-MU-5 UO-3	Primarily Multi-Unit Residential	Area of Stability Urban Residential



The site is surrounded by a mixture of mid-rise multi-unit residential and commercial mixed use structures. The local block pattern consists primarily of traditional grid patterns utilizing alleys for access.

IV. Summary of Legal Notice and Public Process

The property has been legally posted for a period of 21 days announcing the City Council public hearing, and written notification of the hearing has been sent to all affected registered neighborhood organizations.

V. Summary of Agency Referral Responses

This rezoning has been reviewed concurrently within the context of the Denver Zoning Code and other applicable City Codes as utilized by the referral agencies listed below.

- | | |
|-------------------------|--------------------------------|
| Asset Management: | Approve – No Comments Received |
| Denver Fire Department: | Approve – No Comments Received |
| Denver Parks: | Approve – No Comments Received |
| DES-Transportation: | Approve – No Comments Received |
| DES-Wastewater: | Approve – No Comments Received |

V. Legal Justification

Legislative Rezoning

Rezoning to G-RO-5 will better match the current mix of land uses and maintain the use entitlements allowed under the previous R-4 zone district.

VI. Criteria for Review / Staff Evaluation

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

- *Denver Zoning Code*
- *Denver Comprehensive Plan 2000*
- *Blueprint Denver*
- *Capitol Hill/Cheesman Park Plan*
- *East Colfax Plan*

A. Denver Zoning Code – Compliance with Map Amendment Criteria in Sec. 12.4.10.13 (General Review Criteria Applicable to All Zone Map Amendments)

As proposed, rezoning #2010I-00024 is consistent with the criteria outlined within Denver Zoning Code Section 12.4.10.13.

Consistency with Adopted Plans: Rezoning #2010I-00024 implements and is consistent with recommendations in adopted plans.

Uniformity of District Regulations and Restrictions: Rezoning the site to G-RO-5 will result in regulations and restrictions that are uniform for each kind of building throughout the zone district.

Public Health, Safety and General Welfare: The proposed map amendment furthers the public health, safety and general welfare of the City.

B. Denver Comprehensive Plan 2000

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

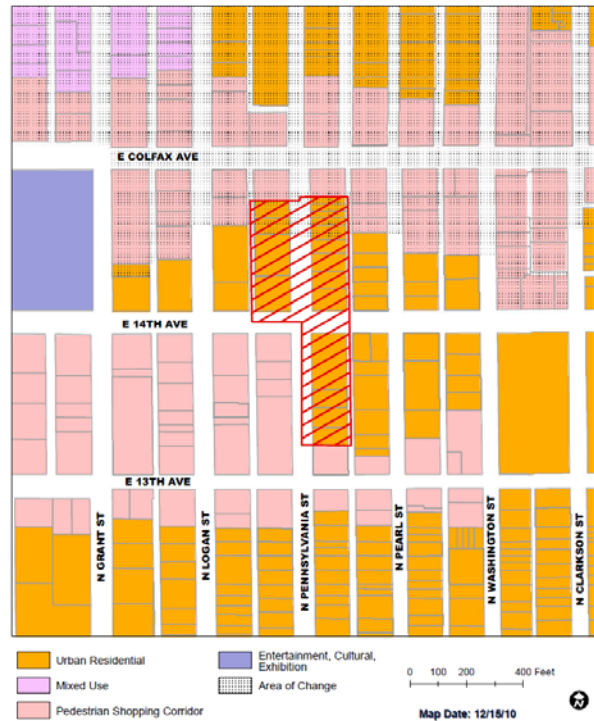
- Land Use chapter, Strategy 3-B is to “*Encourage quality infill development that is consistent with the character of the surrounding neighborhood; that offers opportunities for increased density and more amenities; and that broadens the variety of compatible uses.*”
- Mobility chapter, Strategy 4-E to “*Continue to promote mixed-use development, which enables people to live near work, retail and services.*”

C. Blueprint Denver

Blueprint Denver, the City's Land Use and Transportation Plan, identifies the property as being within an Area of Stability with a land use recommendation for Urban Residential.

Urban residential neighborhoods are higher density and primarily residential but may include a noteworthy number of complementary commercial uses. Typically, there is a larger housing base than employment base, built in a mixture of housing types including single-family homes, townhouses, small multi-family apartments and sometimes high-rise structures.

The G-RO-5 designation is a primarily residential designation but allows for limited commercial uses within the district. Based on the surrounding context, existing land uses and Urban Residential designation, the G-RO-5 zone district is consistent with the Blueprint Denver land use recommendation.



D. Capitol Hill/Cheesman Park Plan

The Capitol Hill/Cheesman Park Plan identifies this location as part of the Capitol District. The vision for the District is a desirable, well maintained medium density residential, office and retail area. 13th Avenue is identified as the commercial district and should be reinforced as such.

Rezoning this location to G-RO-5 is consistent with the vision of the Capitol Hill/Cheesman Park Plan and will reinforce the goals and objectives of the plan.

E. East Colfax Plan

A portion of the proposed rezoning is contained within the Capitol Village District identified within the East Colfax Plan. This district identifies the site as primarily residential but with a tolerance for a blend of uses streaming down from the Colfax Corridor. As identified, this location is viewed as ripe for higher intensity infill development that will blend in with the current eclectic character of the district.

Specifically, the plan calls for implementing zone districts that allow for high density multi-family residential development with limited accessory commercial uses. Rezoning this site to G-RO-5 will be consistent with the recommendations contained within the East Colfax Plan.

VII. Planning Board Recommendation

Planning Board reviewed legislative rezoning #2010I-00024 at their regularly scheduled meeting on March 2, 2011. Planning Board voted 9-0 to recommend approval of this legislative rezoning.

VIII. Staff Recommendation

Based on the criteria for review as defined above, Staff recommends **approval** of the legislative rezoning for the properties located at 14th Avenue and Pennsylvania Street (Application #2010I-00024) to G-RO-5.

Attachments:

1. **Application**
2. **Map Series - Aerial, Zoning, Blueprint Map)**



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OFFICIAL MAP AMENDMENT—LEGISLATIVE REZONING

Log #	2010I-00024	Date Submitted	12.13.10	Fee Required	N/A - Legislative	Fee Paid	
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LEGISLATIVE SPONSOR		CONTACT INFORMATION (Same as Applicant? X)	
Name	Councilwoman Jeanne Robb	Contact Name	
Address	1232 E Colfax Avenue	Address	
City, State, Zip	Denver, CO 80218	City, State, Zip	
Telephone / Fax	303.377.1807	Telephone / Fax	/
Email	jeanne.robbs@denvergov.org	Email	

Subject Property Location (Please Include Assessor's Parcel Number[s])

The subject properties are located at 14th and Pennsylvania and described further as:

Legal Description of Subject Property (Written description and map if more than one block or metes and bounds)

A portion of the J.W. Smith's Addition to Denver, located in the NW ¼ of the NW ¼ of Section 3, Township 4 South, Range 68 West of the 6th P. M., City and County of Denver, State of Colorado, more particularly described as follows:

- Block 81
All of Lots 21 through 35 and the South 15 Feet of Lot 36
- Block 82
All of Lots 5 through 20
- Block 83
All of Lots 1 through 16

Area of Subject Property (Acres/Sq Ft)	Present Zone District	Proposed Zone District
148,845 SF/3.42 Acres	G-MU-5	G-RO-5

General Review Criteria (DZC Sec. 12.4.10.13): Check whether the application complies with the criteria at right and describe in detail below	Consistency with Adopted Plans or Unanticipated Need (Describe below)	X
	Uniformity of District Regulations and Restrictions	X
	Public Health, Safety and General Welfare	X

Describe relevant adopted plans and how proposed official map amendment (rezoning) is consistent with plan recommendations; alternately, describe how the rezoning is necessary to provide for an unanticipated community need.

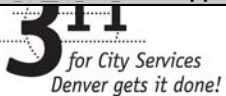
This rezoning is consistent with both the Capitol Hill/Cheesman Park Plan and the East Colfax Plan.

Justifying Circumstances for non-legislative rezonings (DZC Sec. 12.4.10.14): Indicate justifying circumstances for the Official Map Amendment at right and describe in detail below (change to match code delineation)	Existing zoning was the result of an error	N/A
	Existing zoning was based on a mistake of fact	N/A
	Existing zoning failed to take into account constraints on development created by the natural characteristics of the land	N/A
	Land or its surroundings has changed or is changing to a degree that rezoning is in the public interest	N/A
	Overlay: No Overlay existing or proposed	
	Neighborhood Context: General Urban Neighborhood Context comprised of a multitude of building forms with a mix of residential and commercial uses.	

Describe the justifying circumstance(s) for the rezoning.

Rezoning to G-RO-5 will better match the current mix of land uses and better maintain the use entitlements allowed under the previous R-4 zone district.

List Exhibits Attached to Application.



Case Manager Chris Gleissner, Senior City Planner

Legislative Sponsor Signature

Date

APPLICANT INFORMATION

Log Number

Applicant's Name

Property Address(es)

Section 12.4.10 of the Denver Zoning Code requires that an applicant for a standard rezoning (not a PUD or rezoning with waivers or conditions) have an ownership interest in the property subject to the application or written evidence that the applicant represents the property owner. If the property subject to the application has more than one property owner, the applicant must submit a petition demonstrating that owners of at least 51 percent of the total area of the zone lots subject to the application support initiation of the application.

Applicant Signature

Date

Indicate the form of interest in the property, and the amount held by the individual or entity listed as "applicant" above:

Fee Title Owner (Has Deed of Ownership):

All

If not all, submit required attachment(s)

Required Attachments:

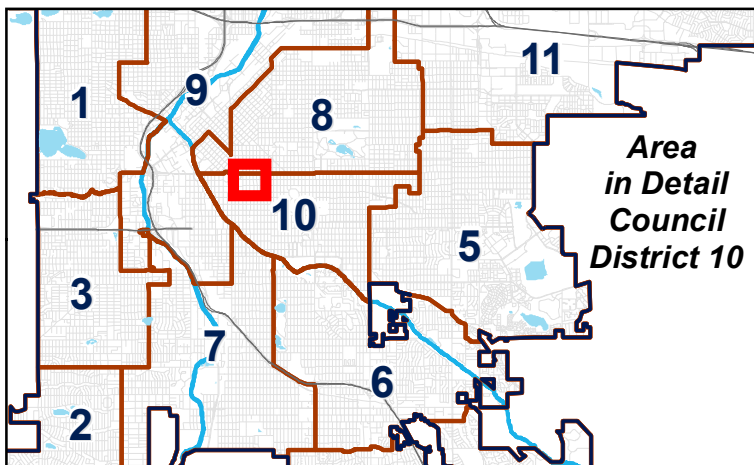
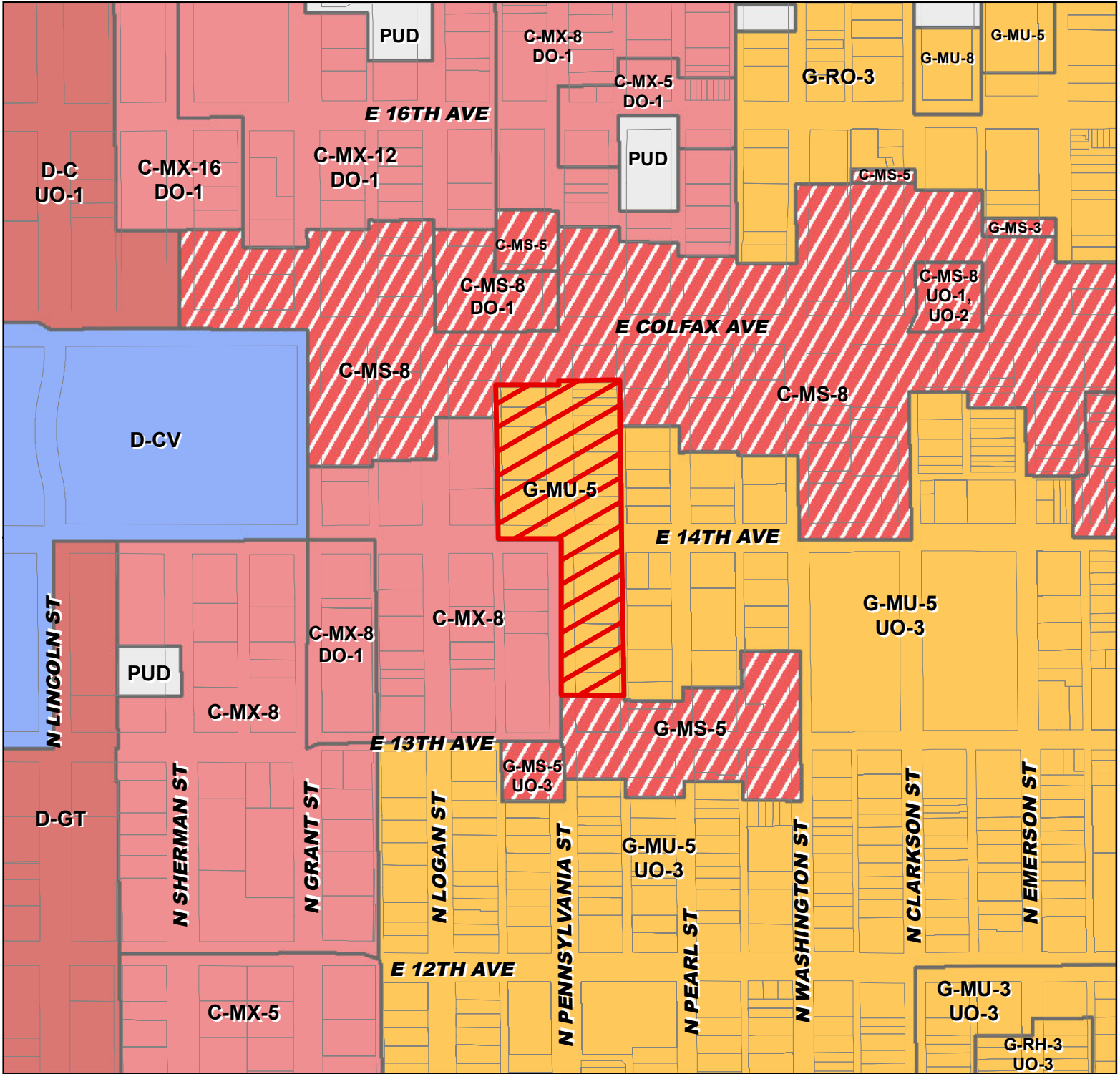
1. If applicant is not a property owner, Power of Attorney or "written evidence of authority" to be the applicant on behalf of the owner.
2. A petition demonstrating that owners of at least 51% of the total area of the zone lots subject to the application support initiation of the application.

Signature of Applicant

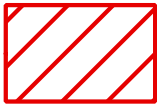
Date Signed


Add authorization form to application – template letter for owner authorization for applicant to submit

Pending Zone Map Amendment #2010I-00024



Application #2010I-00024
 Location: 14th Ave. and Pennsylvania St.

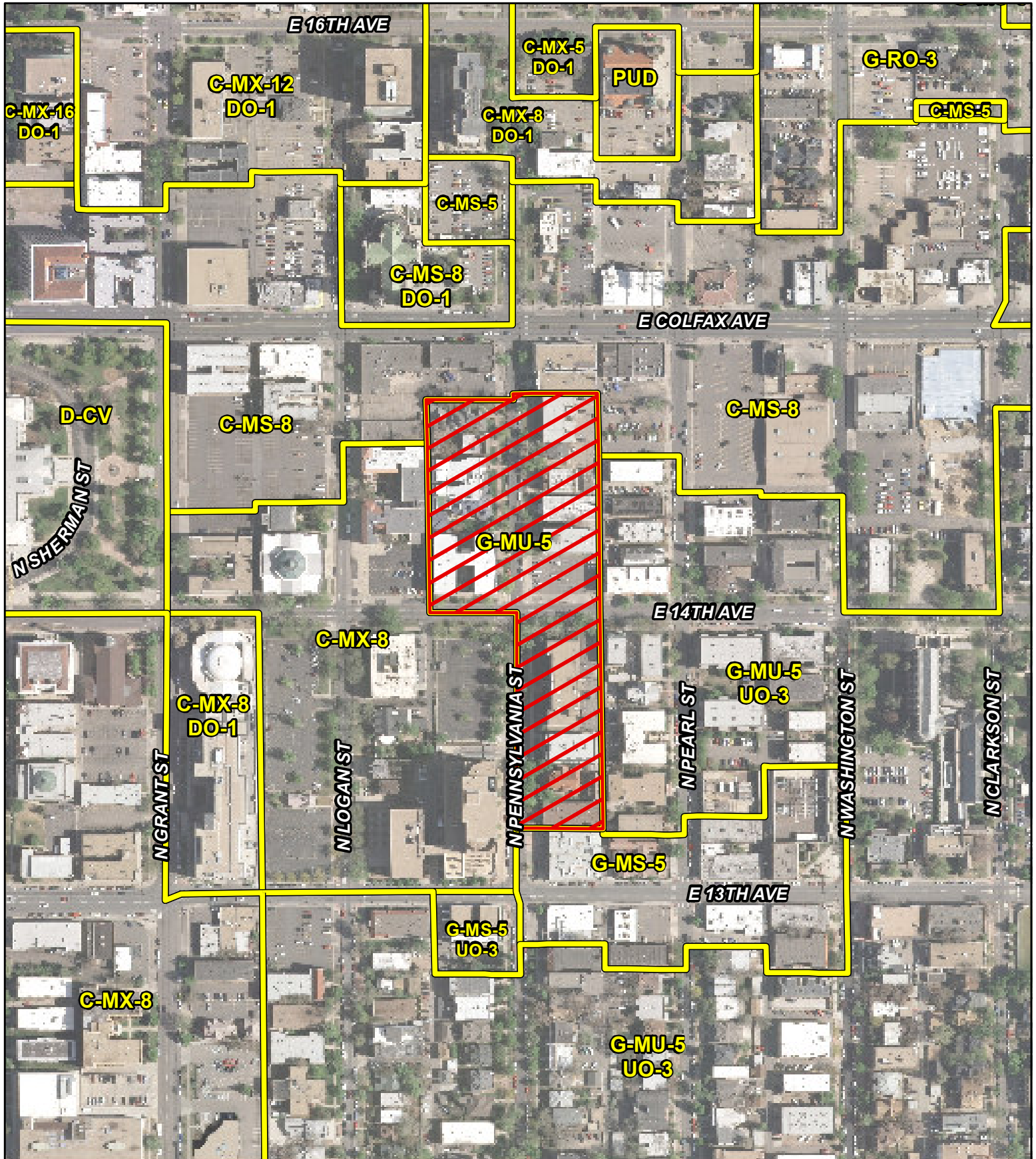
 Proposed Rezoning
 From: G-MU-5
 To: G-RO-5

 0 200 400 800
 Feet

Map Date: 12/15/10

Pending Zone Map Amendment - Aerial & Zoning Overlay

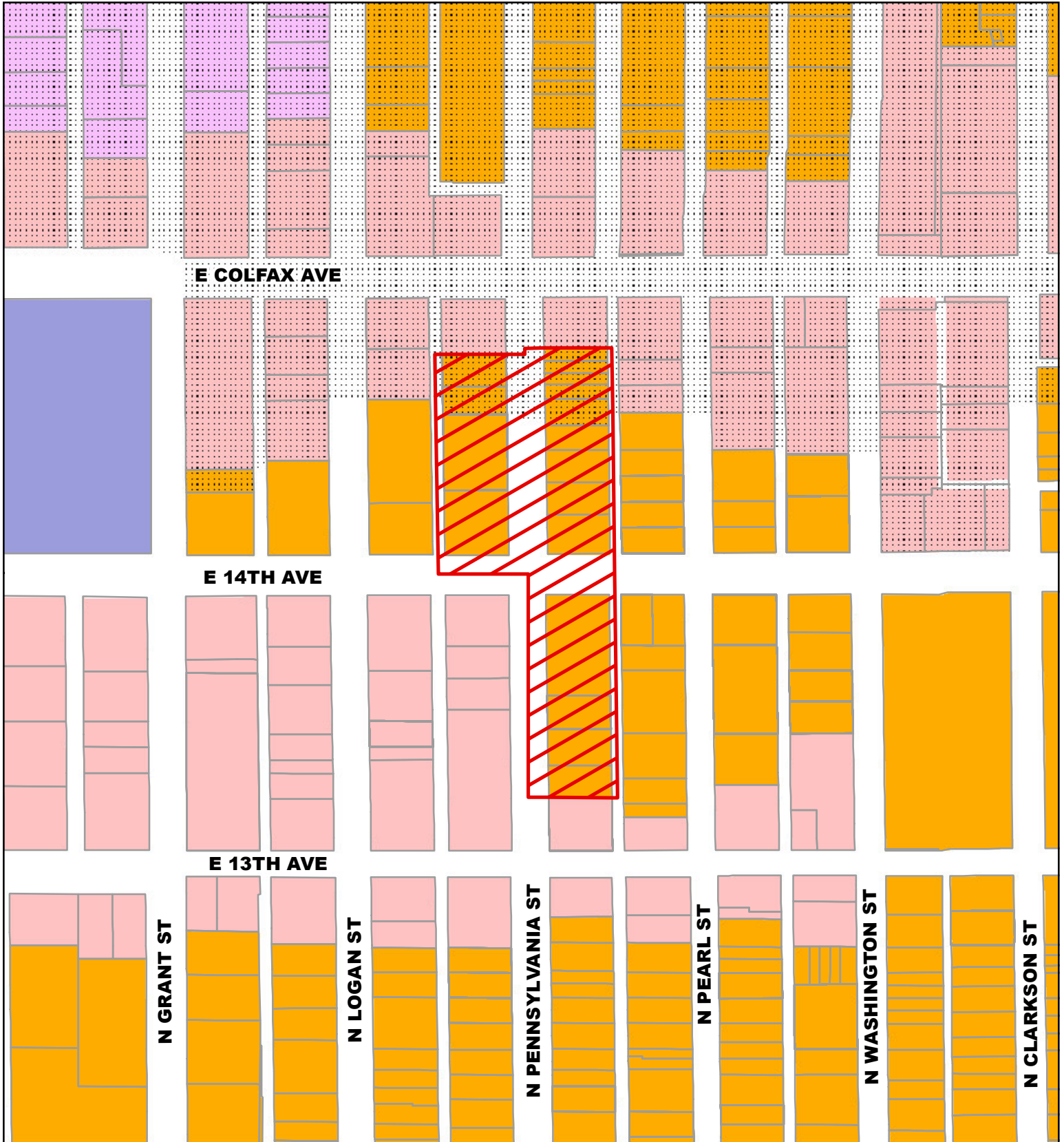
 Application #2010I-00024



Pending Zone Map Amendment - Blueprint Denver Overlay



Application #2010I-00024



Urban Residential



Entertainment, Cultural, Exhibition



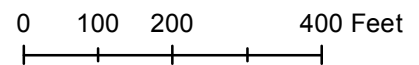
Mixed Use



Area of Change



Pedestrian Shopping Corridor



Map Date: 12/15/10

