



**TO:** Denver City Council  
Mary Beth Susman, President  
**FROM:** Tim Watkins, AICP, Senior City Planner  
**DATE:** October 28, 2013  
**RE:** Official Zoning Map Amendment Application #2013I-00011  
1700 – 1718 East, 6<sup>th</sup> Avenue  
P.U.D. 602 Amendment

## Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval of Application #2013I-00011 for minor amendments to P.U.D. 602.

## Request for Rezoning

Application: #2013I-00011  
Address: 17000 – 1718 East, 6<sup>th</sup> Avenue  
Neighborhood/Council District: Country Club / Council District 10

RNOs & other Interested Groups: Capitol Hill United Neighborhoods, Inc.  
Denver Neighborhood Association, Inc.  
Inter-Neighborhood Cooperation  
Neighborhood Advisory Committee to the Botanic Gardens  
7<sup>th</sup> Avenue Neighborhood Association  
Denver Downtown Capitol Hill Alliance  
Neighbors and Friends for Cheesman Park  
Driving Park Historic District

Area of Property: 6,250 SF or 0.14 acres  
Current Zoning: P.U.D. 602  
Proposed Zoning: P.U.D. Amendment  
Property Owner(s): Country Club Shoppette, LLC  
Owner Representative: Bob Gollick

## Summary of Rezoning Request

The purpose of this amendment to P.U.D. 602 (adopted in 2007) is to allow outdoor eating (combined with eating place) as an exempted outdoor use, and to clarify that the addition of fences, walls, railings, planters, fixtures or furniture in the right-of-way may be pursued through application for public right-of-way occupancy permitting and review by Public Works.

P.U.D. 602 was adopted under Former Chapter 59 with the intent of defining appropriate uses for the property and assuring that the building remain intact. The P.U.D. precludes outdoor eating and necessary encroachment into the right-of-way for fencing and/or railings to delineate outdoor eating.

To address these restrictions, the proposed amendment adds outdoor eating (combined with eating place) in Section o as an allowed accessory use with limitations for outdoor eating that were derived from Former Chapter 59-184. These limitations define the appropriate use area, general safety considerations and hours of operation.

The amendment also clarifies that encroachment into the public right-of-way for fencing and/or railings or other fixtures is not precluded by this P.U.D., and states the need to pursue a public right-of-way occupancy permit for encroachments into the right-of-way. Occupancy permits are reviewed by Public Works, and Landmark Design review according to D.R.M.C., Chapter 30, as applicable.

## Existing Context

- The Country Club Shoppette is a century-old commercial building located in the Country Club neighborhood and Driving Historic District. The predominantly residential neighborhood lies between Downing Street and University Boulevard (west and east), adjacent Cheesman Park along 8<sup>th</sup> Avenue to the north, and along Cherry Creek and the Denver Country Club golf course to the south.
- Located in the heart of the neighborhood at 6<sup>th</sup> Avenue and Gilpin Street, the subject property has been operating as a neighborhood commercial center since 1912. Prior to adoption of P.U.D. 602 in 2007, it was operating as a legal non-conforming multi-tenant retail & commercial use. The P.U.D. was created to define appropriate uses for the building on the Denver Zone Map, and to eliminate the onerous requirement for owners to go through an adjustment for zoning appeals process when changing tenants and uses in the building.
- P.U.D. 602 was created with extensive input from the neighborhood. The public input process resulted in the adopted P.U.D. with a list of allowed uses (shown in Table 2a). The P.U.D. assures that the subject property remains as a functioning multi-tenant retail

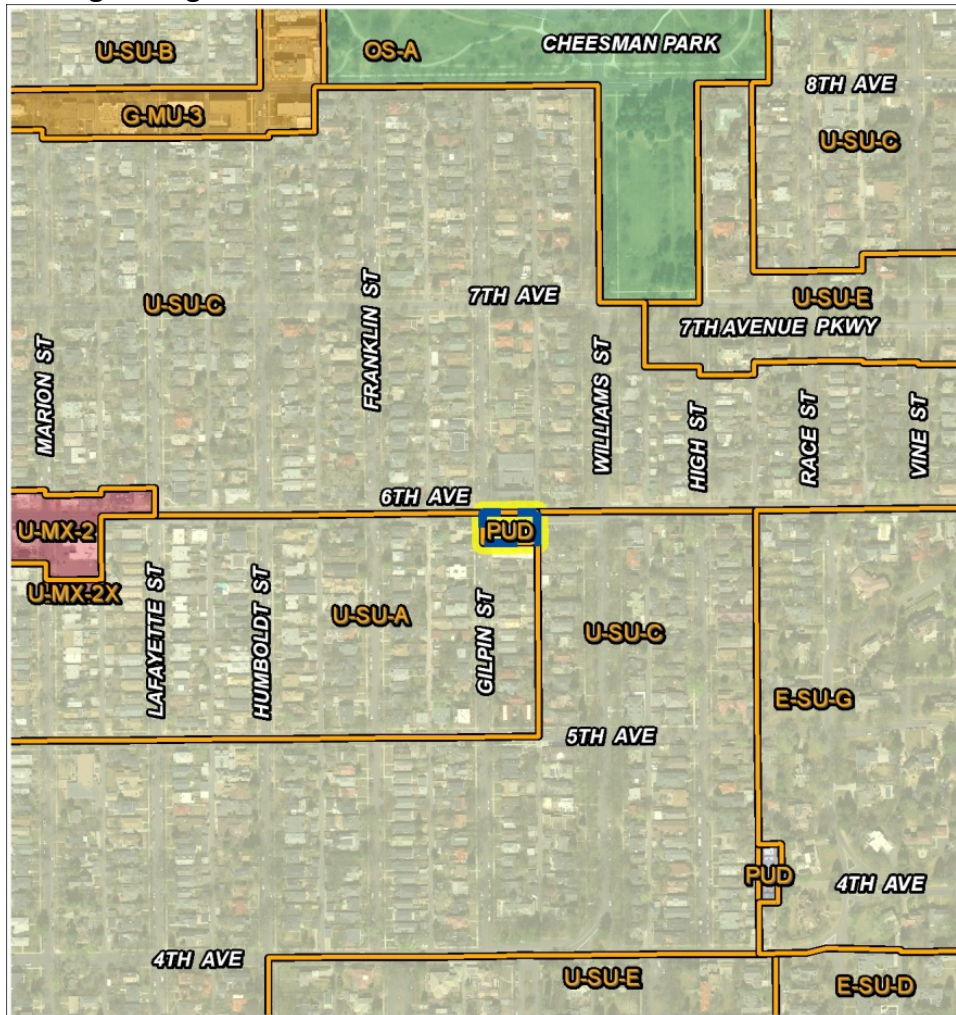
and commercial building, and that redevelopment will only take place if the building is destroyed and needs to be re-built.

- Eating place is included on Table 2a., but section o. External Effects states that “every use, unless expressly exempted, shall be operated within a completely enclosed structure.” Section o does not provide an exemption for outdoor eating or any other use. This P.U.D. amendment proposes an exemption in this section for outdoor eating (combined with eating place) with appropriate limitations.
- The existing building is built to property lines (0 ft setback) on all sides. Any outdoor eating or other permitted use would require use of the public right-of-way. However, P.U.D. 602 was written with prescriptive design guidelines that do not address encroachment of fencing and/or railings or other fixtures into the right-of-way that would be necessary to delineate and accommodate outdoor eating. The proposed amendments clarify that owners are not precluded from applying for public right-of-way occupancy permit.
- The applicant sent a letter to RNO’s and other potentially interested organizations (included as a new exhibit in the P.U.D. application) to invite input regarding a possible amendment of P.U.D. 602 to allow outdoor eating, and to clarify that railing or other fixtures could encroach into the right-of-way to support outdoor eating. With no issues or concerns submitted to the applicant or to planning staff in response to this letter, the applicant initiated a rezoning request to amend the P.U.D.

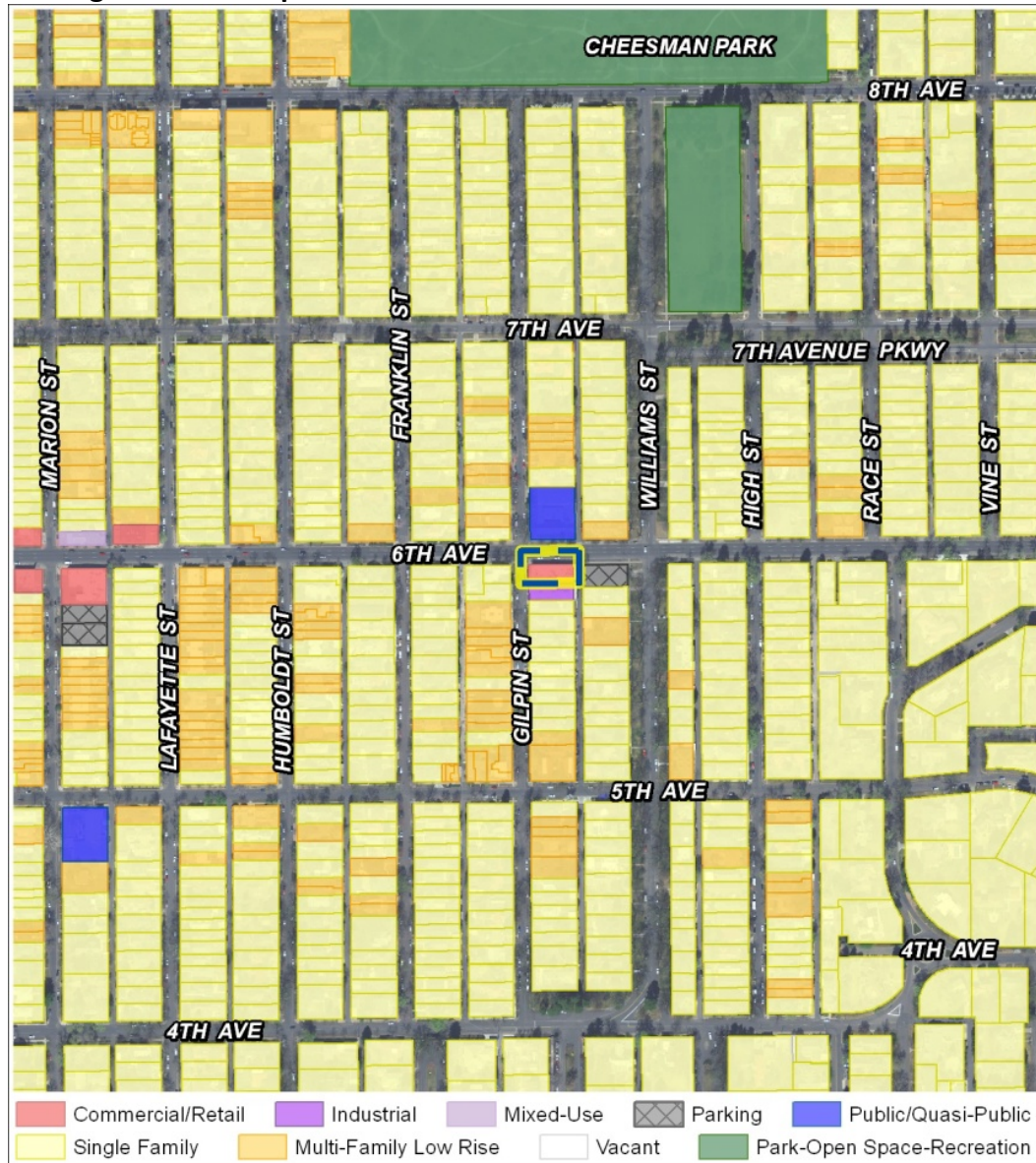
The following table summarizes the existing context proximate to the subject site:

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	P.U.D. 602	Retail / Commercial mixed use	1 story building built to each property line (0 ft setback).	The site is located on the corner of 6 <sup>th</sup> Avenue and Gilpin Street. The streets and block are part of a traditional lot and block laid out in an orthogonal grid pattern.
North	U-SU-C	Single unit residential, duplex and church / religious	1 – 2 story	
South	U-SU-B	Commercial warehouse, single unit residential	1 – 2 story	
East	U-SU-C	Parking, single unit residential	N/A, 1-2 story	
West	U-SU-B	Single unit residential, duplex	1 – 2 story	

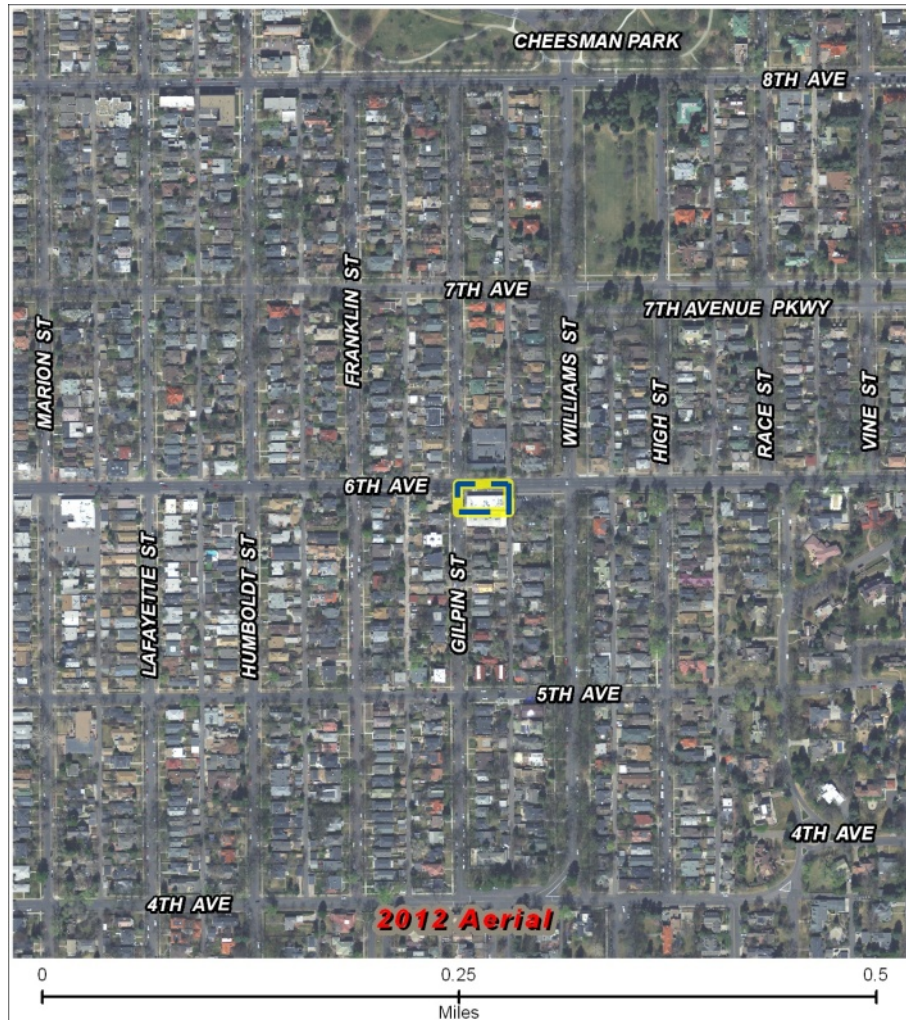
### Existing Zoning



### Existing Land Use Map



## 1. Existing Building Form and Scale



View looking southeast from 6<sup>th</sup> Avenue & Gilpin Street



View looking north on Gilpin Street

## Summary of City Agency Referral Comments

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

**Assessor:** No comments

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

**Denver Parks and Recreation:** No comments

**Denver Public Schools:** No comments

**Development Services – Project Coordinator:** Approved – refer to Development Services Transportation regulations applicable to R-O-W

**Development Services – Transportation:** Outdoor eating in the right-of-way will be subject to minor encumbrance and major encumbrance regulations

**Development Services – Wastewater:** Approved: No adjacent public sewers, no objections

**Denver Fire Prevention Bureau:** Approves of the PUD amendment only – will require additional information at Site Plan Review

**Public Works – DES – Surveyor:** Approval of legal description

## Public Review Process

### Registered Neighborhood Organizations (RNOs)

RNOs received a letter in February 2013 from the applicant (included as exhibit in P.U.D. amendment) prior to initiating the rezoning process. RNOs listed at the top of this staff report have been advised of this application.

### Planning Board Notification Process

The property was legally posted for a period of 15 days announcing the August 7, 2013 Denver Planning Board public hearing, and written notification of the hearing was sent to all affected registered neighborhood organizations and City Council members.

### City Council Notification Process

The property was legally posted for a period of 21 days announcing the October 28, 2013 public hearing. Written notification of the public hearing was also sent to all affected registered neighborhood organizations and City Council members 21 calendar days prior to the public hearing.

## Public Comments

### **Comments related to the Planning Board Public Hearing**

Capitol Hill United Neighborhoods, Inc. submitted a comment letter on August 6<sup>th</sup> summarizing the proceedings of a neighborhood assembly held on the previous day to discuss this proposed amendment. Attended by 44 people, the meeting started with a presentation by the applicant followed by questions and comments from the attendees. Afterwards a vote was taken, with 16 people voting to support the application, 15 voting in opposition, and 5 who abstained. The CHUN board has not met to date to take an official opinion (see attached letter).

Two neighborhood residents contacted CPD on August 6<sup>th</sup> to provide comments. One resident expressed concern about outdoor eating on Gilpin Street closer to residential properties, but expressed support for outdoor eating on 6<sup>th</sup> Avenue. Another resident was concerned about the potential combination of an alcohol permit with a coffee shop, suggesting that a primary emphasis on outdoor drinking within the right-of-way seems to be undesirable for the nearby residents and the neighborhood (Note: The serving of alcoholic beverages is licensed through Excise and Licensing and is beyond the purview of zoning and this proposed amendment to P.U.D. 602).

Several residents spoke in opposition to the amendment at the Planning Board public hearing, some citing safety and privacy concerns for those who live within sight and sound on the Gilpin Street side, including 17 younger children who live on Gilpin Street. Others expressed concern that there may not be sufficient right-of-way width between the building and the curb to fit railing and furniture while maintaining adequate clearance for pedestrians (Note: This concern is also beyond the purview of this proposed amendment, given the regulation and management provided by Public Works Right-of-Way Services to review and permit activities proposed within the public right-of-way).

Two pedestrian / cyclist accidents that occurred in the past three years on 6<sup>th</sup> Avenue were also cited by the residents at the public hearing, including a fatal bike accident where the victim fell into the storefront window died from severe bleeding. The owner / applicant responded by stating that the cause of the accident was inconclusive and could not be attributed to unpermitted railing and furniture that was in the right-of-way at the time of the accident. The owner also stated that the older window glass was replaced with double pane glass to prevent a similar tragedy from occurring in the future.

The owner / applicant also offered a compromise, stating that they would be open to limiting outdoor eating within the right-of-way on the Gilpin Street side to one half of the depth of the building, or 25 feet from the building corner.

### **Comments Prior to the City Council Public Hearing**

Capitol Hill United Neighborhoods, Inc. submitted a second letter on October 18<sup>th</sup> re-summarizing the proceedings of the August 5<sup>th</sup> neighborhood assembly. The letter also reported a motion that was passed at a subsequent CHUN board meeting in August to communicate to the Denver City Council support of the proposed PUD amendment as amended by Planning Board (see attached CHUN follow-up letter).

Several residents that live nearby the shoppette submitted emails to Council District 10 during the month of October. Two are in favor, one is partially supportive (of outdoor eating only along 6<sup>th</sup> avenue), and three are opposed to the entire proposed amendment.

### **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 applicable adopted plans for this site are Comprehensive Plan 2000 and Blueprint Denver.

#### **Comprehensive Plan 2000**

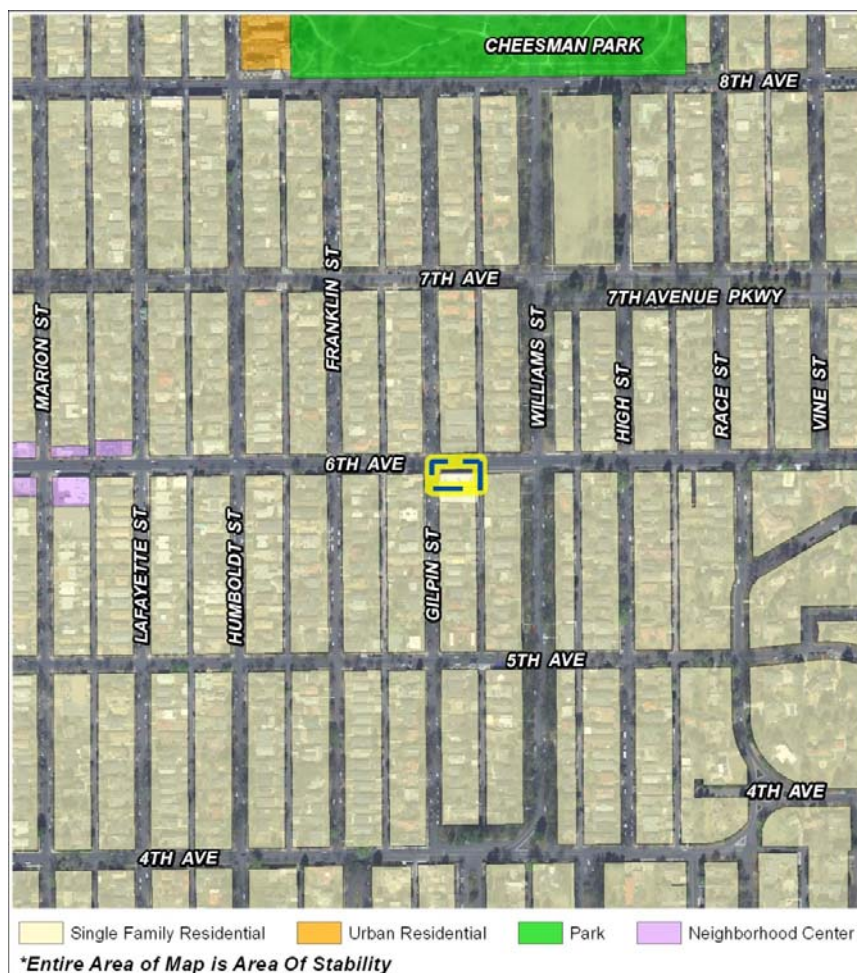
- Supports expanding economic opportunity and the City's economic base with focused efforts to retain and expand existing businesses and to attract new businesses (Economic Activity, Objective 3, Strategy 3-B).
- Supports the creation and growth of neighborhood businesses that enhance the vitality and quality of life in their communities (Economic Activity, Objective 5).
- Promotes mixed-use development which enables people to live near work, retail and services (Changing Travel Behavior, Objective 4, Strategy 4-E).

- Promotes opportunities that bring people together to build connections between each other, family members, their peers, their neighbors and the greater community. Such endeavors could range from coffeehouses to community centers to cultural celebrations.

### Blueprint Denver

- The Blueprint Denver map shows the Country Club Shoppette site within a Single Family Residential concept land use area, and within an Area of Stability. Blueprint Denver defines single family/duplex residential areas as primarily residential but with some complementary, small-scale commercial uses.

### Future Land Use



### **Street Classifications**

Blueprint Denver classifies 6<sup>th</sup> Avenue (the street fronting the site) as Residential – Arterial. This street typology is defined as providing a high degree of mobility and generally serves longer vehicle trips. These trips include travel to, from and within urban residential neighborhoods and commercial / employment centers.

The proposed amendment further defines the appropriate uses of the existing neighborhood serving retail building that is primarily served by 6<sup>th</sup> Avenue. The multiple building entrances and signs face 6<sup>th</sup> Avenue, with the exception of a corner entrance on 6<sup>th</sup> Avenue and Gilpin Street (Gilpin Street is classified by Blueprint Denver as local street). On-street parking within the public right-of-way is provided on 6<sup>th</sup> Avenue (a three-lane, one-way street) and Gilpin Street (a two-way local street).

### **Adopted Plan Findings**

The site has been operating as a small commercial center since 1912 and has provided the neighborhood with retail and commercial service during this time. The proposed amendment is consistent with these historic uses and with the above referenced plan recommendations.

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

The proposed amendment to P.U.D. 602 will result in the uniform application of zone district building form, use and design regulations.

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

The proposed official map amendment furthers the public health, safety, and general welfare of the City primarily through implementation of the City's adopted land use plans.

## **4. Justifying Circumstance**

The application identifies several changed or changing conditions as the Justifying Circumstance under DZC Section 12.4.10.14.A.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."

By adding outdoor eating combined with eating place and allowing for appropriate right-of-way occupancy permitting to occur, growing market interest in neighborhood-serving retail and outdoor eating can be accommodated through enhancement of an existing neighborhood amenity.

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

Outdoor eating (combined with eating place) is a retail / commercial use that is consistent with the allowed uses listed on Table 2a in the existing P.U.D. Encroachment in the right-of-way related to adjacent commercial uses on the property is consistent with the historic use of the property and is also necessary to delineate outdoor eating areas. This amendment is compatible with the original intent of P.U.D. 602 with the addition of a) outdoor eating as an allowed use (combined with eating place) and b) clarification that that application for a right-of-way occupancy permit is not precluded by the P.U.D.

## **Staff Recommendation**

Based on the analysis set forth above, CPD staff finds that the application for amending P.U.D. 602 located at 1700 E to 1710 E, 6<sup>th</sup> Avenue to meets the requisite review criteria. Accordingly, staff recommends *approval of this application*.

## **Planning Board Recommendation**

Denver Planning Board heard this application on August 7<sup>th</sup> 2013. Following the public hearing, the Board unanimously approved the application, with the added recommendation that the outdoor eating on Gilpin Street be limited to 25 feet from the building corner, as offered by the applicant (see Section O in the attached proposed P.U.D. amendment document).

## **Attachments**

1. CHUN Letter to Planning Board
2. CHUN Follow-up Letter to Denver City Council
3. Emailed Public Comments to Council District #10
4. Application, including
  - a. Application Cover Sheet (See Items 16 and 19 for references to all proposed P.U.D. amendments and new Exhibits)
  - b. P.U.D. document containing proposed amendments
  - c. Exhibits and Maps



August 6, 2013

Community Planning & Development  
Denver Planning Board  
c/o Tina Axelrad  
201 West Colfax Avenue, Room 201  
Denver CO 80202

CC. Councilwoman Jeanne Robb; Bob Gollick; Tim Watkins; Kyle Dalton

**Re: PUD Application – 1700-1718 E. 6<sup>th</sup> Avenue**

Dear Denver Planning Board :

Capitol Hill United Neighborhoods (CHUN) is a Registered Neighborhood Organization with a membership of over 1100 residents serving the Greater Capitol Hill neighborhood. CHUN's boundaries are from Broadway to Colorado Blvd. and from 1<sup>st</sup> Avenue to 22<sup>nd</sup> Avenue. The following meeting occurred on August 5<sup>th</sup>.

Capitol Hill United Neighborhoods passed out flyers on several of the surrounding blocks affected by the PUD application and emailed the CHUN membership in the same area. 44 people attended the Neighborhood Assembly. Owner Joe Vostrejs and consultant Bob Gollick attended the meeting and presented his desire to attain the PUD zoning. Following his presentation the attendees were given the opportunity to ask questions and make comments.

A vote was then taken. **16 people voted to support the PUD Application, 15 were opposed and 5 people abstained.**

While CHUN did not take an official opinion as our board did not meet, this correspondence is to convey the results of the meeting and inform you that board member and resident Kathleen Reilly will attend the hearing on Wednesday and share the results.

Please let me know if you have any questions or need additional information.

Respectfully,

A handwritten signature in dark ink, appearing to read 'Roger D. Armstrong', is written over a light blue horizontal line.

Roger Armstrong  
Executive Director





October 18, 2013

Denver City Council  
City & County of Denver  
1437 Bannock Street  
Denver, CO 80202

CC. Bob Gollick, Stockton Baker, Kathleen Reilly

**Re: PUD Application – 1700-1718 E. 6<sup>th</sup> Avenue**

Dear Members of the Denver City Council:

Capitol Hill United Neighborhoods (CHUN) is a Registered Neighborhood Organization with a membership of over 1100 residents serving the Greater Capitol Hill neighborhood. CHUN's boundaries are from Broadway to Colorado Blvd. and from 1<sup>st</sup> Avenue to 22<sup>nd</sup> Avenue. The following meeting occurred on August 5<sup>th</sup>.

Capitol Hill United Neighborhoods passed out flyers on several of the surrounding blocks affected by the PUD application and emailed the CHUN membership in the same area. 44 people attended the Neighborhood Assembly. Owner Joe Vostrejs and consultant Bob Gollick attended the meeting and presented his desire to attain the PUD zoning. Following his presentation the attendees were given the opportunity to ask questions and make comments.

A vote was then taken. **16 people voted to support the PUD Application, 15 were opposed and 5 people abstained.**

Subsequently, at the August CHUN board meeting the following motion was made:

CHUN should communicate to the Denver City Council that it supports the Planned Unit Development rezoning (as amended by the Planning Board) of several storefronts at 1700-1718 East 6<sup>th</sup> Avenue which would modify the existing PUD zoning to allow outdoor patios for all of the storefronts.

**The motion was approved with 12 in favor, 3 opposed and 1 abstention.**

Please let me know if you have any questions or need additional information.

Respectfully,

Roger Armstrong  
Executive Director



## Williams, Gretchen - City Council

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**From:** Robb, Jeanne - City Council Dist. #10  
**Sent:** Friday, October 04, 2013 3:29 PM  
**To:** Williams, Gretchen - City Council  
**Subject:** FW: Supporting Patios

Support

*Jeanne Robb*

Council District 10  
City and County Building  
1437 Bannock  
Denver, CO 80202

ph: 720-337-7710  
fax: 720-337-7717

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**From:** Tracy Dunning [<mailto:tracyldunning@gmail.com>]  
**Sent:** Friday, October 04, 2013 2:15 PM  
**To:** Robb, Jeanne - City Council Dist. #10  
**Subject:** Supporting Patios

Hello - Wanting to let you know that I support restaurants having patios along 6th... preferably without large metal structures but if that is needed, fine. I think it is nice for us to have more outside seating and to create a culture of sidewalk cafes. Thanks for all your work and know that another person in the neighborhood would like to see these - both for Pho and for Satchels, Novo, etc.

Thanks, Tracy Dunning  
(no need to respond to this email :-)

## Williams, Gretchen - City Council

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**Subject:** FW: Patio Permits

Support

**From:** MHurtt1667@aol.com [mailto:MHurtt1667@aol.com]

**Sent:** Friday, October 04, 2013 1:18 PM

**To:** Robb, Jeanne - City Council Dist. #10

**Subject:** Patio Permits

Dear Ms. Robb:

As you may or may not know, there is an organized effort to oppose the permitting of outside patios at the commercial space at 6th and Gilpin. I live a few houses away on Williams St. and I am IN FAVOR of the permit request. The opposition group does not have wide spread support. I believe it is just a few families who live near the intersection. Thank you,

Michael Hurtt  
551 Williams St.

**Williams, Gretchen - City Council**

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opposed

**From:** Robb, Jeanne - City Council Dist. #10  
**Sent:** Saturday, October 05, 2013 10:25 PM  
**To:** Williams, Gretchen - City Council  
**Subject:** Fwd: 6th and Gilpin Wrought Iron Patio

For the SIRE record

Sent from my iPhone

Begin forwarded message:

**From:** MARC SILVERGLADE <[marcbgood@msn.com](mailto:marcbgood@msn.com)>  
**Date:** October 5, 2013, 2:49:13 PM MDT  
**To:** "Robb, Jeanne - City Council Dist. #10" <[Jeanne.Robb@denvergov.org](mailto:Jeanne.Robb@denvergov.org)>  
**Subject:** 6th and Gilpin Wrought Iron Patio

Jeanne,

So again another property owner/restauranteur wants to encourage Denverites to close their eyes and imagine they are having a meal or or some hooch on the Champs-Élysées in Paris, or in the Trastevere in Rome by installing a patio with Wrought Iron. Ever eaten in one of these enclosures at Little Ollie's or Pinche Taqueria to name just two? Fine or casual dining to the sound of hundreds of automobiles, and the inhalation of carbon monoxide.

I wouldn't want your job if they doubled the pay in having to deal with the immense changes that are taking place in Denver. The encroachment by commercial and residential development into Denver neighborhoods has been appalling as evidenced by the push-back from homeowners and individuals who want to maintain some semblance of a neighborhood in which to raise a family, or retire, or just sit on your porch and fend off what Joseph Campbell called "the glorification of greed".

I have agreed with some of your votes in Council concerning zoning and development, however others I have personally opposed. Unlike other members of the City Council though you have consistently listened to your constituents, and I have always commented that at least you hear out opposing viewpoints, and ways of thinking and for that I thank you again.

I voted (in a straw poll vote) in the affirmative when Satchel's wanted to put in a restaurant/wine destination and requested a

liquor license on 6th avenue-although I have never eaten there. I support local establishments very strongly though, and have purchased many coffee's already at Novo (though Buzz is my place of choice), shopped at Oliver's for years before I became a vegetarian, etc. -. My recollections of that meeting at the church was that the owner (s) stated they would not look to put in patio seating ( and I understand it is Larimer Associates that is driving this), however I'm sure with the support of Satchel's, Novo, etc. I walk to Novo and already the end of the block at Gilpin, and along Sixth Avenue in front of Novo there are usually 4-6 cars parked there from folks having coffee.

Where will the additional customers park? and believe me they will mostly drive, not walk.

How much is enough? How many additional cars and people can we accommodate in this glorious neighborhood? All growth is not for the common good. Again see above quote. There must be at least 25-30 children who now live on the 400-500 blocks of Gilpin alone. A vote for a liquor license OK, more expansion to bring in more traffic and pedestrians **NO**. This is what happens and you know as well as anyone. Crack that door open a little and gradually those who requested it will want more and more.

I trust you will again vote to support the sanctity and safety of our neighborhood. I support local small businesses whenever I can, and want them to thrive but not at the expense of residential property values, and the security and safety of homeowners and individuals.

Please vote **NO** on this permit request and please do not "compromise" by allowing a partial construction which is what they really want but are asking for it all hoping to downsize their request. Thank you.

Cordially,

Marc Silverglade  
440 Gilpin  
80218

## Williams, Gretchen - City Council

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*opposed*

**From:** Robb, Jeanne - City Council Dist. #10  
**Sent:** Sunday, October 06, 2013 7:22 PM  
**To:** Williams, Gretchen - City Council  
**Subject:** Fwd: No patio on Sixth and Gilpin St.

Sent from my iPad

Begin forwarded message:

**From:** bill mcadams <[bmcadams@ecentral.com](mailto:bmcadams@ecentral.com)>  
**Date:** October 4, 2013, 6:11:04 PM MDT  
**To:** "Robb, Jeanne - City Council Dist. #10" <[Jeanne.Robb@denvergov.org](mailto:Jeanne.Robb@denvergov.org)>  
**Subject:** No patio on Sixth and Gilpin St.

Councilwoman Robb, I would like to voice my strong opposition to Larimer Associates building a patio around their property at Sixth Ave. and Gilpin St. The patio on Sixth will make it impossible to walk there when there is snow. One person there always cleans the snow but when the plows come down Sixth Ave the snow is always pushed up on the sidewalk along the edge. Since a patio will take up the rest of the sidewalk it leaves not much room for people walking. The portion that is to come down Gilpin St will go to the property line with 580 Gilpin. This section is particularly bad bringing the businesses of Sixth Ave 50 feet down a residential street. This block of Gilpin, I live at 576 Gilpin, has many small children that play outside. The noise and smoking of those sitting on the Gilpin St will be very disruptive to those who live there and I live the closest to that patio. There was opposition to this at a recent meeting but the Larimer Associates did bring a larger group to the meeting and it passed by a 16 to 15 vote. On our block we had so many people out of town since it was held 8/7/13 and only two weeks before school started. I and nearly all my neighbors on our block hope you will consider the negative impact this patio will have on our lives and will work to defeat this at the October 7th council meeting.

Thank you  
Bill McAdams  
576 Gilpin St





## Application For Zone Map Amendment

City and County of Denver  
Zoning Administration

201 W. Colfax Avenue, Dept 205  
Phone: 720-865-3000 Fax: 720-865-3057

1. Application Number  
**2013I-00011**

2. Date Submitted  
**April 3, 2013**  
August 27, 2013

3. Fee  
**\$1,000**

4. Application (attach completed ownership information sheet):  
**Country Club Shoppette, LLC.**

5. Address  
**1430 Larimer Street  
Suite 200  
Denver, Colorado 80202**

6. Phone Number  
**303-534-2367**

7. Interest  
**Owner**

8. Contact Person  
**Robert J. Gollick, Inc.  
(Bob Gollick)**

9. Contact Person's Address  
**609 South Gaylord Street  
Denver, Colorado 80209**

10. Contact's Phone Number  
**303-722-8771  
Fax: 303-744-3243  
Bgollick@comcast.net**

11. Location of proposed change

**1700 through 1718 East Avenue (Southeast Intersection of East 6<sup>th</sup> Avenue & Gilpin Street)**

12. Legal Description of property: (If Legal Description is lengthy, Please attach additional Sheet. If your text does not fit in the lot, block and addition form fields use the form field under the asterisk)

Lots:  
**1 and 2**

Block:  
**13**

Addition:  
**Williams Driving Park Addition**

13. Area of subject property.  
**6,250± sq. ft. 0.14± acres**

14. Present Zone.  
**P.U.D. No. 602**

15. Proposed Zone  
**P.U.D. \_\_\_\_\_**

**16. Describe the nature and effect of the proposed amendment.**

This is an amendment to PUD 602 (adopted in 2007) to allow outdoor eating (combined with eating place) as an exempted outdoor use, and to clarify that the addition of fences, walls, railings, planters, fixtures or furniture in the right-of-way may be pursued through application and review by Public Works. See Item 16: Design Guidelines, 1. Schedule, Table 2(a) Allowable Uses, 2.I. Landscaping and Buffering: Fences and/or Walls, 2.o. External Effects, and 6. Acknowledgment. Original PUD 602 intent language is under item 16, page 1.

**17. Explain in detail the legal basis for the proposal: either (a) the error in the map as approved by City Council, or (b) the changed or changing conditions that make the map amendment necessary.**

The subject property has been operating as a commercial center since 1912. By creating and amending a P.U.D. zone district for the property, the accurate uses for the building can be reflected on the Denver Zone Map. The Denver Comprehensive Plan 2000 and Blueprint Denver support smaller scale neighborhood businesses in predominantly residential areas. These factors have provided the basis for rezoning this historically-significant property, including the existing structure and legal non-conforming uses.

**18. State the land use and development proposed for the property to be rezoned. Include the time schedule (if any) for development.**

PUD 602 assured that the subject property remains as a functioning multi-tenant retail and commercial building, and that redevelopment will only take place if the building is destroyed and needs to be re-built.

**19. List all the attached exhibits**

Refer to Item 19 (page 17) for original PUD 602 exhibits, as well as new exhibits supporting this amendment.

**20. Applicant's Signature**

*Joseph D. Vastey*

Back side of Application Cover Sheet

**Item 16:**

The proposed Zone Map Amendment is intended to accomplish two items:

1. To simplify the process when retail/commercial tenants move in and out of the subject property.
2. In the event the property is destroyed, to allow for the re-construction of a comparable retail/commercial building. This PUD shall establish design guidelines, signage, building areas and heights, etc.

**Number 1** – Currently, if one tenant moves out and another tenant moves in with a different use the owner is required to go through a Adjustment for Zoning Appeals process which includes neighborhood meetings, posting the property and a public hearing. This is causing undue hardship to the owners compared to similar commercial buildings that do have appropriate zoning.

**Number 2** – Currently, if the existing structure were to be destroyed it could only be replaced to conform to the R-2 zone district.

If the building gets destroyed the following design guidelines shall be used to re-construct the structure.

**Design Guidelines:**

---

1. Maximum Building Area                      6,122 Square Feet
2. Maximum Building Height                22 Feet
3. Setbacks                                        0 feet on all sides
4. Landscape Area                              0%
5. Parking Requirements                    On street parking only.
6. Projections into Right-of-Way (subject to revocation by Public Works Department)
  - a) Light fixtures shall be allowed to overhang R.O.W. up to a maximum of 36".
  - b) Canopies and awnings shall be allowed to overhang R.O.W. up to a maximum of 60". If lights are attached to the canopy or awning then they would be allowed to extend up to a maximum of 60" into the R.O.W.
  - c) Tenant signs are allowed to extend a maximum of 48" into the adjacent R.O.W.
  - d) The addition of fences, walls, railings, planters, fixtures or furniture in the right-of-way may be pursued through application and review by Public Works (See Outdoor Eating Exemption under Section o, Amended 2013).
7. Building Materials, the following building materials shall be allowed:
  - a) Brick, both painted and unpainted
  - b) Stucco, both synthetic and real

- c) Anodized bronze storefront frames.
- d) Anodized bronze storefront or painted wood doors (facing the Right-of-Way) or hollow metal doors on the South side
- 8. Lighting
  - a) Only Dark Sky compliant fixtures can be used.
- 9. Signage
  - a) Maximum Height 30" (individual sign dimension)
  - b) Every tenant within the building is allowed one sign on the North side (6<sup>th</sup> Avenue) only (Maximum of 7 signs).
  - c) The maximum length for a tenant sign shall be 2/3 the width of their demised space facing 6th Avenue.
  - d) Internally illuminated signs are allowed.
  - e) Downcast lighting of non-internally illuminated signs is allowed.
  - f) Signs hung inside tenant space (show windows) is allowed (including neon). These signs do not count towards the exterior tenant signage allowance. These signs are limited to business identification and/or public information (OPEN/CLOSED or hours of operation).
- 10. Screening
  - a) All dry utilities (gas, telephone and electric) shall be reasonably screened from the adjacent Right-of-Way.
- 11. Refer to the attached building elevations for specifics.
- 12. The above Design Guidelines shall be subject to review and approval by the Landmark Preservation Commission.
- 13. The above Design Guidelines apply to all new tenants or changes to existing tenants. Some existing conditions may not conform to these guidelines.

## **Allowed Uses**

---

Refer to Table 2(a) for a detailed list of all of the allowed uses for this development. The list has been derived initially from the Main Street Zone District and amended through conversations with the adjacent neighborhoods, HOA Associations and the owners.

1. **SCHEDULE** (Amended 2013)

- a. Date of pre-application conference 2/12/13.  
     City representative(s) present Tim Watkins & Kyle Dalton.
- b. Submittal date of preliminary application 4/4/13.
- c. Submittal date of completed application 7/23/13
- d. Application is scheduled for a:
- |   |               |
|---|---------------|
| <input type="checkbox"/> Planning Board Hearing on  | <u>8/7/13</u> |
| <input type="checkbox"/> Planning Office Hearing on | _____         |
| <input type="checkbox"/> Planning Staff Review.     | _____         |

2. **DESCRIPTION OF PLANNED UNIT DEVELOPMENT (PUD)**

The use of terms “Article” or “Section” refer to portions of the Revised Municipal Code of the City and county of Denver. It is required that the current terms and uses already defined in Section 59-2 of the Zoning Ordinance be used in describing this proposal. Terms like “retail” or “light industrial” require further definition. Gross floor area shall include interior balconies and mezzanines, but shall not include parking garages, any story of a building where at least seventy-five percent (75%) of that floor is occupied by mechanical equipment or any story where the ceiling is less than four (4) feet above grade. Attach additional sheets if necessary.

a. **Maximum Gross Floor Area For Each Proposed Use**

	Use	Maximum Square Feet
<b>A.</b>	All uses listed in Table 2(a) – attached	6,122
	Total Square Feet	6,122

MAXIMUM FLOOR AREA RATIO (F.A.R) 0.98 : 1.

The floor area ratio is the ratio between the gross floor area of a building to the area of the zone lot on which the building is constructed. NOTE: Land area dedicated for public streets is not included in the area of the zone lot.

MAXIMUM NUMBER OF DWELLING UNITS: Seven (7)

MAXIMUM NUMBER OF DWELLING UNITS PER ACRE: 48.8 D.U./AC

**Table 2(a): Allowable Uses**

**RESIDENTIAL**

Artist Studio  
Dwelling, multiple unit  
Dwelling, single unit  
Nursing home, hospice  
Residence for older adults  
Residential, institutional / special

**RETAIL, SERVICE, OFFICE**

Animal sales, service, care household pets only  
Banking and financial services  
Bookstore  
Communication service  
Eating place (See Outdoor Eating Exemption under Section o, Amended 2013)  
Food preparation and sales, commercial  
Food sales or market, small  
Garden supply store  
Office: nondental or nonmedical  
Printing service, publishing, business support  
Retail, service, repair, consumer, small scale  
Retail, service, repair, consumer, special  
Service, repair, commercial

**ARTS, ENTERTAINMENT, RECREATION, INSTITUTIONS**

Child care center  
Church, religious institution  
Clinic, office, laboratory, dental or medical  
Club or lodge  
Community or senior center or recreational facility  
Conference center, meeting hall  
Library  
Museums, other special purpose cultural institutions  
Postal facility, neighborhood  
School, elementary or secondary  
School, vocations or professional  
Studio, professional  
Theater, indoor  
University or college

**b. LAND COVERAGE BY BUILDINGS AND IMPERVIOUS SURFACES**

	<b>SQUARE FT</b>	<b>% OF SITE AREA</b>
Maximum area of building coverage (including garage(s) and all other accessory structures):	6,122	98%
Maximum area of drives and parking:		
Maximum area of other impervious surfaces:	128	2 %
<b>MAXIMUM TOTAL OF BUILDING AND IMPERVIOUS SURFACES</b>	<b>6,250</b>	<b>100 %</b>

**c. LANDSCAPED AND/OR PERMEABLE AREAS**

	<b>SQUARE FT</b>	<b>% OF SITE AREA</b>
Minimum area of live or organic landscaped lot coverage:	0	0 %
Approximate area of non-live material coverage (graveled or other areas with permeable surfaces):	0	0 %
<b>MINIMUM TOTAL OF LANDSCAPED AND/OR PERMEABLE AREAS:</b>	<b>0</b>	<b>0 %</b>

**d. PROJECT AREA TOTALS (totals of “b” and “c” above)**

	<b>SQUARE FEET</b>
Building and impervious surfaces:	6,250
Landscaped and/or permeable areas:	0
<b>TOTAL SITE AREA: (This area must equal the site area listed on page 1)</b>	<b>6,250</b>

**e. SETBACKS**

The minimum setbacks for buildings are shown on the District Plan. A building envelope may be used to graphically depict the minimum setbacks required.

North:	<u>0</u> feet		Front:	0 feet
South:	<u>0</u> feet	OR	Rear:	<u>0</u> feet
East:	<u>0</u> feet.		Side:	<u>0</u> feet
West:	<u>0</u> feet.			

The minimum spacing between structures shall be 0 ft.

Permitted encroachments into the minimum setbacks for buildings shall conform to Section 59 – N/A of the N/A district. \*Provided, however, that signs may encroach into the Right-of-Way (subject to revocation) as described in the Design Guidelines summarized in Item 16 of this PUD narrative.

Official Parkway Setback minimum requirements for this PUD are: 0 feet for buildings and 0 feet for signs.

**f. MAXIMUM HEIGHTS OF STRUCTURES**

The maximum height of structures shall be 1 stories which shall not exceed a total of 22 feet. NOTE: The height of a building shall be determined by the vertical distance from the highest point of a pitched roof or the top of parapet around a flat roof to the average elevation of the corners of the proposed building at the finished grade.

Rooftop features (such as solar collectors, stairways, antennas, chimneys, flues, vents and air conditioning equipment) may exceed the maximum height of structures by 2 feet.

Bulk plane restrictions ☐ shall ☒ **shall not** be required. If required, bulk plane restrictions shall conform to Section 59 - \_\_\_\_ of the \_\_\_\_ zone district.

NOTE: Solar collectors and mechanical equipment are not exempted from bulk plane regulations!!

**g. OFF-STREET PARKING**

This project shall contain off-street parking spaces at the ratios shown in the following chart. If completed to the maximum floor area, the project shall contain a minimum of 0 off-street parking spaces. Parking for residential uses should be expressed in number of spaces per dwelling unit. NOTE: Any floor area utilized by a permitted use listed under 2.a. in a story where the ceiling is less than four (4) feet above grade shall be calculated into the off-street parking requirement.

**Parking Ratio**

Uses as listed in Table 2(a)  
Use A

0 spaces per 1,000 square feet  
Parking Ratio

NUMBER OF OFF-STREET PARKING SPACES PER DWELLING UNIT: 0

MINIMUM NUMBER OF OFF-STREET PARKING SPACES FOR PERSONS WITH DISABILITIES: 0.

Does this P.U.D. comply with the use and maintenance requirements of Section 59-585(2)-(9)? Yes ☐ No ☒

Do the parking spaces and/or aisles in this P.U.D. comply with the requirements of Section 59-586, Chart No. 1? Yes ☐ No ☒ If no complete the following section:

**N/A PARKING SPACES**

Universal space dimensions	_____
Compact space dimensions	_____
Large space dimensions	_____
Ratio of compact spaces to large spaces	_____

**N/A DRIVING AISLES**

Aisle widths	_____
Angle of stalls	_____

Will this project contain parking for bicycles? Yes ☐ No ☒ If yes, bicycle-parking requirements shall be \_\_\_\_\_.

Will this (these) bicycle parking area(s) comply with the rules and regulations for dimensional and equipment standards of Section 59-582(e)? ☐ Yes No ☒ If not, bicycle parking fixtures and locations shall be approved by the City Bicycle Planner (720 865-2453).

**h. OFF-STREET LOADING**

This project contains **0** off-street loading space(s). Will this (these) space(s) conform with dimensions required in Section 59-599? Yes ☐ No ☒ If not, off-street loading space dimension requirements shall be: **N/A.**

**i. SURFACE DRAINAGE**

The rules and regulations of the Wastewater Management Division will require certain design and construction considerations to control surface water runoff. Does the site contain a flood hazard area as identified by the Federal Emergency Management Agency? Yes ☐ No ☒

Does the site contain wetland areas? Yes ☐ No ☒ For assistance in answering these questions, contact the Wastewater Management Division at 303-446-3400.

**j. INTERIOR STREETS, DRIVES, PARKING AREAS AND PEDESTRIAN WALKWAYS**

Interior streets, drives, parking areas and pedestrian walkways within the P.U.D. district, if any, are shown on the District Plan.

**k. EASEMENTS**

Existing and/or proposed utility and/or access easements are shown on the District Plan or are located as follows: **None**

**I. LANDSCAPING AND BUFFERING**

Areas to be landscaped must be shown on the District Plan. However, a more detailed landscaping plan may be required by the Planning Office as a part of this application. All foliage shall be maintained in a healthy, growing and safe condition. NOTE: A detailed landscaped plan is required as a part of the site plan review phase after the rezoning is approved.

NUMBER OF EXISTING TREES: 0

MINIMUM NUMBER OF TREES TO BE PLANTED:

On private property: 0

On public right of way or in tree lawns: 0

If street trees are proposed or required in the public right-of-way, such trees shall be installed in accordance with the requirements of the City Forester (303-964-2580). If street tree plantings are required within the right-of-way of a state highway, contact the Colorado Department of Transportation for approval (303-757-9930).

MINIMUM SIZE OF TREES AT TIME OF PLANTING:

Evergreens/Coniferous (height):.	<u>N/A.</u>
Deciduous (caliper):	<u>N/A.</u>
Ornamental (caliper):	<u>N/A.</u>

MINIMUM % OF EVERGREEN OR CONIFEROUS TREES: N/A.

MINIMUM NUMBER OF SHRUBS ON PRIVATE PROPERTY: N/A.

MINIMUM SIZE OF CONTAINER AND HEIGHT AND/OR  
SPREAD REQUIREMENTS FOR PLANTED SHRUBS: N/A.

Does the proposed P.U.D. comply with parking lot landscaping requirements of Section 59-585(11) Yes ☐ No ☒

All foliage shall be maintained in a healthy, growing and safe condition.

### **FENCES AND/OR WALLS**

NOTE: Fencing and/or wall heights are not applicable (N/A) as indicated below because the existing building is built up to the property line on all four sides (0 feet setbacks). This section does not preclude the addition of fences, walls, railings, planters, signage, fixtures or furniture in the right-of-way. Encumbrances in the public Right-of-Way will be reviewed by Public Works with heights and sizes to be determined at that time (See Outdoor Eating Exemption under Section o, Amended 2013).

The height of fences and/or walls which may be built in the P.U.D. district, except for the front setback space, shall be a minimum of N/A feet and a maximum of N/A feet

The height of fences and/or walls which may be built within the P.U.D. district front setback space shall be a minimum of N/A feet and a maximum of N/A feet

Size and types of materials permitted for such fences and/or walls are shown on the District Plan. Fences and/or walls shall be either solid and view obscuring or open and view permitting as required by the District Plan. NOTE: Any fence heights exceeding the preceding requirements shall be subject to Section 59-38(11), Overheight Fences and Walls.

Will earthen berms or mounds be installed? Yes ☐ No ☒ Such earthen berms or mounds shall be landscaped and shown on the District Plan. The height of earthen berms or mounds shall be a minimum of N/A feet and a maximum of N/A feet.

**m. BOAT, CAMPER, TRAILER AND RECREATIONAL VEHICLE STORAGE**

Boat, camper, trailer and recreation vehicle storage is ☐ is not ☒ permitted on the property. All such storage facilities shall be shown on the District Plan. If boat, camper, trailer and recreation vehicle storage areas are permitted, screening fences **are required**. Such fences shall be **solid and view obstructing**. Fences shall be a minimum of \_\_\_\_ feet and a maximum of \_\_\_\_ feet in height.

MAXIMUM LENGTH OF BOAT, CAMPER, TRAILER AND/OR RECREATION VEHICLE PERMITTED: \_\_\_\_.

**n. DEDICATIONS AND IMPROVEMENTS**

The owner understands that City ordinances and agency rules and regulations may require the dedication of additional street right-of-way and the construction of certain public improvements. VACATIONS AND/OR DEDICATIONS MUST BE APPROVED PRIOR TO OR AT THE PUBLIC HEARING ON THIS PROPOSAL. If this proposal involves the vacation of certain public rights-of-way for incorporation into the project area, contact the Public Works Department at 720-865-3124.

**o. EXTERNAL EFFECTS**

Vibration, heat, glare, radiation and fumes shall be regulated by Section 59-92 of the B-2 zone district.

Reflective glass **may** be used.

Every use, unless expressly exempted, shall be operated within a completely enclosed structure. ☒ Yes ☐ No

**Exempt Uses:** (Amended 2013)

**Outdoor eating combined with eating place\***

\* The following limitations shall apply:

a) The outdoor eating area shall be contiguous to the eating place to which is accessory;

b) The outdoor eating area shall be clearly delimited by fences, walls or plant materials.

c) No required off-street parking spaces shall be used for the outdoor eating area.

d) The use of the outdoor eating area and all activities therein shall cease by 10:00 p.m. except on Friday and Saturday nights when the use of the outdoor eating area and all activities therein shall cease by 11:00 p.m.

e) The outdoor eating area may be located anywhere within the right-of-way (per Public Works review) along the 6th Avenue street frontage but shall be limited along Gilpin Street to not extend south past the south lot line of Lot 1, Block 13, Williams Driving Park Addition (See Exhibit F).

\* Delimiting the outdoor eating area in public right-of-way with fences, walls, railings, planters, fixtures or furniture requires a public right-of-way occupancy permit through Public Works, which includes Landmark Design review according to D.R.M.C., Chapter 30, as applicable.

**p. NATURAL TERRAIN**

The existing grade of the site will not be altered.

**q. UTILITIES**

Describe where the utilities (public and private) serving the property are located  
All utilities are served from 6th Avenue

For information contact the following:

Denver Water Board	303-628-6100
Qwest	303-451-2706
Excel Energy	303-571-7502
Wastewater Management	303-446-3590

**r. SIGNS**

The project is regulated by the following:

Section 59-537, Signs permitted in all districts

Section 59-538, Sign area measurement

Section 59-\_\_\_\_\_, Sign regulations for the \_\_\_\_\_zone district.

If no specific regulations are referenced above, please indicate the following:

MAXIMUM NUMBER OF SIGNS: Seven (7).

MAXIMUM SIGN AREA: 2/3 the width of the tenant space (30" height max. sign dimensions)

TOTAL MAXIMUM SIGN AREA: 208 SF.

NUMBER OF GROUND SIGNS AREA: 0

NUMBER OF JOINT ID SIGNS ALLOWED: 0.

MAXIMUM SIGN AREA PER JOINT ID SIGN: 0.

TOTAL MAXIMUM JOINT ID SIGN AREA: 0.

TEMPORARY SIGNS ALLOWED: 0.

NUMBER OF CANOPIES AND AWNINGS: 0.

CANOPIES AND AWNINGS WILL BE BACKLIT? ☐ Yes ☒ No

PROJECTING SIGNS: Tenant signs are allowed to project into the Right-of-Way (6th Avenue only) a maximum of 48".

Any new signs or changes to existing signs shall be subject to review and approval by the Landmark Preservation Commission.

NOTE: All ground, monument, and joint ID sign locations and setbacks must be shown on the District Plan.

**s. OUTDOOR STORAGE OF PRODUCTS, MATERIALS OR SOLID WASTE**

Outdoor storage of products and/or materials ☐ is ☒ is not permitted. If permitted, what products and/or materials are allowed? \_\_\_\_\_.

Fences for outdoor storage areas shall be provided. Said fences are solid and shall be a minimum of \_\_\_\_\_feet and a maximum of \_\_\_\_\_feet in height.

Outdoor storage of solid waste **IS** permitted. If permitted, fences or walls for such outdoor storage areas shall be provided. Said fences or walls shall be solid and shall be a minimum of 6 feet and a maximum of 8 feet in height.

NOTE: All outdoor storage areas must be shown on the District Plan.

**t. TRANSPORTATION**

The current traffic volumes on streets in or adjacent to the project must be shown on the Existing Conditions Map. These volumes are available for major streets from the Transportation Engineering Division (720-865-3150) the Community Planning & Development Agency Office (720-865-3000) or may be estimated by the applicant based on a professional traffic study. Streets for which no estimate is available should be so noted on the Existing Conditions Map.

The projected traffic volumes (current traffic volumes on streets in or adjacent to the project + site generated traffic) must be shown on the District Plan. Site generated traffic should be estimated based on the proposed project type, size, and other relevant factors. Ratios for estimating traffic are available in the Institute of Transportation Engineers reference books at the library.

For projects with total daily site generated traffic of more than 200 vehicle trips, or for projects in areas with special problems, a more detailed analysis may be required, and the applicant should contact the Transportation Engineering Division for further guidance.

**PUBLIC TRANSPORTATION**

The nearest bus stop is located (where?): Just East of the adjacent alley on Eastbound 6th Avenue just West of Williams Street (approximately 75 feet East of the eastern edge of this lot).

**u. SCHOOLS**

Future school sites **will not** be dedicated as a part of this project.

**v. HOME OCCUPATIONS**

Home occupations **are** permitted. If so permitted, home occupations shall conform to Section 59-89 of the R-2 zone district.

**w. USES BY TEMPORARY PERMIT**

Uses by temporary permit are regulated by Section 59-86(c) of the B-2 zone district.

**x. ACCESSORY USES**

Accessory uses are regulated by Section 59-87(b) of the B-2 zone district.

**y. INTERIM USES**

Prior to the development of this project, the property will be used on an interim basis for the following uses within the existing buildings: N/A.

**z. PHASING**

Will the project be developed in phases? ☐ Yes ☒ **No** If yes, specify the phasing and the improvements to be constructed in each phase. \_\_\_\_\_

Anticipated starting date \_\_\_\_\_

Anticipated completion date \_\_\_\_\_

NOTE: A separate site plan review is required for all P.U.D.'s prior to obtaining zoning or building permits for construction. Contact the Zoning Administration (720-865-3000) for more details. This process may be started after the Planning Board hearing has been completed.

**3. WRITTEN STATEMENT**

On an attached page a written statement is given generally describing:

- a. The proposed P.U.D. and the market which it is intended to serve
- b. The proposed P.U.D. and its relationship to the Denver Comprehensive Plan. Where the applicant's objectives are not in substantial conformance with the Denver Comprehensive Plan, the applicant should discuss the changing conditions that justify approval of the proposed P.U.D. District. For help on this contact the Community Planning & Development Agency Office (720-865-2915).
- c. How, the proposed P.U.D. District is to relate to the character of the surrounding neighborhood.

**4. EXISTING CONDITIONS MAP**

The existing Conditions Map **IS NOT** attached following the written statement described above.

**5. DISTRICT PLAN**

The District Plan is attached following the Existing Conditions Map.

This application includes the following listed and attached drawings or renderings:

- ☐ architectural concepts
- ☒ building elevations
- ☐ façade treatments
- ☒ exterior building materials
- ☐ and/or other important features (list): \_\_\_\_\_

**6. ACKNOWLEDGMENT** (Signature updated 2013)

The applicant for this P.U.D. is the owner or owners of all the property contained within the proposed P.U.D. District or is the agent for the owner or owners of all the property contained within the proposed P.U.D. District. NOTE: Agents must supply proof of agency from the owner or owners of the property at the time of application.

The applicant understands that vested property rights shall be created ninety (90) days after the approval of this District Plan by the Denver City Council. These vested property rights shall remain vested for a period of three (3) years in accordance with Section 59-29.



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**Joe Vostrejs**  
**Managing Partner**  
**Country Club Shoppette, LLC**

## PUD SUMMARY SHEET

Application #                      2013I-00011  
 Address/Location                1700 – 1718 East 6<sup>th</sup> Avenue  
 Total Land Area                  6,250 SF

Permitted Uses	
<b>Use A</b>	Refer to Table 2(a) for all allowed uses
<b>Use B</b>	
<b>Use C</b>	

	Proposed Uses			
	Use A	Use B	Use C	Total
Maximum Gross Floor Area (sq. ft.)	6,250			
Floor Area Ratio (nonresidential uses)	0.98 : 1			
Maximum Number of Dwelling Units	7			
Density (dwelling units per acre)	48.8 / AC			
Land Coverage				
Buildings:	6,122			
Drives and Parking:				
Other	128			
Parking				
Number of Spaces	0			
Ratios (spaces: gross floor area):				
Landscaping				
Area of Live Landscaping (sq. ft.):	0			
Area of Non-Live Landscaping (sq. ft.):	0			

Building Setbacks					
North	0	Feet	Front	0	Feet
South	0	Feet	Rear	0	Feet
East	0	Feet	Side	0	Feet
West	0	Feet			

Parkway Setbacks					
Buildings	0	Feet	Signs	0	Feet
Required Separation Between Buildings				0	Feet
Maximum Building Height					
Stories	1		Feet	22 Feet	

NOTE: FOR COMPLETE PUD REQUIREMENTS, REFER TO APPLICATION # 2013I-00011

Back side of P.U.D. Summary Sheet

**Item 19: List of Attached Exhibits**

Exhibit A: Ownership Information Sheet (Replaced 2013)

**Original Exhibits**

Exhibit B: Item 3 – Written Statement

Exhibit C: Business Structures Exception Letter

Exhibit D: Memorandum to Councilwoman Jeanne Robb

Exhibit E: Sign in Sheet from Neighborhood (CHUN) Meeting 11/14/06

Exhibit F: District Plan Map

Exhibit G: Exterior Building Elevations

Map 1: Zone Map Amendment

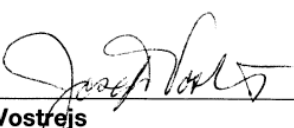
Map 2: Pending Zone Map Amendment – Aerial & Zoning Overlay

Map 3: Pending Zone Map Amendment – Blueprint Denver Overlay

**New Exhibit (2013)**

Exhibit H: Rezoning Intent Letter to RNO's & other Organizations

Back side of Item 19

<b>APPLICANT &amp; OWNER INFORMATION SHEET EXHIBIT "A"</b>		
<p>[1] Section 59-648(c) of the Denver Revised Municipal Code requires that an applicant for rezoning provide the applicant's name, address, and respective ownership interest, if any, on the application. In addition, unless subject to paragraph [2] below, the applicant must provide, in the space provided on this form, a list of all the owners of the property and the holders of deeds of trust, identifying which owners and holders of deeds of trust are represented by the applicant.</p>		
<p>[2] If the application is for designation of an area as B-2, B-3, R-X or PUD zone district, the applicant must submit the concurrence of the owners and holders of deeds of trust of the entire land area to be included in the proposed district (and any structures thereon). In such cases, this form must be completed for each individual owner, together with sufficient evidence of ownership for each owner and holder of a deed of trust. Documentation verifying ownership interest may include (but is not limited to): Copies of deeds, powers of attorney, and corporate/partnership registrations filed with the Secretary of State.</p>		
Application Number	2013I-00011	Applicants Name
		<b>Country Club Shoppette, LLC</b> <b>Joe Vostrejs</b> <b>Managing Partner</b>
Property Address(es)		
1700 through 1718 East 6th Avenue, Denver, Colorado 80218		
Applicant's Address		
1430 Larimer Street, Suite 200, Denver, Colorado 80202		
<p>NOTE: If application is for rezoning to B-2, B-3, R-X or PUD, and the applicant is not the property owner, this form must be accompanied by a Power of Attorney statement from the property owner.</p>		
<p>Indicate as accurately as possible the form of interest in the property, and the amount held by the individual or entity listed as "applicant" above.</p>		
Fee Title Owner (Has Deed of Ownership)	All X	<input checked="" type="checkbox"/>
	A Portion	<input type="checkbox"/>
Contract Owner	All	<input type="checkbox"/>
	A Portion	<input type="checkbox"/>
Holder of a Security Interest	All	<input type="checkbox"/>
	A Portion	<input type="checkbox"/>
<p>List the names and addresses of all owners and holders of Deeds of Trust for the property, if any, and indicate which owners or holders of deeds of trust are represented by the applicant in the space below (please add additional pages, if needed).</p>		
 <b>Joe Vostrejs</b> <b>Managing Partner</b> <b>Country Club Shoppette, LLC</b>		

### **Section 3. Written Statement**

***a. The proposed PUD and the market which it is intended to serve.***

The attached PUD application is intended to serve the surrounding adjacent neighborhoods. The building contains small one-of-a-kind shops and draws it's clientele from the adjacent residential community. The building is functioning as it always has since its construction in 1912.

***b. The proposed PUD and its relationship to the Denver Comprehensive Plan.***

In a time where the lifecycle of commercial/retail centers is getting shorter and shorter (i.e. Albertson's at Colorado and Evans) it is refreshing to see a building constructed almost 100 years ago still functioning as it was originally designed, and at 100% capacity. Per the Denver Comprehensive Plan one of the objectives is to "Reinforce successful retail centers in Denver..." Although small, it is clear that this building epitomizes a successful retail "center". With the recent addition of Oliver's Meat & Seafood Market, the building serves not only the adjacent residences but all of the Denver area as Oliver's has been a steadfast icon of Denver for generations.

***c. How, the proposed PUD District is to relate to the character of the surrounding neighborhood.***

By processing this PUD the character of the existing neighborhood is guaranteed to be maintained.

November 15, 2005

**To: City of Denver  
Board of Adjustment**

**Re: Business Structures Exception  
Country Club Shoppette  
1700-1718 E. Sixth Avenue  
Denver, Colorado 80218**

**Tenant Address: 1712 E. Sixth Ave.**

Condition to Address: "If the structure is located in a residential district, a registered architect or engineer must certify that it is impractical to remodel the structure to make the structure usable with the code for that district".

Previous tenant was an Art Gallery. Proposed new tenant to be business office for "Gourmet to Go"

Zone District of subject property: R-2.

In the opinion of Wyatt & Associates, Architects, it is impractical, both physically and economically to remodel the subject property for R-2 residential uses for the following reasons:

1. The subject structure, built in 1912, was originally designed for commercial & retail uses and has been operating with said commercial uses during most of the 93 year history of the building. The structure has always served the local community in a complimentary manner.
2. The building is built to a "zero" lot line and no exterior yard space is available for any R-2 residential uses.
3. The building is currently occupied by several commercial tenants with existing leases. An attempt to remodel the one vacant space noted above into an R-2 residential use would result in an uncomplimentary mix of uses. If the entire building were to be remodeled into residential type uses, the

terms of the existing leases would be violated resulting in economic losses to the owners.

4. Any residential use in the existing building would be extremely speculative given the fact that the building faces directly on busy 6<sup>th</sup> Avenue with little separation from the noise and activity of the street.
5. Plumbing, only sufficient for small commercial uses exists in the building. The cost to add the required plumbing for residential uses including kitchens, bathroom and laundry facilities would be extremely expensive and physically difficult to construct due to the age and condition of the structure.
6. Natural light occurs only from the existing windows on 6<sup>th</sup> Avenue. If the building were to be subdivided into residential type units, additional interior partitioning would severely limit natural light into the rooms.
7. Permanent off-street parking for residential uses is not available.
8. The electrical service costs to convert the building from the existing commercial uses to residential uses would be impractically expensive.

**Respectfully submitted:**  
**Wyatt & Associates, Architects**

Dennis W. Wyatt, Architect



# FOSTER GRAHAM CALISHER LLP

ATTORNEYS AT LAW

Application # 4914  
1700-1718 E. 6<sup>th</sup> Avenue  
Exhibit D

Daniel K. Calisher  
Daniel S. Foster  
David Wm. Foster  
Robert G. Graham

Stacey S. Chapman  
Randall M. Chin  
Jennifer G. Feingold  
Dudley W. Morton

*Special Counsel*

Susan B. Schneider  
Shari L. Ulery

## MEMORANDUM

**TO:** Councilwoman Jeanne Robb  
**FROM:** David Wm. Foster  
**DATE:** November 30, 2005  
**RE:** Country Club Shoppette/1700-1718 E. 6<sup>th</sup> Ave

### I. Introduction

Foster, Graham & Calisher represents Country Club Shoppette, Ltd, which owns and operates a small retail building at the corner of 6<sup>th</sup> Ave. and Gilpin St. Currently, the structure at this location houses several legal non-conforming commercial and retail uses in a residential district. Specifically, the building is occupied by the following tenants: an art gallery, an antique store, a salon and a meat market. Due to a variety of circumstances, it would be advantageous for both the owner and the city to rezone the property to enable a legal use structure at this location.

### II. Background

The Country Club Shoppette is located in an R-2 district, and since its construction in 1912, has served commercial and retail purposes for the surrounding neighborhood. The building is built to a "zero" lot line, does not include off-street parking, and is currently occupied exclusively by commercial tenants. The property owner originally received approval to continue operations of the non-conforming uses of the property in 1984. Since that time, the property owner has been required several times to obtain Board of Adjustment approvals for other non-conforming uses for new tenants.

### III. Issues with Current Zoning

The current uses of the property do not conform to the R-2 district restrictions. Because of this, in order to get a use for a new tenant approved, the property owner must apply for a use, be denied, and subsequently go through Board of Adjustment hearings. At these hearings, the property owner applies for a "Business Structures Exception," codified in Denver Municipal Code §59-38(a) 12. Under this exception, the owner must demonstrate that certain conditions exist:

- i. That the applicant is the owner of the subject structure;
- ii. That the structure was originally designed for a business use and not for residential occupancy;

- iii. That the structure involved was erected prior to November 8, 1956;
- iv. That the structure involved can be occupied by the proposed use without remodeling, changing or altering any load-bearing member of the structure;
- v. If the structure is located in a residential district, that a registered architect or engineer certifies that it is impractical to remodel the structure involved so that the structure could be occupied by a use by right enumerated for the district in which such structure is located.

Once these and other conditions are demonstrated, the Zoning Administrator may allow different uses at the property under the exception.

In April of this year, Country Club Shoppette, Ltd. undertook this process to alter a use in the building from a tuxedo rental shop to a delicatessen. Under the terms of the approval granted by the Board of Adjustment, the exception is subject to a yearly renewal, is personal to Country Club Shoppette, Ltd. and is non-transferable. The process of receiving the exception was inefficient, and created a mere temporary solution to the continuing issue of non-conformity.

Another problem arises in that if the structure was destroyed or damaged in an accident, the long-standing uses of the property may be prevented in the future. Under section 59-631(d)(4) of Denver's Municipal code, damage or destruction of the property destroys a property owner's right to operate the structure as a non-conforming use.

#### **IV. Conclusion**

The property in question is ill suited for uses consistent with an R-2 district. The structure is such that it would be impractical to alter or modify it for a use within the code for an R-2 district. Additionally, maintaining a legal non-conforming use status on the property has proved difficult and lengthy. Rezoning to enable a legal use structure would be more efficient for the city and the property owner, and would ensure that the services that the property provides will continue well into the future.

# CHUN Meeting

Topic: COUNTRY CLUB SHOPPETTE

Date: 11/14/06

Application # 4914  
1700-1718 E. 6<sup>th</sup> Avenue  
Exhibit E

PLEASE PRINT!

NAME	ADDRESS	ZIP	TELEPHONE	EMAIL
Karry Graves	19563 E. Mainstreet #202	80138	3037565585	chipspl@201.com
Jeff Anderson	1805 S. Pearl St. Denver	80210	303698-1717	janderson@wyattarch.com
Pete Wells	19563 E. Mainstreet, Parker #202	80138	303-756-5585	chipspl@aol.com
Jim Waker	1708 E. 6 <sup>th</sup> Ave.	80218	303-331-0906	
Kathleen Reilly	725 Franklin St.	80218	303-333-2913	
Stephanie Johnson	740 Gilpin St.	80218	303-374-3852	stadiji@msn.com
Denlis Swain	790 Gilpin	80218	726-252-9554	THRESWAIN@MSH.COM
Nora Kimball	1232 E. Colfax	80218	31377-1807	nora.kimball@ci.denver.co.us
<del>BOB DILLER</del>	2244 E. 4th Ave	80200	31333-3320	CGHN
DAVID HURST	734 GILPIN ST	80218	3-399-3850	david@idcomm.com
Bill McAdam	576 Gilpin St	80218	3-333-6023	
Nedra SanFilippo	649 Milwaukee St	80206	3-355-4603	agira@4d.v.net for the NhhA Assn.
KEITH SWAIN	790 GILPIN	80218	7-252-9575	THRE SWAINS@MSN.COM
Rory Seeber	LIFE ON CAPITOL HILL	218	3-831-6090	LifeEditor@msn.com

EAST 6TH AVENUE

125.00'

LOT 1

BUILDING AREA = 6,122 SF

LOT 2

TRASH STORAGE  
FULLY SCREENED

NOT A PART  
OF THIS PUD

EXISTING BUILDING  
0' SETBACK FROM  
PROPERTY LINE

LOT 3

NOT A PART  
OF THIS PUD

LOT 4

BLOCK 13

ALLEY

WOOD  
FENCE  
OR GATE

GILPIN STREET



EXHIBIT F

APPLICATION # 4914

## DISTRICT PLAN MAP



WYATT & ASSOCIATES, P.C.  
ARCHITECTS & PLANNERS  
1865 S. PEARL ST., DENVER, COLORADO 80210  
PHONE (303) 698-1717 FAX (303) 778-6004  
EMAIL wyattarch@uswest.net

**COUNTRY CLUB SHOPPETTE**

1700 - 1718 EAST 6TH AVENUE

ISSUE DATE: 02/28/07

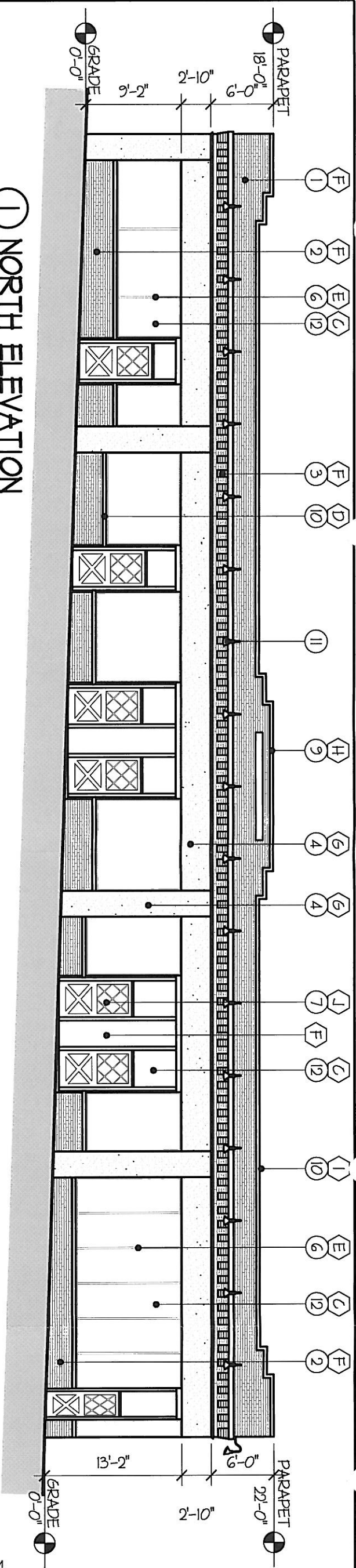
DRAWN BY: JEA SHEET NO.

CHECKED BY: JEA

SCALE: 1" = 20'-0"

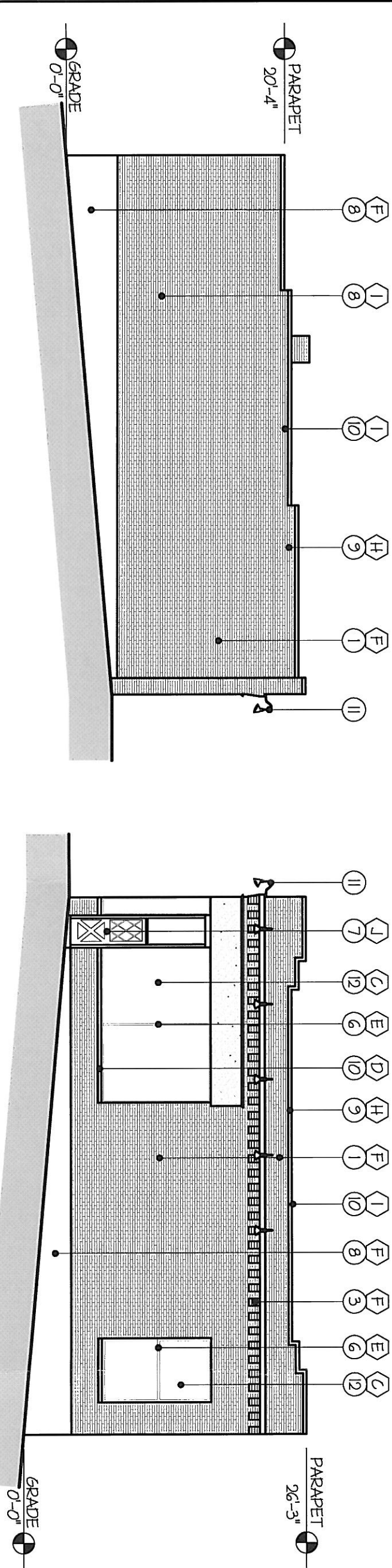
PROJECT NO. 245.12

F



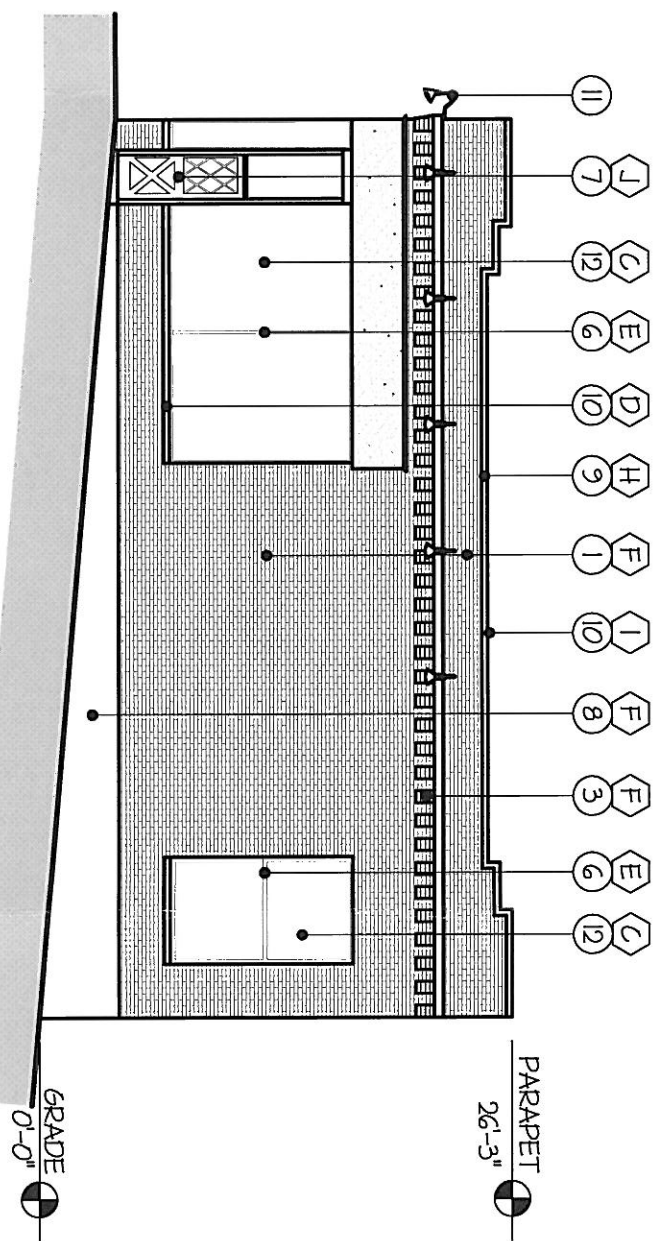
1 NORTH ELEVATION

SCALE: 3/32" = 1'-0"



2 EAST ELEVATION

SCALE: 3/32" = 1'-0"



3 WEST ELEVATION

SCALE: 3/32" = 1'-0"

5 ELEVATION FLAG NOTES

- 1 RUNNING BOND BRICK
- 2 BASE BRICK
- 3 CORBEL BRICK DETAIL
- 4 E.I.F.S. PANELS
- 5 EXPOSED FOUNDATION
- 6 ALUMINIUM STOREFRONT SYSTEM
- 7 WOOD DOOR
- 8 HOLLOW METAL DOOR
- 9 PRECAST CONCRETE CAP
- 10 CAP FLASHING
- 11 LIGHTS
- 12 GLAZING

6 MATERIALS KEY

- A BOND BRICK
- B BASE BRICK
- C 1" INSULATED GLASS, CLEAR
- D CLEAR ALUMINIUM
- E BROWN ALUMINIUM
- F PAINT GREEN
- G E.I.F.S. COLOR- LIGHT GREEN
- H PRE-CAST DARK GREEN
- I PAINT TO MATCH H
- J PAINTED RED

EXHIBIT 6

A-2.0

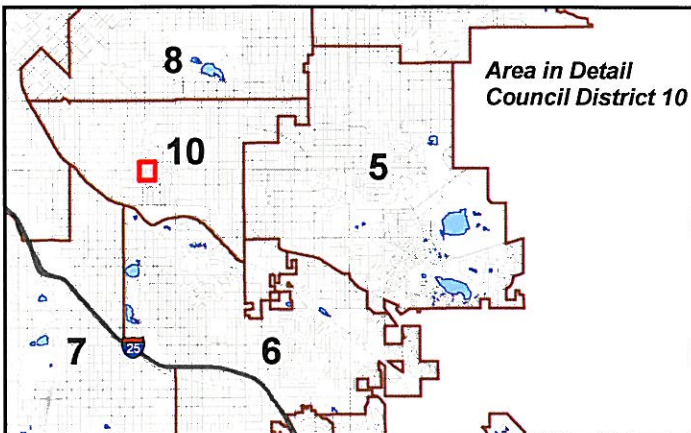
APPLICATION # 4914

BUILDING ELEVATIONS		ISSUE DATE: 02/28/07
1710-1718 EAST 6TH AVENUE		DRAWN BY: JRH / JEA
COUNTRY CLUB SHOPPETTE		CHECKED BY: JEA
		SCALE: 3/32" = 1'
		PROJECT NO. 245.12

**WYATT & ASSOCIATES, P.C.**  
ARCHITECTS & PLANNERS

1865 s. pearl st., denver, colorado 80210  
phone (303) 698-1717 fax (303) 778-6004  
email wyattarch@uswest.net

# Pending Zone Map Amendment - 4914



**Application #4914**  
**1700-1718 E. 6th Ave.**



**Proposed Rezoning**  
**From: R-2**  
**To: PUD**

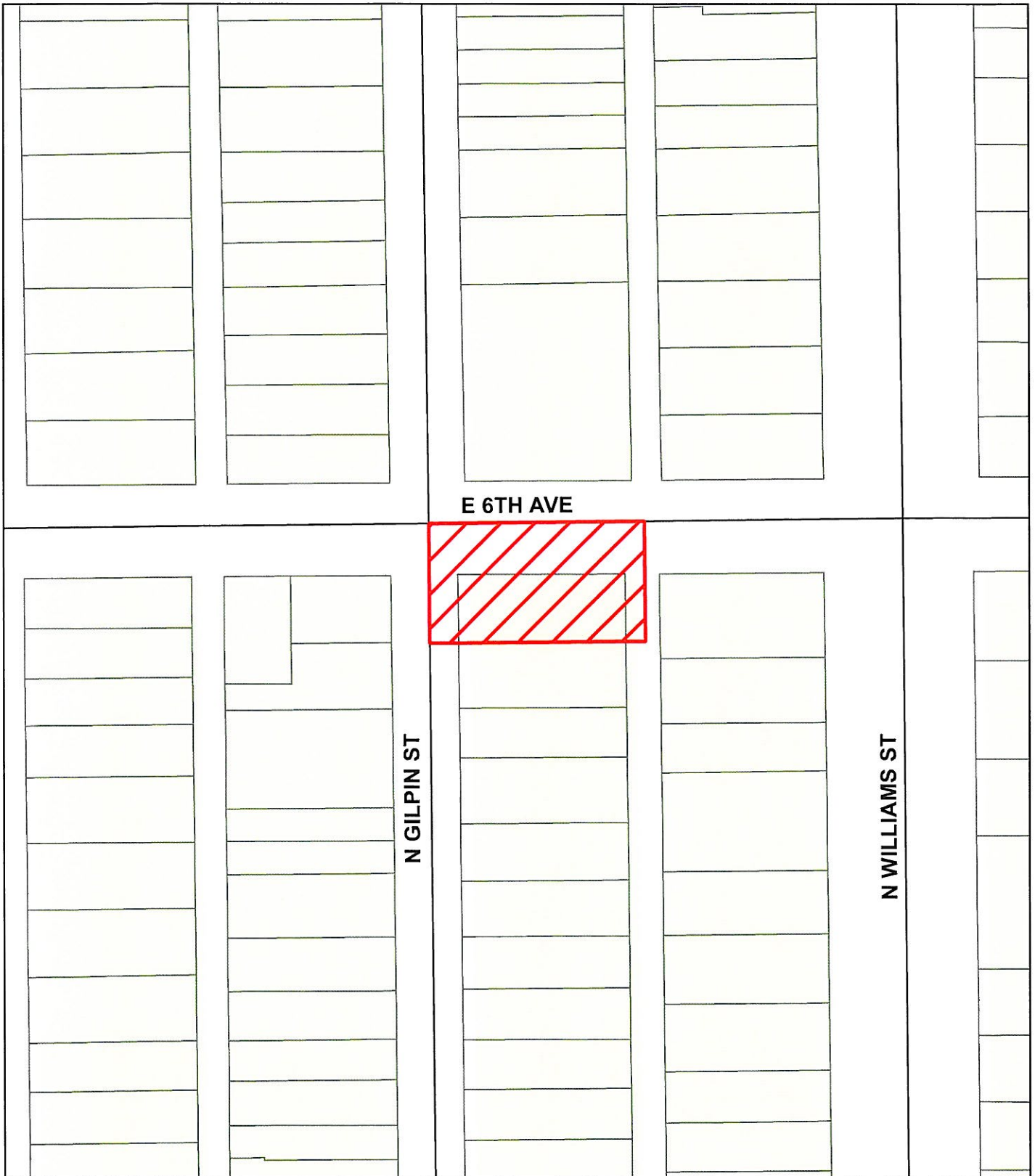


0 50 100 200  
Feet

**Map Date: February 9, 2007**

# Pending Zone Map Amendment - Blueprint Denver Overlay

 Application #4914



Full Extent of This Map = No Area of Change

 Single Family Residential

0 50 100 200 Feet



Map Date: February 9, 2007

# Pending Zone Map Amendment - Aerial & Zoning Overlay

 Application #4914



Aerial Photo : April 2004  
Community Planning and Development

0 100 200 400 Feet

Map Date: February 9, 2007





ROBERT J. GOLLICK, INC.

REAL ESTATE CONSULTING

**7th Avenue Neighborhood Association**

Steven Floyd  
715 Adams Street  
Denver, Colorado 80206

**Capitol Hill United Neighbors, Inc.**

Cody Galloway  
1290 Williams St. Ste 102  
Denver, CO 80218

**Denver Downtown Capitol Alliance**

Nicole Bracken  
519 16th St.  
Denver, Colorado 80202

**Denver Neighborhood Association, Inc.**

Bradley Zieg  
1285 Dexter Street  
Denver, CO 80202

**Driving Park Historic District**

Stocton Baker  
435 Humboldt Street  
Denver, Colorado 80218

**Inter-Neighborhood Cooperation**

Larry Ambrose  
P.O. Box 300684  
Denver, CO 80218

**Neighborhood Advisory Committee to  
The Botanic Gardens**

Timothy Hepp  
1154 Gaylord Street  
Denver, Colorado 80206

**Neighbors and Friends for  
Cheesman Park**

Jay Rust  
1299 Gilpin Street, Ste. 15E  
Denver, CO 80218

Re: Proposed rezoning of 1700-1718 East 6<sup>th</sup> avenue

February 19, 2013

I hope this correspondence finds all of you well.

The owner of the property located at 1700-1718 East 6th Avenue, which is within or near your neighborhood association boundaries, and has retained my firm, Robert J. Gollick, Inc. to file and coordinate a zone map amendment or rezoning for that property. This is the southeast corner of East 6th Avenue and Gilpin Street and is the location for Oliver's Meat Market, Satchel's along with other neighborhood serving tenants.

The site is currently zoned as PUD No. 602. The reason for the proposed rezoning is that PUD 602 contains language that does not permit tenants to conduct outdoor activities such as outdoor dining or outdoor tables for a café/coffee shop. Additionally, the PUD precludes a railing, wall or other means of delineating such an outdoor area. This appears to be an oversight in that PUD which was approved in 2007 which can be corrected with a rezoning.

Before I get too far into the City zoning process, our team would like to meet with your Association to discuss this zoning request and listen to any suggestions you may have. However, if you do not wish to meet I understand and am available to discuss the proposal with you over a phone call. I have not yet submitted the zoning application to the City but would like to do so in the next few weeks for the City initial format review.



The zoning process requires approximately six months of review and meeting time prior to the City Council public hearing. However, I strongly feel 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.

If you have any questions please contact me via email or directly at 303 722-8771. I will meet with you individually or with your respective Association. If you feel I have missed anyone on the contact list for this letter let me know and I will call him or her.

I thank you for your interest and understanding of this zoning request.

Sincerely,

SENT VIA EMAIL

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

cc:

- ✓ Councilwoman Jeanne Robb, District 10
- ✓ Tim Watkins, Community Planning & Development,
- ✓ Kyle Dalton, Community Planning & Development,
- ✓ Tricia Mueller Calandra, Larimer Associates