



TO: Denver City Council
FROM: Andrew Webb, Principal City Planner
DATE: July 20, 2023
RE: Official Zoning Map Amendment Application #2022I-00040

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** of Application #2022I-00040

Request for Rezoning

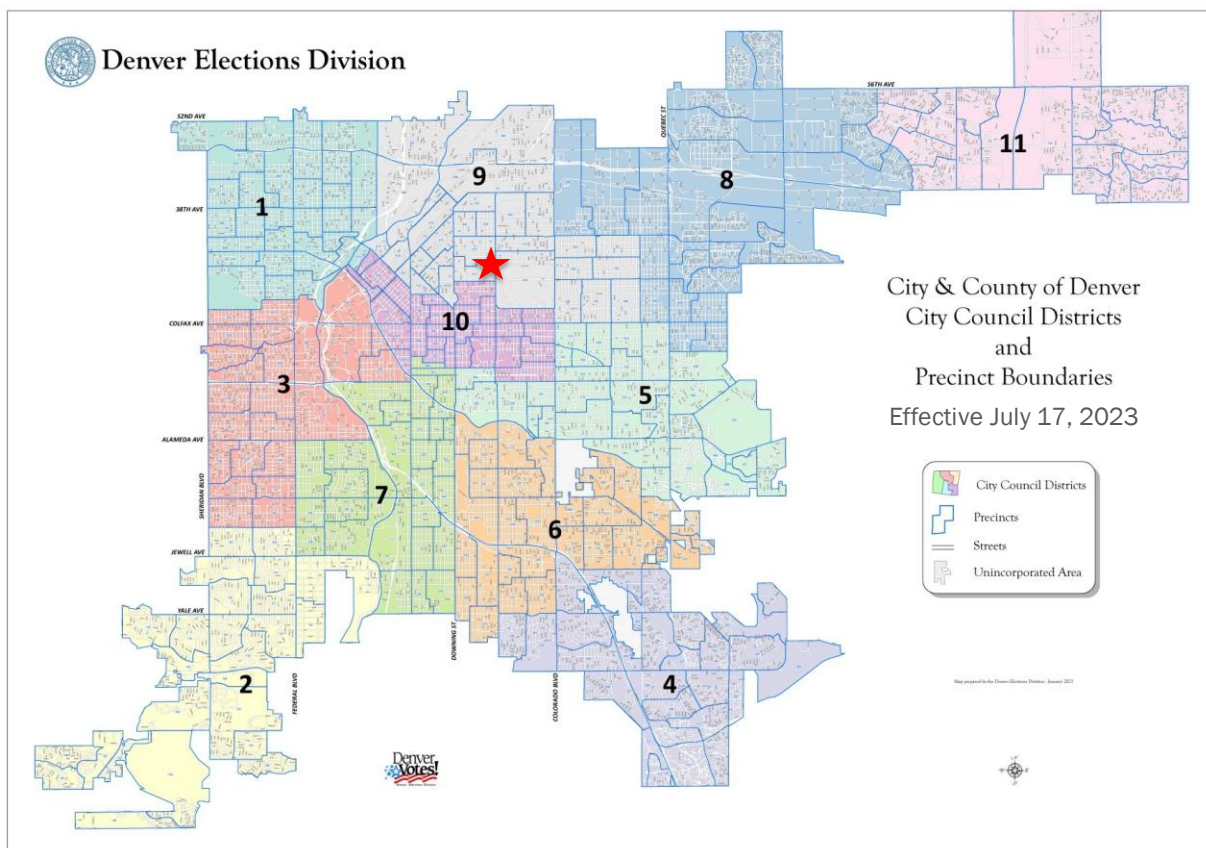
Address:	2501 N Gaylord Street
Neighborhood/Council District:	Whittier / Council District 9
RNOs:	Inter-Neighborhood Cooperation (INC), Whittier Neighborhood Association, Opportunity Corridor Coalition of United Residents, Council District At Large, Council District 9 RNO, City Park Friends and Neighbors, Reclaim the Eastside, Strong Denver
Area of Property:	9,393 square feet or 0.215 acres
Current Zoning:	U-SU-B1
Proposed Zoning:	PUD-G 31
Property Owner(s):	TRHM 1 LLC
Owner Representative:	Paul Norquist

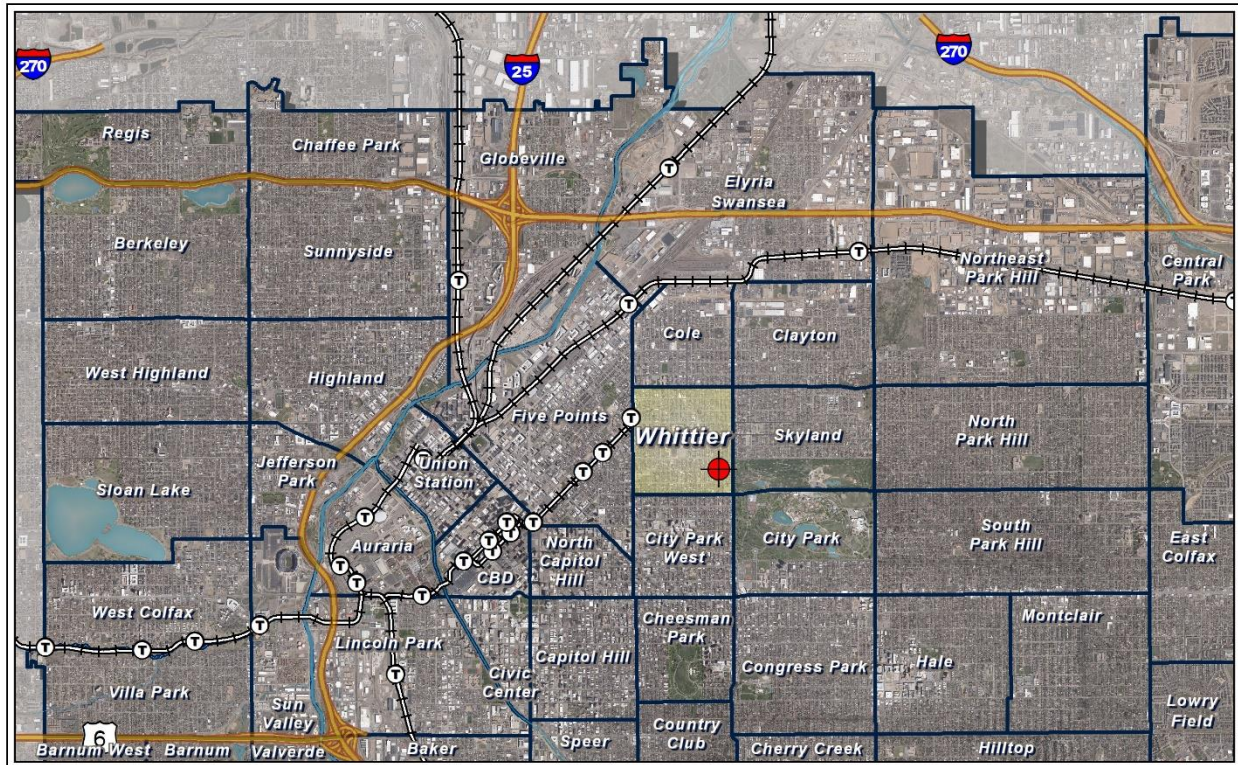
Summary of Rezoning Request

- The subject site for the rezoning comprises about half of an approximately 18,700-square-foot ownership parcel at the northwest corner of N Gaylord Street and E 25th Avenue in the Whittier neighborhood.
- The subject property is currently occupied by a large brick house structure built in 1924. The house is currently vacant. It previously housed a convent and church-affiliated home healthcare agency. Until recently, the house had two “wing” additions built in the 1950s to its north and south, and there were several outbuildings on the property – these structures have since been demolished.
- The property owners originally intended to demolish all the structures on the site and develop four new homes under the existing U-SU-B1 zoning. Some neighbors opposed the proposed demolition of the house, and the City secured the services of a professional mediator, who worked with the neighbors and the property owners to reach an agreement in early 2022 that requires retention and rehabilitation of the existing structure, and would allow the property owner to build two new houses on the north half of the property, and an additional new house on a new zone lot that would be created to the south of the existing house structure.
- The property owner seeks custom zoning to allow for flexibility in side-interior and front setbacks, building height and bulk plane requirements for the existing structure, and to create a

narrower zone lot to the south of the existing structure that could be developed with a new house.

- The proposed Planned Unit Development – General (PUD-G) 31 zone district would require retention of the existing house and preservation of certain features including the roofline and front façade. It would create two subareas, a 6263-square-foot subarea to the north containing the existing house and based on the U-SU-B1 zone district, and a 3129-square-foot subarea to its south based on the U-SU-A1 district. Both are Single Unit residential districts that also allow Accessory Dwelling Units.
- If the rezoning is adopted, the northern half of the existing ownership parcel would retain its existing U-SU-B1 zone district.





Existing Context

The subject property is located in the Whittier neighborhood and is occupied by a 1920s brick home that is noticeably larger in scale than other homes of the same era in surrounding blocks. Two “wing” structures attached to and built to the north and south of the existing house in the 1950s have been recently demolished, as have multiple outbuildings built by the previous user, a home healthcare agency. The neighborhood is characterized by single-unit residential uses and occasional accessory dwelling units. There is a pattern of rectangular blocks in a street grid pattern with alley access. Transit service is provided one block to the east via RTD bus route 24 on York Street.

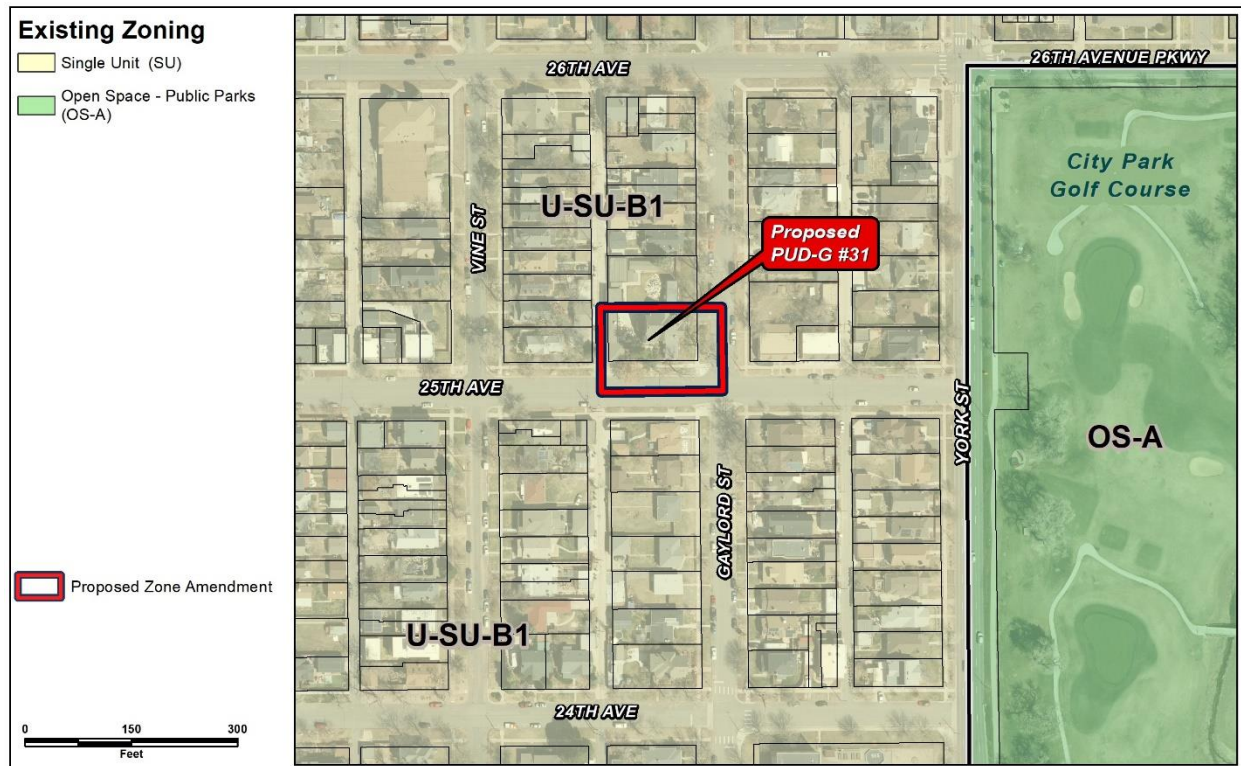


The following table summarizes the existing context proximate to the subject site:

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	U-SU-B1	Vacant, recently used for healthcare agency offices, residences and storage	Tall two-story brick house	The surrounding neighborhood generally consists of a regular pattern of rectangular blocks, with a consistent pattern of alleys. Sidewalks are detached with tree lawns and mature trees are abundant.
North	U-SU-B1	Single Unit residential with some ADUs and duplexes	One- and two-story houses, some with ADUs	
South	U-SU-B1	Single Unit residential with some ADUs and duplexes	One- and two-story houses, some with ADUs	
West	U-SU-B1	Single Unit residential with some ADUs and duplexes, church	One- and two-story houses, some with ADUs	
East	U-SU-B1	Single Unit residential with some ADUs and duplexes, City Park	One- and two-story houses, some with ADUs	

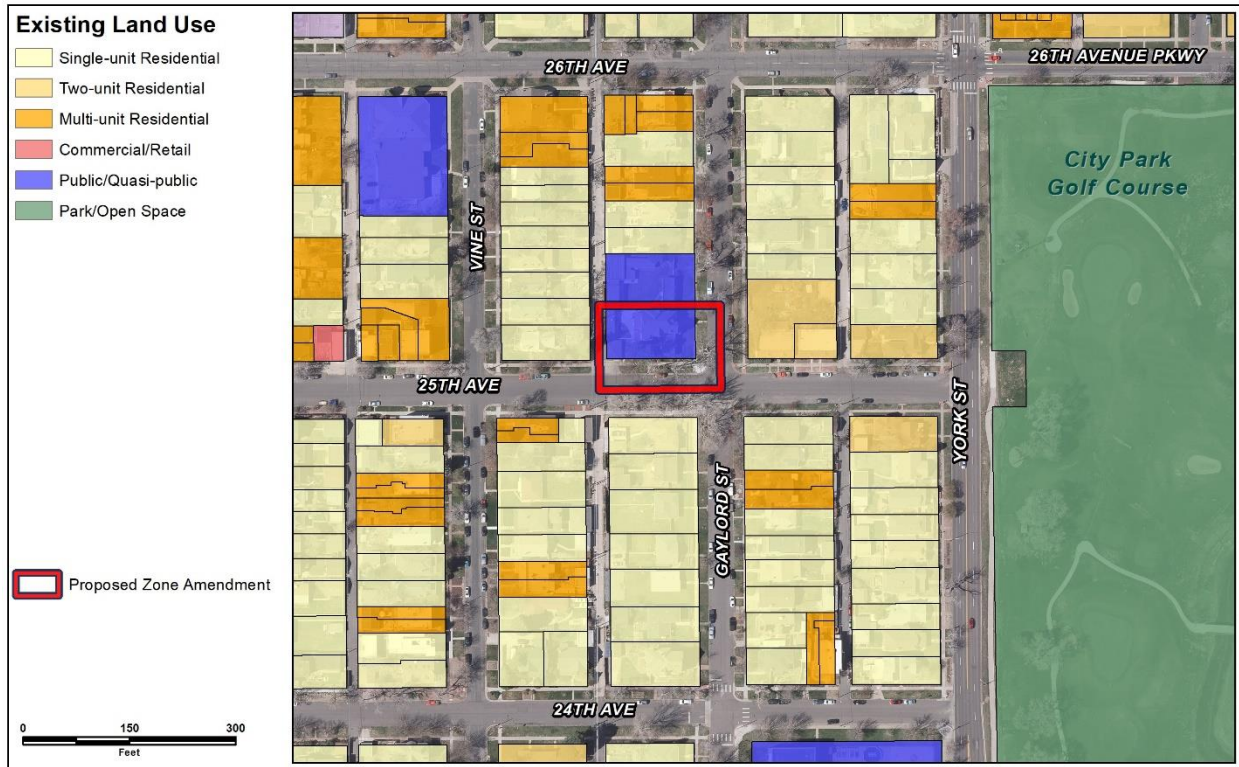
Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
	Golf Course 1 block to east.		

1. Existing Zoning

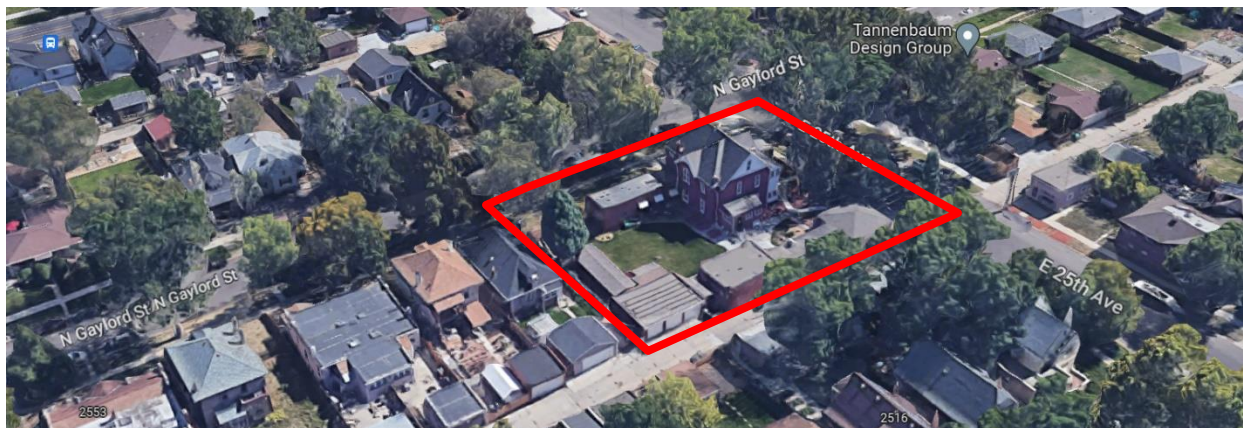


The existing zoning of the subject property is U-SU-B1, a single-unit zone district with a minimum zone lot size of 4,500 square feet that allows only an Urban House primary building form. A variety of residential and civic uses are permitted as primary uses in the U-SU-B1 district. The district allows the Detached Accessory Dwelling Unit, Detached Garage, and Other Detached Accessory Structures as detached accessory building forms.

2. Existing Land Use Map



3. Existing Building Form and Scale



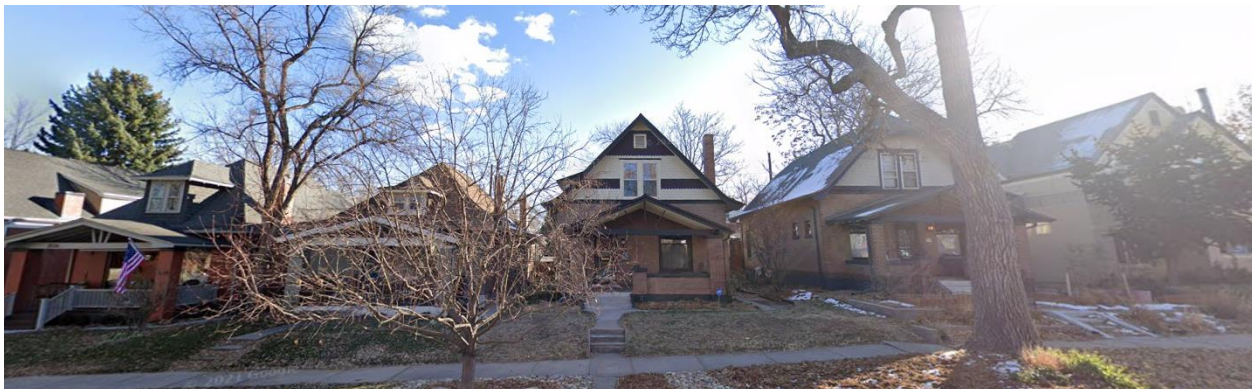
Aerial view of site and surrounding context, looking southeast toward rear of subject site (front of structure is obscured by trees) (Source: Google Maps)



Site, looking west (Source: Google Maps. Note: single-story additions to north and south of building have been removed since this picture was taken)



Homes to north of site, looking west (Source: Google Maps)



Homes to west of site, looking east (Source: Google Maps)



Homes across the street from the site, looking east (source: Google Maps)

Summary of PUD Request

The applicant request is to rezone to PUD-G 31 per Denver Zoning Code Section 9.6.1. The purpose of a PUD district is to provide an alternative to conventional land use regulations, combining use, density, site plan and building form considerations into a single process, and submitting procedural protections for the more prescriptive requirements in the Code. The PUD district is intended to respond to unique and extraordinary circumstances, where more restrictive or flexible zoning than what is achievable through a standard zone district is desirable and multiple variances, waivers and conditions can be avoided.

The intent of the proposed PUD is to allow the preservation of the existing structure, while allowing redevelopment of the rest of the ownership parcel with three new houses. The PUD would establish a subarea to the south of the existing house where a house could be developed under the U-SU-A1 zone district, which allows a narrower minimum lot size than is permitted under the existing U-SU-B1 district. The PUD also contains tailored setbacks, bulk plane and maximum height standards that account for its size and will allow future parcel reconfiguration of the entire ownership parcel to create two new lots in the north half, outside the PUD boundary. The applicant proposes to construct two houses on those parcels consistent with the regulations of the existing U-SU-B1 zoning, which would be retained there.

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: Approved – No response

Asset Management: Approved – No comments

Community Planning and Development: The application number for this rezoning proposal is 20211-00175.

Denver Public Schools: Approved – No response

Department of Public Health and Environment: Approve Rezoning Only - Will require additional information at Site Plan Review. Denver Department of Public Health & Environment - Division of Environmental Quality (EQ) does not guarantee approval of any proposed development project at this site by providing a response to this Official Map Amendment Referral Agency Review Request. Future development is subject to existing land use controls and other environmental requirements in accordance with applicable local, state, and federal environmental regulations and statutes. EQ recommends the Property Owner conduct an environmental site assessment to determine the potential presence, nature, and extent of possible contamination on the site and to identify specific cleanup needs associated with future development. EQ may have additional information about localized potential environmental concerns at the site. However, providing such information about a specific site is beyond the scope of these zoning application comments.

Denver Parks and Recreation: Approved – No comments

Denver Landmark Preservation Approved – With Comments. Denver Landmark Preservation supports this PUD and the retention of the existing structure. We would recommend that the elevations of the existing structure be updated to show the dormer, which is noted in the PUD, but is not included in the elevations.

Public Works – R.O.W. - City Surveyor: Approved – No comments

Development Services - Transportation: Approved – No response

Development Services – Wastewater: Approved – No response

Development Services – Project Coordination: Approve Rezoning Only - Will require additional information at Site Plan Review. Notes:

- 1) Content (Dimensions) to be included in the PUD has been reviewed through a separate Concept Plan and Zone Lot Amendment submittal.
- 2) The associated Zone Lot Amendment is not able to be approved until after the PUD rezoning is approved.
- 3) Separate Site Plan submittals for zoning and building permits will be needed through the Residential Review Team after the associated zone lot amendment is approved for any new construction on Subareas A and B of this PUD.

Development Services – Fire Prevention: Approved – No response

Public Review Process

	Date
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	11/8/2022

Property legally posted for a period of 15 days and CPD written notice of the Planning Board public hearing sent to all affected members of City Council, registered neighborhood organizations, and property owners:	3/21/23
Planning Board Public Hearing Unanimous Recommendation of Approval	4/5/2023
CPD written notice of the Land Use, Transportation and Infrastructure Committee meeting sent to all affected members of City Council and registered neighborhood organizations, at least ten working days before the meeting:	5/20/2023
Land Use, Transportation and Infrastructure Committee of the City Council meeting:	6/6/2023
<i>Property legally posted for a period of 21 days and CPD notice of the City Council public hearing sent to all affected members of City Council and registered neighborhood organizations (tentative):</i>	<i>7/3/2023</i>
<i>City Council Public Hearing (tentative):</i>	<i>7/24/2023</i>

Public Outreach and Input

The applicants began public outreach in late 2021. With the aid of a City-funded mediator, the property owners entered into a Memorandum of Understanding in January 2022 with three immediate neighbors of the property and representatives of the Whittier Neighborhood RNO (which includes the property) and City Park West RNO (which is near the property). The agreement stipulates that the applicants will preserve the existing structure on the site proposed for this rezoning. The agreement also requires that the three new houses built to the north and south of the existing structure be designed similar to other prewar homes in the area with gable or hip roofs, front porches and brick cladding on front facades.

- **Registered Neighborhood Organizations (RNOs) and Other Public Comment**
 As of the date of this report, staff has not received written public comment about this proposed rezoning.

Criteria for Review / Staff Evaluation

The criteria for review of this rezoning application are found in DZC, Sections 12.4.10.7, 12.4.10.8 and 12.4.10.9 as follows:

1. Consistency with Adopted Plans
2. Uniformity of District Regulations and Restrictions
3. Public Health, Safety and General Welfare
4. Justifying Circumstances
5. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements
6. Additional Review Criteria for Rezoning to PUD District
 - a. The PUD District is consistent with the intent and purpose of such districts stated in Article 9, Division 9.6 (Planned Unit Development) of this Code;

- b. The PUD District and the PUD District Plan comply with all applicable standards and criteria stated in Division 9.6;
- c. The development proposed on the subject property is not feasible under any other zone districts, and would require an unreasonable number of variances or waivers and conditions;
- d. The PUD District and the PUD District Plan establish permitted uses that are compatible with existing land uses adjacent to the subject property; and
- e. The PUD District and the PUD District Plan establish permitted building forms that are compatible with the adjacent building forms, or which are made compatible through appropriate transitions at the boundaries of the PUD District Plan (e.g., through decreases in building height; through significant distance or separation by rights-of-way, landscaping or similar features; or through innovative building design).

1. Consistency with Adopted Plans

The following adopted plans currently apply to this property:

- *Denver Comprehensive Plan 2040 (2019)*
- *Blueprint Denver (2019)*
- *Whittier Neighborhood Plan (2000)*

Denver Comprehensive Plan 2040

The proposed rezoning is consistent with many of the adopted *Denver Comprehensive Plan 2040* strategies, which are organized by vision element.

The proposed rezoning would enable the property owner to preserve and rehabilitate an existing home, and create three new homes, potentially with accessory dwelling units, in an established neighborhood near one of the city's largest parks, consistent with the following strategies in the Equitable, Affordable and Inclusive vision element:

- Equitable, Affordable and Inclusive Goal 1 – *Ensure all Denver residents have safe, convenient, and affordable access to basic services and a variety of amenities* (p. 28).
- Equitable, Affordable and Inclusive Goal 2, Strategy B – *Create a greater mix of housing options in every neighborhood for all individuals and families.* (p. 28).

The proposed rezoning would enable preservation of an existing large house that the community appreciates for its architecture and history, and is therefore consistent with the following strategies in the Strong and Authentic Neighborhoods vision element:

- Strong and Authentic Neighborhoods Goal 1, Strategy D – *Encourage quality infill development that is consistent with the surrounding neighborhoods and offers opportunities for increased amenities* (p. 34).
- Strong and Authentic Neighborhoods Goal 1.3 – *Preserve the authenticity of Denver's neighborhoods and celebrate our history, architecture and culture.* (p. 18).
- Strong and Authentic Neighborhoods Goal 2, Strategy D – *Use urban design to contribute to economic viability, public health, safety, environmental well-being, neighborhood culture and quality of life* (p. 34).

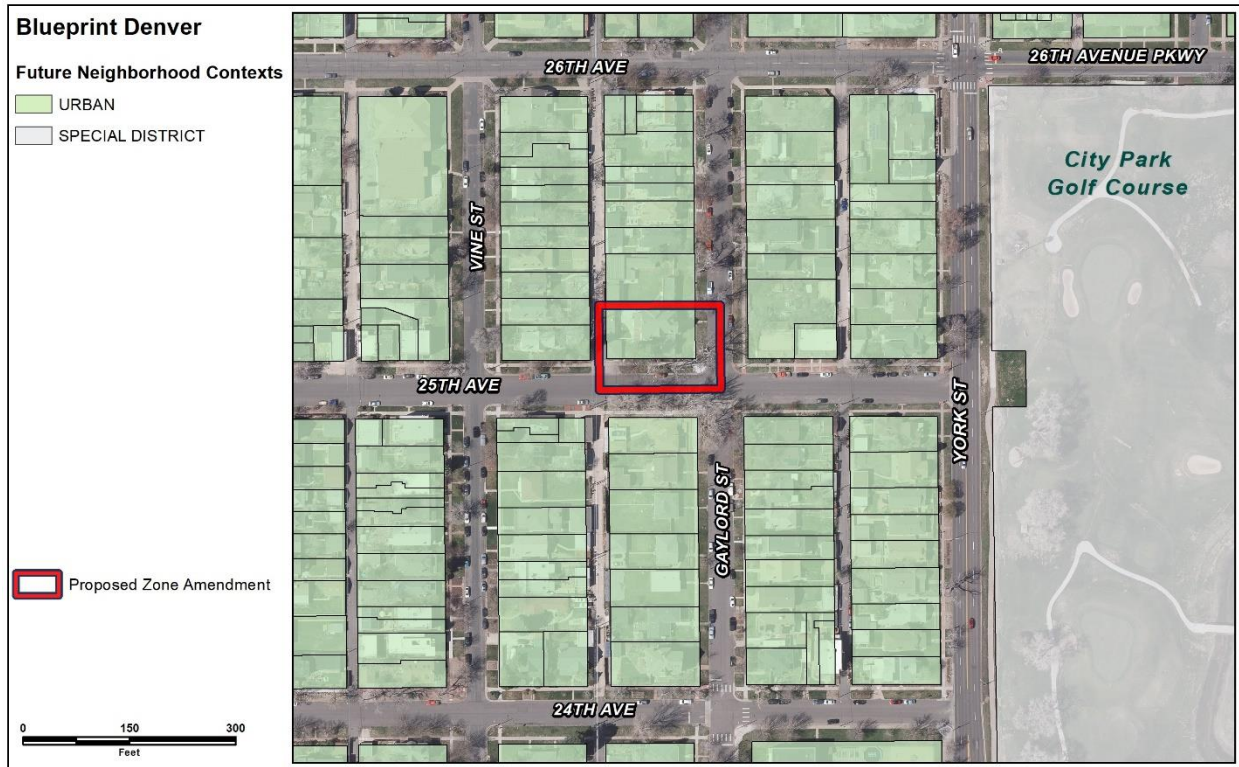
The proposed PUD would allow preservation and ongoing use of an existing home, as well as the development of three new homes on a parcel that is currently vacant, making it consistent with the following strategy in the Economically Diverse and Vibrant, and Environmentally Resilient vision elements:

- Environmentally Resilient Goal 8, Strategy A - *Promote infill development where infrastructure and services are already in place* (p. 54).

Blueprint Denver (2019)

Blueprint Denver was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city's land use and transportation decisions.

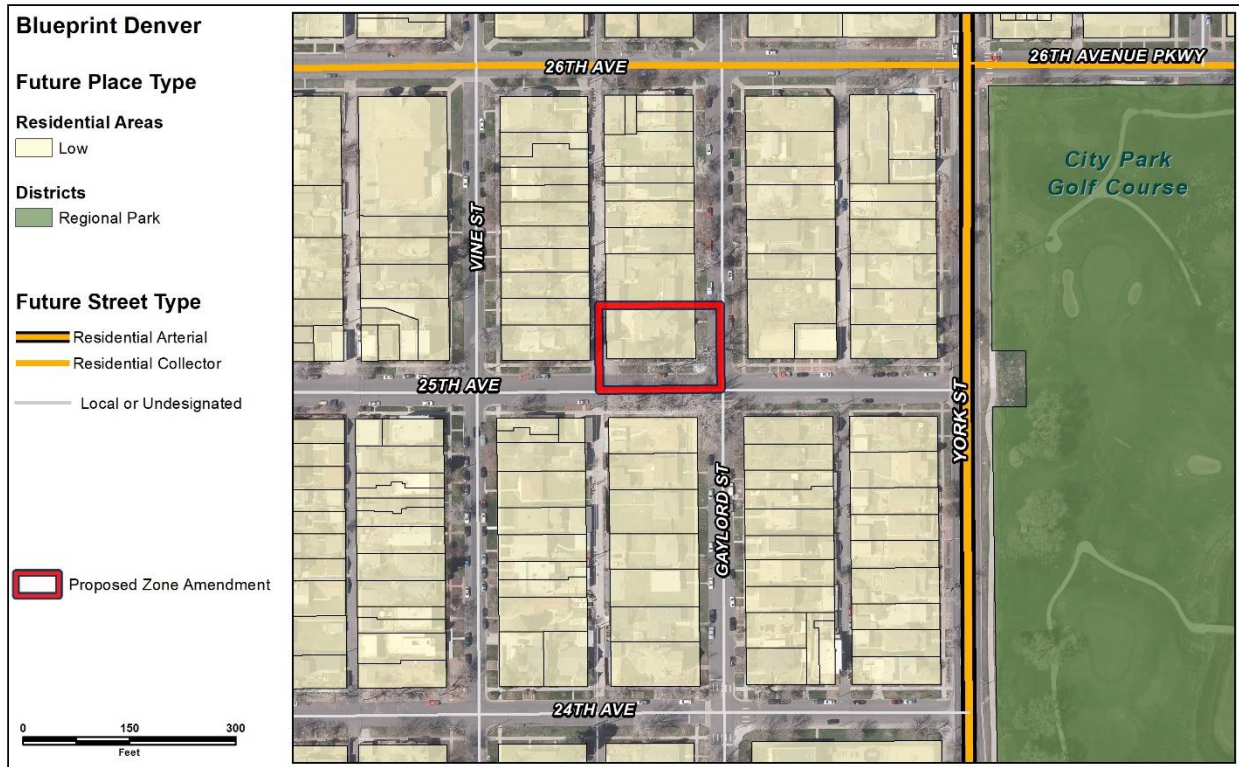
Blueprint Denver Future Neighborhood Context



In *Blueprint Denver*, future neighborhood contexts are used to help understand differences between land use, built form, and mobility at a high scale, between neighborhoods. The subject site is shown on the context map as Urban neighborhood context, the description of which is used to guide appropriate zone districts (p. 66). The Urban neighborhood context is described as containing “small multi-unit residential and low-intensity mixed-use buildings typically embedded in single-unit and two-unit residential areas” with grid block patterns and alley access (p. 222).

Proposed PUD-G 31 is based on the U-SU-B1 and U-SU-A1 zone districts. Both are single-unit residential zone districts within the Urban neighborhood context in the Denver Zoning Code. The Urban residential zone districts are “intended to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context” and “the building form standards, design standards and uses work together to promote desirable residential areas” (DZC 5.2.2.1). This proposed PUD is consistent with the *Blueprint Denver* future neighborhood context of Urban because it will promote the residential character by allowing single-unit residential uses with a low-scale accessory dwelling unit that will be compatible with the existing residential area.

Blueprint Denver Future Places

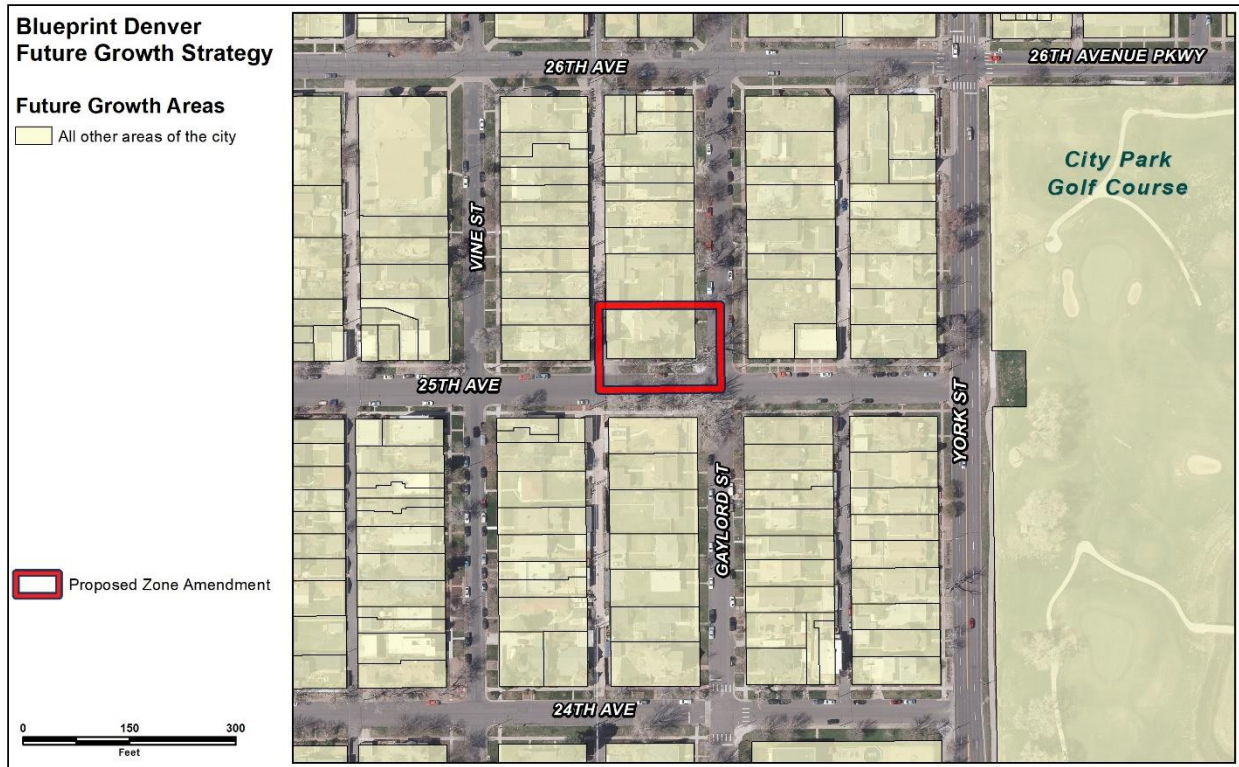


The subject site is designated within a Low Residential future place on the *Blueprint Denver* Future Place map. This place type is “predominately single- and two-unit uses on smaller lots. Accessory dwelling units and duplexes are appropriate and can be thoughtfully integrated where compatible,” and “building heights are generally up to 2.5 stories in height” (p. 230). This proposed PUD is based on U-SU-B1 and U-SU-A1, which are single-unit residential zone districts that allow for an additional dwelling unit accessory to a primary single-unit residential use, which is consistent with the Low Residential future place description. It allows the Urban House building form, which has a maximum height of 2.5 stories and 30 feet (customized to address the existing house that is approximately 41 feet tall), also consistent with the Future Place designation.

Blueprint Denver Future Street Types

In *Blueprint Denver*, street types work together with the future place to evaluate the appropriateness of the intensity of the adjacent development (p. 67). *Blueprint Denver* classifies N Gaylord Street and E 25th Avenue as Local or Undesignated Future Street Type, which are designated as “can vary in their land uses and are found in all neighborhood contexts. They are most often characterized by residential uses” (p. 161). The proposed PUD based on the U-SU-B1 and U-SU-A1 districts is consistent with this description because it allows for primarily residential uses.

Blueprint Denver Growth Strategy



Blueprint Denver's growth strategy map is a version of the future places map, showing the aspiration for distributing future growth in Denver (p. 51). The subject property is part of the "All other areas of the city" growth area. These areas anticipate experiencing around 20% of new housing growth and 10% of new employment growth by 2040" (p. 51). This growth area is "mostly residential areas with embedded local centers and corridors, take a smaller amount of growth intended to strengthen the existing character of our neighborhoods" (p. 49). The proposed map amendment to PUD-G 31, based on the U-SU-B1 and U-SU-A1 zone districts, will allow low-intensity growth to the number of households in this area and is therefore consistent with the growth strategy.

Custom Zoning

Blueprint Denver provides the following direction on how to limit the use of custom zoning including PUDs: “Limit the use of site-specific, customized zoning tools—such as Planned Unit Developments (PUDs) and waivers/conditions—to unique and extraordinary circumstances. The zoning code offers a wide variety of zone districts that cover the diverse contexts and places of Denver. Custom zoning tools are most effective when a standard zone district does not exist to implement the adopted plans for an area” (p. 73). More detail on the challenges of custom zoning is provided on page 73 of the plan. Due to the community desire to preserve the existing large house on this property while allowing new development to its north and south, there is no standard zone district that can address this site’s unique and extraordinary circumstances. Therefore, the use of a PUD is consistent with the recommendations of *Blueprint Denver*.

Whittier Neighborhood Plan (2000)

The Whittier Neighborhood Plan was adopted in 2000 and aims to protect the existing fabric of prewar homes in this area. This proposed PUD would require preservation of an existing 1920s home and the development of additional houses on this parcel’s remaining vacant land. This is consistent with several policies in the Whittier Neighborhood Plan, including: “Encourage and support residential development of vacant land that reflects existing design of the neighborhood. (p. 28);” “Encourage infill development that reflects New Urbanism design including front porches, Denver Square scale, and high level of craftsmanship. (p. 28);” and “Maintain the historic character of the neighborhood and encourage the development of housing that provides a cohesive visual image of the history. (p. 37).”

2. Uniformity of District Regulations and Restrictions

The proposed map amendment will result in the uniform application of zone district building form, use and design regulations across the site. The PUD is based on the U-SU-B1 and U-SU-A1 zone districts, with customization to address the unique location and features of the site.

3. Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety, and general welfare through implementation of the city’s adopted land use plan. Additionally, it furthers public health, safety and general welfare by establishing site design requirements that align new development with the existing neighborhood fabric while minimizing adverse impacts to the surrounding neighborhoods.

4. Justifying Circumstance

The application is justified by DZC section 12.4.10.8.A.4, “Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest.” The previous owner of the site, a church-based home healthcare agency, moved to a new location, leaving the 1920s structure surrounded by unused commercial additions and outbuildings. As these nonconforming nonresidential uses had been terminated, the existing single-unit zone district would not allow establishment of a new nonresidential use, nor does it provide the flexibility to rehabilitate the existing house structure, whose dimensions exceed the U-SU-B1 zone district’s Urban House building form standards. The proposed rezoning and PUD enhance the ability beyond typical zone

districts for existing and new structures this location to continue contributing to the to the adopted policy guidance for the area, making this an appropriate justifying circumstance.

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

The requested zone district of PUD-G 31 is based on the U-SU-B1 and U-SU-A1 zone districts. The requested zone districts are in the Urban Neighborhood Context, which is “primarily characterized by single-unit and two-unit residential uses” and “single-unit residential structures are typically the Urban House building form” (DZC, Section 5.1.1). This area consists of a “regular pattern of block shapes” and “a consistent presence of alleys” (DZC, Section 5.1.2). The Whittier neighborhood consists of mostly single and two-unit residential uses in rectangular blocks with alley access. The proposed rezoning is consistent with the neighborhood context description.

For analysis on consistency of this rezoning with the PUD zone district purpose and intent statements, see below.

6. Additional Review Criteria for Rezoning to a PUD District (12.4.10.9)

a. *The PUD District is consistent with the intent and purpose of such districts stated in Article 9, Division 9.6 (Planned Unit Development) of this Code*

- Denver Zoning Code Section 9.6.1.1 states that the general purpose of a PUD District is to provide an alternative to conventional land use regulations, combining use, density, site plan and building form considerations into a single process, and substituting procedural protections. A PUD is intended to respond to unique and extraordinary circumstances, where more flexible zoning than what is achievable through a standard zone district is desirable and multiple variances, waivers, and conditions can be avoided.

PUD-G 31 is consistent with the intent and purpose of PUD districts because the subject site has special characteristics related to the scale and timing of the development project and demands a more customized zoning approach to achieve a successful, phased development. The subject site is in the process of reconfiguring parcels and zone lots to enable development of new houses to the north and south of the existing home, which will be preserved and rehabilitated and situated on a custom-sized parcel.

There is not an appropriate combination of Urban Neighborhood Context zone districts to apply to this site that will achieve a similar outcome. The U-SU-B1 zone district is the closest analogue, but would not address some of the future and existing building form characteristics of the site, including building height, bulk plane, front and side setbacks and minimum zone lot size.

To address the unique circumstances, the proposed PUD district uses the U-SU-B1 and U-SU-A1 zone districts with customized provisions that allow redevelopment alongside preservation of the existing house structure.

- DZC Section 9.6.1.1.C states that a PUD District is not intended as either a vehicle to develop a site inconsistent with the applicable neighborhood context and character, or solely as a vehicle to enhance a proposed development’s economic feasibility.

PUD-G 31 is consistent with the Urban neighborhood context and character as noted above. The PUD is intended as a mechanism to ensure that development is consistent with adopted plans, not as a vehicle to enhance the proposed development's economic feasibility.

- According to DZC Section 9.6.1.1.D., in return for the flexibility in site design a PUD District should provide significant public benefit not achievable through application of a standard zone district, including but not limited to diversification in the use of land; innovation in development; more efficient use of land and energy; exemplary pedestrian connections, amenities, and considerations; and development patterns compatible in character and design with nearby areas and with the goals and objectives of the Comprehensive Plan.

The PUD District and associated agreements entered into by the applicant with neighbors and Registered Neighborhood Organizations provide significant public benefit not achievable through application of a standard zone district, including preservation of the existing large home that is a prominent feature of the neighborhood and redevelopment of vacant areas to its north and south with new homes that are architecturally compatible with the surrounding neighborhood.

b. *The PUD District and the PUD District Plan comply with all applicable standards and criteria stated in Division 9.6*

The PUD District complies with all standards and criteria stated in Division 9.6.

c. *The development proposed on the subject property is not feasible under any other zone districts, and would require an unreasonable number of variances or waivers and conditions*

The PUD District is necessary because there is no standard zone district available that applies appropriate standards to this unique location and phased development. An unreasonable number of variances or waivers and conditions would be required to achieve the tailored approach in the PUD.

d. *The PUD District and the PUD District Plan establish permitted uses that are compatible with existing land uses adjacent to the subject property*

The PUD District establishes permitted uses in accordance with the U-SU-B1 and U-SU-A1 zone districts, with no use-related changes proposed. The zone districts allow a mix of residential, public and civic uses, consistent with the Urban context.

e. *The PUD District and the PUD District Plan establish permitted building forms that are compatible with adjacent existing building forms, or which are made compatible through appropriate transitions at the boundaries of the PUD District Plan (e.g., through decreases in building height; through significant distance or separation by rights-of-way, landscaping or similar features; or through innovative building design.)*

The PUD provides tailored building form standards to directly address appropriate transitions to neighboring properties and areas, including:

- Permitting only the Urban House and Accessory Dwelling Unit building forms in all areas.
- Providing custom bulk plane vertical height, side and front setback standards that enable preservation of the existing large house structure and appropriate redevelopment of vacant land to its north and south.

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The PUD therefore establishes permitted building forms that are compatible with adjacent existing building forms through appropriate transitions and design requirements.

Attachments

1. Rezoning application
2. PUD-G 31 City Council Draft

Zone Map Amendment (Rezoning) for PUD - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION <input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR FEE PAYMENT		<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION <input type="checkbox"/> CHECK IF POINT OF CONTACT FOR FEE PAYMENT	
Property Owner Name	TRHM 1 LLC	Representative Name	Paul Norquist - Design Practice INC
Address	4045 N PECOS ST	Address	2842 W 44th Ave
City, State, Zip	DENVER, CO 80211	City, State, Zip	Denver, CO 80211
Telephone	720-220-7642	Telephone	303-561-3000
Email	ben@hmcapitalgroup.com	Email	pnorquist@designpracticedenver.com
*All standard zone map amendment applications must be initiated by owners (or authorized representatives) of at least 51% of the total area of the zone lots subject to the rezoning. See page 4.		**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.	
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):	2501 N Gaylord St, Denver CO 80205		
Assessor's Parcel Numbers:	Lots 16, 17 and 18 , Block 8 McCullough's Adn		
Area in Acres or Square Feet:	9,393 sf		
Current Zone District(s):	U-SU-B1		
PROPOSAL			
Proposed Zone District (See DZC Section 9.6.1.3(A) to determine if General or Detailed):	<input type="checkbox"/> General PUD	<input type="checkbox"/> Detailed PUD	
Proposing SubAreas:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
Standard Zone District: Please list the zone district(s) on which the PUD will be based:	U-SU-B1 and U-SU-A1		
Deviations from Standard Zone District: As an attachment, please provide a list of proposed deviations and a detailed explanation of why the deviation is needed.	Deviation	Why deviation is necessary	
	Sub-Parcel A - Bulk Plane	To maintain existing structure	
	Sub-Parcel A - Max Height	To maintain existing structure	
	Sub-Parcel B - Bulk Plane	Better relate massing to extg. home	
PRE APPLICATION INFORMATION			
In addition to the required pre-application meeting with Planning Services, did you have a concept or a pre-application meeting with Development Services?	<input checked="" type="checkbox"/> Yes - State the contact name & meeting date Andrew Webb - 12-08-21 <input type="checkbox"/> No - Describe why not (in outreach attachment, see bottom of p. 3)		
Did you contact the City Council District Office regarding this application?	<input checked="" type="checkbox"/> Yes - if yes, state date and method 1-15-22 E-Mail <input type="checkbox"/> No - if no, describe why not (in outreach attachment, see bottom of p. 3)		

REVIEW CRITERIA	
<p>General Review Criteria DZC Sec. 12.4.10.7.A</p> <p>Check box to affirm and include sections in the review criteria narrative attachment</p>	<p><input checked="" type="checkbox"/> Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan.</p> <p>Please provide a review criteria narrative attachment describing how the requested zone district is consistent with the policies and recommendations found in each of the adopted plans below. Each plan should have its' own subsection.</p> <p>1. Denver Comprehensive Plan 2040</p> <p>In this section of the attachment, describe how the proposed map amendment is consistent with <i>Denver Comprehensive Plan 2040's</i> a) equity goals, b) climate goals, and c) any other applicable goals/strategies.</p> <p>2. Blueprint Denver</p> <p>In this section of the attachment, describe how the proposed map amendment is consistent with: a) the neighborhood context, b) the future place type, c) the growth strategy, d) adjacent street types, e) plan policies and strategies, and f) equity concepts contained in <i>Blueprint Denver</i>.</p> <p>3. Neighborhood/ Small Area Plan and Other Plans (List all from pre-application meeting, if applicable):</p> <hr/>
<p>General Review Criteria: DZC Sec. 12.4.10.7. B & C</p> <p>Check boxes to the right to affirm and include a section in the review criteria for Public Health, Safety and General Welfare narrative attachment.</p>	<p><input checked="" type="checkbox"/> Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.</p> <p><input checked="" type="checkbox"/> Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</p> <p>In the review criteria narrative attachment, please provide an additional section describing how the requested rezoning furthers the public health, safety and general welfare of the City.</p>
<p>Review Criteria for Non-Legislative Rezoning: DZC Sec. 12.4.10.8</p> <p>For Justifying Circumstances, check box and include a section in the review criteria narrative attachment.</p> <p>For Neighborhood Context, Purpose and Intent, check box and include a section in the review criteria narrative attachment.</p>	<p>Justifying Circumstances - One of the following circumstances exists:</p> <p><input type="checkbox"/> The existing zoning of the land was the result of an error;</p> <p><input type="checkbox"/> The existing zoning of the land was based on a mistake of fact;</p> <p><input checked="" type="checkbox"/> The existing zoning of the land failed to take into account the constraints of development created by the natural characteristics of the land, including, but not limited to , steep slopes, floodplain, unstable soils, and inadequate drainage;</p> <p><input type="checkbox"/> Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include:</p> <p style="padding-left: 20px;">a. Changed or changing conditions in a particular area, or in the city generally; or,</p> <p style="padding-left: 20px;">b. A City adopted plan; or</p> <p style="padding-left: 20px;">c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.</p> <p><input type="checkbox"/> It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (overlay Zone Districts) of this Code.</p> <p>In the review criteria narrative attachment, please provide an additional section describing the selected justifying circumstance. If the changing conditions circumstance is selected, describe changes since the site was last zoned. Contact your pre-application case manager if you have questions.</p> <p><input checked="" type="checkbox"/> The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.</p> <p>In the review criteria narrative attachment, please provide a separate section describing how the rezoning aligns with a) the proposed district neighborhood context description, b) the general purpose statement, and c) the specific intent statement found in the Denver Zoning Code.</p>

<p>Additional Review Criteria for Rezoning to PUD District: The proposal must comply with all of the additional review criteria</p> <p>DZC Sec. 12.4.10.9</p> <p>Check boxes to the right to affirm and include a section in the review criteria narrative for each.</p>	<p><input checked="" type="checkbox"/> The PUD District and the PUD District Plan comply with the intent, purpose, all applicable standards and criteria stated in Article 9, Division 9.6 (Planned Unit Development).*</p> <p>*Provide a section describing how the PUD district responds to A.-D. of the General Purpose and Intent statement in DZC Section 9.6.1.1.</p> <p><input checked="" type="checkbox"/> The development proposed on the subject property is not feasible under any other Zone Districts, and would require an unreasonable number of variances or waivers and conditions.</p> <p><input checked="" type="checkbox"/> The PUD District, the PUD District Plan establish permitted uses that are compatible with existing land uses adjacent to the subject property.</p> <p><input checked="" type="checkbox"/> The PUD District, the PUD District Plan establish permitted building forms that are compatible with adjacent existing building forms, or which are made compatible through appropriate transitions at the boundaries of the PUD District Plan (e.g., through decreases in building height; through significant distance or separation by rights-of-way, landscaping or similar features; or through innovative building design).</p>
--	--

Please check boxes below to affirm the following **required** attachments are submitted with this rezoning application:

- Legal Description of subject property(s). **Submit as a separate Microsoft Word document.** View guidelines at: <https://www.denvergov.org/content/denvergov/en/transportation-infrastructure/programs-services/right-of-way-survey/guidelines-for-land-descriptions.html>
- Proof of ownership document for each property owner signing the application, such as (a) Assessor’s Record, (b) Warranty deed, or (c) Title policy or commitment dated no earlier than 60 days prior to application date. If the owner is a corporate entity, proof of authorization for an individual to sign on behalf of the organization is required. This can include board resolutions authorizing the signer, bylaws, a Statement of Authority, or other legal documents as approved by the City Attorney’s Office.
- Review Criteria Narratives. See page 2 for details.
- Deviations from Standard Zone District List. See page 1 for details.

ADDITIONAL ATTACHMENTS (IF APPLICABLE)

Additional information may be needed and/or required. Please check boxes below identifying additional attachments provided with this application.

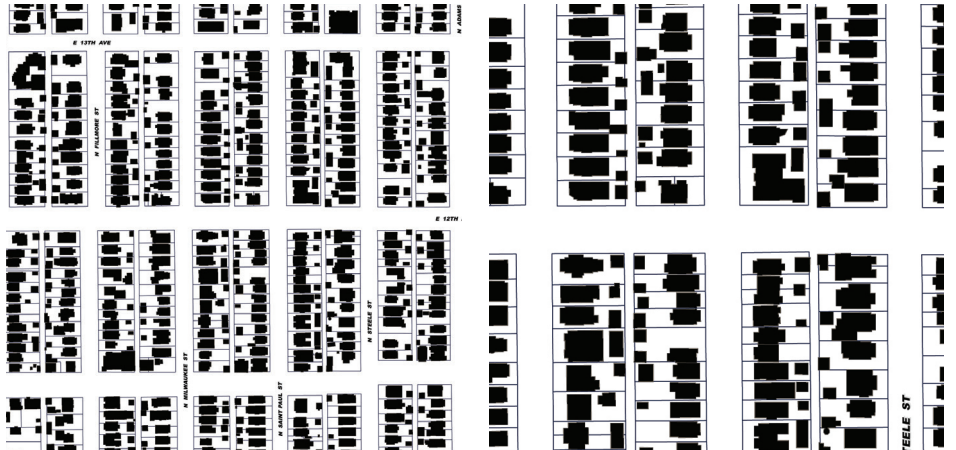
- Written narrative explaining reason for the request** (optional)
- Outreach documentation attachment(s).** Please describe any community outreach to City Council district office(s), Registered Neighborhood Organizations (RNOs) and surrounding neighbors. If outreach was via email- please include email chain. If the outreach was conducted by telephone or meeting, please include contact date(s), names and a description of feedback received. If you have not reached out to the City Council district office, please explain why not. (optional - encouraged)
- Letters of Support.** If surrounding neighbors or community members have provided letters in support of the rezoning request, please include them with the application as an attachment (optional).
- Written Authorization to Represent Property Owner(s)** (if applicable)
- Individual Authorization to Sign on Behalf of a Corporate Entity** (e.g. if the deed of the subject property lists a corporate entity such as an LLC as the owner, this is document is required.)
- Other Attachments.** Please describe. _____

PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION

We, the undersigned represent that we are the owner(s) of the property described opposite our names, or have the authorization to sign on behalf of the owner as evidenced by a Power of Attorney or other authorization attached, and that we do hereby request initiation of this application. I hereby certify that, to the best of my knowledge and belief, all information supplied with this application is true and accurate. I understand that without such owner consent, the requested official map amendment action cannot lawfully be accomplished.

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed, (C) title policy or commitment, or (D) other as approved	Has the owner authorized a representative in writing? (YES/NO)
EXAMPLE John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/12/20	(A)	YES
Paul Norquist	2501 N Gaylord St Denver, CO 80205 303-561-3000	100%		9-28-2022	(B)	YES
						YES
						YES
						YES

PUD-G 31



2501 N Gaylord St
2022I-00040
October 7, 2022

DRAFT

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CHAPTER 1. ESTABLISHMENT AND INTENT

SECTION 1.1 PUD-G 31 ESTABLISHED

The provisions of this PUD-G 31 apply to the land depicted on the Official Zoning Map with the label PUD-G 31, and legally described as a parcel of land being _____, City and County of Denver, State of Colorado.

1.1.1 Subareas Established

The following subareas are hereby established within PUD-G 31 for the purpose of applying the zoning standards contained herein. All subareas established are shown generally on Figure 1-1 below and described legally as follows:

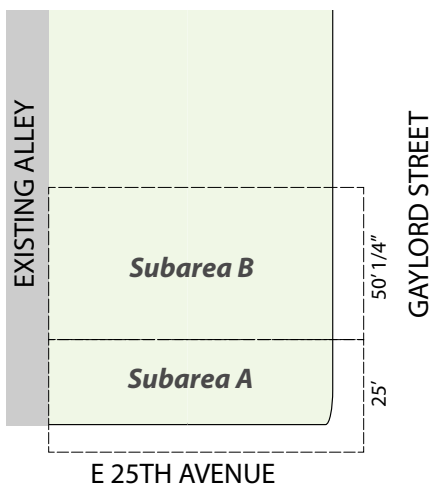
A. Subarea B Legal Description

LOTS 17 AND 18;
 BLOCK 8;
 MCCULLOUGH'S ADDITION TO THE CITY OF DENVER SUBDIVISION
 CITY OF DENVER;
 COUNTY OF DENVER;
 CONTAINING 6263.06 ± SQ. FT. (0.144 ± AC)

B. Subarea A Legal Description

LOT 16;
 BLOCK 8;
 MCCULLOUGH'S ADDITION TO THE CITY OF DENVER SUBDIVISION
 CITY OF DENVER;
 COUNTY OF DENVER;
 CONTAINING 3129.84 ± SQ. FT. (0.072 ± AC)

Fig 1-1 Subareas Established by PUD-G 31



Not to Scale. Illustrative Only.

1.1.2 Remaining Building Defined

As shown Appendix A: Remaining Building, the Remaining Building is hereby defined within PUD-G 31 for the purpose of applying the zoning standards provided in Chapter 4 of this PUD-G 31.

SECTION 1.2 PUD-G 31 GENERAL PURPOSE

The general purpose of this PUD-G 31 is to follow the Urban Neighborhood Context, which is primarily characterized by single-unit and two-unit residential uses and where commercial uses are primarily located along mixed-use arterial or main streets but may be located at or between intersections of local streets. This PUD-G 31 shall apply to the existing site development on Subarea A and new development on Subarea B.

SECTION 1.3 PUD-G 31 SPECIFIC INTENT

More specifically, PUD-G 31 is intended to:

- 1.3.1 Encourage preservation of an existing house built in 1924 that does not conform to Building Form Standards of the existing U-SU-B1 zone district, and
- 1.3.2 Allow for compatible redevelopment of Subarea A consistent with the U-SU-A1 zone district.
- 1.3.3 Facilitate the creation of significant public benefits not allowed or guaranteed by a traditional zone district, specifically, preservation of a specific building to provide continuity of character and scale with the existing context.

CHAPTER 2. NEIGHBORHOOD CONTEXT DESCRIPTION

SECTION 2.1 URBAN CONTEXT DESCRIPTION

All development in this PUD-G 31 shall comply with the Denver Zoning Code, Division 5.1, Urban Neighborhood Context Description, as amended from time to time, except as modified in this PUD-G 31.

CHAPTER 3. ZONE DISTRICTS

SECTION 3.1 SUBAREA B

All development in Subarea B of this PUD-G 31 shall comply with the Denver Zoning Code, Division 5.2, Districts, as specifically applicable to the U-SU-B1 zone district, as amended from time to time, except as modified in this PUD-G 31.

SECTION 3.2 SUBAREA A

All development in Subarea A of this PUD-G 31 shall comply with the Denver Zoning Code, Division 5.2, Districts, as specifically applicable to the U-SU-A1 zone district, as amended from time to time.

CHAPTER 4. DESIGN STANDARDS

SECTION 4.1 SUBAREA B

All development in Subarea A of this PUD-G 31 shall comply with the design standards in the Denver Zoning Code, Division 5.3, Design Standards, as specifically applicable to the U-SU-B1 Zone District, as amended from time to time, with the following modifications.

4.1.1 PRIMARY BUILDING FORM STANDARDS

The Urban House Building Form, defined by the Denver Zoning Code, Division 5.3, shall apply to the Existing Building, with modifications specified in the table below. Gaylord Street is the Primary Street.

4.1.2 District Specific Standards - PUD-G 31 Subarea B Modified Building Form Standards for Existing Building

HEIGHT	Existing Building
Feet, front 65% / rear 35% of zone lot depth (max)	41'/17'
Bulk Plane Vertical Height at Side Interior and Side Street zone lot line in front 65% / rear 35% of Zone Lot Depth	20'/10'

SITING	Existing Building
SETBACKS AND BUILDING COVERAGE BY ZONE LOT WIDTH	
Side Interior, southern zone lot line (min)	2.5'
Side Interior, northern zone lot line (min)	5'

SECTION 4.2 SUBAREA A

All development in Subarea A of this PUD-G 31 shall comply with the design standards in the Denver Zoning Code, Division 5.3, Design Standards, as specifically applicable to the U-SU-A1 Zone District, as amended from time to time, with the following modifications.

4.2.1 Primary Building Form Standards

The Urban House Building Form, defined by Denver Zoning Code Division 5.3, shall apply to new development in Subarea A of this PUD-G 31, with modifications specified in the table below. Gaylord Street is the Primary Street.

HEIGHT	New Development in Subarea A
Bulk Plane Vertical Height at Side Interior and Side Street zone lot line in front 65% / rear 35% of Zone Lot Depth for structures with a Pitched Roof	19'/10'

SECTION 4.3 CONSERVATION OF REMAINING BUILDING

4.3.1 Intent

To maintain and conserve the Key Features of the Remaining Building defined within PUD-G 31, Subarea B, and Appendix B: Remaining as Built Elevations.

4.3.2 Key Features of Remaining Building

The following features shall be either conserved or matched with any façade modifications on the east elevation of the Remaining Building (see Appendix B).

- A. Hip and gable roof above the masonry facade.
- B. Dormer window with hipped roof
- C. Wood details in roof fascia and under gable
- D. Existing brick masonry facade (no new door or window openings shall be added).
- E. Existing front porch with three brick columns and brick walls.
- F. Where required to accommodate public accessibility, additions or new detached accessory structures (e.g., ramps), are allowed, but shall be the minimum square footage required to provide reasonable accessibility.

4.3.3 Existing Building Footprint

The Existing Building's Building Footprint is approximately 2,330 square feet, as measured according to Denver Zoning Code, Section 13.1.5.13 Building Footprint, and as shown on the Site Plan in Appendix A. The Existing Building's Building Footprint shall not be increased. Accessory Structures are allowed pursuant to the requirements of the U-SU-B1 Zone District.

CHAPTER 5. USES AND PARKING

SECTION 5.1 SUBAREA B

All development in Subarea B of this PUD-G 31 shall comply with the Denver Zoning Code, Division 5.2, Districts, as specifically applicable to the U-SU-B1 zone district, as amended from time to time.

SECTION 5.2 SUBAREA A

All development in Subarea A of this PUD-G 31 shall comply with the Denver Zoning Code, Division 5.2, Districts, as specifically applicable to the U-SU-A1 zone district, as amended from time to time.

CHAPTER 6. ADDITIONAL STANDARDS

SECTION 6.1 ARTICLE 1 OF THE DENVER ZONING CODE

6.1.1 Applicability

Development in this PUD-G 31 shall comply with Article 1, General Provisions of the Denver Zoning Code, as amended from time to time.

SECTION 6.2 ARTICLE 9 OF THE DENVER ZONING CODE

6.2.1 Applicability

Development in this PUD-G 31 shall comply with Article 9, Special Districts of the Denver Zoning Code, as amended from time to time.

SECTION 6.3 ARTICLE 10 OF THE DENVER ZONING CODE

6.3.1 Applicability

Development in this PUD-G 31 shall comply with Article 10, General Design Standards, of the Denver Zoning Code, as amended from time to time.

SECTION 6.4 ARTICLE 11 OF THE DENVER ZONING CODE

6.4.1 Applicability

Development in this PUD-G 31 shall comply with Article 11, Use Limitations and Definitions of the Denver Zoning Code, as specifically applicable to the U-SU-B1 and U-SU-A1 zone districts, as amended from time to time.

SECTION 6.5 ARTICLE 12 OF THE DENVER ZONING CODE

6.5.1 Applicability

Development in this PUD-G 31 shall comply with the Denver Zoning Code, Article 12, Procedures and Enforcement, as amended from time to time.

SECTION 6.6 ARTICLE 13 OF THE DENVER ZONING CODE

6.6.1 Applicability

Development in this PUD-G 31 shall comply with the Denver Zoning Code, Article 13, Rules of Measurement and Definitions, as amended from time to time.

CHAPTER 7. RULES OF INTERPRETATION

Whenever a section of the Denver Zoning Code is referred to in this PUD-G 31, that reference shall extend and apply to the section referred to as subsequently amended, recodified, or renumbered; provided, however, if a section of the Denver Zoning Code, as subsequently amended, recodified, or renumbered, conflicts with a provision of this PUD-G 31, this PUD-G 31 shall control.

CHAPTER 8. VESTED RIGHTS

This PUD-G 31 shall be established in accordance with the Denver Zoning Code sections 9.6.1.2.C, Vested Rights, and 9.6.1.5, Vested Rights, and vested property rights shall be created 90 days after the effective date of the ordinance approving this PUD-G 31. The property rights vested through approval of this PUD-G 31 shall remain vested for a period of 3 years and shall include the right to commence and complete development of and the right to use the site in accordance with the intent, standards, and uses set forth in the Denver Zoning Code, as amended from time to time, except as expressly modified by this PUD-G 31.

DESIGN PRACTICE INC

September 9, 2022

City of Denver
Community Planning and Development

RE: PUD Proposal for 2501 N Gaylord

The current zone lot includes Lots 16-21, Block 8 McCullough's Addition. We are proposing a PUD for the Southern 3 lots of parcel including Lots 16-18, Block 8, McCullough's Addition. The demolition of the outbuildings on the site and the 'wings' that were added to the original home have been previously approved and are in progress at this time. The Northern 3 lots will be broken off through a standard ZLA process and will be developed under the underlying U-SU-B1 zoning.

Whittier Neighborhood

Site context - U-SU-B1 zoning.

The Whittier Neighborhood is an integrated neighborhood with small businesses, churches and schools integrated in a mixture of single family and duplex units on a variety of lot widths. The immediate block consists of a mix of single family homes and duplexes. The site is on the Eastern edge of the Whittier Neighborhood sitting 1 block west of City Park Golf Course.

Comprehensive Plan 2040-

This proposal provides additional housing units within the urban neighborhood context with the potential for future additional units under the ADU form. The project creates no displacement as the existing structure was previously used as a home health center that relocated to another facility. The site allows for immediate proximity to services, employment, parks and entertainment as well as walkable public transportation access. Infill development benefits the community through a reduction of driving and emissions. Additionally, by restoring the original home, this preserves the original structure vital to the architectural integrity of the neighborhood. The new homes are designed to respond to the neighborhood concerns regarding materials and architectural style and to complement the original home and the neighborhood patterns.

Purpose:

The purpose of the PUD is to allow for the preservation of the 1924 original 2 ½ story single family structure (Subarea 'A') and creating a new buildable single family parcel (Subarea 'B') to the South of the original structure. The new parcel that the original structure sits on would follow a base zoning of the U-SU-B1 zone district. The PUD will request allowances for additional height, reduced side setback and increased bulk plane to accommodate the existing structure. The new smaller parcel on the corner of 25th and N Gaylord would follow the base zoning of the U-SU-A1 zone district with an increase in the bulk plane to 19' in the front 65% of the zone lot, to allow the new home located on that lot to better fit in scale with the existing structure.

Respectfully,



Paul Norquist
DESIGN PRACTICE INC

HTC

Escrow No.: H0648837-025-TN

Doc Fee: \$135.00

GENERAL WARRANTY DEED

This Deed, made August 20, 2021

Between Dominican Sisters Home Health Agency of Denver, Inc., a Colorado Non-Profit Corporation of the County Denver, State of Colorado, grantor(s) and TRHM 1 LLC, a Colorado Limited Liability Company, whose legal address is 4045 Pecos Street Suite 200, Denver CO 80211 County of Denver, and State of Colorado, grantee. **WITNESS**, That the grantor, for and in the consideration of the sum of **ONE MILLION THREE HUNDRED FIFTY THOUSAND DOLLARS AND NO/100'S (\$1,350,000.00)** the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the grantee, their heirs and assigns forever, all the real property together with improvements, if any, situate, lying and being in the County of Denver, State of Colorado described as follows:

Lots 16 through 21, inclusive, Block 8, McCullough's Addition, City and County of Denver, State of Colorado.

also known by street and number as **2501 North Gaylord Street, Denver, CO 80205-5631**

TOGETHER with all and singular hereditaments and appurtenances, thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD said premises above bargained and described, with the appurtenances, unto the grantee, his heirs and assigns forever. And the grantor, for himself, his heirs and personal representatives, does covenant, grant, bargain and agree to and with the grantee, his heirs and assigns, that at the time of the ensealing and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind of nature so ever, **except for taxes for the current year, a lien but not yet due and payable, subject to statutory exceptions as defined in CRS 38-30-113, revised.**

The grantor shall and will **WARRANT AND FOREVER DEFEND** the above-bargained premises in the quiet and peaceable possession of the grantee, his heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof. The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the grantor has executed this on the date set forth above.

SELLER:

Dominican Sisters Home Health Agency of Denver, Inc., a Colorado Non-Profit Corporation

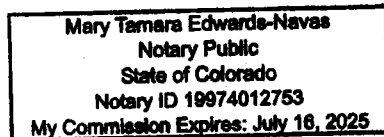
By: Jean Finegan
Jean Finegan, as Executive Director

STATE OF COLORADO
COUNTY OF DENVER

}ss:

The foregoing instrument was acknowledged, subscribed and sworn to before me **August 20, 2021** by **Jean Finegan, Executive Director for Dominican Sisters Home Health Agency of Denver, Inc., a Colorado Non-Profit Corporation.**

Witness my hand and official seal.



[Signature]
Notary Public
My Commission expires: 7/16/25

STATEMENT OF AUTHORITY

1. This Statement of Authority relates to an entity¹ named: TRHM 1 LLC, a Colorado Limited Liability Company
and is executed on behalf of the entity pursuant to provisions of Section 38-30-172, C.R.S.

2. The type of entity is a: Limited Liability Company
If Other Describe: _____

3. The entity is formed under the laws of (state): Colorado

4. The mailing address for the entity is: 4045 Pecos Street, Suite 200
Denver, CO 80211

5. The name and position of each person authorized to execute instruments conveying, encumbering, or otherwise affecting title to real property on behalf of the entity is/are:
HM Capital Group LLC, its Manager, by Ben Maxwell,
Manager

6. The authority of the foregoing person(s) to bind the entity is²
 Not Limited Limited as follows: _____

Executed this 27th day of May, 20 22.

Authorized Signature(s):

HM Capital Group LLC, its Manager, by Ben Maxwell,
Manager

[Signature]

State of Colorado
County of Weld) ss.

The foregoing instrument was acknowledged before me this 27th day of May, 2022
Day Month Year

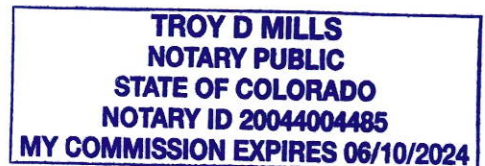
by Ben Maxwell, Manager of HM Capital Group LLC, a Colorado Limited Liability Company, Manager of TRHM 1 LLC, a Colorado Limited Liability Company

who is personally known to me or has produced CoDL as Identification.
Name of Constituent Type of ID

My commission expires: 06/10/2024

[Signature]
Notary Public Signature

¹ This form should not be used unless the entity is capable of holding title to real property
² The absence of any limitation shall be prima facie evidence that no such limitation exists.
The statement of authority must be recorded to obtain the benefits of the statute.





RE: 2501 N Gaylord

Date: September 27, 2022

Owner: TRHM 1 LLC

Dear to whom it may concern:

I, Ben Maxwell, as manager of HM Capital Group LLC, manager of TRHM 1 LLC(registered property owner) authorize Paul Norquist or another representative from Design Practice Inc. to apply for the PUD application and Zone Lot Amendments of the following Parcel:

Legal Description:

Lots 16-21 excluding Rear 8 feet to City, Block 8 McCulloughs Addition,
City and County of Denver, State of Colorado

I authorize Paul Norquist to submit the appropriate paperwork and act on my behalf with the City and County of Denver to execute this property breakdown. Please contact me at 720-220-7642 with any questions.

Thank you very much.

Kind Regards,

A handwritten signature in black ink, appearing to be 'B Maxwell'.

Ben Maxwell

Manager

ben@hmcapitalgroup.com

720-220-7642
#2022i-00040

4045 Pecos Street; Suite 200; Denver, CO 80211

September 29, 2022 \$1,000 PD CC
October 11, 2022 \$1,000 PD CC

MEMORANDUM OF UNDERSTANDING
Between
TRHM 1, LLC, and
NEIGHBORS FILING INTENT TO DESIGNATE,
Regarding Property Located at 2501 Gaylord Street

This Memorandum of Understanding is entered into between TRHM 1, LLC, a Colorado limited liability company (“Owner”) and James Lewis, Bethany Burton, and Diana McNamara, neighbors to the property who filed a Notice of Intent to Designate, (collectively the “Applicants”), Kat McBride, Vice-President of Whittier Neighborhood RNO, and Scott Holder representing City Park West RNO adjacent to the area encompassing the Property which is involved in preservation activities that potentially impact the overall character of this section of the City.

RECITALS

- A. Owner is the owners of real property commonly known as 2501 Gaylord Street (“Property”).
- B. The Property is improved with a structure that was used as a convent and home for the Dominican Sisters of the Sick Poor.
- C. Owner and Applicants agree there is value in maintaining the original portion of the residence at 2501 Gaylord Street, further defined and illustrated by the shaded area in Exhibit 1 (“Residence”)

AGREEMENTS

- A. Owner will pursue a rezoning of the site to a Planned Unit Development (“PUD”) zone district per the requirements of Denver Zoning Code Section 12.4.10.
- B. Owner agrees not to apply for a Demolition Permit for the Residence, to preserve and not demolish or destroy in any way the Residence, prior to either the approval of a Planned Unit Development (“PUD”), or twelve months from the signing of this Agreement. If the failure to reach an approved PUD is shown to be the responsibility of the Owner, the Owner’s delay time will be added to the twelve-month time period, creating an extended PUD deadline.
- C. Owner will include in the PUD the requirement to fully maintain the existing Residence in its current form and shape. If a PUD is not approved within twelve (12) months from the signing of this Agreement, Owner may pursue demolition of the Residence or other alternatives.
- D. Upon full execution of the Agreement, Owner will withdraw Application for Demolition Permit for the full property and submit an Application for a partial Demolition Permit for just the accessory buildings and portions of the primary building not shaded in Exhibit 1.
- E. Upon full execution of this Agreement, Applicants will withdraw their Intent to Designate with the City.

- F. Owner and Applicants agree:
 - 1. Lots #1 and #2, north of the Residence will be developed according to City of Denver zoning U-SU-B1. In addition to the standards of the Denver Zoning Code, the Owners agree to the Neighbors that these two new residences will:
 - i. Have a height of no more than two stories,
 - ii. Will not have any roof-top decks,
 - iii. Will have a gable or hip roof,
 - iv. Will have a front porch, and
 - v. The front exterior will be finished in brick.
 - 2. The Residence will be preserved as described in the PUD.
 - 3. A third new residence will be built on the very south side of the property. Because this lot is less than the required lot size for U-SU-B1, a PUD will be required. However, the criteria for U-SU-B1 and the requirements listed above in E.1 will apply to the development of the southern lot, bordered by 25th and Gaylord. The Applicants will support this PUD.
 - 4. If any variances are required to preserve the Residence and build the proposed three additional residences, the Applicants will be supportive of the required variances.
 - 5. Owner will preserve the mature trees within the right of way.
- G. Owner will meet and adhere to all City building and zoning requirements.
- H. Between formalizing this agreement and final occupancy, Owner will:
 - 1. Secure the site during demolition and construction.
 - 2. Respond to notification of trespassers intending to occupy any of the buildings, or to set up tents or structures to live in, within twenty-four hours, and remove such persons.
 - 3. Remove snow on sidewalks.
- I. Applicants as well as the City Park West Registered Neighborhood Association will be supportive of a PUD throughout the City approval process.

The following parties understand and agree to the conditions set forth in this Memorandum:

<i>Ben Maxwell</i>	2022-01-30
TRHM 1 LLC by HM Capital Group, LLC, by Ben Maxwell, Manager	Date
<i>James M. Lewis</i>	2022-01-28
James Lewis, Neighbor and Applicant	Date
<i>Bethany L. Burton</i>	2022-01-28
Bethany Burton, Neighbor and Applicant	Date
<i>Diana McNamara</i>	2022-01-30
Diana McNamara, Neighbor and Applicant	Date

Kat McBride

2022-01-28

Kat McBride, Vice-President of Whittier Neighborhood RNO

Date

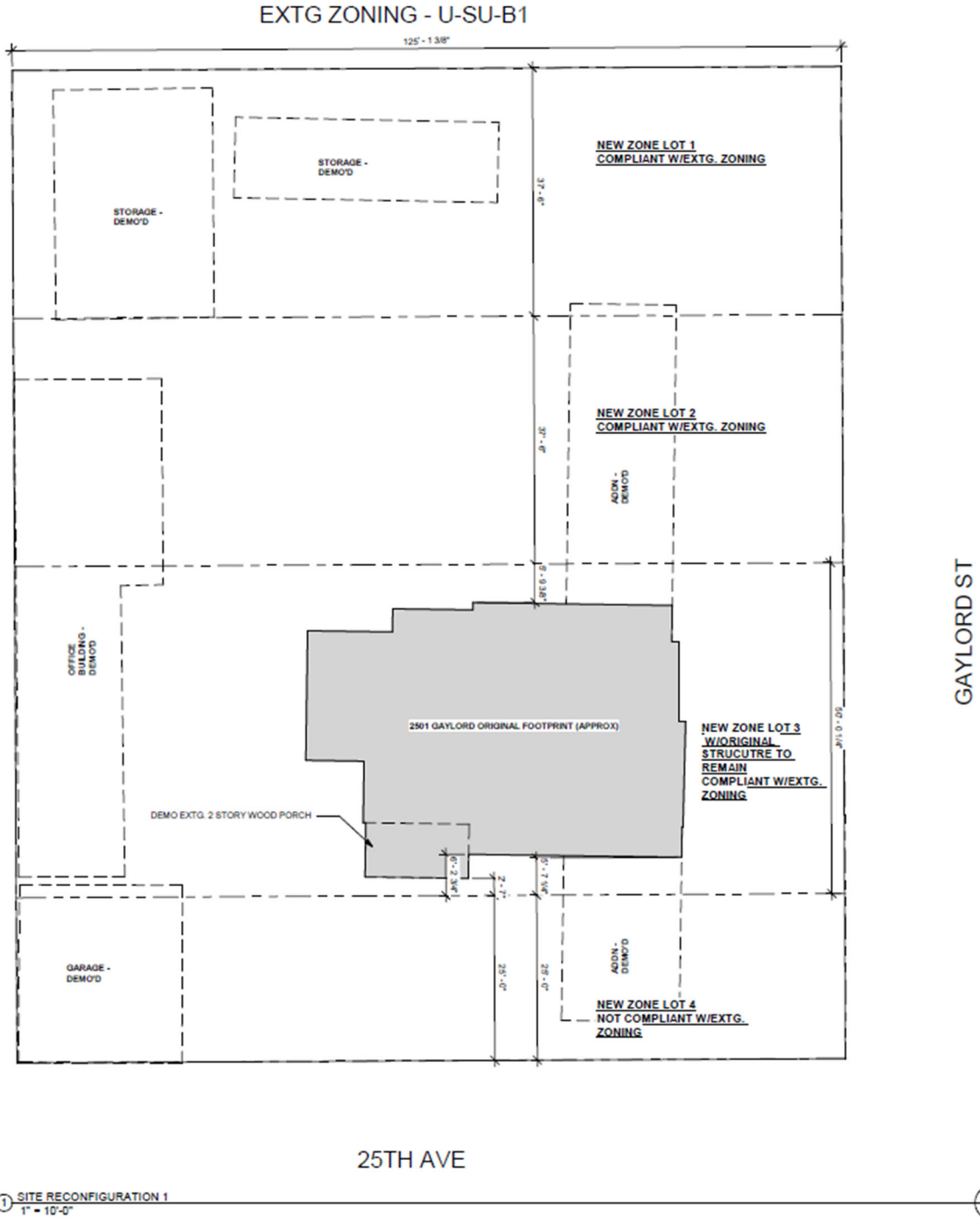
Scott Holder

2022-01-28

Scott Holder, Representative of City Park West RNO

Date

Exhibit 1



Signature Certificate

Reference number: Q88SD-UXCJH-UNJGC-PHZD3

Signer	Timestamp	Signature
Kat McBride Email: vp@whittierneighborhood.org Sent: 28 Jan 2022 16:56:26 UTC Viewed: 28 Jan 2022 17:09:17 UTC Signed: 28 Jan 2022 17:09:29 UTC		 IP address: 98.50.75.48 Location: Denver, United States
Scott Holder Email: scott.holder@dot.gov Sent: 28 Jan 2022 16:56:26 UTC Viewed: 28 Jan 2022 17:36:35 UTC Signed: 28 Jan 2022 17:37:16 UTC		 IP address: 169.135.161.165
Bethany Burton Email: blburto@gmail.com Sent: 28 Jan 2022 16:56:26 UTC Viewed: 28 Jan 2022 18:49:56 UTC Signed: 28 Jan 2022 18:56:43 UTC		 IP address: 75.166.61.119 Location: Denver, United States
James Lewis Email: jimmymlewis@gmail.com Sent: 28 Jan 2022 16:56:26 UTC Viewed: 28 Jan 2022 18:44:40 UTC Signed: 28 Jan 2022 19:02:24 UTC		 IP address: 97.118.219.38 Location: Denver, United States

Document completed by all parties on:
30 Jan 2022 16:55:08 UTC

Page 1 of 2




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Signature Certificate

Reference number: Q88SD-UXCJH-UNJGC-PHZD3

Signer	Timestamp	Signature
Diana McNamara Email: dianamac22@gmail.com		
Sent:	28 Jan 2022 16:56:26 UTC	IP address: 174.29.78.121
Viewed:	30 Jan 2022 14:31:43 UTC	Location: Denver, United States
Signed:	30 Jan 2022 14:33:29 UTC	
Ben Maxwell Email: ben@hmcapitalgroup.com		
Sent:	28 Jan 2022 16:56:26 UTC	IP address: 172.58.61.196
Viewed:	30 Jan 2022 16:54:28 UTC	
Signed:	30 Jan 2022 16:55:08 UTC	

Document completed by all parties on:
30 Jan 2022 16:55:08 UTC

Page 2 of 2



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Appendix B: Existing Structure Elevation



④ EXTG. WEST ELEVATION
3/16" = 1'-0"



③ EXTG. SOUTH ELEVATION
3/16" = 1'-0"



② EXTG. NORTH ELEVATION
3/16" = 1'-0"



① EXTG. EAST ELEVATION
3/16" = 1'-0"



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PHONE_303 561 3000

2501 N GAYLORD
DENVER, CO 80205

No.	Desc.	Date

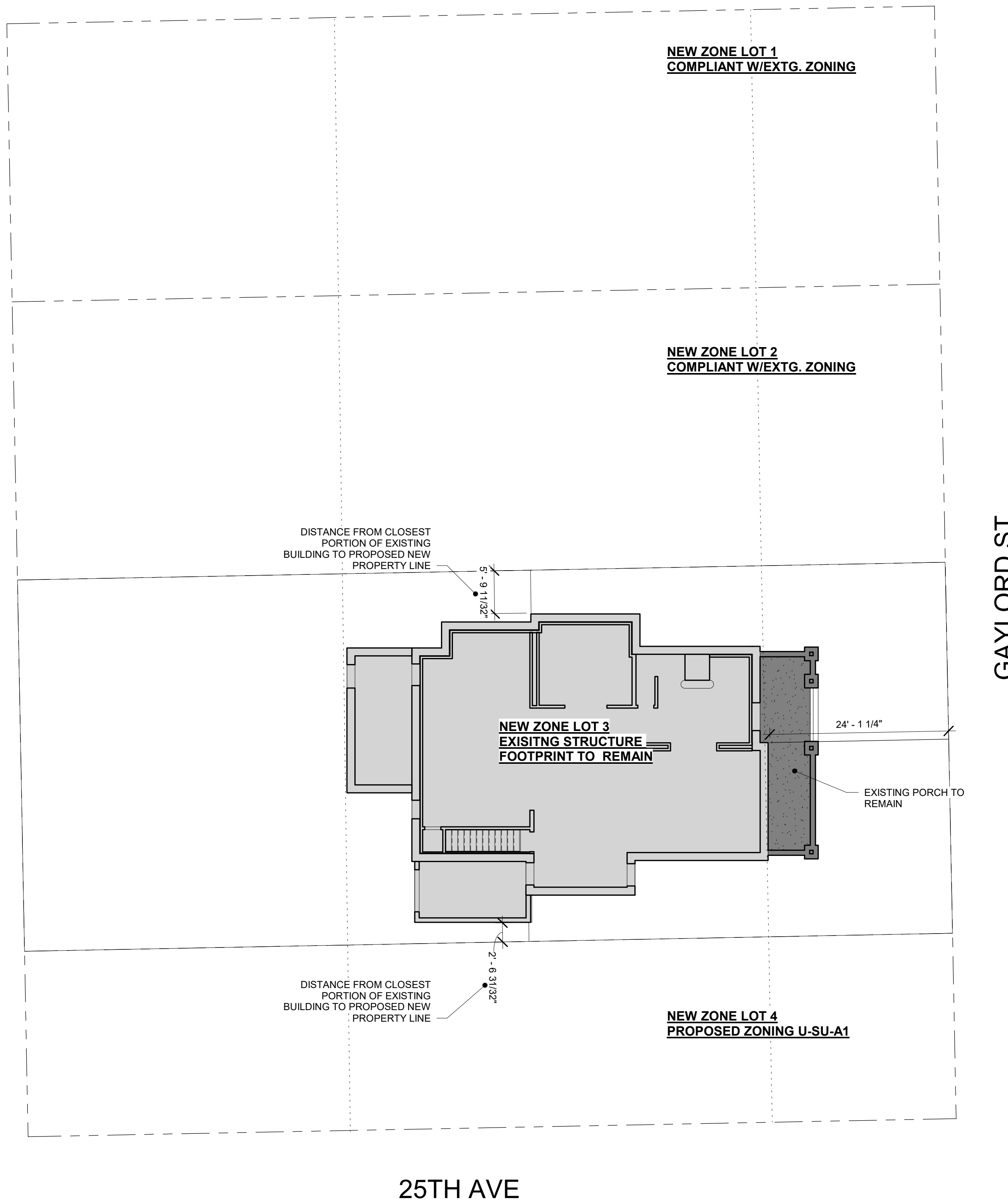
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Checked By: Checker

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ISSUE DATE
9-12-2022

BUILDING ELEVATIONS

PUD-1.1

Appendix A: Remining Building



① PUD SITE PLAN
1" = 10'-0"

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DENVER, CO 80205

No.	Desc.	Date

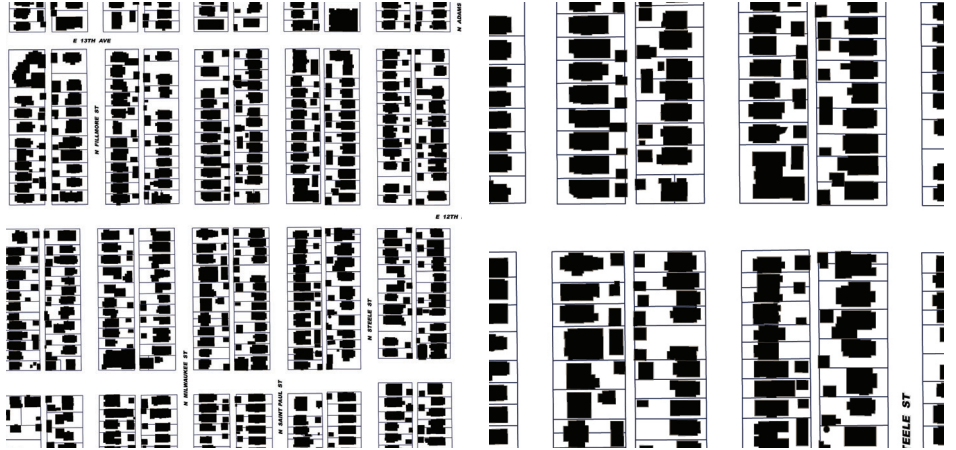
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Checked By: Checker

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08/04/22

EXTG FOOTPRINT

PUD - 1.0

PUD-G 31



2501 N Gaylord St
2022I-00040
July 2023

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PUD-G 31

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 - Section 1.2 PUD-G 31 GENERAL PURPOSE 1
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CHAPTER 1. ESTABLISHMENT AND INTENT

SECTION 1.1 PUD-G 31 ESTABLISHED

The provisions of this PUD-G 31 apply to the land depicted on the Official Zoning Map with the label PUD-G 31, and legally described as a parcel of land being McCullough’s Addition, Lots 17 and 18, Block 8; and Lot 16, Block 8, City and County of Denver, State of Colorado, as further described in section 1.1.1, Subareas Established, below.

1.1.1 Subareas Established

The following subareas are hereby established within PUD-G 31 for the purpose of applying the zoning standards contained herein. All subareas established are shown generally on Figure 1-1 below and described legally as follows:

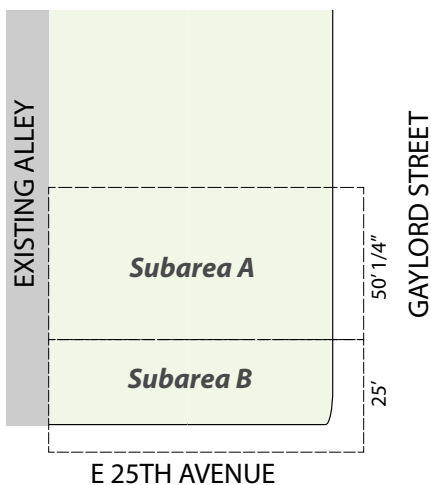
A. Subarea A Legal Description

LOTS 17 AND 18;
 BLOCK 8;
 MCCULLOUGH’S ADDITION TO THE CITY OF DENVER SUBDIVISION
 CITY OF DENVER;
 COUNTY OF DENVER;
 CONTAINING 6263.06 ± SQ. FT. (0.143 ± AC)

B. Subarea B Legal Description

LOT 16;
 BLOCK 8;
 MCCULLOUGH’S ADDITION TO THE CITY OF DENVER SUBDIVISION
 CITY OF DENVER;
 COUNTY OF DENVER;
 CONTAINING 3129.84 ± SQ. FT. (0.072 ± AC)

Fig 1-1 Subareas Established by PUD 31



Not to Scale. Illustrative Only.

1.1.2 Remaining Building Defined

As shown Appendix A: Remaining Building, the Remaining Building is hereby defined within PUD-G 31 for the purpose of applying the zoning standards provided in Chapter 4 of this PUD-G 31.

SECTION 1.2 PUD-G 31 GENERAL PURPOSE

The general purpose of this PUD-G 31 is to follow the Urban Neighborhood Context, which is primarily characterized by single-unit and two-unit residential uses and where commercial uses are primarily located along mixed-use arterial or main streets but may be located at or between intersections of local streets. This PUD-G 31 shall apply to the existing site development on Subarea A and new development on Subarea B.

SECTION 1.3 PUD-G 31 SPECIFIC INTENT

More specifically, PUD-G 31 is intended to:

- 1.3.1 Encourage preservation of an existing house built in 1924 that does not conform to Building Form Standards of the existing U-SU-B1 zone district, and
- 1.3.2 Allow for compatible redevelopment of Subarea B consistent with the U-SU-A1 zone district.
- 1.3.3 Facilitate the creation of significant public benefits not allowed or guaranteed by a traditional zone district, specifically, preservation of a specific building to provide continuity of character and scale with the existing context.

CHAPTER 2. NEIGHBORHOOD CONTEXT DESCRIPTION

SECTION 2.1 URBAN CONTEXT DESCRIPTION

All development in this PUD-G 31 shall comply with the Denver Zoning Code, Division 5.1, Urban Neighborhood Context Description, as amended from time to time, except as modified in this PUD-G 31.

CHAPTER 3. ZONE DISTRICTS

SECTION 3.1 SUBAREA A

All development in Subarea A of this PUD-G 31 shall comply with the Denver Zoning Code, Division 5.2, Districts, as specifically applicable to the U-SU-B1 zone district, as amended from time to time, except as modified in this PUD-G 31.

SECTION 3.2 SUBAREA B

All development in Subarea B of this PUD-G 31 shall comply with the Denver Zoning Code, Division 5.2, Districts, as specifically applicable to the U-SU-A1 zone district, as amended from time to time.

CHAPTER 4. DESIGN STANDARDS

SECTION 4.1 SUBAREA A

All development in Subarea A of this PUD-G 31 shall comply with the design standards in the Denver Zoning Code, Division 5.3, Design Standards, as specifically applicable to the U-SU-B1 Zone District, as amended from time to time, with the following modifications.

4.1.1 PRIMARY BUILDING FORM STANDARDS

The Urban House Building Form, defined by the Denver Zoning Code, Division 5.3, shall apply to the Existing Building, with modifications specified in the table below. Gaylord Street is the Primary Street.

4.1.2 District Specific Standards - PUD-G 31 Subarea A Modified Building Form Standards for Existing Building

HEIGHT	Existing Building
Feet, front 65% / rear 35% of zone lot depth (max)	42'/17'
Bulk Plane Vertical Height at Side Interior and Side Street zone lot line in front 65% / rear 35% of Zone Lot Depth	28'/10'
SITING	Existing Building
SETBACKS	
Side Interior, southern zone lot line (min)	2.5'
Side Interior, northern zone lot line (min)	5.9'
Primary Street	24'

SECTION 4.2 SUBAREA B

All development in Subarea B of this PUD-G 31 shall comply with the design standards in the Denver Zoning Code, Division 5.3, Design Standards, as specifically applicable to the U-SU-A1 Zone District, as amended from time to time, with the following modifications.

4.2.1 Primary Building Form Standards

The Urban House Building Form, defined by Denver Zoning Code Division 5.3, shall apply to new development in Subarea B of this PUD-G 31, with modifications specified in the table below. Gaylord Street is the Primary Street.

HEIGHT	New Development in Subarea B
Bulk Plane Vertical Height at Side Interior and Side Street zone lot line in front 65% / rear 35% of Zone Lot Depth for structures with a Pitched Roof	19'/10'
SITING	Existing Building
SETBACKS	
Primary Street	24'

SECTION 4.3 CONSERVATION OF REMAINING BUILDING

4.3.1 Intent

To maintain and conserve the Key Features of the Remaining Building defined within PUD-G 31, Subarea A, and Appendix B: Remaining as Built Elevations.

4.3.2 Key Features of Remaining Building

The following features shall be either conserved or matched with any façade modifications on the east elevation of the Remaining Building (see Appendix B).

- A. Hip and gable roof above the masonry facade.
- B. Dormer window with hipped roof
- C. Wood details in roof fascia and under gable
- D. Existing brick masonry facade (no new door or window openings shall be added).
- E. Existing front porch with three brick columns and brick walls.
- F. Where required to accommodate public accessibility, additions or new detached accessory structures (e.g., ramps), are allowed, but shall be the minimum square footage required to provide reasonable accessibility.

4.3.3 Existing Building Footprint

The Existing Building's Building Footprint is approximately 2,330 square feet, as measured according to Denver Zoning Code, Section 13.1.5.13 Building Footprint, and as shown on the Site Plan in Appendix A. The Existing Building's Building Footprint shall not be increased. Accessory Structures are allowed pursuant to the requirements of the U-SU-B1 Zone District.

CHAPTER 5. USES AND PARKING

SECTION 5.1 SUBAREA A

All development in Subarea A of this PUD-G 31 shall comply with the Denver Zoning Code, Division 5.2, Districts, as specifically applicable to the U-SU-B1 zone district, as amended from time to time.

SECTION 5.2 SUBAREA B

All development in Subarea B of this PUD-G 31 shall comply with the Denver Zoning Code, Division 5.2, Districts, as specifically applicable to the U-SU-A1 zone district, as amended from time to time.

CHAPTER 6. ADDITIONAL STANDARDS

SECTION 6.1 ARTICLE 1 OF THE DENVER ZONING CODE

6.1.1 Applicability

Development in this PUD-G 31 shall comply with Article 1, General Provisions of the Denver Zoning Code, as amended from time to time.

SECTION 6.2 ARTICLE 9 OF THE DENVER ZONING CODE

6.2.1 Applicability

Development in this PUD-G 31 shall comply with Article 9, Special Districts of the Denver Zoning Code, as amended from time to time.

SECTION 6.3 ARTICLE 10 OF THE DENVER ZONING CODE

6.3.1 Applicability

Development in this PUD-G 31 shall comply with Article 10, General Design Standards, of the Denver Zoning Code, as amended from time to time.

SECTION 6.4 ARTICLE 11 OF THE DENVER ZONING CODE

6.4.1 Applicability

Development in this PUD-G 31 shall comply with Article 11, Use Limitations and Definitions of the Denver Zoning Code, as specifically applicable to the U-SU-B1 and U-SU-A1 zone districts, as amended from time to time.

SECTION 6.5 ARTICLE 12 OF THE DENVER ZONING CODE

6.5.1 Applicability

Development in this PUD-G 31 shall comply with the Denver Zoning Code, Article 12, Procedures and Enforcement, as amended from time to time.

SECTION 6.6 ARTICLE 13 OF THE DENVER ZONING CODE

6.6.1 Applicability

Development in this PUD-G 31 shall comply with the Denver Zoning Code, Article 13, Rules of Measurement and Definitions, as amended from time to time.

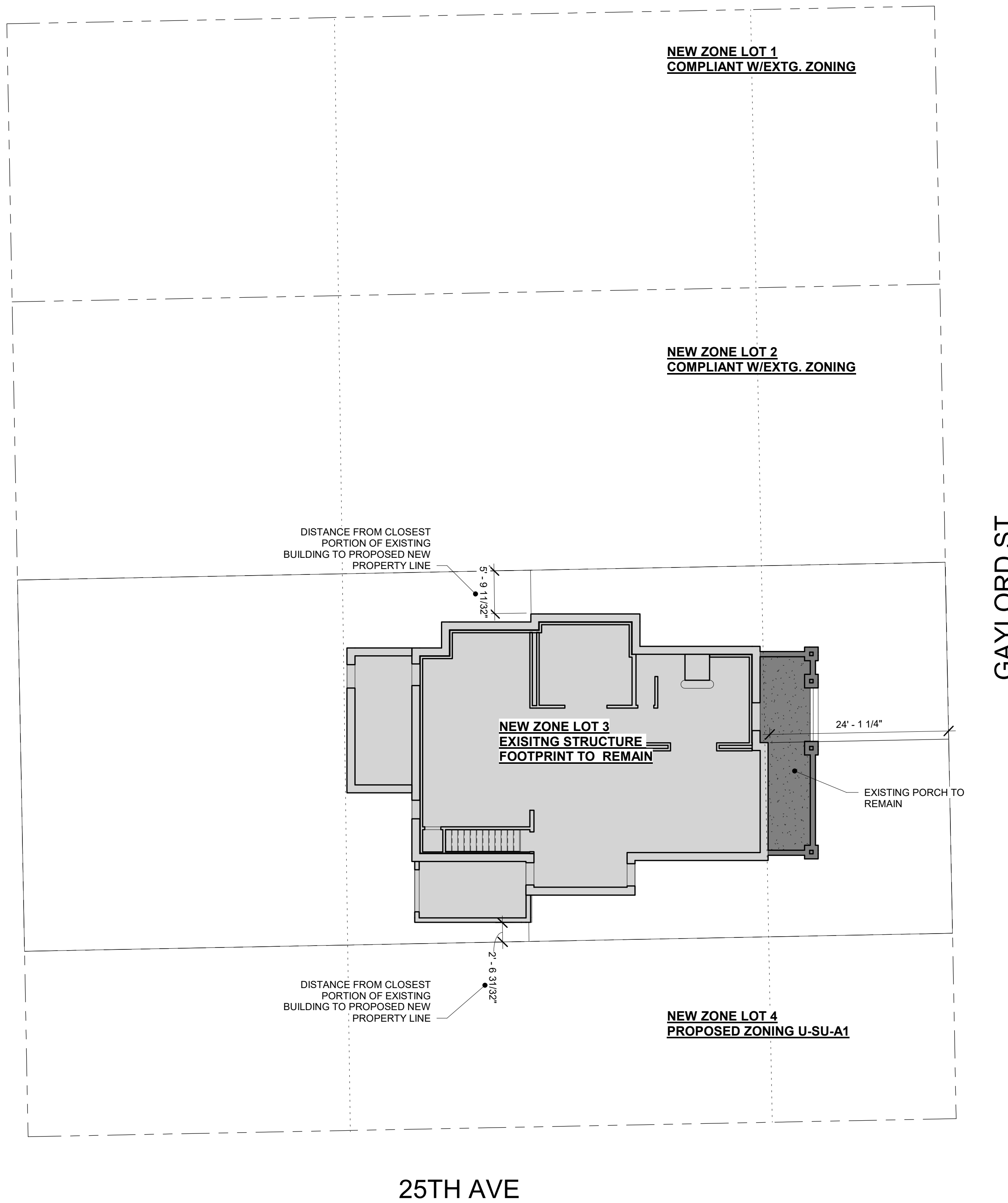
CHAPTER 7. RULES OF INTERPRETATION

Whenever a section of the Denver Zoning Code is referred to in this PUD-G 31, that reference shall extend and apply to the section referred to as subsequently amended, recodified, or renumbered; provided, however, if a section of the Denver Zoning Code, as subsequently amended, recodified, or renumbered, conflicts with a provision of this PUD-G 31, this PUD-G 31 shall control.

CHAPTER 8. VESTED RIGHTS

This PUD-G 31 shall be established in accordance with the Denver Zoning Code sections 9.6.1.2.C, Vested Rights, and 9.6.1.5, Vested Rights, and vested property rights shall be created 90 days after the effective date of the ordinance approving this PUD-G 31. The property rights vested through approval of this PUD-G 31 shall remain vested for a period of 3 years and shall include the right to commence and complete development of and the right to use the site in accordance with the intent, standards, and uses set forth in the Denver Zoning Code, as amended from time to time, except as expressly modified by this PUD-G 31.

Appendix A: Remining Building



① PUD SITE PLAN
1" = 10'-0"

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 www.designpracticedenver.com
 info@designpracticedenver.com
 PHONE_303 561 3000

2501 N GAYLORD
DENVER, CO 80205

No.	Desc.	Date

Drawn By: Author
Checked By: Checker

NOT FOR CONSTRUCTION
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EXTG
 FOOTPRINT

Appendix B: Existing Structure Elevation



④ EXTG. WEST ELEVATION
3/16" = 1'-0"



③ EXTG. SOUTH ELEVATION
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② EXTG. NORTH ELEVATION
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BUILDING ELEVATIONS

PUD-1.1