



TO: Denver City Council
FROM: Courtland Hyser, Senior City Planner
DATE: September 8, 2016
RE: Official Zoning Map Amendment Application #2015I-00182
3705 Shoshone Street and 1945 W. 37th Avenue
Rezoning from PUD 181 to U-TU-B, DO-4

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, staff recommends **approval** for Application #2015I-00182 for a rezoning from PUD 181 to U-TU-B, DO-4.

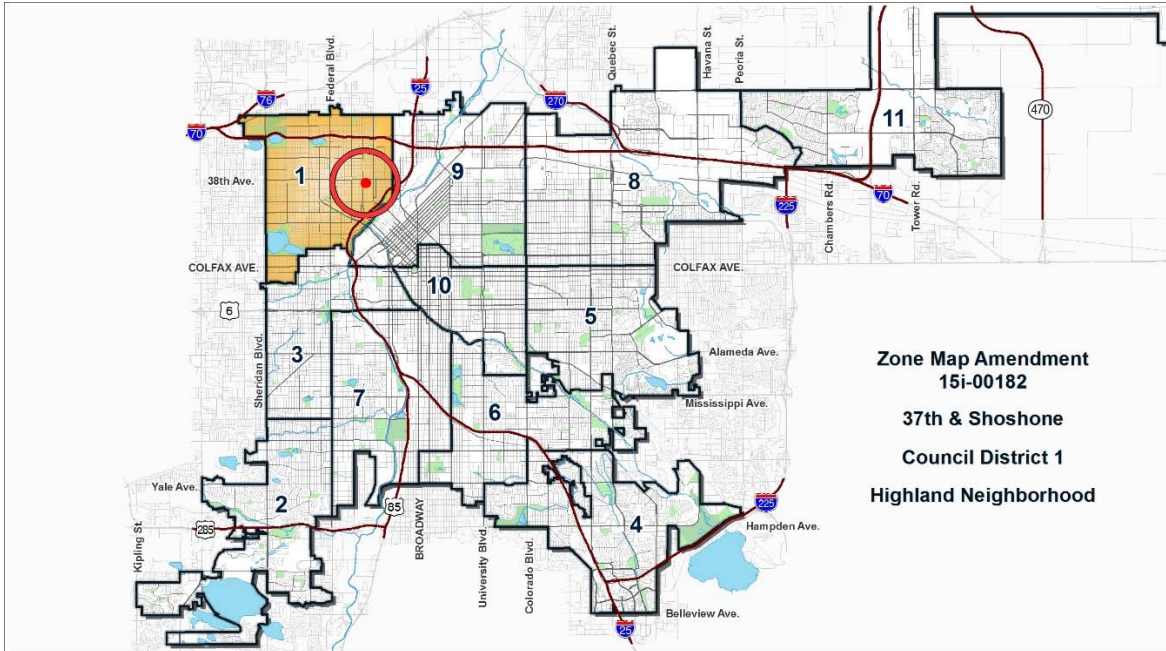
Request for Rezoning

Application:	#2015I-00182
Address:	3705 Shoshone Street and 1945 W. 37 th Avenue
Neighborhood/Council District:	Highland / Council District 1
RNOs:	Highland United Neighbors, United Northside Neighborhood, Denver Neighborhood Association, Inter-Neighborhood Cooperation, Denver Urban Resident Association
Area of Property:	10,900 SF (0.25 AC)
Current Zoning:	PUD 181 under Former Chapter 59
Proposed Zoning:	U-TU-B, DO-4
Property Owner(s):	Melvin and Maria Neumann
Owner Representative:	Paul Tamburello and Zach Sloven, Generator Real Estate LLC

Summary of Rezoning Request

- The subject properties are located in Highland at the intersection of Shoshone Street and 37th Avenue. The Shoshone lot has a single family residential unit, and the 37th Ave lot has a greenhouse as well as a detached carriage house building that formerly held a bakery but is now unoccupied.
- In 1985 the site was rezoned from R-2 to PUD 181 under former chapter 59. The intent of the PUD was to maintain the residential use of the main building (2 units maximum) while allowing a bake shop to operate in the carriage house.
- PUD 181 is very limiting with regards to how the subject properties may be used. This is especially true for the carriage house, which may only be used as a bakery. Now that the bake shop is no longer operating in the carriage house, the property owner is requesting to rezone to U-TU-B, DO-4 to match the zoning of the surrounding residential neighborhood.
- The requested U-TU-B district stands for **U**rban Neighborhood Context – **T**wo **U**nits – 4500 SF minimum lot size. The DO-4 is the Side Interior Setback Design Overlay District and is intended to require narrow side interior setbacks that are consistent with the established character of the neighborhood.

- Further details of the proposed zone district and overlay can be found in Articles 5 and 9 of the Denver Zoning Code (DZC), respectively.



Proposed Rezoning

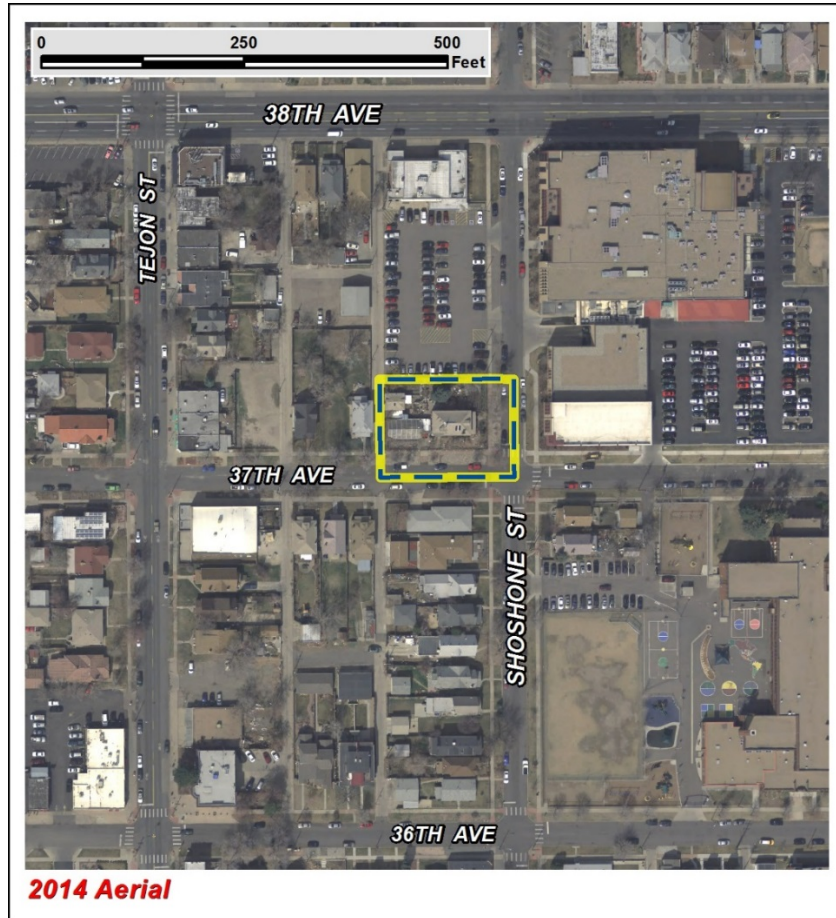
The applicant is requesting to rezone to U-TU-B, DO-4. The U-TU-B zone district is found in the Urban Neighborhood context. It allows residential uses in the form of urban houses, detached accessory dwelling units, duplexes, and tandem houses. The minimum lot size described in the district intent statement is 4500 SF, although the District Specific Standards show that the Urban House building form may be constructed on a 3000 SF lot. The DO-4 is a Design Overlay District designated as the Side Interior Setback Design Overlay. The DO-4 requires side interior setbacks that are consistent with the established character of the neighborhood by requiring a minimum side interior setback of 3 feet for primary building forms on lots between 30 and 40 feet in width, and a side interior setback of 0 feet for Accessory Dwelling Units (ADUs). Further details of the proposed zone district and overlay can be found in Articles 5 and 9 of the Denver Zoning Code (DZC), respectively.



Existing Context

The subject properties are located in Highland at the intersection of Shoshone Street and 37th Avenue. The Shoshone lot has a single family residential unit. The 37th Ave lot has a greenhouse that is

accessory to the home and a detached garage/carriage house building that formerly held a commercial bakery but is now unoccupied. The area surrounding the site contains a variety of uses, including single family residential homes, a meeting hall, and a large corporate headquarters office building. Typical building heights in the area range from one to three stories.



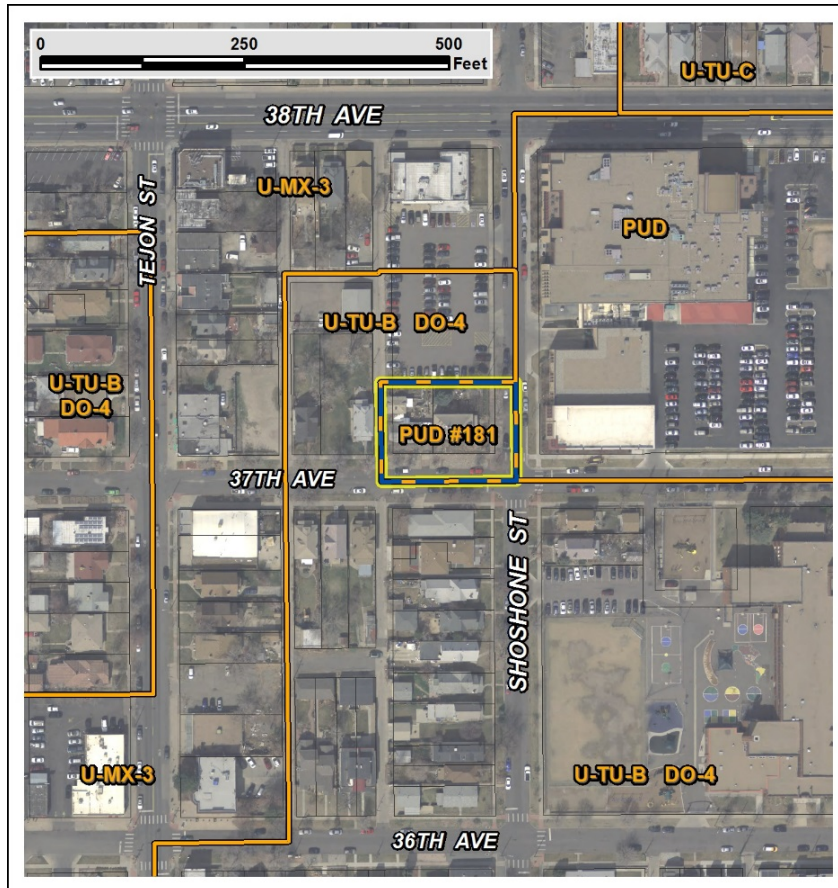
The following table summarizes the existing context proximate to the subject site:

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	PUD 181	Single family residential	Urban single family house, 2.5 stories. Carriage house has alley access	Small urban lots and square grid block pattern. Rear-loaded garages with alleys.
North	U-TU-B, DO-4	Meeting hall (Potenza Lodge) and associated surface parking	Brick meeting hall with surface parking lot occupying much of the block adjacent to the subject property, 1 story	Typically two alleys running in a north/south configuration per block. Pedestrian-oriented building frontages

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
South	U-TU-B, DO-4	Single family residential	Urban single family house with alley access, 1 story	predominate. Detached sidewalks and street trees.
East	PUD	Office/Commercial (Leprino Foods)	Brick office/commercial building, 2-3 stories	
West	U-TU-B, DO-4	Single family residential	Urban single family house with alley access along the eastern sideyard, 1.5 stories	

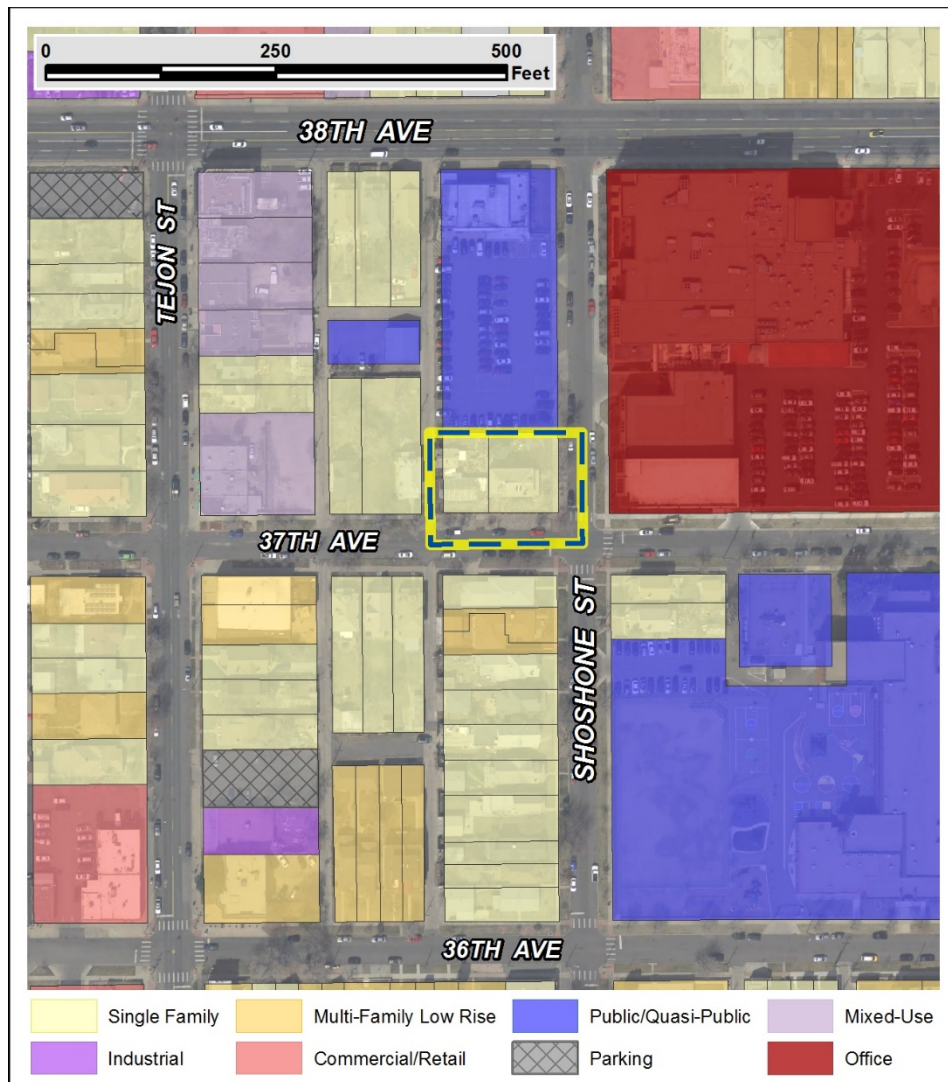
1. Existing Zoning

The site is currently zoned PUD 181 under Former Chapter 59. This zoning was put in place in 1985. Like many PUDs from this era, PUD 181 is written very narrowly regarding how the subject properties may be used. The PUD allows the house to be used as a single family residence or to be converted to a duplex, and the carriage house may only be used as a bakery. Minimum setbacks are 4' (north), 15' (south), 21' (east), and 1' (west). The maximum height allowed by the PUD is 4 stories and 45 feet. For additional details please refer to PUD 181 (attached).



2. Existing Land Use Map

The subject site consists of two lots. The Shoshone lot has a single family residential unit. The 37th Ave lot has a greenhouse that is accessory to the home and a detached garage/carriage house building that formerly held a bakery but is now unoccupied. The area surrounding the site contains a variety of uses, including single family residential homes to the south and west of the site. The Potenza Lodge is located north of the site. The lodge itself fronts 38th Ave and has a large surface parking lot to the rear that occupies much of the 3700 block of Shoshone, including the area immediately adjacent to the subject site. The corporate headquarters for Leprino Foods is located across Shoshone to the east. The site of Bryant-Webster Elementary School occupies much of the block to the southeast, caddy-corner from the subject site. Typical building heights in the area range from one to three stories.



3. Existing Building Form and Scale



View of the subject site from Shoshone Street, looking west.



View of the subject site from 37th Avenue, looking north. The carriage house/
former bake shop is located behind the greenhouse.



View of the single family home located west of the subject site, across the alley and facing 37th Avenue.



View of the parking lot for the Potenza Lodge meeting hall, located adjacent to and north of the subject site on Shoshone Street.



Portion of the corporate headquarters for Leprino Foods, located east of the subject site across Shoshone Street.



Single family home located south of the subject site, across 37th Avenue and facing Shoshone 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:

Development Services – Wastewater: Approved – There is no objection to the rezone, however applicant should be under notice that the Public Works will not approve any development of this property without assurance that there is sufficient sanitary and storm sewer capacity. A sanitary study and drainage study may be necessary. These studies may result in a requirement for the developer to install major infrastructure improvements or a limit to development if current infrastructure is insufficient.

Parks and Recreation: Approved – No Comments.

Public Works – Surveyor: Approved – No Comments.

Environmental Health: Approved – DEH is not aware of environmental concerns that would impact the rezoning and does not object to the request.

General Notes:

Most of Colorado is high risk for radon, a naturally occurring radioactive gas. Due to concern for potential radon gas intrusion into buildings, DEH suggests installation of a radon mitigation system in structures planned for human occupation or frequent use. It may be more cost effective to install a radon system during new construction rather than after construction is complete.

Denver's Noise Ordinance (Chapter 36–Noise Control, Denver Revised Municipal Code) identifies allowable levels of noise. Properties undergoing Re-Zoning may change the acoustic environment, but must maintain compliance with the Noise Ordinance. Compliance with the Noise Ordinance is based on the status of the receptor property (for example, adjacent Residential receptors), and not the status of the noise-generating property. Violations of the Noise Ordinance commonly result from, but are not limited to, the operation or improper placement of HV/AC units, generators, and loading docks. Construction noise is exempted from the Noise Ordinance during the following hours, 7am–9pm (Mon–Fri) and 8am–5pm (Sat & Sun). Variances for nighttime work are allowed, but the variance approval process requires 2 to 3 months. For variance requests or questions related to the Noise Ordinance, please contact Paul Riedesel, Denver Environmental Health (720-865-5410).

Scope & Limitations: DEH performed a limited search for information known to DEH regarding environmental conditions at the subject site. This review was not intended to conform to ASTM standard practice for Phase I site assessments, nor was it designed to identify all potential environmental conditions. In addition, the review was not intended to assess environmental conditions for any potential right-of-way or easement conveyance process. The City and County of Denver provides no representations or warranties regarding the accuracy, reliability, or completeness of the information provided.

Public Review Process

The public process for the proposed rezoning is summarized below:

- **Informational Notice**- CPD staff provided informational notice of receipt of the rezoning application to affected members of City Council and registered neighborhood organizations (RNOs) on March 7th, 2016, and again on April 13th, 2016 to provide notice of receipt of a revised application.
- **Planning Board**- The property was posted for a period of 15 days announcing the July 6th, 2016 Denver Planning Board public hearing, and written notification of the hearing was sent to all affected registered neighborhood organizations and City Council members. **Planning Board recommended approval of the proposed rezoning by a vote of 10-0.**
- **Neighborhoods and Planning Committee**- Following Planning Board review, the rezoning application was referred to the Neighborhoods and Planning (PLAN) Committee of the City Council for review at a public meeting. Written notification of the August 3rd, 2016 PLAN meeting was sent to all affected registered neighborhood organizations and City Council members. The committee referred the rezoning application to the full City Council for final action at a public hearing.
- **City Council**- The City Council public hearing is scheduled for September 12th, 2016. The property was posted for a period of 21 days announcing the public hearing, and written notification of the hearing was sent to all affected registered neighborhood organizations and City Council members.
- The RNOs identified on page 1 were notified of this application.
- As of the time of this staff report, no public comments have been received.

Criteria for Review / Staff Evaluation

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

DZC Section 12.4.10.7

1. Consistency with Adopted Plans
2. Uniformity of District Regulations and Restrictions
3. Public Health, Safety and General Welfare

DZC Section 12.4.10.8

1. Justifying Circumstances
2. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements

1. Consistency with Adopted Plans

The following adopted plans apply to this property:

- *Denver Comprehensive Plan 2000*
- *Blueprint Denver (2002)*
- *Highland Neighborhood Plan (1986)*

Denver Comprehensive Plan 2000

The proposed rezoning is consistent with the following *Denver Comprehensive Plan 2000* strategies:

- Environmental Sustainability Strategy 2-F – Conserve land by: promoting infill development within Denver at sites where services and infrastructure are already in place and designing mixed-use communities and reducing sprawl, so that residents can live, work and play within their own neighborhoods.
- Land Use Strategy 3-B – Encourage quality infill development that is consistent with the character of the surrounding neighborhood; that offers opportunities for increased density and more amenities; and that broadens the variety of compatible uses;
- Neighborhood Strategy 1-F – Invest in neighborhoods to help meet citywide goals and objectives for a range of housing types and prices, community facilities, human services and mobility.

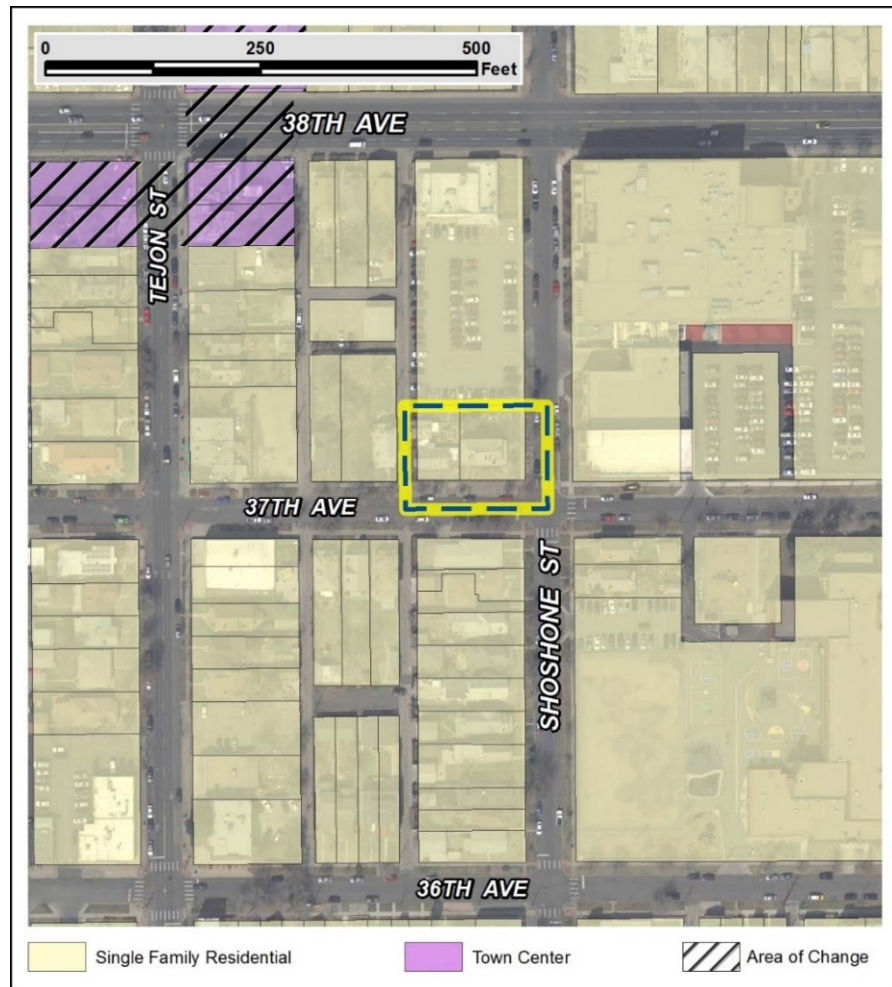
The proposed zone district broadens the variety of allowed uses and housing types from the current PUD while observing development standards to help ensure compatibility with the surrounding neighborhood. The rezoning proposal is consistent with the referenced plan recommendations from *Denver Comprehensive Plan 2000*.

Blueprint Denver

According to the 2002 Plan Map adopted in *Blueprint Denver*, this site has a concept land use of Single Family Residential and is located within an Area of Stability.

Future Land Use

“Neighborhoods of single family houses represent the majority of Denver’s residential areas, particularly those developed after 1900 and especially those built after 1940. Densities are fewer than 10 units per acre, often less than six units per acre neighborhood-wide, and the employment base is significantly smaller than the housing base. Single-family homes are the predominant residential type.” (p. 42)



The Blueprint Denver concept land use is single family residential in an area of stability, which suggests that single family residential is the predominant use. This is generally true of development patterns in the area. However, the area had been previously zoned R-2 for many years, and as a result has a mix of residential types in addition to single family. Furthermore, the Highland Neighborhood Plan, which also provides land use guidance in this area, calls for a combination of single family and low-moderate density residential at this location (see analysis on pages 14-15 of this staff report). In consideration of guidance from adopted plans, prior zoning entitlement, and existing development patterns, it was decided in the 2010 Denver comprehensive rezoning process that the appropriate residential zoning for this area was U-TU-B.

The proposed U-TU-B, DO-4 zoning would allow both single family (urban house) and low-moderate density residential building forms (ADU, duplex, and tandem house). The design overlay (DO-4) allows for a narrow side interior setback, consistent with the established character of the surrounding neighborhood. The proposed Map Amendment is consistent with Blueprint Denver's land use recommendation for Single Family Residential, as the U-TU-B zone district will allow for single unit residential, especially on smaller lots (3000sf min).

Area of Stability

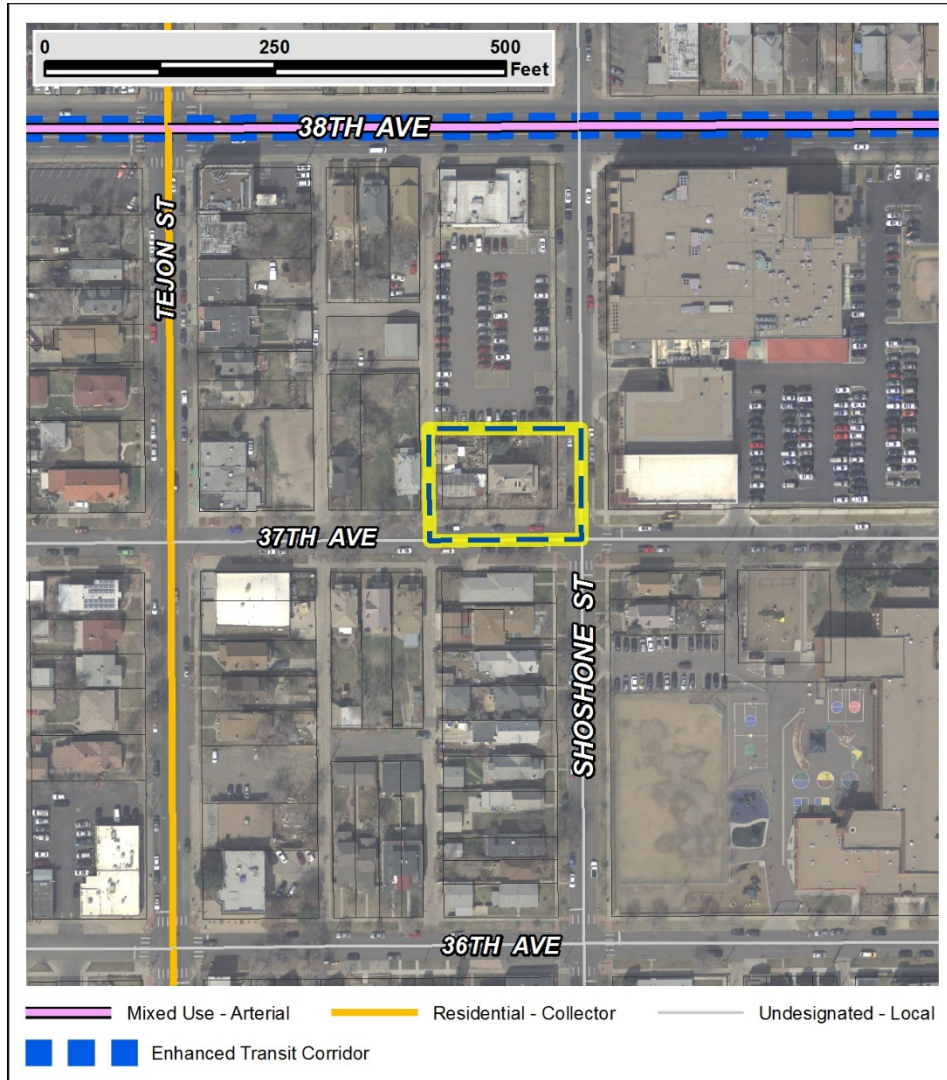
According to Blueprint Denver, "the goal for the Areas of Stability is to identify and maintain the character of an area while accommodating some new development and redevelopment" (p.120).

The proposed Map Amendment application is consistent with the recommendations for Areas of Stability, as the proposed zone district matches the zoning of the surrounding residential area, helping to ensure that any future redevelopment will be compatible with the existing neighborhood character.

Street Classifications

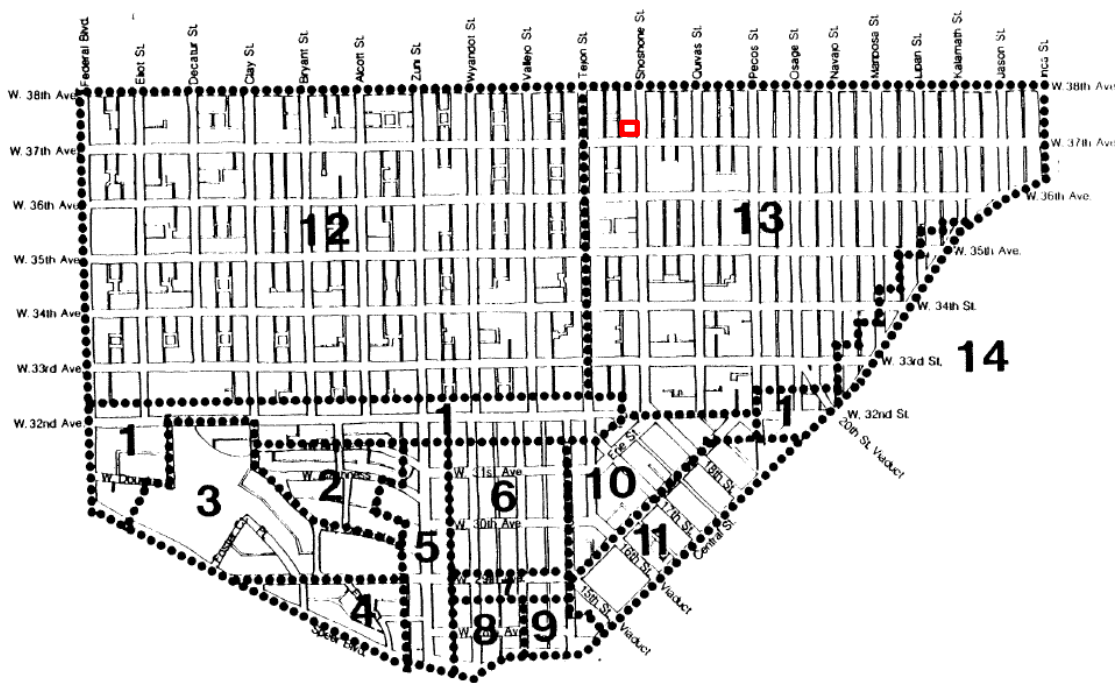
According to Blueprint Denver, both 37th Avenue and Shoshone Street are classified as Undesignated Local streets. Local residential streets are designed to emphasize walking, bicycling and land access over mobility (p.55). 38th Avenue is located 1 block to the north and is classified as a Mixed Use Arterial and an Enhanced Transit Corridor. These corridors are recommended for "enhanced bus transit services such as higher frequency bus service, BRT and priorities for intelligent transportation systems (ITS) investments (including bus priority signalization)" (p. 98).

The Map Amendment application is consistent with *Blueprint Denver's* street classification recommendations, as the proposed zone district will encourage a pedestrian-oriented street frontage that is characteristic of local streets such as Shoshone and 37th.



Highland Neighborhood Plan (1986)

The Highland Neighborhood Plan was adopted by City Council in 1986. The Plan organizes the neighborhood into sub-areas and provides recommendations for each of these smaller neighborhood areas. The subject property is located in Sub-Area 13.



Sub-Area 13

The Highland Neighborhood Plan states that the goals for Sub-Area 13 is to “improve and stabilize the residential areas by preserving the existing housing stock and encourage home ownership, and eliminate industrial uses” (p.46). The plan recommends a land use of “low density residential” within this sub-area, which is described as “single family and low-moderate density residential (14.5 dwelling units per acre)” (p. 48).

The proposed Map Amendment is consistent with the above referenced recommendations from the Highland Neighborhood Plan, as the proposed U-TU-B zoning will allow both single family (urban house) and low-moderate density residential building forms (ADU, duplex, and tandem house).

2. Uniformity of District Regulations and Restrictions

The current PUD zoning was left in place during the 2010 Denver Zoning Code (DZC) update while adjacent properties were mapped into the new code. Rezoning out of former chapter 59 and into the DZC will encourage uniform application of zoning in this area, especially given the fact that the requested zoning matches the zoning of the surrounding residential area. The proposed rezoning to U-TU-B, DO-4 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 the implementation of the City’s adopted plans.

4. Justifying Circumstance

The application identifies changed or changing conditions as the Justifying Circumstance under DZC Section 12.4.10.8.A.4, “The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area.” In this case a key change is the closure of the commercial bake shop, which is the only primary use allowed for 1945 W. 37th under the PUD. With no bake shop on the premises, making use of the property requires rezoning out of the PUD and into a different district. The demand for housing within the Highland neighborhood has increased in recent years and the area has responded with new residential development. The proposed rezoning to U-TU-B, DO-4 creates the possibility for residential infill development at 1945 W. 37th Ave that is compatible with surrounding properties and consistent with adopted plans.

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

Neighborhood Context Description

The requested zone district is within the Urban Neighborhood Context which is “primarily characterized by single-unit and two-unit residential uses...Single- and two-unit residential uses are primarily located along local and residential arterial streets” (DZC 5.1.1).

The proposed Map Amendment is consistent with this context, as the proposed U-TU-B, DO-4 district will allow for single and two-unit housing along two residential streets.

Zone District Purpose and Intent

According to the general purpose stated in the Denver Zoning Code, the intent of the Residential Districts is “to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context. These regulations allow for some multi-unit districts, but not to such an extent as to detract from the overall image and character of the residential neighborhood” (DZC 5.2.2.1.A). In particular, the U-TU-B zone district “allows up to two units on a minimum zone lots of 4500 square feet. Allowed building forms are the urban house, detached accessory dwelling unit, duplex and tandem house building forms” (DZC 5.2.2.2.N).

The proposed rezoning is consistent with the General Purpose and Specific Intent, as it will allow for single and two-unit residential within the character of the Urban Neighborhood Context.

Staff Recommendation

Based on the analysis set forth above, CPD staff finds that the application for rezoning the properties located at 3705 Shoshone St. and 1945 W. 37th Ave. (#2015I-00182) to the proposed U-TU-B, DO-4 meets the requisite review criteria. Accordingly, staff recommends approval of the rezoning.

Attachments

1. Rezoning Application
2. PUD 181

Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	Melvin J. Neumann & Maria E. Nel	Representative Name	Paul Tamburello & Zach Sloven
Address	3705 Shoshone Street	Address	3222 Tejon Street, Studio A
City, State, Zip	Denver, CO 80211	City, State, Zip	Denver, CO 80211
Telephone	(720) 361-8374	Telephone	(303) 991-6204
Email	mneumann3705@gmail.com	Email	zach@thinkgenerator.com
<p>*If More Than One Property Owner: All standard zone map amendment applications shall be initiated by all the owners of at least 51% of the total area of the zone lots subject to the rezoning application, or their representatives authorized in writing to do so. See page 3.</p>		<p>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</p>	
<p>Please attach Proof of Ownership acceptable to the Manager for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed or deed of trust, or (c) Title policy or commitment dated no earlier than 60 days prior to application date.</p>			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):	3705 Shoshone Street & 1945 W. 37th Ave, Denver, CO 80211		
Assessor's Parcel Numbers:	0228203045000 & 0228203046000		
Area in Acres or Square Feet:	10,900 SQFT		
Current Zone District(s):	PUD 181		
PROPOSAL			
Proposed Zone District:	U-TU-B, DO-4 Overlay		
Does the proposal comply with the minimum area requirements specified in DZC Sec. 12.4.10.3:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	

REVIEW CRITERIA

<p>General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.7</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. Please provide an attachment describing relevant adopted plans and how proposed map amendment is consistent with those plan recommendations; or, describe how the map amendment is necessary to provide for an unanticipated community need.
	<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.
	<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>Additional Review Criteria for Non-Legislative Rezoning: The proposal must comply with both of the additional review criteria DZC Sec. 12.4.10.8</p>	<p>Justifying Circumstances - One of the following circumstances exists:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The existing zoning of the land was the result of an error. <input type="checkbox"/> The existing zoning of the land was based on a mistake of fact. <input type="checkbox"/> The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage. <input checked="" type="checkbox"/> The land or its surroundings has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area to recognize the changed character of the area. <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>Please provide an attachment describing the justifying circumstance.</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. Please provide an attachment describing how the above criterion is met.

REQUIRED ATTACHMENTS

Please ensure the following required attachments are submitted with this application:

- Legal Description (required to be attached in Microsoft Word document format)
- Proof of Ownership Document(s)
- Review Criteria

ADDITIONAL ATTACHMENTS

Please identify any additional attachments provided with this application:

- Written Authorization to Represent Property Owner(s)

Please list any additional attachments:

PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION/PETITION

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

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement (must sign in the exact same manner as title to the property is held)	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed or deed of trust, (C) title policy or commitment, or (D) other as approved	Property owner representative written authorization? (YES/NO)
EXAMPLE John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/01/12	(A)	NO
Melvin J. Neumann and Maria E. Neumann	3705 Shoshone Street Denver, CO 80211 (720) 361-8374 mneumann3705@gmail.com	100%	<i>Melvin J. Neumann</i> <i>Maria E. Neumann</i>	4/4/16	(A)	YES
					(A)	
					(A)	
					(A)	
					(A)	

Last updated: February 4, 2015

 Return completed form to rezoning@denvergov.org

REVIEW CRITERIA

3705 Shoshone Street & 1945 W 37th Avenue, Denver CO 80211

The current property is no longer inhabited by a small neighborhood bake-shop in the existing carriage house building as allowed by the existing PUD. We are proposing that the zone map be amended to revise the current PUD to become U-TU-B with DO-4 Overlay.

General Review Criteria

The proposed map amendment is consistent with the intentions and goals of the Highland Neighborhood Plan, Blueprint Denver and Comprehensive Plan 2000. The U-TU-B (with DO-4) map amendment continues to promote patterns of land use, urban design, and residential use, which align with the intentions of the Highland Neighborhood Plan. Changing from PUD to surrounding zoning will create uniformity of district regulations in the area. The rezoning of the subject property would further public health, safety and general welfare by increasing the density and walkability of the neighborhood, thereby improving access to jobs, housing and services as recommended in Blueprint Denver.

Justifying Circumstances

The current site has a PUD which is very limiting in regards to types of occupants/users. Owners are requesting zoning change to bring PUD into current Denver Zoning Code regulations.

Neighborhood Context

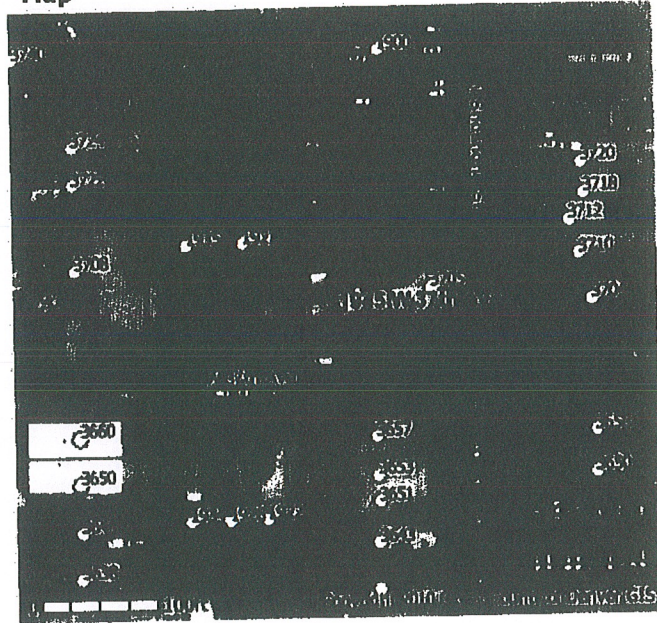
Single and two-unit residences primarily characterize the Urban Neighborhood Context. This is not a major commercial zone, more relevant to a residential use.



Address Information

Address Line 1: 1945 W 37th Ave
Address Line 2:
City, State, ZIP: Denver, CO
County: Denver
Address ID: 376041
Postal Service Deliverable:
Type: Street
Delivery Notes:
Source DAD

Map



Geographic Information

Longitude: -105.010075 Latitude: 39.768193
X Coord: 3137722 Y Coord: 1705066

Administrative Information

Status: Active Feature Type: Other
Date Created: 10/19/2010 Created By: PWDES
Date Edited: 10/19/2010 Edited By: PWDES

Property Information

Landmark: No Radium: No

Parcel

Schedule Number: 0228203019000 Land Area: 10900 sqft
Status: A Improvement Area: 2170 sqft
Zone Districts: PUD Construction Year: 1906
Building Count: 1 Record Year: 2010
Property Class: SINGLE FAMILY RESIDENTIAL (1112)
Subdivision: EICHOLTZS RE-SUBDIVISION OF BLOCKS 33, 34, 35, 36, H. WITTER'S N. D. ADDITION
Legal Description: L1 TO 3 INC & S1/2 OF L4 BLK 34 H WITTERS N DENVER ADD EICHOLTZ RESUB
Last Transaction:

Owner

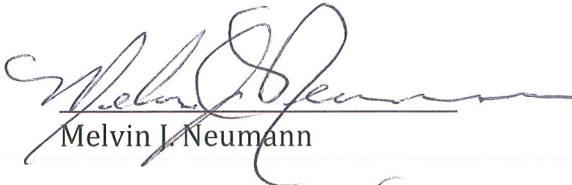
Contact Name: NEUMANN, MELVIN J & MARIA E
Address: 3705 SHOSHONE ST, DENVER, CO 80211-3020

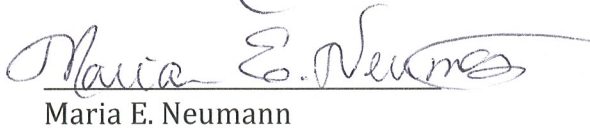
Notes

User Name	Date	Description
gov\valdebl	10/19/2010	ISSUED ADDRESS OF 1945 W 37TH AVE FOR PARCEL SPLIT.

Property Owner Written Authorization

Melvin J. and Maria E. Neumann provide authorization that Zach Sloven and Paul Tamburello of Generator Real Estate LLC may act on their behalf related to the rezoning application submitted to Community Planning & Development (Denver, Colorado) for Assessor Parcel Numbers: 0028203045000 and 0028203046000. Generator Real Estate LLC will work solely on behalf of the Owners to promote the interests of the Owners with the utmost good faith, loyalty and fidelity.


Melvin J. Neumann 2/26/16
Date


Maria E. Neumann 2-26-16
Date

Generator Real Estate LLC

By 
Zach Sloven 2/25/16
Date

By 
Paul Tamburello 2/25/16
Date

DENVER ASSESSOR'S PARCEL RECONFIGURATION FORM

SPLIT or **COMBINATION** (check one)

Date: Oct 19 2010

Existing Denver Tax Schedule Number(s): 02282-03-019-000

Name of Property Owner(s): MELVIN J. NEUMANN & MARIA E. NEUMANN

Mailing Address of Owner(s): 3705 Shoshone Denver, Co. 80211

Telephone Number(s) (optional): Owner(s): 303-458-9276

Legal Description(s) of Existing Parcel(s) (Attach complete legal description) as Exhibit A):

Existing Property Address(es): 3705 SHOSHONE ST. DENVER CO.
Source of Legal Description(s): TERRA ENGINEERING & LAND SURVEYING

Legal Description(s) of New Parcel(s): (Attach complete legal description(s) as Exhibit B):

New property address(es)*: 1945 W. 37th AVE DENVER CO.
Source of Legal Description(s): TERRA ENGINEERING & LAND SURVEYING

NOTICE

This form is voluntarily submitted solely for the purpose of requesting that the Denver Assessor's Office issue new tax schedule numbers for the split or combination, as indicated above, of parcels of land owned by the property owner(s) signing below. This document is recorded for the purpose of providing public notice of the intentions of the property owner(s). If the splitting or combining of property involves air rights, a condominium declaration must be recorded with the Clerk and Recorder's Office. Split or combined property may be subject to new valuations or appraisals. The voluntary act of splitting or combining parcels does not create or amend zone lot(s) under the Denver Zoning Ordinance. The property owner(s) are advised to consult with Denver's Department of Community Planning and Development as to zone lot amendments.

The development and use of split or combined parcels must conform with all Denver zoning, building, fire, public works, subdivision, and other ordinances or rules and regulations applicable to the parcels. IT IS SOLELY THE RESPONSIBILITY OF THE PROPERTY OWNER(S) OR THEIR SUCCESSORS IN INTEREST TO DETERMINE WHAT APPROVALS OR PERMITS MUST BE OBTAINED FROM OTHER CITY DEPARTMENTS AND AGENCIES PRIOR TO UNDERTAKING ANY DEVELOPMENT OR USE OF SPLIT OR COMBINED PARCELS. To the extent that the splitting or combining of the parcels has resulted in a violation of a Denver ordinance, rule or regulation or has resulted in the parcels not being able to meet an ordinance, rule, regulation or permit requirement, the use or development of the parcels may be restricted or denied. The voluntary act of splitting or combining parcels does not constitute a legal justification, for the property owner(s) or their successors in interest, for obtaining a variance or exception from any ordinance, rule, regulation or permit requirement.

An improvement survey plat is required for any parcel splits where there are existing structural improvements.

Assessor will not process without the signature(s) of the property owner(s). Please sign and notarize. The form must be recorded with the Office of the Clerk and Recorder for the City and County of Denver.

*If a building permit is needed, the new parcels with their legal descriptions must be obtained from the Assessor's Office prior to obtaining new or additional addresses.

*New or additional addresses need to be obtained from the Public Works Right of Way Section.

Melvin J. Neumann
Signature
Maria E. Neumann
Signature

MELVIN J. NEUMANN
Printed Name (and Title for Entities)

MARIA E. NEUMANN
Printed Name (and Title for Entities)

State of Colorado)
City and County of Denver) ss.

The foregoing instrument was acknowledged before me on the 19 day of OCTOBER, 2010, by MELVIN NEUMANN as Property Owner.

Witness my hand and official seal.

My commission expires: 2-22-2013

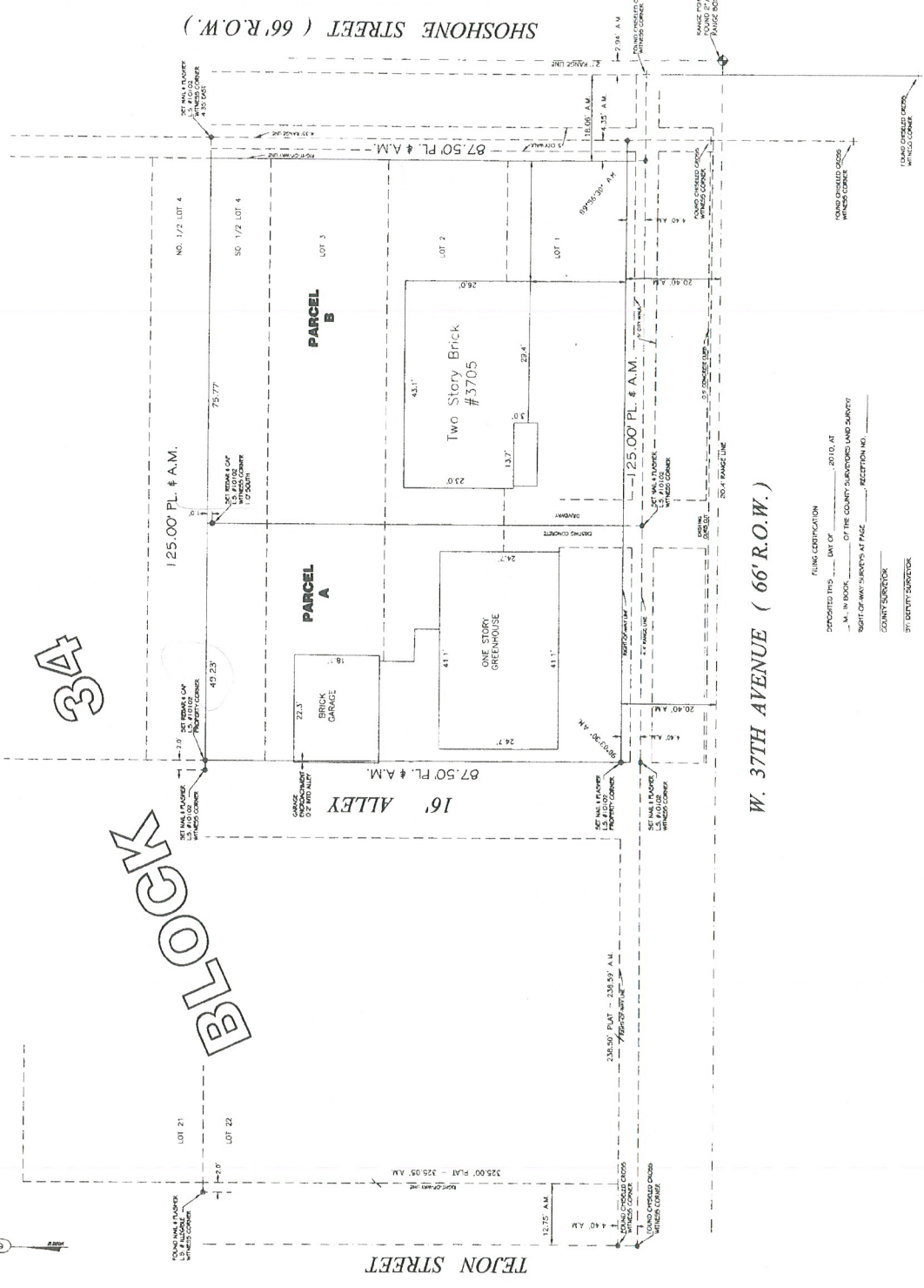
J. K. Masstag
Notary Public
3734 T. ST
DENVER CO 80211

LAND SURVEY PLAT

LOTS 1, 2, 3 AND THE SO. 1/2 OF LOT 4, BLOCK 34, EIGHTH'S RESUBDIVISION OF BLOCKS 33, 34, 35 AND 36, PART OF THE NW 1/4 SEC. 28, TNS. 688TH 6TH PM, CITY AND COUNTY OF DENVER, STATE OF COLORADO

W. 38TH AVENUE

W. 37TH AVENUE (66' R.O.W.)



LEGAL DESCRIPTION - PARCEL B
 LOTS 1, 2, 3 AND THE SOUTH 1/2 OF LOT 4, 8th AVENUE NORTH DENVER AND ADJACENT RESUBDIVISION OF BLOCKS 33, 34, 35, 36, H. WITTERS NORTH DENVER CITY AND COUNTY OF DENVER,
 CONTAINING 10,937.5 SQUARE FEET, MORE OR LESS

LEGAL DESCRIPTION - PARCEL A
 THE WEST 43.2 FEET OF LOTS 1, 2, 3 AND THE SOUTH 1/2 OF LOT 4, 8th AVENUE NORTH DENVER AND ADJACENT RESUBDIVISION OF BLOCKS 33, 34, 35, 36, H. WITTERS NORTH DENVER CITY AND COUNTY OF DENVER,
 CONTAINING 4,337.452 SQUARE FEET, MORE OR LESS

LEGAL DESCRIPTION - PARCEL B
 THE EAST 79.77 FEET OF LOTS 1, 2, 3 AND THE SOUTH 1/2 OF LOT 4, 8th AVENUE NORTH DENVER AND ADJACENT RESUBDIVISION OF BLOCKS 33, 34, 35, 36, H. WITTERS NORTH DENVER CITY AND COUNTY OF DENVER,
 CONTAINING 4,629.875 SQUARE FEET, MORE OR LESS

CERTIFICATE OF SURVEY
 I, MARTIN J. LOTZ, A REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO, HAVE THIS DAY SURVEYED AND COMPLETED THE SURVEY OF THE PARCEL SHOWN HEREON, AND THE RESULTS OF THE SURVEY ARE SHOWN ON THE ACCOMPANYING PLAT. THE SURVEY WAS COMPLETED ON THE 11TH DAY OF OCTOBER, 2010, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF THE SURVEY IS CORRECT AND ACCURATE. THE SURVEY WAS MADE IN ACCORDANCE WITH THE PROVISIONS OF THE COLORADO SURVEYING ACT AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYING AND MAPPING, STATE OF COLORADO.



NOTES:
 1. THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSONS OR ENTITIES NAMED IN THE CERTIFICATION SHOWN HEREON.
 2. THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSONS OR ENTITIES NAMED IN THE CERTIFICATION SHOWN HEREON.

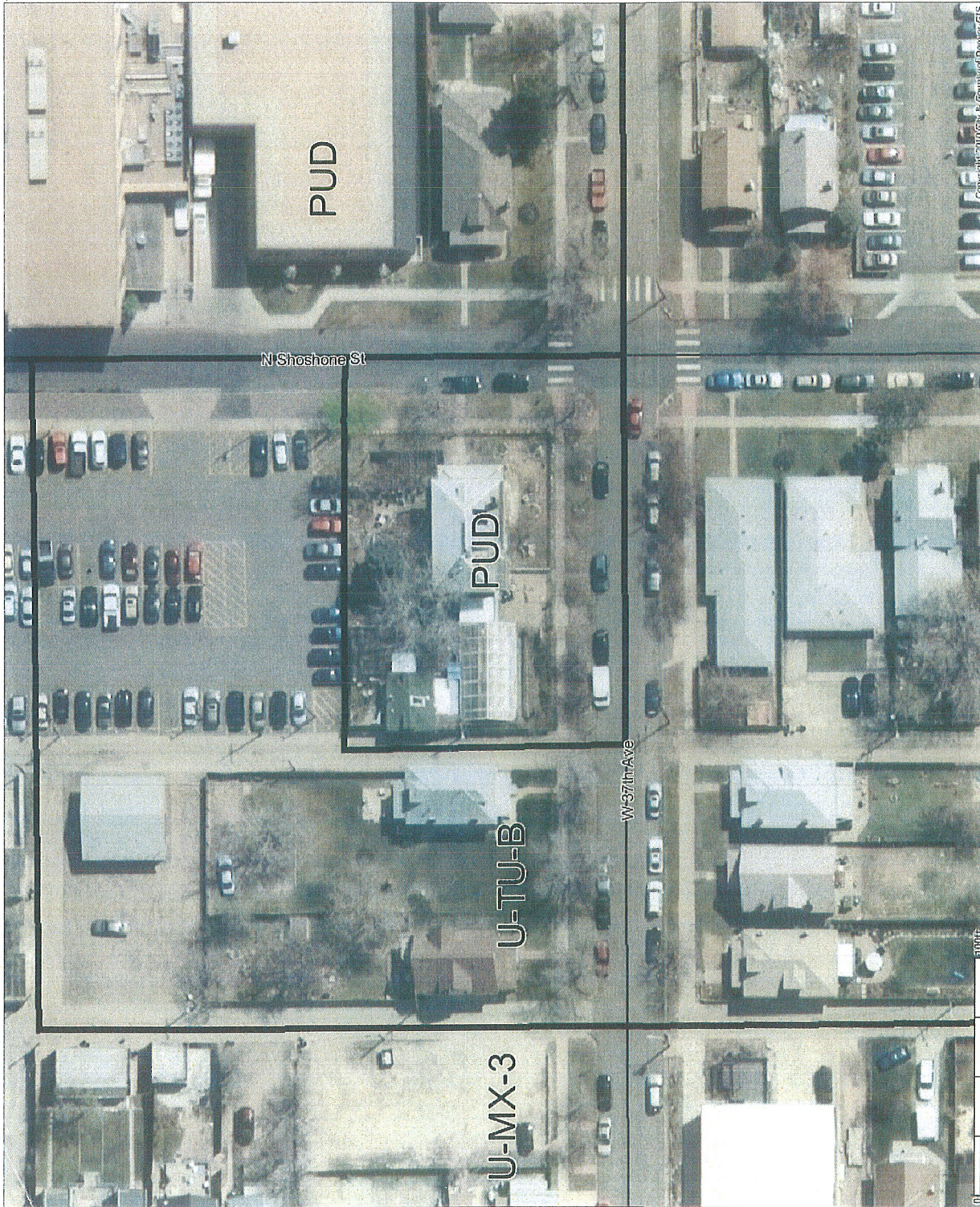


NO.	DATE	BY	REVISION

TERRA ENGINEERING AND LAND SURVEYING
 2339 Central Court
 Westminster, Colorado 80030
 PREPARED FOR: #P. 303 850-3658
 DRAWN BY: M. LOTZ
 PROJECT: LAND SURVEY PLAT
 3705 SHOSHONE STREET

FILED CERTIFICATION
 DEPOSITED THIS _____ DAY OF _____, 2010, AT _____ M. IN BOOK _____ OF THE COUNTY SURVEYORS LAND SURVEY COUNTY RECORDS COUNTY SURVEYOR BY: MARTIN LOTZ

37th and Shoeshone



Map generated 7/19/2010 - The City and County of Denver shall not be liable for damages of any kind arising out of the use of this information. The information is provided "as is" without warranty of any kind, express or implied, including, but not limited to, the fitness for a particular use. This is not a legal document.

- Zoning Labels
- Denver County (Boundary)
- Street Centerline
- Interstate
- US Highway
- Other
- Zoning - Colorless
- 2008 Denver
- Denver County (Shaded)
- Denver County
- Adams County
- Arapahoe County
- Jefferson County

LEGAL DESCRIPTION

Parent Parcel:

LOTS 1, 2, 3 AND THE SOUTH ½ OF LOT 4, BLOCK 34, EICHOLTZ'S RESUBDIVISION OF BLOCKS 33, 34, 35, 36, H. WITTER'S NORTH DENVER ADDITION.
CITY AND COUNTY OF DENVER,
STATE OF COLORADO

1945 W. 37th Avenue (Parcel A):

THE WEST 49.23 FEET OF LOTS 1, 2, 3 AND THE SOUTH ½ OF LOT 4, BLOCK 34, EICHOLTZ'S RESUBDIVISION OF BLOCKS 33, 34, 35, 36, H. WITTER'S NORTH DENVER ADDITION.
CITY AND COUNTY OF DENVER,
STATE OF COLORADO

3705 Shoshone Street (Parcel B):

THE EAST 75.77 FEET OF LOTS 1, 2, 3 AND THE SOUTH ½ OF LOT 4, BLOCK 34, EICHOLTZ'S RESUBDIVISION OF BLOCKS 33, 34, 35, 36, H. WITTER'S NORTH DENVER ADDITION.
CITY AND COUNTY OF DENVER,
STATE OF COLORADO

Area Map indicating property to be rezoned will be prepared by the Department of Zoning Administration

City and County of Denver
DEPARTMENT OF ZONING ADMINISTRATION
APPLICATION FOR ZONE MAP AMENDMENT

Application Number
3639
Date Submitted **5-31-85** Fee **\$600.00**

1. Applicant
**Melvin J. Neumann
Maria E. Neumann**

2. Address
**3705 Shoshone St.
Denver, Co., 80211**

3. Phone No.
477-3372

4. Interest
 Owner(s)
 Agent
 Other

5. Owners of Property or Properties (If not the Applicant)

6. Address

7. Phone No.

8. Location of Proposed Change
3705 Shoshone St., Denver, Co., 80211

9. Legal Description of Property: (If Legal Description is lengthy, please attach additional sheet.)
Lots: **1, 2, 3, South 1/2 of Lot 4** Block: **34** Addition: **Eicholtz's Resubdivision of Blocks 33, 34, 35, & 36
H. Witter's North Denver Addition
City & County of Denver**

10. Area of Subject Property, Sq. Ft. or Acres
10, 937.5 sq. ft./ .25 acre

11. Present Zone
R-2

12. Proposed Zone
PUD #181

13. Describe briefly the nature and expected effect of the proposed amendment. Be sure to include an explanation of 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 making the proposed amendment necessary.

The property at 3705 Shoshone St., consists of a large 2-story turn of the century house and a carriage house situated on 3 1/2 city lots. The changing conditions in the neighborhood have allowed the Potenza Lodge to extend their parking lot to where the proposed PUD is the only remaining residential structure on the West side of Shoshone St., between 37th., Avenue and 38th., Avenue. Despite the house's inherent appeal as a fine piece of turn of the century architecture, the property has become financially prohibitive to maintain as it is presently zoned for residential use only.

The proposed PUD will enable the owners/occupants to maintain the beauty of the house and it's surrounding. It will also provide stability and will stop the encroachment of the parking lot.

14. Use and development proposed for the property to be rezoned.

The proposed PUD will allow a small neighborhood bake shop to operate in the existing carriage house building. The house will continue to be used as the owner's residence/studio and office with the owners retaining the right to convert the house to a duplex at some future date.

15. Exhibits Submitted, Number and Kind
**One Map, District Plan
Artist's Concept**

16. Applicant's Signature
Maria E. Neumann

1. Date of Pre-Application conference - May 29, 1985
2. Submitall of preliminary application - May 31, 1985
3. Submitall of completed application - JUL 17 1985
4. Deadline for Planning Board meeting - AUG 21 1985
5. Planning Board meeting date - _____

2. Written Description of the Proposed PUD (All structures presently exist):

- a. Maximum floor area to be used for Bakery: 396 sq. ft.
Bakery means that the owners be allowed to fabricate or assemble bake goods (Bread, goodies, pies, etc.) for sale at retail on premises; sale at wholesale for delivery to restaurants and other eating places; and to sell as a caterer.

Maximum floor area to be used as residential 2,242 sq. ft.

Maximum number of dwelling unit will be two (2).

Maximum floor area to be used as Greenhouse accessory:

1,000 sq. ft.
TOTAL: 3,638 sq. ft.

The ratio of dwelling unit per acre equals eight (8).

- b. Maximum height of structure shall be four (4) stories which shall not exceed a total of forty-five (45) feet. Rooftop features (solar collector) may exceed these height limits by ten (10) feet.
- c. The project will not provide off-street parking. The project will contain one off-street loading space (13' x 19'). Adequate on-street parking (equal to nine (9) spaces exists on Shoshone St., and 37th Ave. adjacent to the proposed PUD. Presently, there is very little use of the available on-street parking adjacent to the proposed site.

2. Written Description of the Proposed PUD (All structures presently exist): (con't)

(c. con't) Encroachments are permitted in the setback space as regulated by Sec. 59-149(b)(4) (R-2).

d. Provisions for setbacks of buildings (excluding Fences and Walls): (existing conditions)

North shall be four (4) feet.
South shall be fifteen (15) feet.
East shall be twenty-one (21) feet.
West shall be one (1) foot.

Minimum spacing between buildings shall be three (3) feet.

e. Land coverage of buildings and impervious surfaces:

Building coverage:	2638 sq. ft. = 24% of total area.
Streets & Drives:	0 sq. ft. = 0% of total area.
Walks & Patio:	3420 sq. ft. = 31% of total area.
Paved Recreation areas:	<u>0 sq. ft. = 0% of total area.</u>

TOTAL: 6058 sq. ft. = 55% of total area.

- f. Surface Drainage: The owner understands that the rules and regulations of the Wastewater Management Division will require certain design considerations and construction features to control surface water runoff. The site is already developed and the surface drainage is designed to flow to the existing storm sewer. The site is not in a flood hazard area.
- g. No interior streets or drives are required within the district. Pedestrian circulation only is required. See attached District Plan.
- h. Easements for existing utilities are along the alley on the West side of the district.
- i. Natural foliage shall consist of the landscaping existing on the site. There is one Maple tree, one mature Blue Spruce tree and five young fruit trees. Spirea bushes line the West border. A six foot cedar fence shall line the North property line. An existing four foot wrought iron fence is located and will remain along East and South property lines. Fencing along West property line maybe up to 6' (six) feet high and maybe open or solid. Maximum height of fences on interior of lot shall be 6'-0". All foliage shall be maintained in a healthy and growing conditions.

2. Written Description of the Proposed PUD (All structures presently exist): (con't)
- j. Boat Camper, trailer and recreational vehicle storage shall be prohibited within the district.
 - k. 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.
 - l. School population: Project will have a ratio of school population of : Elementary School .6 ; Junior High .10 ; Senior High .20 .
 - m. Already developed on the site are lawn areas containing 4,879.5 sq. ft.
 - n. External effects shall be regulated by Sec. 59-148(2), (3) (R-2 zone).
 - o. Restoration of natural terrain: n/a.
 - p. Water and gas service are available in Shoshone Street. Electrical and gas service are available in the alley.
 - q. Signs shall comply with Sec. 59-537, 59-538 and 59-550 for the B-2 district.
 - r. Outdoor storage of solid waste will be permitted on the property. The trash bin will be located on the Northwest corner of the district. Screening will be provided by a six-foot solid cedar fence.
 - s. Potential traffic impact: Traffic impact is less than one per cent (1%). Traffic count on 37th. Avenue and Shoshone street is not available.
 - t. Public transportation is available on 38th. Avenue and Tejon Street.
 - u. Location of public facilities:

Police Station:	2194 Decatur St.
Fire Station:	Station 7, 2195 W. 38th. Ave.
Library:	Woodbury, 3265 Federal Blvd.
Recreation Center:	Aztlan, 4435 Navajo St.

2. Written Description of the Proposed PUD (All structures presently exist): (con't)

(u. con't) Location of Schools:

Elementary School: Bryant Webster, 3635 Quivas St.
Junior High: Horace Mann, 4130 Navajo St.
Senior High: North, 2960 Speer Blvd.

v. Home occupations will be permitted and will be regulated by Sec. 59-147(4) (R-2 zone) except that the maximum allowable gross floor area shall be 600 sq. ft.

w. Temporary Uses: n/a.

x. Accessory Uses: Hobby Greenhouse shall be permitted and regulated by Sec. 59-147(3) (R-2 zone) except for limitation on gross floor area.

y. Interim Uses: n/a.

3. Written Statement:

a. The proposed PUD will allow the owners to make it economically feasible to maintain the house and grounds in a manner consistent with the nature and era of it's archectecture. Northwest Denver traditionally had been home to numerous small bakeries within walking distance to most residents. In recent years the remaining bakeries in this neighborhood have closed. The proposed PUD will allow converting the carriage house into a neighborhood bake shop without affecting the character and residential use of the property.

As a bake shop, it is proposed that the owners be allowed to fabricate or assemble bake goods (breads, goodies, pies etc.) for sale at retail on premises; sale at wholesale for delivery to restaurants and other eating places; and sell as a caterer. Mrs. Neumann is an experience cook-baker and previously owned and operated a small food shop in downtown Denver. The owners have resided at the site for eight years and intend to continue residency.

The retail market served will be the immediate neighborhood within walking distance of the proposed PUD. Due to the small size of the proposed bakery (396 sq. ft.), wholesale and catering business will be very limited and confined to the Metro area of Denver.

3. Written Statement: (con't)

b. Relationship to the Comprehensive Plan:

R17 "Older residential structures add character to a neighborhood and should be retained wherever physically and economically possible. Consideration should be given to the use of incentives such as planned unit development zoned classifications and other developmental controls".

The two-story brick house and carriage house were built in 1907 and represent a fine example of turn of the century Denver square architecture in Northwest Denver. At present the house is the only remaining residential structure on it's side of the block. The proposed PUD will augment the owner's income to make it economically possible to maintain and preserve the character, beauty, and architectural history of this neighborhood landmark.

c. Relating to the character of the surrounding neighborhood:

The character of the surrounding neighborhood is highly diverse. It's neighbors on the East side is a mixture of residential and business (Leprino Foods). It's neighbor on the West is also a combination of residential and business (Unique Mexican Cafe). It's neighbor on the immediate North is a parking lot belonging to Potenza Lodge. It's neighbors on the South is a mixture of residential and business (Montano Printing). The proposed PUD is one of three residential zoned properties on it's block, the rest of the block is zoned business.

The proposed PUD will relate to the character of the surrounding neighborhood by restoring a historic amenity to the neighborhood. Small shops such as the proposed PUD enhance a feeling of community and encourage walking to neighborhood shops. The proposed PUD thus will preserve a neighborhood landmark as well as providing a needed and wholesome service without changing the character of the surrounding neighborhood.

Existing Conditions

37th Ave and Shoshone St.
Denver, Colo.

[Traffic counts not available]

S.F. = SINGLE FAMILY

GR. = GARAGE

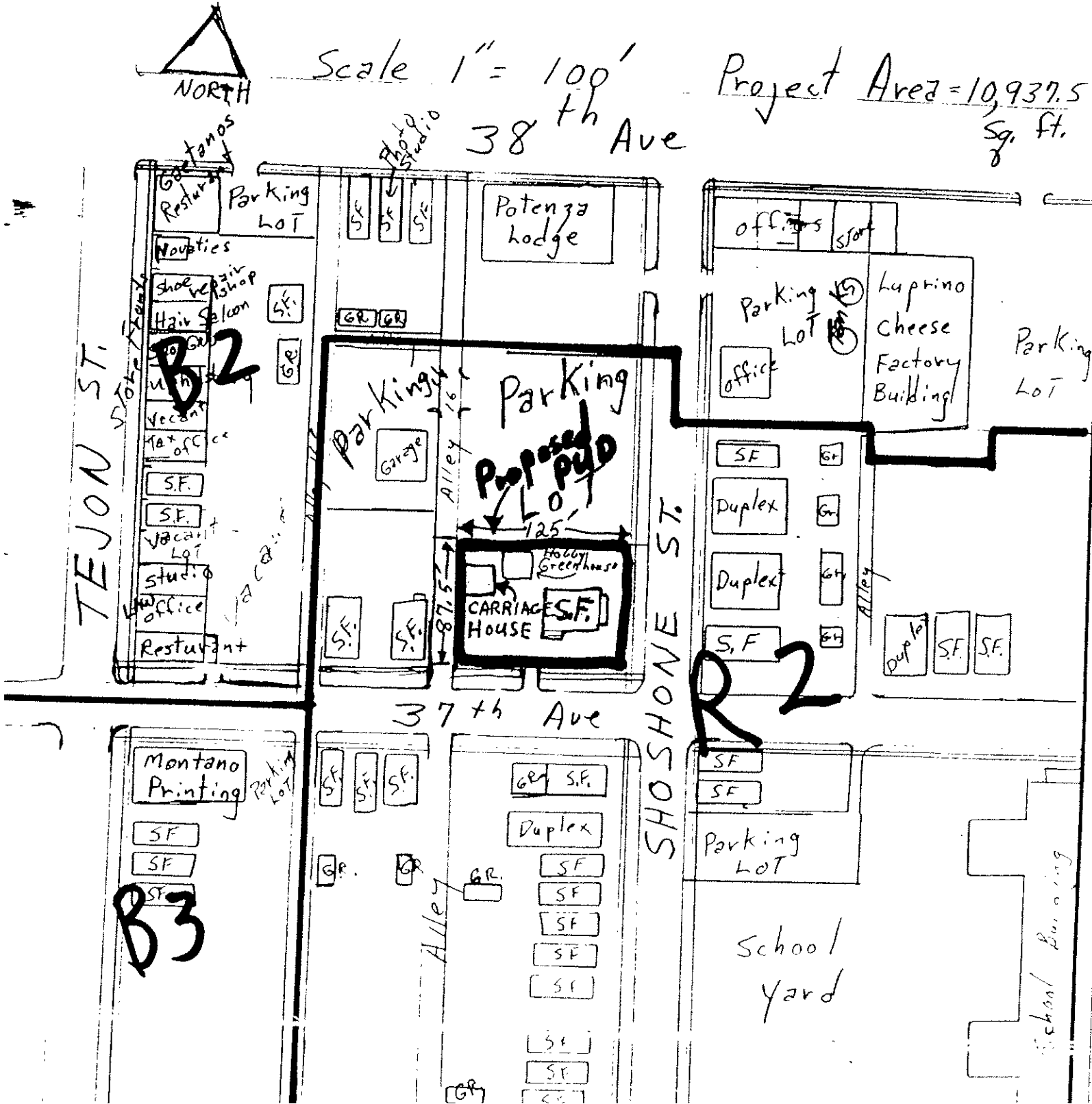
DATE 7-10-85

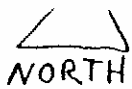


Scale 1" = 100'

Project Area = 10,937.5
Sq. ft.

38th Ave

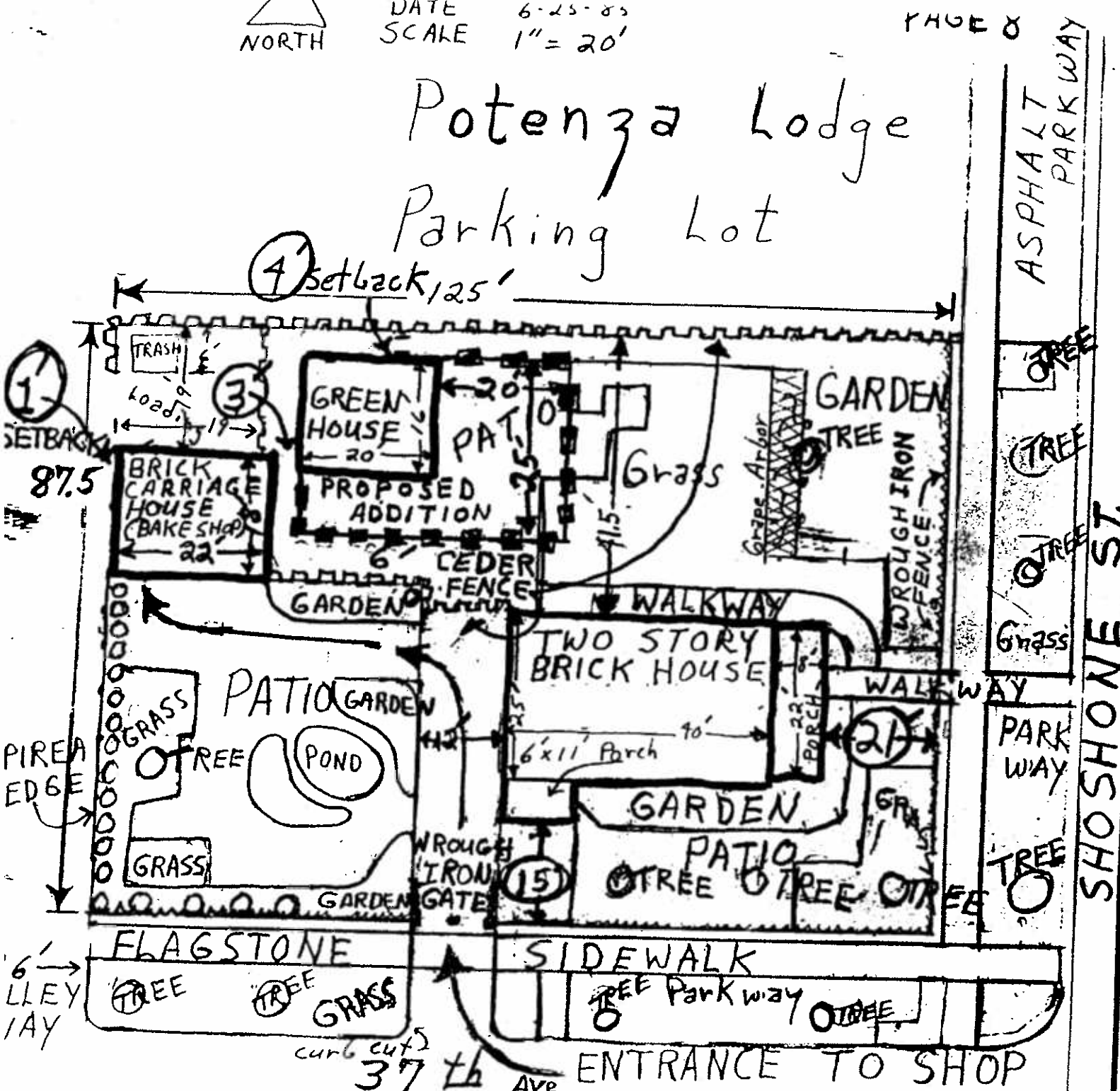




DATE 6-25-83
SCALE 1" = 20'

PAGE 8

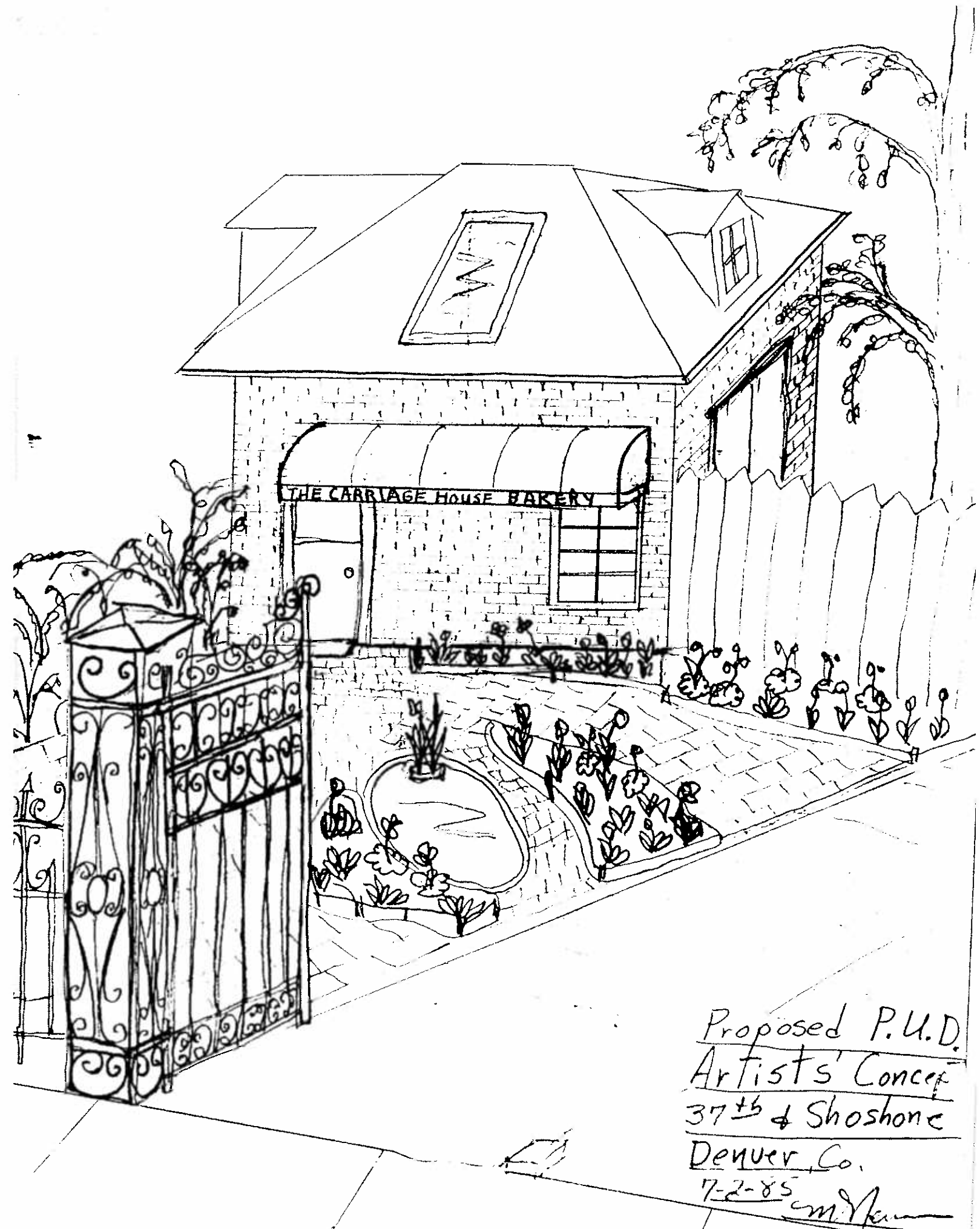
Potenza Lodge Parking Lot



DISTRICT PLAN

37th Ave & SHOSHONE ST,
DENVER, COLORADO

Plan to Convert Existing Brick Carriage House to neighborhood Bake shop. Landscaping and walkways presently exist on site. Potential air generated! Traffic impact is less than 1%.



Proposed P.U.D.
Artist's Concept
37th & Shoshone
Denver, Co.
7-2-85
cm

#3639
3705 Shoshone St.

Mrs. E.L. WICKHAM'S SUB

SUB

R-2

D I T I O N

9 RESUB

RE SUB

B-2

OF DENVER

Ord 469(75)

P-1

B-2 WAIVERS

ORD 633

Ord 445(59)

Ord 326(65)

Ord 1213(85)

Ord 227(76)

P-1
Ord 563(79)

R-2
RESUB

B-2

B-2
R-2

P-1
R-2
W37th Ave.

Proposed Rezoning
From R-2 To PUD

Ord 122(67)

Ord 541(75)

P-1

Ord 271(66)

B-3

CLARK'S
RESUBDIVISION
BLOCK 27
EAST
SUBDIVISION OF
ONE HALF OF BLOCK 27

R-2
PAR

SUBDIVISION
BLOCK 25
of BLOCK

Ord 541(75)

P-1

Ord 271(66)

B-3

CLARK'S
SUBDIVISION
of BLOCK 22

P-1

Ord 259(61)

WICKHAM'S
SUBDIVISION
LOT 4
BLOCK 23
WICKHAM'S
SUBDIVISION
LOT 1
BLOCK 23

WICKHAM'S
SUBDIVISION
LOT 24
BLOCK 24

R-2

B-3

WICKHAM'S
SUBDIVISION
of BLOCK 15

WICKHAM'S
SUBDIVISION
of BLOCK 15

WICKHAM'S
SUBDIVISION
of BLOCK 15



Ord 5(57)

Ord 5(57)

Ord 5(57)

Ord 5(57)

Ord 5(57)

Ord 5(57)

Ord 5(57)

Ord 5(57)

Ord 5(57)

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