



TO: Denver City Council
FROM: Jason Morrison, Senior City Planner
DATE: March 31st, 2022
RE: Official Zoning Map Amendment Application #2021I-00111

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval of map amendment application #2021I-00111.

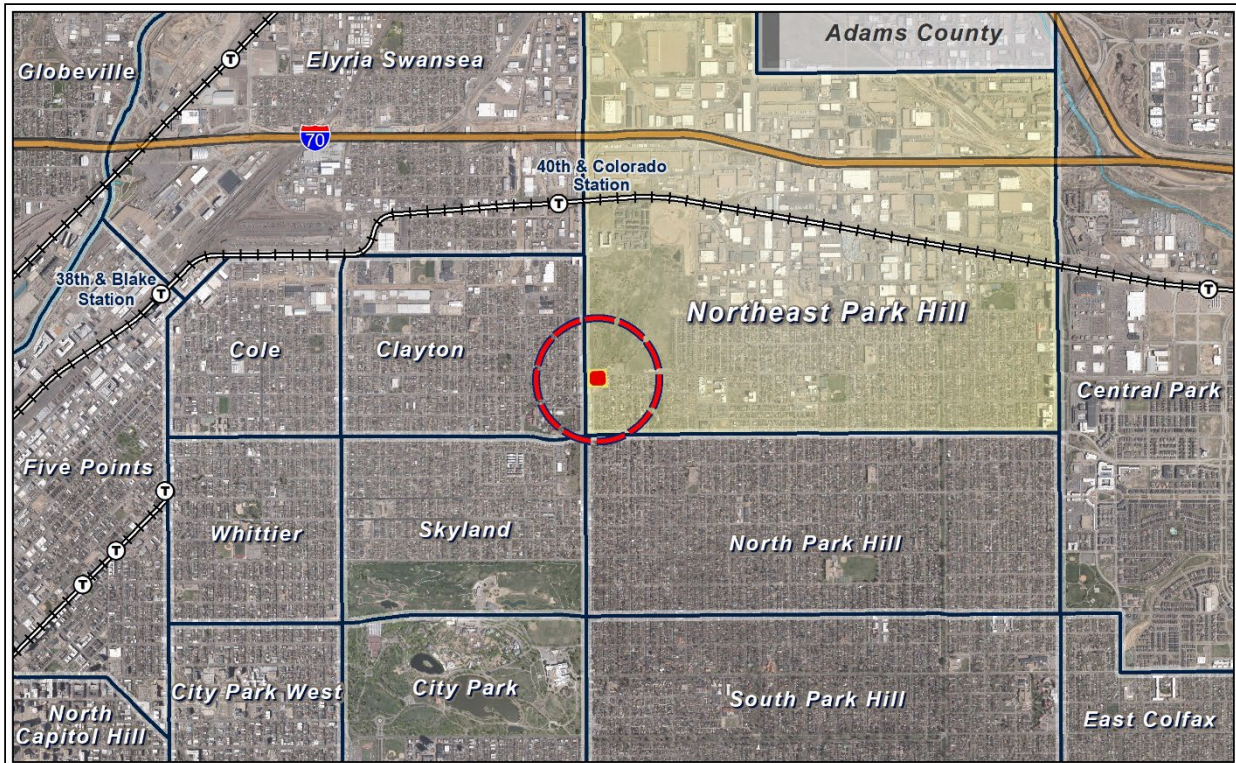
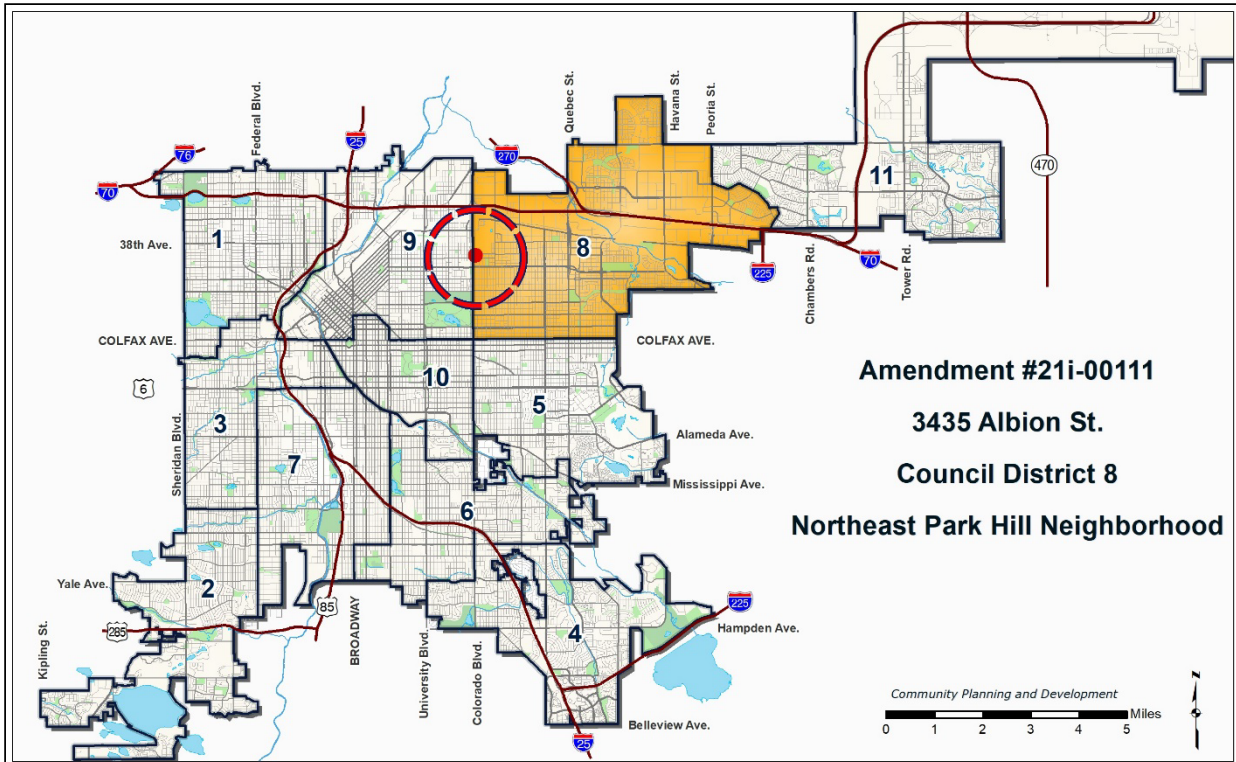
Request for Rezoning

Address:	3435 N. Albion Street
Neighborhood/Council District:	Northeast Park Hill Neighborhood / Council District 8
RNOs:	UCAN, The Points Historical Redevelopment Corp., Greater Park Hill Community Inc., Clayton United, Opportunity Corridor Coalition of United Residents, Northeast Park Hill Coalition, Reclaim the East Side, United Neighbors of Northeast Denver, District 9 Neighborhood Coalition, Denver for All, East Denver Residents Council, District 8 Neighborhood Coalition, Inter-Neighborhood Cooperation (INC)
Area of Property:	14,062 square feet or 0.32 acres
Current Zoning:	PUD 539
Proposed Zoning:	E-MX-2x
Property Owner(s):	3435 Albion, LLC.
Owner Representative:	Mark Kung (KUNG Architecture)

Summary of Rezoning Request

- The subject site is zoned PUD 539 which is a custom zone district based on Former Chapter 59 and adopted in 2002. PUD 539 allowed for the expansion of an existing restaurant use and the addition of a sunroom to the existing single-unit Victorian structure (the restaurant is no longer operational). A maximum building height of two stories (38 feet applies) to the site and minimum setbacks and encroachments conform to the B-1 zone district (Former Chapter 59).
- Under a separate Landmark Designation application, the existing 132-year-old Victorian single-unit structure on the property is in the process of being designated as a contributing historic structure. Built in 1889, the Robinson House is one of the oldest homes in the area and was added to the National Register of Historic Places in 2003. The property owner is requesting the rezoning to provide additional residential units for the neighborhood, while preserving this important piece of Northeast Park Hill.
- The E-MX-2x (Urban Edge Neighborhood, Mixed Use, 2 story maximum height) zone district is intended to provide safe, active, and pedestrian-scaled, diverse areas in established residential neighborhoods. The "x" indicates that allowed uses and building forms are more limited than in the E-MX-2 zone district. Further details of the zone districts can be found in Article 4 of the Denver Zoning Code (DZC).

Existing Context





The site is located in the Northeast Park Hill neighborhood at the southwest corner of North Albion Street and East 35th Avenue which is one half block east of Colorado Boulevard and directly south of the former Park Hill Golf Course. The area is generally characterized as a mix of residential uses, with a concentration of commercial and retail uses along Colorado Boulevard. The Clayton Early Learning Campus is located to the southwest of the site, across Colorado Boulevard. The City of Axum Park is located four blocks east, and City Park Municipal Golf Course is located one mile south. Transit access includes the Regional Transportation District (RTD) 34 bus route along Bruce Randolph Avenue and the RTD 40 bus route along Colorado Boulevard. Colorado Boulevard is identified as an enhanced transit corridor and a high frequency transit corridor (15-minute routes). Additionally, the 40th and Colorado Commuter Rail Station is located approximately one mile to the north.

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

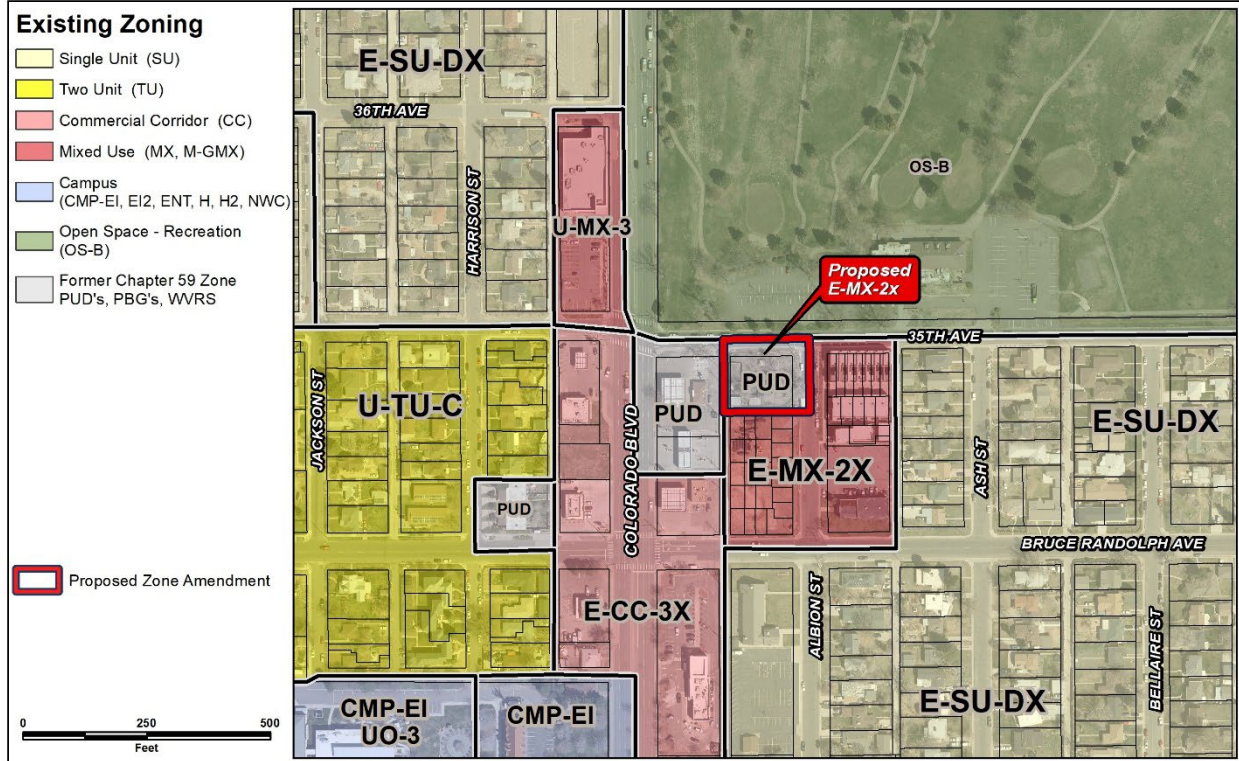
	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	PUD 539	Mixed-Use	2-story Victorian-style residential structure converted to a commercial use with medium to large setbacks	Generally regular grid of streets interrupted to the north by the Park Hill Golf Course
North	OS-B	Open Space - Recreation	Open Space with public parking available and structures that serve the recreational golf course use	

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
South	E-MX-2X	Multi-Unit Residential	Two-story residential (townhouse) duplex with a shallow setback from Albion Street and Bruce Randolph Avenue	Block sizes and shapes are generally consistent and rectangular. Rear-loaded garages with alleys.
West	E-CC-3x, PUD 22	Commercial/Retail	Multiple 1-story auto-oriented and drive-through commercial buildings with large setbacks	
East	E-MX-2x	Multi-Unit Residential	Two-story residential (townhouse) with minimal setback from 35 th Avenue	

1. Historic District or Structures

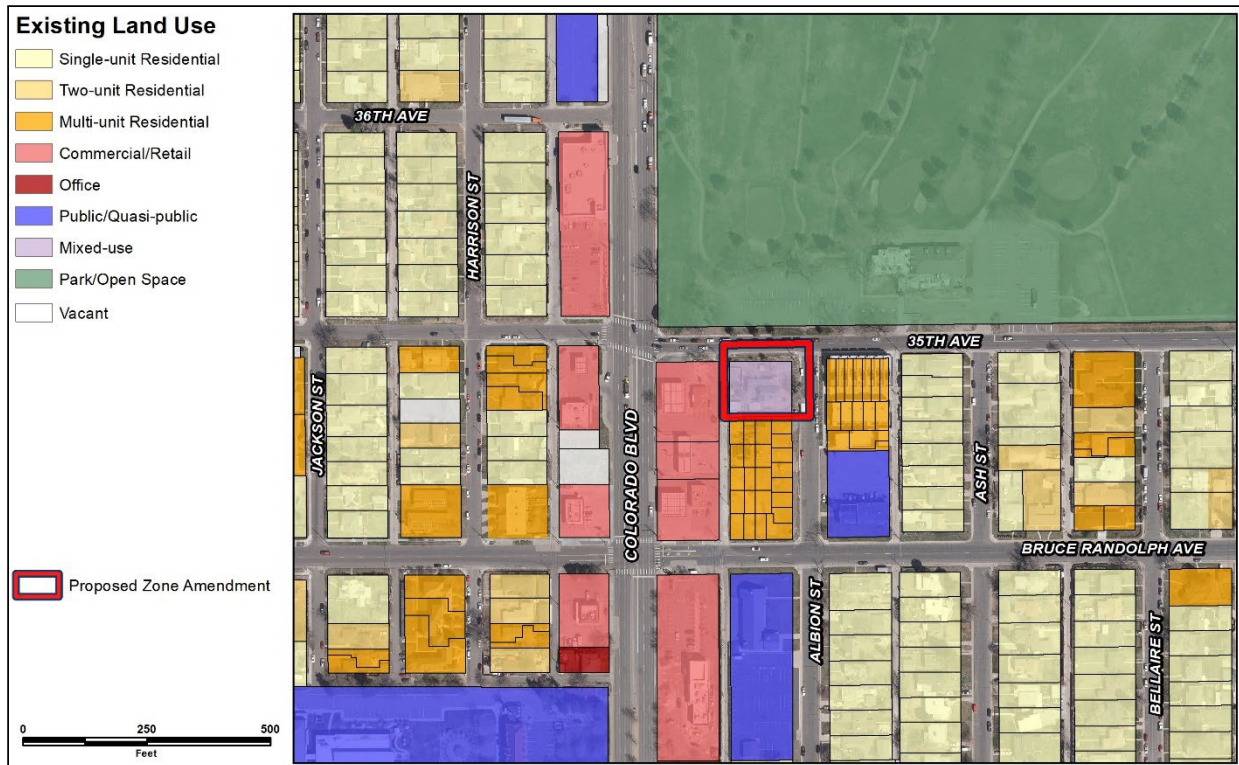
Under a separate Landmark Designation application, the applicant is proposing to locally designate the existing 132-year old Victorian structure on the subject site as a Landmark Structure. This will ensure the historical, architectural, geographical, and cultural importance of this structure will be protected through City review of building modifications.

2. Existing Zoning



The subject site is currently zoned PUD 539 which was established in 2002 and is a custom zone district from Former Chapter 59 zoning that allows for the expansion of the existing restaurant use and adds a sunroom to the single-unit Victorian structure. A maximum building height of two stories or 38 feet applies to the subject site and the Maximum Gross Floor Area for the proposed uses can't exceed 3,772 square feet. Minimum setbacks and permitted encroachments must conform to Section 59-249(b) of the B-1 zone district (Former Chapter 59). Additional information on PUD 539 can be found attached to this staff report.

3. Existing Land Use Map



The existing land use on the subject site is mixed-use. Surrounding land use includes multi-unit residential, commercial/retail and park/open space.

4. Existing Building Form and Scale

All images are from Google Street View.



Subject site facing west from North Albion Street.



Park Hill Golf Course north of the subject site, facing north from 35th Avenue.



Multi-unit (2-story) residential east of the subject site, facing south from 35th Avenue.



Multi-unit (2-story) residential south of the subject site, facing north from Bruce Randolph Avenue.



Commercial (Gas Station) west of the subject site, facing east from Colorado Boulevard

Proposed Zoning

The requested E-MX-2x zone district is found in the Urban Edge neighborhood context. The intent of the district is to “promote safe, active, and pedestrian-scaled, diverse areas and enhance the convenience and ease of walking, shopping and public gathering within and around the city’s neighborhoods.” (DZC, Section 4.2.4). It is a multi-unit zone district that allows for a mix of uses in a variety of building forms including Townhouse, General and Shopfront primary building forms. The “x” indicates that allowed uses and building forms (including Drive Thru Services and Drive Through Restaurants) are more limited than in the E-MX-2 zone district. The maximum building height for all primary building forms is two stories or 30 feet maximum. Minimum vehicle parking requirements in the E-MX-2x zone district are generally the same or lower than the minimum vehicle parking requirements in the existing PUD 539. For additional details of the requested zone district, see Article 4 of the Denver Zoning Code.

The primary building forms allowed in the existing zone district and the proposed zone district are summarized here:

Design Standards	Existing PUD 539	Proposed E-MX-2X
Primary Building Forms Allowed	Single-Unit	Townhouse, General and Shopfront
Height in Stories / Feet (max)	2 stories / 38 feet	2 stories / 30 feet
Primary Street Build-To Range (min)	N/A	70-75%*
Minimum Zone Lot Size/Width	N/A	N/A
Primary Street Setbacks (min)	16 feet	0 feet – 10 feet*
Building Coverages (max)	20%	N/A
Primary Street Transparency	N/A	40-60%**

*Standards vary by building form

**Standards vary by building form and use

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 Comments

Asset Management: Approved – No Comments

Denver Public Schools: Approved – No Response

Department of Public Health and Environment: Approved – No Comments

Denver Parks and Recreation: Approved – No Comments

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

Development Services – Project Coordination: Approved – See Comments Below

1. Approve Rezoning Only - Will require additional information at Site Plan Review
2. The application lists the intent for a zone lot split. A zone lot amendment pre-application meeting would be needed through the Zoning Administration Team prior to site plan submittal. As the existing building is indicated to remain, the location of a future zone lot boundary will be subject, but not limited to Fire and Building Code separation requirements.
3. The proposed building forms allowed in the E-MX-2X zone district are Townhome, General, and Shopfront. The existing structure does not meet the building form criteria for those forms, so would be designated either compliant or non-conforming. Both designations impact the ability for future additions, renovations, repairs, and replacements. The existing structure is more in line with Urban or Suburban House forms that are permitted in different zone districts.
4. The application indicates intent for a future Townhome project on the north end of the parcel. Per Section 13.1.5.3.C. the Primary Street would need to be 35th Avenue for the Townhomes due to the OS-B condition to the north and the Residential Collector status in Blueprint Denver. Albion would need to be a side street, and rear zone lot lines on the south and west.
5. The townhome project would be subject to a two-phase concept plan and Site Development Plan review process. It is highly recommended to submit a concept plan concurrent with the formal rezoning process so dimensional compliance can be vetted for your goals before obtaining a new zoning designation. The depth of the zone lot from 35th Avenue to the south rear zone lot line may limit the ability to site townhomes with parking and drive aisle access from the alley.
6. The 5-Townhome project would need to fully comply with the Townhouse building form standards for the E-MX-2X zone district and parking requirements. Units would need to face 35th Avenue if located within 20' of the zone lot lines.
7. Plans and permits for the remaining single-family home would be processed through the residential review team after the zone lot amendment is completed.

Development Services - Fire Protection: Approved – No Response

Development Services – Transportation: Approved – See Comments Below

1. DES Transportation approves the subject zoning change. The applicant should note that redevelopment of this site may require additional engineering, ROW dedication to the City, access changes, traffic studies and/or right of way improvements. The extent of the required design and improvements will be determined once this property begins the redevelopment process.

Development Services- Wastewater: 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:	9/28/2021
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:	11/16/2021
Unanimous recommendation of approval from Denver Planning Board:	12/1/2021
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:	1/21/2022
Land Use, Transportation and Infrastructure Committee of the City Council moved the bill forward:	2/1/2022
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:	3/14/2022
City Council Public Hearing:	4/4/2022

- **Registered Neighborhood Organizations (RNOs):** At the time of this staff report, staff has received one letter of support from the Northeast Park Hill Coalition. A copy of this letter is attached to this staff report.
- **Other Public Comment:** At the time of this staff report, staff has received no public comment.

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 currently apply to this property:

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

Denver Comprehensive Plan 2040

The proposed rezoning is consistent with many of the adopted *Denver Comprehensive Plan 2040* strategies. The following strategies apply from the Equitable, Affordable and Inclusive vision element:

- Equitable, Affordable and Inclusive Goal 1, Strategy A – *Increase development of housing units close to transit and mixed-use developments* (p. 28).
- Equitable, Affordable and Inclusive Goal 2, Strategy A – *Create a greater mix of housing options in every neighborhood* (p. 28).

The requested E-MX-2x zone district will allow a mix of multi-unit housing options, including the Townhouse, General and Shopfront primary building forms. The subject site is located blocks away from high-capacity transit along Colorado Boulevard and within 1 mile of the 40th and Colorado Commuter Rail station served by the Regional Transportation District. The request is therefore consistent with the above strategies in the Equitable, Affordable and Inclusive vision element.

The following strategies apply from the Strong and Authentic Neighborhoods vision element:

- Strong and Authentic Neighborhoods Goal 1, Strategy B – *Ensure neighborhoods offer a mix of housing types and services for a diverse population* (p. 34).
- 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).

In addition to offering additional housing types for a diverse and growing population, the proposed zone district also introduces mixed-uses which provide additional goods and services to the community. Furthermore, the zone district will also apply current, form-based zoning code standards, ensuring quality development appropriate for the neighborhood. The proposed zone district is of similar intensity

to the existing zone districts adjacent to the subject site and offers increased access to amenities. The request is therefore consistent with the strategies in the Strong and Authentic Neighborhoods vision element.

Similarly, the application is also consistent with the following strategies in the Environmentally Resilient vision element:

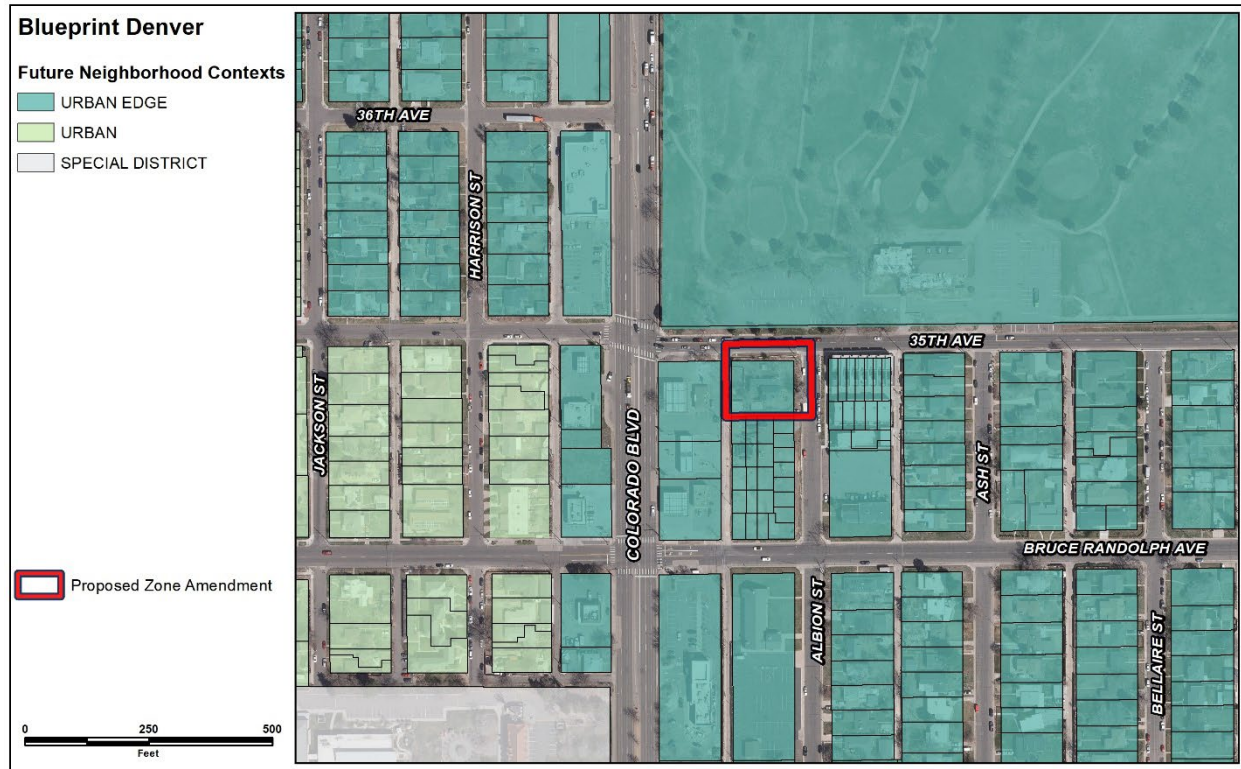
- *Environmentally Resilient Goal 8, Strategy A – Promote infill development where infrastructure and services are already in place* (p. 54).
- *Environmentally Resilient Goal 8, Strategy C – Focus growth by transit stations and along high- and medium-capacity transit corridors* (p. 54).

This site is an infill location where infrastructure is already in place allowing residents to live, work and play in the area. Similarly, the proposal focuses any future growth that results from this rezoning close to high-capacity transit (Colorado Boulevard and the 40th and Colorado Commuter Rail station). Compact infill development near transportation options and existing infrastructure assists in improving public health indicators while reducing water usage. Rezoning to facilitate redevelopment of this site advances the Environmentally Resilient strategies of *Comprehensive Plan 2040*.

Blueprint Denver

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* identifies the subject property as part of a Low-Medium Residential area within the Urban Edge neighborhood context and provides guidance from the future growth strategy for the city.

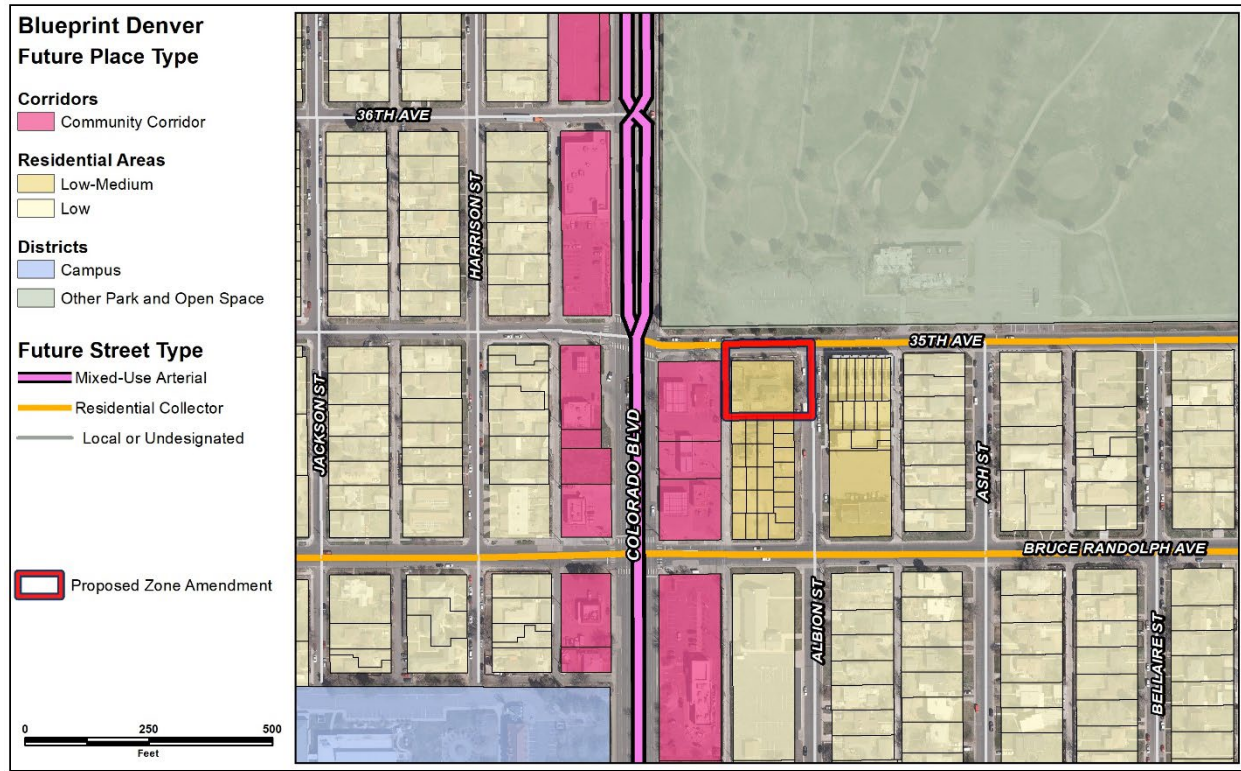
Blueprint Denver Future Neighborhood Context



The subject site is shown on the context map as an Urban Edge neighborhood context, the description of which is used to guide appropriate zone districts (p. 66). *Blueprint Denver* describes the Urban Edge neighborhood context as follows: “Residential areas generally are single-unit and two-unit uses, with some low-scale multi-unit embedded throughout. Commercial nodes are generally found along key corridors or at intersections. Block patterns are generally a mix of suburban and urban elements—streets may be rectangular or curved and alleys are sometimes present. Multi-unit buildings and commercial nodes are generally low-scale” (p. 206).

The proposed E-MX-2x zone district is a mixed-use zone district in the Urban Edge Context and is intended, to “promote safe, active, and pedestrian-scaled, diverse areas and enhance the convenience and ease of walking, shopping and public gathering within and around the city’s neighborhoods” (DZC, Section 4.2.4). The proposed rezoning to E-MX-2x is appropriate and consistent with the Urban Edge neighborhood context plan direction as it will allow for the development of an appropriately scaled mixed use node embedded in a 1-unit and 2-unit residential area, and will ensure quality development appropriate for the Northeast Park Hill neighborhood.

Blueprint Denver Future Places



Within the Urban Edge Neighborhood Context, the subject property is categorized as a Low-Medium Residential future place with a land use and built form defined by *Blueprint Denver* as a “mix of low- to mid-scale multi-unit residential options interspersed between single- and two-unit residential [with] limited mixed-use along arterial and collector streets and at some intersections” (p. 216). *Blueprint Denver* also notes that buildings are generally three stories or less in height within this future place.

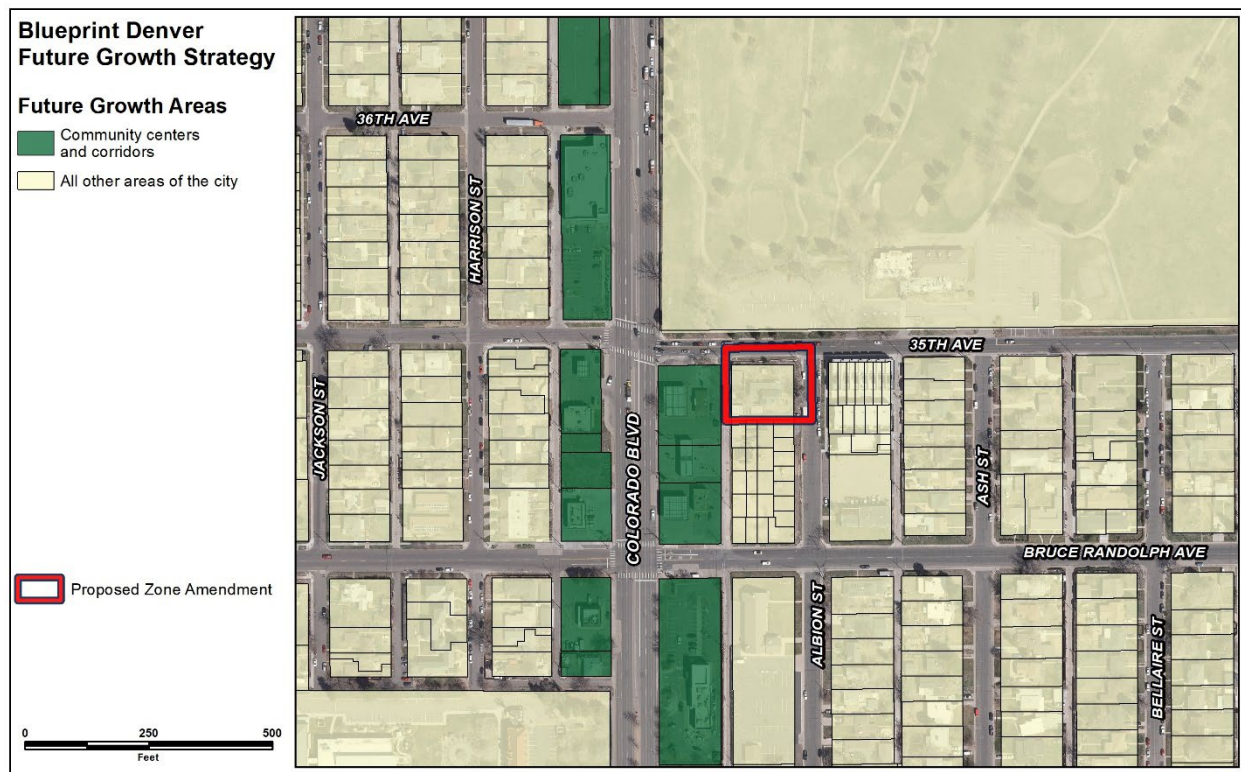
The proposed rezoning to E-MX-2x is appropriate and consistent with Low-Medium Residential designation as it allows for both residential uses and limited, low-scale mixed use along 35th Avenue which is classified as a Residential Collector. Additionally, the maximum height guidance of two stories in the E-MX-2x aligns with this plan direction. Any new development that may result from this rezoning will comply with building form standards, design standards, and uses that work together to ensure new development contributes positively to established residential character in Northeast Park Hill, and improves the transition between commercial development along Colorado Boulevard and adjacent residential uses to the east. Therefore, the request to rezone to E-MX-2x is consistent with the overall intent of the Future Places map, and the E-MX-2x zone district appropriately balances plan direction and the existing condition.

Blueprint Denver Street Types

Blueprint Denver street types work with future place designations to evaluate the appropriateness of the intensity of the adjacent development (p. 67). *Blueprint Denver* classifies 35th Avenue as a Residential Collector and North Albion Street as an undesignated local street. Residential Collector streets “collect movement from local streets and convey it to arterial streets” whereas Local streets “are designed for the highest degree of property access and the lowest amount of through movement” (p. 154). Both street types typically contain primarily residential uses, but may also include schools, civic uses, parks, small retail nodes and other similar uses.

The proposed E-MX-2x zone district is consistent with this plan direction for this location as the zone district specifically applies to small sites served primarily by local streets embedded within an existing neighborhood (DZC 4.2.4.2). Additionally, this type of mixed-use district is appropriate along corridors, such as 35th Avenue (DZC 4.2.4.1).

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 located within “All Other Areas of the City”, which are anticipated to see around 20% of new housing growth and 10% of new employment growth by 2040 (p. 51). The proposed map amendment to E-MX-2x will enable compatible mixed-use growth for this location.

Strategies

Blueprint Denver provides recommendations related to properties that retained zoning from the Former Chapter 59 zoning code. Land Use & Built Form: General Policy 3, Strategy B, says, “Rezone properties from the Former Chapter 59 zoning code so that the entire city is covered by the DZC, including continuing to incentivize owners to come out of the old code” (p. 73). That same policy also speaks to custom zoning such as PUDs; Strategy B says, “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). Therefore, the proposed rezoning to come from custom zoning under Former Chapter 59 to a standard zone district such as E-MX-2x under the DZC is consistent with *Blueprint Denver*.

This rezoning request also furthers many of the general goals in *Blueprint Denver* via the following policies:

- Encouraging higher-density development in transit-rich areas (General Land Use & Built Form Policy 01)
- Diversifying housing options by exploring opportunities to integrate missing middle housing into low residential areas (Housing Land Use & Built Form Policy 02)
- Incentivizing the preservation of structures that contribute to the established character of an area (Design Quality and Preservation Policy 06)

Small Area Plan: Park Hill Neighborhood Plan

The Park Hill Neighborhood Plan was adopted by Denver City Council in 2000 and applies to the subject site. The format of the Park Hill Neighborhood Plan includes general land use goals and recommendations that apply throughout the planning area. Applicable goals and recommendations of the Plan include:

- Maintain existing integrity of the residential character of Park Hill. Assure that continued growth and development in Park Hill results in a balanced and compatible mix of housing types and densities;
- Maintain and enhance the small-scale neighborhood character of the business areas and foster the development of “main street” type imagery;
- Minimize the visual impacts and create an improved buffer area between the industrial, commercial, and residential areas;
- Preserve the land areas of historical significance through historic districts or historic landmark designation;
- Maintain and enhance viability of residential and commercial land uses on Colorado Boulevard;
- Create and maintain a mix of housing types and sizes that are attractive and affordable to a diversity of ages, incomes, household types, sizes, cultural and ethnic backgrounds

The E-MX-2x district allows for the townhouse, shopfront and general building forms all with a maximum height of 2 stories or 30’ feet. Although the proposed E-MX-2x zone district will allow more than just low-scale residential uses, it is the lowest intensity mixed use district in the Urban Edge

context, which helps “maintain and enhance the small-scale neighborhood character” as cited in the Park Hill Neighborhood Plan. The scale of any future development will provide an important transition between the prevailing neighborhood pattern of single- and two-unit to the east, and the higher-density activity along Colorado Boulevard to the west. The proposed E-MX-2x zone district is an appropriate zone district at this corner and will encourage any development that results from this rezoning to be consistent with the adjacent established residential uses.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to E-MX-2x will result in the uniform application of zone district building form, use, and design regulations on this site as they are applied to any other sites zoned E-MX-2x.

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 and by allowing for redevelopment in a manner that will provide for the construction of additional neighborhood-serving residential and amenities, thereby providing residents more opportunities to live, work, and play within their neighborhood. The proposed rezoning would also facilitate housing density near a mix of uses and transit amenities, which have been linked to increased physical activity,¹ decreased obesity,² and decreased driving.³

4. Justifying Circumstance

The application identifies changed or changing conditions as the justifying circumstance under 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. Such change may include: c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.” The zoning on the subject site is a Former Chapter 59 PUD. Rezoning from Former Chapter 59 zoning into the Denver Zoning Code is an appropriate justifying circumstance. Additionally, rezoning out of the existing PUD 539 will provide more flexibility to modify the site to accommodate changing conditions in the neighborhood as evidenced by recent redevelopment east and south of the subject site.

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

The requested E-MX-2x zone district is within the Urban Edge Neighborhood Context. The neighborhood context generally consists of single-unit and two-unit residential uses, with small-scale

¹ Ewing, R., and R. Cervero. 2010. "Travel and the Built Environment: A Meta-Analysis." *Journal of the American Planning Association* 76 (3): 265-94

² Ewing, R., T. Schmid, R. Killingsworth, A. Zlot, and S. Raudenbush. 2003. "Relationship between Urban Sprawl and Physical Activity, Obesity, and Morbidity." *American Journal of Health Promotion* 18: 47-57.

³ Frumkin, Frank, and Jackson 2004; Fran et al. 2006; Ewing et al. 2008; Stone 2008.

multi-unit residential uses and commercial areas embedded in residential areas. The proposed rezoning to E-MX-2x is consistent with the neighborhood context description. Multi-unit residential and commercial uses are located along local streets, arterials, and main streets. (DZC 4.1.1). The proposed rezoning to E-MX-2x is consistent with the Urban Edge neighborhood context description because of its low-scale nature and the site is served by a local street (Albion Street).

The proposed rezoning is also consistent with the general purpose of mixed-use districts to promote safe, active, and pedestrian-scaled, diverse areas and enhance the convenience and ease of walking, shopping, and public gathering within and around the city's neighborhoods. The Mixed-Use districts are appropriate along corridors, embedded in neighborhoods and on large sites (DZC 4.2.4.1). The rezoning is consistent with the general purpose of the urban edge mixed use districts as this is an existing neighborhood site and will promote a pedestrian scaled area along 35th Avenue.

According to the zone district intent stated in the Denver Zoning Code, the E-MX-2x district "applies to small sites served primarily by local streets embedded within an existing or proposed neighborhood. These are typically one or two parcels and are limited to low scale building forms and low intensity uses" (DZC Section 4.2.4.2). The proposed rezoning at 3435 N. Albion is located on the corner of a local street and residential collector, is limited to one parcel with low-scale building forms and low intensity uses, and is within an existing neighborhood. The request is therefore consistent with the stated intent of the E-MX-2x zone district.

Attachments

1. Existing PUD
2. Application
3. RNO/Public Comment



Application for Zone Map Amendment

City and County of Denver
Department of Zoning Administration

200 W. 14th Avenue, Room 201
Phone: 720-865-2975 Fax: 720-865-3057

Application Number
4575

2. Date Submitted
7/09/02

3. Fee
\$1500

4. Applicant (attach completed ownership information sheet)
Lynn M. Smith

5. Address
3435 Albion St
Denver, Co 80207

6. Phone Number
303-333-4816

7. Interest
Owner

8. Contact Person
Randall Steinke

9. Contact Person's Address
3296 E Fair Place
Centennial, CO 80121

10. Contact's Phone Number
720-260-7093
303-398-9257 fax

11. Location of proposed change
3435 Albion St Denver CO 80207

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

Lots:
26,27,28,29 & 30

Block:
39

Addition:
J Cook Jr North Division of Capital Hill Denver

13. Area of subject property.

14,062 sq. ft. .322 acres

14. Present Zone.
PUD 68/B-1

15. Proposed Zone.
PUD # 539

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

The proposed new expanded PUD would incorporate undeveloped vacant land into an existing development. The expansion would allow a better and greater use of the present land uses. This expanded PUD would support the objectives of the existing Enterprise Zone designated by the City and County of Denver and the Denver Comprehensive Plan 2000.

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

An existing restaurant exists at 3435 Albion. The restaurant, which is located in a Denver Enterprise zone, is seeking to expand due to improving business which is a result of City encouragement of new development in the neighborhood. The area just north of the existing site is to undergo a large retail development. With this development, the applicant is seeking this new PUD in order to expand an ongoing business, which would create additional business development and employment in this enterprise zone.

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

The proposed PUD would only expand an existing PUD which supports the existing restaurant by adding a sunroom to the existing Victorian structure. The remainder of the lots added to the PUD would then be landscaped to match the existing landscaping of the existing restaurant grounds. The expansion of the restaurant would commence 60 days (Bldg. Permit, Contractor mobilization, etc) after the City Council approval of this PUD.

19. List all the attached exhibits
Ownership Statement
Existing Condition Map
District Map
Zoning Map - Elevations

20. Applicant's signature.

1. SCHEDULE

- a. Date of pre-application conference May 14, 2001.
 City representative(s) present Matt Selet, Doug Hendrixson,
Damoni Rems.
- b. Submittal date of preliminary application _____.
- c. Submittal date of completed application _____.
- d. Application is scheduled for a:
 Planning Board Hearing on _____
 Planning Office Hearing on _____
 Planning Staff Review.

2. DESCRIPTION OF PLANNED UNIT DEVELOPMENT (PUD)

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

a. MAXIMUM GROSS FLOOR AREA FOR EACH PROPOSED USE

	Use	Maximum Square Feet
A.	Restaurant (Includes sunroom addition)	2340
B.	Existing Single Dwelling Unit (SUD)	1000
C.	Existing Garage (Storage for restaurant)	432
D.		
	Total Square Feet	3772

MAXIMUM FLOOR AREA RATIO (F.A.R) .197 : 1

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

MAXIMUM NUMBER OF DWELLING UNITS: 1.

MAXIMUM NUMBER OF DWELLING UNITS PER ACRE: 1:32

b. LAND COVERAGE BY BUILDINGS AND IMPERVIOUS SURFACES

	SQUARE FT	% OF SITE AREA
Maximum area of building coverage (including garage(s) and all other accessory structures):	2772	.197
Maximum area of drives and parking: (in gravel below)		
Maximum area of other impervious surfaces:		
MAXIMUM TOTAL OF BUILDING AND IMPERVIOUS SURFACES	2772	.197

*

c. LANDSCAPED AND/OR PERMEABLE AREAS

	SQUARE FEET	% OF SITE AREA.
Minimum area of live or organic landscaped lot coverage:	7470	.531
Approximate area of non-live material coverage (graveled PARKING) or other areas with permeable surfaces):	3820	.271
MINIMUM TOTAL OF LANDSCAPED AND/OR PERMEABLE AREAS:	11290	.802

*

d. PROJECT AREA TOTALS (totals of "b" and "c" above)

	SQUARE FEET
Building and impervious surfaces:	2772
Landscaped and/or permeable areas:	11290
TOTAL SITE AREA: (This area must equal the site area listed on page 1)	14062

*

e. SETBACKS

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

North:	<u>44</u> feet	Front:	_____ feet
South:	<u>20</u> feet	OR	Rear: _____ feet
East:	<u>16</u> feet	Side:	_____ feet
West:	<u>32</u> feet		

The minimum spacing between buildings shall be N/A feet

Permitted encroachments into the minimum setbacks for buildings shall conform to Section 59 – 249(b) of the B-1 zone district.

Official Parkway Setback requirements for this P.U.D. are: N/A feet for buildings and N/A feet for signs.

f. MAXIMUM HEIGHTS OF STRUCTURES

The maximum height of structures shall be 2 stories which shall not exceed a total of 38 feet NOTE: The height of a building shall be determined by the vertical distance from the highest point of a pitched roof or the top of parapet around a flat roof to the average elevation of the corners of the proposed building at the finished grade.

Rooftop features (such as solar collectors, antennas, chimneys, flues, vents and air conditioning equipment) may exceed the maximum height of structures by 3 feet.

Bulk plane restrictions shall shall not be required. If required, bulk plane restrictions shall conform to Section 59 - _____ of the _____ zone district. NOTE: Solar collectors and mechanical equipment are not exempted from bulk plane regulations!!

*

g. OFF-STREET PARKING

This project shall contain 6 off-street parking spaces on gravel area used for employee parking and deliveries as shown on the District Plan.

The parking spaces are tandem parking spaces 2 deep x 3 across on gravel area accessible off the alley and are for employee parking only. Customer parking is available on Albion Street or across Albion in a Denver City parking lot or in the Clayton Trust parking area adjacent which the applicant has written permission to use. The existing parking across the street is zoned B-1 and parking is a use by right. The fact that the proposed PUD area is surrounded by many parking lots has lead the applicant to provide employee parking only in this PUD application.

2370
Use A (Restaurant)

468:1 square feet
Parking Ratio

P.U.D at

3435 Albion Street

(Address)

1000
Use B (Dwelling Unit)

1000:1 square feet
Parking Ratio

432
Use C (Garage)

_____ square feet
Parking Ratio

Use D

_____ square feet
Parking Ratio

NUMBER OF OFF-STREET PARKING SPACES PER
DWELLING UNIT:

1

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

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

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

PARKING SPACE

Universal space dimensions

9x16

Compact space dimensions

Large space dimensions

Ratio of compact spaces to large spaces

DRIVING AISLES

Aisle widths

N/A

Angle of stalls

N/A

Will this project contain parking for bicycles? Yes No If yes, bicycle
parking requirements shall be _____.

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

h. OFF-STREET LOADING

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

i. SURFACE DRAINAGE

The rules and regulations of the Wastewater Management Division will require certain design and construction considerations to control surface water runoff. Does the site contain a flood hazard area as identified by the Federal Emergency Management Agency? Yes No Does the site contain wetland areas? Yes No For assistance in answering these questions, contact the Wastewater Management Division at 303-446-3400.

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

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

k. EASEMENTS

Existing and/or proposed utility and/or access easements are shown on the District Plan or are located as follows: N/A.

l. LANDSCAPING AND BUFFERING

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

NUMBER OF EXISTING TREES: 8.

MINIMUM NUMBER OF TREES TO BE PLANTED:

On private property: 3.

On public right of way or in tree lawns: 0.

If street trees are proposed or required in the public right-of-way, such trees shall be installed in accordance with the requirements of the City Forester (303-964-

2480). If street tree plantings are required within the right-of-way of a state highway, contact the Colorado Department of Transportation for approval (303-757-9930).

MINIMUM SIZE OF TREES AT TIME OF PLANTING:

Evergreens/Coniferous (height): N/A.

Deciduous (caliper): 1".

Ornamental (caliper): N/A.

MINIMUM % OF EVERGREEN OR CONIFEROUS TREES: 12.

MINIMUM NUMBER OF SHRUBS TO BE PLANTED ON PRIVATE PROPERTY: 4.

MINIMUM SIZE OF CONTAINER AND HEIGHT AND/OR SPREAD REQUIREMENTS FOR PLANTED SHRUBS: 5 gal. & 2 ft

Does the proposed P.U.D. comply with parking lot parking lot landscaping requirements of Section 59-585(10) Yes No

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

FENCES AND/OR WALLS

The height of fences and/or walls which may be built in the P.U.D. district, except for the front setback space, shall be a minimum of 3 feet and a maximum of 6 feet

The height of fences and/or walls which may be built within the P.U.D. district front setback space shall be a minimum of 3 feet and a maximum of 4 feet

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

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

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

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

MAXIMUM LENGTH OF BOAT, CAMPER, TRAILER AND/OR RECREATION VEHICLE PERMITTED: N/A.

n. **DEDICATIONS AND IMPROVEMENTS**

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

o. **EXTERNAL EFFECTS**

Vibration, heat, glare, radiation and fumes shall be regulated by Section 59-81(a) of the B-1 zone district.

Reflective glass **may not** be used.

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

Existing decks and proposed new decks will be used for outdoor dining during the hours the restaurant is open only till 10 p.m.

p. **NATURAL TERRAIN**

The existing grade of the site **will not** be altered.

q. **UTILITIES**

Describe where the utilities (public and private) serving the property are located Water & Gas lines are located in Albion St and electrical & telephone Service from the Alley – The new PUD does not need to alter the present Utility services to the present use.

For information contact the following:

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

r. **SIGNS**

The project is regulated by the following:

Section 59-537, Signs permitted in all districts
 Section 59-538, Sign area measurement
 Section 59- 549, Sign regulations for the B-1 zone district.

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

MAXIMUM NUMBER OF SIGNS: _____
 MAXIMUM SIGN AREA: _____
 TOTAL MAXIMUM SIGN AREA: _____
 NUMBER OF GROUND SIGNS ALLOWED: _____
 NUMBER OF JOINT ID SIGNS ALLOWED: _____
 MAXIMUM SIGN AREA PER JOINT ID SIGN: _____
 TOTAL MAXIMUM JOINT ID SIGN AREA: _____
 TEMPORARY SIGNS ALLOWED: _____
 NUMBER OF CANOPIES AND AWNINGS: _____
 CANOPIES AND AWNINGS WILL BE BACKLIT? Yes No

NOTE: All ground, monument, and joint ID sign locations and setbacks must be shown on the District Plan. None in project.

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

Outdoor storage of products and/or materials is is not permitted. If permitted, what products and/or materials are allowed? _____.

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

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

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

*Trash pickup is provided by the City of Denver. The trash dumpster is located on the District Plan, and is accessed from the Alley.

t. **TRANSPORTATION**

The current traffic volumes on streets in or adjacent to the project must be shown on the Existing Conditions Map. These volumes are available for major streets from the Transportation Engineering Division (720-865-3150), the Community Planning & Development Agency Office (720-865-2915) or may be estimated by the applicant based on a professional traffic study. Streets for which no estimate is available should be so noted on the Existing Conditions Map.

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

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

PUBLIC TRANSPORTATION

The nearest bus stop is located (where?): Southeast and Northwest corner on Colorado Blvd and East 34 Ave.

*

u. **SCHOOLS**

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

*

v. **HOME OCCUPATIONS**

Home occupations **are not** permitted. If so permitted, home occupations shall conform to Section 59-_____ of the _____ zone district.

*

w. **USES BY TEMPORARY PERMIT**

Uses by temporary permit are regulated by Section 59-80(5)(b) and 59-80(4)(c) of the B-1 zone district.

x. **ACCESSORY USES**

Accessory uses are regulated by Section 59-80(6) of the B-1 zone district.

y. **INTERIM USES**

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

*

z. **PHASING**

Will the project be developed in phases? Yes No If yes, specify the phasing and the improvements to be constructed in each phase. _____.

Anticipated starting date

Fall 2002.

Anticipated completion date

Winter 2002.

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

3. WRITTEN STATEMENT

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

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

4. EXISTING CONDITIONS MAP

The Existing Conditions Map is attached following the written statement described above.

5. DISTRICT PLAN

The District Plan is attached following the Existing Conditions Map.

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

- architectural concepts
 building elevations

P.U.D at _____ 3435 Albion Street _____
(Address)

- facade treatments
- exterior building materials
- and/or other important features (list): _____

6. ACKNOWLEDGMENT

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

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

Lynn M. Smith

Print or type Applicant's Name(s)

[Signature]

Applicant's Signature(s)

PUD SUMMARY SHEET

Application # 4575
Address/Location 3435 Albion St
Total Land Area 14,062 sf

Permitted Uses	
Use A	Restaurant
Use B	Single Unit Dwelling
Use C	Garage

	Proposed Uses			
	Use A	Use B	Use C	Total
Maximum Gross Floor Area (sq. ft.)	2340	1000	432	3772
Floor Area Ratio (nonresidential uses)	.197	.197	.197	.197
Maximum Number of Dwelling Units		1		1
Density (dwelling units per acre)		1:.32		1:.32
Land Coverage				
Buildings:	2340		432	2772
Drives and Parking:	3820			3820
Other				
Parking				
Number of Spaces	5	1		6
Ratios (spaces:gross floor area):	1:468	1000:1		
Landscaping				
Area of Live Landscaping (sq. ft.):	7470			7470
Area of Non-Live Landscaping (sq.ft.):	3820			3820

Building Setbacks					
North	44	Feet	Front		feet
South	20	Feet	Rear		feet
East	16	Feet	Side		feet
West	32	Feet			

Parkway Setbacks					
Buildings		Feet	Signs		feet
Required Separation Between Buildings:					
					feet
Maximum Building Height					
Stories	2		Feet	38	

NOTE: FOR COMPLETE PUD REQUIREMENTS, REFER TO APPLICATION # 4575

Written statement:**a. The proposed P.U.D. and the market which it is intended to serve.**

The proposed PUD involves expanding an existing PUD restaurant to allow for additional seating on a existing vacant parcels zoned B-1. The current restaurant is currently open for breakfast and lunch only and is closed after 3:00 pm. After close the restaurant which is in a 19th century farm house which was originally part of the Clayton Estate and is located directly south of the Park Hill Golf Course.

The present restaurant is open of breakfast and lunch only and is closed to the public at 3:00 pm. With the addition of the sunroom the restaurant will be able to serve the present number of patrons all on the first floor.

The market area will be northeast Park Hill with the addition of citywide diners as the reputation for the charm of the restaurant grows.

b. The proposed P.U.D. and its relationship to the Denver Comprehensive Plan.

1-B Establish priorities for small-area planning based on the following criteria, focusing first on neighborhoods characterized by one or more of the following:

Evidence of disinvestment; deteriorating housing; and high vacancy, unemployment and poverty rates.

Needs for public facilities and/or physical improvements.

Opportunities for infill or redevelopment.

1-C Strengthen the sense of place in each neighborhood with adequate and well-designed, public-realm facilities such as branch libraries, recreation centers, fire stations, **neighborhood businesses** and retail areas. Continue to help activate neighborhood-based facilities such as places of worship and schools. Continue City support for public art and **historic preservation** as a focus for neighborhood identity and pride.

1-D Ensure high-quality urban **design in neighborhoods by enhancing their distinctive natural, historic and cultural characteristics**; strengthen neighborhood connections to urban centers; and reinforce Denver's unifying design features such as street trees in the tree lawns, parkways and the grid system of streets.

3-A **Continually update Denver's target industries** in terms of industry advancements and emerging clusters. Currently, Denver's target industries include information technology, **tourism**, business and financial services, environmental products and services, and mining and energy exploration and services.

3-B **Support retention and expansion of businesses** in industries historically important to Denver, **including small business**, health care, manufacturing, and federal and state government.

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.

4-A Encourage mixed-use, transit-oriented development that makes effective

use of existing transportation infrastructure, supports transit stations, increases transit patronage, reduces impact on the environment, and encourages vibrant urban centers and neighborhoods.

Strengthen the positive attributes and distinctive character of each neighborhood to help sustain Denver as a healthy, vital city.

4-B Enhance existing business centers and establish new business centers in a manner that offers a variety of high-quality uses that support Denver's business environment, complements neighboring residential areas, **generates public revenue, and creates jobs**.

Continue to strengthen and, where necessary, revitalize Denver's commercial corridors, such as East and West Colfax, Broadway, **Colorado Boulevard**, East Evans and South Federal.

As significant redevelopment tracts become available, and as needs of declining neighborhoods are addressed, engage in a master planning process to attract the **highest-quality uses** and the best development techniques. Reinvest in the city's historical industrial crescent to keep it **viable for a wide range of business** and employment opportunities.

5-A Support small-scale economic development in neighborhoods using the following key strategies:

Incorporate neighborhood-based business development into the City's neighborhood planning process.

Support development of neighborhood business centers that serve adjacent residential areas in existing neighborhoods and new neighborhoods within development areas.

Support the development of sustainable economies in Denver's poorer neighborhoods. To accomplish this:

Identify neighborhoods throughout Denver that need additional assistance in **strengthening the economies of their communities.**

Provide essential retail and consumer services and neighborhood-based employment to residents.

Preserve and enhance the individuality, diversity and livability of Denver's neighborhoods and **expand the vitality of Denver's business centers.**

c. How, the proposed P.U.D. District is to relate to the character of the surrounding neighborhood.

The character of the neighborhood immediately surrounding this proposed PUD is highly diverse. Immediately surrounding the site is an abundance of parking lots. This PUD is a lone area of green space within 200 feet of parking area. The proposed PUD sits just off Colorado Blvd which is high volume, noisy, and commercial (gas stations, car wash, and fast food restaurants). The other buildings surrounding the site are churches in buildings built in the 60's and 70's, and the Park Hill Golf Course to the North.

It is difficult to say how the existing PUD or this expanded PUD relates to the surrounding neighborhood. The existing restaurant is in a turn of the century building surrounded by parking lots and newer structures; this makes it one of a kind. What the applicant can say however, is that they will provide Park Hill with a wholesome and charming environment.

EXISTING CONDITIONS

APPLICATION #4575 SCALE 1"=100'

3435 ALBION STREET
DENVER COLORADO



PUD #68

**PARKHILL GOLF CLUB
0-1**

PARKHILL GOLF COURSE
PARKING LOT
VACANT LOT

COLORADO BLVD (4250 ADT)

R-1

35TH AVE (4250 ADT)

PUD #22

CHURCH
PARKING
LOT

R-2

B-2

DENVER PARKING LOT
CLAYTON TRUST PARKING
LOT

B-1

PROPOSED PUD FROM
EXISTING PUD #68
(RESTAURANT) & B-1
(VACANT LOT) ZONING

* CURB CUT

PROPOSED WILL INCREASE
ADT ON 35TH AVE BY APPROX
30

ASH ST (ADT NOT AVAIL)

R-2

ALBION ST (ADT NOT AVAIL)

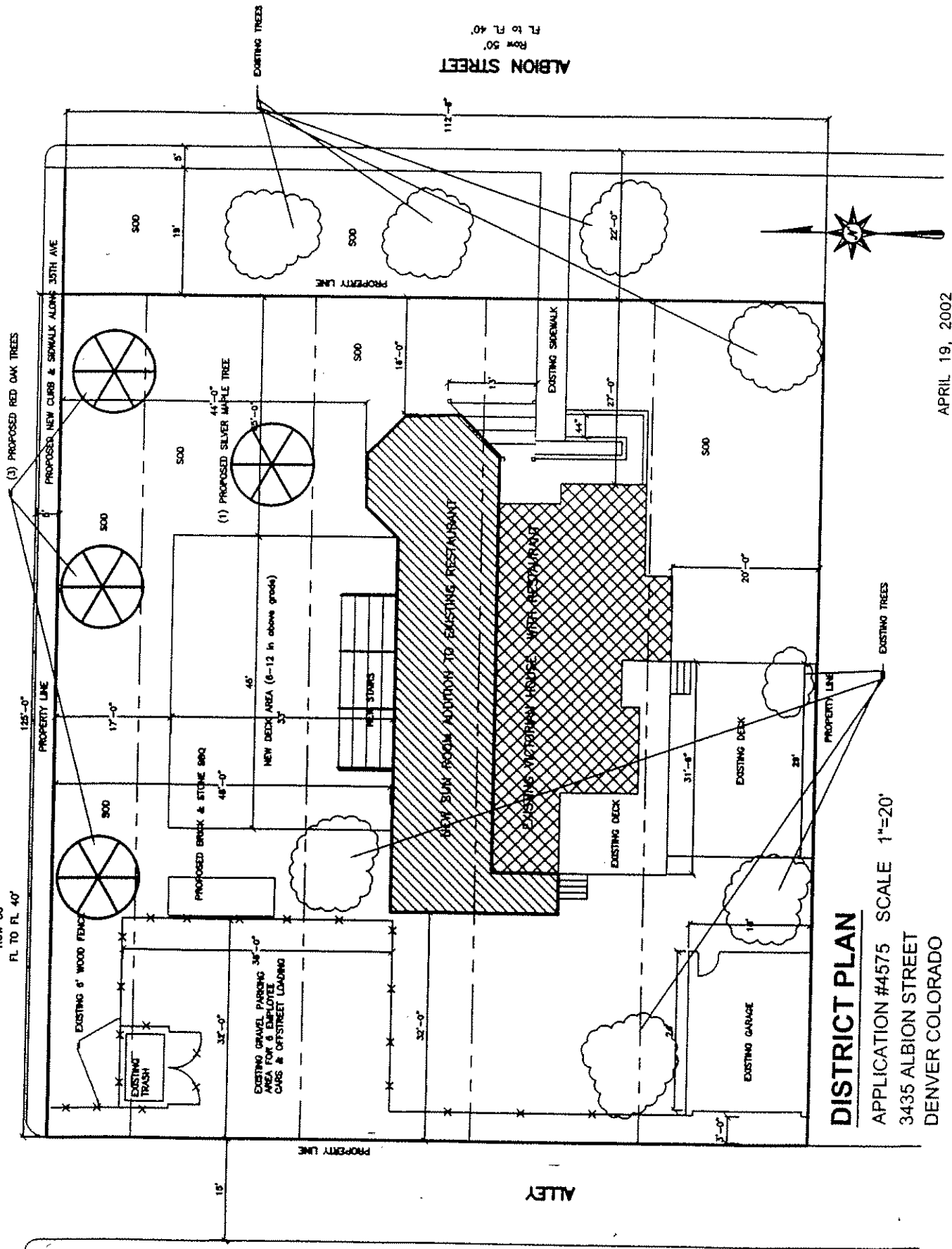
34TH AVE (ADT NOT AVAIL)

R-3

R-4

E. 35TH AVENUE

ROW 50'
FL TO FL 40'



DISTRICT PLAN

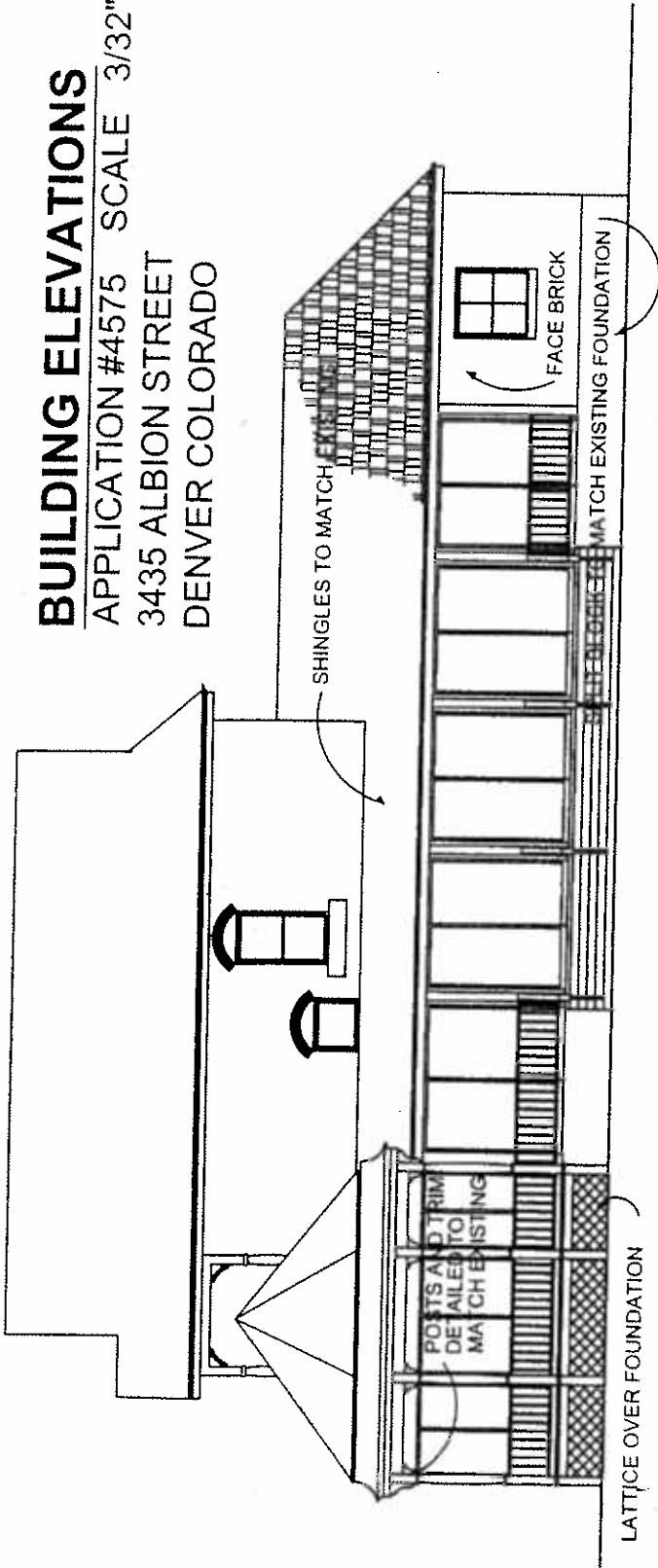
APPLICATION #4575 SCALE 1"=20'
3435 ALBION STREET
DENVER COLORADO

APRIL 19, 2002

BUILDING ELEVATIONS

APPLICATION #4575 SCALE 3/32"=1'-0"

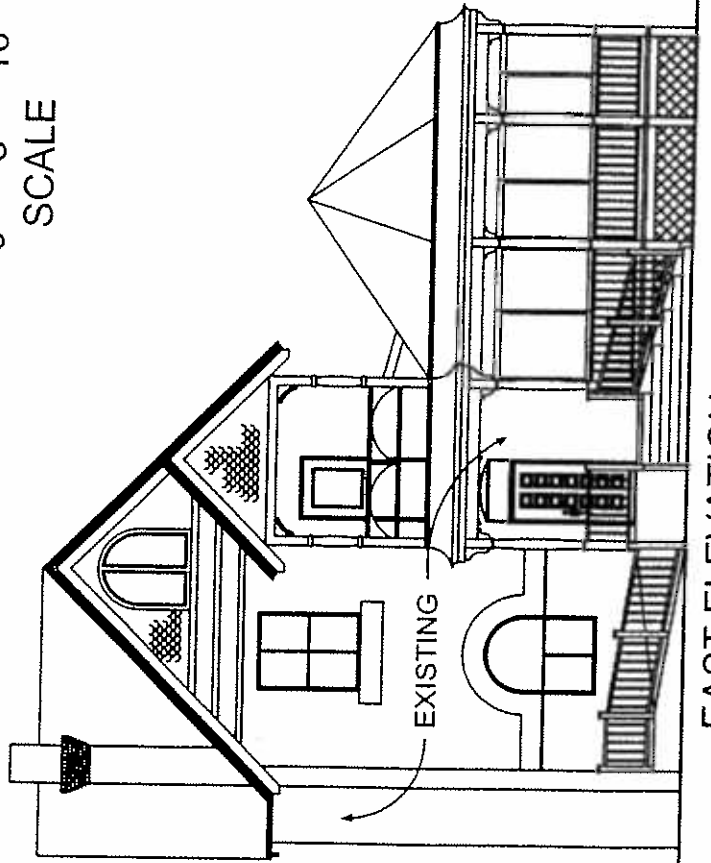
3435 ALBION STREET
DENVER COLORADO



NORTH ELEVATION

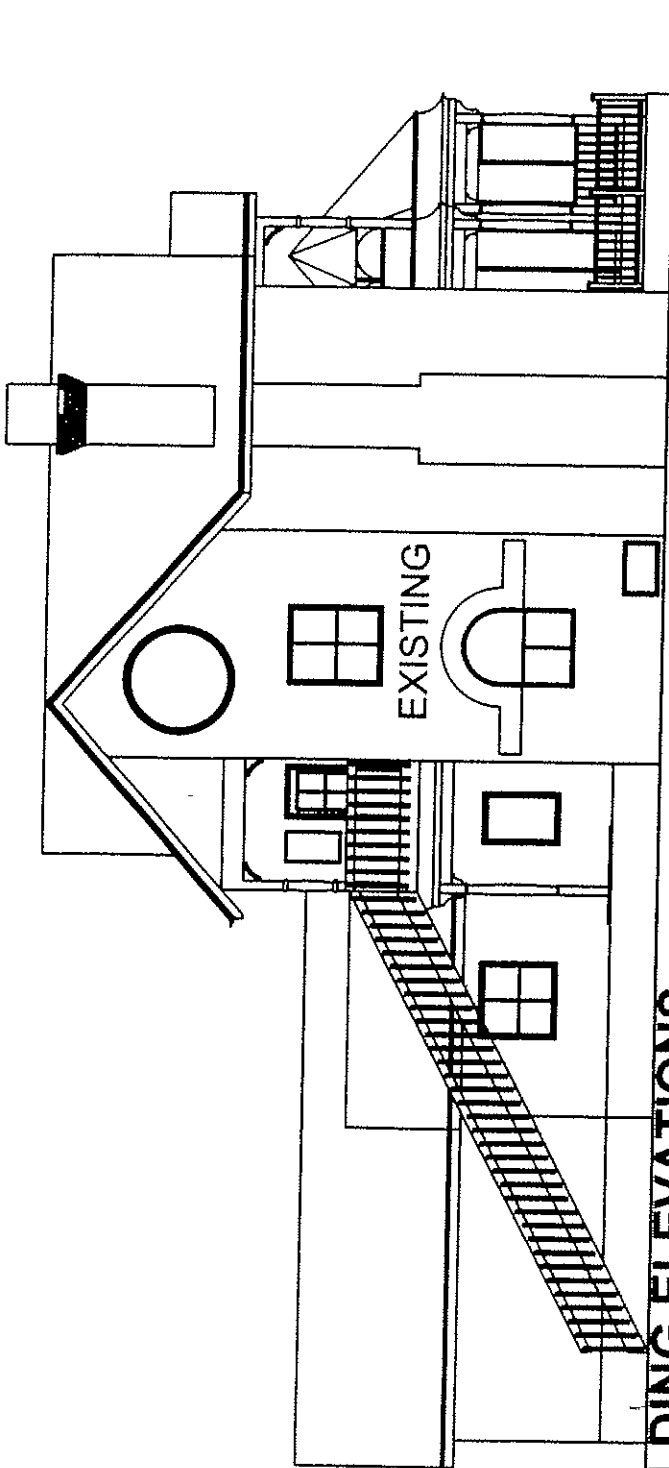


SCALE



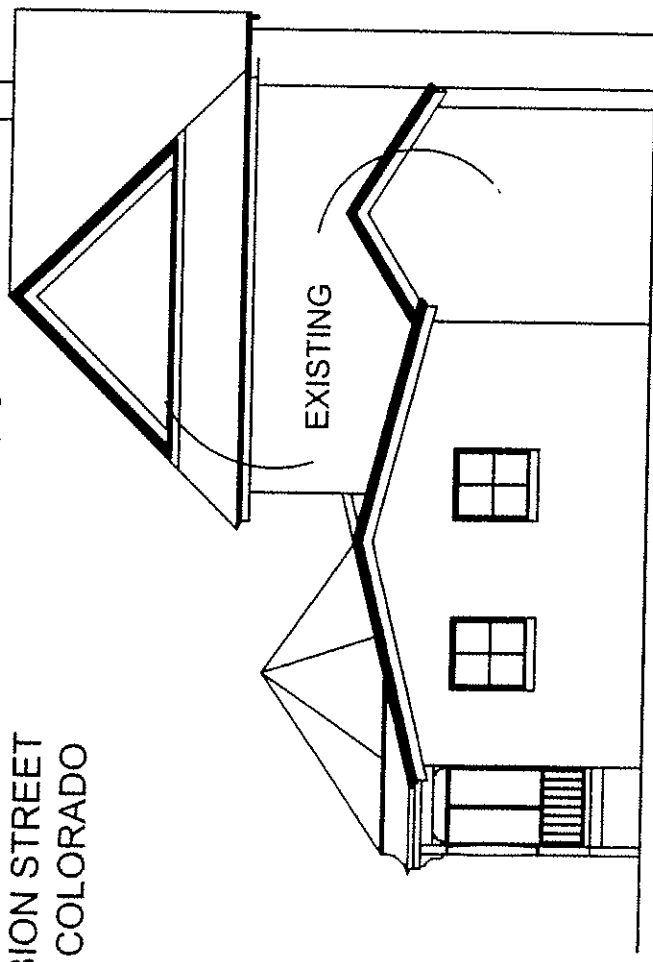
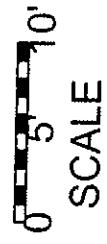
EAST ELEVATION

MAY 20, 2002



BUILDING ELEVATIONS SOUTH ELEVATION

APPLICATION #4575 SCALE 3/32"=1'-0"
3435 ALBION STREET
DENVER COLORADO



WEST ELEVATION

MAY 20, 2002



Kate's
at 35th Avenue

3435 Albion Street
Denver, CO 80207
(303) 333-4816

Meera Mani, Executive Director
Clayton Foundation

Dear Ms. Mani:

January 24, 200

In order to develop the vacant lot which borders Kate's on the north, we are being required to rezone the property. Included in that rezoning, is a requirement for 13 off-street parking spaces.

Though our lot is large enough to accommodate these 13 spaces, we feel it would be a shame to destroy the little bit of greenspace that exists on that block, in order to add 13 more spaces to the current sea of unused asphalt. (see attached picture)

We are requesting the permission of the Clayton Foundation to use your parking lot—which is located across the street- in order to satisfy these off-street parking requirements.

In the event this lot is needed by The Clayton Foundation (or the City of Denver, which owns 1/3 of the lot), we will develop the required spaces on our 3435 Albion zoning plot. In the interim, however, we are hoping this agreement will satisfy the parking requirements, so this application can move forward without adding more asphalt to the neighborhood..

Thank you for your help.

Sincerely,

Lynn M. Smith, Owner
Kate's at 35th Avenue

Lynn,
I have read this
and it is acceptable
to me.
Meera Mani

NEIGHBORHOOD ORGANIZATION CONTACT CONFIRMATION
(For PUD Rezoning Applicants)

Neighborhood Organization Name: GREATER PARK HILL COMMUNITY, INC.

To Whom It May Concern:

A PUD rezoning application has been filed with the City & County of Denver for the property located at "3401" ALBION (35TH & ALBION - WEST LOT) for the purpose of SUNROOM ADDITION + LANDSCAPING TO KITES AT 35TH AVENUE - 3435 ALBION.

Because this PUD rezoning is located within your neighborhood organization's boundaries, the Denver Planning & Community Development Office and the Denver Planning Board encourages the rezoning applicant to discuss the plans with you and take into consideration neighborhood issues in the continued development of the proposal. If there is evidence that this has been or is being accomplished, please indicate by signing below and establishing what, if any, initial position your organization is taking on this matter. The PUD applicant is responsible for returning this letter to the Planning & Community Development Office.

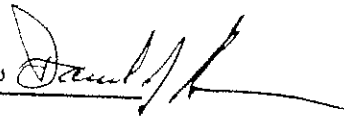
If there is evidence that the applicant is affirmatively addressing neighborhood concerns, the Planning Office may make a determination that the PUD rezoning application may be eligible for an abbreviated review process wherein a public hearing by the Denver Planning Board may be waived. Final approval on this matter by the Denver City Council will not be affected.

It is understood by all parties involved that the position taken by the organization is preliminary, based on the information available at this time, and shall not be considered as a final recommendation from your organization on this matter.

Please indicate position of organization below:

- At this time the organization does not oppose the PUD application
- At this time the organization opposes the PUD application
- At this time the organization takes no position on this application or there is not enough information available to establish an organization position

Authorized Neighborhood Organization

<u>Representative (Please Print Name)</u>	<u>Address</u>	<u>Signature</u>
<u>DANIEL J. SHANNON</u>	<u>5325 E. 17TH AVE DENVER, CO 80220</u>	
<u>Daniel J. Shannon</u>		

Date: 7-6-2001



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	
<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR FEE PAYMENT***		<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR FEE PAYMENT***	
Property Owner Name	3435 Albion LLC	Representative Name	Mark Kung
Address	3209 W. Fairview Pl	Address	2031 Grove Street
City, State, Zip	Denver, CO 8021	City, State, Zip	Denver, CO 80211
Telephone	303-807-0750	Telephone	720-560-1662
Email	sdavis7625@gmail.com	Email	mkung@kungarch.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. ***If contact for fee payment is other than above, please provide contact name and contact information on an attachment.	
SUBJECT PROPERTY INFORMATION			
Location (address):	3435 Albion Street, Denver, CO 80207		
Assessor's Parcel Numbers:	01302-07-018-000		
Area in Acres or Square Feet:	14,180 sqft (0.326 acre)		
Current Zone District(s):	PUD 539		
PROPOSAL			
Proposed Zone District:	E-MX-2x		
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 <u>Submitted. Waiting for date. Tiffany Holcomb.</u> <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 <u>08/20/21 in person</u> <input type="checkbox"/> No - if no, describe why not (in outreach attachment, see bottom of p. 3)		

REZONING REVIEW CRITERIA (ACKNOWLEDGE EACH SECTION)	
<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): Northeast Park Hill</p>
<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 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 checked="" 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>

REQUIRED ATTACHMENTS

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.

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 document is required.)
- Other Attachments.** Please describe below.

Powerpoint presentation for the neighborhood group; Greater Parkhill Neighborhood Association and NorthEast Parkhill Coalition.

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
Steve Davis <i>for</i> <i>3435 Altion LLC</i>	3209 W Fairview Pl Denver, CO 80211 (303) 807-0750 sdavis7625@gmail.com	100%	<i>Steve Davis</i> <i>James B Davis</i>	08/26/21	(A)	YES
						YES
						YES
						YES

LEGAL DESCRIPTION

3435 N. Albion Street

**LOTS 26 TO 30,
BLOCK 39,
J. COOK JRS NORTH DIVISION OF CAPITOL HILL,
CITY AND COUNTY OF DENVER,
STATE OF COLORADO.**

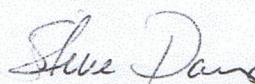
August 26, 2021

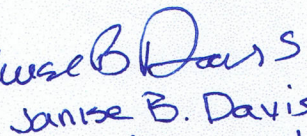
Mark Kung
Kung Architecture LLC
2031 Grove Street
Denver, CO 80211
mkung@kungarch.com
720-560-1662

Dear Mark,

This letter serves as authorization for Kung Architecture LLC to act on behalf of and represent 3435 Albion LLC for the purpose of submitting and processing the rezoning application for the property owner by 3435 Albion LLC at 3435 N. Albion Street in Denver, CO.

Sincerely,


Steve Davis,
3435 Albion LLC


Janise B. Davis
3435 Albion LLC

Title:

3435 N ALBION ST

Owner	Schedule Number	Legal Description	Property Type	Tax District
3435 ALBION LLC 3209 W FAIRVIEW PL DENVER, CO 80211-3209	01302-07-018-000	J COOK JRS NORTH DIVISION OF CAPITOL HILL B39 L26 TO 30	RESTAURANT W/MIXED USE	DENVER

Summary	Property Map	Assessed Values	Assessment Protest	Taxes	Neighborhood Sales	Chain of Title
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[Print Summary](#)

Property Description			
Style:	OTHER	Building Sqr. Foot:	2087
Bedrooms:		Baths Full/Half:	0/0
Effective Year Built:	1918	Basement/Finish:	0/0
Lot Size:	14,180	Zoned As:	PUD
Mill Levy:	74..195	Document Type:	SW
Valuation zoning may be different from City's new zoning code.			

Current Year			
	Actual	Assessed	Exempt
Land	\$255,300	\$51,160	\$0
Improvements	\$364,100	\$66,350	
Total	\$619,400	\$117,510	

Prior Year			
	Actual	Assessed	Exempt
Land	\$212,700	\$42,630	\$0
Improvements	\$343,400	\$65,020	
Total	\$556,100	\$107,650	

Real Estates Property Taxes for current tax year

System Upgrade Underway:
Due to a system upgrade, payment information is taking longer to update and may not reflect the current status of your account.

Mill Levy **

Please click on additional information below to check for any delinquencies on this property/schedule number and for tax sale information.

	Installment 1 (Feb 28 Feb 29 in Leap Years)	Installment 2 (Jun 15)	Full Payment (Due Apr 30)
Date Paid	10/29/2020	6/9/2021	6/9/2021
Original Tax Levy	\$3,993.54	\$3,993.57	\$7,987.11
Liens/Fees	\$0.00	\$0.00	\$0.00
Interest	\$79.87	\$79.87	\$159.74
Paid	\$4,073.41	\$4,073.44	\$8,146.85
Due	\$0.00	\$0.00	\$0.00

Real Estates Property Taxes for current tax year

Additional Information

Note: If "Y" is shown below, there is a special situation pertaining to this parcel. For additional information about this, click on the name to take you to an explanation.

Additional Assessment ⓘ	N	Prior Year Delinquency ⓘ	N
Additional Owner(s) ⓘ	N		
Adjustments ⓘ	N	Sewer/Storm Drainage Liens ⓘ	N
Local Improvement Assessment ⓘ	N	Tax Lien Sale ⓘ	N
Maintenance District ⓘ	N	Treasurer's Deed ⓘ	N
Pending Local Improvement ⓘ	N		

Real estate property taxes paid for prior tax year: **\$7,763.29**

Articles of Organization for a Limited Liability Company
filed pursuant to § 7-90-301 and § 7-80-204 of the Colorado Revised Statutes (C.R.S.)

The domestic entity name of the limited liability company is 3435 Albion LLC

The principal office street address is 3209 W Fairview Place
Denver CO 80211
US

The principal office mailing address is 3209 W Fairview Place
Denver CO 80211
US

The name of the registered agent is Steven Davis

The registered agent's street address is 3209 W Fairview Place
Denver CO 80211
US

The registered agent's mailing address is 3209 W Fairview Place
Denver CO 80211
US

The person above has agreed to be appointed as the registered agent for this limited liability company.

The management of the limited liability company is vested in Members

There is at least one member of the limited liability company.

Person(s) forming the limited liability company

Steven Davis
3209 W Fairview Place
Denver CO 80211
US

Janise Davis
3209 W Fairview Place
Denver CO 80211
US

Causing this document to be delivered to the Secretary of State for filing shall constitute the affirmation or acknowledgment of each individual causing such delivery, under penalties of perjury, that the document is the individual's act and deed, or that the individual in good faith believes the document is the act and deed of the person on whose behalf the individual is causing the document to be delivered for filing, taken in conformity with the requirements of part 3 of article 90 of title 7, C.R.S., and, if applicable, the constituent documents, and the organic statutes, and that the individual in good faith believes the facts stated in the document are true and the document complies with the requirements of that Part, the constituent documents, and the organic statutes.

This perjury notice applies to each individual who causes this document to be delivered to the secretary of state, whether or not such individual is named in the document as one who has caused it to be delivered.

Name(s) and address(es) of the individual(s) causing the document to be delivered for filing

Steven Davis
3209 W Fairview Place
Denver CO 80211
US

Janise Davis
3209 W Fairview Place
Denver CO 80211
US

Request for Zone Map Amendment

Address: 3435 N. Albion Street
Neighborhood: Northeast Park Hill
Council District: District 8, Christopher Hendon
Area of Property: 14,180 SF (0.325 acres)
Current Zoning: PUD 539
Proposed Zoning: E-MX-2x

Summary of rezoning request:

- The proposed zone map amendment is in the Northeast Park Hill neighborhood in the southwest corner of Council District 8. It is on the southwest corner of Colorado Boulevard (mixed-use arterial) and E 35th Avenue (residential collector). The property overlooks at the southwest corner of the Park Hill Golf Course.
- The subject property, which is owned by 3435 Albion LLC, contains a two-story residence built in 1889. Operated as a restaurant in the past, and the current PUD 539 written exclusive as restaurant use, the Robinson House is in the process of being redesigned as a private residence following the historic landmark requirements, as it is the oldest home in the neighborhood. The non-original north portion of the Robinson House will be removed, and the rest of the house will be restored.
- The owner is requesting a zone lot split that will allow for the existing historic home to remain while the northern portion of the lot will be designated for the new multi-unit development.
- The proposed rezoning is intended to facilitate change of use on the site. The proposed use is a multi-unit dwelling (five units).
- The E-MX-2x (Edge Mixed Use, 2-story) zone district allows multi-unit density development with E 35th Avenue as the primary street. It is similar to E-MX-2 but prohibits drive-thru services and restaurants.

Existing Context:

This neighborhood is primarily urban edge in character with areas of regular and modified street grids, single-unit residential uses, and commercial, public, and quasi-public uses along collector streets. There are multi-unit dwellings directly east and south of the lot. Park Hill Golf Course is directly to the north, and Colorado Blvd. is directly west. City Park is six blocks to the south. The city of Axum Park is seven blocks to the east.

Existing Zoning:

The current zoning of the subject property is PUD 539 under the former Chapter 59. Properties to the west are zoned PUD. Properties to the east and south are zoned E-MX-2x. Properties to the north is the Park Hill Golf Course.

Proposed Zoning:

The requested E-MX-2x zone district has a maximum height in feet of 30'. The primary street build-to with minimum 70% and 10' to 15' range. A variety of mixed residential and commercial uses are allowed, except for drive-thru services and restaurants.

Consistency with Adopted Plans:

The proposed rezoning to E-MX-2x is consistent with the cities vision for the neighborhood and supported by all City and County of Denver adopted plans. The following plans apply to the subject property.

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

Denver Comprehensive Plan 2040

The proposed rezoning is consistent with many of the adopted *Denver Comprehensive Plan 2040* strategies, including:

- Equitable, affordable and inclusive Goal 1, Strategy A - *Increase development of housing units close to transit and mixed-use developments (p. 28).*
- Equitable, affordable and inclusive Goal 3, Strategy B - *Use land use regulations to enable and encourage the private development of affordable, missing middle and mixed-income housing, especially where close to transit (p. 28).*
- Strong and Authentic Neighborhoods Goal 1, Strategy D - *Encourage quality infill development that is consistent with the surrounding neighborhood and offers opportunities for increased amenities (p. 34).*
- Strong and Authentic Neighborhoods Goal 3, Strategy B - *Continue the city's commitment to existing historic districts and landmarks and increase public awareness of the benefits of historic preservation through education and outreach. (p. 34).*

- Environmentally Resilient Goal 8, Strategy B – *Encourage mixed-use communities where residents can live, work and play in their own neighborhoods* (p. 54). Strategy C - *Focus growth by transit stations and along high- and medium-capacity transit corridors* (p.54).

One of the plan’s all-embracing vision elements is to create “Strong & Authentic Neighborhoods” that are complete, unique, and reflective of our diverse history. Rezoning the Robinson House supports its continued use and rehabilitation and ensures the oldest home in the neighborhood remains intact as a representative of the authentic history and development of the area.

The proposed E-MX-2x zoning will allow for the development of new “missing middle” housing type close to transit. Colorado Blvd is designated as a high-capacity transit corridor (full BRT to rail) in the Denver Moves Transit Plan.

The requested map amendment will enable mixed-use development at an infill location where infrastructure is already in place where current zoning includes a condition that permits limited use per the approved site plan. The allowed mix of uses includes services, which would be in close proximity to the residential areas surrounding the subject property. The requested E-MX-2x zone district broadens the variety of uses allowing residents to live, work and play in the area. Therefore, the rezoning is consistent with *Denver Comprehensive Plan 2040* recommendations.

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* identifies the subject property within the Urban Edge Neighborhood Context and provides guidance from the future growth strategy for the city.

The urban edge context areas are predominately residential and tend to act as a transition between urban and suburban areas. Homes in this context are typically low-scale single- and two-unit residential with some small-scale multi-unit residential. Commercial and mixed-use development in this context tends to be found along the main corridors bordering traditional residential areas, with some larger center development.

The urban edge context offers good walkability with short, predictable blocks. Many existing commercial developments in urban edge were established with the rise of the automobile and, as a result, are designed around single-occupancy vehicles. As these areas redevelop, they will be adapted to be more pedestrian-

friendly, with buildings oriented to the public realm instead of parking lots (p. 204).

Future Places Designation – Low-Medium Residential - Mix of low- to mid-scale multi-unit residential options. Small-scale multi-unit buildings are interspersed between single- and two-unit residential. Limited mixed-use along arterial and collector streets and at some intersections. Vacant institutional uses on corners or select sites may be appropriate locations to introduce additional residential intensity. Buildings are generally 3 stories or less in height. When occurring, single- and two-unit residential uses are typically in the urban house form. (p. 216).

Future Street Types

N. Albion Street: Local

- Local streets can vary in their land uses and are found in all neighborhood contexts. They are most often characterized by residential uses.

E. 35th Avenue: Residential collector.

- Primarily residential uses, but may also include schools, civic uses, parks, small retail nodes and other similar uses. Buildings on residential streets usually have a modest setback. The depth of the setback varies by neighborhood context.

The Rezoning aligns closely with many of the strategies and recommendations in 2019 Blueprint Denver, including, but not limited to:

- Land Use & Built Form: General
 - 01. A - *Use zoning and land use regulations to encourage higher-density, mixed-use development in transit-rich areas.*
 - 02. E – *In historic areas, balance efficiency with preservation through strategies that encourage the reuse of structures.*
 - 03. A - *rezoning properties from the Former Chapter 59 Code so that the entire City is covered by the Code, including continuing to incentivize owners to come out of the Former Chapter 59 Code.*
 - 03. B - *Limit the use of site specific, customized zoning tools – such as PUDs.*
 - 08. E – *Consider new regulations to require demolished structures of a certain threshold to salvage or reuse building materials.*
- Land Use & Built Form: Housing

- 02. A - *Integrate missing middle housing into low and low-medium residential areas, especially those that score low in Housing Diversity. This should be implemented through holistic revisions to the zoning code at a citywide scale, with a focus on discouraging demolition and encouraging affordability.*
 - *Allow 2-to 4-unit structures where the slightly higher density might be appropriate, such as corner lots, near transit, or adjacent to centers and corridors*
 - *Encourage the reuse, rather than demolition, of existing structures.*
- Land Use & Built Form: Economics
 - 02. A – *Invest in transit priority streets to connect all Denver residents to the city's regional, community centers and community corridors. And promoting affordable and family-friendly housing, as well as a full range of job opportunities.*
- Land Use & Built Form: Design Quality & Preservation
 - 02. A – *Continue the city's commitment to existing historic districts and landmarks and use historic designation to preserve the character of an individual structure or district or where there is historic, architectural, cultural, and/or geographic significance.*
 - 02. I - *Promote incentives to preserve the reuse of historic buildings and the unique historic features of Denver's neighborhoods.*
 - 06. - *Incentivize the preservation of structures and features that contribute to the established character of an area, even if they are not designated as landmarks or historic districts.*
 - 06. C – *Create new regulations to encourage the reuse of existing buildings. This could include requirements to salvage or reuse building materials after a structure is demolished or allowing flexibility in uses or density when an existing structure is reused and maintained.*

Park Hill Neighborhood Plan (2000)

Park Hill is a traditional city neighborhood with a small-town atmosphere. Here people of diverse cultures, ages, races, and economic backgrounds share a sense of community. The community is characterized by large residential and industrial areas and smaller commercial areas. Major facilities in the neighborhood include: the Park Hill Golf Course, several neighborhood shopping areas at 35th Avenue and Dahlia Street, 33rd Avenue and Holly Street, 23rd Avenue and Dexter Street, 22nd Avenue and Kearney Street, 23rd and Oneida,

and a large industrial area that extends north from 38th Avenue to the City line. The residential areas of Park Hill of the community are south of 38th Avenue and east of Colorado Blvd. Immediately adjacent to Park Hill is City Park, which houses the Denver Museum of Nature and Science and the Denver Zoo. Both of these institutions impact the quality of life in Park Hill.

The neighborhood possesses many assets, including a large stock of generally well-maintained homes, excellent access to major transportation services and corridors, downtown Denver and entertainment facilities, and three major parkways.

Land Use Goals:

- Maintain the existing integrity of the residential character of Park Hill. Assure that continued growth and development in Park Hill results in a balanced and compatible mix of housing types and densities.
- Oppose industrial expansion outside the areas currently zoned for industrial uses north of 38th Avenue, from Colorado Boulevard to Quebec Street. Explore opportunities for live/work.
- Minimize the visual impacts and create an improved buffer area between the industrial, commercial and residential areas.
- Maintain and enhance the small-scale neighborhood character of the business areas and foster the development of “Main Street” type imagery.
- Preserve the existing parks and open space within the neighborhood.
- Preserve the areas of historical significance through historic districts or historic landmark designation.
- Maintain and enhance the viability of residential and commercial land uses on Colorado Boulevard.
- Identify and change non-conforming land uses in the neighborhood.

Action Recommendations:

- Notify and participate in the redevelopment of the Dahlia and Holly shopping centers. Work with landowners and the city on any rezoning proposals and related site plan issues.
- Encourage enforcement of city ordinance requirements for absentee landlords to have an agent registered with the Assessment Division. As a part of that effort, the name and addresses of owners and agents listed by the assessor’s records should be corrected.
- Create and maintain a mix of housing types and sizes that are attractive and affordable to a diversity of ages, incomes, household types, sizes, cultural and ethnic backgrounds.

The proposed rezoning is consistent with Park Hill Neighborhood Plan recommendations.

Uniformity of District Regulations and Restrictions

The proposed rezoning to E-MX-2x will result in the uniform application of zone district building form, use, and design regulations.

Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety, and general welfare of the City through the implementation of adopted plans and by facilitating increased density and a mix of uses, which have been linked to physical activity, decreased obesity, and decreased driving.

Justifying Circumstance

Justifying Circumstance is defined under DZC Section 12.4.10.8.A.4 as, “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: (c.) That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.” The adoption of the Denver Zoning Code in 2010 and the retention of a Former Chapter 59 zone district on the subject property, including custom zoning adhering the property to a PUD 539, is an appropriate justifying circumstance for the proposed rezoning.

Consistency with Neighborhood Context, Zone District Purpose, and Intent

The Urban Edge Neighborhood Context is characterized by a mix of elements from both the Urban and Suburban Neighborhood Contexts. The Urban Edge Neighborhood Context is primarily single-unit and two-unit residential uses. Small-scale multi-unit residential uses and commercial areas are typically embedded in residential areas. Single-unit residential structures are typically the Urban House and Suburban House building forms. Multi-unit building forms are typically the Row House, Garden Court, Town House or Apartment building forms embedded with other residential uses. Commercial buildings are typically the Shopfront and General building forms that typically contain a single type of use. Single and two-unit residential uses are primarily located along local and residential arterial streets. Multi-unit residential and commercial uses are located along local streets, arterials, and main streets. (Denver Zoning Code Section 4.1.1)

Community Outreach:

The property owner has reached out to Councilman Christopher Hendon in person on August 20th, 2021.

The property owner also outreached to the neighborhood group such as Greater Parkhill Neighborhood Association and Northeast Parkhill coalition. A PowerPoint presentation to the groups is attached.

E-MX-2x applies to areas or intersections served primarily by local or collector streets where a building scale of 1 to 2 stories is desired.

E-MX-2x allows for Town House, General, and Shopfront building forms up to two stories in height. It does not allow Drive-thru Services or restaurants like E-MX-2.

The proposed rezoning is consistent with the Urban Edge Neighborhood Context.

Sincerely,

Kung Architecture, LLC



Mark Kung



Re: Case# 2021I-00111, LOS for proposed rezoning at 3435 Albion St.

October 4, 2021

Dear Mr. Morrison, Members of the Planning Board, and City Council,

NEPHC is in support for the proposed rezoning application at 3435 Albion St. that amends the current zoning PUD 539 to E-MX-2X. The property is located within the boundaries of Northeast Park Hill Coalition, and Mr. Davis/3435 Albion LLC, the applicant, attended our monthly meeting on June 10, 2021, to inform our membership about the proposed changes. During the meeting, at least one member had expressed interest in affordable housing options.

NEPHC recognizes that the City and County of Denver is experiencing an unprecedented lack of affordable housing options, but we also believe in the preservation of historic landmarks. NEPHC was pleased to see that the applicant made an effort to get approved for affordable housing but, "It was determined that the size of the project coupled with the preservation of the Robinson House did not warrant inclusion in [the affordable housing program]." We also understand that the costs to return the property back to its original design could reach exorbitant amounts, and as a result we support the proposal to include five market units to help offset the costs.

Additionally, we find that Mr. Davis' history of saving other historic properties from potential demolition (e.g. Bosler House and Dickson House) shows his commitment to preservation and seeing projects through to the end. As a result, we are asking that you approve this application.

Sincerely,

Northeast Park Hill Coalition Board

nephcoalition@gmail.com