

TO: Denver Planning Board, Joel Noble, Chair
FROM: Theresa Lucero, Senior City Planner
DATE: January 30, 2019
RE: Official Zoning Map Amendment Application #2018I-00129

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for application #2018I-00129.

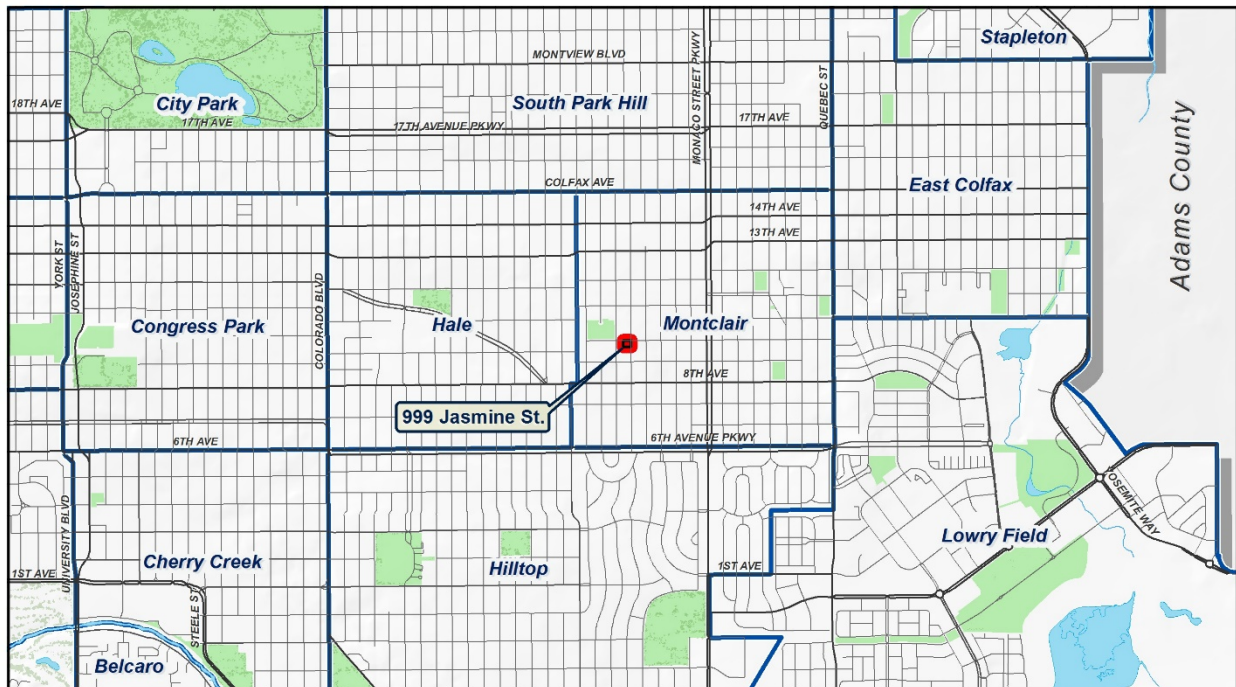
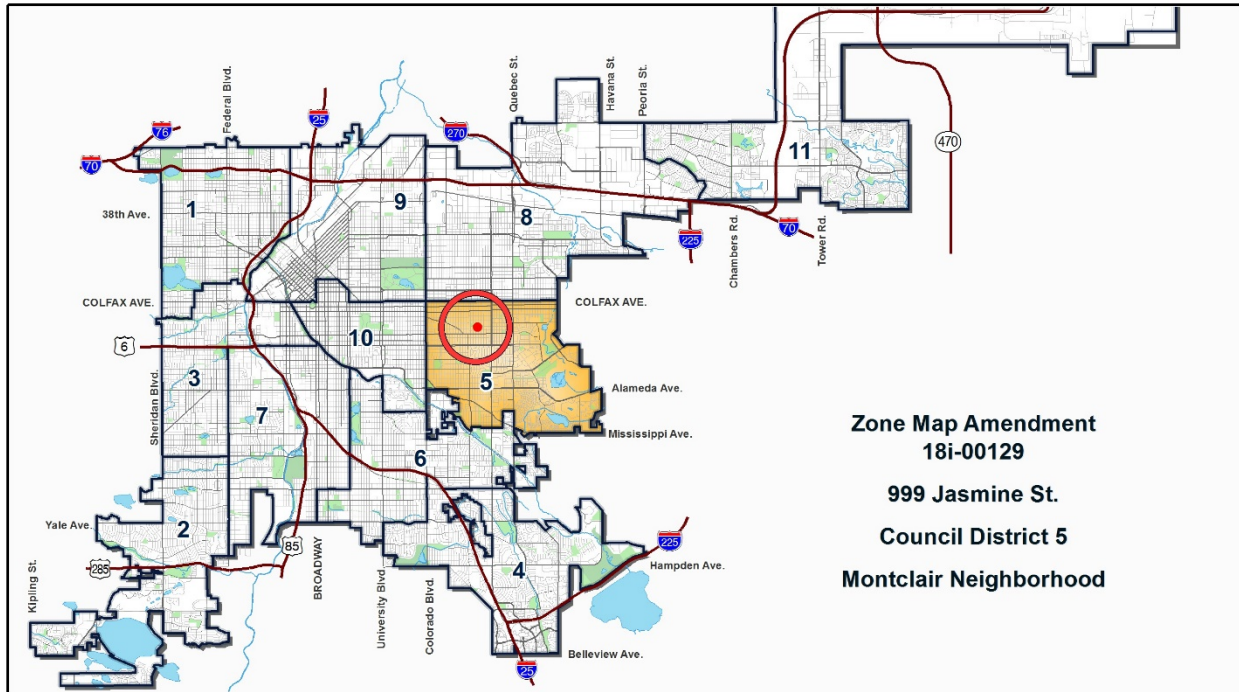
Request for Rezoning

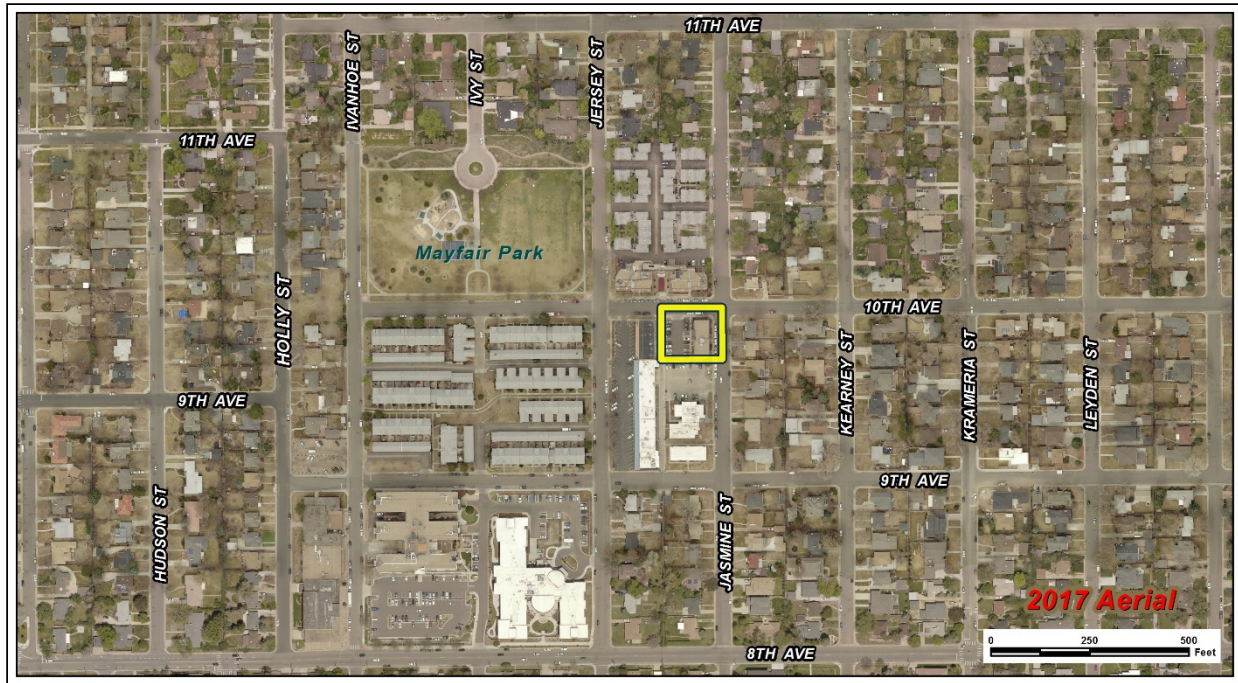
Address:	999 Jasmine Street
Neighborhood/Council District:	Montclair Neighborhood / City Council District 5
RNOs:	Historic Montclair Community Association, Inc.; Jasmine Place Townhomes; Mayfair Neighbors, Inc.; Inter-Neighborhood Cooperation
Area of Property:	11,700 SF, 0.27 Acres
Current Zoning:	PUD #223
Proposed Zoning:	E-MX-3A
Applicant/Owner:	Paul Wilkinson

Summary of Rezoning Request

- The subject property contains a three-story office structure built in 1982. The property is located on the southwest corner of East 10th Avenue and north Jasmine Street. The requested map amendment is being sought to remove the PUD zone district. The property owner recently purchased the property and is having trouble obtaining a permit to use the property because the parking of the building does not match the approved PUD district plan. The office land use of property will not change and no new construction on the property is planned.
- The **E-MX-3A**, Urban **E**dge, **M**ixed- Use, **3**-story (45 feet maximum building height), zone district is intended for use in the Urban Edge Neighborhood Context which is characterized by a mix of urban and suburban characteristics with primarily single and two-unit residential land uses, and small-scale multi-unit residential and commercial areas embedded in residential areas. The "**A**" signifies that more specific design standards apply; in this case, the Drive Thru Services building form requires a greater level of design and is more limited in use. Commercial building forms allowed are Shopfront and General building forms, with Drive Thru Services and Drive Thru Restaurant building forms allowed when located at least 1/4 mile from the outer boundary of a rail transit station platform. Commercial structures in this neighborhood context generally contain a single land use. Further details of the zone district can be found in Article 4 of the Denver Zoning Code.

General Location





1. Existing Context

The subject property is on the southwest corner of East 10th Avenue and Jasmine Street. In the general vicinity are:

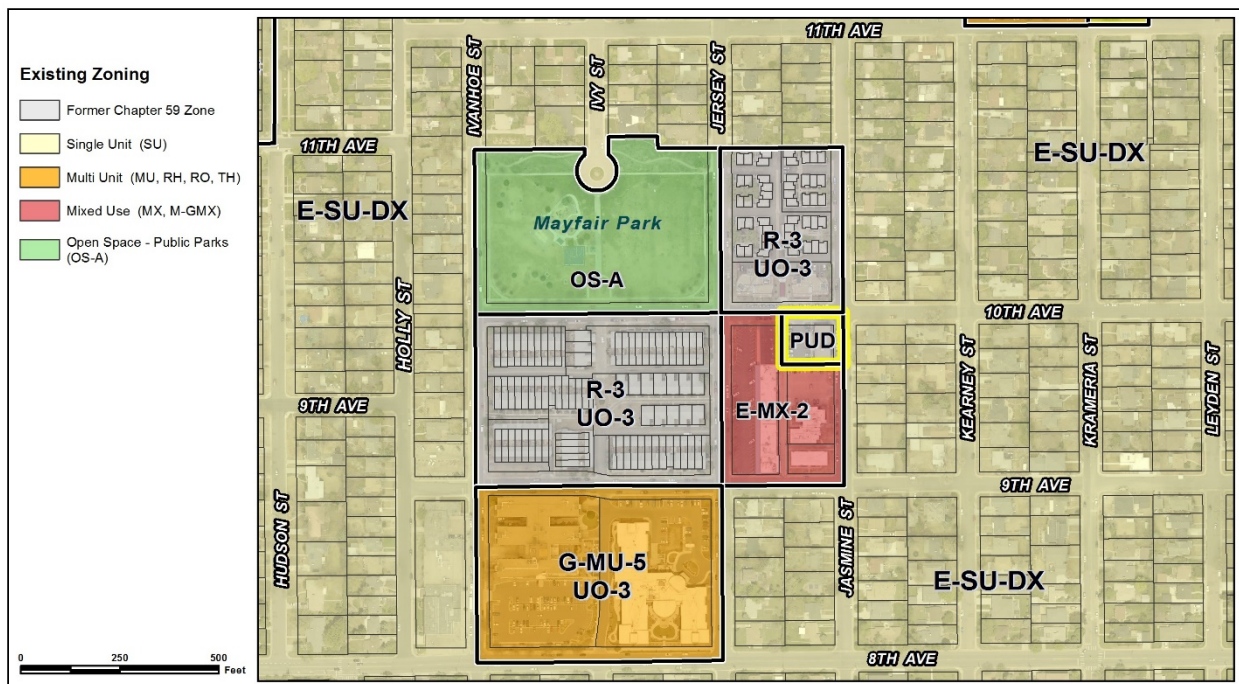
- East Colfax Avenue, 5 blocks north,
- East 8th Avenue, 2 blocks south,
- Monaco Parkway, 5 blocks east,
- East Hale Parkway, 7 blocks southwest,
- Mayfair Park, 1 block west, and
- Palmer Elementary School, 6 blocks west.

The subject property is surrounded by single-unit and multi-unit residential uses, commercial and office uses. Area building heights range from one-story single-family residences to 6-story multi-unit residential buildings.

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

	Existing Zoning	Existing Land Use	Existing Building Form, Scale	Existing Block, Lot, Street Pattern
Site	PUD #223	Office	3-story Structure	Grid street patterns with no alleys and attached sidewalks. Regular pattern of rectilinear shaped blocks.
North	R-3, UO-3	Multi-unit Residential	6-story Structures	
South	E-MX-2	Office and Multi-unit Residential	1-2-story Structures	
West	E-MX-2	Commercial	1-story Structures	
East	E-SU-Dx	Single-unit Residential	1-story Structures	

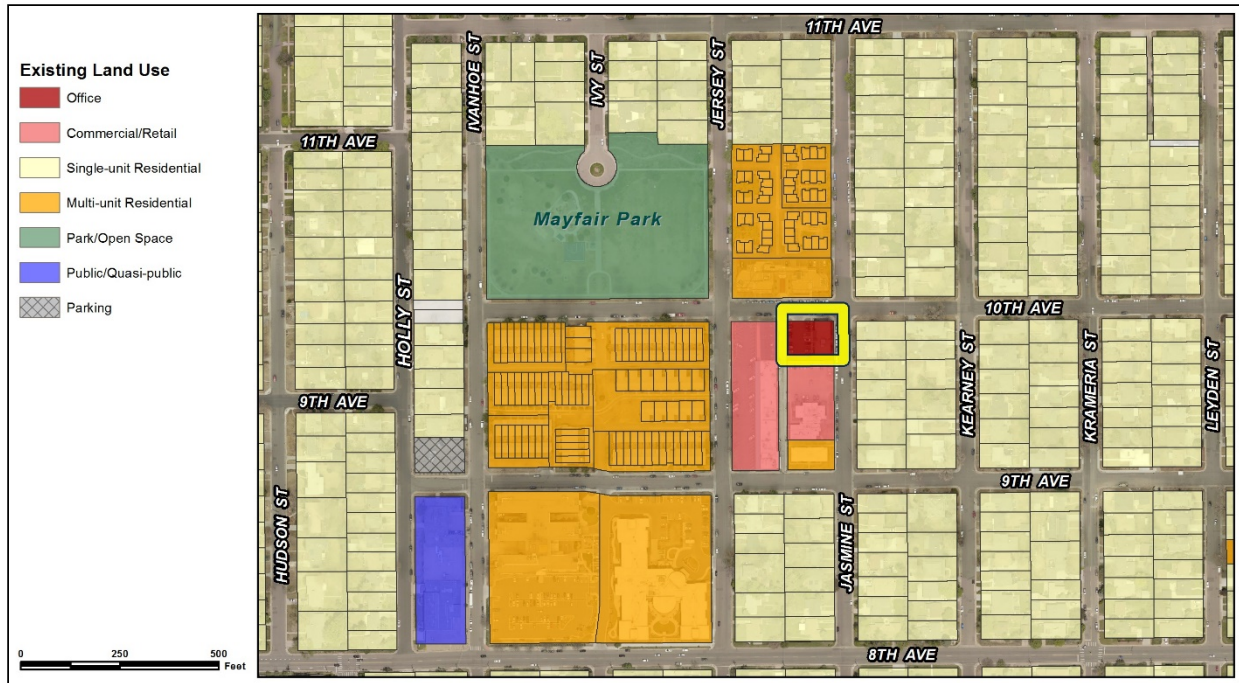
2. Existing Zoning



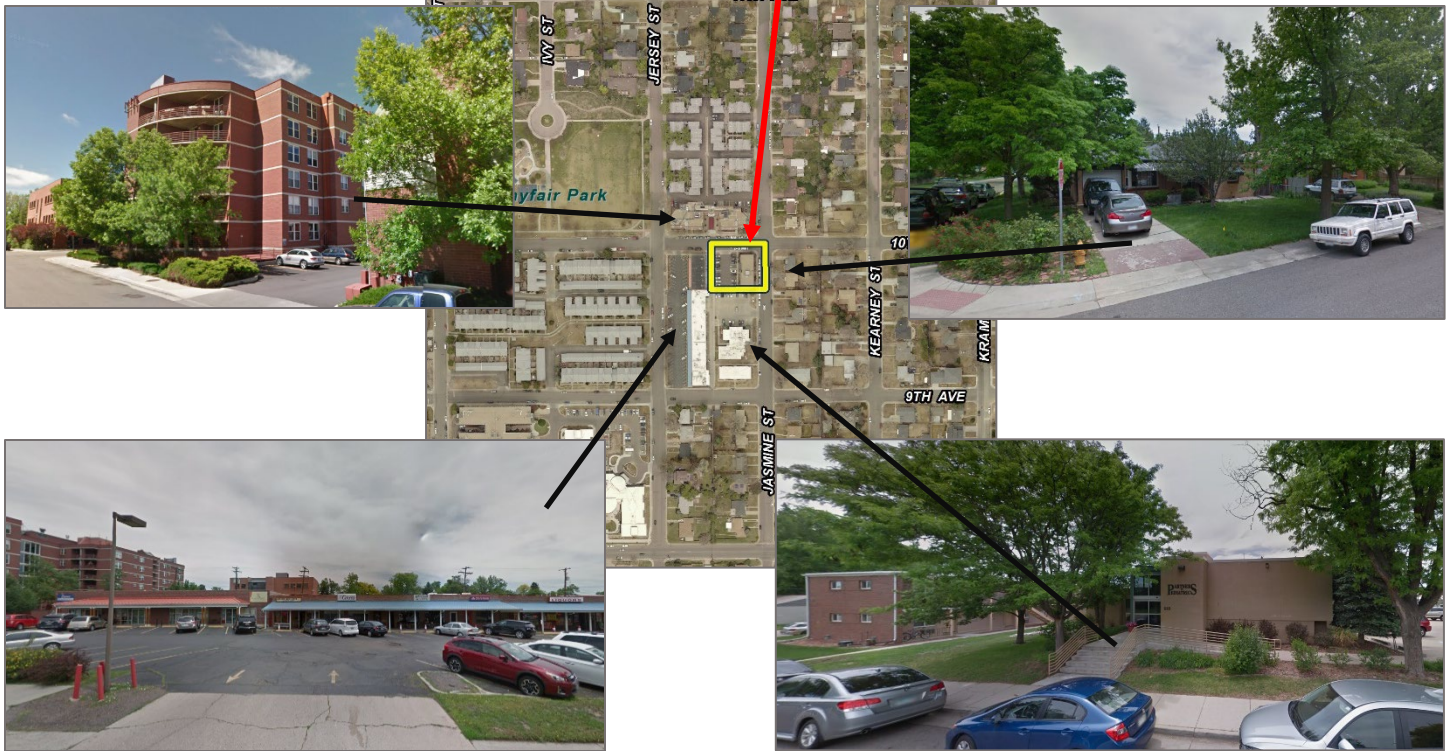
The current PUD zoning was approved in 1987. Prior to approval of the PUD the zone district was B-2, a neighborhood business district with a 1:1 floor area ratio. The PUD was submitted to

add a medical or dental analytical research laboratory to the allowed commercial land uses in response to the subject property location within 1 1/2 miles of the former University of Colorado Health Sciences Center. At the time of the approval of the PUD no additions or outside alterations of the existing structure were proposed. The maximum allowed height in the PUD is 38 feet, or 3 stories, and the allowed floor area ratio is .96:1.

3. Existing Land Use



4. Existing Building Form and Scale



Summary of City Agency Referral Comments

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

Assessor: No comments received.

Asset Management: Approved – No Comments.

Denver Public Schools: No comments received.

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

Development Services –Transportation: No comments received.

Development Services – Wastewater: Approved – see the comments below. DS Wastewater approves the subject zoning change. The applicant should note that redevelopment of this site may require additional engineering including preparation of drainage reports, construction documents, and erosion control plans. Redevelopment may require construction of water quality and detention basins, public and private sanitary and storm sewer mains, and other storm or sanitary sewer improvements. Redevelopment may also require other items such as conveyance of utility, construction, and maintenance easements. The extent of the required design, improvements and easements will be determined during the redevelopment process. Please note that no commitment for any new sewer service will be given prior to issuance of an approved SUDP from Development Services.

Development Services – Fire Prevention: No comments received.

Parks & Recreation: No comments received.

Public Health and Environment: Approved – see comments below. Notes. DEH concurs with the proposed rezoning and is not aware of potential environmental concerns that should be considered for the rezoning.

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

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

3 months. For variance requests or questions related to the Noise Ordinance, please contact Paul Riedesel, Denver Environmental Health (720-865-5410).

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

Public Works – City Surveyor: Approved-No comments.

Public Review Process

	Date
CPD informational notice of receipt of the rezoning application to all affected members of City Council and Registered Neighborhood Organizations:	9/20/18
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 and Registered Neighborhood Organizations:	01/21/19
Planning Board public hearing:	02/06/19
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:	02/05/19 (tentative)
Land Use, Transportation and Infrastructure Committee of the City Council:	02/19/19 (tentative)
Property legally posted for a period of 21 days and CPD written notice of the City Council public hearing sent to all affected members of City Council and Registered Neighborhood Organizations:	03/10/19 (tentative)
City Council Public Hearing:	04/01/19 (tentative)

Registered Neighborhood Organizations

To date, staff has received no comment letters from Registered Neighborhood Organizations.

Other Public Comment

To date staff has received no public comment letters.

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

- *Denver Comprehensive Plan 2000*
- *Blueprint Denver (2002)*

Denver Comprehensive Plan 2000

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

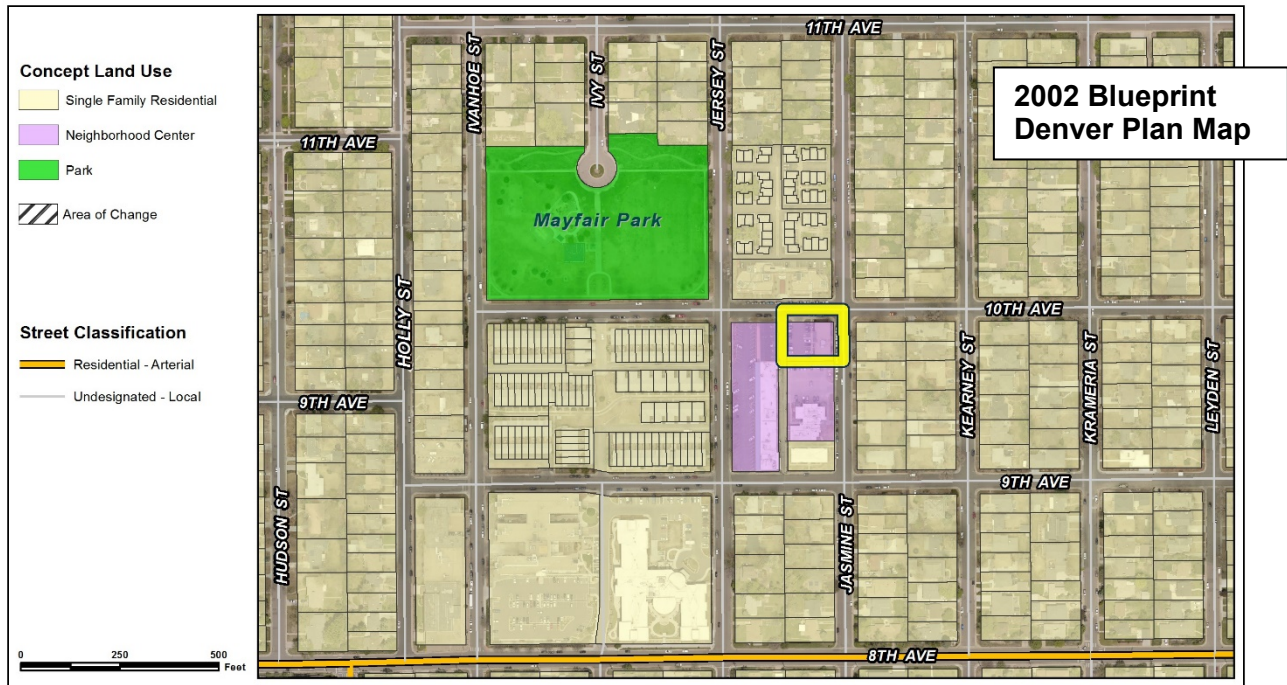
- Environmental Sustainability Strategy 2-E to “*Conserve raw materials by promoting efforts to adapt existing buildings for new uses, rather than destroying them*” (p. 39).
- Land Use Objective 3 to “*Preserve and enhance the individuality, diversity and livability of Denver’s neighborhoods and expand the vitality of Denver’s business centers*” (p. 59).
- Land Use Strategy 3-B to “*Encourage quality infill development that is consistent with the character of the surrounding neighborhood; that offers opportunities for increased density and more amenities; and that broadens the variety of compatible uses*” (p. 60).
- Legacies Strategy 2-A “*Establish development standards to encourage positive change and diversity while protecting Denver’s traditional character*” (p. 98).
- Legacies Strategy 3-A to “*Identify areas in which increased density and new uses are desirable and can be accommodated*” (p. 99).

The proposed map amendment will enable the reuses of an existing building that is in character with the surrounding neighborhood. With the reuse, the new land use will be the same and there will be no changes to the outside of the existing building. Adding a new office use adds to the diversity and vitality of the existing adjacent commercial area. The rezoning is consistent with the Comprehensive Plan policies that encourage development that is consistent with the

character of the neighborhood but offers increased diversity. The E-MX-3A zone district will allow low-scale commercial development that is in character with the surrounding development.

Blueprint Denver

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



Future Land Use

The Neighborhood Center land use concept is described in Blueprint Denver as a “*small shopping, service or entertainment center serving the everyday needs of one or more neighborhoods. A mix of land uses includes convenience shopping, personal services and restaurants. A neighborhood center may also contain offices that serve nearby residents*” (p. 43). The existing land uses immediately surrounding the subject property are single- and multi-unit residential land uses with office, park and church uses. The proposed E-MX-3A zone district is similar to the adjacent E-MX-2 district and allows a wide variety of land uses including residential, civic and commercial uses that can serve nearby residents. The E-MX-3A zone district will ensure that the scale of the structure and the allowed land uses will remain compatible with the existing neighborhood.

Area of Change / Area of Stability

As noted, the subject site is in an Area of Stability. These are areas where “*preserving and revitalizing neighborhood character is the prevailing concern...Limiting overall development in the Areas of Stability helps achieve many growth management goals, while preserving the valued quality of life that is characteristic of Denver's neighborhoods*” (p. 23-25). The zoning standards within the E-MX-3A zone district will allow reinvestment in the property, they will limit new development to a compatible scale with the surrounding properties (which range in

height from one to six stories), and they will allow land uses like those existing uses in the neighborhood.

Former Chapter 59 Zoning Code and Planned Unit Developments

According to Blueprint Denver, “Concerns with PUDs are that their widespread proliferation has increased the complexity of regulating land use, and the conditions they place on development sometimes perform poorly and inflexibly once the PUD has been adopted. This issue can be addressed if the city acts on the authority to repeal obsolete PUD zoning and change it to a more appropriate district.” The rezoning would eliminate a custom, Former Chapter 59 Zone District and bring the site into the Denver Zoning Code, which is consistent with the Blueprint Denver policy that Former Chapter 59 zoning, and particularly custom zoning, is out of step with the Blueprint Denver vision (p. 72, 82).

Street Classifications

The subject property is on north Jasmine Street, an Undesignated Local Street. These street types *“are tailored more to providing local access”* (p. 51). The E-MX-3A zone district standards are geared toward lower-scaled, less intense land uses within neighborhoods. This is consistent with the street types surrounding the subject property.

- 2. Uniformity of District Regulations and Restrictions:** Rezoning the site to E-MX-3A will further the uniform application of district regulations in the City. The same regulations will apply to the subject site as to all other areas zoned E-MX-3A in the city.
- 3. Public Health, Safety and General Welfare:** The proposed official map amendment furthers the public health, safety, and general welfare of the City primarily by allowing the re-use of the existing structure that is in character with the neighborhood in scale and intensity, and by supporting reinvestment in the existing neighborhood.
- 4. Justifying Circumstances**

The applicable justifying circumstance is that there has been a change to such a degree that the proposed rezoning is in the public interest. Per the Denver Zoning Code *“since the date of 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: a. Changed or changing conditions in a particular area, or in the city generally; or b. A City adopted plan; or c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.”* The applicant cites the retention of a Former Chapter 59 zoning. Rezoning out of a Former Chapter 59 PUD is an appropriate changed circumstance. In addition, there are recent changed circumstances in the area with Mayfair Flats Apartments containing 160 dwelling units constructed in 2013 at 8th Avenue and Jersey Street, and on the East Colfax Avenue corridor 5 blocks to the north, 86,897 square feet of new commercial structures constructed since 2003.
- 5. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements**

The fifth review criterion in the Denver Zoning Code is that the proposed official map amendment must be consistent with the descriptions of the applicable neighborhood context, and with the stated purpose and intent of the proposed zone district. Overall, the proposed map amendment is consistent with the Urban Edge Neighborhood Context. The

Denver Zoning Code describes the Urban Edge Neighborhood Context which is characterized by a mix of urban and suburban characteristics with primarily single and two-unit residential land uses, and small-scale multi-unit residential and commercial areas embedded in residential areas. Commercial building forms allowed are Shopfront and General building forms, with Drive Thru Services and Drive Thru Restaurant building forms allowed when located at least 1/4 mile from the outer boundary of a rail transit station platform. Commercial structures in this context generally contain a single land use. The block patterns in the Urban Edge Context are regular and shaped by a grid street pattern.

The Urban Edge mixed use zone districts are 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. There is a diverse menu of Mixed Use zone districts in the Urban Edge Neighborhood Context to recognize the diverse pattern of mixed use places in these neighborhoods.”* The E-MX-3A zone district is a mixed use zone district intended to support a consistent pattern of buildings placed at the street to offer an active street front.

The proposed map amendment is consistent with the mixed use characteristics described in the Urban Edge Neighborhood Context. The E-MX-3A zone district will limit the property to the existing 3-story height, that transitions to the adjacent single-unit residential. The E-MX-3A zone district is consistent with both the general and specific purpose and intent of the Urban Edge Context and the E-MX-3A zone district description.

Attachments:

1. Application
2. Legal Description

Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION		PROPERTY OWNER(S) REPRESENTATIVE	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	The Paul Wilkinson Law Firm	Representative Name	Paul Wilkinson
Address	3900 E Mexico Ave Ste 500	Address	3900 E Mexico Ave Ste 500
City, State, Zip	Denver, CO 80210	City, State, Zip	Denver, CO 80210
Telephone	720-217-3192	Telephone	720-217-3192
Email	Paul@CallPaul.com	Email	Paul@CallPaul.com
<p>*If More Than One Property Owner: All standard zone map amendment applications shall be initiated by all the owners of at least 51% of the total area of the zone lots subject to the rezoning application, or their representatives authorized in writing to do so. See page 3.</p>		<p>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</p>	
<p>Please attach Proof of Ownership acceptable to the Manager for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed or deed of trust, or (c) Title policy or commitment dated no earlier than 60 days prior to application date.</p> <p>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.</p>			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):	999 Jasmine St		
Assessor's Parcel Numbers:	06053-13-011-000		
Area in Acres or Square Feet:	11700		
Current Zone District(s):	PUD 223		
PROPOSAL			
Proposed Zone District:	E-MX-3A		



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REVIEW CRITERIA

<p>General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.7</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. Please provide an attachment describing relevant adopted plans and how proposed map amendment is consistent with those plan recommendations; or, describe how the map amendment is necessary to provide for an unanticipated community need.</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>
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<p>Additional Review Criteria for Non-Legislative Rezoning: The proposal must comply with both of the additional review criteria DZC Sec. 12.4.10.8</p>	<p>Justifying Circumstances - One of the following circumstances exists:</p> <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 on 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="margin-left: 20px;">a. Changed or changing conditions in a particular area, or in the city generally; or</p> <p style="margin-left: 20px;">b. A City adopted plan; or</p> <p style="margin-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. Please provide an attachment describing the justifying circumstance.</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. Please provide an attachment describing how the above criterion is met.</p>
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REQUIRED ATTACHMENTS

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

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

ADDITIONAL ATTACHMENTS

Please identify any additional attachments provided with this application:

- Written Authorization to Represent Property Owner(s)
- Individual Authorization to Sign on Behalf of a Corporate Entity

Please list any additional attachments:



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

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

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed or deed of trust, (C) title policy or commitment, or (D) other as approved	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>	01/01/12	(A)	YES
The Paul Wilkinson Law Firm LLC	999 Jasmine Street Denver, CO 80220 720-217-3192 Paul@CallPaul.com	100%	<i>Paul Wilkinson</i>	9/18/2018	A	Yes

Last updated: May 24, 2018

Return completed form to rezoning@denvergov.org

201 W. Colfax Ave., Dept. 205
 Denver, CO 80202
 720-865-2974 • rezoning@denvergov.org

Revised

999 Jasmine St, Denver CO 80220 Legal Description

L 27 28 29 & 30 BLK 14 PORTER & RAYMONDS MONTCLAIR ANN ADDN TO THE TOWN OF MONTCLAIR
EXC THE REAR 8FT THEREOF

E-RECORDED

THIS DOCUMENT WAS RECORDED



06/14/2018 01:56 PM R \$18.00 WD
City & County of Denver
Electronically Recorded

2018073551

Page: 1 of 2

D \$170.00



State Documentary Fee
Date:
\$170.00

Special Warranty Deed
(Pursuant to 38-30-115 C.R.S.)

THIS DEED, made on 6/13/18 by 999 JASMINE II, LLC, A COLORADO LIMITED LIABILITY COMPANY Grantor(s), of the City and County of Denver and State of Colorado for the consideration of (\$1,700,000.00) ***One Million Seven Hundred Thousand and 00/100*** dollars in hand paid, hereby sells and conveys to THE PAUL WILKINSON LAW FIRM LLC, A COLORADO LIMITED LIABILITY COMPANY Grantee(s), whose street address is 999 JASMINE ST., DENVER, CO 80220, County of Denver, and State of Colorado, the following real property in the City and County of Denver, and State of Colorado, to wit:

**LOTS 27, 28, 29 AND 30, BLOCK 14,
EXCEPT THE REAR OR WEST 8 FEET OF SAID LOTS,
PORTER AND RAYMONDS MONTCLAIR, AN ADDITION TO THE TOWN OF MONTCLAIR,
CITY AND COUNTY OF DENVER, STATE OF COLORADO.**

also known by street and number as: 999 JASMINE ST., DENVER, CO 80220

with all its appurtenances and warrants the title against all persons claiming under the Grantor(s), subject to *general taxes for the year 2018 and those specific Exceptions described by reference to recorded documents as reflected in the Title Documents accepted by Grantee(s) in accordance with Record Title Matter (Section 8.2) of the Contract to Buy and Sell Real Estate relating to the above described real property; distribution utility easements, (including cable TV); those specifically described rights of third parties not shown by the public records of which Grantee(s) has actual knowledge and which were accepted by Grantee(s) in accordance with Off-Record Title Matters (Section 8.3) and Current Survey Review (Section 9) of the Contract to Buy and Sell Real Estate relating to the above described real property; inclusion of the Property within any special tax district; any special assessment if the improvements were not installed as of the date of Buyer's signature on the Contract to Buy and Sell Real Estate, whether assessed prior to or after Closing; and other EXISTING MONTH TO MONTH TENANCIES*

(SEE ATTACHED "SIGNATURE PAGE")

When Recorded Return to: **THE PAUL WILKINSON LAW FIRM LLC, A COLORADO LIMITED LIABILITY COMPANY
999 JASMINE ST., DENVER, CO 80220**





THE
**PAUL
WILKINSON**
LAW FIRM, LLC

Revised

3900 East Mexico Avenue
Suite 500
Denver, Colorado 80210
Phone: 303.333.PAUL (7285)
Fax: 303.756.1878
Web: www.callpaul.com

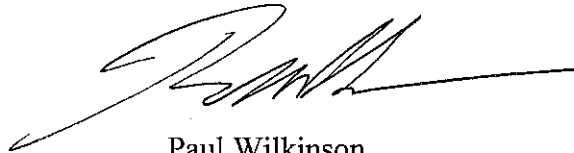
September 17, 2018

Denver Community Planning and Development
Attn: Rezoning Department
201 W. Colfax Ave., Department 205
Denver, CO 80202

*RE: 999 Jasmine Street
Denver, CO 80220*

I, Paul Wilkinson, as the founding member of *The Paul Wilkinson Law Firm LLC* have full legal authority to execute any legal document on behalf of *The Paul Wilkinson Law Firm LLC*.

Attentively,



Paul Wilkinson

999 Jasmine Street Rezoning Application Review Criteria

Consistency with Adopted Plans

The proposed map amendment is consistent with the City of Denver's adopted plans under Comprehensive Plan 2000 and Blueprint Denver 2002. It will be consistent with Blueprint Denver 2019. The building is located in a designated neighborhood center by Blueprint Denver 2002. It is surrounded by a strip mall, medical offices, and residential buildings. A neighborhood center is meant to meet the shopping, service, or entertainment needs of one or more neighborhoods. 999 Jasmine Street will function as offices that serve nearby residents by helping them to meet their legal needs.

Rezoning 999 Jasmine Street from a PUD to an E-MX-3A would make it more consistent with adopted plans under the Denver Zoning Code, Blueprint Denver 2002, and Blueprint Denver 2019 than it currently is. Rezoning this building would serve to repeal the obsolete PUD zoning and change it to a more appropriate district, E-MX-3A. The problems associated with PUDs would be erased by rezoning 999 Jasmine Street, and it will be less complex to regulate the land use for this particular building. An E-MX-3A is a more appropriate district for this building than a PUD. Rezoning the building to an E-MX-3A would also provide greater flexibility for the development in the future.

Rezoning this building will also be consistent with Blueprint Denver 2019. The area where the building is located will be designated Urban Edge, and 999 Jasmine Street fits into this designation. It is located along the main corridors bordering traditional residential areas, in a mixed-use development. The building will specifically be designated as within a local center, which fits its proposed use as an office building, an employment use. It is a low intensity 3 story building, with low activity levels and easily integrates into the surrounding neighborhood.

Uniformity of District Regulations and Restrictions

Rezoning 999 Jasmine Street into a mixed use building will maintain uniformity of district regulations, in compliance with Section 4.2.4. It complies with Section 4.2.4.1 as it is already located in a mixed use district embedded in a neighborhood. It meets the specific intent requirements of Section 4.2.4.2 as an E-MX-3A as it is located in an area served primarily by collector and arterial streets, is 3 stories tall, and its design supports a consistent pattern of buildings placed at the street to offer an active street front. 999 Jasmine Street is consistent with the pattern of buildings surrounding it within a mixed use area.

Public Health, Safety, and General Welfare

Rezoning 999 Jasmine Street from a PUD to an E-MX-3A will allow the building to better support public health, safety, and general welfare. Rezoning will require the building to comply with new health, safety, and general welfare guidelines that were not required under its PUD designation, therefore making it more compliant with health, safety, and general welfare code regulations.

Justifying Circumstances

Since the date of approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. The City adopted the Denver Zoning Code and the property retained the Former Chapter 59 zoning. Rezoning this building will bring it into compliance with the Denver Zoning Code.

Consistency with Description of the Neighborhood Context and Zone District Purpose and Intent

999 Jasmine Street will continue to function consistently with the description of the neighborhood and the zone district purpose when rezoned into an E-MX-3A. 999 Jasmine Street will function as an office building in a neighborhood center. The E-MX-3A designation is appropriate as the building is a 3 story office building within a mixed use development. Rezoning 999 Jasmine Street will not cause any changes to the neighborhood. The building previously functioned as an office building and will continue to function as an office building. It will not increase traffic. The building will serve the community by providing legal services to neighborhood residents. A neighborhood center is meant to meet the shopping, service, or entertainment needs of one or more neighborhoods. With the rezoning of 999 Jasmine Street, this particular neighborhood center will continue to meet the needs of the neighborhood.

Additional Information

In order to facilitate a speedy rezoning process, building owner, Paul Wilkinson, has already made contact with all three Councilmembers for the neighborhood, Mary Beth Susman, Robin Kniech, and Deborah Ortega. Mr. Wilkinson has also been in contact with the Registered Neighborhood Organizations for the neighborhood. Mr. Wilkinson has also already attended the mandatory Preapplication Meeting on September 6, 2018.

Revised

REVISED LEGAL DESCRIPTION 999 JASMINE STREET

LOTS 27, 28, 29 AND 30, BLOCK 14, EXCEPT THE REAR OR WEST 8 FEET OF SAID LOTS, PORTER AND RAYMOND'S MONTCLAIR, AN ADDITION TO THE TOWN OF MONTCLAIR, CITY AND COUNTY OF DENVER, STATE OF COLORADO.