

TO: Denver City Council
FROM: Theresa Lucero, Senior City Planner
DATE: November 9, 2017
RE: Official Zoning Map Amendment Application #2017I-00006
2001-2005 East 18th Avenue
Rezoning from PUD#107 to G-MX-3

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for application #2017I-00006 for a rezoning from PUD#107 to G-MX-3.

Request for Rezoning

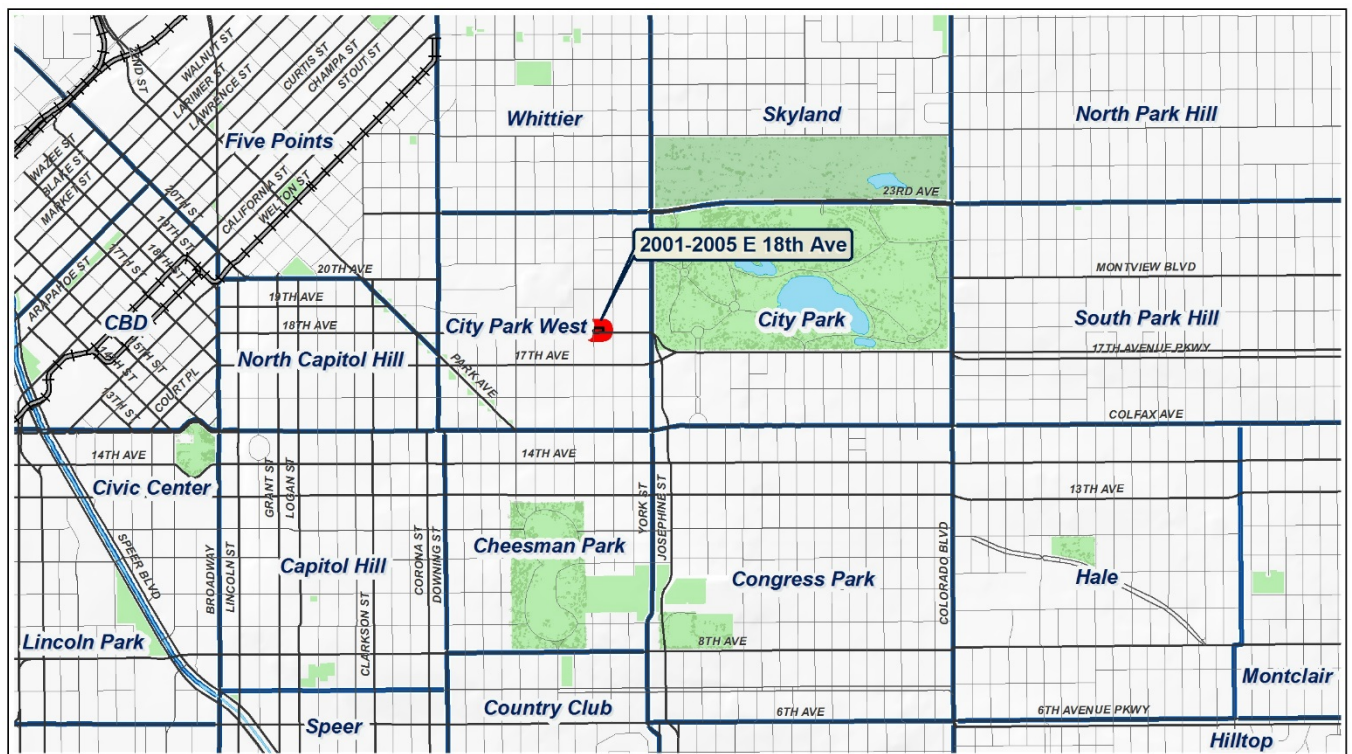
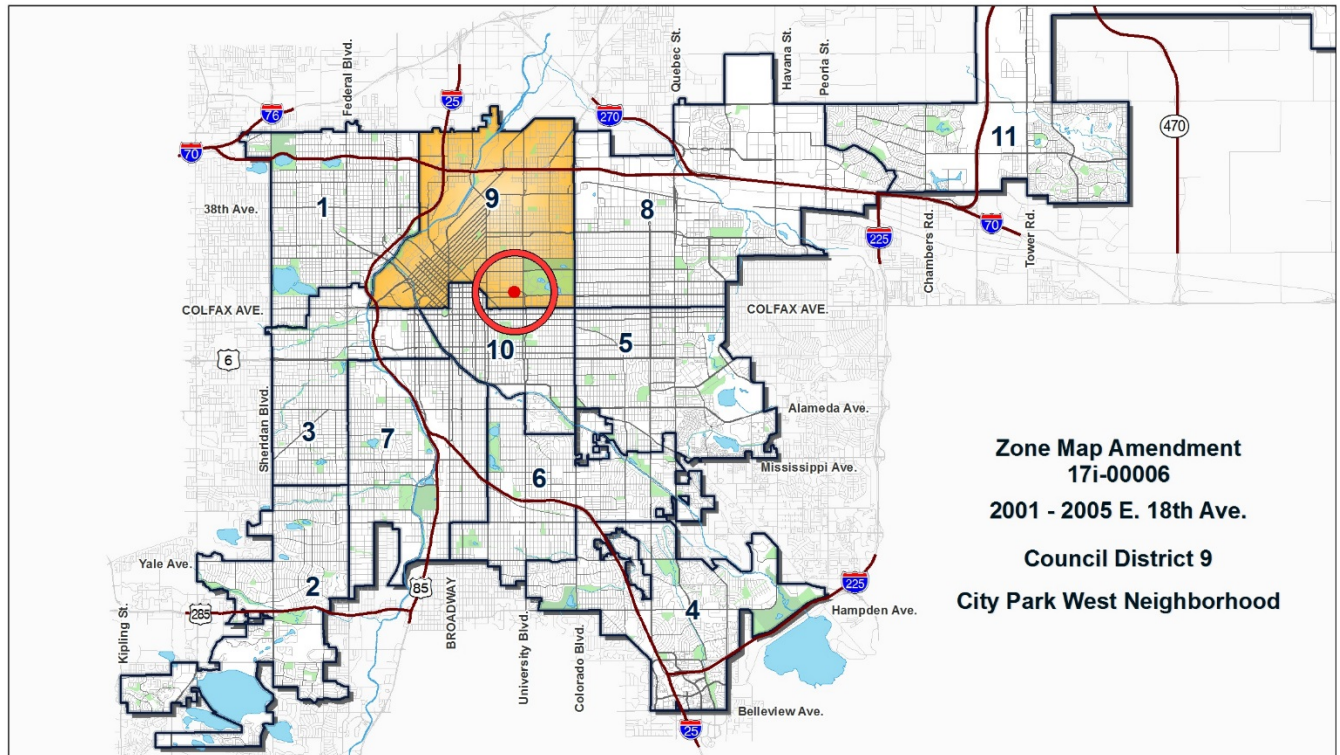
Application:	#2017I-00006
Address:	2001-2005 East 18 th Avenue
Neighborhood/Council District:	City Park West / City Council District 9
RNOs:	Capitol Hill United Neighbors; City Park West Friends and Neighbors; City Park West Neighborhood Organization; Five Points Business District; The Points Historical Redevelopment Corp.; Uptown on the Hill; Denver Neighborhood Association, Inc.; Inter-Neighborhood Cooperation
Area of Property:	6,250 SF, 0.14 Acres
Current Zoning:	PUD #107
Proposed Zoning:	G-MX-3
Applicant/Owner:	Longs Road Ranch, LLC
Contact Person:	Allison Altaras, Esq., Otten, Johnson, Robinson, Neff & Ragonetti

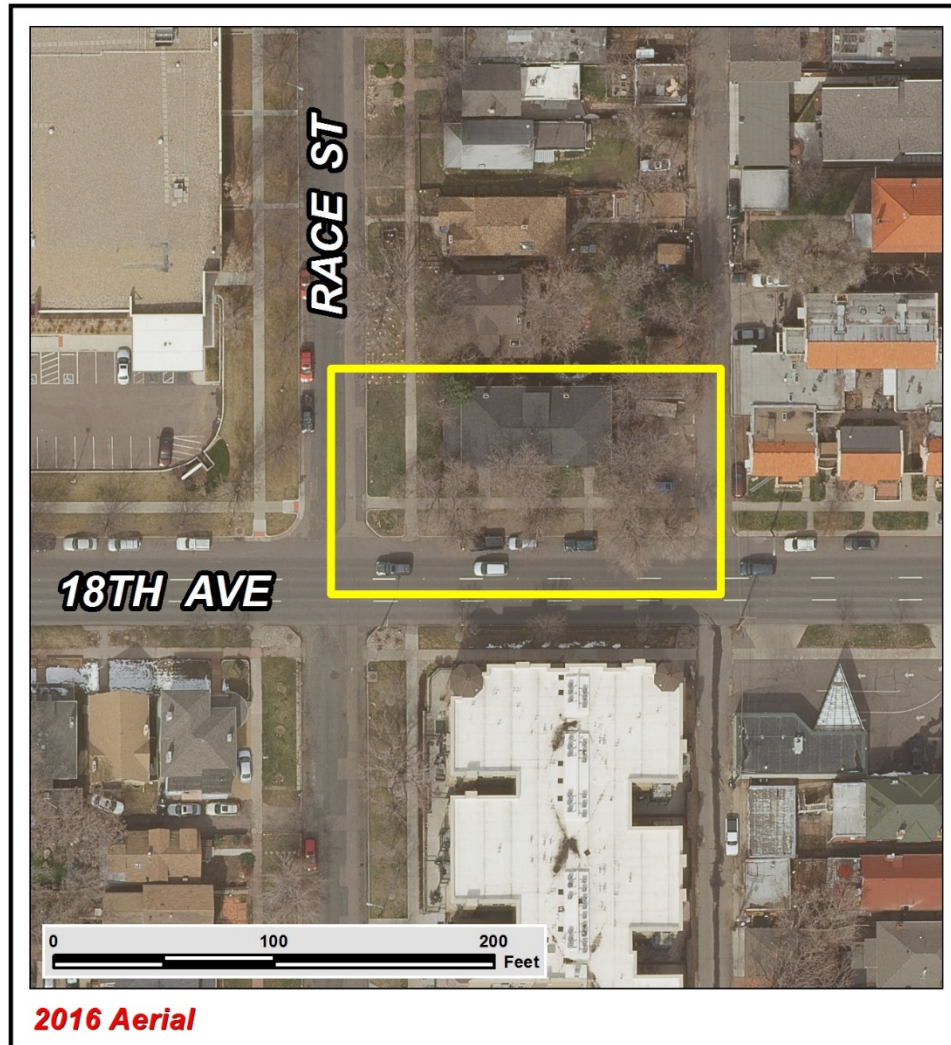
Summary of Rezoning Request

- The subject property contains a two-story duplex structure. The structure is undergoing renovation and when complete will have 2 residential units on the second floor and one non-residential unit on the first floor. The property is a block southeast of Presbyterian – St. Luke’s Medical Center and 4 blocks east of St. Joseph’s Hospital. The requested map amendment is being sought to remove the Former Chapter 59 PUD zoning and rezone the property to the same mixed-use zone district as the adjacent property to the east.
- The **G-MX-3**, **G**eneral Urban, **M**ixed Use, **3**-story (45 feet maximum building height), zone district is intended for use in the General Urban Context which is characterized by single-unit, two-unit and multi-unit residential uses in a variety of building forms. Low-scale commercial areas are embedded within residential areas. Commercial uses occur in a variety of building forms that may contain a mixture of uses within the same structure. The G-MX-3 zone district is a mixed-use zone district intended to promote safe, active pedestrian-oriented areas and to ensure that new development contributes positively to established residential neighborhoods. In the G-MX-3 zone district the General and Shopfront building forms are the allowed primary building forms. Further details of the zone district can be found in Article 6 of the Denver Zoning Code.

Planning Services
Community Planning and Development
201 W. Colfax Ave., Dept. 205 | Denver, CO 80202
www.denvergov.org/CPD
p. 720.865.2983

General Location





1. Existing Context

The subject property is on the northeast corner of 18th Avenue and Race Street. In the general vicinity are:

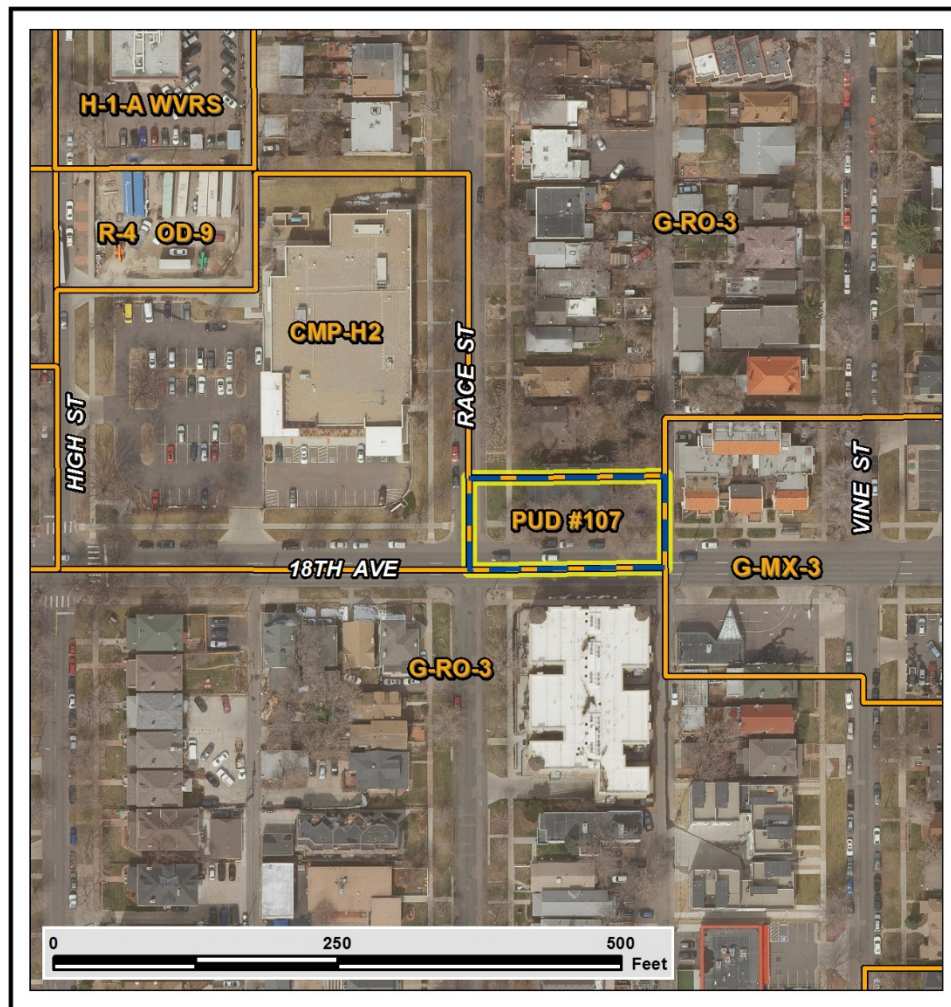
- East Colfax Avenue, 3 blocks south,
- City Park, 3 blocks east,
- East High School, 4 blocks southeast,
- Carla Madison Recreation Center, 5 blocks southeast,
- Presbyterian-St. Luke's Medical Center, 1 blocks northwest,
- Rocky Mountain Hospital for Children, 2 blocks northwest,
- Kaiser Permanente Franklin Medical Offices, 3 blocks northwest,
- Saint Joseph's Hospital, 4 blocks west.

The subject property is surrounded by a broad mixture of single and multi-unit residential uses, as well as office, commercial and civic land uses. Area building heights range from 35 feet to 83 feet, with most area buildings between 35 and 50 feet in height.

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

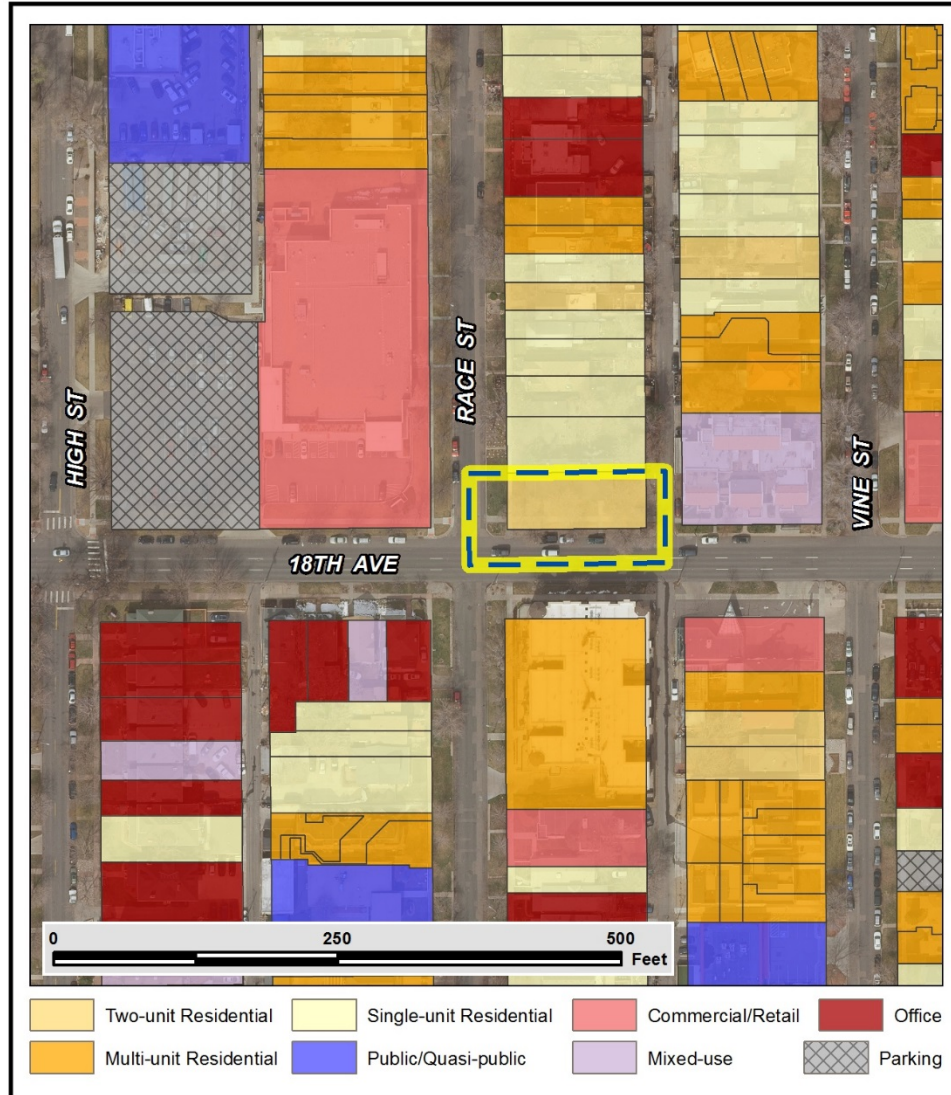
	Existing Zoning	Existing Land Use	Existing Building Form, Scale	Existing Block, Lot, Street Pattern
Site	PUD #107	Vacant	2-story Structure	Grid street patterns with alleys, mixed attached, detached sidewalks. Regular pattern of rectilinear blocks.
North	G-RO-3	Single-family Residential	1-2-story Structures	
South	G-RO-3	Multi-unit Residential	3-story Structure	
West	CMP-H2	Medical Office	1-story Structure	
East	G-MX-3	Mixed Multi-unit Residential & Retail	2-story Structure	

2. Existing Zoning



The current zoning of the subject property is a Former Chapter 59 PUD #107. The terms of the PUD allow all R-4 land uses and a Total Styling Center (hair, cosmetics and color analysis). The R-4 zone district in Former Chapter 59 is a high-density residential and office district which allows hotel or motel land uses and limited accessory retail. In the R-4 zone district the Floor Area Ratio allowed is 4:1, and building size is controlled by bulk standards, off-street parking requirements and open space requirements. PUD #107 limits the maximum allowed gross floor area on the property to 6,552 square feet, and the maximum allowed building height is 30 feet.

3. Existing Land Use



4. View Plane

Building heights on the subject property is limited by the City Park – Natural History Museum View Plane. Buildings on the property are limited to a maximum height of 73 feet. The maximum height allowed in the G-MX-3 zone district is 45 feet.

5. 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.

Asset Management: Approved – No Comments.

Development Services – Project Coordination: Approved, no comments.

Environmental Health: Approved with the following comments: Notes. DEH does not object to the rezoning request.

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

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

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

Public Works – City Surveyor: Approved

Public Review Process

	Date
CPD informational notice of receipt of the rezoning application to all affected members of City Council and Registered Neighborhood Organizations:	07/06/17
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:	08/21/17
Planning Board public hearing. By a vote of 7-0 the Planning Board recommended approval of the rezoning application.	09/06/17
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.	09/19/17
Land Use, Transportation and Infrastructure Committee of the City Council.	10/03/17
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.	10/22/17
City Council Public Hearing.	11/13/17

To date, staff has received no comments on the proposed rezoning.

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)*
- *Uptown Neighborhood Plan (1986)*

Denver Comprehensive Plan 2000

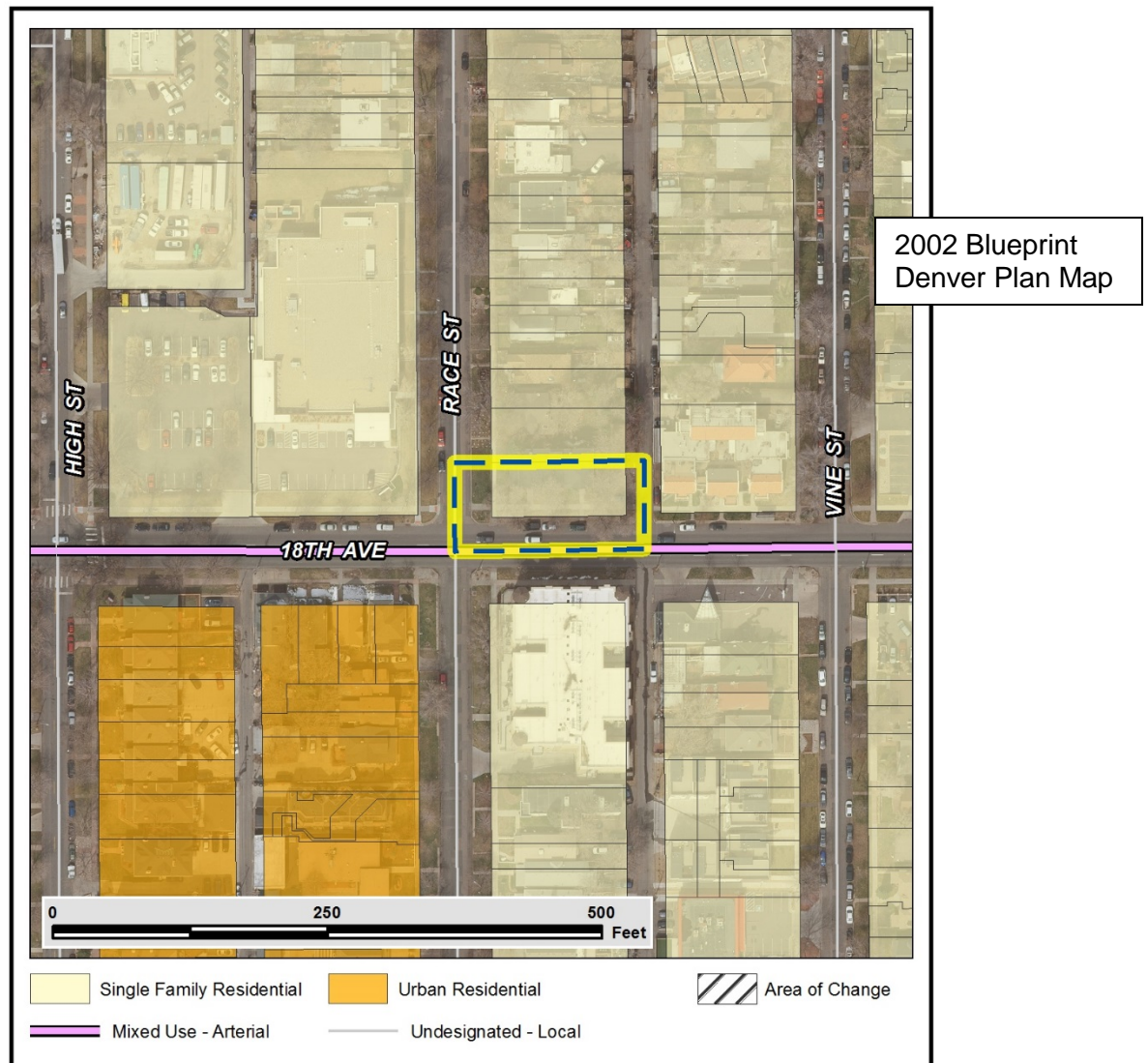
The proposal is consistent with and positively addresses many Denver Comprehensive Plan strategies, including:

- 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).
- Mobility Strategy 4-E to “*Continue to promote mixed-use development, which enables people to live near work, retail and services*” (p. 78).
- 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).
- Economic Activity Strategy 3-B “*Support retention and expansion of businesses in industries historically important to Denver, including small business, health care, manufacturing, and federal and state governments*” (p. 133).

The proposed map amendment will remove a Former Chapter 59 PUD and enable a broader mix of residential and commercial land uses on the property. This low-scale mixture of commercial and residential land uses is common on this portion of East 18th Avenue. With the reinvestment in the existing structure, the redevelopment will also remain in character with the scale of the neighborhood. The rezoning is consistent with the Comprehensive Plan policies that encourage development that is consistent with the character of the neighborhood, but offers increased amenities. The G-MX-3 zone district will allow a wider variety of commercial land uses beyond the limited ones allowed by the PUD.

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 Single Family Residential.



Future Land Use

The Single Family Residential land use concept is described in Blueprint Denver as areas where “single-family homes are the predominate residential type... and the employment base is significantly smaller than the housing base” (p. 42). “A city should contain neighborhoods that offer a variety of housing types, as well as complementary land-use types such as stores, parks and schools that provide the basic needs of nearby residents... Neighborhoods are primarily residential but vary in density, size and adjacency of non-residential uses” (p. 41). The existing land use surrounding the subject property is a broad mix of single- and multi-family residential, commercial, office and medical land uses. The redevelopment of the subject property will replace a Chapter 59 PUD that was approved to introduce one specific commercial land use, and will introduce a broader mix of land uses common on East 18th Avenue. The G-MX-3 zone district will ensure that the scale

of the redevelopment and the allowed land uses are 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 G-MX-3 zone district will allow reinvestment in the existing structure, they will limit new development to a compatible scale with the neighborhood and they will allow land uses like those existing uses in the neighborhood.

Street Classifications

The subject property is on East 18th Avenue, a Mixed Use Arterial street. These street types *“provide a high degree of mobility and generally serve longer vehicle trips”* (p. 51). Race Street is designated an *Undesignated Local Street* on the Blueprint Denver Map. These types of streets are tailored to providing local access. The subject property is also within the quarter-mile buffer of York Street, an Enhanced Transit Corridor. On these corridors, the Plan encourages *“evaluating and implementing enhanced bus transit service”* (p. 98) on Enhanced Transit Corridors, and *“developing transit-supportive incentives like shared or reduced parking, and a mix of transit-supportive land uses”* (p. 100). The G-MX-3 zone district standards are geared toward smaller-scaled, embedded and mixed land uses within neighborhoods. This is consistent with the street types surrounding the subject property.

PUD Recommendations

Blueprint Denver states *“Concerns with PUDs are that their widespread proliferation has increased the complexity of regulating land use, and the conditions they place on development sometimes performs 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”* (p. 82). The current PUD is inflexible in the limited allowance of commercial land uses. The proposed rezoning to G-MX-3 will allow a broader mix of commercial land uses on the property that already exist on adjacent properties with similar G-MX-3 zoning.

Uptown Neighborhood Plan (1986)

The Uptown Neighborhood Plan **vision** has some of the following themes:

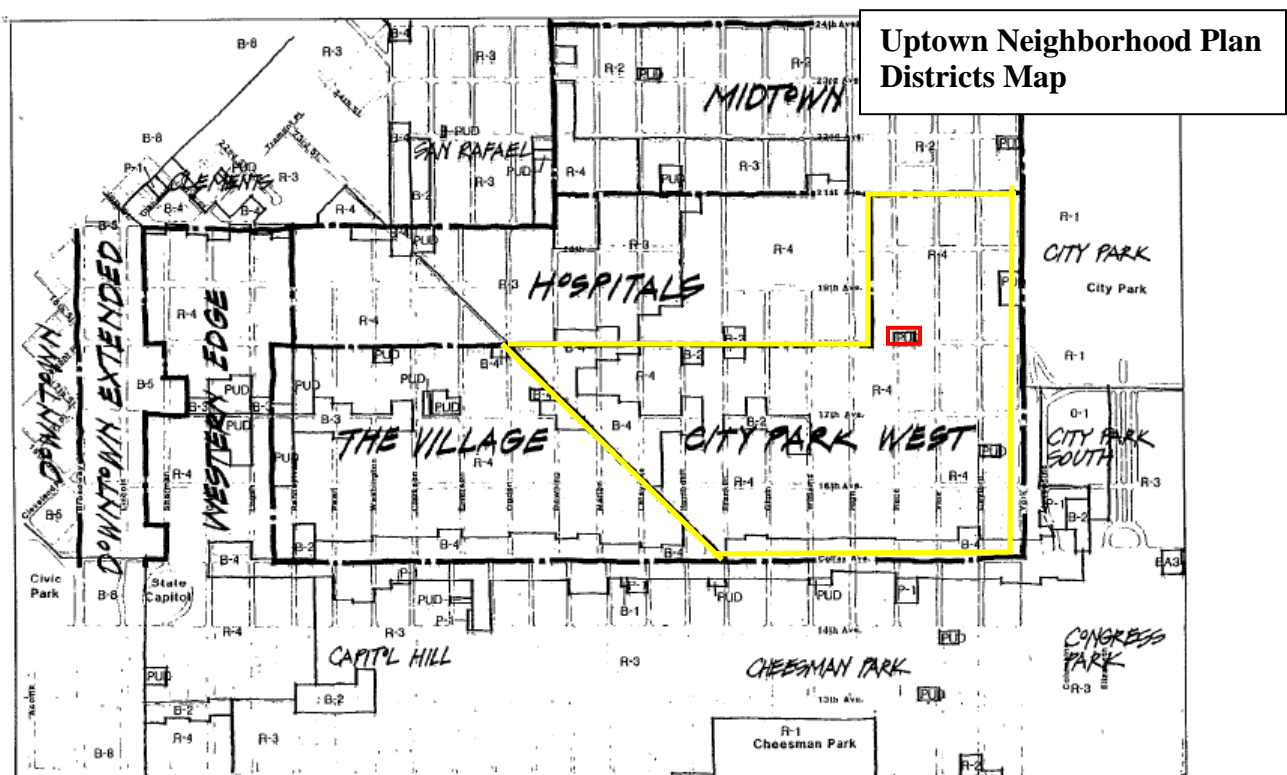
- *“Urban Village – emphasizing the potential of Uptown to redevelop as an urban village, providing a living, working, shopping, and recreational environment for a wide variety of people.*
- *Districts: building on the existing differentiation in the neighborhood, emphasizing the distinct character of each district by providing unique:*
 - *Building densities*
 - *Mixture of land uses*
- *Distinction from Downtown: enhancing the distinctions from Downtown by providing a greater mix of land uses at a lower intensity and with far greater emphasis on housing and historic continuity.*

- *Livability: building on the potential for Uptown to provide an inviting, safe, and comfortable urban living environment for individuals and families of diverse ages, incomes, and ethnic backgrounds.*
- *Economic Vitality: reinforcing the momentum of redevelopment in the neighborhood and strengthening the employment and retail bases” (p. 21).*

In the Plan **Land Use Recommendations**, the Plan discussed the existing (at the time) R-4 zone district which was predominant in the neighborhood, and surrounded the subject property. The Plan states “because of the intensity of development allowed in the R-4 District, Uptown has been considered an extension of Downtown. This has created a situation where the value of a parcel is influenced by the redevelopment potential of the land rather than by the value of the structure on the land.” However, at the time, the Plan was adopted, there was no neighborhood consensus on changing the R-4 zoning. So, the Plan made general land use recommendations including:

- Reinforce Distinctions Between Uptown and Downtown: Recognize and reinforce the distinctions between Uptown and Downtown in bulk, height, land use mixture, setbacks, landscaping and other design considerations.*
- Reinforce the Distinctions Among the Districts: Recognize and reinforce the distinctions among the districts within Uptown, providing for variations in the mixture and intensity of land uses and in the allowable heights and densities, while creating neighborhood continuity.*
- Encourage Mixed Use Projects: Evaluate how to allow greater use of retail in office, residential, and office/residential projects where appropriate.*
- Encourage Housing: Evaluate the issue of how to achieve housing as part of new office developments and to limit office conversions at the expense of housing in select areas.”*

The Plan divides the neighborhood into six districts with their own distinct characteristics. The subject property is in the City Park West District. See the Plan District Map below.



For the City Park West District (also called Park Avenue to York in the Plan) the area is described as having “a mixture of low density office, residential and retail and uses. The character of the area remains largely residential although many of the older homes have been converted to office uses.” Recommendations for this area:

- *Encourage Housing: Efforts should be directed toward retaining the residential character, and increasing both the number of residential units and the percentage of total land uses which are residential.*
- *Encourage Compatibility: Encourage the compatibility of new development with the residential character of this district and encourage a balanced mix of land uses” (p. 29-30).*

And the Plan contains “Recommendations for Streets which Cross District Boundaries” such as East 18th Avenue. *The Plan description of East 18th Avenue is “B-2, B-3 and R-4 zoning help create a diversity of character and land uses along 18th Avenue, which accommodate residential, office, medical, and retail uses.” Recommendations for the street include:*

- *“Improve Pedestrian Character: Uses along 18th Avenue should be pedestrian-oriented.*
- *Hospital Support and Destination Retail: East 18th Avenue should provide hospital-support retail, neighborhood retail, housing and some Downtown-support uses” (p. 35).*

And finally, the Plan contains Retail Recommendations stating “Retail uses will be most successful if they are concentrated where they are most visible, have the best access, and can develop unique identities.

- *“Concentrate Retail Uses on East/West Streets: Retail uses should be concentrated on the most heavily traveled east/west streets: Colfax, 17th, and 18th Avenues....*
- *Concentrate Retail Uses Around Business Zoning Districts: Retail uses should be concentrated around present retail development” (p. 37).*

The Uptown Neighborhood Plan vision for the subject property is that the property *should:*

- *redevelop as a part of an urban village, providing a living, working, shopping, and recreational environment for a wide variety of people.*
- *provide a greater mix of land uses at a lower intensity and with far greater emphasis on housing and historic continuity.*
- *reinforce the momentum of redevelopment in the neighborhood and strengthen the employment and retail bases.*

A summary of the Uptown Plan land use recommendations for the subject property include recognizing and reinforcing the distinctions between Uptown and Downtown, and between the Districts within Uptown, in bulk, height, land use mixture and in the mixture and intensity of land uses, building heights and densities. For the City Park West District in Uptown, the Plan recommends retaining the residential character, a balanced mix of land uses and encouraging compatibility of new development with the existing residential character. And more specifically for 18th Avenue and the retail in Uptown the Plan recommends that 18th Avenue should be pedestrian-oriented and should provide hospital-support and neighborhood retail and housing. And finally, for retail in the City Park West District the Plan recommends a low-intensity mix of a variety of commercial and residential land uses and strengthening the employment and retail base in the area.

The current PUD zoning of the subject property already allows a limited mix of commercial and residential land uses. The G-MX-3 zone district will allow for a wider variety of commercial and residential land uses at a low-intensity of both density and scale which is compatible with the existing area. In addition, the location of the subject property on 18th Avenue, adjacent to an area with existing G-MX-3 zoning, and within a block of Presbyterian St. Luke's Medical Center, provide the opportunity for hospital- or neighborhood serving retail land uses as the Uptown Plan recommends.

- 2. Uniformity of District Regulations and Restrictions:** Rezoning the site to G-MX-3 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 G-MX-3 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 a re-use of an existing structure that is in character with the neighborhood in scale and intensity, by supporting reinvestment in the existing Uptown neighborhood and by implementing the area plan for the neighborhood.
- 4. Justifying Circumstances**

The applicable justifying circumstance is that the land or its surrounding environs has changed to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area. The proposed map amendment is in response to the changed circumstances of the Presbyterian-St. Luke's/St. Joseph's Hospital major redevelopment, and substantial commercial and residential redevelopment in the area including the new Carla Madison Recreation Center. These changes are appropriate changed circumstances.
- 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 General Urban Neighborhood Context. The Denver Zoning Code describes the General Urban context as characterized by multi-, single- and two-unit residential uses in a variety of building forms. Low-scale commercial areas are embedded within residential areas. Commercial uses occur in a variety of building forms that may contain a mixture of uses within the same structure. Residential uses are primarily located along local and residential arterial streets. Commercial uses are primarily located along mixed-use arterial and main streets but may be located at or between intersections of local streets. There is a regular street grid pattern with alleys.

The General Urban residential mixed-use zone districts are intended to "*promote safe, active, and pedestrian-scaled, diverse areas through the use of building forms that clearly define and activate the public street edge.*" The districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering, and to ensure new development contributes positively to established residential neighborhoods and character. The G-MX-3 zone district applies to area or intersections served primarily by local or collector streets where a building scale of 1-3 stories is desired.

The proposed map amendment is consistent with both the general and specific purpose and intent of the General Urban Context and the G-MX-3 zone district because the proposed zoning will promote new moderately-scaled mixed-use redevelopment that is in character with the Uptown neighborhood.

Attachments:

1. Application
2. Legal Description
3. Existing PUD #107

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	Longs Road Ranch, LLC	Representative Name	Allison Altaras, Esq.
Address	P.O. Box 247	Address	950 17th Street, Suite 1600
City, State, Zip	Oak Creek, CO 80467	City, State, Zip	Denver, Colorado 80202
Telephone	(970) 389-1530	Telephone	(303) 575-7516
Email	findira@aol.com	Email	aaltaras@ottenjohnson.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):	2001 - 2005 E. 18th Avenue		
Assessor's Parcel Numbers:	0235511018000		
Area in Acres or Square Feet:	6,250 square feet		
Current Zone District(s):	PUD No. 107		
PROPOSAL			
Proposed Zone District:	G-MX-3		

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.</p> <p>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>
<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"/> The land or its surroundings has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area to recognize the changed character of the area.</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>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.</p> <p>Please provide an attachment describing how the above criterion is met.</p>

REQUIRED ATTACHMENTS

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

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

ADDITIONAL ATTACHMENTS

Please identify any additional attachments provided with this application:

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

Please list any additional attachments:

Additional Property Owner Representative Contact Information; Memorandum in Support of Rezoning dated June 23, 2017

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
Ira Wertenteil: Longs Road Ranch, LLC	PO BOX 247 Oak Creek, CO 80467	100%	<i>Ira Wertenteil</i>	3/6/17	B	YES

Memorandum

TO: Theresa Lucero, Senior City Planner
City & County of Denver
Office of Community Planning & Development

FROM: Allison P. Altaras, Esq.
Otten Johnson Robinson Neff & Ragonetti P.C.

CC: Ira Wertenteil, Longs Road Ranch, LLC
Adrian Weatherby, Zaga Design Group, Inc.

DATE: June 23, 2017

RE: Application for Rezoning—2001-2005 E. 18th Avenue

This Memorandum is respectfully submitted in support of the Application for a Zone Map Amendment (the “Application”) for 2001-2005 E. 18th Avenue, Denver, Colorado (the “Property”) from PUD No. 107 to the G-MX-3 Zone District under the Denver Zoning Code (the “Code”).

The Property is located in the City Park West Neighborhood on the north side of East 18th Avenue between Vine Street and Race Street. It is situated just east of the Presbyterian-St. Luke’s Medical Center and Saint Joseph Hospital complex and just west of City Park. There is a two-story brick building (the “Building”) on the Property that was originally built at the turn of the century and is being painstakingly renovated by its current owner. The renovations will create two residential dwelling units, each of approximately 1,400 square feet, on the second floor and one commercial unit of approximately 2,800 square feet on the first floor.

The Property is currently zoned within PUD No. 107. The PUD, created in 1985, permits all uses allowed under the former R-4 Zone District, along with a “Total Styling Center, including hair, cosmetics, and color analysis” in the first-floor commercial portion of the Building. The purpose of the Application is to remove the PUD and rezone the Property into the G-MX-3 Zone District under the Code. This will allow a more modern and comprehensive set of commercial uses on the first floor of the building, consistent with the uses allowed in the adjacent G-MX-3 Zone District to the east of the Property.

Given the location, size, orientation, and character of the Property, a mixed-use Zone District that allows residential uses plus low-impact commercial uses would be more appropriate for the Property than the PUD, and is consistent with the zoning of other similarly situated properties in the immediate vicinity.

General Review Criteria per Code § 12.4.10.7

The Application satisfies all of the General Review Criteria for a Zone Map Amendment, as described below.

A. *Consistency with Adopted Plans*

There are several adopted plans that cover the Property, including *Blueprint Denver*, the *Denver Comprehensive Plan 2000*, the *Uptown Neighborhood Plan*, and the *Uptown Healthcare District Plan Update*. The Application is consistent with the goals and policies of each of these plans.

Per *Blueprint Denver*, the Property is designated in an Area of Stability. The goal for Areas of Stability is to identify and maintain the character of an area while accommodating some new development and redevelopment (p. 120.) “In some cases, it may be appropriate to change the zoning in an area to create a better match between existing land uses and zoning” (p. 124). The Application proposes to change the zoning on the Property to create a better match between its existing and potential uses (for example, residential plus retail, office, restaurant, art, or other small-scale commercial uses) and its zoning classification. Per *Blueprint Denver*, the Property’s designated Land Use Concept is Single Family/Duplex Residential, which includes moderately dense, primarily residential uses with complementary, small-scale commercial uses. The Application is consistent with this *Blueprint* Land Use Concept as the G-MX-3 District allows for small-scale commercial uses alongside single and multi-family residential uses.

The Application is also consistent with several *Denver Comprehensive Plan 2000* strategies, including:

- *Land Use Strategy 4-A – Encourage mixed-use, transit-oriented development that . . . encourages vibrant urban centers and neighborhoods.* The Application proposes to rezone the Property to a mixed-use district that encourages a vibrant urban neighborhood with a mix of residential and pedestrian-friendly commercial uses in close proximity to public transit.
- *Mobility Strategy 4-E – Continue to promote mixed-use development, which enables people to live near work, retail, and services.* The Application promotes mixed-use development supporting both residential and commercial uses in an established urban neighborhood close to employment centers like the hospital district.
- *Denver Legacies Strategies 7-B and 7-C – Support historic preservation in neighborhoods; explore the preservation and rehabilitation of post-World War II neighborhoods.* The Application supports historic preservation in the City Park West Neighborhood by encouraging reinvestment and adaptive reuse of the existing Building.
- *Housing Strategy 6-A – Support mixed-use development consistent with the goals of the Comprehensive Plan’s land-use and mobility strategies.* The Application facilitates pedestrian-scale commercial use of the Property on an arterial street (East 18th Avenue) that links City Park and downtown.
- *Economic Activity Strategy 3-B – Support retention and expansion of businesses in industries historically important to Denver, including small business* The size and orientation of the Building make it an ideal location to house small businesses that serve the local community. Rezoning the Property to a mixed-use district facilitates occupancy by small businesses.

The Application is also consistent with the goals and policies of the *Uptown Neighborhood Plan* and *Uptown Healthcare District Plan Update*. Though the Uptown Neighborhood Plan is over thirty years old and the other adopted plans should be more heavily relied upon, the Application is still supported by several of its goals.

These goals include maintaining and retaining existing housing (p. 22); encouraging mixed-use projects (p. 24); encouraging neighborhood retail and housing along East 18th Avenue (p. 35); limiting the number of vacant buildings (p. 45); and preserving and improving existing commercial areas (p. 46).

The Property is also within the Uptown Healthcare District “influence area” under the more recently adopted *Uptown Healthcare District Plan Update*. That plan promotes a mix of uses and greater density between 17th and 18th Avenues (p. 13); protecting the historic housing stock as a value to the neighborhood (p. 16); supporting rezonings that allow for a mixed-use community with people living, working, and recreating within the community (p. 22).; and supporting adaptive reuse of existing structures throughout the district but especially between 17th and 18th Avenues (p. 28).

B. Uniformity of District Regulations and Restrictions

The Application results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification. The Application seeks to rezone the Property into the G-MX-3 Zone District with no waivers or conditions. This will result in regulations and restrictions that are uniform throughout the G-MX-3 Zone District. The Property is adjacent to the G-MX-3 Zone District immediately to the east. Though adjacency is not required by the Code, the Application has the effect of removing the single-lot PUD and harmonizing zoning in the neighborhood as a whole.

C. Public Health, Safety, and General Welfare

The Application furthers the public health, safety, and general welfare of the City in several ways. The Application poses no health, safety, crime, or environmental-related hazards. The Application will facilitate providing high-quality, in-demand housing within the same structure as low-intensity, neighborhood-scale commercial uses. Removal of the PUD will increase the value of the Property and encourage reinvestment. The Property’s owner and tenants will also be able to utilize the standard zoning permitting process under the Code. This will reduce the risk of vacancies within the commercial portion of the building, and by extension, the risk of the appearance of blight and associated crime. The Application also promotes the general welfare of the City and neighborhood by eliminating outdated and unnecessary PUDs.

Additional Review Criteria per Code § 12.4.10.8

A. Justifying Circumstances

The proposed rezoning is justified by changed circumstances in the City Park West Neighborhood. The Property’s surrounding environs have changed to a degree that it is in the public interest to recognize the changed character of the area. At the time the PUD was approved, there were concerns about and efforts to restrict commercial uses embedded in the City Park West Neighborhood (*see* introductory portions of the *Uptown Neighborhood Plan*). In the decades since, the Presbyterian-Saint Luke’s/Saint Joseph Hospital district has been substantially redeveloped. There has also been a City-wide effort to encourage mixed-use development and support reinvestment in urban properties. The east-west corridors in the City Park West Neighborhood, including Colfax, East 17th Avenue, and East 18th Avenue have seen considerable reinvestment and new development of both residential and commercial properties. The introduction of new jobs and denser multi-family housing in the area has increased demand for neighborhood-sale commercial uses. Mixed-use zoning for the Property will enable it to offer both housing and commercial amenities to City Park West Neighborhood residents and hospital district employees.

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

The Application is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed zone district. Per Code § 6.1.1, the General Urban Neighborhood Context is characterized by multi-unit residential uses in a variety of building forms and commercial uses in a variety of building forms that may contain a mixture of uses within the same structure (as is proposed by the Application). Per Code § 6.2.3.1, a general purpose of the mixed-use districts is to create mixed, diverse neighborhoods. The specific intent of the G-MX-3 Zone District is application to areas or intersections served primarily by local or collectors streets where a building scale of one to three stories is desired. Code § 6.2.3.2.A. The Property is situated between two local streets (Race Street and Vine Street) and the existing building is two stories. This makes the G-MX-3 Zone District an appropriate Zone District for the Property.

In sum, the Application satisfies all of the General Review Criteria and Additional Review Criteria for a Zone Map Amendment.

2001 – 2005 E. 18th Avenue Legal Description

Lots 27 and 28, Block 5, McCulloughs Addition Second Filing, City and County of Denver, Colorado.

PUD #107 ZA -

Area Map indicating property to be rezoned will be prepared by the Department of Zoning Administration	City and County of Denver DEPARTMENT OF ZONING ADMINISTRATION APPLICATION FOR ZONE MAP AMENDMENT	Application Number 3489	
		Date Submitted 5-28-85	Amended Fee ---

1. Applicant Zoning Administration (for correction purposes)	2. Address 3840 York Street Unit H Denver, CO 80205	3. Phone No. 575-2191	4. Interest <input type="checkbox"/> Owner(s) <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Other
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5. Owners of Property or Properties (If not the Applicant) Lakeside National Bank James T. Nick Vice President	6. Address P.O. Box 12000 Denver, CO 80212	7. Phone No. 455-2000
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8. Location of Proposed Change
2005 East 18th Avenue, Denver, Colorado

9. Legal Description of Property: (If Legal Description is lengthy, please attach additional sheet.)
Lots: 27 & 28 Block: 5 Addition: Second Filing of McCullough's Addition

10. Area of Subject Property, Sq. Ft. or Acres 6250 Sq. Ft.	11. Present Zone R-4	12. Proposed Zone P.U.D.
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13. Describe briefly the nature and expected effect of the proposed amendment. Be sure to include an explanation of the legal basis for the proposal: either (a) the error in the map as approved by city council, or (b) the changed or changing conditions making the proposed amendment necessary.

The intent of this PUD is to allow a Total Styling Center, including hair, cosmetics and color analysis in property currently zoned as R-4. The PUD to allow 2,180 sq. ft. of 5552 sq. ft. of the existing building for the Total Styling Center would compliment the adjacent R-4 zones. This is similiar to allowing an accessory use in a building of over 50,000 sq. ft. A total Styling Center is no more intense than many of the uses already permitted under R-4. Thus, this PUD would not diminish the character of this neighborhood, but provide a service usable by all in the neighborhood.

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

We propose to establish a Total Styling Center in 2180 sq. ft. of the 5552 sq. ft. available at this location. The remaining floor area shall be used for any R-4 use, or the entire building may be used for any R-4 use.

15. Exhibits Submitted, Number and Kind One Map, Existing Conditions Map District Plan	16. Applicant's Signature <i>Sarathy Q. Nepa</i>
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2005 E. 18th AVE: MUD APPLICATION

GROSS FLOOR AREA BY PERMITTED USES:

- 2a 3372 sq. ft. R-4 uses by right, accessory uses and home occupations (2nd & 3rd floor, partial basement)
2180 sq. ft. Total Styling Salon (1st floor)
1000 sq. ft. provision for future expansion R-4.
6552 sq. ft. total
or 6552 sq. ft. R-4 uses by right, accessory uses and home occupations.

*Total Styling Salon shall be defined as a beauty salon plus consultings on cosmetics, color analysis and proper clothing styles.
*

- b HEIGHT OF STRUCTURE: Maximum 30 feet.

c PARKING PROVISIONS:

Parking for 5 automobiles shall be provided to the east side of the structure. All stalls are standard size (9ft. x 19 ft.) or larger. The property owner will abide by section 59-585, Use and Maintenance of Off Street Parking Space.

LOADING PROVISIONS: Not required.

d SOUTH PROPERTY LINE SETBACK:

All structures shall set back a distance of 18.8' from the South Property Line.

NORTH PROPERTY LINE SETBACK:

All structures shall be set back a distance of not less than 1.5' from the North Property line.

WEST PROPERTY LINE SETBACK:

All structures shall be set back a distance of not less than 15' from the West Property line.

EAST PROPERTY LINE SETBACK:

All structures shall be set back a distance of not less than 25.0' from the East Property line.

MINIMUM SPACING: Not applicable.

*If the building is removed or demolished all new development will be regulated by the R-4 regulations, Sec 59-206 thru Sec 59-220

2005 E. 18th AVE: PUD APPLICATION

e. LAND COVERAGE: BY IMPERVIOUS SURFACES:

Existing structure	2180 square feet	35%
Parking (open)	1250 square feet	20%
Side walks, patios etc	165 square feet	03%
Open space not impervious	2655 square feet	<u>42%</u>
		100%

f. SURFACE DRAINAGE:

The Owner shall abide by the rules and regulations of the Wastewater Management Division.

g. INTERIOR STREETS AND DRIVES:

There will be ample pedestrian circulations within the district.

h. EASEMENTS:

There Are none

i. BUFFER AREA:

A 5 foot high wall exists along the north side of the site, plus we would like to retain the right to add future fences as per R-4 regulations. There is no substantial buffer between this and adjacent R-4 zoned lots.

j. RECREATIONAL VEHICLE STORAGE:

No recreational vehicle storage space is provided and parking of recreational vehicles is prohibited.

k. DEDICATIONS AND IMPROVEMENTS:

The Owners shall conform,with city ordinances and agency rules and regulations.

l. SCHOOL POPULATION:

Elementary school .4 pupils, Middleton School. .08 pupils, High school .12 pupils based on 4 units max and information provided by Denver school system,

m. OPEN SPACE:

There is 2655 square feet of existing open space designated for private usage.**

n. SOUND, HEAT, GLARE, FUMES, ETC:

The Owner shall abide by the R-4 Zoning Code restrictions on external effects.

o. RESTORATION OF NATURAL TERRAIN:

Not applicable

** All existing foiliage (including lawn, shrubbery and trees) to the west and south of the existing structure shall be maintained in a healthy and growing condition.

2005 E. 18th AVE: PUD APPLICATION

p UTILITIES:

Sanitary sewer is provided 8' from property line to east in the alley between Race Street and Vine Street. Water is provided from a main in the north side of E. 18th Ave. Electric power is overhead in the alley to the east between Race and Vine Streets. Storm drainage exists to the south of the property in E. 18th Ave. and flows east. Gas is provided to the south of the property in E. 18th 57' from property line. Existing utilities will be adequate.

q SIGN TREATMENT:

The applicant will abide by specific sections 59-537, Signs Permitted in all Districts, 59-538, Area Measurement, and 59-549, R-4 District.

r OUTDOOR STORAGE:

Outdoor storage is provided at the north corner of the lot and cannot be seen from the right of way.

s TRAFFIC IMPACT:

Parking is provided for 5 automobiles and it is estimated that the maximum movement will be 30 vehicles per day. This is considered to have minimum impact on E. 18th Ave. which is carrying in excess of 14,500 cars daily.

t PUBLIC TRANSPORTATION:

The nearest bus stop is approximately 150 feet to the east near the corner of E. 18th Ave. & Vine Street.

u PUBLIC FACILITIES:

Nearest Schools: (a) Mitchell Elementary, 1350 E. 33rd Ave. (b) Morey Middle School, 840 E. 14th Ave., (c) East High School, 1545 Detroit St.
Nearest Fire Station - Station 8, 1616 Park Ave.
Nearest Police Station - District 2, 3555 Colorado Blvd.
Nearest Recreation Center - Capitol Hill, 915 E. 9th Ave.
Nearest Library - Fort Warren 2825 High St.

5a MARKET:

This proposed PUD is intended to serve those who work and live in the neighboring areas. Its location makes it convenient for those whose work schedule allows time for a daytime hair style and also those who wish to stop on their way home from work.

5b COMPREHENSIVE PLAN:

The current R-4 zoning indicates a high density residential/commercial area. The concept of a business oriented toward residences in a nearby area is encouraged by the Comprehensive Plan Policies B-10 and B-14. As suggested, a resident can utilize a Total Styling Center without traveling to a highly commercial area. The proposed PUD would permit an otherwise B-2 zoned business to operate

2005 E. 18th AVE: PUD APPLICATION

in an R-4 zoning. The B-2 is actually a less intense zone than an R4. With the increasing amount of traffic on E. 18th Ave. and nearby E. 17th Ave. a business of this nature is encouraged by Policies B1 and B2.

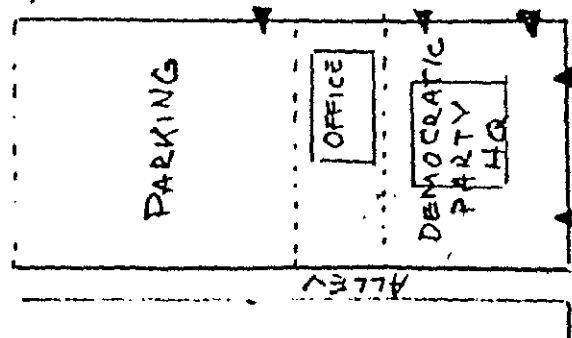
5c CHARACTER OF SURROUNDING NEIGHBORHOOD:

With the increasing intensity of the surrounding neighborhood, both residential and commercial, the need for catering to the individual can be lost. This PUD, which does cater to the individual, will provide a service to the neighborhood and will not negatively impact the residential neighborhood. There would be no more noise, traffic, or other nuisances than are already generated by businesses in this and adjacent buildings.

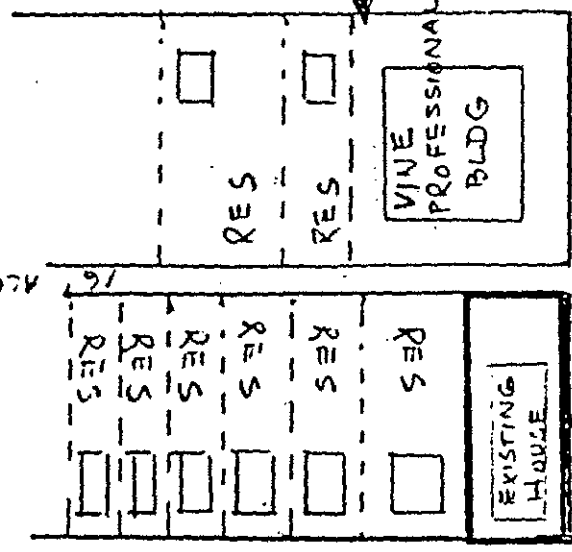
This application contains the Planning Office stipulations approved at the Planning Board Hearing of August 3, 1983.

EXISTING CONDITIONS MAP

RACE ST 80' ROW
ADT NOT AVAILABLE



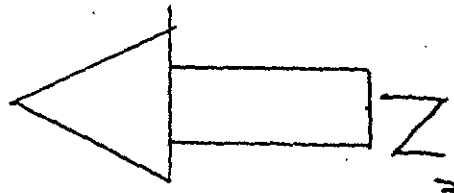
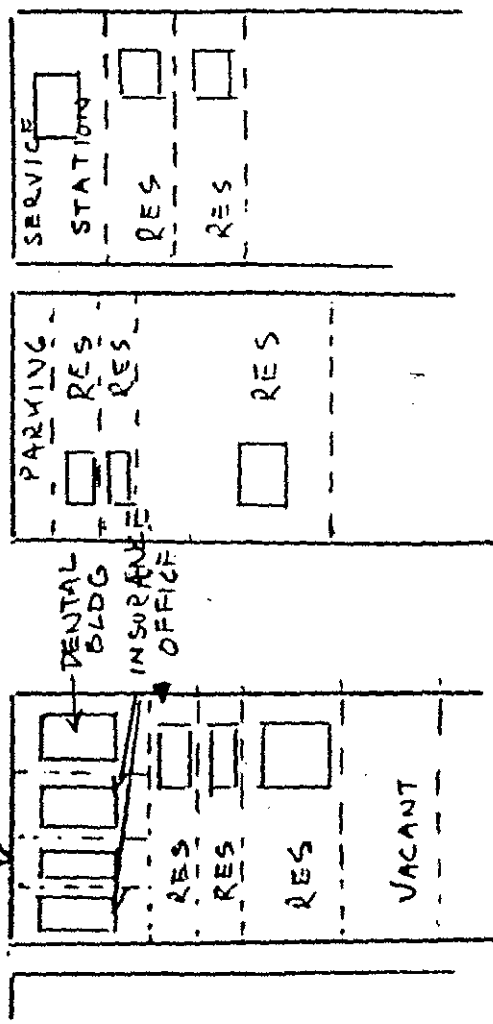
16' ALLEY



VINE ST

PROPOSED PUD

E 18TH AVE 80' ROW
14,700 ADT



SCALE 1" = 100'

7/1/83

ENTIRE AREA IS ZONED R-4

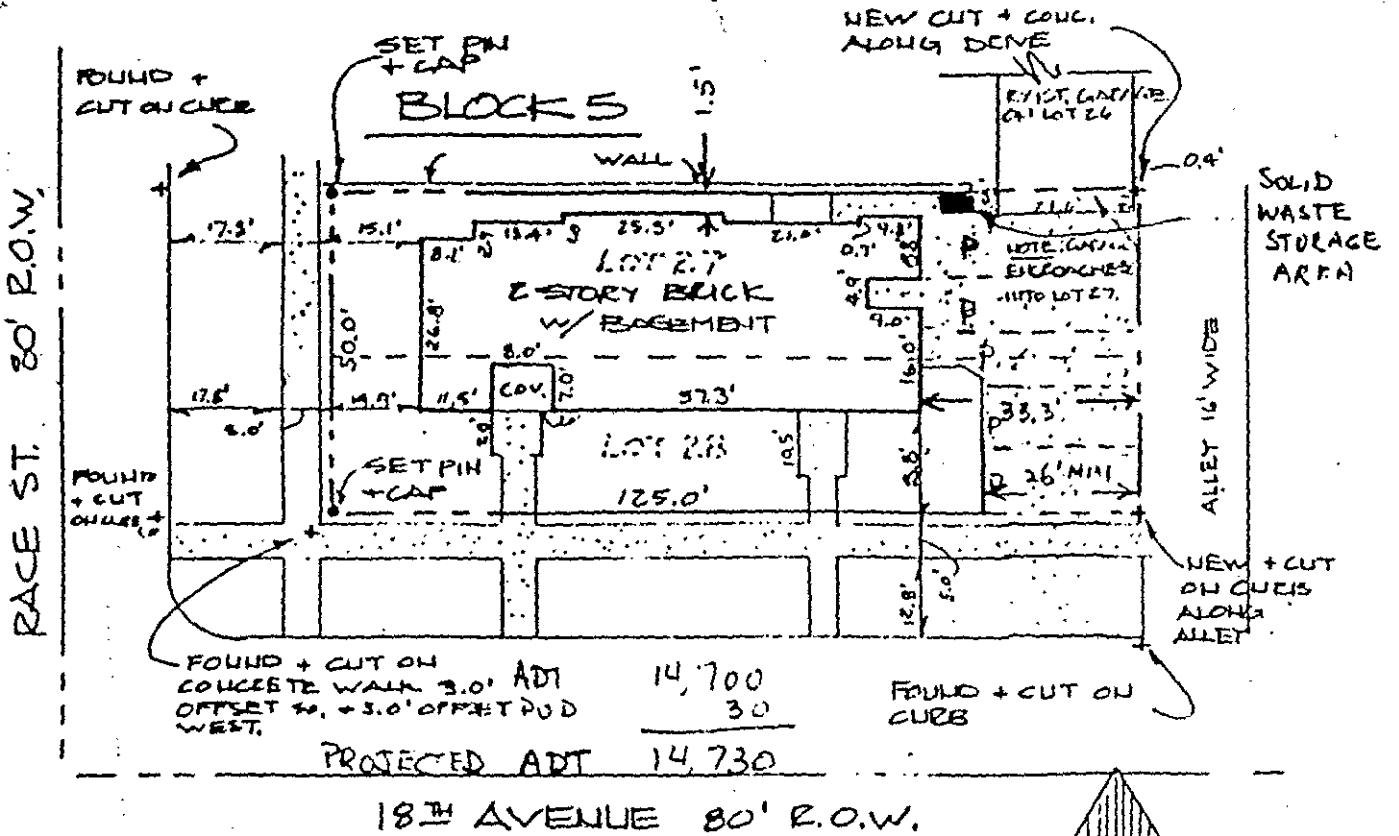
PROJECT AREA = 6250 SQ. FT.

K.A. DEVELOPMENT SERVICE, INC.
 6905 W. COLFAX, SUITE 1
 LAKEWOOD, COLORADO 80215 732-7238

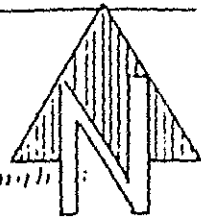
PROPERTY IMPROVEMENT LOCATION PLAN

2001-2003-2005 E. 18TH AVE.
 DENVER, COLORADO

DESCRIPTION: LOTS 27 AND 28, BLOCK 5, OF McCULLOUGH'S
 ADDITION, CITY AND COUNTY OF DENVER, STATE OF
 COLORADO.



I do hereby certify that I did on the 7th. of
 Nov. 1981, establish the true locations of the
 corners for lots 27 and 28 Block 5 of McCullough's
 Addition, to the City and County of Denver,
 State of Colorado.



SCALE 1" = 30.0'

James Lee Wheat
 James Lee Wheat

7/1/83
 8/23/83 AMENDED



DISTRICT PLAN

4

HILL

400(57)

20th

Ave.

SECOND

FILING

OF

R



MC CULLOUGH'S

ADDITION

Proposed Rezoning From R-4 To P.U.D.



18th

Ave.

TO

DENYER

R-4

44

7

8

9

7th

Ave.

ADDITION

B-2

Williams

High

Rose

Vine

Coyford

1h

Ave.