



**DENVER**  
THE MILE HIGH CITY

**Community Planning and Development**  
**Planning Services**  
Plan Implementation

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Denver, CO 80202  
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[www.denvergov.org/planning](http://www.denvergov.org/planning)

**TO:** Denver City Council  
**FROM:** Chris Gleissner, Senior City Planner  
**DATE:** June 4, 2012  
**RE:** Zoning Map Amendment Application #2011I-00036  
1804 S Pearl, from U-TU-C to U-MS-2X

### Staff Report and Recommendation

Based on the criteria for review including legal basis evaluation and compliance with adopted City plans, Staff recommends approval for application #2011I-00036 for a rezoning from **from U-TU-C to U-MS-2X**.

#### I. Scope of Rezoning

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Application:	<b>#2011I-00036</b>
Address:	<b>1804 S Pearl Street</b>
Neighborhood/Council District:	Council District #7
RNOs:	Old South Pearl Street Merchants Association, Platt Park People's Association, Inter-Neighborhood Cooperation
Area of Property:	0.29 acres
Current Zoning:	U-TU-C and U-MS-2X
Proposed Zoning:	<b>U-MS-2X</b>
Applicant/Owner:	Stephen Koloskus
Contact Person:	Joe Simmons

#### II. Summary of Proposal

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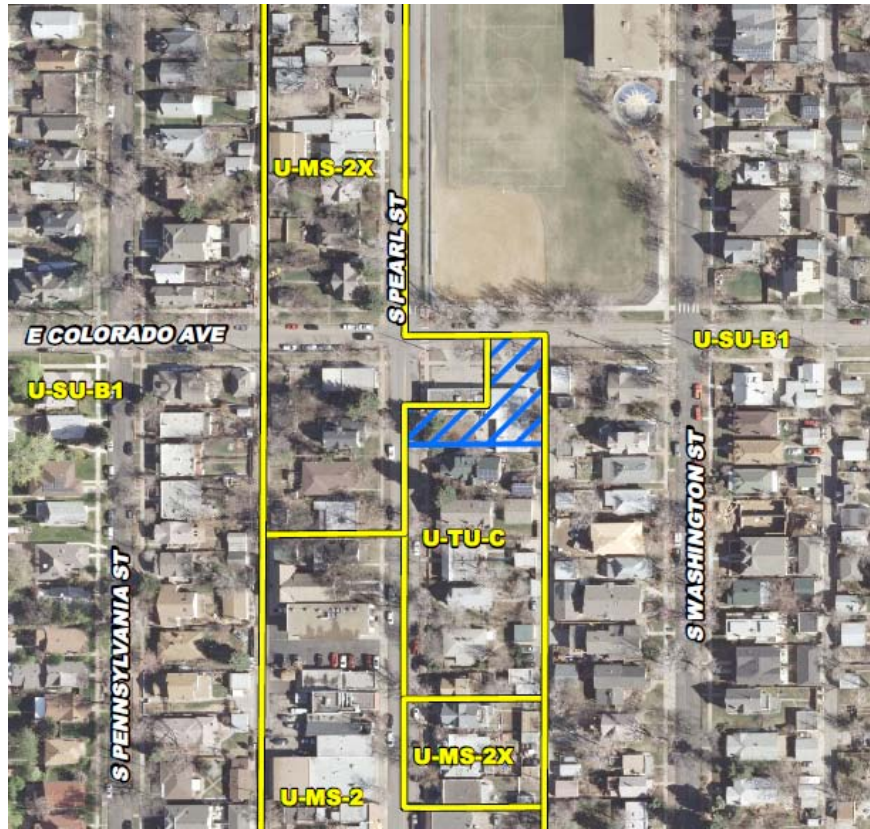
The applicant proposes changing the zoning to **U-MS-2X** in order to eliminate the split zoning across the zone lot and facilitate redevelopment and reinvestment on the site.

#### III. Justifying Circumstances

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Pursuant to Section 12.4.10.14, requiring justification for the amendment request, the land and the environs has changed or are changing to the degree that it is in the public interest to encourage redevelopment. Adoption of the Denver Zoning Code resulted in mapping the zone lot with multiple zone districts and created a complicated zone lot.

**IV. Existing Context**



	Existing Zoning	Existing Land Use	Blueprint Denver
<b>Site</b>	U-TU-C and U-MS-2X	Commercial/Office	Single Family Residential-Area of Stability
<b>North</b>	U-SU-B1	Grant Middle School	Single Family Residential-Area of Stability
<b>South</b>	U-TU-C	Residential	Single Family Residential-Area of Stability
<b>West</b>	U-MS-2X	Commercial	Single Family Residential-Area of Stability
<b>East</b>	U-SU-B1	Residential	Single Family Residential-Area of Stability

## **V. Summary of Agency Referral Responses**

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This rezoning has been reviewed for concurrence with the Denver Zoning Code and other applicable City Codes as utilized by the referral agencies listed below.

Development Services-Survey: Approved  
Development Services-Transportation: Approved  
Denver Fire: Approved  
Denver Parks: Approved  
Asset Management: Approved.

## **VI. Notice, Public Process & Public Comment**

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The property has been posted for a period of 21 days announcing the Denver City Council public hearing, and written notification of the public hearing has been sent to all affected registered neighborhood organizations.

The Old South Pearl Street Merchants Association has submitted letter of support (attached) for rezoning application #2011I-00036.

Additionally, we have received one letter of support (attached) to the rezoning application from the adjacent number to the south.

## **VII. Criteria for Review / Staff Evaluation**

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Pursuant to the Denver Zoning Code, Section 12.4.10.13 and 12.4.10.14, there are three criteria for review of all map amendments and two additional review criteria applied to non-legislative map amendments. The first three include:

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

These are explained in the following sections. The remaining two criteria include (*Justifying Circumstances* (explained in Section III above) and *Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements* (elements of the Denver Zoning Code)).

- **Neighborhood Contexts**

The requested U-MS-2X zone districts is an Urban Neighborhood Context, consistent with the surrounding context designation. The context generally consists of single-unit and two-unit residential areas with commercial areas typically embedded within the residential areas. Commercial uses are primarily located along mixed-use arterial or main streets but may be located at or between intersections of local streets. (Denver Zoning Code Section 5.1)

- **Zone District Purpose**

According to the intent stated in the Denver Zoning Code, the U-MS-2X district applies to small sites served primarily by local streets embedded within an existing or proposed neighborhood and limited to low scale building forms and low intensity uses. (Denver Zoning Code Section 5.2.5)

## **VIII. Consistency with Adopted Plans / Staff Evaluation**

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The proposal is consistent with adopted plans. Applicable plans for this site include:

- Denver Comprehensive Plan 2000
- Blueprint Denver

### **A. Consistency with the Denver Comprehensive Plan 2000**

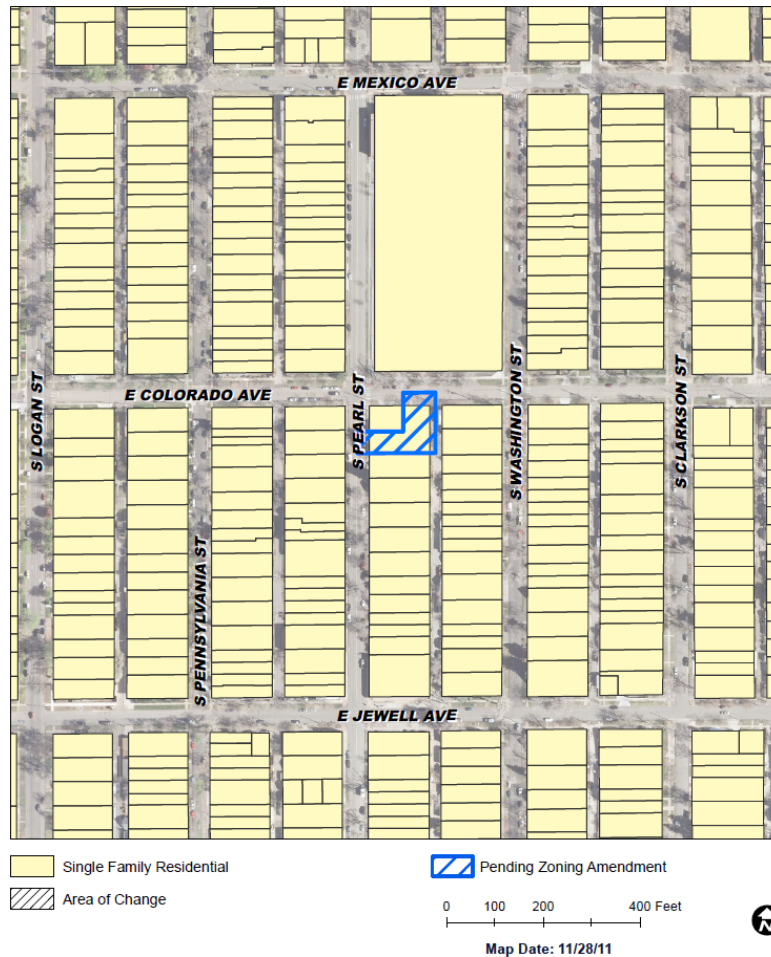
The proposal is consistent with and positively addresses many Denver Comprehensive Plan strategies, including:

- a. Environmental Sustainability 2-F,
- b. Land Use 3-B;
- c. Mobility 4-E;
- d. Legacies 2-E, 3-A, 3-B;

### **B. Consistency with Blueprint Denver**

According to Blueprint Denver, this site has a concept land use of Single Family Residential and is located in an Area of Stability. Single Family Residential neighborhoods represent the majority of Denver's residential areas. These neighborhoods are typically low density neighborhoods with a significantly smaller employment base than housing base. While residential areas consist primarily of residential land uses, Blueprint Denver intends the inclusion of complementary land use types, including commercial uses to provide for the needs of nearby residents, within these neighborhoods. (p. 41-42). "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).

Blueprint Denver classifies Pearl Street and Colorado Avenue as Undesignated Local Streets. The U-MS-2X zone district is intended to be located within embedded locations in residential neighborhoods at the intersection of local streets.



**IX. Uniformity of District Regulations and Restrictions**

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The proposed rezoning to U-MS-2X will result in the uniform application of zone district building form, use and design regulations for the subject area.

**X. Public Health, Safety and General Welfare**

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The proposed official map amendment furthers the public health, safety and general welfare of the City.

**XI. Planning Board Recommendation**

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Planning Board reviewed rezoning application #2011I-00036 at their regularly scheduled meeting on March 21, 2012. Planning Board recommended approval of this item on consent.

## **XII. Staff Recommendation**

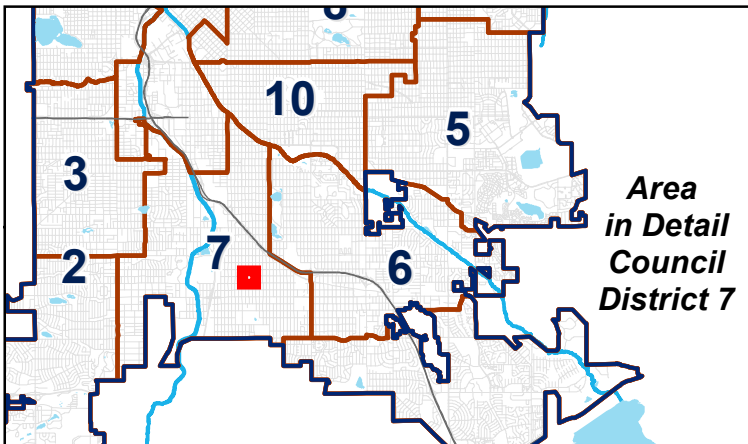
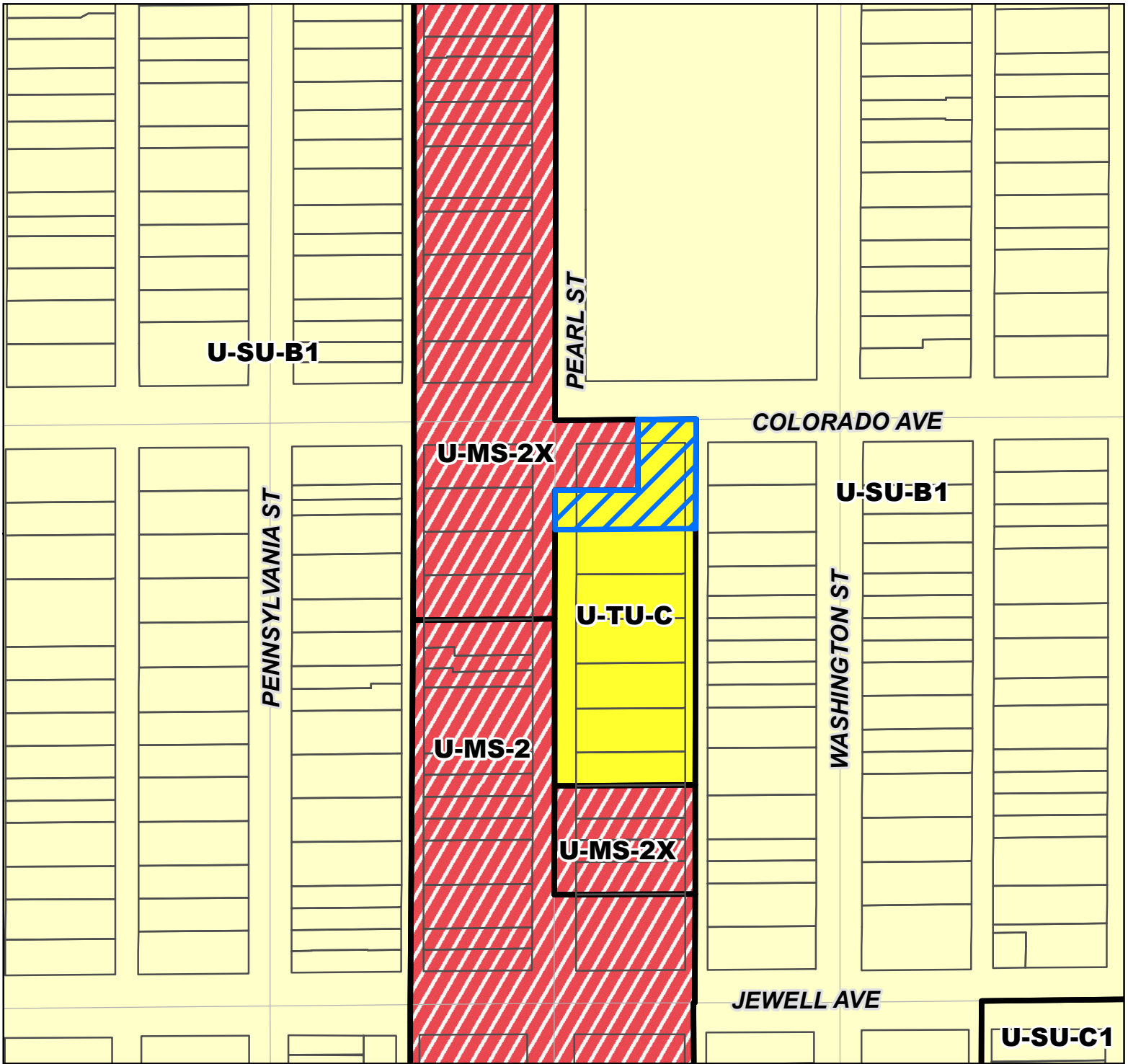
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Based on the criteria for review as defined above, CPD recommends approval for rezoning the property located at 1804 S Pearl Street, Application #2011I-00036, from U-TU-C to U-MS-2X, as defined on the attached application map.

### **Attachments:**

- 1. Official Zone Map Amendment Application**
- 2. Map Series - Aerial, Zoning, Blueprint Map**

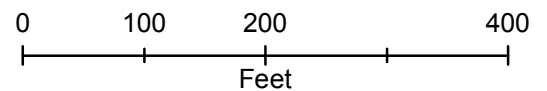
# Pending Zone Map Amendment #2011I-00036



Application #2011I-00036  
Location: 1804 S. Pearl St.



From: U-TU-C To: U-MS-2X



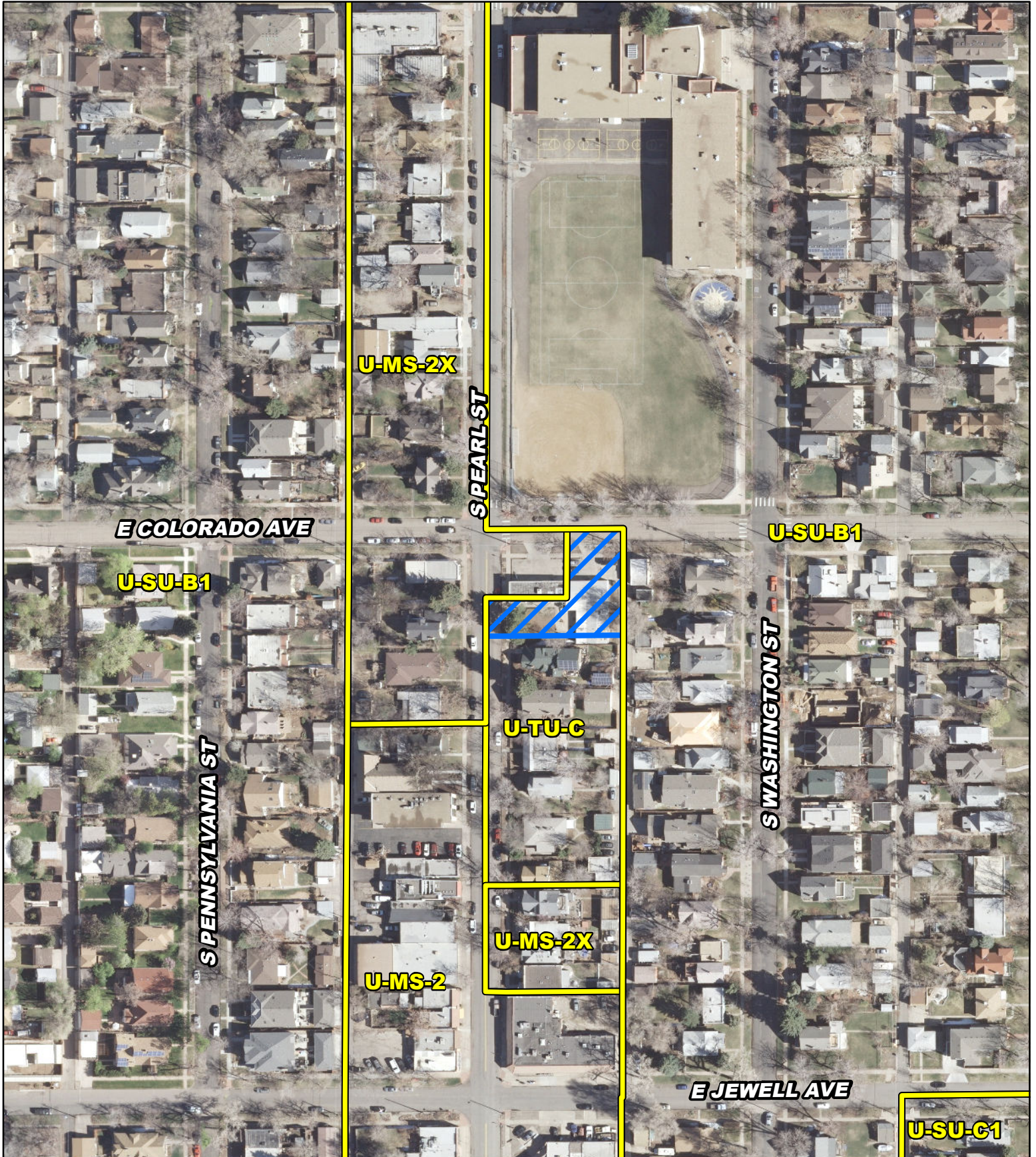
Map Date: 11/28/11



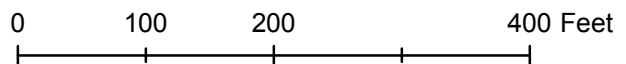
# Pending Zone Map Amendment - Aerial & Zoning Overlay



Application #2011-00036



Aerial Photo: April 2010  
Community Planning and Development



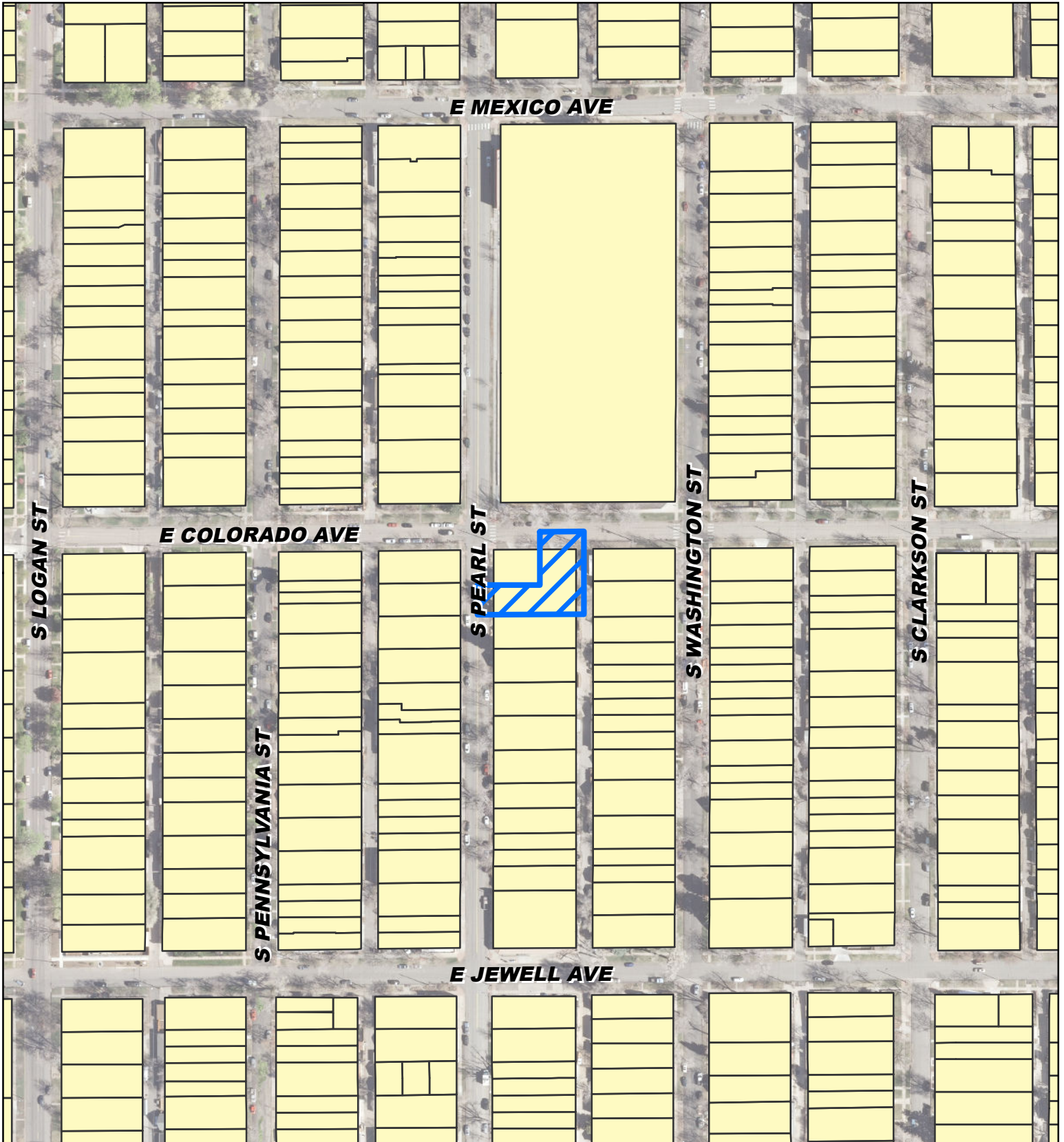
Map Date: 11/28/11



# Pending Zone Map Amendment - Blueprint Denver Overlay




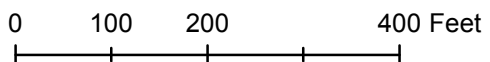
Application #2011I-00036



 Single Family Residential

 Pending Zoning Amendment

 Area of Change



Map Date: 11/28/11





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### APPLICATION FOR ZONE MAP AMENDMENT

<b>Application #</b>	2011I-00036	<b>Date Submitted</b>	11.15.11	<b>Fee Required</b>	\$1000.00	<b>Fee Paid</b>	\$1000
<b>APPLICANT INFORMATION</b>				<b>CONTACT INFORMATION (Same as Applicant? <input type="checkbox"/>)</b>			
<b>Applicant Name</b>	Stephen Koloskus			<b>Contact Name</b>	Joe Simmons, Architect		
<b>Address</b>	1804-A South Pearl Street			<b>Address</b>	99 South Logan Street		
<b>City, State, Zip</b>	Denver, CO 80210			<b>City, State, Zip</b>	Denver, CO 80209		
<b>Telephone / Fax</b>	303-744-8089			<b>Telephone / Fax</b>	303-433-2255		
<b>Email</b>	steve@extrastrength.net			<b>Email</b>	jsimmons@blueskystudio.com		
<b>Subject Property Location [Please Include Assessor's Parcel Number(s)]</b>							
1804 South Pearl St. Parcel No: 0522737030000							
<b>Legal Description of Subject Property</b>							
Lots 1-4 incl. Block 10 Grant Subdivision							
<b>Area of Subject Property (Acres/Sq Ft)</b>			<b>Present Zone District</b>		<b>Proposed Zone District (Waivers and Conditions Require Separate form)</b>		
.29			U-MS-2X AND U-TU-C		U-MS-2X		
<b>Describe the nature and effect of the proposed Zone Map Amendment</b>							
To simplify the zoning for the parcel and to consolidate to one zone classification							
<b>Select Legal Basis for the Zone Map Amendment and explain in detail</b>				<b>Error in the map as approved by City Council</b>			<input type="checkbox"/>
				<b>Changed or Changing Conditions that make a Zone Map Amendment Necessary</b>			<input checked="" type="checkbox"/>
This parcel was requested to be configured as two separate zones, U-MS-2x and U-TU-C when the zone maps were being updated. Subsequent to passage of the new zoning ordinance, the market for duplex-type housing has diminished significantly. Additionally, we have discovered that having two separate zone classifications complicates the development of this site from both a jurisdictional perspective and poses concerns to potential lenders.							
<b>State the land use and the development proposed for the subject property. Include the time schedule (if any) for development</b>							
Commercial and residential							
<b>Required Exhibits</b>				<b>Additional Exhibits</b>			
<b>Applicant &amp; Owner Information Sheet</b>				Letters of support			
<b>Maps – Required for Final Submissions</b>							
<input checked="" type="checkbox"/>							
<b>Case Manager</b>	Chris Gleissner						
<b>Signature</b>						<b>Date</b>	
 2011I-00036						November 17, 2011	

## APPLICANT & OWNER INFORMATION SHEET

[1] Section 59-648(c) of the Denver Revised Municipal Code requires that an applicant for rezoning provide the applicant's name, address, and respective ownership interest, if any, on the application. In addition, unless subject to paragraph [2] below, the applicant must provide, in the space provided on this form, a list of all the owners of the property and the holders of deeds of trust, identifying which owners and holders of deeds of trust are represented by the applicant.

[2] If the application is for designation of an area as B-2, B-3, R-X or PUD zone district, the applicant must submit the concurrence of the owners and holders of deeds of trust of the entire land area to be included in the proposed district (and any structures thereon). In such cases, this form must be completed for each individual owner, together with sufficient evidence of ownership for each owner and holder of a deed of trust. Documentation verifying ownership interest may include (but is not limited to): Copies of deeds, powers of attorney, and corporate/partnership registrations filed with the Secretary of State.

Application Number	Applicant's Name
2011I-00036	Stephen A. Koloskus, property owner

**Property Address(es)**

1804 South Pearl Street, Denver, CO 80210

**Applicant's Address**

1804-A South Pearl Street Denver, CO 80210


**NOTE: If application is for rezoning to B-2, B-3, R-X or PUD, and the applicant is not the property owner, this form must be accompanied by a Power of Attorney statement from the property owner.**

Indicate as accurately as possible the form of interest in the property, and the amount held by the individual or entity listed as "applicant" above.

<b>Fee Title Owner (Has Deed of Ownership)</b>	All	X
	A Portion	<input type="checkbox"/>
<b>Contract Owner NA</b>	All	<input type="checkbox"/>
	A Portion	<input type="checkbox"/>
<b>Holder of a Security Interest</b>	All	<input type="checkbox"/>
	A Portion	X

List the names and addresses of all owners and holders of Deeds of Trust for the property, if any, and indicate which owners or holders of deeds of trust are represented by the applicant in the space below (please add additional pages, if needed).

Steele Street Bank, 55 Adams Street, Denver, CO 80206 • 303-376-3800  
Loan #80005954

Signature of Applicant	Date Signed
 2011I-00036	11/17/11 November 17, 2011



To: 3PA

October 10, 2011

Re: Steve Koloskus/Rezoning of 1804 S. Pearl St.

As the immediate neighbors to the south of the property on the southeast corner of the intersection of South Pearl Street and East Colorado Avenue (presently 1804 South Pearl) we recently met with the owner of the property, Steve Koloskus.

Mr. Koloskus spoke with us about his desire to rezone the entire 12,000 square-foot property to MS-2 (eliminating the unusual split designation currently applied to the property) and his desire to develop the property to include a modest commercial building as well as a residential component on the property.

We have been neighbors with Mr. Koloskus' business for more than 10 years now and support his desire to rezone and improve the property so long as standard process and policies are followed.

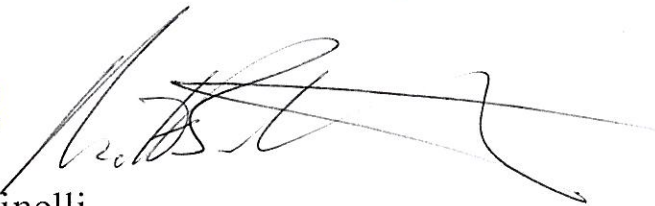
He is a good neighbor and cares very much about the Platt Park neighborhood. He is conscientious about keeping up his property and we can't think of anything better than to have him stay next door.

If any further information is needed please contact us at 303-698-1647.

Sincerely,



Stasi and Nick Bottinelli





South Pearl Street Merchants  
Association

P.O. Box 2000 Denver, Colorado 80202

On Wednesday, October 19th, Steve Koloskus, the owner of the property located at the southeast corner of the intersection of South Pearl Street and East Colorado Avenue, made a presentation to the South Pearl Street Merchants Association at our regularly scheduled monthly meeting.

Mr. Koloskus spoke to the members of the association present (approximately 20+) about his desire to rezone the entire 12,000 square-foot property to MS-2 and eliminate the unusual dual designation currently applied to the property. At present, the property features a split designation: MS-2 on approximately 3,000 square feet immediately at the street corners, and U-TU-C zoning in an L-shape configuration on the remaining 9,000 square feet.

A 'straw vote' was taken after Mr. Koloskus' presentation and all members voted 'in favor' of allowing the rezoning so long as the standard process is followed.

Mark Gill

President  
South Pearl Street Merchants Association