



**DENVER**  
THE MILE HIGH CITY

201 W Colfax Ave, Dept 205  
Denver, CO 80202  
p: 720-865-2972  
f: 720-865-3056  
[www.denvergov.org/planning](http://www.denvergov.org/planning)

**TO:** Denver City Council  
**FROM:** Deirdre M. Oss, AICP  
**DATE:** **May 8, 2014**  
**RE:** Official Zoning Map Amendment Application #2013I-00016  
2420, 2430, 2442, 2460, 2462-2490 S. University Blvd  
Rezoning from G-MX-3 to G-RX-5

**Staff Report and Recommendation**

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application 2013I-00016 for a rezoning from G-MX-3 to G-RX-5.

**Request for Rezoning**

Application: #2013I-00016  
Address: 2420, 2430, 2442, 2460, 2462-2490 S. University Blvd  
Neighborhood/Council District: University Park / Council District 6  
RNOs: University Neighbors  
University Park Community Council  
Denver Neighborhood Association, Inc.  
Inter-Neighborhood Cooperation  
Area of Property: 1.722 ac/75,010 SF  
Current Zoning: G-MX-3  
Proposed Zoning: G-RX-5  
Property Owner(s): Nodef Colorado, Inc & Colorado Seminary  
Owner Representative: Robert J. Gollick, Inc

**Summary of Rezoning Request**

The subject property encompasses almost a full half-block of South University Boulevard between Harvard Avenue and Wesley Avenue, forming the western boundary of Denver’s University Park statistical neighborhood. The property is oriented north-south and bound by University Boulevard and an alley serving properties to the east on Josephine Street. The site is one block south and east of the University of Denver campus located west of University.

The majority of parcels in the subject area are owned by Nodef Colorado, Inc while roughly 10% is currently owned by the Colorado Seminary of the University of Denver (this parcel is also under contract by Nodef Colorado, Inc and due to close). One parcel on the block at the corner of Wesley and University is owned by 7-Eleven, Inc and is not part of the subject area. The applicant proposes to rezone the property from G-MX-3 (General Urban Mixed Use Three Story) to G-RX-5 (General Urban Residential Mixed Use Five Story). Similar zoning exists to the north of Wesley Avenue along University.

**Existing Context**

The subject property is located along University Boulevard, defined as an Enhanced Transit Corridor in Blueprint Denver and served by Regional Transportation District (RTD) bus service which connects to the University Light Rail Station over one mile from the subject site. The site is established along the University Main Street Corridor as defined in the University Park Area Plan. (See following sections for plan discussion).

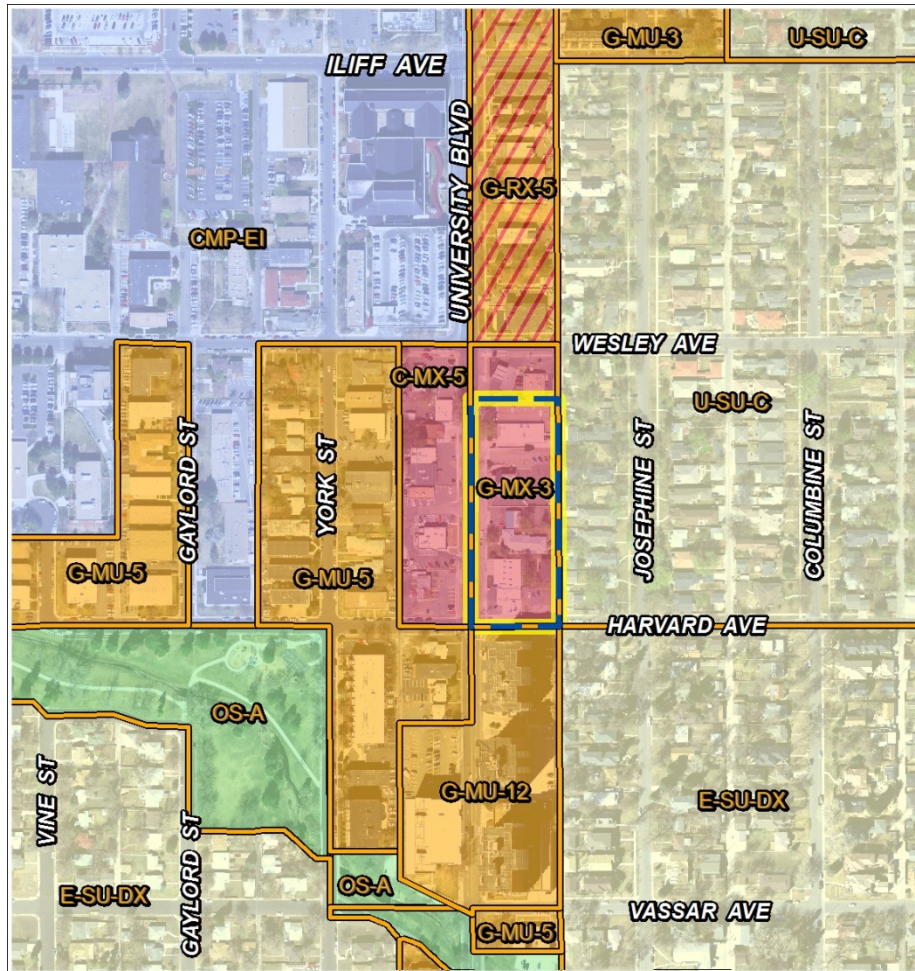
The following table summarizes the existing context proximate to the subject site:

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	G-MX-3	Commercial/Business/Retail	1-2 stories built 1951-1972, low-scale commercial with one office complex built above surface parking	Blocks built on historical orthogonal street grid; University forms western boundary of University Park statistical neighborhood, Blocks are typical alley-loaded City blocks 660x 400. Along University at this block, properties access parking from both curb cuts on University as well as from the alley.
North	G-MX-3	Commercial retail and gas station	Convenience store, one-story	
South	G-MU-12	Multifamily residential towers	8-11 story multifamily residential in place since the late 1960's	
East	U-SU-C	Single family residential	One-two story homes on 5,000-7,000 SF lots	
West	University Blvd/C-MX-5	Commercial and business retail/auto-oriented/convenience food sales	One-story retail with surface parking between the building and the street, adjacent to University of Denver campus	

**Existing Zoning**

**General Urban Mixed Use Three Story (G-MX-3):** As defined in Article 6 of the Denver Zoning Code, the Mixed Use Zone Districts are intended to promote safe, active, and pedestrian-scaled, diverse areas through the use of town house, row house, courtyard apartment, apartment, and shop front building forms that clearly define and activate the public street edge. They are designed to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city's neighborhoods. Mixed Use Zone District standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods. Compared to the Main Street districts, Mixed Use districts are focused on creating mixed, diverse neighborhoods. Where Main Street districts are applied to key corridors and retail streets within a neighborhood, the Mixed Use districts are intended for broader application at the neighborhood scale. G-MX-3 is most appropriate for blocks within neighborhoods where height range is desired to be 1-3 stories. In the General Urban Neighborhood Context, the Mixed Use Zone Districts promote a

pedestrian-active street front. Buildings are pulled up to the street with parking tucked behind; however, the front setback range is slightly deeper than the front setback range for the Main Street districts. The required percentage of building facade that must be located in the front setback area is (less) than the percentage for the Main Street districts. The maximum building coverage is the same as the maximum building coverage for the Main Street districts.



**Requested Zone District: General Urban Residential Mixed Use Five Story (G-RX-5):**

Compared to the Mixed Use districts explained above, the Residential Mixed Use districts are primarily intended to accommodate residential uses. Commercial uses are secondary to the primary residential use of the district, and provide neighborhood-scaled shops and offices for residents to conveniently access goods and services within walking distance. Buildings in a Residential Mixed Use district can have ground floor retail uses, but upper stories are reserved exclusively for housing or lodging accommodation uses. A building can be solely residential or solely commercial; however, buildings containing only commercial uses are limited in total gross floor area to 10,000 square feet consistent with the district purpose. G-RX-5 applies to residentially-dominated areas served primarily by local or collector streets where a building scale of 2 to 5 stories is desired.



**Existing Land Use, Building Form and Scale**

The subject property is located along the University Boulevard Main Street Corridor, historically developed with low-intensity one-story commercial and retail buildings with varied architectural style considered functionally obsolete. One building along the block is a 1960s-era office structure with tuck-under parking and office space in the second-story. Much of the parking on the block is accessed from the street or alley and parallel to the structures, presenting the appearance of vacant lots along the block. The block historically has not been developed as a pedestrian-friendly area with multiple interjecting curb cuts and poorly treated amenity zones in front of buildings.





### Summary of City Agency Referral Comments

As part of the DZC review process, the rezoning application is referred to potentially affected city agencies and departments for comment. A summary of agency referral responses follows:

**Asset Management:** Approve-No Comments.

**Development Services-Denver Fire Department:** Approve Rezoning Only – will require additional information at site plan review.

**Development Services-Parks and Recreation:** Approve-No Comment.

**Development Services – Wastewater:** Approved – An 8-inch sanitary sewer is currently available in the alley east of the site. The lots currently drain to the south as does the sanitary sewer line. Should this property progress to development the wastewater section of development services must review the site plan. Construction plans will be required for storm detention and water quality on site.

**Development Services-Transportation:** Approve rezoning only. Development Services-Transportation approves the subject zoning change. The applicant should note that redevelopment of this site may require additional engineering, ROW dedication to the City, access changes, traffic studies and/or right of way improvements. The extent of the required design and improvements will be determined once this property begins the redevelopment process. The results of any traffic studies may require the construction of off-site mitigation or may limit the proposed density of the project.

**Public Works – City Surveyor:** 1<sup>st</sup> Submittal is approved as submitted. Approval is for this phase only.

### Public Review Process

**Informational Notice** - CPD staff provided Informational notice of receipt of the rezoning application to affected members of City Council and registered neighborhood organizations on February 18, 2014.

**LUTI notification process-** Both written and posted notice was provided for the Denver Planning Board hearing held on March 5, 2014, and required written notification of the hearing has been sent to all affected registered neighborhood organizations and City Council members regarding the LUTI meeting.

**City Council process** – Both written and posted notice was provided for the Denver City Council hearing. A petition of Protest was filed with the City Council office on May 5<sup>th</sup>, and with signatures of the owners of 21.3% of the property within the designated 200 foot protest boundary around the subject property, the petition constitutes a legal protest and in accordance with requirements defined in DZC section 12.4.10.5, ten affirmative votes of Council will be required for approval.

### Registered Neighborhood Organizations (RNOs):

Inter-Neighborhood Cooperation

- University Neighbors
- University Park Community Council
- Denver Neighborhood Association, Inc.
- Inter-Neighborhood Cooperation

Staff has received responses both in support and opposition from property owners and the registered neighborhood organization in which the subject property is located.

- Just under 20 citizens attended the Planning Board hearing to testify to either support for the application as it allows new growth and opportunity desired by the neighborhood, or their

opposition based on concerns regarding traffic impacts, appropriateness of the zoning proposal, and justifying circumstances.

- The University Park Community Council (UPCC) voted 11-0 to oppose the proposed zone map amendment, and the Council representative attended the Denver Planning Board hearing to specifically question whether there is really a justifying circumstance to support the map amendment.
- The University Neighbors representative attended the Denver Planning Board hearing to identify concerns about parking related to future development and associated impacts on the University neighborhood.
- The applicant team provided testimony during the Denver Planning Board hearing to indicate the extensive and focused outreach that has been completed both with the UPCC and a smaller focus group to review project renderings and concepts that are being brought forward to implement the proposed zoning. The team indicated a commitment to continued outreach during the site plan stage should the amendment pass.

Letters received as of the time of printing have been included in your staff packet. Additionally, the applicant has submitted a summary of public outreach completed prior to, in preparation for, and over the course of the application process.

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

The criteria for review of this rezoning application are found in DZC, Sections 12.4.10.13 and 12.4.10.14, as follows:

#### **DZC Section 12.4.10.13**

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

#### **DZC Section 12.4.10.14**

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

### **1. Consistency with Adopted Plans**

The following adopted plans apply to this property:

- Denver Comprehensive Plan 2000
- Blueprint Denver (2002)
- University Park Neighborhood Plan

#### **Comprehensive Plan: Denver Comprehensive Plan 2000**

The proposal is consistent with many Denver Comprehensive Plan strategies focused on infill development, reinvestment, and development along Denver's transit corridors, including:

- Environmental Sustainability Strategy 2-F – *Conserve land by promoting infill development with Denver at sites where services and infrastructure are already in place; designing mixed use*

*communities and reducing sprawl so that residents can live, work and play within their own neighborhoods.*

- Land Use Strategy 3-B – *Encourage quality infill development that is consistent with the character of the surrounding neighborhood; that offers opportunities for increased density and more amenities; and that broadens the variety of compatible uses.*
- Mobility Strategy 4-E – *Continue to promote mixed-use development, which enables people to live near work, retail and services.*

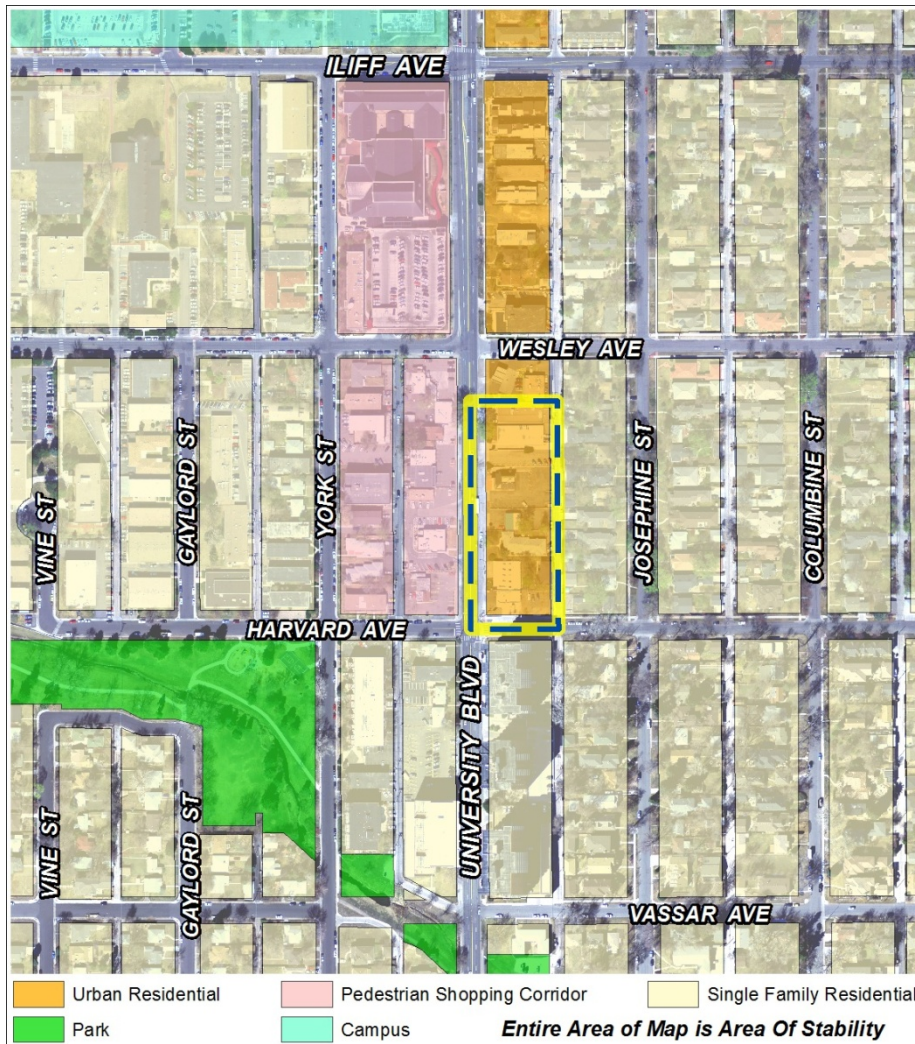
The proposed map amendment will continue to enable mixed-use development at an area of reinvestment where services and infrastructure are already in place, and in accordance with overall land use policies, increase the variety of housing types and associated amenities along the edge of the University Park neighborhood.

**Blueprint Denver**, the City's integrated land use and transportation plan (2002) identifies this site within an Area of Stability and along an Enhanced Transit Corridor – University Boulevard. Further study of this corridor reveals the site is over one mile from the University transit light rail station and the bus service along University is at 30-minute headways. While Blueprint maintains the University Park neighborhood is a stable residential neighborhood, it also recognizes growth opportunities in stable neighborhoods in order to provide for quality infill development.



**Blueprint Denver's Areas of Change / Areas of Stability**

The subject site is designated an **Area of Stability-Urban Residential**. Urban residential neighborhoods are higher density and primarily residential but may include a noteworthy number of complementary commercial uses. New housing tends to be in mid-to highrise structures, and there is a greater housing base than employment base. A mixture of housing types is present, including historic single-family houses, townhouses, small multi-family apartments and sometimes high-rise residential structures.



Capitol Hill, Cheesman Park, Riverfront Park in the Central Platte Valley and Cherry Creek East are good examples of urban residential areas (BPD, p. 41-42). These areas are inclusive of or bound by collector or arterial corridors that offer additional opportunities for services and density. Urban Residential areas are usually by downtown, transit corridors or regional centers with a 0.75 FAR for neighborhood average, some buildings 4 or more (stories) above 20 DUA, sometimes more than 100 DUA. (BPD, Page 64). The goal for these areas is to identify and maintain the character of an area while accommodating some new development and redevelopment to prevent stagnation. The balance here is key; new development in Areas of Stability should focus on areas where reinvestment is beneficial to the both the physical

character of a neighborhood but also sensitive to and serving the existing the character of stable residential development nearby.

To further identify types of new development areas within the city, while not mapped, Blueprint Denver considers new development to occur in two types of areas-*Reinvestment* and *Committed*.

- While any new development can be considered reinvestment in any neighborhood, this block along University Boulevard is best addressed within the definition of a *Reinvestment Area* (p. 122, BPD). *Reinvestment* areas are neighborhoods with a character that is desirable to maintain but that would benefit from reinvestment through modest infill and development or major projects in a small area. This is particularly true where reinvestment is an opportunity to update or replace deteriorating structures or housing stock and incorporate public amenities into new development along aging corridors like this block on South University.
- At the same time, the University Park neighborhood east of the block along University is a stellar example of a *Committed Area* where although substantial change has taken place with regard to replacement housing and new single family residential construction, the foundation of the neighborhood as a walkable, pedestrian-oriented single family neighborhood did not change. The historical walkability, orthogonal street grid, orientation to a gathering place in Observatory Park only blocks to the east, and the accessible mixed-use development that has occurred on the University Boulevard corridor for decades, is the heart of the community that contributes to the character that has retained and attracted residents to this neighborhood. *Committed* areas face challenges that are focused on use transitions between commercial and residential, as well as other issues such as parking and housing compatibility, all issues addressed during the creation of the University Park Neighborhood Plan in 2008, explained in following sections.

### **Street Classifications**

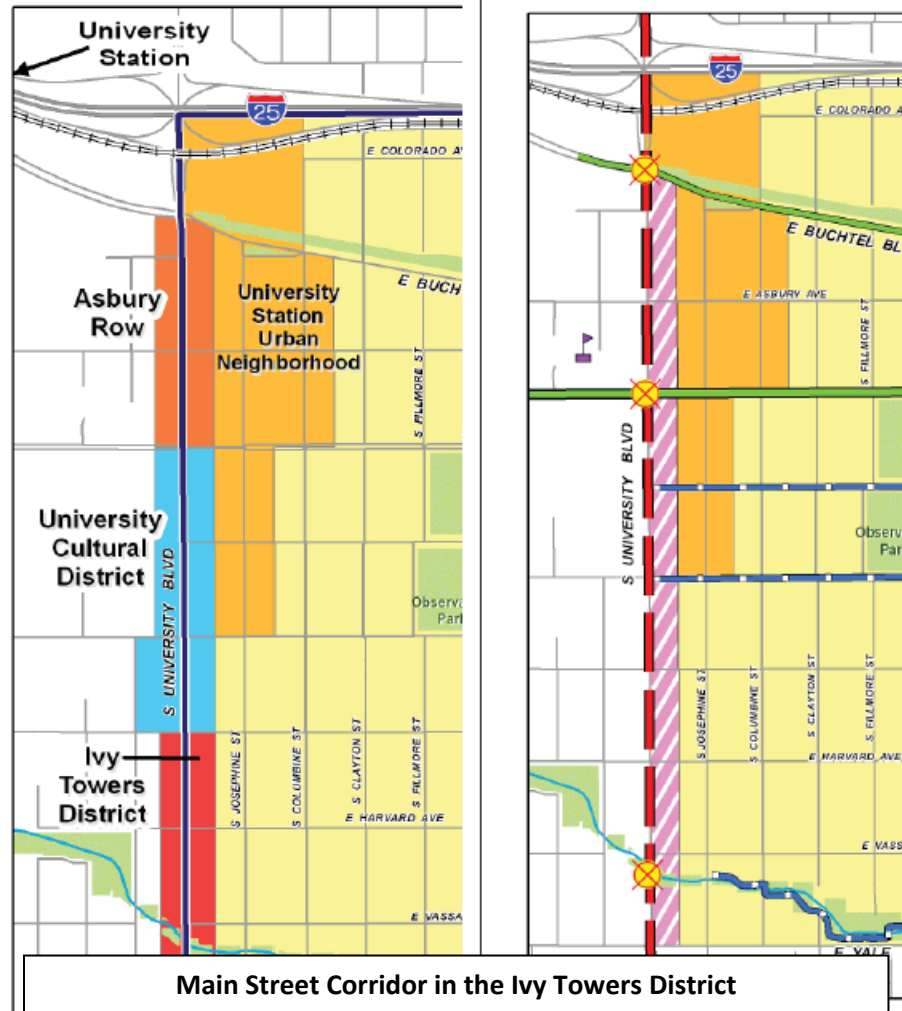
Blueprint Denver classifies University as a Residential Arterial (BPD, p. 55) where the street balances transportation choices with land access. This street provides a higher degree of mobility and generally serves longer vehicle trips to, from, and within urban areas. Both Harvard and Wesley are defined as Residential Local streets, placing a higher degree of emphasis on pedestrian and bicycle orientation than on auto mobility. These streets are characterized by sidewalks, tree lawns, and are also accessed via alleys that serve the rear portion of lots within a neighborhood. G-RX-5 is an appropriate district for placement along the University Boulevard corridor. As identified by Development Services-Transportation, additional traffic information and/or studies will need to be provided at the time of formal site development plan submittal to determine additional roadway improvements if warranted.

Small Area Plan: University Park Neighborhood Plan (2008)

The University Park Neighborhood Plan (the Plan) was adopted in 2008. The Plan's overall goals include desire to enhance placemaking, particularly in underutilized areas and to promote high quality design (including introduction of form-based design standards) that as a result of the adoption of the Denver Zoning Code in 2010 have been implemented as regulatory tools available to property owners and developers.

The University Park Neighborhood Plan (2008) addresses current underutilized commercial districts along University as it fails to capitalize on the nearby market demand for shops and services, a demand served well by mixed-use zone districts.

The Plan identifies the site as part of a **Main Street Corridor** highlighting a 2-5 story recommendation for structures on this block, and further identifies the block along this corridor within the **Ivy Towers district (p 111-116)**. The Ivy Towers district acknowledges existence of mid 20<sup>th</sup> century highrises, yet does not promote or perpetuate the historical highrise building form located south of Harvard.



**Specifically for the Ivy Towers district, the Plan recommends 3-5 stories as an appropriate development scenario.**

- **Sufficient zoning:** The **Main Street Corridor - Ivy Towers District (p.116)** advises retaining both mixed use and residential uses (in the plan identified by former Chapter 59 zoning of B-2 and R-3) by updating the zoning with form-based regulatory tools that clarify intent of the zoning and support moderate densities of 3-5 stories. While the site is currently zoned G-MX-3, it was proposed as an adequate replacement but with better form standards than the Former Chapter 59 B-2 zoning. As suggested on page 58 of the University Park Plan, B-2 zoning, and likely the G-MX-3 zoning that replace it (as there was no development proposal or need at the time to identify additional districts), may not permit sufficient development potential to attract the



desired mixed-use projects (particularly housing above ground floor retail and services). The site has remained virtually unchanged for four decades hosting functionally obsolete buildings until recently as individual properties were assembled, creating a change in potential block development.

- **Placemaking:** G-RX-5 is proposed as a more appropriate district for the block as it allows a mix of uses with a focus on residential development and continues to incorporate predictable height and building form standards. The **Main Street** corridor designation (**p.65**) emphasizes placemaking along the corridor and neighborhood edge, promoting mixed-use development that is context sensitive, 2-5 story development, high transparency and build-to requirements at the ground floor creating active pedestrian-oriented edges and activity. The foundation of placemaking and the public realm in historic University Park is built on a north-south/east-west orthogonal street grid inclusive of detached sidewalks. These elements of a walkable neighborhood will not change with the proposed rezoning which affects the private property that fills space in between public rights-of-way. The neighborhoods historic roots provide a predictable context for any new development, relying on a strong street grid, boundary corridors (University, Evans, Colorado, and Yale) and an appropriate mixture and placement of land uses to provide the very amenities that have allowed this neighborhood to transcend time, attract new property owners, and respond to changes in the market and demographic trends. The proposed G-RX-5 contributes to the desired mixture of land use and is proposed at a desired scale and location on University Boulevard as identified in the Plan.

*“Cities thrive on variety-blending difference places such as corridors with neighborhoods, and at a finer grain level, mixing a variety of building forms and site development patterns within these areas in a rational, orderly way.” – The Plan, p.9*
- **Transition:** Integration of new development with the existing neighborhood fabric (**p.70**) and creating appropriate transitions between lower density residential and new development along an adjacent corridor is arguably one of the most challenging concepts to implement. As a result of careful calibration during code drafting and testing during the update in 2010, the Denver Zoning Code provides many ways to make these transitions feasible and address neighborhood concerns. In this case, the proposal for a five-story district adjacent to the west of a single-family residential district compels application of standards to consider the relationship and impact of height on the adjacent block. The upper stories of taller structures are expected to step back to preserve pedestrian scale, compatibility with existing structures, solar access, and sense of privacy (**p.70**). The G-RX-5 district requires upper-story setbacks at 27 feet and 51 feet). Additionally, the site abuts the alley between Josephine Street and university, thus adding an additional 18 feet of separation between property lines.



*Current transitions: South of Harvard, the 8-10 story Carriage House highrises provide no upper story transitions and are setback at the ground story with wide surface parking. Proposed G-RX-5 would require upper story setbacks at 27 feet and then at 51 feet, promoting greater solar access and softening the physical transition.*

**Parking:** For future development, parking and vehicle access are considered at the site development plan level and shall be developed in accordance with the City's parking requirements for all proposed uses at this location. Future multifamily development in the G-RX-5 will require one off-site parking spot per dwelling unit and one bicycle spot per four units of parking. For reference, adjacent single-family residential development has no parking requirements.

- The plan (**p. 73**), recognizing the importance of minimizing the visual impacts of parking areas (both surface and garage), recommends buffering parking lots with landscapes and garden walls, wrapping parking structures with active uses at the ground floor, and most importantly designing parking and site access to minimize impact on the pedestrian realm and effectively manage vehicle movements. While it is recognized that any new development offers additional traffic and parking pressures, due to its proximity to the University of Denver just west and north of University Boulevard, most of Josephine and many neighborhood blocks already have one-hour parking restrictions to reduce impacts on the lower density residential neighborhood.

## **2. Uniformity of District Regulations and Restrictions**

The proposed rezoning to G-RX-5 will result in the uniform application of zone district building form, use and design regulations. This block on the east side of South University fits well within the General Urban context along the University Corridor which includes a large amount of General Urban context zoning. This context includes a broader palette of building forms, some that match the existing conditions adjacent to this site as well as new residential building form opportunities that encourage ground-story shop front retail and complimentary service uses. The adjacent Urban context is characterized by single and two-unit residential uses with multifamily and commercial uses embedded in the neighborhood. Commercial and multiunit residential uses are often located along residential and mixed use arterials bordering residential neighborhoods.

This section of University is clearly a transition from the busier center to the far north at Evans (which itself includes a significant amount of General Urban context zoning as well as some Urban Center context zoning) to the lower density residential part of University where the corridor is adjacent to Urban context lower-density residential neighborhoods. This transition of activity and

density from north to south indicates a logical progression from higher intensity mixed use further north (closer to and within a mile of the University transit station) to moderate activity and intensity further south. G-RX-5 reinforces this transition and is consistent with the way many border corridors are developed adjacent to Denver neighborhoods.

### **3. Public Health, Safety and General Welfare**

The proposed official map amendment furthers the public health, safety, and general welfare of the City by clearly identifying one single zone district that is consistent with the desired land use plan set forth for the University Park Neighborhood in 2008, providing predictable zoning standards that also incorporate compatibility standards for development adjacent to a residential zone district to the east. The G-RX-5 zone district is capped at a height of 70' and requires upper story setbacks at 27 feet (20-foot setback) and 51 feet (35-foot setback) when adjacent to a protected residential district as defined in the Denver Zoning Code. These setbacks provide physically appropriate transitions to preserve solar access to the lower density residential district to the east (U-SU-C allowable height is 35 feet in the front 65% of the zone lot to 19 feet for the rear 35% of the zone lot).

All studies related to development of the site regarding traffic and other design impacts are addressed and resolved at the administrative site development plan stage, so while it is certain that additional development does in fact bring new traffic and a new physical structure to the site, the rezoning process does not require detailed studies. Please refer to page 5 for comments related to development review by Development Services.

### **4. Justifying Circumstance**

Pursuant to DZC Section 12.4.10.14, the land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area. The University Boulevard Main Street corridor has become the subject of substantial growth on the boundary of the University Park neighborhood over the past several years since the adoption of, and consistent with expectations in, the University Park Neighborhood Plan (2008). As stated earlier in this report, the University Park neighborhood has also seen substantial change in terms of meeting new demands for replacement and infill single family residential construction, and the University of Denver continues campus expansion that drives further change and intensity along key neighborhood corridors like Evans and University.

In 2010, the property was rezoned from Former Chapter 59 B-2 to G-MX-3 (General Urban Mixed Use Three Story) after a thorough public outreach process to develop consensus for possible zone districts appropriate for the property based on evaluation of update criteria (existing conditions, plan support (University Park Neighborhood Plan), and current zoning). Leading up to the final map, there were three rounds of draft maps presented to the community for discussion prior to the map being adopted in June 2010. The first two rounds of mapping for the subject property indicated another zone district, G-MS-5 (General Urban Main Street Five Story). The final G-MX-3 designation recommended by both community and staff recognized the site's existing retail conditions and existing low height. However, the draft mapping exercise shows support for an increase in height. Moreover, the draft mapping exercise demonstrates that G-MX-3 was one of multiple potential zone districts that could be appropriate for the site and that could further development vision contemplated by the University park Neighborhood Plan. In sum, the proposed zone map



amendment is consistent with City plans and provides opportunity to reinvest in a highly underutilized and pedestrian-insensitive block.

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

The requested zone district, G-RX-5 is in the General Urban Neighborhood context. This is a zone district that allows and encourages up to five-story buildings with ground-story activation through development of a variety of building forms, including a shop front building form that can enhance and encourage pedestrian activity at this location. The block directly north of this block is zoned G-RX-5. The proposed zone change to G-RX-5 does not introduce new commercial uses, some of which have already been in place in some capacity along the corridor or even on the block. While the existing zone district of G-MX-3 allows mixed use development, the proposed district does introduce a focus on the residential component of mixed use zoning. G-RX-5 is consistent with Blueprint Denver's designation of Urban Residential indicating desire for higher density and primarily residential development that may include a noteworthy number of complimentary commercial uses (**BPD, p.41**). G-RX-5 zone district represents and allows the implementation of the vision and desired land uses called for in University Park Neighborhood Plan for this block and corridor.

#### **Planning Board and Staff Recommendation**

Staff supports zone districts that help move implementation of the University Park Plan forward. The Denver Zoning Code offers several options within the existing neighborhood context (General Urban) that can support new development at this location and are considered consistent with the neighborhood plan recommendations. G-RX-5 is considered a district consistent with the neighborhood plan.

Based on the analysis set forth above, CPD staff finds that the application for rezoning the property located at 2420-2490 S. University Boulevard from G-MX-3 to G-RX-5 meets the requisite review criteria. Accordingly, staff recommends **approval**.

At its regular meeting of March 5, 2014, the Denver Planning Board heard the testimony of just under 20 citizens voicing either support or opposition for the rezoning proposal. Following testimony, Board deliberations focused on whether the requested rezoning was consistent with adopted plans, whether uniformity in the zoning scheme for South University Boulevard would result, and whether there were justifying circumstances to support the rezoning. The Board found that the rezoning request for G-RX-5 was consistent with the adopted University Park Neighborhood Plan's recommendation and vision for a vibrant "main street" with moderate intensity of development between 3 and 5 stories. The Board also found that the rezoning would result in uniformity in application of the G-RX-5 zoning to buildings within the district, and also uniformity in the zoning treatment of the whole of the east side of University Boulevard given that most land to the north and south of the subject property are uniformly zoned for heights of at least 5 stories.

The Board also found that the zoning change was justified and necessary to encourage redevelopment to implement the University Park Neighborhood Plan, and assure that not just the subject property but also the whole South University Boulevard corridor south of Evans Avenue move closer toward the changing character recognized and contemplated by the Plan. The Planning Board also acknowledged

that conditions related to the subject property, and its prospects for redevelopment at a moderate intensity of development, had changed with the recent aggregation by the current owners of properties encompassing nearly the full block face of University Boulevard between Harvard Ave. and Wesley Ave. Finally, the Planning Board acknowledged the changing built conditions along South University Boulevard, which has witnessed significant intensification particularly closer to DU, as well as the continuing reinvestment occurring within the residential neighborhoods immediately adjacent to the subject property, are both changed conditions that could also justify continuing reinvestment and greater redevelopment potential on the subject property.

The Board voted 9-0 to support the proposed amendment.

### **Attachments**

1. Application
2. Public Comment letters received at the time of packet distribution
3. Petition of Protest Staff Letter



## Zone Map Amendment (Rezoning) - Application

1/26/12

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	Nodef Colorado, Inc. & Colorado Seminary	Representative Name	Robert J. Gollick, Inc.
Address	PO Box 461114, Denver 80246 & 2199 South University Blvd. Denver 80210	Address	609 South Gaylord Street
City, State, Zip	Denver, Colorado 80246 and 80206	City, State, Zip	Denver, Colorado 80209
Telephone	303 722-8771	Telephone	303 722-8771
Email	bgollick@comcast.net	Email	bgollick@comcast.net
*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.		**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.	
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.			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):	2420, 2430, 2442, 2460 and 2462 thru 2490 South University Boulevard		
Assessor's Parcel Numbers:	0525308020000, 052530803000, 052530821000, 0525308006000, 0525308026000		
Legal Description: (Can be submitted as an attachment. If metes & bounds, a map is required.)	Lots 5 through 24, Block 8, Illiffs University Addition		
Area in Acres or Square Feet:	1.722± acres or 75,010± square feet		
Current Zone District(s):	G-MX-3		
PROPOSAL			
Proposed Zone District:	G-RX-5 (Residential Mixed-Use)	2013I-00016	1.21.14

[www.denvergov.org/rezoning](http://www.denvergov.org/rezoning)



201 W. Colfax Ave., Dept. 205

Denver, CO 80202

(720) 865-2983 • rezoning@denvergov.org





**REVIEW CRITERIA**

<p>General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.13</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. 12.4.10.14</p>	<p><b>Justifying Circumstances - One of the following circumstances exists:</b></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 rezoning 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>

**ATTACHMENTS**

Please check any attachments provided with this application:

- Authorization for Representative
- Proof of Ownership Document(s)
- Legal Description
- Review Criteria

Please list any additional attachments:

Please Refer to the Addendum Pages for all Exhibits  
 Exhibit "A": Description of Consistency with Adopted City Plans (DRMC 12.4.10.13(A, B & C))  
 Exhibit "B": Description of Justifying Circumstances and Neighborhood Context (DRMC 12.4.10.14(A & B))  
 Exhibit "C": Property Survey  
 Exhibit "D": Contextual Height Study  
 Exhibit "E": Proof of Ownership (Assessors records)  
 Exhibit "F": Letters of Authorization for Robert J. Gollick, Inc. to act as Representative

[www.denvergov.org/rezoning](http://www.denvergov.org/rezoning)



201 W. Colfax Ave., Dept. 205

Denver, CO 80202

(720) 865-2983 • [rezoning@denvergov.org](mailto:rezoning@denvergov.org)





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.

Table with 7 columns: Property Owner Name(s), Property Address, Property Owner Interest %, Signature, Date, Indicate the type of ownership documentation provided, Property owner representative written authorization? (YES/NO). Includes an example row and rows for Nodef Colorado, Inc. and Colorado Seminary.





**DENVER**  
THE MILE HIGH CITY

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

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Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement (must sign in the exact same manner as title to the property is held)	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed or deed of trust, (C) title policy or commitment, or (D) other as approved	Property owner representative written authorization? (YES/NO)
<b>EXAMPLE</b> John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/01/12	(A)	NO
Nodef Colorado, Inc. & Colorado Seminary	PO Box 461114, Denver 80246 & 2199 South University Blvd Denver, Colorado 80246 and 80206 303 722-8771 bgollick@comcast.net					
Owner:Nodef Colorado, Inc.	2430, 2442, 2460, 2462, 2482 & 2490 South University Boulevard	90%±			A	Yes
Owner: Colorado Seminary	2420 South University Boulevard	10%±	<i>Cynthia Nodef</i> <i>1-13-2014</i>		A	Yes

[www.denvergov.org/rezoning](http://www.denvergov.org/rezoning)

**January 21, 2014**

**Addendum Pages to the proposed Official Zone Map Amendment Application for:**

2420 South University Boulevard: Assessor's Number: 0525308020000

2430 South University Boulevard: Assessor's Number: 0525308030000

2442 South University Boulevard: Assessor's Number: 0525308021000

2460 South University Boulevard: Assessor's Number: 0525308006000, and

2462 thru 2490 South University Boulevard: Assessor's Number: 0525308026000

**Case Number: 2013I-00016**

**Property Owners:**

**Property Address:** 2430, 2442, 2460, 2462, 2482, & 2490 South University Boulevard

**NODEF Colorado, Inc.**

PO Box 46114

Denver, Colorado 80246

**Property Address:** 2420 South University Boulevard

**Colorado Seminary**

2199 South University Boulevard

Denver, Colorado 80210

**Proposed Zoning:** G-RX-5

**Authorized Representative:**

Robert J. Gollick, Inc. (Bob Gollick)

609 South Gaylord Street

Denver, Colorado 80209

303 722-8771

bgollick@comcast.net

### **PROPOSED MAP AMENDMENT SUMMARY**

- The intent of the proposed G-RX-5 zoning map amendment is to provide the appropriate entitlement mechanism for redevelopment of a 1.72-acre parcel in the University Park neighborhood. This is a block that has over 500± feet of frontage along South University Boulevard, a major arterial street, with an RTD transit stop on the site.
- The majority of the property has been owned by the same family for almost 40 years. The middle 2 lots of the property were acquired in the past few months, now making redevelopment physically and economically feasible. This recent acquisition, along with the improving real estate market, is the catalyst for the proposed map amendment.
- Additionally, of significance, is the extreme slope of the property. The site has a 12±-foot drop from north to south, which is the equivalent of over the height of a full building floor as well as an additional slope of 6± from east to west. Thus a higher structure on the low-lying portion of the property allows for greater flexibility in design without negative impacts for the surrounding area.
- The allowable height of 70 feet in the G-RX-5 zone district is compatible with the existing height along the South University Boulevard corridor. Nearby existing structures have heights above what is being proposed. The Tabor House is 79 feet, the Post house is 107 feet and the Heritage House is 97 feet. This zoning proposal to allow a structure of 70 feet will fit the existing context of the Boulevard. (*Reference Exhibit "D" for the Contextual Height Study of the area*)



**EXHIBIT “A”: DESCRIPTION OF CONSISTENCY WITH ADOPTED PLANS (DRMC 12.4.10.13(A, B & C))**

**REVIEW CRITERIA**

The proposed map amendment is consistent with the following three adopted plans.

- 1. Denver Comprehensive Plan 2000,**
- 2. Blueprint Denver, and**
- 3. University Park Small Area Plan (the Plan), Adopted by City Council in 2008.**

**REVIEW CRITERIA 1. Denver Comprehensive Plan 2000**

**LAND USE CHAPTER**

Objective 1: Citywide Land Use and Transportation Plan

**Strategy 1-B:**

Ensure that the *Citywide Land Use and Transportation Plan* reinforces the cities character by building on a legacy of **high-quality urban design and stable, attractive neighborhoods**; encouraging preservation of historic buildings, districts and landscapes; and maintaining the integrity of the street grid, parks, parkways, and open space system.

**Objective 3: Residential Neighborhoods and Business Centers**

**Strategy 3-B:**

Encourage quality infill development that is **consistent with the character of the surrounding neighborhood**; that offers opportunities for **increased density** and more amenities; and that broadens the variety of compatible uses.

**Accommodating New Development**

**Objective 4 Land Use and Transportation**

**Strategy 1-C:** Incorporate relevant recommendations from neighborhood, corridor and area plans that are supplements to Plan 2000. Examples are the plans for Stapleton, Lowry, Gateway, Federal Boulevard, Central Platte Valley and the Golden Triangle. **(University Park Small Area Plan (the Plan), Adopted by City Council in 2008.)**

**Strategy 3-B:**

Encourage quality **infill development that is consistent with the character of the surrounding neighborhood**; that offers opportunities for increased density and more amenities; and that broadens the variety of compatible uses.

**Strategy 4-A:** Encourage mixed-use, transit-oriented development that makes effective use of existing transportation infrastructure, supports transit stations, increases transit patronage, reduces impact on the environment, and encourages vibrant urban centers and neighborhoods.

**Strategy 4-B:** Ensure that land use policies and decisions support a variety of mobility choices, including light rail, buses, paratransit, walking and bicycling, as well as convenient access for people with disabilities.

## **MOBILITY CHAPTER**

### **Objective 4: Changing Travel Behavior**

#### **Strategy 4-E**

Continue to promote mixed-use development, which enables people to **live** near work, retail and services.

## **LEGACIES CHAPTER**

### **Objective 2 New Development, Traditional Character**

#### **Strategy 2-E**

Ensure that the Zoning Code reinforces quality urban design. ***(The intent of the form-based zoning is to assure that goal)***

### **Objective 3 Compact Urban Development**

#### **Strategy 3-A**

3-A Identify areas in which increased density and new uses are desirable and can be accommodated.

## **ECONOMIC ACTIVITY CHAPTER**

### **Objective 6 Preferred Housing Development**

Encourage mixed-use, mixed-income housing development in Denver's core area and along transit lines. ***(There is a RTD stop on University Boulevard adjacent to this site)***

#### **Strategies**

6-A Support mixed-use development consistent with the goals of the Comprehensive Plan's land-use and mobility strategies.

6-E Identify and capitalize on opportunities to develop housing along transit lines. ***(The University light-rail station is a 12-minute walk and an RTD stop on University Boulevard adjacent to this site)***

## **ENVIRONMENTAL SUSTAINABILITY CHAPTER**

#### **Strategy 2-F Conserve land by:**

- Promoting infill development within Denver at sites where services and infrastructure are already in place.
- Designing mixed-use communities and reducing sprawl, so that residents can **live**, work and play within their own neighborhoods.

**Strategy 4-A** Promote the development of sustainable communities and centers of activity where shopping, jobs, recreation and schools are accessible by multiple forms of transportation, **providing opportunities for people to live where they work.** ***(We anticipate some of the residents will work at the University of Denver.)***

**SUMMARY:** *As listed above there are numerous Objectives and Strategies that are contained in Denver Comprehensive Plan 2000 that are supportive of the proposed map amendment. In particular, the Land Use Chapter in it's detailed description of infill development.*

## REVIEW CRITERIA 2: Blueprint Denver

Blueprint Denver has designated the subject property with a land use designation of **Urban Residential**, which is defined (in Blueprint Denver) as follows:

**Note:** *The following portion of this application contains excerpts and paraphrasing from the Blueprint Denver. Page numbers are included to reference of the entire section of the Plan cited*

### **Urban Residential**

Urban residential neighborhoods are **higher density** and primarily residential but may **include a noteworthy number of complementary commercial uses**. **New housing** tends to be in **mid-to high-rise structures**, and there is a greater housing base than employment base. A mixture of housing types is present, including historic single-family houses, townhouses, small multi-family **apartments and sometimes high-rise residential structures**. Capitol Hill, Cheesman Park, Riverfront Park in the Central Platte Valley and Cherry Creek East are good examples of urban residential areas. **Page 41-42** (The proposed G-RX-5 zone district provides the entitlement necessary to meet this Urban Residential description.)

Urban Residential areas are usually by downtown, **transit corridors** or regional centers with a 0.75 FAR for neighborhood average, some buildings 4 or more (stories) above 20 DUA, **sometimes more than 100 DUA**. **Page 64**

Within Areas of Stability there may be places such as **stagnant commercial centers** where **reinvestment would be desirable** to make the area an asset to and supportive of the surrounding neighborhood. **Page 23** *(The existing commercial center is stagnant with vacancies, vandalism and a general eyesore to the neighborhood. Redevelopment is now possible due to the assemblage of the middle portion of the block making a unified development possible)*

The Plan further states that one of the Zoning and Urban Design Challenges that the neighborhood faces is that the majority of the zoning in the neighborhood lacks sufficient form based design and development standards to ensure that new development is sensitive to the existing context. **Page 8** *(The concern for a lack of form based design and development standards was addressed with the 2010 Zoning Code update that now includes form based districts as well as development standards. The proposed G-RX-5 zone district is a form based zone district.)*

As stated in Blueprint Denver, much of Denver's growth will be accommodated by infill **development on vacant land** or through **redevelopment** of existing sites. **Page 118** *(The proposed map amendment will meet that statement by providing the entitlement ability to develop a mixed-use project on a partially vacant parcel located along a Blueprint Denver designated Enhanced Transit Corridor.)*

**Compact development:** "...improve neighborhood cohesion, reduce urban sprawl and residents more directly connect to services and amenities within their immediate living environment." **Note:** *Development*

of the subject property will “connect” residents with the services and amenities the University of Denver and the University neighborhood provides without the necessity of driving. **Page 16**

The (Blueprint Denver) Plan Map types (land use and transportation) do not simply describe the typical existing characteristics of each land use or street in the city today; instead, they define the ideal **future land use**, rapid transit corridors, and multi-modal street characteristics. Thus the description of types is **intended as a guide for future development** to demonstrate patterns that build upon the best existing characteristics of the neighborhoods and city. **Page 34**

Blueprint Denver expects an additional 30,000 jobs and 15,000 new housing units in the remaining Areas of Change by 2020. If growth is redirected from the Areas of Stability to the Areas of Change, the model results are positive — **less development intrusion and traffic in the neighborhoods and more redevelopment along corridors** (Note: the subject site is along the South University Boulevard corridor.) and near transit stations with little or no increase in traffic. Slight reductions in traffic may even result where land uses are mixed and highly coordinated with transit access. **Page 22** (Development of the subject property, which is along a transit corridor and within a 12 minute walk to the University RTD transit station will meet this objective without intrusion into the University neighborhood)

**“An ideal place to direct development is vacant land near downtown”**. This statement is taken from Blueprint Denver, page 23, and is even truer today than it was when Blueprint was adopted. There is a need for housing especially near major employment facilities, such as the University of Denver; this need will continue to grow. People need a place to live near where they work, play and can take advantage of transit. The subject site, along South University Boulevard and within walking distance of RTD stops, is ideal for residential development.

**SUMMARY:** *The subject property has a land use designation of Urban Residential. This is precisely the intent of the proposed G-RX-5 zoning and the effect approval will have on the neighborhood. Providing more residential units and thus more residents where they will work and play.*

### Review Criteria 3.

#### University Park Small Area Plan (the Plan), Adopted by City Council in 2008

**Note: The following portion of this application contains excerpts and paraphrasing from the Plan. Page numbers are included to reference of the entire section of the Plan cited.**

A few of the primary goals of the Plan are:

- Promote high quality design, preserve historic resources and complement the traditional urban **patterns of development**. *(The subject site is adjacent to existing 9 and 11 story residential structures)*
- Focus compact, mixed-use or high-density residential development to places where it may be best integrated with the transportation system. *(South University is designated as an Enhanced Transit Corridor)*
- Provide a variety of **housing options** that appeal to young families and empty nesters.
- Increase opportunities for formal and informal public gathering. *(The anticipated ground floor commercial will meet this goal)*
- Improve roadway safety for all modes of travel and enhance the convenience, ease and enjoyment of public streets for bicyclists, pedestrians and transit riders. *(Currently, this is an unattractive block for pedestrians and cyclists. Redevelopment will create an attractive pedestrian environment.)*
- Organize business interests in commercial areas and enhance the image of commercial districts. *(The existing commercial uses are almost non-existent due to the unattractive buildings. This block is in need of redevelopment.)* **Page 9**

It is very important to understand that small area Plan supports development and especially redevelopment even in areas of stability. As stated in the Plan, the Area of Stability designation does not mean that no change will occur. However, minor infill and redevelopment in these areas should have a stabilizing effect on neighborhood character, with modest infill redevelopment or large projects occurring on a limited basis in a small area. **Page 8** *(This is one of those sites where redevelopment will stabilize the area and benefit the neighborhood.)*

#### Land Use (Per the Plan)

A greater mix of uses and housing types can be found along South University and South Colorado Boulevards, **the transit rich corridors** that form the east and west boundaries of the neighborhood. *(The Plan defines South University Boulevard as a transit rich corridor thus appropriate for additional density and height.)* **Page 30**

#### Mobility (Per the Plan)

With the completion of the Southeast Light Rail Transit (LRT) Corridor in 2006, University Park expanded its regional transportation choices to a considerable degree. In addition to major vehicular thoroughfares (including I-25, **South University Boulevard**, South Colorado Boulevard and Evans Avenue), University Park residents, employees and students now have ready access to two of the 13 new light rail stations along the 19 mile corridor. Circulation within the neighborhood is provided through an interconnected grid system of local streets and pedestrian routes and bicycle facilities. **Page 45** *(The subject's location along South University Boulevard further supports the proposed G-RX-5 zoning)*



### Community Gathering and Interaction

Outside the home and work, everyday life occurs in the places in-between, third places. Third places are informal gathering spaces such as coffee shops and cafes, bookstores.... Ubiquitous in great cities and neighborhoods, third places provide space for people to simply unwind and discover opportunities for the planned and unplanned community interactions that forge relationships and build stronger neighborhood cohesion. Pedestrian and form-based enhancements to the South University and Colorado corridors could increase the availability and accessibility of these special places to the neighborhood. **Page 55** (*The inclusion of appropriate ground floor retail will meet this expectation.*)

### Underutilized parcels

There are a number of underutilized parcels in University Park where the **underlying land value exceeds the value of the structures** thereon. While this represents potential for positive reinvestment and redevelopment for Denver and the neighborhood, it also creates opportunities for incompatible development within areas of stability. Existing zoning for these sites both within and at the periphery of the neighborhood lack form-based standards that could help attract investment while helping to mitigate the impacts (e.g. visual) of development. **Page 56** (*The subject parcel is the **definition of an underutilized parcel**. The 2010 adoption of form based zoning, which this application proposes, will provide the standards desired in the Plan.*)

Along South University Boulevard, the alternating pattern of R-3 and B-2 zone districts promote low intensity where it should be highest, and high intensity where it should be more compact.

**Page 58.** (*The Plan recognizes that along South University Boulevard the highest density is most appropriate.*)

### Incongruous Zoning along South University Boulevard – (Paraphrased from the Plan)

Over the short stretch of South University Boulevard on the western edge of the neighborhood, there are multiple zone districts. The zoning is applied primarily in an alternating pattern of commercial (formerly B-2) and residential zone districts (formerly R-3 and R-4). This pattern helps focus commercial activity to concentrated districts, and avoids an over saturation of retail and services not supportable by the area's market. However, the B-2 (subject site) zoning may not permit sufficient development potential to attract the desired mixed-use projects (particularly **housing above ground floor retail** and services), while the residential zoning along the corridor allows higher intensity of development than today's as-built condition. So, where the corridor should be most dense, (The subject site) the commercial areas, the as-built condition is low density, primarily single use commercial, and it is perpetuated by the existing zoning. Where the corridor should provide residential uses in a compact and dense form, there is pressure to develop towering apartments. **Page 58** (*The proposed G-RX-5 precludes high-rise development and supports the Plan goal of mixed-use in a compact and dense form.*)

### Urban Design & Land Use Goals

The Plan establishes specific Land Use Goals. Following are a few of those goals that the proposed development will fulfill.

- Compact, Mixed-Use Development near transit creates healthy neighborhood edges and encourage dense, compact and transit supportive growth (along transit corridors and in station areas that serve nearby residents) with a vital mix of retail shops, services, employment and civic uses.

- Diverse Housing Options in Appropriate Locations

Diversify the mix of housing types near transit amenities to allow residents to age in place, live without the daily use of a car and accommodate the housing needs of empty-nesters, students, young professionals and families.

- Public Gathering: Increase the opportunities for informal and formal public gathering in the community.

### **Page 60**

**The neighborhood plan envisions South University Boulevard as a Main Street** catering to the University of Denver and Iliff School of Theology campus community and the University Park Neighborhood. Despite its status as a busy north-south arterial, the corridor still bears resemblance to its past as a former streetcar route. This history provides the “bones” for the evolution of a linear development pattern applied primarily as a veneer along the arterial thoroughfare. Buildings of 2 to 5 stories with residential units or office space over active ground floor uses such as retail shops or restaurants typify the character of these corridors. *Page 65 (The subject site is located along the South University Boulevard corridor, a designated Enhanced Transit Corridor and is adjacent to existing high-rise residential structures. This area is a node of pedestrian activity that enjoys an RTD bus/transit stop on the subject block and across University Boulevard from University of Denver, the Newman Center and Iliff School which further supports the proposed G-RX-5 zoning.)*

### **Neighborhood Serving Business Attraction**

Despite the mix of uses along South University and South Colorado Boulevards, retail and services orient more to University of Denver students (e.g. limited service restaurants) and through traffic (e.g. strip retail and other auto oriented uses) rather than to residents. Given the higher incomes and market segment profiles of the neighborhood residents, existing businesses may not adequately cater to household **expenditures that could be captured with more neighborhood-oriented retail and services along the two corridors.** Residents have expressed a desire for full-service restaurants, cultural opportunities, and a grocer and specialty retail such as a bookstore or bakery.

### **South University Boulevard Zoning and Development Pattern**

Existing zoning along South University Boulevard permits the greatest intensity of development in the residential portions of the corridor, **while the commercial stretches have fairly limited development potential.** A lack of design and development standards that ensure the evolution of a vital place with coherent urban design creates uncertainty for residents and developers alike. *Page 86 (The proposed G-RX-5 zoning will address these concerns by incorporating an active, pedestrian friendly ground floor with upscale commercial uses that will fill the need stated in the Plan.)*

The Plan established “Concept Areas”. The subject Concept Area is designated as **Main Street** and located in the “**Ivy Towers District**”. The Ivy Towers District is described as follows;

The district designated as Ivy Towers is the segment of South University Boulevard between Wesley Avenue to the north and Yale Avenue to the south. Named for its east-west street names of elite colleges and universities (Wesley, Harvard, Vassar, Yale) **and its tall residential buildings**, the district is primarily **composed of higher density housing** with some retail and services. **Page 111**

It is significant to note that prior to the 2010 Zoning Code update, the site was zoned B-2 which lacked sufficient development potential to produce the mix of residential or office uses over ground floor shops, services and restaurants that are viewed as desirable by today's standards. In 2010 the site was rezoned to the existing G-MX-3, which could be considered a holding zone until an assemblage could take place. That assemblage occurred this year and now the owner/developer controls the majority of the block in a unified parcel. The current zoning is similar in development potential to the former B-2, which was considered inadequate even prior to the Code update. If approved, the proposed G-RX-5 will be the catalyst for redevelopment for the area providing the amenities expressed in the Plan.

### Main Street Recommendations

- Zoning for South University Boulevard Use form based zoning standards to improve the predictability of land development for both investors and nearby residents in the various districts along South University Boulevard: **Page 115** *(The proposed G-RX-5 is a form-based zone district)*
- Ivy Towers District: Retain both **mixed-use** context between Wesley and Harvard (currently zoned B-2) and the residential context in remaining area (currently zoned R-3) by updating the zoning with form-based regulatory tools that clarify the intent of the zoning... *(The proposed G-RX-5 is a mixed-use zone district)*
  - ▶ Activate the ground floor with retail, pedestrian entries, display windows, outdoor seating in mixed use area and with stoops, pedestrian entries, appropriate glazing, balconies, ground floor common areas in the residential segments of the district. *(This is permitted in the proposed G-RX-5 zoning)*
  - ▶ Uses include a mix of neighborhood serving shops and services, as well as a variety of housing types such as townhouses, apartments, lofts, etc. *(All the mentioned use are permitted in the proposed zoning)*
  - ▶ Buildings have a strong relationship to the street, either oriented to the sidewalk to form a consistent street wall in the mixed-use segment or shallow setbacks in the residential segment. *(The G-RX-5 zone district pushes the building to the sidewalk through a "build-to Zone")*

### Underutilized Land

**Redevelop underutilized land**, especially surface parking lots, with a mix of uses and structured parking. **Page 116** *(The subject site is an underutilized property)*

**SUMMARY:** *The proposed G-RX-5 zoning is in conformance with the adopted University Park Small Area Plan. The Plan recommends more housing, more investment, and more development along the South University Boulevard corridor. This is the exact result development of this site will have under the G-RX-5 zone district. The G-RX-5 is an appropriate development solution given the 9 and 11 story structures adjacent to the property and the compatibility and conformance with the University Park Small Area Plan.*

**Exhibit "B":****Section "A" Description of Justifying Circumstances****(DRMC 12.4.10.14(A & B))**

***The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area.***

The proposed G-RX-5 zone district map amendment is in response to the changed and changing conditions in the University Park area. The numerous developments within the area and the introduction of RTD's light-rail system with stations nearby. The public interest for the citizens of Denver is best served by adoption of this map amendment, which will provide the services, amenities, employment opportunities and residential development necessary for positive planned growth to occur.

The subject 1.7± acre parcel was zoned G-15 to reflect the new building -3 through a legislative map amendment in 2010. At the time, there were three separate property owners and thus no possibility of a unified development under a single owner. That scenario changed in 2013 with the applicant obtaining control of the two "out" parcels creating the ability to master plan the property. The existing G-MX-3 zone district cannot meet the development needs for this site or provide the City and area residents the quality and assurances that are necessary for such an important site. Thus one of the changed conditions that justify this map amendment is the adoption of the new zoning code by the City and County of Denver in June of 2010. The new code provides the G-RX-5 zone district which being "form based" provides the assurance that the structure(s) will meet the expectations of the area residents and the City. Design elements such as how the building relates to the street, the maximum height, maximum build to lines as well as parking controls provide assurances for a structure that will be an asset to the neighborhood.

**University Park Small Area Plan**

**Possibly** the most significant of the changed conditions **is the adoption of the** University Park Small Area Plan **(the Plan)** by City Council in 2008. The Plan is supportive of this zoning request as described in the sections above and is supported by numerous recommendations, strategies and goals stated in the Plan.

Additional examples of the changed conditions, which support and justify this request, are as follows:

- 1 "Blueprint Denver" including the site as "**Urban Residential**",
2. Recent developments and expansion by the University of Denver including the Daniels Business School and the Newman Center,
3. Proximity (about ¾ of a mile) with the RTD University Light Rail Station,
4. Recent private development along the South University Corridor,
5. The stated need for quality amenities in the neighborhood,
6. The need for additional residential dwelling units is consistent with the development patterns that the neighborhood has experienced.
7. The adoption of the 2010 Zoning Code, which provides "form-based", zoning tools to address the



- development goals of the City, the Plan and the neighbors for infill sites,
8. Adoption of the University Park Small Area Plan,
  9. The desire for individuals to live near where they work and play, and
  10. Most significant, the assemblage of the middle portion of the block by the owner

The area conditions have changed significantly, providing the legal basis for this zone change request and make the proposed amendment reasonable and necessary to the promotion of the public health, safety and general welfare. The public interest for the citizens of Denver is best served by adoption of this map amendment, which will provide support for the services, amenities, employment opportunities and provide residential development necessary for positive planned growth to occur.

### **Section “B” Neighborhood Context**

The proposed amendment is to provide the framework for the development of a property located along one of Denver’s most important transit corridors. This proposed map amendment request approval of the G-RX-5 zone district. The RX designated zone districts is a limited mixed-use district. The G-RX-5 zone district was adopted by City Council to respond to development parcels such as this and is categorized as General Urban Neighborhood Context. The Zoning Code describes the neighborhood context of the G-RX-5 districts as consisting of **multi-unit residential** and mixed-use commercial strips and commercial centers allowing **multiple unit residential buildings** along with commercial buildings that may be live-work. The general intent is to encourage mixed-use developments with the building(s) being located close to the street. The General Urban Neighborhood Context, G-RX-5, (from the Zoning Code) is characterized by 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. 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. Additionally, the General Urban Neighborhood Context is characterized by moderate to high residential buildings and low to moderate commercial and mixed use structures in appropriate locations to promote a dense urban character. **Lower scale structures are typically found in areas transitioning to a less dense urban neighborhood.**

The effect of the proposed amendment will be immediate and positive. Retail services in the area are struggling to survive with many already closed. The vacancy rate on this site is high. To survive and thrive, the area needs increased density, **more residential units** with more street level, quality amenities. Zoning proposals such as this one can be the catalyst for smart growth with density where it should be and people living and shopping where they work. Development of the subject property under the guidelines of the mixed-use zoning will provide quality residential units, employment opportunities and quality ground floor commercial space along a highly visible corridor on a site that is in need of redevelopment. The inclusion of ground floor commercial space will bring activity to the immediate area. Redevelopment of the subject property will help define the eastern edge of the South University Boulevard corridor.

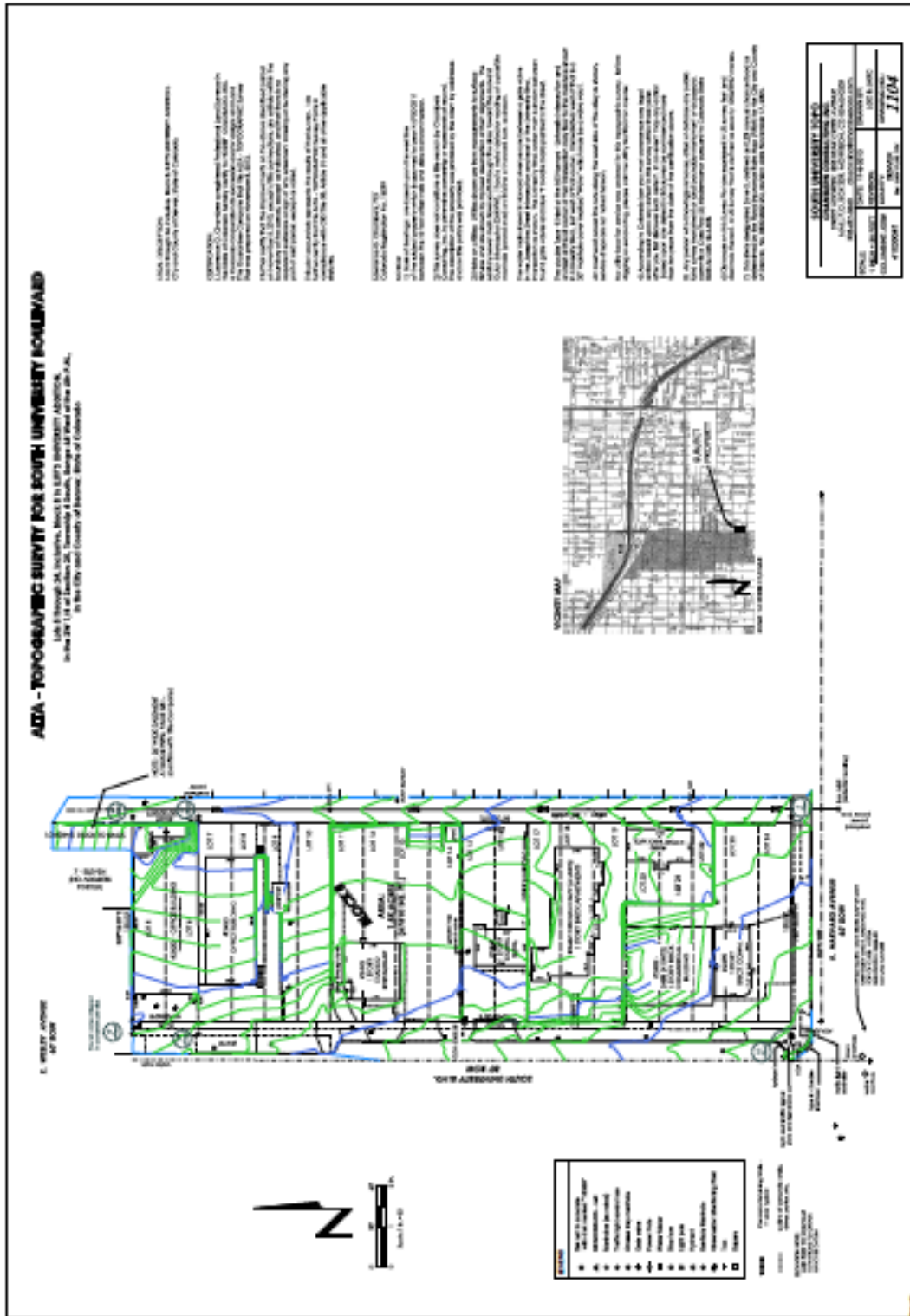
As paraphrased from the Zoning Code, the **General Purpose** of the G-RX-5 or Residential Mixed Use Zone District is intended to promote safe, active, and pedestrian-scaled, diverse areas through the use of building forms that clearly define and activate the public realm. The district is intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city's neighborhoods. They are also intended to ensure new development contributes positively to established residential neighborhoods and character, and **improve the transition between commercial development and adjacent residential neighborhoods**. The Residential Mixed Use districts are primarily intended to accommodate residential uses. Commercial uses are secondary to the primary residential use of the district, and provide neighborhood-scaled shops and offices for residents to conveniently access goods and services within walking distance. Buildings in a Residential Mixed Use district can have ground floor retail uses, but upper stories are reserved exclusively for housing or lodging accommodation uses. A building can be solely residential or solely commercial; however, buildings containing only commercial uses are limited in total gross floor area to 10,000 square feet consistent with the district purpose.

The proposed height of 5-stories is considerably lower than the existing buildings located to the south; the project's height is critical to its viability. Land values in the area are high, while significant portions of the existing building stock are poor. In order for the neighborhood to stay viable into the future, new projects must have adequate density to provide the quality of design desired in the adopted Plan. Five stories is a very moderate height in relation to the project's specific location along the corridor and still accomplish the goals of the Plan.

**Specific Intent: Residential Mixed Use-5**

G-RX-5 applies to residentially dominated areas served primarily by local or collector streets where a building scale of 2 to 5 stories is desired.

**Exhibit "C": ALTA Survey**



**Exhibit "D": Contextual Height Study**



2400 South University  
 Concept Sketch  
 2014.01.21  
 CONTEXTUAL HEIGHT STUDY  
 1" = 100' 0"  
 A-101

**Exhibit "E": Proof of Ownership (Assessors records)**



**2420 South University  
(Colorado Seminary Parcel)**

The property description shown is data from the Assessor's active, in-progress 2013 file. The "current year" values are from the 2013 tax year for real property tax due in 2014. These values are based on the property's physical status as of January 1, 2013.

PROPERTY INFORMATION

Property Type: INDUSTRIAL - SCHOOL	Parcel: 0525308020000
Name and Address Information	Legal Description
COLORADO SEMINARY	L 5 & 6 BLK 8
2199 S UNIVERSITY BLVD	ILIFFS UNIVERSITY ADD
DENVER, CO 80210-4711	
Property Address: 2420 S UNIVERSITY BLVD	Tax District DENV

Assessment Information

	Actual	Assessed	Exempt	Taxable
<b>Current Year</b>				
Land	187500	54380		
Improvements	306900	89000		
<b>Total</b>	<b>494400</b>	<b>143380</b>	<b>143380</b>	<b>0</b>
<b>Prior Year</b>				
Land	187500	54380		
Improvements	284400	82480		
<b>Total</b>	<b>471900</b>	<b>136860</b>	<b>136860</b>	<b>0</b>

Style: Other	Reception No.:
Year Built: 1952	Recording Date: / /
Building Sqr. Foot: 5,262	Document Type:
Bedrooms:	Sale Price:
Baths Full/Half: 0/0	Mill Levy: 84.071
Basement/Finished: 0/0	

Lot Size: 7,500

[Click here for current zoning](#)

Zoning Used for Valuation: GMX

*Note: Valuation zoning maybe different from City's new zoning code.*

**Exhibit "E": Proof of Ownership (Assessors records)  
2430 South University  
(NODEF Colorado, Inc. Parcel)**

**The property description shown is data from the Assessor's active, in-progress 2013 file. The "current year" values are from the 2013 tax year for real property tax due in 2014. These values are based on the property's physical status as of January 1, 2013.**

**PROPERTY INFORMATION**

Property Type: COMMERCIAL - OFFICE BUILDING Parcel: 0525308003000

**Name and Address Information**

**Legal Description**

NODEF COLORADO INC

L 7 8 9 & 10 BLK 8 ILIFFS  
UNIVERSITY ADD

PO BOX 461114

DENVER, CO 80246-5114

Property Address: 2430 S UNIVERSITY BLVD

Tax District DENV

Comparable sales data is not available online for this property at this time. Please call the Assessor at 720-913-4162.

 [Print](#)

**Exhibit "E": Proof of Ownership (Assessors records)  
2442 South University  
(NODEF Colorado, Inc. Parcel)**

The property description shown is data from the Assessor's active, in-progress 2013 file. The "current year" values are from the 2013 tax year for real property tax due in 2014. These values are based on the property's physical status as of January 1, 2013.

PROPERTY INFORMATION

Property Type: COMMERCIAL - RESTAURANT Parcel: 0525308021000

Name and Address Information	Legal Description
NODEF COLORADO INC	L 11 TO 14 INC BLK 8 ILIFFS
PO BOX 461114	UNIVERSITY ADD
DENVER, CO 80246-5114	
Property Address: 2442 S UNIVERSITY BLVD	Tax District DENV

Assessment Information

	Actual	Assessed	Exempt	Taxable
<b>Current Year</b>				
Land	375000	108750		
Improvements	6700	1940		
<b>Total</b>	<b>381700</b>	<b>110690</b>	<b>0</b>	<b>110690</b>
<b>Prior Year</b>				
Land	375000	108750		
Improvements	1000	290		
<b>Total</b>	<b>376000</b>	<b>109040</b>	<b>0</b>	<b>109040</b>

Style: Other	Reception No.: 2006130409
Year Built: 1975	Recording Date: 08/15/06
Building Sqr. Foot: 1,719	Document Type: Quit Claim
Bedrooms:	Sale Price:
Baths Full/Half: 0/0	Mill Levy: 84.071
Basement/Finished: 0/0	

Lot Size: 15,000

[Click here for current zoning](#)

Zoning Used for Valuation: GMX

Map Valuation

**Exhibit "E": Proof of Ownership (Assessors records)  
2460 South University  
(NODEF Colorado, Inc. Parcel)**

The property description shown is data from the Assessor's active, in-progress 2013 file. The "current year" values are from the 2013 tax year for real property tax due in 2014. These values are based on the property's physical status as of January 1, 2013.

PROPERTY INFORMATION

Property Type: COMMERCIAL - RETAIL	Parcel: 0525308006000
Name and Address Information	Legal Description
NODEF COLORADO INC	LTS 15 & 16 BLK 8
PO BOX 461114	ILIFFS UNIVERSITY ADD
DENVER, CO 80246-5114	
Property Address: 2460 S UNIVERSITY BLVD	Tax District DENV

Assessment Information

	Actual	Assessed	Exempt	Taxable
<b>Current Year</b>				
Land	187500	54380		
Improvements	1000	290		
<b>Total</b>	<b>188500</b>	<b>54670</b>	<b>0</b>	<b>54670</b>
<b>Prior Year</b>				
Land	187500	54380		
Improvements	1000	290		
<b>Total</b>	<b>188500</b>	<b>54670</b>	<b>0</b>	<b>54670</b>

Style: Other	Reception No.: 2013040640
Year Built: 1970	Recording Date: 03/22/13
Building Sqr. Foot: 1,110	Document Type: Death Cert-Recorded
Bedrooms:	Sale Price:
Baths Full/Half: 0/0	Mill Levy: 84.071
Basement/Finished: 0/0	

Lot Size: 7,500

[Click here for current zoning](#)

Zoning Used for Valuation: GMX

**Exhibit "E": Proof of Ownership (Assessors records)  
2462, 2482 and 2490 South University  
(NODEF Colorado, Inc. Parcel)**

The property description shown is data from the Assessor's active, in-progress 2013 file. The "current year" values are from the 2013 tax year for real property tax due in 2014. These values are based on the property's physical status as of January 1, 2013.

PROPERTY INFORMATION

Property Type: COMMERCIAL - MIX USE

Parcel: 0525308026000

Name and Address Information

Legal Description

NODEF COLORADO INC

PO BOX 461114

DENVER, CO 80246-5114

ILIFFS UNIVERSITY ADD 05253 B8  
L17 TO 24

Property Address: 2462 S UNIVERSITY BLVD -2490

Tax District DENV

Assessment Information

	Actual	Assessed	Exempt	Taxable
<b>Current Year</b>				
Land	750000	140180		
Improvements	327300	59830		
<b>Total</b>	<b>1077300</b>	<b>200010</b>	<b>0</b>	<b>200010</b>
<b>Prior Year</b>				
Land	750000	140180		
Improvements	299500	56660		
<b>Total</b>	<b>1049500</b>	<b>196840</b>	<b>0</b>	<b>196840</b>

Style: Other

Reception No.: 2013039409

Year Built: 1951

Recording Date: 03/20/13

Building Sqr. Foot: 5,508

Document Type: Quit Claim

Bedrooms:

Sale Price:

Baths Full/Half: 0/0

Mill Levy: 84.071

Basement/Finished: 0/0

Lot Size: 30,000

[Click here for current zoning](#)

Zoning Used for Valuation: GMX





## **NODEF COLORADO, INC**

c/o Tessler Developments  
461 Park Avenue South, New York, NY 10016  
Tel: 212 869-1900 Fax: 212 997-4119

January 27, 2014

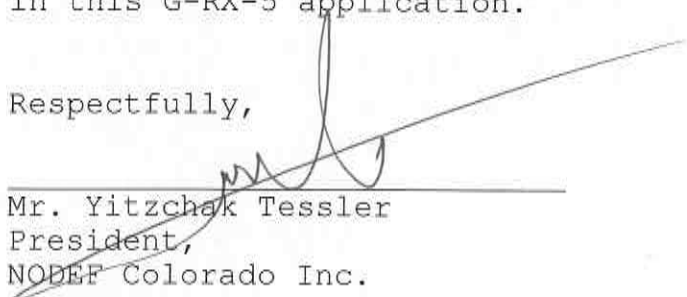
Deirdre M. Oss, AICP  
Senior City Planner Community Planning and Development  
201 West Colfax Avenue, Second Floor  
Denver, Colorado 80206

Re: 2430-2490 South University Blvd.

Dear Deirdre,

This letter serves as authorization for Robert J. Gollick, doing business as Robert J. Gollick, Inc. to act on behalf of NODEF Colorado Inc., for the purpose of rezoning the property described in this G-RX-5 application.

Respectfully,

  
\_\_\_\_\_  
Mr. Yitzchak Tessler  
President,  
NODEF Colorado Inc.

1/27/2014

•••

Deirdre M. Oss, AICP  
Senior City Planner, Community Planning and Development  
201 W. Colfax Ave, Second Floor  
Denver, CO 80206

**Subject:** 2420 South University Blvd.

Dear Diedre,

This letter serves as authorization for Robert J. Gollick, doing business as Robert J. Gollick, Inc. to act on behalf of Colorado Seminary, which owns and operates the University of Denver, for the purpose for rezoning the property described in this G-RX-5 application.

Respectfully,



Jozef (Jeff) Bemelen, P.E.

Director, Facilities Management & Planning

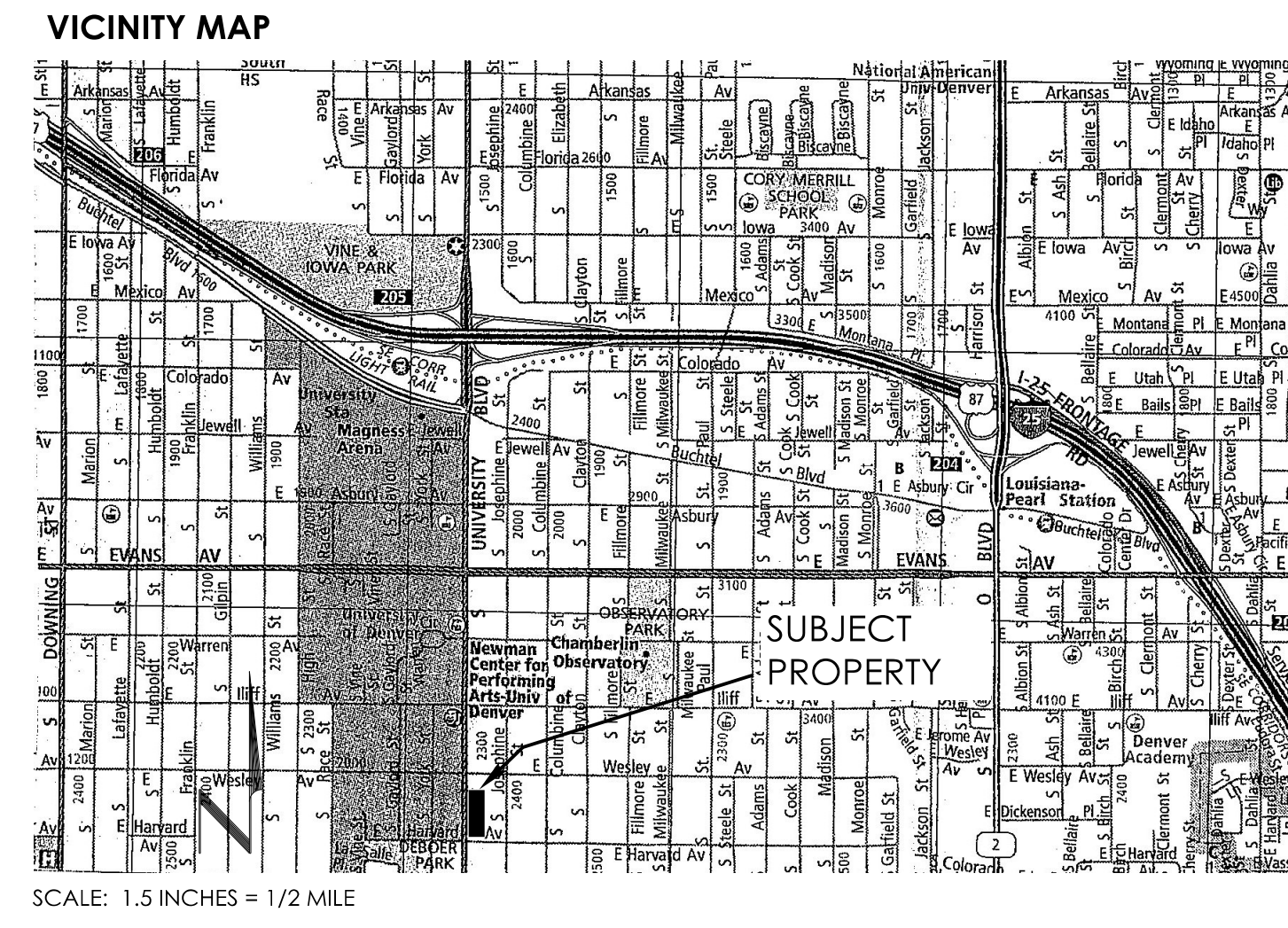
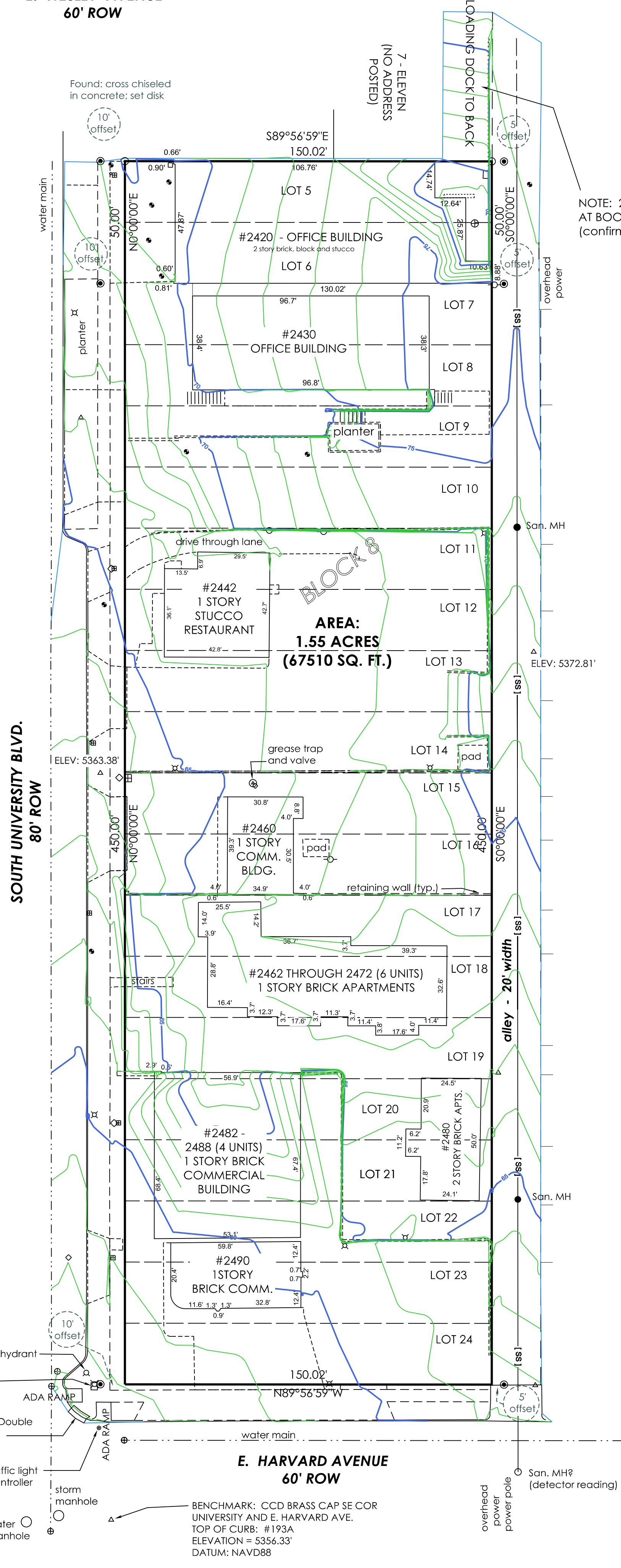
CC: Michael O'Flaherty  
Robert Gollick



# ALTA - TOPOGRAPHIC SURVEY FOR SOUTH UNIVERSITY BOULEVARD

Lots 5 through 24, inclusive, Block 8 in ILLIF'S UNIVERSITY ADDITION,  
in the SW 1/4 of Section 25, Township 4 South, Range 68 West of the 6th P.M.,  
in the City and County of Denver, State of Colorado

E. WESLEY AVENUE  
60' ROW



LEGAL DESCRIPTION:  
Lots 5 through 24, inclusive, Block 8, ILLIF'S UNIVERSITY ADDITION,  
City and County of Denver, State of Colorado.

CERTIFICATION:  
I, Lawrence G. Chambers a registered Professional Land Surveyor in the State of Colorado hereby certify to NODEF COLORADO, INC., a Colorado Corporation its successors and/or assigns and Land Title Guarantee Company that this ALTA - TOPOGRAPHIC Survey Plat was prepared on November 8, 2013.

I further certify that the improvements on the above described parcel on November 5, 2013, except utility connections, are entirely within the boundary of the parcel, except as indicated, and that there is no apparent evidence or sign of any easement crossing or burdening any part of said parcel, except as noted.

This plat accurately represents the results of that survey. I do further certify that this ALTA - TOPOGRAPHIC Survey Plat is in compliance with CRS Title 38, Article 51 and all other applicable statutes.

Lawrence G. Chambers, PLS  
Colorado Registration No. 16099

- NOTICE:
- 1) Basis of Bearings: are based upon the west line of the subject property which is assumed to bear N 0°00'00" E between the 10 foot offset nails and disks as shown hereon.
  - 2) This survey does not constitute a title search by Chambers Consulting, Inc. to determine ownership or easements of record. The description of the property was provided by the client by addresses and no title policy was provided.
  - 3) Note on utilities: Utilities shown are from measurements to surface fixtures and are shown by my best assumption of their alignments. The sanitary sewer main flows south through the alley toward the Harvard Gulch Interceptor (DMWW). I had a metal detector reading at a possible manhole (paved over) on this line at Harvard Ave. as shown.

The water main shown in Harvard Avenue runs between a gate valve in the Josephine Street intersection and east of the University Blvd. intersection as shown. The University Blvd. water main is shown between found gate valves and blue "I" locate marks painted in the street.

The double Type -R inlet at the NE Harvard - University intersection and an inlet at the SE corner of that intersection may flow to the manhole shown in University Blvd., just west of that corner. Immediately west of that is a 30" manhole cover marked "Water" which may be a valve vault.

An overhead power line runs along the west side of the alley as shown, service drops are not noted hereon.

No utility location service was ordered for this topographic survey. Before digging or excavating, please call the Utility Notification Center.

- 4) According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification above.
- 5) Any person who knowingly removes, alters or defaces any public land survey monument or land boundary monument or accessory, commits a Class Two (2) Misdemeanor pursuant to Colorado State Statute CRS 18-4-508.
- 6) Distances on this Survey Plat are expressed in US survey feet and decimals thereof. A US Survey Foot is defined as exactly 1200/3937 meters.
- 7) This site is designated Zone X, defined as 0.2% annual chance flood as determined by the Flood Insurance Rate Map (FIRM) for the City and County of Denver, No. 0800460212G, revision date November 17, 2005.

<b>SOUTH UNIVERSITY TOPO</b>		
<b>CHAMBERS CONSULTING INC.</b>		
STREET ADDRESS: 805 BEAR CREEK AVENUE		
MAIL: P.O. BOX 339, MORRISON, CO 80465-0339		
303-697-0650 chaconinc@chamberscon.com		
SCALE: 1 INCH = 30 FEET	DATE: 11-8-2013	DRAWN BY: LGC & JARC
COLUMBINE JOB# 41030041	REVISION:	DRAWING NO.: 1104
	COUNTY: DENVER	file: UNIV PLUS.TRV.



February 25, 2014

Deirdre Oss  
Community Planning and Development  
201 W. Colfax Ave, Dept. 205  
Denver, CO 80202

Dear Deirdre,

The purpose of this letter is to provide Community Planning and Development, the Denver Planning Board and City Council with an overview of the community outreach process for the rezoning on the block of 2400 S. University.

Since the spring of 2013, the property owner/developer, architect and consultant team have been engaged in a very thorough outreach process to inform the community of our evolving vision for the site/development, and more importantly, gather input and feedback from neighbors and community members.

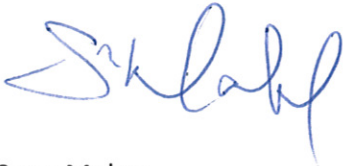
Below is a list of some of our major efforts to date.

- Week of March 18, 2013 – **meeting with University Park Community Council (UPCC)** re: project and rezoning.
- April-May, 2013 – neighborhood and community **outreach re: assembling neighborhood working group** to provide early feedback on project.
- June 23, 2013 – **neighborhood working group meeting #1** (at District 3 Police Station)
- July 31, 2013 – **neighborhood workgroup meeting #2** (at DU)
- October 2, 2013 – attend and present at **UPCC Community Meeting** (at University Park Elementary School)
- October 29, 2013 – **meeting for adjacent block owners/residents** (2400 block of S. Josephine) in architect's office to discuss project and focus on alley side design (at SA+R office)
- January 9, 2014 – **meeting with CPD** re: revising zone district to G-RX-5 (Webb Bldg)
- January-February, 2014 – **massive email and phone outreach re: revised rezoning application** and scheduling meetings, phone calls, etc.
- February 20, 2014 – **large community meeting (UPCC included)** re: revised G-RX-5 rezoning application and modified development plan (at District 3 Police Station)
- March 4, 2014 – scheduled to attend and present at **UPCC Board of Directors meeting**
- March 5, 2014 – **Planning Board public hearing**

The list above does not include all of the one-on-one email, phone and small meetings that have taken place regarding the project and rezoning. As a part of the consultant team, I can attest to the owner/developer's genuine desire to perform and continue meaningful community outreach re: the project, rezoning and design/site planning process.

Please do not hesitate to contact me with any questions. I will be present at the Planning Board hearing to speak to this subject and others.

Sincerely,

A handwritten signature in blue ink, appearing to read "S. Maley". The signature is fluid and cursive, with the first letter being a large, stylized 'S'.

Sean Maley  
Vice President  
CRL Associates, Inc.



**University Park Community Council  
RNO Response Form and Attachments**

**CITY AND COUNTY OF DENVER, COLORADO  
REGISTERED NEIGHBORHOOD ORGANIZATION  
POSITION STATEMENT**

Following a vote of the Registered Neighborhood Organization, please complete this form and email to [rezoning@denvergov.org](mailto:rezoning@denvergov.org). You may save the form in \*.pdf format if needed for future reference. Questions may be directed to planning staff at [rezoning@denvergov.org](mailto:rezoning@denvergov.org) or by telephone at 720-865-2974.

Application Number	20131-00016
Location	2430,2442,2460,2462,2482,and 2490 So. University Blvd.
Registered Neighborhood Organization Name	University Park Community Council
Registered Contact Name	Jennifer Schmidt
Contact Address	2450 So. Josephine St., Denver CO 80210
Contact E-Mail Address	Schmidt640@yahoo.com
Date Submitted	February 25, 2014

As required by DRMC § 12-96, a meeting of the above-referenced Registered Neighborhood Organization

was held on  , with  members in attendance.

With a total of  members voting,

voted to support (or to not oppose) the application;

voted to oppose the application; and

voted to abstain on the issue.

It is therefore resolved, with a total of  members voting in aggregate:

The position of the above-referenced Registered Neighborhood Organization is that Denver City Council

Application #

Comments:	Please see attachment #1
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Rezoning Applications may be viewed and/or downloaded for review at:  
[www.denvergov.org/Rezoning](http://www.denvergov.org/Rezoning)



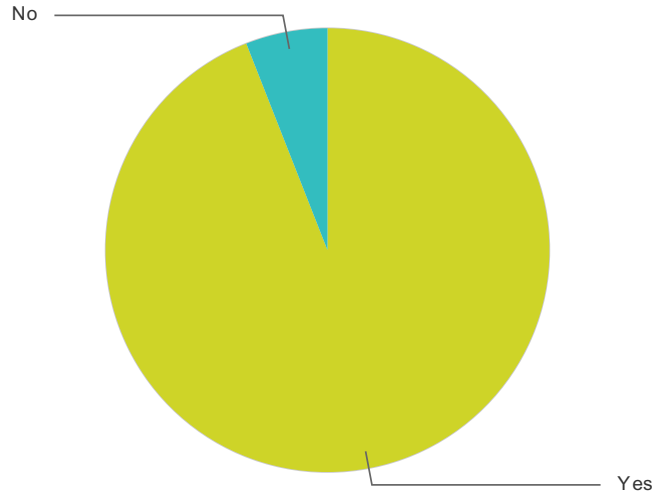
RespondentID	StartDate	EndDate	IP Address	Did you read the information about the 2400 block of S University Boulevard posted on the upccs website? ( <a href="http://upccs.us/safety-zoning-development/">http://upccs.us/safety-zoning-development/</a> ) 2400-Block-of-south-university-boulevard-proposed-development-overview)	How many blocks to you live from the Boulevard?	Do you have a preference on the height of the building?	Under the current zoning (G-MX-3), the project would likely have above grade/surface parking whereas a five story building would likely have underbuilding parking. Given this information, would you prefer these options?	Would you agree to a rezoning for a building that has greater density and height than current zoning of G-MX-3?	Other comments you would like to share with the UPCC Board:
2734889154	07/25/2013	07/25/2013 67.176.82.239	Yes	4-5 Blocks	Three story building	Three story building with grade/surface parking	No	With the addition of the large new apartment building at Evans and University (SW corner), University Blvd does not need any more traffic, it's already impossible to get through any time of day. Would also have a great negative impact on the properties on the west side of Josephine in the block.	
2734822424	07/25/2013	07/25/2013 67.184.179.230	Yes	2 Blocks	Three story building	Three story building with grade/surface parking	No	I would require underground parking anytime parking is already a huge problem around here and it would be a mistake not to require underground parking in a new building.	
2734421633	07/25/2013	07/25/2013 68.164.110.134	Yes	6-7 Blocks	Three story building	Three story building with grade/surface parking	No	I live on Hill and am already experiencing much higher traffic counts than years past. Increasing density on the development would only add to volume, congestion, parking issues and crime.	
2732526831	07/24/2013	07/24/2013 71.208.236.230	Yes	2 Blocks	Three story building	Three story building with grade/surface parking	No	I live on Columbus St. Our entire street is upset about contractor parking EVERYWHERE. The city does not return our phone calls. Please help?	
2732288207	07/24/2013	07/24/2013 67.164.179.230	Yes	2 Blocks	Three story building	Three story building with grade/surface parking	No	We desperately need a 1-2hr parking restriction on our block!(2400 Columbia) we are already bombarded with construction workers working on the Kottz Bldg. Josephine has parking signs as well we get hit even harder!! I have been trying to get this done & neither Nola Owens nor Charlie Brown have been if any help! Useless!	
2732096439	07/24/2013	07/24/2013 67.164.178.42	Yes	2 Blocks	Leave as is	Three story building with grade/surface parking	No	I live on the 2400 block of Columbia. We are the first block that doesn't have restricted parking and we have become the parking for all the contractors working in and around DU. It's a nightmare. Slumper to bumper all day long. We have no where for our guests (spatial/deliverment) to park. We have tried for over a year, working with the City and have gotten no where. Please help!!!!	
2731575249	07/24/2013	07/24/2013 174.51.99.247	Yes	6-7 Blocks	Five story building	Five story building with under-building parking	Yes	University Blvd should be allowed to go as high as possible. The more density we allow in that corridor, the more vibrant that corridor will become. . . . The more sustainable our neighborhood will become. . . . the more interesting the retail can become. . . . the more diverse our neighborhood can become. . . . economically and in most other measures of diversity. We cannot pretend that a better neighborhood will result from shorter buildings. That is extremely short-sited.	
2730491052	07/23/2013	07/23/2013 174.51.189.194	Yes	6-7 Blocks	Three story building	Three story building with grade/surface parking	No	I have provided my comments to Rosemary Stoffel	
2729830385	07/23/2013	07/23/2013 50.155.173.33	No	Over 1 Mile	Three story building	Three story building with grade/surface parking	Yes	Zoning doesn't mean anything, if it can just be changed. Having to go through all the procedures necessary for a zoning change in just 3 years is wasting government (our taxes) resources.	
2729726211	07/23/2013	07/23/2013 162.119.232.100	Yes	4-5 Blocks	Three story building	Three story building with grade/surface parking	No	It is my strong opinion that established residential neighborhoods are not benefited by increased density. I think there's a lot of traffic on University that concerns me and believe that parking continues to be a growing problem with businesses on University impacting local businesses.	
2729602662	07/22/2013	07/22/2013 75.166.132.166	Yes	8-9 Blocks	Three story building	Three story building with grade/surface parking	No		
2729578370	07/22/2013	07/22/2013 76.25.26.174	Yes	10-12 Blocks	Three story building	Five story building with under-building parking	No		
2729471217	07/22/2013	07/22/2013 71.196.201.223	Yes	1 Block or Less	Three story building	Three story building with grade/surface parking	No		
2729361353	07/22/2013	07/22/2013 216.58.130.18	No	6-7 Blocks	Five story building	Three story building with under-building parking	Yes		
2729301617	07/22/2013	07/22/2013 50.508.204.5	Yes	1 Block or Less	Three story building	Three story building with grade/surface parking	No		
2729293621	07/22/2013	07/22/2013 67.190.164.248	Yes	4-5 Blocks	Three story building	Three story building with grade/surface parking	No		
2729289744	07/22/2013	07/22/2013 71.208.170.227	Yes	8-9 Blocks	Three story building	Three story building with grade/surface parking	No		
2729159054	07/22/2013	07/22/2013 24.9.23.91	No	10-12 Blocks	Five story building	Five story building with under-building parking	Yes	If you look along the East side of university there are other 5-6 story buildings, I like the idea of underground parking.	
2729140053	07/22/2013	07/22/2013 184.99.210.68	No	Over 1 Mile	Five story building	Five story building with under-building parking	Yes		
2729095171	07/22/2013	07/22/2013 50.152.41.133	No	10-12 Blocks	Three story building	Three story building with grade/surface parking	No		
2728903701	07/22/2013	07/22/2013 67.164.178.34	Yes	1 Block or Less	Leave as is	Three story building with grade/surface parking	No	When Denver did the rezoning everything was taken into consideration, such as height, parking above and below grade. The group of people in our University Park area were a mixed group with expertise in development, planning, architecture, preservation to the neighborhood. There was a lot of time spent on the east side of University from Buechel to Yale. The area of Denver University ends in the 2300 block on the west side with the music building for the school. The remaining area going south is then small business and residential and should continue to be that way. Having a residential area with small businesses and parking and will create more traffic, and block sun from the west. This is a bad idea they should consider the west side of University as well. Chris	
2728658711	07/22/2013	07/22/2013 184.96.73.33	Yes	10-12 Blocks	Three story building	Five story building with under-building parking	Yes	Without the project being viable and economically profitable the block will remain as it is now. The developer must have the numbers which dictate to him which project size is needed in order to finance and complete the project. Many times I've seen concessions made providing a neighborhood with thought and fits with the properties behind. As I have witnessed over the past 20 years the improvements made in the area are for the better.	
2728408391	07/22/2013	07/22/2013 184.96.154.86	Yes	6-7 Blocks	Five story building	Five story building with under-building parking	Yes		
2728290458	07/22/2013	07/22/2013 74.202.20.154	Yes	10-12 Blocks	Three story building	Five story building with under-building parking	Yes		
2728179268	07/18/2013	07/18/2013 169.133.140.5	Yes	6-7 Blocks	Three story building	Five story building with under-building parking	Yes		
2728131493	07/17/2013	07/17/2013 75.166.190.115	Yes	6-7 Blocks	Leave as is	Three story building with grade/surface parking	No		
2721124407	07/16/2013	07/16/2013 70.197.205.412	Yes	1 Block or Less	Three story building	Five story building with under-building parking	Yes		
2718972775	07/15/2013	07/15/2013 67.190.24.232	Yes	3 Blocks	Three story building	Three story building with grade/surface parking	Yes	We purchased in this neighborhood for what it is... lovely, un congested, with homes. Not 5 story buildings making traffic impossible for us and more people. Move your idea to Colorado Blvd!!!!	
2717890841	07/14/2013	07/14/2013 68.53.70.7	Yes	2 Blocks	Three story building	Three story building with grade/surface parking	No		
2716928850	07/13/2013	07/13/2013 50.152.31.46	Yes	8-9 Blocks	Three story building	Three story building with grade/surface parking	No		
2716801984	07/13/2013	07/13/2013 67.166.6.137	Yes	4-5 Blocks	Three story building	Doesn't matter to me	No		
2715948812	07/12/2013	07/12/2013 71.229.169.7	Yes	2 Blocks	Three story building	Three story building with grade/surface parking	No		
2715743152	07/12/2013	07/12/2013 166.147.88.16	Yes	4-5 Blocks	Three story building	Doesn't matter to me	No		
2715604513	07/12/2013	07/12/2013 50.152.31.189	Yes	10-12 Blocks	Five story building	Five story building with under-building parking	Yes		
2715377909	07/12/2013	07/12/2013 166.137.204.48	Yes	4-5 Blocks	Three story building	Three story building with grade/surface parking	No		
2715283835	07/12/2013	07/12/2013 71.229.167.136	Yes	4-5 Blocks	Three story building	Three story building with grade/surface parking	No		
2714498559	07/11/2013	07/11/2013 147.153.169.193	Yes	6-7 Blocks	Three story building	Three story building with grade/surface parking	No		
2714138581	07/08/2013	07/11/2013 71.211.204.171	Yes	1 Block or Less	Three story building	Three story building with grade/surface parking	No		
2714114824	07/11/2013	07/11/2013 67.164.178.188	Yes	2 Blocks	Five story building	Five story building with under-building parking	Yes		
2713622838	07/11/2013	07/11/2013 50.152.40.21	Yes	10-12 Blocks	Three story building	Five story building with under-building parking	No		
2713330210	07/10/2013	07/10/2013 65.125.245.190	Yes	6-7 Blocks	Leave as is	Doesn't matter to me	No		
2712793529	07/10/2013	07/10/2013 63.149.121.82	Yes	4-5 Blocks	Three story building	Doesn't matter to me	No		
2712710149	07/10/2013	07/10/2013 70.59.49.30	Yes	4-5 Blocks	Three story building	Three story building with grade/surface parking	No		
2712474165	07/10/2013	07/10/2013 198.233.37.252	Yes	2 Blocks	Five story building	Five story building with under-building parking	Yes	The 2400 block of S University Blvd has been an eyesore for at least two decades. A new project with underground parking will serve as a catalyst for redevelopment on the block. I am a City Planner in another jurisdiction and support this rezoning proposal. I have owned a home and lived at the same location in the neighborhood for the last 24 years. The height increase and resulting underground parking requirement would provide a better project in the end. This is a better alternative than what could end up being there because of these economics (i.e. a drive-through fast food restaurant). The proposed 5 stories would still be much lower than the 8-10 story buildings that exist on the 2500 block of S University Blvd. Thank you for giving the neighborhood this opportunity for input.	
2712418838	07/10/2013	07/10/2013 71.229.167.136	Yes	3 Blocks	Three story building	Three story building with grade/surface parking	No		
2711931257	07/10/2013	07/10/2013 166.137.209.26	Yes	1 Block or Less	Three story building	Three story building with grade/surface parking	No	Can the three story building have underground parking?	
2711899248	07/10/2013	07/10/2013 71.229.161.111	Yes	6-7 Blocks	Three story building	Three story building with grade/surface parking	No		
2711895239	07/10/2013	07/10/2013 67.166.6.43	Yes	8-9 Blocks	Three story building	Three story building with grade/surface parking	No		
2711886599	07/10/2013	07/10/2013 71.208.97.112	Yes	8-9 Blocks	Three story building	Three story building with grade/surface parking	No		
2711843789	07/10/2013	07/10/2013 71.229.175.46	Yes	4-5 Blocks	Three story building	Three story building with grade/surface parking	No		
2711791878	07/10/2013	07/10/2013 64.68.245.114	Yes	4-5 Blocks	Three story building	Three story building with grade/surface parking	No		
2711785254	07/10/2013	07/10/2013 184.96.64.25	Yes	4-5 Blocks	Five story building	Five story building with under-building parking	No		
2710199479	07/09/2013	07/09/2013 50.152.41.154	Yes	10-12 Blocks	Three story building	Three story building with grade/surface parking	No		
2710115167	07/09/2013	07/09/2013 71.229.160.194	Yes	8-9 Blocks	Three story building	Three story building with grade/surface parking	No		
2710084575	07/09/2013	07/09/2013 67.177.203.248	Yes	8-9 Blocks	Three story building	Three story building with grade/surface parking	No		
2709453363	07/08/2013	07/08/2013 184.96.70.203	Yes	6-7 Blocks	Three story building	Three story building with grade/surface parking	No		
2708950255	07/08/2013	07/08/2013 71.212.245.49	Yes	10-12 Blocks	Three story building	Three story building with grade/surface parking	No		
2708408827	07/08/2013	07/08/2013 184.99.251.166	Yes	3 Blocks	Three story building	Three story building with grade/surface parking	No	Would prefer underground parking regardless.	
2708207280	07/07/2013	07/07/2013 70.208.71.90	Yes	3 Blocks	Five story building	Five story building with under-building parking	Yes	Bring great retail. Cool neighborhood coffee shop, bar, restaurants, etc. bring some unique culture to the observatory park area. We need!!!! Chris 303-725-2671	
2708079359	07/07/2013	07/07/2013 70.208.3.199	Yes	3 Blocks	Three story building	Three story building with grade/surface parking	No		
2707798833	07/06/2013	07/06/2013 71.229.242.132	Yes	4-5 Blocks	Three story building	Three story building with grade/surface parking	Yes	My biggest concern is adding to the traffic congestion on University Blvd between Yale and Evans.	
2707174060	07/05/2013	07/05/2013 67.176.82.246	Yes	6-7 Blocks	Three story building	Three story building with grade/surface parking	No	why not under ground parking with 3 story building	
2707029522	07/05/2013	07/05/2013 207.200.116.12	Yes	Over 1 Mile	Five story building	Five story building with under-building parking	Yes	Based upon the redevelopment in the area by DU and the 12+ story bldg at S. University and E. Evans, it appears unjust to deny a five story building.	
2706850533	07/05/2013	07/05/2013 67.21.132.98	No	8-9 Blocks	Three story building	Three story building with grade/surface parking	Yes		
2706505131	07/04/2013	07/04/2013 174.51.97.201	Yes	6-7 Blocks	Five story building	Five story building with under-building parking	Yes		
2705043224	07/04/2013	07/04/2013 67.190.167.164	Yes	Three story building	Three story building with grade/surface parking	Three story building with grade/surface parking	No		
2704930409	07/04/2013	07/04/2013 50.152.31.178	Yes	6-7 Blocks	Three story building	Three story building with grade/surface parking	No		
2704792548	07/03/2013	07/03/2013 71.229.167.207	Yes	3 Blocks	Three story building	Five story building with under-building parking	No	Underground parking could reduce the impact.	
2704716804	07/03/2013	07/03/2013 71.218.117.62	Yes	6-7 Blocks	Three story building	Three story building with grade/surface parking	No		
2704708196	07/03/2013	07/03/2013 205.169.91.48	Yes	4-5 Blocks	Leave as is	Three story building with grade/surface parking	No		
2704694175	07/03/2013	07/03/2013 209.210.43.170	Yes	10-12 Blocks	Five story building	Five story building with under-building parking	Yes	The neighborhood needs to see a design before any of these questions can be answered. The architect's vision can show how an increase in height and density could be a benefit to UP & the adjacent neighbors across the ally.	
2704685523	07/03/2013	07/03/2013 50.155.144.119	Yes	10-12 Blocks	Three story building	Three story building with grade/surface parking	No		
2704675565	07/03/2013	07/03/2013 67.190.167.164	Yes	4-5 Blocks	Three story building	Three story building with grade/surface parking	No	The people living closest to this development should have the strongest input on this.	
2704607644	07/03/2013	07/03/2013 50.155.144.119	Yes	8-9 Blocks	Three story building	Five story building with under-building parking	Yes	Assuming underground parking would also mean more parking per occupant and/or expected patron. If this was understood and true, I think more would favor toward five stories and underground parking.	
2704500867	07/03/2013	07/03/2013 24.9.134.143	Yes	1 Block or Less	Three story building	Three story building with grade/surface parking	No	I would be very poor planning to allow further development without first addressing the existing significant congestion issues.	
2704326723	07/03/2013	07/03/2013 67.41.212.158	Yes	6-7 Blocks	Three story building	Three story building with grade/surface parking	No		
2704314155	07/03/2013	07/03/2013 71.229.243.190	Yes	3 Blocks	Three story building	Three story building with grade/surface parking	No		
2704292781	07/03/2013	07/03/2013 50.152.41.144	Yes	10-12 Blocks	Three story building	Three story building with grade/surface parking	No	Thank you for asking what we think. Every time I drive past the monostricity at Evans and S University, I wonder how that ever got past a zoning board. Warren and Evans sits in the midst of 1 and 2 story homes. Anything above 3 stories further upsets the balance of our neighborhood, brings too much traffic and noise and will decrease the use, enjoyment and atmosphere of our neighborhood. While multi-story buildings exist in a larger radius of the area, none sit off neighborhood streets as this will. Let's get off the high-rise development bandwagon!	
2704113141	07/03/2013	07/03/2013 71.208.106.230	Yes	10-12 Blocks	Three story building	Doesn't matter to me	No		
2704058127	07/03/2013	07/03/2013 63.209.178.11	Yes	8-9 Blocks	Three story building	Three story building with grade/surface parking	No		
2704048076	07/03/2013	07/03/2013 174.16.234.54	Yes	2 Blocks	Leave as is	Five story building with under-building parking	No		
2704048040	07/03/2013	07/03/2013 174.16.234.54	Yes	2 Blocks	Leave as is	Five story building with under-building parking	No		
2704041033	07/03/2013	07/03/2013 50.152.30.54	Yes	8-9 Blocks	Three story building	Three story building with grade/surface parking	No	I live far enough away that it really does not affect me, but I feel for the people that live directly behind that block on Josephine. So, my answers reflect what I think would work.	
2704043083	07/03/2013	07/03/2013 65.102.244.60	Yes	8-9 Blocks	Three story building	Three story building with grade/surface parking	No		
2704035218	07/03/2013	07/03/2013 50.152.31.24	Yes	6-7 Blocks	Three story building	Three story building with grade/surface parking	No		
2704026988	07/03/2013	07/03/2013 71.229.163.8	Yes	3 Blocks	Three story building	Three story building with grade/surface parking	No	There is no justification to change current zoning requirements.	
2703865552	07/03/2013	07/03/2013 174.51.45.25	Yes	4-5 Blocks	Five story building	Five story building with under-building parking	Yes	Would be great to have some upscale retail/commercial space as well.	
2703844497	07/03/2013	07/03/2013 63.239.98.239	Yes	4-5 Blocks	Three story building	Three story building with grade/surface parking	No		
2703733371	07/03/2013	07/03/2013 67.190.164.79	Yes	Over 1 Mile	Five story building	Five story building with under-building parking	Yes	I think 5 stories is the maximum amount to fit into character of the neighborhood. More stories is worth it to encourage underground or tucked under parking. Underground and	





**Q1 Did you read the information about the 2400 block of S University Boulevard posted on the upcc.us website? (<http://upcc.us/safety-zoning/development/2400-block-of-south-university-boulecard-proposed-development-overview/>)**

Answered: 151 Skipped: 8

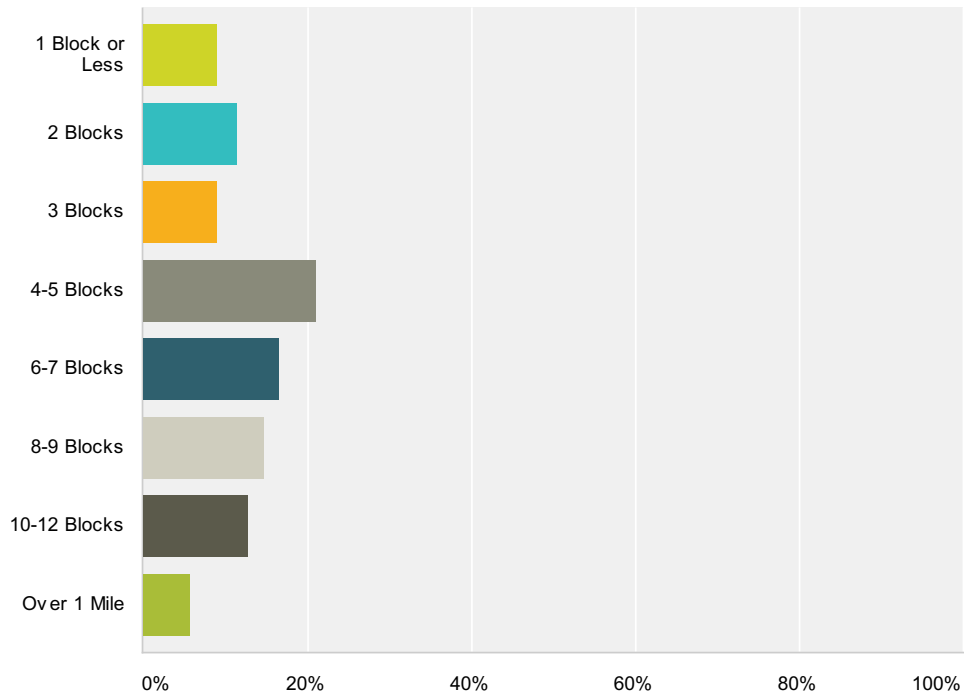


Answer Choices	Responses	
<b>Yes</b>	<b>94.04%</b>	142
<b>No</b>	<b>5.96%</b>	9
<b>Total</b>		<b>151</b>



### Q2 How many blocks to you live from the 2400 Block of South University Boulevard?

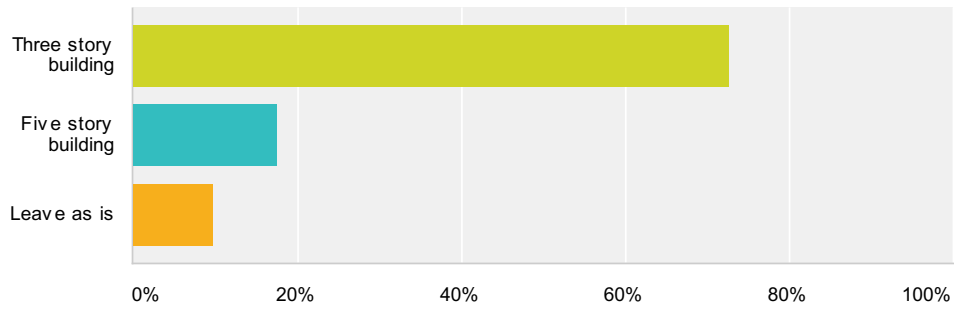
Answered: 157 Skipped: 2



Answer Choices	Responses
<b>1 Block or Less</b>	8.92% 14
<b>2 Blocks</b>	11.46% 18
<b>3 Blocks</b>	8.92% 14
<b>4-5 Blocks</b>	21.02% 33
<b>6-7 Blocks</b>	16.56% 26
<b>8-9 Blocks</b>	14.65% 23
<b>10-12 Blocks</b>	12.74% 20
<b>Over 1 Mile</b>	5.73% 9
<b>Total</b>	157

### Q3 Do you have a preference on the height of the building?

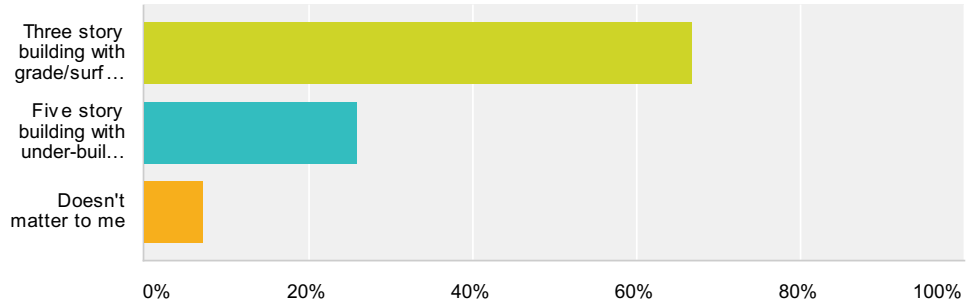
Answered: 154 Skipped: 5



Answer Choices	Responses
<b>Three story building</b>	<b>72.73%</b> 112
<b>Five story building</b>	<b>17.53%</b> 27
<b>Leave as is</b>	<b>9.74%</b> 15
<b>Total</b>	<b>154</b>

**Q4 Under the current zoning (G-MX-3), the project would likely have above grade/surface parking whereas a five story building would likely have under-building parking. Given this information, what would be your preference with these options?**

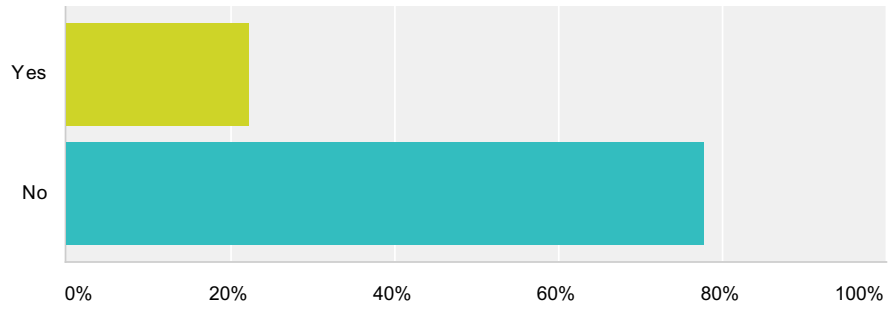
Answered: 154 Skipped: 5



Answer Choices	Responses
<b>Three story building with grade/surface parking</b>	<b>66.88%</b> 103
<b>Five story building with under-building parking</b>	<b>25.97%</b> 40
<b>Doesn't matter to me</b>	<b>7.14%</b> 11
<b>Total</b>	<b>154</b>

**Q5 Would you agree to a rezoning for a building that has greater density and height than the current zoning of G-MX-3?**

Answered: 153 Skipped: 6



Answer Choices	Responses	
<b>Yes</b>	<b>22.22%</b>	34
<b>No</b>	<b>77.78%</b>	119
<b>Total</b>		<b>153</b>

**Q6 Other comments you would like to share  
with the UPCC Board:**

Answered: 65 Skipped: 94



January 21, 2014

**Addendum Pages to the proposed Official Zone Map Amendment Application for:**

2420 South University Boulevard: Assessor's Number: 0525308020000 2430 South University Boulevard: Assessor's Number: 0525308030000 2442 South University Boulevard: Assessor's Number: 0525308021000 2460 South University Boulevard: Assessor's Number: 0525308006000, and 2462 thru 2490 South University Boulevard: Assessor's Number: 0525308026000

**Case Number: 2013I-00016**

**Property Owners: Property Address:** 2430, 2442, 2460, 2462, 2482, & 2490 South University Boulevard **NODEF Colorado, Inc.**

PO Box 46114 Denver, Colorado 80246

**Property Address:** 2420 South University Boulevard **Colorado Seminary**

2199 South University Boulevard Denver, Colorado 80210

**Proposed Zoning:** G-RX-5

**Authorized Representative:**

Robert J. Gollick, Inc. (Bob Gollick) 609 South Gaylord Street Denver, Colorado 80209 303 722-8771

bgollick@comcast.net

**PROPOSED MAP AMENDMENT SUMMARY**

The intent of the proposed G-RX-5 zoning map amendment is to provide the appropriate entitlement mechanism for redevelopment of a 1.72-acre parcel in the University Park neighborhood. This is a block that has over 500± feet of frontage along South University Boulevard, a major arterial street, with an RTD transit stop on the site.

The majority of the property has been owned by the same family for almost 40 years. The middle 2 lots of the property were acquired in the past few months, now making redevelopment physically and economically feasible. This recent acquisition, along with the improving real estate market, is the catalyst for the proposed map amendment.

Additionally, of significance, is the extreme slope of the property. The site has a 12±-foot drop from north to south, which is the equivalent of over the height of a full building floor as well as an additional slope of 6± from east to west. Thus a higher structure on the low-lying portion of the property allows for greater flexibility in design without negative impacts for the surrounding area.

The allowable height of 70 feet in the G-RX-5 zone district is compatible with the existing height along the

South University Boulevard corridor. Nearby existing structures have heights above what is being proposed. The Tabor House is 79 feet, the Post house is 107 feet and the Heritage House is 97 feet. This zoning proposal to allow a structure of 70 feet will fit the existing context of the Boulevard. (*Reference Exhibit "D" for the Contextual Height Study of the area*) **These buildings one block to the south are anomalies, and cannot be used to justify increased height. When the current G-MX-3 zoning was adopted in June, 2010, these buildings were already in existence. The existing context has not changed since 2010.**

#### **EXHIBIT "A": DESCRIPTION OF CONSISTENCY WITH ADOPTED PLANS (DRMC 12.4.10.13(A, B & C))**

##### **REVIEW CRITERIA**

The proposed map amendment is consistent with the following three adopted plans.

**1. Denver Comprehensive Plan 2000,**

**2. Blueprint Denver, and**

**3. University Park Small Area Plan (the Plan), Adopted by City Council in 2008.**

**The Zoning Code update codified recommendations in the University Park Small Area Plan, and designated that area G-MX-3 in 2010.**

**REVIEW CRITERIA 1. Denver Comprehensive Plan 2000 LAND USE CHAPTER** Objective 1: Citywide Land Use and Transportation Plan **Strategy 1-B:** Ensure that the *Citywide Land Use and Transportation Plan* reinforces the cities character by building on a legacy of **high-quality urban design and stable, attractive neighborhoods**; encouraging preservation of historic buildings, districts and landscapes; and maintaining the integrity of the street grid, parks, parkways, and open space system. **Current zoning already does this as an up-zone from B-2, the prior zoning of the site.**

**Objective 3: Residential Neighborhoods and Business Centers Strategy 3-B:** Encourage quality infill development that is **consistent with the character of the surrounding neighborhood**; that offers opportunities for **increased density** and more amenities; and that broadens the variety of compatible uses. **Current zoning does this as an up-zone from B-2.**

##### **Accommodating New Development Objective 4 Land Use and Transportation**

**Strategy 1-C:** Incorporate relevant recommendations from neighborhood, corridor and area plans that are supplements to Plan 2000. Examples are the plans for Stapleton, Lowry, Gateway, Federal Boulevard, Central Platte Valley and the Golden Triangle. (*University Park Small Area Plan (the Plan), Adopted by City Council in 2008.*) **The Small Area Plan is not a governing document.**

**Strategy 3-B:** Encourage quality **infill development that is consistent with the character of the surrounding neighborhood**; that offers opportunities for increased density and more amenities; and that broadens the variety of compatible

uses. **Current zoning already does this as an up-zone from B-2 and is more consistent with the character of the neighborhood than the height and density allowed in G-RX-5.**

**Strategy 4-A:** Encourage mixed-use, transit-oriented development that makes effective use of existing transportation infrastructure, supports transit stations, increases transit patronage, reduces impact on the environment, and encourages vibrant urban centers and neighborhoods. **Current zoning already does this as an up-zone from B-2.**

**Strategy 4-B:** Ensure that land use policies and decisions support a variety of mobility choices, including light rail, buses, paratransit, walking and bicycling, as well as convenient access for people with disabilities. **Current zoning already does this an up-zone from B-2.**

#### **MOBILITY CHAPTER Objective 4: Changing Travel Behavior**

**Strategy 4-E** Continue to promote mixed-use development, which enables people to live near work, retail and services. **Current zoning already allows this.**

#### **LEGACIES CHAPTER Objective 2 New Development, Traditional Character**

##### **Strategy 2-E**

Ensure that the Zoning Code reinforces quality urban design. *(The intent of the form-based zoning is to assure that goal)* **All zone districts do this.**

#### **Objective 3 Compact Urban Development**

##### **Strategy 3-A**

3-A Identify areas in which increased density and new uses are desirable and can be accommodated.

#### **ECONOMIC ACTIVITY CHAPTER Objective 6 Preferred Housing Development**

Encourage mixed-use, mixed-income housing development in Denver's core area and along transit lines.

*(There is a RTD stop on University Boulevard adjacent to this site)* **Current zoning does this as an up-zone from B-2.**

##### **Strategies**

6-A Support mixed-use development consistent with the goals of the Comprehensive Plan's land-use and mobility strategies.

6-E Identify and capitalize on opportunities to develop housing along transit lines. *(The University light-rail station is a 12-minute walk and an RTD stop on University Boulevard adjacent to this site)* **The University light-rail station is a 22 minute, 1.1 mile walk (Google Walking Maps), and is not adjacent to this site.**

#### **ENVIRONMENTAL SUSTAINABILITY CHAPTER Strategy 2-F Conserve land by:**

Promoting infill development within Denver at sites where services and infrastructure are already in place.

Designing mixed-use communities and reducing sprawl, so that residents can live, work and play within their own neighborhoods. **What infrastructure upgrade is required to accommodate increased density?**

**Strategy 4-A** Promote the development of sustainable communities and centers of activity where shopping, jobs, recreation and schools are accessible by multiple forms of transportation, **providing opportunities for people to live where they work.** *(We anticipate some of the residents will work at the University of Denver.)* **Current zoning does this as an up-zone from B-2. There is also no guarantee that residents will not have cars.**

*SUMMARY: As listed above there are numerous Objectives and Strategies that are contained in Denver Comprehensive Plan 2000 that are supportive of the proposed map amendment. In particular, the Land Use Chapter in it's detailed description of infill development.*

**Current zoning meets the objectives and strategies contained in the Denver Comprehensive Plan 2000.**

**REVIEW CRITERIA 2: Blueprint Denver**

*Blueprint Denver has designated the subject property with a land use designation of **Urban Residential**, which is defined (in Blueprint Denver) as follows:*

***Note:** The following portion of this application contains excerpts and paraphrasing from the Blueprint Denver. Page numbers are included to reference of the entire section of the Plan cited*

**Urban Residential** Urban residential neighborhoods are **higher density** and primarily residential but may **include a noteworthy number of complementary commercial uses**. **New housing** tends to be in **mid-to high-rise structures**, and there is a greater housing base than employment base. A mixture of housing types is present, including historic single-family houses, townhouses, small multi-family **apartments and sometimes high-rise residential structures**. Capitol Hill, Cheesman Park, Riverfront Park in the Central Platte Valley and Cherry Creek East are good examples of urban residential areas. *Page 41-42* (The proposed G-RX-5 zone district provides the entitlement necessary to meet this Urban Residential description.) **University Park is not similar to these listed neighborhoods**

Urban Residential areas are usually by downtown, **transit corridors** or regional centers with a 0.75 FAR for neighborhood average, some buildings 4 or more (stories) above 20 DUA, **sometimes more than 100 DUA**. *Page 64*

Within Areas of Stability there may be places such as **stagnant commercial centers** where **reinvestment would be desirable** to make the area an asset to and supportive of the surrounding neighborhood. *Page 23* (The existing commercial center is stagnant with vacancies, vandalism and a general eyesore to the neighborhood. Redevelopment is now possible due to the assemblage of the middle portion of the block making a unified development possible) **This area is currently stagnant due to owner's lack of upgrades; letting the property deteriorate does not justify higher density**

The Plan further states that one of the Zoning and Urban Design Challenges that the neighborhood faces is that the majority of the zoning in the neighborhood lacks sufficient form based design and development standards to ensure that new development is sensitive to the existing context. *Page 8* (The concern for a lack of form based design and development standards was addressed with the 2010 Zoning Code update that now includes form based districts as well as development standards. The proposed G-RX-5 zone district is a form based zone district.) **All zone districts are form-based. This is not condition unique to this property.**

As stated in Blueprint Denver, much of Denver's growth will be accommodated by infill **development on vacant land** or through **redevelopment** of existing sites. *Page 118* (The proposed map amendment will meet that statement by providing the entitlement ability to develop a mixed-use project on a partially vacant parcel located along a Blueprint Denver designated Enhanced Transit Corridor.) **Land can be redeveloped under current zoning.**

**Compact development:** "...improve neighborhood cohesion, reduce urban sprawl and residents more directly connect to services and amenities within their immediate living environment." *Note: Development*

*of the subject property will "connect" residents with the services and amenities the University of Denver and the University neighborhood provides without the necessity of driving. Page 16* **Current zoning already does this.**

The (Blueprint Denver) Plan Map types (land use and transportation) do not simply describe the typical existing characteristics of each land use or street in the city today; instead, they define the ideal future land use, rapid transit corridors, and multi-modal street characteristics. Thus the description of types is **intended as a guide for future development** to demonstrate patterns that build upon the best existing characteristics of the neighborhoods and city. *Page 34*

**Current zoning better meets the “Key Concept” on Page 34 that “Design and development standards will assure that new development is compatible with its surroundings and enable the pleasant and safe integration of streets within a community setting.”**

Blueprint Denver expects an additional 30,000 jobs and 15,000 new housing units in the remaining Areas of Change by 2020. If growth is redirected from the Areas of Stability to the Areas of Change, the model results are positive — **less development intrusion and traffic in the neighborhoods and more redevelopment along corridors** (*Note: the subject site is along the South University Boulevard corridor.*) **Current zoning does this.**

and near transit stations with little or no increase in traffic. Slight reductions in traffic may even result where land uses are mixed and highly coordinated with transit access. *Page 22* (Development of the subject property, which is along a transit corridor and within a 12 minute walk to the University RTD transit station will meet this objective without intrusion into the University neighborhood) **The property is a 22 minute, not a 12 minute walk (1.1mile) to the University Light Rail, and it is likely that residents would have cars.**

**“An ideal place to direct development is vacant land near downtown”.** This statement is taken from Blueprint Denver, page 23, and is even truer today than it was when Blueprint was adopted. There is a need for housing especially near major employment facilities, such as the University of Denver; this need will continue to grow. People need a place to live near where they work, play and can take advantage of transit. The subject site, along South University Boulevard and within walking distance of RTD stops, is ideal for residential development. **Current zoning does this.**

*SUMMARY: The subject property has a land use designation of Urban Residential. This is precisely the intent of the proposed G-RX-5 zoning and the effect approval will have on the neighborhood. Providing more residential units and thus more residents where they will work and play.*

### **Review Criteria 3. University Park Small Area Plan (the Plan), Adopted by City Council in 2008**

**Note:** *The following portion of this application contains excerpts and paraphrasing from the Plan. Page numbers are included to reference of the entire section of the Plan cited.*

A few of the primary goals of the Plan are:

Promote high quality design, preserve historic resources and complement the traditional urban **patterns of development.**

*(The subject site is adjacent to existing 9 and 11 story residential structures)* **These are anomalies and cannot be used to justify increased height. The Small Area Plan recommends that zoning should promote “existing development potential in compact forms more acceptable to the community at large,” and to “Direct the greatest vertical intensity of development to the intersection of enhanced transit routes and in closest proximity to the light rail stations.” (p.106) It also states that rezoning should “ensure that any new zoning standards protect the edges of single family residential areas adjacent to Urban Neighborhoods.” (p.106).**

Focus compact, mixed-use or high-density residential development to places where it may be best integrated with the transportation system. *(South University is designated as an Enhanced Transit Corridor)* **This block is 1.1 mile from the University Light Rail Station, and is not in proximity. Development intensity should step up as proximity to the station increases. (p.67 - “Ensure rational evolution of neighborhoods and their station areas and boulevards, so that changes in development intensi-**



*ties occur in harmony with prevailing neighborhood character. . . Correlate higher intensity structures to close proximity of station area platforms.” Also, So. University is classified as a mixed use arterial north of Wesley, and as a residential arterial south of Wesley. This indicates that the area has more of a low-intensity, residential nature than the blocks to the north.*

Provide a variety of housing options that appeal to young families and empty nesters.

Increase opportunities for formal and informal public gathering. *(The anticipated ground floor commercial will meet this goal)* **Current zoning allows this.**

Improve roadway safety for all modes of travel and enhance the convenience, ease and enjoyment of public streets for bicyclists, pedestrians and transit riders. *(Currently, this is an unattractive block for pedestrians and cyclists. Redevelopment will create an attractive pedestrian environment.)* **Roadway safety will be decreased with increased density and additional traffic.**

Organize business interests in commercial areas and enhance the image of commercial districts. *(The existing commercial uses are almost non-existent due to the unattractive buildings. This block is in need of redevelopment.)* **Page 9 Current zoning does this.**

It is very important to understand that small area Plan supports development and especially redevelopment even in areas of stability. As stated in the Plan, the Area of Stability designation does not mean that no change will occur. However, minor infill and redevelopment in these areas should have a stabilizing effect on neighborhood character, with modest infill redevelopment or large projects occurring on a limited basis in a small area. **Page 8** *(This is one of those sites where redevelopment will stabilize the area and benefit the neighborhood.)* **Current zoning does this, and is consistent with the Small Area Plan recommendations: (p. 103) - “Context-Sensitive Neighborhood Edge” - “Since the urban neighborhoods are adjacent to (and in some cases include) an existing fabric of single family homes, there is a need for context-sensitive design solutions and development standards to ensure that future growth occurs in a compatible manner.” (p.70) - “Integrate new development with the existing neighborhood fabric. . . where commercial or high intensity residential districts share an edge with low density (predominately single family) residential areas ensure appropriate transitions take place . . .”**

#### **Land Use (Per the Plan)**

A greater mix of uses and housing types can be found along South University and South Colorado Boulevards, the transit rich corridors that form the east and west boundaries of the neighborhood. *(The Plan defines South University Boulevard as a transit rich corridor thus appropriate for additional density and height.)* **Page 30 The Small Area Plan does not state on page 30 that So. University Blvd. is appropriate for additional density and height.**

#### **Mobility (Per the Plan)**

With the completion of the Southeast Light Rail Transit (LRT) Corridor in 2006, University Park expanded its regional transportation choices to a considerable degree. In addition to major vehicular thoroughfares (including I-25, **South University Boulevard**, South Colorado Boulevard and Evans Avenue), University Park residents, employees and students

now have ready access to two of the 13 new light rail stations along the 19 mile corridor. Circulation within the neighborhood is provided through an interconnected grid system of local streets and pedestrian routes and bicycle facilities. *Page 45 (The subject's location along South University Boulevard further supports the proposed G-RX-5 zoning)* **This area is a 1.1 mile, 22 minute walk from the University Light Rail station.**

### **Community Gathering and Interaction**

Outside the home and work, everyday life occurs in the places in-between, third places. Third places are informal gathering spaces such as coffee shops and cafes, bookstores.... Ubiquitous in great cities and neighborhoods, third places provide space for people to simply unwind and discover opportunities for the planned and unplanned community interactions that forge relationships and build stronger neighborhood cohesion. Pedestrian and form-based enhancements to the South University and Colorado corridors could increase the availability and accessibility of these special places to the neighborhood. *Page 55 (The inclusion of appropriate ground floor retail will meet this expectation.)* **Current zoning does this.**

**Underutilized parcels** There are a number of underutilized parcels in University Park where the **underlying land value exceeds the value of the structures** thereon. While this represents potential for positive reinvestment and redevelopment for Denver and the neighborhood, it also creates opportunities for incompatible development within areas of stability. Existing zoning for these sites both within and at the periphery of the neighborhood lack form-based standards that could help attract investment while helping to mitigate the impacts (e.g. visual) of development. *Page 56 (The subject parcel is the definition of an underutilized parcel. The 2010 adoption of form based zoning, which this application proposes, will provide the standards desired in the Plan.)* **Current zoning correctly aligns with the issues and opportunities described on p. 56. A rezoning to G-RX-5 would be incompatible with the single family homes behind, and would create negative visual impacts. "Underutilized Parcels" (p.56) - "There are a number of underutilized parcels in University Park where the underlying land value exceeds the value of the structures thereon. While this represents potential for positive reinvestment and redevelopment for Denver and the neighborhood, it also creates opportunities for incompatible development within areas of stability. Existing zoning for these sites both within and at the periphery of the neighborhood lack form-based standards that could help attract investment while helping to mitigate the impacts (e.g. visual) of development."**

Along South University Boulevard, the alternating pattern of R-3 and B-2 zone districts promote low intensity where it should be highest, and high intensity where it should be more compact.

*Page 58. (The Plan recognizes that along South University Boulevard the highest density is most appropriate.)* **No. It states (p.58) that zoning prior to the ZCU lacked predictability, increased risk for develop-**

**ers and nearby residents (residents should be able to rely on the predictability of the current zoning). It also states that “any attempt to alter the zoning along So. University Blvd. should be responsive to community preferences. . .” (current zoning does this).** **Incongruous Zoning along South University Boulevard** – *(Paraphrased from the Plan)* Over the short stretch of South University Boulevard on the western edge of the neighborhood, there are multiple zone districts. The zoning is applied primarily in an alternating pattern of commercial (formerly B2) and residential zone districts (formerly R-3 and R-4). This pattern helps focus commercial activity to concentrated districts, and avoids an over saturation of retail and services not supportable by the area’s market. However, the B-2 (subject site) zoning may not permit sufficient development potential to attract the desired mixed-use projects (particularly housing above ground floor retail and services), while the residential zoning along the corridor allows higher intensity of development than today’s as-built condition. So, where the corridor should be most dense, (The subject site) the commercial areas, the as-built condition is low density, primarily single use commercial, and it is perpetuated by the existing zoning. Where the corridor should provide residential uses in a compact and dense form, there is pressure to develop towering apartments. **Page 58** *(The proposed G-RX-5 precludes high-rise development and supports the Plan goal of mixed-use in a compact and dense form.)* **Current zoning does this. The development potential was already increased in the ZCU from B-2 to G-MX-3.**

**Urban Design & Land Use Goals**

The Plan establishes specific Land Use Goals. Following are a few of those goals that the proposed development will fulfill. **Current zoning does this.**

Compact, Mixed-Use Development near transit creates healthy neighborhood edges and encourage dense, compact and transit supportive growth (along transit corridors and in station areas that serve nearby residents) with a vital mix of retail shops, services, employment and civic uses.

Diverse Housing Options in Appropriate Locations Diversify the mix of housing types near transit amenities to allow residents to age in place, live without the daily use of a car and accommodate the housing needs of empty-nesters, students, young professionals and families. **Current zoning does this.**

Public Gathering: Increase the opportunities for informal and formal public gathering in the community. **Current zoning does this.**

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Public Gathering: Increase the opportunities for informal and formal public gathering in the community. **Current zoning does this.**

#### Page 60

**The neighborhood plan envisions South University Boulevard as a Main Street** catering to the University of Denver and Iliff School of Theology campus community and the University Park Neighborhood. Despite its status as a busy north-south arterial, the corridor still bears resemblance to its past as a former streetcar route. This history provides the “bones” for the evolution of a linear development pattern applied primarily as a veneer along the arterial thoroughfare. Buildings of 2 to 5 stories with residential units or office space over active ground floor uses such as retail shops or restaurants typify the character of these corridors. **Page 65** *(The subject site is located along the South University Boulevard corridor, a designated Enhanced Transit Corridor and is adjacent to existing high-rise residential structures. This area is a node of pedestrian activity that enjoys an RTD bus/transit stop on the subject block and across University Boulevard from University of Denver, the Newman Center and Iliff School which further supports the proposed G-RX-5 zoning.)* **Adjacency to high-rise residential cannot be used to justify increased height; these all existed prior to the ZCU when 3 stories was determined to be the correct zoning for that property. The current zoning also better follows recommendations in the Small Area Plan to “ensure that building forms respond to their context.” (p.114)**

#### Neighborhood Serving Business Attraction

Despite the mix of uses along South University and South Colorado Boulevards, retail and services orient more to University of Denver students (e.g. limited service restaurants) and through traffic (e.g. strip retail and other auto oriented uses) rather than to residents. Given the higher incomes and market segment profiles of the neighborhood residents, existing businesses may not adequately cater to household

**expenditures that could be captured with more neighborhood-oriented retail and services along the two corridors.** Residents have expressed a desire for full-service restaurants, cultural opportunities, and a grocer and specialty retail such as a bookstore or bakery. **This is market-driven, and there is no assurance that a particular business would locate there.**

#### **South University Boulevard Zoning and Development Pattern**

Existing zoning along South University Boulevard permits the greatest intensity of development in the residential portions of the corridor, **while the commercial stretches have fairly limited development potential.** A lack of design and development standards that ensure the evolution of a vital place with coherent urban design creates uncertainty for residents and developers alike. *Page 86 (The proposed G-RX-5 zoning will address these concerns by incorporating an active, pedestrian friendly ground floor with upscale commercial uses that will fill the need stated in the Plan.)* **Uncertainty would be increased by rezoning. Also, there is no assurance of upscale commercial uses.**

The Plan established "Concept Areas". The subject Concept Area is designated as **Main Street** and located in the **"Ivy Towers District"**. The Ivy Towers District is described as follows; **These "concept areas" are generalized descriptions based on college names, and are not legal descriptions.**

The district designated as Ivy Towers is the segment of South University Boulevard between Wesley Avenue to the north and Yale Avenue to the south. Named for its east-west street names of elite colleges and universities (Wesley, Harvard, Vassar, Yale) **and its tall residential buildings**, the district is primarily **composed of higher density housing** with some retail and services. *Page 111* **These tall buildings are anomalies.**

It is significant to note that prior to the 2010 Zoning Code update, the site was zoned B-2 which lacked sufficient development potential to produce the mix of residential or office uses over ground floor shops, services and restaurants that are viewed as desirable by today's standards. In 2010 the site was rezoned to the existing G-MX-3, which could be considered a holding zone until an assemblage could take place. That assemblage occurred this year and now the owner/developer controls the majority of the block in a unified parcel. The current zoning is similar in development potential to the former B-2, which was considered inadequate even prior to the Code update. If approved, the proposed G-RX-5 will be the catalyst for redevelopment for the area providing the amenities expressed in the Plan. **The ZCU codified the current zoning, it was not merely a "holding zone," as described on p.10 of proposed Official Zone Map Amendment Application. The current zoning already exceeds what was allowed under B-2. There is no guarantee that a rezoning would create any more of a catalyst for redevelopment than the current zoning would.**

#### **Main Street Recommendations**

Zoning for South University Boulevard Use form based zoning standards to improve the predictability of land development for both investors and nearby residents in the various districts along South University Boulevard: *Page 115 (The proposed G-RX-5 is a form-based zone district)* **The current zoning under the ZCU provided the predictability recommended in the plan. One of the listed "visions to describe the neighborhood as it evolves with the successful implementation of the goals and recommendation of the plan" (p.51) included "greater sense of certainty and trust among the neighborhood, the develop-**

**ment community and the city in terms of new development and redevelopment.” (p.52). Rezoning would make that predictability shaky. Current zoning is already a form-based district.**

Ivy Towers District: Retain both **mixed-use** context between Wesley and Harvard (currently zoned B-2) and the residential context in remaining area (currently zoned R-3) by updating the zoning with form-based regulatory tools that clarify the intent of the zoning.... *(The proposed G-RX-5 is a mixed-use zone district)* □ Activate the ground floor with retail, pedestrian entries, display windows, outdoor seating in mixed use area and with stoops, pedestrian entries, appropriate glazing, balconies, ground floor common areas in the residential segments of the district. *(This is permitted in the proposed G-RX-5 zoning)* □ Uses include a mix of neighborhood serving shops and services, as well as a variety of housing types such as townhouses, apartments, lofts, etc. *(All the mentioned use are permitted in the proposed zoning)* □ Buildings have a strong relationship to the street, either oriented to the sidewalk to form a consistent street wall in the mixed-use segment or shallow setbacks in the residential segment. *(The G-RX-5 zone district pushes the building to the sidewalk through a “build-to Zone”)* **Current zoning is a mixed-use zone district and does this.**

**Underutilized Land Redevelop underutilized land**, especially surface parking lots, with a mix of uses and structured parking.

**Page 116** *(The subject site is an underutilized property)*

**SUMMARY:** *The proposed G-RX-5 zoning is in conformance with the adopted University Park Small Area Plan. The Plan recommends more housing, more investment, and more development along the South University Boulevard corridor. This is the exact result development of this site will have under the G-RX-5 zone district. The G-RX-5 is an appropriate development solution given the 9 and 11 story structures adjacent to the property and the compatibility and conformance with the University Park Small Area Plan.* **Current zoning already conforms to the Small Area Plan. It is not valid to justify an increase in height based on the tall buildings to the south, which are anomalies.**

**Exhibit "B": Section “A” Description of Justifying Circumstances (DRMC 12.4.10.14(A & B))**

**The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area.**

The proposed G-RX-5 zone district map amendment is in response to the changed and changing conditions in the University Park area. The numerous developments within the area and the introduction of RTD’s light-rail system with stations nearby. The public interest for the citizens of Denver is best served by adoption of this map amendment, which will provide the services, amenities, employment opportunities and residential development necessary for positive planned growth to occur. **The light rail stations were in existence when the ZCU was adopted. This is not a changed condition.**

The subject 1.7± acre parcel was zoned G-15 to reflect the new building -3 through a legislative map amendment in 2010. At the time, there were three separate property owners and thus no possibility of a unified development under a single owner. That scenario changed in 2013 with the applicant obtaining control of the two “out” parcels creating the ability to master plan the property. The existing G-MX-3 zone district cannot meet the development needs for this site or provide the City and area residents the quality and assurances that are necessary for such an important site. Thus one of the changed conditions that justify this map amendment is the adoption of the new zoning code by the City and County of



Denver in June of 2010. The new code provides the G-RX-5 zone district which being “form based” provides the assurance that the structure(s) will meet the expectations of the area residents and the City. Design elements such as how the building relates to the street, the maximum height, maximum build to lines as well as parking controls provide assurances for a structure that will be an asset to the neighborhood. **Why can’t current zoning meet the development needs? A rezoning would not necessarily provide the city and area residents the quality and assurances that are necessary for such an important site. Current zoning already does this.**

**University Park Small Area Plan** Possibly the most significant of the changed conditions is the adoption of the University Park Small Area Plan (**the Plan**) by City Council in 2008. The Plan is supportive of this zoning request as described in the sections above and is supported by numerous recommendations, strategies and goals stated in the Plan. **The most significant changed condition is not the adoption of the Small Area Plan, which is a guide, but rather the zoning which resulted from the adoption of the new zoning code, which was done after adoption of the Small Area Plan. Zoning under the ZCU expressed the goals of the Small Area Plan (which is a guide only). Current zoning conforms to the Small Area Plan recommendations.**

Additional examples of the changed conditions, which support and justify this request, are as follows: 1 “Blueprint Denver” including the site as “**Urban Residential**”, **Current zoning does this.**

2. Recent developments and expansion by the University of Denver including the Daniels Business School and the Newman Center, **These existed prior to the ZCU when the current zoning was adopted.**

3. Proximity (about • of a mile) with the RTD University Light Rail Station, **No, this property is a 1.1 mile, 22 minute walk from the University Light Rail Station, and cannot be considered in “proximity.”**

4. Recent private development along the South University Corridor, **There has been no recent private development.**

5. The stated need for quality amenities in the neighborhood, **There is no guarantee there would be quality amenities.**

6. The need for additional residential dwelling units is consistent with the development patterns that the neighborhood has experienced. **There is not a need for additional apartments.**

7. The adoption of the 2010 Zoning Code, which provides “form-based”, zoning tools to address the development goals of the City, the Plan and the neighbors for infill sites, **Current zoning does this. Prior to the ZCU, the existing zoning failed “to provide a predictable development framework to ensure that this new growth complements and sustains the vital attributes of University Park”, and lacked “the appropriate standards to ensure smooth transitions between areas of differing development intensities. It is unclear from the current regulations how buildings should approach areas of intense activity (such as station areas) versus areas of low intensity (such as single-family residential areas.)” (p.57) Form-based zoning (current zoning) “provide(s) the community with a sense of certainty about expected growth.” (p.57).**

8. Adoption of the University Park Small Area Plan, **The plan is a guide adopted in 2008. It is not an official zone map (p.54). The current zoning conformed to and codified those recommendations, and was adopted in 2010.**

9. The desire for individuals to live near where they work and play, and **Current zoning does this.**

10. Most significant, the assemblage of the middle portion of the block by the owner **This is not a valid changed condition listed as a justification for a rezoning in Denver's zoning code.**

The area conditions have changed significantly, providing the legal basis for this zone change request and make the proposed amendment reasonable and necessary to the promotion of the public health, safety and general welfare. The public interest for the citizens of Denver is best served by adoption of this map amendment, which will provide support for the services, amenities, employment opportunities and provide residential development necessary for positive planned growth to occur. **The fact that the owner acquired the entire assemblage is not a valid "changed condition", which is required in the zoning code to justify a rezoning.**

#### **Section "B" Neighborhood Context**

The proposed amendment is to provide the framework for the development of a property located along one of Denver's most important transit corridors. This proposed map amendment request approval of the G-RX-5 zone district. The RX designated zone districts is a limited mixed-use district. The G-RX-5 zone district was adopted by City Council to respond to development parcels such as this and is categorized as General Urban Neighborhood Context. The Zoning Code describes the neighborhood context of the G-RX-5 districts as consisting of **multi-unit residential** and mixed-use commercial strips and commercial centers allowing **multiple unit residential buildings** along with commercial buildings that may be live-work. The general intent is to encourage mixed-use developments with the building(s) being located close to the street. The General Urban Neighborhood Context, G-RX-5, (from the Zoning Code) is characterized by 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. 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. Additionally, the General Urban Neighborhood Context is characterized by moderate to high residential buildings and low to moderate commercial and mixed use structures in appropriate locations to promote a dense urban character. **The current G-MX-3 zoning provides the same opportunities, and better follows Small Area Plan recommendations to "integrate new development with the existing neighborhood fabric." (p.70)**

**Lower scale structures are typically found in areas transitioning to a less dense urban neighborhood.**

The effect of the proposed amendment will be immediate and positive. Retail services in the area are struggling to survive with many already closed. The vacancy rate on this site is high. To survive and thrive, the area needs increased density, **more residential units** with more street level, quality amenities. Zoning proposals such as this one can be the catalyst for smart growth with density where it should be and people living and shopping where they work. Development of the subject property under the guidelines of the mixed-use zoning will provide quality residential units, employment opportunities and quality ground floor commercial space along a highly visible corridor on a site that is in need of redevelopment. The inclusion of ground floor commercial space will bring activity to the immediate area. Redevelopment of the subject prop-

erty will help define the eastern edge of the South University Boulevard corridor. **To survive and thrive, the areas does not need increased density of more residential apartments, and there is no guarantee it would be catalyst for “smart growth.” There is also no guarantee of “quality residential units.” Current zoning helps define the eastern edge of So. University Blvd.**

As paraphrased from the Zoning Code, the General Purpose of the G-RX-5 or Residential Mixed Use Zone District is intended to promote safe, active, and pedestrian-scaled, diverse areas through the use of building forms that clearly define and activate the public realm. The district is intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city’s neighborhoods. They are also intended to ensure new development contributes positively to established residential neighborhoods and character, and **improve the transition between commercial development and adjacent residential neighborhoods.** The Residential Mixed Use districts are primarily intended to accommodate residential uses. Commercial uses are secondary to the primary residential use of the district, and provide neighborhood-scaled shops and offices for residents to conveniently access goods and services within walking distance. Buildings in a Residential Mixed Use district can have ground floor retail uses, but upper stories are reserved exclusively for housing or lodging accommodation uses. A building can be solely residential or solely commercial; however, buildings containing only commercial uses are limited in total gross floor area to 10,000 square feet consistent with the district purpose. **This is nearly identical to the description of the current zoning.**

The proposed height of 5-stories is considerably lower than the existing buildings located to the south; the project’s height is critical to its viability. Land values in the area are high, while significant portions of the existing building stock are poor. In order for the neighborhood to stay viable into the future, new projects must have adequate density to provide the quality of design desired in the adopted Plan. Five stories is a very moderate height in relation to the project’s specific location along the corridor and still accomplish the goals of the Plan. **Again, the buildings to the south cannot be used as justification for increased height. Why is height critical to its viability? 3 stories is an appropriate moderate height in relation to the parcel’s specific location along the corridor.**

**Specific Intent: Residential Mixed Use-5**

G-RX-5 applies to residentially dominated areas served primarily by local or collector streets where a building scale of 2 to 5 stories is desired.

**Exhibit "E": Proof of Ownership (Assessors records) 2430 South University (NODEF Colorado, Inc. Parcel)**

**Exhibit "E": Proof of Ownership (Assessors records) 2442 South University (NODEF Colorado, Inc. Parcel)**

**Exhibit "E": Proof of Ownership (Assessors records) 2460 South University (NODEF Colorado, Inc. Parcel)**

**Exhibit "E": Proof of Ownership (Assessors records) 2462, 2482 and 2490 South University (NODEF Colorado, Inc. Parcel)**

**LEGEND**  
Traverse PC



*The University Park Community Council (UPCC) RNO board voted unanimously on Feb. 21 to oppose the rezoning application for 2420, 2430, 2442, 2460, and 2462 So. University Blvd. The vote was conducted via email and 11 of the 11 current members voted. It was taken after feedback from the neighborhood, a presentation by the developer, and after previous discussion of the potential rezoning and vote of opposition in April, 2013.*

The reasons for opposition are:

--The existing G-MX-3 zoning conforms to the Comprehensive Plan, Blueprint Denver, and the University Park Small area plan. The rezoning is not consistent with the adopted plans (please see attachment #2).

--The traffic impacts from a rezoning to G-RX-5 and the resulting increase in density would negatively impact the safety on So. University Blvd. as well as in the adjacent University Park neighborhood. (High volume traffic in that portion of So. University is already reaching dangerous levels, and difficult access to the site would cause additional traffic on the immediately adjacent residential streets.)

--There are no circumstances to justify the rezoning. The developer cites changing conditions as justification for the rezoning. The only changed condition is that the developer acquired additional properties on the block and put together a large assemblage. The character of the area has not changed since the 2010 Zoning Code Update. The University Station and Colorado Light Rail Station were already in existence, as were the DU buildings cited to the west. Allowing land assemblage as a legitimate justification for rezoning to increased height and density would set a dangerous precedent.

--The rezoning is not consistent with the neighborhood context. The existing zoning followed Blueprint Denver and Small Area Plan recommendations to be responsive to context:

*(Blueprint Denver, p.34 - “**Design and development standards (should) assure that new development is compatible with its surroundings . . .**”*

*(University Park Small Area Plan, p.106 - Zoning should “**ensure that any new zoning standards protect the edges of single family residential areas adjacent to Urban Neighborhoods.**”)*

*(University Park Small Area Plan, p. 103 - “**Context-Sensitive Neighborhood Edge**” - “**Since the urban neighborhoods are adjacent to (and in some cases include) an existing fabric of single family homes, there is a need for context-sensitive design solutions and development standards to ensure that future growth occurs in a compatible manner.**”)*

*(University Park Small Area Plan, p. 70 - “**Integrate new development with the existing neighborhood fabric . . .where commercial or high intensity residential districts share an edge with low density (predominately single family) residential areas ensure appropriate transitions take place . . .**”)*

*(University Park Small Area Plan - p. 56 - “There are a number of underutilized parcels in University Park where the underlying land value exceeds the value of the structures thereon. While this represents potential for positive reinvestment and redevelopment for Denver and the neighborhood, it also creates opportunities for incompatible development within areas of stability . . .”)*

*(University Park Small Area Plan, p. 114 - “. . . ensure that building forms respond to their context.”)*

*(University Park Small Area Plan, p. 70 - “integrate new development with the existing neighborhood fabric.”)* Rezoning the site to G-RX-5 would allow a building 500’ long X 70’ ft. high X 80’ deep. This is an unprecedented building mass in University Park.

*(University Park Small Area Plan, p. 57 - The zoning which existed in 2008 failed “to provide a predictable development framework to ensure that this new growth complements and sustains the vital attributes of University Park,” and lacked “the appropriate standards to ensure smooth transitions between areas of differing development intensities. It is unclear from the current regulations how buildings should approach areas of intense activity (such as station areas) versus areas of low intensity (such as single-family residential areas.”)*

*(University Park Small Area Plan, p. 67 - “Ensure rational evolution of neighborhoods and their station areas and boulevards, so that changes in development intensities occur in harmony with prevailing neighborhood character ...Correlate higher intensity structures to close proximity of station area platforms.”)*

--It is recommended that development intensity increase in accordance to proximity to station platforms, and that buildings step up in height as they approach the stations.

The site’s distance from the University Station Light Rail Station does not justify increased height or density. It is not within the 1/4 - 1/2 mile definition of an Urban Neighborhood typology as defined on Pg. 64 of the University Park Small Area Plan.

*(Pg. 64 - “Urban Neighborhood typologies emerge in University Park within a 1/4 to 1/2 mile of the perimeter of the light rail stations . . .”)*

*(Pg. 67 - “Ensure rational evolution of neighborhoods and their station areas and boulevards, so that changes in development intensifies occur in harmony with prevailing neighborhood character.” “Correlate higher intensity structures to close proximity of station area platforms . . .” )*

*(Pg. 64 - the development pattern should be “Radial (increasing in density and intensity approaching the station area”) and should be of “Traditional scale, height and lot coverage . . . depending on proximity to the light rail station platform . . .”)*

--The location is a 1.1 mile, 22 minute walk (Google Walking Maps), not a 3/4 mile, 12 minute walk cited on pages 4, 6, 11 of the rezoning application.

--The application uses the tall buildings on the block directly south as reasons to justify the request for increased height. These buildings were constructed in the late 60's and early 70's, and are clearly out of character with the existing context. They can be looked as anomalies, rather than being acceptable for height comparisons.

--There is no guarantee a particular business desired by the neighborhood would locate there. This is market-driven.

--The G-MX-3 designation in the ZCU codified the zoning, it was not merely a "**holding zone**" (Pg. 10 in rezoning application) until an assemblage could take place. The current zoning exceeds what was allowed under B-2. There is no guarantee that an increase in zoning would be any more of a catalyst for redevelopment than the current zoning would be.

--The 2010 G-MX-3 zoning already increases the development potential from the previous B-2 zoning.

--The University Park Small Area Plan was adopted in 2008 and is a guide only ("**The plan is not an official zone map**" - p.64) The current G-MX-3 zoning was adopted in 2010 after the Small Area Plan was adopted, and conformed to recommendations in the SAP. (Please see attachment #2)

--The zoning designated in 2010 should trump the generalized recommendations in the Small Area Plan adopted in 2008, which are open to interpretation. During the Zoning Code Update, G-MX-3 was determined by Community Planning and Development (CPD) to be the appropriate zoning for that area, based on the Plan's recommendations and after much public outreach and input by CPD and the neighborhood. (In University Park, a Zoning Code Update Committee was formed and open to anyone in the neighborhood, which was conveyed at general meetings and in the neighborhood newsletter. The committee looked at CPD's recommendations, participated in public forums and workshops, met with staff from DU and the Iliff School of Theology, sent comments to planners and elected officials regarding height, context, allowed uses, and parking.)

--The neighbors directly across the alley in single family homes oppose the rezoning, as do many other University Park residents. Please see the attached email survey conducted by UPCC in July, 2013. Results showed that 78% of the 158 respondents opposed a rezoning. The survey was sent to approximately 600 University Park residents. (Please see attachments #3 and #4).

-The current zoning conforms to recommendations in the University Park Small Area Plan to be responsive to community preferences:

(p.106 - zoning should promote "**existing development potential in compact forms . . . acceptable to the community at large**".)

(p. 58 - "**. . .any attempt to alter the zoning along So. University Blvd. should be responsive to community preferences . . .**")

--The zoning adopted in 2010 provides the predictability which everyone in Denver should be able to rely upon - neighbors, developers, realtors, and property owners. Re-zoning would make that predictability shaky and create uncertainty for everyone. Current zoning should provide that predictability:

*(University Park Small Area Plan, p. 51 - zoning should provide a “. . . **sense of certainty and trust among the neighborhood, the development community and the city in terms of new development and redevelopment.**”)*

*(University Park Small Area Plan, p. 57 - Form based zoning (e.g, the current zoning) should “**provide the community with a sense of certainty about expected growth.**”*

--The proposed development is 137 DUA, very high per Blueprint Denver guidelines & recommended very infrequently. Blueprint Denver classifies this land parcel as Urban Residential. Page 64 states "**...some buildings 4 or more (stories) above 20 DUA, sometimes more than 100 DUA.**" (p. 9 in the reasoning application). The site is 1.722 acres, and the total number of proposed dwelling units is 236, which equates to a DUA of 137. If the concept of is to only sometimes exceed 100 DUA, the proposed plan would result in a high, not moderate, DUA. An approximate moderate density of 60 DUA under the current G-MX-3 zoning would produce 103 units of residential, far fewer than the proposed 236 units.

**Individual Letters Received by CPD  
at time of Packet Distribution**



## Letters Received in Response to Application # 2013I-00016 2420-2490 S.University Boulevard

Name	Address	Support	Oppose	Conditions/Notes (where support or opposition was not as explicit)
Mary Miller	2300 Block of S. Madison		X	
Chelsea Iacino	2200 S. University Blvd #409		X	
Laura Brice	2536 S. Columbine St		X	
Josh Konwinski	2300 S. Clayton St		X	
Holly Gimple	2301 S. Clayton St		X	
Jim Powers	2411 S. Columbine St	X		Need to provide adequate parking or no support
Michael Hicks	2301 S. Jackson St	X		
Gwen Powers	2411 S. Columbine St	X		Need Restricted Parking signs for 2400 blk of S. Columbine
Brad Robinson	2433 S. Columbine St		X	
Jennifer Robinson	2433 S. Columbine St		X	
Amy Homburger	2417 S. Adams St		X	
Debbie Harrington	2477 S. Josephine St		X	
Mark Westlund	2477 S. Josephine St		X	
Samantha Stoler	2170 S. Saint Paul St		X	
Jeanne Tubb	2601 S. Saint Paul St		X	
Jennifer Schmidt	2450 S. Josephine St		X	
Jon Schmidt	2450 S. Josephine St		X	
Elizabeth Kraft	2247 S. Madison St		X	
Robin Schmachtenberger	2247 Madison St		X	
Alison Finley	2441 S. Columbine St		X	
Ann Daniels	2222 S. Columbine St		X	
David Ross	2222 S. Columbine St		X	
Jeanie Eansor	2526 S. Clayton St		X	
Dave Eansor	2526 S. Clayton St		X	
Phillip Caplan	2385 S. Clayton Street	X		
Carrie Mountain	2499 S. Fillmore St		X	
Richard Mountain	2499 S. Fillmore St		X	
Nina Healy	2217 S. Cook St		X	

## Letters Received in Response to Application # 2013I-00016 2420-2490 S.University Boulevard

Name	Address	Support	Oppose	Conditions/Notes (where support or opposition was not as explicit)
Lynn Johnson	2317 S. Clayton St		X	
Henry Johnson	2317 S. Clayton St		X	
Pam McCroskey	2260 S. Cook St		X	
Tom Gonnella	2270 S. Adams St	X		
Betsy Welty	2232 S. Adams St		X	
Russell Welty	2232 S. Adams Ast		X	
Jay Lemery	2390 S. Madison St		X	
Taryn Lemery	2391 S. Madison St		X	
Bill Winn	2210 S. Saint Paul St		X	
Jennifer Frenkel	2340 S. Columbine St		X	
Lesley Cavness	2273 S. Fillmore St		X	
Jim Janicek	2535 S. Fillmore St		X	
Melinda Davis	1910 S. Fillmore St		X	
Julie Reeves	2456 S. Madison St		X	
Ann Garfinkel	3334 E. Iliff Ave		X	
John Rogala	2376 S. Cook St		X	
Cem Marifet (former Freeman)	2449 S. Josephine St		X	
Lena Marifet (former Freeman)	2449 S. Josephine St		X	
Traci Samaras	2441 S. Josephine St		X	
Andy Samaras	2441 S. Josephine St		X	
Alaina Neale	2500 S. Jackson St (owns 2400 E. Iliff Ave)		X	
David Thorpe	2315 S. Cook St	X		
Felicia Sellers	2419 S. Columbine St		X	
Keith Sellers	2419 S. Columbine St	X		Consider impacts, but 70' could be fine-don't allow future increases
Greg Morris	2403 S. Milwaukee St		X	
Jamie Todd	2435 S. Josephine St		X	
Allyson Todd	2435 S. Josephine St		X	
William Trinen	Resident of U Park		X	

**Letters Received in Response to Application # 2013I-00016 2420-2490 S.University Boulevard**

<b>Name</b>	<b>Address</b>	<b>Support</b>	<b>Oppose</b>	<b>Conditions/Notes (where support or opposition was not as explicit)</b>
Lisa Bingham	2458 S. Josephine/owns property at 2526 S. Saint paul		X	
Rebecca Risch	2474 S. Josephine St		X	
Mark Risch	2474 S. Josephine St		X	
Douglas Standell	2472 S. Josephine St		X	
Trey Nobles	3300 S. Bellaire St-U Hills	X		
Molly Holberton	2355 S. Monroe St		X	
Barbara Vander Wall	2901 E. Harvard Ave	X		
Mimi Gre	Resident of U Park		X	
Douglas Westfall	3675 E. Wesley Ave.	X		
Susan Dolson	1911 S. Fillmore St		X	
Shannon Connell	S. Clayton St			No expression of support/opposition - questions re: traffic studies and height
Geoff Worley	Mgr of Carriage House Apartments	X		

## Oss, Deirdre M. - Community Planning and Development

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**From:** Mary Miller [maryrmiller@hotmail.com]  
**Sent:** Tuesday, February 25, 2014 12:16 PM  
**To:** Rezoning - CPD; Planningboard - CPD; Brown, Charlie - City Council District #6; Simonet, Stacy B - City Council Aide; Oss, Deirdre M. - Community Planning and Development  
**Subject:** Proposed Rezoning Block of 2400 S. University

Dear Planning Board:

My name is Mary Miller, and I am a resident and homeowner on the 2300 S. Madison Block of the University Park Neighborhood in Denver.

### **I am writing to oppose the rezoning of 2400 S University Blvd from G-MX-3 to G-RX-5.**

- The existing zoning conforms to the Comprehensive Plan, Blueprint Denver, and the University Park Small Area Plan. **Existing zoning already allows for a beautiful 3-story, mixed-use development.**
- Just four years ago, this area was rezoned from B-2 to G-MX-3 after careful consideration of the University Park Small Area Plan and much public outreach and input by Community Planning and Development and the neighborhood. The current zoning, G-MX-3, is form-based, encourages new mixed-use development in the area, and exceeds what was allowed under B-2.
- The developers use the tall apartment buildings one block south of the location to justify the request for increased height. These buildings were constructed in the late 60's and early 70's, and are clearly out of character with existing context. They can be looked at as anomalies, rather than being acceptable for height comparisons.
- The rezoning application stated that this location is a 3/4 mile distance, or 12 minute walk, from the University Light Rail Station. That is incorrect - this location is a 1.1 mile, 20 minute walk to the University Light Rail Station. The site's distance from the University Light Rail Station does not justify increased height.
- The developers proposed 236 dwelling units in a 500 ft length x 80 ft wide x 70 ft tall structure. No other buildings along this corridor of S University Blvd extend this length with a sustained height of 70 feet (see Exhibit E of Zone Map Amendment Application).
- This section of S University Blvd is unique in that it narrows - there are turn lanes at Iliff and Yale, but nothing allows for safe left turns along the entire narrowed 4 block section in between. The proposed 5-story development would be in the middle of this 4 block stretch, and with 236 additional residential units, the already terrible southbound traffic at evening rush hour would significantly worsen.

**Please keep our current G-MX-3 zoning.** It allows for a mixed-use, 3-story development that will enhance this unique section of S University Blvd. Rezoning to G-RX-5 will allow a massive out-of-scale development that will detract from this area.

Thank you for your time.

Sincerely,

Mary Miller

## Oss, Deirdre M. - Community Planning and Development

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**From:** Chelsea Iacino [chelsea.iacino@gmail.com]  
**Sent:** Tuesday, February 25, 2014 12:07 PM  
**To:** Rezoning - CPD  
**Cc:** Oss, Deirdre M. - Community Planning and Development  
**Subject:** 2400 Block of S. University Blvd.

Good afternoon,

I just wanted to take a moment to let you know that I, a DU-graduate (2008) and Observatory Park resident, am opposed to the potential re-zoning of the 2400 block of S. University Blvd.

Please feel free to contact me with any questions or concerns. Thank you,

*Chelsea Leigh Iacino*

**Vice President**  
**Seattle Fish Company**  
**(m)** 720-839-5888  
**(f)** 203-643-4389



## Oss, Deirdre M. - Community Planning and Development

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**From:** Laura Brice [lbrice@bricecpa.com]  
**Sent:** Tuesday, February 25, 2014 10:43 AM  
**To:** Rezoning - CPD  
**Cc:** Oss, Deirdre M. - Community Planning and Development  
**Subject:** 2400 Block of S. University Blvd. Zoning Comment

Dear Members of the City Planning Board,

I have lived in University Park Neighborhood since 1992, almost 22 years. When we purchased the property in this neighborhood it was because it is a wonderful place to live, has walkable streets, a great community, and a predictable zoning code.

I believe with the rezoning of the majority of the 2400 block of South University Boulevard, the integrity of the zoning code is being changed. The residents of this neighborhood that purchased their homes believed they could count on those codes to sustain their property values, safety, and parking availability.

I oppose this rezoning project and hope that you will as well.

Thank you very much.

Sincerely,

Laura L. Brice  
2536 S. Columbine Street  
Denver, CO 80210

### **PLEASE NOTE CHANGE OF ADDRESSES**

Brice + Associates CPA, PC

#### Mailing Address

2443 S University Blvd  
Suite 161  
Denver, CO 80210

#### Office Location

2865 S Colorado Blvd.  
Suite 245  
Denver, CO 80222

Office: (303) 722-3676  
Fax: (720) 255-2516  
Cell: (303) 921-1620  
Email: [lbrice@bricecpa.com](mailto:lbrice@bricecpa.com)  
Website: <http://www.bricecpa.com>

## Oss, Deirdre M. - Community Planning and Development

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**From:** Josh Konwinski [jxrwx@gmail.com]  
**Sent:** Tuesday, February 25, 2014 10:33 AM  
**To:** Rezoning - CPD; Oss, Deirdre M. - Community Planning and Development  
**Subject:** 2400 Block of S. University Blvd.

Dear Members of the City Planning Board,

My wife and I have lived in University Park Neighborhood for 2 years now. We purchased our property in this neighborhood because it is a great place to live, has walkable streets, great parks for our 3 year old son and a solid community with neighbors who work hard to keep our neighborhood unique and peaceful with a predictable zoning code.

My wife and I believe with the rezoning of most of the block of South University Boulevard, you are changing the integrity of the zoning code. The residents of this neighborhood that purchased their homes believed they could count on those codes to sustain their property values, safety, and parking availability.

We both oppose this rezoning project and hope that you will as well.

Thank you very much.

Sincerely,

Josh Konwinski & Holly Gimple  
(2300 S Clayton St. Denver CO 80210)

## Oss, Deirdre M. - Community Planning and Development

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**From:** Jim Powers [Jim@powersnd.com]  
**Sent:** Tuesday, February 25, 2014 10:16 AM  
**To:** Rezoning - CPD  
**Cc:** Oss, Deirdre M. - Community Planning and Development  
**Subject:** 2400 Block of South University

Ladies and Gentlemen:

### **I SUPPORT THE PROJECT ONLY UNDER SPECIFIC CONDITIONS OUTLINED BELOW.**

I write today regarding the proposed Tessler development on the 2400 block of South University. I am pleased to see the proposed number of parking places increased from what appears to be mandated. I do not have the details of the plan, but certainly **I would NOT support any development** that does not provide adequate permanent parking and well planned temporary parking to meet the needs of the work force for the construction. Whether it is one space for a one-bedroom dwelling and more for larger units, I do not know. I assume sufficient study of the demographics have been provided and that thoughtful deliverance will follow. However, we all know what is going to happen and that is if there is a two bedroom dwelling which only provides one space, you'll have an additional car that will be parking on the street. Anyone who suggests otherwise is simply wrong and we all know it. Also, if you charge for parking (an extra charge not included in the rent) you know that many will opt to use the streets. Also, you'll need spaces for the mix-used portion of the development.

Our neighborhood has seen dramatic changes in the last several years; some of them good some not so good. I support the idea of building up and support mix-used for the neighborhood. What I don't support is approval of projects that do not provide adequate parking. I love DU and am happy to be living nearby – obviously a choice I made. DU needs to do a much better job of both providing parking and requiring students to use it. So do businesses. **THIS ONLY COMES** if you require it.

As development seems to be growing, since we came to the neighborhood over 10 years ago, parking has become more and more an issue. I would add that crime has also become an issue and many of my neighbors are considering private security, in addition to our home security systems and attentive neighbors.

If this project is approved, the developer **SHOULD BE REQUIRED TO PROVIDE TEMPORARY PARKING** FOR the employees that will be part of the construction , as well as the permanent business. To do otherwise, is to suggest that our neighborhood is to meet those needs. I understand the streets are public and I understand that I cannot hold the street in front of my house open for my personal usage but it has become intolerable for those of us on Columbine, not having a parking place sometimes within a block or more of our homes for guests.

**PLEASE REQUIRE TEMPORARY PARKING FOR THE CONSTRUCTION PERIOD – DO NOT ALLOW COLUMBINE AND THE STREETS OFF OF UNIVERSITY TO BECOME THE NEW PARKING LOT. YOU NEED TO ESTABLISH LIMITED PARKING, ONE HOUR PARKING OR PARKING BY PERMIT ONLY ON COLUMBINE NEAR THE PROJECT.**

**It is time you think about the long term parking issue for our neighborhood. If you don't property values will go down – that is something our government should be concerned with, decreasing tax revenues.**

Thank you for your consideration.

Jim Powers  
2411 S. Columbine Street  
Denver, CO 80210  
[jim@powersnd.com](mailto:jim@powersnd.com)



## Oss, Deirdre M. - Community Planning and Development

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**From:** Michael Hicks [michaelh@powersproducts.com]  
**Sent:** Tuesday, February 25, 2014 10:11 AM  
**To:** Oss, Deirdre M. - Community Planning and Development  
**Subject:** Letter of Support for the Re-zoning of 2400 South University Boulevard  
**Attachments:** February 25.docx

Dear Deirdre,

Attached is my letter of support for the proposed development of the 2400 South University Boulevard site in the University Park neighborhood. Please acknowledge receipt of this letter and let me know if you have any problem in opening the attached document.

**Michael J. Hicks AIA**  
2301 South Jackson Street  
Denver, CO 80210

February 25, 2014

Deirdre Oss

City & County of Denver, Community Planning & Development  
Wellington Webb Municipal Office Building  
201 West Colfax Ave., Dept. 205  
Denver, CO  
80202

Re: 2400 Block, South University Boulevard – Rezoning to G-RX5

Dear Deirdre,

I am writing as a longtime resident of the University Park (UP) neighborhood to inform you of my full support of the zoning application for the majority of the block fronting 2400 South University Boulevard. As a past President of the University Park Community Council (UPCC) I have been involved in many zoning related issues both within our neighborhood and adjacent neighborhoods.

During the past several months I have participated in several meetings with adjacent neighbors, design and development team members and stakeholders from UP and other adjacent neighborhoods. The purpose of these meetings was to engage in a process which allowed the developer to address concerns of the home owners and provide informed guidance to all participants regarding the design concepts for the proposed zoning.

My support for this re-zoning is based on the following points:

- The developer has actively engaged with the community to mitigate concerns for the increased height and density.
- The design team of SA+R has developed a concept that is a definite improvement from what could be built under current zoning. The design provides additional landscaping along the alley, steps the building forms away from the adjacent properties, buffers the neighborhood from traffic noise on South University Boulevard and includes below grade parking which will protect the adjacent properties from vehicular noise and light pollution.
- Tessler Developments is proposing a quality, high end, mixed use development to include luxury rental apartments and ground floor retail rental space to replace an outdated mix of buildings. The proposed design will add value to the surrounding communities.
- Construction of one contiguous project will eliminate the potential development of multiple buildings requiring access from the alley at multiple locations, renew the majority of the block which has deteriorated over the years and provide limited access locations for parking and service/delivery.



- The zoning requested is complimentary to and in keeping with the context of what has been built along this edge of the UP neighborhood to date.
- Our neighborhood and the City & County of Denver need a diversity of housing choices and this development meets that need.

Please include this letter of support in your documentation for the re-zoning of the property. I will attend the March 5, 2014 hearing on this issue to personally voice my support for the development and will testify before Denver City Council when this issue is on their agenda.

Sincerely,

Michael J. Hicks AIA  
2301 South Jackson Street  
Denver, CO 80210

Via E-mail

## Oss, Deirdre M. - Community Planning and Development

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**From:** Gwen Powers [glouise1213@comcast.net]  
**Sent:** Tuesday, February 25, 2014 9:51 AM  
**To:** Rezoning - CPD  
**Cc:** Oss, Deirdre M. - Community Planning and Development  
**Subject:** 2400 block of S. University Blvd

Members of the City Planning Board,

I live on the 2400 block of Columbine and have owned a home there for 6 years. Every time there is construction on University, our block is full of construction worker's cars & trucks. The 2400 block of Josephine has restricted parking so they come to our block next...as well as DU students! This is going to be a HUGE problem! In the past, Nola Owens, the city parking authority, has been a completely useless. Unless we can get restricted parking signs on the 2400 block of Columbine, I will NOT be in favor of this project.

Gwen Powers

Sent from my iPad

## Oss, Deirdre M. - Community Planning and Development

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**From:** Brad Robinson [bradfordrobinson@gmail.com]  
**Sent:** Tuesday, February 25, 2014 9:35 AM  
**To:** Oss, Deirdre M. - Community Planning and Development  
**Subject:** Opposition to the rezoning application for the 2400 block of S. University Blvd.

Dear Ms. Oss and the Planning Board,

My wife Jennifer Robinson and I are single family homeowners and residents at 2433 S. Columbine St in the University Park Neighborhood of Denver. **We oppose the application to rezone the 2400 Block of S. University Blvd. because it and the proposed development are not consistent with the University Park Neighborhood Plan and not in keeping with the character of the neighborhood.**

The University Park Neighborhood Plan states that "any attempt to alter the zoning along South University Blvd should protect the **alternating pattern** of residential and commercial development and must preserve the existing by right development potential of the residential districts within **height and bulk standards** that are more **responsive to community preferences** and smart growth practices" p58.

The University Park Neighborhood Plan, under Main Street Recommendations, states that the Ivy Towers District should "Support **moderate densities** of 3-5 stories" p116. We support 3 story buildings. The rezoning in 2010, after much consultation with the community and the University Park Neighborhood Plan, also concluded that 3 stories was the most appropriate for this area.

The developer, however, has plans to construct a 500 ft length x 80 ft wide x 70 ft tall structure with 236 units (for reference the new development, One Observatory Park, at Evans and University has 213 units). The proposed dwelling units per acre (DUA) is 137 (236units/1.722acres). By all standards, this would be **massive with high density dwellings**. Furthermore, all of the other buildings one block south in the Ivy Tower district already have high density dwellings, thus the desired alternating pattern is lost. This proposed development would make the Ivy Towers district along South University Blvd. **exclusively high DUA** which conflicts with the **moderate density recommendation of the University Park Neighborhood Plan**.

This proposed building would have the largest footprint and possibly the largest volume of any building in the neighborhood. The University Park Neighborhood Plan recommends that the **mass** of new construction should "**relate the perceived form, quantity or aggregate volumes of new construction to the form of traditional development patterns**" p70. The University Park Neighborhood Plan also states that a goal should be to "**create buildings that provide human scale**" p70. This proposed building would extend nearly the entire block. No other building in the neighborhood extends this length with a sustained height of 70 feet (see p15 of zoning application addendum).

To make matters worse, if rezoning and the proposed new construction proceed with 236 new units there would be increased automobile traffic along an already congested corridor. Because there are no turn lanes on University at Harvard or Wesley, the already terrible southbound traffic at afternoon rush-hour would be significantly worsened.

**In summary, the current zoning (G-MX-3), approved in 2010, already allows for a beautiful mixed-use development of three story buildings which would be consistent with the University Park Neighborhood Plan and would preserve the character of the neighborhood.** If rezoning to G-RX-5 is approved, the developer has plans to construct a massive building with high density dwellings anathema to the visions put forth in our Neighborhood plan. Rezoning should not be allowed for this purpose. Please do not approve the rezoning application.

Thank you for your time.

Sincerely,  
Brad Robinson

## **Oss, Deirdre M. - Community Planning and Development**

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**From:** Amy Homburger [amyhomburger@gmail.com]  
**Sent:** Tuesday, February 25, 2014 8:40 AM  
**To:** Rezoning - CPD; Planningboard - CPD; Brown, Charlie - City Council District #6; Simonet, Stacy B - City Council Aide; Oss, Deirdre M. - Community Planning and Development  
**Subject:** Rezoning at 2400 S. University Blvd.

Dear Planning Board:

My name is Amy Homburger, I am a resident and homeowner at 2417 S. Adams St. in the University Park Neighborhood of Denver.

**I am writing to oppose the rezoning of 2400 S University Blvd from G-MX-3 to G-RX-5.**

We do not need any more monstrosities built up along University. Please, please, please do not change the zoning.

Sincerely,  
Amy Homburger

## Oss, Deirdre M. - Community Planning and Development

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**From:** DJ Harrington [d.j.harrington@hotmail.com]  
**Sent:** Tuesday, February 25, 2014 8:27 AM  
**To:** Rezoning - CPD; Oss, Deirdre M. - Community Planning and Development  
**Cc:** Brown, Charlie - City Council District #6; Simonet, Stacy B - City Council Aide  
**Subject:** Rezoning request for 2400 S University Street

Dear Ms. Oss and the Planning Board,

We write to you as concerned citizens and immediate neighbors of the above referenced block owning property at 2477 S. Josephine St. Our home is immediately behind the block in question. We have been property owners and taxpayers in the University Park neighborhood continuously since 1972.

We acquired our present property in December 2003 and began our plans to build an addition to the existing structure. When we acquired this property, we looked into the zoning of the area behind us on University as part of our "due diligence" in acquiring a site so close to this road. At that time the block behind us on University was zoned for 2-story.

We could easily figure out that this block was a likely candidate for some future development, so we were pleased to discover and affirm in mid-2010 with the Denver Zoning Code Update that with a zoning of 3 story mixed use, the impact on our block of Josephine would be minimal.

In February 2012, in keeping with our personal "green" initiatives and with the knowledge that the block was zoned for 3 stories, we engaged Solar City to install panels on our roof for a 20-year lease at a personal cash outlay of just under \$10k. And now, a mere 4 years after the redistricting report (which ostensibly followed considerable study by the city), and less than two years after our investment in solar, a rezoning request is being considered? We are, as you might guess, incredulous and outraged.

Assuming a commercial ground level with housing above, the difference between 3 and 5 stories essentially doubles the density of occupancy/living space/units on this parcel. The present zoning of GMX3 has a maximum height of 45', while the zoning change would increase maximum height to 70' tall, an increase of 55%, and we assert that is a significant change to the character of our neighborhood. The fact that there are other 5-story and taller buildings in the *immediate* area is of no argument. These were there when the present zoning was adopted in 2010.

This request for rezoning naturally has an immediate and significant impact on our neighborhood at large and most particularly on those of us who abut or live within one or two blocks of this parcel. The difference between 3 and 5 stories is significant and deleterious to our property value, our security and our ability to enjoy outdoor use of our backyard area. We also have serious concerns with added traffic from 4 stories of residential units. The architect's current proposal (presented at a meeting on February 20) includes 236 residential units with primary auto access off Harvard, (which is already

congested and suffers from significant and hazardous ice buildup during the months from December through March / April) accessing underground parking via a ramp from the alley.

We implore you to consider the rights of those of us who are truly neighbors to this property, and who have already made a significant investment in the neighborhood. The deleterious impact to the nature and landscape of our block, as well as the negative impact on our property values is real.

As neighbors, we welcome the development of this parcel as currently zoned. We have no aversion to a 3-story mixed use property on this land. We are hopeful that such redevelopment will, indeed, add some vibrancy to the area. However, as previously stated, we are extremely disappointed at the prospect of the additional two stories being considered and entreat the zoning authorities and the City Council to deny this rezoning request.

Respectfully submitted,

Debbie Harrington and Mark Westlund

2477 S. Josephine St.



## Oss, Deirdre M. - Community Planning and Development

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**From:** Samantha Stoler [samanthastoler@gmail.com]  
**Sent:** Tuesday, February 25, 2014 8:22 AM  
**To:** Rezoning - CPD; Planningboard - CPD; Brown, Charlie - City Council District #6; Simonet, Stacy B - City Council Aide; Oss, Deirdre M. - Community Planning and Development  
**Subject:** Fwd: Rezoning at 2400 S University Blvd

Dear Planning Board:

My name is Samantha Stoler, I am a resident and homeowner at 2170 South Saint Paul St. in the University Park Neighborhood of Denver. I recently moved for 2567 South Josephine st, which is just southeast of the the area in question.

### **I am writing to oppose the rezoning of 2400 S University Blvd from G-MX-3 to G-RX-5.**

- The existing zoning conforms to the Comprehensive Plan, Blueprint Denver, and the University Park Small Area Plan. **Existing zoning already allows for a beautiful 3-story, mixed-use development.**
- Just four years ago, this area was rezoned from B-2 to G-MX-3 after careful consideration of the University Park Small Area Plan and much public outreach and input by Community Planning and Development and the neighborhood. The current zoning, G-MX-3, is form-based, encourages new mixed-use development in the area, and exceeds what was allowed under B-2.
- The developers use the tall apartment buildings one block south of the location to justify the request for increased height. These buildings were constructed in the late 60's and early 70's, and are clearly out of character with existing context. They can be looked at as anomalies, rather than being acceptable for height comparisons.
- The re-zoning application stated that this location is a 3/4 mile distance, or 12 minute walk, from the University Light Rail Station. That is incorrect - this location is a 1.1 mile, 20 minute walk to the University Light Rail Station.
- The developers proposed 236 dwelling units in a 500 ft length x 80 ft wide x 70 ft tall structure. No other buildings along this corridor of S University Blvd extend this length with a sustained height of 70 feet (see Exhibit E of Zone Map Amendment Application).

- This section of S University Blvd is unique in that it narrows - there are turn lanes at Iliff and Yale, but nothing allows for safe left turns along the entire narrowed 4 block section in between. The proposed development would be in the middle of this 4 block stretch, and with 236 additional residential units, the already terrible southbound traffic at evening rush hour would significantly worsen.

**Please keep our current G-MX-3 zoning.** It will allow for an extraordinary, mixed-use, 3-story development that will enhance this unique section of S University Blvd. Re-zoning to G-RX-5 will allow a massive out-of-scale development that will detract from this area.

Thank you for your time.

Sincerely,

Samantha Stoler

## Oss, Deirdre M. - Community Planning and Development

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**From:** Tubb J [jeanne.tubb@gmail.com]  
**Sent:** Tuesday, February 25, 2014 3:39 AM  
**To:** Rezoning - CPD  
**Cc:** Oss, Deirdre M. - Community Planning and Development  
**Subject:** 2400 Block of South University Boulevard

Dear Members of the City Planning Board,

We strenuously object to rezoning this parcel for greater than 3 stories. We purchased and moved into in the area just one year ago after reviewing the zonings and development going on.

This additional request for a total of 5 stories creates good money for the property owners, but problems and costs for the the residents and city, as well as a very inconsistent message regarding zoning that considers its impact on neighbors and community.

The additional problems include strong pressure on parking spaces while, at the same time, the city does not allow for parking for more than one hour near this planned structure. And we know the residents will have friends, families & parties. So we will all have deal with the overflow and congestion and sometimes vandalism that results. There will be increased demand on utilities and water and sewer that will not diminish over time. Has this been factored into future planning?

There will be additional enforcement costs associated with noise, activities, congestion, altercations and the average amount of substance abuse that occur in most large groups of people. There needs to be a good ratio of green open space to concreted space for mental health and tranquility.

There are concerns regarding the envelope of shadow cast by the structure, which now creates a larger shadow and adversely affects properties in the shadow envelope from freedom to use solar energy, grow certain gardens and negatively impacts views for several blocks, which are all valuable, tangible assets to each homeowner.

And of course, the sense of a community that is coherent and consistent is a prime reason to buy in Observatory Park versus other areas in Denver.

Perhaps the benefits to the property owner appear to outweigh the interests of current residents, the consistency of zoning practices and the city balance sheet?

Sincerely,

Jeanne Tubb  
2601 S. saint Paul Street  
Denver, CO 80210

[jeanne.tubb@gmail.com](mailto:jeanne.tubb@gmail.com)

## Oss, Deirdre M. - Community Planning and Development

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**From:** jon schmidt [jmssmj42@hotmail.com]  
**Sent:** Monday, February 24, 2014 9:21 PM  
**To:** Rezoning - CPD  
**Cc:** Oss, Deirdre M. - Community Planning and Development  
**Subject:** Opposed to the ReZoning of 2400 block of south university

Dear Members of the City Planning Board,

I have lived in University Park Neighborhood for 7 years. I purchased my property in this neighborhood because it is a wonderful place to live, has walkable streets, a great community, and a predictable zoning code. I believe with the rezoning of most of the block of South University Boulevard, you are changing the integrity of the zoning code. The residents of this neighborhood that purchased their homes believed they could count on those codes to sustain their property values, safety, and parking availability.

In 2010 the property in question was rezoned to GMX 3 with the support of the neighborhood. At that time the developer, who control the majority of the site, CHOSE not to participate.

Additionally the development as proposed would add 236 units along a stretch of university that is two lanes in each direction and accessing the site will push traffic into the neighborhood . This is one of the reasons the neighborhood supported only GMX 3 because the additional density could not be supported by the infrastructure in the area without negatively impacting the neighborhood.

I also take issue with the application stating that it is a 12 minute walk to light rail station at DU. This is NOT TRUE. It is a 25-30 minute of over 1.25 miles. The applicant claims this is one of the reasons there rezoning and thus increased density should be approved . It is a blatant falsehood at best.

I oppose this rezoning project and hope that you will as well.  
Thank you very much.

Sincerely,

Jon Schmidt  
Sr. Geological Engineer; Civil Engineer, PE, PG

Home owner and resident  
2450 south Josephine st  
Denver CO 80210



## Oss, Deirdre M. - Community Planning and Development

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**From:** drkraft57@comcast.net  
**Sent:** Monday, February 24, 2014 8:57 PM  
**To:** Rezoning - CPD  
**Cc:** Oss, Deirdre M. - Community Planning and Development  
**Subject:** 2400 Block of S. University Blvd

Dear Members of the City Planning Board,

I have lived in University Park Neighborhood for 24 1/2 years. I purchased my property in this neighborhood because it is a wonderful place to live, has walkable streets, a great community, and a predictable zoning code.

I believe with the rezoning of most of the block of South University Boulevard, you are changing the integrity of the zoning code. The residents of this neighborhood that purchased their homes believed they could count on those codes to sustain their property values, safety, and parking availability.

I oppose this rezoning project and hope that you will as well.

Thank you very much.

Sincerely,

Elizabeth Kraft



## Oss, Deirdre M. - Community Planning and Development

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**From:** Jennifer Schmidt [schmidt640@yahoo.com]  
**Sent:** Monday, February 24, 2014 8:17 PM  
**To:** Rezoning - CPD; Oss, Deirdre M. - Community Planning and Development  
**Subject:** 2420, 2430,2442, 2462-2490 S Univeristy Blvd.

Dear Denver Planning Board,

My name is Jennifer Schmidt and I have lived in the University Park Neighborhood for 7 years. I moved to this neighborhood because I loved the community, the great elementary school, and the safe, walkable streets for our family.

We are opposed to the rezoning of the 2400 block of South University Boulevard because we believe it compromises the integrity of your zoning codes throughout the city, and especially our community. Our community is surrounded by commercial/mixed use zoning on three sides. We rely on your board to make and carry out good decisions. The City, with the help of your board, just rezoned this block in 2010 and had the backing of our neighborhood, as well as the current businesses. There was no opposition. Our neighborhood should be able to rely on zoning codes to protect our property values, safety, and sense of community.

I understand that traffic and parking are not an issue to be considered when rezoning a property. I believe this is a misstep in the city planning. If the rezoning were to look at the potential traffic issues in this particular block of South University, I think that alone would stop the project. The University corridor narrows at this block and has no turn lane. Therefore, this will cause traffic to flow into our neighborhood from other intersections in order to have safe entrance to this new project. This will be an issue for either project, but much more so with CMX-5, that includes 118 more units. The traffic will compromise our safety and walkability of our great neighborhood.

I am also president of the University Park Community Council. I have a very strong sense of community and what the City of Denver brings to our neighborhoods. Right now, I have been very displeased with what we have been seeing and hearing. Our voices, as the people, have not been heard. I understand that you are only a piece of the City of Denver Government, but you have the opportunity here to HEAR OUR VOICES. Our board has heard overwhelming opposition to this project from our community. The posting from the builder is hardly even visible, yet the neighbors have been spreading the word. In the past year your board has approved every single Map Amendment that has come to your board, with little to no opposition. This fact makes me wonder why we have zoning if all it takes to change it is to bring it to your board. Our neighborhood does not want this change. A five story building that is 7/8ths of a block long is too much. It will be hovering over us at seventy feet tall. Please, keep the current zoning. Three stories is appropriate for this block and our thriving community.

Thank you very much for your time.  
Sincerely,

Jennifer Schmidt  
President, UPCC

## Oss, Deirdre M. - Community Planning and Development

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**From:** Alison Finley [afinley11@gmail.com]  
**Sent:** Monday, February 24, 2014 8:09 PM  
**To:** Oss, Deirdre M. - Community Planning and Development  
**Subject:** 2400 South University Zone Map Revision Letter  
**Attachments:** Planning Board Letter\_140224.pdf

Deirdre,

Please find attached my letter to planning board regarding the proposed zone map revision for the block of 2400 South University Boulevard. Could you please reply and let me know that you received this letter? I want to make sure my voice is heard on this matter.

Sincerely,

Alison Finley

February 24, 2014

Denver Planning Board  
C/O Deirdre M. Oss, AICP  
Senior City Planner, Community Planning & Development  
201 West Colfax Avenue, Second Floor  
Denver, CO 80206

*Via Email*

Dear Planning Board Members:

My family and I live at 2441 South Columbine Street, and are active and engaged members of the University Park neighborhood. We are in receipt of the Zone Map Amendment Application dated January 21, 2014 from Nodef Colorado, Inc. & Colorado Seminary regarding nearly the entire block of 2400 South University Boulevard. I am opposed to this zoning amendment because it does not meet the test of Justifying Circumstances of the Denver Zoning Code dated June 25, 2010. Additionally, neither the blighted state of the site as caused primarily by the applicant, nor the economic hardship created by the acquisition of the two out parcels, provides grounds for the requested Amendment to the Zoning Map.

***There Has Been No Change in Condition to the University Park Area Since 2010***

The applicant purports that a Zone Map Amendment is warranted because “The **land** or its **surrounding environs** has **changed** or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to **recognize the changed character of the area**” (DRMC 12.4.10.14.A.4). Their reasoning for the change in the subject site relates to “...the applicant obtaining control of the two “out” parcels creating the ability to master plan the property” (Application Page 15 of 27).

Underlying planning and zoning regulations for particular land uses are enacted for residents of the community, along with owners of commercial property, to use as a road map to rely on as a guide for the direction of their collective community. Per the applicant, “The majority of the property has been **owned by the same family** for almost **40 years**” (Application Page 6 of 27). This ownership period covers the time period from the early 2000’s until 2010 when the current zoning was studied intently, with great participation collectively between the city and the community, and then codified. The applicant has surely come to understand the land, its surrounding environs, and the character of the neighborhood over its ownership period. In the 3 ½ years since the current zoning was enacted, there certainly has been **no change in the area**. The assumption that a change in ownership would trigger a change in land, surrounding environs or the character of the area is absurd.

We understand that zoning regulations should provide a framework for land use regardless of its underlying ownership. If Planning Board and City Council were to allow for land assemblage to trigger an increase in allowable height and density, then that would set a dangerous precedent. Private development should be carefully planned with an understanding of what is allowable on a particular land parcel from the onset. The idea that solely the creation of common ownership on multiple land parcels would be rewarded a re-zoning to allow for greater density and more height, which results in increased traffic, further loss of privacy and additional loss of sunlight, is not in the best interest of the community.

There are no Justifying Circumstances which would warrant a change in zoning from G-MX-3 to G-RX-5.

### ***Creation of Blight Should Not Be Rewarded with Increased Zoning Rights***

During a presentation to the University Park neighborhood on February 20, 2014, the developer's architect presented a number of reasons why he believed the proposed Zoning Map Amendment would benefit the neighborhood. In a slide titled "Community Benefits", the first bullet point stated "Improve & Enhance Under-Developed / Blighted Property". It should be noted that the majority of the subject site has been under common ownership for nearly 40 years. If the property is **blighted**, as communicated by the developer's architect, then the **blight was caused by current ownership**. It is unreasonable to blame the blight on previous or current zoning and therefore the inability to profitably redevelop the parcel, especially since the majority of the subject site has been owned by the same family for nearly 40 years. If the former B-2 zoning were the reason the property could not be economically redeveloped, then current ownership surely would have proposed higher densities and heights for the subject site during the process which lead up to the 2010 zoning designation which exists today, especially since they owned a majority of the subject site at that time. In any case, if the subject property is blighted as presented by the developer's architect, then this blight was caused by the long term owners of the property and their long term mismanagement practices related to the buildings on the land parcels, and should not be rewarded with an increase in zoning rights.

### ***Uneconomical Acquisition of Two Outparcels***

The developer's architect presented at the February 20 meeting that it would be uneconomical to redevelop the subject site under the existing zoning guidelines which allow for three stories, that could result in one story of ground level retail and two stories of residential. The reasoning stated at the meeting related to the requirement to provide for underground parking which would be prohibitively expensive under the existing zoning.

According to the Application, "The middle 2 lots of the property were **acquired in the past few months, now** making redevelopment physically and **economically feasible**" (Application page 6 of 27). Per the applicant's own statement, the redevelopment is **now economically feasible**, so the requested two additional stories of residential allowable under the G-RX-5 zoning would only allow for more profit to an already economically feasible project.

If economic feasibility is indeed at issue, it is reasonable to assume that the applicant knew the existing zoning when acquiring the two out parcels over the last few months since they have owned the remaining parcels within the subject site for nearly 40 years. If the applicant acquired the two out parcels with the assumption that an increased zoning would occur, then that was a risk the applicant assumed when they negotiating pricing and purchased those two lots. Speculative land acquisition based on an assumption that an increase in zoning rights would be granted purely based on that acquisition may in fact create an economic hardship for the development, but it is not the role nor responsibility of our city government to cure that hardship by harming the existing residents of the community with increased traffic, further loss of privacy and additional loss of sunlight related to the two additional stories of residential development allowable under the requested zoning.

An uneconomical project design, especially given the long term ownership of a majority of the subject site by one family and their familiarity of the zoning as it has evolved, should not result in a change in zoning as requested.

***Conclusion***

I am in support of the redevelopment of the subject site. There is no reason to believe a redevelopment cannot be tastefully and economically achieved under the existing zoning on the property. The applicant has failed to provide a reasonable Justifying Circumstance which would warrant an Amendment to the Zone Map. Additionally, problematic circumstances which are in the control of the applicant such as the currently blighted state of the subject site and the economic feasibility of the project design should not be cured through the currency of the community. The neighborhood participated in an extensive, thorough and inclusive process from the early 2000's to 2010, and through that collaboration with the city it was concluded that a three story, mixed use building was reasonable. I fail to see how the enjoyment of the community we believed was protected when the neighborhood agreed to the current zoning would be enhanced by the proposed zoning change. There has truly been no change in the University Park area since 2010 that would warrant a change in zoning.

I appreciate your dedication to making Denver a great place to live.

Sincerely,

Alison Finley

## Oss, Deirdre M. - Community Planning and Development

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**From:** Ann Daniels [asdaniels@comcast.net]  
**Sent:** Monday, February 24, 2014 6:39 PM  
**To:** Rezoning - CPD  
**Cc:** Oss, Deirdre M. - Community Planning and Development  
**Subject:** 2400 Block of South University Boulevard

To: The Members of the City Planning Board,

My husband has resided in the University Park Neighborhood for 19 years and I, for almost 14. He purchased our property in this neighborhood because it is a great place to live, there's easy access to the downtown area, the people in the community are amazing, and there's a predictable zoning code.

We believe any re-zoning of the 2400 South University Boulevard block [or any South University Boulevard blocks, for that matter] change(s) the integrity of the zoning code for our neighborhood. We, who live in very close vicinity to these blocks, purchased our home because we believed we could count on the zoning codes to sustain our property value, our safety, and our parking availability. We now feel as though we are being encroached upon by new, huge University Boulevard apartment buildings, which definitely change the feel and the flavor of the neighborhood we first moved into and have grown to love. There are now too many people, too many vehicles and not enough parking spaces and this situation appears to be getting worse.

We oppose this rezoning project and request that you do, too.

Very Truly Yours,

Ann S. Daniels and David Ross

2222 South Columbine Street

Denver, Colorado 80210



## Oss, Deirdre M. - Community Planning and Development

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**From:** Jennifer Robinson [jennifer.dee@gmail.com]  
**Sent:** Monday, February 24, 2014 6:07 PM  
**To:** Rezoning - CPD; Planningboard - CPD; Brown, Charlie - City Council District #6; Simonet, Stacy B - City Council Aide; Oss, Deirdre M. - Community Planning and Development  
**Subject:** Rezoning at 2400 S University Blvd

Dear Planning Board:

My name is Jennifer Robinson, I am a resident and homeowner at 2433 S Columbine St in the University Park Neighborhood of Denver.

### **I am writing to oppose the rezoning of 2400 S University Blvd from G-MX-3 to G-RX-5.**

- The existing zoning conforms to the Comprehensive Plan, Blueprint Denver, and the University Park Small Area Plan. **Existing zoning already allows for a beautiful 3-story, mixed-use development.**
- Just four years ago, this area was rezoned from B-2 to G-MX-3 after careful consideration of the University Park Small Area Plan and much public outreach and input by Community Planning and Development and the neighborhood. The current zoning, G-MX-3, is form-based, encourages new mixed-use development in the area, and exceeds what was allowed under B-2.
- The developers use the tall apartment buildings one block south of the location to justify the request for increased height. These buildings were constructed in the late 60's and early 70's, and are clearly out of character with existing context. They can be looked at as anomalies, rather than being acceptable for height comparisons.
- The re-zoning application stated that this location is a 3/4 mile distance, or 12 minute walk, from the University Light Rail Station. That is incorrect - this location is a 1.1 mile, 20 minute walk to the University Light Rail Station.
- The developers proposed 236 dwelling units in a 500 ft length x 80 ft wide x 70 ft tall structure. No other buildings along this corridor of S University Blvd extend this length with a sustained height of 70 feet (see Exhibit E of Zone Map Amendment Application).
- This section of S University Blvd is unique in that it narrows - there are turn lanes at Iliff and Yale, but nothing allows for safe left turns along the entire narrowed 4 block section in between. The proposed

development would be in the middle of this 4 block stretch, and with 236 additional residential units, the already terrible southbound traffic at evening rush hour would significantly worsen.

Please keep our current G-MX-3 zoning. It will allow for an extraordinary, mixed-use, 3-story development that will enhance this unique section of S University Blvd. Re-zoning to G-RX-5 will allow a massive out-of-scale development that will detract from this area.

Thank you for your time.

Sincerely,

Jennifer Robinson

## Oss, Deirdre M. - Community Planning and Development

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**From:** Norman and Jeanie Eansor [eansors4@msn.com]  
**Sent:** Monday, February 24, 2014 5:51 PM  
**To:** Rezoning - CPD  
**Cc:** Oss, Deirdre M. - Community Planning and Development  
**Subject:** 2400 Block of South University Blvd.

Dear Members of The City Planning Board,

We have recently purchased land on S. Clayton St. in the 2400 block and are currently building a high value custom home. What attracted us to the Observatory Park area for our family is the quiet streets to walk and ride bikes, with a neighborhood feel, close to beautiful parks. High rise apartments with extra cars parked on the local streets are not appropriate for a residential area nor are they complementary to the attraction of Observatory Park.

High rise apartments in this block will devalue our property and the vast amenities that we are investing into our home. We do not need excess cars, traffic, high rise neighbors looking down on our privacy. You are spoiling the integrity of this quaint neighborhood and the beautiful park of Observatory.

Like most of our neighbors, we are all for development and improving on the appearance of run down buildings; however, we do not believe the rezoning of this area should be permitted.

Sincerely,  
Jeanie and Dave Eansor

2526 S. Clayton St.  
Denver, CO  
720-733-1563  
[eansors4@msn.com](mailto:eansors4@msn.com)

## Oss, Deirdre M. - Community Planning and Development

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**From:** Phillip Caplan [pcaplan@renovacapitalpartners.com]  
**Sent:** Monday, February 24, 2014 5:29 PM  
**To:** Oss, Deirdre M. - Community Planning and Development  
**Subject:** Support for 2400 University Rezoning Application

Dear Ms. Oss-

I am writing today in support of the rezoning application for the 2400 University Blvd assemblage. I live with my family at 2385 S. Clayton Street (Clayton and Wesley) just a few blocks from the proposed development. I have attended a couple of the community meetings hosted by the development team, and I think they have done a fantastic job in listening to the neighbor's concerns, particularly along the alley. There appears to be an issue regarding southbound traffic and how it will access the parking garage, but I trust you and your team will work with the developer to address this concern.

I was a partner in the development on the southeast corner of University and Evans (now known as One Observatory), which the neighborhood group supported. I believe this proposed development achieves many of the same goals of One Observatory, such as encouraging development along the major boundary thoroughfares of the neighborhood. It will also result in necessary high-quality retail and high-density residential. Without this rezoning, the development will not work economically and will not support underground parking. I'm fearful that if it is not rezoned, we'll end up with a strip shopping center and surface parking.

Please do not hesitate to contact me if I can be of further assistance.

(I am on the board of DURA. I am writing this email purely in my personal capacity as a neighbor to the proposed development.)

Thank you for your time.

Phil Caplan

Phillip Caplan  
Renova Capital Partners  
303-945-2939 - office  
703-307-0455 - cell  
[pcaplan@renovacapitalpartners.com](mailto:pcaplan@renovacapitalpartners.com)

## **Oss, Deirdre M. - Community Planning and Development**

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**From:** Carrie Mountain [carrie.w.mountain@gmail.com]  
**Sent:** Monday, February 24, 2014 5:01 PM  
**To:** Oss, Deirdre M. - Community Planning and Development  
**Subject:** 2499 S University Blvd

Dear Members of the City Planning Board,

I have lived in University Park Neighborhood for XX years. I purchased my property in this neighborhood because it is a wonderful place to live, has walkable streets, a great community, and a predictable zoning code.

I believe with the rezoning of most of the block of South University Boulevard, you are changing the integrity of the zoning code. The residents of this neighborhood that purchased their homes believed they could count on those codes to sustain their property values, safety, and parking availability.

I oppose this rezoning project and hope that you will as well.

Thank you very much.

Sincerely,

*Carrie & Richard Mountain*

*2499 S Fillmore St*

*Denver, CO 80210*

## Oss, Deirdre M. - Community Planning and Development

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**From:** Nina Healy [nina.cray.healy@gmail.com]  
**Sent:** Monday, February 24, 2014 4:57 PM  
**To:** Rezoning - CPD  
**Cc:** Oss, Deirdre M. - Community Planning and Development  
**Subject:** 2400 Block of S. University

Dear Members of the City Planning Board,

I have lived in University Park Neighborhood for 28years. I purchased my property in this neighborhood because it is a wonderful place to live, has walkable streets, a great community, and a predictable zoning code.

I believe with the rezoning of most of the block of South University Boulevard, you are changing the integrity of the zoning code. The residents of this neighborhood that purchased their homes believed they could count on those codes to sustain their property values, safety, and parking availability.

I oppose this rezoning project and hope that you will as well.

Thank you very much.

Sincerely,

Nina L. Healy

2217 S Cook St

## Oss, Deirdre M. - Community Planning and Development

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**From:** Lynn Johnson [LJohnson@etkinjohnson.com]  
**Sent:** Monday, February 24, 2014 4:11 PM  
**To:** Rezoning - CPD  
**Cc:** Oss, Deirdre M. - Community Planning and Development  
**Subject:** 2400 Block of S. University Blvd.

As property owners in the neighborhood of this block of S. University, we are opposed to the rezoning of this area for the following reasons:

1. The increase in the heights of new construction is not in keeping with the neighborhood and will negatively impact the property values.
2. The increased size of a development will increase the number of units being built. There is never enough parking factored into these projects and puts the extra cars parking on the neighborhood streets. We already have excess parking on our streets due to DU students and the additional residential properties already built nearby. Another oversized project will only make it worse.
3. There are many young families in this area with children everywhere. More cars and congestion on the streets will be unsafe for those children.

For these reasons, the rezoning of this block will allow for the development of more properties which are too large, causing for too many cars and congestion and negatively impact this neighborhood.

We ask that the rezoning request be denied.

**Henry and Lynn Johnson**  
**2317 South Clayton Street**



Etkin Johnson Real Estate Partners is actively engaged in the development, acquisition, ownership and management of income producing real estate across Colorado's Front Range. The company's portfolio of office, retail, hotel and industrial holdings totals more than 5 million square feet with values in excess of one-half billion dollars.

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## Oss, Deirdre M. - Community Planning and Development

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**From:** pmax1952@gmail.com  
**Sent:** Monday, February 24, 2014 3:42 PM  
**To:** Oss, Deirdre M. - Community Planning and Development  
**Subject:** 2400 Block of South University Blvd; Denver, CO

Dear Deirdre

I am writing this email in PROTEST of the ReZoning of the 2400 Block of South University Blvd; Denver, CO I have attended a meeting with as many as 100 residents of the Observatory Park/University Hills area.

Please know that I do not want the project to be able to be re-zoned, with the potential of having a 70 foot height limit ( excluding utilities). This is so important for ZONING to know. The March 5th meeting at 3pm is a difficult time for working professionals to attend. Please accept this email to further my opposition to allow a ReZoning to occur for this project.

Thank you and have a nice day.

Sincerely,  
Pam McCroskey, MD  
2260 South Cook St  
Denver, CO 80210

## Oss, Deirdre M. - Community Planning and Development

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**From:** Gonnella, Tom [tom.gonnella@lincolntrustco.com]  
**Sent:** Monday, February 24, 2014 2:03 PM  
**To:** Oss, Deirdre M. - Community Planning and Development  
**Cc:** Tom Gonnella  
**Subject:** Support for 2400 S. University Project Rezoning

Hi Deirdre,

I live at 2270 S. Adams Street in University Park and have been in the neighborhood for nearly 10 years now. I served on the neighborhood board (UPCC) for 7 years and was the president of the UPark Community Council for 2 years – so in short I am vested in the neighborhood and share a real love for it as well.

After attending a few of the sessions the developer sponsored to gather input from neighbors and to provide us information on their intentions for the property, I am in support of the 5-story rezoning (G-RX-5) for this site. The property has been an eyesore to the neighborhood for too long and the project proposed would clean up the block. Provided the retail and residential are successful, the project will be a good addition to the neighborhood for those wanting to live near a great area with parks, shopping and dining and convenient access to the interstate and lightrail. It appears that much thought has gone into the development from the standpoint of quality design and the way in which the alley will be landscaped. Overall, the positives outweigh the negatives.

While I was the president of the neighborhood council, I needed to weigh all decisions on what was best for the majority while taking into consideration all viewpoints. With that said, I understand the neighbors in the alley having some reservations, however, this would be a much nicer addition than what they face now.

Thank you for the work you do for our great city.

Sincerely,

**Tom Gonnella**

Executive Vice President  
Lincoln Trust  
717 17<sup>th</sup> Street, Suite 2100  
Denver, CO 80202  
(303) 658-3777 direct  
(303) 614-7056 fax  
[www.lincolntrustco.com](http://www.lincolntrustco.com)

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Please consider the environment before printing this e-mail.

## Oss, Deirdre M. - Community Planning and Development

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**From:** Betsy Welty [rbwelty@hotmail.com]  
**Sent:** Monday, February 24, 2014 10:28 AM  
**To:** Rezoning - CPD; Oss, Deirdre M. - Community Planning and Development  
**Subject:** No rezoning of 2400 Block of S. University Blvd

February 24, 2014

Dear Members of the City Planning Board,

We have lived in University Park Neighborhood for eight years. We purchased our property in this neighborhood because it is a wonderful place to live, has walkable streets, a great community, and a predictable zoning code.

We believe with the rezoning of most of the 2400 block of South University Boulevard, you are changing the integrity of the zoning code. The residents of this neighborhood that purchased their homes believed they could count on those codes to sustain their property values, safety, and parking availability.

We strongly oppose this rezoning project and hope that you will as well.  
Thank you very much.

Sincerely,

Russell and Betsy Welty  
2232 S. Adams Street  
Denver, CO 80210  
303-698-2011

## Oss, Deirdre M. - Community Planning and Development

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**From:** Jay Lemery MD [lemery18@gmail.com]  
**Sent:** Monday, February 24, 2014 1:42 AM  
**To:** Rezoning - CPD  
**Cc:** Oss, Deirdre M. - Community Planning and Development  
**Subject:** application for rezoning

To whom it may concern,

We are writing to communicate our unequivocal opposition for the rezoning of the 2400 block of South University Blvd (2420, 2430, 2442, 2462-2490 S. University Blvd.). The developers have applied to change the zoning from the current G-MX-3 to C-MX-5.

We feel this that such a deviation from the established zoning would be detrimental to the neighborhood for a number of reasons including an increase in traffic, deterioration of neighborhood aesthetics, as well as a marked impact on the home values proximate to the development.

Zoning regulations were established to protect the integrity of neighborhoods and to promote healthy living within Denver. We respectfully request that these existing protections to our community be respected.

Sincerely,  
Jay & Taryn Lemery  
2390 S Madison Street

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Jay Lemery MD FACEP FAWM  
Assistant Professor of Emergency Medicine  
University of Colorado School of Medicine  
Mail Stop B215  
12401 E. 17th Avenue, Room 762  
Aurora, Colorado 80045  
[720-848-6777](tel:720-848-6777)  
[john.lemery@ucdenver.edu](mailto:john.lemery@ucdenver.edu)

President, Wilderness Medical Society  
[wms.org](http://wms.org)

## Oss, Deirdre M. - Community Planning and Development

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**From:** Bill Winn [bill.winn@havenfriends.org]  
**Sent:** Sunday, February 23, 2014 9:40 PM  
**To:** Rezoning - CPD  
**Cc:** Oss, Deirdre M. - Community Planning and Development  
**Subject:** Rezoning application 2420, 2440,2442, 2462-2490 S. University Blvd

Ladies and Gentlemen:

Re: Rezoning 2420, 2440,2442, 2462-2490 S. University Blvd from G-MX-3 to G-RX-5 (70')

I am a resident of University Park and am writing to OPPOSE the referenced rezoning.

The stretch of University Blvd. South from I-25 to Yale is already over capacity with extended commuting times in both directions.

University is now hemmed in by development on both sides of the street with no possibility of widening. Building out the reference property to 5 stories(236 residences) and the property on the West side of the same block built out to its potential 5 stories will bring immense pressure to University Blvd.

University Park Neighborhood over several years led by Denver Community Planning and Development along with great input from University Park residents developed a neighborhood (Small Area Plan) plan that went through all of the approval processes and was subsequently passed by City Council in 2008. The subject property was included in that plan at what was subsequently GM-X-3. Where were the owners' of subject property, who have owned it for 39 years and were not present when the new zoning code was implemented?

Egress in and out of the proposed property coming from the North is by very inadequate intersections at Harvard and Wesley and then via the alley. A real traffic mess. The residents of University Park suffer the ill effects of this project.

Where is the need for another large apartment project in this location? One Observatory Park at Evans and University is 20% occupied with only one Qdoba to occupy the substantial commercial/retail space. Vista Lofts a few blocks North went into receivership for lack of tenants. The University of Denver provides more than adequate housing for their students. Building this to its limit at G-RX-5 at this time is guaranteed to fail. What is the possibility that if zoning change is granted, the owner sells the property at its greater commercial value and leaves the outcome to someone else.

Again, as a resident of University Park, I oppose the zone change for this property.

Bill Winn  
Past President UPCC  
2210 S. Saint Paul St.  
Denver, CO 80210

## Oss, Deirdre M. - Community Planning and Development

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**From:** Jennifer Frenkel [jenfrenkel@gmail.com]  
**Sent:** Sunday, February 23, 2014 2:51 PM  
**To:** Rezoning - CPD  
**Cc:** Oss, Deirdre M. - Community Planning and Development  
**Subject:** Rezoning request - block of 2400 S. University

Dear Ms. Oss,

I have been a resident of University Park for the last 11 years and am dismayed to learn of the proposed rezoning of 2400 S. University Boulevard. I have been here long enough to see most of University Boulevard redeveloped, some for better and some for worse, and we have seen an increase in thousands of units in the last few years.

There is no doubt that the developers are motivated to propose this rezoning by money. However, I cannot understand what would be the City's motivation to grant their request. Zoning is in place for a reason, so that developers can know up front the constraints they are working with and so that nearby residents and businesses can know what to expect as their neighborhood changes. The residents of University Park bought their homes believing that the zoning code was a serious and real thing that could not be easily manipulated by developers. Now, we are facing decreased property values and increased traffic, both on University Boulevard and on our neighborhood streets, which will be used by these residents to access the building.

My son attends preschool at University and Dartmouth, 1.3 miles from my home. Driving down University to his school should take me approximately 3 minutes, but on some days it takes me nearly 20 minutes, and I have begun taking alternate routes. The traffic along University is already a problem which will continue to get worse by increasing this density.

One argument by the developers for the rezoning is that of contextual height, comparing the height of the proposed mixed-use building to the Post House, Tabor House, and other neighboring buildings. However, these buildings do not span almost an entire city block. One Observatory Park, which was completed last year at University and Evans, also was proposed as an improvement to our neighborhood that would house desirable retail and a grocery store, but the building is an eyesore and is currently home to one Qdoba restaurant that in no way enhances the lives of the University Park residents.

Please consider not only the needs of the developer in this matter, but also the needs of the thousands of residents of the University Park neighborhood. We are a quiet, family-oriented, and historic neighborhood that would like to coexist with our urban neighbors, not be overrun by them.

Thank you,  
Jennifer Frenkel  
UPark resident

## Oss, Deirdre M. - Community Planning and Development

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**From:** leslie cavness [lesliecavness@gmail.com]  
**Sent:** Sunday, February 23, 2014 9:45 AM  
**To:** Rezoning - CPD  
**Cc:** Oss, Deirdre M. - Community Planning and Development  
**Subject:** 2400 Block of S. University Blvd.

February 23, 2014

Dear Members of the City Planning Board,

I have lived in University Park Neighborhood for 31 years. I purchased my property in this neighborhood because it is a wonderful place to live, has walkable streets, a great community, and a predictable zoning code.

I believe with the rezoning of most of the 2400 block of South University Boulevard, you are changing the integrity of the zoning code. The residents of this neighborhood that purchased their homes believed they could count on those codes to sustain their property values, safety, and parking availability.

I oppose this rezoning project and hope that you will as well.  
Thank you very much.

Sincerely,  
Charles and Leslie Cavness  
2273 South Fillmore Street  
Denver, CO 80210



## Oss, Deirdre M. - Community Planning and Development

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**From:** Jim Janicek [jim@janicekmedia.com]  
**Sent:** Sunday, February 23, 2014 8:39 AM  
**To:** Rezoning - CPD; Oss, Deirdre M. - Community Planning and Development  
**Cc:** 2400uni@upcc.us  
**Subject:** RE Zoning in UPark @2400 S University Blvd.

Dear Members of the City Planning Board,

I have lived in University Park Neighborhood for 12 years. I purchased my property in this neighborhood because it is a wonderful place to live, has walkable streets, a great community, and a predictable zoning code.

I believe with the rezoning of most of the block of South University Boulevard, you are changing the integrity of the zoning code. The residents of this neighborhood that purchased their homes believed they could count on those codes to sustain their property values, safety, and parking availability.

I oppose this rezoning project and hope that you will as well.

Thank you very much.

Sincerely,

Jim & Kristin Janicek

2535 S Fillmore St

Denver, Co 80210

## Oss, Deirdre M. - Community Planning and Development

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**From:** Melinda Davis [meldavis77@mac.com]  
**Sent:** Sunday, February 23, 2014 8:07 AM  
**To:** Rezoning - CPD; Oss, Deirdre M. - Community Planning and Development  
**Subject:** 2420, 2430, 2442, 2462-2490 S. University Blvd -the "block" of 2400 S. University

Dear Rezoning,

Please **deny the request by the developer to change zoning from a 3 story structure to a 5 story structure on 2400 S. University.** What may not seem like much- two extra floors to a large developer the difference to the neighborhood can be significant.

Height creates areas of shade, icy sidewalks and difficulty for plants and trees to thrive. Two more floors creates more people and cars in an already congested and unsafe, **NARROW** stretch of University.

Sometimes **MORE** is really about greed. I hope that our city can be mindful of this impact on a very special area of Denver with great history and a strong community that cares for their little neighborhood community.

Thanks,

Melinda Davis  
1910 S. Fillmore Street  
Denver, CO 80210  
303-550-1524

## Oss, Deirdre M. - Community Planning and Development

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**From:** Julie Reeves [juliebreeves@hotmail.com]  
**Sent:** Friday, February 21, 2014 7:30 PM  
**To:** Rezoning - CPD  
**Cc:** Oss, Deirdre M. - Community Planning and Development  
**Subject:** 2420, 2430, 2442, 2462-2490 S. University Blvd

I would like to express my concern at the possible rezoning of the 2400 block of south University. I do not think that the properties should be rezoned to 5 stories. I don't believe the need in the area supports added residential and in fact, I think the area is not set up well to accommodate that many people (if it goes to 5 stories). South University is already very congested in this area and I think the added traffic that 2 more stories will bring will make the area less attractive to people (which negates need for residential or retail). The area was zoned originally for good reasons and I have yet to hear a compelling argument for why 5 stories are needed.

Thank you for your consideration.

Best regards,

Julie Reeves

2456 S Madison Street

## Oss, Deirdre M. - Community Planning and Development

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**From:** Ann Garfinkel [agarfinkel@cricketcommunications.com]  
**Sent:** Friday, February 21, 2014 11:47 AM  
**To:** Rezoning - CPD  
**Cc:** Oss, Deirdre M. - Community Planning and Development  
**Subject:** Proposed rezoning for the block of 2400 S. University Blvd

To whom it may concern:

I am a concerned homeowner that lives in the Observatory Park neighborhood and I would like to express my issues with the rezoning proposals for the 2400 block of S. University Blvd.

As a family that works, lives and supports the Observatory Park, Denver University and surrounding businesses, schools and community, we have issues with that block being converted from a 2-story zone to a possible 5-story zone for several reasons. This is a neighborhood that is thriving with families that are committed to Observatory Park! We love our close-knit community and support anything that is going to positively enhance our way of life and raising our children. There is no room for another HUGE apartment building in OUR neighborhood. Parking is an issue, space is an issue and preserving the beauty of our historical neighborhood is an issue.

We feel that residents should be able to have a voice in the rezoning, since we are the people that live here and will continue to support, improve and enjoy this part of the city! We are against the rezoning. We want to keep our neighborhood safe and beautiful, with as many home owners as possible (as opposed to renters), to keep our community proud of what we OWN and take care of! Here are our main concerns:

- These will be apartments, not condos. No commitment to own.
- The proposed entry points are not friendly to anyone coming south bound on University. University cannot be widened, there is no room to add a turn lane. Congestion in an area that is already congested and unsafe for families to cross the street.
- Neighbors bought their homes in this area with the knowledge of zoning being only 2 stories. It doesn't seem lawful that their homes could now back up to a 5 story apartment building, which will change the view, value and safety of their homes!
- Does this area NEED another huge apartment building? No, there is no demand for that and certainly no room or space.
- This will also limit sun and cause more snow/ice issues that are already very prevalent on Harvard and surround streets.

Thank you for taking the time to read our opinion on this matter. We are long-time residents of Observatory Park, we love our neighborhood and are AGAINST the rezoning.

If you need anything else from me, please don't hesitate to ask.

Sincerely,

Ann Garfinkel

## Oss, Deirdre M. - Community Planning and Development

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**From:** john rogala [johnrogala@sbcglobal.net]  
**Sent:** Friday, February 21, 2014 11:40 AM  
**To:** Rezoning - CPD  
**Cc:** Oss, Deirdre M. - Community Planning and Development  
**Subject:** Zoning at 2400 University

To whom it may concern,

I attended a meeting last night regarding a zoning permit at 2400 block of University. I also am a resident about 8 blocks away on Cook st. and a member on the University Park Community Council.

I have reviewed and spent many hours considering the proposal to change the zoning from a 3 story to a 5 story project. This has already been changed from a 2 story zoning in 2010. While I am 100 percent in favor of building on that location, I can't find any reasons to side with an increase from 3 to 5 stories, over 70 feet high and most importantly, 384 apartments and almost 400 parking spaces. As a long time resident, I am certain the two lane street and quiet residential street and alley cannot handle or need a building this big. Also, the residents next to the project and in University Park area bought those homes next to a 2 story zoned block that has already changed to 3 story! If you look at all the considerations this is not a reasonable change for the greater good. Only a change to stretch profits for these developers.

I understand that these zoning permits have passed every time in the past 2 years. Please, let's stick to the plan here at 2400 block of University and not make thing worse at those intersections and in the neighborhood. I know for a fact that there are over 12 kids under the age of 11 on just that 2400 block of Josephine behind the project. Safety is a great concern as well on University.

Thanks for considering my strong opinion in not rezoning this block.

John Rogala  
619-5489-4509

## Oss, Deirdre M. - Community Planning and Development

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**From:** Cem Marifet [marifet@gmail.com]  
**Sent:** Thursday, February 20, 2014 3:26 AM  
**To:** Oss, Deirdre M. - Community Planning and Development  
**Subject:** 2400 S. University Blvd Rezoning request

Hello Ms Oss,

My name is Cem Marifet . Last month I purchased a house right behind the university blvd project. The address of our house is 2449 S. Josephine street. While purchasing I looked through the denver zoning for the lot and was a little concerned about the 3 story building zone being right behind our future home. Today I learned that the developer is asking to increase the building hight restriction to 5 stories.

My family is very concerned and is agains this request due to following reasons:

Alley access: Our garage will be opening to the project in question , with more units and higher building it will be more traffic and less safety for my 2 young kids.

Privacy: Our backyard will be right next to the 5 story apartment complex, we are very worried about privacy , un pleasant views, blocking of sun etc.

You can imagine I'm quite concerned that this is even possible that a project can be rezoned after very short period of time from last re-zoning (2010) this gives 0 confidence in the zoning of homes around the area, at any point zoning laws can change and a 5 story building can be built next to your house.

we are in the process of moving to denver and excited as a family of the prospect of being close to university , mountains. But are very worried that our house investment in Denver is in jeopardy by this proposal.

Please let me know what else I can do voice my opinion and keep updated on this proposal. Also when a decision would be made on this issue.

Thank you,

Sincerely

Cem Marifet & Lena Marifet  
Owners of 2449 S Josephine Street, Denver

## Oss, Deirdre M. - Community Planning and Development

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**From:** atsamaras@msn.com on behalf of TRACI SAMARAS [traci@samaras.us]  
**Sent:** Wednesday, February 19, 2014 8:13 PM  
**To:** Oss, Deirdre M. - Community Planning and Development  
**Cc:** samaras@swds.net  
**Subject:** Rezoning request for 2400++ South University

Dear Deirdre,

I have written many emails to you, however my family and I have so many thoughts that by the time I am done each email is many pages long, so I have not sent one. I would love to be able to speak with you over the phone in regard to the proposed rezoning on the 2400 block of S. University. We have lived in the University Park neighborhood for over 10 years, our children attend UPark Elementary, and enjoy the community around us. We were also part of the small area plans and later the rezoning for this actual parcel(s) of land. For reference, we are opposed to changing the current zoning. We feel the GMX3 vs GRX5 doesn't help the health, safety or welfare for the neighborhood. In our opinion the extra traffic for the extra stories is very unsafe. University Blvd has no turn lanes, nor room to add some. It means having to filter more traffic into a very established older Denver neighborhood filled with children. We also don't see how they justify the rezoning? As concerned neighbors, we were told that they need more parking, meaning there will be more traffic, and a 3 story building isn't profitable enough to do underground parking. As a resident of Josephine street, we are fine with surface parking on their property as the lighting from the parking lots may provide more security in our alley from the crime, and graffiti issues that are already very prevalent. We don't understand how a higher building is necessary at this location, and since they never came to any rezoning meetings before the 2010 citywide rezoning, how is this okay now? We don't feel that letting your buildings turn to eyesores (boarded up windows & graffiti as we speak) and asking for a rezone is okay. They haven't proved that in 40 years of ownership that they will provide what they say.

We are wondering:

- Is there is room to speak at the City Council meeting on March 5th?
- Will a petition of opposition help? How many need to sign this? Does it need specifics?
- We have expressed our opposition to Charlie Brown, is there someone else we should speak with?
- Is there a copy of the solar study that the developers claim they did?
- Is there also a copy of the traffic study that the developers claim they did?
- Is there a way to compromise of the height of the building?
- The city is showing a trend by allowing an overwhelming amount of rezoning, does this mean we don't have a fair fight?
- Based on the bigger areas of rezoning (Cherry Creek, Wash Park, and the Highlands), it seems like "spot zoning" to me, is this correct?

I want to say thank you for listening. I know that I put out a lot of information on this email. I would really like to speak with you at your soonest convenience. Please feel free to call me directly at 303.250.9480.

Sincerely,

Traci and (Andy) Samaras





## Oss, Deirdre M. - Community Planning and Development

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**From:** Alaina Neale [alainaneale@comcast.net]  
**Sent:** Tuesday, February 25, 2014 12:36 PM  
**To:** Rezoning - CPD; Planningboard - CPD; Brown, Charlie - City Council District #6; Simonet, Stacy B - City Council Aide; Oss, Deirdre M. - Community Planning and Development  
**Subject:** 2400 S University Blvd

Dear Planning Board:

My name is Alaina Neale, I am a resident at 2500 S. Jackson St and homeowner at 2400 E. Iliff Ave in the University Park Neighborhood of Denver.

**I am writing to oppose the rezoning of [2400 S University Blvd](#) from G-MX-3 to G-RX-5.**

- The existing zoning conforms to the Comprehensive Plan, Blueprint Denver, and the University Park Small Area Plan. **Existing zoning already allows for a beautiful 3-story, mixed-use development.**
- Just four years ago, this area was rezoned from B-2 to G-MX-3 after careful consideration of the University Park Small Area Plan and much public outreach and input by Community Planning and Development and the neighborhood. The current zoning, G-MX-3, is form-based, encourages new mixed-use development in the area, and exceeds what was allowed under B-2.
- The developers use the tall apartment buildings one block south of the location to justify the request for increased height. These buildings were constructed in the late 60's and early 70's, and are clearly out of character with existing context. They can be looked at as anomalies, rather than being acceptable for height comparisons.
- The rezoning application stated that this location is a 3/4 mile distance, or 12 minute walk, from the University Light Rail Station. That is incorrect - this location is a 1.1 mile, 20 minute walk to the University Light Rail Station. The site's distance from the University Light Rail Station does not justify increased height.
- The developers proposed 236 dwelling units in a 500 ft length x 80 ft wide x 70 ft tall structure. No other buildings along this corridor of S University Blvd extend this length with a sustained height of 70 feet (see Exhibit E of Zone Map Amendment Application).
- This section of S University Blvd is unique in that it narrows - there are turn lanes at Iliff and Yale, but nothing allows for safe left turns along the entire narrowed 4 block section in between. The proposed 5-story development would be in the middle of this 4 block stretch, and with 236 additional residential units, the already terrible southbound traffic at evening rush hour would significantly worsen.

**Please keep our current G-MX-3 zoning.** It allows for a mixed-use, 3-story development that will enhance this unique section of S University Blvd. Rezoning to G-RX-5 will allow a massive out-of-scale development that will detract from this area.

Thank you for your time.

Sincerely,  
Alaina Neale

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Alaina LH Neale, PhD  
[alainaneale@comcast.net](mailto:alainaneale@comcast.net)  
303-885-8935

## Oss, Deirdre M. - Community Planning and Development

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**From:** David Thorpe [amydave1@mac.com]  
**Sent:** Tuesday, February 25, 2014 12:35 PM  
**To:** Oss, Deirdre M. - Community Planning and Development  
**Subject:** 2400 South University - Proposed Project

Deirdre,

Good afternoon. I am writing to you today as a resident of the University Park Neighborhood regarding the proposed zoning change for 2400 South University. My name is David Thorpe, and I reside at 2315 South Cook Street (between Iliff and Wesley). Before I provide my opinion/perspective on this proposed zoning change, I want to make you fully aware of some of my background. I want to make sure you are fully aware of where and how my opinion has been formulated.

As I said, I am a neighborhood resident. My son is a fourth grader at University Park Elementary School, and my wife is a professor at Iliff School of Theology (one block from the proposed project) We moved to the neighborhood because we appreciate the quality of life, the proximity to my wife's work and because we could see the potential for the neighborhood to improve over time . . . with appropriate change.

I have a background in construction and development. I have been in the industry for over thirty years (including time as a laborer during summer jobs in high school and college). My career has included a time as Vice President of Development for Vail Resorts Development Company where I was responsible for The Arrabelle at Vail Square - a 500,000 square foot mixed use development at the base of the gondola in Lionshead. I have also worked on an array of projects - most of them mixed use projects and/or pieces of mixed use master planned projects. My point is that I understand the economics of what makes projects work and what allows for amenities that help neighborhoods.

I serve on the Redevelopment and Reuse Council of The Urban Land Institute (ULI) where I am exposed to and engaged with peers who are thought and action leaders around best practices in urban redevelopment.

I am currently a Vice President at Shaw Construction. Shaw Construction was the general contractor on the redevelopment at the Southeast corner of University and Evans. In full disclosure, we would also be delighted to build what has been planned for 2400 S. University.

Perhaps, most importantly, (and before joining Shaw Construction) I served on the UPCC Zoning Committee during the recent city-wide rezoning that took place back in (if memory serves me correctly) in 2010. I was engaged in a block by block and at times site by site review of the new zoning that was proposed and eventually adopted. I am, as a result, familiar with the new Denver Zoning Code and with the debate that occurred within the committee relative to this very block of University Blvd.

During the committee's review of this block, I raised vocal concern regarding the plan to make this zoning limited to an MX-3. There were clearly people on the committee who believed that limiting height at 2400 University to three stories was the best plan. I openly disagreed. The committee engaged in a polite debate, and my perspective did not win the day, but there was not unanimity among committee members.

My argument was and is that limiting the height of the allowed buildings would present an economic obstacle to creating the best possible (highest and best use) outcome during redevelopment. Allowing for more height will allow for the following -

- Better parking on site
- Better streetscape
- Better alleyway design
- A better pedestrian experience along University Blvd with great retail

I will add that I have had a look at the Shears Adkins design of the building, and I am heartened by the intent to provide natural plantings in creative locations around and on the building. As is consistent with SAR design, there is a vibrancy to the overall building that is compelling.

The more density that is allowed in a location like this, the more that a developer is able to add to the life of the building at the street and alley level. Limiting height simply limits the financial means to improve the neighborhood. Anyone who looks at what is found along this stretch of University Blvd must agree that the neighborhood, The University of Denver and those who travel along University Blvd deserve better. I see a better outcome all around as a result of more height.

I know that as a planner, you know that density/height provides many benefits to a city and a region. There are countless studies that tell us that greater density in locations such as this, provide for healthier communities, more sustainable living, more vibrant main streets and more robust university districts.

I fully support endorsing more height at 2400 S. University. I realize why folks in the neighborhood might be concerned about change and density, but my experience tells me that when folks see positive change after a project is complete, they often shift from detractor to supporter. I hope that you and the decision-makers at The City and County of Denver can see your way toward a better future than the current zoning allows.

Dave Thorpe  
2315 S. Cook Street  
Denver, CO  
80210

Sent from my iPad

## Oss, Deirdre M. - Community Planning and Development

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**From:** Robin%20Schmachtenberger [robins58@comcast.net]  
**Sent:** Tuesday, February 25, 2014 12:58 PM  
**To:** Oss, Deirdre M. - Community Planning and Development  
**Cc:** Rezoning - CPD  
**Subject:** 2400 Bloack of S University

Dear Members of the City Planning Board,

I have enjoyed living in University Park Neighborhood for the past 24 years. I purchased my property in this neighborhood because of it's perfect location within the city, with predictable traffic accompanied by a predictable zoning code.

I attended a meeting last week at Police Station to learn more about a proposed development in the 2400 block of South University. The neighborhood raised many great questions the development team could not answer until later in the process, AFTER the rezoning is approved. I feel the proposed rezoning completely alters the neighborhood and challenges the integrity of the zoning code as the property was rezoned only two years ago. The residents of this neighborhood, especially those living on Josephine will be impacted in a negative direction. University Park residents purchased their homes knowing they could rely on zoning codes codes to protect their property values and provide a predicted quality of life.

I oppose this rezoning project and hope that you will too!

Thank you very much.

Sincerely,

Robin Schmachtenberger

2247 S Madison Street

Denver, CO 80210

## Oss, Deirdre M. - Community Planning and Development

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**From:** Felicia Sellers [felicia\_sellers@hotmail.com]  
**Sent:** Tuesday, February 25, 2014 1:15 PM  
**To:** Rezoning - CPD; Planningboard - CPD; Brown, Charlie - City Council District #6; Simonet, Stacy B - City Council Aide; Oss, Deirdre M. - Community Planning and Development  
**Subject:** rezoning of S University Ave

**Dear Planning Board,**

**I am writing to oppose the rezoning of 2400 S University Blvd from G-MX-3 to G-RX-5.**

In 2010 this area was rezoned to the current G-MX-3 zoning which I consider a good compromise for our neighborhood and the commercial area on S. University Ave.

Many homeowners based important purchasing decisions on this zoning. My husband and I purchased our home last June 2013 based on the fact that this area behind our home was zoned with low height restrictions. I don't think it is right to change the zoning again. People who build in University Park have to abide by height restrictions and it is only fair that the commercial builders should abide by the rules as well. These restrictions are in place for good reasons!

We are not against development. This area needs to be cleaned up and used in a better way for everyone living and working in this area. We just want to protect the value of our home and enjoy our property. I know that the property on University Ave. is valuable and needs to be used in a manner to maximize that value, but I am asking you to please use your authority to make the best decision for everyone involved. We as homeowners want to maximize our investment as well. Please put yourself in our position and think about what you would want if you lived in our neighborhood.

I hope you will please keep the current zoning as G-MX-3. It already allows for a mixed-use, 3-story development that could be a huge improvement to the area without overwhelming and impacting our neighborhood in a negative way.

Once again, I ask you to please use your influence to help both the homeowners and developers.

I greatly appreciate your help !!!

Sincerely,

Felicia Sellers  
2419 S. Columbine  
Denver,Co



## Oss, Deirdre M. - Community Planning and Development

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**From:** Keith Sellers [kfsellers@gmail.com]  
**Sent:** Tuesday, February 25, 2014 1:53 PM  
**To:** Rezoning - CPD; Planningboard - CPD; Brown, Charlie - City Council District #6; Simonet, Stacy B - City Council Aide; Oss, Deirdre M. - Community Planning and Development  
**Subject:** 2400 S University Blvd

Dear Planning Board members,

It is my understanding that you are considering a request to rezone property on the 2400 block of South University Drive (on the east side of University Drive). The property backs up to Observatory Park neighborhood, and last week the developers held a meeting with residents of the neighborhood. Last summer I purchased a home at 2419 S. Columbine, so my home is a few hundred feet from the property in question.

Let me say up front that I am fully in favor of development of the property. I believe that mixed use neighborhoods provide a great environment and development has the potential to enhance the entire neighborhood. Having said that, I do have a few concerns I would like the Board to consider:

- Homes on Josephine will be impacted by the proposed building. As the height of the building increases, it will impact ever greater parts of the neighborhood. In short, the final height of the building has the potential to negatively impact the **overall character** of the west side of Observatory Park. Last year when I met with builders in the area, I was told there were strict building restrictions, including height restrictions. I think this is a very good idea, but feel that reasonable height restrictions should be applied to the property in question as well so as not to negatively impact the character of the neighborhood.
- This potential negative impact goes beyond mere appearances. I am not a real estate professional, but I did just spend a year shopping for a home in the area. I can assure you that having a skyline dominated by a tall building (such as the new building on the corner of Evans and University) completely changes the feel of the area. We looked at some homes near that building but would not consider buying any house too close to that building.
- Finally, before we bought our house we asked the realtor about future development of the block of land in question. She told us that it was zoned for 3 story commercial development. We thought that sounded fine. However, make no mistake that allowing a significantly taller building on the University Drive property will directly lower the property values of nearby homes. In short, to significantly increase the height limits of the proposed development is tantamount to taking wealth from the current homeowners and giving it to the developers. If the property was zoned for that height when I and other homeowners bought our homes, I do not think it would be proper to protest. However, changing the height allowed at this time could prove very costly to some existing homeowners.

I do not know that the "best" height should be that meets the needs of all parties, perhaps the requested 70 foot limit will be fine. In fact, I am sure the Board has much more expertise on that than I do. All I ask is that the Board 1) closely review this decision, and 2) do not allow the developer to pursue additional increases in the future. I say this because as last week's meeting the developers were asked if this was a fairly firm plan and they were quite evasive in their answers.

I apologize for the lengthy e-mail, but very much appreciate your attention to this issue.

Sincerely, Keith Sellers

## Oss, Deirdre M. - Community Planning and Development

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**From:** Morris, Greg [Greg.Morris@cassidyurley.com]  
**Sent:** Tuesday, February 25, 2014 1:58 PM  
**To:** Rezoning - CPD  
**Cc:** Oss, Deirdre M. - Community Planning and Development  
**Subject:** Rezoning Issue on South University Blvd

Dear Members of the City Planning Board,

I have lived in University Park Neighborhood for almost 6 years and I am very concerned about the possible rezoning and ultimately the large building that is being considered on S. University Blvd several blocks from my home. My wife Michele and I purchased our property in this neighborhood because it is a wonderful place to live, has walkable streets, a great community, and a predictable zoning code.

I believe with the rezoning of most of the block of South University Boulevard, you are changing the integrity of the zoning code. The residents of this neighborhood that purchased their homes believed they could count on those codes to sustain their property values, safety, and parking availability.

I oppose this rezoning project and hope that you will as well.  
Thank you very much.

Sincerely,

Greg Morris  
2403 S. Milwaukee St  
Denver, CO 80210

## Oss, Deirdre M. - Community Planning and Development

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**From:** Jamie Todd [jamie.m.todd@gmail.com]  
**Sent:** Tuesday, February 25, 2014 4:46 PM  
**To:** Rezoning - CPD; Oss, Deirdre M. - Community Planning and Development  
**Cc:** Brown, Charlie - City Council District #6; Simonet, Stacy B - City Council Aide; jamie.m.todd@gmail.com; allyson todd@hotmail.com  
**Subject:** Rezoning request for 2400 S University Street

Dear Ms. Oss and the Planning Board members,

We write to you today as University Park home owners and concerned neighbors in regards to the rezoning application for the 2400 block of S. University. Our property on 2435 S. Josephine Street is directly adjacent to the block in question. We have been home owners of the University Park neighborhood since 1998. We are also property owners and tax payers of two other properties in the neighborhood off of Monroe Street and Madison Street.

We purchased our property on S. Josephine Street in 2005 as an investment with a longer term vision of moving into the home with our family. Knowing the 2400 block of S. University had a commercial presence, we specifically spoke to Denver Zoning prior to the home purchase to ascertain the current zoning classification. It was zoned B2 at the time, and we had no indication that it would be changed seeing it had been B2 for so many decades. We felt we were on solid ground with this investment. It is of great concern that there is the potential for zoning to change so quickly from one code to another at the request and direct benefit of a developer, rather than to satisfy the evolution and well-being of the neighborhood and adjacent surroundings; as that was already done when moving the block from B2 to G-MX-3 only a few years back.

The rezoning of the block from G-MX-3 to G-RX-5 would change the height restrictions by over 55% - going from 45' to 70'. Additionally, the residential capacity would double – going from 2 floors to 4 floors (or 236 units). These changes would have devastating effects on the neighbors within a 2 to 3 block radius and can be felt throughout the overall neighborhood of University Park.

- Loss of sun by 3 to 4 hours a day (depending on the season) which would have agricultural impacts, as well as economic impacts for those that use solar to power their homes.
- Increase in traffic/parking in the area, which will flow into the residential surface streets throughout the University Park neighborhood. Outside of a frustration, this is a safety concern as so many of the neighborhood kids play on the residential streets. Traffic congestion on S. University near Wesley and Harvard will also increase due to the lack of a turn lane at either of those locations on University.
- Property resale values will see significant declines. While it is hard to quantify, it is very apparent that a home that is adjacent to a 70' building is worth less than the same home adjacent to a 45' building.
- The developer plans of building a 5 story/70' apartment complex spanning the majority of the block violates the University Park Neighborhood Plan: 1) to “protect the alternating pattern of residential and commercial development” along S. University Blvd and 2) to preserve “the existing by right development potential of the residential districts within height and bulk standards that are more responsive to community preferences and smart growth practices”. There are existing higher scale apartment complexes already on the 2100, 2200, 2300 and 2500 blocks of S. University. The 2400 block created the “alternating pattern” with commercial development. A new 70' apartment building spanning 90% of the 2400 block would NOT be “responsive to community preferences”, and it forever more would change the Western landscape and character of the neighborhood to a community under sieged by too much apartment growth (“apartment alley”)!

Since the purchase of our home, we have been using it as a rental property. The potential rezoning of the 2400 block could have dramatic impacts on the marketability of our property and will really present a financial hardship in our lives. Our selling point to our tenants has always been the large private backyard with a wide open feel and an abundance of sun throughout the day – perfect for relaxing with friends and family. The mountain view to the West was also a good perk. Over the years we've spent quite a bit of time and money in updating the property – knowing that it would make a

great final home destination. The prospect of a 70' building to the West crushes this atmosphere which our tenants so dearly love, and makes us reconsider living at this location as our dream residence. A direct result of the G-RX-5 rezoning will make our property more challenging to rent and we very likely will have to lower the rent sizably to get it rented. So we, as home owners and University Park tax payers would have a direct business impact if the G-RX-5 rezoning is put in place.

My wife and I have lived in Denver for over 20 years. A lot has changed since we were students at the University of Colorado at Denver and the University of Denver (DU) back in the early 90's. We realize that Denver has grown and advanced in many areas in the last 2 decades. And we are very cognizant that our University Park community needs to change with the times. For that we welcome responsible redevelopment on the 2400 block of S. University which can add some vitality to the area without being overly intrusive to the neighbors and damaging to the overall University Park community. We strongly believe that the recent rezoning from B2 to a 3-story mix use property on this land will meet that objective and maintain the character of the neighborhood. We adamantly oppose rezoning this parcel to G-RX-5 for the aforementioned points and implore the Plan Board and City Council to deny this rezoning request.

Respectfully,

Jamie & Allyson Todd  
2435 S. Josephine Street

## Oss, Deirdre M. - Community Planning and Development

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**From:** William Trinen [wtrinen@trinenpartners.com]  
**Sent:** Tuesday, February 25, 2014 5:00 PM  
**To:** Oss, Deirdre M. - Community Planning and Development  
**Cc:** William Trinen  
**Subject:** Rezoning Proposal of 2400 block of S. University  
**Attachments:** February 25.docx

Deirdre and City Planners

Please see above attachment regarding rezoning proposal for the 2400 block of S. University

William P. Trinen

Trinen Realty Partners  
7887 E. Belleview Ave. Suite 1100  
Denver, Colorado 80111  
O 303.481.6390 C 303.601.7732  
F 303.484.3477  
[www.trinenpartners.com](http://www.trinenpartners.com)



February 25, 2014

Denver Planning Board  
C/O Deirdre M. Oss, AICP  
Senior City Planner, Community Planning & Development  
201 West Colfax Avenue, Second Floor  
Denver, CO 80206

RE: Rezoning of the 2400 block of S. University

*Via Email*

Dear Planning Board Members:

My family and I have been residents in the University Park area for 17 years. As we understand the facts, a change in zoning and increase in density has been proposed by a local owner/developer. We see no justifiable reason to change the zoning and increase the density on this site. Further, we cite the following reasons for this zoning proposal to be declined:

- The current zoning of G-mx,3 has been in place since 2010 and no change in circumstance has occurred in the area to support an increase in density.
- The city of Denver put a zoning map in place in 2010, which was not contested by the then and current owner of this land.
- Our historic neighborhood adjacent to the University of Denver already has a density problem with too much pressure on the existing road infrastructure.
- Over the past 10 years, residents of this area and adjacent municipalities to the South, have complained and relocated because of the traffic issues on this corridor. They have not been dealt with in a responsible way.
- High density projects in the area that have been built in the last several years have created traffic, access, and parking issues that **threaten quality of life in this area** and motorist access to homes in University Park as well as access to South Denver from I-25
- The People in the area don't want an increase in density, but a responsible development that fits the neighborhood.
- Consider One Observatory at Evans and University. This is a development that was approved and is currently only 20% occupied. Upon full occupancy, this project alone will have such a detrimental impact on the flow of traffic in the area, motorists will need to use other arterials to get to their homes.
- What is the real reason for up-zoning a property in this area? What benefit to the community does it really serve.

Thanks for your consideration in this matter.

William P. Trinen  
Resident, University Park.

## Oss, Deirdre M. - Community Planning and Development

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**From:** Rebecca Risch [rrisch@denverpost.com]  
**Sent:** Wednesday, February 26, 2014 5:40 PM  
**To:** Oss, Deirdre M. - Community Planning and Development; Rezoning - CPD  
**Subject:** Re: Rezoning in the 2400 block of South University  
**Attachments:** risch-planning-board.jpg

Deirdre and the planning board

I noticed that my letter was cut off in the documents opposing the development posted on the denvergov site today (see screenshot). Can you please correct it to include the full text below of the email I sent last night? The missing parts are in red.

On Tue, Feb 25, 2014 at 5:55 PM, Rebecca Risch <[rrisch@denverpost.com](mailto:rrisch@denverpost.com)> wrote:  
Dear Planning Board,

I am a neighbor in Observatory Park, and I would like to voice my opposition to the proposed rezoning from three stories to five stories at 2400 S. University Blvd.

I find it very frustrating that the city would take great care and solicit community input to create the Denver Zoning Code, and yet repeatedly toss aside the agreed-upon plan to appease developers.

It's clear that developers no longer need to take into consideration the existing zoning laws when purchasing land and designing their developments. The city has become a rubber stamp, approving all rezoning requests, despite outcry from residents who wish to keep the integrity of their neighborhoods.

Why even have zoning laws, if any builder can just petition to exceed the limits and know they will be approved? This disturbing trend has created uncertainty among homeowners and has a chilling effect. Why trust our city government when it keeps renegeing on promises, which is essentially what a zoning plan is - a promise to enforce the plan in place. As specified in the code:

***Providing clear regulations and processes that result in predictable, efficient, and coordinated review processes.***  
(<http://www.denvergov.org/Portals/646/documents/Zoning/DZC/denver-zoning-code.pdf>, page 9)

By consistently approving rezoning requests, all predictability is gone.

Valid concerns include parking, traffic, high-density units (in what should be medium density at its highest), solar issues, vacant retail in the area, etc.

But an even larger issue for me is that we need to be able to trust the city to keep its promises and enforce its existing codes.

Sincerely,  
Rebecca Risch

--

Rebecca Risch  
[rebeccarisch@me.com](mailto:rebeccarisch@me.com)  
303.437.8242  
[@rebeccarisch](#)



## Oss, Deirdre M. - Community Planning and Development

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**From:** lcbingham@ymail.com  
**Sent:** Tuesday, February 25, 2014 9:02 PM  
**To:** Rezoning - CPD  
**Cc:** Oss, Deirdre M. - Community Planning and Development  
**Subject:** 2400 block S University Blvd

I own property at 2526 S Saint Paul St in the University Park neighborhood and live at 2458 S Josephine. I am strongly opposed to the City changing the subject zoning. The City's current zoning is in place for good reason and the owner seeking to change the zoning has no justifiable reason to do so.

Lisa Bingham  
ENS Real Estate  
303/921-5997  
[lcbingham@ymail.com](mailto:lcbingham@ymail.com)

## Oss, Deirdre M. - Community Planning and Development

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**From:** Mark Risch [rischmg@hotmail.com]  
**Sent:** Tuesday, February 25, 2014 9:25 PM  
**To:** Oss, Deirdre M. - Community Planning and Development  
**Subject:** 2400 S. University Rezoning

To the Denver Planning Board:

I am a concerned resident of the Observatory Park neighborhood and I am writing to express my opposition to the proposed rezoning of 2400 S. University Boulevard. A few years ago, my wife and I purchased a property with close proximity to the proposed redevelopment. At that time, we researched the area zoning to have a better understanding of the potential redevelopment that was likely to occur in the next decade. When we purchased our current home, we based our decision partially on the fact that only 3-story redevelopment would be allowed on the east side of University Boulevard. We concluded that a 3-story redevelopment was consistent with the overall neighborhood and was supported by the University Park Community Council (UPCC).

It appears now that the Planning Board is considering a proposed motion to change the existing zoning to a 5-story structure. This change is not consistent with the desires of the community and the existing zoning code. The existing zoning code was agreed upon by all interested stakeholders with the specific intention to provide predictable, efficient, and widely supported development. The proposed zoning change directly contradicts the 2010 comprehensive zoning update and the 2008 Small Area Plan; both of which had widespread input and support.

I am not opposed to the current zoning as approved (G-MX-3); however, increasing the density will be a significant detriment to our neighborhood. University Boulevard and other local traffic patterns will not appropriately serve the proposed higher density. In addition, with the large increase in units, it is inevitable that parking will become difficult and cause further issues. Finally, additional retail space at this location will only increase vacancy at other nearby struggling retail developments.

Thank you.

Mark Risch  
2474 S. Josephine St.

Sent from Windows Mail

## Oss, Deirdre M. - Community Planning and Development

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**From:** Douglas Standell [DStandell@enerplus.com]  
**Sent:** Wednesday, February 26, 2014 6:13 AM  
**To:** Oss, Deirdre M. - Community Planning and Development  
**Subject:** Fwd: 2400 block of south university blvd

Deirdre,

Please see below, I had wrong email the first time

Thanks

Sent from my iPhone

Begin forwarded message:

**From:** <[dstandell@enerplus.com](mailto:dstandell@enerplus.com)>  
**Date:** February 25, 2014 at 9:26:50 PM MST  
**To:** "[rezoning@denvergov.org](mailto:rezoning@denvergov.org)" <[rezoning@denvergov.org](mailto:rezoning@denvergov.org)>  
**Cc:** "[Deidre.oss@denvergov.org](mailto:Deidre.oss@denvergov.org)" <[Deidre.oss@denvergov.org](mailto:Deidre.oss@denvergov.org)>  
**Subject:** 2400 block of south university blvd

Dear Members of the City Planning Board,

I have lived in University Park Neighborhood for 1 year. I purchased my property in this neighborhood because it is a wonderful place to live, has walkable streets, a great community, and a predictable zoning code.

I believe with the rezoning of most of the block of South University Boulevard, you are changing the integrity of the zoning code. The residents of this neighborhood that purchased their homes believed they could count on those codes to sustain their property values, safety, and parking availability.

I oppose this rezoning project and hope that you will as well.

Thank you very much.

Sincerely,

DJ Standell and Kristie Hornung  
2472 S Josephine St

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## Oss, Deirdre M. - Community Planning and Development

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**From:** Trey Nobles [JHNobles@pcl.com]  
**Sent:** Wednesday, February 26, 2014 8:36 AM  
**To:** Oss, Deirdre M. - Community Planning and Development  
**Subject:** FW: Proposed Development at 2400 S. University Blvd.

Good morning Ms. Oss.

My name is Trey Nobles and I am a resident of the University Hills neighborhood, specifically 3300 S. Bellaire Street. I am sending you this note in support of the proposed development at the 2400 block of S. University Blvd.

I first learned of the development when I, as a local resident, was invited to participate in the developer's working group meetings. Having listened to the various points raised by the working group participants, I fully support the re-zoning to permit a 5-story project. It is my belief that the increased density will make it feasible to build a below-grade parking garage, in lieu of a surface lot, which I view as objectionable in this location. Further, I believe a 5-story development will attract a higher price-point and, ultimately, a preferable clientele base.

In my opinion, the proposed development can only enhance the value of all properties in the area. It will clean-up an unsightly portion of the block and the proposed retail at the first level will enhance the neighborhood's walk-ability. I have seen the designer's preliminary design concepts and feel that the development would enhance the view from the alley, while creating an attractive addition along South University Blvd.

Should you have any questions regarding the contents of this message, please do not hesitate to contact me using the information below.

Thank you,  
Trey Nobles



**Trey Nobles**  
VICE PRESIDENT AND DISTRICT MANAGER  
PCL Construction Services, Inc.  
p 303-365-3600 | c 303-656-7724  
[jhnobles@pcl.com](mailto:jhnobles@pcl.com)  
[www.pcl.com](http://www.pcl.com)  
**Sharing your vision. Building success.**

## Oss, Deirdre M. - Community Planning and Development

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**From:** Shannon Connell [sconnell.ct@gmail.com]  
**Sent:** Monday, February 24, 2014 11:57 AM  
**To:** Oss, Deirdre M. - Community Planning and Development  
**Subject:** questions/comments regarding rezoning location: 2420, 2430, 2422, & 2462-2490 S University Blvd from University Park resident

Hi Deirdre,

I've been notified by the UPCC about planned rezoning on a block of S University near my home. I'm wondering:

(1) Why is rezoning necessary for redevelopment? It seems like the existing structures on the S University block in question are seldom-used and poorly maintained eye sores. I'd love for them to be replaced by responsible, interesting, quality development, but I'm concerned that the developer feels the need to add so much height to the block.

(2) Have parking and traffic patterns and usage studies been completed? Can these be shared with the community? There's quite a bit of new residential coming on the market with the development at S University and Hampden. Are the streets (already frequently clogged) ready for this?

Thank you!

Shannon Connell  
S Clayton St Resident

## Oss, Deirdre M. - Community Planning and Development

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**From:** CHRIS and SUSAN DOLSON [thenewaddress@msn.com]  
**Sent:** Monday, February 24, 2014 8:39 PM  
**To:** Rezoning - CPD  
**Cc:** Oss, Deirdre M. - Community Planning and Development  
**Subject:** No to rezoning

Hello,

I live in the Observatory Park area and I am writing to oppose the rezoning of the 2400 block of South University Blvd. Part of the beauty of living in an historic neighborhood is to maintain the integrity of the area. Who wants a 5 story building next to them??

Thanks so much for your consideration!

Susan Dolson

1911 S. Fillmore Street

## Oss, Deirdre M. - Community Planning and Development

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**From:** Douglas Westfall [wbglc@live.com]  
**Sent:** Tuesday, February 25, 2014 3:36 PM  
**To:** Rezoning - CPD  
**Cc:** Oss, Deirdre M. - Community Planning and Development  
**Subject:** 2400 Block of S University Blvd

To Whom It May Concern:

This is a letter in SUPPORT of the development plans and rezoning of the east side of the 2400 block of Colorado Blvd.

I live in the Observatory Park/University Park neighborhood. I have no connection with any person or entity involved with the redevelopment of the above referenced block and therefore have no direct monetary benefit to be derived from this project. But I do believe that I and almost anyone living in or near this neighborhood *would* benefit greatly from a community standpoint if the present planned rezoning and redevelopment takes place.

I see several pleasing reasons to allow the proposed rezoning request. The proposed rezoning category, G-RX-5, allows for a maximum building height less than other buildings along S University Blvd in the near & adjacent blocks, both north & south. The proposed zoning would allow a much more desirable combination of a commercial street level with residential units above than the present zoning, G-MX-3, which presents the possibility of a large 3 story office building. The possibility of underground parking being economically feasible with the new proposed zoning also seems much more desirable than the probable surface parking that would accompany a 3 story office development as allowed under the existing zoning.

If this rezoning and new development were to be denied, the city would miss a great opportunity to replace almost a whole block of ugly, blighted, under-utilized real estate which is presently only a detriment to the neighborhood.

I have talked to many people in University Park who like this planned redevelopment. Unfortunately, I fear that the city will hear much more disproportionately from the vocal few who oppose it. Please approve the rezoning of this block and help our neighborhood and our city rebuild an area sorely in need of renewal.

Thank you,  
Douglas Westfall

3675 E Wesley Ave  
Denver, CO 80210  
303-795-9567 office  
303-941-7200 cell  
[wbglc@live.com](mailto:wbglc@live.com)



## Oss, Deirdre M. - Community Planning and Development

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**From:** Molly Holberton [molly.holberton@gmail.com]  
**Sent:** Tuesday, February 25, 2014 3:36 PM  
**To:** Rezoning - CPD; Planningboard - CPD; Brown, Charlie - City Council District #6; Simonet, Stacy B - City Council Aide; Oss, Deirdre M. - Community Planning and Development  
**Subject:** Writing to oppose the rezoning of 2400 S. University Blvd from G-MX-3 to G-RX-5

Dear Members of the City Planning Board,

I have lived in University Park Neighborhood for 9 years. I purchased my property in this neighborhood because it is a wonderful place to live, has walkable streets, a great community, and a predictable zoning code.

I believe with the rezoning of most of the block of South University Boulevard, you are changing the integrity of the zoning code. The residents of this neighborhood that purchased their homes believed they could count on those codes to sustain their property values, safety, and parking availability.

I oppose this rezoning project and hope that you will as well.

Thank you very much.

Sincerely,

Molly Holberton  
2355 S. Monroe St.  
Denver, CO 80210

## Oss, Deirdre M. - Community Planning and Development

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**From:** Bgtlbg [bgtlbg@aol.com]  
**Sent:** Tuesday, February 25, 2014 4:37 PM  
**To:** Oss, Deirdre M. - Community Planning and Development  
**Subject:** 2400 block of univ rezoning

I am opposed to the desire to rezone the area on the 2400 block of University for many reasons. These higher buildings would block important natural daylighting for the houses directly in its path as well as further limit or eradicate any view of our mtns. Higher buildings also change the character of our wonderful neighborhood in terms of changing the sense of shared space on a vertical dimension.

Thank you for your attention to this matter.

Mimi Gre

Resident since 2006

Sent from my iPhone

Sent from my iPhone

## Oss, Deirdre M. - Community Planning and Development

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**From:** Barbara Vander Wall [barbk10y@yahoo.com]  
**Sent:** Tuesday, February 25, 2014 3:41 PM  
**To:** Oss, Deirdre M. - Community Planning and Development  
**Subject:** Fw: 2400 S. University Project

Barbara T. Vander Wall  
2900 E. Harvard Avenue  
Denver, CO 80210

Dear Ms. Oss:

I am writing this letter as a resident in the University Park neighborhood, in support of the 2400 S. University project. Our family lives at 2901 E. Harvard, approximately 4-5 blocks from the proposed 5-story project located generally at 2400 S. University Blvd, between Wesley and Harvard Avenues. We are in support of the 5-story rezoning application.

We have lived in our home since 2007; our children currently attend University Park Elementary School. We actively use the nearby parks, church, and other amenities available in the University Park neighborhood. We frequently walk, run, bike, scooter, etc. along the streets and sidewalks of the neighborhood, sometimes crossing University Blvd. to take advantage of DU facilities and programming.

I have attended three different information sessions where the owner and the owner's representatives have provided detailed descriptions of the project and the proposed rezoning required to make the project a success. I am very excited to see plans to remove the blight that exists between Wesley and Harvard with a high-quality project such as the owners are proposing. The details of some additional green space, building setbacks, and new retail along University is attractive. And we are very enthusiastic about being within walking distance from a quality restaurant, which the neighborhood could really use and benefit from.

I understand that a rezoning of the area to allow for 5-stories is needed to make the project a success. In general, I think the neighborhood is lucky to have a sophisticated project planned for the area. I support the 5-story rezoning and the 2400 S. University project.

Thank you,

Barbara Vander Wall

Barbara T. Vander Wall

## Oss, Deirdre M. - Community Planning and Development

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**From:** Katie Mochan [kmochan@cruxco.com]  
**Sent:** Wednesday, February 26, 2014 11:12 PM  
**To:** Rezoning - CPD  
**Cc:** Oss, Deirdre M. - Community Planning and Development  
**Subject:** 2400 block of S Univesity

Dear Rezoning,

We have lived in the UPark neighborhood for over 14 years. We are disappointed to hear the city would consider a rezoning to allow a huge 5 story building on those blocks of University. We have 3 small children and the added traffic is something that worries me greatly. It seems that 3 stories will be large enough I can't imagine why there is a need for 5 stories. There is another brand new building, One observatory place, so not sure why so much additional residential space would be needed. That brand new building is not full and offers no additional amenities to the neighborhood. To build yet another one makes no sense.

Please leave the zoning as it exists.

Thank you for your time and consideration of our neighborhood.

Katie MOchan

**From:** [LARRY](#)  
**To:** [Rezoning - CPD](#)  
**Cc:** [Oss, Deirdre M. - Community Planning and Development](#)  
**Subject:** Rezoning 2400 Block So. University Blvd.  
**Date:** Friday, February 28, 2014 2:01:05 PM

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Dear Members of the City Planning Board,

I have lived in this dear neighborhood for 39 years as of this May. I moved here when it was not a terribly popular place to locate. Now it is "loved to death" and to build an apartment building that exceeds original zoning plans seems to be NOT in the interest of the citizens of the neighborhood. There isn't one plus in allowing developers to do so! Our area streets are already used to the maximum for traffic that "short cuts" through it to avoid University Blvd. and Evans.

There is nothing wrong with new development as long as it has some positive effects on the surrounding area...this project in my opinion, doesn't have any positive side except, perhaps to the developers.

To keep this short, I oppose the rezoning very much and I hope that all of you will too.

Thank you very much.

Sincerely concerned citizen,

Larry M Asbell  
2400 South Milwaukee St.  
Denver, CO  
80210

**From:** [Oss, Deirdre M. - Community Planning and Development](#)  
**To:** [Planningboard - CPD](#); [Rezoning - CPD](#)  
**Subject:** FW: 2400 S University  
**Date:** Friday, February 28, 2014 1:57:12 PM

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Please forward



**Deirdre Oss, AICP | Senior City Planner**

Community Planning and Development | City and County of Denver

720.865.2950 Phone

[deirdre.oss@denvergov.org](mailto:deirdre.oss@denvergov.org)

[DenverGov.org/CPD](http://DenverGov.org/CPD) | [@DenverCPD](#) | [Take our Survey](#)

**From:** Daniel Bettinger [mailto:[dan@bettingerphoto.com](mailto:dan@bettingerphoto.com)]  
**Sent:** Friday, February 28, 2014 1:40 PM  
**To:** Oss, Deirdre M. - Community Planning and Development  
**Cc:** 'Sean Maley'  
**Subject:** 2400 S University

Hello Deirdre

I am a property and business owner across the street for the proposed redevelopment. I am in support of the 5-story rezoning for this site. I believe the block is severely underdeveloped and should be rezoned to a minimum of 5 stories. In a neighborhood where parking is a constant issue I believe the proposed 370-390, below grade, parking spots is critical. It's my opinion that a 3 story development with limited ground level parking would be detriment to the neighborhood as parking would be pushed to the neighborhood streets and across the street to my property. I appreciate the design presented by Mr. Shear and I think it will blend nicely with the neighborhood. I also believe the 5 story development will increase the value of our property.

Thank You

Daniel Bettinger  
Bettinger Photography  
2431 S University Blvd  
Denver CO 80210  
[www.bettingerphoto.com](http://www.bettingerphoto.com)

**From:** [Alexandra Elliott](#)  
**To:** [Rezoning - CPD](#)  
**Subject:** Rezoning  
**Date:** Wednesday, February 26, 2014 5:36:34 PM

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What are you doing....progress is essential but neighborhoods are the core of our identity and let us resist unlimited greed to dictate our environment. A university deserves respect and a local Comfort zone. Tax revenues are important but a mood of honor for scholarship is more important.



**From:** [Oss, Deirdre M. - Community Planning and Development](#)  
**To:** [Planningboard - CPD](#); [Rezoning - CPD](#)  
**Subject:** FW: Rezoning Application #20131-00016; 2400 to 2490 S. University Boulevard  
**Date:** Wednesday, March 05, 2014 8:26:16 AM

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**Deirdre Oss, AICP | Senior City Planner**

Community Planning and Development | City and County of Denver

720.865.2950 Phone

[deirdre.oss@denvergov.org](mailto:deirdre.oss@denvergov.org)

[DenverGov.org/CPD](http://DenverGov.org/CPD) | [@DenverCPD](#) | [Take our Survey](#)

**From:** Sarah Rockwell [mailto:srockwell@kaplankirsch.com]  
**Sent:** Tuesday, March 04, 2014 9:28 PM  
**To:** Oss, Deirdre M. - Community Planning and Development  
**Subject:** Rezoning Application #20131-00016; 2400 to 2490 S. University Boulevard

Hello Deirdre –

I am writing to express my support for this proposed rezoning which I understand is coming before the Planning Board at its meeting on March 5. I live at 3260 E. Floyd Drive, which is in one of the neighborhoods to the south of this proposed project. The Denver neighborhoods south of DU between Yale and Hampden Avenues continue to be underserved by ground floor retail and amenities. I look forward to this project because it will increase the vitality of the South University Boulevard corridor generally and will provide additional activity and amenities to the corridor. In addition, the project will eliminate a number of unattractive and underutilized properties within the redevelopment block, enhancing the environment around DU, and bringing new life to surrounding neighborhoods. The proposed 5 story project is consistent with the neighborhood plan as well as new development closer to Evans Avenue on University.

I hope the Planning Board will support this rezoning.

Thank you.

Sarah Rockwell  
3260 E. Floyd Drive  
Denver

Sarah Rockwell  
Kaplan Kirsch & Rockwell LLP  
1675 Broadway, Suite 2300  
Denver, CO 80202  
(303)825-7000  
(303)825-7005(fax)  
[srockwell@kaplankirsch.com](mailto:srockwell@kaplankirsch.com)

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**From:** [Oss, Deirdre M. - Community Planning and Development](#)  
**To:** [Planning; Rezoning - CPD](#)  
**Subject:** FW: 2400 S. University Blvd Project  
**Date:** Monday, March 03, 2014 3:43:36 PM

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**Deirdre Oss, AICP | Senior City Planner**

Community Planning and Development | City and County of Denver

720.865.2950 Phone

[deirdre.oss@denvergov.org](mailto:deirdre.oss@denvergov.org)

[DenverGov.org/CPD](http://DenverGov.org/CPD) | [@DenverCPD](#) | [Take our Survey](#)

**From:** Anna Hergert [mailto:ahergert@christchurchdenver.org]  
**Sent:** Monday, March 03, 2014 3:11 PM  
**To:** Oss, Deirdre M. - Community Planning and Development  
**Cc:** peterw@crlassociates.com  
**Subject:** 2400 S. University Blvd Project

Dear Mrs. Oss

My name is Anna Hergert and I am a resident in the University Park neighborhood for the past 11 years. I have also been the property manager of an affluent childcare just north of 2400 block on University and am the Facilities Coordinator at Christ Episcopal Church at the 2900 block of University. As a resident and my view from a business standpoint I would like to convey my support for Tessler development and rezoning at 2400 S. University Blvd.

The blighted property to the south of 7-11 is in dire need of redevelopment. I support and am confident that a 5-story project will vastly improve the main street feel of University while positively impacting property values for the surrounding neighborhood. The proposed development at 2400 S. University is a perfect example of smart strategic growth by a high quality developer and architect.

I would also like to point out the growth of this neighborhood with the developments north of this area at Evans/UniversityBlvd. and to the south of this area at Hampden/University Blvd. which have been redeveloped and turned into beautiful, highly used living and commercial spaces. Yet in the center near DU's cultural center we have a block that is differed in many ways and is an eye soar to those who live near, pass by or attend DU events.

I thank you very much for your time and hope Denver Community Planning & Development supports this great project.

Sincerely-

Anna Hergert  
2374 S. University Blvd  
Denver, CO 80210

**From:** [Oss, Deirdre M. - Community Planning and Development](#)  
**To:** [Rezoning - CPD](#)  
**Subject:** Fwd: 2400 South University Project  
**Date:** Friday, February 28, 2014 8:00:41 AM

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Pls forward to planning board

Sent from my iPhone

Begin forwarded message:

**From:** KAREN HUTCHINSON <[hutchdenver@msn.com](mailto:hutchdenver@msn.com)>  
**Date:** February 27, 2014 at 10:28:03 PM MST  
**To:** "[Deirdre.Oss@denvergov.org](mailto:Deirdre.Oss@denvergov.org)" <[deirdre.oss@denvergov.org](mailto:deirdre.oss@denvergov.org)>  
**Cc:** "[smaley@crlassociates.com](mailto:smaley@crlassociates.com)" <[smaley@crlassociates.com](mailto:smaley@crlassociates.com)>  
**Subject:** 2400 South University Project

To Whom it May Concern:

My husband and I are writing in support of the rezoning of the property located at 2400 South University Street in Denver to support the development of a 5 story apartment project. We reside at 2300 South Monroe Street in the University Park neighborhood, and have lived here for the past 17 years. We attended the neighborhood meeting on February 20th.

Since we moved to this neighborhood, we have seen significant changes in the redevelopment of the residential and business areas in our neighborhood, and of the University campus. For the most part, we view the changes as a benefit to the neighborhood. University Park has become a far more desirable place to live, as it has easy access to both Downtown Denver as well as the Tech Center. The Light Rail has several stops in the neighborhood, and encourages public transportation as an alternative to individual vehicles.

This particular project is appealing in part because of the underground parking structure which will address the parking needs of both the residents and retail users without additional surface parking. A three story project would not support the economics of building an underground parking structure. The project is attractive in design, and we feel the 5 stories are less than numerous other projects that have already been built along the University corridor. The density strikes us as appropriate for the location, and we welcome the possibility of retail and restaurant options in the future.

The dramatic improvement of this block will further enhance the appeal of living in the city of Denver, where walkability increasingly becomes available as the city attracts more people.

We understand the reservations that some of the neighbors have about the rezoning, but feel that the developer is handling the relationship of the property to the adjacent residential properties in a thoughtful and sensitive manner. We

believe, overall, that the redevelopment project is in the best interest of the neighborhood.

Karen & Dennett Hutchinson

**From:** [Katie Mochan](#)  
**To:** [Rezoning - CPD](#)  
**Cc:** [Oss, Deirdre M. - Community Planning and Development](#)  
**Subject:** 2400 block of S Univesity  
**Date:** Wednesday, February 26, 2014 11:12:11 PM

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Dear Rezoning,

We have lived in the UPark neighborhood for over 14 years. We are disappointed to hear the city would consider a rezoning to allow a huge 5 story building on those blocks of University. We have 3 small children and the added traffic is something that worries me greatly. It seems that 3 stories will be large enough I can't imagine why there is a need for 5 stories. There is another brand new building, One observatory place, so not sure why so much additional residential space would be needed. That brand new building is not full and offers no additional amenities to the neighborhood. To build yet another one makes no sense.

Please leave the zoning as it exists.

Thank you for your time and consideration of our neighborhood.

Katie MOchan

**From:** [Rebecca Risch](#)  
**To:** [Oss, Deirdre M. - Community Planning and Development](#); [Rezoning - CPD](#)  
**Subject:** Re: Rezoning in the 2400 block of South University  
**Date:** Wednesday, February 26, 2014 5:40:29 PM

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Deirdre and the planning board

I noticed that my letter was cut off in the documents opposing the development posted on the denvergov site today (see screenshot). Can you please correct it to include the full text below of the email I sent last night? The missing parts are in red.

On Tue, Feb 25, 2014 at 5:55 PM, Rebecca Risch <[rrisch@denverpost.com](mailto:rrisch@denverpost.com)> wrote:

Dear Planning Board,

I am a neighbor in Observatory Park, and I would like to voice my opposition to the proposed rezoning from three stories to five stories at 2400 S. University Blvd.

I find it very frustrating that the city would take great care and solicit community input to create the Denver Zoning Code, and yet repeatedly toss aside the agreed-upon plan to appease developers.

It's clear that developers no longer need to take into consideration the existing zoning laws when purchasing land and designing their developments. The city has become a rubber stamp, approving all rezoning requests, despite outcry from residents who wish to keep the integrity of their neighborhoods.

Why even have zoning laws, if any builder can just petition to exceed the limits and know they will be approved? This disturbing trend has created uncertainty among homeowners and has a chilling effect. Why trust our city government when it keeps renegeing on promises, which is essentially what a zoning plan is - a promise to enforce the plan in place. As specified in the code:

***Providing clear regulations and processes that result in predictable, efficient, and coordinated review processes.***

(<http://www.denvergov.org/Portals/646/documents/Zoning/DZC/denver-zoning-code.pdf>, page 9)

By consistently approving rezoning requests, all predictability is gone.

Valid concerns include parking, traffic, high-density units (in what should be medium density at its highest), solar issues, vacant retail in the area, etc.

But an even larger issue for me is that we need to be able to trust the city to keep its promises and enforce its existing codes.

Sincerely,  
Rebecca Risch

--  
Rebecca Risch  
[rebeccarisch@me.com](mailto:rebeccarisch@me.com)

[303.437.8242](tel:303.437.8242)  
[@rebeccarisch](mailto:@rebeccarisch)



**From:** [Duane Sjaardema](#)  
**To:** [Planningboard - CPD](#); [Rezoning - CPD](#); [Dierdre.Oss@denvergov.org](mailto:Dierdre.Oss@denvergov.org)  
**Subject:** Case#20131-00016  
**Date:** Thursday, February 27, 2014 4:33:38 PM

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A request has been made to change the zoning from G-MX-3 to G-RX-5 for Lots 5 thru 24, Block 8, ILIFFS UNIVERSTY ADDITION, commonly known as 2420/2442/2460/2462/2482& 2490 South University Boulevard in Denver, Colorado.

Any rezoning at this address should take into account that there is no marked left hand turn lane or traffic signal at the intersection of South University Blvd. and E. Wesley Ave. on the north border of the property for which the rezoning request is made.

Any rezoning at this address should also take into account that there is a left turn restriction at the signal light at the intersection of South University Blvd and E. Harvard Ave. on the south border of the property for which the rezoning request is made.

Therefore, southbound traffic will be impeded on heavily-traveled South University Blvd. Traffic in the alley at the east border of the property will be significantly increased, thereby, detrimentally impacting the private residences on the east side of the alley. The street on the east border of the private properties will undoubtedly also experience significant increases in traffic.

Duane Sjaardema  
1831 S. Fillmore St.  
Denver, CO 80210-3507  
303-759-4882

2/25/2014

•••

Jeff Bemelen  
Department of Facilities Planning & Management  
2400 S. Race Street  
Denver, CO 80208

Dierdre Oss  
Senior City Planner,  
City & County of Denver  
201 W. Colfax, Dept. 215  
Denver, CO 80202

As you may be aware, over the course of the past 15 years, the University has made \$800 million in investments in our facilities and physical infrastructure. As we continue to focus on our physical plant, we have also extended our interests into the perimeter of the campus which includes the 1900 through 2400 blocks of south University. This interest includes doing what is reasonable and practical to improve the development on our immediate perimeter as the University and Evans corridors serve as a gate way to our campus.

As such, and after careful consideration by the administration and Board of Trustees, when Tessler Development approached the University regarding a potential purchase of 2420 S. University to facilitate their planned development on the 2400 block, we accepted and are currently contracting with Nodef Development for the sale of 2420 S. University.

It is consistent with the University's vision that the South University corridor on our immediate perimeter become more pedestrian friendly and that future development support the evolution of this corridor into a "main street." The 2400 block of South University, in its current form, does not, in our opinion, represent that vision. We believe that Nodef Development has presented a vision for their development with multifamily housing, retail and underground parking that is consistent with our aspirations for what might occur on the corridor.

Therefore, we are in support of the proposed rezoning to allow 75' of building height for the property (i.e. G-RX-5 or PUD) per the adjacent protected zone district regulations.

Kindest Regards,

Jeff Bemelen  
Director, Facilities Management & Planning

**From:** Kirk Scott [kscott@dividendcapitaldiversified.com]  
**Sent:** Thursday, April 03, 2014 9:31 AM  
**To:** Oss, Deirdre M. - Community Planning and Development  
**Subject:** 2400 S. University

Deirdre Oss –

My name is Kirk Scott and I live at 2653 S. Cook St. just east of the project referred to as 2400 S. University. I have been really excited to see our neighborhood continue to grow and develop with new projects on the north and south parts of University Blvd. 2400 is the first substantial improvement in the middle of our block and I'm writing you to express my support for the 5-Story rezoning that is being sought by the owner.

I've spoken with the developer and have seen the renderings and I'm extremely excited to hear that this block is being considered for redevelopment into a desirable location for apartments and retail. Finally we will have a retail area that is not only desirable but very walkable from our house with two little ones.

I'm sure you have a lot to consider but I wanted to give you my sincere thoughts as to the benefit to me and my family for this stretch of University blvd. being revitalized into a place that we can be proud of and that will be a huge amenity to the local neighbors. If you have any questions or would like to discuss this in further detail, please do not hesitate to call or email me.

Best,

Kirk  
720-988-9058

**From:** Steven.Kirby@usbank.com  
**Sent:** Monday, April 07, 2014 10:54 AM  
**To:** Oss, Deirdre M. - Community Planning and Development  
**Cc:** bratlien\_katie@yahoo.com; kscott@dividendcapitaldiversified.com;  
smaley@crlassociates.com  
**Subject:** 2400 S. University Support

Deirdre,

I hope you are well.

My wife Katie and I want to express to you our strong support for the 2400 S. University redevelopment. Our family lives at 2508 S. Madison, at the Corner of Harvard and Madison. In our view, the project would be a tremendous improvement to the neighborhood for a number of reasons. The development has esthetic, amenity, and convenience improvements for us individually, and it will dramatically improve our neighborhood's alignment with that of the adjacent DU facilities.

All the best and please let me know if I can help in any way.

Thank you,

Steve

Steven C. Kirby, M.B.A.  
U.S. Bank Commercial Real Estate  
950 17th St. - 3rd Floor  
Denver, CO 80202

Phone: 303-585-4164  
[steven.kirby@usbank.com](mailto:steven.kirby@usbank.com)

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U.S. BANCORP made the following annotations

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[dencc@denvergov.org](mailto:dencc@denvergov.org)

Tuesday, May 6, 2014

**in re: Tessler Developments at 2400 S. University rezoning matter; SA+R architects**

Dear Mr. Brown and honored Denver City Council members:

As residents for several decades of Observatory Park, we wish to put our approval behind the 2400 S. University project as outlined in the architect's drawings and PDF.

The University strip in question has been what we would consider blighted for many years, going downhill ever since to USPS moved out so long ago I can't remember. Recently the existing buildings have been in severe decline, an affront to the renovations and new tenants on the west side of University - not the manicured, dynamically upscale appearance of the neighborhood as a whole.

Observatory Park is one of the most beautiful Denver neighborhoods, thanks in part to the excellent building and expansions at DU, along with the quality and substance of the wonderful families and retired people who have chosen the area.

Observatory Park deserves good architecture, careful land and space usage, facility for new services and the potential for apartments that might keep some valued older neighbors from leaving our area all together. Good design with sensitivity to the cohesiveness, traffic patterns, usage level and standards of the area are to be seen in the drawings and verbally expressed plans of Tessler Development and SA+R architects. This appears to be a development that will do nothing but enhance quality of life and bring new stores and services without the typically feared impacts of traffic and height pollution that might once again paralyze re-development of this blighted strip.

We urge Denver City Council to vote favorably in Tessler's rezoning effort.

Sincerely yours,

KARL ARNDT Sara Frances

Karl Arndt and Sara Frances

**Sara Frances & Karl Arndt,**

2201 S. Saint Paul St.  
Denver, CO 80210-4977

303-753-1024

[Imagination@photomirage.com](mailto:Imagination@photomirage.com)  
[kda@photomirage.com](mailto:kda@photomirage.com)



**TO:** Denver City Council  
**FROM:** Tina Axelrad for Deirdre Oss, AICP, CPD  
**DATE:** May 5, 2014  
**SUBJECT:** Petition of Protest - Council Bill #14-0245, Series of 2014

**STAFF REVIEW PROCESS FOR PETITION PROTEST UNDER SECTION 12.4.10.5 OF THE DENVER ZONING CODE**

- Step 1: Create 200 foot buffer map - Created by CPD and attached*
- This map includes all properties within the required 200 foot buffer from the subject property and inclusive of all applicable right-of-way.
  - Total square feet within the buffer area = **420,705 SF**
- Step 2: Confirm that all addresses signed are in the buffer*
- All addresses for which a signature was provided are within the buffer.
- Step 3: Confirm that all signatures are valid and accurately represent current ownership*
- All but two signatures on the application are considered valid and accurately show proper ownership. The two signatures representing owners for 2393 S. Josephine St. were signed by the proper owners but not dated. However, the property only represents 362 SF of the buffer area as it is not fully within the buffer boundary.
  - The property at 2449 S. Josephine was signed by current owners who were not owners of record. They did provide paperwork indicating change of title and therefore the signatures **are** counted.
- Step 4: Calculate valid signatures to assess percentage*
- See below.

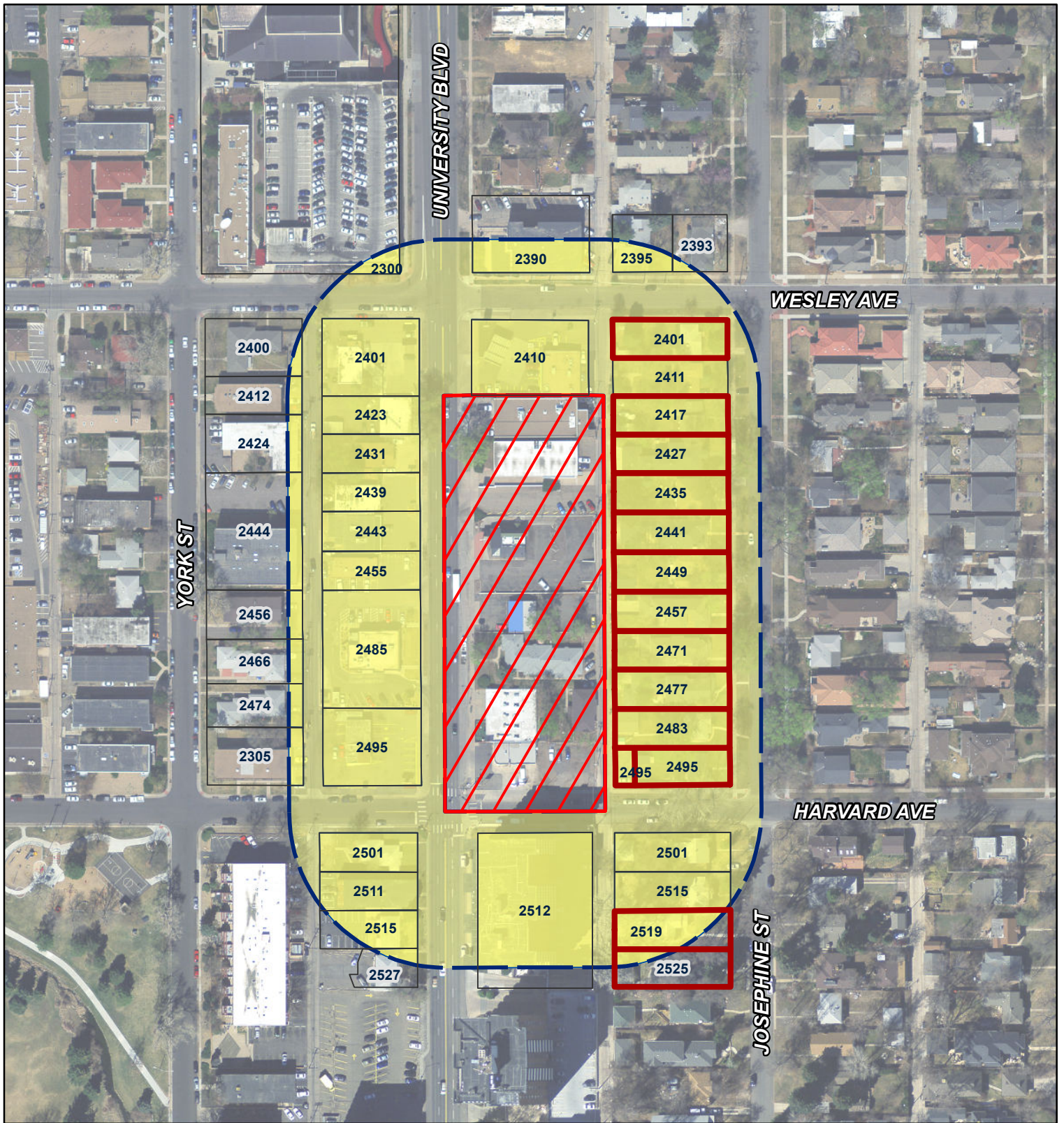
**LAND AREA REPRESENTED BY VALID PETITION SIGNATURES (% OF TOTAL AREA)**

<b>0 SF (0%)</b>	within the subject rezoning area
<b>89,457 SF (21.3%)</b>	within 200 feet of the subject rezoning area

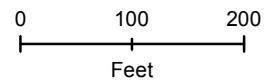
**RESULTS OF CALCULATION**


<b>X</b>	<b>In view of the twenty (20) or more percent protest, it will be necessary for City Council to cast ten (10) affirmative votes for passage of the rezoning application for 2420-2490 South University Boulevard.</b>
	In view of the less than twenty (20) percent protest, this petition does not constitute a legal protest.







### Protest Area Map 13i-00016



 Amendment application 13i-16  
2420 - 2490 S. University Blvd

 Properties that signed Petition of Protest

 200' distance from perimeter  
of proposed map amendment

84,141 SF Land Area Required  
**89,457 SF Land Area Obtained**

Total area of 200' distance from the  
perimeter of the amendment = 9.66 Acres / 420,705 SF

20% = 1.93 Acres / 84,141 SF

**Updated 5/5/2014**