

Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name		Representative Name	
Address		Address	
City, State, Zip		City, State, Zip	
Telephone		Telephone	
Email		Email	
<p>*If More Than One Property Owner: All standard zone map amendment applications shall be initiated by all the owners of at least 51% of the total area of the zone lots subject to the rezoning application, or their representatives authorized in writing to do so. See page 3.</p>		<p>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</p>	
<p>Please attach Proof of Ownership acceptable to the Manager for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed or deed of trust, or (c) Title policy or commitment dated no earlier than 60 days prior to application date.</p> <p>If the owner is a corporate entity, proof of authorization for an individual to sign on behalf of the organization is required. This can include board resolutions authorizing the signer, bylaws, a Statement of Authority, or other legal documents as approved by the City Attorney's Office.</p>			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):			
Assessor's Parcel Numbers:			
Area in Acres or Square Feet:			
Current Zone District(s):			
PROPOSAL			
Proposed Zone District:			

REVIEW CRITERIA	
<p>General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.7</p>	<p><input 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 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 type="checkbox"/> Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</p>
<p>Additional Review Criteria for Non-Legislative Rezoning: The proposal must comply with both of the additional review criteria DZC Sec. 12.4.10.8</p>	<p>Justifying Circumstances - One of the following circumstances exists:</p> <p><input type="checkbox"/> The existing zoning of the land was the result of an error.</p> <p><input type="checkbox"/> The existing zoning of the land was based on a mistake of fact.</p> <p><input type="checkbox"/> The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage.</p> <p><input type="checkbox"/> The land or its surroundings has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area to recognize the changed character of the area.</p> <p><input type="checkbox"/> It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (Overlay Zone Districts), of this Code.</p> <p>Please provide an attachment describing the justifying circumstance.</p> <p><input type="checkbox"/> The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.</p> <p>Please provide an attachment describing how the above criterion is met.</p>

REQUIRED ATTACHMENTS

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

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

ADDITIONAL ATTACHMENTS

Please identify any additional attachments provided with this application:

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

Please list any additional attachments:

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

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

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed or deed of trust, (C) title policy or commitment, or (D) other as approved	Has the owner authorized a representative in writing? (YES/NO)
EXAMPLE John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/01/12	(A)	YES
	<div style="border: 2px solid black; padding: 10px;"> Application initiated by a member of City Council. No owner authorization required per DZC 12.4.10.4.A.1.a </div>					

2900 S. University Blvd. Proposed Waiver

Per Section 12.4.10.6 (Waivers of Rights and Obligations and Approval of Reasonable Conditions) of the Denver Zoning Code, the applicant proposes that the zoning classification of the land described herein include the following waiver:

1. "Waive the Historic Structure Use Overlay District (UO-3) use limitation that permits the Office or Art Studio uses only in a Historic Structure that contains a minimum of 5,000 square feet of gross floor area in Denver Zoning Code, Section Sec. 9.4.4.8.D.3, and instead permit the Office or Art Studio uses in a Historic Structure of any size. All other provisions of Denver Zoning Code, Section 9.4.4.8.D shall apply."

Waiver Justification

The intent of this waiver is to allow for the application of the UO-3 Historic Structure Use Overlay District on a Historic Structure that would otherwise meet the Use Overlay Purpose. As part of an official map amendment, an applicant may propose to waive certain rights or obligations under the proposed zoning code. The subject property is unique in that it is a 3,900-square-foot historic residential structure that has been in nonresidential use since at least the 1950s. Encouraging the rehabilitation and adaptive reuse of this neighborhood landmark structure requires a departure from the UO-3's 5,000-square-foot minimum size threshold to allow use of the overlay. This request is consistent with Community Planning and Development Department policy for the use of waivers as it helps to solve an issue that CPD is committed to resolve more broadly in a future text amendment. Historic Preservation staff have noted that some Historic Structures smaller than 5,000 square feet may be appropriate for the UO-3 overlay and it is expected that this language in the Code will be revisited.

Legal Description for 2900 S. University, Denver CO 80210

Lot 13, Block 2, and Outlot A, Southern Hills Filing No 1, City and County of Denver, State of Colorado

2900 S. University Blvd.

This proposed official map amendment is to rezone from S-SU-F to S-SU-F UO-3 with a waiver to the minimum 5,000 square foot gross floor area requirement for Office and Art Studio uses. It should be considered alongside a concurrent request for Landmark Designation for the subject property. The criteria for review of this rezoning application are found in DZC Sec. 12.4.10.7 and 12.4.10.8 as follows:

12.4.10.7

- A. Consistency with Adopted Plans
- B. Uniformity of District Regulations and Restrictions
- C. Public Health, Safety and General Welfare

12.4.10.8

- A. Justifying Circumstances: One of the following circumstances exists:
 1. The existing zoning of the land was the result of an error;
 2. The existing zoning of the land was based on a mistake of fact;
 3. 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;
 4. 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; or
 5. 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.
- B. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements 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.

12.4.10.7.A. Consistency with Adopted Plans

The following adopted plans apply to the subject property:

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

Denver Comprehensive Plan 2000

This proposal is consistent with many Denver Comprehensive Plan strategies, including:

- Denver's Legacies Strategy 1-B: Promote standards and incentives for design that enhance the quality and character of the city, including the preservation of significant historic structures and features. (p. 98)
- Denver's Legacies Objective 7: Support historic preservation in neighborhoods. (p. 101)

- Denver’s Neighborhoods Strategy 1-C: ...Continue City support for public art and historic preservation as a focus for neighborhood identity and pride. (p. 150)

This proposed map amendment will enable the preservation and adapted reuse of a large home built in 1922 in the style of a European farmhouse on a large lot. The home is a rare remaining example of South Denver’s semi-rural history and has become a significant landmark in the Wellshire neighborhood. The home has been used for commercial purposes for several decades and has fallen into disrepair over the years. Establishment of the UO-3 Historic Structure Overlay District in conjunction with the underlying Residential Zone District overlay will allow very limited nonresidential uses that will encourage the rehabilitation and preservation of this structure.

Blueprint Denver

According to the Blueprint Denver Plan Map, the subject site for this proposed rezoning is designated with a Concept Land Use of **Single Family Residential**. This land use represents the majority of Denver’s residential areas with densities at fewer than 10 units per acre and “an employment base that is significantly smaller than the housing base.” (p. 42).

The subject property is within an area designated as an **Area of Stability**. Areas of Stability comprise “the vast majority of Denver, primarily the stable residential neighborhoods and their associated commercial areas, where limited change is expected in the next 20 years.” (p. 120) The overarching goal for Areas of Stability is to “identify and maintain the character of an area while accommodating some new development and redevelopment.” (p. 140).

This proposed rezoning is consistent with Blueprint Denver recommendations for Single Family Residential Areas of Stability. It would preserve the existing, underlying S-SU-F single-unit zone district, while allowing certain commercial uses on a unique site using a Use Overlay District specifically designed to encourage the preservation and adaptive reuse of historic residential structures. The Use Overlay District contains standards aimed at limiting impacts of nonresidential uses on surrounding residential properties. Despite the current S-SU-F Zone District, the property has been used as a child care center since 1956, which has been determined by the City to be a compliant use. This proposed rezoning will allow for continuation of limited nonresidential uses on the site.

12.4.10.7.B. Uniformity of District Regulations and Restrictions

The proposed rezoning to S-SU-F UO-3 will result in the uniform application of zone district building form, use and design regulations.

12.4.10.7.C. Public Health, Safety and General Welfare

This proposed official map amendment furthers the public health, safety and general welfare of the City, primarily through implementation of the city’s adopted land use plans, including Comprehensive Plan 2000 and Blueprint Denver. Encouraging the rehabilitation and adaptive reuse of this historic home will improve the general welfare of the community by preserving and enhancing a local landmark.

10.4.12.8.A Justifying Circumstances

This request is consistent with criteria 10.4.12.8.A.5. It is in the public interest to establish the UO-3 Historic Structure Use Overlay at this location to allow for the rehabilitation and adaptive reuse of a unique, historic structure that has been used for nonresidential purposes for several decades. Denver Zoning Code. Sec. 9.4.1 stipulates that Overlay Zone Districts “are generally intended, in special and unique cases, to provide a vehicle to supplement otherwise generally applicable zone district standards with additional use or design limits, allowances, and prohibitions.” Furthermore, Sec. 9.4.4.1 sets forth the intent of the Historic Structure Use Overlay District Establishment of the UO-3 as follows: “to encourage the continuing preservation and adaptive reuse of Historic Structures.” Establishment of the UO-3 Use Overlay at this location is consistent with the intent of Overlay Districts in general and the Historic Structure Use Overlay. The UO-3 Overlay may only be established in conjunction with an underlying residential zone district per Sec. 9.4.4.8.B. This request would retain the underlying U-SU-F district and thus meets this criterion.

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

The intent of the S-SU-F (Suburban, Single-Unit) Zone District is to allow suburban houses with a minimum zone lot area of 8,500 square feet. Single-unit residential districts in the Suburban Neighborhood Context are intended to promote a consistent pattern of one- to two-story suburban houses with low lot coverage, generous setbacks and yard space. The regulations are intended to reinforce desired development patterns in existing neighborhoods, while accommodating reinvestment. (Sec. 3.2.2.1). The intent of the Historic Structure Use Overlay (UO-3) is to encourage the continuing preservation and adaptive reuse of designated Historic Structures by permitting limited nonresidential uses. This proposed rezoning would preserve the existing single-unit residential zone district, while allowing for some limited nonresidential uses that will encourage rehabilitation and ongoing preservation of a historic residential structure that has not been in residential use for many years.