



DENVER
THE MILE HIGH CITY

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TO: City Council
FROM: David Gaspers, Senior City Planner
DATE: November 14, 2013
RE: Official Zoning Map Amendment Application #2013I-00035
850 N. Kalamath Street
Legislative Rezoning from PUD #582 to G-MU-3

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2013I-00035 for a rezoning from **PUD #582 to G-MU-3**.

Request for Rezoning

Legislative Sponsor:	Councilwoman Judy Montero
Application:	#2013I-0035
Address:	850 N. Kalamath Street
Neighborhood/Council District:	Lincoln Park/ Council District #9
RNOs:	La Alma/Lincoln Park Neighborhood Association, Santa Fe Drive Redevelopment Corporation, Art District on Santa Fe, Sumner Neighborhood Association, La Alma Community Action Group, Denver Neighborhood Association, Inc., Inter-Neighborhood Cooperation
Area of Property:	1.04 acres
Current Zoning:	PUD # 582
Proposed Zoning:	G-MU-3
Property Owner(s):	Ted Gill
Owner Representative:	Candice Orlando, UrbiCulture Community Farms

Summary of Rezoning Request

- This is a legislative rezoning for 850 N. Kalamath Street, initiated by City Council via Resolution # CR13-0336. Legislative rezoning is required for this site due to the owner's inability to rezone on his own to a standard zone district that implements adopted plans.
- The owner supports the rezoning to G-MU-3 in order to allow the use of a community garden, special event parking, and future low-scale multi-unit residential development.
- The property is currently zoned as PUD #582, a planned unit development zoning district written for a specific development that was proposed for the site in 2005. The project was abandoned after PUD #582 was approved in 2006.
- The current zoning's project-specific regulations create barriers for other development projects on the same site to occur.
- G-MU-3 zoning would entitle the property for a future development similar in scope to the development project allowed by the existing zoning and is consistent with adopted plans, but without the project-specific regulations intended for the abandoned project.

- The property is currently a vacant lot bounded by the 9th Street to the north, Kalamath Street to the west, a single unit residential building to the south, and an alley and commercial/industrial buildings to the east.
- The requested zone district title, G-MU-3, is defined as the **General Urban** Neighborhood Context – **Multi-Unit** that allows buildings up to **three (3) stories**. The General Urban Neighborhood Context is characterized by multi-unit residential uses in a variety of building forms. Single-unit and two-unit residential uses are also found in a mix of residential forms. Low-scale commercial areas are embedded within residential areas. Further details of the zone districts can be found in Article 6 of the Denver Zoning Code (DZC).

Existing Context

The lot is currently vacant, positioned on the southeast corner of the intersection of 9th and Kalamath streets. The block is located in between the Santa Fe Drive and Kalamath Street couplet that connects Downtown with 6th Avenue. To the east is the primarily commercial Santa Fe Drive and to the west is the Lincoln/La Alma Park neighborhood. The RTD light-rail station at 10th and Osage is the closest rail transit stop.

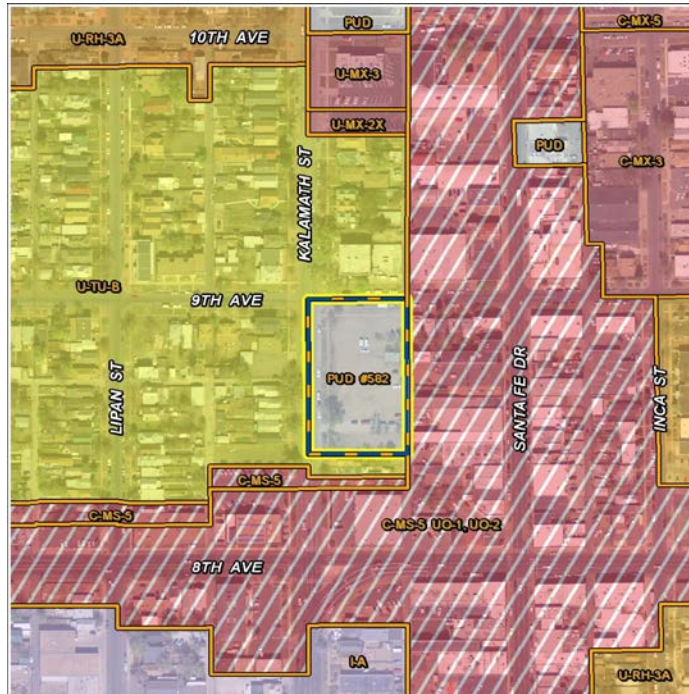
The following table summarizes the existing context proximate to the subject site:

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	PUD #582	Vacant	N/A	Typical Denver street grid. Property is accessible from Kalamath Street and a rear alley.
North	U-TU-B	Quasi-Public (Church)	1-2 ½ story building	
South	U-TU-B	SF residential	1-2 story buildings	
East	C-MS-5	Commercial	1-2 ½ story buildings	
West	U-TU-B	SF residential	1-2 story buildings	

1. Existing Land Use Map



2. Existing Zoning



PUD #582 was approved in 2006 for a specific multi-unit residential project on the site. Specifically, it allows for a residential development consisting of 75 attached for-sale condominium units in three, three story structures enhanced at the corners with four story elements. That project has not moved forward, leaving an existing zone district that places considerable limits to what can be developed.

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

Denver Fire Department: Approve – will require additional information at Site Plan Review

Development Services – Wastewater: Approve Rezoning only – will require additional information at Site Plan Review

Public Works – City Surveyor: Approve – No Comments

Public Works – Transportation: Approve – No Comments

Parks and Recreation: Approve – No comments

Public Review Process

- CPD staff provided Informational notice of receipt of the rezoning application to affected members of City Council and registered neighborhood organizations on August 12, 2013.
- Planning Board notification process
 - The property has been legally posted for a period of 15 days announcing the September 18, 2013, Denver Planning Board public hearing, and written notification of the hearing has been sent to all affected registered neighborhood organizations and City Council members.
 - Planning Board Public Hearing: Multiple neighbors spoke in support of the rezoning, specifically the ability of the new zoning to allow the operation of a community garden. One letter of support was received before the Planning Board public hearing from David and Neri Simmons, property owners at 1175 Osage in Lincoln/La Alma Park.
- LUTI
 - Following Planning Board review, the rezoning application was referred to the Land Use, Transportation and Infrastructure Committee of the City Council for review at a public meeting scheduled on October 8, 2013 and written notification of the hearing has been sent to all affected registered neighborhood organizations and City Council members.
- City Council
 - Following LUTI committee review, the rezoning application will be referred to the full City Council for final action at a public hearing scheduled on November 18, 2013.
- Other Public Outreach and Input
 - **Registered Neighborhood Organizations (RNOs)**
 - No written comments were received from RNOs.

Criteria for Review / Staff Evaluation

The criteria for review of this legislative rezoning application are found in DZC, Sections 12.4.10.13, 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

1. Consistency with Adopted Plans

The following adopted plans apply to this property:

- Denver Comprehensive Plan 2000
- Blueprint Denver (2002)
- Lincoln/La Alma Park Neighborhood Plan (2010)

Denver Comprehensive Plan 2000

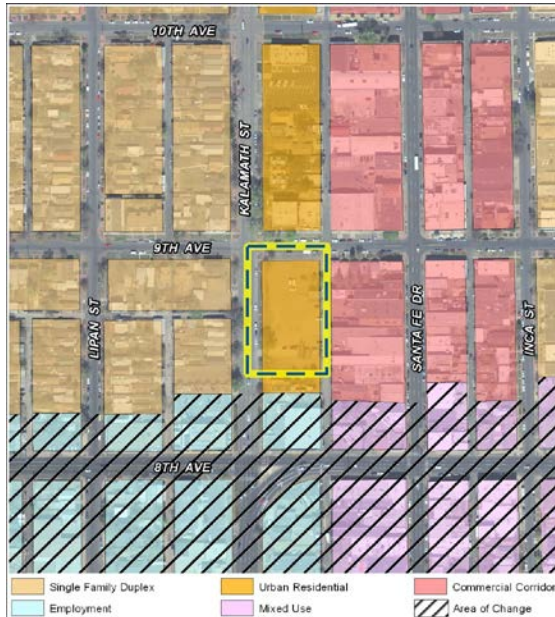
The proposal is consistent with many Denver Comprehensive Plan strategies, including:

- 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.*
- Neighborhood Strategy 1-E – *Modify land-use regulations to ensure flexibility to accommodate changing demographics and lifestyles.*
- Neighborhood Strategy 1-F – *Invest in neighborhoods to help meet citywide goals and objectives for a range of housing types and prices, community facilities, human services and mobility.*

The proposed map amendment will ensure quality infill development consistent with city goals and strategies can occur on this property while providing a neighborhood asset (community garden) in the interim. The rezoning is consistent with these plan recommendations.

Blueprint Denver

According to the Blueprint Denver Plan Map updated by the Lincoln/La Alma Park Neighborhood Plan in 2010, this site has a concept land use of Urban Residential, is located in an Area of Stability, and Kalamath has a future street classification of residential arterial.



Blueprint Denver
Future Land Use Map

Future Land Use

The Blueprint Denver Future Land Use Map was updated in 2010 to reflect the recommendations of the Lincoln/La Alma Park Neighborhood Plan that was adopted by City Council. The Lincoln/La Alma Park Neighborhood Plan includes a text recommendation indicating this property’s future concept land use to change from Commercial Corridor to Urban Residential. Blueprint Denver describes Urban Residential as “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.”

Area of Change / Area of Stability

The site is an Area of Stability, but is on the boundary of an Area of Change. Blueprint Denver further divides Areas of Stability into two types, Committed Areas and Reinvestment Areas. Blueprint states that:

Reinvestment areas are neighborhoods with a character that is desirable to maintain but that would benefit from reinvestment through modest infill and redevelopment or major projects in a small area. These areas would encourage investment but in a more limited and targeted way than in Areas of Change. Residents in these areas face a variety of challenges and opportunities. Examples of challenges include concern about deteriorated and poorly maintained housing stock, inappropriate land uses or inadequate buffering between uses, lack of services such as grocery stores, lack of curbs and gutters and other infrastructure, and maintaining affordable housing.

The proposed zoning would promote reinvestment into the neighborhood, ensure a compatible development with adjacent existing land uses and building forms, and serve as a buffer between planned 5-story mixed use retail to the east and low scale residential uses to the west. The rezoning application is consistent with the Blueprint Denver Area of Stability – Reinvestment Area concept.

Future Street Classifications

The property fronts Kalamath Street, a residential arterial, and 9th Street, an undesignated local street. Residential streets consist of two to four lanes, tend to be more pedestrian oriented than commercial streets, giving a higher priority to landscaped medians, tree lawns, sidewalks, on-street parking and bicycle lanes, while balancing transportation choices with land access and without sacrificing auto mobility. Arterials are designed to provide a high degree of mobility and generally serve longer vehicle trips to, from, and within urban areas. Arterial streets serve a city-wide function and are, therefore, designated using a broader city-wide perspective.

Small Area Plan: *Lincoln/La Alma Park Neighborhood Plan*

The Lincoln/La Alma Park Neighborhood Plan was adopted by City Council in September 2010, and applies to the subject property.

Lincoln/La Alma Park Neighborhood Plan Goals

- “Update the Concept Land Use on the Blueprint Denver Map for the east side of Kalamath from 8th to 14th Avenue from Commercial Corridor to Urban Residential.”
- Overflow parking from the commercial areas does not negatively impact the residential areas.
- To help reduce conflict between the commercial corridors, light rail transit riders, and neighborhood residents, better management of parking should be explored. Implement tools from the Strategic Parking Plan that mitigate and balance the impact of multiple parking user groups.

G-MU-3 implements the Neighborhood Plan in three main areas:

- Land Use – The plan specifically calls for the Blueprint Denver Map to become Urban Residential on the east side of Kalamath from 8th to 14th. G-MU-3, a standard zone district that permits higher density, residential-only uses, is appropriate for the Urban Residential land use concept.
- Building Heights – The plan recommends heights up to 3 stories for the property. G-MU-3 allows up to 3 story development.
- Parking – G-MU-3 would allow for special event parking on site, a tool that could help reduce the impact of the commercial areas along Santa Fe Drive to the residential areas to the west of Kalamath Street.



Lincoln/La Alma Park
Neighborhood Plan
Building Heights Map

2. Uniformity of District Regulations and Restrictions

The proposed rezoning from PUD #582 to G-MU-3 will result in the uniform application of zone district building form, use and design regulations.

3. Public Health, Safety and General Welfare

Development opportunities at the site are currently limited due to the project-specific PUD zoning. This zone change removes the existing barrier of an obsolete old code zone district and facilitates development consistent with adopted plans that are developed to promote public health, safety, and general welfare. As such, the proposed official map amendment furthers the public health, safety, and general welfare of the City.

Planning Board Recommendation

The Denver Planning Board held a properly noticed public hearing on this application on September 18, 2013. The Planning Board voted to recommend approval unanimously.

Staff Recommendation

Based on the analysis set forth above, CPD staff finds that the application for rezoning the property located at 850 N. Kalamath Street to a G-MU-3 zone district meets the requisite review criteria for a legislative rezoning. Accordingly, staff recommends approval.

Attachments

1. City Council Proposal for Rezoning
2. Legal Description
3. City Council Resolution #CR13-0336



Zone Map Amendment (Rezoning) - Legislative Rezoning Proposal

PROPERTY OWNER INFORMATION*	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	Ted Gill
Address	800 W 9th Ave
City, State, Zip	Denver, CO 80204
Telephone	303.877.9879
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>	

PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Representative Name	Judy Montero - legislative rezoning
Address	
City, State, Zip	
Telephone	
Email	
<p>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</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.

SUBJECT PROPERTY INFORMATION	
Location (address and/or boundary description):	850 N. Kalamath Street
Assessor's Parcel Numbers:	
Legal Description: (Can be submitted as an attachment. If metes & bounds, a map is required.)	Attached
Area in Acres or Square Feet:	See legal
Current Zone District(s):	PUD #582

PROPOSAL	
Proposed Zone District:	G-MU-3 (General Urban - Mixed Use - 3 stories)



REVIEW CRITERIA

<p>General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.13</p>	<input checked="" type="checkbox"/> Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan Please provide an attachment describing relevant adopted plans and how proposed map amendment is consistent with those plan recommendations; or, describe how the map amendment is necessary to provide for an unanticipated community need.
	<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.
	<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>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>Justifying Circumstances - One of the following circumstances exists:</p> <input type="checkbox"/> The existing zoning of the land was the result of an error. <input type="checkbox"/> The existing zoning of the land was based on a mistake of fact. <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. <input 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 <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>Please provide an attachment describing the justifying circumstance.</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. Please provide an attachment describing how the above criterion is met.

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:

Empty box for listing additional attachments.

850 N Kalamath Street

A parcel of land located in the Southeast One-quarter of Section 4, Township 4 South, Range 68 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado, more particularly described as follows:

Lots 1 through 12, inclusive, of Block 31, Hunts Addition , City and County of Denver, State of Colorado. Containing 45,000 square feet, or 1.033 acres, more or less.

1 BY AUTHORITY

2 RESOLUTION NO. CR13-0336
3 SERIES OF 2013
4

COMMITTEE OF REFERENCE:
Land Use, Transportation & Infrastructure

5 A RESOLUTION

6 **Concerning a Zoning Map amendment to change the zoning classification of 832 Kalamath**
7 **Street from Planning Unit Development (PUD) #582 to G-MU-3**
8

9 **Whereas**, the existing PUD #582 at 832 Kalamath Street was adopted in 2006, and the
10 PUD contains specific regulations for a development project that was abandoned, creating
11 barriers for other development projects on the site to occur; and
12

13 **Whereas**, no plans have been submitted to the City for review since the adoption of PUD
14 #582, and no other actions have been taken to realize the planned development; and
15

16 **Whereas**, Denver Zoning Code Section 12.4.10.18.B.3. provides authority for the City
17 Council to consider rezoning to a more appropriate classification if a site development plan for a
18 PUD has not been submitted within 30 months of the PUD adoption, provided all owners of the
19 subject property have first been notified in writing of the Council's consideration of undertaking a
20 legislative map amendment; and
21

22 **Whereas**, Blueprint Denver, An Integrated Land Use and Transportation Plan identifies
23 urban residential development as appropriate for 832 Kalamath Street; and
24

25 **Whereas**, General Urban – Mixed Use – 3 (G-MU-3) is the zone district that best
26 implements Blueprint Denver's vision for urban residential development; and
27

28 **Whereas**, G-MU-3 has a two-acre minimum and the property at 832 Kalamath Street
29 measures less than two-acres, and Section 12.4.10.4.B.1. provides for exemption from the
30 minimum area requirement in the case of legislative map amendments; and
31

32 **Whereas**, all owners of the property at 832 Kalamath have been notified of and have
33 agreed to the proposed application to change the zoning classification to G-MU-3.
34
35

36 **NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY AND COUNTY OF**
37 **DENVER:**
38

39 **Section 1.** The Council hereby directs the Department of Community Planning and
40 Development to complete the efforts set forth herein:
41

- 42 A. Follow the Public Notice Requirements, applicable to all zone map amendments,
43 defined in the Denver Zoning Code Section 12.3.4.
44

1 B. Create a staff report, establishing a recommendation, including the review applicable
2 to all zone map amendments as defined in the Denver Zoning Code sections
3 12.4.10.7 and 12.4.10.13.

4 **Section 2.** The Council hereby expresses its intention that the proposed official map
5 amendment be considered for formal adoption by the City Council in accordance with the following
6 procedures:

7
8 A. The Planning Board shall hold a public hearing and forward a recommendation to
9 City Council as defined in the Denver Zoning Code Section 12.4.10.8.

10
11 B. The City Council Land Use, Transportation and Infrastructure Committee shall
12 consider the map amendment as defined in the Denver Zoning Code Section
13 12.4.10.9.

14
15 C. City Council shall hold a public hearing and make a final decision as defined in the
16 Denver Zoning Code Section 12.4.10.10.

17
18 COMMITTEE APPROVAL DATE: on consent 5/28/2013

19 MAYOR-COUNCIL DATE: 6/4/2013

20 PASSED BY THE COUNCIL: _____, 2013

21 _____ - PRESIDENT

22 ATTEST: _____ - CLERK AND RECORDER,
23 EX-OFFICIO CLERK OF THE
24 CITY AND COUNTY OF DENVER

25
26 PREPARED BY: Kerry A. Buckey DATE:06/04/2013
27 Pursuant to section 13-12, D.R.M.C., this proposed resolution has been reviewed by the office of
28 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
29 resolution. The proposed resolution is not submitted to the City Council for approval pursuant to §
30 3.2.6 of the Charter.

31
32 Douglas J. Friednash, Denver City Attorney

33 BY: _____, Assistant City Attorney DATE: _____, 2013