



DENVER
THE MILE HIGH CITY

201 W Colfax Ave, Dept 205
Denver, CO 80202
p: 720-865-2915
f: 720-865-3056
www.denvergov.org/planning

TO: City Council Land Use, Transportation and Infrastructure Committee
FROM: Steve Nalley, Senior City Planner
DATE: June 5, 2012
RE: Zoning Map Amendment Application #2012I-00011
1550 E 17th Ave and 1661 Franklin St
Rezoning from B-2 with Waivers to G-MS-3

Staff Report and Recommendation

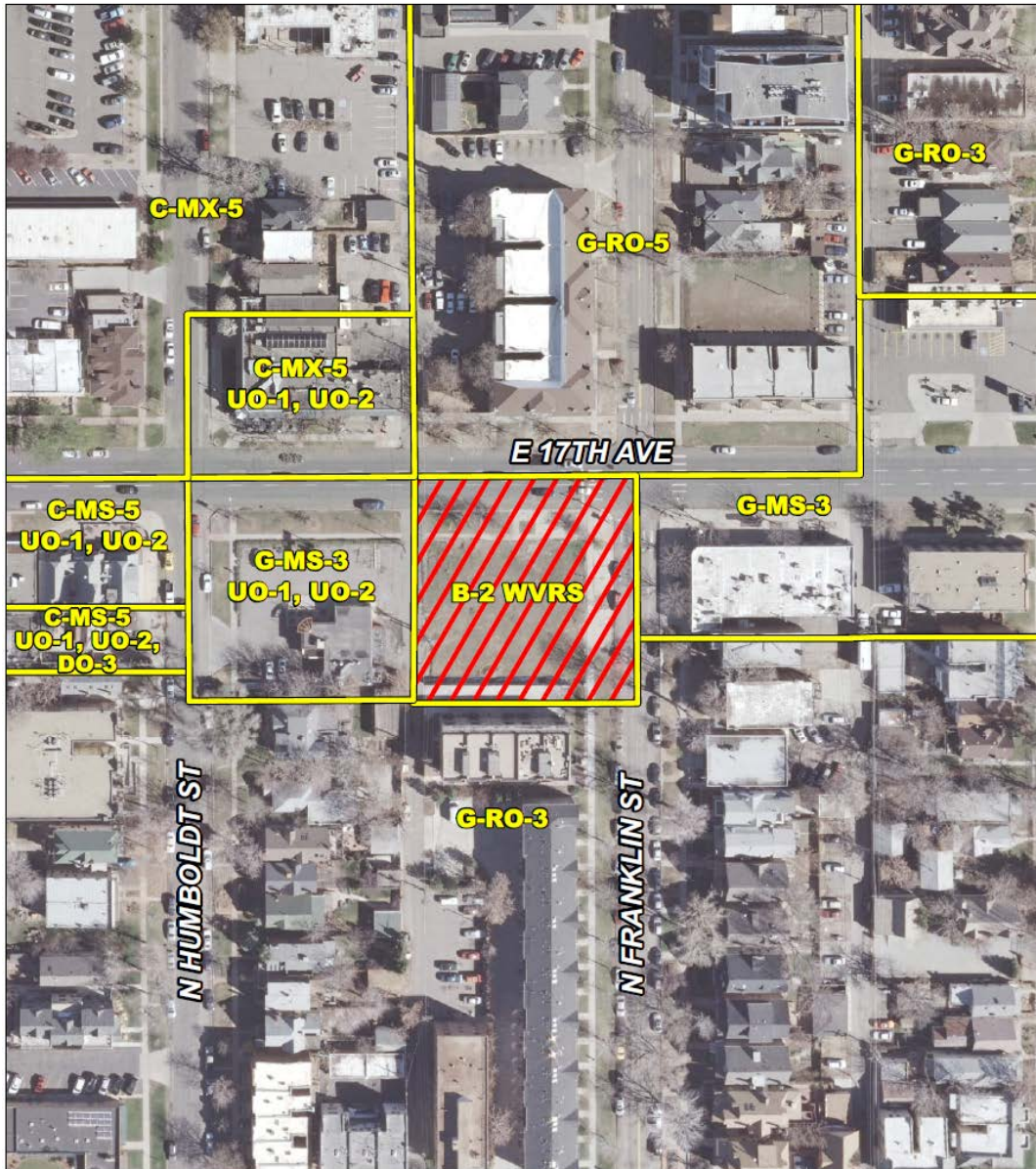
Based on the criteria for review including legal basis evaluation and compliance with adopted City plans, Staff recommends approval for application #2012I-00011 for a rezoning from **B-2 with Waivers to G-MS-3**.

I. Scope of Rezoning

Application: **#2012I-00011**
Address: **1550 E 17th Ave and 1661 Franklin St**
Neighborhood/Council District: Council District #8
RNOs: Humboldt Street Neighborhood Assn.
Capitol Hill United Neighborhoods, Inc.
Wyman Historic District Neighborhood Association
City Park West Neighborhood Association
Neighborhood Advisory Committee to the Botanic Gardens
Northeast Community Congress for Education
Points Historical Redevelopment Corp
Inter-Neighborhood Cooperation
Uptown on the Hill
Area of Property: .331 Acres / 14,460 Sq. Ft.
Current Zoning: B-2 with Waivers
Proposed Zoning: **G-MS-3**
Applicant/Owner: 1661 Franklin, LLC
Contact Person: Patrick Henry

II. Summary of Proposal

This amendment is proposed to allow for a change in zoning to permit mixed-use development. The subject property is vacant B-2 zoned land along East 17th Ave. According to Blueprint Denver, the site has a concept land use of Pedestrian Shopping Corridor Area of Stability and E 17th Ave is classified as a Main – Arterial.



III. Justifying Circumstances

The application is measured against Denver Zoning Code Section 12.4.10.14.A.4 which provides a justification statement which says 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 change or changing condition is associated with recommendations from adopted plans: Comprehensive Plan 2000, Blueprint Denver and the Uptown Neighborhood Plan.

IV. Existing Context

	Existing Zoning	Existing Land Use	Blueprint Denver
Site	B-2 w/waivers	Vacant	Pedestrian Shopping Corridor – Area of Stability
North	G-RO-5	Multi-unit residential	Pedestrian Shopping Corridor – Area of Stability
South	G-RO-3	Multi-unit residential	Urban Residential – Area of Stability
West	G-MS-3 UO-1, UO-2	Retail	Pedestrian Shopping Corridor – Area of Stability
East	G-MS-3	Retail	Pedestrian Shopping Corridor – Area of Stability

V. Summary of Agency Referral Responses

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

Development Services-Survey: Approved with minor change
Denver Fire: Approved
Assessor: Approved

VI. Notice, Public Process & Public Comment

The property was posted for a period of 15 days announcing the Denver Planning Board public meeting, and written notification of the public meeting has been sent to all affected registered neighborhood organizations for Planning Board and LUTI. Public outreach and discussion of the rezoning has been conducted by the applicant.

VII. Criteria for Review / Staff Evaluation

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

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

These are explained in the following sections. The remaining two criteria include *Justifying Circumstances* (explained in Section III above) and *Consistency with Neighborhood Context*

Description, Zone District Purpose and Intent Statements (elements of the Denver Zoning Code).

- **Neighborhood Contexts:** The General Urban Neighborhood Context is characterized by multi-unit residential uses in a variety of building forms. Single-unit and two-unit uses are also found in a mix of residential forms. Low-scale commercial areas are embedded within residential areas. Commercial uses occur in a variety of building forms that maintain a mixture of uses within the same structure. Commercial areas are primarily located along mixed-use and main streets. The General urban neighborhood context consists of a regular pattern of block shapes surrounded by an orthogonal street grid. Commercial buildings typically have consistent orientation and shallow to moderate front setbacks with parking at the rear and/or side of the building. The context is characterized by moderate to high residential building heights 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. (Denver Zoning Code Division 6.1)
- **Zone District Purpose:** The Main Street Zone Districts are intended to promote safe, active, and pedestrian-scaled commercial streets through the use of shopfront and row houses building forms that clearly define and activate the public street edge. They 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. The requested zone district, G-MS-3, typically applies to local or collector corridors, or may be embedded within a commercial shopping center or mixed-use area, where a building scale of 1 to 3 stories is desired. (Denver Zoning Code Sections 6.2.5.1 and 6.2.5.2)

VIII. Consistency with Adopted Plans / Staff Evaluation

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

- Denver Comprehensive Plan 2000
- Blueprint Denver
- Uptown Neighborhood Plan

A. Consistency with the Denver Comprehensive Plan 2000

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

1. Environmental Sustainability 2-F: These policies promote conservation of land by promoting infill development within Denver and designing mixed use communities to reduce sprawl so that residents can live, work and play within their own neighborhoods
2. Land Use 3-B, 3-D, 4-A; Land Use policies encourage incorporation of relevant neighborhood plan recommendations, encourage quality infill development, identify and enhance focal points in neighborhoods, encourage mixed-use development, and ensure support for choices in mobility, from pedestrian routes to transit accommodations.

3. Mobility 3-B, 4-E; Supporting Mobility policies in Comprehensive Plan 2000 focus on promoting transit and pedestrian-oriented development opportunities, encouraging an environment supportive of multimodal access to jobs, housing and activity centers.
4. Legacies 3-A and 3-B emphasize striving to increase density and incorporation of visionary urban design principles to achieve a higher concentration and more diverse mix of employment and transportation options. The proposed rezoning encourages this goal.
5. Housing 2-F, 6-A, 6-E; These policies encourage mixed-use development, finding opportunities for housing in all proposed development including opportunities along transit lines. Key properties for development along transit often include vacant underutilized properties.
6. Neighborhoods 1-D; Neighborhood policies support creating a sense of place with high quality urban design in neighborhoods to strengthen their connection to urban centers, including use of unifying design features such as street trees and detached sidewalks where possible.

B. Consistency with Blueprint Denver

The proposed rezoning is consistent with the Land Use and Mobility recommendations in Blueprint Denver:

1. Pedestrian Shopping Corridors “are scaled to be compatible with surrounding residential neighborhoods. Pedestrian Shopping Corridors have a continuous street frontage of buildings... pedestrian amenities.” (p. 45) The mix of uses along pedestrian shopping corridors consists primarily of small scale, street fronting commercial uses that may include residential uses.
2. The goal of Areas of Stability is to maintain the character yet accommodate some new development to prevent stagnation. “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.” (p. 23)
3. Blueprint Denver classifies 17th Street as a Main – Arterial and Franklin St. as a Residential – Collector. Main streets serve the highest intensity retail and mixed land uses. Arterials are designed to provide a high degree of movement of people and goods. Residential streets are designed to emphasize walking, bicycling and land access. Collectors are designed to provide a greater balance between mobility and land access within residential and commercial areas. Legacies 3-A and 3-B emphasize striving to increase density and incorporation of visionary urban design principles to achieve a higher concentration and more diverse mix of employment and transportation options. The proposed rezoning encourages this goal.

C. Consistency with the Uptown Neighborhood Plan (1986)

The proposed rezoning is consistent with the neighborhood plan. The plan recommends:

1. "Improve pedestrian character: In order to help distinguish 17th Ave. from Colfax and to help reinforce the urban residential character of the neighborhood, uses along 17th should be pedestrian-oriented. "...17th should be encouraged to include provisions such as:
 - Building placement as close as possible to front property lines
 - Discouragement of large setbacks in front of buildings except when such setback shall be used for outdoor retail activates or exclusively landscaping
 - No parking in front of buildings
 - Discouragement of parking on sides of buildings when such parking will be visible from 17th
 - Encouragement of parking behind buildings
 - Discouragement of drive-through restaurants or banks
 - Encouragement for storefront windows to allow for viewing of indoor retail activities from the street." (p. 34-35)
2. "...Help make the zoning [B-2] more compatible with the neighborhood goals" (p. 35)
3. "Encourage the concentration of mixed-use character of 17th Ave." (p. 35)

IX. Uniformity of District Regulations and Restrictions

The proposed rezoning to G-MS-3 will result in the uniform application of zone district, building form, use and design regulations to all buildings within the subject area.

X. Public Health, Safety and General Welfare

The proposed rezoning will bring the property into further compliance with Denver's Comprehensive Plan, Blueprint Denver, and the Uptown Neighborhood Plan, allowing for redevelopment.

XI. Planning Board Recommendation

At its regular meeting held May 16, 2012, the Denver Planning Board unanimously recommended **approval** of this map amendment.

XI. Staff Recommendation

Based on the criteria for review as defined above, CPD Staff recommends **approval** for rezoning the property located at 1550 E 17th Ave and 1661 Franklin St (Application #2012I-00011) to G-MS-3, as defined on the attached application map.

Attachments:

Rezoning Application #**2012I-00011**
1550 E 17th Ave and 1661 Franklin St
06/04/12
Page 7

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



DENVER
THE MILE HIGH CITY

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	1661 Franklin LLC	Representative Name	Patrick Henry
Address	155 Madison St	Address	787 S Washington St
City, State, Zip	Denver, CO 80206	City, State, Zip	Denver, CO 80209
Telephone	303-331-0133	Telephone	303.548.3693
Email	rshopneck@aol.com	Email	pherry@ctfuller.com
*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):	1550 E 17th Ave, 1661 Franklin St.		
Assessor's Parcel Numbers:	2354-15-028 and 2354-15-024		
Legal Description: (Can be submitted as an attachment. If metes & bounds, a map is required.)	See Exhibit A		
Area in Acres or Square Feet:	14,460 S/F		
Current Zone District(s):	B-2 with Waivers		
PROPOSAL			
Proposed Zone District:	G-MS-3		

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



<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>Justifying Circumstances - One of the following circumstances exists:</p> <p><input type="checkbox"/> The existing zoning of the land was the result of an error.</p> <p><input type="checkbox"/> The existing zoning of the land was based on a mistake of fact.</p> <p><input type="checkbox"/> The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage.</p> <p><input checked="" type="checkbox"/> The land or its surroundings has changed or is changing to such a degree that 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>
<p>Please check any attachments provided with this application:</p>	
<p><input checked="" type="checkbox"/> Authorization for Representative <input checked="" type="checkbox"/> Proof of Ownership Document(s) <input checked="" type="checkbox"/> Legal Description <input type="checkbox"/> Review Criteria</p>	
<p>Please list any additional attachments:</p>	
<p> </p>	

Exhibit "A"

Property Legal Description

Lots 1-4, Block 18 Wyman's addition to the City of Denver and Lots 1-4, inclusive Block 28 Park Avenue addition to Denver, County of Denver and State of Colorado.

Otherwise known as 1661 Franklin Street and 1550 East 17th Avenue, Denver, Colorado



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, Ownership Documentation, Property Owner Representative Written Authorization. Includes an example row and three data rows.

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Denver, CO 80202
(720) 865-2983 • rezoning@denvergov.org

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that I Robert Shopneck, managing member of 1661 Franklin, LLC , the undersigned, of the 155 Madison Street, Denver CO 80206, County of Denver, State of Colorado, do hereby make, constitute and appoint Patrick Henry of 787 S Washington Street Denver, Colorado 80209, County of Denver, State of Colorado, my true and lawful attorney-in-fact for myself and in my name, place and stead, to sign any and all documents necessary to the rezoning of the real estate situate, lying and being in the County of Denver, State of Colorado,

AND

I Robert Shopneck, President of River Bend Financial Corporation , the undersigned, of the 785 Clayton Street, Denver CO 80206, County of Denver, State of Colorado, do hereby make, constitute and appoint Patrick Henry of 787 S Washington Street Denver, Colorado 80209, County of Denver, State of Colorado, my true and lawful attorney-in-fact for myself and in my name, place and stead, to sign any and all documents necessary to the rezoning of the real estate situate, lying and being in the County of Denver, State of Colorado,

legally described in the attached Exhibit A and commonly known as:

1550 East 17th Avenue and 1661 Franklin Street, City and County of Denver, State of Colorado,

giving unto said Patrick Henry full power to do and to perform all and any acts that I legally do through any attorney-in-fact in order to rezone said property, including, without limiting the generality of the foregoing; and to sign, execute, amend and deliver such other instruments in writing of whatever kind and nature as may be necessary and proper in the exercise of the rights and powers herein granted. I hereby ratify and affirm any and all acts which Patrick Henry shall lawfully do or cause to be done by virtue of the power herein conferred to him. This Power of Attorney shall not be affected by the disability of the undersigned. This Power of Attorney shall be interpreted pursuant to and governed by the Laws of the State of Colorado.

1661 Franklin LLC
Robert Shopneck
Robert Shopneck – managing member

River Bend Financial Corporation
Robert Shopneck
Robert Shopneck – President

STATE OF COLORADO }
 } ss.
City and COUNTY OF Denver

The foregoing instrument was acknowledged before me this 9th day of April, 2013 by Robert M. Shopneck, President of River Bend Financial Corporation.

Witness my hand and official seal.

My commission expires: 3/26/16

Karen L. Telles

Notary Public
My Commission Expires 3/26/20 16

SPECIMEN OF AGENT'S SIGNATURE:

April 30, 2012

Mr. Steven Nalley
Senior City Planner
City and County of Denver

Re: Zone Map Amendment application for 1550 E 17th Avenue and 1661 Franklin Street, Denver, Colorado

Dear Mr. Nalley:

Page 2 of the application requires an explanation for consistency with adopted plans, justifying circumstances relevant to the proposed G-MS-3 zoning request. Please see the following:

I. Consistency with Adopted Plans – Review Criteria

1. For purposes of this application, we review consistency with adopted plans.
2. The applicable adopted plans for this site are Comprehensive Plan 2000, Blueprint Denver, and the Uptown Neighborhood Plan.
3. The following plan strategies, objectives, and strategies may apply to this application:
 - a) **Comprehensive Plan 2000**
 - i. Environmental Sustainability 2-F,
 - ii. Land Use 3-B, 4-A;
 - iii. Mobility 4-E;
 - iv. Legacies 3-B;
 - b) According to **Blueprint Denver**, this site has a concept land use of Pedestrian Shopping Corridor and is located in an Area of Stability.
 - i. Pedestrian Shopping Corridors “are scaled to be compatible with surrounding residential neighborhoods. Pedestrian Shopping Corridors have a continuous street frontage of buildings... pedestrian amenities.” (p. 45) The mix of uses along pedestrian shopping corridors consists primarily of small scale, street fronting commercial uses that may include residential uses.
 - ii. The goal of Areas of Stability is to maintain the character yet accommodate some new development to prevent stagnation. “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.” (p. 23)
 - iii. Blueprint Denver classifies 17th Street as a Main – Arterial and Franklin St. as a Residential – Collector. Main streets serve the highest intensity retail and mixed land uses. Arterials are designed to provide a high degree of movement of people and goods. Residential streets are designed to emphasize walking, bicycling and land access. Collectors are designed to

provide a greater balance between mobility and land access within residential and commercial areas.

- c) This site is located within the boundaries of the **Uptown Neighborhood Plan**.
- i. "Improve pedestrian character: In order to help distinguish 17th Ave. from Colfax and to help reinforce the urban residential character of the neighborhood, uses along 17th should be pedestrian-oriented. "... 17th should be encouraged to include provisions such as:
 1. Building placement as close as possible to front property lines
 2. Discouragement of large setbacks in front of buildings except when such setback shall be used for outdoor retail activates or exclusively landscaping
 3. No parking in front of buildings
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 5. Encouragement of parking behind buildings
 6. Discouragement of drive-through restaurants or banks
 7. Encouragement for storefront windows to allow for viewing of indoor retail activities from the street." (p. 34-35)
 - ii. "...Help make the zoning [B-2] more compatible with the neighborhood goals" (p. 35)
 - iii. "Encourage the concentration of mixed-use character of 17th Ave." (p. 35)

II. Justifying Circumstance – Review Criteria

1. The application identified the applicable Denver Zoning Code Justifying Circumstance as "the land or its surroundings has changed or is changing to such a degree that rezoning is in the public interest to encourage a redevelopment of the area..." (Denver Zoning Code Section 12.4.10.14.A.4)."
 - a) **Please justify how a change in zoning use and intensity is consistent with the changes recommended in the aforementioned adopted plans.**

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

1. For purposes of this application, we review consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements.
2. The following intent statements apply to this application
 - a) The General Urban Neighborhood Context is characterized by multi-unit residential uses in a variety of building forms. Single-unit and two-unit uses are also found in a mix of residential forms. Low-scale commercial areas are embedded within residential areas. Commercial uses occur in a variety of building forms that maintain a mixture of uses within the same structure. Commercial areas are primarily located along mixed-use and main streets. The General urban neighborhood context consists of a regular pattern of block

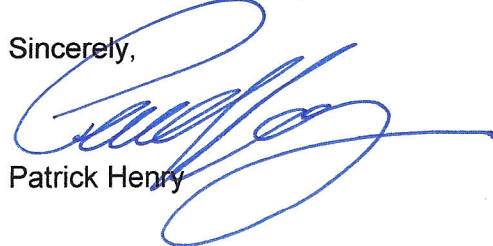
shapes surrounded by an orthogonal street grid. Commercial buildings typically have consistent orientation and shallow to moderate front setbacks with parking at the rear and/or side of the building. The context is characterized by moderate to high residential building heights and low to moderate commercial 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. (Denver Zoning Code Division 6.1)

- b) The Main Street Zone Districts are intended to promote safe, active, and pedestrian-scaled commercial streets through the use of shopfront and row houses building forms that clearly define and activate the public street edge. They 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. The requested zone district, G-MS-3, typically applies to local or collector corridors, or may be embedded within a commercial shopping center or mixed-use area, where a building scale of 1 to 3 stories is desired. (Denver Zoning Code Sections 6.2.5.1 and 6.2.5.2)

The following page shows the legal description.

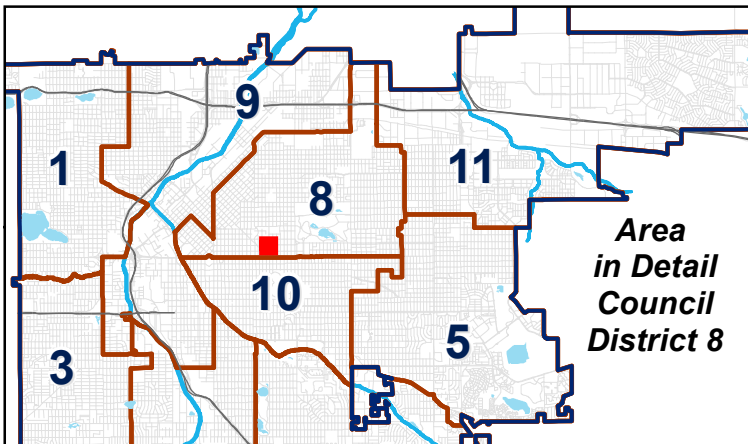
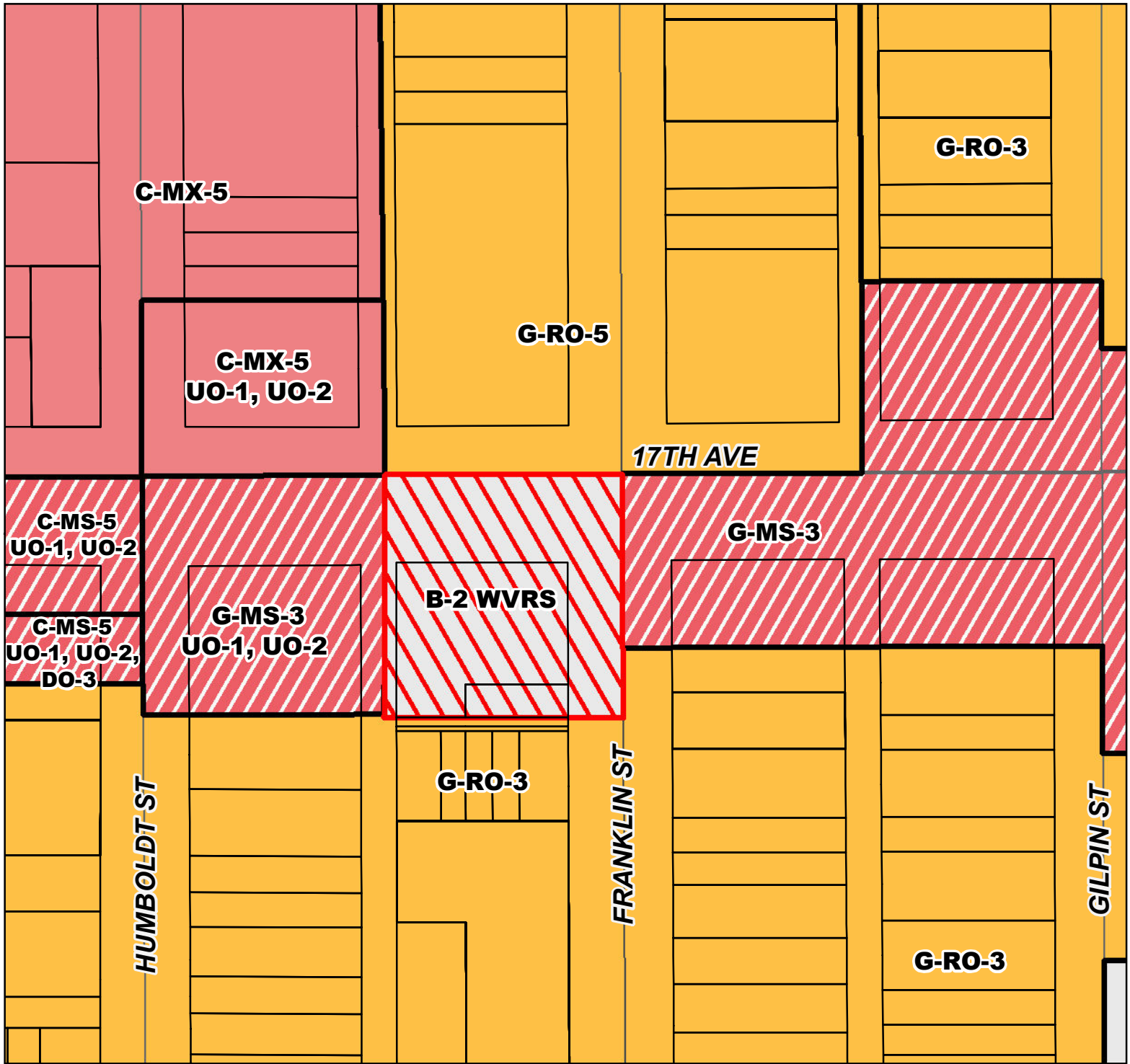
Please call me at 303.548.3693 with any further questions or comments you have.

Sincerely,



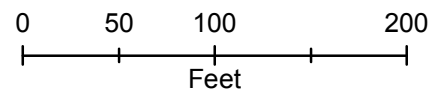
Patrick Henry

Pending Zone Map Amendment #2012I-00011



Application #2012I-00011
Location: 1661 - 1699 Franklin St.

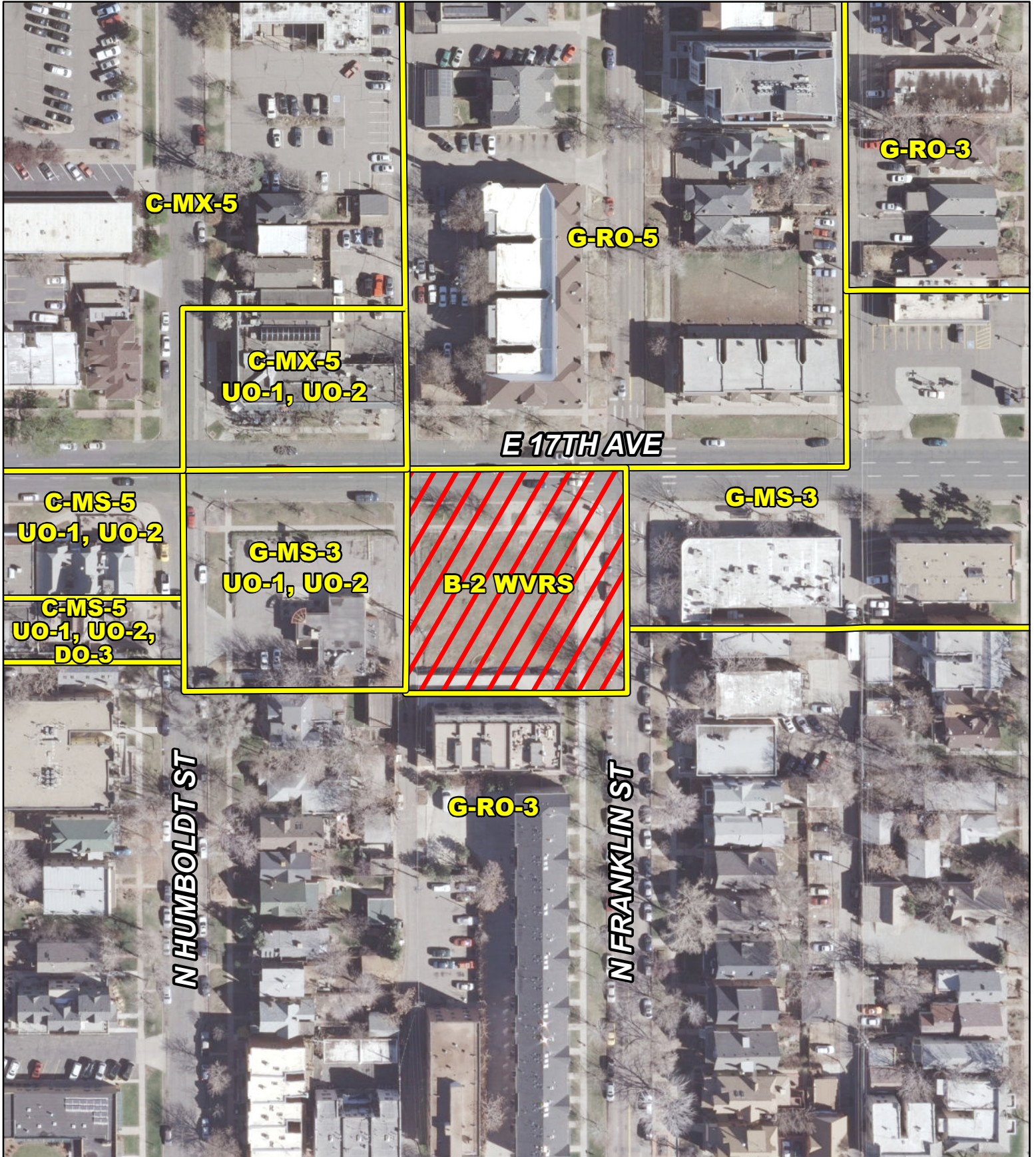
 **Proposed Rezoning**
From: B-2 WVRs
To: G-MS-3



Map Date: 4/19/12

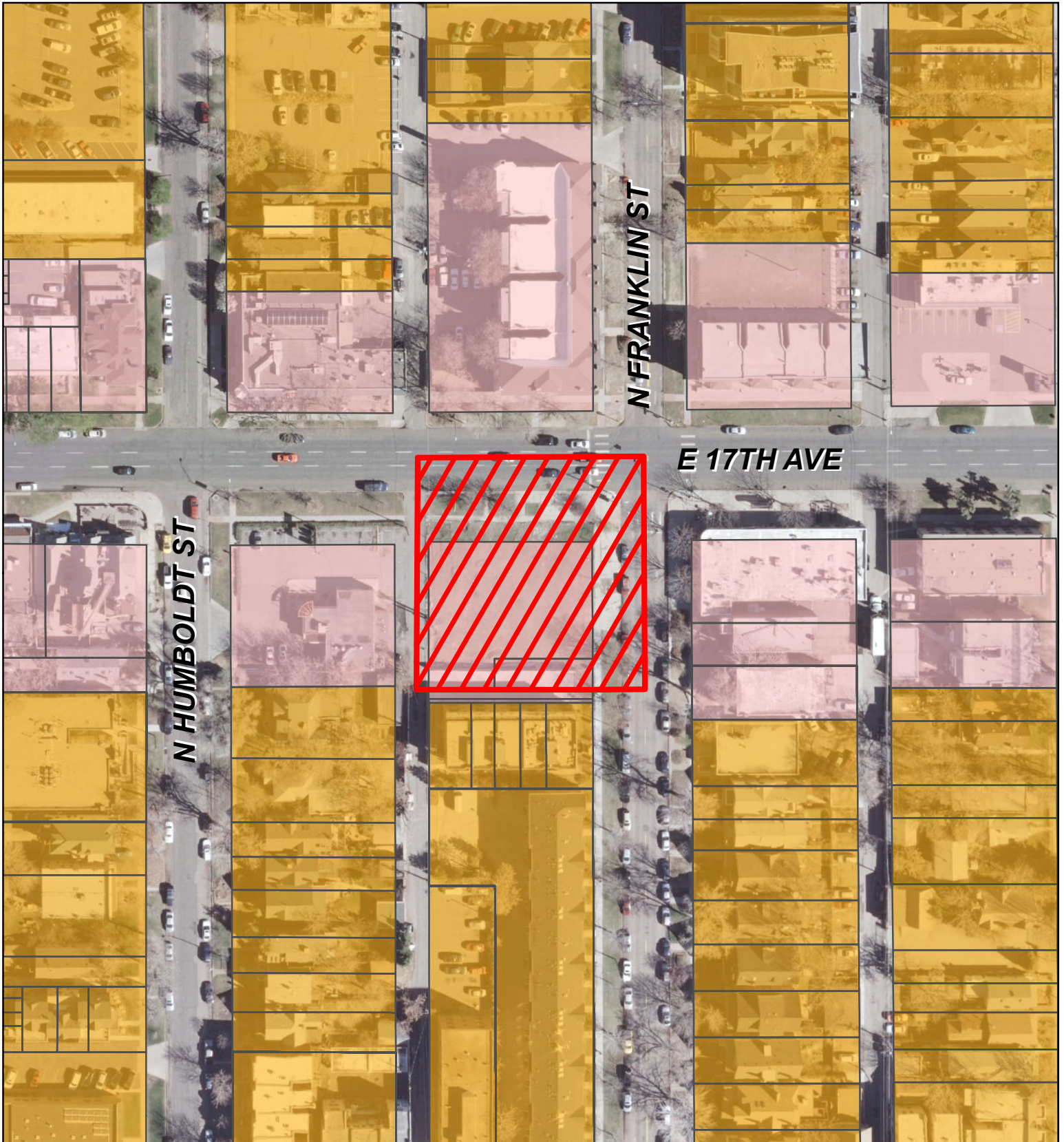
Pending Zone Map Amendment - Aerial & Zoning Overlay


 Application #2012I-00011




Pending Zone Map Amendment - Blueprint Denver Overlay


 Application #2012I-00011



 Pedestrian Shopping Corridor

 Urban Residential

 Pending Zoning Amendment

 Area of Change
(None within this map)

0 50 100 200 Feet



Map Date: 4/19/12