



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

TO: City Council Land Use Transportation Infrastructure Committee
FROM: David Gaspers, Senior City Planner
DATE: March 19, 2014
RE: Official Zoning Map Amendment Application #2013I-00054
12 South Garfield
Rezoning from Planned Unit Development #583 to G-RH-3

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2013I-00054 for a rezoning from **PUD #583 to G-RH-3**.

Request for Rezoning

Application:	#2013I-0054
Address:	12 South Garfield Street
Neighborhood/Council District:	Cherry Creek
RNOs:	Cherry Creek East Association, Harman Neighborhood Association, Inc., Cherry Creek Steering Committee, Denver Neighborhood Association, Inc., Inter-Neighborhood Cooperation
Area of Property:	12,512.5 square feet
Current Zoning:	PUD #583
Proposed Zoning:	G-RH-3
Property Owner(s):	MAG Builders, INC
Owner Representative:	Kim Moylen

Summary of Rezoning Request

- The applicant proposes changing the zoning to G-RH-3 in order to permit development of two (2) two-family units on the property.
- The property is currently a vacant corner lot bounded by Ellsworth Avenue to the north and Garfield Street to the west. Row houses found to the north, south, and west, and single-family homes to the east.
- The property is currently zoned PUD 583, which allows a four (4) unit multi-family structure and includes specific site plan and design elements.
- The requested zone district title, G-RH-3, is defined as the **General Urban** Neighborhood Context – **Row House** 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).

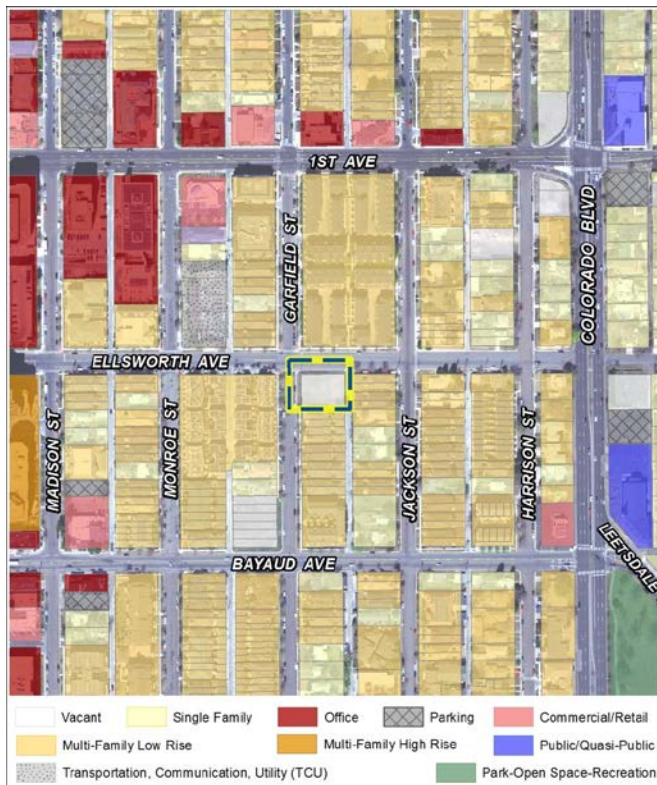
Existing Context

The property is currently a vacant lot at the corner of Ellsworth Avenue and South Garfield Street in Cherry Creek. The property has multi-unit row houses to the north, south and west. Across the alley and east of the property are two single-family homes. An additional single-family residence is north-west of the property, across the Ellsworth and Garfield intersection.

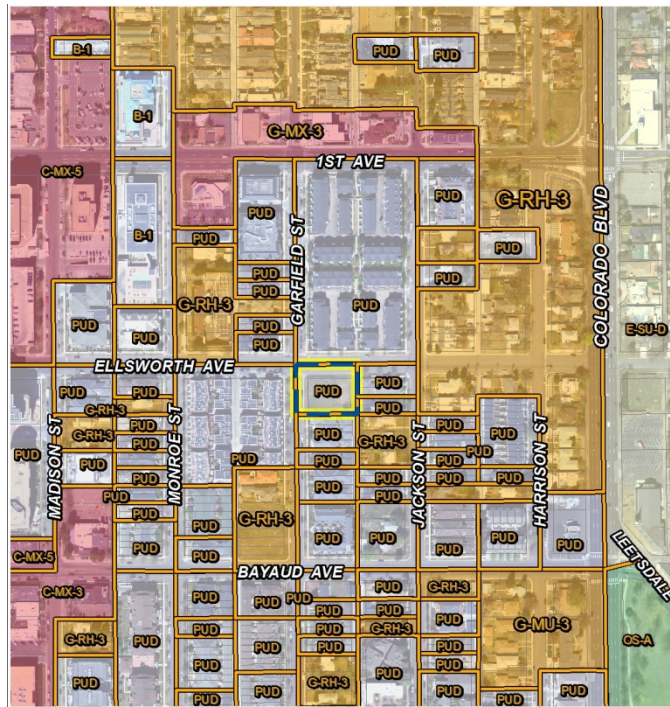
The following table summarizes the existing context proximate to the subject site:

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	PUD 583	Vacant	N/A	Typical Denver City street grid. Property is currently accessible from a rear alley.
North	PUD	Multi-unit homes	2 ½ story buildings	
South	PUD	Multi-unit homes	2- story buildings	
East	PUD	Multi-unit homes	2 story buildings	
West	PUD	Multi-unit homes	3 story buildings	

1. Existing Land Use Map



2. Existing Zoning



The property is currently zoned PUD 583, a planned unit development approved in 2006 for a specific multi-family development proposal for 4 units in a single structure.

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 – No comments

Development Services – Wastewater: Approve – No comments

Public Works – City Surveyor: Approve Rezoning Only - Will require additional information at Site Plan Review

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 February 18, 2014.
- Planning Board notification process

- The property was legally posted for a period of 15 days announcing the March 5, 2014, Denver Planning Board public hearing, and written notification of the hearing has been sent to all affected registered neighborhood organizations and City Council members.
- 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 March 25, 2014 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.
- Other Public Outreach and Input
 - **Registered Neighborhood Organizations (RNOs)** Cherry Creek East Association, Harman Neighborhood Association, Inc., Cherry Creek Steering Committee, Denver Neighborhood Association, Inc., Inter-Neighborhood Cooperation
 - **Cherry Creek East Association** provided a letter of support of the map amendment.
 - Two nearby neighbors provided emails of support of the map amendment.

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

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)
- Cherry Creek Area Plan (2012)

Denver Comprehensive Plan 2000

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

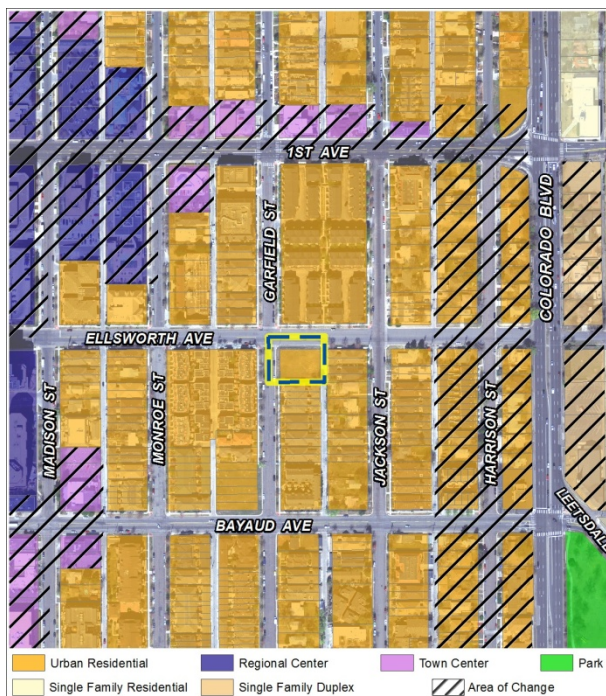
- Environmental Sustainability Strategy 2-F – *Conserve land by promoting infill development with Denver at sites where services and infrastructure are already in place; designing mixed use communities and reducing sprawl so that residents can live, work and play within their own neighborhoods.*
- Land 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-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. The rezoning is consistent with these plan recommendations.

Blueprint Denver

According to the 2002 Blueprint Denver Plan Map, this site had a concept land use of Single-Family Duplex, and Cherry Creek Area Plan updated the land use concept to Urban Residential in 2012. The site is located in an Area of Stability, and Garfield Street has a future street classification of Undesignated Local.



Blueprint Denver
Future Land Use Map

Future Land Use

The Blueprint Denver Future Land Use concept for the site is “Urban Residential” as updated to reflect the recommendations of the Cherry Creek Area Plan that was adopted by City Council in 2012. According to Blueprint Denver, “Urban residential neighborhoods are higher density and primarily residential but may include a noteworthy number of complementary commercial uses”.

Area of Change / Area of Stability

The site is an Area of Stability. 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 G-RH-3 zoning would promote development of a vacant property, reinvestment into the neighborhood, and ensure a compatible development with adjacent existing land uses and building forms. The rezoning application is consistent with the Blueprint Denver Area of Stability – Reinvestment Area concept.

Future Street Classifications

The property fronts Garfield Street, an undesignated local street, and Ellsworth Avenue, also an undesignated local street. The design features of local streets are influenced less by traffic volumes and are tailored more to providing local access. Mobility on local streets is typically incidental and involves relatively short trips at lower speeds to and from other streets. Because of their “neighborhood” nature, travel speeds are usually lower than collectors and arterials. Posted speed limits on local streets range from 25 to 30, depending on available right-of-way and the adjacent land uses. Traffic volumes on local streets should not exceed 2,000 vehicles a day.

G-RH-3 is a zone district that only allows residential uses and is consistent with the Blueprint Denver future street classification of Garfield Street as a local street.

Small Area Plan: *Cherry Creek Area Plan*

- The Cherry Creek Area Plan was adopted by City Council in July 2012, and applies to the subject property. The Plan has individual sections for the various parts Cherry Creek, including Cherry Creek East, where this property is located. Cherry Creek East identified goals for the neighborhood including the rezoning of PUDs and respecting the existing scale. The property is a vacant lot in a Chapter 59 PUD that has failed to develop and is surrounded by low-scale multi-unit and single-unit structures.

Cherry Creek Area Plan Recommendations

- **Reinforce the residential character.** Maintain and enhance the existing character and walkable environment of Cherry Creek East. New development will respect the predominant urban form of detached sidewalks, tree lawns, landscaped block-sensitive setbacks, alley access to structures, limited curb cuts and building entry features that are visible from the street. Land uses should respect existing boundaries between residential and mixed-use areas.

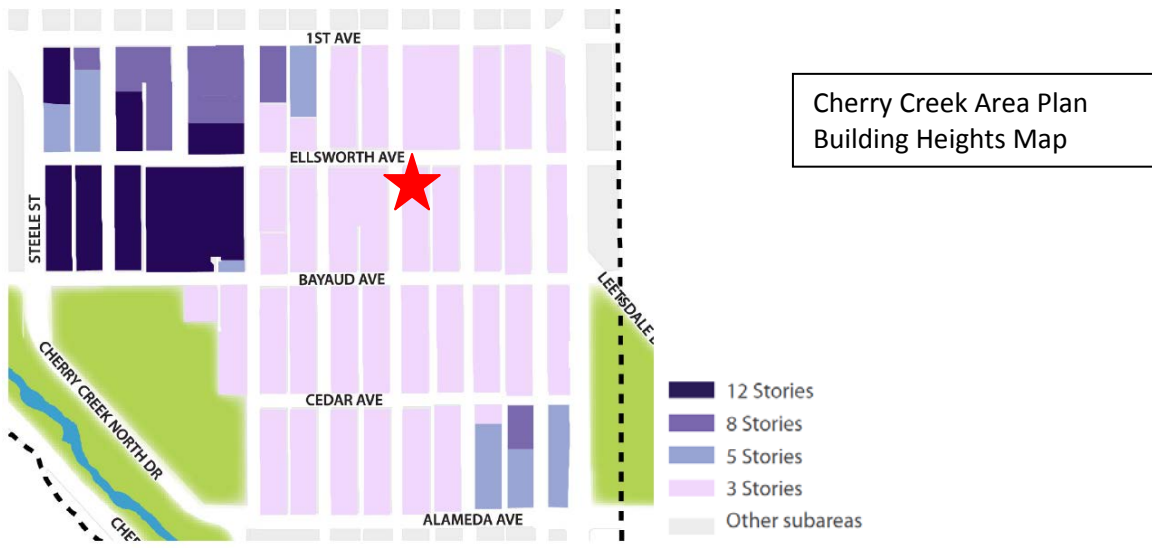
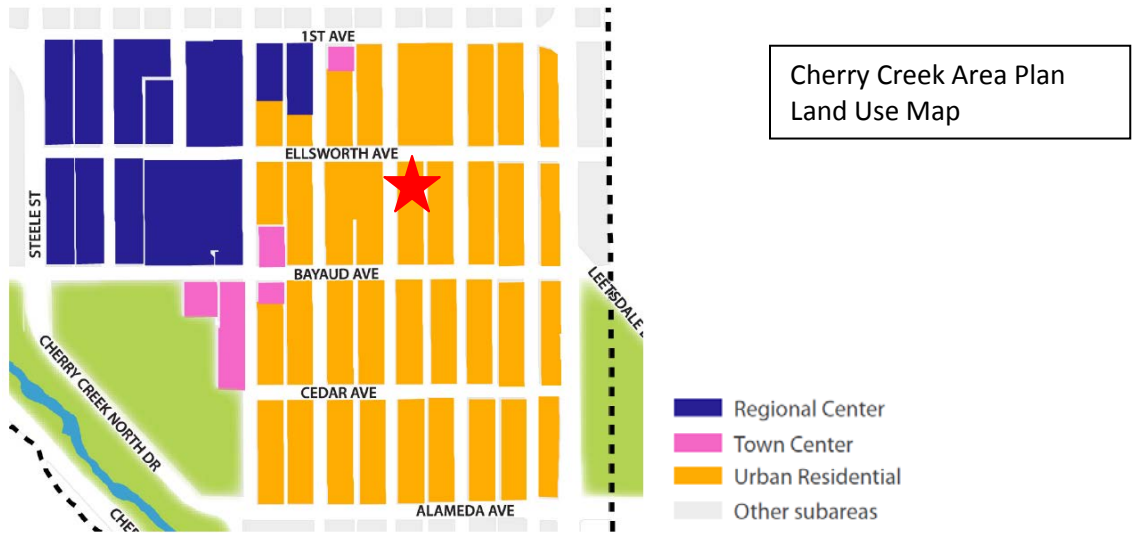
Recommended land use categories are depicted on the future land use map:

- Urban Residential. Continue supporting a variety of housing types including low and mid-rise multifamily, row houses, duplex, single family and accessory dwelling units.
- **Respect the existing scale.** Enhance the existing pattern of development intensity with low scale buildings in the residential areas. Mid-rise buildings may be appropriate near Alameda and Colorado. The mixed-use area between Steele and Madison will remain the most intensely developed portion of the neighborhood, with building heights ranging from 5 to 12 stories, per the maximum building heights map.

- **Rezone PUDs.** As opportunities arise with new development or property owner interest, property owners and neighborhood representatives will work together with the City to determine an appropriate Denver Zoning Code district that serves to implement this plan.

G-RH-3 implements the Small Area Plan in three main areas:

- **Building Heights** – The plan recommends heights up to 3 stories for the property. G-RH-3 allows up to 3 story development, respecting the scale of the existing neighborhood.
- **Land Use** – The plan specifically calls for the Blueprint Denver Map to be Urban Residential in this part of Cherry Creek East. G-RH-3, a zone district that permits the low-scale multi-unit development pattern found in this section of Cherry Creek, and only allows residential uses, is appropriate for the Urban Residential land use concept.
- Cherry Creek East states the desire to rezone PUDs “as opportunities arise with new development or property owner interest”.



2. Uniformity of District Regulations and Restrictions

The proposed rezoning from PUD 583 to G-RH-3 will result in the uniform application of zone district building form, use and design regulations. G-RH-3 is found throughout this part of the Cherry Creek neighborhood and is found directly adjacent to the southeast of the subject property.

3. Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety, and general welfare of the City. G-RH-3 is a zone district that allows multi-unit structures consistent with other residential uses in Cherry Creek, improves the neighborhood character, and strengthens the walkable nature of the area.

4. Justifying Circumstance

The application identifies several changed or changing conditions as the Justifying Circumstance under DZC Section 12.4.10.14.A.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." As discussed above, adopted plan recommendations state that redevelopment of the area is desired and that the Cherry Creek neighborhood wants to rezone from PUDs in the Cherry Creek East area. This is an appropriate justifying circumstance for the proposed rezoning.

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

The requested G-RH-3 zone district is within the General Urban Neighborhood Context. The neighborhood context generally 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. (DZC, Division 6.1). The proposed rezoning to G-RH-3 for the construction of two-family homes is consistent with the neighborhood context description. According to the zone district intent stated in the Denver Zoning Code, the G-RH-3 district "is a multi unit district allowing urban house, duplex, tandem house and row house building forms. Row houses are not taller than three stories. (DZC Section 6.2.2.2.A).

[Planning Board Recommendation](#)

The Denver Planning Board held a properly noticed public hearing on this application on March 5, 2014. 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 12 South Garfield Street to a G-RH-3 zone district meets the requisite review criteria. Accordingly, staff recommends approval.

[Attachments](#)

1. Application
2. Legal Description



Zone Map Amendment (Rezoning) - Application

1/26/12

PROPERTY OWNER INFORMATION*	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	MAG Builders, INC
Address	8120 San Juan Range Rd
City, State, Zip	Littleton, CO 80127
Telephone	720-980-9253
Email	mmoylen@magbuilders.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(S) REPRESENTATIVE**	
<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Representative Name	Kim Moylen
Address	7563 S. Mt. Zirkel
City, State, Zip	Littleton, CO 80127
Telephone	720-989-7088
Email	km.designstudio@yahoo.com
**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.

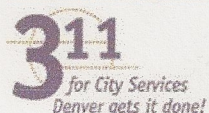
SUBJECT PROPERTY INFORMATION	
Location (address and/or boundary description):	12 S. Garfield St. Denver, CO
Assessor's Parcel Numbers:	0512514001000
Legal Description: (Can be submitted as an attachment. If metes & bounds, a map is required.)	Lot: 1-4 Block: 25
Area in Acres or Square Feet:	12512.5 sf
Current Zone District(s):	PUD (583)
PROPOSAL	
Proposed Zone District:	G-RH-3

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>Justifying Circumstances - One of the following circumstances exists:</p> <ul style="list-style-type: none"> <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> <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>

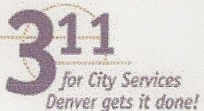
ATTACHMENTS

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:

Current Zoning map of the Area



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 (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)
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)	NO
MAG Builders, INC	8120 San Juan Range Rd Littleton, CO 80127 720-980-9253 mmoylen@magbuilders.net	100%	<i>Mag Builders</i> CFO	12/5/13	(B)	YES

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201 W. Colfax Ave., Dept. 205

Denver, CO 80202

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



8120 San Juan Range Rd. Littleton CO 80127

303.435.3205

December 3, 2013

City of Denver
Zoning and building Department

Re: 12 Garfield Ave Denver

To whom it may concern:

Kim Moylen is authorized to act as Mag Builders representative for 12 Garfield Ave. We are proceeding to change the zoning on this property. If you have any questions I can be reached at 720-980-9253.

Thank you,

A handwritten signature in blue ink, appearing to read 'Michael R. Moylen', is written over a light blue horizontal line.

Michael R. Moylen

Mag Builders, CFO

Current Zoning Map of the Area

The red pin is "12 S. Garfield St". This property is currently a PUD; however, we are requesting that it be changed to a G-RH-3. This zoning is consistent with the neighborhood of this property.



SPECIAL WARRANTY DEED

THIS DEED, Made this 6TH day of DECEMBER, 2013, between

12 SOUTH GARFIELD DEVELOPMENT, LLC, A Colorado Limited Liability Company

of the County of DENVER and State of Colorado, **grantor**, and

MAG BUILDERS INC., A Colorado Corporation

whose legal address is 8120 S. SAN JUAN RANGE RD., LITTLETON, CO 80127, **grantee(s)**,

WITNESSETH, That the grantor for and in consideration of the sum of \$1,290,000.00 DOLLARS, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed and, by these presents does grant, bargain, sell, convey and confirm, unto the grantee(s), its heirs and assigns forever, all the real property together with improvements, if any, situate, lying and being in the County of DENVER and State of Colorado described as follows:

LOT 1 TO 4, BLOCK 25, BURLINGTON CAPITOL HILL ADDITION, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

as known by street and number as: 12 S. GARFIELD STREET, DENVER, CO 80209

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainders, rents, issues and profits thereof; and all the estate, right title, interest, claim and demand whatsoever, of the grantor(s), either in law or in equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantee(s), its heirs and assigns forever.

General taxes for the year 2013 and subsequent years and subject to easements, restrictions, reservations, covenants and rights of way of record, if any.

The Grantor(s), for Itself, its successors and assigns, does covenant and agree that it shall and will **WARRANT AND FOREVER DEFEND** the above bargained premises in the quiet and peaceable possession of the grantee(s), heirs and assigns, against all and every person or persons claiming the whole or any part thereof, by, through or under the grantor.

IN WITNESS WHEREOF, the grantor has executed this deed on the date set forth above.

12 SOUTH GARFIELD DEVELOPMENT, LLC, A Colorado Limited Liability Company

BY: 
PARVEZ N. MALIK, MANAGER

STATE OF COLORADO

County of ARAPAHOE

The foregoing instrument was acknowledged before me on this 6TH day of NOVEMBER, 2013 by PARVEZ N. MALIK, MANAGER OF 12 SOUTH GARFIELD DEVELOPMENT, LLC, A Colorado Limited Liability Company. Page 6 of 7
December 26, 2013

Legal Description

LOTS 1 TO 4, BLOCK 25,
BURLINGTON CAPITOL HILL ADDITION,
CITY AND COUNTY OF DENVER,
STATE OF COLORADO.
AKA: 12 S. GARFIELD ST.