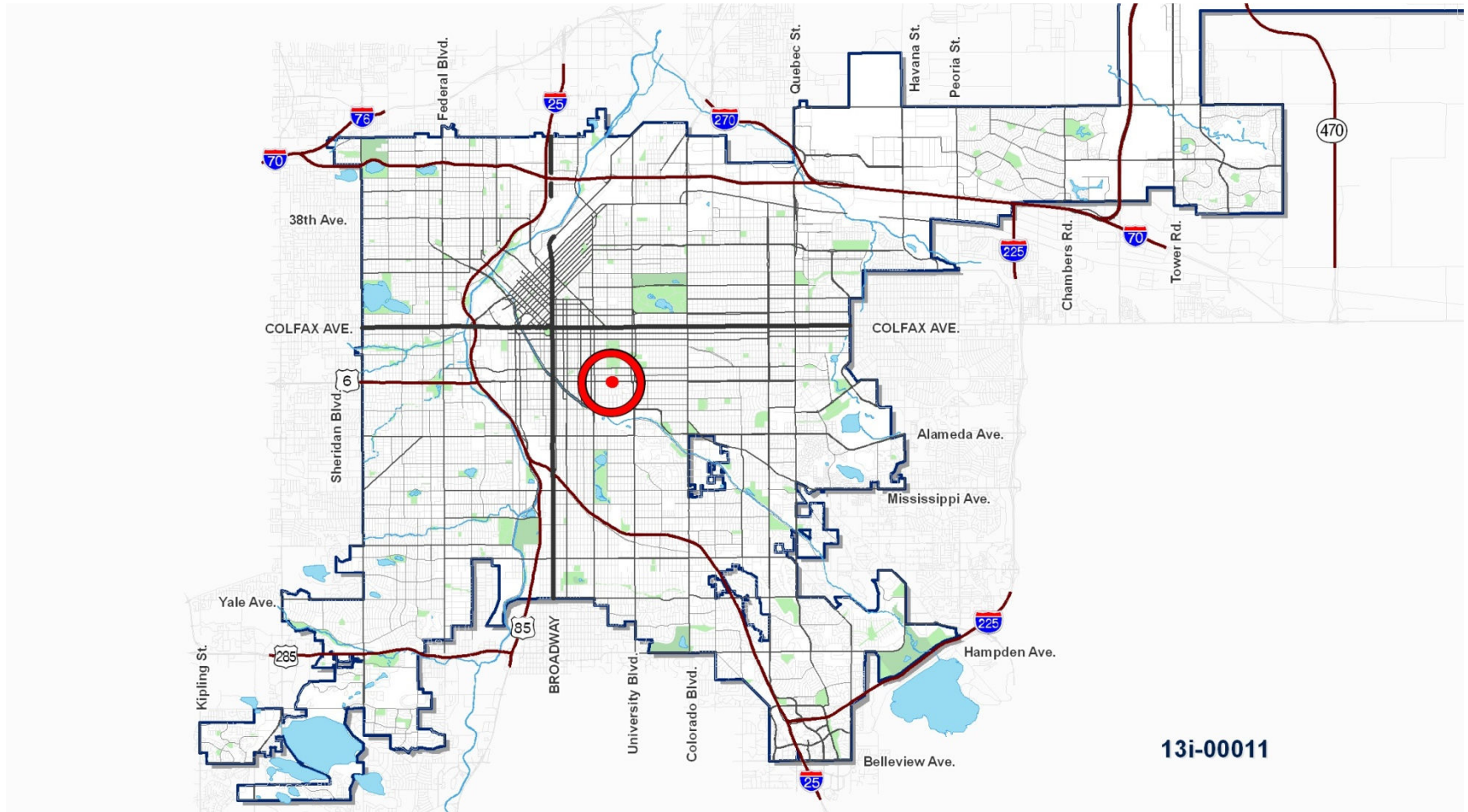


1700 -1718 EAST 6TH
AVENUE (COUNTRY
CLUB SHOPPETTE)

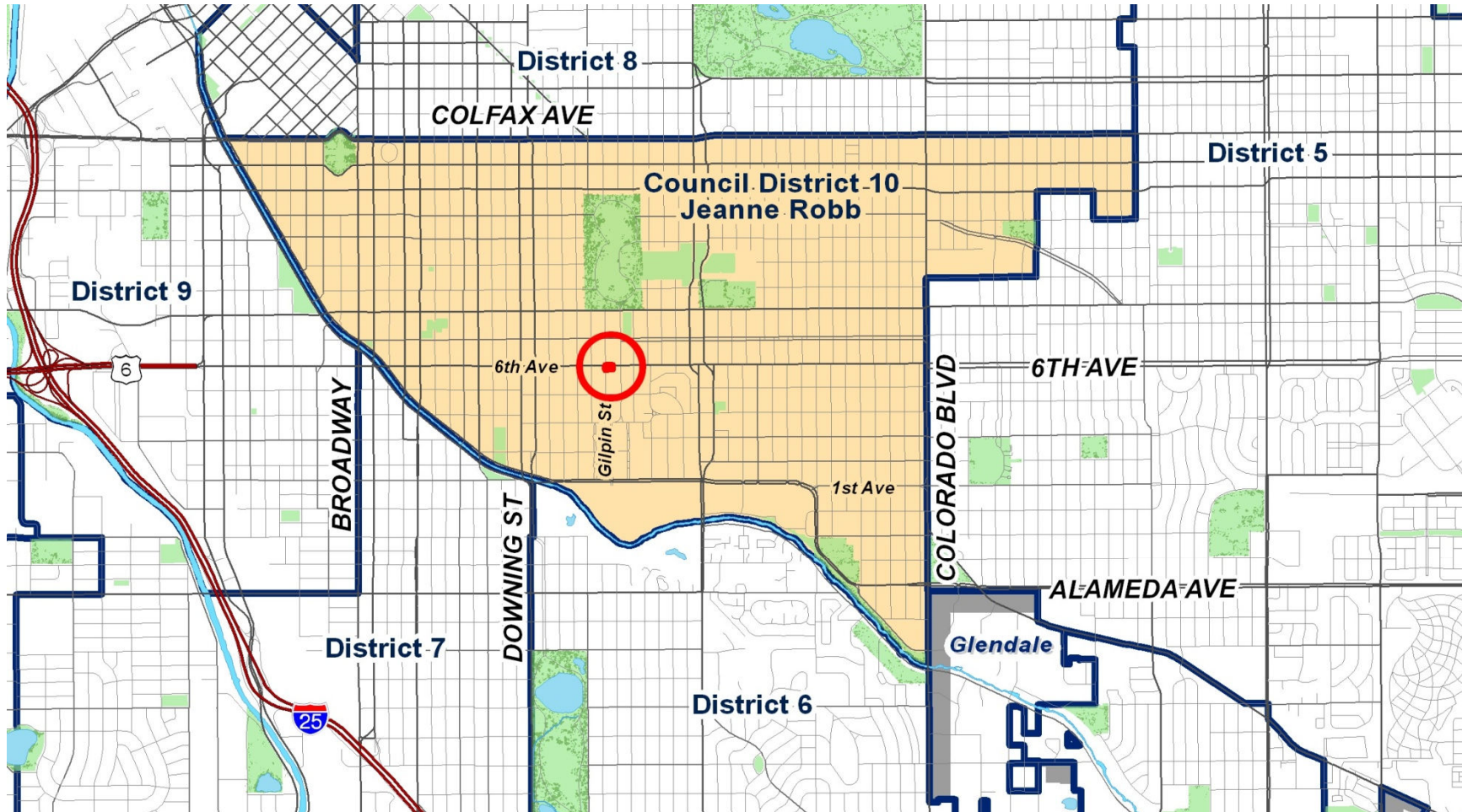
Amendment to Former Chapter 59 PUD
#602

1700 – 1718 E. 6th Avenue

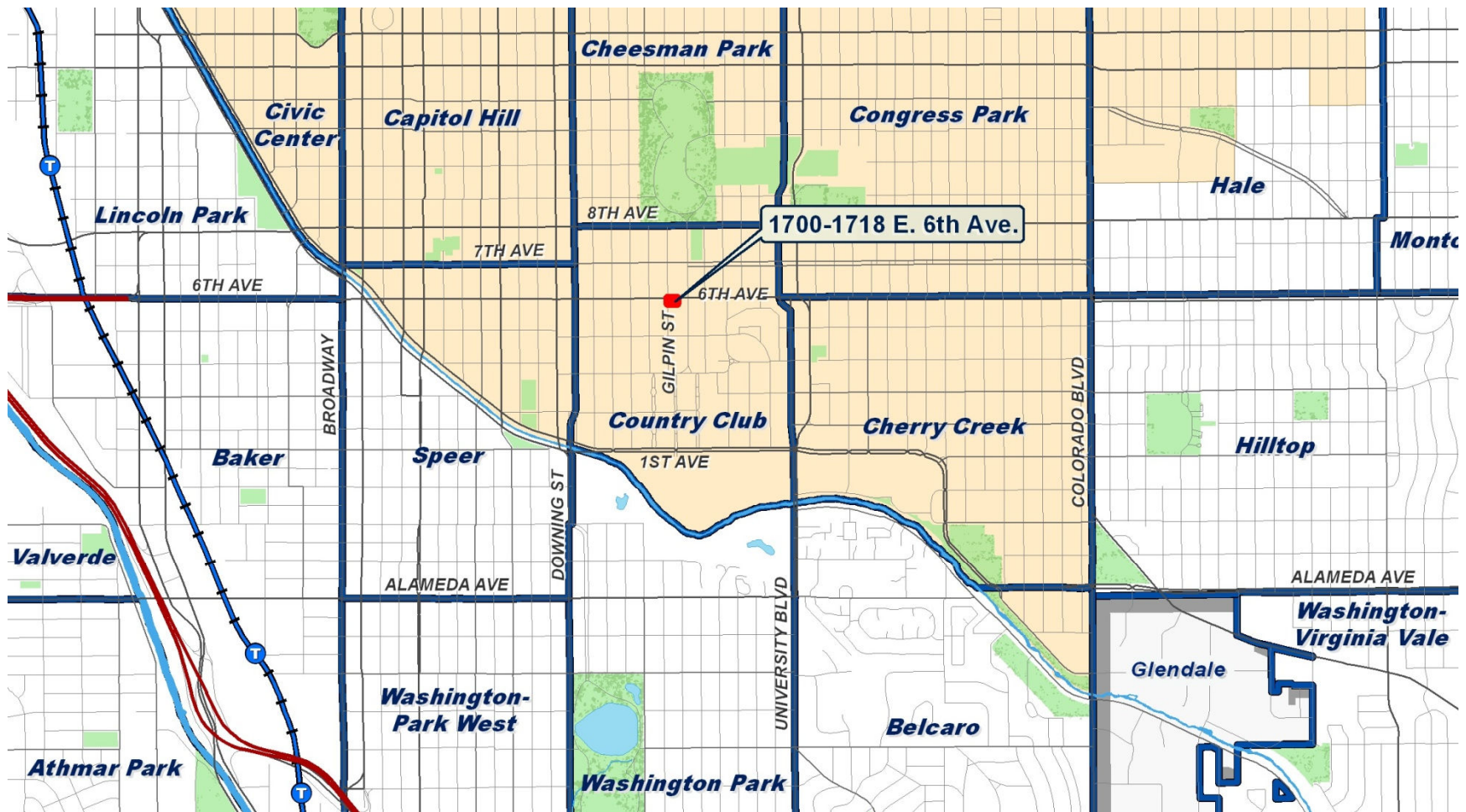
PUD 602 Amendment



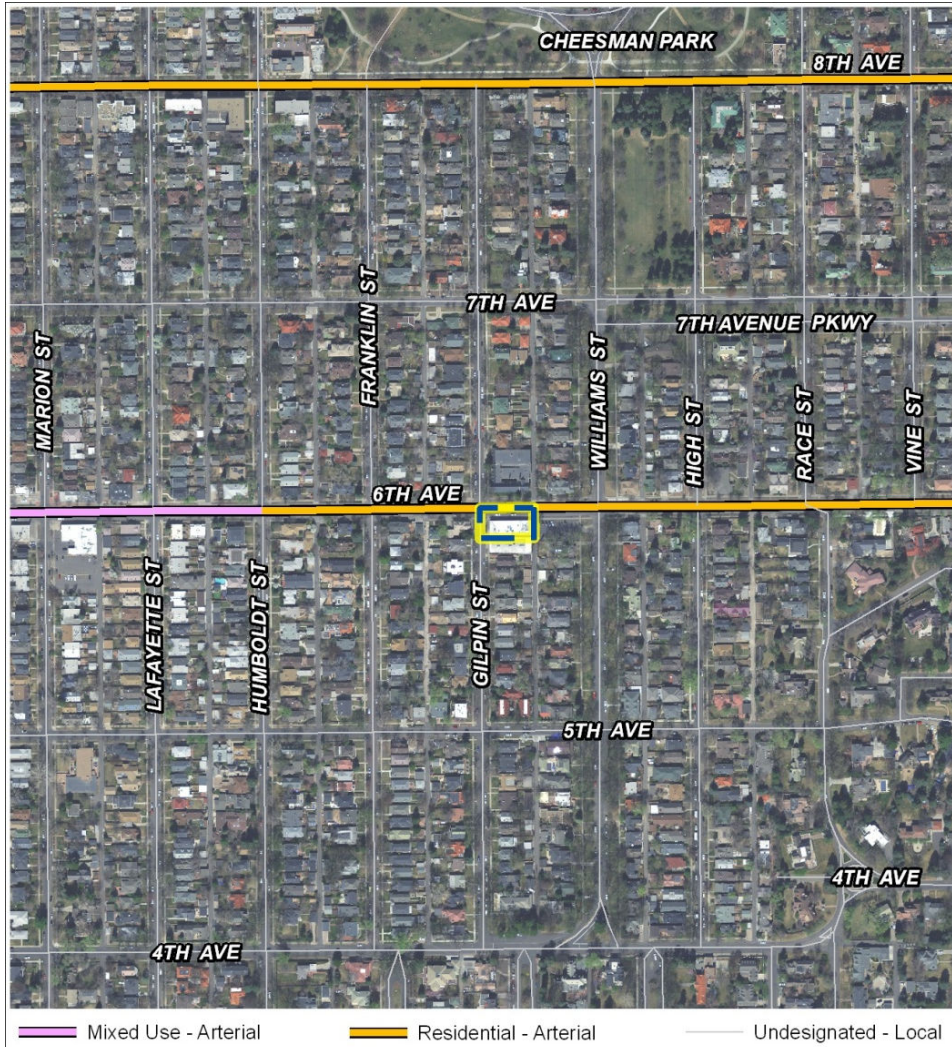
Council District 10 – Jeanne Robb



Country Club Neighborhood



Request: PUD 602 Amendment



- Predominantly Residential neighborhood
- Property:
 - ▣ 6,250 s.f. lot
 - ▣ 6,122 s.f. Building
- Property Owner Requests:
 - ▣ Allow outdoor eating, and
 - ▣ Allow right-of-way occupancy permit

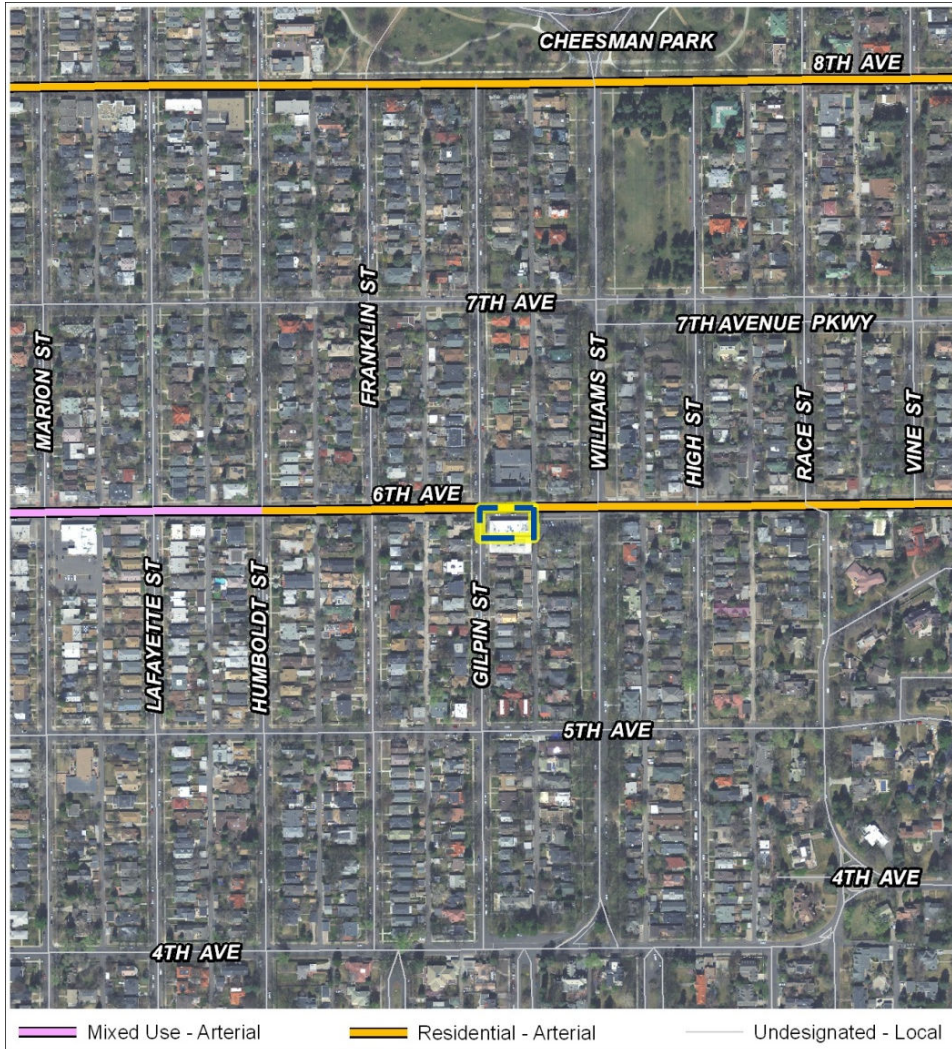
Request: PUD 602 Amendment



Request: PUD 602 Amendment

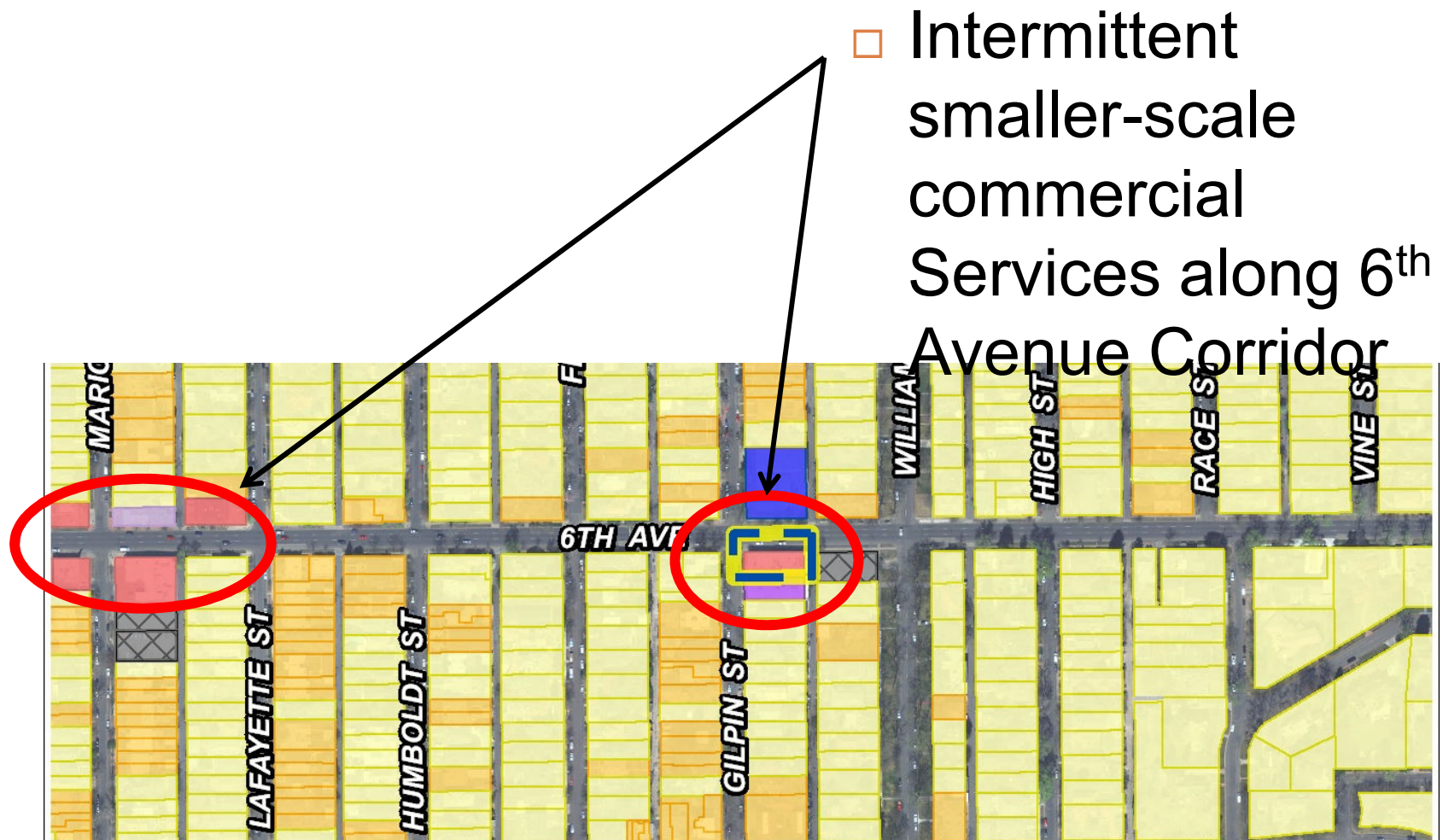


Blueprint Denver Street Classifications



- 6th Avenue:
 - Residential Arterial
 - Mixed Use Arterial
- Gilpin Street: Local

Existing Context – Land Use



**Outdoor
Eating near
Residential
areas
in Denver**

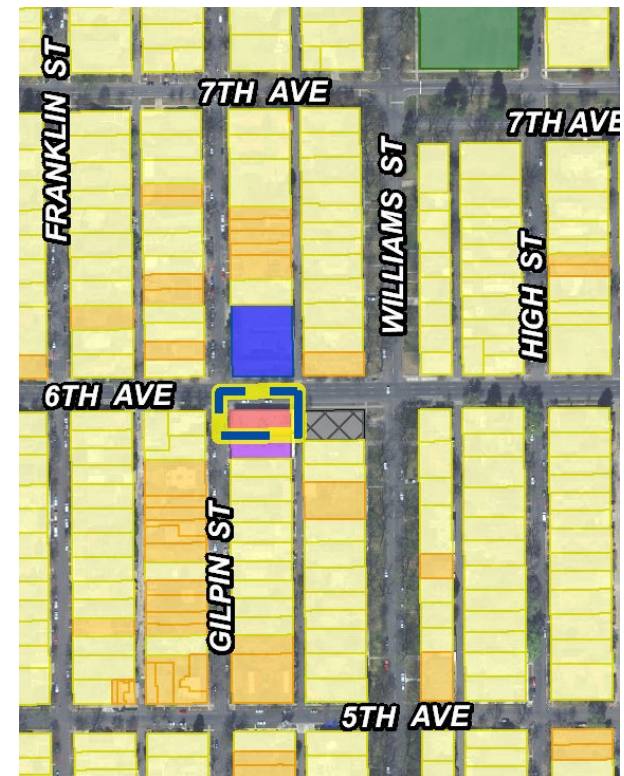


6th Avenue Looking South on Gilpin Street

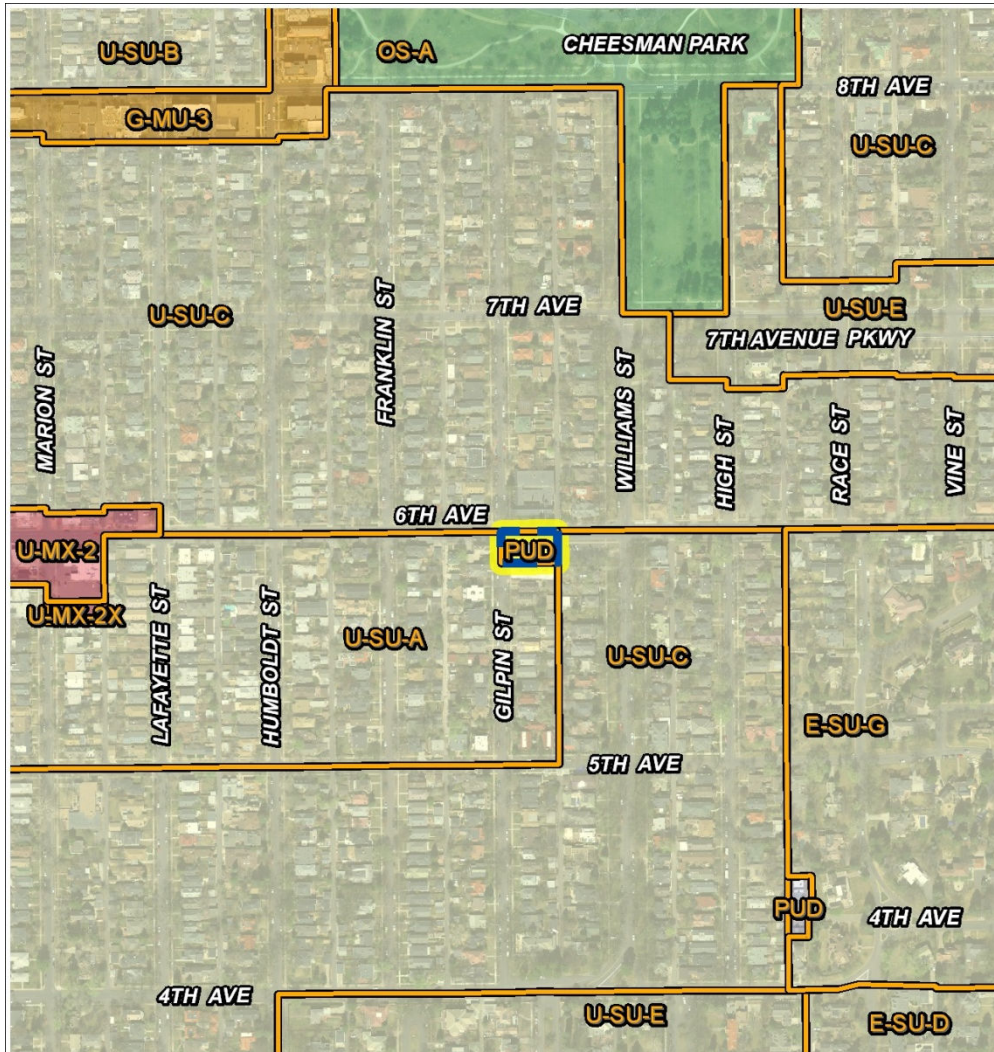


Existing Context – Land Use

- **Existing Zoning:** PUD 602
- **Adjacent Land Uses:**
Warehouse, Parking, Single Unit Residential, Public / Quasi-Public, Duplex
- **Surrounding Building Heights:** Between 1 & 2 Story



Existing Context – Surrounding Zoning



- U – Urban Neighborhood
- U-SU-A
 - ▣ 3,000 s.f. Lot minimum
- U-SU-C
 - ▣ 5,500 s.f. Lot Minimum

Gilpin: 50 ft R-O-W
6th Ave: 70 ft R-O-W



Item 16:

The proposed Zone Map Amendment is intended to accomplish two items:

1. To simplify the process when retail/commercial tenants move in and out of the subject property.
2. In the event the property is destroyed, to allow for the re-construction of a comparable retail/commercial building. This PUD shall establish design guidelines, signage, building areas and heights, etc.

Number 1 – Currently, if one tenant moves out and another tenant moves in with a different use the owner is required to go through a Adjustment for Zoning Appeals process which includes neighborhood meetings, posting the property and a public hearing. This is causing undue hardship to the owners compared to similar commercial buildings that do have appropriate zoning.

Number 2 – Currently, if the existing structure were to be destroyed it could only be replaced to conform to the R-2 zone district.

If the building gets destroyed the following design guidelines shall be used to re-construct the structure.

Design Guidelines:

1. Maximum Building Area 6,122 Square Feet
2. Maximum Building Height 22 Feet
3. Setbacks 0 feet on all sides
4. Landscape Area 0%
5. Parking Requirements On street parking only.
6. Projections into Right-of-Way (subject to revocation by Public Works Department)
 - a) Light fixtures shall be allowed to overhang R.O.W. up to a maximum of 36".
 - b) Canopies and awnings shall be allowed to overhang R.O.W. up to a maximum of 60". If lights are attached to the canopy or awning then they would be allowed to extend up to a maximum of 60" into the R.O.W.
 - c) Tenant signs are allowed to extend a maximum of 48" into the adjacent R.O.W.
 - d) The addition of fences, walls, railings, planters, fixtures or furniture in the right-of-way may be pursued through application and review by Public Works (See Outdoor Eating Exemption under Section o, Amended 2013).
7. Building Materials, the following building materials shall be allowed:
 - a) Brick, both painted and unpainted
 - b) Stucco, both synthetic and real

Amendment 1:

Allow
encroachment
into R-O-W for
railings,
planters,
fixtures,
furniture, etc.

Table 2(a): Allowable Uses

RESIDENTIAL

Artist Studio
Dwelling, multiple unit
Dwelling, single unit
Nursing home, hospice
Residence for older adults
Residential, institutional / special

RETAIL, SERVICE, OFFICE

Animal sales, service, care household pets only
Banking and financial services
Bookstore
Communication service
Eating place (See Outdoor Eating Exemption under Section o, Amended 2013)
Food preparation and sales, commercial
Food sales or market, small
Garden supply store
Office: nondental or nonmedical
Printing service, publishing, business support
Retail, service, repair, consumer, small scale
Retail, service, repair, consumer, special
Service, repair, commercial

ARTS, ENTERTAINMENT, RECREATION, INSTITUTIONS

Child care center
Church, religious institution
Clinic, office, laboratory, dental or medical
Club or lodge
Community or senior center or recreational facility
Conference center, meeting hall
Library
Museums, other special purpose cultural institutions
Postal facility, neighborhood
School, elementary or secondary
School, vocations or professional
Studio, professional
Theater, indoor
University or college

Proposed Amendment 2

Reference to Section O, Outdoor Eating Exemption

FENCES AND/OR WALLS

NOTE: Fencing and/or wall heights are not applicable (N/A) as indicated below because the existing building is built up to the property line on all four sides (0 feet setbacks). This section does not preclude the addition of fences, walls, railings, planters, signage, fixtures or furniture in the right-of-way. Encumbrances in the public Right-of-Way will be reviewed by Public Works with heights and sizes to be determined at that time (See Outdoor Eating Exemption under Section o, Amended 2013).

The height of fences and/or walls which may be built in the P.U.D. district, except for the front setback space, shall be a minimum of N/A feet and a maximum of N/A feet

The height of fences and/or walls which may be built within the P.U.D. district front setback space shall be a minimum of N/A feet and a maximum of N/A feet

Size and types of materials permitted for such fences and/or walls are shown on the District Plan. Fences and/or walls shall be either solid and view obscuring or open and view permitting as required by the District Plan. **NOTE:** Any fence heights exceeding the preceding requirements shall be subject to Section 59-38(11), Overheight Fences and Walls.

Will earthen berms or mounds be installed? Yes ☐ No ☒ Such earthen berms or mounds shall be landscaped and shown on the District Plan. The height of earthen berms or mounds shall be a minimum of N/A feet and a maximum of N/A feet.

- m. **BOAT, CAMPER, TRAILER AND RECREATIONAL VEHICLE STORAGE**
Boat, camper, trailer and recreation vehicle storage is ☐ is not ☒ permitted on the property. All such storage facilities shall be shown on the District Plan. If boat, camper, trailer and recreation vehicle storage areas are permitted, screening fences **are required**. Such fences shall be **solid and view obstructing**. Fences shall be a minimum of ____ feet and a maximum of ____ feet in height.

MAXIMUM LENGTH OF BOAT, CAMPER, TRAILER AND/OR RECREATION VEHICLE PERMITTED: ____.

- n. **DEDICATIONS AND IMPROVEMENTS**
The owner understands that City ordinances and agency rules and regulations may require the dedication of additional street right-of-way and the construction of certain public improvements. **VACATIONS AND/OR DEDICATIONS MUST BE APPROVED PRIOR TO OR AT THE PUBLIC HEARING ON THIS PROPOSAL.** If this proposal involves the vacation of certain public rights-of-way for incorporation into the project area, contact the Public Works Department at 720-865-3124.

Amendment

3

Clarify that
fencing, railings
or fixtures in the
R-O-W are not
precluded by
PUD

o. **EXTERNAL EFFECTS**

Vibration, heat, glare, radiation and fumes shall be regulated by Section 59-92 of the B-2 zone district.

Reflective glass may be used.

Every use, unless expressly exempted, shall be operated within a completely enclosed structure. ☒ Yes ☐ No

Exempt Uses: (Amended 2013)

Outdoor eating combined with eating place*

* The following limitations shall apply:

- a) The outdoor eating area shall be contiguous to the eating place to which is accessory;
- b) The outdoor eating area shall be clearly delimited by fences, walls or plant materials.
- c) No required off-street parking spaces shall be used for the outdoor eating area.
- d) The use of the outdoor eating area and all activities therein shall cease by 10:00 p.m. except on Friday and Saturday nights when the use of the outdoor eating area and all activities therein shall cease by 11:00 p.m.
- e) The outdoor eating area may be located anywhere within the right-of-way (per Public Works review) along the 6th Avenue street frontage but shall be limited along Gilpin Street to not extend south past the south lot line of Lot 1, Block 13, Williams Driving Park Addition (See Exhibit F).

* Delimiting the outdoor eating area in public right-of-way with fences, walls, railings, planters, fixtures or furniture requires a public right-of-way occupancy permit through Public Works, which includes Landmark Design review according to D.R.M.C., Chapter 30, as applicable.

p. **NATURAL TERRAIN**

The existing grade of the site will not be altered.

q. **UTILITIES**

Describe where the utilities (public and private) serving the property are located
All utilities are served from 6th Avenue

For information contact the following:

Denver Water Board	303-628-6100
Qwest	303-451-2706
Excel Energy	303-571-7502
Wastewater Management	303-446-3590

Amendment 4

Section O.
Enclosed
Structure
exemption
made for
outdoor eating,
with limitations



Exhibit H.

ROBERT J. GOLLICK, INC.

REAL ESTATE CONSULTING

7th Avenue Neighborhood Association

Steven Floyd
715 Adams Street
Denver, Colorado 80206

Denver Downtown Capitol Alliance

Nicole Bracken
519 16th St.
Denver, Colorado 80202

Driving Park Historic District

Stocton Baker
435 Humboldt Street
Denver, Colorado 80218

**Neighborhood Advisory Committee to
The Botanic Gardens**

Timothy Hepp
1154 Gaylord Street
Denver, Colorado 80206

Capitol Hill United Neighbors, Inc.

Cody Galloway
1290 Williams St. Ste 102
Denver, CO 80218

Denver Neighborhood Association, Inc.

Bradley Zieg
1285 Dexter Street
Denver, CO 80202

Inter-Neighborhood Cooperation

Larry Ambrose
P.O. Box 300684
Denver, CO 80218

**Neighbors and Friends for
Cheesman Park**

Jay Rust
1299 Gilpin Street, Ste. 15E
Denver, CO 80218

Re: Proposed rezoning of 1700-1718 East 6th avenue

February 19, 2013

I hope this correspondence finds all of you well.

The owner of the property located at 1700-1718 East 6th Avenue, which is within or near your neighborhood association boundaries, and has retained my firm, Robert J. Gollick, Inc. to file and coordinate a zone map amendment or rezoning for that property. This is the southeast corner of East 6th Avenue and Gilpin Street and is the location for Oliver's Meat Market, Satchel's along with other neighborhood serving tenants.

The site is currently zoned as PUD No. 602. The reason for the proposed rezoning is that PUD 602 contains language that does not permit tenants to conduct outdoor activities such as outdoor dining or outdoor tables for a café/coffee shop. Additionally, the PUD precludes a railing, wall or other means of delineating such an outdoor area. This appears to be an oversight in that PUD which was approved in 2007 which can be corrected with a rezoning.

Before I get too far into the City zoning process, our team would like to meet with your Association to discuss this zoning request and listen to any suggestions you may have. However, if you do not wish to meet I understand and am available to discuss the proposal with you over a phone call. I have not yet submitted the zoning application to the City but would like to do so in the next few weeks for the City initial format review.

Letter to RNO's & Other Groups

Rezoning
application purpose:

1. To allow outdoor eating
2. To remove preclusion for R-O-W railings, furniture, etc.

Public Review Process

□ **Public Outreach**

- Applicant RNO Letter
- Notification signs posted on property

□ **Public Responses**

- CHUN Meeting & Letter
 - Letter 1. Reflects mixed support and opposition

□ **Planning Board Public Hearing – August 7th**

- Residents expressed concerned about potential impacts of outdoor eating along Gilpin Street near existing homes
- Safety concerns for pedestrians next to outdoor eating areas on 6th Avenue and Gilpin Street ([Public Works Purview](#))
- Applicant offered to limit outdoor eating on Gilpin Street to

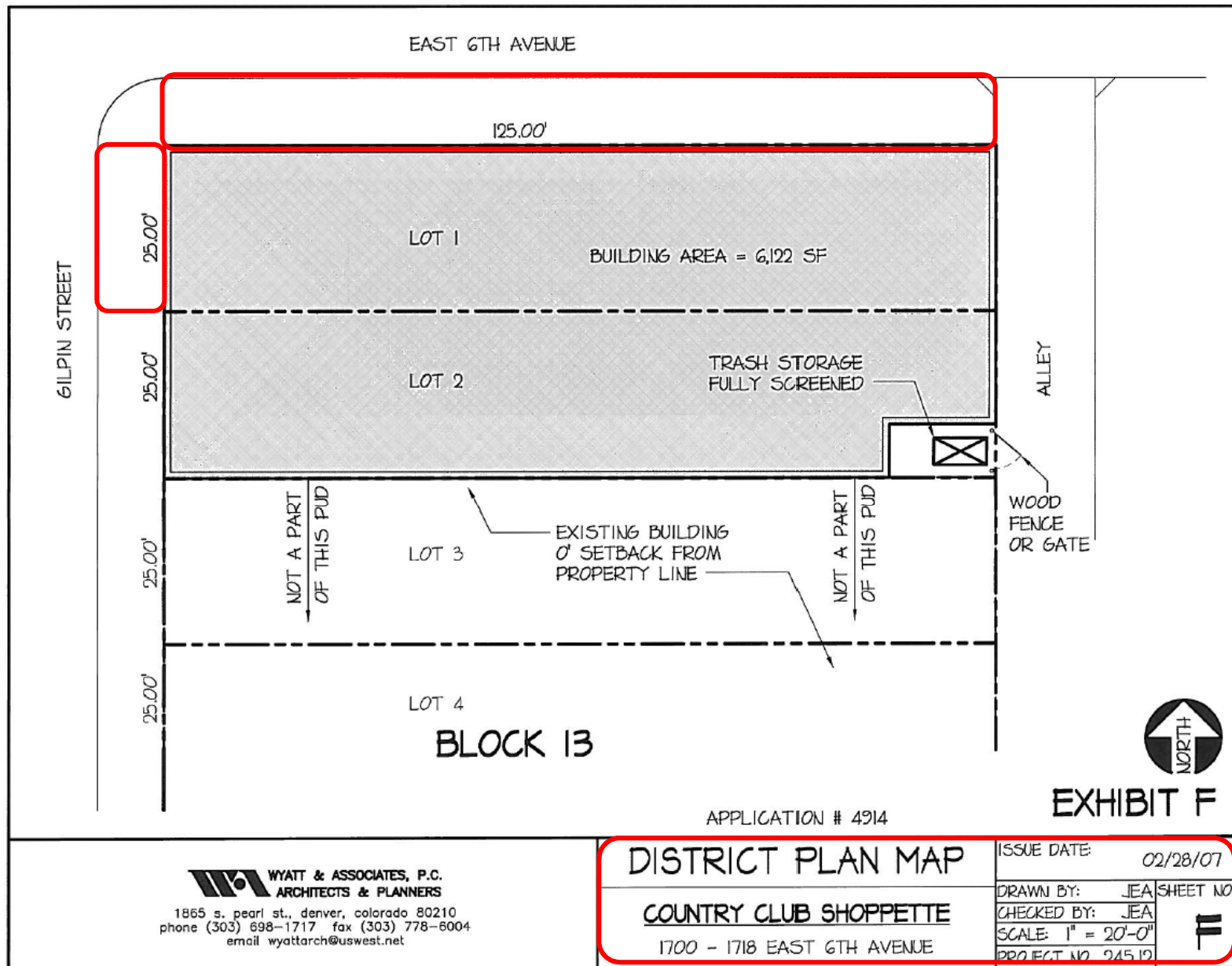
Public Review Process

□ Planning Board

- Recommended approval with the addition of a 25 ft limitation for outdoor eating on Gilpin Street

Proposed Language for Limitation e:

- e) The outdoor eating area may be located anywhere within the right-of-way (per Public Works review) along the 6th Avenue street frontage but shall be limited along Gilpin Street to not extend south past the south lot line of Lot 1. Block 13. Williams Driving Park Addition



Public Review Process (Continued)



- **Public Responses (following Planning Board)**
 - ▣ CHUN Letter of Support
 - ▣ Emails submitted by Residents
 - Opposition and Support

Review Criteria



Denver Zoning Code Review Criteria

1. Consistency with Adopted Plans
2. Uniformity of District Regulations
3. Further Public Health, Safety and Welfare
4. Justifying Circumstances
5. Consistency with Neighborhood Context, Zone District Purpose and Intent

Review Criteria



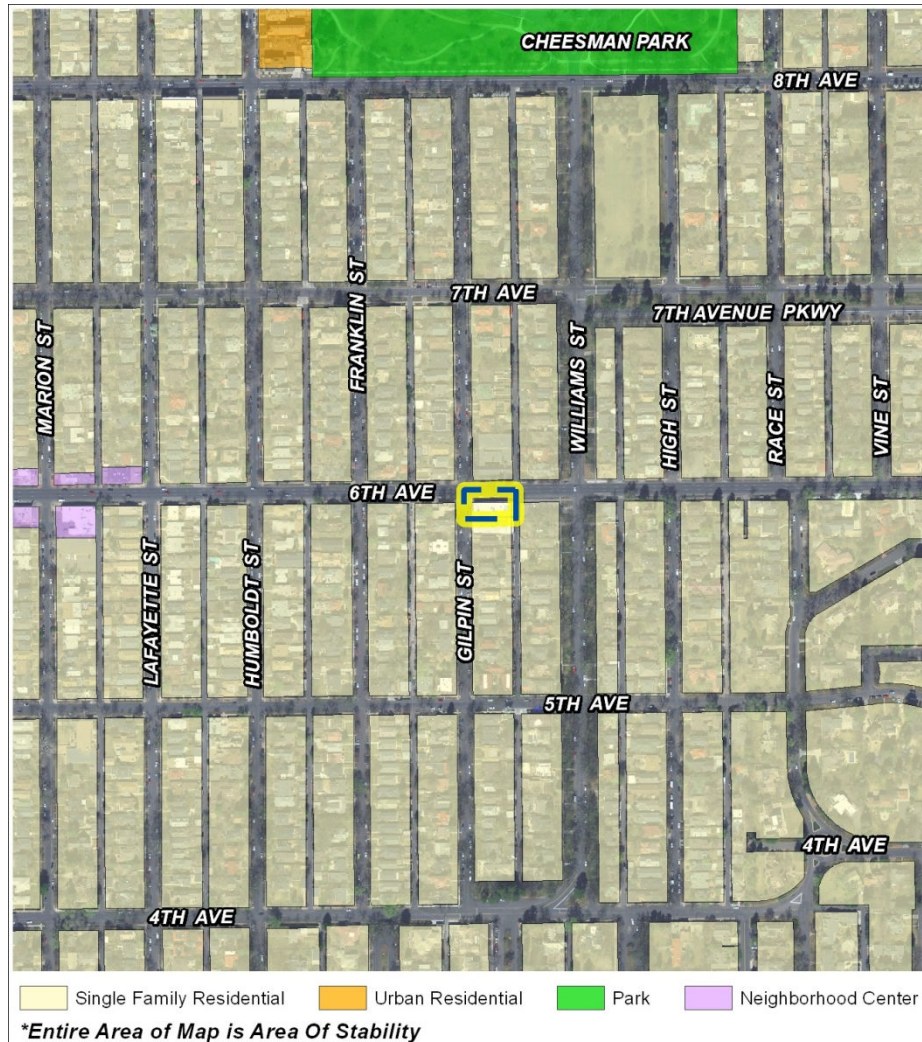
Denver Zoning Code Review Criteria

1. Consistency with Adopted Plans

▣ **Comprehensive Plan 2000**

- Expanding economic opportunity: focused efforts to retain and expand existing businesses and attract new businesses
- Creation and growth of neighborhood businesses that enhance the vitality and quality of life in their communities
- Promotes mixed use development for living near work, retail and services
- Promotes creating connections that bring people together (such as coffee houses or community centers, cultural celebrations)

Review Criteria: Consistency with Adopted Plans



Blueprint Denver (2002)

- Land Use Concept:
 - ▣ Area of Stability
 - ▣ Single Family Residential
 - . . . may include some complementary, small-scale commercial uses.

Review Criteria



Denver Zoning Code Review Criteria

1. Consistency with Adopted Plans
 - ▣ CPD finds the rezoning is consistent with Comprehensive Plan 2000 and Blueprint Denver
2. Uniformity of District Regulations
3. Further Public Health, Safety and Welfare
4. Justifying Circumstances
5. Consistency with Neighborhood Context, Zone District Purpose and Intent

Review Criteria

Denver Zoning Code Review Criteria

1. Consistency with Adopted Plans
2. Uniformity of District Regulations
3. Further Public Health, Safety and Welfare
4. **Justifying Circumstances**
 - ▣ **Changed Circumstances**
 - Neighborhood and market interest in neighborhood serving retail and other commercial activities
5. Consistency with Neighborhood Context, Zone District Purpose and Intent

Review Criteria



Denver Zoning Code Review Criteria

1. Consistency with Adopted Plans
2. Uniformity of District Regulations
3. Further Public Health, Safety and Welfare
4. Justifying Circumstances
5. Consistency with Neighborhood Context,
Zone District Purpose and Intent

CPD Recommendation



CPD recommends **Approval**, based on finding all review criteria have been met

1. Consistency with Adopted Plans
2. Uniformity of District Regulations
3. Further Public Health, Safety and Welfare
4. Justifying Circumstances
5. Consistency with Neighborhood Context, Zone District Purpose and Intent