



TO: Denver Planning Board
FROM: Sara White, AICP, Associate City Planner
DATE: January 25, 2017
RE: Official Zoning Map Amendment Application #2016I-00130

Staff Report and Recommendation

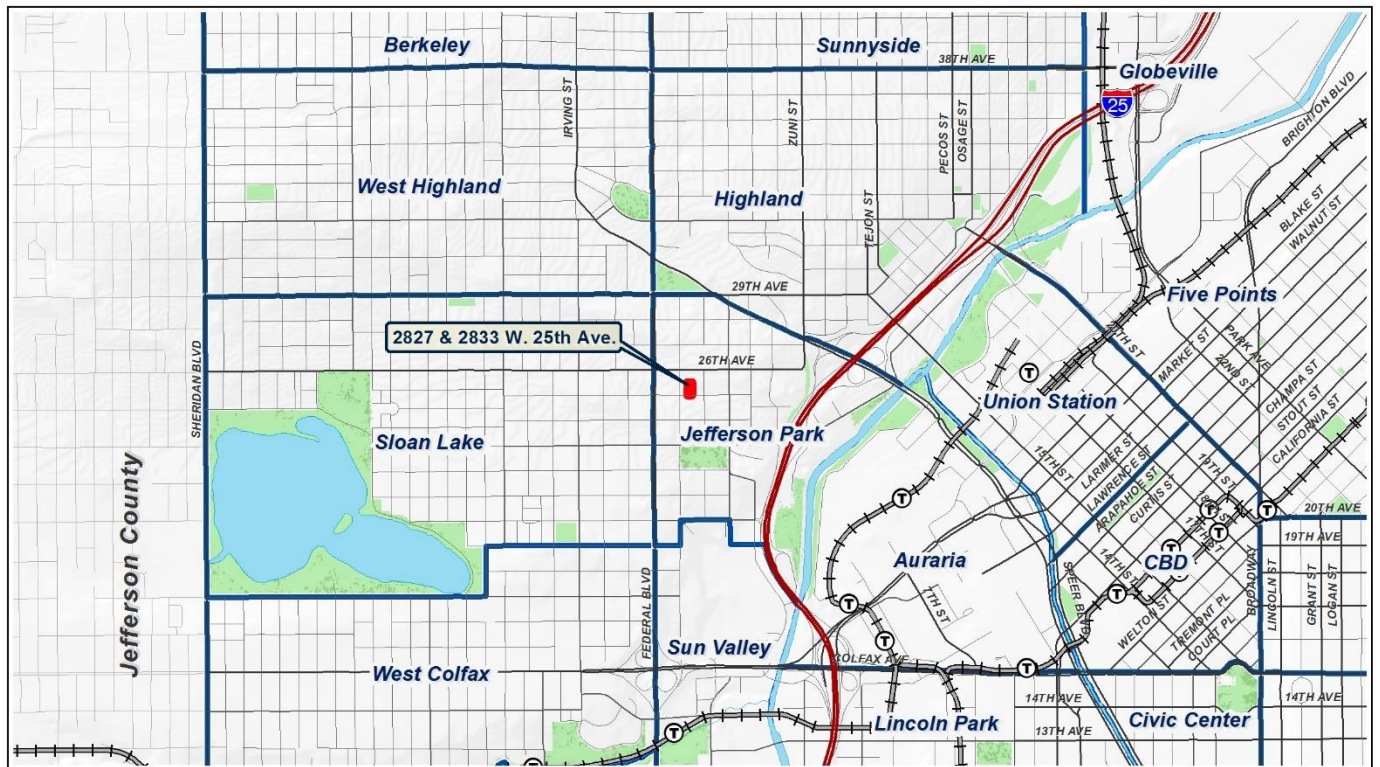
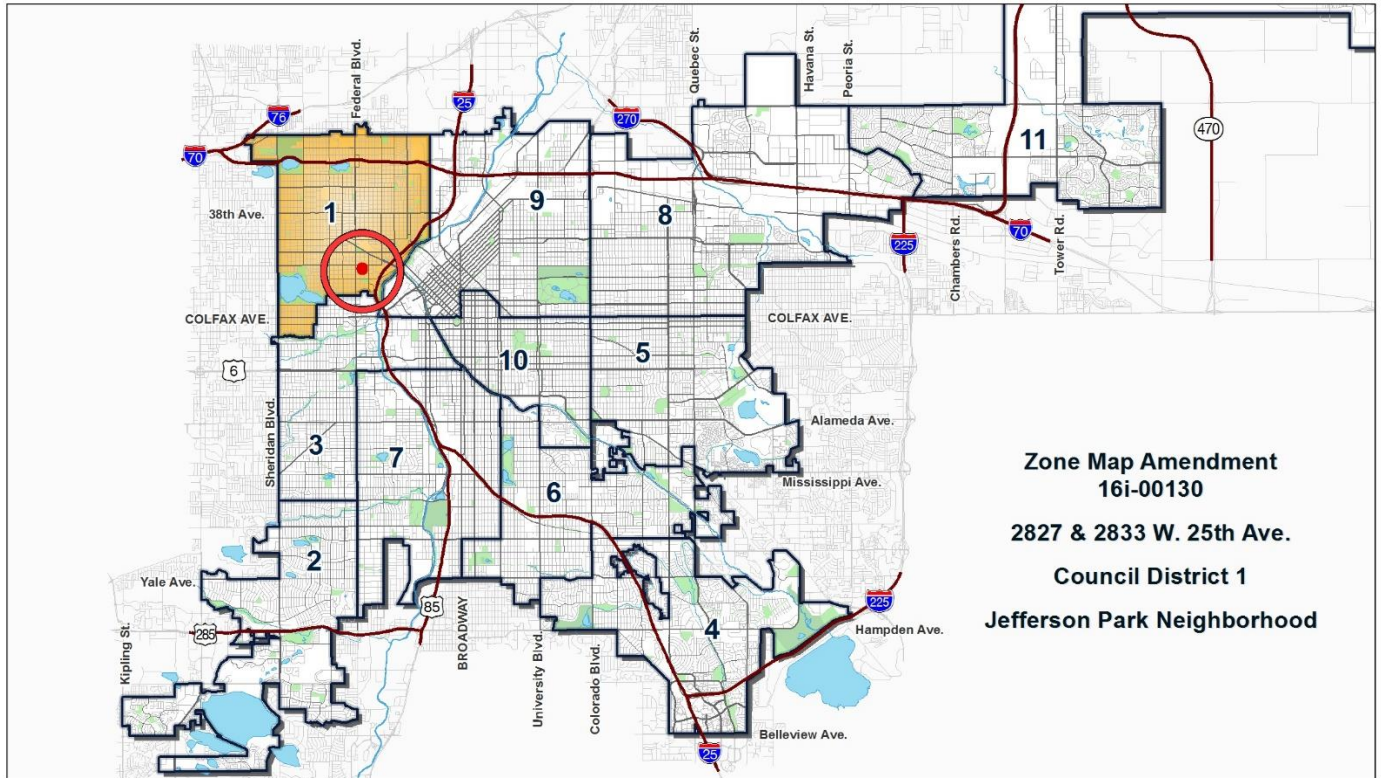
Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2016I-00130.

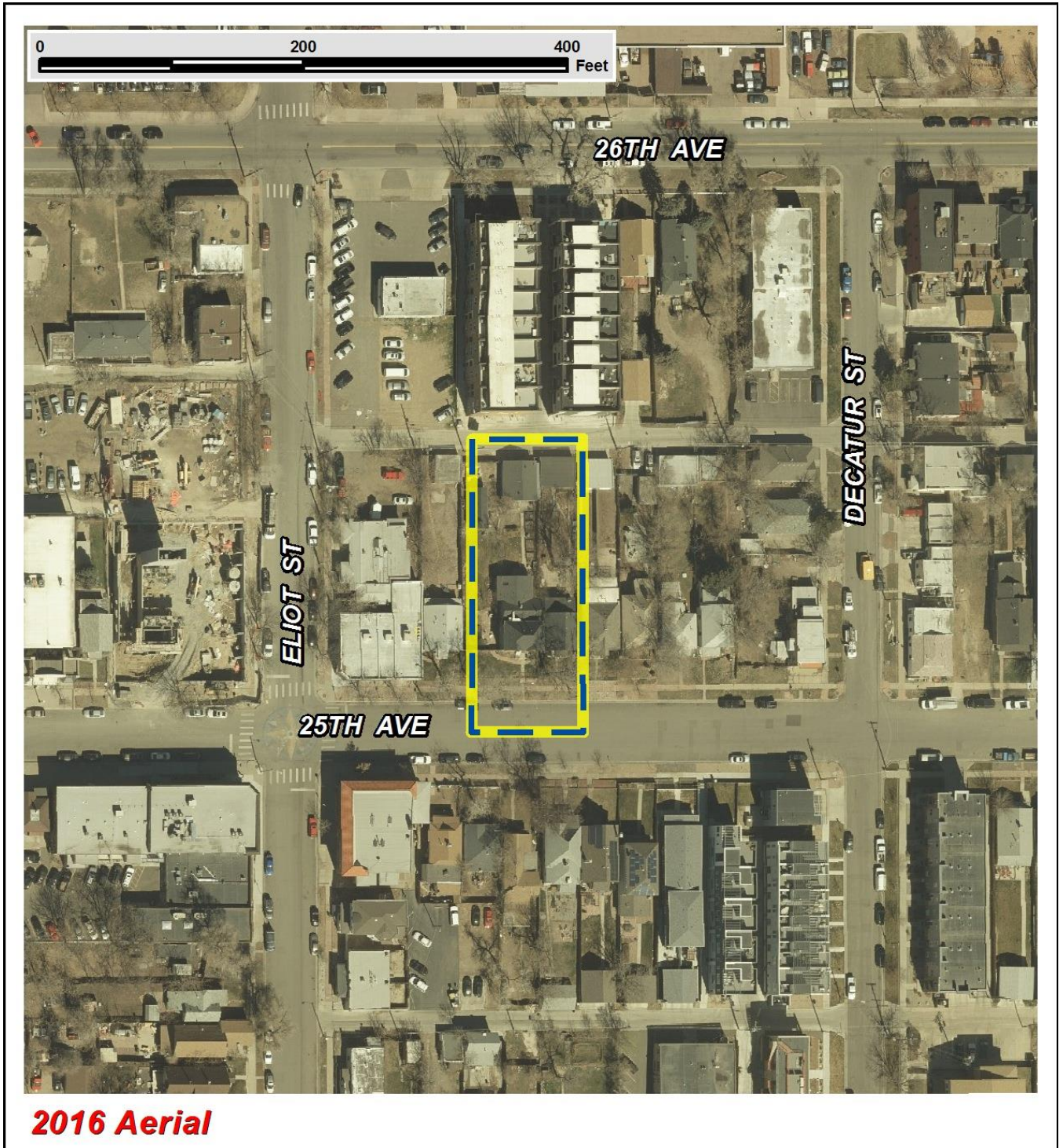
Request for Rezoning

Address: 2827 & 2833 West 25th Avenue
Neighborhood/Council District: Jefferson Park / Council District 1
RNOs: Jefferson Park United Neighbors, United North Side Neighborhood, Federal Boulevard Corridor Improvement Partnership, Denver Neighborhood Association Inc., Denver Urban Resident Association, Inter-Neighborhood Cooperation (INC)
Area of Property: 15,312 square feet
Current Zoning: G-MU-3, UO-3
Proposed Zoning: G-MS-3
Property Owner(s): Jaman Solutions, LLC
Owner Representative: City Councilman Rafael Espinoza

Summary of Rezoning Request

- The subject property is located on West 25th Avenue, just east of Eliot street in the Jefferson Park neighborhood.
- The properties to be rezoned consist of two single family homes and detached accessory structures.
- The proposed rezoning will allow for the property owners to develop neighborhood serving mixed use that will expand upon the existing commercial node at 25th and Eliot.
- The **G-MS-3** (General Urban, Main Street, 3 story) zone district is intended for use in the General Urban Neighborhood Context is characterized by multi-unit, single-unit, and two-unit residential uses in a variety of building forms as well as low-scale commercial areas embedded within residential areas. Further details of the zone districts can be found in Article 6 of the Denver Zoning Code (DZC).
- The current Historic Structure Use Overlay District, UO-3, allows additional uses for Historic Structures. These additional uses are allowed in the proposed G-MS-3 zone district, and the structures are not Historic, so the UO-3 will be removed and will no longer apply if the property is rezoned.





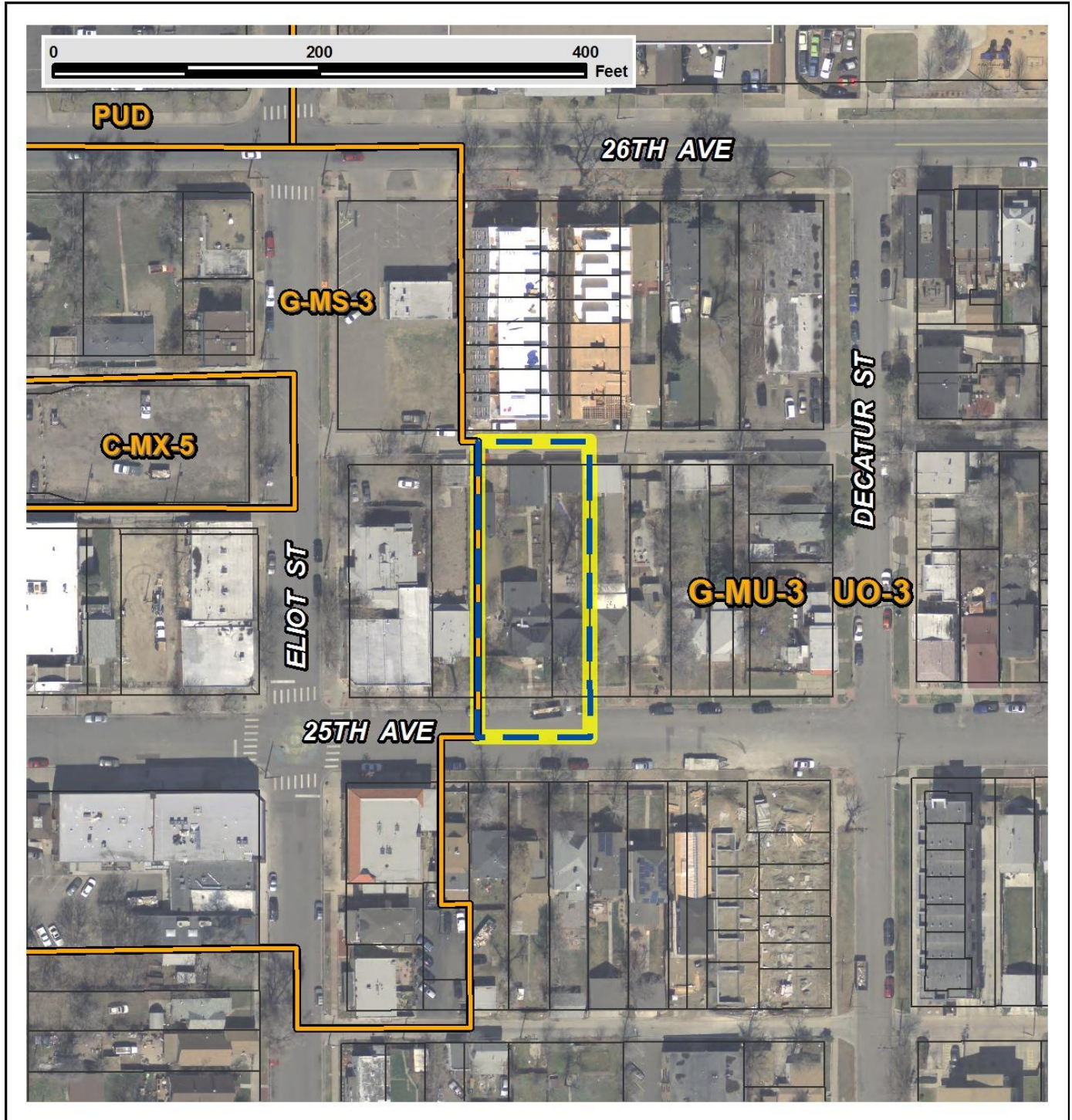
Existing Context

The Jefferson Park neighborhood primarily consists of a residential core, bounded by areas that transition to surrounding commercial and entertainment districts, as well as the large central park. It is generally consistent with the General Urban Neighborhood Context with small-scale neighborhood commercial areas embedded within or bordering residential areas. Located in central-western Jefferson Park, the property lies on the boundary of a neighborhood commercial node and the residential core. The subject property is 2 blocks east of the Federal Boulevard corridor, which provides access to high frequency transit services.

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	G-MU-3, UO-3	Single family residential	2 single family houses with detached garages. 1-2 stories	Generally regular grid of streets; Block sizes and shapes are consistent and rectangular. Vehicle parking to the side or rear of buildings (alley access).
North	G-MU-3, UO-3	Multi-family residential	3 story inward facing multi-family residential, 0' setback from alley	
South	G-MU-3, UO-3	Single family residential	Single family houses, 1-2 stories	
East	G-MU-3, UO-3	Single family residential, multi-family residential	Single family houses, planned 3 story multi-family buildings	
West	G-MS-3	Mixed-use, restaurant, multi-family residential, single-family residential	Mixed use commercial buildings, newly constructed apartment building, 1-3 stories, 0' setbacks. Federal commercial corridor 2 blocks away.	

1. Existing Zoning

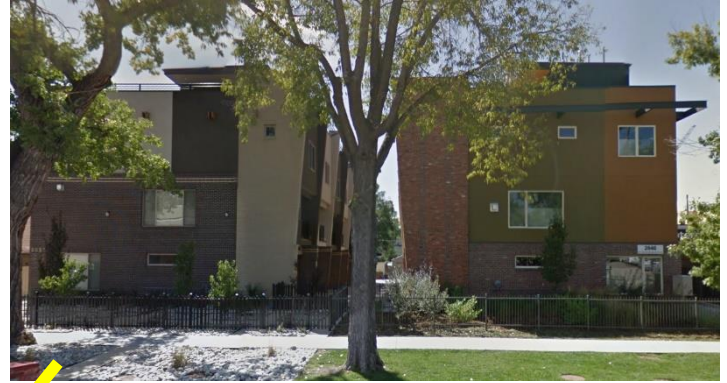


The current G-MU-3 is a multi-unit zone district allowing urban house, duplex, row house, garden court, and apartment building forms. It has a maximum building height of 3 stories and 40 feet. The zone district is a residential district, not allowing for new commercial uses to be established. It establishes additional standards for Garden Court and Apartment buildings forms that are adjacent to protected districts. For more details of the zone district, see DZC Section 6.2.5.

2. Existing Land Use Map



3. Existing Building Form and Scale
Photos from Google street view



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:

Assessor: Approved – No Comments

Asset Management: Approved – No Comments

Denver Public Schools: Approved – No Comments

GIS: Approved – No Comments

Environmental Health (Dave Erickson): Approved - See Comments

Notes. DEH is not aware of environmental concerns that would impact the rezoning and does not object to the request. However, dry cleaners have historically been located near the property and impacted soil and groundwater could be encountered during redevelopment activities.

General Notes: Most of Colorado is high risk for radon, a naturally occurring radioactive gas. Due to concern for potential radon gas intrusion into buildings, DEH suggests installation of a radon mitigation system in structures planned for human occupation or frequent use. It may be more cost effective to install a radon system during new construction rather than after construction is complete.

Denver's Noise Ordinance (Chapter 36–Noise Control, Denver Revised Municipal Code) identifies allowable levels of noise. Properties undergoing Re-Zoning may change the acoustic environment, but must maintain compliance with the Noise Ordinance. Compliance with the Noise Ordinance is based on the status of the receptor property (for example, adjacent Residential receptors), and not the status of the noise-generating property. Violations of the Noise Ordinance commonly result from, but are not limited to, the operation or improper placement of HV/AC units, generators, and loading docks. Construction noise is exempted from the Noise Ordinance during the following hours, 7am–9pm (Mon–Fri) and 8am–5pm (Sat & Sun). Variances for nighttime work are allowed, but the variance approval process requires 2 to 3 months. For variance requests or questions related to the Noise Ordinance, please contact Paul Riedesel, Denver Environmental Health (720-865-5410).

Scope & Limitations: DEH performed a limited search for information known to DEH regarding environmental conditions at the subject site. This review was not intended to conform to ASTM standard practice for Phase I site assessments, nor was it designed to identify all potential environmental conditions. In addition, the review was not intended to assess environmental conditions for any potential right-of-way or easement conveyance process. The City and County of Denver provides no representations or warranties regarding the accuracy, reliability, or completeness of the information provided.

Parks and Recreation: Approved – No Comments

Public Works – ROW – Surveyor (Jon Spirk): Legal Approved

Public Works – Wastewater: Approved – See Comments

There is no objection to the rezone, however applicant should be under notice that the Public Works will not approve any development of this property without assurance that there is sufficient sanitary and storm sewer capacity. A sanitary study and drainage study may be necessary. These studies may result in a requirement for the developer to install major infrastructure improvements or a limit to development if current infrastructure is insufficient.

Development Services: Approved – No Comments

Office of Economic Development: Approved – No Comments

City Attorney’s Office: Approved – 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 December 1, 2016.
- The property has been legally posted for a period of 15 days announcing the February 1, 2017, Denver Planning Board public hearing, and written notification of the hearing has been sent to all affected registered neighborhood organizations and City Council members.
- Following Planning Board review, the rezoning application will be referred to the Land Use, Transportation and Infrastructure Committee of the City Council for review at a public meeting. The Committee meeting is tentatively scheduled for February 21, 2017
- Following committee review, the rezoning application is typically referred to the full City Council for final action at a public hearing, which is tentatively scheduled for March 6, 2017.
- Other Public Outreach and Input
 - **Registered Neighborhood Organizations (RNOs)**
 - Jefferson Park United Neighbors, a registered neighborhood organization, submitted a letter of support with the application.
 - **Other Public Comment**

As of the date of this staff report, no additional comments have been received.

Criteria for Review / Staff Evaluation

The criteria for review of this rezoning application are found in DZC, Sections 12.4.10.7 and 12.4.10.8, as follows:

DZC Section 12.4.10.7

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

DZC Section 12.4.10.8

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)
- Jefferson Park Neighborhood Plan (2005)

Denver Comprehensive Plan 2000

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

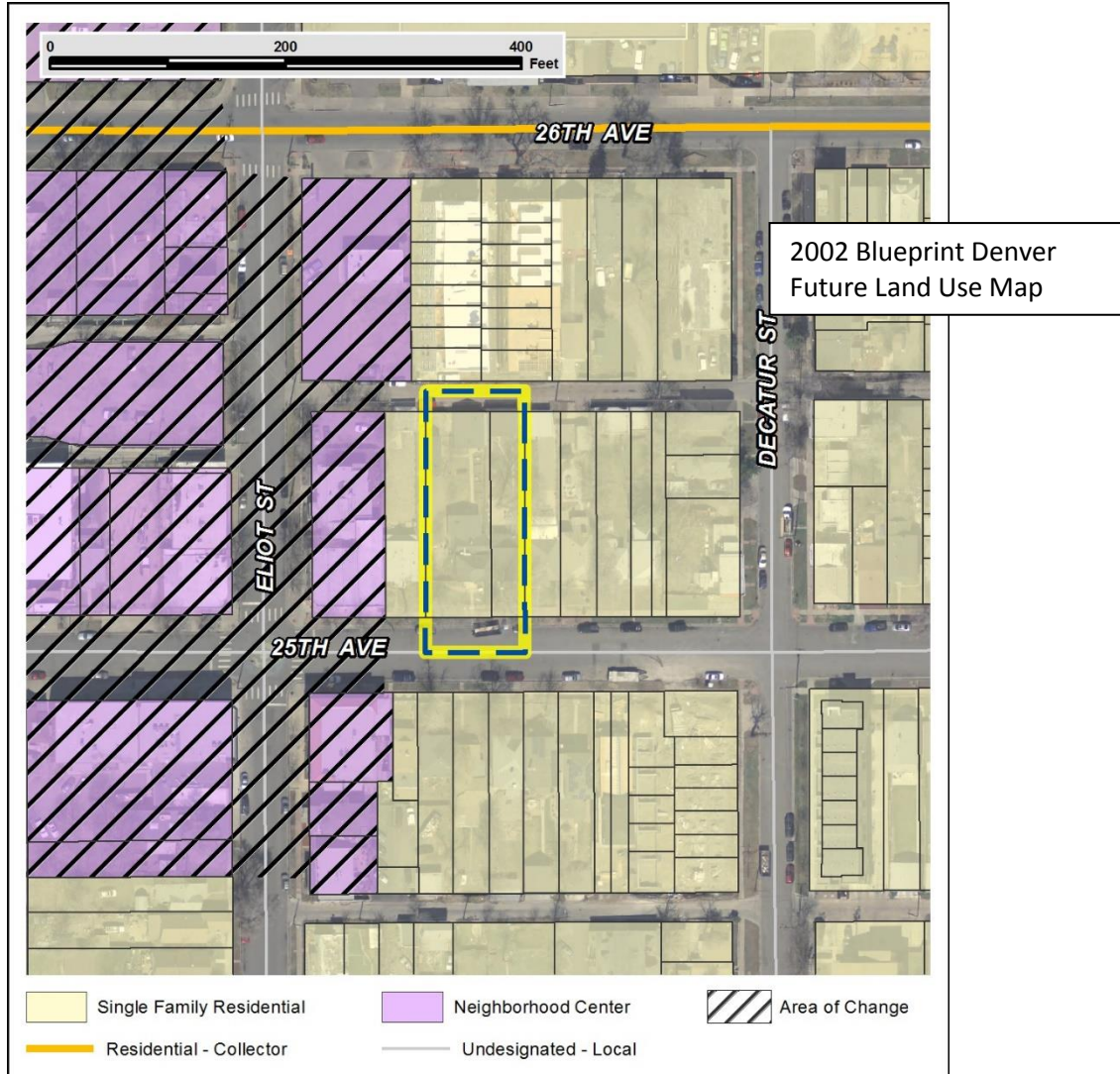
- Environmental Sustainability Strategy 2-F – *Conserve land by promoting infill development with Denver at sites where services and infrastructure are already in place; designing mixed use communities and reducing sprawl so that residents can live, work and play within their own neighborhoods.*
- Land 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.*
- Land Use Strategy 3-C – *Identify and enhance focal points in the neighborhoods, and encourage the development of such focal points where none exist.*
- Mobility Strategy 4-E – *Continue to promote mixed-use development, which enables people to live near work, retail and services.*
- Legacies 3-A – Identify areas in which increased density and new uses are desirable and can be accommodated.

The proposed map amendment will enable mixed-use development at an infill location where services and infrastructure are already in place. The G-MS zone districts broaden the variety of uses and encourages neighborhood-focused development. The rezoning is consistent with these plan recommendations.

Blueprint Denver

According to the 2002 Plan Map adopted in Blueprint Denver, this site has a concept land use of Single Family Residential and is located in an Area of Stability.

Future Land Use



Single Family Residential areas have single-family as the predominant residential type. They have densities fewer than 10 units per acre neighborhood-wide and the employment base is significantly smaller than the housing base. Although the proposed G-MS-3 zone district allows more than just residential uses, its limited application adjacent to a node already zoned G-MS-3 will not affect the overall character of Single Family Residential designated area of Jefferson Park. Blueprint Denver calls for a small, but not inexistent employment base. Additionally, the boundaries of the land use building blocks provided in the plan are not fixed; some areas are in a state of transition (p.38). Given that Blueprint Denver is a citywide plan and that the small area plan provides finer grained recommendations, the request is generally consistent with Blueprint Denver's land use building block recommendations.

Area of Change / Area of Stability

As noted, the site is in an Area of Stability. In general, “The goal for Areas of Stability is to identify and maintain the character of an area while accommodating some new development and redevelopment” (p. 127).

The rezoning application is consistent with the Blueprint Denver Area of Stability recommendations. The G-MS-3 zone district allows for limited development adjacent to an existing small-scale commercial node while also respecting the scale of the existing surrounding residential.

Street Classifications

Blueprint Denver classifies West 25th Avenue as an Undesignated Local street. According to Blueprint Denver, “local streets are influenced less by traffic volumes and are tailored more to providing local access.” The low-scale G-MS-3 zone district proposed is appropriate for the smaller scale neighborhood development intended along local streets.

In summary, the proposed map amendment to G-MS-3 will enable low-scale development in an area that Blueprint Denver identifies as appropriate for neighborhood access.

Small Area Plan: Jefferson Park Neighborhood Plan

The 2005 Jefferson Park Neighborhood Plan (JPNP) was adopted by City Council in July 2005, and applies to the subject property. The format of the JPNP includes framework plan recommendations that apply throughout the planning area and subarea recommendations that apply in smaller subareas.

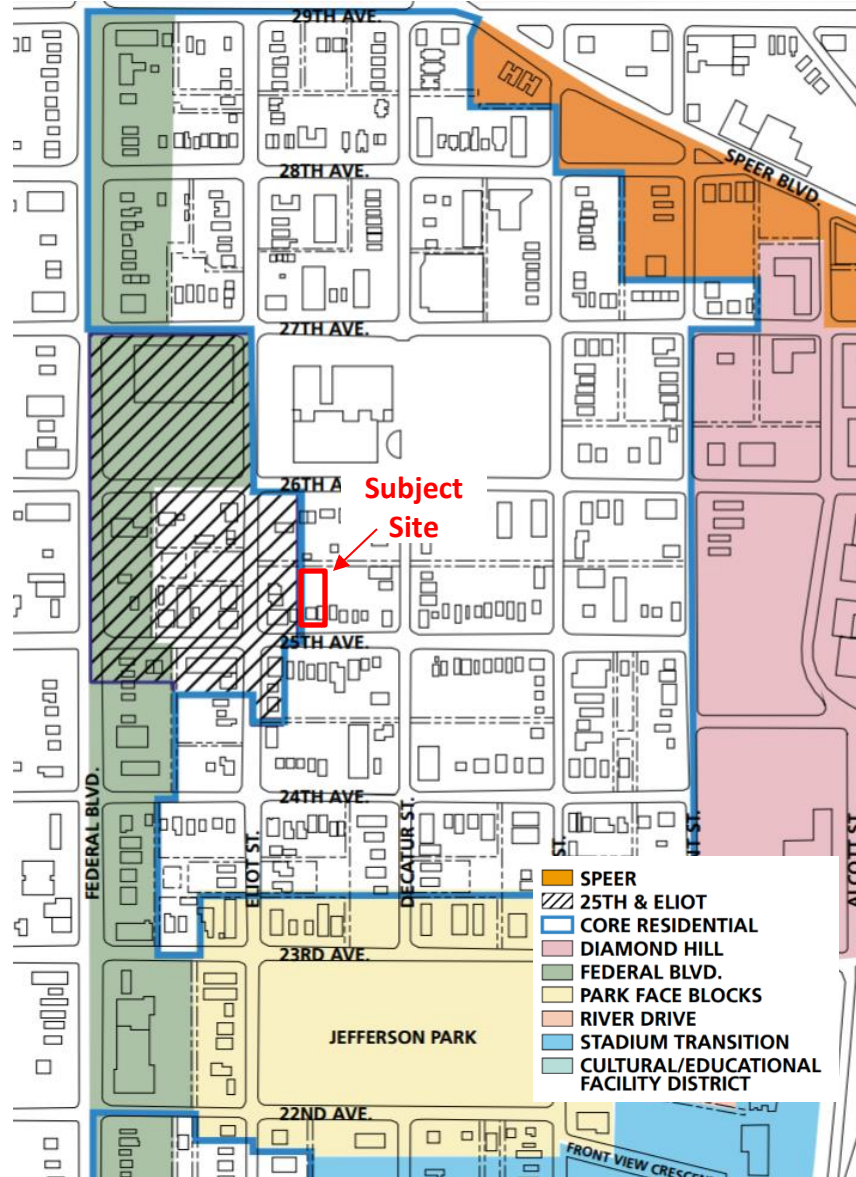
JPNP Framework Plan Goals and Recommendations

- Maintain and enhance the character and identity of the historic Jefferson Park neighborhood (p. 25)
- “Create focal points within the neighborhood. The primary focal point is Jefferson Park, and a secondary focal point is the neighborhood commercial area at West 25th and Eliot” (p. 25).
- “Develop the potential of West 25th Avenue as the principal neighborhood corridor anchored at one end by the West 25th and Eliot neighborhood commercial area and at the other by redevelopment at Diamond Hill.” (p. 36)

The proposed G-MS-3 zone district at this location will expand and enhance the commercial node at West 25th and Eliot. By expanding this neighborhood focal point to the proposed extent, West 25th will continue to be a principle neighborhood street, enhanced by the design and transparency requirements provided for in Main Street zone districts.

JPNP Subarea Goals and Recommendations

Although the plan maps the subject sites as part of the Core Residential subarea, they are directly adjacent to the 25th and Eliot subarea. The plan acknowledges that “the boundaries between the sub-areas are not absolute and that characteristics overlap sub-area boundaries.” In the attached comment letter, the Jefferson Park United Neighbors registered neighborhood organization reinforces this plan acknowledgment, stating that “expanding the commercial zone westward [sic] down 25th creates the commercial focal point that is the goal in the Plan.” Given the documented desire of the neighborhood to encourage the 25th and Eliot commercial node to expand further east on 25th Avenue, it is appropriate to evaluate the subject site under the desired goals of the 25th and Eliot subarea.



- “The vision for the neighborhood commercial subarea includes older buildings that will have been carefully restored and vacant lots developed in a manner that reinforces the historic character of this small neighborhood commercial district.” (p.48)
- “Strengthen the neighborhood retail center to support the neighborhood as a self-contained community with a healthy activity center.” (p.50)
- “Minimize impacts of new development, redevelopment, and new uses on the residential core of the neighborhood.” (p.50)
- “Encourage new construction to be mixed use with residential and retail.” (p.50)
- “New buildings in this area should be compatible in scale and character with the existing buildings.” (p.51)
- “Allow either residential or commercial use in existing residential properties.” (p.51)

Although no zone district requires a mix of uses, the proposed Main Street district does allow for a variety of uses to be mixed in a single structure. The standards for the Shopfront building form requiring 75% build-to, 60% primary street transparency, and pedestrian access from the primary street will ensure that new construction will be of a similar, pedestrian-friendly character of the existing mixed use buildings at 25th and Eliot. The 3 story height limit will provide appropriate transition into the adjacent residential area, which is also a 3 story zone district. The proposed G-MS-3 zone district is appropriate to achieve the character and goals of the 25th and Eliot subarea.

2. 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.

3. Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety, and general welfare of the City, primarily through implementation of the city's adopted land use plans.

4. Justifying Circumstance

The application identifies several changed or changing conditions as the Justifying Circumstance under DZC Section 12.4.10.8.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, many adopted plan recommendations state that some redevelopment of the area is desired. Additionally, there has been a significant amount of residential redevelopment within the Jefferson Park neighborhood. The additional density created from the new units creates a need for additional neighborhood services for the new residents. This is an appropriate justifying circumstance for the expansion of the existing neighborhood commercial node that is proposed in this rezoning.

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

The requested G-MS-3 zone district is within the General Urban Neighborhood Context. The neighborhood context generally consists of multi-unit residential, single-unit and two-unit residential as well as low-scale commercial areas embedded within residential areas (DZC, Division 6.1). The current zone district, G-MU-3, is also within the General Urban Neighborhood Context. The proposed rezoning to G-MS-3 is consistent with the neighborhood context description.

According to the zone district intent stated in the Denver Zoning Code, the G-MS-3 district "applies to primarily local or collector street 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" (DZC Section 6.2.5.2.A). The street

classifications and desired building heights in this area are consistent with the zone district purpose and intent statements.

Staff Recommendation

Based on the analysis set forth above, CPD staff finds that the application for rezoning the property located at 2827 and 2833 W. 25th Ave. to a G-MS-3 zone district meets the requisite review criteria. Accordingly, staff recommends *approval*.

Attachments

1. Application, including JPUN letter of support

Zone Map Amendment (Rezoning) - Application

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	Jaman Solutions, LLC	Representative Name	Councilman Rafael Espinoza
Address	2827 & 2833 W 25th Ave	Address	1437 Bannock St #451
City, State, Zip	Denver, CO 80211	City, State, Zip	Denver, CO 80202
Telephone	(303)925-1806	Telephone	720-337-7701
Email	spham@jamansolutions.com	Email	rafael.espinoza@denvergov.org
*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):	2827 & 2833 W 25th Ave, Denver CO 80211		
Assessor's Parcel Numbers:	2321-06-012 & 2321-06-010		
Area in Acres or Square Feet:	15,312 s.f.		
Current Zone District(s):	G-MU-3, UO-3		
PROPOSAL			
Proposed Zone District:	G-MS-3 (not keeping overlay)		
Does the proposal comply with the minimum area requirements specified in DZC Sec. 12.4.10.3:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	

REVIEW CRITERIA

General Review Criteria: The proposal must comply with all of the general review criteria
DZC Sec. 12.4.10.7

- 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.
- 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.
- Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.

Additional Review Criteria for Non-Legislative Rezoning: The proposal must comply with both of the additional review criteria
DZC Sec. 12.4.10.8

- Justifying Circumstances - One of the following circumstances exists:**
- The existing zoning of the land was the result of an error.
 - The existing zoning of the land was based on a mistake of fact.
 - 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.
 - The land or its surroundings has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area to recognize the changed character of the area.
 - 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.
- Please provide an attachment describing the justifying circumstance.
- 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.

REQUIRED ATTACHMENTS

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

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

ADDITIONAL ATTACHMENTS

Please identify any additional attachments provided with this application:

- Written Authorization to Represent Property Owner(s)

Please list any additional attachments:

Statement from RNO - Jefferson Park United Neighbors

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
Application initiated by a member of City Council. No owner authorization required per DZC Section 12.4.10.4.A.1.a						

2827 & 2833 W 25th Ave, Denver Colorado, 80211

Legal Description:

Parcel A

Lot 18, except rear 8 feet of said lot, Block 25 Town of Highland, City and County of Denver, State of Colorado.

Parcel B

Lot 17 and the east 28 feet of Lot 16, except the rear 8 feet thereof, Block 25 Town of Highland, City and County of Denver, State of Colorado.

Proof of Ownership: 2827 & 2833 W 25th Ave, Denver Colorado, 80211

Parcel A

2827 W 25TH AVE

Owner	Schedule Number	Legal Description	Property Type	Tax District
JAMAN SOLUTIONS LLC 14810 W EVANS PL LAKEWOOD , CO 80228-6463	0232106012000	TOWN OF HIGHLAND 02321 B25 L18EXC RE/		

Property Summary		Assessment Data	
Summary			
Style:	ONE-STORY	Reception No:	2016114400
Recording Date:	8/25/2016	Building Sqr. Foot:	828
Bedrooms:	2	Sale Price:	001750000
Mill Levy:	78.127	Basement/Finish:	252/0
Lot Size:	5,220	Zoning Used for Valuation:	GMU
Year Built:	1896	Document Type:	SW
		Baths Full/Half:	1/0
<small>Note: Valuation zoning may be different from City's new zoning code.</small>			

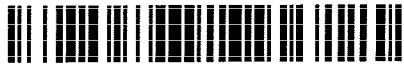
Parcel B

2833 W 25TH AVE

Owner	Schedule Number	Legal Description	Property Type	Tax District
JAMAN SOLUTIONS LLC 14810 W EVANS PL LAKEWOOD , CO 80228-6463	0232106010000	TOWN OF HIGHLAND B25 L17 & E 28FT OF L		

Property Summary		Assessment Data	
Summary			
Style:	TWO-STORY	Reception No:	2016114400
Recording Date:	8/25/2016	Building Sqr. Foot:	1943
Bedrooms:	2	Sale Price:	001750000
Mill Levy:	78.127	Basement/Finish:	0/0
Lot Size:	10,100	Zoning Used for Valuation:	GMU
Year Built:	1891	Document Type:	SW
		Baths Full/Half:	3/0
<small>Note: Valuation zoning may be different from City's new zoning code.</small>			

Zone Map Amendment Request for 2827 & 2833 W 25th Ave., Denver, 80211 From G-MU-3 to G-MS-3



Special Warranty Deed
(Pursuant to 38-30-115 C.R.S.)

State Documentary Fee
Date:
\$ 175.00

THIS DEED, made on 8/25/16 by **ROCKING HORSE, LLC, A COLORADO LIMITED LIABILITY COMPANY** Grantor(s), of the **CITY AND** County of **DENVER** and State of **COLORADO** for the consideration of **(\$1,750,000.00)** *** **One Million Seven Hundred Fifty Thousand and 00/100** *** dollars in hand paid, hereby sells and conveys to **JAMAN SOLUTIONS, LLC, A COLORADO LIMITED LIABILITY COMPANY** Grantee(s), whose street address is **14910 W EVANS PL LAKEWOOD, CO 80228**, County of Jefferson, and State of **COLORADO**, the following real property in the **CITY AND** County of **Denver**, and State of Colorado, to wit:

PARCEL A:

LOT 18, EXCEPT THE REAR 8 FEET OF SAID LOT, BLOCK 25, TOWN OF HIGHLAND, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

PARCEL B:

LOT 17, AND THE EAST 28 FEET OF LOT 16, EXCEPT THE REAR 8 FEET THEREOF, BLOCK 25, TOWN OF HIGHLAND, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

also known by street and number as: **2827 AND 2833 WEST 25TH AVENUE DENVER CO 80211**

with all its appurtenances and warrants the title against all persons claiming under the Grantor(s), subject to *general taxes for the year 2016 and those specific Exceptions described by reference to recorded documents as reflected in the Title Documents accepted by Grantee(s) in accordance with Record Title Matter (Section 8.1) of the Contract to Buy and Sell Real Estate relating to the above described real property; distribution utility easements, (including cable TV); those specifically described rights of third parties not shown by the public records of which Grantee(s) has actual knowledge and which were accepted by Grantee(s) in accordance with Off-Record Title Matters (Section 8.2) and Current Survey Review (Section 9) of the Contract to Buy and Sell Real Estate relating to the above described real property; inclusion of the Property within any special tax district; and other*

ROCKING HORSE, LLC, A COLORADO LIMITED LIABILITY COMPANY

Frederick S. McNab
FREDERICK S. MCNAB, MANAGER

**KAREN SPAID
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20134008295
MY COMMISSION EXPIRES 02/14/2017**

State of **COLORADO**)
) ss.
City and County of DENVER)

The foregoing instrument was acknowledged before me on this day of 8/25/16
by **FREDERICK S. MCNAB AS MANAGER OF ROCKING HORSE, LLC, A COLORADO LIMITED LIABILITY COMPANY**

Witness my hand and official seal. 2/14/17
My commission expires

Karen Spaid
Notary Public





For this Record...

- Filing history and documents
- Trade names
- Get a certificate of good standing
- File a form
- Subscribe to email notification
- Unsubscribe from email notification

- Business Home
- Business Information
- Business Search

- FAQs, Glossary and Information

Summary

Details			
Name	JAMAN SOLUTIONS, LLC		
Status	Good Standing	Formation date	08/19/2008
ID number	20081442813	Form	Limited Liability Company
Periodic report month	August	Jurisdiction	Colorado
Principal office street address	14910 W Evans Pl, Lakewood, CO 80228, CO, United States		
Principal office mailing address	n/a		

Registered Agent	
Name	Steve Pham
Street address	14910 W Evans Pl, Lakewood, CO 80228, United States
Mailing address	n/a

- [Filing history and documents](#)
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**Zone Map Amendment Request for
2827 & 2833 W 25th Ave., Denver, 80211
From G-MU-3 to G-MS-3**

The current G-MU-3 zoning allows for multi-unit residential development only and lacks any option for commercial mixed use, and like much of the Jefferson Park neighborhood, was rezoned to allow building forms that are inconsistent with the 2005 adopted small area plan. The proposed rezoning to G-MS-3 is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan. The proposed rezoning is intended to address the need for additional mixed use development adjacent to the historic neighborhood business center at W 25th & Eliot with appropriate Main Street-style Commercial/Retail forms facing W. 25th Ave, in addition to the residential development currently allowed.

The proposed zone map amendment consists of 2 parcels, situated adjacent to an existing G-MS-3 zone lot, and adjacent to small area plan sub-area called the 25th and Elliot Neighborhood Commercial Area. While the property is situated on the transition from Blueprint identified area of Change to an Area of Stability, the failure of the 2010 legislative rezoning to honor the Blueprint and Jefferson Park Neighborhood Plan recommendations of single unit/duplex development has resulted in a dramatic densification of the Residential Core Sub-Area, whereby formerly single family parcels are being converted into townhomes perpendicular to the street utilizing the "Apartment" form allowed in the current G-MU-3 zone district. This radical departure from the adopted plan recommendations have resulted in the unanticipated community need that is in part the basis for this rezoning request.

Additionally, this request has the support of the Registered Neighborhood Organization, Jefferson Park United Neighbors (JPUN), and the business improvement district, Federal Boulevard Partnership. The support of residents and stakeholders is vital to this type of rezoning request and was anticipated by the 2005 adopted Jefferson Park Neighborhood plan with the following language:

"Developers and designers are expected to meet with neighborhood associations and with immediate neighbors to discuss their projects and to solicit input... The plan identifies nine sub-areas with relatively distinct characteristics. *It acknowledges that boundaries between the sub-areas are not absolute...*"
(emphasis added, pgs 18 & 38, respectively)

The proposed zone map amendment is consistent with the City's adopted plans (Denver Comprehensive Plan 2000, Blueprint Denver 2002, and Jefferson Park Neighborhood Plan 2005) in the following ways:

Consistency with the Denver Comprehensive Plan 2000

The proposed rezoning will allow for a community desired expansion the existing Neighborhood Business Center which is consistent with the comp plan's goal to enable thriving neighborhood business centers that support both the creation and growth of neighborhood businesses that serve adjacent residential areas in existing neighborhoods. Additionally, it is consistent with the Neighborhood Business vision of Environmental Sustainability and local mobility, the proposed rezoning is readily bikeable and walkable for the entirety of the neighborhood.

Consistency with the Blueprint Denver 2002

While the proposed rezoning is currently a residential Land Use Building Block type, it directly abuts to a Neighborhood Center Building Block type at 25th Ave and Eliot. The Boundaries of Building Blocks are not fixed (ref. DBP page 38) and this proposed rezoning will alter the Neighborhood Center to address the community needed for additional mixed-use retail/commercial space. The existing neighborhood center is quaint but serves many everyday shopping, service and entertainment needs of the adjacent neighborhoods.

The proposed rezoning is at the transition between an Area of Stability and Area of Change, but mapped entirely in the Area of Stability side of the line. However, on the on which the proposed rezoning is located, approximately seventy (70) percent of the block is currently being developed into multi-unit residential, contrary to Blueprint plan recommendations for this area of stability. Similar contrary redevelopment has occurred throughout the neighborhood's Areas of Stability which have created greater demand for neighborhood serving retail. Given the degree of change that has been experienced in the Areas of Stability, the proposed rezoning is consistent with the Blueprint Key Concept that when growth occurs in stable residential areas, it should be focused in centers, in activity nodes and near transit routes (ref BP Guidebook pg 20).

Consistency with the Jefferson Park Neighborhood Plan 2005

The proposed rezoning is consistent with the Jefferson Park Neighborhood Plan Goals of creating focal points within the neighborhood – the retail core for the neighborhood at West 25th & Eliot – and enhancing residents' ability to work, shop and recreate within the neighborhood.

The proposed rezoning is consistent with the sub-area goal to “Strengthen the neighborhood retail center to support the neighborhood as a self-contained community with a healthy activity center” and consistent with the plan recommendation to “Encourage new construction to be mixed use with residential and retail.” (JPNP pg 49).

Rezoning Criteria for proposal 20161-00130

2. Uniformity of District Regulations and Restrictions

The proposed rezoning from G-MU-3, UO-3 to G-MS-3 will match the adjoining G-MS-3 zone district to the west and result in the uniform application of zone district building form, use and design regulations. Furthermore, the stated intent of the G-MS-3 zone district will be reinforced by a separate agreement with the community and the Federal Business Improvement District.

3. Public Health, Safety and General Welfare

The proposed official map amendment maintains the public health and safety, and improves the general welfare of the City through implementation of the city's adopted land use plans as described earlier in this application.

4. Justifying Circumstance

This application identifies several changed and changing conditions as the justifying circumstances under DZC Section 12.4.10.8.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." While the property is situated on the transition from a Blueprint identified area of change to an Area of Stability, the failure of the 2010 legislative rezoning to honor the Blueprint and 2005 Jefferson Park Neighborhood Plan recommendations for single unit/duplex development, has resulted in a dramatic densification of the Core Residential Subarea, whereby formerly single family parcels are being converted into townhomes (via the apartment form) perpendicular to the street, allowed in the current multi-unit G-MU-3 zone district. This departure from adopted plan recommendations has resulted in the factors which create justifying circumstances appropriate for the proposed rezoning.

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

This requested rezoning from G-MU-3, UO-3 to G-MS-3 is consistent with the Neighborhood Plan recommendation for 25th and Eliot Central Business District. The proposed G-MS-3 zone district will allow forms and uses and consistent with the central business district and allow growth to accommodate the changing conditions and plan deviations that have resulted in higher density development in the core residential subarea.

October 19, 2016

Community Planning and Development
201 W. Colfax Ave, Dept. 205
Denver, CO 80202



To Whom It May Concern:

Jefferson Park United Neighbors (JPUN) is the Registered Neighborhood Organization (RNO) for Jefferson Park. JPUN general membership meets monthly to discuss the issues and to provide information to the neighborhood. Our Land Use Committee (LUC) meets regularly to review zoning, construction, traffic and other issues of immediate concern to the residents of our area monthly as well. We have had multiple discussions (both with the previous owner and current owner) regarding a potential rezone for two properties, 2833 W. 25th and 2827 W. 25th Avenue from a G-MU-3 zoning to an MS-3 zoning. In addition to discussing the potential rezone at multiple LUC meetings it has also been discussed at our general membership meeting and an article was included in our monthly newsletter. The majority of the feedback we have received to date has been positive, with only some small concerns regarding zoned allowed commercial uses which are addressed below.

We first learned about a potential for a rezone at this property after a designation for non-historic status was filed by the previous owner. At that time Councilman Espinoza suggested that the owner reach out to the community to see if there was any interest in a change in zoning on the property from residential to commercial. We first met with the previous land owner at our July LUC meeting. At the meeting the owner said that he was indeed interested in a potential re-zone to allow for some commercial use for the lots in question. As such, an initial Memorandum of Understanding was created with the understanding that JPUN would support a re-zone, contingent upon a requirement of commercial space built in addition to residential. During the discussion of the MOU the Federal Boulevard Business Improvement District (BID) was brought in as a partner willing to sign the MOU. The MOU was not signed at the time as a result of the two lots changing ownership during the process. JPUN has since met with a representative of the new owner at two LUC meetings and he has been present at one general membership meeting. He has expressed the owner's interest/continued commitment to the re-zone. The initial MOU has since been updated and JPUN's support is contingent upon the revised MOU being executed.

In the various LUC meetings at which the properties were discussed, the LUC felt that additional commercial space would be beneficial to the neighborhood and that it fit within the neighborhood plan. The neighborhood plan expresses a desire to create "a secondary focal point in the neighborhood commercial area at West 25th and Elliot." While originally envisioned along Elliot, JPUN feels that the goal of the plan was to allow some fluidity in the boundaries of the various sub-areas to expand/change as the neighborhood grows and changes. JPUN feels that expanding the commercial zone westward down 25th creates the commercial focal point that is the goal in the Plan. One concern of the potential re-zone was some of the allowed uses of a MS-3 zoning. The LUC felt that using the property for a drive-

thru use, marijuana/dispensary facility, or an after-hours health facility would not be desirable, but that all other allowed commercial uses would be. Furthermore, the LUC felt that placing a restriction on the re-zone requiring commercial use along 25th Avenue would be necessary to bring benefit to the neighborhood. As a result, the LUC unanimously voted in favor of recommending a re-zone from G-MU-3 to MS 3, with a requirement for commercial use along 25th Avenue and a limitation of allowed uses to not include drive-thru, marijuana/dispensary, or after hours health (i.e. urgent care facility) to the general membership. These conditions/concerns would be placed upon the property through the use of a restrictive covenant entered into between the land owner and the BID.

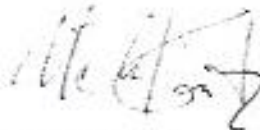
At JPUN's October 11th general membership meeting the proposed re-zone was discussed and was unanimously supported by membership, with the conditions outlined above.

We hope that by making our wishes known to you regarding this rezoning request that they will be taken into consideration as part of rezoning request.

Sincerely,



Justin Potter
LUC Chair



Michael Guietz
JPUN President

Denver Comprehensive Plan 2000

Below, please find extracts from the Denver Comprehensive Plan 2000 that further highlight the Consistency points of the rezoning of 2827-2833 W 25th Ave.

Neighborhoods ■

Our homes are our refuge. For many residents, our home lives extend onto the front porch, down the street, and around the corner. Many residents feel a much stronger bond with their neighborhoods than with the City. That can mean tension between City agencies and neighborhood groups. An ongoing challenge is to strengthen trust and communication between the City and neighborhoods in planning, crime prevention and reinvigorating neighborhood schools. An especially acute challenge of Plan 2000 is the siting of community facilities through processes that are open, fair Economic opportunity is one of Plan 2000's guiding principles and responsive to neighborhood concerns. The commonplace neighborhood attitude "Not In My Back Yard" (NIMBY) suggests a need for broader understanding that the city, as a whole, is our home.

-reference Plan pg 9

Points of Consistency with Comprehensive Plan 2000

Our Long-Term Human Environment

■ Vision of Success

Thriving neighborhood business centers

Denver's neighborhoods will be enlivened by successful retail, service and hospitality businesses that enable residents to enjoy a high quality of life close to home. Business development in poorer neighborhoods will, at minimum, provide for residents' essential needs.

Existing businesses

Existing businesses, both large and small, new and old, will continue to thrive and expand.

-reference Plan pg 129

Objective 5

■ Neighborhood Economic Development

Support the creation and growth of neighborhood businesses that enhance the vitality and quality of life in their communities.

Strategies 5-A

Support small-scale economic development in neighborhoods using the following key strategies:

- Incorporate neighborhood-based business development into the City's neighborhood planning process.

- Support development of neighborhood business centers that serve adjacent residential areas in existing neighborhoods and new neighborhoods within development areas.

-reference Plan pg 136

Zone Map Amendment Request for 2827 & 2833 W 25th Ave Denver CO 80211 from G-MU-3 to G-MS-3

Our Long-Term Physical Environment

■ Vision of Success

Denver Comprehensive Plan 2000's goal, objectives and strategies for environmental sustainability will enhance the quality of life for Denver residents in a variety of ways:

Living patterns ■ Residents will be able to live more self-sufficient lives within their neighborhoods due to increased use of telecommuting policies and technology, expanded home-based employment, and a greater variety of commercial and recreational activity within neighborhoods.

Transportation ■ Citizens will drive less, choosing from a greater variety of low-impact modes of transportation that effectively connect people from place to place and from one mode of transportation to another.

-reference Plan pg 36

ENVIRONMENTAL SUSTAINABILITY

2-F Conserve land

■ Designing mixed-use communities and reducing sprawl, so that residents can live, work and play within their own neighborhoods.

-reference Plan pg 39

Strategies 4-A

Promote the development of sustainable communities and centers of activity where shopping, jobs, recreation and schools are accessible by multiple forms of transportation, providing opportunities for people to live where they work.

-reference Plan pg 41

LAND USE

Objective 3 ■ Residential Neighborhoods and Business Centers

Preserve and enhance the individuality, diversity and livability of Denver's neighborhoods and expand the vitality of Denver's business centers.

-reference Plan pg 59

MOBILITY

Vision of Success

Biking and walking

■ Biking and walking will become much more common as practical and healthy modes of transportation.

-reference Plan pg 74

Strategies

4-E Continue to promote mixed-use development, which enables people to live near work, retail and services.

-reference Plan pg 75

Zone Map Amendment Request for 2827 & 2833 W 25th Ave Denver CO 80211 from G-MU-3 to G-MS-3

Blueprint Denver 2002

Below, please find extracts from the Blueprint Denver Plan and Guide Book that further hi-light the Consistency points of the rezoning of 2827-2833 W 25th Ave.

■ Land Use Building Blocks

Below are definitions for the land-use types. The land-use types are organized around four general building blocks: districts, residential areas, centers and corridors. The building blocks in these four categories must be applied to reflect the complex character of many areas. **The boundaries of the building blocks are not fixed** — some areas are in a state of transition, as is the case with several older industrial areas around downtown that are emerging as mixed-use neighborhoods.

Ref BPD pg 38

Neighborhood Centers

This small center serves the many everyday shopping, service or entertainment needs of one or more neighborhoods. A mix of land uses includes those for convenience shopping, personal services and restaurants. A neighborhood center also may contain offices that serve nearby residents. Occasionally, neighborhood centers contain boutique shopping or popular restaurants that act as a regional draw. Examples include both supermarket-based shopping centers, such as 44th and Lowell or Monaco and Hampden, or historical streetcar districts, such as 9th and Corona, Old South Gaylord or 39th and Tennyson. Good pedestrian and bus transportation links should connect neighborhood centers. As a result, these neighborhood centers are natural locations for bus transit hubs.

Ref BPD pg 43

Jefferson Park-Highland – mixed-use neighborhood The Jefferson Park–Highland area overlooks downtown from the west. This sub-area retains much of the mix of residential, commercial, industrial and institutional uses that characterize historically self-contained neighborhoods. The type of mixed-use development envisioned intends to revive the best of these characteristics and respect the scale of historic buildings. Urban apartments mixed with pockets of retail with housing above will be one type of redevelopment along collectors and arterials. Bordering these mixed-use streets will be townhouses and higher density residential buildings. In addition to these general redevelopment directions, this sub-area proposal identifies a location for a neighborhood center to serve residents’ needs. The portion of the Highland neighborhood included in this Area of Change is distinguished by its many historic buildings and districts, as well as its new residential development. Some of the major employment, sports facilities and nodes of historic buildings in Jefferson Park create different challenges.

Ref BPD Pg 137

Zone Map Amendment Request for 2827 & 2833 W 25th Ave Denver CO 80211 from G-MU-3 to G-MS-3

Blueprint Denver Guide Book 2002

Key Concepts..... Mixed-use development will bring employment, shops, services, and entertainment close to residential areas and encourage access by walking, biking and transit

Ref BP Guidebook Pg 7

Mixed-use is not a new concept; downtowns and older neighborhoods are excellent examples of functional mixed-use districts. Only in recent decades did development begin to segregate its uses, as the car became the primary mode of transportation. Today, communities are looking for ways to reduce reliance on the car and increase opportunities for walking. An apartment or office building with retail shops on the ground floor is a traditional mixed-use building that is popping up again in new communities.

Ref BP Guidebook Pg 8

Neighborhood Center

These centers are small areas which serve everyday shopping, service or entertainment needs of one or several neighborhoods. A neighborhood center may also contain offices that employ nearby residents. Occasionally, boutique shopping or popular restaurants act as a regional draw. Good pedestrian and bus transportation links are central characteristics of neighborhood centers.

Ref BP Guidebook Pg 11

Areas of Stability and Area of Change

Areas of Stability and Areas of Change have a symbiotic relationship and are not mutually exclusive. Each area in the city occupies a place on a continuum from change to stability, and its location on the continuum may change over time.

Ref BP Guidebook Pg 20

Key Concepts

When growth occurs in stable residential areas it should be focused in centers, in activity nodes and near transit routes

Ref BP Guidebook Pg 21

Jefferson Park Neighborhood Plan 2005

Below, please find extracts from the Jefferson Park Neighborhood Plan 2005 that further hi-light the Consistency points of the rezoning of 2827-2833 W 25th Ave.

▸PURPOSE OF THE PLAN

The Plan is neither an official zone map, nor does it create or deny any rights. Zone changes must be initiated under a separate procedure established under the Revised Municipal Code.

Ref JPNP pg 7

Commerce and Industry

- Both large and small businesses that meet economic and community criteria should be sought, retained and supported.
- Economic development programs should emphasize retention and expansion of existing businesses as well as attractive new businesses.
- The revitalization of older neighborhood commercial centers that provide shopping within walking distance to residences should be encouraged to assist the stabilization of older neighborhoods.
- Commercial development should be compatible in operation and design with the residential fabric and character of the neighborhood.

Ref JPNP pg 9-10

Jefferson Park has both Areas of Change and Areas of Stability.

The Areas of Change include:

.....The neighborhood commercial area at West 25th Avenue and Eliot Street is identified as a neighborhood center anchoring the western edge Area of Change from just south of West 24th Avenue to West 26th Avenue, between Federal Boulevard and Eliot Street.

Ref JPNP pg 11

- Developers and designers are expected to meet with neighborhood associations and with immediate neighbors to discuss their projects and to solicit input.
- Neighborhood groups are expected to give timely feedback based on adopted plans and to support development proposals that meet neighborhood goals. Neighborhood input on new development is expected to be consistent with plan goals and policies.

Ref JPNP pg 17

Goals

..... ▸ Create focal points within the neighborhood. The primary focal point is Jefferson Park, and a secondary focal point is the neighborhood commercial area at West 25th and Eliot.

- Create a retail core for the neighborhood at West 25th and Eliot.
- Enhance residents' ability to work, shop and recreate within the neighborhood.

Ref JPNP pg 25

Recommendations

..... ▸ Develop the potential of West 25th Avenue as the principal neighborhood corridor anchored at one end by the West 25th and Eliot neighborhood commercial area and at the other by redevelopment at Diamond Hill. (never acted upon)

Ref JPNP pg 26

PLAN — SUBAREAS

▸INTRODUCTION

The plan identifies nine sub-areas with relatively distinct characteristics. It acknowledges that boundaries between the sub-areas are not absolute and that characteristics overlap sub-area boundaries. The sub-area plans present issues and goals that are supplemental to those presented in the Framework Plan.

Ref JPNP pg 38