



DENVER
THE MILE HIGH CITY

Community Planning and Development
Planning Services

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TO: Denver City Council
Mary Beth Susman, President

FROM: Tim Watkins, AICP, Senior City Planner

DATE: May 1, 2014

RE: Official Zoning Map Amendment Application #2013I-00053
3226 West 19th Avenue
From P.U.D. 81 to G-MU-3

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval of Application #2013I-00053 for a rezoning from P.U.D. 81 to G-MU-3.

Request for Rezoning

Application: #2013I-00053
Address: 3226 West 19th Avenue
Neighborhood/Council District: West Colfax / Council District 1

RNOs & other Interested Groups: Northwest Quadrant Association (NWQA)
Federal Boulevard Corridor Improvement Partnership
Denver Neighborhood Association, Inc.
Sloan's Lake Citizen's Group
Northwest Neighbors Coalition
Inter-Neighborhood Cooperation

Area of Property: 6,903 SF or 0.16 acres
Current Zoning: P.U.D. 81
Proposed Zoning: G-MU-3
Property Owner(s): ABC House, LLC
Owner Representative: Mary Rivas



Summary of Rezoning Request

This property is located in the northeast corner of the West Colfax neighborhood, and touches the northern boundary with the Sloan Lake neighborhood along 19th Avenue. The area surrounding this site was rezoned to G-MU-3 as part of Denver’s comprehensive rezoning process in 2010. This property was not rezoned with the surrounding area due to its P.U.D. zoning designation at the time. P.U.D. 81 allows 3 units, a multi-family entitlement that fits within the surrounding character of mixed multi-unit and single unit residential buildings. The property owner requests rezoning to G-MU-3 to match the current zoning of adjacent properties on all four sides of the property.

G-MU-3 applies Denver’s current zoning code to the property with an appropriate scale and residential use for this area within the West Colfax neighborhood. The requested zone district title ‘G-MU-3’ is defined as the General Urban Multi-Unit neighborhood context – (up to 3 stories) which is intended to promote and protect a variety of multi unit residential building forms, including duplex, tandem house, row house, garden court and apartment building forms. Further details of the zone districts can be found in Article 6.2.2.2 of the Denver Zoning Code (DZC).

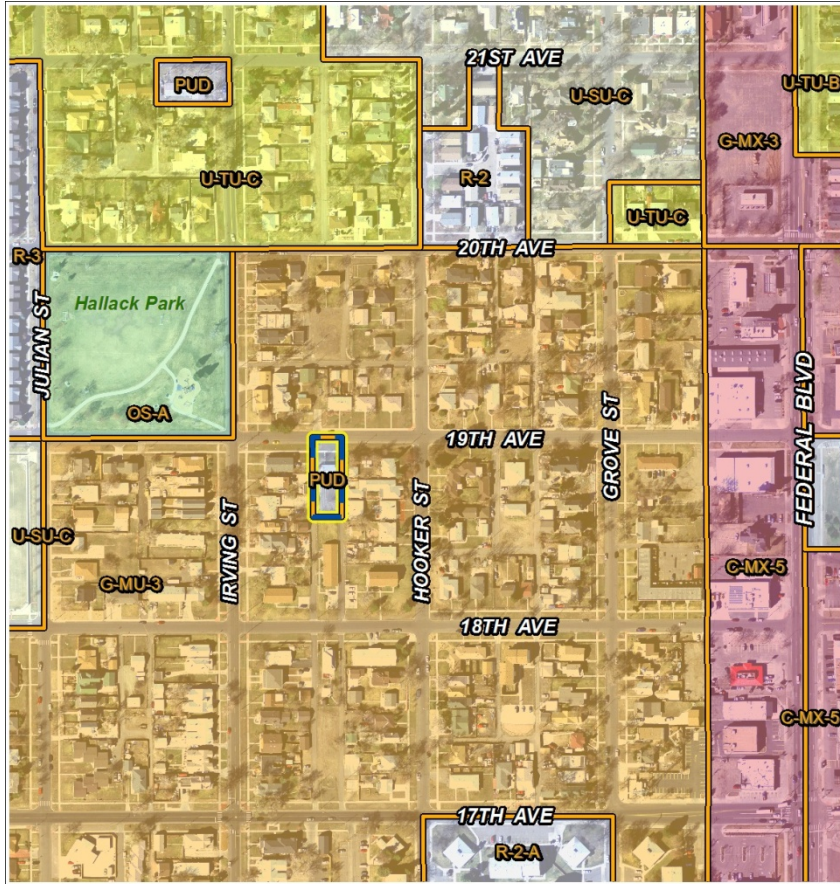
Existing Context

- The area surrounding this property has historically included a mix of single unit housing and multi-unit housing. Historically there has been a high percentage of surrounding properties with multi-family unit structures, mixed with single family units.
- Infill and redevelopment of properties is occurring in this area as a result of market demand to live near Denver’s core. This activity increases the presence of multi-unit housing in the area

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

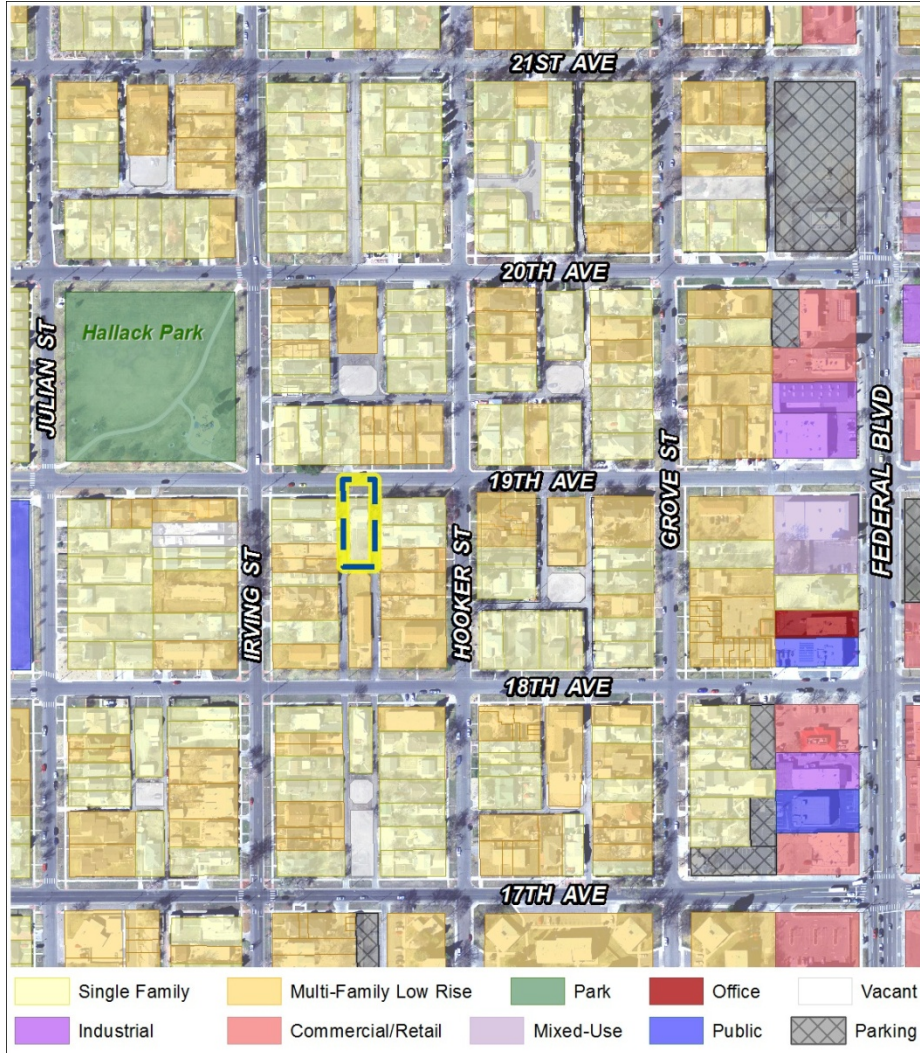
	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	P.U.D. 81	Single Family	1 story	The site is located along 19 th Avenue between Hooker and Irving Streets. Streets and blocks are on an orthogonal grid pattern with double alleys that surround a mid-block carriage lot.
North	G-MU-3	Single Family and Multi-Family Low Rise	1 to 3 Stories	
South	G-MU-3	Multi-Family Low Rise	1 to 2 stories	
East	G-MU-3	Single Family and Multi-Family Low Rise	1 to 2 stories	
West	G-MU-3	Single Family and Multi-Family Low Rise	1 to 2 stories	

Existing Zoning



P.U.D. 81 allows for the existing single-family unit, plus an additional duplex to be added behind the home for a total of 3 units. The maximum additional building height allowed for the duplex is 40 feet, with a maximum gross floor area of 2,563 s.f. and maximum residential density of 17.5 units per acre.

Existing Land Use Map



1. Existing Building Form and Scale



View looking south and east along 19th Ave



View looking north and west along 19th Ave



View looking north across 19th Ave from site



View from site looking south along the west alley

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: No comments

Asset Management: Approved – No Comments.

Denver Parks and Recreation: Approved

Denver Public Schools: No comments

Development Services – Project Coordinator: Approved for rezoning

Development Services – Transportation: Approves the subject zoning change. The applicant should note that redevelopment of this site may require additional engineering, ROW dedication to the City, access changes, traffic studies and/or right of way improvements. The extent of the required design and improvements will be determined once this property begins the redevelopment process. The results of any traffic studies may require the construction of off-site mitigation or may limit the proposed density of the project. Please let me know if you have any questions.

Development Services – Wastewater: is no objection to the rezone, however applicant should be under notice that the Development Services/Public Works will not approve any development of this property without assurance that there is sufficient sanitary and storm sewer capacity.

Denver Fire Prevention Bureau: Approve Rezoning Only - Will require additional information at Site Plan Review

Public Works – DES – Surveyor: No Comments

Public Review Process

Registered Neighborhood Organizations (RNOs)

RNOs as listed at the top of this staff report have been advised of this application.

Planning Board Notification Process

The property was legally posted for a period of 15 days announcing the February 19th, 2014 Denver Planning Board public hearing, and written notification of the hearing was sent to all affected registered neighborhood organizations and City Council members. Denver Planning Board heard this application on February 19th 2013. No public comments were offered during the public hearing, after which the Board unanimously recommended approval of the application.

LUTI Notification Process

Written notification of the hearing was sent to all affected registered neighborhood organizations and City Council members.

City Council Notification Process

The property was legally posted for a period of 21 days announcing the May 5th, 2014 Denver Planning Board public hearing, and written notification of the hearing was sent to all affected registered neighborhood organizations and City Council members.

Criteria for Review / Staff Evaluation

The criteria for review of this rezoning application are found in DZC, Sections 12.4.10.13 and 12.4.10.14, 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 applicable adopted plans for this site are Comprehensive Plan 2000, Blue Print Denver and the West Colfax Neighborhood Plan. P.U.D. 81 was adopted in 1982, prior to the adoption of these plans.

Comprehensive Plan 2000

Comprehensive Plan 2000 recognizes continued market demand to live in the City's core and the associated development opportunities.

Environmental Sustainability Strategies

- 2-F: Promoting infill development within Denver at sites where services and infrastructure are already in place

Land Use Strategies

- 1-H: Encourage development of housing that meets the increasingly diverse needs of Denver's present and future residents
- 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.

Blueprint Denver

- The Blueprint Denver concept land use is single family residential in an area of stability, which suggests that single family residential is the predominant use. However, as a result of the 2010 Denver comprehensive rezoning process, the surrounding properties were rezoned from R-2 to G-MU-3. The rezoning was based on the criteria of considering existing neighborhood context which had a high percentage of existing multi-unit structures, and prior R-2 zoning entitlement which allowed for multi-unit residential. P.U.D. 81 was adopted in 1982 which established a multi-family residential right prior to the adoption of Blueprint Denver in 2002.

Future Land Use



Street Classifications

Blueprint Denver classifies 19th Avenue as an undesignated – local street. Local streets provide access to and from residential areas, typically with lower traffic volumes and lower speeds.

West Colfax Neighborhood Plan (1987)

The West Colfax Neighborhood Plan supports infill housing developments that may require a slightly higher density than what was allowed in the R-2 district, primarily through a PUD process. R-2 allows for multi-family residential, and was the predominant zone district for the area prior to the comprehensive rezoning in 2010. The plan suggests that “these projects should be compatible in character and materials and provide appropriate buffering to surrounding properties (page 19). P.U.D. 81 was adopted in 1982 prior to the adoption of the West Colfax Neighborhood Plan.

2. Uniformity of District Regulations and Restrictions

The proposed text amendment to C-MX-5 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 12.4.10.14.A.2, “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.”

Denver’s recent comprehensive rezoning in 2010 changed zoning surrounding the property from R2 to G-MU-3. All surrounding properties were included in the rezoning except for this property because of its P.U.D. zoning. There are numerous existing multi-unit residential buildings in the neighborhood, and infill and redevelopment projects area occurring in the surrounding area under the G-MU-3 zoning.

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

The G-MU-3 district defines the limits of what is allowed in a residentially-zoned area, and reinforces the desired pattern and standards for the General Urban Neighborhood context. The

general character of the general urban context is multi-unit residential uses in a variety of building forms. (DZC Section 6.1.1. and 6.2.2). The site is fronted by 13th Avenue, a local collector that serves existing residential, park and civic uses. The neighborhood context, local street classification and 3-story building height in this area are consistent with the zone district purpose and intent statements.

Planning Board Recommendation

Denver Planning Board heard this application on February 19th 2013. No public comments were offered during the public hearing, after which the Board unanimously recommended approval of the application.

Staff Recommendation

Based on the analysis set forth above, CPD staff finds that the application for rezoning the property located at 3226 West 19th Avenue to a G-MU-3 district meets the requisite review criteria. Accordingly, staff recommends *approval of this application*.

Attachments

1. Application

1214



DENVER
THE MILE HIGH CITY

Zone Map Amendment (Rezoning) - Application

1/26/12

PROPERTY OWNER INFORMATION*	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	ABC House LLC / AKA ^{Beja Vano} Hosario
Address	4993 E. 100 th Ave.
City, State, Zip	Thornton Co 80229
Telephone	303 886 7437
Email	mary.mail@me.com
<p>*If More Than One Property Owner: All standard zone map amendment applications shall be initiated by all the owners of at least 51% of the total area of the zone lots subject to the rezoning application, or their representatives authorized in writing to do so. See page 3.</p>	

PROPERTY OWNER(S) REPRESENTATIVE**	
<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Representative Name	Mary Rivas
Address	PO Box 12055
City, State, Zip	Denver Co 80212
Telephone	303-886-7437
Email	mary.mail@me.com
<p>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</p> <p style="text-align: center;">Done</p>	

Please attach Proof of Ownership acceptable to the Manager for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed or deed of trust, or (c) Title policy or commitment dated no earlier than 60 days prior to application date.

SUBJECT PROPERTY INFORMATION	
Location (address and/or boundary description):	3226 W. 19 th Ave
Assessor's Parcel Numbers:	# 017 / Schedule # 0232310017000
Legal Description: (Can be submitted as an attachment. If metes & bounds, a map is required.)	Lot 31+32 Block 10 Cheltenham Heights
Area in Acres or Square Feet:	7000 -
Current Zone District(s):	PUD (GMU3) ALL AROUND
PROPOSAL	
Proposed Zone District:	GMU3



REVIEW CRITERIA

General Review Criteria: The proposal must comply with all of the general review criteria
DZC Sec. 12.4.10.13

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. 12.4.10.14

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 rezoning 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.

ATTACHMENTS

Please check any attachments provided with this application:

- Authorization for Representative
- Proof of Ownership Document(s)
- Legal Description
- Review Criteria

GREEN LETTER.

Please list any additional attachments:



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
Horacio Bejarano PO Box 12055 Denver Co 80212	3226 W 19th Ave Denver Co 80212	100%	<i>Horacio Bejarano</i>	11/26/13	A	Yes
AKA ABC House LLC						

Consistency with Adopted Plans**West Colfax Neighborhood Plan (1987), Page 19:**

Infill housing developments that may require a slightly higher density than what is allowed in the R-2 (primarily in the Lakewood Dry Gulch area) should be required to use the P.U.D process. These projects should be compatible in character and materials and provide appropriate buffering to surrounding properties.

- The existing zoning for the property is P.U.D 81 which currently allows 3 units.
- G-MU-3 zoning surrounds the property on all 4 sides
- There are a High percentage of properties with current multi-family use in this neighborhood

The Blueprint Denver concept land use is single family residential in an area of stability. However, as a result of the 2010 Denver comprehensive rezoning process, the surrounding properties were rezoned from R-2 to G-MU-3. The rezoning was based on the criteria of considering existing neighborhood context, which had a high percentage of existing multi-unit structures.

Justifying Circumstance:

The land or its surrounding 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:

Denver's recent comprehensive rezoning in 2010 changed zoning surrounding the property from R2 to G-MU-3. All surrounding properties were included in the rezoning except for this property because of its P.U.D. zoning. There are multiple existing multi-unit residential buildings in the neighborhood, and infill and redevelopment projects area occurring in the surrounding area under the G-MU-3 zoning.

Neighborhood Context:

A high percentage of the existing housing units in the neighborhood are multi family structures, including triplexes and apartments. This existing condition was recognized when the area was rezoned to G-MU-3.

2A COPY

Area Map indicating property to be rezoned will be prepared by the Department of Zoning Administration	City and County of Denver DEPARTMENT OF ZONING ADMINISTRATION APPLICATION FOR ZONE MAP AMENDMENT	Application Number 3396	
		Date Submitted 6/22/82	Fee \$100-

1. Applicant Geraldine C. Burggraff	2. Address 3226 W. 19th Ave. Denver, CO	3. Phone No. H - 458-5420 O - 455-1800	4. Interest <input checked="" type="checkbox"/> Owner(s) <input type="checkbox"/> Agent <input type="checkbox"/> Other
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5. Owners of Property or Properties (If not the Applicant) same as above	6. Address	7. Phone No.
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8. Location of Proposed Change
3226 W. 19th Avenue

9. Legal Description of Property: (If Legal Description is lengthy, please attach additional sheet.)

Lots: 31 and 32	Block: 10	Addition: Cheltenham Heights
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10. Area of Subject Property, Sq. Ft. or Acres 7,000 s.f.	11. Present Zone R-2	12. Proposed Zone P.U.D.
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13. Describe briefly the nature and expected effect of the proposed amendment. Be sure to include an explanation of the legal basis for the proposal: either (a) the error in the map as approved by city council, or (b) the changed or changing conditions making the proposed amendment necessary.

To the rear of the Property was once a carriage lot. It has since been developed as multi-family residential. The excessively long lot is a maintenance problem that could be used for new residential units.

14. Use and development proposed for the property to be rezoned.

The property contains one single-family unit. The proposal would allow a duplex to be added.

15. Exhibits Submitted, Number and Kind 1 Application for PUD 1 Existing Conditions Map 1 District Plan Map	16. Applicant's Signature <i>Geraldine C. Burggraff</i> December 31, 2013
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APPLICATION FOR P.U.D.

3226 W. 19th Ave.

LEGAL DESCRIPTION:

Lots 31 and 32, Resubdivision of Block 10
Cheltenham Heights

1. Completed Zoning Administration Form #8: see attached
2. a. Maximum gross floor area: 2,563 s.f.
Maximum residential density: 17.5 units per acre
Maximum number of dwelling units: 3
- b. Maximum height: 40 feet
- c. Parking provisions: 3 spaces will be provided at a minimum of 9' X 18' or 162 s.f. each. Applicant will abide by 614.5.
Loading provisions: no loading provisions will be provided
- d. Provisions for minimum setbacks: front setback - 20 feet
rear setback - 5 feet
side setback - 5 feet
Minimum spacing between buildings - ^{25 feet} 20 feet
- e. Land coverage of buildings: 2,563 s.f. maximum buildings = 36%
1,263 s.f. maximum parking & impervious surfaces = 18%
- f. Surface drainage: the difference between historical and developed flow will be retained on site. Applicant shall abide by rules and regulations of Wastewater Management.
- g. Interior streets or drives: public alleys are adjacent to the property on three sides with a public street on the front.
- h. Easements: none apparent
- i. Buffer Areas: no more than 8 foot solid screen and chain link fencing will be provided as shown on the District Plan Map.
- j. Vehicle Storage: no recreational vehicle storage will be provided
- k. Dedications and Improvements: this P.U.D. will conform to City Ordinances and Agency rules and regulations.
- l. School Population: .10 x 3 = elementary = .30
.02 x 3 = middle = .06
.03 x 3 = senior = .09 .45 children
- m. Open Space: The only open space and recreation areas provided will be front and back yards per unit of a minimum of 3,174 s.f. for private use.

APPLICATION FOR P.U.D.

3226 W. 19th Ave.

LEGAL DESCRIPTION:

Lots 31 and 32, Resubdivision of Block 10
Cheltenham Heights

n. External Effects: The P.U.D. will be bound by R-2 regulations.

o. Restoration of Natural Terrain: not applicable

p. Utility location and adequacy:

Water Tap - 35' out from property line north side of West 19th Ave.
-192' east from property line to Irving
Stop Box - 8' out from property line south side of West 19th Ave.
-192' east from property line to Irving
5/8" tap, 3/4" service line off 6" main
Adequate water to service proposed units

Sewer: adequate sewer available

Gas: gas main located along West 19th Avenue - adequate gas available

Electrical: overhead wires - adequate electrical available

q. Signs: R-2 regulations, Section 613.3-2 of Denver Zoning Ordinance and signs permitted in any district, Section 613.2 of Denver Zoning Ordinance will apply.

r. Outdoor Storage: trash collection will occur through normal city services. At this time, trash collection occurs along both alleys adjacent to property.

s. Traffic Impacts: according to State Highway Department, no counters are available to measure traffic along 19th Avenue. Irving Street measures volume of 6,000 cars per day. The proposed P.U.D. would increase this volume by 2.8 vehicles per day.

t. Public Transportation: the nearest bus stop is at the corner of 17th and Irving - two blocks from the property.

u. Public Facilities: Schools: Cheltenham Elementary 1580 Julian
Lake Jr. High 1820 Lowell Blvd.
North High 2960 N. Speer
Fire Station #12 2575 Federal
Police Station Dist. 1 2195 Decatur
Library, Woodbury Branch 3265 Federal
Recreation Center-Ashland 2950 Fife Court

3. Existing Conditions Map: Please see attached

4. District Plan Map: Please see attached

5. a. Statement of Description: The proposed PUD would add a duplex on the rear of an oversized lot which would add to a short supply of affordable housing.

APPLICATION FOR P.U.D.

3226 West 19th Ave.

LEGAL DESCRIPTION:

Lots 31 and 32, Resubdivision of Block 10
Cheltenham Heights

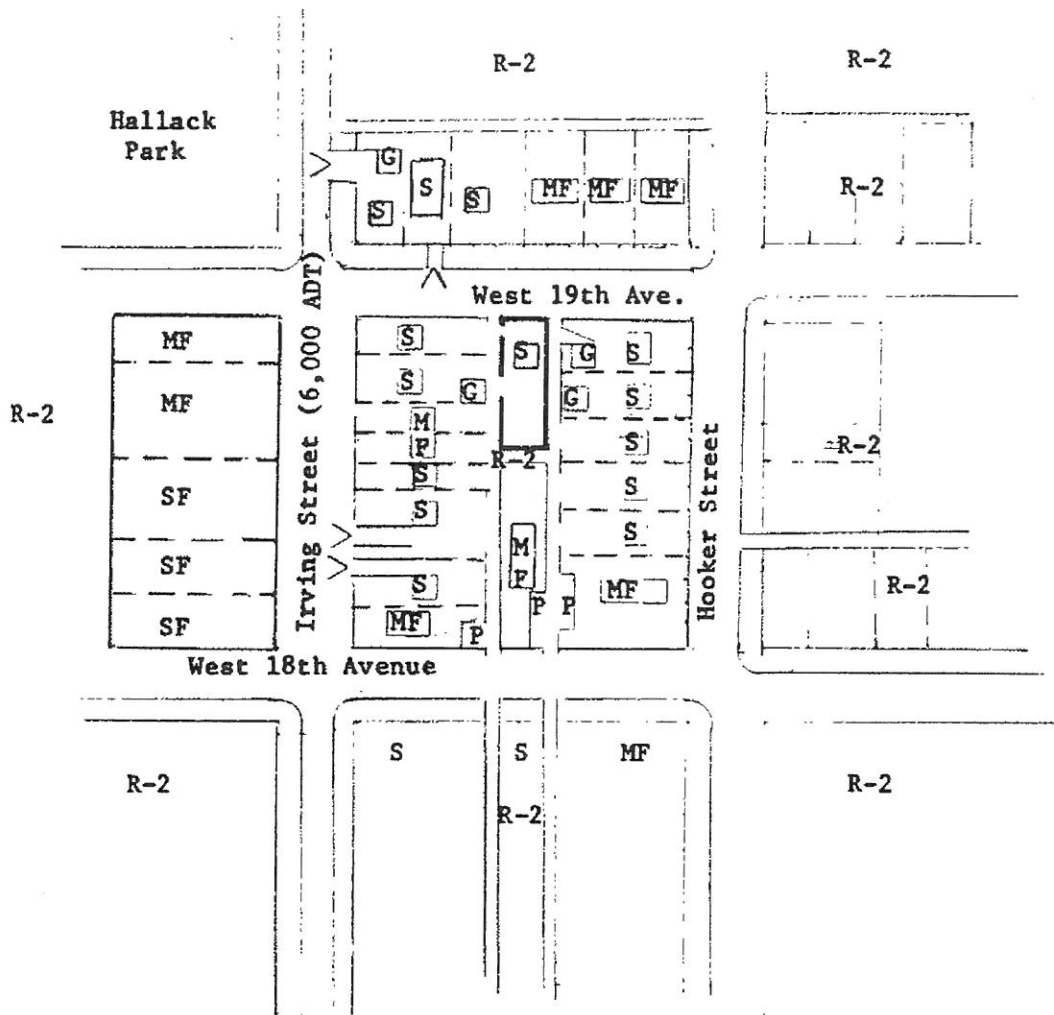
5. b. Relation to Comprehensive Plan: The proposed PUD is in conformance with the comprehensive plan policies:

R-1: the density related character of residential neighborhoods should be preserved

R-12: residential development on vacant sites within developed portions of Denver should be encouraged

H-12: new construction of both multi-family buildings and single family houses should be encouraged within the City.

c. Relation to character of surrounding neighborhood: The proposed P.U.D. will provide a mixed unit type of development in that the existing single unit will remain and a new duplex provided on the rear of the property. The resulting density is slightly above that allowed in an R-2 district. The addition of 2 family units adjacent to a recently constructed subsidized townhouse project on the interior of the large block will relate well in character and density. Additional population at this site will provide visual supervision as a crime deterrent.



Project Area = 7,000 square feet

EXISTING CONDITIONS

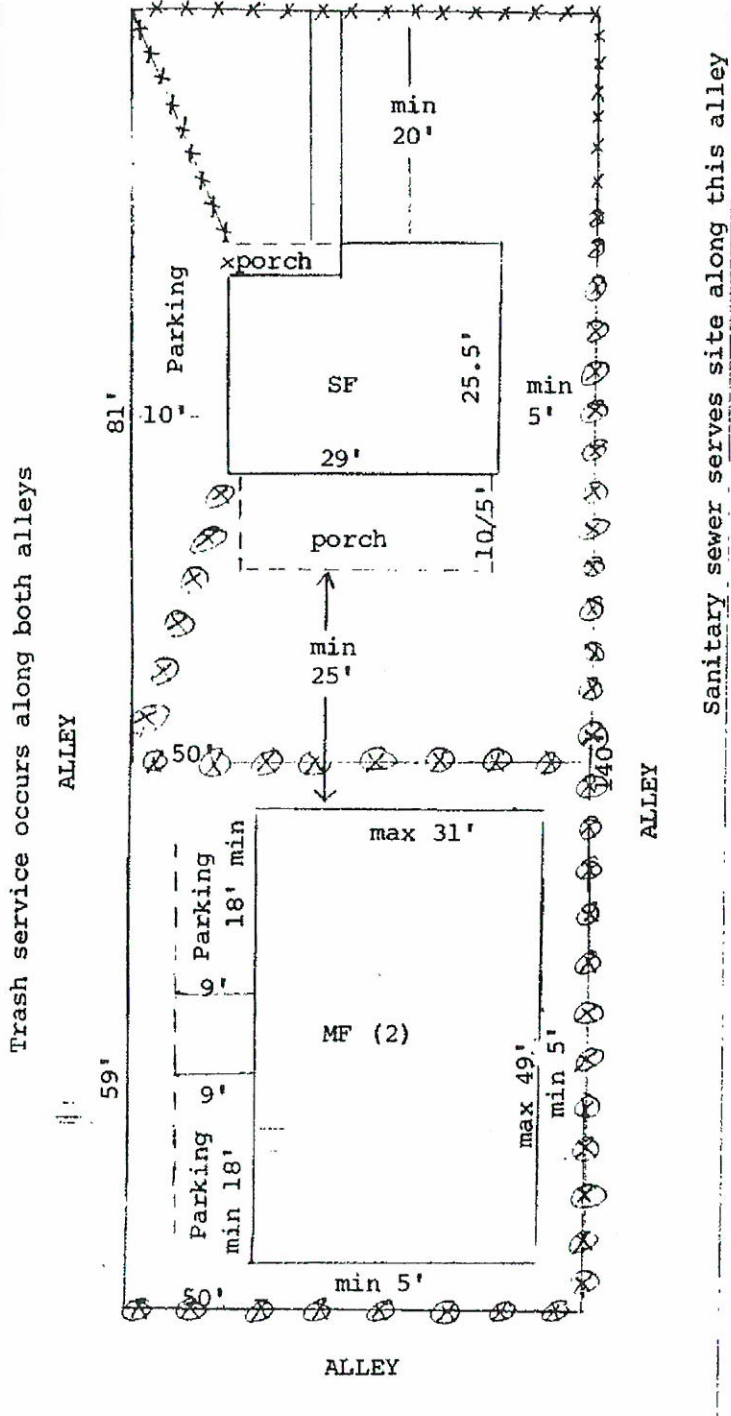
3226 West 19th Avenue, Denver, Colorado

- S = Single Family
- MF = Multi Family
- P = Parking
- G = Garage
- > = Curbs Cuts
- ADT = Irving - 6,000 cars daily
Other surrounding streets have no counter per traffic department
- 8/7/82 = date of map



Scale = 1" = 200'
December 31, 2013

West 19th Avenue - ADT no counter
 Projected ADT = + 2.8 vehicles



Project Area 7,000 s.f.

DISTRICT PLAN MAP

3226 West 19th Avenue
 Denver, Colorado

- SF = existing single
- MF (2) = proposed multi family duplex
- X = chain link fence max. 8'
- ⊠ = solid screen fence max 8'
- 8/7/82 = date of map



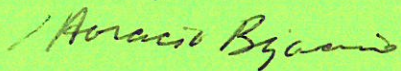
Scale 1' = 20'

I Horacio Bejarano on 11/28/2013 give full authority on our behalf including ABC HOUSE LLC,
to my business partner Mary Rivas in rezoning the lot we own at 3226 w 19th ave , Denver
Colorado 80212.

currently a PUD zoning and intent to rezone to GMU3.

thank you

Horacio Bejarano

A handwritten signature in cursive script that reads "Horacio Bejarano".