



DENVER
THE MILE HIGH CITY

Community Planning and Development
Planning Services
Plan Implementation

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TO: Denver Planning Board
Brad Buchanan, Chairman
FROM: Theresa Lucero, Senior City Planner
DATE: September 27, 2010
RE: Zoning Map Amendment Application #2010I-00014
3300 and 3316 Tejon Street
Rezoning from U-MS-2 to U-MS-3

Staff Report and Recommendation

Based on the criteria for review including legal basis, evaluation and compliance with adopted City plans, staff recommends **approval** for application #2010I-00014 for a rezoning from U-MS-2 to U-MS-3.

I. Scope of Rezoning

Application: 2010I-00014
Address: 3300 and 3316 Tejon Street
Neighborhood/Council District: Highland Neighborhood / Council District #1
RNOs: Highland United Neighbors, Inc.; Northwest Neighbors Coalition; Northwest Quadrant Association; Inter-neighborhood Cooperation
Area of Property: 0.65 acres / 28,342 square feet
Current Zoning: U-MS-2
Proposed Zoning: U-MS-3
Applicant/Owner: John Patrick Peavy, owner
Contact Person: John Patrick Peavy, owner

II. Summary of Proposal

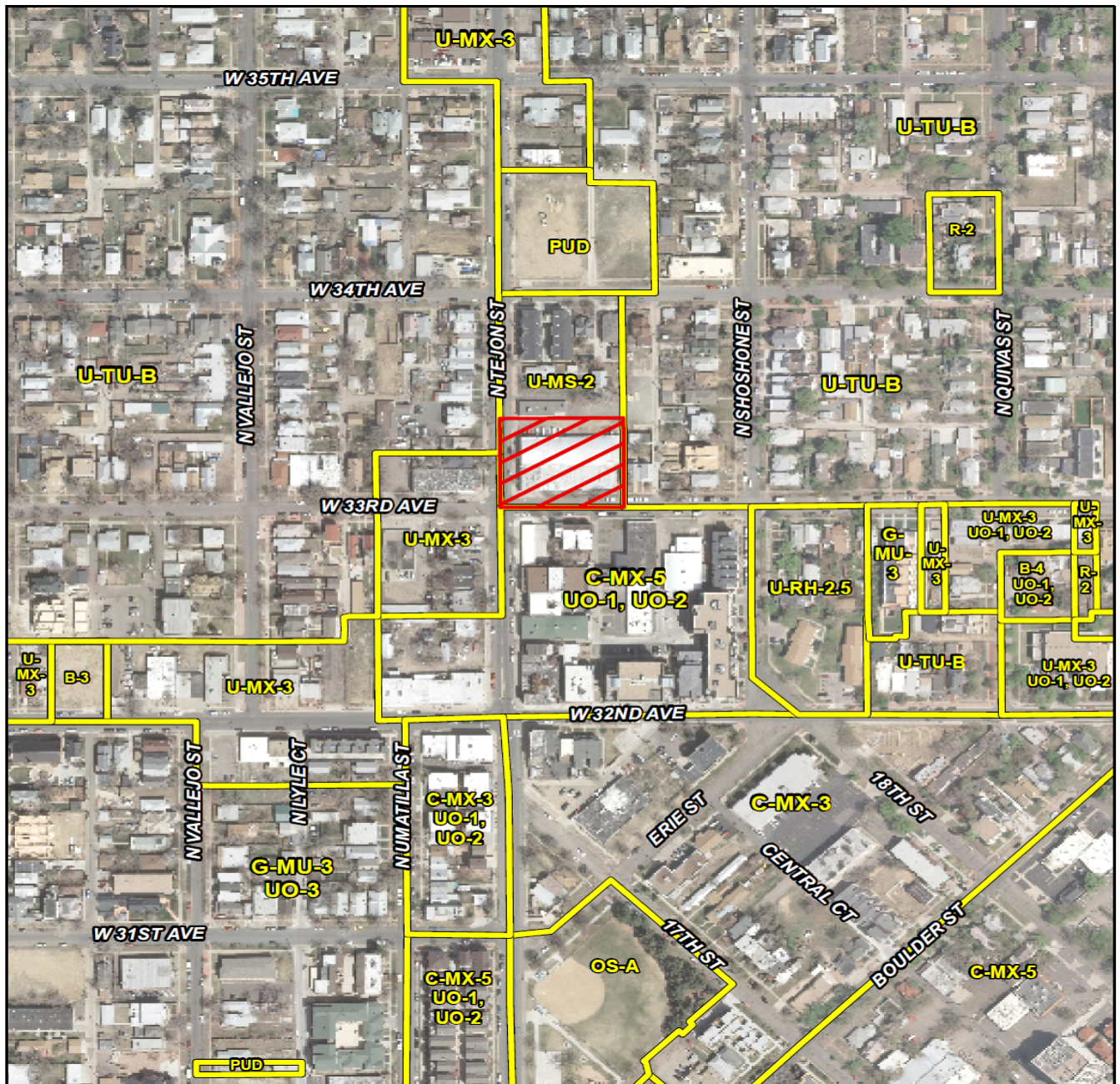
Vicinity Description

The property is located northwest of downtown in the Highland neighborhood on the northeast corner of the intersection of West 33rd Avenue and Tejon Street. Currently there are two structures on the property, the southern structure is used for religious services and the northern is used as a drapery business. The adjacent land use on the north is a structure used for public meetings. Across 33rd Avenue to the south is a 5-unit apartment building. Across Tejon Street to the west is a restaurant and adjacent to the property on the east are two single unit residences. Finally, southwest across the intersection is an auto repair business.

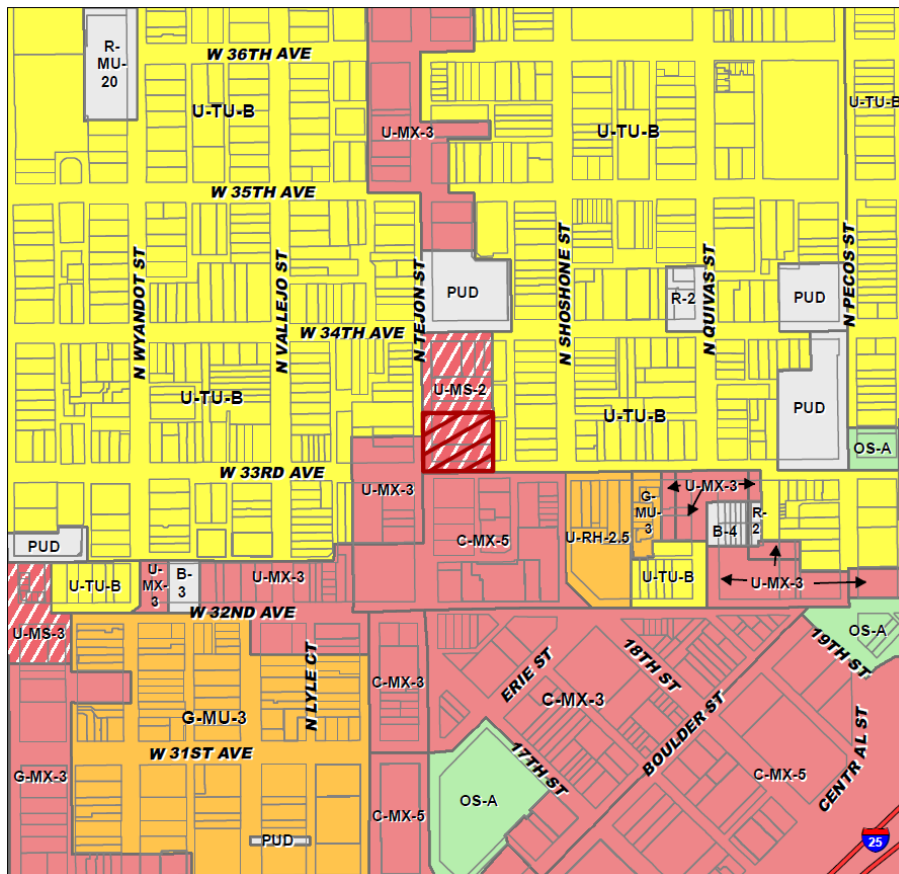
Proposal

The property owner, who is the applicant, proposes to change the zoning of the property from U-MS-2 to U-MS-3. The owner has no plans for redevelopment of the property and simply proposes the change to bring the zoning in line with the scale of the Mixed Use zoning on the other three corners of the 33rd Avenue and Tejon Street intersection.





III. Existing Context



	Existing Zoning	Ch. 59 Zoning	Existing Land Use	Blueprint Denver
Site	U-MS-2	B-3	Church/ Commercial	Area of Change / Mixed Use Concept Land Use
North	U-MS-2	B-3	Meeting Hall	Area of Change / Mixed Use Concept Land Use
South	C-MX-5	B-4	Multi-unit Residential	Area of Change / Mixed Use Concept Land Use
West	U-MX-3	B-3	Commercial	Area of Stability / Single Family Duplex Concept Land Use
East	U-TU-B	R-2	Single Unit Residential	Area of Stability / Single Family Duplex Concept Land Use



3300 & 3316 Tejon Street.



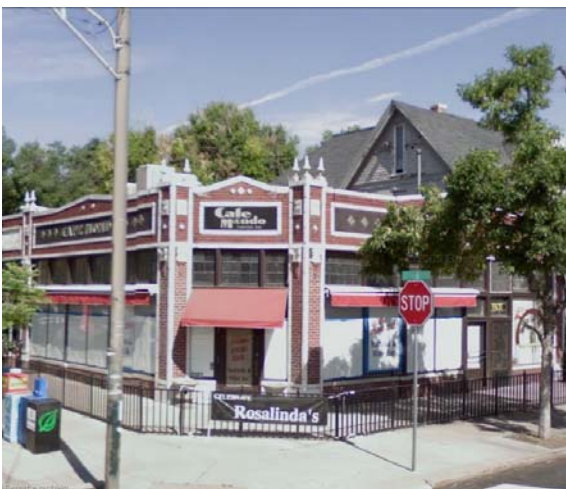
The property north on Tejon Street.



The property south cross 33^d Avenue.



The property east on 33^d Avenue.



The property west across Tejon Street.



The property southwest across the intersection.

IV. Summary of Agency Referral Responses

This rezoning has been reviewed concurrently within the context of the Denver Zoning Code and other applicable City Codes as utilized by the referral agencies listed below.

Asset Management:	Approve no comment.
Denver Fire Department:	No Comment Received.
Denver Parks:	No Comment Received.
DS-Project Coordination:	No Comment.
DS-Surveyor:	No Comment Received.
DS-Transportation:	Approve Rezoning Only – Will require additional information at Site Plan Review
DS-Wastewater:	No Comment Received.

V. Legal Notice, Public Process & Public Comment

The property has been legally posted for a period of 15 days announcing the Denver Planning Board public meeting, and written notification of the hearing has been sent to all affected registered neighborhood organizations.

To date no formal neighborhood response has been received, although Mr. Peavy did receive informal support after meeting with the Planning and Community Development Committee of Highland United Neighbors, Inc.

VI. Legal Justification

Change of Conditions

The citywide rezoning changed zoning on adjacent properties of the other three corners of the intersection to C-MX-5 and U-MX-3. The property owner has no plans for redevelopment, and is proposing a zone district with comparable form and use allowances as the abutting properties.

VII. Criteria for Review / Staff Evaluation

The criteria for review of this rezoning application include conformance with adopted regulations, and with the Comprehensive Plan and applicable supplements. Applicable documents are:

- Denver Comprehensive Plan 2000
- Blueprint Denver
- Highland Neighborhood Plan (1986)
- Other small area plans / City policy documents
- Denver Zoning Code

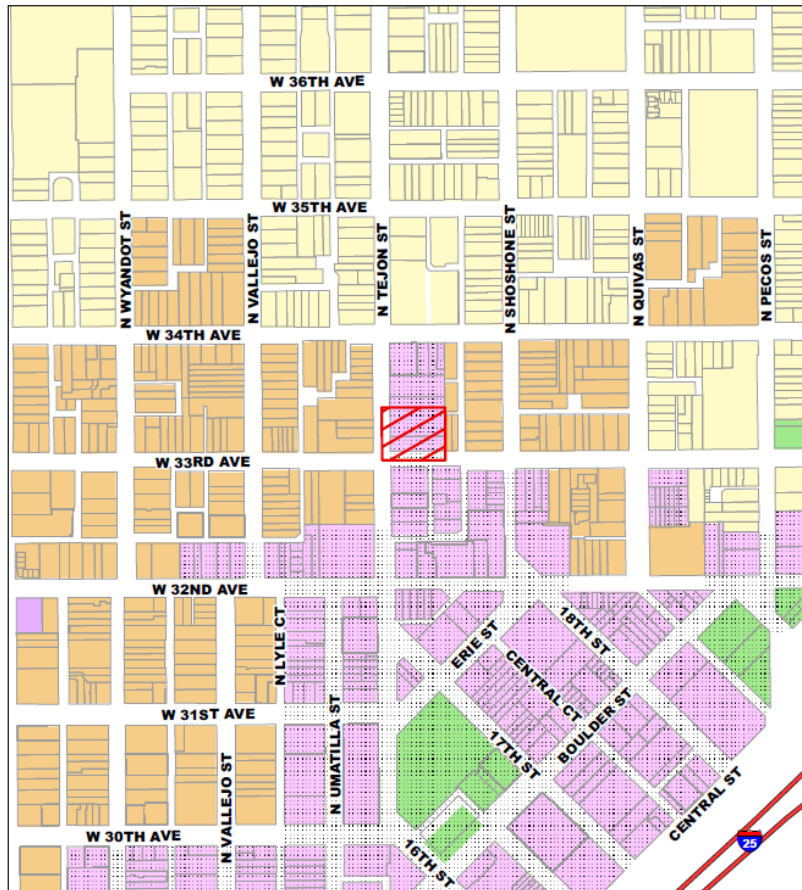
A. *Denver Comprehensive Plan 2000*

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

- Environmental Sustainability chapter, Strategy 2E promotes environmental sustainability by “Promoting efforts to adapt existing buildings to new uses rather than destroying them” (p. 39). The proposal allows both the opportunity to continue to use the existing structure and to adapt it for future redevelopment.
- Environmental Sustainability chapter, Strategy 2F promotes environmental sustainability by “Promoting infill development within Denver at sites where services and infrastructure are already in place; ...and designing mixed use communities and reducing sprawl so that residents can live, work and play within their own neighborhoods.” (p. 39). The existing mixed use structure adheres to this strategy because the structure is already embedded in an existing residential neighborhood with existing infrastructure.
- Land Use chapter, Objective 3, “Preserve and enhance the individuality, diversity and livability of Denver’s neighborhoods and expand the vitality of Denver’s business centers” (p.59). The proposed map amendment will support the existing Tejon commercial area and in the future allow redevelopment that is context sensitive.
- Land Use chapter, Strategy 3B states that an important goal is to “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” (p 60). The proposed zone district will allow future context sensitive redevelopment of the site with similar land use allowances as the adjacent properties.
- Land Use chapter, Strategy 3D to “Identify and enhance existing focal points in neighborhoods and encourage the development of such focal points where none exist” (p.61). The proposed rezoning to U-MS-3 provides for a variety of mixed uses on the site and will allow future enhancement of an existing embedded commercial area.

B. *Blueprint Denver*

Blueprint Denver, the City’s Land Use and Transportation Plan, identifies the property as being within an Area of Change with a land use classification of Mixed Use. The Blueprint Denver street classification for Tejon Street is Residential Collector and for 33rd Avenue Undesignated Local. The proposed mixed use zone district conforms to the Blueprint Denver land use classification.



C. Highland Neighborhood Plan

The Highland Neighborhood plan was adopted in 1986 and is considered superseded by the 2003 Blueprint Denver Land Use and Transportation Plan.

D. Denver Zoning Code

The Denver Zoning Code (Section 12.4.10) requires all Official Map Amendments to comply with the following criteria.

General Review Criteria Applicable to All Zone Map Amendments

The City Council may approve on official map amendment if the proposed rezoning complies with all of the following criteria:

- A. *Consistency with Adopted Plans* – “The proposal map amendment is consistent with the Denver Comprehensive Plan 2000 and with the Blueprint Denver Land Use and Transportation Plan.” The proposed map amendment is consistent with the Denver Comprehensive Plan 2000 and with the Blueprint Denver Land Use and Transportation Plan.
- B. *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.” The proposed map amendment will use the U-MS-3 zone district and there is no effect of the proposed district on the uniformity of regulations.

- C. *Public Health, Safety and General Welfare* – “The proposed official map amendment furthers the public health, safety and general welfare of the City.” The proposed map amendment furthers the public health, safety and general welfare of the city by preparing the property for future redevelopment in a manner that is environmentally sustainable and consistent with the character of the existing neighborhood. The proposal is environmentally sustainable because the existing structure will continue to be used and the existing building placement and scale of the building are in character with the surrounding area.

Additional Review Criteria for Non-legislative Rezoning

In addition to compliance with the general review criteria above, the City Council may approve an official map amendment if one of several additional review criteria exists. The proposed map amendment complies with the following additional review criteria:

- A. *Justifying Circumstances* – Denver Zoning Code Criteria is that the land or its surrounding environs has changed to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area. The proposed map amendment is in response to the changed circumstance of the new zoning on adjacent properties. The proposed U-MS-3 zone district will bring the property into a zone district of the same scale as adjacent properties and will allow similar types of land uses.
- B. *Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements* – The Denver Zoning Code Criteria is the proposed official map amendment is consistent with the descriptions of the applicable neighborhood context, and with the stated purpose and intent of the proposed zone district. Overall, the proposed map amendment is consistent with the Urban Neighborhood Context in the following ways.
- a. *Context - The Urban Neighborhood Context*
General Character – In the Denver Zoning Code the following is the description of the Urban Neighborhood context. “The Urban Neighborhood is primarily characterized by low intensity residential uses and commercial areas typically embedded in residential areas. Small-scale multi-unit residential uses and commercial areas are typically embedded in residential areas. Single-unit residential structures are typically Urban House forms. Multi-unit building forms are typically Row House forms embedded with other residential building forms. Commercial buildings are typically Shop Front and General forms that may contain a mixture of uses within the same building. Single- and two-unit residential uses are primarily located along local and residential arterial streets. Multi-unit residential uses are located along local streets, residential and mixed use arterials, and main streets. Commercial uses are primarily located along mixed-use arterial or main streets but may be located at or between intersections of local streets.”

The proposed map amendment is for an existing 1-story commercial building, a structure that could be characterized as a Shop Front building form, although the front and side windows have been enclosed. The building contains a mixture of land uses. This and the location of the building on Tejon Street, a Residential Collector, are typical of Urban Neighborhoods. Commercial structures along Tejon

Street are characteristically embedded in the residential areas of the Highland neighborhood.

Street, Block and Access Patterns - The Urban Neighborhood Context consists of a regular pattern of block shapes surrounded by an orthogonal street grid. Orthogonal streets provide a regular pattern of pedestrian and vehicular connections through this context and there is a consistent presence of alleys. Block sizes and shapes are consistent and primarily include detached sidewalks (though attached sidewalks are also found), tree lawns where provided for by detached sidewalks, street and surface parking, and landscaping in the front setback.

The block where the proposed map amendment is located is a typical Highland square block with an H-shaped alley. On this block over the years portions of the alley have been vacated with only one north-south alley remaining. However, the pattern of detached sidewalks and tree lawns remain as is typical of the Urban Neighborhood Context.

Building Placement and Location - Commercial buildings typically have consistent orientation and shallow front setbacks with parking at the rear and/or side of the building.

The existing structure is setback five feet on Tejon Street and is has no setback on 33rd Avenue and has an entrance on each street. Parking for the structure is on the north side of the building as is typical of Urban Neighborhood Contexts. No change to the existing structure is proposed.

Building Height - The Urban Neighborhood Context is characterized by low scale buildings except for some mid- rise commercial and mixed use structures, particularly at nodes or along arterial streets.

The existing structure is a one-story commercial building approximately 20 feet in height. This low scale and the existing mix of uses within the structure are typical of the Urban Neighborhood Context.

Mobility - There is a balance of pedestrian, bicycle and vehicle reliance with greater access to the multi-modal transportation system.

The location of the property on a block within an existing square-block street pattern and with detached sidewalks provides a natural balance of pedestrian and vehicular access.

b. *Zone District Purpose and Intent*

The Main Street zone districts are intended to promote safe, active, and pedestrian-scaled commercial streets through the use of shop front and row house building forms that clearly define and activate the public street edge.

The Main Street zone districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering along the city's commercial streets.

The Main Street district standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods.

Main Street zone districts are typically applied linearly along entire block faces of commercial, industrial, main, mixed-use and residential arterial streets (as designated in Blueprint Denver) or, less frequently, on single zone lots at the intersection of local/collector streets within a residential neighborhood.

In all cases, the Main Street zone districts should be applied where a higher degree of walk ability and pedestrian activity is desired than required in a Corridor, Mixed Use, or Residential Mixed Use zone district.

In the Urban Neighborhood Context, the Main Street zone districts may also be embedded within a larger commercial shopping center or mixed-use area to promote a pedestrian-active street front within a larger mixed use or commercial development.

The Main Street zone districts are intended to promote an urban, mixed-use, built-to environment regardless of neighborhood context. Main Street buildings have a shallow front setback range. The build-to requirements are high and the maximum building coverage is significant.

Specific Intent of the U-MS-3 Zone District – The U-MS-3 zone district applies primarily to 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.

The proposed map amendment is consistent with both the general and specific purpose and intent of Main Street zone districts and the specific U-MS-3 zone district because the existing structure already meets and exceeds the Main Street form standards. The existing one-story structures are located on their lot to clearly define both Tejon and 33rd Avenue. The existing low intensity Shop Front structure will continue to be used, and any future redevelopment will be governed by the same zoning standards to which the existing structure already adheres. The existing structure is embedded on a Residential Collector street and the placement of the structure, the existing build-to of the buildings, the parking location and the existing detached sidewalk along with the block and street pattern provide are all typical Main Street characteristics. And the existing block and sidewalk configuration are optimal for pedestrian, bicycle and vehicular connections. Future redevelopment of the site will be required to adhere to the context standards similar to those of the existing structure such as low intensity of commercial structures, similar building and parking locations and transparency standards.

Additional Review Criteria – The Denver Zoning Code specifies area requirements for some types of map amendments. For the Main Street zone districts there is no minimum area requirement to which this proposal would be subject.

Evaluation of Zoning Options

The recent citywide rezoning used the existing land use, zoning and plan direction as the criteria to evaluate the New Code zoning of all properties within the city. In determining that the U-MS-2 zone district was the correct district for this block staff reviewed the existing commercial land use, the B-3 zoning standards and the Blueprint Denver Mixed Use concept land use recommendation. The B-3 zone district allows a 1:1 floor area ratio so building scale under B-3 zoning is dependent on the size of the property. Because of the existing one-story scale of the structures on the block, the existing placement of the structures relative to Main Street Build To standards, the parking location, the existing mix of commercial and residential land uses and the Blueprint Denver Mixed Use land use concept recommendation it was determined that U-MS-2 was the correct zone district for the block.

With this proposed rezoning the applicant proposes to change the zoning of the property from U-MS-2 to U-MS-3. The differences in building form standards between U-MS-2 and 3 is the difference between a 2-story standard versus a 3-story one, or a 35 feet height limit standard in the U-MS-2 versus a 45 feet height limit standard in the U-MS-3 zone district. In addition, the U-MS-3 district has a 15 to 25 feet upper story setback standard for properties directly adjacent to Protected Districts, or lower intensity residential districts. The U-MS-2 zone district has no upper story setback.

The differences in primary use allowance standards between U-MS-2 and 3 are detailed in the following table.

Land Use	U-MS-2	U-MS-3
Shelter for the Homeless	NP	Z-PIN
Postal Processing Center	NP	P-ZP
Body Art Establishment	NP	L-ZP
Food Sales or Market	L-ZP	P-ZP
Retail Sales, Service & Repair – Outdoor*	L-ZPIN	L-ZP
Retail Sales, Service & Repair – Firearms Sales	NP	P-ZP
Automobile Emissions Inspection Facility	NP	P-ZP
Automobile Services, Light	NP	L-ZP
Automobile Services, Heavy	NP	L-ZP
Automobile/Motorcycle/Light Truck Sales Rentals, Leasing: Pawn Lot or Vehicle Auctioneer	NP	L-ZP
Communication Services	NP	L-ZPSE
Contractors, Special Trade - General	NP	L-ZP
Food Preparation and Sales, Commercial	P-ZPIN	P-ZP
Service Repair, Commercial	NP	L-ZP
Helipad, Helistop, Heliport*	NP	L-ZPIN
Wholesale Trade or Storage, Light	NP	L-ZPSE
KEY: P = Permitted Use without Limitations L = Permitted Use with Limitations NP = Not Permitted Use ZP = Zoning Permit Review ZPIN = Subject to Zoning Permit Review with Informational Notice ZPSE = Subject to Zoning Permit with Special Exception Review * = Need Not be Enclosed		

The proposal will bring the zoning of the property to U-MS-3, a zone district with the same scale as two of the four corners of the Tejon/33rd intersection. The fourth corner is zoned C-MX-5. Given the conformance with adopted plans, the consistency of the proposal with the existing area context and the zoning of adjacent properties, the U-MS-3 zone district is the correct zone district for this property.

VIII. Staff Recommendation

Based on the analysis above, CPD staff finds that the application meets all the requisite criteria for an official map amendment. We therefore recommend **approval** for rezoning the properties located at **3300 and 3316 Tejon Street (Application #2010I-00014)** for the U-MS-3 zone district.

Attachments:

1. Application
2. Map Series – (Aerial, Zoning, Blueprint Map)



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APPLICATION FOR ZONE MAP AMENDMENT

Application #	20101-00014	Date Submitted	July 15, 2010	Fee Required	\$1,000.00	Fee Paid	\$1,000.00
APPLICANT INFORMATION				CONTACT INFORMATION (Same as Applicant? <input type="checkbox"/>)			
Applicant Name	John Patrick Peavy			Contact Name			
Address	2419 D So. Worchester Ct.			Address			
City, State, Zip	Aurora, CO 80014			City, State, Zip			
Telephone / Fax	303 / 478-5060			Telephone / Fax	/		
Email	patolemiss@juno.com			Email			
Subject Property Location [Please Include Assessor's Parcel Number(s)]							
3300 Tejon St. (02282-27-008-000) and 3316 Tejon St. (02282-27-022-000)							
Legal Description of Subject Property							
3300 Tejon St. : South 52 Feet of Lot 2 Block 10 H Witters North Denver Addition 3316 Tejon St. : 97 Feet 2 Inches of the South 149 Feet 2 Inches of Lot 2 Block 10 H Witters North Denver Addition							
Area of Subject Property (Acres/Sq Ft)		Present Zone District		Proposed Zone District (Waivers and Conditions Require Separate form)			
65% Acre / 28,342 SQ FT		U-MS-2		U-MS-3			
Describe the nature and effect of the proposed Zone Map Amendment							
Re-zoning of said property to U-MS-3 will allow a three story structure to be built. Presently any structure is limited to two stories.							
Select Legal Basis for the Zone Map Amendment and explain in detail				Error in the map as approved by City Council		<input type="checkbox"/>	
				Changed or Changing Conditions that make a Zone Map Amendment Necessary		<input checked="" type="checkbox"/>	
Zoning was changed from B-3 to U-MS-2. Other B-3 zoned properties on Tejon St. were changed to U-MX-3. Therefore, equal treatment for said property to build 3 stories high is requested.							
State the land use and the development proposed for the subject property. Include the time schedule (if any) for development							
No immediate external changes are proposed for the 3300 Tejon St. and 3316 Tejon St. buildings. Currently 3300 Tejon St. is used as a church and 3316 Tejon St. is used as a drapery company.							
Required Exhibits				Additional Exhibits			
Applicant & Owner Information Sheet				<input type="checkbox"/>			
Maps – Required for Final Submissions				<input type="checkbox"/>			
Case Manager	Theresa Lucero						
Signature						Date	
						July 15, 2010	

APPLICANT & OWNER INFORMATION SHEET

[1] Section 59-648(c) of the Denver Revised Municipal Code requires that an applicant for rezoning provide the applicant's name, address, and respective ownership interest, if any, on the application. In addition, unless subject to paragraph [2] below, the applicant must provide, in the space provided on this form, a list of all the owners of the property and the holders of deeds of trust, identifying which owners and holders of deeds of trust are represented by the applicant.

[2] If the application is for designation of an area as B-2, B-3, R-X or PUD zone district, the applicant must submit the concurrence of the owners and holders of deeds of trust of the entire land area to be included in the proposed district (and any structures thereon). In such cases, this form must be completed for each individual owner, together with sufficient evidence of ownership for each owner and holder of a deed of trust. Documentation verifying ownership interest may include (but is not limited to): Copies of deeds, powers of attorney, and corporate/partnership registrations filed with the Secretary of State.

Application Number	Applicant's Name
20101-00014	John Patrick Peavy

Property Address(es)
3300 Tejon St. and 3316 Tejon St.

Applicant's Address
2419 D So. Worchester Ct. Aurora, CO 80014

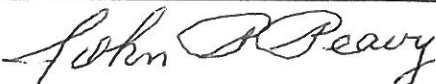
NOTE: If application is for rezoning to B-2, B-3, R-X or PUD, and the applicant is not the property owner, this form must be accompanied by a Power of Attorney statement from the property owner.

Indicate as accurately as possible the form of interest in the property, and the amount held by the individual or entity listed as "applicant" above.

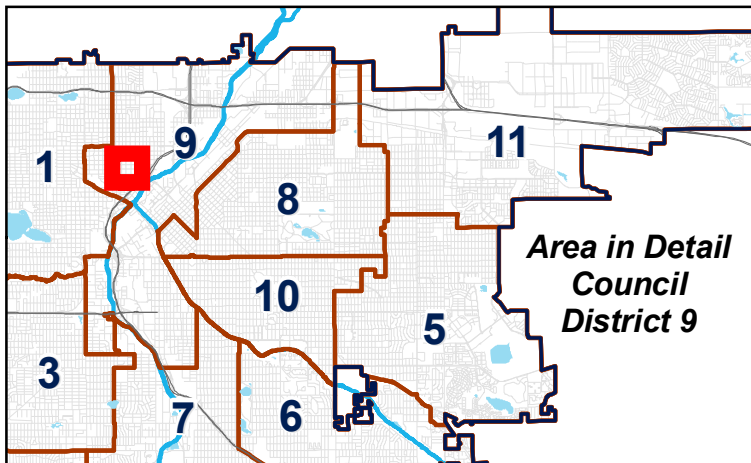
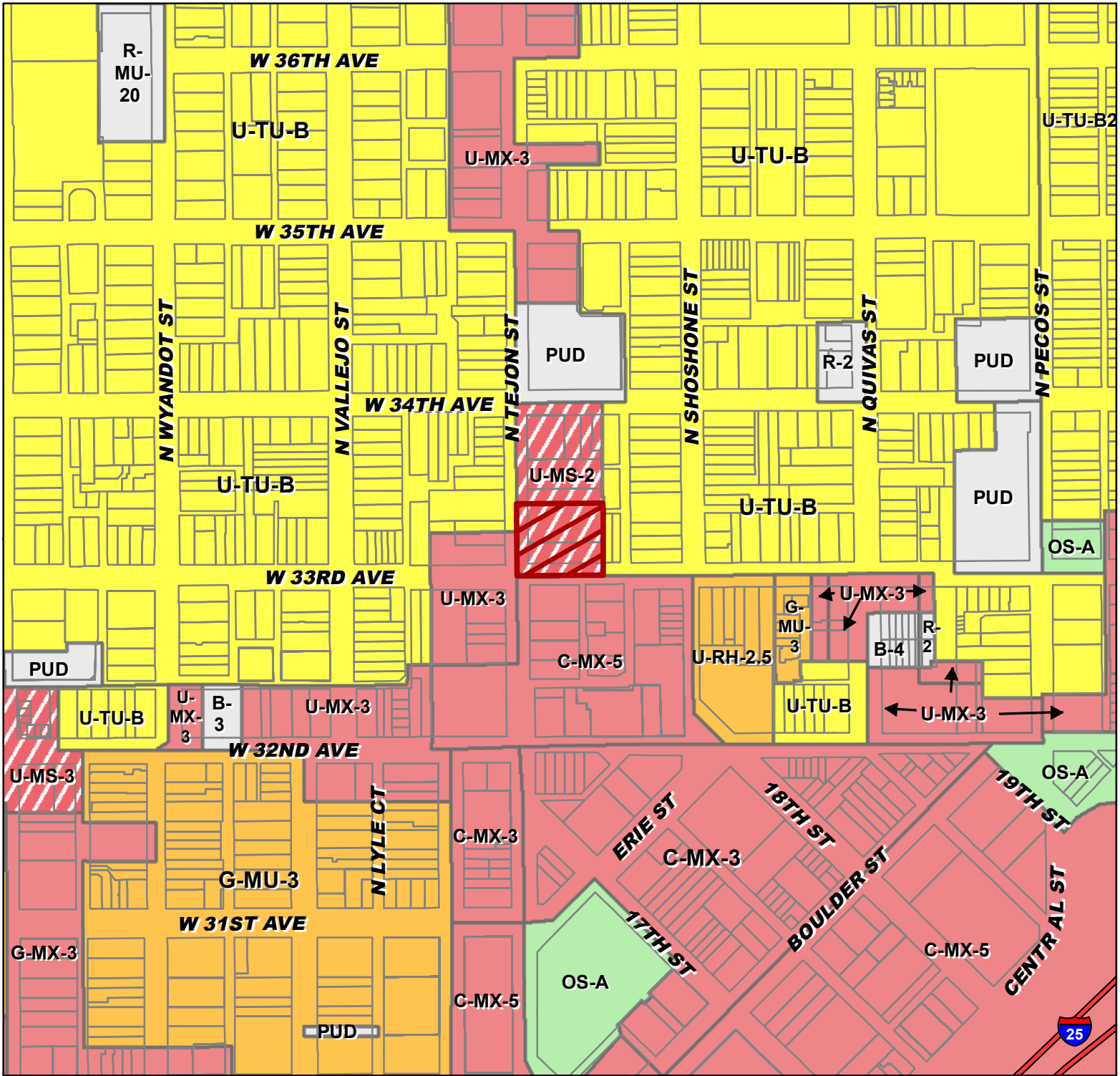
Fee Title Owner (Has Deed of Ownership)	All (100 percent)	x <input type="checkbox"/>
	A Portion	<input type="checkbox"/>
Contract Owner	All	<input type="checkbox"/>
	A Portion	<input type="checkbox"/>
Holder of a Security Interest	All	<input type="checkbox"/>
	A Portion	<input type="checkbox"/>

List the names and addresses of all owners and holders of Deeds of Trust for the property, if any, and indicate which owners or holders of deeds of trust are represented by the applicant in the space below (please add additional pages, if needed).

There are no encumbrances against properties.

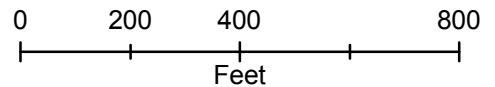
Signature of Applicant	Date Signed
	July 15, 2010

Pending Zone Map Amendment #2010I-00014



Application #2010I-00014
Location: 3300 and 3316 Tejon St.

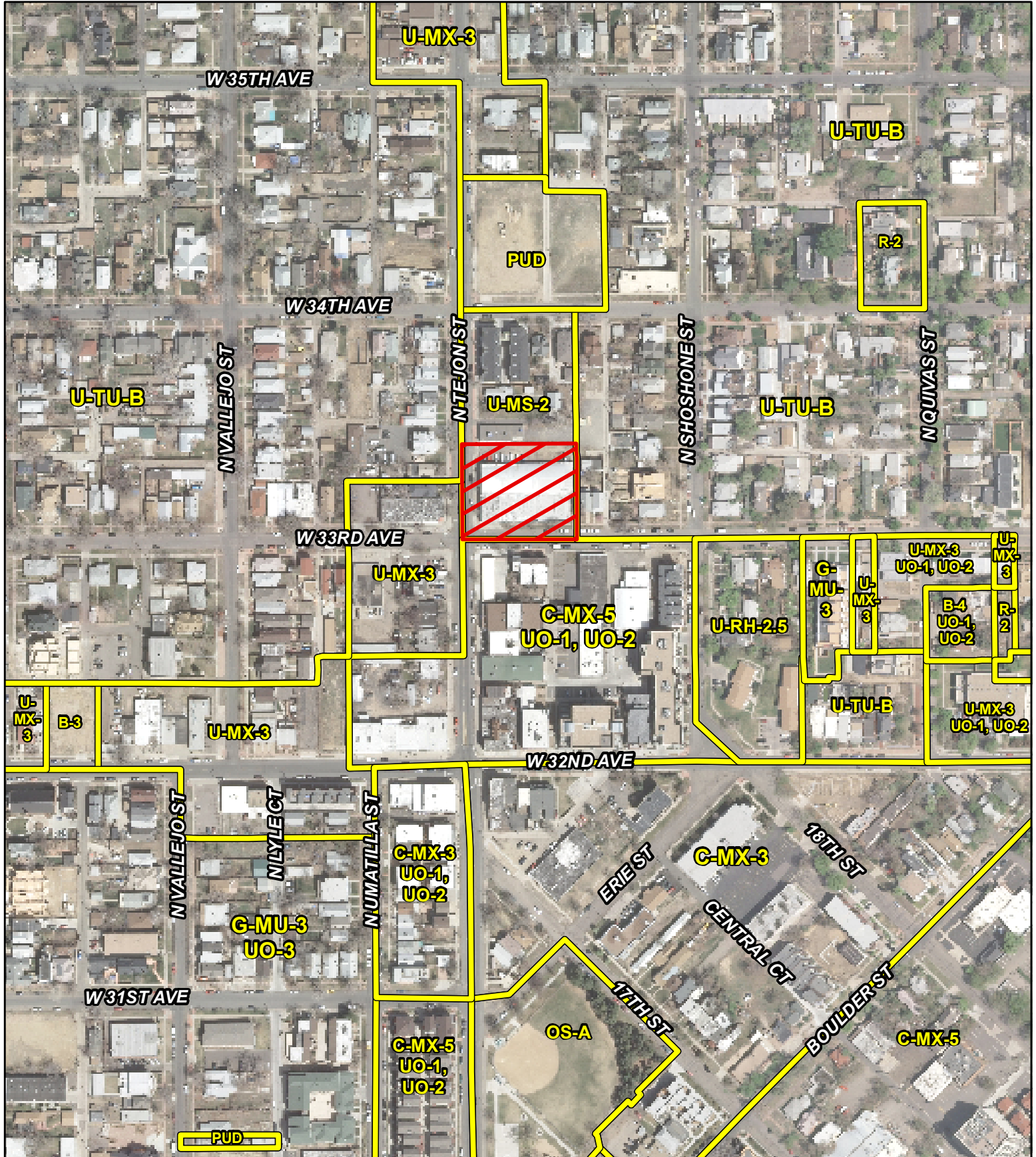
 **Proposed Rezoning**
From: U-MS-2
To: U-MS-3



Map Date: 7/21/10

Pending Zone Map Amendment - Aerial & Zoning Overlay

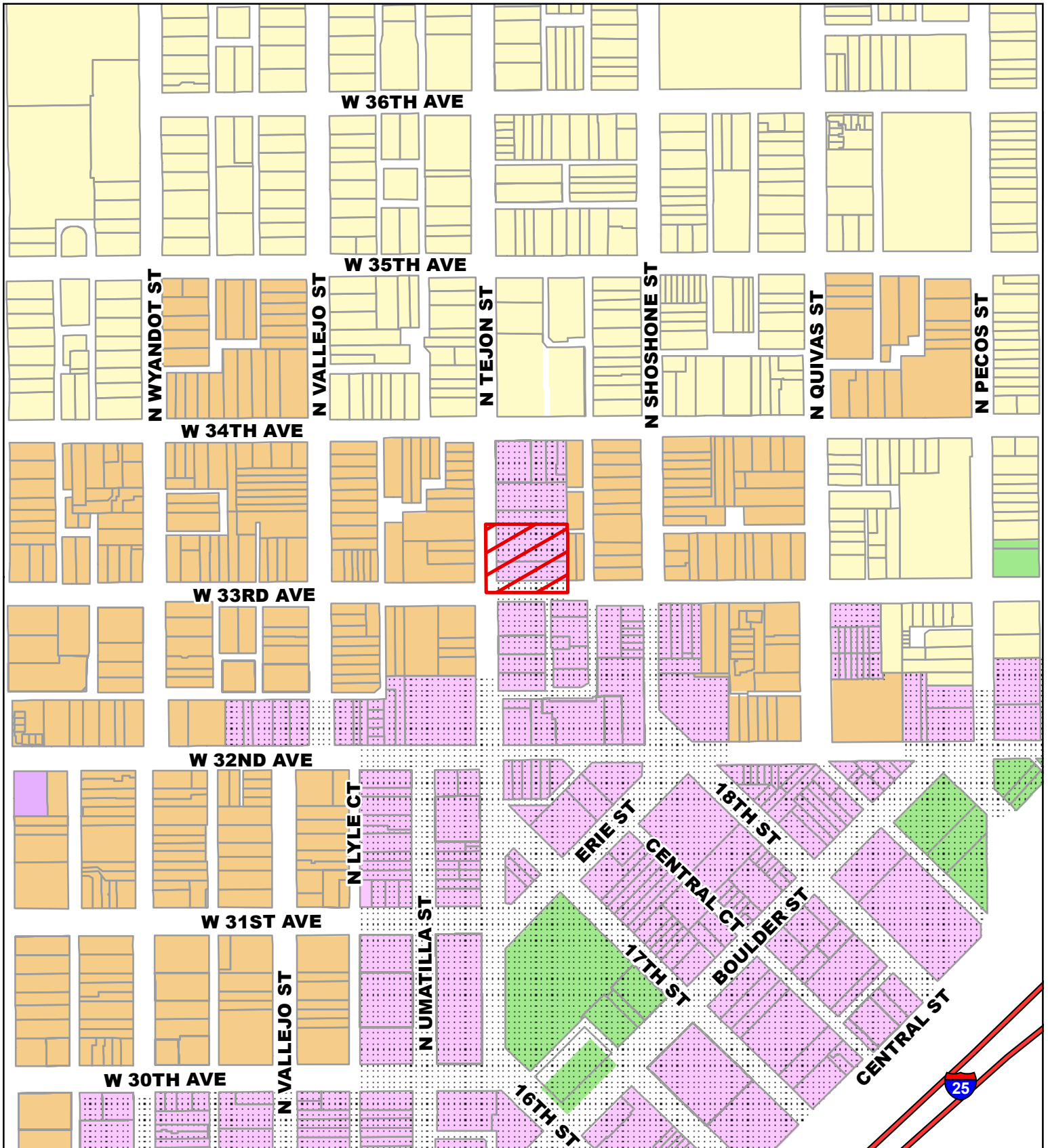
 Application #2010I-00014



Pending Zone Map Amendment - Blueprint Denver Overlay



Application #2010I-00014



- Single Family Residential
- Single Family Duplex
- Mixed Use
- Park
- Area of Change

0 100 200 400 Feet

Map Date: 7/21/10

