



DENVER
THE MILE HIGH CITY

TO: Denver City Council
FROM: Michelle Pyle, Senior City Planner
DATE: September 12, 2013
RE: Official Zoning Map Amendment Application #2012I-00013
3057 W Kentucky Ave
Rezoning from E-MX-2 to E-MX-3

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2012I-00013 for a rezoning from E-MX-2 to E-MX-3.

Request for Rezoning

Application:	#2012I-00013
Address:	3057 W Kentucky Ave
Neighborhood/Council District:	Westwood / Council District 3
RNOs:	Athmar Park Neighborhood Association, Inc; SWIC SouthWest Improvement Council Westwood Advisory Council; Westwood Residents Association; Denver Neighborhood Association, Inc; Inter-Neighborhood Cooperation
Area of Property:	23,599 square feet
Current Zoning:	E-MX-2
Proposed Zoning:	E-MX-3
Property Owner(s):	3057 W Kentucky, LLC
Owner Representative:	Daniele Gaston

Summary of Rezoning Request

- Currently the property is zoned E-MX-2 (Urban Edge Neighborhood Context – Mixed Use – 2 Stories), allowing 2 stories and 35’ maximum height.
- The subject property has an existing vacant building (old Qwest building) that is approximately 45’ in height (when including rooftop, completely enclosed mechanical equipment) and 2 stories.
- The rezoning to E-MX-3 would allow 3 stories and 45’.
- The property owner wishes to re-use the building for multi-family residential and to create a third story by removing the mechanical equipment and creating a habitable third story within the allowable 45’ of E-MX-3.
- Further details of the E-MX-3 zone district can be found in Article 4 of the Denver Zoning Code (DZC).

Existing Context Summary

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	E-MX-2	Vacant building	2 Story; parking to side; attached sidewalk	Generally regular grid of streets, attached sidewalks, alleys but street access frequently used
North	E-SU-D1x (Single Unit, 6,000 square ft lots, accessory dwelling units)	Single family	1 ½ story homes; attached sidewalks; alley but most access from street	
South	PUD 114 (allows 16 two-story multi-family units)	Multifamily low-rise	1-2 Story; street access	
Southeast	E-MX-3	Industrial/Commercial	1-story auto-repair shop	
East	PUD 203 (allows convenience store, gas station and retail space, max height of 30')	Retail and gas station	1 story, setback from street	
West	E-MX-2	Communication Utility and neighborhood serving retail	2 story building, build-to, no windows or entrances facing street; 1-story strip commercial	



View from intersection of Federal and Kentucky Ave, looking West

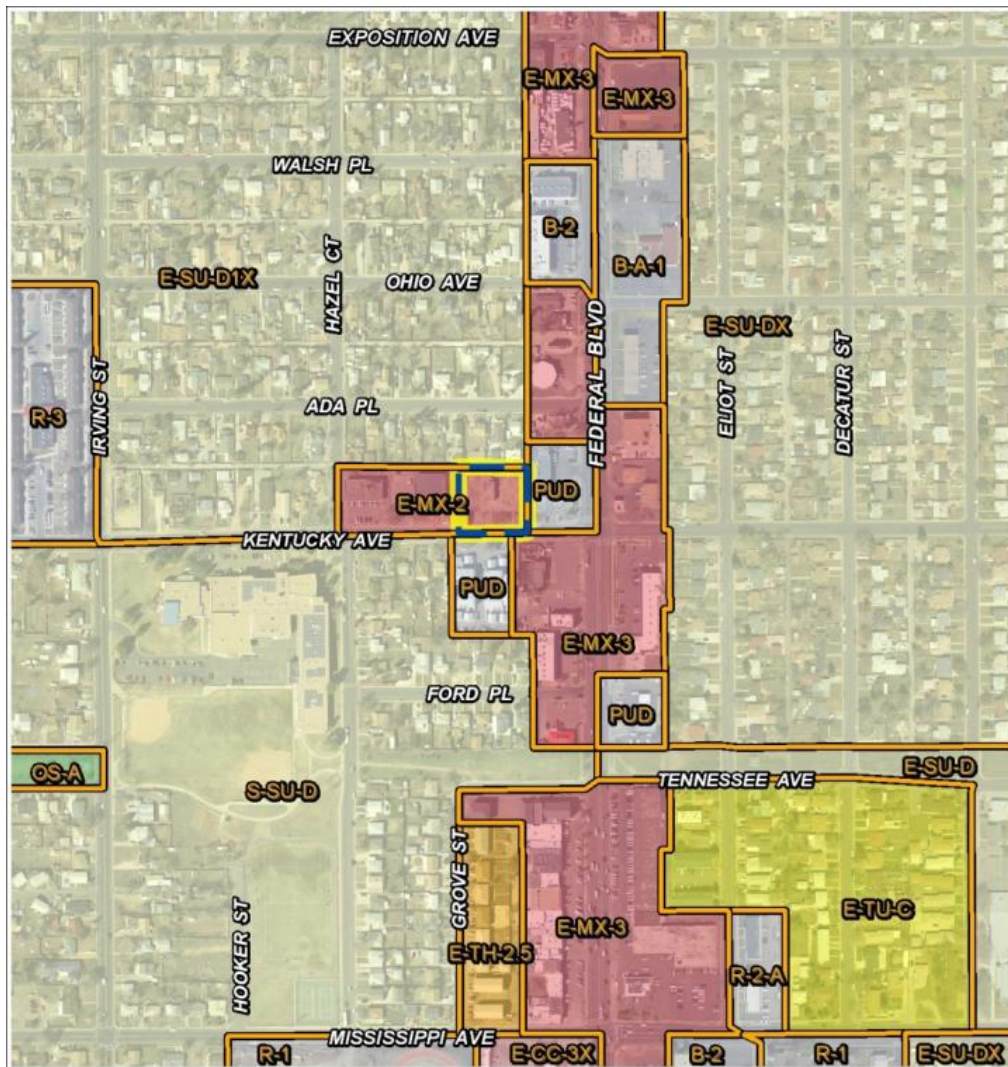
1. Existing and Proposed Zoning

The subject property is currently zoned E-MX-2:

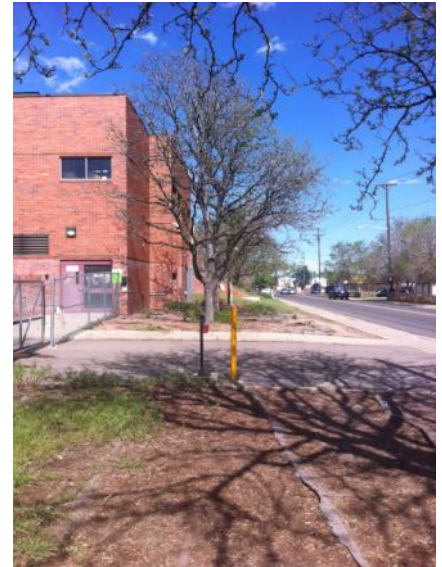
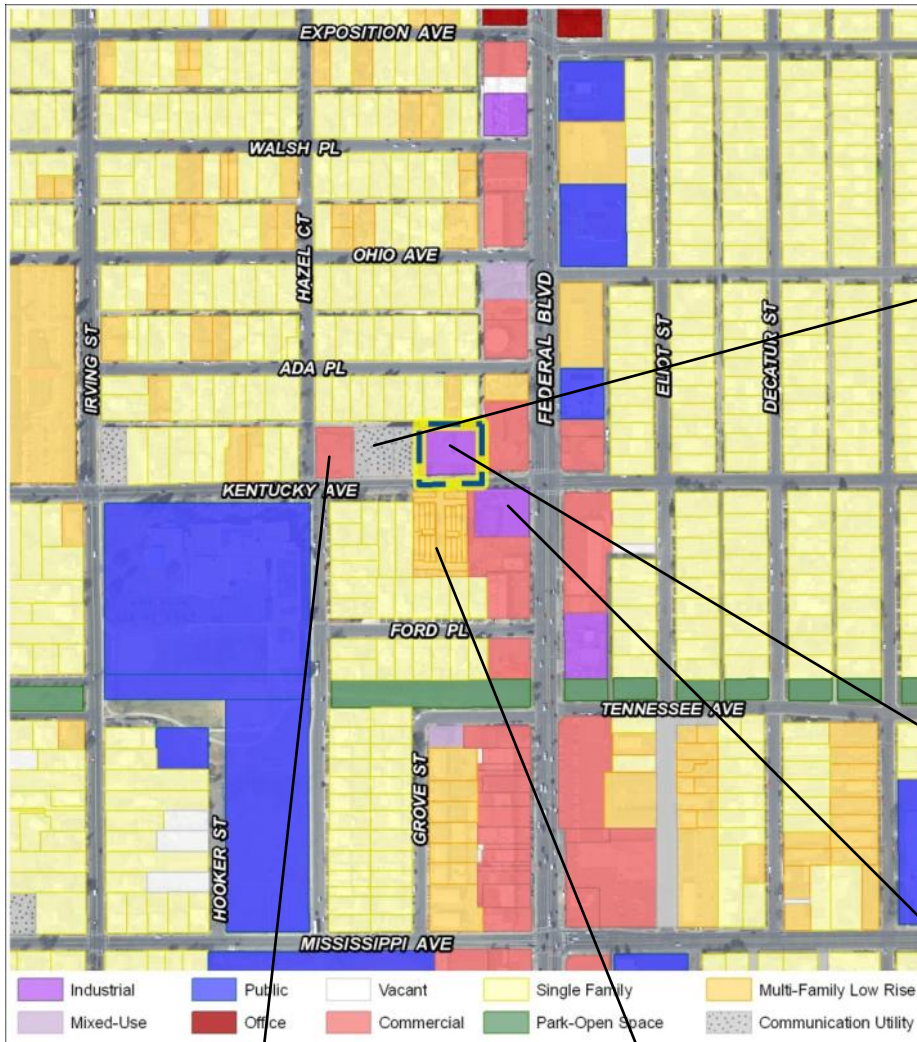
- Uses: Allows a mix of uses – including residential and commercial
- Height: Maximum height of 2 stories and 35’.
- Form Standards: Allows surface parking between the building and the street, requires a street-facing entrance and transparency

The proposed zoning is E-MX-3:

- Uses: Allows a mix of uses, with certain uses allowed that are not allowed in E-MX-2 (e.g. Lodging Accommodations)
- Height: Maximum height of 3 stories and 45’.
- Same form standards as E-MX-2 (see above)
- Additionally, E-MX-3 has standards for height transitions and setback transitions when adjacent to a Protected District, as is the condition to the North (E-SU-D1x).



2. Existing Land Use Map and Building Form and Scale



Summary of City Agency Referral Comments

As part of the DZC review process, the rezoning application is referred to potentially affected city agencies and departments for comment. A summary of agency referral responses follows:

Asset Management: Approve – No comments

Denver Fire Department: Approve Rezoning Only

Public Works – City Surveyor: Approve – No comments

Public Review Process

- CPD staff provided Informational notice of receipt of the rezoning application to affected members of City Council and registered neighborhood organizations on May 31, 2013.
- Planning Board
 - Planning Board recommended approval of the rezoning following a hearing on July 17, 2013.
- LUTI
 - The rezoning application was heard by the Land Use, Transportation and Infrastructure Committee of the City Council on August 6, 2013.
- City Council
 - Notice of the City Council public hearing was electronically sent to all affected registered neighborhood organizations and notification signs were posted on the property for 21 days prior to the public hearing.
- Public Input Received
 - Westwood Residents Association – Opposed

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 following adopted plans apply to this property:

- Denver Comprehensive Plan 2000
- Blueprint Denver (2002)
- Westwood Neighborhood Plan (1986)

Denver Comprehensive Plan 2000

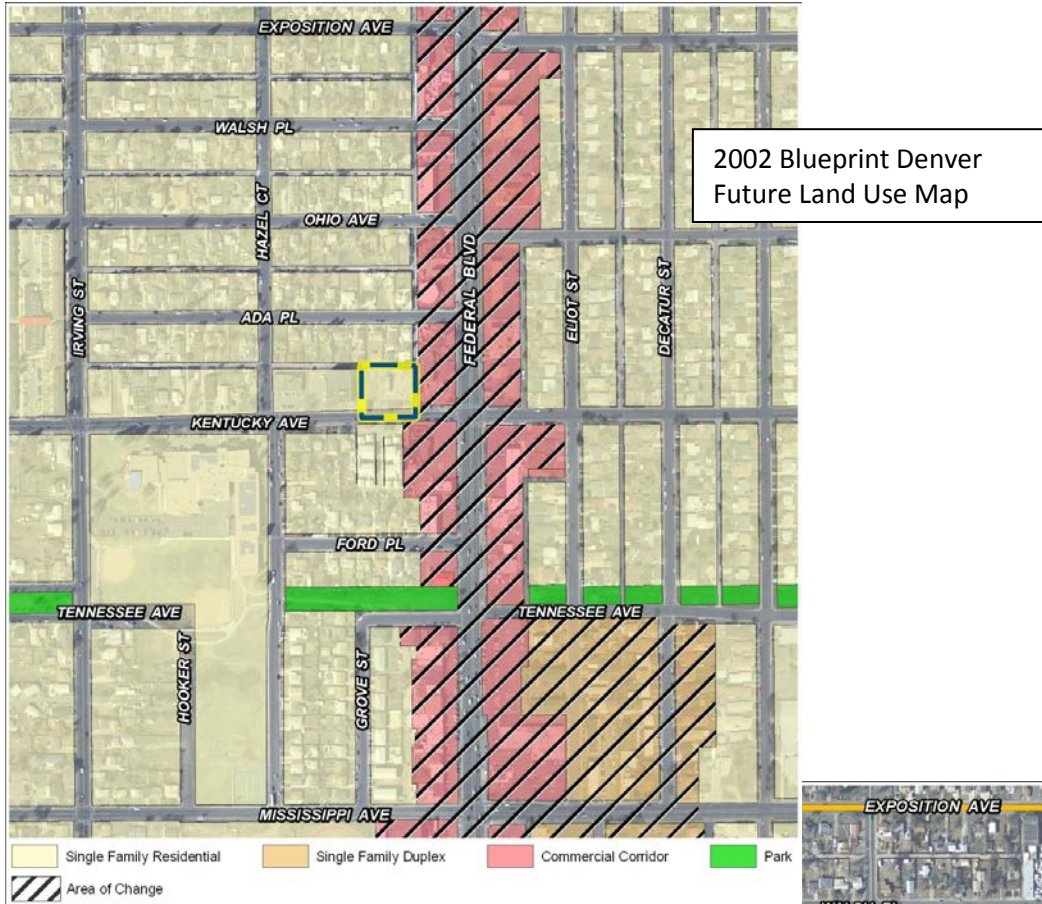
The proposal is consistent with many Denver Comprehensive Plan strategies, including:

- Environmental Sustainability 2-E—*Conserve raw materials by promoting efforts to adapt existing buildings for new uses rather than destroying them.*
- 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.*
- Mobility Strategy 4-E – *Continue to promote mixed-use development, which enables people to live near work, retail and services.*
- Housing Objective 1: *Ensure that City policies and procedures promote housing development and do not add unnecessary costs.*
- Housing Objective 2: *Encourage preservation and modernization of Denver’s existing housing stock and established neighborhoods. Support addition of housing in expansion and infill development.*

The proposed map amendment will enable mixed-use development at an infill location where services and infrastructure are already in place. The E-MX -3 rezoning is consistent with these plan recommendations.

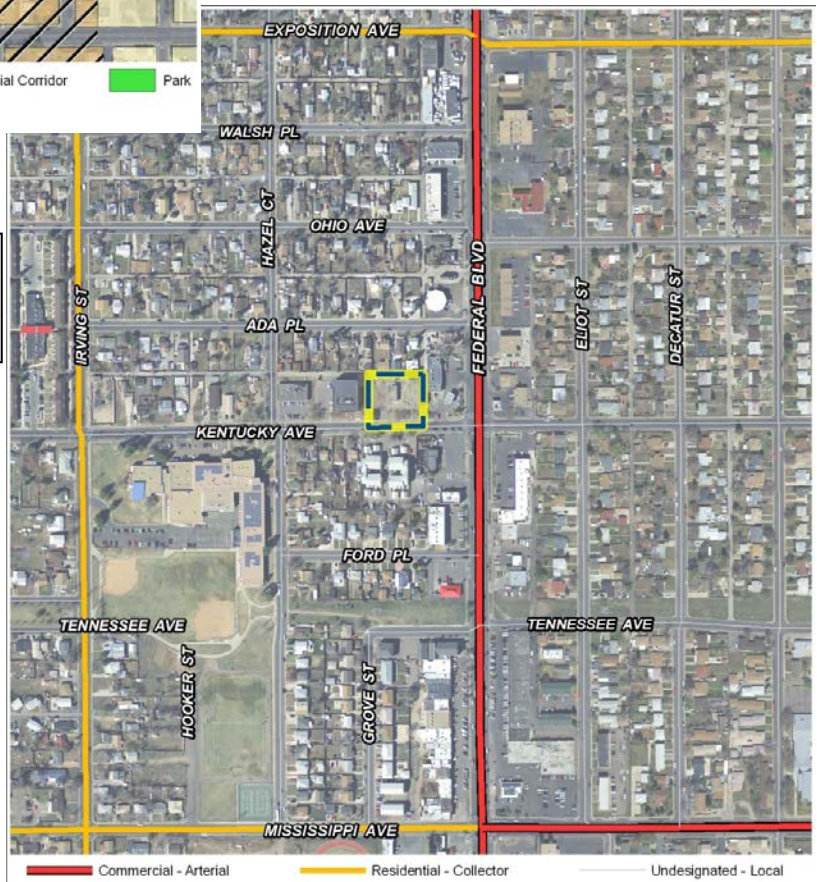
Blueprint Denver

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.



2002 Blueprint Denver Future Land Use Map

2002 Blueprint Denver Future Street Classification Map



The proposed rezoning is consistent with the Land Use and Mobility recommendations in Blueprint Denver:

- The Single Family Residential land use classification is designated where the majority of the area is single family residential with an employment base that is significantly smaller than the housing base.
- The goal of Areas of Stability is to maintain the character yet accommodate some new development to prevent stagnation. "Within Areas of Stability there may be places such as stagnant commercial centers where reinvestment would be desirable to make the area an asset to and supportive of the surrounding neighborhood." (p. 23)
- Kentucky Ave is an undesignated local street. "...local streets are influenced less by traffic volumes and are tailored more to providing local access." The site is near the intersection of Kentucky and Federal Blvd. Federal Blvd is a Commercial – Arterial and an enhanced transit corridor.

Westwood Small Area Plan

The proposed rezoning is consistent with the area plan. The plan recommends the following for land use and zoning:

- Goal #2: "encourage any further business development to occur within areas already zoned for the appropriate business uses"
- Goal #4: "...stabilize or upgrade the present housing stock."
- Goal #6: "upgrade and promote existing and new neighborhood business zones"
- Goal #9: "...develop an infill housing program in order to develop new low density housing."
- Goal #10: "provide a stable neighborhood setting through the maintenance and provision of neighborhood amenities"

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to E-MX-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 plan.

4. Justifying Circumstance

The application is measured against Denver Zoning Code Section 12.4.10.14.A.4 which provides a justification statement which says 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. The change or changing condition is associated with recommendations from adopted plans: Comprehensive Plan 2000, Blueprint Denver and the Westwood Small Area Plan (1986).

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

The requested E-MX-3 zone district is within the Urban Edge Neighborhood Context. The neighborhood context generally consists of single-unit and two-unit residential and embedded commercial areas. Urban Edge Mixed Use Zone Districts are intended to promote safe, active and diverse areas. Specifically, E-MX-3 is intended for areas served primarily by collector and arterial streets. The intersection nearest to the site is Federal Blvd – an arterial and identified as enhanced transit corridor in Blueprint Denver. The proposed rezoning to E-MX-3 is consistent with the neighborhood context description.

Staff Recommendation

Based on the analysis set forth above, CPD staff finds that the application for rezoning the property located at 3057 W. Kentucky Ave to the E-MX-3 zone district meets the requisite review criteria. Accordingly, staff recommends *approval*.

Attachments

1. Application
2. Westwood Residents Association letter



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Zone Map Amendment (Rezoning) - Application

1/26/12

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	3057 W. Kentucky St , LLC	Representative Name	Danielle Gaston
Address	4300 W. Alameda Ave	Address	407 Reed Ct.
City, State, Zip	Denver CO 80219	City, State, Zip	Lakewood, CO 80226
Telephone	720-443-8833	Telephone	303-888-3481
Email	ejthmpsn@aol.com	Email	danielle.gastonn@gmail.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>		<p>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</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):	3057 W. Kentucky		
Assessor's Parcel Numbers:	0517316033000		
Legal Description: (Can be submitted as an attachment. If metes & bounds, a map is required.)	Lots 31-37, Block 41, Adams Gardens		
Area in Acres or Square Feet:	1/2 + 1-		
Current Zone District(s):	E-MX-2		
PROPOSAL			
Proposed Zone District:	E-MX-3		

www.denvergov.org/rezoning

201 W. Colfax Ave., Dept. 205

Denver, CO 80202

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



REVIEW CRITERIA	
<p>General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.13</p>	<p><input checked="" type="checkbox"/> Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan</p> <p>Please provide an attachment describing relevant adopted plans and how proposed map amendment is consistent with those plan recommendations; or, describe how the map amendment is necessary to provide for an unanticipated community need.</p> <p><input checked="" type="checkbox"/> Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.</p> <p><input checked="" type="checkbox"/> Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</p>
<p>Additional Review Criteria for Non-Legislative Rezoning: The proposal must comply with both of the additional review criteria DZC Sec. 12.4.10.14</p>	<p>Justifying Circumstances - One of the following circumstances exists:</p> <p><input type="checkbox"/> The existing zoning of the land was the result of an error.</p> <p><input type="checkbox"/> The existing zoning of the land was based on a mistake of fact.</p> <p><input type="checkbox"/> The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage.</p> <p><input checked="" type="checkbox"/> The land or its surroundings has changed or is changing to such a degree that rezoning that it is in the public interest to encourage a redevelopment of the area to recognize the changed character of the area it is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (Overlay Zone Districts), of this Code.</p> <p>Please provide an attachment describing the justifying circumstance.</p> <p><input checked="" type="checkbox"/> The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.</p> <p>Please provide an attachment describing how the above criterion is met.</p>
ATTACHMENTS	
Please check any attachments provided with this application:	
<input checked="" type="checkbox"/> Authorization for Representative <input checked="" type="checkbox"/> Proof of Ownership Document(s) <input checked="" type="checkbox"/> Legal Description <input checked="" type="checkbox"/> Review Criteria	
Please list any additional attachments:	
<p><i>Support letter from Paul Lopez</i></p>	



DENVER
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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
3057 W Kentucky, LLC	4300 W. Alameda Ave. Denver 80219	100%	<i>[Signature]</i>	5/21/2013	A	Yes

www.denvergov.org/rezoning



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CITY COUNCIL

City and County of Denver



Hon. Paul D. López
Councilman, District Three

March 28, 2012

EJ Thompson
1290 S. Tennyson
Denver, CO 80219

RE: 3057 W. Kentucky Street

To whom it may concern,

On behalf of the constituents of Council District 3, especially those who live in the Westwood neighborhood, I whole-heartedly support the development on the property at 3057 W. Kentucky Street. These are the kind of project that will revive this neighborhood and ensure that it maintains its character. When developers come into our district, we always want to make sure that they understand the dynamics of our neighborhoods and will not only work within those dynamics, but also help improve them. In speaking to Mr. Thompson about this project I am confident that he will do both.

To reimage the "old Qwest" building that has been vacant for over a decade, into 30 affordable rental properties, which will include units of two bedrooms/one bathroom, is the kind of development that this district has long fought for. It is also a bonus that developer will be managing the properties in some capacity. as they will be more invested in the neighborhood and maintaining this property, long after it has been built.

This project will not only beautify the area, but more importantly remove a safety hazard, making this vacant building into something fruitful for the neighborhood. Westwood was one of the hardest hit neighborhoods for foreclosure in the state and this will provide families a place to rent, staying in their neighborhood. I think this is a great project and would urge others to support it as well.

Feel free to contact my office if there are any further questions at the information below.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul D. Lopez".

Hon. Paul D. Lopez
Councilman, District 3, City and County of Denver

Denver City Council • City and County Building • 1437 Bannock Street, Room 451 • Denver, Colorado 80202
Phone: 720-337-3333 • Fax: 720-337-3337

April 2, 2012

I Trong Lam President of Pacific Century Investment Company, Inc. authorize EJ Thompson to submit a Zoning Change Application to the City of Denver as well as act as representative regarding the property at 3057 W. Kentucky Ave. Denver CO 80219, for the purpose of rezoning from a MX2 to a MX3.

Trong Lam

x Trong B. Lam

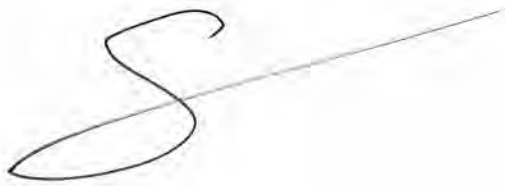
To Whom it May Concern

I authorize Daniele Gaston to speak as well as act on my behalf regarding 3057 W. Kentucky Ave, Denver CO 80219. She is the Consultant on this project and will be doing most of the correspondence on this project. Her name is Daniele Gaston, email is danielegastonnn@gmail.com, 303-888-3481.

My name is Ej Thompson, phone is 720-443-8833.

Thank you

May 20, 2013

A handwritten signature in black ink, appearing to be the initials 'S' followed by a long horizontal line extending to the right.

3057 W. Kentucky, Denver 80219

Application # 20121-00013

Legal Description - LOTS 31-37, BLOCK41, Adams Garden Subdivision

The building Sq. Footage is 18,431, the Lot size is 23,599

The Zoning used for Valuation is B1 (this may be changed to E-MX-3) after Blueprint Denver

The current Zoning for this building is E-MX-2, we would like to rezone it to be E-MX-3, which would

allow us to build onto the current building replacing the mechanical room that is currently there now. The height limit will not be exceeded. We would like to turn this building into very nice affordable apartment units. This building has been vacant for years and is nothing more than a place for kids to graffiti and

homeless people to sleep. We are hoping to turn it in to a nice place for people to live and for the community to be proud of. This is only possible if we can put enough units in it. At this zoning that isn't possible.

We spoke with DURA and they are sending us an application for some kind of Grant. They said it is a

much simpler process. I will keep you posted on the progress as it happens. They think this is an ideal

project and said she shouldn't have any problems getting help for this.

Thank you.

2012I-00013 Page 7 of 8 may 2013

Print

Real Property Records

Date last updated: Sunday, April 01, 2012

Real Property Records Search

If you have a question about the value, ownership, or characteristics of this property, or any other property in Denver, please call the Assessor at 720-913-4162.

- [Link to real property information for this property](#)
- [Link to comparable sales information for this property](#)
- [Link to chain of title information for this property](#)
- [Link to property sales information for this neighborhood](#)
- [Link to property tax information for this property](#)
- [Link to property sales information for all Denver neighborhoods](#)
- [Link to map/historic district listing for this Property](#)
- [Link to zoning and neighborhood information for this Property](#)

[Back to Property List](#)

The property description shown is data from the Assessor's active, in-progress 2011 file. The "current year" values are from the 2011 tax year for real property tax due in 2012. These values are based on the property's physical status as of January 1, 2011.

PROPERTY INFORMATION

Property Type: INDUSTRIAL - WAREHOUSE

Parcel: 0517316033000

Name and Address Information

Legal Description

PACIFIC CENTURY INVESTMENT

ADAMS GARDENS BLK 41
L31 TO 37

6600 W 120TH AVE A

BROOMFIELD, CO 80020-6937

Property Address: 3057 W KENTUCKY AVE

Tax District 308A

Assessment Information

	Actual	Assessed	Exempt	Taxable
Current Year				
Land	165200	47910		
Improvements	471700	136790		
Total	636900	184700	0	184700
Prior Year				
Land	165200	47910		
Improvements	598800	173650		
Total	764000	221560	0	221560

Style: Other
Year Built: 1965
Building Sqr. Foot: 18,431
Bedrooms:
Baths Full/Half: 0/0
Basement/Finished: 0/0
Lot Size: 23,599

Reception No.:
Recording Date: //
Document Type:
Sale Price:
Mill Levy: 71.307

[Click here for current zoning](#)
Zoning Used for Valuation: B1
Note: Valuation zoning maybe different from City's new zoning code.

Print

LOTS 31-37, BLOCK 41, ADAMS GARDEN SUBDIVISION



Attn: Michelle Pyle, City Planner

Application: #2012I-00013

Application Address: 3057 W. Kentucky Ave.

From: E-MX-2

To: E-MX-3

Ms. Pyle:

The Westwood Residents Association has already discussed this application. We were made aware of it before it was submitted.

The association is opposed to adding a third story without seeing additional parking spots also added. There are already existing parking issues because of the property's proximity to the Kepner campus as well as existing town homes that are located across the street. Adding additional residents without adding additional parking further impacts a problem that is already a dangerous situation at a major thoroughfare through our neighborhood.

The new owner has stated he will weed out potential renters based on whether they will need a parking space in an effort to avoid building additional parking. He has made it clear that he will not rent to anyone who has a car once he reaches parking capacity. We find that to be an unethical behavior from a new landlord in our community.

To date, the association has not been entirely impressed with Mr. Thompson's investment in the Westwood community. He has a property at 3426 W Dakota that is still not completed, and he has not made necessary arrangements to clean up the mess on the property. This has been ongoing for over two years – he purchased the property on 4/15/11. While we appreciate the addition of the Mean Bean coffee shop in the neighborhood, this is another unfinished project with a ransacked vacant lot next door that also requires cleanup.

Moving forward, investors who wish to do business in Westwood need to be held to a higher set of standards. We no longer wish to be subjected to unfinished projects and projects that are not fully thought through prior to attempted implementation.

Sincerely,

Michelle Schoen

President

Westwood Residents Association