



DENVER
THE MILE HIGH CITY

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Denver, CO 80202
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f: 720-865-3056
www.denvergov.org/planning

TO: Denver City Council
FROM: Chris Gleissner, Senior City Planner
DATE: August 8, 2011
RE: Zoning Map Amendment Application #2010I-00025
Rezoning from I-A UO-2 to I-MX-3 UO-2

Staff Report and Recommendation

Based on the review criteria identified in the Denver Zoning Code, Section 12.4.10, Staff recommends **approval** for Application #2010I-00025 for a rezoning from I-A UO-2 to I-MX-3 UO-2.

I. Scope of Rezoning

Application:	#2010I-00025
Address:	377/389 S Lipan Street
Neighborhood/Council Dist.:	Athmar Park; Council District #7
RNO's:	Athmar Park Neighborhood Association; Inter-Neighborhood Cooperation
Area of Property:	2.7 acres
Current Zoning:	I-A UO-2
Proposed Zoning:	I-MX-3 UO-2
Applicants/Owners:	Frogmore, LLC
Contact Person:	Barry Gilbert

II. Summary of Proposal

Vicinity Description

The site is located along the west side of Lipan Street, between W Nevada Place and W Alaska Place. Railroad Right of Way borders the site on the west. The Platte River corridor is located one block east of the site.



III. Justifying Circumstances for Rezoning

Land or Its Surrounding Environs Has Changed or is Changing

The character of the neighborhood is changing and the proposed rezoning of the property to I-MX-3 would encourage further redevelopment and reinvestment consistent with the surrounding properties to the south and west of the site.

IV. Zoning Context

	Zoning	Existing Land Use	Blueprint Denver
Site	I-A UO-2	Warehouse Uses	Area of Stability Industrial
North	E-MX-3A	Auto Services and Warehouse	Area of Change Commercial Corridor
South	I-MX-3	Warehouses and Residential	Area of Stability Industrial
West	I-MX-3	Warehouses and Residential	Area of Stability Industrial
East	I-A UO-2	Warehouses	Area of Stability Industrial

V. Summary of Agency Referral Responses

These rezonings have been reviewed concurrently within the context the Denver Zoning Code and other applicable City Codes as utilized by the referral agencies listed below.

- Asset Management: Approved/No Comment.
- Fire Department: Approved/No Comment.
- Denver Parks: Approved/No Comment.
- DES-Transportation: Approved for rezoning. 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. All access points to be determined through Traffic Impact Study and review process that is currently in progress.
- DES-Wastewater: Approved for rezoning. Public Works DES Wastewater approves this Zone Map Amendment. The applicant should note that this

DES-Surveyor

approval is for zoning change only, and development of this site will require approval of drainage/sanitary sewer studies and construction plans.

Public Works DES Survey approves this Zone Map Amendment. The applicant should note that this approval is for zoning change only, any future developments of this site will require a complete boundary survey and all DES Survey requirements to be approved.

VI. Community Response

No formal Registered Neighborhood Organization response has been received.

VII. Criteria for Review

The criteria for review of this rezoning application are identified in the Denver Zoning Code, Section 12.4.10. Applicable criteria include:

- Consistency with Adopted Plans
- Uniformity of District Regulations and Restrictions
- Public Health, Safety and General Welfare
- Justifying Circumstances
- Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements

A. Consistency with Adopted Plans

Rezoning application #2010I-00025 is consistent with the City's adopted plans. These include Comprehensive Plan 2000, Blueprint Denver and the Athmar Park Perimeter Plan.

Denver Comprehensive Plan 2000

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

- Land Use chapter, Strategy 3-B 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."*
- Mobility chapter, Strategy 4-E to *"Continue to promote mixed-use development, which enables people to live near work, retail and services."*
- Legacies Chapter, Strategy 3-A to *"Identify areas in which increased density and new uses are desirable and can be accommodated."*

Blueprint Denver

The Blueprint Denver concept land use classification of this site is Industrial in an Area of Stability. According to Blueprint Denver, Industrial areas have varied characters. Some have historic buildings that are suitable for conversion to office and residential. Others have the potential to be diverse employment areas, often requiring access to major arterials or interstates (p. 40). The goal for an Area of Stability is to identify and maintain the character of an area while accommodating some new development and redevelopment (p. 120).



The proposed I-MX-3 UO-2 Zone District is consistent with the Blueprint land use concept of Industrial. Additionally, this rezoning will support new development that will provide an improved transition between the low scale residential uses to the west and the industrial properties to the east.

Rezoning this site to I-MX-3 UO-2 will be consistent with these plan recommendations.

Athmar Park Perimeter Plan

Applicable Goals from the 2000 Plan include:

- Promote neighborhood stability, support preservation of the neighborhood character, and create a sense of place.
- Encourage business growth, revitalization, and development in the commercial areas along the Athmar Park neighborhood edges and in the industrial area.

Rezoning this site to I-MX-3 UO-2 will be consistent with these plan recommendations.

B. Uniformity of District Regulations and Restrictions

Rezoning application #2010I-00025 results in regulations and restrictions that are uniform for each kind of building throughout each district having the same zoning classification.

C. Public Health, Safety and General Welfare

Rezoning application #2010I-00025 furthers the Public Health, Safety and General Welfare of the City.

D. Justifying Circumstances

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. This rezoning will encourage further redevelopment and reinvestment in this area while providing an appropriate transition between the low scale residential uses to the west and the industrial properties to the east.

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

Rezoning application #2010I-00025 is consistent with the Neighborhood Context Description, Zone District Purpose and Intent Statements.

Neighborhood Context Description: This area is located in an Industrial Context, which consists of areas of light industrial, warehouse, and heavy industrial areas, as well as areas in transition from industrial to mixed-use. Industrial buildings are typically placed to accommodate the specific activity, often with surrounding parking. (DZC 9.1.1)

Zone District Purpose and Intent Statements: The requested I-MX-3 applies to industrially-dominated areas served primarily by local or collector streets with a maximum building height of 3 stories (DZC 9.1.2.1.A). In general, Industrial Mixed Use districts are intended to develop in a pedestrian-oriented pattern, to provide a transition between mixed use areas and I-A or I-B districts, and to accommodate a variety of uses.

VIII. Planning Board Recommendation

Planning Board reviewed rezoning application #2011I-00003 at their regularly scheduled meeting on June 15, 2011. Planning Board recommended approval of this item on consent.

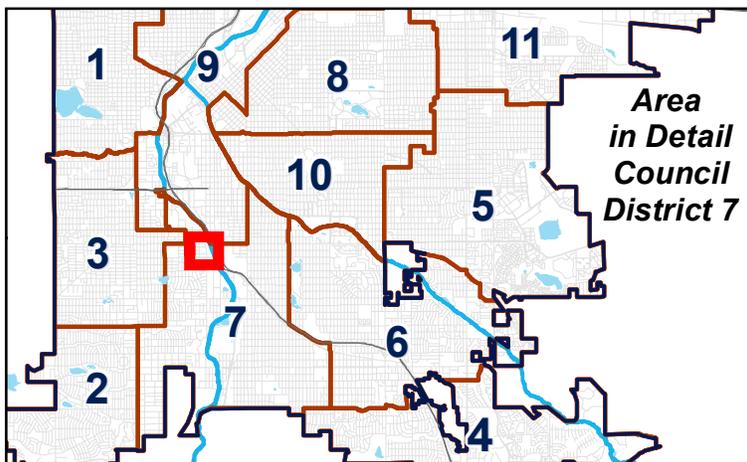
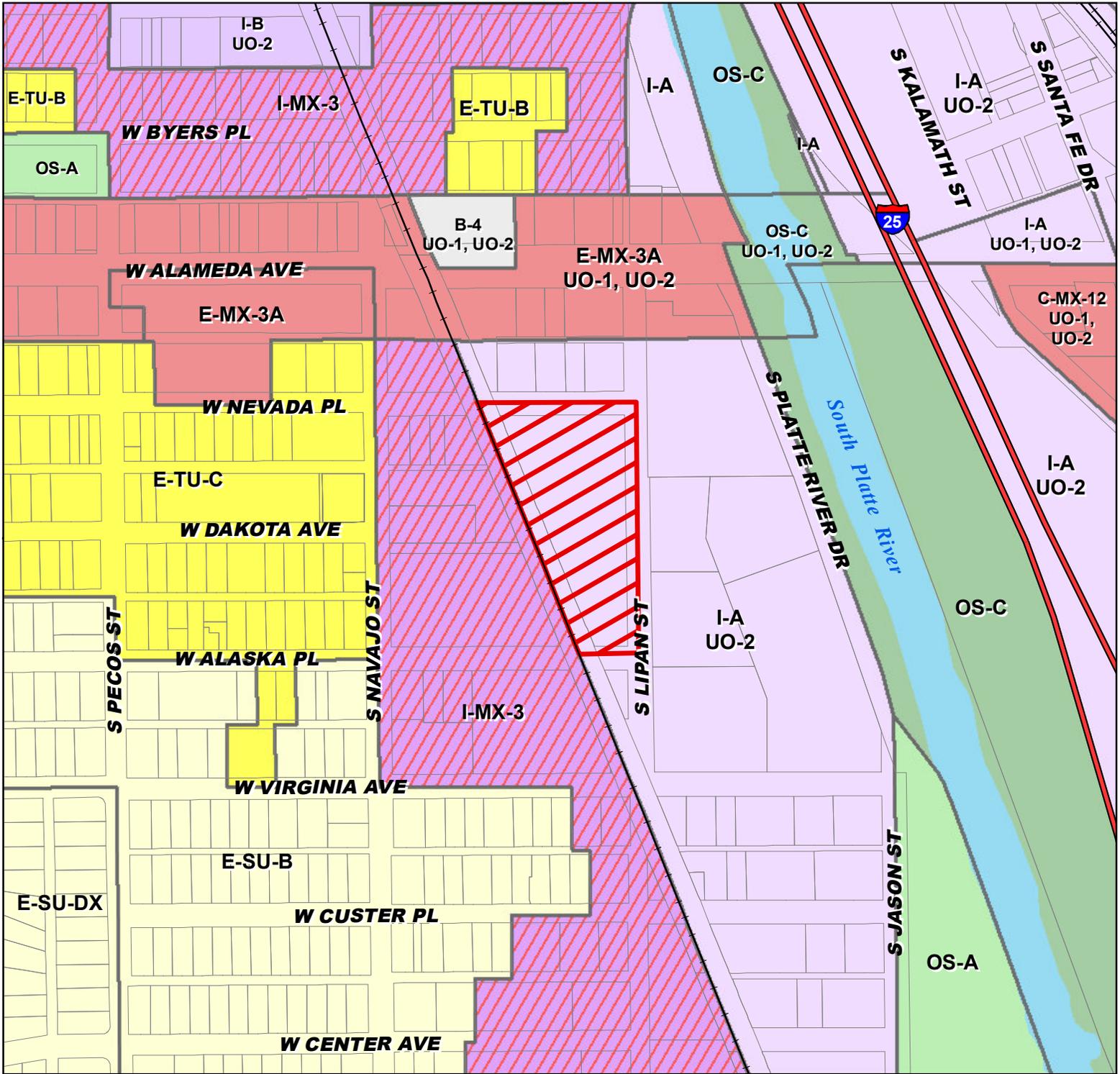
IX. Staff Recommendation

Based on the criteria for review as defined above, Staff recommends **approval** for rezoning the property located at 377/379 S Lipan Street (Application #2010I-00025) to I-MX-3 UO-2.

Attachments (these attachments are included when you make the PDF file for the staff report:

- 1. Map Series-aerial. Zoning, Blueprint Map**
- 2. Application**

Pending Zone Map Amendment #2010I-00025



Application #2010I-00025
 Location: 377-389 South Lipan St

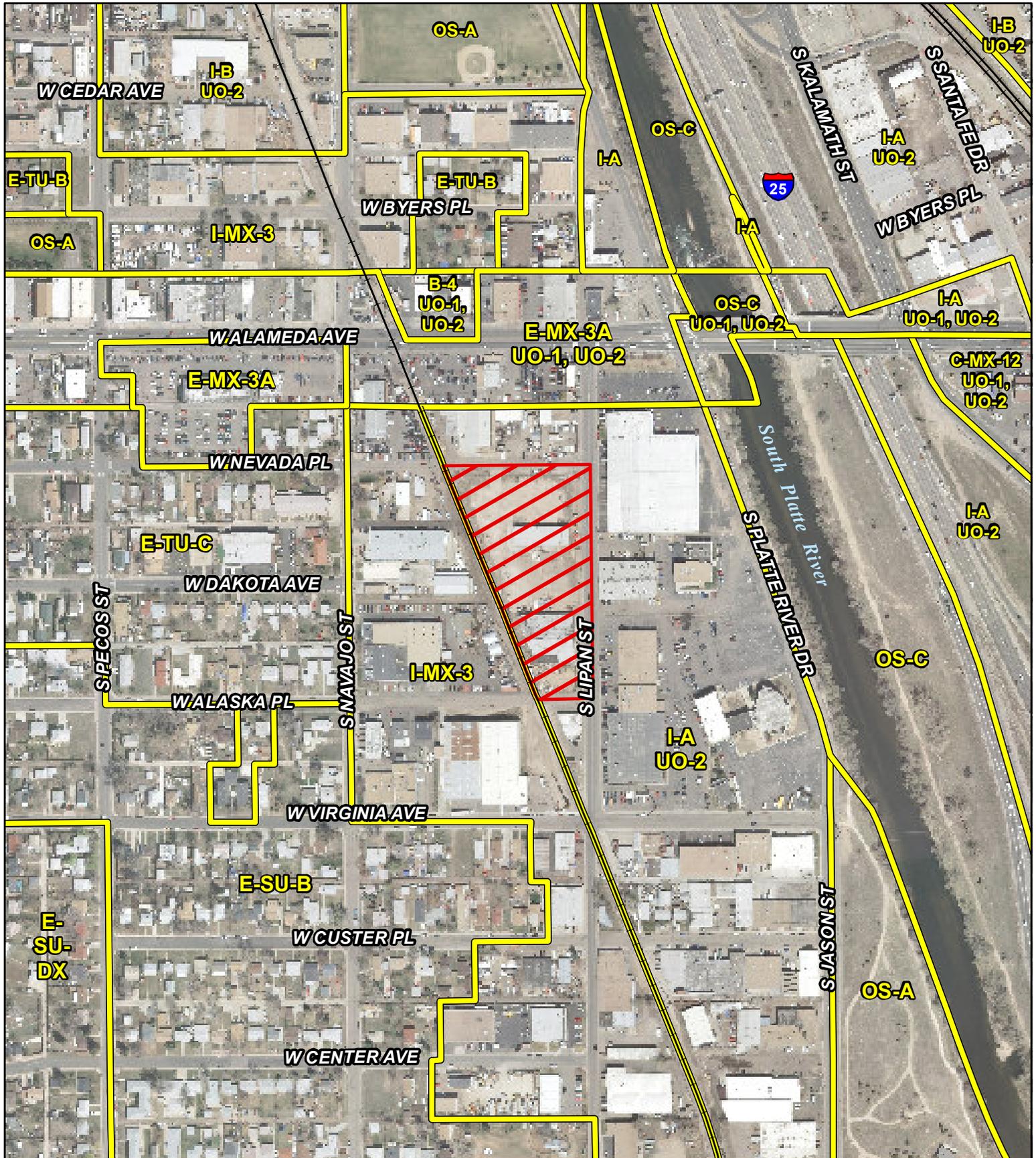
 Proposed Rezoning
 From: I-A (UO-2)
 To: I-MX-3

 0 100 200 400
 Feet

Map Date: 1/18/11

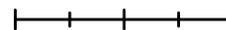
Pending Zone Map Amendment - Aerial & Zoning Overlay

 Application #2010I-00025



Aerial Photo: April 2008
Community Planning and Development

0 100 200 400 Feet



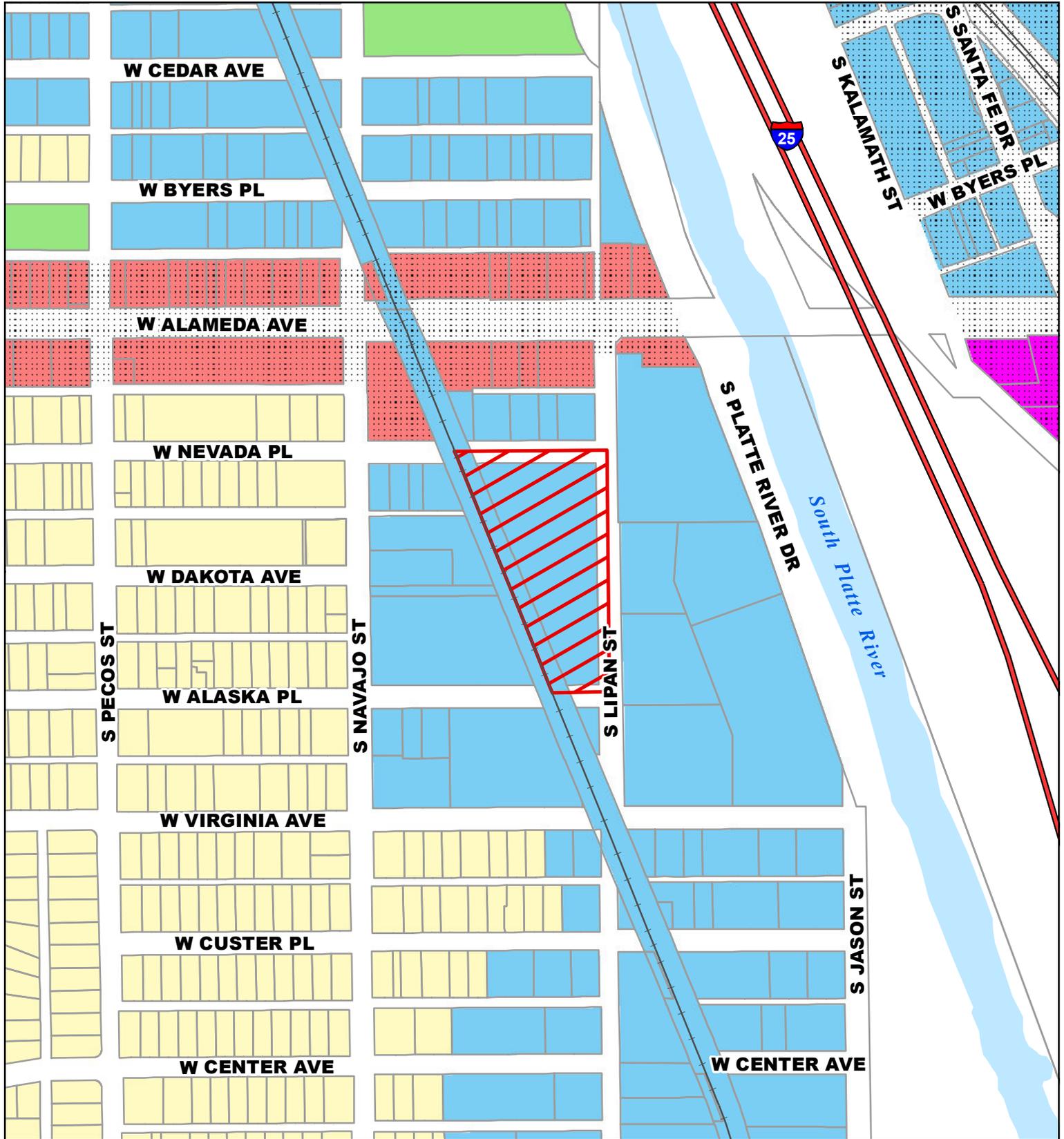
Map Date: 1/18/11



Pending Zone Map Amendment - Blueprint Denver Overlay



Application #2010I-00025



-  Commercial Corridor
-  Single Family Residential
-  Transit Oriented Development

-  Industrial
-  Park
-  Area of Change

0 100 200 400 Feet

Map Date: 1/18/11





DENVER
THE MILE HIGH CITY

APPLICATION FOR ZONE MAP AMENDMENT

Application #	2010I-00025	Date Submitted	12/23/10	Fee Required	\$2000.00	Fee Paid	\$2000
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APPLICANT INFORMATION		CONTACT INFORMATION (Same as Applicant? <input type="checkbox"/>)	
Applicant Name	Frogmore, Llc.	Contact Name	Barry Gilbert
Address	377 / 389 South Lipan Street SW	Address	451 N Broadway
City, State, Zip	Denver, CO 80223	City, State, Zip	Denver, CO 80203
Telephone / Fax	303.777.8700 303.777.8787	Telephone / Fax	303.548.5710 303.722.5766
Email	bgilbert@shamesmakovsky.com	Email	bgilbert@shamesmakovsky.com

Subject Property Location [Please Include Assessor's Parcel Number(s)]

377 / 389 South Lipan Street SW, Denver CO 80223. Active Schedule # 0516105006000-A

Legal Description of Subject Property

Those portions of the following blocks lying east of the right-of-way of the Colorado and Southern Railway Company:

Block thirty-four (34), and
Block thirty-five (35),
Valverde,

Together with the vacated alleys in said blocks lying east of the right-of-way of the Colorado and Southern Railway Company,
And together with vacated West Dakota Avenue lying between
Blocks thirty-four (34) and thirty-five (35) of Valverde, and lying east of the Right-of-way of the Colorado and Southern Railway Company,

City and County of Denver,
State of Colorado

Lots 1-12 & 38-48, block 35
Lots 1-8 & 44-48, block 36
Valverde
City and County of Denver, Colorado

Area of Subject Property (Acres/Sq Ft)	Present Zone District	Proposed Zone District (Waivers and Conditions Require Separate form)
2.7 Ac / 118,797 sq ft	IA UO-2	I-MX-3 UO-2

Describe the nature and effect of the proposed Zone Map Amendment

To change from industrial use to mixed use developments. Ie: residential and retail. This would be a enhancement to the neighborhood which is already in transition.

Select Legal Basis for the Zone Map Amendment and	Error in the map as approved by City Council	<input type="checkbox"/>
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explain in detail		Changed or Changing Conditions that make a Zone Map Amendment Necessary		<input checked="" type="checkbox"/>
<p>The property is designed as "Mixed Use" on the Blueprint Denver Concept Land Use Map in an area this is designated as an "Area of Change." The character of the neighborhood is changing and the proposed rezoning of this property to "U-MX-3" would encourage further redevelopment and reinvestment in this area which is consistent with the concept land use. The proposed rezoning would also be consistent with the existing "Mixed Use" zoning of surrounding properties.</p>				
State the land use and the development proposed for the subject property. Include the time schedule (if any) for development				
<p>Other uses of the property. Including but not limited to residential and retail use. Current land use plans are already in transition to residential and retail.</p>				
Required Exhibits			Additional Exhibits	
Applicant & Owner Information Sheet			<input type="checkbox"/>	
Maps – Required for Final Submissions			<input type="checkbox"/>	
Case Manager	Chris Gleissner			
Signature				Date
				01/04/2011

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
2010I-00025	Frogmore, Llc.

Property Address(es)

377 / 389 South Lipan Street – SW, Denver CO 80223

Applicant's Address

451 N Broadway, Denver CO 80203

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) Eron B. Johnson / Frogmore, Llc.	All	<input checked="" 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).

Frogmore, Llc. – Eron B. Johnson
451 N Broadway, Denver CO 80203

Signature of Applicant	Date Signed
	01/04/2011

FROGMORE, LLC

April 5, 2011

To whom this may concern,

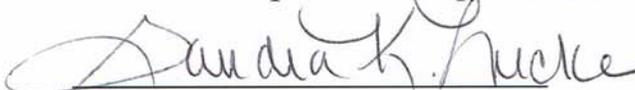
Please consider this statement to be an affirmation that Eron B. Johnson has the authority to act on behalf of Frogmore, LLC as the corporate property owner.



Eron B. Johnson
Managing Partner

April 5, 2011

The person above, Eron B. Johnson, appeared before me and signed this document in person on April 5, 2011 in Denver County, Colorado.



Sandra K. Lucke
Notary Public

**SANDRA K. LUCKE
NOTARY PUBLIC
STATE OF COLORADO**

My Commission Expires: _____

MY COMM. EXP. 10-04-14

FROGMORE, LLC

April 5, 2011

To whom this may concern,

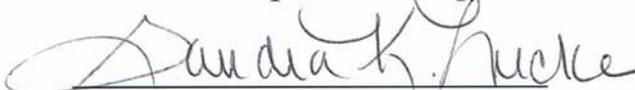
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Sandra K. Lucke
Notary Public

**SANDRA K. LUCKE
NOTARY PUBLIC
STATE OF COLORADO**

My Commission Expires: _____

MY COMM. EXP. 10-04-14