

TO: Denver City Council
FROM: Theresa Lucero, Senior City Planner
DATE: July 6, 2017
RE: Official Map Amendment Application #2016I-00128

Report and Recommendation

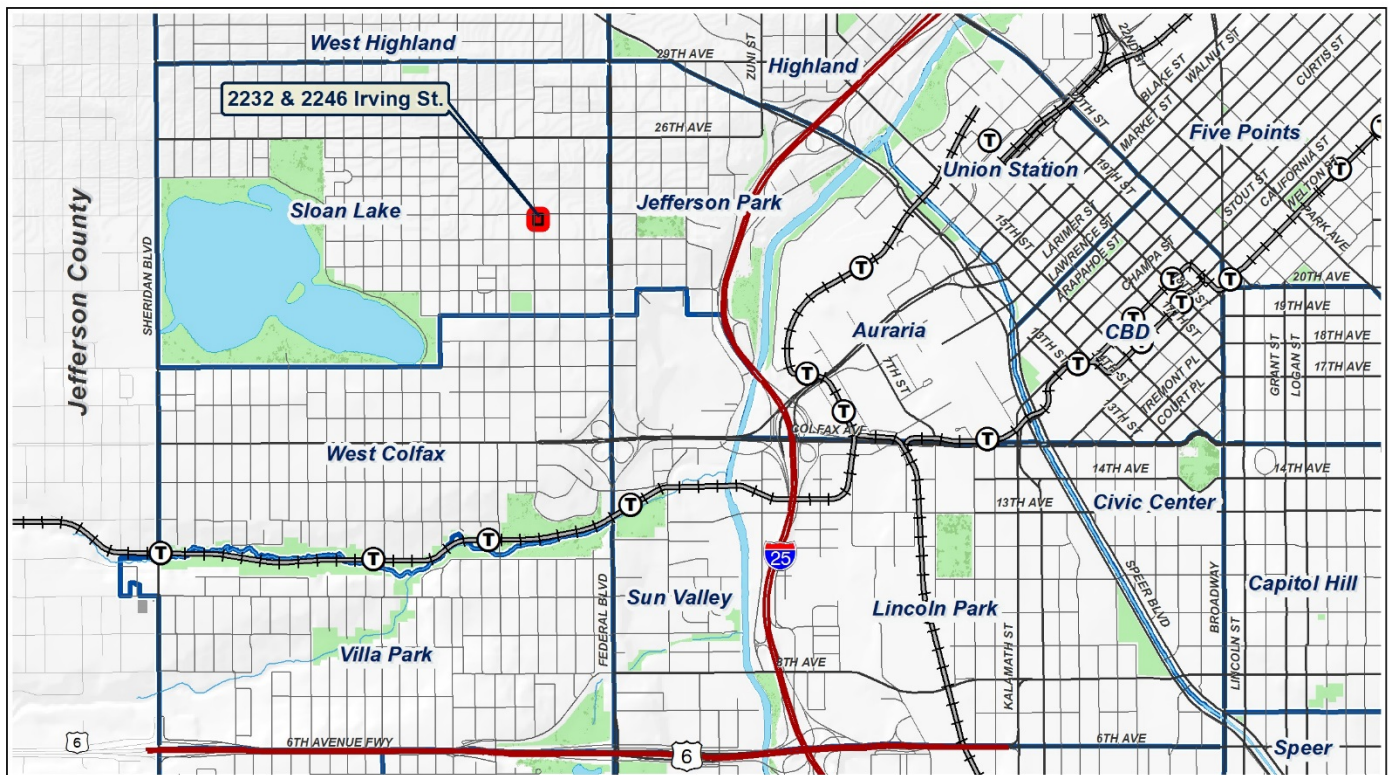
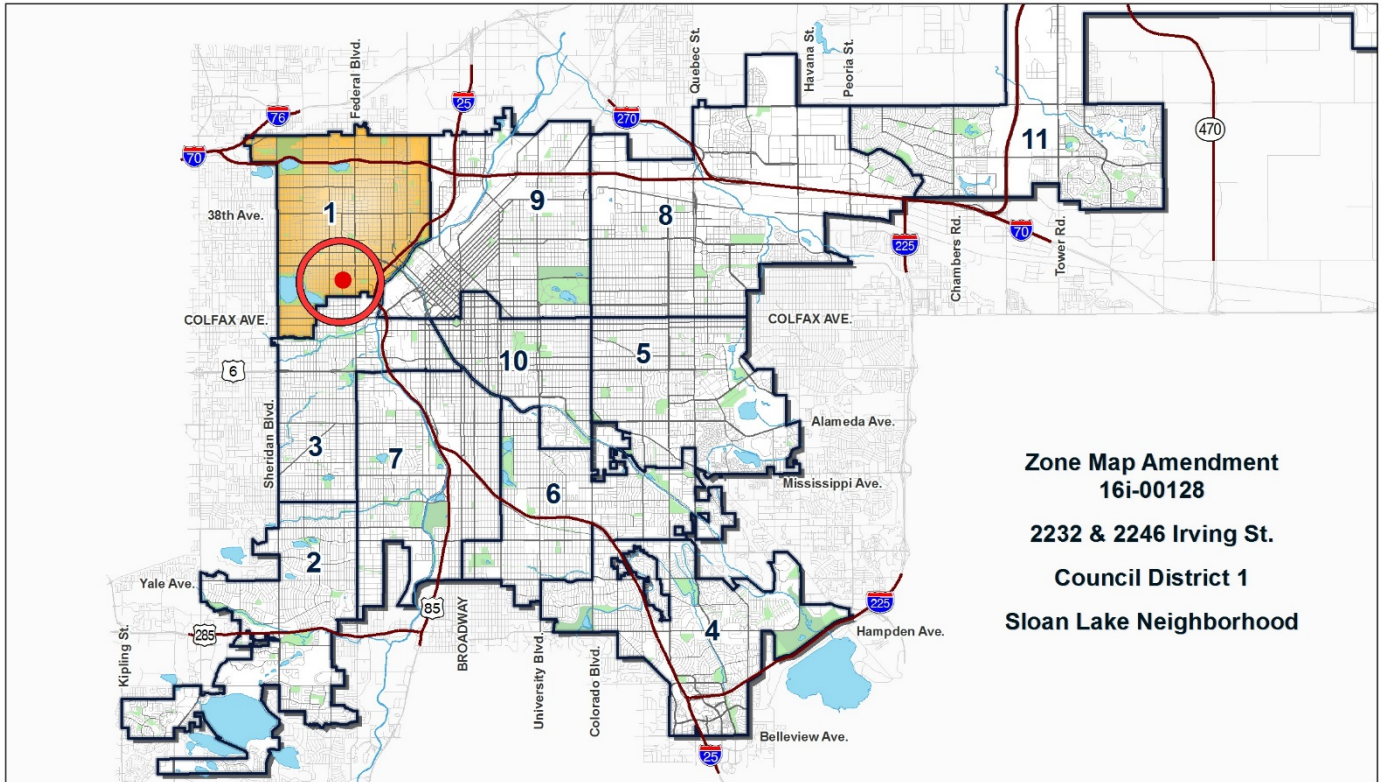
Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2016I-00128.

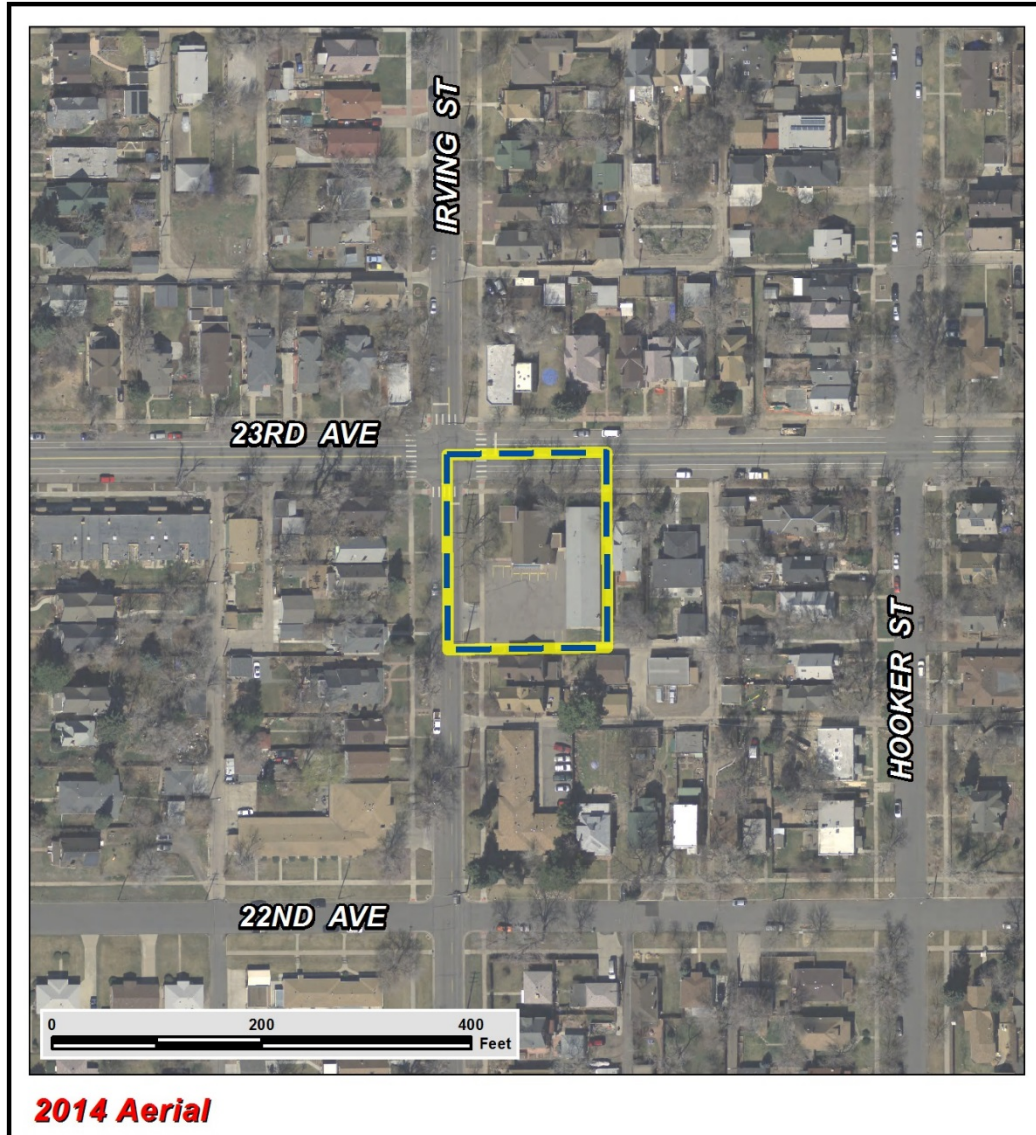
Request for Rezoning

Address: 2232 and 2246 Irving Street
Neighborhood/Council District: Sloan Lake Neighborhood / Council District 1
RNOs: Sloan's Lake Citizen's Group; United Northside Neighborhood;
Federal Boulevard Corridor Improvement Partners; Denver
Neighborhood Association; Inter-Neighborhood Cooperation, Inc.
Area of Property: 17,958 square feet, 0.41 acres
Current Zoning: U-SU-C
Proposed Zoning: U-MX-2x
Property Owner(s): Merritt 23 LLC
Owner Representative: Phil Workman

Summary of Rezoning Request

- The subject property is in northwest Denver, in the Sloan Lake neighborhood, and in Council District 1. The property is at the southeast corner of 23rd Avenue and Irving Street, within the Witter-Cofield Historic District.
- There are two vacant structures on the property, a 2-story church and an attached 1-story annex structure. Both structures are subject to design review by the Landmark Preservation Commission.
- The property owner is requesting the rezoning of the properties to enable the redevelopment of the existing structures into a flex work space with potentially limited retail land uses. The applicant has negotiated a development agreement with the area Registered Neighborhood Organizations.
- The proposed U-MX-2x zone district stands for **U**rban Neighborhood Context – **M**ixed Use – **2x** stories (max. 35 feet). The Urban Neighborhood Context is characterized by single and two-unit residential uses with small-scale multi-unit residential uses and commercial uses embedded in residential areas. 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 street and block pattern of Urban Neighborhoods consist of a regular pattern of rectangular, or square blocks surrounded by a grid street pattern. 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 U-MX-2x zone district is intended to promote safe, active, and pedestrian-scaled, diverse areas embedded within existing neighborhoods and served by primarily local streets. The district is limited to low-scale building forms and low-intensity land uses. Additional details of the zone district can be found in Article 5 of the Denver Zoning Code (DZC).





Existing Context

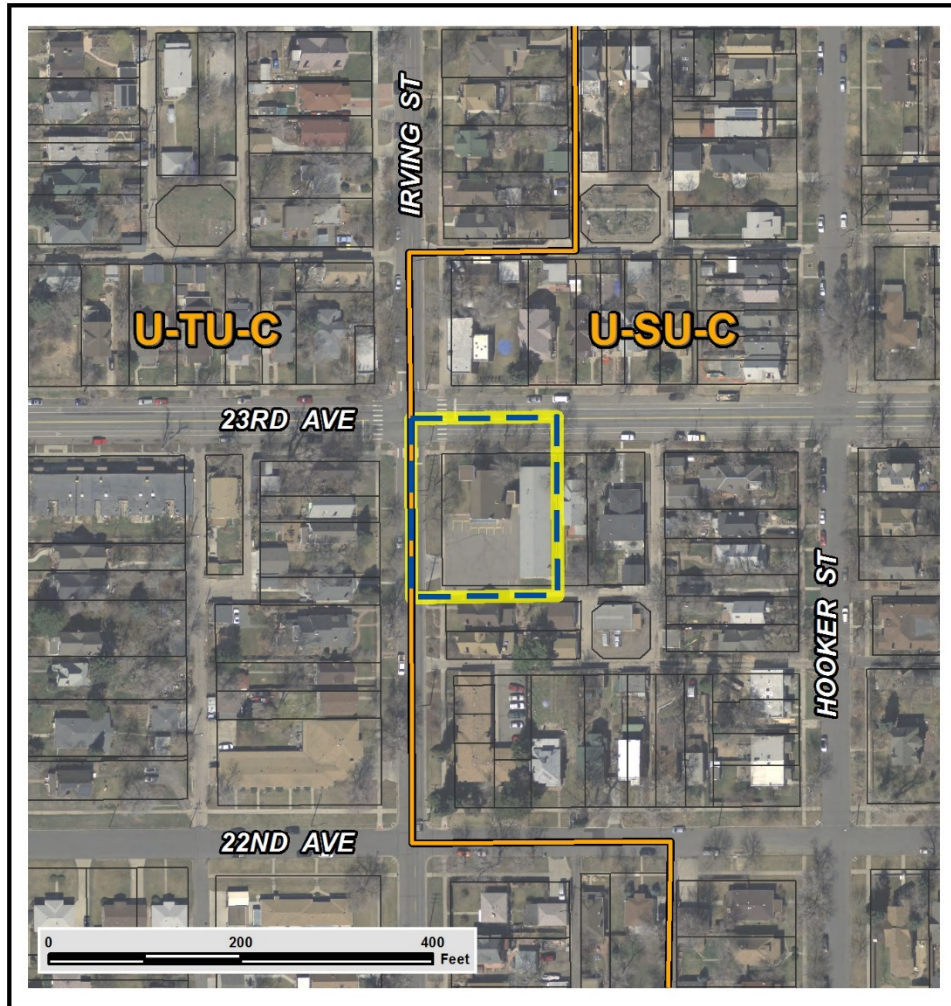
The subject property is in the Sloan Lake neighborhood in northwest Denver at the southeast corner of 23rd Avenue and Irving Street. In the general vicinity are:

- Federal Boulevard, 3 blocks east
- Jefferson Park, 3 blocks east
- Family Star Montessori School, 3 blocks east
- Hallack Park, 2 ½ blocks south
- Mile High Stadium, 4 blocks southeast
- Sloan's Lake Park, 10 blocks west
- Brown Elementary School, 3 blocks northwest

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

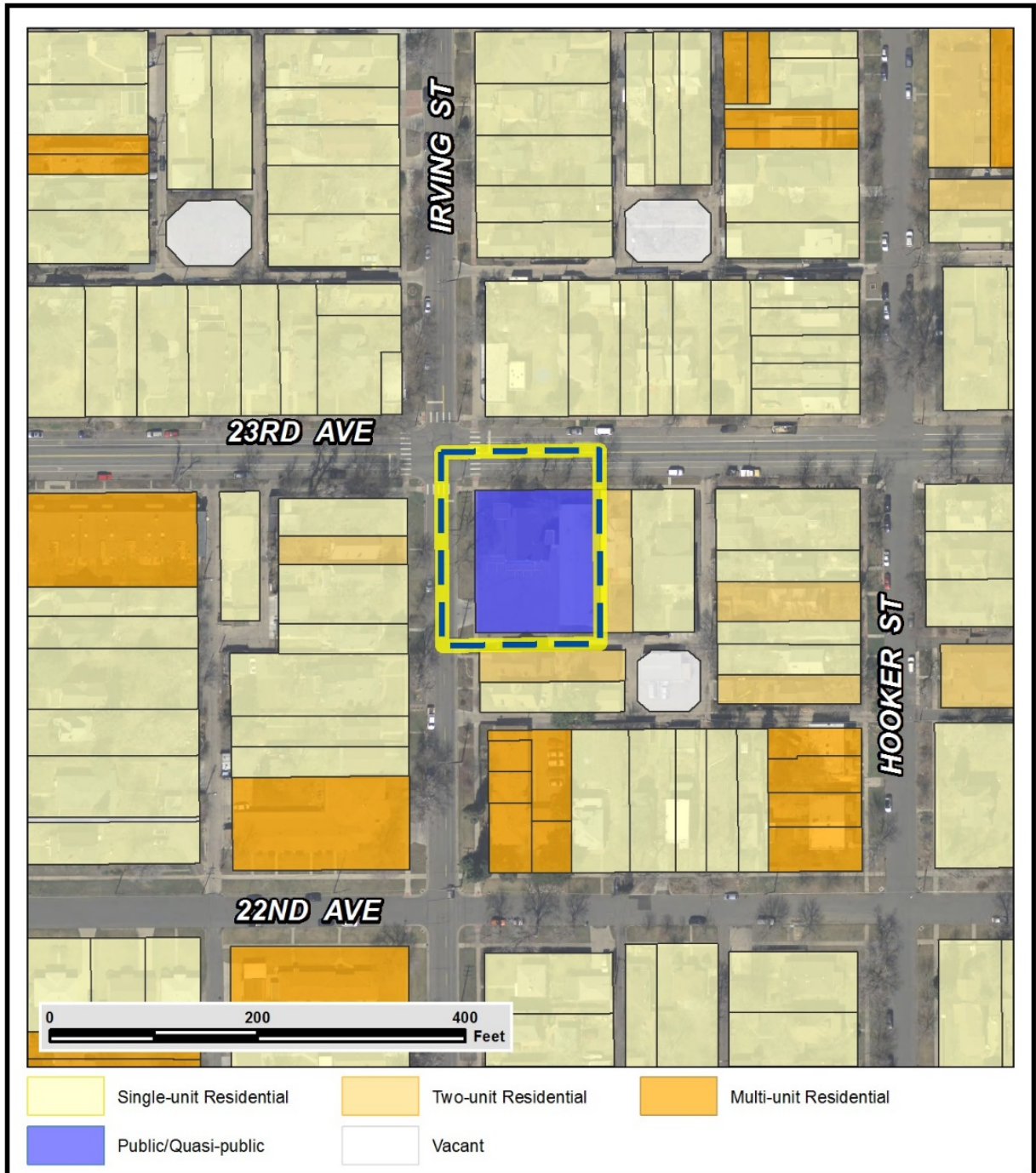
	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	U-SU-C	Vacant church, annex & surface parking	1-2-stories in height	Regular grid street pattern. Block sizes and shapes are consistent and square. Existing alleys with detached sidewalks. Vehicle parking to the side or rear of buildings (alley access).
North	U-SU-C	Commercial & single-family residential	1-2 stories in height	
South	U-SU-C	Mix of single-family residential, duplex & low-rise row homes	1-2 stories in height	
East	U-SU-C	Mix of single-family & duplex Residential	1-2 stories in height	
West	U-TU-C	Mix of single-family residential, duplex & low-rise row homes	1-2 stories in height	

1. Existing Zoning

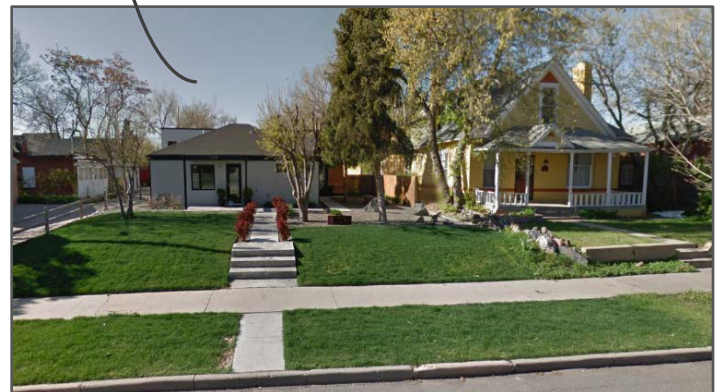
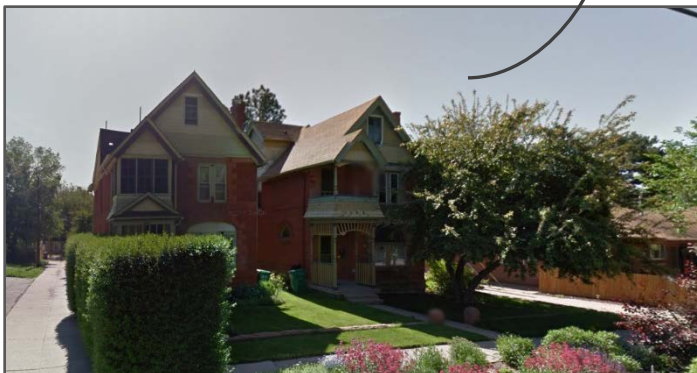


The Urban Context zone districts are intended to promote and protect residential neighborhoods. The districts include single-unit, two-unit and row house districts, as well as mixed use, residential mixed use and main street districts. In the U-MX-2x zone district the General building form is the only allowed form. Maximum building heights allowed are 35 feet, or 2 stories. Allowed land uses are mainly residential, with some Civic and low-intensity commercial uses.

2. Existing Land Use Map



3. Existing Building Form and Scale



4. Witter Cofield Historic District



The subject property is located within the Witter-Cofield Historic District that was designated in 1993. The district was once in the Town of Highlands and contains a diverse mix of homes built mostly from 1880 through the early 1940s. Both the subject property and the two structures are subject to design review by the Landmark Preservation Commission. The Landmark Preservation Commission has approved mass and scale for an office project that could be developed in the existing structures if the property is rezoned.

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: Approved – No Comments.

Community Planning and Development – Landmark: Approved – No Comments

Environmental Health: Approved with following notes. DEH is not aware of environmental concerns here that would impact the request and does not object to the rezoning. General Notes: Most of Colorado is high risk for radon, a naturally occurring radioactive gas. Due to concern for potential radon gas intrusion into buildings, DEH suggests installation of a radon mitigation system in structures planned for human occupation or frequent use. It may be more cost effective to install a radon system during new construction rather than after construction is complete. If renovating or demolishing existing structures, there may be a concern of disturbing regulated materials that contain asbestos or lead-based paint. Materials containing asbestos or lead-based paint should be managed in accordance with applicable federal, state and local regulations.

The Denver Air Pollution Control Ordinance (Chapter 4- Denver Revised Municipal Code) specifies that contractors shall take reasonable measures to prevent particulate matter from becoming airborne and to prevent the visible discharge of fugitive particulate emissions beyond the property on which the emissions originate. The measures taken must be effective in the control of fugitive particulate emissions at all times on the site, including periods of inactivity such as evenings, weekends, and holidays.

Development Services – Project Coordination: Approved – No Comments.

Public Works – City Surveyor: Approved – No Comments.

Public Review Process

	Date
CPD informational notice of receipt of the rezoning application to all affected members of City Council and registered neighborhood organizations:	02/17/17
Property legally posted for a period of 15 days and CPD written notice of the Planning Board public hearing sent to all affected members of City Council and registered neighborhood organizations:	04/17/17
Planning Board public hearing, unanimous vote (10-0) to recommend approval.	05/03/17
CPD written notice of the Land Use, Transportation and Infrastructure Committee meeting sent to all affected members of City Council and registered neighborhood organizations, at least ten working days before the meeting:	05/09/17
Land Use, Transportation and Infrastructure Committee of the City Council:	05/23/17
Property legally posted for a period of 21 days and CPD written notice of the City Council public hearing sent to all affected members of City Council and registered neighborhood organizations (tentative):	06/18/17
City Council Public Hearing (tentative):	07/10/17

Other Public Outreach and Input:

- Registered Neighborhood Organizations (RNOs)
 - To date, two letters of support have been received from the Design Review Committee of the Witter-Cofield Historic District, and from the Sloan's Lake Citizen's Group.
- Other Public Comment
 - To date, no other comment letters have been received.

Criteria for Review / Staff Evaluation

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

DZC Section 12.4.10.7

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

DZC Section 12.4.10.8

1. Justifying Circumstances
2. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements

1. Consistency with Adopted Plans

The following adopted plans apply to this property:

- Denver Comprehensive Plan 2000
- Blueprint Denver (2002)

Denver Comprehensive Plan 2000

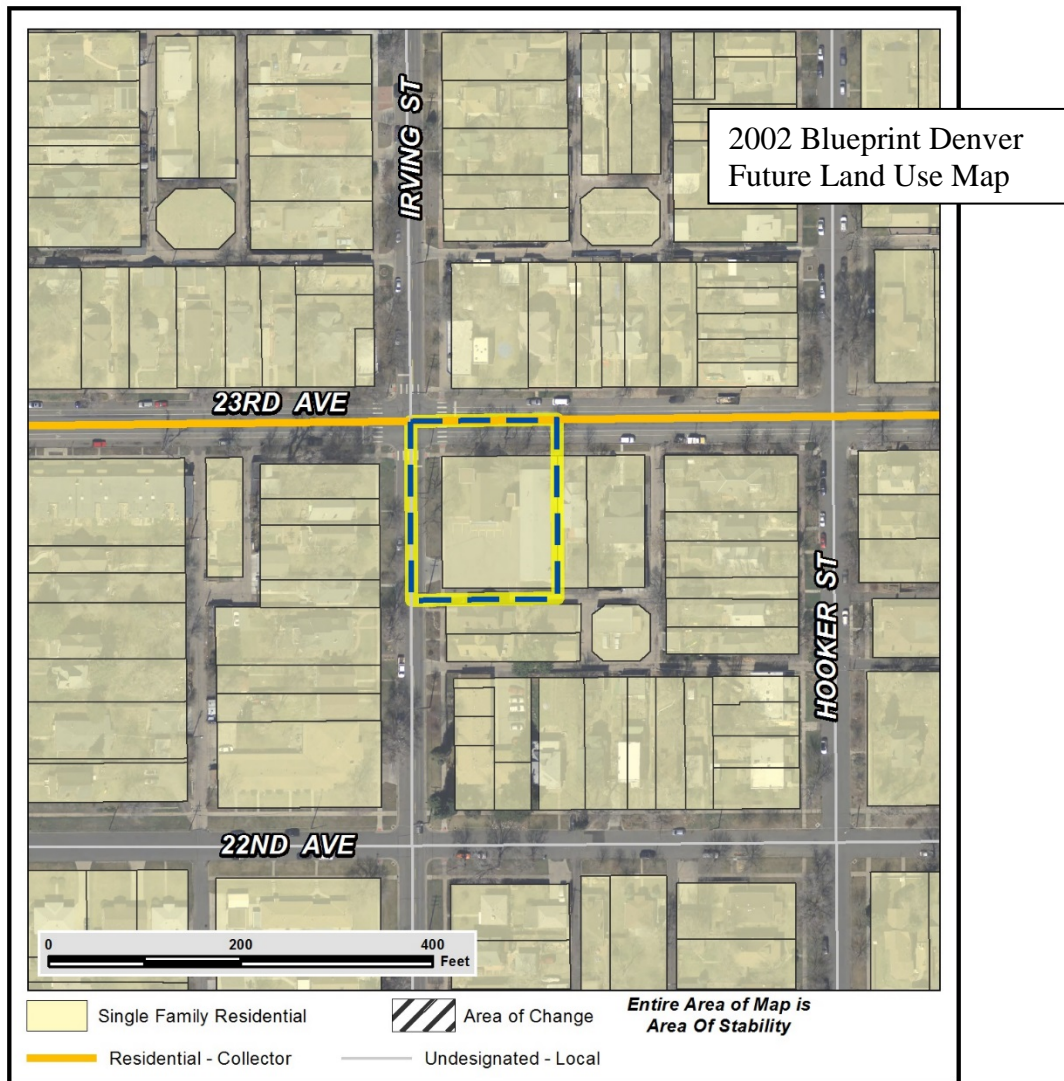
The proposal is consistent with many Denver Comprehensive Plan strategies, including:

- Environmental Sustainability Strategy 2-F – **Conserve land by promoting infill development within 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 (p. 39).**
- 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 (p. 60).**
- Legacies Strategy 1-B – **Promote standards and incentives for design that enhance the quality and character of the city, including the preservation of significant historic structures and features (p. 98).**
- Legacies Strategy 1-C – **Preserve Denver's architectural and design legacies while allowing new ones to evolve (p. 98).**

The proposed map amendment will enable the redevelopment and reuse of the church and annex structures for a new use. The reuse of the structures will preserve a historic church in a designated Historic District. The U-MX-2x district will limit the buildings to a scale compatible with the existing neighborhood and will limit allowed land uses to low-intensity uses. The redevelopment of the structures is also infill on the block where services and infrastructure are already in place, and broadens the allowed land uses to uses compatible with an existing urban neighborhood.

Blueprint Denver

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



Future Land Use

The Single Family Residential land use concept is described in Blueprint Denver as areas where “single-family homes are the predominate residential type... and the employment base is significantly smaller than the housing base” (p. 42). “A city should contain neighborhoods that offer a variety of housing types, as well as complementary land-use types such as stores, parks and schools that provide the basic needs of nearby residents... Neighborhoods are primarily residential but vary in density, size and adjacency of non-residential uses” (p. 41). The existing land use surrounding the subject property is a mix of single family, duplex and low-rise multi-unit residential uses. The redevelopment of the subject property will introduce a new non-residential use into an existing church structure. The U-MX-2x zone district will ensure that the scale of the redevelopment and the allowed land uses are compatible with the existing neighborhood.

Area of Change / Area of Stability

As noted, the subject site is in an Area of Stability. These are areas where “preserving and revitalizing neighborhood character is the prevailing concern... Limiting overall development in the Areas of Stability helps achieve many growth management goals, while preserving the valued quality of life that is

characteristic of Denver's neighborhoods" (p. 23-25). The zoning standards within the U-MX-2x zone district will allow reinvestment in the structures while limiting new development to a compatible scale and land uses.

Street Classifications

The subject property is on 23rd Avenue, a Residential Collector street. These street types "*emphasize walking, bicycling and land access over mobility.*" Irving Street is designated an *Undesignated Local Street* on the Blueprint Denver Map. These types of streets are tailored to providing local access. The subject property is also within the quarter-mile buffer of Federal Boulevard, an Enhanced Transit Corridor. On these corridors, the Plan encourages "*evaluating and implementing enhanced bus transit service*" (p. 98) on Enhanced Transit Corridors, and "*developing transit-supportive incentives like shared or reduced parking, and a mix of transit-supportive land uses*" (p. 100). The U-MX-2x zone district standards are geared toward smaller-scaled embedded and mixed land uses within neighborhoods. This is consistent with the street types surrounding the subject property.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to U-MX-2x 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 by allowing a reuse of an existing historic structure that is in character with the neighborhood and introducing reinvestment in a vacant church at a compatible scale with the existing neighborhood.

4. Justifying Circumstance

The application identifies the closure of the former church and the redevelopment of an underutilized structure as the changed or changing condition, or Justifying Circumstance under DZC Section 12.4.10.8.A.4, "The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area."

The church was damaged by a storm several years ago and the original steeple was removed. With a declining congregation, the governing board of the United Methodist Congregation had identified the church for potential dissolution. Prior to dissolution the congregation of the church worked for nearly 2 years to either save the existing church congregation, to find another church congregation to assume ownership of the church, or at minimum, to save the historic church structures. The Merritt Memorial United Methodist Church was dissolved in July 2016. When efforts to continue to use the structures for church services failed, community members, church members, and residents of the Witter Cofield Historic District worked with the governing board of the church on potential new uses for the historic church structures. Ultimately, the property was sold to the applicant and, after lengthy negotiation with the community, the applicant is proposing to redevelop the church and annex into a flexible office space. With the closure of the church, circumstances have changed, with the extensive community input into the reuse of the church, it is in the public interest to allow the redevelopment of the property with the U-MX-2x zone district. This change in circumstance and the subsequent redevelopment of the vacant church for uses compatible with the historic district and the existing community is an appropriate justifying circumstance for the proposed rezoning.

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

The requested U-MX-2x zone district is within the Urban Neighborhood Context. The Urban Neighborhood mixed use districts intent states that *“the Mixed Use districts are intended to promote safe, active, and pedestrian-scaled, diverse areas through the use of town house, row house, apartment, and general building forms. The districts are intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods”* (p. 5.2-4). Furthermore, the U-MX-2x district *“applies to small sites served primarily by local streets embedded within an existing or proposed neighborhood. These are typically one or two parcels and are limited to low scale building forms and low intensity uses.”* The rezoning of this site to allow the redevelopment of an existing vacant church that is in scale with the existing neighborhood and limited mixed use land uses zones is consistent with the intent of the Urban Neighborhood context and the U-MX-2x zone district.

Attachments

1. Application
2. Legal Description
3. Comment Letters (2)



REZONING GUIDE

Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	Merritt 23 LLC	Representative Name	Phil Workman
Address	1315 Cherrville Road	Address	7290 E 1st Ave
City, State, Zip	Greenwood Village, CO 80121	City, State, Zip	Denver, CO 80230
Telephone	303-359-8337	Telephone	303-825-1671
Email	lancenading@aol.com	Email	phil@thepachnercompany.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):	2232 Irving Street/2246 Irving Street
Assessor's Parcel Numbers:	0232222033000
Area In Acres or Square Feet:	17,958
Current Zone District(s):	U-SU-C

PROPOSAL		
Proposed Zone District:	U-MX-2x	
Does the proposal comply with the minimum area requirements specified in DZC Sec. 12.4.10.3:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

REZONING GUIDE

Rezoning Application Page 2 of 3



REVIEW CRITERIA

<p>General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.7</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>
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<p>Additional Review Criteria for Non-Legislative Rezonings: The proposal must comply with both of the additional review criteria DZC Sec. 12.4.10.8</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 it is in the public interest to encourage a redevelopment of the area to recognize the changed character of the area.</p> <p><input type="checkbox"/> 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>
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REQUIRED ATTACHMENTS

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

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

ADDITIONAL ATTACHMENTS

Please identify any additional attachments provided with this application:

- Written Authorization to Represent Property Owner(s)

Please list any additional attachments:

Last updated: September 29, 2015

Return completed form to rezoning@denvergov.org

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201 W. Colfax Ave., Dept. 205

Denver, CO 80202

720-865-2974 • rezoning@denvergov.org



REZONING GUIDE

Rezoning Application Page 3 of 3

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 Josie Q. Smith</i>	01/01/12	(A)	NO
Merritt 23 LLC	1315 Cherryville Road Greenwood Village, CO 80121	100%	<i>[Signature]</i> Merritt 23 LLC	2/2/17	B	yes

Last updated: September 29, 2015

Return completed form to rezoning@denvergov.org

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Denver, CO 80202

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For this Record...

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

- Business Home
- Business Information
- Business Search

- FAQs, Glossary and Information

Summary

Details			
Name	Merritt 23 LLC		
Status	Good Standing	Formation date	06/27/2016
ID number	20161440488	Form	Limited Liability Company
Periodic report month	June	Jurisdiction	Colorado
Principal office street address	1315 Cherryville Rd., Greenwood Village, CO 80121, United States		
Principal office mailing address	n/a		

Registered Agent	
Name	Lance Nading
Street address	1315 Cherryville Rd., Greenwood Village, CO 80121, United States
Mailing address	n/a

- [Filing history and documents](#)
- [Get a certificate of good standing](#)
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November 11, 2016

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

Written Authorization for Rezoning of property located at 2232/2246 Irving St.

Marcus Pachner and Phil Workman have the authority to represent the property owner in the rezoning application process for the above referenced property.



Lance Nading
Merritt 23 LLC
1315 Cherryville Road
Greenwood Village, CO 80121

WHEN RECORDED RETURN TO:
Merritt 23 LLC
1315 Cherryville Road
Greenwood Village, CO 80121



First American

File Number: 5503-2619695

SPECIAL WARRANTY DEED

THIS DEED, Made this Fifteenth day of July, 2016, between **Merritt Memorial United Methodist Church, a Colorado non-profit corporation which acquired title as Merritt Memorial Methodist Church, a Colorado non-profit corporation** a Non-Profit Corporation duly organized and existing under and by virtue of the laws of the State of Colorado, grantor, and **Merritt 23 LLC, a Colorado limited liability company** whose legal address is 1315 Cherryville Road, Greenwood Village, CO 80121 of the County of Arapahoe and State of Colorado, grantee:

WITNESSETH, That the grantor, for and in consideration of the sum of **SEVEN HUNDRED THOUSAND AND NO/100 DOLLARS (\$700,000.00)**, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the grantee, his heirs, successors and assigns forever, In Severalty all the real property, together with improvements, if any, situate, lying and being in the City and County of Denver, State of Colorado, described as follows:

THE SOUTH 30 FEET OF LOTS 24 TO 26, INCLUSIVE AND THE WEST 20 FEET OF LOT 23, BLOCK 16, RESUBDIVISION OF BLOCKS, 2, 10 AND 16 IN WITTER AND COFIELD'S SUBDIVISION IN THE TOWN OF HIGHLANDS, CITY AND COUNTY OF DENVER, STATE OF COLORADO,

AND

THE NORTH 110 FEET OF LOTS 24 TO 26, INCLUSIVE AND THE NORTH 110 FEET AND EAST 10 FEET OF SOUTH 30 FEET OF LOT 23, BLOCK 16, RESUBDIVISION OF BLOCKS, 2, 10 AND 16 IN WITTER AND COFIELD'S SUBDIVISION IN THE TOWN OF HIGHLANDS, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

also known by street and number as: **2232 and 2246 Irving Street, Denver, CO 80211**

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described with the appurtenances, unto the grantee his heirs, and assign forever. The grantor for his heirs and personal representatives or successors, does covenant and agree that this shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantee, his heirs and assigns, against all and every person or persons claiming the whole or any part thereof, by, through or under the grantor except general taxes for the current year and subsequent years, and except easements, covenants, reservations, restrictions, and right of way, if any, of record.

Doc Fee: \$70.00

The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, The grantor has caused its corporate name to be hereunto subscribed by the **Treasurer of the Rocky Mountain Conference of the United Methodist Church**, attested by the **Treasurer of the Rocky Mountain Conference of the United Methodist Church**, the day and year first above written.

Merritt Memorial United Methodist Church, a Colorado non-profit corporation which acquired title as Merritt Memorial Methodist Church, a Colorado non-profit corporation

By: *Noreen Keleshian*

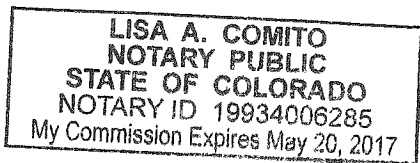
Name: Noreen Keleshian
Title: Treasurer

State of **Colorado**)
County of *Denver*)ss)

The foregoing instrument was acknowledged to before me this Fifteenth day of July, 2016 by **Noreen Keleshian**, the **Treasurer of the Rocky Mountain Conference of the United Methodist Church** authorized signatory of **Merritt Memorial United Methodist Church, a Colorado non-profit corporation which acquired title as Merritt Memorial Methodist Church, a Colorado non-profit corporation.**

Witness my hand and official seal. *5-20-17*
My commission expires: _____

Lisa A. Comito
Notary Public



Legal Description for 2246 and 2232 Irving St. -

The south 30 feet of lots 24 to 26. Inclusive and the west 20 feet of lot 23, block 16, resubdivision of blocks 2, 10 and 16 in Witter and Cofield's Subdivision in the town of Highlands City and County of Denver, State of Colorado

And

The north 110 feet of lots 24 to 26 inclusive and the north 110 feet and east 10 feet of south 30 feet of lot 23, block 16, resubdivision of blocks 2,10, and 16 in Witter and Cofield's subdivision in the town of Highlands, City and County of Denver, State of Colorado

Also known by street and number 2232 and 2246 Irving Street, Denver Colorado 80211

APPLICATION FOR ZONE MAP AMENDMENT

Assessor's Parcel Number

0232222033000

Merritt Methodist Church rezone – Combined Legal Description

2232 Irving Street

WITTER & COFIELDS RESUB OF
BLKS 2-10 & 16 B16 L23 TO L26

17,958 Sq. Feet

Adherence to Review Criteria

The nature of the proposed map amendment is to permit rezoning of a 17,958 sq. feet of property located in the Sloan Lake Neighborhood at the intersection of 23rd and Irving Street.

This rezoning request will facilitate the rezoning of an existing church and auxiliary building into a flexible mixed use office space. The target market is the immediate surrounding neighborhood. Although this is an area of stability, these changes have resulted in the need to rezone in order to meet market and community needs and wants.

This map amendment request is in order to provide a zone district U-MX-2x which is in concert with the creation of a mixed use project with flexibility for future development throughout the neighborhood.

The effect of the proposed amendment will allow the redevelopment of underutilized property which will complement the revitalization of the entire surrounding neighborhood. The successful rezoning will allow for a dynamic high quality project which will blend in with the already existing housing stock, while offering an expanded array of options for the community to live and work in their immediate neighborhood.

Select Legal Basis for the Zone Map Amendment

The Denver Comprehensive Plan 2000

Comprehensive Plan 2000 recognizes continued residential development pressures and opportunities.

Environmental Sustainability Strategies

- 2-F: Promoting infill development within 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 Strategies

- 1-C: Incorporate relevant recommendations from neighborhood corridor and area plans
- 3-A: Complete neighborhood and area plans for parts of Denver where development or redevelopment is likely or desirable.
- 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.
- 4-B: Ensure that land use policies and decisions support a variety of mobility choices.

Mobility Strategies

- 3-C: Provide safe and convenient pedestrian and bicycle facilities within urban centers and new development areas.

Legacies Strategies

- 3-A: Identify areas in which increased density and new uses are desirable and can be accommodated.

This proposed rezoning is in an area of stability as identified in Blueprint Denver.

This application also supports the guiding principles of the land use and transportation vision of

Blueprint Denver

This application also supports the guiding principles of the land use and transportation vision of Blueprint Denver

A key concept of Blueprint Denver is reinvestment and character preservation of stable neighborhoods. This property is located in an area of stability, which does not preclude the ability to rezone or the appropriateness to rezone. Blueprint Denver acknowledges that in some instances it may be appropriate to change the zoning in Areas of Stability to create a better match between existing land uses and the zoning. Blueprint Denver identified that a goal of an area of stability is to accommodate some new development and redevelopment in appropriate locations.

Key Goals

- Neighborhood reinvestment and character preservation creates stability in residential areas.
- Revitalization and redevelopment in parts of the city respects people's diversity and cultural history.
- Address incompatible zoning and land use issues.

Denver Zoning Code

The zoning classification, U-MX-2x was selected as it represents the zoning classification in some near adjacent properties in order to maintain uniformity within the block as well as provide the ability to make this parcel viable for mixed uses and most importantly, maintain and retain the existing structure. The application supports the General Purpose and Definition of Mixed Use.

This application advances those purposes in the following particulars underlined below;

4.2.4.1 General Purpose

A. The Mixed Use Zone Districts are intended to promote safe, active, and pedestrian-scaled, diverse areas and enhance the convenience and ease of walking, shopping and public gathering within and around the city's neighborhoods.

B. There is a diverse menu of Mixed Use Zone Districts in the Urban Edge Neighborhood Context to recognize the diverse pattern of mixed use places in these neighborhoods.

C. The Mixed Use districts are appropriate along corridors, embedded in neighborhoods and on large sites.

D. The building form standards of the Mixed Use Zone Districts balance the importance of street presence and provision of parking through build-to requirements, Street Level activation and parking lot screening along the right-of-way. Predictable flexibility in building form options recognizes the varied development pattern of Urban Edge Neighborhoods.

E. The Mixed Use Zone 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.

Based on the justification found in the aforementioned plans, the proposed rezoning to U-MX-2x will result in the uniform application of zone district, building form, use and design regulations to all buildings within the subject area adherent to the new zoning. This map amendment is hereby submitted.

The south 30 feet of lots 24 to 26. Inclusive and the west 20 feet of lot 23, block 16, resubdivision of blocks 2, 10 and 16 in Witter and Cofield's Subdivision in the town of Highlands City and County of Denver, State of Colorado

And

The north 110 feet of lots 24 to 26 inclusive and the north 110 feet and east 10 feet of south 30 feet of lot 23, block 16, resubdivision of blocks 2,10, and 16 in Witter and Cofield's subdivision in the town of Highlands, City and County of Denver, State of Colorado

Also known by street and number 2232 and 2246 Irving Street, Denver Colorado 80211

THE Sloan's Lake Citizen's Group



April 20, 2017

Community Planning and Development
City and County of Denver
201 West Colfax Avenue, Dept 205
Denver, Colorado 80202

Re: 2246 and 2232 Irving Street
Application # - 2016I-00128

Dear Planning Board Members:

The Sloan's Lake Citizen's Group (SLCG) has been a registered neighborhood organization for over 30 years, serving the area between West 29th Avenue to West 10th Avenue from Sheridan Boulevard to Federal Boulevard. During this time our organization has valued and listened to the diverse perspectives of our members, allowing us to inform the city of both our neighborhood concerns and desires.

With few exceptions, it is the policy of the SLCG to provide information and to be a forum to inform, rather than to speak for our diverse community. This prevents the SLCG from taking a stand on issues where there might not be information or where the membership might be in disagreement. Instead the desire of the SLCG is to promote collaboration for compromise solutions that balance the interest of property owners, business owners and residents while protecting public health and safety. This zoning change request is one of the rare exceptions to the SLCG policy because of the long history of interaction between the Sloan's Lake Citizens' Group and Merritt Memorial United Methodist Church.

An open community meeting was held at Merritt Memorial Church on Monday, March 7, 2016 to discuss the future of the church building, now that the congregation had held its last service. Many concerned neighbors and church members were in attendance. The Methodist Church definitely had plans to sell the building, and the biggest worry expressed was that the church would be demolished and turned into a big housing block. The Church is a contributing structure in the Witter Cofield Historic District which insures that the structure remains in the community. Although closed, saving the structure was of great importance to former members of the church and interested parties in the community.

Mr. Nading has met with the Witter Cofield Historic District Design Review Committee, which is a standing committee of the Sloan's Lake Citizens' Group, to propose the idea of redevelopment of the property at 2246 and 2232 Irving Street. The church was closed in the spring of 2016 and Mr. Nading expressed interest in buying and redeveloping the property. Since the property is a contributing structure in the historic district, redevelopment options are limited. During discussions with the committee he considered the impact of the redevelopment on the historic building and on the neighborhood. He wished to reuse the existing historic building in a way that was compatible with the residential character of the historic neighborhood. The uses he proposed would require the rezoning of

the property from the existing U-SU-C to U-MX-2x. He was willing to proceed with his development plans only if the Design Review Committee and the SLCG as a whole supported the concept of his redevelopment plans. The Design Review Committee supports the rezoning with the stipulation that Mr. Nading enters into a Memorandum of Understanding stating that restrictive covenants are attached to the property limiting the uses allowed under the proposed new zoning.

Mr. Nading also met with the Sloan's Lake Citizens' Group at one of its regularly scheduled monthly meetings. The redevelopment plans were positively received by the members in attendance at this meeting. Therefore the Sloan's Lake Citizens' Group supports the proposed rezoning on 2246 and 2232 Irving Street from U-SU-C to U-MX-2X with the recording of the Declaration of Restrictive Covenant to limit the uses allowed under the new zoning.

Sincerely,



Marjorie B. Grimsley – SLCG President



Thomas R. Brunn – SLCG Vice President – Zoning Issues

From: [Martha Eubanks](#)
To: [Lucero, Theresa - CPD PS Citywide Planning](#)
Cc: [Lance Nading](#); [Marge Grimsley](#)
Subject: Application #2016I-00128 2246 and 2232 Irving Street
Date: Saturday, April 08, 2017 2:46:22 PM

Dear Ms. Lucero,

I am writing on behalf of the Design Review Committee of the Witter Cofield Historic District. Our committee supports the rezoning of this property from U-SU-C to U-MX-2X. The Sloan's Lake Citizens' Group has also attached covenants and restrictions to the property for the next 25 years.

Mr. Nading met with our Design Review Committee in April 2016 to propose the idea of the redevelopment of the property at 2246 & 2232 Irving which we also know as Merritt Memorial Church. The Church was closed in the spring of 2016 and Mr. Nading expressed interest in buying and redeveloping the property. The property is a contributing property in the historic district and the redevelopment options are limited. During our discussions he considered the impact of the redevelopment on the neighborhood and the historic building. He was open and honest about his desire to contribute to the existing structure and reuse it in a way that was compatible with the residential aspect of the location. He was willing to proceed with his plans only if the Design Review Committee and the SLCG supported his efforts.

He also met with the entire Sloan's Lake Citizens' Group to inform the broader community of his plans. He was positively received in those meetings. In addition he worked with Councilman Espinoza to insure that the property was properly rezoned.

Mr. Nading's design insures that:

- a. The historic structure remains intact.
- b. The zoning change is compatible with the residential aspect of the neighborhood and the restrictions prevent unacceptable uses to the current community.
- c. The height and the design are appropriate for the historic district.

The Design Review Committee supports this project as it is presented in the materials that you have.

Sincerely,

Martha Eubanks

Chair, Design Review Committee

Witter Cofield Historic District