



TO: Denver City Council
FROM: Sarah Showalter, Senior City Planner
DATE: January 15, 2015
RE: Zoning Map Amendment #2014I-00079
Rezoning of vacated rights-of-way from C-CCN, PUD, or C-MU-10 with waivers and conditions to proposed zoned districts C-CCN-4, C-CCN-5, C-CCN-7, or C-CCN-8

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for proposed map amendment #2014I-00079 for rezoning of vacated rights-of-way from C-CCN, PUD, or C-MU-10 with waivers and conditions to proposed zone districts C-CCN-4, C-CCN-5, C-CCN-7, or C-CCN-8.

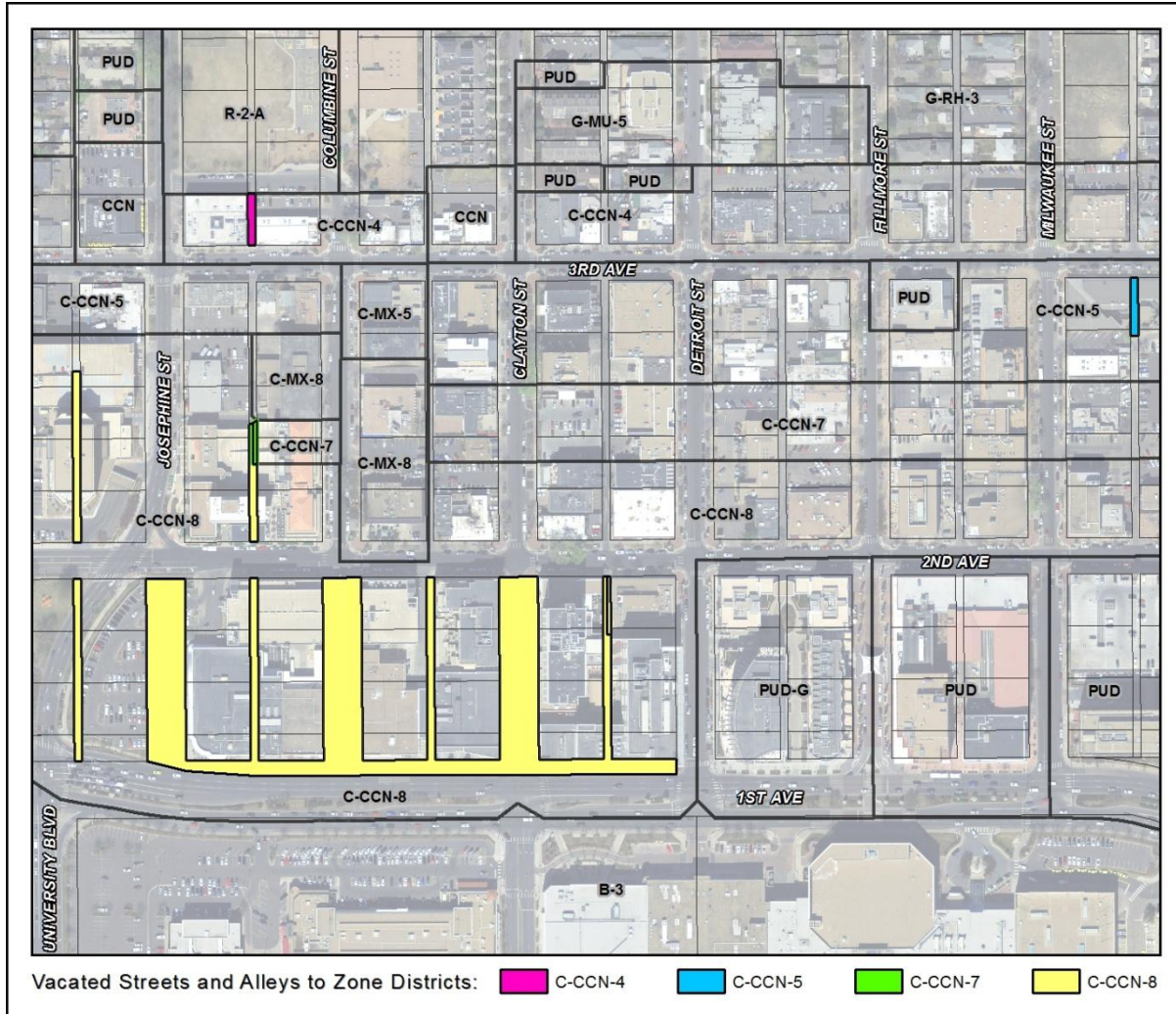
Request for Rezoning

Proposed Map Amendment:	#2014I-00079
Location:	Multiple vacated rights-of-way in the Cherry Creek North business district area, roughly bounded by 1 st Avenue, 3 rd Avenue, University, and Steele Street
Neighborhood/Council District:	Cherry Creek/ City Council District #10
RNOs within 200':	Cherry Creek East Association; Capitol Hill United Neighborhoods, Inc.; Cherry Creek North Neighborhood Association; Country Club Historic Neighborhood; Denver Neighborhood Association, Inc.; Harman Neighborhood Association, Inc.; Cherry Creek Area Business Alliance; Denver Downtown Capitol Hill Alliance (DDCHA); Cherry Creek Steering Committee; Inter-Neighborhood Cooperation (INC); Cherry Creek North Business Improvement District; Washington Park East Neighborhood Association
Current Zoning:	C-CCN, PUD, or C-MU-10 with waivers and conditions
Proposed Zoning:	C-CCN-4, C-CCN-5, C-CCN-7, or C-CCN-8
Property Owner:	Multiple owners

Summary of Rezoning Request

On October 27, 2014, City Council approved a legislative map amendment to rezone multiple properties in the Cherry Creek North area to the new zone districts C-CCN-4, C-CCN-5, C-CCN-7, C-CCN-8, and C-CCN-12. The legal description for that map amendment did not specifically state that vacated rights-of-way were part of the rezoning. The Manager of CPD initiated application #2014I-00079 to correct this error. This ordinance will clarify that all vacated rights-of-way within the boundaries of the original legislative rezoning are also rezoned to the C-CCN zone districts.

The map on the following page shows each of the vacated rights-of-way and the C-CCN zone district to which they are being rezoned.



Existing Context

1. Existing Zoning

The official zoning map already shows the vacated rights-of-way that are included in this ordinance with the appropriate C-CCN zone district (C-CCN-4, C-CCN-5, C-CCN-7, or C-CCN-8). However, the legal description from the ordinance that rezoned these properties did not clearly state that vacated rights-of-way were part of the area to be rezoned to the new C-CCN zone districts. This ordinance will clarify and ensure their inclusion in the C-CCN-4, C-CCN-5, C-CCN-7, and C-CCN-8 zone districts.

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.

- Wastewater:** Approve rezoning only – infrastructure studies will be required as redevelopment occurs.
- Public Works – City Surveyor:** Approve based on the revised legal description approved by the City Attorney.

Public Review Process

- CPD staff provided Informational notice of receipt of the rezoning application to affected members of City Council and affected registered neighborhood organizations on November 28, 2014.
- The rezoning application was referred directly to the Neighborhoods and Planning (N&P) Committee, without review or recommendation by the Denver Planning Board, as allowed under Denver Zoning Code, Section 12.4.10.4 for rezonings necessary to correct an error in the official map. The rezoning application was approved as part of the consent agenda for the N&P Committee the week of December 8, 2015.
- The City Council public hearing was notified by signs posted near each of the vacated rights-of-way beginning 21 days before the public hearing. Written notification to City Council and affected registered neighborhood organizations was sent 21 days prior to the public hearing.
- To date, no public comments have been received in response to this application.

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

Consistency with Adopted Plans

In this case, where the City is seeking to clarify that the vacated rights-of-way have the same zoning designations as those that were recently approved by the City Council for the abutting property, consistency with all adopted plans is presumed from the City Council's findings of plan consistency in each of the rezonings of the abutting properties.

Uniformity of District Regulations and Restrictions

The proposed rezoning will result in the uniform application of zone district building form, use and design regulations.

Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety, and general welfare of the City by providing uniformity and consistency in the City's zoning designation for all private properties, including those that are vacated public right-of-way.

Justifying Circumstance

The existing zoning of all the subject vacated rights-of-way properties is the solely due to the need to clarify that they were included in the original legislative rezoning to the C-CCN zone districts. This application will correct that error and ensure that the zoning of the subject vacated rights-of-way matches the zoning of the abutting private properties.

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

In this case, where the City is seeking only to match up the zoning of the subject properties to the zoning designations recently approved by the City Council for the abutting properties, consistency with the neighborhood context description and the zone district purpose and intent statements is presumed from the City Council's findings of such consistency in each of the rezonings of the abutting properties.

Staff Recommendation

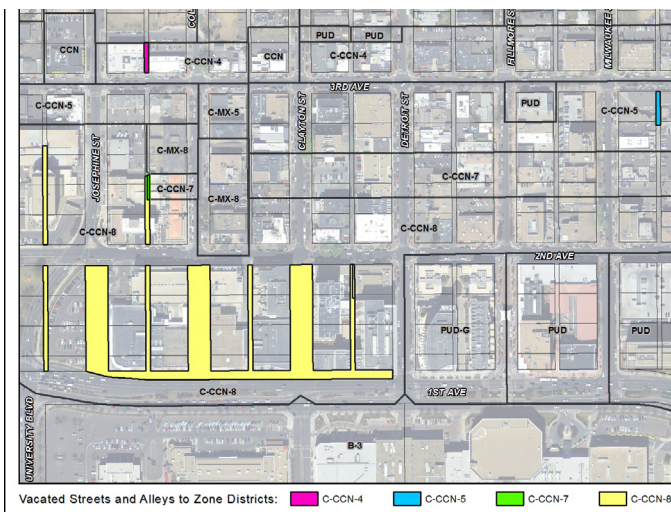
Based on the analysis set forth above, CPD staff finds that the application for rezoning the vacated rights-of-way in the Cherry Creek North business improvement districts to zoning that matches the respective abutting properties, meets the requisite review criteria. Accordingly, staff recommends **approval**.

Attachments

1. Proposal to Rezone

Zone Map Amendment (Rezoning) - Rezoning Proposal

PROPERTY OWNER INFORMATION		INITIATED BY	
Property Owner Name	Multiple owners	Name	Kyle Dalton and Sarah Showalter, on behalf of the Manager of Community Planning and Development
Address		Address	201 W Colfax Ave
City, State, Zip		City, State, Zip	Denver, CO 80202
Telephone		Telephone	Kyle Dalton: 720-865-2972 Sarah Showalter: 720-865-2923
Email		Email	Kyle Dalton: kyle.dalton@denvergov.org Sarah Showalter: sarah.showalter@denvergov.org
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):	Multiple vacated rights-of-way in the Cherry Creek North area - refer to map below.		
Assessor's Parcel Numbers:	Multiple		
Current Zone District(s):	C-CCN; PUD; and C-MU-10 with waivers and conditions		
PROPOSAL			
Proposed Zone District:	C-CCN-4; C-CCN-5; C-CCN-7; C-CCN-8		



Last updated: June 20, 2014

 Return completed form to rezoning@denvergov.org

That the zoning classification of the area in the City and County of Denver described as follows or included within the following boundaries shall be and hereby is changed from C-CCN to C-CCN-4:

That part of the alley, vacated by Ordinance 36, Series of 1975, lying adjacent to and between Lots 1 and 10, Block 34, Harman's Subdivision.

and

That the zoning classification of the area in the City and County of Denver described as follows or included within the following boundaries shall be and hereby is changed from C-CCN to C-CCN-5:

Those parts of the alley, vacated by Ordinance 684, Series of 1978, and Ordinance 5, Series of 1979, lying adjacent to and between Lots 4 - 7, inclusive, Block 58, Harman's Subdivision.

and

That the zoning classification of the area in the City and County of Denver described as follows or included within the following boundaries shall be and hereby is changed from C-CCN to C-CCN-7:

The east ½ of that part of the alley, vacated by Ordinance 211, Series of 1958, lying adjacent to the south 1/3 of Lot 8 and the north ½ of Lot 9, Block 63, Harman's Subdivision.

and

That the zoning classification of the area in the City and County of Denver described as follows or included within the following boundaries shall be and hereby is changed from C-CCN to C-CCN-8:

All that vacated part of the alley, vacated by Ordinance 211, Series of 1958, EXCEPT the east ½ of that portion of said vacated alley lying adjacent to the south 1/3 of Lot 8 and the north ½ of Lot 9, Block 63, Harman's Subdivision.

All that vacated part of the alley, vacated by Ordinance 253, Series of 1956, and Ordinance 50, Series of 1954 lying in Block 64, Harman's Subdivision.

The east ½ of that part of the north-south alley, vacated by Ordinance 238, Series of 1985, lying adjacent to Lot 4 and the north 10' of Lot 5, Block 68, Harman's Subdivision.

and

That the zoning classification of the area in the City and County of Denver described as follows or included within the following boundaries shall be and hereby is changed from C-MU-10 with waivers and conditions to C-CCN-8:

All of the vacated alleys and the vacated portions of Josephine St, Columbine St, Clayton St, and 1st Ave, vacated by, and being described in, Ordinance 23 Series of 1953, together with the west ½ of the vacated north-south alley, vacated by, and being described in, Ordinance 238, Series of 1985. All said vacated alleys and vacated street portions lying in, or adjacent to, Blocks 65-68, Harman's Subdivision.