



**TO:** City Council Neighborhoods and Planning Committee  
**FROM:** Ryan Winterberg-Lipp, AICP, Associate City Planner  
**DATE:** September 10, 2015  
**RE:** Official Zoning Map Amendment Application #2015I-00052  
4365 North Cherokee Street  
Rezoning from I-A UO-2 to C-RX-8

### Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2015I-00052 for a rezoning from I-A UO-2 to C-RX-8.

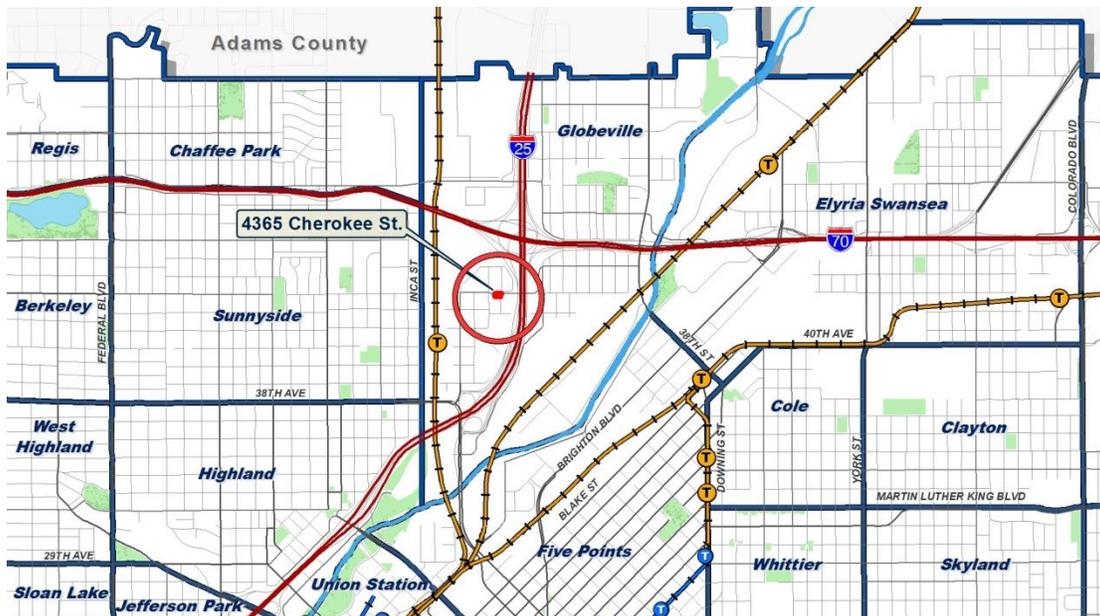
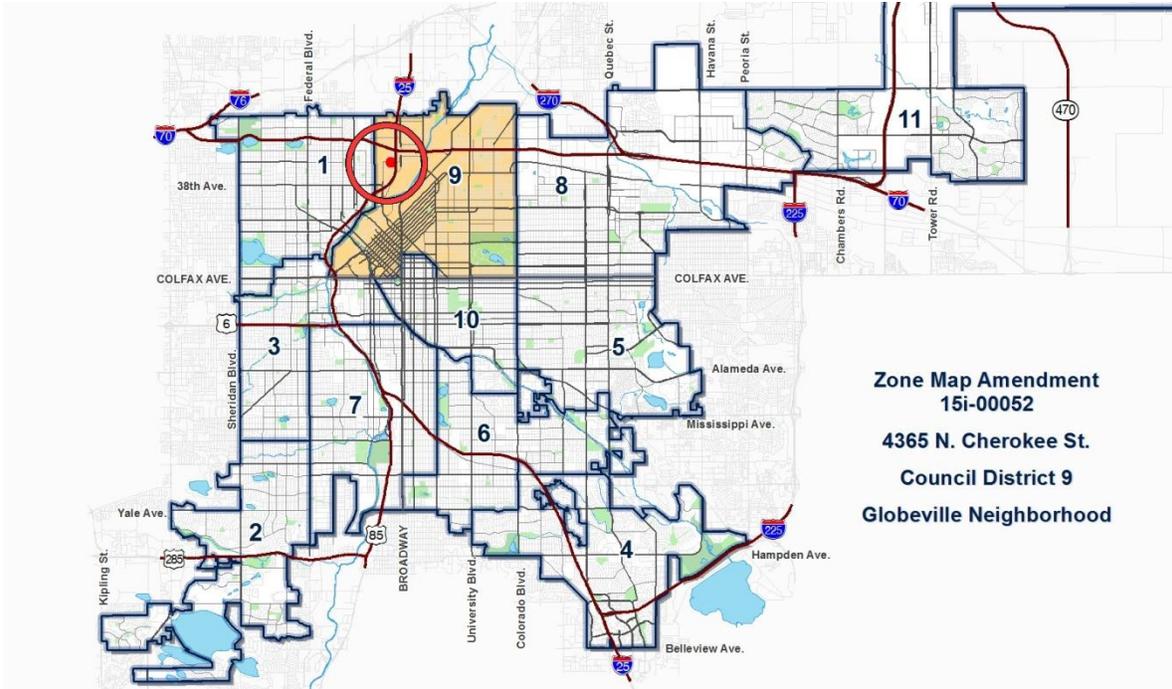
### Request for Rezoning

Application:	#2015I-00052
Address:	4365 North Cherokee Street
Neighborhood/Council District:	Globeville / Council District 9
RNOs:	Denver Neighborhood Association, Inc.; Globeville Civic Association #1; Globeville Civic Association #2; Elyria Swansea/Globeville Business Association; United Community Action Network Inc.; Inter-Neighborhood Cooperation; North Highlands Neighbors Association; Denver Urban Resident Association; Globeville K.A.R.E.S.
Area of Property:	6,105 square feet
Current Zoning:	I-A UO-2
Proposed Zoning:	C-RX-8
Property Owner(s):	Armando Payán
Owner Representative:	N/A

### Summary of Rezoning Request

- The subject property is located in the Globeville Statistical Neighborhood, at the intersection of North Cherokee Street and West 44<sup>th</sup> Avenue. The site is currently occupied by a single family residential structure.
- The site is currently zoned I-A (Light Industrial) with the UO-2 Billboard Use Overlay.
- The property owners are requesting a rezoning from I-A UO-2 to C-RX-8 in order to change the mix of uses allowed across the site and facilitate redevelopment. Though a rezoning request does not approve a specific development or permit a specific use, the property owners' intent through this rezoning is to allow residential mixed-use development.
- The requested C-RX-8 zone district is in the Urban Center context, allowing Residential Mixed uses, generally up to 8 stories in height. Further details of the zone district can be found in

Article 7 of the Denver Zoning Code (DZC). The rezoning request does not maintain the UO-2 Billboard Use Overlay.



**Existing Context**

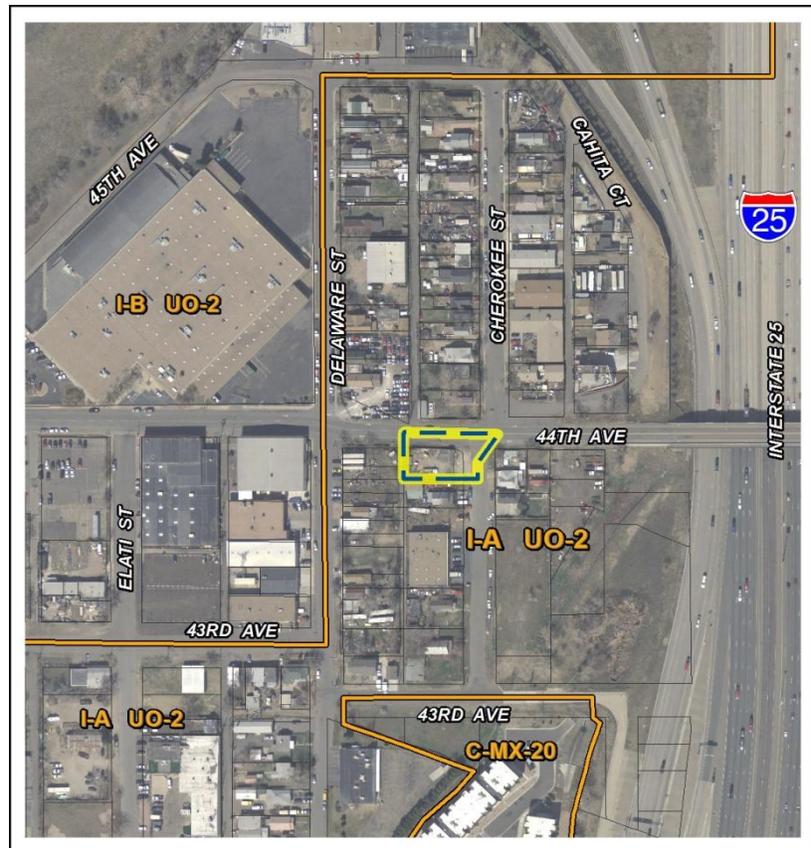
The following table summarizes the existing context proximate to the subject site:

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	I-A UO-2	Single family residential	One-story, single family residential building; shallow setback from W 44 <sup>th</sup> Ave and moderate setback from N Cherokee St with unimproved parking area between the structure and the street	<p>Block sizes and shapes are consistently oblong in the immediately surrounding blocks; however, larger industrial and multi-family sites disrupt the regular block pattern at the edges of surrounding infrastructure. Alleys are generally present within regular, oblong blocks.</p> <p>Residential lots are generally small, while industrial and multifamily assemblages are larger and more irregular.</p> <p>The street pattern is interrupted by Interstate-25, Interstate-70, and the Burlington Northern rail lines. Larger sites generally abut these roadways.</p>
North	I-A UO-2 and I-B UO-2	Single family residential, multi-family residential industrial, manufacturing	Mix of one-story and one-and-a-half-story single and multi-family residential buildings; generally one-story industrial and manufacturing buildings; varied but generally shallow setbacks; larger industrial sites have irregular orientation.	
South	I-A UO-2 and C-MX-20	Single family residential, industrial, multi-family residential	One-story and one-and-a-half-story single residential buildings; one-story industrial building; moderate setbacks with some parking between the building face and street; 3-story multi-family complex with interior surface parking	
East	I-A UO-2	Single family residential, vacant	One-story and one-and-a-half-story single residential buildings with parking between the building face and street; large vacant parcel	
West	I-A UO-2 and I-B UO-2	Single family residential, commercial, vacant	One-story single residential buildings; one-story commercial building and vacant parcel with parking between the building face and street; one-story industrial forms	

The site is located on the southwest corner of the intersection of North Cherokee Street and West 44<sup>th</sup> Avenue. The immediately surrounding blocks include single family and multi-family residential structures and a mix of industrial, manufacturing, and vacant sites. Uses transition to primarily large industrial, manufacturing, and distribution sites to the west nearing the Burlington Northern rail lines. Building heights are generally low scale and range from one to three stories throughout the area. Interstate-25 and Interstate-70 are located to the east and north of the subject site, and West 44<sup>th</sup> Avenue provides a multimodal connection over Interstate-25 to the eastern portion of the Globeville Neighborhood. West 44<sup>th</sup> Avenue is also served by one RTD bus route— Route 8, North Broadway/Huron— providing thirty minute service during peak hours. The subject site is located less than half a mile from the future 41<sup>st</sup> and Fox station to be served by the Gold Line and the Northwest Metro Line. Streets in the immediate area are often interrupted by curb cuts, surface parking areas, and curbs, gutters, and sidewalks are often not present.

### 1. Existing Zoning

The current zoning applied to the site and surrounding areas is I-A UO-2. This Light Industrial neighborhood context zone district permits office, business, and light industrial uses. Residential uses are only permitted on where an existing residential structure existed prior to July 1, 2004. The I-A zone district allows the General and Industrial building forms and regulates building mass through a maximum Floor Area Ratio of 2.0. The I-A zone district does not specify a maximum building height except that when a site is within 175' of a Protected District, the maximum permitted building height is 75' (the subject site is not within 175' of a Protected District so this height limit does not apply). Building forms within the I-A zone district do not include a build-to requirement, transparency requirement, or street level activation standards, and surface parking is permitted between the building and primary and side streets.

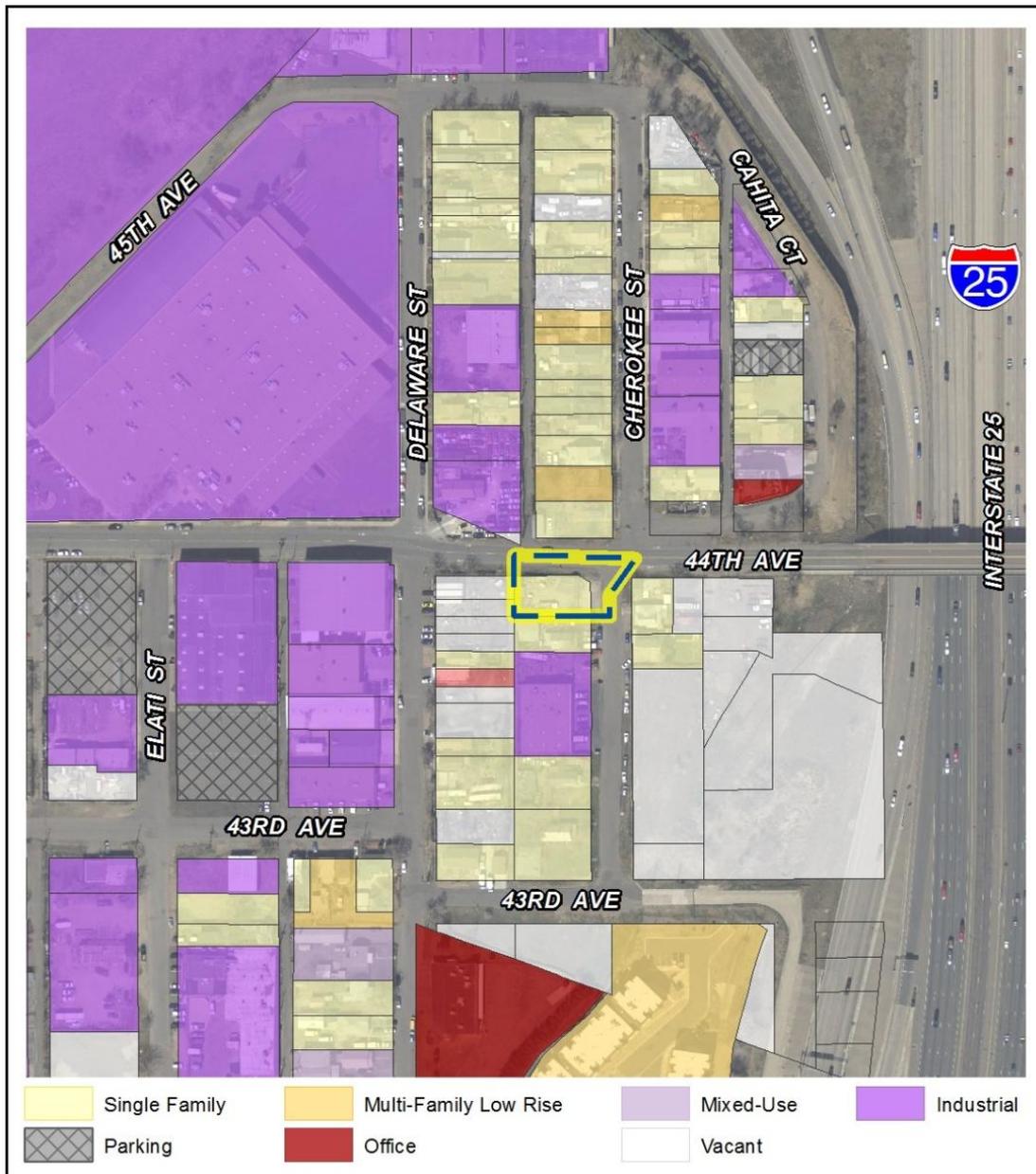


The UO-2 Billboard Use Overlay permits “outdoor general advertising device” signs, also known as “billboards,” within the applicable area. Additional standards and limitations regarding minimum separation and distance requirements apply. Currently, no billboards exist on the subject site.

## 2. Existing Land Use Map

As seen in the Existing Land Use Map on the next page, the immediately surrounding blocks include single family and multi-family residential structures and a mix of industrial, manufacturing, and vacant sites. Uses transition to consistently large industrial, manufacturing, and distribution sites to the west nearing the Burlington Northern rail lines. Multi-family and office uses are located south of West 43<sup>rd</sup> Avenue, and substantial vacant properties abut Interstate-25.

Existing Land Use Map



**3. Existing Building Form and Scale**  
(images from Google Maps)



Subject site, looking west.



Subject site, looking east.



One-story, single family residential structure and one-story industrial building to the south of the subject site, looking north



One-story industrial structure with outdoor auto storage to the northwest of the subject site



One and one-and-a-half residential structures to the north of the subject site, looking south

**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

**Development Services – Project Coordination:** Approved – No Comments

**Denver Fire Department:** Approved – No Comments

**Development Services – Wastewater:** Approved – No Comments

**Parks and Recreation:** Approved – No Comments

**Public Works – City Surveyor:** Approved – No Comments. The legal description dated August 3, 2015 was approved.

**Environmental Health:** Approved – Notes: DEH concurs with the proposed zoning change. The Denver Department of Environmental Health (DEH) has information indicating the presence of a Superfund site at the property and surrounding area. Under oversight of the U.S. Environmental Protection Agency, the majority of the site was cleaned up and conditions are protective of human health and the environment. Contaminated soils in residential yards were excavated and disposed off site where necessary and institutional controls have been implemented for the remaining few residential properties where access was not granted.

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.

Scope & Limitations: DEH performed a limited search for information known to DEH regarding environmental conditions at the subject site. This review was not intended to conform to ASTM standard practice for Phase I site assessments, nor was it designed to identify all potential environmental conditions. In addition, the review was not intended to assess environmental conditions for any potential right-of-way or easement conveyance process. The City and County of Denver provides no representations or warranties regarding the accuracy, reliability, or completeness of the information provided.

**Development Services – Transportation:** Approved – 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 (RNOs) on June 16, 2015.
- The property was legally posted for a period of 15 days announcing the September 2, 2015, Denver Planning Board public hearing, and written notification of the hearing was sent to all affected registered neighborhood organizations and City Council members. **The Denver Planning Board voted unanimously in favor (8-0) to recommend approval of the map amendment to City Council.**

- Written notification of the September 16, 2015 Neighborhoods and Planning Committee meeting (PLAN) was sent to all affected registered neighborhood organizations and City Council members on September 2, 2015. Following the Neighborhoods and Planning Committee review, the rezoning application is typically referred to the full City Council for final action at a public hearing.
- The RNOs identified on page 1 were notified of this application.
  - Globeville Civic Association #2
    - A letter in support of the rezoning application was submitted by Mike Stone, Vice President of the Globeville Civic Association #2.
  - At the time of this staff report, no further RNO correspondence had been received.
- At the time of this staff report, no further public comment had been received.

### 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)*
- *41<sup>st</sup> and Fox Station Area Plan (2009)*
- *Globeville Neighborhood Plan (2014)*

#### **Denver Comprehensive Plan 2000**

Denver's *Comprehensive Plan 2000* identifies a set of broad guiding principles that unite to form a coherent and compelling vision of a livable city. The C-RX-8 map amendment proposal is consistent with these "Vision[s] of Success" through the enabling of compact, mixed-use, pedestrian-oriented development at an appropriate location:

**Compact development** ■ Compact urban centers will meet the needs of 21st-century living while reinforcing the valued characteristics of Denver's neighborhoods. Development and redevelopment of urban centers presents opportunities to concentrate population and land uses within a limited geographic space. Compact development will improve neighborhood

cohesion, reduce urban sprawl and connect residents more directly to services and amenities within their immediate living environment. (pg 55)

**Density and diversity** ■ Exciting new mixed-use and pedestrian-oriented areas will develop, offering a higher concentration of housing, retail, services, employment and transportation, all within walking distance. (pg 96)

The proposal is consistent with many *Denver Comprehensive Plan 2000* strategies, including:

- 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. Creating more density at transit nodes. (pg 39)
- Environmental Sustainability Strategy 4-A – Promote the development of sustainable communities and centers of activity where shopping, jobs, recreation and schools are accessible by multiple forms of transportation, providing opportunities for people to live where they work. (pg 41)
- 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. (pg 60)
- Land Use Strategy 4-A - Encourage mixed-use, transit-oriented development that makes effective use of existing transportation infrastructure, supports transit stations, increases transit patronage, reduces impact on the environment, and encourages vibrant urban centers and neighborhoods. (pg 60)
- Mobility Strategy 4-E – Continue to promote mixed-use development, which enables people to live near work, retail and services. (pg 78)
- Denver’s Legacies Strategy 3-A – Identify areas in which increased density and new uses are desirable and can be accommodated. (pg 99)

The proposed map amendment will enable residential mixed-use development at an infill location where services and infrastructure are already provided and where transit-oriented development investment is taking place. With the opening of the 41<sup>st</sup> and Fox Station in early 2016, the surrounding area will be catalyzed and offer opportunities for sustainable transit-oriented living, consistent with Comprehensive Plan 2000. The C-RX-8 zone district broadens the variety of uses to include residential uses and allows increased density appropriate for this transit-oriented development infill development. The 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 Urban Residential and is located within an Area of Change.

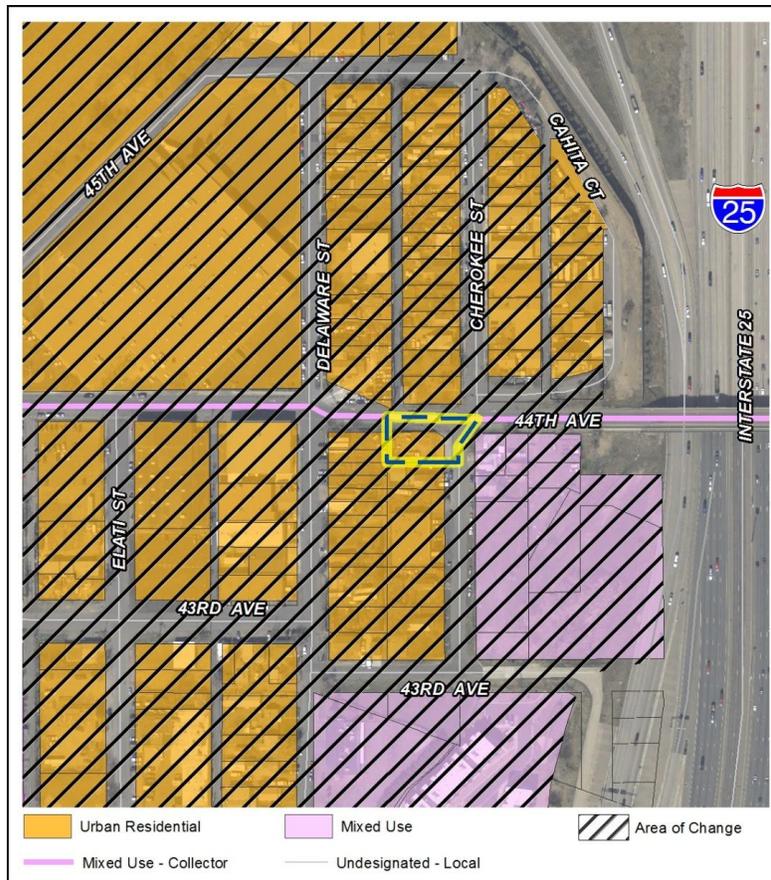
### **Future Land Use**

According to *Blueprint Denver*, the site is designated with a concept land use of Urban Residential. Such areas are “higher density and primarily residential but may include a noteworthy number of complementary commercial uses” (pg 41). *Blueprint Denver* also notes that “retail or other similar

active uses on the main floor” are appropriate options for Urban Residential Areas along with “prominent street facing entries,” “extensive ground floor windows,” and “pedestrian scaled facades and contextual design” (pg 66). A mixture of housing types is present in these Urban Residential areas, including single family houses, townhouses, small multifamily apartments, and sometimes mid to high-rise residential structures (pg 41).

The proposed map amendment supports the *Blueprint Denver* Urban Residential concept land use designation by allowing for higher density residential uses, while also allowing a limited number and square footage of complementary commercial uses in a primarily residential area that forms a transition between mixed-use commercial districts and residential neighborhoods. The General form within the C-RX zone districts includes build-to, transparency, entrance, and upper story setback standards and prohibits the location of surface parking between the building and the primary and side streets, implementing the design recommendations stated in *Blueprint Denver*. The mix of housing types is also permitted in the C-RX-8 zone district, while residential uses are highly limited in the current I-A UO-2 zone district.

### 2002 Blueprint Denver Future Land Use Map



### Area of Change / Area of Stability

The subject site is in an Area of Change. In general, “The goal for Areas of Change is to channel growth where it will be beneficial and can best improve access to jobs, housing and services with fewer and shorter auto trips.” Areas of Change provide Denver with the opportunity to focus growth in a way that benefits the City as a whole (pg 127).

The rezoning application is consistent with the *Blueprint Denver* Area of Change recommendations by allowing for limited mixed-use, primarily residential redevelopment at an appropriate, transit-oriented location, improving access to jobs, housing, and services.

### Street Classifications

*Blueprint Denver* classifies West 44<sup>th</sup> Avenue as a Mixed Use Collector and North Cherokee Street as an Undesignated Local. According to *Blueprint Denver*, “collectors are designed to provide a greater balance between [multimodal] mobility and land access within residential, commercial and industrial areas” (pg 51). West 44<sup>th</sup> Avenue is the only east/west connection over Interstate-25 to connect the two halves of the Globeville neighborhood bifurcated by the interstate.

According to *Blueprint Denver*, Mixed Use Streets are “located in high-intensity mixed-use commercial, retail and residential areas with substantial pedestrian activity” and are “attractive for pedestrians and bicyclists” (pg 57). The C-RX-8 zone district proposed for the subject site is an appropriate zone district for this mixed-use, higher-capacity street classification through the allowance of the mixed-use residential development contemplated in *Blueprint Denver*. Undesignated Local streets provide primarily local access, appropriate for the small, local segment of North Cherokee Street that will serve future development enabled by the C-RX-8 zone district

The proposed map amendment to C-RX-8 will enable growth in a location that *Blueprint Denver* identifies as appropriate for change and mixed-use, primarily residential development. The existing I-A UO-2 zone district does not accomplish these recommendations, and the rezoning to C-RX-8 at the subject site is consistent with *Blueprint Denver’s* guidance.

### **Small Area Plan: 41<sup>st</sup> and Fox Station Area Plan**

The 41<sup>st</sup> and Fox Station Area Plan was adopted by City Council in 2009 and applies to the subject property. The plan sets forth a vision for the creation of a “diverse, transit supportive and environmentally sustainable urban center” (pg 9). The plan concept is centered around the development of a high-intensity activity node close to the station on the east side of the railroad tracks.

During the planning process, it was determined that the eastern portion of the station area would develop into an “Urban Center” typology to create a complete, transit-friendly neighborhood. The subject site is located within this Urban Center typology area.

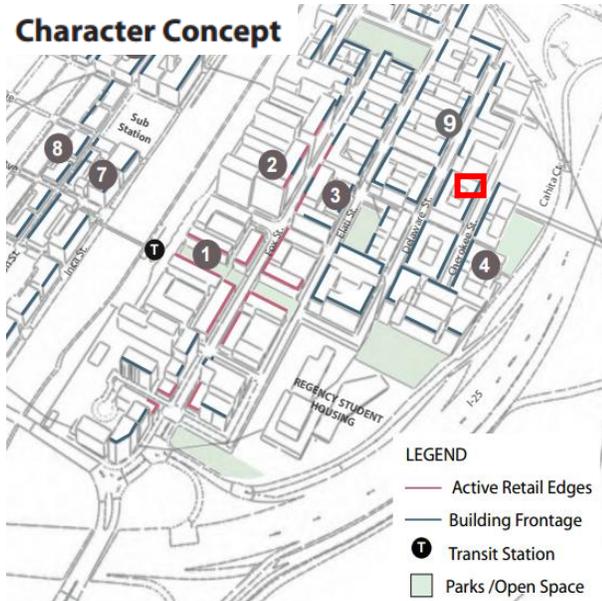


The subject site is located within the area recommended for Urban Residential uses with a building height of 2-8 stories. These areas are intended as new, moderate-density neighborhoods that provide a range of housing types that help support the pedestrian shopping district and employment base of the station area (pg 16). The proposed C-RX-8 zone district

is consistent with both this land use and building height recommendation by allowing residential and limited mixed uses with a maximum building height of 8 stories within the Urban Center Neighborhood Context. The existing I-A UO-2 zone district does not fulfill these plan recommendations.

West 44<sup>th</sup> Avenue is also identified as a key pedestrian and bicycle street given its critical east/west connection to the eastern portion of the Globeville neighborhood. The opportunity for limited mixed-use development through the C-RX-8 zone district supports this pedestrian and bicycle activity on a key, uniting street connection.

The 41<sup>st</sup> and Fox Station Area Plan also sets forth urban design recommendations to refine the physical form of buildings. The Character Concept diagram identifies the subject site as appropriate for “building frontages.” Along these key corridors, “building edges should be brought to the sidewalk with minimal setbacks” to “help create places that feel enclosed and oriented toward the street” (pg 18). The build-to, parking location, and transparency standards of the C-RX-8 zone district fulfill these urban design recommendations, while the current I-A UO-2 zoning is deficient in these aspects.



## 2. Globeville Neighborhood Plan

The *Globeville Neighborhood Plan* was adopted by City Council in December 2014 and overlaps with the boundaries of the *41<sup>st</sup> and Fox Station Area Plan* on the subject site. The *Globeville Neighborhood Plan* reinforces the land use and building height recommendations provided in the *41<sup>st</sup> and Fox Station Area Plan* for the area of overlap. “The *Globeville Neighborhood Plan* does not update the recommendations of the *41<sup>st</sup> and Fox Station Area Plan*,” so both adopted plans are considered in determining plan consistency (pg 4). Additionally, the *Globeville Neighborhood Plan* seeks to improve connectivity from the Globeville Residential Neighborhood Core to this area.



The *Globeville Neighborhood Plan* confirms the vision for the 41<sup>st</sup> and Fox station Character Area as a “diverse, transit-supportive, and environmentally sustainable

urban center” (pg 15). The *Plan* reinforces the recommended concept land use as Urban Residential, as well as an Area of Change as previously described in adopted plans. Urban residential areas are higher density and primarily residential but may include complementary commercial uses (pg 30). Accordingly, the proposed C-RX-8 zone district is consistent with these land use recommendations since it permits an appropriate, limited mix of non-residential uses and full range of residential uses.

The *Globeville Neighborhood Plan* reinforces the appropriateness of the proposed C-RX-8 zone district through the Maximum Recommended Building Heights map (pg 36). The subject site is recommended for development no greater than eight stories, and the C-RX-8 zone district fulfills this recommendation. The *Globeville Neighborhood Plan* reinforces the importance of 44<sup>th</sup> Avenue as a critical connection to the eastern portion of the neighborhood. The *Plan* recommends improving the 44<sup>th</sup> Avenue bridge to enhance this existing connection and knit the neighborhood together. The residential mixed-use development enabled by the proposed C-RX-8 zone district introduces an appropriate mix of uses along this critical connection whereas the exiting I-A UO-2 zoning does little to encourage multi-modal-friendly redevelopment in the area.



### 3. Uniformity of District Regulations and Restrictions

The proposed rezoning to C-RX-8 will result in the uniform application of zone district building form, use, and design regulations.

### 4. 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 plans including *Comprehensive Plan 2000*, *Blueprint Denver*, the *41<sup>st</sup> and Fox Station Area Plan*, and the *Globeville Neighborhood Plan*.

### 5. Justifying Circumstance

The application identifies changed or changing conditions as the Justifying Circumstance under DZC Section 12.4.10.14.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.”

Several changed or changing conditions apply to the site and surrounding area. The commuter rail station at the 41<sup>st</sup> and Fox station is under construction with a projected opening date in spring 2016, creating a shift in transportation opportunity that supports higher-intensity, mixed use development.

Recently, other large properties in the immediate station area are pursuing rezoning for future transit oriented redevelopment, signaling an evolution in the surrounding environs. Additionally, as discussed above, many adopted plan recommendations state and further reinforce that redevelopment of the area is desired.

As stated in the application, the current I-A UO-2 zoning does not reflect the City's vision as reinforced by the 2014 *Globeville Neighborhood Plan*, a confirmation of the adopted policy for the subject site.

## **6. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements**

### Neighborhood Context Description

The proposed C-RX-8 zone district is within the Urban Center Neighborhood Context. The neighborhood context generally consists of multi-unit residential and mixed-use commercial strips and commercial centers. The Urban Center Neighborhood Context consists of a regular pattern of block shapes surrounded by an orthogonal street grid, providing a pattern of pedestrian and vehicular connections and a consistent presence of alleys. Block sizes and shapes are consistent and include detached sidewalks, tree lawns, street and surface parking, and landscaping in the front setback. Buildings typically have consistent orientation and shallow setbacks with parking at the rear or side of a building. The Urban Center Neighborhood Context is characterized by moderate to high building heights to promote a dense urban character. There are also high levels of pedestrian and bicycle use with the greatest access to the multimodal transportation system (DZC, Division 7.1). It is appropriate to apply zoning within the Urban Center Neighborhood Context at this location through the adopted plan vision described earlier as well as the multimodal transportation context. The proposed rezoning to C-RX-8 will lead to development that is consistent with the neighborhood context description.

### Zone District Purpose and Intent

According to DZC 7.2.3.1.A, the general purpose of the C-RX zone districts is to promote safe, active, and pedestrian-scaled, diverse areas through the use of building forms that clearly define and activate the public realm. The Residential Mixed Use Zone Districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping, and public gathering within and around the city's residential neighborhoods while positively contributing to established residential neighborhoods. The Residential Mixed Use districts are primarily intended to accommodate residential uses. Commercial uses are secondary to the primary residential use of the district, and provide neighborhood-scaled shops and offices for residents to conveniently access goods and services within walking distance. The rezoning to C-RX-8 is consistent with the zone district general purpose, and resulting development will be consistent with the general purpose statement through the application of the C-RX-8 zone district standards.

The C-RX-8 specifically applies to residentially-dominated areas served primarily by collector or arterial streets where a building scale of 2 to 8 stories is desired. 44<sup>th</sup> Avenue adjacent to the subject site is classified as a collector, and adopted plans identify this site as appropriate for eight-story development. The street classifications and desired building heights in this area are consistent with this intent statement.

### **Staff Recommendation**

Based on the analysis set forth above, CPD staff finds that the application for rezoning the property located at 4365 North Cherokee Street (#2015I-00052) to the C-RX-8 zone district meets the requisite review criteria. Accordingly, staff recommends approval of the rezoning.

### **Attachments**

1. Application
2. RNO letter of support

## 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	Armando Pagan	Representative Name	Armando Pagan
Address	4707 Pearl Street	Address	4707 Pearl Street
City, State, Zip	Denver, Co 80216	City, State, Zip	Denver, Co 80216
Telephone	303-330-4179	Telephone	303-330-4179
Email	armando.pagan@ygher.com	Email	armando.pagan@ygher.com
*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.		**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.	
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):		4365 N. Cherokee Street	
Assessor's Parcel Numbers:		160751430	
Area in Acres or Square Feet:		6105 Sq. Ft	
Current Zone District(s):		I-A, UO-2	
PROPOSAL			
Proposed Zone District:		C-RX 8	
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

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>
<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>
REQUIRED ATTACHMENTS	
<p>Please ensure the following required attachments are submitted with this application:</p> <p><input checked="" type="checkbox"/> Legal Description (required to be attached in Microsoft Word document format)</p> <p><input type="checkbox"/> Proof of Ownership Document(s)</p> <p><input checked="" type="checkbox"/> Review Criteria</p>	
ADDITIONAL ATTACHMENTS	
<p>Please identify any additional attachments provided with this application:</p> <p><input type="checkbox"/> Written Authorization to Represent Property Owner(s)</p>	
<p>Please list any additional attachments:</p>	



**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)
<b>EXAMPLE</b> 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
<i>Armando Payan</i>	<i>4365 Cherokee Denver Colorado 80216 303-667-4506 armandopayan@yahoo.com</i>	<i>100%</i>	<i>[Signature]</i>	<i>5-16-2015</i>	<i>(A)</i>	<i>YES</i>

Last updated: February 4, 2015

Return completed form to rezoning@denvergov.org

**311** | FOR INFORMATION & CITY SERVICES

201 W. Colfax Ave., Dept. 205  
 Denver, CO 80202  
 720-865-2974 • rezoning@denvergov.org

The South 5.00 feet of Lot 31 , and all of Lots 32 and 33, Block 1, Burlington, City and County of Denver , State of Colorado

①

WARRANTY DEED

THIS DEED, Made this 30th day of June, 2000,  
between Elaine R. Lucero

of the City and County of Denver and State of Colorado  
grantor, and Armando Payan

480

whose legal address is 4365 Cherokee Street, Denver, CO 80216

of the City and County of Denver and State of Colorado, grantee:

WITNESSETH, That the grantor, for and in consideration of the sum of FORTY EIGHT THOUSAND AND  
NO/100

-----DOLLARS, (\$48,000.00)

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 and assigns forever, all the real property together with  
improvements, if any, situate, lying and being in the City and County of Denver, and State of Colorado,  
described as follows:

The South 5.00 feet of Lot 31, and all of Lots 32 and 33, Block 1, Burlington,  
City and County of Denver, State of Colorado

also known by street and number as 4365 Cherokee Street, Denver, Colorado 80216

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 assigns forever. And the grantor, for himself, his heirs and personal representatives, does covenant, grant, bargain and  
agree to and with the grantee, his heirs and assigns, that at the time of the ensembling and delivery of these presents, he is well  
seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in  
fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form  
as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments,  
encumbrances and restrictions of whatever kind or nature soever, except for taxes for the current year, a lien but not yet due or  
payable, easements, restrictions, reservations, covenants and rights-of-way of record, if any.

The grantor 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 lawfully claiming the whole or any part thereof.  
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 executed this deed on the date set forth above.

Elaine R. Lucero  
Elaine R. Lucero

STATE OF COLORADO )  
COUNTY OF DENVER ) ss.

The foregoing instrument was acknowledged before me this 30th day of June, 2000 by  
Elaine R. Lucero

My Commission Expires 4/10/2001  
LISA CHAPPLE  
NOTARY PUBLIC  
STATE OF COLORADO

Witness my hand and official seal.  
Lisa Chapple  
Notary Public  
Lisa Chapple

TITLE AMERICA NR 13709C00



Real Property Records

Date last updated: Friday, May 15, 2015

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](#)

[Back to Property List](#)

[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](#)

The property description shown is data from the Assessor's active, in-progress 2014 file. The "current year" values are from the 2014 tax year for real property tax due in 2015. These values are based on the property's physical status as of January 1, 2014.

PROPERTY INFORMATION

Property Type: RESIDENTIAL

Parcel: 0222305023000

Name and Address Information

Legal Description

PAYAN,ARMANDO  
4365 CHEROKEE ST  
DENVER, CO 80216-2624

S 5 FT L 31 ALL L 32 & 33 BLK  
1 BURLINGTON

Property Address: 4365 CHEROKEE ST

Tax District: DENV

Assessment Information

	Actual	Assessed	Exempt	Taxable
Current Year				
Land	42700	3400		
Improvements	56000	4460		
Total	98700	7860	0	7860
Prior Year				
Land	42700	3400		
Improvements	24900	1980		
Total	67600	5380	0	5380

Style: One Story

Reception No.: 0000102017

Year Built: 1924

Recording Date: 07/19/00

Building Sqr. Foot: 441

Document Type: Warranty

Bedrooms: 1

Sale Price: 48000

Baths Full/1/2: 1/0

Mill Levy: 83.054

Basement/Finished: 240/0

Lot Size: 6,105

[Click here for current zoning](#)

Zoning Used for Valuation: IA

Note: Valuation zoning maybe different from City's new zoning code.



# REVIEW CRITERIA ATTACHMENT

## Zone Amendment Application

### **4365 N CHEROKEE ST**

This zoning amendment application is for a parcel of land at 4365 N Cherokee Street. I am applying for a change of the current I-A UO-2 zoning to C-RX 8. I do so in accordance with Blueprint Denver, the Globeville Neighborhood Plan and the 41st and Fox Station Area Plan.

## **CONSISTENCY WITH ADOPTED PLANS**

### Relevant Adopted Plans

The proposed rezoning from I-A UO-2 to C-RX 8 is consistent with the city's vision for the neighborhood and supported by all relevant adopted plans including Blueprint Denver, the 41st & Fox Station Area Plan and the Globeville Neighborhood Plan.

### Area of Change

#### **BLUEPRINT DENVER**

Blueprint Denver is an addition to the Comprehensive Plan and defines areas of change and areas of stability. While areas of stability are meant to preserve the existing zoning and character, areas of change are meant to be transformed because they will benefit through an infusion of population, economic activity and investment. My property is located within such an area of change and will benefit immensely from the rezoning.

Blueprint Denver also recommends to direct growth and change specifically to the areas surrounding rapid transit stations where expanded transportation choices are available.

My property is located within the half mile radius area for the 41st & Fox Station.

The future intended character for the area where my property is located is "Urban Residential". This character is defined in Blueprint Denver as primarily residential with a higher density that may also include a noteworthy number of complementary commercial uses. New housing is envisioned to be in mid to high-rise structures.

The proposed rezoning to Residential Mixed Use character (C-RX 8) supports the envisioned change and the intention to direct development primarily to areas close to rapid transit. It also meets the envisioned character with its mid-rise 8 stories residential structure and the potential for supplementing commercial uses on the ground floor.

### Urban Residential 2-8 Stories

#### **41ST & FOX STATION AREA PLAN**

"The 41st and Fox Station will develop over the coming decades into the focal point of a diverse, transit supportive and environmentally sustainable urban center. Many new residents and businesses will be drawn to the convenient location close to Downtown near some of Denver's most vibrant urban neighborhoods" (41st and Fox Station Area Plan). This vision laid out in the Station Area plans describes the area as an urban center, just as we propose. It also emphasizes the mixed-use character of the station area.

The block where my property is located is envisioned as Urban residential, 2-8 stories. "These areas are intended as new, moderate density neighborhoods. On the east side of the tracks, this moderate-density residential will provide a range of housing types that help support the pedestrian shopping district and employment base. New parks and plazas on the east side will provide needed relaxation and breathing space for new residents and help to increase the values of nearby residential buildings." Furthermore the activation of the public space and improvements to the pedestrian connection on 44th are mentioned in the station area plan. With the C-RX 8 zoning in place, new buildings will have to be built up to the property line with significant openings towards the street, activating the public space and enhancing safety. Parking will no longer be possible between the structure and the street, instead there will be space for an enhanced sidewalk and bike lane. With the current industrial zoning, parking is located between the building and the street, creating a car dominated environment. The required setbacks do further take away from the intended activation of the public space. There are no standards for the facade and the allowed industrial uses are contrary to the envisioned residential character for the area. In contrast to the current I-A zoning, the proposed C-RX 8 Urban Residential zoning meets the character, density and uses described in the Station Area plan and allows for the envisioned positive development in the area.

### **Urban Residential Improvement of 44<sup>th</sup> Ave**

#### **GLOBEVILLE NEIGHBORHOOD PLAN**

The Globeville Neighborhood plan was just recently adopted and confirms the vision for the neighborhood as laid out in the 41st and Fox Station Area Plan. It suggests further improvements to 44th Avenue to enhance the connectivity between the new station and the areas East of I-25. Globeville residents were very engaged in the drafting of the plan; the adoption of it proves that the neighborhood supports the goal of changing this area into a medium density urban residential area and to locate improvements along 44th Avenue, and adjacent to the subject property.

#### **UNIFORMITY OF DISTRICT REGULATIONS AND RESTRICTIONS**

The rezoning is in the public interest, especially now with a shortage of housing options and 41<sup>st</sup> Fox Street Station with multi-modal access coming soon to this neighborhood. I believe in supporting the City and County of Denver's new Vision and the Neighborhood's new vision as well. Again 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 through implementation of the City's adopted land Use plans including Blueprint Denver, the Globeville Neighborhood Plan and the 41st Fox Street Station Area Plan.

## **JUSTIFYING CIRCUMSTANCES**

### **Need for Rezoning**

The property is located in a designated area of change and the current zoning no longer reflects the City's vision for this neighborhood. The rezoning is in the public interest, especially now with a shortage of housing options and 41st & Fox Station with its multi-modal access coming soon to this neighborhood. I myself have been a long time resident and activist in the Globeville neighborhood and I am continuously working to improve the neighborhood. With the property on Cherokee in my possession I am now able to actively work on improving the built environment in my neighborhood. I have also reached out to council members and neighborhood organizations to garner support for this rezoning.

I am therefore requesting this rezoning to encourage future development of the site and the neighborhood as a whole, supporting the City's and the neighborhood's vision for the area and bringing the property to its full potential.

## **CONSISTENCY WITH APPLICABLE NEIGHBORHOOD CONTEXT**

### **Envisioned C-RX-8 Zoning**

The envisioned neighborhood context is Urban Center, which is consistent with the City's vision for the denser and more urban eastern part of the 41st & Fox Station Area where my property is located. C-RX-8 applies to residentially-dominated areas served primarily by collector or arterial streets and my site is located on 44th, a collector which is also designated as a priority street for pedestrian/bike connections.

The Residential Mixed Use Zone District I am proposing is intended to promote a safe, pedestrian scaled and diverse environment. The rezoning will allow for primarily residential uses, with commercial as a possible additional use on the ground floor. This mix of uses, as well as the maximum height of 8 stories is - again - consistent with the "Urban Residential" vision for this block as shown in the Station Area and the Globeville Neighborhood Plan.

September 2, 2015

Ryan Winterberg-Lipp

Associate City Planner

Community Planning and Development

City and County of Denver

Dear Ms: Winterberg-Lipp

It is truly indeed a pleasure to write this letter of support on behalf of Armando Payan who is requesting a rezoning change for the property located at 4365 Cherokee Sttreet Denver, Colorado 80216 application number 20151-00052. We believe that Mr. Payan request is in line with Blue Print a Community Planning and Development Guide that highlights the following:

- Area of Change
- Multi-Modal Streets
- Multi-use development

The rezoning request is in line with the Globeville Neighborhood Plan which has the following vision:

- Urban Residential where areas of higher density housing is stress
- Mixed Use where areas of commercial and residential dwellings co-exist
- Transit Oriented Development correlation of mass transit system co-exist with the community

The rezoning request is also in line with the 41street and Fox Station Area Plan where the following is highlighted:

- Improve pedestrian, bicycle, to the station connections between communities
- Create opportunities to add more housing, jobs, and services to the station area
- Capitalize on the stations area's proximity to Downtown Denver and other transportation areas such as Gold Rail line, Northwest Rail Corridor
- Balance the needs of new development and existing uses

Again, I believe that Mr. Payan request falls directly in line with the above subject matter as we build into the 21<sup>st</sup> Century.

Mike Stone

Vice President

Globeville Civic Association #2.

720-548-7624