



**TO:** Denver City Council  
**FROM:** Jason Morrison, Senior City Planner  
**DATE:** December 3<sup>rd</sup>, 2020  
**RE:** Official Zoning Map Amendment Application #2019I-00077

### **Staff Report and Recommendation**

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2019I-00077.

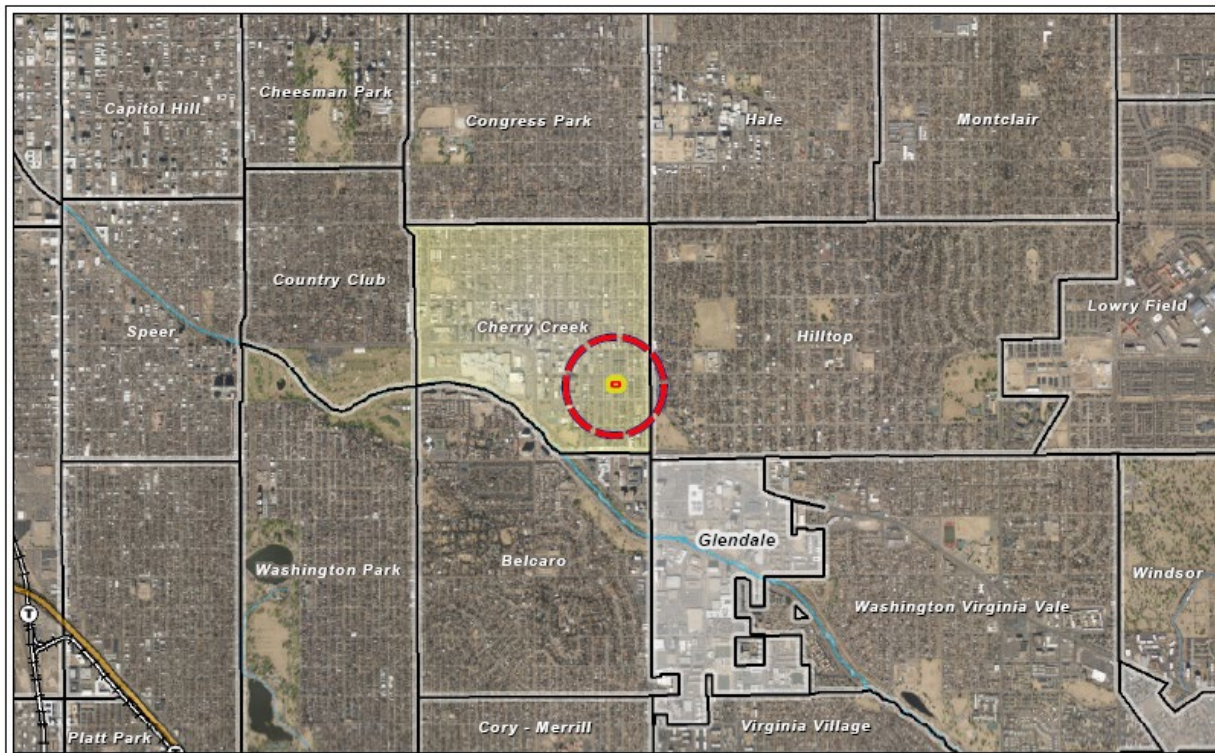
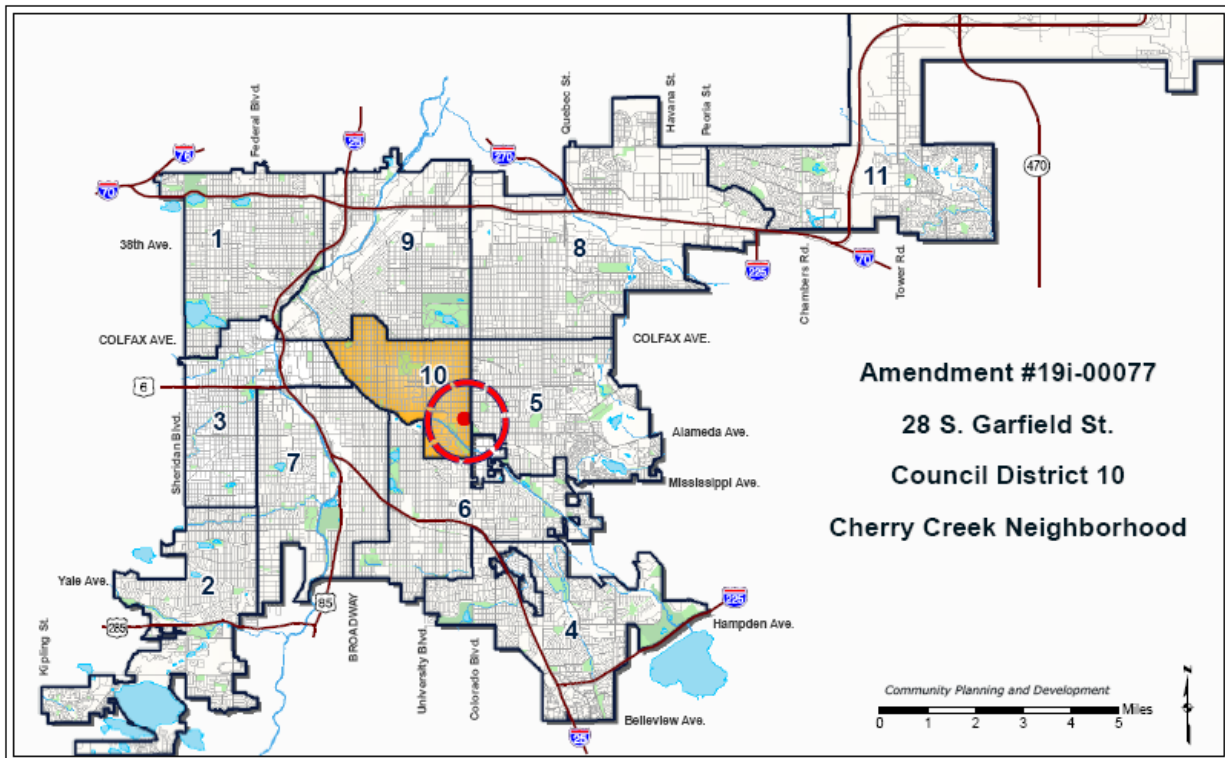
### **Request for Rezoning**

Address:	22, 24, 26 & 28 South Garfield Street
Neighborhood/Council District:	Cherry Creek Neighborhood / Council District 10
RNOs:	Cherry Creek East Association; Green Cherry Creek; Inter-Neighborhood Cooperation (INC)
Area of Property:	12,503 square feet or 0.287 acres
Current Zoning:	PUD 470
Proposed Zoning:	G-RH-3
Property Owner(s):	Phyllis A. Sinclair; Richard C. Reed and Selma E. Reed, as Trustees of the Reed Family Trust; Natalie Aronson; 490 Columbine LLC.
Owner Representative:	Robert H. Bach (490 Columbine LLC.)

### **Summary of Rezoning Request**

- The subject site is located in the Cherry Creek neighborhood on the east side of South Garfield Street between East Ellsworth Avenue and East Bayaud Avenue.
- The subject site is made up of a four-unit PUD which was approved in 1999.
- The property owners at 28 S. Garfield Street, one of the four units, desires to construct an addition to the rear of their property which is not allowed under PUD 470 but would be allowed under the G-RH-3 zone district.
- The adjoining property owners support the rezoning and are requesting this map amendment to bring the entire site under the city's current zoning code.
- The G-RH-3 (General Urban, Row House, 3 stories) zone district is a multi-unit district allowing urban house, duplex and row house building forms where row houses are not taller than three stories. Additional details of the G-RH-3 zone district can be found in Article 6 of the Denver Zoning Code (DZC).
- The proposed G-RH-3 zone district is an extension of the pattern of existing G-RH-3 zone district found throughout the surrounding blocks and is consistent with the zoning on the adjacent properties to the north and east.
- The site is currently zoned PUD 470, which is a custom zone district from Former Chapter 59 zoning allowing four adjoining units with two-car garages. Additional details of PUD 470 can be found within the attached document.

## Existing Context







The subject site is located in the Cherry Creek neighborhood on South Garfield Street between East Ellsworth Avenue and East Bayaud Avenue. The area is primarily composed of multi-unit residential buildings with some single- and two-unit residential scattered throughout the surrounding blocks.

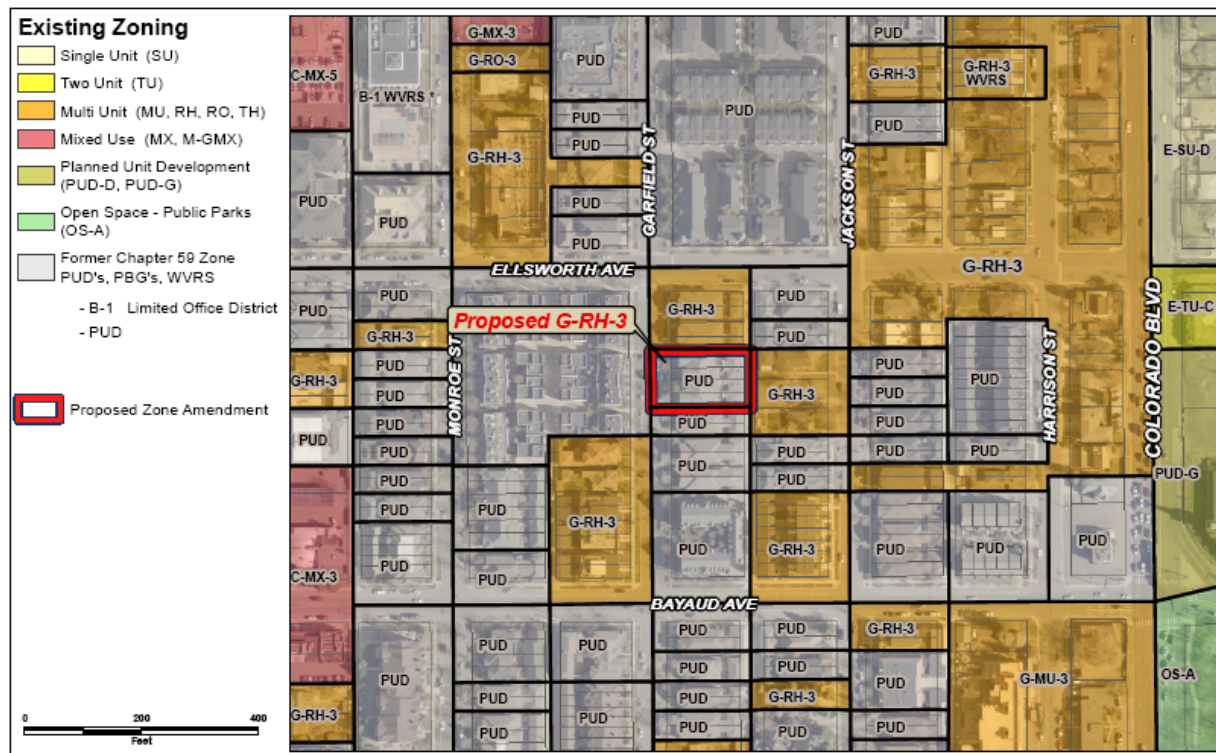
The subject site is less than ¼ mile from Burns Park to the southeast and Pulaski Park to the southwest. Additionally, the popular Cherry Creek Trail is ½ mile southwest of the site and the Cherry Creek Shopping Center is located the same distance to the west. The subject site is also within three blocks of Colorado Boulevard to the east, which provides high-capacity transit service to the immediate area. The applicant is requesting the G-RH-3 zone district which is an extension of the pattern of existing G-RH-3 zone district found throughout the surrounding blocks and is consistent with the zoning pattern of adjacent properties to the north and east.

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

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	PUD 470	Multi-Unit Residential	Four, 2-story townhomes with a shallow setback from South Garfield Street	Generally regular grid of streets interrupted to the south by Cherry Creek Drive
North	G-RH-3	Multi-Unit Residential	Two, 2-story duplexes with a shallow setback from South Garfield Street	

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
South	PUD 450	Multi-Unit Residential	Two-story townhomes with a shallow setback from South Garfield Street	Block sizes and shapes are generally consistent and rectangular.  Rear-loaded garages with alleys. Pedestrian-oriented building frontages predominate.
East	G-RH-3	Two-Unit & Single-Unit Residential	Two, 1-story residential units both with moderate setbacks from South Jackson Street.	
West	PUD 366	Multi-Unit Residential	Two-story townhomes with a shallow setback from South Garfield Street	

## 1. Existing Zoning



The existing zoning is PUD 470, which is a Former Chapter 59 custom zone district allowing four adjoining units with two-car garages. Within the PUD, maximum building coverage (including garages and accessory structures) can't exceed 60.5% and there is a maximum height of two stories and 36 feet. Front, rear, and side setbacks are specified within the PUD and permitted encroachments into the minimum setbacks must conform to those allowed in the R-2 zone district.



## 2. View Plane

The subject site is within the *Cranmer Park View Plane*. The intent of this view plane is to preserve the view of the Rocky Mountains (west of the subject site) from Cranmer Park (east of the subject site). No part of any structure within the view plane may exceed an elevation of 5,434 feet above mean sea level. Therefore, the subject site is subject to a maximum height restriction of roughly 131 feet. However, the proposed zone district of G-RH-3 has a lower maximum height of 30 to 35 feet for primary structures.

## 3. Existing Land Use Map



## 4. Existing Building Form and Scale

*All images are from Google Street View.*



Subject site facing east from South Garfield Street.



Two-unit residential (2 story) north of the subject site, facing east from South Garfield Street.



One-story residential east of the subject site (across from alley), facing west from South Jackson Street. Subject site building form in the background.





Two-story townhomes south of the subject site, facing east from South Garfield Street



Two-story townhomes west of the subject site, facing west from South Garfield Street

## **Proposed Zoning**

The requested G-RH-3 zone district is found in the General Urban neighborhood context. It is a multi-unit zone district that allows for residential uses in a variety of building forms including urban house, duplex, and row house. Block sensitive setbacks apply to all building forms in the G-RH-3 zone district. The district has a maximum height of up to 3 stories with allowable encroachments. Minimum vehicle parking requirements in the G-RH-3 zone district are generally the same or lower than the minimum vehicle parking requirements in the existing PUD 470. For additional details of the requested zone district, see DZC Article 6.

The primary building forms allowed in the existing zone district and the proposed zone district are summarized here:

Design Standards	Existing PUD 470	Proposed G-RH-3
Primary Building Forms Allowed	Townhouse	Urban house, duplex, row house
Height in Stories / Feet (max)	2 stories / 36'	3 stories / 30'*
Primary Street Build-To Percentages (min)	N/A	N/A
Primary Street Build-To Ranges	N/A	N/A
Minimum Zone Lot Size/Width	N/A	3,000sf – 6,000sf /25'-50'**
Primary Street Setbacks (min)	10'	20'***
Building Coverages (max)	60.52%	50%-N/A**

\*1' for every 5' increase in lot width over 50' up to a maximum height of 35'

\*\*Standards vary by building form

\*\*\*Where block sensitive setback does not apply

### 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:

**Assessor:** Approved – No Response

**Asset Management:** Approved – See Comments Below

1. Original zoning did not allow for the enclosure of the patio (+200 SF) per unit.

**Denver Public Schools:** Approved – No Response

**Department of Public Health and Environment:** Approved – See Comments Below

1. DDPHE concurs with this proposed rezoning and is unaware of environmental concerns that should be considered for this rezoning.
2. 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, DDPHE 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.
3. 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.



4. Denver's Noise Ordinance (Chapter 36--Noise Control, Denver Revised Municipal Code) identifies allowable levels of noise. Properties undergoing Re-Zoning may change the acoustic environment but must maintain compliance with the Noise Ordinance. Compliance with the Noise Ordinance is based on the status of the receptor property (for example, adjacent Residential receptors), and not the status of the noise-generating property. Violations of the Noise Ordinance commonly result from, but are not limited to, the operation or improper placement of HV/AC units, generators, and loading docks. Construction noise is exempted from the Noise Ordinance during the following hours, 7am--9pm (Mon--Fri) and 8am--5pm (Sat & Sun). Variances for nighttime work are allowed, but the variance approval process requires 2 to 3 months. For variance requests or questions related to the Noise Ordinance, please contact Paul Riedesel, Denver Environmental Health (720-865-5410).
5. Scope & Limitations: DDPHE performed a limited search for information known to DDPHE 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.

**Denver Parks and Recreation:** Approved -- No Comments

**Public Works -- R.O.W.- City Surveyor:** Approved -- No Comments

**Development Services -- Project Coordination:** Approved -- No Response

**Development Services - Fire Protection:** Approved -- No Response

**Development Services -- Transportation:** Approved -- No Response

**Development Services- Wastewater:** Approved -- See Comments Below

1. DS Wastewater approves the subject zoning change. The applicant should note that redevelopment of this site may require additional engineering including preparation of drainage reports, construction documents, and erosion control plans. Redevelopment may require construction of water quality and detention basins, public and private sanitary and storm sewer mains, and other storm or sanitary sewer improvements. Redevelopment may also require other items such as conveyance of utility, construction, and maintenance easements. The extent of the required design, improvements and easements will be determined during the redevelopment process. Please note that no commitment for any new sewer service will be given prior to issuance of an approved SUDP from Development Services.

## Public Review Process

	Date
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	1/7/2020
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, registered neighborhood organizations, and property owners:	5/5/2020
Planning Board voted unanimously to recommend approval:	5/20/2020
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:	5/18/20
Land Use, Transportation and Infrastructure Committee moved the bill forward to Council:	6/2/20
Property legally posted for a period of 21 days and CPD notice of the City Council public hearing sent to all affected members of City Council and registered neighborhood organizations:	11/16/20
City Council Public Hearing:	12/7/20

- **Registered Neighborhood Organizations (RNOs):** To date, staff has received no comment letters from Registered Neighborhood Organizations.
- **Other Public Comment:** To date, staff has received one comment in opposition

## 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 currently apply to this property:

- *Denver Comprehensive Plan 2040*
- *Blueprint Denver (2019)*
- *Cherry Creek Area Plan (2012)*

**Denver Comprehensive Plan 2040**

The proposed rezoning is consistent with many of the adopted *Denver Comprehensive Plan 2040* strategies. The following strategies apply from the Equitable, Affordable and Inclusive vision element:

- Equitable, Affordable and Inclusive Goal 1, Strategy A – *Increase development of housing units close to transit and mixed-use developments* (p. 28).
- Equitable, Affordable and Inclusive Goal 2, Strategy A – *Create a greater mix of housing options in every neighborhood* (p. 28).

The requested G-RH-3 zone district will allow a mix of housing options, including urban house, duplex, and row house building forms, close to the high-capacity transit along Colorado Boulevard and provide future residential near a mix of uses within the Cherry Creek neighborhood. It is therefore consistent with the above strategies in the Equitable, Affordable and Inclusive vision element.

The following strategies apply from the Strong and Authentic Neighborhoods vision element:

- Strong and Authentic Neighborhoods Goal 1, Strategy B – *Ensure neighborhoods offer a mix of housing types and services for a diverse population* (p. 34).
- Strong and Authentic Neighborhoods Goal 1, Strategy D – *Encourage quality infill development that is consistent with the surrounding neighborhoods and offers opportunities for increased amenities* (p. 34).

In addition to offering a mix of housing types for a diverse population, the zone district will also apply current, form-based zoning code standards, ensuring quality development appropriate for the neighborhood. The proposed zone district is an extension of the existing zoning currently found in surrounding blocks. It is therefore consistent with the strategies in the Strong and Authentic Neighborhoods vision element.

Similarly, the application is also consistent with the following strategies in the Environmentally Resilient vision element:

- *Environmentally Resilient Goal 8, Strategy A – Promote infill development where infrastructure and services are already in place (p. 54).*
- *Environmentally Resilient Goal 8, Strategy B – Encourage mixed-use communities where residents can live, work and play in their own neighborhoods (p. 54).*

This site is an infill location where infrastructure is already in place allowing residents to live, work and play in the area. Compact infill development near transportation options and existing infrastructure assists in improving public health indicators while reducing water usage. Rezoning to facilitate redevelopment of this site advances the strategies of *Comprehensive Plan 2040*.

### **Blueprint Denver**

*Blueprint Denver* was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city's land use and transportation decisions. *Blueprint Denver* identifies the subject property as part of a "Low-Medium Residential" area within the General Urban neighborhood context and provides guidance from the future growth strategy for the city.

### **Blueprint Denver Future Neighborhood Context**



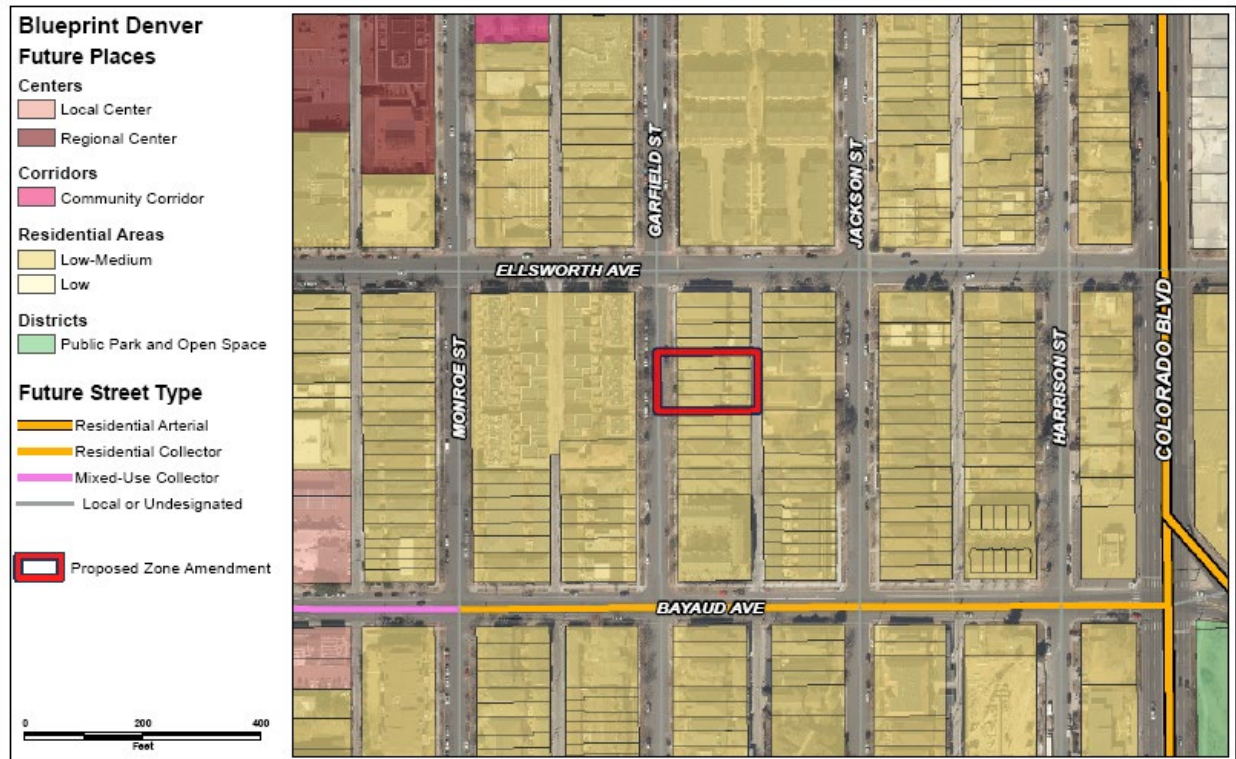
The subject site is shown on the context map as General Urban neighborhood context. The neighborhood context map and description help guide appropriate zone districts (p. 66). The General Urban neighborhood context is described as "vibrant places with proximity to Denver's major centers like Downtown and Cherry Creek. Homes in this context vary from multi-unit complexes to compact



single-unit homes. Development should be sensitive to the existing neighborhood character and offer residents a mix of uses, with good street activation and connectivity” (p. 237).

The proposed G-RH-3 zone district is a multi-unit zone district and part of the General Urban context intended to “promote and protect higher density residential neighborhoods within the character of the General Urban neighborhood context”, and “promote safe, active, pedestrian-scaled residential areas” (DZC 6.2.2.1). The proposed rezoning to G-RH-3 is appropriate and consistent with the General Urban context plan direction.

### **Blueprint Denver Future Places**



The Future Places map shows the subject site as part of a “Low-Medium Residential” area within the General Urban context. *Blueprint Denver* describes these areas as, “primarily residential, with a mix of unit types. Single- and two-unit homes are interspersed with lower-scale multi-unit buildings. Limited neighborhood serving commercial can be found, particularly at intersections. Heights are generally up to 3 stories” (p. 246).

The residential emphasis and the three-story heights of the proposed G-RH-3 zone district are consistent with this plan direction. Furthermore, the G-RH-3 zone district is a multi-unit district with a variety of residential building forms including single, two-unit, and lower-scale multi-unit residential. “The building form standards, design standards, and uses work together to promote safe, active, pedestrian-scaled residential areas” (DZC 6.2.2.1). The proposed rezoning to G-RH-3 is appropriate and consistent with the “Low-Medium Residential” plan direction.

### **Street Types**

*Blueprint Denver* street types work in concert with the future place to evaluate the appropriateness of the intensity of the adjacent development (p. 67). *Blueprint Denver* classifies South Garfield Street and East Ellsworth Avenue (to the north) as undesignated local streets. Local streets “are designed for the highest degree of property access and the lowest amount of through movement” (p. 154). East Bayaud Avenue (to the south) is classified as a Residential Collector street. Residential Collector streets, “collect movement from local streets and convey it to arterial streets (p.154)”. These streets contain primarily residential uses, but may also include schools, civic uses, parks, small retail nodes and other similar uses.

The proposed G-RH-3 district is consistent with this plan direction for this location as, “residential uses are primarily located along local and residential arterial streets” (DZC 6.1.1). In addition, block sizes and shapes within the G-RH-3 district are consistent and include detached sidewalks, tree lawns, and landscaping in the front setback to promote pedestrian and bicycle activity.

### **Growth Strategy**



*Blueprint Denver's* growth strategy map is a version of the future places map, showing the aspiration for distributing future growth in Denver (p. 51). The subject property is located within “All Other Areas of the City”, which are anticipated to see around 20% of new housing growth and 10% of new employment growth by 2040 (p. 51). The proposed map amendment to G-RH-3 will enable compatible residential growth for this location.



## **Strategies**

*Blueprint Denver* provides recommendations related to properties that retained zoning from the Former Chapter 59 zoning code. Land Use & Built Form: General Policy 3, Strategy B, says, “Rezone properties from the Former Chapter 59 zoning code so that the entire city is covered by the DZC, including continuing to incentivize owners to come out of the old code” (p. 73). That same policy also speaks to custom zoning such as PUDs; Strategy B says, “Limit the use of site-specific, customized zoning tools—such as Planned Unit Developments (PUDs) and waivers/conditions—to unique and extraordinary circumstances. The zoning code offers a wide variety of zone districts that cover the diverse contexts and places of Denver. Custom zoning tools are most effective when a standard zone district does not exist to implement the adopted plans for an area” (p. 73). Therefore, the proposed rezoning to come from custom zoning under Former Chapter 59 to a standard zone district such as G-RH-3 under the DZC is consistent with *Blueprint Denver*.

## **Small Area Plan: Cherry Creek Area Plan (2012)**

The Cherry Creek Area Plan was adopted by City Council in 2012 and applies to the subject site. The format of the Cherry Creek Area Plan includes general framework plan recommendations that apply throughout the planning area and subarea recommendations that apply in smaller subareas.

## **General Framework**

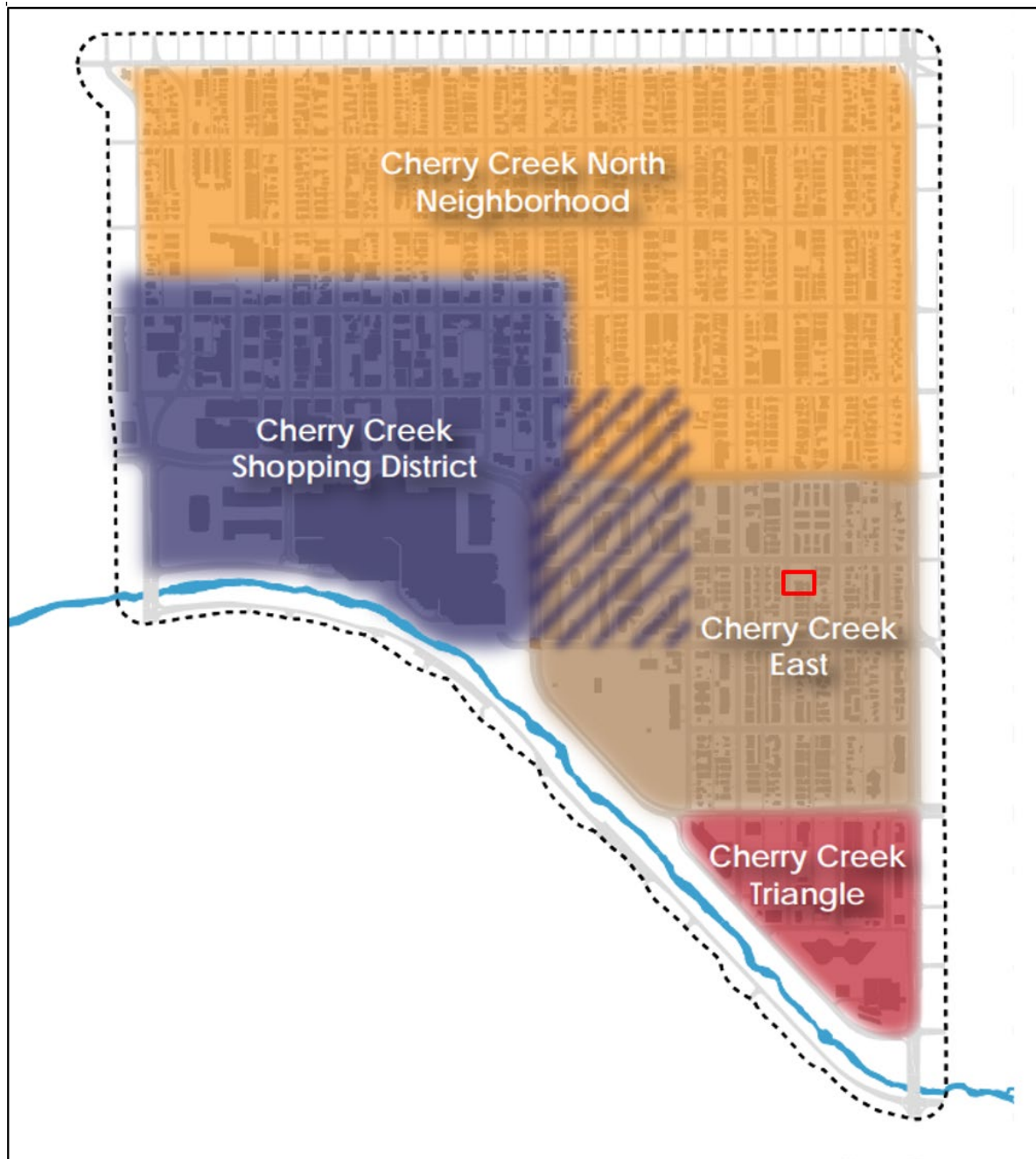
The overall vision for the Cherry Creek Area Plan is to create a connected, distinctive, green and prosperous neighborhood, and the Cherry Creek Area Plan builds on the area’s established and emerging assets (p.10):

- A unique combination of the Cherry Creek Shopping Center, an outdoor shopping district and great neighborhoods
- A growing variety of people who live, work and shop in the area
- Strong local and regional amenities
- Unique connections to the Cherry Creek Greenway—wild below, urban above
- Exceptional pedestrian experience
- Great regional and national image and signature identity for Denver
- Centrally located—accessible from throughout the region
- High Quality building and streetscape design
- Compact live, work, and play community

The intent of the G-RH-3 zone district is to allow for a variety of mixed-residential housing options. In addition to providing a future residential use, the proposed zone district is compatible with the existing zone district in the neighborhood and it will apply modern zoning code standards which will ensure quality infill development and streetscape that is appropriate for the surrounding context. Therefore, this rezoning is consistent with the general framework of the Cherry Creek Area Plan and will provide residents the opportunity to live, work and play in a compact neighborhood.

### **Subarea Recommendations**

The Cherry Creek Area Plan also organizes the neighborhood into subareas and provides recommendations for each of these smaller neighborhood areas. The subject site is in the Cherry Creek East subarea which is described as a, “highly desirable, moderate density residential neighborhood that also includes a high-density office and residential district on its western edge” (p. 55).





Within the Cherry Creek East subarea, the Plan recommends a future land use of “Urban Residential” with the intent of, “supporting a variety of housing types including low and mid-rise multifamily, row houses, duplex, single family and accessory dwelling units” (p. 72). To reinforce the residential character within this subarea, the Plan further calls for maintaining and enhancing the existing character and walkable environment of Cherry Creek East where new development will respect the predominant urban form” (p.72). Finally, the plan speaks to existing PUDs in the subarea and states that, “as opportunities arise with new development or property owner interest, property owners and neighborhood representatives will work together with the City to determine an appropriate Denver Zoning Code district that serves to implement this plan” (p.72).



The proposed rezoning is consistent with the Cherry Creek East subarea recommendations of the Cherry Creek Area Plan, as the proposed G-RH-3 will encourage development that is consistent with the plan’s land use and building height recommendations and will help to achieve other key recommendations for the Cherry Creek East subarea by reinforcing residential character, maintaining established scale, and rezoning out of a former Chapter 59 PUD.

## 2. Uniformity of District Regulations and Restrictions

The proposed rezoning to G-RH-3 will result in the uniform application of zone district building form, use, and design regulations on this site as they are applied to any other site zoned G-RH-3.

### **3. Public Health, Safety and General Welfare**

The proposed official map amendment furthers the public health, safety, and general welfare of the City primarily through the implementation of the City's adopted plans. The proposed rezoning would also facilitate housing density near a mix of uses and transit, which have been linked to increased physical activity,<sup>1</sup> decreased obesity,<sup>2</sup> and decreased driving.<sup>3</sup>

### **4. Justifying Circumstance**

The application identifies changed or changing conditions as the justifying circumstance under DZC Section 12.4.10.8.A.4., "Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include: c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning." The zoning on the subject site is a Former Chapter 59 PUD. Rezoning from Former Chapter 59 zoning into the Denver Zoning Code is an appropriate justifying circumstance. Additionally, rezoning out of the existing PUD 470 will provide more flexibility to modify the site to accommodate changing conditions in the neighborhood.

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

The requested G-RH-3 zone district is within the General Urban neighborhood context which is primarily characterized by multi-unit residential uses in a variety of building forms. Single-unit and two-unit residential uses are also found in a mix of residential building forms. Residential uses are primarily located along local and residential arterial streets which consist of a regular pattern of block shapes surrounded by an orthogonal street grid (DZC Division 6.1).

The proposed G-RH-3 zone district is consistent with the neighborhood context description and appropriate for this location because it is a multi-unit district allowing a variety of building forms, compatible height, and building form/design standards. This South Garfield Street location is appropriate for the General Urban neighborhood context because the uses, lots, and street and block patterns in the area are consistent with the neighborhood context description. The building form standards and uses work together to promote safe, active, pedestrian-scaled residential areas. The standards accommodate the pattern of urban house, duplex and row house building forms.

In addition to allowing the above building forms, the specific intent of the residential districts is, "to promote and protect higher density residential neighborhoods within the character of the General Urban neighborhood context. These regulations allow for multi-unit districts with a variety of residential

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<sup>1</sup> Ewing, R., and R. Cervero. 2010. "Travel and the Built Environment: A Meta-Analysis." *Journal of the American Planning Association* 76 (3): 265-94

<sup>2</sup> Ewing, R., T. Schmid, R. Killingsworth, A. Zlot, and S. Raudenbush. 2003. "Relationship between Urban Sprawl and Physical Activity, Obesity, and Morbidity." *American Journal of Health Promotion* 18: 47-57.

<sup>3</sup> Frumkin, Frank, and Jackson 2004; Fran et al. 2006; Ewing et al. 2008; Stone 2008.

building forms” (DZC 6.2.2.1.A). The G-RH-3 zone district is “a multi-unit district allowing urban house, duplex, and row house building forms. Row houses are not taller than three stories” (DZC 6.2.2.2.A).

The proposed rezoning is consistent with the General Purpose and Specific Intent as it will encourage multi-unit residential of up to 3 stories within the character of the General Urban neighborhood context consistent with the existing uses in the neighborhood, and located in area where 3-story low-scale multi-residential uses are envisioned by the adopted plans.

### **Attachments**

1. Application
2. Existing PUD
3. Public Comment



## Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	SEE PAGE 3	Representative Name	Robert H. Bach
Address		Address	28 South Garfield Street
City, State, Zip		City, State, Zip	Denver, CO 80209
Telephone		Telephone	(303) 866-0236
Email		Email	bob.bach@bryancave.com
<p><b>*If More Than One Property Owner:</b>            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><b>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</b></p>	
<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.</p> <p>If the owner is a corporate entity, proof of authorization for an individual to sign on behalf of the organization is required. This can include board resolutions authorizing the signer, bylaws, a Statement of Authority, or other legal documents as approved by the City Attorney's Office.</p>			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):		22, 24, 26 and 28 South Garfield Street (4 units)	
Assessor's Parcel Numbers:		See Below	
Area in Acres or Square Feet:		12,503	
Current Zone District(s):		PUD 470	
PROPOSAL			
Proposed Zone District:		G-RH-3	

Assessor's Parcel Numbers:

22 S. Garfield Street - 05125140230000  
 24 S. Garfield Street - 05125140250000  
 26 S. Garfield Street - 05125140260000  
 28 S. Garfield Street - 05125140270000

## REVIEW CRITERIA

<p>General Review Criteria: The proposal must comply with all of the general review criteria</p> <p>DZC Sec. 12.4.10.7</p>	<p><input checked="" type="checkbox"/> <b>Consistency with Adopted Plans:</b> 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. 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"/> <b>Uniformity of District Regulations and Restrictions:</b> 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"/> <b>Public Health, Safety and General Welfare:</b> The proposed official map amendment furthers the public health, safety, and general welfare of the City.</p>
<p>Additional Review Criteria for Non-Legislative Rezoning: The proposal must comply with both of the additional review criteria</p> <p>DZC Sec. 12.4.10.8</p>	<p><b>Justifying Circumstances - One of the following circumstances exists:</b></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"/> Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include:</p> <p>a. Changed or changing conditions in a particular area, or in the city generally; or,</p> <p>b. A City adopted plan; or</p> <p>c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.</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. 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. Please provide an attachment describing how the above criterion is met.</p>

## 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, as identified above

## ADDITIONAL ATTACHMENTS

Please identify any additional attachments provided with this application:

- ☒ Written Authorization to Represent Property Owner(s)
- ☒ Individual Authorization to Sign on Behalf of a Corporate Entity (for 490 Columbine, LLC)

Please list any additional attachments:



# 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	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	Has the owner authorized a representative in writing? (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)	YES
Phyllis A. Sinclair	22 South Garfield Street Denver, CO 80209 (303) 263-1255 Phyllis@Kentwood.com	100%	<i>Phyllis Sinclair</i>	11-22-19	(B)	YES
Richard C. Reed and Selma E. Reed, as Trustees of the Reed Family Trust	24 South Garfield Street Denver, CO 80209 (303) 946-5284 selmareed@mac.com	100%	<i>[Signature]</i> <i>Selma E. Reed</i>	10-29-19 10-29-19	(B)	YES
Natalie Aronson	26 South Garfield Street Denver, CO 80209 Phone: 303-522-5290 nataliearonson@aol.com	100%	<i>[Signature]</i>	9/12/19	(B)	YES
490 Columbine, LLC by Robert H. Bach, as Manager	28 South Garfield Street Denver, CO 80209 (303) 866-0236 bob.bach@bclplaw.com	100%	<i>[Signature]</i>	11/22/19	(B)	YES

Last updated: May 24, 2018

Return completed form to rezoning@denvergov.org

201 W. Colfax Ave., Dept. 205

Denver, CO 80202

720-865-2974 • rezoning@denvergov.org



December 10, 2019

City and County of Denver  
Community Planning and Development  
201 West Colfax Avenue  
Denver, CO 80202

Greetings:

We are requesting to have the property located at 22, 24, 26 and 28 South Garfield Street in Cherry Creek East rezoned from PUD 470 to G-RH-3. The owner of 28 South Garfield desires to enclose a portion of the rear patio by extending the rear wall approximately 10 feet and creating approximately 200 additional square feet of space. The change from PUD 470 to G-RH-3 would allow this addition as well as allow other residents to make future changes to their units that would be consistent with the G-RH-3 zoning but may not be permitted under the current PUD 470 zoning.

#### **Consistency with Adopted Plans**

The proposed G-RH-3 zoning is consistent with the City's vision for the neighborhood and supported by all of the applicable City of Denver adopted plans. The following plans apply to the subject property:

##### **(a) Denver Comprehensive Plan**

The proposed rezoning to G-RH-3 is consistent with the specific goals and strategies of the Denver Comprehensive Plan. The applicable goals and strategies are the following:

- (1) Vision Element: Equitable, Affordable and Inclusive. Goal 2, Strategy A – Create a greater mix of housing options in every neighborhood for all individuals and families. The requested rezoning from PUD 470 to G-RH-3 substantially broadens the type, size, and price of units that can be constructed on the property to appeal to residents across a broader range of income, ages and needs.
- (2) Vision Element: Strong and Authentic Neighborhoods. Goal 1, Strategy B - Insure neighborhoods offer a mix of housing types and services for a diverse population. The requested rezoning to G-RH-3 will allow a mix of housing types, including single family and multiple unit dwellings of different sizes and different prices and further the goal of offering a mix of housing types and prices for a diverse population.
- (3) Vision Element: Strong and Authentic Neighborhoods. Goal 1, Strategy B – Encourage quality infill development that is consistent with surrounding neighborhoods and offers opportunities for increased amenities. The mix of unit type, height, size and density allowed by G-RH-3 is consistent with and enhances the surrounding neighborhoods.



(b) **Blueprint Denver**

- (1) Recommendations. The recommendations in Blueprint Denver with respect to Land Use and Built Form – General specifically addresses the City’s intention to limit the use of site specific, customized zoning. Goal 6 of Recommendation 3, Subsection B, provides specifically that the City should limit the use of site specific, customized zoning tools, such as planned unit developments and waivers conditions to unique and extraordinary circumstances. In addition, Subsection A of Recommendation 3 encourages the rezoning of properties from the former Chapter 59 Zoning Code so that the entire City is covered by the Denver Zoning Code. The Zoning Code offers a wide variety of zone districts that cover the diverse context and places of Denver. The proposed rezoning from PUD 470 to G-RH-3 implements this recommendation and changes the site specific zoning to the preferable zone district and implements the policy to have the entire City covered by the Denver Zoning Code.
- (2) Neighborhood Context Designation. The neighborhood context map and description provides a guide to establishing appropriate zone districts. The neighborhood context for 22-28 South Garfield is General Urban. The General Urban neighborhood context provides for predominantly multi-unit structures and one and two unit residential. The current setbacks from Garfield Street, height and four-unit nature of the current development are consistent with the neighborhood context designation and the rezoning to G-RH-3 will allow a mix of residential units which is consistent with the General Urban designation.
- (3) Future Places Map Designation. The Blueprint Denver Future Places map provides for Low-Medium density residential. The Low-Medium designation provides for predominantly multi-unit residential and midscale residential buildings usually mixed with a variety of lower scale residential types. The requested zoning to G-RH-3 is consistent with zoning and the Low-Medium density and mix of property types contemplated by the Future Places map and with the existing primarily residential character of the neighborhood.
- (4) Growth Strategy. The subject property is designated as “all other areas of the City” which anticipates 20% residential growth and 10% job growth. Unlike the existing PUD 470, the G-RH-3 allows the potential for some residential growth and a mix of residential unit types.
- (5) Street Type. The Street Types Map in Blueprint Denver designates the street type for South Garfield Street as “Local.” Local streets are most often characterized by residential uses. G-RH-3 zoning is a residential zone district and, accordingly, the rezoning of the property as G-RH-3 is consistent with the Local designation of the street.



## **Cherry Creek Area Plan**

The property is in the Cherry Creek East Subarea and within the Urban Residential area designation. The Urban Residential designation seeks to “continue supporting a variety of housing types, including low and mid-rise multi-family, row houses, duplex, single family and accessory dwelling units.” The proposed G-RH-3 zoning is a low and mid-rise family district consistent with the Cherry Creek Plan. In addition, the proposed rezoning from PUD 470 to G-RH-3 meets a number of the Cherry Creek East Subarea Recommendations including the following:

- (1) Rezone PUDs. The recommendation provides that as opportunities arise with respect to new development or property owner interest, property owners and neighborhood representatives will work together with the City to determine the appropriate Denver Zoning code district that serves to implement this plan. The proposed rezoning to G-RH-3 and elimination of PUD 470 carries out this recommendation.
- (2) Respect the Existing Scale. The recommendation provides that zoning enhance the existing pattern of development intensity with low-scale buildings in the residential areas. The G-RH-3 zoning which permits a maximum of three stories is entirely consistent with this recommendation.
- (3) Reinforce Residential Character. The recommendation provides that the plan should maintain and enhance the existing character and walkable environment in Cherry Creek East. The G-RH-3 zoning is consistent with the existing residential character of the neighborhood and promotes this recommendation.

## **Uniformity of District Regulations**

Approval of the proposed Zone Map Amendment to G-RH-3 will result in the uniform application of building form, use and design regulations. The property, once rezoned, will adhere to all applicable regulations on building height, siding, design elements and pedestrian access. The proposed Zone District is consistent with and reinforces the uniform application of zone districts as well as the designated purpose of the zoning map to help shape future development to align with distinct but uniform City planning goals.

## **Future Health Safety and General Welfare**

Approval of the proposed zoning amendment will further the public health, safety and welfare by implementing the City’s adopted land use policies. Rezoning of the property pursuant to the Zone Map Amendment will continue to advance public policy priorities of the City identified for this area of the City.



### **Justifying Circumstances**

Justifying circumstances are found in Section 12.4.10.8 of the Denver Zoning code which provides that since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include: . . . (c) That the City adopted the Denver Zoning code and the property retained Former Chapter 59 zoning.

### **Consistency with Neighborhood Context, Zone District Purpose and Intent**

- (a) The subject property is subject to Article 6 of the Denver Zoning code governing the General Urban Neighborhood Context. Section 6.1.1 of the Denver Zoning code provides that the General Urban Neighborhood Context is characterized by multi-unit residential uses in a variety of building forms. The G-RH-3, which allows single family, multi-family and row houses is consistent with the General Urban Neighborhood Context.
- (b) Similarly, Section 6.1.4 governing building heights suggests that the area will be characterized by moderate to high residential buildings . . . and that lower scale structures are typically found in areas transitioning to a less dense urban neighborhood. The existing two-story structure and the three-story structures allowed by G-RH--3 are consistent with these building heights. The specific intent provisions of Section 6.2.2.2.A governing G-RH-3 zoning provide that it is a multi-unit district allowing urban house, duplex and row house building forms. Row houses are not taller than three stories. The existing four-unit row house meets and carries out the specific intent of the G-RH-3 zoning.
- (c) The general purpose of residential districts as reflected in Section 6.2.2.1 of the Denver Zoning code is to promote and protect higher density residential neighborhoods within the character of the General Urban Neighborhood Context. These regulations allow for multi-unit districts with a variety of residential building forms. The G-RH-3 zoning is used extensively in the Cherry Creek East area where the property is located and a number of surrounding properties are currently zoned G-RH-3. The requested rezoning will be consistent with both the general purpose and the surrounding properties.



## LEGAL DESCRIPTION

LOTS 5, 6, 7 and 8,

BLOCK 25,

BURLINGTON CAPITOL HILL ADDITION

## PROOF OF OWNERSHIP

See attached Vesting Deeds for 22, 24, 26 and 28 South Garfield, Denver, Colorado.

## QUITCLAIM DEED

THIS DEED, made this day of 10-17-12, by

PHYLLIS A. SINCLAIR AND ROBERT L.V. TROWBRIDGE

Grantor, for this consideration of \*\*\* Ten Dollars and Other Good and Valuable Consideration \*\*\*  
in hand paid, hereby sells and quitclaims to  
PHYLLIS A. SINCLAIR

Grantee, **Individual** whose street address is **22 S. GARFIELD STREET, DENVER, CO 80209**  
City of **DENVER**, County of **DENVER**, State of **COLORADO**, the following real property in the City and,  
County of **DENVER**, and State of Colorado, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

also known as street and number **22 S. GARFIELD STREET, DENVER, CO 80209**

TOGETHER with all its appurtenances.

Phyllis A. Sinclair  
PHYLLIS A. SINCLAIR

Robert L.V. Trowbridge  
ROBERT L.V. TROWBRIDGE

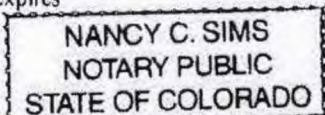
State of **COLORADO** )  
County of Arapahoe )ss



The foregoing instrument was acknowledged before me this day of 10/17/12,  
by **PHYLLIS A. SINCLAIR AND ROBERT L.V. TROWBRIDGE**

Witness my hand and official seal.  
My commission expires

Nancy C. Sims  
Notary Public



My Commission Expires 11/28/2014

When recorded return to:

Phyllis A. Sinclair  
22 So. Garfield St.  
Denver, Co 80209



2012144779

Page: 1 of 2

10/22/2012 11:14A

City &amp; County Of Denver 000 R18 00 00 00

EXHIBIT "A"

A PORTION OF LOTS 5 AND 6, BLOCK 25, BURLINGTON CAPITOL HILL SUBDIVISION, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 5; THENCE EASTERLY ALONG THE NORTH LINE OF SAID LOT 5, A DISTANCE OF 124.89 FEET TO THE NORTHEAST CORNER OF SAID LOT 5; THENCE ON AN HORIZONTAL ANGLE TO THE LEFT OF 90 DEGREES 03 MINUTES 43 SECONDS ALONG THE EAST LINE OF SAID LOTS 5 AND 6, A DISTANCE OF 27.61 FEET TO A POINT ON THE CENTERLINE OF A PARTY WALL, EXTENDED; THENCE ON AN HORIZONTAL ANGLE TO THE LEFT OF 90 DEGREES 25 MINUTES 48 SECONDS ALONG THE CENTERLINE OF SAID PARTY WALL, A DISTANCE OF 124.89 FEET TO A POINT ON THE WEST LINE OF SAID LOT 6; THENCE ON AN HORIZONTAL ANGLE TO THE LEFT OF 89 DEGREES 34 MINUTES 41 SECONDS ALONG THE WEST LINES OF SAID LOTS 5 AND 6, A DISTANCE OF 28.65 FEET TO THE POINT OF BEGINNING, CITY AND COUNTY OF DENVER, STATE OF COLORADO

SAID LEGAL DESCRIPTION WAS PREPARED BY MARK DOUGLAS SCHEAR, PLS 18475, FOR AND ON BEHALF OF TIMBERLINE SURVEYING, INC.

PS RT





2017004563

Page: 1 of 4

01/12/2017 02:58 PM  
City & County of Denver  
Electronically Recorded

R \$28.00

QCD

D \$0.00

This document prepared by:  
Bowles Ruddell & Associates, Ltd.  
6467 S. Hill Street  
Littleton, CO 80120  
(303) 802-6881  
CO Bar ID NO. 43274

Order Number:  
62647410 - 3838729

After recording return to:  
Title Source, Inc.  
662 Woodward Avenue  
Detroit, MI 48226

Convenience Deed: no documentary fee or  
real property transfer declaration required  
pursuant to C.R.S. § 39-13-102(2)(a)

③

———— Above This Line Reserved For Official Use Only ————

### QUITCLAIM DEED

**RICHARD C. REED and SELMA E. REED**, husband and wife, whose address is 24 South Garfield Street, Denver, CO 80209, hereinafter referred to as "Grantor," whether one or more, for TEN DOLLARS and no/100 (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, hereby sells and quitclaims to **RICHARD C. REED AND SELMA E. REED, AS TRUSTEES OF THE REED FAMILY TRUST DATED MAY 30, 2014**, whose address is 24 South Garfield Street, Denver, CO 80209, hereinafter referred to as "Grantee," whether one or more, any and all of their interest in the real property lying and being situate in the County of Denver, State of Colorado, more particularly described as:

SEE EXHIBIT "A" ATTACHED HERETO

Commonly known as: 24 South Garfield Street, Denver, CO 80209

Together with all its appurtenances.

Taxes for tax year 2016 shall be paid by Grantee.

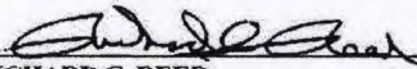
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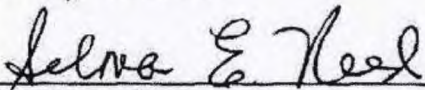
PAGE 1 of 3

## QUITCLAIM DEED

*Attached to and becoming a part of Deed between RICHARD C. REED and SELMA E. REED, husband and wife, as Grantor(s), and RICHARD C. REED and SELMA E. REED, AS TRUSTEES OF THE REED FAMILY TRUST DATED MAY 30, 2014, as Grantee(s).*

WITNESS my/our hand(s) and seal(s) this 19 day of December, 2016

  
\_\_\_\_\_  
RICHARD C. REED

  
\_\_\_\_\_  
SELMA E. REED

STATE OF \_\_\_\_\_ §  
§  
COUNTY OF \_\_\_\_\_ §

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by **RICHARD C. REED and SELMA E. REED.**

\_\_\_\_\_  
Notary Public  
My Commission Expires:

*see attach*

PAGE 2 of 3



**HAWAII ALL-PURPOSE ACKNOWLEDGMENT**  
**H.R.S 502-41(6)**

State of Hawaii

County of Kauai

} ss.

On this 19 day of December, 2016, in the Fifth Circuit Court, State of Hawaii,  
 Day Month Year Name of Circuit

before me personally appeared Richard C Reed (,) (and  
 Name of Signer 1

Selma C Reed (,) to me personally known or proved  
 Name of Signer 2 (if any)

to me on the basis of satisfactory evidence to be the person(s) whose name(s)  
 is/are subscribed to this instrument, who, being by me duly sworn or affirmed, did say  
 that such person(s) executed the foregoing instrument identified or described as  
Quitclaim Deed  
 Type of Document as the free act and deed of such person(s),

and if applicable, in the capacity shown having been duly authorized to execute such instrument  
 in such capacity. The foregoing instrument is dated 12/19/16 and  
 Date of Document

contained 3 pages at the time of this acknowledgment/certification.  
 No. of Pages



Place Notary Seal or Stamp Above

Ofelia G Serrano

Printed Name of Notary Public

Notary Public — STATE OF HAWAII

My commission expires: August 07, 2017

[Signature]  
 Signature of Notary Public

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**EXHIBIT "A"**

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:

A portion of Lots 6 and 7, Block 25, Burlington Capitol Hill Subdivision, City and County of Denver, State of Colorado, more particularly described as follows:

Commencing at the Northwest corner of Lot 5, Block 25, Burlington Capitol Hill Subdivision; thence Southerly along the West line of said Lots 5 and 6, a distance of 28.65 feet to the point on a centerline of a party wall extended and the point of beginning; thence on an horizontal angle to the right of 89 degrees 34 minutes 41 seconds along the centerline of said party wall extended, a distance of 124.89 feet to a point on the East line of said Lot 6; thence on an horizontal angle to the left of 89 degrees 34 minutes 12 seconds along the East line of said Lot 6, a distance of 22.17 feet to a point on the centerline of a party wall extended; thence on a horizontal angle to the left of 90 degrees 25 minutes 48 seconds along the centerline of said party wall extended, a distance of 124.89 feet to a point on the West line of said Lot 7, thence on an horizontal angle to the left of 89 degrees 34 minutes 41 seconds along the West line of said Lots 6 and 7, a distance of 22.17 feet to the point of beginning, City and County of Denver, State of Colorado.

SUBJECT to all covenants, conditions, restrictions and easements of record, if any.

BEING the same fee simple property conveyed by deed from RICHARD C. REED AND SELMA E. REED, AS TRUSTEES OF THE REED FAMILY TRUST DATED MAY 30, 2014, to RICHARD C. REED and SELMA E. REED, husband and wife dated 12/21/2017, recorded on 01/11/2017, as Instrument No. 2017003777 in Denver County Records, State of Colorado.

BEING FURTHER the same fee simple property conveyed by deed from RICHARD C. REED and SELMA E. REED, husband and wife, to RICHARD C. REED AND SELMA E. REED, AS TRUSTEES OF THE REED FAMILY TRUST DATED MAY 30, 2014, dated July 17, 2015, recorded on July 22, 2015, as Instrument No. 2015101046 in Denver County Records, State of Colorado.

Tax ID: 05125-14-025-000

Property Address: 24 South Garfield Street, Denver, CO 80209.



1-2


2000109067 2000/08/01 14:43:09 1/ 2 WD		RECORDER DEPUTY
filed for reco DENVER COUNTY CLERK AND RECORDER 10.00 46.75 JCZ		
Reception No. *****		
<b>WARRANTY DEED</b>		
THIS DEED, Made on this day of <u>July 27, 2000</u> between <u>WELLINGTON HOMES, LLC, A COLORADO LIMITED LIABILITY COMPANY</u>		
of the <u>CITY AND</u> County of <u>DENVER</u> and State of <u>COLORADO</u> , the Grantor(s), and <u>NATALIE ARONSON</u>		
whose legal address is : <u>26 S. GARFIELD STREET, DENVER, CO 80209</u> of the <u>CITY AND</u> County of <u>DENVER</u> and State of <u>Colorado</u> , the Grantee(s):		
WITNESS, That the Grantor(s), for and in consideration of the sum of ( <u>\$467,300.00</u> ) *** Four Hundred Sixty Seven Thousand Five Hundred and 00/100 *** DOLLARS		
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(s), his heirs and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the <u>CITY AND</u> County of <u>DENVER</u> and State of Colorado, described as follows: SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF		
<div style="border: 1px solid black; padding: 5px; display: inline-block;">Documentary Fee <u>46.75</u></div>		
also known as street number <u>26 S. GARFIELD STREET, DENVER, CO 80209</u>		
TOGETHER with all and singular and hereditaments and appurtenances thereto 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(s), 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 appurtenances, unto the Grantee(s), his heirs and assigns forever. The Grantor(s), for himself, his heirs and personal representatives, does covenant, grant, bargain, and agree to and with the Grantee(s), his heirs and assigns, that at the time of the enrolling 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, SUBJECT TO THOSE EXCEPTIONS REFERRED TO IN TITLE INSURANCE COMMITMENT NO. <u>F696673</u> ISSUED BY LAND TITLE GUARANTEE COMPANY AND EXCEPT GENERAL TAXES AND ASSESSMENTS FOR THE YEAR 2000 AND SUBSEQUENT YEARS.		
The Grantor(s) shall and will WARRANT AND FOREVER DEFEND the above bargained premises in the quiet and peaceable possession of the Grantee(s), 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, and the plural the singular, and the use of any gender shall be applicable to all genders.		
IN WITNESS WHEREOF the Grantor(s) has executed this deed on the date set forth above.		
<div style="border-bottom: 1px solid black; display: inline-block; width: 150px;">Anthony P. Miller BY WELLINGTON HOMES, LLC.</div> <div style="border-bottom: 1px solid black; display: inline-block; width: 150px;">AS ATTORNEY IN FACT</div>		
STATE OF <u>Colorado</u>	City AND <u>County of DENVER</u>	
<div style="border: 1px solid black; padding: 5px; display: inline-block;">FRANKIE C. BALLARD NOTARY PUBLIC STATE OF COLORADO</div>		
The foregoing instrument was acknowledged before me on this day of <u>July 27, 2000</u> by <u>WELLINGTON HOMES, LLC, A COLORADO LIMITED LIABILITY COMPANY</u> <u>by R. Charles Bentley as attorney in fact</u> for Anthony P. Miller as Manager of Wellington Homes, LLC		
My commission expires <u>8/28/00</u> Witness my hand and official seal.		
<div style="border-bottom: 1px solid black; display: inline-block; width: 150px;">Frankie C. Ballard Notary Public</div>		
Name and Address of Person Creating Newly Created Legal Description ( 36-35-106.5, C.R.S.)		
Escrow# <u>A696673</u>	 FCB	When Recorded Return to: <u>NATALIE ARONSON</u>
Title# <u>F696673</u>		<u>26 S. GARFIELD STREET</u> <u>DENVER, CO 80209</u>
Form No. 932 Rev 4-94. WARRANTY DEED (Photographic Record M01)		

EXHIBIT A

A PORTION OF LOTS 6 AND 7, BLOCK 25, BURLINGTON CAPITOL HILL SUBDIVISION, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 5, BLOCK 25, BURLINGTON CAPITOL HILL SUBDIVISION; THENCE SOUTHERLY ALONG THE WEST LINE OF LOTS 5, 6 AND 7, A DISTANCE OF 50.82 FEET TO A POINT ON THE CENTERLINE OF A PARTY WALL EXTENDED AND THE POINT OF BEGINNING; THENCE ON AN HORIZONTAL ANGLE TO THE RIGHT OF 89 DEGREES 34 MINUTES 41 SECONDS ALONG THE CENTERLINE OF SAID PARTY WALL, A DISTANCE OF 124.89 FEET TO A POINT ON THE EAST LINE OF SAID LOT 6; THENCE ON AN HORIZONTAL ANGLE TO THE LEFT OF 89 DEGREES 34 MINUTES 12 SECONDS ALONG THE EAST LINES OF SAID LOTS 6 AND 7, A DISTANCE OF 22.23 FEET TO A POINT ON THE CENTERLINE OF A PARTY WALL EXTENDED; THENCE ON AN HORIZONTAL ANGLE TO THE LEFT OF 90 DEGREES 25 MINUTES 48 SECONDS ALONG THE CENTERLINE OF SAID PARTY WALL, A DISTANCE OF 124.89 FEET TO A POINT ON THE WEST LINE OF SAID LOT 7; THENCE ON AN HORIZONTAL ANGLE TO THE LEFT OF 89 DEGREES 34 MINUTES 41 SECONDS ALONG THE WEST LINE OF SAID LOT 7, A DISTANCE OF 22.23 FEET TO THE POINT OF BEGINNING, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

SAID LEGAL DESCRIPTION WAS PREPARED BY MARK DOUGLAS SCHEAR, PLS 18475, FOR AND ON BEHALF OF TIMBERLINE SURVEYING, INC.

F696673



WARRANTY DEED

State Doc Fee: \$100.14  
Recording Fee: \$21

THIS DEED is dated the 7th day of December, 2016, and is made between:

AHST 9 LLC, a Colorado Limited Liability Company

(whether one, or more than one), the "Grantor" of the County of Placer and State of California and  
490 Columbine LLC

(whether one, or more than one), the "Grantee", whose legal address is 115 Eudora Street, Denver, Colorado 80220 of the County of Denver and State of Colorado.

WITNESS, that the Grantor, for and in consideration of the sum of **One Million One Thousand Four Hundred Seventy Two Dollars and Fifty Four Cents ( \$1,001,472.54 )**, the receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains, sells, conveys and confirms unto the Grantee and the Grantee's heirs and assigns forever, all the real property, together with any improvements thereon, located in the City and County of Denver and State of Colorado described as follows:

A Portion of Lots 7 and 8, Block 25, Burlington Capitol Hill Subdivision, City and County of Denver, State of Colorado, More Particularly Described as Follows:

Commencing at the Northwest Corner of Lot 5, Block 25, Burlington Capitol Hill Subdivision, Thence Southerly along the West Line of Said Lots 5, 6 and 7, a Distance of 73.05 Feet to a Point on the centerline of a party wall extended and the point of beginning; Thence on an horizontal angle to the right of 88° 34' 41" along the centerline of said party wall, a Distance of 124.89 feet to a point on the East Line of said Lot 7; Thence on an horizontal angle to the left 89° 34' 12" along the East lines of said Lots 7 and 8, a distance of 28.10 feet to the Southeast corner of said Lot 8; Thence on an horizontal angle to the left of 89° 56' 46" along the South line of said Lot 8, a distance of 124.88 feet to the Southwest corner of said Lot 8; Thence on an horizontal angle to the left of 90° 03' 43" along the West lines of said Lots 7 and 8, a distance of 27.05 feet to the point of beginning. City and County of Denver, State of Colorado.

also known by street address as: 28 South Garfield Street, Denver, CO 80209

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, the reversions, 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 Grantees, and the Grantees' heirs and assigns forever.

The Grantor, for the Grantor and the Grantor's heirs and assigns, does covenant, grant, bargain, and agree to and with the Grantee, and the Grantee's heirs and assigns, that at the time of the enrolling and delivery of these presents, the Grantor is well seized of the premises above described; has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, and 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, leases, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except and subject to:

2016 taxes and all subsequent years, restrictions, reservations, covenants, easements and rights-of-way of record, if any.

And the Grantor shall and will WARRANT THE TITLE AND DEFEND the above described premises, in the quiet and peaceable possession of the Grantees, and the heirs and assigns of the Grantees, against all and every person or persons lawfully claiming the whole or any part thereof.

IN WITNESS WHEREOF, the Grantor has executed this deed on the date set forth above.

AHST 9 LLC, A COLORADO LIMITED LIABILITY COMPANY  
BY: API Stewart Holdings LLC, a California limited liability company  
its sole member  
By: Asset Preservation Inc., a California Corporation  
its sole member  
BY: [Signature]  
Diane Fox, Senior Vice President



State of See attached acknowledgment  
County of \_\_\_\_\_

The foregoing instrument was acknowledged before me this 7th day of December, 2016 by Diane Fox as Senior Vice President for Asset Preservations Inc., a California Corporation as sole member of of API Stewart Holdings LLC, a California limited liability company as sole Member of AHST 9 LLC, A Colorado Limited Liability Company

Witness my hand and official seal.

\_\_\_\_\_  
Notary Public  
My commission expires:

**ACKNOWLEDGMENT**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of Placer

On December 7, 2016 before me, Sarah Khoury, Notary Public  
(insert name and title of the officer)

personally appeared Diane Fox  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Sarah Khoury (Seal)

## WRITTEN AUTHORIZATION TO REPRESENT PROPERTY OWNERS

Each of the undersigned, as the owner of the property described below, hereby appoints Robert H. Bach to act as its authorized representative in connection with all matters related to the Zone Map Amendment (Rezoning) – Application with respect to property located at 22, 24, 26 and 28 S. Garfield Street, Denver, Colorado in connection with the request to rezone such property from the current zone district of PUD 470 to the Proposed Zone District G-RH-3. This authorization is solely limited to the matter set forth above.

SEE ATTACHED SIGNATURE PAGE

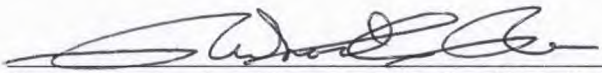


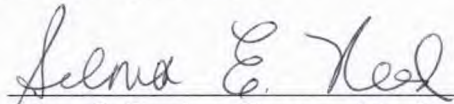
SIGNATURE PAGE TO WRITTEN AUTHORIZATION TO  
REPRESENT PROPERTY OWNERS RELATED TO THE REZONING OF  
22, 24, 26 AND 28 SOUTH GARFIELD STREET, DENVER, COLORADO

22 SOUTH GARFIELD STREET, DENVER, COLORADO

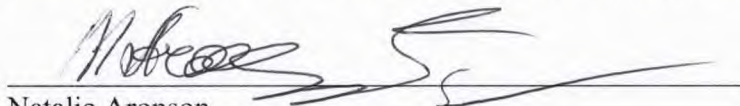
  
Phyllis A. Sinclair

24 SOUTH GARFIELD STREET, DENVER, COLORADO

  
Richard C. Reed, as Trustee of the Reed Family Trust,  
Dated May 30, 2014


  
Selma E. Reed, as Trustee of the Reed Family Trust,  
Dated May 30, 2014

26 SOUTH GARFIELD STREET, DENVER, COLORADO

  
Natalie Aronson

28 SOUTH GARFIELD STREET, DENVER, COLORADO

490 Columbine, LLC, a Colorado limited liability company

By:   
Robert H. Bach, Manager

INDIVIDUAL AUTHORIZATION TO SIGN ON  
BEHALF OF A CORPORATE ENTITY

The undersigned, as the sole owner of 490 Columbine, LLC, a Colorado limited liability company, hereby certifies that Robert H. Bach is the Manager of 490 Columbine, LLC and fully authorized to act on its behalf in connection with all matters including, without limitation, the submission of a Zone Map Amendment (Rezoning) – Application with respect to property owned by it and located at 28 South Garfield Street, Denver, Colorado.

Executed as of this 18<sup>th</sup> day of <sup>December</sup>~~October~~, 2019.

Arman M. Bach



**Application For Zone Map Amendment**  
City and County of Denver  
Department of Zoning Administration  
200 W. 14<sup>th</sup> Ave. Room 201  
Phone 303-640-1572 Fax 303-640-2364

Application Number

4400 Revised

Date Received  
9/8/98  
(Update on 10/1/98)

Fee  
\$600.00

1. Applicant (attach completed ownership  
information sheet Form U.A.)

Wellington Homes, LLC  
(Anthony Miller, Manager and Owner)

2. Applicant's Address

1531 Market Street  
Denver, CO 80202

3. Phone Number

(303) 629-5300

4. Fax Number

(303) 629-5050

5. Interest

☒ Owner

☐ Agent

☐ Other

6. Contact Person

Michael Marsh, Contractor

7. Contact Person's Address

11768 E. Atlantic Place  
Aurora, CO 80014

8. Contact's Phone Number

(303) 523-9743 cell  
(303) 745-9407 home

9. Contact's Fax Number

(303) 745-8318

10. Property address of proposed change

26 South Garfield Street, Denver, Colorado 80206

11. Legal Description of property: (If Legal Description is lengthy, attach additional sheet.)

Lots: 5, 6, 7 and 8

Block: 25

Addition: Burlington Capitol Hill Addition

12. Area of subject property:

12,512.5 sq. ft. 0.287 acres

13. Present Zone

PUD #196

14. Proposed Zone

PUD

15. Explain in detail the **legal basis** for the proposal: either (a) an error in the zoning map as approved by City Council, or (b) changing conditions. The Cherry Creek Neighborhood and the new Cherry Creek Neighborhood Plan support redevelopment at a higher density than the existing conditions but a lower density than the PUD approved in 1986 for this property.

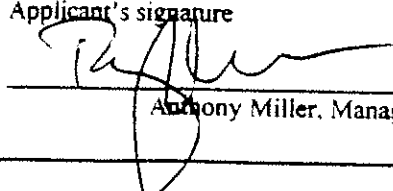
16. State the land use and development proposed for the property to be rezoned. Include the time schedule (if any) for development. This PUD proposes a multiple unit dwelling developed as four (4) attached townhomes with semi-private front courtyards and attached two (2) car garages accessible from the alley. All front entries are accessed from Garfield Street. All units are clearly differentiated using individual entries and bay windows as well as other architectural treatments. This proposed PUD is consistent with the Cherry Creek East guidelines, in terms of uses, setbacks, heights, density, architectural character, and streetscape improvements.

17. Describe the nature and effect of the proposed amendment.

The effect of the proposed amendment would allow the construction of four (4) townhome style multiple dwelling units, where one (1) residence now stands. Due to the changing conditions, the Cherry Creek residential area supports this proposed amendment. The existing residence is old and is out of character with the immediate neighborhood and the redevelopment goals of the Cherry Creek Northern Edge Subdistrict. This proposed PUD zoning amendment is consistent with many other developments in the immediate area. The decreased density is required to make this development marketable and comparable.

18. List all attachments: PUD Application,  
Existing Conditions Map,  
District Plan,  
Building Elevations, and  
Zoning Vicinity Map.

19. Applicant's signature

  
Anthony Miller, Manager and Owner



**1. SCHEDULE**

- a. Date of pre-application conference Aug. 13, 1998.  
City representative(s) present Doug Hendrixson, Theresa Lucero.
- b. Submittal date of preliminary application September 4, 1998.
- c. Submittal date of completed application October 2, 1998.
- d. Application is scheduled for a:  
☐ Planning Board Hearing on \_\_\_\_\_  
☒ Planning Office Hearing on Oct. 23, 1998.  
☐ Planning Staff Review. \_\_\_\_\_

**2. DESCRIPTION OF PLANNED UNIT DEVELOPMENT (PUD)**

The use of terms "Article" or "Section" refer to portions of the Revised Municipal Code of the City and County of Denver. It is required that the current terms and uses already defined in Section 59-2 of the Zoning Ordinance be used in describing this proposal. Terms like "retail" or "light industrial" require further definition. Gross floor area shall include interior balconies and mezzanines, but shall not include parking garages, any story of a building where at least seventy-five percent (75%) of that floor is occupied by mechanical equipment or any story where the ceiling is less than four (4) feet above grade. Attach additional sheets if necessary.

**a. MAXIMUM GROSS FLOOR AREA FOR EACH PROPOSED USE**

	Use	Maximum Sq. Ft.
A.	Multiple Unit Dwelling	11,000
B.		
C.		
D.		
	Total Sq. Ft.	11,000

MAXIMUM FLOOR AREA RATIO (F.A.R) 0.88: 1.

The floor area ratio is the ratio between the gross floor area of a building to the area of the zone lot on which the building is constructed. NOTE: Land area dedicated for public streets is not included in the area of the zone lot.

MAXIMUM NUMBER OF DWELLING UNITS: 4.00.

MAXIMUM NUMBER OF DWELLING UNITS PER ACRE: 13.94 D.U./AC.

**b. LAND COVERAGE BY BUILDINGS AND IMPERVIOUS SURFACES**

	SQ. FT	% OF SITE AREA
Maximum area of building coverage (including garage(s) and all other accessory structures):	7,572	60.52

P.U.D. at \_\_\_\_\_ 26 South Garfield Street \_\_\_\_\_

(Address)

Maximum area of drives and parking:	877	7.01
Maximum area of other impervious surfaces:	904	7.22
MAXIMUM TOTAL OF BUILDING AND IMPERVIOUS SURFACES	9,353	74.75

**c. LANDSCAPED AND/OR PERMEABLE AREAS**

	SQ. FT.	% OF SITE AREA.
Minimum area of live or organic landscaped lot coverage:	2,236	17.87
Approximate area of non-live material coverage (graveled or other areas with permeable surfaces):	923.5	7.38
MINIMUM TOTAL OF LANDSCAPED AND/OR PERMEABLE AREAS:	3,159.5	25.25

**d. PROJECT AREA TOTALS (totals of "b" and "c" above)**

	SQ. FT.
Building and impervious surfaces:	9,353
Landscaped and/or permeable areas:	3,159.5
TOTAL SITE AREA: (This area must equal the site area listed on page 1)	12,512.5

**e. SETBACKS**

The minimum setbacks for buildings are shown on the District Plan. A building envelope may be used to graphically depict the minimum setbacks required.

North: _____ ft.	Front: _____ 10 ft.
South: _____ ft.	Rear: _____ 8 ft.
East: _____ ft.	Side: _____ 5 ft. 6 in.
West: _____ ft.	Garages (Side): _____ 8 ft. 10 in.

The minimum spacing between structures shall be N/A ft.

Permitted encroachments into the minimum setbacks for buildings shall conform to Section 59 – 119(2)d of the R-2 zone district.

Official Parkway Setback requirements for this P.U.D. are: N/A ft. for buildings and N/A ft. for signs.

**f. MAXIMUM HEIGHTS OF STRUCTURES**

The maximum height of structures shall be 2 stories which shall not exceed a total of 36 ft. NOTE: The height of a building shall be determined by the vertical distance from the highest point of a pitched roof or the top of parapet around a flat roof to the average elevation of the corners of the proposed building at the finished grade.

Rooftop features (such as solar collectors, antennas, chimneys, flues, vents and air conditioning equipment) may exceed the maximum height of structures by 5 feet.

Bulk plane restrictions ☐ shall ☒ shall not be required. If required, bulk plane restrictions shall conform to Section 59 -        of the        zone district. NOTE: Solar collectors and mechanical equipment are not exempted from bulk plane regulations!!

**g. OFF-STREET PARKING**

This project shall contain off-street parking spaces at the ratios shown in the following chart. If completed to the maximum floor area, the project shall contain a minimum of 8 off-street parking spaces. Parking for residential uses should be expressed in number of spaces per dwelling unit. NOTE: Any floor area utilized by a permitted use listed under 2.a. in a story where the ceiling is less than four (4) feet above grade shall be calculated into the off-street parking requirement.

Multiple Unit Dwelling  
Use A

2 o.s. parking spaces per dwelling unit  
Parking Ratio

        
Use B

       sq. ft.  
Parking Ratio

        
Use C

       sq. ft.  
Parking Ratio

        
Use D

       sq. ft.  
Parking Ratio

MINIMUM NUMBER OF OFF-STREET PARKING SPACES FOR PERSONS WITH DISABILITIES: Zero (0).



P.U.D. at

26 South Garfield Street

(Address)

Does this P.U.D. comply with the use and maintenance requirements of Section 59-585(2)-(9)? Yes ☒ No ☐

Do the parking spaces and/or aisles in this P.U.D. comply with the requirements of Section 59-586, Chart No. 1? ☒ Yes ☐ No. If **no** complete the following section:

☐ PARKING SPACE

Universal space dimensions  
space dimensions  
space dimensions  
compact spaces to large spaces

N/A Compact  
\_\_\_\_ Large  
\_\_\_\_ Ratio of  
\_\_\_\_

☐ DRIVING AISLES

Angle of stalls

Aisle widths N/A  
\_\_\_\_\_

Will this project contain parking for bicycles? Yes ☐ No ☒ If yes, bicycle parking requirements shall be \_\_\_\_\_. Will this (these) bicycle parking area(s) comply with the rules and regulations for dimensional and equipment standards of Section 59-582(e)? Yes ☐ No ☐. If not, bicycle parking fixtures and locations shall be approved by the City Bicycle Planner (640-2453).

**h. OFF-STREET LOADING**

This project contains Zero (0) off-street loading space(s). Will this (these) space(s) conform with dimensions required in Section 59-599? Yes ☐ No ☐ If not, off-street loading space dimension requirements shall be: N/A.

**i. SURFACE DRAINAGE**

The rules and regulations of the Wastewater Management Division will require certain design and construction considerations to control surface water runoff. Does the site contain a flood hazard area as identified by the Federal Emergency Management Agency? ☐ Yes ☒ No Does the site contain wetland areas? ☐ Yes ☒ No For assistance in answering these questions, contact the Wastewater Management Division at 446-3400.

P.U.D. at

26 South Garfield Street

(Address)

j. **INTERIOR STREETS, DRIVES, PARKING AREAS AND PEDESTRIAN WALKWAYS**

Interior streets, drives, parking areas and pedestrian walkways within the P.U.D. district, if any, are shown on the District Plan.

k. **EASEMENTS**

Existing and/or proposed utility and/or access easements are shown on the District Plan or are located as follows: No easements recorded, proposed utilities will enter from alley and Garfield Street.

l. **LANDSCAPING AND BUFFERING**

Areas to be landscaped must be shown on the District Plan. However, a more detailed landscaping plan may be required by the Planning Office as a part of this application. All foliage shall be maintained in a healthy, growing and safe condition. NOTE: A detailed landscaped plan is required as a part of the site plan review phase after the rezoning is approved.

MINIMUM NUMBER OF TREES ON PRIVATE PROPERTY: Six (6)

MINIMUM SIZE OF TREES AT TIME OF PLANTING:

Evergreens/Coniferous (height):	<u>8 feet.</u>
Deciduous (caliper):	<u>3 inch.</u>
Ornamental (caliper):	<u>2 inch.</u>

MINIMUM % OF EVERGREEN OR CONIFEROUS TREES: 33%.

MINIMUM NUMBER OF SHRUBS ON PRIVATE PROPERTY: 18.

MINIMUM SIZE OF CONTAINER AND HEIGHT AND/OR SPREAD REQUIREMENTS FOR PLANTED SHRUBS: 5 Gal., 18-24" height & spread.

Does the proposed P.U.D. comply with parking lot landscaping requirements of Section 59-585(10) Yes ☐ No ☒

NUMBER OF STREET TREES PROPOSED IN THE PUBLIC RIGHT OF WAY: Two (2).

If street trees are proposed or required in the public right-of-way, such trees shall be installed in accordance with the requirements of the City Forester (964-2580).

If street tree plantings are required within the right-of-way of a state highway, contact the Colorado Department of Transportation for approval (757-9930).

All foliage shall be maintained in a healthy, growing and safe condition.

## FENCES AND/OR WALLS

The height of fences and/or walls which may be built in the P.U.D. district, except for the front setback space, shall be a minimum of Six (6) ft. and a maximum of Six (6) ft.

The height of fences and/or walls which may be built within the P.U.D. district front setback space shall be a minimum of Three (3) ft. and a maximum of Three (3) ft.

Size and types of materials permitted for such fences and/or walls are shown on the District Plan. Fences and/or walls shall be either solid and view obscuring or open and view permitting as required by the District Plan. **NOTE:** Any fence heights exceeding the preceding requirements shall be subject to Section 59-38(11), Overheight Fences and Walls.

Will earthen berms or mounds be installed? Yes ☐ No ☒ Such earthen berms or mounds shall be landscaped and shown on the District Plan. The height of earthen berms or mounds shall be a minimum of N/A ft. and a maximum of N/A ft.

**m. BOAT, CAMPER, TRAILER AND RECREATIONAL VEHICLE STORAGE**

Boat, camper, trailer and recreation vehicle storage ☐ is ☒ is not permitted on the property. All such storage facilities shall be shown on the District Plan.

If boat, camper, trailer and recreation vehicle storage areas are permitted, screening fences **are required**. Such fences shall be **solid and view obstructing**. Fences shall be a minimum of N/A ft. and a maximum of N/A ft. in height.

MAXIMUM LENGTH OF BOAT, CAMPER, TRAILER AND/OR RECREATION VEHICLE PERMITTED: N/A.

**n. DEDICATIONS AND IMPROVEMENTS**

The owner understands that City ordinances and agency rules and regulations may require the dedication of additional street right-of-way and the construction of certain public improvements. **VACATIONS AND/OR DEDICATIONS MUST BE APPROVED PRIOR TO OR AT THE PUBLIC HEARING ON THIS PROPOSAL.** If this proposal involves the vacation of certain public rights-of-way for incorporation into the project area, contact the Public Works Department at 640-5405.



P.U.D. at

26 South Garfield Street

(Address)

**o. EXTERNAL EFFECTS**

Vibration, heat, glare, radiation and fumes shall be regulated by Section 59-81(a)(2) through 59-81(a)(5) of the R-2 zone district.

Reflective glass **may not** be used.

Every use, unless expressly exempted, shall be operated within a completely enclosed structure. ☒ Yes ☐ No

**p. NATURAL TERRAIN**

The existing grade of the site **will** be altered.

**q. UTILITIES**

Describe where the utilities (public and private) serving the property are located Sanitary sewer, electricity, telephone are located in the alley; water, storm sewer and natural gas are located in Garfield Street.

For information contact the following:

Denver Water Board	628-6100
U.S. West	451-2706
Public Service Company	571-6636
Wastewater Management	446-3590

**r. SIGNS**

The project is regulated by the following:

Section 59-537, Signs permitted in all districts  
Section 59-538, Sign area measurement  
Section 59- 548, Sign regulations for the R-2 zone district.

If no specific regulations are referenced above, please indicate the following:

MAXIMUM NUMBER OF SIGNS: Zero (0).  
 MAXIMUM SIGN AREA: N/A.  
 TOTAL MAXIMUM SIGN AREA: N/A.  
 NUMBER OF GROUND SIGN AREA: N/A.  
 NUMBER OF JOINT ID SIGNS ALLOWED: N/A.  
 MAXIMUM SIGN AREA PER JOINT ID SIGN: N/A.  
 TOTAL MAXIMUM JOINT ID SIGN AREA: N/A.  
 TEMPORARY SIGNS ALLOWED: One (1).  
 NUMBER OF CANOPIES AND AWNINGS: Zero (0).  
 CANOPIES AND AWNINGS WILL BE BACKLIT? ☐ Yes ☐ No

NOTE: All ground, monument, and joint ID sign locations and setbacks must be shown on the District Plan.

s. **OUTDOOR STORAGE OF PRODUCTS, MATERIALS OR SOLID WASTE**

Outdoor storage of products and/or materials ☐ is ☒ is not permitted. If permitted, what products and/or materials are allowed? N/A.

Fences for outdoor storage areas shall be provided. Said fences are solid and shall be a minimum of N/A ft. and a maximum of N/A ft. in height.

Outdoor storage of solid waste is **not** permitted. If permitted, fences for such outdoor storage areas shall be provided. Said fences shall be solid and shall be a minimum of N/A ft. and a maximum of N/A ft. in height. Solid waste containers will be located in garages except on day of trash pickup.

NOTE: All outdoor storage areas must be shown on the District Plan.

t. **TRANSPORTATION**

The current traffic volumes on streets in or adjacent to the project must be shown on the Existing Conditions Map. These volumes are available for major streets from the Transportation Engineering Division (640-3958), the Planning Office (640-2736) or may be estimated by the applicant based on a professional traffic study. Streets for which no estimate is available should be so noted on the Existing Conditions Map.

The projected traffic volumes (current traffic volumes on streets in or adjacent to the project + site generated traffic) must be shown on the District Plan. Site generated traffic should be estimated based on the proposed project type, size, and other relevant factors. Ratios for estimating traffic are available in the Institute of Transportation Engineers reference books at the library.

For projects with total daily site generated traffic of more than 200 vehicle trips, or for projects in areas with special problems, a more detailed analysis may be required, and the applicant should contact the Transportation Engineering Division for further guidance.

**PUBLIC TRANSPORTATION**

The nearest bus stop is located (where?): SW Corner of Colorado Blvd. and 1<sup>st</sup> Avenue.

u. **SCHOOLS**

Future school sites **will not** be dedicated as a part of this project.

v. **HOME OCCUPATIONS**

Home occupations **are** permitted. If so permitted, home occupations shall conform to Section 59-80(7) of the R-2 zone district.

w. **USES BY TEMPORARY PERMIT**

Uses by temporary permit are regulated by Section 59-80(5)(a) of the R-2 zone district.

x. **ACCESSORY USES**

Accessory uses are regulated by Section 59-80(6)(a) of the R-2 zone district.

y. **INTERIM USES**

Prior to the development of this project, the property will be used on an interim basis for the following uses within the existing buildings: Per R-2 regulations.

z. **PHASING**

Will the project be developed in phases? ☐ Yes ☒ No If yes, specify the phasing and the improvements to be constructed in each phase. \_\_\_\_\_.

Anticipated starting date 2/1/99.

Anticipated completion date 10/1/99.

NOTE: A separate site plan review is required for all P.U.D.'s prior to obtaining zoning or building permits for construction. Contact the Zoning Administration (640-2191) for more details. This process may be started after the Planning Board hearing has been completed.

3. **WRITTEN STATEMENT**

On an attached page a written statement is given generally describing:

- a. The proposed P.U.D. and the market which it is intended to serve.
- b. The proposed P.U.D. and its relationship to the Denver Comprehensive Plan. Where the applicant's objectives are not in substantial conformance with the Denver Comprehensive Plan, the applicant should discuss the changing conditions that justify approval of the proposed P.U.D. District. For help on this contact the Planning Office (640-2736).
- c. How, the proposed P.U.D. District is to relate to the character of the surrounding neighborhood.



P.U.D. at 26 South Garfield Street  
(Address)

**4. EXISTING CONDITIONS MAP**

The Existing Conditions Map is attached following the written statement described above.

**5. DISTRICT PLAN**

The District Plan is attached following the Existing Conditions Map.

This application includes the following listed and attached drawings or renderings:

- ☐ architectural concepts
- ☒ building elevations
- ☐ facade treatments
- ☐ exterior building materials
- ☐ landscape plan
- ☐ and/or other important features (list): \_\_\_\_\_

**6. ACKNOWLEDGMENT**

The applicant for this P.U.D. is the owner or owners of all the property contained within the proposed P.U.D. District or is the agent for the owner or owners of all the property contained within the proposed P.U.D. District. NOTE: Agents must supply proof of agency from the owner or owners of the property at the time of application.

The applicant understands that vested property rights shall be created ninety (90) days after the approval of this District Plan by the Denver City Council. These vested property rights shall remain vested for a period of three (3) years in accordance with Section 59-29.

Wellington Homes, LLC

Print or type Applicant's Name(s)

Applicant's Signature(s)

Anthony Miller, Manager and Owner

P.U.D. at 26 South Garfield Street  
(Address)

### PUD SUMMARY SHEET

Application # 4400 Revised  
Address/Location 26 S. Garfield Street  
Total Land Area 12,512.5 Sq. Ft.

Permitted Uses	
Use A	Multiple Unit Dwelling
Use B	
Use C	

	Proposed Uses			
	Use A	Use B	Use C	Total
Maximum Gross Floor Area (sq. ft.)	11,000			
Floor Area Ratio (nonresidential uses)				
Maximum Number of Dwelling Units	Four (4)			
Density (dwelling units per acre)	13.94 du/acre			
Land Coverage				
Buildings:	7,572			
Drives and Parking:	877			
Other	904			
Parking				
Number of Spaces	8.00			
Ratios (spaces:gross floor area):	2.00 per du			
Landscaping				
Area of Live Landscaping (sq. ft.):	2,235			
Area of Non-Live Landscaping (sq.ft.):	923			

Building Setbacks					
North		feet	Front	10.00	feet
South		feet	Rear	8.00	feet
East		feet	Side	5.5	feet
West		feet			

Parkway Setbacks					
Buildings		feet	Signs		feet
Required Separation Between Buildings:					
					feet
Maximum Building Height					
Stories	2 stories		Feet	36	

NOTE: FOR COMPLETE PUD REQUIREMENTS, REFER TO APPLICATION #

## **PUD at 26 South Garfield Street**

### **3a) The Proposed PUD and the Market it is Intended to Serve**

This PUD proposes the construction of four (4) townhomes on 12,512.5 square feet of land in the Cherry Creek East neighborhood. Each townhome will contain approximately 2,700 square feet with additional attached 2-car garages. The townhomes will be 2 bedroom, 2-1/2 baths with a den/bedroom option. Included will be an unfinished lower level with the option to finish a family room and one additional bedroom. Sales prices are estimated to be in the \$375,000-\$450,000 range.

Cherry Creek East has seen a dramatic increase in new development over recent years which has been rapidly absorbed. It is the developers intention to provide quality housing at an reasonable price directed toward a market including "empty nesters," younger professionals with no or one child, who could grow into this product, and semi-retired professionals who could work from home and still have an office elsewhere.

### **3b) PUD Relationship to the Comprehensive Plan**

The proposed PUD is consistent with the Cherry Creek East Neighborhood Plan. It closely follows the guidelines set forth in the checklist provided by Denver Planning. It incorporates "Cherry Creek" architecture, including use of ornamental concrete and stucco. It contains an Italian/early American look using steep roof pitches, appropriately scaled windows and bays. It emphasizes entries, varies wall plans, and varies roof forms and features – all desirable within the comprehensive plan.

### **3c) How the PUD is to Relate to the Character of the Surrounding Neighborhood**

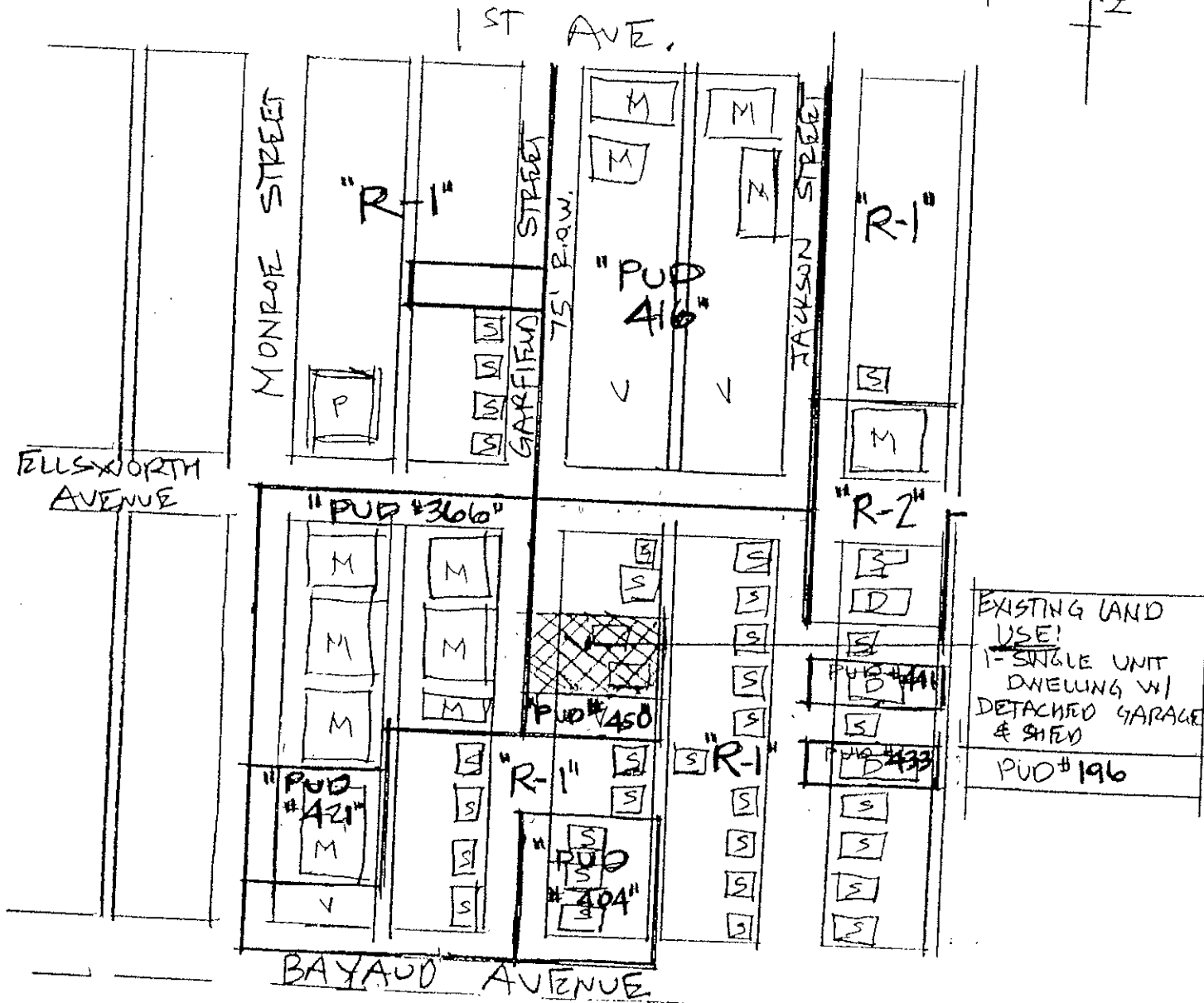
This PUD will replace one older, one story residence on Garfield Street and replace it with four attractive new townhomes. These townhomes are compatible with the older, more traditional homes in Cherry Creek North and the Hilltop neighborhood. There is an emphasis on a residential streetscape with the front façade along with front courtyards designed to encourage pedestrian interest and interaction. Auto access is through the alley at the rear and pedestrian access at the front, creating a "street friendly" approach. The proposed PUD will enhance the overall streetscape of Garfield Street and continue the existing development within Cherry Creek East and provide desirable housing to families/professionals.



# EXISTING CONDITIONS MAP

1" = 200'

NORTH



## LEGEND

- S = SINGLE UNIT DWELLING
- M = MULTI-UNIT DWELLING
- G = GARAGE
- P = PUBLIC USE
- V = VACANT
- D = DUPLEX

= PROPOSED P.U.D.

PUD APPLICATION #4400 REVISED.

11/16/98

26 S. GARFIELD STREET.

NOTE: NO AVERAGE DAILY TRAFFIC COUNT AVAILABLE AT TRAFFIC ENGINEERING DEPT.

**From:** [Planningboard - CPD](#)  
**To:** [Morrison, Jason P. - CPD City Planner Senior](#)  
**Cc:** [Hock, Analiese M. - CPD City Planner Principal](#)  
**Subject:** FW: Denver's Planning Board Comment Form #13012702  
**Date:** Monday, May 18, 2020 7:39:08 AM

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A comment for an item on the consent agenda. I'll forward this to the board, along with any other comments that may come in before tomorrow at noon.

Heidi

**From:** form\_engine@fs7.formsite.com <form\_engine@fs7.formsite.com>  
**Sent:** Friday, May 15, 2020 5:35 PM  
**To:** Planningboard - CPD <planningboard2@denvergov.org>  
**Subject:** Denver's Planning Board Comment Form #13012702



Name	Shanyn Maddox
Address	3710 E. 1st Ave, B
City	Denver
State	Colorado
ZIP code	80206
Email	<a href="mailto:slmaddox@comcast.net">slmaddox@comcast.net</a>

<b>Agenda item you are commenting on:</b>	Rezoning
<b>Address of rezoning</b>	28 S. Garfield St
<b>Case number</b>	20191-00077
<b>Would you like to express support for or opposition to the project?</b>	Strong opposition
<b>Your comment:</b>	<p>Reasons why we appose the project:</p> <p>1) Garfield St. is slated to be part of the Community Bikeway Program; adding major contruction during the begining of the Bikeway Program may be unsafe to all bikers.</p> <p>2) There will be major contruction sites on Colorado BLVD between 1st Ave. and Bayaud. Our small area will be experienceing too much constuction at once, making the community less liveable; and will add to parking issues.</p>
<b>If you have an additional document or image that you would like to add to your comment, you may upload it below. Files may not be larger than 20MB.</b>	<p><a href="#">Screen_Shot_2020-05-15_at_5.28.18_PM.png (959k)</a></p> <div></div>

This email was sent to [planning.board@denvergov.org](mailto:planning.board@denvergov.org) as a result of a form being completed.  
[Click here](#) to report unwanted email.