



TO: Denver City Council
FROM: Jason Morrison, Senior City Planner
DATE: September 23rd, 2021
RE: Official Zoning Map Amendment Application #2020I-00201

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval of Application #2020I-00201.

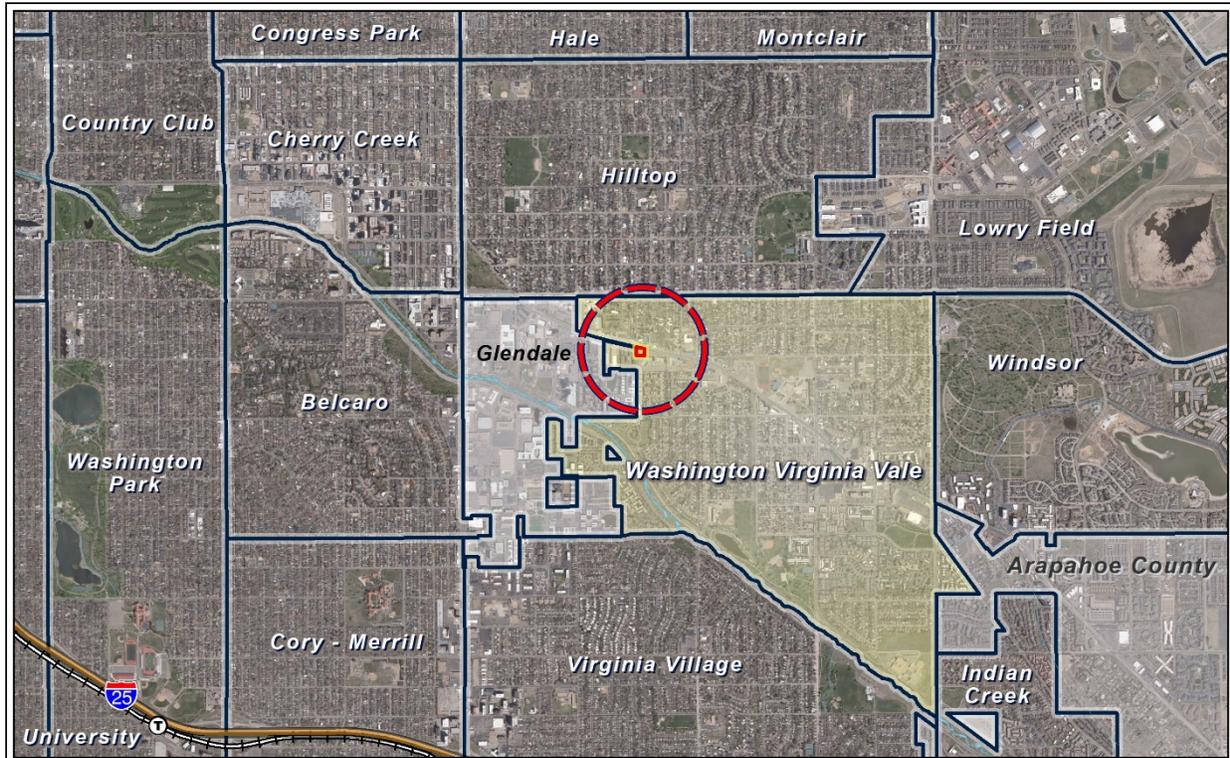
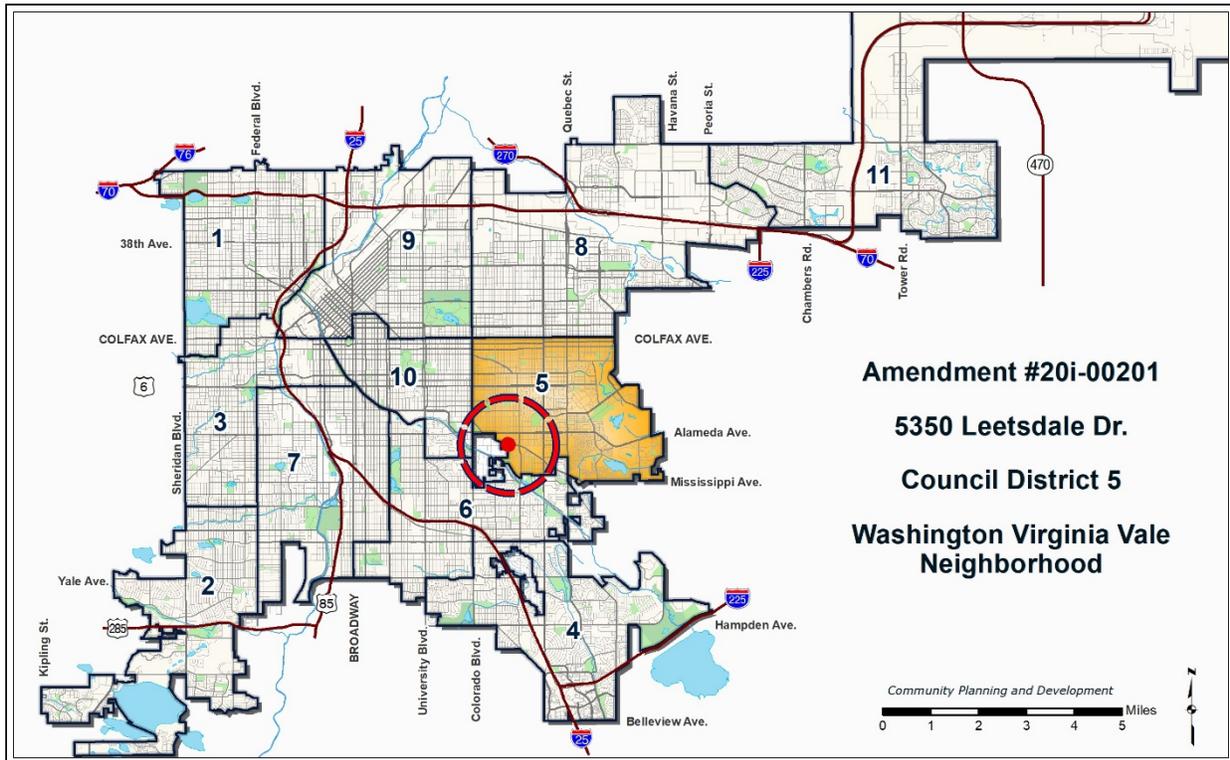
Request for Rezoning

Address: 5350 Leetsdale Drive
Neighborhood/Council District: Washington Virginia Vale / Council District 5
Councilwoman Amanda Sawyer
RNOs: East Evans Business Association; Virginia Vale Community Association; Preservation of Residential South Hilltop Neighborhood Association; Inter-Neighborhood Cooperation (INC)
Area of Property: 19,073 square feet or .44 acres
Current Zoning: B-1 with waivers
Proposed Zoning: S-MX-3
Property Owner(s): Forest Park Realty Investment
Owner Representative: Ann Erisman, MAH Architectural Group

Summary of Rezoning Request

- The proposed rezoning is in the Washington Virginia Vale statistical neighborhood on the southeast corner of Leetsdale Drive and S. Forest Street.
- The subject property contains a one-story structure which served as a drive-through bank service but is now a vacant use.
- The proposed rezoning is intended to facilitate redevelopment of the site. The applicant is interested in reusing the existing building (formally a drive-through bank) to develop a drive-through coffee shop.
- The S-MX-3 (Suburban, **Mixed Use, 3-story**) zone district allows a mix of uses in the suburban context and is intended for areas or intersections served primarily by local or collector streets where a building scale of 1 to 3 stories is desired. Further details of the requested zone district can be found in Article 3 of the Denver Zoning Code (DZC).

Existing Context





The subject site is located on the western edge of the Washington Virginia Vale neighborhood. This neighborhood is primarily suburban and vehicle-oriented in character with areas of modified street grid, single-unit residential uses, commercial uses with larger setbacks, and irregular blocks along arterial streets. The area consists of primarily one- to two-story buildings with some buildings up to four stories along Leetsdale Drive. The proposed rezoning is a block east of the City of Glendale boundary and one block north of Mir Park (Glendale). Four Mile Historic Park is located less than ¼ mile south of the subject site and George Washington High School is located ¼ mile to the east along Leetsdale Drive. The site is served by high-frequency transit along Leetsdale Drive.

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

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	B-1 with waivers	Commercial	1-story drive-through ATM structure with large setbacks and drive aisle between buildings and street	Modified grid street patterns with attached sidewalks and without alleys.
North	E-CC-3 UO-1, UO-2	Commercial	1-story commercial structure with large setbacks and parking between buildings and street	Suburban pattern of irregular shaped blocks and parking

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
South	B-1 with waivers	Office	3-story office structure with large parking lot between building and street	between buildings and the street.
West	S-MU-3, UO-3	Multi-unit Residential	3-story residential structure with minimal setbacks	
East	B-1 with waivers	Office	3-story office structure with large parking lot between building and street	

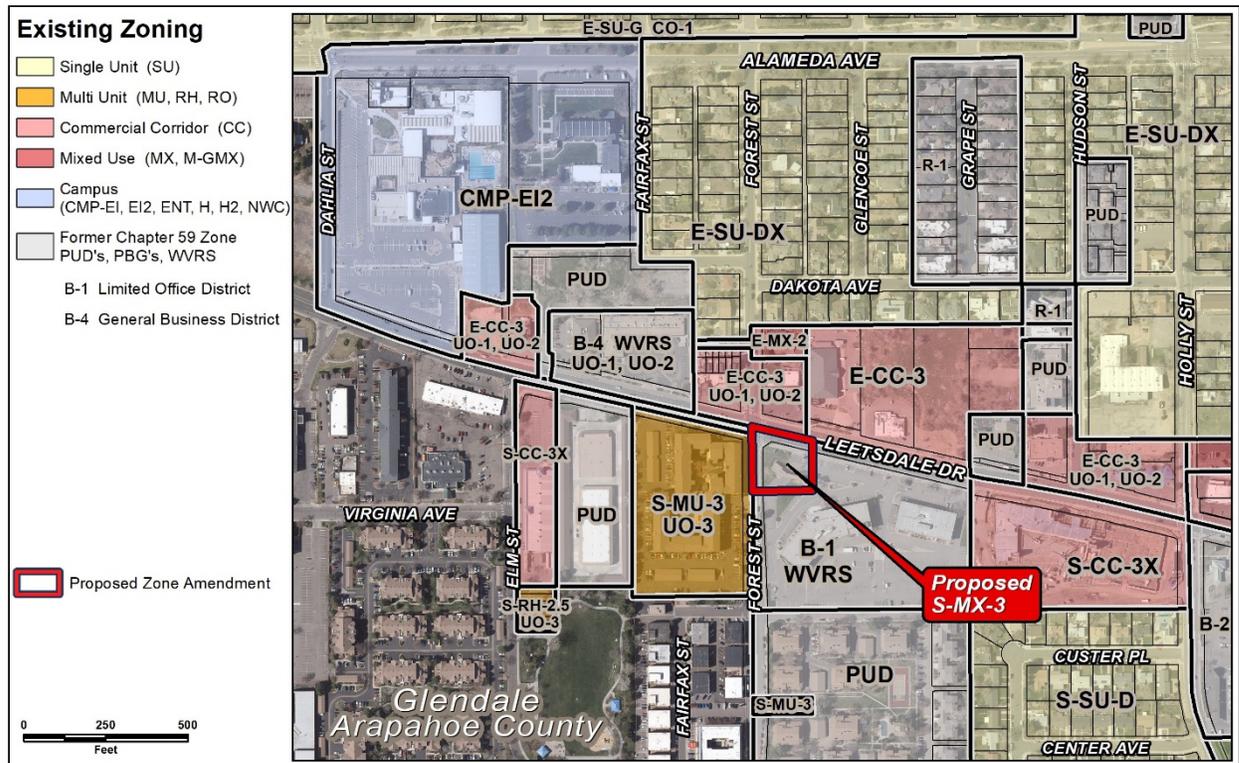
1. Large Development Review (LDR)

This rezoning application was reviewed by the Development Review Committee (DRC) to see if the proposal would subject to the Large Development Plan (LDR) process outlined in Section 12.4.12 of the Denver Zoning Code (DZC) and require the creation of a Large Development Framework (LDF).

After review, it was determined that the project would not be subject to LDR review because the proposed development does not currently identify redevelopment of the larger parcel which contains existing office buildings and associated parking. Therefore, redevelopment of the smaller parcel to adaptively reuse an existing structure does not trigger complex infrastructure planning or additional level of coordination beyond our existing site development and permitting procedures.

While the full LDR process (which includes a determination of Applicability, a Preliminary Scope, a community meeting, and a Framework that outlines future development steps) may not be applicable today, should the larger parcel be proposed for redevelopment in the future, that concept will be subject to the LDR process once again for a determination and next steps. A copy of this determination is attached for reference.

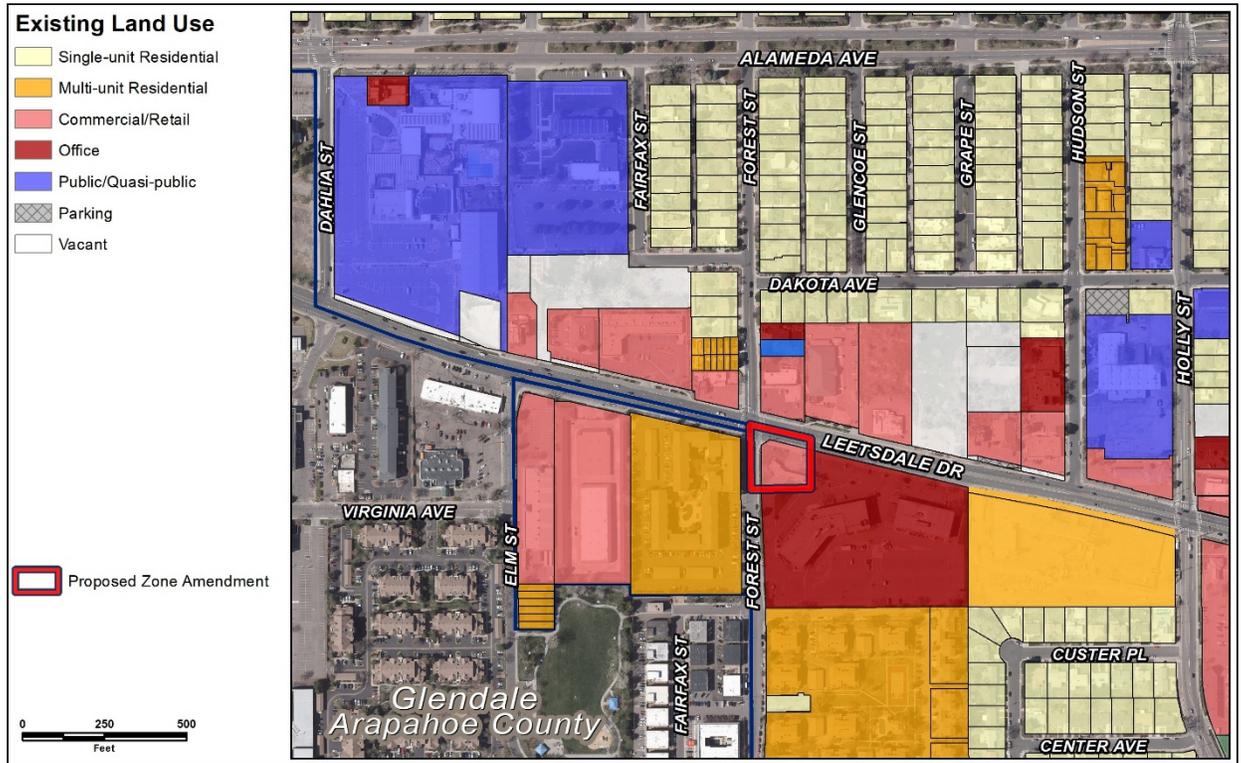
2. Existing Zoning



The current zoning of the subject site is B-1 with waivers. The B-1 zone district is a Former Chapter 59 zone district and it is a limited office district intended to form a transition between more intense commercial and lower intensity residential land uses. Other than banking and financial services, retail uses are not permitted. The maximum allowable floor area ratio (which is the measurement of a building's floor area in relation to the size of the parcel) in the B-1 district is 1:1.

The approved waivers restrict building heights to a maximum of 35 feet and limit gross floor area of all structures to less than or equal to 110,000 square feet.

3. Existing Land Use Map



4. Existing Building Form and Scale

All images from Google Maps Street View.



Subject site facing south from Leetsdale Drive



Multi-unit residential to the west of the subject site facing southwest from Leetsdale Drive



Commerical/retail uses to the north of the subject site facing north from Leetsdale Drive



Office building to the east of the subject site facing south from Leetsdale Drive



Office building to the south of the subject site facing east from S. Forest Street

Proposed Zoning

The requested S-MX-3 zone district allows a mix of uses including a variety of residential uses and office uses (with limitations for dental or medical offices). Some uses within the Retail Sales, Service & Repair use category, such as Food Sales or Market and Retail Sales, Service & Repair are permitted. The requested S-MX-3 zone district has a maximum height in feet of 45' with allowable exceptions. The minimum primary street front setback is 0'. Side interior setbacks are 0' except adjacent to a protected district, where they are 10'. The rear setback is 0', except adjacent to a protected district, where it is 0' where an alley is present and 10' where there is no alley. For additional details of the requested zone district, see Article 3 of the Denver Zoning Code.

The primary building form standards for the proposed zone district are summarized below.

Design Standards	B-1 (Waivers)	S-MX-3 (Proposed)
Primary Building Forms Allowed	n/a	Drive Thru Services*; Drive Thru Restaurant*; General; Shopfront
Height in Stories/Feet (max)	35'	3/45'
Primary Street Build-To Percentages (min)	n/a	50% or 75% or n/a**
Primary Street Build-To Ranges	n/a	0' to 80', 0'-150', 0' to 10', or n/a**
Minimum Zone Lot Size/Width	n/a	N/A
Primary Street Setbacks (min)	10'	0'
Floor Area Ratio	1:1	N/A

*Building form not allowed within ¼ mile of a transit station platform

**Standard varies between building forms

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 – No Comments.

Denver Public Schools: Approved – No Response.

Department of Public Health and Environment: Approved – No Comments.

Denver Parks and Recreation: Approved – No Comments.

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

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.

Development Services – Project Coordination: Approved – See Comments Below.

1. Approve rezoning only. Will require additional information at Site Plan Review

Development Services – Fire Prevention: Approved – No Response.

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:	5/3/2021
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:	7/20/2021
Unanimous recommendation of approval from Denver Planning Board:	8/4/2021

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 (10) working days before the meeting:	7/26/2021
Land Use, Transportation, and Infrastructure Committee of the City Council moved the bill forward:	8/10/2021
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:	9/6/2021
City Council Public Hearing:	9/27/2021

- **Public Outreach and Input**
 - **Registered Neighborhood Organizations (RNOs)**
To date, staff has received no comment letters from Registered Neighborhood Organizations.
 - **General Public Comments**
To date, staff has received two letters of support for this application.

Criteria for Review / Staff Evaluation

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

DZC Section 12.4.10.7

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

DZC Section 12.4.10.8

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

1. Consistency with Adopted Plans

The following adopted plans currently apply to this site:

- *Denver Comprehensive Plan 2040*
- *Blueprint Denver (2019)*

Denver Comprehensive Plan 2040

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

- Equitable, Affordable and Inclusive Goal 1, – *Ensure all Denver residents have safe, convenient, and affordable access to basic services and a variety of amenities (p. 28).*
- Equitable, Affordable and Inclusive Goal 7, Strategy B – *Prioritize infrastructure improvements that allow for residents of all abilities to access and live in any neighborhood (p.30).*

The proposed map amendment will further the *Comprehensive Plan 2040's* Equitable, Affordable and Inclusive Goal to ensure all Denver residents have safe, convenient and affordable access to basic services and a variety of amenities. The S-MX-3 zone district allows for a variety of uses including public services, cultural, commercial, and residential uses. The list of permitted uses will provide basic services and amenities to the residents in the surrounding neighborhoods. In addition, the design standards in the proposed districts will promote greater accessibility to the uses established along the Leetsdale Drive corridor. The rezoning is, therefore, consistent with the above strategies in the Equitable, Affordable, and Inclusive vision element.

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

- Strong and Authentic Neighborhoods Goal 1, Strategy A – *Build a network of well connected, vibrant, mixed-use centers and corridors (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).*

The requested map amendment will enable additional mixed-use development at an infill location which is consistent with the strategies in the Strong and Authentic vision element.

Similarly, the proposed legislative rezoning meets the following strategies in the Environmentally Resilient vision element:

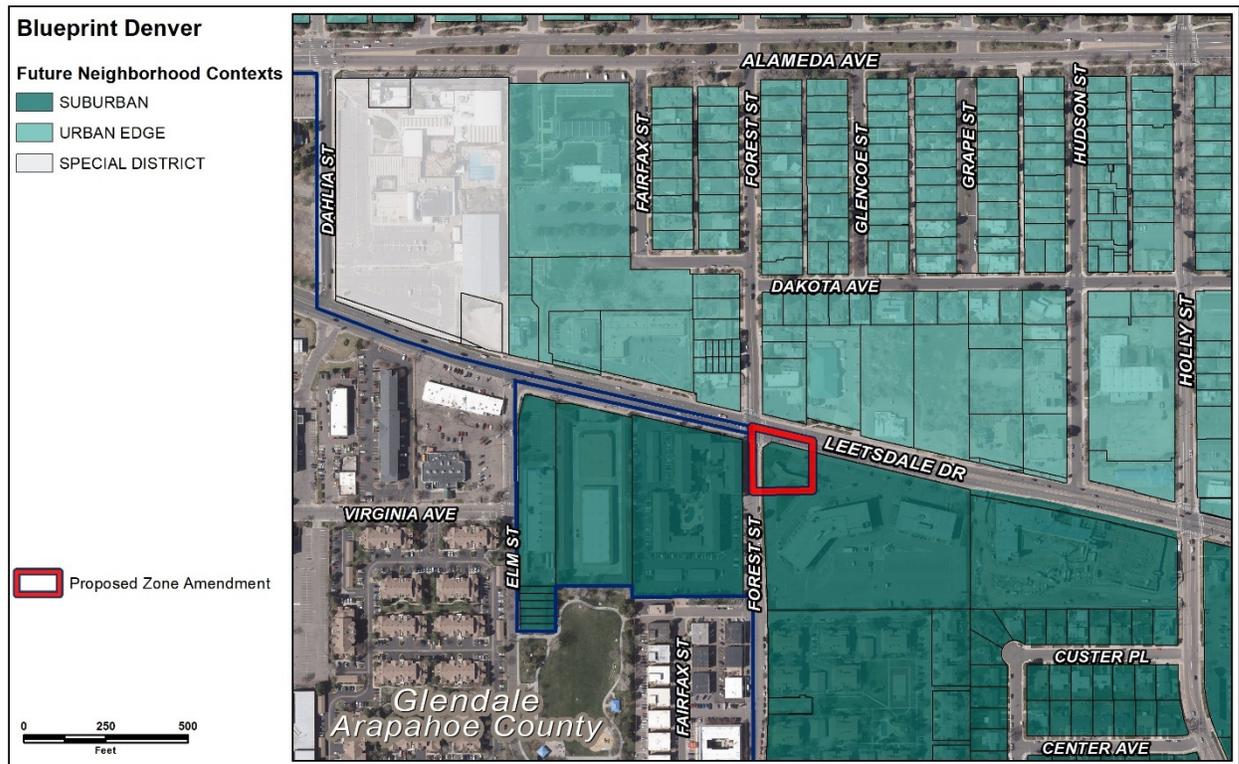
- Environmentally Resilient Goal 8, Strategy A – *Promote infill development where infrastructure and services are already in place (p.54).*
- Environmentally Resilient Goal 8, Strategy B – *Encourage mixed-use communities where residents can live, work, and play in their own neighborhoods (p. 54).*

The applicant proposes to reuse an existing building and the site is an infill location where infrastructure is already in place and provides services in proximity to residential neighborhoods, which is consistent with the above strategies in the Environmentally Resilient vision element. The requested S-MX-3 zone district broadens the variety of uses allowing residents to live, work and play in the area, therefore the rezoning is consistent with *Denver Comprehensive Plan 2040* recommendations.

Blueprint Denver

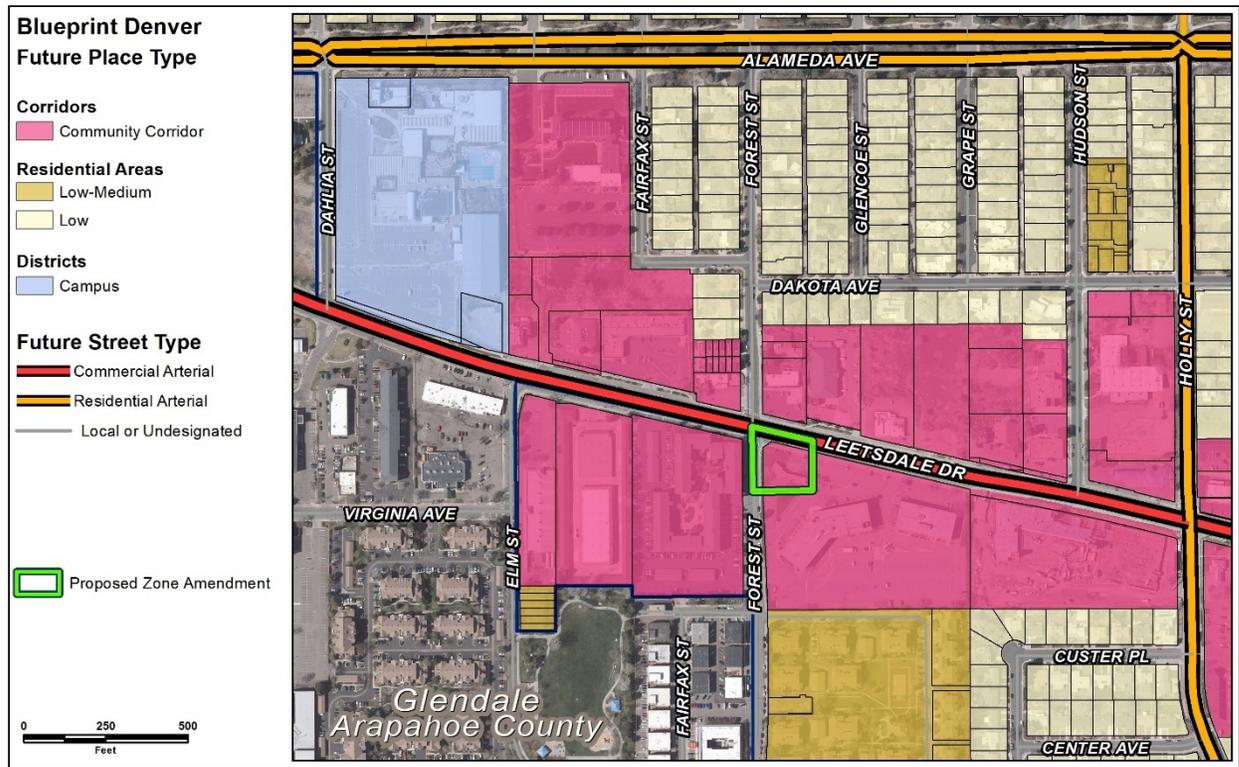
Blueprint Denver is Denver’s citywide, long range, land use and transportation plan, adopted by City Council in 2019 as a supplement to *Comprehensive Plan 2040*. *Blueprint Denver* identifies the subject site as part of a Community Corridor within the Suburban Neighborhood Context which is described as pedestrian-oriented, transit-supported community destinations where the plan recommends focusing growth over the next 20 years. The proposed rezoning will promote development that supports the complete neighborhood and transportation network vision in *Blueprint Denver*, including neighborhood context, place, street type and growth guidance.

Blueprint Denver Future Neighborhood Context



The subject site is within the Suburban neighborhood context. The suburban context “represents the most varied development in Denver’s neighborhoods. Homes in this context are largely single unit but can also include higher intensity residential. Commercial development is focused along main corridors and centers bordering residential areas” (p. 189). The proposed S-MX-3 zone district is within the Suburban Context, which is “characterized by single-unit and multi-unit residential, commercial strips and centers, and office parks” (Section 3.1.1, DZC). The proposed zone district, which allows a mix of uses in buildings up to three stories, is consistent with the *Blueprint Denver* Future Neighborhood Context plan direction.

Blueprint Denver Future Places



The subject property is mapped as Community Corridor in the Future Places Map. In the Suburban context, areas designated as Community Corridors “typically provide some mix of office, commercial and residential...Buildings have a distinctly linear orientation, [and]... heights are generally up to 5 stories” (p. 196). The proposed zone district is a mixed-use district that allows a mix of civic, residential, and commercial uses in buildings up to three stories. Therefore, the proposed S-MX-3 zone district is consistent with the Community Corridor *Blueprint Denver* Future Places plan direction.

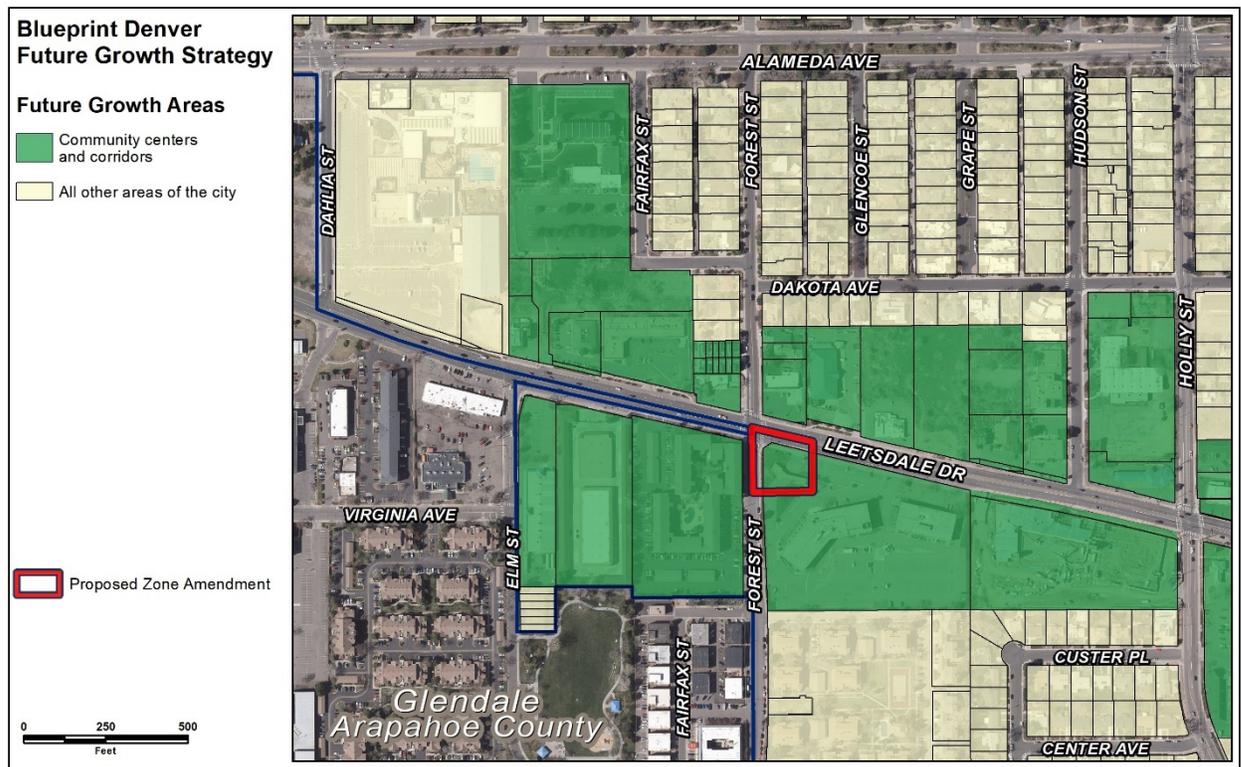
Street Types

“*Blueprint Denver’s* street typology is intended to serve as a framework to develop context-sensitive street design guidelines and to update regulations and standards for how streets are designed” (p. 155). Street types tend to be consistent over larger stretches of roads rather than varying at the parcel level. For the purposes of rezonings, the street types are intended to “work in concert with the future place” to inform “the appropriateness of the intensity of the adjacent development” (p. 67). Leetsdale Drive is classified as a Commercial Arterial street which, “typically contain[s] commercial uses including shopping centers, auto services and offices” (p. 159). These types of arterial streets tend to support a higher level of adjacent development intensity than collector or local streets. South Forest Street is classified as a Local Street. These streets are designed for the

highest degree of property access and the lowest amount of through movement” (p. 154). Land uses along local streets vary, but they are most often characterized by residential uses (p. 161).

The proposed S-MX-3 zone district “applies to areas or intersections served primarily by local or collector streets” (DZC Section 3.2.4.2.D), indicating that this zone district is compatible along streets that can support less land use intensity than Leetsdale Drive at this location.

Growth Strategy



The Future Growth Areas map, which is a version of the future places map, designates the subject property as “Community Centers and Corridors”, which are anticipated to account for 20 percent of jobs and 25 percent of new households in the city by the year 2040. “Focusing growth in centers and corridors helps to provide a variety of housing, jobs and entertainment options within a comfortable distance to all Denverites and is a key element of building complete neighborhoods throughout Denver” (p. 49). The proposed map amendment to S-MX-3 will focus an appropriate intensity of mixed-use growth to a Community Corridor where it has been determined to be most appropriate and, therefore, is consistent with the *Blueprint Denver* Future Growth Areas plan direction.

Blueprint Denver Strategies

Blueprint Denver provides additional recommendations related to rezoning. This site currently has a Former Chapter 59 zone district with custom zoning in the form of a waiver and two strategies from the Land Use & Built Form: General section, Policy 3 are relevant for this proposed rezoning:

- Strategy 3 states, *“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).*
- Strategy B states, *“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).*

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to S-MX-3 will result in the uniform application of zone district building form, use and design regulations.

3. Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety, and general welfare of the City through implementation of adopted plans as detailed above. The proposal will maintain compatible scale and intensity in terms of the allowed mix of uses and allowed building scale. Additionally, the application notes that the proposed zone district contains design standards that reinforce the desired character of the area and encourage better built form outcomes. Generally speaking, these standards can provide improved public health and general welfare outcomes compared to the current zoning. The proposed S-MX-3 zone district facilitates increased density in a variety of building forms as well as a mix of uses, which have been linked to increased physical activity,¹ decreased obesity,² and decreased driving.³

4. Justifying Circumstance

Justifying Circumstance is defined under DZC Section 12.4.10.8.A.4 as, “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 adoption of the Denver Zoning Code in 2010 and the retention of a Former Chapter 59 zone district on the subject property, including custom zoning adhering to the property, is an appropriate justifying circumstance for the proposed rezoning.

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

² 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.

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

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

The Suburban Context is characterized by single-unit, and multi-unit residential, commercial strips and centers, and office parks. Multi-unit building forms are typically separated from single-unit residential and consist of Duplex or Town House and occasional mid- and high-rise Apartment building forms. Commercial buildings are typically separated from residential and consist of Shopfront and General forms. Multi-unit and commercial uses are primarily located along arterial and collector streets. The block patterns in the Suburban Context are irregular and shaped by curvilinear streets and modified grid streets. The requested S-MX-3 zone district is consistent with the neighborhood context description.

The Suburban Mixed-Use zone districts are intended to “promote safe, active, pedestrian-scaled, diverse areas... The Mixed Use districts are appropriate along corridors, for larger sites and at major intersections...The Mixed Use zone district standards are also intended to ensure new development contributes positively to established residential neighborhoods and character and improves the transition between commercial development and adjacent residential neighborhoods” (DZC, Section 3.2.4.1). The S-MX-3 zone district is a Mixed-Use zone district intended for areas served by local or collector streets where a building scale of 1-3 stories is desired.

The proposed map amendment is consistent with the mixed-use intent described in the Suburban Neighborhood Context. The proposed development will be limited to a moderate scale on the zone lot and any mixed-use development that will result from this rezoning will complement the character of existing surrounding neighborhood. The S-MX-3 zone district is consistent with both the general and specific purpose and intent of the Suburban Context, and the S-MX-3 zone district description.

Attachments

1. Application
2. LDR Determination
3. Public Comment



REZONING GUIDE

Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	Forest Park Realty Investments ⁺	Representative Name	Ann Erisman ⁺
Address	1327 46th St Ste 1H ⁺	Address	1385 S. Colorado Blvd. ⁺
City, State, Zip	Brooklyn, NY, 11219 ⁺	City, State, Zip	Denver, CO 80222 ⁺
Telephone	917.912.8859 ⁺	Telephone	303.778.0608
Email	dkahn0624@aol.com ⁺	Email	ann@maharch.com ⁺
*All standard zone map amendment applications must be initiated by owners (or authorized representatives) of at least 51% of the total area of the zone lots subject to the rezoning. See page 4.		**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.	
SUBJECT PROPERTY INFORMATION			
Location (address):	5350 Leetsdale Drive		
Assessor's Parcel Numbers:	06181-00-022-000 ⁺		
Area in Acres or Square Feet:	19,073		
Current Zone District(s):	B-1 WVRS ⁺		
PROPOSAL			
Proposed Zone District:	S-MX-3		
PRE-APPLICATION INFORMATION			
In addition to the required pre-application meeting with Planning Services, did you have a concept or a pre-application meeting with Development Services?	<input checked="" type="checkbox"/> Yes - State the contact name & meeting date <u>Jim Larsen, 12/09/20</u> <input type="checkbox"/> No - Describe why not (in outreach attachment, see bottom of p. 3)		
Did you contact the City Council District Office regarding this application?	<input checked="" type="checkbox"/> Yes - if yes, state date and method <u>01/14/21, Zoom Meeting</u> <input type="checkbox"/> No - if no, describe why not (in outreach attachment, see bottom of p. 3)		

REZONING REVIEW CRITERIA (ACKNOWLEDGE EACH SECTION)

<p>General Review Criteria DZC Sec. 12.4.10.7.A</p> <p>Check box to affirm and include sections in the review criteria narrative attachment</p>	<p><input checked="" type="checkbox"/> Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan.</p> <p>Please provide a review criteria narrative attachment describing how the requested zone district is consistent with the policies and recommendations found in each of the adopted plans below. Each plan should have its' own subsection.</p> <p>1. Denver Comprehensive Plan 2040</p> <p>In this section of the attachment, describe how the proposed map amendment is consistent with <i>Denver Comprehensive Plan 2040's</i> a) equity goals, b) climate goals, and c) any other applicable goals/strategies.</p> <p>2. Blueprint Denver</p> <p>In this section of the attachment, describe how the proposed map amendment is consistent with: a) the neighborhood context, b) the future place type, c) the growth strategy, d) adjacent street types, e) plan policies and strategies, and f) equity concepts contained in <i>Blueprint Denver</i>.</p> <p>3. Neighborhood/ Small Area Plan and Other Plans (List all from pre-application meeting, if applicable):</p>
<p>General Review Criteria: DZC Sec. 12.4.10.7. B & C</p> <p>Check boxes to the right to affirm and include a section in the review criteria for Public Health, Safety and General Welfare narrative attachment.</p>	<p><input checked="" type="checkbox"/> Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.</p> <p><input checked="" type="checkbox"/> Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</p> <p>In the review criteria narrative attachment, please provide an additional section describing how the requested rezoning furthers the public health, safety and general welfare of the City.</p>
<p>Review Criteria for Non-Legislative Rezoning: DZC Sec. 12.4.10.8</p> <p>For Justifying Circumstances, check box and include a section in the review criteria narrative attachment.</p> <p>For Neighborhood Context, Purpose and Intent, check box and include a section in the review criteria narrative attachment.</p>	<p>Justifying Circumstances - One of the following circumstances exists:</p> <p><input type="checkbox"/> The existing zoning of the land was the result of an error;</p> <p><input type="checkbox"/> The existing zoning of the land was based on a mistake of fact;</p> <p><input type="checkbox"/> The existing zoning of the land failed to take into account the constraints of 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 style="padding-left: 20px;">a. Changed or changing conditions in a particular area, or in the city generally; or,</p> <p style="padding-left: 20px;">b. A City adopted plan; or</p> <p style="padding-left: 20px;">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.</p> <p>In the review criteria narrative attachment, please provide an additional section describing the selected justifying circumstance. If the changing conditions circumstance is selected, describe changes since the site was last zoned. Contact your pre-application case manager if you have questions.</p> <p><input checked="" type="checkbox"/> The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.</p> <p>In the review criteria narrative attachment, please provide a separate section describing how the rezoning aligns with a) the proposed district neighborhood context description, b) the general purpose statement, and c) the specific intent statement found in the Denver Zoning Code.</p>

REQUIRED ATTACHMENTS

Please check boxes below to affirm the following **required** attachments are submitted with this rezoning application:

- Legal Description of subject property(s). **Submit as a separate Microsoft Word document.** View guidelines at: <https://www.denvergov.org/content/denvergov/en/transportation-infrastructure/programs-services/right-of-way-survey/guidelines-for-land-descriptions.html>
- Proof of ownership document for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed, or (c) Title policy or commitment dated no earlier than 60 days prior to application date. 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.
- Review Criteria Narratives. See page 2 for details.

ADDITIONAL ATTACHMENTS (IF APPLICABLE)

Additional information may be needed and/or required. Please check boxes below identifying additional attachments provided with this application.

- Written narrative explaining reason for the request** (optional)
- Outreach documentation attachment(s).** Please describe any community outreach to City Council district office(s), Registered Neighborhood Organizations (RNOs) and surrounding neighbors. If outreach was via email- please include email chain. If the outreach was conducted by telephone or meeting, please include contact date(s), names and a description of feedback received. If you have not reached out to the City Council district office, please explain why not. (optional - encouraged)
- Letters of Support.** If surrounding neighbors or community members have provided letters in support of the rezoning request, please include them with the application as an attachment (optional).
- Written Authorization to Represent Property Owner(s)** (if applicable)
- Individual Authorization to Sign on Behalf of a Corporate Entity** (e.g. if the deed of the subject property lists a corporate entity such as an LLC as the owner, this document is required.)
- Other Attachments.** Please describe below.

REZONING GUIDE



PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION						
We, the undersigned represent that we are the owner(s) 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, (C) title policy or commitment, or (D) other as approved	Has the owner authorized a representative in writing? (YES/NO)
EXAMPLE John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/12/20	(A)	YES
FOREST PARK REALTY INVESTMENTS, LLC	5350 Leetsdale Dr. Denver, CO	100%	<i>DAVID KAHN</i>	2/11/21		



CITY AND COUNTY OF DENVER
 TREASURY DIVISION
 PO BOX 17420
 DENVER, CO 80217-0420
 TEL: (720) 913-9300
 WWW.DENVERGOV.ORG/TREASURY

REAL PROPERTY TAX STATEMENT

IMPORTANT: SEE REVERSE SIDE

THIS STATEMENT IS FOR PROPERTY TAX ON THE PROPERTY SHOWN BELOW TO BE COLLECTED ON BEHALF OF THE DENVER PUBLIC SCHOOLS AND THE CITY AND COUNTY OF DENVER.

PROPERTY ADDRESS : 5350 LEETSDALE DR		PARCEL ID: 06181-00-022-000	
LEGAL DESCRIPTION or PERSONAL PROPERTY LOCATION BOOTHS SUB L1 EXC PT OF L1 IN DIF REC #37090 RECD 04/27/90		USER ID DWEISSHAAR	DATE 01/10/2021
		SEQUENCE# 871	
		TAX YEAR 2020	PAYABLE YEAR 2021
* Due to space constraints, this legal description may not be complete. Please contact the Denver Assessor at 3-1-1 for a complete legal description and with any questions.		FIGURES GOOD UNTIL: 02/28/2021	
06181-00-022-000 FOREST PARK REALTY INVESTMENTS C/O: TOM NOVOTNY 1355 S COLORADO BLVD STE 108 DENVER CO 80222-3305		<i>02/10/21 - PD w/ check</i> <i># 987 - FE HALF TAXES</i>	
TAXING ENTITY	MILL LEVY (\$ PER THOUSAND OF ASSESSED VALUE)	TAX AMOUNT	
AFFORDABLE HOUSING	0.417000	54.37	
CAPITAL MAINTENANCE	2.528000	329.62	
CITY BOND FUND	6.500000	847.54	
DENVER PUBLIC SCHOOLS	48.011000	6,260.15	
DEVELOPMENTALLY DISABLED	1.011000	131.82	
FIRE PENSION FUND	1.041000	135.74	
GENERAL FUND DENVER	9.818000	1,280.17	
POLICE PENSION FUND	1.242000	161.94	
SOCIAL SERVICES	2.627000	342.54	
URBAN DRAINAGE & FLOOD CONTROL *	1.000000	130.39	
TOTAL LEVY	74.195000		
		NOTE: 65% OF THESE TAXES ARE DETERMINED BY AND COLLECTED FOR THE DENVER PUBLIC SCHOOLS	
		Your School District No. 1 General Fund Mill Levy would have been 39.411 mills without State aid.	
		ACTUAL VALUATION	449,601
		ASSESSED VALUATION	130,391
		EXEMPTIONS	
		NET VALUATION	130,391
* NOTE: INCLUDES TEMPORARY MILL LEVY RATE REDUCTION		DUE LAST DAY OF FEBRUARY FIRST HALF TAX AND FEES	DUE JUNE 15 SECOND HALF TAX AND FEES
Make Check Payable to: Manager of Finance	DUE APRIL 30	\$9,674.28	\$4,837.12
	TOTAL TAX AND FEES		\$4,837.16

DETACH HERE AND RETURN BOTTOM PORTION WITH YOUR PAYMENT - RETAIN TOP PORTION FOR YOUR RECORDS

RETURN TO:
 CITY AND COUNTY OF DENVER
 TREASURY DIVISION
 PO BOX 17420
 DENVER, CO 80217-0420

REAL PROPERTY TAX STATEMENT

FIGURES GOOD UNTIL: 02/28/2021

Make payment for only one of the exact amounts. No partial payments may be made. Please include PARCEL ID Number on the face of check and/or any correspondence.

PAYABLE ONLINE AT: WWW.DENVERGOV.ORG/TREASURY BY CHECK TO: MANAGER OF FINANCE	PARCEL ID 06181-00-022-000	ALT KEY 1867223
	TAX YEAR 2020	PAYABLE YEAR 2021
	if paid after due date, contact us for correct amounts due.	DUE JUNE 15 SECOND HALF TAX AND FEES \$4,837.16

FOREST PARK REALTY INVESTMENTS

RE 2020 DC 00 1867223 00 0000000000 00000000 02 0000483716 20210615 2

DETACH HERE AND RETURN BOTTOM PORTION WITH YOUR PAYMENT - RETAIN TOP PORTION FOR YOUR RECORDS

DENVER COUNTY ASSESSOR-PPROP
201 W COLFAX AVE DEPT 406
DENVER CO 80202
FOR HELP CALL: 720-913-4067

2021 DENVER COUNTY
PERSONAL PROPERTY
DECLARATION SCHEDULE
(CONFIDENTIAL DATA)

Assessment Date Due Date
January 1, 2021 April 15, 2021

RETURN TO COUNTY ASSESSOR

**FILE ONLINE AT WWW.DENVERGOV.ORG/EFILE

B.A. CODE T.A. CODE SCHEDULE/ACCOUNT NUMBER
6512 NONRES BLDG OWNER 251295002



A. NAME AND MAILING ADDRESS (INDICATE ANY CHANGES OR CORRECTIONS)
251295002
FOREST PARK REALTY INVESTMENTS
FOREST PARK REALTY INVST
1327 46TH ST
BROOKLYN NY 11219-2154

BUSINESS NAME AND PHYSICAL LOCATION OF THE
PERSONAL PROPERTY AS OF JANUARY 1, 2021

5250 LEETSDALE DR BLDG

DO NOT USE - ASSESSOR ONLY

RECEIVED COMPLETED LATE PENALTY APPLIED YES NO

B. BUSINESS: Start-Up Date (In Denver County) Square Footage the Business Occupies Product or Service Provided # of Employees

C. BUSINESS STATUS: (Please check the appropriate boxes ONLY)

- NOT CURRENT BUSINESS OWNER. If you are not the current business owner, check here and provide the name and address of the new owner:
Date sold: _____
 - NEW BUSINESS/ORGANIZATION. You must give a complete itemized listing of all personal property. Use the first part of Section D and attach separate sheet(s) if needed. The assessor may select your business for an audit whether or not you file a declaration schedule.
 - EXISTING BUSINESS/ORGANIZATION. Indicate any additions and/or deletions to your listing in Section D.
NEW OWNER OF PREVIOUSLY EXISTING BUSINESS/ORGANIZATION. You must give a complete itemized listing of all personal property acquired in a business purchase. Include additions made prior to January 1 since the purchase date.
- AS OF JANUARY 1, DID YOUR BUSINESS CEASE OPERATIONS? YES NO If yes, please complete below:
 Personal Property Sold Personal Property Stored Date Sold/Stored _____
If sold, Selling Price of Furnishings, Assets and Equipment only: \$ _____
If sold, Name and Contact information of New Owner of the Personal Property: _____ Phone Number (____) _____
- Note:** If sold to more than one new owner, please attach a listing of the new owners.
- PROPERTY CHANGED LOCATION TO _____ ON (DATE) _____

D. ITEMIZED LISTING OF PERSONAL PROPERTY:

ATTACH A COMPLETE ITEMIZED ASSET LISTING WITH EACH BUSINESS PERSONAL PROPERTY DECLARATION FILING.

CHECK HERE IF THERE ARE NO CHANGES FROM LAST YEAR'S DECLARATION SCHEDULE INFORMATION. IF SO, GO DIRECTLY TO SECTION F. COMPLETE THE FORM, SIGN IT, AND RETURN FORM TO THE ASSESSOR. NOTE: DO NOT CHECK THIS BOX IF THIS IS A NEW ORGANIZATION.

- IF NO ADDITIONS, check here; otherwise, attach a detailed listing.
NOTE: Include ALL Expensed Assets with a Life of Greater than 1 year, Fully Depreciated Assets Still in Use, and Stored Assets that are Subject to IRS Depreciation. Do not report licensed vehicles.
- IF NO DELETIONS, check here; otherwise, attach a detailed listing of all personal property sold, traded, or discarded prior to January 1.

E. IS THERE ANY RENEWABLE ENERGY PROPERTY (e.g. solar panels, wind turbines, hydroelectric property) AT THIS LOCATION?

Yes No IF YES, THE PROPERTY IS: Owned Leased, IF OWNED, COMPLETE THE DS 058 FORM.

F. DECLARATION

THIS RETURN IS SUBJECT TO AUDIT

"I declare, under penalty of perjury in the second degree, that this schedule, together with any accompanying exhibits or statements, has been examined by me and to the best of my knowledge, information, and belief sets forth a full and complete list of all taxable personal property owned by me, or in my possession, or under my control, located in Denver County, Colorado, on the assessment date of this year; that such property has been reasonably described and its value fairly represented; and that no attempt has been made to mislead the assessor as to its age, quality, quantity, or value." § 39-5-107(2), C.R.S.

FEDERAL EMPLOYER IDENTIFICATION NUMBER (FEIN) or SOCIAL SECURITY NUMBER (SSN) _____

NAME OF OWNER _____

PRINT NAME OF PERSON SIGNING _____

E-MAIL ADDRESS _____

SIGNATURE OF OWNER OR AGENT _____

PHONE NUMBER _____

FAX NUMBER _____

DATE _____

Check here if new agent. If new agent, submit a letter or authorization when filing this form.

PLEASE COMPLETE, SIGN AND RETURN TO THE ASSESSOR ON OR BEFORE APRIL 15, 2021

MAKE A COPY FOR YOUR RECORDS

ELECTRONIC FILING OPTIONS AVAILABLE - AVOID FILING A PAPER COPY

FILE ONLINE AT WWW.DENVERGOV.ORG/EFILE OR

EMAIL ASSESSOR@DENVERGOV.ORG WITH A COMPLETE ASSET LISTING ATTACHED

**PROPERTY OWNER LETTER OF AUTHORIZATION
FOR THE REZONING SUBMITTAL
FOR ZIGGI'S COFFEE - DENVER (LEETSDALE DRIVE)**

PROPERTY ADDRESS:
5350 Leetsdale Drive
Denver, CO 80246

I, Tom Novotny, hereby certify that MAH
ARCHITECTURAL GROUP has my permission to submit the Rezoning Application for
consideration by the City and County of Denver Community Planning and Development
Department.

Tom Novotny
(Signature)

4-19-21
(Date)

**PROPERTY OWNER LETTER OF AUTHORIZATION
FOR THE REZONING SUBMITTAL
FOR ZIGGI'S COFFEE - DENVER (LEETSDALE DRIVE)**

PROPERTY ADDRESS:

5350 Leetsdale Drive
Denver, CO 80246

I, DAVID KAHN (print property owner name), hereby certify that MAH ARCHITECTURAL GROUP has my permission to submit the Rezoning Application for consideration by the City and County of Denver Community Planning and Development Department.



(Signature of Property Owner)

4/14/21

(Date)

Reviewing Criteria Narrative

DATE: March 30, 2021

ADDRESS: 5350 Leetsdale Drive
Denver, CO 80246

CURRENT: B-1 WVRS Zone District

PROPOSED: S-MX-3 Zone District

Consistency with Denver Comprehensive Plan 2040

- a. Equity Goals: In rezoning this property to S-MX-3 under the new Zoning Code, it would be consistent with the Denver Comprehensive Plan 2040's (DCP) equity goals. Under *Equitable, Affordable and Inclusive Goal 1*, this new zoning would provide new opportunities for the development of amenities. Creating mixed use business opportunities along the Leetsdale corridor would provide better access to nearby residents.
- b. Climate Goals: The proposed rezoning would align with the DCP's *Environmentally Resilient Goal 8, Strategies A-C*. On this zone lot, existing infrastructure would be encouraged for reuse with infill development in order to grow in a strategic and sustainable way. The introduction of this zoning would encourage mixed-use communities and complete neighborhoods. The mixed-use zoning near the existing residential areas would increase walkability and encourage modes of transportation alternative to vehicular transport. Additionally, being along Leetsdale Drive, the growth would be along a medium/high capacity transit corridor.
- c. Additional Goals: Under *Strong and Authentic Neighborhoods Goal 1, Strategy B*, S-MX-3 zoning would allow for a more diverse selection of services to the surrounding neighborhoods. The zone lot's location along a commercial arterial street would further add to a "network of wellconnected, vibrant, mixed-use centers and corridors." In alignment with *Economically Diverse and Vibrant Goal 2*, the rezoning would encourage strengthening of the economy through varied business types. This would also lend to the creation of new jobs for local residents.

Consistency with Blueprint Denver

- a. The Neighborhood Context: The proposed map amendment is consistent with the neighborhood context in that the new S-MX-3 zoning would align with the adjacent suburban zone lots to the south of Leetsdale Drive. This zoning is consistent with

Blueprint Denver's description of the suburban context: residential areas are integrated with mixed use corridors along major roads (in this case, Leetsdale Drive).

- b. The Future Place Type: The affected zone lot is located within a planned Community Corridor. The mixed-use designation aligns with the goal to provide “mixed-use places of different scales oriented along a street.” Opportunities for community gathering space and activities such as entertainment, shopping, and dining would become accessible to nearby residents. The 3-story limit proposed aligns with the 5-story maximum that is typical to this designation.
- c. The Growth Strategy: This rezoning aligns with the strategy to direct growth toward corridors, in this case being Leetsdale Drive. Additionally, future businesses can be established in order to support the growing population through services and by creation of job opportunities.
- d. The Future Street Type: Leetsdale is designated as Commercial Arterial. The zoning type aligns with this street type, with buildings typically set back with on-site parking.

Furthering Public Health, Safety, and General Welfare

By rezoning this lot to S-MX-3, the property will be brought into the new zoning code which would accelerate growth that better reflects the City of Denver’s current values and goals. Equitable access to food, community spaces, services, and places of work would improve. ADA, safety, and environmental standards will be brought into the current zoning code. Economic opportunities and general welfare would be furthered in the creation of new jobs and new taxable businesses.

In our case in particular, rezoning would provide the Property Owner the opportunity to convert a vacated bank building along Leetsdale Drive and Forest Street into a drive-thru coffee shop. This new business would serve to enliven the surrounding community as well as support commuters.

Justifying Circumstance

The justifying circumstance is that the City adopted the current Denver Zoning Code, while the property retained Former Chapter 59 zoning.

Consistency with Neighborhood Context, Zone District Purpose and Intent

The Suburban Neighborhood Context fits squarely with the goals and attributes of the S-MX-3 zone district which is proposed. The mixed-use zoning designation with a limit of 3 stories fits with the suburban profile. The specific intent of the S-MX-3 zone district “applies to areas or intersections served primarily by local or collector streets where a building scale of 1 to 3 stories is desired.” The surrounding streets are local and collector streets, while the commercial arterial corridor of Leetsdale Blvd. binds them together.



December 16, 2020

**Amanda Sawyer
City & County Building
1437 Bannock St., Rm. 451
Denver, CO 80202**

Dear Council Member Amanda Sawyer:

I am writing to you on behalf of Dana Hunsinger, Ziggi's Coffee Owner, and the MAH Architectural Group design team. We would like to ask for your feedback and consideration regarding a prospective drive-thru coffee shop project to be located within Denver District 5. We are proposing to reuse the existing ± 800 sq. ft. building at the northwest corner of Leetsdale Drive and Forest Street as a new Ziggi's Coffee drive-thru. The hope for this new coffee shop opportunity would be to create economic growth while enlivening the surrounding area.

Our team has had the opportunity to speak with both Rezoning and Development Services regarding the Ziggi's Coffee project. It has been communicated that in order to reuse the existing (and currently vacant) building as a drive-thru coffee shop, the zone lot will need to be rezoned from B-1 to S-CC-3, bringing the lot into the current zoning code. The building shares a zone lot with the office building to the south, and so the rezoning will affect both buildings.

As far as site changes are concerned, we are proposing a new patio with sidewalk connectivity to the existing sidewalk, new landscaping to create screening along Forest Street, a newly defined ADA-compliant parking space, a new trash enclosure, and ADA upgrades to the sidewalk crossings at the vehicular access points to the zone lot. Please see the Concept Plan and renderings enclosed for your reference.

At this time we would like to set up a virtual introductory meeting with you. Please let me know how we might proceed. I look forward to hearing any feedback you may have and hope to keep an open dialogue with you as this project develops. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Ann Erisman". The signature is fluid and cursive, with a large initial "A" and "E".

**Ann Erisman
MAH Architectural Group**

Enc. Concept Plan and Renderings

From: Michael Hunsinger <michael@maharch.com>
Subject: Ziggi's Coffee-5350 Leetsdale Drive (South Hilltop Neighborhood Association)
Date: January 25, 2021 at 1:21:47 PM MST
To: reuben@menorah.org
Cc: "Fry, Logan M. - CC YA2245 City Council Aide" <Logan.Fry@denvergov.org>, Dana Hunsinger <dana.hunsinger@ziggiscoffee.com>, Ann Erisman <Ann@maharch.com>

Hello Reuben Drebenstedt,

We have been advised by Councilwoman Amanda Sawyer to introduce to you the proposed project for a Ziggi's Coffee drive-thru to be located within Denver District 5. Please find our introduction letter to the Councilwoman as well as a conceptual site plan, renderings and traffic review letter for your reference.

Our team is hoping to set up a virtual meeting with you and your neighborhood group to gather insight of the existing site and answer any questions regarding the development. Please let me know if and when we can schedule this virtual meeting.

Please reach out to me if there are any questions.

Thank you,

Michael Hunsinger, AIA, NCARB
Principal

MAH Architectural Group

**1385 S. Colorado Blvd,
Penthouse
Denver, CO 80222**

O - 303.778.0608

F - 303.778.0609

E - michael@maharch.com

W - maharch.com

On Mon, Jan 25, 2021 at 1:24 PM Michael Hunsinger <michael@maharch.com> wrote:
Hello Paul Aceto,

We have been advised by Councilwoman Amanda Sawyer to introduce to you the proposed project for a Ziggi's Coffee drive-thru to be located within Denver District 5. Please find our introduction letter to the Councilwoman as well as a conceptual site plan, renderings and traffic review letter for your reference.

Our team is hoping to set up a virtual meeting with you and your neighborhood group to gather insight of the existing site and answer any questions regarding the development. Please let me know if and when we can schedule this virtual meeting.

Please reach out to me if there are any questions.

Thank you,

Michael Hunsinger, AIA, NCARB
Principal

MAH Architectural Group

**1385 S. Colorado Blvd,
Penthouse
Denver, CO 80222**

O - 303.778.0608

F - 303.778.0609

E - michael@maharch.com

W - maharch.com

From: Paul Aceto <paul@theacetoteam.com>
Subject: Re: Ziggi's Coffee-5350 Leetsdale Drive (Virginia Vale Community Association)
Date: January 27, 2021 at 12:04:23 PM MST
To: Michael Hunsinger <michael@maharch.com>, "Kevin Lazar, Esq." <kevlazar@gmail.com>, "Tim & Kelli Keenan" <Trkeenan86@gmail.com>, Josh Fruchtman <jlfruchtman@gmail.com>, Douglas Long <dfreshy@gmail.com>
Cc: "Fry, Logan M. - CC YA2245 City Council Aide" <Logan.Fry@denvergov.org>, Dana Hunsinger <dana.hunsinger@ziggiscoffee.com>, Ann Erisman <Ann@maharch.com>

Hello Michael.

Thank you for providing this detailed info about the rezoning application by Ziggy's Coffee at the corner of S. Forest St. and Leetsdale Dr.

We will present this info to the community via Nextdoor, facebook and direct email and ask if a virtual meeting is desired.

We will also request feedback from residents about this rezoning application. VVCA does not provide approval to applicants on behalf of it's residents but will ultimately provide a letter stating the responses received by the community.

Please let me know how we can be of further help.

Paul Aceto on behalf of VVCA

Paul Aceto

Team Leader & REALTOR

The Aceto Team



Development Services

201 W. Colfax Ave., Dept. 205
Denver, CO 80202
p: 720.865.2836
www.denvergov.org/DS

March 30, 2021

Ann Erisman
MAH Architectural Group
1385 S. Colorado Blvd., P.H.
Denver, CO 80222

Property Owner of Record:: Forest Park Realty Investments
(Please note the Application says Empire Park Realty Investments)

RE: 5250 and 5350 Leetsdale Drive – 2020PM0000628 - LDR

Dear Ms. Erisman,

On February 25, 2021 you submitted a pre-application for a Large Development Review associated with a development concept for an adaptive reuse of for a proposed development project Change of Use/Tenant Improvement of an existing building as new drive thru Ziggi's Coffee. Previous concept review revealed the possibility of rezoning the two parcels (currently zoned B-1 w/wvrs) into the Denver Zoning Code. The rezoning proposal triggers the Large Development Review process based on acreage.

The LDR process begins with an evaluation of applicability. The City's Development Review Committee is responsible for this review. Staff from the following agencies comprise the DRC:

Office of the Mayor, City and County of Denver
Community Planning and Development – Planning Services, Development Services
Department of Transportation and Infrastructure: Transportation, Wastewater, Floodplain, Transportation Design and Transportation Mobility
Denver Parks and Recreation: Office of the City Forester, Natural Resources, Parks Planning
Department of Economic Development and Opportunity
Department of Housing Stability
Denver Fire
Department of Finance
City Attorney's Office
Department of Finance
Office of Climate Action, Sustainability and Resiliency
Department of Public Health and the Environment
Denver Public Schools
Denver Water

The DRC reviewed the proposal to see if the project would be subject to the full Large Development Plan (LDR) process outlined in Section 12.4.12 of the Denver Zoning Code (DZC) and require the creation of a Large Development Framework (LDF). After review, it was determined that the specific concept for adaptive reuse of the existing structure for a coffee shop would not require an LDR as long as it is resubmitted as a smaller parcel for rezoning. Factors that weighed into this determine are:

- The proposed development does not currently identify redevelopment of the larger parcel which contains existing office buildings and associated parking.
- Redevelopment of the smaller parcel to adaptively reuse an existing structure does not trigger complex infrastructure planning or additional level of coordination beyond our existing site development and permitting procedures.

- Existing plans reviewed and applicable to this property include Blueprint Denver and Comprehensive Plan 2040. The site is located within the Virginia Vale Statistical Neighborhood for which there is currently no small area or neighborhood plan. However, the [Near Southeast Area Plan](#) is in progress kicking off in 2021.
- While the full LDR process (which includes a determination of Applicability, a Preliminary Scope, a community meeting, and a Framework that outlines future development steps) may not be applicable today, should the larger parcel be proposed for redevelopment in the future, that concept will be subject to the LDR process once again for a determination and next steps.

Our review during the Applicability process reveals the following findings, requirements or concerns for future development.

- Public outreach will be a major component of the Near Southeast Area Plan process. Please stay informed with the Planning team regarding future meetings related to plan development as the resulting land use plan will affect future development of this property.
<https://www.denvergov.org/Government/Departments/Community-Planning-and-Development/Plans-in-Progress/Near-Southeast-Area-Plan#section-3>
- Should a rezoning be approved for these sites in the future, existing structure compliance with the new zone district could be a concern, potentially creating non-conforming structures. In addition, an equity analysis will be conducted when/if the larger site is submitted for redevelopment in the future.
- There is currently no affordable housing located on these properties. The applicant is encouraged to contact Andrew Johnston in the City of Denver's Office of Housing and Stability (HOST) to discuss affordable housing needs and completion of a voluntary affordable housing agreement upon future submission of redevelopment of the larger parcel. (Andrew.Johnston@denvergov.org)

Preliminary Development Review Comments

Comments received during the LDR applicability phase are considered a very early review or a concept, and do not indicate future additional requirements that may be required for development or redevelopment of the site. Additional internal and external agencies may comment in future Site Development Plan submittals.

- Development Services – Storm and Wastewater: An LDR is not required for Wastewater. Refer to Wastewater concept comments for additional guidance and requirements.
- CDOT: CDOT has reviewed the development proposal and we have no comments or concerns.
- Development Services – Project Coordination:
 - This project on its own as a coffee shop concept does not require LDR. The requirement to rezone the site, and potentially the whole site as we are not reviewing old code/new code across the site is what presents more of a challenge. A 6.28-acre site along this corridor in a future development scenario will trigger requirements for mobility and wastewater review, as well as affordable housing. Other City requirements including sustainable building considerations may be incorporated at the time of future review for development of the larger site.
 - The site is located along the Leetsdale Corridor which is designated as a future Community Corridor by Blueprint Denver paired with a future High Capacity transit corridor. Blueprint Denver 3.4.12.d prioritizes coordination of high capacity transit corridor development with other regulatory changes. These considerations will be part of the previously mentioned Southeast Area Plan process. *Implement the vision for future places on transit priority streets through regulatory changes, such as large rezonings, concurrent with decisions on transit investment.*
 - Since the property owner is not currently conceiving redevelopment of the larger parcel, LDR is not required at this time for the adaptive reuse.
- DOTI – Transportation: NO LDR is required for this adaptive reuse.
- DOTI – Survey: Concept Plan approved as submitted. Approval is for concept phase only.
- Xcel Energy: Okay to Proceed. AGENCY RESPONSE: okay to proceed
- CPD – Planning Services: Planning Services has determined the adaptive reuse of the existing structure will require a rezoning. However, this may be done as a separate rezoning from the larger site. Should the

larger site be proposed for redevelopment in the future, the applicant should plan to submit a new application for LDR at that time.

Public Service Company of Colorado's (PSCO) Right of Way & Permits Referral Desk has reviewed the concept plans for **5350 Leetsdale Drive**. Please be advised that PSCO has existing overhead and underground electric distribution facilities within the areas indicated in this proposed rezone, and has no objection to this proposal, contingent upon PSCO's ability to maintain all existing rights and this amendment should not hinder our ability for future expansion, including all present and any future accommodations for natural gas transmission and electric transmission related facilities.

If the project will utilize pad mounted transformers, space consideration must be given to locate one or more pad mount transformers on this property with ground to sky clearance. For details, please consult Xcel Energy's Electric Standards located at:

[https://www.xcelenergy.com/staticfiles/xcel-responsive/Admin/Managed%20Documents%20&%20PDFs/Xcel-Energy-Standard-For-Electric-Installation-and-Use.pdf](https://www.xcelenergy.com/staticfiles/xcelresponsive/Admin/Managed%20Documents%20&%20PDFs/Xcel-Energy-Standard-For-Electric-Installation-and-Use.pdf)

In this event, the Customer/Applicant is responsible for obtaining the appropriate zoning permits and receiving approval from the Zoning Department for any necessary pad mount transformers and/or switch cabinets, which may include review by the Board of Adjustments. Go to

www.denvergov.org/commercialzoning for the permit package, under Zoning Construction Permits, click on the "New Structures, Additions, Exterior Modifications, Site Improvements" drop down.

The property owner/developer/contractor must complete the application process for any new natural gas or electric service, or modification to existing facilities via xcelenergy.com/InstallAndConnect. It is then the responsibility of the developer to contact the Designer assigned to the project for approval of design details.

Additional easements may need to be acquired by separate document for new facilities (i.e. transformers) – be sure to contact the Designer and request that they connect with a Right-of-Way and Permits Agent in this event.

Donna George - Right of Way and Permits
Public Service Company of Colorado dba Xcel Energy
Office: 303-571-3306 – Email: donna.l.george@xcelenergy.com

- Regional Transportation District: The existing bus stop needs to be brought into ADA compliance the cross slope of the stop exceeds the 2% max and the boarding area needs to be expanded to accommodate the 5' wide x 8' deep boarding area.

The next step for this project would be to continue the discussion regarding rezoning with Planning Services per the information previously provided to your team. Please coordinate with your assigned Planner Libbie.Adams@denvergov.org.

<https://www.denvergov.org/content/denvergov/en/denver-development-services/help-me-find-/site-development-plan-review.html>. As this project has been introduced to the concept review process previously, please continue coordinating with your Project Coordinator, James Larsen (James.Larsen@denvergov.org)

Sincerely,

A handwritten signature in blue ink that reads "Deirdre Oss". The signature is fluid and cursive, with the first name "Deirdre" written in a larger, more prominent script than the last name "Oss".

Deirdre Oss, AICP | Senior Development Project Administrator | Development Project Coordination Team
Community Planning and Development | City and County of Denver
p: (720) 865.2931 | Deirdre.Oss@denvergov.org

cc: James Larsen, Libbie Adams

Morrison, Jason P. - CPD City Planner Senior

Subject: FW: [EXTERNAL] Rezoning Application 2020I-00201 (5350 Leetsdale Dr)



DENVER
THE MILE HIGH CITY

Jason Morrison, AICP | Senior City Planner
Community Planning and Development | City and County of Denver
[Pronouns](#) | He/Him/His
phone: (720) 865-3072 | email: jason.morrison@denvergov.org
[311](#) | pocketgov.com | denvergov.org/CPD | [Take Our Survey](#) | [Facebook](#) | [Twitter](#) | [Instagram](#)

From: Fritz Clauson <fritzcl@gmail.com>
Sent: Wednesday, August 4, 2021 11:01 AM
To: Morrison, Jason P. - CPD City Planner Senior <Jason.Morrison@denvergov.org>
Subject: [EXTERNAL] Rezoning Application 2020I-00201 (5350 Leetsdale Dr)

Hi Jason,

I live near 5350 Leetsdale Dr (around the corner at 448 S Holly St) and want to express my support for the rezoning application. Many of the existing commercial properties along Leetsdale are approaching the end of their useful structural life, and re-developing them in a way that supports the city's goals for vibrant and pedestrian-friendly commercial corridors requires bringing them into the current zoning code. I believe the proposed zoning change generally supports those goals and will enable pedestrian-oriented development that supports the ongoing improvement of the Leetsdale corridor.

Thank you for your time and work on this case!

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Fritz Clauson, AICP

From: [Scott Kilgore](#)
To: [Morrison, Jason P. - CPD City Planner Senior](#)
Subject: [EXTERNAL] 5350 Leetsdale Rezoning Application
Date: Tuesday, August 31, 2021 6:36:50 PM

Jason,

I am writing in regards to the proposed rezoning at 5350 Leetsdale Drive to go from B-1 with Wavers to S-MX-3. I live at 435 S Forest St, just across Leetsdale Drive from the property. As a near neighbor to this property, I strongly support this rezoning request to enable redevelopment of the property. I believe the proposed rezoning to S-MX-3 is in accordance with the city's plans and will provide greater consistency with surrounding land use on the Leetsdale corridor. The proposed plan to develop a drive-through coffee shop will facilitate greater activation along this portion of Leetsdale and a much improved amenity to the community over the vacant building that sits there today.

Thank you,

Scott Kilgore