



DENVER
THE MILE HIGH CITY

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TO: Denver City Council, Blueprint Denver Committee
FROM: Theresa Lucero, Senior City Planner
DATE: September 17, 2009
RE: Zoning Map Amendment Application #2009I-00023

I. SCOPE OF REZONING

Application: #2009I-00023
Address: A portion of 5225 – 5229 Leetsdale Drive; 420 and 428 South Forest Street; 5301 – 5307, and 5411 Leetsdale Drive; 485 South Grape Street, 400 South Grape Street (Approximately)
Neighborhood/Council Dist.: Washington Virginia Vale – Council District #5
RNO’s Preservation of Residential South Hilltop Neighborhood Association; Virginia Vale Community Association; Inter-neighborhood Cooperation
Area of Property: 213,500 Square Feet, Approx. 4.9 acres
Current Zoning: PUD #9
Proposed Zoning: PUD, B-2, and B-4
Applicant: Legislative Map Amendment Brought Forth by Councilwoman Marcia Johnson

II. SUMMARY OF PROPOSAL

Vicinity Description

The properties are located between Hudson and Forest Streets and between Dakota Avenue and Leetsdale Drive. On the properties are 5 structures in which current land uses are office, restaurant and retail. The site is bounded on the east by one single family residence and two office buildings. On the west the site is bounded across Forest Street by one single family residence, a vacant lot and a restaurant. South of the site across Leetsdale Drive is an office and a



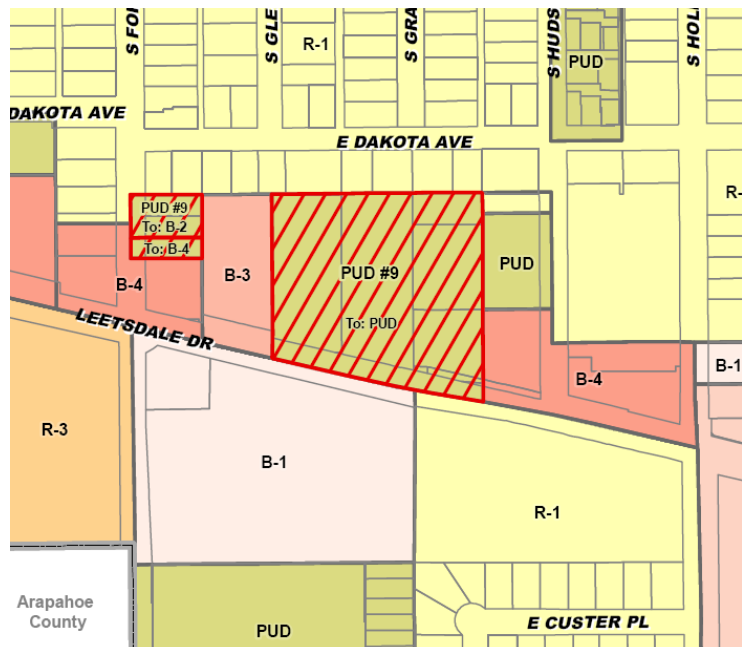
food processing business. North of the site are several single family residential structures. The site itself is sloped upward from Leetsdale to the north. In the Forest Street properties the northern side of the properties sit 20 feet above the southern side of the property. On the main portion of the PUD site the northeastern corner of the site is 52 feet above the southwestern corner of the site on Leetsdale Drive.

	Zoning	Existing Land Use
Site	PUD #9	Office, Restaurant, Retail and Vacant
North	R-1	SF Residential
South	R-1/B-1	Bank, Office, Food Processing
East	R-1/PUD #88	SF Residential, Office
West	R-1/B-4	SF Residential, Restaurant

Proposal

PUD #9 was approved in 1979 and never redeveloped. In 1998 a portion of the PUD, the property located at 5231 Leetsdale Drive, was rezoned out of PUD #9 to B-3 zoning with waivers. The current proposal will:

- Rezone properties located at 420 and 428 South Forest Street from PUD #9 to B-2
- Correct a mapping error in the original PUD by rezoning a portion of property located at 5225 – 5229 Leetsdale Drive from PUD #9 and to B-4
- Rezone properties located at 5301-5307 Leetsdale Drive, 485 South Grape Street, and 400 South Grape Street (approximately) to a new PUD that replicates the original PUD #9 standards with two exceptions. The new PUD updates the land use list and allows property owners to separately rezone their properties out of the PUD for development.



Description of PUD

PUD Proposal	
Allowable land uses	Office: Nondental, Nonmedical; Retail, service, repair, consumer, small scale (Including boat sales, storage and assembly); Eating place Parking of vehicles*
Parking	Retail and Eating Place = 1 spaces per 200 square feet of gross floor area Clinic/Medical Office = 1 spaces per 500 square feet of gross floor area
Setbacks And Building Separation	0' – Front (South/Leetsdale) 15' – Rear (North) 10' – East Side 0' – West Side Minimum 10-foot building separation.
Maximum building height	No structure may rise beyond 5,422 feet above sea level (50 feet above the lowest elevation on the site.). No bulk plane required:
Minimum landscape buffer area	15' on northern boundary 10' on eastern boundary
Severability	Allows individual property owners to separately rezone out of the PUD in the future.

III. LEGAL JUSTIFICATION FOR REZONING

Change of Conditions and Map Error

PUD #9 was approved in 1979 and never redeveloped. The PUD has been compromised by a 1998 rezoning of a portion of the PUD, the existing PUD land use list is outdated, and a map error occurred in the original PUD boundary which erroneously bisects a structure.

IV. ZONING CONTEXT

	Zoning	Existing Land Use	Blueprint Denver
Site	PUD #9	Office and Retail	Area of Stability Commercial Corridor
North	R-1	Residential	Area of Stability Single Family Residential
South		Across Leetsdale Drive	Area of Stability/

	Zoning	Existing Land Use	Blueprint Denver
	B-1 with waivers, and R-1	Office and Food Processing	Commercial Corridor
West	R-1 and B-4	Residential, Vacant and Restaurant	Area of Stability/ Single Family Residential and Commercial Corridor
East	R-1, PUD #88 and B-4	Office and Residential	Area of Stability/ Single Family Residential and Commercial Corridor

V. SUMMARY OF LEGAL NOTICE AND PUBLIC PROCESS

Planning Board

The property was legally posted for 15 days announcing the **September 16, 2009**, Denver Planning Board public meeting, and electronic notification of the hearing has been sent to all affected registered neighborhood organizations. At that meeting Planning Board voted unanimously to recommend approval of the map amendment.

Blueprint Denver

Electronic notification of the Blueprint Denver meeting has been sent to all affected registered neighborhood organizations.

VI. SUMMARY OF AGENCY REFERRAL RESPONSES

- Asset Management: Approve – No comments.
- Fire Department: No Comment.
- Denver Parks: No Comment.
- DES-Transportation: Approved. This proposed land use is approved for transportation only. Please note that changes or additions to the building, access locations and/or the ROW required for this use will still need to go through Development Services plan review process.
- DES-Wastewater: Approved. The proposed zoning is approved by Wastewater only. Several sets of construction drawings must be approved by DES wastewater prior to site plan approval or start of construction. Storm Drainage requirements for some proposed developments are being addressed by the adjacent property, resulting in an approval by DES wastewater of the coordination or sequencing of construction.
- DES-Surveyor: Public Works DES Survey drafted the legal description.

VII COMMUNITY RESPONSE

From Fall, 2008, to the present Councilwoman Johnson has conducted meetings with property owners and representatives of the Preservation of Residential South Hilltop Neighborhood Association. In June, 2009, when agreement could not be reached between the 2 groups, Councilwoman Johnson sponsored mediated discussions. Agreement was achieved in Summer, 2009, contingent upon the developer of one property providing the neighborhood

organization information on rooftop screening. Because of the contingency the agreement was not signed. With the demise of that development proposal, the Preservation of Residential South Hilltop Neighborhood Association has reconsidered their support of the mediated agreement and has submitted formal comments opposing the map amendment.

VIII. CRITERIA FOR REVIEW

The criteria for review of this rezoning application include conformance with adopted regulations, and with the Comprehensive Plan and applicable supplements. Applicable plans are as follows:

A. Regulations (Zoning Code compliance)

The application meets minimum requirements for rezoning.

The use of the PUD zone district is an alternative to conventional land use regulations, combining use, density and site plan considerations into a single process, and substituting procedural protections for the zoning requirements in the other standards zone districts. The PUD district is specifically intended to encourage diversification in the use of land and flexibility in site design with respect to spacing, heights and setbacks of buildings, densities, open space and circulation elements; more efficient use of land and energy through smaller utility and circulation networks; pedestrian considerations; and development patterns in harmony with nearby areas and with the goals and objectives of the comprehensive plan for the city.

In 1979 the original PUD was used to unify development on a topographically difficult site to develop. The PUD proposed a mixture of retail and office uses Shared among existing structures, and expansion of an existing eating and drinking establishment. Since PUD was approved the eating and drinking establishment was rezoned and replaced with a grocery store and no other redevelopment has occurred. The rezoning of a portion of PUD #9 compromised the redevelopment of the remainder of PUD #9 because current PUD standards for allowable gross floor area are based upon a shared total in the original PUD. In addition, the land use list in the original PUD became obsolete with the May, 2003, update of the Zoning Code land use list.

The main effect of the proposed rezoning is to allow property owners within the PUD to separate their properties from the PUD and redevelop separately without the burden of compromised and shared requirements for gross floor area. The proposal also updates the PUD land use list and corrects a mapping error in the original PUD.

Evaluation of Proposed PUD, Application Documents & District Plan:

Staff finds the proposed rezoning to be generally consistent with uses and densities indicated within the Blueprint Denver Land Use and Transportation Plan for the subject properties, for the following reasons:

- Site is sloped from north to south creating site specific restraints to the development including grading of the site, access challenges to the northern portions of the properties and water detention challenges.
- Proposed shared access and parking circulation in pending site plans is designed so as to minimize disruption on adjacent properties and streets.
- The parking provision within the PUD is consistent with those in the Denver Zoning Code.
- In current development proposals some storm water detention will be shared.

- External effects, signage, uses by temporary permit and accessory uses are all controlled by the same provisions given to low-density residential zoning (R-0, R-1 & R-2 zone districts).
- Mass and Scale of the proposed structures will be consistent with the existing PUD standards and with surrounding low density residential development.

Evaluation of other Zoning Options

Leave Property under existing PUD zoning: Existing shared standards for gross floor area and limited land use allowances reduce redevelopment options for individual property owners.

Rezone to Standard Zone District: CPD Staffs initially recommended rezoning the PUD to C-MU-20 to provide for a wide mix of commercial, residential and light industrial land uses. C-MU-20 was seen as desirable because the site is located on a busy commercial arterial street; the topographical constraints of the site would dictate the location of new structures closer to Leetsdale Drive and because the site and building design standards in the mixed use district would enhance the character of the street. In discussions with land owners and adjacent residents the attributes of C-MU-20, C-MU-10, B-2 and B-3 zone districts were considered. After these discussions, that included mediation sponsored by Councilwoman Johnson, it was determined that the mixture of land uses in these zone districts was too broad for both the property owners and the residents. It was determined that the limited use of the B-2 zone district, coupled with an updates of the existing PUD was the only agreement that could be achieved.

The B-2 zone district is the appropriate zone district to allow the current office uses located at 420 and 428 South Forest Street to continue operating. The update of the PUD allows property owners in the future to separately redevelop their properties for redevelopment. Given the community and property owner concerns staff concludes the B-2, B-4 and PUD zoning should be supported.

B. Denver Comprehensive Plan 2000

The proposal is consistent with and positively addresses many Denver Comprehensive Plan strategies, including: Examples:

- **Objective 3** – Residential Neighborhoods and Business Centers - “Preserve and enhance the individuality, diversity and livability of Denver’s neighborhoods and expand the vitality of Denver’s business centers.” (p. 59)
- **3-B** “Encourage quality infill development that is consistent with the character of the surrounding neighborhood; that offers opportunities for increased density and more amenities; and that broadens the variety of compatible uses.”(p.60)

C. Blueprint Denver

- **Blueprint Land Use: Area of Stability/Commercial Corridor and Single Family Residential** – Preserving and revitalizing neighborhood character is a key element of Blueprint Denver. In Areas of Stability the strategy of “revitalizing neighborhood centers and providing basic services” (p.25) is supported by this zoning proposal. In addition, Commercial Corridors are linear business districts primarily oriented to heavily used arterial streets (p.45).” The B-2, B-4 and PUD zone districts implement the Area of Stability/Commercial Corridor land use recommendation by accommodating the existing and proposed office and commercial land uses typical of our commercial corridors.
- **Blueprint Transportation: Commercial Arterial** – Commercial arterials emphasize regional circulation of multi-modes interfaced with commercial use. These corridors

typically have a high level of automobile use. The proposed zoning is appropriate for such corridors.

IX. STAFF RECOMMENDATION TO PLANNING BOARD

Based on the criteria for review as defined above, Staff recommends approval of application 2009I-00023 for B-2, B-4 and PUD zoning.

Attachments:

- Map Series (Current Zoning, Aerial, Blueprint Denver, Proposed Height Limits)
- Application