



**TO:** Denver City Council  
**FROM:** Libby Kaiser, Senior City Planner  
**DATE:** August 26, 2021  
**RE:** Official Zoning Map Amendment Application #2020I-00159

### Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2020I-00159.

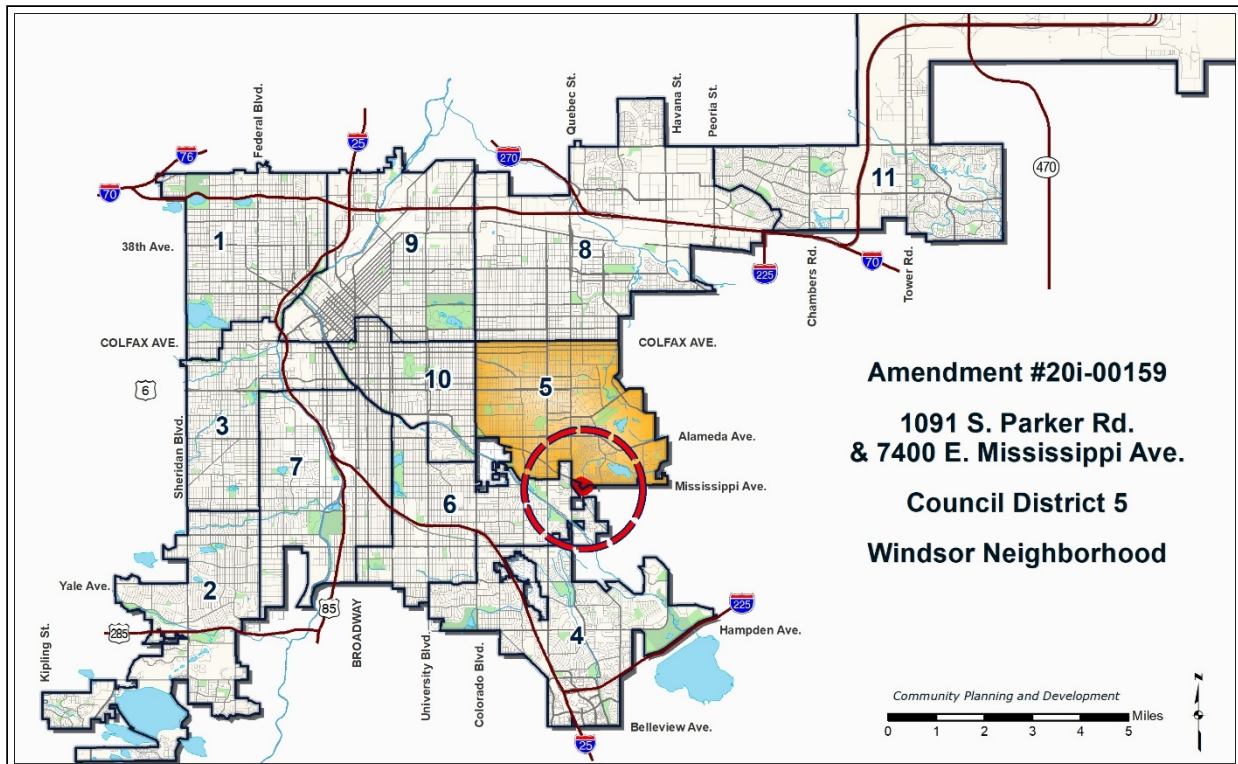
### Request for Rezoning

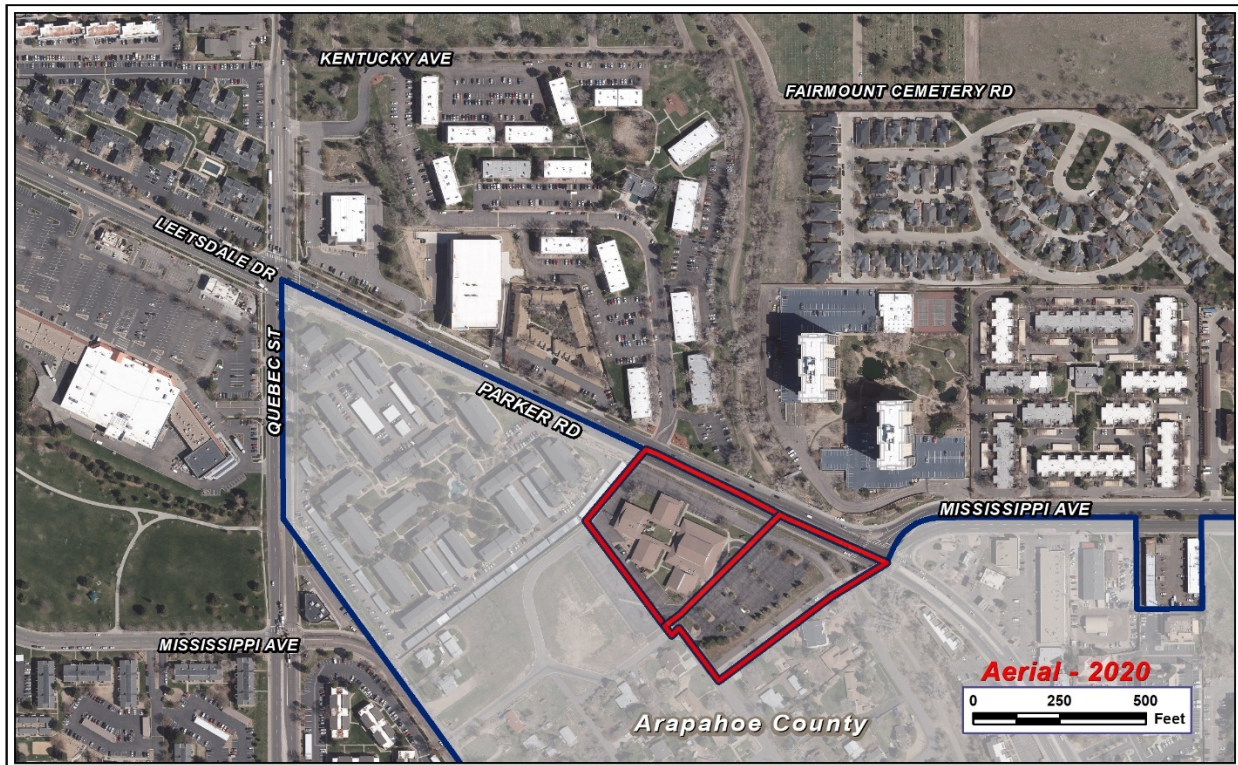
Address: 1091 S. Parker Road and 7400 E. Mississippi Avenue  
Neighborhood/Council District and CM: Windsor Neighborhood / Council District 5, CM Amanda Sawyer  
RNOs: Neighborhood Coalitions of Denver, Inc., Inter-Neighborhood Cooperation (INC)  
Area of Property: 148,898 square feet or 3.4 acres  
Current Zoning: S-SU-D  
Proposed Zoning: S-MU-3 and S-MU-5  
Property Owner(s): Galilee Baptist Church of Denver  
Owner Representative: Phil Workman

### Summary of Rezoning Request

- The property is in the Windsor statistical neighborhood on S. Parker Road and E. Mississippi Drive.
- The property is occupied by a church and a parking lot.
- The applicant is requesting this rezoning to enable a multi-unit housing development.
- The site is currently zoned S-SU-D (suburban context, single unit) which allows suburban houses with a minimum zone lot area of 6,000 square feet.
- The proposed zone districts can be summarized as follows:
  - S-MU-3 (**S**uburban **M**ulti-**U**nit – **3** stories) allows for residential uses in the suburban house, duplex, row house, and apartment building forms up to a maximum height of three stories.
  - S-MU-5 (**S**uburban **M**ulti-**U**nit – **5** stories) allows for residential uses in the suburban house, duplex, row house, and apartment building forms up to a maximum height of five stories.
- Further details of the existing and requested zone districts can be found in Article 3 of the Denver Zoning Code (DZC).

## Existing Context





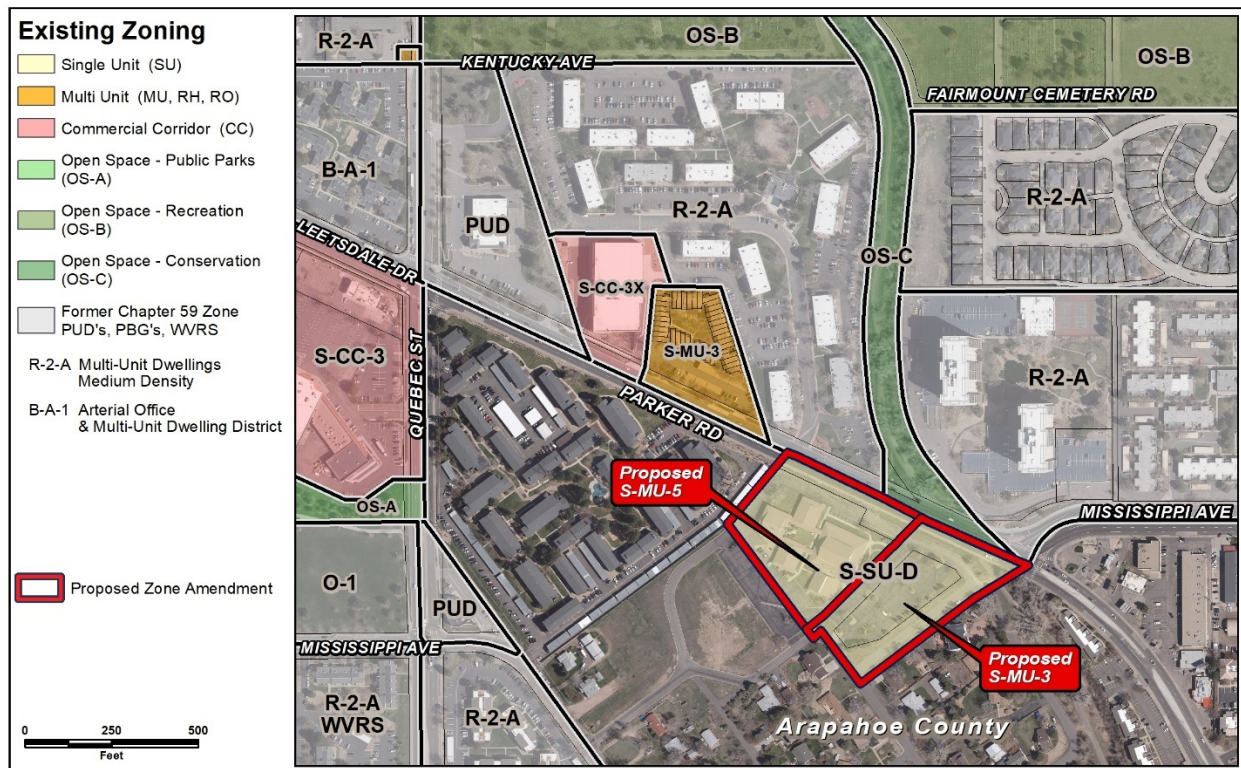
The subject property is located within the Windsor Neighborhood along the S. Parker Road corridor, which is generally adjacent to commercial and higher-intensity residential uses in the immediate area. The site is within ¼ mile of two commercial nodes containing quick-service restaurants, convenience stores, ethnic delis and markets, Family Dollar, a garden center, and various services. The site is adjacent to single-unit homes to the south and southeast, vacant land to the southwest, and two-story multi-unit dwellings to the northwest, all of which are in Arapahoe County. Across S. Parker Road to the north are three-story apartment buildings and Candlewyck Condominiums, comprised of two buildings that are approximately 15 stories. A bus stop adjacent to the site serves route 11 and a bus stop less than ¼ mile southeast of the site serves route 83. An off-street bikeway runs along the Highline Canal to the north and southeast, just 100 feet from the site.

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	S-SU-D	Church, parking lot	1.5-story commercial buildings and surface parking	Streets are a mix of curvilinear and orthogonal, and the pattern is generally irregular with poor connectivity.
North	R-2-A (FCH59) & OS-C	Multi-unit residential, open space	3-story to 15-story multi-unit buildings and surface parking; greenway w/ canal and trail	

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
South	R-1-A & R-3 (Arapahoe County)	Single-unit homes, vacant	1- and 2-story suburban houses on large lots	Block sizes, shapes, building setbacks, and street orientation are varied. Surface parking is prevalent and is provided to the front, side and rear of buildings. Alleys are nonexistent.
East	B-3 PUD (Arapahoe County)	Commercial	1-story commercial buildings and surface parking	
West	R-1-A & R-5 (Arapahoe County)	Multi-unit residential	2-story apartment buildings and surface parking	

### 1. Existing Zoning

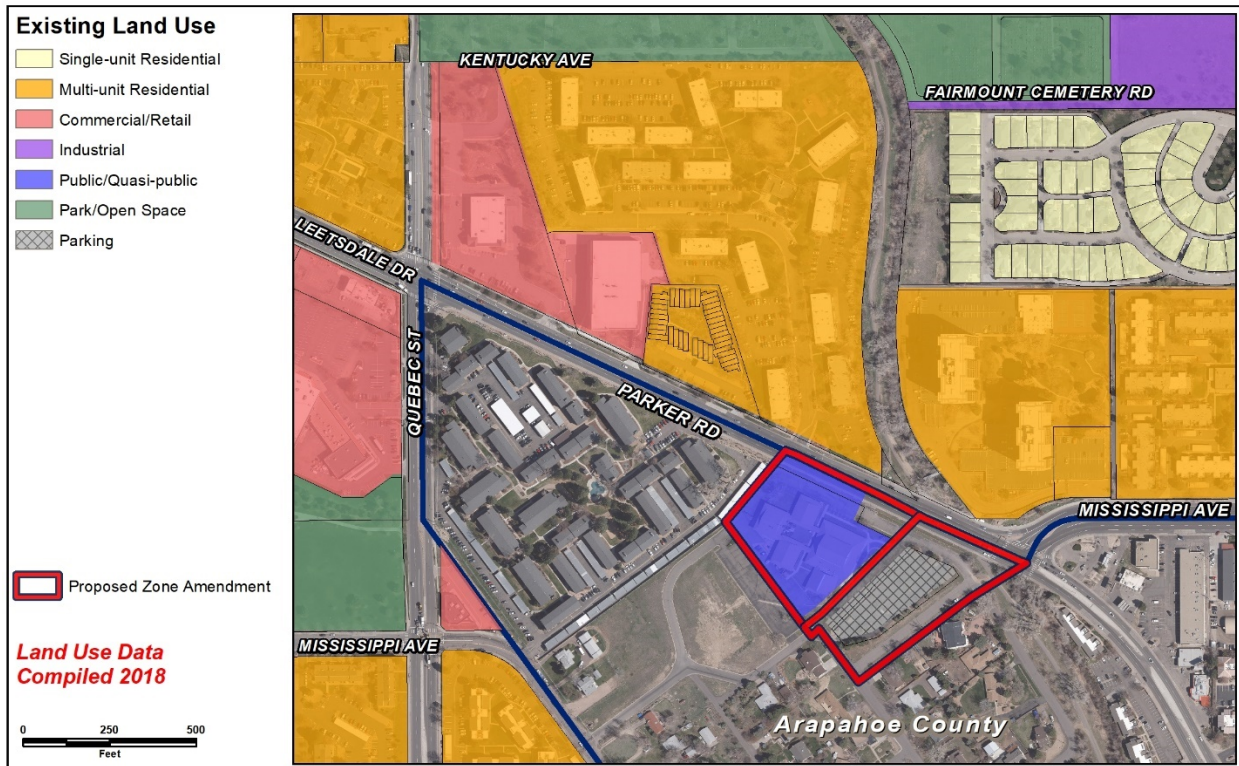


The existing zoning on the subject site is S-SU-D, which is a single-unit district in the Suburban Neighborhood Context. It allows only the Suburban House building form with a minimum zone lot area of 6,000 square feet. Lots are typically 50 feet wide. Allowed accessory building forms are the detached garage and other detached accessory structures. The maximum allowed building height for primary structures is 30 to 35 feet (depending on lot width), and setback requirements are 5 feet for the sides and 12 to 20 feet for the rear. Primary street setbacks are block sensitive, depending on the setbacks of nearby structures. There is no minimum parking requirement for single-unit residential uses. For additional details of the zone district, see DZC Article 3.

## 2. Affordable Housing Agreement/Development Agreement

Concurrent with the rezoning, the applicant is also facilitating a voluntary affordable housing agreement with HOST to include 15% of units affordable at 80% of the median area income. The agreement will be finalized and executed before the City Council hearing.

## 3. Existing Land Use Map



**4. Existing Building Form and Scale (Source: Google Maps)**



**Site** - Looking west from the parking lot



**North** - Looking north from S. Parker Road



*East - Looking southeast from S. Parker Road*



*South - Looking southwest from S. Quince Way*



*West - Looking west from S. Parker Road*

### **Proposed Zoning**

The **S-MU-3** (Suburban, Multi-unit, 3-story) and **S-MU-5** (Suburban, Multi-unit, 5-story) are multi-unit zone districts in the Suburban Neighborhood Context. In both districts the Suburban House, Duplex, Row House and Apartment building forms are allowed primary building forms. Maximum height allowed is

three stories or 40 feet in S-MU-3 and five stories or 65 feet in S-MU-5. The applicant proposes to rezone the southeastern parcel at 7400 E. Mississippi Drive to S-MU-3 and the northwestern parcel at 1091 S. Parker Road to S-MU-5. For additional details of the requested zone districts, see Article 3 of the DZC.

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

Design Standards	Existing S-SU-D	Proposed S-MU-3	Proposed S-MU-5
Primary Building Forms Allowed	Suburban House	Suburban House, Duplex, Row House, and Apartment	Suburban House, Duplex, Row House, and Apartment
Height in Stories / Feet (max)	2.5 stories / 30'-35'*	3 stories / 40'	5 stories / 65'
Primary Street Build-To Percentages (min)	N/A	Row House, Apartment: 50% Other forms: no build-to	Row House, Apartment: 50% Other forms: no build-to
Primary Street Build-To Ranges	N/A	Row House, Apartment: 0' to 80' Other forms: no build-to	Row House, Apartment: 0' to 80' Other forms: no build-to
Minimum Zone Lot Size/Width	6,000sf / 50'	Suburban House: 6,000sf / 50' Duplex: 4,500sf / 37.5' Row House, Apartment: 6,000sf / 50'	Suburban House: 6,000sf / 50' Duplex: 4,500sf / 37.5' Row House, Apartment: 6,000sf / 50'
Primary Street Setbacks (min)	15'-20'*	Suburban House, Duplex: Block sensitive or 15'-20'* Row House, Apartment: Block sensitive or 10'	Suburban House, Duplex: Block sensitive or 15'-20'* Row House, Apartment: Block sensitive or 10'
Building Coverages (max)	50%	Suburban House, Duplex: 50% Other forms: no max building coverage	Suburban House, Duplex: 50% Other forms: no max building coverage

\* Standards vary based on building form and zone lot width

### 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 – See Comments.



DDPHE approves this rezoning, but notes that DDPHE records indicate that a portion of this property may include historic urban fill that will need to be properly managed and disposed of in accordance with applicable regulations if encountered during redevelopment.

**Denver Parks and Recreation:** Approved – See Comments.  
Approve Rezoning Only - Will require additional information at Site Plan Review.

**Transportation and Infrastructure - Surveyor:** Approved – No Comments.

**Development Services – Project Coordination:** Approved – See Comments.  
Approve Rezoning Only - Will require additional information at Site Plan Review.

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

**Development Services – Wastewater:** Approved – See Comments.  
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 – Fire Prevention:** Approved – No Response.

**Arapahoe County – Open Spaces:** See attached letter.

**Arapahoe County – Public Works & Development:** See attached letter.

**Public Review Process**

	<b>Date</b>
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	<b>2/15/2021</b>
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:	<b>7/6/2021</b>
Planning Board public hearing (voted unanimously to recommend approval):	<b>7/21/2021</b>
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:	<b>7/13/2021</b>
Land Use, Transportation and Infrastructure Committee of the City Council moved the bill forward:	<b>7/27/2021</b>
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:	<b>8/9/2021</b>
City Council Public Hearing:	<b>8/30/2021</b>

- **Public Outreach and Input**
  - **Registered Neighborhood Organizations (RNOs)**
    - The RNOs identified on page 1 were notified of this application. To date, staff has received no official letters from RNOs.
  - **General Public Comments**
    - To date, staff has received comments from 10 individuals opposing the rezoning because it could increase housing density and traffic congestion while impacting mountain views and wildlife. In addition, 10 individuals support the rezoning, saying it would allow increased housing options near transit in an area where infrastructure already exists.
  - **Protest Petition**
    - Andrea Antico, the vice president of the Candlewyck Condominiums HOA, submitted a protest petition. Staff determined that the protest petition signatures submitted did not meet the 20% requirement and the petition does not constitute a legal protest. Please see the attached memo summarizing the results.

- **Good Neighbor Agreement**
  - The applicant and residents of the Hughes Mountain View neighborhood signed an agreement committing the applicant to provide a landscaped and fenced buffer along the southeastern boundary of the site and traffic control signs.

## **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 (2019)*
- *Blueprint Denver (2019)*

### ***Denver Comprehensive Plan 2040***

The proposed rezoning is consistent with many of the adopted *Denver Comprehensive Plan 2040* strategies, which are organized by vision element.

The proposed rezoning will allow for improved access to shops and services within walking distance of more residents and will allow a broader range of residential uses adjacent to S. Parker Road, which *Blueprint Denver* identifies as a High Capacity Transit corridor, while also requiring affordable housing units close to transit and mixed-use nodes providing a variety of food as well as open space. In addition to adding to the diversity of housing types, the proposed map amendment would allow more building forms compatible with the surrounding neighborhoods, as the applicant proposes a maximum of three stories adjacent to existing 1- and 2-story single-unit homes and 5-story multi-unit dwellings adjacent to 2-story apartment buildings to the northeast and 15-story condominiums across S. Parker Road.

The rezoning is, therefore, consistent with the following strategies in 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 1, Strategy C – *Improve equitable access to resources that improve quality of life, including cultural and natural amenities, health care, education, parks, recreation, nutritious food, and the arts.* (p. 28).
- Equitable, Affordable and Inclusive Goal 2, Strategy A – *Create a greater mix of housing options in every neighborhood for all individuals and families* (p. 28).
- Equitable, Affordable and Inclusive Goal 3, Strategy B – *Use land use regulations to enable and encourage the private development of affordable, missing middle and mixed-income housing, especially where close to transit* (p. 29).

The proposed rezoning will also contribute to building a network of mixed-use corridors with higher-intensity housing compatible with an already-developed area. The request is, therefore, consistent with the following strategies 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 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).

Finally, the proposed zone district will apply current zoning code standards, ensuring quality development that is appropriate for the neighborhood and adjacent to transit services. The proposed map amendment is in an area where services and infrastructure are already in place. The request is therefore consistent with the following strategies from the Environmentally Resilient vision element:

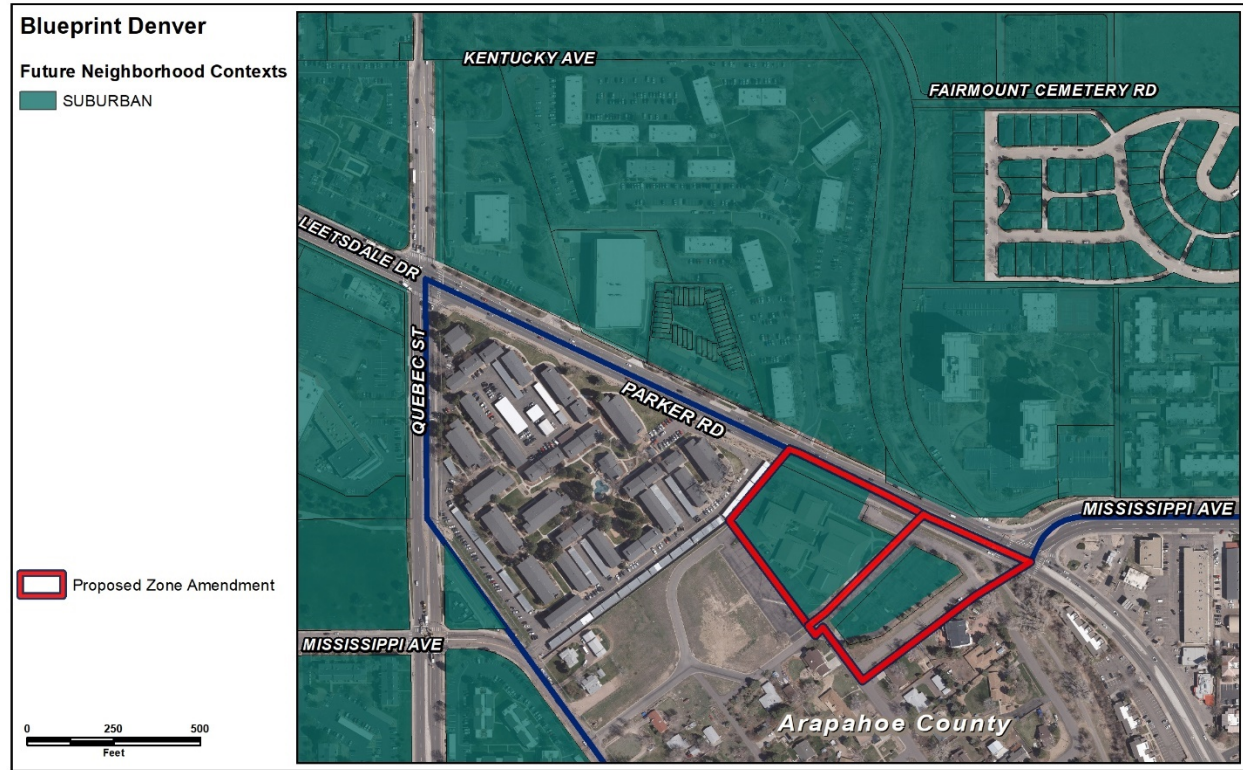
- Environmentally Resilient Goal 8, Strategy A – *Promote infill development where infrastructure and services are already in place* (p. 54).
- Environmentally Resilient Goal 8, Strategy C – *Focus growth by transit stations and along high- and medium-capacity transit corridors* (p. 54).

The proposed zone districts allow for a variety of residential uses and building forms and include form standards that ensure development is compatible with the surrounding neighborhood. Thus, the rezoning is consistent with the *Denver 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 Residential Low place within the Suburban Neighborhood Context and provides guidance from the future growth strategy for the city.

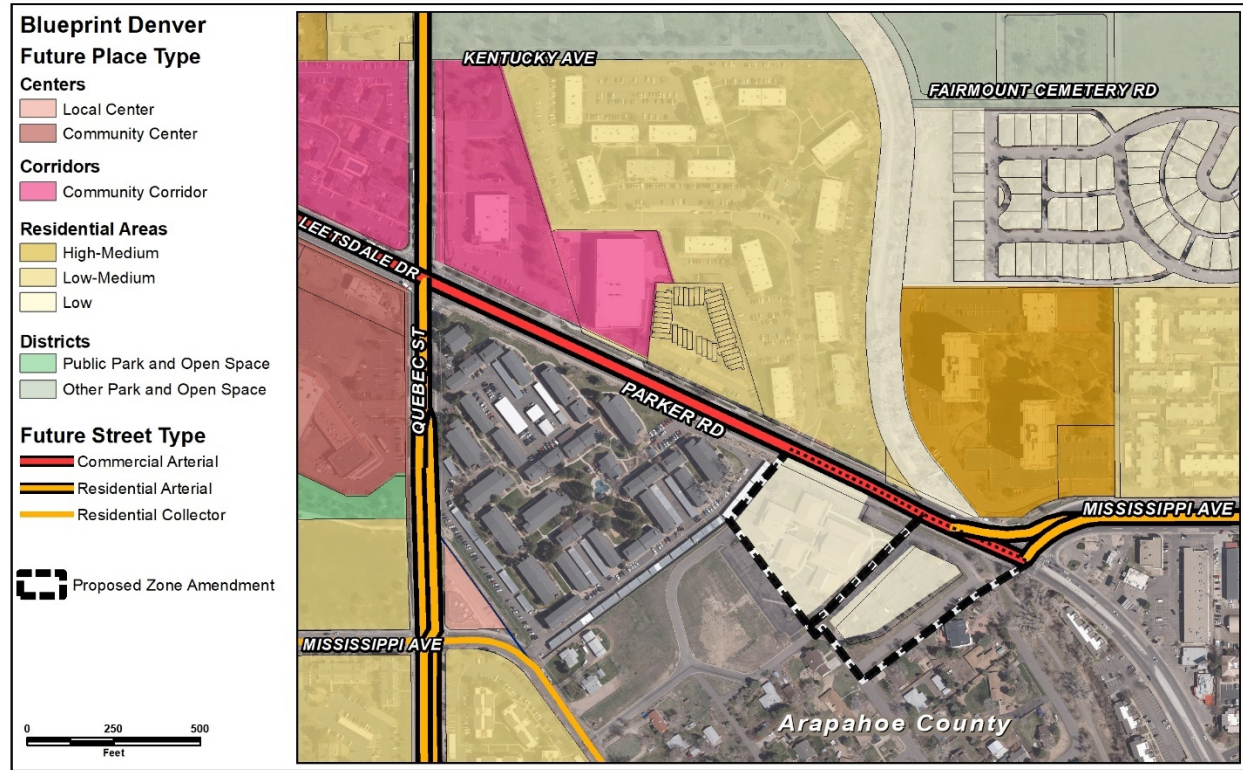
### **Blueprint Denver Future Neighborhood Context**



In *Blueprint Denver*, future neighborhood contexts are used to help understand differences in things like land use and built form and mobility options at a higher scale, between neighborhoods. The subject property 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. Although this context is more auto-oriented than others, there should still be quality multimodal connectivity” (p. 189).

The proposed S-MU-3 and S-MU-5 zone districts are part of the Suburban context in the DZC. These residential zone districts are intended to “promote and protect residential neighborhoods within the character of the Suburban Neighborhood Context” and “regulations allow for some multi-unit districts, but not to such an extent as to detract from the overall image and character of the residential neighborhood” (DZC 3.2.2.1). Further, “standards of the row house and multi-unit districts promote existing and future patterns of multiple buildings on a single zone lot” (DZC 3.2.2.1). The proposed S-MU-3 and S-MU-5 districts are multi-unit districts that allows a mix of residential building forms, consistent with the surrounding suburban character. Therefore, the proposed rezoning is consistent with *Blueprint Denver’s* context guidance.

### Blueprint Denver Future Places and Street Types



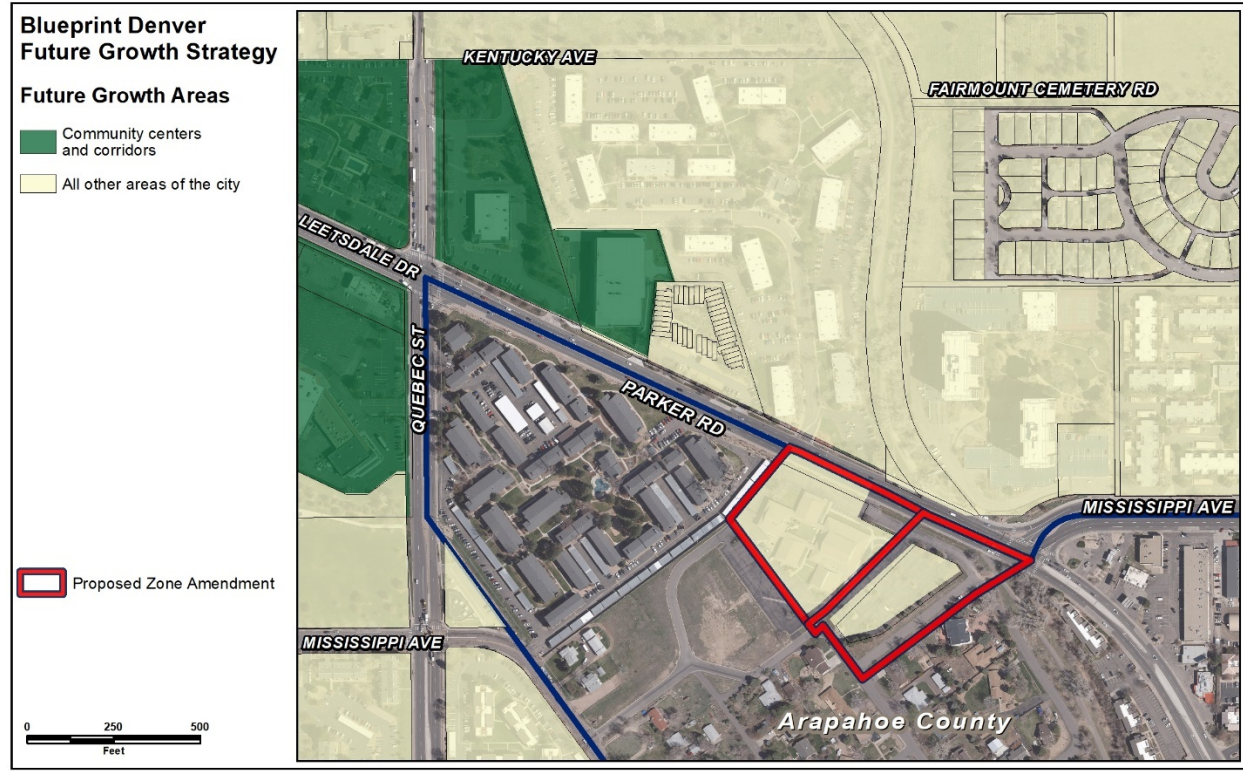
The Future Places Map designates the subject property as part of a Residential Low place type. *Blueprint Denver* describes the aspirational characteristics of Residential Low in the Suburban context as, “Generally characterized by single-unit uses on larger lots. Accessory dwelling units and compatible two-unit uses are appropriate and can be thoughtfully integrated. Limited mixed-use along some arterial and collector streets and at intersections, as well as where commercial uses have been already established. Vacant institutional uses on corners or select sites may be appropriate locations to introduce additional suburban residential intensity. There is a mix of attached and detached garage forms. Buildings are typically up to 2.5 stories in height.” (p. 198).

The proposed districts of S-MU-3 and S-MU-5 are consistent with the future place type as they would allow a range of residential and civic uses with a maximum height of 3 and 5 stories, which seems appropriate for this location. According to the building height guidance in *Blueprint Denver*, building heights taller than specified in the future place type make sense in transitional areas between higher and lower intensities, in proximity to transit, and where affordable housing and urban design goals can be achieved (p. 66). In this case, the subject property is surrounded by development of 1 to 15 stories, adjacent to a commercial arterial and bus routes, and the applicant is working with HOST to establish an affordable housing agreement. In addition, the applicant proposes to enhance the existing bus stop and pedestrian infrastructure while providing bicycle storage and repair services.

In *Blueprint Denver*, future street types work in concert with the future place type to evaluate the appropriateness of the intensity of the adjacent development (p. 67). *Blueprint Denver* classifies S.

Parker Road as a Commercial Arterial. According to the plan, such streets “typically contain commercial uses including shopping centers, auto services and offices. Buildings are often set back with on-site parking.” (p. 159). Meanwhile, E. Mississippi Drive is classified as a local, or undesignated, street, “which can vary in their land uses and are found in all neighborhood contexts. They are most often characterized by residential uses.” (p. 161). The proposed S-MU-3 and S-MU-5 districts are consistent with these street types as they would allow a range of moderately-intense residential uses.

### **Blueprint Denver 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 part of the growth area categorized as “All other areas of the city”, which are anticipated to attract 10% of new jobs and 20% of new households by 2040 (p. 51). The proposed map amendment is consistent with this growth area as it will facilitate additional housing opportunities.

### **Blueprint Denver Strategies**

The proposed rezoning also helps further the following *Blueprint Denver* policy related to redeveloping churches that are no longer facilitating congregations as it will allow for more intense residential uses on a site that is no longer viable as an institutional use.

- Land Use & Built Form: General Policy 6: *Implement zoning code revisions to facilitate compatible redevelopment of institutional sites within neighborhoods.*

- *Blueprint Denver says, "Institutional uses, such as schools and places of worship, are typically embedded in residential areas and provide key services to surrounding residents. This also may include areas of privately-owned open space. When these uses leave a neighborhood, it leaves a site that previously housed a non-residential use in the middle of a residential neighborhood. These sites have the potential to provide additional neighborhood services and/or more diverse housing options without displacing existing residents." (p. 75).*
- Strategy C under Policy 6 further states that *"Until a citywide approach is implemented, individual rezonings of these sites may be an opportunity for more intense residential uses or limited neighborhood services to be provided if done in a way that minimizes impacts to surrounding character." (p. 75).*

The proposed rezoning is consistent with this policy as the S-MU-3 zone district would allow for the Suburban House, Duplex, Row House, and Apartment building forms with a limit of three stories adjacent to existing single-unit homes in Arapahoe County while the S-MU-5 zone district would allow for the same building forms with a maximum height of five stories adjacent to existing two-story, multi-unit dwellings, also in Arapahoe County. This height transition would minimize impacts to the surrounding character of existing development and staff at Arapahoe County are supportive of the rezoning.

## **5. Uniformity of District Regulations and Restrictions**

The proposed rezoning to S-MU-3 and S-MU-5 will result in the uniform application of zone district building form, use and design regulations.

## **6. 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 rezoning would allow redevelopment of an underutilized site into a new residential community in proximity to transit, a bike trail and a mix of uses, which have been linked to increased physical activity,<sup>1</sup> decreased obesity,<sup>2</sup> and decreased driving.<sup>3</sup>

## **7. Justifying Circumstance**

Justifying circumstances for a rezoning are defined by DZC Section 12.4.10.8.A.4, which states, "Since the date of the approval of the existing Zone District, there has been a change to such a degree that the

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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.



proposed rezoning is in the public interest. Such change may include: (a.) Changed or changing conditions in a particular area, or in the city generally; or, (b.) A City adopted plan..."

In this case, the rezoning is justified as the steady population growth in the City has created a need "in the city generally" for additional density and a variety of housing types. In addition, after the site was zoned S-SU-D, the City adopted *Blueprint Denver*, which includes a policy and strategy encouraging the redevelopment of former churches into more intense residential uses.

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

The requested S-MU-3 and S-MU-5 zone districts are within the Suburban Neighborhood Context, which "is characterized by single-unit and multi-unit residential, commercial strips and centers, and office parks.... Multi-unit residential and commercial uses are primarily located along arterial and collector streets." (DZC Section 3.1.1). Multi-unit building forms are typically separated from single-unit residential and consist of Row House and occasional mid- and high-rise Apartment building forms. The proposed rezoning of this property to S-MU-3 and S-MU-5 is consistent with the neighborhood context description, and the improvements to the property will conform to the expectation of Row House and mid-rise Apartment forms.

The requested rezoning is also consistent with the General Purpose of Residential Districts because the zone district will promote and protect residential neighborhoods within the Suburban Neighborhood Context. The proposed zone districts will provide predictable building forms, allow for reinvestment in an existing space that is already serviced by infrastructure, and accommodate possible future redevelopment that furthers the district's goals (DZC 3.2.2.1). Finally, the requested rezoning is consistent with the Specific Intent of the S-MU-3 and S-MU-5 districts, which are defined by DZC Section 3.2.2.2.I as follows: "S-MU- is a multi-unit district and allows suburban house, duplex, town house, garden court and apartment building forms up to 3, 5, 8, 12, 20 stories in height."

## **Attachments**

1. Application
2. Arapahoe County Comments
3. Public Comments
4. Protest Petition
5. Good Neighbor Agreement