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TO: Denver City Council
FROM: Chandler Van Schaack, Senior City Planner
DATE: August 23, 2018
RE: Official Zoning Map Amendment Application #2017I-00190
5611 E. Iowa Ave.
Rezoning from S-SU-D to S-RH-2.5

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2017I-00190 for a rezoning from S-SU-D to S-RH-2.5.

Request for Rezoning

Application:	#2017I-00190
Address:	5611 E. Iowa Ave.
Neighborhood/Council District:	Virginia Village / Council District 6
RNOs:	Virginia Village / Ellis Community Association, Cook Park Neighborhood Association, Inter-Neighborhood Cooperation
Area of Properties:	14,191 square feet (0.32 acres)
Current Zoning:	S-SU-D
Proposed Zoning:	S-RH-2.5
Property Owner(s):	KGN Asset Management, Inc.
Owner Representative:	Andre Couvillion

Summary of Rezoning Request

- The property is located in the Virginia Village neighborhood, at the corner of E. Iowa Avenue and S. Holly Street.
- The property is currently vacant.
- The applicant is requesting the rezoning to allow for development of the property with multi-unit residential.
- The S-RH-2.5 (Suburban Neighborhood, Row House, 2.5 story maximum height) zone district is a multi-unit district and allows suburban house, duplex and row house building forms up to two and one-half stories in height. Further details of the zone district can be found in Article 3 of the Denver Zoning Code (DZC).

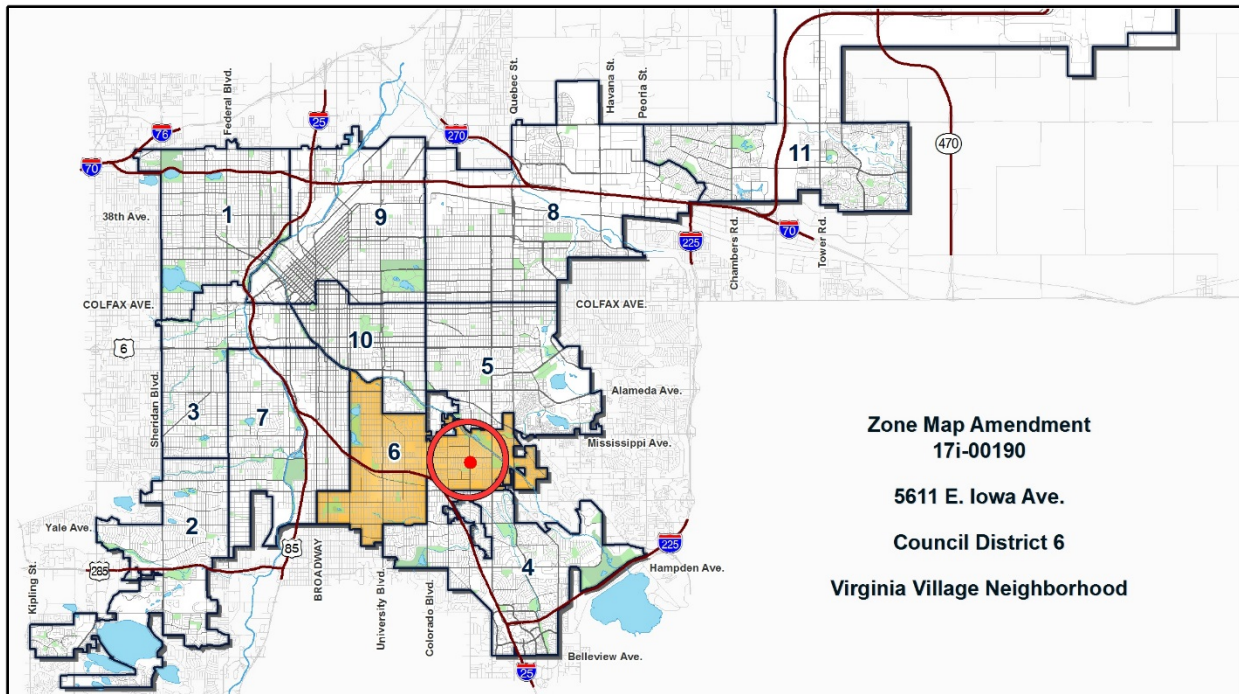


Figure 1: Council District Map

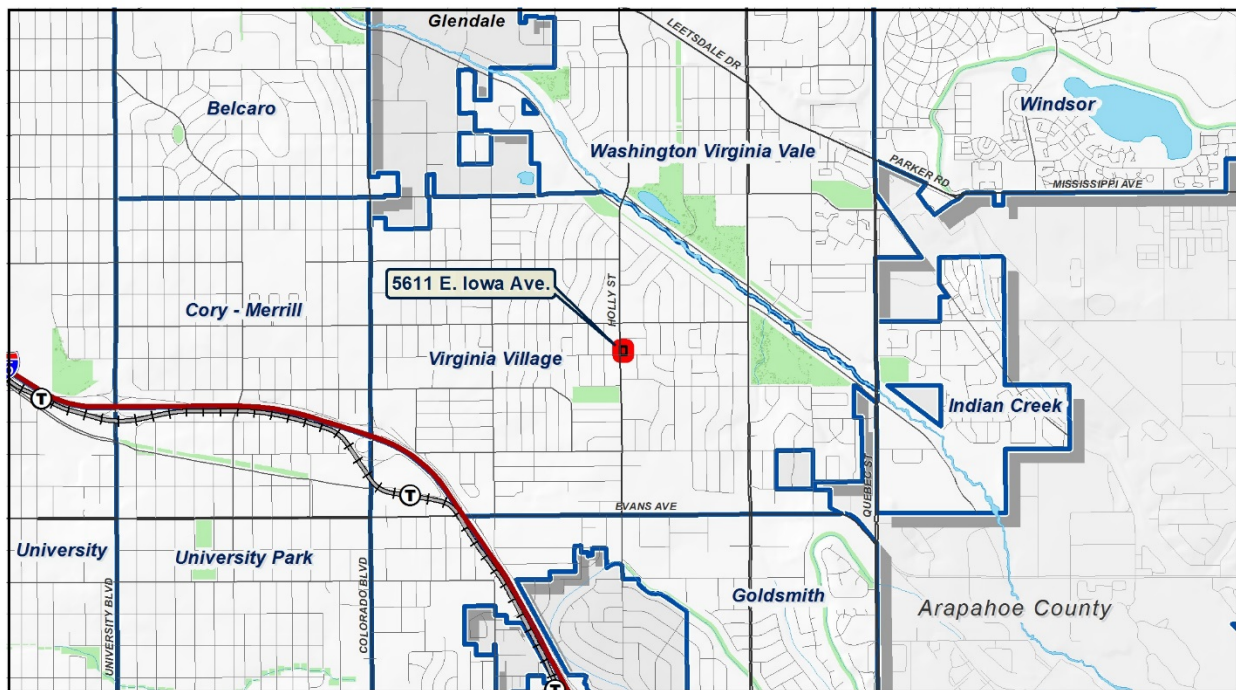


Figure 2: Neighborhood Map

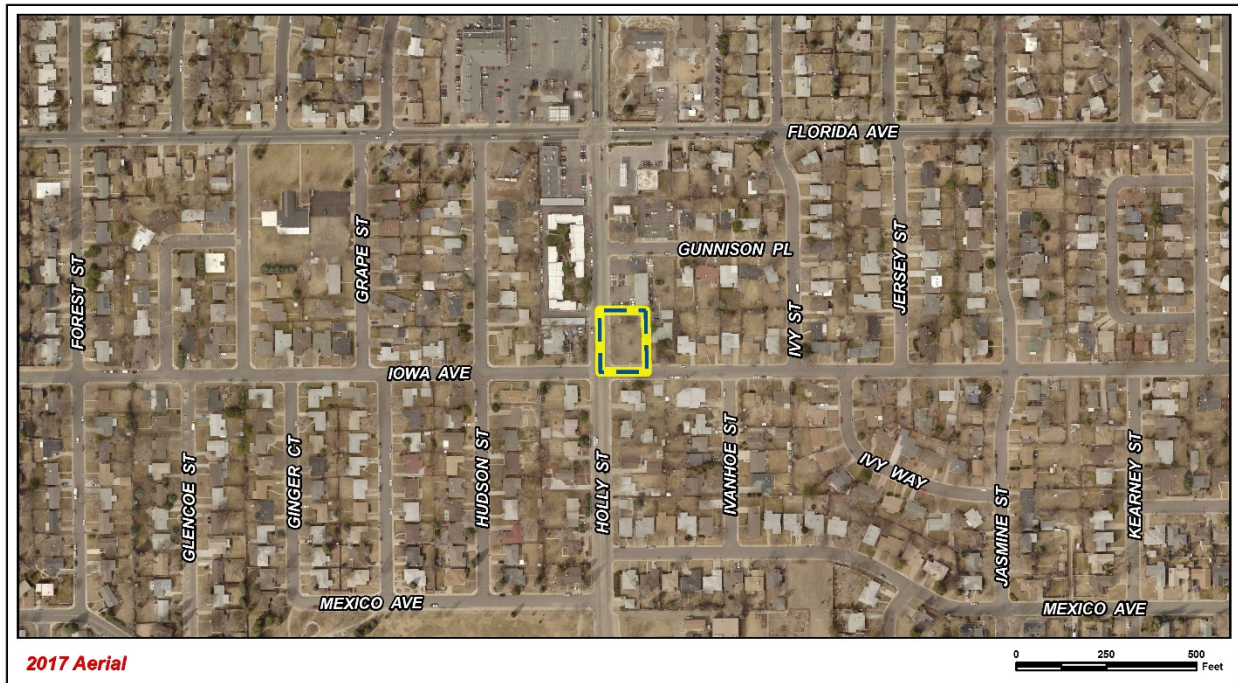


Figure 3: 2017 Aerial Map

Existing Context

The subject property, which is currently undeveloped, lies within a somewhat eclectic context. To the north along South Holly Street are a mix of uses including an auto repair shop, a 33-unit townhouse development, an insurance office and other service and retail uses. Further to the north across East Florida Avenue are a large shopping center and a Montessori school campus. In contrast, the area surrounding the subject property to the south and east is almost exclusively single unit residential. While the property immediately to the west across South Holly Street contains a single unit residence, overall the character of the portion of South Holly Street on which the subject property lies is distinctly mixed use and multi-family residential. The following table summarizes the existing context proximate to the subject site:

	Existing Zoning	Existing Land Uses	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	S-SU-D	Vacant	N/A	Irregular pattern of block shapes surrounded by curvilinear streets within a modified grid and no alleys. The subject property lies at the intersection of a Collector Street (S. Holly St.) and a Local Street (E.
North	S-MX-2	Auto Repair Shop	One story with large primary street setback and surface parking lot	
South	S-SU-D	Single unit residential	Mix of mostly one-story single-unit residential	
East	S-SU-D	Single unit residential	One- and two-story single-unit residential	

	Existing Zoning	Existing Land Uses	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
West	S-SU-D, S-RH-2.5	Single unit and multi-unit townhouses	One-story single-unit and two-and-a-half-story townhouses	Iowa Ave.) and has no alley access.

1. Existing Zoning

The existing zoning on the subject property is S-SU-D, which is a single unit district in the Suburban Neighborhood context. It allows suburban houses with a minimum zone lot area of 6,000 square feet. Lots are typically 50 feet wide. The Suburban House is the only allowed primary building form. Allowed accessory building forms are the detached garage and other detached accessory structures building forms. The maximum allowed height for primary structures is 30 to 35 feet, 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.

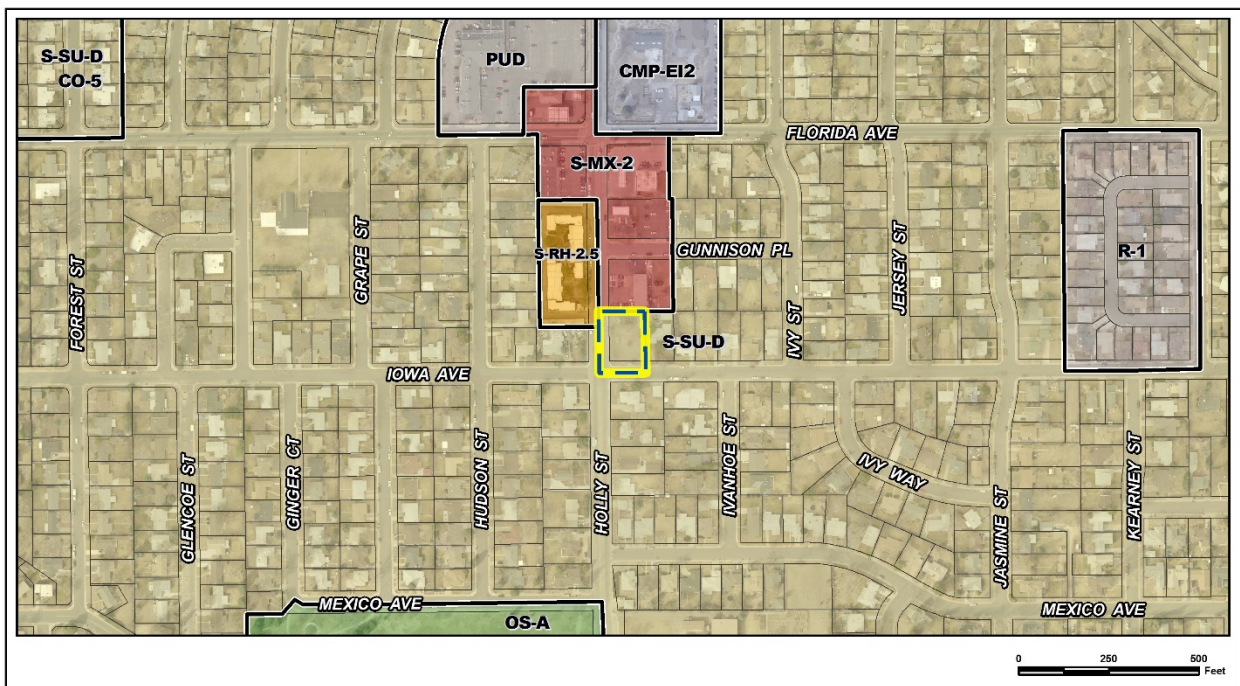


Figure 4: Zoning Map

2. Existing Land Use Map

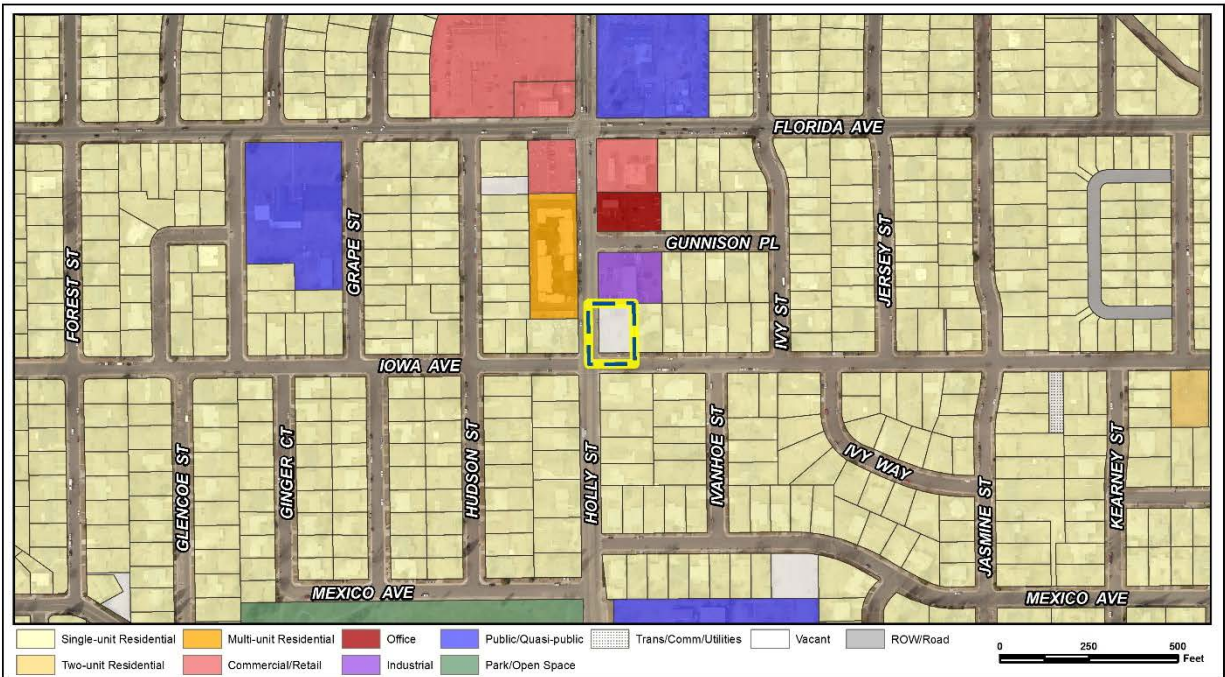


Figure 5: 2016 Existing Land Use Map

3. Existing Building Form and Scale

The existing building form and scale of the subject site and adjacent properties are shown in the images on the following pages (Source: Google Maps).



Figure 6a: Aerial View of Subject Property



Figure 6b: View of Subject Property from E. Iowa Ave.



Figure 6c: View of Adjacent Property to North



Figure 6d: View of Multi-Unit Development Across S. Holly St. to West



Figure 6e: View of Properties to Southeast Across Intersection



Figure 6f: View of Property Across E. Iowa Ave. to South

Summary of City Agency Referral Comments

As part of the DZC review process, the rezoning application is referred to potentially affected city agencies and departments for comment. A summary of agency referral responses follows:

David Erickson, Department of Public Health and Environment

Notes. The Property is adjacent to the Lee & Tyler Auto Service; 1570 S Holly Street. The site is the location of a leaking underground storage tank (LUST) where a confirmed release was noted on November 15, 1999. The release was investigated, remediated and monitored through July 2015 when the Colorado Department of Labor and Employment, Division of Oil and Public Safety (OPS) issued a closure letter. Based on information provided by OPS, the LUST site is hydraulically down gradient and should not be an environmental concern for the Property. Denver Department of Public Health and Environment is not aware of other environmental concerns on the Property and concurs with the rezoning request.

General Notes: Most of Colorado is high risk for radon, a naturally occurring radioactive gas. Due to concern for potential radon gas intrusion into buildings, DEH suggests installation of a radon mitigation system in structures planned for human occupation or frequent use. It may be more cost effective to install a radon system during new construction rather than after construction is complete.

If renovating or demolishing existing structures, there may be a concern of disturbing regulated materials that contain asbestos or lead-based paint. Materials containing asbestos or lead-based paint should be managed in accordance with applicable federal, state and local regulations.

The Denver Air Pollution Control Ordinance (Chapter 4- Denver Revised Municipal Code) specifies that contractors shall take reasonable measures to prevent particulate matter from becoming airborne and to prevent the visible discharge of fugitive particulate emissions beyond the property on which the emissions originate. The measures taken must be effective in the control of fugitive particulate emissions at all times on the site, including periods of inactivity such as evenings, weekends, and holidays.

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

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

Danny Harris, Development Services – Wastewater

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

Public Review Process

	Date
CPD informational notice of receipt of the rezoning application to all affected members of City Council and registered neighborhood organizations	4/4/18
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 and registered neighborhood organizations	6/1/18
Planning Board public hearing, voted unanimously (5:0, I. Correa-Ortiz abstained) to recommend approval	6/20/18

CPD written notice of the Land Use, Transportation and Infrastructure Committee meeting sent to all affected members of City Council and registered neighborhood organizations, at least ten working days before the meeting	6/29/18
Land Use, Transportation and Infrastructure Committee of the City Council review	7/10/18
Property legally posted for a period of 21 days and CPD written notice of the City Council public hearing sent to all affected members of City Council and registered neighborhood organizations (tentative)	8/6/18
City Council Public Hearing (tentative)	8/27/2018

Registered Neighborhood Organizations

The RNOs identified on page 1 were notified of this application. It is worth noting that while the subject site is located within the Virginia Village Statistical Neighborhood, the Cook Park Neighborhood Association is the RNO for the area. The applicant originally presented their proposal to the Virginia Village/ Ellis Community Association at its February 2018 meeting, but the RNO did not take a vote on the matter and has not stated a formal position on the application. The applicant then presented the proposal to the Cook Park Neighborhood Association at its June 19 meeting. During the Planning Board hearing on June 20, two representatives of the Cook Park Neighborhood Association expressed overall support for the proposal on behalf of the RNO, with the caveat that several RNO members’ support for the rezoning is contingent on a good neighbor agreement limiting the development potential on the property to two duplex units. The Applicant has since entered into a Good Neighbor Agreement with the Cook Park Neighbors Association limiting the allowable building types on the lot. The agreement is attached to this report.

Planning Board

Planning Board voted unanimously (5:0 with one abstention) to recommend approval of the proposed rezoning to S-RH-2.5.

During the public hearing, in addition to the RNO representatives, two members of the public expressed opposition to the proposal unless a good neighbor agreement is signed, and three members of the public spoke in opposition to the proposal regardless of whether an agreement is signed. One speaker brought forward a signed petition against the proposed rezoning, but after the contents of the petition were read to the Board, a few Board members commented that the petition’s language about the proposal was misleading.

Other Public Comment

Prior to the Planning Board hearing, staff responded to a number of questions from nearby residents regarding the proposed zone district, and received comments from three nearby residents expressing opposition to the proposed rezoning. All additional comments received after the Planning Board hearing are attached to this report.

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 apply to this property:

- *Denver Comprehensive Plan 2000*
- *Blueprint Denver (2002)*

Denver Comprehensive Plan 2000

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

- Environmental Sustainability Strategy 2-F – *Conserve land by promoting infill development with Denver at sites where services and infrastructure are already in place; designing mixed use communities and reducing sprawl so that residents can live, work and play within their own neighborhoods.*
- Land Use Strategy 3-B – *Encourage quality infill development that is consistent with the character of the surrounding neighborhood; that offers opportunities for increased density and more amenities; and that broadens the variety of compatible uses.*
- Legacies Strategy 3-A – *Identify areas in which increased density and new uses are desirable and can be accommodated.*
- Neighborhoods Strategy 1-E – *Modify land-use regulations to ensure flexibility to accommodate changing demographics and lifestyles. Allow, and in some places encourage, a diverse mix of housing types and affordable units.*
- Housing Objective 2 – *Encourage preservation and modernization of Denver’s existing housing stock and established neighborhoods. Support addition of housing in expansion and infill development.*

The proposed map amendment would allow additional density compatible with the existing neighborhood in an existing mixed-use area where services and infrastructure are already in place. The proposed S-RH-2.5 zoning would allow development that would increase the diversity and supply of housing in the area, consistent with the recommendations of Denver Comprehensive Plan 2000.

Blueprint Denver (2002)

According to *Blueprint Denver*, this site has a concept land use of Single Family Residential and is located within an Area of Stability.

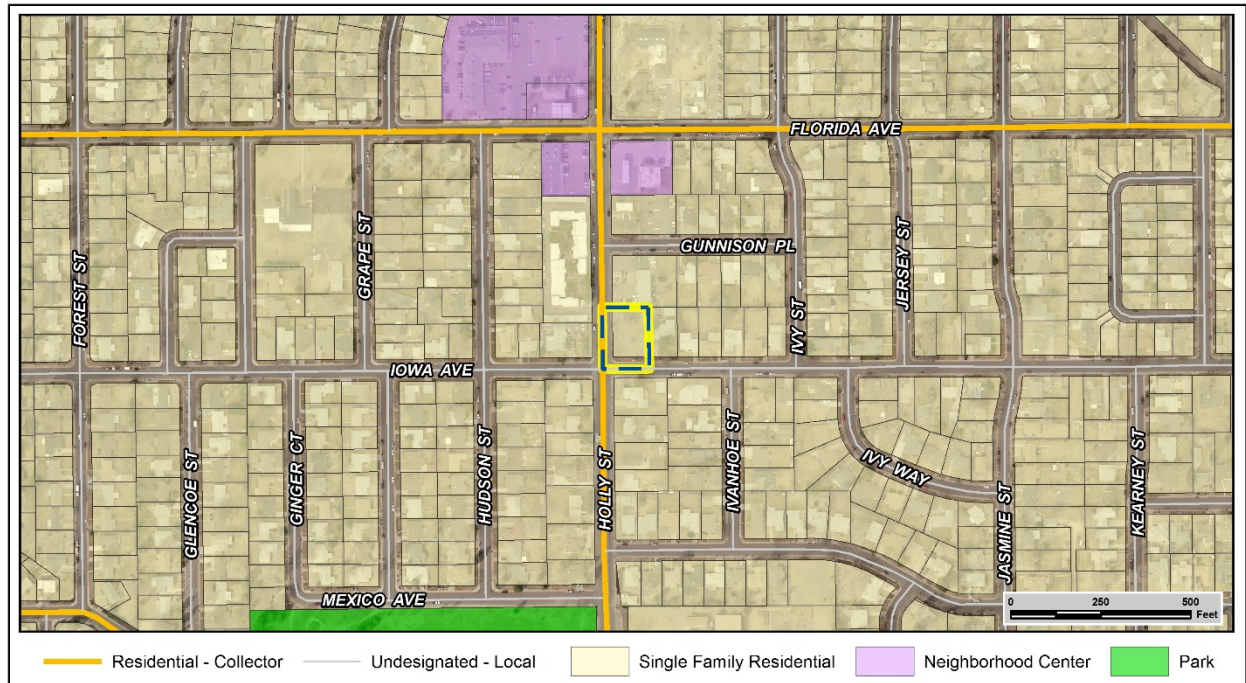


Figure 7: Blueprint Denver Future Land Use & Street Classification Map

Future Land Use

Blueprint Denver describes Single Family Residential areas as those with “an employment base significantly smaller than the housing base” and with “single family homes as the predominant residential type”. While this designation applies to the majority of the lots along S. Holly St. between E. Iowa Ave. and E. Florida Ave., it is worth noting that the historic development and existing zoning of these properties does not reflect the single family residential land use concept, with service and office uses zoned S-MX-2 to the north of the subject property and a multi-unit residential development zoned S-RH-2.5 to the west. The subject property itself has never been developed, so there is currently only one zone lot containing a single unit residence out of the five zone lots on S. Holly St. north of E. Iowa Ave. with the Single Family Residential designation.

The shopping areas and gas station to the north of the subject site where S. Holly St. meets E. Florida Ave. have a land use designation of “Neighborhood Center,” and while the designation does not currently extend south along South Holly Street, the development along that street has clearly been influenced by its proximity to the neighborhood center, with neighborhood serving uses and higher density residential development within easy walking distance. Further, Blueprint Denver states that the land use building block boundaries “are not fixed – some areas are in a state of transition...” (p. 38). The fact that the subject lot has remained undeveloped also speaks to the shift in development character that takes place between E. Iowa Ave. and E. Florida Ave. along S. Holly St., and supports the requested rezoning to a district that is more consistent with the existing mixed use and mixed density character of the area south of the neighborhood center.

Area of Change/ Area of Stability

The subject site is located in an Area of Stability. The goal for Areas of Stability is “to maintain the character of an area while accommodating some new development and redevelopment” at appropriate locations (p. 127). In terms of the area character, the 33-unit townhouse development across South Holly Street from the subject site as well as the two commercial properties immediately to the north of the subject site have all been in those locations for almost 50 years.

The proposed S-RH-2.5 zone district is consistent with the nearby character and will accommodate some new development at an undeveloped site located on the corner of a residential collector street.

Street Classifications

S. Holly St. is classified as a Residential Collector. Blueprint Denver states, “as collector and local streets, residential streets are designed to emphasize walking, bicycling and land access over mobility.” They tend to be more pedestrian-oriented than commercial streets (p. 55). Blueprint Denver states “collectors are designed to provide a greater balance between mobility and land access within residential, commercial and industrial areas. The makeup of a collector street largely depends on the density, size and type of nearby buildings” (p. 51). The minimum expected traffic volume and capacity on two-lane collector streets such as S. Holly St. is 5,000 vehicles per day. E. Florida Ave., which intersects S. Holly St. roughly 500 feet north of the subject site, is also a designated collector street.

E. Iowa Ave. is classified as an Undesignated Local street. Blueprint Denver states “the design features of local streets are influenced less by traffic volumes and are tailored more to providing local access. Mobility on local streets is typically incidental and involves relatively short trips at lower speeds to and from other streets” (p. 51). Anticipated traffic volumes on local streets are less than 2,000 vehicles per day. The majority of streets within the Virginia Village neighborhood share this designation.

The proposed rezoning to S-RH-2.5 is consistent with the Residential Collector and Undesignated Local street classifications because the zone district enables low-intensity and low-scale multi-unit residential uses along streets designated for residential purposes and traffic levels.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to S-RH-2.5 would 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 primarily through the implementation of the City’s adopted plans. The rezoning would allow for the development of an underutilized infill site with a residential project at a density consistent with existing development in the immediate vicinity, and would maintain the existing boundary between the single-family character to the south of E. Iowa Ave. and the more eclectic character to the north of the site.

4. Justifying Circumstance

The rezoning is justified under DZC Section 12.4.10.8.A.4, *“Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest.”* In this case, the requested rezoning is justified based on section 4.a., *“Changed or changing conditions in a particular area, or in the city generally.”*

While there has not been much significant physical change in the immediate area surrounding the subject site, there have been significant changes in nearby areas and in the city generally that make this rezoning in the public interest. To the north one and one-half blocks at Florida Ave. and Holly St., the Montessori School campus expanded following a rezoning a few years ago. The site is roughly one mile from the Colorado Station Area, which has seen significant new development since 2010 when the zoning for this property was adopted. The entire Colorado Blvd. corridor has undergone significant physical changes since 2010, as has the city as a whole. The demand for housing has outpaced the existing supply in many areas. Given that this site has never been developed, is located on a collector street, and is located where the established single unit residential neighborhood transitions to a neighborhood center node, it is in the public interest to rezone this property in order to facilitate the provision of additional housing.

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

The requested S-RH-2.5 zone district is within the Suburban Neighborhood Context, which is *“characterized by single-unit and multi-unit residential, commercial strips and centers, and office parks. Single-unit residential consists typically of the Suburban House building form with street-facing garages. 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...Single-unit residential uses are primarily located away from residential and commercial arterial streets. Multi-unit residential and commercial uses are primarily located along arterial and collector streets”* (DZC, Section 3.1.1). The current zone district, S-SU-D, is also within the Suburban Neighborhood Context.

According to the residential district intent stated in the Denver Zoning Code, *“The intent of the Residential districts is to promote and protect residential neighborhoods within the character of the Suburban Neighborhood Context. These 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”* (Section 3.2.2.1.A).

Section 3.2.2.2.H of the DZC states: *“The S-RH-2.5 district is a multi-unit district and allows suburban house, duplex and Row House building forms up to two and one half stories in height.”* While the zoning district intent is somewhat unclear in terms of where the S-RH-2.5 district is appropriate, it is clear from the neighborhood context description that one of the primary factors differentiating single family and multi-family residential areas is street type, with collector and arterial streets intended to accommodate more intense development and local streets intended for primarily single family residential uses. The proposed S-RH-2.5 zoning would allow low-scale multi-family buildings to be located on a collector street separate from the nearby single family residential neighborhood, which is consistent with the purpose and intent of the neighborhood context and zone district.

Rezoning Application #2017I-00190

5611 E. Iowa Ave.

June 13, 2018

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Attachments

1. Rezoning application
2. Public Comments