



**TO:** Denver City Council Land Use, Transportation, and Infrastructure Committee  
**FROM:** Tony Lechuga, Senior City Planner  
**DATE:** August 1, 2024  
**RE:** Official Zoning Map Amendment Application #2024I-00053

### Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code (DZC), Staff recommends **approval** for Application #2024I-00053.

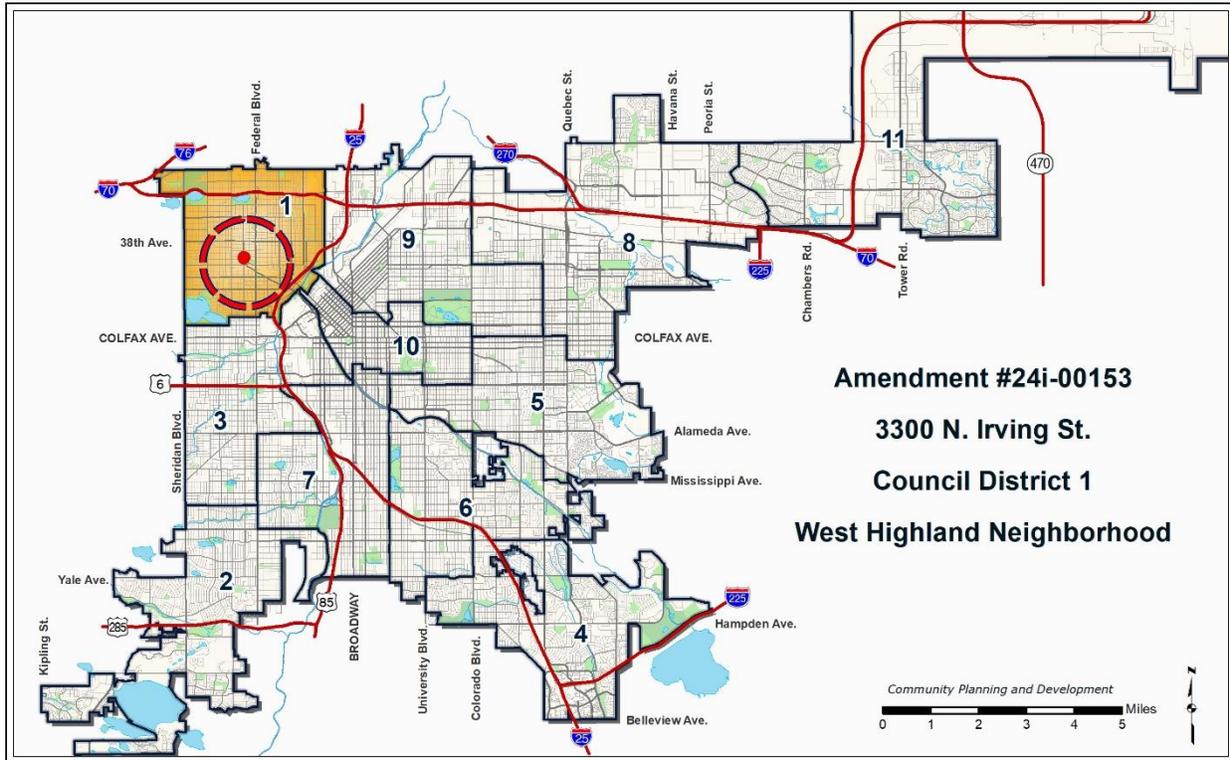
### Request for Rezoning

Address:	3300 North Irving Street
Neighborhood/Council District:	West Highland / Council District 1, Councilwoman Sandoval
RNOs:	Inter-Neighborhood Cooperation (INC), Strong Denver, West Highland Neighborhood Association
Area of Property:	12,400 square feet or 0.28 acres
Current Zoning:	PUD 577
Proposed Zoning:	U-MS-2x
Property Owner(s):	P Street III LLC
Owner Representative:	Chris Student

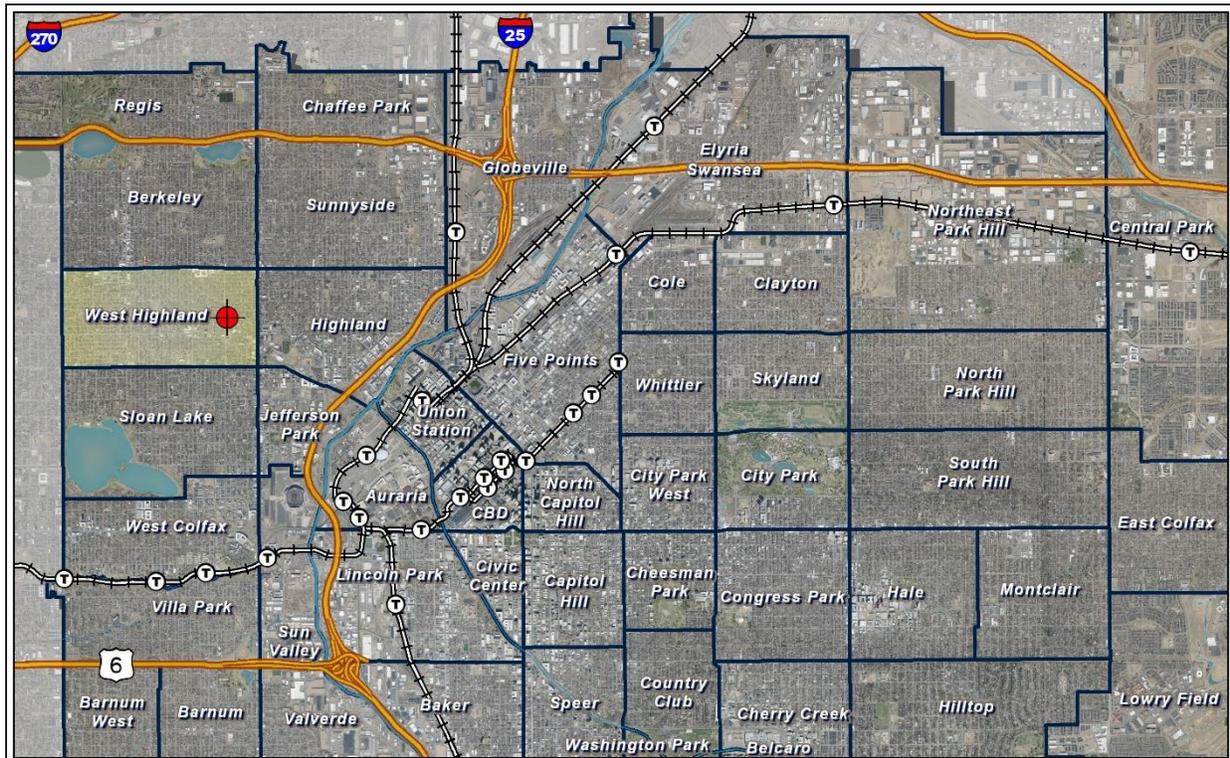
### Summary of Rezoning Request

- The subject property is in the West Highland neighborhood, on Irving Street between West Fairview Place and West 34<sup>th</sup> Avenue.
- The property is occupied by a one-story building currently occupied by a dental office with surface parking at the rear. The structure was historically a church with Former Chapter 59 R-2 zoning. In 2005, the property was rezoned to PUD 577 which allowed for the building to be used a dental office, a use not allowed in the R-2 zone district.
- The applicant is requesting the rezoning to facilitate the redevelopment of the property. The proposed U-MS-2x allows for development that would be consistent with the recommendations in the adopted plans which would allow for a broader range of uses than the current PUD.
- The U-MS-2x, **U**rbn – **M**ain **S**treet – **2x**, zone district promotes safe, active, and pedestrian-scaled commercial streets through building forms that define and activate the public street edge. Main Street districts are intended to enhance the convenience, ease, and enjoyment of walking, shopping, and public gathering along the city’s commercial streets. Further details of the zone districts can be found in Article 5 of the Denver Zoning Code (DZC).

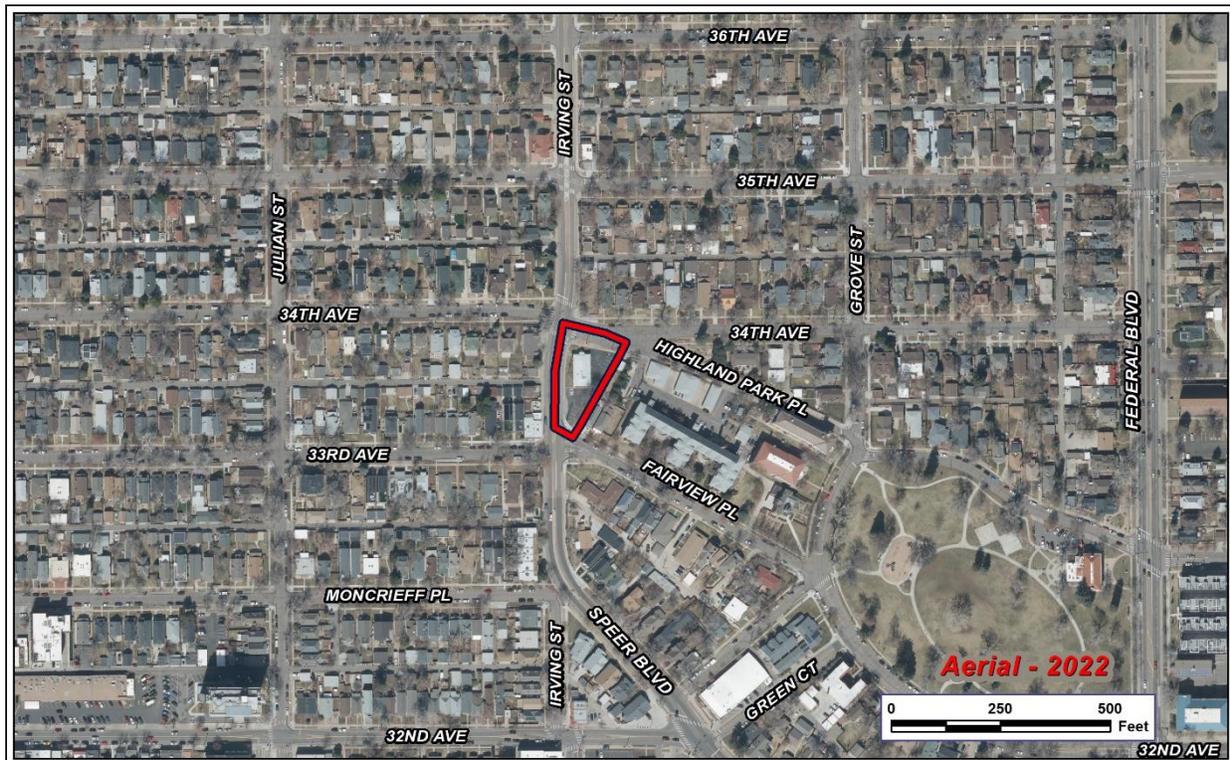
### City Location



### Neighborhood Location



## Existing Context

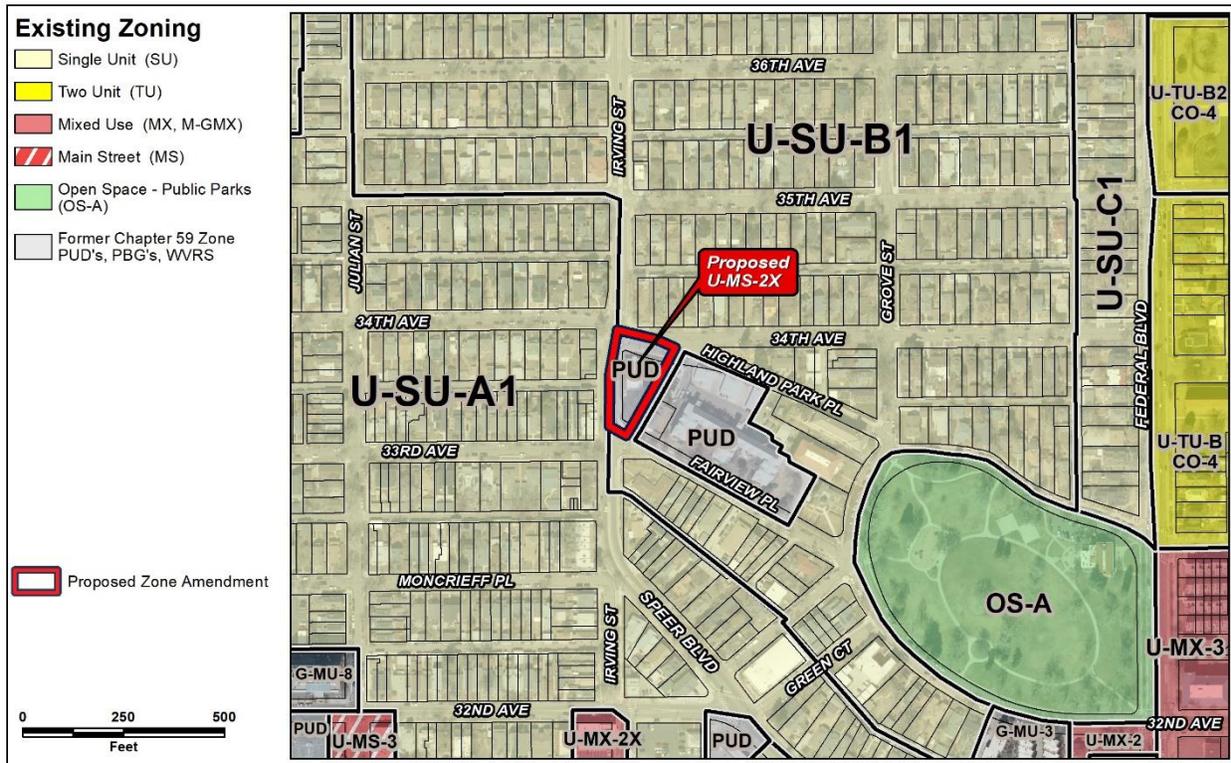


The subject property is located in northwest Denver, in the West Highland neighborhood, on the east side of Irving Street between Fairview Place and West 34<sup>th</sup> Avenue. This area is predominantly a residential neighborhood, primarily composed of single- and two-unit homes. To the immediate southeast of the property is the Tilden School for Teaching Health Historic District which is now multi-unit housing and the Historic Landmark Bossler House which is a single-unit residential property. There are some mixed uses to the south, along West 32<sup>nd</sup> Avenue and to the east, on North Federal Boulevard. One block to the southeast is Highland Park which includes a children's playground and the Woodbury Branch of the Denver Public Library. Transit access includes the Regional Transportation District (RTD) 32 bus route east-west along West 32<sup>nd</sup> Avenue and the RTD 31 bus route north-south along North Federal Boulevard.

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
Subject property	PUD 577	Commercial/retail	1 story midcentury brick with surface parking in the rear	The neighborhood largely has a regular grid street pattern, generally consistent block sizes and shapes, and detached alleyways and sidewalks. However, the two block between Federal Boulevard and Irving Street and between Speer Boulevard and West Highland Park Place do not follow the regular grid or have consistent block sizes. These two blocks site at a diagonal parallel to Speer Boulevard which ends at Irving Street.
North	U-SU-B1	Single-unit residential	1 story clapboard house and detached garage	
South	U-SU-B1	Multi-unit residential	1 story brick building set at the rear of the lot with no off-street parking	
East	U-SU-B1	Single-unit residential	1 story brick house with detached garage	
West	U-SU-A1	Multi-unit residential	1 story brick building and a detached garage, both fronting Irving Street	

## 1. Existing Zoning

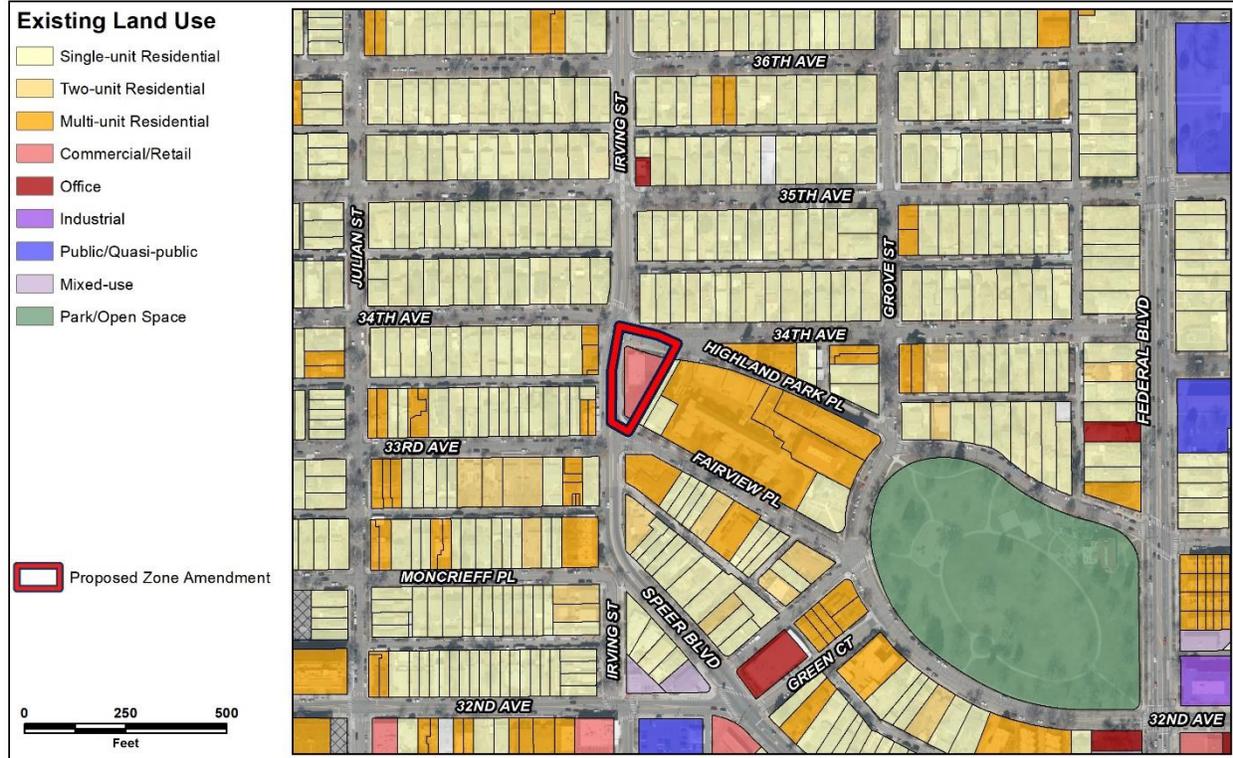


The subject property is zoned PUD 577, which is a Former Chapter 59 zone district. The PUD is highly customized for the existing building with R-2 uses allowed and an additional allowance for use as a dental office. Specifically, PUD 577 sets forth:

- Maximum gross floor area that mirrors the existing building;
- Maximum number of dwelling units, 1;
- Set percentages for land coverage by buildings and impervious surfaces;
- Minimum setbacks;
- Maximum height;
- Minimum ratio of off-street parking;
- Minimum landscaping requirements.

The surrounding properties are U-SU-B1 or U-SU-A1, which are Protected Districts as defined by the Denver Zoning Code. If the subject property is rezoned to U-MS-2x, it will be subject to all additional standards for properties that are adjacent to Protected Districts including additional setbacks and use limitations. For more information on the additional Protected District standards see DZC Article 5, Section 5.3.

## 2. Existing Land Use Map



## 3. Existing Building Form and Scale *All images from Google Maps Street View.*



Subject property looking east from North Irving Street.



Properties to the north, looking north from West 34<sup>th</sup> Avenue.



Properties to the east, looking north from West Fairview Place.



Multi-unit housing to the east in the Tilden School for Teaching Health Historic District, looking north from West Fairview Place.



Property to the south, looking southeast from West Fairview Place.



Property to the west, looking west from North Irving Street.

## Proposed Zoning

The **U-MS-2x**, **U**rban, **M**ain Street, **2**-story district is a main street zone district (**x**) limited to low scale building forms and low intensity uses that allows the Town House and Shopfront building forms with a maximum height of 2 stories or 30'. A variety of residential, commercial, and civic uses are permitted. Primary street setbacks vary from 10' minimum in the Town House building form and 0' in the Shopfront building form. For additional details of the requested zone district see DZC Sections 5.2.3, 5.3, and 5.4.

The building forms allowed in the existing zone district and the proposed zone district are summarized below.

Design Standards	PUD 577 (Existing)	U-MS-2x (Proposed)
Primary Building Forms Allowed	N/A	Town House and Shopfront
Stories/Heights (max)	1/17.5'	2/30'
Primary Build-To Percentages (min)	N/A	75%
Primary Build-To Ranges	N/A	0' to 15'*
Minimum Zone Lot Size/Width	N/A	N/A
Primary Setbacks (min)	5'	0' to 10'*
Building Coverages	2,584 square feet or 20.8%	N/A

\*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:** Approve Rezoning Only - Will require additional information at Site Plan Review. The Denver Department of Public Health and Environment, Environmental Quality Division (EQD) performed a limited search for environmental information regarding environmental conditions at the Site. This review was not intended to conform to the ASTM standard practice for environmental site assessments, nor was it designed to identify all potential environmental conditions. The EQD provides no representations or warranties regarding the accuracy, reliability, or completeness of the information provided. This review was not intended to assess environmental conditions for any property interest dedication or grant. Nor does this review constitute an approval or action by the EQD concerning any property dedication or grant associated with the project.

EQD is not aware of environmental concerns that would affect the proposed project. Although EQD is not aware of contaminated environmental media (soil, soil vapor, or groundwater) at the project Site, undocumented contamination could be encountered during ground-disturbing activities. If encountered, contaminated environmental media or underground storage tanks should be properly managed in accordance with applicable regulations.

EQD does not guarantee approval of any proposed development project at this Site by providing a response to this Official Map Amendment Referral Agency Review Request. Future development is subject to existing land use controls and other environmental requirements in accordance with applicable local, state, and federal environmental regulations and statutes. EQD recommends the Property Owner conduct an environmental site assessment to determine the potential presence, nature, and extent of possible contamination on the site and to identify specific cleanup needs associated with future development. EQD may have additional information about localized potential environmental concerns at the site. However, providing such information about a specific site is beyond the scope of these zoning application comments.

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

**Department of Transportation and Infrastructure – R.O.W.- City Surveyor:** Approved – No Comments

**Development Services – Project Coordination:** Approved – No Comments

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

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

**Development Services- Wastewater:** Approved – There is no objection to rezoning on behalf of Wastewater. As stated, this approval will allow change of use without redevelopment. Applicant will need to obtain a building permit for any internal or site changes.

**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:	04/25/2024
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:	07/02/2024
Planning Board Hearing:	07/17/2024
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:	07/16/2024
Land Use, Transportation and Infrastructure Committee of the City Council:	08/06/2024
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:	09/02/2024 (tentative)
City Council Public Hearing:	09/23/2024 (tentative)

- **Registered Neighborhood Organizations (RNOs)**
  - As of the writing of this staff report, no comment letters have been received.
- **Other Public Comment**
  - As of the writing of this staff report, we have received one general comment that noted they were pleased that there would be no drive-thru allowed.

## **Criteria for Review / Staff Evaluation**

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

### **DZC Section 12.4.10.7**

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

### **DZC Section 12.4.10.8**

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

## **1. Consistency with Adopted Plans**

The following adopted plans currently apply to this property:

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

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

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

#### *Economically Diverse and Vibrant Vision Element*

The proposed rezoning would enable the expansion of development and uses on the existing site where a business is already embedded in the local neighborhood. The U-MS-2x would allow for a more diverse and expansive use of the site compatible with surrounding residential development and is therefore consistent with the following strategies in the Economically Diverse and Vibrant vision element:

- Goal 1, Strategy C – Support business development and grow the talent necessary to compete in the global economy (p. 46).
- Goal 3, Strategy A – Promote small, locally-owned businesses and restaurants that reflect the unique character of Denver (p. 46).

#### *Environmentally Resilient Vision Element*

Similarly, the land use pattern detailed in the previous paragraph is also consistent with the following strategies in the Environmentally Resilient vision element:

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

The requested U-MS-2x zone district broadens the variety of uses permitted on the site, allowing residents to live and work in an area with an established mix of residential, commercial, and civic uses. Therefore, the rezoning is consistent with the *Denver Comprehensive Plan 2040* recommendations.

### **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 the Residential Low future place within the Urban Context and provides guidance from the future growth strategy for the city.

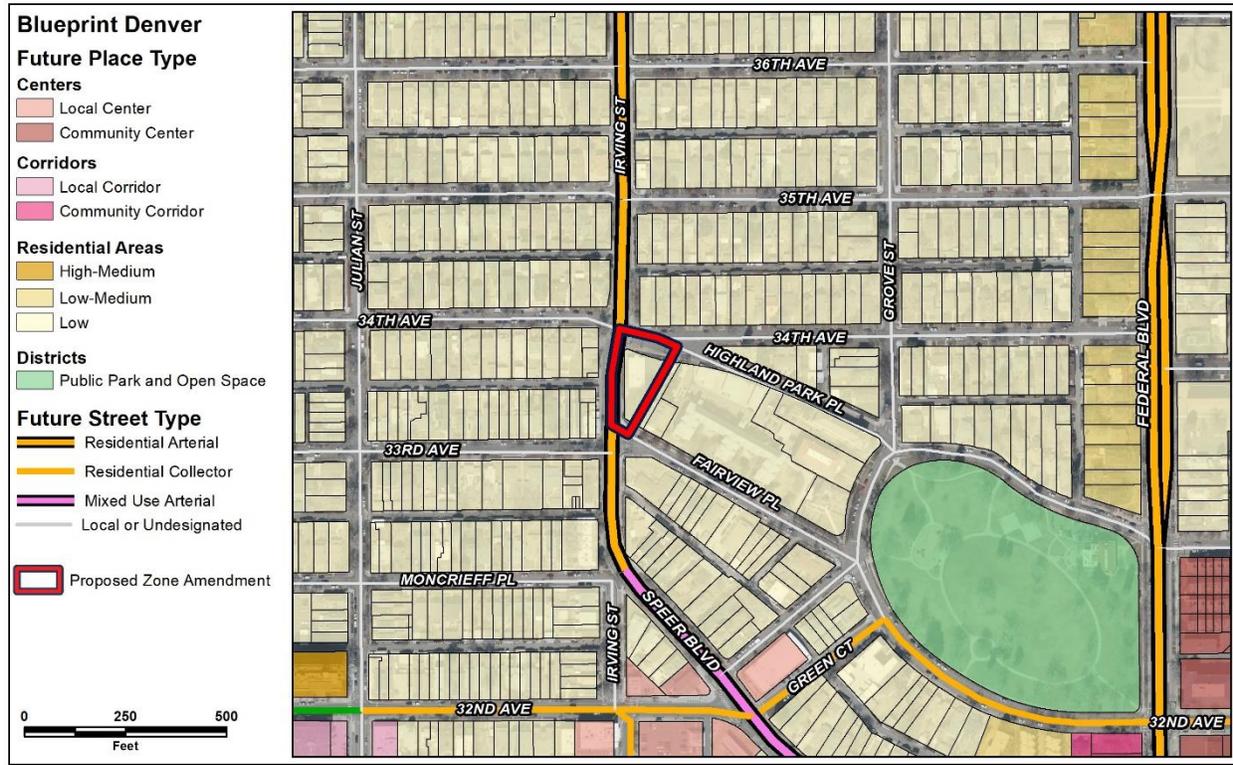
### **Blueprint Denver Future Neighborhood Context**



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 Urban neighborhood context. The Urban neighborhood context is described as “Small multi-unit residential and mixed-use areas typically embedded in 1-unit and 2-unit residential areas” (p. 137).

The proposed U-MS-2x zone district is part of the Urban Context that is intended to “promote safe, active, and pedestrian-scaled, diverse areas through the use of building forms that clearly define and activate the public street edge”, and “to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city’s neighborhoods” (DZC Section 5.2.3.1). Staff finds that the proposed U-MS-2x zone district supports the description and goals of the Urban Future Neighborhood Context.

### ***Blueprint Denver Future Place***



The future place map shows which place description(s) should be used to evaluate the appropriateness of the proposed zone district (p. 66). The subject property is mapped as Low Residential in the future place map. The Low Residential classification includes land uses and built forms that are “Predominantly one- and two-unit, though many areas are mostly one-unit. Includes Accessory Dwelling Units. In some contexts, some higher-intensity residential uses may be mixed throughout. Neighborhood-serving retail may be found in some key locations” (p. 148) and where “limited mixed-use can occur along arterial and collector streets, as well as where commercial uses have been already established. Buildings are generally up to 2.5 stories in height” (p. 230).

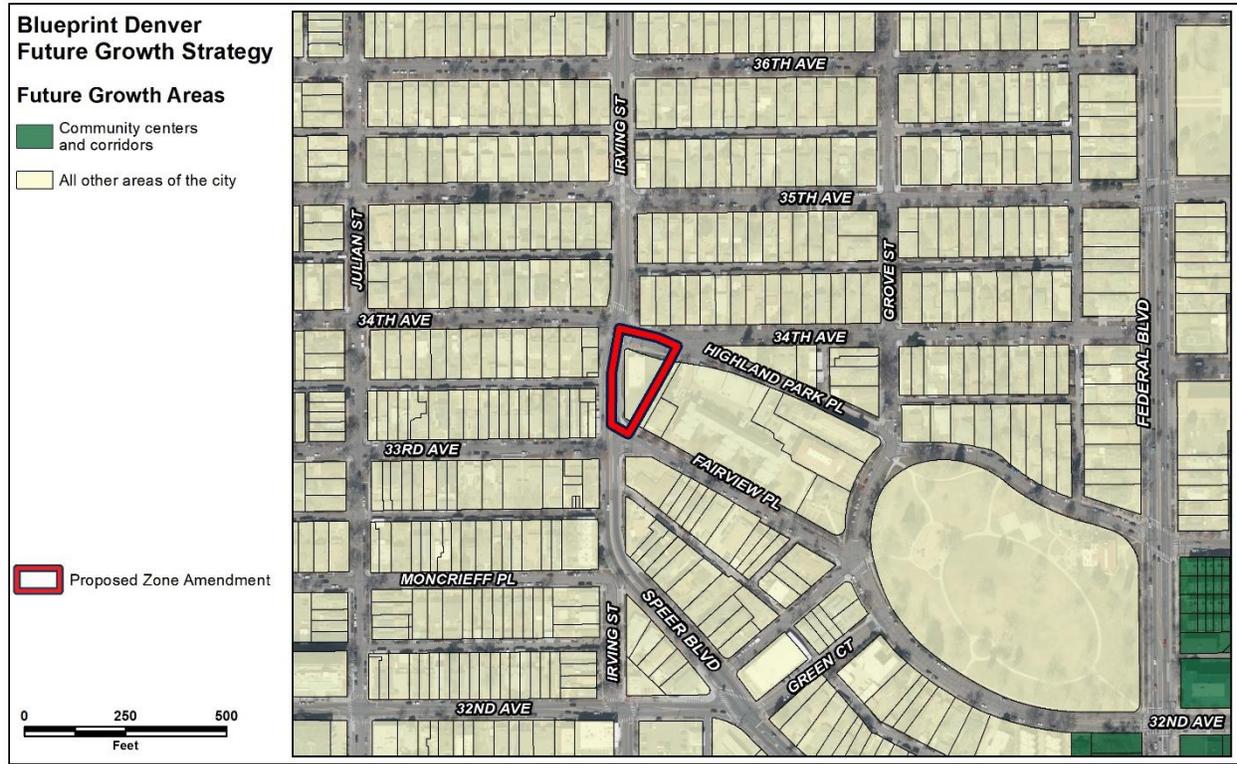
The proposed rezoning is consistent with the future place description because the subject property has contained as a commercial use since 2005 and housed a church before that. The subject site is embedded in a 1-unit and 2-unit residential area and has a unique location along an arterial street to the east and bound by local streets to the north and south. The proposed U-MS-2x zone district is a main street zone district that is designed for neighborhood-serving retail; and the proposed U-MS-2x zone district has a maximum 2-story building height. Staff finds that the proposed U-MS-2x zone district supports the description and goals of the Low Residential Future Place Type.

### **Street Types**

In *Blueprint Denver*, street types work in concert with the future place to evaluate the appropriateness of the intensity of the adjacent development (p. 67). *Blueprint Denver* classifies North Irving Street as a Residential Arterial. “Arterial streets are designed for the highest amount of through movement and the lowest degree of property access” (p. 154).

The proposed rezoning to U-MS-2x is consistent with the *Blueprint Denver* Residential Arterial street classification because U-MS-2x is a zone district that allows low-scale residential and commercial uses.

### 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 properties are located within "All other areas of the city, which are anticipated to see around 20% of new housing growth and 10% of new employment growth by 2040" (p. 51). The proposed map amendment to U-MS-2x is consistent with this map because it will enable compatible development of the site at a low scale.

### Blueprint Denver Strategies

The following additional *Blueprint Denver* policies are applicable to the rezoning request:

- Land Use and Built Form: General Policy 3, Strategy B - 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).

The proposed rezoning is consistent with this *Blueprint Denver* policy because the site retains Former Chapter 59 zoning.

## 2. Uniformity of District Regulations and Restrictions

The proposed rezoning to U-MS-2x will result in the uniform application of zone district building form, use, and design regulations on this site as they are applied to any other sites zoned U-MS-2x.

### **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 and by allowing for redevelopment in a manner that will provide for the construction of additional neighborhood-serving residential and commercial, thereby providing residents more opportunities to live, work, and play within their neighborhood.

### **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. Such a change may include: Change or changing conditions in a particular area or in the city generally; or a city adopted plan; or that the city adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.”

The subject property has retained its Former Chapter 59 zoning since the city adopted the Denver Zoning Code, which represents an appropriate justifying circumstance for the proposed rezoning.

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

The requested U-MS-2x zone district is within the Urban Neighborhood Context. The neighborhood context generally consists of single-unit and two-unit residential uses with embedded small-scale multi-unit residential and commercial areas (DZC, Division 5.1).

According to the zone district intent stated in the Denver Zoning Code, the U-MS-2x district “applies to small sites served primarily by local streets embedded within an existing or proposed neighborhood. These are typically one or two parcels and are limited to low scale building forms and low intensity uses” (DZC Section 5.2.3.2.B). The subject property is one parcel embedded in an existing neighborhood at the intersection of one local and one Main Street collector. The proposed U-MS-2x zoning would allow low-scale buildings and uses consistent with the purpose and intent of the zone district.

### **Attachments**

1. Application
2. Public Comments
3. Public Engagement Memo