



**TO:** Denver Planning Board  
**FROM:** Analiese Hock, Senior City Planner  
**DATE:** June 14, 2017  
**RE:** Official Zoning Map Amendment Application #2016I-00049

### Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2016I-00049.

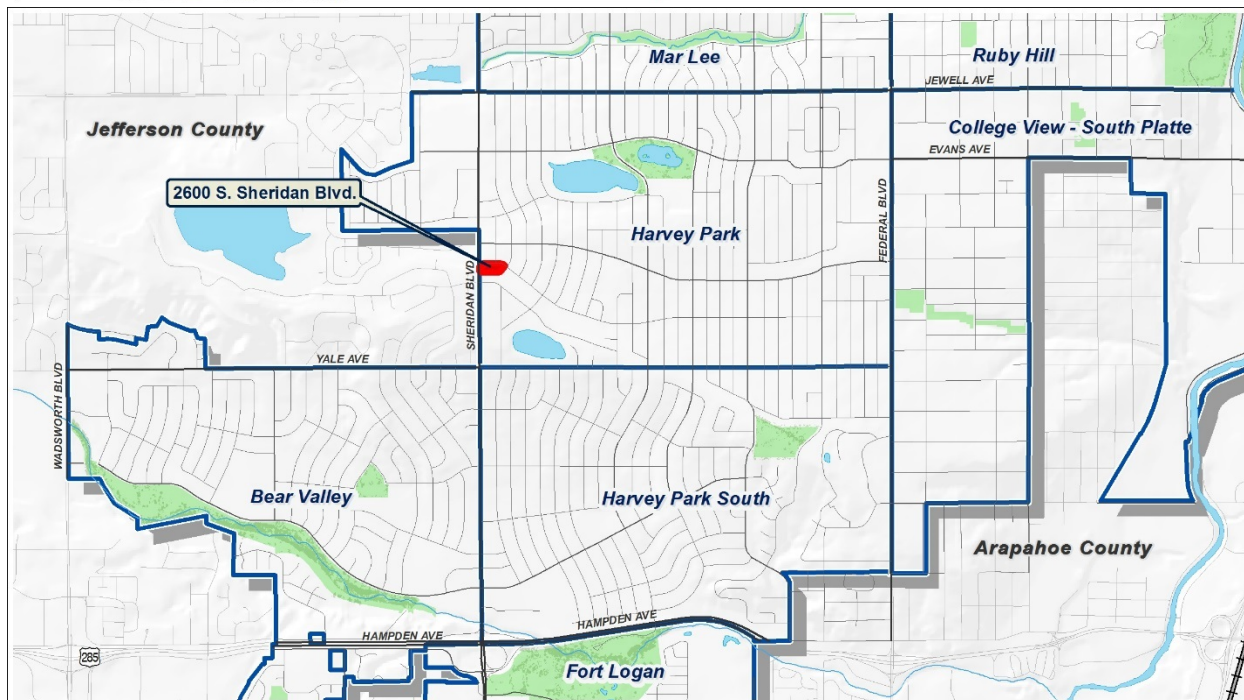
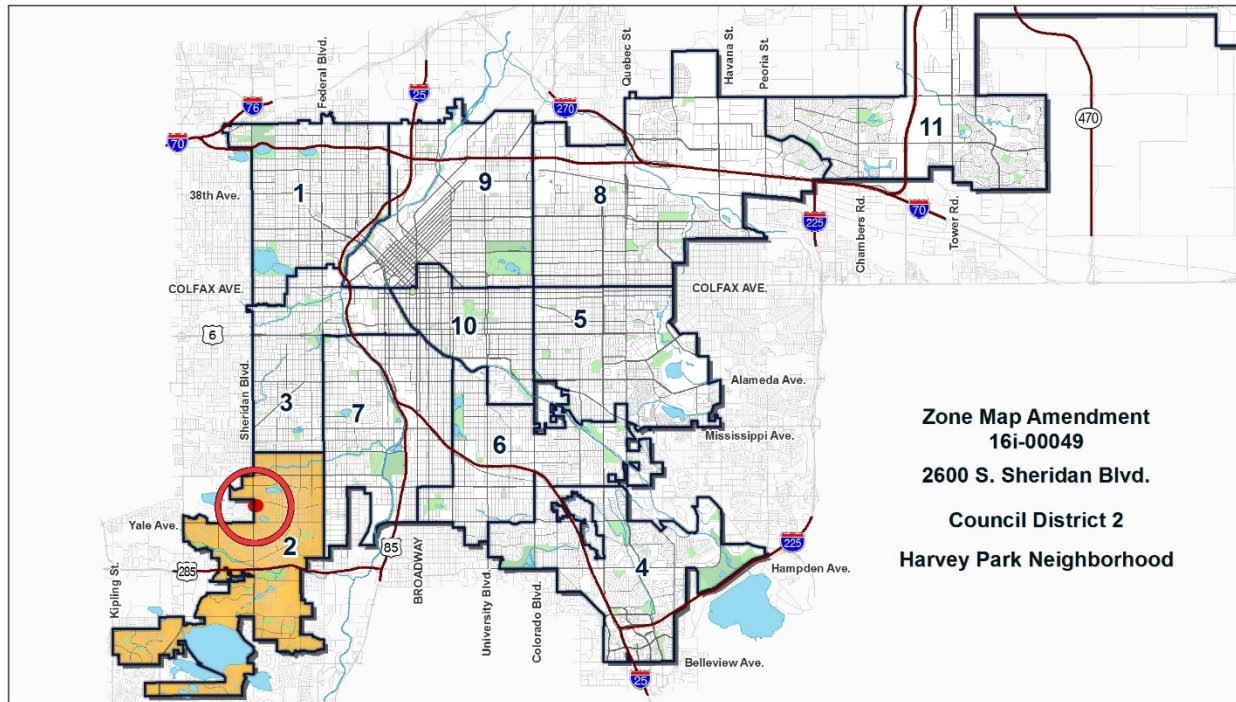
### Request for Rezoning

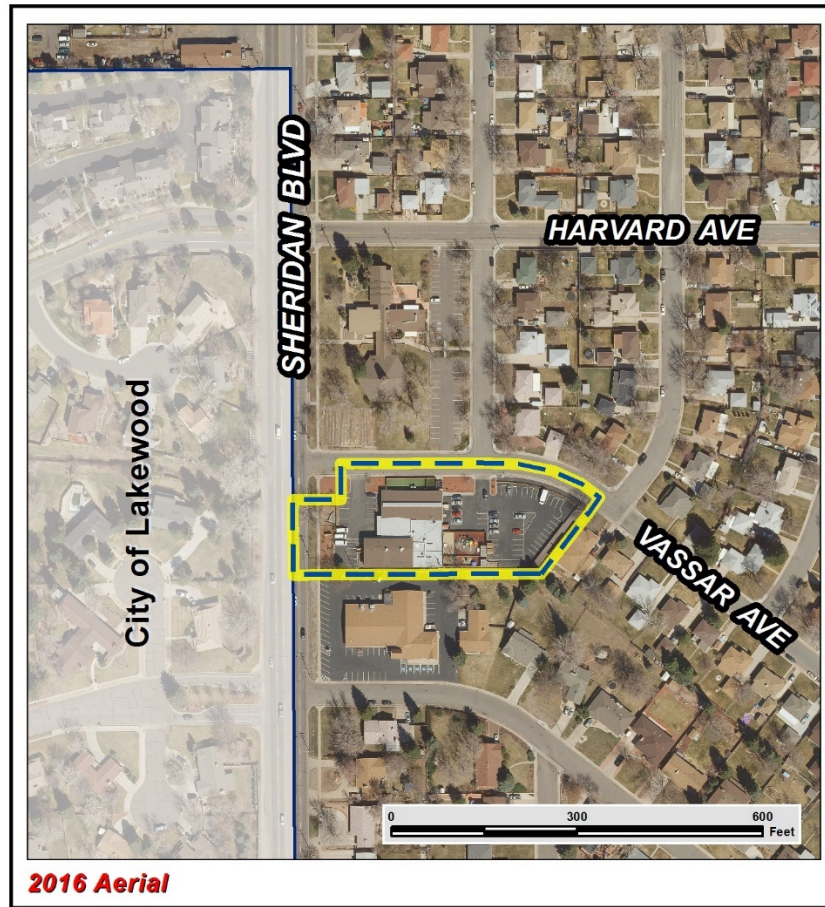
Address: 2600 South Sheridan Boulevard  
Neighborhood: Harvey Park  
Council District: Council District 2  
RNOs: Harvey Park Improvement Association  
Denver Neighborhood Association, Inc.  
Inter-Neighborhood Cooperation (INC)  
Area of Property: 1.272 Acres  
Current Zoning: PUD 579  
Proposed Zoning: S-SU-D  
Property Owner(s): TMK Properties, LLC  
Owner Representative: Gretchen Williams

### Summary of Rezoning Request

- The subject property is located in the Harvey Park statistical neighborhood, at the intersection of South Sheridan Boulevard and West Vassar Avenue.
- The site is currently a non-residential structure being operated as a child care center.
- The subject property is in PUD 579. Uses are limited to R-1 uses, child care center, and a church.
- The property owners are requesting a rezoning from Former Chapter 59 (FC59) PUD 579 to allow for a zone lot amendment. The outcome of the zone lot amendment would allow for the sale of a 15' portion of the site to a neighbor who has been using the land as a drive way.
- The requested S-SU-D zone district is in the Suburban context, is a **Single Unit** district allowing suburban houses with a minimum zone lot area of 6,000 square feet. Additionally, this zone district allows for other uses such as Community Centers, Day Care Centers, Elementary or Secondary Schools, and Public and Religions Assemblies, subject to the use limitations in Article 11 of the Denver Zoning Code. Further details of the zone district can be found in Article 3 of the Denver Zoning Code (DZC).

### Existing Context

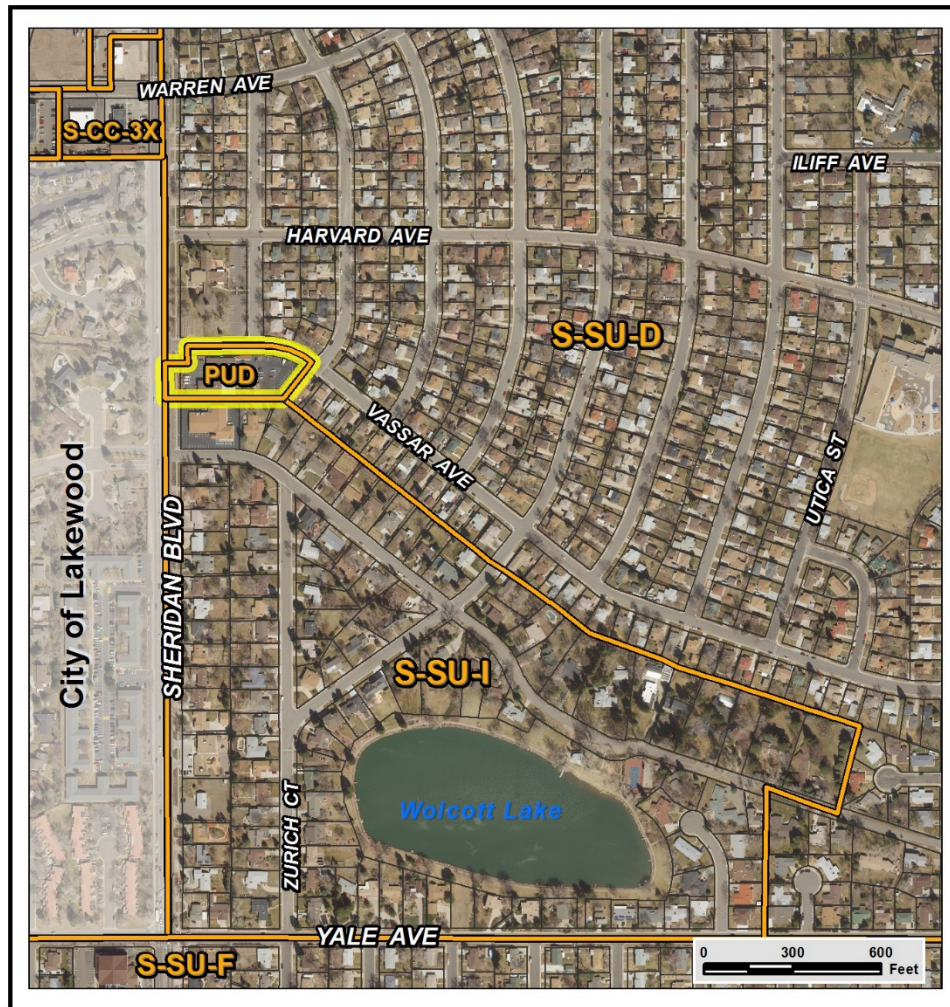




The following table summarizes the existing context proximate to the subject site:

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	PUD 487	Public/Quasi-Public (Child Care)	2 story non-residential building with surface parking	Typically an irregular pattern of block shapes surrounded by curvilinear streets within a modified or non-existent grid, and no alleys. Block shapes and sizes vary. The typical block pattern includes attached sidewalks, street and surface parking.
North	S-SU-D	Public/Quasi Public (Religious Assembly)	1 story religious assembly building with surface parking and landscaping	
South	S-SU-I	Public/Quasi Public (Religious Assembly)	1 story religious assembly building with surface parking and landscaping	
East	S-SU-D	Single Unit Residential	1 story single family residential	
West	City of Lakewood	Single Unit Residential	1 story single family residential	

## 1. Existing Zoning

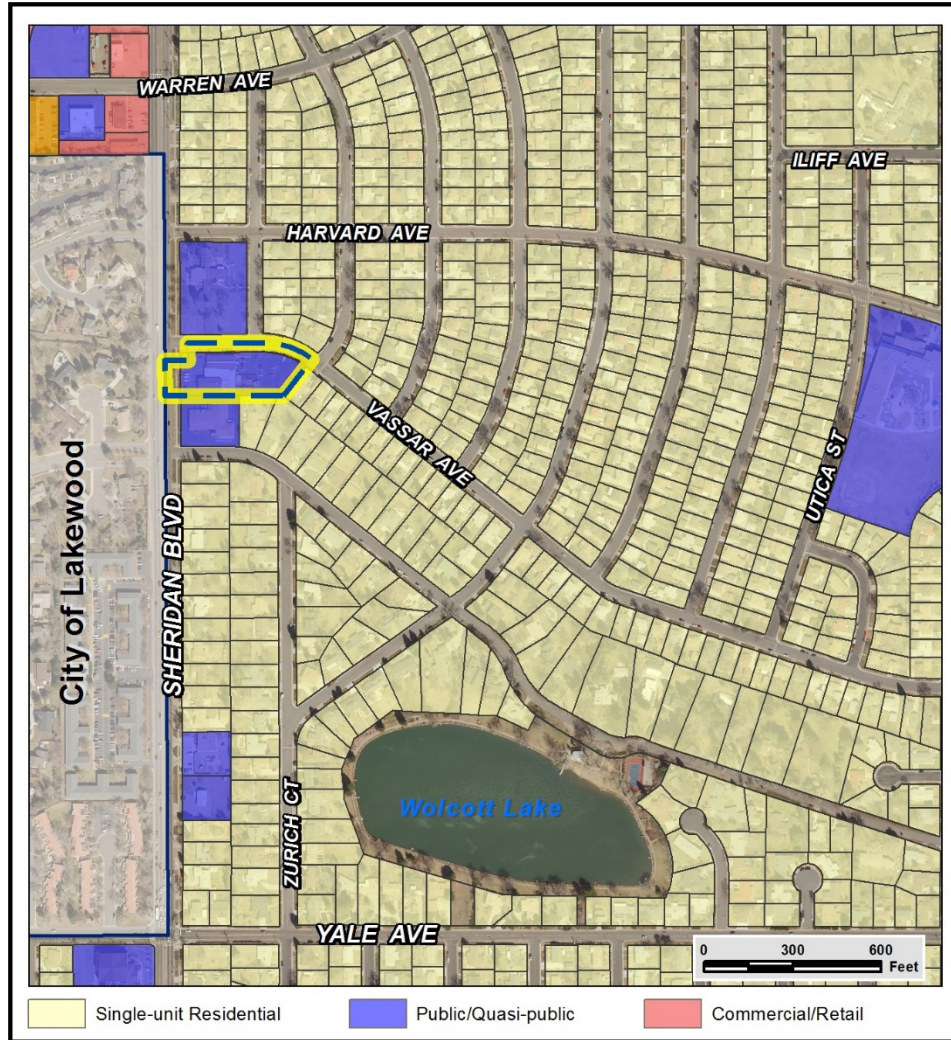


The current zoning on the site is a Former Chapter 59 PUD 579. The purpose of the Planned Unit Development (PUD) was to allow for the child care use without the operation of a church use. The PUD limits the uses to church and/or child care center and R-1 uses. The PUD places additional limitations on the church and child care uses to 14,526 s.f. and vehicular parking spaces to 65 (a requirement far in excess of the current DZC minimum of 1 per 1,000 s.f. resulting in 15 spaces). The PUD establishes a maximum building height of two stories and 40 ft. along with specified building setbacks. Additional details of the PUD standards are attached to this staff report.

As is the case with many Former Chapter 59 PUDs, the regulations and district plan of the PUD are written too specifically to accommodate a change to the site or zone lot. The applicant's desire for a zone lot split to sell off a 15' foot strip to the eastern neighbor cannot be accomplished under the existing PUD because the resultant zone lot would not comply with the minimum setback.

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## 2. Existing Land Use Map



### 3. Existing Building Form and Scale



Subject property; view from West Vassar Ave (source: Google maps)



View of residential property to the east of the subject property, looking southwest from West Vassar Ave (source: Google maps)



View of buildings to the south of the subject site, looking east from Sheridan Boulevard (source: Google maps)



View of building to the north of the subject site, looking west from South Zurich Court and West Vassar Ave  
(Source: Google maps)



## 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:

### **Development Services – Project Coordination:** Approved

A Zone Lot Amendment shall be processed in order to modify the Zone Lot Boundaries between 2600 S Sheridan Boulevard, and 5080 W Vassar Avenue. This Zone Lot Amendment shall show the existing driveway to be located on 5080 W Vassar Avenue's Zone Lot, thereby amending the boundaries of 2600 S Sheridan Avenue's Zone Lot.

### **Development Services – Wastewater:** Approved

No objection to the rezoning.

However, all CCD Wastewater requirements will be applied to any future developments.

### **Environmental Health:** Approved

DEH is not aware of environmental concerns here that would impact the request and does not object to the rezoning.

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.

**Public Works – City Surveyor:** Approved

**Real Estate:** Approved

Public Review Process

	Date
CPD informational notice of receipt of the rezoning application to all affected members of City Council and registered neighborhood organizations:	<b>2/14/2017</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 and registered neighborhood organizations:	<b>6/5/2017</b>

- **Registered Neighborhood Organizations (RNOs)**
  - Harvey Park Improvement Association
  - Denver Neighborhood Association, Inc.
  - Inter-Neighborhood Cooperation (INC)
- **Other Public Comment**  
 As of the date of this staff report, no comments have been received on the 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 apply to this property:

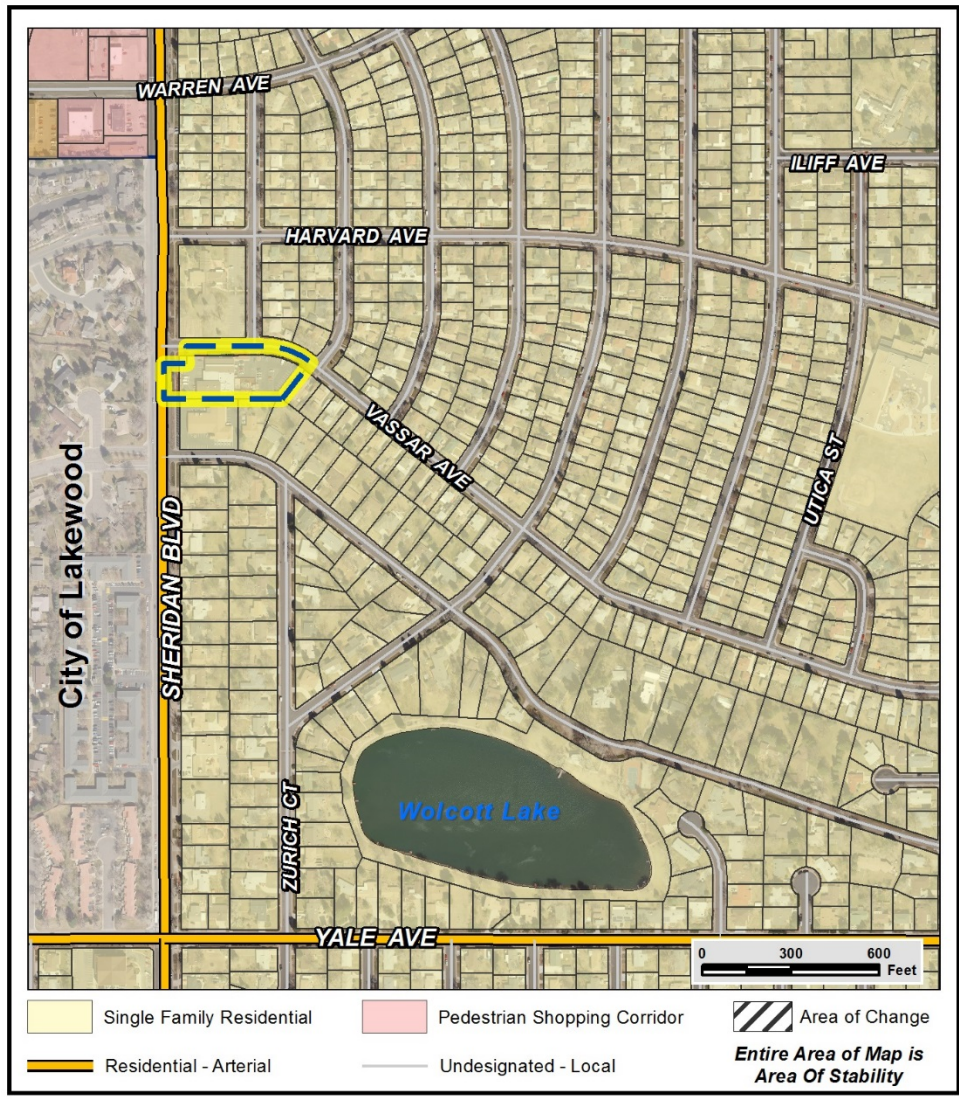
- Denver Comprehensive Plan 2000
- Blueprint Denver (2002)

### 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. Creating more density at transit nodes. (p 39)*
- 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. (p 60)*
- Economic Activity Strategy 1-F – *Support a collaborative effort by business, educational intuitions and regulatory agencies to enhance the supply, quality of childcare. (p 130)*
- Neighborhoods Strategy 1-F *Invest in neighborhoods to help meet citywide goals and objectives for a range of housing types and prices, community facilities, human services and mobility. Continue to foster integrity and livability of neighborhoods. (p 150)*

The proposed map amendments will enable for the continued use of a child-care facility while maintaining a residential single-unit zoning that is consistent with the neighborhood. The rezoning is consistent with these plan recommendations.



**Blueprint Denver**  
 According to the Blueprint Denver Plan Map, updated by subsequent adopted plans, this site has a concept land use of Single Family Residential and is located in an Area of Stability. Single Family Residential areas “represent the majority of Denver’s residential areas... densities are fewer than 10 units per acre, often less than six units per acre neighborhood-wide, and the employment base is significantly smaller than the housing base. Single-family homes are the predominant residential type” (p. 42). The S-SU-D zone district allows for single family homes

and is consistent with the Blueprint land use designation. Additionally, the single unit districts allow for additional community serving uses such as child care centers and religious institutions with limitations details in Article 11 of the Denver Zoning Code.

**Area of Stability**

The subject site is designated as an Area of Stability. A Blueprint Denver strategy is to "preserve stable neighborhoods" (p 23) with the desire "to maintain the character of an area while accommodating new development and redevelopment in appropriate locations" (p 24). The rezoning application is consistent with the Blueprint Denver Area of Stability recommendations. The rezoning application for single-unit zoning consistent with the surrounding neighborhood will further stabilize the neighborhood while continuing to offer community services at the neighborhood scale.

### **Street Classifications**

Blueprint Denver classifies South Sheridan Boulevard as a Residential Arterial. Arterials are “major roadways designed to provide a high degree of mobility and serve longer vehicle trips to, from, and within major activity centers in Denver and the region” with a focus on the “movement of people and goods, rather than access” (p 51) Additionally, arterials “serve higher-density and higher-intensity land uses adjacent to the streets” (p 194). More specifically, residential arterials “serve longer distance trips than residential local or collector streets” (p 62). The designation of South Sheridan Boulevard supports the transportation demands of the child care use throughout the neighborhood and region.

Blueprint Denver classifies West Vassar Avenue as an Undesignated Local. 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. Because of their 'neighborhood' nature, travel speeds are usually lower than collectors and arterials” (p 51). The S-SU-D zone district is an appropriate zone district for this Undesignated Local street classification by allowing residential and community serving uses that are consistent with the existing context and character.

### **PUD Zoning**

Blueprint Denver makes several recommendations to modernize Denver’s zoning code and address the problems that arise from old zoning. “Concerns with PUDs are that their widespread proliferation has increased the complexity of regulating land use, and the conditions they place on development sometimes perform poorly and inflexibly once the PUD has been adopted. This issue can be addressed if the city acts on the authority to repeal obsolete PUD zoning and change it to a more appropriate district” (p. 82). The proposed rezoning of a Former Chapter 59 PUD to the Denver Zoning Code would implement this guidance from Blueprint Denver resulting in more flexible and less complex zoning.

The rezoning to S-SU-D at the subject site is consistent with *Blueprint Denver’s* guidance.

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

The proposed rezoning to S-SU-D 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 primarily through implementation of the city’s adopted land use plans including Comprehensive Plan 2000 and Blueprint Denver. Additionally, the allowance for more community serving uses will promote the public health, safety, and general welfare of the City.

## **4. Justifying Circumstance**

The application identifies several changed or changing conditions as the Justifying Circumstance under DZC Section 12.4.10.8.A.4, “The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area.” Since the approval of the current PUD in 2005, the adoption of the Denver Zoning Code in 2010 introduced the S-SU-D zone district as an appropriate zone district for

Single Family Residential concept land use areas. At the time of PUD 579, the S-SU-D zone district was not available nor was some of the built-in flexibility for child-care uses that the Denver Zoning Code now offers. The eastern 15-ft. portion of the PUD has changed in use and become a driveway for the property located at 5080 West Vassar Avenue and therefore has been a change to “the land,” which the rezoning would better recognize.

In general, Denver and the region has seen an increase in demand for child-care services as a result of the increase in the population and specifically children. According to *The Status of Denver’s Children: A Community Resource 2017*, there has been an increase of children under the age of 18 by four percent across the city with Harvey Park and surrounding neighborhoods seeing even greater increases of 26-34% (p. 22). The report also states that the “U.S. Census Bureau estimates 65 percent of Denver children age five and younger had all available parents in the labor force in 2015. This means that approximately 34,000 young children in Denver needed care during the day while their parents work. There are approximately 23,500 licensed child care slots in day care centers, day care homes, and preschools in Denver” (p. 78). Therefore, there is not only a current shortage of child care centers, but a growing demand for the growth and expansion of these centers to meet the existing needs of Denver’s families. Accordingly, Sec. 12.4.10.8.A.4 is an appropriate justifying circumstance for the proposed rezoning.

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

The requested S-SU-D zone district is within the Suburban Neighborhood Context. The neighborhood context generally consists of single-unit and multi-unit residential, commercial strips and centers, and office parks. Commercial buildings are often separated from residential. The context consists of an irregular pattern of block shapes. Building height is typically low, except for some mid- and high-rise structures, particularly along arterial streets. The subject site and the surrounding neighborhood are consistent with the layout, use mix, and characteristics of this suburban neighborhood context.

The general purpose of the residential districts is to promote and protect residential neighborhoods within the character of the Suburban Neighborhood Context. These standards recognize common residential characteristics within the Suburban Neighborhood Context but accommodate variation by providing a range of Residential Zone Districts. The regulations provide certainty to property owners, developers, and neighborhoods about the limits of what is allowed in a residentially-zoned area. These regulations are also intended to reinforce desired development patterns in existing neighborhoods while accommodating reinvestment.

The specific intent of the zone district is to allow for suburban houses with a minimum zone lot area of 6,000 square feet. The existing building would be subject to the standards of the suburban house building form standards and would therefore be consistent with the zone district purpose and intent statements.

### Attachments

1. Application
2. Existing PUD 579