



**DENVER**  
THE MILE HIGH CITY

Application 2014i-00033  
3268 W. 32<sup>nd</sup> Ave

Proposed Rezoning:  
**From U-SU-A to U-MS-2x**

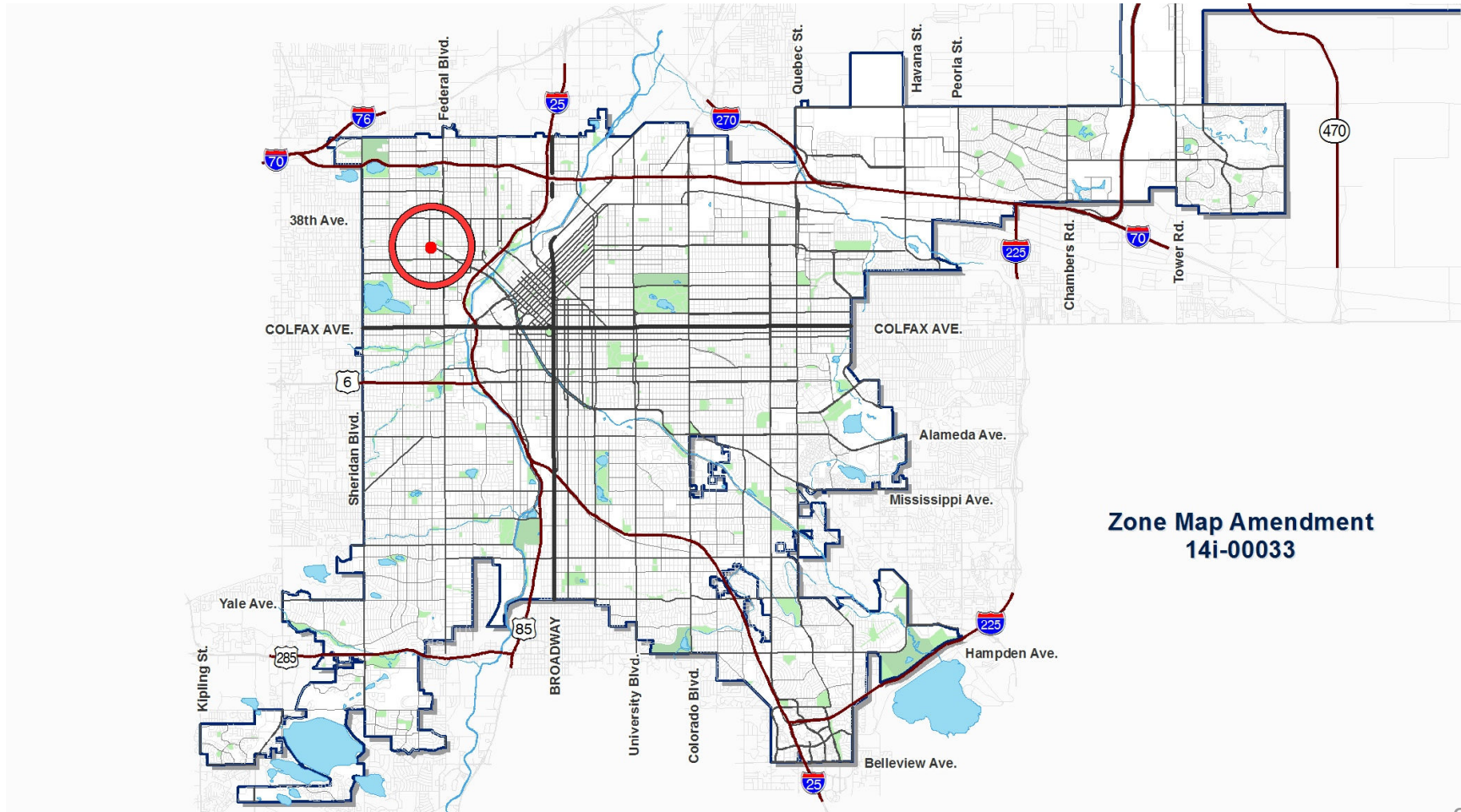
FOR CITY SERVICES VISIT | CALL  
**DenverGov.org | 311**

**Denver City Council**  
November 2, 2015



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THE MILE HIGH CITY

# Location: Northwest Denver

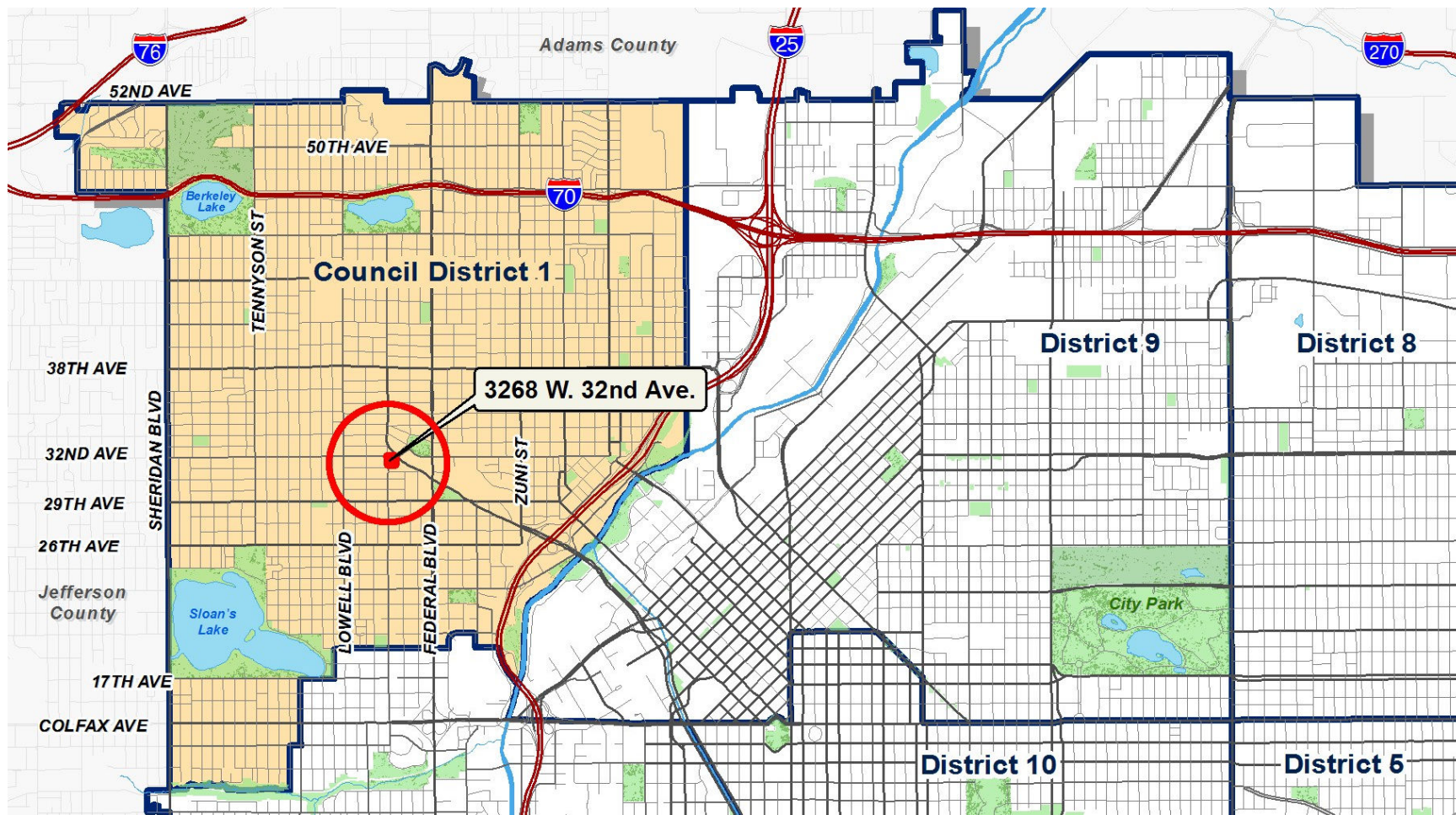


**Zone Map Amendment  
14i-00033**



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# Council District 1

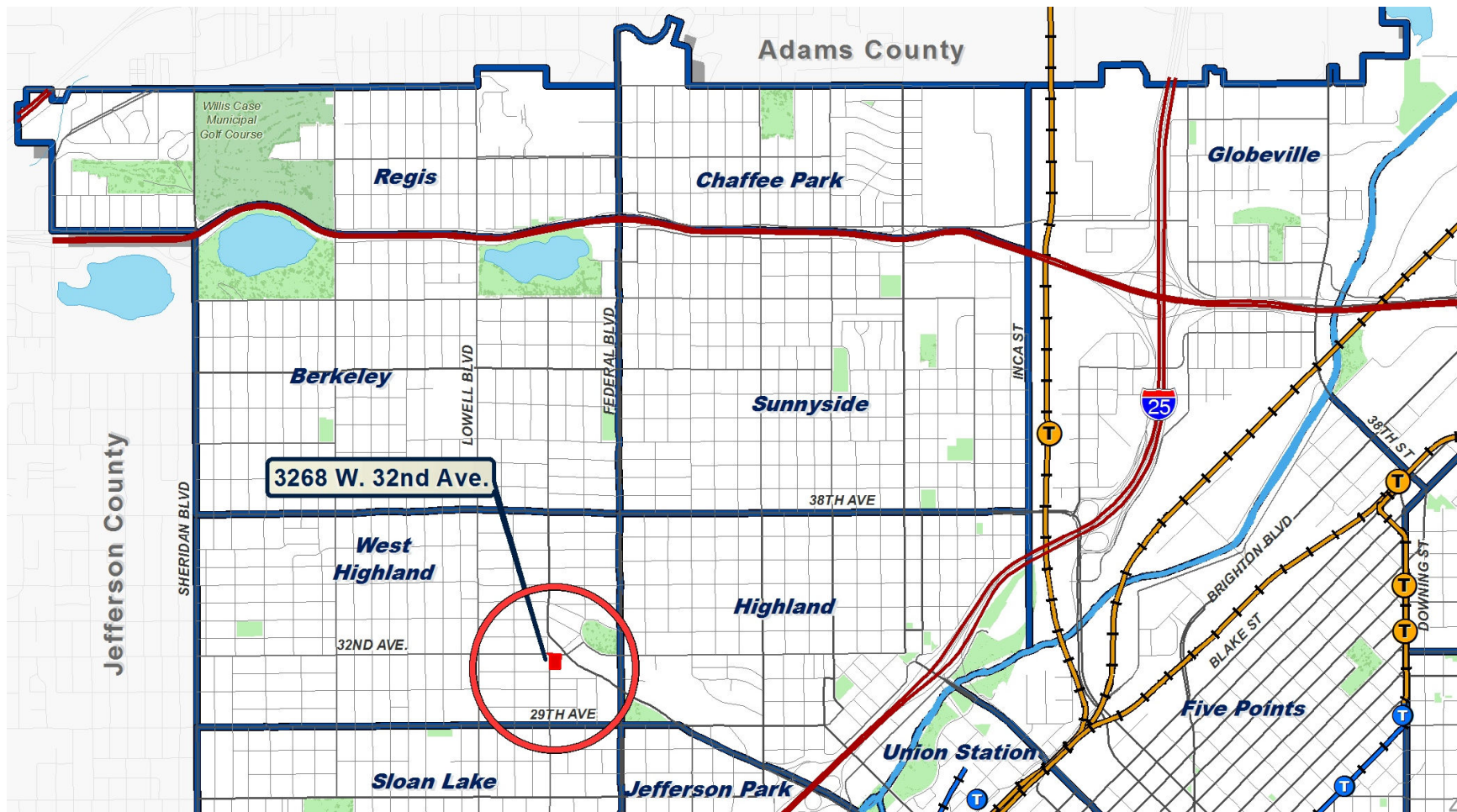






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# West Highland Neighborhood

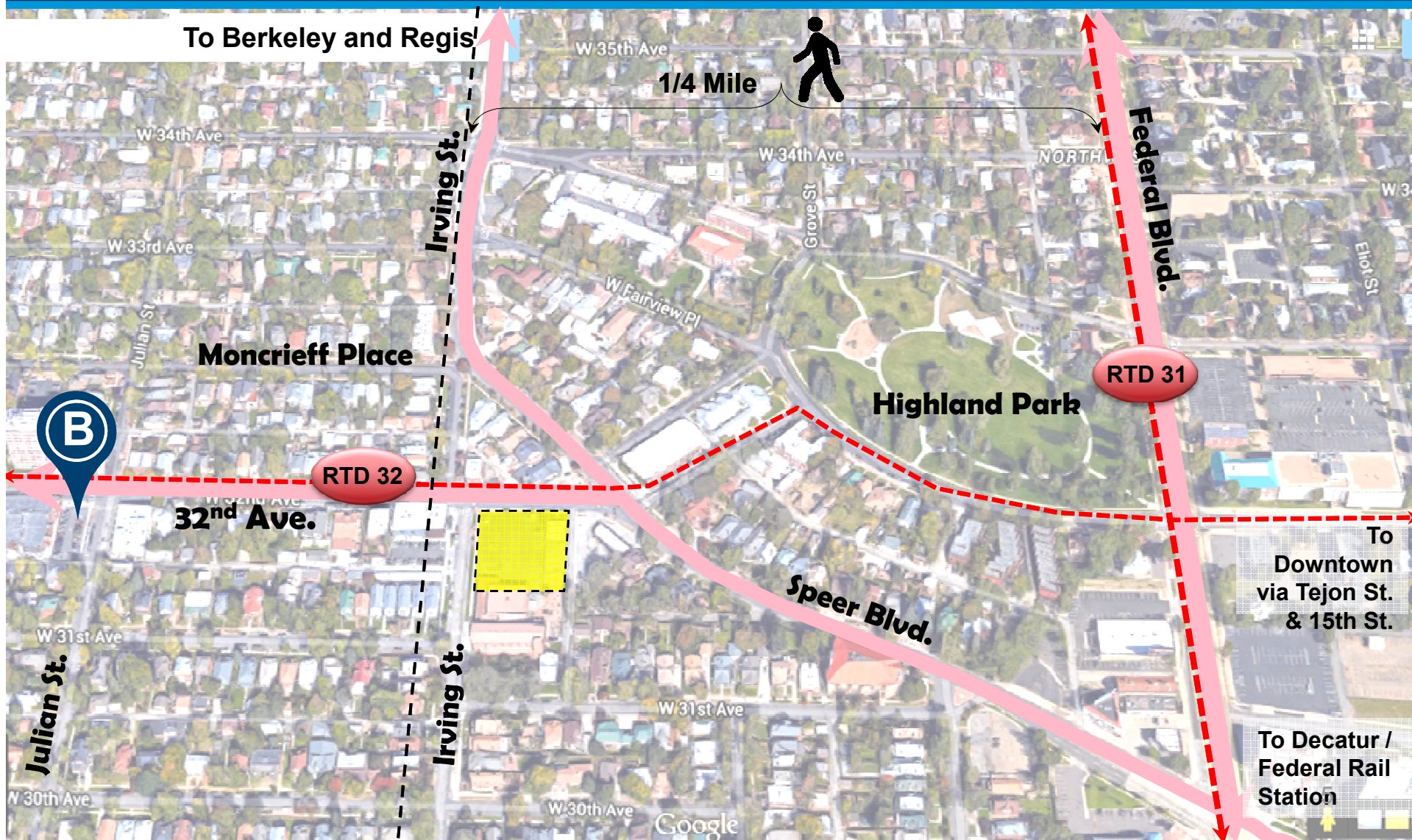






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# Property Location, Request





## Property

- 3268 W. 32<sup>nd</sup> Ave
- 31,164 s.f. 0.715 Ac.
- Underutilized surface parking and buildings

## Request

- Mixed use zoning
- Site infill / redevelopment fronting 32<sup>nd</sup> Ave
- Support continued operation of the Church



## Urban Neighborhood Context - Main Street – 2 Story Max, x (use limitations)



### U-MS-2x

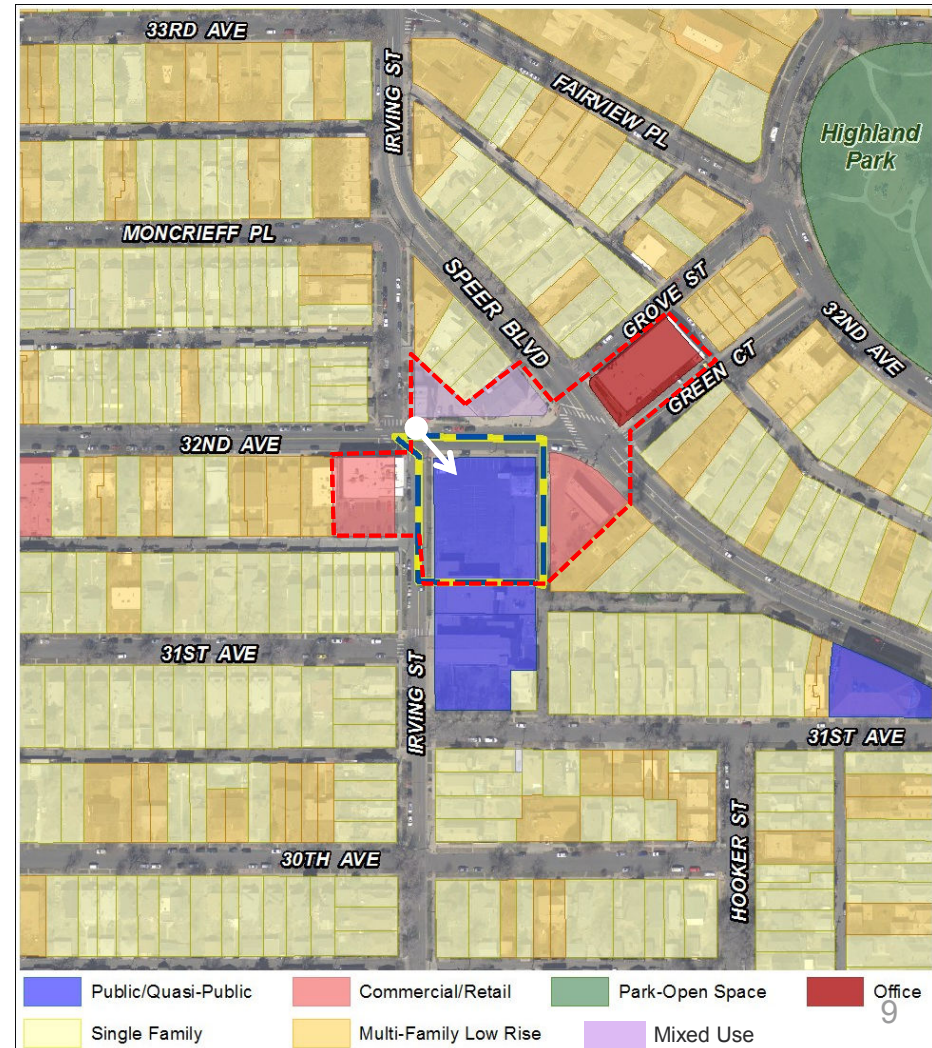
- Reinforces neighborhood character
- Building form / design standards
- Transition from commercial to residential
- Use limitations





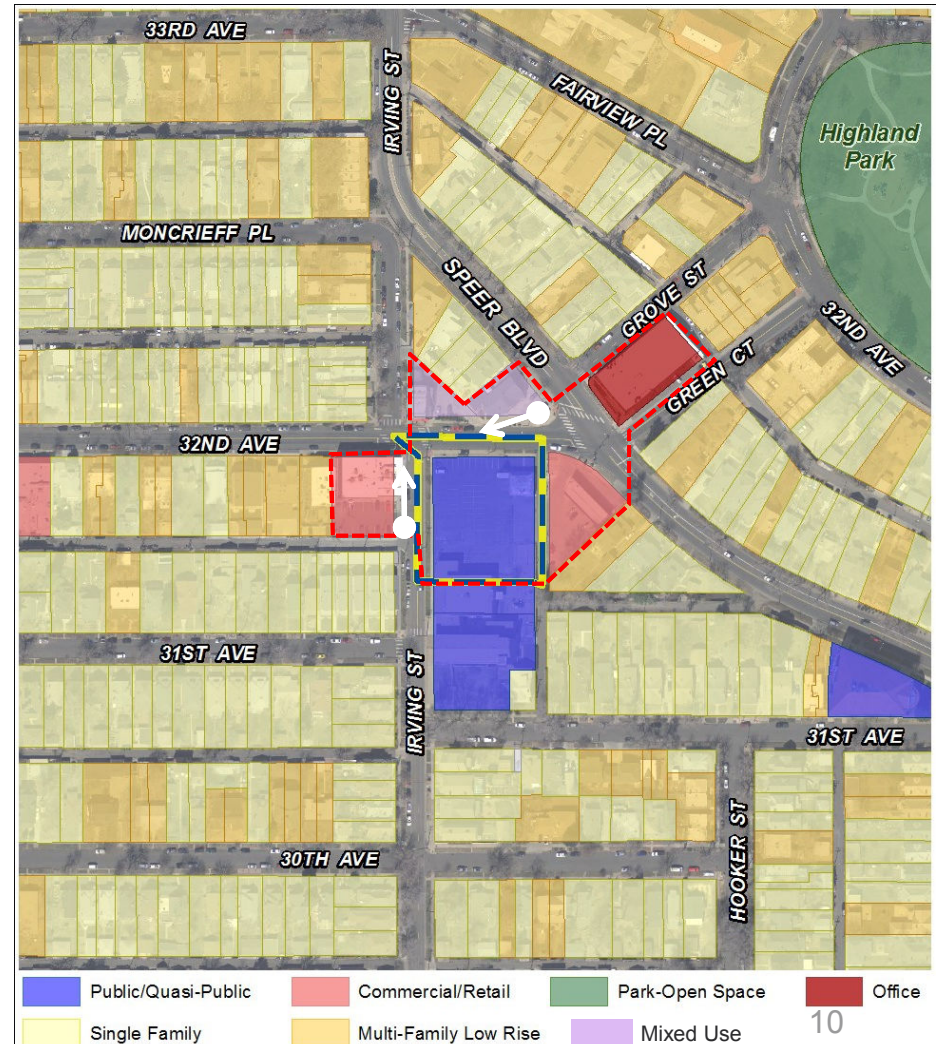
- Site:
  - **U-SU-A** (3,000 s.f. min lot)
  
- Surrounding Zoning:
  - **U-MX-2x**
  - **PUD** (commercial carwash)
  - **U-SU-A** (3,000 min)
  - **U-SU-A1** (3,000 s.f. ADU)







# Existing Context – Land Use







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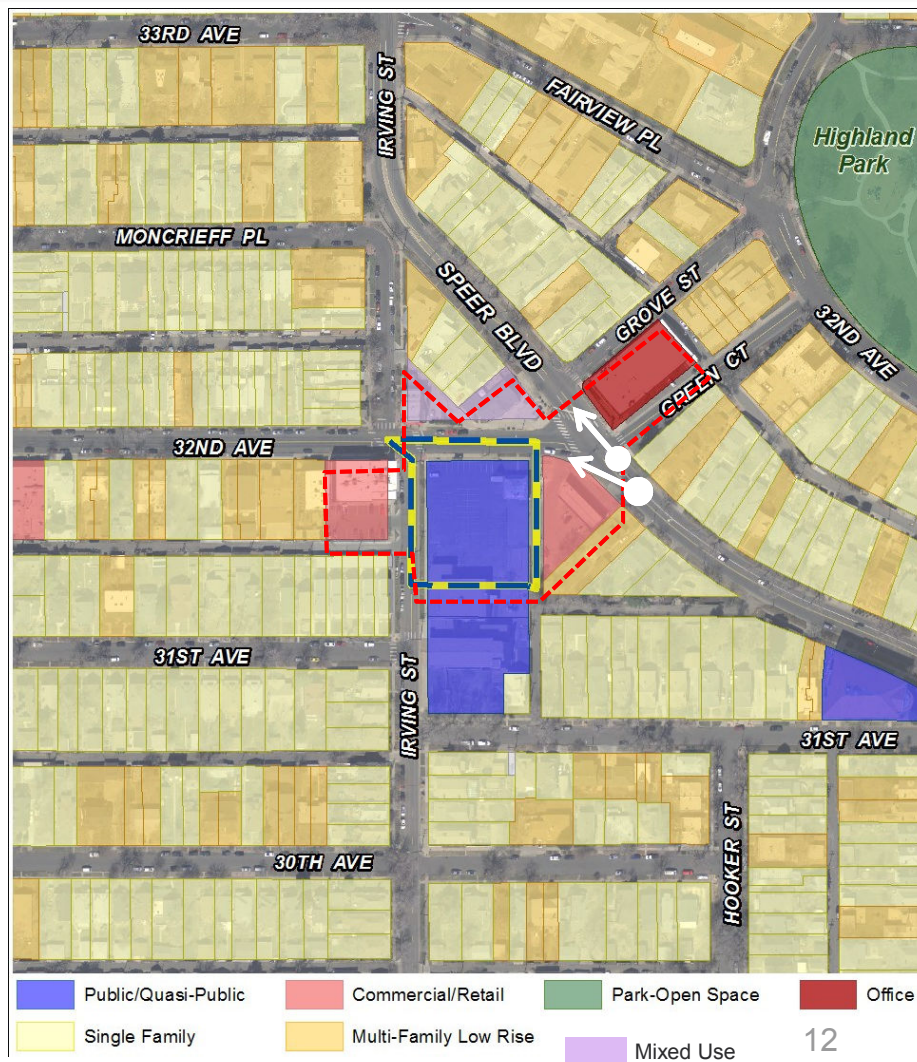
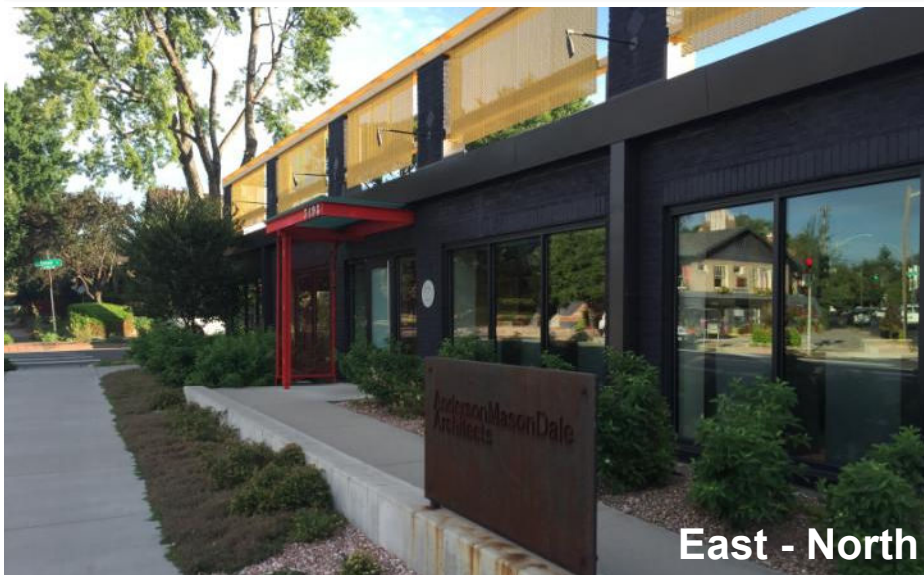
# Existing Context – Building Form/Scale

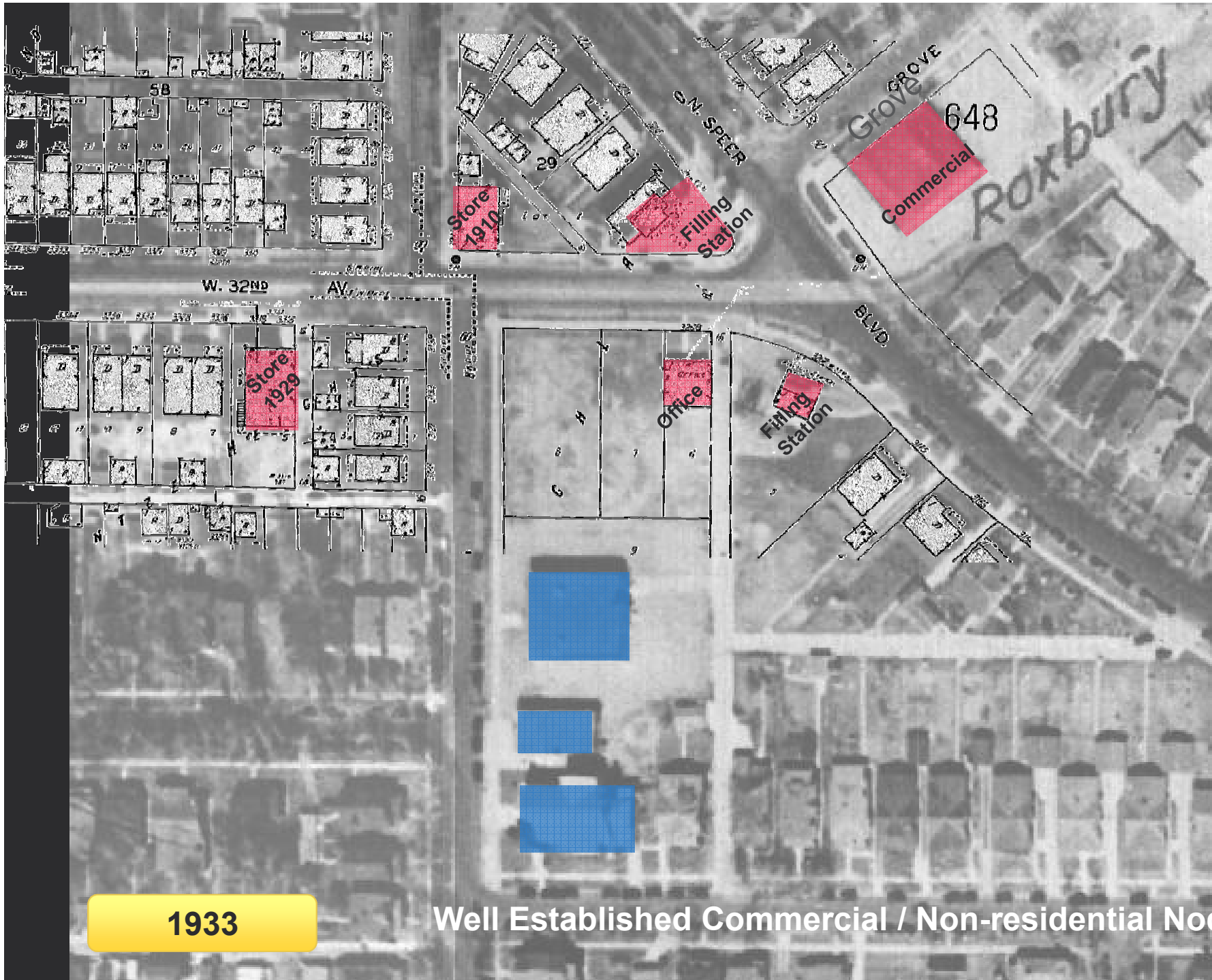


Site



# Existing Context – Land Use





1933

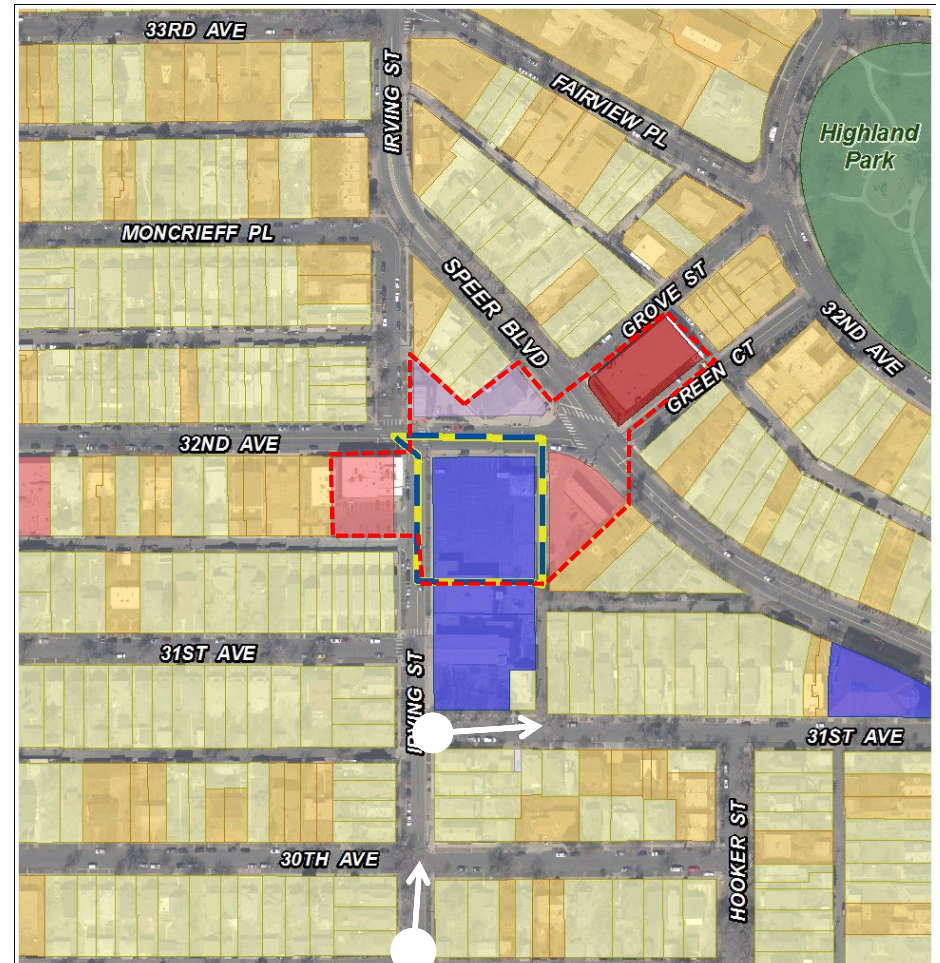
Well Established Commercial / Non-residential Node



# Existing Context – Land Use



Single Family Residential



- Public/Quasi-Public
- Commercial/Retail
- Park-Open Space
- Office
- Single Family
- Multi-Family Low Rise
- Mixed Use

- **Public Outreach**

- RNOs

- West Highland Neighborhood Association, Federal Boulevard Corridor Improvement Partnership, Denver Neighborhood Association, Inc., Inter-Neighborhood Cooperation (INC)

- Written Notice of Receipt of Application (Mar 3)

- Written Notice of Revised Application (Jul 6)

- **Planning Board Hearing: (Aug 19)** 15 day written & posted notice

- Neighborhood & Planning Committee (Sept 16) 10 bus-day notice

- **Initial Council Hearing Date: (Oct 26)** 21 Day Notice

- **Council Hearing Date Postponed Oct 19th (Nov 2nd)**



## Aug 19 Planning Board Hearing – Public Testimony

- **Opposition**
  - Assumed negative traffic and parking impacts
  - Unknown scale and character of the building & project
  - Disagreement with Staff's interpretation Blueprint Denver.
  - Preference for a PUD over U-MS-2x
  - Opposition to rezoning from current U-SU-A
- **Support**
  - Support more productive and vibrant use of parking area
  - Support mixed use services in neighborhood such as medical office
  - Recognize existing commercial character along 32<sup>nd</sup> Ave
- **Planning Board Approval: 5/3**
  - Two opposed based on context & scale
  - One opposed based on BPD interpretation



## Applicant Outreach

- Outreach focused on Rezoning and Proposed Project
- **August 2013 through May 2014**
  - Two Community meetings
  - Two meetings focused on 200' surrounding area
- Project website **Feb 2015**: [www.neighborhoodmedicalcare.org](http://www.neighborhoodmedicalcare.org)
- **April & June 2015**: Two site design workshops, coordinated with WHNA
  - Explored building form and materials per U-MS-2x
  - Vision Document to guide intended medical office project
- **Regular Attendance at WHNA meetings since Oct 2014**
  - **March 2015: WHNA Letter to District 1, cc'd CPD**
    - Traffic & Parking study requested of applicant
    - Needed before forming a position
    - Follow Up Letter of Opposition: August 16<sup>th</sup>
- **Mediation Process between Applicant and Neighborhood Representatives**
  - October 12<sup>th</sup> to October 23<sup>rd</sup>, 2015

- **Public Comment**
  - **Letters of Support**
    - Support mixed use development
    - Support medical office as neighborhood service
    - View church as compatible non-residential use next to the site
  - **Letters of Opposition**
    - Assumed traffic impacts
    - Potential impacts to residential
    - Disagreement that BPD Single Family supports commercial / mixed use
    - Interest in PUD to reflect neighborhood input and protect character
    - Opposition to changing U-SU-A
    - Letter packet from WH resident:
      - multiple opinion statements
      - summary / analysis of an online petition



## Blueprint Denver recommendation:

### Main Street corridor

- Can be implemented with U-MS-2x
- Includes standards and limitations
- Promotes consistent neighborhood scale and character
- U-MS-2x addresses the need to transition from MS to Residential



## Denver Zoning Code Review Criteria

1. Consistency with Adopted Plans
  - Comprehensive Plan 2000
  - Blueprint Denver: A Land Use and Transportation Plan
2. Uniformity of District Regulations
3. Further Public Health, Safety and Welfare
4. Justifying Circumstances
5. Consistency with Neighborhood Context, Zone District Purpose and Intent





# Review Criteria: Consistency with Adopted Plans

## Comprehensive Plan 2000

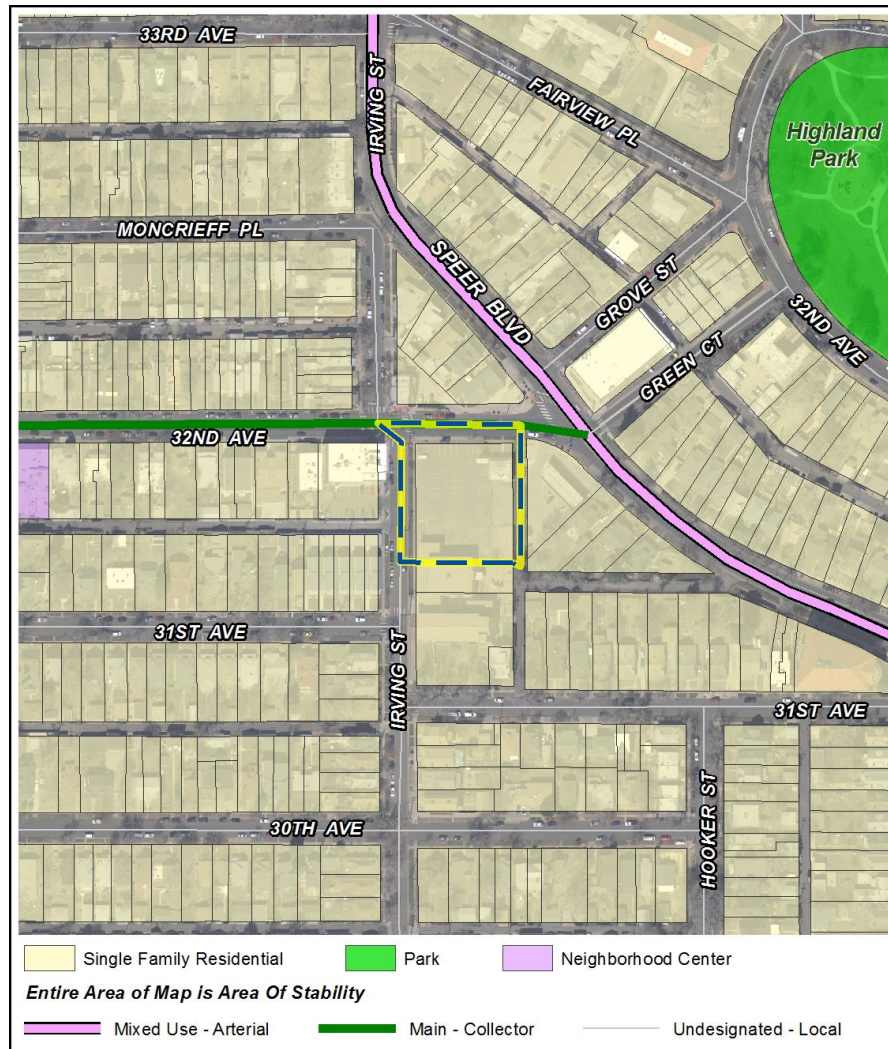
- **Infill development**

- Near existing services and infrastructure
- To establish mixed use neighborhoods . . .
- . . .consistent with neighborhood character & quality
- Convenient access to work and neighborhood services
- Strengthen sense of place
- Activate neighborhood-based facilities (including places of worship)

*(Environmental Sustainability 2-F & Land Use 3-B)*

*(Economic Activity O-5, Mobility 4-E, Human Environment / Neighborhoods 1-C)*

# Review Criteria: Consistency with Adopted Plans

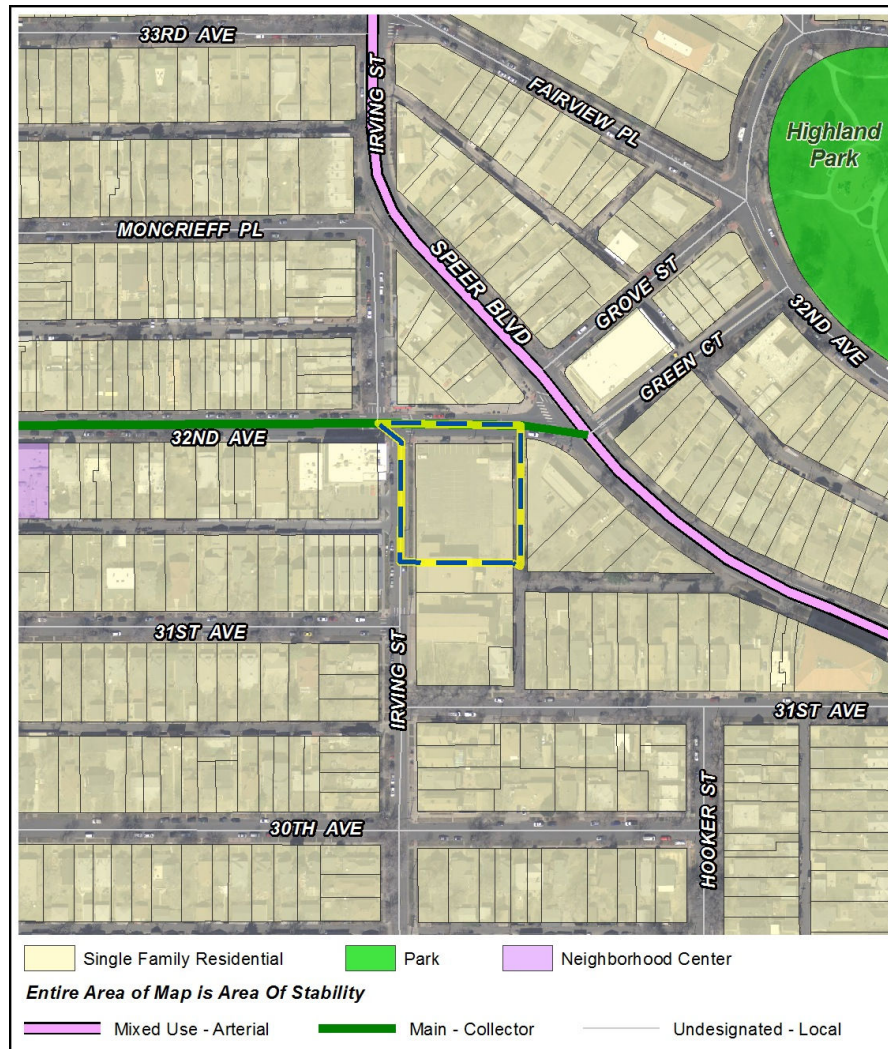


## Blueprint Denver (2002)

- Land Use Concept:
    - **Single Family Residential**
      - Residential Area and Neighborhood:
        - Primarily Residential
        - Variety of housing types
        - Complementary land uses (stores, parks and schools)
- 
- Single Family homes are predominant development type
  - Significantly smaller employment base



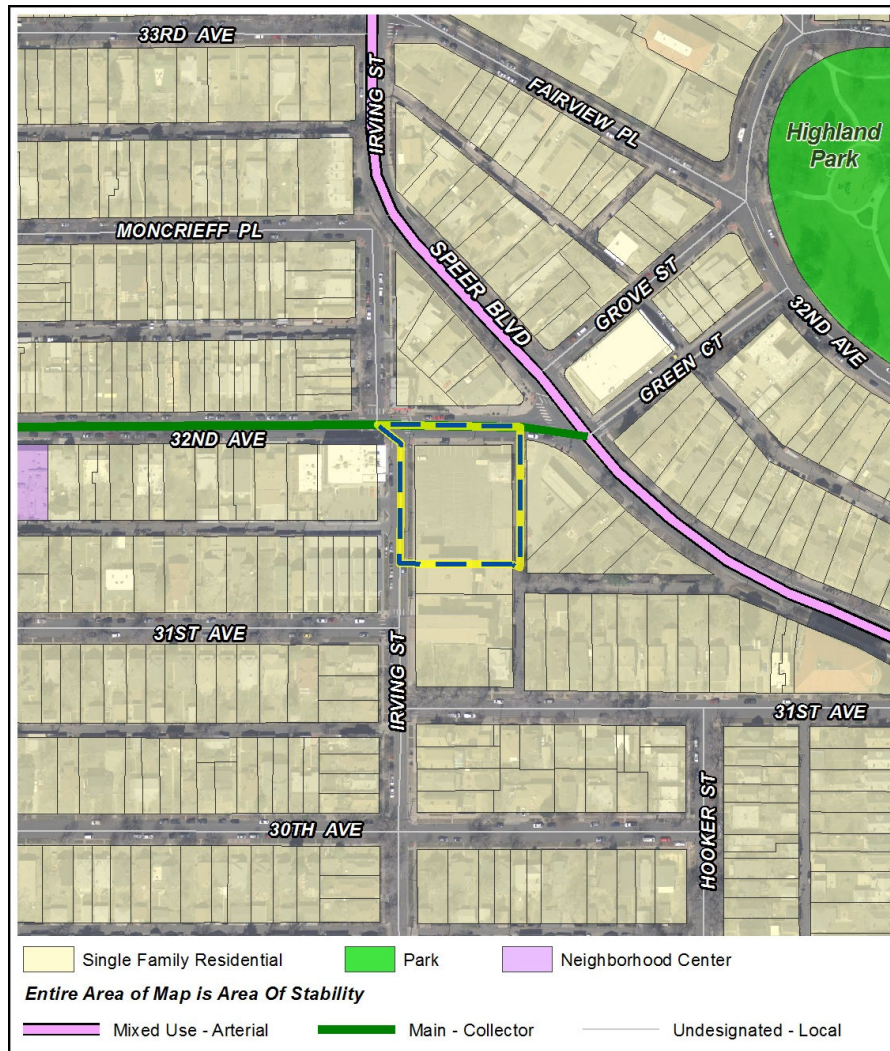
# Review Criteria: Consistency with Adopted Plans



## Blueprint Denver (2002) Area of Stability

- (Purpose & Definitions, pg 122)
  - **Committed** –neighborhood may benefit from minor infill development
  - • **Reinvestment:** Stabilize (an underutilized site) through reinvestment
- (Strategies pg 25)
  - Address incompatible zoning and land use issues
  - Improve compatibility between existing and new development (through design standards)
  - Increase housing diversity (type, size & cost)

# Review Criteria: Consistency with Adopted Plans



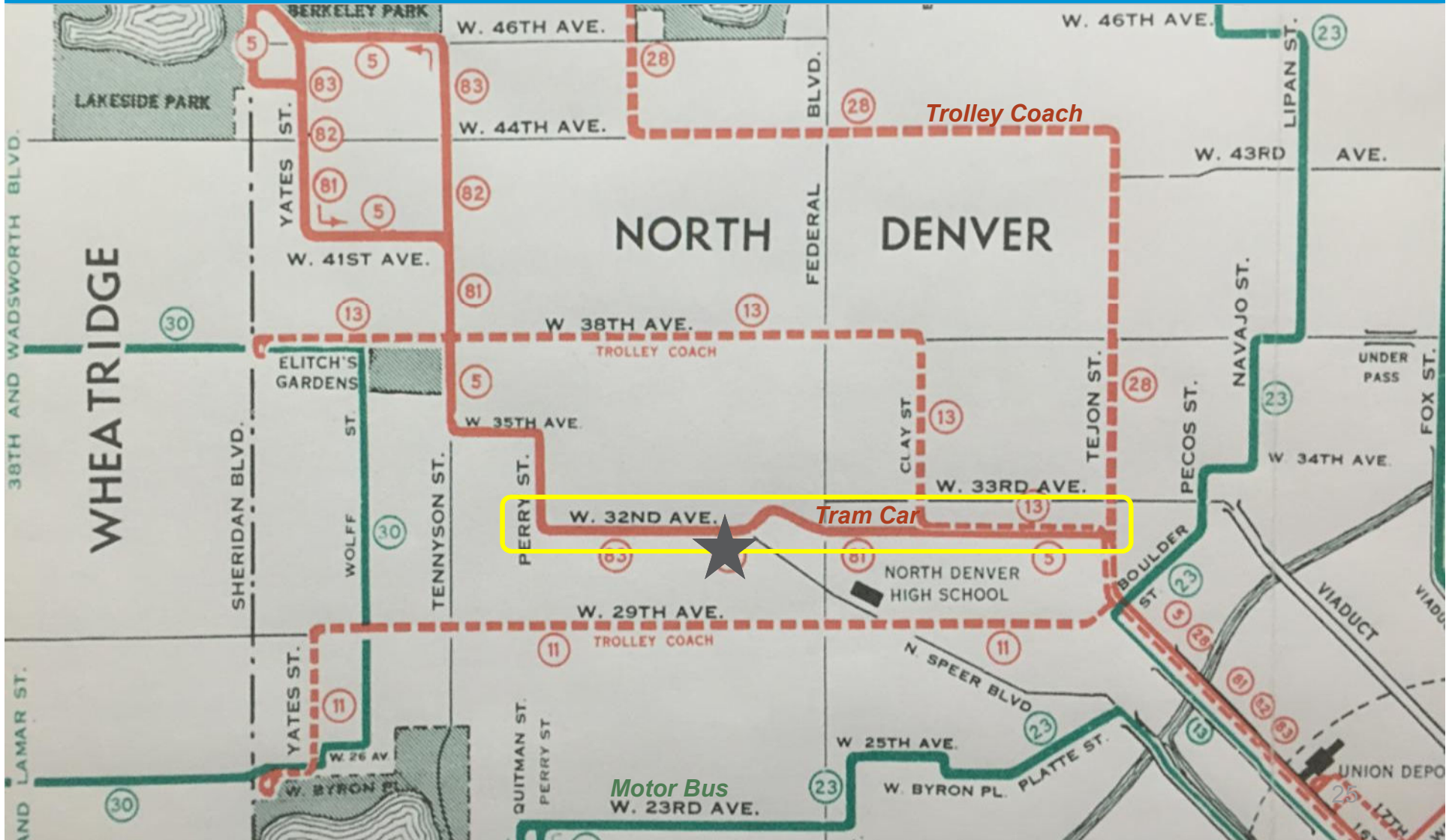
## Blueprint Denver (2002)

- Street Classifications:
  - Irving St.  
**Undesignated local**  
*provide neighborhood circulation & access to homes & services*
  - 32<sup>nd</sup> Avenue  
**Main Street Collector**  
– Access between neighborhoods
  - Promote walking & bicycling  
... Tree lawns / amenity zones, sidewalks, on-street parking, buildings close to street
  - *Reflects historic patterns along 32<sup>nd</sup> Ave Corridor (Tramway)*



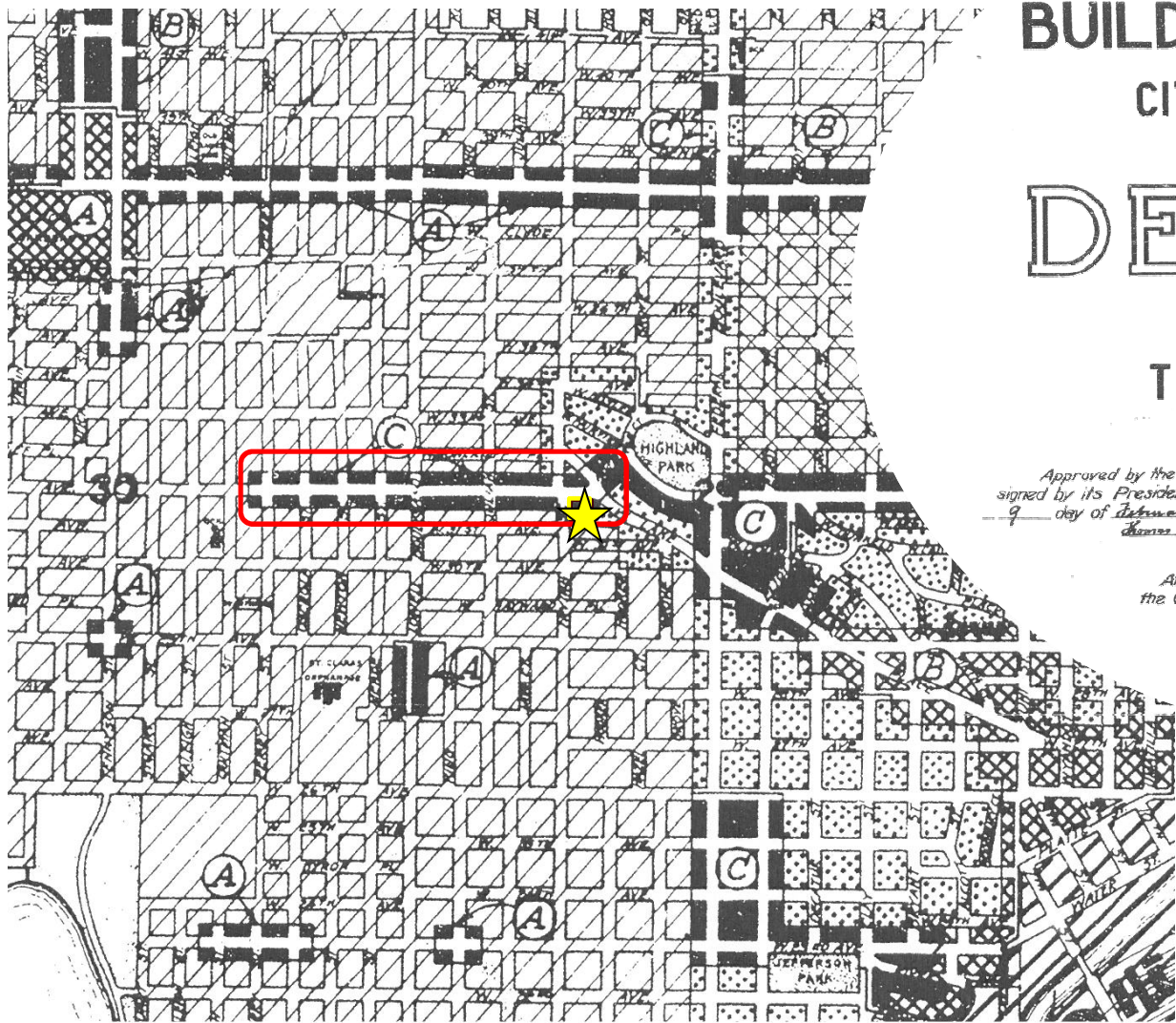


# Route Map of the Denver Tramway Corporation





**DENVER**  
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# BUILDING ZONE MAP

## CITY AND COUNTY

OF

# DENVER

AS ADOPTED BY  
**THE CITY COUNCIL**

**FEBRUARY 1925**

*Revised to April 1st, 1944*

*Approved by the Council and  
signed by its President this  
9 day of February, A.D. 1925.*

*Charles F. Caspell  
President*

*Signed and approved by me  
this 10th day of Feb. A.D. 1925.*

*Bergell Capillone  
Mayor*

*Attested by me with the corporate seal of  
the City and County of Denver.*

*William S. Red*

*Clerk and Recorder ex-officio  
Clerk of the City and County of Denver.*

*By: W. S. Red  
Deputy Clerk.*



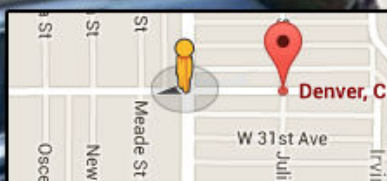


# Complete Main Street

3602 W 32nd Ave

Denver, Colorado

Street View - Jun 2014



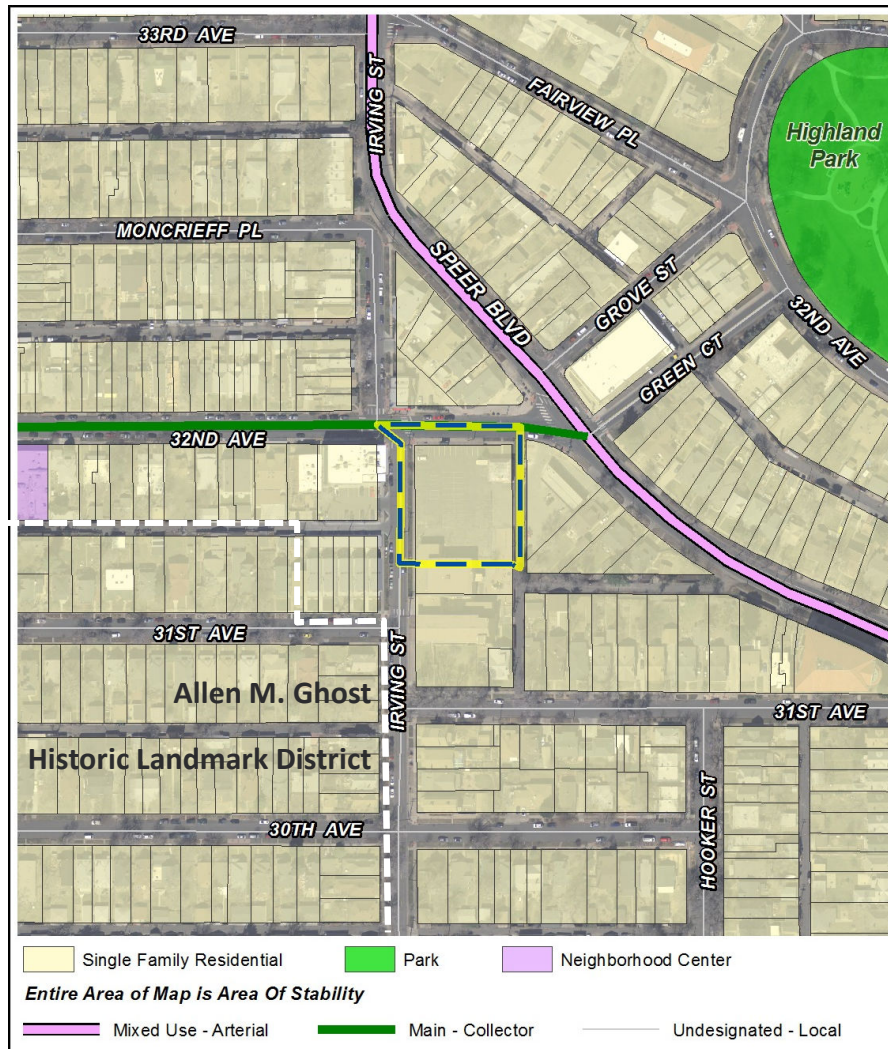


# Incomplete Main Street





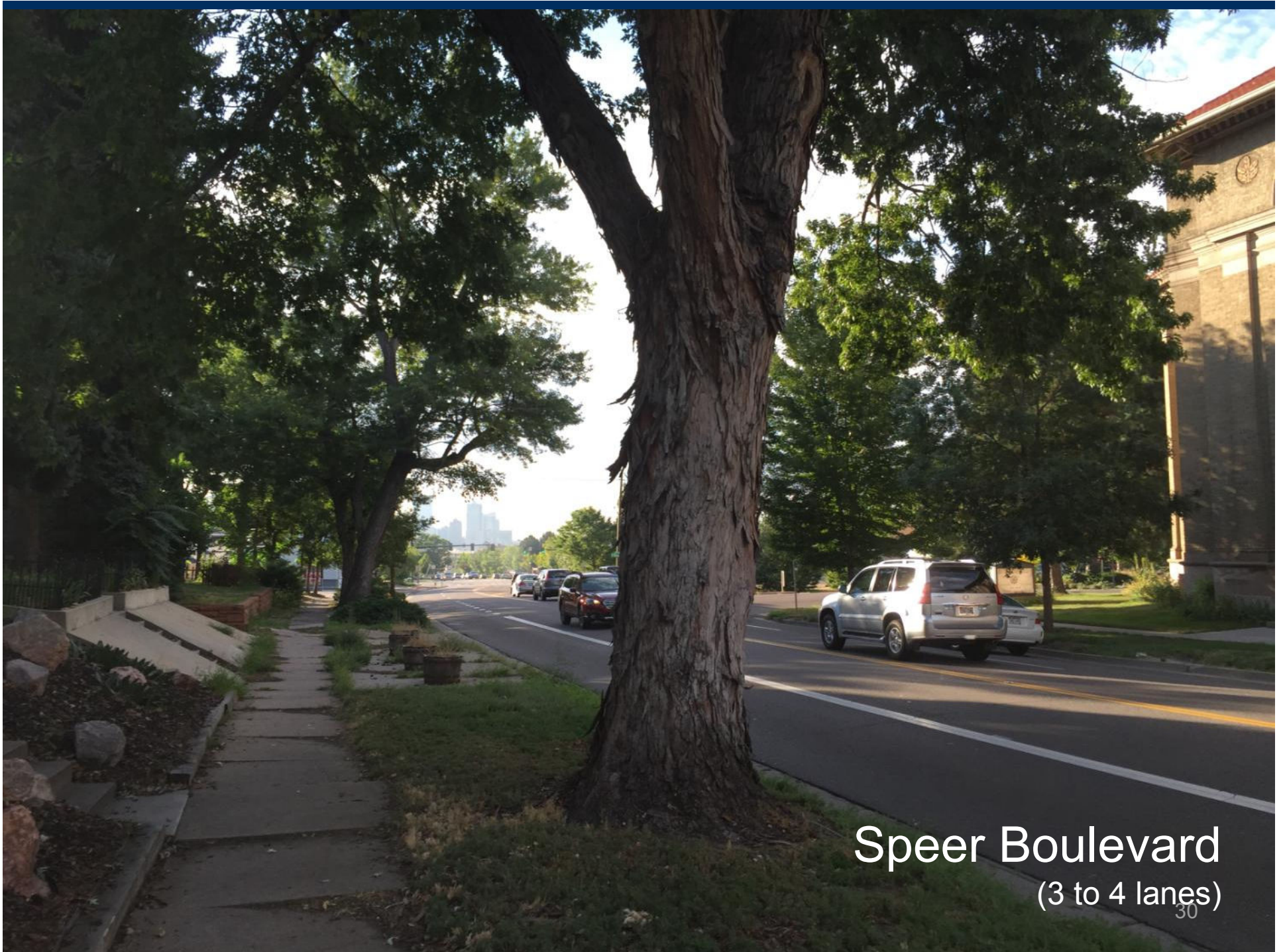
# Review Criteria: Consistency with Adopted Plans



## Blueprint Denver (2002)

- Street Classifications:
  - Speer Boulevard.
  - Mixed Use Arterial**
  - Variety of travel choices (vehicle, ped & bike )
  - 10,000 + daily vehicle trips
  - Serve longer trips
  - Connect neighborhoods to employment & commercial centers



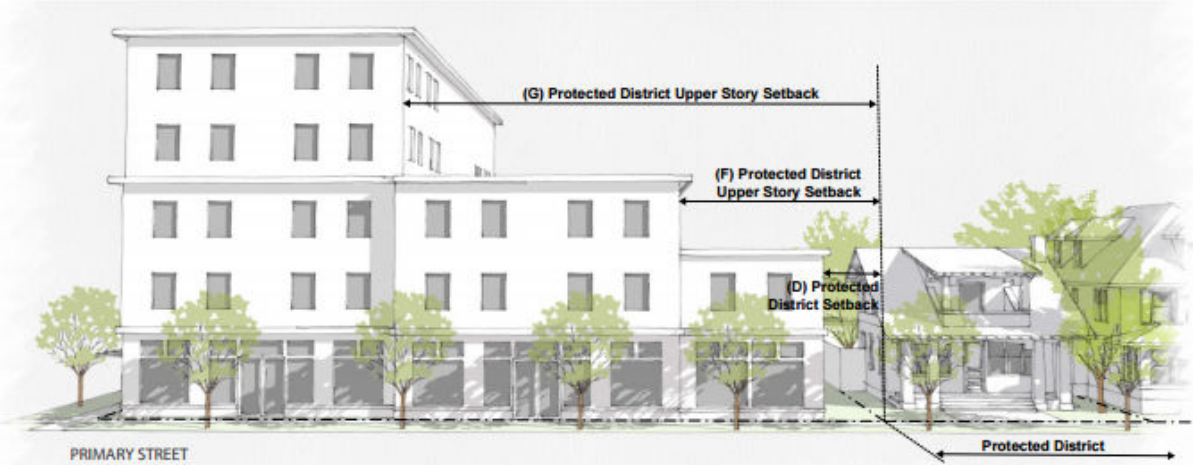


Speer Boulevard  
(3 to 4 lanes)





# Consistent with Adopted Plans



# U-MS-2x, Use Restrictions & Limitations

## U-MS-2x

- Intended for small sites embedded in existing neighborhoods
- Supports neighborhoods with mixed uses along Main Street corridors
  - Allows for residential uses
  - Allows for small-scale neighborhood-serving commercial
- Buffers 32<sup>nd</sup> & Speer from residential districts to the south
- **Encourages pedestrian activity** in walkable, transit-friendly neighborhood
- **Non-permitted uses**
- **Uses with Limitations**
- Main Street Shopfront: Highest Level Design Standards, **gives prominence to the public realm**

## NP – Not Permitted Uses

Rooming & boarding house  
Student housing  
Postal processing center  
University or college  
Arts recreation & entertainment  
Parking garage  
Bed & breakfast  
Lodging accommodations  
Body art establishment  
Retail sales – fire arms  
Vehicle service, repair, sales  
Accessory car wash bay  
Communication services  
Contractors, special trade general  
Mini storage facility



## Denver Zoning Code Review Criteria

1. Consistency with Adopted Plans
- 2. Uniformity of District Regulations**
- 3. Further Public Health, Safety and Welfare**
4. Justifying Circumstances
5. Consistency with Neighborhood Context, Zone District Purpose and Intent

## Denver Zoning Code Review Criteria

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

### **4. Justifying Circumstances –**

- 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
  - **Commercial mixed use building (west of Irving) built in 2012**
  - **Vacant school building, and underutilized parking area on the site**
  - **Emmaus Church has divided church property into two parcels**



## 5. Consistency with Neighborhood Context and Zone District Propose and Intent

- **Urban Neighborhood –**
  - Single-unit and two-unit residential uses
  - Embedded small-scale multi-unit residential and commercial uses
  - Regular orthogonal grid of streets & blocks, served by alleys
- **U-MS-2x - Urban Neughborhood – Main Street – 2 Story Maximum – x (Limitations)**
- Advance Neighborhood Quality & Define Character
- Provide for mix of uses, accessible neighborhood services
- Give prominence to the pedestrian realm & promote pedestrian activity
- Establish a sense of security and community
- Transition from Main Street to residential uses

## CPD Finding:

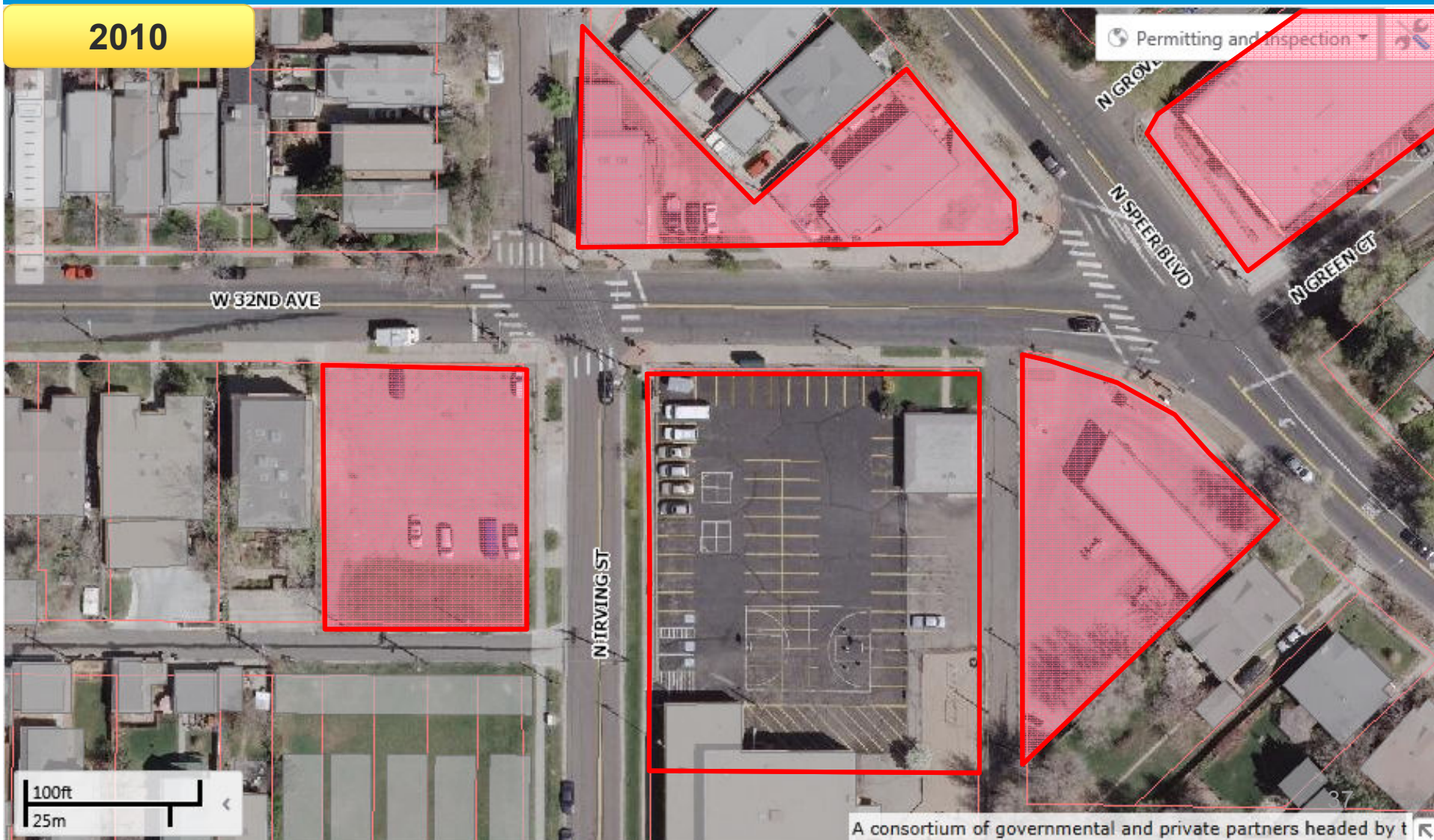
Recommend approval, finding all review criteria have been met

1. Consistency with Adopted Plans
2. Uniformity of District Regulations
3. Further Public Health, Safety and Welfare
4. Justifying Circumstances
5. Consistency with Neighborhood Context, Zone District Purpose and Intent



# Changed / Changing Condition

2010

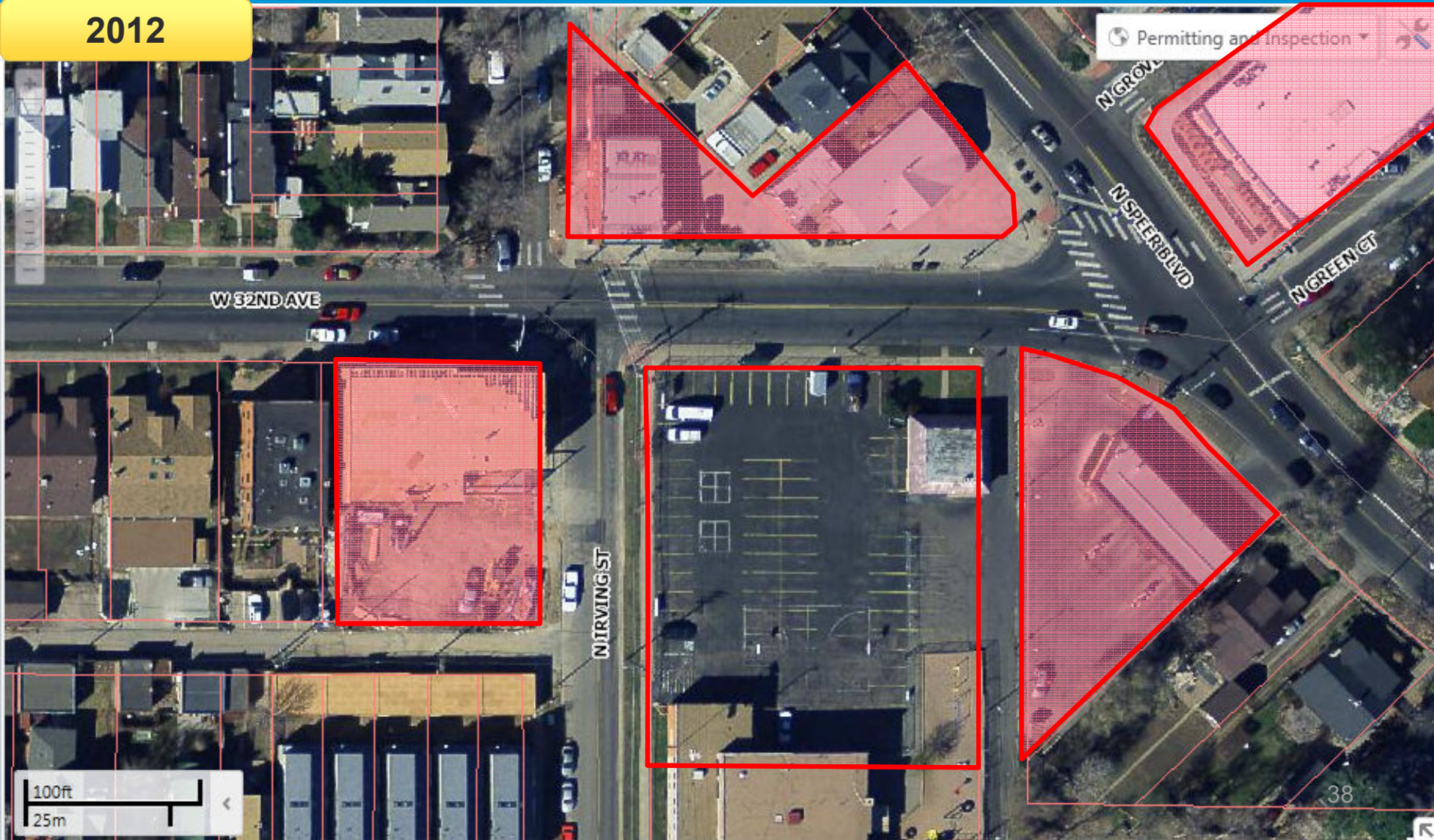


A consortium of governmental and private partners headed by t



# Changed / Changing Condition

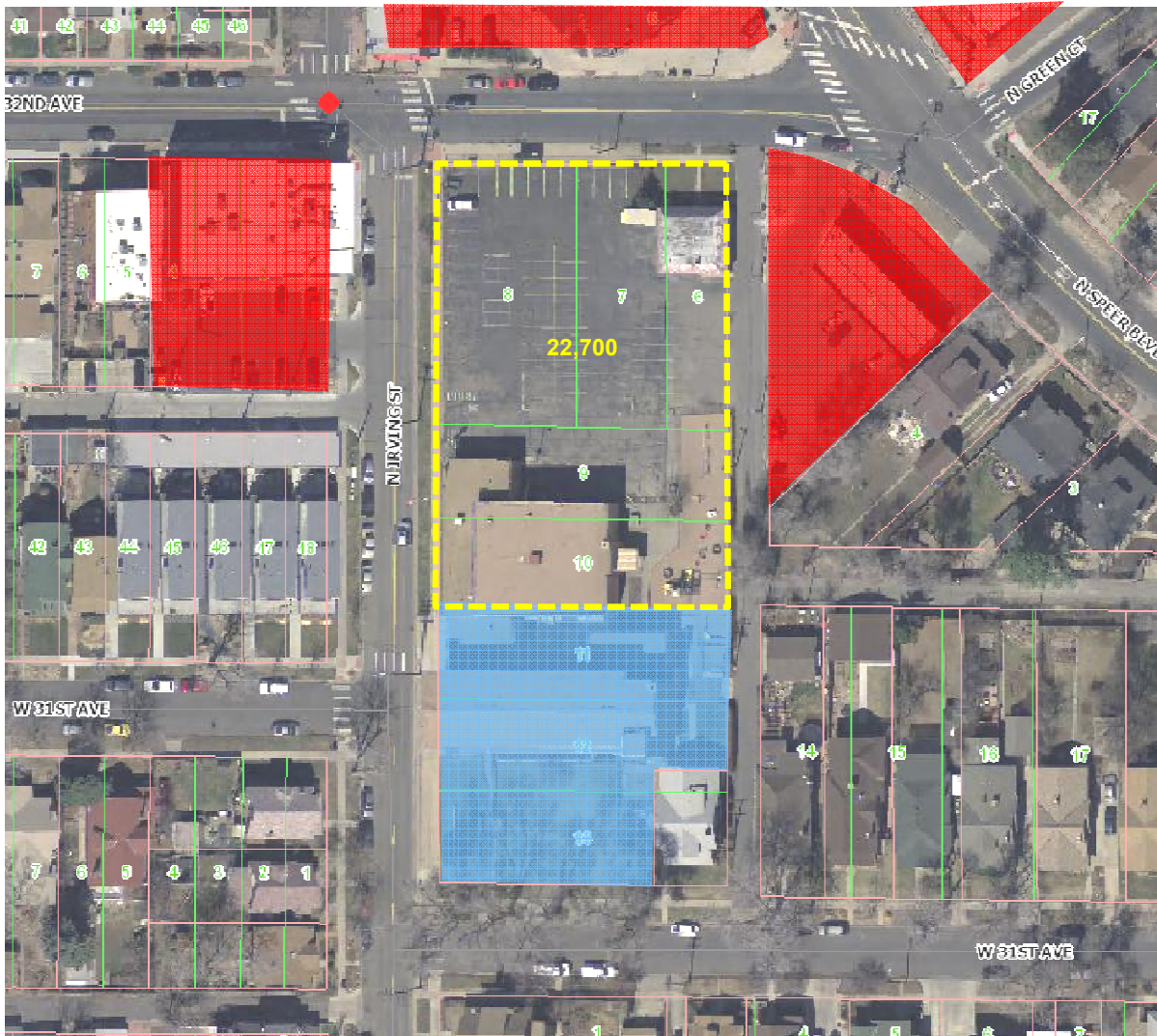
2012







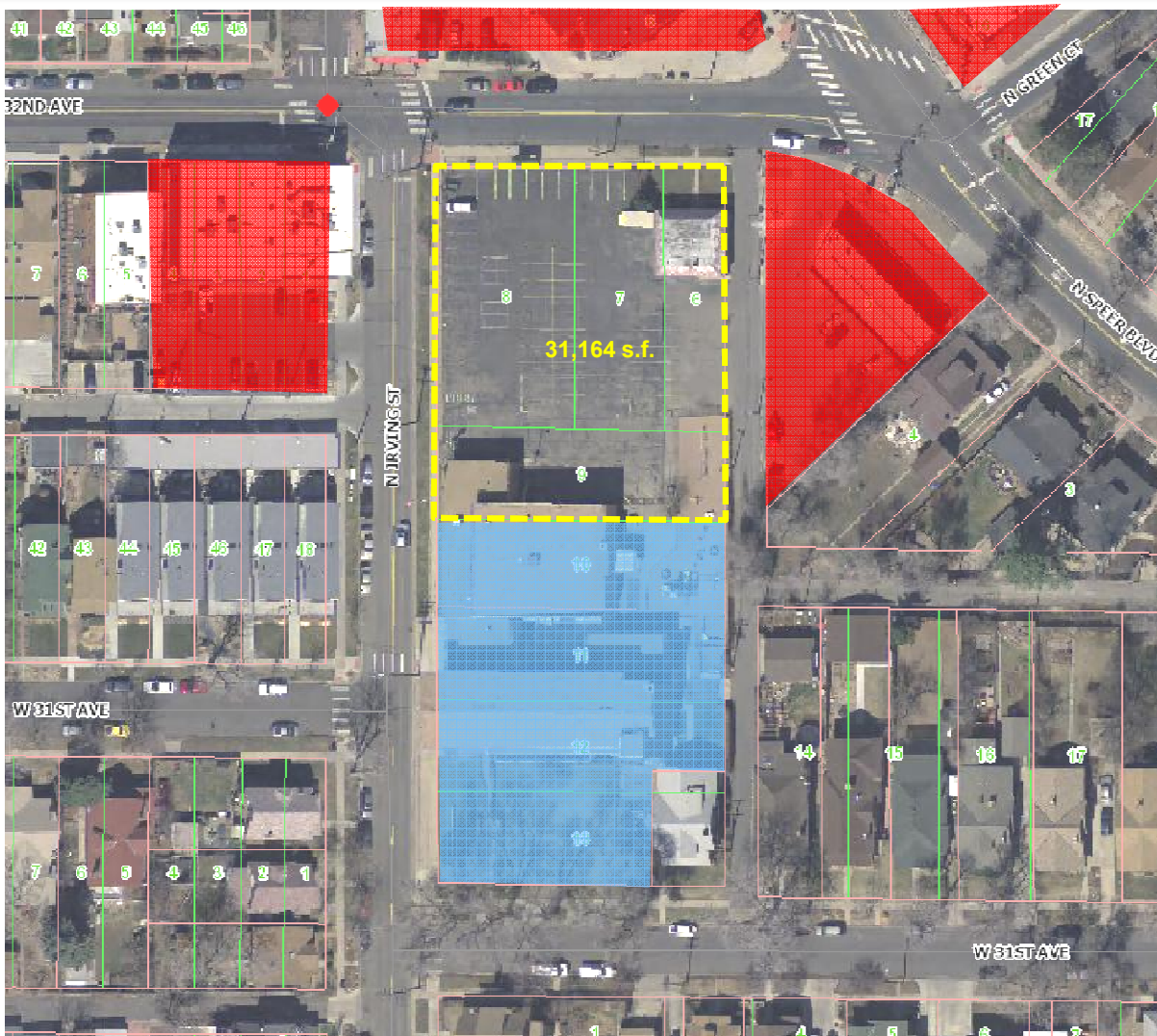




## Original Application Request

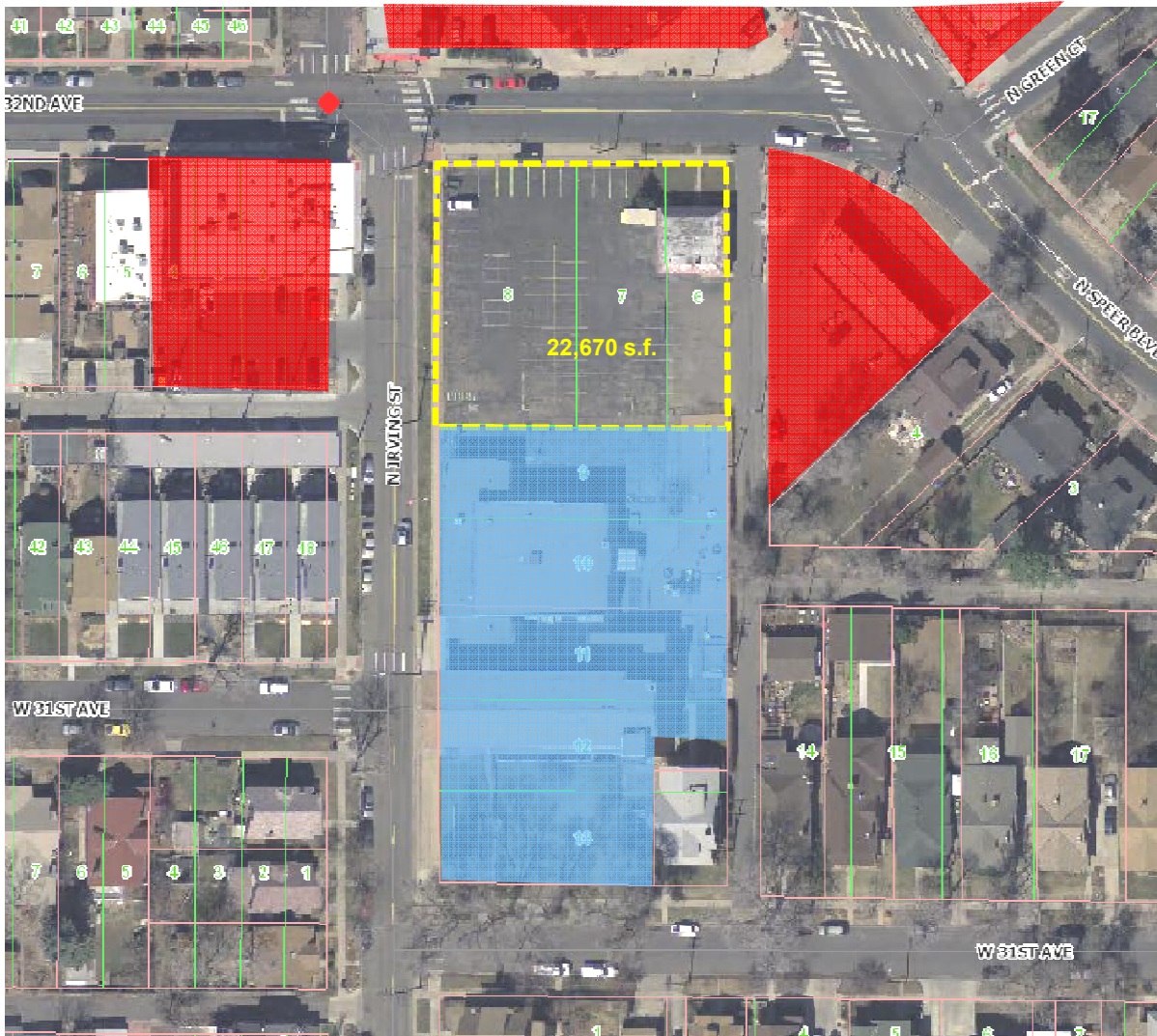
- U-MS-2x
- Lots 6 through 10





## Revised Application Request

- U-MS-2x
- Lots 6 through 9



## Modified Application Request

- U-MS-2x
- Lots 6 through 8



## Transportation Considerations – What is reviewed, when, and by whom...

Process - Scope	Transportation Considerations	City Staff	Planning Board	City Council
<p style="text-align: center;"><b>Area Plan</b> Describes VISION for an area</p>	<p>Review for consistency with Comprehensive Plan - Identify and prioritize mobility goals</p>	<p style="text-align: center;">Drafts</p>	<p style="text-align: center;">Reviews and Approves</p>	<p style="text-align: center;">Adopts</p>
<p style="text-align: center;"><b>Zoning</b> Defines REGULATIONS for a property</p>	<p>Consider street classifications relative to neighborhood context</p>	<p style="text-align: center;">Reviews</p>	<p style="text-align: center;">Reviews and recommends</p>	<p style="text-align: center;">Final Decision</p>
<p style="text-align: center;"><b>Permit</b> Assesses specific project</p>	<p>Assess potential traffic impacts associated with any development</p> <p>Determine if traffic study is needed</p> <p>Identify and require mitigation measures as needed to optimize traffic flow before</p>	<p style="text-align: center;">Reviews and makes final determination</p>	<p style="text-align: center;">None</p>	<p style="text-align: center;">None</p>



# Building Form Design Standards

	U-MX-2x	U-MS-2x
Building Form	General	<b>Shopfront</b>
Height (Min/Max)	35'	35'
<b>Build to % (Primary Street)</b>	<b>70%</b>	<b>75%</b>
Mixed, Commercial	0'/15'	<b>0'/5'</b>
Build to % (Primary Street) – Res Only	0'/15'	<b>0'/10'</b>
Front Setback (primary and side street)	0'	0'
Rear Setback - next to protected district (U-SU-A)	5'	<b>10'</b>
Surface Parking between Building & Primary / Side Street	Not Allowed / Allowed	Not Allowed / <b>Not Allowed</b>
Transparency, Primary Street (MX/Res)	40%/30%	<b>60% / 40%</b>
Transparency, Side Street (MX/Res)	25%	<b>25%</b>
Pedestrian Access (Primary Street)	Entrance	Entrance
<b>Street Level Active Uses</b> (no vehicle no parking, drive aisle, car wash, mini-storage, wholesale trade, etc).	Applies	Applies



## WHNA Position

- Redevelopment of this site, other than single family is unlikely . . .
- We believe the best way to move forward is a planned unit development rezoning . . .
- To get something that we will all be able to live with . . .

## PUD Purpose and Intent – (DZC Section 9.6)

. . . . can only apply to unique and extraordinary circumstances.

### Examples:

- A development site with special physical characteristics (odd-shaped lot, topographical barriers) that would present barriers to standard development or construction practices
- The protection / preservation of a historic structure or historic district
- Rezoning from an existing PUD for the site, to a new PUD district, with the intent of bringing the site closer to conformance with current zoning regulations and adopted plans, or
- The proposed scale or timing of a development project demands a more customized approach to achieve a successful, phased development.

Additional purpose of a PUD:

To avoid multiple variances, waivers, and conditions

- CPD's finding is that the site, existing zoning, and proposed development does not meet the purpose and intent for use a PUD.



# Denver Zoning Code 9.6.1

## DIVISION 9.6 PLANNED UNIT DEVELOPMENT DISTRICT (PUD)

### SECTION 9.6.1 PLANNED UNIT DEVELOPMENT DISTRICT (PUD)

#### 9.6.1.1 General Purpose and Intent

- A. The general purpose of a Planned Unit Development Zone District (“PUD District”) District is to provide an alternative to conventional land use regulations, combining use, density, site plan and building form considerations into a single process, and substituting procedural protections for the more prescriptive requirements in this Code. The PUD District is intended to respond to unique and extraordinary circumstances, where more flexible zoning than what is achievable through a standard Zone District is desirable and multiple variances, waivers, and conditions can be avoided.
- B. “Unique and extraordinary circumstances” that justify use of a PUD District include, but are not limited to, the following:
  - 1. Where a development site has special physical characteristics, including but not limited to irregular or odd-shaped lots, or lots with significant topographical barriers to standard development or construction practices;
  - 2. Where a customized zoning approach is necessary to protect and preserve the character of a historic structure or historic district;
  - 3. Where a development site is subject to an existing PUD and rezoning to a new PUD District will bring the site closer to conformance with current zoning regulations and adopted plans; or
  - 4. Where the proposed scale or timing of a development project demands a more customized zoning approach to achieve a successful, phased development.





## Custom Zoning in Denver

It is Denver Community Planning and Development's policy to attempt to identify a standard zone district for all proposed map amendments. However, the Denver Zoning Code acknowledges that customized zoning is appropriate in some situations. The three main customized zoning tools are:

### Planned Unit Development (PUD) (see Division 9.6 of the Denver Zoning Code)

#### Definition and Intent:

- Stand-alone zone district that provides an alternative to standard zone districts. PUD districts are based on a standard zone district, but tailor standards – such as building form, parking, or site design – to a particular site.
- Intended to respond to unique and extraordinary circumstances and to be used where more flexible zoning than what is achievable through a standard zone district is desirable.
- Created through official map amendment process.

**When to use:** Generally used for specific sites with unique or extraordinary circumstances, rather than large geographic areas with more than one owner.

### Overlays - Design and Conservation (see Division 9.4 of the Denver Zoning Code)

#### Definition and Intent:

- Provide supplementary regulations that modify a standard underlying zone district(s). The overlay district is not a stand-alone district – it “overlays” the underlying zoning of a property.
- Intended for special and unique cases to supplement a standard zone district with additional use or design limits, allowances and/or prohibitions.
  - Design overlays are intended to create uniform design standards for corridors, neighborhoods, or newly developing areas.
  - Conservation overlays are intended to revitalize and conserve areas that have distinctive features, identity, or character worthy of retention or enhancement.
- Created through a text amendment to establish the standards, as well as an official map amendment.

**When to use:** Generally used for larger geographic areas with multiple owners, such as a river corridor or neighborhood, or for newly developing areas. Conservation overlays are specifically for geographic areas where there are distinctive features, identity, or character worthy of retention and enhancement.

### Waivers and Conditions (see Section 12.4.10.6 of the Denver Zoning Code)

#### Definition and Intent:

- Waivers: As part of an official map amendment, an applicant may waive certain rights or obligations under the proposed zone. Waivers are for waiving of any right or obligation that is directly part of the zoning code.
- Conditions: The Denver Zoning Code also allows for the attachment of reasonable conditions to an official map amendment. Conditions are for items that are not standards in the zoning code.

**When to use:** It is CPD policy to use waivers in situations where the waiver(s) helps to solve an issue that CPD is committed to resolve through a future text amendment. It is CPD policy to avoid the use of conditions.



# Existing Context – Building Form/Scale

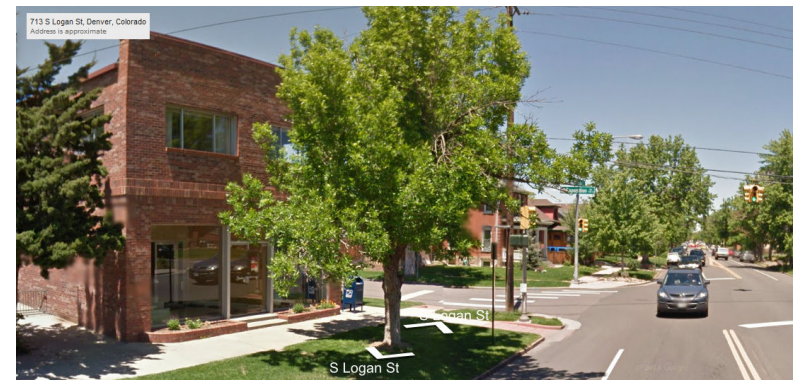
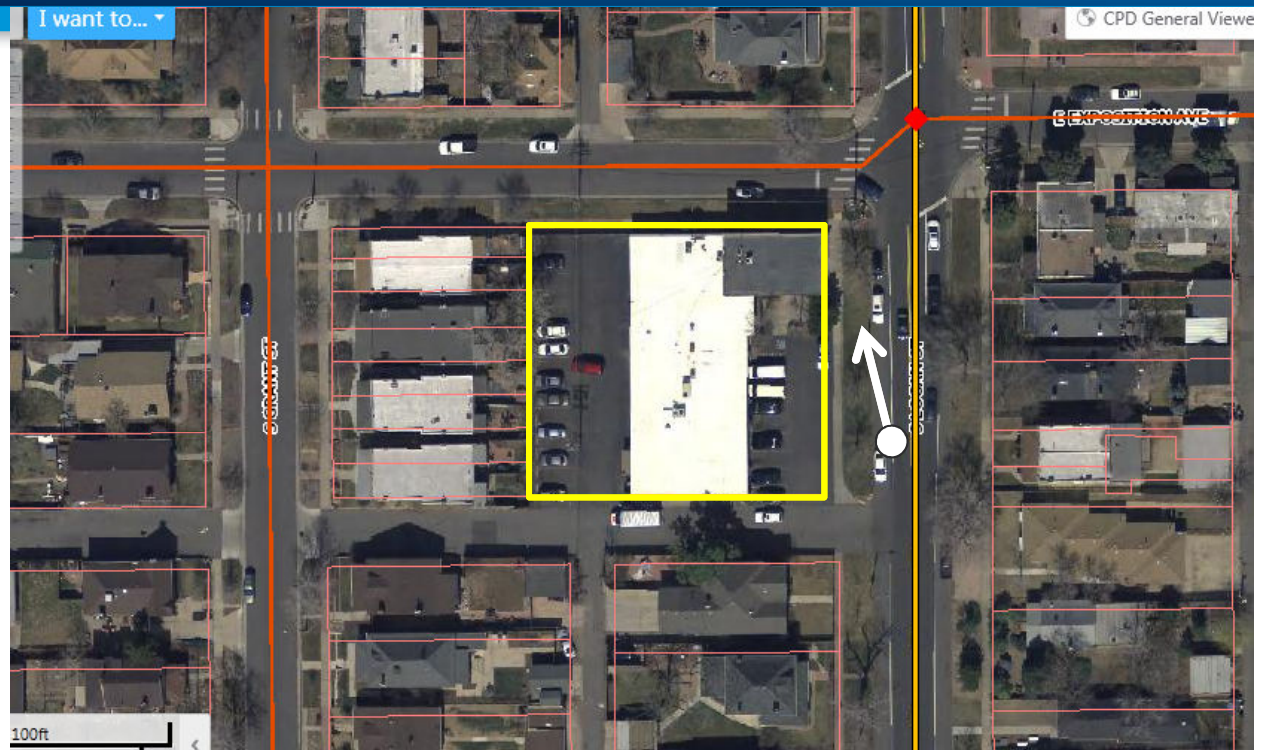


**Church / Vacant School, Single Family Residential**



## U-MS-2x Exposition & Logan (2010)

Lot: 20,700 s.f.  
Building: 10,600 s.f.





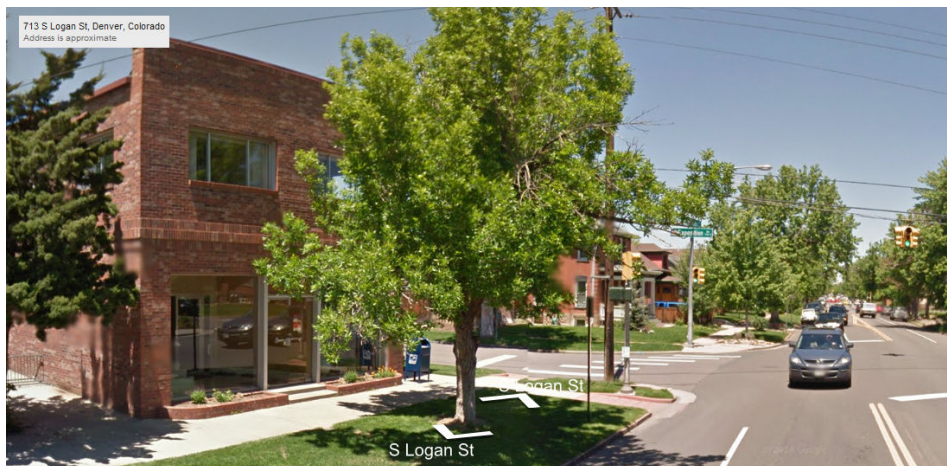
# U-MS-2x Examples

Address is approximate



U-MS-2x - Ohio & Emerson (2010)

U-MS-2x - Exposition & Logan (2010)



713 S Logan St, Denver, Colorado  
Address is approximate

U-MS-2x - Virginia & Clarkston (2010)



774 E Virginia Ave, Denver, Colorado  
Address is approximate





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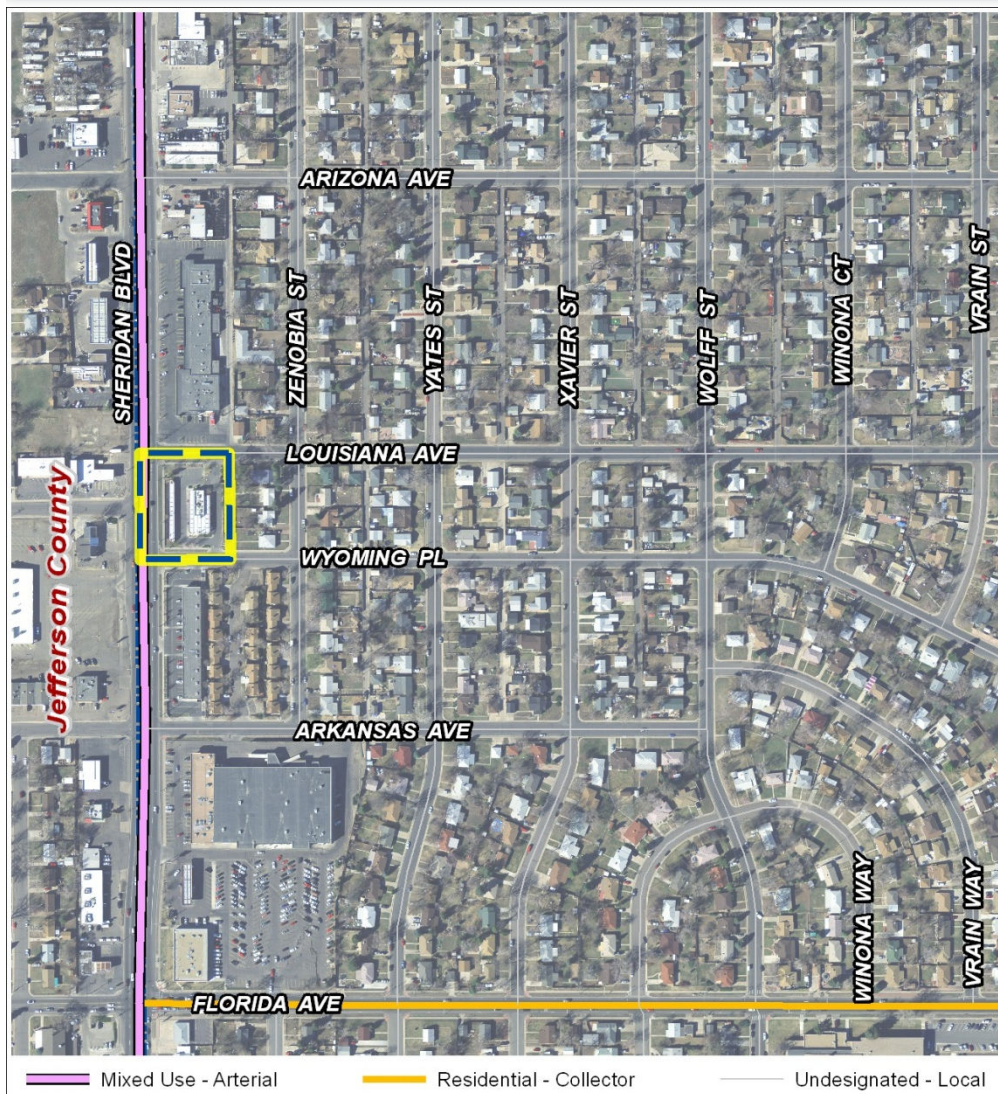
U-MX-2x - 23rd Ave & Clay (2014)

U-MX-2x - 12th Ave & Mariposa (2013)



FOR CITY SERVICES VISIT | CALL  
**DenverGov.org** | **311**

# 1300 S. Sheridan Review Criteria: Consistency with Adopted Plans

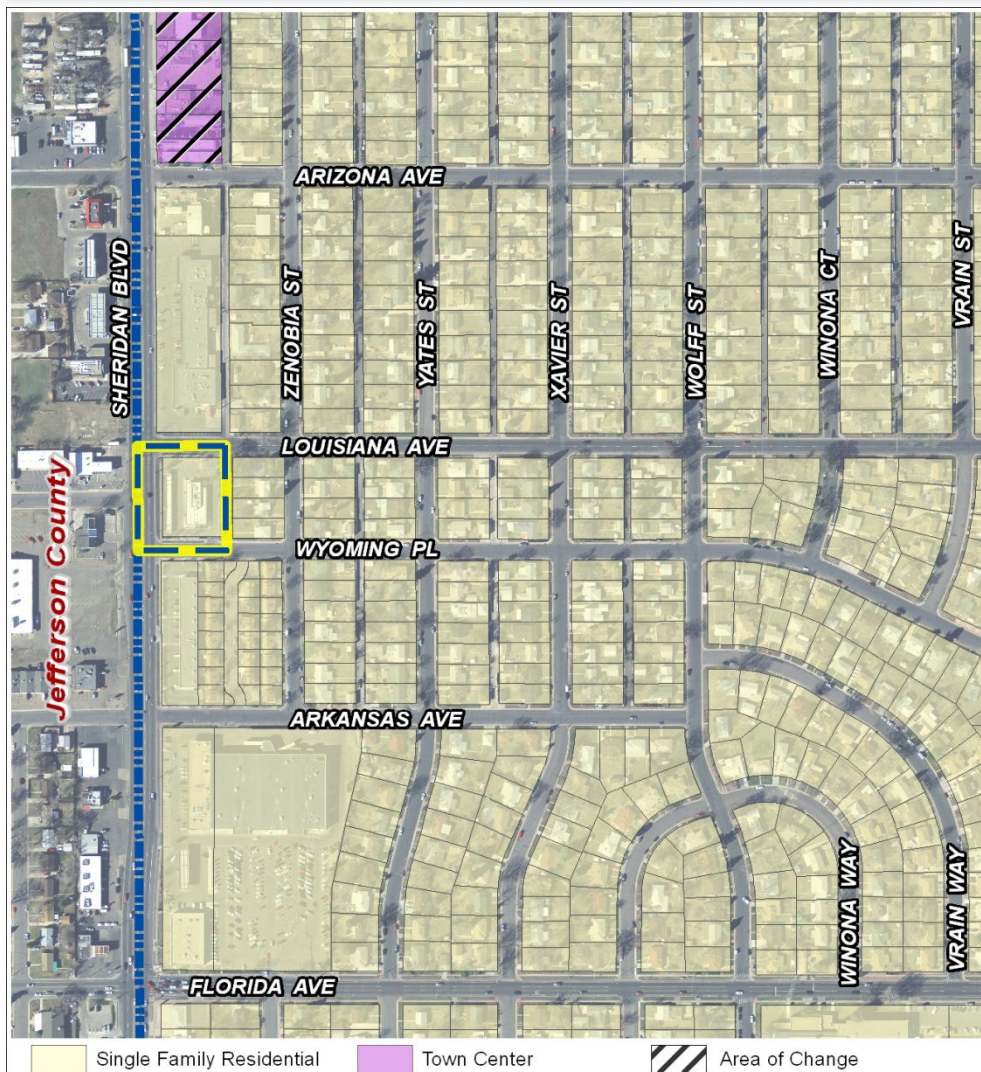


## Blueprint Denver (2002)

- Future Street Classification:
  - **Sheridan = Mixed Use Arterial**
    - High degree of mobility
    - High-intensity mixed-use commercial, retail, and residential areas
  - Louisiana and Wyoming = Undesignated Local
    - Provide local access



# Review Criteria: Consistency with Adopted Plans



## Blueprint Denver (2002)

- Land Use Concept:
  - **Single Family Residential**
    - Residential neighborhoods with densities fewer than 10 units per acre
    - E-MX-3 allows single family
  - **Area of Stability**
    - Maintain the character of an area while accommodating some new development and redevelopment
    - E-MX-3 allows redevelopment on a major corridor but also has protections for adjacent

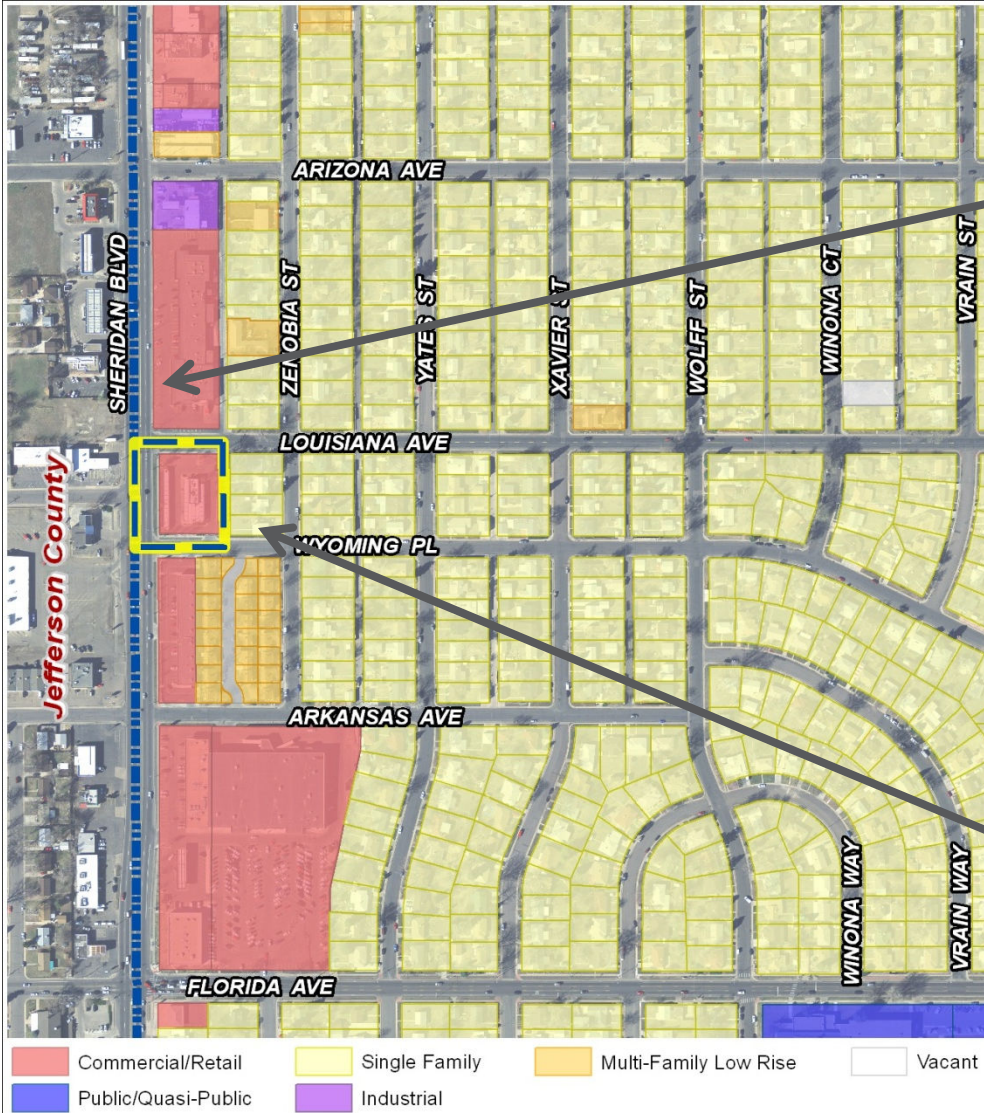
1300 S. Sheridan Blvd





**DENVER**  
THE MILE HIGH CITY

# Existing Context – Building Form/Scale



1300 S. Sheridan Blvd





## Concerns with Waivers and Conditions (pg 82)

- Result from unsatisfactory performance of Ch 59 regulations
- Further complicate zoning
- Not crafted to address both building form and land use
- Remain enforceable for decades after, regardless of their effectiveness and applicability

## Concerns with PUD's (pg 82)

- Widespread proliferation has increased complexity of regulating land use
- Conditions on development sometimes perform poorly and inflexibly

## Solutions: (pg 82 -83)

- Revise and Simplify the Code (2010!)
- New Code to focus staff attention on broader implementation efforts
- Standardized districts for land uses, standard development & design standards
- Repeal & change PUD's to appropriate zone district (s)

## Solution: Development and Design Standards (pg 85)

- Customized zoning is motivated by **desire to influence design of buildings and areas**
- Impacts and basic physical characteristics can be controlled most effectively by using a **straightforward set of development & design standards**
- Not guidelines, **“but a set of specific solutions to common problems”**

## Design Review (pg 85 - 86)

Concern: Enormous amount of staffing if required for all buildings

### Solution: Ministerial Reviews:

- Clear, objective standards
- Straight forward and unambiguous, usually with measurements
- Suggested for 85% of all permits requiring attention to design issues
- Adoptable in regulatory framework: Common standards for common issues
- Allows for more consistent treatment of issues (83)

### Administrative Review

- Yesterday's PBG or PD, today's GDP
- Smaller percentage of permits, but larger sites
- Used for site plan review

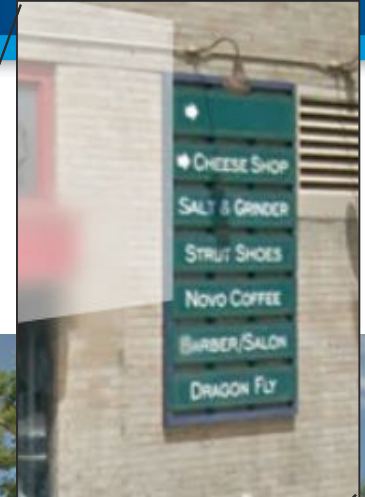
### Design Review

- Subjective and discretionary review
- Guided by site-specific design standards
- Often professional staff or special board makes decisions
- Designated for landmarks, prominent areas, sensitive areas and important buildings:
  - Downtown, Cherry Creek, Lowry, Stapleton and the Gateway



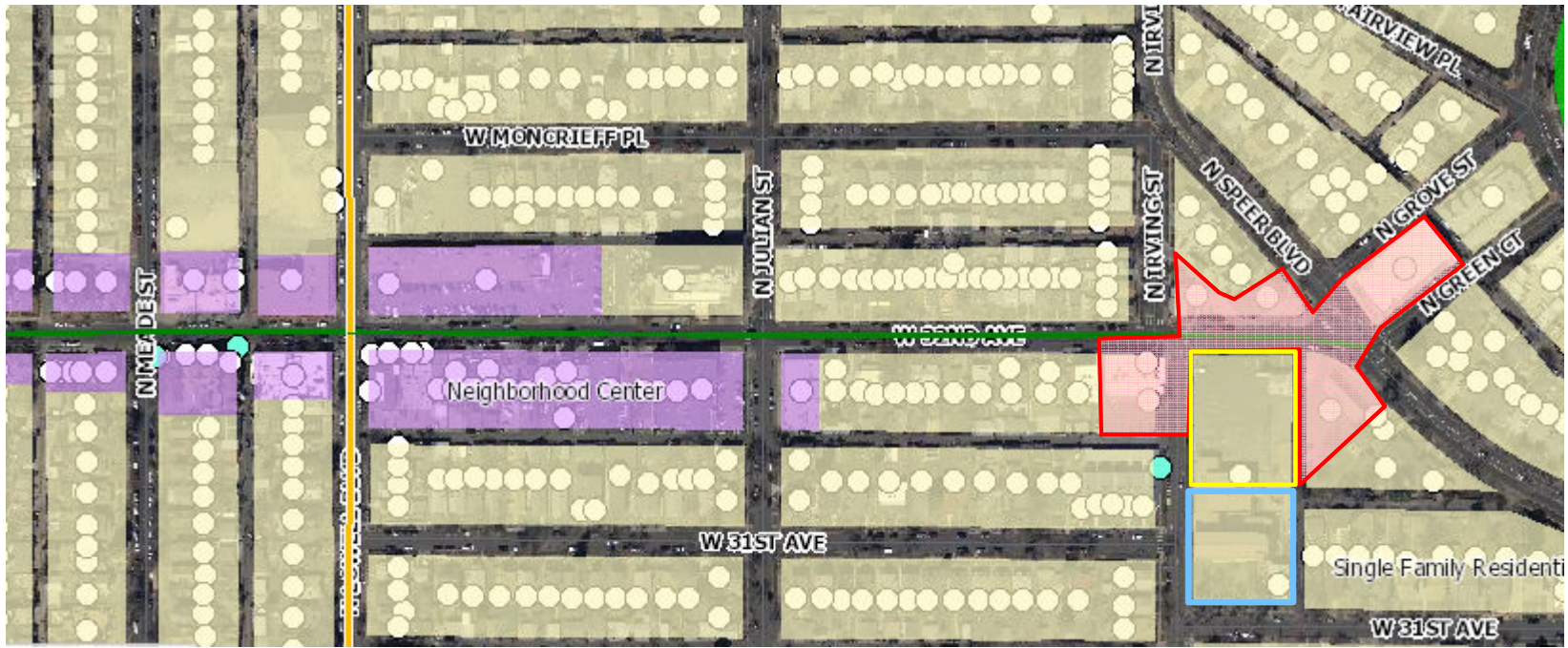
# Mondo Vino Building

**32nd & Lowell**  
19,284 s.f.





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# Limited Parking







3134 Julian St, Denver, Colorado  
Address is approximate



# Continuous 1 – 2 Story

3202 Lowell Blvd, Denver, Colorado  
Address is approximate



Collective Building Footprint



