



**TO:** Land Use, Transportation and Infrastructure Committee of the Denver City Council  
**FROM:** Eugene Howard, Associate City Planner  
**DATE:** November 26, 2018  
**RE:** Official Zoning Map Amendment Application #2018I-00082  
1845 W. 46<sup>th</sup> Avenue  
Rezoning from U-SU-C to U-TU-C

## Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2018I-00082 for a rezoning from U-SU-C to U-TU-C.

## Request for Rezoning

Application:	#2018I-00082
Address:	1845 W. 46 <sup>th</sup> Avenue
Neighborhood/Council District:	Sunnyside / Council District 1
RNOs:	United North Side Neighborhood, Sunnyside United Neighbors, Inc., Denver Neighborhood Association, Inter-Neighborhood Cooperation
Area of Property:	7,460 SF (0.17 AC)
Current Zoning:	U-SU-C
Proposed Zoning:	U-TU-C
Property Owner(s):	Raymond and Melissa Williams
Owner Representative:	N/A

## Summary of Rezoning Request

- The subject property is located in the Sunnyside neighborhood, on the north side of W. 46<sup>th</sup> Avenue near the intersection of Shoshone Street and W. 46<sup>th</sup> Avenue.
- The lot contains a single story single-family residence constructed in 1959.
- The property owner is requesting to rezone to U-TU-C to match the zoning of the surrounding residential neighborhood.
- The requested U-TU-C district stands for Urbane Neighborhood Context – Two Unit – 5,500 SF minimum lot size allowing up to two units on a minimum zone lot area of 5,500 square feet. Primary building forms allowed are the urban house, duplex and tandem house building forms. Accessory building form structures allowed include detached accessory dwelling unit, detached garage and other detached accessory structures summarized in Section 5.3.4.4 of the Denver Zoning Code (DZC).
- Further details of the proposed zone district can be found in Articles 5 of the DZC.

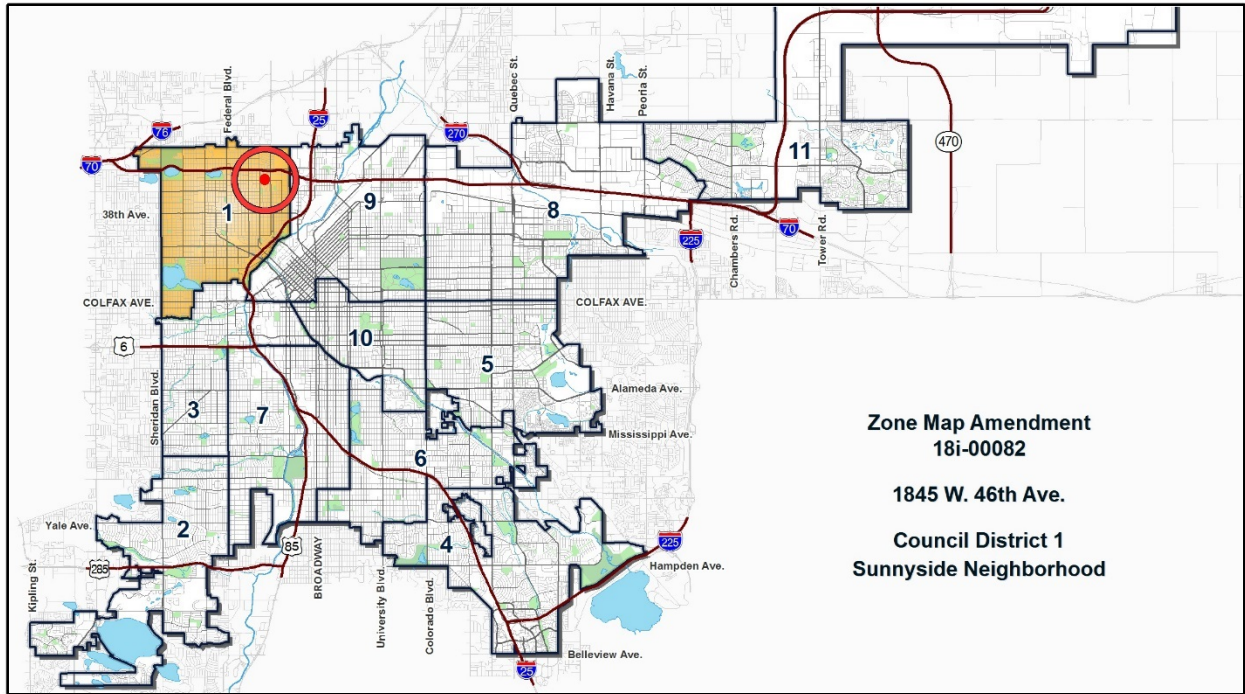


Figure 1: Council District Map

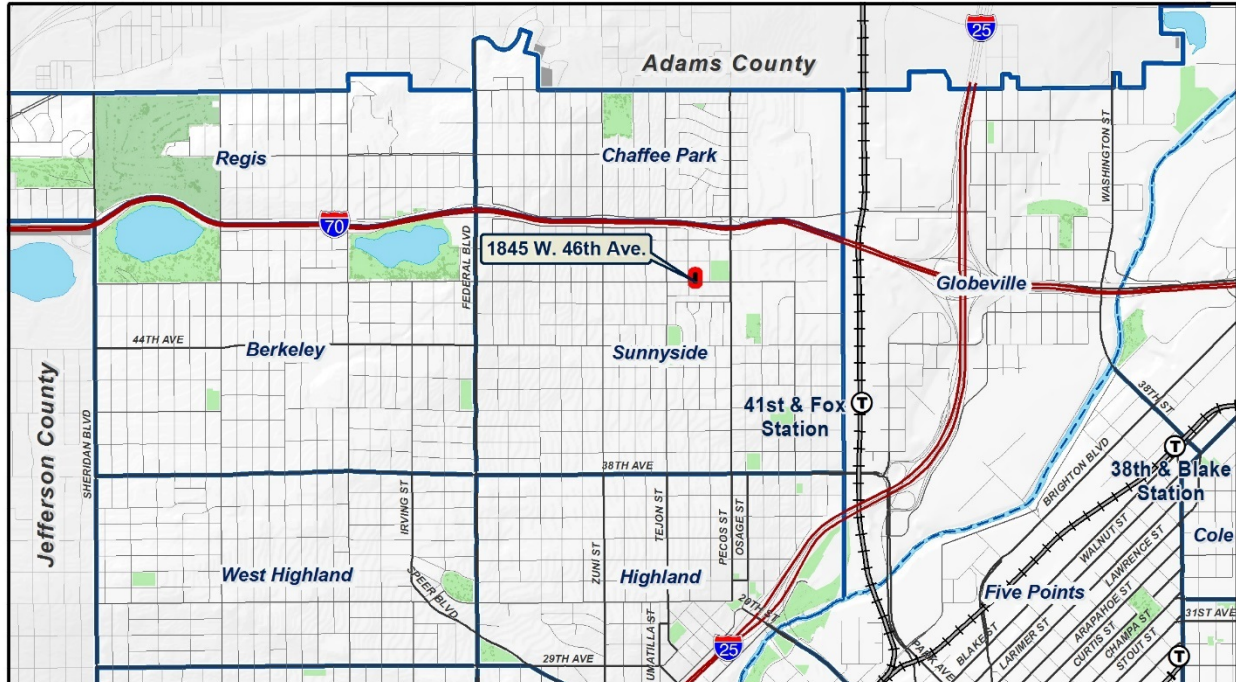


Figure 2: Neighborhood Map



Figure 3: 2017 Aerial Map

### Existing Context

The subject parcel is located in the Sunnyside Neighborhood, on W. 46<sup>th</sup> Avenue between Shoshone and Quivas Streets. The parcel currently contains a single-story, single-unit house and detached accessory garage structure. The area surrounding the subject property contains a mix of uses, including single-, two- and multi-unit residential homes, park, middle school and U.S. post office. Typical building heights in the area range from one to three stories. The following table summarizes the existing context proximate to the subject site:

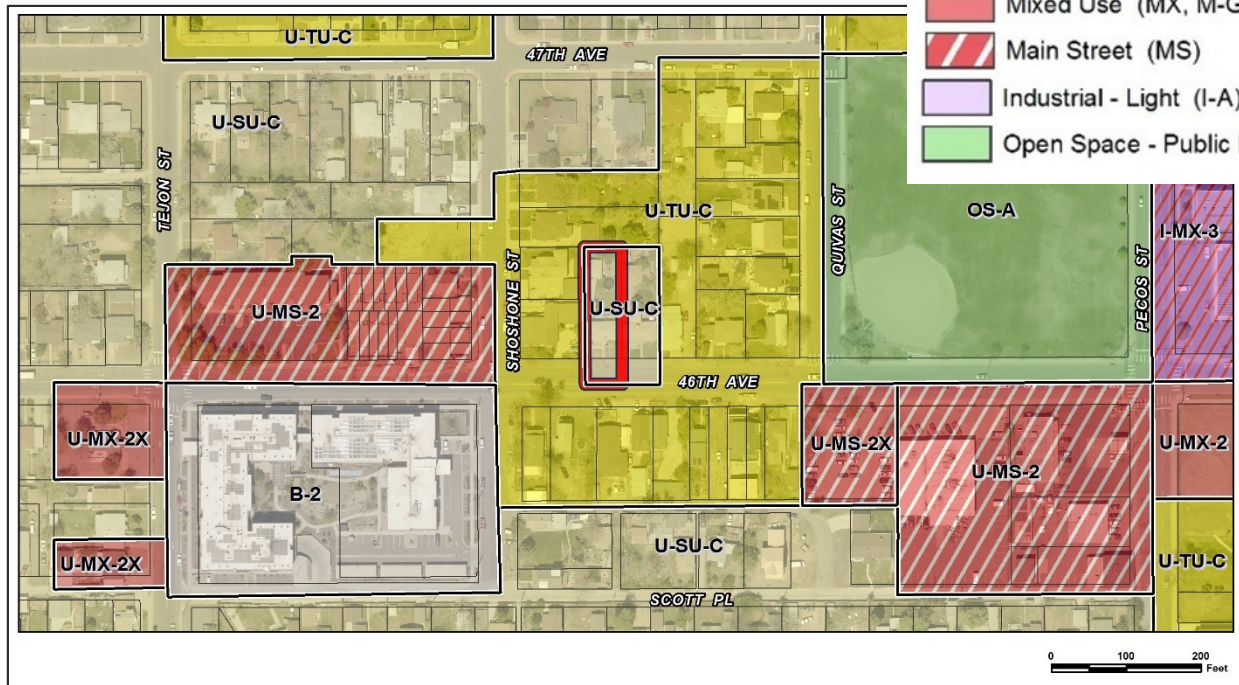
	Existing Zoning	Existing Land Uses	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	U-SU-C	Single unit residence, detached garage	Single story, single unit 1,596 SF residential home with a roughly 20' primary street setback	Blocks in this area of Sunnyside are square, surrounded by an orthogonal street grid, with no presence of alleys. Access is typically provided from the street.  The subject property lies on a Residential Collector Street (W. 46 <sup>th</sup> Ave.) and does not have alley access.
North	U-TU-C	Single unit residential	Single story, single unit residential homes with detached accessory garages/structures	
South	U-TU-C	Single and Two-unit residential	Single and two-story residential homes with detached accessory garages/structures	
East	U-SU-C	Single unit residential	Single story, single unit residential home with a detached accessory structure	
West	U-TU-C	Single and two-unit residential	Single-story, single and two-unit residential homes with detached accessory garage structures	



**ZONE DESCRIPTION**

- Single Unit (SU)
- Two Unit (TU)
- Mixed Use (MX, M-GMX)
- Main Street (MS)
- Industrial - Light (I-A)
- Open Space - Public Parks (OS-A)

**Existing Zoning**



**Figure 4: Zoning Map**

The existing U-SU-C zoning is a residential zone district that allows urban houses with minimum zone lots of 5,500 square feet. Blocks typically have a consistent pattern of 50-foot-wide lots and there is a pattern of one to two and a half story homes where the narrow part of the building orients to the street. The intent of the single unit residential districts is to promote and protect the character of residential neighborhoods within the Urban Neighborhood Context. Regulations allow for some multi-unit development where it is an existing condition, but not to such an extent as to detract from the overall image and character of the neighborhood. The applicant’s desire is to rezone the property in alignment with those properties adjacent to the north, west and south.

### Existing Land Use

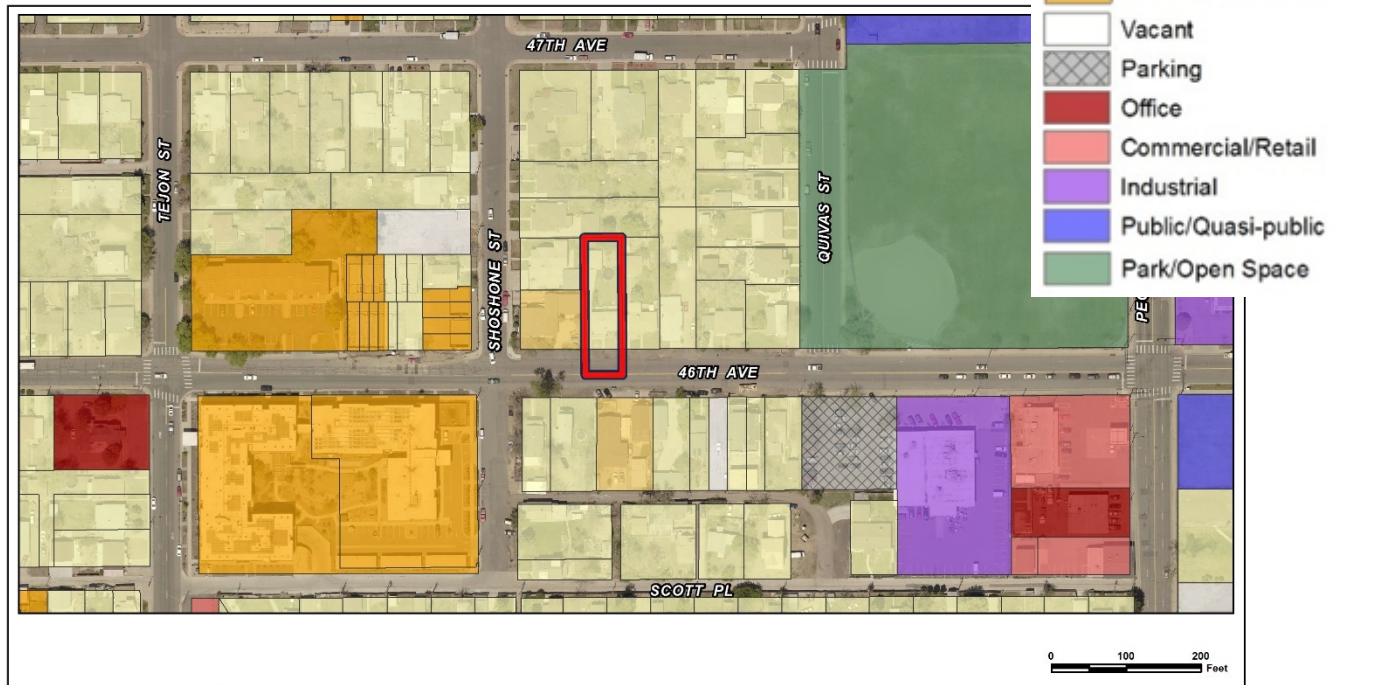


Figure 5: 2016 Existing Land Use Map

### 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).

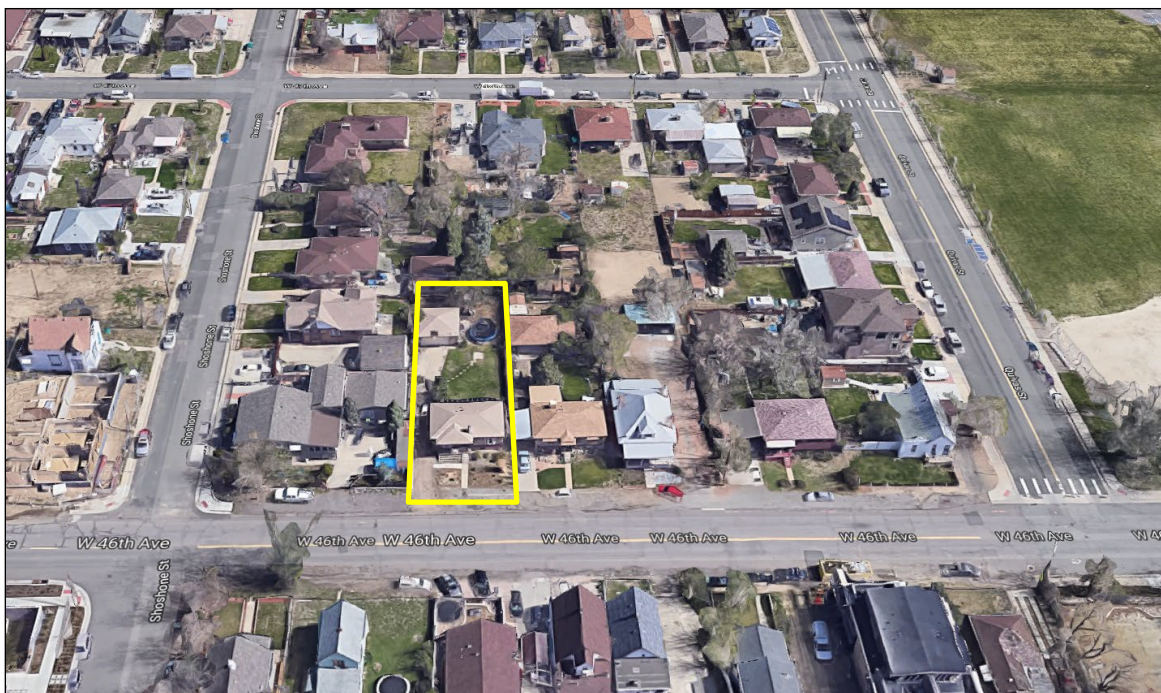


Figure 6a: Aerial View of Subject Property





**Figure 6b: View of Subject Property from W. 46<sup>th</sup> Avenue with single-family home visible to the right**



**Figure 6c: View of adjacent property to the east with Subject property (left), single family home (right)**





**Figure 6d: View of properties across W. 46<sup>th</sup> Avenue, south of subject site**



**Figure 6e: View of adjacent property to the west**

### 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:

<b>Assessor:</b>	Approved – No Response
<b>City Attorney’s Office:</b>	Approved – No Response
<b>Denver Public Schools:</b>	Approved – No Response
<b>Denver Department of Public Health and Environment:</b>	Approved – No Response
<b>Development Services - Fire Prevention:</b>	Approved – No Response
<b>Development Services – Project Coordination:</b>	Approved – No Response
<b>Development Services – Transportation:</b>	Approved – No Response
<b>Development Services – Wastewater:</b>	Approved – No Response
<b>Office of Economic Development:</b>	Approved – No Response
<b>Parks and Recreation:</b>	Approved – No Response
<b>Public Works – Surveyor:</b>	Approved - No Comments
<b>Real Estate:</b>	Approved – No Response

### Public Review Process

The public process for the proposed rezoning is summarized below:

	Date
CPD informational notice of receipt of the rezoning application to all affected members of City Council and registered neighborhood organizations	8/7/18
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	10/29/18
Planning Board public hearing	11/14/18
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 (tentative)	11/19/18
Land Use, Transportation and Infrastructure Committee of the City Council review (tentative)	12/4/18
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)	12/24/18
City Council Public Hearing (tentative)	1/14/2019

The RNOs identified on page 1 of this report were notified of this application. Staff has not received any public comments regarding the proposal, as of the date of this staff report.

### Planning Board Public Hearing

The Planning Board Public Hearing took place on Wednesday, November 14, 2018. There were no public comments. The property owner/applicant was present and identified himself. After hearing the staff



presentation, there were no questions or comments from Board members. The vote was unanimous in support of the application moving forward to the Land Use, Transportation and Infrastructure committee.

### **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)*
- *Sunnyside Neighborhood Plan (1992)*

#### **Denver Comprehensive Plan 2000**

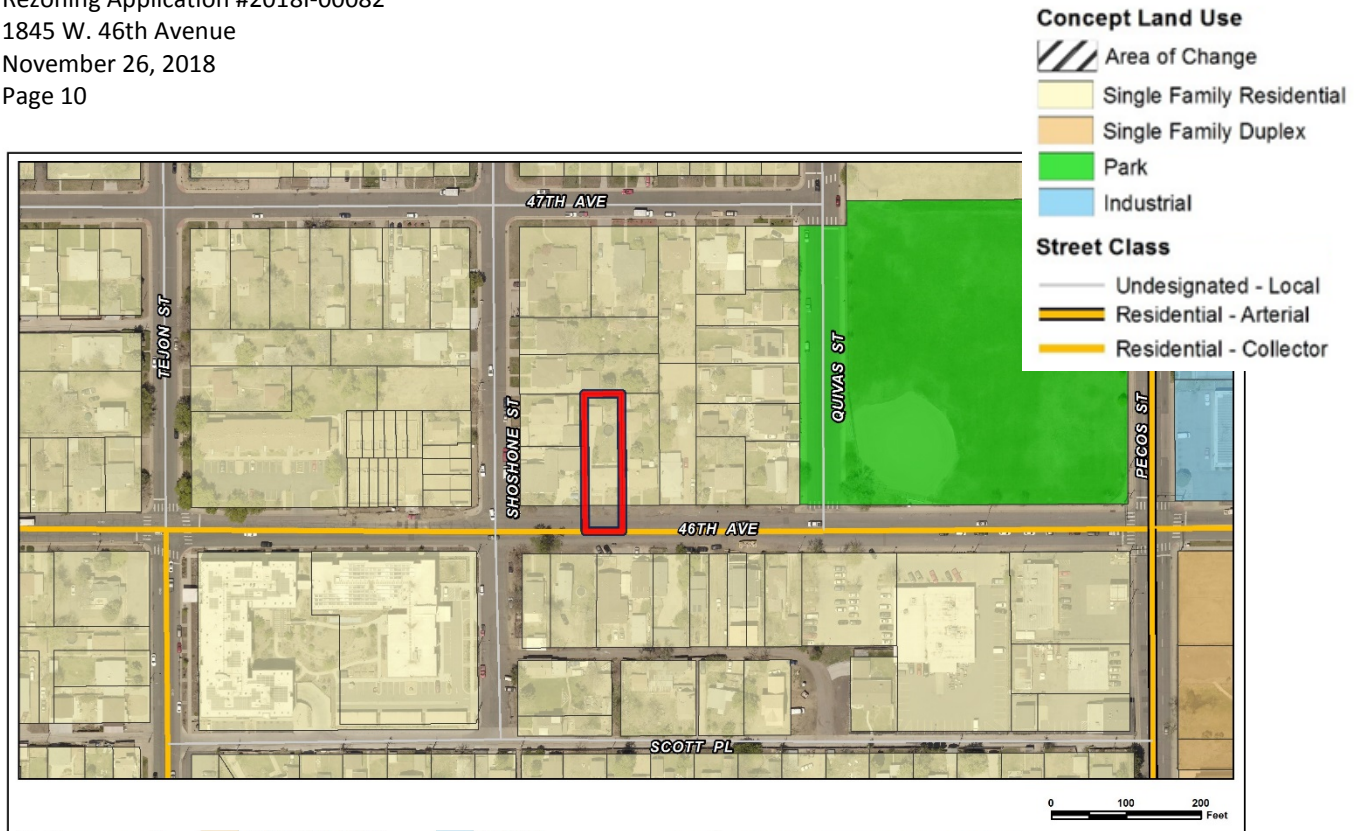
The proposed rezoning is consistent with the following *Denver Comprehensive Plan 2000* strategies:

- Environmental Sustainability Strategy 2-F – Conserve land by: promoting infill development within Denver at sites where services and infrastructure are already in place and 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.
- Neighborhood 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.

The proposed zone district broadens the variety of allowed uses and housing types from the current single unit zoning while observing development standards and guidelines to help ensure compatibility with the surrounding two-unit zoning and development in the adjacent area. The rezoning proposal is consistent with the referenced plan recommendations from *Denver Comprehensive Plan 2000*.

#### **Blueprint Denver (2002)**

According to the 2002 Plan Map adopted in *Blueprint Denver*, this site has a concept land use of Single Family Residential and is located within an Area of Stability.



**Figure 7: 2002 Blueprint Denver Future Land Use and Street Classification Map**

### **Future Land Use**

“Neighborhoods of single family houses represent the majority of Denver’s residential areas, particularly those developed after 1900 and especially those built after 1940. 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 Blueprint Denver concept land use is single family residential in an area of stability, which suggests that single family residential is the predominant use. This is generally true of development patterns in the area. However, the property is bordered on three sides by Urban Neighborhood, Two-unit zoning. The only exception to the U-TU zoning is the adjacent parcel to the east, (1835 W. 46<sup>th</sup> Avenue) which has Urban, Single-unit zoning.

The land use description describes these areas as having single-family homes as the predominant residential type, not the only residential type. Because the subject block is already primarily zoned for two-unit development, this is an appropriate place to locate the small amount of other low-scale residential types. Therefore, the request is consistent with the Future Land Use guidance.

### **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. 120). The character of this section of the Sunnyside neighborhood is residential. The immediate surrounding area (except for the single parcel to the east) is zoned for Two-unit or Main Street zoning. These areas are experiencing redevelopment allowed by right within their zoning classification.

The Applicant is requesting the property be aligned with the adjacent zone district (U-TU-C) so that any future development would be consistent with the current and future residential character of the



neighboring properties. The proposed Map Amendment application is consistent with the recommendations for Areas of Stability, as the proposed zone district matches the zoning of a majority of the surrounding residential area, helping to ensure that any future redevelopment will be compatible with the existing neighborhood character.

### **Street Classifications**

According to Blueprint Denver, W. 46<sup>th</sup> Avenue is classified as a Residential Collector. Residential streets serve two major purposes in Denver's neighborhoods. As collectors and local streets, residential streets are designed to emphasize walking, bicycling and land access over mobility. Residential streets tend to be more pedestrian-oriented than commercial streets, giving a higher priority to landscaped medians, tree lawns, sidewalks, on-street parking and bicycle lanes. (p. 55)

Residential streets also serve an important role for Denver's local parks. Residential streets create connections that emphasize walking, bicycling, and vehicular connections to Denver's local parks. Creating a diverse array of mobility options to local parks is critical to enhancing the use and character of the park system, which is a vital part of Denver's urban fabric. W. 46<sup>th</sup> Avenue serves as a shared roadway bike lane and connects to the unnamed park at W. 46<sup>th</sup> and Pecos, which is less than one block to the East of the subject property.

The Map Amendment application is consistent with *Blueprint Denver's* street classification recommendations, as it enables a very slight increase in density at an appropriate location with a shared bike lane and provides access to open space and a Denver Public School.

### **Sunnyside Neighborhood Plan (1992)**

The Sunnyside Neighborhood Plan was adopted by City Council in 1992, readopted in 2000 and republished in 2002. The Urban Design and Image section celebrates the pride the neighborhood has for its cultural, architectural and social diversity. The primary goal in this section of the plan is to "celebrate the diversity of the neighborhood while creating a unified feeling." (p. 33).

According to the plan, one land use and zoning goal is to "Maintain and stabilize the residential character of Sunnyside while encouraging small scale shops and offices, particularly in the commercial zones along 44th avenue and Tejon street, that will enhance and serve the neighborhood" (p. 18). The site is not located in the identified commercial zones. The proposed U-TU-C zone district will enable residential development similar to that allowed on the surrounding block, which will further the goal of maintaining and stabilizing the residential character.

The proposed Map Amendment is consistent with the above referenced goals from the Sunnyside Neighborhood Plan as it will unite the character of the block by introducing consistent zoning in line with adjacent parcels that have U-TU-C zoning. It will also maintain the residential character of Sunnyside.

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

The proposed rezoning to U-TU-C 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. Introducing U-TU-C in this

area enables additional residential density in close proximity to amenities, such as the “Unnamed Park” open space, Strive Middle School, commercial, retail and employment uses which serve the general welfare of neighborhood residents. The building form standards of the zone district help ensure any future development is consistent with the character of the neighborhood, promoting the welfare of the community.

#### 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., that there have been “changed or changing conditions in a particular area,” which is evident by the two- and multi-unit developments within close proximity to this parcel.



**Figure 8: New multi-Unit development at W. 46<sup>th</sup> Avenue and Shoshone Street**

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

##### **Neighborhood Context Description**

The requested zone district is within the Urban Neighborhood Context which is “primarily characterized by single-unit and two-unit residential uses...Single- and two-unit residential uses are primarily located along local and residential arterial streets” (DZC 5.1.1).

The proposed Map Amendment is consistent with this neighborhood context, as the proposed U-TU-C district will allow for single and two-unit housing along two residential streets.



**Zone District Purpose and Intent**

According to the general purpose stated in the Denver Zoning Code, the intent of the Residential Districts is “to promote and protect residential neighborhoods within the character of the Urban 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” (DZC 5.2.2.1.A). The specific intent of the U-TU-C zone district states, “U-TU-C allows up to two units on a minimum zone lot area of 5,500 square feet. Urban houses are also allowed on certain smaller Zone Lots. Allowed building forms are the urban house, detached accessory dwelling unit, duplex and tandem house building forms.” (DZC 5.2.2.2.P).

The proposed rezoning is consistent with the General Purpose and Specific Intent, as it will allow for single and two-unit residential within the character of the Urban Neighborhood Context in an area where such development is desired.

**Attachments**

1. Rezoning Application