



TO: Denver Planning Board, Joel Noble, Chair
FROM: Brandon A. Shaver, Associate City Planner
DATE: July 24, 2018
RE: Official Zoning Map Amendment Application #2018I-00024
3600 W 29th Ave
Rezoning from U-SU-C to U-MX-2x

Staff Report and Recommendation

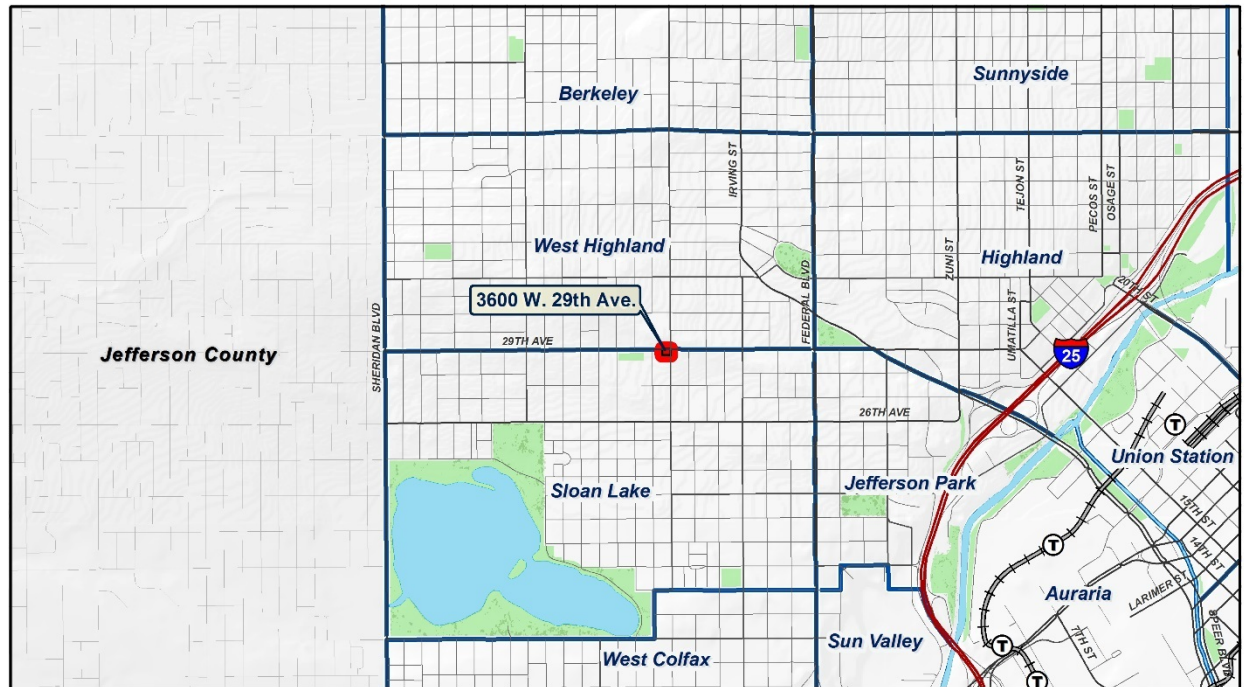
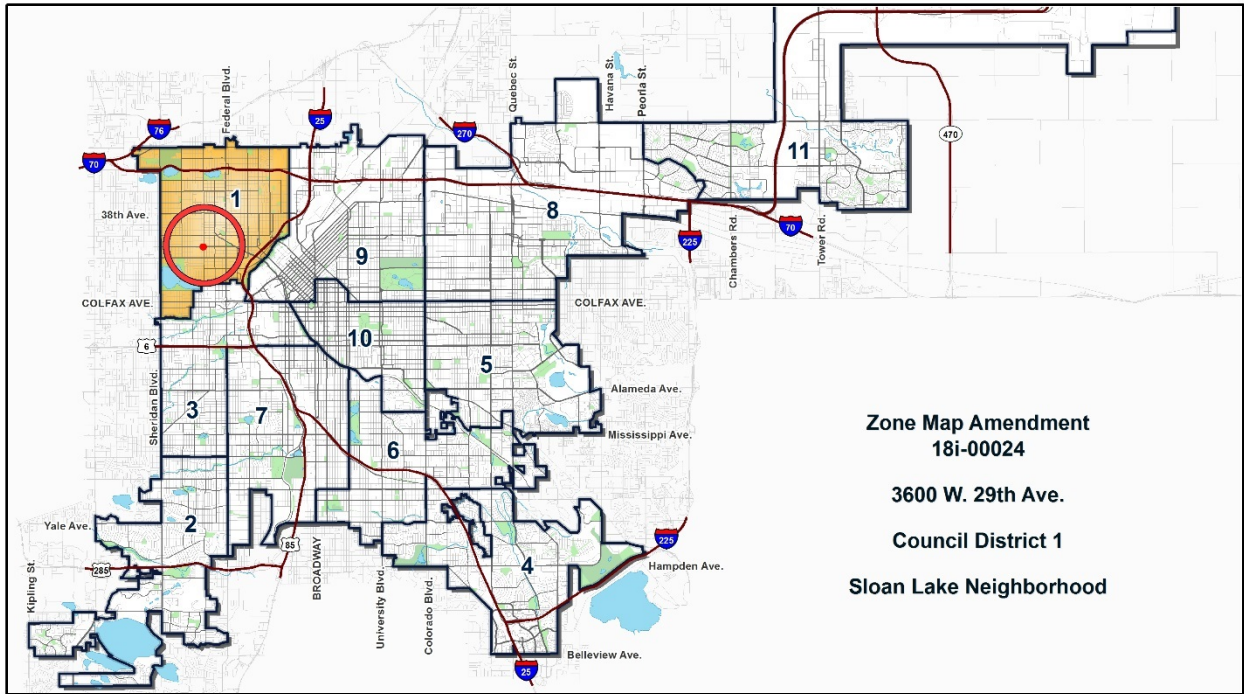
Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2018I-00024.

Request for Rezoning

Address:	3600 W. 29 th Ave.
Neighborhood/Council District:	Sloan Lake / Council District 1
RNOs:	Sloan's Lake Citizen's Group, Sloan's Lake Neighborhood Association, West Highland Neighborhood Association, United North Side Neighborhood, Inter-Neighborhood Cooperation (INC)
Area of Property:	10,200 square feet or 0.23 acres
Current Zoning:	U-SU-C
Proposed Zoning:	U-MX-2x
Property Owner(s):	R&B Investment LLC
Owner Representative:	Cory Rutz, OJRNR

Summary of Rezoning Request

- The subject property is in northwest Denver, in the Sloan Lake neighborhood, and in Council District 1. The property is at the southwest corner of 29th Avenue and Lowell Boulevard.
- There is one vacant structure on the property, a former filling station, constructed in 1949.
- The applicant is requesting rezoning to allow for future redevelopment of the site.
- The U-MX-2x (**U**rban Neighborhood Context, **M**ixed Use, **2**-story) zone district is intended to provide safe, active, and pedestrian-scaled diverse areas in established residential neighborhoods. The "x" indicates that allowed uses are more limited than in the U-MX-2 zone district. Further details of the zone districts can be found in Article 5 of the Denver Zoning Code (DZC).





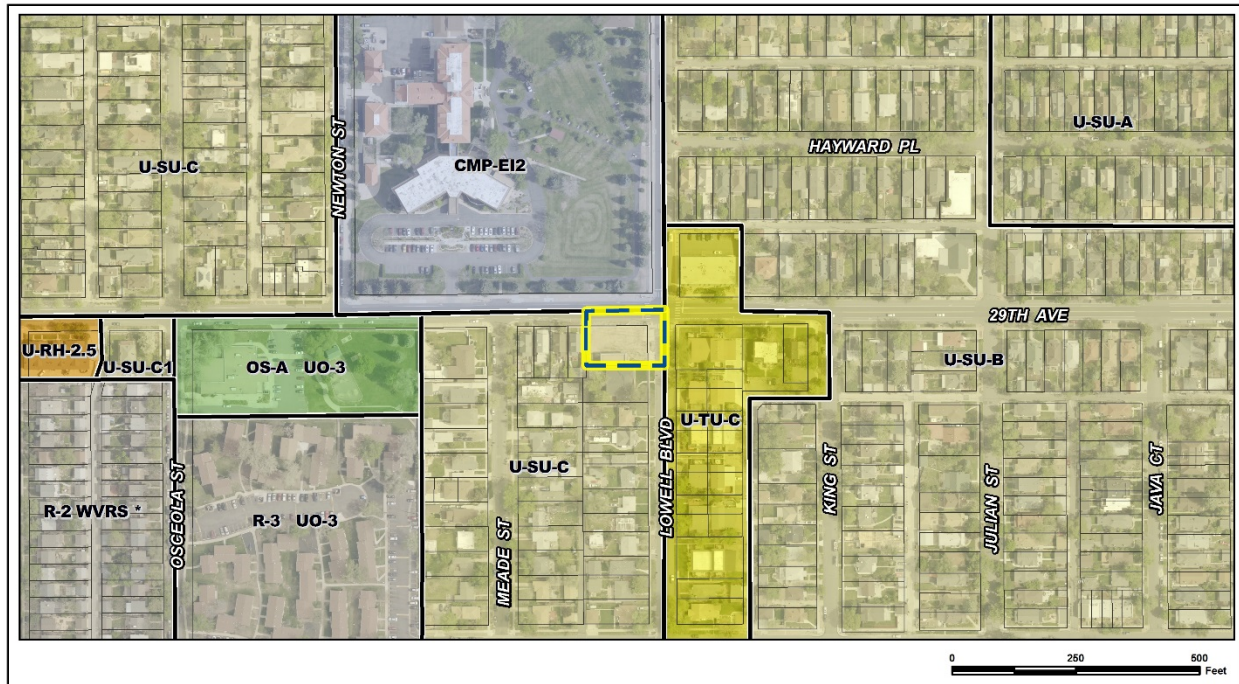
Existing Context

The subject property is in a predominantly residential neighborhood primarily composed of single and duplex units. Within a 3-4 block area, however, there is a mix of commercial/retail, public/institution uses and low-scale apartment buildings.

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	U-SU-C	Commercial/retail	3600 W 29 th Ave has a 1,296 SF, one story commercial building built in 1949 that was originally a filling station.	Regular grid street pattern. Block sizes and shapes are generally consistent and rectangular. Existing alleys with detached sidewalks. Vehicle parking to the side or rear of buildings (alley access)
North	CMP-EI2	Medical with residential	Campus of 3-story buildings surrounded with open space on the east	
South	U-SU-C	Single-family residential	1-2 stories in height	
East	U-TU-C	Mix of single-family and duplex residential	1-2 stories in height	
West	U-SU-C	Single-family residential	1-2 stories in height	

1. Existing Zoning



The existing zoning on the subject property is U-SU-C. U-SU-C is a single-unit residential district allowing urban houses with a minimum zone lot area of 5,000 square feet. Blocks typically have a consistent pattern of 50-foot-wide lots.

Allowed uses in U-SU-C are limited to single-unit dwellings and the other standard Group Living and limited nonresidential uses found in single-unit zone districts. However, existing commercial structures can have non-residential uses that would be allowed in the U-MX-2x zone district if approved through the Zoning Permit with Informational Notice (ZPIN) process and any additional review process that would be required for the use in the U-MX-2x zone district. See DZC Sec. 11.4.5. For additional details of the zone district, see DZC Section 5.2.2.

The surrounding properties are also U-SU-C, which is a Protected District. If the subject property is rezoned to U-MX-2x, it will be subject to all Protected District standards including additional setbacks and use limitations. For Protected District standards see DZC page 5.3-23 for setbacks in the General building form and use limitations (11.4.8, 11.5.8.3, 11.10.12.1, etc.).

The subject property has had commercial uses since 1949. However, the property was rezoned to a single unit zone district as part of the 2010 citywide rezoning and Denver Zoning Code adoption, consistent with previous residential zoning and Blueprint Denver plan land use recommendations.

2. Existing Land Use Map

The subject property is surrounded predominantly by single, two-unit, and multi-unit residential. Within a 2-3 block area, there are a range of land uses including public/quasi-public and vacant.



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.

Subject Site Images (source: Google Maps)

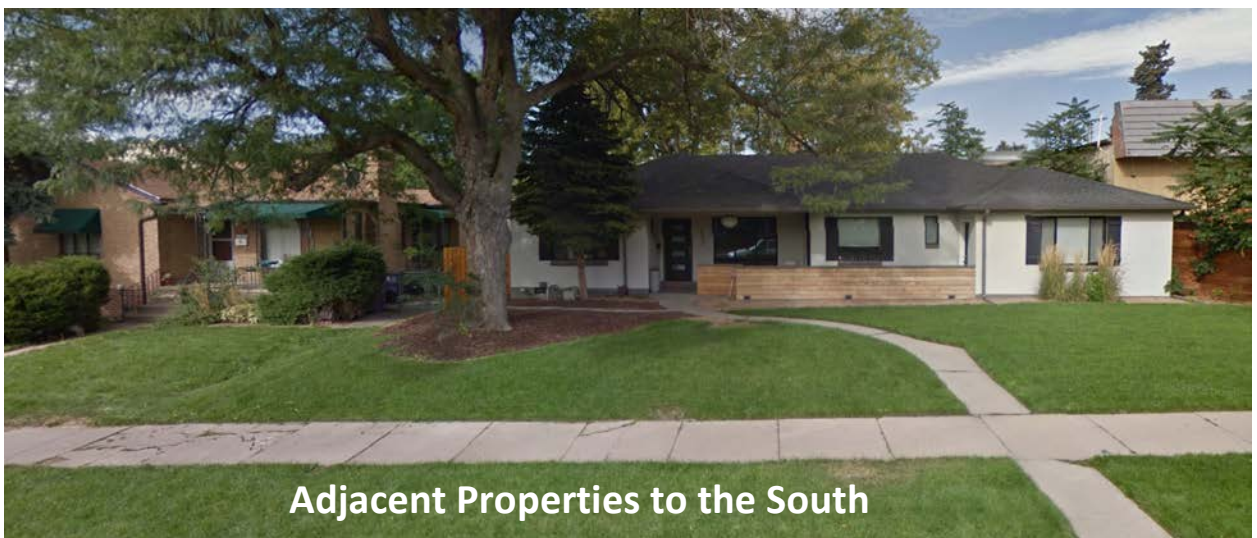




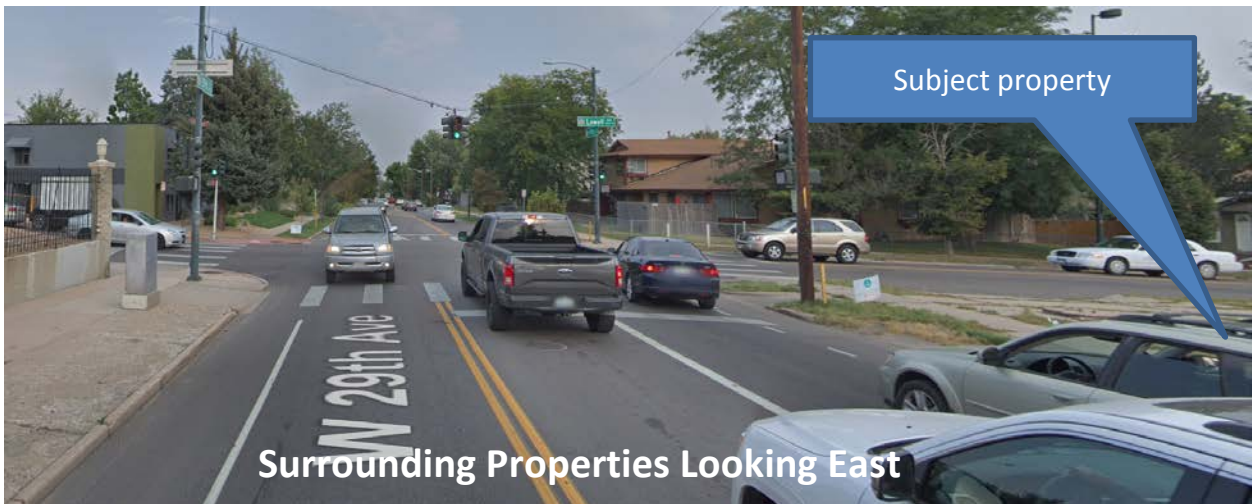
Subject Property Looking East



Subject Property Looking West



Adjacent Properties to the 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:

Assessor: Approved – No Response

Asset Management: Approved – No Response

Denver Public Schools: Approved – No Response

GIS: Approved – No Response

Environmental Health: Approved – See Comments

Denver's Department of Public Health and Environment concurs with the rezoning request but is aware of environmental concerns on the Property. Historically a Texaco filling station operated on the Property from approximately 1936 until the late 1960's. Subsequently, the property was occupied by a variety of businesses. On January 5, 2018 the Colorado Department of Labor and Employment, Division of Oil and Public Safety issued a closure letter for the Property. However, soil impacted from the historical uses may exist on site.

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.

Parks and Recreation: Approved – No Response

Public Works – Surveyor: Approved – See Comments

Should be on the ordinance as shown hereon:

Lots 1, 2 and 3, inclusive, EXCEPT the Westerly 3 feet thereof, Block 6, McLeod's Addition to the Town of Highlands, City and County of Denver, State of Colorado.

NOT

Lots 1, 2 and 3, inclusive,
EXCEPT the Westerly 3 feet thereof,
Block 6,
McLeod's Addition to the Town of Highlands,
City and County of Denver,
State of Colorado.

Public Works – Wastewater: Approved – No Comments

Development Services – Transportation: Approved – See Comments

DES Transportation approves the subject zoning change. The applicant should note that redevelopment of this site may require additional engineering, ROW dedication to the City, access changes, traffic studies and/or right of way improvements. The extent of the required design and improvements will be determined once this property begins the redevelopment process. The results of any traffic studies may require the construction of off-site mitigation or may limit the proposed density of the project.

Office of Economic Development: Approved – No Response

City Attorney's Office: Approved – No Response

Public Review Process

	Date
CPD informational notice of receipt of the rezoning application to all affected members of City Council and registered neighborhood organizations:	6/3/18
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:	7/16/18
Planning Board Public Hearing	8/1/18
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:	TBD
Land Use, Transportation and Infrastructure Committee of the City Council moved the bill forward (tentative):	8/21/18
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:	TBD
City Council Public Hearing (tentative):	10/8/18

Other Public Outreach and Input:

- **Registered Neighborhood Organizations (RNOs)**
 - West Highland Neighborhood Association, a registered neighborhood association, submitted a resolution recommending support of the application.
- **Other Public Comment**
 - As of the date of this staff report, no letters have been received from the public.

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 within 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 (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).**
- Legacies Strategy 1-C – **Preserve Denver’s architectural and design legacies while allowing new ones to evolve (p. 98).**

The proposed map amendment would enable mixed-use infill redevelopment at a location that has historically had commercial uses and could enhance an existing neighborhood focal point. The rezoning is consistent with these plan recommendations.

Blueprint Denver

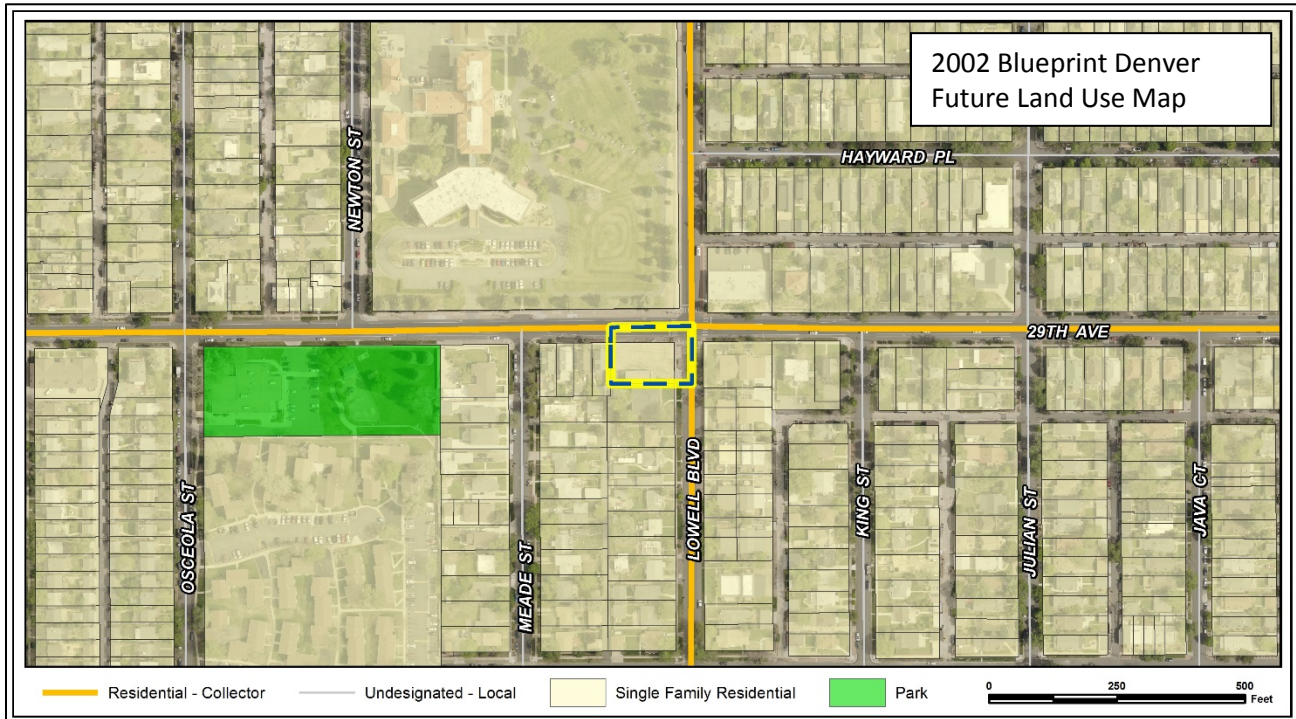
According to the 2002 Plan Map adopted in Blueprint Denver, this site has a concept land use of Single Family Residential and is in an Area of Stability.

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”. This language acknowledges that there may be a very small non-residential component, and given the historic commercial use of the property, this request is appropriate to locate such uses and is consistent with the Blueprint Denver concept land use.

Area of Stability

The site is in an Area of Stability. The goal for Areas of Stability are to maintain the character of an area while accommodating some new development and redevelopment at appropriate locations (p. 127). Like several other nearby corners, the subject property has been an embedded neighborhood scale commercial corner for decades. Facilitating reinvestment in the property through the proposed rezoning will allow the historic use to continue and contribute positively to the neighborhood, consistent with the goals for Areas of Stability.



Street Classifications

Lowell Boulevard and West 29th Avenue are classified as Residential Collectors. Blueprint Denver states “collectors are designed to provide a greater balance between mobility and land access within residential, commercial and industrial areas”.

U-MX-2x is intended for embedded commercial areas primarily served by local streets. Lowell Boulevard and West 29th Avenue are Residential Collectors, supporting a zone district that allows low-scale commercial uses.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to U-MX-2x 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 the implementation of the City's adopted plans. The rezoning would allow the historically commercial corner of Lowell Boulevard and West 29th Avenue to remain commercial, with more opportunities for investment and neighborhood-scale redevelopment of 3600 West 29th Avenue under U-MX-2x zoning than the current U-SU-C zoning.

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...". There has been some redevelopment in the Sloan Lake and West Highland neighborhoods and significant investment in infrastructure has occurred on West 29th Avenue in the form of new bike lanes extending from Sheridan Boulevard to downtown Denver. There has also been change in the use of the subject property with the closing of the former gas station and the site becoming vacant.

This increase in the intensity of land use in the area has created additional need for neighborhood-serving commercial services like those allowed in the U-MX-2x zone district. This changed and changing condition make continued commercial uses appropriate at this site. Therefore, the proposed map amendment is justified in order to recognize the changed character of the land.

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

The requested U-MX-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). The current zone district, U-SU-C, is also within the Urban Neighborhood Context.

According to the zone district intent stated in the Denver Zoning Code, the U-MX-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 two collector streets. The proposed U-MX-2x zoning would allow low-scale buildings and uses consistent with the purpose and intent of the zone district.

Attachments

1. Application
2. Public and RNO comment letters, as applicable