



**DENVER**  
THE MILE HIGH CITY

**Community Planning and Development**  
**Planning Services**  
Plan Implementation

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**TO: Denver City Council**  
**Land Use, Transportation and Infrastructure Committee**  
**FROM: Theresa Lucero, Senior City Planner**  
**DATE: November 5, 2010**  
**RE: Legislative Map Amendment #2010I-00020**  
**2243 and 2245 West 32<sup>nd</sup> Avenue**  
**Rezoning from B-3 (w/PBG) to U-MX-3**

**Staff Report and Recommendation**

Based on the criteria for review including legal basis, evaluation and compliance with adopted City plans, staff recommends approval of Legislative Map Amendment #2010I-00020 rezoning the subject property from B-3 to U-MX-3.

**I. Scope of Rezoning**

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Map Amendment:	2010I-00020
Address:	2243 and 2245 West 32 <sup>nd</sup> Avenue
Neighborhood/Council District:	Highland Neighborhood / Council District #9
RNOs:	Highland United Neighbors, Inc.; Northwest Neighbors Coalition; Northwest Quadrant Association; Inter-neighborhood Cooperation
Area of Property:	0.29 acres / 12,500 square feet
Current Zoning:	B-3 (w/PBG)
Proposed Zoning:	U-MX-3
Applicant/Owner:	Councilwoman Judy Montero
Contact Person:	Teresa St. Peter, Council Aide

**II. Summary of Proposal**

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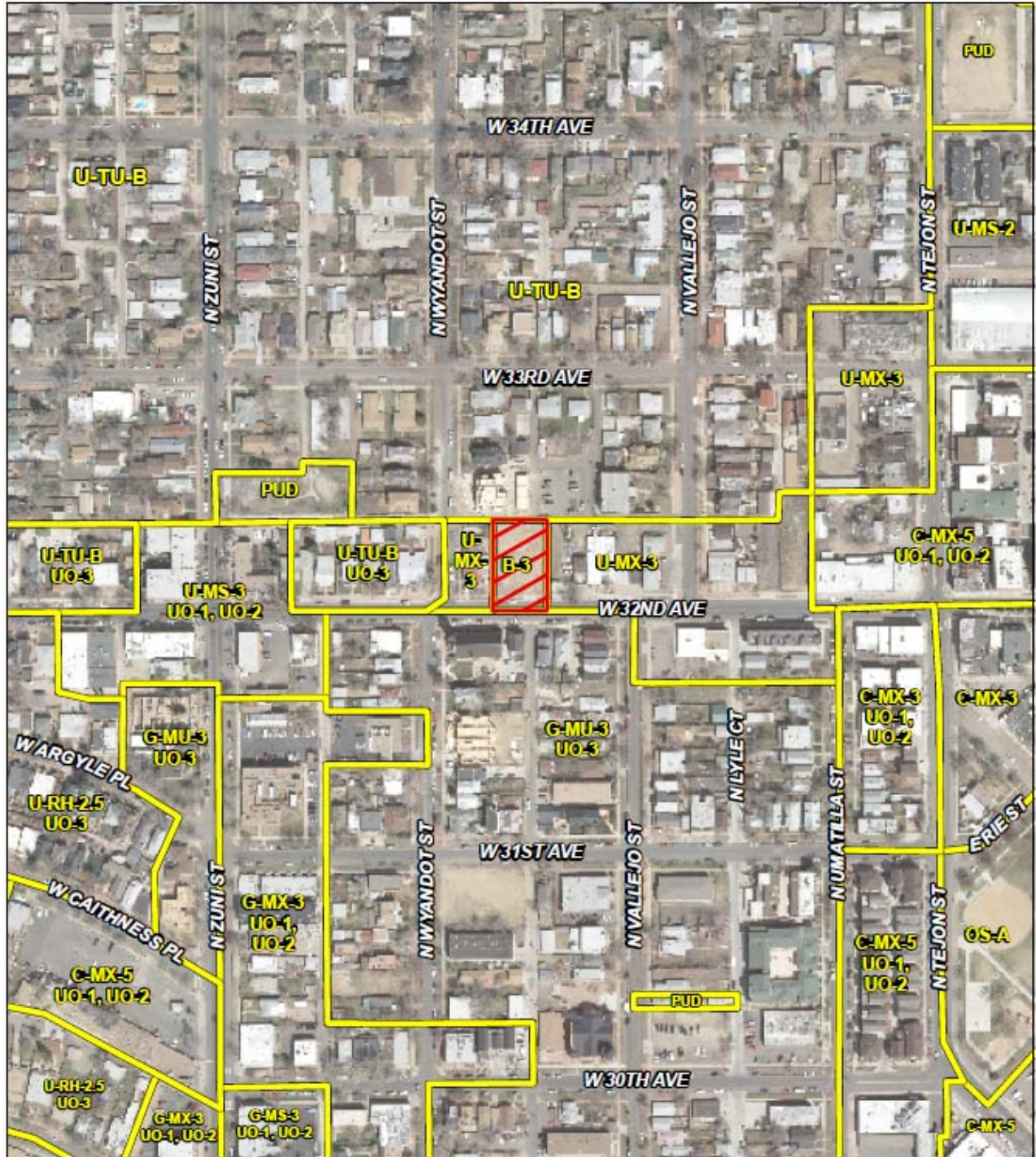
**Vicinity Description**

The property is located northwest of downtown in the Highland neighborhood on the north side of West 32<sup>nd</sup> Avenue between Wyandot and Vallejo Streets. Currently the property is vacant. The adjacent land use on the north is a 3-unit row house structure and across 32<sup>nd</sup> Avenue on the south is a church. On the east are a parking lot and a single story retail building, and adjacent to the property on the west is a restaurant in a two-story single family structure.

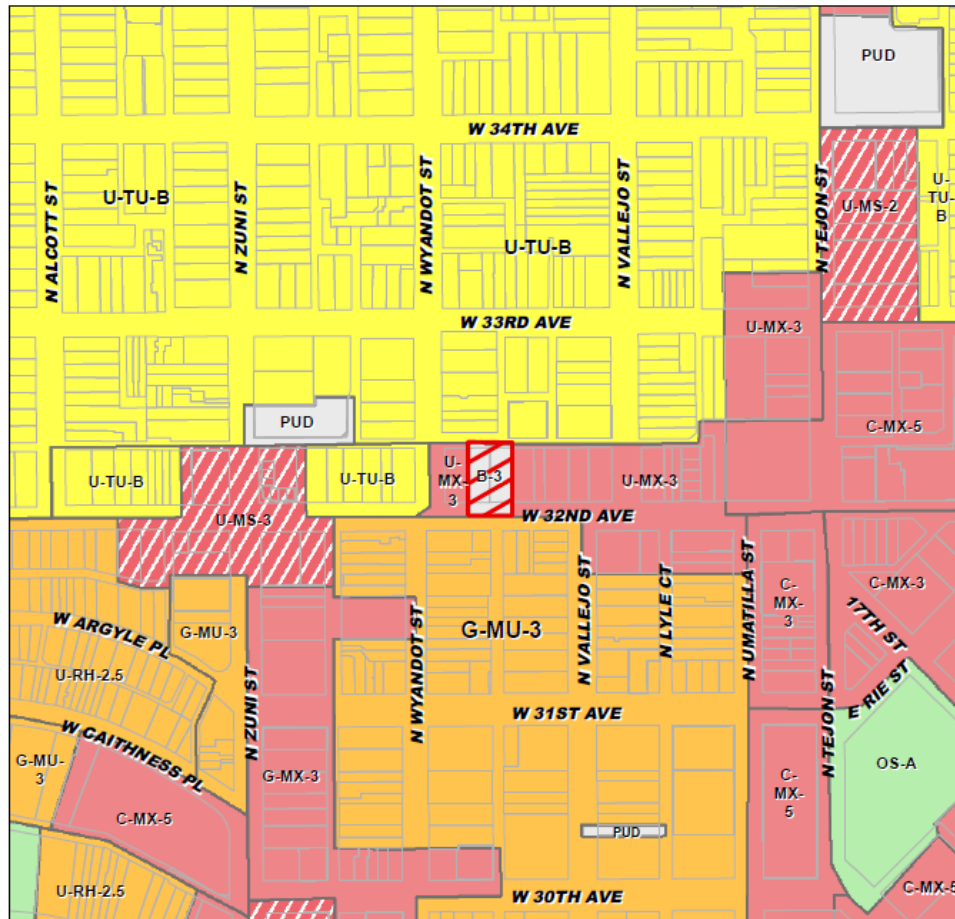
**Proposal**

The property was not rezoned with the recent citywide rezoning because there is an approved Planned Building Group (PBG) Site Plan for the property. The approved PBG site plan allows the development of seven residential units on the property. The owners have placed the property for sale and will not build the development anticipated by the PBG site plan. The proposed U-MX-3 zoning will make the zoning of this property the same as that of adjacent properties and ensure that new owners have more options in developing the property.





**III. Existing Context**



	Existing Zoning	Ch. 59 Zoning	Existing Land Use	Blueprint Denver
<b>Site</b>	B-3	B-3	Vacant	Area of Stability / Single Family Duplex
<b>North</b>	U-TU-B	R-2	Row House / Parking	Area of Stability / Single Family Duplex
<b>South</b>	G-MU-3	R-3	Church / SF Residential	Area of Stability / Single Family Duplex
<b>West</b>	U-MX-3	B-3	Commercial	Area of Stability / Single Family Duplex
<b>East</b>	U-MX-3	B-3	Commercial	Area of Change / Mixed Use



2243 & 2245 West 32<sup>nd</sup> Avenue



*The adjacent property on the north.*



*The adjacent property on the south.*



*The adjacent property on the east.*



*The adjacent property on the west.*

#### **IV. Summary of Agency Referral Responses**

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This rezoning has been reviewed concurrently within the context of the Denver Zoning Code and other applicable City Codes as utilized by the referral agencies listed below.

Asset Management:	Approve no comment.
Denver Fire Department:	Approved - The Denver Fire Department does not object to re-zoning. However, all future projects must comply with the current Fire Code prior to completion.
Denver Parks:	No Comment Received.
DS-Project Coordination:	Approved.
DS-Surveyor:	Approve - No Comments.
DS-Transportation:	Transportation approves the zone map amendment. The applicant should note that redevelopment of this site may require additional engineering, ROW dedication to the City, access changes, and/or right of way improvements. The extent of the required design and improvements will be determined once this property begins the redevelopment process.
DS-Wastewater:	Approve Rezoning Only - Will require additional information at Site Plan Review. DS Wastewater approves the subject zoning change. The applicant should note that that the PBG Site Plan is now void and any redevelopment of this site may require new engineering studies, construction plans and permits. The extent of the required design and improvements will be determined once this property begins the redevelopment process.

#### **V. Legal Notice, Public Process & Public Comment**

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##### **Planning Board**

The property was legally posted for a period of 15 days announcing the November 3, 2010, Denver Planning Board public meeting, and written notification of the hearing was sent to all affected registered neighborhood organizations. No comments have been received from the public. At the Planning Board meeting 6 members voted to recommend approval, one member voted to deny approval and one member abstained.

##### **Land Use, Transportation and Infrastructure Committee**

Written notification of the meeting was sent to all affected registered neighborhood organizations 10 days prior to the meeting.

#### **VI. Legal Justification**

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##### **Change of Conditions**

The citywide rezoning changed zoning on adjacent properties to U-MX-3. The property owner is selling the property and not developing the property as the approved Planned Building Group Site Plan anticipates. The proposed U-MX-3 zoning will provide more options for future redevelopment of the site.

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

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The criteria for review of this rezoning application include conformance with adopted regulations, and with the Comprehensive Plan and applicable supplements. Applicable documents are:

- Denver Comprehensive Plan 2000
- Blueprint Denver
- Highland Neighborhood Plan (1986)
- Denver Zoning Code

### **A. Denver Comprehensive Plan 2000**

The proposal is consistent with and positively addresses many Denver Comprehensive Plan strategies, including:

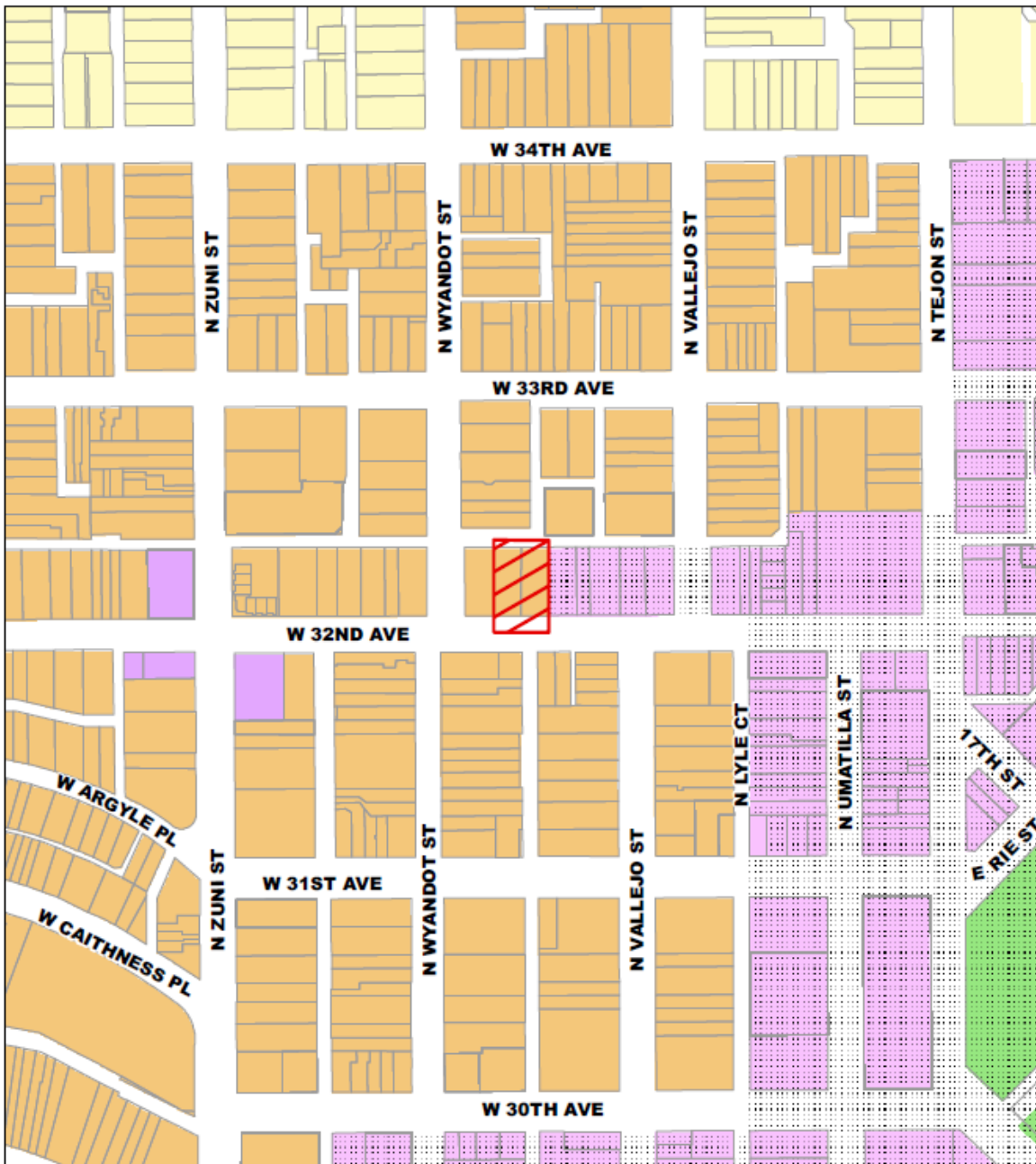
- *Environmental Sustainability chapter, Strategy 2F* which promotes environmental sustainability by "Promoting infill development within Denver at sites where services and infrastructure are already in place; ...and designing mixed use communities and reducing sprawl so that residents can live, work and play within their own neighborhoods." (p. 39). The existing vacant property will provide an opportunity for infill development in an area where infrastructure is in place.
- *Land Use chapter, Objective 3*, "Preserve and enhance the individuality, diversity and livability of Denver's neighborhoods and expand the vitality of Denver's business centers" (p.59). The proposed map amendment will support the existing 32<sup>nd</sup> Avenue commercial area and allow redevelopment that is context sensitive.
- *Land Use chapter, Strategy 3B* states that an important goal is to "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). The proposed zone district will allow future context sensitive redevelopment of the site with similar land use allowances as the adjacent properties.

### **B. Blueprint Denver**

Blueprint Denver, the City's Land Use and Transportation Plan, identifies the property as being within an Area of Stability with a land use classification of Single Family Duplex. The Blueprint Denver street classification for 32<sup>nd</sup> Avenue is Residential Collector. The proposed mixed use zone district allows the full range of residential land uses which conforms to the Blueprint Denver land use classification and also allows commercial land uses which conform to existing conditions on the block.

### **C. Highland Neighborhood Plan**

The Highland Neighborhood plan was adopted in 1986 and is considered superseded by the 2003 Blueprint Denver Land Use and Transportation Plan.



**D. Denver Zoning Code**

The Denver Zoning Code (Section 12.4.10) requires all Official Map Amendments to comply with the following criteria.

**General Review Criteria Applicable to All Zone Map Amendments**

The City Council may approve on official map amendment if the proposed rezoning complies with all of the following criteria:

- A. *Consistency with Adopted Plans* – The proposed map amendment is consistent with the Denver Comprehensive Plan 2000 and with the Blueprint Denver Land Use and Transportation Plan.
- B. *Uniformity of District Regulations and Restrictions* – The proposed map amendment will use the U-MX-3 zone district and there is no effect of the proposed district on the uniformity of district regulations.
- C. *Public Health, Safety and General Welfare* – The proposal is environmentally sustainable because future infill development of the site will use existing infrastructure and the building placement and scale of future buildings will be in character with the surrounding area.

### **Additional Review Criteria for Non-legislative Rezoning**

In addition to compliance with the general review criteria above, the City Council may approve an official map amendment if one of several additional review criteria exists. The proposed map amendment complies with the following additional review criteria:

#### A. *Justifying Circumstances*

Denver Zoning Code Criteria is that the land or its surrounding environs has changed 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. The proposed map amendment is in response to the changed circumstance of the new zoning on adjacent properties and the abandonment of the approved PBG site plan for the property. The proposed U-MX-3 zone district will bring the property into the same zone district as adjacent properties allowing the same building forms and land uses.

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

The Denver Zoning Code Criteria is the proposed official map amendment is consistent with the descriptions of the applicable neighborhood context, and with the stated purpose and intent of the proposed zone district. Overall, the proposed map amendment is consistent with the Urban Neighborhood Context in the following ways.

##### a. *Context - The Urban Neighborhood Context*

###### *General Character*

In the Denver Zoning Code the description of the Urban Neighborhood context states “The Urban Neighborhood is primarily characterized by low intensity residential uses and commercial areas typically embedded in residential areas. Small-scale multi-unit residential uses and commercial areas are typically embedded in residential areas. Single-unit residential structures are typically Urban House forms. Multi-unit building forms are typically Row House forms embedded with other residential building forms. Commercial buildings are typically Shop Front and General forms that may contain a mixture of uses within the same building. Single- and two-unit residential uses are primarily located along local and residential arterial streets. Multi-unit residential uses are located along local streets, residential and mixed use arterials, and main streets. Commercial uses are primarily located along mixed-use arterial or main streets but may be located at or between intersections of local streets.”

The proposed map amendment is for an existing vacant site embedded between a commercial building and a residential building converted to commercial use. The location of the site, embedded on 32<sup>nd</sup> Avenue, a Residential Collector, is typical of



Urban Neighborhoods. Commercial structures along 32<sup>nd</sup> Avenue are characteristically embedded in the residential areas of the Highland neighborhood.

*Street, Block and Access Patterns*

The Urban Neighborhood Context consists of a regular pattern of block shapes surrounded by an orthogonal street grid. Orthogonal streets provide a regular pattern of pedestrian and vehicular connections through this context and there is a consistent presence of alleys. Block sizes and shapes are consistent and primarily include detached sidewalks (though attached sidewalks are also found), tree lawns where provided for by detached sidewalks, street and surface parking, and landscaping in the front setback.

The block where the proposed map amendment is located is a typical Highland square block with an H-shaped alley. The block is consistent with the Urban Neighborhood characteristic of detached sidewalks with tree lawns.

*Building Placement and Location*

In Urban Neighborhoods commercial buildings typically have consistent orientation and shallow front setbacks with parking at the rear and/or side of the building.

The existing structures on the block have similar building setbacks that are consistent with mixed use setbacks. The building setbacks frame the street and provide pedestrian scale. Parking for the structures is located in the rear or side of the buildings as is typical of Urban Neighborhood Contexts.

*Building Height*

The Urban Neighborhood Context is characterized by low scale buildings except for some mid- rise commercial and mixed use structures, particularly at nodes or along arterial streets.

The existing one to two-story commercial buildings on the block, which are located on a residential collector street, are typical of the Urban Neighborhood Context.

*Mobility*

There is a balance of pedestrian, bicycle and vehicle reliance with greater access to the multi-modal transportation system.

The location of the property on a block with an existing grid street pattern and with detached sidewalks provides a natural balance of pedestrian, bicycle and vehicular access.

*b. Zone District Purpose and Intent*

The Mixed Use zone districts are intended to promote safe, active, and pedestrian-scaled diverse areas through the use of town house, row house, courtyard apartment, apartment, and general building forms that clearly define and activate the public street edge.

The Mixed Use zone districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city's neighborhoods.

The Mixed Use zone district standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods.

Compared to the Main Street districts, the Mixed Use districts are focused on creating mixed, diverse neighborhoods. The Mixed Use districts are intended for corridors, embedded neighborhood business areas and larger sites.

In the Urban Neighborhood Context, the Mixed Use zone districts promote a pedestrian-active street front. Buildings are pulled up to the street with parking at the side or rear of the building; however, the front setback range is deeper than the front setback range for the Main Street districts. The required percentage of building facade that must be located in the front setback area is less than the percentage for the Main Street districts.

*Specific Intent of the U-MX-3 Zone District* – U-MX-3 applies to areas or intersections served primarily by local or collector streets where a building scale of 1 to 3 stories is desired.

The proposed map amendment is consistent with both the general and specific purpose and intent of Mixed Use zone districts and the specific U-MX-3 zone district because the proposed zoning will ensure future development of the site fits in with the existing context of the block. The existing one to two-story structures have consistent building setbacks and scale that frame 32<sup>nd</sup> Avenue and promote pedestrian activity. Parking for the buildings is located at the side or rear of the buildings, another Mixed Use characteristic. The future development of the site under the U-MX-3 zone district will have the same zoning standards.

The existing commercial structures which are embedded on a Residential Collector street, the existing detached sidewalks and tree lawns on the block and the grid street pattern are all typical Mixed Use characteristics which promote pedestrian activity. And the existing block and sidewalk configuration are optimal for pedestrian, bicycle and vehicular connections. The low scale of the buildings contributes to the transition between the commercial uses on 32<sup>nd</sup> Avenue and the surrounding residential neighborhoods. Future redevelopment of the site will be required to adhere to the Urban Neighborhood context standards similar to those of the existing structures such as low intensity of commercial structures, similar building form and parking locations and transparency standards.

**Additional Review Criteria** – The Denver Zoning Code specifies area requirements for some types of map amendments. For the Mixed Use zone districts there is no minimum area requirement to which this proposal would be subject.

### **Evaluation of Zoning Options**

The recent citywide rezoning considered the existing land use, existing zoning and plan direction as the criteria to evaluate the New Code zoning of all properties within the city. In determining that the U-MX-3 zone district was the correct district for this block staff reviewed the existing commercial land uses, the B-3 zoning standards and the Blueprint Denver Single Family Duplex concept land use recommendation. The B-3 zone district allows a 1:1 floor area ratio so building scale under B-3 zoning is dependent on the size of the property. It was determined that U-MX-3 was the correct zone district for the block because of the existing scale of the structures on the block, coupled with the existing placement of the structures relative to the Mixed Use Build-To standards, the parking location, the existing mix of commercial land uses and the Blueprint Denver Single Family Duplex land use concept recommendation.

With this proposed rezoning the applicant proposes to change the zoning of the property from B-3 to U-MX-3. The differences in building form standards between B-3 and U-MX-3 is the difference between a 1:1 F.A.R standard versus a 3-story one, or a building height limit that depends on size of the zone lot in B-3 versus a 45 feet height limit standard in the U-MX-3 zone district. In addition, the U-MX-3 district has upper story setback of 27 feet for properties directly adjacent to Protected Districts, or lower intensity residential districts. The B-3 zone district has no upper story setback, but is a controlled district and is subject to bulk plane restrictions when adjacent to protected zone districts. The primary use allowance standards for B-3 and U-MX-3 are similar in that both allow a mixture of residential and commercial land uses.

The proposal will bring the zoning of the property to U-MX-3, a zone district with the same scale as the remainder of the block. Given the conformance with adopted plans, the consistency of the proposal with the existing area context and the zoning of adjacent properties, the U-MX-3 zone district is the correct zone district for this property.

### **VIII. Staff Recommendation**

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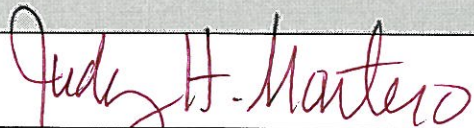
Based on the analysis above, CPD staff finds that the Legislative Map Amendment meets all the requisite criteria for an official map amendment. We therefore recommend **approval** for rezoning the property located at **2243 & 2245 West 32<sup>nd</sup> Avenue (Amendment #2010I-00020)** to the U-MX-3 zone district.

#### **Attachments:**

1. Application
2. Map Series – (Aerial, Zoning, Blueprint Map)

201 W Colfax Ave, Dept 205  
 Denver, CO 80202  
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 f: 720-865-3056  
 www.denvergov.org/planning

### APPLICATION FOR ZONE MAP AMENDMENT

<b>Application #</b>	2010I-00020	<b>Date Submitted</b>	9/19/10	<b>Fee Required</b>		<b>Fee Paid</b>		
<b>APPLICANT INFORMATION</b>				<b>CONTACT INFORMATION (Same as Applicant? <input type="checkbox"/>)</b>				
<b>Applicant Name</b>	Councilwoman Judy Montero			<b>Contact Name</b>	Teresa St. Peter			
<b>Address</b>	3457 Ringsby Court, #215			<b>Address</b>	Same			
<b>City, State, Zip</b>	Denver, CO 80216			<b>City, State, Zip</b>	Same			
<b>Telephone / Fax</b>	303-458-8960			<b>Telephone / Fax</b>	303-458-8960			
<b>Email</b>	Judy.montero@denvergov.org			<b>Email</b>	teresa.stpeter@denvergov.org			
<b>Subject Property Location [Please Include Assessor's Parcel Number(s)]</b>								
2243 & 2245 West 32 <sup>nd</sup> Avenue, Denver, Colorado 80211								
<b>Legal Description of Subject Property</b>								
L 19, 20, 21 & 22 BLK 5 WILSONS RESUB OF PART OF H WITTERS NORTH DENVER ADD								
<b>Area of Subject Property (Acres/Sq Ft)</b>		<b>Present Zone District</b>		<b>Proposed Zone District (Waivers and Conditions Require Separate form)</b>				
12,500 Square Feet, 0.29 acres		B-3		U-MX-3				
<b>Describe the nature and effect of the proposed Zone Map Amendment</b>								
The property is vacant and has an approved Planned Building Group (PBG) site plan for the property. Because of the PBG the property was not included in the recent citywide rezoning. The property owners are now selling the property and will not build according to the PBG site plan. This map amendment will make the zoning of the property equivalent to that of the abutting properties and provide the new property owners more options for development than the PBG allows.								
<b>Select Legal Basis for the Zone Map Amendment and explain in detail</b>				<b>Error in the map as approved by City Council</b>				<input type="checkbox"/>
				<b>Changed or Changing Conditions that make a Zone Map Amendment Necessary</b>				<input checked="" type="checkbox"/>
This property was not included in the citywide rezoning because of the existing approved Planned Building Group site plan. The changing condition of the citywide rezoning coupled with the sale of this property make this map amendment necessary to ensure the new owners are able to develop the property.								
<b>State the land use and the development proposed for the subject property. Include the time schedule (if any) for development</b>								
Residential/Mixed Use								
<b>Required Exhibits</b>				<b>Additional Exhibits</b>				
<b>Applicant &amp; Owner Information Sheet</b>								
<b>Maps – Required for Final Submissions</b>								
<b>Case Manager</b>		Theresa Lucero, Senior City Planner						
<b>Signature</b>						<b>Date</b>		
						9/16/10		

## APPLICANT & OWNER INFORMATION SHEET

[1] Section 59-648(c) of the Denver Revised Municipal Code requires that an applicant for rezoning provide the applicant's name, address, and respective ownership interest, if any, on the application. In addition, unless subject to paragraph [2] below, the applicant must provide, in the space provided on this form, a list of all the owners of the property and the holders of deeds of trust, identifying which owners and holders of deeds of trust are represented by the applicant.

[2] If the application is for designation of an area as B-2, B-3, R-X or PUD zone district, the applicant must submit the concurrence of the owners and holders of deeds of trust of the entire land area to be included in the proposed district (and any structures thereon). In such cases, this form must be completed for each individual owner, together with sufficient evidence of ownership for each owner and holder of a deed of trust. Documentation verifying ownership interest may include (but is not limited to): Copies of deeds, powers of attorney, and corporate/partnership registrations filed with the Secretary of State.

**Application Number**

**Applicant's Name**

Councilwoman Judy Montero

**Property Address(es)**

2243 West 32nd Avenue, Denver, Colorado 80211

**Applicant's Address**

3457 Ringsby Court, #215, Denver, Colorado 80216

**NOTE: If application is for rezoning to B-2, B-3, R-X or PUD, and the applicant is not the property owner, this form must be accompanied by a Power of Attorney statement from the property owner.**

Indicate as accurately as possible the form of interest in the property, and the amount held by the individual or entity listed as "applicant" above.

**Fee Title Owner (Has Deed of Ownership)**

All

A Portion

**Contract Owner**

All

A Portion

**Holder of a Security Interest**

All

A Portion

List the names and addresses of all owners and holders of Deeds of Trust for the property, if any, and indicate which owners or holders of deeds of trust are represented by the applicant in the space below (please add additional pages, if needed).

Fairview Condominiums, LLC – Represented by Bruce Prior – 50% owner of Fairview Condominiums, LLC

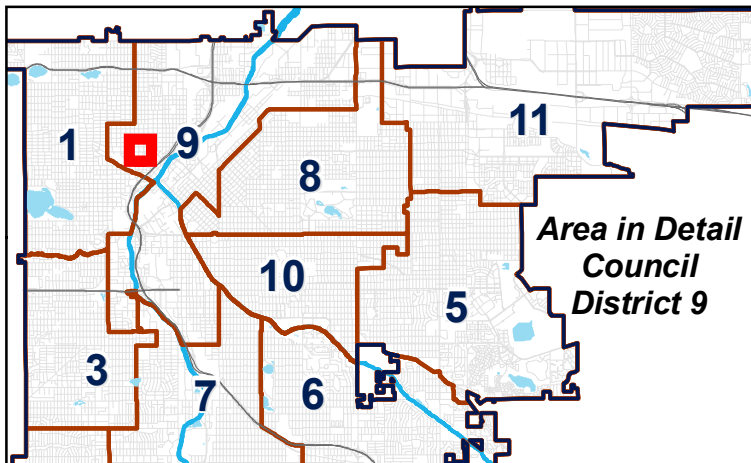
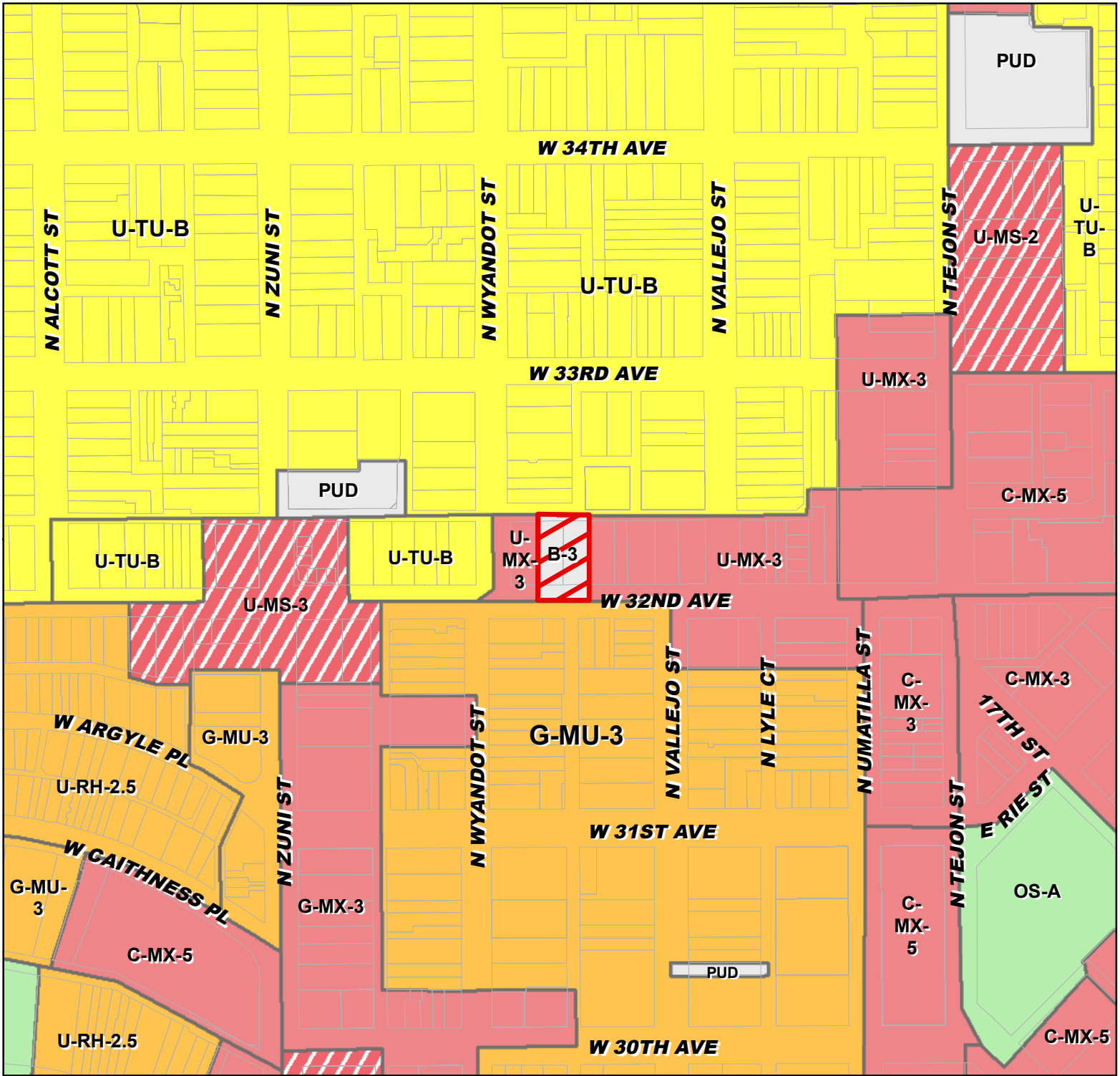
**Signature of Applicant**

**Date Signed**

*Judy H. Montero*

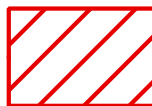
*9/16/10*

# Pending Zone Map Amendment #2010I-00020

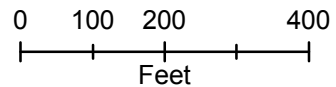


Application #2010I-00020

Location: 2243 and 2245 W 32nd Ave.



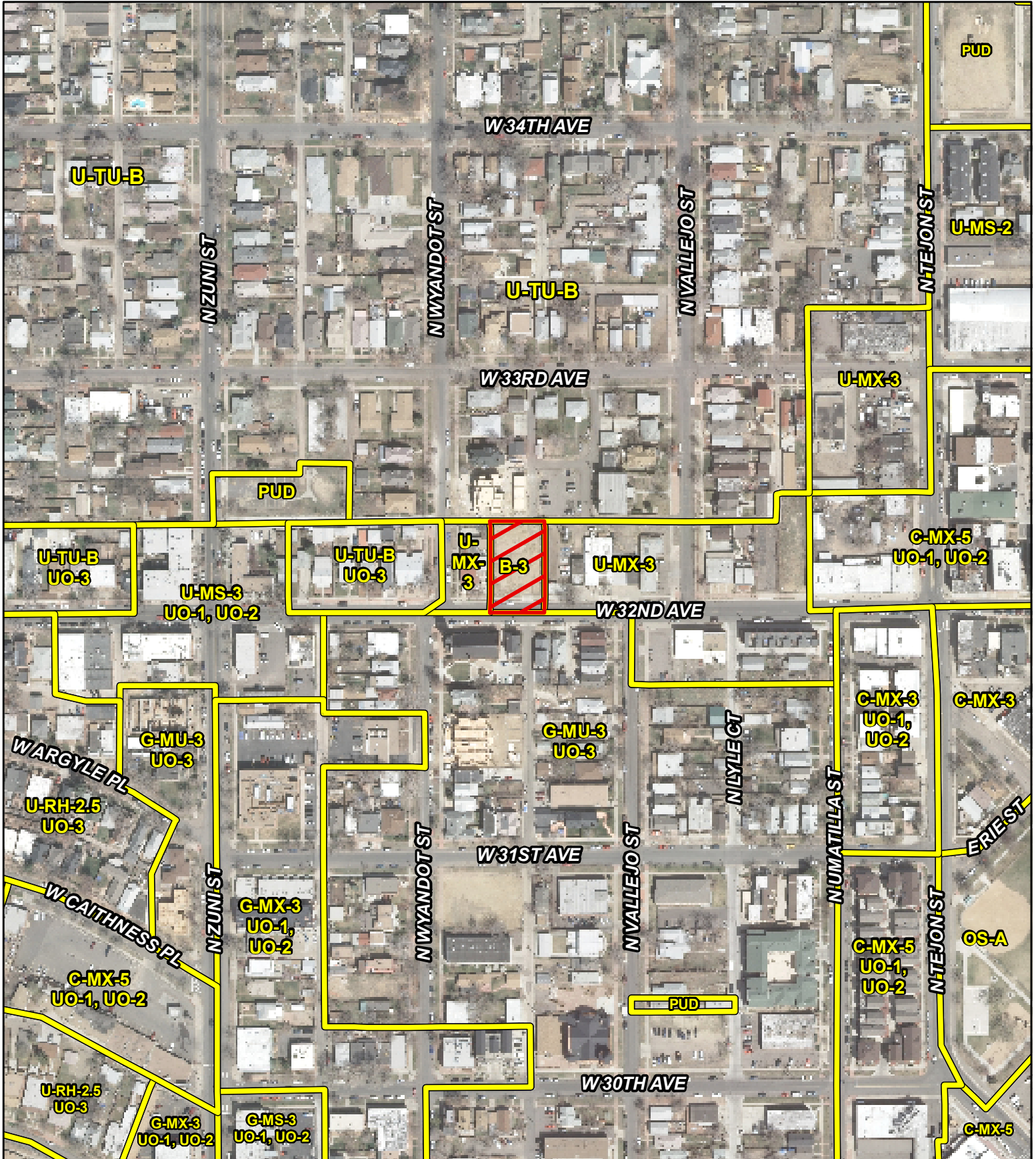
Proposed Rezoning  
From: B-3  
To: U-MX-3



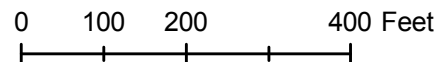
Map Date: 9/20/10

# Pending Zone Map Amendment - Aerial & Zoning Overlay

 Application #2010I-00020



Aerial Photo: April 2008  
Community Planning and Development

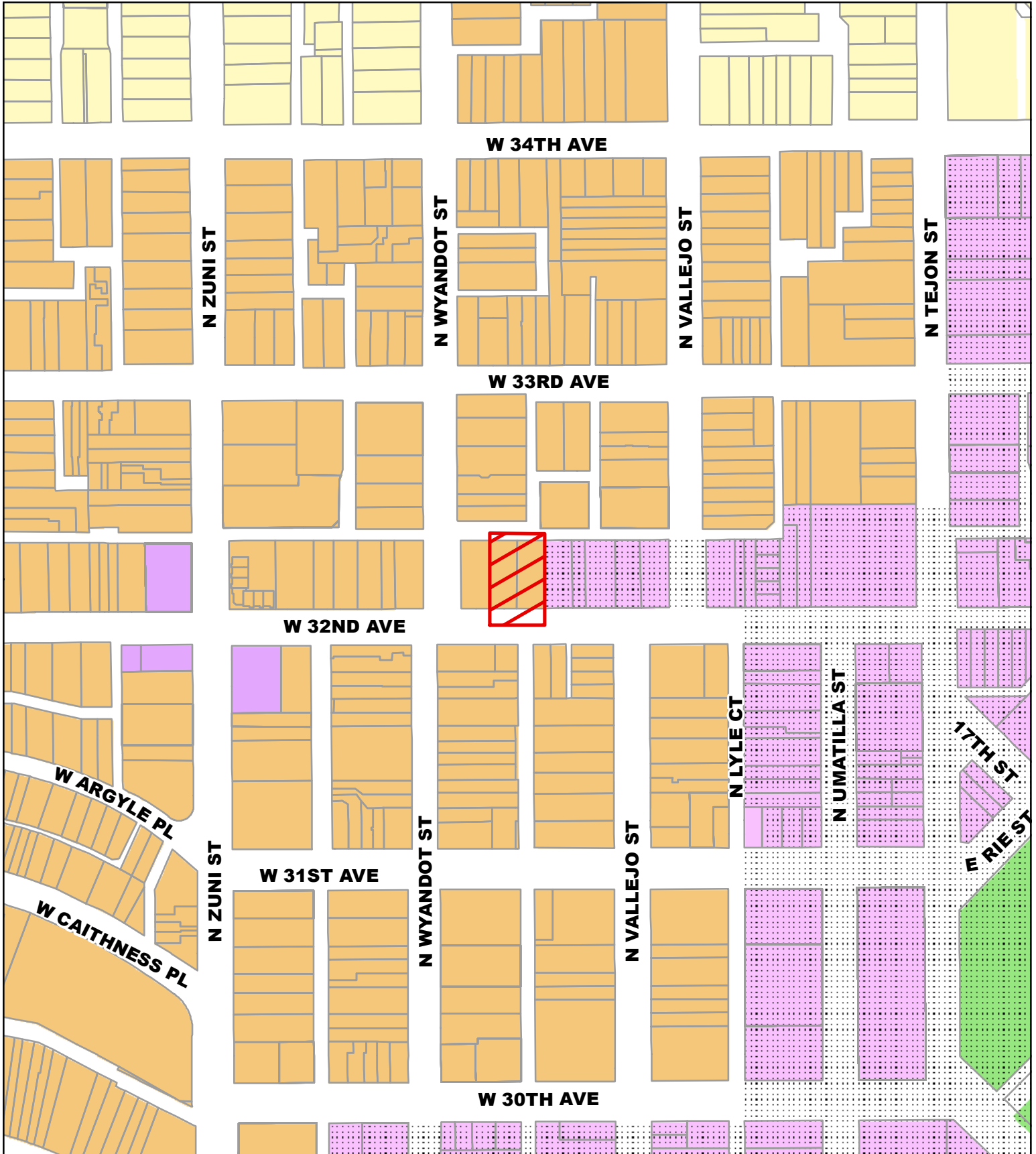








Map Date: 9/20/10

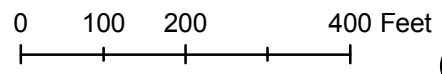


# Pending Zone Map Amendment - Blueprint Denver Overlay

 Application #2010I-00020



-  Mixed Use
-  Neighborhood Center
-  Park
-  Single Family Duplex
-  Single Family Residential
-  Area of Change



Map Date: 9/20/10

