



DENVER
THE MILE HIGH CITY

Community Planning and Development
Planning Services
Plan Implementation

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TO: Denver City Council
FROM: Theresa Lucero, Senior City Planner
DATE: December 14, 2010
RE: Legislative Map Amendment #2010I-00020
2243 and 2245 West 32nd 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

Map Amendment:	2010I-00020
Address:	2243 and 2245 West 32 nd 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

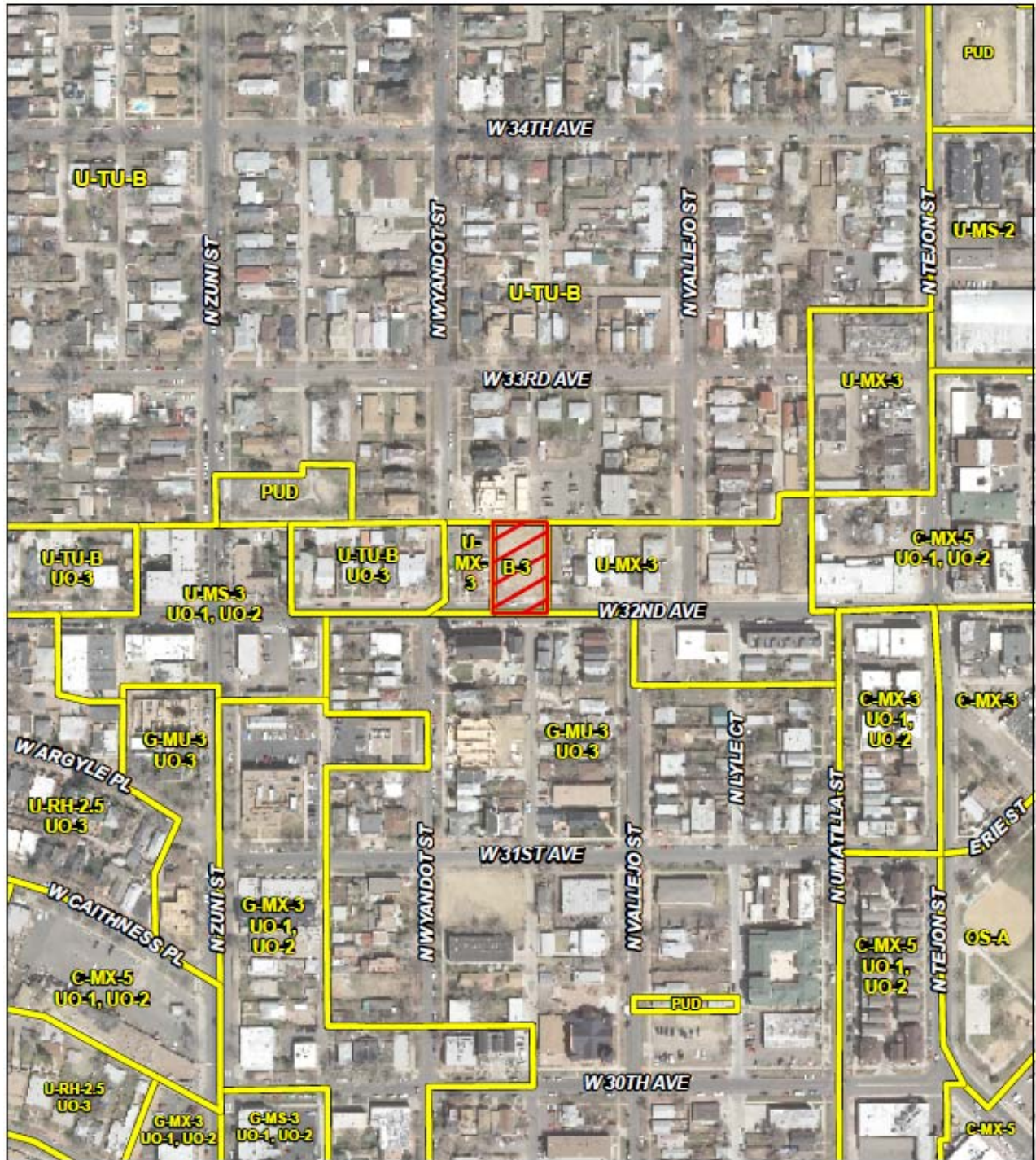
Vicinity Description

The property is located northwest of downtown in the Highland neighborhood on the north side of West 32nd 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 32nd 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.

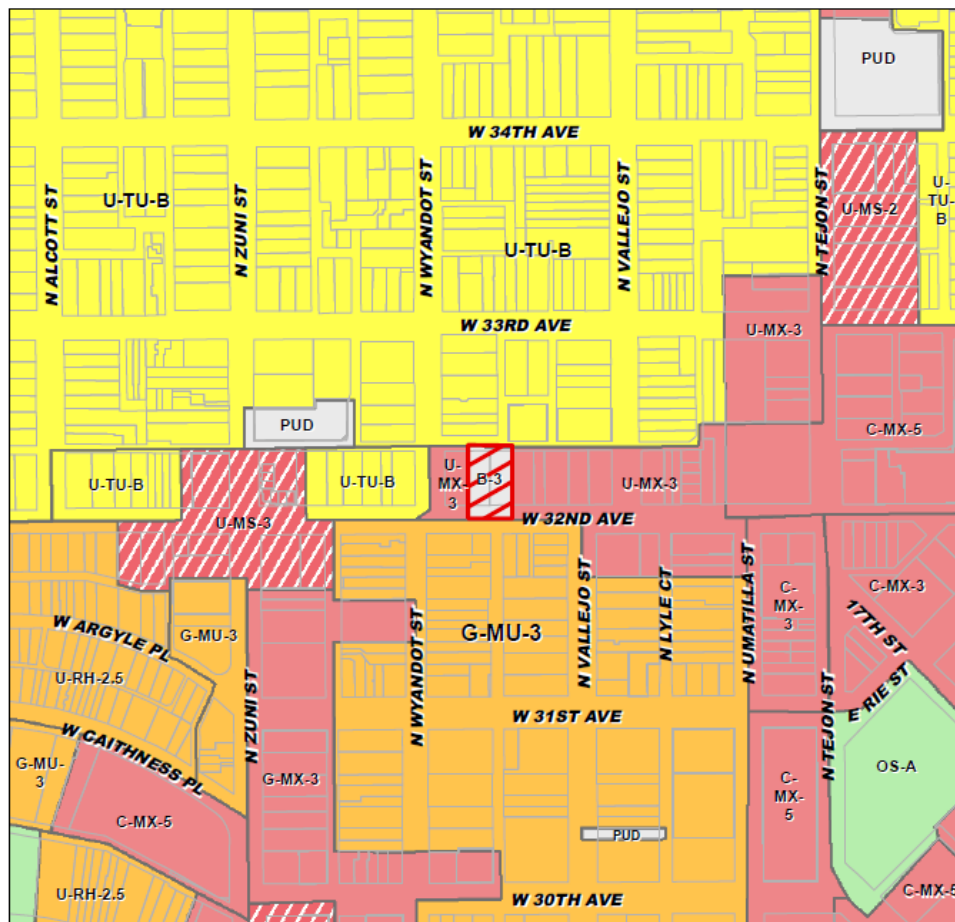
Proposal

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 up 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
Site	B-3	B-3	Vacant	Area of Stability / Single Family Duplex
North	U-TU-B	R-2	Row House / Parking	Area of Stability / Single Family Duplex
South	G-MU-3	R-3	Church / SF Residential	Area of Stability / Single Family Duplex
West	U-MX-3	B-3	Commercial	Area of Stability / Single Family Duplex
East	U-MX-3	B-3	Commercial	Area of Change / Mixed Use



2243 & 2245 West 32nd 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

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

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 November 9, 2010 meeting.

City Council Public Hearing

The property was posted with a sign for 21 days announcing the December 20, 2010, City Council public hearing and written notification was sent to all affected registered neighborhood organizations.

Public Comment

No written comments have been received. The property owner met with representatives of Highland United Neighbors, Inc. prior to formal submittal of the map amendment and received

their verbal support. CPD staff spoke with Tim Boers, the contact for HUNI, and Mr. Boers indicated HUNI supports the map amendment but no formal letter of support will be submitted.

VI. Legal Justification

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 anticipated. The proposed U-MX-3 zoning will provide more options for future redevelopment of the site.

VII. Criteria for Review / Staff Evaluation

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 32nd 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.

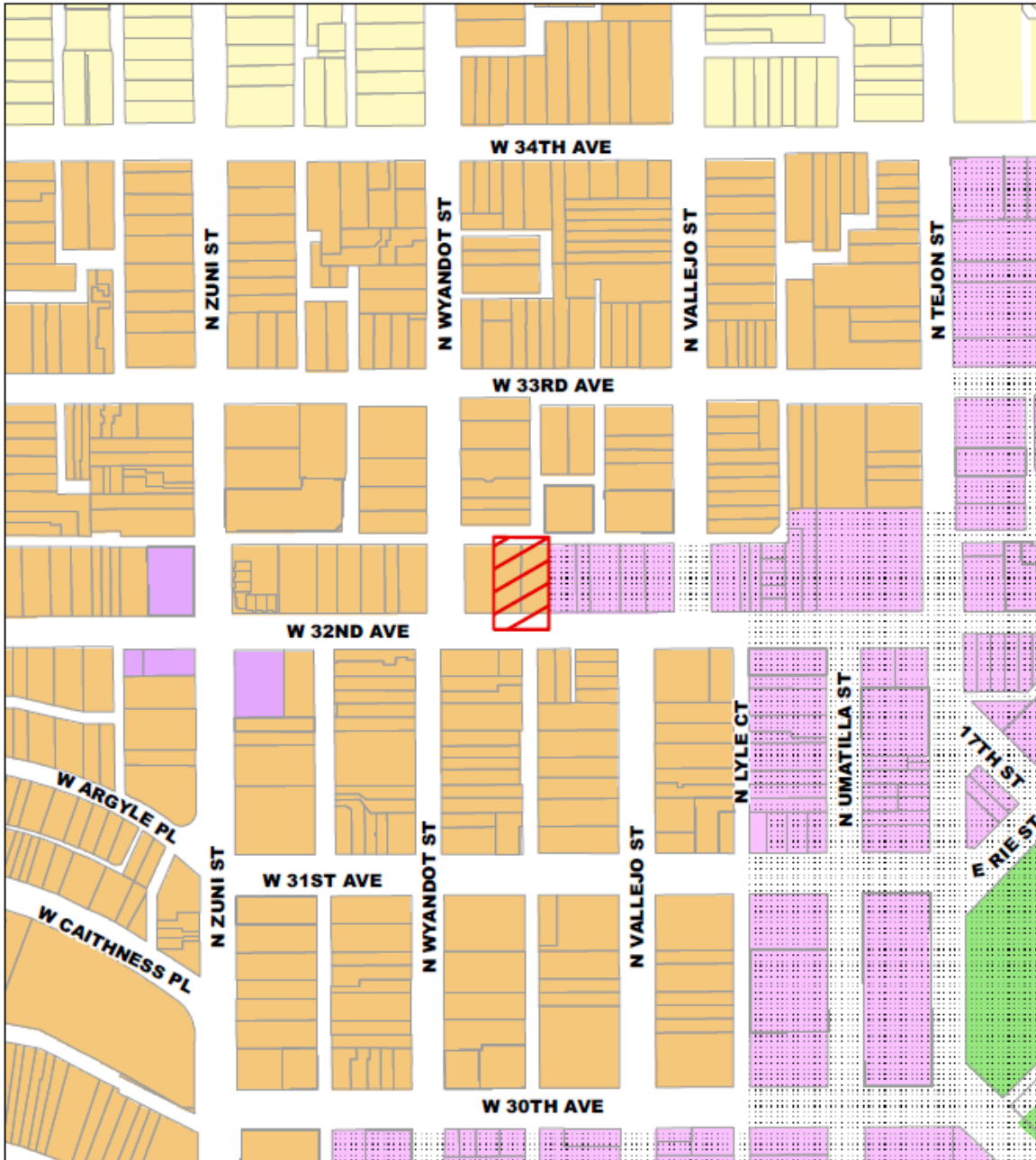
B. Blueprint Denver

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 32nd 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.

1. General Review Criteria Applicable to All Zone Map Amendments

The City Council may approve an 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.

2. Additional Review Criteria for Non-legislative Rezoning

In addition to compliance with the general review criteria above, the Denver Zoning Code specifies that 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 building forms and land uses compatible with the existing block and it will prepare the property for future redevelopment.

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 one-story commercial building and a two-story residential building converted to commercial use. The location of the site, embedded on 32nd Avenue, a Residential Collector, is typical of Urban Neighborhoods. Commercial structures along this portion of 32nd 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 and two-story commercial buildings on the block 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. Public bus transportation on West 32nd Avenue, a Residential Collector, operates on a local route schedule of every 15 minutes. In the RTD system local routes serve higher density / urban areas.

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 32nd 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 32nd 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.

3. Additional Review Criteria

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

4. 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 considered the existing commercial land uses and building scale, 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 proposal the zoning of the property would change 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

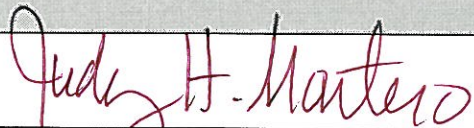
Based on the analysis above, CPD staff finds that the Legislative Map Amendment meets all the requisite criteria for an official map amendment. We therefore recommend **approval** of rezoning the property located at **2243 & 2245 West 32nd Avenue (Amendment #2010I-00020)** to the U-MX-3 zone district.

Attachments:

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

201 W Colfax Ave, Dept 205
 Denver, CO 80202
 p: 720-865-2915
 f: 720-865-3056
 www.denvergov.org/planning

APPLICATION FOR ZONE MAP AMENDMENT

Application #	2010I-00020	Date Submitted	9/19/10	Fee Required		Fee Paid	
APPLICANT INFORMATION				CONTACT INFORMATION (Same as Applicant? <input type="checkbox"/>)			
Applicant Name	Councilwoman Judy Montero			Contact Name	Teresa St. Peter		
Address	3457 Ringsby Court, #215			Address	Same		
City, State, Zip	Denver, CO 80216			City, State, Zip	Same		
Telephone / Fax	303-458-8960			Telephone / Fax	303-458-8960		
Email	Judy.montero@denvergov.org			Email	teresa.stpeter@denvergov.org		
Subject Property Location [Please Include Assessor's Parcel Number(s)]							
2243 & 2245 West 32 nd Avenue, Denver, Colorado 80211							
Legal Description of Subject Property							
L 19, 20, 21 & 22 BLK 5 WILSONS RESUB OF PART OF H WITTERS NORTH DENVER ADD							
Area of Subject Property (Acres/Sq Ft)		Present Zone District		Proposed Zone District (Waivers and Conditions Require Separate form)			
12,500 Square Feet, 0.29 acres		B-3		U-MX-3			
Describe the nature and effect of the proposed Zone Map Amendment							
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.							
Select Legal Basis for the Zone Map Amendment and explain in detail				Error in the map as approved by City Council			
				<input type="checkbox"/>			
				Changed or Changing Conditions that make a Zone Map Amendment Necessary			
				<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.							
State the land use and the development proposed for the subject property. Include the time schedule (if any) for development							
Residential/Mixed Use							
Required Exhibits				Additional Exhibits			
Applicant & Owner Information Sheet				<input type="checkbox"/>			
Maps – Required for Final Submissions				<input type="checkbox"/>			
Case Manager	Theresa Lucero, Senior City Planner						
Signature							Date
							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

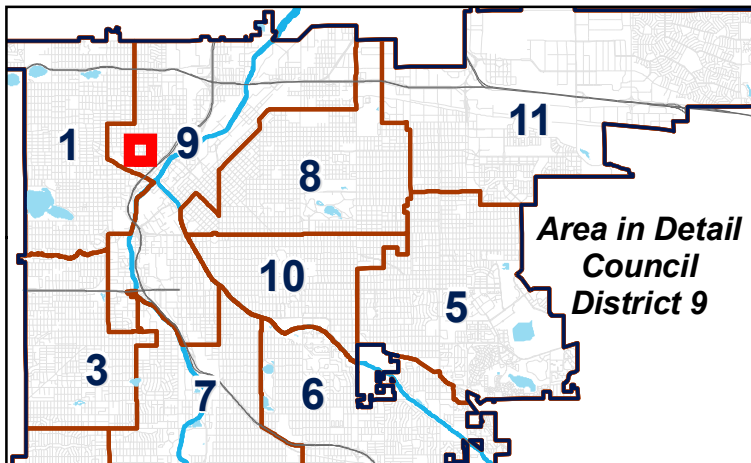
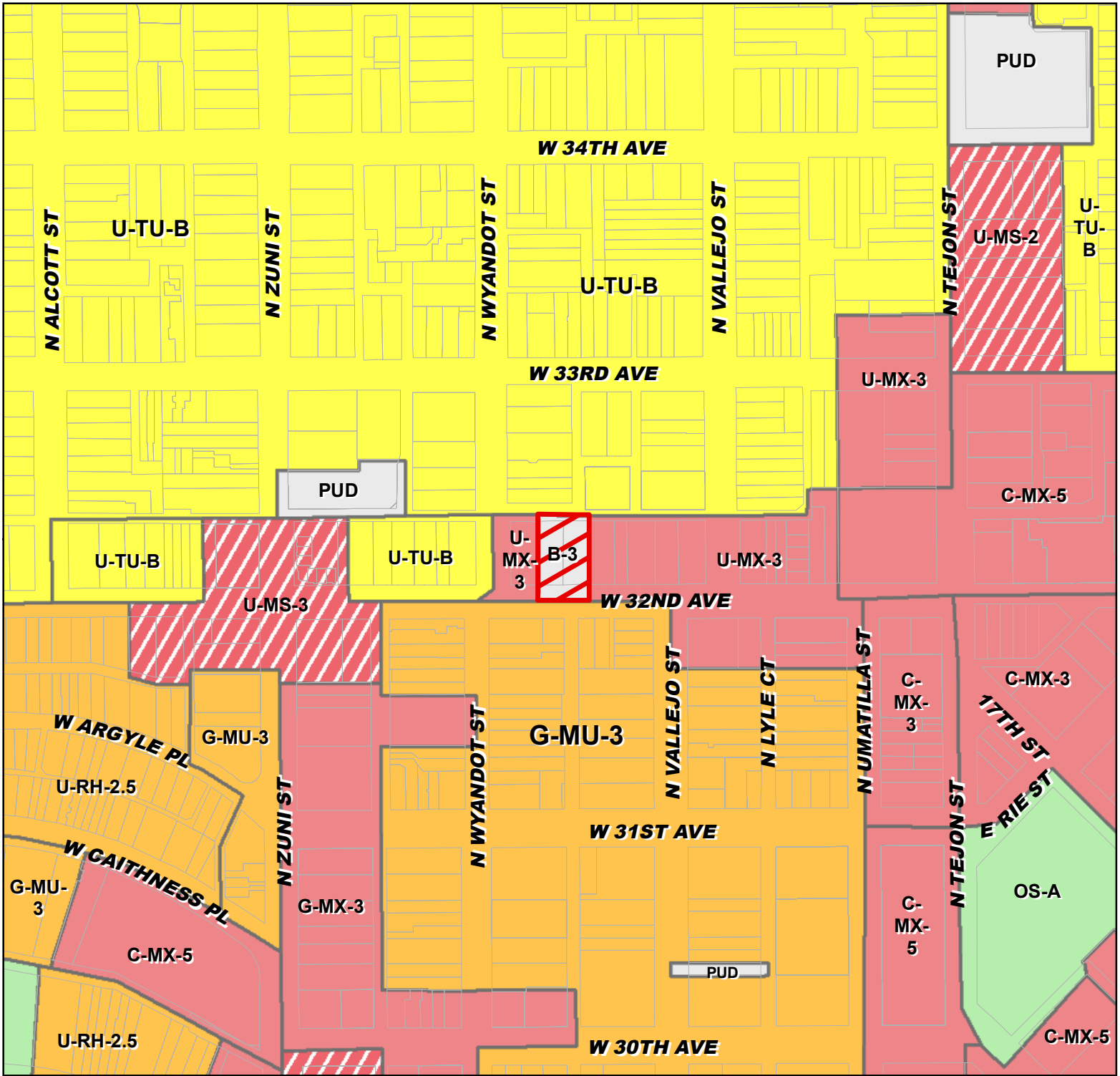
Signature of Applicant

Date Signed

Judy H. Montero

9/16/10

Pending Zone Map Amendment #2010I-00020

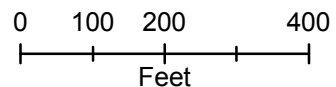


Application #2010I-00020

Location: 2243 and 2245 W 32nd Ave.



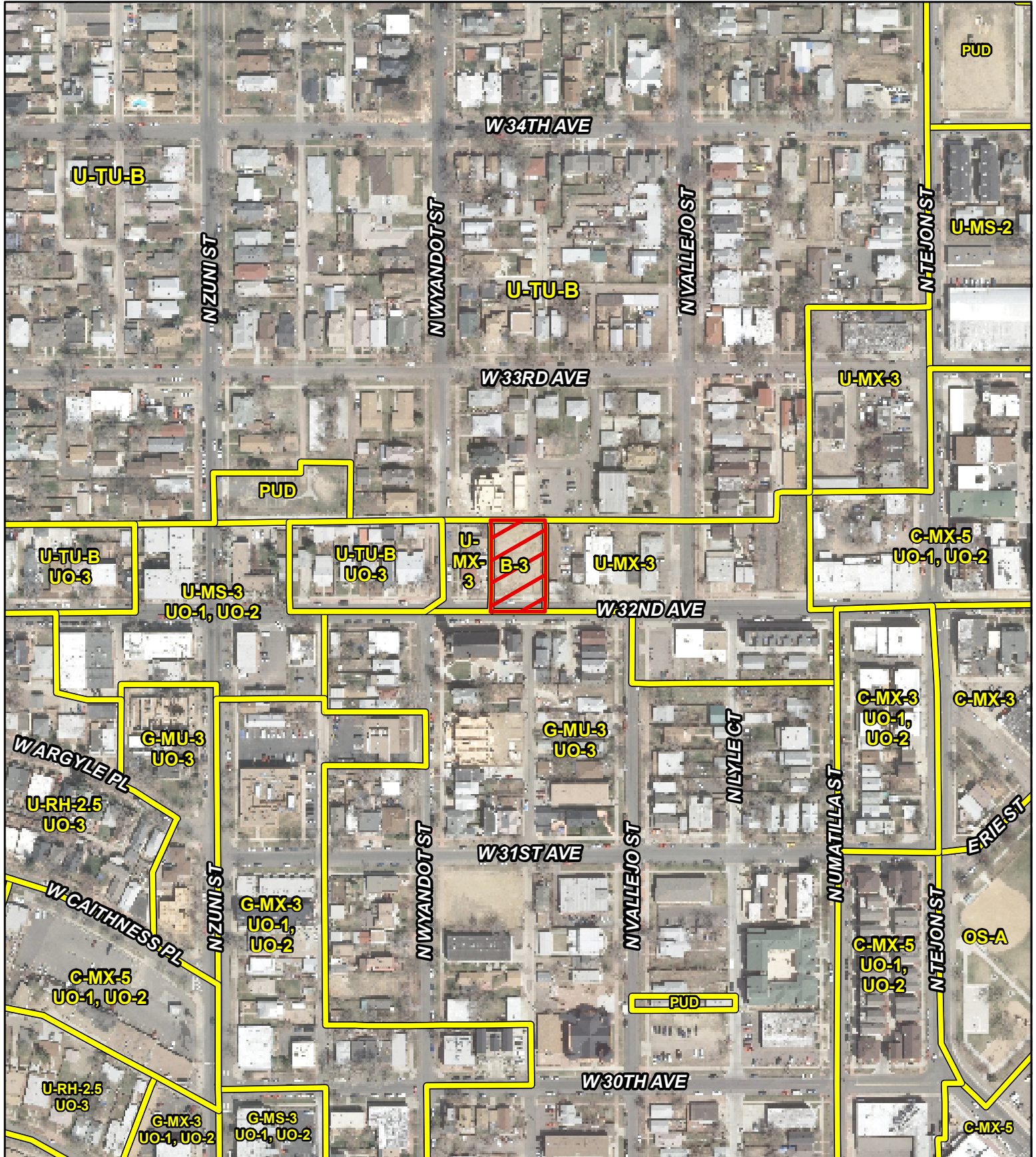
Proposed Rezoning
From: B-3
To: U-MX-3



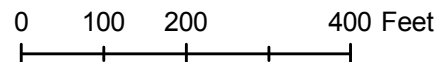
Map Date: 9/20/10

Pending Zone Map Amendment - Aerial & Zoning Overlay

 Application #2010I-00020



Aerial Photo: April 2008
Community Planning and Development

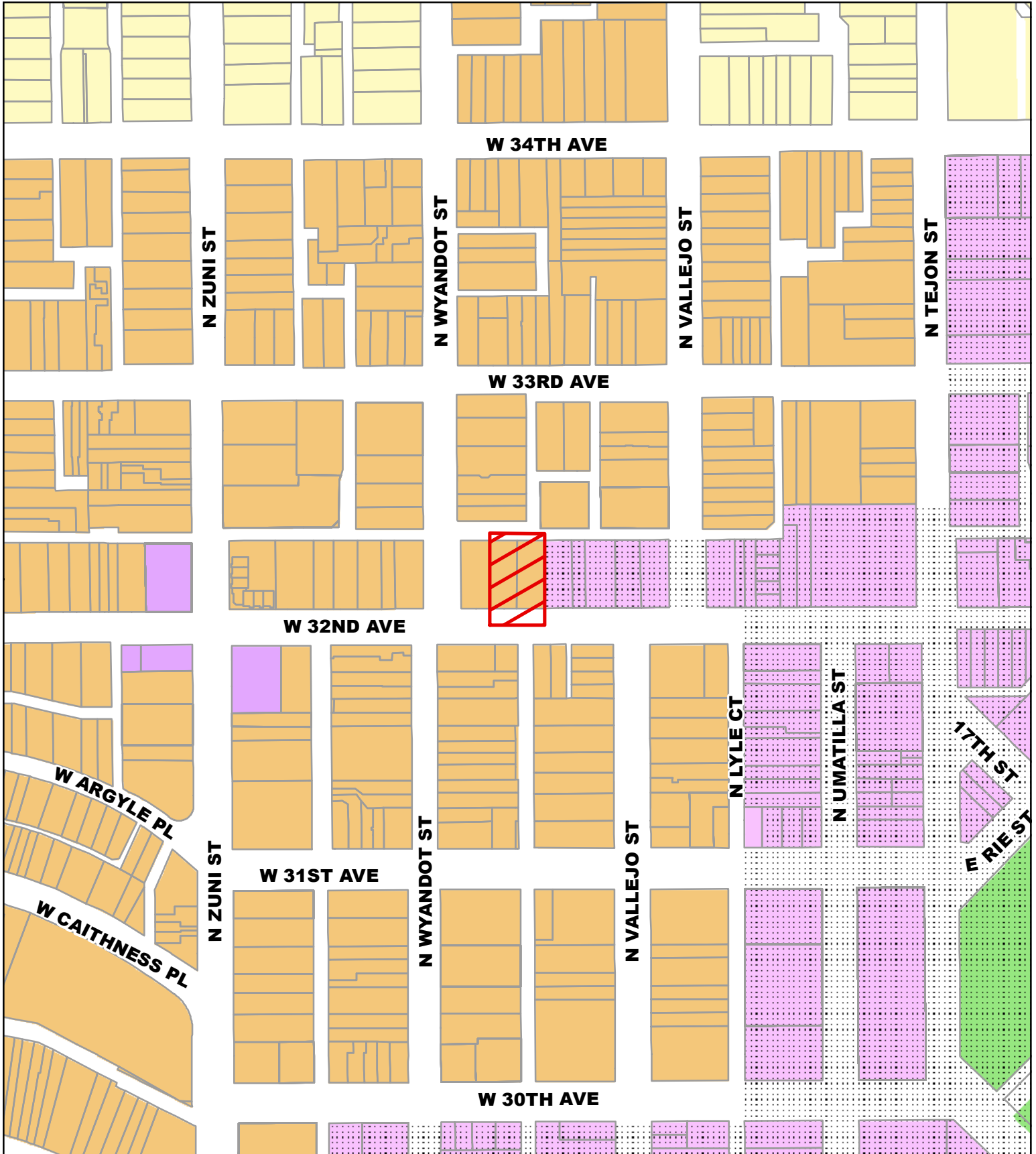







Map Date: 9/20/10

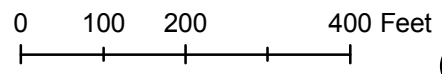


Pending Zone Map Amendment - Blueprint Denver Overlay

 Application #2010I-00020



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



Map Date: 9/20/10

