



**TO:** Denver Planning Board  
**FROM:** Fran Peñafiel, Senior City Planner  
**DATE:** June 29, 2022  
**RE:** Official Zoning Map Amendment Application #2022I-00092

### Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2022I-00092.

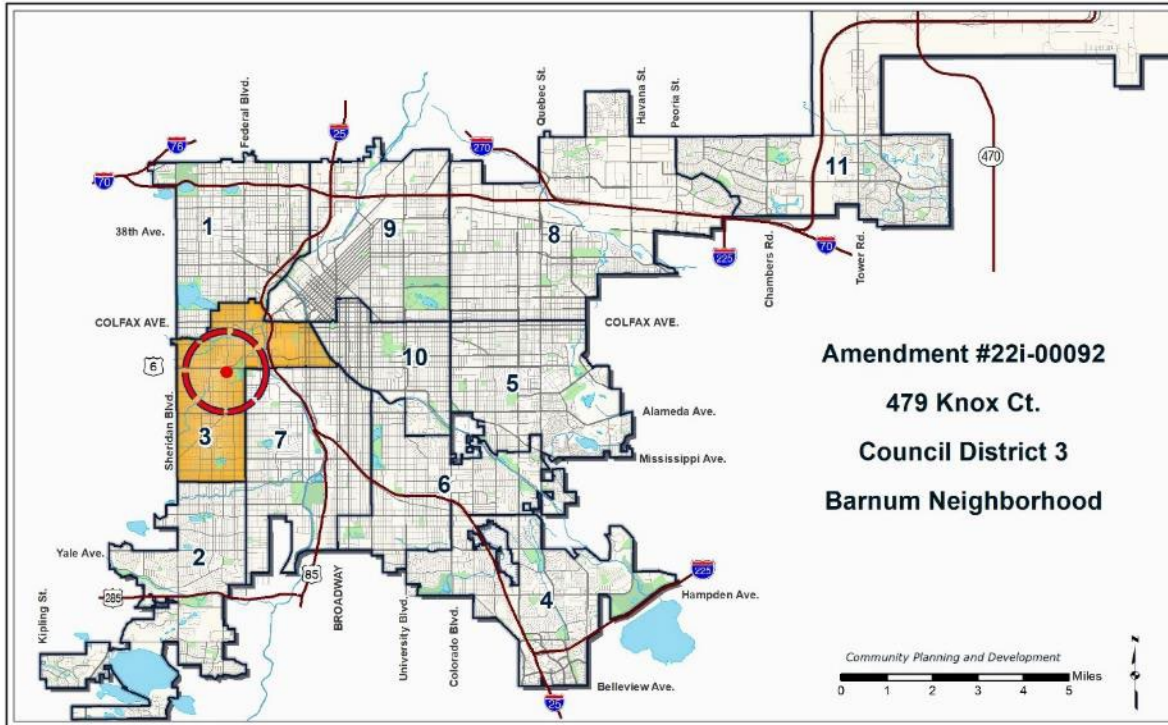
### Request for Rezoning

Address: 479 North Knox Court  
Neighborhood/Council District: Barnum / Council District 3  
RNOs: Inter-Neighborhood Cooperation (INC), Community Coalition for Barnum  
Area of Property: 9,393 square feet or 0.21 acres  
Current Zoning: E-SU-D1x  
Proposed Zoning: E-RH-2.5  
Property Owner(s): Tamarah and Rob Yancey

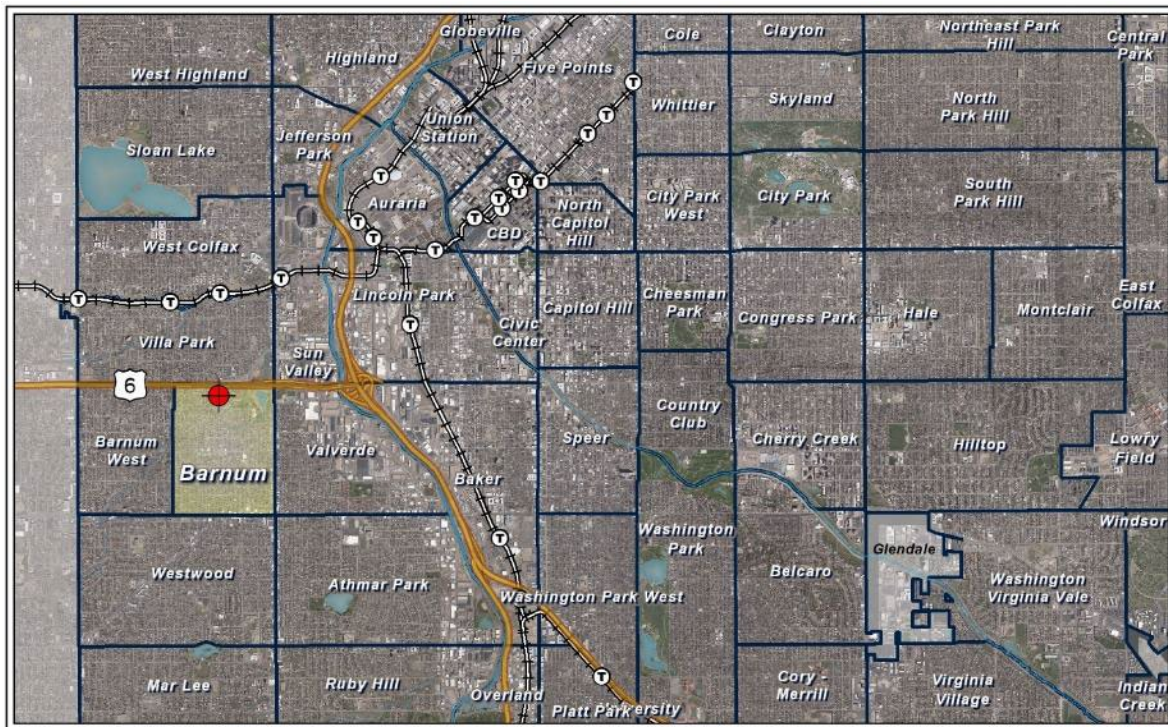
### Summary of Rezoning Request

- The subject property contains a single-story, single-unit dwelling built in 1923. It is located within the Barnum statistical neighborhood at the southwest corner of North Knox Court and West 5<sup>th</sup> Avenue.
- The property owner is proposing to rezone the property to allow for the potential development of a duplex on site.
- The proposed E-RH-2.5, Urban Edge, Row House, 2.5 stories, is a multi-unit zone district that allows the suburban house, urban house, duplex, tandem house and row house primary building forms as well as detached accessory dwelling units (only allowed as accessory to a primary single-unit residential use). The intent of the residential districts is to promote and protect residential neighborhoods within the character of the Urban Edge Neighborhood Context. The standards of the two unit and row house districts promote existing and future patterns of lower scale multi-unit building forms that typically address the street in the same manner as an urban house building form. Further details of the requested zone district(s) can be found in the proposed zone district section of the staff report (below) and in Article 4 of the Denver Zoning Code (DZC).

### City Location



### Neighborhood Location - Barnum



## Existing Context

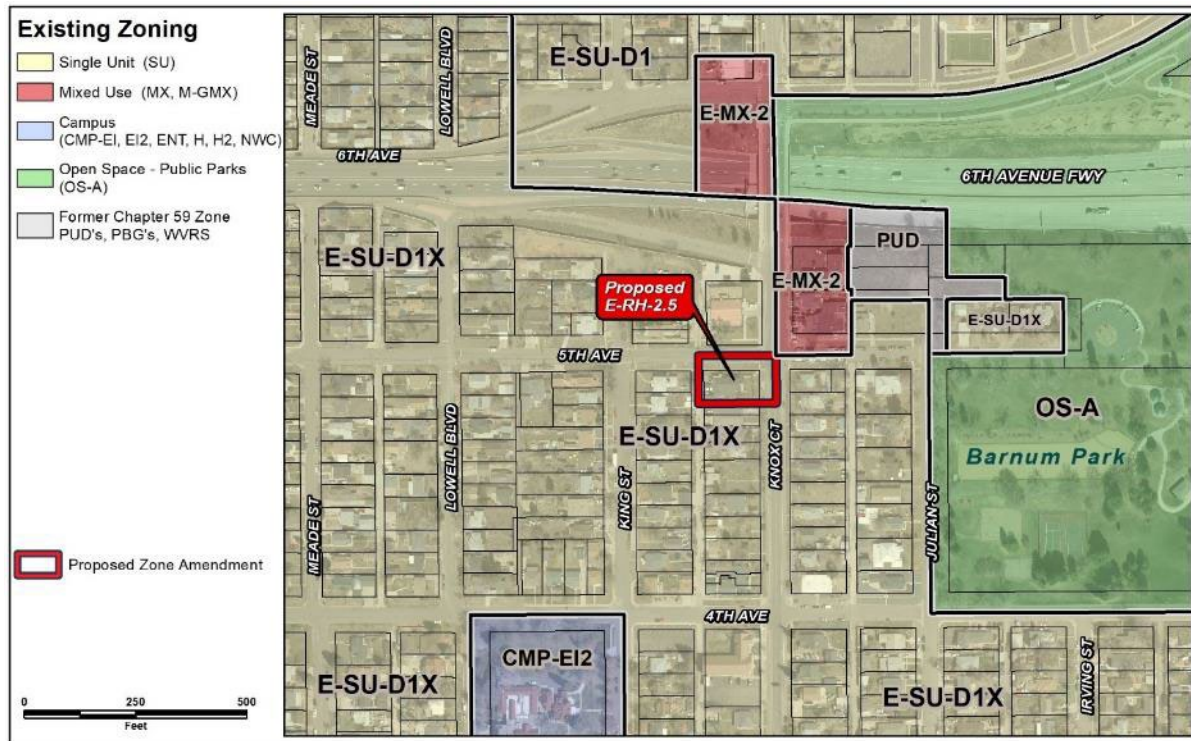


The subject property is in the Barnum statistical neighborhood, which is characterized primarily by single-unit residential uses with two-unit and multi-unit uses scattered throughout. There is a mix of auto/commercial uses to the northeast along North Knox Court as well as some commercial/retail, office and industrial uses concentrated along 1<sup>st</sup> Avenue and Federal Boulevard. Generally, there is a pattern of rectangular blocks in a street grid with alley access. The 6<sup>th</sup> Avenue Freeway is one-half block to the north and Barnum Park is one block to the east. Weir Gulch flows through the neighborhood southwest of Barnum Park. The property is less than 1 mile from the nearest West Corridor light rail station. Bus Route 1 runs along Knox Court and routes 30 and 31 serve Federal Boulevard further to the east. Bike lanes exist on Knox Court, 1<sup>st</sup> Avenue and 2<sup>nd</sup> Avenue and a trail runs through Barnum Park and along Weir Gulch.

The following table summarizes the existing context proximate to the subject site:

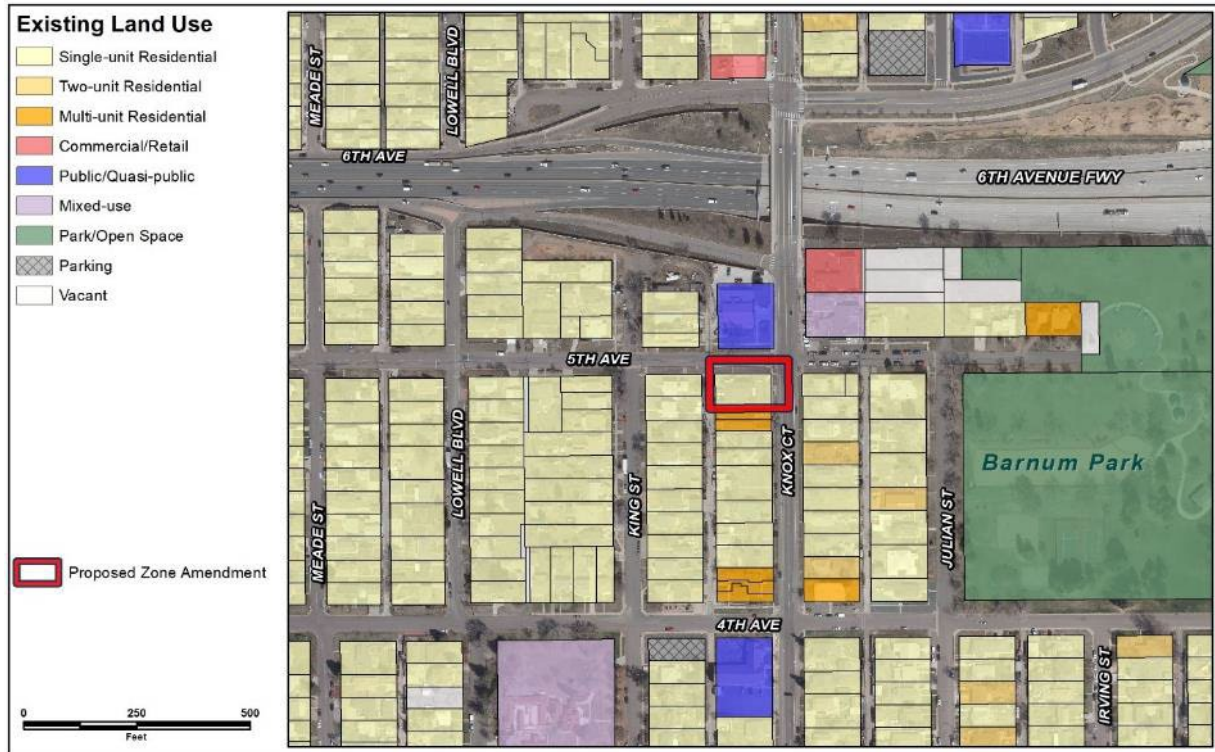
	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	E-SU-D1x	Single-unit Residential	1-story house with pedestrian access at the corner of 5 <sup>th</sup> Avenue and Knox Court	Generally regular grid of streets though interrupted by Barnum Park and Weir Gulch. Block sizes and shapes are consistent and rectangular with alleys. Sidewalks are generally attached or missing.
North	E-SU-D1x	Public/Quasi public	1-story fire station	
East	E-SU-D1x	Two-unit Residential	1-story house with garage access on 5 <sup>th</sup> Avenue	
South	E-SU-D1x	Multi-unit Residential	2-story rowhouse with deep front setback	
West	E-SU-D1x	Single-unit Residential	1-story house with deep front setback and garage access on 5 <sup>th</sup> Avenue	

### 1. Existing Zoning



The existing zoning on the subject property is E-SU-D1x. This is a single unit district allowing Suburban houses, Urban houses and detached accessory dwelling units with a minimum zone lot area of 6,000 square feet and a minimum width of 50 feet. The maximum allowed height of the Urban House building form is 30 to 35 feet for the front 65% of the zone lot and 17 to 19 feet in the rear 35% of the zone lot while the maximum height of the Suburban House building form is 30 to 35 feet. The Detached Accessory Dwelling Unit form can be a maximum height of 24 feet. For both building forms, the maximum building coverage per zone lot, including all accessory structures, is 37.5% with exemptions/exceptions allowed. No vehicular parking is required for single-unit dwellings.

## 2. Existing Land Use Map



## 3. Existing Building Form and Scale (Source: Google Maps)



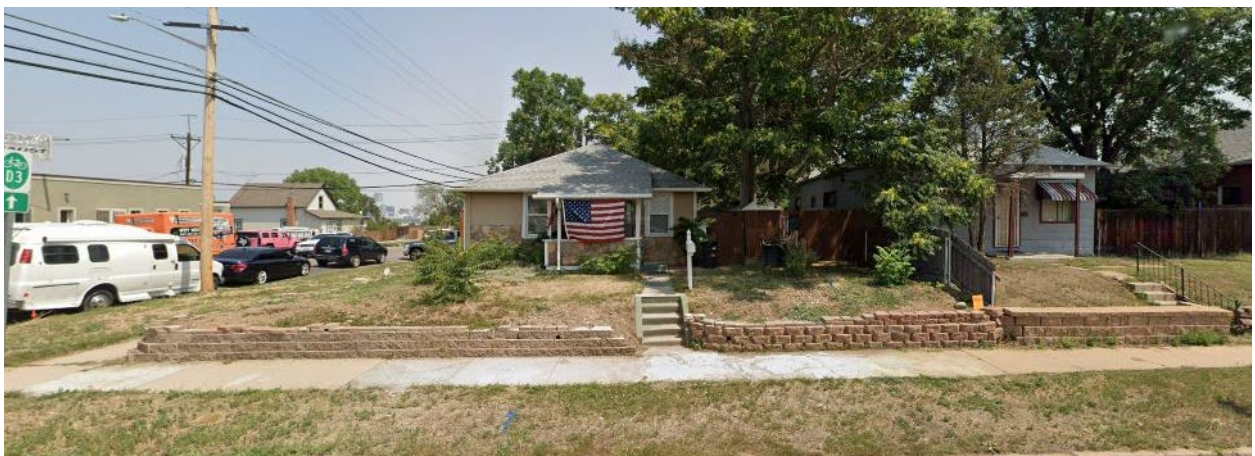
Site – Subject property, looking south from 5<sup>th</sup> Avenue



**Site** – Subject property, looking west from North Knox Court



**North** – Property to the north, looking northwest from the corner of 5<sup>th</sup> Avenue and North Knox Court



**East** – Property to the east, looking east from North Knox Court



**South** – Property to the south, looking west from North Knox Court



**West** – Property to the west, looking east on North King Street

### Proposed Zoning

The requested E-RH-2.5 zone district is found in the Urban Edge neighborhood context. It is a multi-unit zone district that allows for residential uses in a variety of building forms including: Suburban house, urban house, duplex, tandem house, and row house primary building forms. All primary building forms allow up to 35 feet or 2.5 stories. The intent of the district is to promote and protect residential neighborhoods within the character of the Urban Edge Neighborhood Context. The E-RH-2.5 district also permits the accessory dwelling unit use and Detached Accessory Dwelling Unit (DADU) building form, to be located in the rear 35 percent of the lot, only allowed as accessory to a primary single-unit residential use. The DADU building form has a maximum height of 1.5 stories or 24 feet. This form allows an exemption from the 37.5 percent building coverage standard, allowing the lesser of 50 percent or 500 square feet. The district does not require any off-street vehicular parking for single-unit dwellings, but if provided, parking for the DADU must be accessed from the alley; street access is allowed when no alley is present. The minimum parking requirement for a dwelling, multi-unit residential use is one space per unit.

The primary building forms allowed in the existing zone district and the proposed zone district are summarized below.

Design Standards	E-SU-D1x (Existing)	E-RH-2.5 (Proposed)
Primary Building Forms Allowed	Suburban House; Urban House	Suburban House; Urban House, Duplex, Tandem House, Row House
Height in Stories / Feet, Front 65% of Zone Lot (max.)	2.5 stories / 35 feet*	2.5 stories / 35 feet*
Height in Stories / Feet, Rear 35% of Zone Lot (max.)	Urban house: 1 story / 19 feet Suburban House: 2.5 stories/ 35 feet	Urban house: 1 story/ 19 feet* Suburban house: 2.5 stories / 35 feet* Duplex: 1 story/ 19 feet* Tandem house: 2.5 stories/ 24 feet Row house: 1 story/ 19 feet
Height in Stories / Feet, Detached Accessory Dwelling Unit, (max.)	1.5 stories / 24 feet	1.5 stories / 24 feet
Zone Lot Size (min.)	6,000 sf	4,500 - 6,000 sf**
Zone Lot Width (min.)	50 feet	35 - 50 feet**
Primary Street Block Sensitive Setback Required / If not	Yes / 20 feet	Yes / 20 feet
Side Street Setback (min.) *	5 feet	5 feet
Side Interior Setback (min.) *	7.5 feet*	7.5 – 10 feet**
Rear Setback, Alley / No Alley	12 - 20 feet	12 - 20 feet**(varies for Tandem house)
Building Coverage per Zone Lot including all accessory structures (max.), not including exceptions	37.5%	37.5%
Detached Accessory Building Forms Allowed	Detached Accessory Dwelling Unit, Detached Garage, Other Detached Accessory Structures	Detached Accessory Dwelling Unit, Detached Garage, Other Detached Accessory Structures

\*Based on subject property width of 75 feet

\*\*Varies depending on building form



## 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.

**Department of Public Health and Environment:** Approved – Will require additional information at Site Plan Review.

An area of buried historical urban fill is potentially located in the vicinity of the Site.

A map of potential areas of buried historical urban fill in Denver is available at <https://www.denvergov.org/opendata/dataset/city-and-county-of-denver-historical-fill-areas>. Historical urban fill can be associated with buried wastes, contaminated environmental media, and subsurface soil vapors, including methane gas. If present in concentrated amounts, methane gas can be a safety concern. The locations of buried fill areas are approximations and should not be used for detailed planning or engineering purposes.

Based on potential subsurface impacts from historical uses at the property and in the area, along with the proposed residential or commercial use, the applicant should have assurance that surface and subsurface conditions are protective of worker health and safety during construction activities and for the future proposed site use. If not already completed, the applicant should complete environmental site assessments prior to redevelopment to help determine the presence, nature and extent of potential contamination at the site and to identify specific cleanup needs. If encountered during construction, contaminated soil, groundwater, and underground storage tanks should be properly managed in accordance with applicable regulations.

**Denver Parks and Recreation:** Approved – No comments

**Public Works – R.O.W. - City Surveyor:** Approved – No comments.

**Development Services - Transportation:** Approved – No response.

**Development Services – Wastewater:** Approved – No response.

**Development Services – Project Coordination:** Approve Rezoning Only – See Comments Below  
It looks like the current building might encroach into lot 37, verify ownership & rezoning boundaries.

**Development Services – Fire Prevention:** Approved – No response.

**Public Review Process**

	<b>Date</b>
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	<b>05/10/22</b>
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, registered neighborhood organizations, and property owners:	<b>06/21/22</b>
Planning Board Public Hearing:	<b>07/06/22</b>
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:	<b>07/05/22</b>
Land Use, Transportation and Infrastructure Committee of the City Council meeting:	<b>07/19/22</b> (tentative)
Property legally posted for a period of 21 days and CPD notice of the City Council public hearing sent to all affected members of City Council and registered neighborhood organizations:	<b>08/08/22</b>
City Council Public Hearing:	<b>08/29/22</b> (tentative)

**Public Outreach and Input**

- **Registered Neighborhood Organizations (RNOs)**  
 As of the date of this report, staff has not received written comment from an RNO pertaining to this application.
- **Other Public Comment**  
 As of the date of this report, staff has not received written public comments pertaining to this application.

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

The criteria for review of this rezoning application are found in DZC Section 12.4.10.7 and 12.4.10.8:

### **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**

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

## **1. Consistency with Adopted Plans**

The following adopted plans currently apply to this property:

- *Denver Comprehensive Plan 2040*
- *Blueprint Denver (2019)*
- *Barnum/Barnum West Neighborhood Plan (1986)*

### ***Denver Comprehensive Plan 2040***

The proposed rezoning is consistent with many of the adopted *Denver Comprehensive Plan 2040* strategies, which are organized by vision element.

The proposed rezoning would allow for additional housing within an established neighborhood, consistent with the following strategies in the Equitable, Affordable and Inclusive vision element:

- Equitable, Affordable and Inclusive Goal 2, Strategy A - *Create a greater mix of housing options in every neighborhood for all individuals and families (p. 28).*
- Equitable, Affordable and Inclusive Goal 3, Strategy B – *Use land use regulations to enable and encourage the private development of affordable, missing middle and mixed-income housing, especially where close to transit (p. 28).*

The proposed rezoning would allow infill development appropriate for the surrounding neighborhood that broadens the range of housing types available, consistent with the following strategy in the Strong and Authentic Neighborhoods vision element:

- Strong and Authentic Neighborhoods Goal 1, Strategy B – *Ensure neighborhoods offer a mix of housing types and services for a diverse population (p. 34).*

The proposed rezoning is also consistent with the following strategies in the Environmentally Resilient vision element:

- Environmentally Resilient Goal 8, Strategy A - *Promote infill development where infrastructure and services are already in place (p. 54).*

The requested map amendment will allow an additional housing at an infill location where infrastructure is already in place. The requested zone district enables a building form and use which can provide residents with a mixture of housing types. Therefore, the rezoning is consistent with *Denver Comprehensive Plan 2040* recommendations.

### ***Blueprint Denver (2019)***

*Blueprint Denver* was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city's land use and transportation decisions. *Blueprint Denver* identifies the subject property as part of a Residential Low place within the Urban Edge Neighborhood Context and provides guidance from the future growth strategy for the city.

### ***Blueprint Denver Future Neighborhood Context***



In *Blueprint Denver*, future neighborhood contexts are used to help understand differences between land use, built form, and mobility at a high scale, between neighborhoods. The subject property is shown on the context map as an Urban Edge Neighborhood Context, the description of which is used to guide appropriate zone districts (p. 66). *Blueprint Denver* describes the Urban Edge neighborhood context as follows: “Residential areas generally are single-unit and two-unit uses, with some low-scale multi-unit embedded throughout. Commercial nodes are generally found along key corridors or at intersections. Block patterns are generally a mix of suburban and urban elements—streets may be rectangular or curved and alleys are sometimes present. Multi-unit buildings and commercial nodes are generally low-scale” (p. 206). “Small multi-unit residential and low-intensity mixed-use buildings are typically embedded in single-unit and two-unit residential areas. Block patterns are a regular grid with consistent alley access. Where they occur, multi-unit buildings are low scale. Mixed-use buildings are sited in a pedestrian-friendly manner near the street” (p. 222).

E-RH-2.5 is a zone district within the Urban Edge Neighborhood Context and is intended “to promote and protect residential neighborhoods within the character of the Urban Edge Neighborhood Context” and “the building form standards, design standards and uses work together to promote desirable residential areas” (DZC Section 4.2.2.1). E-RH-2.5 is consistent with *Blueprint Denver*’s future neighborhood context of Urban Edge because it will promote the residential character of the neighborhood by allowing a mix of building types that will be compatible with the existing residential area.

### **Blueprint Denver Future Place**



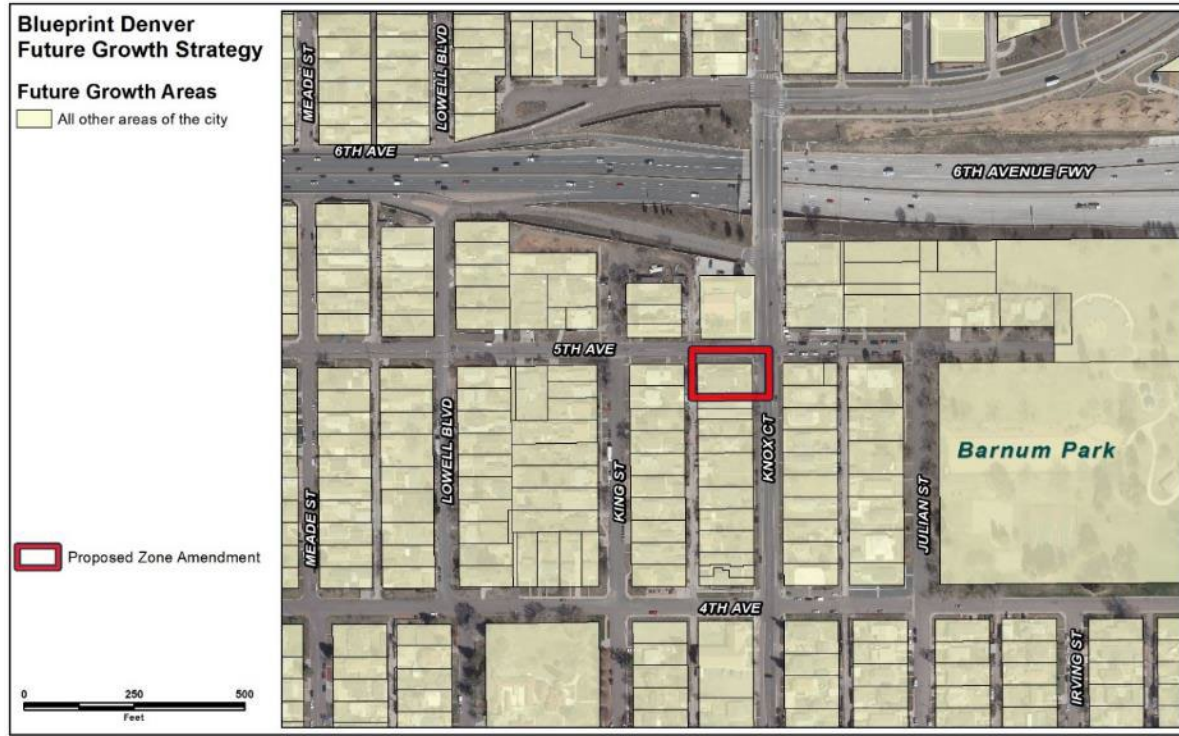
Within the Urban Edge Neighborhood Context, the subject property is categorized as a Low-Medium Residential Future Place with a land use and built form defined by *Blueprint Denver* as “Mix of low- to mid-scale multi-unit residential options. Small-scale multi-unit buildings are interspersed between single- and two-unit residential. Limited mixed-use along arterial and collector streets and at some intersections. Vacant institutional uses on corners or select sites may be appropriate locations to introduce additional residential intensity. Buildings are generally 3 stories or less in height. When occurring, single- and two-unit residential uses are typically in the urban house form” (p. 216). Additionally, *Blueprint Denver* states “some higher-intensity residential uses may be mixed throughout” (p. 148). The proposed E-RH-2.5 zone district allows multiple building forms up to 2.5 stories in height that are compatible with this Future Place type.

### **Street Types**

In *Blueprint Denver*, Future Street Types work in concert with the Future Places to evaluate the appropriate intensity of adjacent development (p. 67). *Blueprint Denver* classifies North Knox Court and 5<sup>th</sup> Avenue as Local or Undesignated Future Street Types, which “can vary in their land uses and are

found in all neighborhood contexts. They are most often characterized by residential uses” (p. 161). The proposed E-RH-2.5 district is consistent with this street type because it allows for residential uses only.

### **Growth Strategy**



*Blueprint Denver's* growth strategy map is a version of the future places map, showing the aspiration for distributing future growth in Denver (p. 51). The subject property is part of the “All other areas of the city” growth area. These areas are anticipated to experience around 20 percent of new housing growth and 10 percent of new employment growth by 2040 (p. 51). This growth area contains “mostly residential areas with embedded local centers and corridors (that) take a smaller amount of growth intended to strengthen the existing character of our neighborhoods” (p. 49). The proposed E-RH-2.5 zone district is appropriate in this growth area as it will minimally contribute to development intensity in the neighborhood while maintaining the area’s single-unit residential character. Therefore, the proposed rezoning is consistent with the *Blueprint Denver* growth strategy.

### **Additional Applicable Strategies**

The proposed rezoning is also consistent with the following strategies from *Blueprint Denver*:

- Land Use & Built Form – Housing Goal 2: *Diversify housing options by exploring opportunities to integrate missing middle housing into low and low-medium residential areas* (p. 82).

This rezoning to a row house zone district will have minimal impacts on the character of the surrounding neighborhood and is consistent with *Blueprint Denver* recommendations. Additionally, the rezoning of the subject property will provide missing middle housing options for residents in the neighborhood. The proposed map amendment is therefore consistent with the above strategies.

***Barnum/Barnum West Neighborhood Plan***

The *Barnum/Barnum West Neighborhood Plan* was adopted by City Council in 1986 and applies to the subject property. The proposed rezoning to allow for an extra unit on this site would help implement some of the plan’s goals to stabilize, or upgrade where necessary, the present housing stock; to maintain the neighborhood’s low density residential character and to maintain or upgrade the quality of low-density residential property while encouraging the construction of new low density housing.

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

The proposed rezoning to E-RH-2.5 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 through implementation of the city’s adopted land use plans. The proposed rezoning would also facilitate increased housing density near services and amenities and promote a walkable, urban neighborhood within walking distance to public transit.

**4. Justifying Circumstances**

Changed or changing conditions in the area and city adopted plans serve as the Justifying Circumstances 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: Changed or changing conditions in a particular area, or in the city generally; or a city adopted plan....”

Since the approval of the existing E-RH-2.5 zone district, the City has adopted the *Comprehensive Plan 2040* and *Blueprint Denver*. As stated throughout this report, the proposed rezoning meets the intent of these plans and is in the public interest; therefore, this is an appropriate justifying circumstance for the proposed rezoning.

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

The proposed E-RH-2.5 zone district is within the Urban Edge Neighborhood Context, which “is primarily single-unit and two-unit residential uses” and “single-unit residential structures are typically the Urban House and Suburban House building forms. Multi-unit building forms are typically the Row House, Garden Court, Town House or Apartment building forms embedded with other residential uses” (DZC, Division 4.1). This context “consists of a regular pattern of block shapes” and “a mixed presence of

*alleys*” (DZC, Division 4.1). The Barnum neighborhood consists mostly of single and two-unit residential uses in rectangular blocks with alley access. The proposed rezoning to E-RH-2.5 will enable development that is consistent with the neighborhood context description.

According to DZC 4.2.2.1, the general purpose of the Residential zone districts is to *“promote and protect residential neighborhoods within the character of the Urban Edge Neighborhood Context”*. *“The building form standards, design standards, and uses work together to promote desirable residential areas”*. *“While lot sizes vary, lot coverage is typically low creating generous setbacks and yard space. The standards of the two unit and row house districts promote existing and future patterns of lower scale multi-unit building forms that typically address the street in the same manner as an urban house building form”*. The regulations provide certainty to property owners, developers, and neighborhoods about the limits of what is allowed in a residentially zoned area. These regulations are also intended to reinforce desired development patterns in existing neighborhoods while accommodating reinvestment. The rezoning to E-RH-2.5 is consistent with the zone district general purpose and recognizes the existing residential context.

Specifically, E-RH-2.5 is a multi-unit district that allows up to a two and a half story rowhouse building form. It also allows the suburban house, urban house, detached accessory dwelling unit, duplex, and tandem house building forms. The proposed zone district recognizes both the subject site’s existing condition and surrounding context, fulfilling this Specific Intent statement.

## **Attachments**

1. Application