



TO: Denver City Council
FROM: James Van Hooser, Senior City Planner
DATE: June 10, 2021
RE: Official Zoning Map Amendment Application #2020I-00181

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends City Council approve Application #2020I-00181.

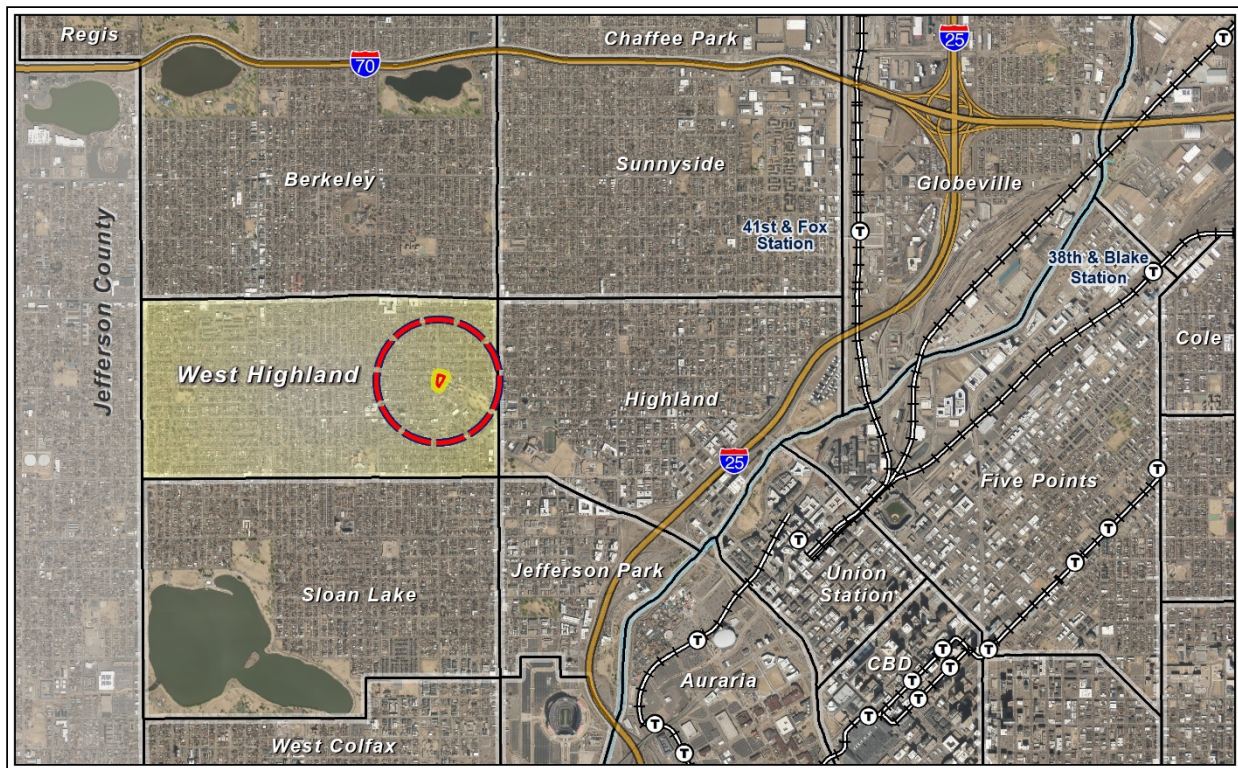
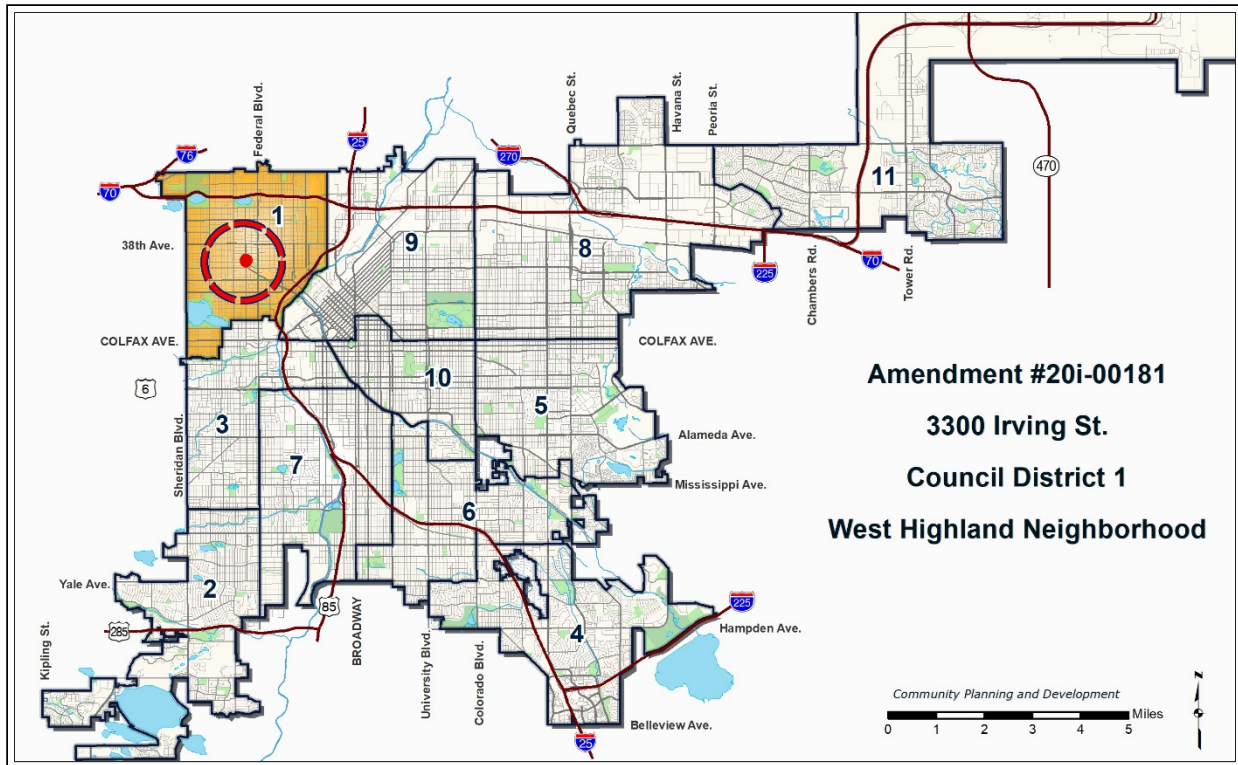
Request for Rezoning

Address:	3300 North Irving Street
Neighborhood/Council District:	West Highland Neighborhood / Council District 1
RNOs:	West Highland Neighborhood Association, Federal Boulevard Corridor Improvement Partnership, Inter-Neighborhood Cooperation (INC)
Area of Property:	12,400 square feet or 0.285 acres
Current Zoning:	PUD 577
Proposed Zoning:	U-MX-2
Property Owner(s):	Gilbert E Vigil
Owner Representative:	Chris Student, Brockman Group

Summary of Rezoning Request

- The subject property is in the West Highland statistical neighborhood on the east side of Irving Street.
- The site contains a single-story commercial building that currently serves as a dental office.
- The rezoning is proposed to bring the parcel into a standard Denver Zoning Code mixed-use zone district. The current Chapter 59 PUD 577 zoning allows for dental office and R-2 uses.
- The proposed zone district, U-MX-2, is intended for use in the Urban Neighborhood Context to promote safe, active, and pedestrian-scaled, diverse areas and enhance the convenience and ease of walking, shopping and public gathering within and around the city's neighborhoods. Design standards provide options for varied building placement while still offering an active street front. Further details of the requested zone district can be found in the proposed zone district section of the staff report (below) and in Article 5 of the Denver Zoning Code (DZC).

Existing Context





The subject property is on the east side of Irving Street between W 34th Avenue and Fairview Place. Highland Park is less than a quarter mile southeast of the subject property. There is a commercial strip of buildings on Alameda Avenue less than a half mile west from the site. The RTD 32 bus line runs just to the south of the property along W 32nd Avenue, with bus stops less than a quarter mile away. The following table summarizes the existing context proximate to the subject property:

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	PUD 550 / E-SU-Dx	Commercial/Retail (Dental Office)	1 story office/commercial building and parking lot	Generally regular grid of streets in this neighborhood; Proximity of Highland Park disrupts regular block pattern at this location, as well as to the south and east. Block sizes and shapes are consistent and
North	U-SU-B	Single-unit residential	Single-unit residential buildings, 1-2 stories with moderate setbacks with garages and vehicle access off the alley	
South	U-SU-B	Multi-unit residential	2.5 story multi-unit residential buildings.	
East	PUD	Multi-unit residential	Multi-unit residential buildings, 3 stories with curb cuts off W 34 th Ave and W Highland Park Pl	

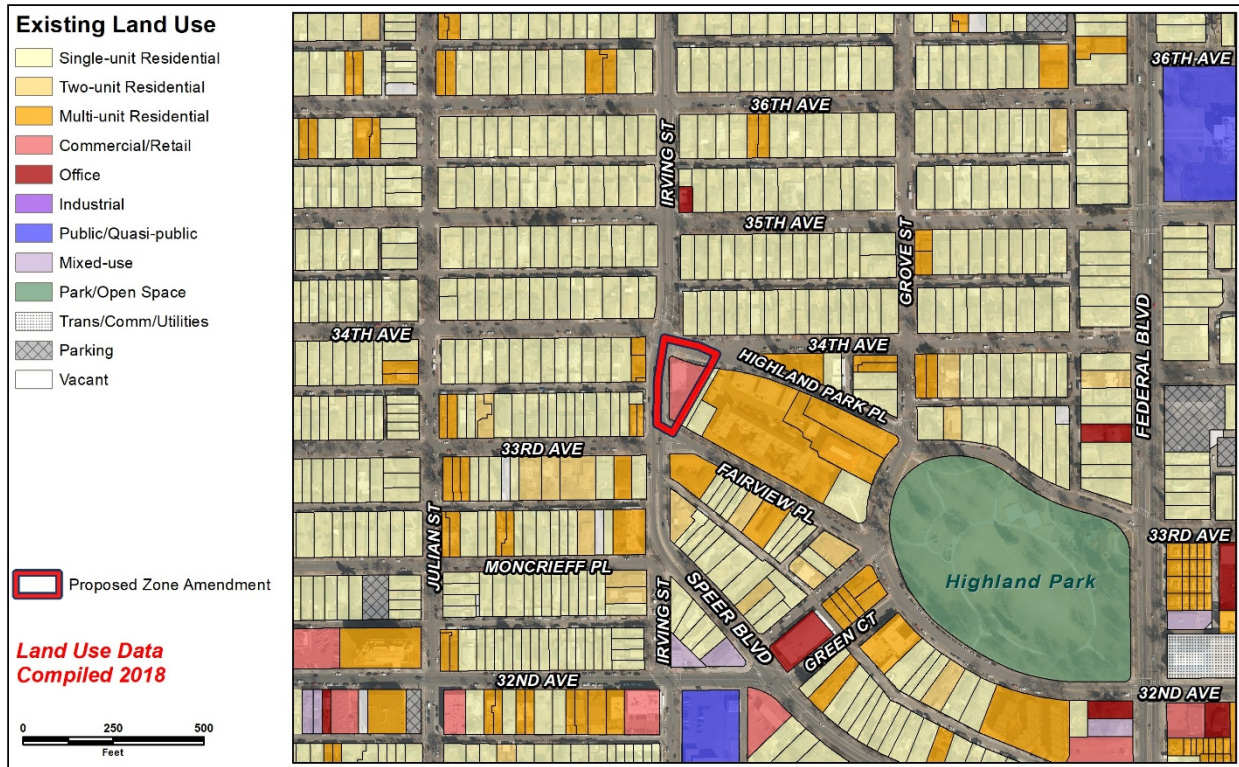
	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
West	U-SU-A	Multi-unit residential, Single-unit residential	Multi-unit and Single-unit residential buildings, 1-2 stories with shallow setbacks with curb cuts and garage entrances off alleys	<p>rectangular to the north and west.</p> <p>Vehicle parking generally accessed through alleys, although this parcel has no alley access.</p>

1. Existing Zoning



The existing PUD 577 allows the following uses: Dental Office, R-2 Use By Right. The PUD allows for a maximum building height of 17.5 feet and requires the following building setbacks: 5 feet to the east, 5 feet to the west, 20 feet to the south, and 12 feet to the north. For additional details of the current zone district, please see attached PUD 577.

2. Existing Land Use Map



3. Existing Building Form and Scale

All images are from Google Street View.



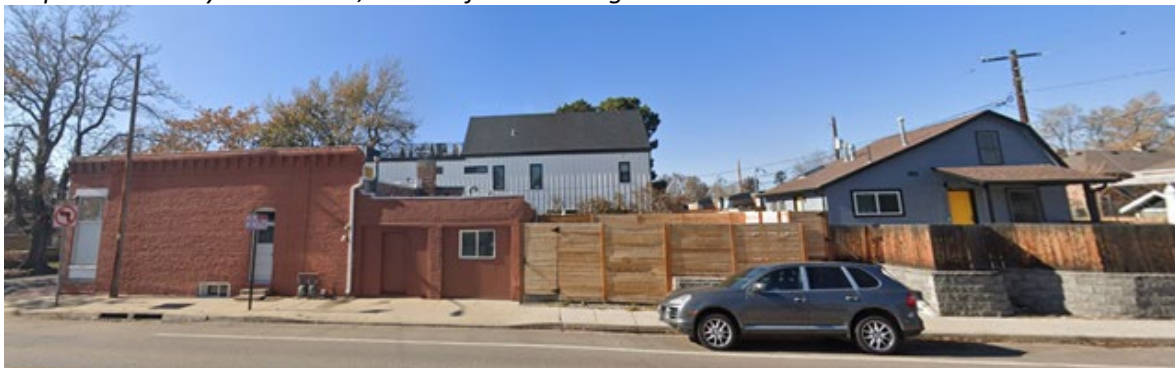
Subject property, from North Irving Street



Subject property, from W 34th Avenue



Properties directly to the west, as seen from N Irving St



Properties to the west, as seen from N Irving St



Properties to the east, as seen from W Fairview Pl

Proposed Zoning

The requested U-MX-2 zone district is found in the Urban Neighborhood Context. The intent of the district is to “promote safe, active, and pedestrian-scaled, diverse areas and enhance the convenience and ease of walking, shopping and public gathering within and around the city’s neighborhoods.” (DZC, Section 5.2.3). A variety of building forms, including Town House, General, and Shopfront are available in this zone district. A wide range of residential, quasi-public, and commercial uses are permitted (with and without limitations) in U-MX-2. For additional details of the requested zone district, see DZC Sections 5.2.3, 5.3 and 5.4.

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

Design Standards	PUD 550 (Existing)	U-MX-2 (Proposed)
Primary Building Forms Allowed	N/A	Town House; Drive Thru Services*; Drive Thru Restaurant*; General; Shopfront
Heights in Stories / Feet (max)	1/17.5'	2/30'
Primary Street Build-To Percentages (min)	N/A	50-75%**
Primary Street Build-To Ranges	N/A	0' to 15'***
Minimum Zone Lot Size/Width	N/A	N/A
Primary Street Setbacks (min)	5'	0' to 10'***
Building Coverages (max)	20.8%	N/A

*Building form allowed subject to geographic limitations

**Standard varies between building forms

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 – See Comments Below:

1. If there is to be redevelopment, either city or owner may need to confirm property line. It appears in GIS/MapIt that part of their parking lot is on ROW land. However, I am told the lines in MapIt are not exact, but I wanted to mention.

Denver Public Schools: Approved – No Response

Department of Public Health and Environment: Approved – No Comments

Denver Parks and Recreation: Approved – No Comments

Public Works – R.O.W.- City Surveyor: Approved – See Comments Below:

1. LEGAL DESCRIPTION:
LOTS 9, 10 AND 11, BLOCK 24, HIGHLAND PARK EXCEPT THAT PORTION OF SAID LOTS 9 AND 10 CONVEYED TO THE CITY AND COUNTY OF DENVER, AS DESCRIBED IN DEED DATED MARCH 15, 1963 AND RECORDED APRIL 16, 1963 IN BOOK 9013 AT PAGE 365, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

DOTI – Development Engineering Services: Approved – No Response

Development Services – Project Coordination: Approved – No Comments

Development Services - Fire Protection: Approved – No Comments

Development Services- Wastewater: Approved – No Response

Public Review Process

	Date
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	1/25/2021
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	3/22/2021

City Council, registered neighborhood organizations, and property owners:	
Planning Board public hearing (PB votes 7-1 to recommend approval of the application)	4/07/2021
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:	4/6/2021
Land Use, Transportation and Infrastructure Committee of the City Council: (LUTI voted unanimously to move application to City Council)	4/20/2021
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:	5/24/2021
City Council Public Hearing:	6/14/2021

- **Registered Neighborhood Organizations (RNOs):** To date, staff has received no comment letters from Registered Neighborhood Organizations.
- **Other Public Comment:** To date, staff has received five public comment letters in opposition of the proposed rezoning – including one letter signed by 20 neighbors. Most of the public concerns are related to traffic and building form concerns – specifically the Drive Thru building forms.

Protest Petition

A Protest Petition was submitted by a property owner within 200 feet of the subject property. Staff has determined that the required number of signatures have been submitted. See the attached memo summarizing the results.

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 currently apply to this property:

- *Denver Comprehensive Plan 2040*
- *Blueprint Denver (2019)*

Denver Comprehensive Plan 2040

The proposed rezoning is consistent with many of the adopted *Denver Comprehensive Plan 2040* strategies. The following strategy applies from 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).*

The proposed U-MX-2 zone district allows for an increased variety of housing options in a neighborhood primarily served by single and two-unit residential districts, consistent with the above strategy in the Equitable, Affordable and Inclusive vision element.

Similarly, the application meets the following strategies in the Environmentally Resilient vision element:

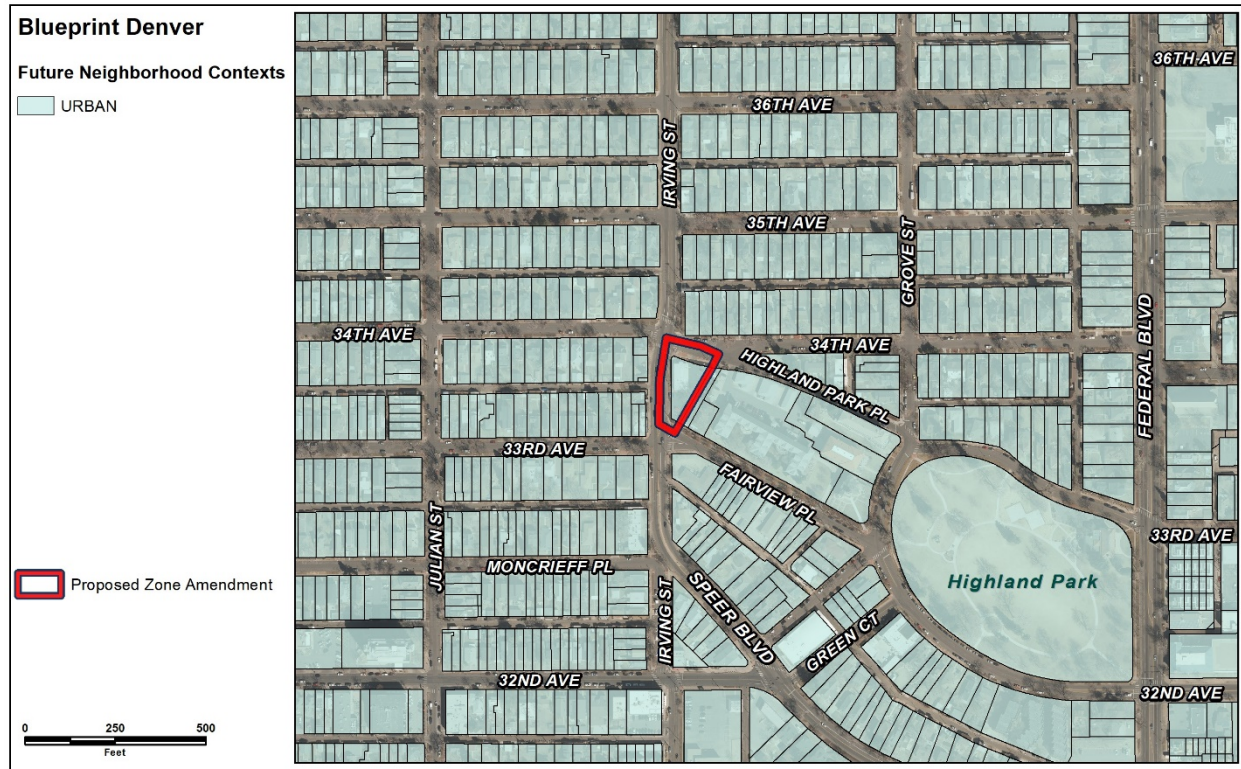
- Environmentally Resilient Goal 8, Strategy A – *Promote infill development where infrastructure and services are already in place (p. 54).*
- Environmentally Resilient Goal 8, Strategy B – *Encourage mixed-use communities where residents can live, work and play in their own neighborhoods (p. 54).*

This site is an infill location where infrastructure is already in place. Compact infill development near transportation options and existing infrastructure assists in improving public health indicators while reducing water usage. Rezoning to facilitate redevelopment of this site advances the strategies of the environmentally resilient vision element. The application further provides an opportunity for more jobs and housing in the neighborhood, so residents can continue to work and live within their community.

Blueprint Denver

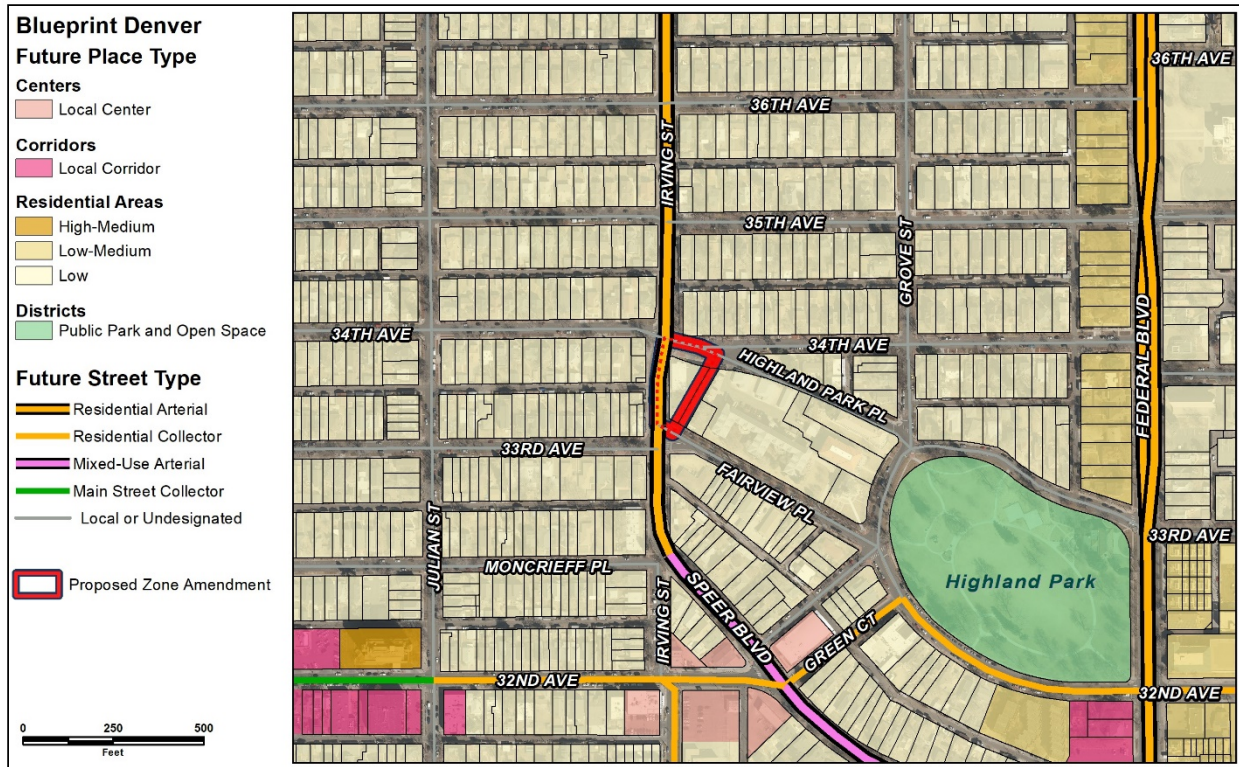
Blueprint Denver was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city's land use and transportation decisions. *Blueprint Denver* identifies the subject property as "Residential Low" within the Urban neighborhood context and provides guidance 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 site is shown on the context map as Urban neighborhood context, the description of which is used to guide appropriate zone districts (p. 66). The Urban neighborhood context is described as containing “small multi-unit residential and low-intensity mixed-use buildings typically embedded in single-unit and two-unit residential areas” with grid block patterns and alley access (p. 222). U-MX-2 is a zone district within the Urban neighborhood context and is “intended to promote safe, active, and pedestrian scaled, diverse areas through the use of building forms that clearly define and activate the public street edge” and “focused on creating mixed, diverse neighborhoods” (DZC Section 5.2.3.1). U-MX-2 is consistent with *Blueprint Denver’s* future neighborhood context of Urban because it will allow embedment of low-intensity mixed-use buildings in the neighborhood that will be compatible with the existing residential area.

Blueprint Denver Future Places

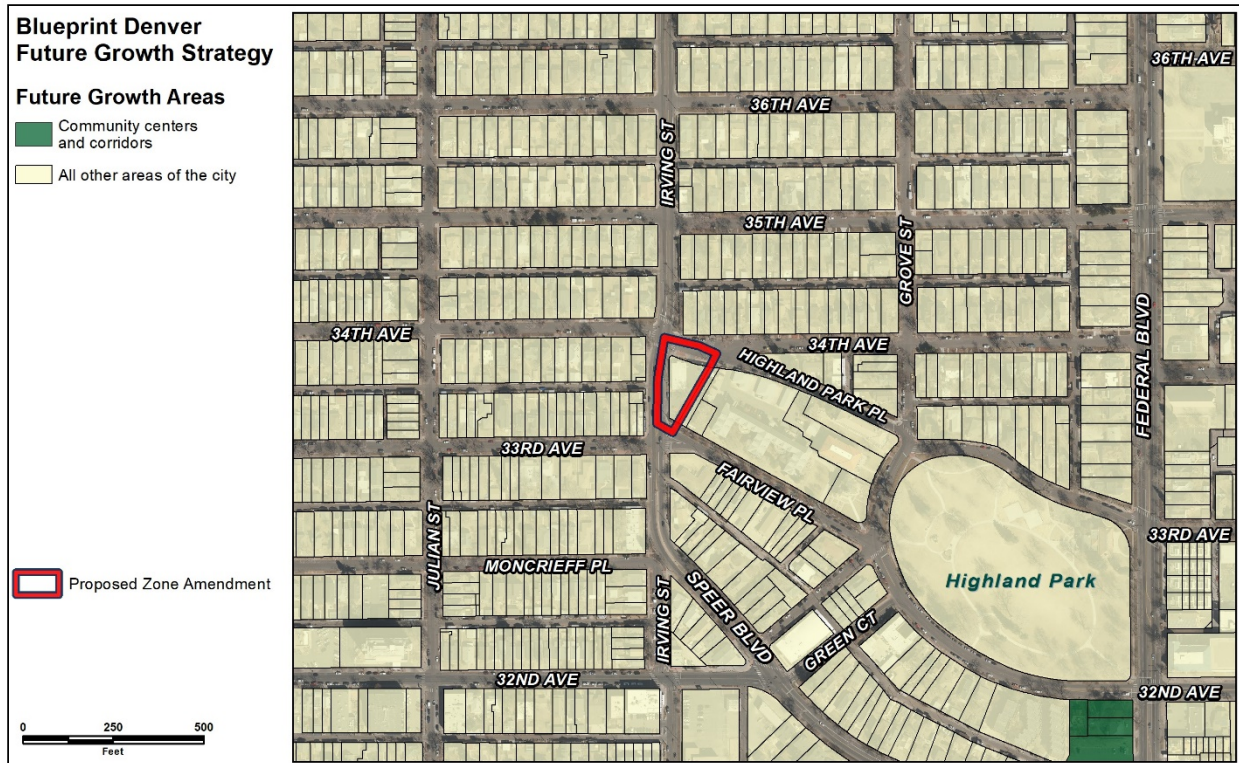


The subject site is designated within a Low Residential future place type on the *Blueprint Denver* Future Places map. This place type is “predominately single and two-unit uses on smaller lots” however, “limited mixed-use can occur along arterial and collector streets, as well as where commercial uses have already been established,” and “building heights are generally up to 2.5 stories in height” (p. 230). U-MX-2 is a mixed-use zone district that allows a maximum height of two stories, Irving St is a Residential Arterial, and commercial uses have already been established on this parcel – all of which are consistent with the Low Residential future place type description.

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 Irving St as a Residential Arterial, which serves “primarily residential uses, but may also include schools, civic uses, parks, small retail nodes and other similar uses.” (p. 160). U-MX-2 enables a wide range of residential, quasi-public uses, and commercial uses, consistent with the plan direction for this location and appropriate along the existing residential arterial street.

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 anticipate experiencing around 20% of new housing growth and 10% 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 U-MX-2 zone district on a parcel where some commercial uses are already allowed is appropriate in this growth area as it will minimally contribute to development intensity in the neighborhood while maintaining the area's existing character.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to U-MX-2 will result in the uniform application of zone district building form, use, and design regulations on this site as they are applied to any other sites zoned U-MX-2.

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, specifically Comprehensive Plan 2040 and *Blueprint Denver*. Mixed use zone districts enable a mix of uses on one zone lot allowing people to live, work, and play, reducing automobile trips and achieving improved public health outcomes. The U-MX-2 zone district building form standards will compel improved site and building design that promotes pedestrian interest and activity, which is linked to improved built environments and improved safety.

In response to this criterion, the application also states that, “the proposed rezoning will ensure that the current building will be able to be used for businesses that will provide amenities and employment opportunities to those in the community. Additionally, should redevelopment of the site take place in the future, the neighborhood and community would see an increase in housing options and/or available space for local businesses.”

4. Justifying Circumstance

The application identifies several changed or changing conditions as the Justifying Circumstance 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; or that the City and County of Denver adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.”

The subject property has retained Former Chapter 59 PUD zoning, which is an enumerated justifying circumstance to rezoning the property.

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

The requested U-MX-2 zone district is within the Urban Neighborhood Context. The neighborhood context generally consists of single-unit and two-unit residential uses, with small-scale multi-unit residential uses and commercial areas typically embedded in residential areas (DZC, Division 5.1). Further, “Multi-unit residential and commercial uses are located along local streets, arterials, and main streets.” Orthogonal streets provide a regular pattern of pedestrian and vehicular connections through this context and there is a consistent presence of alleys. The proposed U-MX-2 zone district is consistent with this Neighborhood Context Description.

The general purpose for the mixed-use zone districts stated in the Denver Zoning Code is to “promote safe, active, and pedestrian-scaled diverse areas through the use of building forms that clearly define and activate the public street edge” and “ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods” (DZC Section 5.2.3.1). The proposed U-MX-2 zone district would facilitate appropriately scaled mixed-use development.

According to the zone district intent stated in the Denver Zoning Code, the U-MX-2 district “applies to areas or intersections served primarily by local streets embedded within an existing or proposed neighborhood where a building scale of 1 to 2 stories is desired” (DZC Section 4.2.4.2.D). The property to be rezoned is on Irving Street, which is classified as a Residential Arterial, and the desired building heights articulated in the adopted plans are up to 3 stories. The street classifications and desired building heights in this area are consistent with the zone district purpose and intent statements.

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Attachments

1. Application
2. PUD 577