



TO: Denver Planning Board
FROM: Brandon Shaver, Senior City Planner
DATE: November 9, 2022
RE: Official Zoning Map Amendment Application #2020I-00178
2107, 2111, 2115 & 2119 West 29th Avenue
Rezoning from U-MS-3 & G-MU-3, UO-3 to U-MS-3, DO-8

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2020I-00178.

Request for Rezoning

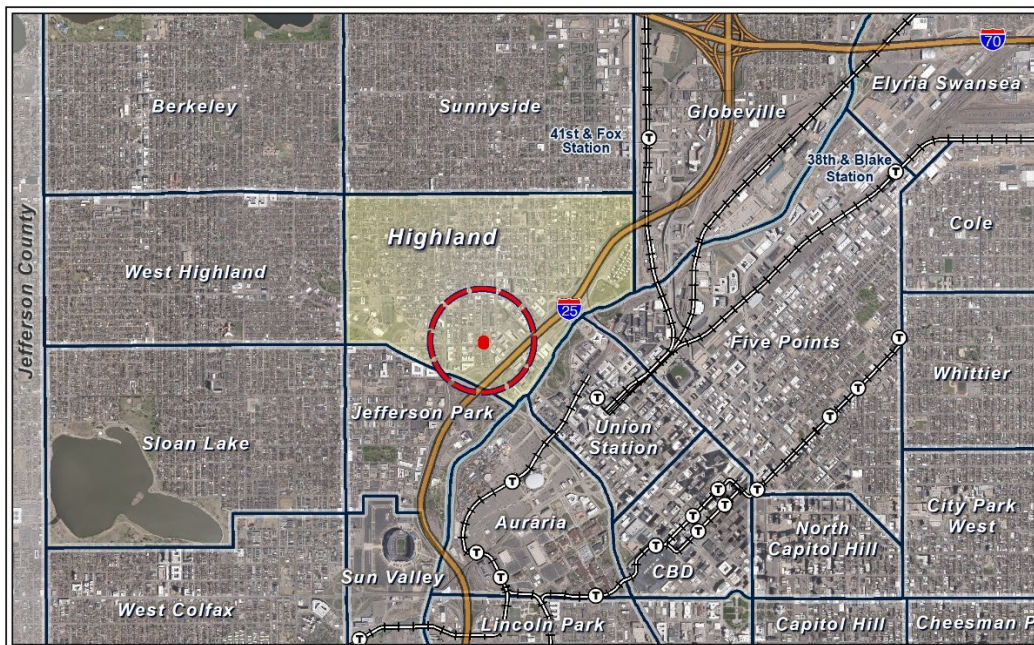
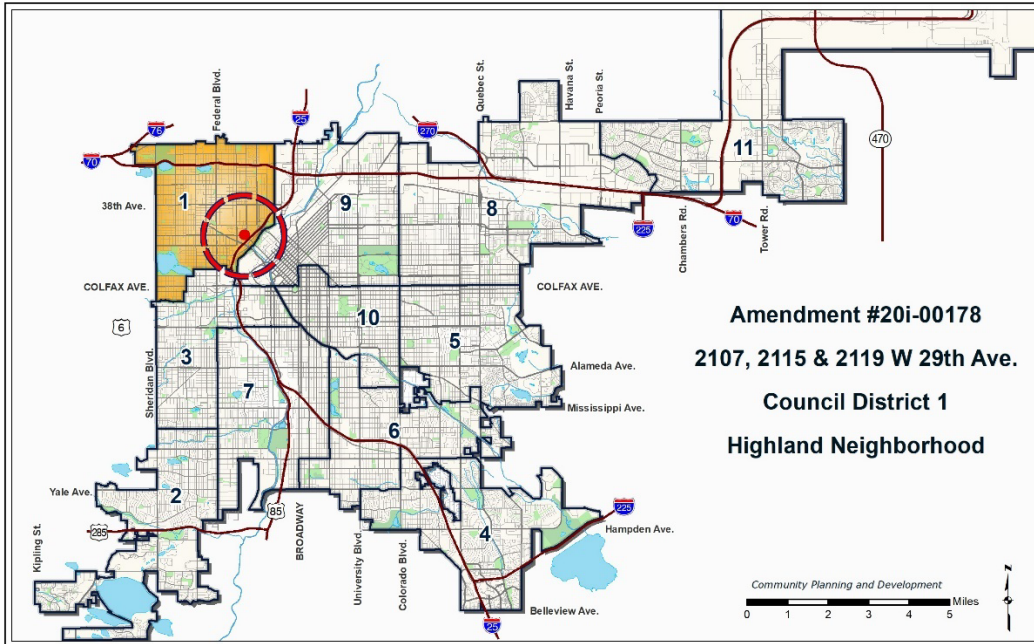
Address: 2107, 2111, 2115 & 2119 West 29th Avenue
Neighborhood/Council District: Highland / Council District 1
RNOs: Inter-Neighborhood Cooperation (INC), Highland United Neighbors, Inc., Strong Denver
Area of Property: 14,000 square feet or 0.32 acres
Current Zoning: U-MS-3 & G-MU-3, UO-3
Proposed Zoning: U-MS-3, DO-8
Property Owner(s): Marcia & John Mueller/Lee Cotone
Owner Representative: Theodore Schultz

Summary of Rezoning Request

- The subject properties are located in the Highland statistical neighborhood at the northwest corner of West 29th Avenue and North Umatilla Street.
- While the application contains four different addresses, there are only three parcels, as 2107 and 2111 West 29th Avenue are related to the same parcel.
- 2115 and 2119 West 29th Avenue are currently zoned G-MU-3 UO-3, and they contain two single-unit dwellings built in 1900 and 1896 respectively. 2107 and 2111 West 29th Avenue are currently zones U-MS-3 and contain a two-story office building built in 1935.
- The property owners, with Theodore Schultz as their representative, are proposing to rezone the properties to U-MS-3 DO-8 to better facilitate redevelopment.
- The proposed U-MS-3, **Urban, Main Street, 3** stories, zone district allows the town house and shopfront primary building forms and drive thru services and restaurants. The maximum height of the allowed primary building forms ranges from 38 to 45 feet and there are no protected districts within the surrounding blocks. This district is intended for use in the Urban Neighborhood Context, which is characterized by primarily single and two-unit uses with small-scale commercial sometimes embedded. More often commercial uses are located along mixed-use arterials or on main streets. Further details of the zone district can be found in the proposed zone district of this staff report (below) and in Article 5 of the Denver Zoning Code.

- The Active Centers and Corridors Design Overlay District 8 (DO-8) will be applied to the properties and is intended to encourage neighborhood mixed-use areas that support nonresidential active uses at the street level, promote active pedestrian-oriented building frontages, and provide sufficient space for transitions between the public realm and private residential dwellings. Further details of the Active Centers and Corridors Overlay can be found in Section 9.4.5.12 of the Denver Zoning Code (DZC).

Existing Context



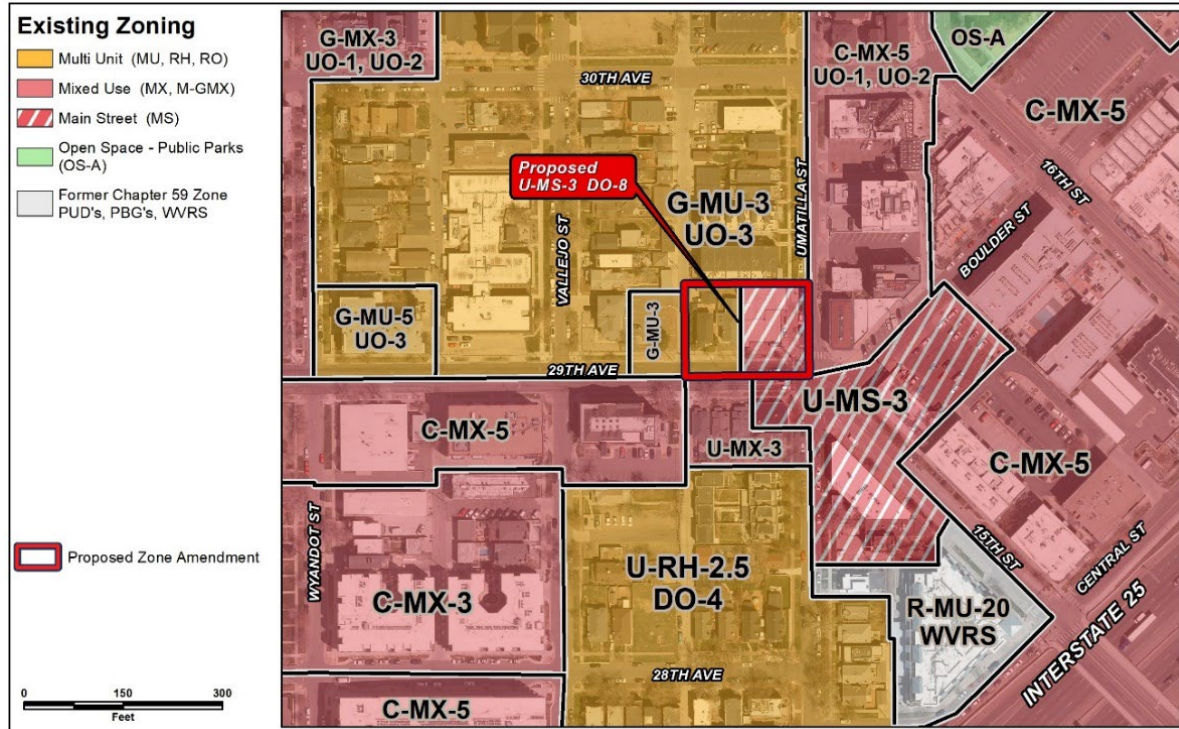


The subject property is located within the Highland statistical neighborhood, at the northwest corner of West 29th Avenue and North Umatilla Street. Hirshorn Park is located one block north and one block east of the subject site. The subject properties combined are approximately 140 feet wide and 100 feet deep. The subject site is just over one-half mile from the Union Station LRT and is also served by RTD bus route 28 along West 29th Avenue and 15th Street. Additionally, there are striped bike lanes with some buffered sections along West 29th Avenue stretching from city limits at North Sheridan Boulevard east to North Umatilla Street.

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
2115 and 2119 West 29 th Avenue	G-MU-3, UO-3	Single-unit Residential	1-story residence and 2-story residence both with entrances above street level	Block sizes and shapes are consistent and rectangular and shaped by a grid street pattern. The street pattern shifts to the downtown diagonal grid forming a five-point intersection at West 29 th Avenue, North Umatilla Street, 15 th Street and Boulder Street. Detached sidewalks are most common west of the major intersection.
2107 and 2111 West 29 th Avenue	U-MS-3	Mixed use	2-story stucco and brick office building	
North	G-MU-3, UO-3	Multi-unit Residential	3-story slot-home style townhomes	
East	U-MS-3	Mixed-use	3-story brick mixed use building	
South	U-MX-3	Single-unit Residential and Office	Three 1.5-story residential structures	
West	G-MU-3	Single-unit Residential	Surface parking lot	

1. Existing Zoning



The U-MS-3 zone district has a maximum height of 45 feet. The U-MS-3 zone district is a main street zone district which allows the town house, shopfront, drive thru services and drive thru restaurants primary building forms. Main street zone districts are intended to promote an urban, mixed-use, built-to environment and are typically applied linearly along entire block faces of commercial, industrial, main, mixed-use and residential arterial streets.

The G-MU-3 zone district has a maximum height of 40 feet. The G-MU-3 zone district is a multi-unit district allowing urban house, duplex, garden court, town house, and apartment building forms. Block sensitive setbacks apply to all building forms in the G-MU-3 zone district. A variety of residential uses, including multi-unit, are allowed.

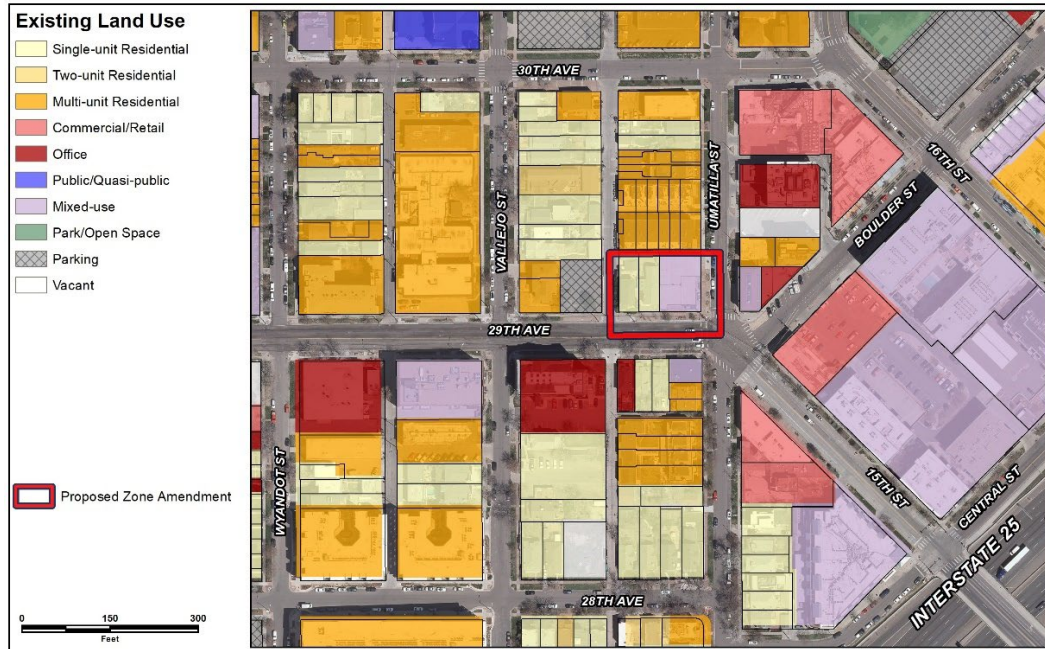
The UO-3 Historic Structure Use Overlay District is currently mapped on the site, as well as surrounding properties to the north and west. There is not currently a Landmarked Historic Structure on the subject site. The UO-3 district is intended to encourage preservation, protection, adaptive reuse and enhancement of structures designated as City Landmarks and may only be established in conjunction with an underlying Residential Zone District, such as the current G-MU-3. The overlay allows three commercial uses (with use limitations) in qualifying Historic Structures:

1. Office, not including dental/medical office or clinic
2. Art studio
3. Bed and breakfast lodging

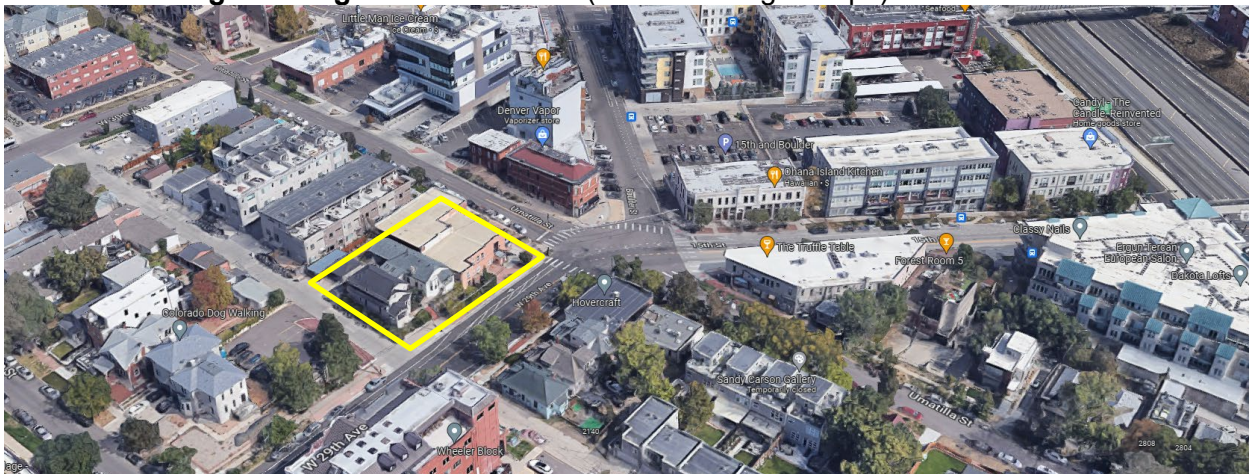
2. View Plane

The subject property is within the Park at 51st Avenue and Zuni Street View Plane. The intent of this view plane is to preserve the view of the Central Business District (southeast of the subject property) from 51st and Zuni Park (north of the subject property). No part of any structure within the view plane may exceed an elevation of 5,347 feet above mean sea level. Therefore, the site is subject to a maximum height restriction of 88-94 feet. The proposed zone district of U-MS-3 has a lower height restriction of 45 feet maximum height for primary structures (with allowances for height incentives noted later in this staff report) and would not exceed the view plane.

3. Existing Land Use Map



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



Site - Aerial view, looking northeast



Site - from West 29th Avenue, looking northeast



Site - from the corner of West 29th Avenue and Umatilla Street, looking west



North – from North Umatilla Street



East – from West 29th Avenue



South – from West 29th Avenue



West – from West 29th Avenue

Proposed Zoning

U-MS-3 Zone District

The applicant is requesting to rezone to Urban Main Street 3 Stories (U-MS-3), a main street zone district which allows the Town House, Shopfront, drive thru services and drive thru restaurants primary building forms. Main Street zone districts are intended to promote an urban, mixed-use, built-to environment and are typically applied linearly along entire block faces of commercial, industrial, main, mixed-use and residential arterial streets (as designated in *Blueprint Denver*).

DO-8 (Active Centers and Corridors Design Overlay)

The Active Centers and Corridors **Design Overlay District (DO-8)** will be applied and is intended to encourage neighborhood mixed-use areas that support nonresidential active uses at the Street Level, promote active pedestrian-oriented building frontages, and provide sufficient space for transitions between the public realm and private residential Dwellings.

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

Design Standards	G-MU-3, UO-3 (Existing)	U-MS-3, DO-8 (Proposed)
Primary Building Forms Allowed	Urban House, Duplex, Garden Court, Town House, Apartment	Shopfront, Town House
Height in Stories / Feet (max)	3 stories / 30-40 feet*	3 stories / 38-45 feet*
Primary Street Build-To Ranges	70% within 10' to 20'*	Shopfront (Residential): 2'-10' (7' - 15') Town house: 75% within 10'-15'
Minimum Zone Lot Size/Width	25' to 75'*	Shopfront: N/A Town House: 38'
Primary Street Setbacks (min)	5' to 20'*	Shopfront: 7' Town House: N/A
Street Level Height (min.)	N/A	Shopfront: 14'
Street Level Nonresidential Active Uses for a minimum depth of 15 feet (min % of Primary Street/Key Street frontage meeting Build-To requirement)	N/A	75% (Zone lots greater than 50' wide)

*Standard varies between building forms

** "The district allows incentive heights up to 4 Stories and 55 feet in the shopfront building form with the provision of enhanced affordable housing

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 comments

Denver Public Schools: Approved – No response

Department of Public Health and Environment: Approved – No response

Denver Parks and Recreation: Approved – No comments

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

Development Services - Transportation: Approved – No comments

Development Services – Wastewater: Approved – See comments below

DES Wastewater approves the subject zoning change. The applicant should note that redevelopment of this site may require additional engineering including preparation of drainage reports, construction documents, and erosion control plans. Redevelopment may require construction of water quality and detention basins, public and private sanitary and storm sewer mains, and other storm or sanitary sewer improvements. Redevelopment may also require other items such as conveyance of utility, construction, and maintenance easements. The extent of the required design, improvements and easements will be determined during the redevelopment process. Please note that no commitment for any new sewer service will be given prior to issuance of an approved SUDP from Development Services.

Development Services – Project Coordination: Approved – No response

Development Services – Fire Prevention: 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:	6/10/21
Revised application:	7/29/22
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:	11/1/22
Planning Board Public Hearing:	11/16/22
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 (tentative):	12/19/22
Land Use, Transportation and Infrastructure Committee of the City Council meeting (tentative):	1/3/23
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 (tentative):	1/10/23
City Council Public Hearing (tentative):	2/13/23

Public Outreach and Input

- **Registered Neighborhood Organizations (RNOs)**
 As of the date of this report, staff has received one letter of support for the rezoning from the Planning and Community Development (PCD) Committee of Highland United Neighbors, Inc. (HUNI) RNO pertaining to this application.
- **Other Public Comment**
 As of the date of this report, staff has received one written public comment pertaining to this application.
 - One written comment in opposition was received from the property owner at 2930 N. Umatilla St. and is attached to this staff report.

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, 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

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)*
- *Highland 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 mixed-use development 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).*

Similarly, the proposed U-MS-3 DO-8 zoning would allow for a broader variety of uses including housing, retail services, and employment at an intensity consistent with the desire for dense, walkable, mixed-use neighborhoods close to downtown. Further, the application of main street zoning contributes to the city's aspirational network of well-connected mixed-use corridors and is therefore consistent with the following strategies in the Strong and Authentic Neighborhoods vision element:

- Strong and Authentic Neighborhoods Goal 1, Strategy A – *Build a network of well connected, vibrant, mixed-use centers and corridors (p. 34).*
- Strong and Authentic Neighborhoods Goal 1, Strategy B – *Ensure neighborhoods offer a mix of housing types and services for a diverse population (p. 34).*
- Strong and Authentic Neighborhoods Goal 1, Strategy D – *Encourage quality infill development that is consistent with the surrounding neighborhoods and offers opportunities for increased amenities (p. 34).*

Similarly, the land use pattern detailed in the previous paragraph is also consistent with the following strategies in the Environmentally Resilient vision element:

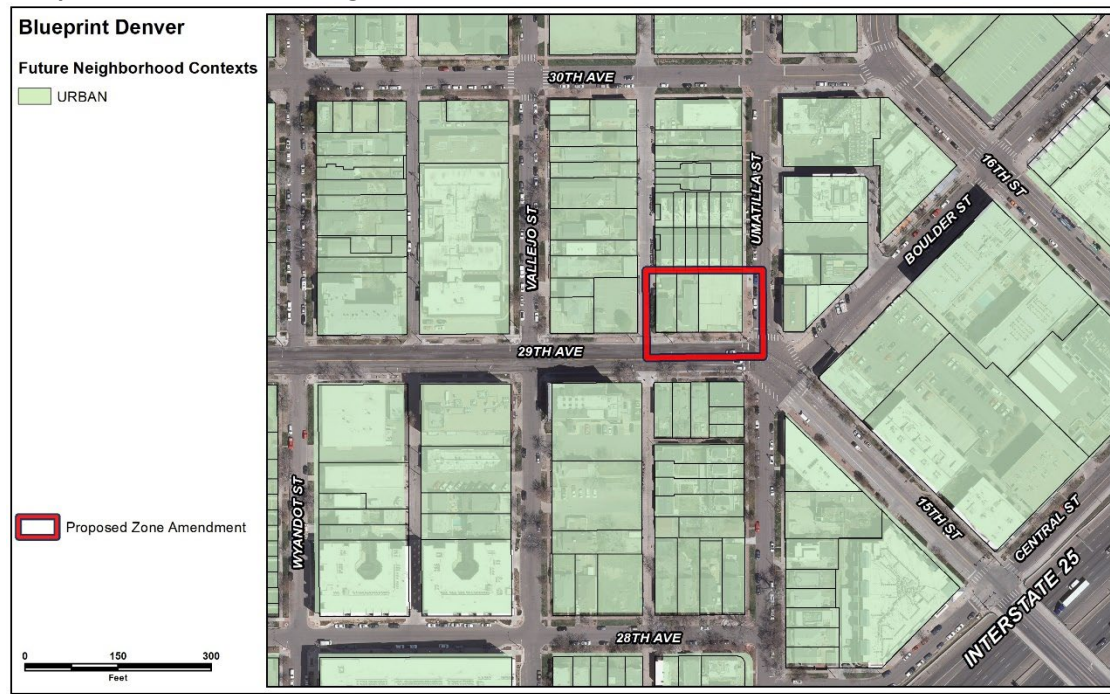
- Environmentally Resilient Goal 8, Strategy A – *Promote infill development where infrastructure and services are already in place* (p. 54).
- Environmentally Resilient Goal 8, Strategy B – *Encourage mixed-use communities where residents can live, work and play in their own neighborhoods* (p. 54).

The requested map amendment would allow for a broader variety of uses including housing, retail services, and employment at an intensity consistent with the desire for dense, walkable, mixed-use neighborhoods expressed in Comprehensive Plan 2040.

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 Medium place within the Urban Neighborhood Context and provides guidance from the future growth strategy for the city.

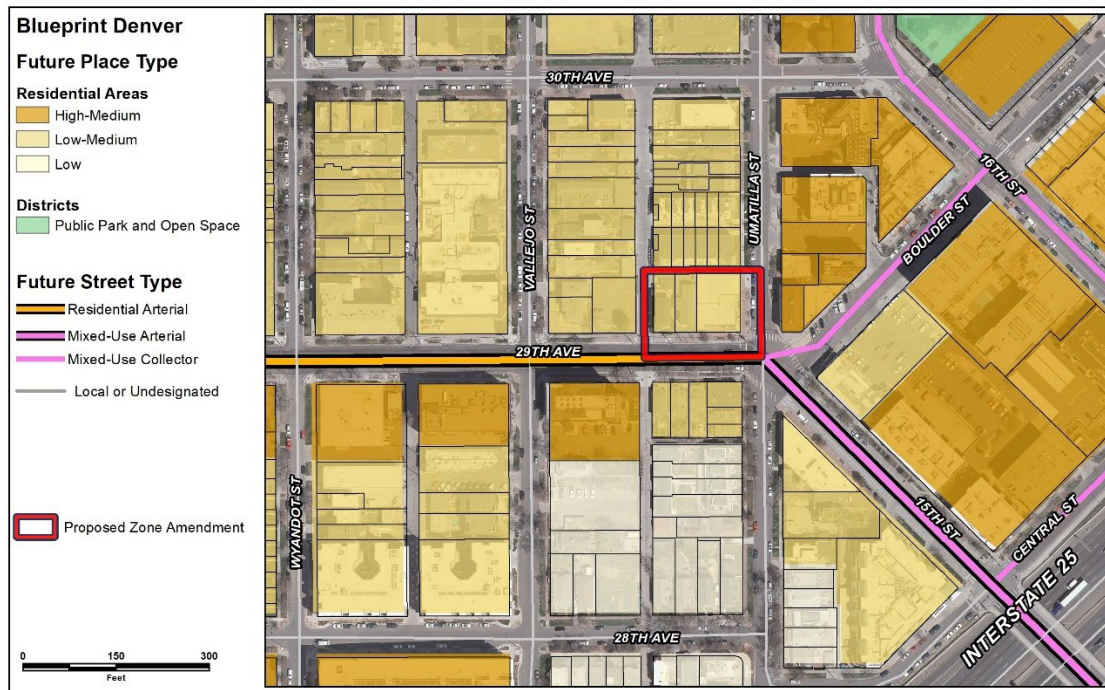
Blueprint Denver Future Neighborhood Context



The subject property is shown on the context map as an Urban Neighborhood Context, the description of which is used to guide appropriate zone districts. “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).

U-MS-3 DO-8 is a zone district within the Urban Neighborhood Context and is intended “to promote safe, active, and pedestrian-scaled commercial street through building forms that clearly define and activate the public street edge” and “should be applied where a higher degree of walkability and pedestrian activity is desired than required in a Corridor, Mixed Use, or Residential Mixed Use zone district” (DZC Section 5.2.5.1). U-MS-3 DO-8 is consistent with *Blueprint Denver’s* future neighborhood context of Urban because it will promote an urban, mixed-use built-to environment that will be compatible with the existing residential area.

Blueprint Denver Future Places

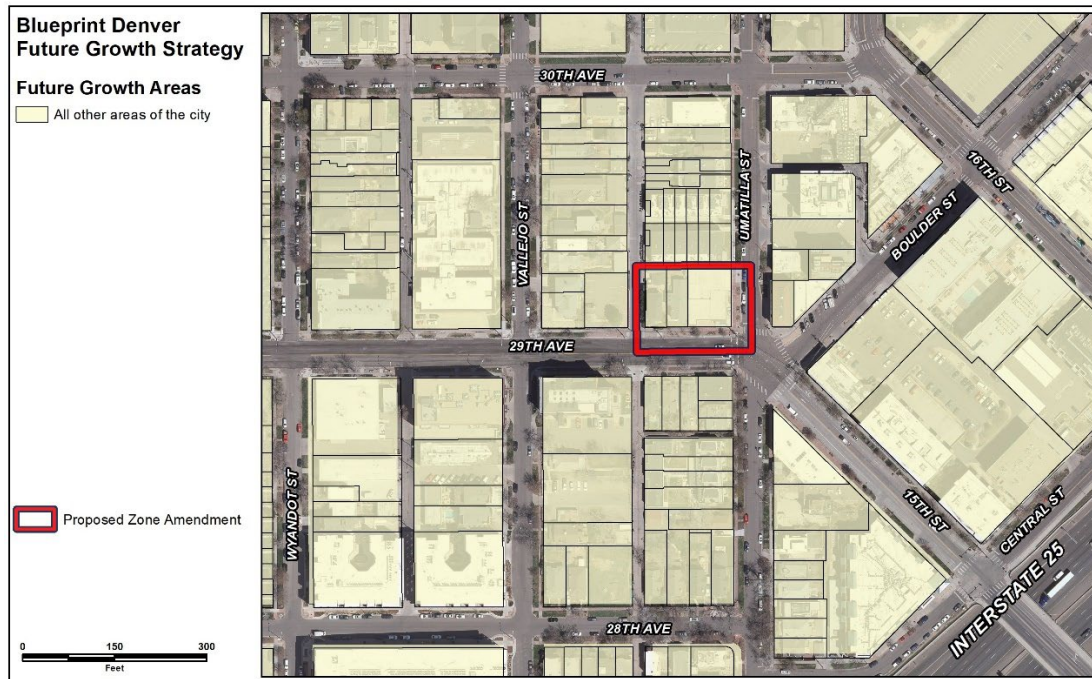


Within the Urban Neighborhood Context, the subject property is categorized as a Residential Low-Medium Future Place with a land use and built form defined by *Blueprint Denver* as “small-scale multi-unit buildings are interspersed between single- and two-unit residential. Limited mixed-use along some arterial and collector streets and at intersections... Buildings are generally 3 stories or less in height” (p. 232). The proposed U-MS-3 DO-8 zone district, allowing pedestrian-friendly building forms with base heights up to 3 stories that activate the public street edge, is compatible with this Future Place type. Furthermore, the zone district is consistent as it would allow for mixed-use to occur at limited locations along an arterial street at an existing neighborhood node along 29th Avenue.

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 West 29th Avenue as a Residential Arterial, which are “primarily residential uses, but may also include schools, civic uses, parks, small retail nodes and other similar uses” (p. 161). This area of 29th Avenue has a variety of uses and is an existing retail node. The proposed U-MS-3 DO-8 district is consistent with the street type guidance because it would allow for a mix of uses at a pronounced retail node.

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 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 U-MS-3 DO-8 zone district is appropriate in this growth area as it adds the opportunity for both housing and employment growth. Therefore, the proposed rezoning is consistent with the *Blueprint Denver* growth strategy.

Additional Strategies

In *Blueprint Denver*, there are recommendations that form a comprehensive list of policies and strategies to guide implementation of the plan. They are organized by the three elements of complete neighborhoods. There are several strategies around applying design overlays to retain neighborhood character:

- Land Use and Built Form, Design Quality and Preservation – Policy 02 Strategy C: Use design overlays as targeted tools in developing or redeveloping areas that have a specific design vision, ideally one articulated through a planning process. Although these overlays tend to be specific to a particular area ... it is also appropriate to create design overlays for multiple areas where common design outcomes are desired.
- Land Use and Built Form, Design Quality and Preservation – Policy 03 Strategy D: Use design overlays in limited areas to direct new development towards a desired design character unique to that area that cannot be achieved through other tools. Design overlays are most effective where a design vision has been articulated through a planning process.

The proposed rezoning to U-MS-3, with the inclusion of the DO-8 design overlay, is consistent with these *Blueprint Denver* strategies as it ensures that the site will contribute positively to this retail node in the Highland neighborhood with active ground floor uses and pedestrian-friendly building form standards.

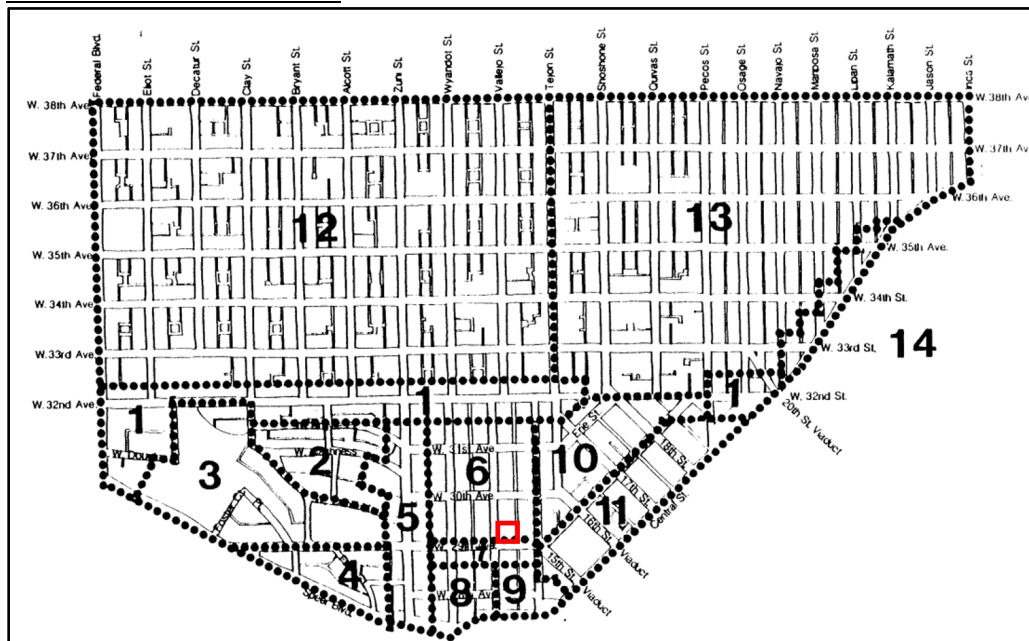
Highland Neighborhood Plan (1986)

This neighborhood plan was adopted by City Council in 1986 and while it could be considered dated, the plan does provide guidance and recommendations that are relevant and consistent with the requested zone district. The format of the *Highland Neighborhood Plan* includes framework plan recommendations that apply throughout the planning area, in specific areas for revitalization and subarea recommendations that apply in smaller subareas.

Primary Area of Revitalization

The Highland Block at 15th and Central streets is described as one of the most significant blocks in the neighborhood. With the area serving as a gateway to the neighborhood and link to downtown, the plan contemplates development in this area as setting the precedent for future trends. Recommendations in this area include encouraging a mix of uses and promoting unified development of sites through the PUD process (further discussed in the below section of the staff report). While the subject sites are just outside of this primary area of revitalization, they provide a key opportunity for redevelopment at this critical node which serves as the visual terminus at the end of 15th Street.

Subarea Recommendations



While located Subarea 6, the subject properties are in close proximity to many other subareas (7, 9, 10 and 11). Subarea 6 is categorized as the Bluffs Area, which is described as primarily residential. The subarea recommendations specifically call out the northwest corner of West 29th Avenue and North Umatilla Street, encompassing these two properties. It recommends that they redevelop and suggests

custom zoning as being appropriate. Subarea 7, across West 29th Avenue from the subject site is described as having a “mixture of office, semi industrial, retail and residential uses” (p. 40). Subarea 10, across North Umatilla Street, has one goal which is to encourage mixed use residential, office and retail development. In summary, the area containing the subject sites and in close proximity along 29th Avenue and North Umatilla Street are mentioned repeatedly in the plan as benefiting from the opportunity to redevelop in a cohesive manner.

With the adoption of the Denver Zoning Code in 2010, new districts were created that would meet the goals of custom zoning envisioned in this plan, which was envisioned as a tool to ensure positive design outcomes. In addition, newer plan guidance in *Blueprint Denver* discourages the use of custom zoning (p.73). The U-MS-3 DO-8 zone district provides building forms that activate the public street edge and are compatible with existing and planned building heights. The proposed zone district would provide uniform main-street zoning applied to this half of the face block. Redevelopment of all three parcels would create a neighborhood gateway that recognizes the importance of this intersection as called out in the plan, allow for a mix of residential and commercial uses, and provide a better transition between the higher intensity of uses east of the intersection and the less intense but mixed-uses along West 29th Avenue. For these reasons, the requested U-MS-3 DO-8 zone district is consistent with the neighborhood plan.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to U-MS-3 DO-8 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 mixed-use development and foster neighborhood-supportive reinvestment on a site that would benefit from assemblage and thoughtful redevelopment.

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 property was last rezoned in 2010, the Highland neighborhood has seen substantial redevelopment and reinvestment, including significant streetscape improvements along mixed-use corridors. As a result, there has been additional residential and commercial development in the area. The combination of changes in the neighborhood justifies the proposed rezoning with the map amendment to U-MS-3 DO-8 being in the public interest.

In addition, the City has adopted the *Comprehensive Plan 2040* and *Blueprint Denver* since the approval of the existing G-MU-3 UO3 and U-MS-3 zone districts. As stated throughout this report, the proposed rezoning meets the intent of these plans. The application also is justified by DZC Section 12.4.10.8.A.5, which says “It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (Overlay Zone Districts), of this Code.” This application proposes applying the supplemental zoning regulations of the DO-8. As further detailed below, application of the DO-8 to this site is consistent with the intent and purpose of the Design Overlay district, supplementing the otherwise generally applicable zone district standards with additional design limits.

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

The requested U-MS-3 district is within the Urban Neighborhood Context, which is characterized by primarily single-unit and two-unit residential uses with small-scale commercial sometimes embedded with residential areas. More often commercial uses are located along mixed-use arterials or on main streets. Buildings are generally low to mid- scale, and residential buildings typically have consistent moderate to deep front setbacks. There typically is a regular pattern of block shapes surrounded by orthogonal streets within a grid (DZC 5.1). The subject site is in an area that reflects these characteristics. Therefore, the proposed rezoning to U-MS-3 is consistent with the neighborhood context description.

The general purpose of the Urban main street districts is to “promote safe, active and pedestrian-scaled commercial streets through building forms that clearly define and activate the public street edge, and that enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering.” The building form standards “are intended to promote an urban, mixed-use, built-to environment” where “buildings have a shallow front setback range, and the build-to requirements are high and the maximum building coverage is significant” (DZC 5.2.5.1). The proposed U-MS-3 district would allow for compatible infill development fitting with the character of the surrounding commercial corridor. Therefore, it is consistent with the Urban Main Street District purpose statements.

The specific intent of the U-MS-3 district is the district “applies primarily to collector and arterial street corridors or may be embedded within a larger commercial shopping center or mixed use area, where a building scale of 1 to 3 stories is desired” (DZC 5.2.5.2.D). The subject site is located on a residential arterial street and therefore, the proposed map amendment is consistent with the U-MS-3 intent.

The Active Centers and Corridors Design Overlay (DO-8) has many purposes, including “To enable greater flexibility for outdoor eating and serving areas and similar exterior uses, increase space for pedestrians, buffer private residential dwellings from the public realm, and minimize the visibility of surface parking areas through the application of new or modified Siting Standards; To ensure street level heights consistent with nonresidential active uses, encourage street level windows, and clearly distinguish entries into individual dwelling units with additional features through the application of new

or modified design element standards; To promote activation of the street and sidewalk with nonresidential active uses at the street level of structures with long street-facing frontages, and locate new structures containing only residential uses on only narrow lots, in districts that allow 3 stories or more of building height through the application of new or modified use building form standards.” (DZC Section 9.4.5.12.D). The site, with its location in an existing mixed-use area and prominence highlighted in the neighborhood plan guidance, warrants special attention to detail with regards to activation, building entries and other human-scaled elements. Thus, the proposed map amendment is consistent with the purpose statements of the design overlay district.

Attachments

1. Application
2. Public comments