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TO: Denver City Council
FROM: Chandler Van Schaack, Senior City Planner
DATE: September 13, 2018
RE: Official Zoning Map Amendment Application #2018I-00009
52 Monroe St.
Rezoning from PUD to G-RO-3

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2018I-00009 for a rezoning from PUD to G-RO-3.

Request for Rezoning

Application:	#2018I-00009
Address:	52 Monroe St.
Neighborhood/Council District:	Cherry Creek / Council District 10
RNOs:	Cherry Creek East Association, Green Cherry Creek, Inter-Neighborhood Cooperation
Area of Property:	6,280 square feet (0.14 acres)
Current Zoning:	PUD 483
Proposed Zoning:	G-RO-3
Property Owner(s):	52 Monroe, LLC
Owner Representative:	Andrew Peters

Summary of Rezoning Request

- The property is located in the Cherry Creek neighborhood, on the east side of Monroe St. between E 1st Ave. and E Ellsworth Ave.
- The property currently contains a 2-story mixed-use building containing office and residential space.
- The applicant is requesting the rezoning to allow for development of the property with a boutique medical office.
- The G-RO-3 (General Urban, Residential Office, 3 story maximum height) zone district is a multi-unit and office district allowing urban house, duplex, row house, town house, and apartment building forms. The tallest building form has a maximum height of three stories. Further details of the zone district can be found in Article 6 of the Denver Zoning Code (DZC).

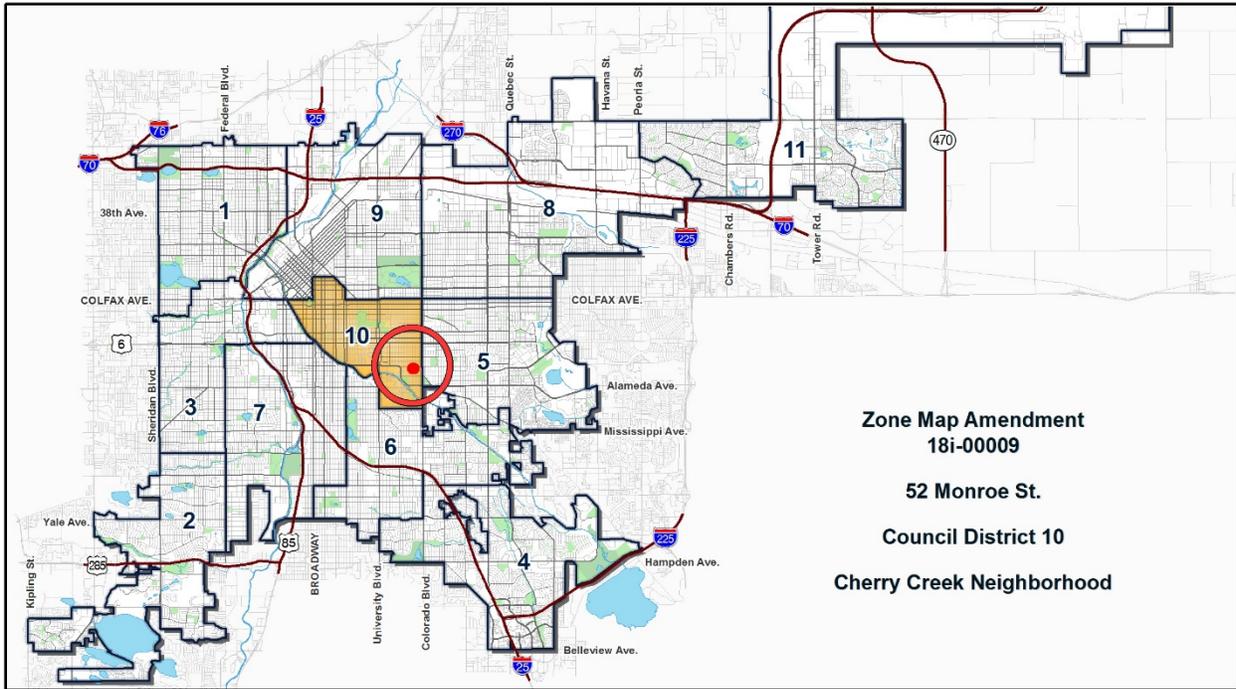


Figure 1: Council District Map

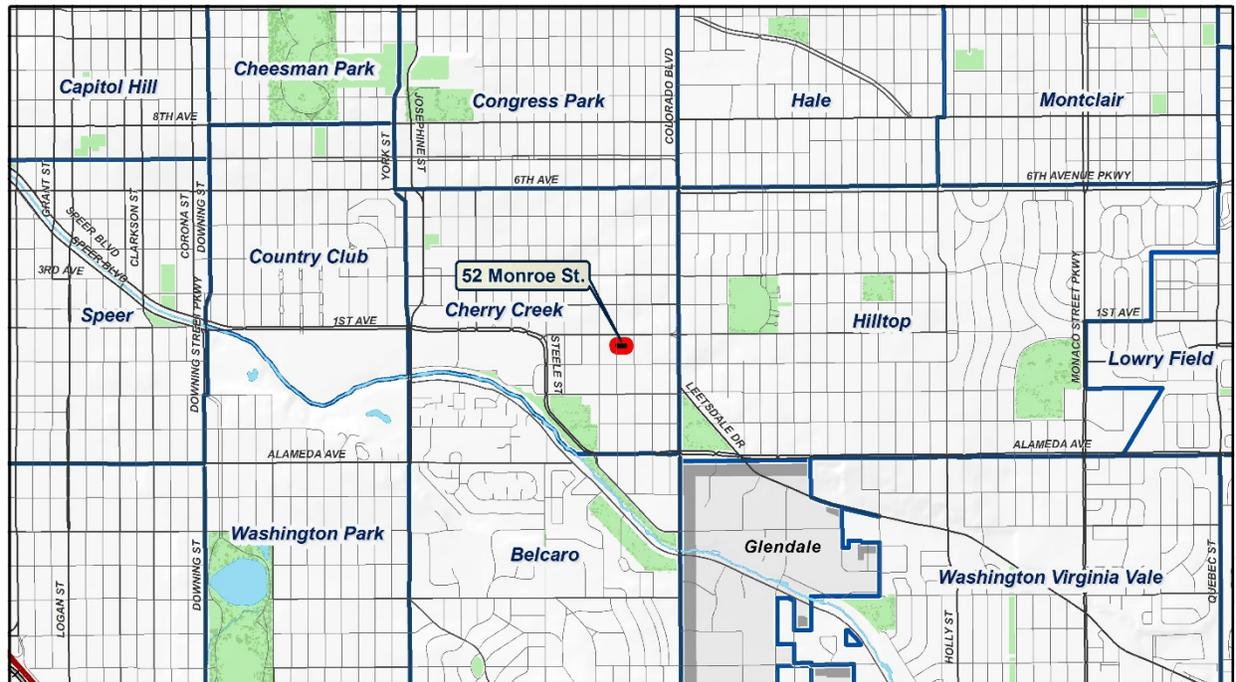


Figure 2: Neighborhood Map

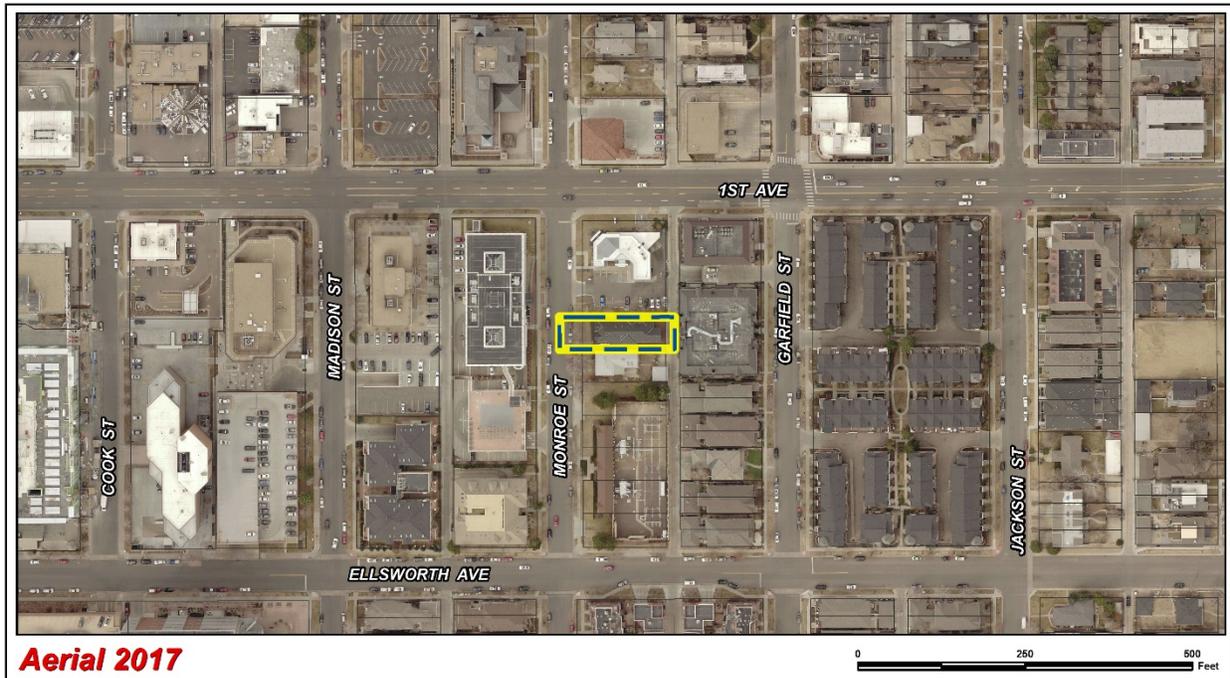


Figure 3: 2017 Aerial Map

Existing Context

The subject parcel is located in the Cherry Creek East Neighborhood, on Monroe Street between Ellsworth and 1st Avenue. The parcel currently contains a two-story building split between a single unit residence and office space. Per the approved PUD (PUD 483), development on the property is limited to the existing structure and uses, with no possibility for either physical expansion or a change of use. The area immediately surrounding the subject property contains a mix of uses, including a bank, an office building, single- and multi-unit residential and an Xcel power substation. The Cherry Creek Shopping Center lies 3 blocks to the west, with the area between the shopping center and the subject site consisting primarily of office and commercial/ retail uses. The area to the east of the subject site is predominantly multi-family residential uses transitioning to single family residential on the east side of Colorado Blvd. The following table summarizes the existing context proximate to the subject site:

	Existing Zoning	Existing Land Uses	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	PUD 483	Single unit residence, office	Two story, 6,000 SF building with a roughly 31' primary street setback	Regular pattern of block shapes surrounded by an orthogonal street grid, with consistent presence of alleys. Access is typically provided from alleys.
North	G-MX-3	Bank	One story with drive-thru and large surface parking lot	
South	G-RH-3	Single family residence, Xcel	Single family unit immediately to south with one story Xcel station occupying remainder of block to Ellsworth Ave.	

	Existing Zoning	Existing Land Uses	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
		Power Substation		The subject property lies on a Local Street (Monroe St.) and has alley access.
East	PUD	Multi- unit residential	Three-story apartment complex	
West	B-1 WVRS, PUD	Office/ School, multi-family residential	Two story office/ educational building and two-story multi-unit residential	

1. Existing Zoning

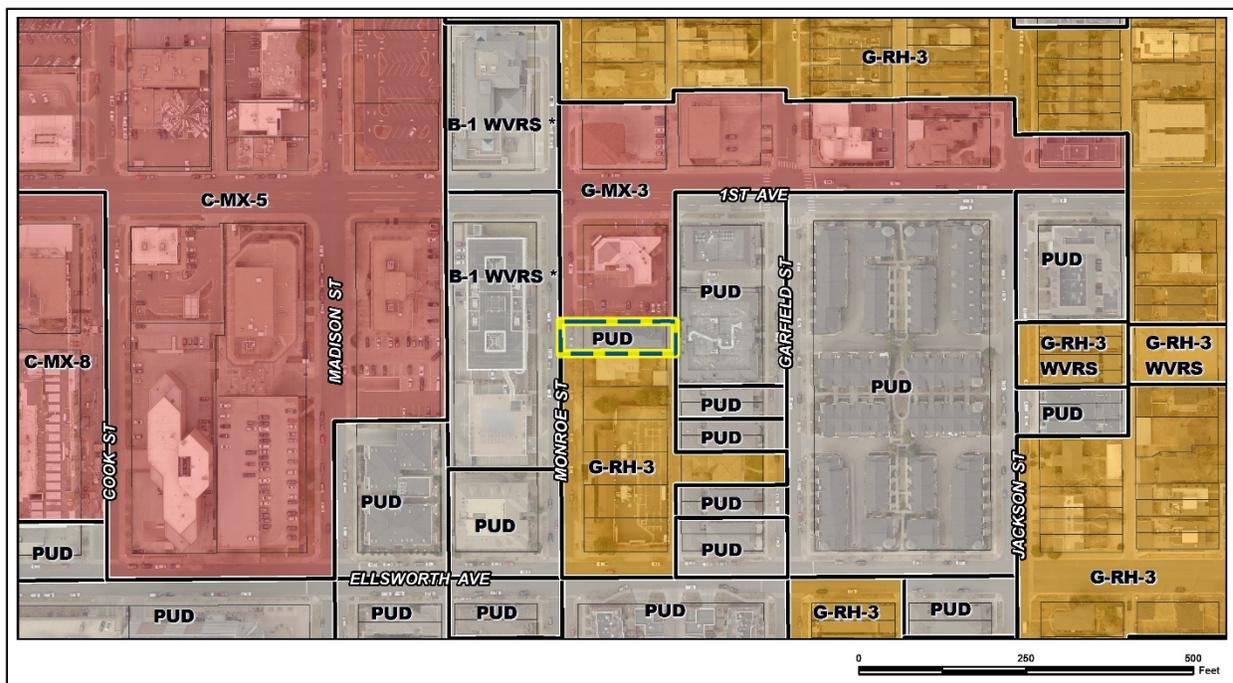


Figure 4: Zoning Map

The existing Former Chapter 59 PUD #483 was established in 1999 to permit the construction of a two-story building up to 6,000 square feet in size containing a single townhouse unit and an attached office space. The site was previously zoned R-1, under which an office was not an allowed use. As is the case with many Former Chapter 59 PUDs, the regulations of the PUD allow only the existing uses and are written too specifically to accommodate a change in the size or location of the existing building or redevelopment of the site without rezoning. The applicant’s desire to demolish the existing building and build a medical office in the location of the existing building cannot be accomplished under the existing PUD.

2. Existing Land Use Map

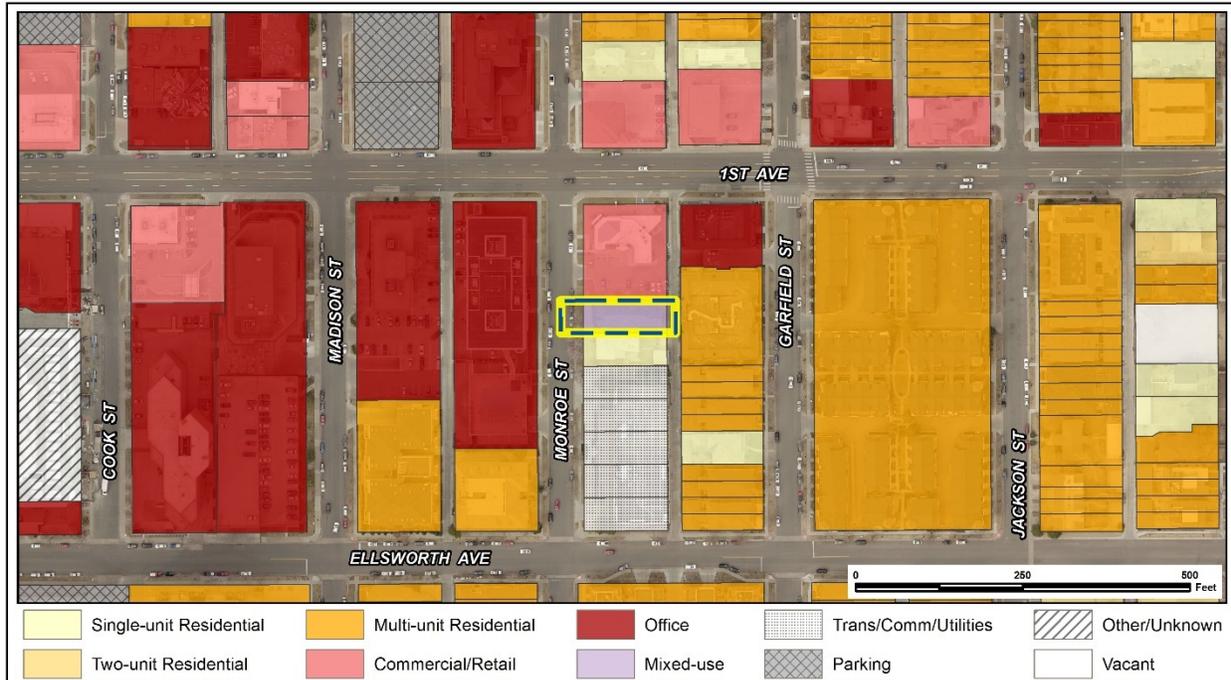


Figure 5: 2016 Existing Land Use Map

3. Existing Building Form and Scale

The existing building form and scale of the subject site and adjacent properties are shown in the images on the following pages (Source: Google Maps).

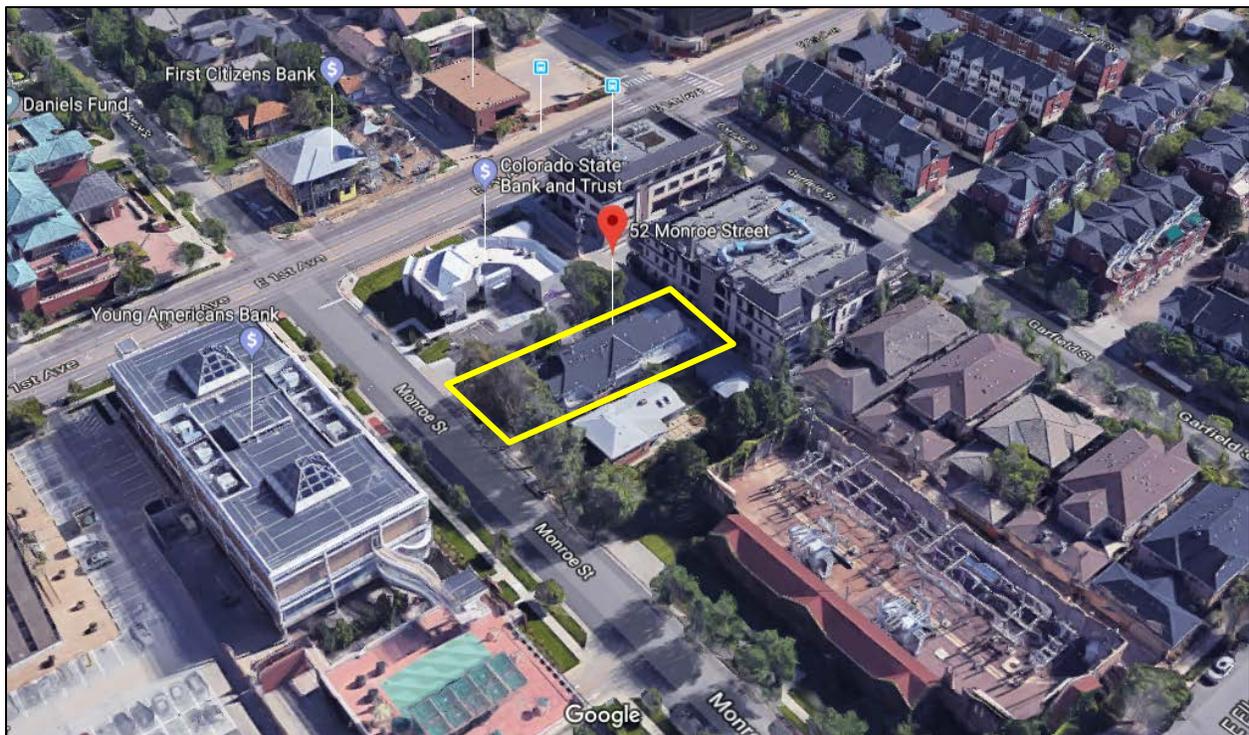


Figure 6a: Aerial View of Subject Property



Figure 6b: View of Subject Property from Monroe St. with adjacent single-family home visible on right



Figure 6c: View of property across Monroe St. to the West



Figure 6d: View of adjacent property to the North



Figure 6e: View of Xcel Substation to the South

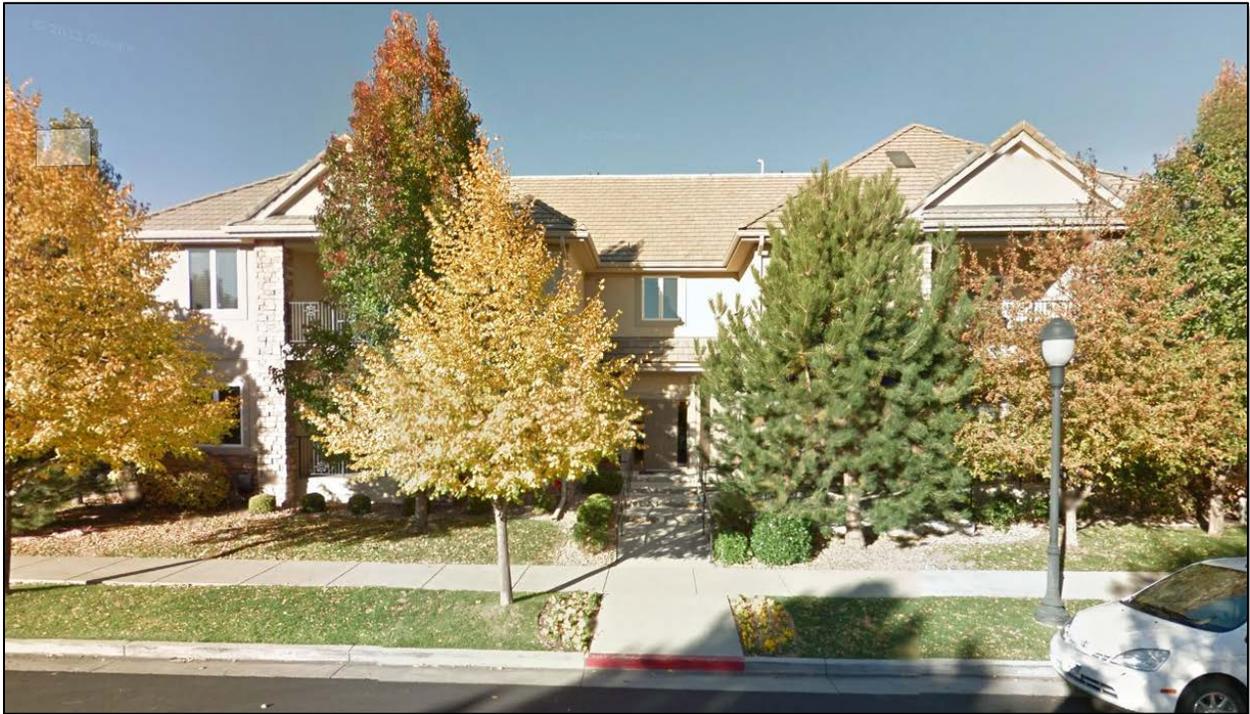


Figure 6f: View of Multi-Family Residential Across Monroe St. to Southwest

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:

David Erickson, Department of Public Health and Environment

Notes. Denver Department of Public Health and Environment is not aware of environmental concerns on the Property and concurs with the rezoning request.

General Notes: Most of Colorado is high risk for radon, a naturally occurring radioactive gas. Due to concern for potential radon gas intrusion into buildings, DEH suggests installation of a radon mitigation system in structures planned for human occupation or frequent use. It may be more cost effective to install a radon system during new construction rather than after construction is complete.

If renovating or demolishing existing structures, there may be a concern of disturbing regulated materials that contain asbestos or lead-based paint. Materials containing asbestos or lead-based paint should be managed in accordance with applicable federal, state and local regulations.

The Denver Air Pollution Control Ordinance (Chapter 4- Denver Revised Municipal Code) specifies that contractors shall take reasonable measures to prevent particulate matter from becoming airborne and to prevent the visible discharge of fugitive particulate emissions beyond the property on which the emissions originate. The measures taken must be effective in the control of fugitive particulate emissions at all times on the site, including periods of inactivity such as evenings, weekends, and holidays.

Denver’s Noise Ordinance (Chapter 36–Noise Control, Denver Revised Municipal Code) identifies allowable levels of noise. Properties undergoing Re-Zoning may change the acoustic environment, but must maintain compliance with the Noise Ordinance. Compliance with the Noise Ordinance is based on the status of the receptor property (for example, adjacent Residential receptors), and not the status of the noise-generating property. Violations of the Noise Ordinance commonly result from, but are not limited to, the operation or improper placement of HV/AC units, generators, and loading docks. Construction noise is exempted from the Noise Ordinance during the following hours, 7am–9pm (Mon–Fri) and 8am–5pm (Sat & Sun). Variances for nighttime work are allowed, but the variance approval process requires 2 to 3 months. For variance requests or questions related to the Noise Ordinance, please contact Paul Riedesel, Denver Environmental Health (720-865-5410).

Scope & Limitations: DEH performed a limited search for information known to DEH regarding environmental conditions at the subject site. This review was not intended to conform to ASTM standard practice for Phase I site assessments, nor was it designed to identify all potential environmental conditions. In addition, the review was not intended to assess environmental conditions for any potential right-of-way or easement conveyance process. The City and County of Denver provides no representations or warranties regarding the accuracy, reliability, or completeness of the information provided.

John Clarke, Public Works – Surveyor

Approved – No Comments

Danny Harris, Development Services – Wastewater

DS 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.

Public Review Process

	Date
CPD informational notice of receipt of the rezoning application to all affected members of City Council and registered neighborhood organizations	5/2/18
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 and registered neighborhood organizations	7/2/18
Planning Board public hearing	7/18/18

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)	7/23/2018
Land Use, Transportation and Infrastructure Committee of the City Council review (tentative)	8/7/2018
Property legally posted for a period of 21 days and CPD written notice of the City Council public hearing sent to all affected members of City Council and registered neighborhood organizations (tentative)	8/27/2018
City Council Public Hearing	9/17/2018

Registered Neighborhood Organizations

The RNOs identified on page 1 of this report were notified of this application. Staff has not received any public comments regarding the proposal. The Cherry Creek East Association has provided a formal letter of support for the proposed rezoning based on a Development Agreement between the RNO and the applicant. Both the letter of support and the development agreement are included in the application materials attached to this report.

Planning Board

Planning Board voted unanimously (5:0 with one abstention) to recommend approval of the proposed rezoning to S-RH-2.5. There was no public comment regarding the proposal.

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 apply to this property:

- *Denver Comprehensive Plan 2000*
- *Blueprint Denver (2002)*
- *Cherry Creek Area Plan (2012)*

Denver Comprehensive Plan 2000

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

- Environmental Sustainability Strategy 2-F – *Conserve land by promoting infill development with Denver at sites where services and infrastructure are already in place; designing mixed-*

- use communities and reducing sprawl so that residents can live, work and play within their own neighborhoods.*
- Land Use Strategy 3-B – *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.*
 - Legacies Strategy 3-A – *Identify areas in which increased density and new uses are desirable and can be accommodated.*
 - Mobility Strategy 4-E – *Continue to promote mixed-use development, which enables people to live near work, retail and services.*

The proposed map amendment would allow for redevelopment of the site with a medical office at a scale consistent with the existing neighborhood in an existing mixed-use area where services and infrastructure are already in place. The proposed G-RO-3 zoning would allow development that would enhance the mixed-use character of the area, consistent with the recommendations of Denver Comprehensive Plan 2000.

In addition, by rezoning out of the archaic Former Chapter 59 and into the Denver Zoning Code, the proposed zone map amendment will be consistent with the City's policy to improve zoning uniformity and remove old PUDs. The Denver Zoning Code is more consistent with the following Comprehensive Plan 2000 strategy:

- Land Use, Strategy 2-C: *Review and update City processes for enforcement of zoning and other land-use regulations. These processes should include a consistent and enforceable set of performance standards for the owners and operators of all land uses and a swift, efficient and fair inspection and compliance process.*

Blueprint Denver (2002)

According to *Blueprint Denver*, this site has a concept land use of Urban Residential and is located within an Area of Stability.

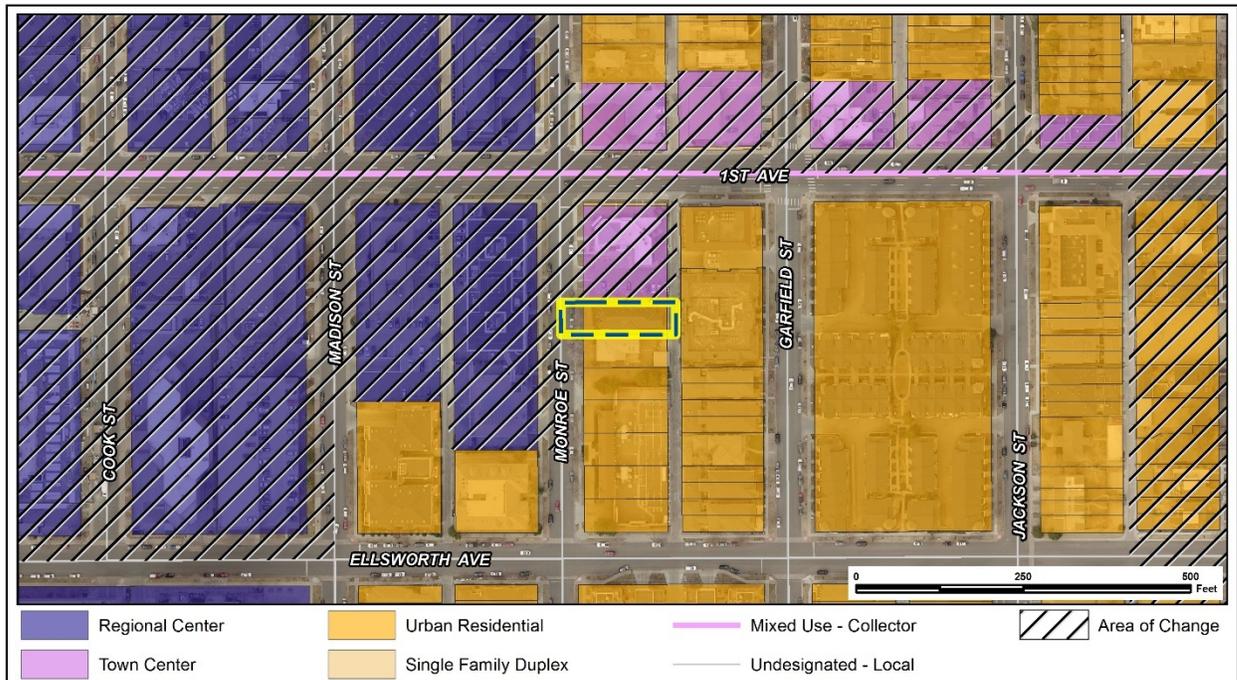


Figure 7: Blueprint Denver Future Land Use & Street Classification Map

Blueprint Denver describes Urban Residential areas as “neighborhoods [that] are higher density and primarily residential but may include a noteworthy number of complementary commercial uses. New housing tends to be in mid- to high-rise structures, and there is a greater housing base than employment base” (Page 42). This land use designation applies to all of the lots south of the subject site along the east side of Monroe St., which include a single family residence and the Xcel substation, as well as the large lot containing multi-family apartments on the west side of Monroe St. to the south.

The bank immediately north of the subject site and the office/ school immediately across Monroe St. have land use designations of “Town Center” and “Regional Center,” respectively. The “Regional Center” designation also applies to all of the lots along 1st Ave. to the west. Overall, the mix of uses along Monroe St. surrounding the subject site reflect the land use designations found in Blueprint Denver, with the notable exception of the Xcel substation to the south. Further, Blueprint Denver states that the land use building block boundaries “are not fixed – some areas are in a state of transition...” (p. 38). This is true of the area surrounding the subject site; while the land use designations for the block are fairly evenly split between Urban Residential and Town & Regional Center, the existing uses and building forms are primarily non-residential, creating a kind of transition from the primarily residential area to the south and east to the more commercial area to the north and west. Therefore, the proposed G-RO-3 zone district, which allows “for residential and offices uses in low to moderate scale residential building forms” (Section 6.2.2.1.C, DZC), is consistent with the Urban Residential land use designation while also fitting in with the unique transitional character of the surrounding parcels.

Area of Change/ Area of Stability

The subject site is located in an Area of Stability. The goal for Areas of Stability is “to maintain the character of an area while accommodating some new development and redevelopment” at appropriate locations (p. 127). In terms of the area character, the existing residential/ office building has been there for nearly 20 years, and as such has contributed to the mixed-use character of Monroe St. in that area. It is also worth noting that the parcels adjacent to the subject site to both the north and west are located within an Area of Change, and as such are intended to accommodate more intensive development than Areas of Stability. Thus, the proposed G-RO-3 zoning is consistent with the Area of Stability designation for the subject site in that it would maintain the existing low-intensity, mixed-use character of the area while also allowing for redevelopment of an underutilized site in close proximity to the more intensive commercial development within the adjacent Area of Change.

Street Classification

Monroe St. is classified as an Undesignated Local street. Specific guidance is not provided in Blueprint Denver for undesignated streets. Blueprint Denver says local streets are “influenced less by traffic volumes and tailored more to providing local access. Mobility on local streets is typically incidental and involves relatively short trips at lower speeds to and from other streets.” Given the generally lower-volume designation of these streets, it is appropriate to rezone this site to a lower-intensity zone district (i.e. G-RO-3). The proposed rezoning to G-RO-3 is consistent with the Undesignated Local street classification because the zone district enables low-intensity and low-scale office and residential uses along streets designated for residential purposes and traffic levels.

Cherry Creek Area Plan (2012)

The proposed rezoning from Former Chapter 59 PUD zoning to G-RO-3 is consistent with the Cherry Creek Area Plan in several respects. In terms of the general goals, the Plan recognizes that “office and established residential neighborhoods weave an interdependent mixed-use urban environment resulting in a variety of amenities benefiting the quality of life,” and that “continued introduction of office space, retail, and residential units will enhance the mixed-use nature of the neighborhood and reinforce the plan vision” (Pg. 26-27). More specifically, the Plan recognizes the value of “boutique medical offices,” and states that “continuing to provide high quality office space for these boutique firms...is essential to the mixed-use character of Cherry Creek” (Pg. 45).



Future Land Use Map and Building Heights Map (Excerpt, Cherry Creek Area Plan, Pg. 73)

The subject site is located within the Cherry Creek East Subarea, described on page 70 of the Plan as supporting “a mix of residential and office uses and some of the highest residential and employment densities in all of Cherry Creek, as well as the greatest diversity of housing types.” Within the subarea, the area east of Madison Street is described as “low- to medium-scale residential” with building heights from 1 to 3 stories (Page 70). While this is largely accurate in terms of existing development character, the block on which the subject site is located is an outlier in that the majority of the uses are non-residential, and properties are split between Urban Residential in an Area of Stability and Town & Regional Center land use designations located within an Area of Change. Given the unique mixed-use character of the area surrounding the site as well as the Plan’s subarea recommendations that include reinforcing the residential character, respecting the existing scale, and rezoning PUDs, the proposal to rezone the subject site to a residential office district with a 3-story height limit is consistent with the overall intent of the Cherry Creek Area Plan.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to G-RO-3 would result in the uniform application of zone district building form, use, and design regulations.

3. Public Health, Safety and General Welfare

The proposed rezoning furthers the public health, safety, and general welfare of the City primarily through the implementation of the City’s adopted plans, as well as because it would allow neighborhood-supportive reinvestment in a site that has limited potential under the existing PUD zoning.

4. Justifying Circumstance

The rezoning is justified 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.”* In this case, the requested rezoning is justified based on section 4.c., *“That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.”*

As discussed above, the property is subject to Former Chapter 59 PUD zoning, which unduly restricts the allowable uses and building forms to such an extent that it effectively precludes redevelopment of the property. The proposed rezoning would bring the property into compliance with 2010 Denver Zoning Code standards and would allow for redevelopment of the property in a manner consistent with the City’s adopted plans and policies.

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

The requested G-RO-3 zone district is within the General Urban Neighborhood Context, which is “characterized by multi-unit residential uses in a variety of building forms. Single-unit and two-unit residential uses are also found in a mix of residential building forms. Low-scale commercial areas are embedded within residential areas. Commercial uses occur in a variety of building forms that may contain a mixture of uses within the same structure. Residential uses are primarily located along local and residential arterial streets. Commercial uses are primarily located along mixed-use arterial and main streets but may be located at or between intersections of local streets.” (DZC, Section 6.1.1).

According to the residential district intent stated in the Denver Zoning Code, “The intent of the Residential districts is to promote and protect higher density residential neighborhoods within the character of the General Urban Neighborhood Context. The Residential Office (RO) districts provide opportunities for residential and offices uses in low to moderate scale residential building forms” (Section 6.2.2.1).

Section 6.2.2.2.G of the DZC states: “G-RO-3 is a multi-unit and office district allowing urban house, duplex, row house, town house, and apartment building forms. The tallest building form has a maximum height of three stories.” The proposed rezoning is consistent with the neighborhood context description in that it would facilitate redevelopment of an existing embedded commercial use within a broader residential context. Further, the proposed rezoning would provide an opportunity for office uses in a low to moderate scale residential building form that is consistent with the surrounding context. Therefore, staff finds that the proposed rezoning is consistent with Neighborhood Context Description, Zone District Purpose and Intent Statements.

Attachments

1. Rezoning application