



**TO:** Denver Planning Board  
**FROM:** Francisca Peñafiel, Senior City Planner  
**DATE:** May 11, 2022  
**RE:** Official Zoning Map Amendment Application #2021I-00127

### Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2021I-00127.

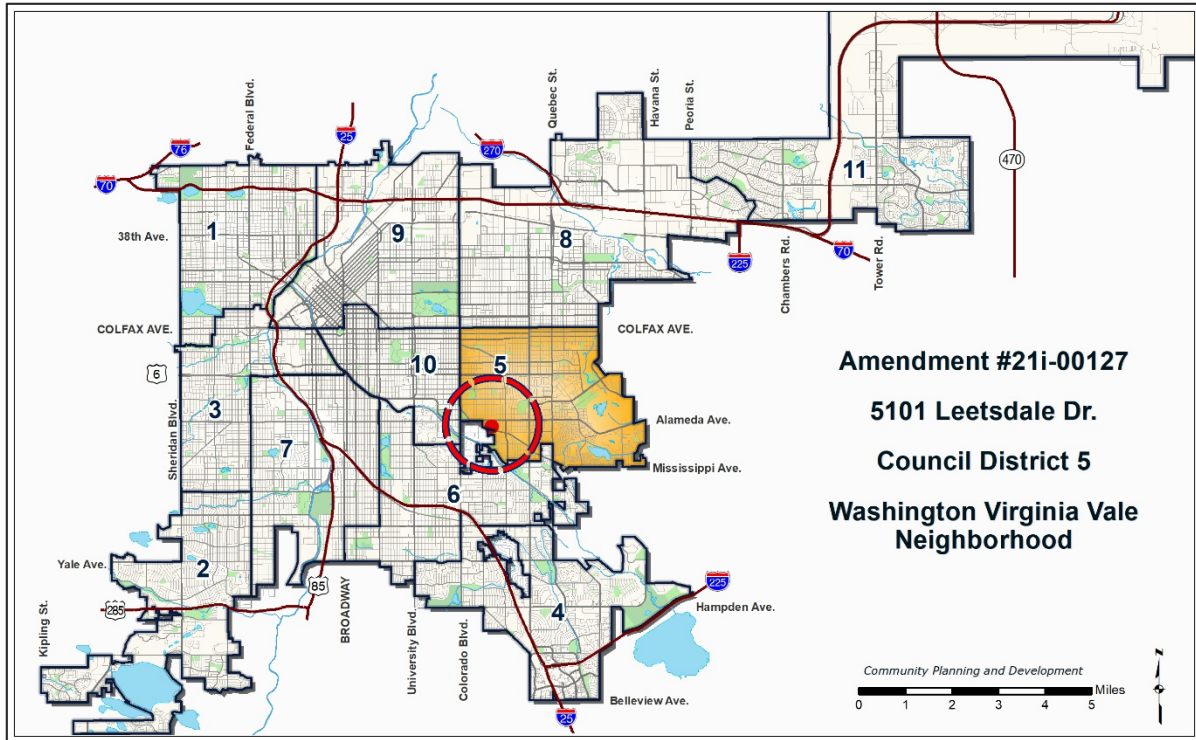
### Request for Rezoning

Address: 5101 Leetsdale Drive  
Neighborhood/Council District: Washington Virginia Vale / Council District 5  
RNOs: Inter-Neighborhood Cooperation (INC); Preservation of Residential South Hilltop Neighborhood Association; East Evans Business Association.  
Area of Property: 19,320 square feet / 0.44 Acres  
Current Zoning: PUD 436  
Proposed Zoning: E-TU-B  
Property Owner(s): Augustana Lutheran Church of Denver  
Owner Representative: Kory Whitaker

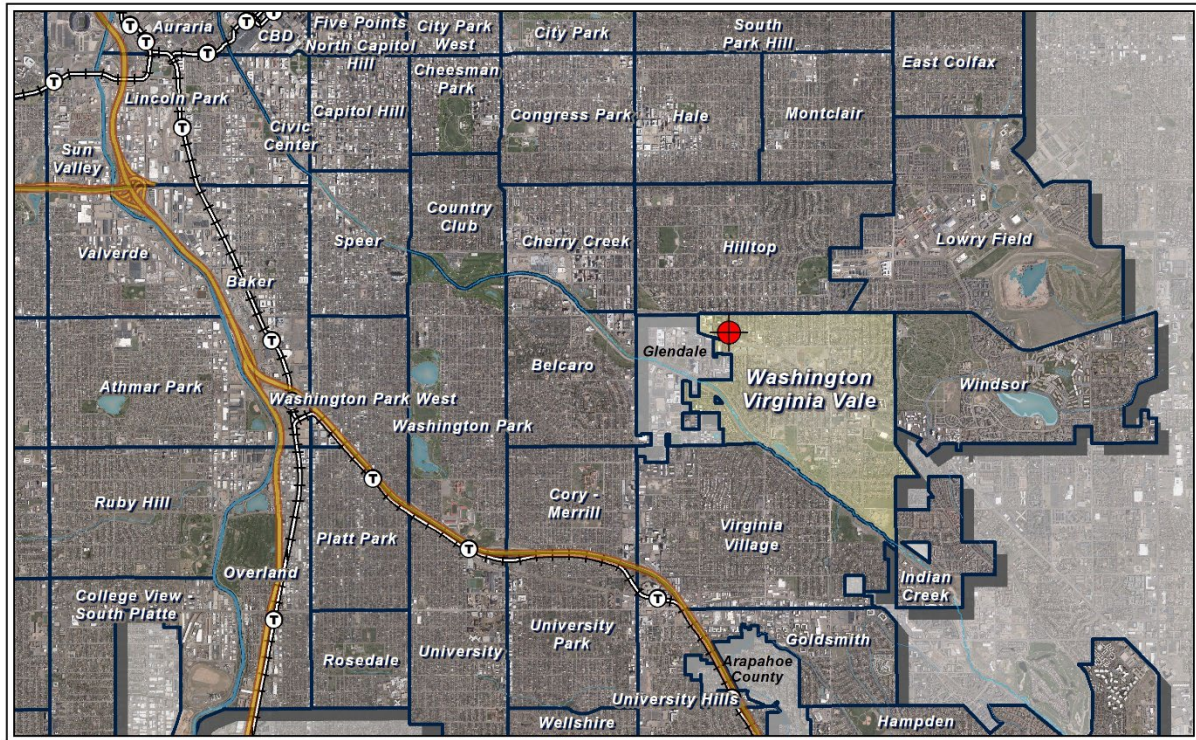
### Summary of Rezoning Request

- The subject property is a vacant lot located in the Washington Virginia Vale statistical neighborhood at the southwest corner of South Fairfax Street and East Dakota Avenue.
- Augustana Lutheran Church of Denver, with Habitat for Humanity of Metro Denver, are proposing to rezone part of their property from PUD 436 to E-TU-B, which would allow for the development of 4 duplexes, that they intend to sell to households making at or below 80% of the area median income.
- At 19,320 square feet, the subject property is more than four times the 4,500 square feet minimum zone lot size of the requested E-TU-B. Therefore, a zone lot amendment would create four separate zone lots, where each zone lot would be allowed to permit a duplex.
- The proposed **E-TU-B**, Urban **E**dge, **T**wo-**U**nit, **B** (4,500 square feet minimum zone lot size) allows for the urban house, detached accessory dwelling unit, duplex and tandem house building forms. This district is intended for use in the Urban Edge Neighborhood Context which is characterized by a mix of elements from both the Urban and Suburban Neighborhood Contexts. The Urban Edge Neighborhood Context is primarily single-unit and two-unit residential uses. The standards of the two unit 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 can be found in the proposed zone district section of the staff report (below) and in Article 4 of the Denver Zoning Code (DZC).

### Existing Context



### Neighborhood Location – Washington Virginia Vale



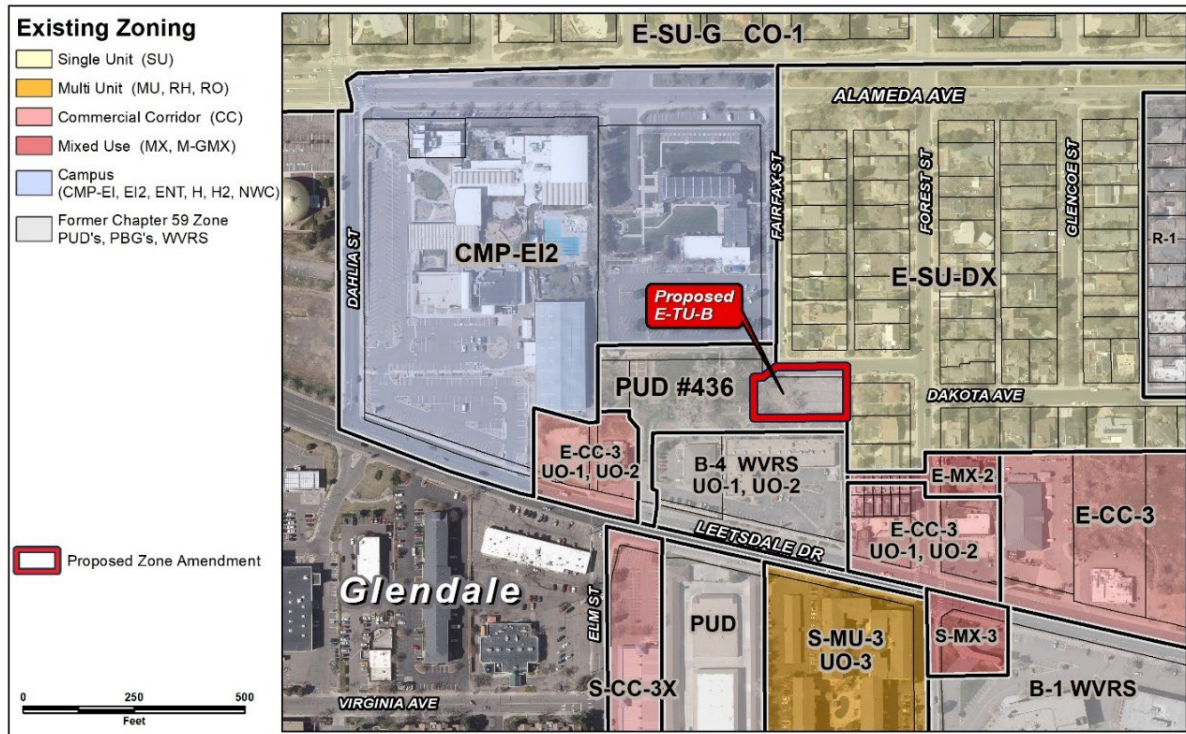


The subject property is located within the Washington Virginia Vale statistical neighborhood, at the southwest corner of South Fairfax Street and East Dakota Avenue. This neighborhood is primarily suburban and vehicle-oriented in character with areas of modified street grid, single-unit residential uses, commercial uses with larger setbacks, and irregular blocks along arterial streets. The area consists of primarily one- to two-story buildings with some buildings up to four stories along Leetsdale Drive. The proposed rezoning is half block north of the City of Glendale boundary and one block north of Mir Park (Glendale). Four Mile Historic Park is located less than ¼ mile south of the subject site and George Washington High School is located ¼ mile to the east along Leetsdale Drive. The site is served by high-frequency transit along Leetsdale Drive.

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 436	Vacant	Vacant lot	Modified grid street patterns with attached sidewalks and a mix of alleys to the northeast and no alleys on site. Suburban pattern of irregular shaped blocks and parking between buildings and the street.
North	E-SU-Dx	Residential	1.5 story house with detached garage	
South	B-4 UO-1, UO-2 with waivers	Commercial /Retail	1-story commercial structures with surface parking between buildings and street	
West	PUD 436	Vacant	Private open space/Vacant lot	
East	E-SU-Dx	Single-Unit Residential	1 story house with detached garage	

## Existing Zoning

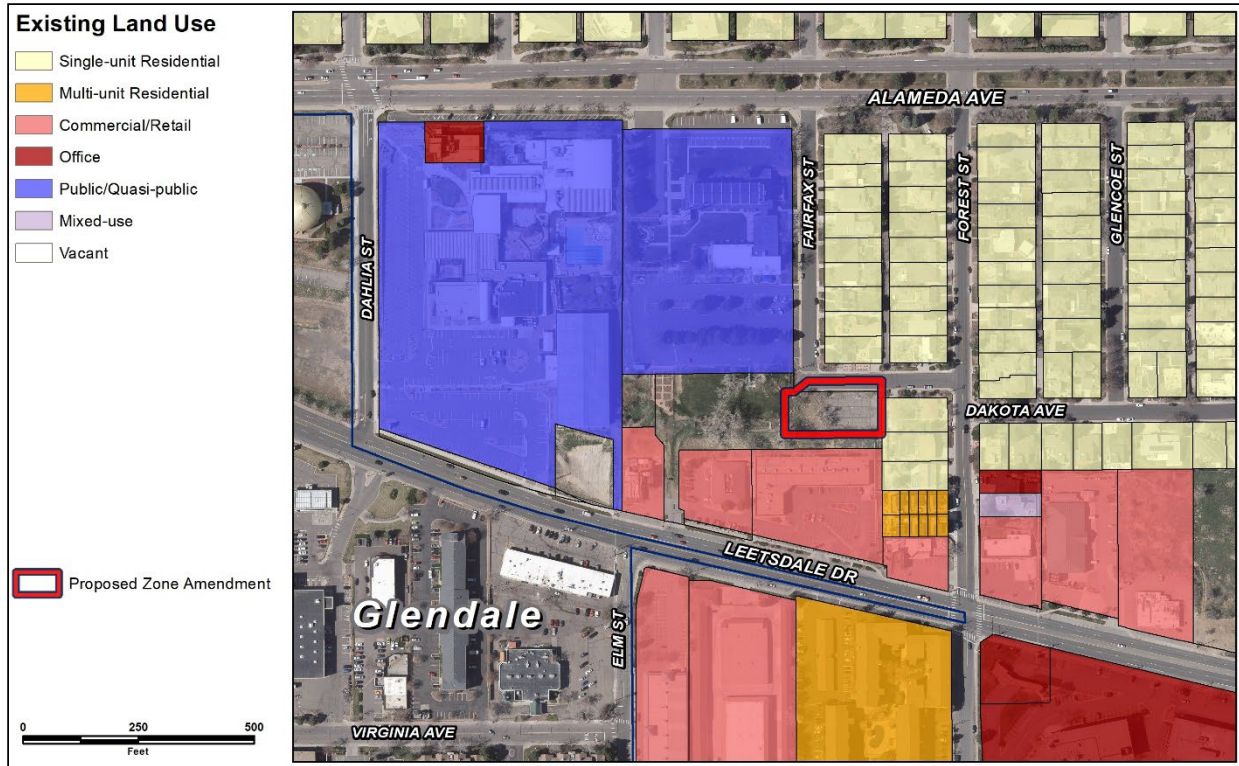


PUD 436 was adopted in 1997 and applies to the whole parcel, as shown on the map. The PUD was intended to allow for the construction of a single building with 66 units for a Special Care Home for senior citizens. It allows a maximum height for the building of up to 35 feet, common and support areas, kitchen, dining, laundry, and miscellaneous social areas. The PUD provides further details on building coverage, landscaping and other requirements. The facility was supposed to be an extension of the ministry of Augustana Lutheran Church but was not restricted to any single denomination. Financing was not secured, and the Special Care Home was never developed. The PUD also allows for the development of uses allowed in the R-1 district, which is a predominantly single unit district in Former Chapter 59. While the subject site is currently vacant, the portion of the zone lot that is not being rezoned is currently being used as an informal open space and vegetable garden.

The Denver Revised Municipal Code, Section 59-3 allows for applicants to rezone only a portion of land in a PUD zone district under the Former Chapter 59 to a zone district in the Denver Zoning Code. The applicant is proposing to rezone approximately 20% of the eastern portion of property within PUD 436. CPD staff conducted an analysis of the PUD and determined that rezoning only a portion of PUD 436 out of custom zoning and into the Denver Zoning Code would not adversely impact the remaining property and development under the current PUD would still be possible.

PUD 436 is attached to this staff report.

### Existing Land Use Map



### Existing Building Form and Scale

All images are from Google Street View.



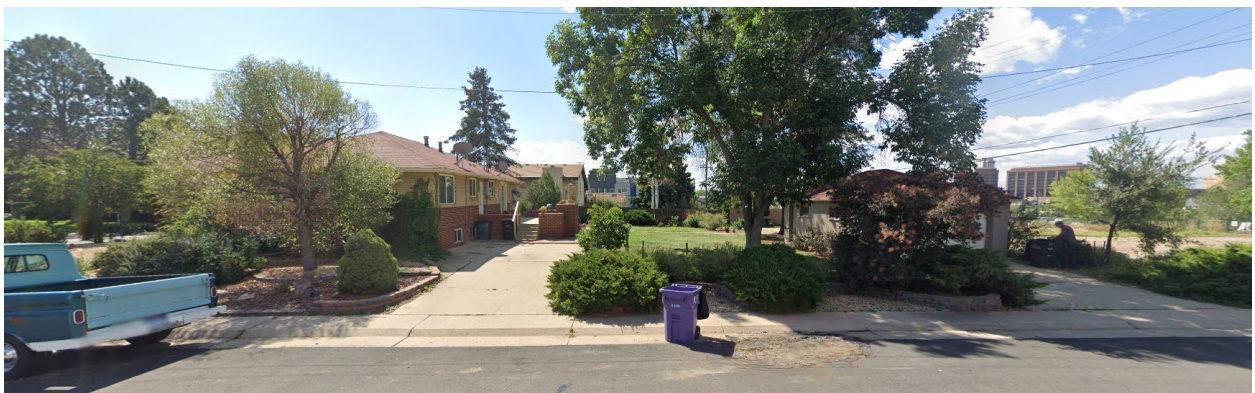
View of the subject site, looking southwest.



View of the property to the north, across East Dakota Avenue, looking north.



View of the rest of the property (not proposed to be rezoned) to the west, looking southeast.



View of the property to the east of the subject property, looking south.



View of the commercial strip mall, south of the subject property, looking north along Leetsdale Drive.



View of the Augustana Lutheran Church, looking northwest from the subject property, west of South Fairfax Street.

## Proposed Zoning

The E-TU-B zone district allows up to two units on a minimum zone lot area of 4,500 square feet. Allowed building forms include the Urban House, Detached Accessory Dwelling Unit, Duplex and Tandem House building forms. The building form standards, design standards, and uses work together to promote desirable residential areas. The standards of the two-unit district 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. These regulations are also intended to reinforce desired development patterns in existing neighborhoods while accommodating reinvestment. More details of the proposed zone district can be found in Article 4 of the Denver Zoning Code.

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

Design Standards	PUD 436 (Existing)	E-TU-B (Proposed)
Primary Building Forms Allowed	N/A	Urban House, Duplex, Tandem House
Height in Stories / Feet, Front 65% of Zone Lot, Urban House, (max.)	2 stories / 35'	2.5 stories / 35' **
Height in Stories / Feet, Rear 35% of Zone Lot, Urban House, (max.)	2 stories / 35'	1 story / 19'***
Height in Stories / Feet, Detached Accessory Dwelling Unit, (max.)	N/A	1.5 stories / 24'
Zone Lot Size (min.)	N/A	4,500 sf
Zone Lot Width (min.)	varies	35'
Primary Street Block Sensitive Setback Required / If not	N/A	Yes / 20'
Side Street Setback (min.)	0' north	3'***
Side Interior Setback (min.)	15' (east and west)	3'***
Rear Setback, Alley / No Alley	varies (south)	12' / 20'***
Building Coverage per Zone Lot including all accessory structures (max.), not including exceptions	33.9%	37.5%
Detached Accessory Building Forms Allowed	N/A	Detached Accessory Dwelling Unit, Detached Garage, Other Detached Accessory Structures
Total F.A.R	0.52:1	N/A

\*Depending on lot width

\*\*Depending on lot width and 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 Comments.

**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 –No Comments.

**DOTI – Development Engineering Services:** Approved – No Response.

**Development Services – Project Coordination:** Approve Rezoning Only - Will require additional information at Site Plan Review.

**Development Services - Fire Protection:** Approved – No Response.

**Development Services- Wastewater:** Approved – See Comments Below.

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, registered neighborhood organizations, and property owners:	02/14/2022
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:	05/03/2022
Planning Board public hearing:	05/18/2022
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):	04/31/2022
Land Use, Transportation and Infrastructure Committee of the City Council (tentative):	06/14/2022
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):	07/04/2022
City Council Public Hearing (tentative):	07/25/2022

- Registered Neighborhood Organizations (RNOs):** To date, staff has received one letter of support of this rezoning from The Preservation of Residential South Hilltop Neighborhood Association. The letter states their support to the project given that it will provide affordable housing and celebrates the community engagement done by Augustana Lutheran Church and Habitat for Humanity of Metro Denver.
- Other Public Comment:** To date, staff has received no public comment letters. The applicant provided a summary of their community outreach in the application.

## **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 strategies apply from the Equitable, Affordable and Inclusive vision element:

- Equitable, Affordable and Inclusive Goal 1, Strategy A – *Increase development of housing units close to transit and mixed-use developments (p. 28).*
- Equitable, Affordable and Inclusive Goal 2, Strategy A – *Create a greater mix of housing options in every neighborhood (p. 28).*

The requested E-TU-B zone district will allow a mix of housing options, including Urban House, Detached Accessory Dwelling Unit, Duplex and Tandem House building forms. The subject site is located a block away from high-capacity transit along Leetsdale Drive. The request is therefore consistent with the above strategies in the Equitable, Affordable and Inclusive vision element.

The following strategies apply from 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).*
- 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).*

In addition to offering a mix of housing types for a diverse population, the zone district will also apply current, form-based zoning code standards, ensuring quality development appropriate for the neighborhood. The proposed zone district provides a valuable transition between existing low-density

single-unit residential to the north and east, and commercial/retail land use to the south. Furthermore, all allowed primary building forms must comply with block sensitive setbacks which adhere to the existing neighborhood pattern. The request is therefore consistent with the strategies in the Strong and Authentic Neighborhoods vision element.

Similarly, the application is also consistent with the following strategies in the Environmentally Resilient vision element:

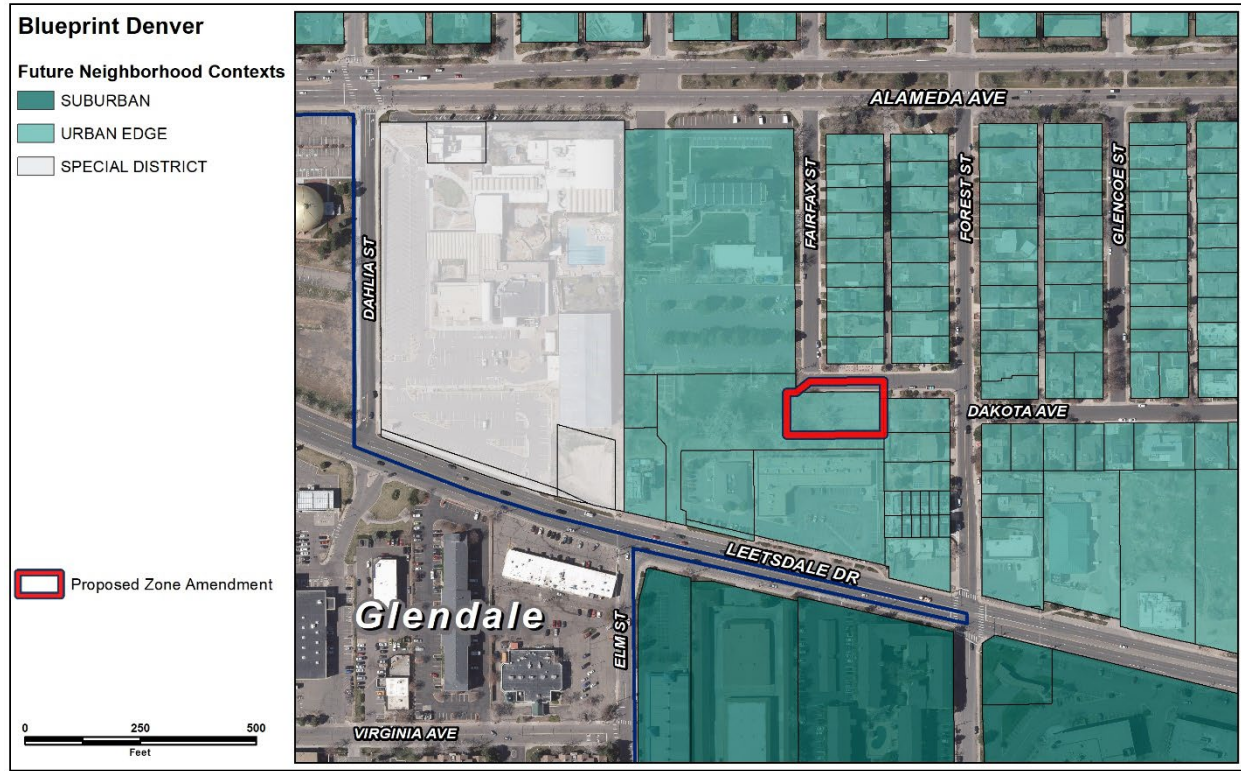
- *Environmentally Resilient Goal 8, Strategy A – Promote infill development where infrastructure and services are already in place* (p. 54).
- *Environmentally Resilient Goal 8, Strategy C – Focus growth by transit stations and along high- and medium-capacity transit corridors* (p. 54).

This site is an infill location where infrastructure is already in place allowing residents to live, work and play in the area. Similarly, the proposal focuses any future growth that results from this rezoning close to high-capacity transit (Leetsdale Drive). 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 Environmentally Resilient strategies of *Comprehensive Plan 2040*.

### **Blueprint Denver**

*Blueprint Denver* identifies the subject property as being located within the Urban Edge future neighborhood context, in a Community Corridor future place and on the Growth Strategy map within “All other areas of the city.”

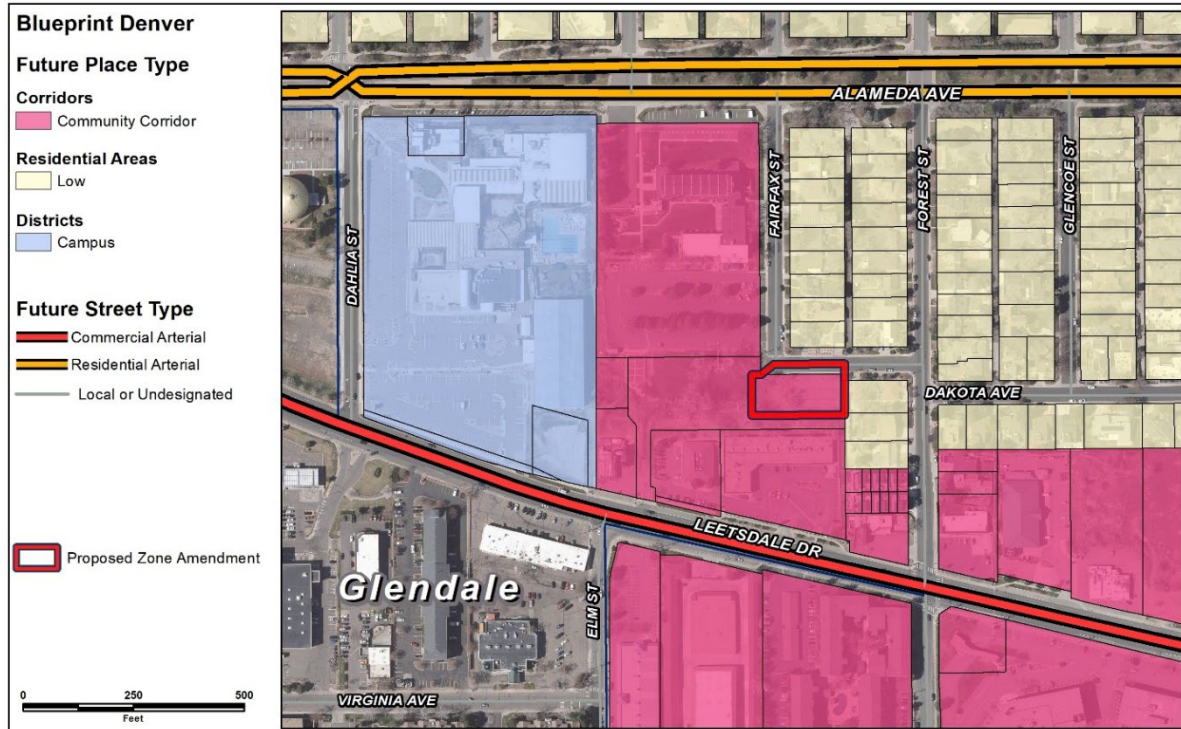
### **Blueprint Denver Future Neighborhood Context**



The subject site 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” (p. 206).

The proposed E-TU-B zone district is a two units zone district and part of 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 4.2.2.1). The proposed rezoning to E-TU-B is appropriate and consistent with the Urban Edge neighborhood context plan direction and will ensure quality development appropriate for the Washington Virginia Vale neighborhood.

### Blueprint Denver Future Place



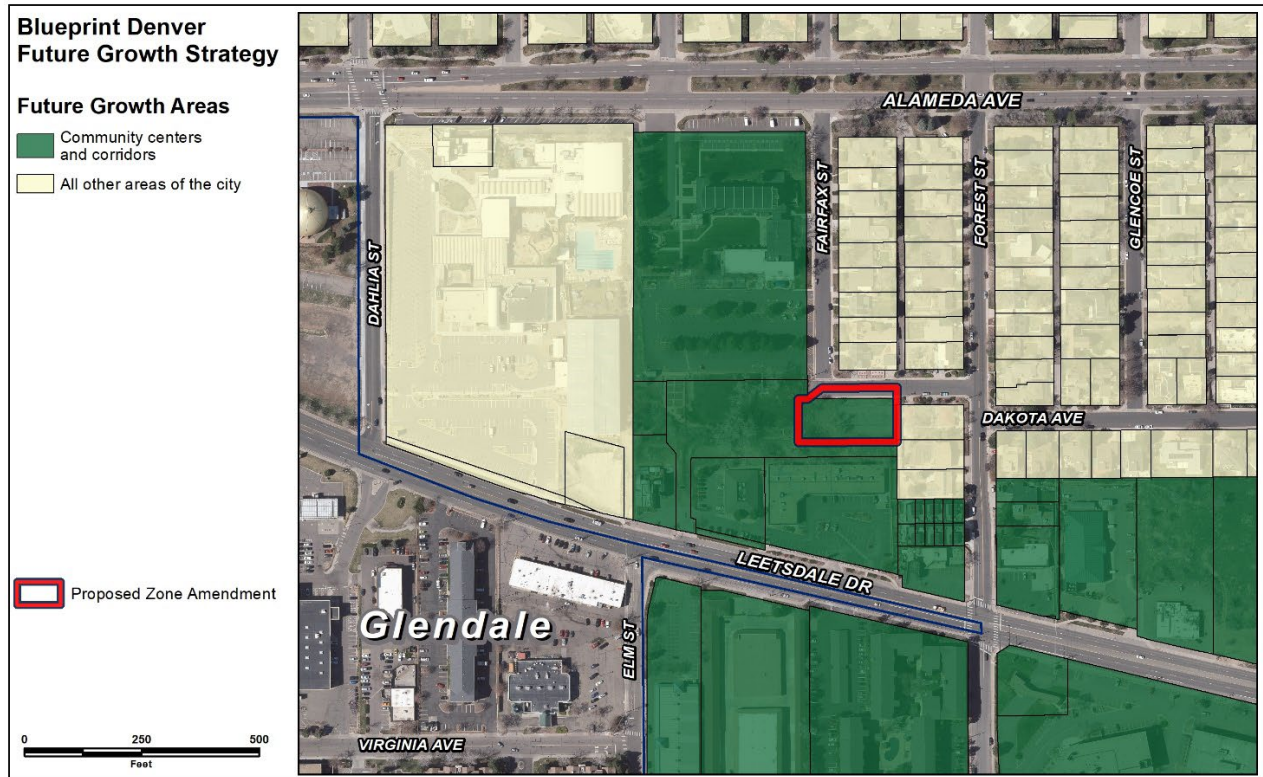
The subject property is mapped as Community Corridor in the Future Places Map. In the Urban Edge context, areas designated as Community Corridors “typically provide some mix of office, commercial and residential...Buildings have a distinctly linear orientation, [and]... heights are generally up to 5 stories” (p. 212). The proposed zone district is a two-unit district that allows for residential uses up to two stories and will contribute towards a greater mix of uses than exists today and serve as an appropriate transition to the single unit residential to the north and east. Therefore, the proposed E-TU-B zone district is consistent with the Community Corridor *Blueprint Denver* Future Places plan direction.

### Street Types

“*Blueprint Denver’s* street typology is intended to serve as a framework to develop context-sensitive street design guidelines and to update regulations and standards for how streets are designed” (p. 155). Street types tend to be consistent over larger stretches of roads rather than varying at the parcel level. For the purposes of rezonings, the street types are intended to “work in concert with the future place” to inform “the appropriateness of the intensity of the adjacent development” (p. 67).

East Dakota Avenue and South Fairfax Street are classified as Local Streets. These streets are “designed for the highest degree of property access and the lowest amount of through movement” (p. 154). Land uses along local streets vary, but they are most often characterized by residential uses (p. 161). Leetsdale Drive is classified as a Commercial Arterial street which “typically contain[s] commercial uses including shopping centers, auto services and offices” (p. 159). These types of arterial streets tend to support a higher level of adjacent development intensity than collector or local streets. As the proposed zone district, E-TU-B, allows for residential use along an undesignated local street, the district is consistent with the future street types at this location.

### Growth Strategy



The Future Growth Areas map, which is a version of the future places map, designates the subject property as “Community Centers and Corridors”, which are anticipated to account for 20 percent of jobs and 25 percent of new households in the city by the year 2040. “Focusing growth in centers and corridors helps to provide a variety of housing, jobs and entertainment options within a comfortable distance to all Denverites and is a key element of building complete neighborhoods throughout Denver” (p. 49). The proposed map amendment to E-TU-B will allow for residential growth in a Community Corridor where it has been determined to be most appropriate and, therefore, is consistent with the *Blueprint Denver* Future Growth Areas plan direction.

## 2. Uniformity of District Regulations and Restrictions

The proposed rezoning to E-TU-B 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 E-TU-B.

### **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 land use plan, which recommends "rezon[ing] properties from the Former Chapter 59 zoning code so that the entire city is covered by the DZC" (p. 73). The proposed rezoning would also facilitate housing density near a mix of uses and transit amenities, which have been linked to increased physical activity,<sup>1</sup> decreased obesity,<sup>2</sup> and decreased driving.<sup>3</sup>

Additionally, rezoning a portion of the property out of PUD 436 will not have a negative effect on the remaining PUD and development under the current PUD would still be possible.

### **4. Justifying Circumstance**

The application identifies 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 change may include: c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning." The zoning on the subject site is a Former Chapter 59 PUD. Rezoning from Former Chapter 59 zoning into the Denver Zoning Code is an appropriate justifying circumstance. Additionally, rezoning out of the existing PUD 436 will provide more flexibility to modify the site to accommodate changing conditions in the neighborhood.

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

The requested E-TU-B zone district is within the Urban Edge Neighborhood Context, defined by the Denver Zoning Code as, "primarily single-unit and two-unit residential uses...Single and two-unit residential uses are primarily located along local and residential arterial streets." (DZC Section 4.1.1). The rezoning is consistent with this description as it will allow a two-unit zone district adjacent to a local street where it is compatible with the general character of the neighborhood context.

It is also consistent with the general purpose of residential districts in this context as it will, "promote and protect residential neighborhoods" where "the standards of the two unit and row house districts promote existing and future patterns of lower scale multi-unit building forms that address the street in the same manner as an urban house building form." (DZC Section 4.2.2.1).

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<sup>1</sup> Ewing, R., and R. Cervero. 2010. "Travel and the Built Environment: A Meta-Analysis." *Journal of the American Planning Association* 76 (3): 265-94

<sup>2</sup> Ewing, R., T. Schmid, R. Killingsworth, A. Zlot, and S. Raudenbush. 2003. "Relationship between Urban Sprawl and Physical Activity, Obesity, and Morbidity." *American Journal of Health Promotion* 18: 47-57.

<sup>3</sup> Frumkin, Frank, and Jackson 2004; Fran et al. 2006; Ewing et al. 2008; Stone 2008.



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Furthermore, the rezoning is consistent with the specific intent of the E-TU-B zone district, which “allows up to two units on a minimum zone lot area of 4,500 square feet. Allowed building forms are the Urban House, Detached Accessory Dwelling Unit, Duplex and Tandem House building forms” (DZC Section 4.2.2.2.J) which would address the street similar to existing single- and multi-unit homes existing in the area.

### **Attachments**

1. Application
2. PUD 436
3. Comment Letter