



TO: Denver City Council
FROM: Ella Stueve, Senior City Planner
DATE: April 11, 2019
RE: Official Zoning Map Amendment Application #2018I-00105
2280 S. Bannock St.
Rezoning from U-TU-C to U-TU-B

Staff Report and Recommendation

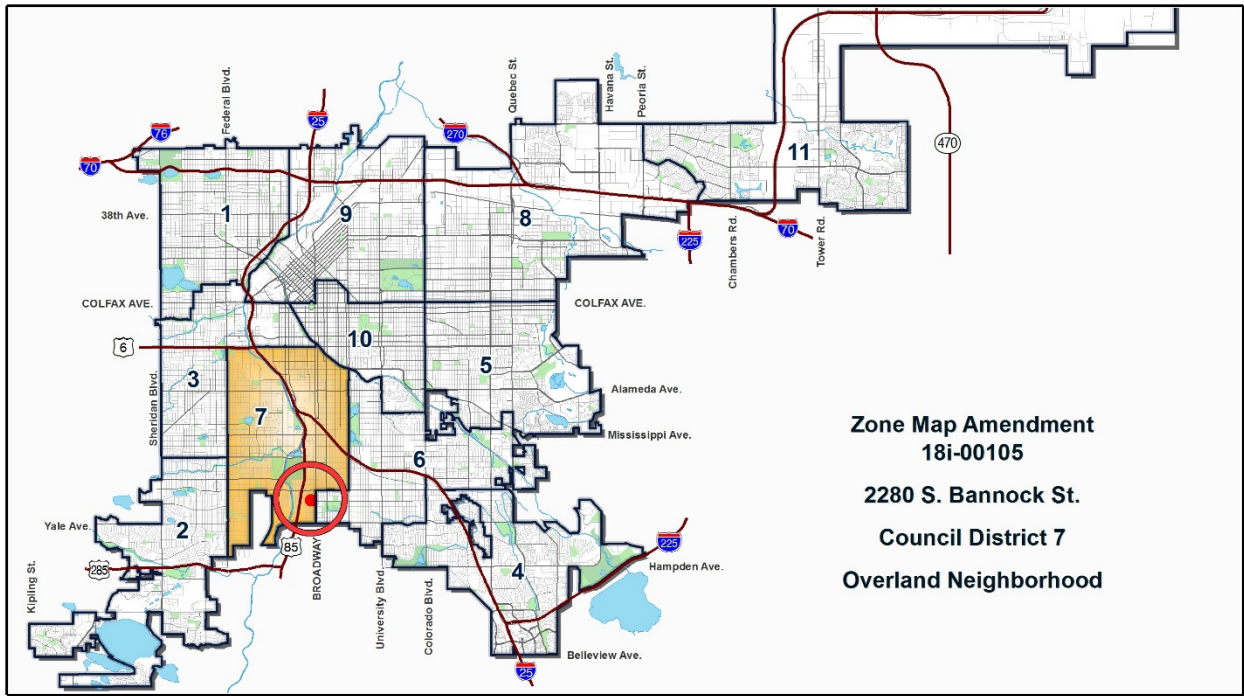
Based on the criteria for review in the Denver Zoning Code, staff recommends approval for Application #2018I-00105 for a rezoning from U-TU-C to U-TU-B.

Request for Rezoning

Address: 2280 S. Bannock St.
Neighborhood/Council District: Overland Neighborhood / Council District 7
RNOs: Southwest Denver Unidos, Overland Park Neighborhood Association, Inter-Neighborhood Cooperation (INC)
Area of Property: 9,370 Square Feet (Approx. 0.21 acres)
Current Zoning: U-TU-C
Proposed Zoning: U-TU-B
Property Owner(s): AEKDB LLC
Owner Representative: Jon Roberts

Summary of Rezoning Request

- The subject property currently contains a single unit dwelling residential use.
- The Applicant is requesting the rezoning to reduce the minimum required lot size for duplexes and ADUs and thereby allow higher density redevelopment of the property.
- The U-TU-B (**U**rban Neighborhood, **T**wo **U**nit, **B** = typical 4,500 s.f. minimum lot size) zone district allows up to two units in either the Duplex or Tandem House building forms on a minimum zone lot area of 4,500 square feet. Urban House building forms are also allowed on certain smaller zone lots. Further details of the zone districts can be found in Article 5 of the Denver Zoning Code (DZC).

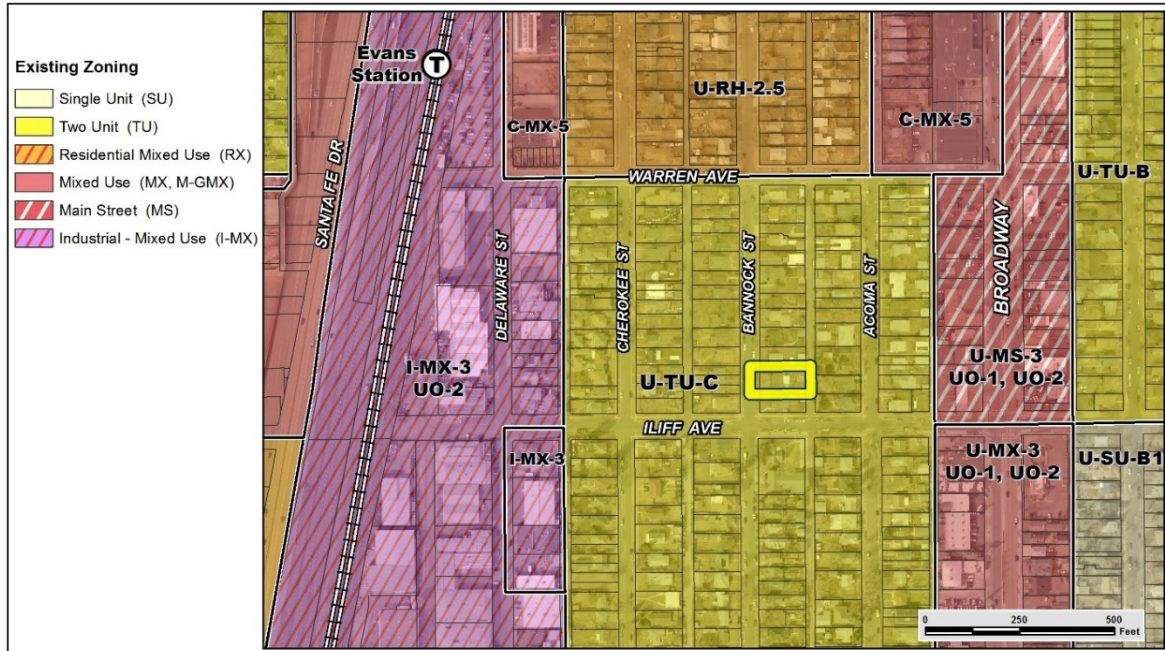


Existing Context

The subject property is located in a predominantly residential neighborhood composed of single-unit and two unit structures. The site is adjacent to single-unit residential uses on the north, south and east, with a multi-unit residential structure across Bannock St. to the west. There is an existing church south of the site across Iliff Ave., and a variety of commercial, office, industrial and residential uses along Broadway two blocks to the east. The site is located within ¼ mile of Evans Station. The following table summarizes the existing context proximate to the subject site:

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	U-TU-C	Single- unit residential	One -story single-unit residential structure with detached accessory structure	Generally regular grid of streets. Block sizes and shapes are consistent and rectangular. Vehicle parking to the rear of buildings (alley access) and on-street.
North	U-TU-C	Single- unit residential	One -story residential structure	
South	U-TU-C	Single- unit residential	One to 2-story residential structures	
East	U-TU-C	Single- unit residential	One to 2-story single unit residential structures	
West	U-TU-C	Single- and multi-unit residential	2.5-story rowhouse units, single-unit structures	

1. Existing Zoning

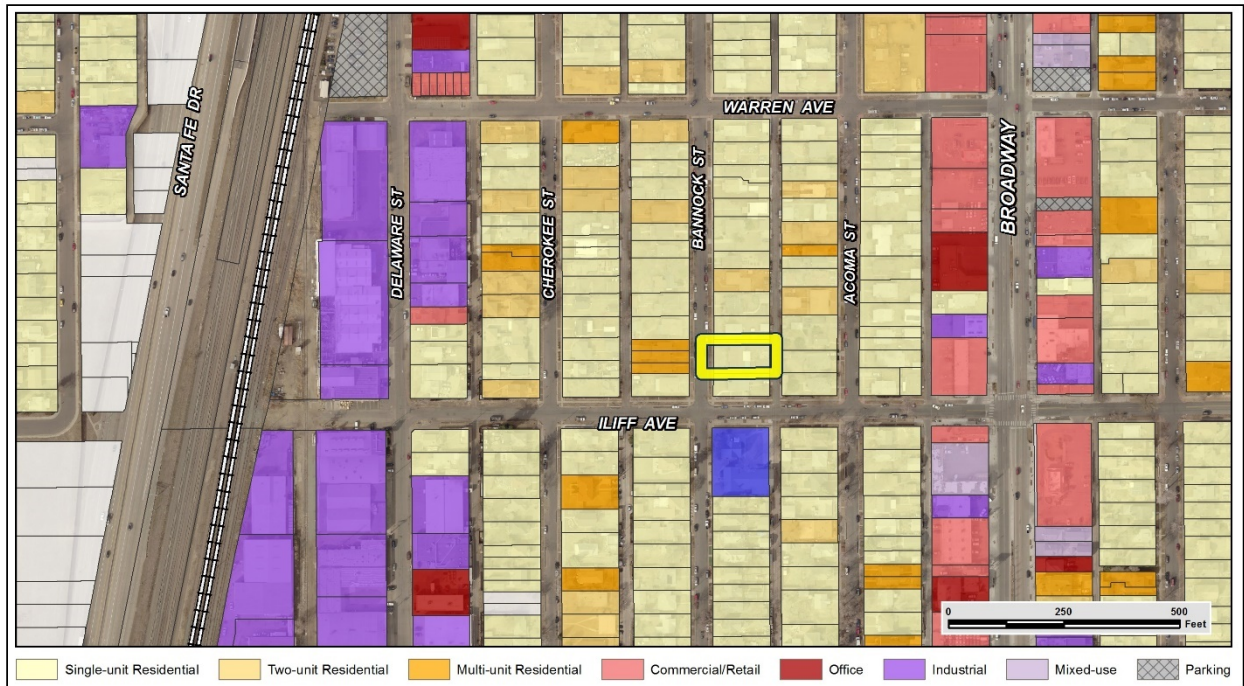


The current U-TU-C zone district is a two-unit residential district in the Urban Neighborhood context. It allows up to two units on a minimum zone lot area of 5,500 square feet. Urban houses are also allowed on smaller (4,500 SF) zone lots. Allowed primary building forms are the urban house, duplex and tandem house building forms. Allowed accessory building forms are the detached accessory dwelling unit, detached garage, and other detached accessory structures building forms. The maximum allowed height for primary structures is 30 to 35 feet, and setback requirements are 3 to 10 feet for the sides and 12 to 20 feet for the rear. Primary street setbacks are block sensitive, depending on the setbacks of nearby structures. There is no minimum parking requirement for single-unit residential uses. Detached Accessory Dwelling Units may be up to 24 feet tall, must be located in the rear 35% of the lot, set back five feet on the sides and rear, and cannot be larger than 1,000 square feet. For additional details of the zone district, see DZC Article 5.

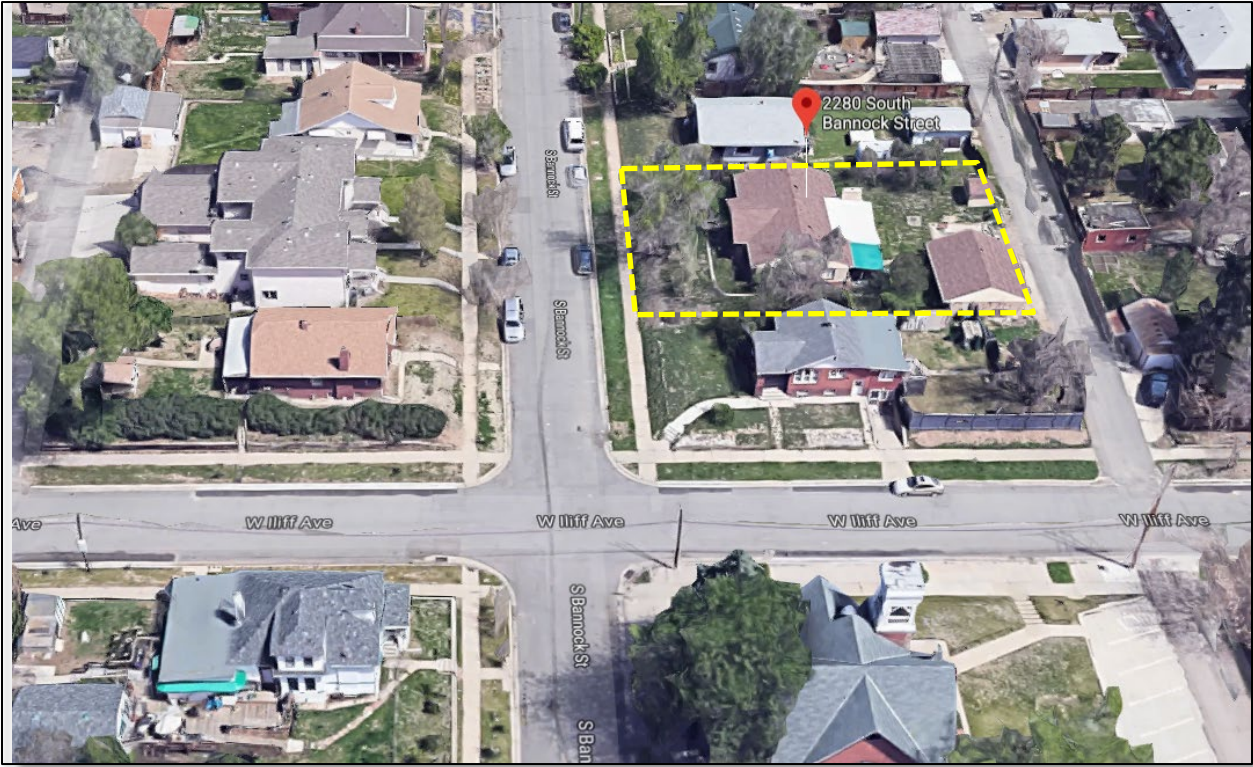
2. View Planes

The subject site is covered by the State Home Park View Plane, which protects views of the mountains from Harvard Gulch Park. The view plane limits building heights in the area to approximately 78 feet, greater than the 35 feet allowed by the existing and proposed zoning.

3. Land Use Map



4. Existing Building Form and Scale
(images from Google Street View)



Aerial View showing subject property and surrounding building scale



Image of subject property (left) and adjacent property to south



Image showing single- and multi-unit residential properties across S. Bannock St. to the west



Image looking south across Iliff Ave.

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 – Response

Denver Public Schools: Approved – No Response

Department of Environmental Health: Approved. See Comments Below:

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.

Parks and Recreation: Approved – No Response

Public Works – ROW - City Surveyor: Approved – No Comments

Development Services - Transportation: Approved – No Response

Development Services – Wastewater: Approved – No Response

Development Services – Project Coordination: Approved – No Comments

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 and registered neighborhood organizations:	10/02/18
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	2/4/19

City Council and registered neighborhood organizations:	
Planning Board hearing:	02/20/19 (Applicant requested this hearing date to meet with RNO)
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:	02/25/19
Land Use, Transportation and Infrastructure Committee review:	3/05/19
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:	3/25/19
City Council Public Hearing:	04/15/19

- **Registered Neighborhood Organizations (RNOs)**
 - To date, no comments from RNOs have been received.
- **Other Public Comment**
 - As of the date of this staff report, staff has received written comments (attached) from five nearby residents expressing support for the proposed rezoning.
- **Planning Board**

Planning Board voted unanimously to recommend approval of the proposed rezoning to U-TU-B. There was no public testimony during the hearing.

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)
- Evans Station Area Plan (2009)
- Overland Neighborhood Plan (1993)

Denver Comprehensive Plan 2000

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

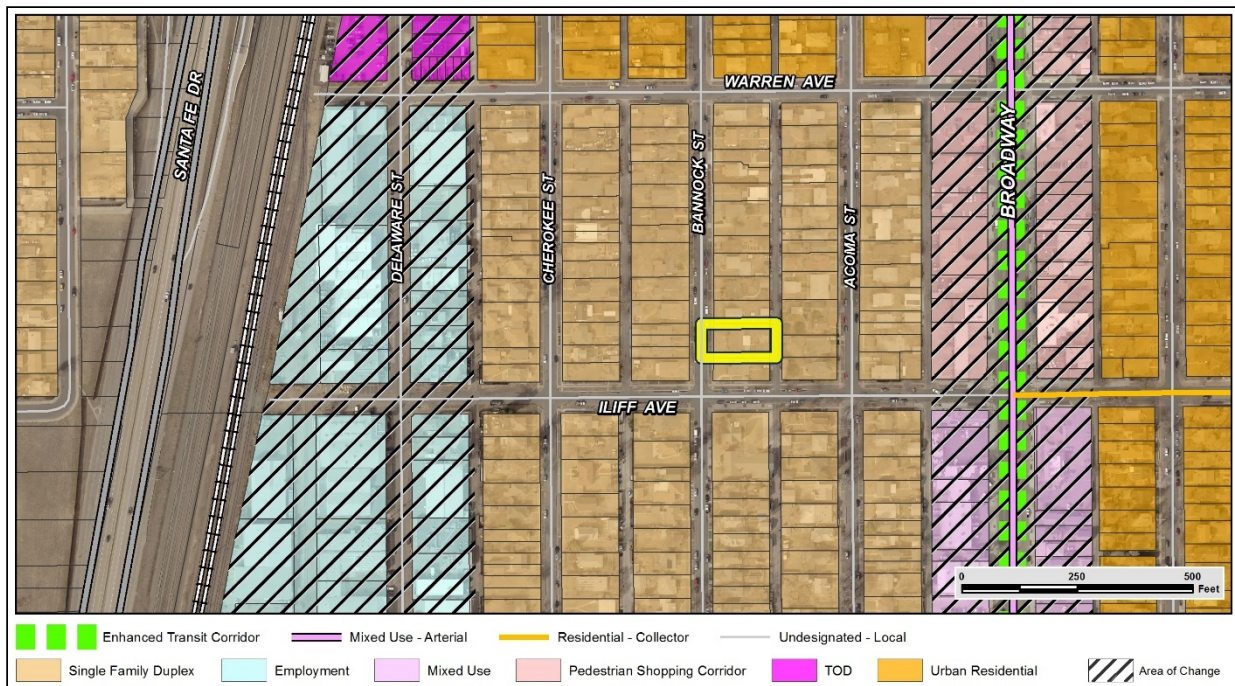
- Environmental Sustainability Strategy 2-F – *Conserve land by promoting infill development within Denver at sites where services and infrastructure are already in place; designing mixed use communities and reducing sprawl so that residents can live, work and play within their own neighborhoods; creating more density at transit nodes.*
- 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.*
- Neighborhoods Strategy 1-E – *Modify land-use regulations to ensure flexibility to accommodate changing demographics and lifestyles. Allow, and in some places encourage, a diverse mix of housing types and affordable units, essential services, recreation, business and employment, home-based businesses, schools, transportation, and open space networks.*
- Housing Objective 2 – *Encourage preservation and modernization of Denver’s existing housing stock and established neighborhoods. Support addition of housing in expansion and infill development.*

The proposed map amendment would allow additional density compatible with the existing neighborhood in an area where services and infrastructure are already in place. The proposed U-TU-B zoning would allow development that would increase the diversity and supply of housing in the area, consistent with the recommendations of Denver Comprehensive Plan 2000.

Blueprint Denver

According to the 2002 Plan Map adopted in Blueprint Denver, this site has a concept land use of Single Family - Duplex and is located in an Area of Stability.

Future Land Use



Blueprint Denver defines Single Family - Duplex areas as “moderately dense areas that are primarily residential but with some complementary, small-scale commercial uses” (p. 42). The plan also calls for a mixture of housing types, including single-family houses, duplexes, townhouses and small apartment buildings, at densities between 10 and 20 units per acre area-wide. The proposed U-TU-B zone district would allow duplex development within the anticipated range of density, adding to the mixture of housing types in the area. The proposed map amendment is consistent with the future land use recommendation of the plan.

Area of Change / Area of Stability

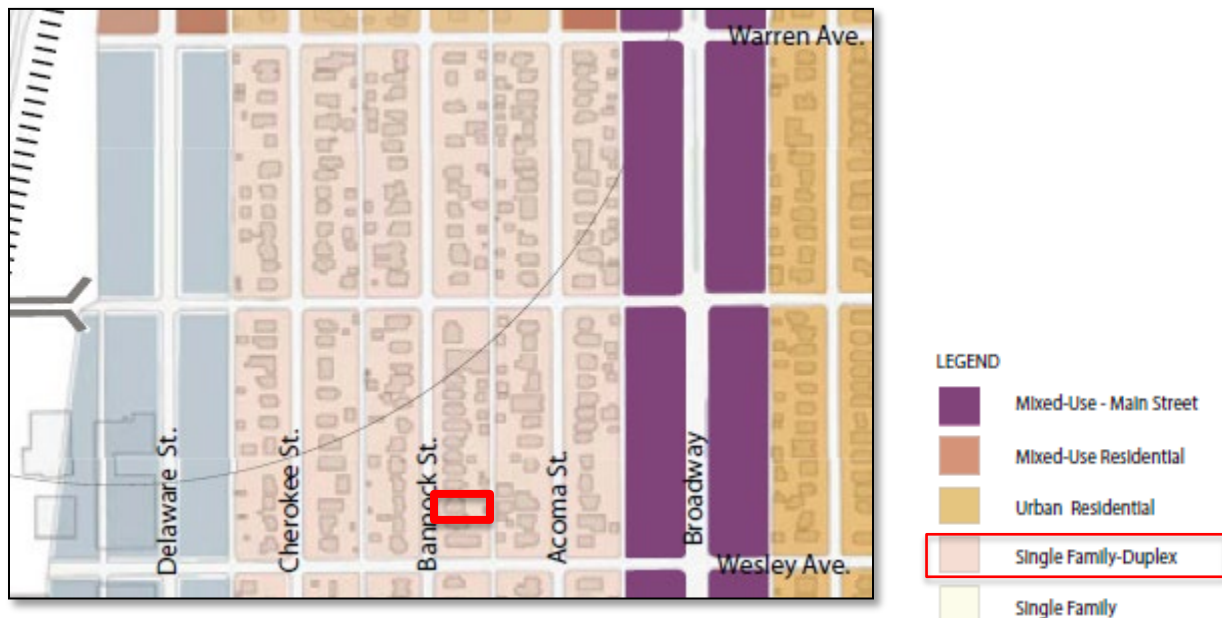
As noted, the site is in an Area of Stability. According to Blueprint Denver, “the goal for Areas of Stability is to identify and maintain the character of an area while accommodating some new development and redevelopment.” The proposed U-TU-B zone district would allow redevelopment of the subject site at an increased density, compatible with the mixture of residential types already found in the neighborhood and consistent with the plan recommendation.

Street Classifications

Blueprint Denver classifies the streets around the subject site (Bannock and Iliff) as Undesignated Local streets. The plan describes Undesignated Local streets as “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” (p. 51). Development under the proposed U-TU-B zone district would be at a scale appropriate for local streets. The subject property is also in an area well-served by nearby arterial and collector streets. The proposed map amendment is consistent with the Blueprint Denver recommendations for future land use, street type, and Areas of Stability.

Evans Station Area Plan

The Evans Station Area Plan was adopted by City Council in 2009 and includes recommendations for the area in which the subject property is located. The subject property is designated Single Family – Duplex in the Land Use Plan, the intent of which is to “encourage reinvestment in existing residential neighborhoods adjacent to the station” and to “allow a mixture of housing types including single family houses, duplexes and carriage houses, but maintain the character of these neighborhoods by encouraging new development consistent with existing conditions” (P. 15). The Plan recommends minimum lot sizes of 4,500 square feet, moderate lot coverage, shallow to moderate setbacks, and typical densities between 10 and 20 housing units per acre area-wide (P. 15). This land use designation is consistent with the single family/duplex residential designation in *Blueprint Denver*.



Evans Station Area Plan Land Use Map

One of the goals of the Evans Station Area Plan is to “maintain residential character of surrounding communities and encourage development of a full range of housing types and housing price points” (p. 10). It also recommends to “increase the supply of housing including for sale and rental housing of varying types and at a variety of price points” (p. 17). One of the implementation strategies of the plan is to “rezone or support rezoning applications within the Evans Station Area to allow for a future mixed-use neighborhood and residential development aligning with this Plan’s Vision and recommendations. New zoning districts should promote diverse housing choice integrated with employment and shopping opportunities” (p. 45).

The proposed map amendment would allow an increase in density that is compatible with the surrounding area and near the Broadway commercial corridor, facilitating the creation of the mixed-use neighborhood recommended in the plan. The U-TU-B zone district would allow single-unit and two-unit houses and accessory dwelling units of the scale and on the minimum lot size recommended by the plan, increasing the supply and variety housing in the neighborhood. The proposed rezoning is consistent with the recommendations of the Evans Station Area Plan.

Overland Neighborhood Plan

The subject property is located within the Overland Neighborhood, and is therefore subject to the 1993 Overland Neighborhood Plan. While the Evans Station Area Plan includes more specific and applicable policy direction for the subject area, the Overland Neighborhood Plan does include some guidance with which the proposed map amendment is consistent. Specifically, the proposed map amendment is consistent with the action recommendation to “encourage property owners in residential areas to invest time and necessary resources on the beautification of their neighborhood” (P. 13), as well as the general Plan guidance related to maintaining residential character and supporting transit. Overall, the proposed rezoning is consistent with the recommendations of the Overland Neighborhood Plan.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to U-TU-B 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 of the City, primarily through implementation of the city’s adopted land use plans as detailed above. In addition, the proposed map amendment would improve public health and welfare by allowing more residents to live within easy walking distance of transit, while maintaining compatible scale and intensity in terms of allowed mix of uses and allowed building scale.

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 change may include changes or changing conditions in a particular area, or in the city generally.” The property is near the Broadway commercial corridor, which is continuing to see reinvestment, including significant streetscape improvements made in the last few years. There has also been additional residential development in the Evans Station area, such that it is in the public interest to allow additional density at the subject site compatible with the changing conditions of the area.

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

The requested U-TU-B zone district is within the Urban Neighborhood Context. The neighborhood context generally consists of single-unit and two-unit residential uses in a regular block pattern with consistent alleys (DZC, Division 5.1). The current zone district, U-TU-C, is also within the Urban Neighborhood Context. The Overland neighborhood fits the description of an Urban neighborhood as described above. The proposed rezoning to U-TU-B would allow development consistent with the neighborhood context description.

The intent of the residential zone districts within the Urban Neighborhood Context is “to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context.” More specifically, “the standards of the two unit and rowhouse 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 5.2.2.1). The proposed U-TU-B zoning would allow development consistent with the desired character for the surrounding residential neighborhood and with the purpose and intent of the zone district.

Attachments

1. Rezoning Application
2. Public Comments