



TO: Land Use, Transportation, and Infrastructure Committee
FROM: Jeff Hirt, Senior City Planner
DATE: June 21, 2018
RE: Official Zoning Map Amendment Application #2017I-00043
10050 & 10150 E. Harvard Ave. & 2570 S. Dayton Way
Rezoning from R-2-A to S-MU-5 and S-MU-8

Staff Report and Recommendation

Staff recommends that the Land Use, Transportation, and Infrastructure Committee move Application #2017I-00043 forward for consideration by the full City Council. Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2017I-00043.

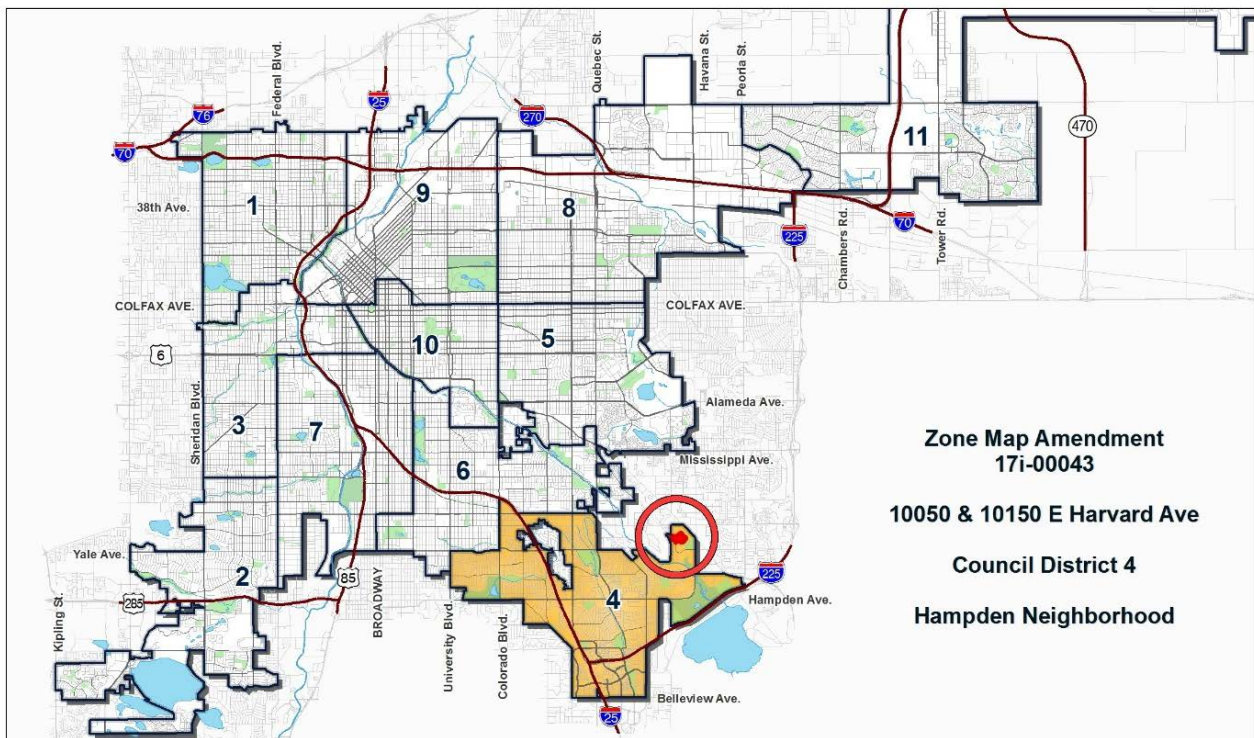
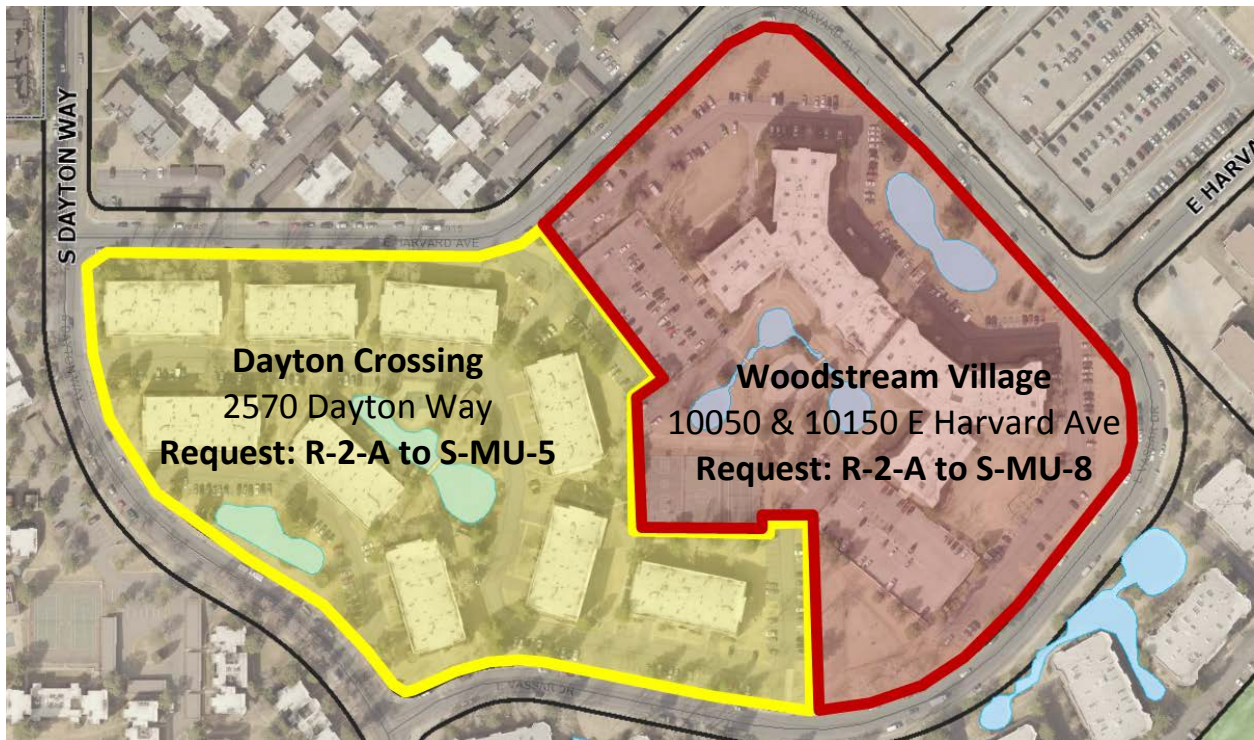
Request for Rezoning

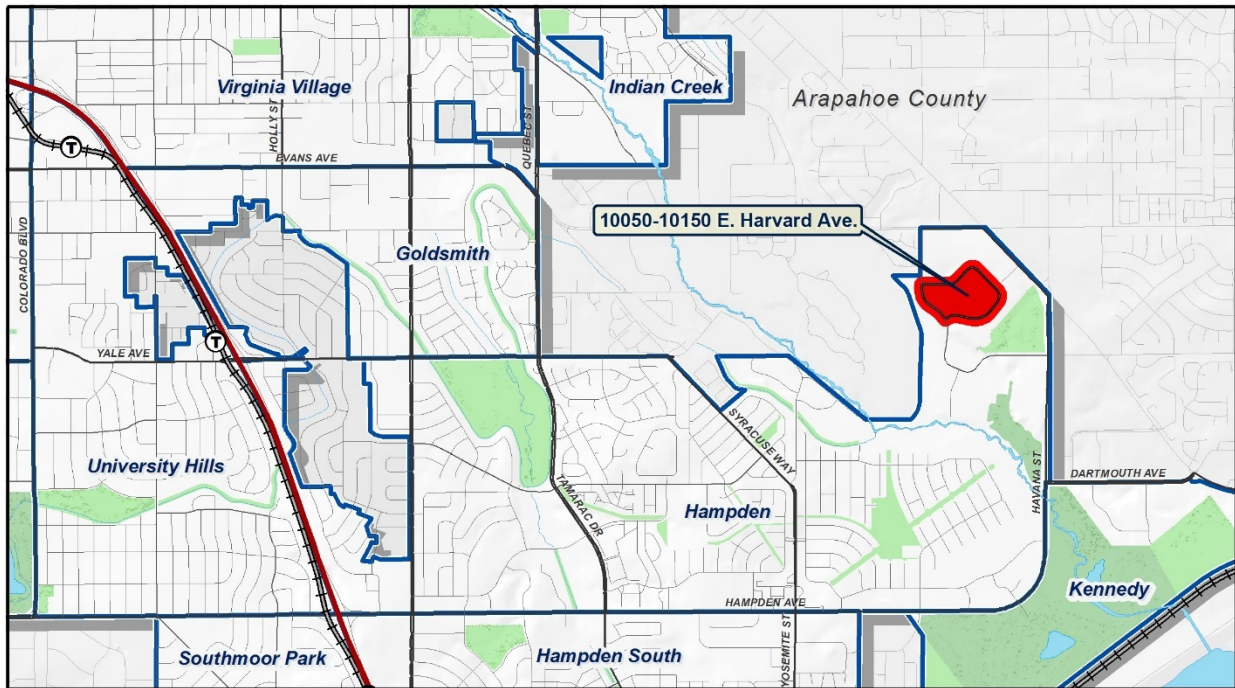
Application: #2017I-00043
Address: 10050 & 10150 E. Harvard Ave. and 2570 S. Dayton Way
Neighborhood/Council District: Hampden / Council District 4
RNOs: Inter-Neighborhood Cooperation
Area of Properties: Woodstream Village: 492,664 SF (11.3 acres), Dayton Crossing: 457,380 SF (10.5 acres)
Current Zoning: R-2-A
Proposed Zoning: Woodstream Village: S-MU-8; Dayton Crossing: S-MU-5
Property Owner(s): CH Dayton Crossing Communities, LLC; CR Woodstream Village Communities, LLC
Owner Representative: Richard M. Sidoroff

Summary of Rezoning Request

- The subject properties are in the Hampden statistical neighborhood on the Parker Road corridor near the city boundary with Aurora.
- Woodstream Village has two 6- to 7-story multi-unit buildings built in 1980 and two one-story parking structures that serve the multi-unit buildings.
- Dayton Crossing has nine separate 3- to 4-story multi-unit buildings built in 1981.
- The purpose of the request is to accommodate an expansion or modification to the existing parking structures on the Woodstream Village parcel that serve the adjacent multi-unit buildings.

Rezoning Request Map





Existing Context

The subject properties are in a predominantly multi-unit residential neighborhood with some office uses. 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	R-2-A	Multi-unit residential	The Woodstream Village parcel contains two 6- to 7-story multi-unit buildings built in 1980 that are connected by a one-story common area building and two one-story parking structures that serve the multi-unit buildings. The Dayton Crossing parcel contains nine separate 3- to 4-story multi-unit buildings built in 1981.	Irregular street grid with large blocks; S Dayton Way connects across East Iliff Avenue and turns into Yale Avenue connecting across Havana Street. Connections within blocks provided by interior drives accessed from the street. Vehicle parking is around buildings in surface lots and garages. The Woodstream Village and Dayton Crossing parcels together constitute an entire 22-acre block.
North	B-2	Office	To the north of Woodstream Village is one four-story office building and one nine-story office building. The nine-story office building has upper story side setbacks that transition from four stories to nine stories. According to city GIS records, the building height is about 141 feet. Both buildings are served by two large two-story parking structures with access off Harvard Avenue and no direct access off Parker Road.	
South	R-2-A	Multi-unit residential	To the south of both Woodstream Village and Dayton Crossing are several four-story multi-unit buildings.	
East	R-2-A	Multi-unit residential	To the east of both Woodstream Village and Dayton Crossing are several four-story multi-unit buildings.	
West	R-2-A	Multi-unit residential	To the west of both Woodstream Village and Dayton Crossing are several 2- to 3-story multi-unit buildings.	

1. Existing Zoning

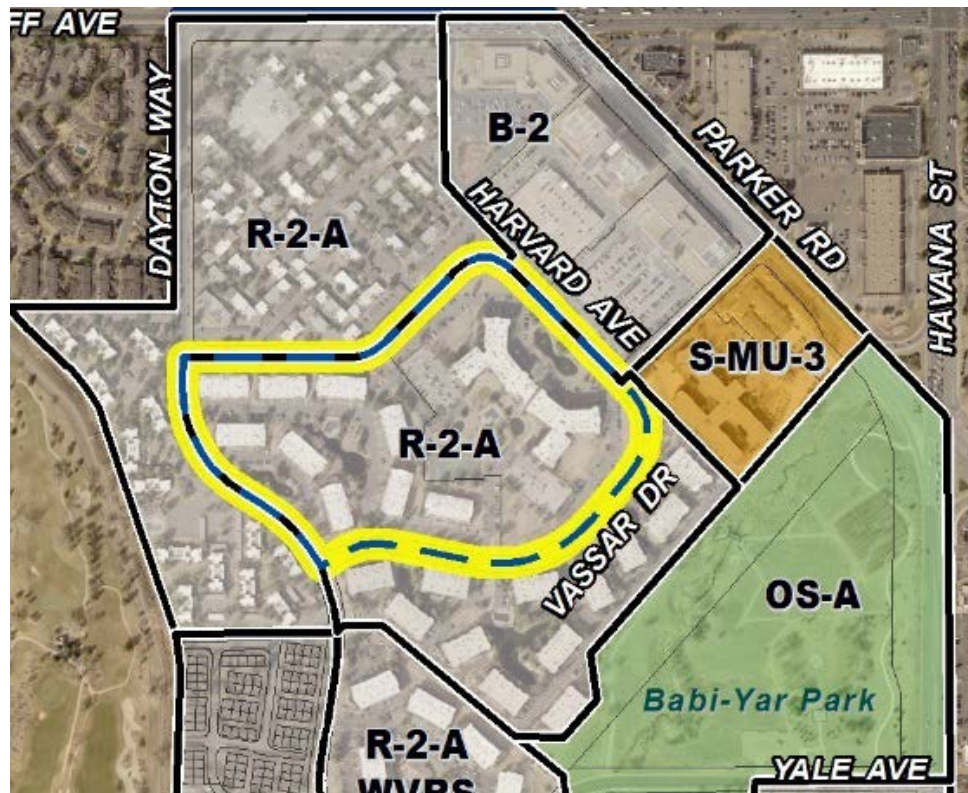
The existing zoning on the subject properties is R-2-A. R-2-A is a Former Chapter 59 residential zone district that allows multi-unit residential and some limited institutional uses. The maximum building height in R-2-A is 110 feet. The maximum density is one dwelling unit per 2,000 square feet of zone lot area, except in a Planned Building Group the maximum dwelling is one dwelling unit per 1,500 square feet of zone lot area.

The subject properties are also within the Apartments at Woodstream Planned Building Group (PBG), which has more restrictive building heights and intensities than the R-2-A zone district. The PBG was approved in 1980 and acts as a site plan that reflects current conditions. The PBG sets forth allowed building footprints and heights that mirror the existing buildings. The PBG also addresses the number of dwelling units, number of parking spaces, and other technical site planning details like water service and street sections (See Attachment 2). The PBG permits 633 dwelling units, which is the maximum number of units allowed under the R-2-A density of 1 unit per 1,500 square feet. Therefore, to expand the residential use, the property would need to be rezoned.

R-2-A is a Protected District, but S-MU-5 and S-MU-8 are not. If the Woodstream Village property is rezoned to S-MU-8, it will be subject to all Protected District standards including additional setbacks and use limitations. Specifically, per Former Ch. 59 Sec. 59-96 (b), no building may be greater than 75 feet in height within 175 feet of the R-2-A zone district. The S-MU-5 zone district does not have a similar height restriction since the maximum building height is 65 feet, but other protected district standards such as setbacks and use limitations still apply.

The surrounding properties to the west, south, and east are R-2-A with one area zoned S-MU-3. These properties have various Planned Building Groups and waivers to the R-2-A zone district that also reflect current conditions related to building height and configurations. The properties zoned S-MU-3 have existing three story multi-unit buildings.

The properties to the north are zoned B-2. B-2 is a Former Ch. 59 Zone District with a range of permitted uses, including office and some retail, that required a development plan following the approval of the zoning (Sec. 59-192). In the B-2 zone district, building massing is regulated through a Floor Area Ratio (FAR) of 1:1 and bulk plane limitations (Sec. 59-186 (f)).



2. Existing Land Use Map

The subject properties are surrounded predominantly by multi-unit residential to the west, south, and east. To the north of Woodstream Village are several office buildings with frontage along Parker Road.

-  Office
-  Single-unit Residential
-  Multi-unit Residential
-  Park/Open Space
-  Vacant



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.

Subject Site Images (source: Google Maps)

Woodstream Village Images



Woodstream Village Looking Southwest



Woodstream Village Looking West



Woodstream Village Looking South

Dayton Crossing Images



Dayton Crossing Looking East



Dayton Crossing Looking North



Dayton Crossing Looking East

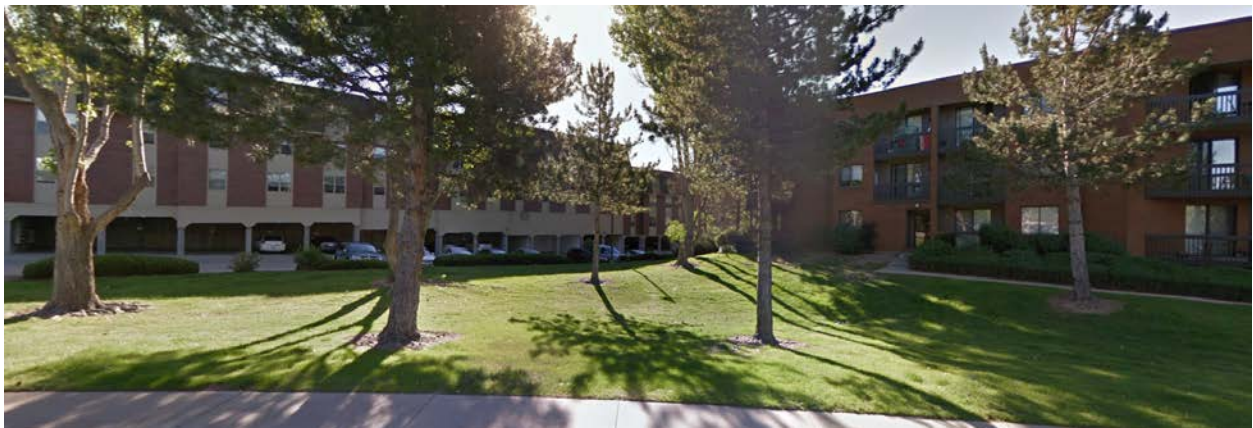


Dayton Crossing Looking South

Surrounding Area Images (source: Google Maps)



Woodstream Village Surrounding Property Looking North



Woodstream Village Surrounding Property Looking East



Woodstream Village Surrounding Property Looking West



Dayton Crossing Surrounding Property Looking South



Dayton Crossing Surrounding Property Looking West



Dayton Crossing Surrounding Property Looking North

V. 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:

Asset Management – Approved

Public Works – Surveyor: Approved

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

Environmental Health: Approved with comments.

Notes. The Denver Department of Environmental Health (DEH) is not aware of potential environmental concerns in the project area that should be considered 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.

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.

Public Review Process

	Date
CPD informational notice of receipt of the rezoning application to all affected members of City Council and registered neighborhood organizations	4/16/18
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	5/21/18
Planning Board public hearing. Planning Board unanimously recommended approval.	6/6/18
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)	6/15/18
Land Use, Transportation and Infrastructure Committee of the City Council review (tentative)	6/26/18
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)	7/16/18
City Council Public Hearing (tentative)	8/6/18

The RNO identified on page 1 was notified of this application. As of the date of this staff report, no public comments have been received.

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)*

Denver Comprehensive Plan 2000

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

- Housing Strategy 1-H – Encourage development of housing that meets the increasingly diverse needs of Denver’s present and future residents in the Citywide Land Use and Transportation Plan (p. 58); and
- 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. (p 60).

The proposed rezoning is consistent with the Denver Comprehensive Plan for the following reasons:

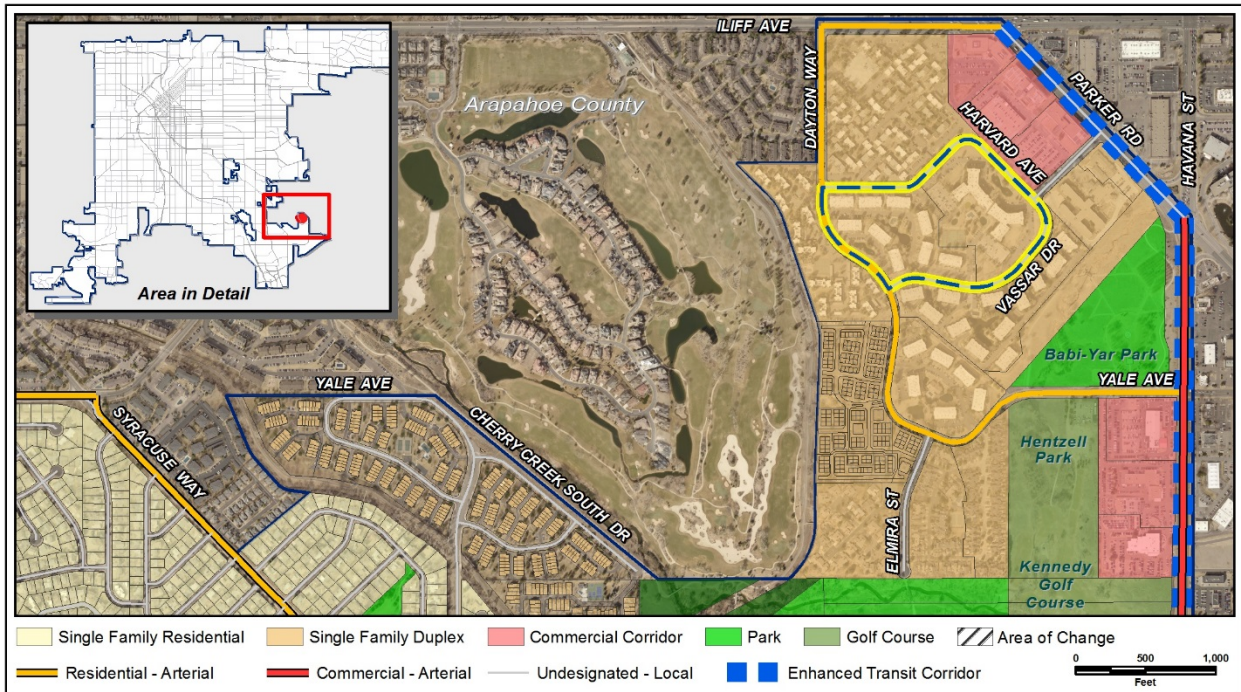
- The rezoning would encourage the development of housing by eliminating the restrictions in the Apartments at Woodstream Village Planned Building Group (PBG). The PBG was approved in 1980 and limits the future of the subject properties only to existing conditions and no expansions of the residential use.
- The S-MU-8 zone district for the Woodstream Village parcel and the S-MU-5 zone district for the Dayton Crossing parcel both are consistent with the character of the surrounding neighborhood. Specifically:
 - Woodstream Village (requesting S-MU-8): The property to the north of Woodstream Village is a nine-story office building with access off of Harvard Avenue directly across Woodstream Village. Woodstream Village has two existing 6- to 7-story multi-unit residential building.
 - Dayton Crossing (requesting S-MU-5): The S-MU-5 zone district is consistent with the adjacent Woodstream Village context that makes up the rest of this 22-acre block. Woodstream Village has an existing seven story multi-unit residential building. Dayton Crossing’s existing context is multiple four-story buildings. Additionally, while the surrounding blocks have predominantly three-story buildings, they are buffered from the Woodstream Village and Dayton Crossing block with large setbacks, landscaping, and surface parking areas.

Blueprint Denver (2002)

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

Future Land Use

Blueprint Denver describes Single Family Duplex Residential areas as moderately dense areas that are primarily residential but with some complementary, small-scale commercial uses. There is a mixture of housing types, including single-family houses, duplexes, townhouses and small apartment buildings (p. 42).



Area of Stability

The site is in an Area of Stability. The purpose of Areas of Stability is to identify and maintain the character of an area while accommodating some new development and redevelopment in appropriate locations (p. 24). Blueprint Denver characterizes Areas of Stability as needing to balance the need for investment in some places, while preserving existing neighborhood character in others.

Street Classifications

Blueprint Denver classifies Dayton Way as a Residential Collector. Blueprint Denver states “collectors are designed to provide a greater balance between mobility and land access within residential, commercial and industrial areas”. Blueprint Denver classifies East Harvard Avenue and East Vassar Street as Undesignated Local streets. Blueprint Denver states “the design features of local streets are influenced less by traffic volumes and are 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).

The proposed rezoning is consistent with Blueprint Denver for the following reasons:

- The rezoning would accommodate investment in a 38-year-old multi-unit housing complex with limitations from the Apartments at Woodstream Village PBG, since the PBG must be amended each time any expansion or significant modification is requested.
- The rezoning would accommodate investment at an appropriate location. Dayton Way is a Residential Collector, and portions of the subject properties are within ¼ mile of a Blueprint Denver-designated Enhanced Transit Corridor in Parker Road.
- The rezoning would eliminate a custom, Former Chapter 59 Zone District and bring the site into the Denver Zoning Code, which is consistent with the Blueprint Denver policy that Former Chapter 59 zoning, and particularly custom zoning, is out of step with the Blueprint Denver vision (pp. 72, 82).

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to S-MU-5 and S-MU-8 would 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. The rezoning would support reinvestment and opportunities for future expansions of a 38-year old multi-unit residential development.

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" because:

- The subject properties have retained Former Chapter 59 zoning and this application would rezone the site into the Denver Zoning Code; and
- The Parker Road corridor in proximity to the subject properties has seen significant redevelopment, including redevelopment of large commercial shopping areas on the north side of Parker Road.

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

The requested S-MU-5 and S-MU-8 zone districts are within the Suburban Neighborhood Context. In this context, multi-unit building forms are typically separated from single-unit residential and consist of Row House and occasional mid- and high-rise Apartment building forms. Multi-unit residential buildings typically have deep front setbacks and wide side setbacks (DZC, Division 3.2).

The requested S-MU-5 and S-MU-8 zone districts are multi-unit districts that allow the suburban house, duplex, row house, and apartment building forms. The S-MU-5 zone district allows up to five stories or 65 feet in building height. The S-MU-8 zone district allows up to eight stories or 100 feet in building height. The standards promote existing and future patterns of multiple buildings on a single Zone Lot and are also intended to reinforce desired development patterns in existing neighborhoods while accommodating reinvestment (See DZC Section 3.2.2.1.B).

The S-MU-5 and S-MU-8 zone districts are consistent with this criterion because they promote the existing conditions on the subject properties of multiple buildings on a single zone lot, low to mid-rise apartment building forms, and deep setbacks.

Attachments

1. Rezoning application
2. Apartments and Woodstream Village Planned Building Group