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**TO:** Land Use, Transportation, and Infrastructure Committee of the Denver City Council  
**FROM:** Scott Robinson, Senior City Planner  
**DATE:** June 25, 2020  
**RE:** Official Zoning Map Amendment Application #2017I-00146

### **Staff Report and Recommendation**

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2017I-00146.

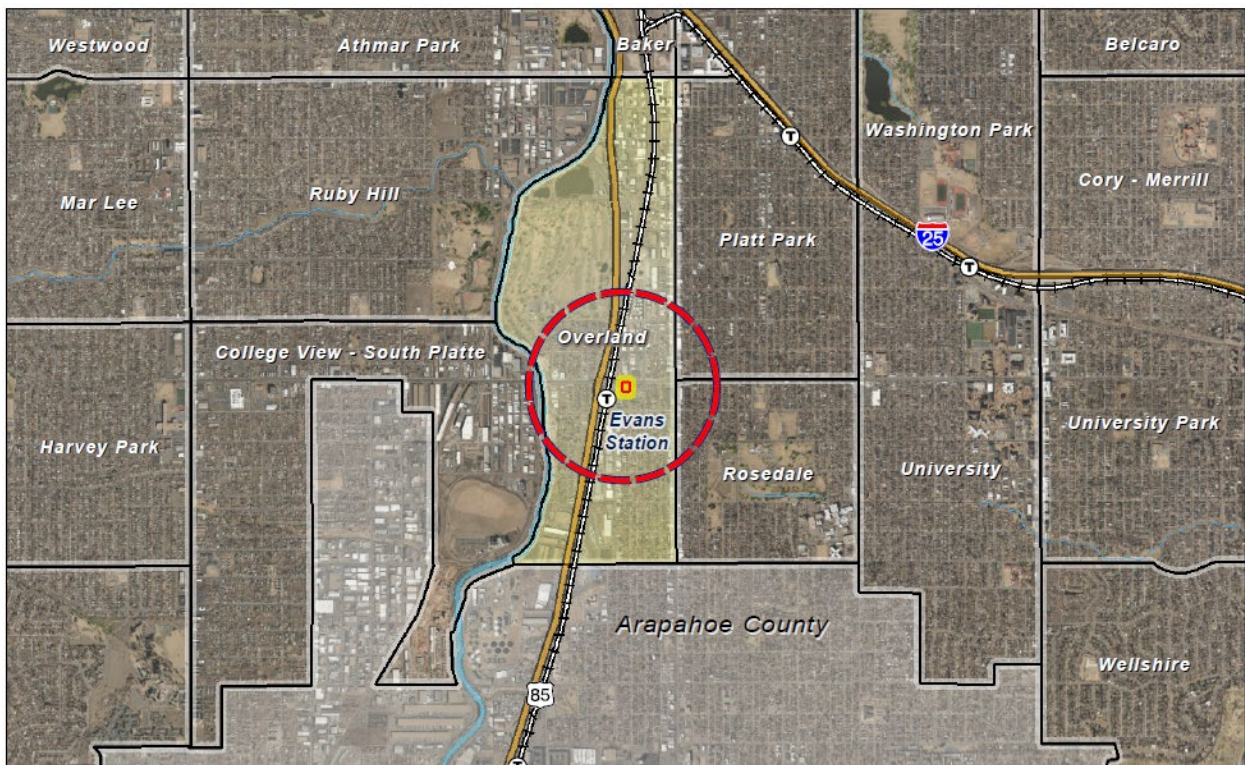
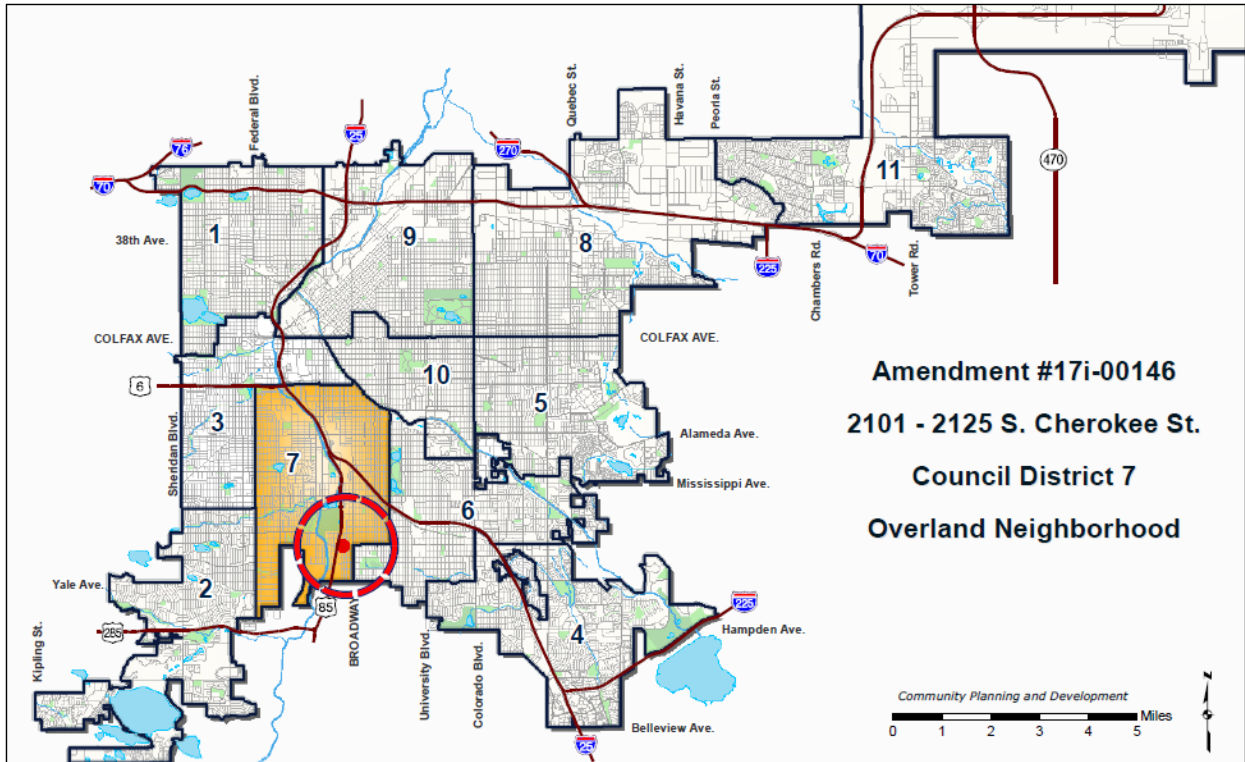
### **Request for Rezoning**

Address: 2101, 2119, and 2125 S. Cherokee St.  
Neighborhood/Council District: Overland / Council District 7  
RNOs: Overland Park Neighborhood Association; Southwest Denver Unidos; Inter-Neighborhood Cooperation (INC)  
Area of Property: 15,625 square feet  
Current Zoning: U-RH-2.5  
Proposed Zoning: G-MU-3  
Property Owner: 101.119.125 LLC  
Owner Representative: Niccolo Casewit

### **Summary of Rezoning Request**

- The subject property is in the Overland neighborhood, at the corner of Evans Avenue and Cherokee Street, between Santa Fe and Broadway near the Evans light rail station.
- The property currently has two single-unit houses on it.
- The applicant is requesting the rezoning to redevelop the property into a multi-unit dwelling.
- The G-MU-3 (**G**eneral Urban, **M**ulti-**u**nit, **3**-story) zone district allows single-unit, two-unit, and multi-unit household living uses in Urban House, Duplex, Garden Court, Town House, and Apartment primary building forms. Further details of the requested zone district can be found in the proposed zone district section of the staff report (below) and in Article 6 of the Denver Zoning Code (DZC).

### Existing Context



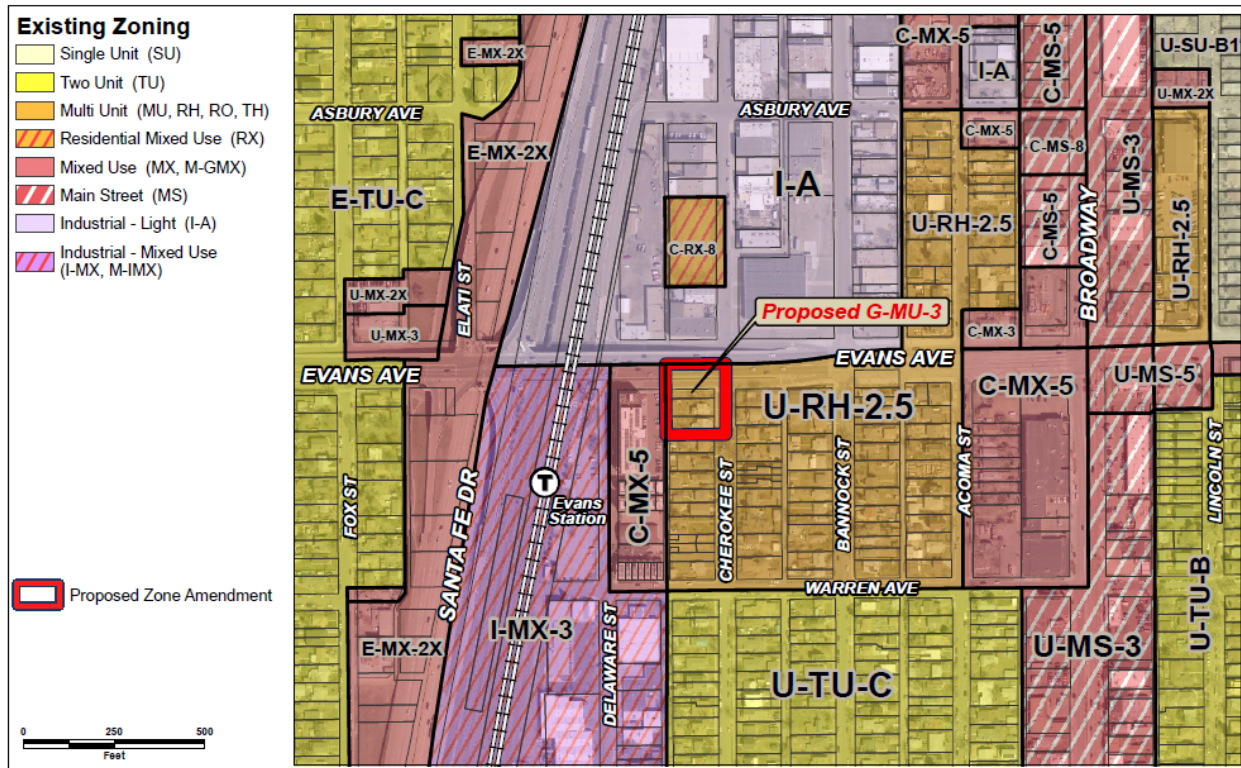


The subject property is located in the Overland neighborhood, at the corner of Cherokee Street and the Evans Avenue access road. Evans Avenue is elevated north of the access road for the Santa Fe overpass and access to Evans Avenue is one block east of the subject property. The Evans RTD light rail station is one block to the west of the subject property, and there is RTD bus service on Evans Avenue. The Broadway commercial corridor is three blocks to the west. Pasquinel's Landing and Grant Frontier parks are about ¼-mile to the west, and Rosedale park is about ½-mile to the southeast.

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-RH-2.5	Single-unit dwellings	1-story houses	Generally regular grid of streets, interrupted to the west by the rail line and Santa Fe. Block sizes and shapes are consistent and rectangular. Vehicle parking to the side or rear of buildings (alley access).
North	I-A	Light industrial	Overpass, 1-story industrial buildings	
South	U-RH-2.5	Two-unit and single-unit dwellings	1.5-story duplex, 1-story houses	
East	U-RH-2.5	Single-unit dwellings	1-story houses	
West	C-MX-5	Multi-unit dwellings	5-story apartment building	

### 1. Existing Zoning



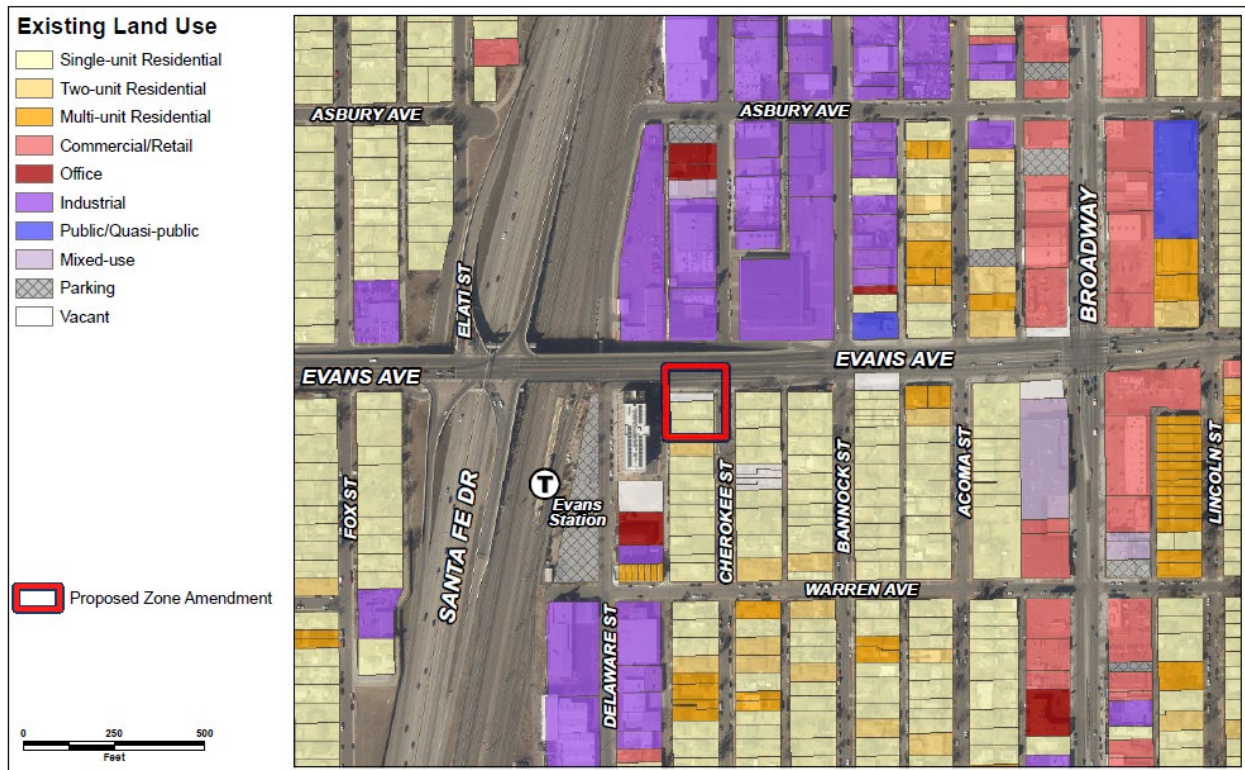
The current U-RH-2.5 zone district allows the urban house, duplex, tandem house and row house primary building forms. The maximum building height is 30 feet, except the row house form has a

maximum of 35 feet. Front setbacks are block sensitive, side setbacks are between five and 7.5 feet for the street side and between five and 10 feet for the interior side, and rear setbacks are between five and 12 feet. Detached accessory dwelling units, detached garages and other detached accessory structures are allowed. Single-unit, two-unit, and multi-unit dwelling and certain group living uses are allowed. There is no minimum parking requirement for single-unit dwelling uses; two-unit and multi-unit dwelling uses require one space per unit.

## 2. View Planes

The subject property is subject to the Washington Park view plane, which limits building heights on the property to 135-140 feet. This is greater than the maximum height allowed under the proposed G-MU-3 zone district of 40 feet.

## 3. Existing Land Use Map



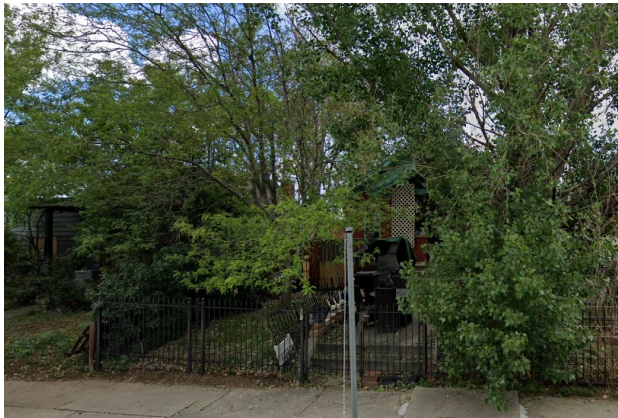
#### 4. Existing Building Form and Scale



**Site** – from Cherokee St. and Evans Ave.



**North** – from Cherokee St. and Evans Ave.



**East** – from Cherokee St.



**South** – from Cherokee St.



**West** – from Delaware St.  
Source: Google Maps

## Proposed Zoning

The requested G-MU-3 zone district has a maximum height in feet of 40' with allowable encroachments. The primary street setback is block sensitive. Single-unit, two-unit, and multi-unit residential uses are allowed, along with certain group living uses. There is no minimum vehicle parking requirement for single-unit dwellings, while two-unit and multi-unit dwellings require a minimum of one space per unit. For additional details of the requested zone district, see DZC Article 6.

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

Design Standards	U-RH-2.5 (Existing)	G-MU-3 (Proposed)
Primary Building Forms Allowed	Urban House, Duplex, Tandem House, Row House	Urban House, Duplex, Garden Court, Town House, Apartment
Height in Stories / Feet (max)	2.5/30-35'	3/35-40'
Primary Street Build-To Percentages (min)	N/A	N/A-70%*
Primary Street Build-To Ranges	N/A	N/A-10'* / N/A-20'*
Minimum Zone Lot Size/Width	25-50'*/3,000-6,000 SF*	25-75'*/3,000-9,000 SF*
Primary Street Setbacks (min)	Block sensitive	Block sensitive
Building Coverages (max)	37.5%-N/A*	50%-N/A*

\*Standard varies between building forms

## 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 response

**Denver Public Schools:** Approved – No response

**Department of Public Health and Environment:** Approved – See comments below:

- 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.

**Denver Parks and Recreation:** Approved – No response

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

**Development Services - Transportation:** Approved – No response

**Development Services – Wastewater:** Approved – No response

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

**Development Services – Fire Prevention:** Approved – No response

**Public Review Process**

	<b>Date</b>
CPD informational notice of receipt of the rezoning application to all affected members of City Council and registered neighborhood organizations:	5/14/18
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, registered neighborhood organizations, and property owners:	6/1/20
Planning Board public voted unanimously to recommend approval:	6/17/20
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:	6/16/20
Land Use, Transportation and Infrastructure Committee of the City Council moved the bill forward:	6/30/20



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):	7/27/20
City Council Public Hearing (tentative):	8/17/20

- In 2018, the applicant entered into mediation with several surrounding neighbors. The mediation ended in late 2019 without reaching an agreement between the parties. The applicant then resubmitted the application and additional review was completed in early 2020. The scheduling of the Planning Board hearing was then further delayed by the COVID-19 related cancellations of Planning Board meetings.
- **Registered Neighborhood Organizations (RNOs)**
  - To date, no comment letters have been received from Registered Neighborhood Organizations.
- **Other Public Comment**
  - To date, 13 letters of support have been received, generally stating the proposed rezoning will allow development appropriate for the location.

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

### 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 additional housing options near transit within an established neighborhood, consistent with the following strategies in 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 B – *Create a greater mix of housing options in every neighborhood for all individuals and families (p. 28).*

The proposed rezoning would allow infill development appropriate for the surrounding neighborhood that broadens the range of housing types available, consistent with the following strategy in 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).*

The proposed rezoning would allow for higher density development near a light rail station, consistent with the following strategy in the Connected, Safe and Accessible Places vision element:

- Connected, Safe and Accessible Places Goal 8, Strategy B – *Promote transit-oriented development and encourage higher density development, including affordable housing, near transit to support ridership (p. 42).*

The proposed rezoning would allow for compatible infill development in an established neighborhood and near transit, consistent with the following strategies from 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).*

The proposed rezoning would direct growth to a designated community corridor near transit, consistent with the following strategy from the Denver and the Region vision element:

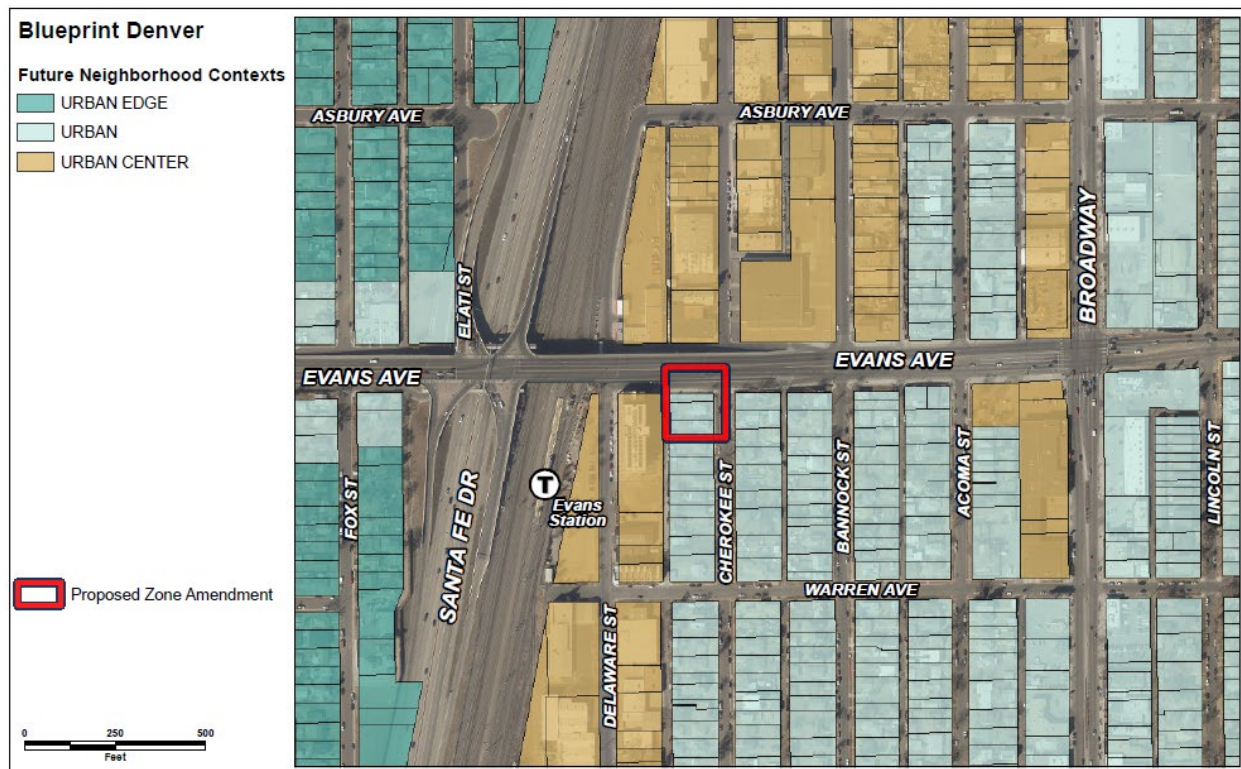
- Denver and the Region Goal 2, Strategy A – *Direct significant growth to regional centers and community centers and corridors with strong transit connections (p. 64).*

The proposed G-MU-3 zone district would allow for additional housing options and density at an infill site near transit, consistent with the goals of Comprehensive Plan 2040.

## Blueprint Denver

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

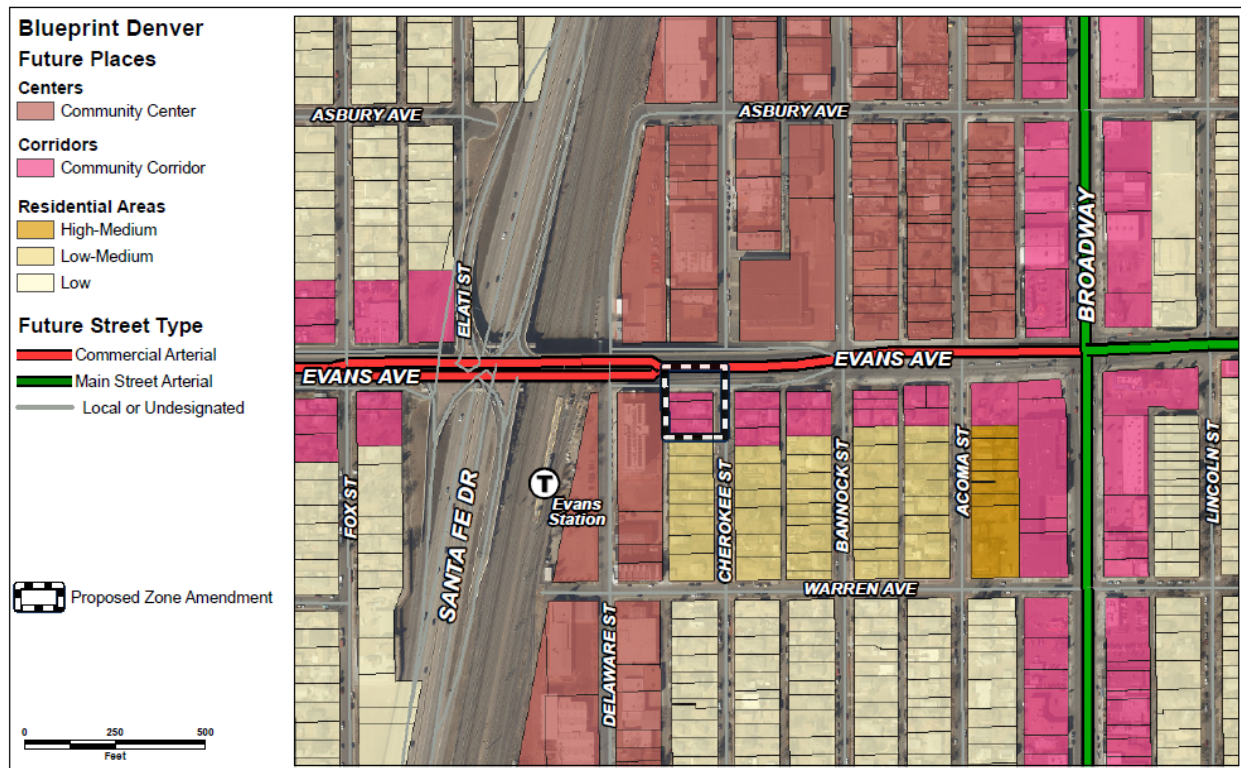
## Blueprint Denver Future Neighborhood Context



In Blueprint Denver, future neighborhood contexts are used to help understand differences in things like land use and built form and mobility options at a higher scale, between neighborhoods. The subject property is shown on the context map as Urban neighborhood context. The neighborhood context map and description help guide appropriate zone districts (p. 66). The Urban neighborhood context is described as follows: "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" (p. 222). The proposed G-MU-3 zone district is part of the General Urban context, so does not directly match the Blueprint Denver context designation. However, the G-MU-3 zone district would allow a small-scale multi-unit residential building within an existing neighborhood, consistent with the intent of the Urban neighborhood context. There is no comparable multi-unit residential zone district within the Urban context of the Denver Zoning Code.

The plan provides additional applicable guidance on how to apply plan direction on neighborhood context to rezonings stating, “The mapping of neighborhood context is at the citywide scale, so the boundaries of the context may be interpreted with limited flexibility if the request furthers the goals of Blueprint Denver and is consistent with the overall intent of the neighborhood context map” (p. 66). The context map is aspirational in nature and intended to provide a high-level understanding of differences in land use and built form, mobility options and quality-of-life infrastructure between different neighborhoods (p. 139). For this application, the General Urban context helps realize the goals to “serve all Denver residents with a diverse range of affordable housing options and quality employment opportunities throughout the city” (p. 22) and “focus higher intensity growth in walkable mixed-use centers and along transit priority streets” (p. 23) by allowing a more intense residential development than what would be allowed under the Urban context along Evans Avenue, a medium-capacity transit priority street. The General Urban context is also consistent with the context map’s intent as it provides a transition from the more intense Urban Center context to the north and west to the less intense Urban context to the south and east.

### **Blueprint Denver Future Places**



The neighborhood context of Urban provides nuance to the aspirations of the individual places shown on the map. The Future Places Map shows the subject property as part of a Community Corridor. Blueprint Denver describes the aspirational characteristics of Community Corridors in the Urban context as, “typically provides some mix of office, commercial and residential uses.... Lot coverage is typically higher, with open spaces that are often accommodated by spaces between buildings rather than along

the street. Heights are generally up to 5 stories. Due to shorter lot depths, special attention may be needed for transitions to nearby residential areas” (p. 228). The proposed G-MU-3 zone district allows residential uses, which are an appropriate component of a Community Corridor. The future proposed height of up to 3 stories provides a transition to the adjacent Low-Medium Residential place to the south.

### 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 a Community Corridor. Community Centers and Corridors are anticipated to see around 25% of new housing growth and 20% of new employment growth by 2040 (p. 51). The plan states “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 G-MU-3 would focus residential growth to a Community Corridor where it has been determined to be most appropriate.

### Street Types

In Blueprint Denver, street types work in concert with the future place to evaluate the appropriateness of the intensity of the adjacent development (p. 67). Blueprint Denver classifies Evans Avenue as a Commercial Arterial and Cherokee Street and the Evans access road as Local Streets. “Arterial streets

are designed for the highest amount of through movement and the lowest degree of property access” (p.154) and “Commercial streets typically contain commercial uses including shopping centers, auto services and offices. Buildings are often set back with onsite parking” (p. 159) according to the plan. In addition, “local streets are designed for the highest degree of property access and the lowest amount of through movement” (p. 154) and “can vary in their land uses and are found in all neighborhood contexts. They are most often characterized by residential uses” (p. 161). The proposed G-MU-3 zone district would allow development at an appropriate scale for the intersection of two local streets adjacent to an arterial. While the G-MU-3 zone district is limited to residential uses, it can be an appropriate component of the larger Commercial street, especially considering the subject property does not have direct access from Evans Avenue.

### **Strategies**

Blueprint Denver provides additional recommendations related to directing growth. Land Use and Built Form General Policy 1 Strategy A says “use zoning and land use regulations to encourage higher-density, mixed-use development in transit-rich areas including:... Community corridors where transit priority streets are planned” (p. 72). Evans Avenue is designated a Medium Capacity Transit Corridor (p. 178), so directing additional growth to the subject site through the proposed rezoning would advance this strategy. Thus, the proposed map amendment is consistent with the context, place, growth strategy, street type, and strategy recommendations of Blueprint Denver.

### **Overland Neighborhood Plan**

The Overland Neighborhood Plan was adopted in 1993 and applies to the subject property. The plan envisions an Overland neighborhood where “the stable residential area has related well to the business community so a sense of harmony and unity is present” (p. 3). The plan includes recommendations by topic. The Land Use and Zoning recommendations mostly relate to reinvestment and beautification, including Recommendation LZ-1, “Encourage property owners in residential areas to invest time and necessary resources on the beautification of their neighborhood” and Recommendation LZ-3, “Develop the remaining vacant land in a manner that is compatible with the land use character and density of surrounding land uses and existing zoning” (p. 13). The proposed G-MU-3 zoning would facilitate investment in the neighborhood of a character and at a scale that would provide an appropriate transition between the higher-intensity uses to the north and west and the lower-intensity residential uses to the south and east, consistent with the recommendations of the Overland Neighborhood Plan.
















### **Evans Station Area Plan**

The Evans Station Area Plan was adopted in 2009 and applies to the subject property. The plan’s vision is to “enhance the Evans Station area’s sense of place by creating a vibrant and sustainable urban neighborhood that encourages people to live and work; invites businesses to thrive; allows people to comfortably walk, bike, or use transit to access local services and attractions; and maintains the residential character of the surrounding community” (p. ix). A core goal for achieving this is to “Maintain the residential character of surrounding communities and encourage development of a full range of housing types and housing price points” (p. ix). The plan designates the property as Mixed-Use Residential, where “the primary use is intended to be residential, but office and retail may also be

supported” (p. 14). These areas are to “Encourage a mixture of housing types and density including but not limited to: row houses, stacked flats, live-work, low-rise apartments or multi-family condos” (p. 14).

The plan also includes height recommendations and shows the subject property as having a maximum height of three stories, stating “reinvestment in the form of additions to existing homes or new low density residential infill development should fit with the character of existing neighborhoods. Taller buildings up to 3 stories are supported along Evans” (p. 24). The plan also calls for active edges for the subject property to increase “visual and physical interaction between people inside and outside of the buildings, creating a safer and more vibrant pedestrian environment” (p. 22).



LEGEND					
	Mixed-Use - Main Street		Mixed-Use - Employment		Transit Station
	Mixed-Use Residential		Public / Quasi-Public		Plaza/Pedestrian Bridge
	Urban Residential		Transit Plaza		Station Tower/Vertical Pedestrian Connection
	Single Family-Duplex		Bicycle/Pedestrian Bridge		SW Corridor
	Single Family		Transit Parking		Existing Parks

*Evans Station Area Land Use Plan*

The proposed G-MU-3 zone district would allow an increase in the variety of housing options near the station in a manner compatible with the existing residential neighborhood. The proposed zoning would allow small apartments, town houses, stacked flats, or condominiums, consistent with the Mixed-Use Residential designation. The maximum height of three stories under the proposed zone district is

consistent with the plan recommendations. And the apartment, town house, and garden court building forms in the G-MU-3 zoning require street-level activation through transparency minimums, while the apartment and town house forms also require build-to minimums. The proposed G-MU-3 zone district is consistent with the recommendations of the Evans Station Area Plan and its vision to enhance the station area's diversity and sense of place.

## **2. Uniformity of District Regulations and Restrictions**

The proposed rezoning to G-MU-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 official map amendment furthers the public health, safety, and general welfare of the city through implementation of the city's adopted land use plan and fostering the creation of a walkable transit-station area with a variety of housing options.

## **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 a change may include: Changed or changing conditions in a particular area, or in the city generally...." There have been several new developments in the neighborhood around the Evans station since the current zoning was put in place in 2010, including the five-story multi-unit residential building immediately to the west. These developments have begun to transition the neighborhood into the form envisioned by the adopted plans with a variety of housing options, and the proposed rezoning is justified to help continue this transformation in the public interest.

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

The requested G-MU-3 zone district is within the General Urban Neighborhood Context. The neighborhood context is characterized by multi-unit residential uses in a variety of building forms primarily located along local and residential arterial streets (DZC, Division 6.1). The proposed rezoning would allow for multi-unit development along a local street, consistent with the General Urban Neighborhood Context description.

The general purpose of the General Urban residential zone districts is to "promote and protect higher density residential neighborhoods" where "the lowest-scale districts with a maximum height of three stories provide a transition to Urban and Urban Edge Neighborhood Contexts" (DZC Section 6.2.2.1). The proposed rezoning to G-MU-3 would allow development consistent with the existing neighborhood character, providing a transition between Urban Center context zoning to the north and west and Urban context zoning to the south and east, consistent with the general purpose of the zone district.



According to the zone district intent stated in the Denver Zoning Code, the G-MU-3 district “is a multi-unit district allowing urban house, duplex, row house, garden court, town house, and apartment building forms. The tallest building form has a maximum height of three stories” (DZC Section 6.2.2.2.B). The proposed rezoning would allow development in appropriate building forms at an appropriate scale for the location and consistent with intent of the zone district. The proposed G-MU-3 zone district is consistent with the DZC context description and purpose and intent statements.

### **Attachments**

1. Application
2. Public comment